JAN 28 1947

UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 79th CONGRESS
SECOND SESSION

VOLUME 92—PART 5

MAY 23, 1946, TO JUNE 12, 1946
(PAGES 5451 TO 6770)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1946

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PROCEEDINGS AND DEBATES OF THE 79th CONGRESS, SECOND SESSION

SENATE

THURSDAY, MAY 23, 1946

(Legislative day of Tuesday, March 5, 1946)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

God of all mercies, who didst guide our fathers as they fashioned this Republic, who hast entrusted to our hands a sacred heritage crimsoned by sacrifice and the strength of chastening trials, in this high hour of decisions freighted with destiny, grant that those who here speak for the Nation may be so true to their high calling as servants of the common good that radiant joy may transfigure duty and that on this new day appointed tasks may be met with purity of purpose, without moral compromise or craven fear. Amen.

THE JOURNAL

On request of Mr. HILL, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, May 22, 1946, was dispensed with, and the Journal was approved.

NOTICE OF HEARING ON NOMINATION OF HARRY E. KALODNER TO BE JUDGE, UNITED STATES CIRCUIT COURT OF APPEALS, THIRD CIRCUIT

Mr. McCARRAN. Mr. President, on behalf of the Committee on the Judiciary, and in accordance with the rules of the committee, I desire to give notice that a public hearing has been scheduled for Saturday, June 1, 1946, at 10:30 a. m., in the Senate Judiciary Committee room, upon the nomination of Harry E. Kalodner, of Philadelphia, Pa., to be judge of the United States Circuit Court of Appeals for the Third Circuit, vice Hon. Charles Alvin Jones, resigned. At the indicated time and place all persons interested in the nomination may make such representations as may be pertinent. The subcommittee consists of the Senator from Nevada [Mr. McCARRAN], chairman, the Senator from Mississippi [Mr. EASTLAND], and the Senator from Wisconsin [Mr. WILEY].

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore (Mr. GEORGE) laid before the Senate the following letters, which were referred as indicated:

SUPPLEMENTAL ESTIMATE—THE JUDICIARY, UNITED STATES SUPREME COURT (S. Doc. No. 186)

A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the judiciary, Supreme Court of the United States, amounting to $7,390, fiscal year 1947, in the form of an amendment to the budget for that fiscal year (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

AMENDMENT OF SERVICEMEN'S READJUSTMENT ACT OF 1944

A letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Servicemen's Readjustment Act of 1944 (with an accompanying paper); to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ELLENDER, from the Committee on Claims:

S. 661. A bill for the relief of Harold H. Rhodes; without amendment (Rept. No. 1372);

S. 1773. A bill for the relief of Frederick Uhrman; with amendments (Rept. No. 1373);

S. 1912. A bill for the relief of Brig. Gen. Carl H. Seals; with an amendment (Rept. No. 1374);

H. R. 238. A bill for the relief of Henrietta Silk; without amendment (Rept. No. 1375);

H. R. 3525. A bill for the relief of Owen Young; without amendment (Rept. No. 1376);

H. R. 3967. A bill for the relief of Ahto Walter, Lucy Walter, and the legal guardian of Teddy Walter, a minor; with an amendment (Rept. No. 1377);

H. R. 4298. A bill for the relief of Severo Apoluna Dinson and Candilaria Dinson, and the legal guardian of Laura Dinson and the legal guardian of Teresita Dinson; without amendment (Rept. No. 1378);

H. R. 4301. A bill for the relief of Philip Naope Kaili and Susie Kaili; without amendment (Rept. No. 1379); and

H. R. 6245. A bill for the relief of Mary G. Paul; without amendment (Rept. No. 1380).

By Mr. JOHNSTON of South Carolina, from the Committee on Claims:

S. 1852. A bill for the relief of Arlis Earl Teekell, a minor, with amendments (Rept. No. 1381);

H. R. 2246. A bill for the relief of the estate of Michael O. Mello, and Christian O. Mello; without amendment (Rept. No. 1382);

H. R. 4142. A bill for the relief of Johnnie V. Nations; without amendment (Rept. No. 1383);

H. R. 6010. A bill for the relief of the Yakutat Cooperative Market; without amendment (Rept. No. 1384); and

H. R. 6334. A bill for the relief of the estate of Carmen Aurora de la Flor, deceased; without amendment (Rept. No. 1385).

By Mr. WHERRY, from the Committee on Claims:

H. R. 2544. A bill for the relief of Willie Hines; with an amendment (Rept. No. 1386); and

H. R. 4716. A bill for the relief of Charles B. Borell; without amendment (Rept. No. 1387).

By Mr. McCARRAN, from the Committee on the Judiciary:

S. 1942. A bill to incorporate the Federal City Charter Commission; with amendments (Rept. No. 1388).

RECONSTRUCTION OF SENATE AND HOUSE ROOFS AND SKYLIGHTS—REPORT OF SPECIAL COMMITTEE (REPT. NO. 1389)

Mr. ANDREWS. Mr. President, from the special committee appointed under Public Law 155, Seventy-ninth Congress, relating to the appropriation for the roofs and skylights over the Senate and House wings of the Capitol, I ask unanimous consent to submit a report thereon and request that it be printed in the RECORD.

There being no objection, the report was received and ordered to be printed in the RECORD, as follows:

The special Senate committee appointed under Public Law 155, Seventy-ninth Congress, at a meeting yesterday approved the plans for remodeling the Senate Chamber submitted by the Architect of the Capitol.

These plans, prepared by Francis P. Sullivan, associate architect, and Harbeson, Hough, Livingston & Larson, consultants, in collaboration, have the approval of the Commission of Fine Arts and the Architect of the Capitol and are acceptable to the several consultants on air conditioning, lighting, and acoustics, and to the structural engineers.

The committee also approved the report of the Architect of the Capitol on the project, describing the plans and recommending that the remodeling work be postponed until the summer of 1947.

The report of the Architect of the Capitol follows:

"MAY 22, 1946.

"ALTERATION AND IMPROVEMENT OF INTERIOR OF SENATE AND HOUSE CHAMBERS AND RECONSTRUCTION OF ROOFS AND SKYLIGHTS OVER SENATE AND HOUSE WINGS OF THE UNITED STATES CAPITOL BUILDING

"APPROVAL OF PLANS

"The Architect of the Capitol presents for the consideration and approval of the Senate committee appointed under the act of July 17, 1945, Public Law 155, Seventy-ninth Congress, the plans for the Senate Chamber improvements authorized by that act.

"In this connection, the act of July 17, 1945 provides in pertinent part, as follows:

" 'The appropriation of $585,000 provided in the Second Deficiency Appropriation Act, approved June 27, 1940, as amended * * * for the reconstruction of the roofs and skylights over the Senate and House wings of the United States Capitol * * * shall be

available also for the substitution of reinforced concrete roof slab for the skylights over the Senate and House Chambers, reconstruction of ceilings, redecoration, acoustical treatment, improved lighting, and other alterations, changes, and improvements in such Chambers: *Provided further,* That there is hereby authorized to be appropriated * * * such additional amounts as may be necessary for the additional improvements herein authorized: *Provided further,* That the project, insofar as it affects the Senate wing of the Capitol, shall be carried forward by the Architect of the Capitol in accordance with plans to be approved by a committee of five Senators, to be appointed by the President pro tempore of the Senate, upon recommendation of the chairman of the Senate Committee on Public Buildings and Grounds * * *.

"'SEC. 2. The Architect of the Capitol is authorized to enter into a contract or contracts for carrying out the provisions of this joint resolution for a total amount not exceeding $861,000 in addition to the aforesaid appropriation of $585,000 heretofore provided in the Second Deficiency Appropriation Act of June 27, 1940.'

"The plans, as submitted, represent designs developed by Francis P. Sullivan, Associate Architect, and Harbeson, Hough, Livingston, and Larson, consultants, in collaboration. The designs have the approval of the Commission of Fine Arts and the Architect of the Capitol, and they are acceptable to the several consultants on air conditioning, lighting, and acoustics, and to the structural engineers. In their present form, they are the result of the combined efforts and ideas of all concerned with their preparation.

"The plans are described on pages 6, 7, 8 of this report.

"TIME OF PERFORMANCE OF WORK IN SENATE CHAMBER

"Delays that have occurred under the project to date, explained on pages 9, 10, 11 of this report, together with present unsettled industrial conditions, make it necessary for the Architect of the Capitol to recommend that the work of improving the Senate Chamber not be undertaken until the summer of 1947.

"The Commissioner of Public Buildings, several large construction companies, and other sources have been consulted with regard to industrial conditions, and it is their consensus of opinion that in order to even attempt the Senate Chamber improvements this summer, it would be necessary to perform the work under noncompetitive contracts on a cost-plus-fixed-fee basis. Moreover, there is still such a critical scarcity of essential building materials, and labor conditions are such that there is little likelihood that contractors could live up to fixed delivery schedules necessary to complete the job within a restricted period.

"These facts are borne out forcefully in two letters which I have received and will make a part of the minutes of the meeting—one from Commissioner Reynolds to Colonel Dryden of the Veterans' Administration, and the other from the Consolidated Engineering Co. to the Architect of the Capitol.

"NEED FOR APPROVAL OF PLANS AT PRESENT TIME

"Due to the proposed adjournment of Congress in July of this year and, at least, the possibility that Congress might not return until the following January, it is urgent that the plans for the Senate and House Chamber improvements be approved by the Senate and House committees prior to such adjournment. Because of the time required, after approval of the plans, for the preparation of the detailed working drawings and specifications, inviting bids, award of contracts, and fabrication and delivery of materials to the site, the project cannot be started promptly in July 1947 if the Senate and House committees wait until after the new Congress convenes in January 1947 to approved the plans.

"TIME REQUIRED AND PROPOSED PROCEDURE AFTER APPROVAL OF PLANS

"It is estimated that after the plans for the Senate and House Chamber improvements are approved by the Senate and House committees, from 3 to 4 months will be required for preparation and completion of the detailed working drawings and specifications, and for inviting bids, and awarding contracts.

"It is the plan of the Architect of the Capitol, once the plans have been approved by the Senate and House committees, to have the associate architect and consulting engineers proceed with the completion of the working drawings and specifications, and in either the latter part of November or early part of December 1946 to invite bids, but to withhold the placement of contracts until after Congress convenes in January, at which time the bids will be presented to the Senate and House committees for consideration, and legislation requested to provide such increase in the authorized limit of cost as may be necessary as a result of the bids received—before awards are made by the Architect of the Capitol.

"If the contracts are placed in January or February 1947, the materials necessary to start the work can be fabricated and delivered to the site by July 1947—it being estimated that from 4 to 5 months will be required for such deliveries.

"INCREASED COSTS

"Now that the plans have been developed and the various improvements desired by the Senate and House committees incorporated, and materials required for the job determined, it is estimated that in the light of present conditions, in order to accomplish the project as presently planned, it will be necessary to request that the authorized limit of cost of $1,446,000 fixed for the project by the acts of June 27, 1940, and July 17, 1945, be substantially increased.

"Due to present unsettled conditions, an accurate estimate of the amount required cannot be made at this time; but it is certain that a substantial increase will be necessary. The original estimate included a reserve for features which could not be determined in advance of a more or less detailed study by the architects and engineers engaged for the different branches of the work. It is now apparent that this reserve will be more than exhausted by such items as improvements in the air conditioning and lighting systems, improvements in architectural treatment recommended by the consultants and the Commission of Fine Arts, stainless steel ceilings, insulation of roofs, sound amplifying system for the House Chamber, and new seating on the floor of the House.

"Although there is no definite assurance that the improvements will cost less as a result of the deferment of the project, there is at least the expectation that the Government will have the benefit of closer and more intelligent competition from bidders under more favorable conditions. There will also be the advantage that before an increase in the authorized limit of cost of the project is requested, an estimate more nearly approaching the ultimate cost can be prepared based on actual bid prices.

"DESCRIPTION OF PLANS FOR SENATE CHAMBER IMPROVEMENTS

"The design of the Senate Chamber has been studied with motives derived from classic architecture from the same sources as used by the architects of the earlier portions of the Capitol and of other buildings of the early Republic, this design being fitted to thoroughly modern means of lighting, air conditioning, and acoustic treatment.

"In the scheme as submitted, the walls of the lower portion of the Chamber will be of painted wood paneling separated by pilasters of colored marble with light marble caps and bases. Colored marble will be used for the columns flanking the Vice President's rostrum and for the base and sub-base around the Chamber; and the decorative panels in the four corners of the room and the door trim will be of light marble. The cornice will be of marble and the clock of bronze. The Vice President's desk and the desk of the clerks and reporters will be faced with marble.

"The walls of the gallery will be provided with a marble wainscot approximately 4 feet high. The wall above the wainscot will be faced with an acoustical product covered with fabric such as velour brocade. The door trims and niches will be of light marble and new wood doors will be provided. A decorative frieze will be introduced at the junction of the walls and ceiling.

"The existing gallery floor construction will be replaced with fireproof material arranged in steps, the face of which will be of marble and the platforms covered with a noiseless flooring such as cork tile.

"The existing gallery seats will be replaced with an improved type of noiseless seats with especially designed arms and ends corresponding with the remainder of the room. The existing desks in the press gallery will be replaced with new desks and this section of the gallery will be enlarged.

"The treatment of the ceiling contemplates a relatively flat portion extending outward from the walls in which will be incorporated a series of decorative coffers, and a higher central portion curved in section and provided with a cove. This central portion will be constructed of stainless steel, perforated with small holes for the introduction of air conditioning, and painted. The rest of the ceiling will be of plaster. Back of the perforated portion an acoustical treatment will be introduced as may be necessary.

"In the center of the ceiling will be introduced an ornamental rosette, the field of which will be of carved shatterproof glass illuminated from above so as to furnish a visible source of direct light. This light source will be provided mainly for the sake of appearance of the Chamber. The actual lighting of the floor will be accomplished by reflected light from the ceiling, the source of which will be light outlets arranged around the perimeter of the cove.

"Lighting for the gallery will be provided by light panels in the ceiling close to the walls. The final lighting arrangement, however, will be the result of a test demonstration at full scale now arranged for.

"Air conditioning for the galleries will be introduced through semicircular outlets around the wall at the back of the gallery. The air conditioning for the floor will be introduced through the perforations in the stainless steel ceiling already mentioned.

"While the plans and the descriptions together present a view of the Chambers substantially as they are intended to be when remodeled, it is anticipated that some changes may be found necessary or desirable in materials, methods, and design as the working drawings are developed and opportunity is afforded for more detailed study of the problems involved. The architectural character, however, will be preserved, and the necessities of air conditioning, illumination, acoustics, and other practical features will have the most serious consideration.

"RECONSTRUCTION OF ROOFS

"The present roof construction with its skylights and iron trusses will be removed and replaced by reinforced concrete slabs and structural steel beams supported on steel trusses. The skylights in the connections between the central portion of the building and the two wings will likewise be eliminated

and replaced by a concrete and steel roof. The new roof structure will be fireproof throughout. The existing cast iron ceiling with its glass panels will be removed and such disposition made of the glass panels as may be decided upon. The roof will be insulated and covered with sheet copper. New air-conditioning ducts will be run below the new roofs, eliminating the old ducts which are now on top of the roofs and thereby materially improving the air view of the building.

"DELAYS ENCOUNTERED

"When the Senate and House Chamber improvements were authorized by Congress in Public Law 155, approved July 17, 1945, the Architect of the Capitol advised the Senate and House Committees, appointed under that law, that in order to have the materials fabricated and delivered to the site in time to start construction work within and above the Chambers on July 1, 1946, it would be necessary for the plans to be approved by the committees and the working drawings completed, bids advertised for, and contracts awarded by March 1, 1946.

"This schedule has been upset due to delays over which the Architect of the Capitol has had no control.

"In the first instance, the Senate Committee decided on July 31, 1945, that in addition to procuring the services of Mr. Sullivan as Associate Architect, the Architect of the Capitol should also employ Mr. Paul P. Cret as consultant to act as censor and critic of the Senate Chamber plans prepared by Mr. Sullivan and the Architect of the Capitol in the course of the preparation of such plans and drawings, and to recommend to the Architect of the Capitol any changes or improvements in such plans considered desirable.

"While a contract was being negotiated with Mr. Cret in August 1945, Mr. Cret was taken seriously ill, and died on September 8, 1945. The committee was informed of his death and the Architect of the Capitol requested that he be advised as to the committee's wishes in the matter of the selection of another consultant.

"The Senate committee, together with three Members of the House committee, met on October 5, 1945, and at that meeting, which was also attended by members of the Commission of Fine Arts, both the Senate and House committees requested the Commission of Fine Arts to recommend an architect to serve in the capacity in which it had been intended to have Mr. Cret act.

"On October 8, 1945, the Commission of Fine Arts recommended to the Senate and House committees that Mr. Cret's successors in office—Messrs. Harbeson, Hough, Livingston, and Larson, architects of Philadelphia—be employed as consultants for the Senate and House Chamber improvements.

"The House committee approved the selection of these architects to serve as consultant for the House Chamber improvements on November 23, 1945; and the Senate committee approved the selection of these architects to serve as consultant for the Senate Chamber improvements on November 26, 1945.

"A contract was entered into with Harbeson, Hough, Livingston, and Larson on December 4, 1945.

"Prior to the employment of the consultants, Mr. Sullivan proceeded as far as he could with his sketches and preliminary plans, but only limited progress could be made until the consultants were employed.

"During the period December 4, 1945, to May 1946, Mr. Sullivan has collaborated and conferred closely with the consultants; also with the acoustical, air-conditioning, and lighting experts, and the structural engineers, and all matters of consequence have been taken up and discussed at length with the Architect of the Capitol. Meetings have been held in the Office of the Architect of the Capitol at which the various consultants have been represented and differences of opinion ironed out. Meetings have also been held with the Commission of Fine Arts and their recommendations have been incorporated in the plans. Numerous changes have been considered, and repeated revisions made in the plans in an effort to obtain the best architectural results without sacrificing acoustical, lighting, air-conditioning, and structural-engineering requirements.

"Had it not been for the circumstances herein enumerated, the plans developed and agreed upon during the period December 4, 1945, to April 1946, would normally have been developed and agreed up on during the period September 1, 1945, to January 1946.

"Additional time has also been required to check the availability of materials proposed to be used, and to make a study of the effects that present unsettled industrial conditions would have, particularly with regard to costs, on attempting to carry forward the Senate and House Chamber improvements this year."

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. REED:

S. 2240. A bill to provide for the payment of a bonus of 30 cents per bushel on wheat and corn sold by producers between January 1, 1946, and April 18, 1946; to the Committee on Agriculture and Forestry.

By Mr. WHERRY:

S. 2241. A bill to amend section 421 of the Internal Revenue Code so as to provide for the refund of income taxes paid for taxable years beginning after December 31, 1941, by persons who die while serving in the armed forces; to the Committee on Finance.

By Mr. BARKLEY (for Mr. GLASS):

S. 2242. A bill to authorize the coinage of 50-cent pieces to commemorate the life and perpetuate the ideals and teachings of Booker T. Washington; to the Committee on Banking and Currency.

By Mr. JOHNSTON of South Carolina (by request):

S. 2243. A bill to provide for the voluntary admission and treatment of mental patients at St. Elizabeths Hospital; to the Committee on the District of Columbia.

By Mr. SALTONSTALL:

S. 2244. A bill for the relief of Mrs. Maja V. Capek; to the Committee on Immigration.

ABOLISHMENT OF OFFICE OF PRICE ADMINISTRATION—ADDITION OF NAME ON INTRODUCTION OF BILL

Mr. STEWART. On Friday, May 17, I introduced a bill (S. 2215) to abolish the Office of Price Administration and to transfer certain of its functions to the Secretary of Agriculture and the National Housing Administrator. Inadvertently I left off the bill the name of the Senator from Nebraska [Mr. WHERRY], who, as I am, is a member of the Complaints Subcommittee of the Special Committee To Study and Survey Problems of Small Business Enterprises. Mr. President, I ask unanimous consent that the name of the Senator from Nebraska may appear on the bill in the usual manner so it may be shown that the bill was introduced by me on behalf of the Senator from Nebraska and myself.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MEDIATION OF LABOR DISPUTES—AMENDMENTS

Mr. MURRAY submitted amendments intended to be proposed by him to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, which were ordered to lie on the table and to be printed.

MEDIATION OF LABOR DISPUTES—AMENDMENT

Mr. ELLENDER (for himself, Mr. BYRD, Mr. HATCH, Mr. LUCAS, Mr. BALL, Mr. TAFT, Mr. HAWKES, and Mr. FERGUSON), submitted an amendment intended to be proposed by them, jointly, to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, which was ordered to lie on the table and to be printed.

EDUCATIONAL FACILITIES FOR VETERANS—AMENDMENTS

Mr. MEAD submitted amendments intended to be proposed by him to the bill (S. 2085) to amend title V of the act entitled "An act to expedite the provision of housing in connection with the national defense, and for other purposes," approved October 14, 1940, as amended, to authorize the Federal Works Administrator to provide needed educational facilities, other than housing, to educational institutions furnishing courses of training or education to persons under title II of the Servicemen's Readjustment Act of 1944, as amended, which were referred to the Committee on Education and Labor and ordered to be printed.

ROOSEVELT MEMORIAL DINNER ADDRESS BY JUSTICE BLACK

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD an address delivered by Justice Hugo L. Black at the National Citizens Political Action Committee Roosevelt Memorial Dinner, which appears in the Appendix.]

DON'T YIELD ON PRINCIPLES—EDITORIAL FROM WASHINGTON NEWS

[Mr. MOORE asked and obtained leave to have printed in the RECORD an editorial entitled "Don't Yield on Principles," dealing with the coal and railroad strikes, published in the Washington News of May 22, 1946, which appears in the Appendix.]

GI MORALS IN GERMANY—ARTICLE BY WALTER J. SLATOFF

[Mr. CAPPER asked and obtained leave to have printed in the RECORD an article entitled "GI Morals in Germany," by Walter J. Slatoff, printed in the New Republic, which appears in the Appendix.]

POSTWAR LABOR PROBLEM AND GLOBAL WAR RECONSTRUCTION—BRIEF BY ROSCOE LEWIS ASHLEY

[Mr. PEPPER asked and obtained leave to have printed in the RECORD a letter from Roscoe Lewis Ashley to Senator MURRAY enclosing a brief entitled "Significance of the Postwar Labor Problem in Relation To Global War Reconstruction," which appears in the Appendix.]

REQUEST TO CHANGE VOTE

Mr REED obtained the floor.

Mr. LANGER. Mr. President——

Mr. HILL. Mr. President, I understand the Senator from North Dakota desires to put something in the RECORD.

Mr. REED. I yield for unanimous-consent requests.

Mr. LANGER. Mr. President, last evening before the Senate voted on the amendment of the Senator from Florida [Mr. PEPPER] I had been engaged all day in various Government departments and so was not as familiar as I should have been with the subject matter. I had been working in behalf of some of my constituents in the various departments. I, therefore, ask unanimous consent that I be permitted to change my vote on the so-called Pepper amendment from "nay" to "yea."

Mr. HILL. Mr. President, such a request is not in order under the rules, as I understand.

The ACTING PRESIDENT pro tempore. The Chair thinks that by unanimous consent it may be done.

Mr. HILL. Mr. President, I do not think a Senator can——

The ACTING PRESIDENT pro tempore. The Chair thinks that by unanimous consent a Senator may be permitted to change his vote. Is there objection?

Mr. HILL. For the time being at least I shall have to object. I shall be glad to talk to the Senator from North Dakota about it, but for the time being at least I shall have to object.

The ACTING PRESIDENT pro tempore. Objection is made.

Mr. LANGER. Mr. President, I should like to say for the RECORD that I was busy in behalf of some of my constituents from North Dakota, particularly the American Legion, who are going to hold a convention at Bismarck, N. Dak., on June 16, 17, and 18, when they expect 2,000 delegates. There is insufficient housing there, but at Fort Lincoln, N. Dak., there are 2,000 cots, mattresses, and blankets. The supposition had been that they were under the jurisdiction of the War Department. So I spent my time at the War Department, and then discovered that the matter was under the jurisdiction of the Department of Justice. The result was that it took me all day to have the matter straightened out, and I was unfamiliar with the subject matter of the amendment, but if I had been familiar with it I should have voted the other way.

Mr. PEPPER. Mr. President, will the Senator from Kansas yield to me on the same point?

Mr. REED. I desire to accommodate the Senator from Florida, and any other Senator so far as possible. I am willing to yield for unanimous consent requests.

Mr. PEPPER. I ask unanimous consent to make the statement that I am sure the able Senator from Pennsylvania [Mr. GUFFEY], the able Senator from New York [Mr. WAGNER], and the able Senator from Rhode Island [Mr. GREEN] share the same sentiments as have just been expressed by the able Senator from North Dakota, and if present they—and no doubt other Senators—would have voted for the amendment yesterday; but for one reason or another, they were not able to reach the floor, although they were around the Capitol when the vote was taken.

Mr. WHITE. Mr. President, will the Senator from Kansas yield?

Mr. REED. I yield.

Mr. WHITE. Mr. President, I think it is an unprecedented thing to ask that the record of a vote be changed after the declaration of the result has been made by the Chair. I think it would be entirely proper for the Senator from North Dakota or any other Senator to make an explanation either that he voted through a misunderstanding or through an error which he now wishes to correct. Any statement of that sort I think is appropriate for a Senator to make, but I feel certain that neither in the rules nor in the precedents can there be found authority for changing a vote after the result has been declared.

Mr. LANGER. Mr. President, I am not going to press the point, but 10 days ago the Senator from Maryland [Mr. TYDINGS] changed his vote, and that is all the precedent I thought I needed.

The ACTING PRESIDENT pro tempore. Let the Chair make this announcement. Rule XII of the Senate in regard to voting is in part as follows—the chair reads only the pertinent portions:

> And no Senator shall be permitted to vote after decision shall have been announced by the presiding officer, but may for sufficient reasons, with unanimous consent, change or withdraw his vote.

So that it is in the rules of the Senate. Objection has been made, but the Senator from North Dakota has made his statement, and it goes in the RECORD.

Mr. TYDINGS. Mr. President, I think the Senator from North Dakota was under a misapprehension when he said that I asked that my vote be changed some 10 days ago. I am sure he got me confused with some other Senator. I have no recollection of asking that my vote be changed. I know the Senator from North Dakota made the statement in good faith, but I did not ask that my vote be changed 10 days ago.

MEDIATION OF LABOR DISPUTES

The Senate resumed consideration of the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes.

Mr. HILL. Mr. President, will the Senator from Kansas yield to me to suggest the absence of a quorum?

Mr. REED. I yield.

Mr. HILL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Ellender	Johnston, S. C.
Andrews	Ferguson	Kilgore
Austin	Fulbright	Knowland
Ball	George	La Follette
Bankhead	Gerry	Langer
Barkley	Green	Lucas
Brewster	Guffey	McCarran
Buck	Gurney	McClellan
Bushfield	Hart	McFarland
Byrd	Hatch	McMahon
Capehart	Hawkes	Magnuson
Capper	Hayden	Mead
Connally	Hickenlooper	Millikin
Cordon	Hill	Mitchell
Donnell	Hoey	Moore
Downey	Huffman	Morse
Eastland	Johnson, Colo.	Murdock
Murray	Saltonstall	Tydings
Myers	Shipstead	Vandenberg
O'Daniel	Smith	Wagner
O'Mahoney	Stanfill	Walsh
Overton	Stewart	Wheeler
Pepper	Taft	Wherry
Radcliffe	Taylor	White
Reed	Thomas, Okla.	Wiley
Revercomb	Thomas, Utah	Wilson
Robertson	Tobey	Young
Russell	Tunnell	

The ACTING PRESIDENT pro tempore. As chairman of the Committee on Finance, the present occupant of the chair would like to state that at his request the senior Senator from Massachusetts [Mr. WALSH] is presiding at a meeting of the Committee on Finance, and also that the junior Senator from Massachusetts [Mr. SALTONSTALL] is attending the meeting.

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Virginia [Mr. GLASS], and the Senator from Tennessee [Mr. MCKELLAR] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senator from Idaho [Mr. GOSSETT] are absent by leave of the Senate.

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate because of illness in his family.

The Senator from Missouri [Mr. BRIGGS] and the Senator from New Mexico [Mr. CHAVEZ] are detained on public business.

Mr. WHERRY. The Senator from Illinois [Mr. BROOKS] and the Senator from Nebraska [Mr. BUTLER] are absent by leave of the Senate.

The Senator from Indiana [Mr. WILLIS] and the Senator from New Hampshire [Mr. BRIDGES] are necessarily absent.

The ACTING PRESIDENT pro tempore. Eighty-three Senators having answered to their names, a quorum is present.

Mr. BARKLEY. Mr. President, will the Senator from Kansas yield to me so I may make a short statement?

Mr. REED. I yield.

Mr. BARKLEY. For the benefit of Senators who were not here last night when I made the announcement, I wish to reiterate that it is the purpose to proceed with a night session tonight, and a night session tomorrow night, and, if necessary, a session on Saturday, in order that we may make progress on the pending legislation.

Mr. TYDINGS. Mr. President, will the Senator from Kansas yield to me so I may ask the Senator from Kentucky a question?

Mr. REED. I yield.

Mr. TYDINGS. Is it the intention of the Senator from Kentucky that the Senate meet on each of those days at 11 a. m.?

Mr. BARKLEY. I rather think so.

Mr. TYDINGS. As one Member of the Senate, I would prefer that the Senate meet at 10 o'clock or 10:30 or 11 in the morning, and conduct its business during the remainder of the day, rather than to start at 12 o'clock and stay in session until 7 or 8 o'clock at night.

Mr. BARKLEY. I will say to the Senator from Maryland that even meeting at

11 does not necessarily obviate the necessity for a night session.

Mr. TYDINGS. No; but it will help, in my opinion.

Mr. BARKLEY. It will help.

Mr. TOBEY. Mr. President, will the Senator yield?

Mr. REED. I yield.

Mr. TOBEY. Is it the understanding of the Senator from Kentucky that if we finish this bill there will be no Saturday session?

Mr. BARKLEY. No; that is not necessarily the understanding. It might help lean a little in that direction.

Mr. TOBEY. If we all push.

Mr. BARKLEY. But there is important legislation that might be considered and disposed of even on Saturday if we are in session, so I do not want to foreclose the Senate from a session on Saturday even if we finish this bill tomorrow.

Mr. OVERTON. Mr. President, will the Senator from Kansas yield to me?

Mr. REED. I am very happy to yield for a unanimous consent request only.

Mr. OVERTON. I thank the Senator. Last night there was a yea-and-nay vote on the Pepper amendment. I was not present. I remained on the floor of the Senate until about 6:30 p. m., and, understanding there would be no vote taken last night, I left. I wish to state that had I been present I would have voted against the Pepper amendment.

Mr. BANKHEAD. Mr. President, will the Senator from Kansas yield to me so that I may make a statement?

Mr. REED. I yield.

Mr. BANKHEAD. I wish to say that I am in the same situation as the Senator from Louisiana who just spoke. I was absent from the Senate last night when the yea-and-nay vote was taken. I had made inquiry and was advised that it was likely there would be no vote taken last night. Had I been present I would have voted against the Pepper amendment.

Mr. O'DANIEL. Mr. President, will the Senator from Kansas yield to me so I may make a statement respecting the vote taken last night?

Mr. REED. I yield for that purpose.

Mr. O'DANIEL. I wish to make a statement similar to the ones just made by the Senator from Louisiana [Mr. OVERTON] and the Senator from Alabama [Mr. BANKHEAD]. I am greatly interested in the legislation under consideration and have been vitally interested in promoting constructive labor legislation ever since I became a Member of the Senate. I regret that I was unavoidably detained at the moment the vote on the Pepper amendment was taken late yesterday evening. It was necessary for me to be in Texas Tuesday of this week and I flew back to Washington Tuesday night especially to be here while the voting was taking place on H. R. 4908 and all amendments thereto, and was in the Senate Chamber yesterday. Late in the day I was told that no vote was likely to be taken yesterday so I left the Chamber to look after other important governmental matters and while absent the vote was taken. Had I been present I would have noted "nay." I am glad the Pepper amendment was defeated so overwhelmingly.

Mr. MOORE. Mr. President, will the Senator from Kansas yield to me so I may make a short statement?

Mr. REED. I yield.

Mr. MOORE. Mr. President, an important statement made by Mr. Philip Murray, president of the CIO, to the Automobile Workers Convention at Atlantic City on March 25 has come to my attention. It is important because of the deep implication which it carries. It is important to this Senate because of the matters now before us for consideration. The statement is as follows:

> There isn't anyone or any group big enough to do a single solitary damn thing to the CIO. We are more influential and powerful than at any time in our history.

Mr. President, this statement is so significant in its implications that no comment is required. I am sure that every Member of this Senate understands exactly what the president of the CIO means by it.

Mr. GREEN. Mr. President, will the Senator from Kansas yield to me so I may offer two amendments to the so-called Byrd amendment?

Mr. REED. I yield for that purpose.

Mr. GREEN. On behalf of the Senator from Florida [Mr. PEPPER] and myself, I offer two amendments, each as a substitute for the Byrd amendment, as modified.

The ACTING PRESIDENT pro tempore. The amendments will be received, printed, and lie on the table.

Mr. GREEN. I ask also that they be printed in the RECORD.

There being no objection, the amendments offered by Mr. GREEN, for himself and Mr. PEPPER, were ordered to be printed in the RECORD as follows:

AMENDMENT NO. 1

At the proper place insert the following:

"SEC. —. It shall not be deemed to be unlawful under any law of the United States for an employer or a group of employees engaged in an industry affecting commerce, separately or jointly to establish and maintain a fund for the provision of hospital, medical, and home-nursing care and services, vocational rehabilitation, and other benefits to promote the welfare of such employees: *Provided*, That, wherever such fund is administered exclusively by such employer or by such employees, it shall be administered in accordance with such regulations as may be prescribed by the Federal Security Administrator to assure the equitable administration of the fund for the purposes for which it was established and to provide for a public audit of such fund. Whoever violates such regulations shall be punishable by a fine of $10,000 or imprisonment for 6 months or both."

AMENDMENT NO. 2

As a substitute for the Byrd amendment insert the following:

"SECTION 1. In any industry affecting commerce where funds are raised for the general or special benefit of the industry, which funds by authority of law may be added to the cost of the commodity or service furnished, then the administration of such funds shall be subject to rules and regulations which may be prescribed by the Secretary of Commerce.

"SEC. 2. Whoever violates such regulations shall be punishable by a fine of $10,000 or imprisonment for 6 months or both."

Mr. REED. Mr. President, a commentator of the time, discussing results flowing from the French Revolution, in the beginning of the Napoleonic era said:

> France has waded through a revolution to a republic, only to find herself in the hands of a master more despotic than any who ever sat upon the throne.

Paraphrasing that statement it is accurate today to state that after a long period of effort to curb manufacturing and trade monopolies, in the interests of the public welfare, the people of the United States find themselves in the power of monopolistic labor unions which are "more despotic than any financial monopolist that ever sat upon a throne."

Today, organized labor, despite internal divisions, has a composite political power greater than any other economic class in the United States. It has been endowed with special privileges and immunities and powers of aggressive action which permit and actually encourage national unions to override the police powers of local and State governments, and even to overawe the Federal Government with demonstrations of private force.

It is no exaggeration to say that our "house" of industry and government is being divided by a class warfare which originated in an effort to control industry through organized force, and has inevitably grown into an effort to control government in the interest of one organized class. The ancient warning that rang across this country in 1858 may well be sounded again today: "A house divided against itself cannot stand."

In the latter months of 1919, some 26 or 27 years ago, the United States faced a condition regarding the production of coal not unlike the condition facing the country at this time. A Nation-wide coal strike had been ordered by the labor organization known as the United Mine Workers. That is the situation now.

The people of the entire country were threatened with exhaustion of the supply of fuel necessary for their health and safety, as well as carrying on of commerce generally. The State of Kansas believed that the time had come to invoke powers of government to insure the health and welfare of the people, as well as to prevent stoppage of commerce. The State of Kansas took over and operated part of the coal mines in the State during the period of the strike. In that action, the sovereignty of the State and its duty to protect the health and welfare of the people was asserted.

The Governor of Kansas called the legislature of that State into session in January of 1920. A statute known as the Kansas Industrial Court Law creating the Court of Industrial Relations was enacted. The declaration of policy of the Kansas Industrial Court Law reads as follows:

> The operation of the following-named and indicated employments, industries, public utilities, and common carriers, is hereby determined and declared to be affected with a public interest and, therefore, subject to supervision by the State as herein provided for the purpose of preserving the public peace, protecting the public health, preventing industrial strife, disorder, and waste, and securing regular and orderly conduct of the

businesses directly affecting the living conditions of the people of this State, and in the promotion of the general welfare.

It is hereby declared and determined to be necessary for the public peace, health, and general welfare of the people of this State that the industries, employments, public utilities, and common carriers herein specified shall be operated with reasonable continuity and efficiency in order that the people of this State may live in peace and security, and be supplied with the necessaries of life. * * *

It is hereby declared necessary for the promotion of the general welfare that workers engaged in any of said industries, employments, utilities, or common carriers shall receive at all times a fair wage and have healthful and moral surroundings while engaged in such labor; and that capital invested therein shall receive at all times a fair rate of return to the owners thereof. The right of every person to make his own choice of employment and to make and carry out fair, just, and reasonable contracts and agreements of employment is hereby recognized.

Mr. President, I have had prepared a table showing the declarations of policy of the Kansas Court of Industrial Relations law, which was passed in 1920, and to which I have just referred; the declaration of policy in the National Labor Relations Act; the declaration of policy in the Railway Labor Act; and the declaration of policy in the bill presently before the Senate. I ask unanimous consent that this table be printed in the RECORD at this point as part of my remarks; and I make the request of the Public Printer that, if it is typographically possible, the table be printed across the page, in parallel columns.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

KANSAS COURT OF INDUSTRIAL RELATIONS	NATIONAL LABOR RELATIONS ACT	CASE BILL AS PASSED BY HOUSE, H. R. 4908	RAILWAY LABOR ACT
The operation of the following-named and indicated employments, industries, public utilities, and common carriers is hereby determined and declared to be affected with a public interest, and therefore subject to supervision by the State as herein provided for the purpose of preserving the public peace; protecting the public health; preventing industrial strife, disorder, and waste; and securing regular and orderly conduct of the businesses directly affecting the living conditions of the people of this State and in the promotion of the general welfare. * * * * * It is hereby declared and determined to be necessary for the public peace, health, and general welfare of the people of this State that the industries, employments, public utilities, and common carriers herein specified shall be operated with reasonable continuity and efficiency in order that the people of this State may live in peace and security, and be supplied with the necessaries of life. * * * * * It is hereby declared necessary for the promotion of the general welfare that workers engaged in any of said industries, employments, utilities, or common carriers shall receive at all times a fair wage and have healthful and moral surroundings while engaged in such labor, and that capital invested therein shall receive at all times a fair rate of return to the owners thereof. The right of every person to make his own choice of employment and to make and carry out fair, just, and reasonable contracts and agreements of employment is hereby recognized.	The denial by employers of the right of employees to organize and the refusal by employers to accept the procedure of collective bargaining lead to strikes and other forms of industrial strife or unrest, which have the intent or the necessary effect of burdening or obstructing commerce by (a) impairing the efficiency, safety, or operation of the instrumentalities of commerce; (b) occurring in the current of commerce; (c) materially affecting, restraining, or controlling the flow of raw materials or manufactured or processed goods from or into the channels of commerce, or the prices of such materials or goods in commerce; or (d) causing diminution of employment and wages in such volume as substantially to impair or disrupt the market for goods flowing from or into the channels of commerce. It is hereby declared to be the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce and to mitigate and eliminate these obstructions when they have occurred by encouraging the practice and procedure of collective bargaining, and by protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.	It is declared to be the policy of the United States that labor disputes affecting the public interest should be settled fairly and, so far as possible, without interruption or delay in the production and distribution necessary to the public interest, and to that end it is the duty of both employers and employees to bargain in good faith. The right of labor to organize and bargain collectively with employers is one of the cornerstones of competitive enterprise. The processes of such bargaining must be protected and strengthened. Government is no less the guardian of the general welfare than of individual freedom. In a complex society, warfare in one section of industry affects many others. Legislation has heretofore been enacted to guarantee the right of collective bargaining. It is equally important that legislation be enacted to protect the rights of labor, industry, and the general public in the processes of collective bargaining.	The purposes of the act are: (1) To avoid any interruption to commerce or to the operation of any carrier engaged therein; (2) to forbid any limitation upon freedom of association among employees, or any denial, as a condition of employment or otherwise, of the right of employees to join a labor organization; (3) to provide for the complete independence of carriers and of employees in the matter of self-organization to carry out the purposes of this act; (4) to provide for the prompt and orderly settlement of all disputes concerning rates of pay, rules, or working conditions; (5) to provide for the prompt and orderly settlement of all disputes growing out of grievances or out of the interpretation or application of agreements covering rates of pay, rules, or working conditions.

Mr. REED. Mr. President, I wish to refer to the declarations of policy. The State of Kansas made the declaration which I have read. The substance of that declaration of policy has been repeated in all important legislation upon the subject since that time, including the so-called Wagner Act, the Railway Labor Act, and the so-called Case bill, which is now before the Senate. That declaration goes to the heart of this question. The declaration of policy which I have read can be compared with the following statement in the Wagner Act:

It is hereby declared to be the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce and to mitigate and eliminate these obstructions when they have occurred by encouraging the practice and procedure of collective bargaining, and by protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.

In the Railway Labor Act the declaration of policy is in part as follows:

The purposes of the act are: (1) To avoid any interruption to commerce or to the operation of any carrier engaged therein.

In the Case bill presently before the Senate there is this declaration:

SEC. 2. It is declared to be the policy of the United States that labor disputes affecting the public interest should be settled fairly and, so far as possible, without interruption or delay in the production and distribution necessary to the public interest, and to that end it is the duty of both employers and employees to bargain in good faith. The right of labor to organize and bargain collectively with employers is one of the cornerstones of competitive enterprise.

Mr. President, it is interesting to note the similarity between the Kansas law of some 26 years ago and declarations of policy made in the National Labor Relations Act, H. R. 4908 (Case bill), now pending in the Senate, and the Railway Labor Act. For purposes of convenient comparison, these expressions are set down side by side. It will be observed

that the Kansas law declares that the public welfare shall include the health and safety of people as of paramount importance. That is the foundation of action taken by the President of the United States in various instances in the current period, in which cessation or a threatened cessation of an essential industry was met by seizure of the properties by the National Government. It is the central point around which virtually all remedial measures revolve. The Legislature of Kansas wrote into a statute the plain but vital fact that the public welfare transcends in importance the convenience or desires of any citizen or group of citizens.

The policy declared by Kansas and the action taken by that State attracted interest not only throughout the United States but throughout the entire civilized world. I happened to be so placed in 1919 that I had a part in the conception and enactment of the Kansas Industrial Court Act. I served as a member of that body during the first year of its existence. Writers, economists, students, newspaper reporters, and periodical correspondents throughout the United States and the world came to Kansas to have a look at, and make a first-hand study of, the evolutionary and revolutionary declaration of the State of Kansas, in the matter of general public welfare as affected by stoppages of production or transportation of essential commodities, through labor disputes. Kansas thought it time a more civilized procedure be adopted.

If there was need, as there was, for the action taken by Kansas 26 years ago, there is vastly more need for it now. Labor unions have grown from small struggling isolated groups into powerful monopolies. So far as a supply of goods essential to the health and welfare of the people is concerned, it makes small difference whether that supply is lessened by an industrial monopolist limiting production or asking unreasonably high prices, or by labor monopolies entirely stopping production or transportation because of a labor dispute.

The threat to the welfare of the people of the United States at this time from the powerful monopolies of labor is more immediate and dangerous than any action likely to be taken by financial monopolists through prices of goods.

The Kansas Legislature wrote into the law for the first time the power of the State, in the case of a labor dispute, to take over and operate the industry affected. The Kansas industrial court law contains the following provisions:

If it shall appear to the court that suspension, limitation, or cessation of the operation of any of the industries, employments, public utilities, or common carriers affected by this act will seriously affect the public welfare by endangering public peace or the public health, first, the court shall take proper proceedings in any court to take over control and direct operation of any industry, employment, public utility, or common carrier;

Second, a fair return and fair compensation shall be paid to the owner of the industry, public utility, employment, or common carrier;

Third, a fair wage will be paid workers during time of such operation.

It is interesting to note that the policy first declared by Kansas, as to the use of powers of government for the protection of the health and welfare of the people, set the pattern which is being followed now.

The War Labor Disputes Act, the so-called Smith-Connally Act, clothes the President with certain authority. That authority of the President runs parallel to the authority which the State of Kansas wrote into the law 25 or 26 years ago. This is what the President may do:

Whenever the President finds an interruption in the operation of any plant, mine, or facility, as a result of a strike or other labor disturbance, impedes the war effort, he shall have authority to—

First. Take over any plant, mine, or facility equipped for the manufacture, production, or mining of any article required for the war effort, or which may be useful in connection therewith.

Second. Whenever any plant or mine or facility has been so taken because of strike, lock-out, or other cause, it shall be returned to the owner as soon as practicable.

Third. Such plant shall be operated under the terms and conditions of employment in effect at the time it was taken over by the Government.

Fourth. It shall be unlawful for any person to coerce, instigate, induce, conspire with, or encourage any person to interfere by lock-out, strike, slow-down, or other interruption, with the operation of such plant, mine, or facility while operated by the Government. It imposes a fine of $5,000, 1 year imprisonment, or both, for failure to comply with this provision.

Fifth. The employees are given the right to apply to the National War Labor Board for a wage change in any plant, mine, or facility operated by the Government.

Sixth. The President's authority under this act shall end when the war is officially terminated.

An amendment offered by the Senator from Illinois [Mr. LUCAS] substantially follows the pattern of the War Labor Disputes Act as concerns the policy to be followed by the President in these emergencies.

The threat of disaster to the people of the United States through strikes being threatened or being carried on by monopolistic labor unions in coal production and transportation has so stirred the people of the United States that the attention of all classes of citizens is being centered on the problem. Dr. Sumner H. Slichter, Lamont professor at Harvard University, is one of the outstanding labor economists of the United States, and has served as an arbitrator in numerous labor-management disputes. In the Christian Science Monitor of May 20, Dr. Slichter writes at length about this situation and urges that a bill of rights be written for the public.

I now quote the suggestions of Dr. Slichter for the handling of disputes in transportation, public utilities, and various essential services. I invite especial attention to these points coming from a man who is an authority, if anyone can be called an authority on this subject:

The Government's policy should be based upon a declaration of rights of the community—a public bill of rights.

This declaration should assert the right of the community to an adequate supply of essential services and commodities. It should place upon the President (or in the case of State legislation, the governor) the duty to declare that a public emergency exists when a threatened or an actual interruption to production so seriously limits or threatens to limit the output of essential goods and services as to imperil the public health, the public safety, or the general welfare.

The declaration should provide that, after the Executive has found that a public emergency has been created by a strike or threat of strike or by a lockout, work shall continue under the terms of the previous contract until new conditions of employment have been determined. The union shall be required to rescind any strike orders which it has issued and to order back to work any of its members who fail to live up to their obligations under the extended contract. Union members who fail to obey the return-to-work order or union officials who refuse to rescind strike orders or to order men to resume work shall be disciplined by the union in accordance with its laws—in the same way that the union ordinarily disciplines members who violate its rules.

A union which fails to order its members back to work or which fails to discipline the members who violate its orders may be required by the National Labor Relations Board to show cause why it should not be deprived of its bargaining rights in the affected plants until such time as it shows that it has become a responsible organization. Similar obligations shall apply to employers in case the interruption to essential production is caused by lockout.

The finding that a strike or shutdown would imperil the public health, safety, or general welfare shall make any strike or lockout illegal. All picketing in support of strikes which imperil the public interest shall be forbidden and likewise all payment of strike benefits, the holding of strike meetings, and other activities designed to promote the continuation of the illegal shutdown. These prohibitions shall be supported with suitable penalties.

The parties shall be given three options for settling the dispute. In the first place, they may agree between themselves to continue negotiations in their own way. In the second place, they may agree to submit the unresolved issues to arbitrators selected by themselves. If they are unwilling or unable to use either of these two procedures, provisions should be made to submit the dispute to other arbitrators.

CONCLUSION

Seldom if ever has public indignation been aroused to its present pitch. The general public vigorously and vocally resents the effects of the coal strike and the threatened railroad strike upon the public welfare. The overwhelming majority of the people of the United States are demanding action by the Congress in no uncertain tones. It has been and will continue to be urged that the Congress should not undertake to write important legislation when public sentiment is running strongly, as at this time. I grant that argument has some force, but the difficulty is that most of the men

who urge that point of view upon us are unwilling to have these matters given fair consideration when the public pulse is normal.

This is really the first time in my service in the Senate when there seems to be a reasonable possibility of obtaining mildly effective labor legislation urgently needed. The reason this is now possible is precisely the fact that an outraged public is demanding action.

Even now, whatever we do is under the shadow of a possible Presidential veto. I am prepared for that. That is nothing new coming from the Chief Executive's office.

Fair and reasonable legislation protecting the public welfare in these labor disputes is long overdue. The duty of the Senate is to me clear. My feeling is best expressed by a motto on the walls of the State Capitol at Jefferson City, Mo. This motto reads: "Let the safety of the public be the supreme law."

The President of the United States is a citizen of Missouri. I earnestly and respectfully invite the attention of President Truman to the soundness of that declaration which ornaments the walls of the Capitol of his home State of Missouri.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3370) to provide assistance to the States in the establishment, maintenance, operation, and expansion of school-lunch programs, and for other purposes.

The message also announced that the House had passed a joint resolution (H. J. Res. 305) providing for membership and participation by the United States in the United Nations Educational, Scientific, and Cultural Organization, and authorizing an appropriation therefor, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore:

S. 203. An act for the relief of Margery Anderson Bridges;

S. 875. An act for the relief of Mercy Duke Boehl;

S. 1201. An act for the relief of Arthur F. Downs;

S. 1563. An act for the relief of Ferris Ruggles;

S. 1604. An act for the relief of Leo Stuhr;

S. 1916. An act to authorize the Secretary of State to transfer certain silver candelabra to May Morgan Beal; and

S. 1932. An act conferring jurisdiction upon the United States District Court for the Eastern District of South Carolina to hear, determine, and render judgment upon the claim of the board of trustees of the Saunders Memorial Hospital.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 305) providing for membership and participation by the United States in the United Nations Educational, Scientific, and Cultural Organization, and authorizing an appropriation therefor, was read twice by its title and referred to the Committee on Foreign Relations.

MEDIATION OF LABOR DISPUTES

The Senate resumed consideration of the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Virginia [Mr. BYRD] as modified.

Mr. MORSE. Mr. President, I rise to discuss the pending amendment. Before discussing it, however, I wish to make some general observations with regard to the labor situation which today confronts the country.

Certainly, no one can challenge my remarks on the ground that I am not friendly to the legitimate rights of labor; and I am perfectly willing to let the record speak for itself as to whether or not I have been fair to the legitimate rights of industry. I think we should recognize that this is an exceedingly dark hour in the history of our country. I believe, also, that we should recognize that today there sits in the White House a man who is burdened with tremendous responsibility and has a grave duty to perform. I have no question in my mind as to his ability to perform such duty. I have been critical of the President with reference to some of the positions which he has taken in regard to handling the labor situation. I shall probably be critical of him again if I find myself in disagreement with him. Nevertheless, I think we should all recognize that when our country faces the type of crisis which confronts it today, the President of the United States is entitled to complete unity on the part of the American people in sustaining his hand and seeing to it that the productive forces of the Nation are not brought to a stop because of major labor difficulties which seem to be speeding toward a complete blockage of our productive life.

I have confidence that, in an hour of crisis, the President of the United States will see to it that any group, be it labor or industry, will be made to understand. When a labor crisis such as the present one confronts us there comes a test as to whether or not we still have a Government of one law and one flag, which applies equal justice to all. I believe that test must be met in America today. I do not believe—and I say this as a friend of labor—that any combination of labor forces has any right to bring about the great injury which will be inflicted upon the people of this Nation if, in fact, the miners fail to work the mines under Government seizure, with the American flag flying over them. Likewise, I say to the American railroad workers, or to those who may be involved in a railroad strike, should one take place, that they will neither serve the interests of organized labor nor the interests of their country if they proceed with a stoppage of the transportation facilities of the Nation because of whatever differences may now exist between them and the carriers. Those differences are relatively small as compared with the differences which existed when the dispute first arose.

Mr. President, the test of Government by law will have to be made. The public has the right to serve notice on American labor that it must be reasonable in an hour of great national crisis. Labor must demonstrate that it is willing to support what I have so consistently argued for, namely, the application of the principles of voluntarism on the basis of which all our democratic rights in the last analysis really rest in the settlement of the social and economic problems which are involved in these disputes.

Mr. President, do I deny the right of free workers to strike? No, but I do deny the right of any group of Americans to abuse any precious right which they are allowed to exercise under our form of Government. I do deny their right to turn a great freedom into a license in an hour as dark as is the present hour, and especially when they know, I know, and all who study the situation know, that it is not difficult for reasonable men who want to be fair to sit down and settle the issues in dispute by applying the precious principles of voluntarism without resort to methods which would throttle the economic life of the country. They cannot justify the use of economic action as a weapon to force settlements in accordance with the dictates of the strikers and their leaders when the result of such action will endanger the public welfare.

The right to strike is, like all rights, a relative right. The right to strike is not an absolute right in the sense that it can be exercised against the welfare of the people, as a people, or against the security of the Nation. At the present time, the exercise of the right to strike on the part of the railroad workers, and the exercise of the right to strike by the miners, is clearly not in the public or governmental interest. The Government has demonstrated in the days past its willingness to do everything which it can do to work out a solution on a cooperative basis with the parties and in accordance with principles of voluntarism so important to the future welfare of organized labor. The workers and their leaders involved on both sides of the dispute owe it to the people of the country to stop these strikes and compromise their differences quickly.

Mr. President, I have no hesitancy in saying that if, in the next few hours, the economic life of the Nation is brought to a halt, the issue of whether or not the Government of the United States is subservient to organized labor must be squarely met.

So far as I am concerned, as a member of the opposition party, and as a Member of the Senate, who has been heard to criticize the President of the United States in times past, in meeting this issue the President will have my wholehearted support and cooperation. I believe that if labor continues to follow a course of action which impels it to turn its back on the precious principles of voluntarism to the extent that it has

been turning its back on them in recent weeks, it will sell itself short. It will not be sold short solely by the hysteria and panic in the form of proposed antilabor legislation which is now sweeping the country, and which I shall vote against. Labor will have to assume its share of responsibility for its loss of public standing. Antilabor legislation will not solve the problem. The problem will be solved only if the leaders of labor, the rank and file of labor, the leaders of industry, and the rank and file of the businessmen recognize that our economic system, so precious and necessary to their standards of living, depends for its perpetuation upon their exercising some industrial statesmanship during this dark hour. It will not be solved until they recognize that in all disputes there must be some give as well as some take and that the one objective which should be uppermost in the minds of all is that of fulfilling their great obligation and responsibility to the general welfare. If they would resort, as it is their public duty to resort, to the peaceful procedures of voluntarism, for which I have consistently pleaded for many years, labor could save its great legitimate gains of the past few years and the employers could save much of what they otherwise, in my judgment, are going to lose. The alternative is perfectly clear: We cannot permit as a Government uncontrolled economic warfare to sweep this land to the detriment of the public interest. The President must act and we must back him up from the beginning to the end of this emergency.

As I have said before, I shall not hesitate in such a crisis to take the position that all the forces of democratic government necessary to meet such a challenge to government must be exercised. It may be that such a showdown, which ought to be avoided and I think could be avoided, may not be avoided; it may be that we have got to have this test behind us once and for all, and I trust that the President of the United States will never hesitate—and I believe he will not—to meet that test.

We speak about the need for a United Nations, the need for men to sit down around an international table and settle by rules of reason rather than the jungle law of war the great international issues that are threatening—and the storm clouds are already clearly rising on the international horizon—the future peace and security of mankind. American labor has indicated in endorsement after endorsement that it favors that approach to the settlement of international disputes. Great American industry has likewise indicated similar approval. I say, Mr. President, that American labor and American industry must now demonstrate that they will apply the same principle in the settlement of economic warfare now confronting the Nation.

Mr. VANDENBERG. Mr. President, will the Senator yield for a question?

Mr. MORSE. I am glad to yield.

Mr. VANDENBERG. Of course, I totally agree with the statement just made by the Senator, and it was the reason which inspired me to suggest the labor-management conference last year, which was built upon the exact analogy to which the Senator refers. I should like to ask the Senator's views as to why that conference failed and what is necessary in order to make a subsequent experiment of the same general nature succeed?

Mr. MORSE. Mr. President, the Senator does me honor to think that I could even suggest why it failed. I do not know all the reasons why it failed, and it is probably presumptuous of me even to suggest any reason; but I have made a suggestion in the past which I am pleased to repeat now. I think one of the reasons why the labor-management conference failed was that it met to work out the ways and means of handling the labor problem of a reconversion period, which period involved a war economy; that, so far as our economy is concerned we were very much at war at the time the conference met, we are still living in a war economy, and we are really going to continue to live in a war economy until our reconversion problems are solved. We are going to live in a war economy so long as the Government has to exercise the drastic controls, which I believe it must exercise for a period longer, over the economic life of this Nation; and that, therefore, while the labor-management conference met the Government too should have met with labor and management. The fact is the Government did not do so. It called the conference; appropriate speeches were made for convening it, but understandably, though I think mistakenly, the Government took the position about labor problems: "Now, management and labor, that is your problem, you work out the solution of it." They could not work it out, in my judgment, until they knew what the Government's economic policy was going to be. American industry could not determine the position it would take on labor issues until it knew what its price structure was going to be, until it knew what machinery was going to be made available to industry to adjust, so far as governmental controls were concerned, its ability to pay whatever additional benefits would have to be given to American labor as the result of any agreement that might be reached.

I talked to quite a number of management representatives at that conference and each one of them told me he felt that the conference could have gone much further in reaching some agreement if there could have been certainty as to what the governmental economic policy was going to be. So, I have said several times that I think it was unfortunate that in effect the Government walked out on that conference. I think the motives of the Government officials were of the best, namely labor and management had talked about free collective bargaining so much and about settling differences by peaceful procedures that it decided to give them an opportunity to do it. However, the Government overlooked the economic fact that free collective bargaining in its true sense cannot take place in a war economy where labor controls and ecomonic controls have to be exercised. There was no more chance of free collective bargaining in its true sense operating during the reconversion period than there was a chance of free collective bargaining working during the war period, and it did not. We had to set up a War Labor Board, and in instance after instance it became a substitute for free collective bargaining. That is one of the great dangers I have tried constantly to point out of having labor disputes settled by the Government rather than by the parties to the dispute. So long as the Government has to exercise great controls over our economy it still maintains, it cannot walk out on its obligations as one of the three parties to every great industrial-relations problem which has confronted us during the reconversion period.

I think there were other reasons, too, why the labor-management conference failed. I speak only of a minority of American industry, I am sure, but I think I know too much about the inside of American industrial relations not to recognize that there are still powerful industrial interests which have not reconciled themselves to the fact that organized labor is here to stay. They refuse to admit that organized labor has legitimate rights, and that the best interests of American labor as a whole will not be served if any employer group succeeds in weakening or breaking unions.

I do not think one can study the record of the labor-management conference without realizing that there was an indication on the part of some, because of the growing feeling of the public against certain labor abuses, for which I hold no brief, that the time was about ripe to make a cleaning on labor. I think that is one reason why the conference failed.

There was a third reason, I may say to my good friend the Senator from Michigan, and that was the quest for power within the house of labor, the lack of unity among labor leaders. Sincere and honest differences in labor objectives and great differences in union policy and methods are hampering the development of a sound labor program. We cannot analyze the present American labor situation without recognizing that today one of the basic causes of much unrest within the ranks of organized labor is the competing drives for power and labor control.

Labor knows it, and labor is the only force that can remedy the situation. It is beyond my comprehension that labor leaders do not recognize—and show their recognition by action—that they cannot continue their competitive drives for power, their great jurisdictional stuggles, yes, at times, the playing of one labor group against another, and at the same time maintain the public support which they so much need for their legitimate interests.

I think we have the right, in the interest of the rank-and-file workers whom they serve, as well as in the interest of the American public, to say to labor—and let me be frank about it: "Your friends recognize, as you do, that the solution of labor difficulties will never be found in strait-jacket legislation that results in the imposition of governmental compulsions over you. However, we cannot protect you from such legislation and from the great losses which we believe are bound to flow, not only to labor, but to industry and to the public, from the passage of such legislation, unless you

are willing to agree among yourselves that your competitive desires will be settled by you in peaceful ways rather than by resort to economic sanction."

Mr. President, that has to come, I think. If there ever was a time when a united union conference was needed by American labor it is now. I do not mean an amalgamation into one great union, but certainly American unions, I care not of what affiliation, owe it to the workers whose interests, I think, can be best served through unionism, to see to it that their interests are not injured by public animosity to labor as labor, and to unionism as unionism, because of a public opposition to the type of jurisdictional struggle that is costing the public and labor so much.

While I am on that point, I shall digress at this time to cover an item I intended to cover later in my remarks.

Mr. VANDENBERG. Mr. President, before the Senator leaves the question he was so frankly answering, which I submitted to him, let me submit a further question. I rose because I was challenged by the Senator's analogy between the efforts to settle international disputes by direct negotiation and direct contact around the council table, and the labor-management situation in the United States.

I quite agree with the Senator at least in the first reason which he submits as to the failure of the labor-management conference. I think that conference was the most important single adventure in the present decade in respect to domestic matters, and that the President of the United States should have sat at the head of the council table every hour of every day until he produced a result.

Mr. MORSE. I agree.

Mr. VANDENBERG. And I think he might have produced a result under those circumstances.

Mr. MORSE. At an earlier date, in a speech on the floor of the Senate, I pointed out that I thought it was a great mistake that Government representatives were not parties to a tripartite conference.

Mr. VANDENBERG. We reach the point now where I am asking the Senator whether in his judgment his analogy still has application. Is there still an opportunity, in his view, for a meeting of minds between labor and management under Government direction? Is there still an opportunity for that sort of a free and traditional American method of settling labor controversies? Or have we reached the point where nothing is left except dictation of the answer by the Government?

Mr. MORSE. I think that opportunity will never die so long as we retain our American economic system because, no matter what wars ensue on the economic front, I am convinced that in the last analysis those engaged in them will have to learn the lesson—and I speak of both industry and labor—that their only final solution, and their only way of avoiding great losses, is a return to the joint and mutual conference table, where they can work out the application by the laws of reason and peaceful procedures for the settlement of their disputes short of governmental compulsions. But apparently we are about to confront a great emergency in which, as I said earlier in my remarks, Government itself will be tested, and during that emergency, and for that emergency only—and I have said this before I came to the Senate, and I indicated it very clearly the other day in my remarks on the floor of the Senate—we must look upon all these so-called fundamental rights as being not absolute but relative only. They must give way in time of national crisis to the national welfare. So, during the emergency, until reason again is enthroned in the heads of American labor and industry, I think the Government will have to use emergency compulsions. But I do not want to see passed such legislation as is now pending before the Senate as long-term legislation, because I say that the imposition of any type of blanket compulsion for a long-time period will destroy the very economic system that American industry and American labor depend upon for maintaining the American standard of living and our economic system.

I wish to add one more reason why I think the labor-management conference failed. It is really supplementary to a reason I have already given. I mentioned the fact that during the war there could not be collective bargaining in its true sense; that the "no strike, no lock-out" agreement was not an agreement which restricted itself merely to strikes and lock-outs. It accomplished much more; its implications were much broader than that. As the result of that great agreement entered into between labor and management, and contrary to all the misleading and false charges about the effectiveness of it, the "no strike, no lock-out" agreement was a monumental success during the war. There were violations of it, and there will always be violations of agreements of that type, because people are human, and when they are angry, when they feel that they have been provoked into an unfair situation, they sometimes act impulsively. So we had impulsive strikes during the war. But by and large the success of the "no strike, no lock-out" agreement will go down in American labor history as a magnificent tribute to the patriotism of American workers and labor leaders and American industry.

But what did we do after VJ-day? I think a great mistake in judgment was made. I believe we should have continued the procedures that had been built up during the war for the settlement of labor disputes. In my opinion, the machinery of the War Labor Board should have been continued during the reconversion period. I say that because of the effectiveness of its program, which had penetrated into practically every community of any size in this country. After VJ-day it still was the greatest stabilizer of industrial relations in our Nation. It had not yet served its full purpose. There was still a great job for it to do. Certainly it had its critics.

Labor and industry wanted a modification of this policy and a modification of that policy, and demanded that the Board be eliminated as soon as possible; yet it has been interesting to me to note that some of the very men who were crying for the abolition of the Board immediately after VJ-day, tell me privately, "Wayne, it was a great mistake." We still needed it. No substitute was provided for it, with the result that catch-as-catch-can prevailed after VJ-day as the policy to be applied in settling labor disputes.

I think the labor-management conference should have recommended the continuation of the machinery that had been set up for exercising judgment on labor disputes during the war pending the time of the return of economic conditions under which we would be free of the danger of inflation. Such a proposal was vital to the welfare of labor and all the rest of us. Pending such time, the conference should have come forward with a recommendation that the labor disputes settlement machinery be reestablished.

As I said earlier in my remarks, I have criticized the President for some of the things he has done in the field of labor relations since VJ-day, and I think that is one example of a mistake in judgment which he made, but it was an honest mistake. And how many of us are not guilty of frequent honest mistakes in judgment? After all, the President was advised by many individuals that the course of action which he followed was the proper course to pursue. I think he was advised by some who should have known better. But I think if we could have retained some of the machinery, in view of the fact that we have to keep economic controls in effect until there is a balancing of purchasing power with supply of goods, much would have been done to prevent some of these labor troubles.

My labor friends completely disagree with me on the next observation I am about to make. Yet, as I have told them, that part of the drive for what has economically resulted in inflationary wage increases must, in my judgment, be considered in the light also of the great jurisdictional struggle within labor and the drive for power within labor. There can be no doubt that wage adjustments needed to be made after VJ-day. There can be no doubt that the tremendous loss of take-home pay which large numbers of American workers suffered immediately after VJ-day was not only injurious to the economic welfare of labor, it was injurious to the economic welfare of all of us, every man, woman, and child, because, I think, it is pretty clear economically that unless American workers, American farmers, and American consumers generally can maintain a relatively high purchasing power, the value of the American dollar will be seriously affected. I refer to inflation, which can take a variety of forms. There will be the effect of inflation if, to any marked degree, there is deflation in the purchasing power of American consumers, including the three great classes, labor, farmers, and the people generally. There can be no doubt that after VJ-day labor was justified in its endeavor to work out some adjustment for the loss it was suffering in its take-home pay because of the great cut-back in war production and the reduction in its pay envelopes. But there again is where the Government had a responsibility to industry, to labor, and

to the Nation as a whole. I have said before that I think it was unfortunate that the impression was given that at least a large part of the wage demand which labor was making could be met within existing price structures. I have not made an exhaustive study of the question in the sense that I feel that I could give any finality of opinion on it, but I have studied it, and I have yet to see any evidence which shows that any substantial increase in real wages—which, after all, are the only wage increases which amount to anything so far as the interest of labor is concerned—could be made without considerable adjustment in price structures.

I do not take the position—in fact, I think it was such an absurd fallacy that it was ridiculous—which was taken by the president of General Motors in his testimony before the Committee on Education and Labor. The record will speak for itself. He testified that whatever increase was given to labor in the way of a wage increase, a corresponding increase had to be made in prices. It simply was not true. Other American industrialists tried to take that position, and I thought that to too great a degree they were allowed to get by with it. They confessed a great human frailty, namely greed.

But the point I wish to make is that, to the extent that labor obtained wage adjustments which will not prove to be increases in real wages, those increases in wages will prove to be inflationary in fact. That is why, in those weeks, I was found arguing and pleading that the wage cases be not settled on the basis of horse-trading tactics. I know how such tactics work in labor relations; I know something about compromising procedure in the settlement of labor disputes. There is a place for it. But there is no place for it—and I speak advisedly—when the public interest is involved.

In these great labor cases, the public interest was at all times involved because, for the reasons which I heretofore stated, the Government in fact, although not in participation, was one of the three parties to those disputes. Hence, mediation was not the solution. Collective bargaining was not the solution unless the Government would make collective bargaining possible by giving the parties around the bargaining table a clear-cut, unequivocal statement as to what the Government's position would be so far as the price structure involved in those disputes was concerned.

Mr. SMITH. Mr. President, will the Senator yield for a question?

Mr. MORSE. Just one further word, and then I shall be glad to yield.

I took the position that if we wanted those disputes settled, not on the basis of horse trading, not on the basis of compromise without thought of the public interest; if we wanted them settled so that the wage increases to which I think labor was entitled for the reasons stated could be granted, then there was only one way to settle them, and that was on the basis of objective data which could be presented to fair and impartial minds by labor, by industry, and by the Government, in the judicial atmosphere of a voluntary arbitration.

I know the stock objections which can be raised to such a policy. It is said that the parties might not have confidence in the arbitrator. I have said before, and I now repeat, that it is a sad day in America if we cannot have confidence in the President of the United States, in such critical disputes as have plagued the country in recent months, to appoint fair-minded men to arbitrate a fair settlement. I have confidence in him; and I say that there is not an American employer, an American labor-union leader, or anyone else, who can justify expressing any lack of confidence in Harry Truman to appoint fair men to arbitrate such disputes.

After all, there is a place for politics, there is a place for political criticism, there is a place for honest differences of opinion between those of us on this side of the aisle and those on the other side of the aisle, but there is no place for them when the chips are down, as they are down today. There is no place for politics in the face of such a serious national crisis as exists in America today.

So, I say that I think the way the disputes should have been settled, in order to get for labor the increase in real wages to which I think it was entitled, was on the basis of the facts and the evidence, not on the basis of exhibitions of economic power either on the part of General Motors, the steel industry, the coal operators, the electrical employers, or the unions involved in those industries. There was a duty on the part of the Government to come forward and insist on seeing to it that the evidence was presented so that a judicial determination could be rendered.

Let no one think for a moment that I am not perfectly aware of all the types of misrepresentation and misunderstanding that can be woven around the remarks which I am making here today. I speak as a friend of labor and of industry when I say to them that in an economic period in our history when it is absolutely impossible to have free collective bargaining in the sense we ordinarily know it, the kind of collective bargaining to which we must return just as soon as we get away from the danger of inflation, labor disputes cannot be settled rightly in their own interest or in the interest of their country by resort to horse-trading tactics, compromises, or the exercise of economic threat and force. Arbitrary formula, such as the 18½ cents per hour, have little relation to the facts of differing cases.

Mr. SMITH. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. SMITH. I congratulate my distinguished colleague on what to me is one of the most illuminating and best thought-out analyses of this whole situation. Let me ask the Senator a question. Am I to draw the inference from his remarks that when the moment comes when governmental controls can be removed from our economic life—price fixing, and so forth—at that stage of the game the management-labor conference advocated by the distinguished Senator from Michigan could go on without Government participation? Or shall we always need Government participation in such conferences?

Mr. MORSE. I believe that when we return to an economic period in which the Government is out of the picture so far as controls are concerned, the Government should be out of the picture so far as participating in such conferences is concerned. Let me say to my good friend from New Jersey that as one who fears governmental dictation over the relationships of free men entering into collective bargaining agreements—and I cannot tell the Senator how greatly I fear it—I will be the first to insist upon the elimination of all controls as soon as I can be satisfied that it is safe for our economy to release such controls

I do not intend to become involved in an OPA debate here today, but the OPA illustrates my point. With all its abuses—and I shall continue to fight to eliminate its abuses—I take the position that until we can get a balance between supply of goods and purchasing power, we must exercise OPA control. However, so long as we exercise that type of control over labor, such controls impinge upon the freedom of labor and of employers, too. Labor, I think, is fairly well united in favor of OPA control. But too few of labor's leaders have recognized that we cannot exercise controls over merely one segment of what is, after all, an integrated and united economy, without during the same period of time exercising some controls over other segments. The tendency to like controls except when our own toes are stepped on, the habit in this country of liking to pass the buck to others, but to keep ourselves free of restrictions, is one of the reasons why, in my judgment, in these days we are having so much difficulty in trying to work out what I am pleading for today—namely, a rational settlement of labor disputes, short of economic force and threat.

Mr. SMITH. Mr. President, will the Senator yield to me for a comment?

The PRESIDING OFFICER (Mr. HOEY in the chair). Does the Senator from Oregon yield to the Senator from New Jersey?

Mr. MORSE. I yield.

Mr. SMITH. I wish to thank the Senator for his statement. It is in accord with my own thinking on this subject, namely, that the problem is greatly complicated by the present war controls which we have to continue, and that because of those controls the Government very distinctly has a place in the conference.

I think the Senator also is correct in saying that when the controls can be removed and when we can resume a normal economic manner of living, then labor and management will be able to solve these problems themselves without superimposed Government control.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. TAFT. The Senator from Oregon does not mean, does he, that he would be in favor of repealing the Wagner Act as it relates to relations between employers and employees?

Mr. MORSE. No.

Mr. TAFT. It seems to me that that is a field in which we should legislate, and I see no reason why we should not legislate in regard to it now, as well as at some other time.

Mr. MORSE. Mr. President, I shall discuss at a later time, although I shall mention several of them before I conclude today, some of my suggestions in regard to legislation. But I say to my good friend the Senator from Ohio that, of course, the Wagner Act was long overdue. The unfair employer practices the Wagner Act sought to prevent, and which it has, I think, rather successfully prevented, were abuses and practices which needed to be prevented. Of course I would not vote to repeal the Wagner Act. I have said before, and I now repeat, that the Wagner Act is not a perfect instrument, but it does fall in line with one of the basic premises of my political philosophy, namely, that it is the obligation of Government to establish minimum standards which protect the economic weak from the economic strong. That is what the Wagner Act was devised to do, and I think by and large it has done a magnificent job.

Mr. TAFT. Mr. President, will the Senator further yield?

Mr. MORSE. I yield.

Mr. TAFT. I do not question for a moment that the Wagner Act is based on a sound general principle. I am only pointing out that it seems to me the Senator from Oregon is departing from his theory that we should not in any way interfere with the freedom of employers and employees, inasmuch as we already have an act, and the Senator is in favor of retaining it, which does regulate employers very extensively, and to some extent regulates labor unions also, although not to the same extent. I do not think the Senator carries through the logic of his position when he says there should be complete freedom in this field, because there cannot be, as I see it.

Mr. MORSE. Mr. President, there is nothing illogical, I think, about the position I have taken. I shall not let the Senator from Ohio put words in my mouth, because I do not think the RECORD will show that I have made any statement in favor of complete freedom in the field of labor relations. It is a field of many facets. In the phase of the field that involves protecting workers from unfair practices of employers, I say it is an obligation of government to see to it that such protection is given by means of legislation, and I say likewise that there is an obligation on the part of government to see to it that legislative protection is given to employers from unfair practices of labor. That has been for many years one of the basic criticisms I have had of the Wagner Act, because not in all respects does it apply the same rules to both teams in the game.

I am not taking the position that no governmental controls of any degree whatsoever should be exercised over labor relations; but I am taking the position that in the field of collective bargaining, when it comes to working out wages and hours and conditions of employment which are social and economic, and not primarily legal, in aspect, I do not wish the Government to be given the power to determine and dictate what shall be the terms of collective bargaining agreements. I speak as one who in case after case, as recorded in volume after volume such as the one I hold in my hand, was charged with the responsibility of exercising just such compulsory controls during the war. I say it is a tremendous and a dangerous power to vest in any man in peacetime.

Mr. TAFT. Mr. President, will the Senator further yield?

Mr. MORSE. I yield.

Mr. TAFT. I agree with the Senator's statement, and I do not want anything I have said to be understood as conflicting with it. I agree with the Senator's position about not having the Government attempt to make or fix or require collective bargaining agreements.

Mr. MORSE. Mr. President, I should like to make one other comment, and then I shall address myself to the point which I really rose to discuss in connection with the pending amendment. An examination of the facts will disclose that the coal miners are entitled now to have fair adjustments made in respect to their wages and working conditions. Because out of every loss I like to find at least some gain, I have the feeling that as a result of this strike, at least, the American people are being educated as never before into a realization of how much they owe the coal miners of America. If our economy is so dependent—and it has been demonstrated that it is very dependent—upon the labors of our coal miners, then certainly we as a people ought to be willing to support them and enable them to obtain a more decent, a more abundant life than they have been able to enjoy thus far in the history of the coal-mining industry. The point has already been made over and over again in the debate on this floor, so I shall not dwell upon it now, except to put myself on record in favor of it, that throughout the years of our history the coal miners have, after all, had rather wretched treatment from the American people.

Oh, yes, it is easy to make the operators scapegoats, but I certainly hold no brief for many of their bad labor practices. Any study of labor history in connection with the coal mining industry will show that the conditions to which I refer have existed to a shocking extent. I should like to see any Member of the Senate who would attempt to justify the failure of one single coal operator in this country to give to his workers, who are engaged in the most hazardous of all occupations, the protection to which they are entitled from the standpoint of health and safety. Some persons, perhaps, do not like to hear me use the word "exploitation." They think it is too negative; but, in my judgment, and according to my ethical standards, no coal miner who has not taken steps to give to his workers adequate health and accident protection can escape the charge of being an exploiter of human beings. I make that statement, Mr. President, because the coal mining industry is chiefly characterized by unsafe working conditions, and great hazards to human life. As we sit here today do we realize that, based upon past experience, during the next year 75,000 miners, American citizens, will be killed, maimed, or seriously injured in the coal mines? The apathy of the American public is no excuse for permitting conditions of that kind to continue. But, as I have said before, coal operators are entitled to receive from us, the consuming public, an income from their products which will be sufficiently high to make it possible for them to pay adequate wages, and afford proper working conditions to their employees. When the operators are unable to do that, I think they are entitled to have necessary price adjustments paid out of the pockets of the consuming public.

In passing, Mr. President, I may say that my statement is not limited entirely to the coal miners. There are other workers in this country who are doing their share in subsidizing the average American citizen. The point which I wish to make, and which I shall make over and over again so long as there is any possibility that any syllable which I may utter will have any influence on the thinking of a single Member of the Senate, is that we must recognize that we cannot hope to maintain a long-time economic stability and at the same time allow any large segment of American labor, or any large segment of American consumers, or any branch of American agriculture to be forced to live under conditions which are far below a decent standard of living. The situation to which I refer is not the sole cause of depressions, but one of the causes. When our economy gets out of joint in the sense that a large segment of our population here, there, and elsewhere is unable to maintain the purchasing power necessary to support the people of that group on a decent level, the old toboggan ride toward depression begins. We can have a flight of prosperity for 2 or 3 or 4 years, as I believe we will have, but it will not be long lasting with large segments of our people living as the miners have to live. Many of our people will do some short and loose thinking during that short prosperity. They will develop myopia concerning the situation, and will reach the false conclusion that a little flurry of prosperity means that we are on the road to economic bliss, but that conclusion will never prove to be a correct one. It is economically impossible for it to be correct. Unless we, as a people, insist that our economy shall level itself off in a manner which will permit of an improvement in the working and health conditions of many million of American workers who are today serving us, we will be headed for another depression. Too many millions today are working for inadequate wages, and are living under conditions which are a disgrace to a land which claims to afford the highest standards of living of any nation in the world. Even such comparison, true as it is, is no excuse for permitting the exploitation of any group of our citizens to continue.

Mr. President, I wish to address myself for a few minutes to a rather tech-

nical point which has been raised during the course of the debate on the Byrd amendment. I do not say it is a material point, but, nevertheless, it is a point which I think should be answered, or to which an opposing point of view, at least, should be put into the RECORD in order that the RECORD will not show that the word "contribution," as it appears in the National Labor Relations Act, makes it unlawful for an employer to contribute to a health and welfare fund even though it is administered solely by the union.

On that point, Mr. President, I may say that, so far as I am concerned, I prefer the type of health and welfare fund which is jointly administered by representatives of the union and representatives of the employer, or one as to which both sides to the collective bargaining agreement may have, in administering the fund, the cooperation of a third party such as an insurance company or a Government agency. I am aware, also, that because of an interesting propaganda program which has been conducted throughout the country, some unfortunate public misconceptions have developed concerning union health and welfare funds. The public has been given the impression that if any such fund exists it is a tax on the American citizen, if the formula for obtaining money for the fund happens to be one that relates to the units of production rather than an agreement for an out-and-out lump-sum contribution by the employer. I do not share that view, Mr. President. Of course, health and welfare funds can give rise to abuse in administration; it is true that a health and welfare fund could be used, if there were dishonest union administration, for bad purposes; but so can the funds of most human institutions, because people are human. Yet I am at a little loss, Mr. President, to understand the thinking of some people who criticize unions as being mere dues-collecting organizations that provide, say some of the critics, no services for their membership, and are merely organizations the leaders of which, playing union politics, are enabled to amass unto themselves not only political power but great financial power. That is an unwarranted slander and libel against American organized labor.

It is easy to pick out an abuse here and there, to find that some labor leader has not lived up to the great and sacred obligations and trusts of his position, and, because of his mistake, draw the conclusion that all labor is bad, all union officials are corrupt, and all objectives of labor unworthy. I might dwell on the point of what would happen if the same principle were applied to members of the cloth, who sometimes fail to live up to their trust, or members of industry or of any other class. The truth is that when the hysterical critics of organized labor are asked to present a bill of particulars, to come forward with a specific indictment, to name names and give specific instances, the transgressions they can point to are relatively few compared to the great mass of workers and labor leaders and the great number of instances in which organized labor and its leaders have more than lived up to their trusts and their obligations.

Take, for example, the question of violation of contracts. To read the statements of some employers and some employers' associations, who are very anxious to carry on an antilabor drive, it might be thought that no union ever lived up to its contracts. I am willing to say here and now, Mr. President, that annually more than 99 per cent of the collective-bargaining agreements entered into between organized labor and employers are carried out without violation. That is a pretty good record, if true, and I am satisfied that it is true, and I am willing to offer any one an opportunity to disprove it. Think of the thousands and thousands of collective bargaining agreements which are carried out honestly and faithfully day after day! In spite of the many misunderstandings under them, that develop during the course of a year, nevertheless they are lived up to to the letter in an overwhelming majority of the cases.

I do not hold any particular brief for John Lewis. I suppose that probably I am in the position, Mr. President, of having clashed with him more than any other Member of this body. I have had vigorous differences of opinion with him as to some of his procedures, but one thing that has to be admitted is that he has lived up to his contracts. Yet one would think as he listens to this agitation to impose what I believe are some very unwise restrictions in the form of governmental compulsion upon labor, that Lewis never lived up to a contract in his life. The coal operators cannot offer a better record of abiding by contracts.

I mention it, Mr. President, only because I think it important in this discussion that we get beyond personalities. We should stop trying to do something in order to discipline a particular labor leader. My position would be the same in this field of labor relations if an attempt were made to discipline an employer because someone finds himself in great disagreement with the policy of the employer. We must get down, it seems to me, to a discussion of the fundamental issues involved in the settlement of labor disputes on a long-time basis by way of peaceful procedures.

That is why I joined the Senator from West Virginia [Mr. KILGORE] in introducing the other day a revised resolution, which is now pending before the Senate, and which proposes to create a special subcommittee of the Committee on Education and Labor of the Senate, with full investigatory powers of the Senate to proceed in the months ahead to make investigation—of what. To make an investigation of all the facets of the labor-relations problems that are plaguing this country, including, says the resolution, union and employer practices and policies.

When I introduced it I was criticized in the press, by a Member of this body, if he was correctly quoted, as trying to stall labor legislation. The criticism was unwarranted, and I am sure would not have been made had the critic even taken the time to read my remarks in the CONGRESSIONAL RECORD, for I have tried to make it clear that I am perfectly satisfied that nothing can stop the Senate in the days immediately ahead from making some grievous mistakes in the field of labor legislation. The handwriting is as clear on the wall as it possibly can be. But the legislation which will be passed will not solve the problem. It will create new problems; and after we get through with it and the legislation is passed, we will need as never before a body of objective data and indisputable facts and evidence as to what the conditions are in the relations between employer and labor in this country. On the basis of such a study I think in the next session of Congress we could sit down and in the calmness of rational deliberation repeal some of the legislation which I think will be passed in the next few days, and enact other legislation which will make really possible the protection of the principles for which I have been heard to plead so frequently. Unless we do that I think we are headed for more, rather than less labor trouble in this country. Labor will never submit to legislation that is unjust, unfair, and in violation of basic rights of free workers to improve their conditions of employment.

Labor has come of age. Labor might just as well recognize now, if it has not already done so, that amendments which will protect the legal rights of third parties to labor disputes will have to be written into some existing labor legislation, as well as other legislation.

I shall not dwell on the thought at any great length, but in order that this speech may not be too badly misinterpreted I wish to say that I insist a clean-cut line can and should be drawn between the objectives of labor in the field of wages, hours, and conditions of employment, and the rights and privilges of labor on the other side of the line, involving the legal and property rights of the employers and the public. That is why I have said so many times, almost universally with the opposition of labor, that I have yet to hear labor make one sound argument justifying labor being permitted to claim the right which it claims, to carry on jurisdictional warfare within its ranks, at the expense of the property rights of employers and the public. They cannot do it rationally, in my judgment.

Oh, yes; they can point out that to some degree employers too are involved. They can point out a few cases—but they are in a great minority—in which employers provoke jurisdictional troubles, and are really parties to them. But that can be proved, and when proved, the legislation which I think can and should be devised, once we get all the facts as to union practices, as well as employer practices, which are covered by my resolution, would provide that employers who are guilty of that sort of unconscionable conduct come within the law.

Then, too, Mr. President in the face, so far as I know, of almost universal labor opposition, I take the position that the right to work, the right to organize, the right to all the guaranties of the Wagner Act, which I do not propose to take away from labor, but to defend and support, do not, however, entitle labor to the license of indulging in practices involving economic waste. They are unfair labor practices, and are against the

best interests of labor. I have yet to find the case in which it is not really against the interest of the workers involved in a given union to find itself carrying on a strike based upon the economic waste principle, the so-called make-work program issue.

Such a program does not help labor, it does not help the workers involved. Technology is going to advance. Labor cannot stop science. Certainly adjustments have to be made. Oftentimes a change in technology, involving a labor-saving device, throws men out of work. That is a different problem. I will go a long way, I will perhaps go such a long way that, figuratively, my head will be bloody with criticism, in pleading for severance pay in such instances, or when I support legislation, if there need be legislation, to see to it that workers in given instances who have spent 10, 20, 25 years preparing themselves for the skill which is about to be lost as the result of the advance of technology, are given adequate adjustment to take care of the tremendous loss they suffer from such changes. It is only right, it is only fair. But labor has no right to try to hold back progress in the form of new discoveries by adopting unfair practices of a make-work variety.

I shall mention one instance. I have had many of these cases. I suppose I have never rendered a single decision in one of them that was popular. I was fortunate to be operating in each instance under a contract in which the parties had pledged themselves to abide by the decision, and I wish to say to their credit that they did abide by it. When finally, under the contract, they came to know the principle which I insisted upon applying, it was interesting to note how easy it was for them to work out voluntarily by negotiations between themselves, without ever letting the matter go to arbitration, a fair and decent compromise adjustment of the problem.

I remember one case in which an attempt was being made to prevent trucks from going directly shipside and loading lumber directly from trucks to slings to the hatch. Labor insisted that the trucks be unloaded some times a block and a half away, at the end of the dock, by hand, and then moved by hand-truck to shipside. That was economic waste. There was nothing within the contract that justified such a position on the part of the union concerned. There was nothing that justified a strike in support of a make-work principle.

I took a great deal of time in the preparation of the decision in that case, because I thought the issue was pretty fundamental to the future welfare of labor. I endeavored to point out that that type of labor practice would never have public acceptance; and if there is any one lesson labor needs to learn today—it knows it, but it has temporarily forgotten it, or it has suffered a temporary lapse of good judgment—it is that the final arbiter in all labor disputes, after all, is going to be the public. Without public acceptance of labor's position it not only is bound to lose on that issue, but weaken its position in support of many issues on which it is absolutely sound.

So, Mr. President, speaking of the resolution, I say that after we get through making the great mistakes that I think are about to be made by the Senate in the passing of labor legislation of the strait-jacket type, which will prove to be more detrimental to industry and the public than to labor, we will need, I think, the type of objective investigation called for by my resolution. I hope that before we take the summer recess calmness will pervade our minds sufficiently long on the labor issue so that the Senate will authorize its Committee on Education and Labor to proceed with such an investigation. Because I feel that only by the accumulation of such facts as would flow from such an investigation can we do the job that will need to be done when the Congress reconvenes.

Mr. President, I return again, perhaps for about the third time, to the point I rose really to address myself to, namely, the argument that has been made on the floor of the Senate by several Senators, the last time by my good friend, the junior Senator from Minnesota [Mr. BALL]. I may say, that although he is not in the Chamber, I know he has no objection to my proceeding to discuss the issue, because I notified him yesterday that if and when I was able to obtain the floor I would do so. But I wanted him to have the opportunity to be present in case he might wish to make any reply to anything I said. I addressed a question to the junior Senator from Minnesota, to which he replied. This colloquy appears on page 5347 of the CONGRESSIONAL RECORD, of Tuesday, May 21, beginning at the bottom of the first column. I read:

Mr. MORSE. I should like to ask the Senator about the observation he has made. I understood him to say that he believes that any contribution made by an employer to a welfare fund would be an unfair labor practice under the Wagner Act, if the fund were administered solely by the union. Did I correctly understand the Senator?

Mr. BALL. It would be an unfair labor practice, as I interpret the Wagner Act; but I added the proviso that there is no way that the employer could get before the National Labor Relations Board in such a case, except on complaint of the union, and the union never would raise the question.

Then I proceeded briefly, Mr. President, to express a curbstone opinion, something which a lawyer should seldom if ever do, but which in this instance I submit was a correct opinion, that in my judgment the word "contribution," as used in the National Labor Relations Act, is not subject to the interpretation that it forbids an employer as a matter of law to contribute to a health and welfare fund.

In view of the fact that the point made by the Senator from Minnesota has been made by other Senators on the floor, and also has been repeated in statements made by proponents of legislation now pending before the Senate, in advertisements in newspapers, and in various other releases, I am anxious at least to have the record show the basis on which I rendered my curbstone opinion of the other day. Since then I have taken a little time to study the term "contribution" as it relates to the Wagner Act, and I should like to make the following observations resulting from that study.

Section 8, subsection (2) of the National Labor Relations Act provides:

It shall be an unfair labor practice for an employer * * * to dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it: *Provided*, That subject to rules and regulations made and published by the Board pursuant to section 6 (a), an employer shall not be prohibited from permitting employees to confer with him during working hours without loss of time or pay.

Mr. President, note the language "or contribute financial or other support to it." Clearly, I think that means the union. In my judgment, this section does not preclude an employer from contributing to a health, safety, or welfare fund for the benefit of his employees, to be administered by the labor organization which is the exclusive bargaining representative of his employees. Whether based upon production or a percentage of the pay roll, such contributions do not come within the proscription of section 8, subsection (2) of the Wagner Act when there is no evidence of support of the union involved, when there is no evidence of opposition to some other union or unions, and when such payments are made pursuant to a valid collective bargaining agreement.

I digress long enough to say, Mr. President, that the thing which needs to be kept in mind is that the unfair labor practice which the distinguished senior Senator from New York, who I now see present in the Chamber, sought to prevent under the Wagner Act was a contribution to a company-dominated union; that is, he was seeking to prevent an employer from owning a union, from financing a union, from preventing a legitimate union from organizing his workers, from avoiding entering into a truly free collective bargaining agreement. It was a widespread practice, Mr. President, on the part of employers. Have we forgotten it so soon? The records of the National Labor Relations Board and of our courts are replete with case after case in which it was found that employers owned unions, company unions. In reality they were not unions at all. They were headed by men who were bought and paid for, men who sold out the legitimate interests of the workers time and time again.

In order to reach that unfair labor practice, in order to make it possible for truly legitimate collective bargaining to be carried on with such union-hating employers, the senior Senator from New York made one of the greatest contributions in American labor history when he incorporated in section 8, subsection (2) of the Wagner Act the prohibition against contributions to unions of the type he sought to regulate by this act.

Mr. President, this interpretation of mine is not individual to me. It is supported by the congressional history of the provision involved. Thus, in discussing this section of the act, the Senate committee which considered and reported it said:

The committee feels justified, particularly in view of statutory precedents, in outlawing financial or other support as a form of unfair pressure.

I repeat that sentence because it goes to the whole heart of my thesis. The committee of the Senate which reported the Wagner bill to the floor of the Senate said in its report, as follows:

> The committee feels justified, particularly in view of statutory precedents, in outlawing financial or other support as a form of unfair pressure. It seems clear that an organization or a representative or agent paid by the employer for representing employees cannot command, even if deserving it, the full confidence of such employees.

That will be found in Senate Report No. 573 of the Seventy-fourth Congress, first session, 1935, at page 10.

In other words, the committee itself pointed out in its own report that what it was seeking to prevent was contributions to the hired men of the employers parading as union officials of a company-dominated union.

The Senate committee also stated in its report:

> Nor does anything in the bill interfere with the freedom of employers to establish pension benefits, outing clubs, recreational societies, and the like, so long as such organizations do not extend their functions to the field of collective bargaining, and so long as they are not used as a covert means of discriminating against or in favor of membership in any labor organization.

What could be clearer?

What about the House committee report on the same bill? The House committee which considered and reported the bill also made clear what it understood the section to prohibit. It was the same as the intent of the Senate. It made the following statement in its report:

> The prohibition of financial support is particularly justified. Collective bargaining is reduced to a sham when the employer sits on both sides of the table by supporting a particular organization with which he deals by the payment of added compensation to the representatives or by permitting such representatives to conduct organizational work among the employees during working hours without deduction of pay.

In other words, it is seen from the House committee report that it, too, was seeking to prevent the type of contribution which was recognized as an unfair practice, namely, the support of a company-dominated union. The House, too, sought to check an employer when the union and the employer sat down at the bargaining table, and the employer in fact sat on both sides of the table. The quotation can be found in House Report 1147, Seventy-fourth Congress, first session, 1935, at page 18.

I need hardly remind the Senate, I am sure, that the Supreme Court has held that—

> such reports of committees of House or Senate may be regarded as an exposition of the legislative intent in a case where otherwise the meaning of a statute is obscure.

The Court has made the same statement in a great many leading decisions. I cite only a few: *Duplex Printing Press Company* v. *Deering* (254 U. S. 443); *Wright* v. *Vinton Branch* (300 U. S. 440). I take the position that the Senate, like the Supreme Court, should look to its own records for a finding as to its original intent; and if we look to our own records in this instance it is perfectly clear that what the Senator from New York intended by the statute, as the report sets out, was that the word "contribution" in the statute sought only to prohibit an employer from engaging in the unfair labor practice of contributing to a company-dominated union.

As the Supreme Court has said as to the value of committee reports in reaching its decision as to legislative intent—

> We are justified in seeking enlightenment from reports of congressional committees.

Quoting again Wright against Vinton Branch, at page 464.

Consequently, Mr. President, it is my position that employers' contributions to welfare funds for the benefit of their employees are not prohibited when they are not a form of unfair pressure, that is, when they are not used as a covert means of discriminating against or in favor of membership in any labor organization.

In further support of my position, Mr. President, I wish to point out that for many years employers and labor organizations have bargained with respect to group insurance, hospitalization, and medical attention. Let me cite references for those Members of the Senate who wish to check up on that broad statement. They will find plenty of supporting evidence in: Lieberman, the Collective Labor Agreement, pages 111, 112, and following; Seidman, the Needle Trades, published in 1942, pages 251, 269–270; United States Bureau of Labor Statistics Bulletin 686 on the subject of union agreement provisions; Bulletin No. 393 of the Bureau of Labor Statistics for 1923 and 1924. Even as far back as that, this type of agreement was entered into. Reference is made also to Suffern, the Coal Miners' Struggle for Industrial Status, 1926. Other authorities could be cited which list example after example of unions, in collective bargaining agreements, having consummated health and welfare fund clauses.

The Supreme Court has recognized that these matters may legitimately be the subject of collective bargaining agreements between an employer and the representative of his employees. I wish to cite in support of that statement the case of *J. I. Case Company* v. *National Labor Relations Board* (321 U. S. 332, at p. 339).

It is true that the point is covered by dictum. It is true that what the Supreme Court really passed on in the Case case was the practice of an employer in that case seeking to enter into an agreement with an individual employee. To make a long story short, Mr. President, the Court found the employer engaging in the well-known unfair employer practice of trying to weaken the union which sought a collective bargaining agreement by making special concessions to individuals. The Court found against the employer. I cite the case because, by way of dictum, I think it is very clear that the Court expressed the view, in support of a well-recognized principle, that a health and welfare fund is a proper subject for collective bargaining. That is the test.

As I stated on the floor of the Senate the other day, if the employer has the right, and the union has the right, to consider a health and welfare fund request on the part of the union, or an offer on the part of the employer—and it is interesting to note that sometimes this happens not at the request of the union, but as an out-and-out offer from the employer—I say that if the establishment of a health and welfare fund is the proper subject of a collective bargaining agreement, or a proper subject for collective bargaining, then the contract which the parties make, including a provision that the employer shall contribute the funds, is not illegal under the National Labor Relations Act. The only circumstances under which any contribution could be illegal would be, as I have previously said, when it was found that the employer sought to support a company-dominated union.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. WAGNER. I do not wish to interrupt the Senator's fine presentation. But let me say that when I was chairman of the Labor Board appointed by the President under the NRA, under a section which the Senator remembers very well—section 7 (a), which authorizes workers to organize unions with representatives of their own choosing—we discovered, as a result of our experience in a short time, that about 40 percent of the organized unions were organized by the employers and the heads of those unions were paid certain incentive salaries, so that the unions were company-dominated. We sought some way to avoid that situation; and that is the purpose of section 8, I believe, of the National Labor Relations Act.

Mr. MORSE. I thank the Senator from New York.

Mr. WAGNER. Of course, we did not intend to refer to any benefits or welfare provisions. They are not included among the unfair labor practices.

Mr. MORSE. I thank the Senator from New York. I think it is perfectly clear that such contributions are beyond the intent of the law. No one who reads the legislative record of the history of the National Labor Relations Act can fail to recognize, in my judgment, that the Senator from New York has stated exactly what was intended by the word "contribution" in the act.

Mr. AIKEN. Mr. President, will the Senator yield for a question?

Mr. MORSE. I yield.

Mr. AIKEN. Is the Senator from Oregon satisfied that the provisions of the Byrd amendment would not interfere in any way with the present practice of insurance companies of administering health and welfare funds to which the contributions are made by both employers and employees? Would it interfere with group insurance in any way?

Mr. MORSE. I must confess, Mr. President, that I am not sure that it would not. I think the Byrd amendment, if and when it is adopted, will cause utter confusion in the field of health and welfare funds. It will upset a great many of them which have been established for years. It will produce lucrative employment for many lawyers, because in my judgment it will result in

widespread litigation. I think it is entirely unnecessary, and I think it will result in setting back this very much needed attempt on the part of organized labor to secure, through collective bargaining, a betterment of its position by way of establishing health and welfare funds.

Mr. AIKEN. It would appear to a layman, from a reading of the amendment, that when an employer pays to an insurance company certain deductions from the workers' checks, on assignment from the workers, the insurance company is acting as the representative of the employees in that respect. As the Senator has said, it seems to me that there is a chance for a great deal of confusion in the field of group insurance. Certainly, group insurance today is working very satisfactorily all over the United States. I understand that in some places the practice is for both employer and employees to make contributions to such funds. If the insurance company is not going to be able to administer the fund because the amendment provides that employees and employers must be equally represented in the administration of the fund, it appears to me that if the amendment is adopted there will be no question about the effect it will have upon group insurance.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. TAFT. I cannot imagine any circumstance under which payments to an insurance company would have any relation to this amendment at all. The amendment relates only to payments to a union, not to payments to an insurance company. Group insurance funds are nearly always entirely paid by the employer, and are paid directly to the insurance company. That is true in regard to every one I have ever heard of. This amendment in no way affects group insurance plans, so far as I can see.

Mr. AIKEN. It applies to any labor organization or to any individual who makes these collections.

Mr. TAFT. Yes; but the individual must be a representative of the employees concerning grievances, labor disputes, wages, or rates of pay—in short, a negotiator. An insurance company is not a negotiator. An insurance company is merely an agency—not an agent at all—to which the premiums in connection with such a collective-bargaining agreement are paid. That matter has no relation whatever to this amendment, so far as I can see.

Mr. MORSE. Be that as it may, Mr. President, I say to the Senator from Ohio that neither he nor I will be able to check the imagination of lawyers who will bring litigation under the Byrd amendment, and I think the amendment will result in a multiplicity of litigation: First, litigation testing the legality of the amendment; and, second, litigation to determine whether existing contracts must be abandoned. The result will be that labor will be harassed, and there will be a tremendous set-back to this very desirable social movement within the voluntary processes of collective bargaining for the establishment of health and welfare funds.

Mr. TAFT. Mr. President, will the Senator further yield?

Mr. MORSE. I yield.

Mr. TAFT. I do not think there is the slightest question that subdivision (c) (3) covers every existing fund and authorizes it, except with relation solely to the question of joint management. In that respect it is true that there are some existing funds which, when present contracts expire, would have to provide for joint management. But there is included in the amendment, I think, every single item which has been listed in any existing fund, according to the report of the Department of Labor. It includes everything else of the same nature that we can think of. So I have no question that any fund now in existence is completely covered.

Mr. MORSE. But, even if the litigation were limited entirely to the funds to which the Senator from Ohio has referred, it would still be voluminous. Of course, the difference I have with the Senator from Ohio is that I do not agree that as a matter of law it is good public policy for the Congress to say that no employer and no union shall have the legal right to sit down and negotiate a collective bargining agreement by which there is established a health and welfare fund to be contributed to solely by the employer. If the employer has so much confidence in the union that he is willing to make such an arrangement with it, I think he should have the right to do so.

I wish to say further that, although that is not the form of agreement which I prefer—for, as I said earlier in my remarks, I much prefer a jointly administered fund—nevertheless, we are dealing with what I think are some very basic rights. I simply cannot reconcile my thinking, insofar as the functions of Government are concerned, to a belief that the Federal Government should go so far as to say to American employers and American unions, "If you have a health and welfare fund, it cannot be administered by the union if all the money is contributed by the employer." We say much about democratizing unions and about increasing their responsibility to their membership. I can think of few things which would be better training for union officials and their members and which would do more to develop democracy within organized labor than to have them administer a fund and a plan for health and welfare for the benefit of their members.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. MORSE. In a moment I shall be glad to yield.

I take the position that when such a plan has been established, if any union official or group of officials ever seek to abuse their use of the fund they will hear from the rank and file of the members very quickly. I believe that the establishment of such a fund could be an inducement to greater democracy among the American unions, which now is sorely needed.

Mr. TAFT. The Senator has said that more democracy is needed. In other words, there are leaders of unions who are not conducting their affairs in a democratic way.

Mr. MORSE. The Senator is correct.

Mr. TAFT. I say that it is immoral for such a leader to go to an employer and arrange to have money for a special fund paid directly to him. Automatically he is allowed to say to the employer, in effect, "I want 7 percent of the money which otherwise you would pay to these employees. I want it to put into my union." In such case the employers are not given any opportunity to make a choice. I assert that in any case in which an agent is negotiating for another person, to permit the agent to provide in the terms of the agreement that money shall be paid directly to him to be spent within his discretion is something which, to a large extent, is immoral and subject to abuse, and therefore a proper subject for regulation under ordinary rules of the common law having no relation whatever to labor.

It seems very certain to me that if we were to ask the employees, "Would you like to have an increase of 7 percent in your weekly salary check, or have it paid to some union welfare fund?" Ninety would rather have the 7 percent paid to them. If that is not so, and they were willing to set up the fund under the pending proposal, the employees could set up the fund and operate it themselves. But this proposal strikes at taking money which has been earned by the employee and saying, "No, you cannot have it; it will be given to your agent. The money will be used to set up a fund, and will be expended as we see fit."

I say that is a violation of the common law of agency, is subject to serious abuses, and is a perfectly proper subject for regulation.

Mr. MORSE. I understand the Senator's viewpoint, but I disagree with it. There is nothing immoral about doing what he has suggested. It is so easy to label something "immoral" but that does not establish such a charge. The Senator can call it what he pleases; the fact is such funds are sorely needed for the legitimate benefit of American workers.

Mr. TAFT. I am perfectly willing to make an exception for what are beneficial uses properly regulated. But I assert that once we permit an agent to obtain money for his own use, or for any purpose, it is affirmatively a dubious practice, an immoral practice, and unless it is used for purposes which are properly defined, it should not be permitted.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. AIKEN. Does not the employer have every right under the law to refuse to pay the 7 percent? Why does the employer have to accede to a demand for the payment of 7 percent to Mr. Lewis, or to anyone else?

Mr. TAFT. It makes no difference to an employer, so far as the money is concerned, whether he pays 7 percent to Mr. Lewis or to the employee, but it does make a great deal of difference to him if he is enabled to settle a strike. In other words, two parties are getting together without any consideration of the employee.

Mr. AIKEN. I do not believe that the employers of the country always make decisions purely on the basis of money.

Mr. MORSE. I understand the Senator from Ohio. There are two or three assumptions in his argument with which I do not go along. In the first place, I do not go along with the assumption that the employer is not at all interested in the machinery which is set up for the administration of the fund. It is a matter for collective bargaining, and around that subject a great deal of bargaining will take place. If an employer reaches the conclusion that the administration of the fund through the union is one to which he has no objection, I say he should have a right to enter into that type of a contract if he cares to enter into it, and if he does so, there is nothing immoral about it. It happens to be the way the two parties, in keeping with their rights under the collective bargaining agreement, have decided the fund shall be administered.

There is a second assumption in the statement of the Senator from Ohio with which I do not go along. I think he implied in his statement that John L. Lewis, or any other labor leader who negotiates the establishment of a fund over which he, as president of the union, is supposed to have control, will administer the fund against the interests of his workers. If the Senator would read the constitution of the United Mine Workers of America, and read the proceedings of the national conventions of the United Mine Workers of America, I believe he would see that some of the charges about so-called dictatorial policies of that union cannot be borne out. I believe that he would discover that the rank and file of the miners have a thoroughly accurate idea of the use which is being made of their money. I believe that I know mine workers sufficiently well to assert that any health and welfare fund which is set up for their protection had better be administered in accordance with their interests, or John L. Lewis will soon find himself not the head of the United Mine Workers of America. The idea that he sits as a complete dictator and czar will not be borne out, in my judgment, by any study either of the constitution of the union, the debates which have occurred within the union, or the proceedings of the annual conventions of the union. If I were a member of the United Mine Workers of America I would want much more democracy in my union than there is at the present time, but I do not believe that we, as the Senate of the United States, have any right to impose the Senators' ideas upon the union by way of the particular device which the Senator from Ohio seeks to use.

After all, members of unions, as well as of other organizations, must learn to live in a democratic fashion. If the United Mine Workers of America want more democracy within their union, they have it within their power to see that greater democracy is achieved. However, I do not believe it is for us, by way of legislation, to proceed in an indirect manner to attempt to democratize the United Mine Workers of America.

I return to the argument which I was making with reference to the word "contribution." I refer to a case found in 321 United States, page 339, and will quote one of the paragraphs of the decision. The Court said:

> It is also urged that such individual contracts may embody matters that are not necessarily included within the statutory scope of collective bargaining, such as stock purchase, group insurance, hospitalization, or medical attention. We know of nothing to prevent the employee, because he is an employee, making any contract provided it is not inconsistent with a collective agreement or does not amount to or result from or is not part of an unfair labor practice. But in so doing the employer may not incidentally exact or obtain any diminution of his own obligation or any increase of those of his employees in the matters covered by collective agreement.

I say that although that decision is not directly on the nose, as we lawyers say, it certainly is in point by way of dictum. Because of the issue that was involved in the case, it indicates very clearly, I think, recognition on the part of the United States Supreme Court that a health and welfare fund is the proper subject of collective bargaining. I think it follows that if the contribution to the fund were made by the employer, it still would be within the National Labor Relations Act.

I wish to point out, further, that employers have contributed to welfare funds which have been administered solely by the representatives of the employees. My authority is Seidman's book, previously cited. Yet such contributions have not been declared violations of the National Labor Relations Act when there was no evidence of support of the union involved—and when I say "support of the union," I refer again to support of a company-dominated union—when there was no evidence of opposition to some other union or unions, and when such payments were made pursuant to a valid collective agreement. On the contrary, the National Labor Relations Board has held it to be a violation of that statute for an employer to take "unilateral action in expanding the existing plan of group insurance." The leading case on that point is *Matter of Consumers Lumber & Veneer Co.* (63 N. L. R. B. 17, 37, 39–40). Since such a change is a proper subject of collective bargaining, unilateral action with respect to it was held to be an unlawful refusal to bargain in violation of section 8 (5) of the act.

If it is not an unfair labor practice to bargain about a group-insurance plan, as the Board has held over and over again, and it has never been reversed by the courts on this point, it seems to me to follow logically that it is not an unfair labor practice to bargain about and set up such a plan, even though the contributions come, so far as the money is concerned, solely from the employer.

Mr. President, I am sorry to have taken as much time as I have consumed on the point I have been discussing, but we had a longer discussion preceding my remarks on this legal point than I anticipated, and if I am to make an accurate record on the subject it will be necessary for me to take possibly 20 minutes longer in order to cover it adequately.

I have made the point that it is very clear from the decisions of the National Labor Relations Board that it is not an unfair labor practice for an employer to bargain collectively with a union in the setting up of a health and welfare fund, but that it has been held decidedly to be an unfair labor practice on the part of an employer for him to refuse to sit down collectively with members of a union because it seeks to establish such a welfare fund. It would be an unfair labor practice if he refused to bargain on that point. I think that needs to be emphasized very strongly in the establishment of the premise which I am seeking to support.

I may say further, although it is true that the right of the employer, as the Senator from Minnesota pointed out a few days ago, to go before the National Labor Relations Board is purely a discretionary right, it is, however, true that at the option of the National Labor Relations Board he can go before it on complaint. It is also true that he has the right to appeal to the courts from decisions of the National Labor Relations Board, and I think it is very significant that from the decisions of the National Labor Relations Board which have laid down the proposition to which I have just referred, namely, that there is an obligation on the part of the employer, if it is a part of the controversy, to bargain on health and welfare funds, appeals have not been taken, at least no court decision has been handed down sustaining such an appeal on the part of an employer. That right of appeal is wide open to the employer.

To proceed with the argument, it is my position that so long as the insurance plan or welfare fund is for the benefit of the employees and not for the purpose of discouraging or encouraging membership in a labor organization, it can make no legal difference whether the employer contributes part or all of the funds and whether the control of the funds is in the hands of the employer or of the exclusive representative of the employees, or both.

Payments to a welfare fund for employees, to be administered by the labor organization representing the employees, does not constitute financial support of the union. Instead, they must be considered as additional compensation for work performed by the employees. As one author has expressed it, "The payment for insurance of his workers assumed by an employer must be considered as additional compensation for services rendered, differing only in form of payment from the ordinary weekly wage. Failure to pay the premium for insurance is enforceable in the same manner and on the same principle as payment for vacations or holidays. The individual worker may enforce such payment in the courts on the same principle as the payment of wages. I cite Lieberman on The Collective Labor Agreement (1939), page 132.

The National Labor Relations Board and the courts have also recognized that rights to sick benefits, paid vacations, and the privilege of participating in group life and hospitalization plans, may be rights and privileges accompanying the employment relationship, and that—and this is important—discriminatory deprivation of

such rights and privileges is an unfair labor practice which may be remedied by an order that such rights and privileges be restored.

I do not know of a much stronger authority I could cite than that. In support of it I call attention to the following citations: *Matter of Butler Bros.* (41 N. L. R. B. 843, 866, 869; enforced as modified, 134 F. 2d 981, 985 (C. C. A. 7); certiorari denied, 320 U. S. 789. Compare *Matter of Continental Oil Co.* (12 N. L. R. B. 789, 821; enforced, 113 F. 2d 473, 485 (C. C. A. 10); remanded on other grounds, 313 U. S. 212). I also suggest that those interested refer to *N. L. R. B.* v. *Stackpole Carbon Co.* (128 F. 2d 188, 191 (C. C. A. 3)).

Mr. President, I said earlier in my remarks, but in order to make the RECORD complete on the point that health and welfare funds are quite common in collective-bargaining agreements in this country I should like to read a very brief quotation from Bulletin No. 841 of the United States Department of Labor, Bureau of Labor Statistics, entitled "Health-Benefit Programs Established Through Collective Bargaining, 1945." I read, as follows:

> Provision for health-benefit programs as a part of the contractual relationship between employers and unions was almost unknown a few years ago. Although a number of companies had provided within-plant medical service to their employees for many years and a few had established group health-insurance programs, these were administered by the employer and were subject to alteration or discontinuance at his will. Many were started as a part of a general welfare program designed to win employee loyalty and discourage union organization. Organized labor, having no voice in their administration and suspecting the motives for which they were established, has never wholeheartedly endorsed company benefit plans.
>
> In response to their members' need for protection against total loss of income during sickness, a number of unions have established benefit programs of their own which are financed through membership dues or special assessments. Many of these, however, cover permanent disability and old age rather than short periods of illness.
>
> During recent years an increasing number of unions have succeeded in having health-benefit plans included in the terms of their agreements with employers, and several international unions have established special facilities for helping their locals negotiate such plans. Although a number of the provisions in current agreements signify the substitution of contractual arrangements for already established employer-administered or union-administered benefit plans, many of them are new; some of the latter have been negotiated in lieu of wage increases which could not be obtained under the wartime wage-stabilization program.

I shall comment on that in a very few minutes, as I discuss the leading case of the Wage Stabilization Board which sets forth, and I think it is very important to have it in the RECORD, the War Labor Board precedents on the question of health and welfare funds. I will say in passing, Mr. President, that the War Labor Board encouraged the establishment of health and welfare funds during the war. The War Labor Board held in case after case that the establishment of such funds was beyond the wage stabilization program; that they referred to working conditions and benefits not restricted by the wage stabilization program. In other words, during the war, and still today—today through the Wage Stabilization Board—one branch of our Government is encouraging the setting up of such funds, whereas it is now proposed in the Senate of the United States to enact legislation which I tell you, Mr. President, will discourage the establishment of such funds, and will strengthen the hands of employers who want to resist their creation. Do not tell me that we are not passing legislation that is going to work to the detriment of workers and to the benefit of employers. The very restrictions included within the Byrd amendment in my judgment will play right into the hands of employers who do not want to set up such funds. It will strengthen their hands in collective-bargaining situations and weaken the position of unions which are doing what I think is a very laudable thing, a very desirable thing, in trying to be something else, as most of them always have been, than simply dues-collecting organizations.

Again referring to Bulletin No. 841, Mr. President, on page 2 it says:

> Most of the plans described in this report have been negotiated by the following unions.

I shall not take the time to read them into the RECORD. In the interest of saving time, Mr. President, I ask unanimous consent that the list of unions in question may be incorporated in the RECORD at this time as a part of my remarks, as the list appears on page 2 of the bulletin.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

> International Ladies' Garment Workers Union (A. F. of L.), Amalgamated Clothing Workers of America (CIO), United Hatters, Cap, and Millinery Workers International Union (A. F. of L.), Textile Workers' Union of America (CIO), United Textile Workers of America (A. F. of L.), International Fur and Leather Workers Union of America (CIO), United Electrical, Radio, and Machine Workers of America (CIO), Upholsterers' International Union of America (A. F. of L), United Furniture Workers of America (CIO), Industrial Union of Marine and Shipbuilding Workers of America (CIO), Hotel and Restaurant Employees' International Alliance and Bartenders' International League of America (A. F. of L.), Paper Workers' Organizing Committee (CIO), United Retail, Wholesale, and Department Store Employees of America (CIO), and the Amalgamated Association of Street, Electric Railway, and Motor Coach Employees of America (A. F. of L.).

At the bottom of page 2 of the bulletin we find the following:

> A little more than a third of the employees covered by health-benefit programs included in this report are under plans which are jointly administered by the union and employer. Another third are covered by programs for which insurance companies assume the major administrative responsibility; and somewhat less than a third are under those administered solely by the union.
>
> Most of the health-benefit plans included in this report are financed entirely by the employer. That is true of all the union-administered plans, almost all the jointly administered programs, and more than half of those administered by insurance companies. Only a few of the jointly administered plans and less than half of those administered by the insurance company require both employees and the employer to contribute to the financing of the health program.
>
> Most agreements stipulate that the employer shall contribute a specified percentage of his pay roll (usually 2 or 3 percent) to meet his obligations under the benefit plan, although in some cases no exact amount is specified. Under the latter arrangement the employer either defrays all the expenses on a current basis, or supplements regular employee contributions with such money as may be required from time to time.

Mr. President, I consider that a pretty significant analysis of existing health and benefit plans. I think one sentence needs to be reemphasized as we consider the Byrd amendment. The sentence is as follows:

> Most—
>
> Most; a majority of them—
>
> of the health-benefit plans included in this report are financed entirely by the employer.

Mr. President, I do not hold any brief for John L. Lewis as to many of the things he does. But I think the RECORD ought to be pretty clear in this debate, for future reference, that it apparently was all right for a great many other labor leaders over the years to negotiate health and welfare funds entirely financed by the employers, entirely administered by the union, but when Mr. Lewis proposes the same principle, then a flood of propaganda is let loose on the country for special legislation to be passed to stop the practice. Are there any complaints about any of the plans which have been formulated and are now in existence? Is there any evidence in the RECORD in this debate that any union leaders who have negotiated such plans are guilty of abuses? Can any Senator stand up on the floor of the Senate and submit to the Senate any evidence to support his statement, that the workers have been exploited under any of these agreements and plans? Does anyone want to defend the proposition that these plans have not helped democratize the unions which have adopted them, have not increased the responsibility of the unions, and have not been of great educational as well as health and welfare benefit to the workers?

In my judgment, Mr. President, such evidence cannot be presented, because I do not think it exists.

Mr. BALL. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. BALL. I know of one particular case in the Twin Cities where the upholsterers' union have such a 3-percent contribution to a social-security fund, operated by the union, as I understand, with which they buy insurance in a little New York company that was established by a group of union leaders. The practice there is to make one particular business agent of the union the collector of this 3-percent payroll tax as the premium on this insurance. It is a nice graft. He collects a commission on the premium. It is passed around among

the business agents. It is a nice graft of three or four hundred dollars a month for a particular business agent in a very small industry. I think that is bad.

Mr. MORSE. I have heard such charges made; but let me say to my good friend from Minnesota that I should like to see the evidence. I should like to see the records which show that the workers in that union have not been fully protected by their union at all times as to their benefits under the fund. I think the Senator very well knows that if any labor leader is guilty of misusing such funds the laws are adequate to protect the workers from such abuses.

Mr. BALL. Mr. President, will the Senator further yield?

Mr. MORSE. I yield.

Mr. BALL. Since the Senate began consideration of the Byrd amendment I have learned of the cases of two different former union members. They were both kicked out of their respective unions for having the temerity to get up on the floor and oppose the leadership. One union was the garment workers' union, and the other was a bricklayers' local in Washington. Both members had made contributions over a period of years to a so-called insurance fund established by the union, and both of them suffered disabilities. When the time came to collect, neither of them could collect. They tried to go to court, and their lawyers told them that they had no case.

Mr. MORSE. Let me say to the Senator from Minnesota that I think his major premise cannot be sustained if his major premise is that under such conditions workers have no legal remedy to protect themselves from embezzlement of the funds or failure on the part of the union to give them their rights under the funds, because the principles of contract law would protect them under such circumstances. I certainly am not going to vote for such legislation as this on the basis of hearsay evidence such as the Senator from Minnesota presents.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. AIKEN. As I understand the example cited by the Senator from Minnesota, the members of the union contributed to the health and welfare fund, and the contribution was collected by an agent who made three or four hundred dollars a month by doing so. I am wondering what there is in the Byrd amendment which would prevent such practice from being continued. Does the Senator from Oregan know of anything in the Byrd amendment which would prevent the employees of a union from joining health programs and group-insurance plans?

Mr. MORSE. I am sure I cannot answer the question.

Mr. AIKEN. I do not see that there is anything in the Byrd amendment applicable to the instances which the Senator from Minnesota cited, if there was no contribution from the employers.

Mr. BALL. Mr. President, will the Senator further yield?

Mr. MORSE. I yield.

Mr. BALL. The instance which I cited was that of a contract of the upholsterers' union under which the employer made a contribution of 3 percent of the pay roll.

Mr. AIKEN. I understood the Senator to say that the 3 percent was collected from members of the union.

Mr. BALL. The last two cases involved union funds. The business agent did not keep any record of the contribution to the health fund, and when the time came to collect the benefits the employee had no evidence, and no case in court.

Mr. AIKEN. There would be no recourse under the Byrd amendment.

Mr. BALL. Not in the case of the union fund; but there would be in the previous instance, in which a 3-percent contribution was paid by the employer.

Mr. AIKEN. Or in any instance in which both employer and employee contributed.

Mr. BALL. Yes.

Mr. MORSE. I have a great deal of respect for the judgment of the Senator from Minnesota, and I have no doubt that he expresses an honest belief as to an abuse which he thinks exists. All I wish to say is that I have gone through too many cases in which I have heard such charges made in advance by disgruntled members of an organization. Then when they were on the witness stand under oath, and counsel was boring in for the evidence, time and time again it was found that their charges evaporated into thin air.

I believe that the record which has been made under the collective-bargaining agreements which I have cited, which provide for health and welfare funds, and which have been in operation for some time, is a splendid record. Organized labor ought to be encouraged to negotiate for such funds, and not discouraged in its attempt to protect its members. I believe that it would be discouraged under the Byrd amendment.

Mr. President, along the line of other evidence calling attention to the existing agreements which contain health and welfare funds, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a very excellent article on the subject by Thomas L. Stokes. The article is entitled "Overshooting." I think it is a very fine statement on this issue and on the Byrd amendment, and I support every sentence in it.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OVERSHOOTING

(By Thomas L. Stokes)

When Congress gets riled up, as with reason it has again over John L. Lewis, it often exhibits a tendency to overshoot the mark and pass legislation which is regretted.

That happened during the war when Congress hastily slapped together what was known as the Connally-Smith "anti-strike" bill. It is generally conceded now that the act encouraged rather than discouraged strikes.

John L. Lewis was the inciting factor there, as he is now. But legislating against one man or one union often creates injustices for other workers and upsets constructive programs adopted jointly by management and labor.

A case in point is the current proposal of Senator Byrd (D., Va.). It is designed to prevent union control of the proposed health and welfare fund which Mr. Lewis has asked the coal operators to set up by contributing an amount equal to 7 percent of the industry's total pay roll.

Senator BYRD'S bill would provide for industry control of this fund, with minority union representation on an administrative board. While the measure was provoked by the Lewis proposal for complete union control of the fund, the Virginia Senator argues that if this were adopted it would start a widespread demand by all unions to set up such funds.

The truth, as Mr. BYRD now finds out, is that what Mr. Lewis asks already is operative in a number of union contracts, with variations in different trades. These plans, furthermore, were established through regular collective bargaining and are accepted as a part of ordinary relationships between company and workers.

In some cases the union controls the fund, as Mr. Lewis asks. In others there is joint control. If the Byrd bill were enacted, it would be necessary to revise some of those well-established health-welfare plans. The Byrd bill provides that the party which makes the larger contribution shall have major control.

Plans now in effect include the International Ladies Garment Workers Union (AFL); New York City laundry workers in the Amalgamated Clothing Workers (CIO); United Hatters, Cap, and Military Workers (AFL) in a number of larger cities through individual company and union contracts. These are distinct from a number of other health and welfare arrangements—some between employers and unions, some on an insurance basis, some voluntary in nature, some wholly within the union itself.

Such social-welfare programs as these, as well as various wage-incentive plans in effect, are in keeping with the best traditions of progress within industry and unions, some established by one or the other, some through cooperative effort.

Existing employer contribution plans usually are on a 2 or 3 percent basis. Mr. Lewis is asking 7, which admittedly is high, and which undoubtedly he never expected to get. Criticism of Mr. Lewis is based on his obdurate stand and his self-exploiting tactics which tied up a whole industry and slowed down production and threw workers out of jobs in other industries, and his refusal to bargain collectively on a reasonable basis.

The need of a health and welfare program is recognized. Mr. Lewis was considerably late in getting around to it, after all these years, especially in an industry where it is needed perhaps more than any other because of the hazards to health and life.

Collective bargaining is the method by which it is to be attained, as the others were attained.

What is hard to understand about Senator BYRD is that he is a stalwart of the free-enterprise school in Congress, which always has advocated reforms on this basis, through private agreement rather than through intervention by Government. Now he is trying to legislate on behalf of corporate interests to stop something which could be arranged between those interests and the union by collective bargaining.

Mr. MORSE. A short time ago I referred to the practice of the War Labor Board during the war in encouraging agreements for the establishment of health and welfare funds. I shall not take the time to read the opinion, but on May 6, 1946, in the case of the International Brotherhood of Electrical Workers and the National Electrical Contractors' Association, both of Washington, D. C., the National Wage Stabilization

Board handed down a decision referring to the question of health and welfare funds, and reviewing, in a very concise form, the history of the development of such funds in collective-bargaining agreements during the war, under the encouragement and with the authority and approval of the War Labor Board. I ask unanimous consent to have this opinion printed in the RECORD at this point as a part of my remarks.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

IN THE MATTER OF THE REQUEST FOR APPROVAL OF THE EMPLOYEES BENEFIT AGREEMENT BY THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS AND THE NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION, BOTH OF WASHINGTON, D. C.—CASE NO. 52-11, 138—MAY 6, 1946

OPINION

This case arises from a joint application to the Wage Adjustment Board for approval of an agreement between the National Electrical Contractors Association (NECA) and the International Brotherhood of Electrical Workers (IBEW). The agreement calls for payments by those electrical contractors covered by it equal to 1 percent of the gross pay roll paid by such contractors to employees who are members of the IBEW. The 1 percent payments are to be made periodically to a board of trustees, created by the agreement, consisting of seven members appointed by the IBEW, seven appointed by the NECA and one public member to be appointed by the Secretary of Labor. The trustees are made responsible for collecting and administering the funds and paying such funds over to augment the pension benefit fund of the IBEW.

The IBEW pension benefit fund is provided for in article XII of the constitution of the IBEW which is incorporated as a provision of the NECA-IBEW agreement. The fund has been in existence for some years, supported by dues from IBEW members and, according to the constitution, the fund "shall be maintained solely for pension benefits" for those members of the union who, under the constitution, make contributions to it. The constitution provides that such pensions are payable to any contributing member "attaining the age of 65 years, * * * who has been a member of the IBEW in continuous good standing for 20 years immediately preceding his application." The amount of the benefit presently paid to eligible members is $42 a month, $2 of which is kept by the union as dues for the pensioner.

The public and labor members of the Wage Adjustment Board voted to approve the agreement, holding among other things that the 1 percent payments covered by the agreement constitute wages and that approval by the Board is therefore required before the agreement can be put into effect. The industry members of that Board dissented from the decision and have requested the National Wage Stabilization Board to review the case in accordance with the established prereview procedure. In dissenting, the industry members have challenged the holding by the majority that these payments constitute wages.

The basic question presented is whether the payments called for by the proposed agreement are wages or salaries as defined and subjected to control by the Stabilization Act of October 2, 1942, and the Executive orders issued thereunder. Only if they do come within that definition does the Wage Adjustment Board or this Board have jurisdiction either to approve or disapprove the payments. If they do not constitute wages or salaries as defined, the agreement may be effectuated without any necessity of seeking or obtaining Board approval.[1]

THE STATUTORY EXEMPTION

Section 10 of the Stabilization Act of October 2, 1942, defines wages and salaries subject to control as follows:

"SEC. 10. When used in this act the terms 'wages' and 'salaries' shall include additional compensation, on an annual or other basis, paid to employees by their employers for personal services (excluding insurance and pension benefits in a reasonable amount to be determined by the President)."

It is accordingly clear from the Stabilization Act that payments by employers into insurance or pension funds for the benefit of their employees are exempt from those controls which are applicable to other forms of compensation for personal services. The form of this exclusionary provision, however, is such as to require some further construction to permit its application to individual cases, the necessity for a definition of "reasonable amount" being, for example, specifically recognized in section 10 itself.

Executive Order No. 9250, issued on October 3, 1942, contained, in section 2, of title VI, a further definition of wages and salaries.[2] Here again, however, there was simply the flat exclusion from the definition, and the resultant exemption from stabilization controls, of "insurance and pension benefits in a reasonable amount * * *." The determination of reasonableness of amount was further delegated here to the Director of Economic Stabilization.

Subsequent Executive orders have not made any change in the exclusion from control of payments made for "insurance and pension benefits." The regulations issued by the Economic Stabilization Director shortly after the wage-stabilization program came into being have undertaken to lay down more detailed guides as to the definition of wages and as to what constitute "insurance and pension benefits," but these regulations which have been amended from time to time have left many factors, including the question of the reasonableness of amount, primarily to the agencies in charge of the administration of the stabilization program.[3]

Accordingly, the provisions of the Stabilization Act itself and of the original Executive order, as the basic sources of authority and intent, have governed the disposition of innumerable cases involving the same question as that presented by this case which have come before the National War Labor Board and its successor agency for determination.

NATIONAL WAR LABOR BOARD PRECEDENTS

It is in the cases ruled upon over a period of some 3½ years by the National War Labor Board that the detailed application of the statutory exemption to particular fact situations has been developed. Such plans have become increasingly common in American industry and the problem of the applicability of the wage stabilization laws to them has arisen in numerous cases. The precedents, covering both exempt and nonexempt benefit plans, leave little doubt as to the appropriate disposition of this case.[4]

These precedents establish clearly at one extreme the inclusion within the statutory exemption of employer payments of premiums on orthodox types of insurance policies covering employees. Employer payments of employee life insurance premiums,[5] group hospitalization premiums,[6] and premiums on

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[1] The building and construction industry, involved in this case, is today the only industry (except agriculture) in which direct wage controls have been retained. Wage and salary increases in this industry cannot be put into effect unless they are approved by the Wage Adjustment Board or, upon appeal or request for prereview, by the National Wage Stabilization Board. The question involved in this case arises today in connection with similar adjustments in other industries only with respect to whether such adjustments must be approved by the wage stabilization agencies as a condition precedent to their being used as a basis for seeking an increase in price ceilings or for increasing costs on contracts with the United States Government. See Executive Orders No. 9599 (Aug. 18, 1945) and No. 9697 (Feb. 14, 1946); and NWLB General Orders No. 13 and No. 41.

[2] Section 2, of title VI, is as follows:

"2. Salaries and wages under this order shall include all forms of direct or indirect remuneration to an employee or officer for work or personal services performed for an employer or corporation, including but not limited to, bonuses, additional compensation, gifts, commissions, fees, and any other remuneration in any form or medium whatsoever (excluding insurance and pension benefits in a reasonable amount as determined by the Director)."

[3] The first regulations of the Economic Stabilization Director were issued on October 22, 1942 (approved by the President, October 27, 1942). The matter of the definition of "wages" and "salaries" coming within stabilization control was covered in section 4001.1 of those regulations, and the subject of insurance and pension benefits more particularly in subsection (h) of that section. This subsection was then amended on August 28, 1943 (7 F. R. 748), and most recently on November 30, 1944 (8 F. R. 11, 960). The only specific reference to the "reasonableness of amount" question appears in section 4001.1 (h) (2) where a figure of 5 percent of the employee's annual wages or salary is used to measure the "reasonableness" of a plan for employer payments of premiums on employee life-insurance policies. Subsection (h) (1), as it appears in the latest revision of the regulations brings specifically within the "insurance and pension benefits" provision, contributions by an employer to an "employee's retirement plan" which meets the requirements of section 165 (a) of the Internal Revenue Code, and contributions to a "stock bonus or profit-sharing plan providing benefits distributable * * * on the death, retirement, sickness, or disability of the employee." These references to certain types of plans have, during the long period since the issuance of the regulations, been interpreted as illustrative of the nature of plans which are covered by the statutory exemption. Thus, for example, the regulations in form seem to cover certain types of benefit arrangements only if they are part of stock-bonus or profit-sharing plans. Such a limitation, however, would exclude identical benefit plans not part of a profit-sharing scheme and thus would clearly do violence to the language and intent of section 10 of the Stabilization Act.

[4] There are reviewed in this opinion only those precedents established by action of the National War Labor Board itself or by rulings of the general counsel's office of the National Board. A great many additional rulings have been issued by various regional boards and by regional attorneys.

[5] Among the more recent of these are the following: *In re Coastal Tank Lines* (G. C. R., Feb. 1, 1945); *In re Hayden Flour Mills* (G. C. R., Feb. 1, 1945); *In re Sun Life Assurance Co. of Canada* (G. C. R., Feb. 15, 1945); *In re Lockheed Aircraft Corp.* (G. C. R., May 11, 1945).

[6] *In re American Transfer & Storage Co.* (Case No. 7-1-886, G. C. O., Oct. 21, 1944); *In re Hospital Service Plan Commission* (G. C. R., Dec. 23, 1944); *In re General Accident Fire & Life Assurance Co., Ltd.* (G. C. R., April 16, 1945); *cf. In re G. M. Co. Mfg., Inc.* (G. C. R., March 16, 1945).

accident insurance policies[7] have generally been ruled to fall outside of the wage stabilization controls and not to require Board approval. The exceptions to this general rule have involved, largely, plans which did not meet the requirements, established by the regulations, that exempt plans must provide for nondiscriminatory distribution of benefits among the employees involved and must not include any cash surrender value features.[8]

At the other extreme are those cases which involved plans having no relationship whatsoever to the type of welfare benefit plans contemplated by the statutory exemption. Thus, contributions to an irrevocable trust fund equal to 6 percent of the employees' earnings, to be distributed, according to employee earnings, after the termination of the stabilization program, was held by the Board to be "wages" and therefore subject to Board approval.[9] Similarly, where the benefits are of the type contemplated but the benefits are distributed directly by the employer to the disabled employee, instead of through a fund established on something like an insurance basis, the exemption provision was ruled not applicable.[10]

Between these two extremes stand a number of National War Labor Board precedents approaching more closely the problem presented by the subject case.

Most directly in point is the ruling issued covering a plan worked out and agreed to by the Franklin Cooperative Creamery Association and Local 471 of the Dairy Employees Union. That plan, providing for benefits distributable to employees having a record of 20 years or more of continuous employment in case of retirement at the age of 55 or in case of permanent disability was held to fall "within the intent and meaning" of the exemption provided in the act.[11] Approval of the payments was ruled not to be required. The ruling relied in part on the fact that this plan covered two of the contingencies specifically enumerated ("death, retirement, sickness, or disability") in section 4001.1 (h) of the Regulations of the Economic Stabilization Director.

In several other important cases, plans for payments by employers to disability funds for the benefit of employees have been found to be within the statutory exemption. Payments to one such fund, established for the benefit of members of the United Hatters, Cap, and Millinery Workers International Union, involved payments to the fund by the companies involved equal to 2 percent of the weekly pay roll. The fund, established by agreement between employers and the union, was to be maintained as a trust fund, to be used to provide payments to employees in case of injuries and sickness not covered by workmen's compensation legislation. The agreement included specific rules as to the use of the fund for the benefit of all employees. The payments involved were ruled here, as in other similar cases, not to require approval.[12]

In a group of related cases, the exemption has been held to include health funds established to avoid disability rather than to compensate for its costs. A "health insurance fund" plan was set up in the dress manufacturing industry in several of the eastern metropolitan areas, by agreement between the companies involved and various International Ladies' Garment Workers Union groups. Company contributions were from 3 to 4 percent of the weekly pay roll of covered employees. Benefit payments for health purposes (including vacations under special circumstances) were to be determined according to specified procedures. Administration of the fund, including the rules governing eligibility for benefits was divided, in various respects, between the union and a council established by the agreement. The council included company and union representatives in equal numbers and an impartial chairman. Payments into these various funds were ruled not to be "wages," and, under the statutory exemption not to require approval.[13]

The National War Labor Board ruling in the Electrical Transcription Manufacturers[14] case should be mentioned as part of the history of the interpretation of the statutory definition of wages and salaries, although it throws little light on the present case. The companies there involved had agreed with the American Federation of Musicians to pay into the Union Employment Fund a certain amount (one-fourth cent to 5 cents) for each record made from a master recording. Various restrictions on the use of the fund were incorporated in the agreement, but in general these uses were described as being "for the purposes of fostering and propagating musical culture and the employment of live musicians." The Board's ruling that these payments did not require approval was based on two grounds.[15] The first of these was that the payments had been ruled by the Bureau of Internal Revenue not to be subject to the Federal Insurance Contributions Act, the Federal Unemployment Tax Act, or the withholding provisions of the Current Tax Payment Act of 1943. The second ground was that the relationship of the transcription companies and their artist employees gave rise to a unique "copyright royalty" claim.[16] No claim was made that the payments were within the "insurance and pension benefits" exclusion. That ruling, based exclusively on the peculiar facts of the case, could have no application to a different set of facts, and cannot be considered applicable to the present case.

GENERAL CRITERIA; APPLICABILITY OF PRECEDENTS TO NECA-IBEW AGREEMENT

These various administrative rulings and interpretations give substance to the exemption contained in section 10 of the act and warrant certain generalizations which will serve to test its application to the present case.

1. The phrase "insurance and pension benefits" includes only plans calling for payments into a fund rather than to individual employees directly. The NECA-IBEW agreement obviously involves the requisite plan and fund.

2. The fund must be established, if contributions to it are to be exempt, for purposes contemplated by the statutory reference to insurance and pension benefits. These purposes include, in general, the payment of benefits covering, with respect to the employees involved, what have come to be recognized as insurable risks involving a danger of interruption of employees' earnings as the result of factors over which they have no control. The form of the statutory provision warrants the identification of these benefits, in the War Labor Board precedents, as including, particularly, payments in case of death, retirement, illness, injury, or unemployment. Within limits, these precedents support the exemption of funds to be used to prevent or postpone or diminish as well as to compensate for risks. A bona fide health plan, designed to prevent employee sickness, could only arbitrarily be distinguished from a plan to pay employees when they do get sick.

Combining the "fund" requirements with this "insurable risk" concept, the relevant rulings have emphasized several features common to most of the benefit plans submitted. Most of the agreements ruled on involved funds which were earmarked for stipulated purposes, and were segregated from any general company or union funds. Benefits were made available, not to a few selected employees, but on a reasonable basis to employees generally. The agreements negatived expressly any claim of any individual employee upon the fund, based upon the extent to which his services were the measure of the employer's contribution to it.

Here again, the IBEW plan, providing for exclusive use of the fund for retirement pension payments to all employees contributing to it, satisfies this criterion.

3. There is, as a corollary of the preceding test, the requirement that a fund, although established originally for a purpose which meets the test for exemption, would of necessity be viewed differently if the situation permitted its present or subsequent diversion, in whole or in part to other uses. It would not suffice to bring a "benefit" plan within the statutory exemption that only a part of it was to be used for the purposes enumerated above. In most of the cases submitted to the War Labor Board, there have

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[7] *In re Upholsterers Int'l Union of North America* (G. C. R., June 28, 1944).

[8] See regulations issued by the Economic Stabilization Director (Nov. 30, 1944), section 4001.1 (h).

[9] Milwaukee Electric Ry. & Transport Co., case No. 6-29580 (Aug. 22, 1944).

[10] *In re Harlan-Wallins Coal Corp.*, G. C. R., May 27, 1944. A subsequent ruling in this same case rejected a claim of exemption based on a "self-insurer" concept advanced by the company. Supp. G. C. R., June 16, 1944. But *cf.* G. C. R., May 16, 1944.

[11] G. C. R., May 12, 1945.

[12] G. C. R., October 17, 1944. Similar rulings are involved in G. C. O., July 4, 1944, and G. C. O., February 16, 1945.

[13] G. C. R., January 1, 1943; G. C. R., April 7, 1944; G. C. M., May 20, 1944; G. C. R., May 28, 1945 (employer contributions 4½ percent of pay roll). The first of these rulings was also based on the fact that section 4001.1(h) of the Economic Stabilization Director's Regulations provided at the time for inclusion within the exemption of certain benefit fund payments if such payements had been found to be deductible by the employer under section 23 (a) of the Internal Revenue Code. That was true of these payments. The regulations were subsequently amended to eliminate this obviously purposeless cross-reference. The later NWLB rulings in other cases involving the ILGWU health fund, issued after the regulations were changed, reached the same result as had the first. This was obviously necessary, however, to avoid inconsistency as between rulings on identical funds involving virtually the same parties. This history casts some doubt upon the relevance of these cases to others, particularly insofar as the vacation feature of the health plan is concerned.

[14] 16 W. L. R. 369, Case No. 111-2499-D, directive order issued June 15, 1944.

[15] As indicated in the general counsel's opinion filed with the Board in the case.

[16] This position was based on the following description of the situation included in the tripartite panel report issued in the Electrical Transcription case: "These sums do not purport to constitute payment for services performed by individuals, but rather consideration for the 'rights, privileges, and permissions' (par. 13) granted by the union to the employers under the contract, with respect to the musical reproduction of instrumental music by means of electrical transcriptions and recordings. In other words, the payments are made in satisfaction of the long-standing claims, whatever their merit may be, of the union, in behalf of its membership with respect to such mechanical reproduction. These claims are to be distinguished from claims for compensation for services performed by individual musicians in the making of the master record or transcription itself."

been provisions for carefully restricted use of a small part of the fund involved for purposes of administration of the benefit program, but great caution has been exercised to negative any substantial use of the fund for other than the prevention of or compensation for one or more of the "insurable" employment risks. Payments to union officials for general union business have, for example, been specifically precluded. It is clear that the use for exempt purposes must be virtually an exclusive use, and that neither party to the plan can effect diversion of the fund to nonexempt purposes.

The NECA-IBEW benefit fund agreement presents two questions in this connection. There is, on the one hand, the fact that $2 is to be taken from the fund each month for the union dues of each pensioner. Beyond this, there is at least a technical uncertainty as to the degree to which the fund benefits might be diverted from the stipulated use as the result of a change in the union constitution.

Both of these questions must be considered in the light of the fact that this case involves a fund already established and a retirement pension plan that has been in operation, supported by union member contributions for a number of years. These employee contributions are to continue, and the new agreement contains provisions limiting employer contributions on the basis of a relationship to employee contributions. These employee contributions will exceed by a considerable amount the extent to which the fund benefits will be used for union dues payments and there would accordingly be no justification for permitting this case to turn on that feature.

The previous operation of this pension plan and the clear indication of the intention of both parties that this fund will be used indefinitely for the stipulated purpose outbalance the technical possibility of a future change in the form of the plan. This possibility is really no more than an uncertainty resulting from the omission of any provision as to what disposition would be made of the fund assets in the event that the brotherhood should, by a change in its constitution, abandon its established pension plan. The agreement with the association provides, however, that the fund "shall be maintained solely for pension benefits," thus precluding any different use at least while the plan is in operation. The omission of any coverage of certain remote future contingencies would not warrant disregarding the clearly stated intention of the parties.

4. Related to the question of the uses of the fund, and the possibility of its diversion to noncovered uses, is that of the provisions made for its administration. The War Labor Board rulings emphasize the fact, in most of the cases ruled upon, of the degree of independent administration provided for. There is obviously such independence in the plans involving only the payments of premiums on insurance policies written by established insurance companies. In most of the other cases ruled exempt by the Board there was included a provision for at least partial administration of the fund by a joint control council or board, including not only company and union representatives but also a nonpartisan chairman or member.

The importance of independent administration appears, from these precedents, to turn upon the extent to which the uses of the fund are definitely established and controlled by the original agreement entered into. Where the specified benefits are within the exempt categories and where the agreement is in such form as to preclude any change in the use of the fund or its diversion to nonexempt purposes, independent administration is of lesser importance. Where, on the other hand, the original agreement leaves any uncertainty as to the possible future uses of the fund, it would come within the statutory exemption only if the administration of the fund was to be controlled, in actuality and not simply in form, by a trustee or similar official who would be empowered to assure the continued use of the fund for the kind of purposes coming within the exemption.

The NECA-IBEW payments are to be collected by a board of trustees, of which the odd member is to be appointed, as a "public member," by the Secretary of Labor, and this board is also to exercise a limited power in "administering" the fund. These administrative functions relate almost exclusively, however, to the collection of the fund and hardly at all to the distribution of its benefits. This would not bring this plan within the exemption if the agreement did not itself specify, apparently irrevocably, the exclusive use of the fund for one of the enumerated purposes. Here again, the provision of the agreement that the fund "shall be maintained solely for pension benefits" satisfies a requirement which would otherwise be met only if the uses of the fund were subject to the control of an impartial officer in a position to assure its continued use for purposes indicated by Congress and in the previous rulings.

5. Finally, there is the test, recognized expressly in the statute itself, that the benefits must be reasonable in amount.[17] It is a proper construction of the statutory provision, as it affects the cases which have arisen, that this test of reasonableness is intended to apply to the amount of the contribution to the fund as well as to the benefits paid out of it. Both are part of the transfer of money from employers to employees, and neither can be considered, for purposes of applying this test, independently of the other. In fact, the intended test would appear to be that the amount of the benefits proposed must be reasonable and that the amount of the contributions to the fund must be reasonably designed to cover no more than these anticipated benefit payments. Any plan providing for excessive contributions to the fund would fall outside the statutory exemption even though only reasonable benefits were distributed to employees if the remainder were to be allowed to accumulate, for unexplained purposes, in the fund itself.

There is inherent in this criterion of reasonableness, and in its application in previous War Labor Board rulings, the requirement that the amounts of the contributions and payments in a benefit plan cannot be such as to indicate an attempt to evade the stabilization laws or to circumscribe its purposes.[18]

The IBEW retirement pension plan provides for benefit payments of $42 per month, and this only after the pensioner has reached the age of 65 years. This is the retirement age most frequently fixed in pension plans and is, if anything, on the conservative side. The payments, totalling only $508 a year, cannot possibly be considered excessive.

The record as submitted to the Board does not include a complete basis for computing the mathematical and actuarial relationship of the 1-percent pay-roll assessment and contribution to the benefit payments which may be anticipated. The union contributions would also have to be taken into account to get the complete picture on this score. There is, however, sufficient information available to satisfy the Board that the contribution features of the plan are reasonably related to the benefit provisions, that there will be no excessive accumulation of moneys in the fund, and that the establishment of the plan does not represent an attempt to defeat the purposes of the stabilization laws. Everything in the record, in fact, points the other way. Should any accumulation develop in the fund, it can only be used in accordance with the specific terms of the parties' agreement to increase the present comparatively small monthly benefit payments.

This review of the statutory and regulatory provisions and of the administrative precedents can leave no doubt as to the proper disposition of the subject case. The agreement comes within the exclusionary provisions of the statutory definition of wages or salaries for stabilization purposes. The stabilization laws, therefore, do not require its approval by the Wage Adjustment Board or the National Wage Stabilization Board. On the contrary the agreement is of a type which Congress has expressly withdrawn from the jurisdiction of any wage stabilization agency. There is accordingly no bar to its being put into effect in accordance with the conclusion of the parties.

This conclusion, agreed to unanimously by all members of the Wage Stabilization Board, precludes the necessity of any consideration of the further question, discussed in the opinions filed by the Wage Adjustment Board, as to whether such an agreement would be approvable if it were found to constitute an agreement covering wages or salaries under the Stabilization Act. The Wage Stabilization Board finds that question not before it in this case and expresses no opinion with respect to it.

W. WILLARD WIRTZ,
Chairman.
JACK G. DAY,
Vice Chairman.

[17] See footnote 3.

[18] Compare Milwaukee Electric Railways cases, see supra, note 8.

Mr. MORSE. As I have previously stated, it has been the policy of those agencies of our Government best informed on labor-relations problems—and I say that in no disrespect to the Senate; but I have no hesitancy in saying that they are much better informed than is the Senate on the complexity of labor-relations problems—those agencies of Government entrusted with the task of helping to administer a labor policy for the Government have been encouraging the very thing which the Byrd amendment seeks to discourage, recognizing not only the social desirability of having such funds established, but also, I may say, as one who sat on the Board, recognizing that negotiations over this issue and the establishment of such funds do much to increase union responsibility. I strongly favor unions doing more for their membership. I have so stated many times. They ought to exist primarily to serve the welfare of their membership, not to seek political power, not to seek wealth through the collection of dues, but to do something for the men in overalls, for the workers, which will better their lot. What finer social objective could a union have than to seek to negotiate with the employer a health and welfare fund which will better protect the workers of the union?

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. SALTONSTALL. I should like to ask the able Senator from Oregon a question. He has stated several times that the establishment of welfare funds is an excellent thing. I agree with him. On the other hand, he states that the amendment offered by the Senator from Virginia would discourage the establishment of such funds. My question is this: As I look at the amendment, it seems to me that it is merely a method by which to safeguard by law the use of such funds, which represent money in the hands of

a third person. Take, for example, the safeguarding statutes of the SEC, and the laws of every State relative to trust funds placed in the hands of two persons, we will say, to administer for the benefit of a third person. As I see it, this amendment would impose by statute certain restrictions on the use of funds in the hands of A and B for the benefit of C. That is a perfectly proper safeguard. It is not a restriction or impediment, but rather a safeguard in the use of other peoples' money when placed in the hands of a person for the benefit of a third party.

Mr. MORSE. I know that that is the position taken by the Senator from Massachusetts, and I do not at all question the motives underlying his position, but I will say to the Senator from Massachusetts that that is not the way it would work in practice.

The Senator would find that under the operation of the Byrd amendment much of the old suspicion toward the employer as to what he is up to in the establishment of the fund would return; much of the old suspicion that the employer was trying to use the fund to favor one group of employees over another group would again appear. What the Senator from Massachusetts is overlooking is something which is characteristic of the labor movement. It had to be learned by sad experience. I refer to the insistence of unions and their members that they negotiate these agreements, and that they maintain control over the funds, because only by so doing can they be positive that the members will benefit from the agreements. What the Senator is overlooking is a very unpleasant but true fact. I am sorry it exists in American labor relations. But the fact is that there is an underlying and deep-seated suspicion on the part of workers that, under such devices as those which are proposed in the Byrd amendment, they will find themselves involved in clever tactics on the part of employers to weaken their union and in much litigation.

Mr. SALTONSTALL. Mr. President, will the Senator yield, to permit me to ask another question?

Mr. MORSE. I am glad to yield for that purpose.

Mr. SALTONSTALL. In connection with the answer which has been made by the distinguished Senator from Oregon, let me inquire whether he has overlooked the fact that there are to be two representatives of employees, equally responsible with the two representatives of the employer.

Mr. MORSE. No; I have not overlooked it.

Mr. SALTONSTALL. And that if they perform their duty properly, then the whole problem can be worked out much more amicably and with more justice than in any other way.

Mr. MORSE. I have not overlooked it at all. On the contrary, I have kept in mind the fact that, out of an experience with a considerable number of so-called joint employer-labor boards, under collective-bargaining agreements, it has been found that the functions of such boards themselves are often the springboard used by either one side or the other to start labor trouble, once one side feels that the other side is in a weakened position and that it may be able to move in for greater advantages.

In fact, I recall now a case of an employer-employee port relations board. It is interesting to note that that set-up was a source of constant wrangling between the employees and the employer. Unless the parties can jointly agree to work cooperatively on such a board, I think that when we impose such a board upon them, all we have bought is a great deal of future wrangling between employees and employers. I think the Byrd amendment would be source of constant and serious conflicts between employers and unions, because—do not forget—the procedure would be imposed upon the workers.

Mr. President, because I point out a fact of human behavior does not mean that I seek to justify the behavior. But I point out here and now that when we impose this type of board upon labor, we shall have bought for ourselves a great deal of conflict and wrangling between the employer and employee representatives. It is so much better when we can proceed by way of the good old process of voluntary agreement between the two parties.

Before proceeding to discuss the next point I wish to make, I desire to read at this time a telegram which I have received from Mr. Martin E. Segal, 17 East Forty-ninth Street, New York City. The telegram reads as follows:

MAY 22, 1946.

Senator WAYNE MORSE, of Oregon,
Washington, D. C.:

As consultants to the Blue Cross which provides hospitalization insurance for more than 21,000,000 Americans, and as consultants to health and welfare insurance funds involving more than 3,000 employers and more than 35 AFL and CIO unions with more than 1,000,000 members, we thought you might like to have a statement on the legislation proposed by Senator BYRD.

The legislation suggested is unnecessary in the following: Where the health-insurance funds are already in operation. Either under joint labor-management supervision or with union trustees and employer advisory committees. These industries are men's and ladies' garments, textiles, painting, leather and tanning, hotel, and food.

In these instances the administration of the funds operate to the complete satisfaction of the employers and the unions and the agreements which established the funds were reached without any Federal legislation or Government intervention.

In other instances like the furniture industry where there is no employer participation in the administration of the fund, the lack of employer representation is due to the fact that there are hundreds of independent employers with no common representatives. In industries such as this, the legislation proposed by Senator Byrd would simply place a tremendous and costly administrative burden on the fund in that the legislation would seem to require the union to deal with hundreds of employer representatives.

The health insurance funds as they are now constituted provide the contributing employers with regular certified public accountant statements and a complete and audited report on income, disbursements, benefits paid, etc.

In most every instance the specific purposes of the insurance fund are set forth in trust agreements which govern these funds. The funds on their present basis serve a truly great need in that they provide hospitalization benefits, weekly disability benefits for sickness or accidents, surgical benefits, and life insurance.

The need for these benefits is greatly shown by the following facts:

According to the Life Insurance Institute, 40 percent of all American workers have no life insurance because they cannot pass medical examinations, are too old, or simply can't afford the insurance. Twenty-one percent of all workers have $500 or less of insurance, while only 39 percent have more than $500.

The need for disability benefits is demonstrated by the reports which indicate that each year American workers lose more than three and one-half billion dollars because of disability which are incompensable under workman compensation laws. The need for hospitalization benefits is illustrated by the report from the American Hospitalization Association which states that one out of every 10 Americans are hospitalized each year with hospital bills ranging from $10 to more than $900 a case.

The health insurance funds which have been established and which are now being negotiated by many unions and employers without the benefit of Government legislation serve to bring to the great masses of American workers the only current means of seeking certain basic forms of insurance protection regardless of the workers' age, physical condition, sex, color, or ability to pay.

The introduction of legislation such as is now being considered might very well disrupt existing plans, place severe administrative problems and additional cost on future funds and equally important, get the Government involved on a subject which to date has been settled on an amicable and peaceful basis in the overwhelmingly majority of collective bargaining negotiations.

MARTIN E. SEGAL, & CO.
MARTIN E. SEGAL.

NEW YORK, N. Y.

Let me say in passing, Mr. President, that I am not one who has ever opposed making unions accountable for their funds or who has ever opposed having an accounting of union funds published. That is quite a different matter from imposing upon unions the type of fund system which the Senator from Virginia proposes in his amendment.

It is rather interesting to note that most of the record made to date on the Byrd amendment and practically all of the record made in support of the other pieces of proposed legislation on the subject now before the Senate has been made by the opponents of the proposals. It is true that a few Senators favoring the proposals have spoken briefly in favor of them, but the fact is that there is great haste to obtain an early vote on some of the measures which have been proposed, although the case in chief for them has yet to be made by their proponents. I know they have the votes in their pockets, so to speak. Yet we are making history here, these days. I predict that in the future we shall have to come back to this record time and time again to see what was said and to find out, if we can, why the proponents of this measure wanted it passed. I think it is only fair and reasonable that those of us who are objecting to the proposed legislation should ask the proponents really to set forth, in much greater detail than they have, the reasons why they think this measure should be enacted and their evidence in support of it.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. TAFT. Would the Senator from Oregon be willing to agree to vote on the Byrd amendment in, let us say, 3 or 4 hours, and to divide the time equally between the proponents and the opponents? I can promise the Senator that the arguments in favor of the amendment—which, incidentally, have been made to a considerable extent—will be set forth in full strength within an hour.

Mr. MORSE. Mr. President, the Senator from Ohio knows very well that the Senator from Oregon will not enter into such an agreement, and he knows the reasons why the Senator from Oregon will not enter into it. The Senator from Oregon is very much disappointed that the Senator from Ohio has not thus far seen fit to join with him in seeing to it that the principle which the Senator from Oregon seeks to protect is always protected on the floor of the Senate.

However, I am happy to note that the Senator from Ohio never hesitates to join with the Senator from Oregon in signing a cloture petition whenever a filibuster starts. I say now to the Senator from Ohio, as I did the other day to the Senator from Minnesota, that I will sign such a cloture petition once it is clearly demonstrated that a filibuster is in progress. But I shall not enter into any agreement for limitation of debate when I think so much more needs to be said on the merits of these issues by the proponents of the measures. I want them to have all the time they need to get their case on the merits in the RECORD, so that it never can be said, "They limited debate, and that is all the time we had, so we could not make a complete record."

Mr. TAFT. Mr. President, will the Senator yield?

Mr. MORSE. I am glad to yield.

Mr. TAFT. I do not think there is any subject that I cannot state completely to my own satisfaction in half an hour on the floor of the Senate. Merely because the opponents have, unfortunately, chosen to talk 2 or 3 or 4 hours each on the subject, I do not think that means that the case for the proposal cannot be made in half an hour by any Senator who is seriously interested in it.

Mr. MORSE. Mr. President, I suppose there is no question that the length of our speeches is dictated by the seriousness of the situation and the recognition on our part of the fact that the time has certainly come for some Members to speak on the floor of the Senate in the interest of principles of democracy, as I have done in the remarks I have made today.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. PEPPER. Mr. President, I was about to ask the able Senator from Oregon what other measure he can recall which required such constant consideration on the part of the Senate as has been given in respect to the pending bill. When, if the able Senator recalls, were rules so stringently applied to other proposed legislation then pending before the Senate and without, at the same time, protest being voiced on the part of the opponents of the measure?

Mr. MORSE. I do not recall many such instances, but I believe that we followed somewhat the same procedure when the joint resolution pertaining to the British loan was before the Senate. However, I may say that I enthusiastically support the holding of long sessions by the Senate. I think that we should meet tomorrow at 10 o'clock instead of at 11 o'clock. I am willing that the Senate remain in session until midnight tonight. All I insist on is that the proponents of tnese proposals make a record for future reference, because today I believe the record is very scant, indeed.

On the point, Mr. President, I believe we should keep in mind that no hearings have been held on the Byrd amendment. It is an amendment of great importance. It is bound to relate, in my judgment, to important events in labor relations in the future, and may upset many existing health and welfare funds. I believe that we should have a carefully prepared report, based on the testimony of such persons as labor leaders, employers, and insurance officials, which should cover all matters involved in the funds which are now in existence, and which will be affected, in my opinion, by the Byrd amendment. What we are being actually asked to do, Mr. President, is to pass proposed legislation which is not based on any committee report, or the careful taking of evidence, but is, instead, based on the curbstone opinions of the proponents who have not taken adequate time to conduct hearings in the way that hearings should be conducted in advance of proposing any form of important labor legislation.

Mr. President, I have two more points which I wish to make, and then I shall close. The Byrd amendment strikes out section 8 of the Federal Mediation Act of 1946, which was reported by the Committee on Education and Labor. That section provides that nothing in the act is to be construed to diminish or interfere with the exercise of the rights of the employees or labor organizations under the National Labor Relations Act, as amended, or to impair the functions of the National Labor Relations Board, or to amend or modify the Norris-LaGuardia Act. The Byrd proposal would validate trust funds where "(b) the detailed basis on which such payments are to be made is specified in a written agreement with the employer, and employees, and employers are equally represented in the administration of such fund."

The definition of "representative" is as follows:

> "Representative" means any labor organization which, or any individual who, is authorized or purports to be authorized to deal with an employer, on behalf of two or more of his employees, concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work; and any other organization or fund of which a majority of the officers are representatives or are members of a labor organization, or are elected or appointed by a representative.

Mr. President, that is a very interesting definition. It becomes apparent, then, that the whole principle of majority rule as set forth by the National Labor Relations Act would be undermined by the Byrd amendment, because, under it the labor organization with which the employer may deal in establishing a trust fund need represent only two or more of his employees. The existence of a majority representative, certified by the National Labor Relations Board or otherwise validly designated by the employees; would be irrelevant. Apparently, an employer could set up a company union which would participate in the administration of the trust fund. It would be possible, also, for the employer to deal with several organizations, even despite the existence of a majority representative. Moreover, it seems clear that if the protections of the National Labor Relations Act are to be abrogated, an employer could effectively defeat unionization of his employees by the device of setting up a liberal trust fund at the very time that attempts at organization were begun—a situation now forbidden under the National Labor Relations Act.

I submit, Mr. President, that this analysis of the meaning of the word "representative" as used in the pending amendment is but another reason for proceeding in our consideration of this amendment through committee hearings and affording opportunities for experts, as well as other qualified witnesses, to testify. A report should then be submitted to the Senate showing what would be the effect of the Byrd amendment on the labor relationships of this coutnry.

At the beginnings of my remarks I made unequivocally clear my position with regard to the crisis which exists today. Because of the crisis which the country now faces, a great deal of proposed labor legislation has come before the Congress, most of which, if passed by the Congress, would not have one iota of effect on a single labor dispute now pending. I suggest that we are giving vent to a public hysteria in regard to the labor situation.

Mr. President, I close by saying that if there were ever a time in the history of our Nation when calm deliberation on the part of Members of the United States Senate was called for, now is the time. Instead of proceeding hastily as we are proceeding, I believe that the pending amendment should be referred to the Committee on Education and Labor and that the Senate, out of its desire to make certain that it will pass judgment upon the facts and evidence available to it, should be furnished by the committee with a report showing what would be the various effects of the Byrd amendment upon labor relations in this country. In making this plea, Mr. President, I know that I raise my voice in vain, but I raise it for the record. I believe, as strongly as I believe in justice and freedom, that we will be compelled to return to this hour over and over again until we correct the mistakes which I think the Senate is about to make.

Mr. President, I close by saying that I do not expect to speak at such great length again on any of the other pending

measures pertaining to labor relations, but shall speak briefly with reference to them in the days ahead. At some future date I shall discuss a subject which I meant to discuss today. Believing that it would be inconsiderate of me now to consume further time of the Senate, I shall discuss at some future time the issue of the lack of right of workers to strike against the Government. I shall endeavor to sustain the premise, as I have already endeavored to do in a decision, that during the time of an emergency when the American flag flies over the mines and is carried, figuratively, on every train in this country, in the event of a railroad strike, there is no right on the part of workers to strike against the Government.

EXTENSION OF STABILIZATION ACT—LETTER FROM THE PRESIDENT

Mr. WAGNER. Mr. President, I have received a letter from the President of the United States which deals with the Office of Price Administration. I ask that the letter be read to the Senate.

The PRESIDING OFFICER. Without objection, the Clerk will read as requested.

The Chief Clerk read as follows:

THE WHITE HOUSE,
Washington, May 23, 1946.

Hon. ROBERT F. WAGNER,
Chairman, Banking and Currency Committee, United States Senate, Washington, D. C.

DEAR SENATOR WAGNER: The most important issue now before the Congress is whether to protect the Nation from the imminent danger of inflation. Today we are attaining production levels unprecedented in peacetime; labor-mangement agreements have been reached in most industries; free international trade, which is vital to world peace, is beginning to be restored. But all these gains depend on economic stability. They could be swept away by inflation in a few short months. To avoid such a disaster, the prompt renewal of the stabilization laws in effective form of 1 year is essential.

For 15 weeks the Congress has been considering the extension of the stabilization laws. The House of Representatives has passed a bill which I would not be able to approve because, although purporting to extend price control, it would actually mean a quick end of price control.

I am disturbed by reports of proposals in your Senate committee of many amendments that would impair effective price control. As a result of spreading uncertainty about prices and growing fear of inflation, the country is already experiencing a creeping economic paralysis from speculation and the withholding of goods.

I earnestly repeat my earlier request that the Congress quickly reenact the stabilization laws without any amendments that would jeopardize economic stability. I ask, too, that, as President, I not be handicapped by amendments destroying my authority to vest responsibility for effective coordinated administration of the laws in those departments and agencies of the Government which I believe can best carry out the stabilization policies.

Prompt and vigorous action, first by your committee and then by the Congress, would reassure the people of this country that their Government is united in a firm determination to protect them from these evils.

Sincerely,

HARRY S. TRUMAN.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the Acting President pro tempore:

H. R. 4763. An act for the relief of R. L. Benton; and

H. J. Res. 353. Joint resolution extending the time for the release of powers of appointment for the purposes of certain provisions of the Internal Revenue Code.

MEDIATION OF LABOR DISPUTES

The Senate resumed consideration of the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes.

Mr. PEPPER. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Hayden	Pepper
Andrews	Hickenlooper	Radcliffe
Austin	Hill	Reed
Ball	Hoey	Revercomb
Bankhead	Huffman	Robertson
Barkley	Johnson, Colo.	Russell
Brewster	Johnston, S. C.	Saltonstall
Buck	Kilgore	Shipstead
Bushfield	Knowland	Smith
Byrd	La Follette	Stanfill
Capehart	Langer	Stewart
Capper	Lucas	Taft
Connally	McCarran	Taylor
Cordon	McClellan	Thomas, Okla.
Donnell	McFarland	Thomas, Utah
Downey	McMahon	Tobey
Eastland	Magnuson	Tunnell
Ellender	Mead	Tydings
Ferguson	Millikin	Vandenberg
Fulbright	Mitchell	Wagner
George	Moore	Walsh
Gerry	Morse	Wheeler
Green	Murdock	Wherry
Guffey	Murray	White
Gurney	Myers	Wiley
Hart	O'Daniel	Wilson
Hatch	O'Mahoney	Young
Hawkes	Overton	

The ACTING PRESIDENT pro tempore. Eighty-three Senators having answered to their names, a quorum is present.

Mr. BALL. Mr. President, I ask unanimous consent that during the remainder of the consideration of House bill 4908 no Senator be permitted to speak more than once or longer than 30 minutes on the bill or any amendment thereto.

Mr. MORSE. Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. BALL. Mr. President, I should like to submit one more unanimous-consent request, hoping that we can get along with the bill. The Byrd amendment has been debated for more than a week and a half, and I ask unanimous consent that the Senate proceed without further debate to vote at 4 p. m. today on the Byrd amendment and all amendments to that amendment.

Mr. MORSE. Mr. President, I object, and in stating my objection, I merely wish to say that I am sure that if those who are seeking to limit debate will allow the debate to run its course we may come to an early vote. As I said before, however, I shall not give unanimous consent to a limitation of debate so long as I feel that any Senator desires to speak on the merits of the matter.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. TYDINGS. Mr. President, I ask unanimous consent that no Senator be permitted to speak more than once nor longer than 5 hours on the bill or more than once nor longer than 3 hours on any amendment thereto.

Mr. MORSE. Mr. President, even when it is reduced to the absurd, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. TYDINGS. Mr. President, I ask unanimous consent that no Senator be permitted to speak on the bill more than once or longer than 10 hours, or on any amendment offered thereto not longer than 5 hours.

Mr. MORSE. Mr. President, suppose I have an understanding with my good friend, the Senator from Maryland, that I shall object to any proposal he makes for limitation of debate.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. GREEN. Mr. President, in order to clarify the situation I wish to say that I understand the pending question is the amendment which I offered earlier today on behalf of the Senator from Florida [Mr. PEPPER] and myself as a substitute for the Byrd amendment.

The ACTING PRESIDENT pro tempore. May the Chair inquire whether the Senator offered his amendment or merely sent it forward?

Mr. GREEN. I offered the amendment as a substitute for the Byrd amendment.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island sent forward two amendments. Which one does the Senator desire acted upon first?

Mr. GREEN. The longer one. The one which has the language "At the proper place insert the following."

The ACTING PRESIDENT pro tempore. Very well. That will be the pending amendment.

The question is on the amendment offered by the distinguished Senator from Rhode Island [Mr. GREEN] on behalf of himself and the Senator from Florida [Mr. PEPPER] in the nature of a substitute for the Byrd amendment, as modified.

Mr. MYERS. Mr. President, I assure the Senator from Maryland and my other colleagues that they have no cause to be concerned or alarmed that I might take 5 or 10 hours, and that therefore a limitation of debate would be necessary, so far as I am concerned.

Mr. President, I listened attentively to the remarks of the Senator from Oregon [Mr. MORSE]. I congratulate him on having made a fine, a splendid, a masterful presentation of the subject. I only wish more Senators had been present to hear his exposition of the subject of labor relations, and particularly the pending coal strike. The Senator from Oregon

at one point in his remarks had this to say:

We should support them—

Meaning the coal miners—

for a more decent life.

I address myself rather briefly to that particular phase of this situation.

It occurs to me, Mr. President, that few of us have endeavored or attempted to get to the bottom of the present coal controversy. I, of course, as many others have said, have no brief and hold no brief for Mr. Lewis, but I would suggest that we get away from the personality of Mr. Lewis. I am interested in the welfare of 200,000 of my constituents, and the welfare of 300,000 other coal miners in America. Of course, I am interested, too, in all the people of Pennsylvania and all the people of America, and I should regret it if at any time those 500,000, through their leaders or others, should cause a serious economic disturbance throughout the Nation. But I repeat, Mr. President, let us forget that personality, that magnetic personality, if you will, and let us direct our attention to those 500,000 coal miners. When I say that few of us appear interested, I mean we have only condemned the miners or their representatives, although we know little or nothing of their conditions, little of their problems. And yet we have considered here, on the floor of the Senate for 10 days, an amendment which would make it illegal to gather together any funds for the health and the welfare of the miners.

Remember, a strike is not always occasioned by merely one party to a controversy. Probably the operators have been just as adamant as have been the representatives of the miners. Probably they have refused to give consideration or any attention to the plight of the miners. I wonder how many Members of the Senate have ever been down in a coal mine. I wonder how many Members of the Senate have ever visited a mining town.

I should like to read a short excerpt in order to show the conditions which exist in one mining town in Kentucky. I read:

A town of overflowing privies and sewage-strewn roadways, reeking of half-burned human refuse and animal carcasses—that's Kenvir, Ky., a coal camp of more than 3,000 population owned by the Black Mountain Corp.

The foul and offensive lack of sanitation in the Kentucky coal town was revealed in a letter to President Lewis from Frank Hodges, president of Local Union 4493, and in a joint letter from C. M. Enochs, Powers Dixon, and Dennis Burns, all employees of the Peabody Coal Co. subsidiary and residents of Kenvir. They are conditions American coal miners are fighting to eliminate, in the manner called for in the UMWA proposal that would make it a contractual obligation upon the operators to install, at their own expense, running water and bathroom facilities in all company houses, and sewage disposal and garbage-collection systems.

The Black Mountain miners used plain language in describing the intolerable conditions to which they, their wives, and children are subjected. Their graphic reports are self-explanatory.

The men reported that sewage is strewn from one end of the town to the other by leaky wagons used to collect the waste from outhouses. That the waste dump, directly behind the houses, is a hazard as children must walk over it on their way to school and women must cross it to get to the store, not to mention the unbearable stench that it gives off. That just recently the 10-year-old daughter of a miner was painfully burned when she sank into the dump above her knees. That State health authorities have been informed of the situation but have done nothing about it.

"All the houses in which the officials, office workers, and bosses live are equipped with bathtubs, lavatories, and commodes," her father said. "All other employees have a privy about 30 feet from the house. The refuse from these privies is dipped out and hauled by wagon and dumped less than 100 yards from my house. The company then hauls slate mixed with coal, covers this refuse, and sets it on fire."

His small daughter was so badly burned when she slipped into the refuse dump recently that "the flesh just rolled up and came off," her father disclosed. "I called the doctor and then I took him and showed him the refuse dump. At my insistence the doctor reported the condition to the State health department."

The doctor, however, "had only been at our camp a very short time and did not know the connection between the coal companies and the health department," he explained. "The health department wrote the company pertaining to this matter, and as a result the doctor was sent packing and the method of refuse disposal still exists today."

I read from another article, Mr. President, as follows:

Sanitation was among the UMWA proposals unceremoniously thumbed down by the operators on the ground that they have no place in a wage-negotiating conference. Operators' spokesman Charles O'Neill, for the benefit of the press, labeled the proposal a "gratuitous insult."

In fact, in the privacy of the conference room, Mr. O'Neill said he didn't "give a damn" about insanitary conditions in company-owned towns. We do not believe Mr. O'Neill's sentiment is shared by all members of the operators' negotiating subcommittee. We do believe, however, that he spoke for a large percentage operating in the coal industry.

How else explain the lack of ordinary sanitary facilities in a vast number of company-owned coal camps? Outhouses, those odious relics of a bygone age, are still the rage, despite their offensiveness and threat to the health of the community. They are deplorable nuisances. They are disease breeders.

Mr. O'Neill's statement to the press, however, carried the unmistakable implication that the entire coal industry is above reproach as far as decent housing for employees goes. Of course, Mr. O'Neill knows better. And if he doesn't, he should, since he claims to speak as an authority. His own district, the central Pennsylvania coal region, offers a prize example of the disgraceful conditions American coal miners are fighting to erase.

We are speaking of the Shawmut Mining Co.'s ancient, crack-ridden shacks, leaky privies, and polluted wells. The company couldn't be bothered last summer when the 350 miners living in the coal camps at Force, Hollywood, and Byrnedale, Pa., demanded water that did not reek and taste of sewage, and the disposal of waste so that privies would not overflow into their yards. That, the company insisted, was the miners' concern. The State health department couldn't be bothered, either, except to the extent of posting "danger" signs at the contaminated wells and warning residents to boil all drinking water.

Had it not been that the company's handling of its financial affairs was questionable, which resulted in a court airing, it is doubtful that the miners would have pure drinking water yet.

Mr. President, that is just a brief word picture of the condition of their homes. I now desire to invite attention for a few moments to the so-called health and welfare fund which now exists in some of the mine areas and some of the mining communities in America. Let me say, however, that the company hires the doctor, and pays the doctor such amount as it thinks necessary, out of the miner's earnings. That is the only type of health and welfare fund which is now in existence in the mining communities of this country.

I have before me a pamphlet entitled "Medical Care in Selected Areas of the Applachian Bituminous Coal Fields," which is published by the Bureau of Cooperative Medicine, 5 East 57th St., New York City. I cannot attest to the authenticity of this pamphlet, but the facts which it sets forth and the frightful conditions now existing in the mining communities which it portrays certainly indicate to me that the Congress should give consideration to these charges. Until we know the true facts, until a committee of the Senate has considered these charges carefully and completely, we should not attempt to write legislation on the Senate floor.

This pamphlet indicates that a survey was made of the coal-mining regions of southern West Virginia and the adjacent parts of Virginia, Kentucky, and Tennessee. The report states that—

Because of the isolation of most coal-mining camps in this hill country, there grew up many years ago the custom of employing a doctor on a monthly basis, his income being derived from wage deductions—

Through the check-off system; but, of course, the fund was managed and operated by the employer.

This practice had everywhere been recognized as necessary. Coal has long been a vital fuel and the demand for it opened fields and mines which were at one time far removed from the conveniences and even necessities of a more well-settled environment. * * * Yet readily available medical care, particularly in view of the hazardous nature of the work, was a necessity to both miner and mine operator. The answer was to employ "camp physicians" and guarantee them a livelihood. This system took hold decades ago and, meeting the need, has survived.

The funds are collected from the wages of the miners by the check-off method, and the disbursement of these collective funds appears to be made, as a rule, in one of three ways:

First, the full amount of the wage deductions at a given camp is turned over to the mine doctor, sometimes after 10 percent has been deducted by the company "for collecting." Out of this sum, the doctor has to pay for all medicines and for nurses in the rare instances when he has any.

Or the disbursement of these collected funds is made in a second way. I ask Senators to give careful attention to the method which is now in use in many of the mining communities of our country.

This is the only health and welfare fund now in existence in our mines.

The company turns the check-off for all its mines over to a single doctor, who then hires his assistants on salary. The surplus is his remuneration. The contract doctor may live anywhere.

One did live in my city of Philadelphia, and he did as little of the actual medical work as he chose. True, he paid for medicines and nurses if he employed them.

This system has led to the contractor doctor's paying low salaries to his assistants and keeping unwarranted profits for himself. In one instance the contract doctor was taking in about $2,400 a month and paying salaries aggregating $1,200. In another case he took in $1,500 and paid out $250. In one instance of this kind, the doctor collects the check-off for five mining camps owned by the company, hires one assistant to aid in the work, and uses part of the surplus money to purchase mining company stock. In another instance, at a camp in the Williamson area, the company has selected for the physician a man of 70 who acts as a contractor. The doctor's sole expenditure is $300 a month for a young and able assistant who, single-handed, is expected to meet the medical needs of the camp, which consists of 5,000 people. In this instance, the expenditure represents only a fifth of the money checked off for medical services.

The third method of disbursement of funds collected out of the wages of the miners for health services is as follows:

The company keeps the entire check-off, hires the doctors on salary, furnishes medicines and nurses, if any, and puts the remaining money into its general funds. This practice is growing more and more common.

Remember that this survey was made in 1939, not many years ago. The company keeps the entire check-off, hires the doctors on salary, and the balance is returned to its own general fund, the moneys being collected out of the wages of the miners.

It seems to be highly objectionable to some Senators that the health and welfare fund should be managed by the union. But under the existing systems we find the company managing the so-called health and welfare fund which is contributed entirely by the miners.

With respect to the third method of disbursement of funds it was found that one of the large companies in the area changed from method 2 to method 3 because the company profited to the extent of $1,300 a month as a result. It is estimated that from one-third to one-fourth of the check-off was diverted into nonmedical purposes.

That is the health and welfare system that is practiced by the operators today. For these health services approximately $2,500,000 a year is regularly checked off, plus another $1,000,000 in extra charges, and a large portion of the total is diverted into the pockets of the companies and contract doctors who sublet the work.

The report continues:

Many of the physicians actually working at the mines are receiving salaries far too small for the work they are expected to do, and are prevented from raising their standards through poverty, isolation, and company domination. Some of these men are well qualified for effective service and would welcome an opportunity to render it.

Those conditions should be, and I submit must be and will be corrected. They can be corrected only by a health and welfare fund.

In these mining communities there are also hospitalization funds. The report states:

For 30 years or more it has been customary for the miners in this region to pay for hospitalization and professional care while in the hospital through wage deductions. Single men and families usually pay the same rate: $1.25 a month. As in the case of the mine doctors, the companies check this money off and make no accounting of how it is expended. The hospitals simply accept the checks which the companies send them without being able to find out whether they actually represent the whole amount collected from the employees.

* * * * *

The usual plan includes all men working at the mine. The amounts paid give the hospitals a yearly total of $1,500 for every 100 subscribers—a sum which should command good service, especially since normal deliveries, contagious and chronic diseases, and work injuries are not included.

* * * * *

Usually there are several small competing hospitals in the same town. It should be noted that this situation is almost unique in this country. In the entire United States as a whole, there is an average of nine tax- or charity-supported general hospital beds to one that is privately controlled; while in this area—

Particularly the mining area embraced in southern West Virginia and the adjacent parts of Virginia, Kentucky, and Tennessee—

the proportions are exactly reversed. Taking this region as a whole, there are not enough hospital beds. United States Government figures indicate that the minimum adequate standard is 4.5 general-hospital beds per 1,000 population. In this area there are only about 2.5 beds per 1,000.

The report continues:

These hospitals could not exist if it were not for the miners' payments but, just as in the case of the mine doctors, the companies entirely control the situation by controlling the check-off. In one instance the investigators were told that the construction of a new hospital building was financed through an increase in the men's wage deductions, but the operators kept the deed and later turned it over to a group of doctors.

The report mentions the hospital equipment, and states that—

The equipment, in general, is fairly good for emergency surgery, but wretched in other respects. * * *

Since hospital expenses are cut to the lowest possible point in order to make profits, each "list" patient's treatment is made as cheap as possible.

The "list" patients are those who are eligible for treatment in the particular hospital.

The mine doctor is discouraged from sending in patients. He is regarded as a "buck-passer" and the chief enemy of the hospital if he does so.

I now wish to discuss briefly the inadequacy of the hospital service provided by the so-called health-and-welfare fund which exists not only in this region, but in all the coal-mining regions, both soft and hard coal.

The report further states:

The greatest single complaint against hospital care by the miners is delay of treatment. Many cases such as the following were related to the investigators, and many were well authenticated. A miner * * * reported that a family living nearby had been injured in an auto crash; the mother and father were killed outright and the three children were taken to the hospital, where they were, according to this account, allowed to stay 2 days before being examined. One child died subsequently.

* * * * *

In brief, then,—

Says the report—

the hospital service is disorganized, and run under disastrously competitive conditions, out of which each owner-doctor is trying to squeeze every possible penny. For this sort of service, in the whole region, the miners' regular payments reached $2,000,000 yearly—and there is probably another half million in extra charges. It is reasonable to believe that this amount of money, if efficiently expended, could furnish excellent hospitalization not only for general illness, but also for children and for serious, acute, contagious disease.

So, Mr. President, we find that in this small area $2,500,000 is now being deducted from miners' wages for hospitalization, and some $3,500,000 is deducted by the check-off system from the miners' wages for doctors' care. I repeat that the company hires the doctor, dictates as to the hospital, pays such amounts as it thinks necessary out of the miners' earnings, pockets the balance, and it is impossible for the miners to do anything about it.

The third problem in that area involves the matter of workmen's compensation. The study to which I have been referring, which was made in a small, selected area, also concerned itself with workmen's compensation. I read further from the report:

According to the laws of all States but one, the full expense of caring for such an injury must be paid by the employer. He must pay all the medical and hospital bills of the injured man, and he must as well pay the insured worker for the loss of time from his job. If the injury is severe and of a permanent nature, the employer indemnifies the man for his loss.

* * * * *

The chief problems confronting any worker in case of a compensable injury are two: (1) enforcing his legal right to satisfactory medical care and hospitalization at his employer's expense, and (2) obtaining the cash benefits to which he is entitled by means of fair representation at compensation hearings. The miners of this whole region are badly handicapped in both respects.

In investigating the situation in regard to workmen's compensation, the report goes on to state that—

It might be thought that a man could get around this difficulty by going to some doctor or hospital other than the ones to which he makes his check-off payments. This would be wholly impossible in Virginia, Kentucky, and Tennessee. However, because their compensation laws explicitly state that an injured employee is obliged to accept whatever medical service his employer offers him. Naturally, the employer usually offers the doctor and hospital paid by the men's wage-deductions and under the employer's influence. If the man refuses the offered

treatment, he is no longer eligible to receive compensation.

* * * * *

This whole situation was neatly summed up by a West Virginia attorney, who said, "By this method the employer, in effect, says to his employees, 'I will pay you compensation for your injury, but you shall submit yourself to treatment and examination by doctors of my choosing and employment who are, of course, paid by you, and if the doctors so selected by me and paid for by you, find any disability. I will pay in accordance with such findings.'" Numerous cases were reported to the committee where the camp doctor at the compensation hearing denied the existence of an injury that he had treated.

So, Mr. President, to summarize those few conditions, let me say that the conditions relative to the doctors, the hospitals, and the workmen's compensation in that small area are such that it is apparent that it is necessary to make changes in regard to the employment of compensation experts and the selection of doctors and hospitals. The unions are insufficient in themselves to improve the situation, so long as there is no integration of medical services, no responsibility on the part of the doctors and the hospitals to the men they are attending, no competent professional authorities upon whom the men can rely for guidance, and no contractual obligations on the employers to pay the medical check-off to the agencies the men select. That is what the men are asking for at this time, namely, that they be allowed to select and manage their own health and welfare funds.

Mr. President, now let me refer to the fact that there are many people who believe that the inspection of the mines is not what it should be. So let us look for a moment at the facts of that situation. In Pennsylvania, as in other States, the Federal Bureau of Mines inspects these properties and makes recommendations to the State Department of Mines and the coal operators, but the Federal Bureau of Mines has no enforcement powers. Furthermore, in many cases the recommendations made by the experts of the Bureau of Mines are never carried out by the coal operators.

In view of this fact, it is easily seen why the life insurance companies of America consider the mine workers poor risks. The safety laws of the anthracite coal mining industry—and of the bituminous coal mining industry, too—are, to put it very mildly inadequate. That is why the life insurance companies of America in all honesty can say in their prepared statement that "We do not issue personal accident and health policies to coal miners." They go even one step further, and declare, "Nor do we include accidental means death benefit in ordinary policies issued to underground coal miners." That, it seems to me, tells a story in itself.

Mr. President, the statistics from the United States Department of Labor indicate that the average number of disabling injuries for each million hours of work done by mine employees during the years 1939, 1943, and 1944 are as follows:

In 1939 the average number of disabling injuries for each million hours of work done by employees was 71 in the bituminous-coal-mining industry. In 1943 the average was 67.2. In 1944 the average was 64.4.

For the anthracite-coal-mining industry the figures are even more amazing. There was an average of 127.3 disabling injuries for each million hours of work done by employees in the anthracite-coal-mining fields in 1939. In 1944 the average was 81.3 injuries.

Compare that record with the record for all manufacturing industries. There the average number of disabling injuries for each million hours of work done by employees was 14.9, as compared to an average of 127.3 disabling injuries in the anthracite-coal-mining fields in the year 1939. In 1944 there was an average of 18.4 injuries per million hours of work done by employees in all the manufacturing industries of America. We can well see why the miners have so much difficulty in securing insurance policies.

The construction industry affords another comparison which might well be mentioned. In the construction industry the average injuries were 47.8, as compared to 71.0 in the bituminous-coal-mining industry and 127.3 in the anthracite-coal-mining fields for 1939.

Of course, Mr. President, if you are a United States Senator, subject only every 6 years to the firing of the ballots, or if you are a member of any branch of the armed forces and thereby liable to death on the battlefield, you can get all the insurance necessary; but God help you if you are a miner and go down where the demons of death are playing around you while you work. You can get no insurance of this nature.

We cannot definitely blame the insurance companies, who are not, as a rule, in the business of philanthropy, and who know full well the risks encountered by the smudged-faced men who dig coal.

These are the men whose plight is not being forcibly brought to the attention of the country. They are the men who, when death visits them, leave behind destitute widows and orphans. They are the men who can rarely look beyond the needs of the moment, who can save pitifully little from their hard-earned weekly wages. So they ask for a health fund. Why not? Certainly, welfare funds are nothing new in America. Such funds have been in existence in this country since away back in the 1880's, shortly after the War Between the States. They never amounted to much. However, they were in existence, and they set the pattern for others. I am told that the Washington Evening Star, a great newspaper of this city, established a welfare fund for its employees back in the early 1880's, and that afterward it became a model for all social-security set-ups.

After the social-security program, which was established a few years ago, got under way the union labor of this country, of its own accord, set out to do something along the same lines for its membership. So today we have the great funds which were brought into being by such labor groups as the International Ladies' Garment Workers' Union, and others. If it is possible for the coat makers, the cloak makers, the dress makers, the shirt makers, and the socks makers of America to have health-benefit and welfare programs, why is it not feasible for a great nation like the United States to give similar consideration to the men who face death and illness every time they walk into a mine?

Although the amendment offered by the Senator from Virginia has been modified, and another substitute may be offered, the present controversy over the Case bill began on the floor of the Senate with the submission of an amendment which would have made it illegal for the employer to pay, or for the employee to demand or receive any moneys by way of a health and welfare fund. In fact, no moneys were to be received other than by way of compensation and check-off. Mr. President, I am rather amazed that any Senator, or any person or any group of persons, would advocate such a proposal in the face of the frightful and contemptible conditions which exist in the mines and the mining towns of this country.

From the clamor which has taken place here, one would be led to believe that the miners are trying to raid the United States Treasury, or are trying to rob the banks and sell their Nation down the river when all they are asking for is social justice. Others have obtained such justice. Others are receiving it at the present time. Why should not the miners receive it?

I have heard no objection voiced in the Senate against the situation which I have outlined and which now exists in the mining communities of the Nation. But as soon as the miners seek a health and welfare fund, which they certainly should have, and to which they are justly entitled, immediately a frightful furore is raised.

Of course, there has been some modification of the amendment, but I repeat I am rather surprised and disappointed that any Senator should try to make it illegal for employers and employees, miners and operators, to build up a fund in order to improve the frightful conditions under which miners are now required to live and work. Barbers receive protection, and printers and bartenders are not thrown upon the mercy of organized charity when their time comes to retire to the shadows. I see no reason in God's world why the mine workers, who certainly do not breathe conditioned air when they plug away at their livelihood, should not receive the same consideration. The conditions under which the miners exist and live cannot be realized unless one goes into a mining town and descends into the mines. Then he may realize just what it is that the miners are seeking.

I repeat that I hold no brief for Mr. John L. Lewis. He has made many mistakes. He has been arrogant and unbending. I do, however, advocate the cause of 200,000 Pennsylvanians, and 300,000 other miners in America, because they are certainly entitled to the protection of the United States Senate. I would expect Senators to advocate the creation of a fund for miners instead of, as was done in the early part of the de-

bate, stand in the way of the creation of such a fund.

So, Mr. President, I plead, as did the Senator from Oregon, that at this moment we not allow ourselves to be carried away by hysteria, but that we realize that the problem now confronting us will not be solved by any legislative proposal which may be adopted within the next day or the next week. This entire controversy should be referred to a committee of the Senate where it can be considered carefully and thoroughly in open hearings, and where the entire situation may be thoroughly and objectively investigated. If that is done, much good can be accomplished. But I fear that the pending measure will turn out to be another Smith-Connally Act. I believe that the Senate will pass a bill which, at a later date, most Senators will regret and label a mistake. So I hope, Mr. President, that in the further debate on this measure Members of the Senate will continue to consider the matter factually and impartially, and give thought and consideration to the plight of the miners who now need help and assistance.

Freedom from fear and freedom from want, freedom from disease and freedom from company domination are the fundamental liberties which the coal miners of America ask the Senate of the United States to guarantee them. What will be the answer of the Senate? What will be its decision?

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Rhode Island.

Mr. GREEN. Mr. President, I wish to say a few words not on the subject of the bill, but on the subject of the Byrd amendment.

The Byrd amendment, and the substitute for it, have aroused a certain amount of criticism. The occasion for the Byrd amendment and the substitute for it was the criticism which had been made of existing conditions. The substitute was offered this morning on behalf of the Senator from Florida [Mr. PEPPER] and myself, and was in the nature of an attempt to suggest legislation which would meet the objections of those who have seen fit to criticize the existing situation, as well as those who have seen fit to criticize the provisions of the Byrd amendment itself.

It seems hardly necessary to do more than to read the provisions of the substitute. I believe its purposes are set forth clearly. At the proper place in the bill it proposes to insert the following:

SEC. —. It shall not be deemed to be unlawful under any law of the United States for an employer or a group of employees engaged in an industry affecting commerce, separately, or jointly to establish and maintain a fund for the provision of hospital, medical, and home nursing care and services, vocational rehabilitation, and other benefits to promote the welfare of such employees: *Provided*, That, wherever such fund is administered exclusively by such employer or by such employees, it shall be administered in accordance with such regulations as may be prescribed by the Federal Security Administrator to assure the equitable administration of the fund for the purposes for which it was established and to provide for a public audit of such fund. Whoever violates such regulations shall be punishable by a fine of $10,000 or imprisonment for 6 months or both.

Mr. President, the substitute amendment does not go outside the question of establishing a health and welfare fund and its administration in accordance with the purposes for which it would be established. Such funds are usually established as the result of collective bargaining, and are jointly administered in such a way that the employer and the employee are given an opportunity to see that the funds are administered fairly according to the purposes for which they were provided. But when one party exclusively, either the employer or the employee, controls and administers the fund there is no check which can be exercised upon it. Therefore it seems that in such cases the public should step in and see that the fund is administered according to its established purposes, and a public audit should be made. To that extent, the proposed substitute answers the critics of the existing situation, and of the Byrd amendment in particular.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. GREEN. I yield.

Mr. REVERCOMB. As I understand, the amendment which has been offered by the able Senator from Rhode Island deals with funds administered by the employer or the representatives of the employee, but does not deal with funds which may be administered by a joint board. Am I correct in that statement?

Mr. GREEN. The Senator is correct.

Mr. REVERCOMB. I am absolutely in favor of such funds being placed under the control and direction of some department of the Government. Would the Senator be willing to modify his amendment so that it would apply to joint boards of the character to which I have referred?

Mr. GREEN. The reason for the amendment not providing for an arrangement of that nature is this: An effort was made to achieve the purpose of the fund with as little public participation as possible. In the case of joint administration, the employee has an opportunity to exercise a check on the employer, and the employer has an opportunity to exercise a check on the employee. That has in the past accomplished the purpose. The main criticism is directed at a case where the employees administer the fund. It is claimed they may use it for other purposes, or, where the employer alone administers the fund, then the employees claim it will not be used for the agreed purposes. So there, and there alone, the public becomes interested in seeing that there is faithful administration and a public accounting. That is the explanation. I believe, as the Senator from Virginia has previously stated, that the less interference by the Government there is in the administration between employees and employers, the better. So the amendment is limited to what seemed to me to meet the situation.

Mr. REVERCOMB. Mr. President, will the Senator yield further?

Mr. GREEN. I yield.

Mr. REVERCOMB. If the Senator will indulge me, I wish to say that, from my own viewpoint, I am heartily in favor of positive action which will assure any welfare fund that will be helpful in maintaining the safety and health of workers in any industry. That is particularly so as to the hazardous industry of coal mining. But it seems to me that these funds, if they are to be administered without complaint from either side, should be administered by joint representatives of the employers and the employees. I think the Senator's amendment, so far as it requires an accounting and supervision, is excellent, but I wish the amendment of the able Senator were changed so that it would deal with all funds, including those controlled by joint boards, and make them subject to the same accounting and responsibility.

Mr. GREEN. I have no objection to such an amendment to the substitute. My only purpose, as I said before, was to limit the provisions to those which were necessary in view of the discussion of this particular subject on the floor of the Senate. There has been no discussion of the administration of funds jointly controlled. The criticism has been of funds such as the Senator from Pennsylvania has just been describing, administered by the employers alone, or funds to be administered by the employees alone, as has been proposed by Mr. Lewis. This amendment, I think, meets those two criticisms. If the Senator from West Virginia or any other Senator wishes to amend by adding such a provision as has been suggested, I have no objection.

Mr. REVERCOMB. Will the Senator yield again?

Mr. GREEN. I yield.

Mr. REVERCOMB. The Senator has very kindly permitted me to interrupt his discussion, and would he be willing, following the view I have expressed, to see to it that all funds are jointly administered, instead of being administered by either the employer alone or the employees alone?

Mr. GREEN. I would not be willing to have such a directive by the Government, because I think that the best results are achieved as a result of collective bargaining, and where the Government steps in and dictates the terms on which employers and employees come to an agreement, it is not nearly so successful, in the main, as when they come to an agreement voluntarily among themselves.

Mr. REVERCOMB. The Senator has built up a situation which is quite appealing to me, if some changes can be made. If I may say so to the able Senator, we have opportunity now to take out of the picture, as I see it, for all time, disputes between the employer and the employees as to administration, so that neither could object to the method by which the fund was managed. The employer would not have complete control of it, the employees would not have complete control of it, and a Government agency would oversee as to whether or not it was used for proper purposes.

I am thinking about the man who is the real beneficiary, the worker himself.

I think that any safeguard which can be thrown around the fund, to see that it is used for the proper purpose, is desirable. However, so far as welfare funds are concerned—and I am for a welfare fund, and I hope there will be welfare funds in every industry, properly administered—are we not here presented with the opportunity to forever remove a source of dispute between employers and employees over the control of the fund, when we place them in joint control, under supervision of the Government?

Mr. GREEN. As I have said, I am in sympathy with the idea that there shall be no dispute arising, and I do not think the record of joint control shows that disputes of serious import have arisen.

Mr. REVERCOMB. That is one very good reason why joint control should be provided.

Mr. GREEN. It is.

Mr. REVERCOMB. If the Senator will write into his amendment a provision that such funds shall be jointly controlled and jointly accounted for to the Government agency named, he will have a very sound argument.

Mr. GREEN. That goes far beyond the purpose of my amendment. The purpose is to avoid the dispute which has arisen owing to the so-called Byrd amendment, and that is all. I am not trying to discuss the bill in general, and I think an entirely new question is raised by the Senator's suggestion that we should direct how the welfare funds are to be administered. All my amendment purports to do is to provide that where one or the other party exclusively has control the fund shall be administered according to the provisions under which it is set up.

Mr. REVERCOMB. We are directing what shall be done so far as concerns accounting and showing to the Government agency what is being made of the money. Why not go a step further and take out forever this everlasting dispute as to who shall control the fund, and provide by the able Senator's amendment that it shall be a joint fund, under the supervision of the Government?

Mr. GREEN. My answer is that the prospect of success is far greater where the fund is set up and its purpose is designated as a result of collective bargaining, than it would be if it were dictated by the Government

Mr. MAGNUSON. Mr. President, will the Senator from Rhode Island yield?

Mr. GREEN. I yield.

Mr. MAGNUSON. Does the Senator's amendment provide for any control of an employers' fund, as where the coal operators would raise a fund and exact from the consumer a certain price for coal?

Mr. GREEN. The amendment relates purely to welfare funds.

Mr. MAGNUSON. There is no provision to take care of the so-called employers' funds?

Mr. GREEN. If the welfare fund is administered by the employers, the amendment would apply. If it is administered by the employees alone, it would apply.

Mr. MAGNUSON. It has been stated on the Senate floor as a fact that there is exacted on every ton of coal, and added to the price to the consumer, a certain amount which the employer uses for a so-called trade association fund. The employers have sole control of that. There is no accounting of it. But when the miner wants to have the same privilege, of exacting a price per ton of coal, there is a great dispute as to who should administer the fund. I wondered if the Senator's amendment provided any accounting for the employer's fund that is now exacted.

Mr. GREEN. This morning I offered two amendments and the pending amendment is the first one. The other one relates to the matter which the Senator now brings up, and we will probably have an opportunity to discuss that later.

Mr. MAGNUSON. I am wondering also what the Senator's viewpoint is about so-called welfare funds which have been set up in some instances in small amounts, and probably in small concerns. I know two or three instances of my own knowledge where the employer does not wish to have anything to do with the fund. If the Byrd amendment were adopted, such an employee would be forced to participate in the fund, where voluntarily he would like to stay out. Does the Senator's amendment cure that situation?

Mr. GREEN. My amendment provides that the fund, where it is exclusively administered by either party, shall be subject to Government examination to see that the purposes for which it is set up are carried out, and that there shall be a public audit.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Rhode Island [MR. GREEN] as a substitute for the amendment offered by the Senator from Virginia [Mr. BYRD] as modified.

Mr. MEAD obtained the floor.

Mr. TYDINGS. Will the Senator yield?

Mr. MEAD. I am glad to yield.

Mr. TYDINGS. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Does the Senator from New York yield for that purpose?

Mr. MEAD. It is not necessary, so far as I am concerned, to have a quorum, but I yield, so long as the suggestion has been made.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gerry	McFarland
Andrews	Green	McMahon
Austin	Guffey	Magnuson
Ball	Gurney	Mead
Bankhead	Hart	Millikin
Barkley	Hatch	Mitchell
Brewster	Hawkes	Moore
Buck	Hayden	Morse
Bushfield	Hickenlooper	Murdock
Byrd	Hill	Murray
Capehart	Hoey	Myers
Capper	Huffman	O'Daniel
Connally	Johnson, Colo.	O'Mahoney
Cordon	Johnston, S. C.	Overton
Donnell	Kilgore	Pepper
Downey	Knowland	Radcliffe
Eastland	La Follette	Reed
Ellender	Langer	Revercomb
Ferguson	Lucas	Robertson
Fulbright	McCarran	Russell
George	McClellan	Saltonstall
Shipstead	Thomas, Utah	Wheeler
Smith	Tobey	Wherry
Stanfill	Tunnell	White
Stewart	Tydings	Wiley
Taft	Vandenberg	Wilson
Taylor	Wagner	Young
Thomas, Okla.	Walsh	

The ACTING PRESIDENT pro tempore. Eighty-three Senators having answered to their names, a quorum is present.

Mr. MEAD. Mr. President, there seems to be two distinct schools of thought represented by those engaged in the debate on this very vital and important legislation. Those representing one school defend the voluntary system for the settlement of disputes, and urge that a continuation of collective bargaining is the best and the most democratic method for the settlement of strikes. Those who represent another school of thought feel that compulsion is essentially necessary and that it will work out more successfully in this particular field than will the voluntary method.

Mr. President, I ascribe to both groups the honesty of purpose and the desire to be of service to the country that is common to all our general endeavors, and especially when a serious crisis is upon us.

But, in view of the seriousness of the situation, because of the long line of experience and tradition that is available on the subject, and also because of the fact that anything we may do at this time will require further action on the part of the House, and will not affect the present industrial difficulty, but will have an effect on the future relations between management and industry, I think we ought to go into the subject at great length, and should endeavor to find the right answers. We could very well review the experience of forward-looking countries all over the world, and determine whether or not we desire to improve the structure we have built here over the years, or whether we desire to tear it down and start on a new highway of compulsory legislation.

Mr. President, I agree that in the political platforms of all the parties, national and State, the platform makers, as one of the essential musts in the perfection of a platform, espouse the cause of collective bargaining in order to recommend themselves whole-heartedly to the cause of organized labor. I recognize the fact that there is a different feeling in the Senate at this time than is to be found in the atmosphere of the political convention when a platform is being written to attract the prestige and the support of large groups of the people. But, Mr. President, I do not believe that we are in the proper atmosphere, when we are perhaps motivated by feeling, when we are exercised to the point of impatience or anger, to give the proper consideration to legislation having the long-range objective of bringing about an industrial peace which we all hope will be attained.

I wish to lay before the Senate some of the experiences of forward-looking countries in the field of labor disputes. I wish to point out to my colleagues the experiences of the English-speaking countries, and show how they have traversed these several fields, how unsuccessful they have been when compulsion was the heart and center of their legislative endeavor, and

how successful they were when they accorded to the worker a status in the enjoyment of rights and privileges equal to that granted to everyone else by the particular government.

I hold that the abandonment of a traditional and time-tested policy should never be undertaken except upon adequate proof that such a move is necessary and that the proposed new and substituted policy constitutes an assured and undoubted betterment. Is the course which it is proposed to take in the passage of the bill as passed by the House of Representatives, or the bill which will be approved by the Senate if we adopt the pending amendments, an improvement over the voluntary methods now in vogue, or is it a better course than would be the course of continuing the voluntary method with such perfections as experience, study, and research would permit?

I do not believe that the general soundness of that observation will be disputed by anyone. That it is particularly pertinent to governmental policy in respect to the stoppage of industrial relations is so obvious as to require no further argument whatsoever. It is certainly the traditional policy of this country. It has been the policy of the national parties in this country and, indeed, in all English-speaking commonwealths throughout the world, to accord to labor complete freedom in the right to organize and to function under such organization unaffected by government domination, by restraint, or by intimidation.

In its application to private industry this policy recognizes the right of any individual or group of individuals to stop work whenever dissatisfied with the terms and conditions of their employment. Likewise, it accords to the employer the right to reject his employees' demands and to suspend his plant operations.

It is the duty of the Government, however, to afford to both parties the most effective steps by which these disputes can be conciliated, arbitrated, or settled by the effort of the Government in bringing the parties together. There is the further discipline which should recommend itself to the responsible leadership of both groups, and even to the groups themselves, namely, that both groups are patriotic enough to preserve the institutions of the Government which would protect them in those rights. So, Mr. President, we have the discipline common in the democratic state, as contrasted with the lack of discipline in the totalitarian state.

In addition to pride of citizenship in a State which grants to the individual the liberties which he enjoys in such a State, we have the services of the Government, with the conciliator who comes around at the beginning of the dispute; the mediation board, which volunteers its services, and to which both groups are usually anxious to present their case; and finally, arbitration, as is the case under the Railway Labor Act, is brought into effect whenever a dispute becomes of major importance.

So, Mr. President, we have several opportunities for the settlement of disputes. With such opportunities the established practice of this Government, it occurs to me that we ought to study them and their application here and in other countries, and endeavor to refine, protect, and improve upon the voluntary method, rather than to destroy it in the heat and passion of a crisis such as that which confronts us today. No one regrets more than I do the growing paralysis of the strikes which are upon us. No one hopes more fervently for their quick and permanent settlement than I do. I offer the best information I have to my colleagues in the Senate in order that I may aid in bringing about the industrial peace which we all hope to obtain.

I feel that once we depart from this basic policy—a policy approved by both the Republican and Democratic Parties and embraced by the Congress of the United States on a number of occasions—and attempt to take away either of these rights from the employer or employee through the exercise of Government police power, it is not difficult to foresee continued and further progressive encroachment upon the rights of our citizens in many particulars which heretofore have been deemed fundamental in the American concept of democracy.

In his testimony before the Senate Committee on Labor and Education last January, Mr. William H. Davis, a distinguished authority in the field of industrial relations, made this statement:

> The creative adventure of the conference table loses all color of reality if the workers have been deprived of their right to reject management's offer and quit, or if management has lost its right to refuse the workers' terms and close the plant. It is in the last analysis the pressure of this right to strike or to lock out that keeps the parties at the conference table, that tests their courage, resourcefulness, and decision.

Mr. President, on the subject of strikes, no one has yet come forward with a plan for the abolition of strikes which at the same time does not interfere with the free operation of collective bargaining. It is impossible to see how this miracle can be performed by this or any other legislative body. The gesture in that direction through the so-called Smith-Connally Act proved to be a mere gesture indeed, and it certainly disappointed its enthusiastic supporters and sponsors. In my judgment, it was the occasion of more strikes than would have been the case without the Smith-Connally Act. It should constitute a warning against the temptation to enact legislation of this kind in the heat of resentment over some specific or isolated incidents.

No reasonable person looks with unconcern upon strikes, and particularly those which seriously interfere with the economic life and the welfare of the general public. In respect to such strikes it is natural that there should arise considerable clamor for drastic prohibitory regulations—and this, unfortunately, without thoughtful consideration of the consequences of such legislation. In irritation or in impatience over temporary inconvenience or interruption of customary facilities and services, we are apt to forget that a remedy can often be worse than the ailment for which it is prescribed.

Mr. President, in this controversy Senators on both sides of the question are anxious to prevent strikes. Yet in the light of the experiences of nations it is evident, it seems to me, that the sponsors of the pending measure are pursuing the wrong course. Their course is not the highway to industrial peace.

Mr. KNOWLAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. TYDINGS in the chair). Does the Senator from New York yield to the Senator from California?

Mr. MEAD. I am glad to yield.

Mr. KNOWLAND. Does not my distinguished colleague from the State of New York recognize the fact that there is a relative right as between the right to strike, on the one hand, and the right of 140,000,000 Americans to work and to exist and to prevent the economic strangulation of the Nation?

Mr. MEAD. Yes; I agree that there is a relative right. But if we carry that to the farthest point we deny any one within that population of 140,000,000 the right to strike, because of the effect of such strike upon the other persons in the Nation who are not at the time striking.

Mr. KNOWLAND. Mr. President, will the Senator further yield?

Mr. MEAD. I am glad to yield.

Mr. KNOWLAND. As a matter of fact, taking a rather simple example, we realize that the motorist has a right to drive his car, and yet we impose upon him an obligation not to drive his car recklessly, not to endanger life and property. We confer on property owners certain rights in relation to their own property, and yet they have an obligation not to construct a factory in a residential district. We confer certain rights upon the hunter, and yet we also impose upon him the obligation not to hunt out of season or to fire his gun in a city, where life and property might be endangered.

It seems to me that in this case, when we now have the paralysis of a great railroad strike which already has started while the Senate has been discussing this matter, and when a great coal strike is closing down and strangling the economic life of 140,000,000 people, both the Congress of the United States and the President of the United States have a grave responsibility continually to consider and develop the solution of this problem, so that these relative rights may be worked out with some degree of fairness. But to say that any group or any man has a right to strangle this Nation is something which I do not believe the Senate or the House of Representatives can sit idly by and accept.

Mr. MEAD. Mr. President, there is no doubt that we must have traffic regulations, criminal laws, penitentiaries, and State prisons. I agree that the regulations which have been mentioned by my able colleague the Senator from California are beneficial, even to the motorist who is behind the wheel. But if we apply that principle to the men who work in the mines and if we tell them that they have no right whatsoever to

endanger others, then I say, Mr. President, that the miners forever and a day will work in the dangerous mines, in the bowels of the earth, where one explosion after another occurs, making it the most hazardous enterprise on earth, and they will continue to live in company hovels, to be raised, as they have been in the past, as has been pointed out by a distinguished writer whose articles have appeared in one of the Washington newspapers, emaciated weaklings unable to enjoy the standards of life of the ordinary, common, everyday laborer.

Mr. President, we must consider, as did Abraham Lincoln and as did all the other outstanding men of America, that a man's liberty is something quite different from the incidental privileges men have. A man's liberty is a sacred right which he possesses, and it cannot be put on a par with driving an automobile or with the dollars of a corporation or with the regulations which are incident to the operation of a large municipality. In a democratic nation there are certain differences between the basic rights of human beings, who give their blood and their sweat, and I include their right to bargain collectively, and the right of regulation insofar as traffic conditions are concerned or insofar as any similar regulations which may be necessary are concerned.

I am endeavoring to point out how successful the voluntary methods are and how unsuccessful the compulsory methods are, because I am endeavoring to stop strikes and to prevent their recurrence. Before I conclude I think I shall be able to point out, even to the satisfaction of some of my colleagues on the other side of this issue, that there are more strikes where compulsion is the rule of the law than there are where voluntary methods are encouraged. No one regrets more than I do the slow economic paralysis which seems to be creeping over our country. Mr. President, if I had my way about it I would, insofar as I am concerned, make any sacrifice to bring about the industrial peace which we need so badly at this particular period of our history. To do it in the right way is all that I am endeavoring to point out.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. MEAD. I yield.

Mr. PEPPER. Has not the able Senator from New York just put his hand upon the focal point of the controversy here? All of us are striving to reduce industrial strife and to produce industrial peace. One point of view is that we can achieve that objective better by stringencies and by certain compulsions. The other point of view is that by strengthening the arbitration and mediation and conciliation services of the Government and by trying to achieve social and economic justice we shall in the long run obtain better results in respect to the achievement of those objectives. Is not that the essential controversy which prevails here at the present time?

Mr. MEAD. Mr. President, that is the history of labor disputes in England, in Canada, in Australia, in New Zealand, and in these United States. So I am in thorough accord with the sentiments expressed by my able colleague from Florida. I wish to revise and improve and project into the future the helpful services which we have developed in the past.

Mr. President, in regard to strikes, as I have said, no one has yet come forward with a plan for the abolition of strikes which at the same time does not interfere with the free operation of collective bargaining. Let me point out again that in the ordinary course of the enactment of legislation our efforts this afternoon will not affect the strikes which are pending today. The measure now under consideration will have to be debated. Amendments offered to it will have to be accepted or rejected. Then the measure will have to go back to the House of Representatives, and there it probably will be debated again. Finally, perhaps, it will go, for at least a brief period, to the conferees. Thereafter it may come back to the Senate. But I am hopeful, and I think everyone else is, and I believe that everyone believes that these strikes will be over when this measure actually becomes the law.

If we were considering an emergency measure which applied only to the instant strike, then we could talk about its relation to the instant strike. But I am sure it will be popular today, in many quarters, to attack the miners who are out on strike, even though we are unfamiliar with the unfortunate circumstances under which they live and work, even though mines all over the world presented the highest percentage of strikes during the war and in the postwar period—and that, Mr. President, because of the hazard of the occupation and because of the unfortunate, poor economic conditions associated with those who work in that industry.

So, Mr. President, while what some of us are seeking to do may not be popular today; yet in the long run if we endeavor conscientiously and seriously to work for industrial peace, to repair and improve and rebuild the structure which we have built through the years, rather than to destroy it with a so-called atomic bomb, I am sure that those of us who are seeking a permanent system to bring about a more enduring industrial peace will be doing a greater service.

Mr. President, in developing an argument for strike avoidance by bargaining—and this matter bears directly on the subject I am discussing—Sumner H. Slichter, professor of economics at Harvard University, recently set forth the view that a period of strikes may be a necessary prelude to a prolonged period of industrial peace. He warned that it is impractical to attempt to prevent strikes, and pointed to two major benefits of strong unions, namely, forcing the development of efficiency in management, and stimulating technological improvements through upward pressure of wage rates.

I think that fact is recognized in this country and in other English-speaking countries. I traveled through most of those countries during the war. I saw evidences of their tremendous industrial production under the stimulus of labor organizations. I also saw evidence of the dead, decadent, and slowing up of production in the unorganized, backward, enslaved, and exploited countries. If it had not been for our country and other forward-looking countries in which dignified labor had the right to organize and bargain collectively, and stimulate efficiency and production, we would not have won the war. So, Mr. President, I was strengthened in my belief that the system which prevails within our own beloved Republic is not a system which would destroy but is one which the backward nations of the world could well employ.

I repeat that Professor Slichter warned that it is impractical to attempt to prevent strikes, and pointed to two major benefits of strike unions, namely, forcing the development of efficiency in management, and stimulating technological improvements through upward pressure of wage rates.

This experienced observer pointed out four major problems. Mr. President, I wish to bring those problems to the attention of the Senate. I have before me a copy of Labor Relations Reporter, in which there is an article on the subject of strike avoidance by bargaining. It reads as follows:

In a recent article offering answers to four major problems of postwar labor relations Sumner H. Slichter, Lamont professor of economics, Harvard University, set forth the view that a period of strikes may be a necessary prelude to an era of industrial peace. He warned that it is impractical to attempt to prevent strikes and pointed to two major benefits from strong unions—forcing the development of efficiency in management and stimulating technological improvements through the upward pressure of wage rates.

The article appears in the current issue of the Yale Review under the title "Strikes and the Public Interest." Portions quoted are reproduced by permission of Yale University Press, holder of the copyright.

FOUR MAJOR PROBLEMS

The four major problems stated are:

1. How to restore collective bargaining after its partial eclipse while the War Labor Board settled disputes. He recommended permitting the parties to obtain the best bargains procurable with their economic strength, the Government remaining neutral and aiding neither side.

2. How to protect the public against interruption of production. Among the recommendations were that strikes and lock-outs be permitted as a necessary means of education as to how far the parties would go without resorting to economic warfare. Professor Slichter recommended also that "cooling off" periods in case of great emergency should be required at the discretion of a Government conciliator.

3. How to develop satisfactory adherence to contracts. This problem, it was suggested, would solve itself in 2 or 3 years.

4. How to deal with inter-union jurisdictional disputes. As a partial solution, it was suggested that the Labor Relations Board be authorized to issue cease and desist orders to prevent picketing and other strike activities when the purpose is to compel the employer to violate the Wagner Act, withdrawal of bargaining rights being used as a remedial sanction.

UTILITY OF UNIONS

The long-range utility of unionization from the standpoint of economic welfare was set forth by Professor Slichter as follows:

"Undoubtedly, unions on the whole are an influence for better management. They insist that managements use orderly processes, that the responsibilities of both supervisors

and workers be clearly defined, that managerial decisions be based on principles and careful consideration of facts that supervisors be able to justify their decisions. In the setting of rates, in the introduction of technological changes, in the handling of layoffs, and in many other cases, union pressure and criticism are compelling 'off-the-cuff' decisions to be replaced by carefully formulated policies. Union pressure for better working conditions is slowly changing the approach of management toward new problems—compelling the attitude of 'It cannot be done' to be replaced by 'Let us see what we can do about it.' Unions are a major influence in developing management which has no counterpart for efficiency and social responsibility in any other country in the world.

"Unions are subjecting wages to far stronger upward pressure than our economy has ever witnessed. Even when unions were weak, wages were subject to a tremendous upward pressure. Between 1840 and 1940, hourly earnings in the United States rose about ninefold. They advanced so rapidly that, despite rapid technological progress, there was a small rise in the index of prices. During the last decade of this period, from 1930 to 1940, when unions had become strong, wages rose so rapidly relative to prices that total pay rolls fell—the first decade in which such a drop occurred. This experience shows that the upward pressure on wages can be too strong. Nevertheless, upward pressure upon wages can be tremendously useful in stimulating technological research. If overdone, it can produce chronic unemployment on a large scale. If not overdone, it can help American industry continue to increase its productivity faster than the industry of any other country."

The major problems confronting labor relations today, Professor Slichter explained, are in part due to the war and in part due to the 12 years of governmental encouragement of union organization.

The pursuit of the no-strike, no-lock-out policy during the war, he said, together with the wage-stabilization policy, caused numerous unsettled issues to accumulate. Wage demands mounted when reduction in overtime work reduced earnings by about 15 percent, he declared, and output per man-hour has not risen sufficiently to permit an offsetting advance in wage rates without some rise in prices.

RESTORATION OF BARGAINING

Respecting the restoration of collective bargaining, Professor Slichter wrote:

"Collective bargaining will not develop if the rank and file insist that the unions get them better conditions than the union members are willing to strike for and if the Government abandons the role of a neutral and virtually compels employers to grant better terms than the unions could win by bargaining. The Government, of course, does not always adopt a neutral attitude towards wage issues. Minimum-wage laws show that the scope of the Government's neutrality is limited. Government wage setting and collective bargaining, however, do not mix. Consequently, in the areas where the Government wishes collective bargaining to flourish, it must not seek to impose settlements. Incidentally, nothing would more effectively impede the development of responsible union leadership and encourage demagoguery than the kind of Government intervention in labor disputes which relieves employers and union leaders of the responsibility for making settlements."

The best hope of minimizing interruptions in production, according to the article, lies in the restoration and free operation of collective bargaining.

In support of this conclusion, Professor Slichter advanced the points that (1) collective bargaining is inherently capable of producing industrial peace and (2) the success of collective bargaining in averting strikes and lock-outs is one test of whether it is well done. In developing these points, he said:

"What is the basis for expecting collective bargaining to prevent strikes and lock-outs? Simply that each side, if it has accurate knowledge of the willingness of the other side to fight rather than to accept certain terms, is ready to accept the terms which will bring balance between the employer's willingness to stand a shut-down and the union's willingness to stand a strike * * *.

"In the imperfect world in which we live, one must not expect every dispute to be settled without an interruption to production. If either side persists in underestimating the willingness of the other side to fight, the parties will fail to agree on terms, and mediation or arbitration may be necessary to avert a stoppage.

With reference to the question of averting strikes, in this chapter Professor Slichter has made a very worthwhile contribution, and I wish to read it for the benefit of my colleagues, because I believe it to be very helpful. It reads as follows:

AVERTING STRIKES

It is important to understand that the basis for peaceful settlements of negotiations is knowledge—knowledge of what the other side will accept rather than force a trial of strength. Not only must the leaders have this knowledge, but the rank and file of the union and the members of the employers' association (if there is one) must also have it—or else they must be willing to accept the judgment of their leaders. A spirit of realism and willingness to face facts honestly rather than go off on sprees of wishful thinking is important in making collective bargaining work. So also is a bias in favor of peace and compromise because there are always uncertainties about the willingness of each side to fight. Finally, successful collective bargaining presupposes courgeous leaders as well as astute ones because the leaders must sometimes frankly tell their constituents that certain cherished demands cannot be achieved without a fight or that certain cherished conditions cannot be kept without a fight.

All of this suggests that experience is also important in making collective bargaining work. Only through experience does each side learn the strength of the other and the other's willingness to strike. This explains why strikes and lock-outs may be a necessary prelude to an era of peace. Furthermore, an occasional strike or lock-out is needed both to test the willingness of each side to fight and to keep alive a vigorous spirit of realism. Experience also is required to teach the rank and file of both sides that there is always another time and that demands which cannot be won at this negotiation may be achieved at a later one. Finally, it is needed to teach negotiators not to work themselves into positions from which they cannot easily recede and to teach them the importance of flexibility and resourcefulness.

Mr. President, I believe that the able article from which I have just been quoting by Sumner H. Slichter, the Lamont professor of economics at Harvard University, is one we could all afford to read in greater detail.

I see a great deal of hope in the intense interest which is now being manifest all over the United States in the field of labor-management problems. College after college, university after university, is giving courses, training men and women in the field of labor relations. Some larger colleges in the country have set up whole schools for the study and consideration of this subject.

As our economic activities become more complicated, leadership in this field is an important essential. I find a great many men of the law and of the other professions, studying labor relations in some of our advanced colleges and universities. Americans are going to Scandinavian countries and to British countries studying labor legislation and labor practices.

I am sure that from this widespread study here in America and from the study abroad we are going to work out our difficulties without losing the inherent liberties of our people; we are going to maintain our democracy in all its prestige and power, and we are going to project it so that we will have real democracy in our industrial field as well as in our political field.

Mr. President, the difficulty of attempting to insure industrial peace in a democratic country through statutory approach is illustrated vividly by the Australian experience. Probably no other country in the world has adopted more extensive legislation directed to the objective of reducing labor disputes and work stoppage while at the same time attempting to preserve to the workers those fundamental rights essential in a democracy.

For a period of many years Australia has had a super-agency known as the Commonwealth Court of Concilation and Arbitration, with broad power to interpret and administer a comprehensive and rather complex series of statutes and regulations. To these long existing legislative enactments there were added further emergency regulations during the recent war emergency known as the National Security (Industrial Peace) Regulations. To illustrate the imposing extent of detail and the apparent potency of these enactments I quote pertinent features from the work Wartime Labor Developments in Australia, by Professor Foenander. Professor Foenander is the author of a number of books. The one I have is entitled "Wartime Labor Developments in Australia." He talks about the court which I have just mentioned, and says:

The court shall, as regards every industrial dispute of which it has cognizance, have power to declare, by any award or order, that any particular regulation, rule, custom, term of agreement, condition of employment or dealing whatsoever, determined by an award in relation to any industrial matter, shall be a common rule of any industry in connection with which the dispute arises, or of such portion of that industry as the court thinks fit, or of any group of industries of which that industry is one.

(2) Where the court has cognizance of an industrial dispute it shall have power to make an award regulating the whole or so much of the conditions of employment in relation to the industry in which the dispute exists as the court thinks fit, and, for the purpose of making an industry, the jurisdiction of the court shall not be limited by the ambit of the matters in dispute.

Then Professor Foenander proceeds to say on whom the award is binding.

In addition to the parties, persons and organizations on whom an award is declared by the act to be binding, an award declared

to be a common rule or an industry award, as the case may be, shall also be binding on all organizations and persons on whom the award or industry award is declared by the court to be binding.

Then, under the heading "Reference by minister of matter likely to lead to industrial unrest," he says:

Where the minister is of the opinion that any industrial matter has led, or is likely to lead, to industrial unrest, he may refer that matter to the court and, notwithstanding that an industrial dispute affecting that matter does not exist, the court may proceed to hear and determine the matter in like manner as if were an industrial dispute.

* * * * *

Where a Conciliation Commissioner is of the opinion that an industrial dispute has arisen, or is threatened or impending, he may investigate all matters connected with the dispute.

Mr. President, this indicates that they have an organization of sufficient strength and volume and capacity to survey the industrial activities in Australia, to attempt to settle disputes at the very source, at the very beginning, and to go along with them as they develop, if they be developed, in an endeavor to bring about an early and an effective settlement.

I wish to read to the Senate from Professor Foenander's work, under the heading "The Persistence of Unrest in the Coal-Mining Industry," in Australia, even though they have in Australia, by statutory law, all these various safeguards to protect industrial peace. I read:

Refusals to work, nevertheless, persist in the coal-mining industry in a degree out of all proportion to those in industry generally. The following table of strike figures for 1942—

That was a war year, and during this war year they not only had this apparently widespread organization for the settlement of industrial disputes and for the protection of industrial peace, but they had an emergency law that was quite compelling in its character. Yet, in the midst of the war the following table of strike figures for 1942 will show in some measure the relatively heavy incidence of strikes that were occurring at that time in the coal-mining industry:

The number of workers employed in the coal-mining industry during the year 1942 may be taken on an average as about 23,000 or approximately 1.25 percent of that for all industry (exclusive of rural and household domestic workers).

	Total number of strikes in Australian industries	Total number of strikes in the Australian coal-mining industry
January	43	31
February	49	41
March	29	24
April	41	31
May	70	58
June	70	54
July	61	53
August	27	11
September	41	25
October	43	23
November	68	59
December	58	35
Total	600	445

The figures tabulated take account of those strikes only that involved a loss of at least 10 working days in the industry to which they directly relate. From them it will be observed that of the totality of strikes in Australian industries during the year 1942, approximately 74 percent took place in the coal-mining industry.

Yet, despite the minutiae of particulars in this and in other previous legislative enactments, we find that strikes occurred in considerable number even under conditions of war and actual threat of invasion. In the year 1942, according to Dr. Foenander of the University of Melbourne, there were 600 strikes in Australian industries, counting only those involving at least 10 days' duration. Of these 445, or approximately 74 percent, took place in the coal-mining industry.

I emphasize that, Mr. President, not only because of the binding effect of the labor conciliation court, not only because of the binding influence of its decisions upon labor and upon industry, but also because Australia had a very drastic war emergency law which required industry to continue to function. Yet with all that legislation, Mr. President, with the compelling influences of that legislation, Australia had 600 strikes at a time when invasion was imminent. When we contrast that situation with the situation which existed in our own country, I think we can be very proud of our industrial production and of the industrial peace we enjoyed throughout the emergency, and we can also commend labor for the manner in which it maintained its nonstrike pledges.

As an illustration of how such statutory regulations can be and were circumvented, Dr. Foenander points out that:

Malcontents found it possible largely to stultify the effectiveness of the applicable statutory rule by resuming work when required to do so under the regulations, and then promptly proceeding to another stoppage.

In other words, they would go to work one day in compliance with the law, but they would not go to work the next day. They would comply with the law by calling off the strike, ending the work stoppage, and then when they had thus complied with the law, the work stoppage would set in again. Dr. Foenander continues:

It would then be necessary to serve a fresh notice directing a return to work, but the summons could again be satisfied by a temporary observance.

This strike record in the Australian coal industry occurred despite a further legislative attempt to defeat circumventions of the kind just mentioned. This further regulation seemingly was sufficiently strong enough to accomplish its purpose. It forbade any person actually or usually employed at a coal mine who has no reasonable excuse, proof of which is to lie upon him, to refuse or fail to attend for work at the mine at the customary place and at the customary times, or to work at it during the hours for which he is required. A refusal or failure of this nature would render the employee liable, if under the age of 35, to service in the citizens' military force or in the army labor corps, and if not under that age, to service in the army labor corps. Still further provision for the maintenance of an undisturbed flow of production in the Australian coal-mining industry was made by the promulgation of additional amending of the national security regulations. These regulations made it an offense for any person, first, on account of any industrial dispute or in relation to any matter arising at a coal mine, to do anything in the nature of a strike or continue any strike at the coal mine except in pursuance of a decision of the duly constituted governing body of the organization of employees to which the person belongs, or, second, to cause or counsel, procure, urge, incite, or encourage any person or persons actually or usually employed at a coal mine to refuse or fail to attend for work at the coal mine at the customary place and at the customary times, or to work at the coal mine during the hours for which they are required to work.

Despite these seemingly drastic measures Dr. Foenander points out in his exhaustive report that refusals to work nevertheless persisted in the coal-mining industry to a degree out of all proportion to those in industry generally.

That is the experience, Mr. President, in all democracies of the world. It was our experience when we endeavored to force people by law to adopt certain customs to which they were basically opposed. I imagine there were more violations of the prohibition law, for instance, than ever came to the attention of the courts. Probably some violated the law simply to show their opposition to it. At any rate, the mere passage of the law did not change the customs of the people.

Despite the seemingly drastic measures adopted in Australia refusal to work persisted in the coal-mining industry to a degree out of all proportion to those in industry generally. The measures were very drastic. First of all there was established the Australian court of conciliation. Then there was the emergency wartime legislation for the settlement of disputes. Then there was the particularly drastic law which forced the men to go into the mines or to go into the army, yet in most cases the strikes persisted and increased and were aggravated.

It is significant that the special regulation designed specifically to keep the coal miners at work was issued on April 14, 1942. In the immediately succeeding month of May following the promulgation of the regulations the number of coal-mine strikes almost doubled over any previous month's figure. The actual count was 31 strikes in the month of April, 58 strikes in the month of May.

If statutory regulations can be relied upon to avoid all work stoppages, certainly it would seem that the Australian regulations should have accomplished the purpose.

GREAT BRITAIN'S EXPERIENCE

Mr. President, I now wish to present Great Britain's experience. I desire to observe that when drastic regulation was not in effect there was a greater degree of industrial peace than was the case when compulsory legislation was resorted to. That is experience which can be widely found in the English-speaking countries of the world.

The experience of Great Britain in dealing with the problem of industrial relations and trade unions extends over a much longer period than our own. In that country organized labor has been potent for many years and has enjoyed a full measure of protection by the Government. Even under its wartime policy and legislation the traditional reliance upon direct negotiation between management and labor in the settlement of disputes was maintained. I quote the Minister of Labor in his report of 1944 (Industrial Relations Handbook):

It is the traditional and well-tried practice of the principal industries to regulate wages through their joint voluntary machinery for wage negotiation. On the recommendation of the representatives of the Trades Union Congress General Council and the British Employers' Confederation on the Joint Consultative Committee and the National Joint Advisory Council, the Government decided to entrust the responsibility for wage regulation in wartime (save where machinery for statutory wage fixing already existed) to the industrial joint machinery, subject only to the Conditions of Employment and National Arbitration Order, which was made with the concurrence of the Joint Consultative Committee and the National Joint Advisory Council, and which provides for the more effective enforcement of agreed rates of wages, the reference of unsettled claims to arbitration and the prohibition of strikes and lock-outs.

Since the outbreak of the war, the existing joint voluntary machinery for wage negotiations has operated successfully.

I read that again:

Since the outbreak of the war—

This is the statement made by the Minister of Labor in his report of 1944:

Since the outbreak of the war, the existing joint voluntary machinery for wage negotiations has operated successfully.

Increases in wage rates have been reasonable; the authority of the unions in the day-to-day adjustment of wages and conditions has been maintained; the freedom of opportunity to make claims and to have them discussed has enabled industrial peace to be maintained.

The policy of the Government, therefore, is to avoid modification of the machinery for wage negotiations and to continue to leave the various voluntary organizations and wage tribunals free to reach their decisions in accordance with their estimate of the relevant facts.

It is true that under the war emergency in 1940 Great Britain adopted a seemingly drastic regulation called Conditions of Employment and National Arbitration Order, the main purpose of which was to prevent interruption of work during the war by trade disputes. This regulation provided for what was in effect compulsory arbitration only after every possibility for direct settlement between the parties had been exhausted. However, the British Government was careful to provide in a subsequent enactment for the resumption of the normal method of settling conditions of employment by collective bargaining. As a matter of fact, this legislation did not result in the abolition of strikes. The record discloses that industrial strikes in Great Britain in peacetime during the 5 years 1934–38 averaged 769 annually. During the war period 1939–43, inclusive, the number of strikes averaged 1,238. It is true that during the war years the average man-days lost per strike was less than half the average in the prewar period.

It is significant to point out at this time that in Great Britain, as well as in Australia and New Zealand, a large percentage of the recorded strikes occurred in the coal-mining industry. In Great Britain the unauthorized Yorkshire coal strike in March 1944 came at the end of a year of almost continuous wildcat coal strikes, in less than a month after a strike of 100,000 coal miners in South Wales. The Yorkshire strike involved more than 90,000 miners and occasioned a loss of over 1,000,000 tons of coal. And yet, Mr. President, that came about only after drastic compulsory legislation was enacted. In spite of these facts the British Government instituted no prosecutions but assisted in the negotiation of a national coal agreement and aided union leaders in urging the men to return to work. A spokesman for the Minister of Labor on April 8, 1944, in response to a query concerning the coal strikes in the House of Commons, stated:

It has been the policy of the Government to rely upon the joint voluntary machinery and negotiations for the settlement of disputes and upon the authority of trade-unions and employers' organizations to see that agreements reached are loyally observed.

I think I should read that again.

A spokesman for the Minister of Labor on April 8, 1944, in response to a query concerning the coal strikes in the House of Commons, stated:

It has been the policy of the Government to rely upon the joint voluntary machinery and negotiations for the settlement of disputes and upon the authority of trade-unions and employers' organizations to see that agreements reached are loyally observed.

NEW ZEALAND'S EXPERIENCE

Mr. President, I wish to make a brief observation with respect to New Zealand's experience. New Zealand has a long history of legislative control of industrial disputes, going back to the Conciliation and Arbitration Act of 1894. Like Great Britain and Australia, this country adopted a wartime antistrike measure, although it applied the basic principles of peacetime labor-dispute methods in the formation of its wartime regulations. It would appear, however, that New Zealand did not or could not rigidly enforce these regulations, and its efforts were devoted principally throughout the war in obtaining rapid settlement of strikes through management-labor negotiations. There, as in Great Britain, the wartime average of strike incidents increased over the peacetime average, the figures showing a peacetime average of 40 strikes per year 1934–38, inclusive, and 69 strikes per year during the war years 1939–43, inclusive. It must be recalled that during the latter years the more drastic antistrike measures were on the statute books.

CANADIAN EXPERIENCE

With regard to the Canadian experience, in Canada likewise the number of strikes per year increased progressively as the war advanced despite the adoption of wartime labor-dispute control through orders and regulations. Here, too, our neighbor to the north found it more practicable to rely chiefly upon voluntary settlements of labor disputes.

It is interesting to note that in countries which had drastic legislation on the statute books, in the midst of a war emergency they set aside the police powers enjoyed by the authorities and resorted to the voluntary prewar method of settling disputes, and when disputes were settled in that manner, as a rule they remained settled. So, Mr. President, both in the over-all experience of the industrial nations and in the experience of those nations in the midst of war, experience has always proved that when men can get together around the conference table, when the Government provides every opportunity for the men to negotiate, confer, conciliate, mediate, and arbitrate, the settlements are usually more lasting and are carried out far better than are settlements which are policed by a political authority.

The Canadian experience reveals that our neighbor to the north found it more practicable to rely chiefly upon voluntary settlements of labor disputes in the war emergency. In the peacetime years 1934 to 1938, inclusive, the Canadian record reveals an average of 178 strikes a year. In the war years, 1939 to 1943, inclusive, the number had increased to 264 annually, an increase of 48 percent.

It is worthy of mention that both employees and employers, realizing the seriousness of the emergency which confronted the country, settled disputes more rapidly. They were of shorter duration and resulted in less damage than was the case with strikes in peacetime. It is fair to state, however, that in Canada the average man-days lost per strike decreased 25 percent in wartime, as against the peacetime record.

Mr. President, I wish to read from the Labor Relations Reporter, issue of September 5, 1938, a very interesting report which verifies what I have been contending, that is, that it would be better for us to perfect, improve, and refine our voluntary procedures than to abolish them and resort to a compulsory Labor Disputes Act. In this issue of the Labor Relations Reporter is to be found the full text of the report by the President's Commission on Industrial Relations in Great Britain. In a statement by the President of the United States as a foreword, he says:

The Secretary of Labor has given me the factual report on industrial relations in Great Britain. This report, unanimously submitted by eminent Americans representing the various interests and points of view within our national life, comes in response to the request I made of them for an impartial statement on labor-employer relations as they exist in Great Britain.

To the members of the Commission on Industrial Relations in Great Britain who, at great personal sacrifice have spent weeks in an intensive study of these problems in Great Britain and in the preparation of an objective report, I express the thanks of the Government. I, personally, am most appreciative of the services they have rendered.

The adequacy of this report attests again the usefulness of cooperative endeavors on the part of those in Government and those whose labors and interests, diversified as they may be, are closely identified with the

labor-employer relationships as they exist in our country.

This report ought to be read through. Unless this is done, discussions of the facts contained therein will be of little value. To me, the most salient feature of it is the cooperative spirit coupled with restraint, which is shown by those who represent both employers and employees in Great Britain. Collective bargaining is an accepted fact and because of this the machinery which carries it out is functioning.

A second report is to be submitted in the near future and this will give us a parallel study of industrial relations in Sweden. Experiences of other countries very naturally have been different from our own but they should be considered and studied as we analyze our own problems.

FRANKLIN D. ROOSEVELT.

Mr. President, I believe that that was an exemplary approach to the solution of the very difficult and most vexing problem of industrial peace. The President appointed a committee of eminent authorities and sent them to Great Britain, there to make a study of industrial relations. The commission also visited Sweden, and a report was made on industrial relations there. I presume it would be advantageous to make a similar study of the experiences of other countries, not because we should copy after those countries, not because our problem is identical with their problem, but because it would be stimulating to the minds of those who are bent on developing a permanent and a more perfect solution of this problem.

What the commission found out appears on page 2 of the Labor Relations Reporter which was published on September 5, 1938; but before reading that I must read the names of those who were on that commission appointed by the President of the United States to study industrial relations in Great Britain. The commission consisted of W. Ellison Chalmers, William H. Davis, Marian Dickerman, Lloyd K. Garrison, Henry I. Harriman, Charles R. Hook, Anna Marie Rosenberg, Gerard Swope, and Robert J. Watt. On the commission there were employers and employees, industrial leaders, and professors in our colleges and universities.

I read from the statement entitled "What the Commission Found Out":

WHAT THE COMMISSION FOUND OUT

Employment contract, or collective agreement, in Great Britain does not mean a contract between an employer and a union but between an employers' association and a union or group of unions. Employer organization matches worker organization.

Enforcement of collective contracts is not provided for under the law. Both sides generally agree that they should not be, but that their validity should rest on the good faith of the parties.

Interunion disputes are minimized by acceptance of the principle that no union has an exclusive right to organize any class of workers. Acceptance by one union of members from another union engaged in a labor dispute is "not done."

Unions or their officers may not be sued for restraint of trade or for wrongful acts of members in furtherance of a trade dispute. An exception exists in connection with the highly restricted class of strikes declared illegal by the Trades Disputes Act of 1927.

Registration of unions is provided for on a voluntary basis but is not required. Those registering obtain certain advantages and undertake certain obligations, but in no case is there regulation of the union's affairs by the registrar. About half the unions are registered.

Peaceful picketing is permitted, but all intimidation is banned.

Strike breaking, by hiring of others to take the place of strikers, is extremely rare, the feeling being general on both sides that the "job belongs to the man" and that no one gains by the arousing of bitterness. Employers seldom try to operate during a strike.

Illegal strikes, so defined by the act of 1927, are not considered to include sympathetic strikes which do not seek to coerce the Government. Nor are strikes to coerce the Government considered illegal if they are not also sympathetic strikes. Both elements must be present to make a strike illegal. The Act has not been tested in the courts.

The effect of the 1927 act on strikes is believed to have been nil. But it is considered to have harmed the Labor Party by making it necessary for individual union members to consent to political contributions, whereas formerly contributions might be made in behalf of each member unless he objected. The party is pledged to repeal or amendment of the law.

Bitterest industrial strife and disorder occur, as a matter of history, in the period when unions must fight for recognition. Although there are no laws requiring bargaining, the process is general throughout most industries and is encouraged by the Government.

Where bargaining is ineffective, the Government appoints wage boards to establish minimum standards of hours and pay, these being similar in comparison to those to be set up under the Fair Labor Standards Act in America.

Unauthorized strikes over local grievances are not uncommon and are looked on as inevitable in view of the fact that agreements are on an industry-wide basis, and the agreements usually forbid strikes pending use of grievance procedure. Unions generally act to put the men back to work.

Closed-shop contracts are exceptional, but in some industries the closed shop exists in practice without express agreement, the employers preferring that employees be union members.

Check-off is likewise exceptional, and ordinarily requires individual authorizations from the members of the union.

Arbitration in which the parties are bound either by law or contract to accept the award is rare and is favored by neither employers nor unions.

Panel of Government arbitrators is available for service in labor disputes, although both sides usually stipulate that the award will not be accepted if unsatisfactory.

Stability in industrial relations is believed to be promoted by social programs subsidized by the Government, including old-age pensions, unemployment compensation, medical aid with sickness compensation, and low-rent housing projects. Consumer cooperatives also are held to tend in the same direction.

Labor standards have improved in the past 20 years. Hours have decreased from 54 weekly to 48 or less; "real" wages have risen by 16 percent in manufacturing and railroads.

Mr. President, I wish to say a few words about the effectiveness of the United States Conciliation Service of the Department of Labor. It is an impartial agency established to encourage and promote harmonious labor-management relations. Its Commissioners of Conciliation aid in the prevention, as well as in the settlement, of all types of labor disputes. The Conciliation Service handles all types of cases including strikes, lock-outs, threatened strikes, and various other disputes. The Commissioners endeavor to settle such disputes through voluntary methods of conciliation, arbitration, or technical surveys.

The Conciliation Service is not a new agency. It was established in 1913 by the act creating the Department of Labor. I regret that the Conciliation Service has been so badly neglected by the Congress and by the successive administrations. The pamphlet which I hold in my hand, which describes what the Conciliation Service is, what its functions are, what types of cases it handles, and gives a brief summation of its history, I should like to have inserted at this point in the RECORD, as a part of my remarks.

There being no objection, the pamphlet was ordered to be printed in the RECORD, as follows:

EXHIBIT 1

WHAT IS THE CONCILIATION SERVICE?

WHAT IS THE FUNCTION OF THE CONCILIATION SERVICE?

The United States Conciliation Service is an impartial agency established to encourage and promote harmonious labor-management relations. Its Commissioners of Conciliation aid in the prevention as well as settlement of all types of labor disputes.

WHO ARE THE COMMISSIONERS OF CONCILIATION?

Commissioners of Conciliation are the trouble shooters and strike doctors for labor-management ills. It is their job to help the disputing parties find their own solution to their problems.

The Service now has a staff of 275 Commissioners of Conciliation. Some of these men have been personnel managers, employers, lawyers, labor leaders, and Government representatives. In all instances, however, they are chosen for their knowledge and experience in the field of labor-management relations. They are stationed in the important industrial and commercial centers of the country.

WHAT TYPES OF CASES DOES THE CONCILIATION SERVICE HANDLE?

The Conciliation Service handles all types of cases—strikes, lock-outs, threatened strikes, and various other disputes. Commissioners endeavor to settle these disputes through voluntary methods of conciliation, arbitration, or technical surveys.

During the fiscal year from July 1, 1944, through June 30, 1945, the Service handled almost 26,000 cases, including more than 5,000 strikes and threatened strikes. Of the 75,653 cases handled by the Conciliation Service from Pearl Harbor to VJ-day, 76.1 percent were settled by the Service and 23.2 percent were certified to the War Labor Board for further action.

IS THE CONCILIATION SERVICE A NEW AGENCY?

No, it was established in 1913 by the act creating the Department of Labor.

HOW CAN THE AID OF THE CONCILIATION SERVICE BE SECURED?

Any representative of labor, management, or the public can secure the services of a Commissioner of Conciliation by writing, wiring, or phoning the regional director of the Service in the region in which the dispute occurs (see attached list of names, addresses, and areas) or by contacting Edgar L. Warren, Director of the Service, Washington, D. C.

ARE THE QUALIFICATIONS OF COMMISSIONERS CONSIDERED WHEN ASSIGNING THEM TO CASES?

When assigning a Commissioner to a case, the regional director selects the Commissioner whose qualifications and background best fit him for the particular case to be handled.

Commissioners are chosen for their knowledge and experience in labor-management relations. Before they are permitted to handle cases, they are put through an intensive training program in Washington which emphasizes the voluntary and impartial character of the work done by the Service. This training is then supplemented by a field-training program during which the Commissioner has an opportunity to work with various experienced Commissioners. No Commissioner is permitted to handle a case until he is thoroughly prepared.

WHAT TECHNIQUES ARE USED TO SETTLE CASES THROUGH CONCILIATION?

When a Commissioner of Conciliation enters a case, his first efforts are directed toward getting a clear picture of the whole situation. He interviews both parties and then attempts at the appropriate time to plan a joint conference, knowing that the most lasting settlements are made through the meeting of minds of the parties directly concerned.

The Commissioner keeps in mind that the environment of the conference table must be as far removed from the scene of conflict as possible. He endeavors to discharge or siphon off any feelings of animosity or ill will and to create an atmosphere of fair dealing and open consideration of the issues involved. Every effort is made to establish an off-the-record feeling of confidence in which informal conversations may take place. This requires the utmost tact and ingenuity on the part of the Conciliator in addition to the mutual desire of the conflicting parties to reach an agreement. Points of mutuality are then established as quickly as possible while points of difference are set aside for special consideration at a later time. Throughout the negotiations the feeling of voluntary action is encouraged, and the mind of peace within the lines of difference is gradually and quietly developed.

The Commissioner, above all, must be impartial and resourceful. He is not here to dictate a settlement or to recommend provisions. Rather, he must be the "idea man" or the "suggestion person." He must know the entire gamut that each different type of provision may run. He must be able to suggest a new idea or a new version of an old idea at precisely the moment both labor and management are groping for his suggestion. He must do this not only once with every case, but countless times—always finding the answer both parties desire—always being impartial. When the end comes the conflicting parties will have worked out their own solution to their problems with the Conciliator directing the progress.

HOW ARE ARBITRATION CASES HANDLED BY THE SERVICE?

The Service has a staff of Commissioners with special arbitration training who hear cases and make awards when jointly requested by the parties. This is, of course, voluntary arbitration, as such cases are accepted only when the parties have voluntarily agreed to accept the decision of the arbitrator. The decision of the arbitrator is final and binding upon the parties.

From time to time the Service appoints outside arbitrators—that is, arbitrators who are not on the staff of the Service. Such appointments are often made where the contracts provide that the expense and compensation of arbitration shall be jointly borne by the parties. These outside arbitrators are carefully selected as to training and experience. Most of them are either lawyers or educators.

During the past fiscal year the Service appointed arbitrators in 1,151 cases. The awards rendered were impartial and on the basis of evidence presented. Almost all of these awards were well received by both labor and management.

The services of these arbitrators may be invoked in the following ways: By a joint request from the parties directed to the Washington office of the Service; by a joint stipulation to arbitrate which is signed by the parties while a Commissioner of Conciliation is on the scene; or by a request from labor and management (or either if the contract so provides) when a contract exists providing for arbitration by the Service.

WHAT TYPE OF TECHNICAL SURVEYS ARE MADE BY THE SERVICE?

The Conciliation Service has a staff of Commissioners with technical training who make studies and findings of fact upon the joint request of the parties. Such findings are not presented to the parties as final and binding, but, rather, for their use for further bargaining.

The type of study or finding of fact made by the technical staff, of course, depends upon the question involved. If the problem involves work load a time study may be made or the incentive plan reviewed. Various other problems may require these technically trained men to assist in preparing job descriptions to be used as the basis of classifying employees or to help the parties with a job-evaluation project.

The requests for services of the Technical Division often grow out of conciliation conferences when an agreement has not been reached on particular points of a technical nature. Parties, of course, often request technical assistance on problems which have not been presented for conciliation by writing directly to the Washington office of the Service. Last year the Technical Division extended its work into a total of 35 industries.

UNDER WHAT LAW DOES THE SERVICE OPERATE

The act creating the Department of Labor in 1913 stated that: "The Secretary of Labor shall have power to act as mediator and to appoint Commissioners of Conciliation in labor disputes whenever in his judgment the interests of industrial peace may require it to be done."

Mr. MEAD. Mr. President, I hold in my hand a copy of a speech delivered on March 28, 1946, by Edgar L. Warren, Director of the United States Conciliation Service, Department of Labor. In his speech he points out the effectiveness of conciliation and mediation. I quote from his speech:

Conciliation or mediation, by definition, is noncoercive. Not only does the mediator have no authority to impose his ideas on either party but his intervention in a dispute must be wholly voluntary. Either party may reject his services.

It is significant that nearly all labor disputes are settled by conciliation or mediation. Even during the war approximately 75 percent of all labor disputes were settled without intervention of the War Labor Board with its extraordinary wartime authority. During the fiscal year ending June 30, 1945, the Conciliation Service handled 19,537 labor disputes, including 2,868 threatened strikes and 3,085 actual strikes or lock-outs. Of all of these disputes only 5,691 were referred or certified to the War Labor Board.

The mediator can work to obtain a settlement of the dispute either on a substantive basis, in terms of particular conditions of employment, or on the basis of agreed-to procedures which will be followed by both parties in finally resolving the dispute.

If the mediator fails to arrive at a settlement of the dispute, he may recommend that the parties accept some other procedure rather than resort to strike or lock-out. During the war about one-fourth of all the cases to which conciliators were assigned were referred to the War Labor Board for decision by what was in effect compulsory arbitration. Since the war many difficult cases have been finally resolved by the agreement of the parties to submit some or all of the issues in dispute to final and binding arbitration; that is, voluntary arbitration.

For example, during the week ending February 16, 1946, except for the steel and General Motors disputes, the three strikes which attained the greatest Nation-wide attention were those involving the New York tugboat operators affiliated with the International Longshoremen's Association of America, AFL, the strike of the Transport Workers Union, CIO, Philadelphia, and the strike of the Independent Union of the Duquesne Light & Associated Companies, in Pittsburgh, Pa. These strikes vitally affected the lives of all the inhabitants in three of the country's largest industrial centers. All three strikes were settled during the week by voluntary means, and while they undoubtedly resulted in some hardship no instance of loss of life or serious damage was reported as due to these work stoppages. The New York tugboat strike and the Philadelphia transit strike were settled by the employers and the unions agreeing to submit the issues in dispute to final and binding arbitration. Thus, while the parties were not able to agree on the provisions to be included in their contract, they did agree to a procedure by which the contract provisions could be modified without further strike action. In the Pittsburgh situation the union agreed to go back to work without a final resolution of its demands, merely on the basis of the appointment of a three-man mediation board. Subsequently, the efforts of this mediation board were unsuccessful and the union again threatened strike action to take place on February 26. On February 25, however, the Secretary of Labor and other public officials were able to persuade both parties to submit the issues in dispute to arbitration and the strike was averted.

Mr. President, I have before me an address delivered by Edgar L. Warren, Director of the United States Conciliation Service, Department of Labor, before the Chicago Association of Commerce, on January 9, 1946.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. MEAD. I shall yield for an observation.

Mr. OVERTON. Mr. President, the railroad strike is on. The coal strike continues. Other great strikes are in the brewing, I understand. What I wish to know is this: Is the Congress of the United States to remain here helpless, supinely inactive, when our country is face to face with such a terrific disaster?

Mr. MEAD. Mr. President, I hope the Congress will take cognizance of the seriousness of the situation and I hope it will join with me and with others who are interested in bringing about permanent industrial peace, to the end that we shall put into operation legislation which, according to the experience of this Nation and other nations in the emergency of the war and prior to the war, will assure that there will be a minimum of industrial paralysis. No one objects to industrial paralysis any more strenuously than I do. Both sides in the present controversy are striving to bring about industrial peace. I am a believer in what has been the proven experience of the industrial nations of the world in the voluntary method.

If we were talking now about the instant strike, if we were going to have a resolution which could be passed in this

Chamber today and in the other House of Congress tomorrow, that would be another matter.

But we are talking about a permanent law which probably will take days and days to be enacted by the Congress, a law which will be permanent, a law which will be on our statute books for a long period of time. Every one of us wants, we are all agreed, to have a law which will bring about the maximum of industrial peace.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. MEAD. I am glad to yield for a question.

Mr. CAPEHART. Mr. President, at this moment the transportation facilities of America are paralyzed. The Nation will become hour by hour more paralyzed as the coal strike continues. Our Government has taken over both the railroads and the coal mines. At this moment it seems as though the railroad unions are refusing to operate the trains for the Government, and that possibly thousands of miners are refusing to work for the Government. Will the Senator yield in order that I may, with unanimous consent, introduce a bill which would insure the operation of the railroads and the mines, and then, with further unanimous consent, have the bill passed?

Mr. MEAD. Mr. President, I shall finish my remarks within a few minutes. However, I congratulate the able Senator for having such a bill as the one to which he refers.

Mr. CAPEHART. Mr. President, I have such a bill.

Mr. BREWSTER. Mr. President, will the Senator yield?

Mr. MEAD. Mr. President, if I may, I should like first to answer the Senator from Indiana. Within a few minutes I shall have finished my remarks.

I say to the Senator from Indiana that I congratulate him on his optimism. If he has a bill which will settle the present dispute, and it can be passed by the Congress without delay, it is one which is really worthy of consideration. I have been informed, however, that the representatives of the employees and the representatives of the employers are in conference at this moment, and have hopes that it will be possible to work out a settlement on a voluntary basis within a very short period of time. They have, of course, a deep interest in the management and operation of the railroads. I am sure that they are cognizant of their responsibilities to the American people. I would leave with them the message that the responsibility for the present stoppage is in their hands. I hope that they fully realize that fact, and that there is sufficient leadership among them to effectuate a settlement of the dispute before any hardships result from the strike.

Mr. BREWSTER. Mr. President, will the Senator yield?

Mr. MEAD. I yield for a question.

Mr. BREWSTER. I appreciate what the Senator has said with regard to the economic paralysis with which the country is now threatened, and the responsibility which rests on all who are concerned with the adjustment of the situation. We in the Senate are concerned with what has seemed to be almost a legislative paralysis which I believe to be a matter of increasing concern to the country. I wonder whether the Senator would be agreeable to indicating when this body may be permitted to take action of some character which will deal with the situation in accordance with the suggestion of the Senator from Louisiana?

Mr. MEAD. Mr. President, so far as I am concerned, I am ready at any time to begin voting on the amendments. I would suggest that the Senator take up the matter with his able leader and also with the able majority leader. If we can have unanimous consent, I am sure we can arrive at a vote without much delay. If I had thought for a moment that we could vote this afternoon, I would not have taken the floor. But we have not yet been able to achieve a unanimous consent agreement, and Members of the Senate have endeavored to secure such agreement for the past 3 or 4 days. I merely wish to bring to the attention of my colleague the fact that when we do arrive at a vote on the amendments we should not be actuated by emotion and feeling to the extent that we will make a mistake by passing legislation which will not be effective. If we should delay a little longer the vote to be taken, it might result in better legislation. However, I am not a party to the delay which has taken place, because I have not yet objected to meeting earlier in the day, to holding night sessions, or to a limitation of debate.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. MEAD. I yield for a question.

Mr. KNOWLAND. In view of the statement which has been made by my distinguished colleague from New York, I wonder if he would be willing to join with some of us on this side of the Chamber who are soon to circulate a cloture petition, and would sign the petition and support it when it comes before the Senate for consideration.

Mr. MEAD. Mr. President, I may say that there is a very high degree of cooperation on the part of the junior Senator from New York, but whether it carries so far as to join with my able colleague from California, I would have to make that decision when the cloture petition is brought to my attention. However, I repeat that I have not, and will not object to any agreement which may be arrived at between the leaders of the minority party and the leaders of the majority party.

Mr. REED. Mr. President, will the Senator yield?

Mr. MEAD. Mr. President, I am afraid that my speech will be prolonged if I continue to yield, and that I may be charged with filibustering. The questions which have been and which are being directed to me might intimate that I am holding the floor altogether too long. In view of the fact that I am about to complete my remarks, I wish to continue without interruption.

Mr. President, I desire to read from a statement of Edgar L. Warren, Chief of the United States Conciliation Service.

Mr. REED. Mr. President, I merely wish to ask one question which could be answered immediately.

Mr. MEAD. Mr. President, I think that I shall, of necessity, be required to insist that I be not interrupted. I deeply regret doing so. I shall extend my apologies privately later on.

Says Mr. Edgar L. Warren:

Even before the end of the war, and its recent prominence in the news, the Conciliation Service had grown into an agency which had an important influence on the country's industrial-relations problems. During the fiscal year from July 1, 1944, through June 30, 1945, the Service handled almost 26,000 cases, including more than 5,000 strikes and threatened strikes. About 7,500 of those cases, or a little more than one-fourth, were of the type that could not be settled by normal mediation and conciliation processes and were referred or certified to the War Labor Board for final determination under its extraordinary wartime authority.

Mr. President, I have before me a statement issued by the National Wage Stabilization Board, which reads as follows:

The National Wage Stabilization Board which was established as a part of the Department of Labor by Executive order dated December 31, 1945 (E. O. 9672) has all of the powers, functions, and responsibilities relating to the stabilization of wages and salaries which were vested in the National War Labor Board. It has responsibility for the settlement of labor disputes for the following purposes:

1. The operation of tripartite commissions formerly set up by the National War Labor Board to carry out its directive orders relating to steel, textile, and meat-packing industries.

2. Appointment of arbitrators under War Labor Board orders or collective bargaining agreements.

3. Disposition of applications under section 5 of the War Labor Disputes Act and receipt of strike notices under the act. The Board is empowered under the provisions of the act to set "terms and conditions of employment" upon application by the Government agency operating the plant, mine, or facility or by a majority of the employees through their representative.

The Conciliation Service works closely with the National W. S. B. in order to expedite action on applications for approval of wage increases in situations where delay might aggravate labor unrest. It also notifies the Board when any important dispute is settled in order that the Board may be preparing economic data in readiness for action on the case.

Mr. President, we not only have the conciliation and mediation services of the Department of Labor, the War Stabilization Board with its broad powers, the War Powers Act which authorizes the President to seize the railroads, the mines, and any similar industry affected by a strike, but we have the restraining influence which the responsible leadership of American industry possesses, and which the responsible leadership of the American people must certainly also possess. I believe, Mr. President, that if we were to devote our time and our attention, in view of the fact that we are deliberating now upon a proposal which is to become a law of the United States, to the perfection of legislation which would bring about maximum industrial peace, the vast majority of the Members of the United States Senate would par-

ticipate favorably in effecting a solution of our labor troubles.

Now, Mr. President, as I conclude I wish to leave with my colleagues the thought that no Senator in this Chamber seeks and hopes and prays for industrial peace more than I do, and no one will be more enthusiastic to embrace legislation which will effectuate industrial peace than I shall be.

But, Mr. President, I fear that by destroying the house we have built over a period of years, and by drifting far afield along another highway, we will be making the same mistake we made when we passed the Smith-Connally bill. We will be aggravating the situation rather than correcting a condition we all hope will be corrected.

I am not asking that we continue this debate until it becomes a filibuster. I am only seeking the serious consideration of my colleagues in the enactment of a law of which we will be proud and which will be just in its dealings with the employees, the employers, and the Government of the United States.

I hope for industrial peace, and I will join with my colleagues in any reasonable, justifiable effort which has logic and experience on its side, in bringing about industrial peace.

Mr. TYDINGS. Mr. President, the industrial paralysis which is sweeping over this country not only as a result of the coal strike, but as a result of the rail strike, can, if it is not soon checked, carry in its wake evils which might conceivably threaten our whole form of Government. This is one of the few countries on the face of the earth which has the ability, after a devastating war, to contribute something to the rebuilding of a peaceful, a sound, and a reasonably self-sufficient world. Many of the countries of the world even if they were willing would be unable to contribute to an alleviation of the widespread misery and distress with which much of mankind is afflicted.

Without any criticism of anyone, or without debating the merits or demerits of this or that or some other industrial dispute, the naked fact remains that each hour, yes, each minute and second, that this country remains paralyzed, carries with it the threat of death and disease to thousands of people all over this earth.

Let me take one or two very simple illustrations. While the coal strike was on a few days ago, the railroads put an embargo on fertilizer. They refused to make cars available for the hauling of fertilizer. This is the season of the year when seed corn is being put into the ground, and the quality and quantity of the crop are directly dependent on the amount of fertilizer that is used. Thus if we have a period of 2 or 3 weeks, which is the planting time for the great corn crop of the country, without fertilizer being available, we may make up our minds that the volume of that crop, although the total efforts of the farmers is put into it, will be somewhere between 60 and perhaps 75 percent of what it would be if fertilizer were available.

On the eastern shore of my own native State, which is one of the great truck-gardening sections of the earth, crops are now coming to maturity, but the railroads again have put an embargo on cans and on containers with which to husband that food, to preserve it, and, in case it is perishable, to pack it so that it can be sent to market. If that embargo had stayed on a short while longer many farmers would have been ruined, and tons of food which the people of the world needs in order to survive would have been lost for all time. Luckily, the miners went back to work, and some of the extreme hardships were alleviated.

It is very difficult to remain temperate when one considers the ramifications of this paralysis, which is growing instead of stopping or lessening. Unfortunately—and I want to make no class appeal—the most previous thing we have on this earth today is food, for upon food depend law and order. The settlement of many of the international questions which the able Senator from Michigan [Mr. VANDENBERG] and the able Senator from Texas [Mr. CONNALLY] have lately been discussing with us, and the real hope of the avoidance of another war, depend as much on knitting the countries of the world together through the medium of food as on all the arguments and rights which any Congress in Christendom can fashion into law or legislation.

I say that the whole food program of America, if this strike proceeds much longer, will be in serious jeopardy; not temporarily because milk may not be delivered to the cities because of a lack of transportation; it goes further than that; it affects farm machinery, fertilizer, seed, and the whole operation of the production of food, both on the farm, and on the avenues which lead to and from it.

We could afford the luxury of a long discussion of the polemics involved in the particular measure pending before us if we did not have strikes on in this country, but there is one thing that is paramount to any particular group's interest, and that is the survival of government, the maintenance of law and order, particularly at a time when so many of this world's inhabitants depend upon this country for all hope of survival and for all hope of a world that may be fit to live in.

Therefore, Mr. President, I am going to request my colleagues, as one humble Member of the Senate, unless some better solution can be adduced, to stay in continual session 24 hours a day until we dispose of the pending measure, and at least do what we can on this floor to conclude it, and not have the spectacle go out to the people of America from this Chamber, and from the body at the other end of the hall, that at least most of us here are not trying with all the opportunities that are afforded to solve the particular problem before us.

I am told that this is not a filibuster. I am certainly not going to find fault with anyone because of his particular definition of a word in the English language, but from where I sit if this is not a filibuster there never has been one in any legislative body on the face of the earth.

Therefore, Mr. President, I say that we have come to the point where we should stay in session and meet the issue before us, remain here until we have fashioned some legislation which will prevent, if we can accomplish that, a recurrence of a situation such as the present one, for I state it as a fundamental concept of democracy that no group in this country has a right to threaten the integrity of the Government itself.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. CAPEHART. I ask unanimous consent to send to the desk a bill to be immediately considered by this body.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred, unless unanimous consent is given for its immediate consideration.

Mr. CAPEHART. Mr. President, I ask unanimous consent that the bill be immediately considered.

The ACTING PRESIDENT pro tempore. The bill will be received and stated by title.

The LEGISLATIVE CLERK. A bill to provide additional means for the settlement of labor disputes, and for other purposes.

Mr. OVERTON. Mr. President, may not the bill be read for the information of the Senate?

Mr. TYDINGS. Let me say, before we become committed to a course of action, that I know the motives of the Senator from Indiana are to help solve the impasse in which we now find ourselves, but if we do not take care we will have supplanted the pending business with some other business, and may lose time rather than save it.

Mr. CAPEHART. Mr. President, that is the purpose of the bill.

The ACTING PRESIDENT pro tempore. Request has been made that the bill be read.

Mr. KNOWLAND. Mr. President, reserving the right to object, let me ask if the bill will be read first?

The ACTING PRESIDENT pro tempore. The bill will be read, unless there is objection to the reading of it.

Mr. GUFFEY. I object to the immediate consideration of the bill. If it is desired that it be read, very well, but I object to consideration of the bill.

Mr. TYDINGS. I ask unanimous consent that the bill be read.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and the clerk will read as requested.

The legislative clerk read, as follows:

A bill to provide additional means for the settlement of labor disputes, and for other purposes

Be it enacted, etc.—

SECTION 1. That with the development of an industrial civilization, citizens of the United States have become so dependent under the production of goods for commerce, the distribution of goods in commerce, and the continuous operation of the instrumentalities of commerce that substantial and continued stoppages of such production, distribution, or operation in the case of essential goods or services seriously impair the public health, safety, and security. Irrespective of the cause of such stoppages, it is

necessary for the protection of commerce and the national economy, for the preservation of life and health, and for the maintenance of the stability of Government that a means be provided for supplying essential goods and services when such stoppages occur.

(a) Whenever the President finds that a stoppage of work arising out of a labor dispute (including the expiration of a collective labor agreement) affecting commerce has resulted in interruptions to the supply of goods or services essential to the public health, safety, or security to such an extent as seriously to impair the public interest, he shall issue a proclamation to that effect, calling upon the parties to such dispute to resume work and operations in the public interest.

(b) If the parties to such dispute do not resume work and operations after the issuance of such proclamation, the President shall take possession of and operate any properties of any business enterprise where such stoppage of work has occurred if the President determines that it is necessary for him to take possession of and operate such properties in order to provide goods or services essential to the public health, safety, or security. While such properties are operated by the United States, they shall be operated under the terms and conditions of employment which prevailed therein when the stoppage of work began.

(c) Any properties of which possession has been taken under this section shall be returned to the owners thereof as soon as (1) such owners have reached an agreement with the representatives of the employees in such enterprise settling the issues in dispute between them or (2) the President finds that the continued possession and operation of such properties by the United States is not necessary to provide goods or services essential to the public health, safety, or security. The owners of any properties of which possession is taken under this section shall be entitled to receive just compensation for the use of such properties by the United States. In fixing such just compensation, due consideration shall be given to the fact that the United States took possession of such properties when their operations had been interrupted by a work stoppage, to the fact that the United States would have returned such properties to their owners at any time when an agreement was reached settling the issues involved in such work stoppage, and to the value the use of such properties would have had to their owners during the period they were in the possession of the United States in the light of the labor dispute prevailing.

(d) Whenever any properties are in the possession of the United States under this section, it shall be the duty of any labor organization of which any employees who have been employed in the operation of such properties are members, and of the officers of such labor organization, to seek in good faith to induce such employees to return to work and not to engage in any strike, slow-down, or other concerted refusal to work or stoppage of work while such properties are in the possession of the United States.

Any such employee who fails to return to work (unless excused by the owner of the business or its agent, or unless prevented by illness, disability, or similar valid season) or who does engage in any strike, slow-down, or other concerted refusal to work or stoppage of work while such properties are in the possession of the United States, shall be deemed to have voluntarily terminated his employment in the operation of such properties, shall not be regarded as an employee of the owners or operators of such properties for the purposes of the National Labor Relations Act, as amended, and the Railway Labor Act, as amended, unless he is subsequently reemployed by such owners or operators, and if he is so reemployed shall not be entitled to any seniority rights based on his prior employment. Any provision of any contract inconsistent with the provisions of this subsection is hereby declared to be against public policy and to be null and void.

(e) Whenever any properties are in the possession of the United States under this section, it shall be unlawful for any person (1) to coerce, instigate, induce, conspire with, or encourage any person to interfere with or prevent, by lock-out, strike, slow-down, concerted refusal to work, or other interruption, the operation of such properties; or (2) to aid any such lock-out, strike, slow-down, refusal, or other interruption interfering with the operation of such properties by giving direction or guidance in the conduct of such interruption or by providing funds for the conduct or direction thereof or for the payment of any strike, unemployment, or other benefits to those participating therein. No individual shall be deemed to have violated the provisions of this subsection by reason only of his having ceased work or having refused to continue to work or to accept employment. Any individual who wilfully violates any provision of this subsection shall be subject to a fine of not more than $5,000, or to imprisonment for not more than 1 year, or both.

(f) The powers conferred on the President by this section may be exercised by him through such department or agency of the Government as he may designate.

(g) As used in this section, the terms "employee," "representative," "labor organization," "commerce," "affecting commerce," and "labor dispute" shall have the same meaning so far as they apply to labor disputes in an industry included in the scope of the National Labor Relations Act, as amended, and such words shall have the same meaning as if applied to the Railway Labor Act, as amended, so far as labor disputes involving employers or employees covered under the Railway Labor Act, as amended, are concerned.

SEC. 2. The provisions of this act shall apply to industries or facilities already in the possession of and being operated by the United States Government or any agency thereof, which governmental operation has been brought about as the result of a work stoppage or threatened work stoppage.

SEC. 3. Notwithstanding the provisions of any other law this act shall be in full force and effect from and after 12 o'clock meridian on the day following its approval.

Mr. CAPEHART. Mr. President, I ask unanimous consent for consideration of the bill.

The ACTING PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

Mr. BARKLEY. Mr. President, I think under the circumstances it would be preposterous to give unanimous consent for the consideration of a bill which has just been introduced, which has not been referred to a committee. Therefore, I object.

The ACTING PRESIDENT pro tempore. Objection is heard. The regular order recurs.

Mr. WHITE. Mr. President, if the distinguished Senator from Kentucky had not objected, I should object.

The ACTING PRESIDENT pro tempore. The regular order has recurred.

Mr. WHITE. Mr. President, it is wholly unwise to offer now, at this stage of the consideration of the pending legislation, an entirely new bill which, as the distinguished Senator from Kentucky has said, has been to no committee, has been considered by no committee, has, so far as I know, been seen by no Senator of the United States, of which no Senator has any knowledge except what he could glean from its reading by the clerk.

Mr. President, I feel keenly about the situation. I think the only practical thing to do is to proceed with the legislation now before the Senate and bring it to the earliest possible conclusion, and we will then accomplish something. We will probably not have solved the problem, or brought forth perfect legislation here tonight, but we can make a step along the road which must be followed if there is to be a legislative contribution to orderly procedure in this country, to a lessening of interruptions by strikes, and to bringing to the American people and to those who constitute a part of the American people recognition that the public interest must be considered the paramount interest.

I desire to say just one word more. I want it known, so far as I am concerned, that I deplore the situation which exists in the country. I cannot help feeling, and I do not hesitate to say, that, in my opinion, these strikes are an outrage upon the American people, and that they smack of disloyalty to the Government itself.

Mr. President, I concur in the attitude of the majority leader in objecting to the consideration of the measure just read.

Mr. BARKLEY. Mr. President, I wish to express my appreciation of the sentiments which the Senator from Maine, the minority leader, has voiced. If this measure is offered as an amendment to or a substitute for the bill now under consideration, it may be printed and lie on the table and be offered at the proper time. But if it is offered, as I understand it is, as an entirely new proposition, an independent bill for legislation on the subject of labor, certainly a committee is entitled to consider it, and certainly the Senate is entitled to have the result of committee consideration of the bill. No Senator ever heard of it before. It comes at an hour and under circumstances, with a request for unanimous consent for the present consideration of the bill now introduced, which would automatically lay aside the pending legislation which the Senate has been considering now for some 10 days.

The ACTING PRESIDENT pro tempore. The Chair will state that unanimous consent was asked for the introduction of the bill and its immediate consideration; and the bill was read for the information of the Senate. Objection has been made, and the regular order of business recurs. The question is whether the Senator from Indiana wishes the bill to remain on the table, to be treated as an amendment or substitute, or referred to the appropriate committee.

Mr. CAPEHART. Mr. President, my wish in the matter is that it be offered as a substitute amendment.

The ACTING PRESIDENT pro tempore. The amendment will lie on the table and be printed.

Mr. CAPEHART. Mr. President, I introduced the bill for the sole purpose of bringing to the attention of the Congress of the United States and the people of

the Nation that it is necessary for this body to take some sort of action. It is just as deplorable to the people of the United States that their transportation system is paralyzed tonight and that they are unable to move from place to place, as it is deplorable to the majority leader that a junior Senator should stand up and introduce a bill out of order.

Mr. BARKLEY. Mr. President, I made no statement that it was deplorable that a junior Senator should stand up and offer something. I make no distinction between junior and senior Senators, as to their right to offer amendments or introduce bills. But the Senator from Indiana offered a new legislative bill on the subject of labor relations and asked for its immediate consideration. To that I objected, because I do not think it is in the interest of orderly legislation in the midst of the consideration of labor legislation reported by the Committee on Education and Labor, to which many amendments have been offered and are now pending, and upon which we hope to reach a final vote as soon as possible, to set aside that measure now and take up in this manner a new bill introduced by the Senator from Indiana. I would have objected if it had been introduced by any senior Senator.

Mr. CAPEHART. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. CAPEHART. Have I the right to ask for the immediate consideration of the bill, and that a vote be taken?

The ACTING PRESIDENT pro tempore. The unanimous-consent request was put by the Chair, and objection was made. It is not in order to consider the bill except by unanimous consent.

Mr. KNOWLAND. Mr. President, will the Senator from Kentucky yield?

Mr. BARKLEY. I yield if I have the floor.

Mr. CAPEHART. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. CAPEHART. Who has the floor?

The ACTING PRESIDENT pro tempore. The Senator from Indiana has the floor.

Mr. KNOWLAND. Mr. President, will the Senator yield to me?

Mr. CAPEHART. I am very happy to yield.

Mr. KNOWLAND. I should like to ask the distinguished and able majority leader if it is his intention to seek an agreement for the limitation of debate. I wish to state to the distinguished majority leader that I hold in my hand a cloture petition to which signatures have already been secured, and which will be filed in case it is not possible for the majority leader to obtain an agreement to limit debate.

Mr. BARKLEY. Mr. President, in the first place, I deny the right of any Senator to inquire of me what I intend to do in the future. I have made several efforts to secure a limitation of debate. Objection has been made in each case. Whether I shall make another request tonight or tomorrow, I am unable to say.

Mr. CAPEHART. Mr. President——

The ACTING PRESIDENT pro tempore. The Senator from Indiana has the floor.

Mr. BARKLEY. Mr. President, if the Senator will yield to me, I might say further that the Senator from California or any other Senator has the right to circulate and secure signatures to a cloture petition, and to file it at any time. It is a privileged matter.

Mr. OVERTON. Mr. President, will the Senator from Indiana yield to me for the purpose of submitting a parliamentary inquiry?

Mr. CAPEHART. I yield for that purpose.

Mr. OVERTON. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. OVERTON. May not the Senator from Indiana offer his bill as an amendment in the nature of a substitute for the pending bill?

The ACTING PRESIDENT pro tempore. The Chair stated that it would be in order if offered as a substitute or as an amendment, at a time when no other amendment was pending. Of course it could not supersede a pending amendment.

Mr. OVERTON. And when so offered, may not the Senator from Indiana ask unanimous consent that the amendment in the nature of a substitute be immediately voted upon without debate?

The ACTING PRESIDENT pro tempore. He may, but the Chair does not know whether he would obtain consent.

Mr. CAPEHART. I do not care to do that.

Mr. OVERTON. I am asking whether the Senator has a right to do so.

The ACTING PRESIDENT pro tempore. Yes; the Chair states that he has the right.

Mr. BARKLEY. Mr. President, will the Senator yield to me?

Mr. CAPEHART. I yield to the Senator from Kentucky.

Mr. BARKLEY. Of course the Senator has the right to ask for immediate consideration of his proposal, or he has the right to offer it as a substitute for the pending legislation, or as an amendment to it. He has the right to ask unanimous consent that it be voted upon immediately without debate, but if he has no more success in securing unanimous consent to vote on it immediately than I have had in trying to obtain an agreement to limit debate on the pending measure, he will not get far with such a request. I myself would object to a request for unanimous consent to vote immediately upon an amendment such as that, without any discussion whatever.

Mr. PEPPER. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. CAPEHART. I shall be glad to yield in a moment.

Mr. President, the President of the United States has taken over the railroads. He has taken over the coal mines. If I am reliably informed—and I believe I am—the railroad workers, or a certain segment of the railroad employees, have refused to work for the Government of the United States, and tonight our Nation is paralyzed as a result of their refusal to work. I tried sincerely to introduce and obtain action here tonight on a measure which I did not introduce because I thought it was entirely adequate; I introduced it because I feel it is necessary to take prompt action. I do not believe that the Congress of the United States, when our Government takes over an industry, should permit the employees of that industry to defy the Government of the United States. Perhaps I am wrong.

I believe that the American people are looking to us tonight to do something that will stop one segment of our people from defying the Government of the United States. If I am correctly informed, today the railroad workers have defied the United States Government. They have defied our President. They have told him that they will not work for him. I understand that the coal miners have taken the same position.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. CAPEHART. Just a moment.

I care not whether we pass the bill which I sent to the desk. I have no pride of authorship. I do not care what we do, so long as we maintain law and order.

I am very happy to yield to the Senator from Kentucky.

Mr. BARKLEY. Are there enough copies of the Senator's bill so that each Senator may have a copy to study?

Mr. CAPEHART. There are not. I shall be very glad to supply each Senator with a copy.

Mr. BARKLEY. In the absence of any copies of the Senator's bill, may I ask him what he proposes in his bill which would put the two railway labor organizations back on the trains to operate them, in view of the news which we have received?

Mr. CAPEHART. Let me say that my bill is a feeble effort to do something; and I fail to see much of an effort on the part of the majority leader——

Mr. BARKLEY. I do not care what the Senator's opinion is of my actions as majority leader. I am utterly indifferent about it. But in the absence of any copy of the bill from which we can draw our own conclusions, what does the Senator's bill propose that would put those men back on the trains?

Mr. CAPEHART. The Senator listened to the reading of the bill. He knows what is in the bill. He is trying to ask me a question the answer to which he knows as well as I do.

Mr. BARKLEY. Had the Senator read the bill before he introduced it?

Mr. CAPEHART. I certainly have read the bill.

Mr. BARKLEY. What does it propose?

Mr. CAPEHART. I again say that I for one have made a feeble effort to protect the interests of the American people tonight, when certain people in this Nation are defying our Government. Feeble as it is, it is still an effort.

Mr. BARKLEY. However small it is, and however feeble it is, what is it that

the Senator proposes? Will he tell me the physical effort that he makes in his bill to put the men back to work?

Mr. CAPEHART. There is no physical effort.

Mr. BARKLEY. What is the proposal? Is there a mental effort, or a spiritual or moral effort?

Mr. CAPEHART. There is no mental or spiritual effort.

Mr. BARKLEY. How does the Senator propose to get them back?

Mr. CAPEHART. May I say to the majority leader that he listened to the bill——

Mr. BARKLEY. I listened to it. All I could get out of it was that the Senator from Indiana wished that they go back.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. CAPEHART. Is it impossible for the Senate or the Congress to do anything but wish in respect to the situation which is paralyzing the American economy tonight?

Mr. BARKLEY. The Senator has introduced a bill which undoubtedly he thinks is a remedy for the critical situation which now exists because at 4 o'clock today——

The ACTING PRESIDENT pro tempore. The Chair insists that the Senate be in order. The Senator from Indiana has the floor. If there is to be any interruption of the Senator from Indiana, the Chair should be addressed, and the consent of the Senator from Indiana obtained. There is no other way to conduct a decent debate, as contemplated by the rules of the Senate.

Mr. BARKLEY. Mr. President, I wish to say that I complied with that rule by addressing the Chair. The Senator from Indiana yielded to me, and we are now engaged in a colloquy.

The ACTING PRESIDENT pro tempore. Does the Senator from Indiana yield, and if so, to whom?

Mr. CAPEHART. I yield to the Senator from Kentucky.

Mr. BARKLEY. Mr. President, I merely wish to ask the Senator from Indiana what there is in his bill, for the consideration of which he has asked unanimous consent, which would put the men back on the trains in the United States; and if he does not know what is in his bill that will do that, I should inquire, who does know?

Mr. CAPEHART. Mr. President, I ask that the clerk reread the bill.

Mr. HATCH. Mr. President, before that is done, will the Senator from Indiana yield to me?

Mr. CAPEHART. I yield.

Mr. HATCH. I wish to ask the Senator from Indiana, because I listened rather carefully to the reading of his bill, if it is not true that he proposes that the President shall issue a proclamation, in effect, requiring the persons who have gone on strike to return to work?

Mr. CAPEHART. That is correct.

Mr. HATCH. And in the event they do not return to work, then they shall be denied the privileges of the National Labor Relations Act?

Mr. CAPEHART. That is exactly correct.

Mr. HATCH. I listened to all of the Senator's bill, and I was struck by the strangely familiar language. I ask the Senator whether the language of his bill is not what the Senator from Illinois [Mr. LUCAS] has proposed by way of an amendment?

Mr. CAPEHART. It is very similar.

Mr. HATCH. It is almost identical, is it not?

Mr. CAPEHART. Yes; it is similar in many respects.

Mr. HATCH. I thought it was almost identical.

Mr. CAPEHART. It is similar. I think the amendment the Senator from Illinois has offered is a good amendment, and I have intended to vote for it.

Mr. HATCH. I understand that, in substance, the Senator from Indiana is proposing——

Mr. CAPEHART. Mr. President, let me say that what I am trying to do is to obtain some action. I care not whether it comes from the bill I have sent to the desk or whether it comes from the amendment offered by the able Senator from Illinois. I care not who sponsors the bill or the amendment. I am trying to get some action, because, in my opinion, the American people are looking to the Senate of the United States for action.

Mr. BALL. Mr. President, will the Senator yield?

Mr. CAPEHART. I am happy to yield to the Senator from Minnesota.

Mr. BALL. Let me respectfully suggest to the Senator from Indiana, since his request for unanimous consent for immediate consideration of his bill has been refused, that he will achieve his objective, which is action by the Senate, which many of us here desire, more quickly if we can stop this debate, which is accomplishing nothing, and return to the regular order and begin to vote on the amendments to the committee bill and dispose of them.

Mr. CAPEHART. Mr. President, I very graciously accepted the denial of my request for unanimous consent. The fact that I have been on my feet since then has not been because I have had anything further to say, but, rather, because I have been asked questions.

Therefore, I shall be very happy to yield the floor and to abide by the decision of the Senate in the hope that we may proceed to write and pass some legislation that will help in the present situation.

Mr. BARKLEY. Mr. President, for the information of the Senator from Indiana and the Senate, it might be appropriate at this time to read subsection (2) of section 2 of the National Labor Relations Act. It provides:

> The term "employer" includes any person acting in the interest of an employer directly or indirectly, but shall not include the United States or any State or political subdivision thereof or any person subject to the Railway Labor Act as amended from time to time—

And so forth. So the Railway Labor Act is excluded from the operations of the National Labor Relations Act. Therefore, legislation amending the National Labor Relations Act could have no effect whatever on the Railway Labor Act, even if it were passed without debate.

The ACTING PRESIDENT pro tempore. The bill introduced by the Senator from Indiana, which now is offered as an amendment to the pending bill, will be received, printed, and lie on the table.

The question now is on the amendment offered by the Senator from Rhode Island [Mr. GREEN] for himself and the Senator from Florida [Mr. PEPPER] in the nature of a substitute for the modified amendment of the Senator from Virginia [Mr. BYRD].

Mr. ELLENDER. Mr. President, on behalf of myself and several of my colleagues, I send to the desk an amendment which we offer to the pending measure.

The ACTING PRESIDENT pro tempore. The amendment will be received, printed, and lie on the table.

Mr. REVERCOMB. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. REVERCOMB. Do I correctly understand that the pending question is upon the amendment in the nature of a substitute offered by the Senator from Rhode Island [Mr. GREEN]; and, if so, is that amendment open to amendment?

The ACTING PRESIDENT pro tempore. That amendment is now pending, and it would not be open to amendment, so the parliamentary clerk advises the Chair.

Mr. REVERCOMB. Mr. President, let me say for the RECORD that I have studied the amendment offered by the able Senator from Rhode Island. It appeals to me because it confirms the right of the employees to have established a fund for welfare purposes. But, Mr. President, it provides that the administration of the fund may be by the employees or by the employer. I had hoped to have that amendment amended by offering to it an amendment providing that the fund shall be administered jointly by the employees and the employer. One of the very strong features of the amendment offered by the Senator from Rhode Island is its provision that the supervision shall be under the Federal Security Administrator. If we are going to proceed toward the passage of legislation to bring about industrial peace, it seems to me, Mr. President, that the thing to do is to remove the causes which prevent industrial peace. One of the very causes and issues which have arisen here is as to who shall administer the fund. Let me say that I am thinking about the worker himself, who should be the real beneficiary of the fund. Under the amendment offered by the Senator from Rhode Island, we have an opportunity to require that the fund shall be administered jointly by the employees and the employer, and under the direction of the Federal Security Administrator. It has been ruled that an amendment to that effect cannot be offered. Without such an amendment to the amendment of the Senator from Rhode Island, the question is left just as it is—unsettled, open to debate, a cause for friction and dispute. That is not the way to bring about industrial peace. If we are going to legislate, let us reach the cause of disputes directly, and let us remove, insofar as we

can do so upon a fair basis, the causes for disputes.

The ACTING PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Rhode Island, on behalf of himself and the Senator from Florida, in the nature of a substitute for the amendment of the Senator from Virginia, as modified.

Mr. PEPPER. Mr. President, I am quite pleased to hear that the able Senator from West Virginia has found this amendment of interest to him. It was drafted and offered in an earnest spirit and hope that it might be found to be acceptable. It was the purpose of the amendment to throw around the administration of health and welfare funds an adequate safeguard in case the funds were to be administered either by the employer exclusively or exclusively by the employees.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. PEPPER. I gladly yield.

Mr. REVERCOMB. The point I wish to make is that that is one of the very bases of dispute today. On the one hand, the employer says, "I want to administer this fund." On the other hand, the employee or his representative says, "I desire exclusively to administer the fund." That is one of the bases of industrial disputes.

If we are going to legislate, let me ask the able Senator from Florida why not take out that issue forever, by saying, upon a fair basis, that the fund shall be jointly administered by both, under the supervision of the United States Government?

Mr. PEPPER. Mr. President, I cannot agree that the principal objection to the administration of the fund by the employees is the mere fact that the employees administer the fund. There is a strong feeling on the part of a great many persons that if the employees administer the fund, although there is much to be said in favor of their having that right, they will administer the fund in such a way as will not always carry out the purpose for which the fund was provided. I have heard Senators say on this floor, privately, that they felt that some safeguard should be thrown around the administration of these funds, because, for example, a labor leader might use the funds for a political purpose, which would be inconsistent with the objects for which the funds were established.

Mr. President, in case funds are appropriated and made available for a particular purpose, for example, a health and welfare purpose—Senators have a perfect right to require that they shall be administered for that purpose, and for that purpose alone.

As I have said, we have tried to provide an adequate and fair safeguard in the case of administration of a health and welfare fund either exclusively by the employer or exclusively by the employee. That is the essential difference between this amendment in respect to the health and welfare fund and the amendment of the able Senator from Virginia.

However, this amendment leaves open to employer and employee the processes and the privileges of collective bargaining as to who shall administer the fund. That is not true in the case of the amendment of the able Senator from Virginia. In the case of his amendment, the administration is to be by the employer and the employees jointly. They would be denied the right, even by collective bargaining, to agree that the employer should exclusively administer the fund. They would be denied the right, even by voluntary agreement, to provide that the employees shall administer the fund, as has been done in the case of more than 200,000 working men and women in the United States. This amendment would leave it open to the parties to arrive at any kind of an agreement as to the administration of the fund which they might choose to adopt. However, they would make their decision as to who must administer the fund with an awareness of the law, and would know that if they choose a joint administration of employer and employee, instead of a single administration on the part of the employer, or an exclusive administration on the part of the employee, in either case the rules and regulations of the Federal Security Agency would actually govern the administration of the fund, and the Federal Security Agency would have authority to require a public audit of such fund.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. REVERCOMB. The Senator has argued that in the amendment there is left open to collective bargaining the question of whether the employees shall control the fund or the employer.

Mr. PEPPER. Or, whether the fund shall be jointly administered.

Mr. REVERCOMB. That is not provided for in the amendment.

Mr. PEPPER. Oh, yes, it is. The amendment offered by the distinguished Senator from Rhode Island and myself provides nothing whatever which would interfere with an employer and his employees, by collective bargaining, in arriving at an agreement concerning the joint administration of the fund. It is not prohibited. It is not provided for but it is permissible. In case they should choose, through collective bargaining, to have a joint administration of the fund, no public agency would have anything to do with the fund because it is assumed that each party would exercise an adequate check on the other. It is only in the case that, through collective bargaining, the employer and the employee agree to exclusive administration on the part of the employer, or to exclusive administration on the part of the employee, that the authors of the amendment, as well as other Senators who had something to do with its preparation, felt that a public agency which is informed on the subject, namely, the Federal Security Agency, should safeguard the administration of the fund.

Mr. REVERCOMB. Be that as it may, Mr. President, the amendment still leaves open for dispute the question as to exclusive administration by the employer or exclusive administration by the employees, which is the very basis of the turmoil and unrest now taking place in connection with the pending proposal. In other words, there cannot be collective bargaining so long as the dispute to which I have referred continues to exist. What I am asking the Senate to do is to remove, by legislation, every basis of the dispute. Let us say, by law, that upon the fair basis of a joint administration under the supervision of the Government, this fund shall be administered for the well-being of the workers themselves. When that has been done, Mr. President, we shall have removed much of the cause of the dispute.

Mr. PEPPER. Mr. President, it is the opinion of many of us on this side of the Chamber that it is not necessary that the administration of the fund be shared in by the employer in order to assure that the fund shall be fairly and equitably administered. It is the belief of many of that if a safeguard is provided in the form of the Federal Security Agency, which has authority by rules and regulations to supervise the administration of the fund, and may require a public audit of the fund, every adequate safeguard will be afforded.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. LUCAS. Assuming that the employers and the employees have no success through collective bargaining in arriving at a decision as to who should administer the fund, what then would take place?

Mr. PEPPER. According to the way the amendment of the able Senator from Virginia is worded——

Mr. LUCAS. No; I am speaking of the amendment which has been offered by the Senator from Rhode Island.

Mr. PEPPER. That amendment says nothing whatever about who shall administer the fund. If the fund is raised, it is to be assumed that the employer and the employees will have an equal voice, and will make some provision for the administration of the fund.

Mr. LUCAS. The point I raise, I may say to my good friend, is that if, through collective bargaining, the parties are unable to agree on who shall administer the fund after the fund has been raised, what then takes place? The absence of any provision in that regard strikes me as being an important defect in the Senator's amendment. There is no provision whatsoever in the amendment to take care of the situation in the event the two parties are unable to agree on who shall administer the fund.

Mr. PEPPER. If the able Senator were to offer a suggested perfection of the amendment which would provide that in the event the employer and the employee were not able to agree on the administration of the fund, the administration of the fund should be under the Federal Security Administration, we would gladly accept such a proposal. I am speaking for myself in making that statement, but I am confident that the Senator from Rhode Island [Mr. GREEN] would agree to such a perfection of the amendment.

Mr. LUCAS. The Senator will agree, I am sure, that something should be done in order to make the amendment effective. There would be no point in raising a welfare fund and then not agreeing on who should administer it. I only make that statement by way of constructive criticism.

Mr. PEPPER. I thank the able Senator. He has made a constructive suggestion. I believe the situation would be entirely different if this were the law of the land in respect to its influence upon collective bargaining in connection with this subject. In other words, at the present time, when the employer and the employee bargain collectively, and decide that the administration of the fund shall be in the hands of the employees, such administration would be utterly uncontrolled. If, in that case, the employees administer the fund improperly, the employer, as such, has no right to complain and criticize.

Mr. LUCAS. And there are such funds as the kind to which the Senator refers.

Mr. PEPPER. There undoubtedly may be. There are funds which are administered by the employees, and there are some funds which are improperly administered by them. However, I dare say, Mr. President, that if the law had been such that the coal operators had known that if they granted Mr. Lewis' request that the health and welfare fund should be administered exclusively by the employees, and that there would be a constant and close supervision of the funds under the administration of the Federal Security Agency, including the right of the agency to require a public audit of the funds, the employers would have felt differently about Mr. Lewis' request. I am sure they would if their disposition was not merely to oppose a fund of this character.

In other words, if the employees are going to administer the fund, why should an employer complain if he is assured that a public agency will lay down the rules and regulations governing the administration of the fund, and be empowered to require a public audit being made of the fund? Why should not that kind of an arrangement satisfy any employer who had a conscientious desire to see to it that the employees received the benefit of the fund in the way in which the money was intended to be used?

Mr. President, the Senator from West Virginia [Mr. REVERCOMB] asked the question, Why do the employees object to a joint administration of the fund?

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. PEPPER. Yes.

Mr. REVERCOMB. I ask the question, Why would either the employees or the employers object when they could both be present and see at first hand what was being done with the money, and have it supervised by a representative of the Government of the United States? I assert that both the employers and the employees should be satisfied jointly.

Mr. PEPPER. Mr. President, I was about to explain to the able Senator from West Virginia why I understood that the employees in many cases do object to the joint administration of the fund, or to the employer having a part in its administration.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. TAFT. In looking at the Green amendment, as I see it, it does not make any provision along the line which has been suggested by the Senator. It would strike out the Byrd amendment and provide that it shall not be deemed to be unlawful under any law of the United States for an employer or a group of employees to establish the kind of a fund to which reference has been made, and to supervise it. But it is not unlawful now, under any law of the United States, for a employer to set up a fund which is not supervised. The amendment offered by the Senator from Rhode Island accomplishes nothing except to say that it shall not be deemed to be unlawful under any law of the United States to do certain things. But, so far as outlawing any fund is concerned, that is entirely eliminated by the Green amendment, and if it were agreed to we would accomplish nothing so far as this entire subject is concerned.

Mr. PEPPER. Mr. President, I cannot agree with what has been said by the able Senator from Ohio, and I do not believe that a fair reading of the amendment would lead one to the conclusion which he has expressed. In respect to the question of whether it is necessary to make lawful the raising of such a fund, the Senator from Ohio is correct. Neither does the Byrd amendment forbid or legalize the raising of a fund. It does not interfere with the right which presently exists to raise a fund.

Mr. TAFT. The Byrd amendment outlaws some kinds of funds and authorizes other kinds of funds. The Green amendment does not outlaw any kind of a fund.

Mr. PEPPER. We are talking about a fund for health and welfare purposes, and the Byrd amendment does not outlaw any kind of a fund that is raised for health and welfare purposes.

Mr. TAFT. Yes; it does. The Byrd amendment——

Mr. PEPPER. If the Senator will allow me just a moment, I will yield to him. I say the Byrd amendment does not outlaw the raising of a health and welfare fund, provided it is administered according to the terms of the Byrd amendment. So in that sense the substantive law relating to the raising of a fund for health and welfare purposes is not altered by the Byrd amendment except in respect to administration.

Mr. TAFT. Will the Senator yield?

Mr. PEPPER. I yield.

Mr. TAFT. The Senator fails to appreciate the difference between a fund for health purposes clearly outlined in a collective-bargaining agreement and a fund for welfare purposes in general, which may be used for housing, or education, or government, or any other thing that may be provided in the agreement. The purpose of the Byrd amendment is to justify and legalize the kinds of health and welfare funds which are already in force in this country, but it prohibits other kinds of funds where wide-open discretion is given to the union to spend in any direction it may see fit to select. So that, so far as the Green amendment is concerned, it does not outlaw any kind of a payment to a union, it does not accomplish any of the main purposes of the Byrd amendment as originally drafted and as still drafted.

Mr. PEPPER. Mr. President, the criterion of this discussion depends upon what the real purpose of the Byrd amendment is. I thought we started out with the assumption that John L. Lewis, representing the mine employees, was making a condition to the reexecution of a work contract the agreement of the operators upon a health and welfare fund, and that Mr. Lewis was insisting that that fund not only had to be made available, but had to be administered exclusively by the employees, without the employer having any part in its administration.

Mr. TAFT. There is one other thing, and an important thing, which the Senator seems to omit, that Mr. Lewis insisted that it be for other benefits, he to determine what kind of use the fund was to be put to, which is absolutely and completely a different thing. He proposed that he could use it for education, which might easily include propaganda. He proposed that he have absolute discretion not only in the administration of the fund, which does not bother me at all, frankly, as I said yesterday, but as to the kind of thing for which the fund could be used. The Byrd amendment carefully defines the recognized forms of health and welfare benefits which such funds have been used for, and which have been legislated about in the Internal Revenue Code, which are found to be funds for beneficial purposes, which should receive special tax exemption, and should have special consideration from the Government. That is what the Byrd amendment does.

Mr. PEPPER. Mr. President, the Byrd amendment permits the fund to be raised and to be used for certain purposes and the purposes are generally specified in the Byrd amendment. For example:

> Such payments are held in trust for the purpose of paying, either from principal or income or both, for the benefit of employees, their families, and dependents, for medical or hospital care, pensions on retirement or death of employees, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, or life insurance, disability and sickness insurance, or accident insurance.

Those purposes are enumerated. Now I will ask the Senator to listen to a statement of the only purposes for which the fund can be raised under the Green-Pepper amendment.

> It shall not be deemed to be unlawful under any law of the United States for an employer or a group of employees engaged in an industry affecting commerce, separately or jointly to establish and maintain a fund for the provision of hospital, medical, and home nursing care and services, vocational rehabilitation, and other benefits to promote the welfare of such employee.

Mr. President, the distinguished Senator from Ohio is well acquainted with

the doctrine in law of ejusdem generis, that if there is a list of things which may be done, and we say "and so forth," or use other similar words, the other things take the character of the things that are specified in the preceding sequence.

Mr. TAFT. Will the Senator yield?

Mr. PEPPER. I should be perfectly willing, and I am sure the Senator from Rhode Island would be, to have it understood that primarily the other things to promote the welfare of such employees are things associated with their health and welfare.

Mr. TAFT. Will the Senator yield?

Mr. PEPPER. I yield.

Mr. TAFT. Then I take it that the Senator does not outlaw in any way a fund for propaganda, a fund for any general dispensation, education, or housing, which may be set up. The trouble with the Senator's amendment is that it does not make anything unlawful. It simply says it shall not be unlawful to do these things. It is the most extraordinary piece of draftsmanship to attempt to accomplish a purpose I have ever seen.

Mr. PEPPER. Mr. President, the Senator from Rhode Island and the Senator from Florida, who admit full responsibility for this draftsmanship, may not be as distinguished lawyers as is the able Senator from Ohio, but assuredly he can see the two ways of stating exactly the same thing. One is to prohibit a fund except for a given purpose, and another way to state it is to authorize the fund and limit the purposes. The use of the second or alternative way does not seem to me to convict a lawyer of exactly the stupidity and the incompetence which have just been attributed to the Senator from Rhode Island and the Senator from Florida by the Senator from Ohio.

Mr. TAFT. Surely the Senator does not think it is the same to say that it shall be lawful to do this and to say that it shall not be deemed unlawful to do that. The two things are entirely different. They do not accomplish the same purpose in any way.

Mr. PEPPER. Mr. President, the amendment offered and now pending makes permissible the raising of a fund for limited purposes, and it would authorize the raising of a fund for no other than the mentioned purposes. If the fund is raised for any other purpose, it does not get the protection of the amendment. That is just as clear as the English language can be stated.

Mr. TAFT. In the absence of any other law, it does not need the protection of this amendment or any other amendment.

Mr. PEPPER. The Senator means the Byrd amendment?

Mr. TAFT. No; a fund does not need the protection of any law. The Senator says unless it is thus and so it does not get the protection of the amendment.

Mr. SALTONSTALL. Mr. President, will the Senator from Florida yield?

Mr. PEPPER. In just a moment. At the present time an employer or group of employees, or the two jointly, can raise a fund without any governmental permission from either State, local, or Federal Government. The Senator is correct in the sense that express statutory permission is not needed in order to raise a fund, except possibly in respect to the National Labor Relations Act, and so far as the early language of the amendment is concerned, it might have been deleted, but the intent was to make it clear, in that language, that the fund could lawfully be raised only for these purposes, and the purposes are set out. Then, when the fund is raised, it is made clear that it has to be administered either jointly by the employer and the employees, or has to be administered exclusively by the employer or the employees, subject to the rules and regulations of the Federal Security Agency.

I now yield to the Senator from Massachusetts.

Mr. SALTONSTALL. Mr. President, I should like to say to the distinguished Senator from Florida that to me the difference seems to be simply this: The Byrd amendment provides that no money shall be given by an employer to a representative of the employees except for a health fund. Then, when it is given for the health fund, it is regulated in a certain way. The Green amendment says that if money is given for a health fund, it shall be regulated in a certain way. But the Green amendment does not prevent, by agreement or otherwise, the setting up of another fund which will not be subject to any regulation of any character. My question is——

Mr. PEPPER. Will the Senator repeat the last sentence? I did not quite hear it.

Mr. SALTONSTALL. The Green amendment states, in substance, that if the money is given for a health fund, then it is subject to regulation, but if it is agreed that money is to be paid to a representative of the employees for any other purposes except the health purposes, then it is not subject to any regulation. My question to the Senator is this, Would he be willing to say that no money shall be given by an employer to the representative of an employee unless it is subject to regulation by the Federal Security Administrator?

Mr. PEPPER. No, Mr. President; the Senator from Florida would not be agreeable to that. That brings up the question, as I said a moment ago, as to what the real intent of the Byrd amendment is. If the real intent of the Byrd amendment is not to assure the fair and equitable administration of a health and welfare fund, but is for some other purpose principally in addition to that, then the vice of it becomes all the more obvious to me on its face.

Mr. President, we brought out here the other day in debate, by the suggestions of other Senators, a number of imaginable cases which might be affected by the broad language of the Byrd amendment, which the Senator from Massachusetts now speaks of as one of its virtues. Who of us can anticipate the proper cases that might be prohibited if the general prohibition in the Byrd amendment is carried into law? Why should we be charged with the necessity of anticipating every case that might possibly arise? The case which brought this matter into the forefront of discussion was the case of John L. Lewis. He was asking only a health and welfare fund, and the question arose as to whether he should be allowed a health and welfare fund or not. The next question was: If he were allowed it, who should administer it? He insisted the employees should administer it. Then the suggestion was made that that was a wrongful power; that it could be abused; that the money could be used for politics or propaganda or for something else. Senators said they wanted assurance, they wanted safeguards so the money could not be used for any improper purposes.

If the real purpose of the Byrd amendment is to hamstring—as I have said from the beginning I thought it was—really to hamstring collective bargaining, not merely to assure the proper administration of a health and welfare fund, but to hamstring the privilege and the freedom of the employees in collective bargaining, I am all the more strenuously opposed to it, because I do not think that is the kind of legislation that experience has shown we should adopt, I will say to my friend, the Senator from Massachusetts.

Mr. President, one of the virtues of the Green-Pepper amendment is that it does not have in it the prohibitions contained in the first part of the Byrd amendment. I thought that the real purpose of the Byrd amendment was to provide that the health and welfare fund cannot be used for political purposes, it cannot be used for propaganda, it cannot be squandered, it cannot be mismanaged, and that the only way to assure that it will be properly administered is to give the employer a joint voice in the administration of the fund.

So now the Senator from Rhode Island and I and others who favor this amendment say, "Very well, we will put safeguards around the administration of the fund by placing it under the scrutiny of the Federal security agency, a responsible and experienced Federal agency in this field." If all that the able Senator from Virginia and all that the able Senator from Massachusetts and the other able Senators who share their point of view want is the protection of the health and welfare fund, they will find, I respectfully submit, the assurance that it will be properly administered under the Green-Pepper amendment, because every administrative act will be subject to the rule and regulation and the fund will be subject to the audit of the Federal Security Agency.

Mr. McMAHON. Mr. President, will the Senator yield to me?

Mr. PEPPER. I yield.

Mr. McMAHON. Is it the Senator's contention that his amendment, as it is now drawn, prohibits John L. Lewis or anybody else from collectively bargaining for a fund that is other than a health and welfare fund?

Mr. PEPPER. It does not prohibit that. It would permit John L. Lewis, William Green, John Smith, or anybody else to bargain collectively with his employer for any fund other than a health and welfare fund, and it would not be subject to this amendment.

Mr. McMAHON. Even if he wanted to set up a fund for other purposes he could go ahead and bargain for that?

Mr. PEPPER. I will say to the Senator it is just the same as if he were to say, "You will have to give me a fund for other purposes or my men will not go back to work for so many cents an hour." One can always attach improper conditions, but we have not had any experience of that sort. The only experience we have had is with the check-off system, and that is permitted by the Byrd amendment, although it used to be fought very bitterly by many employers. The only other experience—and that is what provoked this controversy—was what I assume to be the objectionable experience between the United Mine Workers and management when Mr. Lewis insisted upon the exclusive management of the fund by the workers, without any safeguard that would assure its proper use. The Green-Pepper amendment does assure the proper use of the fund.

Mr. President, if the able Senator from Virginia and other Senators are going to try to have adopted an amendment which will anticipate every possibility of what a union leader or representative of workers may submit as a condition for the execution of a contract, I should like to ask the able Senators how many pages of amendments do they think that the exercise of imagination would require or would demand that they submit to their colleagues for their consideration? That shows the essential vice and folly and fallacy of some of these amendments, and particularly the amendment to which the Green-Pepper amendment is addressed, that is, the Byrd amendment. It shows that Senators are not really merely trying to protect a health and welfare fund; they are not really merely frightened about the proper use of a health and welfare fund by the employees. They are not satisfied that that can be answered, no matter how securely the answer may come to them. What they want, what they think they can do, Mr. President, and which will prove so disappointing to them is to enact into law by way of amendment a prohibition that will prevent any disagreements in collective bargaining between employees and employers. That is really what they are getting. They are afraid that Mr. Lewis or somebody else might make some other request to which management might not subscribe, and that might produce a disagreement, and the disagreement might bring about a failure of collective bargaining, and the failure of collective bargaining might lead to a work stoppage or to a strike, and we would be in such a critical situation as we are in at the present time.

Mr. MORSE. Mr. President, will the Senator yield to me?

Mr. PEPPER. I yield.

Mr. MORSE. I think a very fundamental issue has come to light here in the recent discussion, and I think it ought to be made crystal clear in the RECORD. If I understood the Senator from Massachusetts [Mr. SALTONSTALL] correctly, and if I understood the Senator from Ohio [Mr. TAFT] correctly, what some of the proponents of the Byrd amendment are seeking to do is to say that the Government by law should prohibit certain agreements which labor and management can enter into by way of a collective-bargaining contract; and they are now, as I understand the Senators, purporting to say that "We, the Government, are going to tell unions and employers what they can agree to." Not how they can administer their agreement once they have agreed to it.

Mr. PEPPER. Exactly.

Mr. MORSE. Not whether we, the Government, are going to see to it that after they enter into their agreement, we will check any abuse in its administration.

Certainly it is sound public policy in my judgment—and I think that is what the distinguished Senator from Rhode Island is seeking to carry out in this amendment—for the Government to say there is sufficient public interest in these collective-bargaining agreements to see to it when a health and welfare agreement is entered into, that such agreement is administered in accordance with its purposes and objectives. And he seeks to do it by authorizing the Administrator of the Federal Security Agency, in accordance with regulations which he shall issue, to guarantee to all parties to the agreement, including the public, because of the public interest in the matter, that the fund will be administered in accordance with the objective of the agreement. I think that is a proper thing for the Government to do.

But, if I understand the Senator correctly, they now want to say, "There are certain subject matters over which you cannot agree." Let me give one example. In some collective-bargaining agreements provision is made for nursery schools and nursery care of the children of the women employees in the factory. The money for the support of that type of social service to the employees is contributed solely by the employers. There are some far-sighted employers in America who are also carrying on in connection with the employer-union relationships some night schools, offering classes to better the education of their workers. They are given vocational training. Multitudes of enterprises, which the employers are seeking to support with their own money, are authorized in collective bargaining agreements.

I say to the Senator from Florida that I think we should be very careful not to vote for an amendment such as the Byrd amendment, which contains language which, in my opinion, will result in great confusion as to the legality of such collective bargaining agreements, and, as I said earlier this afternoon, in a multiplicity of litigation over the matter.

I think we ought to welcome the broadening of collective-bargaining agreements so that many things will be done voluntarily by the employers and the union in agreement with each other in order to improve the lot of the workers, not only from the standpoint of wages and working conditions within the plant of the employer, but within the community in which the plant is located and the employees live.

It seems to me that the Green amendment gives us adequate protection of the public interest involved, and guarantees to the parties to the agreement that the funds will be administered in accordance with the provisions of the agreement and in keeping with such regulations as the Administrator of the Federal Security Agency may set forth.

I share the view of the Senator from Florida, if I correctly understand him. I think it would be a most unwise policy for the Government to say, "Now we are going to tell you what you can put in your collective-bargaining agreement, in regard to what it shall cover by way of a welfare or hospital fund, or educational fund, or a fund to provide other cultural and health services for the employee."

Mr. PEPPER. Mr. President, I warmly thank the able Senator from Oregon for his valuable contribution.

Mr. TUNNELL. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. TUNNELL. I think it is coming out now that what I was protesting about yesterday is correct. If the Senator will remember, at that time I stated that the amendment was sloppily drawn. I think it is now acutely drawn, and that very much that appeared at that time to be a disregard of rights was in effect——

Mr. REED. Mr. President, a point of order.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. REED. The point of order is that the Senator from Florida has been farming out his time to Senators to make speeches, in violation of the rules of the Senate.

The ACTING PRESIDENT pro tempore. The point of order is well taken. The Chair does not feel disposed to object in his legislative capacity, but the point of order is well taken.

The Senator from Florida may not yield except for a question.

Mr. PEPPER. I yield to the Senator from Delaware for a question.

Mr. TUNNELL. I ask if this language in the Byrd amendment is not exactly in line with what was stated by the Senator from Ohio. He says that there is nothing prohibited in the so-called Green bill. Is it not true that there is a distinction? The Byrd amendment provides as follows:

> It shall be unlawful for any employer to pay or deliver, or to agree to pay or deliver, any money or other thing of value to any representative of any of his employees who are engaged in commerce or in the production of goods for commerce.

Does not that prohibit all sorts of contributions?

Mr. PEPPER. Exactly.

Mr. TUNNELL. With the exception of what is found in item (3) on page 2. That is all that is excepted from the prohibition.

Mr. PEPPER. Except for items (1) and (2) preceding.

Mr. TUNNELL. Those were in the original amendment.

Mr. PEPPER. The Senator is absolutely correct.

Mr. TUNNELL. Is not the Senator from Ohio correct when he says that

there is nothing prohibited in the so-called Green amendment, while everything is prohibited in the Byrd amendment with the exceptions which have been stated?

Mr. PEPPER. The Senator is absolutely correct.

I wish to say, relative to the objection of the able Senator from Kansas, that last week the Senator from Florida yielded to Senators to make speeches—not merely comments such as have recently been made by the able Senator from Oregon and the able Senator from Delaware, directly in line with the debate, but separate speeches. Objection was made to that, and the Senator from Florida agreed that it was certainly a technical violation of the rule, and probably he was overgenerous in yielding to Senators to make such addresses.

But I respectfully protest to my able friend from Kansas that he would not wish to charge that the remarks which were made this evening by the Senator from Oregon and the Senator from Delaware were extraneous to the discussion, or made for the purpose of delay, or as in any sense intended to be obstructive or in bad faith.

As I stated the other day, I am sure that Senators wish to be fair to other Senators, and to all measures alike. I am sure the able Senator from Kansas wishes to be fair to all Senators, and to all measures alike.

Mr. REED. Mr. President, will the Senator yield?

Mr. PEPPER. Just a moment. The Senator from Florida is agreeable to any observance of the rules of the Senate which is customary. I realize that it is a technical matter, a technical violation of the rule, if a Senator does more than ask a question. But at least until something like bad faith is involved. I wonder if the Senator wishes to apply that rule to this particular discussion, which was in dead earnest, without feeling that perhaps it might be applied in other cases when he would not feel that it was proper to apply it.

Mr. REED. I will ask the Senator a question, to keep within the ruling. Does not the Senator believe that the Senator from Oregon, who occupied 3 hours on this floor today on this question, had ample opportunity to discuss the question without making another speech in the Senator's time?

Mr. PEPPER. I would not call what the able Senator from Oregon said a speech. The total elapsed time occupied by him was certainly less than 5 minutes. I am sure that the remarks of the able Senator from Delaware did not exceed 2 or 3 minutes. The Senator from Florida was on his feet. The comments were directly pertinent to the issue. I wonder if the Senator wishes to invoke the rule, so long as the discussion is carried on in that pertinent and germane way, and in such good faith as I believe would be admitted with respect to the discussion between the Senator from Florida, the Senator from Oregon, and the Senator from Delaware.

Mr. REED. I have never raised that point of order before in the Senate, but I think this filibuster has gone far enough. I agree with the Senator from Maryland that it is time to cut off unnecessary debate.

Mr. TUNNELL. Mr. President, I object. The Senator is making a speech on another Senator's time.

The ACTING PRESIDENT pro tempore. The point of order is sustained.

Mr. MORSE. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. MORSE. I can assure the Chair that the Senator from Oregon has no desire at any time to violate any rule of the Senate; but I wish to explain the situation to the Chair, and I should like to have a ruling on it——

The ACTING PRESIDENT pro tempore. The Chair does not believe that the Senator is presenting a parliamentary inquiry. If there is a parliamentary inquiry the Chair will be glad to hear it.

Mr. MORSE. Will the Chair advise the Senator from Oregon how he can find out unless it be through the Chair, how he can clarify a point being made in debate on a pending amendment, when he believes that that point has been left in utter confusion in the RECORD?

The ACTING PRESIDENT pro tempore. The Chair will say to the distinguished Senator from Oregon that that is not a parliamentary inquiry. The Senator from Oregon has the right to take the floor in his own right, and he has the right to ask another Senator a question, with his permission. The Chair has not felt disposed to invoke any rule. The Chair does not know that he has any authority to invoke a rule of that kind; but the rule has been invoked, and any violation of the rule will result in the Senator who permits it, while he is speaking, losing the floor.

Mr. PEPPER. Mr. President——

Mr. MORSE. Mr. President, will the Senator from Florida yield for a question?

Mr. PEPPER. I yield.

Mr. MORSE. I should like to ask the distinguished Senator from Florida if in his judgment the Byrd amendment seeks to restrict the type of agreement which can be made by the parties to a collective-bargaining contract, insofar as the use that can be made of the money for a welfare fund is concerned.

Mr. PEPPER. I am not quite sure that I understand the question. Will the Senator repeat the question?

Mr. MORSE. I will put it in question form again. I ask the distinguished Senator from Florida if it is his opinion that the Byrd amendment seeks to limit the use to which parties to a collective-bargaining agreement may put the funds contributed by the employer, to a so-called health and welfare fund.

Mr. PEPPER. Absolutely; and the able Senator from Oregon has made it very clear as to just what a vice that is in the amendment.

Before I address myself further to that point, I cannot refrain from protesting and denying that any Senator who has the same point of view as the Senator from Florida relative to this legislation has been engaged or is engaged in a filibuster. I have no power to prevent another Senator from having his own opinion about anything he wishes to have an opinion about; but I will say to the Senator from Kansas that Senators will recall that in the beginning, when this question was taken up, there was no objection. Substantially all the debate which has been had could have been had on a motion to take up the bill, as Senators well know. At every phase in this discussion the discussion has been pertinent to the issue, and not extraneous to it. I protest that any fair observer can read the RECORD and he will not find any debate on the part of the Senator from Florida, the Senator from Montana [Mr. MURRAY] the Senator from Delaware [Mr. TUNNELL], or other Senators who have spoken and who share the opinion of those Senators, which was not pertinent and germane to the particular issue which the Senate has had before it from time to time.

Moreover, Mr. President, yesterday evening when the question arose as to whether there should be a vote the Senator from Florida stated that so far as he was concerned he agreed to the vote. when the vote could have been delayed without any difficulty whatever.

Not only that. Mr. President, but the CONGRESSIONAL RECORD is the best evidence as to how many times the Byrd amendment has been amended in the Senate since the debate has been in progress. The various forms which the amendment has taken will show for themselves. The RECORD will show how different the Byrd amendment is at the present time compared to the Byrd amendment which was originally presented to the Senate. I think it is fair to say that a considerable part of the change—some of us think the improvement—in the Byrd amendment is attributable to the debate which has been had in the Senate.

So, Mr. President, on behalf of myself and other Senators with whom I have been associated, I vigorously protest the designation that the debate in which we have engaged has been or is a filibuster. I will say to my colleagues that if the Senator from Florida were engaged in a filibuster, I can assure Senators that he would have spoken longer than he has spoken; and he is thoroughly able to do it even now.

Mr. MORSE. Mr. President, a parliamentary inquiry.

Mr. PEPPER. If the Senator from Kansas wishes to test the ability of the Senator from Florida, the Senator from Florida is willing.

The ACTING PRESIDENT pro tempore. Will the Senator from Florida yield for a parliamentary inquiry.

Mr. PEPPER. Let me finish the sentence and then I shall be glad to yield.

The Senator from Florida will be very glad to give an exhibition of his physical strength. When I rose, the Senator from Louisiana [Mr. OVERTON] walked by and asked how long I intended to speak. I told him for only a few minutes, not more than 30 minutes. I had told the Senator from Montana [Mr. MURRAY] that I thought he would have time to go downstairs and get his

dinner. When the Senator from Florida rose to discus this amendment, he had told others of his colleagues that he wished to discuss this amendment, and that so far as he was concerned, when the discussion was over, there could be a vote.

Now I wish to protest again that our good faith not be further impugned. I think we are entitled not to have our good faith impunged, so long as we are making an intelligent discussion of an amendment which is now being discussed for the first time; I mean to say that the middle of this afternoon, or near it, was the first time it was discussed by the able Senator from Rhode Island. The discussion which has been had on this proposed substitute cannot be considered by anyone to be other than germane and, if I may respectfully say so as a participant, intelligent debate on a proposal which is earnestly presented to the Senate and which will be criterion of exactly what really are the purposes of Senators who are proposing other amendments.

Mr. MORSE. Mr. President——

Mr. PEPPER. I yield.

Mr. MORSE. I wish to ask a parliamentary question of the Chair, namely, whether the junior Senator from Oregon has a right as a matter of personal privilege to protest the statement of the Senator from Kansas [Mr. REED], which I think on the RECORD tends to implicate the Senator from Oregon.

The ACTING PRESIDENT pro tempore. It is not in order for the Senator from Oregon to do so in the time of the Senator from Florida. The Senator from Oregon has a right to take the floor and protest or to make another speech. Only two speeches on the same subject are in order in the course of the same day, under the rule of the Senate. That rule has not been invoked.

Mr. REED. Mr. President, I rise to another point of order: Methinks the ladies do protest too much! [Laughter.]

Mr. MORSE. Mr. President, I wish to ask one more question.

The ACTING PRESIDENT pro tempore. The Chair will entertain a point of order.

Mr. MORSE. I wish to ask this question in order to clarify the Chair's ruling, because I do not entirely understand it: If a Member of the Senate in the course of his remarks, in interrupting another Senator who has the floor at the time, makes a comment which in the opinion of a colleague reflects upon that colleague, do I correctly understand that a Member of the Senate does not have the right to rise at that time and protest the reference? I think that the——

The ACTING PRESIDENT pro tempore. The present occupant of the Chair is of the opinion that a Senator cannot make a protest in the time of a Senator who has the floor.

Mr. PEPPER. Mr. President, a few days ago I stated that, although we were not filibustering this legislation, some of us gave up the power of filibuster or of unlimited debate with very great reluctance in this particular controversy, because some of the Senators who are so ardent and so diligent and so insistent upon the disposition of this legislation, which we believe vitally to affect the rights of millions of people who happen to be among our most honorable citizens—the working men and women of this country—are the first to take advantage of the power of unlimited debate when legislation which they consider unwise is pending on this floor or is proposed here. I think we have a right to discuss that matter with some candor. Able Senators know very well that there is on the calendar of the Senate legislation which, if brought up, will provoke an unyielding filibuster, and little bones will be made of the fact that it is being opposed by a filibuster. Yet, Mr. President, when a measure such as this labor legislation, which many of us think will deprive the working men and women of this country of many of their essential economic and political rights, is before the Senate, then some Senators can hardly too quickly have the Senate pass it, or in the second week of its discussion—as they began last week to do—hurl the charge of "Filibuster!"

Mr. President, it is an old saying that those who live in glass houses ought not to throw stones. I am one Senator, as I have said previously, who has not participated in a filibuster since 1937; and so far as I know, I do not expect to participate in a filibuster. I will say, Mr. President, that I will join any Senator on this floor in supporting the introduction or the passage of an amendment to the rules of the Senate which will give a majority of this body authority at any time, even when a Senator is on his feet and speaking, to determine upon a limitation of debate. I think that is a fair proposal, and I invite the acceptance of that invitation by any other Senator.

A few days ago I said that I had been talking with other Senators and that I contemplated offering three proposed amendments to the rules of the Senate: One, to permit a majority to invoke the rule of relevancy of debate, because oftimes the basis of a filibuster is irrelevant to the pending business; second, to allow a majority at any time to determine what is the pending business. That would prevent a filibuster on a motion to take up a bill, and it would prevent a filibuster on a question of having the Chaplain's prayer included in the Journal or on a question of correction of the Journal or on some other question which might be the subject of debate, but to which the rule of cloture is not applicable. The third amendment to the rules of the Senate would be to permit a majority of the Senate at any time, even when a Senator is on his feet and speaking, to determine when a final vote upon any measure or amendment shall be had.

Mr. President, I shall gladly yield to any Senator who wishes to make a unanimous-consent request now or at any other time to bring about those amendments to the rules of the Senate—amendments which are necessary to be made if we are to have the capacity to dispatch the public business as the public need may require.

Mr. President, as I have said, many of us have been faced with the knowledge of the frequent and threatened use of the filibuster to prevent the enactment of such legislation as the anti-poll-tax bill and other legislation which is on the calendar. Yet, when we are confronted with a proposal which vitally affects thousands and millions of the workingmen of this country, when a measure is proposed which we believe robs them of their rights, if we undertake to go into a second week of debate on such a measure, we are charged with carrying on a filibuster, and the technical rules of the Senate are invoked, even to see to it that there cannot be a pertinent and germane discussion of the issues involved in such legislation here upon the floor of the Senate.

Mr. President, I ask Senators whether that is a fair application of the rule of the Senate. I ask Senators why, if they wish to complain about the length of debate in the present case, they are not willing to admit the possibility of abuse in other cases, and why they are not willing to yield their power to filibuster a proposal to change the rules and to allow the Senate to debate and honestly discuss what should be the rules of the Senate.

I do not wish to charge any moral turpitude or bad faith; but I think that here in the Senate we are entitled to indulge in the presumptions in which reasonable men may indulge. I ask Senators whether they consider that there is any reasonable legislative possibility or probability that a rule to allow a majority to limit debate at any time would ever be voted upon by the Senate. If Senators think there is a free and fair opportunity in the Senate to debate and adopt an honestly proposed change in the rules, I should like to hear from any Senator who believes that to be a possibility as a practical legislative matter.

So, Mr. President, I think that not only do all of us know that we have no power to limit debate on a legislative matter, but we know we have no power to change the rule which permits filibusters, because some Senators who are opposed to the adoption of a motion to take up a certain measure would no doubt filibuster against a proposed change of the rule regarding filibuster itself.

So, Mr. President, that is the state of the rules of the Senate of the United States. As I have said, I have seriously considered and I have appraised in my own mind which course in the long run would be the better one in the public interest, and whether it would be better for us to filibuster, uncompromisingly filibuster, as long as we had the power to engage in it here in the Senate, until we forced from a majority or two-thirds of the Senate, or from the necessary committees, an admission that there was a power of abusive filibuster. That would be a demonstration of it in a national crisis, and then perhaps we would be able to amend the rules of the Senate as they should be amended in the interest of the speedy dispatch of public business.

Mr. President, I think my record in that regard has been consistent since 1937. As the able Senator from Virginia said, the Senator from Florida proposed, 2 or 3 years ago, a change in the filibuster rule. Frankly, the Senator from Florida never pushed for a hearing on that proposal, because he was never gullible enough to believe that he would ever get

it out of the Rules Committee, if he did obtain a hearing on it. Again I say with no imputation of bad faith that Senators simply would not vote to report it from the Rules Committee. I doubt if anyone believes that the Senator from Florida, or any other Senator, is naive enough to think it would be reported. If there is any suggestion of it, we will try at any early date to see what will happen in the Rules Committee and in the Senate with respect to the needed and necessary change in the rules of the Senate.

Mr. President, all I am saying is that I do not believe it to be fair to able Senators on this floor repeatedly to hear charges of filibustering aimed against some of us who are opposing amendments which we believe to be harmful to the public interest, when the rules of the Senate do not permit actual filibustering, and when the record in this case does not, I submit, justify the charge of filibustering.

Mr. President, I wish now to return to a discussion of the amendments, and endeavor to bring my discussion to a close within a short time.

It is very clear that the able Senator from Oregon was correct when he said that we cannot imagine all the things which would be forbidden if the Byrd amendment were agreed to in its present form. The amendment forbids the payment of money by an employer to the representatives of employees upon any except three grounds; first, as wages or salaries, compensation for services; second, as a check-off payment; and third, to be used as a health and welfare fund for the specifically enumerated purposes set forth in the amendment.

As the Senator from Oregon pointed out, Mr. President, the amendment would forbid an employer and an employee, through collective bargaining, from agreeing to erect a nursery to house babies of women who worked at a factory, because that would not be one of the specified objectives of the health and welfare fund provided for on page 2 of the Byrd amendment.

Mr. President, as I construe the Byrd amendment, and as the Senator from Montana [Mr. WHEELER] pointed out the other day, it would forbid an employer from contributing to any representative of employees $100, for example, for use in organizing and equipping a baseball team for entertainment and recreation purposes. As the Senator from Montana, who is the chairman of the Interstate Commerce Committee, further pointed out, the amendment would prevent the railroads from giving a pass to a representative of employees of the railroad, although under the law as it now stands the railroad is permitted to do so.

The amendment would forbid management from contributing a sum of money to any representative of its employees for the purpose of improving the housing conditions of the workers of a given institution. It would forbid management from making a contribution to a representative of its employees for the purpose of establishing a playground which the children of working mothers might use for their entertainment and for their wholesome recreation. The amendment contains a flat unequivocal and unrestrained prohibition against the payment of any sum of money by an employer, or an employer agreeing to pay or deliver any sum of money to a representative of employees, for other than three purposes which are set out as permissive in the Byrd amendment.

Mr. President, on the contary, what the Senator from Rhode Island and the Senator from Florida, as well as other Senators, have attempted to do is to accomplish what we originally thought was the purpose of the Byrd amendment, namely, to secure a safeguard for the health and welfare of the workers.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. KNOWLAND. Mr. President, I send to the desk a motion under rule XXII and ask that it be read.

The ACTING PRESIDENT pro tempore. Without objection, the Chair will designate the clerk to read the motion.

The Chief Clerk read as follows:

PETITION FOR CLOTURE

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the bill (H. R. 4908) entitled "An act to provide additional facilities for the medi tion of labor disputes, and for other purposes."

JOSEPH H. BALL.
W. A. STANFILL.
WILLIAM F. KNOWLAND.
LEVERETT SALTONSTALL.
B. B. HICKENLOOPER.
CLYDE M. REED.
ALEXANDER WILEY.
CHAN GURNEY.
MILLARD E. TYDINGS.
A. W. HAWKES.
WALLACE H. WHITE, Jr.
ARTHUR CAPPER.
CHAS. W. TOBEY.
WAYNE MORSE.
MILTON R. YOUNG.
ROBT. A. TAFT.
THOS. C. HART.
KENNETH S. WHERRY.
H. ALEXANDER SMITH.
JOSEPH F. GUFFEY.
SCOTT W. LUCAS.
CARL A. HATCH.
BRIEN MCMAHON.
HOMER E. CAPEHART.
OWEN BREWSTER.
HOMER FERGUSON.
WARREN R. AUSTIN.

Mr. PEPPER. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. PEPPER. Is it permissible, without unanimous consent, and while a Senator has the floor, for such a motion to be presented?

The ACTING PRESIDENT pro tempore. Such a motion is in order at any time.

Mr. PEPPER. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. PEPPER. What are the limitations henceforth upon debate of, for example, the Senator from Florida?

The ACTING PRESIDENT pro tempore. Does the Senator mean to ask when a vote may be taken on the motion?

Mr. PEPPER. I make the parliamentary inquiry of the Chair, What are the limitations henceforth of debate, if any, upon the Senator from Florida so long as he occupies the floor?

The ACTING PRESIDENT pro tempore. There is no limitation on debate until 1 hour after the Senate meets next Saturday, at which time the motion will be laid before the Senate.

Mr. PEPPER. The time when the motion shall be laid before the Senate for a two-thirds vote is 1 hour after the Senate meets next Saturday?

The ACTING PRESIDENT pro tempore. Yes; under rule XXII.

Mr. PEPPER. Mr. President, the motion for cloture was filed at the time the Senator from Florida was on his feet discussing the pending amendment, after an announcement had been made by him that he intended to address the Senate for only a relatively short period of time. The Senate has exhibited from the beginning of this discussion considerable haste in an effort to dispose of what I believe to be one of the most vital measures which this body has considered for a long time. It has not exhibited the haste which is incident to the invocation of the rule pertaining to cloture, not in connection with a bill such as that which the able Senator from Indiana attempted to offer, whether it might have been the answer to the present problem or not, but which at least endeavored to reach the heart of it. However, Mr. President, cloture has been invoked with reference to a bill which, I respectfully submit, no advocate could claim contains power to prevent a single one of the strikes which are now taking place. I ask whether the Byrd amendment could, in the opinion of Senator, prevent either the mine strike, if it be called a strike, or the railroad strike. The Byrd amendment would forbid the employer from paying a sum of money to an employee except for three specific purposes, and only then in the event that the health and welfare fund were administered in a certain way. What would that do to stop the coal or the rail strike now in progress? Has anyone claimed that John L. Lewis was submitting other than what was essentially a demand for a health and welfare fund?

I submit, Mr. President, so far as the Senator from Florida recalls what Mr. Lewis proposed with respect to money which might be used out of the fund for recreation and education, the Byrd amendment permits practically every use of the fund which John L. Lewis ever contended for in his application to the mine operators.

At least, if nothing were involved in the controversy between Lewis and the mine operators except the difference between the permissible subjects for the raising of funds for health and welfare purposes in the Byrd amendment and in the Lewis proposal, I dare say there would not have been any disagreement between management and employees in the coal-mine case.

If the Byrd amendment were law today it would not stop the coal strike and it would not stop the rail strike. As a matter of fact, it would be more likely to prolong the strikes than to curtail them,

for working men and women are not so stupid, they are not so dull, as not to know why legislation is passed in Congress. They are not so naive or so credulous that Senators can aim legislation at them and have in mind the hamstringing of their powers and their rights without their knowing the motives behind the enactment of such legislation.

Mr. President, the Byrd amendment would have nothing to do with the railroad strike. The railway employees have not asked any health and welfare fund. They have not struck because management of the railroads would not give them a sum of money, or give their representatives a sum of money. They have ceased working for the railroad employers, and now for the Government, because the compensation they are receiving in their opinion is inadequate for the services they render. What would the Byrd amendment do with that? How would the Byrd amendment affect that? What good could the Byrd amendment do with regard to the subject of dispute between management and labor, or Government and labor, in the case of the railroads which now are not in operation?

So, Mr. President, as I have said before, these amendments which are offered are not really intended to stop strikes. At least, no one claims they will stop strikes. What, then, is the purpose?

Let us take one of the amendments which will come along a little later, and which, I believe, has been drawn by the able Senator from Virginia, an amendment requiring that labor unions shall register with the Securities and Exchange Commission and become incorporated. What would that do to put the miners back into the mines? What would that do to put the railroad men back at their jobs? Every Senator knows it would accomplish nothing at all except to embitter labor, because for the first time in American history, if that were the law, they would be deprived of the right of being an unincorporated, non-profit association. They would be further embittered because they would know that we had applied a rule to labor—I do not mean merely organized labor, but all working men and women—that we had not applied to members of trade associations, the National Association of Manufacturers, the United States Chamber of Commerce, the mine owners, the industries which might be associated in any other trade association. Knowing that, knowing that we were discriminating against labor, how could they feel other than that prejudice actuated us in our action in passing such discriminatory legislation?

Mr. AIKEN. Mr. President——

The ACTING PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Vermont?

Mr. PEPPER. I yield for a question.

Mr. AIKEN. Is the Senator from Florida aware of the fact that the Senator from Oregon [Mr. MORSE] and I have offered an amendment which would bring all trade organizations, such as the National Association of Manufacturers, and associated industries, the American railroad associations, and all similar associations which have funds running into the millions of dollars to spend, under the same requirements as to incorporation, registration, and the making of reports, as is proposed for labor unions in the Byrd amendment? It seems to me that this is going to be a chance——

The ACTING PRESIDENT pro tempore. The Chair will have to warn the Senator from Florida that, the rule having been invoked, only a question is in order.

Mr. AIKEN. I asked the Senator from Florida if he was aware of this amendment and its provisions.

The ACTING PRESIDENT pro tempore. The Chair heard that, but with all due respect to the Senator, the Chair thinks the Senator was proceeding to make a speech.

Mr. PEPPER. Before answering the inquiry of the able Senator from Vermont, I want to appeal to the Chair for his characteristic fairness to the speaker. If the Senator from Florida yields, and states that he yields for a question, and the Senator interrupting transcends the permission given, should the Senator from Florida be held responsible for the violation of the rule?

The ACTING PRESIDENT pro tempore. The Senator from Florida has control of the time when he has the floor, but the Chair was intervening in behalf of the Senator from Florida.

Mr. PEPPER. I appreciate that.

The ACTING PRESIDENT pro tempore. The Chair ruled with all deference to the Senator from Vermont, who was not here when the question was raised.

Mr. AIKEN. May I address the Chair? I merely wish to make it clear that I was not trying to take the Senator from Florida from the floor or to make a speech. I was asking him if he was aware of the provisions of the amendment which was offered by the Senator from Oregon and myself, and I did not see how he could answer the question unless he knew what the provisions were.

The ACTING PRESIDENT pro tempore. That seems to be a perfectly legitimate question.

Mr. PEPPER. The Senator from Florida wishes to thank the Chair for the precautionary notice that was given in the matter, and to assure the Chair that he does not want inadvertently to lose the floor, and is grateful to the Chair for his kind intervention. Hereafter the Senator from Florida will have to exercise careful restraint upon kindly disposed Senators who ask questions, to see that they do not exceed, in their zeal, the good motives which prompted the beginning of their inquiries.

I shall gladly answer the inquiry of the able Senator from Vermont. Yes; the Senator from Florida is aware of the fact that the Senators from Vermont and Oregon have offered the amendment to the Byrd amendment mentioned by the Senator. Yet I would like to ask the able Senator from Vermont a question, if I may do so, at least in a rhetorical sense. Are the Senators from Vermont and Oregon sanguine enough to believe there is any chance in the Senate, with its present temper and attitude, of the amendment being adopted?

Mr. AIKEN. I do not know whether I may answer that or not——

Mr. PEPPER. Mr. President, I would not risk the response of the Senator from Vermont, with the possibility of violating the rule laid down by the Chair. If the Senate were inclined to impose upon employers the same obligation which the Byrd amendment would impose upon employees, the Senate would adopt the amendment just described by the able Senator from Vermont.

Mr. President, I have before me a statement which shows that in 1944 the bituminous coal industry produced 620,000,000 tons of coal, and I wish to show what the bituminous coal operators were permitted to charge the public on this tonnage. Instead of referring to the statement before me, I shall refer to information which I obtained on the telephone from Mr. Kemp, of the Solid Fuels Administration of the OPA, this afternoon. Mr. Kemp advised me that the coal operators had collected, as a part of the cost of producing the coal, between five and six million dollars, and used the money for the purposes of the Coal Operators' Trade Association. Between five and six million dollars were collected from the public as an increased item in the cost of coal, yet it was spent by the employers' trade association for purposes over which neither the employees nor the public had the slightest control.

Mr. President, that shows the need for subjecting the funds expended by employers to public scrutiny and restraint. But the Byrd amendment does not say anything about making trade associations incorporate, making them file reports giving all sorts of information to the Securities and Exchange Commission. No; it applies only to the employees, because, Mr. President, Senators wish to impose restraints and curbs upon the working men and women, but not upon the employers who may happen to be a part of these many trade associations.

There is another amendment somewhat similar to the amendment spoken of by the Senator from Vermont as being offered by him and the Senator from Oregon, an amendment offered by the Senator from Rhode Island [Mr. GREEN] and myself, which also proposes that if employers receive any such funds, those funds, and their appropriation and expenditure, shall be subject to the rule and regulation of the Department of Commerce. So that if the public has to pay money into the pockets of management for business purposes, then, Mr. President, the public will also have some voice in observing and scrutinizing the administration of those funds by management.

Mr. President, I was saying that the amendments which are now offered do not in the opinion of any Senator, so far as I know, offer any hope of stopping the coal strike or the rail strike. They obviously have some other purpose in view. I mentioned that the Byrd amendment would not have any influence in stopping the coal strike or the rail strike. I also mentioned the other Byrd amendment which is now on our desks requiring the registration with the Securities and Exchange Commission of all labor organizations and requiring all labor organizations to become legal corporate bodies.

There is another amendment on our desks, an amendment to outlaw the secondary boycott, regardless of whether the secondary boycott should be outlawed, and there is a good argument that can be made for it. I am not saying that I shall vote for it. I might. It is one of those powers which is capable of abuse, and I think has been abused. But did John L. Lewis call his miners out under the secondary boycott? Would the passage of a law against secondary boycotts put the miners back in the mines? Did the railway employees leave their jobs with the railroads under a secondary boycott? Do they remain out of employment with the Government because of a secondary boycott? Of course not. No Senator would contend that they do. Then what good would it do to adopt that amendment for which Senators are clamoring so much tonight that they have already filed a petition for cloture?

Then there is another amendment proposed by some of the strenuous advocates and supporters of these restrictive amendments. That amendment would require a cooling-off period, and would provide that labor could not strike or stop until the lapse of a 30- or 60-day cooling-off period. Mr. President, a few days ago we heard Senators saying that if we only had a law like that applicable to the coal miners it would perhaps stop the coal strike. Yet in the first place we had the Smith-Connally law upon the statute books, passed in 1943, and the Smith-Connally Act forbade work stoppage until there had been a 30-day cooling-off period. Did it stop the coal strike? No, Mr. President. The miners merely complied with the machinery provided by the Smith-Connally Act in calling the strike and bringing about the work stoppage.

In addition to that, for many years there has been on the statute books the Railroad Labor Disputes Act, one of the most elaborate, one of the most comprehensive, one of the fullest pieces of legal machinery the purpose of which was to stop strikes, that has ever been enacted in the United States.

That, Mr. President, is still the law. That was the law when the railroad employees stopped work. There was not only a 30-day cooling-off period but there was a great deal longer period than a 30-day cooling-off period. There was mediation machinery. There was conciliation machinery. There was arbitration machinery. There was a national mediation board. All were provided by the Railway Labor Disputes Act. But did they prevent the railway employees from stopping work when they thought they had been greviously injured by railway management? No, Mr. President; they did not.

So if the amendments which I have described requiring a cooling-off period were adopted, what efficacy would they have with respect to putting the miners back in the mines or the railway employees back at their jobs on railroad trains and shops and facilities?

Mr. President, I have before me the Railroad Trainman, issue of February 1946, and this magazine tells of all the long period of negotiations, of the many efforts, of all the long and strenuous struggles engaged in by railway employees to improve their working conditions on the railroads and to get better compensation for their services. It starts with the early summer of 1944, and then goes on to November 2, 1944. Then November 22, 1944; December 7, 1944; December 11 to 16, 1944; December 14, 1944; December 27, 1944; again December 27, 1944. And so on, Mr. President.

The recital of the chronology since 1944 of the efforts of railroad workers to get economic justice is set forth on pages 44, 45, 46, 47, 48, 49, 50, 51, 53, 54, and 56 of this publication which I now exhibit. Since January 1944, these railway workers have been begging and pleading with railroad management to give them economic justice, to give them a fair deal. But, Mr. President, their petitions have been denied, their entreaties have been scorned, as Patrick Henry said, and, finally, as Patrick Henry counseled his countrymen to do, they petitioned no more, they entreated no more, they defied management, and availed themselves of the right that Americans, thank God, still have, to stop work.

Mr. President, no Senator in this body feels a deeper regret that we experience today the work stoppage in the mines and upon the railroads than does the Senator from Florida. We have fresh fruit, we have vegetables, we have many other commodities in my great State which will grievously suffer if the rail movement is stopped for any appreciable length of time. Management, labor, and the public will all suffer losses that cannot even be calculated in dollars, however enormous the sums computable may eventually prove to be, because we know that stopping the work in the mines, depriving the Nation's economy of coal, stopping the railroad movement and depriving the citizenry of transportation service is immeasurable in the detriment it inflicts upon the economy of the Nation.

Mr. President, I hope Senators will not attribute to those of us who do not think this legislation will stop strikes, who think it will do more harm than good, any lack of concern for that grievous situation. On the contrary, we want to see those work stoppage terminated, and the Senator from Florida has at least twice proposed upon the Senate floor a method which he honestly thought would bring about a cessation of work stoppages and start again the coal mines and the trains and the various facilities of the railroads.

What is that method, Mr. President? It is for the President of the United States, exercising his authority under existing law, to negotiate agreements with the employees in the mines and upon the railroads, which the employees will deem fair and equitable and just. In other words, the President of the United States, acting as a sort of a mediator between the two groups and with the authority of management to execute the agreements, would give to the employees in both cases what they deem to be economic justice, equity, fair compensation for their labor and fair conditions under which their labor may be performed. And, Mr. President, I will have to see that method fail before I will agree that it will fail. The mines have been in the custody of the Government for only a few hours. The railroads have been in the custody of the Government for a very few hours. It is too much to hope that matters so complicated and complex can be settled in the course of a few minutes or even in the course of a few hours.

I respectfully submit that I think it might have been well if, in anticipation of the Government having to take over the mines and the railroads, negotiations with respect to the proper terms of agreement had been started long ago. I believe that with perfect propriety the President, in anticipation of the necessity of the Government taking over these facilities, might have begun negotiations which might have led to the ground already having been prepared for reaching agreements with employees in mines and upon railroads, within a very short time after the custody of those enterprises should come into the hands of the Government.

But I am not criticizing the Government in any way, or withholding approval of the course of the President, because I am not informed of the facts. I know that everyone will agree that the President has been grievously concerned about the work stoppages, the cessation of the output of the mines, and the stoppage of the railroads, and will credit him with having done everything in his power to remedy that situation and to prevent its occurrence.

But, Mr. President, in the humble opinion of the Senator from Florida, even the proposed new bill offered by the able Senator from Indiana [Mr. CAPEHART] is not the answer to industrial strife in the United States. It is not a panacea for that situation. The only way we can be assured of no interruption of work by the employees of this country, organized and unorganized, is for management to give them economic fair play. That is the only answer there is to that difficult problem. It is like most other questions. It is like the difficult subject of international peace at the present time. There is no assurance of world peace except through a proper spirit on behalf of the major nations of the world. One nation may have all the armaments and all the atomic bombs it may be possible to acquire; and yet if the spirit of another nation is not peaceful, there will be no peace. So, Mr. President, if the Congress really wants to do something that will bring about industrial peace and tranquillity in America, let the Congress of the United States seriously and effectively attack the question of bringing about economic justice in America between employer and employee, instead of trying to weaken the hand of the workingman reaching up for a few crumbs from his employer's table.

Mr. President, I pointed out the other day in the debate a comparison of the number of man-days lost from work in the United States through strikes and as the result of illness, accidents, and premature deaths. I pointed out to Senators the finding of a subcommittee

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of which I have the honor to be chairman, that every year we lose in this country 600,000,000 man-days from illness. I pointed out to the Senate from that report that, on the average every workingman in America loses 12 days a year from illness. Yet if we try to pass a national health bill in the Congress of the United States as the able Senator from Montana [Mr. MURRAY] and the able Senator from New York [Mr. WAGNER] have been trying to do for nearly 10 years, we cannot accomplish any more than those able Senators have accomplished in their decade of effort.

If the workers themselves try to provide a health and welfare fund, in the absence of a national health act, what do they get? Encouragement? The amendment offered by the Senator from Florida, the Senator from Montana [Mr. MURRAY], and the Senator from Oregon [Mr. MORSE] proposed that we should encourage management and labor, by collective bargaining, to provide health and welfare funds. We could make it obligatory upon management to negotiate—not to agree, but to negotiate—with employees in the provision of such funds. What did we get? We got 12 votes in the Senate in our effort last night merely to get the United States Senate to say that it was the sense of the Senate that there should be, by collective bargaining between labor and management, health and welfare funds.

I pointed out in addition the number of counties in this country which did not even have a full-time health officer. I pointed out the number of counties that did not have a doctor, which should have one, and the number of counties in the United States that did not have any kind of a general hospital. On other occasions I have pointed out to the Senate and to the public reports showing that if all the States in the Union had the laws and provisions relative to child welfare that the State of Connecticut has, 3,000 children in America would live every year when at the present time they die. I have shown the number of mothers who would be saved if we had the kind of legislation which the great State of Minnesota has on its statute books for the protection of the mothers of that State.

Yet, Mr. President, have we been able to get Congress to pass any such legislation? If we bring up an adequate bill, how far can we get with it? I say, Mr. President, that if the United States Government, in all its great tradition and dignity, really wishes to bring about industrial peace in America, we should sit down together, deliberately, reasonably, and earnestly, and do what we can to guarantee social justice in America to the men and women who work. In that way we could make a great deal more progress in stopping strikes than we could by precipitately trying to cram down the throat of remonstrant labor legislation which labor cannot but regard as discriminatory to it and inimical to its interest.

Mr. President, the question has often been raised with respect to wages. Before I get away from the question of health, what was the reason for the Byrd amendment? The reason was that John L. Lewis demanded a health and welfare fund.

Mr. TAYLOR. Mr. President, will the Senator yield for a question?

Mr. PEPPER. I yield.

Mr. TAYLOR. It is my understanding that the Senator from Indiana [Mr. CAPEHART] in his plant pays a bonus, in addition to wages, for each article produced. Does the Senator believe that this amendment would make it unlawful for him to give that extra thing of value for each item produced?

Mr. PEPPER. It would certainly be the possible subject of a lawsuit. To my knowledge the word "bonus" is not mentioned in the Byrd amendment as being permissible. I may be inaccurate, but I will look at the text and see if reference is made in the amendment to a bonus. I believe I have the latest version.

Mr. HATCH. Mr. President, will the Senator yield to me?

Mr. PEPPER. Excuse me just a moment. I am looking at the latest version, Mr. President. I have before me an amendment known as the Byrd amendment, with respect to which the Green substitute is offered. I read from the face of the printed amendment:

> May 10, proposed; May 15, modified and ordered to be printed; May 20, further modified and ordered to be printed; May 22, further modified and ordered to be printed.

So, Mr. President, I believe that the debate for which we have been responsible, instead of being obstructive, has led to at least three modifications of the Byrd amendment.

I now yield to the Senator from New Mexico.

Mr. HATCH. I merely wish to keep the RECORD straight. I am quite sure that the Senator from Florida wishes to keep the RECORD straight.

Mr. PEPPER. The Senator is correct.

Mr. HATCH. And I am sure the Senator from Idaho wishes to keep the RECORD straight.

There is nothing in the Byrd amendment which applies to the situation about which the Senator from Idaho was inquiring. The only prohibition is against payment of money or other thing of value to a representative of organized labor. I read from the amendment itself:

> The provisions of this section shall not be applicable (1) with respect to any money or other thing of value payable by an employer to any representative who is an employee or former employee of such employer, as compensation for, or by reason of, his services as an employee of such employer.

There is clearly nothing in the amendment which would restrict or prevent any incentive payment such as that about which the Senator from Idaho inquired.

Mr. PEPPER. I thank the able Senator from New Mexico. He is an able lawyer. I believe that he is correct in saying that the amendment would not prohibit the payment of a sum of money or other thing of value to the worker himself, if it were not paid to a representative of the worker. But Mr. President, I do not believe that that changes the observations made by the able Senator from Oregon [Mr. MORSE] or the Senator from Florida previously with respect to cases in which representatives might be forbidden to receive money for the laudable purposes which were enumerated in those statements. I thank the Senator for calling attention to the point.

I was saying that I thought that the original purpose of the Byrd amendment was to provide that the health and welfare fund, the controversy over which had arisen in connection with the coal strike, should be safeguarded by appropriate legislation. I now find that it is intended to accomplish far more than the safeguarding of a health and welfare fund.

Why did Mr. John L. Lewis, who was not a pioneer in this field, ask for a health and welfare fund for the miners of this country? Because of the pitiful health and welfare conditions existing among the miners of this country. To my knowledge, no Senator in the debate on this floor has denied the pitiable plight of the miners. Why did Mr. John L. Lewis have that weapon that he could employ even to bring his workers out of the mines? Because the States and the United States Government had been remiss in their obligation to provide such facilities.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. PEPPER. I yield for a question. The Chair has ruled that I can yield only for a question.

Mr. HATCH. Does not the Senator believe that both the employers and the employees, represented by Mr. Lewis, have been remiss? Why should not this have been requested some 15 years ago?

Mr. PEPPER. Mr. President, I will say to the Senator——

Mr. HATCH. Mr. President, if the Senator will permit me to ask another question——

Mr. PEPPER. Yes.

Mr. HATCH. Why place on the Government the responsibility for doing things which should have been done by the parties themselves in private agreement and private transaction?

Mr. PEPPER. Mr. President, I will say that my witnesses, perhaps my best witnesses, that it is a matter which should be the subject of public legislation are the mine operators themselves. As the able Senator and his colleagues will recall, a few days ago the mine operators themselves said that this proposal of John L. Lewis was a new social theory and that it should not come up in a conference between management and labor, but should be acted upon by public legislative bodies, and then only after the most considerate care was given to it. So the mine operators themselves were unwilling to consider, as their statement shows, anything except unusual hardship cases.

If the Senator wishes me to do so, I can go back and read the record of the statement of the mine operators, and I think it will be found to be in substantial accord with what the Senator from Florida has just said. I realize that is the reason why the Senator from Florida, the Senator from Montana [Mr. MURRAY], and the Senator from Oregon [Mr. MORSE] offered the amendment which was voted on yesterday. I wish to read that amendment. In the amendment we stated that operators and employees should be encouraged to get together and

to provide health and welfare funds. Although I think it is proper that such a matter should, in the long run, be covered by a general health bill, because I think it is better for everyone to be covered by a national health insurance act so that we could all help one another and keep the rates down for all of us, and I think that is the preferable system as a matter of long-range policy, yet, until we obtain that, until the Senate finally enacts the Wagner-Murray-Dingell bill, the only things we have to rely upon are the few voluntary associations which have been formed, which today give complete coverage to less than 4 percent of the people of the United States. Mr. President, I say that until we obtain that kind of a national health act, we shall have to rely upon the voluntary health associations, such as the Blue Cross and the various industrial health plans which today are in existence.

I now read the amendment which the Senate rejected last night by a vote of 40 to 12. I simply wish to remind Senators what they voted on last night and how they voted:

SEC. —. (a) It is hereby declared to be the policy of Congress to encourage and facilitate the establishment and maintenance of approved plans within industry for providing hospital, medical, and home-nursing care and services, insurance, vocational rehabilitation, and other benefits for employees in activities affecting commerce and for their families and dependents, and to encourage the support of such plans by employers, whether such plans are administered by employers and employees jointly or solely by employers or solely by employees or otherwise.

Then the amendment provides:

No provision of this or any other act shall be deemed to prohibit such plans or to prohibit employers from contributing to the support of such plans, except in any case where such support constitutes an unfair labor practice under the National Labor Relations Act.

The amendment further provides:

The failure or refusal of an employer in an activity affecting commerce to bargain collectively concerning the establishment or maintenance of such a plan shall be deemed to be an unfair labor practice for the purposes of the National Labor Relations Act.

Now, Mr. President, listen further:

(b) As used in this section, the term "approved plan" means a plan which has been approved, or which is to take effect only upon its approval, by the Surgeon General of the United States insofar as such plan provides for hospital, medical, and home nursing care and services and by the Secretary of Labor insofar as such plan provides other benefits. The Surgeon General and the Secretary of Labor shall approve any plan submitted to them for the purposes of this section if they find that such plan is a bona fide plan for providing benefits for employees and that a fair and equitable method of administering such plan is provided.

Mr. President, is there anything wrong with that amendment? Yet what did it receive in the Senate last night? It received 12 votes in its favor. As the newspapers correctly stated, it was "snowed under" by the Senate of the United States. Yet now the able Senator from New Mexico says that the right way to raise these funds is by having the employers and employees get together. But the Senate was not willing to provide for that.

Mr. President, the record will convict the Senate of the United States—and I say this with kindness—of not having, in many, many instances, given social justice to the people of the United States. I am not impeaching or impugning the integrity or the good motives of any Senator, but I say that we have not done what we should have done.

However, Mr. President, it is possible to get the Senate very excited about an antilabor bill. Although there have been less than 2 weeks of debate and although the debate has provoked at least three admitted changes in the Byrd amendment, it is possible to get the Senate to call that kind of debate a filibuster. It is possible to get the Senate to begin its session at 11 o'clock in the morning, as we did today, and it is possible to keep the Senate in session until the evening, as was the case yesterday and as we are doing now, and I suppose an effort will be made to keep the Senate in session all night if the Senator from Florida does not quit.

Mr. President, it is possible to get the Senate to invoke cloture to hasten action on some legislation to outlaw for all practical purposes a health and welfare fund, by providing that it must be administered in a certain way which employees will never wholeheartedly accept. It is possible to do that without any trouble. If the subject of the Senate's excitement is labor, it is possible to do a great many things and it is possible to get a great many votes to obtain cloture or to have long sessions.

But when eventually we dispose of this antilabor bill, I wonder how fast other measures which it is necessary to place upon the statute books will progress in the Senate. I wonder how fast the Senate will progress in regard to the Selective Service Act which today should be upon the statute books of the United States, but, on the contrary, is lingering upon the calendar of the Senate of the United States. How fast have we moved by means of a proper Selective Service Act to provide in a fair way for the security of the United States, to keep our obligations to our allies, and to keep our debt to our dead who lie upon foreign battlefields? Mr. President, what did the Senate do with that measure? The House passed it. The Chairman of the House Committee on Military Affairs, the able Representative MAY, told me here in the Senate only a few days ago that the Senate let the measure lie upon its calendar week after week, and did not take it up.

Then what happened? The British loan came along, and upon this floor we debated the British loan for more than a month, without cloture, without the exacting demands upon our time that are being required in connection with the pending measure, although that measure perhaps also affected the peace as well as the discharging of our obligation to one of our principal allies. Some of the very Senators who are so diligent and so earnest and, if I may say so, so hasty in their efforts to dispose of the pending antilabor legislation were not at all hasty in their efforts to dispose of the British loan measure.

No, Mr. President; although the Senate debated the British loan joint resolution for more than a month, sometimes meeting only 3 days a week, if my recollection is not faulty, although the Senate did not have any night sessions to speak of, and did not meet for long hours, and did not invoke cloture, the selective-service law came within hours of expiration. The emergency became so great that, finally, in action which I must submit was unseemly, the Senate temporarily, and without a word of debate or a word of discussion, passed a stop-gap-until-July-the-first selective-service law.

Mr. BREWSTER. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BREWSTER. Is the Senator from Florida aware that the RECORD shows that that matter was before the Senate for 6½ hours, during which it was explored?

Mr. PEPPER. Mr. President, is the Senator from Maine aware of the length of time which elapsed from the time a motion was made to pass that measure until the time when it actually passed the Senate?

Mr. BREWSTER. Mr. President, I only know the time when it was presented to the Senate for action and I know there was discussion for hour after hour in the Senate on the measure, contrary to the statement just made by the Senator from Florida.

Mr. PEPPER. Mr. President, the RECORD will speak for itself, and hereafter I shall rely to a considerable extent upon the RECORD. It is the recollection of the Senator from Florida and I believe it is within the memory of many Senators on this floor that what actually occurred was this—and I am not talking about the effort to set aside the British loan measure, which was a preliminary discussion and controversy. I speak of the time devoted to consideration of the merits of the joint resolution the Senate passed. What happened, if I remember correctly, is that the Senator from Colorado [Mr. JOHNSON] first sought to get up a continuing resolution; and objection was made.

Then the Senator from South Dakota [Mr. GURNEY] asked unanimous consent that the Senate consider a joint resolution which was not yet on the calendar, or even pending before any committee. He received unanimous consent. The joint resolution proposed that the life of the then existing law be extended to June 15. There was about to be some discussion with regard to the matter, and the Senator from Colorado offered a substitute to the effect that the date be changed to July 1. Then the Senator from South Dakota withdrew his proposal of June 15, and without debate or discussion, and in a minute's time, and without a record vote, the Senate passed the stop-gap joint resolution which had to be sent to the House and made law by midnight last night in order to prevent the expiration of the Selective Service Act.

Mr. President, what did that joint resolution provide? It was announced by

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the able Senator from Alabama, a distinguished member of the Committee on Military Affairs, that the joint resolution which the Senate had passed, without first considering the selective service law measure which had been reported by the Committee on Military Affairs, would have the practical effect of keeping in the serivce a great many—I believe he said 100,000 or 200,000—fathers then in the Army when they should be discharged, and men of 18 and 19 years of age taken into the Army in their places.

The able Senator from Alabama also pointed out that the effect of the way in which the Senate acted or did not act with regard to the selective service law, would be that many men who had had longer service than they should be required to have, would be compelled to continue in the Army instead of being discharged, because of the fact that other men would not be available to take their places. Because we did not take up the selective service measure, except in the way in which it was taken up, the able Senator pointed out to the Senate the effect of our action.

Mr. President, a selective-service measure is still on the Senate calender awaiting the action of the Senate. Yet, Senators insisted that the pending anti-labor legislation be taken up because there were many persons in the country, and many Members of the Congress who felt that something would be done through such legislation to curb the power of labor to strike, or in some way compel the miners to return to the mines and the railroad workers to return to the railroads.

What I am saying, Mr. President, is that when the Senate is ready to act, it can act with remarkable celerity. However, I am lamenting the fact that most of the time when the business before the Senate pertains to national welfare, or, perhaps, social justice to workers, it is a long and exceedingly arduous row which the proposed legislation has to travel in the Senate of the United States.

So, Mr. President, had we encouraged management and labor to set up adequate welfare funds, or had we adopted proper legislation to provide for the health and care of all of the working people of this country, John L. Lewis would not have the weapon which he has today and which he has used in bringing about the stoppage of work in the mines.

Mr. President, who is really at fault? Is it John L. Lewis, whose demands for a health and welfare fund have long been neglected? He has finally said, in effect, "We will work no longer until provision is made for a health and welfare fund for my miners." He has said, "We will not return to work nor execute a new contract until you give us such a fund." Is he at fault, or are the mine operators at fault? The mine operators have said, "We will not discuss that issue with you because it is a new social principle, and it is not a proper subject of collective bargaining. It is not a proper subject of negotiation between you and us." Is Lewis at fault in asking for a health and welfare fund, or are the mine operators at fault who have said that they do not believe in this new social principle, and have refused to negotiate with Lewis and his miners upon that subject?

Mr. President, I ask again, Who is at fault? I have mentioned John L. Lewis because he is the man who started most of the present controversy. Every time John L. Lewis strikes, or does not send his miners into the mines without a new contract, we pass new legislation in the Senate of the United States. When the pending bill is passed, we will wait until John L. Lewis again stops work, and then we will try once more to pass another law. That is the way we legislate in the United States Congress on the subject of labor. That is what the record convicts us of having done, Mr. President.

I repeat, Who is at fault? Is it John L. Lewis who asks for a health and welfare fund for his workers and others who have asked and received health and welfare funds for their workers? Are they at fault or is the United States Congress at fault for not seeing to it long ago that the workers, through plans worked out beween management and labor, were provided with an adequate health and welfare fund in order to take care of home nursing, dental necessities, clinical services, and so forth, in connection with all the people of this great and rich United States of America?

Yet, Mr. President, if John L. Lewis says to the operators, "I will not go back into the mines with my men unless you, at long last, let me get rid of the country doctor, let me get rid of the tyranny of company domination over the health care for which workers now pay good money out of their own pockets, and for which, incidentally, they do not receive any consideration from the standpoint of tax reductions," censure is heaped upon him. I need not remind Senators that when the workers have paid a fee out of their wages in order to receive only partial health care from the operators, they are not able to deduct it from their income taxes.

However, Mr. President, as I pointed out a while ago, in 1944 the coal mining operators received between five million and six million dollars out of the pockets of the people of this country to spend as they wanted to spend it in connection with their trade associations, but it did not cost them one penny. It did not come out of their pockets; it did not come out of the salaries of executives; it did not come out of the dividends declared by the companies; it did not come out of reserves; and it did not come out of surpluses. Oh, no, Mr. President. It was given to them tax free by the people of the United States. It amounted to five million or six million dollars.

Mr. President, I will tell you something else, if I may refer to it. I think it is still germane to the question of social justice.

Some time ago the Congress passed a bill which has since been called the carry-forward and carry-backward tax law. What has been the effect of that law, Mr. President? It provides that if a corporation has lean years during the postwar period it may draw back from the United States Treasury a sum of money equal to that which it paid in excess profits taxes during the war. The law which had already been enacted was changed. If the law had not been changed the corporation which had made money and paid taxes on it would not have been allowed to receive money from the United States Treasury for a subsequent loss. Yes, Mr. President, we permit a corporation which has experienced a lean year after the rich harvest of the war years to go to the United States Treasury and receive money from it which it has previously paid to help the country during the war.

Mr. President, many white-collar workers and many women, boys, and girls also paid taxes during the war for the support of their Government in its war efforts. Some of them made high wages. They received one dollar, and perhaps two or three dollars an hour for their services or, as one good old friend of mine down in Florida used to say, they were eating high up on the hog. But they were not being satisfied merely with pig's feet, they were away up on the ham part of the hog in those days. Some say the best part of the hog is not always the ham. I am reminded of the man walking down the street one day who met a stranger and thought he would introduce himself. He said, "My name is the best part of the hog." The man said, "How do you do, Mr. Chitterling?"

Those people were making good wages, and they paid high taxes on their good wages. Many of them have lost the good jobs they had. But has the Congress passed a law to let them get back some of the money they paid in as taxes during the war? No, Mr. President; I do not know of such legislation being passed. Does any Senator think we could get such legislation through? No; we could not.

The legislation for refund of taxes was passed by Senators who thought, and they were conscientious about thinking, that they were helping the business life of the country. Again, Mr. President, I am always saying, as William Jennings Bryan said better than anyone else ever will say it, a great many public men make the definition of a businessman too narrow. If it is a large corporation, it is a business, but if it is merely the labor of a poor man or a humble woman, in the opinion of many people it is not business. If we help that poor devil or the humble woman we are not statesmen, we are radicals, as bad as MURRAY, and PEPPER, and GREEN, and a lot of others around here. We are radicals, we are almost Communists. They often think it when they do not say it, and they say it often enough.

Mr. President, what we have to learn before we ever give social justice to the people of this country is what is serving the business interests of America. Yet when we come along with a minimum-wage bill, a little bill to provide 65 cents an hour to men and women who work, as a statutory minimum, could we get it passed? We could not, except with an emasculating amendment which the President of the United States advised us, through our able leader, would cause him to veto the bill before we ever put it in. We cannot even give the workers of this country who make less than 65

cents an hour a decent wage through the action of the United States Senate.

Have we given social justice, therefore, to the people of this country? Have we made labor feel we have done for them all they should get, that we tried to be fair? I am afraid many of them do not think so. So, when we try to pass some remedial legislation, which will actually help the people, all of us know all too sadly what the results are in the Congress of our country.

I wish to say, Mr. President, and I say it in no sense of the word with bad motives, I say it in no sense of the word as a threat, I state it out of my heart, as a prophet, there will never be industrial peace in this country until Congress and the employers of this Nation actually and honestly give social justice to the men and women who carry upon their backs the burdens of this great land.

We may try a lot of expedients, we may become rash and angry and drive a few Senators off the floor, defeat them ignominiously for their efforts: but that will not stop strikes; it will not change the attitude of the working men and women to one of confidence instead of lack of confidence; it will not provide purchasing power; and it will not bring about the production which would be attained if we would soften the stubborn necks of many of the employers, make them try to be fair to their employees, and pass in the Congress the legislation which would assure social justice to the people of this country.

I mentioned a case here the other day of one of the great companies of this country, the General Electric Co., as I recall. I stated that I was informed that that company drew $10,000,000 from the United States Treasury during a time when the workers of the company were out on strike and not getting a dime for the time they were not at work. Is that social justice? Is that fairness on the part of the employer?

Oh, no, Mr. President. We all knew, it was commonly stated here in the Congress, that when the General Motors strike was on General Motors did not care whether they settled the strike or not, they were drawing back money from the Government while men were idle.

Not only that, but General Motors had reserves, General Motors had great storehouses of capital. Does anyone suppose that any General Motors executive went hungry while the workers were out on strike? Does anyone suppose that any executive of General Motors was unable, during the time its employees—men and women—were out on strike, to send his family to a hospital? Yet, I am going to repeat, at the risk of boring my colleagues, that I was in Detroit, Mich., during the General Motors strike, and I talked to a private doctor there. The doctor told me that private physicians could get all the patients in hospitals they wanted to have taken in because the hospitals had many vacant beds, which the workers in the General Motors plant could not pay for for their families because they were not earning any money during the time they were not working.

Have we given social justice to the workers of this country? Ah, no, Mr. President. Many of us knew that there were many corporations waiting for the end of the war to break the labor unions. Many of us knew it. It was easy to see it. They had become alarmed and embittered by the great increase in organized labor in the United States during the war. If I am not incorrect, the number of organized workers in the labor unions had jumped to 12,000,000 during the war, 12,000,000 men and women, a mighty working army marching shoulder to shoulder. They had found in the principle of unity a new strength, guaranteed the right of collective bargaining by that great man whom I have so often been glad to honor, and whose deserts I have so often praised, the able senior Senator from New York [Mr. WAGNER]. Under the protection of the law for which the Senator from New York is responsible, the workers were granted the right of collective bargaining. Management could not interfere with them in the exercise of that right. Management could no longer intimidate them in the enjoyment of that right. Management could no longer discharge a man because he belonged to a union, as he had a right to, just as he had a right to belong to a church or to a lodge.

Social justice was not granted to the working men and women in this country until just a few years ago, with BOB WAGNER and Franklin D. Roosevelt, who used to fight for social justice together in the senate of the great State of New York, not until they and other farsighted Senators and Representatives joined in getting through the legislation to which I have referred. Not until that legislation had been enacted did the working men and women receive the protection of collective bargaining.

What happened when it was enacted, although enacted overwhelmingly in the Congress? It was subjected to the most bitter legal attack in the courts. Great corporation lawyers, many of them officials of bar associations, issued solemn statements that it was unconstitutional.

It was all right for management to be organized, it was all right for management to represent organized dollars, it was all right for management to be members of organized trade associations, but all wrong for men and women who worked to organize into an association of their own which they freely would form. So, Mr. President, the enemies of social justice and collective bargaining first fought it in the Congress, then they fought it in the courts, and they have been trying to destroy it in one way or another ever since, and Senators on this floor know what I am saying is true.

There have been employers, and, I regret to say, Members of Congress, whose actions have indicated an enmity to collective bargaining ever since it has been on the statute books. We cannot go to an ordinary chamber of commerce meeting in most cities of this country, in most of our States, we cannot go to a meeting of manufacturers, we cannot ordinarily hear a group of so-called big businessmen talk, but that one of the first things that is said is, "Why don't you correct the iniquities and inequalities and the shortcomings and the defects of the collective-bargaining law and the National Labor Relations Act?"

Mr. President, some of the very amendments pending to the bill before us have for their purpose the curtailment of workers' rights under the National Labor Relations Act, and some other amendments which will be proposed to the bill have for their purpose the curtailment of another remedial statute which gave a measure of social justice, the Norris-La Guardia Act.

Mr. TOBEY. Mr. President, will the Senator yield to me so I may ask unanimous consent to speak briefly?

Mr. PEPPER. I will gladly yield, if the Senator wishes to ask a question.

Mr. TOBEY. Mr. President, I ask unanimous consent to take a few moments to read a telegram to the President of the United States.

The PRESIDING OFFICER (Mr. LUCAS in the chair). Is there objection? The Chair hears none.

Mr. TOBEY. Mr. President, I have a duty to perform, and I rise to do the best I can toward that great objective. I speak in behalf of hundreds of poultrymen of the State of New Hampshire, whom I have the honor to represent here tonight and who find themselves in a tragic situation. What I am about to say is by the evidence which has come to me in the form of letters, telegrams, and telephone calls, which set forth the dire situation now existing in my State. The emergency is extreme and immediate relief must be had. Growing stock is dying on range and flocks have been reduced to a sad extent because grain cannot be obtained for their food. I have in my hand a copy of a telegram which I am sending to the President, which I read to the Senate:

MAY 23, 1946

THE PRESIDENT,
White House, Washington, D. C.:

This is a Macedonian cry.

I appeal to you in behalf of our New Hampshire poultrymen, who are sick at heart and discouraged at the tragedy which confronts them. Their entire and exclusive business is the production of poultry and eggs for food and breeding stock. They are without grain for their flocks. Growing stock on range are dying of starvation.

That is actually true.

Laying and breeding fowl have been thrown on the market in great numbers, because grain cannot be obtained to feed them. A certain result of this will be scarcity of poultry and eggs this fall and winter.

The tragic situation has been accentuated by the Government's raising the price it is paying for grain for foreign shipment. Let the Government purchase grain to save our farmers, the while it does this for the needy abroad. The situation demands heroic action.

Will you not issue a proclamation citing the dire situation confronting poultrymen, and call upon those withholding grain from market for anticipated speculative profits, to meet this need, and create a reservoir of grain supply to be prorated according to needs?

Our people have the right to expect of and to plea to their President to exercise the great powers of his office under the War Powers Acts and instruct the proper officials in the Government to take this immediate and unusual step to alleviate the most serious situation which ever confronted our poultry raisers.

I suggest the raising of the ceiling on grain at once to help care for the needs of the emergency.

Sincerely yours,

Senator CHARLES W. TOBEY.

I thank the Senator from Florida for yielding to me.

Mr. PEPPER. I thank the Senator for the interesting information contained in his telegram.

Mr. President, I stated a moment ago that there were many employers in this country who I felt were waiting for the end of the war to try to break the labor unions because they resisted their power, and they knew that if collective bargaining remained unhampered it would mean that the workers would demand and receive social justice from them.

I have in my hand a news letter sent out by the John O. Munn Co. of Toledo, 4, Ohio, under date of September 18, 1945. It is called "Market Service for Automobile Dealers." At the top we find the designation "Munn Automobile News letter." Here is a passage which I shall read from a photostatic copy of that letter:

Perhaps the only solution is a policy of sitting tight and waiting until the economic pinch forces workers to realize they must stay on the job or starve. At the moment there is no disposition on the part of management to become frantic over labor unrest. A watching and waiting policy is the general rule.

Mr. President, according to that, many men in management would not care if a few workers starved or if those who always bear the brunt of a worker's poverty, their wives and children, starved, if it would accomplish their purpose of beating and coercing the workers into subservience. That is what the letter says. I think, Mr. President, it is too probable not to be untrue in case of a great many executives and a great many corporations.

Mr. President, I will proclaim it that there is evidence of the fact that the mine operators feel the same way; that they are willing to let miners go for weeks or months without a penny of compensation, if they can beat them into subservience.

There is evidence, Mr. President, that the mine owners have deliberately let this strike occur in order to break the power of the mine workers of the Nation. There is evidence that the railroad management is willing to let the country go through the agony of a transportation stoppage if, Mr. President, they can keep unimpaired their great wartime profits, or if public animosity toward the workers, or legislation that Congress might enact, would weaken the collective bargaining power of the railway employers. Yet, Mr. President, we are condemning these employees without a Senator on this floor, I dare say, being able to tell his colleagues how many hours a month they now have to work. I imagine that we are condemning these railway employees without a Senator on this floor knowing what the wage scale is under which they presently have to labor. I dare say, Mr. President, that we are willing to have long sessions and invoke cloture against our amendments and in favor of the restrictive amendments, without a Senator on the floor really knowing what the controversy is between railroad management and labor except what we read in the newspapers every day.

Mr. HAWKES. Mr. President, will the Senator yield to me for a moment? I wish to ask a question.

Mr. PEPPER. I will have to yield only for a question.

Mr. HAWKES. That is what I want the Senator to yield for. I want to ask the Senator from Florida if he has any confidence in the President of the United States who has made a proposal to the railroad men in order to try to solve the problem and keep the Nation going. Does the Senator think the President had any justice on his side when he made the proposition to these men which they turned down today? I ask the Senator that question with a very deep conviction in my heart and mind that the railroad brotherhoods have been a magnificent set of unions, but I want the Senator to——

Mr. PEPPER. I cannot allow the Senator to make a statement without yielding the floor.

The PRESIDING OFFICER. The Senator refuses to yield.

Mr. HAWKES. I simply wish to ask the question: Does the Senator think the President of the United States has given consideration to the justice of the demands of the railway men, and does the Senator have confidence in what the President is doing?

Mr. PEPPER. Of course, Mr. President, I have confidence in the President of the United States. I do not know what the terms of the offer were which was made to the workers on the railroads. That does not necessarily mean that the workers would not have the right to reject the offer even though the President proposed it. But I will say that in my opinion, if fair proposals had earlier been presented by management we never would have had the work stoppage that is keeping this country in travail tonight.

Mr. HAWKES. I do not want to go into that question. I want to know whether the Senator now thinks that the President and his group, who have analyzed this situation for weeks, and have known it was coming on, have any justice in the proposition they have made to the workers, and if the President's proposition furnishes justification enough to enable them to continue at work and keep the Nation going while the problem is being solved?

Mr. PEPPER. Mr. President, I would, if I were a worker, yield every possible conviction and feeling of my own in the national interest and toward cooperation with the President in this case. But the Senator will also have to remember that the President is acting only in a limited capacity, with a limited power. I do not know but that the President of the United States had to offer less than he felt was right because of the insistence that management would not continue that contribution or that wage when it got the railroads back, and the President knew he had no authority to continue an indefinite operation of the railroads. I will say that if they will leave the dispute completely to the President of the United States, to grant social justice in both the mine case and in the railroad case, he will grant it, and there will be work in the mines and on the railroads within 10 hours.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BARKLEY. It might be of interest to the Senator from Florida and to the Senator from New Jersey and the Senate as a whole to know that, notwithstanding the fact that under the terms of truce or postponement of the railway strike for 5 days, which ended at 4 o'clock today, the parties are still in session under the call of the President. The management and the representatives of the railway organizations are still in session in an effort to compose the difference, and resume transportation facilities in the United States, and we all hope that before they shall adjourn they may reach a conclusion that will result in the resumption of transportation.

Mr. PEPPER. Mr. President, I thank the able Senator from Kentucky.

Mr. BARKLEY. I think it ought to be said that the President is doing everything within his power to bring this difficulty to a conclusion so that our transportation facilities may not be for a very long period, or any longer, if possible, interrupted.

Mr. HAWKES. Mr. President, will the Senator again yield, because I do not want to be misunderstood.

Mr. PEPPER. Mr. President, I am subject to losing the floor if a point of order should be raised, according to the announcement previously made, although in good faith I have yielded heretofore. However, I may lose the floor if the rule should be invoked.

Mr. HAWKES. I will ask unanimous consent to ask a question of the Senator from Florida.

Mr. BARKLEY. I asked the Senator a question. The question was if he knew that this was the situation.

Mr. PEPPER. I thank the Senator. He has always been a good lawyer.

Mr. HAWKES. All I want to say is this, so that none of us will misunderstand each other, that I have not intimated that the President of the United States is not doing everything within his power to bring about a solution of this problem. The point I had in mind was, Does the Senator from Florida feel that these people should have put this Nation in the state in which it is, when the conference referred to by the majority leader was going on? Can we not all be a little more patient with one another than this thing seems to indicate?

Mr. PEPPER. Mr. President, when two men disagree I am not going to pass judgment on the one responsible for the disagreement unless I know what the controversy is and everything that occurred. I will say that in my opinion management, on the whole, has been more responsible for both these strikes than labor has been; and I challenge a fair and impartial inquiry to ascertain the facts.

I go further than that. I would welcome tomorrow morning—or tonight if Senators wish to do it—the Senate of the United States appointing a joint committee headed by the able majority

leader, the able minority leader, and such other Senators as the Senate might authorize to serve, to call the representatives of management and labor in this controversy to the Capitol and let us find out from them first hand what each one of them has to say about the controversy, rather than legislate upon the basis of newspaper reports or second-hand accounts of what may have happened.

The interesting thing, Mr. President, is that not one single committee, either special or general, has made an investigation of either one of these controversies to ascertain what legislation, if any, we should adopt, what changes, if any, these two strikes should cause us to make in either the National Railway Labor Act or the Smith-Connally Act. Yet here we are, with the public believing that tonight, or tomorrow, or by noon Saturday, when the cloture petition has worked its effect, we shall have enacted a law which, if the House will concur and the President will sign it, will immediately be the panacea both for these situations and for other industrial strife in the United States.

Every Senator knows that that is not so. If this proposal were law today, it would not affect one iota the negotiations going on at the White House now, as we are told by the able Senator from Kentucky. We know that. Yet we assume, as I said the other day, that because the men are finally provoked to quit work, it is all their fault; and public contumely is heaped upon them and their dependents because they have been finally provoked into stopping work, as they have a right as American citizens to do. Their injuries have become, in their opinion, so grievous that they will not longer countenance their continuation.

Yet Senators unconsciously say that the worker who quits is at fault, instead of the employer who will not give him a decent wage, a health and welfare fund, or decent working conditions. The Bible says, "He that is without sin among you, let him first cast a stone." I should like to hear this controversy before I adjudicate that the working men and women are at fault. The public is inconvenienced, but I will say that neither the owners of railroads or coal mines experience anything like the public prejudice, the public disfavor, and the personal loss which the workers themselves experience when they quit work. Would they do it unless they had some serious reason for it? Would they stop work, stop the Nation's mines, stop the Nation's railroads, unless they felt that they had come to the end of their rope in trying to obtain redress by remonstrance?

As I stated a while ago, Patrick Henry counseled us somewhat in these terms: There comes a time in the life of every self-respecting man and women when he ceases to beg, petition, and plead. He demands his rights, and he enforces them to the best of his ability. So the miners stopped work. As I stated a while ago, we all lament these work stoppages; yet we are not doing anything that would prevent them, and we are not assuring the social justice which would make the workers wish not to stop work; and we shall not do so in the future if we do not change our policy as related to the past.

Awhile ago I was talking about how the mine workers had suffered disabilities and injuries. In the bituminous coal-mining industry in 1939 the average number of disabling injuries for each 1,000,000 hours of work was 71; in 1943, 67.2; in 1944, 64.4. In anthracite mining the figure for 1939 was 127.3; for 1944, 81.3, whereas in all manufacturing other than mining the rate in 1939 was 14.9, as compared with 71 for mining in the bituminous mines.

The number of injuries for each million hours worked in 1943 was 20 in all manufacturing industries and 67.2 in all bituminous coal mines. In 1944 the number of injuries for each million hours of work in all manufacturing was 18.4 and in bituminous coal mining the figure was 64.4.

Mr. President, have we assured Mr. Lewis, on behalf of those disabled miners, a health and welfare fund if he does not get it from the operators? I do not know of any assurance of it. If they had had it they would not be out of work today.

I should like to cite a few more facts for the information of Senators. I read from the United Mine Workers' Journal:

> Miner forced to take his own chances. Work in the anthracite mines is hard, dirty, and dangerous. According to the available records of the State department of mines, 29,709 men were killed while working in the mines. The number of casualties from all causes from 1930 to 1944, a 14-year period, was 221,815—nearly three times the number now employed in the industry. Statistically, every mine worker was injured two and a half times during the last 14 years. And he took his own chances, whether his injury was one that enabled him to return to work in a few days, a few weeks, or whether he was crippled for life and permanently incapacitated, with his back broken or his eyes shot out, or his limbs gone.
>
> In the year 1944, 38 men were brought home to their loved ones dead as a result of being crushed in the chest; 42 with their heads crushed; 11 with broken legs; 7 dead with broken backs; 5 dead from loss of eyes, fingers, and arms; 72 more were killed from injuries to the body that could not be classified; 13,601 men were brought hom injured; 1,322 men injured in the eyes; 1,657 injured in the head; 1,082 injured in the chest; 1,418 injured in the back; 667 with injured arms; 1,012 with injured hands; 1,973 with injured fingers; 1,596 injured in the legs; 1,483 with injured feet; 486 with crushed toes; 328 injured in the abdomen; 577 whose injuries could not be classified.

Yet, Mr. President, our sympathies do not go out to those poor people because we do not see the corpse when it comes home under a canvas. We do not see the weeping widow and the clinging children. No; we are not that close to those tragedies. When a man comes home with his back broken and cannot work any more the rest of his life, and he has to lie in squalor, we do not see the pitiable and lamentable plight which he and his family experience, because we are far removed from the pathos and the tragedy of what happened to him.

I have frequently stated that I am no friend of John L. Lewis. So far as I know, I have never been politically on the side of Mr. Lewis, except when he used good judgment and supported President Roosevelt in 1932 and 1936. I certainly was not with him when he used bad judgment in 1940 and 1944 and forsook the best friend the miners ever had, Franklin D. Roosevelt, and voted with a group of people who, very strangely in the Senate, are voting against him and his miners, as the cloture petition will show, and as the vote last night will show on the Pepper-Murray-Morse amendment, and no doubt as the next vote on this amendment and all the others will show.

I hope Mr. Lewis belongs to the same church to which I belong. I am a Baptist, and we believe in repentence. We even believe in death-bed repentence. I hope that Mr. Lewis will repent and say, "Never again shall I dwell in the house of the Republicans, because I have had too much experience with them. They are not really my friends. They are not really the friends of my miners. I can tell it by the way they vote." I hope he will come back into the house of democracy, and that he will be more persuasive in the future than he has been in the past in getting management and the Congress to give social justice to his miners. I believe they are entitled to it. I believe that with all his vices John L. Lewis is not as big a devil as many people make him out to be. I know that it is unpopular to say that. I really believe that he knows a great deal more about how the miners have to live than we in the Senate know. I never knew, for example, that so many of the mine workers had to live in houses such as those pictured in the newspapers. I have been to only one mine.

Until I saw this page in the Washington Times-Herald of Monday, May 13, I did not know that the privies for those houses were outdoors, that they had no bathtubs, no plumbing; and I did not know that the privies were just a few feet from their kitchens, the way these pictures show them to be. For example, I did not know that the six little boys who are shown in one of the pictures, who are good potential Americans, unless they live too long in bad areas such as the ones pictured, had to live within 300 or 600 feet of these dumps for outdoor privies, where dead cats, dead dogs, and other unseemly things are deposited as refuse. I did not know that such a dump was a mine boys' playground. I imagine that year in and year out John L. Lewis and his cohorts have known about such conditions and have pleaded with management to improve them, but have been turned down. Lewis said in his announcement that in 1945 he demanded a health fund like this, but he was turned down. He determined this time that he was not going to execute a contract unless they provided a health and welfare fund for the miners, to be administered by the miners. I think I remember that Abraham Lincoln said something about "government of the people, for the people, and by the people." I suppose John L. Lewis was thinking of a health and welfare fund for the people, administered by the people, so they would really get the benefit of it, and not have the mine operators, who go to private hospitals and have ample medical care, tell

the miners how much medical care they need, and have a company doctor there, snooping upon them while he treats them, making out a report which will determine whether the injured man shall receive compensation for the injuries he has sustained. Mr. President, how do you think you would feel if the doctor who came to treat you were looking at you out of the eyes of the company, getting paid by the company—not by you, answerable only to the company? Do you think you would want him to examine your injuries and to determine how severe they were, when you knew that he would make out the certificate and the doctor's statement which would determine whether you would be able to obtain any compensation for your injury or how much compensation you would be able to obtain?

My attention has been called to a certification of Mr. Lewis' loyalty to his miners—not a certification by some of us here who are trying to defend social justice for all workers, including Mr. John L. Lewis and including the miners, but a certification by the head of the National Association of Manufacturers. Here is the statement as it appears in the Washington Post of May 23:

LEWIS LOYAL, GETS WHAT HE WANTS, NAM CHIEF SAYS

CHICAGO, May 22—Robert R. Wason, president of the National Association of Manufacturers, today praised John L. Lewis for his record as a labor leader, his honesty, and his loyalty to America.

He predicted at a press conference that Lewis would get what he wanted.

Denouncing the administration for a "sell-out" to labor, Wason said management was now "helpless."

Discussing the CIO organizational drive in Southern States—

Then he went on to make some comment about that. [Laughter.]

Well, Mr. President, I am for it. I should be glad to read that, because I hope they get every worker in the South organized into the A. F. of L. or the CIO and that they all will have collective bargaining rights unimpaired. Then we shall have a better South and a more prosperous South and a healthier South, and we shall have in the South a higher standard of living for the working men and women, in my opinion.

Before I read about the CIO and the A. F. of L., let me say my attention has been called to a somewhat fuller statement, which I believe was carried in a Chicago newspaper, about Mr. Wason's statement. It reads in part as follows:

Asked why he preferred Mr. Lewis to Mr. Murray, Mr. Wason replied:

"When Lewis made a bargain, he kept it. He has always worked in the interest of the people he represents. He has improved the miners' conditions, not for political purposes but for welfare purposes. The loyalties of John L. Lewis are to America, first and foremost."

Mr. President, I do not subscribe to what Mr. Wason has said about Phil Murray. I think Philip Murray is one of the outstanding men in the United States. I think he is as fine a patriot as there is in this Nation. I think he is a loyal leader of labor and a man whose heart is really attuned to the plight of the working people of this country; and, I believe, to democracy and world peace. But I am impressed that the head of the National Association of Manufacturers, instead of calling John L. Lewis a skunk, as I have heard people called in my life [laughter]—a title which is not strange; and, Mr. President, let me say that, of course, you can never tell when a man calls you a bad name, whether he is seeing things or is looking into a mirror. It all depends on the circumstances.

But, Mr. President, instead of calling John L. Lewis all the bad names which Senators sometimes, when they forget themselves, apply to other people when perhaps they should not do so, the head of the National Association of Manufacturers said that John L. Lewis has improved the miners' conditions, not for political purposes, but for welfare purposes.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield for a question or for a unanimous-consent request.

Mr. BARKLEY. I should like to ask the Senator whether he does not know that, although the use of the word "skunk" is disagreeable, whenever the skunk appears on the scene he has the right-of-way. [Laughter.]

Mr. PEPPER. At least, everybody will have to admit that he is a gentleman of dignity and of power when he appears. [Laughter.]

As a matter of fact, Mr. President, it all depends on what part of the skunk a man might happen to be associated with. That would influence him a good bit in regard to how he felt about it. I think some people more readily attach themselves to the tail of the skunk than to any other parts of his anatomy. I am not calling any names; I am merely throwing that out as an observation. [Laughter.]

Mr. President, I simply wish to add one or two further things.

Mr. BARKLEY. Mr. President, will the Senator yield to me for a further question?

Mr. PEPPER. I yield for a question.

Mr. BARKLEY. I have been reading the amendment offered by the Senator from Rhode Island [Mr. GREEN], for himself and the Senator from Florida [Mr. PEPPER]. It strikes me that the amendment is not scientifically drawn, or, at least, it is rather crude in one respect. It provides:

That, wherever such fund is administered exclusively by such employer or by such employees, it shall be administered in accordance with such regulations as may be prescribed by the Federal Security Administrator to assure the equitable administration of the fund for the purposes of which it was established.

I think there should be a semicolon there. However, instead of the words "and to provide for a public audit of such fund," which it seems to me is a rather vague and indefinite provision for an audit, I wonder whether the Senator from Rhode Island and the Senator from Florida would accept, in lieu of that, the following language:

, including an audit of the administration of such fund under the jurisdiction of the Social Security Administrator.

Mr. PEPPER. Mr. President, I am sure that I can speak for the Senator from Rhode Island in saying that we gladly accept the suggestion made by the majority leader and proposed as a modification of our amendment.

Mr. BARKLEY. I believe the language in the amendment does not specify who shall direct or supervise the audit, or under what conditions the public audit shall be made. Inasmuch as the Social Security Administrator is to make the regulations under which the expenditure is to be made, it would be consistent to have the audit of the fund made under the jurisdiction of the Social Security Administrator.

The PRESIDING OFFICER. Does the Senator from Florida modify his amendment in accordance with the suggestion of the Senator from Kentucky?

Mr. PEPPER. I do, Mr. President. The Senator from Kentucky has clarified an ambiguity in the amendment, and we are very grateful to him.

Mr. President, I have already quoted what the president of the National Association of Manufacturers has said. In the Wall Street Journal of April 16, 1946, there is an editorial concerning proposed labor legislation. I ask the privilege of reading it. The caption of the editorial is "Untimely labor bills," and the editorial reads as follows:

Because wage disputes are the second most important factor in the general welfare just now—the first being the administration's idea that World War II is still going on—the report of a majority of the Senate Labor Committee on pending labor measures is a notable document.

Mr. President, I interrupt the reading of the editorial in order to say that the Wall Street Journal has said that the committee bill which we have been trying to have considered by the Senate, and which has been shunted aside in order that some amendments which the committee never heard of, let alone considered, could be proposed in the Senate, is a notable document.

Mr. McMAHON. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. McMAHON. Mr. President, earlier in the day a colloquy ensued between the Senator from Illinois [Mr. LUCAS] and the Senator from Florida [Mr. PEPPER]. The Senator from Illinois pointed out that there was nothing in the amendment of the Senator from Florida which would provide for the administration of the fund in the event that the parties could not agree as to who should administer it. The Senator from Florida stated that he would accept an amendment correcting the situation. I ask the Senator from Florida if the following language, as a modification of his amendment, meets with his approval:

In the event that the employer and employees cannot agree through the process of collective bargaining on who shall administer such a fund and either party shall certify such fact to the Federal Security Administrator then the Federal Security Administrator may notify both parties to the controversy that he will administer such funder under such regulations as he may prescribe.

Would that language meet with the Senator's understanding of the point which was raised by the Senator from Illinois?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Connecticut?

Mr. PEPPER. I yield to the Senator from Connecticut to ask a question, and I invite the attention of the able Senator from Rhode Island to the question which the Senator from Connecticut has propounded.

Mr. GREEN. I am sorry, but I did not understand the Senator's question.

Mr. McMAHON. Perhaps I may refresh the recollection of the Senator from Rhode Island on the point. Earlier in the day in a colloquy which took place between the Senator from Illinois and the Senator from Florida, the Senator from Illinois said as follows:

The point I raise, I may say to my good friend, is that if, through collective bargaining, the parties are unable to agree on who shall administer the fund after the fund has been raised, what then takes place? The absence of any provision in that regard strikes me as being an important defect in the Senator's amendment. There is no provision whatsoever in the amendment to take care of the situation in the event the two parties are unable to agree on who shall administer the fund.

The Senator from Florida replied:

If the able Senator were to offer a suggested perfection of the amendment which would provide that in the event the employer and the employee were not able to agree on the administration of the fund, the administration of the fund should be under the Federal Security Administration, we should gladly accept such a proposal.

In line with that colloquy, and because I believe the Senator from Florida was wise in saying that he would accept such a provision, I have endeavored to draw one covering the situation. Does it meet with the approval of the Senator?

Mr. PEPPER. With the permission of my colleague, the able Senator from Rhode Island, I may say that I agree to the modification of the amendment and ask that the amendment be modified in that respect.

Mr. GREEN. May I ask to have the modification reread?

Mr. McMAHON. I will read it again:

In the event that the employer and employees cannot agree through the process of collective bargaining on who shall administer such a fund and either party shall certify such fact to the Federal Security Administrator then the Federal Security Administrator may notify both parties to the controversy that he will administer such fund under such regulations as he may prescribe.

Mr. GREEN. Does that language apply merely to the administration of the fund?

Mr. McMAHON. Yes. If the parties agree to the establishment of the fund and cannot agree on who shall administer it, either party shall notify the Federal Security Administrator and if he finds the facts to be true, as stated, he will notify both parties that he will administer the fund.

Mr. BARKLEY. May I ask the Senator from Florida to yield?

Mr. PEPPER. I yield.

Mr. BARKLEY. Where would that modification be placed in the amendment which has been offered? The Senator will see that there is a proviso in the amendment which reads:

Provided, That wherever such fund is administered exclusively by such employer or by such employees, it shall be administered in accordance with such regulations as may be prescribed by the Federal Security Administrator to assure the equitable distribution of the fund for the purposes for which it was established—

And so forth. That language, Mr. President, does not provide who shall administer the fund. Where should the Senator's provision be placed in the amendment?

Mr. McMAHON. It would come in after the word "employees."

Mr. BARKLEY. It would come in before the proviso.

Mr. McMAHON. The proviso takes care of the situation, as I understand it, where both parties have agreed that either one or the other shall administer the fund, and even in that event they shall administer the fund under regulations prescribed by the Administrator, but the Administrator would not, of course, in that situation, administer the fund inasmuch as the employer and the employee had agreed to administer the fund. If no agreement can be reached on who shall administer the fund, either party shall notify the Social Security Administrator, and he will administer the fund.

Mr. BARKLEY. And the language to which the Senator refers would come in before the proviso.

Mr. McMAHON. Yes.

Mr. GREEN. I doubt if such an unusual situation would ever occur, because, in establishing a fund one of the things which would be determined quite as readily as the size of the fund, would be the question as to who should administer it. I cannot believe that two parties would set up a fund and not agree on whether it would be administered by the employer, or the employee, or administered jointly. If it is considered proper to provide for such an improbable contingency, I see no objection to it.

Mr. McMAHON. Let me say to the Senator from Rhode Island that it might not be so improbable as he believes. Let us assume that the operators and the employees were unable to agree with reference to the administration of the fund of X millions of dollars. In that event the Federal Security Administrator would administer the fund. I believe the situation is not so unlikely as the Senator from Rhode Island believes it to be.

Mr. GREEN. I think that such a situation is a very unlikely one. However, I see no objection to modifying the amendment accordingly.

The PRESIDING OFFICER. Does the Senator from Florida modify his amendment in accordance with the suggestion of the Senator from Connecticut?

Mr. PEPPER. Yes, Mr. President. And we thank the Senator for his suggestion.

Mr. President, I was reading from an editorial published in the Wall Street Journal of April 16, 1946, concerning the basic bill which has been turned aside in the present haste to enact legislation which the committee never considered at all. I continue reading from the editorial:

Its significance lies in the realization of its authors—

That means the authors of the committee bill which was reported by a majority of the committee—

of the obvious fact that it is impossible for Congress to enact, in a hurry and under prevailing conditions, a labor relations statute which is comprehensive and so fairly and skillfully drawn that it will command respect on both sides of the bargaining table.

Mr. President, is it not somewhat interesting that the Wall Street Journal should lecture the United States Senate as to how it should legislate? And, yet, can any of us deny that what the Wall Street Journal has said is good advice?

I continue reading:

We surmise it is for that reason as well as because of its dissatisfaction with specific provisions of the House-passed Case bill that the committee rejects that measure. At any rate, the committee offers by way of substitute only a proposal to create a five-man Federal Mediation Board and to forbid union interference with interstate movement of perishable farm products. Having no power of compulsion, such a Board would differ little from the existing Conciliation Service of the Department of Labor. The almost negative character of the bill the committee favors is itself an indication of the committee's belief that this is no time to attempt sweeping labor legislation.

This newspaper agrees substantially with the committee's criticisms of the Case bill and of the President's fact-finding program. It holds that the former, by requiring "cooling-off periods" following notice of intention to strike, seriously abridges the right to strike and is therefore wrong in principle.

We think it might have added that because of radical differences between railroad men and employees in general industry, the cooling-off device which has been helpful to prevent strikes on the rails would probably be unworkable in most other basic industries. Its enforced extension into other fields, if feasible at all, should await a far clearer and wider understanding of the right functions of the Federal Government in respect to labor relations.

President Truman's statutory fact-finding boards, the committee fears with good reason, would prove to be a first step toward compulsory arbitration, to the injury and possible destruction of real collective bargaining. Neither employers nor employees are anywhere near ready to accept such a system of labor regulation.

I again interject to remark that, the Wall Street Journal is saying that employers, management, in the United States, are not ready to accept compulsory arbitration, to have the Government tell them how much they shall pay, the working conditions, the amount of the health fund, and all the other terms and conditions of employment in the United States today.

None of the labor measures recently brought forward deals at all thoroughly with the fundamentals of national labor legislation. Any one of them if enacted would leave Federal laws on the subject a patchwork

of inconsistent and partly conflicting provisions for the courts to struggle with. The real need is not of more law but of less.

That is not the Senator from Montana [Mr. MURRAY], that is not the Senator from Florida, that is not the Senator from Rhode Island [Mr. GREEN], or the Senator from Kentucky [Mr. BARKLEY], that is the Wall Street Jorunal saying that the answer to this situation is not more legislation.

The real need is not of more law, but of less, of simpler and more precisely expressed statutes designed first of all to render men and groups of men equal before the law.

Federal labor law should be thoroughly revised and codified. Until it is ready to tackle that job in an atmosphere of relative industrial peace, Congress would do well not to legislate on labor.

Mind you, Mr. President, what the Wall Street Journal counsels us to do. We legislated hastily in 1943. Senators are determined that we shall legislate hastily now. The Wall Street Journal is interested in business, it is interested in the welfare of management, it is interested in the point of view of the employer. It certainly is not a labor mouthpiece. It is not a Communist institution. It is not a radical sheet. It is the Wall Street Journal, and it is counseling us how to legislate in the difficult, complicated field of labor relations.

Mind you, Mr. President, not as a threat, but as a prophecy, as the Wall Street Journal has given one, I make the prediction that if we violate the advice given us by the Wall Street Journal we will regret it in the future, for we will provoke more strikes than we now have, we will stir up strife instead of stifling it and suppressing it, we will embitter labor leaders and working men and women instead of giving them confidence that will make possible effective cooperation with management.

Mr. President, I was reading from the Wall Street Journal. Now I wish to read a letter which voluntarily was sent by certain gentlemen to the Senator from Montana [Mr. MURRAY], the chairman of the Committee on Education and Labor. It is carried in the RECORD of May 22, and reads:

DEAR MR. MURRAY: I am attaching a copy of a letter addressed to you by 114 economists, political scientists, and other educators. This letter is an expression of approval of the Federal mediation bill as reported by the Senate Committee on Education and Labor, of which you are the chairman.

Not the Byrd amendment and the Ball amendment and the Taft amendment, but the bill reported by the Senate Committee on Education and Labor.

Other names will be added to this list in the next few days. The letter is sent to you at this time, as it seemed important to record our opinion while the bill was pending on the floor. We trust that you will find this expression of sufficient importance for introduction into the CONGRESSIONAL RECORD.

Sincerely,

COLSTON E. WARNE,
Professor of Economics, Amherst College.

Mr. President, I wish to read now a few of the comments made by this group of men, and then read to the Senate who the gentlemen are, and ask whether their standing and whether their counsel do not deserve the consideration of this honorable body. The statement reads:

The undersigned economists, political scientists, and other educators join in support of the bill establishing machinery for mediation and voluntary arbitration of industrial disputes, which the Senate Committee on Education and Labor has favorably reported. We believe that this bill reflects a sound approach to labor relations in that it establishes a Federal Mediation Board of five which will centralize Federal conciliation efforts and encourage the widespread use of mediation and voluntary arbitration. This Federal Mediation Act would not impair the work of the National Labor Relations Board or set aside the Norris-LaGuardia Act. Instead, it offers in its present form a distinct improvement in procedures for handling labor disputes.

We feel equally strongly that the Case bill (H. R. 4908), passed by the House of Representatives on February 7, 1946, and rejected in its entirety by the Senate Committee on Education and Labor, should not receive favorable consideration. The Case bill was a substitute measure passed by the House without hearings and during a wave of strikes which created an atmosphere which was not conducive to sound judgment. This bill seems designed to impose punitive measures upon organized labor rather than to foster the adjustment of industrial disputes.

It was perhaps inevitable that sharp disagreement would follow a wartime era, an era of strict controls of wage movements. The subsequent period of readjustment would almost certainly involve some labor-management conflict, some clash of interests requiring resolution and readjustment. It is not a new development in America that Americans reserve the right to disagree. It is a tradition inherent in the fabric of our institutions. By the same token, it is not a new development in American history that when a group of employees feel that they have reasonable grounds for dissatisfaction with their wages or working conditions, they have the right to refuse to work under those conditions, and acting in protection of their respective rights, to withhold from their employer their labor until mutually satisfactory conditions can be worked out across the collective-bargaining table.

I interpolate, Mr. President, to ask is that good Americanism? Is it good democratic doctrine? I quote again:

The postwar months have brought a sharp rise in Strikes. Labor and industry have disagreed as to the essential readjustments. Freed of the demands of all-out war, the workers have exercised their constitutional right to engage in a joint refusal to accept the employers' conditions and to bring their grievances to the American public. Voluntary arbitration of these disputes has been typically rejected, not by the unions but by the employers.

That is not my word, Mr. President, that is the word of the group of gentlemen whom I shall name in a few moments.

The time-honored procedures of give and take across the collective-bargaining table, assisted by voluntarily accepted mediation by Government or other disinterested parties and by voluntary arbitration, have already served to bring the parties together and to secure agreement in very large sectors of American industry. This process has already developed a pattern of higher wage standards which employers in other industries still on strike may be expected to find it increasingly difficult to resist.

I interpolate again to say that I have not seen that the railroad management has been willing to offer the amount the steel workers and the automobile workers got. My recollection is that the offer was 16 cents, not 18 or 18½ cents an hour, which the steel workers and General Motors workers got. So far as I am aware, the standard as yet in the other adjustments has not been afforded to the railway workers.

While this process has been going on, however, efforts have been made to rush legislation to restrain the activities of organized labor. The Case bill is an example of such legislation. The almost universal assumption of those Members of Congress who have participated in the rush to introduce restrictive legislation has been the very expressly stated assumption that legislative action is essential to outlaw strikes.

The bills have varied. The impact has been consistent.

Some bills have been blunt and direct in their attempt to outlaw strike action for greater or lesser periods. Some have been directed against internal policies of the labor unions. Some have been directed to the limitation of the political activities of labor unions.

Mr. President, these gentlemen are reflecting like a mirror the proposed legislation before the Senate today, and I am going to read their names in a moment.

Some—

Talking about bills; they might have referred to some amendments—

Some have offered new restrictions on picketing, on boycotts, and on other activities of labor organizations in the economic struggle.

All of these measures have, in one form or another, pointed the accusing finger in the direction of labor and have assumed that the prevention of strikes entails not the amelioration of the conditions which create dissatisfaction or the improvement of mediation machinery, but the repression of the organizations through which the employees seek rectification of those conditions.

Again, Mr. President, I interpolate to ask, Did you hear that? How many times have you heard, Mr. President, the very thing on the floor of the Senate which these professors told us about in this letter which they sent?

I read further:

We do not urge that the accusing finger be turned in the direction of the employer or indeed in the direction of any party or group.

We do urge that the situation is one which cannot be corrected by a vindictive attitude toward organized labor. Too many of those in Congress who have used the circumstances of today as an excuse for seeking repressive legislation are those who have used the circumstances of every period in our recent history as a pretext for efforts to repeal or modify the enlightened policy of the National Labor Relations Act and to seek repression of organized labor.

Mr. President, again I interpolate to say that I am not impugning any Senator's motives, but I have a right to refer to a Senator's written record, I believe, and I simply make the inquiry, and make it so that Senators may search the RECORD and search their memories: What has been the voting record generally of Senators advocating the amend-

ments which we call repressive, upon other labor measures? I am not denying the right of any Senator to vote as his conscience directs, but I say that a search of the RECORD will disclose that Senators who are generally offering or advocating what we call these repressive amendments—and Senators know the amendments I am referring to, the Byrd amendment and other amendments offered by other able Senators—generally speaking have not been known as particularly favorable to labor. Whereas generally speaking the Senators who are opposing these restrictive amendments have been sympathetic to the working men and women, and to the best of their ability have endeavored to aid them in securing helpful legislation and preventing the enactment of harmful legislation.

I read further:

We urge that the Members of the Senate, in considering the measures now before them, accept the Federal mediation bill and reject the ill-considered and dangerous notion that strikes can be eliminated from our economy by legislative fiat.

That is not what the Senator from Florida said. I am reading from these ladies and gentlemen, whose respectability and responsibility cannot be denied when I read their names and where they are located.

I continue to read from their statement:

We urge that free collective bargaining is the ultimate basis upon which sound labor relations must be built. Government facilitation of that process can best be advanced by the expansion and strengthening of our conciliation and mediation machinery to meet the difficult problems of the months ahead. Government intervention can destroy the process of free collective bargaining if it takes the form of a declaration to American workers that they are not free to take strike action, even if the prohibition is ostensibly for a limited period of time.

Those who contend that the decision to engage in a strike is normally one which is taken precipitately or irresponsibly fail to understand the American labor movement. Great as may be the inconvenience to the American public in any given strike, far greater is its direct impact on the union workers who by their voluntary action cut off their earnings in a joint effort to improve their working conditions. American workers do not take such action lightly, and they may not be expected to take lightly a declaration that governmental machinery will decide for them when they may or may not take such action.

Mr. President, before I give the names of these ladies and gentlemen I wish to say that I do not believe there could have been composed a finer statement of democratic American doctrine than they have composed in their letter to the able Senator from Montana. I believe if the Senate violates their admonition and their injunction and their counsel, that we are going to bring upon the country's head all the calamities these individuals have predicted.

So, Mr. President, when the Senator from Montana and the others of us ask our colleagues not to be hasty, when we ask them to give due consideration to this legislation, when we point out the danger of these repressive amendments, we are on the solid ground of advocating more peace instead of less. We are advocating the resolution of industrial strife rather than its precipitation. We are advocating harmony instead of disharmony in the economy of America.

Mr. President, we are not defending John L. Lewis. We are not upholding him in his wrongs. We are not advocating that he should be given immunity from committing wrong. We are not countenancing or approving strikes, work stoppages, or public inconvenience. We are advocating what we believe, as these writers believe, is the best policy for the American Congress to pursue in trying to meet and to overcome the problems which now present themselves to us.

Mr. President, I want to read the list of men and women who subscribed to the statement I have just read to my colleagues:

Mabel A. Magee, Wells College; Dr. Alice Hamilton, Harvard; Vera Reynolds Kilduff, New York State Department of Commerce; Alice E. Belcher, Milwaukee-Downer College; A. D. Beittel, Talladega College—

I believe that is in Alabama—

Dr. Eric A. Walker, Penn State; Michael Kraus, City College—

In New York—

Mabel A. Elliott, University of Kansas; Paul S. Pierce, Oberlin—

That is in Ohio—

Fred Eastman, Chicago Theological Seminary; Carroll W. Ford—

Listen, Mr. President, to who Mr. Ford is—

Babson Institute of Business Administration; W. Rolland Maddox, University of Kansas; Dr. Mary A. Eaton, University of North Carolina; Harold W. Guest, Baker University; Charles Cogen, Bronx High School of Science; Foster Rhea Fuller, Ohio State; W. Bayard Taylor, University of Wisconsin; Laurence S. Knappen, Rutgers University; C. Herman Pritchett, University of Chicago; George Hand, Fairmont State College; Davis W. Board, Northwestern College; Frank J. Bruno, Washington University; J. H. Coleman, Miami University; Meyer Kimkoff, Bucknell University; Elizabeth F. Baker, Barnard College, Columbia University.

William J. Wilkinson, Colby College; Abraham Kaufman, Board of Education, New York City; W. Brooke Graves, Bryn Mawr; Calvin S. Hall, Western Reserve University; Clarence A. Berdahl, University of Illinois; Horace B. English, Ohio State University; Howard White, Miami University; S. R. McGowan, Kenyon College; H. Gordon Hayes, Ohio State University; Paul E. Davies, McCormick Theological Seminary; Lee M. Brooks, University of North Carolina; Willystine Goodself, Columbia University; Esther Lucile Brown, Russell Sage Foundation; William D. Max, S. J. Tilden High School; Rev. Wilfred Parsons, Catholic University; Frank C. Pierson, Swarthmore; Robert D. Patton, Ohio State University; George W. Briggs, Drew University; W. Hadly Waters, Pennsylvania State College; John Hope II, Fisk University; Giles A. Hubert, Fisk University; E. Douglass Burdick, University of Pennsylvania; Emily C. Brown, Vassar; Willard H. Froehlich, Catholic University; Walter N. Breckenridge, Colby College; Eleanor H. Grady, Hunter College; D. O. Kinsman, the American University; Alva W. Taylor, Southern Conference for Human Welfare.

Marion Hathway, University of Pittsburgh; Dr. Theresa Wolfson, Brooklyn College; Edwin L. Clark, Rollins College; M. K. McKay, University of Pittsburgh; James E. Pate, William and Mary; Charles F. Marsh, William and Mary; Russell H. Mack, Temple University; Otto Nathan, New York University; Josephine Gleason, Vassar; Robert Rockafellow, Rhode Island State; Harry L. Lurie, Council of Jewish Federations; Harry M. Fife, Middlebury College; Charles C. Griffin, Vassar; T. W. Van Metre, Columbia University; Henry P. Jordan, New York University; Marjorie Dilley, Connecticut College; Ralph D. Fleming, Guidance Bureau, New York State Education Department; C. G. Gaum, Rutgers University; Julian Park, University of Buffalo; Theo. Lentz, Washington University; William Melcher, Rollins College; Ray Billington, Northwestern University; Selig Perlman, University of Wisconsin; Vell B. Chamberlin, Illinois Institute of Technology; William S. Schlauch, New York University; Gardner Murphy, City College, New York City; Harold Brenholtz, North Texas State Teachers College.

George B. L. Arner, United States Department of Agriculture; Harley F. MacNair, University of Chicago; J. Van der Lee, State University of Iowa; Henry S. Miller, Queens College; Bernard F. Riess, Hunter College; E. B. McNatt, University of Illinois; Hedley S. Dimock, George Williams College; Leland J. Gordon, Denison University; Ralph B. Tower, University of West Virginia; Warren B. Catlin, Bowdoin College; Morris Friedberg, Simmons College; Harry J. Carman, Columbia University; Albert S. Keister, University of North Carolina; Grace L. Coyle, Western Reserve University; Arnold J. Lien, Washington University; Nathaniel Cantor, University of Buffalo; Emily Brown, Vassar; Frank Carlton, Case School; Hartley W. Cross, Connecticut College; Dorothy Douglas, Smith College; George H. Groat, University of Vermont; Malcolm Keir, Dartmouth College; Gladys Palmer, University of Pennsylvania; Albion G. Taylor, College of William and Mary; Melvin J. Segal, Michigan State College; Roscoe Lewis Ashley, Pasadena Junior College; Eugene M. Kayden, University of the South; M. N. Chatterjee, Antioch College; Merle Curti, University of Wisconsin; Richard Landry, Beloit College; Bruno Lasker, Yonkers, N. Y.; Helen Herrmann, Freehold, N. J.; Colston E. Warne, Amherst College, secretary for the initiators of the letter.

Mr. President, I have gone to some pains and I have taken some time of the Senate to read the names of the authors of that letter because I wanted Senators to understand the character, the information, and the responsibility of the men and women who issued that clarion call to the Congress not to do their country a disservice in respect to antilabor legislation.

I should like to quote from another source—this time Mr. Wendell Berge. Senators will recall that Mr. Wendell Berge was formerly the head of the Criminal Division of the United States Department of Justice. This is what he said in an address entitled "Business Restrictions Upon the Markets," delivered on May 16 of this year before the American Marketing Association:

In the lifetime of the present generation, we have witnessed a profound and calculated increase in the rise of economic monopoly, the concentration of economic power, and the drive to eliminate competition as the organizing principle of the market. We have become sharply conscious of a revival of economic feudalism, of a renewal of the philosophy of privilege, and the reappearance of a whole array of monopolistic devices intended to destroy the free market.

Our national economy is not mature. Our capacity for economic growth is tremendous, but it will not take place without effort. Difficult and vexing situations incident to reconversion must not be permitted to warp the immense opportunities of the years ahead. If labor, government, and industry

cooperate wholeheartedly in utilizing the vitality and flexibility of our economic system, the American people will go forward to levels of production and abundance which we have only begun to glimpse. Abuses of economic power to limit and dominate the free market can jeopardize this future. It is among our first concerns to make certain that the opportunity and the promise within reach are given every aid to their realization. In this undertaking, enterprise is at stake, and with it the fate of economic freedom.

Mr. President, we are not legislating in this Congress today against John L. Lewis. We are legislating upon American civil rights. We are about to legislate, not against John L. Lewis; we are about to legislate against the honest and patriotic working men and women of America. We are about to legislate, not against those who have been the principal offenders in social wrongs, not those who have been primarily responsible, in my opinion, for most of the work stoppages—those who, by their avarice, greed, stubborness, or selfishness have been unwilling to give economic justice to the worker. No, Mr. President. If Senators who are the authors and advocates of these amendments have their way we shall simply add another stone upon the already overburdened backs of the humble men and women of America who toil, and each stone shall bear the craftsman's mark of legislators who do not look with sympathy or friendliness upon the plight of the working men and women of America.

No, Mr. President, we are not legislating against John L. Lewis. We are legislating against those men and women who have fought their way up from serfdom, whose forebears at one time were the serfs and slaves of the feudal lord with the great manor house and vast acres, and later of the man who owned a factory. It was slavery all the same. I say that we are legislating not to help men and women who have fought their way up from serfdom and slavery to some decent standard of dignity and economic independence, but in order to curb the power of those men and women to get a decent wage, to limit the power of those men and women to redress their old wrongs and grievances, to shackle the hands of those working men and women as they fight for an education for their children. Mr. President, we are closing down with a strangling grip upon their efforts to house their families, not in hovels, but in homes.

Instead of breaking the shackles of monopoly, instead of limiting the opportunity for the abuse of power in our economy of which Mr. Wendell Berge spoke, we are aiding that monopoly, adding to its capacity for abuse, because we are striking down the competitive hand of collective labor which might have diminished the wrongs that would be perpetrated by those who would use those abuses and those powers in a way that was harmful to our country and to its economy.

Mr. President, instead of this Congress endeavoring to make possible the leisure that would give working men and women an opportunity to refine their minds as well as to ennoble their spirits, we would chain them to the wheel or to the working block, and whenever they tried to get farther away we would say, "Thou shalt not," and herd them back into the pen of their slavery by this coercive and restrictive legislation.

No, Mr. President; in the ranks of the working men and women of this country no encomiums will be heaped upon the heads of those who lend their names to these amendments. There may be some in the ranks of corporate capital, living in their high offices, living in the pyramids which they have built upon the backs of the poor in many instances, in the rarified atmosphere of the citadels of those who are the favored few, of those who bask in the luxury of their air-conditioned offices, in their temples and towers. We may get some encomiums from them if we support these amendments, but I dare say that we will not get them from the masses of the working men and women. There may be joy, satisfaction, and smiles of approval in the corporate board room, but I dare say that we shall bring no message of joy to the homes of the working men and women of this country if we pass these restrictive and coercive amendments. We may perceptibly increase the profits of corporate enterprise. We may fatten the dividend check, and we may possibly increase the salary of the executive; but we shall not put any more calories in the diet of the child of a workingman.

Mr. President, Senators who vote for such amendments will not put a better dress on the workingman's wife, they will not improve the furniture in the workingman's home, they will not provide more medical care either for the workers or for the women and children of this country. They will not increase the funds for research which might open ever-widening horizons of opportunity for both management and labor. They will not send more boys and girls to high-school or college. They will not increase the earning capacity by means of vocational rehabilitation or education of the injured or the ignorant. No, Mr. President; they will not put up any pictures which will decorate and beautify the walls of the homes of the working people of this country. They will not enable them to enjoy better music or to learn more of the culture of the race of our land. They need not expect to accomplish such things by supporting these amendments, because they will not thereby make any of those contributions. Moreover, Mr. President, they will not thereby reduce industrial strife or bring about economic peace or establish comity in management and labor relations or inspire confidence either in business or in labor in regard to a stable economic future. They will not thereby stop strikes or cause coal to be mined or cause the railroads to be run. Even the Wall Street Journal knows that, and says it very courageously.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. PEPPER. I yield for a question.

Mr. LANGER. Will the Senator state the date of the issue of the Wall Street Journal to which he refers?

Mr. PEPPER. I shall be glad to. I find that I have given that copy of the Wall Street Journal to the clerk. My recollection is that it was for May 16. It was published immediately after the committee bill and the accompanying report were reported to the Senate, and at that time the Wall Street Journal commended the committee report as a notable document.

Mr. President, I was about to say that Senators who vote for these amendments will receive temporary applause from certain segments of the press. They or their staff perhaps will want to cut out and put in their scrapbooks some of the laudatory editorials and articles which will be published regarding their courageous action, and will want to keep them for their memoirs. I do not know whether experience will justify their showing them to some of their descendants as some of their boasted accomplishments. It may be that in turning through the pages of such scrapbooks they will prefer to rather hastily fan through those laudatory editorials, because by that time experience may have demonstrated the wisdom of what the Wall Street Journal and some of the professors I have mentioned have said, rather than of what has been said by those who have a contrary point of view.

No, Mr. President; they will not solve any of these problems. But they will receive some laudatory comments from segments of the press that fight some Senators because they think the Children's Bureau should have jurisdiction over what some Members of Congress call "these noble little merchants," "these independent contractors," as the newsboys are called, who say that they should not even be given the protection of the Children's Bureau and should not be prevented from working during school hours or when they are too young and of too tender years to engage in a hazardous occupation. In all probability they wil receive encomiums and paeans of praise from some sections of the press who feel that way about what they call "the noble little contractors and independent merchants"—these boys whom they do not want to have the protection of the Children's Bureau.

Furthermore, Mr. President, they will truly be able in a good many cases to count upon having their mail flooded with correspondence from the National Association of Manufacturers and from members of the United States Chamber of Commerce. I know that in my State, if I were to vote that way, I would be deluged with messages of approval by the Associated Industries, who never have advocated a liberal principle in their lives. Senators who vote for these amendments will have organizations like that, in their States, praising them and saying, "Senator, thank God that in you we have a statesman. You stand up against these labor racketeers. You bravely stand up against the working men and women of America, and we want to commend you for saving the country." If they chance to say "for stopping the strikes," I am afraid they will find that they are mistaken about that. But, at any rate, they will send letters and telegrams praising you and telling you that they will surely support you in the next election; and no doubt many of them will make campaign contributions for you in the next election, too.

There is no doubt that if a Senator wishes to guarantee getting fat, luscious, ever-expanding campaign contributions in the next election, it is better for him to vote for these amendments and to complain about some of the amendments which others of us are offering here. No doubt if Senators do that they will have far better success in expanding their finance department, because if they do not vote with the employers they may have to take a contribution from a labor union; they may really be forced to that extremity. If they take it, my, how they will be denounced. They surely will be called Communists and radicals; and if your name is Pepper, they will certainly call you Red Pepper. [Laughter.] There is no doubt about that, I can testify from experience, Mr. President.

I started off as one of the most respectable Senators you ever saw. I ran in 1934, and I advocated what I thought was a liberal program. But they did not know whether I really meant it or not. I did not quite get elected. But in 1936, believe it or not, Mr. President, I was nominated in a Democratic primary without opposition. If I had had the good judgment to come up here and vote faithfully and constantly for amendments like the Byrd amendment and the Ball amendment, and similar amendments which are offered by my good friends and colleagues here, I would hardly have had any political difficulty in the two campaigns which I have had to make since then.

I never would have had to sit and worry and scratch my head and stay up late at night, worrying about where I would get enough money to travel to the next town or to pay the telephone bills and the radio bills and the office rent and all that sort of thing. I never would have been subjected to the ignominy of having it said that the WPA workers, out of gratitude, actually supported me. No; I could have told jokes about the WPA workers; I could have castigated them for leaning on their shovels; I could have said that they were not much good, anyway; that $26 a month, which they were getting down South, was too much for them! that, after all, if they were any good, why were they not rich or a Senator or the head of some big enterprise; and that there must be some inherent weakness in them, for, if not, why were they not the heads of chambers of commerce or of Associated Industries or of the National Association of Manufacturers, or something of the sort.

But, Mr. President, I made a very grievous mistake. There was a man up here named Franklin D. Roosevelt, President of the United States. I thought he was advocating democracy in America. Pretty soon after I got here I started voting with him; and I did not quit, with very, very few exceptions, until he passed away; and I am proud of it. Voting with Franklin D. Roosevelt is not one of the things that I will have to pass over quickly if I ever have the honor to point out my record to my progeny. I shall be proud of that, and I shall be just as proud of some of the enemies I made in doing it, because I have found out that if a man really means his liberalism he will make enemies.

I am reminded of the character in a melodrama who, every Saturday night, was supposed to get shot by the villain. The villain would whack out his revolver and point it at the abdomen of the actor who was the hero, and would pull the trigger; and the gun would fire, and the hero would put his hands to his abdomen and would say, "My God! I am shot." Well, Mr. President, one night the villain got drunk; and, instead of having a pistol that was not loaded, he got hold of a pistol that had a bullet in it. With the usual flourish at the proper time he came down with his revolver with a grimace and gesture and pointed it at the abdomen of the hero and pulled the trigger. The gun was discharged and the hero put his hand to his abdomen and he said, "My God, I'm shot!" He looked down and saw the blood running from his hand, and he said, "My God, I am shot!" [Laughter.]

Mr. President, some persons merely make a showing of liberalism, and some will fight for it. But, Mr. President, if you do fight for it and do not make enemies, the law of action and reaction will have quit working in the physical and political world.

So, Mr. President, if you want to make friends and influence the right kind of people, you should vote for all of these repressive amendments, because they are being supported by the influential persons in our economy; for example, those who own practically all the newspapers. They will determine what is written about you in the newspapers, and they will determine whether anything is to be written about you. They will determine the character of the writer. Their boys will soon decide how far they may go in writing you up favorably. So, certainly the owners of newspapers are the most influential among our people. Then there are the heads of the great corporate enterprises. They have the money and the economic power. They can actually get things done in America. Moreover, Mr. President, they operate the banks. They loan the money. They buy the securities. They have directors on various boards. They are extremely influential. Then there are the lawyers. If a lawyer wishes to earn enough money to get along pretty well, he must represent mostly the corporations and the large enterprises.

Yet, I honor every lawyer who does those things. I assure you, Mr. President, that if I were practicing law, every time when one of those big fellows came into my office I would do everything I could to let him know that I welcomed his arrival. Such persons are obviously desirable clients. But, ordinarily a lawyer is very timid about denouncing his clients. Have you ever noticed that, Mr. President? He is extremely delicate in saying things unfavorable about his clients. When a lawyer has an office full of big corporate clients he does not go down into the park and make many denunciatory speeches about the sacredness of the capitalistic structure as his clients observe it in America. Yes; undoubtedly the influential people are on that side.

There is another snare which even Senators must sometimes fall into. I refer to the persons who seduce them by telling them what a great man they are. Such statements to a politician are what fur coats are to a lady. When one of the owners of big newspapers or magazines, or one of the large trade associations, or even only a few top-notch executives, in a very serious and solemn way pat you on the shoulder and tell you that you have a great future because you are the kind of man they need to run this country, beware. You stand on the threshold of difficulty. You are told that you understand the needs of business, and that you have its confidence. You are told that you understand the necessity of curbing the labor group. You are told that you understand the necessity of protecting private enterprise. Mr. President, they can say that to you in such a persuasive manner that if you do not hold on to yourself you will believe it to be true. How many a good politician has fallen among thieves unintentionally. Unlike the fellow who fell among them on the road to Jericho, it is too late to save him when any good Samaritan comes along.

Mr. President, I do want to say a word of encouragement to the gallant few who have the other point of view. Conditions in America are changing. The old saying is, "The old gray mare ain't what she used to be." For the first time, labor has not only become articulate, but powerful in America. Labor not only has the money, but it has the votes. If it raises only a dollar per member it can raise several million dollars and match many of the masters of money who have been accustomed to buy elections from the people.

And, Mr. President, all the king's horses and all the king's men, and all the acts of Congress—so long as we have a constitution in America—will never deprive a working man or woman of his or her rights to contribute a dollar through collective representation in a political campaign. That is my opinion. I am not talking about the labor unions doing what the corporations many times do by taking money out of the corporate assets and using it for political purposes. I am talking about raising money through contributions of the workers themselves.

So, Mr. President, the workers are organized. They are great in organizational strength. A moment ago I referred to the efforts being made in the South. I am proud of them. Saying so will not help me back home with many of my good constituents. Some of the constituents of my State are afraid that if labor ever becomes organized in that State they will have to pay higher wages. They are afraid that organized labor cannot be kicked around—to use a common term—in the way that labor can be kicked around when it is not organized. I do not mean that all of our people are taking such an attitude. I am proud of the fine labor record of many of our great employers in Florida. But I will say that I have known of peonage in my State; and it has existed, I venture to say, in other States as well. There is some enforced labor in many of our States even now, and there are many workers who do not receive the laborer's

hire, because they are merely individuals. If they are not liked by their employers they are fired. If an employee makes trouble his employers kick him out. However, if he becomes a member of a group who says to the employer, "Wait a minute; why did you fire that worker?" something else may take place. The employer may say, "Well, he did not do his work," and he will hem and haw about what is the real reason for firing the man. As I say, the employer may reply, "He did not do his work well." The group will say, "No; that is not the reason. Did you not hear him say that he thought we should be organized in this plant?" Then, if he is fired, the United States Government, because, thank God, we have a National Labor Relations Board which men like the Senator from New York [Mr. WAGNER] made possible by a law which was put on the statute books of this country, will make the employer put that man back to work.

Mr. President, I will tell you something else. The workers are not only organizing, but they have votes and money. An increasing number of persons have come to understand that to help them is not only good Christianity, and good religion, but it is good economics. Why did Henry Ford many years ago start paying $5 a day to his workers? It was not altogether an act of charity. I do not know whether any charity entered into the situation. He wanted the working men and women to be able to buy Ford cars. He knew that it was not possible to buy a Ford automobile on 75 cents a day.

There is nothing which would so help business in America as a prosperous working class. If there was ever any doubt about it, it was settled during the war. The thing which really brought prosperity to this country to an unprecedented degree was the fact that we had a Nation fully employed and at good wages. That is what brought about prosperity. That is the recipe for prosperity. Yet, when we try to have the Congress pass a measure which would guarantee a Nation fully employed, do we succeed in having such legislation enacted? No. It is held up for weeks, if not months, by controversy and conferences until it is watered down so that it means relatively little as a guaranty of employment to the working people.

Mr. President, I wish to speak a few words of encouragement to those who are going to make the gallant fight against legislation which would emasculate the National Labor Relations Act and the Norris-LaGuardia Act. I can assure you, Mr. President, that there will be more of these workers instead of less, that they will be stronger instead of weaker, that they will have more influence, more money, and more votes. Believe me, Mr. President, they are gaining a sense of social consciousness and political power.

There is in the United States today a man who will be remembered about twenty times longer than most of his traducers, a man named Henry Wallace. He used a phrase which caught the thought of a great many people. He said this was the century of the common man. The common man, Mr. President, is coming into his own.

I have seen some things in the last few weeks which have given me great encouragement, first, from this common man, second, from the veterans who have returned from the war. I do not mean that they are unanimous, but I have been very much encouraged by the way I have heard veterans talking since they have returned to this country. They were told they were fighting for democracy, then they came expecting to see it here. They are going to demand more of it instead of less. We will go forward, not backward; be sure of that.

Not only from the common man have I heard those comforting thoughts, but I witnessed the same encouragement in two universities a little while ago. One of them was Northwestern University, at Evanston, Ill. I spent an evening with a considerable portion of the student body at that institution. For a whole week they had been carrying on an imitation United Nations organization, with more than 200 students participating I got a chance to hear what they thought not only about international affairs, but about domestic affairs, and to have them ask me about legislation here.

Mr. President, a little while later I was at Princeton. I had a chance to hear a representative group of American young men talking and asking questions. I derived a great deal of encouragement from the talks they made and, the questions they asked. To those who make up a part of this gallant if not altogether hopeful little band I want to give a few words of encouragement, because they are going in the right direction, not only economically, but politically.

I desire to extend to my distinguished friends on the other side of the aisle some advice, although I am not a paid counselor of the Republican Party, and I am not altogether sure that my counsel will be accepted even though voluntarily and gratuitously given. We have some diffidence on our side, and I wish we did not have it. There are a few who have fallen from grace democratically, and a few who have back-slidden democratically, but, by and large, the spirit is still strong, although a few souls are a little weak. But my brethren on the other side of the aisle have for sometime been writing a party record, and that record is going to make many of the working people of this country believe that the Grand Old Party, the party of great moral ideas, the party of the full dinner pail, is no more; that there is a wedlock which not even adultery would sever, a bond which none could untie, between the Grand Old Party, the party of the great moral ideas, the old party of the full dinner pail, and corporate and financial privilege in the United States of America.

You have some encouragement over on the other side of the aisle, and there are bright lights you can see from afar, and not only we on this side, but the people generally, applaud them, and I predict that their tribe will increase in time.

As I said, we are all writing a record, and people are going to scrutinize it.

Mr. TOBEY. Mr. President, will the Senator from Florida yield?

Mr. PEPPER. I yield.

Mr. TOBEY. The Senator was referring to the party to which I belong, and charging, or suggesting, that the party might be known because of the affinity between the Republican Party and great corporate interests. I do not accept that as a just charge or a true charge, but I point out that the present administration, and the present President of the United States, recently made an appointment to the Reconstruction Finance Corporation of a man named George Allen, whose chief claim to fame was the fact that he was a director of more corporations in this country, and some of the largest, than any other man in public life in Washington. Such corporate connections are not arguments to justify an appointment to such a post. I voted against the confirmation of the gentleman for the position to which he was appointed, and many other Senators did likewise.

Mr. PEPPER. Mr. President, I will say that the President, being a Baptist, which is my faith, may have backslidden just a litle bit in some recent appointments, but, as I have said, ours is a faith which permits repentance, and when we err, it is never an intentional error, and I hope it will be corrected.

Mr. TOBEY. But let me point out to the Senator, as one Baptist to another, that the President and Senators should be careful not to sin away the day of grace.

Mr. PEPPER. The Senator is quite correct, but the Lord is a generous forgiver, and I think our wrongs in time can be remedied and corrected.

Mr. President, I do not know what else I can say that will have any particular influence with my brethren. I wish to thank them for their attention. I have given comfort where I thought comfort was possible, and issued warnings where I thought they might be appropriate. I have done it in good and kindly spirit, and I want to say that if in the heat of debate we say things which do not appear in that spirit, it is only a superficial aspect of the matter, which Senators must not remember, but they must remember the sentiments and motives and good will which prompt and actuate us all.

Mr. President, I should now like to ask the able leader if he has any plans about the remainder of the day or the beginning of the morrow.

Mr. BARKLEY. Mr. President, my plan, for the remainder of the day, so far as I can control it, is to get a vote on the amendment which is now pending, if we may. I hope the Senate will be willing to sit until we can accomplish that purpose.

The PRESIDING OFFICER (Mr. HOEY in the chair). The question now is——

Mr. BARKLEY. Has the Senator from Florida concluded?

Mr. PEPPER No, Mr. President; I had not quite concluded.

Mr. BARKLEY. I thought the Senator had. I wanted to speak briefly on his amendment, in support of it.

Mr. PEPPER. I shall be through in just a moment.

Mr. BARKLEY. But I shall desist if the Senator wishes to continue to speak.

Mr. PEPPER. Mr. President, the amendment which is now the pending question, we believe gives fair protection to health and welfare funds which may be provided by collective bargaining. Now that we have accepted the clarifying amendment of the Senator from Kentucky and the clarifying amendment of the Senator from Connecticut, the amendment covers every possibility.

First, management and labor are allowed to bargain collectively with freedom, and are not hampered by statutes in their bargaining process. If they agree that the employer shall administer the fund, then he shall administer it, subject to the rules and regulations and to the auditing of the Federal Security Administration. If they agree that the employees shall administer the fund, then the employees shall administer it, subject to rules and regulations of the Federal Security Administration. If they agree that the funds shall be jointly administered, no agency of the Government should be needed to supervise and check them, because they will check each other. If they cannot agree, thanks to the suggestion of the able Senators from Illinois and Connecticut, the fund will be subject to the administration of the Federal Security Agency.

If any Senator has had any fear in his mind that health and welfare funds without such protection might be misadministered and misappropriated, those safeguards should assuage that fear. If all Senators want is the safeguarding of the health and welfare funds, I respectfully submit that they have it in the pending amendment.

Now, Mr. President, I have a telegram from a man named Martin E. Segal of 17 East Forty-ninth Street, New York, which reads:

As health insurance consultant to more than 35 AFL and CIO unions and to the Blue Cross Hospital Commission governing more than 86 local plans covering more than 21,000,000 people, I want to submit the following statement in support of your stand on the legislation as proposed by Senator BYRD with respect to health insurance and welfare funds.

The telegram was addressed to me.

Today more than 900,000 members are covered by health insurance and welfare funds which are administered either by unions and employers jointly or by union trustees with employer advisory committees.

Most all of these plans are governed by trust agreements worked out by unions and employers without any Government participation. These agreements spell out the details of the benefits to be provided, etc.

These plans cover the following industries: Men's and women's clothing, textiles, food, hotel, and restaurant, electric products, painting, fur and leather, etc.

It's obvious that these plans which are already in effect need no legislation to govern them or establish new and conflicting procedures which would disturb present benefits and effiecient administration.

On the other hand the proposed legislation is impracticable in other industries where it is impossible to have any employers' representation because there are many independent employers involved in the collective-bargaining negotiations with the union. An excellent example of this category is the furniture industry. Here the United Furniture Workers of America, CIO, has a health insurance fund to which more than 550 employers make contributions. The Upholsterers International Union, AFL, has a fund to which more than 250 employers make contributions. It would be impossible in these situations to have representative employers. While the union operates on a national basis, many of the employers do not and are spread out in little cities throughout the country. In an industry such as this, therefore, it would be impracticable and unwieldy and costly to have employer representatives.

The peaceful collective bargaining which has obtained in the overwhelming majority of negotiations where health insurance funds were established proves the lack of necessity and inadvisability of legislating on this subject. Also, the legislation, if passed, would serve to block the voluntary agreement between employers and unions in industries like food and furniture. Additional supporting evidence being sent to you airmail special delivery today.

There is the testimony of a consultant in this field who says that it is impractical to have employer representation made obligatory. Mr. President, as I was saying, if Senators want to safeguard health and welfare funds, which is what it was represented we started out to do, here is the answer. Our amendment affects nothing but that. But if Senators want to prohibit any employer from doing anything else for his employees, then vote for the Byrd amendment. If Senators want to deny intelligent management the ability voluntarily and freely to work with and for its labor, as many hundreds have done already, if Senators want to prevent them from doing that, vote for the Byrd amendment. If Senators wish to stop setting up industrial health and welfare plans that will give workers fewer working hours and the country healthier and better citizenry—I say if Senators want to deter the creation of more and more of these plans, vote for the Byrd amendment.

If Senators want to make the employees shun these plans instead of welcoming them in many cases, and put the burden upon the public, instead of, as the able Senator from New Mexico said it should be, upon the industry which ought to pay for its own wreckage in human as well as steel machines, then vote for the Byrd amendment, because in our opinion it will contribute to these unhappy objectives.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. REVERCOMB. I want to ask the able Senator if he knows that an amendment cannot be offered to the amendment offered by the Senator from Rhode Island and the Senator from Florida, and I ask if he would consider and accept and adopt as part of his amendment a provision that any fund such as he describes for the welfare of the workers shall be administered jointly by such employer and such employees? So that we will forever eliminate as the basis of contention and debate between employer and employees the subject of who shall administer; and let the provision stand in the amendment that it shall be under the supervision of the Federal Security Administrator. Will the Senator accept such a modification?

Mr. PEPPER. Mr. President, the Senator from Florida, speaking for himself, regrets very much that he cannot accept the modification of the amendment in the manner suggested by the able Senator from West Virginia. I will tell the able Senator why we cannot accept it. It is because that would be doing what the Byrd amendment does—forcing the employees to accept management in the operation of the fund or their administration of it, whether they wanted to or not, and I do not want to coerce them to that requirement. That is what the amendment would do if the able Senator's suggestion were accepted. But as the amendment is now drawn we make the employees accept the Federal Security Administrator if they administer the fund themselves, and we make them accept the Federal Security Administrator if they do not agree with management upon who shall administer the fund. But we do not make them take the employer into partnership in the administration of the plan, because many of them are opposed to that, because they say the employer hamstrings the operation of the plan for the benefit of the workers. So many of them do not want to do that, and I do not want to force it upon them.

Mr. REVERCOMB. Mr. President, will the Senator again yield?

Mr. PEPPER. I yield.

Mr. REVERCOMB. Let me say that certainly I do not want the management of the fund hamstrung by the employer, but it seems to me that if it is under the direction and control of the Federal Security Administrator, neither the employer nor the employees can hamstring the other.

I put this question to the Senator in all earnestness. What is the good, and what is the purpose of legislating upon this subject in any way if we do not remove, by legislation, the basis of contention that causes this strife between employer and employee?

Mr. PEPPER. Mr. President, I want to say to my able friend from West Virginia that I cannot believe that most of the employers of this country, when their employees do not wish management to participate in the administration of these plans, would withhold their contribution to the fund if the Federal Security Administrator were to assure them that Federal Security Agency would supervise and audit the administration of the fund. I cannot believe, as the able Senator possibly fears, that not placing the Senator's suggestion in the amendment would in any appreciable number of cases prohibit the setting up of a health fund.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BARKLEY. As I read the amendment now pending, provision is made that it shall not be unlawful to create the fund we are talking about. And it may be administered separately or jointly, as may be agreed upon, by the employer and employee. Then there is this provision:

In the event that the employer and employees cannot agree through the process of collective bargaining on who shall administer

such a fund and either party shall certify such fact—

That is, such inability to agree about the administrator—

the Federal Security Administrator may notify both parties to the controversy that he will administer such fund.

The effect of that is that where there is a disagreement or a failure to agree between the employer and employees, and either side certifies the disagreement to the administrator, he may notify them that he will administer it, but if he does not see fit to do it, there is nobody then to administer it.

Would the Senator consider changing the word "may" to "shall"?

Mr. PEPPER. Yes.

Mr. BARKLEY. So that if the two sides disagree, and that fact is certified to the administrator, then he shall notify the parties that he will administer it, and not leave it in his discretion, so that if he decided not to do it, nobody would administer it.

Mr. PEPPER. Mr. President, I again am indebted to the able Senator from Kentucky, and having already received the acquiescence of my colleague, the Senator from Rhode Island [Mr. GREEN], we ask leave to perfect the amendment in the respect suggested by the Senator from Kentucky. We had it in mind all the time that it would be mandatory.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. WHERRY. Mr. President, will the majority leader again point out what modification has been made? It is very difficult to hear on this side of the Chamber.

Mr. BARKLEY. Mr. President, may I ask the Senator from Florida another question? In one place in the amendment the term "Federal Security Administrator" is used, and in another place "Social Security Administrator."

Mr. PEPPER. It is intended in both cases to refer to the same individual—the Federal Security Administrator.

Mr. BARKLEY. Yes; it is intended to refer to the same person, so there is no point in referring to a different title.

Mr. PEPPER. I modify the amendment, with the acquiescence of the coauthor of the amendment, so as to have it in both cases "Federal Security Administrator."

Mr. BARKLEY. Originally it was the Social Security Administrator, but under the reorganizations and transfers of power the officer is now known as the Federal Security Administrator.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. PEPPER. I thank the Senator from Kentucky for his very helpful suggestion.

Mr. President, the Senator from Nebraska [Mr. WHERRY] was kind enough to ask what the amendment does, as it has been modified. It provides no mandate or no obligatory requirement that a health fund shall be provided. It legalizes one if the employer and the employees provide one in any way agreeable to them. It does not say how they shall provide it, if they provide it. But once there is one in existence, then the amendment, by permissive authority, says they may bargain collectively as to who shall administer the plan. If by collective bargaining they should decide that the plan should be jointly administered by employer and employees, then the Federal Security Administration would have nothing to do with the matter. It would be settled by voluntary agreement, as it should be, and the parties would have a check on each other. If they should agree, however, that the employer should administer the plan, or if the employer should make that a condition to providing the fund, and the employees should accept it on that condition, in that case the Federal Security Administration would have general administrative jurisdiction over the fund, including the right of auditing.

If they should agree, tacitly or otherwise, that the employees exclusively should operate and manage the fund, it would be subject to the supervisory rule, regulation, and auditing power of the Federal Security Administrator. But if they could not agree upon who should administer it, then upon the certification of either one that they had arrived at that disagreement, it would be the duty of the Federal Security Administrator to administer and audit the fund.

Mr. TAFT. Mr. President, will the Senator yield? ?

Mr. PEPPER. I yield.

Mr. TAFT. It seems to me an extraordinary provision that when two people get together and almost agree on something, when they cannot fully agree one of them can make the other take a fund administered by the Federal Security Administrator. That is not collective bargaining. That is a provision which we impose. We say, "If you agree on everything else and cannot agree on this, we impose the provision that it shall be administered by the Federal Security Administrator." It seems to me that the whole amendment is a denial of the process of collective bargaining.

Mr. PEPPER. Here is the essential difference—and I am glad the Senator from Ohio has given me an opportunity to emphasize it again: The essential difference is that the Byrd amendment requires the employee to share administration, not with the Federal Security Administration, but with the employer; and our amendment does not do that. Many unions do not want the fund if they must share the administration with employers. In order to meet that contention, we wished to provide some public agency which could assure proper administration of the fund.

Mr. President, we have presented this amendment in good faith. I think Senators will admit that it has merit. If we legislate on the particular administration or supervision of these health and welfare funds, which was the thing at which I thought the Senator from Virginia was originally striking, which was the John L. Lewis case, then it seems to me that we shall have made considerable progress, and yet not force one party into a relationship with another private party against his will. Then we can leave for future experience the necessity for the other prohibitions in the Byrd amendment which cover the unknown cases, which so far as I know, experience has not disclosed to us.

John L. Lewis' controversy was over a health fund; and although it was first called a royalty, every Senator knows that it is not a royalty. It is a health fund which in amount would be based upon an estimate of so many cents a ton. It is not a royalty to go into the pockets of John L. Lewis or any other labor leader. So if the Senate would be satisfied to go this far, I believe it would meet with the approval of the country, and I think make a very salutary contribution to a solution of this problem.

Mr. BARKLEY. Mr. President, I have no purpose to delay the Senate for more than a moment or two; but I wish to point out the difference between the proposals which are now before the Senate and give my reasons for supporting the substitute offered by the Senator from Rhode Island and the Senator from Florida.

The amendment offered by the Senator from Virginia [Mr. BYRD] starts with a prohibition which makes it unlawful for certain things to be done by way of contribution by the employer to the employee for any purpose except in payment of wages or in pursuance of a contract relationship entered into between the employer and the employee.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. TAFT. I think the Senator is mistaken. He stated that the amendment would prohibit payments to employees. There is no prohibition of payments to employees—only to unions independently of the employees whom they happen to represent. It does not prohibit payments to employees.

Mr. BARKLEY. The amendment speaks for itself. It provides that—

(a) It shall be unlawful for any employer to pay or deliver, or to agree to pay or deliver, any money or other thing of value to any representative of any of his employees who are engaged in commerce or in the production of goods for commerce.

It shall be unlawful for any representative of any employees who are engaged in commerce or in the production of goods for commerce to receive or accept—

And so forth. The difference is that the Byrd amendment makes it unlawful for the employer to pay to any representative—if the Senator must have it that way—which is another way of paying it to the employee.

Mr. TAFT. The Senator misses the entire point of the amendment.

Mr. BARKLEY. No; I do not miss it. If the Senator will give me time I shall try to develop my idea of the difference between the two amendments.

The main point is that the Byrd amendment prohibits a certain thing, and the Green-Pepper amendment makes it lawful; that is, it provides that it shall not be unlawful. The amendment offered by the distinguished Senator from Virginia has been modified several times.

Mr. TOBEY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. TOBEY. Has the Senator been reading seed catalogs lately? He speaks about "GREEN-PEPPER." [Laughter.]

Mr. BARKLEY. I have not. I have been so busy lately that I have not been able to do any garden planning, and therefore I have not been able to read seed catalogs. I have not been interested physically or horticulturally in the question of either green peppers or red peppers.

Mr. TOBEY. The Senator has some hot stuff now. [Laughter.]

Mr. BARKLEY. I rejoice in hot stuff. I have no objection to hot stuff. I rather like it. But let me get back to the subject. I do not wish to be diverted so that I shall be speaking for a longer time than I intended.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. PEPPER. Should not the Senator say to the Senator from New Hampshire, "Tobey sure"? [Laughter.]

Mr. BARKLEY. I am not interested in whether it is "Red Pepper" or "Tobeyasco," both of which I enjoy. [Laughter.]

As I was about to say, the amendment offered by the distinguished Senator from Virginia has been modified several times, so it is not the original amendment. Almost every suggestion that has been made by way of modification has been accepted, showing, in my judgment, that the amendment had not been well thought out when it was originally offered. I myself think it was a rather crude proposal seeking to make unlawful the creation of a fund about which there has been controversy in the field of mining coal.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. BARKLEY. I have no doubt that if it had not been for the controversy which has arisen over the coal strike and the difficulty between the coal miners, through their representatives, and the coal operators, on the subject of a welfare fund, this amendment would not have been proposed.

I now yield to the Senator from Virginia.

Mr. BYRD. There is nothing in the amendment which would make it unlawful to have a welfare fund. All the amendment does is to say that the money shall not be paid to the union or to the representative of the union.

Mr. BARKLEY. I understand. I think it was in good faith intended to prohibit the creation of a welfare fund to be turned over to the union or a representative of the union. I think there can be no controversy about that.

I believe in these welfare funds; and I am not willing to vote for any amendment or any law which prohibits them.

Mr. BYRD. I hope the Senator will not insist that this amendment prohibits a welfare fund. No version of the amendment to which the Senator refers would in any way prohibit a welfare fund. That statement has been made repeatedly on the floor of the Senate, but it is entirely incorrect.

Mr. BARKLEY. The controversy about which this coal strike has revolved, in one sense, has been the creation of a welfare fund insisted upon by the miners. The bone of contention has been whether, if such a fund should be created, it should be administered by one man, the head of the United Mine Workers, or administered in some other way by some other agency.

But I come back to the original proposition, that if it had not been for the difficulty arising out of the insistence that such a welfare fund be created, this amendment would not be before the Senate at this time. Whatever may have been its wording, it was intended to circumvent or prevent what was attempted to be done in the negotiations revolving around the coal situation. As I have stated, the amendment has been modified from time to time, which indicates that it certainly was not perfect when originally offered.

I believe in these welfare funds. It may be that it would be the wise thing for the Congress to include in the social-security program comprehensive provisions for all welfare funds and for their administration. I am not so certain that that would not be the wise way in which to deal with the subject. But it has not been done. When it will be done I do not know. I think ultimately it will be done. We have had many proposals, including a recommendation on the part of the President, to expand the basis of the social-security coverage so as to provide health and welfare funds and various other forms of relief for employees who are subject to the hazards of employment. But Congress has not acted upon them. Amid the multiplicity of our duties in the war it has not been convenient to deal with the subject either in committee or on the floor of the Senate, so that hearings have not even been held upon the recommendations of the President with reference to the broadening of the basis of social security. I myself would like to see broad, comprehensive legislation dealing with welfare funds and health funds, employee insurance, and all the other things which ought to be covered in a comprehensive social-security program. I believe that would be the wise thing to do, so that all of them would come under the general coverage of an enactment of the Congress of the United States. But that has not been done, and I would not predict when it might be done.

In the absence of that, various funds have been set up in various industries. The teamsters' union, which is affiliated with the American Federation of Labor, has for long years had such a fund. The clothing workers and the garment makers and various others have such funds. I think the Senator from Oregon put into the RECORD today the names of some 30 labor organizations as to which such a fund has been created. But, strange to say, it has not been established in connection with the most hazardous employment in American industrial life—in the coal-mining industry.

I think there would be legitimate objection to having such a fund administered by a single human being, no matter how wise and how devoted he might be to the welfare of those whom he represented. But I certainly would not vote for any proposal to prevent, or which would be interpreted as preventing, the creation of such a fund.

Mr. President, I am familiar with the conditions of mining. In my State there are approximately 125,000 coal miners. I have been in their homes and in their schoolhouses and in their little churches and in their villages. I know of the fight they have made over a period of years for the improvement of their conditions, and I know how they have fought to relieve themselves from the domination and absolute control of their employers. I have in mind a town, in my State, of 9,000 or 10,000 people, which was owned by a subsidiary of the United States Steel Corp. All the houses, all the churches, all the schoolhouses in that town were owned by that subsidiary. All the policemen were employed by it, all the school teachers were employed by it. Every auditorium in that town was controlled by it. In the first political race I ever made in my State, I went to that town to make a speech. I found that I could not get inside a hall or an auditorium or a house to make a speech, because all of them were controlled. I had to get a drygoods box and stand on it at a street corner and start speaking there, to get people to listen to me, because the town and everything in it had to be rented from the employer, the subsidiary of that large corporation, and the policemen and the school teachers and everyone else connected with the town were employed by it. It took a long time for the town to get out from under that sort of bondage, but finally it did.

Mr. TOBEY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. TOBEY. Let me say that I sat in the Committee on Interstate Commerce, under the chairmanship of the distinguished Senator from Montana [Mr. WHEELER] a few years ago when the matter of wages and hours and conditions of work of the coal miners came before us. There were present at that time the mine operators and the labor leaders. The Senator will recall that there was brought out there, under our joint questioning, the fact that the men who worked in the mines, who dug the coal in the mines, had, themselves, to pay for the copper plates which they put on the toes of their shoes to keep the lumps of coal from crushing their toes and their feet; in that way they had to spend their own money to save the company the cost of paying for injuries which, otherwise, probably would have befallen the miners in the course of their employment. As I recall, the miners also had to buy the lamps which they fastened to the caps they wore and they had to buy their caps and they had to pay for sharpening their tools, and they had to buy at the company-owned stores all the goods they purchased. They could not do as the Senator from Kentucky or I can do: buy wherever we please. They were under duress in many, many ways.

Mr. BARKLEY. Mr. President, there is no doubt about that, and I am familiar with it. As I have said, that struggle has taken a long time for the men who go down deep into the bowels of the earth—where none of us would go, except on a tour to see what goes on—to dig out coal so that we may be afforded

heat and comfort and light. It has been a long struggle. In some sections of the United States it has not been so very long that the men who went down into the bowels of the earth to dig coal were not even allowed to join an organization for their own protection and the advancement of their own welfare. It has been a long and a hard struggle, and they have had a just and legitimate grievance, and I think they now have a just claim for favorable consideration with respect to wages and with respect to protection. For that reason, I shall not vote for anything that sounds like a prohibition of the creation of a welfare fund.

Therefore, regardless of the intention of the Senator from Virginia, for whom I have, as he knows, the utmost respect, and as to whose sincerity I make no question, notwithstanding his assertions with respect to his amendment as it is now modified, I know that the amendment which he offered was inspired by the controversy growing out of this coal situation and revolving around the creation of a health and welfare fund.

So I am going to vote for the amendment offered by the Senator from Rhode Island and the Senator from Florida. It does not make it unlawful to create such a fund. It provides that it may be set up either separately or jointly by the employees or by the employers; and that if it is jointly set up they may agree upon who shall administer the fund. I think that is proper. I think when it is jointly set up, it should be handled by agreement. That is the procedure in respect to all other unions in conection with which such funds are set up by joint agreement. If it is set up jointly it should be administered jointly, by agreement.

I dare say that the amendment of the Senator from Rhode Island and the Senator from Florida does not contemplate joint administration, when the fund is created by one side, either the employer or the employees, separately. But when it is set up jointly and when they cannot agree upon who shall administer it, then either side may certify that disagreement to the Federal Security Administrator, and then the Federal Security Administrator is compelled to notify both parties that he will administer the fund. It seems to me that provision really accomplishes what many of us here have said we favor—that we favor the creation of such a fund, but we object to its administration by any single person, unless he might be an officer of the United States or some other public officer or board.

So it seems to me that those who have said they favor such a fund and that it should be administered by some public authority cannot consistently vote against this proposal which does precisely that thing. For that reason, I expect to vote for the amendment offered by the Senator from Rhode Island.

SEVERAL SENATORS. Vote! Vote!

Mr. MORSE. Mr. President, I wish to take a minute or two—

Mr. TAFT. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. TAFT. The Senator from Oregon has already spoken twice on the subject today.

Mr. MORSE. I submit the point of order.

The PRESIDING OFFICER. The Chair understands that the Senator from Oregon has made only one speech on the subject; and, under the rule, he is entitled to make one more speech.

Mr. MORSE. Mr. President, I wish to take a minute or two to clarify the RECORD with regard to a matter which I think as the RECORD now stands is grossly unfair to the junior Senator from Oregon. I wish to say that earlier in the evening, when many of the Senators now present were not in the Chamber, the Senator from Florida was on the floor and a discussion took place between the Senator from Florida and the Senator from Ohio [Mr. TAFT] and the Senator from Massachusetts [Mr. SALTONSTALL] in regard to interpretations of the Byrd amendment. The interpretations which were made, I felt, were in error; at least, they did not represent my point of view as to the meaning of the Byrd amendment. I asked the Senator from Florida to yield. He did yield. I made comments, I am sure the RECORD will show, not in excess of 3 minutes in length.

The Senator from Kansas [Mr. REED] raised a point of order, and a correct point of order, insofar as the rules of the Senate are concerned, if technically applied. In raising the point of order he said the following:

> The point of order is that the Senator from Florida has been farming out his time to Senators to make speeches, in violation of the rules of the Senate.

Mr. President, I do not know what meaning the Senator from Kansas intended to leave insofar as the Senator from Oregon is concerned. But I simply wish to say for the RECORD that at no time has the Senator from Florida entered into any arrangement with the Senator from Oregon or has the Senator from Oregon entered into any arrangement with the Senator from Florida for farming out any time for the Senator from Oregon to make any speech on the floor of the Senate.

Following that, the Senator from Delaware [Mr. TUNNELL] carried on a brief discussion with the Senator from Florida, to which discussion the Senator from Kansas again objected. The RECORD shows that the Senator from Kansas said, in speaking to the Senator from Florida:

> I will ask the Senator a question, to keep within the ruling. Does not the Senator believe that the Senator from Oregon, who occupied 3 hours on this floor today on this question, had ample opportunity to discuss the question without making another speech in the Senator's time?

The Senator from Florida [Mr. PEPPER] replied, to the effect that in his opinion I had not made a speech in his time, and he raised a point for clarification.

Then the Senator from Kansas [Mr. REED] said:

> I have never raised that point of order before in the Senate, but I think this filibuster has gone far enough. I agree with the Senator from Maryland that it is time to cut off unnecessary debate.

I do not know, and I am not particularly interested in whether or not the Senator from Kansas wished to charge the Senator from Oregon with engaging in a filibuster. However, I do want to say for the RECORD, Mr. President, that at the time the Senator from Kansas made his remark the Senator from Oregon had his signature already affixed to a petition to limit debate by way of the cloture rule which, in the view of the Senator from Oregon, is the best way to limit debate on the floor of the Senate. Any time that two-thirds of the membership of the Senate, on a record vote, wish to limit debate I certainly will do all that I can do in order to afford an opportunity to the Senate to limit debate.

But I assert here and now, and categorically, that no Member of the Senate of the United States is more opposed to the filibuster than is the Senator from Oregon. He has never participated in one, he will never participate in one, and he has not participated in one today in connection with the pending measure.

I do believe that I talk too long. I am sorry that I do so. However, I may say further that every word which I spoke during the 3 hours I occupied the floor was on the merits of the issue. I am still waiting for the proponents of the pending antilabor legislation to answer some of the arguments I placed in the RECORD during those 3 hours.

Mr. President, I speak out of no animosity toward the Senator from Kansas. But I think it is unfortunate that he made statements which would give an impression to the public that the Senator from Oregon was engaging in a filibuster. I wish to say that such impression would be false as to the position of the Senator from Oregon.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Rhode Island for himself and the Senator from Florida [Mr. PEPPER], as modified, in the nature of a substitute for the modified amendment of the Senator from Virginia [Mr. BYRD].

The amendment will be stated.

The LEGISLATIVE CLERK. In lieu of the language proposed to be inserted by Mr. BYRD as modified, it is proposed to insert the following:

> SEC. 8. It shall not be deemed to be unlawful under any law of the United States for an employer or a group of employees engaged in an industry affecting commerce, separately or jointly to establish and maintain a fund for the provision of hospital, medical, and home nursing care and services, vocational rehabilitation, and other benefits to promote the welfare of such employees. In the event that the employer and employees cannot agree through the process of collective bargaining on who shall administer such a fund and either party shall certify such fact to the Federal Security Administrator then the Federal Security Administrator shall notify both parties to the controversy that he will administer such fund under such regulations as he may prescribe: *Provided*, That, wherever such fund is administered exclusively by such employer or by such employees, it shall be administered in accordance with such regulations as may be

prescribed by the Federal Security Administrator to assure the equitable administration of the fund for the purposes for which it was established, including an audit of the administration of such fund under the jurisdiction of the Federal Security Administrator. Whoever violates such regulations shall be punishable by a fine of $10,000 or imprisonment for 6 months or both.

Mr. WHERRY and other Senators asked for the yeas and nays.

The yeas and nays were ordered and the legislative clerk called the roll.

Mr. THOMAS of Utah. I have a general pair with the Senator from New Hampshire [Mr. BRIDGES]. Not knowing how he would vote, I transfer that pair to the Senator from Missouri [Mr. BRIGGS]. I am therefore at liberty to vote. I vote "yea."

Mr. BANKHEAD. I have a general pair with the Senate from Nebraska [Mr. BUTLER]. Not knowing how he would vote, I transfer that pair to the Senator from Tennessee [Mr. MCKELLAR]. I am therefore at liberty to vote. I vote "nay."

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Virginia [Mr. GLASS], and the Senator from Tennessee [Mr. MCKELLAR] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senator from Idaho [Mr. GOSSETT] are absent by leave of the Senate.

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate because of illness in his family.

The Senator from Florida [Mr. ANDREWS] is necessarily absent.

The Senator from Missouri [Mr. BRIGGS], the Senator from New Mexico [Mr. CHAVEZ], and the Senator from West Virginia [Mr. KILGORE] are detained on public business.

The Senator from Colorado [Mr. JOHNSON], the Senator from Nevada [Mr. MCCARRAN], and the Senator from Oklahoma [Mr. THOMAS] are necessarily absent.

I announce further that on this question the Senator from West Virginia [Mr. KILGORE] is paired with the Senator from South Carolina [Mr. MAYBANK]. If present and voting, the Senator from West Virginia would vote "yea," and the Senator from South Carolina would vote "nay."

I also announce that if present and voting the Senator from Colorado [Mr. JOHNSON] would vote "nay."

Mr. WHERRY. The Senator from New Hampshire [Mr. BRIDGES], who is necessarily absent, has a general pair with the Senator from Utah [Mr. THOMAS]. That pair and its transfer has been heretofore announced.

The Senator from Nebraska [Mr. BUTLER], who is absent by leave of the Senate, has a general pair with the Senator from Alabama [Mr. BANKHEAD]. That pair and its transfer has been heretofore announced.

The Senator from Indiana [Mr. WILLIS] is necessarily absent.

The Senator from South Dakota [Mr. BUSHFIELD], who would vote "nay," is unavoidably detained.

The Senator from Illinois [Mr. BROOKS] is absent by leave of the Senate.

The result was announced—yeas 32, nays 45, as follows:

YEAS—32

Aiken	McMahon	Shipstead
Barkley	Magnuson	Taylor
Downey	Mead	Thomas, Utah
Green	Mitchell	Tobey
Guffey	Morse	Tunnell
Hayden	Murdock	Wagner
Hill	Murray	Walsh
Huffman	Myers	Wheeler
La Follette	O'Mahoney	Wilson
Langer	Pepper	Young
McFarland	Revercomb	

NAYS—45

Austin	George	Overton
Ball	Gerry	Radcliffe
Bankhead	Gurney	Reed
Brewster	Hart	Robertson
Buck	Hatch	Russell
Byrd	Hawkes	Saltonstall
Capehart	Hickenlooper	Smith
Capper	Hoey	Stanfill
Connally	Johnston, S. C.	Stewart
Cordon	Knowland	Taft
Donnell	Lucas	Tydings
Eastland	McClellan	Vandenberg
Ellender	Millikin	Wherry
Ferguson	Moore	White
Fulbright	O'Daniel	Wiley

NOT VOTING—19

Andrews	Butler	McCarran
Bailey	Carville	McKellar
Bilbo	Chavez	Maybank
Bridges	Glass	Thomas, Okla.
Briggs	Gossett	Willis
Brooks	Johnson, Colo.	
Bushfield	Kilgore	

So the amendment offered by Mr. GREEN for himself and Mr. PEPPER, as modified, in the nature of a substitute for the modified amendment of Mr. BYRD, was rejected.

The PRESIDING OFFICER. The question now recurs on agreeing to the amendment of the Senator from Virginia [Mr. BYRD], as modified.

Mr. TAFT and other Senators asked for the yeas and nays.

The yeas and nays were ordered.

Mr. PEPPER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PEPPER. There is another amendment by the Senator from Rhode Island and myself.

The PRESIDING OFFICER. There is one on the desk, but it has not yet been offered.

Mr. BARKLEY. It could not be offered until the other one has been voted upon.

Mr. GREEN. Mr. President, I offer the second amendment in behalf of myself and the Senator from Florida.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. In lieu of the language proposed to be inserted by the amendment of Mr. BYRD, as modified, it is proposed to insert the following:

SEC. 8. It shall not be deemed to be unlawful under any law of the United States for an employer or a group of employees engaged in an industry affecting commerce, separately or jointly to establish and maintain a fund for the provision of hospital, medical, and home nursing care and services, vocational rehabilitation, and other benefits to promote the welfare of such employees: *Provided*, That, wherever such fund is administered exclusively by such employer or by such employees, it shall be administered in accordance with such regulations as may be prescribed by the Federal Security Administrator to assure the equitable administration of the fund for the purposes for which it was established and to provide for a public audit of such fund. Whoever violates such regulations shall be punishable by a fine of $10,000 or imprisonment for six months or both.

Mr. BALL. Mr. President, the amendment now offered is so very similar to the Pepper and Green amendment which has been voted on that it seems to me it is simply delaying tactics. I move that the amendment be laid on the table.

Mr. BARKLEY. Mr. President, every Senator in this Chamber has a right——

Mr. TAFT. A point of order. The motion is not debatable.

The PRESIDING OFFICER. The motion is not debatable.

Mr. BARKLEY. I understand that, but I think Senators should be allowed to offer amendments.

The PRESIDING OFFICER. The question is on the motion of the Senator from Minnesota to lay on the table the amendment offered by the Senator from Rhode Island [Mr. GREEN] for himself and the Senator from Florida in the nature of a substitute for the so-called Byrd amendment, as modified.

Mr. PEPPER. Mr. President, I am going to take just a moment.

The PRESIDING OFFICER. The Senator cannot take a moment. The motion is not debatable. The question is on the motion to lay the amendment on the table.

Mr. LANGER. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

The name of Mr. AIKEN was called, and he voted in the negative.

Mr. PEPPER. A parliamentary inquiry. The roll has not yet been called.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. PEPPER. That is true, but no Senator has responded.

Mr. TOBEY. It has been responded to.

The PRESIDING OFFICER. One Senator has voted, and debate is not in order. The clerk will proceed with the roll call.

The legislative clerk resumed and concluded the calling of the roll.

Mr. THOMAS of Utah. I have a general pair with the Senator from New Hampshire [Mr. BRIDGES]. Not knowing how he would vote I transfer that pair to the Senator from Missouri [Mr. BRIGGS]. I am therefore at liberty to vote. I vote "nay."

Mr. BANKHEAD. I have a general pair with the Senator from Nebraska [Mr. BUTLER]. Not knowing how he would vote, I transfer that pair to the Senator from Tennessee [Mr. MCKELLAR]. I am therefore at liberty to vote. I vote "yea."

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Virginia [Mr. GLASS], and the Senator from Tennessee [Mr. MCKELLAR] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr.

CARVILLE], and the Senator from Idaho [Mr. GOSSETT] are absent by leave of the Senate.

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate because of illness in his family.

The Senator from Florida [Mr. ANDREWS] is necessarily absent.

The Senator from Missouri [Mr. BRIGGS], the Senator from New Mexico [Mr. CHAVEZ], and the Senator from West Virginia [Mr. KILGORE] are detained on public business.

The Senator from Colorado [Mr JOHNSON], the Senator from Nevada [Mr. MCCARRAN], and the Senator from Oklahoma [Mr. THOMAS] are necessarily absent.

Mr. WHERRY. The Senator from New Hampshire [Mr. BRIDGES], who is necessarily absent, has a general pair with the Senator from Utah [Mr. THOMAS]. That pair and its transfer has been heretofore announced.

The Senator from Nebraska [Mr. BUTLER], who is absent by leave of the Senate, has a general pair with the Senator from Alabama [Mr. BANKHEAD]. That pair and its transfer has been heretofore announced.

The Senator from Indiana [Mr. WILLIS] is necessarily absent.

The Senator from South Dakota [Mr. BUSHFIELD], who would vote "nay," is unavoidably detained.

The Senator from Illinois [Mr. BROOKS] is absent by leave of the Senate.

The result was announced—yeas 43, nays 34, as follows:

YEAS—43

Austin	Gerry	Revercomb
Ball	Gurney	Robertson
Bankhead	Hart	Saltonstall
Brewster	Hawkes	Smith
Buck	Hickenlooper	Stanfill
Byrd	Hoey	Taft
Capehart	Johnston, S. C.	Tydings
Capper	Knowland	Vandenberg
Connally	McClellan	Wherry
Cordon	Millikin	White
Donnell	Moore	Wiley
Eastland	O'Daniel	Wilson
Ellender	Overton	Young
Ferguson	Radcliffe	
George	Reed	

NAYS—34

Aiken	Lucas	Russell
Barkley	McFarland	Shipstead
Downey	McMahon	Stewart
Fulbright	Magnuson	Taylor
Green	Mead	Thomas, Utah
Guffey	Mitchell	Tobey
Hatch	Morse	Tunnell
Hayden	Murdock	Wagner
Hill	Murray	Walsh
Huffman	Myers	Wheeler
La Follette	O'Mahoney	
Langer	Pepper	

NOT VOTING—19

Andrews	Butler	McCarran
Bailey	Carville	McKellar
Bilbo	Chavez	Maybank
Bridges	Glass	Thomas, Okla.
Briggs	Gossett	Willis
Brooks	Johnson, Colo.	
Bushfield	Kilgore	

So, Mr. BALL's motion to lay on the table the amendment of Mr. GREEN and Mr. PEPPER was agreed to.

The PRESIDING OFFICER. The question now recurs on agreeing to the amendment of the Senator from Virginia [Mr. BYRD] as modified.

Mr. PEPPER. Mr. President, may we discover what is the pleasure of the leader as to the continuation of the session?

SEVERAL SENATORS. Vote! Vote!

Mr. BARKLEY. The Senator from Florida did not ask the pleasure of everyone here; he asked the pleasure only of the leader. [Laughter.]

Mr. President, if there is no further amendment to be offered to the Byrd amendment, so far as I am concerned, we might as well have a vote on it.

Mr. TAYLOR. Mr. President, I should like to address myself to the bill in general. I may say that I have tried to curb my desire to speak at this late hour, but I feel somewhat like a fire horse which hears the ancient bell after having been retired from service for some years.

As the Members of the Senate no doubt know, I have spent most of my life in the show business, and we generally started to work about 8 o'clock in the evening, and then we used to quit about 11 when the show was over.

Along came the depression, the movies started double features, and we had to compete with them, so we started putting on dances to compete with the double feature movies. The dance did not start until about 11, and by 2 o'clock we were going strong, we had gotten up steam by that time, and we went on until about 4 o'clock, and gradually tapered off until 5 or 6. It has been so long since I have had an opportunity to be in harness that I feel, inasmuch as we are set on a night session, it is only right that I should take over and again smell the powder of battle in the dark hours of the night.

To begin with, Mr. President, I should like to bring out how a retired miner feels about this whole controversy which is raging at the present moment around the miners and their so-called strike, which, of course, we know is not a strike. I should like to read a letter from a man who used to be a miner, but who had better sense than to continue, and retired. I believe this letter was written to the Evening Star. It is under the headline, Advice to Miners, is addressed to the editor, and reads:

> Having mined coal in three countries and being a descendant of several generations of miners, I would like to say a few words to the miners:
>
> You miners and the general public know now that you are an important cog in the wheel of industry, but you—the miners—are still, socially, the scum of the industry.

This is an ex-miner talking to those still engaged in mining. He continues:

> When my pal was killed by my side in the mines several years ago, I quit the mines forever and made my home in the city. Now I enjoy hot and cold running water, bath and toilet in the home and an enclosed sewage system throughout the city. I can also live in a home and purchase in a store not owned by my employer.
>
> All the jobs I have had in the city are all physically a picnic compared to yours.
>
> After reading the press and listening to the radio commentators the past few days, it appears that you fellows have chosen a scoundrel to lead and fight for your rights. He seems to be very strong and intelligent, but very selfish.

I presume he is speaking about Mr. John L. Lewis.

> But I notice those whom he is fighting are also very strong, intelligent, and selfish.
>
> I notice others have the right to strike and their grievances adjusted, yet you are not supposed to strike and without an alternative available. I cannot recall one instance in the history of coal mining where the coal operators ever voluntarily raised wages.
>
> As an ex-miner I must object to your choice of a national leader and the reason is: He votes and supports (except in one particular case) the Republican Party which consistently promotes all antilabor legislation and votes against all prolabor measures.

I think that is being amply demonstrated in respect to the present bill, Mr. President.

> Well, fellows, according to all indications, your dreary existence is going to be perpetuated.
>
> My sincere and earnest advice to you is throw away the shackles of tradition and come to the city for a job and live like an American and enjoy the American standard of living.
>
> JAMES FERGUSON.
>
> CHICAGO.

That letter, I remember now, was taken from the Chicago Sun.

Mr. President, since coming to the Senate I have often heard some of the old timers here lament the fact that the Senate does not have the caliber of men in it nowadays that it used to have. I am not prepared to pass judgment on the matter, being a new Member, not knowing what caliber of membership the Senate once might have had, but the statement is often made by the old timers that the Senate has deteriorated badly of recent years in the quality of representation the people have sent here to Washington.

Mr. President, I do not know but that I am beginning to agree with the old timers when I see the Senate enacting legislation which is bound to be declared unconstitutional. I refer in this particular instance to the Lea bill which the Senate recently passed. At the time it was under consideration I spoke for some 4 hours against the Lea bill, but it was passed anyway. Only three of us voted against it. But only today an article was brought to my attention from the trade paper "Tide." That is the name of the magazine. "Tide" is a publication devoted to the interests of the advertising agencies that handle the radio programs, that is bill the programs, engage the artists, and do the work for the big advertisers. The magazine Tide contains an article saying that the Lea bill was a sad mistake. Already the very ones whom the Lea bill was supposed to benefit are saying that Senators made fools of themselves by passing the Lea bill. Let me read one brief excerpt:

> Attorneys say that the act cannot hurt anybody directly, but that indirectly it is succeeding already in making the Congress which passed it and the radio industry which acclaimed it look thoroughly ridiculous, and the same attorneys believe that the industry would not have a snowball's chance in hell if it tried to have the act enforced.

Now that is the opinion, not of labor attorneys, but of the attorneys for the large advertising companies that handle the radio accounts.

The article goes on to point out that the Lea bill, which was passed by an overwhelming vote, only three of us dissenting, has the advertising fraternity greatly worried. And incidentally, Mr.

President, I think that may well turn out to be one vote of which I shall have more reason to be proud than any vote I will have an opportunity to cast in the Senate, because not being an attorney, and yet having enough horse sense to see that that bill was unconstitutional, it is going to make me feel pretty good when it eventually is declared to be unconstitutional.

The article goes on to point out that inasmuch as the measure made it unlawful for the musicians or anybody else to collect more than once for a recording, that the artists, whether actors, singers, or musicians, will collect sufficient fees in the first place to cover all contingencies, for any number of times it might be desired to rebroadcast the record. So it has the advertising fraternity greatly worried. It is going to cost them more money than it would have cost if they had let the artists and the companies bargain collectively as they have in the past.

There is another thing, which the article points out concerning the Lea bill which we passed. I am citing these arguments, Mr. President, before some Senator jumps up and says that my argument is irrelevant to the business in hand. I am simply trying to persuade Senators not again—at least so quickly—to make a jackass of themselves as they did in passing the Lea bill, which the parties concerned, who are not labor people, are already saying was a sad mistake.

Mr. HICKENLOOPER. Mr. President, a point of order.

The PRESIDING OFFICER (Mr. HOEY in the chair). The Senator will state it.

Mr. HICKENLOOPER. The Senator has intimated that the Senate of the United States has resolved itself into a composition of jackasses. I say the Senator is not in order. I ask that he be required to take his seat under the rule.

The PRESIDING OFFICER. The Senator from Idaho will take his seat.

The question is on the so-called Byrd amendment, as amended. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITE. Mr. President, on what question is the roll being called?

The PRESIDING OFFICER. On the Byrd amendment, as modified.

Mr. GEORGE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GEORGE. What is the question?

The PRESIDING OFFICER. The question is on the Byrd amendment, as modified.

The Clerk will resume calling the roll.

The legislative clerk resumed and concluded the call of the roll.

Mr. THOMAS of Utah. I have a general pair with the Senator from New Hampshire [Mr. BRIDGES]. Not knowing how he would vote I transfer that pair to the Senator from Missouri [Mr. BRIGGS]. I am therefore at liberty to vote. I vote "nay."

Mr. BANKHEAD. I have a general pair with the Senator from Nebraska [Mr. BUTLER]. I am informed that if present he would vote as I intend to vote. I am therefore at liberty to vote. I vote "yea."

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Virginia [Mr. GLASS], and the Senator from Tennessee [Mr. MCKELLAR] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senator from Idaho [Mr. GOSSETT] are absent by leave of the Senate.

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate because of illness in his family.

The Senator from Florida [Mr. ANDREWS] is necessarily absent.

The Senator from Missouri [Mr. BRIGGS], the Senator from New Mexico [Mr. CHAVEZ], and the Senator from West Virginia [Mr. KILGORE] are detained on public business.

The Senator from Colorado [Mr. JOHNSON], the Senator from Nevada [Mr. MCCARRAN], and the Senator from Oklahoma [Mr. THOMAS] are necessarily absent.

I announce further that on this question the Senator from West Virginia [Mr. KILGORE] is paired with the Senator from South Carolina [Mr. MAYBANK]. If present and voting, the Senator from West Virginia would vote "nay," and the Senator from South Carolina would vote "yea."

I also announce that if present and voting the Senator from Colorado [Mr. JOHNSON] and the Senator from Nevada [Mr. MCCARRAN] would vote "nay."

I announce further that if present and voting the Senator from Florida [Mr. ANDREWS] would vote "yea."

Mr. WHERRY. The Senator from New Hampshire [Mr. BRIDGES], who is necessarily absent, has a general pair with the Senator from Utah [Mr. THOMAS]. That pair and its transfer has been heretofore announced.

The Senator from Illinois [Mr. BROOKS] and the Senator from Nebraska [Mr. BUTLER] are absent by leave of the Senate. Both of these Senators would vote "yea" if present.

The Senator from Indiana [Mr. WILLIS] is necessarily absent. If present he would vote "yea."

The Senator from South Dakota [Mr. BUSHFIELD] is unavoidably detained. If present he would vote "yea."

The result was announced—yeas 47, nays 30, as follows:

YEAS—47

Austin	Gerry	Reed
Ball	Gurney	Revercomb
Bankhead	Hart	Robertson
Brewster	Hatch	Russell
Buck	Hawkes	Saltonstall
Byrd	Hickenlooper	Smith
Capehart	Hoey	Stanfill
Capper	Johnston, S. C.	Stewart
Connally	Knowland	Taft
Cordon	Lucas	Tydings
Donnell	McClellan	Vandenberg
Eastland	Millikin	Wherry
Ellender	Moore	White
Ferguson	O'Daniel	Wiley
Fulbright	Overton	Young
George	Radcliffe	

NAYS—30

Aiken	Hill	Magnuson
Barkley	Huffman	Mead
Downey	La Follette	Mitchell
Green	Langer	Morse
Guffey	McFarland	Murdock
Hayden	McMahon	Murray
Myers	Taylor	Wagner
O'Mahoney	Thomas, Utah	Walsh
Pepper	Tobey	Wheeler
Shipstead	Tunnell	Wilson

NOT VOTING—19

Andrews	Butler	McCarran
Bailey	Carville	McKellar
Bilbo	Chavez	Maybank
Bridges	Glass	Thomas, Okla.
Briggs	Gossett	Willis
Brooks	Johnson, Colo.	
Bushfield	Kilgore	

So Mr. BYRD's amendment, as modified, was agreed to, as follows:

On page 28, strike out section 8 and insert in lieu thereof the following:

"SEC. 8. (a) It shall be unlawful for any employer to pay or deliver, or to agree to pay or deliver, any money or other thing of value to any representative of any of his employees who are engaged in commerce or in the production of goods for commerce.

"(b) It shall be unlawful for any representative of any employees who are engaged in commerce or in the production of goods for commerce to receive or accept, or to agree to receive or accept, from the employer of such employees any money or other thing of value.

"(c) The provisions of this section shall not be applicable (1) with respect to any money or other thing of value payable by an employer to any representative who is an employee or former employee of such employer, as compensation for, or by reason of, his services as an employee of such employer; (2) with respect to any amounts deducted from the compensation of any employee and paid to a labor organization by an employer in payment of dues or other membership fees payable by such employee to such labor organization; or (3) with respect to money or other thing of value paid to a trust fund established by such representative, for the sole and exclusive benefit of the employees of such employer, and their families and dependents (or of such employees, families, and dependents jointly with the employees of other employers making similar payments, and their families and dependents), provided (A) such payments are held in trust for the purpose of paying, either from principal or income or both, for the benefit of employees, their families, and dependents, for medical or hospital care, pensions on retirement or death of employees, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, or life insurance, disability and sickness insurance, or accident insurance; and (B) the detailed basis on which such payments are to be made is specified in a written agreement with the employer, and employees and employers are equally represented in the administration of such fund, such agreement to contain a provision that in the event the employer and employee groups deadlock on the administration of such fund, the two groups shall agree on an impartial umpire to decide such dispute, or in event of their failure to agree witnin a reasonable length of time, an impartial umpire to decide such dispute shall, on petition of either group, be appointed by the District Court of the United States for the district where the trust fund has its principal office, and shall also contain provisions for an annual audit of the trust fund, a statement of the results of which shall be available for inspection by interested persons at the principal office of the trust fund and at such other places as may be designated in such written agreement; and (C) such payments meet the requirements for deduction by the employer under section 23 (a) or section 23 (p) of the Internal Revenue Code.

"(d) Any person who wilifully violates any of the provisions of this section shall upon conviction thereof be subject to a fine of

not more than $10,000 or to imprisonment for not more than 6 months, or both.

"(e) The district courts of the United States and the United States courts of the Territories and possessions shall have jurisdiction, for cause shown, and subject to the provisions of section 17 (relating to notice to opposite party) of the act entitled 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,' approved October 15, 1914, as amended (U. S. C., title 28, sec. 381), to restrain violations of this section, notwithstanding the provisions of sections 6 and 20 of such act of October 15, 1914, as amended (U. S. C., title 15, sec. 17, and title 29, sec. 52), and the provisions of the act entitled 'An act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes,' approved March 23, 1932 (U. S. C., title 29, secs. 101-115)

"(f) As used in this section—

"(1) 'Goods' means goods, wares, products, commodities, merchandise, or articles or subjects of commerce of any character, or any part or ingredient thereof.

"(2) 'Produced' means produced, manufactured, mined, handled, or in any other manner worked on in any State; and for the purposes of this section an employee shall be deemed to have been engaged in the production of goods if such employee was employed in producing, manufacturing, mining, handling, transporting, or in any other manner working on such goods, or in any process or occupation necessary to the production thereof, in any State.

"(3) 'Representative' means any labor organization which, or any individual who, is authorized or purports to be authorized to deal with an employer, on behalf of two or more of his employees, concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work; and any other organization or fund of which a majority of the officers are representatives or are members of a labor organization or are elected or appointed by a representative.

"(g) This section shall not apply to any contract in force on May 15, 1946, during the life of such contract."

Mr. BYRD, Mr. BARKLEY, Mr. BALL, Mr. TAFT, Mr. HATCH, and other Senators addressed the chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. BYRD. I move that the Senate reconsider the vote by which my amendment was agreed to.

Mr. OVERTON, Mr. BARKLEY, Mr. HATCH, Mr. GUFFEY, and other Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. OVERTON. I move to lay the motion to reconsider on the table.

Mr. HATCH. Mr. President, I was trying to obtain recognition from the Chair simply because I do not like sharp practice. I know what took place here a while ago. If the Senator from Idaho [Mr. TAYLOR] wishes to debate this motion, I am perfectly willing to let him debate it all night long. I would rather not take a short cut.

Mr. OVERTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. OVERTON. Is the motion to lay on the table debatable?

The PRESIDING OFFICER. The motion is not debatable.

Mr. OVERTON. I make the point of order.

The PRESIDING OFFICER. The point of order is well taken.

The question is on agreeing to the motion of the Senator from Louisiana [Mr. OVERTON] to lay on the table the motion of the Senator from Virginia [Mr. BYRD] to reconsider the vote by which the so-called Byrd amendment was agreed to.

Mr. HATCH. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. HATCH. Mr. President, I was on my feet, and I was sure I was on my feet first.

The PRESIDING OFFICER. The Chair will state to the Senator from New Mexico that half a dozen Senators were on their feet, and the Chair recognized the Senator who he thought rose first. The Chair has no disposition to shut off any Senator. At least six Senators were on their feet seeking recognition. The Senator from Kentucky [Mr. BARKLEY] was on his feet.

Mr. HATCH. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. HATCH. I merely wish to say that I have no desire to question the integrity of the Presiding Officer. I am quite sure that he made the decision which he thought was right. But I certainly hope that the motion to lay on the table will not be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana [Mr. OVERTON] to lay on the table the motion of the Senator from Virginia [Mr. BYRD] to reconsider the vote by which the so-called Byrd amendment was agreed to.

The motion to reconsider was laid on the table.

Mr. BARKLEY and Mr. BALL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BARKLEY. Mr. President, I ask unanimous consent that during the further consideration of this bill no Senator shall speak more than once or longer than 1 hour on the bill or any amendment thereto.

Mr. PEPPER. I object.

Mr. HATCH. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BARKLEY. I ask unanimous consent that at an hour not later than 5 p. m. tomorrow the Senate proceed to vote on the bill and all amendments without further debate.

Mr. PEPPER. I object.

Mr. HATCH. I object.

Mr. GUFFEY. Mr. President——

The PRESIDING OFFICER. Objection is heard.

Mr. BALL. Mr. President, on behalf of myself, the Senator from Ohio [Mr. TAFT], the Senator from Virginia [Mr. BYRD], the Senator from New Mexico [Mr. HATCH] and the Senator from New Jersey [Mr. SMITH] I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Minnesota will be stated.

Mr. GUFFEY. Mr. President, I hope the Presiding Officer will recognize me. I have been standing on my feet for 10 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania will be recognized.

Mr. GUFFEY. Now or later?

The PRESIDING OFFICER. As soon as the amendment is stated.

The amendment offered by the Senator from Minnesota [Mr. BALL] will be stated.

The CHIEF CLERK. On page 19, beginning with line 16, it is proposed to strike out all of section 3 and insert in lieu thereof the following:

SEC. 3. (a) In order to prevent or minimize interruptions of the free flow of commerce growing out of labor disputes, employers, and employees and their representatives, in any industry affecting commerce, shall—

(1) exert every reasonable effort to make and maintain agreements concerning rates of pay, hours, and working conditions, including provision for adequate notice of any proposed change in the terms of such agreements and provision for the final adjustment of grievances or questions regarding the application or interpretation of such agreements;

(2) whenever a dispute arises over the terms or application of a collective-bargaining agreement and a collective-bargaining conference is requested by a party or prospective party thereto, arrange promptly for such a conference not later than 10 days after receipt of a written request therefor and endeavor in such conference to settle such dispute expeditiously; and

(3) in case such dispute is not settled by conference, cooperate fully and promptly in such procedures as may be undertaken by the Federal Mediation Board under this act for the purpose of aiding in a settlement of the dispute.

(b) Whenever the Federal Mediation Board proffers its services for the purpose of aiding in a settlement of a labor dispute affecting commerce and until the Board certifies that its efforts at mediation are concluded or until 60 days have elapsed since the giving of notice asking a collective-bargaining conference between the parties regarding such dispute as provided in paragraph (2) of subsection (a) of this section, whichever date occurs first, it shall be the duty—

(1) of the employer or employers involved to refrain from any lock-out and to restore and maintain the rates of pay, hours, and working conditions which existed immediately prior to the time the dispute arose, except that changes agreed upon in writing with the employees or their representatives may be made;

(2) of the employees and their representatives to refrain from any strike or concerted slow-down of production.

(c) Any employer who fails to perform the duties imposed on him by subsection (b) of this section shall be deemed to have engaged in an unfair labor practice within the meaning of section 8 of the National Labor Relations Act, and the National Labor Relations Board is hereby authorized to utilize such powers as are granted to it by such act to prevent and restrain such unfair labor practices.

(d) Any employee who fails to perform the duties imposed on him by subsection (b) of this section shall lose his status as an employee of the employer engaged in the particular labor dispute in connection with which such employee's failure occurred for the purposes of sections 8, 9, and 10 of the National Labor Relations Act: *Provided*, That such loss of employee status for such

employee shall terminate if and when he is reemployed by such employer.

(e) The penalties set forth in subsections (c) and (d) for failure to perform the duties imposed by this section shall be exclusive and no other legal or equitable remedy for such failure shall be available. Nothing in this act shall be construed to require an individual employee to render labor or service without his consent, nor shall anything in this act be construed to make the quitting of his labor by an individual employee an illegal act; nor shall any court issue any process to compel the performance by an individual employee of such labor or service, without his consent.

Mr. GUFFEY. Mr. President, I wonder if the Presiding Officer has forgotten an incident which occurred in the Senate about 15 or 18 years ago, when a Senator from New Hampshire rose and called western Senators "Sons of the Wild Jackass." I do not recall that he was taken from the floor or that any rule was invoked against him.

That is all I wish to say, Mr. President.

Mr. GEORGE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GEORGE. I should like to ask if the RECORD will show who objected to the two unanimous-consent requests proposed by the majority leader with reference to the limitation of debate.

The PRESIDING OFFICER. The RECORD will show it.

Mr. GEORGE. Will the RECORD show from whom the objections came?

The PRESIDING OFFICER. The RECORD will show who objected.

The Chair will state in response to the statement of the Senator from Pennsylvania that, before making the ruling after the point of order was made, the Chair consulted the Parliamentarian, and the Parliamentarian advised that what had occurred was in violation of the rules of the Senate. And the Chair so held.

Mr. GUFFEY. Mr. President, what objection did the Senator from Pennsylvania make?

The PRESIDING OFFICER. The Chair said that in response to statement of the Senator from Pennsylvania, the Chair was saying why the Chair ruled, and the Chair stated the basis for the ruling. The ruling was in accordance with the precedents of the Senate and the rules of the Senate.

Mr. BARKLEY. Mr. President, it should be stated that, under the rule, when a Senator makes remarks that are objected to as offensive and when such Senator is ordered to take his seat, it then is in order for any Senator to move that the Senator involved be permitted to proceed in order. Such a motion was not made in that case.

The PRESIDING OFFICER. No such motion was made.

Mr. BARKLEY. But it was in order for any Senator to make such motion, and I have no doubt that if such a motion had been made it would have been carried.

The PRESIDING OFFICER. Such a motion was not made. The Chair ruled in accordance with the rule of the Senate and the precedents, as the Chair was advised by the Parliamentarian.

Mr. HATCH. Mr. President, in the light of what the Senator from Georgia has just requested, let me say I did object to both the requests which were made by the Senator from Kentucky. I am perfectly willing that the RECORD show that I objected to each request, as I shall in the future object to such requests.

Mr. GEORGE. Mr. President, I had the definite impression that all the objections came from the Democratic side. If my party believes that that is a wise course to pursue in a time when the Nation faces this most serious crisis, then I simply think that in fairness to the American people the RECORD should show it, because there are times when every man's loyalty to his country must rise above loyalty to party.

Mr. HATCH. Mr. President——

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. HATCH. Have I been recognized?

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. HATCH. I do not think there has been any question about my loyalty to my party.

Mr. GEORGE. No; I did not question the Senator's loyalty.

Mr. HATCH. I do not think there has been any question about my loyalty to my country, either.

Mr. GEORGE. I am not questioning the Senator's loyalty; but I wish the RECORD to show who objected to the unanimous-consent proposal to limit debate as reasonably as that proposal has been made; and the country——

Mr. HATCH. Mr. President, have I the floor?

The PRESIDING OFFICER. Just one minute.

Mr. GEORGE. And the country can make up its own judgment.

Mr. HATCH. Mr. President, do I have the floor?

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. HATCH. The Senator from New Mexico has rather a straight record on this sort of legislation, I think. I do not think there is any doubt in the mind of anyone regarding where the Senator from New Mexico stands or how he is going to vote. It did happen that I thought a Member of the Senate had been unjustly removed from the floor. I was not in the Chamber at the time when that occurred or I would have made a motion that he be permitted to continue.

Therefore, because I thought an injustice had been done to one of the Members of the Senate—and I do not agree with him; I shall vote against him on every proposition he raises, and he knows it—I objected, because I think that he had a right to stand on the floor of the Senate and expound any view he entertained, and I thought he was unjustly removed from the floor.

The PRESIDING OFFICER. As the Chair stated a few moments ago——

Mr. HATCH. Mr. President, I am not criticizing the Chair.

The PRESIDING OFFICER. The Chair stated that the point of order was made and the Chair ruled on it.

Mr. HATCH. Yes.

The PRESIDING OFFICER. That is all that occurred. If a motion had been made to permit the Senator from Idaho to proceed, the motion would have been put and the Senate would have determined it.

Mr. HATCH. Yes. I am not criticizing the Chair.

Mr. WALSH. Mr. President——

Mr. HATCH. I yield to the Senator from Massachusetts.

Mr. WALSH. I should like to have the floor in my own right.

Mr. BARKLEY. Mr. President, will the Senator yield to me?

Mr. HATCH. I yield.

Mr. BARKLEY. I appreciate the Senator's feeling with respect to the rather precipitous proceeding regarding the Senator from Idaho. I myself had been called to the telephone, and I was not in the Chamber and I did not hear the remark which resulted in the raising of an objection on the part of the Senator from Iowa. I would have made a motion similar to the one to which the Senator has referred. However, I was not in the Chamber at that moment.

But I hope the Senator from New Mexico will not permit the episode to prejudice him against unanimous-consent requests which may be made hereafter in an effort to bring about limitation of debate.

Mr. HATCH. Mr. President, if my loyalty to my country is being called into question, I certainly will——

Mr. BARKLEY. Mr. President, I do not know whether that is being done.

Mr. GEORGE. Mr. President, let me say that I was not in the Chamber when the episode to which reference has been made occurred.

Mr. HATCH. I was not, either.

Mr. GEORGE. And I did not know that anything of the sort had occurred. But I had reference to those who objected to unanimous-consent requests or proposals.

Frankly, I did not hear the Senator from New Mexico interpose an objection. Although some incident may have occurred, I can assure him that I knew nothing of that, and I can understand that if he felt that some Senator had been particularly aggrieved, he might properly have interposed an objection.

Mr. HATCH. That was all.

Mr. GEORGE. Yes.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. BARKLEY. I may also say that the Senator from New Mexico was not alone in objecting to my unanimous-consent requests, because I heard at least six objections, some of which I recognized; and if the RECORD is going to show who objected, I hope it shows the names of all the Senators who objected.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FULBRIGHT. I should like to know just what the Senator from Idaho did say. I am very curious to know why he was taken off the floor. I wonder whether the Chair will inform me what he said.

Mr. HATCH. Mr. President, I refuse to yield for that purpose.

The PRESIDING OFFICER. The Senator from New Mexico declines to yield.

Mr. HATCH. Mr. President, the only point I have in mind is that I think the Senate of the United States should be willing to hear any Senator, so long as he speaks within reasonable bounds and reasonable limitations. I myself have signed the cloture petition.

Mr. President, let me inquire what the pending question is.

The PRESIDING OFFICER. The pending question is on the amendment offered by the Senator from Minnesota [Mr. BALL] for himself and other Senators, which was just read.

Mr. HATCH. Mr. President, may it be reported?

The PRESIDING OFFICER. It has been reported and read.

Mr. HATCH. May it be reported again?

The PRESIDING OFFICER. The clerk will read.

The Chief Clerk again read the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Minnesota [Mr. BALL] for himself and other Senators.

Mr. WALSH. Mr. President, at this late hour after midnight, I hesitate to take the time of the Senate to make some observations that the unusual proceedings, the exciting and tense debate on this issue, have prompted. I had not intended to address the Senate at this time, but I cannot longer remain voiceless when the deep-seated convictions I entertain over what is transpiring here seek expression.

Mr. President, the Senate has in recent days been passing through a most unusual experience. I have been here a long time, and I have never seen the proceedings in the Senate assume the extraordinary character they have during this debate and especially tonight. We have seen an antilabor coalition ride roughshod over a minority to the extent that even a motion to lay on the table has been made against amendments in the interests of, and proposed by friends of, the workers, without permitting even debate or a vote on their merits. It is clear that there is a solid bloc of Senators, including members of both parties, determined to vote for almost any amendment restrictive of the rights of the workers. Of course, they urge that their purpose is to correct the excesses of labor unions, but that does not change the fact that their opposition is against every man and woman who belongs to labor organizations or who may choose to join them in the future. The atmosphere of the Senate appears to be charged with a determination to pass legislation impetuously and primarily for punitive ends. Calm and wise judgment has disappeared. As the roll is called the question seems to be not so much on the merits of individual amendments but on a determined intention to classify Senators into two categories; one, the representatives of the employers, and the other, the representatives of the workers. By innuendo, if you happen to be a Senator championing the cause of the workers, you are a strike sympathizer and should receive the condemnation and contempt that some people hold at the present time toward John L. Lewis.

Instead of the ordinary procedure of discussing and analyzing the problems that affect labor and industry, of trying to prevent or remove the abuses that exist in both groups, the issue here is to seize the present opportunity to curb and restrict the rights now enjoyed by the workers. Senators who heretofore have boasted of their loyalty to the working class are gleefully rushing to vote for amendments that every man and woman in every labor organization in the country considers hostile and detrimental to the rights of the working class. Senators who were elected as friends of labor have succumbed to the hysterical emotions of the hour, and have joined the procession supporting the antilabor amendments. For the first time I have witnessed an attitude of indifference, if not real hostility, toward any expressions of sympathy with, or support of, the causes that Senators heretofore have been proud to advocate. There is a subtle attempt here to imply that those who speak against these repressive measures are either disloyal or wild-eyed labor agitators.

It is to be noted that every amendment to place management and trade associations in the same status as labor organizations, in regard to management of their group funds or reports of their joint membership, has been rejected. It appears to be a determination to punish labor, and labor only.

In contrast with the situation in this Chamber in regard to the legislation at hand, I recall the long struggle of the workers for social justice, for the opportunity of obtaining a decent livelihood, for a fair and just share of the earnings resulting from their toil.

I recall that in my own State it took 60 years of agitation to enact reasonable child-labor legislation. I can remember as a youth scenes in my own community where I saw young girls, 13 and 14 years of age, going out in the darkness of the early morning to work in the cotton mills for 10 and 12 hours, returning in the darkness of the evening. I have heard from their lips stories of how they ran every inch of the way from their homes to the mill gates because they were frightened. Who brought about the changes that have resulted in today's improved working conditions? Who has accomplished the shortening of work hours and the improvement of working conditions? It was done through the organization of the workers, through unions, and other associations that they set up for using their collective power to influence employers who were often of the absentee landlord class.

I recall, in the eighties, the enthusiasm with which the workers received the establishment of the organization known as the Knights of Labor, and their espousal, under difficulties and persecutions, of the cause for shorter working hours, better wages, and better living conditions. Much progress has been made, but the credit is due in large measure, if not in full measure, to the unions and labor organizations that the workers themselves set up.

I recall witnessing—I can picture some of them now—many of them I knew by name—women 75 and 80 years of age—trudging the streets in summer and winter, year in and year out, from the mills to their homes with bent backs and gnarled fingers due to ceaseless toil over the spindles, looms, and machines in the factories and workshops of New England. Who lifted their voices and used their efforts to help bring about better living conditions, shorter hours of work, and the securing of safety appliances? The workers' organizations.

I remember as a young lawyer prosecuting cases in the courts for damages sustained by employees—one a young woman whose scalp was torn from her head because the hair became entangled in the machinery due to the lack of proper safeguards. I remember other cases seeking compensation for loss of arms, for loss of fingers, and other disabilities. In all of them I found raised in defense the doctrine of "assumption of risk"—that the employees assume the risk involved in their work. These and other victims of industrial injuries were often obliged to turn to public charity or to members of their families for support. Sometimes when a father was seriously incapacitated the children were forced to leave school and to go to work to support him.

Who led the fight and brought about legislation that eliminated the doctrine of assumption of risk and made it possible for these victims of industrial life to become other than a public charge? It was labor, organized labor, union labor.

The long and at times discouraging struggle made by labor organizations, against what seemed insurmountable obstacles, to elevate the workers from almost a state of servitude to the improved position that they now hold through legislation requiring safety appliances, better working conditions, and shorter working hours, is an inspiring one. It is indeed a story of the glorious victory of human rights.

I inject a personal story about two factory workers who had reached old age. I had forgotten them, though in my early youth I had carried a dinner pail to them from their homes to the factory gates during the noon hour. One day a few years ago a welfare agent called upon me to inquire about their needs. He expressed pity for their plight because they had once lived fairly comfortably on their meager income. He said, "I never knew till I met these ladies that it is a crime to live to an old age." I asked, "What do you mean?" He said, "Why, these women have toiled for nearly 60 years, and they saved enough money in that time to take care of themselves and to provide for their old age, but they lived too long. Had they died a few years after advancing age forced them out of the factory they would have gone to their graves without public charity. However, because they have lived too long, over 80 years, they are now experiencing the trials and tribulations of poverty." He made another observation, "I never knew

before that people could be poor and aristocratic as well. These ladies are aristocrats." They were, indeed, aristocrats, sweet, kind, lovable characters; and there are hundreds of thousands of women, and men, too, who during our lifetime have experienced the same hardships I have just described. These are some of the types of people this legislation will affect by curtailment of the workers' rights.

The amendments before us affect every worker and every organization, the innocent as well as the guilty, if there are any guilty, of excessive and unreasonable demands and procedure. I am not defending John L. Lewis, but, Mr. President, I will not be a party, because of Lewis, to enacting laws which will restrict the rights of those honest working men and women who have labored so unceasingly during the war, who gave their sons to the service of our country in our hour of need. I shall not offend or shackle them by telling them that their bargaining rights are to be restricted, that they cannot be relied upon to carry on the candid and open relationship which should exist between employee and employer in collective bargaining.

Mr. President, have we forgotten the obligation, the great debt we owe to the workers of this country? All the vast wealth we have accumulated has come from the toil, sweat, and blood of the workers.

Their strength, their vigor, their health, their labors, have opened up the vast wealth that the Almighty planted in the bowels of the earth for our benefit. They have tilled the fields so that we might have the rich harvests with which we are blessed. They have exhausted themselves in the workshops, factories, and industries of the country. How meager has been their share of the prosperity that has resulted from their toil and sacrifice!

Have they no claim to our sympathy and assistance? Must we be heedless of their social advancement and welfare because some leader may have misjudged his obligation to them or his responsibility to the public? Labor leaders are not immune from the faults, failures, and mistakes or even the misuse of power which is observable in other phases of life.

Even those in the public service, whom we sometimes call politicians, make serious mistakes and fail to promote the public welfare.

I have witnessed the struggle of the workers for recognition of their rights up to this very hour, and I regret to see in this Chamber efforts to restrict the progress that has been made—efforts that indicate a lack of sympathy, a distrust of the workers' organizations, a hindrance to further progress—efforts to place limitations on their rights to organize and to engage in collective bargaining.

Mr. President, I regret to see in this Chamber what seems to me to be a determination to turn back, an attempt to undo some of the helpful things that have been accomplished through years of effort. Indeed, I think I observe here a spirit of passion, a spirit of intense hostility, a desire to get even with someone. We are acting as if we were looking for blood. I fear, instead of helping to end strikes and bring about peaceful and harmonious conditions, we may be moving toward more turmoil, more strikes, and more hostility between capital and labor.

There is a mistaken notion here that some of the amendments which are proposed will prevent or end the present strikes. Not one of these amendments which are being proposed here will affect John Lewis or the leaders of the Railroad Brotherhood; but they will affect every man and woman who toils and who chooses to belong to a labor union now or in the future. It is to be noted also that workers who are not members of labor organizations receive benefits attained by the efforts of unions. You cannot get even with John L. Lewis or other strike leaders through these amendments. You can, however, break the spirit, dishearten the working class for a time, but their cause is so humane and just that, like a volcano, the eruption is only being postponed.

Mr. President, not all employers are petitioning for this legislation. There are many, very many who deal fairly and justly with labor. Many of them have a sincere and deep sympathy for their workers. Many of them have often voluntarily expressed this in bonuses, pensions, and in various other benefits to the workers. Let us counsel with these representatives of the employers and we will find them cooperative. Not one of them will ask us to repeal collective bargaining or the right of the worker to strike.

Hundreds, yes thousands, of disputes and differences between labor and industry have been peacefully and successfully adjusted. Because there have been a few failures and hardships have resulted and the public interest has been jeopardized does not, in my opinion, justify the putting of all labor in a strait-jacket.

One would be led to believe, listening to the debate here, that there is no class consciousness on the side of management; that it is all on the side of labor. In my opinion, there is as much class consciousness on the one side as on the other, and, in my opinion, some labor unions remain militant because, forced to deal with a hostile employer, they believe that the labor union can survive in no other way.

In the final analysis, it is my opinion that the sympathetic attitude of management toward unions is the key to sound industrial relations, and, if the employers wholeheartedly accept the philosophy of collective bargaining, our labor unions would rise to the responsibilities which they have and fulfill their rich promises.

Unless there is a sharp change for the better in industrial relations, I fear industry and labor will wake up some day to find a new philosophy, an extreme philosophy promulgated through the Nation. In my opinion, radical economic changes will come if labor and industry cannot find a way peacefully to adjust their differences. The success of the American way of life is not through extreme restrictive measures, but through management and labor solving their individual problems through self-government and through industrial democracy. The preservation of the American way of life depends upon their success in solving their mutual problems.

Mr. President, let us think of the workers other than John L. Lewis' as we discuss this legislation. There are millions of them who are law-abiding and who seek and desire industrial peace. Men are fallible and so are leaders, whether they are in the labor, the industrial, or in the political life. Rash and extreme measures that affect and injure the welfare of the people are taken even at times by men in public service.

Let us remember there is another day coming when the present labor turmoil will have subsided. Industrial peace will come, and the workers, in my opinion, desire it and want it just as much as management.

Let it not be said of us when our record is scanned that in the heat of passion we attempted to undo the progress that labor has made through its long uphill hike for industrial freedom, that we have in a moment of excitement sought to abridge and reduce the rights of workers.

Let us consider these measures calmly. I cannot emphasize too strongly the fact that no amendment proposed here by the coalition can in any manner affect or change the present strike situation. Nor could these coalition amendments, were they the law today, have prevented the present strikes. The amendments are proposed now in the belief that the present hysterical state of mind will give the support that the amendments would not get in normal times. In fact, some of the proponents of these amendments privately concede this.

These proposals will result in arousing the antagonism and resentment of all workers, who are innocent parties to present labor disturbances, when they know the motive behind these proposals and their true significance.

Mr. TAFT. Mr. President, I think that the charge of emotion which has been made against the Senate is completely unjustified. I have been a Member of the Senate for 8 years, and every effort to deal constructively with the labor situation has been suppressed by the Committee on Education and Labor. Hearings were held this year. The amendments which will come before the Senate have been studied and considered at great length. The amendments do not oppress any laboring man or woman, or labor unions. They are amendments which have been carefully worked out over a period of many months. The Byrd amendment was offered approximately 10 days ago. I did not like it in its original form. We tried to work it over into a constructive solution of one of the serious problems which confronts the country.

Frankly, it was blocked by a filibuster. For days we have been debating over and over again the same issue.

Mr. President, it seems to me that the Senate was justified in insisting that we not go home tonight until we end this deadlock which has continued so long. It seems to me that the charge of emotion is completely unjustified. These amendments are before us. I hope

we may consider them as they are reached. I will support those recommended in the minority views. I hope some of them will be agreed to. I do not know whether they will be agreed to or not. They vary in the fields which they cover. However, I may say that each of them is an attempt to deal with a particular abuse which has arisen during the past 10 years in the labor situation which has and which now confronts the country. Those abuses have been recognized by labor, and yet they are matters with which the Senate has not cared to deal.

It seems to me, Mr. President, that we have proceeded in the proper way to deal with the problems before us. Merely because we wish to vote at 1 o'clock in the morning, after being here from 11 o'clock yesterday, I do not think that we should be subjected to the charge of being prejudiced with regard to a question on which every Member of the Senate made up his mind yesterday, the day before, or 2 or 3 days ago. Certainly, the fact that some of us are pressing for a vote is no evidence of emotion on the part of any Member of the Senate.

Mr. TAYLOR. Mr. President, I am sorry for the incident which occurred a few moments ago. Being a Democrat, and belonging to a party that is represented by the jackass, I do not attach any particular stigma to the animal. Also, in the last day or two having heard Senators with a great deal of seniority bandy about such words as "skunk," I thought a jackass was not nearly so bad as that. Nevertheless, I am sorry that I inadvertently let the word fall from my lips, and if it is agreeable to the Senate, the reference can be stricken from the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FULBRIGHT. Is there no way to find out just what the Senator from Idaho did say?

The PRESIDING OFFICER. The incident is closed.

Mr. TAYLOR. Mr. President, to convey the idea that I was trying to get across, I shall again read the paragraph from this article in Tide magazine, the paid paper of the advertising agencies, which handles the accounts of the big radio programs.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. TAYLOR. For what?

Mr. TAFT. I only wish to ask whether the Senator is going to proceed to talk at some length. I feel that the subject before the Senate is one which is important——

Mr. TAYLOR. Mr. President, I am not obliged to answer the question of the Senator from Ohio. What I started to say was that the attorneys for these advertising agencies which handle the accounts of the people who put on the big radio programs have decided already, in the brief time since we passed the Lea bill, the so-called Petrillo bill, that it was not such a smart thing to do, either from the standpoint of the radio industry or of the Congress. These are the words of the attorneys for the advertisers, not my words. I quote the article verbatim:

> Attorneys say that the act can't hurt anybody directly, but that indirectly it is succeeding already in making the Congress which passed it and the radio industry which acclaimed it look thoroughly ridiculous; and the same attorneys believe that the industry wouldn't have a snowball's chances in hell if it tried to have the act enforced.

It proceeds to say that the law does not outlaw particular practices, it merely outlaws the use of coercion to obtain certain things. If the radio people want to agree to them and there is no coercion connected with it, the practices are perfectly all right. So, under the circumstances, this is what will happen: We have passed a law to injure Mr. Petrillo and put him in his place, but now if the producers of the radio programs want any musicians, Mr. Petrillo cannot bargain with them, he cannot ask them for these things because that is against the law, but he can say to his musicians, "It has been very difficult working here for so many years. Let us rest a while." They would not strike; they would simply take their instruments and go home, and go out and mow the lawn, and if the producers of the radio programs wanted any musicians they would have to go to Mr. Petrillo and ask him, "Please, Mr. Petrillo, will you do these things?" Then Mr. Petrillo could very graciously consent, and the radio programs would be on the air again. So all we have done has been to make it unnecessary for Mr. Petrillo to bargain, and force those who want his services to go and lick his boots.

Mr. President, it was not many years ago that I was out West, as I said a moment ago, with a little show company, and I used to do a lot of thinking. I would read of some law the Senate had passed which I did not think was very good; something which seemed to be against the interest of the common people, and I would think to myself, "Well, those poor devils are in a tough spot back there. I'll bet they want to do right, a lot of them, but they have had these big interests contribute money to elect them, and they just are in a tough position. It takes a lot of money to get elected in those big States, and I guess they can hardly help themselves once in a while."

That was my idea. Then later I worked in a war plant, and at times we would go out to repair the kitchen facilities at Army installations, and I would be down under a sink with the grease dropping in my face and the cockroaches running over me, and I would think these things over. Perhaps Congress had recently passed some law that I did not like, and I would think again, "Well, I'll bet their hearts are right, but here is this reactionary United States Chamber of Commerce, and the National Association of Manufacturers. They are hauling these fellows more to the right and trying to get them to be reactionary. Maybe the fellows' hearts are not so bad, but that is the situation back there."

Then, lo and behold, all of a sudden I find myself in the United States Senate, and what do I find? Do I find that the Senator's hearts are with the common people, and that they are trying to do the right thing for the poor people, that the National Association of Manufacturers is pulling them over to the right and trying to get them to pass legislation to curb the rights of labor and take away the rights they have gained through all these years?

No, Mr. President, that is not what I have found. I find the Senate of the United States considering legislation and amendments to a labor bill which even the National Association of Manufacturers condemns. It says John L. Lewis is a fine fellow, and I have never said that. We find that National Chamber of Commerce opposing this legislation. We find the Wall Street Journal opposing the legislation. Instead of a Congress that wants to do the right thing by the common people being pushed along the road by what we have ordinarily considered to be the most reactionary forces in the country, we find the so-called reactionary forces pleading with a Congress so reactionary and so antilabor that even the Wall Street Journal cannot go along with it.

Mr President, I have here a statement made by a representative of the Australian Council of Trade Unions who was recently in the United States. In Melbourne he made a speech. I read from the Washington Post:

> Albert Monk, Secretary of the Australian Council of Trade Unions, said in a speech today that the United States is the "most troubled" country in the world and predicted a dictatorship there as a result of attacks by large corporations on labor standards.

Of course, he did not know this situation had developed as it had, that the representatives of the large corporations are pleading with the Congress to lay off what it proposed, to give the workers a chance, and that the Congress has taken the bit in its teeth and is absolutely out to wreck labor. The article continues:

> Monk, who returned recently from a visit to the United States, said, "During the next 12 months there will be an attempt to establish a dictatorship by organized efforts of employers to cheapen production so the United States can get rid of its surplus goods and compete with Britain's world markets.

That may come to pass, Mr. President. Certainly, when I sit here and see the vicious antilabor sentiment in the Congress, I can see the specter of Adolf Hitler and Benito Mussolini rising up on the horizon.

The legislation we are considering is going to solve nothing. We cannot make the miners go back into the mines and work unless they want to, and they will not want to if we pass a law that says, "You must or we will put you in jail."

I will tell the Senate what will happen, Mr. President. Thousands of them will go to jail, because I have just come from working with them shoulder to shoulder, and I would go to jail before I would have anybody tell me that I had to go down in the mines and go to work whether I wanted to or not. They could put me in jail, they could shoot me, before I would go, and those men with whom I worked in the war plants have just as much spunk and just as much guts as I have.

Mr. President, here is a sample of the absurdity of the legislation we are con-

sidering. Here is an article by John F. Cramer in the Washington Daily News. He is no radical. He has been giving a new CIO union fits. I have forgotten the name of the union. It is the UPWA, or something like that. He has been taking them to task every day, so he cannot be called a radical. He says that an amendment is being drawn to prohibit anybody who belongs to a labor union which advocates strikes, or has provision for strikes in its constitution, from working for the Government. If we make it the law that one cannot belong to unions that advocate strikes and at the same time work for the Government, it will become necessary to discharge thousands of employees who have not struck, but who belong to unions which do strike against private employers. They will have to be fired, and I am one of those who will have to be fired, because in my pocket I have a card in the sheetmetal workers' union which most certainly has a provision in its charter for striking. I never did strike. We had no strikes in the plant where I worked. But if we had had just cause to strike I would have been with the boys.

Mr. President, I would be perfectly happy to go on and talk into the wee small hours. As I said, it has been my life in the past that about this time is what would be afternoon for ordinary people. I could well talk until 5 or 6 a. m., although I will have to admit that since coming to the United States Senate I have used my voice so little that my throat is very tender. I think a few hours' talk would do it good. However, inasmuch as the thirst for blood seems to be satisfied for the evening, an amendment having been railroaded through, and a motion to reconsider tabled, that seems to have satisfied the craving for getting at the throat of labor for the evening so I guess I shall not continue further this evening.

Mr. President, I again want to say that I had no intention of casting any aspersions on the character of any Senator. It was an inadvertent slip.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER (Mr. HOEY in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. WAGNER, from the Committee on Banking and Currency:

Wilson W. Wyatt, of Kentucky, to be Housing Expediter;

Robert E. Healy, of Vermont, to be a member of the Securities and Exchange Commission for the term expiring June 5, 1951 (reappointment); and

Richard B. McEntire, of Kansas, to be a member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 1948.

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 11 o'clock a. m. today.

The motion was agreed to; and (at 1 o'clock and 13 minutes a. m., Friday, May 24, 1946), the Senate took a recess until 11 o'clock a. m. of the same day.

NOMINATIONS

Executive nominations received by the Senate May 23 (legislative day of March 5), 1946:

DIPLOMATIC AND FOREIGN SERVICE

The following-named persons to be foreign-service officers unclassified, vice consuls of career, and secretaries in the diplomatic service of the United States of America:

Oscar V. Armstrong, of North Carolina.
W. Wendell Blancke, of Pennsylvania.
William N. Dale, of New York.
Alfred le S. Jenkins, of Georgia.
Curtis F. Jones, of Maine.
Francis E. Meloy, Jr., of Maryland.
Alexander L. Peaslee, of Ohio.
Howard A. Reed, of California.
Stephen A. Rynas, of New York.
Frederick D. Sharp 3d, of Connecticut.
Albert W. Sherer, Jr., of Illinois.
Levi P. Smith, Jr., of Vermont.
Gerald Stryker, of Connecticut.
Richard M. Tynan, of New York.
Stanley B. Wolff, of New York.

UNITED STATES PUBLIC HEALTH SERVICE

The following-named candidate for promotion in the regular corps of the United States Public Health Service:

Senior Assistant Sanitary Engineer Ralph Porges to be temporary sanitary engineer.

HOUSE OF REPRESENTATIVES

THURSDAY, MAY 23, 1946

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou infinite Father, in the onward sweep of time we are brought again to the beginning of a new day. As we hold it in our grasp, may it be something better and purer for Thy children everywhere. We pray that the disparagements of life may give way to larger faith and recognition of the eternal verities. Grant that the hearts of designing men may be melted into brotherhood; that the duty and sanctity of honest labor may increase; and that creeds may be swallowed up in pure, undefiled religion. Dear Lord, we entreat Thee that Thy kingdom, for which the devout of every age have prayed, may come to the great soul of humanity, when men shall trust one another and work for the things that make for peace; when there shall be no oppression and the new world shall appear. How beautiful upon the mountains are the feet of Him that bringeth good tidings, that publisheth peace. We pray in the name of Thy Son, the Prince of Peace. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment a bill and a joint resolution of the House of the following titles:

H. R. 4763. An act for the relief of R. L. Benton; and

H. J. Res. 353. Joint resolution extending the time for the release of powers of appointment for the purposes of certain provisions of the Internal Revenue Code.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House which was read:

MAY 22, 1946.

The Honorable the SPEAKER,
House of Representatives.

SIR: Desiring to be temporarily absent from my office, I hereby designate Mr. H. Newlin Megill, an official in my office, to sign any and all papers and do all other acts for me which he would be authorized to do by virtue of this designation and of clause 4, rule III, of the House.

Respectfully,

SOUTH TRIMBLE,
Clerk of the House of Representatives.

MEMBERS OF THE HOUSE TO ATTEND MEETING OF EMPIRE PARLIAMENTARY ASSOCIATION

The SPEAKER. Pursuant to the provisions of Senate Concurrent Resolution 58, Seventy-ninth Congress, the Chair appoints the following Members on the part of the House of Representatives to attend the meeting of the Empire Parliamentary Association, to be held in Bermuda, beginning June 10, 1946: Mr. LUTHER A. JOHNSON, of Texas, chairman; Mr. RICHARDS, of South Carolina; Mr. GRANT, of Indiana; and Mr. SMITH, of Wisconsin.

COMMITTEE TO INVESTIGATE DISPOSITION OF SURPLUS PROPERTY

The SPEAKER. Pursuant to the provisions of House Resolution 385, Seventy-ninth Congress, the Chair appoints as members of the Select Committee To Study and Investigate the Operation of the Program for Disposition of Surplus Property the following Members of the House: Mr. SLAUGHTER, Missouri, chairman; Mr. DAVIS, Tennessee; Mr. ROONEY, New York; Mr. RIZLEY, Oklahoma; and Mr. ROBERTSON, North Dakota.

SCHOOL-LUNCH PROGRAM

Mr. FLANNAGAN. Mr. Speaker, I call up the conference report on the bill (H. R. 3370) to provide assistance to the States in the establishment, maintenance, operation, and expansion of school-lunch programs, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R.

3370) to provide assistance to the States in the establishment, maintenance, operation, and expansion of school-lunch programs, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and egree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "That this Act may be cited as the 'National School Lunch Act'.

"DECLARATION OF POLICY

"SEC. 2. It is hereby declared to be the policy of Congress, as a measure of national security, to safeguard the health and well-being of the Nation's children and to encourage the domestic consumption of nutritious agricultural commodities and other food, by assisting the States, through grants-in-aid and other means, in providing an adequate supply of foods and other facilities for the establishment, maintenance, operation, and expansion of nonprofit school-lunch programs.

"APPROPRIATIONS AUTHORIZED

"SEC. 3. For each fiscal year, beginning with the fiscal year ending June 30, 1947, there is hereby authorized to be appropriated, out of money in the Treasury not otherwise appropriated, such sums as may be necessary to enable the Secretary of Agriculture (hereinafter referred to as 'the Secretary') to carry out the provisions of this Act.

"APPORTIONMENT TO STATES

"SEC. 4. The sums appropriated for any fiscal year pursuant to the authorization contained in section 3 of this Act, excluding the sum specified in section 5, shall be available to the Secretary for supplying, during such fiscal year, agricultural commodities and other foods for the school-lunch program in accordance with the provisions of this Act. The Secretary shall apportion among the States during each fiscal year not less than 75 per centum of the aforesaid funds made available for such year for supplying agricultural commodities and other foods under the provisions of this Act, except that the total of such apportionments of funds for use in Alaska, Territory of Hawaii, Puerto Rico, and the Virgin Islands shall not exceed 3 per centum of the funds appropriated for agricultural commodities and other foods for the school-lunch program. Apportionment among the States shall be made on the basis of two factors: (1) The number of school children in the State and (2) the need for assistance in the State as indicated by the relation of the per capita income in the United States to the per capita income in the State. The amount of the initial apportionment to any State shall be determined by the following method: First, determine an index for the State by multiplying factors (1) and (2); second, divide this index by the sum of the indices for all the States; and, finally, apply the figure thus obtained to the total funds to be apportioned. For the purpose of this section, the number of school children in the State shall be the number of children therein between the ages of five and seventeen, inclusive; such figures and per capita income figures shall be the latest figures certified by the Department of Commerce. For the purposes of this Act, 'school' means any public or nonprofit private school of high-school grade or under and, with respect to Puerto Rico, shall also include nonprofit child-care centers certified as such by the Governor of Puerto Rico. If any State cannot utilize all funds so apportioned to it, or if additional funds are available under this Act for apportionment among the States, the Secretary shall make further apportionments to the remaining States in the same manner.

"SEC. 5. Of the sums appropriated for any fiscal year pursuant to the authorization contained in section 3 of this Act, $10,000,000 shall be available to the Secretary for the purpose of providing, during such fiscal year, nonfood assistance for the school-lunch program pursuant to the provisions of this Act. The Secretary shall apportion among the States during each fiscal year the aforesaid sum of $10,000,000, and such apportionment among the States shall be on the basis of the factors, and in accordance with the standards, set forth in section 4 with respect to the apportionment for agricultural commodities and other foods. The total of such funds apportioned for nonfood assistance for use in Alaska, Territory of Hawaii, Puerto Rico, and the Virgin Islands shall not exceed 3 per centum of the funds appropriated for nonfood assistance in accordance with the provisions of this Act.

"DIRECT FEDERAL EXPENDITURE

"SEC. 6. The funds appropriated for any fiscal year for carrying out the provisions of this Act, less not to exceed 3 1-2 per centum thereof hereby made available to the Secretary for his administrtaive expenses and less the amount apportioned by him pursuant to sections 4, 5, and 10, shall be available to the Secretary during such year for direct expenditure by him for agricultural commodities and other foods to be distributed among the States and schools participating in the school-lunch program under this Act in accordance with the needs as determined by the local school authorities. The provisions of law contained in the proviso of the Act of June 28, 1937 (50 Stat. 323), facilitating operations with respect to the purchase and disposition of surplus agricultural commodities under section 32 of the Act approved August 24, 1935 (49 Stat. 774), as amended, shall, to the extent not inconsistent with the provisions of this Act, also be applicable to expenditures of funds by the Secretary under this Act.

"PAYMENT TO STATES

"SEC. 7. Funds apportioned to any State pursuant to section 4 or 5 during any fiscal year shall be available for payment to such State for disbursement by the State educational agency, in accordance with such agreements not inconsistent with the provisions of this Act, as may be entered into by the Secretary and such State educational agency, for the purpose of assisting schools of that State during such fiscal year, in supplying (1) agricultural commodities and other foods for consumption by children and (2) nonfood assistance in furtherance of the school-lunch program authorized under this Act. Such payments to any State in any fiscal year during the period 1947 to 1950, inclusive, shall be made upon condition that each dollar thereof will be matched during such year by $1 from sources within the State determined by the Secretary to have been expended in connection with the school-lunch program under this Act. Such payments in any fiscal year during the period 1951 to 1955, inclusive, shall be made upon condition that each dollar thereof will be so matched by one and one-half dollars; and for any fiscal year thereafter, such payments shall be made upon condition that each dollar will be so matched by $3. In the case of any State whose per capita income is less than the per capita income of the United States, the matching required for any fiscal year shall be decreased by the percentage which the State per capita income is below the per capita income of the United States. For the purpose of determining whether the matching requirements of this section and section 10, respectively, have been met, the reasonable value of donated services, supplies, facilities, and equipment as certified, respectively, by the State educational agency and in case of schools receiving funds pursuant to section 10, by such schools (but not the cost or value of land, of the acquisition, construction, or alteration of buildings, of commodities donated by the Secretary, or of Federal contributions), may be regarded as funds from sources within the State expended in connection with the school-lunch program. The Secretary shall certify to the Secretary of the Treasury from time to time the amounts to be paid to any State under this section and the time or times such amounts are to be paid; and the Secretary of the Treasury shall pay to the State at the time or times fixed by the Secretary the amounts so certified.

"STATE DISBURSEMENT TO SCHOOLS

"SEC. 8. Funds paid to any State during any fiscal year pursuant to section 4 or 5 shall be disbursed by the State educational agency, in accordance with such agreements approved by the Secretary as may be entered into by such State agency and the schools in the State, to those schools in the State which the State educational agency, taking into account need and attendance, determines are eligible to participate in the school-lunch program. Such disbursement to any school shall be made only for the purpose of reimbursing it for the cost of obtaining agricultural commodities and other foods for consumption by children in the school-lunch program and nonfood assistance in connection with such program. Such food costs may include, in addition to the purchase price of agricultural commodities and other foods, the cost of processing, distributing, transporting, storing, or handling thereof. In no event shall such disbursement for food to any school for any fiscal year exceed an amount determined by multiplying the number of lunches served in the school in the school-lunch program under this Act during such year by the maximum Federal food-cost contribution rate for the State, for the type of lunch served, as prescribed by the Secretary.

"NUTRITIONAL AND OTHER PROGRAM REQUIREMENTS

"SEC. 9. Lunches served by schools participating in the school-lunch program under this Act shall meet minimum nutritional requirements prescribed by the Secretary on the basis of tested nutritional research. Such meals shall be served without cost or at a reduced cost to children who are determined by local school authorities to be unable to pay the full cost of the lunch. No physical segregation of or other discrimination against any child shall be made by the school because of his inability to pay. School-lunch programs under this Act shall be operated on a nonprofit basis. Each school shall, insofar as practicable, utilize in its lunch program commodities designated from time to time by the Secretary as being in abundance, either nationally or in the school area, or commodities donated by the Secretary. Commodities purchased under the authority of section 32 of the Act of August 24, 1935 (49 Stat. 774), as amended, may be donated by the Secretary to schools, in accordance with the needs as determined by local school authorities, for utilization in the school-lunch program under this Act as well as to other schools carrying out nonprofit school-lunch programs and institutions authorized to receive such commodities.

"SEC. 10. If, in any State, the State educational agency is not permitted by law to disburse the funds paid to it under this Act to nonprofit private schools in the State, or is not permitted by law to match Federal funds made available for use by such nonprofit private schools, the Secretary shall withhold from the funds apportioned to any such State under sections 4 and 5 of this Act the same proportion of the funds as the number of children between the ages of five and seventeen, inclusive, attending nonprofit private schools within the State is of the total number of persons of those ages within the State attending school. The Secretary shall disburse the funds so withheld directly to

the nonprofit private schools within said State for the same purposes and subject to the same conditions as are authorized or required with respect to the disbursements to schools within the State by the State educational agency, including the requirement that any such payment or payments shall be matched, in the proportion specified in section 7 for such State, by funds from sources within the State expended by nonprofit private schools within the State participating in the school-lunch program under this Act. Such funds shall not be considered a part of the funds constituting the matching funds under the terms of section 7.

"MISCELLANEOUS PROVISIONS AND DEFINITIONS

"SEC. 11. (a) States, State educational agencies, and schools participating in the school-lunch program under this Act shall keep such accounts and records as may be necessary to enable the Secretary to determine whether the provisions of this Act are being complied with. Such accounts and records shall at all times be available for inspection and audit by representatives of the Secretary and shall be preserved for such period of time, not in excess of five years, as the Secretary determines is necessary.

"(b) The Secretary shall incorporate, in his agreements with the State educational agencies, the express requirements under this Act with respect to the operation of the school-lunch program under this Act insofar as they may be applicable and such other provisions as in his opinion are reasonably necessary or appropriate to effectuate the purposes of this Act.

"(c) In carrying out the provisions of this Act, neither the Secretary nor the State shall impose any requirement with respect to teaching personnel, curriculum, instruction, methods of instruction, and materials of instruction in any school. If a State maintains separate schools for minority and for majority races, no funds made available pursuant to this Act shall be paid or disbursed to it unless a just and equitable distribution is made within the State, for the benefit of such minority races, of funds paid to it under this Act.

"(d) For the purposes of this Act—

"(1) 'State' includes any of the forty-eight States and the District of Columbia, Territory of Hawaii, Puerto Rico, Alaska, and the Virgin Islands.

"(2) 'State educational agency' means, as the State legislature may determine, (a) the chief State school officer (such as the State superintendent of public instruction, commissioner of education, or similar officer), or (b) a board of education controlling the State department of education; except that in the District of Columbia it shall mean the Board of Education, and except that for the period ending June 30, 1948, 'State educational agency' may mean any agency or agencies within the State designated by the Governor to carry out the functions herein required of a State educational agency.

"(3) 'Nonprofit private school' means any private school exempt from income tax under section 101 (6) of the Internal Revenue Code, as amended.

"(4) 'Nonfood assistance' means equipment used on school premises in storing, preparing, or serving food for school children."

And the Senate agree to the same.

J. W. FLANNAGAN,
CLIFFORD R. HOPE,
STEPHEN PACE,
AUG. H. ANDRESEN,
ORVILLE ZIMMERMAN,
HAROLD COOLEY,
Managers on the Part of the House.

RICHARD B. RUSSELL,
J. H. BANKHEAD,
ARTHUR CAPPER,
ALLEN J. ELLENDER,
GEORGE D. AIKEN,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3370) to provide assistance to the States in the establishment, maintenance, operation, and expansion of school-lunch programs, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment strikes out all of the House bill after the enacting clause. The committee of conference recommends that the House recede from its disagreement to the amendment of the Senate, with an amendment which is a substitute for both the House bill and the Senate amendment, and that the Senate agree to the same.

The conference agreement differs in the following respects from the bill as it passed the House.

The House bill authorized, in section 101, an appropriation of not more than $50,000,000 for each fiscal year to enable the Secretary of Agriculture to carry out the provisions of the act. The conference substitute (sec. 3) does not provide any specific limitation on the sums to be appropriated, but authorizes the appropriation of such sums as may be necessary to enable the Secretary to effectuate the provisions of the act.

The House bill authorized, in sections 102 and 108 (e), the expenditure of not in excess of 2 percent of the funds appropriated for use directly in nonprofit child-care centers. There has been deleted from the conference substitute all reference to nonprofit child-care centers except with respect to Puerto Rico. Instead of the House bill limitation of $1,500,000 of the funds made available by the act for use in Alaska, Territory of Hawaii, Puerto Rico, and the Virgin Islands, the conference substitute provides that the total of the apportionment of funds for use in Alaska and said Territories shall not exceed 3 percent of the funds appropriated for agricultural commodities and other foods for school-lunch programs.

The House bill provided, in section 102, that not less than 75 percent of the funds appropriated for each fiscal year shall be apportioned among the States for such year for carrying out the provisions of the act. The conference substitute provides for the apportionment among the States during each fiscal year of not less than 75 percent of the funds made available for such year for supplying agricultural commodities and other foods. The funds available for supplying agricultural commodities and other foods are all sums appropriated except the $10,000,000 specified in section 5 for nonfood assistance.

The conference substitute adds a section (sec. 5) which makes available $10,000,000 to the Secretary out of the sum appropriated for any fiscal year pursuant to the act for the purpose of providing nonfood assistance for the school-lunch program. This sum is to be apportioned among the States on the basis of factors, and in accordance with the standards, applicable to the apportionment of funds available for the supplying of agricultural commodities and other foods. The total of such funds apportioned for nonfood assistance for use in Alaska, Territory of Hawaii, Puerto Rico, and the Virgin Islands is not to exceed 3 percent of the funds appropriated for nonfood assistance. Nonfood assistance is defined in the conference substitute as equipment used on school premises in storing, preparing, or serving food for school children.

The House bill limited, in section 103, the amount for administrative expenses of the secretary to 3 percent of the funds appropriated for any fiscal year for the purposes of the act. The conference agreement (sec. 6) increases the maximum for administrative expenses to 3½ prcent.

Section 104 (a) of the House bill provided for payments to be made to States conditioned upon the respective State's matching the grant, during each year, from sources within the State according to the following ratio:

Fiscal year 1947, $1 for $1.
Fiscal year 1948, $1 for $2.
Fiscal years 1949 and 1950, $1 for $3.
Thereafter, $1 for $4.

The conference agreement (sec. 7) prescribes that the matching provisions shall be in accordance with the following ratio:

Fiscal years 1947 to 1950, inclusive, $1 for $1.

Fiscal years 1951 to 1955, inclusive, $1 for $1.50.

Thereafter, $1 for $3.

Section 104 (b) of the bill as it passed the House provided, with respect to the matching requirements, that in the event the total of the funds from sources within the State, which may be considered as matching funds, do not completely match the Federal apportionments, the State educational agency may determine the application of such funds from sources within the State against the matching requirements with the exception that funds from sources within the State used in connection with schools not participating in the school-lunch program may not be so used. That language of section 104 (b) was included in view of the provisions in title II of the original bill introduced in the House. Title II was, however, not included in the bill as passed by the House. The conference substitute eliminates the provisions in section 104 (b).

Section 107 of the bill as it passed the House precluded the payment or disbursement of funds to any State or school if, in carrying out its functions under the act, it makes any discrimination because of race, creed, color, or national origin of children. The conference agreement (sec. 11 (c)) changed this restriction so as to provide, in instances where a State maintains separate schools for minority and for majority races, that no funds made available pursuant to the act shall be paid or disbursed to the State unless a just and equitable distribution is made within the State, for the benefit of such minority races, of funds paid to it under the act.

J. W. FLANNAGAN, Jr.,
CLIFFORD R. HOPE,
STEPHEN PACE,
AUG. H. ANDRESEN,
ORVILLE ZIMMERMAN,
HAROLD COOLEY,
Managers on the Part of the House.

The conference report was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. KEOGH asked and was given permission to extend his remarks in the RECORD and include an address delivered by Attorney General Clark before the Westchester County (N. Y.) Bar Association.

Mr. VOORHIS of California asked and was given permission to extend his remarks in the RECORD and include his own testimony before the Committee on Ways and Means on the Social Security Act.

Mr. FOGARTY asked and was given permission to extend his remarks in the RECORD and include a resolution just adopted by the Rhode Island State Council, Knights of Columbus.

Mr. HOCH asked and was given permission to extend his remarks in the RECORD and include a newspaper article.

Mr. RYTER asked and was given permission to extend his remarks in the RECORD and include a news article appearing in the New York Times of May 22 of this year.

Mr. LANE asked and was given permission to extend his remarks in the RECORD and include an address.

Mr. HOPE asked and was given permission to extend his remarks in the RECORD and include a letter.

Mr. KLEIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in two instances, in one to include my own remarks on Harvey Springer, of Englewood, Colo., and in the other an editorial from the Washington Post of yesterday.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. RANKIN. Reserving the right to object, Mr. Speaker, is that the editorial in which Eugene Meyer attacked me?

Mr. KLEIN. Not the gentleman from Mississippi, but the committee.

Mr. RANKIN. I have seen his contemptible attacks on me as well as on the committee, and the attack being made in his paper now on the decent people of Tennessee. That editorial is not going into the CONGRESSIONAL RECORD if I can help it. I object, Mr. Speaker.

Mr. HAND asked and was given permission to extend his remarks in the RECORD.

REEMPLOYMENT OF VETERANS

Mr. LATHAM. Mr. Speaker, in view of the announcement of the Speaker concerning the making of 1-minute speeches this morning, I ask unanimous consent to insert a short statement at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LATHAM. Mr. Speaker, there are in my home neighborhood three young veterans each with a wife and children to support, who, before entering the service, worked for the Rockaway News Co., on Long Island. After discharge from service, they sought to obtain their old jobs. The company said it was anxious to rehire them, but that they would first have to join the Newspaper and Mail Deliverers' Union, an independent closed-shop union, organized since they went into service.

They made application for membership in this union, offering to pay the membership fee of $100. So far the union has refused them membership, although their old jobs are waiting, thus denying to them the right to support their families. A letter from me to the president of the union has gone unanswered.

Thus do some labor leaders, while drooling about freedom, liberalism, and the common man, practice the un-American principles of reaction, dictatorship, and selfishness.

EXTENSION OF REMARKS

Mr. BUFFETT asked and was given permission to extend his remarks in the RECORD.

Mr. RICH asked and was given permission to have printed in the Appendix of the RECORD an article entitled "In Defense of the Corporation Employer," by Roy C. McKenna, chairman of the board of the Vanadium-Alloys Steel Co., from the May issue of the Washington News-Digest.

Mr. GRANT of Indiana asked and was given permission to extend his remarks in the RECORD and include a telegram.

Mr. SABATH asked and was given permission to extend his remarks in the RECORD in two instances, in one to include an article and in the other an editorial.

RAILROAD RETIREMENT ACT

Mr. SABATH. Mr. Speaker, I ask unanimous consent that House Resolution 625, a rule on the so-called Crosser bill, be recommitteed to the Committee on Rules.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SABATH, from the Committee on Rules, reported the following privileged resolution (H. Res. 635, Rept. No. 2103) which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 1362) to amend the Railroad Retirements Acts, the Railroad Unemployment Insurance Act, and subchapter B of chapter 9 of the Internal Revenue Code, and for other purposes, and all points of order against any provisions of the bill and committee amendment thereto are hereby waived. That after general debate, which shall be confined to the bill and continue not to exceed 5 hours to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

ALASKAN INTERNATIONAL HIGHWAY COMMISSION

Mr. SABATH, from the Committee on Rules, reported the following privileged resolution (H. Res. 636, Rept. No. 2104) which was referred to the House Calendar and ordered to be printed:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 2871) to create a commission to be known as the Alaskan International Highway Commission. That after general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION

The SPEAKER. The unfinished business is the question on the passage of House Joint Resolution 305.

The question was taken; and on a division (demanded by Mr. JONES) there were—ayes 37, noes 13.

Mr. JONES. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—ayes 264, nays 41, answered "present" 1, not voting 124, as follows:

[Roll No. 132]

AYES—264

Adams	Eaton	Kearney
Allen, La.	Eberharter	Keefe
Almond	Ellsworth	Kefauver
Anderson, Calif.	Engel, Mich.	Kelley, Pa.
Andrews, Ala.	Ervin	Keogh
Andrews, N. Y.	Fallon	Kilburn
Angell	Feighan	Kilday
Arends	Fellows	Kinzer
Auchincloss	Fisher	Klein
Bailey	Flannagan	Kopplemann
Barrett, Pa.	Flood	Landis
Barrett, Wyo.	Fogarty	Lane
Bates, Ky.	Forand	Lanham
Bates, Mass.	Fulton	Larcade
Beckworth	Gallagher	Latham
Bender	Gamble	LeFevre
Bennet, N. Y.	Gary	Lemke
Biemiller	Geelan	Lesinski
Blackney	Gerlach	Lewis
Bloom	Gibson	Link
Brehm	Goodwin	Luce
Brooks	Gordon	Lyle
Brown, Ga.	Gore	Lynch
Bryson	Gorski	McConnell
Buck	Gossett	McCormack
Burch	Granahan	McCowen
Butler	Granger	McDonough
Byrne, N. Y.	Grant, Ala.	McKenzie
Byrnes, Wis.	Grant, Ind.	McMillan, S. C.
Campbell	Green	McMillen, Ill.
Canfield	Gregory	Madden
Cannon, Mo.	Griffiths	Mahon
Carnahan	Hagen	Maloney
Case, N. J.	Hale	Manasco
Case, S. Dak.	Hall, Leonard W.	Mansfield, Mont.
Celler	Halleck	Mansfield, Tex.
Chapman	Hand	Marcantonio
Chelf	Hare	Martin, Iowa
Chenoweth	Hays	Martin, Mass.
Chiperfield	Healy	May
Church	Hedrick	Merrow
Clason	Heffernan	Michener
Clements	Henry	Mills
Coffee	Herter	Monroney
Cole, Kans.	Heselton	Mundt
Cole, N. Y.	Hill	Murdock
Combs	Hoch	Murphy
Cooper	Hoeven	Murray, Wis.
Cox	Holmes, Mass.	Neely
Cravens	Holmes, Wash.	Norblad
Crosser	Hope	Norrell
Cunningham	Horan	O'Brien, Ill.
D'Alesandro	Howell	O'Brien, Mich.
Daughton, Va.	Huber	O'Toole
Davis	Hull	Outland
De Lacy	Jackson	Pace
Delaney, James J.	Jenkins	Peterson, Fla.
Delaney, John J.	Jennings	Peterson, Ga.
Dirksen	Johnson, Calif.	Phillips
Dolliver	Johnson, Luther A.	Pickett
Domengeaux	Johnson, Lyndon B.	Plumley
Dondero	Johnson, Okla.	Poage
Doughton, N. C.	Jonkman	Powell
Douglas, Ill.	Judd	Price, Fla.
Drewry	Kean	Price, Ill.
Earthman		Priest
		Quinn, N. Y.

Rabaut	Sabath	Tibbott
Rabin	Sadowski	Torrens
Ramey	Sasscer	Traynor
Randolph	Savage	Trimble
Rayfiel	Sharp	Vinson
Reed, Ill.	Sheppard	Voorhis, Calif.
Rees, Kans.	Sheridan	Vorys, Ohio
Resa	Sikes	Wadsworth
Richards	Simpson, Ill.	Walter
Riley	Slaughter	Wasielewski
Robertson, N. Dak.	Smith, Maine	Weichel
	Smith, Va.	West
Robertson, Va.	Smith, Wis.	Whittington
Robinson, Utah	Sparkman	Wickersham
Robsion, Ky.	Spence	Wigglesworth
Rockwell	Stevenson	Wilson
Rogers, Fla.	Stigler	Wolcott
Rogers, Mass.	Stockman	Wolverton, N. J.
Rogers, N. Y.	Sullivan	Woodhouse
Rooney	Sundstrom	Worley
Rowan	Talle	Zimmerman
Russell	Tarver	
Ryter	Thomas, Tex.	

NAYS—41

Abernethy	Gavin	Ploeser
Andersen, H. Carl	Gillie	Rankin
	Gross	Reed, N. Y.
Andresen, August H.	Gwynne, Iowa	Rich
	Harness, Ind.	Schwabe, Okla.
Arnold	Hess	Scrivner
Beall	Jensen	Smith, Ohio
Bishop	Johnson, Ill.	Springer
Bradley, Mich.	Jones	Stefan
Brown, Ohio	Mason	Sumner, Ill.
Buffett	Mathews	Taber
Colmer	Miller, Nebr.	Vursell
Crawford	O'Hara	Whitten
Curtis	O'Konski	
Fenton	Pittenger	

ANSWERED "PRESENT"—1

Clevenger

NOT VOTING—124

Allen, Ill.	Fuller	Miller, Calif.
Baldwin, Md.	Gardner	Morgan
Baldwin, N. Y.	Gathings	Morrison
Barden	Gearhart	Murray, Tenn.
Barry	Gifford	Norton
Bell	Gillespie	O'Neal
Bennett, Mo.	Gillette	Patman
Bland	Graham	Patrick
Bolton	Gwinn, N. Y.	Patterson
Bonner	Hall, Edwin Arthur	Pfeifer
Boren		Philbin
Boykin	Hancock	Rains
Bradley, Pa.	Harless, Ariz.	Reece, Tenn.
Brumbaugh	Harris	Rivers
Buckley	Hart	Rizley
Bulwinkle	Hartley	Rodgers, Pa.
Bunker	Havenner	Roe, Md.
Camp	Hébert	Roe, N. Y.
Cannon, Fla.	Hendricks	Schwabe, Mo.
Carlson	Hinshaw	Shafer
Clark	Hobbs	Short
Clippinger	Hoffman	Simpson, Pa.
Cochran	Holifield	Somers, N. Y.
Cole, Mo.	Hook	Starkey
Cooley	Izac	Stewart
Corbett	Jarman	Sumners, Tex.
Courtney	Johnson, Ind.	Talbot
Curley	Kee	Taylor
Dawson	Kelly, Ill.	Thom
D'Ewart	Kerr	Thomas, N. J.
Dingell	King	Thomason
Douglas, Calif.	Kirwan	Tolan
Doyle	Knutson	Towe
Durham	Kunkel	Weaver
Dworshak	LaFollette	Welch
Elliott	Lea	White
Ellis	LeCompte	Winstead
Elsaesser	Ludlow	Winter
Elston	McGehee	Wolfenden, Pa.
Engle, Calif.	McGlinchey	Wood
Fernandez	McGregor	Woodruff
Folger	Mankin	

So the joint resolution was passed.

The Clerk announced the following pairs:

On this vote:

Mrs. Bolton for, with Mr. Clevenger against.

General pairs until further notice:

Mr. Lea with Mr. Gifford
Mr. Boren with Mr. Baldwin of New York.
Mr. Cooley with Mr. Gillette.
Mr. Boykin with Mr. Edwin Arthur Hall.
Mr. Courtney with Mr. Gwinn of New York.
Mr. Engle of California with Mr. Elston.
Mr. Buckley with Mr. Brumbaugh.
Mr. Ludlow with Mr. Kunkel.
Mr. O'Neal with Mr. Talbot.
Mr. Patman with Mr. Winter.
Mr. Rivers with Mr. Towe.
Mr. Patterson with Mr. Hancock.
Mr. Wood with Mr. Thomas of New Jersey.
Mr. Morrison with Mr. Adams.
Mr. Hobbs with Mr. McGregor.
Mr. Pfeifer with Mr. Knutson.
Mr. Barry with Mr. Reece of Tennessee.
Mr. Bulwinkle with Mr. Schwabe of Missouri.
Mr. Hart with Mr. Dworshak.
Mr. Roe of Maryland with Mr. Allen of Illinois.
Mr. Izac with Mr. Shafer.
Mr. Hendricks with Mr. Cole of Missouri.
Mr. Havenner with Mr. Taylor.
Mr. Somers of New York with Mr. Short.
Mr. Miller of California with Mr. Hartley.
Mrs. Douglas of California with Mr. Simpson of Pennsylvania.
Mrs. Mankin with Mr. Johnson of Indiana.
Mr. Doyle with Mr. Hoffman.
Mr. Bradley of Pennsylvania with Mr. Bennett of Missouri.
Mr. Cochran with Mr. Elsaesser.
Mr. Dingell with Mr. Fuller.
Mr. McGehee with Mr. Graham.
Mr. Folger with Mr. Gavin.
Mr. Gathings with Mr. Corbett.
Mr. McGlinchey with Mr. Rizley.
Mr. Roe of New York with Mr. Carlson.
Mr. Hook with Mr. Woodruff.
Mr. King with Mr. Gillie

Mr. CLEVENGER. Mr. Speaker, I have a live pair with the gentlewoman from Ohio, Mrs. BOLTON. If Mrs. BOLTON were present, she would vote "yea." I voted "nay." I withdraw my vote and answer "present."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

NAVAL APPROPRIATIONS BILL, 1947

Mr. SABATH. Mr. Speaker, I call up House Resolution 633 and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That during the consideration of the bill (H. R. 6496) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1947, and for other purposes, all points of order against the bill or any provisions contained therein are hereby waived.

WAIVING POINTS OF ORDER AGAINST H. R. 6496

Mr. SABATH. Mr. Speaker, some Member may again propound the question as to why it is that the Committee on Rules has granted a rule waiving points of order on an appropriation bill that contains legislation. There are exceptions, of course, to every rule, as we all know. In this case the exception is, and I hope it will meet with the approval of the membership, that the section of the bill carrying the legislative provision does not provide for any appropriation. In fact, the effect of this rule is really to bring about economy and efficiency and a saving of money to the Government.

Title II of the bill, H. R. 6496, the naval appropriation bill for the fiscal year 1947, provides, among other things, for the transfer of the War Shipping Administration in toto to the United States Maritime Commission, which is authorized to take over all the functions, property, personnel, and unexpended funds of the War Shipping Administration. WSA is going out of business as of June 30.

It appears that all Members are familiar with the provisions of title I, making appropriations for our greatest peacetime Navy, and I think will agree that the gentleman from California [Mr. SHEPPARD] and the members of his Subcommittee of the Committee on Appropriations on Naval Appropriations, who handled this bill, deserve the highest praise. The legislative provision in title II occurs on page 50, and reads as follows:

SEC. 202. For the purposes of the liquidation by December 31, 1946, of all of the functions of the War Shipping Administration under Executive Orders 9054, 9350, 9387, 9495, and 9336, dated February 7, 1942; June 10, 1943; October 15, 1943; November 2, 1944, and April 24, 1943; effective July 1, 1946, and continuing only during the period ending December 31, 1946, all functions, powers, and duties of the War Shipping Administration, including all of the foregoing provisions in this act relating to said Administration, are hereby transferred to and shall be exercised by the United States Maritime Commission under the same legal authorities and subject to the same conditions and limitations not otherwise altered by the foregoing provisions in this act relating to said Administration, as will be applicable to the War Shipping Administration on June 30, 1946, and the War Shipping Administration shall cease to exist as of July 1, 1946: *Provided*, That effective July 1, 1946, there shall be transferred to the United States Maritime Commission the unexpended balance of all funds available to the War Shipping Administration, together with all records, property, and personnel appertaining thereto: *Provided further*, That the unexpended balance of the War Shipping Administration revolving fund, as of close of business on December 31, 1946, shall be covered into miscellaneous receipts of the Treasury.

The effect of this proviso is to rescind the wartime Executive orders which set up the War Shipping Administration and made it the vast and far-flung operating and regulating agency it was. In view of the fact that this title will not provide for any appropriation and is, as I have said, in line of economy and efficiency, I shall not detain the House further.

I reserve the balance of my time, Mr. Speaker, and I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SABATH. Mr. Speaker, I now yield 30 minutes to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Speaker, as explained to the House by the chairman of the Rules Committee, this rule provides for waiver of points of order on this Navy Department appropriation bill for one purpose and one purpose only; so the War Shipping Administration may be transferred, now that the war needs for it are at an end, to the Maritime Commission, for the purpose of winding

up the affairs of the War Shipping Administration by December 31, 1946. In other words, the Maritime Commission will have jurisdiction over the present assets and functions of the War Shipping Administration for 6 months, from July 1 to December 31, for the purpose of liquidating that agency. Therefore, as a matter of actuality, this special rule has been granted in order to save money rather than to spend it. The other portions of the bill are not subject to points of order.

Having no requests for time, I yield back the remainder of my time.

Mr. SABATH. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

EXTENSION OF REMARKS

Mr. HOLMES of Massachusetts asked and was given permission to extend his remarks in the RECORD and include a letter he received from the President of the United States, and his reply thereto.

NAVY DEPARTMENT APPROPRIATION BILL, 1947

Mr. SHEPPARD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 6496) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1947, and for other purposes.

Pending that motion I wish to see if we can reach an agreement on time for general debate. What does the gentleman from Vermont [Mr. PLUMLEY] suggest?

Mr. PLUMLEY. In view of the importance of the measure I think we ought to have not less than 3 hours.

Mr. SHEPPARD. That is agreeable to me.

Mr. Speaker, I ask unanimous consent that general debate be limited to 3 hours, the time to be equally divided and to be controlled by the gentleman from Vermont and myself.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER. The question is on the motion.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 6496, the Navy Department appropriation bill, 1947, with Mr. STIGLER in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. SHEPPARD. Mr. Speaker, I yield myself 40 minutes.

The CHAIRMAN. The gentleman from California is recognized for 40 minutes.

Mr. SHEPPARD. Mr. Chairman, it is my privilege to bring to the floor of the House today the annual appropriation bill for the Navy for the fiscal year 1947.

For 7 weeks, the Navy Subcommittee held hearings starting at 10 each morning, allowing about an hour for lunch, and then carrying through until 5 o'clock or later each afternoon. The pace was a trying one and the result of our labors you will find encompassed in the two volumes of hearings: one on the Navy consisting of something over 2,000 printed pages, and the other on the United States Maritime Commission and War Shipping Administration involving over 600 pages. I believe I am correct in saying that this is the most voluminous hearing ever published by any subcommittee in the entire history of the Appropriations Committee.

It is my extremely happy mission to inform you that the bill that is presented herewith represents the unanimous considered judgment of the subcommittee as to the monetary allowances that should be made for the operation of our Navy during the fiscal year 1947.

I can truthfully say that if I were given complete freedom of choice in the matter of the composition of the subcommittee of which I am privileged to be chairman, I could not possibly have chosen a more able, industrious, and, withal, agreeable group of men as presently constitutes the subcommittee. My Democratic colleagues, Mr. THOMAS of Texas, Mr. COFFEE, of Washington; and Mr. D'ALESANDRO, of Maryland; and my Republican colleagues, Mr. PLUMLEY, of Vermont; Mr. JOHNSON of Indiana; and Mr. PLOESER, of Missouri, have all worked as one team in arriving at resolutions respecting the sums to be allowed and the policy considerations to be adopted as committee recommendations. Differences of opinion we have had, of course, but those differences have been submerged in the whole to the extent that by fair compromise on the few items that were in dispute we can now come to you with a completely united front, both Democrats and Republicans, and ask you to endorse the recommendations that we have most laboriously contrived.

Before giving you the principal high lights of our action, I think it most appropriate and fitting that I should say a word about John Pugh, whom all of the Members of this House have come to know, love, and admire. Mr. Pugh, who served this subcommittee as executive secretary so faithfully, has rendered a public service in Congress that goes back to 1914, when he first handled the Navy appropriations for the Senate Naval Affairs Committee. In 1918 he was assigned to the House Naval Affairs Committee and charged with the responsibility of counseling that committee on appropriations for the Navy Department. In 1921 Mr. Pugh was transferred to the House Appropriations Committee and from that date on to and including the fiscal year of 1946 he served the Navy Appropriations Subcommittee, giving it the benefit of his wisdom and experience in drafting annual appropriation acts. His record shows 31 years of uninterrupted service to the membership of the Senate and House, and I do not believe there is a man who has a firmer grasp of the organization, laws, regulations, and operating procedures of the Navy Department than Mr. Pugh. Not so long ago he succeeded Mr. Mark Sheild, who resigned, and this subcommittee's loss is the full Appropriations Committee's gain as Mr. Pugh presently continues to give the entire Appropriations Committee in the Congress the benefit of his past experience and mature judgment which he has gained in his thirty-odd years of service to the Congress.

Mr. Pugh's position with this subcommittee as its executive secretary was taken over by Mr. Jack McFall, whom you all know was recently released from Navy service. This committee wants to pay its compliments to Mr. McFall for the splendid manner in which he has taken over the executive secretary duties. All through our hearings, irrespective of long hours involved, Mr. McFall has been a bulwark of support and intelligent cooperation.

The Budget estimates submitted by the President for the operation of the Navy Department and naval establishments during the next fiscal year total $4,265,399,000. Of this, all but $500,000,000 would be met directly by appropriations from the Treasury. The $500,000,000 would be made available by transfer to the item "Pay and allowances" from the naval stock fund account. In addition to such sum of $4,265,399,000, submission proposes the grant to the Bureau of Aeronautics of contractual authority of $275,000,000 toward carrying out the naval aircraft procurement program in the next fiscal year.

As the bill is presented to you—and these figures are all shown in the tabular statement in the report accompanying the bill—the actual cash outlay from the Treasury will be increased by approximately $375,000,000 over and above the Budget estimates if the recommendations of the committee are approved. I want to dwell on this $375,000,000 increase, however, for just a moment because the committee has taken action respecting existing and requested contractual authority that will serve to more than offset this additional cash commitment.

For some time the committee has looked with growing disfavor upon the procedure of granting contractual authority to the Navy Department, or to any other department, for that matter, although our responsibility is, of course, limited to the Navy. During the war it was not thought to be the better part of wisdom to interfere with the custom of providing their contractual authority which serves to obligate the Government to future outlay of funds to liquidate the legal commitments growing out of such contractual authority. Now, however, in the first peacetime year of operation, it is thought we have reached a most appropriate time to reverse the past procedure and put the Navy on a cash basis. At best, Government finances are extremely involved, and even those among us who are supposed to be experts in our own individual fields find ourselves at a complete loss to try to keep our fingers on the maze of legislative authorizations, contractual authority, and appropriations that are made. What position, therefore, must the humble citizen be in when he endeavors to understand how his Government operates? I feel it to be the definite obligation of those of us charged with handling the financial end of our Govern-

ment's operations to do everything possible to clarify the Government accounting picture to the end that there may be a greater facility of understanding and the interested taxpayer may have some reasonable understanding of how the various financial phases of his Government operate. To effectuate our ideas on this subject, therefore, the committee is recommending the repeal of existing contractual authority now on the books, amounting to an estimated $147,000,000, and at the same time is disallowing an additional request of $275,000,000 of contractual authority for the Bureau of Aeronautics. Adding these two sums, we arrive at a figure of $422,000,000, representing contractual obligations that will be dispensed with. If we offset this figure, then, against the three-hundred-and-seventy-five-million-odd dollars in cash over the Budget estimates, we find that there will actually be a differential of some $45,000,000 on the side of the principle of economy.

Now, I want to give the House a picture of just what is involved by way of the size of the Navy in the committee action that has been taken.

The Navy Department, in submitting its request for funds to the Bureau of the Budget, based its estimates upon an operating force plan called 1–A. This plan contemplated that the Navy would adjust its demobilization program, which terminates on September 1 of this year, in such a fashion as to provide for an average complement of 542,000 enlisted men and 83,500 officers for the entire fiscal year. Note that this is an average strength. In order to meet these average figures, it was planned to start the fiscal year with approximately 1,000,000 enlisted men and 105,000 officers, gradually reducing the force until at the end of the fiscal year 1947 there would have been an enlisted strength of 500,000 men and 58,000 officers. Under this 1–A plan the active fleet would have been composed of 319 major combatant vessels, with 73 in the reserve fleet, and 687 in the inactive fleet.

I might say parenthetically in this connection, and I know it will be of interest to the House, that it is proposed to man the active fleet with a peacetime complement that, in numbers, would be approximately 70 percent of the wartime complement, the Reserve fleet would carry a 30-percent peacetime complement, and the inactive fleet about 10 percent of wartime numbers. This operating force plan 1–A was submitted by the Navy to the President and his budgetary authorities, and following the action taken by the President, reductions in funds aggregating approximately $2,000,000,000 were made and the Navy, to meet these reductions, devised operating force plan 2. This plan provided for an average enlisted strength of 500,000 enlisted men with 58,000 officers. By accelerating demobilization, it was proposed under this plan 2, to start the fiscal year 1947 with 950,000 enlisted men and 105,000 officers, gradually reducing the strength throughout the fiscal year to an end-year total of 437,000 enlisted men and 58,800 officers. It became necessary, under the Budget reductions, to cut the active fleet from 319 major combatant ships to 291; to reduce the Reserve fleet from 73 to 42, and the inactive fleet from 687 to 632. So much for the picture that was presented to the committee as regards the two plans proposed for operation of the fleet during the next fiscal year.

After hearing all of the major officials of the Navy Department and soliciting their views on the over-all question of the adequacy of the funds in plan 2 to provide a Navy that would insure the national security, the committee reached a unanimous conclusion that some means must be devised to increase the fighting ability of the fleet, particularly in view of the present international picture and its potentialities. Sifting the problem down to its ultimate factors, there were two ways open to achieve an expanded Navy. The first was to place additional funds in the bill to add men and ships in such numbers as to bring the appropriations up to the figure of over $6,000,000,000 requested to effectuate plan 1–A. The alternative to this course was to expand our Naval and Marine Corps Reserve in such a fashion and to such a degree as to provide an immediately ready, highly trained Organized Reserve that could step into the breach if and when any emergency should come to pass. The committee recommends to you that you adopt this latter course in the firm belief that not alone will the principle of economy be served, but at the same time, we will be implementing our Navy and Marine Corps with a trained manpower of immediate and potential use that will serve satisfactorily, in the opinion of the committee, to meet the deficiencies in manpower that are part and parcel of operating force plan 2.

Now I want to tell you just how we propose to build up an aggressive Organized Reserve in both the Navy and the Marine Corps. For the Naval Reserve, we have increased the Budget estimate by about $55,000,000. This action will permit the training of approximately 55,000 additional men and 3,000 additional officers in the Reserve, both for the fleet and for aviation, and, at the same time, these increased funds will permit a much more intensified program of training for the entire Organized Reserve than was possible under plan 2. As regards the volunteer Reserve, we propose to have the Navy give a 2-weeks' cruise for some 60,000 officers and men of this group, which cruise will prove an opportunity for these reservists to get in their sea time and keep abreast of developments in their various specialized ratings and professions aboard ship. We are proposing to allocate about $10,000,000 of the increase recommended in order that ships may be moored at various locations situated on salt water or navigable streams, which ships can then be used as training bases. At interior points in the country, these training facilities will be contrived by either improving existing armories or assembling and setting up Quonset huts as armories.

A word now about what we have done with the Marine Corps Reserve program. In brief, we have doubled it. If you approve our recommendation, you will make it possible to give some type of Reserve training to approximately 60,000 officers and men of the Marine Corps, whereas, under plan 2, only half that number could receive training. As with the Naval Reserve, the additional funds will also permit an intensification of training as well as increasing the numbers to be trained. The committeee believes that this proposal to augment and intensify the Marine Corps Reserve training program will meet with the enthusiastic approbation of the American people. The sentimental attachment of the people for this Corps is deeply rooted, and its deeds during the past war are, of course, extolled by us all. The Marine Corps pointed the way to modern methods of amphibious warfare, and the Corps rightfully prides itself on having been in the lead in the matter of developing amphibious tactics. The size of the Marine Corps is fixed by law at 100,000 men and 7,000 officers. Funds are in the bill to sustain these numbers. I earnestly solicit your support to step up this Reserve training program so that we will have a backlog of ready-to-go marines should the course of our national destiny force us to call upon them again for their aid.

The net effect, if you approve the committee plan for both the Navy and Marine Corps Reserve activity, will be to provide sufficient manpower in a reserve status to man the fleet in time of emergency and supply a mobile, effective Marine Corps Reserve rather than increasing the size of the Naval Establishment beyond the limits set forth in plan 2. So much for that subject.

Now I want to touch on the action that we have taken respecting the funds allowed for research. We are providing a total in the bill under the various bureau headings of approximately $250,000,000 for research and development as to ships, guns, planes, and all the other paraphernalia that go into the making of a strong, up-to-date, highly efficient Navy. We have increased the Budget estimates by approximately $40,000,000 in the fields of research and development. We want to step up our program of pure research as well as to permit a full program of experiment and development of various materials and equipment that hold promise of lending to more efficient operation of our Naval Establishment. We must not, under any circumstances, lag behind any other nation in developing the very finest and most up-to-date equipment possible. In the field of pure research, we must diligently plod, ever hoping that at one turn of a hand a whole new principle of action or of use may develop. We cannot stand still; we must move, and move under the guiding genius of the best scientific minds that this Nation affords. This objective we propose to serve with the funds that we provide for this research and development work. Some of these additional research funds will be used to step up the program of the Naval Research Laboratory, the activities of which have always been a matter of sympathetic concern to our committee. Some of the funds will be used to further develop mock-up and training devices for all of the bureaus of the

Navy Department. These training devices save millions of dollars in training costs, as otherwise it would be necessary to use operational equipment for the training which, in turn, means large expenditure of maintenance and operating funds. Also, there is another advantage in these training devices that transcends any money considerations, and that is in the saving of life that naturally results when it no longer becomes necessary to subject Navy personnel to the hazards of operational training as a means of properly qualifying them for their work.

Now I want to advert for a moment to a subject that is very close to me both personally and officially, as chairman of the committee. I refer to the matter of the disposal of surplus materials.

Upon scrutinizing the appropriations which we had under consideration at the time of the hearings, the bill disclosed some $30,700,000 of funds proposed to be appropriated in the bill to the various component units of the Navy which would under proposed procedure be used for the express purpose of caring for surplus naval properties which would be officially declared surplus and the title to which, upon such declaration, will automatically be vested in the War Assets Administration or other surplus-disposal agencies. This committee has definitely exerted every effort to establish strict interdepartmental accountability in and among the departments of the Navy The committee was at a loss to understand why the appropriations for the War Assets Administration should be presented in a naval appropriation bill. If this procedure were to be followed out, the War Assets Administration would not be subject to strict accountability for the moneys it expended and money it returned to the Federal Treasury.

Further, your chairman of this subcommittee along with many other Members of the Congress have constantly received complaints as to the manner in which the War Assets Administration was disposing of the surplus under its cognizance.

I have been reliably informed that priorities are being used for jeeps, trucks, and sundry other surplus materials far in excess of the War Assets Administration's ability to deliver. We called General Gregory and he brought several members of his staff before the committee; and we were advised by him that this money arrangement had been entered into by and between the War Assets Administration and the Bureau of the Budget. After considerable discussion with the general and his staff, it was definitely established that they did not have a thorough knowledge of their inventory or manner in which that inventory was to be disposed of. Consequently, as soon as the hearings were over, your chairman took a plane to the west coast and checked in a series of War Assets Administration depots and the manner in which their surpluses were being handled. In Portland, Oreg., we found the War Assets Administration had a man in charge who was better posted on procedure than was found in previous projects investigated. Your chairman of this subcommittee found in San Francisco, Oakland, and other depots that the personnel was so involved in directives that no one could function to any degree of certainty in the disposing of surplus under their cognizance.

Port Hueneme, Calif., was set up as a guinea pig of disposal procedure. There your chairman found approximately 80 percent of the material at that depot had never been used and cost to the Government could be readily established, and yet transformers, a tremendous amount of cable, electrical supplies, and housing supplies that are so definitely needed were not being disposed of with any degree of expedition. The entire situation which I canvassed represented chaos and red tape beyond comprehension.

At the present time, the public is demanding a right to procure the surpluses and the surpluses are available. All the program needs is simplicity of operation and someone in authority who will permit those in charge of the local disposal depots to dispense with much of the surplus materials into our present economy; whereas, if the present method of the War Assets Administration is to continue, the surplus materials will not be in the public's hands and when production gets underway the surplus disposition will have to discontinue or it will impede employment and again will cause economic chaos, while if expedited now to a receptive public it could be gotten out of the way and reasonable returns to the Federal Treasury made available. I strongly recommend that a better method of the disposal of surplus materials be worked out by General Gregory and his staff in a more expeditious manner if they are to fulfill their responsibility to the Government in the positions which they occupy.

In Los Angeles I found two gentlemen, Messrs. William Johnson and John F. Taggert, who are very capable men and if they were not surrounded by controversial directives I feel they would be capable of rendering a splendid service. Others whom I encountered in the southern California area are not, in my opinion, capable of responding to the requirements of the positions which they hold.

I have given you a brief picture of just what constitutes this surplus property disposal program as far as the Navy is concerned, and I have indicated how the Navy is being charged with inefficiency regarding these materials when, in fact, the Navy has nothing in the world to do with them once they have been declared surplus and become the property of the War Assets Administration.

The committee does not intend to further countenance the idea of having the Navy Department bear the cost of maintaining and warehousing these surplus materials for the benefit of any disposal agency of the Government when the surplus belongs to another agency. Therefore, we have inserted a limitation in the bill that will prevent the use of any appropriated funds to pay for maintenance of surplus property after it has been officially declared surplus unless the disposal agency, on whose account it is held, shall reimburse the appropriations for the cost of such care and handling by the Navy. There is no reason in the world why the War Assets Administration or any other Government surplus agency should not bear these costs that should be considered and made a part of any accounting that deals with the financial picture and net return to the Government on its surplus disposal program. Warehouse storage costs can easily be apportioned on a square-foot basis as between naval and surplus goods, and the surplus agency be made to bear its proportionate share of the cost.

In the report accompanying the bill, the committee has made several suggestions to the Navy Department which it is hoped will be useful in improving administrative procedures and practices. I will not take the time of the House to go into these recommendations in detail, but would suggest that the Members read the report if they are interested in what the committee is continually trying to do in conjunction with naval officials to raise the level of efficient operation in the Navy.

I do want, however, to refer briefly to one subject that we intend to press to the limit and that is the matter of insuring a more strict accountability for appropriated funds. During the war it was, of course, necessary to let the bars down in a large degree in order that we could get the job done as quickly as possible. There is no longer, however, any justification why we should not have strict accountability for all expenditures of funds that the Congress provides. We have already made several steps in the direction of accomplishing this design, and I can assure the membership of the House that we have afoot further plans that we hope to bring into fruition at a later date.

As a passing reference that I think merits comment, I want to call the attention of the House to the fact that the Navy has compiled quite an enviable record in the handling of naval prisoners. Out of 61,000 naval prisoners receiving general court-martial sentences from Pearl Harbor day to the end of December of last year, 82½ percent have already been restored to duty. By the use of these prisoners for certain types of labor, it is estimated that there has been a saving to the Government of some $6,300,000, which otherwise would have to have been expended to perform the labor involved. I commend this performance.

I also want to advert a moment to the matter of contract renegotiation and settlement. Up to the time of the hearings the Navy had effected settlement on some 37,000 of the total number of 52,000 contracts to be settled. Fifteen thousand remain yet to be disposed of. These unsettled contracts represent a total contract value of about $9,000,000,000. This is a highly complex and difficult task, but one which it appears the Navy is acquitting with manifest concern for the interest of both the contractor and the taxpayer.

Previously I referred to the action the committee had taken in eliminating contractual authority. One of the two items affected by our action in this regard was

the provision for public works. We have inserted a provision in the bill that will repeal all outstanding contractual authority for public works that will remain unobligated as of July 1, 1946. It is estimated that this sum will total about $147,000,000. In lieu thereof we are recommending cash appropriations of approximately $143,000,000 divided as between domestic construction and foreign use. The sixty-three-and-odd-million dollars carried for the foreign construction will be devoted primarily to the construction of housing units for the officers and men in the advanced base areas. Advance base depot operations and maintenance of overseas bases are also provided for under this heading.

For domestic public works we are providing an appropriation of $83,000,000, which will be used for several small construction projects on the various naval and air bases in the United States and will also permit the construction of four naval hospitals in the United States, one on the west coast, one on the east coast, and two in the Middle West. This hospital construction is just one step in the over-all program of providing several thousand additional beds to take care of war casualties.

I want to direct your attention to an item in the bill of $9,600,000 for a program of exploring for oil in Naval Petroleum Reserve No. 4 in Alaska. The committee went into this subject very extensively with many of the officials of the Navy Department, both technical and administrative, that will be engaged in handling this project. All scientific indications point to the fact that we have at our Alaskan doorstep a vast reserve of oil that will be of tremendous value to us as a wartime reserve. I am sure there is no necessity to go into any lengthy discussion as to the value, from the standpoint of national security, of sizable oil reserves. We see around us every day in all countries of the world, the eternal search for oil and the many political complications that it brings in its wake. I call your attention to Russia in Iran. Certainly the wisdom of a national policy directed at ascertaining the extent of any oil reserves that we might have at present in territory under our own national control is not open to any argument whatever. Therefore, we propose to set up a 3-year program aimed at securing positive scientific data as to the amount of oil that might be available in the far northern Alaskan area which oil, should national necessity overtake us, would be of untold value as a national resource. I want to make it clear that the program is only one of exploration. After we find out what we have up in that area, then the economists, geologists, transportation experts, and so forth, can compose their thoughts and work out the economics of its conservation or use. Those are questions postponed until the future and can be settled only after we know just what reserves may be found to exist.

Under the Bureau of Medicine and Surgery, we are allowing $31,500,000 which is the amount of the Budget estimate. By the end of the fiscal year 1947, the Bureau of Medicine and Surgery will be operating 34 naval hospitals within the United States and 12 outside. The 1947 program calls for a bed capacity of 35,500 with a daily patient load of 21,300. For every 1,000 postwar strength of the Navy, we are making provision for six and one-half medical officers, two dental officers, and four nurses. The committee has made it very clear in the report on the bill that it unanimously disapproves any policy aimed at constructing with naval funds any hospital facilities that will be taken over by any other agency of the Government after its construction. We take the position, and I am sure the House will agree that it is both a reasonable and a desirable one, that each department of Government must stand on its own feet as regards its appropriations and that we must avoid any procedure whereby we incur charges for one department for the benefit of another. To indulge such a practice is to hopelessly confuse proper accounting and accountability.

The committee is asking you to appropriate $245,000,000 for the Bureau of Ordnance, of which amount approximately $77,000,000 will be used in installing up-to-date ordnance in the fleet. Included in the increase for research, to which I alluded previously, is an item of $10,000,000 for ordnance research aimed at stimulating the program of research and development in guns, ammunition, and their ordnance counterparts.

The Bureau of Supplies and Accounts is the beneficiary of about $1,904,000,000 in recommended appropriations. The largest item under this head is the item for pay and subsistence of all naval uniformed personnel. We made a reduction of about $25,500,000 in the appropriation "Maintenance, Bureau of Supplies and Accounts," this sum being an estimate of the charges that would inure to this Bureau in taking care of surplus materials for the account of Government surplus disposal agencies. As I stated before, the committee does not intend to countenance the practice of having one department of Government pay another department's just costs. Therefore, we have deleted this sum from the bill.

Under the Bureau of Aeronautics heading in the bill, we are substituting a cash appropriation of $200,000,000 for aircraft procurement in place of a request for additional contractual authority of $275,000,000. Included in the total recommended allowance of $805,760,000 for this Bureau, $310,000,000 will be available for carrying on the aircraft and aircraft accessory procurement program which will supply us a total of 1,359 new naval planes next year. Altogether, we will have about 9,000 Navy and Marine Corps planes in operation next year, plus 1,600 aircraft for training the Naval Reserve. We are providing for storage of 2,500 planes which will be gradually used up over a 3-year period. About $100,000,000 of the appropriation will be used for research and development in the vast field of aeronautics as it applies particularly to naval participation therein.

For the Bureau of Ships, we are proposing an appropriation of $443,750,000. This sum, if granted, will be sufficient to provide all maintenance and operating expenses of the fleet under the cognizance of this Bureau and will permit the Bureau to augment its research program by an additional $10,000,000 which the committee has inserted in the bill in consonance with the policy heretofore defined of bolstering the research and development program throughout the Department.

We are providing $350,000,000 for construction of combatant ships. This program is in compliance with the recent action of the Congress in enlarging the scope of the construction program by requiring the completion of all combatant ships 20 percent or more completed. To finish this program will require a future outlay in appropriations of approximately $150,000,000.

Our Marine Corps will be held at the maximum authorized strength of 100,000 men and 7,000 officers. The increase of about $12,600,000 which appears under the Marine Corps heading in the bill is attributable almost entirely to the program of doubling the Reserves which I previously explained at some length.

One major reduction made by the committee is in the salaries of civilian employees in the Navy Department and Marine Corps headquarters in Washington. The budget had proposed funds under the various bureaus and offices sufficient to pay the compensation of approximately 14,000 civilian employees. The committee sifted through these requests with a fine-tooth comb with the result that we have shaken them down by something approximating 15 percent so that in effect, we have cut out about 2,000 civilian employees, which means a saving of approximately $5,500,000. This is one of the few places in the bill where the committee feels that a reduction is justified, so we used the paring knife accordingly.

I could go on for a considerable period of time explaining all of the various minor changes made by the committee in the various budget estimates; however, I do not feel justified in trespassing on the time of the House to go into too great detail. The accompanying report on the bill is quite detailed in its nature, and I think will answer any questions of the membership as to why any particular committee action was taken.

Now I want to turn for a few minutes to the matter of the resolution had by the committee on the Budget Bureau proposals for operation of the United States Maritime Commission and the War Shipping Administration during the next fiscal year. This is the first time that the Navy subcommittee has been charged with the responsibility of making provisions for these two large and highly ramified agencies of the Government. We spend about 10 days in constant hearings with the officials of both of these agencies, and I think you will find in the hearings which are available for the perusal of the House that we conducted quite a thorough examination of their operations—past, present, and future.

No appropriations are involved for these agencies; the Maritime Commission operates by dint of a construction fund, which is revolving in nature, and all receipts from the sale of ships go into the fund, and the construction and operating costs of the Commission are paid

therefrom. The Maritime Commission was set up as a result of the Merchant Marine Act of 1936, which was subsequently amended, and is engaged in handling a long-range ship-construction program aimed at insuring our proper competitive position in world trade routes.

The War Shipping Administration, on the other hand, came into being as a result of Executive orders issued by the President. A special fund was set up, which is called the War Shipping Administration revolving fund, and into which appropriations have from time to time been made. This agency is strictly an operating unit and engages itself in the vast program of operating ships to all parts of the world as well as intercoastal and coastwide services for purposes of UNRRA, the Army, the Navy, and for commercial requirements. Supported in its conclusions by both the Comptroller General of the United States and certain responsible officials of both the Maritime Commission and the War Shipping Administration, the committee has decided to propose a consolidation of these two agencies. The War Shipping Administration was given its independent lease on life by the Executive orders referred to solely that it might have more administrative freedom of action during the war years in carrying on its gigantic task of operating the wartime fleet. The reasons that justified the establishment of this unit as a separate agency during wartime no longer exist. The Maritime Commission is fully qualified to handle the operation of ships as well as the construction of them. In order to avoid any administrative confusion, the committee proposal to effect this consolidation leaves the two funds exactly as they are at the present time, separate and distinct from each other, and merely transfers the powers, duties, prerogatives, personnel, and property of the War Shipping Administrator to the Maritime Commission. The committee is convinced that some economy will result from this move, but better still, there will be a coordination of the construction and the operating programs at the points at which they intermesh to a much greater degree than is possible or likely under the existing arrangement.

The Budget recommendations were directed at limiting the amount of money for administrative expenses that could be expended out of each of these two funds. After thoroughly examining all of the Bureau heads as to their personnel requirements, the committee became convinced that the limitations made by the Budget on administrative expenses were too liberal; therefore, we have counteracted this authority in the case of each agency and in addition thereto we have placed a series of limitations upon the amount that may be expended by both the War Shipping Administration and the Maritime Commission—if the committee recommendation is approved, the expenditures, of course, will be made by the Maritime Commission—under the various categories of operating expense incident to the 1947 fiscal year program of operating about 1,300 ships on 12,000 voyages, carrying 132,000,000 tons of cargo. One of the items that we have cut deeply into is that for expenses of charter by the Government of private vessels. The effect of the cuts we made will be to compel the Commission to do away with vessel chartering by August 1 of the present calendar year. The other limitations that we have placed in the bill on the amount of funds that may be expended for various operations are aimed at getting the Government out of the steamship business about twice as quickly as anticipated by the War Shipping Administration. There are certain intercoastwise services to United States Territories that apparently must be maintained by the Government until new schedules of freight rates can be approved that will make these trade routes compensatory as regards private operation. In the main, however, the committee believes that we can move much quicker than the program of the War Shipping Administration calls for in ridding ourselves of the Government-owned fleet of ships and getting them back in the hands of private owners who can profitably operate them. To achieve this end, we are proposing the liquidation of the War Shipping Administration by December 31, 1946, and to cover their unobligated balances into the Treasury on that date.

I am confident that the membership of the House will be glad to know that we are ultimately going to have a vast laid-up merchant fleet of something over 3,000 vessels, which, as a result of new preservative methods, can be placed in a satisfactory stand-by condition and within a reasonably short time be placed in full operation if national necessity requires.

Before closing, I want to revert to the action the committee has taken with respect to the request of the War Shipping Administration for funds to train men in and for our merchant marine. The Budget estimates provided $9,000,000 which sum was to be transferred from the War Shipping Administration revolving fund and used for a program of training about 11,200 men who will compose our peacetime merchant marine of approximately 110,000. This program involves original, upgrading, and retraining classes. The maritime training officers asked the Budget for approximately $31,000,000 to carry out a program designed to train about four times the number of men that it would be possible to train with the amount allowed by the Budget. If the Budget action had been allowed to stand, it would have meant the closing of two officers' training schools, one cadet school, all graduate stations, several upgrading schools, and a drastic reduction in the number of trainees at the remaining training institutions that could continue to operate under the reduced program. Further than that, the Budget submission would have necessitated discontinuance of the payments of approximately $65 per month to cadets in the 52 universities operating State maritime academies. This $65 represents a subsistence and compensation payment. The committee has taken the position that we must carry on a more extensive program of training of cadets and in-service training for our merchant marine. Every important maritime nation in the world recognizes the necessity of the government providing training vessels whereby the operating efficiency of the merchant marine may be enhanced. Both Government economy and efficiency of merchant marine operations demand that we have a well-trained merchant marine capable of holding its own in world maritime competition. Again, to whatever extent we give expanded training to young men who plan to make the sea their career, we are at the same time serving the needs of our national defense and national security by providing a reservoir of trained manpower that will be available for us to efficiently man our merchant fleet if and when a need shall arise. The committee, therefore, has increased the recommendation of the Budget from $9,000,000 to $15,000,000 looking toward the consummation of an expanded training program. With the additional funds, it will be possible to train approximately 19,000 men and existing educational units and facilities now used in the training will remain open and operative. Furthermore, it will be possible to continue on into the fiscal year 1947 the present policy of paying the trainees in the State maritime academies the $65 monthly payment referred to.

I hope I have not unduly transgressed on the patience of the House in submitting the foregoing thoughts and high lights of the committee action taken on the larger items in the Navy appropriation bill that you have before you. If we have erred in our judgment, I can definitely assure you it was through no lack of conscientious and sincere desire to serve the national good in the most efficient way that we could devise. As chairman of the committee, therefore, I earnestly solicit the support of the House membership when the bill is taken under consideration, following general debate, and I sincerely thank you for your patient and courteous deference to my remarks.

Mr. PLUMLEY. Mr. Chairman, I yield myself such time as I may desire.

Mr. Chairman, the distinguished chairman of the Naval Subcommittee on Appropriations for Navy has told you of the salient provisions of this bill in a very clear and illuminating manner. I endose his statements nonpartisanly and 100 percent.

He has very splendidly supplemented the subcommittee's report, which, I am happy to say, is an unanimous report of his subcommittee. We have compromised such differences of opinion, not principles, as arose during some 6 weeks' sessions, when we drafted the bill. We come to you with a solid front. We have made possible an adequate and sufficient Navy. We have not sunk the Navy. The record proves the contrary, as does the bill.

Probably I should rightly exclude from unanimity of action our beloved colleague, the gentleman from Indiana, Mr. NOBLE JOHNSON, because, as you all know, before we finished our labors in readying this measure for presentation he and his dear wife were victims of an accident in which they were seriously injured. I believe, however, that if the gentleman from Indiana, Mr. NOBLE

JOHNSON, were here he would endorse this bill, since it properly takes care of the Navy in this period of transition, according to his often-expressed desire. He has always been a stanch supporter of an adequate and efficient sea arm. The subcommittee long has leaned wisely upon his judgment and counsel and always to its advantage. He has always been for a program of defense found in the right arm the Navy affords.

Mr. Chairman, this is the tenth regular annual naval appropriation bill with which I have been directly associated. I became a member of the naval subcommittee at the commencement of the first session of the Seventy-fifth Congress, so long ago, as it seems, and served on the subcommittee, headed by our former colleague, Bill Umstead, of North Carolina, which shaped the appropriation bill for the fiscal year 1938. Mr. Umstead was an outstandingly able chairman, succeeded as chairman by my very close and dear friend, the late Jim Scrugham, of Nevada, with whom I traveled miles by air and sea and land in the interest of the Navy, than whom the Navy never had a better friend, and by our present outstandingly able chairman, the gentleman from California, HARRY SHEPPARD, who followed Jim Scrugham.

I mean "able" when I talk about Chairman SHEPPARD, for no man was ever more efficient, or pugnacious for adequate defense, with respect to Navy needs, nor better informed. He took his subcommittee across and around the seven seas in order that they might all see what they were to know, and to appropriate the taxpayers' money on the basis of what they knew. That statement will bear close analysis; it means just what it says. Our report is made on that basis. We know what we are talking about. If anybody doubts it now is the chance today to challenge our statements.

Much has transpired since that first bill upon which I sat as a novice in the committee, back in 1937. That year the bill we presented called for a total of $518,126,078—measured in millions. The bill was reported to the House on March 2, 1937. We were then operating within the confines of the London Naval Treaty of 1930 although that Treaty in practically all respects had ceased to be effective on December 31, 1936.

War clouds were gathering, yet no one then envisaged the great war which engulfed the world but a few years later. The hearings prove this. World War II corroborates it.

It was not until after the late President Roosevelt's quarantine speech in Chicago in 1939 that naval budgets began appreciably to soar. Congress was guided by needs disclosed to it by the Executive—too little and too late—too true. In no partisan speech, I say it is possible that there would have been no Pearl Harbor had such disclosures been made earlier, more frank, more true, more devoid of politics.

Beginning with the appropriation bill for 1941, which became a law on June 11, 1940, naval budgets necessarily, belatedly, began to climb. We were taken unaware. I will not detail the climb. The total expenditures over the period in which I have had a responsibility, that is for the fiscal years 1938 to 1946, both inclusive, excluding the present bill, is the staggering sum of one hundred and twenty-nine billions. Think of it—$129,000,000,000. Think that over as you measure the degree of responsibility this subcommittee assumed to recommend for your consideration. It is, and was, a paralyzing amount. It took that to win the war from the Navy standpoint alone. I am proud, but humble and almost scared, as I look back to think I could have justified and supported such expenditures, as I did. It was so great an expenditure of the taxpayers' money; yet we had to win. That we won the war and have the greatest Navy the world has ever known is my complete compensation and justification and satisfaction. So I go into the transition period with courage born of experience.

Today we start a backward trek. In fact we started right after VJ-day.

We have been rescinding appropriations. This is the first budget for a fiscal year free of war, or which we hope will be free of war, since the fiscal year which commenced July 1, 1941. It is our duty now to resurvey the requirements of our armed services and appropriate upon the basis of needs as now warranted by the international picture.

This budget we are presenting today is a large peacetime budget, but we must bear in mind that peace is not officially announced by edict, nor yet an established fact. We are still in a stage of transition. We must provide adequately for all possible emergencies until conditions generally become more stabilized.

To keep the peace till war is over we must be prepared to do it and to use force if necessary to maintain it.

The Navy is our right arm. We cannot let it be paralyzed by internal dissension, nor can we afford to do other than to learn from experience which demonstrates that lack of preparedness has cost us millions of lives and blood and treasure immeasurable. Just why we will not learn from experience at so high a cost is beyond me.

As the ranking Republican member of the Subcommittee on Appropriations for the Navy, I say that never before have so many controversial questions been presented. Were the record of the hearings to contain our off-the-record controversies, the volumes before you would be doubled as to content.

I would like right here to direct your attention to excerpts from a colloquy found on page 20 and the following of the hearings, in which in response to my interrogations Secretary of the Navy Forrestal made certain significant replies:

Mr. PLUMLEY. Mr. Secretary, the American people are very proud of what the Navy did during the war, and the correspondence which goes over my desk satisfies me that they hope and expect that Congress will appropriate sufficient funds in order to maintain the standing of the Navy so that we may have what they think, anyway, is the biggest, the best, and the most powerful navy in the world.

Secretary FORRESTAL. We will have.

Mr. PLUMLEY. That is just what I wanted to know, and I wanted to be sure that this program envisages the continuance of that right arm of strength of ours which will protect us while it temporarily at least preserves the peace of the world.

As it is now, the state of mind of the people of this country is very unsettled with respect to what is going to happen. Necessarily so. They feel that the Army has been disrupted and practically destroyed by demobilization, and they are absolutely depending upon the Navy to protect and defend us. I just want to be sure. You say that we will have—that we will maintain, no matter how much we lower the number or make changes in the character of ships, the controlling navy of the world.

Secretary FORRESTAL. Qualitatively and quantitatively. I will make this qualification—that in order to keep the number of men that we are proposing for this coming year, this submittal does not provide for the continued production of new equipment that we would like to have under normal conditions, and that is why I suggested a contingent appropriation. In other words, we will not be able to adopt and procure improved equipment to keep us up to date. We have come a very long way in this war in the art of warfare in the American Navy. There has been a tremendous development of the art—radar, fire control, rapidity of fire, guns, and so forth. A lot of that experience will not under present budget restrictions be translated into improved weapons and equipment for the fleet of 1950. In other words, there has to be a lead time to get that new stuff into being and use. For the immediate time ahead of us, there is no question, as I said, quantitatively and qualitatively, in terms of air, submarines, and surface vessels, and of the capabilities of logistics support, we will have, without any question, the mastery of the seas.

I would not want to leave you with the impression that we are able to continue the kind of development that we were making in the last 18 months of the war in terms of equipment. We will not be doing that.

Mr. PLUMLEY. I did not expect that, but I think you have answered my question.

The Secretary was referring, as was I, to the plan submitted by the Bureau of the Budget. The chairman has indicated that, as appears in the report, as follows:

After a deliberate weighing and consideration of the factors just mentioned, the committee has reached the firm conclusion that the Bureau of the Budget estimates, as submitted by the President for the operation of the Navy in the fiscal year 1947, are inadequate—not wholly inadequate, but insufficient in the mind of the committee, in some important particulars—to insure the type and size of a Navy that may be expected to meet any contingency reasonably foreseeable in the future.

So we brought in the bill now before you for consideration, in order that the type and size of a Navy that may be expected to meet any contingency reasonably foreseeable in the future, might be assured and accomplished.

There is no question you may raise which has not heretofore had our careful consideration. We are for the bill as we reported it.

As the ranking minority member of the subcommittee I stand on that statement. I endorse the presentation made by my distinguished chairman, assuring you we have provided for an adequate Navy as our right arm of defense to preserve and if necessary by force to compel perpetual peace.

Mr. SHEPPARD. Mr. Chairman, I yield 25 minutes to the gentleman from

Texas [Mr. THOMAS] a member of the committee.

Mr. MILLER of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. THOMAS of Texas. I yield.

Mr. MILLER of Nebraska. I would like to ask the gentleman a question concerning the number of ships that are being requested by the Bureau of the Budget and the number recommended by the subcommittee involving some several hundred ships that seem to be in controversy here. I hope the gentleman answers the question in his speech. If we adopt the proposal for the larger appropriation and the additional ships, would it mean that the Navy would have to have more than the 550,000 they suggested they would need for the Navy?

Mr. THOMAS of Texas. May I say to the gentleman that I will attempt to cover that in my statement. Suffice it to say at this time that we have given to the Navy what they asked for so far as this budget is concerned.

Mr. Chairman, before I go into a detailed discussion of this budget, I would like to pay my respects to the minority members of our subcommittee, the gentleman from Vermont [Mr. PLUMLEY], the gentleman from Indiana [Mr. JOHNSON] and the gentleman from Missouri [Mr. PLOESER]. The gentleman from Vermont [Mr. PLUMLEY], as you all know, carries the burden in the House of Representatives for the great State of Vermont all by himself and surely he does a magnificent job for those fine people. He has carried that burden for many, many years by himself. I know I express your hope and I certainly do express mine that he will continue to carry that burden for many years to come, because he has done such a fine job for them.

Now, when it comes to politics in our committee there are none. What little differences we have in our viewpoints we compose between ourselves, and when we come out with a bill we come out with a solid front. That is what we are going to present to you today.

Mr. Chairman, this bill contains funds for the fiscal year 1947 for the Navy and the Marine Corps. The Maritime Commission's revolving construction fund, and the War Shipping Administration's revolving fund are dealt with herein, but no appropriations are required for either.

The Maritime Commission administrative budget as presented to your committee calls for $17,590,000. We have reduced this amount to approximately $14,900,000. Its operating budget of about $245,000,000 was granted. However, the committee denied to the Maritime Commission the use of any funds in excess of $245,000,000 from its revolving fund. The War Shipping Administration has an administrative budget of about $10,868,000, and operating cost of about $900,200,000. We reduced these amounts about 40 percent. The committee recommends that the War Shipping Administration be transferred at the beginning of the fiscal year, July 1, 1946, to the Maritime Commission. This move, in itself, does not mean much. However, we have directed that most of the functions of the War Shipping Administration be wound up not later than December 31, 1946. The remaining functions of the Administration will be performed by the Maritime Commission. In so doing, in excess of $350,000,000 will be saved. We are of the opinion that private shipping industry can carry on most of the functions of the War Shipping Administration, and thereby save the Government many millions of dollars. The shooting war is over and there is no justification for the continuance, beyond the period we have set for its existence and its function as a separate entity.

As of today, there are approximately 57,000,000 tons of cargo ships in the United States above a unit of 1,600 tons. This tonnage is owned by the War Shipping Administration, the Army, and private concerns. The War Shipping Administration owns 36,000 tons of this amount. It is the plan of the War Shipping Administration during the fiscal year of 1947, to operate 13,000,000 tons. However, we recommend that private industry after December 31 take over this tonnage.

Of this 57,000,000 tons, about 3,000 vessels, totaling approximately 20,000,000 tons, will be laid up for future use in some half dozen different places.

One thousand vessels are laid up now, and during the fiscal year 1947, 2,000 more will be laid up at a cost of $15,600,000. The cost for maintaining these ships after they are laid up will be $1,100 per ship per year. These 3,000 cargo ships which can be put into operation in 3 or 4 months are a powerful weapon for national defense.

The vast majority of our total cargo tonnage was built during the war by the Maritime Commission and is composed largely of 10,000-ton Liberty ships. They will make only 10 knots per hour and are far too slow for modern use. Perhaps one of the many mistakes the Maritime Commission made was the spending of billions of dollars on Liberty ships with their slow, obsolete engine equipment. As a matter of fact, they have little use in postwar competition because they are too slow. These ship were constructed, so we were told, because fast engines could not be procured during the war. We are now told they cannot be converted into fast ships. Granted that we had no fast engines for the cargo ships needed under wartime conditions. However, it must be pointed out that we had no airplane factories, or airplane engine factories to meet war needs, just as we lacked other wartime needs. But we built from the ground up airplane plants and airplane engine factories. We also built from the ground up the atomic bomb at a cost of billions of dollars. And certainly we could have also built up plants to manufacture fast engines for cargo ships. Had we done that, instead of having about 1,700 useless ships on our hands today, we would have the same number of fast, usable ships. I could be wrong in my observation, but I need stronger proof than has been offered to the contrary to convince me I am wrong. This is just another example where Admiral Land proved to be an expensive luxury to the taxpayers.

During the war the War Shipping Administration established several schools for the training of maritime officers and the training of enlisted personnel. The officers' schools conduct a 4-year course, and paid the cadet midshipmen $65 plus keep. The Budget allows $9,000,000 for cadet midshipmen and enlisted men's schools plus five State schools. Under the Budget estimate, 1,550 cadet midshipmen going 4 years would be permitted for the two schools. We recommend the amount be increased from $9,000,000 to $15,000,000. Under this $15,000,000 budget, we are advised that all of the schools can be operated on a limited basis. We think this is a wise thing to do.

In addition, we have allowed the State maritime academies the Budget estimate of $75,000 each. Some of these State academies are very old schools. Before the war enrollees in these schools were not given any compensation, but during the war were allowed $65 per month. Under this budget, we are continuing that practice. We believe that it is for the national interest and for the future security of the merchant marine that we have trained officers and enlisted men.

We have allowed the Maritime Commission to begin the construction of 33 new ships at a total cost of $313,000,000. Sixteen of these ships are under construction now. The total is composed of 21 fast cargo ships, 8 big passenger liners, and 4 large combination passenger and cargo ships. One hundred and thirty-one million dollars will be required in 1947. This amount will be taken from the construction revolving fund. One hundred and seventy-two million dollars will be required in cash during the fiscal year 1948, at which time all of the ships will be completed.

The Maritime Commission was operated most extravagantly during the war. I regret to say it, but it is my considered judgment that most of the extravagance is chargeable to Vice Admiral Emory Land, former Chairman of the Maritime Commission, who carried the Commission's business in his hat, with the aid of a few Commission employees. These employees, to some extent, shaped the policy of the Commission. The present members of the Commission should not be charged with the laxness and extravagance of Admiral Land's administration, since most of them have been recently appointed. I am confident we can expect a business-like and economical administration of the Commission by these new Commissioners. It is my hope that the Commissioners will jointly form all policies of the Commission, and not delegate their duties to their subordinates.

It is poor policy to give any independent agency, such as the Maritime Commission and the War Shipping Administration, hundreds of millions of dollars to play with at their own discretion, in wartime much less peacetime, in the form of a revolving fund. The managers of such a fund are human, they soon forget they are the servants of the people, and get out of touch with Congress. The revolving funds of the Maritime Commission and the War Shipping Administration are just about in the zero cash stage. The Maritime Commission—the War Shipping Administration will be combined with the Maritime Commis-

sion—should come to Congress and request funds, as the need for funds arises. In other words, every expenditure of funds should be justified and approved by Congress. If a huge revolving fund is later set up by the Congress, it would be a mistake, in my judgment. Should that happen, then the Maritime Commission should be placed under a Cabinet head. However, if funds are requested of the Congress as the need arises, then the Maritime Commission could safely remain an independent agency, because the Congress would control its funds.

Let me respectfully make a suggestion to our President, and to our future Presidents, whomever they may be—Republican and Democrat alike: We all know that the personnel turn-over of the Maritime Commissioners is rapid. In the past, it has been too true that after a Commissioner was trained and learned what his job was all about, he resigned and went elsewhere. This is an unhealthy condition for the Commission. I think it would be well for our present President, and others to come, to fill two of the five positions of the Commission from promotions from within the ranks of the Maritime Commission itself. There are many capable career men within the Commission, who not only deserve the honor of being a Commissioner, but who know far more about the work to be done than any person who could be appointed from the outside.

Mr. S. D. Schell, executive secretary of the Maritime Commission, is one of the most efficient men in the Government service today. He has been with the Commission a long time, and knows its business from the ground up. He would make an excellent Commissioner. Such an appointment would be a well-deserved reward for his splendid services. At the same time, it would have a wholesome morale-building effect on the employees of the Commission. I should also like to say that Capt. Granville Conway, Acting Chairman of the War Shipping Administration, would make an excellent Commissioner. He has spent many years in the service of the Maritime Commission. During the war, he carried the load of the War Shipping Administration and s largely responsible for its excellent record. He is honest, fair and extremely capable. He can hold his head high in any company. All of us are justly proud of him.

NAVY

The Navy budget for the fiscal year 1947 is approximately $4,600,000,000, which is quite small compared with its budget during the war of $18,000,000,000 to $25,000,000,000 per year. We think that this budget gives the Navy a good start in its peacetime career. We have increased the Budget estimate by $375,000,000. In going above the budget estimate, we have allocated this extra money to the training of Reserve personnel, which we think is the backbone of a peacetime Navy; and to scientific and technological research and development. Surely, the best money we can spend in the future, is to stay ahead of our potential enemies in better ships, better guns, better airplanes, radar, and every other implement of war.

BUREAU OF PERSONNEL

We have allowed the Budget for 437,000 enlisted men, and 53,000 officers for active service. The budget allows $78,800,000 for Naval Reserve, which would provide for 141,521 officers and men. The committee recommends that this amount be increased to $120,500,000. This fund includes the training of Organized Reserve, and Volunteer Reserve. We stepped up the Organized Reserve from 141,521 officers and men to 197,352 officers and men. The above fund will also include 800,000 Volunteer Reserve officers and men, of which 60,000 surface component will get 2 weeks' training, and 5,000 aviation officers will receive the same amount of training.

We have also granted $9,500,000 over the Budget—$3,000,000 to be charged to personnel, and $6,500,000 to aviation—to finish out 2,600 aviators who lacked only a few months' training. Not to finish out these 2,600 aviators would be like throwing away $100,000,000.

It was developed during the hearings—see hearings, pages 1658 through 1668—that Vice Admiral Denfeld, the greatest of all Chiefs of Personnel, and his able assistant, Vice Admiral Taussig, were concerned about the Navy's medieval court-martial procedures, and cruel and inhuman sentences for naval law violations. They promise to remedy the evil by seeking amendments to present court-martial laws passed in 1864. The Navy is still living in 1864 in its thinking and coping with its 70,000 penal cases. A civilian commission of distinguished lawyers, judges, penologists should be appointed immediately to make changes in the entire system—not a commission of Regular Navy personnel because they are not qualified from any point of view. Navy justice has been harsh and one-sided on the enlisted personnel. Few of the Annapolis boys ever draw 5- or 6-year sentences, like enlisted men do, for committing rather trivial acts.

SHIPS

We have authorized completion of 72 combat ships which range in state of completion from 20 to 95 percent. This budget allows an expenditure of $350,000,000 for this purpose. All of these 72 ships can be completed in fiscal year 1948, or a few months thereafter, at an additional cost of $150,000,000. Not to complete these ships would be "penny-wise and pound-foolish." It is true we have the largest Navy in the world. Here I want to answer a question asked by the gentleman from Nebraska a short time ago. We have approximately 950 combat ships. But of this number we have many old ships which can be replaced by the new 72 units. Much information has been given as to the strength of our fleet as compared to others. It is strong, and no doubt the best on the high seas. We have so many more auxiliary ships than other nations, and so much greater and more accurate fire power on our combat ships that a comparison of numbers is misleading. We are told that Britain has 729 combat ships; Russia, 262; France, 58; and Italy, about 69; Germany and Japan, none. And it can be asked with much cogency: Why spend more money to build more combat ships when we have beyond all odds the best fleet on the seas today? The answer is: Keep it the best. While we are completing 72 new combat ships, it may not be amiss to mention that England is building today in the neighborhood of 110 combat ships.

The fleet will be divided into three parts: the active, the reserve, and inactive. We have about 291 combat ships in active service, 42 in reserve, and 532 inactive. We cannot afford to make the mistake of junking these ships. The inactive ones will be laid up in such a condition that they can be made ready for combat within 4 months at the outside. The active can be made ready in much less time.

The biggest insurance policy we can have against future aggression will be this laid-up fleet, plus our laid-up cargo ships, and a small but modern Air Force. If we had had in 1941 a huge laid-up fleet as we have today, fortified with a laid-up cargo fleet, Japan, nor Germany, nor anyone else would have dared attack us.

ORDNANCE

We have granted the Budget request of $246,000,000 for ordnance, of which seventy-seven millions will be spent for new ordnance and the remainder for research and maintenance. The field of research in ordnance is as extensive as it is important. We now lead the world, and we must keep that leadership. Great quantities of ships ordnance will be laid up during the fiscal year of 1947 in such a condition that its future use will be assured. This is expensive work, but it will save hundreds of millions of dollars throughout the years to come.

AVIATION

In my judgment, too much importance cannot be placed upon naval aeronautics. We know what naval aviation has done. We know what it can continue to do. It is the advanced arm of the fleet. The more money that we wisely spend for research and development in the field of aviation the wiser we shall be as a nation.

We have allowed $310,000,000, which is the Budget estimate for new planes for 1947, and covers purchase of 1,359 new planes. We allowed $23,800,000 for new aeronautical equipment, $361,000,000 for maintenance of equipment and stations, and $100,000,000 for research and technological development, making a total of $805,000,000. The Navy today has 2,500 good planes in storage. One-third of this number will be drawn out and used each year. Today we have 134 air stations, 80 in the United States and 54 outside the United States. Ninety-five stations have heretofore been declared surplus.

YARDS AND DOCKS

The budget for Yards and Docks for 1947 is approximately $143,600,000. This is indeed modest as compared to war years when it ranged from one to two billion dollars per year. Of this total, $83,600,000 will be spent in the continental United States, and $60,000,000 overseas.

We have repealed all outstanding, unobligated contract authorizations for

public works which amount to approximately $147,000,000. We think this is a wise move, and so does the Bureau of Yards and Docks. By repealing outstanding, unobligated contract authorizations and substituting cash therefor, we save approximately $4,000,000.

MARINE CORPS

We gave to the Marine Corps funds for 100,000 enlisted men and 7,000 officers. This is the Budget estimate. We go above the Budget in allowing the Marine Corps Reserve 60,000 officers and men as against only 30,000 provided for in the Budget. The additional cost above the Budget for the Marine Corps Reserve will be in the neighborhood of $13,000,000. We think this is money well spent. We have carefully examined the Marine Corps budget for many years, and we have always found the Corps to be very economical. The Corps' total budget is about $366,000,000.

We think special mention should be made of the Navy's program for scientific research and technological improvement. Too much credit cannot be given to Secretary Forrestal for this advanced program. Unquestionably, he is the spearhead of it. Science will dominate all future wars, as it has the past one. The nation that has the best scientific equipment—if we have another war—will be the winner. The Navy, throughout all its bureaus, is keenly aware of this fact. For this coming year, the Navy will spend $250,000,000 on scientific research. In my humble judgment, there is no better money in the entire budget than this sum. The committee has gone $40,000,000 above the budget, and includes funds for ships, medicine and surgery, aviation and ordnance.

We all know that the A-bomb is deadly. But hats off to Vice Adm. Ross McIntire, Chief of Medicine and Surgery. It is thought his bureau has something more deadly than the A-bomb. In fact, most of the bureau chiefs agree with that statement. And it is in a usable form.

Millions of dollars are provided for the development of flying missiles. This is tremendously important. It is thought that the next war—if one comes—will be fought in this field.

Break-down by bureaus for scientific research is as follows:

Aviation	$100,000,000
Medicine and surgery	1,600,000
Ordnance	61,250,000
Research and invention	46,000,000
Ships	41,500,000

We must keep in the Navy a nucleus of our present procurement set-up. Never again will potential enemies give us 2 years to prepare for war. Therefore, we must keep a nucleus of everything we need. It would be a tremendous mistake to destroy or dismantle our many factories and shipyards. We cannot expect them to bring more than 10 to 15 cents on the dollar if they are sold. I am glad to report that the Navy is endeavoring to make some type of arrangement whereby these plants and shipyards will be put in use, so that their value as a national asset will not be dissipated; but where they can be put into useful civilian production, and at the same time be kept in such a condition that they can be converted in a few months to wartime production if needed. Much progress is being made along this line.

I regret that there are no funds in the Budget for the procurement of critical materials. The sooner we start stockpiling these materials, the better off we shall be. This Budget should contain several million dollars for that purpose, but it does not. I hope that in next year's Budget the Navy will give this matter its serious consideration. Delay in this regard can be tragic.

The Navy has sizably reduced its uniformed personnel in headquarters in Washington from 17,750 on March 1, 1946, to 4,530 for the fiscal year 1947. Its civilian personnel in the District of Columbia as of January 1, 1946, was 16,532. That number was reduced to 15,228 by the Budget for the fiscal year 1947. The committee has further reduced all Navy civilian personnel in Washington about 15 percent. We think with a reduction in naval activities and with increased pay scale and a desirable increase of efficiency, the work load can be carried on without harm. We have also reduced the personnel about 15 percent in the Maritime Commission for the same reasons.

In conclusion, let me say our fine Navy and Marine Corps did not happen by accident. They are the product of many long and tedious hours of work. Too much credit cannot be given to our able and dynamic Secretary James Forrestal. He has guided the Navy through the war, and he has laid sound plans for the postwar Navy. Too much credit cannot be given to Vice Adm. Louis Denfeld, Chief of the Bureau of Naval Personnel, for his human qualities and good level head. Vice Adm. Ross T. McIntire, Chief of Medicine and Surgery, has the undying gratitude of the Nation for his effective work in taking care of the general health of the Navy, and its sick and wounded. We can depend upon Rear Adm. John J. Manning, new Chief of Yards and Docks, to do a splendid job. He has what it takes, and I am sure his record will be outstanding. Vice Adm. Edward L. Cochrane, Chief of the Bureau of Ships, and his able assistant, Rear Adm. Earle W. Mills, have already made a most enviable record. The Navy's great fleet is a large monument to their good judgment.

The Bureau of Ordnance has a great American as it chief, Rear Adm. George F. Hussey, Jr. He is honest, sincere, and truly a top man in the Navy. Rear Adm. Harold B. Sallada, Chief of the Bureau of Aeronautics, has done a great job for the past year. His task in the future is not a small one. He is scientific-minded, and we can count upon him keeping naval aeronautics well in front. Vice Adm. Ben Moreell, Chief of the Bureau of Procurement, is well known to the Members of Congress, and to the Nation as well. He is an outstanding man, and will keep our future procurement set-up in a ready-to-go condition.

Rear Adm. William J. Carter, Chief of the Bureau of Supplies and Accounts, has a big job ahead of him in the handling of Navy supplies. For the immediate future no man in the Navy has a more difficult assignment. We are confident he will accomplish it in his usual splendid manner.

At all times we can depend upon our friend, Rear Adm. Ezra Allen, Chief of the Bureau of the Budget and Reports, to carry in his head a large part of the Navy's financial set-up. The admiral has a lot of friends in Congress who admire, respect, and rely upon him for accurate information and judgment in most matters which affect the Navy. Your Appropriations Committee puts him high on its list of fine, able men.

General Vandegrift and his very capable staff have done a magnificent job. They have continued the fine traditions of the Marine Corps and will maintain the same high standards. The entire Nation is proud of its Marine Corps.

Last, but not least, comes Fleet Adm. Chester W. Nimitz, Chief of Naval Operations—a great sailor, a fine officer, and an outstanding American. We all love and respect him.

Mr. PLOESER. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. GRANT].

Mr. GRANT of Indiana. Mr. Chairman, I ask unanimous consent to proceed out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. GRANT of Indiana. Mr. Chairman, I would like to read a telegram that has come to me from a citizen from my district. It is signed by the president of the United Auto Workers International Union and addressed to all local unions throughout the country. It is a very interesting example of how government by pressure mail is developed. It reads as follows:

To all local unions:

Washington office advises mail reaching Congress shows strong majority against price control. Popular support for OPA slacked off. Senate action expected early next week. Demand for total defeat of House amendment and approval of strong law with no jokers must start reaching Senators soon and continue uninterrupted next 10 days. Senators not yet convinced people mean business on this issue. Your members must write and write repeatedly. Demonstration parades this week-end recommended. Send pictures of demonstrations to Senators. Time is short for preventing wage cuts through price increases. You can't do too much too soon. Urge you redouble your efforts to obtain favorable Senate action on OPA.

WALTER P. REUTHER,
President UAW-CIO.

Mr. PLOESER. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas [Mr. HOPE].

Mr. HOPE. Mr. Chairman, I have just seen a copy of a new wheat and flour order, being Amendment to War Food Order 144. This is one of the most amazing documents which I have had brought to my attention, and we have all seen some extraordinarily amazing Executive orders during the last few years. Among other things, this order provides that:

No producer shall deliver such wheat to a country elevator, or by truck, wagon, or water to a subterminal elevator, terminal

elevator or mill elevator, unless, within 15 days from the time of delivery, not less than one-half of all such wheat shall be sold to such country elevator, subterminal elevator, terminal elevator, mill elevator, or to a merchandiser, miller or other processor, *Provided, however,* That this provision shall not apply to wheat delivered for the account of the Commodity Credit Corporation.

The order further provides that no merchandiser, miller or other purchaser of wheat shall purchase or accept delivery of the same unless he shall set aside and deliver to the Commodity Credit Corporation not less than one-half of all wheat purchased by him from producers in the form of either wheat or flour.

This order is a direct violation of the statements made by the Secretary of Agriculture that wheat should not be requisitioned from farmers. I do not have before me at this moment the language used by the Secretary, but he has repeatedly expressed his opposition to that idea. Under this order, the minute any farmer moves his wheat off the farm, one-half of it must be sold whether he wants to sell it or not. He no longer has control over it as his own property. That means requisitioning wheat from farmers, and it doesn't make any difference what kind of language is used to conceal the fact.

But the most remarkable part of this procedure is that the wheat so seized is not seized wholly for the Federal Government. The Federal Government gets only one-half of it. The buyers get the other half, which they can dispose of in any way they see fit or hold for speculation as long as they may desire.

Certainly, a seizure of one man's property for the benefit of another man raises a grave constitutional question.

My mail indicates that farmers are up in arms over this order, and I personally feel that they are thoroughly justified in that feeling. If the objective of the order is to secure delivery of wheat, I predict it will fail.

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. HOPE. I yield to the gentleman from Colorado.

Mr. HILL. Let us say a farmer has a carload of wheat coming into the elevator. Am I to assume from that statement that when he delivers this wheat he must sell the half a carload that belongs to him after the Government has requisitioned the other half?

Mr. HOPE. When he brings any quantity of wheat, whether it be a carload, a wagonload, or a bushel, into the elevator for storage or for any other purpose except sale, he must sell one-half of it whether he wants to or not.

Mr. HILL. Must he store the other half?

Mr. HOPE. He can store one-half, but he must sell the other half.

Mr. HILL. To the Government?

Mr. HOPE. Not to the Government, but to the dealer.

Miss SUMNER of Illinois. Mr. Chairman, will the gentleman yield?

Mr. HOPE. I yield to the gentlewoman from Illinois.

Miss SUMNER of Illinois. What happens if he refuses to sell? This is still America; we still are supposed to have a Constitution. They are deliberately trying to do what they did in Russia when they confiscated the property of the peasants.

Mr. HOPE. As I said, I think a very grave constitutional question is raised here as to whether you can take property from one person for the benefit of another individual. It may not be so much a question of whether or not the Government might be able to requisition property under certain conditions, but there certainly is a constitutional question here which I hope some farmer will raise in order to get the matter adjudicated.

Miss SUMNER of Illinois. If it goes to the courts, we can find out whether or not we still have rights under the Constitution. I think it ought to be tried out.

Mr. HOPE. I think this is a good chance to find out.

Miss SUMNER of Illinois. I think so, too.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. SHEPPARD. Mr. Chairman, I yield 15 minutes to the gentleman from Georgia [Mr. VINSON].

Mr. VINSON. Mr. Chairman, this time a year ago the Nation was thrilled with the heroic deeds being accomplished upon the Pacific and other waters by the American Navy. They were witnessing the Navy driving from the Pacific forever the Rising Sun of Japan. This is the first appropriation in what may be classified as the peaceful era—at least the shooting is over. It is with profound regret that the Committee on Naval Affairs unanimously finds itself in disagreement in certain respects with the bill now presented to you by the distinguished Subcommittee on Naval Appropriations. We all have the same objectives. We oftentimes have different roads to accomplish that objective. I am making no complaint about the objectives of the committee, but I do make serious complaint on behalf of my committee about the result that the objective brings about.

Mr. Chairman, in October of last year, the House adopted the concurrent resolution, House Concurrent Resolution 80, saying that it was the sense of Congress that there should be a navy of 1,079 combatant ships and 500,000 men. That resolution was adopted by unanimous vote of the House on a roll call. Of course, that is not an absolute figure. It must be flexible, according to world conditions. But that was the yardstick and that was the objective of our national defense from the standpoint of the Navy—that there should be a navy of 1,079 combatant ships and 500,000 men. To support that proposition, sanctioned so far as the Congress is concerned by a unanimous vote of the House, the Navy submitted its budget figures to the Bureau of the Budget. After considerable negotiating back and forth with the Budget, the Director of the Budget speaking for the Executive sent to the Congress a recommendation saying that there should not be 1,079 ships, but that there should be 965 ships. When the Navy submitted its proposition of 1,079 ships, we had before us the same identical world situation that exists today. And what is that world situation? Not a single treaty has been signed nor are there any positive indications that any will be signed or entered into in the very near future. On the contrary, the world condition might be described as a little more chaotic and a little more uncertain today than it was last October when the Congress said there should be a Navy of 1,079 ships.

When the Navy Department submitted their budget they thought the security of the country required a Navy of 1,079 ships and 500,000 men. But the Bureau of the Budget said to the contrary. The Budget said, "In our judgment you do not need a Navy of that character. You need a Navy of 965 ships and 437,000 men.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. VINSON. With pleasure, but I have only 15 minutes.

Mr. SHEPPARD. If the gentleman will yield, there will be no time in which the gentleman from Georgia does not have all the time he wants to air his attitude on this bill.

Mr. VINSON. I thank the gentleman very much. I will be glad to yield to any Member of the House.

Mr. RANDOLPH. Of course, I am in vigorous disagreement with the gentleman.

Mr. VINSON. Yes.

Mr. RANDOLPH. I wonder if the distinguished chairman of the committee, for whom I have a personal affection, would tell us just what countries in the world today have or are constructing navies.

Mr. VINSON. I am not concerned about what other nations are doing. I am concerned about the position that we occupy in the world. We have more at stake than any other nation on this earth. We have the greatest nation and we are the greatest people. Anybody occupying that position should always have adequate insurance. That is all the program of the Navy is at any time—adequate insurance. They felt that this Navy of 1,079 ships was what the security of the country demanded. My distinguished and beloved friend the gentleman from West Virginia [Mr. RANDOLPH] voted to say that was what the security of the country demanded, because he and the House unanimously supported the resolution as the sense of the Congress that that was the size of Navy we should have.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield further?

Mr. VINSON. I yield.

Mr. RANDOLPH. I did not support the measure to which the gentleman refers.

Mr. VINSON. I beg the gentleman's pardon.

Miss SUMNER of Illinois. Mr. Chairman, will the gentleman yield?

Mr. VINSON. I yield.

Miss SUMNER of Illinois. I cannot understand why, if the need is for a great big draft Army, you do not have an adequate Navy to take the draft Army over, because you do not use the big Army until after you have obliterated them with bombs. Is that not right?

Mr. VINSON. That is right.

Miss SUMNER of Illinois. So if you do not have an adequate Navy, what is the use of a draft Army?

Mr. VINSON. Of course, you should have sufficient to guarantee the safety of the country, in both arms of defense. I stand for an Army of sufficient size to insure independence and insure that hostile soldiers never will set foot upon America, and for a Navy adequate for our national security and to meet our international commitments.

Miss SUMNER of Illinois. I assume you do not need either one of them very seriously until after you have obliterated the Army with bombs from airplanes. Is that not right?

Mr. VINSON. Well, now, the gentlewoman should not question me too closely this afternoon. The Navy therefore goes to the Budget and asks for this money to support this Navy which you and which they thought was the minimum necessary for the security of the country. The Budget said: "Instead of 500,000 men we will give you 437,000; instead of 1,097 ships we will make available to you funds to support 965."

It is up to the American Congress to say what shall constitute the United States Navy. Has the time come when you, the representatives of the people, sit here merely to be Charlie McCarthys for the Bureau of the Budget? What is your justification to go back to your people and ask to be returned if you let somebody else do your thinking and somebody else do your concluding for you?

The facts show conclusively that the minimum requirement for the national security is a Navy of the size covered by the budget submitted by the Navy Department. We occupy the position as the greatest Nation of this world, with more at stake than any other people on this earth, and with the greatest coast line to defend. The Navy said the minimum we could get by with was what the Congress had approved as the size of our postwar Navy.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. VINSON. I yield.

Mr. JOHNSON of California. We have had a great deal of talk about the fact we were to have an international security organization, but to date we have not any.

Mr. VINSON. That is right.

Mr. JOHNSON of California. Did not the gentleman get this out of the comments of the Secretary of State, that in order for him to furnish the leadership that is required to set up this organization we must maintain our relative present military strength? Otherwise we weaken his position at the bargaining table.

Mr. VINSON. Of course, that is true; that is exactly what Senator VANDENBERG said the other day; that is what the Secretary of State said, and other advocates. We have got to have strength to maintain peace and our position in world affairs.

What does it all boil down to? It boils down to this: There is a difference of 114 ships, and 28 of these 114—and understand these 114 are all in the picture of the 1,079 ships—28 of these 1,079 ships have not been built; 6 of the ships are proposed to be used in the atomic tests. So if you take these 34 ships from the 1,079 you have a Navy of 1,045 ships. In addition to that 80 ships, or the balance of the 114 making the difference between the Budget estimate and the way you voted and what the Navy thought it needed for the defense of the country when it submitted this plan—of these 80, 69 have been built since Pearl Harbor. Sixty-nine of them are the very latest type of ship, such as escort carriers, and so forth.

Our proposition is this, and I submitted it to the chairman of the committee—let us not dispose of these 80 ships; let us have a Navy of 1,045 ships; 34 of them go out, 34 of them fade away because 28 are not even being built, and 6 will go to the atomic tests. We will then have a Navy of 1,045 ships. I am perfectly willing to go along in the interest of harmony and in the interest of trying to work always for the very best. I am perfectly willing to raise no objection, and my committee will raise no objection to the number of ships that are in the active category.

In the active fleet, that is the fleet ready to fight, the Budget shows you can have only 291. The Navy thinks it needs 319. But I am perfectly willing to forget that, and the committee is perfectly willing to get the reserve of 42 that the Budget requests, but we do say take these 80 ships and tie them up but do not scrap them. It will only cost $15,000,000 to do that. You have $600,000,000 invested in them now and 69 of them have been built since Pearl Harbor.

I submit to any man on the floor of the House it is common sense and nothing but good business judgment to take those 80 ships and instead of scrapping them, tie them up in the inactive Navy; then the inactive Navy would be composed of 632 ships plus this 80. Then you would have a Navy composed of 1,045 ships, of which 291 would be in active commission, 42 in reserve commission, 632 plus 80 tied up for future emergency.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. SHEPPARD. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. VINSON. Mr. Chairman, this would cost $15,000,000. In addition, you would have to have 4,000 more men in the Navy. Instead of 437,000 men, you would have 441,000. To maintain those men in the Navy and to keep these 80 ships would only call for a total increase in this bill of $32,000,000.

What do you do by that? You have the Congress saying what kind of a Navy we will have instead of the Director of the Budget doing it. It is your responsibility. That is all we are asking for. We are merely asking that these ships not be scrapped.

It is going to be requested that some of these ships be given to South America. Some of these ships are going to be scrapped. These ships cost $600,000,000 less than 5 years ago.

Mr. Chairman, I am interested in economy. We all want economy, but we do not want to be penny-wise and pound-foolish. That is exactly what this means.

Mr. Chairman, at the proper time I am, by direction of my committee, going to offer an amendment to increase this bill in various ways by $32,000,000—$15,000,000 of which will go to buy berthing space to take these 80 ships, where they con be tied up and will then be available for any future emergencies that might arise. The amendment will also provide funds to increase the personnel by only 4,000.

That is the whole picture. Notwithstanding the fact that the House has said it wanted a Navy of 1,079 ships, it will have a Navy of 1,045 ships.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. VINSON. I yield to the gentleman from Oklahoma.

Mr. JOHNSON of Oklahoma. The gentleman is making a very interesting and very informative address, as he always does. He knows I followed his leadership for a bigger and better Navy, not only during the war, but long before the war. His plea now, however, for more ships for the Navy reminds us that it was only a few weeks ago that the distinguished chairman of the House Committee on Naval Affairs was calling on this House to vote for his bill to sink 100 ships, 18 of which were practically new, which bill I am glad to say I could not see my way to support. Now, I wonder if my able and distinguished friend from Georgia is consistent today in asking for more ships?

Mr. VINSON. I advocated the atomic bomb test. That is probably what the gentleman is referring to.

Mr. JOHNSON of Oklahoma. Yes; I think all of us are in favor of a real atomic bomb test; but the point in my mind was then and still is, was Congress justified in agreeing to the sinking of so many new and other seaworthy vessels?

Mr. VINSON. That is right. Of course, they are. What good is it to have an atomic bomb test on a ship that is out of date, obsolete? You want to test it on something that is modern in order to get full information as to the effect of the bombs.

I am asking this committee and this House to merely increase this bill $32,000,000. Let us not get rid of these 80 ships. Let us tie them up. Let us put them down here where we have provided bases for them. Let them stay there. Future emergency might require that we need them. It is in the interest of economy to do that instead of going out and scrapping 80 ships costing $600,000,000. You only have to have $32,000,000 to save that investment. That is the issue.

I certainly hope that the chairman of the committee and the distinguished gentleman from Missouri will agree to this amendment, and then we will have a bill that we can all say is in line with the viewpoint that the Navy is relative to our postwar needs.

The CHAIRMAN. The time of the gentleman from Georgia has again expired.

Mr. PLOESER. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, at the outset I would like to pay a particular compliment to the extremely able chairman of this subcommittee, the gentleman from Cali-

fornia [Mr. SHEPPARD], and to the majority Members, and to my distinguished colleague from Vermont [Mr. PLUMLEY], the ranking minority Member. These gentlemen have worked long and arduously, sacrificing much to accomplish their work. The people of their respective States can be proud of their service. No Member of Congress could enjoy any committee work more than I enjoyed serving with these men, and never on any occasion, in the few years in which I have served on this committee have I ever witnessed the slightest opinion based upon partisan politics. Never has the committee come to the floor with a bill without unanimous agreement as to what it should do, and we are in that same satisfactory situation today.

I think it is only fair to say that there was not any great amount of pleasure this year in the writing of this appropriation bill. With the jumbling of Budget figures such as they came to us at this particular season one could hardly call the writing of the Navy bill this year pleasurable work. The committee was faced with a plan to which there had been given considerably publicity, known as Navy plan 1-A, and Navy plan 2, a result of Budget action when plan 1-A was submitted to the Bureau of the Budget.

This committee adopted neither plan in toto. It sought to do what it thought best to provide the very kind of Navy you have heard the distinguished gentleman from Georgia say he wanted. I do not think there is any difference of opinion on the part of any two Members in this House on this one substantial fact that we want a Navy that is not only superior to any other navy in the world, but a Navy so strong that it is ready to go into immediate action against the combined navies of the world if need be. You have that kind of Navy today, and under this bill you will continue to have that kind of a Navy for another 12 months. What should be done 1 year from now is, of course, problematical, but certainly we all agree on this simple fact, that the world is greatly unsettled. The peace for which our Army and our Navy and our Marine Corps fought so valiantly, the peace for which the people of America have worked so ardently, has not yet been accomplished. Instead of a "one world" devoted to peace, we seem to have a world divided into two spheres of influence. America, therefore, must keep her first line of defense and keep it strong and keep it ready. We think we have done that in this bill.

I have just listened with great interest and intense respect to the gentleman from Georgia, the distinguished chairman of the Committee on Naval Affairs, for whom I have the most profound respect. I find no difference between his desires and the desires of this committee. I find no difference between his desires and what this committee has done. I do find some confusion as to what seems to be fact, and a little later on I am going to present what the Navy claims is the fact.

There was one course taken by this subcommittee which differed from the action of both the Navy in the creating of its 1-A plan and the Budget plan in its arbitrary forcing of the No. 2 plan. We believed that this Navy should be able to fight in varying degrees. First, we should have a strong force ready to strike immediately. That is the active fleet and the active Regular Navy. That we have. Second, we should have a reserve force in ships and an active reserve force in men, which can augment the immediate striking force so that within a period of, say, 90 days our Navy can be measurably increased in size and in strength. Third, we should have an inactive reserve, ships "on ice," if you please, and a voluntary reserve which can be brought into action in 6 to 9 months, in ample time to compete with anything the balance of the world might attempt to build

Under the provisions of the Budget as proposed to this committee, the Navy did make adequate provision for ships and for other facilities, but we did not feel that they made adequate provision for manpower. So this committee took the Marine Corps, for example, and doubled its active Reserve. We could not increase the size of the Marine Corps, which we think is our first arm of expeditionary defense and must not be tampered with under any type of program now or in the future in any way to decrease its efficiency or to diminish its standard of excellence. The Marine Corps of the United States is the standard of military excellence. Any action, either executive or congressional, which would tend to diminish this great standard of excellence and fighting ability would bring hot opposition on the part of this Subcommittee on Appropriations.

According to law, the total strength of our Regular Marine Corps is 100,000 men. That is the maximum strength permitted.

We could not, therefore, increase over 100 000 men, but we could increase the active Reserve which is being trained once a week with a vacation period of training, subject to immediate call in the event of an emergency. We not only increased it without a request on the part of anyone, but we doubled that Reserve.

In the matter of the Naval Reserve, we gave them their most ambitious estimate. It was not requested—it was not even proposed prior to the request of this subcommittee. We upped the amount of funds necessary because there again there is a limitation by law on the Regular Navy and while we did not need that limitation by law in the entire fiscal year 1947, there was no point in keeping a Regular Navy over and above the needs of the facilities which that Regular Navy had to use. Having given them all of the facilities, we gave them all the men they requested, to use those facilities. But to go beyond that, so that the United States of America might be ready for any emergency, we asked them what their most ambitious request might be for an active Naval Reserve, and we gave them that. Furthermore, we have the facilities today both in armories and in facilities which can be immediately available for armories to give us the strongest Naval Reserve in the history of the Nation. That active Naval Reserve is subject to immediate call to action in the event of an emergency. Some have contended that it was a contractual obligation on the part of the enlistee to go if he chose to go. That is not true. He is subject to immediate call.

Then we did a most important thing, it seemed to us. We increased the research. I think it is only candid to say that none of us can actually foresee just what form the war of tomorrow may take. With the rapid advance of science and with the many things we have learned in the last war, there is no more important thing we could do than to make available to our Navy, and the same is true for our Army, everything we possibly can so that there shall be no restriction on the freedom of our scientists to go ahead with the research they must pursue to gain the knowledge of the future. We upped this research allowance, we think amply—probably more than they will actually spend in the next fiscal year. But it was not the desire of any member of this subcommittee to be in any way stingy in that regard.

I want to say something about these ships. Last evening or this morning, according to the press, we have sunk 114 ships—28 of which were never in existence. The facts reveal that we did not sink a single ship nor is a single ship to be scrapped. Talk about 114 ships yesterday—we come today to learn that there were not 114 ships and there never have been. There were 114 ships on paper, 28 of which portions of the hull had been laid; and prior even to the submission of the 1-A plan, those portions of the hull had been scrapped by the Navy because they felt no need for the continuance of that building program. Yet it is only a few hours since we have been besieged to save 114 ships, instead of getting down to the facts in the matter.

Now, we had Admiral Cochrane, Chief of the Bureau of Ships, before two members of the subcommittee and our very able and distinguished clerk, Mr. McFall, of that committee, who has done such a great job under such difficult circumstances because of the confused budget. This meeting was last evening at 5 o'clock. The purpose was to learn if there was any knowledge which we had confused in this voluminous hearing that took so long.

Well, here are the facts. The difference in the 1-A plan and the 2 plan on paper was 114 ships. Twenty-eight of those hulls, partially laid, were canceled months ago, and portions scrapped. Six of those ships, possibly seven but certainly six, will be used in the atomic bomb tests. If the tests result as many feel they will, it is quite probable that those six will not be usable even for satisfactory scrap. That left 80 ships.

Here is the statement of Admiral Cochrane, Chief of the Bureau of Ships, as I wrote it, as I read it to him after he said it, and as he confirmed it:

We are not sinking 114 ships. We would not recommend any one of those ships to be manned or refitted.

He said of the 80 ships that they were in the obsolescent class, and that the majority of them had not been refitted after serious damage. They are at the

present moment tied up. The gentleman from Georgia and our committee want them tied up, and there is nothing in this bill which unties them.

Mr. VINSON. Mr. Chairman, will the gentleman yield?

Mr. PLOESER. Not at this point. I will yield later.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. PLOESER] has expired.

Mr. PLUMLEY. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. PLOESER. It is proposed that an amendment be presented to this bill increasing it some $32,000,000. There is a curious question that goes through my mind which I do not propose to ask but I think I should state aloud. The 1–A plan of the Navy called for almost $2,000,000,000 more, because there is a lot more to maintaining a larger Navy than what has been proposed by this subcommittee—than the mere tying up of 80 ships. The amendment is to be proposed to add $32,000,000, to which I cannot agree, because Admiral Cochrane also told us last evening that those ships could be continued in their present status with the amount of $53,000,000 now allotted in this bill for the class 3 care of ships.

It is easy enough to imply even the slightest degree of censorship to this committee, but there is only one place we can get our facts and that is from those competent individual authorities. We have retraced our steps innumerable times on this situation throughout the entire hearings. If any of you care to take the time to read this great volume of hearings you will find revealed in there that the chairman of thi. subcommittee and myself in particular pursued the question of the Budget action on the 1–A plan.

There is not any sympathy that I have been able to detect on this subcommittee for the idea that the Budget Bureau should determine the size of the United States Navy. Quite to the contrary, I find a complete harmony with the thought that it is the duty and the responsibility of this Congress; but, in view of the circumstances, are we to recommend the unnecessary building of ships?

The other day we passed a provision in the rescission bill which allowed the completion of certain ships which on the average were over 80 percent completed in dollar value and 20 percent physically as respects each individual ship; and we did it because they were the most modern ships yet to be produced, and because of the fact it was not only wise from the standpoint of defense but it was likewise dollar wise to complete the building of those ships. In the long run it would cost the American public less to complete them than to destroy them. There has been no restriction on those funds in this bill. The Navy has testified that they had the money to complete all of them and this committee has not in any way interfered. Quite to the contrary, it unanimously supported the action and recommended it to the House just a few days ago.

I am not going to yield to any man in my desire to see our strong first arm of defense kept integrated and kept in fighting condition, and I am talking about the United States Navy and its component, the United States Marine Corps. I do not subscribe in one degree to the advocates who would tend to abolish the Marine Corps or diminish the value or the importance of our Navy which I may remind you is the only integrated armed service the United States has.

So much for the Navy portion of this bill. The gentleman from Georgia earlier asked me to yield. I am now pleased to yield to him if he so desires.

Mr. VINSON. Not now

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. PLUMLEY. Mr. Chairman, I yield the gentleman ten additional minutes.

Mr. PLOESER. I wish now to talk about another duty this committee was obliged to perform this year, a new duty, a painful one, one requiring a major operation which we attempted to perform.

Mr. CHURCH. Mr. Chairman, before the gentleman proceeds to another subject will he yield?

Mr. PLOESER. I yield.

Mr. CHURCH. The gentleman from Georgia, the chairman of the Naval Affairs Committee, talked about the 80 ships. The gentleman from Missouri now talks about those same ships. I gather that Admiral Cochrane said that those 80 were obsolete. The gentleman from Georgia said 69 had been built since Pearl Harbor.

Mr. PLOESER. He did not say obsolete, he said obsolescent.

Mr. CHURCH. Not quite obsolete.

Mr. PLOESER. That is somewhere on the down grade between modern and obsolete.

Mr. CHURCH. Sixty-nine of them have been built since Pearl Harbor. Has the gentleman any information about the 69?

Mr. PLOESER. I am giving you the information as given to the members of our committee last evening at 5 o'clock by the Chief of the Bureau of Ships. Let me further say that many of these ships, I think I said the majority of these ships, have not yet been refitted after serious damage. It is perfectly possible to have a brand new ship knocked out and, as I understand it, obsolescent so far as its practical use is concerned. In other words, it may cost more to repair the ship than it is worth.

Mr. CHURCH. Would the gentleman contend, as did the chairman of the Committee on Naval Affairs, that the 69 ships completely knocked out should be brought back into service?

Mr. PLOESER. If the gentleman was listening, and I think he was, there were not 69 ships completely knocked out. The gentleman from Georgia, as I understood him, wanted these ships tied up in class 3 preservation.

Mr. VINSON. That is right.

Mr. PLOESER. That is where they are going under this bill, if they are not already there?

Mr. VINSON. Mr. Chairman, will the gentleman yield?

Mr. PLOESER. I yield to the gentleman from Georgia.

Mr. VINSON. I appreciate the gentleman's courtesy in yielding. The gentleman knows that the ships cannot be tied up and they cannot be put into these berthing places unless the Navy has sufficient space for them. The Navy only has enough space for those which have already been agreed upon to go into berthing spaces. In a conference this morning with the gentleman from New York [Mr. COLE], and Admiral Cochrane, the admiral said it would cost $15,000,000 to provide additional spaces to take these ships. All I am asking for and all the committee is asking for is that we preserve these 80 ships at a cost of $15,000,000. Later on it may be that we will want to give them to South America, but for the time being let us not do, as Admiral Cochrane said would have to be done with these 80 ships, dispose of them.

Mr. PLOESER. The admiral stated to us what I have already said. I do not know that there would be any point in repeating it. He said they could continue the present status of the ships within the $53,000,000 allowed for the class 3 care of ships.

Mr. VINSON. The amendment I shall offer is the result of a conference we had in which Admiral Cochrane said $15,000,000 additional would have to be appropriated.

Mr. PLOESER. What I stated has been the result of a conference with Admiral Cochrane last evening. It is high time, and I am sure the gentleman from Georgia will agree with me, that the Navy keep its figures straight.

Mr. VINSON. We both agree then that these 80 ships should not be scrapped, do we?

Mr. PLOESER. Yes, and there is nothing in this bill to scrap them. Not a single member of the committee wants to scrap them.

Mr. VINSON. Then, to be absolutely sure that they will not be scrapped, why is it not the safe thing to merely provide an expenditure of $15,000,000 so that we may be certain and we will know they will not be scrapped and we will have attained the same objective?

Mr. PLOESER. If the facts are as confused as they seem to be we will never know if they continue in this confusion.

Mr. THOMAS of Texas. Mr. Chairman, will the gentleman yield?

Mr. PLOESER. I yield to the gentleman from Texas.

Mr. THOMAS of Texas. This morning at 10 o'clock two members of the subcommittee met with a high-ranking naval officer and we asked him, "What authority do you have to scrap any ships?" He said, "We have an old law passed in 1882 that sets up a survey board. When that survey board says a ship is no longer necessary for Navy needs then it can be disposed of or scrapped." We asked him, "What is your intention about these ships that are in disagreement?" He stated, "Frankly, we do not need them. If we were going to have a war tomorrow they might be of some use, but we have all

the funds we need right now to do what we contemplate doing with them."

I suggest to the chairman of the Committee on Naval Affairs, if he is going to tell the high-ranking officers of the Navy what to do and how to do it, if he is displeased with the action the Navy has taken, that his able committee bring to the floor a bill directing exactly what course the Navy should pursue. Then, if they need funds, submit it through the regular channels to your Appropriations Committee. That committee will be more than fair and go along with anything reasonable that the Navy suggests.

Mr. VINSON. Mr. Chairman, will the gentleman yield.

Mr. PLOESER. I yield to the gentleman from Georgia.

Mr. VINSON. That is exactly what the Congress has done. Congress has said, "We want a navy of 1,079 ships," and the Committee on Appropriations said, "We only have money available for 965 ships."

Mr. PLOESER. It might be said also, and it was said not later than a few hours ago, that this bill was reported to have the effect of scrapping 114 ships, when care had not been adequately taken to find that 28 of those ships never existed.

Mr. SHEPPARD. Mr. Chairman, will the gentleman yield?

Mr. PLOESER. I yield to the gentleman from California.

Mr. SHEPPARD. May I ask the gentleman if he would mind advising the House who the person was that made that statement?

Mr. PLOESER. I do not want to go that far in this controversy. I think we are all trying to get the same thing, and we are going to get it. We are not sinking any part of the Navy that is usable.

Mr. BRADLEY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. PLOESER. I yield to the gentleman from Pennsylvania.

Mr. BRADLEY of Pennsylvania. I was wondering if the distinguished gentleman from Texas could or cared to inform the House who the high-ranking naval officer was who gave him that statement this morning. I think we ought to have it.

Mr. THOMAS of Texas. No one but Vice Admiral Cochrane, who built these ships and whose job it is to maintain them, and if he does not know, I do not know of a man in the Navy that does.

Mr. VINSON. And it was the distinguished Vice Admiral Cochrane who advised the gentleman from New York [Mr. COLE] and myself in the presence of Admiral Nimitz in my office that to take care of these 80 ships you would have to have increased berthing space costing $14,000,000.

Mr. THOMAS of Texas. Mr. Chairman, will the gentleman yield?

Mr. PLOESER. I yield to the gentleman from Texas.

Mr. THOMAS of Texas. They were pressing me for an estimate and the admiral said, "Of course, under the times and circumstances, that I gave them a figure right out of the air."

Mr. PLOESER. If there are no further requests on that particular subject, I want to get to this part of the bill that has to do with the War Shipping Administration.

Mr. CHURCH. Mr. Chairman, will the gentleman yield?

Mr. PLOESER. I yield to the gentleman from Illinois.

Mr. CHURCH. I cannot get over this. Will the gentleman explain why, in lieu of our resolution for 1,079 ships, practically unanimously adopted by the Congress, this Committee takes so much interest in the law of 1882, before the gentleman and I were born, authorizing this scrapping. That seems to be the question involved here. By implication it takes away the right to scrap certainly below 1,079 ships.

Mr. PLOESER. Would it satisfy the gentleman to know that the Navy told us that they are not going to scrap any of these ships? We have certainly made it plain to the Navy that we do not want a single ship scrapped. That is the answer, is it not?

Mr. CHURCH. Partly?

Mr. PLOESER. I do not want to go on following a seesaw here now. Is that not the answer?

Mr. CHURCH. Partly.

Mr. PLOESER. What more does the gentleman want?

Mr. PLUMLEY. Mr. Chairman, will the gentleman yield?

Mr. PLOESER. I yield to the gentleman from Vermont.

Mr. PLUMLEY. When the Congress said, and the Navy agreed, that it is not for scrapping any ships, what other answer could there be?

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. PLUMLEY. Mr. Chairman, I yield the gentleman 10 additional minutes.

Mr. PLOESER. Mr. Chairman, I will make this brief, but it deserves a very long discussion. The only reason I do not make a longer discussion today is because I have taken up more time than I anticipated. I wish the Members of this Committee would refer to page 25 of the report of the committee. I am going to read a paragraph of that report to you because it reveals and indicts probably the most delinquent case of public administration in America. This is what the committee had to say regarding the War Shipping Administration, and I will try to tell you briefly what we did to cure it:

> This cost-allocation work should have been performed at the time the contracts were in progress in order that accurate cost-accounting figures might then have been at hand and opportunity thus afforded for adequate comparisons between construction costs of various ships at various yards. The committee regards the failure to do this at the time as evidence of a complete disregard for proper accounting procedures and considers that the then-existing War Shipping Administrator, Vice Admiral Emory Land, is deserving of censure for the failure to require performance of this work. In order that the committee might become better informed on several items of information that had come to its attention concerning evidence of inexcusable laxity in proper administration of the War Shipping Administration during the war, the committee called before it the Comptroller General of the United States, whose testimony served only to confirm opinions already entertained by the committee concerning these shortcomings. Comptroller General Warren, in the course of the hearings, stated that "we have felt and have expressed time after time that we were not receiving from them the cooperation that we should have received. At the same time, I think we have called to their attention, and have reported to the Congress, a number of irregularities, extravagances, and bad business methods, as well as insufficiency of their records."

I have never in my business experience in small degree or large, or in my experience in public service, witnessed a greater mess than that to be found in the War Shipping Administration. The records of Congress are replete with speeches and facts and figures extended into the RECORD by the distinguished gentleman from Massachusetts [Mr. WIGGLESWORTH], and by the distinguished Senator from Vermont, showing that there is a lack of accounting for over $5,800,000,000 of money expended, the most disgraceful thing probably ever occurring in the history of this Nation. They just simply did not keep books.

It came to our attention that identical ships cost 2 or 3 times in one shipyard what they cost in another. Books, if kept at all, were kept by memorandum, and today most of these memoranda cannot be found. This is the pattern and design which permits of graft and corruption in wholesale, and any man or group of men responsible for such action, who are willing to tolerate it, themselves must be held eventually fully accountable.

The least this Congress could do would be to exercise its right and conduct a special investigation into the War Shipping Administration forthwith. It is hardly the duty of this committee. It should be the duty of either a regular committee of the House or the Senate or of a special committee. Under our action the General Accounting Office will come in. They have already revealed gross and negligent error and carelessness. We have sought to do this so as to expedite matters as much as possible to discontinue as of June 30th of this year the War Shipping Administration, and to transfer its duties and its responsibilities during the liquidation period to the Maritime Commission, with instructions that it shall be liquidated by December 31 of this year—1946.

We have cut the appropriation—I do not think sufficiently—but we were hesitant to throw any stone in their way to prevent liquidation. So I think we have been liberal—too liberal—though I have agreed to this liberality because of unforeseen contingencies which could very possibly arise. We have ordered them to get chartered ships back into the hands of their owners by September 1, not by legislative action within the bill, but by restriction of the amount of funds.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield for a question?

Mr. PLOESER. I am glad to yield to the gentleman from California.

Mr. JOHNSON of California. I read the statement which the gentleman read. It is very interesting. Do the irregularities, extravagances, and bad business

practices, and insufficiency of the records exist with regard to the termination of contracts? If the gentleman will remember, we passed a law regarding the termination of contracts.

Mr. PLOESER. It would be almost impossible to answer your question because, let me tell you, on the building of many of these ships they did not keep any books. The shipbuilder would send in what they needed for their pay roll and ask for so much material, and they would pay the pay roll and bills without checking them and send them the material that they needed and then they would pay the shipbuilder what they thought the profits should be.

Mr. JOHNSON of California. What I am thinking of is that in terminating these contracts there are frequently large items for unliquidated damages which are not compensable or are not determinable in a very accurate way. I wonder if any of this money went into the hands of the contractors when there is no record to determine how much they got or what the equity of it was.

Mr. PLOESER. It is quite possible, if not probable, that it did.

Mr. STEFAN. Mr. Chairman, will the gentleman yield?

Mr. PLOESER. I am very happy to yield to the gentleman.

Mr. STEFAN. The gentleman has made a startling statement here today. The indictment you make against Admiral Land is also startling. Admiral Land has a very distinguished record and has been decorated many times.

Mr. PLOESER. Let me say to the gentleman that there is nothing distinguished about this record.

Mr. STEFAN. The reason I originally rose is that when the gentleman made this charge and this statement I was going to ask the gentleman if his committee is recommending some investigation into these situations.

Mr. PLOESER. No; that was my personal statement and recommendation. I do not speak for the committee.

Mr. STEFAN. I think an investigation should be made.

Mr. PLOESER. An investigation should be made forthwith.

Mr. STEFAN. Absolutely, I agree with the gentleman. The gentleman also says that his committee in its report indicates that the sins of the former administration should not be put on the shoulders of those in charge of the administration at this time. Yet you indicate you are cutting their appropriation to liquidate. You realize that is going to be quite a handicap if you have not allowed them enough funds to liquidate.

Mr. PLOESER. No; the report of the committee is that the sins of the past should not be put on the present members or the new members of the Maritime Commission, and I was talking about the War Shipping Administration. You must differentiate between the two. We meant no indictment of their actions.

Mr. Chairman, I include with my remarks an editorial from the St. Louis Post-Dispatch which is the result of an article written by Edward Harris, the recent Pulitzer prize winner, which covers this subject in a very able manner. I hope it is just the beginning of his investigation.

I also include Mr. Harris' article:

[From the St. Louis (Mo.) Post-Dispatch]

THE SHIPPING SCANDAL

The strong odor of scandal exudes from the wartime administration of our merchant fleet, yet Congress is trying to turn its nose away. As Edward A. Harris reported in this newspaper, demands for a congressional investigation have been ignored.

The evidence of potential scandal is thicker around Washington than masts in a shipyard, so escape from the elementary facts is impossible. Representative WIGGLESWORTH of Massachusetts has even put some of the evidence into the CONGRESSIONAL RECORD, in the form of a report by the Comptroller General. The report states flatly that there is a discrepancy of $5,822,498,000 in the records of the United States Maritime Commission and the War Shipping Administration.

Other scraps of evidence, despite their abundance, and despite the efforts of Congressman WIGGLESWORTH, have not generally reached the public. For instance, the Congressman says that, during the war, the WSA allowed 758 ships, more than 20 years old, to earn $200,000,000 in 18 months. Their book investment value was only $38,000,000. The Government, which operated the merchant fleet, paid the difference between reasonable and unreasonable profits, whatever it was.

Mr. WIGGLESWORTH also notes that the Government allowed insurance worth $477,000,000 to be written on 690 vessels whose book value was $34,000,000. He says typical ships were insured for 10 to 20 times their prewar book values. When insurance premiums had to be paid, the taxpayers did the paying.

Many a vessel, according to Mr. WIGGLESWORTH, floated throughout the war in milk drawn from the Government. He charges that the Government paid 5 to 10 times what a typical ship was worth, and that profits on voyages often were six to eight times the prewar price of the craft. He further states that the Maritime Commission renegotiated less than 60 percent of the astonishing profitable war shipping contracts.

Perhaps the Commission and WSA can offer some defense of their record. They did succeed in building a fairly small merchant service up to a point where it had nearly two-thirds of the world's commercial vessels. To do that, the Government had to rely on men from shipping interests for help, and to throw dollars this way and that for incentives. However, many another war agency succeeded against similar problems, without butting its bow into scandal.

Now Senator AIKEN of Vermont says examination of the Maritime Commission's record would reveal "the most shocking story of collusion, corruption and disregard of public interest." Since the Senator is not given to extreme statements, Congress might be expected to take his words as a challenge. Instead of that, as Mr. Harris reported, the challenge is met with "notable apathy."

This is the worst possible time for Congress to pass the shipping administration with an apathetic blessing. For one thing, there is the current dispute over whether a Navy clique should continue to dominate the chairmanship of the Maritime Commission. Certainly, if there was mismanagement, or corruption, during the war, that is a reflection on naval control, and civilians should be put in charge.

Moreover, Congress has been considering proposals to turn the merchant fleet back to private ownership, under exceedingly liberal terms of sale, and under further subsidies to shipowners. The Shipping Act of 1936 allows subsidies up to 50 percent on both the construction and operating costs of a vessel.

Since the United States is committed to private ownership, return of the ships to their owners requires some subsidization. This protects our merchant marine against cheap foreign competition, and preserves a shipping reserve in case of war. But if shipping firms profiteered at the taxpayers' expense during the past war, Congress owes the public a review of shipping operation in the future. The people are willing to pay to float a merchant marine, but not for a supercargo of profits, and certainly not for the bilge of corruption.

The whole question of the future of our merchant service depends on its operation in the past. If the past represents scandal, then policy and the men in charge must be changed. Congress has a duty to investigate, and make all the facts plain, for the facts already known are enough to make the American people suspect piracy.

[From the St. Louis (Mo.) Post-Dispatch of May 17, 1946]

MARITIME AGENCY CONTROL ROW MAY DECIDE ACTION ON LOOTING CHARGES—$5,822,498,000 DISCREPANCY REPORTED FOUND IN RECORDS—TWO REPUBLICANS CALL FOR INQUIRY BY CONGRESS

(By Edward A. Harris)

WASHINGTON, May 17.—A behind-the-scenes tug-of-war is being waged in the Capital for administrative control of the United States Maritime Commission. The outcome may determine the fate of congressional demands for a sweeping investigation of the wartime operations of the Commission and the War Shipping Administration.

A fighting Republican Progressive, Senator GEORGE D. AIKEN, of Vermont, and Republican Representative RICHARD B. WIGGLESWORTH, of Massachusetts, have charged publicly that the Federal Treasury was looted of billions of dollars during the war through flagrant maladministration of the Maritime Commission and the WSA.

"When an examination of Maritime Commission affairs has been brought up to date," said Senator AIKEN on the Senate floor a few weeks ago, "it will be the most shocking story of collusion, corruption, and disregard to public interest ever presented against an agency of the United States Government."

Repeatedly, but to no avail, AIKEN and WIGGLESWORTH have pleaded for a congressional investigation of the two Government agencies. Their demands were given impetus by an audit report on the finances of the Commission and the WSA compiled by Comptroller General Lindsay Warren, who is answerable only to Congress.

CHARGES CONCEALMENT

AIKEN charged in a floor speech that the audit report was sent to Admiral Emory S. Land last November 19, when Land was still Commission chairman and administrator of the WSA, but that the chairman did not show it to the other Commission members. The report, said AIKEN, was concealed from all but Land's director of finance, R. Earl Anderson.

Shortly after Admiral Land departed from the Commission to take his present post as president of the Air Transport Association, the remaining members, last February 7, summarily removed Anderson, who then unsuccessfully sought appointment to the Commission itself. Warren's audit, meantime, was somehow obtained by WIGGLESWORTH and read into the CONGRESSIONAL RECORD, where it was viewed by most legislators with notable apathy.

Yet it was one of the severest indictments of a Government agency ever unloosed by the General Accounting Office. It stated that a discrepancy of $5,822,498,000 had been

found in the financial records of the commission and the WSA, describing this as a "gap between recorded fact and actual fact." It dealt with the fiscal period prior to June 30, 1943.

Just how much of this "gap" was attributed to careless bookkeeping and how much, if any, was due to what AIKEN termed "juggling of accounts" and "corruption," AIKEN and WIGGLESWORTH conceded, can be determined only by a full-fledged congressional inquiry with an expert staff of investigators and certified public accountants at its disposal, and having the power to subpena witnesses.

TRUMAN REPORTED INFORMED

Informed sources, meanwhile, said President Truman is fully aware of the situation, and has been moving toward a housecleaning reorganization of the Commission itself. But the key to the situation, they assert, is the appointment of a Commission chairman, and it is here that potent political groups are exerting pressure on the White House to name a chairman who would deter or block any congressional investigation of the letting of wartime contracts.

The present members of the Commission are Raymond S. McKeough, a Chicago Democrat who took office last fall after abortive opposition by a few Senators based on his one-time identification with the National Citizens' Political Action Committee; John M. Carmody, veteran Democratic member; and a new appointee, Richard Parkhurst, Republican. The law provides that no more than three members of the five-man Commission may belong to any one party.

McKeough is said to favor an investigation, and it is rumored that influential men in the shipbuilding and ship-owning industries, as well as highly placed Navy men, are trying to block his elevation to chairman. This group, it is said, is anxious to see another Navy man head the Commission, in the tradition of Admiral Land and other Navy men who preceded him in the post.

HANNEGAN FOR M'KEOUGH

To fill the vacancy left by Admiral Land, Truman last week sent to the Senate the nomination of Vice Admiral William Ward Smith, who reportedly had the backing of Reconversion Director John W. Snyder and Admiral Land. Once confirmed by the Senate, the Navy clique would like to see Smith appointed chairman by the President, while Democratic Chairman Robert E. Hannegan is known to favor McKeough. In the short time that McKeough has been on the Commission he has made an excellent record, and is widely regarded as a liberal of unimpeachable integrity.

Speculation over the selection of a permanent chairman was heightened yesterday when President Truman, at his regular press conference, announced the appointment of McKeough as "temporary" chairman. Even McKeough himself reportedly did not know whether this presaged his elevation permanently or whether it was merely a temporary working arrangement due to the resignation of Capt. Edward Macauley, U. S. N. retired, as member and acting chairman.

Macauley's resignation earlier this week leaves another vacancy to be filled, and here again a struggle is going on to "get to the President." Macauley quit due to ill health. The naval group favors the appointment of Vice Adm. Earl W. Mills, and would then be satisfied if Mills got the chairmanship instead of Vice Admiral Smith. Hannegan favors the appointment of a non-Navy man, and with this seesaw background, the President is expected to act very soon on both the chairmanship and the new appointee.

Mr. THOMAS of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia [Mr. BLAND].

Mr. BLAND. Mr. Chairman, the report and the evidence, of course, have been before the House but a limited time and I have not had an opportunity to study them in detail. I feel, however, that I would be untrue to every instinct of my being if I did not demur to that portion of the report which condemns Admiral Land or says that he is deserving of the severest censure. I have served with Admiral Land from the time that he came to the Commission, and I have never seen a harder worker or one who tried more persistently and continuously to do his full duty to the Nation. His service in the Navy was very distinguished, and no less so in the Maritime Commission. Undoubtedly the record will show that mistakes have been made; doubtless many errors in judgment have been made. For several years I have personally tried to adjust differences between the General Accounting Office and the Maritime Commission or the War Shipping Administration, and at times I though I was getting somewhere. It was impossible to secure accountants to investigate this situation adequately. We were at war. I shall not criticize anyone on the committee. They are all my friends. They have done a splendid job, and I am proud of that work. But we all make mistakes. I welcome all committees at all times going into the facts of any matter and presenting the facts to the people. However, I do protest against any censure of Admiral Land. There can never be taken away from Admiral Land the truth that he was a material factor in winning this war. He was one of the greatest factors in our struggle. Dollars were expended in large measure, but if, to win this war, dollars had to be spent, it was better that they should be spent rather than that the lives of our boys should be lost. I would rather see money sacrificed and, if you choose to treat it as wasted, then wasted, rather than that any one of our soldiers being carried to foreign lands should be destroyed by the enemy or should arrive too late or should fail to receive munitions of war. What is the record? Ships were built with marvelous speed and in unbelievable numbers. Transportation on the ships was effected without the loss of a single soldier being carried to fight abroad as far as I know. Many of those expenditures were gone into by the Committee on Renegotiation. In all probability large sums were recovered by renegotiation. Expenditures in one yard differed from expenditures in another yard.

During the course of our investigation I have said frequently to investigating counsel that we wished to go into expenditures fully. They have answered me, "Where can you get the accountants, and you do not have the money with which to pay them?" The men were on the fighting line and I would rather they had been fighting on the firing line than sitting at home in swivel chairs examining the records of money that was being spent. I do not justify the unwarranted expenditure of money any more than any other man in this House. I wish we could conserve funds. But I have risen to say that in my opinion the faults arise not from Admiral Land; if they exist, they probably arose in the many offices under him, whose minute operations he could not supervise in full. If any one human being could have done all that was required to be done by Admiral Land, then he might be censurable. But Admiral Land could not do all the work he was trying to do. I know that at times he came to see me in the hospital when he should have been there himself. There were times when he appeared before our committee when he himself should have been conserving his strength and taking care of himself. For one, no censure shall ever be made of him with my approval. I know the work that he did and I glory in that work. Oh, gentlemen, it is time to stop censuring individuals and condemning and criticizing each other. We have won a war. Now we have got to win the peace. Now we must devote our energies to reconstruction and to building up this world for the future rather than consuming valuable time in criticizing, condemning, and abusing.

I shall appear always to the best of my ability in defense of the splendid service of Admiral Land and of his fellow Commissioners.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. PLUMLEY. Mr. Chairman, I yield such time as he may desire to the gentleman from Massachusetts [Mr. WIGGLESWORTH].

Mr. WIGGLESWORTH. Mr. Chairman, I have taken the floor primarily to compliment the members of the subcommittee in charge of this bill on the recommendation which they have made in respect to the War Shipping Administration and the United States Maritime Commission.

In my judgment, the recommendation looking to the liquidation of the War Shipping Administration, a war agency created by Executive order, and placing it under the jurisdiction of the Maritime Commission, an agency set up by the Congress, at the earliest possible moment, indicates the right course of action to pursue at this time. Among other things it will eliminate one further wartime bureaucracy.

As a member of the subcommittee in charge of appropriations for the independent offices, I have had occasion as the Members of the House know, to speak many times in respect to these two agencies.

On each occasion I think I have paid tribute to the results obtained in terms of construction and operation of the two agencies during the war through the patriotic efforts of workers and management alike. At the same time, Mr. Chairman, I am sure that all will agree that no war can justify the shortcomings in respect to the financial operations of the two agencies as they have appeared to be.

Year after year I have stood on the floor of this House and called attention to scandalous conditions apparently existing in the financial operations of both these agencies. Year after year I have

inserted in the pages of the CONGRESSIONAL RECORD tables and figures indicating apparently gross waste of the people's money through excessive purchase prices, through excessive charter hire, through excessive insurance payments, and through excessive allowances for vessels traded in.

I have pointed to the allowance of the many millions of dollars in tax-exempt funds, apparently contrary to the provisions of applicable law, and as it now appears, contrary to repeated expressed opinions of the general counsel of the Maritime Commission.

I have pointed out other ways in which it has appeared in the absence of investigation, that the money of the people of America has been wasted in large sums.

Year after year I have stood on this floor and advocated a thoroughgoing investigation of these two agencies either by a regular standing committee of this House or by a select committee set up for that purpose.

Judisdiction of the agencies has recently been turned over to the subcommittee in charge of naval appropriations. And what happens?

This subcommittee unanimously condemns the financial operations that have taken place in the two agencies. This subcommittee unanimously goes so far as to censure the responsible head of the two agencies. This subcommittee and the Appropriations Committee as a whole by its action unanimously confirms the general picture which has been indicated in the statements I have made on the floor of this House in the years that have passed.

On January 23, 1946, I inserted in the CONGRESSIONAL RECORD two audits prepared by the Comptroller of the United States, one of these audits referring to the War Shipping Administration, the other referring to the Maritime Commission, both of them covering the period up to and including the fiscal year 1943.

Those two audits required 15 pages of the CONGRESSIONAL RECORD and I submit that they constitute the most damning indictment of any Federal department or Federal agency in my entire experience of 18 years as a Member of this House.

What did they show? I have not the time to go into the detail of the reported mishandling of the people's money.

They show among other things, however, as far as the War Shipping Administration is concerned, 28 different categories of major errors of omission and commission and 3 different categories of objectionable operational practices.

They show as far as the Maritime Commission is concerned, 19 categories of major errors of omission and commission and 14 objectionable operational practices.

They include 33 different specific recommendations with a view to putting the financial houses of the two agencies in order and, as the gentleman from Missouri [Mr. PLOESER] has stated, they indicate that over $5,800,000,000 of the people's money have been spent and not properly accounted for.

Mr. Chairman, that figure of $5,800,000,000, officially reported by the Comptroller General of the United States in the absence of investigation, indicates the possibility of a scandal in the financial operations of the two agencies compared to which Teapot Dome may sink into insignificance.

I do not know what the present administration intends to do about the situation. I do know that the President is fully informed of it. I do know that the so-called Truman committee, of which he was the chairman, never made any recommendation in the matter.

The Attorney General of the United States must surely be fully posted of the general picture in respect to these agencies, and should be conversant with the audits of the Comptroller General published in the CONGRESSIONAL RECORD. I do not know what he plans to do. It seems to me as Attorney General of the United States he has a very definite duty, in the light of all that has been developed over the years in respect to the financial operations of these agencies.

I am not going to speak at greater length, Mr. Chairman. I close with the thought that I have so often expressed.

If this administration is going to do nothing about this situation, if the Attorney General is going to take no steps in the light of the picture that has been painted, then I submit that the Congress, and this House in particular, has an imperative duty to instigate and carry through a thorough investigation of the entire situation at the earliest possible moment.

The responsible heads of the two agencies have a right either to be cleared or to be held responsible for whatever situation may be developed. It is the people's money that is in question. The people are entitled to the facts.

I hope that it will not be long before an impartial, fearless, thoroughgoing investigation is inaugurated and carried to a conclusion.

Mr. PLUMLEY. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. MURRAY].

Mr. MURRAY of Wisconsin. Mr. Chairman, I again wish to ask, What are we in Washington going to do for Eddie? Time is running short. Eddie has not any backlog of war profits to depend upon. Eddie is the veteran I told you about yesterday. He is trying to build up a small meat slaughtering business out in Wisconsin.

Paragraph three of his letter of May 18 states:

> However I have done everything I can possibly do to get a quota to butcher meat from the OPA but up to the present time, I have received nothing but promises—and promises don't help me much.

I fear Eddie's hair will be turning gray long before he gets help from the OPA.

I realize that our distinguished Speaker, the Honorable SAM RAYBURN, stated on the floor of the House on May 3:

> I may say to the gentleman from New York and to others that I have spoken to people in high places and told them that I think that cattle ought to be removed from control.

I realize that our distinguished colleague from Missouri, the chairman of the powerful Appropriations Committee, supported the decontrol of meat.

I realize that Secretary of Agriculture Anderson stated in the press that slaughter control should be removed in 90 days if the present program does not work better.

But Eddie cannot wait. When he was flying a bomber in India 2 years ago, the Congress spent many hours deciding on whether or not and how he could vote. You remember the bobtail ballot. But right now Eddie wants a chance to eat and a chance to make an honest living. Does this administration wish to continue the policy of allowing Eddie to kill but 10 head of cattle per month, and allow the big packers to kill thousands upon thousands? Why do not these people in high places pay attention to our Speaker who knows something about the cattle business? Can it possibly be that administration spokesmen would work both sides of the street? Or would they?

If the OPA and the office of the Secretary of Agriculture will not let cattle owners have feed for their cattle, nor permission to kill them, it is time that someone does something for the Eddies in every county in America.

I would like to ask any Member whether it makes sense to him to prohibit the killing of cattle, refuse feed for cattle, and keep the housewife from obtaining meat for her family. I will yield to any Member on either side of the aisle at this point to answer. If you cannot I shall conclude you cannot give a satisfactory answer.

I will be waiting for your answer, but in the meantime, let us really see that something is done for the deserving Eddie in my district and the thousands of Eddies in your districts as well.

Mr. THOMAS of Texas. Mr. Chairman, will the gentleman yield?

Mr. MURRAY of Wisconsin. I yield to the gentleman from Texas.

Mr. THOMAS of Texas. I certainly commend the gentleman for the stand he has taken. Only today I received a telegram from a constituent of mine in my good city of Houston. This man said that he had a capacity to slaughter about 110 head of cattle a day, and the quota is 18. He can get the cattle to slaughter, and yet they only give him a permit on the theory that some time in the past he had violated some of their rules and regulations. This looks to me as a good example where their rules and regulations, instead of serving the public interest, are hindering by keeping meat off the table.

Mr. MURRAY of Wisconsin. I thank the gentleman from Texas.

May I repeat this statement about people in high places. I should like to know why they do not pay more attention to the distinguished Speaker of this House. I do not want any administration, whether this one or any other, to think they are going to work both sides of the street on this matter. They are either black or white. They are one way or the other. If one group of the administration thinks they are going to make the cattle people of this country believe they are for them and some other group of the administration believe they are not for them, I think it is about time that we called their hand.

The OPA and the office of the Secretary of Agriculture will not let cattle owners kill these cattle. At this very time they will not let the man kill them, at a time when the housewife cannot go to the market and get any meat. Yet out of the other side of their mouth they tell them they cannot have any feed to feed the cattle.

I again wish to yield at this time to any Member on either side of this aisle to tell me what this administration wants the cattle owners of America to do with these cattle. Keep in mind nearly one-half of these cattle are dairy cattle. One Government agency does not want them to be killed, another Government agency does not want the cattle owners to have the feed to feed them, and in addition they do not want anyone to eat them either. I would be very glad to yield to any Member on either side of this House to answer. If that question is not answered, it shows me there is not a Member of this House on either side of the aisle that has any answer that is worth while, or else they will answer this question.

Mr. CHURCH. The gentleman is asking the wrong question. They want to regiment the Eddies.

Mr. MURRAY of Wisconsin. That is not an answer to the question.

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. MURRAY of Wisconsin. I yield to the gentleman from Nebraska.

Mr. CURTIS. Within the last few days I have received a communication from a licensed slaughterer in my territory to the effect that he consumed his entire May quota of beef cattle in the first 3 days of May. He has a plant that cost considerable money. His customers want meat, but he cannot get it because of the OPA. While the gentleman has very ably pointed out the effect on Eddie, the individual I mentioned has been in business for 30 years and has a reputable concern that has done everything it could to comply with the rules. The OPA is not only ruining those men, but it is depriving the working people, the poor people, and the middle-class people of meat. With 75 percent of our beef flowing through black-market channels, they are raising the price of meat to the consumers millions and millions of dollars above what it would be in a competitive market. All of those profits go untaxed. That may be the more abundant life and the Utopia we have been working for the last 14 years, but the folks I know do not like it.

Mr. MURRAY of Wisconsin. I do not want to get into any partisanship in connection with this particular case. Eddie happens to come from one of the real Jeffersonian Democrat families of his community. I do not know what their present political state of mind is today, but at least I know that Eddie wants to make an honest living—a living he is entitled to under the Constitution of our country. I do not think that politics is of any particular interest to Eddie right today. I have known Eddie since he was a boy. He was one of the cleanest-cut, most ambitious little chaps I ever saw. You just leave Eddie alone, and if he has his health, 10 years from now he will have a slaughterhouse in that community that will really be a good industry for the community. His county has over 60,000 cattle, and over a quarter of a million cattle are in the counties surrounding the one in which he is located. Eddie can slaughter but 10 per month, but he can do down to the depot and see carloads on the way to the big packers.

Here we are, 435 Members. We are supposed to be able to do something for these people. I do not know what kind of mail you are getting, but I get letters from people that want me to do something for them. I want to do something for people who are entitled to it. I want to do everything in the world for Eddie that I can think of. I even wrote a letter to the President of the United States, and I sent him copies of letters I had from Eddie.

Mr. CHENOWETH. Mr. Chairman, will the gentleman yield?

Mr. MURRAY of Wisconsin. I yield to the gentleman from Colorado.

Mr. CHENOWETH. The distinguished gentleman from Wisconsin is recognized as one of the agricultural experts in this House.

Mr. MURRAY of Wisconsin. But I have not yet been able to do anything much for Eddie.

Mr. CHENOWETH. He states he is trying to do something for Eddie. May I inquire if the great Committee on Agriculture of this House, of which the gentleman is a member, has brought out a resolution prohibiting the imposition of slaughter quotas? That would take care of this situation very easily and very quickly and put a stop to all of this nonsense. Why do you not do that?

Mr. MURRAY of Wisconsin. I do not think it is necessary to go back that far because it will take too long. Eddie cannot wait for the Agricultural Committee, the Rules Committee and the other body. He needs help right now.

Mr. CHENOWETH. What can we do?

Mr. MURRAY of Wisconsin. The House decided that in the OPA bill which was just sent over to the other body. They can take care of that. However, to show that I am in dead earnest about this I will introduce a resolution that will allow Eddie to make a living.

Mr. CHENOWETH. Do you think the other body will?

Mr. MURRAY of Wisconsin. I do not know. They have the responsibility and the opportunity as well as we did.

Mr. CHENOWETH. I hope you will use your influence to see that it is done.

Mr. RIZLEY. Mr. Chairman, will the gentleman yield?

Mr. MURRAY of Wisconsin. I yield.

Mr. RIZLEY. I just want to say to the gentleman I do not think Eddie or anybody else need worry too much about meat because if they are going to want sandwiches, they will have to have some bread to go along with the meat. The gentleman may or may not know that in Detroit, Mich., which is now one of the greatest industrial sections of the country, the workers at the Dodge plant have already signed a resolution to the effect that if they are not furnished bread by some time next week they are going to quit. First, the meat went out of the sandwiches, and now the bread is going out of the sandwiches. With that order that went out yesterday which had to do with wheat, I predict that it will not be but a little while before you find a situation in every industrial section in this land where you will not be able to buy a loaf of bread.

Mr. MURRAY of Wisconsin. May I answer the gentleman by saying that I am sure the wheat representatives in Congress are very capable of taking care of their own interests. I am interested in doing something for the small slaughterers of the United States.

Mr. BENDER. Mr. Chairman, will the gentleman yield?

Mr. MURRAY of Wisconsin. I yield.

Mr. BENDER. The gentleman is very properly described as an expert in agriculture.

Mr. MURRAY of Wisconsin. I do not care about that. I want to do something for Eddie right now.

Mr. BENDER. I do not know anything about Eddie. I want to ask the gentleman how much horse meat is being shipped to Europe for human consumption from this country. Does the gentleman know that?

Mr. MURRAY of Wisconsin. I do not for sure. I have heard that they are having difficulty in getting packers in this country to kill and dress horses because they do not want the American people to think they are putting any of it on the American market. Therefore, no great volume has ever been slaughtered in United States packing houses.

Mr. BENDER. You know that in Europe horse meat is a standard diet in many places. Does not the gentleman feel that by shipping horse meat to these European countries we might help solve this problem?

Mr. MURRAY of Wisconsin. We have 10,000,000 more cattle than we ever had before. I want Eddie to kill some of them so he can make a living and a living that he is entitled to as a citizen of the United States.

Mr. PLOESER. Mr. Chairman, I yield 9 minutes to the gentleman from New York [Mr. COLE].

Mr. COLE of New York. Mr. Chairman, the subject that has just been discussed by the other Members is a very important and vital matter concerning the American people. However, the bill we have before us for our consideration is something quite foreign to the subject matter just discussed.

It had been my intention to discuss the differences between the Committee on Appropriations and the views of the Committee on Naval Affairs as outlined by the chairman of the Committee on Naval Affairs the gentleman from Georgia [Mr. VINSON]. However, in view of comments that have been made by the members of the Committee on Appropriations and the quotations made by them voicing the statements of responsible naval officials, both civilian and military, I confess I am amazed, confounded, confused, and not a little disappointed.

May I have the attention of the gentleman from Texas [Mr. THOMAS], because I want to make sure I understood him correctly when he quoted Admiral Cochrane as saying this morning that

the Navy Department was satisfied with the amount of money allowed to them under this appropriation bill for the purpose of laying up ships; that none of the ships composing the difference between plan 1–A and plan 2 would be scrapped as to those ships which are actually in being; that they do not need additional personnel to lay up whatever ships they think should be laid up; and that the sum of $53,000,000 is sufficient to take care of their responsibilities with respect to laying up ships. Is that a substantially correct quotation?

Mr. THOMAS of Texas. The gentleman has propounded three or four questions in one. I doubt if one part of it was covered in our conversation, but he did state categorically that he had all the money he needed.

Mr. COLE of New York. I should like to make sure from some member of the Appropriations Committee who has already expressed himself that none of the ships constituting the difference between plan 1–A and plan 2 will be scrapped.

Mr. PLOESER. Mr. Chairman, will the gentleman yield.

Mr. COLE of New York. I yield.

Mr. PLOESER. I have stated on the floor my understanding and the committee's understanding of Admiral Cochrane's statement to us as of yesterday at 5 o'clock. I stated in detail some of the exact quotations he made when the Admiral was present. The gentleman's understanding is correct.

Mr. VINSON. Did you inquire of the chairman of the committee if that is his understanding also?

Mr. COLE of New York. I assume there is no disagreement between the gentlemen on the Appropriations Committee and their interpretation of what Admiral Cochrane said.

Mr. SHEPPARD. Mr. Chairman, will the gentleman yield?

Mr. COLE of New York. I yield.

Mr. SHEPPARD. My impression is identical with that of the gentleman from Missouri [Mr. PLOESER]; and, in addition, about 20 minutes before I came to the floor this morning, I said, "Is this bill going to cause the scrapping of 80 ships?" His answer was, "No." I want to be absolutely fair. He said the ships are tagged for the purpose of review, to determine their eventual disposition.

Mr. COLE of New York. Since the responsible men of the Navy have taken that position, which is contrary to the statements made by them to the members of the Naval Affairs Committee, I see no other alternative than for us who are interested in reinstating some funds but to retreat and withdraw from our position. The rug has been pulled from under our feet.

It is most disconcerting, annoying, and discouraging to observe that the same men who have that responsibility tell one committee of the House of Representatives having responsibility with regard to the Navy certain statements and then to make qualifying or somewhat different statements to other Members of the House who also have an interest and responsibility with regard to the Navy.

Mr. BRADLEY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. COLE of New York. I yield.

Mr. BRADLEY of Pennsylvania. I just want to make the observation that I share the views of the gentleman with respect to the confusion which these Navy officers have caused by their contradictory statements.

Mr. COLE of New York. All of the development that has transpired in the past 6 months with regard to the program for the future Navy is so mysterious to me that I am wondering the reason behind it. To be somewhat repetitious of what has already been said, you will recall that last summer the Navy projected a peacetime fleet as being so many ships which constituted plan 1. They presented that plan to the Budget. The Budget reduced it and came back to the Navy and insisted on a reduction. So the Navy acquiesced in plan No. 2, which is substantially the plan for which funds are made available by this appropriation bill. The difference in the number of ships between plan 1 and plan 2 is 114 ships. Whether they were actually ships afloat or in dry dock under construction is not important. The difference in the number was 114 ships. At the same time that representatives of the Navy Department, both civilian and military, appeared before the appropriations committee acquiescing in this plan No. 2, which was a substantial reduction from their previous recommendations, these same officials were appearing before the House Naval Affairs Committee recommending plan No. 1, or at least looking with disfavor upon plan No. 2. It is mysterious to me why those men who have been trained for and who have the responsibility of looking after the Navy should on the one hand tell one congressional group one thing and at the same time tell another congressional group another thing.

Frankly, I cannot help expressing publicly what probably is in the minds of everybody who is interested in the Navy, the acknowledgment that the Commander in Chief of our military forces today does not have the same interest in, the same advocacy of, the same determination to have a large naval establishment as did the predecessor Commander in Chief. At least not to the same degree.

We all recognize that the Commander in Chief today is determined, persistent, and unwavering in his decision to unify the two military forces. I cannot help but have the feeling that perhaps that situation has had some bearing on the attitude and the actions of individual naval officials in acquiescing in Budget recommendations, because of the fact that plan 1 for our Navy was a Navy man's Navy, and was approved by the Joint Chiefs of Staff. Plan 2, if you please, is a financial man's, a Budget man's, a drugstore man's, or whatever the budget officer may have been who passed upon these requisitions—it is his type of Navy. The disturbing part of it is that these budget men who have determined the type of Navy we are to have—I do not want unjustly or unfairly to characterize the men in the Budget Bureau who passed upon the Navy requisitions, but it is entirely possible that the men who used the blue pencil in Navy requisitions have had no experience with the Navy, had no understanding of naval problems, had no great appreciation of naval responsibilities, whose only training was perhaps as a bookkeeper, as a businessman, perhaps ever as a lawyer; men who are not qualified to pass upon the military requirements to defend the interests of the country, certainly in such distressing and troublesome times as we are now passing through. For that reason and in order that the people in the Navy may get back to the job of running the Navy, seeing to it that this Nation is adequately, efficiently, and completely protected, I make this protest and express the view that this determined and persistent effort to consolidate the military services is disturbing, demoralizing, and unwholesome, and the whole question should either be settled quickly or be dropped entirely in order that there may be no possible further jeopardy of our national defense responsibilities.

The CHAIRMAN. The time of the gentleman from New York has expired; all time has expired. The Clerk will read.

The Clerk read as follows:

NAVAL ESTABLISHMENT

TITLE I—OFFICE OF THE SECRETARY

Miscellaneous expenses

For traveling expenses of civilian employees, including travel of dependents of employees to and from navy yards or stations outside the continental limits of the United States; expenses of attendants, at home and abroad, upon meetings of technical, professional, scientific, and other similar organizations when, in the judgment of the Secretary of the Navy (hereafter in this act referred to as the Secretary), such attendance would be of benefit in the conduct of the work of the Navy Department; physical examinations by civilian physicians and in other than naval hospitals of civilian employees engaged in hazardous occupations; expenses of courts and boards; purchase of law and reference books; expenses of prisoners and prisons; clerical assistance; witnesses' fees and traveling expenses; promoting accident prevention and safety in shore establishments of the Navy to be expended in the discretion of the Secretary; newspapers and periodicals for the naval service; all advertising of the Navy Department and its bureaus (except advertising for recruits for the Bureau of Naval Personnel); costs of suits; maintenance of attachés and others abroad, including office rental and pay of employees, and not to exceed $900 for any one person for allowances for living quarters, including heat, fuel and light, as authorized by the act approved June 26, 1930 (5 U. S. C. 118a), contingencies for the Chief of Naval Intelligence, to be expended in his discretion, not to exceed $5,200; collection and classification of information pertaining to Naval Intelligence; telephone, telegraph, and teletype rental and tolls (including not to exceed $300 for extension telephones between the telephone switchboards at the official stations of naval officials and the living quarters of such officials), telegrams, radiograms, and cablegrams for the Navy Department and the naval service; postage, foreign and domestic and post-office box rentals; microphotographic services; necessary expenses for interned persons and prisoners of war under the jurisdiction of the Navy Department, including funeral expenses for such interned persons or prisoners of war as may die while

under such jurisdiction; payment of claims for damages as provided in the act approved July 11, 1919 (34 U. S. C. 600), and the act approved July 3, 1944 (46 U. S. C. 797), and for the payment of claims of civilian employees of the Naval Establishment as provided in the act approved October 27, 1943 (34 U. S. C. 984), which have not been or may be eligible for payment under the provisions of the act approved March 27, 1942 (15 U. S. C. 606b-2); and other necessary and incidental expenses; $13,146,000.

Mr. SHEPPARD. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. SHEPPARD: Page 3, line 24, strike out "13,146,000" and insert "$13,205,000."

Mr. SHEPPARD. Mr. Chairman, this amendment is made necessary because of an error in eliminating certain allowances for civilian employees stationed in foreign countries. The committee did cut out all allowances for living quarters of civilian employees of the Navy abroad, but through an inadvertence an amount was deducted that would have deprived these employees of all allowances. That was not the intention of the committee, so I ask the House to approve the reinstatement of this $59,000 in order that the bill will correspond with the action of the committee as stated in the report accompanying the bill.

Mr. BENDER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, during the debate on the naval appropriation I had called to my attention an article which appeared in today's Washington Daily News. The article is headed "Russia is acting tough as Czechs go to polls." I am wondering as we are legislating here for naval appropriations just what we have in mind. Are we interested, as the gentleman from Virginia [Mr. BLAND] indicated, in preserving the peace of the world and not using our Naval Establishment for warlike pursuits? Are we helping to make the world safe for communism? Is it not a fact that our boys fought to guarantee self-determination for every nation irrespective of size. Here is an article in an American newspaper saying that the movement of Russian troops into Czechoslovakia prior to Sunday's election, which is tantamount to occupation, is regarded as a puzzling blunder. This dispatch comes from Vienna and the article is written by Parker La Moore, a newspaperman from Ohio whom I know, a man of sterling character and an honest reporter. He is telling us that the voters in Czechoslovakia are going to the polls at the point of the Russian bayonet.

The confusion, the incompetency, and the disloyalty of our representatives in permitting this sort of thing is to me most shocking. How we in America can tolerate this situation passeth all understanding.

This article, in part, reads as follows:

It's not an easy matter to fathom the Slav mind, and particularly the Kremlin's thinking these days. More to the point, as far as Americans are concerned, is the fact that they are paying the bill while this sham battle is going on and yet stand to get nothing out of it but a headache.

The Czech Government is able to maintain itself as a going concern while diverting its manufactured products to Soviet channels because the Czech state is being supported by the American taxpayers.

In other words, our money is being used to communize Czechoslovakia for the Soviet Republic's benefit.

This article goes on to say:

Money we contribute to UNRRA is converted into goods. The goods are given to the Czech Government. It sells them to the people and pockets the proceeds.

We call it relief and rehabilitation. It might more accurately be termed a subsidy. We in effect are financing the socialization of Czechoslovakia and rehabilitation of Czech industry for the benefit of Russia.

We are not even getting good will out of the deal because the state charges its people such high prices for UNRRA goods the program is by no means popular. Czech consumers naturally think we are getting the money and are profiting by their misfortune.

It's the old Uncle Shylock story all over again. Czech officials defend the high prices for UNRRA goods by saying they constitute a tax on consumption and that there is nothing else to tax. But if it is a tax, we are paying it.

I cannot conceive of a more miserable procedure than has been described herein. Here we are, right after a world war that was fought for what? To make the world safe for communism or to get rid of nazism, fascism, or any other kind of ism that was confounding and destroying the very fiber of the world's thinking and the industrial fabric of nations? I say that we in the United States Congress, when considering the expenditure of funds as we are today, should take these matters into consideration. I am in favor of the amendment to be offered by the gentleman because I believe we ought to have a strong naval establishment, especially at this particular time. But I say that we ought to have our officials, who are charged with the responsibility in dealing with foreign governments, our allies as well as our foes, appreciate and understand what it is that we were fighting for and what it is that we have in mind at this time.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. DREWRY. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, at the outset of this discussion, on my part I wish it to be understood that there is no criticism of the work of the subcommittee on naval appropriations. From a reading of their report I think they have done a splendid job, and with most of it I am heartily in accord. It gives me pleasure to commend this committee for its thoroughgoing study and report on naval appropriations.

The matter to which I shall devote my remarks can be very simply and briefly stated. It is a question of whether the Committee on Appropriations has reduced its appropriations to a point where the adequacy of the Navy, in terms of personnel and ships, is below the figure which is essential to our national security. As the report says, "many sincere minds devoted to the public weal can and do adopt many and varied conclusions" on the subject.

The Committee of the Whole will have to decide on this particular subject whether we shall have 1,079 ships or 965 ships, and whether we shall have 500,000 enlisted men and 58,000 officers, or 437,000 enlisted men and 57,800 officers as the complement at the end of the year. The first figures were contemplated in what is known as postwar plan 1–A, and the report of this Committee is a combination of what is known as postwar plan 2–A and 1–A—with less than the No. 1 plan and a little more than the No. 2 plan.

It will be noted that if the bill of the subcommittee is adopted, it will be necessary to scrap 114 ships and reduce the enlisted strength by 63,000 men, and the officer strength by 200 men. I will direct my discussion briefly to these two points. The chairman of the Naval Affairs Committee has made a very concise and full statement of the situation, and there is no need for me to take up the time of the committee with any amplification of his remarks. I am merely expressing my personal view from an intensive study of the needs of the Navy that, in my opinion, the country cannot afford at this time to have its Navy lose its complement of ships or men.

This entire matter is in the nature of a concurrent resolution known as House Concurrent Resolution 80, which was passed upon by the Naval Affairs Committee of the House, reported to the House with a full and complete report giving the reasons for the passage of such resolution, and was passed by the House of Representatives on October 30, 1945. This concurrent resolution called attention to the fact that the Congress was charged with the responsibility of providing and maintaining a navy, and that it was not necesary to retain for the Navy all of the ships, vessels, or crafts then built, building or authorized, but that it was necessary for the Congress to determine the size of the immediate postwar Navy in order to insure our national integrity, support our national policies, guard the continental United States and our overseas possessions, give protection to our commerce and citizens abroad, and to cooperate with other world powers in the maintenance of peace with an adequate fleet of supporting aircraft, personnel, bases, and establishments. A full and complete hearing was held on this resolution, and I, for one, have not changed my mind as to the maintenance of a navy as set out in detail in said resolution. It would seem strange that after the House had passed such a resolution only 6 months ago, that now it should turn around and reverse its position by reducing what at that time it said was necessary for an adequate navy for the purposes referred to.

It must be remembered that peace has not yet been declared and that as a member of the United Nations we are now engaged in conversations with the representatives of the other members of that organization to secure a lasting and durable peace. It certainly will not strengthen the hands of our representatives at that peace conference to reduce the strength and size of our Navy. In my own personal opinion, the Navy has already been reduced to the danger point.

The other nations look on us as pacifistic, and I suppose we are, in one meaning of the word, pacifistic, but it is necessary for us to have sufficient ships and personnel to support our national policies and to make a strong showing in our cooperation with other powers to maintain peace. It does not add strength to that showing to reduce the strength of our naval establishment.

It was fully understood by the committee and by the House, when it passed that resolution, that the question of the size of the Navy rested in Congress, for Congress, under the Constitution, has the function not only of providing but of maintaining the Navy. This resolution carried with it the thoroughly considered judgment of the Navy and its high-ranking officials, who had in mind not only the national security, but the cost of operation of the Naval Establishment. They are the experts, trained for the express purpose of advising the Congress as to what, in their opinion, should be the size of the Navy with reference to the national security, and the report of the Naval Affairs Committee carries the following:

In the hearings on the resolution the Secretary of the Navy and the Chief of Naval Operations assured the committee that if this concurrent resolution was passed by the Congress and the Navy Department would consider it binding upon the Department in the establishment of the postwar Navy.

In the report of the subcommittee which we are now considering, it is stated that:

The committee weighed the voluminous testimony of naval officers in support of plan 1-A.

Keep in mind that this plan, 1-A, was the decision of the Naval Affairs Committee based upon the recommendations, advice, and suggestions of the naval authorities. So it would seem that the plan of this subcommittee is not entirely in accord with either the views of the Naval Affairs Committee or of the Navy itself.

I am forced to the conclusion that the subcommittee has reduced the number of ships and the number of personnel below the level of safety. I hope that the Committee will, therefore, vote for the amendment offered by the chairmar of th Naval Affairs Committee under the unanimous direction of said committee, which will raise the personnel slightly and save 114 ships which might otherwise be lost.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

CONTINGENCIES OF THE NAVY

For all emergencies and extraordinary expenses, exclusive of personal services in the Navy Department or any of its subordinate bureaus or offices at the seat of government, arising at home or abroad, but impossible to be anticipated or classified, to be expended on the approval and authority of the Secretary, and his determination shall be final and conclusive upon the accounting officers of the Government, and for examination of estimates for appropriations and of naval activities in the field for any branch of the naval service, $10C,000.

Mr. VINSON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this opportunity and time to state that a few hours ago I announced an intention to offer certain amendments to take care of some 80 ships that the Committee on Naval Affairs felt were being jeopardized by the failure to have sufficient money in the bill to carry them in an inactive status. In view of what has taken place, in view of the statement made by the distinguished gentleman from Missouri [Mr. PLOESER], in view of the statement made by the distinguished chairman of the committee, the gentleman from California [Mr. SHEPPARD], and in support of the position taken by the distinguished minority member, the gentleman from New York [Mr. COLE], I think the proper thing to do is to announce to the House that I will not present the amendment.

However, I want the record to show that at approximately 10 o'clock this morning at my office, in the presence of the gentleman from New York [Mr. COLE], and in the presence of Admiral Nimitz, Admiral Cochrane stated that these 80 ships could not be berthed without additional money in the bill. As a result of that statement made this morning I had an amendment prepared by the clerks of the committee to make available $14,000,000. I am unwilling to offer this amendment to spend $14,000,000 provided these 80 ships can be taken care of, in view of the statement made by these two distinguished gentlemen in charge of this bill that these ships will not be disposed of except in accordance with the act of 1882, which is applicable to all ships of the Navy.

Therefore, the House can notify the country that the Navy total combatant strength will be 1,045 ships instead of 965.

Am I in accord with the distinguished gentleman from Missouri in regard to that?

Mr. PLOESER. I concur with what the gentleman has said in regard to the strength and what he has said with regard to his understanding and his desire that not one of these ships be scrapped, and I can confirm what he said about the adequacy of the appropriation.

Mr. VINSON. Is the distinguished chairman in accord with my views on that?

Mr. SHEPPARD. I am in accord with what the gentleman has said, with this reservation, that the comment was that the ships were tagged for the discriminating consideration of the Survey Board, which will determine their disposition. That was the statement the admiral made. They were not scrapped, but they were tagged for the purpose of clearing through the Survey Board, for the Survey Board's determination.

Mr. VINSON. That is in accordance with the act of 1882, which is the only law by which a ship can be disposed of.

Mr. SHEPPARD. That is right.

Mr. COLE of New York. If the gentleman will yield, can he give us a statement as to the effect of the act of 1882?

Mr. VINSON. The act of 1882 requires that the Navy appoint a board of naval officers to make a survey of the ships, and then the board must reach the opinion that the ships are no longer useful and of any service to the Navy. The question of obsolescence is not involved. It is a question of whether they are of any more use or benefit to the Navy. That is the sole and determining factor.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. VINSON. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. PLOESER. Mr. Chairman, will the gentleman yield?

Mr. VINSON. I yield.

Mr. PLOESER. It should be made plain, however, that what has just been said applies to every ship in the Navy.

Mr. VINSON. Certainly. That is true. Of course it applies to every ship in the Navy. Under the law, no ship in the Navy can be disposed of by the Navy unless it meets the standard required by the act of 1882. The Navy cannot give to a South American country or to any other nation any of these ships without a specific act of Congress. Therefore, we will have on hand 965 ships, plus 80 ships which as it was stated by the gentleman from California that Admiral Cochrane advised him they will be continued on the Navy list. If you add those two figures together, you have a combatant strength of 1,045 ships. That is in line with what the Congress wanted when it passed this resolution for 1,079 ships. The only reason we do not have 1,079 ships is due to the fact that 6 of the ships are going to be used in the atomic bomb test and 28 of the ships have not yet been built. Therefore, Mr. Chairman, I notify the House that I will not offer the amendment.

Mr. BATES of Massachusetts. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I also regret there has developed a difference of opinion in respect to the needs of the Navy from the standpoint of our national security. The question as to what the size of our postwar Navy should be was gone into quite thoroughly by the House Committee on Naval Affairs. That is the committee of the House that is held responsible by the Members of Congress for the bringing in of a report after careful consideration by that committee of what we considered to be the necessary strength to safeguard the security of the United States and our outlying possessions. When the question of the postwar Navy was under consideration and the postwar fleet as stipulated in what we call postwar plan 1-A which calls for 1,079 combatant ships, in the Committee on Naval Affairs in answer to a direct question as to whether or not that size Navy was necessary and whether it was imperative from the standpoint of our national security to have that size Navy as an active fleet in the postwar period, Admiral Nimitz stated in very definite language, which is in the records of the Committee on Naval Affairs, that that size fleet was necessary and that it was imperative from the standpoint of our national security and our own defense. He said it was necessary to have a 500,000-man Navy and a 100,000-man Marine Corps with 50,000 officers in the Navy and proportionately the same

number in the Marine Corps. It was on the basis of the recommendations of the high military authorities in the Navy Department that the Committee on Naval Affairs reported out the so-called 500,000-man postwar Navy bill. We discussed that bill on the floor of the House. We went into it from many angles. We recalled to the minds of the Members of the House the situation we faced in the prewar days. We called their attention to the scrapping of a substantial part of the fleet in 1922 when we sank and scrapped 29 battleships and which we then thought was in the interest of world peace. We made up our minds that it was not going to happen again without a protest from the members of the Committee on Naval Affairs and the Members of the House of Representatives. As a result of the presentation of our case before the House, the House unanimously passed the postwar 500,000-man Navy.

We have a bill here today which contradicts in every sense of the word the recommendations that were made to our committee by the Chief of Naval Operations and Chief of Naval Personnel. This bill before us today provides for 437,000 men. We find in the record of the hearings before the Appropriations Committee the words of Admiral Nimitz where he says that this Navy with 437,000 men may be more than adequate, which again is a complete contradiction of what Admiral Nimitz told us in the Naval Affairs Committee a short time ago.

I do not know just where the change of heart took place or who brought it about. The Naval Affairs Committee still believes in a postwar Navy of 500,000 men. That is where we stand today just as we stood over a month and a half ago.

Mr. RIZLEY. Mr. Chairman, will the gentleman yield?

Mr. BATES of Massachusetts. I yield.

Mr. RIZLEY. Every Member of the House of course has implicit confidence in the distinguished chairman of the Committee on Naval Affairs, the gentleman from Georgia [Mr. VINSON]. When the gentleman from Georgia comes here and makes a statement with respect to the Navy we rely upon it. In view of what the gentleman has said and in view of what has happened here today, when one committee of this House says that those in charge of naval affairs tell the one story, and on the same day tell such distinguished men as the chairman of the Naval Affairs Committee another story, what is the average Member of the House who is not a member of either committee to rely upon? Has it come to the place in this country where everyone is making double talk out of one side of his mouth at the same time?

Mr. VINSON. It is worse than confused.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COLE of New York. Mr. Chairman, I ask unanimous consent that the gentleman have five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. COLE of New York. Mr. Chairman, will the gentleman yield?

Mr. BATES of Massachusetts. I yield.

Mr. COLE of New York. In response to the question asked by the gentleman from Oklahoma [Mr. RIZLEY] as to what the average Member of Congress should do in the face of such confusion, I might suggest that perhaps the best step to take is to unify the military and naval services and avoid any further confusion.

Mr. BATES of Massachusetts. Of course, I do not agree with that suggestion at all.

Mr. COLE of New York. Neither do I.

Mr. BATES of Massachusetts. I am opposed with all the strength and all the energy that I possess to any plan of unification such as recommended by the Army. I think the objective in that respect is to sink the Navy completely insofar as administrative authority is concerned. Of course, we do not know—those of us on the Naval Affairs Committee—whether this reduced appropriation is the first step to accomplish that purpose in another way. I have the greatest respect for the Subcommittee on Naval Appropriations. They have backed us up completely over a period of at least 10 years to my knowledge, in every recommendation we have made to the House in prewar days, through the war period, and up to the present time. I want to compliment the gentleman from California [Mr. SHEPPARD] and other members of the subcommittee for the grand job they have done in that respect. But something has happened between the Capitol and Pennsylvania Avenue that has brought about this condition where we find ourselves today in complete disagreement.

Mr. SHEPPARD. Mr. Chairman, will the gentleman yield?

Mr. BATES of Massachusetts. I yield.

Mr. SHEPPARD. In order that the gentleman and the House and the public may distinctly understand the position of the chairman of the Subcommittee on Naval Appropriations with respect to the unification objective, it will only be accomplished over my dead body.

Mr. BATES of Massachusetts. I thank the gentleman. I think the gentleman represents the viewpoint of the American people from one end of this country to the other. But in high quarters that seems to be in the wind today. Sink the Navy, no matter how you do it. But we are not going to stand idly by and permit that to be done. Those of us who have given years to the building up of the Navy and the Marine Corps can appreciate the tremendous job they had in the Pacific, the Atlantic, and the Mediterranean areas during the war period, how well that job was done and the tremendous sacrifices which were made in order victory may be ours.

Mr. BRADLEY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BATES of Massachusetts. I yield to the gentleman from Pennsylvania, a fellow member of the Naval Affairs Committee.

Mr. BRADLEY of Pennsylvania. Does not the gentleman believe our position would be very much better with regard to unification if we had an agreement of minds on the part of the naval officers in their discussions before congressional committees, in their testimony before congressional committees?

Mr. BATES of Massachusetts. I certainly do; and I do not understand—it is the first time in my long experience on the Naval Affairs Committee where any of our high-ranking naval officers have backed water on matters of such tremendous importance as the building up and the maintenance of our Navy. I have always looked upon our high-ranking naval officers with the greatest respect and admiration for the courage they displayed not only on the fighting fronts of the world but before our committee irrespective of what pressure might have been brought to bear on them by authority above. You may rest assured this confused situation is something the House Naval Affairs Committee is going into very thoroughly in order that we may defend the positions we have heretofore taken in respect to the 500,000 man postwar Navy. We have got to defend that now before the American people.

Mr. VINSON. Mr. Chairman, will the gentleman yield?

Mr. BATES of Massachusetts. I yield.

Mr. VINSON. It is not only the position of the committee, but it is the position of the Congress.

Mr. BATES of Massachusetts. Absolutely. We recommend a certain sized Navy to the Congress and Congress adopted our views, yet we are here confronted with the situation in the appropriations hearing where we do not know whether the present recommendation of a 437,000-man Navy is adequate, especially when they told us it was imperative for our own national security that we should have at least a 500,000-man Navy with an active fleet of approximately 1,080 ships. That leaves us in the position where it is difficult to defend ourselves with that back talk that has taken place; and I hope the chairman of the Naval Affairs Committee will call a meeting of the Naval Affairs Committee to see just where the dividing line is and when it was taken and what is responsible for high-ranking naval officers upon whom we depend for advice in matters of this kind who have back-tracked as they have in the appropriation hearing.

Mr. CHURCH. Mr. Chairman, will the gentleman yield?

Mr. BATES of Massachusetts. I yield.

Mr. CHURCH. I wanted to ask the gentleman from Massachusetts whether he believed the Navy was making an ordered retreat.

Mr. BATES of Massachusetts. I do not know, but the Navy never retreated before gunfire and I hope it is not now retreating before political fire.

Mr. REES of Kansas. Mr. Chairman, will the gentleman yield?

Mr. BATES of Massachusetts. I yield.

Mr. REES of Kansas. I have the highest respect and regard for the opinion of the gentleman now addressing the House because he has given a great deal

of time and effort to this subject matter. I am not a member of either of these committees, either Military or Naval Affairs, but the statement the gentleman has just made with respect to these contradictions inclines me to support a putting together of these two services, the Army and the Navy. There is no way in view of what the gentleman has just said, if they cannot get along in their own house without having arguments among themselves, it is pretty good argument to support those of us who think there should be some kind of consolidation or combination of these two forces. That is the way I look at it in view of the gentleman's statement.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. BATES of Massachusetts. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BENDER. Mr. Chairman, will the gentleman yield?

Mr. BATES of Massachusetts. I yield.

Mr. BENDER. Will the gentleman say whether or not he thinks that possibly these naval officials have been pressured into this position.

Mr. BATES of Massachusetts. I do not know what the reason is. I would, however, hate to believe that high-ranking naval officials who brought victory to our flag together with our land and air forces, have retreated under direction from other sources. I would hate to believe that was what actually had happened but I am inclined to believe that there is probably something to the suggestion the gentleman has made.

Mr. Chairman, I yield back the balance of my time.

Mr. RANDOLPH. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the very able chairmen of the Senate and House Naval Affairs Legislative Committees respectively, Senator WALSH and Representative VINSON, have issued a joint statement within the past 4 or 5 days saying that in their opinion, and they make it a very vigorous opinion, the Congress would not support the consolidation or unification of the War and Navy Departments. They use the misnomer of merger—and it is quite apparent that they are worried of a very real threat of needed action.

Of course, they have a right to that viewpoint; they have a right to express it publicly and to reexpress such a sentiment. It is my feeling, however, that the only reason the Congress of the United States does not express itself affirmatively for consolidation of the services is that we have not until this date had the opportunity to vote for such a program. That is the only reason. Whenever it is brought to the floor of this House, or is brought to the floor of the Senate, both bodies will concur in some type of consolidation. Exactly what that would be perhaps few here can agree upon.

We do know that the people of the United States generally, by many polls, and the Congress in an impressive majority, will support consolidation of the armed forces of the United States. It is not an attempt to sink the Navy, or not that we give special preference to any service, but that we will for the first time in our country fashion a coordinated and coequal status of the land, the sea, and the air forces. That is all that could be or would be accomplished under a sensible reorganization of the hydra-headed program which we have continued for years in preparation and in the prosecution of wars.

Mr. PLOESER. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from Missouri.

Mr. PLOESER. Of course, the terms "unification" and "consolidation" are very general terms. They do not specify any particular type of program. So all this discussion this afternoon takes no definite form at all. It just sort of gives us an outlet for our feelings. Unification, which embodies Army monopoly, will not be passed by this House or the Congress.

Mr. RANDOLPH. The gentleman now speaking did not advocate a lopsided set-up. I said "coordinated and coequal status."

Mr. PLOESER. I did not say that the gentleman did. The gentleman will admit, however, that the only presently integrated service is the United States Navy, of land, sea, air, and beneath the sea?

Mr. RANDOLPH. No; I cannot agree with that. I cannot go into that argument now but I feel the Navy, or some top ranking officers within its framework, are grudgingly accepting the air arm for its worth. In my opinion, we have a most haphazard program in operation, and people some day will strike back against those who cling to outworn and outmoded weapons.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from South Carolina.

Mr. RIVERS. Does the gentleman seriously believe this Congress will pass a unified command bill?

Mr. RANDOLPH. All we need to do so is to get the legislation to the floor. That is the only reason why the Navy and those who fight the Navy's battles continue the so-called, and I use the word advisedly, delaying tactics. They do not want such a proposal brought before the Congress because the House, then the Senate, or vice versa, will act to eliminate the present waste and duplication.

Mr. RIVERS. I disagree with the gentleman because I do not believe the House will ever follow that crackpot scheme designed by some people to bring about this phoney reorganization plan. It will never pass the House, in my opinion.

Mr. RANDOLPH. We know, and should be eager to admit, that the trouble with our Federal structure today is that it is an unsegregated, sprawling group of departments and agencies. In Congress, with our committees, we are guilty of the same offense. We know there is duplication and overlapping. The people of America are going to hold responsible the Congress of the United States some day for unification to bring about economy in time of peace and then, of course, efficiency in time of war.

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. RANDOLPH. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RANDOLPH. Mr. Chairman, I feel it is absolutely wrong for this House to continue to appropriate large and excessive sums of money for the naval establishment. I say that advisedly, I say it with a genuine personal regard for those who have studied the question as members of the Naval Affairs Legislative Committee, and then the appropriate committee which today through its distinguished chairman, the gentleman from California [Mr. SHEPPARD] brings this bill before us. I was 1 of the 14 Members of the House who voted against the profligate expenditure of billions of dollars to complete the 14 warships urged for final construction. There will come the day when it will be acknowledged that Congress unwisely appropriated such funds—and further taxed the American citizens to the breaking point.

I asked the question of the gentleman from Georgia, Chairman VINSON, earlier this afternoon, What countries in the world today are constructing navies? He did not answer, because he knew there are no countries in the world today that are constructing navies with the exception of the United States of America and Great Britain—our ally.

Mr. THOMAS of Texas. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from Texas.

Mr. THOMAS of Texas. Let me make this observation to my distinguished friend, the gentleman from West Virginia. In my statement I made the assertion that it is our belief that England today is constructing 110 combat ships.

Mr. RANDOLPH. I will answer.

Mr. THOMAS of Texas. That is a fact. It is not an assertion.

Mr. RANDOLPH. Prime Minister Attlee's official manpower requirement for the British Navy for 1946 is 176,000 men. Is that not correct? The figures actually show it. But we know that the permanent English navy is not even that figure, but is to be reduced to 100,000 personnel.

The CHAIRMAN. The time of the gentleman from West Virginia has again expired.

Mr. RANDOLPH. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RANDOLPH. We know that the British Empire, with all of its far-flung possessions, is beginning to pull in really, from the standpoint of the construction of naval vessels and a big force to man such a program. We know that Great

Britain is the only other country in the world that has any navy, and we know that it is between one-half and two-thirds the size of the proposal which is made for our Navy under the program which is being set forth today by big Navy advocates. Oh, that they could see the error of their way!

Mr. BATES of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from Massachusetts.

Mr. BATES of Massachusetts. Does the gentleman infer that the British Navy is in a static condition; that they do not intend to expand, in view of the terrific losses resulting from the recent war? Does the gentleman believe that Russia is going to stand by and not build a navy, especially when they get into the Adriatic? Concerning our segment at the Disarmament Conference of 1922, when we all agreed to stop building, does the gentleman believe that those who agreed actually did stop building? Are we to remain in a static position also and not be prepared to defend all of our outlying possessions if the occasion should arise? Does the gentleman mean that because they are not doing anything we should not be doing anything, and that our Navy should become completely demobilized and deteriorate and be unfit for further service? Is that the idea that the gentleman would like to leave with us this afternoon?

Mr. RANDOLPH. It is my thought, and I am sure it is shared in by others, that we show utter stupidity in gaging world events when we too quickly plunge into darkness by appropriating sums of money like are anticipated in the legislation before us. I say further that I know that the budget for the British Government this year for the navy is $1,000,000,000, not $5,000,000,000 as we are asked to approve.

Mr. BATES of Massachusetts. Then the gentleman finds himself in complete disagreement with the oustanding naval authorities of this country, and he is taking issue with them on that very important question as to the need for a navy of this country to defend our possessions and also to defend the interests of the American people.

Mr. RANDOLPH. Yes; I do find myself in disagreement. The position taken by the gentleman now speaking is one taken by many other persons in the country today. As I said, I may be in error. I do not say that my arguments are infallible or that my viewpoint is correct. I only assert that I believe that the time is long overdue when this country begins to realize that the excessive expenditures for naval appropriations are absolutely continuing a film over the eyes of the American taxpayers and they are being blinded to the facts.

Let us take this question that the gentleman from Massachusetts raises about Russia. What sort of a navy has the Soviet? We know she has an ancient collection of light, short-range vessels for the Black Sea and the Baltic. She has four battleships, completed between 1897 and 1915 and modernized somewhat in 1940. She does not have a single carrier. She is not building a single aircraft carrier. There is not a single navy in the world outside of Great Britain, other than ours, possessing a single aircraft carrier.

I believe, and I say very sincerely to the Members who bring this bill here and to those who advocate the even greater program of Chairman VINSON that the hour is soon to strike when the American people are going to rebel.

Mr. PLOESER. Mr. Chairman, in order to expedite the consideration of the bill, I ask unanimous consent that the remainder of the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SHEPPARD. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. SHEPPARD: On page 4, line 25, after "expenses" insert a comma and the following words: "exclusive of the Naval Research Laboratory."

Mr. SHEPPARD. Mr. Chairman, it is not the intent of the committee that the limitation to which this amendment is offered shall apply to the Naval Research Laboratory. The amendment offered will clarify that situation.

The CHAIRMAN. The question is on the committee amendment offered by the gentleman from California.

The committee amendment was agreed to.

Mr. PLUMLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PLUMLEY: On page 33, line 22, before the semicolon insert: "and the compensation of the employee in charge of the Naval Academy section shall be at the base rate applying to grade 13 of the Clerical, Administrative, and Fiscal Service, so long as the position is held by the present incumbent."

Mr. SHEPPARD. Mr. Chairman, the committee has no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont.

The amendment was agreed to.

Mr. FORAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FORAND: On page 13, line 8, after "$246,390,000" strike out the period and insert a colon and the following: "*Provided*, That no part of this or any other appropriation contained in this act shall be available for the manufacture, assembly, repair, or overhaul of torpedoes at the Naval Ordnance Plant, Forest Park, Ill."

Mr. FORAND. Mr. Chairman, the reason this amendment is offered here today is that the Navy Department, in cold blood, with utter disregard for the human element involved, has closed down, so to speak, the naval torpedo station at Newport, R. I., the oldest torpedo station in this country, built in 1869, the torpedo station at which the torpedo was invented and developed, and thrown out on the street men with more than 25 years, yes, men with more than 35 years of civil service to their credit, and last December took over a war plant built at Forest Park, Ill., from the American Can Co. and blanketed the employees there into the civil service. Men who have been employed by a private concern, men who would be eligible for unemployment compensation should they be thrown out of employment, were brought into the civil service at a pay rate averaging 20 cents an hour above that paid at Newport.

It is a most unfair way of doing business. There is a complete disregard for the loyalty, skill, and experience of men who have devoted their entire lives to the civil service in the Federal Government, men who cannot be covered by unemployment compensation and who today are below the age of 55 where they could take advantage of at least a reduced annuity under the civil-service laws. They are men who because of their age will not be hired by private concerns. You know as well as I do that once a man reaches 50 and 55 years of age, he is out. That is just what is happening in the city of Newport and in many other places throughout the country. Newport was used as a guinea pig to try out the system of kicking out men. Now, the tactics used at Newport have spread throughout the country. I am not arguing for the closing down of Forest Park. All I am asking is that whatever manufacturing of torpedoes is to be done and whatever repair or overhauling of torpedoes is to be done, should be done at the Newport station where they know how to do the work, where they have the skilled workmen, and where they have since 1869 provided what was necessary in the line of torpedoes.

Mr. MARTIN of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. FORAND. I yield to the gentleman from Massachusetts.

Mr. MARTIN of Massachusetts. I confirm the statement that the distinguished gentleman from Rhode Island has made. The closing of this historic torpedo station at Newport was tragic to hundreds of conscientious workers. Hundreds of people were thrown out of employment. Men who had given years of service; men approaching in some instances within a few years of retirement age were separated from the pay roll. These workers could have left the employ of the station for much greater remuneration. They selected to be loyal to their important war work and with the belief they could achieve the retirement benefits.

The station is an old one created by legislative act and should not have been closed by bureaucratic decision. I am in favor of the amendment of my good friend from Rhode Island and hope it will be adopted.

Mr. FORAND. I thank the gentleman. It seems to me the most foolish move in the world to throw men out of employment who have been under civil service for a quarter of a century or more, and while throwing these men out of employment in one place bringing men in from the outside who have worked in private employment during the war and putting them under civil

service and paying them 20 cents an hour more.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. FORAND. I yield.

Mr. McCORMACK. I join my friend, the gentleman from Rhode Island, and my friend, the gentleman from Massachusetts in supporting the statements they have made. I know something about this situation. It is not a question of trying to get something for some particular section of the country. This torpedo station has been there for 75 years and has been doing efficient work. Its activities are being transferred to a place that was established during the war. It seems to me that fairness and justice call for the adoption of the amendment offered by the gentleman from Rhode Island.

Mr. FORAND. I thank the gentleman.

Mr. PLUMLEY. Mr. Chairman, will the gentleman yield?

Mr. FORAND. I yield.

The CHAIRMAN. The time of the gentleman from Rhode Island has expired.

Mr. FORAND. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. PLUMLEY. May I say that I am perhaps more familiar with this torpedo station at Newport than the gentleman may know. I opposed the establishment of the torpedo station here at Alexandria.

Mr. FORAND. May I say to the gentleman that he was of great help to me back in 1937 and 1938 on this very same thing.

Mr. PLUMLEY. Yes, and even then I had to fight as you are fighting now to get a fair break to keep the place working. I hope your amendment is adopted.

Mr. FORAND. I thank the gentleman.

Mr. DE LACY. Mr. Chairman, will the gentleman yield?

Mr. FORAND. I yield.

Mr. DE LACY. I would like to say to the gentleman that in my district too we had an old-established torpedo station which was doing excellent work and which is now cut to the bone because of this development that he speaks of, a pure wartime development. In the machine shop alone we had 625 skilled mechanics where today only 20 men, a ghost crew, are wandering around there, and the place is practically abandoned. It was one of the finest machine shops in the whole Northwest which was doing precision work that went into these torpedoes which we needed so much during the war. The whole station is virtually abandoned and cut down. The entire little community has nothing to do except a little stump farming, as we call it, or a little farming on part time. I congratulate the gentleman on the fight he is making.

Mr. FORAND. I thank the gentleman. We cannot overlook the fact that the manufacture of torpedoes is on the downgrade. It is practically at a standstill, because of the fact that we have quite an inventory of torpedoes on hand and we will not be using them except for perhaps training and practice purposes. But the fact remains that when VJ-day came Newport was already set up. In fact, we had a peak employment of 13,000 employees during the war. We were set up. The Navy Department could have brought to Newport the spare parts which they gathered from all the other plants and Newport could have completed the job. But no, these spare parts were taken out of Newport and other plants and sent to Forest Park and there the Navy set up practically a new enterprise under the Navy Department. Men who were working for a private concern are going to do the work. Henceforth the Navy Department program is for Newport to have 1,100 employees, and that takes in the over-all maintenance as well as the manufacturing, whereas Forest Park, which was taken over on December 10 1945, is scheduled to have 1,500 employees. I ask you, is that fair? That plant at Forest Park can be used by the Navy Department for the manufacture of other things beside torpedoes, and let the torpedoes be manufactured at Newport. The brains of manufacturing torpedoes are at Newport. The Navy Department throughout the war brought to Newport men from all parts of the country and trained them to man their other stations. Today the men who received their education and training in torpedo work at Newport are going to do the work, and the men at Newport are going to be trodding the streets.

Mr. BATES of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. FORAND. I yield.

Mr. BATES of Massachusetts. I am quite familiar with the situation which the gentleman describes. I discussed it with the officers in charge at the Newport torpedo plant. I am thoroughly in accord with the gentleman's point of view. His amendment should be adopted by this House.

Mr. FORAND. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Rhode Island has again expired.

Mr. SHEPPARD. Mr. Chairman, I rise in opposition to the amendment.

The gentleman from Rhode Island [Mr. FORAND] appeared before our committee and made his presentation. I want to compliment him upon the fine manner in which he presented the matter. There is no question in the world but what the intention of the gentleman is magnificent insofar as representing the interests of his people are concerned and I want to compliment him accordingly. However, the committee finds itself in this position: If we were to accept an amendment of this character we deviate from legislation and go into the field of administration, and I do not think that is within the province of this committee or Members of the House. I am sure the Members of the House would not want this committee to usurp administrative prerogatives. However, as the gentleman from the great State and district which he represents has project-closing trouble, we also have had many of our projects closed down completely. On the west coast we have suffered complete closing of some of the projects and pay rolls that were really devastating from the point of local pay roll application. The gentleman says they have closed the project in his district.

Mr. FORAND. Mr. Chairman, will the gentleman yield?

Mr. SHEPPARD. I yield.

Mr. FORAND. In our case they took away our work and closed our plant and gave the work to another station.

Mr. SHEPPARD. Of course, that is not the way we understand it. We understood they were to continue the research and experimental work at that plant.

Mr. FORAND. Research and development work will continue but not in excess of 25 torpedoes will be manufactured at Newport. If more than 25 torpedoes are to be manufactured they will be manufactured at Forest Park, Ill. In support of my argument on that I refer you to the hearings held before the Senate Naval Affairs Committee on December 10, 1945, to the statement of Admiral Hussey himself, who at that time revealed for the first time that the Navy Department was taking over Forest Park. Honestly, I question very much the authority of the Navy Department to close a plant which has been in existence for 75 years, to take over a war plant.

Mr. SHEPPARD. I am sure the gentleman does not quite mean that, because the Navy has no authority under organic law to maintain any of its properties that were constructed by the Navy during the time of the war.

I should like to call the attention of the Members of the House and of the gentleman from Rhode Island in particular to the fact that there is $21,000,000 plus involved here in this new station that is equipped with all modern devices. I do not like personally to be put in the position of opposing the gentleman because he has made such an eloquent plea on behalf of his people, but I do not feel it is not within the province of the Committee to accept the amendment he has offered, because if the gentleman will reread his amendment it is extremely adamant, to say the least.

Mr. Chairman, I respectfully request that the Committee reject his amendment.

Mr. FORAND. Mr. Chairman, will the gentleman yield further?

Mr. SHEPPARD. I yield.

Mr. FORAND. I appreciate the gentleman's statement, I appreciate his willingness to be kind to me, but the fact still remains that if a program of retrenchment and closing down of stations is to be followed it should not be at the expense of the oldest and best equipped station the Navy has, that at Newport, R. I. It restricts operations to the manufacture of a very limited number of torpedoes and to the repair, overhaul and assembly of torpedoes. It does not take away any funds for maintenance, but if they are not going to use that station it simply takes bread and butter out of the mouths of the people of the community who have been thrown out of employment.

Mr. SHEPPARD. I may say to the gentleman that unfortunately there will be many other localities throughout the

United States which are going to suffer economic dislocations, although it is something we regret very very much.

Mr. FORAND. But when the work is taken away from one man and given to another it is quite a different story.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. FOGARTY. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I want to concur in everything my colleague from Rhode Island has said here this afternoon. He has been very diligent in his efforts to retain the torpedo work at Newport. I remember very well the workers at the torpedo station in Newport questioned, at the time these other plants were being established, whether or not we were going to retain the bulk of this work at Newport. We were led to believe, by the Bureau of Ordnance and by the Secretary of the Navy, that the work of developing and building torpedoes would remain in the city of Newport. We were assured we would get our fair share.

I disagree wholeheartedly with the chairman of this subcommittee when he says that other towns are affected the same way. They are not affected the same way. This plant at Forest Park is a wartime plant, an emergency plant. It was not established by act of Congress as a permanent organization. This station we have in Newport has been operating for 75 years. It was created by Congress. The devotion to duty, the ability of our mechanics in Newport is beyond question. They are the best available throughout this country. The workers at Forest Park are untried—they are new.

Ships and guns and munitions are important to the Navy. In time of war there must be plenty of all these categories. In time of peace there must be sufficient to provide the means for adequate training. However, there is one all important item which many seem to lose sight of. That is the men of the Navy. They are the backbone of the fleet. Not only the officers and the enlisted men—but the men at the machines who grind out and fabricate the tools without which the fleet would be a floating city of dead men.

It is of the utmost importance that these skilled mechanics be husbanded so that, should the need for intensified production ever arise, this great reservoir of skilled mechanics will not have dried up. In Newport, and the southern New England area generally, we have the greatest reservoir of skilled toolmakers, machinists, and mechanics that exists in the country. The Navy recognizes this fact. The Navy knows it must have these men available on call should the need arise. Whenever danger threatens, then these men are called into the torpedo station and the gun shops and told to get to work—night and day they work. That has been the history of Narragansett Bay region; there has always been the backbone of the Atlantic Fleet. We cannot afford, in good judgment, to permit the abandonment of this station at Newport.

Let me say this in connection with the city of Newport, that this is the only industry we have there. To disrupt this industry means to disrupt the entire economy of the city. We have no other place where the men turned out of the torpedo station can go for employment.

These men are now between 50 and 60 years of age. They do not come under the unemployment-compensation laws of our State. They will be thrust out into the streets without being given the opportunity by the Navy Department of working until their 30 years' service has been completed. Hence they cannot collect their pensions under the civil-service retirement system.

I hope every Member of this House will act sensibly in his consideration of this amendment and vote for its adoption. We are not asking for anything out of line. A vote for this amendment is a vote for justice to the men who worked faithfully and long for the Navy. It is a vote for justice to the people of the city of Newport who, throughout the city's history have done everything for the Navy. It is a vote for the permanence and stability of a great naval station.

We have given authority to lay up ships in some of these basins for possible future use. I say we should put the station at Forest Park on the same kind of stand-by basis. Let us grease the machinery and leave it there where it will be available to meet future needs, but let us keep the work at Newport instead of putting Newport on a stand-by basis; not only because the torpedo station is Newport's only industry, but because it is an essential element in the backbone of the Navy.

Mr. REED of New York. Mr. Chairman, I rise in opposition to the pro forma amendment, and ask unanimous consent to proceed out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. REED of New York. Mr. Chairman, I am introducing a bill which provides relief for certain commissioned personnel who served outside of the continental United States or on sea duty during the present war. An identical bill has previously been introduced by my friend, the gentleman from Arkansas [Mr. MILLS].

Many unjust discriminations have been brought to my attention in regard to the operation of the present law on commissioned officers. Some were taken prisoner while in the Philippines and lost their exemption when they were removed from the Philippines. Others who became prisoners of war in areas outside of the Philippines, or possessions of the United States, now find themselves subject to accumulated taxes for the period of their imprisonment.

Other commissioned personnel who were in the thick of the battle have now returned to this country to find that they owe taxes beyond their present capacity to pay, the payment of which will unduly handicap them in their effort to renew their civilian ties and start business anew. We took care of this situation in the Revenue Act of 1945 so far as enlisted personnel were concerned but granted no relief to the commissioned personnel other than an extension of time.

My bill relieves commissioned officers with 10 months of overseas service in any taxable year from any tax on their service pay for active service in the present war with respect to taxable years beginning after December 31, 1940. The exemption only applies to taxable years in which 10 months or more of such service is performed on sea duty or outside the continental United States.

This bill does not eliminate the existing $1,500 exclusion applicable to commissioned personnel except as to those who are eligible to the benefit accorded by this measure.

Mr. THOMAS of Texas. Mr. Chairman, I rise in opposition to the pending amendment.

Mr. Chairman, the committee finds itself in a rather awkward position. Here are two of the finest Members of the House, and if I may be personal for a minute, two of my close friends, the gentlemen from Rhode Island [Mr. FORAND and Mr. FOGARTY]. But their problem is not one resting with the Navy.

Let us analyze this proposition. Here are two stations, one in Forest Park, and the other in Newport. The one in Forest Park is perhaps the newest, the most modern and up to date plant the Bureau of Ordnance has today. For my authority I quote Admiral Hussey, Chief of the Bureau. He says:

> We do not want to close the plant at Newport and we are not going to close it. We are putting our scientific work there, and we are putting our manufacturing work in the new plant.

In truth and in fact, the problem of my two distinguished friends is a human one; it is the problem of jobs. The Navy Department has not anything to do with the civil-service rules and regulations that are knocking your people out of jobs. What is happening there is that your old-line people, and Lord bless them, there are no finer in the world, are having to give up their jobs. For whom? For members of our armed forces who are returning, who have been given a preference by this Congress. That is your problem. That is exactly what Admiral Hussey told me and I think he knows what he is talking about.

We cannot keep these plants going on the theory of making work for one community as against another. If we did that, instead of having a budget of $1,500,000,000 for the fiscal year 1947, we would have a budget here, Mr. Chairman, of ten to twelve billions.

Let us see if we cannot work this thing out in another fashion without legislating to keep a plant in a particular place. That is bad business. Let us get around and see if we cannot over on the Senate side get Admiral Hussey to go into this. Personally I will help the gentleman to see if we cannot get your people some more work there if it is humanly possible. But let us not write it into a bill like this.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. THOMAS of Texas. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. I may say that the whole New England delegation had a meeting on this, Democrats and Republicans, and we tried to do the very thing

my friend says he will try to do. But we could not do it. Of course, my friend may have more influence than the whole New England delegation, which includes the leaders on both sides of the aisle, but, with all due respect to my friend, I doubt that very much.

Mr. THOMAS of Texas. There is no need of being facetious about this.

Mr. McCORMACK. There was nothing facetious in what I said.

Mr. THOMAS of Texas. We want to try to help you; but, in all fairness, if this good city comes in and we write it into the law, we are going to put work there to the exclusion of other towns. Have you not some other fine cities in New England you would like to treat the same way? You have a lot of Navy work up there that is going to close down.

Mr. FOGARTY. Mr. Chairman, will the gentleman yield?

Mr. THOMAS of Texas. I yield to the gentleman from Rhode Island.

Mr. FOGARTY. I appreciate all the fine things the gentleman from Texas has said about the Members from Rhode Island and about the people we have in Rhode Island, but words do not get us anywhere.

Mr. THOMAS of Texas. I feel they will get you somewhere.

Mr. FOGARTY. We have exhausted every avenue of approach in the last year and a half with the Navy Department in an attempt to get some action on the measure. This is our only opportunity. We do not believe we are asking much. We are simply asking that this new temporary plant out there in Forest Park be put in grease.

Mr. THOMAS of Texas. The gentleman means he would close up a $25,000,000 or $30,000,000 plant, the best one the Bureau of Ordnance has, and let it go to pot?

The CHAIRMAN. The time of the gentleman from Texas has expired.

The question is on the amendment offered by the gentleman from Rhode Island.

The question was taken; and on a division (demanded by Mr. FORAND) there were—ayes 36, noes 27.

So the amendment was agreed to.

Mr. BRADLEY of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. SHEPPARD. Mr. Chairman, I demand tellers.

Mr. MARTIN of Massachusetts. Mr. Chairman, a point of order. The request comes too late. The Chair has recognized the gentleman from Pennsylvania.

The CHAIRMAN. The Chair sustains the point of order. The gentleman is recognized for 5 minutes.

Mr. CHURCH. Mr. Chairman, a point of order. I was on my feet addressing the Chair, and the gentleman from Pennsylvania was recognized first. I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and one Members are present, a quorum.

Mr. BRADLEY of Pennsylvania. Mr. Chairman, first I want to compliment the two gentlemen from Rhode Island [Mr. FORAND and Mr. FOGARTY] for their astuteness in having this amendment prevail.

Mr. CHURCH. Mr. Chairman, will the gentleman yield?

Mr. BRADLEY of Pennsylvania. I am very sorry that I cannot yield to the gentleman.

I think it is apropos at the present time to direct the attention of the House, and particularly the members of the Committee on Naval Affairs and the Subcommittee on Naval Appropriations, to a habit which is prevailing at most of the naval establishments on both the east and the west coasts with respect to repair work. I find that despite repeated assurances from officials of the Navy Department that they have corrected conditions complained of these conditions still exist, and they are leading to the unemployment of thousands of men, many of whom have been employed by the Government at navy yards for 25 to 30 years. I find that the Navy Department at the Philadelphia Navy Yard, and I think in other navy yards, is utilizing enlisted and commissioned personnel to do work that should be done and which was always done in the past by civilian civil-service employees.

Mr. Chairman, this is a serious thing. I am not speaking of the ordinary maintenance work which one would expect the crews to perform, I am speaking of major repair jobs. The Navy is using enlisted men and thereby retaining in the service reservists who could be discharged to civil life, and in addition it is throwing out of employment thousands of men; and this is not because of a curtailment program. We all anticipate that. We know that we cannot employ as many men in the Navy yards as we did during the war. We know that the number of employees has to be halved, and probably we will have to go beyond that. But I do think it is a serious thing when the Navy Department permits crews to perform major repair work, and they are doing it although they have repeatedly denied to those of us who have made representations to them that these practices were indulged in. But the complaints come in. We have investigated them in Philadelphia and we know that those complaints are true.

I hope that the members of the Committee on Naval Affairs, particularly those whose districts are adjacent to or near Navy yards, will take it upon themselves to investigate these things for the benefit of these men, who really need some help and protection against these practices, which I think are beyond the scope of the intention of the Congress of the United States. The Navy Department should not be permitted to keep these men in the service solely for the purpose of performing work that was and should now be done by civilian personnel at the Navy yards throughout the country.

Mr. BLAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BLAND: On page 45, line 20, after "including" insert the following: "personal services at the seat of government" and a semicolon.

Mr. BLAND. Mr. Chairman, I ask unanimous consent that the other amendment I have at the desk be read. I think the committee is willing to accept both of them.

The CHAIRMAN. Without objection, the Clerk will report the other amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. BLAND: On page 46, line 4, before the colon insert a semicolon and the following: "expenses of attendance, when specifically authorized by the chairman, at meetings concerned with the work of the Commission."

Mr. SHEPPARD. Mr. Chairman, the committee accepts those two amendments.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Virginia.

The amendments were agreed to.

Mr. SHEPPARD. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee arose; and the Speaker having resumed the chair, Mr. STIGLER, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 6496) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1947, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendations that the amendments be agreed to and that the bill as amended do pass.

Mr. SHEPPARD. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO REVISE AND EXTEND

Mr. SHEPPARD. Mr. Speaker, I ask unanimous consent that all Members of the House have five legislative days to revise and extend their remarks on the bill just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. PLOESER asked and was given permission to revise and extend the remarks he made in Committee of the Whole today and include an article from

the St. Louis Post-Dispatch and also an editorial from the same paper.

Mr. REED of New York asked and was given permission to extend his remarks in the RECORD in two instances, in one to include a speech, and in the other an editorial.

SPECIAL ORDER GRANTED

Mr. HENRY. Mr. Speaker, I ask unanimous consent that on June 3 next, after the disposition of business on the Speaker's desk and the conclusion of special orders heretofore entered, my colleague, the gentleman from Wisconsin [Mr. STEVENSON] may be permitted to address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

EXTENSION OF REMARKS

Mr. GAVIN asked and was given permission to extend his remarks in the RECORD and include a statement before the House Committee on Ways and Means in connection with the general hearings on social security.

NO UNNECESSARY CONTROLS

Mr. GAVIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GAVIN. Mr. Speaker, the air waves are loaded every night and part of the day with talks, sermons, and short "plugs" on the future of price control and what it will mean to the American people. Extreme positions are taken both by those who are for and against. It is represented that without control—and particularly without the kind of control that the Office of Price Administration chooses to dispense unhampered and unchallenged—prices will rise so high that a dollar will have scarcely no purchasing power.

On the other side it is contended that great material blessings would appear quickly if price controls were abandoned forthwith.

Usually the true situation lies somewhere between the extremes of the debates on public questions. The recent action by the House of Representatives on the extension of price control and the continuance of the OPA is evidence that a great majority of those who participated in the action were seeking, first, to make price control function without retarding production; and second, to remove controls that are plainly useless and injurious.

Over a period of several months administration leaders have said repeatedly that it was their policy to apply price controls to scarce commodities and facilities only. Nothing of any consequence was done to make good on their declarations. The House of Representatives has provided the means of return to a free economy just as rapidly as the production in an industry is equal to the consumer's needs. If the other body of Congress agrees, price control just for the sake of control will pass.

In my several statements in the House while the bill was under consideration I used the petroleum industry as an example of continued price control after the necessity had passed. It was found possible to lift gasoline and other petroleum products rationing the day after the Japanese stopped fighting. The ending of rationing was evidence that the supply was adequate. Price control should have been lifted at the same time, but it is here yet. To contend that petroleum prices to the consumer would go into "runaway inflation," as the OPA expresses it, except for control, would be to argue stupidly. With a plentiful supply and with the competition that exists in the industry, prices could not run far. There are some needed adjustments to be made for the sake of providing for future production, and they will not be made as long as the OPA is in the saddle. After such adjustments occur, I predict that petroleum will be still selling far below its value with relation to other commodities.

During the war we suspended our free economy for the sake of one purpose on which we all agree. That was to win the war. The Congress obviously did not agree when it voted the broad powers to the President to do the things needful to wage war that it was voting to make a permanent change in the form of government or in the free enterprise system of the Nation. There are those who would like to keep up the wartime controls, the wartime spending and the wartime jobs for those who do the controlling. There are others who seek political advancement by advocating the continuance of the controls, the spending and the jobs. Some of these are most hysterical in their pleas not to "cripple OPA," or to "cut the heart out of OPA."

An automobile must have an accelerator as well as a brake. The OPA has never appeared to recognize anything except the brake and under its philosophy the car never moves at all..

As passed by the House, the bill affords plenty of room to control prices where through scarcity prices might be bid up to injurious levels. The bill does require that in scarcity industries prices shall not be kept down to where no increase in production is possible and on plentiful articles, OPA is simply to get out of the way.

EXTENSION OF REMARKS

Mr. GERLACH asked and was given permission to extend his remarks in the RECORD and include a letter from one of his constituents and, further, to extend his remarks in another instance and to also include another letter from another constituent.

FRANKLIN D. ROOSEVELT MEMORIAL DAY—JULY 1, 1946

Mr. BULWINKLE. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Concurrent Resolution 152.

The Clerk read as follows:

Resolved, That Monday, the 1st day of July 1946, be set aside as the day upon which there shall be held a joint session of the Senate and the House of Representatives for appropriate exercises in commemoration of the life, character, and public service of the late Franklin D. Roosevelt, former President of the United States.

That a joint committee, to consist of three Senators and five Members of the House of Representatives, to be appointed by the President pro tempore of the Senate and the Speaker of the House of Representatives, respectively, shall be named, with full power to make all arrangements and publish a suitable program for the joint session of Congress herein authorized, and to issue the invitations hereinafter mentioned.

That invitations shall be extended to the President of the United States, the members of the Cabinet, the Chief Justice and Associate Justices of the Supreme Court of the United States, and such other invitations shall be issued as to the said committee shall seem best.

That all expenses incurred by the committee in the execution of the provisions of this resolution shall be paid, one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. MARTIN of Massachusetts. Reserving the right to object—and I am not going to object—this is the usual memorial service that follows the death of any President?

Mr. BULWINKLE. That is absolutely correct, with one exception: Heretofore there have been five Senators and seven Members of the House.

Mr. MARTIN of Massachusetts. But this is the usual procedure. I was not mentioning the number on the committee.

Mr. BULWINKLE. The gentleman is correct.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING ADDITIONAL COPIES OF THE FIRST INTERIM REPORT, NO. 1888, OF THE COMMITTEE ON SMALL BUSINESS

Mr. BULWINKLE. Mr. Speaker, from the Committee on Printing, I report (Rept. No. 2109) a privileged resolution (H. Res. 634), and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That there be printed for the use of the Committee on Small Business of the House of Representatives 3,000 additional copies of its first interim report, No. 1888, current session, submitted pursuant to the Resolution No. 64, creating a Select Committee on Small Business of the House of Representatives and defining its powers and duties.

The resolution was agreed to.

EXTENSION OF REMARKS

Mr. NEELY. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a timely address delivered over Station WOR, New York, on May 7, by former Postmaster General James A. Farley, now chairman of the Coca-Cola Board of Export Corp., on the subject, "Government Aid in the Prevention and Cure of Cancer."

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

UNIFORM SYSTEM OF BANKRUPTCY

Mr. HOBBS. Mr. Speaker, I call up the conference report on the bill (H. R. 5504) entitled "An act to establish a uniform system of bankruptcy throughout the United States," and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5504) entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

Instead of "June 4, 1946" as proposed by the Senate insert "March 31, 1947"; and the Senate agree to the same.

HATTON W. SUMNERS,
SAM HOBBS,
EARL C. MICHENER,
Managers on the Part of the House.

PAT MCCARRAN,
ABE MURDOCK,
CHAPMAN REVERCOMB,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5504) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report.

The House bill provided that section 75 (c) of the Bankruptcy Act (which expired March 4, 1946) be extended to June 4, 1947. The Senate amendment provided that this section be extended to June 4, 1946. The conference agreement extends the section to March 31, 1947.

HATTON W. SUMNERS,
SAM HOBBS,
EARL C. MICHENER,
Managers on the Part of the House.

The conference report was agreed to.

BILL OF RIGHTS DAY

Mr. HOBBS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the resolution (H. J. Res. 273) authorizing and requesting the President to issue annually a proclamation designating December 15 as Bill of Rights Day, with Senate amendments, and agree to the Senate amendments.

The Clerk read the title of the resolution.

The Clerk read the Senate amendments, as follows:

Line 3, after "is" insert "hereby."
Line 4 strike out "annually."
Line 5, after "15" insert ", 1946."

Mr. MARTIN of Massachusetts. Reserving the right to object, what is the effect of the Senate amendment?

Mr. HOBBS. It simply puts in what the House committee recommended and which had substituted for the 1-year observance a regular annual permanent observance.

I have conferred with the distinguished author of the bill, the gentleman from New York [Mr. WADSWORTH], and he states that while he is disappointed that the Senate struck out the permanency feature and substituted only a 1-year observance, that he has no objection to it.

Mr. MARTIN of Massachusetts. As it now stands, it is for 1 year only.

Mr. HOBBS. That is right.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Senate amendments were agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. BLAND asked and was given permission to revise and extend the remarks he made in the Committee of the Whole this afternoon and include certain correspondence.

Mr. IZAC (at the request of Mr. DOYLE) was given permission to extend his remarks in the RECORD.

ANNOUNCEMENT

Mr. DOYLE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and address the House for 1 minute at this time.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DOYLE. Mr. Speaker, this morning the House convened at the hour of 11 instead of its usual hour of 12. Then, instead of there being the usual approximate length of time for 1-minute speeches, unanimous consents, and other items of business, an early roll call was had on House Joint Resolution 305 providing for membership and participation by the United States in the United Nations Educational, Scientific, and Cultural Organization. I was present throughout the most interesting and encouraging debate on the subject matter of this important resolution and the roll call vote thereon went over from Wednesday until today. I was not present at the roll call nor did I have notice thereof that it was being called. I was on official business and unavoidably absent, but I want the House to know that if I had been present in person, I would most sincerely and cordially have voted "Aye" for, Mr. Speaker, I am very sure that the most lasting and enduring peace possible in the world will come only through sensible, sound, and adequate emphasis upon educational, scientific, and cultural understanding and participation by the peoples of the world. We must learn to live as neighbors in a world neighborhood else with atomic energy and with results of that discovery and experiment, we very easily, almost instantly, could blow our neighbors and ourselves into eternity. Force, violence, destruction are never a solution for settlement of differences between men; nor, do they form a sound foundation for the settlement of differences between nations.

EXTENSION OF REMARKS

Mr. PATTERSON (at the request of Mr. DE LACY) was given permission to extend his remarks in the RECORD and include therein a statement on the National Committee on Labor Law of the National Lawyers' Guild.

Mr. COFFEE asked and was given permission to extend his remarks in the Appendix in three separate instances, and in connection therewith to include excerpts from newspaper and magazine articles.

Mr. McCORMACK asked and was given permission to extend his remarks in the Appendix of the RECORD and include an editorial from the Washington Star of May 22, entitled "Crisis in Poland."

PROGRAM FOR TOMORROW AND PART OF NEXT WEEK

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARTIN of Massachusetts. Mr. Speaker, I take this time to inquire of the gentleman from Massachusetts [Mr. MCCORMACK] the program for tomorrow.

Mr. MCCORMACK. Mr. Speaker, in response to the inquiry of the gentleman from Massachusetts, I may say that the first order of business tomorrow will be the consideration of the bill S. 7, the administrative court bill. If this bill is disposed of in time to take up another bill (S. 752) relating to strategic materials, known as the stock-pile bill, it also will be brought up. From information I have received, I understand there is no opposition. I believe both bills come with unanimous reports. If we can dispose of those tomorrow we will do so; but in any event that will be the order of business.

Mr. MARTIN of Massachusetts. Has the gentleman any information yet as to the program for next week?

Mr. MCCORMACK. With the indulgence of my friend I will answer that tomorrow, except to say that next week will be a very light one. I can state now, however, that on Tuesday next there will be the House memorial services. There will be no legislation on that day. Then Thursday, of course, is the national Memorial Day.

Mr. MARTIN of Massachusetts. And we are in agreement that not much progress can be made on Wednesday.

Mr. McCORMACK. Unless in view of the very light week there should be no opposition to my request to dispense with business in order on Calendar Wednesday. In any event it will be a light legislative week.

CALENDAR WEDNESDAY

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that business in order on Calendar Wednesday of next week be dispensed with.

Mr. POWELL. Mr. Speaker, reserving the right to object, and I will not; in view of the very light calendar for next week, I think it only fair that no objection be raised to dispensing with business in order on Calendar Wednesday of that week; but I hope in view of this that our friends will likewise cooperate week after next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

To Mr. BIEMILLER, from May 24 to June 1, inclusive, on account of official business.

To Mr. TALBOT (at the request of Mr. MARTIN of Massachusetts), for 2 days, on account of official business.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. ROGERS of New York, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill and joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 4763. An act for the relief of R. L. Benton; and

H. J. Res. 353. Joint resolution extending the time for the release of powers of appointment for the purposes of certain provisions of the Internal Revenue Code.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 203. An act for the relief of Margery Anderson Bridges;

S. 875. An act for the relief of Mercy Duke Boehl;

S. 1201. An act for the relief of Arthur F. Downs;

S. 1563. An act for the relief of Ferris Ruggles;

S. 1604. An act for the relief of Leo Stuhr;

S. 1916. An act to authorize the Secretary of State to transfer certain silver candelabra to May Morgan Beal; and

S. 1932. An act conferring jurisdiction upon the United States District Court for the Eastern District of South Carolina to hear, determine, and render judgment upon the claim of the board of trustees of the Saunders Memorial Hospital.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 30 minutes p. m.) the House adjourned until tomorrow, Friday, May 24, 1946, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON THE JUDICIARY

The Special Subcommittee on Bankruptcy and Reorganization of the Committee on the Judiciary has scheduled a public hearing on the bill (H. R. 4307) to amend sections 81, 82, 83, and 84 of chapter IX of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended. The hearing will be held in the Judiciary Committee room, 346 House Office Building, and will begin at 10 a. m. on Friday, May 24, 1946.

On Monday, May 27, 1946, Subcommittee No. 4 of the Committee on the Judiciary will start public hearings on the following pending measures with respect to the cessation of hostilities and termination of the war and emergencies: House Concurrent Resolution 85, House Concurrent Resolution 86, House Concurrent Resolution 91, House Concurrent Resolution 98, House Concurrent Resolution 132, House Concurrent Resolution 133, House Joint Resolution 245, House Joint Resolution 272, House Joint Resolution 287.

The hearings will be held in the Judiciary Committee room, 346 House Office Building, beginning at 10 a. m.

On Thursday, June 6, 1946, Subcommittee No. 2 of the Committee on the Judiciary will continue hearings on the bill (H. R. 6301) to supplement existing laws against unlawful restraints and monopolies, and for other purposes. The hearings will begin at 10 a. m. and will be held in the Judiciary Committee room, 346 House Office Building.

COMMITTEE ON PATENTS

The Committee on Patents will begin hearings Tuesday, June 4, 1946, at 10 a. m., in the Patents Committee room, 416 House Office Building, on the following bills:

H. R. 3694 (HARTLEY): A bill to declare the national policy regarding the test for determining invention.

H. R. 5841 (BOYKIN): A bill fixing the date of the termination of World War II, for special purposes.

H. R. 5940 (LANHAM): A bill to make Government-owned patents freely available for use by citizens of the United States, its Territories, and possessions.

These hearings will be continued on succeeding days until concluded or until this notice is superseded.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1324. A letter from the Acting Secretary of the Navy, transmitting a draft of a proposed bill to authorize the Secretary of the Navy to acquire in fee or otherwise certain lands and rights in land on the island of Guam, and for other purposes; to the Committee on Naval Affairs.

1325. A letter from the Acting Secretary of the Treasury, transmitting a draft of a proposed bill to amend the Servicemen's Readjustment Act of 1944; to the Committee on World War Veterans' Legislation.

1326. A communication from the President of the United States, transmitting supplemental estimates of appropriation for the fiscal year 1946 in the amount of $45,000, and for the fiscal year 1947 in the amount of $46,000, in all, $91,000, for the legislative branch, House of Representatives (H. Doc. No. 605); to the Committee on Appropriations and ordered to be printed.

1327. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year 1946 in the amount of $7,500 for the Department of Justice (H. Doc. No. 606); to the Committee on Appropriations and ordered to be printed.

1328. A communication from the President of the United States, transmitting the budget for the fiscal year 1947 in the amount of $20,600,000, for the Civilian Production Administration (H. Doc. No. 607); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SABATH: Committee on Rules. House Resolution 635. Resolution providing for the consideration of H. R. 1362, a bill to amend the Railroad Retirement Acts, the Railroad Unemployment Insurance Act, and subchapter B of chapter 9 of the Internal Revenue Code, and for other purposes, and to waive points of order; without amendment (Rept. No. 2103). Referred to the House Calendar.

Mr. SABATH: Committee on Rules. House Resolution 636. Resolution providing for the consideration of H. R. 2871, a bill to create a commission to be known as the Alaskan International Highway Commission; without amendment (Rept. No. 2104). Referred to the House Calendar.

Mr. VINSON: Committee on Naval Affairs. H. R. 5426. A bill to provide for the training of officers for the naval service, and for other purposes; with amendment (Rept. No. 2105). Referred to the Committee of the Whole House on the State of the Union.

Mr. PETERSON of Florida: Committee on the Public Lands. H. R. 4486. A bill to abolish the Santa Rosa Island National Monument and to provide for the conveyance to Escambia County, State of Florida, of that portion of Santa Rosa Island which is under the jurisdiction of the Department of the Interior; without amendment (Rept. No. 2106). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHITTINGTON: Committee on Flood Control. H. R. 5508. A bill to authorize the return of the Grand River Dam project to the Grand River Dam Authority and the adjustment and settlement of accounts between the Authority and the United States, and for other purposes; without amendment (Rept. No. 2107). Referred to the Committee of the Whole House on the State of the Union.

Mr. KLEIN: Committee on Immigration and Naturalization. H. R. 6279. A bill to facilitate the admission into the United States of the alien fiancées or fiancés of members of the armed forces of the United States; with amendment (Rept. No. 2108). Referred to the Committee of the Whole House on the State of the Union.

Mr. BULWINKLE: Committee on Printing. House Resolution 634. Resolution authorizing that there be printed for the use of the Committee on Small Business of the House of Representatives additional copies of its first interim report, No. 1888, current session,

submitted pursuant to the resolution No. 64, creating a select committee on small business of the House of Representatives and defining its powers and duties; without amendment (Rept. No. 2109). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BURCH:

H. R. 6528. A bill to authorize the coinage of 50-cent pieces to commemorate the life and perpetuate the ideals and teachings of Booker T. Washington; to the Committee on Coinage, Weights, and Measures.

By Mr. KEARNEY:

H. R. 6529. A bill to provide increased compensations for the widows and children of deceased veterans; to the Committee on World War Veterans' Legislation.

By Mr. BALDWIN of New York:

H. R. 6530. A bill to provide for the expeditious naturalization of former citizens of the United States who have lost United States citizenship through civilian employment with countries allied with the United States in the Second World War; to the Committee on Immigration and Naturalization.

By Mr. BARRETT of Pennsylvania:

H. R. 6531. A bill to amend section 101 of the Nationality Act of 1940; to the Committee on Immigration and Naturalization.

By Mr. McGEHEE:

H. R. 6532. A bill to provide a method for payment in certain Government establishments of overtime, leave, and holiday compensation on the basis of night rates pursuant to certain decisions of the Comptroller General, and for other purposes; to the Committee on Claims.

By Mr. MANASCO:

H. R. 6533. A bill to authorize certain administrative expenses in the Government service, and for other purposes; to the Committee on Expenditures in the Executive Departments.

By Mr. JOHNSON of Oklahoma:

H. J. Res. 357. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to all citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. REED of New York:

H. J. Res. 358. Joint resolution granting additional allowance for military and naval personnel; to the Committee on Ways and Means.

By Mr. PITTENGER:

H. Con. Res. 151. Concurrent resolution against adoption of Reorganization Plan No. 2 of May 16, 1946; to the Committee on Expenditures in the Executive Departments.

By Mr. VINSON:

H. Res. 637. Resolution providing for the consideration of H. R. 5915, a bill to amend the Naval Reserve Act of 1938, as amended, so as to establish the Women's Reserve on a permanent basis, and for other purposes; to the Committee on Rules.

H. Res. 638. Resolution providing for the consideration of H. R. 5426, a bill to provide for the training of officers for the naval service, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of Georgia:

H. R. 6534. A bill to restore to the Lombard Iron Works Co., of Augusta, Ga., the right to appeal to the Secretary of War with respect to certain questions arising in connection with termination of contract No. W-41-040, CWS 309; to the Committee on Claims.

By Mr. GORE:

H. R. 6535. A bill for the relief of the estate of W. H. Rodgers, deceased; to the Committee on Claims.

By Mr. HOBBS:

H. R. 6536. A bill for the relief of Southeastern Sand & Gravel Co.; to the Committee on Claims.

By Mr. LUDLOW:

H. R. 6537. A bill for the relief of Emma L. Jackson; to the Committee on Claims.

By Mr. PATTERSON:

H. R. 6538. A bill for the relief of Robert B. Jones; to the Committee on Claims.

By Mr. SHORT:

H. R. 6539. A bill for the relief of the estate of William A. Hamilton, deceased; to the Committee on Claims.

By Mr. VOORHIS of California:

H. R. 6540. A bill for the relief of the dependents of Carl B. Sanborn; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1906. By Mr. HANCOCK: Petition of Mrs. C. W. Carlton and other residents of Onondaga County, N. Y., urging that Congress pass legislation authorizing the President and the Secretary of Agriculture to issue directives preventing the use of grain for the manufacture of alcoholic beverages; to the Commitee on Agriculture.

1907. By Mr. RESA: Petition of several Townsend Clubs in Chicago, urging the enactment of legislation proposed in House bills 2229 and 2230; to the Committee on Ways and Means.

1908. By the Speaker: Petition of South Jersey Industrial Union Council, petitioning consideration of their resolution with reference to price control; to the Committee on Banking and Currency.

SENATE

FRIDAY, MAY 24, 1946

(Legislative day of Tuesday, March 5, 1946)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

O merciful God, whose law is truth and whose statutes stand forever, we beseech Thee to grant unto us who in the morning seek Thy face, fervently to desire, wisely to trace and obediently to fulfill all that is pleasing unto Thee. Unite our hearts and minds to bear the burdens that are laid upon us. Grant unto us all that, laying aside any partisan divisions, we may be given tallness of stature to see above the walls of our prideful opinions the good of the largest number. And in these perplexing times that try our souls and test our character may Thy strength sustain us, may Thy grace preserve us, may Thy wisdom instruct us, may Thy might protect us, may Thy hand direct us, this day and evermore. Amen.

THE JOURNAL

On request of Mr. PEPPER, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, May 23, 1946, was dispensed with, and the Journal was approved.

MESSAGE FROM THE PRESIDENT—APPROVAL OF BILL

A message in writing from the President of the United States was communicated to the Senate by Mr. Miller, one of his secretaries, and he also announced that the President had approved and signed the act (S. 1980) to continue in effect section 6 of the act of July 2, 1940 (54 Stat. 714), as amended, relating to the exportation of certain commodities.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the joint resolution (H. J. Res. 273) authorizing and requesting the President to issue annually a proclamation designating December 15 as Bill of Rights Day.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5504) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto.

The message further announced that the House had passed a bill (H. R. 6496) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1947, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 152) providing for a joint session of Congress for the purpose of holding appropriate exercises in commemoration of the life, character, and public services of the late Franklin D. Roosevelt, former President of the United States, in which it requested the concurrence of the Senate.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the Acting President pro tempore:

H. R. 5504. An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto; and

H. J. Res. 273. Joint resolution to provide for the proper observance of the one hundred and fifty-fifth anniversary of the adoption of the first 10 amendments to the Constitution, known as the Bill of Rights.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on May 23, 1946, he presented to the President of the United States the following enrolled bills:

S. 203. An act for the relief of Margery Anderson Bridges;

S. 875. An act for the relief of Mercy Duke Boehl;

S. 1201. An act for the relief of Arthur F. Downs;

S. 1305. An act to confer jurisdiction on the State of North Dakota over offenses committed by or against Indians on the Devils Lake Indian Reservation;

S. 1563. An act for the relief of Ferris Ruggles;

S. 1604. An act for the relief of Leo Stuhr;

S. 1916. An act to authorize the Secretary of State to transfer certain silver candelabra to May Morgan Beal; and

S. 1932. An act conferring jurisdiction upon the United States District Court for the Eastern District of South Carolina to hear, determine, and render judgment upon the claim of the board of trustees of the Saunders Memorial Hospital.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore (Mr. GEORGE) laid before the Senate the following letters, which were referred as indicated:

SUPPLEMENTAL ESTIMATES, DEPARTMENT OF JUSTICE (S. Doc. No. 187)

A communication from the President of the United States, transmitting supplemental estimates of appropriation for the Department of Justice, amounting to $1,292,000, fiscal year 1947, together with draft of a proposed provision pertaining to an existing appropriation (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

SUPPLEMENTAL ESTIMATES, DEPARTMENT OF THE INTERIOR (S. Doc. No. 188)

A communication from the President of the United States, transmitting supplemental estimates of appropriation for the Department of the Interior, amounting to $446,000, fiscal year 1947 (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

MILTON A. JOHNSON

A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation for the relief of Milton A. Johnson, and for other purposes (with an accompanying paper); to the Committee on Indian Affairs.

GEORGE WASHINGTON MEMORIAL PARKWAY

A letter from the Chairman of the National Capital Park and Planning Commission, transmitting a draft of proposed legislation to amend an act entitled "An act for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital," approved May 29, 1930 (with an accompanying paper); to the Committee on Public Buildings and Grounds.

REPORT OF OFFICE OF PRICE ADMINISTRATION

A letter from the Administrator of the Office of Price Administration, transmitting, pursuant to law, the sixteenth quarterly report of that Administration covering the period ended December 31, 1945 (with an accompanying report); to the Committee on Banking and Currency.

REPORT OF WAR SHIPPING ADMINISTRATION

A letter from the Acting Administrator of the War Shipping Administration, transmitting, pursuant to law, the thirteenth report of certain action taken by the War Shipping Administration under section 217 of the Merchant Marine Act of 1936, as amended (with an accompanying report); to the Committee on Commerce.

THE CRITICAL GRAIN SITUATION IN NEW HAMPSHIRE

Mr. BRIDGES. Mr. President, I ask unanimous consent to have inserted in the body of the RECORD my views relative to the critical nature of the grain situation affecting New Hampshire and the Northeast generally.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BRIDGES

I want to take a few minutes to again draw the attention of the Senate to the extreme emergency conditions existing in New Hampshire and the eastern section of this country. For months now New Hampshire has been suffering from an acute shortage of grain. The result has been, as I have told the Senate before, widespread liquidation and starvation of poultry flocks.

The time is at hand now when if very definite helpful action is not taken, New Hampshire's important poultry industry will be completely eliminated. I told the Senate that the refusal of the Government's administrative departments and agencies to act would result in this condition. Others have told the Senate about the acute grain shortage in their areas of the country, especially the Northwest; it is serious there. Mr. President, but in New Hampshire and the East it is a dire emergency.

We have been repeatedly reminded of this country's grain commitments to other peoples of the world. In New Hampshire no one is unmindful of the fact that it is proper that the United States should share its supplies insofar as is possible without bringing down upon our own land the chaotic conditions which exist elsewhere in the world. In their very proper common-sense approach to this grain situation, the people of New Hampshire fail to see any wisdom in the destruction of food when food is so scarce. Yet, the policy of those administration officials with jurisdiction over grain supplies has and still does cause the actual destruction of food sources. A policy which results in the liquidation of New Hampshire poultry flocks and the liquidation of dairy herds and livestock is a wanton destruction of essential food supplies.

Over a period of months, Members of Congress from all of the Eastern States have repeatedly told the President, the Secretary of Agriculture, the Office of Price Administration, and other Government officials concerned with the grain problem what was happening and what would happen if they continued to merely talk and not act. Yet, with the exception of a little sop here and there, the cry of those in dire need of grain has not been heeded.

Mr. President, it was bad enough to force the killing of thousands upon thousands of baby chicks, but that has already been done. It will be a shame upon this country if a "do nothing" policy is continued that will result in the further starvation and further killing off of growing poultry and livestock. That is exactly what is going to happen and within a matter of days now unless those in power in this country can be persuaded or forced to do something about the grain and related problems. I want to read a letter which I have just received from the secretary of the New Hampshire Farm Bureau Federation:

"Our grain situation has become so acute that we are actually desperate. We are writing out in this letter the contents of telegrams to Secretary of Agriculture and Chester Bowles. We have also appealed to the President, giving him the contents of the wires to Anderson and Bowles. We have certainly got to have something done in addition to what has taken place already or we won't be able to keep our poultry and dairy industries. Can you help us to follow through on this?

"Feed buyers for eastern mills who have been in the grain-producing areas continuously are unable to make purchases. Our feed supply almost completely exhausted. The time has come when the Government must take action that will get grain into the deficit New England areas. This action must be immediate. We suggest these possibilities: (1) Government seizure and allocation of oats and corn. It appears there is a good supply of oats and there must be some corn; or (2) Further lifting of grain ceilings in an amount sufficient to cause offerings on the market; or (3) Complete removal of ceilings on oats and corn. Certainly oat ceilings can be removed for a time and if results are uncontrollable they can be returned; or (4) Any other action which will guarantee movement of feed grain into this area."

It is not wise to be charitable toward those who could have acted and can act but did not and won't act now. There is a clear duty to place the blame for lack of planning and for lack of action exactly where it belongs and that is upon those administrative agencies who have been authorized to control the grain situation. It is an unnecessary disgrace to have in New Hampshire and throughout this country the conditions which prevail today. They are largely the result of a philosophy subscribed to for years by those in power, impressed upon the minds of a large segment of this country's people. These conditions are the result of the failure to plan by the largest army of office holders the world has ever known. They have been given the money and personnel beyond all reason to handle this country's problems, but they have handled them in such a way as to jeopardize the future economic security of the United States.

The buck passing should be stopped. The appeal of those who are a part of industries vital to New Hampshire and other States should be heeded. Action should be taken now to get adequate grain supplies into New Hampshire and the other stricken areas. Helpful action turn only upon the willingness to act of those who have the power. Their failure to act will result not only in the liquidation of the poultry industry and livestock, but will result in the destruction of food supplies which within the next few months will be vitally essential to this country. I hope that this Government's army of office holders has a sufficient reserve of common sense to act now in this critical situation.

OFFICE OF PRICE ADMINISTRATION—PETITIONS

Mr. VANDENBERG. Mr. President, I ask unanimous consent to present for appropriate reference petitions signed by approximately 3,000 citizens of the State of Michigan, praying for the continuation of the Office of Price Administration without crippling amendments.

The ACTING PRESIDENT pro tempore. Without objection, the petitions will be received and referred to the Committee on Banking and Currency.

REPORT OF A COMMITTEE

Mr. HATCH, from the Committee on Public Lands and Surveys, to which was

referred the bill (H. R. 5271) to amend an act entitled "An act to allow credit in connection with certain homestead entries for military or naval service rendered during World War II," reported it without amendment and submitted a report (No. 1390) thereon.

NATIONAL SCIENCE FOUNDATION — MINORITY VIEWS (PT. 2 OF REPT. NO. 1136)

Mr. BRIDGES. Mr. President, I ask unanimous consent to submit minority views for myself, the Senator from Vermont [Mr. AUSTIN], the Senator from South Dakota [Mr. GURNEY], the Senator from Iowa [Mr. WILSON], the Senator from West Virginia [Mr. REVERCOMB], and the Senator from Connecticut [Mr. HART], as members of the Committee on Military Affairs, to accompany the bill (S. 1850) to promote the progress of science and the useful arts, to secure the national defense, to advance the national health and welfare, and for other purposes.

The ACTING PRESIDENT pro tempore. Without objection, the minority views will be received and printed.

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. BARKLEY, from the Joint Select Committee on the Disposition of Executive Papers, to which was referred for examination and recommendation a list of records transmitted to the Senate by the Archivist of the United States that appeared to have no permanent value or historical interest, submitted a report thereon pursuant to law.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH:

S. 2245. A bill to authorize the Secretary of the Navy to construct a Postgraduate School at Monterey, Calif.;

S. 2246. A bill to authorize the Secretary of the Navy to acquire in fee or otherwise certain land and rights in land on the island of Guam, and for other purposes; and

S. 2247. A bill to permit the Secretary of the Navy to delegate the authority to compromise and settle claims against the United States caused by vessels of the Navy or in the naval service, or for towage or salvage services to such vessels, and for other purposes; to the Committee on Naval Affairs.

By Mr. BANKHEAD:

S. 2248. A bill to provide for further research into basic laws and principles relating to agriculture; to the Committee on Agriculture and Forestry.

By Mr. O'MAHONEY (for himself and Mr. JOHNSON of Colorado):

S. 2249. A bill to amend the Sugar Act of 1937, as amended, and for other purposes; to the Committee on Finance.

By Mr. ELLENDER (by request):

S. 2250. A bill to provide a method for payment in certain Government establishments of overtime, leave, and holiday compensation on the basis of night rates pursuant to certain decisions of the Comptroller General, and for other purposes; to the Committee on Expenditures in the Executive Departments.

By Mr. HATCH (for Mr. CHAVEZ):

S. 2251. A bill for the relief of Mary G. Paul; to the Committee on Claims.

By Mr. STEWART (for Mr. MAYBANK):

S. 2252. A bill for the relief of the Plymouth Manufacturing Co.; to the Committee on Claims.

HOUSE BILL REFERRED

The bill (H. R. 6496) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1947, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

INVESTIGATION OF BETTER MOBILIZATION OF THE NATIONAL RESOURCES—INCREASE IN LIMIT OF EXPENDITURES

Mr. THOMAS of Utah. Mr. President, I ask unanimous consent to submit an amendment intended to be proposed by me to the resolution (S. Res. 245) increasing the limit of expenditures for the investigation of the better mobilization of the national resources of the United States, and request that it be printed and lie on the table. I also ask unanimous consent that an explanatory statement thereof be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, the amendment will be received, lie on the table, and be printed, and the explanatory statement will be printed in the RECORD.

The explanatory statement presented by Mr. THOMAS of Utah is as follows:

The Committee on Military Affairs favorably reported on March 26, 1946, a budget of $56,766.12 for its investigating arm, the Subcommittee on War Mobilization, in order that the subcommittee might complete its important work in the fields of (1) science and national security, and (2) the elimination of German resources for war, under the direction of its chairman, the gentleman from West Virginia [Mr. KILGORE].

The subcommittee, which has been authorized for the duration of the Seventy-ninth Congress by Senate Resolution 146, agreed to June 28, 1945, is one of the most valuable investigating bodies of the Congress. The early studies of the Government led to the recommendations first, for the creation of the Office of War Mobilization, and later, for the Office of War Mobilization and Reconversion. The subcommittee has conducted a thorough investigation of the Nation's scientific and technical resources, and has recommended the establishment of a National Science Foundation, a bill for the creation of which has been favorably reported by the Committee on Military Affairs and is now on the Senate Calendar. The subcommittee's studies show that during the war years the Federal Government spent more than $2,000,000,000 for scientific research, exclusive of the work on the atomic bomb, and the subcommittee is continuing its important investigations into the best use of the Nation's scientific resources for our national security. Equally important is the subcommittee's continuing investigations into cartel relationships between Nazi Germany and other nations, and the extent of Germany's scientific and other resources which still remain as a possible base for a third attempt at world conquest by Germany. This work is now in a very crucial phase as more and more captured German documents are becoming available for examination. The approval by the Senate of the modest budget recommended by the Committee on Military Affairs is essential so that this valuable work may be completed.

In the past, the subcommittee, under the authority to borrow personnel from the executive agencies of the Government conferred in the Senate resolution creating the subcommittee, has been largely staffed by such borrowed personnel.

After March 31, 1946, however, under the terms of the resolution sponsored by the gentleman from Nebraska [Mr. WHERRY], all Senate committees must reimburse the executive agencies for the salaries of such borrowed personnel.

To make it possible for the subcommittee, under the provision of the Wherry resolution, to complete its work in progress the Military Affairs Committee reported the budget of $56,766.12 for the remainder of the Seventy-ninth Congress.

At this point I should like to introduce for the record the brief summary of the work program of the subcommittee set forth in the report of the Committee on Military Affairs:

FROM REPORT NO. 1079, CALENDAR NO. 1109

"The subcommittee's present program calls for completion of its studies with respect to science and cartels.

"SCIENCE AND NATIONAL SECURITY

"The subcommittee has done pioneer work in showing the relationship between the Nation's scientific resources and its national security and industrial strength. As a result of its wartime studies, it has formulated an over-all program for Federal support of science embodied in S. 1850, the bill creating a National Science Foundation, which has recently been recommended by the Military Affairs Committee to the Senate. The subcommittee's present program calls for continuing its work on the over-all National Science program. In addition, the subcommittee has devoted a great deal of study to the best manner in which the research financed by the Federal Government during the war can be made fully available to the American people in peacetime. Subcommittee studies show that over $2,000,000,000 were spent by the Federal Government for scientific research, exclusive of money spent on the atomic bomb. This research adapted to peacetime purposes can promote new business opportunities and additional jobs. The subcommittee is determining what types of executive action under existing legislative authority and what, if any, additional legislative measures are required to assure that the benefits of this research will be made fully available. In a similar way, the subcommittee is seeking to assure the availability to American business of the large store of German science and technology which has been uncovered by our occupying forces.

"ELIMINATION OF GERMAN RESOURCES FOR WAR

"Studying war mobilization, and particularly scientific aspects, the subcommittee discovered and revealed how the Axis-dominated cartels, or world-wide monopolies, not only impeded American national defense production and restricted peacetime trade, but actually furnished an intelligence service coupled with an espionage service which made their war effort much more effective. Full documentation was impossible during the war, but with the ending of the war, a vast quantity of new material was captured in Germany, and previously intercepted material became available. At the request of the subcommittee, these materials have been collected and are being transmitted to the subcommittee by the Army for study and analysis. Taken together with the materials previously collected, they provide a sharp insight into the techniques of economic warfare and military and naval intelligence not only through recognized intelligence sources, but also through business contacts, that when fully worked out will not only reveal what was employed prior to and during World War II, but the manner and extent to

which the Germans have set aside resources and are still maintaining an intelligence service to renew their aggression at a future date. In addition, the captured materials provide the most complete record of the hitherto secret cartel structure that has ever been made available in the United States. The subcommittee's present program calls for: (1) Completing the analyses and publication of these materials, including the study and publication of Nazi party files showing their espionage network throughout the world; (2) relating these findings to the current program for denazifying and disarming Germany; and (3) drawing such general conclusions and recommendations with respect to international cartels as may be made from these findings and previous materials collected by the subcommittee."

I want also to make a part of the record the list of publications of the subcommittee, which indicates the scope and character of the subcommittee's work:

LIST OF PUBLICATIONS OF THE SUBCOMMITTEE ON WAR MOBILIZATION OF THE SENATE COMMITTEE ON MILITARY AFFAIRS

HEARINGS ON ELIMINATION OF GERMAN RESOURCES FOR WAR, 1945-46

Part 1 (pp. 1-28), June 22, 1945. Testimony of Bernard M. Baruch.

Part 2 (pp. 29-142), June 25, 1945. Testimony of State Department.

Part 3 (pp. 143-554), June 26, 1945. Testimony of Foreign Economic Administration and materials on German penetration of European industry.

Part 4 (pp. 555-638), June 28 and 29, 1945. Testimony of Justice Department, Alien Property Custodian, and War Department. (Out of print.)

Part 5 (pp. 639-922), July 2, 1945. Testimony of Treasury Department. (Out of print.)

Part 6 (pp. 923-940), November 1945. Additional material submitted by the War Department.

Part 7 (pp. 941-1042), December 1945. I. G. Farben material submitted by the War Department.

Part 8 (pp. 1043-1122), December 11 and 12, 1945. War Department testimony.

Part 9 (pp. 1123-1150), December 20, 1945. Foreign Economic Administration testimony.

Part 10 (pp. 1151-1532), February 1946. I. G. Farben exhibits (to accompany pt. 7).

Part 11 (pp. 1533-1627), February 25 and March 6, 1946. Testimony of Russell A. Nixon and Maj. Gen. John H. Hilldring.

HEARINGS ON SCIENCE LEGISLATION (S. 1297 AND RELATED BILLS), 1945-46

Part 1 (pp. 1-193), October 8, 9, 10, 11, and 12, 1945.

Part 2 (pp. 193-456), October 15, 16, 17, 18, and 19, 1945.

Part 3 (pp. 457-736), October 22, 23, 24, 25, and 26, 1945

Part 4 (pp. 737-924), October 29, 30, 31, and November 1, 1945.

Part 5 (pp. 925-1196), November 1 and 2, 1945. Including statements submitted for the record.

Part 6 (pp. 1197-1210), March 5, 1946.

HEARINGS ON SCIENTIFIC AND TECHNICAL MOBILIZATION AND CARTEL PROBLEMS, 1943-44

Part 1 (pp. 1-102), March 30, 1943. Statement and exhibits submitted by Thurman Arnold.

Part 2 (pp. 103-196), April 3, 9, and 27, 1943. Testimony by representatives of agricultural and industrial organizations. (Out of print.)

Part 3 (pp. 197-313), June 17, 1943. Exhibits consisting largely of letters on proposed Office of Scientific and Technical Mobilization. (Out of print.)

Part 4 (pp. 314-702), June 4, 1943. Testimony by Senator Homer T. Bone, with summary of testimony presented to the Senate Committee on Patents by the Department of Justice. (Out of print.)

Part 5 (pp. 703-711), October 15, 1946. Testimony by Henry A. Wallace.

Part 6 (pp. 712-958), October 15 and 21, 1943. Monopoly and Cartel Practices: Vitamin D. Testimony and exhibits submitted by Antitrust Division, Department of Justice. (Out of print.)

Part 7 (pp. 959-980), November 4, 1943. Monopoly and Cartel Practices: Titanium.

Part 8 (pp. 981-1046), November 8, 1943. Monopoly and Cartel Practices: Universal Oil Products.

Part 9 (pp. 1047-1115), November 24, 1943. Monopoly and Cartel Practices: Tanning Materials.

Part 10 (pp. 1116-1281), December 9, 1943. Monopoly and Cartel Practices: The Hormone Cartel. (Out of print.)

Part 11 (pp. 1282-1346), February 8, 1944. Increasing the Wear of Shoe Leather.

Part 12 (pp. 1347-1558), February 10, 1944. Monopoly Practices: Railroads.

Part 13 (pp. 1559-1654), February 11 and 12, 1944. Use of Radio for Railroad Communication and Signaling.

Part 14 (pp. 1655-1728), May 19, 1944. Railway Express Agency.

Part 15 (pp. 1729-1964), August 17, 1944. Railroad Technology: Association of American Railroads; the Pullman Co.

Part 16 (pp. 1965-2454), August 29 and September 7, 8, 12, and 13, 1944. Cartel Practices and National Security. (Out of print.)

REPORTS, 1943-46

First Interim Report (8 pages), May 13, 1943. Recommending the establishment of an Office of War Mobilization.

Second Interim Report (8 pages), June 22, 1943. On the Office of War Mobilization established by Executive order.

Third Interim Report (16 pages), October 7, 1943. Mobilization of Shipping Resources.

Fourth Interim Report. Cartels and National Security. Part I (13 pages), November 1944. Findings and Recommendations.

Part II (90 pages), November 16, 1944. Analytical and Technical Supplement. (Out of print.)

Part II, section III (56 pages), December 20, 1944. Citation of Cartel Practices. (Out of print.)

Fifth Interim Report. The Government's Wartime Research and Development, 1940-44.

Part I (326 pages), January 23, 1945. Survey of Government Agencies. (Out of print.)

Part II (74 pages), July 1945. Findings and Recommendations. (Out of print.)

Excerpts from Part II (14 pages), July 1945.

Sixth Interim Report (6 pages), July 10, 1945. Preliminary Report on Germany's War Potential.

Seventh Interim Report (29 pages), December 21, 1945. Preliminary report on Science Legislation: The National Science Foundation.

Eighth Interim Report (44 pages), February 27, 1946. Report on Science Legislation: S. 1850.

MONOGRAPHS, 1944-46

No. 1. Economic and Political Aspects of International Cartels. February 5, 1944. (83 pages.) (Out of print.)

No. 2. Wartime Technological Developments. May 1945. (418 pages.) Wartime Technological Developments, 1944 supplement. October 1945. (197 pages.)

No. 3. The Social Impact of Science: A Select Bibliography. August 1945. (51 pages.)

No. 4. Industry Opinion on Proposed Science Legislation. October 18, 1945. (30 pages.)

No. 5. Science Legislation: Analytical Summary of Testimony. December 1945. (138 pages.) (Out of print.) Excerpts from Monograph No. 5. December 6, 1945. (6 pages.)

No. 6. A Program for German Economic and Industrial Disarmament. April 1946. (pp. 1-377.) Appendix (pp. 379-660).

PRINTS, 1945-46

Legislative Proposals for the Promotion of Science: The Texts of Five Bills and Excerpts from Reports. (89 pages), August 1945. Subcommittee print. Reprinted as Senate Document No. 92.

Nazi Party Membership Records, submitted by the War Department. (49 pages), March 1946. Subcommittee print.

HEARINGS ON S. 2721, A BILL TO ESTABLISH AN OFFICE OF TECHNOLOGICAL MOBILIZATION, 1942

(Out of print)

Volume 1 (pp. 1-291), October 13, 21, 22, 27, and November 17 and 18, 1942. Statements on technological mobilization in war by Government officials, inventors, scientists, manufacturers, economists, and others.

Volume 2 (pp. 292-598), November 20, 25, 27, and December 4, 10, and 11, 1942. Testimony on S 2721 by representatives of engineering colleges, scientific societies, and others.

Volume 3 (pp. 599-949), December 12, 14, 17, 18, and 19, 1942. Further testimony on S. 2721 by scientists, United States Government and foreign officials.

HEARINGS ON PROPOSED OFFICE OF WAR MOBILIZATION, 1943

Part 1 (pp. 1-499), May 18, 19, 24, and 26, 1943. (Out of print.)

The Budget recommendation approved by the Committee on Military Affairs was referred to the Committee to Audit and Control the Contingent Funds of the Senate. That committee, of which the gentleman from Nebraska [Mr. WHERRY] is a member, cut the Budget recommendation to $18,000, which is less than one-third of the budget approved by the Military Affairs Committee. It is my understanding that the gentleman from Nebraska [Mr. WHERRY] and his colleague on the committee, the gentleman from Illinois [Mr. BROOKS], served notice that on the floor of the Senate they would oppose any appropriation for the subcommittee.

Because of the crowded condition of the Senate Calendar and because of the opposition which precludes its being considered under unanimous-consent agreement, even the recommendation of the Audits Committee has not been acted upon. The members of the staff of the subcommittee have had to return to their several executive agencies. The work of this very important investigatory arm of the Military Affairs Committee has come to a standstill.

The public reaction to the crippling of the work program of the subcommittee was immediate and sharp. The Washington Post commented editorially on April 2: "It is difficult to understand the reasoning which prompted the Senate Committee on Audits and Accounts to recommend a drastic cut in funds for the important investigatory work of the subcommittee on war mobilization of the Military Affairs Committee. This group, established in 1942 under the chairmanship of Senator KILGORE, has proved itself one of the most effective congressional goads to executive action. And it has made available to Congress and the public a wealth of illuminating materials on the technological aspects of war mobilization. It has much significant work still to do. The Military Affairs Committee requested for it an appropriation of $57,000. But this request, as it goes to the floor today, has been cut, inexplicable, to a mere $18,000."

I should like to introduce the entire editorial from the Washington Post into the RECORD:

"KILGORE COMMITTEE

"It is difficult to understand the reasoning which prompted the Senate Committee on Audits and Accounts to recommend a drastic cut in funds for the important investigatory work of the subcommittee on war mobilization of the Military Affairs Committee. This group, established in 1942 under the chairmanship of Senator KILGORE, has proved itself one of the most effective congressional goads to executive action. And it has made available to Congress and the public a wealth of illuminating material on the technological aspects of war mobilization. It has much significant work still to do. The Military Affairs Committee requested for it an appropriation of $57,000. But this request, as it goes to the floor today, has been cut, inexplicably, to a mere $18,000.

"Out of the subcommittee's studies on the technological resources of the United States, there has emerged, in accordance with a request from the President, a bill for the creation of a national science foundation. Embodying the best features of conflicting proposals after long and careful hearings, the bill is a thoroughly sound and considered piece of legislation; the subcommittee which developed it should stay on the job to see it through to enactment. Even more vital, perhaps, are the studies of the subcommittee in connection with German cartels and hidden resources for waging war. Captured German documents dealing with Nazi infiltration into foreign countries and economic reserves have been analyzed by the Kilgore group; the findings thus far disclosed make completion of the job seem imperative. The Senate would be very imprudent indeed, we think, to frustrate at this juncture one of the most useful of its own instruments for dealing with postwar problems."

The New York Times pointed out editorially on April 15, and I quote, "Few investigating bodies have emerged from the war with so commendable a history as that of the Senate subcommittee of which Senator KILGORE is the chairman." The New York Times editorial outlined the work of the subcommittee and concluded: "With such history it is difficult to understand why the Senate has cut to $18,000 a requested appropriation of $57,000 which would have enabled the subcommittee to continue its work to the end of the year."

I should like to submit the entire editorial from the New York Times in the RECORD at this point:

"THE KILGORE COMMITTEE

"Few investigating bodies have emerged from the war with so commendable a history as that of the Senate subcommittee of which Senator KILGORE is the chairman. Appointed as far back as 1943 'to study the possibilities of better mobilizing the technological resources of the United States for the more efficient prosecution of the war,' its work is valuable in this transition period when we must make the most of our technological progress. The one record we have of new processes and materials, a record which ought to be completed for the benefit of small and big business, we owe to the committee.

"As a result of the subcommittee's studies, which showed how Federal scientific agencies can be coordinated and how we can more efficiently use our scientists and engineers in peace as well as in war, a bill which would create a national science foundation has been introduced, a bill which has received the approval of most scientists. Our war programs (manpower, production, stabilization, transportation) were reviewed to such good effect that the Office of War Mobilization and Reconversion was created. Moreover, we owe to the subcommittee the most thorough study thus far made—yet not thorough enough—of German economic aggression in ways that are repugnant to us, and of German preparations for a third war.

"With such history it is difficult to understand why the Senate has cut to $18,000 a requested appropriation of $57,000 which would have enabled the subcommittee to continue its work to the end of the year."

The columnist, Thomas L. Stokes, on April 8, under the title "Finish the Job," wrote: "The subcommittee is in the midst of a most important job which is analysis of secret documents captured in Germany relating to cartels. This important task now suddenly is threatened by the action of the Senate Audit and Control Committee in slashing the requested $57,000 appropriation for the next fiscal year to $18,000."

I submit the entire article for the RECORD:

"FINISH THE JOB

"(By Thomas L. Stokes)

"One of the recommendations of the Joint Committee on Reorganization of Congress that has won general support urges additional expert staff help for congressional committees.

Even before the joint committee, headed by Senator LA FOLLETTE, Progressive, Wisconsin, and Representative MONRONEY, Democrat, Oklahoma, began its investigation a year ago bills were introduced for this purpose. This denotes recognition of the need for more information, both for individual Members and for committees, so they can perform intelligently their legislative functions in the face of growing complexity of Government and the expansion of its activities.

"Few major committees have anything like adequate staffing to cope with the problems that confront them constantly. Some committees set up, from time to time, special subcommittees to dig up information.

"One such subcommittee was created in October 1942 by the Senate Military Affairs Committee. Known as the Subcommittee on War Mobilization, it proved a most helpful adjunct to the Military Committee and the Senate.

"During the war its investigations resulted in improvements in over-all coordination of the war program and in mobilizing scientific research for war. During the war and since, through an exhaustive investigation of the German cartel system, it has thrown light on the effects of that system on our own war preparations through economic penetration and espionage here and in South America.

"Incidentally, its inquiry into war production and manpower bottlenecks brought recommendations that influenced creation of the Office of War Mobilization, the high civilian command in the last 2 years of the war. Its study of scientific research resulted in the bill for a National Science Foundation, both for military and peacetime advancement of science, which has been reported favorably to the Senate.

"Now the subcommittee is in the midst of a most important job which is analysis of secret documents captured in Germany relating to cartels.

"This important task now suddenly is threatened by the action of the Senate Audit and Control Committee in slashing the requested $57,000 appropriation for the next fiscal year to $18,000. The Senate has not yet passed on the committee's recommendation.

"There are interests in this country which would be very happy to see this investigation restricted or stopped, big economic and financial interests that had tie-ins with German cartels before the war. They should not be permitted to prevent revelation of the complete story.

"Efforts to hamstring congressional investigations that affect powerful interests are not new or strange to anyone who has covered them through the years. Attempts were made to shut off the famous Senate Banking Committee investigation into stock market and banking abuses, conducted by Ferdinand Pecora—also, among others, the Interstate Commerce Committee's investigation into railroad receiverships in which President Truman, while Senator, took such an important part as chairman of an investigating subcommittee.

"The power of investigation is one of the most cherished and most effective powers of Congress. Through congressional investigations have come corrections of many evils in our economic and social system.

"The War Mobilization Subcommittee should have the means to complete its important job."

The St. Louis Post-Dispatch wrote on April 10, under the title "A Vital Agency in Danger" that "One of the most valuable of Congressional agencies is threatened with being crippled, even abolished, because of a committee's penny pinching, plus a case of childish political jealousy."

I want to introduce this editorial in the RECORD, together with several additional articles from the Post-Dispatch:

[From the St. Louis Post-Dispatch of April 10, 1946]

"A VITAL AGENCY IN DANGER

"One of the most valuable of congressional agencies is threatened with being crippled, even abolished, because of a committee's penny pinching, plus a case of childish political jealousy.

"That agency is the Senate's Subcommittee on War Mobilization, often called the Kilgore committee in recognition of its chairman, a capable and industrious West Virginian. Next to the War Investigating Committee, or Truman committee, it is safe to say that the Kilgore group has performed the war period's outstanding service to the American people so far as committees are concerned. While need for the Truman group's searching inquiries has ended, the Kilgore group's work remains of vital importance.

"Part of its work, to be sure, is finished business. The subcommittee was the parent of the Office of War Mobilization and Reconversion, which was set up on its recommendation and is functioning in the tasks of contract settlement, surplus-property disposal, and the return of industry to peacetime production.

"Other parts of its work are now in legislative hands, such as the bill for creation of a national science foundation, which the committee proposed after a careful study. This is designed to give governmental sponsorship to the scientific research that has proved so vital in peace as well as in war.

"The case for continuance of the group is not based on its past history, however; it is based on the pressing work still ahead in a field where energetic efforts are required more and more as postwar apathy causes a relaxation of national vigilance.

"That work, in which the Kilgore group has made a distinguished record, is the tracking down of the involved German industrial system, its intimate ties with the Nazi warmakers, its expansion abroad by way of cartels conducted for the greater glory of the Reich—the Third Reich in past years, and whatever militaristic successor is set up if the roots of nazism are not pulled up for all time.

"In a brilliant series of reports, issued after extensive hearings at which authorities testified, the Kilgore group has presented the evidence of German industrial conspiracy that worked hand-in-hand with militarist conspiracy, has drawn up charts of world-wide cartel connections, extending into important American concerns, has shown the hiding of assets and the creation of dummy firms abroad that are among the German General Staff's devices in plotting World War III.

"The Kilgore reports have been a constant reminder of German duplicity. They have been a goad to national alertness, a continued warning against any soft economic policy that would permit a repetition of past events.

"The need for the reminder and the goad remain as Allied occupation policy wobbles and skids. Much evidence is still to be collected, for more records are constantly becoming available. Yet the threat to restrict the agency's work, or to abolish it, is a real and present one.

"The Committee on Audits and Accounts proposes to reduce its budget from the reasonable figure of $57,000 for the remainder of the year to an inadequate $18,000. Senator REVERCOMB, West Virginia Republican, is jealous of the prominence his Democratic colleague has received, and would welcome the agency's abolition.

"The reasons for continuance of the subcommittee are weighty, for they involve no less than the attaining of our war aim to end German military power. The reasons for its abolition are petty in the extreme. How can the Audits Committee, if it weighs the facts at all, decide otherwise than to give the Kilgore agency the funds it needs for completion of its crucial task?"

[From the St. Louis Post-Dispatch of April 16, 1946]

"TRIPLE THREAT IN CONGRESS

"A three-pronged assault on the Kilgore committee and what it stands for is going forward this week in Congress. It has an excellent chance of success if the pro-Kilgore forces are not alerted to the danger.

"The battle in essence is between the foes of monopoly and cartelism and the special interests which profit by such arrangements.

"The Kilgore committee has done a magnificent job in digging up facts concerning monopolies and monopolistic practices here in the United States. It has done an equally magnificent job of prodding the Army into capturing German documents which show the cartelistic tie-ups between Nazi industries and industries in other countries, including our own.

"Here is the picture of the triple threat to the public interest:

"(1) In the Senate the Audit Committee has cut a request for $57,000 needed for continued operation of the Kilgore group to a mere $18,000. Encouraged by this, a group of anti-Kilgorites in the Senate—headed by such reactionaries as Senators BRIDGES, WHERRY, and BROOKS, and Senator KILGORE'S own colleague from West Virginia, Senator REVERCOMB—apparently plans to deny the committee any funds at all—to liquidate it.

"(2) Meanwhile, the House Appropriations Committee has slashed $200,000 from the Budget request of the Antitrust Division of the Department of Justice—an action which Assistant Attorney General Wendell Berge terms 'most disturbing.'

"The money is needed for antitrust work. The House committee's action comes at a time when, with the ending of the wartime moratorium, a great backlog of antitrust prosecutions is on the Department of Justice's calendar. These cases involve the motor, steel, movie, and chain-grocery industries. In addition, and of great importance, are many cases dealing with German cartel deals.

"The relationship between the Kilgore committee and the Antitrust Division has been exceedingly close. Much of the material in the hands of the Division's cartel experts was dug up by the Kilgore committee and handed to them.

"(3) The third assault on the principles KILGORE stands for is the attempt on the part of the railroads, which are using what Congressman COCHRAN has called 'a million-dollar lobby,' to bring about passage of the Bulwinkle bill. This bill would exempt transportation industries from antitrust prosecutions, and is described by Mr. Berge as a most dangerous and vicious monopolistic threat.

"It was the Kilgore committee that brought to the attention of the Justice Department the trust agreement among the western carriers. It also has recommended all sorts of railroad improvements, such as the adoption of safety devices, the use of radio in train operation, and so on.

"It will be recalled that one of President Truman's first successes as a Senator was the inquiry he conducted into the tangled operation of railroad finances. That experience gave him a close-up of transportation affairs that should stand him in good stead if and when the Bulwinkle bill is passed. If Mr. Truman signed the bill, he would be catering to forces and to practices which he opposed as a Senator and as a disciple of Franklin Roosevelt.

"The boldness of the anti-Kilgore forces shows that they believe they can take advantage of postwar apathy and the frenzied desire to return to 'normalcy' to gain their ends. By 'normalcy,' of course, is meant a repetition of the laissez-faire that prevailed in the Harding and Coolidge administrations after the last war, so far as curbing special interests was concerned.

"The special interests—the great concentrations of wealth that profit by monopolistic practices at home and intimate connections with Nazi and other industrialists abroad—may win. They may cripple, if not kill, the Kilgore committee. They may hamstring the good work Mr. Berge is doing in the Department of Justice. They may induce Congress to pass the Bulwinkle bill.

"If they win this three-pronged assault, they will not stop there. They will have tasted blood and they will seek other victories. Somewhere along the line they will have to be stopped in their tracks, unless this country is willing to go back to the old, old deal by which concentrated financial power ran Congress and the White House. The best time to stop those interests is now."

[From the St. Louis Post-Dispatch of April 22, 1946]

"A WARNING OF NAZI CONSPIRACY

"Senator KILGORE'S warning that Nazi diehards are plotting another war of aggression might be dismissed as sensationalism except for two things: (1) the fact that the Germans did the same thing, and successfully, after their apparent total defeat in 1918; (2) the fact that the Kilgore committee has reams of evidence pointing to a conspiracy for a third attempt at world domination.

"Such warnings as Mr. KILGORE'S are needed to keep the Nation vigilant and prepared. Occupation policy in Germany is weakening, because of apathy and the failure to send sufficient troop replacements. Surviving pro-Nazis are moving to take advantage of this laxity, and they have large amounts of assets hidden abroad for use when Der Tag comes again.

"Valuable as the Kilgore committee's services are, in this necessary task and others, they are doomed to end if the Senate Audit Committee goes ahead with its intention to hamstring or abolish this useful agency by sharply reducing its funds. Too few spokesmen are sounding the essential note of 'Lest we forget,' which is needed to save America from the fateful consequences of its postwar let-down. Surely all who realize the necessity for completion of the Kilgore agency's huge job of exposing the Nazi conspirators will insist that the Audit Committee withhold its destructive hand."

These editorials from the New York Times, the Washington Post, and other papers are but samples of responsible public opinion.

Much important work remains to be done by the subcommittee. I cannot believe that the Senate wishes to permit the crippling of the subcommittee's investigations. The public statements by members of both parties in support of the subcommittee's work make it clear that they do not intend to permit such crippling of those investigations. I am accordingly submitting an amendment to Senate Resolution 245, as amended, to increase the limit of expenditures at this time to $37,000—which is still $20,000 below the recommendation of the Military Affairs Committee—and request that the amendment be laid on the table.

BOOKER T. WASHINGTON—ADDRESS BY SENATOR GUFFEY

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD an address on Booker T. Washington, delivered by him at the United Negro College Fund Drive on May 23, 1946, which appears in the Appendix.]

ALL-AMERICAN MOTION PICTURE ACADEMY AWARD

[Mr. WILEY asked and obtained leave to have printed in the RECORD a suggestion by him regarding a special "All-American award" to be given by the Academy of Motion Picture Arts and Sciences, which appears in the Appendix.]

MAGAZINE LIBELS FARMERS—ARTICLE FROM THE DAILY REPUBLIC, MITCHELL, S. DAK.

[Mr. BUSHFIELD asked and obtained leave to have printed in the RECORD an editorial entitled "Magazine Libels Farmers of the United States," from the Daily Republic, of Mitchell, S. Dak., of the issue of May 14, 1946, which appears in the Appendix.]

THE ST. LAWRENCE WATERWAY AND THE UTILITY INVESTOR

[Mr. AIKEN asked and obtained leave to have printed in the RECORD a report by the investment research department of Eastman, Dillon & Co., of New York, entitled "The St. Lawrence Waterway and the Utility Investor," which appears in the Appendix.]

WHY DON'T YOU WRITE YOUR SENATOR?—EDITORIAL FROM THE SATURDAY EVENING POST

[Mr. TAFT asked and obtained leave to have printed in the RECORD an editorial entitled "Why Don't You Write to Your Senator?" published in the Saturday Evening Post for May 25, 1946, which appears in the Appendix.]

O SHIP OF STATE—ORATION BY JERRY JOACHIM

[Mr. MCFARLAND asked and obtained leave to have printed in the RECORD an oration entitled "O Ship of State," by Jerry Joachim, of the Union High School, Phoenix, Ariz., which appears in the Appendix.]

MEDIATION OF LABOR DISPUTES

The Senate resumed consideration of the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes.

The ACTING PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Minnesota [Mr. BALL] for himself and other Senators.

Mr. PEPPER. Mr. President, I suggest the absence of a quorum.

Mr. WILEY. Mr. President, will the Senator withhold his request It might take half an hour to get a quorum.

Mr. PEPPER. I will leave it to the majority leader, who has just come into the Chamber.

Mr. BARKLEY. If the Senator from Wisconsin desires to proceed without a quorum that is satisfactory to me.

Mr. WILEY. I should like to proceed.

Mr. President, many years ago I heard a famous lecturer tell this incident: He said that a certain individual was moving from town A to town B, and as he came to the outskirts of town B he stopped at a gas station and asked, "What kind of folks are living in town B?" An old philosopher was operating the gas station and he said to the inquirer, "What kind of folks did you find in town A, where you were living?" The man who made the inquiry said, "Oh, they were no-good folks over there; they were hard to get along with; they were quarrelsome and low-minded." Then the philosopher at the gas station said, "You will find that kind of folks over here in town B," and as the man left the gas station he heard the station master say, "Yes, you will find the kind of people you are looking for." The next day another individual moving from town A to town B stopped at the same gas station and asked the same question. The philosopher once again asked, "What kind of folks were there in town A?" The second person replied—bear in mind at the same town—"Oh, they were fine folks; very easy to get along with, friendly, and noble-minded." "Well," the gas station philosopher said, "you will find the same kind of folks in the town you are going to. They are great people; they are friendly people." That reminds me of the statement that we generally find what we are looking for.

In 1939, when I came to the Senate from a busy life as a small-town lawyer and businessman, I met here in the Senate what I thought was the finest aggregation of men with whom I had ever come in contact—men from the South, the West, the East, the North, and from the center of this great continent. Whenever there was a tendency to see the mote in somebody's else eye I remembered the scriptural injunction, "First cast out the mote from thine own eye before thou seest the beam in thy brother's eye."

Long ago I was taught by my law practice that because men reached different conclusions from the facts that is not a bad thing but is a good thing. After all, "man's wisdom is foolishness with God." Independent minds on this plane of living and thinking make for independent living. Only when men can be siphoned into a herd and led like a flock of sheep to slaughter does liberty disappear. That is what happened in Germany and Italy and in other countries where dictatorship took over and where men did not differ.

In the rough and tumble of law practice I learned quite a bit of life. I think probably one of the greatest jury-trial lawyers this country ever produced was Abraham Lincoln, and on many occasions I have used his statements and philosophy. It will be remembered he once said that when a man damns his opponent in a lawsuit instead of arguing the facts, it is perfectly clear evidence that he has a damn poor case of his own. I have used that statement before juries and won cases when lawyers, instead of arguing the facts or the law, indulged in what the Latins called argumentum ad hominem. A very dear friend of mine who was one of the great jurists in my State told me when I started to practice law, "Be careful not to misstate the facts or the law when you are arguing a case, for the jury and the judge soon spot a lawyer who indulges in such lax methods." I believe all people sense the difference between "wind blowing" and the facts. I believe also it ill becomes anyone to befoul his own nest.

Another wholesome piece of advice of which this great legal mind made me the beneficiary was this: "When you have a legal problem sit down and calmly think the thing through. Get at the issue." I have always tried to be guided by those principles.

Mr. President, what is the issue in the debate before this body? To me it seems a very simple one. The aim is not to damage the legitimate rights of labor. The issue is, How can we as legislators and policy makers protect the Republic? Or, putting it in another way, How can we look after the rights of the public?

Everyone concedes in this entire debate that the public interest has been neglected. On one side we are told how the poor laboring man has been abused, and the terrible conditions in the mines are shown—conditions which are not new, but which have obtained for months and years, and they are maximized. Then those on that side stop, and they ask us to draw the conclusion that that is a justification for interfering with the rights of the public.

One false line of argument indulged in by many folks is illustrated by the old fighting phrase, "You're a liar." To a thinking mind that proves nothing. One making such a statement should produce the proof. Everyone knows that, but how often do we hear the same line of tactics indulged in, other phrases being used, in connection with labor situations? We hear that someone wants to crucify labor, enslave labor. This is a generality. There is no proof, no facts, showing that such is the case.

Our purpose in this great body is to protect the rights of the public, the rights of labor and management, and to see that no group or interest can jeopardize the rights of this great Nation. To do that is our sworn duty, and to see to it that neither now nor in the future men, individually or as groups, can rise who would strangle the economic and political life of this Nation. That, Mr. President, is the issue in this debate.

My own thought is that in doing this, if we could prescribe rules and procedures which would accomplish that end, we not only would be protecting our beloved country but we would be aiding the misguided individuals themselves.

Mr. President, yesterday one of our distinguished associates in the Senate made what I thought was one of the finest statements of what I call the issue in this debate that any Senator has made. I refer to the statement of the distinguished Senator from Oregon [Mr. MORSE]. I wish to read parts of it to the Senate, because in a few moments I shall discuss the historical concept of what has been called the right to strike. The Senator from Oregon put his finger on the issue in this case so clearly and dynamically that I wish to read from his remarks. He said:

> The right to strike is, like all rights, a relative right. The right to strike is not an absolute right in the sense that it can be exercised against the welfare of the people, as a people, or against the security of the Nation. At the present time, the exercise of the right to strike on the part of the railroad workers, and the exercise of the right to strike by the miners is clearly not in the public or governmental interest.

I quote again:

> The workers and their leaders involved on both sides of the dispute owe it to the people of the country to stop these strikes and compromise their differences quickly.

I continue quoting:

> Mr. President, I have no hesitancy in saying that if, in the next few hours, the economic life of the Nation is brought to a halt, the issue of whether or not the Government of the United States is subservient to organized labor must be squarely met.

Mr. President, that is the issue. Is there to be a government within the Government or is the United States to be supreme?

Further clarifying and amplifying this very fine statement of the distinguished Senator from Oregon, I quote:

> I do not believe—and I say this as a friend of labor—that any combination of labor forces has any right to bring about the great injury which will be inflicted upon the people of this Nation if, in fact, the miners fail to work the mines under Government seizure, with the American flag flying over them. Likewise, I say to the American railroad workers, or to those who may be involved in a railroad strike, should one take place, that they will neither serve the interests of organized labor nor the interests of their country if they proceed with a stoppage of the transportation facilities of the Nation because of whatever differences may now exist between them and the carriers. Those differences are relatively small as compared with the differences which existed when the dispute first arose.

That, Mr. President, I think, clearly defines the issue.

When the founding fathers brought into existence the Constitution and the Bill of Rights, they recognized the imperative need of creating in government a check and balance against the ruthless exercise of power. As they looked back over history, they recognized the need for restraint on agencies of government. They say on history's pages what we have seen in the last two decades—the tendency of individuals and groups and nations to become despotic. They had in mind political despotism.

Of course our fathers in this Nation had primarily in mind the exercise of powers to the point where it became political despotism. Since their day we on this globe have witnessed the greater part of the industrial revolution come into being, and we have seen how power gravitated to men who accumulated wealth. And again the people, working through their Government, through constitutional processes, built a check on those who had that power, and who used it to the detriment of the public welfare,

and part of that check was by legislation, to give to labor what has been called the right to strike. The National Labor Relations Act specifically confers this right. It is found in section 13 of the act. By its terms strikers are still employees, and striking is recognized as a legitimate form of concerted activity.

Remember, that came into being through legislative action because capital became despotic, and the individual man, in a good many cases, was injured as an individual in his rights under the Constitution. So the National Labor Relations Act, as I have stated, specifically contained the provisions I have mentioned.

The Railway Labor Act says that nothing in it is to be construed as restricting the right to strike. That is section 2 (10). While the Norris-LaGuardia Act of 1932 limited the remedies that can be utilized against strikes, it does not in any way modify the right to strike, as it has been called.

As now interpreted, the antitrust laws constitute no restraint on strikes. The Supreme Court, by recent decisions, practically removed all forms of labor activities from the limitations of the antitrust laws. In the *Milk Wagon Drivers Union No. 753* v. *Lake Valley Farm Producers, Inc.* (311 U. S. 91), the Court held in substance that under the Norris-LaGuardia Act, the Congress prohibited Federal courts from issuing injunctions in labor disputes, with the result that in *United States* v. *Hutchison* (312 U. S. 209), the Court further held that the Sherman Act and the Clayton Act and the Norris-LaGuardia Act must be read as a whole and that, therefore, strikes to prevent the utilization of cheaper and improved equipment; practices designed to require the employment of unnecessary labor; restraints on commerce for the purpose of promoting graft and corruption; strikes and other concerted activities designed to maintain prices and jurisdictional strikes are not in violation of any law of the United States.

So, Mr. President, it is seen what we have come to. Whereas before a situation existed which needed remedying in order that the individual would not be injured in his rights as an American citizen, we have come to the point now where, through legislative enactment and through court interpretation, we have builded up a power which now has precipitated a condition that requires a remedy by the legislative branch of the Government.

It is now apparent that under the law as it stands practically no strike is contrary to the Sherman antitrust law unless there is a combination with the employer—Two Hundred and Ninety-first United States Reports, page 293.

In the beginning the purpose back of this legislation, as I said, was to give to the employees equal bargaining position with the employer. It was necessary. It was necessary because of the autocratic, despotic tendency of men who had acquired power through the accumulation of wealth. The union was to have bargaining power, which included the threat and the actuality of strikes. Yes; we gave that power; by that I mean the Legislature gave that power.

Now, the question is, Having given power, have we the right to restrain and limit? In the passage of the legislation and in interpretation thereof by the Court it is evident that the public interest then was of no concern. The Legislature gave no concern to the public interest. We simply proceeded and thought in terms of employer and employee, just as was done at the meeting held last year in Washington when the employers and employees were called together, but those who called the meeting forgot to have a representative of the public present. We are just waking up to the fact now that the public interest is the major interest in the major industries of this country.

A major objective of the labor policy as heretofore outlined, apparently, was to encourage collective bargaining and to bring about an agreement so there would be no interruption in production, but as there is no right to enjoin a strike in violation of contract, this does not make for the employer and the union getting together.

President Coolidge said there is no right to strike against Government. President Roosevelt stated there is no right to strike on the part of Government employees. While the Supreme Court has held that a strike in violation of a contract is not a strike that has the protection of law—*N. L. R. B.* v. *Sands Mfg. Co.* (306 U. S. 332)—the National Labor Relations Board has continually regarded such strikes as legal. In *United States* v. *Hutchison* (312 U. S. 219) the Court has practically held that boycotts—that is, where coercive pressure is exerted upon customers to withhold patronage through fear of loss or damage if they deal with the employer—that such, connected with a labor dispute, would be legal. Let me illustrate what I mean by a boycott. Here is a photostatic copy of a letter sent out under date of May 10. This is a letter signed by a building and construction trades council, by its president. It is issued out of Milwaukee, and it reads:

DEAR SIR: At the request of Local No. —— and Local No. —— of the International Association of Bridge, Structural, and Ornamental Iron Workers' and Shopmen's Union, we are reminding and advising you that the Lakeside Bridge & Steel Co. has no labor agreement with Local No. 471 and is on the "We do not patronize" list of the Milwaukee Federated Trades Council.

Listen to this:

Under such circumstances, workingmen, who are members of local unions affiliated with the Milwaukee Building and Construction Trades Council, will generally and ordinarily refuse to work on materials fabricated or erected by the Lakeside Bridge & Steel Co., or on jobs where such material is used. Additionally, our affiliated local unions would undoubtedly refuse to send men to work on any such jobs.

We are advising you of these facts in an effort to prevent any misunderstandings which might arise in the future with respect to these matters.

This is in free America. This exemplifies one of the needs, and emphasizes the fact that the public interests and the general welfare can be no longer neglected by this august body.

So long as the contest between the employer and the union was localized, even if it resulted in terrible economic losses to a given community, even if it resulted in interference with interstate commerce, it would appear that under existing Federal statutes the Government considered the rights of labor to be all-important. But now, Mr. President, we see that a new power has arisen in the land, a power that can impose exactions upon the whole people, a power which interfere with the economic health of the whole Government, a power which, if not curtailed, now that it has grown, octopus-like, would make labor unions superior to the people, and their special interests superior to the rights of the public—aye, superior to Government itself.

I have shown how this power arose. It came out of the Wagner Labor Relations Act, the interpretation by the courts, and the administration of the powers by the National Labor Relations Board. The interpretations go way beyond what even Congress had in mind when it enacted the law. What is more, the power now belonging to this group results mainly because of the attitude of the Roosevelt administration and the present administration, and the failure of the Congress of the United States up to this time to meet the problem head-on. Therefore, there is need for Congress to speak clearly so that there will be a "check." It will be remembered that I told how our Government originally came into being. Wise men, looking back through history, realized that power in the hands of a man or a group of men usually became autocratic, so they created a government of checks and balances. Then came the industrial revolution, which created great fortunes. We find that the men who accumulated that wealth became autocratic. The Congress stepped in and enacted legislation so that those men could no longer say, as they said in those days, "The public be damned." In that very process, in order to provide a check, we gave power to men to form labor unions; and then through legislative enactments we created the right to strike, and said, "If you strike, that does not sever your employment."

Then we saw, through the past 12 years, a coddling of that group. We saw them grow in power until they dictated to Government itself, sitting in the chambers of Government. Now we find our economy partially paralyzed. What is the answer?

There is a need for Congress to speak clearly so that there will be a check on that power. I say that in the interest of millions of workingmen, with many of whom I have worked. I say that in the interest of the great producers, the men of brawn and muscle, who have built, and who find themselves in, this cauldron, and who do not like conditions as they exist.

Let me cite an illustration of this ruthless power. A year ago last November I ran for reelection in the State of Wisconsin. The PAC went after me with barrels of money and newspapers and with circulation of millions of political pamphlets. The Friday before election

they sent this instruction to their stewards in the State: "There is one s. o. b. we have got to get, and that is Senator WILEY."

Some of the members of labor unions in the Northwest, Wisconsin men with whom I used to work—some of them painting houses and some working in the mills—said, "Why?" The answer was, "WILEY does not take orders."

To whom does this Government belong? It thrills me to tell the Senate that while I lost the city of Milwaukee by 72,000 votes because those votes were channeled, in the northwest portions of the State many men belonging to the CIO unions resented that kind of talk and voted for me. I even carried the labor wards. So I say that at heart labor is sound. If we are to be fair and square with labor, we will not permit the ruthlessness which exists in certain labor organizations, and which makes slaves out of labor. "There the bosses give orders and labor takes orders."

We have heard a great deal to the effect that we must not put "chains on labor." I could show Senators letters from officers and men of some of the largest unions in my own State, after I had spoken as I have spoken many times, outlining a nine-point program for the general welfare, saying, "Senator, you are absolutely right." I could show the Senate letters from men and their wives saying, "You are absolutely right."

The purpose of the legislation which we are writing is to remove the shackles from labor itself. Where is the democracy in many of these unions? Members of unions are fined if they do not march in parades. I was told of an incident which happened the other day. In San Francisco members of unions were ordered to join in a parade indicating approval of Bowles' OPA program. The letter notifying the union members said, "If you do not march, there will be a $10 fine." That is in free America.

Today power has gravitated into the hands of a few men because they exercise control over many men, and that power is striking at the very concept of this Government, paralyzing our industry and dictating to Government. The next thing that happens is that a strong man steps into the picture and says, "Leave it to me."

Yes; there is need for Congress to speak with clarity and to provide a check. Congress must now bear in mind the rights of the public. Heretofore it was either labor or management that we legislated for. Congress must protect the rights of labor and the rights of management, but it must make sure that the rights of the public, which it neglected in the past, are properly looked after.

Mr. President, many loose statements without proof about crucifying labor have been made on the floor of the Senate. I trust that such unbalanced statements will not prevent this body from seeing to it that the public is not crucified.

For days, arguments telling us about the poor housing conditions of the miners were made to us. Over a week ago I said on this floor that those conditions were admitted. I said that the Federal and State governments had obligations in that respect and that those conditions should be corrected. But those conditions have existed for generations; and one wrong does not justify another.

The legislation we are now considering does not relate to that matter. We are talking about over-all labor legislation which will be a Magna Carta for the public interest. The legislation now under consideration contemplates making it impossible for any segment of society to paralyze society. In 1936 when the Wagner Act was passed, as I have said, its purpose was to give equal bargaining power to employees. The Wagner Act did not contain any provision or give any right to jeopardize the general welfare. But since that time the child which was nourished by that legislation and the administration has grown to manhood, and its actions now threaten the economic and political health of the Nation. Even under the law as it stands, the right to strike is a legislative right. Where that right interferes with the rights of the Nation, it no longer exists. That was stated yesterday by the Senator from Oregon [Mr. MORSE].

I wish that now some of the fine brains in this country, some of the people who always are speaking against monopoly, would get into action. We see now that the very essence of a strike exercised against a government is an exercise of a monopoly power which paralyzes, economically and politically. For a long time there has been sold to this country a wrong notion about the right to strike. We heard it mentioned the other day when the Senator from Florida said that the denial of the right to strike meant slavery or forced labor. We all know that anyone has a right to quit his job; but I deny that any group of workmen or businessmen or any other group whose function is of prime importance to the life and health of the public can act in such a way that the public health and the public welfare will be paralyzed or jeopardized.

No other group has the power to restrain trade or to interfere with the living of the people of the Nation. Suppose, Mr. President, the doctors of this country agreed among themselves that they would not render assistance to the sick until certain conditions were met. I wonder what certain of my associates would have to say then. Would they say that the doctors had a right to do that? Oh, no, Mr. President; we would not hear anything about slavery then. Suppose the stores and butcher shops of Washington agreed among themselves to refuse to sell food. Would my political friends keep still, in the face of such a threat?

Mr. President, the orders which were issued last night mean that the Government will take possession of the planes and the busses all over the country to haul the food to try to keep the Nation on an even keel, so that it will not capsize. As was suggested yesterday by the distinguished Senator from Maryland, the feeding of a nation, the question of food itself, is vital. When we permit any group, no matter how powerful, to sever an artery which means life or death to our country, then we are missing our obligations in this day and generation and are failing to meet them head-on.

When I took my oath of office at the desk in this Chamber I was not sworn to look after the rights of any group when it interfered with the rights of the public. Mr. President, we cannot meet our responsibilities head-on by serving private interests, whether they be one group or another.

So, Mr. President, I come to the conclusion of my remarks on the subject of strikes. I claim that the legislation I have outlined simply grants a privilege—I refer to the so-called right to strike—and that that privilege is subject to whatever limitations the Legislature of this Government may prescribe. Let me repeat that, Mr. President. The whole thesis of my remarks is that the right to strike is a legislative privilege which is granted, and that that privilege is subject to whatever limitations the Legislature of the Government shall prescribe. We must stop looking at quarrels of the nature of the present one, between management and labor, as simply issues between management and labor. I say again that the public is the primary interest, and the challenge to those of us who are Members of this body is to see that the public interest is not neglected.

Mr. President, for days, I repeat, we have heard a discussion on the subject of the wrong done to the miners. I ask my associates not to be sidetracked by that. That is not the issue. The issue, I repeat, is what some of us have contended for ever since I came to the Senate—namely, shall we lay down a constructive, pro-American labor policy—not antilabor, not antimanagement, but pro-American, one which will protect the rights of labor and management and will not neglect the rights of the public?

Mr. EASTLAND. Mr. President, on behalf of myself, the Senator from Virginia [Mr. BYRD], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from New Mexico [Mr. HATCH], the Senator from Texas [Mr. O'DANIEL], the Senator from Oklahoma [Mr. MOORE], and the Senator from Ohio [Mr. TAFT], I offer an amendment to the pending bill to be read under the cloture rule, and I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. The amendment will be printed in the RECORD as if read, and regarded as in compliance with the cloture rule.

The amendment intended to be proposed by Mr. EASTLAND, for himself and other Senators, is as follows:

INTERFERENCE WITH TRADE AND COMMERCE

SEC. 6. The act entitled "An act to protect trade and commerce against interference by violence, threats, coercion, or intimidation," approved June 18, 1934 (48 Stat. 979; U. S. C., 1940 edition, title 18, secs. 420a-420e), is amended to read as follows:

"TITLE I

"SEC. 1. As used in this title—

"(a) The term 'commerce' means (1) commerce between any point in a State, Territory, or the District of Columbia and any point outside thereof, or between points within the same State, Territory, or the District of Columbia but through any place outside thereof, and (2) commerce within the District of Columbia or any Territory, and

(3) all other commerce over which the United States has jurisdiction; and the term 'Territory' means any Territory or possession of the United States.

"(b) The term 'robbery' means the unlawful taking or obtaining of personal property, from the person or in the presence of another, against his will, by means of actual or threatened force, or violence, or fear of injury, immediate or future, to his person or property, or property in his custody or possession, or the person or property of a relative or member of his family or of anyone in his company at the time of the taking or obtaining.

"(c) The term 'extortion' means the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right.

"SEC. 2. Whoever in any way or degree obstructs, delays, or affects commerce, or the movement of any article or commodity in commerce, by robbery or extortion, shall be guilty of a felony.

"SEC. 3. Whoever conspires with another or with others, or acts in concert with another or with others to do anything in violation of section 2 shall be guilty of a felony.

"SEC. 4. Whoever attempts or participates in an attempt to do anything in violation of section 2 shall be guilty of a felony.

"SEC. 5. Whoever commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of section 2 shall be guilty of a felony.

"SEC. 6. Whoever violates any section of this title shall, upon conviction thereof, be punished by imprisonment for not more than 20 years or by a fine of not more than $10,000, or both.

"TITLE II

"Nothing in this act shall be construed to repeal, modify, or affect either section 6 or section 20 of an act entitled 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,' approved October 15, 1914, or an act entitled 'An act to amend the judicial code and to define and limit the jurisdiction of the courts in equity, and for other purposes,' approved March 23, 1932, or an act entitled 'An act to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes,' approved May 20, 1926, as amended, or an act entitled 'An act to diminish the causes of labor disputes burdening or obstructing interstate or foreign commerce, to create a National Labor Relations Board, and for other purposes,' approved July 5, 1935."

Mr. LUCAS. Mr. President, on May 9 the Senator from Illinois offered an amendment to House bill 4908. I ask unanimous consent that the amendment be considered as read, and that it be deemed to be in compliance with the rules of the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WHERRY. Mr. President, reserving the right to object, I did not hear what the request was.

Mr. LUCAS. I just asked that an amendment I had offered be considered as read.

Mr. WHERRY. That is all right.

Mr. BALL. Mr. President, I ask unanimous consent that the other five minority amendments offered by me on behalf of myself, the Senator from New Jersey [Mr. SMITH] and the Senator from Ohio [Mr. TAFT], which are lying on the table, be considered as having been presented and read, in meeting the requirements of rule XXII.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WHERRY. Mr. President, will the Senator yield to me, so that I may suggest the absence of a quorum?

Mr. BALL. I yield.

Mr. WHERRY. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hawkes	Overton
Andrews	Hayden	Pepper
Austin	Hickenlooper	Radcliffe
Ball	Hill	Reed
Bankhead	Hoey	Revercomb
Barkley	Huffman	Robertson
Brewster	Johnson, Colo.	Russell
Bridges	Johnston, S. C.	Saltonstall
Buck	Kilgore	Shipstead
Bushfield	Knowland	Smith
Byrd	La Follette	Stanfill
Capehart	Langer	Stewart
Capper	Lucas	Taft
Connally	McCarran	Taylor
Cordon	McClellan	Thomas, Okla.
Donnell	McFarland	Thomas, Utah
Downey	McMahon	Tobey
Eastland	Magnuson	Tunnell
Ellender	Mead	Tydings
Ferguson	Millikin	Vandenberg
Fulbright	Mitchell	Wagner
George	Moore	Walsh
Gerry	Morse	Wheeler
Green	Murdock	Wherry
Guffey	Murray	White
Gurney	Myers	Wiley
Hart	O'Daniel	Wilson
Hatch	O'Mahoney	Young

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Virginia [Mr. GLASS], and the Senator from Tennessee [Mr. MCKELLAR] are absent because of illness.

The Senator from Mississippi [Mr. [BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senator from Idaho [Mr. GOSSETT] are absent by leave of the Senate.

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate because of illness in his family.

The Senator from Missouri [Mr. BRIGGS] and the Senator from New Mexico [Mr. CHAVEZ] are detained on public business.

Mr. WHERRY. The Senator from Illinois [Mr. BROOKS] and the Senator from Nebraska [Mr. BUTLER] are absent by leave of the Senate.

The Senator from Indiana [Mr. WILLIS] is necessarily absent.

The ACTING PRESIDENT pro tempore. Eighty-four Senators having answered to their names, a quorum is present.

Mr. VANDENBERG. Mr. President, will the Senator from Minnesota yield to me for a moment?

Mr. BALL. I yield.

Mr. VANDENBERG. I should like to inject just one pleasant word into this otherwise generally unhappy debate. We are sometimes entirely forgetful of our blessings because we become so used to them. I want to comment on the official reporting staff of the Senate and the efficiency of the men and women of the Government Printing Office. I suggest that we have a magnificent example on the part of both this morning. The Senate did not adjourn until half past 1 o'clock a. m., and yet when we opened our offices this morning a 142-page publication containing the entire RECORD was available to us. I submit that that is a tribute to efficiency which is well worth noting in these unhappy days.

Mr. PEPPER. Mr. President, I wish very heartily to join in the deserved compliment the Senator from Michigan has just paid to the Official Reporters of Debate of the Senate and to the Government Printing Office for the splendid job they did in getting out the CONGRESSIONAL RECORD of yesterday's proceeding.

Mr. BALL. Mr. President, I wish to discuss the pending amendment which was offered last night by me on my own behalf and for the Senator from Ohio [Mr. TAFT], the Senator from Virginia [Mr. BYRD], the Senator from New Mexico [Mr. HATCH], and the Senator from New Jersey [Mr. SMITH].

Before doing so, since the amendment relates directly to the provisions of the committee bill, I should like to review briefly what the committee measure provides in the way of Federal mediation services.

The committee bill which is a substitute for the House measure, would set up a five-member Federal Mediation Board the members to be paid $12,000 a year, to be appointed by the President and confirmed by the Senate. They would be the sole mediation authority or agency in the Federal Government, outside the Railway Mediation Board. The present Conciliation Service of the Department of Labor would be transferred to their jurisdiction.

I think that the procedures for mediation which provides that the Mediation Board may step into a dispute at the request of either party or on its own volition are on the whole very good. They do not conform to everything I should like to see in a Federal mediation bill, but I think they accomplish a purpose, and are a long step forward. I think the main purpose of the committee in writing this mediation measure is to augment the National Labor Relations Act. The announced policy of that act and the findings on which it was based were that the denial by employers of the right of employees to organize and bargain collectively has caused industrial strife, and that if the Government guaranteed that right we would have industrial peace. Experience has demonstrated that that was not quite sufficient, and that we would have to go a little further. We need some more competent and effective Federal mediation machinery.

Mr. President, it is the conviction of the minority which drafted this amendment and presented it that the committee bill does not go far enough, because it imposes absolutely no obligation on either employers or unions to utilize this Federal machinery or to give that machinery a chance to function and bring about a peaceful settlement before there is resort to trial by economic force, which would stop production. Our amendment is offered as a substitute for section 3 of the committee bill. I should like to read that section. It is supposed

to be a declaration of policy by the Congress. I read now from the committee bill:

SEC. 3. It is the policy of the United States that—

(a) Sound and stable industrial peace and the advancement of the general welfare, health, and safety of the Nation and of the best interests of employers and employees can best be secured by the settlement of issues between employers and employees through the processes of conference and collective bargaining between employers and the representatives of their employees; and—

That certainly is a drastic statement of policy.

(b) The settlement of issues between employers and employees through collective bargaining may be advanced by making available full and adequate Government facilities for voluntary conciliation, mediation, and voluntary arbitration to aid and encourage employers and the representatives of their employees—

(1) to reach and maintain agreements concerning rates of pay, hours, and working conditions, including provision for adequate notice of any proposed change in the terms of such agreements and provision for the final adjustment of grievances or questions regarding the application or interpretation of such agreements; and

(2) to make all reasonable efforts to settle all differences by mutual agreement reached through conference and collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of the dispute.

Mr. President, I submit that that does not add a thing to what the Congress said in the Wagner Act, which was passed in 1935. In other words, we hope collective bargaining will settle these disputes, in the face of the clear evidence that it is not doing it.

Now just a word of history. The amendment which is now pending was offered in the Committee on Education and Labor on March 18 of this year. That date is an indication of how the Senate has rushed into hasty and ill-considered action on this issue!

On March 18 it was defeated by a vote of 9 to 6, the chairman of the committee, the Senator from Montana [Mr. MURRAY] voting 4 proxies against the amendment. I might add that in the action on all these amendments the chairman of the committee voted anywhere from 3 to 6 proxies.

Mr. President, the amendment has two purposes. The first is to establish, or, at least, make some mild step toward establishing, an orderly pattern in the United States in the field of labor relations. As matters stand today, I think the testimony taken by our committee shows that there is complete chaos in this field. There is no rule of orderly procedure outside of those employers and employees affected by the Railway Labor Act.

We have had instance after instance, for example, where a union will lay a proposed contract on an employer's desk and say, "You agree to it within so many days or we will strike," and they do strike. I recall one instance in my own State, in Duluth, when a local of the Newspaper Guild showed the employer one clause of a proposed contract, a clause proposing a closed shop in that newspaper office, and said, "When you agree to that, we will show you the rest of the contract"; and they struck and were out for 6 weeks. They did not get the closed shop.

Mr. President, that is an indication of the failure which is all too widespread on the part of unions to make any pretense of real bargaining collectively. Bargaining implies a give and take. Was there any give and take in these coal negotiations? For months Mr. Lewis refused even to tell the owners what his demands were until they agreed to the so-called welfare fund. How can there be give and take when one party to the negotiations will not even tell what he wants?

We therefore propose to substitute for the chaotic situation which exists today at least a pattern laid down by Congress for orderly procedure. Incidentally, I think this is one amendment which relates directly to the minimizing of strikes. It will not prevent them all. We do not offer any of these amendments as a panacea. We think that, if enacted, the pending amendment will improve the situation. It will not do it all immediately. We could not establish a pattern in this complicated field overnight, but I think that in the course of the months and years, if Congress adopts the pending amendment and it becomes law, more and more unions and employers will follow the orderly procedure provided.

Second, the purpose of the amendment is to apply a very mild injunction on both unions and employers at least to try to utilize all the procedures for peaceful settlement of their disputes before they resort to a trial by economic force and shut down production.

Mr. President, what are the provisions of the amendment? It will substitute this provision for the milk and water language of section 3 of the committee bill:

SEC. 3. (a) In order to prevent or minimize interruptions of the free flow of commerce growing out of labor disputes, employers and employees and their representatives, in any industry affecting commerce, shall—

(1) exert every reasonable effort to make and maintain agreements concerning rates of pay, hours, and working conditions, including provision for adequate notice of any proposed change in the terms of such agreements and provision for the final adjustment of grievances or questions regarding the application or interpretation of such agreements.

Is there anything drastic or antilabor or antiunion about that? There is no compulsion, there is no sanction on the union or the employee for failure to carry out this obligation imposed upon them by Congress. But this is a statement of the way Congress believes that management and labor should behave in their negotiations. We want adequate notice of a proposed change in an existing contract. The labor-management conference agreed that they should try to write into all contracts the provision for 60 days' notice of reopening. We believe they should write into all contracts a binding provision for the final adjustment of grievances arising out of contracts, that is, disputes over the terms of existing contracts. These grievances should be arbitrated; they should not lead to a stoppage of production. That, again, was recommended by the labor-management conference unanimously.

The second injunction is as follows:

whenever a dispute arises over the terms or application of a collective-bargaining agreement and a collective-bargaining conference is requested by a party or prospective party thereto, arrange promptly for such a conference not later than 10 days after receipt of a written request therefor and endeavor in such conference to settle such dispute expeditiously.

Mr. President, that imposes on both employer and the union the obligation to bargain collectively. It is nothing new for the employer. He is under that obligation under the Wagner Act. He can be haled before the National Labor Relations Board if he refuses to agree to a collective bargaining conference.

The union is under no such legal obligation. There is nothing in any law of the United States, outside of the Railway Labor Act, which requires or even says it is the sense of Congress that a union should bargain collectively with an employer from whom it is seeking a contract.

There was a case last fall when the teamsters' union called a strike in several Midwest States, and the men were out for weeks before the employer was even able to arrange a meeting with Mr. Tobin and his representatives.

Mr. MILLIKIN. Mr. President——

The ACTING PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Colorado?

Mr. BALL. I yield.

Mr. MILLIKIN. Is it the intention to arrange a meeting "not later than 10 days" or to hold a meeting "not later than 10 days"?

Mr. BALL. The intention is that the conference shall be held "not later than 10 days."

Mr. MILLIKIN. I do not think the language says so.

Mr. BALL. It says "for such a conference not later than 10 days."

Mr. MILLIKIN. I come to you today to arrange for a conference. That is merely the first step. We can arrange for it to be held 3 months from now.

Mr. BALL. Perhaps we should tie it down. I think the suggestion of the Senator would be a rather strained interpretation, because we proceed to say "10 days after receipt of a written request," and so forth. That is the attempt to arrange the conference.

Mr. MILLIKIN. I think it would be interpreted as meaning an arrangement conference, which is different from a conference held to do business.

Mr. BALL. On the merits; yes.

Mr. VANDENBERG. An arrangement conference would be a novelty, as I understand.

Mr. BALL. Yes; I think any kind of a conference would be helpful in any of these situations.

The third obligation we would impose on both parties to these labor relations disputes is this—

(3) In case such dispute is not settled by conference, cooperate—

Employers and employees and other representatives shall "cooperate fully

and promptly in such procedures as may be undertaken by the Federal Mediation Board under this act for the purpose of aiding in a settlement of the dispute."

Mr. President, again I ask, what rights of labor unions or employees will that take away? All we say is that if the Federal Government and its agency thinks a dispute is serious enough to warrant Federal mediation, they at least cooperate with the agency set up by the Congress to help settle the dispute.

As I said, there are no sanctions on either employer or employee who refuses to fulfill these obligations. There are, I might say, no sanctions in the Railway Labor Act, and yet over the years both employers and employees have accepted, and with relatively few minor exceptions, have carried out their obligations under that act. If this provision will not prove effective it may be necessary for Congress to figure out some sanctions to be applied. Of course there is a sanction on the employer if he refuses to bargain collectively. But it is very difficult to figure out proper sanctions on a union or employees if they refuse to fulfill their duties. It is our conviction that if the Congress says, "This is your obligation to the country," the great majority of American workmen, whether they are in unions or not, will carry out the obligation.

Mr. HILL. Mr. President, will the Senator yield?

Mr. BALL. I yield.

Mr. HILL. As I read the language, and I wonder if I have read it correctly, so far as the 60-day period is concerned, no obligations exists unless the Federal Mediation Board intervenes?

Mr. BALL. That is correct. I was coming to that point later.

Mr. HILL. In other words, if an agency of the Government does not act in the matter, that obligation does not come into being?

Mr. BALL. That is correct.

Mr. HILL. The Senator was speaking of sanctions. He may come to this point——

Mr. BALL. Yes; I am going to discuss it.

Mr. HILL. I am sure he will. When he comes to page 3, line 19, subsection (d) I wish he would explain just what would be the effect of that language.

Mr. BALL. I will come to that. I am going through the amendment subsection by subsection and paragraph by paragraph.

Subsection (b) relates to disputes where the Federal Mediation Board, the top mediation agency established in the committee bill, feels that the situation is serious enough to warrant the Board stepping in. The obligations on both parties are a little stronger under this amendment.

(b) Whenever the Federal Mediation Board proffers its services—

Remember, the Board may go in on its own motion, or at the request of either party—

for the purpose of aiding in a settlement of a labor dispute affecting commerce, and until the Board certifies that its efforts at mediation are concluded—

Either it settles the dispute or it gives up—

or until 60 days have elapsed since the giving of notice asking for a collective-bargaining conference between the parties regarding such dispute as provided in paragraph (2) of subsection (a) of this section, whichever date occurs first, it shall be the duty—

That is a maximum 60-day period during which both parties shall fulfill their duties—

(1) of the employer or employers involved to refrain from any lock-out and to restore and maintain the rates of pay, hours, and working conditions which existed immediately prior to the time the dispute arose, except that changes agreed upon in writing with the employees or their representatives may be made;

(2) of the employees and their representatives to refrain from any strike or concerted slow-down of production.

That is a limitation on the right to strike; a very mild one. The language provides that whenever the Mediation Board feels that a dispute is serious enough and that a stoppage of work would be serious enough to affect interstate commerce, and it intervenes in an effort to help settle the strike, that in such event both the employer and the union shall devote at least 60 days—not more than 60 days is required—to attempt to settle that dispute by peaceful means, including both collective bargaining and mediation efforts by the Federal Board. Now obviously in a very serious dispute that is not long enough by any means. In the steel strike, for instance, the union and the employer negotiated for several months, and then withheld action for a month, while the Secretary of Labor tried to mediate.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. BALL. I yield.

Mr. REVERCOMB. Subsection (b) (2) reads:

It shall be the duty * * * of the employees and their representatives to refrain from any strike or concerted slow-down of production.

Does the Senator feel that that would cover the case entirely for the employee when the stopping of work is by an individual and not in furtherance of a strike or concerted action, when the individual employee may stop in any case in which he feels he has a right to stop work?

Mr. BALL. I think such an individual is covered by subsection (e) which specifically says that any individual employee is free to quit work whenever he wants to.

Mr. REVERCOMB. Very well. In the opinion of the Senator does the amendment sufficiently cover cases where there may be concerted stoppage of work due to inherently dangerous conditions in the place of employment? The Senator does not want to inflict a penalty on a man for stopping work under such conditions, does he?

Mr. BALL. I think that is covered by paragraph (1). It says that the employer must restore and maintain "working conditions which existed immediately prior to the time the dispute arose." If the men had worked under this situation for a year or so and all of a sudden said, "We are going to strike about it," then they would not be covered. But if there had been some deterioration in the safety conditions and they insisted on an adjustment it would be up to the employer to correct the situation.

Mr. REVERCOMB. And if it were not corrected by the employer the men certainly would have the right to walk out and stop work?

Mr. BALL. Yes.

Mr. REVERCOMB. Without penalty? Do I understand the interpretation placed upon the language by the author of the amendment to be that if there were an inherently dangerous condition in the work which made it unsafe for life or health of a man working there or for all of them, and if they quit, that they would not be subjected to the penalties proposed under the amendment?

Mr. BALL. That depends on what the Senator is talking about. If the Senator is speaking about a coal mine——

Mr. REVERCOMB. I am speaking primarily of a coal mine, which in itself is a hazardous place in which to work.

Mr. BALL. If the men had been working that coal mine for the last 2 or 3 years and the conditions in the mine had not changed according to competent testimony, but the men all of a sudden decided it was too hazardous to work in any longer and they wanted additional safety precautions, than I think, if they went out it would be a strike for a change, and that clearly would be a strike.

Mr. REVERCOMB. Does the Senator not realize that in the coal-mining business dangers may be found overnight that did not exist before? I am trying to clarify this language so it will be fair to both sides. I do not think a penalty ought to fall upon the employee or any group of employees who walk out after having discovered, or in honest good faith believed that a danger exists there even though it may not have existed prior thereto.

Mr. BALL. No; if it were a change in the situation—for instance, a cave-in in the mine and the employer said it was safe, that would be a different situation. Of course, I cannot see how such a situation should arise, because I understand every employer in a coal mine has a safety boss who inspects the mine the first thing in the morning to determine whether it is safe to work in.

Mr. REVERCOMB. That is correct. The employer has inspections made. But we constantly hear about good inspections and bad inspections. There is constant complaint that the inspections are not sufficient to safeguard life and health. The Senator knows that terrible accidents and explosions occur in coal mines. Suppose the men themselves, after having gone into the mine, found that it was dangerous that day to stay in the mine and walked out. If they acted in good faith, they certainly ought not be subjected to the penalty.

Mr. BALL. I think that would depend entirely on the circumstances in the case. If subsequently a competent engineer determined that conditions were

unsafe and insisted that they be corrected, or if the State or Federal inspection service insisted that they be changed, then, of course, the men would be subject to no loss of rights under the Wagner Act for saying that they did not want to work under those conditions. That would be the rule of reason.

Mr. REVERCOMB. Who would determine the question of their good faith?

Mr. BALL. The National Labor Relations Board.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. BALL. I yield.

Mr. HAWKES. I thought the Senator's response to the Senator from West Virginia at the beginning of his remarks covered that point. On page 4, under subsection (e), we find this statement:

> Nothing in this act shall be construed to require an individual employee to render labor or service without his consent, nor shall anything in this act be construed to make the quitting of his labor by an individual employee an illegal act.

It seems to me that if the men had been working in a mine for 3 years under certain conditions, and suddenly decided that those conditions were too dangerous and hazardous for them to continue their work, there might be some men who felt that way and some who did not. I ask the Senator if subsection (e) does not cover the right of any man who feels that working conditions are dangerous to quit without any penalty?

Mr. BALL. Of course; he has that right at any time, under the Constitution.

Mr. HAWKES. Does not that answer the question of the Senator from West Virginia?

Mr. REVERCOMB. It answers it partially; but suppose they all stopped.

Mr. BALL. Then it would be a strike.

Mr. REVERCOMB. It might be a strike, but a strike for good cause, if danger existed.

Mr. BALL. We are not attempting to determine in advance the merits of a dispute. I do not know how we can do that in legislation.

Mr. REVERCOMB. Is the able Senator offering an amendment which is so severe that it cannot take care of such cases as I have mentioned? Men have gone to the mines in the morning, wanting to work, but for some reason—perhaps because someone had told them of a dangerous condition which existed in one part of the mine—they have left, and justifiably so. They would not enter the mine because of the dangerous condition. I do not believe that any law ought to be enacted which could possibly be construed as inflicting a penalty upon men who quit in a group if there is danger. That point should be taken care of and made very clear in this amendment, if it is to be adopted.

Mr. BALL. I believe that the mine workers' contract probably adequately covers such a situation. In any event, this so-called severe amendment is so mild that I have had many arguments with my colleagues about putting more stringent sanctions in it. The decision as to whether the individual employee had violated this provision would be made by the National Labor Relations Board.

Mr. REVERCOMB. Let me say that I am not branding the Senator's amendment as a severe amendment. It would become severe only if it resulted in injustice. I want to avoid that. That is the reason I have raised the point with the Senator.

Mr. BALL. I realize that the Senator has a point.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. BALL. I yield.

Mr. MORSE. I wish to raise a question with regard to subsection (e) on page 4. I do not believe that its purpose is subject to the interpretation which the Senator from New Jersey has placed upon it, and I do not believe that it covers the type of problem which the Senator from West Virginia has raised.

Mr. BALL. I agree with the Senator that if there is a concerted refusal to work, which is a stoppage, it is not covered.

Mr. MORSE. As I understand, all the Senator seeks to accomplish by subsection (e) on page 4 is to make it clear that he is not attempting to say that a worker who quits his work should be subject to a penalty on the ground that the quitting is an illegal act. Nor is the Senator attempting to establish involuntary servitude by his amendment. That is the purpose of section (e), is it not?

Mr. BALL. The second sentence simply says what would be true without the language. It is in the Constitution.

Mr. MORSE. Therefore it is not at all applicable, as the Senator from New Jersey seeks to point out, to the type of problem which the Senator from West Virginia raises. I think he has raised a very important point, to which the Senator from Minnesota ought to give careful consideration.

Let me state a hypothetical question, which is very frequently raised in difficult labor situations. Take the maritime industry, for example. Let us say that there has been a growing discontent within the union as to a certain practice in handling winches on deck, and that the employees have tried to get the employer to change the practice, and he simply says, "No; that is the way the ship is going to be loaded and unloaded." Finally some morning one of their fellow workmen is killed and they walk off in a body. Let us assume in the hypothetical case that during the past 2 or 3 years two or three other men have been killed. But the workers did not have the collective bargaining strength, in their judgment, until this particular incident happened, to force a change. They simply walked off in a "quickie" strike. Would the Senator from Minnesota apply the penalties of the act in such a case? Would the Senator from Minnesota compel the men to work for 60 days under those conditions, so that they could possibly have the matter adjudicated under the provisions of the act? If so, I suggest that the Senator is proposing an amendment which simply will not work, because the men will not wait for 60 days under such circumstances.

Mr. BALL. Unless the Federal Board has intervened—and obviously in such a situation that would be very unlikely—subsection (b) would not apply at all. On the other hand, if there are provisions in the contract covering grievances, and the men believe that the safety situation is a violation of their contract, it seems to me that they should take it up under their contract, following the usual procedures. I do not like "quickie" strikes for any reason.

Such things are not confined to the maritime industry. Nearly every time a skyscraper is built from two to five structural steelworkers are killed. The men usually take a day off or half a day off. It is customary. I do not believe that any employer is going to be too tough with men who are reluctant to work after a severe accident.

Mr. MORSE. Mr. President, will the Senator further yield?

Mr. BALL. I yield.

Mr. MORSE. First, let me say most respectfully that I do not believe that the Senator's remarks apply at all to the hypothetical case which I have cited. I said nothing about any grievance machinery under the contract. Let us assume—and it is true under many contracts—that no such machinery exists. The fact is that when those men walked off the job they would be violating the provisions of the Senator's proposed amendment. Is not that true?

Mr. BALL. They would not.

Mr. MORSE. Why would they not?

Mr. BALL. Not unless they were in process of negotiating the dispute which caused them to walk off, the Federal Mediation Board having intervened.

Mr. MORSE. Is it the position of the Senator that if they do their striking before the employer asks for the assistance of the Mediation Board there is no violation of the Senator's proposal?

Mr. BALL. Certainly. That is what it provides. That is what I intend. If the Federal Mediation Board were not aware of the dispute the provision would not apply. I believe that the type of situation to which the Senator refers is rather rare, and that such conditions can be adjusted fairly and quickly. I am not concerned about that. I am concerned about the basic disputes which threaten substantial shut-downs. I wish to place an obligation on the Federal Mediation Board to get into those disputes soon enough so that it can attempt to mediate them before the period of 60 days has elapsed.

Mr. MORSE. Is the Senator suggesting that all that labor needs to do to nullify the provisions of the proposed amendment is to make no attempt to settle a dispute, but to go ahead and strike first?

Mr. BALL. If the labor unions of this country do not wish to pay any attention to the policy which Congress lays down in the law, if they do not want industrial peace, nothing that we can write into the law will bring it.

Mr. MORSE. The Senator knows that he is not going to eliminate strategy in the field of labor economics, any more than in the field of any other human relations. If what the Senator is really

proposing is that in order to avoid the 60-day waiting period and prevent the application of this statute, all labor has to do is not to attempt to settle its differences before it strikes, but to strike first, so that the law will not be applicable, I suggest that the Senator is not proposing anything that would help labor relations. He is proposing something which would result in very quick strikes.

Mr. BALL. I suggest that the Senator from Oregon has made an indictment of labor leadership more severe than I would ever make—and I believe it has gone pretty far astray recently—when he says that labor would deliberately strike before it had attempted to negotiate, simply to get away from the very mild obligations which we would impose on it by this amendment. If the leaders of organized labor have so little respect for their Government and for the public interest, then I think it is time that we found it out.

Mr. MORSE. I think the Senator ought to find out that free men are not going to stay on the job and wait for 60 days to go through such machinery to have determined the question whether working conditions are safe.

Mr. BALL. Mr. President, I submit that the great unions of railroad employees have gone through, not 60 days, but often 6 months of procedures, and sometimes on their grievances 4 or 5 years.

Mr. MORSE. Mr. President, I have heard the Senator from Minnesota refer to the Railway Labor Act. I think today would be a rather bad time to be advancing it in support of his theory.

Mr. BALL. Yes; I do not want to get the Senator from Oregon into a discussion of all his experiences under the Railway Labor Act, I assure the Senate.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BALL. I yield.

Mr. BARKLEY. Under subsection (d), on page 3 of the Senator's amendment, I find the following provision, which disturbs me:

(d) Any employee who fails to perform the duties imposed on him by subsection (b) of this section—

Subsection (b) provides that—

It shall be the duty * * *

(2) of the employees and their representatives to refrain from any strike or concerted slow-down of production.

In other words, that is the obligation. It is more or less a negative obligation; it is an obligation not to do certain things.

Mr. BALL. Not to stop production.

Mr. BARKLEY. I read further from subsection (d):

(d) Any employee who fails to perform the duties imposed on him by subsection (b) of this section shall lose his status as an employee of the employer engaged in the particular labor dispute in connection with which such employee's failure occurred for the purposes of sections 8, 9, and 10 of the National Labor Relations Act.

Mr. President, in this country we have built up, under legislation and judicial interpretations, a theory which preserves the status of an employee while he is on strike. Under that theory, while he is on strike he does not lose his status as an employee.

Mr. BALL. That is exactly what I am getting at.

Mr. BARKLEY. Yes. The Senator now proposes in this subsection that if a man goes out on strike because of a legitimate dispute or under the conditions suggested by the Senator from West Virginia, he will lose his status as an employee, and there is the provision that such loss of status may be restored if the employee is reemployed. In other words, the question whether the employer would ever reemploy him would determine whether his status as an employee would ever be restored.

It seems to me such a provision is in violation, not only of the provisions of congressional legislation, but of the decisions of our courts. So long as there is a dispute, the status of the employee is preserved, just as the status of the employer is preserved, until there is a final solution.

I am a little afraid that the Senator is thus putting in the hands of the employer a great deal of power to be arbitrary in respect to the refusal to reemploy men merely because they went out on strike, so that their status as employees could never be restored unless the employer reemployed them.

Mr. BALL. Mr. President, what the Senator from Minnesota is proposing is that the special right and immunity which Congress has conferred on an employee who goes on strike, which greatly lessened the risk—namely, it kept him an employee and it gave to the National Labor Relations Board authority to order his reinstatement, with back pay, if the employer refused to take him back when the dispute was settled—I say that that special immunity and privilege which Congress conferred on the employee by legislation, Congress will take away if the employee has not enough respect for his Government to abide by this very mild obligation to at least devote 60 days to collective bargaining and efforts by means of Federal mediation to bring about a peaceful settlement of his dispute before he strikes and stops production.

Mr. BARKLEY. Mr. President, what the Senator is doing, then, is to take away from the National Labor Relations Board any authority to restore the man or to preserve his status as an employee if he strikes while such negotiations or efforts are being made to settle the strike, if a strike is going on, and the provision the Senator has offered would transfer that authority from the National Labor Relations Board to the employer himself.

Mr. BALL. I say to the Senator from Kentucky that the final authority to decide such a case, if the employer brought it, would always rest with the National Labor Relations Board.

Mr. BARKLEY. But under the language of the amendment it would be entirely up to the employer to determine——

Mr. BALL. I ask the Senator to let me finish what I am saying. The employee can file a complaint with the National Labor Relations Board, and then it is up to the National Labor Relations Board to determine whether the employee has violated the duties or obligations imposed upon him by subsection (b) of section 3 of this amendment. If the Board determines that he has done so, then the Board has no authority to order his reinstatement. If the Board determines that he has not violated that duty and if it orders his reinstatement, then, of course, it can obtain a court order to force the employer to reinstate him, and the employer then has a right to go into a court and get a review of the facts by a court. That is all.

Mr. BARKLEY. Under the language of the Senator's amendment, all the employer would have to do would be to decide that the employee had gone on strike. If he had gone out on strike, the Labor Board would have no authority, under the Senator's amendment, to restore him to employment, and the employer might not do it.

Mr. BALL. But there is this very important qualification: That he had gone out on strike in violation of his duty under this subsection.

Mr. AIKEN. Mr. President, will the Senator yield for a question?

Mr. BALL. I yield.

Mr. AIKEN. I should like to propound a question: Assuming that a corporation has a retirement system whereby all its employees may retire at the end of 20 years with a fixed basis or percentage of their earnings, and assuming that during the eighteenth year of a man's employment he quits work, in violation of the proposed law, would he then lose his retirement rights?

Mr. BALL. I will say to the Senator from Vermont that it would depend entirely upon the terms of the retirement trust. If he had contributed any of his own wages to setting up that retirement annuity, he certainly could not be deprived of what he had contributed, plus interest. But if the system were entirely an employer set-up and if the employee had no vested right in it, obviously he would lose whatever position he had in respect to it, just as he would lose it if he quit work.

Mr. AIKEN. In other words, if he went out in violation of the 60-day provision and if he were not reemployed, then he would lose his retirement rights.

Mr. BALL. I say it would depend entirely upon the terms of the retirement system or set-up.

Mr. AIKEN. I understand. But assuming it was wholly a company retirement system and that the employee had not made contributions or deductions from his pay during the years he had been employed——

Mr. BALL. That may depend, again. I have heard of plans which provide for no possibility of loss after 5 years of employment.

Mr. AIKEN. But suppose that were not the case and suppose the employee struck after working 18 years. Then he would lose all the retirement rights he had built up; would he not?

Mr. BALL. Possibly.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. BALL. I yield.

Mr. HAWKES. The Senator from Minnesota has stated the case very clearly, so far as I know it; and I know

it in respect to many institutions in the United States The contract itself would determine whether the employee would lose his rights.

Mr. BALL. That is correct.

Mr. HAWKES. And it would determine what he would get back if he failed to work, according to his own choosing. In other words, most contracts provide that he would get back any contributions he had made, plus interest at a rate defined under the plan, from the time when he started work up to the time when he ceased to be an employee.

So the Senator from Minnesota is absolutely correct in the statement he has made. The terms of the contract or agreement regarding the annuity or pension will determine what happens in such a situation.

Now I wish to say to the Senator from Minnesota, in connection with what the Senator from Kentucky has been talking about, that the question of whether a man goes back into a plant after he has struck is not always one which is decided by the employer. I can cite a case in which a man chose to strike, when about half of the employees of the plant also chose to strike, and the other employees decided to remain on duty. This fellow wilfully beat up and abused about 10 or 15 men and put about 5 of them in the hospital. The National Labor Relations Board wanted that man put back in his job. The employer argued the case out with them, and he was finally willing to settle the matter and put the man back. But what did the employees of the company say? They said, "We will not have him back. He has beaten up these persons, has stabbed one man, and so forth." So I assert to the Senator from Minnesota that the employees have a very definite interest in this subject.

In the over-all picture I think it is very vital that every Member of the Senate should remember that we are constantly talking about what we are doing to labor. Mr. President, I assert that we are not doing anything to labor. Labor is the salt of the earth. Labor today is capital of tomorrow.

If the Senator will tolerate me further, I should like to leave this illustration: In my opinion, instead of fighting labor and stabbing it in the back, as some would charge, we are fighting to preserve the rights of the working men and women of the United States. I believe that that fact should be kept in mind, instead of the accusations which have been made against each of us who wants to do the right thing.

Mr. BALL. I thank the Senator. I expect to say something on that subject later on.

I yield to the Senator from West Virginia.

Mr. REVERCOMB. Mr. President, I wish to return to the question which I raised a while ago concerning the right of men to quit work because of dangerous conditions in their places of employment. I am very much interested in this subject, because I cannot yet see in this amendment any provision which will take care of men who, in a group, justifiably refuse to work when they return to the mine and find dangerous working conditions. Naturally, I have in mind coal miners and coal mines. In coal mines danger is often found, suddenly and quickly. The Senator has said that such matters are taken care of by agreements which have been worked out between the employers and the employees.

Mr. BALL. Mr. President, allow me to point out to the Senator from West Virginia——

Mr. REVERCOMB. Mr. President, I ask the Senator from Minnesota to please let me make my point.

Mr. BALL. Let me point this out: Such a situation as that which the Senator has suggested could arise only in an emergency. It would not involve a dispute of long standing. It would not involve a dispute in which the Federal Mediation Board had intervened before the men had ceased to work. Therefore, this subsection would not apply at all.

Mr. REVERCOMB. If men stopped work, it would be a strike for a good cause. Are we going to put those men——

Mr. BALL. Wait a minute. What is the point? The cessation of work in an emergency would not come under the language of this amendment.

Mr. REVERCOMB. Does the Senator mean to say that his amendment would not apply at all until notices had been given?

Mr. BALL. The language is to the effect that whenever the Federal Mediation Board has proffered its services, these measures shall apply. I cannot conceive of the Board having sufficient time to get into the picture under the situation which the Senator from West Virginia describes.

Mr. REVERCOMB. Mr. President, allow me to give an example of another case. Let us assume that during the 60-day period the men find a bad working condition and justifiably remain away. I am not attacking the amendment. I am making my suggestions with the hope that the able Senator will be willing to incorporate in the amendment language which will take care of the situation so that men who justifiably quit work, whether they do so in groups, or do so individually, will not be made subject to the penalties of the Senator's amendment. I believe that provision should be made for their protection.

Mr. BALL. Mr. President, I may say to the Senator that if we were to put in language which would serve as a loophole for a justifiable strike, and leave the interpretation of it to the NLRB, we might just as well not try to accomplish anything. I think the rule of reason should prevail. Obviously, if there had been an explosion in some part of the mine and something had occurred which endangered the lives of the men, and they had walked out, the situation would not have created an issue in a dispute which the Board was attempting to mediate. I believe that the rule of reason would apply in such cases, and that the men would not be held accountable under the language of this amendment.

Mr. REVERCOMB. I wish to see language inserted in the amendment which will assure that the rule of reason shall be applied. I want the language to be of such character that safety will be absolutely assured in places of work. I want a fair bill to be enacted into law, as I know the Senator from Minnesota does also. But when we are putting a penalty on the acts of the workers, we must write language which will be broad enough to cover justifiable refusals to work, and provide that the workers who refuse to work under such conditions will not be subject to a penalty.

Mr. BALL. Mr. President, there is no great penalty involved. There is merely a deprivation of a special privilege which the Congress has conferred upon the worker. If we were to attempt in this connection to write into the bill specific language to cover every possible situation which might arise in connection with collective bargaining, we would find it impossible to do so if we were to sit here from now until next Christmas. We are attempting to apply to all industry which affects interstate commerce the basic principle of the Railway Labor Act, namely, that peaceful procedures must be given an opportunity to function in connection with the settlement of disputes before production is shut down. Of necessity, we have made the language covering the situation very broad, flexible, and simple. The penalties are about the mildest which could possibly be provided. I may add that they would never affect the members of the United Mine Workers of America, because they are very strongly organized. They have absolutely a closed shop, and there would be no chance for them being brought under the provisions of the section to which the Senator has referred. If the employer wished to reopen his mines and get his workers back to work, he would have to make an agreement with the United Mine Workers. If there were any justification for a walk-out such as that about which the Senator has spoken, the union would back up its members.

Mr. REVERCOMB. Mr. President, will the Senator further yield to me?

Mr. BALL. Mr. President, I am attempting to make a speech. The Senator may discuss the amendment later.

Mr. REVERCOMB. Will the Senator allow me to answer the statement which has been made by him?

Mr. BALL. No. I have tried my best to answer the Senator's question.

Mr. REVERCOMB. May I say this to the able Senator? I am not thinking now of any particular group of workers. I am sure the Senator intends that his amendment shall cover the entire field of employment. I do not believe that any question of a loophole is involved. I am merely urging that language be placed in the amendment which will cover the subject of permitting men justifiably to quit work when their lives and health become endangered.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. BALL. I yield.

Mr. AUSTIN. I ask the distinguished Senator from Minnesota, Are we not now discussing something which is not in any way related to the pending bill? As I understood the interrogatories which the Senator from Minnesota tried to answer, they involved this assumption: There is no dispute pending with respect to safety at the place of work at a time when

actual danger exists and for which men refuse to work. I ask the Senator from Minnesota if that is not the situation? It is not referred to in any way in the proposed amendment. Is it not true that the situation to which reference has been made is not involved in any sense of the term, and that if we were to try to characterize it as a relationship between employer and employee, which it is not, we would have to say it was equivalent to a lock-out, and that the employer who maintained the dangerous condition would be the person who would be solely responsible for it? Therefore, are we not sparring about something which does not relate to the bill at all, namely, a condition of things, a condition of danger, in which men act normally and with proper fear, a condition which may never become a labor dispute, never a part of any negotiation, and never brought before the Board? In other words, are we not jousting with a windmill?

Mr. BALL. That is what I say we are doing. I do not believe the situation which the Senator from West Virginia was discussing would ever come under the provisions of the amendment.

Mr. REVERCOMB. Mr. President, will the Senator yield for a question?

Mr. BALL. I yield.

Mr. REVERCOMB. Do I understand the Senator to say that if men did quit work within the pending 60 days, because of dangerous conditions, or refused to enter a dangerous place of work, they would not be subject to the penalties which have been described as being mild?

Mr. BALL. I think it would depend considerably on the circumstances. I think if it was a refusal of men to work under conditions which they regarded as far too dangerous, any court in the land would say that was not a strike, and it would not be considered a strike.

Mr. REVERCOMB. How are they going to get into court to preserve that right?

Mr. BALL. They would go first to the NLRB, and I think they would make exactly the same interpretation.

Mr. REVERCOMB. Just one more question. Does not the able Senator feel we might clarify this language in his amendment so as to provide for such a contingency as I have suggested?

Mr. BALL. We spent weeks and weeks working on this language. I may say if we started trying to write specific provisions to cover every such little situation that might arise, we would be here weeks trying to write this one amendment.

Mr. President, it is rather amusing that nobody has yet made any reference to subsection (c) which applies to the employer who violates the duties imposed in subsection (b) a much severer penalty than is applied to any of the employees.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. BALL. I yield.

Mr. OVERTON. Does the Senator intend to discuss section (d), which applies to employees?

Mr. BALL. I expect to come to that in a few moments.

Mr. OVERTON. I wish the Senator would provide for the RECORD an explanation of the references in subsection (d) to sections 8, 9, and 10 of the National Labor Relations Act.

Mr. BALL. I shall do so.

Subsection (c) of the amendment provides:

> (c) Any employer who fails to perform the duties imposed on him by subsection (b) of this section shall be deemed to have engaged in an unfair labor practice within the meaning of section 8 of the National Labor Relations Act, and the National Labor Relations Board is hereby authorized to utilize such powers as are granted to it by such act to prevent and restrain such unfair labor practices.

That means that if the employer should lock out his employees during the 60-day period they could go to the NLRB, which could order them all paid back pay during that period. If the employer reduced the rates of pay during that period, the NLRB could order the reduction restored, and the courts under the interpretation of the act would sustain them.

That I might say is a far more severe penalty than that imposed on the employee who strikes in violation of the simple duty which Congress would impose on both parties in subsection (b). Yet, so far as I know, no employer has protested seriously against it, and I think it is rather significant that no Senator seems to be greatly concerned about the welfare of the employer in this situation.

Mr. VANDENBERG. Mr. President, may I ask the Senator a question for information?

Mr. BALL. I yield.

Mr. VANDENBERG. I am somewhat puzzled as to the limitation upon the operation of the remainder of the amendment beginning with subsection (b). Do I understand that all the processes and all the penalties do not apply if the employer or the employee has asked for the services of the Federal Mediation Board?

Mr. BALL. No; quite the reverse. The 60-day period and the penalties for violation of duties by both parties during that period apply only if the Federal Mediation Board has proffered its services to help settle the dispute either at the request of either party or on its own motion.

Mr. VANDENBERG. That is what I am asking. Does not the language say that it applies only when the Federal Mediation Board proffers its services?

Mr. BALL. The language of the committee bill says the Board may proffer its services on its own motion or at the request of either of the parties.

Mr. VANDENBERG. Is that affected by the Senator's amendment?

Mr. BALL. No.

Mr. VANDENBERG. Then, the amendment would include the request of either party?

Mr. BALL. Yes.

Mr. VANDENBERG. That is what puzzled me.

Mr. BALL. The language of the committee bill is that whenever the Board proffers its services, it shall give notice to the respective parties that this subsection applies. That is used all the way through here. I may say that we deliberately restrict the 60-day period to apply only when the Federal Board intervenes. We think there should be an obligation on this agency and its regional offices to keep abreast of the situation, and if it ever sees a shut-down developing to intervene and proffer its services, so that it would have during the 60-day period an opportunity to attempt a peaceful settlement.

Mr. VANDENBERG. Then, as I understand, it is a matter of option and judgment of the Federal Mediation Board whether it will make this section of the bill operative.

Mr. BALL. No. Once it comes into the dispute it has no discretion about it.

Mr. VANDENBERG. But the mere fact that the employer had asked the Board to intervene would not automatically produce an intervention. Is that correct?

Mr. BALL. It is within the discretion of the Board. This is the provision on page 24 of the committee bill:

> (b) The Board may, in its discretion, proffer its services in any labor dispute in any industry affecting commerce, either upon its own motion or upon the request of one or more of the parties to the dispute.

That is, the Board may in its discretion.

Mr. VANDENBERG. Therefore, the point I am trying to make is that the employer cannot precipitate this formula by his own exclusive wish and application?

Mr. BALL. That is correct. And there has to be in effect a judicial determination that the situation warrants the intervention of the Board.

Mr. PEPPER. Mr. President, will the Senator from Minnesota yield?

Mr. BALL. I yield for a question.

Mr. PEPPER. Under the amendment the able Senator is addressing himself to, there are certain cooling-off periods or certain times during which the employees are not supposed to stop work. Is that correct?

Mr. BALL. Under the circumstances we have outlined if the Federal Mediation Board proffers its services in the dispute, the 60-day period covers both collective bargaining and mediation from the time of the first request of either party for collective-bargaining conferences on the dispute.

Mr. PEPPER. Mr. President, will the Senator yield further?

Mr. BALL. I yield for a question.

Mr. PEPPER. What I wish to get from the Senator who is very well informed as to the effect of the cooling-off period, is what is the total time employees would be required not to stop work under the amendment in any circumstances?

Mr. BALL. The total time under the amendment would be 60 days from the initial request of either party for a collective bargaining conference on a dispute. That 60-day period would cover both the collective-bargaining efforts and the mediation after the Board intervened in the case.

Mr. PEPPER. Does the Senator recall what the cooling-off time in the

Smith-Connally Act is at the present time?

Mr. BALL. It is 30 days, I believe, but I may say to the Senator that is entirely different from this cooling-off period. Under the Smith-Connally Act it is 30 days after the election is held on the question of whether the employees will strike. That is in effect a cooling-off period. What is provided here is not. This is simply an injunction on both parties to take at least 60 days in efforts at peaceful settlement before they resort to a trial by economic force.

Mr. PEPPER. Mr. President——

The PRESIDING OFFICER (Mr. HOEY in the chair). Does the Senator from Minnesota yield to the Senator from Florida?

Mr. BALL. I yield for a question.

Mr. PEPPER. Does the able Senator recall what the time is in the National Railway Disputes Act?

Mr. BALL. There is no specified time in that act. Sometimes it may be as long as 6 months, or even longer.

Mr. PEPPER. That is, the workers may be required under that act not to stop work for that length of time?

Mr. BALL. The Railway Labor Act merely says that they shall go through certain procedures, and it is in the discretion of the National Mediation Board how long they take for each step.

Mr. PEPPER. Would the Senator say that it is possible for the National Mediation Board to require them to be engaged in the procedure for as much as 6 months without stopping work?

Mr. BALL. Yes; they have done so many times.

Mr. PEPPER. Then, would the Senator admit that these delays in work stoppage do not help prevent strikes, because they have not prevented a strike in the railway case, although the railway workers are subject to the Railway Act?

Mr. BALL. Of course I will agree. I did not present this amendment as a panacea that will stop strikes. I think it will help minimize them by establishing an orderly method in the efforts to settle disputes which inevitably arise between employers and employees. That is all we are trying to do. We are not attempting, and I am not claiming we have, any solution which will eliminate all strikes. I would agree with the view of the Senator from Florida that the proposal recently made by some administration official that we outlaw strikes for 6 months is completely impractical. It could not be done.

Mr. PEPPER. Mr. President, will the Senator allow me, in the form of a question, first to state my compliments for his making that very frank statement in regard to the matter, and, second, to add an additional question, as to whether under the amendment there is any provision for requiring management, during the 60-day period, to make any correction or improvement in the conditions which provoke the work stoppage by the employees?

Mr. BALL. That would depend on what the Senator means. The language says that it shall be the duty of the employer "to restore and maintain the rates of pay, hours, and working conditions which existed immediately prior to the time the dispute arose, except that changes agreed upon in writing with the employees or their representatives may be made."

If the dispute arose out of a pay cut, the employer would have to restore the wage, clearly, under that language, but I do not think there is any requirement that the employer raise the pay, unless he voluntarily agreed with the employees to do it.

Mr. PEPPER. Mr. President, will the Senator yield further?

Mr. BALL. I yield for a question.

Mr. PEPPER. So, if the basis of the dispute should be, as in the railway case, a wage difference, during the time of 60 days when the employees were required to observe the mediation procedures and not to stop work, there would not be in the able Senator's amendment, any requirement on the employers to make any favorable changes for the employees in respect to the wage scale?

Mr. BALL. No; there is none in the Railway Labor Act, except—and I am not sure of their practice—I think they may make their final settlement on wages retroactive. That is quite often done, and especially where it goes back to the expiration of a contract. I am not sure of the practice of the railway industry, but there certainly is no requirement in the amendment to that effect, and I do not know how we could write a workable one in the amendment.

Mr. PEPPER. Mr. President, will the Senator yield further?

Mr. BALL. I yield.

Mr. PEPPER. The able Senator has made quite a study of this subject. Does the able Senator think that, with respect either to such a period or with respect to the period when the Government has the operation of, for example, the lines of a railroad, it is too much to expect, or that it is not quite fair to the workers to expect, that during that time they shall be required to work without the requirement on the part of management that management in any way at all shall improve the conditions against which the strike was called?

Mr. BALL. We provide this very brief period of 60 days; and I think the parties are writing a 60-day reopening clause in most contracts, so that they are reopened 60 days before they expire, on condition, I think, that both parties maintain the status quo.

Let me say to the Senator, in respect to the Government seizure, I think when it becomes necessary for the Federal Government to take over and operate industry in the interest of the general public, the Government should do its best to see to it that neither side gains any advantage by reason of that fact.

Mr. PEPPER. Will the Senator allow me just two or three more questions?

Mr. BALL. I yield.

Mr. PEPPER. Does not the able Senator see a difference in the position of management and the employee in cases like this. For example, suppose that, as I think the able Senator from West Virginia suggested a moment ago, there are safety conditions against which the workers protest very bitterly and wish to have improved. Suppose the wage is inadequate, and the workers feel it is grievously low. If we make them work, even for the Government—although I will say that I do not think the workers should stop work against the Government—if we make them work either for the Government or management during the time when they are not permitted to stop work, management is suffering no detriment, but the workers are. Why would it not be fair, in case the Government is representing management as the operator of the mines or the railroads, for example, that during the time of the suspension or work stoppage it shall be the duty of management to meet the workers at least half way in correcting the conditions against which the workers felt so grievously that they were even willing to lose their wages in order to protest against those conditions?

Mr. BALL. In answering the Senator's question, let me say that he is getting directly into a situation of compulsory arbitration by the Government, except that the Government in effect arbitrates by agreeing with the representative of the employees on conditions, and agrees with the Government representing the employer. The union still has its representative negotiating the settlement the Government makes, but the employer is left out in the cold completely.

Let me say, Mr. President, that it is my feeling that no employer I know of wants his plant seized by the Government. Generally speaking, he will make a reasonable effort to reach an agreement with his employees which will avoid that. The employers in the railways, for instance, accepted the findings of the emergency board created by the President. So did 16 of the railroad brotherhoods. Two of the brotherhoods precipitated the current Nation-wide tie-up of our rail transport. I think that in that kind of a situation neither party should gain any advantage, if we could possibly fix it so they would not, by reason of Government operation.

Mr. PEPPER. Mr. President, will the Senator yield for a last question?

Mr. BALL. I yield.

Mr. PEPPER. We hear a great deal nowadays—and I will ask the Senator if this is not true—to the effect that the situation is not comparable between management and labor, and the impression is generally created that if railroad workers quit running the trains, operating the railroads, they are solely at fault, if they stop working, in spite of the fact that they have been negotiating with management since January 1944 in order to get an improvement in their situation. With all that time elapsing from January 1944 down to this time in 1946, over 2 years, without their demands being met, they feel they have been inconsiderately treated, and if finally in desperation they do stop work, does not the Senator think it is fair and proper that during the time of the work stoppage, and even if the Government takes possession, there should be some authority to give them a livable condition until the whole controversy can be appropriately settled? Would the Senator object to the Government having that authority in case the Government takes over, and would the Senator object to

providing in his amendment authority in a mediation board to recommend to both parties what might be conditions under which a work stoppage should not occur, including wage increases, if that is the point in controversy, so as to be fair to the workers while they are being kept on the job?

Mr. BALL. I do not quite get what the Senator is driving at. But let me remind him of this: In the railway case a Presidential emergency board made a recommendation which the employers accepted, and the men could have remained at work and immediately gotten the benefit of the very large increase; I think it was $1.20 to $1.50 a day for all these trainmen, who certainly are not exactly starving to death as it is. They also were granted changes in rules which they wanted. They did not get everything they asked, but very few of us get everything we ask, it seems to me. And because they turned down that proffer, I think the position of the Government in the railroad situation today should be to support completely and 100 percent the findings and recommendations of the Presidential emergency board, because every time the unions are permitted to threaten the Nation with a transportation tie-up and thereby blackmail an additional increase to which that board did not think they were entitled out of this economy of ours, we are undermining orderly procedure and orderly government.

Mr. PEPPER. Mr. President, will the Senator yield for one further question? I am sorry; I thought I had no further questions.

Mr. BALL. Yes.

Mr. PEPPER. Does the Senator know whether that proposal was to cover just the time of Government operation, or was it a permanent settlement that was recommended?

Mr. BALL. The emergency board recommendation was a permanent settlement, accepted by the employers and by 16 of the brotherhoods.

Mr. PEPPER. Yes, Mr. President; what I am asking the Senator is on that very point. The reason why the railway workers did not agree to that recommendation was because it was not proposed as the wage scale that would be in effect during Government operation, but was proposed as a permanent wage scale. What I am saying to the Senator is that if he is going to insist upon a period during which work shall not stop, whether it be 60 days or 6 months, are we not going to have to impose upon somebody—in the case of Government, a right, and in the case of management, the duty—to see to it that during the time the workers are not permitted to stop work and the public is not deprived of the service they render or the goods they provide, that there can be for that time some improvement in the conditions against which they are willing to strike?

Mr. BALL. For the brief period of 60 days I do not think that any such provision, which would be terrifically complicated and almost impossible to work out and put into statute form, is necessary at all. I think it is perfectly sound and just and logical to say that both sides must maintain the status quo existing before the dispute arose for at least 60 days while they try to settle their dispute peacefully without stopping production, and that is all we attempt to say.

Mr. PEPPER. Let me make this observation, Mr. President: Under the Smith-Connally Act may not the Government keep the control of the railroads and the mines which it now has, up until a time 6 months after the end of hostilities, as proclaimed by the President, or up to a time when the Congress, by joint resolution, might decree the termination of the Smith-Connally Act? Is that not correct?

Mr. BALL. We are not talking about the Smith-Connally Act. That is a different thing from our little amendment which provides 60 days for efforts at peaceful settlement.

Mr. PEPPER. I know, but does not the Senator understand that the Senator from Florida has been trying to make an analysis of the two cases? I say that in the case of the Government operation of the mines and the railroads, that Government operation theoretically might be stretched out 6 months or a year, because the President has asked the Congress not to terminate the state of war at least until 1947. I do not believe the exact date has been fixed. Would it not be fair to authorize the Government, if the Government did not have such authority, and if the Government had such authority would not the Senator support the Government in its exercise, to say to the railway workers, and to the miners, "Now, listen, gentlemen, I am speaking as the President of the United States to you as citizens of this country. I do not know how this controversy you have with your management is going to work out. But you are not working for management now; you are working for the Government of the United States. Let us sit down and work out a wage scale. Let us work out working conditions while you work for the Government, and then meanwhile you can carry on your negotions with management about your permanent adjustment." Would not that kind of a policy tend to save the public from being deprived of coal and railway services and, as I said, would not the able Senator give that authority to the President, if he does not now have it, and if he has it, would not the Senator support him in the exercise of it, so as to get the men back in the mines and the railroads, without further interruption of the service?

Mr. BALL. In answer to the Senator's question I will say that I certainly would not. I think I stated my position several times, which is that I think that when the situation reaches the point that the Federal Government has to take possession of and operate private properties, that neither the owners nor the employees should gain any advantage or profit thereby.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BALL. I yield.

Mr. TAFT. Is it not true that if a collective bargaining agreement were about to expire, the men could file a request in advance of that time for a conference, and thereby start the 60-day period running? So, as a matter of fact, the expiration of the 60 days, might coincide with the termination of the existing contract, and if the men cared to make the request in advance they would not even have to work 1 day of the period beyond the time of their existing contract. Is not that a correct interpretation of the language?

Mr. BALL. That is absolutely correct. As I said a while earlier, the labor-management conference held last fall recommended unanimously that there be written into all labor contracts a provision for reopening them 60 days before expiration.

Mr. TAFT. Is it not also true that during the first 30 days of the waiting period the Government may not even know there is a dispute?

Mr. BALL. That is quite possible.

Mr. TAFT. The Mediation Board does not intervene until after the end of the first 30 days, and during that 30-day period the Board can hardly do more than find out what the differences are, so it would take the Board practically that long to decide what change should be made, even if the Board were authorized to make a change.

Mr. BALL. I think in a great many complicated industries, with various pay scales and classifications and complicated issues and disputes, there is no question but that this 60-day period is all too short. But we have preferred to err on the side of not being too stringent and not trying to write too rigid a statute. We just wanted to set a pattern so that both management and labor would spend a little more time and a little more effort, and give Federal mediation a little more chance to settle these disputes peacefully before they stopped production.

Mr. VANDENBERG. Mr. President, would the Senator from Minnesota allow me to ask the Senator from Florida one question?

Mr. BALL. Yes, if I may do so without losing the floor.

The PRESIDING OFFICER. Without objection, the Senator from Michigan may proceed.

Mr. VANDENBERG. May I ask the Senator from Florida if the point he raises would be covered by a requirement that the findings of the Federal Mediation Board should be retroactive to the time when the application was made?

Mr. PEPPER. Undoubtedly that would help. Of course, even many Senators do not have much money in the bank, and workers as a general rule do not always have savings to tide them over, even if they could be assured that they would get back pay. But certainly the Senator has proposed a very helpful suggestion, and it would do a great deal to keep men from going out if they were assured that any settlement would be retroactive to some fixed time.

Mr. VANDENBERG. I think it would add a justification for the 60-day requirement.

Mr. PEPPER. It would tend to do that. The Senator was good enough to ask me the question. If a provision were put in the amendment which would make the settlement of the wage retroactive to a given time, and then if the men still felt

they should go ahead, if they should have a compromise agreement during the time they work for the Government, it would help greatly.

Mr. HILL. Mr. President, will the Senator yield?

Mr. BALL. I yield.

Mr. HILL. I simply wished to ask whether the Mediation Board would necessarily make any findings.

Mr. BALL. The Mediation Board, as I conceive it, and as the committee conceives it, would never make any public recommendations. It would be a Mediation Board, merely to bring both parties together.

Mr. HILL. That was my understanding; and having that understanding, I do not believe that the suggestion of the Senator from Michigan would or could apply, because, as the Senator from Minnesota suggests, the Mediation Board is not a board which makes findings or renders decisions. It is merely a board which tries to negotiate and to use its good offices to get management and labor together. It is not in any sense a board which makes findings. Is that correct?

Mr. BALL. The Senator is absolutely correct.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. BALL. I yield.

Mr. AUSTIN. Are we not again trying to place the Government-seized plant upon the same basis as the plant which is not seized? Are we not confusing the theory that it is improper and unpatriotic to strike against the Government with the theory that it is entirely proper, and entirely patriotic, to strike against a private individual or employer? If we stand on those solid grounds, we find that in the case of seizure by the Government we have a recognition of the peculiar relationship between the citizen and his Government. Because of that we provided that the Government agency which was operating the facility so seized could go to the National Labor Relations Board and apply for a change in wages or other terms or conditions of employment in such plant, mine, or facility. I read from section 5 of the Smith-Connally Act:

> Upon receipt of any such application, and after such hearings and investigations as it deems necessary, such board may order any changes in such wages, or other terms and conditions, which it deems to be fair and reasonable and not in conflict with any act of Congress or any Executive order issued thereunder. Any such order of the Board shall, upon approval by the President, be complied with by the Government agency operating such plant, mine, or facility.

In other words, in the 30-day period which is spoken of, the Government in justice, fairness, and equity to a group of its citizens who cannot have the right to strike against the Government, applies to the National Labor Relations Board, and adjusts, for the time being, whatever controversy or labor dispute there may be between the former employer and the employees.

But that is not the situation which the amendment purports to deal with. The amendment purports to deal with a dispute regarding the same things, but between different parties, namely, the employer and the employee. The provisions of this amendment merely encourage peaceful negotiation, and attempt determination of the dispute, allowing a period of time which does not seem to me to be unreasonable when we consider that it covers the whole matter of negotiating and efforts at mediation. If there is anything wrong with the time——

Mr. BALL. If there is anything wrong with the time it is too short.

Mr. AUSTIN. It is too short, in my opinion. But even if it is too long, let those who think it is too long support their thought on that matter and shorten it. That is my position. I think that in theory it is a very good thing to provide an opportunity and an encouragement for peaceful adjustment.

Mr. BALL. I thank the Senator. I agree that the situation covered in this amendment is completely different from that which is created when the Government seizes the properties and operates them. Subsection (d) simply provides that—

> Any employee who fails to perform the duties imposed on him by subsection (b) of this section shall lose his status as an employee of the employer engaged in the particular labor dispute in connection with which such employee's failure occurred for the purposes of sections 8, 9, and 10 of the National Labor Relations Act.

Section 8 is a list of unfair labor practices. It prohibits an employer from firing an individual for union activity, among other things.

Section 9 is the section which deals with representatives and elections to determine collective bargaining representatives.

Section 10 is the procedural section on presentation of unfair labor practices to the Board.

What that means, in effect, is that the employee is deprived of the special status which we gave to employees on strike in the Wagner Act. The definition of an employee in section 2 of the Wagner Act reads as follows:

> The term "employee" shall include any employee, and shall not be limited to the employees of a particular employer, unless the act explicitly states otherwise, and shall include any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice—

And so forth. The effect of that definition of an employee has been to take at least half of the economic risk out of the strike action for the employees. The employers' risk was left just the same. But prior to the enactment of the Wagner Act the employer could, if he thought the strike was completely ill-advised and not supported by his employees, attempt to break it by hiring other employees to work, and open his plant. We notice that in the wave of recent strikes not one plant out of a thousand attempted to operate while there was a so-called strike in progress. Why? Because if the employer tried to open the plant and hire people to go to work, he knew that when the dispute was finally settled—and under the Wagner Act he had to bargain collectively with the union and settle it—he would have to take back all his striking employees and fire the employees he had hired during the strike. Under such circumstances new employees cannot be hired. Consequently the unions have been tremendously reinforced in their strike power, because as a rule they do not have to worry about an employer attempting to break the strike and remain in production, because the Wagner Act makes such a course prohibitive in cost for the employer.

At the same time, the right to reinstatement of the employee when the dispute is finally settled, regardless of how long it may take, has tremendously lessened the risk to the employee in a strike. The employer can no longer say, when half of his employees, or perhaps a minority, or perhaps the employees in one little department, go out on strike for no good reason, "If you boys do not want to work, you are through. You are fired. I am going to hire someone else." Two years later the National Labor Relations Board may order him to reinstate those employees, with 2 years' back pay. So we have taken a tremendous amount of economic risk for the employee out of the strike.

It seems to me that if the Congress feels that it is reasonable to ask employers and unions to devote at least 60 days to efforts at peaceful settlement of their disputes in the public interest, it is perfectly reasonable for the Congress to say to the individual employees who refuse to follow even that simple rule laid down by Congress, "Very well; we will take away this special immunity and privilege which we gave you in the Wagner Act, and we shall leave the employer free to reemploy you or not, as he sees fit; and if you strike within the period of 60 days, you do so at your own risk, under these circumstances."

Then, Mr. President, the proviso at the end protects the employee. It provides—

> That such loss of employee status for such employee shall terminate if and when he is reemployed by such employer.

So the loss of employee status applies only to the particular employee engaged in the dispute; and, of course, if the employee is reemployed by the employer, he regains all his rights under the Wagner Act.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. BALL. I yield for a question.

Mr. PEPPER. If a worker violates the provision to which the Senator has just been addressing himself, and does so with the result that he loses his status as an employee, even for a short time, will he lose his seniority in the plant?

Mr. BALL. I think that would depend entirely upon the collective bargaining contract in the plant and upon the kind of bargaining basis on which he came back to the employment.

Mr. PEPPER. Let me ask the Senator another question, please: Would not it be a matter for him individually to negotiate and bargain upon with the employer, because it would be up to the employer to decide whether he would hire the employee again; and the employee would have no right, would he, under the Senator's amendment, to claim the status of an employee so as to obtain the protection of the National Labor Relations Act in trying to restore his seniority?

Mr. BALL. Oh, absolutely right. But the Senator knows, of course, as a practical proposition that if there were a strike in violation of this amendment, the employer would go on negotiating with the union in an effort to settle it; and when he reopened his plant he would rehire most of his employees. He might insist on firing a few ringleaders whom he might think had called the strike in violation of this amendment, but he would still reemploy his employees under an agreement agreed upon with their representatives for collective bargaining; and the status of each individual employee's seniority and all of his other rights would be subject to that bargaining process, and probably would be covered in the contract; and I may say to the Senator from Florida that there are a thousand and one varieties of seniority.

Mr. PEPPER. Mr. President, will the Senator yield for another question?

Mr. BALL. I yield for a question.

Mr. PEPPER. As a matter of fact, Mr. President, is it not then proper to say that if the amendment of the able Senator from Minnesota becomes the law of the land and if a man declines to work for another man, except upon conditions satisfactory to him, and quits work because he cannot by collective bargaining obtain satisfactory conditions, he will be deprived of the benefits and the protection of the National Labor Relations Act?

Mr. BALL. Just a minute—with this qualification: provided that he went on strike during the 60-day period which the Congress sets out as a reasonable time in which to make attempts at peaceful settlement.

Mr. PEPPER. I thank the Senator.

Mr. HILL. Mr. President, will the Senator yield to me for a question?

Mr. BALL. I yield.

Mr. HILL. Would not there be another condition, too: not only would he have to go on strike during the 60-day period but the Federal mediation agency would have had to have intervened?

Mr. BALL. That is correct.

Mr. HILL. It seems to me that is important because, after all, the Federal mediation agency is an arm of the Government which the Government is setting up in an effort on the part of the Government to do all it can to bring the parties together and to get them to agree. In a sense, it really means that the Government would be saying, "We want you to give us at least 60 days within which your Government can try to get you disputants together." Is that correct?

Mr. BALL. That is absolutely correct. In other words, when the Federal Mediation Board moves in, presumably the dispute is one in which a stoppage would seriously affect the public interest; and when the Mediation Board moves in, it puts both parties on notice that this amendment has come into effect.

Mr. HILL. And, really, the 60 days begins to run from the time when one party gives notice to the other party that a conference is desired; is that correct?

Mr. BALL. That is correct.

Mr. President, the final subsection of the amendment, subsection (e), reads, in part, as follows:

(e) The penalties set forth in subsections (c) and (d) for failure to perform the duties imposed by this section shall be exclusive and no other legal or equitable remedy for such failure shall be available.

That provision is very important because it limits the penalties which may be applied to either an employer or an employee who violates the 60-day request of his Government to the penalties set forth in subsections (c) and (d). We made that provision because there is a strong possibility that under the language of the measure there might lie a possibility of civil suit for damages and possibly a right to go into court and obtain an injunction. So we wished to be very sure that the remedies we proposed were exclusive and that no others would be available.

The final sentence has been read. It simply reiterates that no individual can be required to render service without his consent, which, of course, is a right under the Constitution, which we could not take away by legislation, anyway. But that same sort of provision is contained in the Railway Labor Act, and we thought we would play doubly safe and put it in this amendment.

Mr. President, that concludes my discussion of the pending amendment. I have yielded freely for questions during the discussion. I see I have taken up far more time than I had planned to take up.

I wish to discuss the general situation somewhat, and also our other minority amendments. During the rest of my remarks, in order to conserve the time of the Senate, I shall not yield any further.

Mr. President, in the last few days we have heard a great deal of discussion about the importance of retaining the principles of voluntaryism in this labor-relations field. It is rather amusing that the Senators who are strongest in their insistence that we must impose absolutely no restraints or any compulsion on unions are the same ones whom we usually find most strongly advocating the application of all kinds of compulsion to the other party to the collective-bargaining process. This Congress has not hesitated many times to apply compulsion to employers. I shall mention just a few: In the Wagner Act the Congress said to the employer: "You cannot fire any employee for joining a union, no matter how much you may disapprove of that particular practice. You must bargain collectively with the authorized representative of your own employees, whether you want to or not." The employer cannot contribute anything to the support of the union, even though he may have a very good association or so-called company union which functions fairly well. He is not permitted to help such a union. We completely prevented that. Under some decisions of the National Labor Relations Board the employer has been practically deprived of his right of free speech to his employees, because he is not supposed to coerce them, and a plain discussion of the facts of his business with the employees has been interpreted by that Board as a violation of that particular provision. I understand, although I am not quite sure of this, that the Board has never quite had the temerity to take one of those cases up to the Supreme Court, which I certainly hope would determine that the employers, as well as the rest of us, still are entitled to the right of free speech. But certainly the Wagner Act has applied compulsion all the way down the line to employers in the employer-employee relationship.

It is rather interesting to note that there is such violent opposition on the part of labor to any kind of modification of the Norris-LaGuardia Act which limited the right to obtain injunctions in labor disputes. Yet, the Wagner Labor Relations Act, which they defend and which, they contend, must not be changed in even one syllable, specifically suspends the operations of the Norris-LaGuardia Act whenever the NLRB wants to go into a Federal court and obtain an injunction to compel the employer to do what he has not chosen to do. The Walsh-Wheeler Act requires employers who have Government contracts to pay the scale of wages established by the Department of Labor. The Fair Labor Standards Act provides that the employers must pay their employees a minimum wage at the rate of time and a half if they work more than 40 hours per week. We have prohibited child labor. We have prohibited shipments in interstate commerce of goods produced by child labor. We have legalized the closed shop. Mr. President, we have imposed all such restraints on the employer and at the same time the Supreme Court, in one decision after another, has held that through the passage of the Norris-LaGuardia Act and the Clayton Act we have completely removed labor unions from the application of various Federal statutes, from the antitrust laws to the antiracketeering law, including recently the anti-kick-back law which was enacted specifically to protect employees in the war industries from having money extorted from them in order to maintain their jobs. And yet it is supposed to be wrong to suggest even a few mild restraints on unions.

Mr. President, the other day the Senator from Montana [Mr. MURRAY] obtained consent to have printed in the RECORD a statement which, according to the publicity release in connection with it, was supposed to be a petition from approximately 120 of the Nation's leading economists who were protesting against the enactment of proposed anti-labor legislation, and urging the adoption by the Senate of the committee substitute for the so-called Case bill. I had occasion to check the first 35 names on that list of 120 so-called leading economists. I checked their names in the last edition of Who's Who. It has turned out that only 10 of those persons are leading enough to be in Who's Who. I will admit that the check which was made was not a very careful one, but the first 35 names were checked. Of those 10 to whom I have referred, one is a dean in a college and a former professor of religion and sociology. One is a professor of literature and drama. One is

listed as an economist. Two are professors of political science and sociology. One is a professor of history, formerly employed by the NYA. One is an economist who specializes in political science. Two are professors of psychology. One is a clergyman and a professor of Greek. Those were among the first 35 named on the list of 120 leading economists who were telling us what we should do about labor legislation. Of the first 35, only 10 were important enough to be listed in Who's Who, and of those 10 only 2 are economists. I submit, Mr. President, that their knowledge of labor relations and their qualifications to tell the United States Senate what it should do in the field of labor legislation, are open to serious question.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. BALL. Mr. President, at the beginning of my speech I announced that I would not yield because I wished to complete what I had to say, and do so as soon as possible.

It became quite obvious last night that certain Senators who are violently opposed to the passage of what they call antilabor legislation were doing their best to talk it to death. In other words, they were resorting to a filibuster, or at least the technique of a filibuster. One of those Senators had previously expressed himself many times on this floor when opposing filibusters which were being conducted by small minorities against other measures then being proposed for enactment into law. On those occasions he expressed his belief in the principle that it is basically wrong in the democratic process for any minority, by abuse of its freedom of unlimited debate in the Senate, to prevent the majority from passing the legislation which it desires to pass.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. BALL. It seems to me that if one of us believes in that principle, and applies it in one instance, he must be prepared to apply it in all situations even when he finds himself in the minority which is violently opposed to the passage of some particular piece of legislation.

Mr. PEPPER. Mr. President——

Mr. BALL. Mr. President, I have already announced that I will not yield.

Mr. PEPPER. Mr. President, I rise to a point of personal privilege.

The PRESIDING OFFICER. The Senator from Minnesota has the floor.

Mr. BALL. Mr. President, the Senator from Florida—

Mr. PEPPER. Mr. President, is it not possible for a Senator——

Mr. BALL. Mr. President, do I have the floor?

Mr. PEPPER. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PEPPER. Is it not possible, under the rules of the Senate, for the Senator from Florida, when he has been misquoted by another Senator, to advise that Senator that he will vote for cloture when the cloture petition comes before the Senate for a vote?

The PRESIDING OFFICER. The Senator from Florida may so advise the Senator from Minnesota when his time comes, but not now.

The Senator from Minnesota.

Mr. PEPPER. I thank the Senator.

Mr. BALL. Mr. President, the Senator got into the RECORD his statement. I am glad that he will support our cloture petition. However, I cannot reconcile his willingness to do so with his determination not to limit debate by unanimous consent, which is a much more workable way of arriving at the same goal. However, that is his privilege.

In that connection, Mr. President, it seems to me quite fundamental that in our democratic system of government, the rights and freedoms of individuals depend in the long run on the exercise by those individuals who enjoy such rights and freedoms, of reasonable restraint. Each individual should preserve a true regard for the rights and freedoms of all other individuals in our society. When any individual or any group of individuals takes it upon himself, in the exercise of his rights and freedoms, to go to extremes, and to the extent that he begine to trample upon the rights and freedoms of other persons, he is mistaking freedom for license, and it is time for the Government to step in and place restraints and limits upon that person's conduct. Obviously we do not, by law, attempt to prescribe specific limits on all the freedoms and rights which we enjoy. If we were to do that we would have ten times the volume of statutes which we now have. We cannot regulate conduct to such a minute degree. In the exercise of our freedoms we depend on the individual using a little self-restraint and seeing to it that in the exercise of his rights he does not trample upon the rights of others. We are not required to prescribe detailed limits with respect to how far each person may go in exercising his own rights and freedoms. However, when any individual exceeds the bounds and starts to depriving others of their rights and freedoms, the Government must step in.

Half a century ago some capitalists in this country mistook the freedom of an individual to use his property as he saw fit for a license to disregard completely the rights of others and the general public welfare, and they began organizing into great trusts and monopolies, which deprived all the other people of the country of their rights and their freedoms, so the Government had to step into the picture with the antitrust laws, which did limit the freedom of an individual to use his property as he saw fit.

Perhaps there have been some cases where the operation of the anti-trust laws has unwisely and perhaps unjustly hampered individual initiative and enterprise in this country, but it became necessary to put that restriction on enterprise because it had gone hog-wild, and had mistaken freedom for license.

Mr. President, I submit that in the very same way today certain leaders of great and powerful unions have mistaken the rights which Congress has given to them through statutes—they are not in the Constitution—for license to take the same kind of public be damned attitude which the great capitalistic barons of half a century ago took, and which led to the antitrust laws.

It is very late for the Congress to step in and put a few limits on the completely unrestrained and unrestricted exercise and use of the great economic powers of these unions and their leaders regardless of the public welfare.

Mr. President, I listened last night with great interest to the remarks made by the Senator from Massachusetts [Mr. WALSH]. I looked for them in the RECORD this morning, but they are not yet printed. As I recall, he complained of the emotion in which the Senate was acting. It occurred to me that he was making about as emotional a speech as I have yet heard in this debate. He attempted to characterize not only the amendment on which we had just voted, the Byrd amendment, but the other amendments, as a stab in the back, as I recall the language, of the working men and women of this country. To support his thesis he cited the working conditions which he had observed in his State 40 or 50 years ago.

Mr. President, I have heard so much of that kind of emotional, illogical, unreasoning attack on these carefully worked out attempts to correct abuses and evils which all of us admit exist without endangering the rights of the working people, that I get just a little tired. It seems to me that if every time the United States Congress attempts to do something about a current problem we are to be reminded of the abuses on the other side of this employer-employee relationship which existed 30 or 40 years ago, it is going pretty far afield. We are not legislating for 40 years ago; we are legislating for today.

Mr. President, it is about time that we corrected the unbalanced situation which Congress created when it passed the Wagner Act, applying all kinds of compulsion to the employer, but leaving the unions completely free to disregard the public interest through combining and conspiring against their fellow workers whenever they felt like it, and creating monopolies. I do not think it is quite logical or reasonable to say that the United States Senate is stabbing the working men and women of this country in the back when it adopts such an amendment as the Byrd amendment.

What did the Byrd amendment do? It merely said that when we establish one of these welfare funds it should be a trust fund, a fund held in trust for the benefit of the employees for whom it is supposedly set up; that employers, who in most of the cases contribute half or all the funds, shall share jointly with the unions in the management and administration of the funds.

Is that stabbing the working people in the back? I respectfully disagree. I think it is protecting them against having a fund supposedly established for their benefit siphoned off into the pockets of some union bosses.

I submit, Mr. President, that the pending amendment is the mildest possible way by which Congress can tell both employers and unions that it is about

time they started following a few reasonable, orderly procedures in efforts to settle their disputes peacefully, instead of tying the economy of this country in a knot every time someone has a fancied grievance.

There is a vast difference, Mr. President, between individual working men and women and the unions which represent them in collective bargaining. Unions today function as legal entities, and it is about time we began treating them as such. Unions enjoy a great many immunities and privileges under the laws of various States and under Federal law on the theory that they are voluntary associations of individuals. I think most union men would chuckle at that description of a union in these days of the closed shop, the goal of virtually every union in this country. When an individual goes to work in the building trades, for instance, he cannot work and earn a living unless he joins the union. That is "voluntary" association. One cannot work in the coal mines unless he joins the United Mine Workers. Dues are paid, not by the member, but by the employer, through the check-off. I fail to see what is voluntary in the case of a great many of the unions as they exist today.

It is quite true, Mr. President, that 40 or 50 years ago, even 20 years ago, there was a necessity for guaranteeing the right of organization of employees and strengthening the collective bargaining process, because the unions then were relatively small, they generally bargained on the local plant level, and a great many employers were just antiunion. They were operating closed shops, in which any member of a union was barred from a job.

Mr. President, there has been a radical change since those days, and anyone who contends that such unions as the United Steel Workers, the auto workers, the United Mine Workers, the great maritime unions, the railroad brotherhoods, need this special protection of the Government in their relations with the employers with whom they deal, I do not think recognizes reality. As a matter of fact, I think the shoe is on the other foot.

In the recent steel strike, for instance, Mr. Murray, president of the CIO and the United Steelworkers, reached an agreement on wages finally with Mr. Fairless, the president of the United States Steel Corp., which is the biggest, best integrated steel company in the business. Some 800 other firms which had contracts with the same union had not been able to get even a collective bargaining conference. They were shut down at the same time that the steel mills were shut down, and when they went to bargain with their local unions, they were just told, "The 18½-cent settlement is the pattern. You have to agree to that before we even talk about the rest of the contract." A great many of those plants are still shut down, because even when the local union wanted to make some concession, realizing that the employer faced special conditions, the international union vetoed it.

Mr. President, those smaller employers, dealing with this giant international union, not the local union, really are hardly in a position today to destroy unions.

We need protection for workers and for the general public against this complete irresponsibility which labor unions and other unions enjoy, against the license which the United States Supreme Court has given them to create monopolies in the kinds of goods and services which the Government may buy in a particular area.

The Brotherhood of Electrical Workers in New York will not permit any electrical equipment made outside that area to be installed in buildings in New York, and the Supreme Court has said they are free to enforce that monopoly, which has more than doubled the price of electrical equipment to the consumers in New York. We have passed a great deal of legislation in an effort to solve the tremendous shortage of housing. There are a number of unions in the construction industry which today are using the boycott to prevent the use of materials fabricated by rival unions in manufacturing plants. They are barring their use. They say, "You cannot use them." If that course is continued and if Congress permits the continuance of that abuse of the secondary boycott, in my judgment in a few months it will become one of the most serious bottlenecks in the housing situation.

Mr. President, that concludes my remarks on this general subject. I submit that the amendments which the minority presents, which have been carefully considered and worked out, are not only in the interest of the general public but also in the interest of the individual employees themselves, although I grant that they will restrict somewhat the power of the union bosses.

Mr. TAFT. Mr. President——

The PRESIDING OFFICER (Mr. HART in the chair). Does the Senator from Minnesota yield to the Senator from Ohio?

Mr. BALL. I yield.

Mr. TAFT. I only want to call the Senator's attention to the fact that he began to work on this matter as far back as in December 1941.

Mr. BALL. Yes.

Mr. TAFT. I remember, in December 1941, the Senator and I presented a proposal for the creation of mediation boards and a complete mediation procedure, which was considered by the Committee on Education and Labor. That was nearly 4½ years ago. I only wanted to compliment the Senator on the fact that he has been so persistent in working on this matter for so many years. I think the Senate's attention should be called to the fact that there is nothing sudden or violent about this proposal. It is the result of study given by the Senator from Minnesota during all this time to the best method of trying to set up a general mediation procedure.

Mr. BALL. I thank the Senator. I certainly agree that there are a few of us in the Senate who have been concerned about this problem for not months, but for years, and have been thinking about it and studying it, and if the way the Senate has proceeded with it can be called hasty, ill-considered action, then I do not have a proper understanding of the English language.

Mr. SMITH. Mr. President, as a member of the minority, who joined in submitting the amendments which have just been discussed by my distinguished colleague the Senator from Minnesota, I want to make a few remarks on the general situation. In making them I want, if I can, to try to speak of the spirit of our amendments and the spirit of this debate. Without criticizing any of my colleagues, because that is something I do not like to do, I should like to say that I think it has been most unfortunate that in some of the speeches here the suggestion has been made that any of us who may possibly feel that there are some wrongs to be remedied must necessarily be looked upon as being opposed to the working people of this country. I object, Mr. President, when the motives of Members of the Senate are reflected on by anyone. I regret very much that a day or two ago we had the reflection on the motives of one of the most distinguished Members of this body, the Senator from Virginia [Mr. Byrd], with whom I was happy to collaborate last night, both in the preparation of the amendment which was adopted and in the adoption of the amendment.

In presenting my remarks, Mr. President, I desire to emphasize two thoughts that mean much to me at this time, and which should mean much to all of us. We should be thinking in terms of uniting our Nation, and we should be opposed to every divisive influence, and when I say "divisive influence" I include those divisive influences which tend to come between us here while we are trying to debate this matter intelligently and fairly and in a right spirit on a high plane, when it is suggested that possibly our motives are not what they should be.

Mr. President, in presenting my statement—and I have prepared it in order to have it brief—I have tried to reflect what I feel should be the spirit of the amendments offered by the minority.

Next to the vitally important questions of foreign policy which are before our country today, the most important domestic issue of course, which is now being debated here in the Senate, is management-labor relationships and the proper Government policy with regard to those relationships.

As a member of the Committee on Education and Labor I had the privilege personally of attending practically all the hearings on the President's proposed fact-finding bill, and also on the Case bill as it was sent to us from the House. Our deliberations finally resulted in the appointment of a small subcommittee which drafted the mediation bill which has been proposed in the committee report and which is now before us.

Three minority members of the committee, namely the Senator from Minnesota [Mr. BALL], the Senator from Ohio [Mr. TAFT] and I were in accord with the mediation procedure set forth in the mediation bill as presented by the majority, but, Mr. President, we felt that

in addition to improved mediation machinery we should face and deal at this time with certain evils which have become increasingly threatening in the industrial situation, and which we felt should be remedied.

I desire to speak of the spirit of what we call our corrective amendments. We are trying to take a long-range view of management-labor relationships and to meet the evils which were recognized by the House in the passage of the Case bill. It is my considered judgment that the House was sound in recognizing the evils which it was endeavoring to remedy, but I feel, and I think my colleagues agree with me, that the legislation as passed by the House needs careful revision, inasmuch as it appears to have been passed too hastily. I feel it is too punitive and fixes too heavy penalties on individual workers.

I mention that in passing because we of the minority did take up those evils and tried to offer remedies in a fair way and in a practical way to take care of them.

Before discussing our minority amendments further at the moment, and particularly the first amendment which has been offered, and which was so ably discussed by my colleague from Minnesota [Mr. BALL], I want to review some of the difficulties that seem to be involved in the whole question of our management-labor relationship. In this connection I am glad to pay a tribute to my distinguished colleague from Florida [Mr. PEPPER], who has brought out some of these matters very clearly, and especially to my colleague from Oregon [Mr. MORSE] who so ably yesterday presented out of the vast fund of his experience as a member of the War Labor Board, the problems that are involved in these relationships.

These difficulties, Mr. President, fundamentally arise from the fact that we are dealing with sensitive human relationships where, as has been pointed out on the floor by previous speakers, the very living of human beings and their families is involved. I mention that because we deal with a tender subject when we deal with a situation of that kind. It cannot be handled in a rough, gruff way. Our long-range objective, of course, must be to make human relationships happier and to do all in our power to prevent divisive forces of misunderstanding and hatred to break down the unity of our productive operations. Someway, somehow, we must restore in the relationship between management and labor mutual confidence, in order that misunderstanding and hatred may be eliminated. In such delicate relationships there are no laws that can possibly be passed that will create the atmosphere of happy and productive living. Fundamentally, I am profoundly more concerned in finding ways and means of removing the barriers to understanding between management and labor, to the end that these essential elements in our society can work together cooperatively, than I am in passing laws to correct wrongdoing.

But, Mr. President, we must bear in mind that society depends on the preservation of law and order and it must be possible for a just government, representing all its people, to find ways and means to prevent the stoppage of our national productivity. We must produce if we are to live. Where wrongdoing is done by either the forces of management or the forces of labor, these forces must be told that irrespective of the merits of their side of the controversy, the welfare of all our people is our first consideration.

My distinguished colleague, the Senator from Oregon, yesterday pointed that out very clearly in the opening of his remarks.

We of the minority are just as insistent on the importance of free collective bargaining and the fundamental right of management and labor to resolve their own problems across the table as the majority of the committee are. Personally, I agree with practically everything contained in the majority report so far as its positive presentation of the collective-bargaining issue goes. I disagree with the implications in the majority report which seem to suggest that management has been entirely wrong in these controversies. I am holding no brief for management or labor in this discussion. I am simply urging that we do not try to fix the blame on one side or the other, but, rather, try to find the cause of the differences and then decide what is right. This is not a time for name calling or blame fixing. It is a time for stressing the importance of unity and trying to find out, by understanding these differences, what is the right answer and best for our people as a whole.

We of the minority in presenting our amendments have not failed for 1 minute to recognize the abuses by management in the past which the Wagner Act was aimed to correct. We have simply pointed out that there has been wrongdoing on both sides, and we are asking that that wrongdoing be corrected as far as legislation can correct it by the passing of appropriate regulations.

It was our desire in presenting these proposed amendments to look upon them as corrective of certain ambiguities and misunderstandings, rather than punitive. I believe that if some of my colleagues on the other side of the aisle had been willing to read and study these amendments carefully they never would have charged, as was charged yesterday, that we were simply labor-baiting and trying to stab labor in the back. There is no such purpose; and every fair-minded man must know it. I believe that if our sound-thinking labor leadership would carefully study them that those leaders would agree that they are fair and are in no way detrimental to the position of sound labor unionism and their right to collective bargaining. Everyone of these evils which we aim to correct was admitted by labor leaders themselves at our hearings. It all appears in the record. But there was such a great fear that in some subtle way the right to strike might be impaired that their conclusion was that no legislation was possible which would be effective.

During the hearings we discussed the evils. They were admitted; and yet any suggestion that they ought to be corrected was met by the argument that we would impair the right to strike. This would seem to imply that in certain fields organized labor is above and beyond the reach of the law and should not be asked to comply with legal standards that we require of other members in our society. This, of course, is an untenable position.

I am well aware and profoundly sympathetic with the long struggle of the workers to emerge from a condition of what might be called partial servitude because of the rapid development of the industrial era. The conception of labor as a commodity merely to be bought at the lowest possible price is an intolerable conception to any fair-minded person, and the passage of the National Labor Relations Act, as well as the Norris-LaGuardia Act was justified from the standpoint of protecting the workers in their independence as freemen, and their right to organize and bargain collectively through representatives of their own choosing, in order to improve their economic status. Let us be frank, however, and admit that those measures were one-way streets and endeavored only to curb what were called unfair labor practices by employers.

Logically, if there are any abuses of power by your labor unions or by their leaders, it would seem to be proper that such abuses should be curbed by defining their unfair labor practices in the same law and provide comparable penalties for their infraction. It is hard to see, for example, why labor unions should not be just as responsible as employers for carrying out their contracts.

As I say, I feel the correct approach to these difficulties would be by amendment of section 8 of the National Labor Relations Act where we define unfair labor practices by employers. We should add a definition of unfair labor practices by employees. Let us be perfectly fair in facing this whole situation. Let me say in this connection that I would like to see Mr. William Green, president of the A. F. of L., Mr. Philip Murray, president of the CIO and their advisers, who at our hearings admitted the existence of evils, sit down with us and agree to what we all know are unfair practices by the unions and union leadership. Certainly we and they cannot condone jurisdictional strikes; we and they cannot condone secondary boycotts; we and they cannot condone violence on picket lines and certainly all should be willing to agree to at least a breathing space after negotiations of grievances begin before the Nation is tied up with work stoppages. If only our labor statesmen would be willing to say: "Yes; we have made mistakes and we are willing to correct those mistakes," how the Members of this Senate and Members of the House would welcome the opportunity to cooperate with such labor statesmen in finding the remedies fair to both sides to cure such wrongdoing.

While I feel that ultimately the correct way of dealing with this matter is by amending the National Labor Relations Act to cover these points, I feel that the immediate step is the series of amendments to the bill before us, which have been suggested by us in our minority report.

We ought to go over our whole National Labor Relations Act and iron these things out, doing justice to both sides in disputes, and making collective bargaining better and more available. In the meantime, we have these amendments which can cure some of the most pressing evils.

Mr. President, since our minority report was filed we are confronted with the most serious industrial crisis in the history of our country. We have the coal strike and the railroad strike. Let me consider the coal strike, and let me say in considering it that I am one of those who feels very strongly that no legislation should be passed hastily in the heat of the moment because we are aroused on account of the apparent abuse of power which it seems to me is being exercised by Mr. Lewis. Every amendment which the minority is offering was prepared and thought through over many months, long prior to the time when this particular issue arose. Whatever may be the right or wrong of Mr. Lewis' main objectives, it is obvious to all that it is too great a peril to the Nation for one man to be able to tie up the entire functioning of our industrial system in order to cure the particular grievance of his group. If every group in this country that felt aggrieved over some difficulty had the power to tie up the Nation, we can realize what a succession of crises we would be going through.

Mr. Lewis is basing his whole case on an insistence that a welfare fund for his workers must be established before he will negotiate a new contract for the continuance of the operation of the coal mines. Looking over the long history of Mr. Lewis' leadership of the mine workers, I can join with those who recognize the splendid accomplishments he has brought about for his people, by his continually bringing to the attention of the American public the difficult and hazardous occupation of the mine workers and their living conditions. I have not agreed with Mr. Lewis' methods, but I feel that Mr. Lewis has been sincere in his attempt to improve the condition of the mine workers. I wholeheartedly agree with those who suggest that we as Americans should not ask that the mining of coal, so essential to our whole living and our whole industrial process, should be carried on under conditions where those who perform this difficult and dangerous service are not either given adequate compensation or are not adequately provided for so far as their health and living are concerned. Certainly the objectives which Mr. Lewis has outlined appeal not only to the sympathies, but to the sense of justice of all of us. It should be possible to work out some plan whereby the conditions of living of these peoples could be based on a plane where all free Americans would be proud that they were able to take care of their people with a sense of appreciation of the important service rendered.

Mr. President, when I was a boy I had a cousin who was engaged in the coal mining business in Pennsylvania, and I recall on my early visits to the area being taken down in the coal mines and seeing how the miners lived. It left an impression on my mind of deep concern for those who had to work under such conditions. Later I lived in Colorado, and many times I went down into the gold mines and saw the conditions which prevailed there. There is no question that we have a responsibility for those who work underground in the darkness for us all, to bring about the comforts of life which we all enjoy. We cannot ignore those conditions, yet neither are we justified in blaming the operators exclusively that those conditions exist.

As I previously stated, nothing is gained by trying to fix the blame. I hope we can look at this question from the standpoint of finding out what the facts are, and then trying to do what is right. It is my judgment that many operators—and I know a number of them—are more than anxious to correct these conditions and to bring about a situation under which the workers and management can have a happier mutual relationship. But if these conditions are to be met, undoubtedly it will require the public to participate in the form of a higher price for the product. The implications that all mine owners today are wealthy "economic royalists" who live in luxury because of the fat profits from the coal-mining business seems to me to be entirely out of order. Such charges only tend to divide us when we need unity and understanding. Let us be sympathetic with both sides of this controversy and see if we have not statesmanship enough to bring the parties together.

No, Mr. President; the issue is not whether we are in sympathy with the legitimate desires of Mr. Lewis to improve the condition of his workers. The issue is whether Mr. Lewis should be able to demand that he virtually levy a tax on the production of the mines in order to give him a fund that he and his union can handle for alleviating these conditions. If any such sum of money as 60 or 70 million dollars is to be used for this purpose there should be adequate safeguards in the handling of this fund, and neither Mr. Lewis nor his union should be open to the charges that the funds so appropriated for welfare purposes were improperly or unwisely used. I do not think he would want to be in that position. Certainly, if as the newspapers report, the demand has been made that the funds be turned over without accounting for them, it is obvious that this is an unreasonable demand, which Mr. Lewis himself must recognize.

That is all there was, Mr. President, as I saw it, in the Byrd amendment. It simply provided a plan whereby a trust could be established, whereby there could be participation in the management of the fund by both employers and employees, and whereby differences could be settled by an impartial arbiter, or, in the last analysis, by the equity courts, which would have jurisdiction over the trust. It seems to me that the issue is very simple, and that a great deal of heat which was not justified was present in the debates.

We have the issue of the Smith-Connally Act, and the seizure of the railroads by the President. I have been hopeful that the railroad unions, which have been so magnificent for such a long period in our history, would see the responsibility resting on them to respond to the President's request that they go back to work. It is my considered judgment that anyone who declined to return to work at the President's request in a crisis of this nature and with the assurance that the grievances would be immediately considered and every attempt made to straighten them out by fair-minded mediation boards or arbitration or some other process—such workers who declined to cooperate, while they could not be compelled to work if they did not wish to, should nevertheless be deprived of the special privileges and rights given them under the National Labor Relations Act.

Mr. MORSE. Mr. President, will the Senator yield on that point?

Mr. SMITH. I am glad to yield to the Senator from Oregon.

Mr. MORSE. Mr. President, I agree with the Senator that these workers ought to agree to go back to work, particularly if they can have assurance that all the issues in the dispute will be submitteed to arbitration before an impartial arbitrator. My question is this: Would the Senator agree with me that, right now, someone high in the Government ought to make just such a proposal as the one I think the Senator from New Jersey has made in the course of his remarks?

Mr. SMITH. I agree with the Senator from Oregon.

Mr. MORSE. Namely, that they should go back to work, with the understanding that all issues in dispute in this railroad strike will be arbitrated and that all parties will abide by the results of the arbitration.

Mr. SMITH. I agree with the Senator, at the same time recognizing, of course, the danger of compulsory arbitration, if it might be called that.

Mr. MORSE. No; I do not think it should be called that. I think it is voluntary arbitration at its best. The Government says, "We call upon both sides." After all, we have been hearing only one side of the railroad dispute. Quite a case can be made, in my judgment, from the workers' standpoint.

Mr. SMITH. I agree with the Senator.

Mr. MORSE. I do not know the merits of their case, and I am not arguing it.

Mr. SMITH. Neither am I.

Mr. MORSE. But I agree with the Senator from New Jersey that if we are really going to talk about rules of reason, what should happen is that the Government should suggest to the workers—and this is voluntarism at its best, I think—"Let reason come back into your heads now, and we offer you the voluntary arbitration of all the issues, and the decision will be binding on all concerned."

Mr. SMITH. I thank the Senator, and I say to him that I agree fully with his suggestions. That is the spirit of my thought in the matter.

Mr. VANDENBERG. Mr President, if the Senator will permit a question, let me ask what happens if they say, "No"?

Mr. SMITH. That is one of the big problems. But if we did not make such an offer, and if they stayed out, the President would have the problem of what

to do. It has been suggested that the Army can be brought in, but it is a little difficult to understand how the Army can operate the railroads and run the coal mines.

Mr. MORSE. Mr. President, the Senator from Michigan did not ask me the question, although we had a little conversation here. My answer would be that if the workers still said, "No," then let the Government demonstrate that it still can operate the country.

Mr. SMITH. That is the Government's obligation.

Mr. VANDENBERG. And unless it does that, there is no government left.

Mr. SMITH. I agree with the Senator in his observation.

Mr. President, I do feel that no one should expect to get both the protection of Government, on the one hand, for his freedom to work and his right as a worker, and, on the other hand, decline to cooperate with Government at a time of desperate emergency.

Turning now to the amendments offered by Senator BALL, Senator TAFT, and myself, we have endeavored to isolate the most obvious evils in the present situation, and it is my judgment that if the amendments in our minority report had been adopted 2 months ago the present situation might not have arisen. In none of these recommendations is there any interference with the legitimate right to strike, nor can I see how there is any possible harm to the legitimate rights of labor.

On page 5 of our report we say:

> Our amendments are directed specifically against admitted—

When I say "admitted," I mean admitted by labor leaders as well as leaders in management—

> and widespread evils which are not only restricting free competition in industry but are curtailing the economic freedoms and opportunities of millions of workers. We defy anyone to show how the proposals we advance will interfere with or hamper in the slightest the legitimate activities of labor unions aimed at advancing the welfare of employees.

I wish that our friends on the other side who feel that we are doing something terrible to labor would just read our amendments and read the explanation of them. There is nothing in them that could be charged fairly as being detrimental to the legitimate aspirations of the workers.

It is my judgment, therefore, that the wise course to take is to adopt these amendments which were very carefully thought through and very carefully worded, and are the result of the study of experts of many years of experience in the labor field.

My distinguished colleague the Senator from Ohio [Mr. TAFT] pointed out, just after the Senator from Minnesota concluded, that 4 or 5 years of careful study and work have led up to the suggestions which are made in these simple amendments.

Should these proposals be adopted, I would then be in favor of setting up, as the Senator from Oregon [Mr. MORSE] suggests, a joint House and Senate committee to make a study of the whole labor situation and to propose permanent long-range legislation. I think this legislation should take the form of amendments to the National Labor Relations Act which would aim to equalize fully the relative positions of employees and employers in the collective-bargaining process. We should define in the National Labor Relations Act, as I have advocated above, unfair practices on both sides; and we should constantly be prepared to improve this code, if it may be called that, by the cooperation of the leadership of both management and labor. Such a course, while not impairing any of the rights the act guarantees to labor, would balance the National Labor Relations Act and would take away the stigma that it is one-sided legislation.

Let me insist, however, that I am not willing to bypass the immediate emergency and sidetrack legislation that is urgently called for, by simply approving this proposal to study the subject further. We must take positive action at the present time. With that taken care of, let us then move into further study for a long-range labor policy.

Mr. President, I am one of those who believe that we are on the eve of a new development in management-labor relations. The President was sound in calling for management-labor conferences, as suggested by the Senator from Michigan [Mr. VANDENBERG]. While it seemed at first blush that the conferences adjourned without final agreement on the vital issues before it, I look upon it as progress on the road to better understanding. I have talked to those on both sides of the discussion who were present at the conferences. They all agree that progress had been made and that there should be more conferences. It is my hope that this policy will be continued and that we shall think more in terms of across-the-table discussions than in terms of punitive legislation.

I agree with the statement of the Senator from Oregon that one of the causes of the failure of those conferences was the fact that there was an abnormal war situation in which there was Government control, and the Government stayed out of the conferences when it should have come in, because of its controls over the economy. I agree with the Senator that that should have been done, and I think the conferences would have succeeded had the Government been a party to them.

Industrial legislation of a fair, nonpunitive kind to correct admitted evils, such as these amendments, is, I believe, necessary. We must restore a just balance between the bargaining rights of management and labor. Legislation, however, cannot cure the misuse of power on either side. The difficulty with the lock-out or the strike as a remedy is that each is a power weapon. In the last analysis they call for the survival of the fittest in a desperate struggle of force. I see no alternative at the moment to the strike as a weapon, but I long for the day when we shall be intelligent enough and statesmen enough to set up some sort of tribunal to do justice to the parties to these difficulties, and whose recommendations will be accepted by the parties as being just. I do not want to see mandatory control by Government. I do not want to see wage fixing by Government, which would mean price fixing as well. But I do feel there must be some form of arbitration by which we can put an end to work stoppages.

Perhaps the whole matter comes down to a determination of the kind of relationship we are looking forward to between management and the workers. In my own thinking and study of this subject, I have always felt that some plan for the worker to benefit by the success of the enterprise with which he is associated is most important. Unskilled labor today tends to be a migrant commodity which is purchased for a price. This seems to me to be undesirable. To a certain extent of course, it cannot be prevented; but every step which it is possible to make to strengthen the ties of individual workers to the industries in which they are engaged and to give them permanency of employment will, it seems to me, be a step in the right direction.

This suggests to me the word "partnership." I know that is a fighting word with many industrialists. It may not be the right word to use, because of some of its implications; but nevertheless something akin to partnership should be present in management-labor relationships. There should be a greater understanding between management and labor as to what the problem of the other fellow is. Some scheme should be worked out whereby labor, through its representatives, could understand the difficult problems which management faces in running an industry under conditions of free competition which we prize so much in America. I am advised that in some industries this already has been done. In fact, I have some friends who have explained their plans to me, and I am very much impressed with them.

Certainly management should be familiar with the purely human side of the workers' living—the worker as a human being, his problems at home, the education of his children, and his future welfare. It is this kind of a partnership I am talking about, where both can know the problems of the other and be sympathetic with those problems. The high walls between the employer and his employees, which I am afraid the National Labor Relations Act tends to exaggerate, should be done away with. We must break those walls down. It should be perfectly possible for the employee to know his employer in a human way, and I believe that such a relationship would evolve into intelligent profit-sharing plans whereby, while the worker would be protected against loss, and certainly assured a standard minimum which would give him an adequate living, he would also be entitled to some share in increased productivity or increased profits in the industry in which he is engaged and to which he has contributed. Only in this way can we link the workers to industry so that they will take pride in their output, and not be required constantly to agitate for better conditions which should come to them naturally.

Furthermore, Mr. President, I should like to suggest that I am profoundly interested in annual wages, as against the hourly rate. I am not prepared to discuss this matter at this time. However,

thinking in terms of future security, I am sure I personally would be much happier if I could feel I had at least, let us say, 40 to 50 weeks a year of certain employment at a fixed yearly wage, rather than a higher hourly wage, but with uncertainty of tenure of the job.

The over-all purpose of these suggestions is to tie the workers into their special industries so that they will be a part of those industries and not simply a roving labor commodity to be bargained for. I cannot imagine myself being employed in some important industry where it made no difference to me whether that industry was successful or not, and where I had to be constantly negotiating for a decent living for my wife and my children. I would want some incentive in order to be a part of my job. It would make me eager to work for the advancing of the industry or other occupation with which I was identified.

Finally, Mr. President, I should like to say a few words on what I believe to be probably the most important aspect of this industrial situation; namely, the responsibility which rests on every one of us in this country at this critical time in our history to build a united Nation fit to give moral leadership in a confused world.

We have treated the struggles of management and labor on the economic and political level. But there is a moral side to them which is no less important. I feel that it is the most important of all. We need a new spirt and a new attitude, a new trust between Americans, based on our common destiny in the great American adventure. Let us start with it in the Senate. We ourselves need to practice what we preach to others. We need to demonstrate a democracy which works, because selfishness gives way to statesmanship in industrial and in national affairs.

The state of the world is too dangerous to allow the luxury of national division. We are in the Nation's and the world's spotlight today. If we cannot make democracy work in America, why should men expect it to work in Europe?

No task is more urgent than this task of making democracy function in industry. Can we live as a free people, or must we be put into the maze of bureaucracy and ruled by Government boards? Must Government always take over? The answer cannot lie in the legislative field, important as that is. The answer lies primarily in the attitudes and aims of labor and management. If greed hardens into class war, we will have sold out our American inheritance of freedom. If trust is allowed to grow as we face our own mistakes and accept our common partnership in America's destiny, we can then set a pattern for the world that will be contagious.

Mr. President, I plead for an end of divisiveness and a return to that patriotic unity which made possible the miraculous war production and VE- and VJ-days.

Mr. SALTONSTALL. Mr. President, will the Senator yield? I should like to ask him if he would be willing to answer a detailed question with reference to his amendment?

Mr. SMITH. I shall be glad to yield.

Mr. SALTONSTALL. Earlier in the day I listened to the Senator from West Virginia [Mr. REVERCOMB] and the Senator from Kentucky discuss two lines on page 4 of the amendment. Those lines are:

That such loss of employee status for such employee shall terminate if and when he is reemployed by such employer.

Mr. President, that leaves the question of reemployment status entirely up to the employer. If and when the Federal Mediation Board enters the picture, why would it not be helpful to permit the Board to make recommendations with reference to reemployment status, and not leave the matter entirely up to the employer?

Mr. SMITH. Mr. President, I believe the Senator has asked a fair question. At the moment, I see no objection to the method which he has proposed. In drafting the amendment we did not feel that one who had violated the obligations placed upon the employer on the one hand, and the workers on the other, pending mediation, had any right to return to the employer and demand reinstatement. We did not intend that he would not be allowed to go to some other employer and seek employment. The Senator's question is, Why should not the Mediation Board make recommendations? I have no doubt that in any readjustment of disputes, that is exactly what would take place. Furthermore, I have no doubt that, except in extreme cases, any employer would hesitate to reinstate an employee if the difficulty were straightened out.

Mr. SALTONSTALL. Would the Senator accept an amendment to his amendment which would add certain language to the end of the second line on page 4, after the word "employer," reading as follows:

or under such recommendation as the Federal Mediation Board may make providing said Board has intervened in said dispute.

Mr. SMITH. So far as I am concerned, I would not object to the amendment, but I would not wish to speak for my colleague, the Senator from Minnesota [Mr. BALL], who introduced the amendment.

Mr. SALTONSTALL. Mr. President, I offer the language which I have read in the form of an amendment, and ask that it be read. The Senator from West Virginia [Mr. REVERCOMB] joins with me in proposing the amendment.

Mr. SMITH. Mr. President, I wish to make only one suggestion in this connection.

The PRESIDING OFFICER. The clerk will read the amendment offered by the Senator from Massachusetts to the amendment of the Senator from Minnesota.

The CHIEF CLERK. On page 4 of the amendment proposed by Mr. BALL in behalf of himself and other Senators, in line 2, after the word "employer" it is proposed to strike out the period, insert a comma, and the following:

or under such recommendation as the Federal Mediation Board may make providing said Board has intervened in said dispute.

Mr. SMITH. Mr. President, I make one suggestion. The Mediation Board makes no recommendation with reference to any other subject except this amendment. The language which has been proposed by the Senator from Massachusetts would be an exception, and in this particular situation the Board could make a recommendation. I believe that the logical thing for the Board to do would be to work with the employer and the employee and suggest, perhaps, that the employee should be reinstated if he has not been a serious offender.

Mr. SALTONSTALL. Mr. President, I thank the Senator from New Jersey.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. REVERCOMB. Earlier in the day I asked a question with reference to the language of the amendment in section 3 (b) (2) which reads, "Of the employees and their representatives to refrain from any strike or concerted slow-down of production."

I pointed out that, under that language, if men failed to go into a certain place because it was dangerous for them to work there, and the mediation proceedings in an attempt to settle the dispute had already started, it might be said that men were on strike. Perhaps they would be on strike for good cause. I had in mind suggesting to the able Senator that there be added at the end of the last sentence on page 4 the following language:

nor shall the quitting of work by an employee or employees in good faith, because of the dangerous condition of work at the place of work of such employee or employees, be deemed a strike under this section.

However, in view of the amendment which has been offered by the able Senator from Massachusetts, in which I gladly join, it seems to me that the situation would be taken care of if it could be determined what, in fact, is a justifiable stoppage of work. Certainly, the able Senator from New Jersey does not wish to penalize and prevent the free employment of men who quit work because of a just cause for so doing.

Mr. SMITH. I agree with the Senator from West Virginia.

Mr. REVERCOMB. I thank the Senator.

Mr. SMITH. I may say to the Senator that I would not feel I could accept the amendment in the absence of my associates, but I believe the point which the Senator has made is well taken and, of course, it expresses what some of the rest of us have in mind. I may say, further, that the language of the paragraph to which reference has been made would have no effect unless the Federal Mediation Board had come into the picture.

Mr. REVERCOMB. Yes; I understand that. But, the situation to which I refer might arise within the 60-day period. I merely want to point that out.

The PRESIDING OFFICER. Is the Chair to understand that the Senator from Massachusetts has formally offered his amendment?

Mr. SALTONSTALL. Yes. The Senator from Massachusetts understood that the amendment had been offered when it was read at the desk.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Massachusetts in behalf of himself and the Senator from West Virginia [Mr. REVERCOMB] to the amendment of the Senator from Minnesota [Mr. BALL].

CONTRAST BETWEEN FOOD SUPPLIES OF CANADA AND NORTH DAKOTA

Mr. LANGER. Mr. President, I should like to bring to the attention of the Senate an article which appeared in the Fargo Forum last Sunday. The Fargo Forum is a newspaper of North Dakota having the largest circulation of any newspaper in that State. The article to which I refer is entitled "Stanley Sun Finds Canada Land of Bread and Bacon." The article reads:

Claude Knickerbocker, editor of the Stanley Sun—

I may say, Mr. President, that Claude Knickerbocker is eminently reliable—

and father of three sons now discharged from military service after careers which saw two of them prisoners of war for 21 and 26 months, respectively, in the European theater, recently visited Canada. When he returned home he produced this column on his reactions to the trip across the border:

"Last Saturday we took a little jaunt across the border into Canada. A look around causes one to wonder whose baby England really is. We brought home a couple of loaves of bread. White bread. You don't realize how gray our bread is until you cut off the end of a Canadian loaf and place it beside one of ours. In George's Meat Market at Carlyle we saw more ham than we've seen in Stanley in 2 years. He had only three kinds of bacon. In the lumber yard we saw more lumber than is probably in the whole State of North Dakota at this time. At a hardware store we bought a very good casting rod for $7.50. That's just about 100 miles from Stanley and you can get there in 2½ hours without risking your neck. So you don't have to take our word for it."

Mr. President, that is the picture in Canada, just a little way from North Dakota, with a line between.

Mr. President, I wish to give the outlook in North Dakota which is depicted in an editorial in the same newspaper. It reads:

GROSS STUPIDITY DEPRIVING AMERICA OF FOOD AND MILK

How long are the people of the United States going to tolerate the grossly stupid—or is it deliberate and culpable—mismanagement of the controls over the Nation's food supplies by the Office of Price Administration?

Here in Fargo and Moorhead, in the heart of one of the richest, most prolific food-producing areas on earth—in a land where there is a superabundance of milk and meat-producing animals, where there is no lack of feed for these animals, we are facing the possibility of a complete cut-off from our milk supplies Monday, and we cannot buy fresh meats.

There is no real shortage of milk or meat in America.

Mr. President, nearly 2 years ago I took up this matter of a milk famine in Fargo and Moorhead with the OPA, and I was promised something would be done about it. Nothing has yet been done, as will be seen.

In fact, there is, according to the records of the Government itself, a greater supply of milk and of meat than we had in normal times.

This is purely and wholly a man-made shortage.

It is beginning to take on a bad odor. It is beginning to smell of deliberate manipulation on the part of the control agencies, the creation of such situations as this threatened milk famine in Fargo and Moorhead, for example, a result of deliberate stalling tactics on the part of OPA over a period of months.

It was obvious when OPA took the ceiling prices off the cream that went into processed products and left it on butter and milk for human consumption in the cities, that this would be certain to switch such a volume of milk away from the products on which the ceilings were maintained as to create artificial shortages in those controlled products.

Apparently that is what these bureaucrats, afraid of their jobs and willing to gamble with the Nation's precious food supplies to maintain themselves in office, are after. They have fought off every effort to have this ridiculous situation corrected.

They have brought Fargo and Moorhead to the shivery edge of a milk famine. They have forced a butter famine on millions of Americans.

High-up officials of OPA have had this critical Fargo-Moorhead situation before them for 77 days, during which they have dawdled and stalled, keeping the entire community on the tenterhooks of anxiety as to their milk supply.

It is monstrous that we in America are under the thumb of a dictatorial bureaucracy so callous and indifferent.

This mismanagement of the price controls is a national catastrophe.

The Fargo Forum has gone on record time and again as being in favor of controls.

Mr. President, I can vouch for that statement personally, because I take that newspaper, and know that it has done what it could for price control, and has done what it could to help the Government in time of war.

But it believes they should be administered with some semblance of sanity and judgment.

The people who are in control of OPA have proven they are not capable of providing that kind of administration. They should be removed from office, or the Office of Price Administration should be abolished, or controls placed with some other agency.

Mr. President, in the valley in which Moorhead and Fargo are located, the latter the largest city in the State of North Dakota, we are producing more milk and more meat than in any other vicinity, but there is a milk famine with which the people of Fargo and Moorhead are face to face. I have tried to help them, but so far I have been unable to get any assistance from the OPA.

MEDIATION OF LABOR DISPUTES

The Senate resumed consideration of the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes.

Mr. THOMAS of Utah. Mr. President, because of the parliamentary situation, and also because of the fact that I intend to discuss several subjects in relation to the pending bill, I shall speak longer than is generally my custom. I trust that I shall not be taken off the floor, and that I may proceed in my own way.

All of us have received hundreds and hundreds of telegrams about the present situation. I have brought one for consideration today, to take as my text in considering the amendment which is before the Senate. It is a telegram from a man I know, a man with whom I went to school, a man in distress. It reads:

After spending the night in a station we are terribly upset with the state of the Nation, particularly the inadequacy of the laws and Congress since the war. May Congressmen sense their responsibility to the whole public and not just the pressure groups. Then we will be proud of Congress.

Mr. President, this gentleman was a fine student, but it was not possible to get him to take a course in history, or political science, or economics. He was headed straight for one of the tightest, smuggest specially privileged monopoly professions in our country. He is a man who will fight to the last ditch any health bill which might seem in any way to interfere with the freedom of himself and the group to which he belongs, although it might be the last word in regard to the protection of the health of the people of this Nation. He is a man who has therefore profited by having the Government make him a specially privileged individual, and he finds himself of an evening in a station, with the trains stopped. So he blames the Congress of the United States; we are responsible for his ills.

I wonder what the Congress can do. We can pass a law making it illegal to strike; we can pass another law attempting to force the railway trainmen back to their work, but both laws would have to be enforced.

The hatred which the people of our country immediately reflect toward their representatives when once some little ill strikes them is something against which I protest.

The rights which both industry and labor have today have come as a result of long struggle. They have come as a result of legislation not one single bit of which was passed through the Congress of the United States without the most strenuous opposition that was ever offered up to that time in the history of the Congress.

I can remember when the amendment was offered to the National Labor Relations Act wherein it was provided that nothing in that act should take away the right to strike. I recall how that amendment was resisted. It was resisted to the extent of the contention that surely no one should have the right to strike in time of war or against the national defense.

I remember last week when one of the officers of our Government suggested that the right to strike be temporarily abandoned, and that there be no strike during a certain period, by law—not by common consent or agreement, but by law.

Mr. President, there are countries that have laws against striking. There is one where there is a single will, Communistic and Socialistic in its nature. Men do not strike there because, to use the phrase of a generation ago "There is just one big union." All the people work for the one class—the workers. They cannot strike against themselves. Therefore they do not strike. The interesting thing is that

those persons in our country who are disturbed because workingmen strike are the ones who are afraid of the form of government which keeps workingmen from striking.

Mr. President, I do not mention that to show that men are not logical and that we do not live an ordinary, simple, logical life. I mention it to show the confusion in thinking which exists, like that shown by the one who sent the telegram. He knows nothing about the rights of men. He simply has in mind that Congress has not legislated, has not done something to make it possible for him to get his train. I feel that way about the matter myself. I should like to be able to ride on the train when I need to. I should like the mail to continue to go through. But from the little study of history I have made, I believe there are definite limitations on what we may do in such cases.

I wish to commend the previous speaker, the Senator from New Jersey [Mr. SMITH] with all my soul for the remarkably thoughtful approach to the subject he displayed, and for the solemn warning given us in urging that we consider these problems in a most serious manner, and meet them thoughtfully and study them carefully before we act.

Mr. President, it is in the spirit of one who has had something to do with our labor-industrial relations during the last generation that I want to speak. I am opposed to the pending amendment primarily because it would take away from men who strike certain rights, which were obtained by the workers in an attempt to cure one of the greatest ills the country ever faced in connection with industry-labor disputes, an ill which caused more bloodshed, more beatings, and greater destruction of property than any other ill which has existed in connection with industrial-labor relations.

The National Labor Relations Act has done many things for the benefit of the whole country, but the one thing it has done a litle bit better than anything else is that it has destroyed the strikebreaker and the scab. By destroying those two agencies it has brought about a condition where there is a little less bloodshed, a little less loss of property, in fact there exists nothing like the brutality of 10 or 15 years ago in connection with strikes.

If we should modify the National Labor Relations Act only to the extent of depriving men who go out on strike and who do not live up to the conditions prescribed during the period of 30 days or 60 days of their right to reemployment, and permitting the employer to hire some one in their place, we would immediately return to the days of contests over jobs, and the organization of strikebreaking outfits, which had to be destroyed by amendment to our Interstate Commerce Act to prevent, for instance, the shipment of strikebreakers across State lines.

Mr. President, that which we call liberty, and which after all is at the seat of all these rights, represents an eternal struggle, a struggle which by no means has been consummated and which is as old as civilization itself. At one time, in a book which I wrote on Thomas Jefferson, I used the sentence "An eternal struggle," and in connection with it I decided to write a footnote. I had written of "a struggle which has been going on throughout the ages" and at that point I wrote my footnote, which I wish to read. The footnote speaks of what are probably the beginnings of the first rights, which resulted in what are now the rights of human beings. I showed that where these simple rights were accepted in the beginning, certain kinds of laws and certain kinds of civilization developed. As I said, I had written of "a struggle which has been going on throughout the ages," and in the footnote I wrote this:

I mean this literally. As scholars unfold for us more of the origins of the ancient world, we discover how very old this struggle is. We see, too, where the conflict lay. In addition we see how, as men put their faith in law, the concept of liberty burst forth and legislated as a guaranty the freedom from arbitrary caprice. That our land was to be one of law and not of men has a new meaning when we examine the idea in the light of one of the earliest struggles between an individual right and a single will. In the ancient world of the Near East with its Code of Hammurabi and in the ancient world of the Far East with its Code of Shun, we find the beginnings of the struggle for the protection of private rights. Those peoples who were influenced by these two great codes moved on toward the beginnings of the concepts of liberty and freedom. Through law and especially through the written contract came private property rights. The great civilization of ancient China kept that mighty empire on a private-property basis. The civilizations of Mesopotamia influenced the Hebrew. Hammurabi laid down the rule that a purchase without written document was a theft and was punishable by death. When we come down to the conflict in thought between the Hebrew and the Egyptian we discover many of the elements of the contest today between the theories of the single-will states and the democracies. In the later conflict between theories of China and Japan the same elements are found. The Japanese state was one wherein the Mikado was law; he owned the land and could do with it as he saw fit. He rules in theory by caprice. This was condemned by the code-influenced, private property-respecting Chinese. The Hebrews could not stand the unrestrained power of the ancient rulers of Egypt, who had complete power of life and death over all. Thus we can say that more and more scholars of the ancient world are recognizing the very early beginning of this great conflict. The American concept of liberty, with its many freedoms and various permissible loyalties, is a result of long development. After what has just been said, the Liberty Bell quotation taken from Leviticus 25:10, "Proclaim liberty throughout all the land unto all the inhabitants thereof," may have for us a deeper meaning.

Mr. President, in our discussions some have condemned the actions of the unions. They have pointed out that it would be well if we could settle labor disputes in some other way than by strikes. It would be well indeed if they could be settled otherwise. I want to show that, no matter how clearly injustices are pointed out, where men maintain their right before the law, by definite action, we fail to do anything unless that action is forcibly placed before us by some contest, such as the one which is now going forward. It will take a little while to say this, but I want to get over to my friend who sent the telegram the point that if liberty and decency are to make progress in this country we must depend upon something else than merely kindness and decency to bring it about.

In the latter part of 1943 and 1944, as a member of a subcommittee of the Committee on Education and Labor, I participated in hearings on the subject of the plight of the white-collar worker. The Senator from Florida [Mr. PEPPER] was associated with me. Twenty-five million men and women in the United States, working their heads off and working their hardest, unorganized men and women, who could not strike, were attempting to live under a condition which we had imposed upon them by making half rules and regulations. Their employers had said to them that they would like to raise their pay if the Government would let them. All sorts of little injustices were perpetrated, and nothing could be done for those workers.

We issued our reports. We had splendid publicity. I wrote an article on the subject. I am mentioning this to show that even after the hearings and the publicity in every newspaper of the United States, and after this article appeared in one of our national magazines with a circulation of 3,000,000 and certain persons had obtained permission to make reprints, which were sent out by the hundreds of thousands of copies, nothing was done for the white-collar worker. No changes were made. We did get over, as a result of the testimony of Mr. Davis, the fact that in institutions which employed fewer than eight persons the employer could raise wages without running counter to some regulation. Nothing was done. Even in the case of the white-collar workers on the Federal pay roll who are pretty well organized it was only a week or so ago that we finally passed a bill granting them substantial increases, thank goodness, beginning July 1.

In this article I stated:

We must put an end to the general impression, fostered by some statesmen, that almost everybody outside of the armed forces is getting along fine in this war. True, there is much evidence to sustain that idea. Theaters, restaurants, hotels, expensive resorts, and Pullman cars are full to overflowing; department stores, jewelers, and furriers are doing a rushing business; the black-market crooks find an endless supply of contemptible customers eager to pay preposterous prices for beefsteaks, whisky, nylon hose, and gasoline.

There are, indeed, millions whose standard of living has risen or, at least, has not dropped. But beneath this upper layer of war rich is a great mass of war poor—larger than any of us even suspected until the subcommittee of the Senate Committee on Education and Labor recently completed its investigation of the white-collar class. Senator CLAUDE PEPPER, of Florida, is chairman of this subcommittee, and the other members are Senators JAMES M. TUNNELL, of Delaware; ROBERT M. LA FOLLETTE, of Wisconsin; KENNETH S. WHERRY, of Nebraska; and myself.

Skeptics may say, "Of course, there are a few who aren't getting along so well, but total income payments to individuals in 1943 were nearly $142,000,000,000. There is no such thing as unemployment; every newspaper carries columns of 'Help Wanted' ads

offering good jobs to one and all. There just can't be many whose standard of living has gone down."

Not many? Well, I have before me incontrovertible testimony which shows that 20,000,000 Americans and their dependents are living as best they can on incomes that have not risen appreciably since Pearl Harbor. While their incomes were frozen, their taxes have increased; they have bought war bonds; they have contributed to war charities, and their cost of food, clothing, and shelter has gone up. The United States Bureau of Labor Statistics says the rise in the cost of living is 23.4 percent. Philip Murray, president of the CIO, says it is 50 percent. Our committee isn't sure as to the exact figure, but we do know that millions upon millions of good American citizens have had their incomes cut, in effect, from 25 to 50 percent.

Few thoughtful and patriotic Americans expect to go through the war without sacrifice. Those at home realize that no matter how much their standard of living is cut, no matter how shabby and hungry they may be, their sacrifice is nothing compared to that of their sons, husbands, brothers, and sweethearts on the fighting fronts. But, as the Army, Navy, and Marine Corps share the hardships of war as equitably as possible, so should we at home divide the hardships of the home front.

We're not doing that. Our white-collar workers are taking more than their share of punishment. Those in this class who are in the better-income brackets have tightened their belts, set their teeth, and probably will manage to get the necessities of life throughout the war. But in most areas now a white-collar family cannot exist upon much less than $50 a week, an independent business girl needs $30 a week, and millions of these low-salaried workers and their dependents will suffer dire poverty if the cost of living continues to rise.

Millions of white-collar workers are trapped like a man in quicksand. The more they struggle, the deeper they sink. Desperately they cut their expenditures for food, clothing, and housing; they give up movies, books, magazines, vacation trips—everything but the bare necessities—but still, with their actual income going down, they can't make ends meet. Piling up are fixed expenses incurred before the war—installment purchases, insurance payments, payments on a home, to dependents, on a car needed in business. No longer can they save. They must sell their war bonds, spend the funds accumulating for education of the children, give up their life insurance and their home.

When we increase by millions the number of persons who are debt-ridden we are endangering the economy of the Nation. But that isn't the only danger. Upon this class depends the further growth of American education and culture.

When you drive these workers into a bare-existence living, you retard the development of music, of literature, of the arts; you stop the progress of education; you block the development of better homes and of the decent living of which the United States has been so proud.

Mr. President, there is one group of white-collar workers which we in Congress tried to do something about. They were not organized so that they could go on strike, and could not even make a united stand. They had everything against them. They worked usually for the county, the city, the school district, or the State. They could not make demands. We knew their condition. For years and years we have had the Federal aid-to-education bill, which is primarily a bill to try to equalize the pay of school teachers throughout the United States. In 12 years we have been able to bring it to the floor of the Senate only once, and then we were defeated.

Mr. President, I say in no uncertain terms that the unorganized white-collar worker cannot get his rights, no matter how just his claims are. The school teachers, who are also unorganized, cannot get their rights. So long as society responds only to the pressure of the pressure groups which are organized so that they can strike and make their will known, and so long as we act as we have acted, and assume that we are not responsible for the conditions of those people who are caught, just so long will we see the spectacles which are going on today. But when once we raise the standard of living for those who are not properly organized, for those who cannot make their demands, undoubtedly then will the standard of living be changed for all those who are properly organized and adjustments will be made by peaceful means.

Mr. President, I wish that we could bring home to the people of the United States the fact that if we do so little for those who do not demand, it is our own fault when we do so much for those who do demand.

How quickly the sentiment of our country crystallizes around an accomplished fact. Those of us who have to deal with such laws know how harsh the American people can be in their treatment of us.

But there was one man who suffered more in his day from the attacks of individuals who were able to attack than anyone has suffered since I came into public life. I refer to Woodrow Wilson, at the time when he stood firmly in favor of the Adamson law. Point out to me a single man in public life today who would suggest taking away the one or two privileges which were granted by that act. Point out to me a single man in the Congress of the United States who would do what would be the logical thing if we wanted to prevent strikes—propose a law abolishing the right to strike. Now it is proposed that we enact laws which will take away that right half way or one-third of the way or for 60 days or for 90 days. Is there any better way to destroy an outright liberty which has been gained as a result of civilization's experience than by nipping it for a few days or a little time or under these circumstances or under those circumstances? Government by law, where the liberties of the people are maintained in law, cannot take any half-way measures. We cannot say to the worker—and now I am addressing myself to this amendment—"You have a right to strike, and you may strike; but if you strike now or against me or in this place, then we will take away that right." That would make them fight for their right to get back their jobs again, and we would reinstate the scab and the strikebreaker and all the ills which came in their wake. Mr. President, that is what this amendment will do.

One of the sponsors of the amendment suggested that we should study it. I accept the invitation. Although I do not think the people of the United States will study the amendment or will study or pay any attention to what I say, nevertheless their liberties can be destroyed quite as much by piecemeal. The amendment would say to our people, "You can be free on Monday, Wednesday, and Friday, but you will be a slave on Tuesday, Thursday, and Saturday." Mr. President, that does not constitute or make for liberty.

In the category of white-collar workers we arbitrarily place many who are not exactly that, such as the aged and infirm who have pensions and annuities that gave them a decent living until prices went up. One man wrote me, "After running an engine 45 years I was put on a pension of $100 a month and I could get along. Now it takes $125 for my wife and me to get by on. Last week I bought a bushel of oats for my chickens for $1.10. For those same oats last year the farmer got 40 to 45 cents. That is not fair to me or to the farmer."

We have known those facts, Mr. President, ever since the rise in prices began; but nothing was done for the poor white-collar worker, because he was not organized and could not make any demands.

We also include those men in the armed services whose dependents are affected by the rise in living costs. Most of the families of servicemen reduce their standard of living the moment the wage earner goes into the service.

We did raise the pay of the soldiers, thank goodness. But what a struggle and an argument and what a time we had doing it! The man who was in the armed forces was then in a position in which he could not organize, and did not. The wife of a serviceman wrote to me:

My best girl friend and I both married about the same time, and each had a baby. My husband was getting $52.50 a week when he was drafted. I get $80 a month allowance, and everything costs so much more every day that I am selling our war bonds, and even cannot take the baby to the doctor as often as I should. My girl friend and her husband work in a war plant, and I would do that, but I have nobody to take care of the baby, and she has. I have no relatives who can help me.

The two of them make more than $150 a week. My husband writes to me to be a good soldier and everything will be all right after the war, and I try to be and not worry about what will happen to us if he is killed, but it seems to me something is awfully wrong about everything.

Mr. President, I cannot refrain at this point from saying that we had almost a year's struggle in the attempt to provide benefits for nurseries, at a time when mothers had to work and babies had to be taken care of. We failed in that effort. Why? Because those mothers were not organized.

Therefore, I say, all honor to organizations and leadership which can do something for its people, so long as our country remains so backward in attempting to settle the ills which it can see and can understand.

About 15,000,000 of the white-collar class are salaried workers, and you can't fight a war without them. You can't have schools, churches, hospitals, or Federal, State, or municipal government; you can't operate stores, offices, hotels, or restaurants; or publish

magazines, newspapers, or books; you can't get your mail delivered or your checks cashed at the bank, or make a long-distance call on the telephone.

Harass them, undernourish them, force them, through underpayment, out of their jobs, and you cripple the Nation. They are vitally necessary to the thousands upon thousands of vitally necessary men and women. How many lives could doctors save if they had no nurses? How could a judge hold court without clerks and stenographers? What good is a college with a scholarly president if there are no teachers? How much could be accomplished by executives of great banks, insurance companies, and industries if even one-fourth of their white-collar assistants decided to don overalls and go to work in war plants?

Many white-collar workers have done just that. In addition, hundreds of thousands, of course, have left to join the fighting forces. Fortunately for our economy, enough have stayed on their jobs to keep the wheels going, even though their raises in pay usually have been inadequate, or nonexistent. We worry about the lack of manpower that may reduce production in war plants. It's time we started to worry about manpower that is just as essential—white-collar manpower. Weaken the present staffs and you'll create behind-the-lines bottlenecks that will affect war operations far overseas.

The typical white-collar worker, man or woman—7,500,000 of them are women—is a mighty good American. He usually is well educated, versed in current affairs, and must dress well and make regular trips to the barber or hairdresser. He budgets his expenses and wastes no money. I have no figures to prove it, but I believe he has made more real sacrifices to buy war bonds and to contribute to war charities than have workers whose earnings have risen because of the war. Usually, white-collar workers do most of the volunteer work in war bond, Red Cross, March of Dimes, and Community Chest drives. They're on the job in civilian defense and they're mostly the ones who worked long hours at the schoolhouse getting out the ration books.

Who is interested in these people? Nobody. They're the forgotten men and women.

Ordinarily they belong to no union. No experienced negotiators plead their cases. Their collective bargaining usually is a brief session in which the employee stands before his employer's desk and, shaking in his shoes, asks for a raise which he doesn't get. He enjoys his work, likes his associates, has been on the job for years, is in a groove, and he stays on the job.

Back at his desk, he's resentful, perhaps, or maybe he agrees with his employer that this is war and everybody must make sacrifices to help the boys on the firing line.

That was told to every worker in the United States when he tried to bring about some rectification of an injustice done to him. He was told, "It is war."

Mr. President, it is peacetime now, but we have failed to make the adjustments, and since we have failed, we have the troubles which are facing us today.

The average white-collar worker doesn't quite understand why he must suffer more than do his friends in war work, but loyally he plunges back into the old routine, working harder at longer hours to make up for the vacancies in the staff left by those who have gone to war, proud that he's doing his job well, hoping that some day, some way, things will get better.

But unless Congress takes action right away things are going to get worse.

One group of these workers is made up of the 900,000 school teachers. They exist upon an average salary of less than $1,550 a year. More than 250,000 teachers have gone into the armed services or have taken more profitable jobs, and, according to Dr. Donald DuShane, of the National Education Association, "At least 30 percent of our children are being cared for by improperly and inadequately trained teachers who are working only temporarily." That means that 7,000,000 children—perhaps yours are among them—are not getting the kind of education they need.

More than 4,500,000 white-collar workers, in addition to teachers, are on public pay rolls, from the tiniest towns up to the Nation's Capital. In some cases these employees have been given relief—an over-all average increase of 14 percent between January 1941 and July 1943. But that increase brought the average earnings up to only $118 per month.

A clerk in a Los Angeles court writes, "I would be willing to make sacrifices if others would do the same. My cost of living has increased 40 percent and my income tax 400 percent. My income has not increased one red cent. Yet a neighbor's daughter, 19, on her first job, receives $225 a month—much more than I get."

A civil engineer writes: "I am 42 years old, and have worked for this city for 12 years. Checking back over my records, I find that 2 years after I left college I was making just as much, in buying power, as I am now. Then I wasn't married. Now I have to support a wife and three children."

Too many college-trained men and women are reaching the point where they must cash in their life's savings and borrow to get the bare necessities of life. These include librarians, lawyers, social workers, architects, college professors, and scientists of many kinds. The income of some classes of scientists has risen, but the American Association of Scientific Workers reports that "large numbers of scientists earn between $35 and $50 a week."

There are 136,000 clergymen, most of whom never had much more than a bare living, whose parishioners have given them little, if any, increase in salary. Nearly a million employees of hospitals, including nurses, are working loyally and tirelessly, attempting the impossible task of caring for more patients with smaller staffs. Hospital workers are notoriously underpaid, but ask a $25-a-week nurse why she doesn't give up the drudgery and take a more profitable job in a war plant, and she probably will tell you firmly, "I love my work. I'm happy to be helping the unfortunate." That's the kind of American who is being pushed around.

Mr. President, did we push them around? There is now on the calendar a bill providing for the drafting of nurses. We discovered, thank goodness, that we did not need such a measure. But there was another group which consisted of persons upon whom we could impose. We forgot them. We did not take care of them. I repeat, and I will repeat over and over again. So long as we fail to do something for the people of this country who cannot take care of themselves, we will have to put up with men who organize and make it possible to take care of themselves. If every inch of progress which we make is to be made only as a result of fighting, we must realize that the strike situation will never be improved.

The largest group that is paying more than its share of the cost of the war is made up of workers in offices and wholesale and retail stores, and itinerant salesmen. The National Industrial Conference Board in 1943 made a survey of 35,600 employees in 351 companies in 21 cities, and found that the average file clerk got $22 a week.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield.

Mr. MORSE. I believe that the Senator from Utah is making a contribution by pointing out that so long as we do not take care of those in this country who cannot take care of themselves, we will continue to be confronted with demands on the part of those who have helped themselves, so far as their needs are concerned. Does the Senator agree with me that, as we study the history of American labor, we find that American labor has discovered that, by and large, it must use the strike weapon in order to impress upon the American people the unfavorable conditions in which American labor frequently finds itself?

Mr. THOMAS of Utah. Mr. President, the answer to the question is "Yes."

Mr. MORSE. May I move to my next question?

Mr. THOMAS of Utah. I should first like to explain the answer which I have made. I might refer to the Industrial Labor Conference which was held in 1931. I may say to the Senator from Oregon that I can answer his question by asking another one: Did the association of coal operators work out a system of welfare, and provide a health and welfare fund for their employees? What are the names of some of the institutions which have done anything of that kind? The Congress of the United States did not get around to doing anything for the white-collar employees for almost 3 years.

Mr. MORSE. Does the Senator from Utah, who is a student of American labor history, agree with me that it has required the strike weapon to teach American employers that they must give to the American workers a more decent standard of living than they would be willing to give if the matter were left entirely to them?

Mr. THOMAS of Utah. The strike method has been required, and also the law courts. Let us forget about strikes for a minute and think about the beginning of struggles which have been made for such things as, for example, the 8-hour law. Many of the advantages which labor now has have come only as a result of force on their part. It so happens that the first 8-hour law, which went to the Supreme Court of the United States, came out of Utah. It came about as the result of conditions in the mines. I am proud to say that my father sponsored the measure from the start. It was enacted and later contested. The suit went to the Supreme Court of the United States. How was the case argued in the Supreme Court? Persons may make fun of me for showing how basic rights of liberty have their origin. The Supreme Court of the United States said that the law to which I have referred was unconstitutional because it destroyed the liberty of a man freely to contract to work 12 hours day, if he wanted to do so, or 15 hours or 20 hours. How the Supreme Court happened to decide as it did, I do not know. It was merely one of those exceptional things which happen in this everlasting struggle to do something about something.

Mr. MORSE. Mr. President, will the Senator permit me to ask one more question?

Mr. THOMAS of Utah. I yield.

Mr. MORSE. Does the Senator agree with me that there are still too many employers in America who would take advantage of any limitation which might be placed on the right of free workers to strike, and would keep the working conditions of those employees at a level below that to which they are entitled?

Mr. THOMAS of Utah. What the Senator has stated is the history of the labor movement in our country.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. Mr. President, am I allowed to yield without losing the floor?

The PRESIDING OFFICER (Mr. FERGUSON in the chair). The Senator from Utah may yield, but he can retain the floor only by unanimous consent.

Mr. LUCAS. May not the Senator yield for a question?

The PRESIDING OFFICER. Yes; he may yield for a question.

Mr. THOMAS of Utah. I yield for a question.

Mr. LUCAS. I wonder how the Senator from Utah squares his theory with the present railroad strike. No welfare fund is involved in that strike. As I understand, 18 out of 20 railroad brotherhoods agreed definitely on an increase of 16 cents an hour. Only 2 of them disagreed. I was wondering what there is in this particular strike which squares with what the Senator from Utah is talking about. I refer, of course, to the railroad strike.

Mr. THOMAS of Utah. Mr. President, I have been making the point, which is a very simple one, that the only way in which any kind of progress has been made in improving the rights of the workers has been by organizing and resorting to the strike technique. I have been endeavoring to trace the history of the unorganized workers. The particular point which has been raised as a result of my answering a previous question may not be logical at all in answering the question of the Senator from Illinois.

Mr. LUCAS. I appreciate that the progress which the workingman has made has been through the medium of the strike. But the time has come, it seems to me, when the right to strike against public services which are vital to the continuation of the health, safety, and welfare of the Nation, should be considerably curbed. There should be found some kind of remedy to be applied at some place along the line. Just what that remedy should be, I am not sure that I know.

Mr. THOMAS of Utah. I shall endeavor to state the remedy. I think the remedy has been offered to the country and that it did not accept it. Mr. President, I do not believe that every strike which has taken place was based on the finest of ethics or the best of morals.

Mr. LUCAS. I am sure that the Senator believes so.

Mr. THOMAS of Utah. I do not care to go into a discussion of a particular strike. That is not my theme. My whole idea is to show that if we legislate we may make more mistakes than we have ever done in the past, but I have not brought that point out yet.

Mr. LUCAS. I thank the Senator from Utah, and I apologize for interrupting him before he finished.

Mr. THOMAS of Utah. It is perfectly all right. The point is down in my notes, and I shall come to it.

Mr. President, I shall proceed now, because I still think the point we are discussing is exceedingly important. We may curse those who employ certain tactics, we may do as I have done, say that the morality of certain strikes is bad, that the ethics of them are bad. I myself believe that the strike technique is archaic, and that strikes should be stopped, just as war should be stopped. But unless we can preserve liberty, justice, and freedom, unless we can take care of our people in some other way, than the force method, we cannot get rid of either war or strikes.

I am sure that the American Revolution could have been logically settled without George Washington taking up arms if people had been reasonable, if people had been intellectual, if people had been wise. But they were not, and that is the whole point now. I make it over and over again, because it is the one lesson we need more than anything else when people write and place the responsibility for the railway strike upon the Congress of the United States. The present occupant of the chair was not presiding at the time I started. That was my original theme, taken from a telegram.

I repeat:

The National Industrial Conference Board in 1943 made a survey of 35,600 employees in 351 companies in 21 cities, and found that the average file clerk got $22 a week; the average stenographer, $30; switchboard operator, $25; key punch operator, $25; and junior typist, $23. These generally were in the larger companies that pay fairly well. Conditions vary in different areas, and hundreds of thousands in those classes, particularly in small businesses, are paid much less.

Although it is agreed that the average woman cannot live in most cities on less than $30 a week, the average wage for clerks in department stores in New York is $23 a week. A recent survey by the YWCA showed that the average salary of women office workers in the Midwest is $27.89 a week.

Remember that an average figure is reached by combining the salaries of workers who are being paid a living wage with the salaries of multitudes who are not. Statesmen may attempt to quiet protests by arguing that the average isn't too bad, but such oratory won't buy food and clothing for the office worker who gets $16.60 a week.

One office worker wrote me: "We who work in offices and stores and banks are in a pocket. Even in the boom of 1928 we didn't get raises in proportion to those given the bosses. For most of us there is little opportunity of advancement, for we can't all rise to the heads of departments and there always must be $25-a-week clerks. I've given up hope ever of increasing my standard of living, but surely, in order for my company to do its part in the war, it isn't necessary that my standard be cut in half."

Too many persons don't consider the difference between salary and take-home pay. One office worker observes, "When I get my pay, 20 percent has been taken out for withholding tax, 10 percent for war bonds, 1 percent for social security, and 5 percent for the company retirement fund, totaling 36 percent. Then when my wife and I pay for food and clothing we find they've gone up 30 percent. And now they want us to double our purchases of war bonds. I haven't had a raise, yet workers out in the plant have had two or three raises and, with all the deductions, make more than ever in their lives before."

How can Congress help the white-collar worker? First, we must keep the cost of living from rising any more. If possible, we must reduce it.

But we must increase the take-home pay of those white-collar workers who are suffering real privation. They should be given some relief from taxes, which can be done by increasing the exemption figure. It has been suggested that, also, there should be an additional exemption for those workers whose income has not increased perceptibly since Pearl Harbor. Certainly a good tax program should be based primarily upon ability to pay.

Probably most important of all, Congress should ease the War Labor Board restrictions on frozen salaries in the lower brackets. The wage-stabilization program is necessary and its over-all effect has been good, but whoever thought we wanted to freeze the wages of clerks getting $25 a week?

No one thought we wanted to do that, Mr. President, yet it was done, and nothing could be done about it, because these people were not organized.

While the stabilization program, justly, has been blamed for much of the suffering of white-collar workers, some of the criticism has been unfair. There are two classes of employers: one that is willing to give raises, but is often blocked by War Labor Board rulings; and the other that wants to buy labor as cheaply as possible, and falsely tells employees, "The War Labor Board has frozen all salaries. We'd like to give you raises, but the Government won't let us." So employees of the latter go around cussing the WLB and the Government.

The War Labor Board has been partly to blame for this. WLB rules and forms are so complicated that the average person can't understand them, and when an employer says, "That's the WLB ruling," employees don't know what the rules really are and are unable properly to plead their cause.

Mr. President, I make the further point that it is only through organization that it is possible to employ the lawyers who can understand these rulings and fight for rights under them. More and more, I have to repeat, unless we are thoughtful of the whole body politic, we will have to put up with those who can make their claims.

When William H. Davis, Chairman of the Board, appeared before our committee he admitted that the forms are complicated and promised to try to simplify them. We suggested that the WLB prepare and circulate to all white-collar workers a statement in simple English that would tell them exactly how they can get a raise.

One thing that should be made clear is that most employers of eight or fewer employees are exempt from WLB rulings, and also that the Board has no control over State, county, and municipal employees, nor over those of nonprofit hospitals and charitable organizations. When teachers and nurses don't get raises it's the fault of local officials.

Here I must make another point. When we organized the Nurse Education Corps, and wrote the law which brought that great body into existence, one of the finest experiments in education in war work that our country tried, it was the opposition of the hospital-employer to the bill which made it necessary to go as far as we did, for they tried to keep the standard of pay down. Who could

speak for the 17- or 18-year-old high-school graduate who went into that service? Custom blocked them. Custom made it impossible for them to receive decent pay. Custom made it allowable for institutions, even though charitable, to make profit on work which was not properly paid for. When we stand against such things, we merely invite the other type of thing. Wise employers know it, and, thank goodness, less and less we see among the employer class the old-fashioned exploiter.

Mr. President, it is time for me to pay tribute to the scores of the employer group who came before us during the civil liberty days, in our industrial labor conference of 1941, and before us when other bills were under consideration. I have never yet seen a man who spoke for himself, an employer, who was a small-calibered man. But I have seen scores of men become small-calibered men by attempting to follow the philosophy of a flimsy sheet which was handed them by some organization secretary. I have seen whole groups of men pass their judgment upon legislatures, upon legislators, upon Congress, and the individuals in Congress, not from anything they read in the press, but because at their luncheon meeting they met with associates each one of whom had in his pocket a little flimsy typewritten paper telling him how he was to think for that day, and how he was to carry on. The wisest, finest most successful men in our country, men who, if we should suggest they never thought for themselves, would resent it—and they should resent it—follow down the line when they are organized to follow down the line, and they follow implicitly and without understanding and without judgment. A man in my position has some interesting experiences when we meet such persons as these. Sometimes they do not even inquire enough to find out that the one who is presiding over the hearing is simply a broken-down college professor. They have a program all written out for the presiding officer and they present it to him. Of course, the presiding officer does not know anything about the subject matter under discussion. What should he know about labor relations? What should he know about strikes and related matters?

Mr. President, the subject of labor relations is a very complex one. The subject of strikes is a very complex one. War of course is a very complex subject. All these problems and other problems with which we must deal are so complex that the longer one lives and the more one knows about them the less likely one is to follow a program presented on a flimsy sheet. Such presentation is made, however, again and again. I urge that we be careful in accepting such programs; that we scrutinize them carefully before we adopt them.

I continue to read:

When teachers and nurses don't get raises it's the fault of local officials. It should be made clear also that, in most cases, the WLB does not oppose raises that bring wages up to 50 cents an hour. And that the Treasury Department, not the WLB, controls salaries of more than $5,000 a year.

Unfortunately, in most cases, increases in salary are limited by law to 15 percent above the base salary of January 1941. But individual increases, under certain limitations, may be given for length of service, merit, reclassification, promotion, etc. Some employers don't understand how to give raises properly; some don't want to know.

"My company had a job classification that had been approved by the WLB," one clerk writes me, "and they said they couldn't give me a raise. When I told them I would quit, and convinced them I meant it, they quickly wangled a way to give it to me."

Another: "I am an office manager for a Tennessee concern. I am 37 years old and earn $180 a month. I have received one $5 raise since 1936. But for WLB rules, I would be getting at least $225 a month, which is what new men doing less important work here are getting."

The cure for this is to raise the 15-percent ceiling in the lower-salary brackets and to loosen slightly the restrictions, so that fairer adjustments may legally be made.

"That will bring more inflation!" some statesmen cry in horror-stricken tones. "You'll raise prices so a loaf of bread will cost $100."

That is nonsense. Inflation doesn't come from the bottom. The $25-a-week clerk doesn't overspend. It is the uncontrolled waster who brings inflation. In Washington, in New York, in every city, you see men and women spending $100 in one evening in a night club, you see them buying mink coats, jewels, and liquor. They toss away millions of dollars to get what they want at any price in the black markets.

Thousands of businessmen, evidently with unlimited expense accounts, are coming to Washington in drawing rooms, living in expensive suites, spending enormous sums for food and drink. The money they spend and the money the Government pays them for contracts, much of which is spent lavishly all over the United States, may cause some inflation.

But you won't get inflation by giving a shabbily-dressed typist $2.50 more a week, or by increasing the wages of a bank clerk so he and his family can keep up the payments on their little home, or by giving a college-trained school teacher enough money to buy a new dress. That money is spent for bare necessities, not squandered on luxuries.

If we give a fairly decent living to the white-collar class we won't weaken our economic structure—we'll strengthen it, and in spots that are becoming dangerously unsound today. They're fine, upstanding patriots and are being kicked around, forced to make more than their share of sacrifices for the war effort, mostly because they are unorganized.

No longer must they be the forgotten millions. Not only for their good, but for the good of all of us, we must give them aid, for these people are as necessary as the men and women who are building airplanes. Crush the white-collar workers and you cripple America.

Mr. President, that was written more than 2 years ago. Senators know what we did when the attempt was made to raise the wage level by amending the Fair Labor Standards Act. Senators all know the discussions that took place in that connection. I repeat, Mr. President, that if we fail to do what is right in dealing with the subjects now before us, greater ills will face us.

There is one more phase of the pending bill to which I wish to address myself. Again I am going to be a bit historical in my approach, because I fear that we are headed toward making the same mistake heretofore made. I shall again use my own words, words which I used before in an attempt to keep us from taking certain action, because if no one else learns a lesson from our deliberations on this important matter, I myself hope I may learn a lesson and may make a proper interpretation of the problems presented by industry-labor relationship. I think I know the methods that have worked successfully and the methods that have not worked, not only in our own country, but in various countries of the world, and I believe that when certain methods used in one country work well, we may learn from the use of such methods.

Mr. President, it is said that history repeats itself. I sometimes wonder whether this is not a more polite way of saying that men do not learn from their mistakes. Two years ago, in the midst of world war, this body gave its assent to the Smith-Connally War Disputes Act, which is based on the philosophy that you can promote industrial production by a system of legal compulsions. Today the folly of that conception is a notorious fact. Yet here we are in the crisis of reconversion and it is proposed that we repeat that mistake and bind and fetter the working people of America in the interest of full peacetime production.

Mr. President, this philosophy did not succeed then. It will not succeed now. I venture to believe that it will never succeed so long as Americans deserve the honor of being called free men.

In the course of the debate on the Smith-Connally Act, I made certain remarks on a democratic philosophy of industrial relations. With slight alterations, those remarks are pertinent to the present crisis. I wish to repeat them, and I beg for them the earnest consideration of my colleagues in the Senate.

As to laws directed against the excesses of one man, and there was one man who was attacked more than any one else at the time I spoke these words, I said:

We all know that the worst element in lawmaking, one against which we have a constitutional ban, is that of legislation directed against a given person, general legislation aimed at a given person. Under our democratic processes such legislation is considered so unfair that we have a constitutional ban against it; and whenever in the history of our country we have attempted to cover a particular man or a particular incident by general legislation we have generally passed bad legislation.

I may say, parenthetically, that the only individual who received any substantial benefits from the Smith-Connally Act, which we were then considering, was John L. Lewis, against whom it was directed. He, under that act, was able to negotiate a wage increase for his followers.

I should like to remind the Senate of another occasion when we acted hastily on the theory of hitting at an individual. We all remember the utilities scandals of the decade of the twenties. We remember that there was one utility leader who ran away from the country. His name was Insull. He was living in a foreign land. He was indeed a refugee,

not so much from his country as from the people whom he had wronged in business. Suddenly the people of our country wanted to bring him home and try him. Our leader, Senator Robinson, presented a bill changing some of our extraterritorial rights so that we could arrest him. I spoke to Senator Robinson. I was concerned more about what my country was doing in passing a bad law even than with taking care of the old gentleman who was a refugee. I pointed out that if we enacted a particular law to get him and bring him home to try him, he would not be convicted, and that Congress would make a gesture, another mistake, by using its lawmaking force in an attempt in which it ultimately could not be successful.

Senator Robinson said, "Why do you say that if we bring him home he will be turned loose?" I replied, "Senator Robinson, I say it because I know my countrymen; not because I know law, not because I know anything about Insull, not because I know anything about the circumstances, but when he comes back he will be tried by a jury, and American juries generally do not convict 82- or 83-year-old men." That is the only thing I could say. That was the only argument I could put forth. Senators know the history and the outcome.

Mr. President, in the textbooks America is made a laughingstock because she uses the greatest medium she has, the will of the Congress of the United States, in legislation to make it possible to arrest or stop a refugee who is hiding away from his own people. Generally banishment was deemed quite a punishment in ancient times, and I think it is a punishment. The state should have been satisfied with that. But we will go on. As to making laws in the heat of passion I said:

> Because of what has been in the hearts and souls of some of us and in the minds of certain newspaper writers, the strike in the coal mines has caused a stimulus which has produced emotional voting on the part of Members of Congress. I realize when I make that statement that probably I am criticizing myself; because if one Member of Congress votes emotionally, so might any other Member of Congress. I pray that the day may come when we all shall be reasonable, when we all shall be intellectual in that which we say and in the way we vote.

As to the right to strike:

> That right, of course, has never been taken away. It is guaranteed in law. It cannot be taken away, because it is, as every laboring man knows, his only final resort in making an appeal to justice. It is his only resort in making an appeal to justice. It is his only resort to justice when everything else has been removed.

That is a fact, Mr. President.

As to the nature of strikes and the proper technique for the solution of industrial disputes in a free country, I said:

> Strikes are uneconomic in their nature. They bring sadness to innocent people. They bring distress to the women and the children of the workers. Strikes are extremely ineffective even in the long run toward bringing about changes in industry-labor relations. They are very much more ineffective than the method of collective bargaining, which has been made use of by so many unions in dealing with their employers, by reason of which, for a generation or for two generations, there has not been resort to strike on the part of those who have availed themselves of collective bargaining. Labor has gone forward under that peaceful arrangement.

I wish to present the fundamental thesis of the committee bill on voluntary mediation. It is based upon a simple statement which was made in one of our hearings. The right of wage earners to refuse to work on terms unsatisfactory to them, and the right of employers to refuse to operate their plants under conditions they do not accept, are fundamental human rights. They are rights which, in a free society, can be restricted only by voluntary agreement.

Further as to the nature of strikes and the proper technique for the solution of industrial disputes in a free country, I said:

> The peaceful method is always more constructive than the forceful method. That statement holds good as between nations as well as in industrial relations. We all know that after the war we must adjust our country first of all to peaceful relations. We must, after the war, count our loss in dead, our loss in wounded, our loss in missing. There is blood-letting even in industrial relations, as we know from our experience. The loss of life and the loss of property, in war as well as at times in industry-labor relations, are never regained, although a point contended for may have been won.
>
> Mr. President, I hope I have said enough to convince my brethren in the Senate that it is with the deepest sincerity that I oppose the conference report. I oppose it because I have a fundamental belief in the institutions of our country, and that those institutions can best be enlarged and developed by peaceful action, by voluntary action, even if it does seem to take a longer time than might be taken if we were to follow the course which the adoption of the conference report would permit.

Mr. President, in relation to that last statement, Senators will remember that the President of the United States followed the logic of that statement and sent us a veto message, and that we, with worse emotion than was displayed when the bill was discussed, passed the bill over his veto.

Mr. President, so long as we carry on without faith in the great fundamentals on which our country's liberty rests, and without faith in the rights which we have gained as American citizens, and fail to continue to protect them and make adjustments in accordance with them, we are going to have this same type of labor problem.

As to the social consequences of repressive antilabor legislation, I said:

> Mr. President, we cannot win a war in a half-hearted way. We cannot win a battle with unhappy troops. We cannot bring about great production with unhappy labor. We cannot bring about cooperation in industry with unhappy and coerced industrial leaders. When we turn from the ordinary processes of voluntary action to forced action we are asking men to assume an unnatural attitude.

And, further:

> Let us give credit where credit is due. Let us think of the 50,000,000 workers in the United States and realize the great work which they are doing. Let us think of our neighbors who are war workers, and thank them for the sacrifices they are making. Because of the action of one or two, Mr. President, let us not at this time cast a reflection upon the fine things which our Government, under its leadership, has been able to bring about in our industry-labor relations.

We should be just as mindful today as I urged that we be at that time.

Mr. President, I do not believe that the voluntary system of industrial relations has outlived its usefulness in this country. The coercive system, whether we call it fact finding or compulsory arbitration, or what not, is contrary to the ideals of personal freedom on which this country was founded. Once we start down that road, there is no stopping place. Governmental settlement of strikes creates a responsibility for wages, profits, and prices. We have seen that in the steel industry. A settlement in one industry creates a problem of correlation with competitive industries and with the economic system in general. One encroachment leads to another and the snowball grows. On one fine day a student of social affairs traces the course by which the Republic has been transformed into a totalitarian state.

I am serious about that, Mr. President. I think I know about as well as anyone the course of empire in other lands than my own. I watched the end of what was called the German Republic. I saw it first-hand. I saw people acting emotionally because they hated certain techniques related to their freedom. Those techniques were thrown overboard in an attempt to have a more orderly process, and all liberty went out the window.

This assumes the cooperation or acquiescence of labor and management in governmental control. If there is not such obedience, who can foretell the social disasters which might arise?

Mr. President, I submit that the basic responsibility of democratic government is not to settle industrial disputes by fiat or by superimposing complicated coercive mechanisms for their settlement, but by encouraging free voluntary negotiations between labor and management. The wisdom of Burke speaks to us with perfect relevance across the years:

> The proposition is peace, not peace through the medium of war; not peace to arise out of universal discord, fomented from principle, in all parts of the empire; not peace to depend on the juridical determinations of perplexing questions, or the precise marking the shadowy boundaries of a complex government. It is simple peace, sought in its natural course and in its ordinary haunts. It is peace sought in the spirit of peace, and laid in principles purely pacific.

Mr. President, I doubt very much whether Congress is proud of the action it took when it passed the Smith-Connally Act. I cannot help but say that I doubt very much whether, if we decide to turn back the clock in industrial relations, 2 or 3 years from now we shall be very proud of the action we will have taken in this instance. The questions involved are vital and I like to discuss them from the standpoint of being an American, and I have discussed them only from that standpoint. I like our American ways.

The fact that our people have traditionally accepted the thesis of "a government of law, and not of men," as the proper form, causes us to think in terms of rights. We are tampering with rights when we pass legislation which, in an attempt to solve certain problems, interferes with freedom. An attempt to solve problems dealing with the relationship of human beings or of governments based primarily upon rights is an invitation to continual clash, and not to peace. The right of life, liberty, and the pursuit of happiness is not a right in the strictly legal meaning. It is in reality the echoing of the strivings of the human heart to live in ordinary, everyday life—the ultimate potentiality of man. It is the reechoing of an ideal. We may, before we get through with these remarks, talk about man's right to a job; man's right to have a decent home; man's right to go and to come as he wishes; man's right to all of the freedoms, not only the four basic ones; but we do not mean it in a sense of statutory right. We want something more. Mr. President, that is what I am pleading for in regard to our industrial labor relations.

We are attempting to pass legislation which will cause a discussion about certain rights, and we are going to shave those rights and get into litigation, when we ought to get into a peaceful atmosphere. We want the fullness of democratic life based upon the theory of common consent and the notion that liberty comes from respect of others, not as a result of a basis of demand on our part. Probably this is the answer I should have given to the Senator from Illinois when he asked me how I bring into harmony what I said in answer to the Senator from Oregon with what is taking place in a strike-ridden world today: I cannot bring it into harmony, but I know that liberty can be destroyed by unjust strikes, quite as well as it can be destroyed by an unjust government, and I know that the theory of common consent and the notion that liberty comes from a respect for others, not as a result of demands, are the bases of our liberty. These are the ideals which the average man strives for, prays for, and believes attainable. They are the ideals based primarily upon the simple theory of treating others as you would like others to treat you and the basic notion that all social life must have its culmination in mutuality.

Are these the dreams of a hermit isolated on the top of a high mountain overlooking the expanses of the universe, or are they based upon a practicality which faces us every minute of the day? I accept the latter thesis, and I shall tell you why. I have ridden in an airplane. I do not believe that my pilot flew me safely from one place to another just to save his own skin. Every day I travel on streets and over bridges. I do not believe that the architects who designed those bridges and those streets made them strong just because they thought that one day they themselves might cross the bridge or travel on the street I paid for my last meal with a bill that no one questioned. I do not know whether there is enough silver in the Treasury to redeem my silver certificate or not. In fact, like the other 140,000,000 people in America, I have not read the Government's promise on that bill. I live by faith, you see, and so do you. We have put our savings in Government bonds without ever thinking about reading them. No one worries about his bank deposits any more; even those who have bank deposits have ceased to worry. Few workers in America go to work feeling that their jobs will end tomorrow. In fact, they plan and get credit and the doctors accept their promises on the theory that they will be working tomorrow. In law, has every man a right to his job? Then, Mr. President, do you not see that life of faith and trust is finer and fuller than a life of rights. Still, I have carried through the Senate the Wage and Hour Act; still, I have had much to do with the labor laws in the last 13 or 14 years; still, I advocated the full-employment resolution at the Philadelphia meeting of the International Labor Organization in 1944 and the Paris meeting in 1945; still, I was one of the first to propose a world-wide bill of rights; and still, I am plugging for continued legislation making the rights of all more certain. But still I know that the better life is not based upon rights, but upon faith and trust; and that good peace at home and abroad, in the family, in the Nation, and in the world can only come because men want peace.

We are going to have an everlasting continuation of strikes, lock-outs, atomic bombs, suspicion, distrust, advantage-taking, and general bedevilment, as long as we attempt to run things as we are attempting to do now. We can have all those things if we want them and if we are willing to pay for them—pay not only for those who like these everlasting clashes—but pay finally in forced sacrifices of those who will give their all in war and social unrest.

The world has known the idea of progress for a century and three-quarters. We have had the concept of evolution for nearly 100 years. We have had the dreams of our founding fathers built upon the notion that America is a promised land and dedicated to the concept of freedom for over 150 years. We have had Jefferson's great letter to Adams, written just before he died, wherein he said that he and Adams would yet look down from heaven with joy at the fulfillment of their great dream. For over a century America has learned that the four freedoms pay. Even religions thrive better here under the philosophy of freedom of religions and for religion than they do in the lands where particular religions are protected by law. American life is built upon the right to come and go; the right to have and to hold; the right to think, to aspire, and to achieve. These rights are attainable only and are worthwhile only when they rest upon faith and trust. The institutions which make us great are the individual savings accounts of our kiddies, the insurance of our parents. Thus, my great idealism is based upon the practical, everyday economics of bread and butter and a place to lay my head.

That is prologue. Our task is to achieve as much of that prologue as possible, but knowing at the beginning that we can do it only through understanding, and understanding of the practical sort comes only through education. A society based upon a well-trained citizenry is still America's best dream. It should be the world's dream. There can be no peace until there is some contentment, until living standards are such that men and women cannot only produce enough to live on, but a surplus to keep that living bigger, better, and more complete. I shall take my illustration for the accomplishment of this from two pieces of legislation, both of which were deemed very impractical. First, the soldier education bill and, second, the full employment act. I believe that for the first time that a nation has attempted to express itself with thankfulness to those who have served it well by offering educational advantages to the individuals who have come out of that service it has placed the philosophy of education where is should be put. The soldier education bill is not a bill primarily for the benefit of the soldier boys and girls; it is for the benefit of the Nation and the American people. Realizing what happened to France, and what happened to England, as a result of the last war, we recognized the loss of a whole generation of leadership, and the American Government was determined that a generation of leadership should not be lost to us as a result of this war. The soldier education act is based upon that theory. "Build us a better nation" is its slogan. No one knows that better than I do, because I, myself, wrote that theory into the bill.

The Full Employment Act is not a pitiful piece of fragmentary mutterings based upon a flimsy interpretation of the slogan "the right to work." The full employment idea had its concept in the notion that it was Government's duty to see that its people are well fed, well housed, and well schooled. The Government is not entirely unselfish in this. We have, you know, Mr. President, the Federal income-tax system. The more one earns, the more all of the people get through a distribution of taxes collected. At one time, when governments belonged to kings, taxation was a burden for the benefit of the few. I know no privileged class under the theory of our tax system. But 10 years ago there were many groups of overly privileged. The strange thing is that, hard as it was to bring about these simple reforms, no one complains today because of their accomplishment.

I like our dollar economy as it works today. Some make greater profits than others, but the theory of the leveling remains. There will always be those who are ahead, who are brighter, who live better by their wits, who gain more than others. That is America. I have no objection to it so long as it is not done by advantage taking, and there will be no advantage taking which will last very long if the problems of our economics are made part of our educational scheme. That is what you are doing. But we must go further than the lawyer-minded among us are willing to go at present. We must see basic causes and basic effects. We will note that the cure for many a clash in our economic life is attained through the simple device of

equal opportunity, a real life of interdependence, a spirit of mutuality.

War, anywhere, is of concern to all everywhere. Poverty, anywhere, reduces wealth and living standards everywhere. There are those who have a notion that starvation in the middle of Asia does not affect life in prosperous America. Look around and see what is happening today. Accept the basic fact of life that while men kill each other in hideous war they are, nevertheless, thoughtful of each others welfare.

It is true that great suffering almost invariably brings forth at least little gains. In our own national life we know the cost of the formation of the Union, the freeing of the slaves, and the repulsion of the threats of Wilhelm II and Adolf Hitler of Germany. Why men must suffer in order to see is the cause of faulty education. Surely the lessons of the First World War should have been sufficient to have lasted the people of Europe and Asia at least a generation, but they were not. Must the law of suffering and sacrifice always function in order that we may learn anything? Did it require the depression to give us the philosophy we now have of attempting to make life more abundant and fuller? Evidently it did. Moreover, only through the depression were we able to achieve a measure of social security and set up our first fair labor standards. Perhaps in comparison, the suffering of the depression era was not sufficient to bring about even the crude beginnings of a basic right to work. I mean a single clear-cut, complete right to have a job for the asking, a job compatible with one's capacities and attainments.

It is wrong, at this late date, when soldiers are sent overseas in the first phases of a war, and during the long hours when all that men may do is to think things out, that their thoughts should be resolved largely into fears that, should they be so fortunate as to return, they might not have a job to return to. The fear might not have been, and I hope was not, founded on anything stronger than generations of habit. Even so, the fact of their worry, of your worry, Mr. President, and of my worry, over security based upon gainful employment is sufficient to suggest the disease and the cure.

In spite of our gains, we missed one opportunity when we builded upon the ashes of the late twenties and early thirties. Widespread misery should have brought forth guaranteed employment in such force as to have amounted to an ironclad contract between this Government and its people that any man, any woman, however aged or otherwise disqualified under the old standards, could confidently expect to earn money merely through his own election and volition, and that the truth be recognized, once and for all, that in a properly organized society, alive to its responsibilities and opportunities, there can be no such thing as a labor surplus. With so much to be done, and so little time in which to do it, how can anyone speak of surpluses. The only surpluses we want are surpluses from honest labor.

Mr. President, I believe that you will agree with me that if it were not for the fear in the minds of many persons of a surplus of labor, the country would not now be confronted with the present unrest and strikes. Persons are afraid that the return of more workers will prevent them from obtaining full employment, and they wish to make their gains while they can do so. Organized labor and organized industry are at their wits' ends today, because they will not recognize the great fundamentals.

The time should have come so that an individual wishing to work part time or full time, according to his own best interests and ambitions, should be able to have what he wants, and another gainfully employed, who because of his ability is offered a better job, should be able to take it with confidence, losing nothing and risking nothing.

Where is all this made-work to come from? Look at poor leveled cities of Europe. See the ravages of bombs and booby traps everywhere. It took us all, working 16 hours a day, on call 24 hours every day to do these little destructive jobs. How much would it take to construct a great, beautiful world community? Moreover, job guaranty is something like insurance. By simply having it handy the workingman loses his fear psychology. He knows that he may earn and may spend or save according to his habits. He need not be subservient. It will avail him nothing to be arrogant. He cannot fail to obtain some kind of job. Yet, he may easily fail through lack of industry, for only through industry can he rise, and failing this he is a failure and knows it. No child in America who reaches the third grade is incapable of distinguishing the difference between a successful man and a failure. He even learns that lesson in Sunday school.

We had statistics about illiteracy as a result of the last war and we learned that the one privileged group under the Selective Service Act consisted of those who were deferred because they were not able to understand English.

If demagogs come into being because of slogans based upon assumed or actual injustices, is it not better to have a just peace and make the demagog impossible than to spend all of our energies knocking out his contrivances and overcoming his ambitions? Cure the ills of inequality throughout the world and the type of peace we have in America will become possible. That does not mean a time of bliss, a world of inaction, nor a world without strife. But the strife can be of a different type; contest, competition for constructive purposes instead of destructive purposes might pay if we would only get the idea.

If I should try to analyze what I have been saying I would do it in this way. We have spent our energies trying to overcome inequalities in our economic life by guaranteeing certain techniques; the right to strike, the right to organize, the right to assemble, the right to free speech. These result in laws dealing with the techniques of our economic life. The cure for those who demand these rights can be made only by higher wages, decent savings, better environment, and proper training. Those present might say to themselves after hearing my stressing of training, "This fellow, THOMAS, still remains a Confucionist." I do. I do not believe that man should ever live on the level of an earthworm. Such a statement is no longer the dream of the idealist. It is a fact which is recognized by anyone with a memory that goes back a single generation. In the last war, through lack of preparation and training, boys died getting them into the service. In this war there has been less of that. In the last war boys died of lockjaw and other preventive diseases. In this war there has been less of that. Look to your community-health standards, your educational standards. Has it paid to have them a little better? That is my point; simple, so simple that you will say that everyone knows that. But does everyone? The next time a great problem faces you try to settle it on the basis of fundamental understanding of that problem instead of on a basis of force. It is only through the schools that such an understanding can come. It is those who know the history of mankind and the advancing march of civilization who do not lose the faith in the great fundamentals of America and her mission.

Mr. President, I want to make a point here as simple as the one I made in my first reference to the white-collar worker. I wish to refer to an event in America, which should have been the most historic in our whole industry-labor history. I wish to point out that for once we were started in the right direction and that we went back. We went back through lack of understanding, through lack of education, through lack of appreciation of where and how our liberties are made and where they rest.

The next historic event which I say marks the very acme of decent industry-labor relations in the United States, and the one on which we should have based all our industry-labor actions since its inception was the industry-labor conference held in Washington in 1941. A new thing happened in industry-labor relations at that time when the representatives of industry and of labor unanimously accepted my motion that there should be no strikes and no lock-outs, but that all disputes should be settled by peaceful means. That is the foundation upon which to build. Were we willing to build? We were not. On the very day that motion was made and the motion got into the newspapers there were attacks on the floor of Congress by those who said I had no authority to make the motion, that the industry-labor conference was not legal, and not proper, and not right. An immediate effort was made at that time to defeat it. We were discussing the motion for a long time. It took only a little while to unite labor behind it. Industry was frightened of it because of certain things which had happened. Industry lives without faith. It lives on its rights, and by its rights, and by the voices of high-paid lawyers fighting for those rights.

We will not have industrial peace in America so long as every difference is settled by litigation. It just does not happen that way. Men begin arguing about the law instead of about justice. But that was the foundation on which

to build—everything voluntary, giving on the part of everybody. Labor said, "If we are willing to renounce the right to strike we do it only because there is a guaranty on the part of all that, to use the words of the Senator from Oregon in questioning the Senator from New Jersey a moment ago, every problem which has to be settled will be put upon the altar of proper voluntary adjudication, and settled.

We had that chance. We in America took that stand. The American people honored what was taking place for a moment or two, and 50,000,000 of the American people respected it. We had production the like of which no one ever expected, which won the greatest war in history. But still we turned back on those proper techniques.

Make industry-labor techniques upon that constitution, and we will have industry-labor peace in America. I suggest going back to it. I suggest that kind of conference rather than the kind of conference we had last fall, when the motion I have referred to, and that ideal and that agreement, were thrown out the window for what was thought to be something better, and as a result nothing came.

Whoever was responsible for the different approach and for the belittling of the great action taken in 1941 is responsible for much of the industry-labor suffering which we have had in the last few years and which we have today. Whoever is responsible for not living up to the principles of that great promise is responsible for keeping us back in the peaceful evolution of industry-labor relations for a whole generation.

We missed an opportunity when the going was hard and men crusaded. Gains are more difficult to achieve now that we have war prosperity. Who cares about labor, except to resent the newest strike? Who cares about employment so long as most people can get some kind of job in at least a few weeks of mild effort? Our muscles relaxed after a hard war; we are soft as putty. There will be strikes, there will be clashes, there will be contests, there will be resorts to courts, mediation boards, and conciliation, but you cannot do away with the evils incident to the stoppage of pay, the idleness of strikes, the slipping back into poverty and debt, the keeping of kiddies from schools and the actual killings which have sometimes resulted by law.

The amendment which is before us, I repeat, is the most dangerous thing in the world, reinviting into industry-labor problems and strife, bad as it is, the strikebreaker, the scab, allowing that kind of thing to perpetuate itself.

Modify that right in the National Labor Relations Act which is given to workmen who are out on strike to go back to their places, and we go back to the scab days, the days of the strikebreaker. It is inevitable, if we do what has been suggested by the Senator from Minnesota, namely, provide that if after 30 days men do not respect their promises, or what is forced upon them by law, then they lose their rights under the National Labor Relations Act.

I cannot stress that too much, Mr. President. It is fundamental, and if we change the fundamentals, we change the whole thing and invite the chaos and bloodshed, the strife and the unhappiness, which were ours in years gone by.

This is the lesson of our times. I repeat, the guaranty of labor techniques in law will not make for peace. Mr. President, we must have some of these techniques, but they must rest on the fundamentals of voluntary trust and faith in one another.

A recognition of the broad objectives for which all should strive in our society is the key to final labor peace—higher standards, decent schools, honest hours, protected savings, and equal opportunity; for each to move into the field of his great aspiration and into the sphere of his potential capacity.

What is the great fear in America today that underlies the threatening industry-labor unrest. Despite our Full Employment Act and despite our prayers, the unconscious juggling for position in our present-time industry-labor strife is a fear of future unemployment. We may be in for it, I do not know. But when we again come face to face with this problem, let us recognize it. It is a religious undertaking and will be attained only through zeal amounting to a religion. Who today in the United States will defend some of the practices we proved right here in San Francisco in our civil-liberties investigation?

We have come a long way, but not far enough. The constitution of decent industry-labor relations is the motion accepted by industry and labor in 1941. That did not destroy any rights. There we merely said that we will turn to the techniques of peace rather than the technique of war for the settlement of our disputes and for the attainments of our objectives. That should be fundamental in America. Our courts do not always pronounce absolute justice, but no one would like to see disputes between Americans or between Americans and their governments settled by direct action.

I am a product of the American public-school system. I went to kindergarten, and I finished with a Ph. D. It took a long time, and I did other things, but during every minute of my education I was exposed to American ideals. If there is a rule of history to which I can turn now as a guide, it would be the 150 years of struggle in our own country to make a political concept work and become universally accepted. The founding fathers worked out the Federal system on the simple idea of allowing those things which are of purely local concern to be settled locally, but those which are of common concern to be handled by representatives delegated to speak for all. We builded bigger than we thought. That governmental technique is the basis of our political liberty. It is the key to not only national peace in a nation made up of 48 States, but it is a key to a theory which can become world-wide.

Mr. President, I wish to digress there for a minute or two. When our founding fathers said that matters which are of local concern shall be settled locally and matters which are of national concern shall be settled by all, or by the peoples' representatives, that theory applied then, and it worked successfully. But when we came to the time in the industrial life of the Nation and took fiction and made it law, as was done by the Supreme Court in decision after decision, and assumed, for example, that industry, manufacturing, agriculture, and mining are all of purely local concern and therefore not matters of concern to the whole Nation, and refuse to place labor legislation on the national statute books because of decisions of that kind, the time finally came when a change in thought was imperative. Probably the greatest thing that happened in our long years of civil liberty hearings was the breaking of that fiction. It happened one Saturday morning when we had before us witnesses from one of the largest industrial concerns in America. We called all the witnesses before us at one time and went to school together, as it were. We tried to find out what there was of local concern in that institution. We discovered, for instance, that the plans were not made in the State where the institution was located. We found that all the workmen were not hired there. We found that the raw products which went into the finished products did not come from that State. We found that the products were sold in many States. When the simple question was asked: "What is there in connection with your institution that is of purely local concern?" the answer came very positively, "Nothing"; because there was nothing.

Mr. President, that simple case, placed by a committee of Congress upon the Record of Congress, was so strong, so forceful, that even the great Supreme Court of the United States could no longer hold to fiction when it had facts placed before it, and the law of the United States was changed accordingly, and the National Labor Relations Act was declared to be constitutional as a result, because no longer could it be conceived that when a surplus existed in one State it was of concern only to that State; no longer could it be conceived that mining was simply and thoroughly of local concern, although perhaps none of the products of the mine were used locally.

Mr. President, I come back to my fundamental thesis. Industrial relations must be based upon true justice and confidence and faith one in the other, otherwise we will continuously and everlastingly read the false scripture of fiction, and fail to read the true scripture of facts.

Mr. President, medical students are told that in the Middle Ages those who studied surgery and medicine did not dissect cadavers as is done now, because it was then considered to be wrong to do so. Therefore the students did not have an opportunity to examine and study the human body as they do now. The students instead of using a cadaver, were taught from textbooks. And when it was necessary to perform an operation the textbook was consulted. Under the ribs will be found the lungs. Yes, they are there; the book is correct. But the study of textbooks alone does not make a surgeon proficient. He must do more

than that. He must have actual experience.

The lawyers who depend everlastingly and eternally upon cases already decided, instead of digging into the true facts of the situation, will always make mistakes, and will hold the people of the Nation back, as was done for generations.

I shall talk about the National Labor Relations Act in a moment, but I wish to say first that as a result of the hearings I spoke of a moment ago, we finally obtained in the Supreme Court a reversal of its former stand, and a measure of industrial peace came to the country as a result of that reversal of position.

Mr. President, those who live by symbols instead of on the basis of facts fail to understand our national background. Let us consider art. Those who examine the pediments of some public buildings in Washington will see on many of them goddesses dressed in cheesecloth. They will see many classical designs. They will see many symbols. When the great Thomas Jefferson memorial was authorized the architects wanted to build a pediment with Greek goddesses dressed in cheesecloth and classical designs and the usual symbol of liberty. I protested. I said no. I said, "When history is better than symbol we will stick with history." "Oh, no," it was said, "you cannot do that. That is contrary to the rules of art." I said, "Why are we building the monument to Jefferson? We are not honoring Jefferson. He is dead. We are trying to honor American democracy, and we want our people to know its history." After not weeks of speeches, but months of speeches on my part, and they ran into years, the artists who said "It cannot be done," finally said, "Gentlemen, if I can catch the spirit of what Senator THOMAS is saying I will try to build so that every schoolboy who comes to the Thomas Jefferson Memorial may learn something about the history of his country and of his Government." So now the schoolboy who visits the memorial and asks, "Who are the men up there?" is told, "Those are the five men who served on the committee of the Continental Congress which wrote the Declaration of Independence." "Oh," they may say, "we thought just one man wrote the Declaration." "Oh, no, it was a committee of five. It was a national affair. And what is more, of that five, one was opposed to it." In that committee were found such elements as we have in Congress all the time, minority reports, disagreements. That is a part of our history, Senators. That is a part of America.

What we want in our land is law based upon history, not based upon fiction. And when we understand how our liberties gradually evolved, and when we see how dangerous it is to tamper in any respect with the liberties of any of our people we will be made fully aware of the danger which now faces us in dealing with the present subject matter in an ill-considered and hasty manner.

Thus we have created, as a result of American experience, a conception of Government which can produce world organization and give us world unity. As a result of the creation of the Russian Soviet System, Russia furnishes a technique which can expand into a world organization. And the British Commonwealth of Nations idea gives us another pattern.

While men have dreamed of peace since the beginning of time they did not invent a form of government which might become world-wide and, therefore, insure the peace. No longer is the concept of world government merely theory. No longer is it based upon prayer and aspiration. The way of peace is in the world. Whether the world tread the path of peace remains to be seen. It can only do it if it understands where it is going. Education is a process of leading. The new world needs leadership. We shall succeed or we shall fail, therefore, on the basis of the character of that leadership. Is it to be a leadership based upon the single will with the followers forced to go where they are told. That is a question which is germane to this discussion. If so, now is the best time to accept fascism as a universal ideal because the world knows its technique better than ever before. Or will it be a leadership growing out of deliberations of trained deliberators, using as a basis for argument the knowledge of history· the facts of society, the understanding of man and his nature. That is the democratic way and by no means the easy way as is the technique of the single will. That, is for us to answer here. Will we deal with fundamentals, or will we be satisfied with biased partisan strife, or an unquestioned acceptance of the will of the leader? Will we accept the theory that we can take away from a man a right or a liberty and still preserve it? These things must be faced by us and by our children. The fight for the thing we call liberty is eternal. We are as much in the midst of it today as the world was when it developed its first rights under Hammurabi.

My prayer is that we will all say that American democracy, American freedom, and American liberty, all center in a single concept: individualism with a social conscience and a sense of responsibility; and, when American democracy works and reaches its conclusions, it is understood by all that that which it does it does by common consent.

American democracy is preserved for us in a constitution which becomes a guide for our political habits. Thus, the American Constitution is, in very deed, the companion of the American people in the accomplishment of their political, economic, and social aims. Let us make it always our companion in our studies and in our acts.

That is my plea in regard to this legislation.

Mr. President, I wish to refer to one more matter and then I shall be through. I wish to talk about the drafting of the Federal mediation bill.

In drafting the Federal Mediation Act of 1946, the majority of the Committee on Education and Labor have been guided by their firm conviction that "successful labor-management relations will not be achieved by compulsory or repressive measures, but can only be achieved and preserved as the result of collective bargaining." This faith in the collective-bargaining process is based upon our observation of its successful operation under the National Labor Relations Act and our conviction, and the conviction of expert witnesses identified with both management and labor who appeared before us, that the chief cornerstone of a sound labor relations policy is maximal reliance upon the collective-bargaining process.

In this connection I believe that it will be profitable to us to recall briefly the situation prior to the National Labor Relations Act and to recognize and appreciate the great advances in economic stability and industrial democracy which have been realized under that statute. And while we consider the beneficial effects of the Wagner Act let us resolve not to weaken it or impair its effectiveness in our effort to find a solution for ills unrelated to that statute.

Prior to the enactment of the National Labor Relations Act there were many causes of interruptions to interstate commerce. Among the most prevalent of these were the refusal of many employers to recognize the right of their employees to organize and to bargain collectively. I hardly need remind Senators of the violence, discrimination in employment, including blacklisting, and espionage, and other despicable devices resorted to by some employers to prevent their employees from organizing and bargaining collectively. It was "to diminish the causes of labor disputes burdening or obstructing interstate and foreign commerce" by "giving definite legal status to the procedure of collective bargaining and by setting up machinery to facilitate it" that we enacted the Wagner Act. We specifically noted that prudence forbids any attempt by the Government to remove all the causes of labor disputes. We merely segregated into a single category susceptible to legislative treatment those sources of industrial discontent which were deemed to be among the most fertile.

The National Labor Relations Act has worked well, and while the ultimate objective of the legislation has not yet been realized, 10 years of experience under it have conclusively demonstrated that it was a step in the right direction. When the right of employees to organize and bargain collectively is safeguarded, collective bargaining results, and interruptions to commerce are appreciably reduced. Thus, while prior to the act, "at least 25 percent of all strikes" sprang from "failure to recognize and utilize the theory and practices of collective bargaining," today only a small percentage of all strikes result from this cause.

During the 10 years of the act's existence far-sighted and law-abiding employers have increasingly accepted the basic purposes of the act. There have resulted a diminution in interruptions to commerce and an increase in healthy and democratic cooperation between management and labor which have been highly beneficial to the country at large, both in peace and war. With continuing and increasing frequency the board is called upon to resolve questions concerning representation rather than to police unfair labor practices. Thus, for six consecutive years the proportion of unfair labor practice cases to election cases before the board has continued to fall.

Consequently, whereas in 1937 the unfair labor practice cases comprised 71 percent of the cases before the board, in 1945 the election cases accounted for 75 percent of all cases presented to them. Moreover, during 1945 almost 90 percent of the board's cases were adjusted informally in the field. This increasing trend toward acceptance of the collective-bargaining process is further reflected in the fact that in 1945 nearly two-thirds of all factory production workers and one-third of all employees in nonmanufacturing industries were covered by collective bargaining agreements. This is a healthy development which should not be forgotten when labor legislation is being considered.

Denial of employees' basic right to organize and bargain collectively led to strikes prior to the National Labor Relations Act. That it would have the same result today but for the act has been recently demonstrated. Thus, in 1943 and 1944, when the National Labor Relations Board declined to conduct elections among supervisory employees, foremen's unions, relegated to self-help in order to assert their right to association, conducted a large number of strikes. For this economic warfare the act substitutes the orderly process of resolution by the board of questions concerning representation and collective bargaining between the employer and the representative of its employees. Denial to employees of the peaceful machinery of the act relegates them to use of the economic weapon to obtain recognition from employers, and interruptions of the flow of commerce inevitably result.

The relations between an employer and his organized employees are likely to pass through three phases. These might be characterized as first, the initial stage, when recognition is still being sought; second, the negotiating stage; and third, the stage of living together under a contract. In general, the National Labor Relations Act is concerned with the elimination of industrial strife during the first of these three stages, although the Board occasionally must take jurisdiction over some problems which arise at the second, or negotiating, stage. The pending bill is primarily directed at potential break-downs in relations at the second and third stages. For this reason, there is no conflict between the National Labor Relations Act and the proposed bill. The amendments recommended by the minority of your committee would, however, impinge upon the National Labor Relations Act and might well lead to more difficulties than they would solve. I seriously challenge the wisdom of incorporating in a single statute provisions intended to strengthen the hand of the Government in mediating labor controversies, and other provisions, such as those suggested by the minority of your committee, whose purpose is apparently to curtail the activities of only one side in a labor-management controversy. Over-all industrial peace would not be promoted by modifying that part of the existing law which protects the right of collective bargaining, in order to correct those unfortunate things which sometimes happen when a breakdown in negotiations leads to a work stoppage.

The record of the past 10 years indicates that the basic purposes of the National Labor Relations Act are being achieved. The act was passed for the limited purpose of reducing or eliminating that part of industrial strife which had previously resulted from many employers' denial of their employees' right to organize and bargain collectively through freely chosen representatives. While there have been strikes in recent months, it is most important in considering this bill to recall that only a handful of such strikes have resulted from those causes which the Wagner Act was designed to eliminate. The present industrial unrest seldom results from discriminatory discharges or the refusal of employers to recognize labor organizations. It results, instead, from the failure of some unions and employers to resolve their differences, largely concerning wages, without recourse to economic weapons. The strikes prior to the Wagner Act flowed largely from the denial of the right of collective bargaining; the strikes today are more generally caused by the absence of agreement on the substantive terms of the collective bargain itself. This present failure of collective-bargaining in some instances is possibly the natural, and not unexpected, result of the atrophy of the collective-bargaining process following the necessary imposition of compulsory arbitration upon management and labor by the National War Labor Board during the war. Therefore, while we would revise and strengthen the Government's mediation machinery to discourage strikes from today's causes, we firmly believe that the situation does not justify modifying a statute which is being increasingly accepted by the employers of the Nation.

As we recognized in the National Labor Relations Act and as the majority of your committee has recognized in the drafting of the Federal Mediation Act of 1946, there can be no effective and healthy limitation of the right to strike. "The right to strike is one of the indispensable democratic freedoms. Equality of bargaining power between employers and employees is achieved only through the existence of such a right on the part of employees. Abridgments of that right cannot be tolerated in a free society in peacetime even though it may be supported as a temporary war emergency measure." The right of free men to refuse to work under conditions unsatisfactory to them is a fundamental democratic right.

Strikes are not a kind of conduct to be suppressed, limited, or arbitrarily delayed by legislative pronouncement. Strikes of any duration do not occur spontaneously. They are a costly and serious step normally taken by men who have much to lose only after all other alternatives have been exhausted. The strike is a resort to economic warfare which is only taken in desperation. Strikes are caused; they do not spring Minerva-like without prior growth and development.

There are only two effective remedies for strikes. The first is remedial legislation like the National Labor Relations Act which removes the causes of strikes and makes possible genuine collective bargaining by parties of relatively equal economic strength. The second is mediation legislation like the proposed Federal Mediation Act which provides governmental assistance to the parties in reaching a solution to their differences by making available to the parties full and adequate facilities for conciliation and mediation and the voluntary arbitration of disputes. Both of these methods of avoiding interruptions of commerce have been tested and found beneficial and just. Any other approach to the problem will substitute ineffective, repressive, and punitive measures for constructive and effective reliance upon voluntary processes.

These voluntary, truly democratic processes are not the panacea. They will not prevent all strikes. They will, however, prevent more strikes than will be prevented by limitation of the right to strike, and they will accomplish this result without any undemocratic restriction of a man's right to refuse to work.

In connection with consideration of proposals to limit the right to strike, it is well to recall what happened when strikes have been outlawed. In World War I, England prohibited strikes by criminal penalties, and had far more strikes than in peacetime. In World War II, with primary emphasis upon voluntary adjustment machinery and governmental mediation and arbitration, England's record was much better. Moreover, even in Nazi Germany, where strikes were suppressed with great brutality, strikes occurred during the recent war.

Human nature being what it is, more can usually be accomplished by persuasion and voluntary agreement than can be secured by coercive legislation. This is especially true among a free people. Occasional abuses are a small price to pay for freedom. We need not—and shall not—forfeit democracy to obtain industrial peace.

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the RECORD at this point as part of my remarks a telegram which I have received from the American Veterans' Committee in opposition to the pending bill.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

CHAT PATERSON,
Washington Representative,
American Veterans Committee,
Washington, D. C.:

We believe that any labor legislation passed at this time would represent an hysterical response to the present industrial strife rather than a serious study of the weaknesses in labor-management relations. The Case bill is a typical example of this type legislation, for it is obviously directed against organized labor. The Labor-Management Mediation Board proposed in the bill would be constituted of representatives or employers, an equal number of employees, and an unspecified number of public members. An employer is defined as someone who employs more than 50 people. No specific provision is made for representatives of organized labor, and it would, therefore, be possible for a legally constituted Board preponderantly to be made up of members opposed to organized

labor. Because all disputes must be submitted to the Board, and because labor is restrained from striking for a period of 30 days, the use of labor's only genuinely effective weapon is limited. The bill would outlaw the boycott and sympathetic walk-outs, thereby eliminating any support which organized labor might receive from its own ranks. Because the American Veterans' Committee includes in its ranks a considerable number of those veterans against whom this legislation is aimed, and because passage of the Case bill would greatly weaken organized labor, we feel that it must be defeated.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to a concurrent resolution (H. Con. Res. 153), in which it requested the concurrence of the Senate, as follows:

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Saturday, the 25th day of May 1946, at 4 o'clock postmeridian, for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

LEAVES OF ABSENCE

Mr. MORSE. Mr. President, because of a long-standing engagement, I ask unanimous consent to be excused for the remainder of the session of the Senate today.

The PRESIDING OFFICER (Mr. KNOWLAND in the chair). Without objection, leave is granted.

Mr. HOEY. Mr. President, I ask unanimous consent to be absent from the Senate tomorrow. I have an engagement of 2 months' standing to speak at the Duke University commencement tomorrow. I expect to fly back here if I can, but I wish to obtain permission to be absent. I wish to say that if I were present I would vote against cloture, even though I am in favor of the legislation which is proposed.

The PRESIDING OFFICER. Without objection, leave is granted.

JOINT MEETING OF THE TWO HOUSES OF CONGRESS

Mr. BARKLEY. Mr. President, I ask unanimous consent that the concurrent resolution messaged over from the House today be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate a concurrent resolution coming over from the House of Representatives, which the clerk will read.

The legislative clerk read the concurrent resolution (H. Con. Res. 153), as follows:

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Saturday, the 25th day of May 1946, at 4 o'clock postmeridian, for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

Mr. BARKLEY. I ask unanimous consent for the present consideration of the concurrent resolution.

There being no objection, the concurrent resolution was considered and agreed to.

MEDIATION OF LABOR DISPUTES

The Senate resumed consideration of the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Minnesota [Mr. BALL] on behalf of himself and other Senators.

Mr. TAYLOR. Mr. President, I send to the desk an amendment intended to be proposed by me to the registration amendment intended to be proposed by the Senator from Virginia [Mr. BYRD], and I ask consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, the amendment will be received, printed, and printed in the RECORD, as if read, and will be regarded as in compliance with the cloture rule.

The amendment intended to be proposed by Mr. TAYLOR to the registration amendment of Mr. BYRD is as follows:

Amendment intended to be proposed by Mr. TAYLOR to the amendment intended to be proposed by Mr. BYRD to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: On page 5, after line 9, insert a new section as follows:

"SEC. —. (a) Every Member of or Delegate to Congress and every other officer and employee of the United States or of any department, agency, or instrumentality thereof (including a Government-owned or controlled corporation), shall, not later than 30 days following the date of enactment of this Act or upon the date of taking the oath of office as such a Member, Delegate, officer, or employee, whichever is the later, and on the second day of January of each year thereafter, file with the Securities and Exchange Commission a report containing a full and complete statement of (1) all dealings in securities or commodities by such Member, Delegate, officer, or employee, or by any person acting by, or on behalf of, or pursuant to the direction of such Member, Delegate, officer, or employee, during the preceding year, (2) the amount and sources of all income received by such Member, Delegate, officer, or employee during the preceding year, including all fees, salaries, income from trusts or estates, and dividends received or credited to his account, and (3) if such income is derived from a law firm or partnership, the names of the clients of such firm or partnership from whom fees were received. Such reports shall be submitted in such form and manner as may be prescribed by the Securities and Exchange Commission, and shall be available for inspection by the public under such rules and regulations as may be promulgated by the Commission.

"(b) Any such Member, Delegate, officer, or employee who (1) willfully makes any untrue statement of a material fact in any report filed under the provisions of subsection (a), or willfully omits to state in any such report any material fact required to be stated therein, or (2) willfully imparts, directly or indirectly, information, or any part thereof, obtained by virtue of his office or employment, to any person not entitled under the law or the rules and regulations of a department or agency to receive such information, shall, upon conviction thereof, be punished by a fine of not to exceed $10,000, or by imprisonment for not to exceed 2 years, or both.

"(c) As used in this section—

"(1) The term 'security' means 'security' as defined in section 2 of the Securities Act of 1933, as amended (U. S. C., title 15, sec. 77b).

"(2) The term 'commodity' means 'commodity' as defined in section 2 of the Commodity Exchange Act, as amended (U. S. C., title 7, sec. 2).

"(3) The term 'dealings in securities or commodities' means any acquisition, holding, withholding, use, transfer, disposition, or other transaction involving any security or commodity.

"(4) The term 'person' includes an individual, partnership, trust, estate, association, corporation, or society."

Mr. MORSE. Mr. President, I send to the desk an amendment intended to be proposed by me to the pending bill, and I ask consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, the amendment will be received, printed, and printed in the RECORD, as if read, and will be regarded as in compliance with the cloture rule.

The amendment intended to be submitted by the Senator from Oregon [Mr. MORSE] is as follows:

Amendment intended to be proposed by Mr. MORSE to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: On page 28, after section 8, insert the following new section:

"SEC. —. Nothing in this act shall be construed to diminish or interfere with the exercise of the rights of employees or labor organizations under the National Labor Relation Act, as amended, or the exercise of the rights of employees, labor organizations, or carriers under titles I and II of the Railway Labor Act of May 20, 1926 (44 Stat. 577), as amended, or to impair the functions of the National Labor Relations Board established pursuant to the National Labor Relations Act, as amended, or the National Mediation Board and the National Railroad Adjustment Board, system, group, or regional boards of adjustment under the Railway Labor Act of May 20, 1926 (44 Stat. 577), as amended, or to amend or modify the act entitled 'An act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes," approved March 23, 1932.'

Mr. WILEY. Mr. President, I wish to modify my amendment to the pending bill, and I ask that the modified amendment be considered as read under the cloture rule. I ask unanimous consent that the reading of the modified amendment be dispensed with.

The PRESIDING OFFICER. The modified amendment will be printed in the RECORD as if read, and without objection, it will be considered as read under rule XXII.

The modified amendment intended to be proposed by Mr. WILEY is as follows:

Amendments intended to be proposed by Mr. WILEY to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: On page 19, line 14, strike the period at the end thereof, insert a comma, and add the following: "except as specifically provided."

On page 24, line 22, strike the period after the word "act" and insert in lieu thereof the following: "except as otherwise provided by the provisions of this act relative to compulsory arbitration."

At the proper place in the bill insert the following:

"SEC. —. (a) When the Federal Mediation Board finds and determines that a labor dispute affecting commerce, which is not settled or adjusted under other provisions of this act, or under the Railway Labor Act, as amended, if subject thereto, (1) involves an

industry engaged in the production of goods or services which are essential to the public health, safety, or security, or to the normal functioning of the national economy, or which are furnished by a public utility whose rates are fixed by governmental agency, State or Federal, and (2) threatens or has resulted in such interruption of the furnishing of such goods and services as will endanger the public health, safety, or security in the Nation as a whole or any part thereof, or as will so substantially interrupt commerce as seriously to disrupt the functioning of the national economy, or in the case of public utilities as will substantially interrupt the furnishing of an essential monopolized service, then the Board shall so notify the President. Upon receipt of such notification, the President is authorized to require submittal of the dispute to arbitration by a board of seven persons (or, if the parties so stipulate, three persons).

"(b) Within 20 days after notice from the President to the parties to the dispute or their representatives that the dispute shall be submitted to arbitration, it shall be the duty of the parties and their representatives to enter into an arbitration agreement covering all the questions involved in the unsettled controversy. The parties shall have no power to withdraw questions submitted or to terminate the arbitration except upon written settlement of such questions or of the controversy, respectively, filed with the board of arbitration. Such settlement shall be effective for at least 6 months from the date thereof. In case of failure or refusal of the parties to execute such an arbitration agreement, the Board shall name the arbitrators and shall present to the board of arbitration a submission in behalf of the parties which shall conform as nearly as may be to the requirements for an arbitration agreement. Neither a board of arbitration named pursuant to the arbitration agreement nor a board of arbitration appointed by the Federal Mediation Board shall be limited or restrained in the exercise of its power to make a binding award by the failure-or refusal of any party, or of all parties, to participate in the proceedings.

"(c) The provisions of section 7 Second through section 9 of the Railway Labor Act, as amended (U. S. C., title 45, secs. 157 Second through sec. 159), shall govern arbitration conducted under this section to the extent that such provisions are not inconsistent with this section. Where used in the aforesaid sections of the Railway Labor Act, for the purposes of this section the term 'carrier or carriers' shall mean the employer or employers parties to the dispute and/or their representatives; the term 'employees' shall mean the employees parties to the dispute and/or their representatives; the term 'board of arbitration' shall mean such boards established under this section; the term 'Mediation Board' shall mean the Federal Mediation Board, and the term 'chapter' or 'act' shall mean this section.

"(d) Notwithstanding the provisions of the Railway Labor Act, for the purposes of this section—

"(1) a board of arbitration shall have the power to grant or deny in whole or in part the relief sought by any parties on any question submitted;

"(2) the provisions of section 7 (f) of the Railway Labor Act, as amended (U. S. C., title 45, sec. 157 (f)), relating to filing the award with the Interstate Commerce Commission and to the effect of such award on the powers and duties of the Commission, for the purposes of this section shall be applicable only to awards in proceedings under this section to which carriers subject to the jurisdiction of the Commission are parties: *Provided, however,* That in all proceedings under this section involving carriers or public utilities whose rates are fixed by governmental agency, a certified copy of the award shall also be furnished to such agency and no such award shall be construed to diminish the powers and duties of such agency: *Provided, further,* That in the case of any award which grants an increase in wages or salaries, a copy of the proposed award, together with copies of the papers and proceedings and a transcript of the evidence taken at the hearings, all certified under the hands of at least a majority of the arbitrators, shall, before the award is filed for judgment thereon, be furnished to the Stabilization Administrator while such office exists and a certified copy of such proposed award shall also be furnished the parties. The Stabilization Administrator, if in his judgment such action is necessary to prevent wage or salary increases inconsistent with the purposes of the Stabilization Act of 1942, as amended, shall have the authority to require by directive that the board of arbitration reduce its award to such maximum increases as in his judgment are consistent with the purposes of said act. Failure on the part of the Stabilization Administrator to exercise such authority within 15 days after the receipt of the award, papers, proceedings, and transcript and to issue such directive to the board of arbitration shall be deemed approval of such increase for all purposes under the stabilization laws and Executive orders and regulations issued thereunder. As soon as practicable after receipt of the directive from the Stabilization Administrator the board of arbitration shall amend its proposed award accordingly and issue the award so amended as a final award and the same procedural and substantive provisions shall apply thereto as to any award under this section, except that no award shall be held not to comply with the stipulations of the agreement to arbitrate or of the submission in behalf of the parties by the Federal Mediation Board because of the time consumed in conforming to this proviso or because the award grants or denies wage or salary increases in conformity with the directive of the Stabilization Administrator;

"(3) in the case of an arbitration agreement providing for a board of seven arbitrators the parties shall choose four and the arbitrators or the Federal Mediation Board, as the case may be, shall name three all in the manner provided in section 7 Second (b) of the Railway Labor Act aforesaid.

"(e) If an award is set aside in whole or in part and the parties do not agree upon a judgment to dispose of the subject matter of the controversy, the Federal Mediation Board shall reinvestigate the matter. If it makes the findings described in subsection (a) of this section, it shall so notify the President. The President is then authorized to require resubmittal of the matters in dispute to arbitration pursuant to the provisions of this section and further to require that no person who was a member of the previous board of arbitration shall serve on the new board.

"(f) The duties of employers and employees and their representatives involved in the dispute, and the penalties for breach thereof, as set forth in section 3 of this act, shall continue from the date of the requirement of submittal to arbitration until the entry of final judgment upon an award, or until termination of the proceeding by written settlement, as the case may be. Any such settlement as well as settlement of particular questions by agreement of the parties at any stage of the proceedings shall be enforceable under the provisions of this act relating to enforcement of collective bargaining contracts.

"(g) Unless in the arbitration agreement the parties stipulate for a longer period, an award shall continue in force for 6 months from the entry of final judgment thereon. During such period it shall be the duty of the employers and employees and their representatives involved in the dispute to adhere to the terms of the award and to refrain from strikes, lock-outs, and concerted slowdowns of production. Section 3, subsections (c), (d), and (e) of this act shall exclusively govern any breach of such duties."

On page 7, after line 19, insert the following new subsection:

"(h) Notwithstanding the provisions of the National Labor Relations Act exempting employers subject to the Railway Labor Act, as amended, and subsection (f) and (g) of this section, any such employer who violates the duties imposed upon him by subsections (f) and (g) of this section shall be subject to the penalties therefor to the same extent and in the same manner hereinbefore provided for employers, and any employee of an employer subject to the Railway Labor Act, as amended, who violates the duties imposed upon him by the subsections aforesaid shall lose his status as an employee of the employer engaged in the particular labor dispute in connection with which such employee's violation occurred for the purposes of the Railway Labor Act, as amended: *Provided,* That such loss of employee status for such employee shall terminate if and when he is reemployed by such employer.

"(i) Impeachment of awards under this section, provided for by reference, shall be the exclusive method of judicial review thereof."

Mr. McCLELLAN. Mr. President, I send to the desk several amendments to the pending bill and ask that they lie on the table and be printed, and that the reading of the amendments be waived under rule XXII.

The PRESIDING OFFICER. The amendments will be printed in the RECORD as if read, and regarded as in compliance with rule XXII.

The amendments intended to be proposed by Mr. McCLELLAN are as follows:

Amendments intended to be proposed by Mr. McCLELLAN to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: On page 19, line 12, after the word "Act" insert a comma and the following: "except the provisions hereof relating to compulsory arbitration."

On page 24, before the period in line 22, insert a comma and the following: "except as otherwise provided by the provisions of this act relating to compulsory arbitration."

At the proper place in the bill insert a new section as follows:

"SEC. —. (a) Whenever the Board certifies to the President that (1) there exists between an employer, which is a public utility whose rates are fixed by a governmental agency, State or Federal, or which is engaged in the business of transportation or communications or in the production of coal, oil, or steel, and its employees, a labor dispute which obstructs, hinders, or burdens the flow of commerce, or which threatens to obstruct, hinder, or burden the flow of commerce, or which results in a serious threat to the national economy, and (2) that the parties or either of them have refused to agree voluntarily to submit the controversy to arbitration as provided in section 5 (c), the President shall issue an order directing the parties to submit such controversy to arbitration in the manner provided in subsection (b).

"(b) Upon the issuance of an order by the President under subsection (a), each of the parties named in such order shall, within 5 days, submit to the Arbitration Board created under subsection (c) a clear and concise statement of the issues in controversy, together with a statement of their respective positions with respect thereto. The Arbitration Board shall thereupon hold hearings and take such testimony as it deems pertinent to the determination of the issues in controversy, and, not later than 30 days after the date of the issuance of such order of the President, shall render and certify to the

National Labor Relations Board its decision concerning the settlement of such controversy. Upon such certification the National Labor Relations Board shall issue an order directing the parties to comply with the decision of the Arbitration Board concerning the settlement of such labor dispute. Such order shall be in effect for a period of 1 year following the date of its issuance. If either of the parties shall fail or refuse to comply with such order of the National Labor Relations Board, the Board shall have power to petition any circuit court of appeals (including the United States Court of Appeals for the District of Columbia), or if all the circuit courts of appeals to which application may be made are in vacation, any district court of the United States (including the United States District Court for the District of Columbia), within any circuit or district, respectively, wherein such party resides or transacts business, for the enforcement of such order. Upon the filing of such petition, the proceedings in, and the jurisdiction and powers of, the court shall be the same as in proceedings for enforcement of orders of the Board under section 10 (e) of the National Labor Relations Act. No labor organization which fails or refuses to comply, or the members of which fail or refuse to comply, with an order issued by the National Labor Relations Board under this section, or the members of which engage in a strike or other concerted stoppage or slowdown of work during the pendency of proceedings under this section, shall be entitled to any rights, privileges, or benefits under the National Labor Relations Act.

"(c) There is hereby created an arbitration board to be composed of 25 members appointed by the President by and with the advice and consent of the Senate. Members of the arbitration board shall serve for a term of 5 years, except that (1) of the members first appointed, five shall be appointed for a term of 1 year, five for a term of 2 years, five for a term of 3 years, five for a term of 4 years, and (2) a member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. Members shall be paid compensation at the rate of $25 per diem and shall be reimbursed for any travel, subsistence, or other necessary expenses incurred while engaged in the business of the board. The board shall have authority to sit and act at such places as it may determine, having in mind the convenience of the parties, and shall sit in panels composed of five members. A panel in any case shall be composed of members of the board selected and agreed upon by both or all the parties to the controversy except that if the parties are unable to agree upon the composition of such panel within 5 days after the issuance of the President's order under subsection (a), the members thereof shall be selected by lot from among the members of the board. A decision rendered in any case by a majority of the members of a panel shall be the decision of the board for the purposes of this section."

THE SCHOOL-LUNCH PROGRAM—CONFERENCE REPORT

Mr. TAYLOR obtained the floor.

Mr. RUSSELL. Mr. President, will the Senator from Idaho yield?

Mr. TAYLOR. I am happy to yield to the Senator from Georgia if I do not thereby lose the floor.

Mr. RUSSELL. I certainly shall endeavor to protect the Senator in that respect. I am not one of those who believe in taking Senators from the floor. I am a great believer in the right of free speech and unlimited debate in the Senate.

Mr. TAYLOR. I thank the Senator.

Mr. RUSSELL. I wonder whether the Senator will permit me to request that the Senate take up consideration of a conference report on the school-lunch program measure. I do not think consideration of the report will require any time at all.

Mr. President, with the permission of the Senator, I ask unanimous consent to present the conference report, if I may do so without jeopardizing the right of the Senator from Idaho to the floor.

Mr. TAYLOR. That is agreeable to the Senator from Idaho.

There being no objection, Mr. RUSSELL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3370) to provide assistance to the States in the establishment, maintenance, operation, and expansion of school-lunch programs, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "That this Act may be cited as the 'National School Lunch Act'.

"DECLARATION OF POLICY

"SEC. 2. It is hereby declared to be the policy of Congress, as a measure of national security, to safeguard the health and well-being of the Nation's children and to encourage the domestic consumption of nutritious agricultural commodities and other food, by assisting the States, through grants-in-aid and other means, in providing an adequate supply of foods and other facilities for the establishment, maintenance, operation, and expansion of nonprofit school-lunch programs.

"APPROPRIATIONS AUTHORIZED

"SEC. 3. For each fiscal year, beginning with the fiscal year ending June 30, 1947, there is hereby authorized to be appropriated, out of money in the Treasury not otherwise appropriated, such sums as may be necessary to enable the Secretary of Agriculture (hereinafter referred to as 'the Secretary') to carry out the provisions of this Act.

"APPORTIONMENTS TO STATES

"SEC. 4. The sums appropriated for any fiscal year pursuant to the authorization contained in section 3 of this Act, excluding the sum specified in section 5, shall be available to the Secretary for supplying, during such fiscal year, agricultural commodities and other foods for the school-lunch program in accordance with the provisions of this Act. The Secretary shall apportion among the States during each fiscal year not less than 75 per centum of the aforesaid funds made available for such year for supplying agricultural commodities and other foods under the provisions of this Act, except that the total of such apportionments of funds for use in Alaska, Territory of Hawaii, Puerto Rico, and the Virgin Islands shall not exceed 3 per centum of the funds appropriated for agricultural commodities and other foods for the school-lunch program. Apportionment among the States shall be made on the basis of two factors: (1) The number of school children in the State and (2) the need for assistance in the State as indicated by the relation of the per capita income in the United States to the per capita income in the State. The amount of the initial apportionment to any State shall be determined by the following method: First, determine an index for the State by multiplying factors (1) and (2); second, divide this index by the sum of the indices for all the States; and, finally, apply the figure thus obtained to the total funds to be apportioned. For the purpose of this section, the number of school children in the State shall be the number of children therein between the ages of five and seventeen, inclusive; such figures and per capita income figures shall be the latest figures certified by the Department of Commerce. For the purposes of this Act "school" means any public or nonprofit private school of high-school grade or under and, with respect to Puerto Rico, shall also include nonprofit child-care centers certified as such by the Governor of Puerto Rico. If any State cannot utilize all funds so apportioned to it, or if additional funds are available under this Act for apportionment among the States, the Secretary shall make further apportionments to the remaining States in the same manner.

"SEC. 5. Of the sums appropriated for any fiscal year pursuant to the authorization contained in section 3 of this Act, $10,000,000 shall be available to the Secretary for the purpose of providing, during such fiscal year, nonfood assistance for the school-lunch program pursuant to the provisions of this Act. The Secretary shall apportion among the States during each fiscal year the aforesaid sum of $10,000,000, and such apportionment among the States shall be on the basis of the factors, and in accordance with the standards, set forth in section 4 with respect to the apportionment for agricultural commodities and other foods. The total of such funds apportioned for nonfood assistance for use in Alaska, Territory of Hawaii, Puerto Rico, and the Virgin Islands shall not exceed 3 per centum of the funds appropriated for nonfood assistance in accordance with the provisions of this Act.

"DIRECT FEDERAL EXPENDITURES

"SEC. 6. The funds appropriated for any fiscal year for carrying out the provisions of this Act, less not to exceed 3½ per centum thereof hereby made available to the Secretary for his administrative expenses and less the amount apportioned by him pursuant to sections 4, 5, and 10, shall be available to the Secretary during such year for direct expenditure by him for agricultural commodities and other foods to be distributed among the States and schools participating in the school-lunch program under this Act in accordance with the needs as determined by the local school authorities. The provisions of law contained in the proviso of the Act of June 28, 1937 (50 Stat. 323), facilitating operations with respect to the purchase and disposition of surplus agricultural commodities under section 32 of the Act approved August 24, 1935 (49 Stat. 774), as amended, shall, to the extent not inconsistent with the provisions of this Act, also be applicable to expenditures of funds by the Secretary under this Act.

"PAYMENTS TO STATES

"SEC. 7. Funds apportioned to any State pursuant to section 4 or 5 during any fiscal year shall be available for payment to such State for disbursement by the State educational agency, in accordance with such agreements not inconsistent with the provisions of this Act, as may be entered into by the Secretary and such State educational agency, for the purpose of assisting schools of that State during such fiscal year, in supplying (1) agricultural commodities and other foods for consumption by children and (2) nonfood assistance in furtherance of the school-lunch program authorized under this Act. Such payments to any State in any fiscal year during the period 1947 to 1950, inclusive, shall be made upon condition that each dollar thereof will be matched during

such year by $1 from sources within the State determined by the Secretary to have been expended in connection with the school-lunch program under this Act. Such payments in any fiscal year during the period 1951 to 1955, inclusive, shall be made upon condition that each dollar thereof will be so matched by one and one-half dollars; and for any fiscal year thereafter, such payments shall be made upon condition that each dollar will be so matched by $3. In the case of any State whose per capita income is less than the per capita income of the United States, the matching required for any fiscal year shall be decreased by the percentage which the State per capita income is below the per capita income of the United States. For the purpose of determining whether the matching requirements of this section and section 10, respectively, have been met, the reasonable value of donated services, supplies, facilities, and equipment as certified, respectively, by the State educational agency and in case of schools receiving funds pursuant to section 10, by such schools (but not the cost or value of land, of the acquisition, construction, or alteration of buildings, of commodities donated by the Secretary, or of Federal contributions), may be regarded as funds from sources within the State expended in connection with the school-lunch program. The Secretary shall certify to the Secretary of the Treasury from time to time the amounts to be paid to any State under this section and the time or times such amounts are to be paid; and the Secretary of the Treasury shall pay to the State at the time or times fixed by the Secretary the amounts so certified.

"STATE DISBURSEMENT TO SCHOOLS

"SEC. 8. Funds paid to any State during any fiscal year pursuant to section 4 or 5 shall be disbursed by the State educational agency, in accordance with such agreements approved by the Secretary as may be entered into by such State agency and the schools in the State, to those schools in the State which the State educational agency, taking into account need and attendance, determines are eligible to participate in the school-lunch program. Such disbursement to any school shall be made only for the purpose of reimbursing it for the cost of obtaining agricultural commodities and other foods for consumption by children in the school-lunch program and nonfood assistance in connection with such program. Such food costs may include, in addition to the purchase price of agricultural commodities and other foods, the cost of processing, distributing, transporting, storing, or handling thereof. In no event shall such disbursement for food to any school for any fiscal year exceed an amount determined by multiplying the number of lunches served in the school in the school-lunch program under this Act during such year by the maximum Federal food-cost contribution rate for the State, for the type of lunch served, as prescribed by the Secretary.

"NUTRITIONAL AND OTHER PROGRAM REQUIREMENTS

"SEC. 9. Lunches served by schools participating in the school-lunch program under this Act shall meet minimum nutritional requirements prescribed by the Secretary on the basis of tested nutritional research. Such meals shall be served without cost or at a reduced cost to children who are determined by local school authorities to be unable to pay the full cost of the lunch. No physical segregation of or other discrimination against any child shall be made by the school because of his inability to pay. School-lunch programs under this Act shall be operated on a nonprofit basis. Each school shall, insofar as practicable, utilize in its lunch program commodities designated from time to time by the Secretary as being in abundance, either nationally or in the school area, or commodities donated by the Secretary. Commodities purchased under the authority of section 32 of the Act of August 24, 1935 (49 Stat. 774), as amended, may be donated by the Secretary to schools, in accordance with the needs as determined by local school authorities, for utilization in the school-lunch program under this Act as well as to other schools carrying out nonprofit school-lunch programs and institutions authorized to receive such commodities.

"SEC. 10. If, in any State, the State educational agency is not permitted by law to disburse the funds paid to it under this Act to nonprofit private schools in the State, or is not permitted by law to match Federal funds made available for use by such nonprofit private schools, the Secretary shall withhold from the funds apportioned to any such State under sections 4 and 5 of this Act the same proportion of the funds as the number of children between the ages of five and seventeen, inclusive, attending nonprofit private schools within the State is of the total number of persons of those ages within the State attending school. The Secretary shall disburse the funds so withheld directly to the nonprofit private schools within said State for the same purposes and subject to the same conditions as are authorized or required with respect to the disbursements to schools within the State by the State educational agency, including the requirement that any such payment or payments shall be matched, in the proportion specified in section 7 for such State, by funds from sources within the State expended by nonprofit private schools within the State participating in the school-lunch program under this Act. Such funds shall not be considered a part of the funds constituting the matching funds under the terms of section 7.

"MISCELLANEOUS PROVISIONS AND DEFINITIONS

"SEC. 11. (a) States, State educational agencies, and schools participating in the school-lunch program under this Act shall keep such accounts and records as may be necessary to enable the Secretary to determine whether the provisions of this Act are being complied with. Such accounts and records shall at all times be available for inspection and audit by representatives of the Secretary and shall be preserved for such period of time, not in excess of five years, as the Secretary determines is necessary.

"(b) The Secretary shall incorporate, in his agreements with the State educational agencies, the express requirements under this Act with respect to the operation of the school-lunch program under this Act insofar as they may be applicable and such other provisions as in his opinion are reasonably necessary or appropriate to effectuate the purposes of this Act.

"(c) In carrying out the provisions of this Act, neither the Secretary nor the State shall impose any requirement with respect to teaching personnel, curriculum, instruction, methods of instruction, and materials of instruction in any school. If a State maintains separate schools for minority and for majority races, no funds made available pursuant to this Act shall be paid or disbursed to it unless a just and equitable distribution is made within the State, for the benefit of such minority races, of funds paid to it under this Act.

"(d) For the purposes of this Act—

"(1) 'State' includes any of the forty-eight States and the District of Columbia, Territory of Hawaii, Puerto Rico, Alaska, and the Virgin Islands.

"(2) 'State educational agency' means, as the State legislature may determine, (a) the chief State school officer (such as the State superintendent of public instruction, commissioner of education, or similar officer), or (b) a board of education controlling the State department of education; except that in the District of Columbia it shall mean the Board of Education, and except that for the period ending June 30, 1948, 'State educational agency' may mean any agency or agencies within the State designated by the Governor to carry out the functions herein required of a State educational agency.

"(3) 'Nonprofit private school' means any private school exempt from income tax under section 101 (6) of the Internal Revenue Code, as amended.

"(4) 'Nonfood assistance' means equipment used on school premises in storing, preparing, or serving food for school children."

And the Senate agree to the same.

RICHARD B. RUSSELL,
J. H. BANKHEAD,
ARTHUR CAPPER,
ALLEN J. ELLENDER,
GEORGE D. AIKEN,
Managers on the Part of the Senate.

JOHN W. FLANNAGAN, Jr.
CLIFFORD R. HOPE,
STEPHEN PACE,
AUG. H. ANDRESEN,
ORVILLE ZIMMERMAN,
HAROLD COOLEY,
Managers on the Part of the House.

Mr. RUSSELL. Mr. President, I ask unanimous consent for the immediate consideration of the report.

Mr. WHITE. Mr. President, is it a unanimous report, signed by all the conferees?

Mr. RUSSELL. It is a unanimous report and is signed by all the conferees on the part of both Houses.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. RUSSELL. Mr. President, I move the adoption of the report.

The report was agreed to.

MEDIATION OF LABOR DISPUTES

The Senate resumed consideration of the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes.

Mr. TAYLOR. Mr. President, on yesterday I had a prepared statement which I intended to present, but in the excitement last evening it became lost in the shuffle; and the hour was so late that I decided to let it go until today. At this time I should like to proceed with it.

Mr. President, no vote that I have cast this session gives me greater satisfaction and pride in retrospect than my negative vote on the Lea bill, the so-called anti-Petrillo bill. On the final vote, you will recall, only three Members voted against the bill, the Senator from Vermont [Mr. AIKEN], the Senator from Washington [Mr. MITCHELL], and I. I debated the bill for 4 hours with the Senator from Colorado [Mr. JOHNSON], and I tried to convince my colleagues that the bill was unconstitutional, unworkable, and badly drafted. I consulted in advance with several students of labor and radio problems. All of them told me that the bill was clearly unconstitutional; but, as friends, they advised me not to take up the fight. "Petrillo," they assured me, "is the most unpopular man in the country today, and if you do not join the pack and bark at him, you will miss a chance for acclaim from press and radio. Since the bill is obviously invalid, you might just as well vote for it and leave it to the courts to throw it out." I did not heed that warning, much as I appreciated the

kind spirit that prompted it. I do not think that Congress should legislate for the headlines, or reflect the passions of the moment. I do not think we should enact unconstitutional legislation, and rely upon the courts to mop up after us. Upon Congress, as well as upon the judiciary, rests the obligation of protecting the Constitution.

One of my chief concerns in the fight over that bill was for the acting profession and for all those who earn their livelihood in the radio business as actors and singers—I myself having formerly been in that occupation. The Lea bill, if enforced, could do much harm to radio actors; yet their union has been accused of no abuses, and their employment relations have been happy.

This week I had the satisfaction of learning that the radio industry, which espoused and promoted the Lea bill, has begun to realize that, in so doing, it has very definitely "laid an egg" to use one of its own expressions. Tide magazine is a trade paper which speaks for the top crust of the advertising business, which produces practically all of the major network broadcasts. In its May 17 issue, it devotes its leading article to an analysis of the Lea Act and a consensus of opinions of the advertising agencies' lawyers and executives.

Their verdict on the bill does not agree with the majority of the Senate, which thought it was conferring so great a boon on the radio business, but with these experts in the radio business, the three lonesome dissenters. They call the bill a legislative boomerang. Their judgment is based entirely upon self-interest, but it is cool, rather than hysterical self-interest. On reading it, I made a silent wish which I have made many times in the past. I wished that when business leaders have problems which require our attention, they would come to Washington and talk them over with us in person, rather than entrust them to trade associations and lobbyists, who seldom, if ever, exemplify the best or the most authoritative thinking of the industry which they profess to represent. Pressure boys thrive on conflict, rather than on solutions. We have seen this illustrated on many occasions. On the OPA issue, for example, the retail dry goods lobby has been repudiated by most of the large department stores in the country. Advice, consultation, and exchange of views is always helpful to everyone, but pressure campaigns delude both the pusher and the pushed.

The article in Tide is worth reading. It would be well for all of us now to think back to the failure of the anti-Petrillo bill. For we are again being asked to legislate on labor problems in white heat, when passions are high, and when each day's reflection and deliberation is the occasion for whiplash headlines about delay and procrastination. Let us not cook another indigestible hasty pudding.

Mr. President, I ask unanimous consent that the entire article to which I have referred from Tide magazine be printed in the RECORD at this point as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LEA ACT—LEGISLATIVE BOOMERANG?—AN EXAMINATION OF THE ANTI-PETRILLO LAW, WHICH INDICATES THAT IT MAY NOT WORK AT ALL AND MAY BACKFIRE ON THE BROADCASTERS, IF NOT ON THE ADVERTISERS

When Congress passed, and the President signed, the Lea bill last month, they ostensibly sought to get James Caesar Petrillo and bounce his American Federation of Musicians out of one of the deepest, softest feather beds in United States industry. However, competent radio attorneys who have studied the law say that Congress failed on both counts. If not unconstitutional (in violation of the thirteenth, antislavery, amendment), the law, they claim, contains a loophole large enough for Petrillo to drive a brass band through. And there are enough smaller loopholes to make the act appear utterly useless from anyone's standpoint.

The Lea Act was designed, as its proponents announced, to keep Petrillo's union from doing certain specific things for which it is famous. The act makes it a misdemeanor (punishable by a year in jail and/or a $1,000 fine) to "coerce, compel, or constrain" a broadcast licensee:

To hire more employees than he needs to perform actual services.

To pay fees because he fails to employ persons he doesn't need (as when musicians get double fees if one program is broadcast over both an AM and an FM station).

To pay more than once for services performed in broadcasting (as in the case of extra fees for transcribed rebroadcasts).

To pay standby fees.

To refuse to carry noncommercial educational broadcasts (as in the famous case of the Interlochen, Mich., Music Camp which Petrillo kept off the air).

To refuse to carry programs originating overseas.

To pay royalties in connection with making transcriptions.

To restrict the number of records which can be made or used for broadcasting.

To pay fees for the use of transcriptions of live programs. (These last three things apply not only to radio licensees but to everyone else.)

MAJOR VICTORY

The Nation's newspapers found only one basic fault—in a comment typical of papers everywhere—the New York Times complained of the ridiculously narrow scope of the legislation. Justin Miller, president of the National Association of Broadcasters, thought that the act was the radio industry's first major legislative victory. Broadcasting gleefully called the law a momentous victory for all who live by the microphone. The bill was written to take away Jimmy Petrillo's gun. It does just that. It brings an end to AFM pillaging of radio. And one advertising journal made a quaint historical allusion—"Caesar hath met his Brutus."

But it looks as though Brutus came armed this time with a rubber dagger. Attorneys say that the act can't hurt anybody directly, but that indirectly it is succeeding already in making the Congress which passed it and the radio industry which acclaimed it look thoroughly ridiculous; and the same attorneys believe that the industry wouldn't have a snowball's chance in hell if it tried to have the act enforced.

For the joker in the act, and the part which lawyers are looking at closely, is subsection C. It stipulates that the law "shall not be held to make unlawful the enforcement or attempted enforcement, by means lawfully employed, of any contract right heretofore or hereafter existing or of any legal obligation heretofore or hereafter incurred or assumed."

As the bill was discussed in the House, Representative CLARENCE F. LEA, Democrat, of California, explained: "The bill is not intended to prevent bargaining or the entering into contracts between the broadcaster and any other person even for the purposes which are prohibited from being accomplished by coercion under the terms of this bill. Any obligation created by contract thus made, or any obligation that exists as a matter of law against the broadcaster, is subject to enforcement by legal procedures in court. A strike for failure to comply with such a contract would not be in violation of the provisions of this bill."

NO VIOLATION

In other words, if the broadcasters agree to any or all of the practices cited, Petrillo will violate nothing. And, as will be shown, while his current contract lasts, or if and when similar ones go into effect, all the things which Petrillo does and which the proponents of the act dislike, will still apparently be 100 percent legal.

The only possibility of crimping the AFM under this new law, some radio lawyers say, would come up between contracts, while negotiations for new ones are going on. And they say that you don't have to be as sharp as Petrillo to duck any possible prosecution even then.

EXEMPT DEALINGS

He will do this, says NAB's Miller, by going to work on advertisers and agencies. By doing so, he would make his subsequent dealings exempt from the act, since the Lea Act deals primarily with broadcasters; only on a few points (and relatively unimportant ones at that) does it prohibit any "coercion" the musicians might direct against anybody else. Petrillo could use any legal means to get individual contracts with advertisers and agencies.

This opens up a whole new field. Even if he has no real desire to deal directly with advertisers and agencies, Petrillo can scare them by making them think he has. Aside from the trouble it would put them to, and it might be considerable, there likely would be further complicated union disputes—with, for example, those advertisers with closed-shop CIO contracts for their regular workers. Faced with the prospect of dealing with the AFM, it is a cinch the advertisers and agencies will do their utmost to leave the job to the broadcasters.

If a strike for failure to comply with a contract does not violate the act, the question comes up: When would a strike violate the provisions of the law? If in negotiating new contracts Petrillo asks the broadcasters to continue paying added fees for trancriptions, stand-by fees, and so forth, and if the broadcasters refuse, it would probably be illegal for Petrillo to call a strike. That, presumably, would be coercion.

GREATER LIVE FEES

Actually, however, it probably would not be necessary for Petrillo to coerce anyone. The American Federation of Radio Artists, in fighting the Lea bill, showed how to beat that game. Instead of ever suggesting added fees for transcriptions, the AFM or AFRA could simply demand much greater live fees—enough to equal its present live fees plus present transcription fees (plus whatever new increases it felt were coming to it).

In such a case, if the broadcasters balk and the union strikes, there will be no violation. For the union can contend, legally, that the strike is for wages for live performances, has nothing to do with transcriptions, stand-bys, or anything else actually prohibited by the bill.

More likely, however, is a different approach, suggested by Petrillo's attitude toward television. Without demanding anything or negotiating anything, Petrillo has forbidden his musicians to work for television stations. As he sees it, the medium is "not going to grow at the expense of the musicians. As television grows, the musician is going to grow with it, or we are not going to assist in its development." There is no violation obviously and, ironically perhaps, the television stations may have to go to Petrillo for a contract. That makes the law work perfectly—in Petrillo's interest.

INDEFINITE VACATION

To carry that point a notch further, the musicians might easily decide that radio work had become too tiresome and nerve-wracking. So instead of negotiating for new contracts, they might all go on indefinite vacations. Nobody would call them out on strike, of course. Nobody on the union's side would mention the word. And until the broadcasters bring around a new contract, nobody would work.

This, point out the lawyers, puts a whole new complexion on labor relations, thrusts the industry into the position of seeking out the union to get a contract. As long as the law remains on the books, they maintain, it will pay Petrillo to be bashful and dilatory, to refuse to take the initiative. That is, if he wishes to avoid a court test of the act.

ANXIOUS BROADCASTERS

Again, runs the theory, if the broadcasters want to get a reduction in demands for live fees by agreeing to pay for off-the-line or off-the-air transcriptions when used (but only when used), they will have to come to Petrillo to suggest the arrangement. Petrillo, certainly, would want to make them prove their anxiety for this type of a deal before he would agree. Of course he would probably agree, but reluctantly, in order to protect himself against any charges of coercion in connection with extra charges for transcription.

Actually, most of the lawyers except those at the NAB believe that the act would be thrown out on constitutional grounds if Petrillo ever got himself or his boys arrested for "coercion" (as Joseph A. Padway, general counsel of the AFM, hinted might be done). They are even a little dubious that an outraged broadcaster could convince any United States attorney to try to prosecute the case. And, peculiarly, the act has no civil remedies, only criminal penalties, which makes it much more complicated and difficult to enforce.[1]

These same lawyers and others look upon the bill as a phony which not only fails to deliver what it promises but may turn out to be the biggest boner the broadcasting industry ever pulled. They expect that the law will work as badly as the Smith-Connally Act, and that it may really hurt the broadcasters. Like the Smith-Connally Act, they say, the Lea Act served only one need, an emotional one: by passing it, Congress was able to vent its spleen, at least in talk, on a particularly unpopular labor leader. But, they argue, when the law fails to work, Congress' reputation may fall to new depths and the broadcasters may have an infernal, internal revolution.

AUTHORSHIP

They doubt, too, the reports that Charles R. Denny, acting chairman of the Federal Communications Commission, really wrote the bill. More likely, say Government sources, Representative LEA himself, with the help of his fellow Californian, ex-Judge Justin Miller, drew up the legislation.

[1] The difference is that with civil remedies, anyone can sue for relief; but with criminal penalties, action can be brought only by a United States attorney. The antitrust laws contain both civil and criminal clauses, to make them as broadly enforceable as possible.

Miller, who has praised the act all along, also has warned broadcasters to go easy, to make doubly sure of their ground before they try to bring a case to court. And the day President Truman signed the bill, Radio Daily quoted some unidentified "industry spokesman" as warning that "irresponsible or reckless abuse of the bill will certainly ruin the whole thing."

NETWORK FEAR

Aside from Miller, no outstanding radio men have had much to say publicly about the law. Network executives fear an AFM strike more than they detest feather bedding. And some of them share Petrillo's distaste for transcriptions, though not for the same reason. In case of an actual strike, for instance, AFRA members would not cross picket lines set up by musicians. Variety quotes one network executive as saying that 2 weeks of handing out rebates to advertisers would wipe out a network's profits for a year.

On the other hand it might well be economically feasible for an independent station operator to force the issue, even at the possible expense of an AFM strike.

When he was pushing the bill through the Senate successfully a month ago, Senator EDWIN C. JOHNSON (Democrat, Colorado) confessed to one misgiving: although there had been stiff opposition from labor generally, Petrillo himself didn't seem to have any objections. Now the reasons are becoming clear.

In the past Petrillo has always been sure enough of his ground and the discipline of "his boys" not to care what anyone except the members of his union thought. Chances are he hasn't changed much. Though he hasn't had much to say yet, another AFM executive, W. M. Murdoch, of the Toronto Musical Protective Association, made this suggestive comment: "It was one of those bills that sometimes pop up, and on analysis, don't mean anything." Whatever Petrillo was thinking, he was acting in his traditional manner:

THE PETRILLO MANNER

While Congress was busy denouncing him, he told the motion picture companies they would have to hire three times as many musicians as they had, pay them twice as much. (He settled for 30 percent more money, 44 percent more musicians.)

Just after the President signed the bill, Petrillo reiterated his year-old ban on music for television, and again told AFM members that they could not play simultaneously for AM and FM programs without double pay.

And last week the AFM told KROW (Oakland) that University of California students would have to stop using music on their weekly variety radio show unless they hired stand-by musicians.

Mr. TAYLOR. Mr. President, in continuing with the thought that the Congress should not pass measures which would probably be declared unconstitutional at some future time, I feel that, inasmuch as we have been informed that the President of the United States is to address a joint session of Congress tomorrow afternoon at 4 o'clock, it would be very ill-advised for the Senate to continue deliberating at this time upon the pending bill. Almost certainly the President's address to the Members of Congress will be concerned largely with the problem of labor relations and labor legislation. I believe that it would be wise for the Senate now to adjourn until tomorrow afternoon at 4 o'clock, and then meet and listen to what the President has to say before proceeding further.

Mr. President, I can say from practical experience that the thinking of the working people of America is fundamental, and sometimes elemental. Generally speaking, they are not highly educated. I am afraid that many of them have what we might call an inferiority complex, because they do not have many of the things of life which other persons are able to enjoy. They come from the poorer classes, as we sometimes choose to refer to those who work for a living. Under the circumstances I am afraid that repressive labor legislation might result in a terrible strike taking place generally throughout the country, and chaos might be provoked throughout the Nation. Workers are jealous, above all else, of their freedom. From my experience in associating with them, from working with them in the factories, and from my contacts with them in other ways, the one thing of which they are most jealous is their freedom, their privilege to tell John D. Rockefeller, for example, what they think of him if they wish to do so. If they get the idea that someone is trying to tread upon their rights, I fear that the consequences may be disastrous.

I have spent many hours in talking with workers. While there are only a few of them who have read the Constitution and know exactly what are their rights, they have been told over and over again that they do have certain rights, and that they are just as privileged, in many ways, as is the richest man in the country. So, I do not believe that the enactment of legislation, particularly at this moment, would end labor strife. Even if the legislation were eminently fair, coming at the present time when labor is engaged in a great struggle, they would view such legislation as being aimed at them in their struggle with the employers.

It seems to me, Mr. President, that in collective bargaining labor is at a tremendous disadvantage. I have in my mind a picture of an ancient Roman amphitheater. I see the employers on one side of the arena safely in a cage behind bars, and the employees who are bargaining being required to come out on the other side of the arena into the middle of the area where the lions are waiting. The lions are those critics of labor, such as the press, who are always anxious to defame labor. Labor is required to come out into the merciless center of the arena and bargain while the employers are safely back behind the bars. The employers are not making demands; they are only denying them. They do not receive any publicity. They have done nothing spectacular. They have continued to operate their businesses, and would continue to do so by paying the same wages forever if labor did not make demands upon them for increases in the compensation which they receive. So labor gets the headlines. That is the way it is in the United States Senate. A Member of the Senate may introduce constructive measures. That is what he is expected to do. But it does not make the headlines. However, if he opposes violently some measure, or does something which is sensational, he can make the headlines.

I heard someone say the other day—I do not know whether it is true or not—that the late Senator Borah had never

introduced a bill. He always opposed something. He always chose measures which were sponsored by other Senators and opposed them. He was an expert at such things, and he remained constantly in the headlines.

The Senator from Mississippi [Mr. BILBO], in his own inimitable way, does the unusual and the unorthodox all the time. I have noticed that since the able Senator from Mississippi left the Senate and returned to his own State in order to campaign there, practically every day he has been given front-page space in the Washington newspapers merely because he does not do what he is expected to do. That is the position in which the workers find themselves. They are making demands; they want something; so they receive all the publicity while the employers are immune. It places the workers at a serious disadvantage.

Inasmuch as we are so close to the controversy here in the Senate, I think it might be well to have a word from someone who is outside looking at it, and get his idea of what is going on. I should like to read an article from the Washington Daily News of Thursday, May 23. The headline is "In All Fairness," and the article reads:

In the heat whipped up in Congress over labor legislation many things have been said that will not bear the light of cool analysis.

Even in the calmer mood of the minority report on the Senate labor bill, submitted by Senators BALL (Minn.), TAFT (Ohio), and SMITH (New Jersey), all Republicans, there are some inferences that can be challenged, because they concisely express assertions made in other quarters.

"It has always been an axiom of liberalism that unrestrained and unregulated power in the hands of any individual or group is dangerous to democracy and freedom," the report says.

Well and good. Accepted. The report then continues: "Labor unions and their leaders exercise such unrestrained and unregulated power today. The proposals which we are making in these amendments are aimed to be corrective of certain labor practices in the same sense that the anti-trust laws of the early decades of this century were corrective of the abuses of the free-enterprise system.

"Such measures safeguard real freedom. Our amendments are no more against the true interests of enlightened labor unionism than such measures as the Interstate Commerce Commission and the Securities and Exchange Act were against the best interests of business."

Without going here into the amendments, some of which seem helpful, some not, the inference of these statements can be examined with some benefit.

There is general agreement that John L. Lewis has indulged in an exercise of power not commensurate with his responsibility as a union leader and a citizen by his refusal for some time to bargain collectively in the accepted manner.

But the inference from what the Senators say, and others have said it directly, is that national labor leaders are going around calling strikes willy-nilly.

The inference also might be drawn from what the Senators said that power is weighted on the side of labor leaders and unions. That isn't the fact. Our big industry is as powerful, if not more so, than ever, and its power is enhanced by its interconnections. This is proved today in politics of which the best demonstration is what has happened in Congress to measures supported by labor.

Because of their great financial resources, increased by tax refunds, big industries are well able to stand long workless sieges.

The Senators also referred to antitrust laws to regulate business. The truth is, of course, that business continually has been striving to shake off such restrictions.

The irony of it all is that Members of Congress who are so rabid to do something about labor include many who were so anxious to vote huge tax refunds to business, who voted for the insurance antitrust exemption in both House and Senate, who voted for the Bulwinkle bill in the House and are ready to vote for it in the Senate.

Their complaints about labor would come with better grace if they were equally alert to protect the public interest from these other threats. In all the excitement it is only fair to point this out.

Mr. President, that was an article written by Mr. Thomas L. Stokes.

Inasmuch as we are enacting legislation to curb the freedom of labor, I should like to point out that when fascism was riding roughshod across Europe it was the laborers, the labor movement, those who worked with their hands, who were principally responsible for the continuance of the underground movements, the resistance. We very seldom read of any bankers being shot because they were associated with the resistance movements. We very seldom read of any great industrialist being shot because he was out with the Maquis or other elements sabotaging the Nazis. On the other hand, we generally read that the big industrialists, the upper strata, were collaborating with the Nazis, and I am sorry to say that in my opinion in America there are some who would be very happy to have some fascism or nazism here. They did not like Hitler's fascism because the Germans ran it, and in the competitive economic system there is over the world, the boys are out to get their hands on everything they possibly can, and that was the object of Hitler's fascists. The big businessmen financed Hitler because they were having difficulty getting markets and raw materials and colonies by peaceful means, and they decided to go after them by forcible means.

When our own exploiters saw the situation and realized that they were actually in danger of being enslaved themselves, naturally they fought Hitler and helped us by putting their factories at our disposal, although, of course, they did not do it until after they had had a strike of their own, the first one of the war, a sit-down strike, wherein they refused to produce any armaments until they got their cost-plus contracts.

But now that Hitler is safely out of the way, I think some of them would not be averse to having the condition here in America such that the labor unions could be destroyed, and democratic government would give way to totalitarian rule by the big interests of the country. Perhaps I am overly apprehensive, but that is my feeling.

Mr. President, yesterday we adopted an amendment which said that no employer can give anything of value to a representative of any union. I should like to say that I think it is going to be another mistake, along with the Lea bill, something which we will live to regret, because many examples can be cited of arrangements which are now in force in our country, very happy arrangements between employers and their employees, whereby the employers finance, or help finance, many worth-while activities.

It has been pointed out previously that many employers furnish the funds for health-benefit associations and other things of the kind; but I should like to call to the attention of the Senate the fact that it will be impossible for them to continue doing so, because, no matter how the employer may feel about it, if the amendment shall be enacted it will be against the law for him further to continue these activities, and it will be beyond the power of the union to finance the activities; so they will be discontinued.

There are throughout the country literally thousands of baseball, softball, basketball, bowling, tennis, golf, and other athletic leagues or teams which unions manage but which employers finance, at least in part. There are also bands, orchestras, parks, playgrounds, dance halls, and recreation centers which unions operate, but which management helps to finance. There are picnics, boat rides, vacation plans, and, yes, even victory-garden programs, where the union manages the activity, but the company gladly contributes a small or a large part of the cost.

And let me stress that the companies support these projects gladly, voluntarily, and enthusiastically—partly because they take sheer human delight in seeing their people enjoy themselves and partly because they consider it good business.

I do not want anything I said a moment ago, Mr. President, to be construed in any way as a blanket indictment of industrialists. Many of them are great humanitarians. But I do say that even as in Germany, they do have enough power so they could enslave the country. I think there is danger in this country of the same thing happening as in Germany unless we are ever on guard against it.

Let me give some concrete cases. The union of the employees of a retail chain—and this is an example of what would be outlawed by the Byrd amendment which was adopted last night—began to develop a girl's softball league, a tennis league, and later a bowling league, in a large city where such activities were common and where the games drew large crowds. The union officials wanted these activities to prosper for two reasons: First, the girls enjoyed such sports, and secondly, it might be a means for increasing their regard for their union. Teams were organized and the girls began to meet for practice. One day the union manager of a team invited the manager of the chain to come out to watch the girls practice.

When the employer went out to a park to watch his girls perform, in company with the manager of the union, he discovered that there were quite a few ball teams practicing in the same park. He further discovered that some of his competitors had girl teams practicing in the park. All these teams of pretty young

girls were decked out in rather colorful and expensive uniforms. Large crowds came to see the pretty girls and the colorful costumes. But the new team of our friend was not bedecked in pretty uniforms—these girls were playing in cheap makeshift outfits because their union was new and did not have the money to buy them nice uniforms.

This employer was neither a "tight wad" nor was he blind to the business factors involved in the situation. He saw that large crowds of people watched these girl teams, and that the teams were known by the names of their companies. He at once saw the possibilities for advertising through an attractive and successful team. He furthermore had the good sense to know that girl employees who came to like the athletic activities would tend to stay on the job and would not drift away to other employment. He promptly proposed that since the union did not have the money to "doll-up" their girls, the company would like to help by supplying the teams with the prettiest outfits obtainable. There was an activity which doubtless created a great deal of good will between the employer and the union. But now, by the adoption of the Byrd amendment, we have outlawed such a thing absolutely. Anything of that nature henceforth is against the law.

This retail management didn't want to bother with the problems or organizing and managing athletic teams. They merely wanted their girls to have attractive and successful teams. They merely wanted their girls to enjoy the sports. They much preferred that the girls, through their union, manage their own sports, while the company makes a cash contribution and watches the game from the side lines.

Mr. President, the legislation before the Senate would not permit that management to give their own employees pretty uniforms.

A famous manufacturer of sweet goods maintained in connection with one of their American plants a generous program of financing picnics and outings, for the families of employees. The primary objective of the company was to prevent labor turn-over in their plant. By trying to win the good will of the entire family of an employee, through these picnics and outings, management hoped to cut down labor turn-over, which was quite costly to them.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. TAYLOR. I yield, if by so doing I do not lose the floor.

Mr. REVERCOMB. Mr. President, I ask unanimous consent that the Senator from Idaho may not lose the floor by yielding to me.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. REVERCOMB. I thank the Senator from Idaho for yielding at this time. On behalf of the Senator from Massachusetts [Mr. SALTONSTALL] and myself, I offer an amendment to the pending amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The LEGISLATIVE CLERK. On page 4 of the so-called Ball amendment, at the end of line 12, it is proposed to strike out the period, insert a colon, and add the following:

nor shall the quitting of labor by an employee or employees in good faith because of the abnormally dangerous conditions for work of the place of employment of such employee or employees de deemed a strike under this section.

Mr. REVERCOMB. I may say that earlier today the Senator from Massachusetts [Mr. SALTONSTALL], on behalf of himself and the Senator from West Virginia, offered an amendment to the pending amendment offered by the Senator from Minnesota [Mr. BALL] and other Senators. I am now authorized on behalf of the Senator from Massachusetts to withdraw that amendment, and to offer the amendment which I just sent to the desk and which was just read.

The PRESIDING OFFICER. Without objection, the amendment will be received.

Mr. BALL. Mr. President, will the Senator from Idaho yield to me?

Mr. TAYLOR. I yield.

Mr. BALL. As one of the authors of the pending amendment, I am perfectly willing to accept the amendment just offered by the Senator from West Virginia on behalf of himself and the Senator from Massachusetts. I think it states what is the purpose of our amendment, and I accept it, and ask that our amendment, as modified by the additional language just read, be reprinted.

The PRESIDING OFFICER. Without objection, the amendment will be modified accordingly, and will be reprinted as requested by the Senator from Minnesota. The previous amendment offered by the Senator from Massachusetts on behalf of himself and the Senator from West Virginia is withdrawn.

Mr. REVERCOMB. Mr. President, will the Senator from Idaho further yield to me?

Mr. TAYLOR. Yes; I yield.

Mr. REVERCOMB. I want to thank the Senator from Minnesota for accepting the amendment as a modification of his amendment. I also wish to thank the Senator from Idaho for yielding and giving me the opportunity to present the amendment.

I now ask unanimous consent, Mr. President, that the amendment which has just been accepted by the Senator from Minnesota as a modification of his amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

On page 4 of the so-called Ball amendment, at the end of line 12, strike out the period, insert a colon, and add the following:

"Nor shall the quitting of labor by an employee or employees in good faith because of the abnormally dangerous conditions for work of the place of employment of such employee or employees be deemed a strike under this section."

Mr. TAYLOR. Mr. President, I was just recounting the case of a candy manufacturer who was in the habit of financing picnics for the benefit of his employees as a part of his labor-relations program. On the side this employer had another motive, namely, to keep a union out of the plant. But the union succeeded in organizing the plant and in securing a union-shop contract. Within a very short while the union and management were on most cordial terms and the company felt that the union's presence in the plant was more of an asset than a hindrance.

But the families of the employees wanted to keep up the picnics and outings, as doubtless they will even now, but the amendment adopted last evening will bring an end to the picnics. To hold the good will of its members the union felt it should provide such a program. But the union was new and was decidedly limited in funds. It could not afford the elaborate meals, and prizes and other expenses which the company had borne in the past. Furthermore, it was a matter of pride with the union officials that the former company program, which was aimed partly at fighting the union, should not be continued by the company in competition with the union. The union was in a dilemma, it must equal the former outlay of the company, but it did not have the money to do so.

At this juncture, the personnel manager of the company had the good sense to size up the situation and to guess the problem facing the union officials. He also had the good sense to know that any effort by the company to interfere with the union or to embarrass it would be bitterly resented by the union leaders. He proposed to the company that they continue in the company budget the former amount spent on these picnics, but that the money be turned over to the entertainment committee of the union as a good-will contribution of the management. Management further realized that these young union officers might be suspicious of any proposal by management regarding the operation of the picnics. So they suggested that the union completely manage the program, but with company financial aid. Of course, no longer will they be able to have the picnics unless the union is able to foot the bill itself. The Senate of the United States last night adopted an amendment which provides that it shall be against the law for an employer to help finance even a picnic for his union.

Here is another instance where the local situation made it better for all parties that the company contribute money to an activity, but leave its management entirely in the hands of the union. By this method there was less likelihood of friction, and much better prospect for harmony and mutual respect.

I venture to say that the amendment adopted last evening is going to cause far more labor strife than exists now, not because of any great effect it is going to have, but because of little irritations, because management has been in the habit of assisting unions in their recreational programs and health programs and can no longer do so.

Another very interesting illustration of company-financed but union-managed activity is an annual Labor Day parade in a large industrial center. Each year the unions carry on aggressive competition for prizes and honors for the best display and floats in the parade, which

is strictly a union show. These parades have become such colorful spectacles that it is estimated that between a million and two million people gather along miles of streets to watch the spectacle. Union committees spend much time and energy trying to figure out clever and unusual displays to win the coveted prizes.

Now everyone loves a good parade, and that includes the managers of big companies. They like to see their employees put on a good show and win the prizes. So it has become customary for various companies to quietly but most substantially back their own employees' unions. This is particularly true of concerns such as bakeries, dairies, and retail stores which sell directly to the public. They consider it first-rate and relatively inexpensive advertising to have their company names borne by colorful floats in this strictly labor parade. At a recent parade, one big bakery supplied their union with 100 big vans especially painted for the display, plus a beautifully uniformed band and a synthetic loaf of bread that cost more than a thousand dollars and required a tractor-drawn trailer to carry it to victory and the prize. Not to be outdone by a bakery, a nationally known dairy company set its machine shops to work to outdistance that loaf of bread.

Obviously such an activity is an outpouring of good fun and human rivalry of a healthy sort, plus some sense of clever advertising. Equally obvious is the fact that no company wants to share the management of a Labor Day parade. But if there are any parades henceforth, Mr. President, the company must take upon its shoulders part of the responsibility for managing them, or all the persons involved may be sent to the penitentiary. The employers give their money and cheer for their own employees—and hope that many people will see the show. That was in the good old days before the adoption of the Byrd amendment.

We could assemble hundreds of such examples of athletic teams, camp grounds, dance halls, dramatic clubs, and every other conceivable sort of sport or recreational activity that a local group might devise—with employers gladly contributing money, but not wishing to be bothered with any further responsibility for the activity.

Let us examine the development of some typical company health and sick-benefit insurance schemes.

A large midwestern sales agency required a crew of well-trained and above-the-average salesmen, preferably middle-aged men. Companies in the field were in the habit of stealing crack salesmen from each other, by various inducements. The company we are considering decided to set up a fund to help care for the hospital and medical expenses of its employees, plus some provision for salary payments to the family when the breadwinner was laid up for very long. These benefits were open to all salesmen in the employ of the company, provided they agreed verbally to return to work for the company after receiving any benefits under the plan. The fund was entirely supplied and operated by the company, through its personnel department. The amount of aid to be given was not prescribed by any fixed rules. The company representatives judged each case on its merits.

There were three motives in maintaining the practice: first, the desire to stop labor turn-over; second, the generosity of the owner who had grown up with the business; and third, an effort to keep a salesmen's union from getting into the business. But the union finally secured a contract, after something of a fight. Subsequently, the union and management established very harmonious relations and took up the question of the sick and health benefits. Management was glad to continue contributing the funds, and joint supervision of the outlay was established. But this did not work well at all. Some of the more "militant" union members were always complaining that a particular family had not received a sufficiently generous allowance, and blamed the representatives of management for "discriminating" against that family because of some past alleged grievance or grudge. There were endless arguments, making for ill will. It was obviously necessary either to discontinue the benefit fund or to find some less damaging method of supervision. Management did not wish to discontinue the fund, for that would lay them open to recrimination and would lose them the values in lowered labor turn-over.

At this juncture the management proposed that a union committee accept complete responsibility for administering the funds. By this means they confined all arguments over the amount of benefits within union circles, thereby removing the only bone of contention between the union and management.

Those who have not had practical experience in such matters may say that such an arrangement is an unprincipled method; but the experience of many companies shows that it works better than joint management in many instances.

Very similar results flowed from a plant hospital. A large establishment built a small private hospital for employees and their families. Limited medical service and less limited hospital services were rendered employees. The company considered the investment as profitable in reducing labor turn-over. The costs were borne by a pay-roll tax which took 1 cent from the employee and 2 cents from management. The services were administered by the company, with an advisory committee of employees picked by the personnel department.

When the union came in, the services were continued on the old basis. But more cantankerous individual union members were always filing grievances against the way the hospital was operated. They particularly charged that the head physician was incompetent, was a company stooge, and so forth. After some careful consideration by an intelligent personnel department, the company decided to propose to the union that they assume complete responsibility for management of the services, with a lump-sum contribution from management, to be supplemented by any amount the union chose to take from its own members. Management figured that it is much easier to criticize the other fellow's work than your own—and that complete responsibility for administration by the union would tone down their attitude. The joke of the story is that the union committee cracked down on union members tending to abuse the privileges more than management had ever done, and wound up rehiring the same physician in charge.

That is only an example, Mr. President, showing that it will be very difficult in many instances to have joint administration of many of these undertakings and projects which have been a part of American industry. If labor administers these funds, then it is responsible, and if there is any criticism it does not add to the dissatisfaction on the part of labor with management. It does not help to build up ill will. It is a matter within the union. But if all these countless thousands of good-will projects now have to be administered jointly, instead of being projects creating good will they will become bones of contention, and will help to create ill will, out of which probably many major strikes will arise over some matter which at first was petty.

We could give many other illustrations of this same principle. When a union and a company honestly sit down together and seek the best possible manner for administering some fund benefiting employees, many times the best way to remove the entire matter from the area of union-management friction is to make the employees feel that they are completely responsible. Divided responsibility often becomes a fruitful source of friction. Placing the union members completely in charge leaves them no one to criticize but themselves if anything goes wrong. They also feel a greater sense of ownership and responsibility; and do a better job.

That ties in with what I stated a while ago, Mr. President, that people who labor with their hands sometimes have an inferiority complex and feel overaggressive and assertive, trying to overcome the feeling "I am just as good as the other fellow if I just had the breaks he had." When the employees are permitted to participate in these activities, and have the opportunity to manage something, they tend to feel more friendly toward those who are managing the plant. In other words, they begin to share the problems of management. But now we will not even let them have that small boost to their ego. We are going to deprive them of the pleasure even of administering petty funds for picnics, and one thing and another.

A large wholesale house with several hundred employees was a self-insurer, with a sick-benefit fund. While it is probably true that management administered the fund reasonably well and with practical fairness, there were always charges and rumors of favoritism. That is the point I wish to bring out, Mr. President. Even if management administers these funds well, labor will be found criticizing management because there is an opportunity to criticize; and there is really no need for a situation which causes friction, if the unions are permitted to manage these matters for

themselves. Discontent with the administration of the superintendent became a prominent factor in leading employees to turn to a union that happened along about that time. Anxious to prevent organization of their plant, the management built a company union and delegated to it considerable authority over the sick-benefit fund. But low wages finally led the company union to bolt, en masse, to a bona fide union.

When the company and the union finally negotiated a contract and established fairly friendly relations, the management of the sick-benefit plan—the funds for which were contributed by the company as a percentage of the pay roll—was handed back to the company. But immediately grievances began to pour in. The more militant and noisy union members charged the company with discriminating in favor of "company pets." The union voted to set up its own sick-benefit fund and to levy on members a flat sum per week. But after some calculations they discovered the cold facts of life, and saw they could not provide very ample benefits.

At this juncture, the management made a farsighted move. It proposed to add its contribution to the union members' more modest sum, to supply an adequate sick-benefit fund, but to leave the management entirely in the hands of the union. To tell the whole story, it must be said that a union treasurer did try to run away with $600 of the fund, but he was caught and the funds were restored. At this juncture, the management did not suggest taking back the fund, but merely advised the boys to be careful about bonding all officers and taking the usual precautions.

I could continue this recitation of instances at great length, with infinite variety as to the nature of the funds and the way in which they are administered. In many cases there is mixed responsibility. But also, in many instances, both management and the union are agreed that placing full responsibility on the shoulders of the employees may result in the best atmosphere and the smoothest administration.

Educational programs sometimes become a matter of mutual interest between employers and the union. In a particular instance during the war, a union which organizes skilled workers in small shops decided to open a training school for workers, to enable its members to advance their earning power. But the school was also open to nonunion students wishing to enter the trade. The union felt that this would attract such people to the union. When some of the employers heard of this project by the union, they were greatly interested and most anxious that it succeed. They needed more trained workers. They also guessed that the union had only limited financial resources. Several employers offered to help finance the training school, with the verbal understanding that they be allowed to canvass the students with a view to hiring them. Most of them were small employers who could not afford to set up any kind of training program for themselves, and they had complete confidence in the ability of the union to do a good job. Furthermore, they had no desire to become involved in administering the school. They were quite happy to make modest contributions to its maintenance, and to get their share of the graduates. But, of course, under the Byrd amendment they will no longer be able to help finance the school unless they also assume the responsibility of managing the school; and that, in turn, probably will lead to dissatisfaction on the part of the employees.

In another instance, the union of a department store set up a dramatics club. It aroused considerable interest and began to give little performances at union meetings around town. The club went by the name of the shop where the members worked. The personnel department and the advertising departments of the big store immediately sensed that there was an activity which might be of benefit to both of them. The management proposed to the union that it would be glad to assist the dramatics endeavor financially and with materials. From that time forward the carpenter shop, the display department, and the dress and the clothing departments of the store began to give unlimited help to the play group. Scenery, costumes, printed programs, notices of performances carried in the store ads, and other contributions in kind were given, as well as cash. Here, again, Mr. President, is a human situation. The union and the boss are not fighting each other. They are merely living together. The owner of the store is glad to see his employees have a good time. He is also appreciative of the advertising which a successful play group gives his store name. He used to attend rehearsals personally and applaud "his play company" as enthusiastically as the union leaders applauded. But that employer can no longer contribute to the dramatics club of his employees without becoming a criminal in the eyes of the law as we are writing it at this time.

Employment offices and hiring halls are sometimes productive of joint support by union and management. During the war a union that organizes small shops set up a recruiting program to attract people into their hiring halls, so that they could fill their shops with union members. The union advertised for workers and sent solicitors around to all sorts of meetings to plead with people to work part time or full time to help the war effort. But the union was young and could not afford to invest too much money in such recruiting activities. The employers quickly sensed that this activity was profitable for them, and offered to make cash contributions to the union. Particularly the small employers realized it was far more economical to pool their advertising efforts through the union employment office than to run small ads in the newspapers. They had neither the facilities nor the desire to share in the supervision of the hiring halls. They had the good sense to know that the union would tend to favor the employers who contributed, if it showed any partiality in rationing out the sparse supply of workers.

There was another activity in which the employers found it good business to contribute financially—in that case, to a hiring hall, in order that they might obtain their employees more reasonably than if they individually advertised in the newspapers and conducted their own hiring. But they will no longer be able to do that, because they would be giving something of value to representatives of the union to maintain the hiring hall, and that would be against the law, according to the provisions of the Byrd amendment.

Mr. President, for the benefit of those whose knowledge of labor relations is limited to what they read in the newspapers, let me give a rather unusual illustration of how good labor relations can devise a novel procedure for solving a tough problem.

A large wholesale bakery, with several hundred delivery trucks on the road all the time, is bound to have many traffic accidents. In a particular case, discipline of drivers who had accidents became a serious bone of contention between management and the union. Where the company felt that negligence had produced loss of a vehicle or injury to pedestrians, the management was inclined to discharge the employee or to lay him off for a considerable period of time.

But accidents are bound to happen—as in the case of the Lea bill, I may say—and the union often made a good case for its members' not being to blame for a given accident. Then a bitter fight always ensued between the union grievance committee and the traffic superintendent of the company. The general manager of this company was a former truck driver himself, and he had considerable faith in human beings. He was convinced that some democratic procedure could be devised whereby guilt would be determined with reasonable accuracy, and justice done. Since the company and the union never had serious trouble over anything else, he rightly judged that it was not bad people, but bad procedure, that was causing the friction.

After considerable discussion, the company and the union set up a traffic court to try offenders. After considerable experimentation, they finally arrived at a procedure whereby a jury of union truck drivers could be called to sit in judgment on any case where the normal grievance procedure did not produce a quick settlement. This jury sat over a trial very much like a criminal court. The company, the insurance company, the employee or the union might individually or severally appear before the court, with or without counsel, to argue for or against the offending driver.

The union elected its juries and stood ready to supply them whenever their services were required. But it cost money to take those drivers off their jobs and to assemble them. The company held that this was a legitimate charge against the business, and paid the union the total costs of the trials. Neither the company nor the union would abandon this traffic court.

Now, Mr. President, I want to point out something to the distinguished Senators present. These cases which I have cited may seem quite unorthodox. They may not appear to be the conventional way of handling such matters. They are all an outgrowth of free, democratic discussion by the people on the scene—the union and management in a plant working out what seems to them to be the best way of meeting a problem with which they may be faced. They are American democracy, our free way of life at its best. They do not conform to the usual manner of hiring an insurance company to look after health or sick benefits.

They do not conform to a standard pattern laid down by law, nor by a Government board. They conform to one thing only, namely, the free and cooperative judgment of the employers and the union men on the spot. They are men who sit down together and work out the solution of their problems by a method which works. And, I may say, it works precisely because they figured it out for themselves. Whenever it ceases to work, they meet again and do some more figuring. Out of it comes a result which pleases them, a result which works for them.

The Byrd amendment would extend the long arm of the Federal Government into the private lives of these little people and forbid them to do what they have found it is good for them to do. The sponsors of this legislation are really proposing the most unwarranted of Government interference with private initiative. Here we have unions and employers who have, in good will, good sense, and democratic respect for each other, met and solved their local problem. But it would appear that some Senators would want to break up this wholesome process and compel those persons to conform to some rigid pattern which they hope to devise on this floor.

I repeat that genuine collective bargaining means just such meetings of men of good will, men of good sense, men determined to find a way to overcome by their own common sense all local difficulties.

Mr. President, the present wave of strikes is to be expected. We have gone through a war in which persons kept themselves in restraint. They were compelled to remain steadily on the job. They could not take vacations. They built up pressures within themselves, and the present period of unrest is only one which we should naturally expect. If we want absolutely peaceful, stereotyped, and uniformly regular labor relations in this country, I see only one way in which we may procure them. They cannot be obtained by the Congress passing laws compelling men and women to work. It might be possible to shoot some of the workers, but they would still refuse to work. We must make up our minds that we shall have strikes, and that we must sit them out. We may have to go hungry to some extent if we want to maintain a free country. That is something for which we may be required to pay. On the other hand, if we cherish our personal comfort, and the right to get a letter through to Aunt Millie on time, and other things which we take for granted, we may find that they cannot be easily attained. If we cherish our privileges more than we cherish our free institutions, and insist on everything being done after a pattern, then let us face the situation squarely and scientifically, just as the British have done. Let us socialize our basic key industries such as those which can tie up our economy. We will then know that the workers will remain on the job just as do the employees in the Post Office Department. The Post Office Department has never had a strike. It seems that government is more capable in dealing successfully with labor problems than are the private employers of the Nation. Perhaps some of the basic industries to which I have referred should be socialized. I am not attempting to say which ones should be socialized. But the socialization of our basic industries may be the only way by which we can have absolute peace in connection with labor and industry. We do not have to worry much about the little private enterprises because the employees in those industries may go on strike and thrash out their problems. If one chain of grocery stores is closed down because of its employees going on strike, the consuming public may patronize some other chain of grocery stores. If the services of one garage are no longer available to the patrons of that garage because of a strike of the employees of the garage, the public may go to another garage. We must make up our minds to like the situation and wait patiently for the strikers and the employers to settle their differences.

Mr. President, I make the prediction that no bill which the Senate could pass, no matter how restrictive or how stern it might be, would be of any help at the present time. The Senator from Virginia said that we should do something very stern. We can get just as stern as we please, but it will not force men and women to return to work until they feel that they are getting a square deal.

Mr. President, the Senate should remember that there are thousands of employers and union leaders scattered through the towns and cities of this country who are settling their differences through peaceful means. We never hear of them, precisely because their little local meetings succeed in producing a workable pattern for them.

Do Senators believe that the long arm of the Federal Government should reach out to a little town in Iowa and tell the owner of a grocery store there that he may not give a pretty uniform to the girl clerk who plays on the union ball team? Should this Government tell the owner of a clothing store in Michigan that he may not contribute to a fund which is managed by the union to help his own salesmen when they are sick? If the manager of a brewery wants to pay for the instruments and the uniforms for a snappy brass band to be managed by the union of his own employees, shall we tell him he may not do so?

It is well to remember that America is a vast country, filled with some pretty ingenious people. We have to have traffic laws, but we must be very careful that those laws do not obstruct the free flow of ideas and methods. We must remember that most employers and union men, right on the job where the problem arises, are better able to find a way out than those of us here who never managed a union or a union grievance procedure. The proposed legislation is most unwise, because it is bound to interfere with precisely the kind of collective bargaining that we all profess to desire. It will not accomplish the aim it professes. It will accomplish much harm.

Remembering that there are thousands of shops throughout the country where these health, educational, recreational, and other cooperative programs are in operation, how is any member of the Senate going to justify to the people who are proud of these programs that we have seen fit to outlaw them? How can we justify to any employer or union outlawing something that they know by their own experience is mutually helpful to them and does no one else any conceivable harm? Some of these welfare schemes have been in operation for years, and the community has come to depend upon them. Everyone is happy over them. But some morning they learn that their Congress has outlawed them as being very bad. It does not make sense, and we will never be able to convince these citizens who have done their democratic duty that it makes sense.

I do not believe that we will be able to convince members of management that we have acted wisely when it begins to come home to them what we have really done. Thousands of managers who have participated in these programs for their union members, to help keep them satisfied, to help keep good employer-employee relations, when they find what we have done to them, will begin printing articles in trade papers, like the article I introduced from Tide magazine saying that we acted ridiculously in passing the Lea bill. The very people that bill was passed to benefit are now ridiculing us, saying that we were stupid in the extreme.

I think many people who have written urging that we pass labor legislation, when they find what kind of labor legislation has been passed, that we have ended their good relations with their employees, and made it against the law for them to participate in these programs, will start printing articles in their magazines saying that the Senate went too far, and overstepped the bounds, and that that was not what they wanted.

To be perfectly frank, Mr. President, if we would take the letters which come to Members of Congress saying, "We want you to pass some labor legislation," and would go to the people who wrote the letters, I will wager we would not find one of them in 100 who had any idea what he meant when he said, "Pass some labor legislation." If we should ask what kind of labor legislation, he would be at a total loss. That is just the way Congress is acting. There is a demand, in the newspapers especially, and on the part of many people who have not thought the matter through, that we do something—legislate, pass some labor legislation. So the Congress frantically starts legislating, without any idea of what it is legislating about.

The amendment of the Senator from Virginia was the most outstanding example. It was offered, then the able Senator from Florida [Mr. PEPPER] started pointing out idiosyncrasies and flaws and faults in the amendment. Then, its sponsors would take it out and amend that part of it; then, they would bring it back, and the Senator from Florida [Mr. PEPPER] would read it again and point out something else that was the matter with it, either just downright silly, or probably unconstitutional. They would then take it out and amend it some more. Four or five times they had to repair to the cloakroom with the amendment and feverishly work on it, then, they would bring it back and the Senator from Florida would work on it. That is the spirit of this whole proceeding. It does not make any difference who wrote the amendment or who offered it or what it is about, let us pass it. Pass it. Do not even have any debate on it.

Last night our opponents tabled one amendment offered by those of us who are trying to make the bill a workable measure. They would not even give us an opportunity to set forth the merits of the amendment. They were so anxious to get busy and pass something, the Byrd amendment, in that instance, which had been amended until it did not resemble what it started out to be at all, they were so anxious to adopt it, because it had the reputation of taking a sock at labor, and they wanted to get at that one right away, that they would not even consider an amendment offered in an effort to improve the bill, as we have tried to improve it, or make it less obnoxious, at least, by pointing out flaws and defects in the amendment of the Senator from Virginia.

Mr. President, I shall close now, but I have a poem here I wish to enter in the RECORD. Ordinarily I would simply insert the poem, but I truly think it is worth reading aloud to the Senate, or I would not read it. I am not doing this to consume time, but I feel that the poem is worth reading.

This poem was presented to a convention of World Federalists at Chicago, Ill., April 28, 1946. The chairman of the convention said:

The Chair recognizes Silas Blake Axtell, delegate from New York.

I may say that I have had the pleasure of meeting Mr. Axtell, who is a very fine gentleman, a capable lawyer, and a devout believer in world government. Mr. Axtell read this poem, which was written by Elva Just:

The people died. It was the people's war.
Why did they die? What were they dying for?
Why are the people always asked to die?
Who are the people? You, and You, and I!
Our children yet unborn! Then—let us rise!

In God's name, let us rise up and declare
An end of war before the whole world dies!
Come out! Come out, to every village square!
Come out from factories and homes, and schools!
Bring out your laws, bring out your dreams, and skills
Bring out your faiths and all their golden rules!
And hurl your strength against the thing that kills
Our blossoming youth on every countryside!

The World is one, and now no longer wide.
Nothing is out of range, New York, High Rome,
Forbidden Lhasa, jungles or ice-bound bay!
No place is safe where man has built a home;
Stars shine above them all, to light Death's way.

Air knows no boundary, atoms no control
Except this urge fast gathering in the soul
Of frightened man to somehow save his son
From this last awful thing, he's made and done!
You joined your powers for war, Now, stretch your hands
And pluck this hurtling terror from the skies
Before it crashes down upon the lands!
Before the last spring flower falls and dies!

Our human blood obeys no several rules
Of politics, in one or isolate pools.
Blood is but blood. And dust to dust returns
Regardless of its flag. And each hurt burns
For liberty. Then let us so proclaim!
And swear allegiance to our bond, and state
Our will, world-wide, this day to promulgate
A people's peace, and Government in its name!

The poem was written by Elva Just.

All the laboringman has, to make him feel important in this world, is his feeling that he too is free; that he is just as free as any Senator, as any rich man in the great house upon the hill, and if we start taking away that feeling from him it is going to rankle in his soul; he will become rebellious. I am convinced of that, for, having worked in factories myself, I know how the men feel. You can take them with you a long way if you will reason with them. Someone representing the management can come to the factory and, if he is a good fellow and will talk to the boys a little while, can practically win them over to anything. But if someone who represents the authority up above comes to the factory and tends to become a little tough, the boys seem to take a great delight in trying to get twice as tough as he can. It is their only defense, it seems, against their feeling and knowledge that they have not been able to climb the ladder socially and financially. They are willing to go along with anyone, but, on the other hand if anyone tries to rob them of this one precious thing which they hold in common with the highest citizen of the land, this liberty of theirs, they greatly resent it.

Mr. President, they may not understand the Constitution fully, and may not understand exactly what their liberties are, but they have a good idea that they have such liberties, and that they can say what they please about the President or anyone else and get away with it. If they believe that anyone is trying to take their liberties away from them there is likely to be a mass psychological reaction and a mass strike may take place in which practically every laborer in the country would sit down. Then if more repressive measures were taken to end the strike it would only make the situation worse and worse.

Mr. President, as I stated a while ago, I am not a Socialist. I am not a Communist. I have been accused of being a Socialist and of being a Communist. Every time I ran for office I was called a Socialist and a Communist. I denied it in 1928 and I lost the election. I denied it in 1940 and I lost the election. I denied it in 1942 and I lost the election. Finally in 1944 I became tired of denying it, so I simply let the charge go unanswered, and I was elected. I do not know what that means. I do not know whether the people want socialism or like socialism or communism or whether they simply like someone to ignore those who would accuse him falsely.

As I said, I am not a Socialist or a Communist. But if we insist that we cannot be inconvenienced by any strikes, that the wheels must turn smoothly, and that if we want to travel we must go at a certain moment and cannot wait a few days while the men are thrashing out their problems with management, that is really too bad for us.

The strikes are simply a means of letting off steam on the part of the workers. I will wager that the railroad workers are anxiously awaiting at this very moment to hear the call back to work. I will wager that a percentage so small as hardly to be worth mentioning have gone off fishing. I am willing to bet that they are waiting by their telephones for the call to come which will send them back to work. I have been a member of a union, and I believe I know how they feel. While I never was engaged in a strike, I know the psychology of the workers pretty well. I have a brother who is a member of a railroad brotherhood, and I am quite certain he is at this very moment out on strike, because I know he is not the kind of man to let his fellow workers in the brotherhoods down, and I will bet anything I have that at this moment literally the perspiration is standing out on his forehead and that he is sitting by the telephone hoping and praying that the call will come which will take him back to work. But the men think they have gotten a raw deal. All management had to do was simply say "No." Management made no demands on anyone. The newspapers did not write up management. Management was simply behaving itself, going along as usual, and the railroad workers thought they were entitled to a better deal. From what I have seen at first hand, and from what I have heard from my brother who is a member of a railroad brotherhood, I am inclined to believe the men are entitled to a better deal.

Much is said about the railroad workers being the aristocracy of labor. That is mush. That is one job in which the worker does not know from one hour to the next whether he will work or whether he will be laid off for several days. The worker does not dare to go downtown to a movie for fear the call will come for him to go to work "right now." There are no regular hours of work. The worker is at the mercy of someone who may call him at almost any time. Some of the jobs are on regular schedules, but a great many of them are not. Generally a worker is expected, unless he has a considerable amount of seniority, to take the job whenever he is called to take it, whether early in the morning, in the middle of the night, or at any other time.

As I have stated, the workers are simply letting off steam. Even now I am sure they are anxious to go back to work, and if they do not go back I would be willing to bet it is because management is not meeting them half way and is not willing to give them a reasonable deal.

Up to this very moment Senators who now are urging the most repressive amendments have eulogized the railroad workers. Until this railroad strike happened they rose on the floor every little while and eulogized them and said, "Look at the aristocracy of labor. See what fine workers they are. If only we had something like the Railroad Labor Act to apply to all industry, how wonderful it would be." All of a sudden their heroes have gone out on strike, and I do not wonder that some Senators feel quite bitter after the paeans of praise they have uttered for the boys of the brotherhood.

So we see, Mr. President, that so-called perfect laws to keep industrial peace do not work. We cannot frame a law on the floor of the Senate which will settle strikes. I do not believe any group of experts, which we are not, with the possible exception of the Senator from Oregon [Mr. MORSE] can frame adequate strike legislation. We are not experts in labor relations, no matter how much we may think we are, and we are not going to frame a bill here which will settle the strikes that are now in progress or will prevent strikes in the future.

Mr. President, I have been an employer of labor most of my adult life. I started out when I was 15 years old working for wages. When I was 18 I bought a half interest in a business which, incidentally, happened to be a theatrical stock company, and from that day until this, with one or two brief interruptions, I have been an employer of labor. I have always gotten along with my labor. If I wanted to let my passions rule me, I could be very antilabor, very bitter toward labor, because shortly after I first bought a partnership in the business I mentioned we played a small town in Arizona. We had a big tent, with a stage in it, and we presented our plays in the big tent. The stage-hands union told us we had to hire, I think it was, three stage hands. We had not been using any stage hands at all. The actors changed the scenery between the acts, and pulled the curtain, and pushed the light switch. The union told us we had to have three stage hands. We hired them. They put the woods wings on upside down; that is the butts of the trees were sticking up in the air and the foliage was on the stage. Then the one they set to watch the curtain became so interested in the show that he stuck his neck out past the proscenium arch so the whole audience could see him. And the one who was supposed to push the light switch and lower the curtain become interested in the show and forgot to lower the curtain. So finally we told them to go down and sit behind the stage on a bench, and we paid them, and proceeded to run our show ourselves.

That was an injustice and, as I said, I was pretty angry about it at the time. From that and other experience I have had I could feel very bitter toward labor. But I have let my good judgment, my common sense, prevail.

Mr. President, much as we talk about what a great deal we owe to the inventors such as Bell who invented the telephone, and Fulton who invented the steamboat, and Watt with his steam engine, however much we owe to them, however much we may owe to Mr. Ford, who perfected mass production of automobiles, however much we owe to them for our high standard of living today, I say that we owe just as much to the idea of trade unions, because if it had not been for trade unions wages would never have risen to the point where the people could buy goods and enable us to make use on a mass scale of telephones, automobiles, and all the other things which we enjoy today.

Labor has had to strike time and again to get petty increases. The newspapers say, "Look at the fools. They have struck, and they have remained idle over such a long period of time that they have lost millions of dollars. There was only a difference of 2 or 3 cents. They could have settled it a month ago. It will take them a year and a half, perhaps, to make up what they have lost in wages."

Mr. President, that is not a valid argument, because if they had never struck in the first place, away back yonder, and insisted on getting increases little by little, a few cents at a time, if they had always been hesitant to fight for their rights, today workers would be getting two or three dollars a day. To be sure, the prices of commodities might not be so high as they are, but we would not be able to buy them at any price, because we would not have the money. We would not have our great mass production economy, with all its conveniences and luxuries, and the blessings it brings to us. So I say that labor is entitled to a great deal of credit.

In the General Motors strike the criticism was made that there was not a great deal of difference between the amount the workers were asking and what the employer offered; but they stuck to their guns and finally got a little more. It was said that it would take them a year or two to make up the difference. But we can thank them for putting up the fight, because it makes it possible for cars to be manufactured cheaply. If they could not be sold to the workers on a mass scale, those of us who can afford to buy a car now, if they were produced for a few of us who happened to receive more than the others, would have to pay so much that probably even a Senator could not afford an automobile. So we all owe a great debt of gratitude to labor.

With respect to the railroad strike which is now in progress, I should like to read an excerpt from the report to the President by the Emergency Board which was appointed on March 8, 1946, pursuant to section 10 of the Railway Labor Act. I may say that this railway strike has been in prospect for many months. No one can say that the railway workers did not give ample warning and undertake negotiations in ample time to have prevented this strike, which we can call a catastrophe if we wish, but I do not look upon it as such. It is a great inconvenience, to say the least. The report of the Emergency Board reads in part as follows:

> In this case, as in similar predecessor controversies between the railroad carriers and the railroad transportation unions, one of the causes of the impasse in negotiations and subsequent conflict in presentation of evidence revolved around differing concepts regarding the operation of the dual basis of pay. Because of this conflict between the parties concerning the dual basis of pay, we think it not inappropriate to comment to some extent upon it.
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> Briefly, the dual basis of pay applies only to road service, and consists in a combination of mileage and hours. For example, in road freight service 100 miles is deemed equivalent to an 8-hour day and a speed basis of 12½ miles per hour. If the crew runs 100 miles or more in 8 hours it is paid on a mileage basis. If the time required to run the mileage is longer than a speed of 12½ miles per hour, overtime accrues at time and a half. If on the other hand the run is less than 100 miles and is performed within 8 hours, the basic minimum pay for 8 hours or 100 miles is applicable.

The question of being paid by the hour or by the mile also arises in connection with controversies with bus companies. Recently in Idaho there was a so-called strike of the bus workers. All the newspapers called it a strike. It involved the Greyhound Lines, which run through my home town. Recently the operator of the local bus line was in Washington and I talked with him. He gave me a perfect illustration of how the workers always take the rap. The work stoppage is called a strike, whether the workers are on strike or whether they are locked out, or whatever may be the reason for the controversy.

He stated that certain scales of pay had been established on the basis of the war speed of 35 miles an hour. Suddenly the war ended and the speed limit was lifted, so that the busses could travel 45 or 50 miles an hour. A run which formerly required a certain number of hours now required a great deal less time, and for the same run the employers wanted to cut the pay of the drivers; but, of course, the workers could not make up the difference, because that was a run, and when they reached the end of it, that was the end of the day's work. So it was simply a question of taking a cut in wages, and the workers did not want to take a cut in wages.

The workers had asked the bus company to negotiate with them. The next morning when the bus company employees came to work the bus depot and the sheds where the busses were kept were locked. The newspapers in my home town and all over the country called it a bus strike. They said that the drivers were out on strike. The operator of the local busses told me that he himself knew it to be a fact that they had not gone out on strike. The bus company claimed that it could not make ends meet if it had to operate on the new basis. The busses were all shut down between the cities, so the operator of the local bus line hired the bus drivers for the wages they were asking of the Greyhound Line, and he put some of his city busses on the intercity routes. They were not built for that purpose, and probably were not as efficient as they might be; but he put them on, and he told me that he was making plenty of money. And yet the bus company was so exercised and excited that it would not even negotiate with the bus drivers over their contract. It had found a good way to cut wages by increasing the speed of its busses, and it was not going to sacrifice that advantage.

Mr. President, a resolution was presented on the floor of the Senate signed

by 135 economists, I believe, saying that we should not pass this repressive labor legislation. The economists thought that it would solve nothing. The Senator from Minnesota [Mr. BALL] raised the question whether those people knew anything about labor relations, or whether they were qualified to advise us. Some of them were doctors of divinity, ministers of the gospel, teachers of those who would take up the church as their life work. I think that those men should know something about the problems of labor. Certainly any minister of the gospel or anyone interested in teaching Christianity should know something about the trials, tribulations, privations, and suffering of those who labor. I think that would qualify them rather well. If they are conscientious they must certainly have familiarized themselves with the problems of labor.

The Senator from Minnesota stated that only 10 of the 35 he had looked up were in Who's Who. I am surprised that there are even 10 economists in the United States who are listed in Who's Who. If anyone had asked me to make a wager on the subject, I should have said that there were not that many who were well enough known or of sufficient prominence to be included in Who's Who.

Mr. President, the Senate has failed to provide broad and comprehensive social security legislation. Not satisfied with our dereliction in this matter, we now sally forth to strike labor a blow while the workers are engaged in deadly conflict with the great octopus of corporate wealth—in this instance a great black giant in the coal industry, erected on the graves of countless under-privileged children whose lives were sacrificed because of substandard living conditions, because of filth and flies and foully offensive lack of even the most basic sanitary facilities.

I know that railroad work is a very difficult life. My brother's health is impaired from the constant nervous strain under which he labors in operating a locomotive. He has had an accident or two. It happens to all of them. They are constantly under a great strain. Frankly, his health is breaking; and if he does not last many years—and he will need to last a good many years yet—when he does break under the strain of the severe occupation he will be left without any way to take care of his family.

So I hope that the people of America will not place all the blame on those who labor. I feel that there are at least two sides to this question, and that labor's side is equally justified with that of those who own and operate the plants, if not more so.

Mr. JOHNSON of Colorado. Mr. President, due to the fact that at 12 o'clock tomorrow the Senate will vote on cloture, and due to the fact that all amendments must be presented before that time, I am forced to offer tonight an amendment which I am really not quite ready to offer. As a matter of fact, I wished to hear the President's statement at 10 o'clock this evening before I offered my amendment.

I understand there are at least 25 or 27 amendments which already have been submitted.

Mr. BALL. Mr. President, will the Senator yield at that point?

Mr. JOHNSON of Colorado. I yield.

Mr. BALL. I believe that, under the cloture rule, if the Senator presents the amendment at any time before the vote is taken on the cloture petition tomorrow, if he does not offer the amendment tonight, there will be an hour tomorrow during which amendments may be offered, under the rule. Amendments offered during that time would still be offered in compliance with the rule. The offering of an amendment at such time would be a privileged matter, and the Senator would be able to take any other Senator off his feet in order to offer it.

Mr. JOHNSON of Colorado. That is why I am presenting the amendment tonight, in order to have that privilege tomorrow, if necessary. Otherwise, I would not present the amendment now.

The PRESIDING OFFICER (Mr. FERGUSON in the chair). Without objection, the amendment will be received, printed, printed in the RECORD, and ordered to lie on the table.

The amendment submitted by Mr. JOHNSON of Colorado is as follows:

Amendment intended to be proposed by Mr. JOHNSON of Colorado to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: At the proper place insert a new section as follows:

"SEC. —. (a) Whenever the President determines that the Nation is imperiled, or the domestic tranquillity, or general welfare threatened, by strikes, slow-downs, or other concerted stoppages of work, or threats of strikes, slow-downs, or other concerted stoppages of work, by the employees of any carrier subject to the provisions of the Railway Labor Act, the continued operation of which is essential to the preservation of the national health, safety, or security, he is hereby empowered to issue a proclamation to that effect calling upon such employees to refrain from engaging in strikes, slow-downs, or other concerted stoppages of work until after the expiration of 100 days following the date of such proclamation. If at the end of such 100-day period, the controversy shall not have been settled, the President shall have power to extend such period for an additional period of 100 days.

"(b) Any such employee who engages in a strike, slow-down, or other concerted stoppage of work within such period of 100 days, or extension thereof, following a proclamation of the President under subsection (a) shall be deemed to have voluntarily terminated his employment and shall not be regarded as an employee of such carrier for the purposes of the Railway Labor Act, as amended, unless he is subsequently reemployed by such carrier, and, if he is so employed, shall not be entitled to any seniority rights based upon his prior employment.

"(c) Any agreement or settlement reached with respect to any such controversy after the date of issuance of a proclamation of the President under subsection (a), shall, insofar as such agreement or settlement relates to rates of pay, be made effective as of the date of such proclamation.

"(d) Any provision of any contract inconsistent with the provisions of this section is hereby declared to be against public policy and to be null and void."

Mr. JOHNSTON of South Carolina. Mr. President, I should like to ask a question. Suppose that in the course of his address the President injects some new matter in regard to which we may need to offer an amendment. Under the rule we could not offer such an amendment, as I understand the situation.

The PRESIDING OFFICER. Unanimous consent would be required for that purpose, if the cloture motion were agreed to.

Mr. JOHNSTON of South Carolina. But that would tie up the Senate, because probably some Senator would object.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. CAPEHART. I desire to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CAPEHART. When will it be in order to offer an amendment which I have, which is in the nature of a substitute for the bill?

Mr. JOHNSON of Colorado. Mr. President, if the Senator is asking me, I shall say that it will be in order to offer the amendment at the end, after all the amendments have been acted upon.

The PRESIDING OFFICER. Under the rule, it will be in order to have the amendment submitted, for printing, at any time up to the time when the cloture petition is voted upon. It will not be in order to offer the amendment for consideration until after the pending amendment and all other amendments have been disposed of. It would be the last thing to be voted upon prior to action on the committee amendment as amended.

Mr. CAPEHART. Mr. President, I desire to submit the amendment in modified form, to be printed under the rule.

The PRESIDING OFFICER. Without objection, the amendment will be received, printed, and printed in the RECORD, and lie on the table.

The amendment submitted by Mr. CAPEHART is as follows:

Amendments, in the nature of a substitute, intended to be proposed by Mr. CAPEHART to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz, at the proper place insert the following:

"SECTION —. That with the development of an industrial civilization, citizens of the United States have become so dependent upon the production of goods for commerce, the distribution of goods in commerce, and the continuous operation of the instrumentalities of commerce that substantial and continued stoppages of such production, distribution, or operation in the case of essential goods or services seriously impair the public health, safety, and security. Irrespective of the cause of such stoppages, it is necessary for the protection of commerce and the national economy, for the preservation of life and health, and for the maintenance of the stability of government that a means be provided for supplying essential goods and services when such stoppages occur.

"(a) Whenever the President finds that a stoppage of work arising out of a labor dispute (including the expiration of a collective labor agreement) affecting commerce has resulted in interruptions to the supply of goods or services essential to the public health, safety, or security to such an extent as seriously to impair the public interest, he

shall issue a proclamation to that effect, calling upon the parties to such dispute to resume work and operations in the public interest.

"(b) If the parties to such dispute do not resume work and operations after the issuance of such proclamation, the President shall take possession of and operate any properties of any business enterprise where such stoppage of work has occurred if the President determines that it is necessary for him to take possession of and operate such properties in order to provide goods or services essential to the public health, safety, or security. While such properties are operated by the United States, they shall be operated under the terms and conditions of employment which prevailed therein when the stoppage of work began.

"(c) Any properties of which possession has been taken under this section shall be returned to the owners thereof as soon as (1) such owners have reached an agreement with the representatives of the employees in such enterprise settling the issues in dispute between them or (2) the President finds that the continued possession and operation of such properties by the United States is not necessary to provide goods or services essential to the public health, safety, or security. The owners of any properties of which possession is taken under this section shall be entitled to receive just compensation for the use of such properties by the United States. In fixing such just compensation, due consideration shall be given to the fact that the United States took possession of such properties when their operations had been interrupted by a work stoppage, to the fact that the United States would have returned such properties to their owners at any time when an agreement was reached settling the issues involved in such work stoppage, and to the value the use of such properties would have had to their owners during the period they were in the possession of the United States in the light of the labor dispute prevailing.

"(d) Whenever any properties are in the possession of the United States under this section, it shall be the duty of any labor organization of which any employees who have been employed in the operation of such properties are members, and of the officers of such labor organization, to seek in good faith to induce such employees to return to work and not to engage in any strike, slowdown, or other concerted refusal to work or stoppage of work while such properties are in the possession of the United States. Any such employee who fails to return to work (unless excused by the owner of the business or its agent, or unless prevented by illness, disability, or similar valid reason) or who does engage in any strike, slow-down, or other concerted refusal to work or stoppage of work while such properties are in the possession of the United States, shall be deemed to have voluntarily terminated his employment in the operation of such properties, shall not be regarded as an employee of the owners or operators of such properties for the purposes of the National Labor Relations Act, as amended, and the Railway Labor Act, as amended, unless he is subsequently reemployed by such owners or operators, and if he is so reemployed shall not be entitled to any seniority rights based on his prior employment. Any provisions of any contract inconsistent with the provisions of this subsection is hereby declared to be against public policy and to be null and void.

"(e) Whenever any properties are in the possession of the United States under this section, it shall be unlawful for any person (1) to coerce, instigate, induce, conspire with, or encourage any person to interfere with or prevent, by lock-out, strike, slowdown, concerted refusal to work, or other interruption, the operation of such properties, or (2) to aid any such lock-out, strike, slow-down, refusal, or other interruption interfering with the operation of such properties by giving direction or guidance in the conduct of such interruption or by providing funds for the conduct of direction thereof or for the payment of any strike, unemployment, or other benefits to those participating therein. No individual shall be deemed to have violated the provisions of this subsection by reason only of his having ceased work or having refused to continue to work or to accept employment. Any individual who willfully violates any provision of this subsection shall be subject to a fine of not more than $5,000 or to imprisonment for not more than 1 year, or both.

"(f) The powers conferred on the President by this section may be exercised by him through such department or agency of the Government as he may designate.

"(g) As used in this section, the terms 'employee', 'representative', 'labor organization', 'commerce', 'affecting commerce', and 'labor dispute' shall have the same meaning so far as they apply to labor disputes in an industry included in the scope of the National Labor Relations Act, as amended, such words shall have the same meaning as if applied to the Railway Labor Act, as amended, so far as labor disputes involving employers or employees covered under the Railway Labor Act, as amended, are concerned.

"SEC. —. The provisions of this act shall apply to industries or facilities already in the possession of and being operated by the United States Government or any agency thereof, which governmental operation has been brought about as the result of a work stoppage or threatened work stoppage.

"SEC. —. Notwithstanding the provisions of any other law, this act shall be in full force and effect from and after 12 o'clock meridian of the day following its approval."

Mr. CAPEHART. Mr. President, I wish to say that, although I am aware, of course, that the Chair knows and all Members of the Senate know it to be so, I still wish to call their attention to the fact that in refusing to work the railway workers are defying the Government of the United States.

Mr. JOHNSON of Colorado. Mr. President, I should like to make a brief statement at this time. It will not take me long to deliver it to the Senate. I desire to make it in connection with the amendment which I shall offer at the proper time. As I have said, there are approximately 25 or 30 amendments already pending to the bill, and more amendments are likely to be offered. Statements have repeatedly been made on the floor of the Senate that, if all the amendments now pending were enacted into law, they still would have no effect whatsoever upon the pending railroad strike.

Mr. President, after I have offered my amendment, that statement no longer will be true, because my amendment has to do directly with the railroad strike, and with nothing else.

I need not tell the Senate about the strangulation of traffic and the paralysis that has gripped the country, with the shut-downs all over the United States, with the threats of famine and the threats of riot and the threats of disorder which certainly must come about if the railroad strike continues. Yet, with all the amendments and with all the consideration which is being given to labor legislation, even in the face of the situation which confronts the country, no amendment to deal directly with the labor situation is before us.

A little while ago we were told that the President would appear before a joint meeting of the Congress at 4 p. m. tomorrow. I hope he makes a fighting speech. I hope he tells us very definitely of some legislation which he recommends, because the situation requires a fighting speech. The desperate situation which we are in cannot be handled by any milk-and-water approach. The approach must be hard and it must be stern, even though the Senator from Idaho [Mr. TAYLOR] complains about stern legislation even at a time like this.

I have read in the newspapers that the strike is now almost 100 percent effective. Three hundred and eighty-four railroad lines are tied up. I heard over the radio a few minutes ago that out of a normal number of 17,500 trains in the United States, only 100 are operating. The surprise to me is that 100 trains are still operating. The surprise to me is that the tie-up is not 100 percent effective. I say that because I know something about railroad labor; I know how loyal they are to one another; I know how they stand shoulder to shoulder in any fight in which any branch of organized labor finds itself engaged. So I am surprised that this strike is not even more effective than it is, even though it be 99.9 percent effective.

Mr. President, at 10 o'clock tonight the President of the United States will talk to the people. I understand his talk will be a "fireside chat." In his address I really expect the President to be very firm and to tell the people the exact situation, although perhaps they know it as well as he does.

Today I have received telephone calls from Denver, and in them I have been told of the tragic situation in that city and what is going on at the Union Station and how concerned everyone in that city is about the present strike situation.

Mr. President, the President of the United States is going to find that the people to whom he will talk tonight are very impatient, that they are angry, that they are frightened, that they are terribly discouraged. The audience he will face, even though he faces it over the microphone, will not be a very pleasant one to face, because of the antagonism with which he will be confronted when he speaks to the people. So I hope, and I fully expect, that the President will be very serious and will make some definite recommendations which will give the people hope that the present situation will clear up, and will clear up very soon.

I understand that some consideration is being given to operating trains with military forces, directly or indirectly. I sincerely hope that nothing of that kind is contemplated. I cannot think of a greater mistake which anyone could make than to attempt to operate the trains directly or indirectly with military forces. Many men in the military forces understand the operation of trains, to be sure; but we have 250,000 trainmen in the United States who know all about the operation of trains, and they can do a good job of it.

The thing we need to do here in the Congress and the thing which needs to be

done at the White House is to get the 250,000 trainmen and the other members of the operating unions back to operating the trains, and not attempt to fool ourselves or attempt anything so reckless as to try to operate the trains with military forces. I say to anyone who is considering such a thing as that, please do not do it, because it will only end disastrously for all of us.

As I understand the situation, the President took over the railroads on the part of the Government based on the provisions of the 1916 law, the law which authorized the President to take over the railroads in the First World War. It authorized the President to operate the railroads during wartime. I understand that the President's order is based upon that old law, which I presume everyone thought was obsolete. I wish to remind the Members of the Senate and everyone else, for that matter, that in 1918 the Congress authorized payment out of the Treasury of the United States to the railroad companies of compensation for any losses which they suffered through Government operation of the railroads. I presume that law is also still in effect. I presume also, that inasmuch as the Government has now taken over the railroads, and they are suffering great financial loss because the trains are not operating, the Congress will be called upon to vote millions upon millions of dollars in order to compensate the railroads for the losses which they are now sustaining as a result of the strike. The situation with reference to World War I set a precedent for that kind of treatment. I believe it is very unfortunate that the President has taken over the railroads under the 1916 and 1918 laws.

Mr. President, I wish to read my proposal. It is not long. I shall read it into the RECORD and comment upon its provisions. I know positively that if this proposal is enacted into law the railroads will operate for at least 200 days. I do not know whether the provision which is before the Congress at the present time would result in the operation of the railroads for one hour. There is no other provision now before the Congress, except the amendment offered by the Senator from Wisconsin. I do not understand how it would operate, but I should make an exception of it. Perhaps it would do something toward settling the present railroad strike. I do not know. But my amendment would result in the operation of the railroads for at least 200 days, and the rights of labor would not be violated.

Mr. President, my sympathies are with the men who operate the railroads. As the Senator from Idaho has said, those men who are called out on the lines at any time during the day or night, have grievances in many instances. I believe that their demands should be considered seriously, and that many of them should be met. My amendment would do nothing to violate or injure the rights of those men.

Mr. President, my amendment reads as follows:

(a) Whenever the President determines that the Nation is imperiled, or the domestic tranquillity or general welfare threatened—

I obtained those words out of the Constitution, Mr. President, in case some Senators may not recognize them—

by strikes, slow-downs, or other concerted stoppages of work, or threats of strikes, slowdowns, or other concerted stoppages of work, by the employers of any carrier subject to the provisions of the Railway Labor Act, the continued operation of which is essential to the preservation of the national health, safety, or security, he is hereby empowered to issue a proclamation to that effect calling upon such employees to refrain from engaging in strikes, slow-downs, or other concerted stoppages of work until after the expiration of 100 days following the date of such proclamation. If at the end of such 100-day period, the controversy shall not have been settled, the President shall have power to extend such period for an additional period of 100 days.

Mr. President, I can hear Senators say, "A simple proclamation by the President will not have that good effect. Certainly, if that is all your amendment means, the President could issue that kind of a proclamation without any law telling him that he may do so."

However, Mr. President, I have provided for sanctions in the next paragraph. I do not believe that we can deal with this problem tonight without making provision for the imposition of sanctions. I believe that sanctions must be provided for. I regret the necessity of putting sanctions into a law and having the railroad workers, or any other laborers whether organized or not, interpret the language as being directed toward them. However, when the Nation is in peril, and when its welfare is threatened, drastic action is called for.

I now read the next paragraph:

(b) Any such employee who engages in a strike, slow-down, or other concerted stoppage of work, within such period of 100 days, or extension thereof, following a proclamation of the President under subsection (a), shall be deemed to have voluntarily terminated his employment and shall not be regarded as an employee of such carrier for the purposes of the Railway Labor Act as amended, unless he is subsequently reemployed by such carrier, and, if he is so employed, shall not be entitled to any seniority rights based upon his prior employment.

Mr. President, that is a severe penalty to impose upon a railroad man. There is nothing quite so valuable to him as his seniority rights. They mean everything to him. They are counted from the time he starts working for the railroad, and they end only upon his retirement from railroad service. His runs, his wages, his employment, and all considerations granted to him by his employer are based upon his seniority. It is priceless to him.

Under the amendment a railroad man would not be taken out and shot if he does not work, and no physical penalty would be exacted from him; but if he does not work he loses that which is most precious to him, namely, his seniority. I know enough about railroad men to know that they will not take any chance on losing their seniority rights. No; the amendment does not make refusal to work a crime.

Mr. CAPEHART. Mr. President, will the Senator yield to me?

Mr. JOHNSON of Colorado. I yield.

Mr. CAPEHART. I should like to invite the Senator's attention to the fact that at about this time, or possibly a little earlier last night, I asked unanimous consent to introduce a bill which would do exactly what would be done by the proposal which the Senator from Colorado has read, except with reference to the 100-day period. The bill which I asked unanimous consent to introduce last night was similar to the amendment which was offered by the able Senator from Illinois about 10 days ago. Last night I tried to obtain unanimous consent of the Senate to introduce the bill to which I have referred, and have it acted upon by the Senate. I agree 100 percent with the able Senator from Colorado that a provision such as is in the bill which I hold in my hand will stop the railroad strike. I realize, as does the Senator from Colorado, that it is quite severe. I know of no way, however, of protecting 140,000,000 American people than by, in some way, stopping the present railroad strike.

Mr. JOHNSON of Colorado. The strike must be stopped. I am sorry I did not give the Senator credit for the measure which he wished to propose.

Mr. CAPEHART. I do not want any credit for it. If any credit is to be given, it should be given to the Senator from Illinois, because I merely improved upon his amendment and tried to do so in the form of a bill. If we could have passed the bill last night and the House had acted favorably upon it today, no doubt by this time the railroad strike would be at an end and trains would now be moving. That indicates how much confidence I have in the suggestion which the Senator from Colorado has made and in the amendment which was offered by the Senator from Illinois. I agree with the Senator from Colorado that it is only along that line that we can do anything under the circumstances. I dislike very much to introduce such a bill as the one to which I have referred, but I see no other way in which we can remedy the crisis which now confronts the Nation. We must protect the American people. In my opinion, our job is not to debate the merits or demerits of labor controversies and disputes between management and labor. Our job as Senators is to protect all the people all the time and not debate whether one side is right or the other side is wrong. Our job is to pass laws which will protect all the people. The duty of the courts is to enforce the laws. I do not think it is germane to pending legislation for Senators to take sides in disputes between employers and employees. Our job is to be fair and equitable to all people, to legislate for all 140,000,000 American people. I hope that is exactly what we will do, rather than take sides in any labor disputes.

Mr. JOHNSON of Colorado. I thank the Senator from Indiana for his comments. I read a part of the bill he presented last night for the consideration of which he asked unanimous consent, but so far as I read in it, it was almost an exact duplicate of the amendment offered a few days ago by the Senator from Illinois [Mr. LUCAS]. The amendment offered by the Senator from Illinois does not in my opinion affect the operation of

railroads in any degree, and I will state why I do not think it does.

Under paragraph (g) of the second section of the amendment, on page 5, I find this language:

As used in this section the terms "employee," "representative," "labor organization," "affecting commerce," and "labor disputes," shall have the same meaning as in section 2 of the National Labor Relations Act as amended.

Of course, if the definitions are the same, then the amendment of the Senator from Illinois does not in any way apply to or affect the operation of railroads, because, as we know, the railroad unions and railroad labor are not under the National Labor Relations Act. There is a special act affecting railroad labor. That is why I offer this amendment, as a complement to the amendment which was offered by the Senator from Illinois.

I have the feeling, Mr. President, that if we had a lesser number of amendments in front of us, if we had the amendment that was offered by the Senator from Illinois, complemented by the amendment which I am offering now, and if they had been consolidated into a bill, we would have the legislation necessary to deal with the railroad strike and with the coal strike.

The amendment offered by the Senator from Illinois deals with the coal strike and strikes similar to the coal strike, while my amendment deals with the railroad strike. If we had these two amendments in a bill by themselves, the Senate would have something to act on.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. TAFT. What does the Senator propose to do about the railroad strike? After all, the railroads have been seized already under an existing law. Why is another law needed at the moment?

Mr. JOHNSON of Colorado. I do not want the Government to seize the railroads. I think that is a very foolish thing to do.

Mr. TAFT. It has been done, however.

Mr. JOHNSON of Colorado. They were seized under the 1916 law; and, under the 1918 law—World War I law—the United States Treasury will be called upon to pay the railroad companies for any losses they sustain because of their seizure by the Government. That is what I am complaining about. My amendment does not contemplate seizing the railroads. I do not think the railroads should be seized. I do not think the proper way to solve the problem is for the Government to take them over—temporarily or in any other way—and especially I think it was a terrible mistake to take them over under the 1916 law, with the ensuing financial burden imposed on the Treasury to make up their losses, for which there was a precedent in 1918. There is no doubt in the world that the same thing will happen again.

Mr. TAFT. What does the Senator propose to do about the present strike?

Mr. JOHNSON of Colorado. This is what I propose to do. I should like to see the President return the railroads to the operators. I do not say anything about that in my amendment, but it seems to me that would be a sensible thing to do. What I propose is a very simple thing. It is so simple that I presume Senators will be dubious about it. I read the provision a moment ago, but I am glad to tell the Senator from Ohio what my amendment contains, because other Senators have come on the floor since I read it, and I should like to have them hear it. I shall read the first part of the amendment.

Whenever the President determines that the Nation is imperiled—

Certainly it is imperiled at the present time—

or the domestic tranquillity or general welfare threatened, by strikes, slow-downs, or other concerted stoppages of work, or threats of strikes, slow-downs, or other concerted stoppages of work, by the employees of any carrier subject to the provisions of the Railway Labor Act, the continued operation of which is essential to the preservation of the national health, safety, or security, he is hereby empowered to issue a proclamation to that effect calling upon such employees to refrain from engaging in strikes, slow-downs, or other concerted stoppages of work until after the expiration of 100 days following the date of such proclamation.

It seems like a very simple remedy, for the President to issue a proclamation to that effect, and call upon the employees to refrain from engaging in strikes, slow-downs, or other concerted stoppages of work, until after the expiration of a hundred days following the date of the proclamation.

If at the end of such 100-day period, the controversy shall not have been settled, the President shall have power to extend such period for an additional period of 100 days.

Now here is the sanction, here is the penalty; and it is a severe penalty. Without accusing the railroad worker of crime, without molesting him in any way from a physical point of view, without sticking a bayonet in his back and telling him to crawl on an engine or crawl on a freight train and operate the railroads, without doing any of those drastic things, we do something which is extremely drastic, extremely effective, but which is mild in comparison, and not so objectionable. The second subdivision reads:

(b) Any such employee who engages in a strike, slow-down, or other concerted stoppage of work within such period of 100 days, or extension thereof, following a proclamation of the President under subsection (a) shall be deemed to have voluntarily terminated his employment and shall not be regarded as an employee of such carrier for the purposes of the Railway Labor Act, as amended, unless he is subsequently reemployed by such carrier, and, if he is so employed, shall not be entitled to any seniority rights based upon his prior employment.

That is a severe remedy.

Mr. TAFT. Will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. TAFT. Does the Senator think we can deprive the railroad worker of his seniority rights which he has acquired without any assistance from the Government, but by personal arrangement with the railroads?

Mr. JOHNSON of Colorado. Yes, indeed, I do. He got those rights because of the sufferance of the Government. They would be worthless to him if Government did not operate. He does not get those rights under any law, but certainly the Congress can take such rights away from him.

Mr. TAFT. I do not see how Congress can take those rights away from him.

Mr. JOHNSON of Colorado. I do not know why Congress cannot take them away from him if it wants to.

Mr. TAFT. Of course Congress has no right to take them away from him. They are not rights created by law, and I see no way by which Congress can deprive him of those rights. The railroads may attempt to do so, the railroads can do so now, but it would bring about another strike if the railroads did it. And who will get the seniority rights the man gives up? When the employees go back, the same seniority rights are going to exist, and nothing Congress may do will possibly destroy them. I cannot understand the remedy suggested by the Senator.

Mr. JOHNSON of Colorado. The Senator is jumping at conclusions. The Senator probably does not know how precious seniority rights are to the men. The proclamation is to be issued by the President. The railroad men are put on notice that if they go out on strike they are going to lose not only their jobs but their seniority rights, and as a result they are not going to strike against the President's proclamation. The proclamation would be issued only in a great crisis, only when the Nation is in peril. The President is not going to adopt such a drastic remedy as that in an ordinary small strike, but when the welfare of the country, when society itself, is threatened, when Government is threatened, certainly the President has to have some remedy.

The Senator from Ohio says that the Government has not that power. Yet I understand that tomorrow we are going to be told that the thing to do is to pass a law making it a criminal offense to strike against the Government. If we can pass such a law as that, if we can make a crime of striking merely because under a 1916 law the Government took over the operation of the railroads, if we can pass that kind of drastic legislation, then certainly we can pass such legislation as I have suggested in the amendment.

Mr. TAFT. I am absolutely opposed to such legislation, so far as I am concerned. All the legislation and measures which have been proposed have acknowledged the right of men to strike or quit work. Penalties have been imposed only on the officers, and those who have organized the strike. That penalty exists today. Such men can be indicted today, as I understand, under the Smith-Connally Act.

I certainly would not vote for any law which made it a crime for an employee to strike. Furthermore, I think that if we did that there would be universal defiance. It is not possible to put 200,000 men in jail. I think it is an utterly vain remedy for any strike. I do not favor the more drastic remedy, and I am only suggesting that I doubt whether the Senator's remedy is one which we can constitutionally impose.

Mr. JOHNSON of Colorado. I recognize that the Senator from Ohio is a very

great lawyer, and I respect his opinion, especially on legal matters. I do not always go along with his judgment, and I think he is letting his judgment run away with his legal opinion in this case. I feel certain that if he will reflect a little more on the proposal he will not find any constitutional barrier against the adoption of such a provision. Of course, if the Senator from Ohio is correct, if we are not going to adopt any sanctions whatever against striking, we might as well forget legislation on the matter; we might as well quit; there is nothing we can do. Are we going to take this thing lying down? Are we going to let a few little organizations and a few organization leaders imperil the whole Nation, inflict famine and bloodshed and other ills upon the country? Certainly, if the strike continues that is what is going to happen. There is no question but that there will be suffering in every city of the Nation—in every part of the country. There will be tremendous losses of property. Food will spoil.

I talked the other day with a colonel who had just returned from India. He told me about the country there, the great jungles, what fertile land is there, the vast acreages of unimproved land in India. I said, "Tell me, Colonel, why it is then that 100,000 Indians starve every year? If they have all this fertile land and plenty of labor, why do they not reduce those jungles to fertile fields?" He said, "The answer is very simple. The reason the Indians starve is because they do not have transportation." He said, "They cannot get food from here to there, and as a result many starve to death."

Mr. President, if the strike continues we will be in the same condition. We will have the food, we will have the wheat, we will have the fat cattle, but we will not be able to get the fat cattle and the wheat from the place where produced to the places where it is needed for consumption. Then we will be in the same situation as many of the people of India if we let the strike continue.

I wish to read two more paragraphs:

(c) Any agreement or settlement reached with respect to any such controversy after the date of issuance of a proclamation of the President under subsection (a), shall, insofar as such agreement or settlement relates to rates of pay, be made effective as of the date of such proclamation.

That means that after the President issues his proclamation, and after the men are required to go ahead and work or lose their seniority, they will be paid in accordance with the agreement which is entered into afterward; they will be paid up to the time the President issues his proclamation. In other words, the new pay rates, the new conditions which will be agreed upon, will be retroactive to the date when the President issues his proclamation.

There is one other short paragraph which I will read, and then I am through:

(d) Any provision of any contract inconsistent with the provisions of this section is hereby declared to be against public policy and to be null and void.

That is in order to take care of the objection which has already been raised by the Senator from Ohio.

Mr. President, I submit the amendment.

The amendment submitted by Mr. JOHNSON of Colorado was received, ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. JOHNSON of Colorado to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: At the proper place insert a new section as follows:

"SEC. —. (a) Whenever the President determines that the Nation is imperiled, or the domestic tranquillity or general welfare threatened, by strikes, slow-downs, or other concerted stoppages of work, or threats of strikes, slow-downs, or other concerted stoppages of work, by the employees of any carrier subject to the provisions of the Railway Labor Act, the continued operation of which is essential to the preservation of the national health, safety, or security, he is hereby empowered to issue a proclamation to that effect calling upon such employees to refrain from engaging in strikes, slow-downs, or other concerted stoppages of work until after the expiration of 100 days following the date of such proclamation. If at the end of such 100-day period, the controversy shall not have been settled, the President shall have power to extend such period for an additional period of 100 days.

"(b) Any such employee who engages in a strike, slow-down or other concerted stoppage of work within such period of 100 days, or extension thereof, following a proclamation of the President under subsection (a), shall be deemed to have voluntarily terminated his employment and shall not be regarded as an employee of such carrier for the purposes of the Railway Labor Act, as amended, unless he is subsequently reemployed by such carrier, and, if he is so employed, shall not be entitled to any seniority rights based upon his prior employment.

"(c) Any agreement or settlement reached with respect to any such controversy after the date of issuance of a proclamation of the President under subsection (a), shall, insofar as such agreement or settlement relates to rates of pay, be made effective as of the date of such proclamation.

"(d) Any provision of any contract inconsistent with the provisions of this section is hereby declared to be against public policy and to be null and void.

Mr. JOHNSON of Colorado. Mr. President, I wish to place in the RECORD an editorial which was published in the Evening Star of today entitled "The President's Duty." I hope that the President will read the editorial; I hope he will read it a half a dozen times, and I also hope that Members of the Senate will read the editorial, not once, but many times. It states the case exactly as it is. It points out the tragic situation which faces the country today, and it calls for a remedy in keeping with the situation we face.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE PRESIDENT'S DUTY

Because so few believed that it would come to pass and because it is certain to have such a shattering impact on the national welfare, the railroad strike seems to belong in a different category from the other strikes which have plagued this country since the war's end. But actually, except in the measurement of its consequences, there is no real difference.

In the railroad strike, the coal strike, the steel strike, the petroleum strike and in many of the other strikes involving powerful unions and great industries vitally affecting the life of the Nation there is clear and undeniable evidence that collective bargaining has failed. And the railroad strike, climaxing a succession of threatened railroad strikes which were prevented only by actions taken outside the law, demonstrates that the Railway Labor Act, possibly the best legislation of its kind in our experience, is a failure.

Equally clear are the principal reasons for the collapse of the machinery set up for the voluntary settlement of industrial disputes. These voluntary processes have failed because of an increasing disinclination to make them work. In some cases the employers have been at fault, believing that they could obtain a better settlement with their workers after a strike had forced Government intervention. In more cases the unions have been at fault. Slanted laws have given the men who belong to unions and the men who lead them enormous power, and experience has taught them that, frequently, they can use this power to coerce the public and to coerce the Government, thereby obtaining greater concessions than could be obtained through peaceful bargaining.

The railroad strike illustrates the point. Two out of 20 unions, representing 250,000 workers, forced the President by threat of a strike, to offer them a higher wage than had been recommended by the emergency board set up under the law. But the President did not bid high enough and the leaders of these two dissenting unions—men possessed of power far out of proportion to their sense of responsibility—have resorted to a strike which has crippled the country, believing that they can get what they want, whether reasonable or unreasonable, if the public can be made to suffer enough.

The question of placing blame, however, is of secondary importance. The significant fact, whether unions or employers or both are at fault, is that the public is the victim of their excesses, and that there is not now any legal means whereby the overriding public interest can be protected.

In this situation the duty of the President is clear. He has tried as best he could with the means at hand to keep our economy on an even keel. But there cannot be the slightest doubt that he has failed, nor that the prestige and dignity of his office have suffered in the process. Furthermore, as failure piles upon failure, the prestige of the President will continue to diminish until a point is reached at which he will have little or no influence and we will witness the spectacle of the President of the United States being defied by every small-minded and arrogant spokesman for a minority interest with some selfish and often petty end in view. Clearly, there is no hope in this direction, and unless the country is to resign itself to a continuing and endless succession of utterly destructive industrial upheavals, the duty of the President is equally clear.

For the first time in more than a decade labor legislation is before the Senate. Some action is going to be taken, yet the various proposals now under consideration, desirable as they may be in themselves, are far from adequate. The imperative need is for broad and comprehensive legislative action—action which will be basically concerned with the protection of the public interest in a situation which has become intolerable. But the recommendation for that action should and must come from the President.

It would be a futility, however, to come forward with a timorous, halfhearted, politically motivated proposal. In the Star's opinion, the time has come for the President to put before the Congress a forthright recommendation for legislation setting up a system of compulsory arbitration,

applicable to all industrial disputes vitally affecting the public interest and backed by sanctions sufficiently drastic to insure acceptance by the parties to the disputes.

Mr. MURRAY. Mr. President, I hesitate at this moment to address the Senate on the pending legislation but, as I understand, discussion of the legislation must continue at this time, notwithstanding the colloquy which has just taken place, which impresses upon u. the serious crisis confronting the Nation as the result of the railroad strike. I would very much prefer, if it were possible, to delay my remarks until after we have heard from the President tonight, and at the joint session of Congress tomorrow afternoon at 4 o'clock. I am sure we are all waiting with great anxiety the recommendations of the President of the United States in the serious situation which confronts us. Nevertheless the pending legislation must go forward. Therefore I should like to take the time of the Senate in discussing the issues which are now before the Senate.

Mr. President, I wish to discuss in a general way the amendments now before the Senate through which it is claimed that industrial peace is to be restored to the Nation. Already Senators have pointed out in much detail the far-reaching effect of these proposals. Everything that has been said against these amendments has been demonstrated throughout the years to be the truth. As pointed out by so conservative a publication as the Wall Street Journal, which was read into the RECORD yesterday, they will fail absolutely in accomplishing any result except confusion and chaos in the field of labor relations. Let me quote from that editorial:

> None of the labor measures recently brought forward deals at all thoroughly with the fundamentals of national labor legislation. Any one of them, if enacted, would leave Federal laws on the subject a patchwork of inconsistent and partly conflicting provisions for the courts to struggle with. The real need is not of more law but of less, of simpler and more precisely expressed statutes designed first of all to render men and groups of men equal before the law.
>
> Federal labor law should be thoroughly revised and codified. Until it is ready to tackle that job in an atmosphere of relative industrial peace, Congress would do well not to legislate on labor.

Mr. President, no one familiar with the past history of labor relations in this country can fail to see the consequences which will ensue from the adoption of these violently restrictive proposals now before the Senate. These amendments would take away from men their fundamental rights if they sought to better their conditions. All this is sought in the name of industrial peace. Of course, it is obvious that such laws would accomplish just the opposite of what is desired. If Congress is induced to pass this legislation, taking away rights of the working people, it will turn us back to all the evils which we spent 50 years in endeavoring to correct.

During the course of this debate, Senators addressing this body have expressed profound concern over the dangers inherent in attempting to enact this kind of legislation in the heat of excitement and emotion.

Nevertheless, ever since the opening of this debate, the situation has grown steadily worse. The reason for this development it seems to me, is that the underlying causes of the crisis which we are confronted with have been ignored.

We are attempting only to attack the symptoms, and we are approaching them with feelings of ill-will and emotion.

We have failed to note that all these labor disturbances which we are contending with have sprung from the economic and social upheavals of the war. At the end of the war, industry was confronted with the need of making tremendous adjustments in returning to peacetime production. A program of reconversion was in order. The Congress passed liberal laws to aid industry in reconversion.

But, Congress took no action in that direction for labor. Labor was left with its problems and required to fight it out with management the best it could under the democratic processes of collective bargaining. But, management has had the whip-hand. It occupied a position of great advantage. It came out of the war with huge earnings and a disposition to be adamant against the demands of labor in its claims for the adjustment of wages and working conditions. It realized that a strike at this time would arouse the resentment of all who might, as a result, suffer inconvenience. So, management bluntly rejected the claims of labor as revolutionary and impossible. On the other hand, the workers contended that their claims were just and fair and equitable in view of the situation in which they found themselves stranded at the end of the war.

So, there was a failure to work out contracts between management and labor to readjust the workers to peacetime conditions, and we began to witness a series of shut-downs because of a lack of contracts.

The finding of a scapegoat upon which to place the blame or responsibility for these conditions can serve no purpose.

In his message to Congress warning against the enactment of repressive legislation affecting either side in the struggle for readjustment, the President said:

> I hope that the Congress * * * will not adopt repressive or coercive measures against either side. A free American labor and a free American private enterprise are essential to our free democratic system. Legislation which would stifle full freedom of collective bargaining on either side would be a backward step which the American people would not tolerate.

But, Mr. President, notwithstanding these fine words, the country is left in a state of confusion. Our citizens are properly shocked by the distressing results from the shutdown of the coal mines. At this moment an organized effort is on foot to place the sole blame for the closing of the mines on the workers, and in total disregard to the President's appeal, all sorts of repressive, coercive, and punitive measures are now being proposed against the workers. It is assumed, without any proof whatsoever, that the workers are solely to blame. Daily we read editorials denouncing John L. Lewis, the spokesman for the mine workers. Scores of cartoons are being published in which that heavy-browed leader "is symbolized by every sort of animal from weasel to the lion."

Last Sunday all the newspapers in the country carried reproductions of a photograph of John L. Lewis and Charles O'Neill in conference. That photograph shows these two men to look enough alike to be psychological twins. As one writer points out, "both have lowering eyebrows. Both are in need of girth-controlling diet. Both are expensively dressed and enjoying what look like good cigars. But the resemblance goes much further than such matters of dress and avoirdupois." In both cases there is an appearance of extreme pugnacity and unwillingness to compromise.

Now, Mr. President, each of these men have powerful backing. Mr. O'Neill has behind him all the wealth and influence of the mine owners. Lewis represents the power of a half a million mine workers. One represents organized capital—the other organized labor.

During the long weeks of this crisis these men have fought in just about the same way. Neither displayed much regard for public convenience or welfare. It has been said by one critic that "their arguments take the form of occasional grunts."

But, Mr. President, all the bitter attacks published in the press have been leveled exclusively against the workers and not against the operators.

It is assumed that if a strike interferes with production, some labor leader must be the devil in the woodpile. It never occurs to most writers and cartoonists that it takes two to make a quarrel. So, Lewis is assailed as the villain in the case and O'Neill is referred to as a sort of industrial statesman representing the operators.

Mr. President, this is not the first time that the Senate has had before it demands for hasty legislative action to meet a crisis precipitated through the failure of the Congress to enact appropriate legislation designed to obviate the fundamental causes. In 1943, in the heat of a controversy over a stoppage of war production in the coal mines, we debated and passed the War Labor Disputes Act, more commonly known as the Smith-Connally Act. That was the most ill-conceived and ill-considered piece of legislation ever to come before the Congress. In his veto message of June 25, 1943, President Roosevelt warned the Congress that the Smith-Connally Act would not lessen, but would promote, industrial strife. That prediction was fully borne out by subsequent events.

Had it not been for the far-sightedness of President Roosevelt in obtaining a no-strike pledge from the major labor organizations at the very beginning of the war, it is probable that the Government's machinery for settling labor disputes would have broken down in wartime under the influence of that legislation just as it did break down at the end of the war when the no-strike pledge no longer operated.

But now again, Mr. President, we are witnessing a drive for further restrictive labor legislation based on emotion. As I have already pointed out, even such a conservative newspaper as the Wall

Street Journal describes this as unwise legislation and warns against it.

Mr. President, in recent months we have witnessed a series of strikes from one end of the country to the other.

We have also witnessed an increasing demand for constructive action by Congress—action to avoid the ill effects of these strikes and to promote cooperation and industrial peace.

I am one of those who believe that the situation calls for the most careful and constructive legislation that will avert further confusion and discord. America is no longer an agricultural country; it has become a highly complex industrialized economy in which the laissez-faire theory of government is completely outmoded. A shut-down of the coal industry creates far-reaching complications in our economy and Government cannot stand idly by.

As the elected representatives of the American people it is our responsibility to act; to act without prejudice and emotion; to act without delay; and to act wisely.

It is my judgment that the American people want a realistic and comprehensive program of legislation that will go to the roots of these conflicts between capital and labor and usher in a period of cooperation—a period of peaceful prosperity and expansion. Thoughtful citizens, like the editor of the Wall Street Journal, are disappointed to find every strike situation used as an excuse for a frenzied drive to weaken the rights of American labor, and to forestall a statesmanlike program of effective action.

To map out a realistic program we must first determine the real causes of conflicts between management and labor.

Cause No. 1 has been the rapid increase in the cost of living. As a result of the war, the cost of living has gone up 24 percent since 1941, and 12 to 15 percent since October 1942, when wage stabilization went into effect.

These price increases, however, do not take into consideration the enormous increases in living costs due to the black market. Price control violations have been eating away at the pocketbooks of every family in the country. The over-all statistics also conceal the particularly acute situations which have developed in certain areas of the country—notably in the coal regions. There the miners are at the mercy of the company stores. There enforcement of price controls because of inadequate funds and personnel has been notoriously inadequate.

But what has happened to wages during that same period? Average hourly earnings for all manufacturing have risen 20 percent, above October 1942. But it is "take-home" pay, or average weekly earnings, that determines the workers' income. Average weekly wages for all manufacturing have gone up only 6.1 percent since October 1942. In fact, they have not kept pace with even the official cost of living. And they have, of course, fallen far short of the actual rise in living costs, if black-market prices and deterioration of quality are taken into account.

Moreover, "take-home" pay has been dropping rapidly in recent months. As a result of reduction in both hourly pay and weekly hours, average weekly wages for January 1946 were 13.1 percent below those of January 1945.

That is not the whole story, however; when the American worker demands an increase in base pay, he is not asking for more money for the same work. His output per hour is substantially above what it was back in 1941 when his basic wages were frozen to the cost of living under the Little Steel formula. Output per man-hour has risen about 5 percent each year since 1935, or close to 50 percent.

The worker has continually produced more for each hour of work. What he is asking now is that he be paid in accordance with what he produces. This is a matter of simple justice. It is also a matter of basic necessity in order to maintain high production and continuing purchasing power to absorb the increased output of industry.

There is also the question of what has happened to profits. The lag of wages behind productivity is evidence enough that profits have been swelling all out of proportion. And the figures certainly verify this conclusion.

During the war period of 1942 to 1945, average annual corporate profits were approximately $23,000,000,000, or more than four times the average of the prewar 1936–39 period. And even after deduction of taxes, the annual average was more than $9,000,000,000, or 2½ times the comparable average for 1936–39.

For particular industries, the figures are even more striking. In textiles, 1944 profits before taxes were 6 times the 1936–39 average; for electrical equipment about 5 times, for printing and publishing 4½ times, for rubber 6¼ times, for transportation equipment over 4 times, and for lumber and timber over 12 times.

Is it any wonder that working men and women are aggrieved and feel impelled to strike in order to obtain a better share of the products of their labor so that they may build for themselves and their families a standard of living more in keeping with American ideals? The greatest cause of strikes today is the profiteer who sees in a period of short supply, the natural aftermath of the war, an excellent opportunity to increase his profits at the expense of the American people.

The answer to the rising cost of living is clear. On the one hand, we need an extension of the Price Control Act for an adequate period of time, without crippling amendments, together with adequate funds for administration and enforcement.

On the other hand, we need extension of the minimum wage law, without inflationary amendments, to allow those now receiving substandard wages to come just a little bit closer to catching up with the cost of living.

A second cause of labor disputes, in my opinion, is the rapid growth of monopoly and the concentration of business and industry in the hands of a small group. There are some persons who seem to think that the problem of prices and the cost of living is a strictly temporary phenomenon occasioned merely by the shortages resulting from the war. As soon as we recover from wartime shortages, they claim, then the law of supply and demand will come into its own, and prices will be determined on the basis of competition between business enterprises. This approach reveals an appalling ignorance of the economic facts of life. Prices are no longer determined primarily on the basis of competition. Prices are increasingly controlled by the handful of monopoly interests which dominate almost every branch of our economy.

Mr. President, in an article which appeared in Fortune magazine in March, 1938, I find the following statement:

> In the progress of mankind there was a time for the Dark Ages, another for the Renaissance, another for an Industrial Revelution. There was a time for the building of America, for the creation of bigger markets and bigger pay rolls and, inevitably, bigger industrial units. And that is our time.
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> In our time men have become conditioned to the idea of bigness. They believe that to grow big is almost of necessity to progress. They believe that the expansion of American enterprise necessarily involves the corporate expansion of its units. And they are taught that the corporate expansion of the units should result in bigger profits, individually, to the economy as a whole.
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> American business was founded upon the principle of free competition maintained through free markets. But during the era of bigness the units of business became so big that they developed a fear of price wars; they dared not compete against themselves, and no one dared to compete against them. There consequently emerged the superunits—well-defined industrial groups whose members act in concert and whose aim is not competition but, on the contrary, price stabilization.
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> * * * * *
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> But inasmuch as these policies impinge upon and invade the sphere of public welfare, they impinge upon and invade the functions of government. By its very office, government must intervene.

Mr. President, what is the connection between monopoly control and labor disputes? First of all, monopoly control means higher prices, prices that drive the wage earner to demand higher wages. Second, monopoly prices mean higher profits for the privileged few, profits that sharpen the contrast between the position of capital and the position of labor, and make it inevitable that the wage earners demand a larger share of the national income. Third, monopoly profits mean vast economic power in the hands of a few business enterprises, power to force their employees out on strike and to sustain, with little trouble, the losses resulting from the strike. In such an endurance contest between the unlimited financial resources of monopoly and the hunger of men and women on strike, monopoly will invariably gain the upper hand. Fourth, monopoly economic power means the political power to gain control of parties, to elect members of Federal, State, and local governments, to destroy democratic principles and to block liberal legislation.

During the period between World War I and World War II monopoly power in America grew by leaps and bounds.

I ask unanimous consent to have inserted in the RECORD at this point a statement entitled "Basic Facts on Concentration of Economic Power Before World War II."

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

BASIC FACTS ON CONCENTRATION OF ECONOMIC POWER BEFORE WORLD WAR II

The 45 largest transportation corporations owned 92 percent of all transportation facilities of the country.[1]

The 40 largest public-utility corporations owned more than 80 percent of the public-utility facilities.[2]

The country's 20 largest banks held 27 percent of the total loans and investments of all the banks.[3]

The 17 largest life insurance companies accounted for over 81.5 percent of all the assets of all life insurance companies.[4]

The 200 largest nonfinancial corporations owned about 55 percent of all the assets of all the nonfinancial corporations in the country.[5]

One-tenth of 1 percent of all the corporations owned 52 percent of the total corporate assets.[6]

One-tenth of 1 percent of all the corporations earned 50 percent of the total corporate net income.[7]

Less than 4 percent of all the manufacturing corporations earned 84 percent of all the net profits of all manufacturing corporations.[8]

No less than 33 percent of the total value of all manufactured products produced under conditions where the four largest producers of each individual product accounted for over 75 percent of the total United States output.[9]

More than 57 percent of the total value of manufactured products was produced under conditions where the four largest producers of each product turned out over 50 percent of the total United States output.[10]

One-tenth of 1 percent of all the firms in the country in 1939 employed 500 or more workers and accounted for 40 percent of all the nonagricultural employment in the country.[11]

In manufacturing 1.1 percent of all the firms employed 500 or more workers and accounted for 48 percent of all the manufacturing employment in the country.[12]

One-third of the industrial-research personnel were employed by 13 companies. About 150,000 industrial corporations were without research laboratories.[13]

Mr. MURRAY. Mr. President, the table I have just inserted in the RECORD reveals that in 1931 the 200 largest nonfinancial corporations owned about 55 percent of all the assets of all the nonfinancial corporations in the country. One-tenth of 1 percent of all the corporations owned about 50 percent of total corporate assets and total corporate net income.

That was the picture immediately before the war. During the war the trend toward the growth of monopoly was tremendously accentuated.

When the defense program began Government turned to big business for the production of military goods and equipment. Small business was brushed aside.

On September 30, 1944, 100 corporations held 75 percent of all outstanding prime contracts. Big business corporations also received the great bulk of subcontracts. They received the bulk of the new war plants which had been built with Government funds or financed through the amortization provisions of the tax laws.

Mr. President, in the Washington Post this morning there appeared an article in which it was stated that the United States Steel Corp. had taken over the big plant at Geneva, Utah, which had cost originally $200,000,000. The United States Steel Corp. obtained the plant for the sum of $47,500,000.

Big business also got most of the contracts for scientific research. Under those contracts, for the most part, the corporations which carried on the research will have control, through patents, of the postwar commercial applications of such research.

Furthermore the big corporations of the country succeeded in obtaining tax exemption for the expenses involved in huge advertising campaigns designed to build up their prestige in the public mind.

As a result of all those influences, the position of big business increased in each successive year of the war. In 1939 firms with more than 1,000 employees accounted for 30 percent of the total employment of all American trade and industry. By 1943 this figure had risen to 44 percent. In 1939 firms with more than 1,000 employees accounted for 36 percent of the total pay roll. In 1943 this figure had risen to 53 percent.

Since the end of the war large industrial and business concerns have been steadily absorbing smaller firms. In the fourth quarter of 1945 the rate of mergers and acquisitions in manufacturing was higher than at any time in the previous decade and a half. This should be a warning to all of us that monopoly is on the march.

Mr. President, at this point I should like to read a portion of an address entitled "Business Restrictions Upon the Market," which was delivered by Hon. Wendell Berge, Assistant Attorney General of the United States, before the American Marketing Association on Thursday, May 16, 1946. It reads as follows:

In the lifetime of the present generation we have witnessed a profound and calculated increase in the rise of economic monopoly, the concentration of economic power, and the drive to eliminate competition as the organizing principle of the market. We have become sharply conscious of a revival of economic feudalism, of a renewal of the philosophy of privilege, and the reappearance of a whole array of monopolistic devices intended to destroy the free market.

Our national economy is not mature. Our capacity for economic growth is tremendous, but it will not take place without effort. Difficult and vexing situations incident to reconversion must not be permitted to warp the immense opportunities of the years ahead. If labor, Government, and industry cooperate wholeheartedly in utilizing the vitality and flexibility of our economic system, the American people will go forward to levels of production and abundance which we have only begun to glimpse. Abuses of economic power to limit and dominate the free market can jeopardize this future. It is among our first concerns to make certain that the opportunity and the promise within reach are given every aid to their realization. In this undertaking enterprise is at stake, and with it the fate of economic freedom.

The growing political power of monopoly is evidenced in many ways. There is the current drive to cut the antitrust law into shreds by exempting insurance companies, railroads and newspapers, and by preventing adequate appropriations for the Antitrust Division. There is the attempt to tighten banker control of the railroads. There is the drive of the power trust against the Missouri Valley Authority and other similar measures which would tend to promote small business and new competitive enterprises in the industrially backward areas of the country. There is the campaign of the large banks against any public program that would make capital available for small business and competitive enterprises.

Above all, there is the current campaign to restrict the rights of labor and entrench monopoly control over the lives and destinies of the American people. The antilabor amendments now pending before the Senate will further strengthen this campaign.

The answer to the problem of monopoly lies in a broad program to prevent increased concentration of economic power, to break up monopolies where that is at all possible, and to devise appropriate forms of public control over monopolies which cannot be broken down. It also calls for preservation of the antitrust laws, adequate appropriations for the Antitrust Division, loans for small business, and developmental projects to expand industry in backward areas.

In my opinion, such a program would go a long way toward reducing the causes of disputes between management and labor.

In addition to the cost of living and the growth of monopoly, a third cause of labor disputes is our present system of taxation.

For many years, the tax burden in American has fallen too largely upon the shoulders of those least able to pay.

Let me be a little more specific about the effect which taxes have on the purchasing power of the average worker. Let me add the impact of Federal taxes to the impact of rising living costs, and see how the average man or woman now stands as compared to 1939.

It has been calculated that a married man, without children, earning $2,000 a year, would have $1,830 left after income and social-security taxes. This would

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[1] National Resources Committee, June 1939: The Structure of the American Economy, pt. 1, p. 106.

[2] Idem.

[3] Twentieth Century Fund, Inc.: Big Business, Its Growth and Its Place, 1939, p. 9.

[4] National Resources Committee, op. cit., p. 103.

[5] Ibid., pt. 1, p. 107.

[6] President of the United States in his message to Congress April 20, 1938: 75th Cong., 3d sess., S. Doc. 173, Strengthening and Enforcement of Antitrust Laws, p. 2.

[7] Idem.

[8] Idem.

[9] Temporary National Economic Committee, monograph No. 27, The Structure of Industry, p. 275.

[10] Idem.

[11] Howard R. Bowan, Donald W. Paden, and Genevieve B. Wimsatt: The Business Population in Wartime, Survey of Current Business, May 1944, pp. 12–13.

[12] Department of Commerce and Bureau of Old-Age and Survivors Insurance (see app. B).

[13] Works Progress Administration, National Research Project on Reemployment Opportunities and Recent Changes in Industrial Techniques, Industrial Research, and Changing Technology, 1940, pp. 45–46.

buy about the amount of goods and services that could have been purchased in 1939 with $1,250 or $1,400, depending on which cost-of-living index is used.

On the same basis, a $1,500 income would buy about $1,000 to $1,100 worth of 1939 goods and services, and a $1,000 income would buy about $600 to $700 worth. And I am not talking about a small minority of the population. There are about 30,000,000 wage earners and their families included in these income brackets.

For many years, the large industrial and business organizations in America have been enjoying unfair advantages under our tax laws. For many years they have been using devices invented by high-powered law firms. They are devices which, though they may be within the letter of the law, nevertheless represent unjust evasions of the spirit of the law.

But during the last few years we have seen a new device in the history of taxation, a new method whereby monopoly is enabled to enhance its economic and political power. I refer to the carry-back and carry-forward provisions of the tax laws.

During the hearings on the 1942 tax laws, representatives of our big corporations argued that the engineering costs of conversion from war to peace would be so great that industry could convert only if it were given tax exemption during the war for the purpose of building up postwar reserves. It was argued, however, that it would be impossible during the war to calculate how much of a postwar reserve any company might need.

Accordingly, the present carry-back and carry-forward plan was devised. The theory behind this plan was that a corporation should be able to average off its wartime and postwar profits in order to be able to sustain the losses incurred in converting their plants from war to peace. In essence, this plan means that every corporation has been given a postwar reserve equal to the total amount of normal taxes and excess profits taxes paid during the preceding 2 years. It is provided that out of this reserve, the United States Treasury compensates corporations at the rate of 81 cents on every dollar of decreased income and 81 cents on every dollar of loss.

In August 1944 when I discussed this matter on the floor of the Senate, I pointed out that at that time the postwar reserve set up for American corporations under these provisions of the tax laws amounted to $28,000,000,000—the estimated amount of normal and excess profits taxes levied during 1943 and 1944. (See CONGRESSIONAL RECORD of August 9, 1944, p. 6898.) Today this fund amounts to more than $31,000,000,000—the estimated total of all normal and excess profits taxes paid by corporations for 1944 and 1945.

Although the argument in favor of these provisions of the tax laws was presented to Congress in terms of the need for meeting the engineering costs of reconversion, there is nothing in the law which would prevent this huge reserve from being used to compensate a corporation for losses sustained through strikes—strikes which might easily have been avoided under honest collective bargaining.

Let us suppose that there is a strike which lasts for 100 days. To the workers on strike, this means 100 days of deprivation, sacrifice, and uncertainty. It means 100 days during which bonds are cashed in, debts are incurred, insurance policies are canceled, and bills mount higher and higher.

To the corporation, however, it means not 100 days of financial loss, but 19 days of loss. This is so because for every $100 loss, the Federal Treasury will give the corporation $81. If my figures are not complete, it is because I have not taken into consideration the extent to which financial manipulation and involved bookkeeping methods could succeed in giving a corporation far more than 81 cents of return on a dollar of loss. It is entirely possible, and entirely within the ability of the accounting experts for a corporation to obtain far more than a dollar from the Federal Government for every dollar loss during a strike.

The A. F. of L. executive council recently expressed the belief that governmental tax policies had put industry "in a favored position" where it could resist demands of the workers and sustain prolonged strikes "without financial loss, regardless of the public interest."

Obviously, as the A. F. of L. points out, these provisions of the tax laws do not have the effect of inducing a reasonable attitude on the part of management in its wage negotiations with organized labor. Rather, these provisions induce a stubborn and arbitrary attitude, since management would have little or nothing to lose—perhaps even something to gain—by a strike.

The remedy for this situation is a complete revision of the tax structure—a revision that will not only provide for taxation in accordance with the ability to pay, but will also wipe out all provisions of the tax laws that subsidize strikes.

A fourth cause for labor disputes is the lack of a national system of health insurance.

Under present conditions, the costs of medical and hospital care represent one of the greatest threats to the security of the average workingman and his family. Sickness and disease do not respect the size of one's pay check or bank account. They frequently wipe out a family's savings and lead to heavy borrowing. When the breadwinner of a family is sick, he and his family face the twin calamity of mounting medical bills and the cessation of wages.

Because medical and hospital care is so expensive, the ordinary worker tends to postpone going to a doctor. For him, there is no such thing as preventive medicine. For him, medical care is a luxury resorted to only after it is too late for prevention.

The ever-imminent threat of accident and disease is an important factor in the demand for higher wages. In the absence of an adequate insurance fund to meet the costs of medical and hospital care, the only security for the worker and his family can be a larger bank account.

Consequently, there has been an increasing interest on the part of organized labor, in negotiating with employers, for the creation of special health insurance plans.

The present controversy between the United Mine Workers and the coal operators is only one in a growing number of such cases. Some companies have already agreed to establish plans of this type. A survey by the Social Security Board revealed that in 1945 there were 115 such plans in existence.

How simple it would be to dispose of the multiplying disputes between management and labor regarding health and welfare funds by making a single health insurance law! This is exactly what organized labor prefers, in order to remove the entire question of health insurance funds from the sphere of collective bargaining.

The present demand of the mine workers for a health and welfare program is little understood by a large section of the public.

I should like here to call attention to a discussion of this matter by a well-known writer for the Washington Post, Mr. Alfred Friendly, which I ask unanimous consent to have printed in the RECORD.

The PRESIDING OFFICER (Mr. WHERRY in the chair). Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post of May 19, 1946]

HE MAY GET 3 PERCENT—JOHN L.'S ASKING FOR NOTHING NEW IN FUND DEMAND

(By Alfred Friendly)

When John L. Lewis' proposal for a health and welfare fund was rejected last week by the soft-coal operators, one of their grounds was that it represented a new social theory and philosophy.

So revolutionary was the idea, the operators implied, that it should be thoroughly studied by Congress before it was installed; because it had such broad national implications and repercussions, it should not first be tried out, in the absence of public policy, on the coal industry.

It is somewhat difficult to follow this line of reasoning. Whatever the merits or demerits of the miners' demand for a welfare fund, the notion does not appear to be new or revolutionary in theory or philosophy.

Quite aside from such plans in Europe and even Asia, there are many health, welfare, insurance, and pension funds in the United States which embody all of the basic ideas.

THE ESSENCE OF IT

The principal elements in the miners' plan are:

1. It shall be paid for entirely by the employers. They are asked to contribute an amount equal to 7 percent of the industry's pay roll.

2. It shall be administered solely by the union.

3. It shall be used to provide medical care, hospitalization, accident and death benefits other hardship compensation, vocational retarining for disabled miners, and even "cultural and educational" grants.

The Bureau of Labor Statistics reports that more than 600,000 American workers are covered by somewhat similar health-benefit programs set up by union-management contracts. (This does not include possibly a million more covered by life insurance schemes, by health and welfare plans outside

collective-bargaining agreements, by voluntary participation plans, or by systems installed unilaterally by either unions or employers.)

THE PATTERN HOLDS

Most of the plans written into labor contracts are financed entirely by the employer, whose contribution is usually 2 or 3 percent of pay rolls. In some cases the contribution runs as high as 5 percent.

Of these systems, a little more than one third are jointly administered by union and employer. In another third, insurance companies assume the principal administrative responsibility. Somewhat less than one-third are run solely by the union.

Most plans in the last-named category are financed entirely by the employers.

ONLY HALF FOR HEALTH

The most important of these is a plan of the International Ladies Garment Workers Union (A. F. of L.). The employer usually contributes 3 to 4 percent of his pay roll. One-third to one-half of this amount is allocated for health benefits; the rest is used for vacation and retirement provisions.

In some instances the amount of the benefit and the rules under which claims are paid are determined by a joint union-management committee. But in other cases the determination is entirely in the hands of the union.

The ILGWU plan covers about 150,000 workers. Health and hospital benefits are paid, many elaborate health centers are maintained and in tubercular cases (occupational disease of clothing workers) sanitarium treatment is provided during the entire illness.

SURGICAL BENEFITS PAID

Another system is that of the New York City Laundry Workers division of the Amalgamated Clothing Workers (CIO). In this case, the employers contribute 1 percent of weekly pay rolls and the fund is administered by a seven-man union board.

Local unions of the United Hatters, Cap and Millinery Workers (A. F. of L.) in several large cities have also negotiated union-administered health benefit payment plans. Employers contribute 2 percent of the pay rolls.

In some cases the governing board for the fund has employer representation; in others, it is entirely union run.

Hospital and surgical benefits are paid, and disability benefits equal to half of the worker's wage are paid for as much as 20 weeks in 1 year.

MERE FIGUREHEAD

Most of the so-called jointly-administered plans are financed entirely by the employers. And while the employer shares in controlling the plan, the BLS states that the "day-to-day administration is actually in union hands."

In most of the programs, regardless of the type of administration, there are weekly disability benefits of 50 to 60 percent of an employee's regular earnings. The maximum benefit period runs from 13 to 36 weeks. Payments for hospital care are also usually provided, running from $4 to $5 a day for 31 days.

A major provision in virtually all of these plans, and one with important bearing on the mine workers' demands, is that they do not cover disability caused by occupational accidents. This is because there are State workmen's compensation laws protecting workers injured on the job.

THE "COVERAGE" DOESN'T

But some 20 States have only optional workmen's compensation plans. The employer may or may not choose to participate. And in many of the Southern States the benefit payments are woefully low.

If a miner is injured in line of duty in a mine which does not participate in the State plan the miner's only recourse is to sue. The trouble here, the union insists, is that the principal medical testimony will come from the company doctor.

The miners also cite the disaster last December at Four Mile, Ky., in which 24 lives were lost. Suits against the mine are to no purpose, for it was incorporated for a trifling sum, its property was mortgaged to its full worth, and there were no assets to be seized.

HE'LL GET SOMETHING

From experiences such as this, Lewis is therefore demanding that his welfare plans also provide benefits for occupational injuries.

It is almost a certainty that Lewis will acquire a welfare fund, though probably not as large as he is demanding. Two or 3 percent seems a more likely figure.

It is also probable that the fund will be jointly administered, or run by a tripartite trusteeship, with public or Government representation.

Finally, one provision of the contract may require all mines to participate in State workmen's compensation laws. The operators have already offered this proposal and they may use it as a lever to reduce the size and scope of the welfare fund.

Mr. MURRAY. Mr. President, the present controversy between the mine workers and the coal operators has thus far centered around the confused question of the health fund.

Mr. President, the question of the coal strike and the miners' health fund has been discussed at length on the floor of the Senate. I find something very perplexing in the attitude of those who contend that the present crisis in the coal industry calls for legislation limiting the rights of labor.

On the one hand, they all agree that the health problem in mining areas is extremely acute. I do not believe there is one man in the United States Senate who will deny that there is a serious need for improved health services for the coal miners of America.

Yet, on the other hand, I have yet to hear a constructive proposal from those who are calling for antilabor legislation—a proposal that would actually do something to improve the health of the miners, and therefore remove one of the most direct causes of strikes in the coal industry.

Mr. President, I do not believe in enacting national legislation to meet the needs of a specific, localized situation. Yet those who favor the restriction of labor's rights are calling for national labor legislation because of the fact that a dispute over health plans has arisen in the coal mines.

If we are to enact national legislation to deal with a localized problem, then, in the name of logic, let such legislation be aimed at the problem which has given rise to the coal strike!

Then, let us enact the national health bill, S. 1606, and thereby establish a national health-insurance fund which will bring adequate medical and hospital care within the reach of every miner in America, and the dependents of every miner!

If this action were taken by Congress, Mr. President, the fundamental basis of the present coal dispute would completely disappear. The miners, like all others, would have a health-insurance fund, soundly conceived and soundly administered. The effect upon labor relations in the mining industry would be incalculable.

No, Mr. President; there is no fundamental answer to the miners' health problems other than the creation of a national system of health insurance.

But the case for national health insurance does not rest entirely upon the situation in the mines. It rests upon a Nation-wide need for improved medical and hospital care.

It rests upon the fact that private insurance plans have proved totally incapable of bringing adequate medical and hospital care within the reach of the great masses of our people.

It rests upon the fact that national health insurance would contribute to labor peace, not only in the coal mines, but in every branch of industry and trade as well.

In this situation, as in many others, the way to prevent strikes is not by curtailing the rights of labor, but by protecting those rights so as to maintain the proper equilibrium between management and labor. Instead of curtailing the right to strike, we must give the people of America the right to health. By so doing, we would remove one of the most prolific causes of conflict between capital and labor.

A fifth cause of labor disputes is bad housing.

Let me quote from the article by Mrs. Agnes Meyer which appeared in the Washington Post on May 8, 1946, and described living conditions in the mining areas of Kentucky:

At Fourmile I began my study of the miners' living conditions. The company houses are hovels so abominable that no human being should live in them. The roofs leak, the wind blows through crevices in walls and floors, the destitution and filth of generations are everywhere evident. Two families had lived for 30 years right at the mouth of the mine. These shacks with a local lumber supply had cost less than $50 to $75 to build originally. Yet these families, for 30 years, had paid first $6, then $9, a month, or some $3,000 in all, for this abomination of a house and for the privilege of working from father to son in daily risk of their lives when they entered this mine. There is no running water in such camps. One family uses a dirty trickle of a stream that comes from the hill where pigs run and cattle graze. Others use moldy, polluted old wells. Many walk blocks to the nearest source of water, which may be a clean spring in the higher locations or a dirty one if it is in the valley. The open outdoor toilets are often near the water supply. Refuse lies in the streams and in the all-pervasive mud.

The small children in these families are undernourished and scabby-faced, either with skin diseases or filth. The miserable commissary in this mine has an inadequate variety of foods. Other stores are miles away. From 5 to a top of 22 children are crowded into these houses.

Mr. President, I have heard many distinguished Members of the Senate allege that the coal strike calls for legislative action to curtail the rights of unions. I am still waiting for any such Members of the Senate to propose a plan for doing something about company housing.

True, the other House now has before it the long-range housing bill which only recently was passed by the Senate. Yet,

to my knowledge this bill contains no specific provisions for coming to grips with the problem of company-owned housing such as we have come in contact with in the coal industry.

Naturally, it is extremely important, as part of a program for preventing labor disputes, to have expeditious action by the House of Representatives on the housing bill as passed by the Senate. But it would also be helpful, I submit, to have additional housing legislation setting up a program to eliminate and solve the company housing problem about which Mrs. Agnes Meyer has written in the Washington Post.

A sixth cause of labor disputes is the failure of Congress to extend the social security laws.

I refer to the proposals that have been made again and again to improve unemployment insurance, to improve old-age and survivors' insurance, and to establish disability benefits to compensate for the loss of wages while people are out of work because they are ill.

It was early in the course of the war that Congress set up its insurance fund for corporations through the carry-back and carry-forward provisions of the tax laws. There was no delay on that measure.

Mr. PEPPER. Mr. President, will the Senator from Montana yield to me for a question?

The ACTING PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Florida?

Mr. MURRAY. I yield for a question.

Mr. PEPPER. I will ask the able Senator if it is not correct that proposed amendments to the social-security law contemplate insurance benefits or payments to individuals who might sustain disability through some permanent injury, but that such proposals have not by the Congress been enacted into law?

Mr. MURRAY. That is exactly true.

Mr. PEPPER. And if we did have legislation of that character in existence today, would that not have eliminated the necessity of John L. Lewis demanding that there be provided out of the coal industry a fund to take care of the miners who have their backs broken and otherwise have sustained total and permanent disability.

Mr. MURRAY. I think it is obvious that if we had such a law there would be no need for the demand now being made by John L. Lewis.

Mr. President, during 1944, as chairman of a subcommittee of the Military Affairs Committee, I took an active part in mapping out the legislation that expedited the industrial conversion of business. I refer specifically to the Contract Settlement Act of 1944, the Surplus Property Act of 1944, and the War Mobilization and Reconversion Act of 1944.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. MURRAY. I yield.

Mr. CAPEHART. I should like to ask the able Senator from Montana a question. What would he recommend be done in case the railway workers refuse to work and the rail strike continues for one week?

Mr. MURRAY. Mr. President, I will say that I do not like to anticipate what the President is going to propose tonight at 10 o'clock and tomorrow afternoon at 4 o'clock. I am sure that his recommendations to the Congress will have a profound effect upon all of us, and I am anxiously awaiting his recommendations.

Mr. PEPPER. Mr. President, will the Senate grant a unanimous-consent request for me to try to answer the question asked by the Senator from Indiana?

Mr. CAPEHART. Mr. President, I would be very happy to have the able Senator from Florida answer the question, because to my mind it is the most germane thing that we could be discussing tonight, because our Nation is paralyzed as the result of a strike.

Mr. PEPPER. Mr. President, I ask unanimous consent for 5 minutes' time in which to answer the question of the Senator from Indiana.

The ACTING PRESIDENT pro tempore. Does the Senator from Montana, who has the floor, yield for that purpose?

Mr. MURRAY. I yield for that purpose, if I do not lose the floor by doing so.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Florida?

Mr. WHITE. Mr. President, will the Senator again state his request?

Mr. PEPPER. The able Senator from Indiana made inquiry of the able Senator from Montana as to what he would recommend if the rail workers declined to work for a week, and I said that I should like an opportunity to try to answer the question. Of course, I could not do so without taking the Senator from Montana off his feet, and I made a unanimous-consent request for 5 minutes' time in which I would endeavor to answer the question.

Mr. WHITE. Mr. President, I have no desire to object. I think it will take the combined efforts of both the Senator from Florida and the Senator from Montana to make a satisfactory reply.

Mr. PEPPER. I should like to proceed, Mr. President. The inquiry is a very pertinent one, and I should like to have 5 minutes' time in which I shall make an effort to make reply.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous-consent request? The Chair hears none.

Mr. PEPPER. Mr. President, I was anxious to try to answer the question, because many of us have been very seriously concerned about just that kind of question, and I know how very diligent the Senator from Indiana has been in an effort to find some way out of the present situation.

My suggestion is that the President, in a case where the Government has the operation and the custody of an enterprise or a facility, immediately he takes possession, concentrate his inquiry and effort upon a single question, namely, the maintenance of the service of the industry for the public, leaving aside for the time being the settlement of the permanent controversy. Now to be perfectly frank, one reason I am so anxious to make an observation is that I am afraid—and I say it not in a spirit of criticism in any sense—that so far the effort of the Government has been to bring about a permanent settlement between management and labor rather than a temporary restoration of work by the workers. I am afraid that the Government has not put the same emphasis upon getting the workers back to their jobs as has been put upon the solution of the permanent question.

We, as members of the public, are primarily interested in the railroads running. We want trains to ride on. We are not so much interested, as individual citizens, in the wage scale or the other terms of employment; but we do want the railroads to run. And had the President not been engaged some of us would already have conveyed to him this evening the earnest hope that he would make the statement tonight at 10 o'clock that what he is going to do is to get the workers into his office and say, "Now gentlemen, I am appealing to you as President of the United States to work for me as the representative of your country, and let us come to a sensible agreement about the terms of your employment while you are working for the Government. Meanwhile you go ahead with your negotiations for a permanent settlement."

I have reason to believe—and I say it advisedly—I have reason to believe that such an approach will meet a responsive reception. I believe that if the Government will concentrate its efforts in that way, within a matter of hours work can be resumed on the railroads by the employees, and the trains can be started in operation again. I think the same procedure could be applied with respect to the coal mines.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. CAPEHART. Suppose, after the President calls the heads of the unions in, they still refuse to work, as they have done up to this time; then what would the able Senator recommend be done? The reason I am asking the question is this: I am thoroughly convinced that the American people are looking either to the Congress or to the President to protect them in this hour of emergency. I am thoroughly convinced that tonight the American people are looking to the Senate, in session here tonight, to debate and discuss the immediate problem of again operating the railroads of America. I do not believe that they are interested in our debating the merits or the demerits of whether the railroad owners or the employees are right or wrong. As I stated a little earlier, I think we are here representing all the people, and not any one class. I think we should legislate for the good of all the people. I do not believe that we have any right as Senators to debate the merits or demerits of any labor dispute or any other dispute between private individuals. I think we should immediately decide, if we possibly can, what can be done. I know of no one better qualified to discuss that question than the able Senator from Florida, because he is vitally interested in labor, and I am certain that he is vitally interested in the American people. Let us proceed on the basis that something must be done

to settle the strike and get our railroads operating again before there is a real disaster.

How can we do it? To my mind that is the problem. I should like to see the President of the United States and the Congress concentrate on that subject. What can we do to again get our railroads in operation and avoid what might be a calamity?

Mr. PEPPER. I am afraid I am already exceeding my allotted time. The Senator is absolutely correct in concentrating attention upon the immediate problem.

I repeat that if the President lacks authority to deal with the operation of the enterprise while the Government is operating it, then he should tell us so; and no doubt he will tomorrow. If he lacks authority to get the men back to work, and if he lacks authority to offer inducements and fair adjustments to get them back to work, then I think the Congress would be ready to give him that authority almost immediately.

However, let me say that I think the Congress will be reluctant to give authority to use coercion or force until there has been an exhaustion of all reasonable efforts at inducement and adjustment. A few minutes ago I saw in the Evening Star some things that looked a little ominous. The statement was made that General Eisenhower had been instructed to come back immediately from the Pacific, and that various military concentrations have been made at strategic rail points. That is suggestive of a type of coercion and armed force that I shrink from. I hope that is not going to be the spirit in which we are to approach this question, especially if I am right in the information which I have received, that so far the negotiations have been not with respect to whether the men would work for the Government or not, but merely with respect to whether a permanent settlement can be arrived at. I understand that so far the negotiations have not been with the President, but with representatives of the President, management, and labor dealing with each other. The President should call in Mr. Whitney and Mr. Johnston and say, "Gentlemen, I am not asking you to work for the railroads, but to work for me, your Government, and your country. I want to make fair adjustments in this dispute while you are working for us, and I will meet you half way. We want the railroads of this country to operate first, and secondly we will settle the dispute."

It seems to me that if we support the President in such a policy—and if he lacks authority for such a policy, clearly give it to him—that will accomplish the first objective for which we are striving; namely, getting the railroads in operation again. Then we can reach the permanent problem when the more immediate problems are disposed of.

Mr. CAPEHART. Mr. President——

Mr. MURRAY. Mr. President, this is a vitally important discussion which is going on, and I am perfectly willing that it should continue for a few minutes, if I am not taken from the floor.

Mr. CAPEHART. I certainly have no idea of taking the Senator from the floor. Will the Senator yield for just a moment?

Mr. MURRAY. I yield.

Mr. CAPEHART. I was under the impression—perhaps I am wrong, and if I am wrong the able Senator from Florida can correct me—that when the President of the United States, in the name of our Government, took over the railroads, that in itself was all the notice that was necessary to the employees that the President of the United States desired that they work for our Government. What more can he do?

Mr. PEPPER. Mr. President, I should be glad to try to respond if I may be recognized.

The ACTING PRESIDENT pro tempore. The Senator from Florida is privileged to do so, because the question has been asked of him.

Mr. PEPPER. I think the Senator is correct in that the technical and legal custody of the railroads has been taken over by the Government. But I am informed by a reliable source that there have been no negotiations with the workers with respect to their working for the Government. I obtained the information, as I have said, from a person who has been close to the negotiations. I do not know whether the President feels any lack of authority, or feels that he would not be supported by the Congress. He may feel that the question of a permanent wage should be settled now. But, I believe that in the Congress, and assuredly in the country, the chief concern is to get the railroads in operation again. I believe that it is the sense of the Congress that the first negotiations should be with the employees with respect to working for the Government.

Mr. CAPEHART. Mr. President, will the Senator from Montana yield to me for a moment more?

Mr. MURRAY. I yield.

Mr. CAPEHART. Does not the Senator from Florida believe that the workers should be willing to work for the President at the old rates, and if not at the old rates, at the rates which the President recommended that they accept in a new contract with the railroads?

Mr. PEPPER. The able Senator has asked two questions. Let me answer the second question first.

The recommendation as to wage changes made by the President was not for the time they were working for the Government, but as a permanent base. That recommendation related to the permanent contract. In that case I am sure the able Senator would no more blame the workers in this case for not following the President's recommendation than he would blame General Motors, in the General Motors case, for not following the recommendations of a Presidential fact-finding board, and the recommendation of the President.

To answer the first question, of course we expect that the workers should work for the Government. I do not favor a work stoppage. But, as I stated earlier in the day in a discussion with the able Senator from Minnesota [Mr. BALL], I do not believe that we ought to ask employees, in case they feel so aggrieved that they will resort to a work stoppage, to continue of necessity to work for an indefinite time without any improvement in the controversy which caused the dispute in this case, namely, wages. I would not expect the President, during the temporary operation, to solve all the questions; but I think it would be perfectly proper for the President to say, "I am the trustee, and it is my job as trustee to keep this enterprise in operation. I want you to make a contract with the Federal Government as trustee. I am willing to make reasonable adjustments in the wage scale during the limited time that you are working for the Government."

Mr. BALL. Mr. President, will the Senator from Montana yield?

Mr. MURRAY. I yield.

Mr. BALL. I wonder if the informant of the Senator from Florida has indicated to him whether the approach which he recommends, namely, the Congress authorizing the President to offer inducements to the employees to work after the Government takes over the properties, is probably the one which the President will recommend to us tomorrow.

Mr. PEPPER. I have no information on that point. I hope the President will recommend that course if he believes he lacks authority. All I wish to emphasize is that I desire to see to it that the President has authority, and feels that he will have congressional support to negotiate with the workers to work for the Government. That is all I am asking.

I will say to the able Senator from Indiana that if after reasonable trial that method fails, and the President learns by experience the kind of request he should make of the Congress, he can be assured that he will receive most sympathetic and cooperative consideration from Members of Congress when he makes such a request. But we do not want coercion first; and we do not want the Army first.

Mr. CAPEHART. Mr. President, I have yet to hear a single Senator, or anyone in authority, say that he feels that he knows how to get our railroad workers back to work. I believe it has been stated time and again on the floor of the Senate that there is no existing law under which we can force the operation of our railroads. If that be true—and I do not know whether it is or not, because I am not a lawyer——

Mr. PEPPER. I have not the law before me, but there are able lawyers in the Chamber who, perhaps, can confirm my statement. It is my impression that the law under which President Wilson took over the railroads in World War I is still on the statute books. I recall that the Railroad Administrator, Mr. McAdoo, exercised the authority of the Government in the administration of the railroads and made new wage agreements on behalf of the railroads while the Government was operating them. I understand that that statute is still the law of the land, and within reach of the Government.

Mr. CAPEHART. Then, am I to understand that it is the opinion of the able Senator from Florida that the President does have the authority? If he has

the authority, then why would it not be proper for the Congress, by joint resolution, to direct or request the President of the United States to use that authority and again operate the railroads of America?

Mr. PEPPER. I should be glad to join in such a request.

Mr. CAPEHART. If he does not have that authority, and there is no law under which he can prevent our Nation from being paralyzed, then does not the Senator believe that we should give him such authority? I am directing this question to the able Senator from Florida and the able Senator from Montana, who have done a great job representing their point of view. They have been tireless in their efforts. If there is no such law, then does not the Senator think the time has arrived—or, at least, the time will have arrived tomorrow—when all of us should join together, should admit there is no law, and should pass a law which will permit the operation of the railroads?

Mr. PEPPER. Mr. President, if the Senator from Montana, who no doubt will wish to make a longer answer, will permit me to speak first——

Mr. MURRAY. Yes.

Mr. PEPPER. Let me say I am sure that is what all of us are interested in, and I am sure all of us will await with great interest the President's address tonight and his address tomorrow to the joint session. If he lacks legal authority to make a proper approach, I am sure the Congress will be willing to give it to him.

But I hope the President is not going to ask the Congress, first, for authority to use coercive measures or to make it a penal and a criminal offense for citizens to exercise their rights, until every effort of persuasion and reasonable inducement has been exhausted.

Mr. MURRAY. Mr. President, I am sure all of us agree regarding the seriousness of the situation confronting the Nation tonight.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. MURRAY. I yield.

Mr. TYDINGS. In the event the Government takes over the railroads—which it has done—and in the event the President and his advisers make a proposal which they deem fair and equitable not only to the railroad workers but for holding the line and for all the other wage scales in the whole country, if the representatives of the employees reject it, with the result that the strike continues for a week, then what should we do? I should like to have an answer to that question: That is, what should we do if the employees reject the offer of an increase as made by the President of the United States?

Mr. MURRAY. I am sure that the railroad workers of the United States who are involved in this strike are patriotic Americans, and I have great confidence that they will exercise sound judgment in responding to the President's request.

Mr. TYDINGS. Let me say to the Senator from Montana, if he will yield, that this afternoon the United States Employment Commissioner for Maryland happened to be in my office, and he told me that an estimate showed that, because of the rail and coal strikes, combined, 57,000 people in Baltimore City, alone, had been thrown out of employment, today. If this strike lasts a week, I am wondering how many will be out of employment in just that one city, if there are 57,000 already out of employment there.

Mr. FERGUSON. Mr. President, will the Senator yield?

The ACTING PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Michigan?

Mr. MURRAY. I shall yield in a moment.

First, Mr. President, let me say that the situation confronting us is, of course, extremely serious. I think we have made a mistake in our failure to foresee the problems which are upon us at this moment. My understanding is that this controversy between the railroad workers and the railroads has been up for consideration for a long time. Every effort has been made by these workers to have their conditions of work adjusted, but they have failed in that effort. It seemed to them that it was absolutely necessary for them to exercise the right to strike in order to bring the matter to a focus and to obtain some results.

Mr. TYDINGS. Mr. President, will the able Senator from Montana yield for one more observation?

Mr. MURRAY. I yield.

Mr. TYDINGS. It seems to me that the best solution of the matter would be this: If the President—and I understand he has already done so, either directly or impliedly—offers to these workers an increase, and if that be an interim offer, only, and not binding finally on them, they might come back and operate the railroads on the basis of an 18½ cents an hour increase, which I understand already has been offered, and work for the Government and carry on the other negotiations at the same time. In that way we could get commerce going again. What I cannot understand is why, when the employees can get that much temporarily, they will not return to work.

Mr. MURRAY. That sounds like an extremely reasonable proposal. I am sure that if that proposal is made to the strikers who are involved in this strike, they will, as good citizens, accept it.

Mr. TYDINGS. I am glad to hear the Senator say that, because I am sure he is in a better position to give an opinion on whether it is a worth-while suggestion than most of us are.

But it seems to me that the President already has his board; and he himself, as I understand, has recommended an 18½ cents an hour increase. The board recommended an increase of 16 or 16½ cents an hour, and the President raised it to 18½ cents an hour, so that it would be on all fours with the settlement of the other strikes.

Mr. MURRAY. Yes.

Mr. TYDINGS. As I see the picture—and it may not be an accurate picture—the employees not only want that increase but they want more than that increase in money, and they also want some of the rules changed.

Mr. MURRAY. Yes.

Mr. TYDINGS. It seems to me we might get out of this emergency by this process, which would not do anyone irreparable harm—to wit, that the employees would accept the 18½ cents an hour increase for, say, the next 3 weeks, and go to work under the Government at an increase of 18½ cents an hour, without any change in the rules, but that the negotiations for the additional amount and for the changes in the rules would be carried on at the same time—in which event we would have immediate relief from the rail strike, and negotiations could continue, and the country could be relieved from a tremendous emergency.

I do not know whether that proposal has been presented to the men. But if the men themselves knew that that was the proposal—namely, that they would receive what the President has offered, and that the whole matter would continue to be negotiated—it is a little difficult for me to believe that the railroad men themselves would refuse to go back to work.

But I wonder whether they have had that proposition put up to them.

Mr. MURRAY. That is the point.

Mr. TYDINGS. I do not mean that I wonder whether that proposal has been put up to them by the President, but I wonder whether it has been put up to the employees by those who are speaking for them.

Mr. MURRAY. I understand that that proposal has not been made, and that there has been no opportunity on the part of the employees to consider it. If it is made to them, if they are given an opportunity to consider it, I have confidence that they will give it very careful consideration; and if I were a spokesman for them I would wish to accept it.

Mr. TYDINGS. I would, too; and I think perhaps that would be the solution. But what I cannot understand is this: Assuming that the Senator from Montana and I were the two people to the controversy, it would be settled here in the floor of the Senate.

Mr. MURRAY. I am sure that is correct.

Mr. TYDINGS. Assuming that the President and the employees were the parties to the controversy, I believe it would be settled instantly.

Mr. MURRAY. I think so.

Mr. TYDINGS. But I am wondering why the employees do not have a chance to accept or reject that proposition. As I see the picture, the negotiators for the employees have not put that particular proposition, which the President recommended, up to the employees.

Mr. MURRAY. It has not been put up to the representatives of the employees, as I understand the matter. If it had been I am sure they would consider it.

Mr. TYDINGS. I may be misinformed; but my information is that the original fact-finding board recommended a 16 or 16½ cents an hour increase—as I recall it was 16 cents—and I understand that the President said, "No; I

think these men ought to have the same increase that those who are in the automobile and the steel industries have heretofore obtained," and therefore he made the offer of an 18½ cents an hour increase, instead of 16½ cents an hour which was recommended by the fact-finding board.

Mr. MURRAY. My understanding is that the fact-finding board was limited in making its findings, and that was the reason why it did not go up to 18½ cents an hour.

Mr. TYDINGS. Be that as it may, eventually they were offered 18½ cents an hour.

Mr. MURRAY. Yes.

Mr. TYDINGS. And as I see the picture—largely from the press—the money seems to be somewhat incidental to a change in some 40 rules, against many of which the employees are protesting, and in which they wish to have substantial changes made.

The point is this: The President has taken over the railroads. In my opinion there is no doubt in the world that the Goverment and the railroad companies together will be willing to pay the additional 18½ cents an hour.

Therefore, why not have the railroads reoperated, have traffic resumed, and have these negotiations carried on at the 18½ cents an hour level, without any change being made in the rules, and have the entire question finally settled within 2 or 3 weeks?

Mr. MURRAY. In the judgment of the workers the question of rules is an important element in the negotiations.

Mr. TYDINGS. May I ask the Senator a final question?

The ACTING PRESIDENT pro tempore. Does the Senator from Montana yield further to the Senator from Maryland?

Mr. MURRAY. I yield provided that I do not lose the floor.

Mr. TYDINGS. Would the Senator from Montana, speaking for himself and the Senator from Florida, they being the two Senators who are the chief contenders in the controversy here, although I say that with no reflection on them, be willing to recommend to the workers the adoption of the course which I have suggested as a temporary solution of the present problem?

Mr. MURRAY. So far as I am concerned, I would be willing to recommend it.

Mr. TYDINGS. I thank the Senator.

Mr. MURRAY. With the understanding, however, that the adjustment as to wages would be retroactive.

Mr. TYDINGS. I think that is a fair statement. Of course, the question of rules is an important element which would be considered before a final adjustment had been reached. But as the Senator pointed out, that is something which would be deferred and would be a subject of subsequent negotiation.

Mr. MURRAY. I thank the Senator.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. MURRAY. I yield.

Mr. BARKLEY. I think there should be no misconception or misapprehension from what has been said in this discussion with reference to what the President has or has not done.

Mr. MURRAY. That is what I said at the opening of the discussion.

Mr. BARKLEY. I am quite sure that no Member of the Senate has any authority to state that the President has made any statement such as the one to which reference has been made. He took over the railroads under the authority conferred upon him. Negotiations have been carried on continuously, including practically all of today, at which no conclusion or decision was reached. Because of the failure to arrive at a decision the President has asked the Senate and the House of Representatives to meet in joint session tomorrow at 4 o'clock in the afternoon, at which time he will address the Congress. He is to speak to the country tonight over the radio. I suppose that in that address, as well as in the address which he will make tomorrow to the Congress, he will outline what has been attempted in the way of a solution of the present problem, and will advise the Congress and the country, as well, with regard to the situation. I have no doubt that the President will make definite recommendation in his address to the Congress tomorrow with reference to legislation which will enable him to cope with the situation. I am not authorized to suggest, and I would not do so even if I knew at this juncture what he will specifically and definitely recommend. But I hope the Senate will keep itself in position to consider immediately whatever the President recommends to it in his address tomorrow. I do not believe that we should draw any conclusions as to what has taken place behind closed doors with reference to the various phases of the negotiations which have been carried on in an endeavor to solve the problem, but which, up to now, have failed.

Mr. MURRAY. Mr. President, that is exactly what impressed me at the time the colloquy began. I did not wish to anticipate what the President might recommend. In fact I do not know what he will recommend. I have not been in contact with any person who has anything to do with the controversy, and so I am unable to express any views with regard to the matter. Therefore, I did not wish to engage in a discussion concerning a matter of such seriousness. However, I must say that I greatly impressed by the arguments which have been made by the distinguished Senator from Maryland. They appealed to me as being absolutely fair and reasonable. I am confident that if the proposal which he has suggested were made to the workers, some solution might be reached.

Mr. BARKLEY. I merely rose to express the hope that the Senate would not attempt to speculate in advance on what the President will recommend tomorrow. I feel sure that he will make a definite and specific recommendation, based on all the efforts which have been made to reach a solution. I also hope very fervently that both the Senate and the House of Representatives will be in a position tomorrow promptly to consider his recommendation after he has made it. In the meantime, I believe that we must await that recommendation without believing that we have the slightest advanced knowledge of what it will be.

Mr. MURRAY. I agree with the majority leader.

The ACTING PRESIDENT pro tempore. Does the Senator from Montana wish to continue his address?

Mr. MURRAY. If the discussion which is now taking place is permissible under the rule, and I do not lose the floor, I am willing that it shall continue. I have nearly concluded my remarks, and if it is satisfactory I am willing to yield for questions.

Mr. AIKEN. Mr. President, I should like to ask a question, but I think that I can propound it to the Chair.

If the Senate votes for cloture tomorrow, would it then be in order to offer amendments which would conform with the President's recommendations, provided his recommendations were not already embodied in some of the amendments now before us?

Mr. BARKLEY. Mr. President, all Senators, who are familiar with the rule concerning cloture, know that no amendment may be offered, after the hour which under the rule the Senate is required to vote on the cloture motion, if the motion is adopted, unless the amendment has already been offered, printed and complies with the rule before the vote on cloture is taken.

The ACTING PRESIDENT pro tempore. No amendment would be in order after the motion for cloture has been adopted by a two-thirds vote which had not been presented prior to the time of the vote, except by unanimous consent.

Mr. AIKEN. Then if the Senate desired to pass a measure conforming with the President's request, and it had not already been embodied in any amendment which was printed, it would have to be by way of new legislation.

The ACTING PRESIDENT pro tempore. Yes; or by unanimous consent.

Mr. AIKEN. Or by unanimous consent.

The ACTING PRESIDENT pro tempore. Yes.

Mr. WHEELER. Mr. President, I wish to correct a statement which has been made. The fact of the matter is that the President has appointed a mediation board for the purpose of mediating not only the question of wages, but also the question of rules. He appointed two boards, one for 18 unions, and one for 2 unions, the trainmen and the engineers. Both boards made a recommendation of an increase of 16 cents an hour. Subsequently, and after the strike was threatened, the President made a suggestion of 18½ cents an hour. The trainmen and the engineers wanted 18½ percent, and some changes in the rules. Those are really what the issues now are. The President appointed persons on the board who have been known to be friendly to the railroad employees. After the fact-finding board made its findings of 16 cents an hour, the President went over the board and recommended 2½ cents an hour more. As I have said, the members of the boards were appointed by the President. Some of those members were known to be

friendly to the railroad men when they were appointed. My understanding is that they were appointed at the suggestion of the trainmen and the engineers.

Mr. CAPEHART. Mr. President, will the Senator yield for a question?

Mr. MURRAY. I yield.

Mr. CAPEHART. When the President recommended 18½ cents an hour, did the railroads accept the recommendation and agree to pay 18½ cents to their employees?

Mr. MURRAY. I did not understand the Senator.

Mr. CAPEHART. The President recommended an increase of 18½ cents an hour.

Mr. MURRAY. Yes.

Mr. CAPEHART. Did management accept the recommendation?

Mr. MURRAY. I do not understand that management accepted the recommendation, because it was merely a part of the entire problem.

Mr. WHEELER. I understand that the railroads themselves were willing to accept the recommendation of an increase of 18½ cents an hour.

Mr. MURRAY. They could not accept it because it was tied up with the other problem concerning the rules.

Mr. WHEELER. The railroads could have accepted the recommendation, but the employees wanted not 18½ cents an hour, but an increase of 18½ percent. They also wanted a change to be made in the rules. There are many rules in dispute. For example, the railroads want certain rules changed, and the brotherhoods want certain other rules changed.

Mr. MURRAY. A change in the rules would entail a heavy expense on the part of the railroads.

Mr. WHEELER. That is correct.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. MURRAY. The Senator from Michigan has been on his feet for some time, and I yield to him.

Mr. FERGUSON. My reason for asking the Senator from Montana to yield is that we have been discussing the 1916 act. I thought it would be well to read one paragraph of the act which applies to the discussion.

It provides:

The President, in time of war, is empowered, through the Secretary of War, to take possession and assume control of any system or systems of transportation, or any part thereof, and to utilize the same, to the exclusion as far as may be necessary of all other traffic thereon, for the transfer or transportation of troops, war material and equipment, or for such other purposes connected with the emergency as may be needful or desirable.

That is the section of the 1916 act. It will be noted that it says "in time of war," and they shall be taken over through the Secretary of War.

Mr. President, the act of March 21, 1918, was an act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes.

The original act of 1916 made no provision whatever for compensation, and the 1918 act undertook to provide for compensation, and if the Senator from Montana will yield long enough I shall read the first paragraph, which will indicate what I have in mind and what the statute provided for.

Mr. MURRAY. I only hope that it is not lengthy, because I wish to listen to the President's address.

Mr. FERGUSON. It is not lengthy. It provides:

The President having, in time of war taken over the possession, use, control, and operation (called herein Federal control) of certain railroads and systems of transportation (called herein carriers), is hereby authorized to agree with and to guarantee to any such carrier making operating returns to the Interstate Commerce Commission, that during the period of such Federal control it shall receive as just compensation an annual sum, payable from time to time in reasonable installments, for each year and pro rata for any fractional year of such Federal control, not exceeding a sum equivalent as nearly as may be to its average annual railway operation income for the 3 years ending June 30, 1917.

Mr. President, in 1920 an act was passed for the termination of the Federal control, and it provided that the Federal Control Act relating to the last I read—this Transportation Act—was terminated. But we find one provision in the act which says that the 1916 law is still in effect, but it is very doubtful, and I should say from a reading of these statutes that the 1918 law has been repealed and is not in effect, because the law provides, in section (c):

Nothing in this act shall be construed as affecting or limiting the power of the President in time of war under section 1 of the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes.

Mr. President, that is the act I first read.

If I might, I should like to have printed in the RECORD Executive Order No. 9727, issued on May 17, 1946, which is the order under which the President has taken over the railroads at the present time. I ask that it be inserted in the RECORD at this point, instead of reading it. It is the order taking over the railroads.

The ACTING PRESIDENT pro tempore. Is there objection?

There being no objection, the Executive order was ordered to be printed in the RECORD, as follows:

EXECUTIVE ORDER 9727

POSSESSION, CONTROL, AND OPERATION OF CERTAIN RAILROADS

Whereas after investigation I find and proclaim that as a result of labor disturbances there or interruptions, or threatened interruptions, of the operations of the transportation systems, plans, and facilities owned or operated by carriers by railroad named in the list attached hereto and made a part hereof; that the war effort will be unduly impeded and delayed by such interruptions; that it has become necessary to take possession and assume control of the said transportation systems, plants, and facilities for purposes that are needful or desirable in connection with the present wartime emergency; and that the exercise, as hereinafter specified, of the powers vested in me is necessary to insure in the national interest the operation of the said transportation system, plants, and facilities:

Now, therefore, by virtue of the power and authority vested in me by the Constitution and laws of the United States, including section 9 of the Selective Training and Service Act of 1940, as amended by section 3 of the War Labor Disputes Act (57 Stat. 164), the act of August 29, 1916 (39 Stat. 619, 645), and the First War Powers Act, 1941 (55 Stat. 838), as President of the United States and Commander in Chief of the Army and Navy, it is hereby ordered as follows:

1. Possession and control of the transportation systems, plants, and facilities owned or operated by the carriers by railroad named in the list attached hereto and made a part hereof are hereby taken and assumed, through the Director of the Office of Defense Transportation (hereinafter referred to as the Director), as of 4 o'clock p. m., May 17, 1946, but such possession and control shall be limited to real and personal property and other assets used or useful in connection with the operation of the transportation systems of the said carriers. If and when the Director finds it necessary or appropriate to carry out the purposes of this order, he may, by appropriate order, take possession and assume control of all or any part of any transportation system of any other carrier by railroad located in the continental United States.

2. The Director is directed to operate, or arrange for the operation of, the transportation systems, plants, and facilities taken under or pursuant to this order in such manner as he deems necessary to assure to the fullest possible extent continuous and uninterrupted transportation service.

3. In carrying out the provisions of this order the Director may act through or with the aid of such public or private instrumentalities or persons as he may designate, and may delegate such of his authority as he may deem necessary or desirable, with power of successive redelegation. The Director may issue such general and special orders, rules and regulations as may be necessary or appropriate to carry out the provisions, and to accomplish the purposes, of this order. All Federal agencies shall comply with the directives of the Director issued pursuant to this order and shall cooperate to the fullest extent of their authority with the Director in carrying out the provisions of this order.

4. The Director shall permit the management of carriers whose transportation systems, plants, and facilities have been taken under, or which may be taken pursuant to, the provisions of this order to continue their respective managerial functions to the maximum degree possible consistent with the purposes of this order. Except so far as the Director shall from time to time otherwise provide by appropriate order or regulation, the boards of directors, trustees, receivers, officers, and employees of such carriers shall continue the operation of said transportation systems, plants, and facilities, including the collection and disbursement of funds thereof, in the usual and ordinary course of the business of the carriers, in the names of their respective companies, and by means of any agencies, associations, or other instrumentalities now utilized by the carriers.

5. Except so far as the Director shall from time to time otherwise determine and provide by appropriate orders or regulations, existing contracts and agreements to which carriers whose transportation systems, plants, and facilities have been taken under, or which may be taken pursuant to, the provisions of this order are parties, shall remain in full force and effect. Nothing in this order shall have the effect of suspending or releasing any obligation owed to any carrier affected hereby, and all payments shall be made by the persons obligated to the carrier to which they are or may become due. Except as the Director may otherwise direct, there may be made, in due course, payments of dividends on stock, and of principal, interest, sinking funds, and all other distributions upon bonds, debentures, and other obligations; and expenditures may be made for other ordinary corporate purposes.

6. Subject to applicable provisions of existing law, including the orders of the Office

of Defense Transportation issued pursuant to Executive Order 8989, as amended, the said transportation systems, plants, and facilities shall be managed and operated under the terms and conditions of employment in effect at the time possession is taken under this order. The Director shall recognize the right of the workers to continue their membership in labor organizations, to bargain collectively through representatives of their own choosing with the representatives of the owners of the carriers, subject to the provisions of applicable statutes and Executive Orders, as to matters pertaining to wages to be paid or conditions to prevail after termination of possession and control under this order; and to engage in concerted activities for the purpose of such collective bargaining or for other mutual aid or protection, provided that, in his opinion, such concerted activities do not interfere with the operation of the transportation systems, plants, and facilities taken hereunder, or which may be taken pursuant hereto.

7. Except as this order otherwise provides and except as the Director may otherwise direct, the operation of the transportation systems, plants, and facilities taken hereunder, or which may be taken pursuant hereto, shall be in conformity with the Interstate Commerce Act, as amended, the Railway Labor Act, as amended, the Safety Appliance Acts, the Employers' Liability Acts, and other applicable Federal and State laws, Executive orders, local ordinances, and rules and regulations issued pursuant to such laws, Executive orders, and ordinances.

8. Except with the prior written consent of the Director, no receivership, reorganization, or similar proceeding affecting any carrier whose transportation system, plants, and facilities are taken hereunder, or which may be taken pursuant hereto, shall be instituted, and no attachment by mesne process, garnishment, execution, or otherwise shall be levied on or against any of the real or personal property or other assets of any such carrier, provided that nothing herein shall prevent or require approval by the Director of any action authorized or required by any interlocutory or final decree of any United States court in reorganization proceedings now pending under the Bankruptcy Act or in any equity receivership cases now pending.

9. For the purposes of paragraphs 1 to 8, inclusive, of this order, there are hereby transferred to the Director the functions, powers, and duties vested in the Secretary of War by that part of section 1 of the said act of August 29, 1916, reading as follows:

"The President, in time of war, is empowered, through the Secretary of War, to take possession and assume control of any system or systems of transportation, or any part thereof, and to utilize the same, to the exclusion as far as may be necessary of all other traffic thereon, for the transfer or transportation of troops, war material and equipment, or for such other purposes connected with the emergency as may be needful or desirable."

10. The Director may request the Secretary of War to furnish protection for persons employed or seeking employment in the plants, facilities, or transportation systems of which possession is taken hereunder, or which may be taken pursuant hereto, to furnish protection for such plants, facilities, and transportation systems, and to furnish equipment, manpower, and other facilities or services deemed necessary by the Director to carry out the provisions, and to accomplish the purposes, of this order. The Secretary of War is authorized and directed, upon such request, to take such action as he deems necessary to furnish such protection, equipment, manpower, or other facilities or services.

11. From and after 4 o'clock p. m., on the said 17th day of May 1946, all properties taken under this order shall be conclusively deemed to be within the possession and control of the United States without further act or notice.

12. Possession, control, and operation of any plant or facility, or of any transportation system, or any part thereof, or of any real or personal property taken under this order, or which may be taken pursuant hereto, shall be terminated by the Director when he determines that such possession, control, and operation are no longer necessary to carry out the provisions, and to accomplish the purposes, of this order.

HARRY S. TRUMAN.

THE WHITE HOUSE, *May 17, 1946.*

Mr. FERGUSON. I appreciate the Senator from Montana yielding for this purpose, so that we may make the RECORD clear.

Mr. MURRAY. Mr. President, I was discussing the problems of reconversion and the measures which had been adopted in connection with the reconversion of industry. There was no delay on any of these measures, which were so helpful and beneficial to industry in meeting the problems of reconversion.

But, Mr. President, when the proposal was made to improve unemployment compensation as part of the War Mobilization and Reconversion Act, then—and not until then—did we see the strategy of delay and obstruction used with respect to real reconversion legislation. The Senate voted down the proposals to provide an adequate level of unemployment benefits, and seriously modified the proposals for an adequate duration of benefits. The House of Representatives then removed completely whatever minor improvements in unemployment compensation were provided in the Senate bill.

The effect of this action was to put a few big corporations in a position where their employees would have less financial resources to fall back upon during the period of reconversion—a situation under which these corporations might better be able to hold down wages and force their will on organized labor.

Mr. President, the insecurity of American workers is a most vital factor—both economic and psychological—in the development of labor disputes. It is a factor which, if we fail to recognize it, will continue to be a source of irritation and strife between labor and capital in this country.

Legislation to impair the rights of labor will accentuate rather than alleviate the insecurity that faces the average working man and working woman. The intelligent answer to this phase of the problem is the enactment of legislation to increase the benefits and broaden the coverage of unemployment insurance and old age and survivors' insurance and to establish a system of disability benefits.

A seventh cause of labor disputes—and one of the most important of all—is the apparent effort on foot in recent years to weaken or destroy existing labor laws.

It is a well-known fact that a substantial proportion of the biggest corporations in America have not yet reconciled themselves to the principles of collective bargaining. They still hark back to the good old days of "yellow dog contract," the company spy, and the company union.

During the war such employers looked forward with anticipation to the thought of widespread industrial conflicts after the war. Let me quote from a statement made in August, 1944, by the chief economist of the Chrysler Corporation, Mr. John Scoville:

> If you believe in economic freedom and competition, then you will be opposed to collective bargaining * * * as industrial turmoil increases, more and more people will see the evils generated by collective bargaining, and we should look forward to the time when all Federal labor laws will be repealed.

If the present drive for antilabor legislation is successful, I am convinced that it will only encourage and stimulate those who want to see an extension of monopolistic control of our country.

The answer to this situation is less anger, less heat, and less of a desire in Congress to carry out economic policies which encourage corporate monopoly. The answer is a broad and well-conceived program to remedy the causes of labor disputes, restore genuine free enterprise, and promote the peaceful settlement of our domestic problems.

Another basic cause for the failure to settle labor disputes and prevent strikes is the lack of adequate machinery for the mediation and arbitration of labor disputes. While this is last on my list, it is not the least.

In stating that we lack adequate mediation machinery, I do not want to be interpreted as minimizing the splendid results of the present Conciliation Service in the Department of Labor.

The record of the hearings before the Education and Labor Committee shows that nearly 1,200 cases of labor disputes were handled by the Conciliation Service during the month of January 1946—a month when labor strife was at a peak. Of these, 1,200 cases more than 900 were settled before a work stoppage occurred. Well over half of these cases were amicably adjusted before any threat of a strike had become serious.

Nevertheless, the Conciliation Service has suffered from inadequate funds, insufficient personnel, low salaries, and the lack of sufficient prestige.

The inadequacy of the Conciliation Service as presently constituted is indicated by the fact that time and time again the President has had to set up special mediation boards.

In his testimony before the Education and Labor Committee, Dr. William Leiserson, professor of industrial relations at Johns Hopkins University, and former chairman of the National Mediation Board, pointed out the difficulties in our present procedure. Let me quote from part of Dr. Leiserson's testimony—page 143 of hearings on S. 1661:

> You have observed recently, I take it, during the oil dispute, the first effort at mediation. The Board was composed of high-grade persons. I think they were judges, at least, the chairman was a judge from Colorado. That Board was appointed to mediate. It met at Chicago and called the people together, the representatives of both sides, to a hearing.
>
> The purpose of mediation is to bring the parties to agreement, and to do this before the dispute becomes a strike. When you do not have a permanent organization that is

thoroughly grounded in the principles and methods, you cannot expect to get these results by mediation.

Dr. Leiserson concluded this line of argument in the following words—from page 146 of hearings on S. 1661:

But every time a real problem comes up, we have to set up a defense mediation board, a war labor board, special panels, and now fact-finding boards. We always have to look for new boards to handle the problems. The great need is for a permanent Federal mediation and conciliation board.

The substitute bill reported by the Education and Labor Committee provides just such a board. This bill provides for a Federal Mediation Board in the Department of Labor for the purpose of making available to both management and labor "full and adequate facilities for conciliation and mediation and voluntary arbitration of disputes."

But there are Members of the Senate who will ask whether we will have more peace through a mediation board having no authority and no compulsion rather than through a law with teeth in it. Let me quote from Dr. Leiserson's reply to that question, which may be found on page 151 of the Senate hearings on S. 1661:

But now * * * am I saying that by a mediation organization having no authority and no compulsion, we are going to have more peace than by a law with teeth in it?

My answer to that is "Yes." The labor-relations problem is just a human problem, just like domestic relations. Family disputes arise because people who live and work together have differences and get into quarrels about them. They cannot be made to work together happily by legal compulsions and penalties.

The same thing happens with labor relations. The Labor Relations Act joins labor and management in a vow to bargain collectively. Then it leaves them, as if they are going to live happily thereafter. That is all right. But when they get to the point of fighting, the Government can help better as a friend than as a policeman. We need a labor relations set-up, not to pass judgment on whether one party is right or the other is wrong in its demands or in the position it is taking on wages and working rules. We do not have standards on those things. They are both right and they are both wrong. And that is why we can make more progress and get better results and more peace by exercising less and less authority, but giving more and more organized friendly aid in dealing with the problems.

The majority of the committee agreed on this point with Dr. Leiserson and other witnesses, including the Honorable William H. Davis, former Chairman of the War Labor Board, who testified along the same lines. The majority of the committee felt that the primary responsibility of the Congress in enacting further legislation dealing directly with labor disputes was to establish a Federal Mediation Board under which the Conciliation Service would operate.

Let us recall that back in 1941, only shortly before Pearl Harbor, the distinguished Senator from New York, the author of the National Labor Relations Act, offered a similar bill. He pointed out at that time that the Federal Government's obligation with respect to labor relations could not end with the legislation protecting the right to organize and the right to bargain collectively. He pointed out that the Government also has the responsibility to make available modern, streamlined facilities for mediation and for voluntary arbitration of differences between management and labor.

Unfortunately, the mediation bill of the distinguished Senator from New York was not acted upon at that time. If it had been on the statute books during the last year, I am convinced that our Government's role in handling labor disputes during recent months would have been much more effective. I am not saying that a labor mediation law would have been a panacea, for a mediation law can deal with only one of the many causes of labor disputes and strikes. But a mediation law on the statute books today would be of great help. A mediation law on the statute books during the months to come will be a great aid in the settlement of disputes and prevention of strikes.

Mr. President, why is it that the Congress has not yet enacted a law setting up a Federal mediation board?

Is it because there is any lack of agreement on the need for a Federal mediation board and an improved conciliation service? Not at all. The labor-management conference called by President Truman last year was unanimous in agreeing upon this point. In fact, this was one of the very few matters upon which the representatives at the labor-management conference could agree.

Mr. President, a statesmanlike approach to all these problems would be to have a thorough and objective examination of the causes of the disputes between labor and management, as has already been recommended to the Senate in Senate Resolution 228.

I should like to point out that the study called for in this resolution, which received the unanimous approval of the Education and Labor Committee, includes "union and employer policies and practices." It also includes "the economic and other factors and governmental policies" affecting disputes between labor and management.

It would have been a great help to us today if such a study and investigation had been authorized by the Senate many months ago. But the fact that it has not yet been initiated is no reason to delay it. It is my hope that favorable and expeditious action will be taken upon Senate Resolution 228.

Mr. President, there are two courses ahead of the American people.

One course is the road to an expanding economy of full employment and full production so eloquently portrayed by the able Senator from Wyoming a few days ago. If we take this course, it means legislation dealing with the many factors that affect disputes between labor and management. It means affirmative action with respect to price control, monopoly, taxation, health, housing, social security, mediation machinery, and related matters.

It means translating into reality the promise which Congress made to the American people in the Employment Act of 1946. This is the road to labor peace and harmony.

But there is another course that lies ahead of us. That is the road of boom and bust, of feast and famine. That is the road that seems to be preferred by those who advocate a floating pool of unemployed in order to keep labor in its place. This is the road down which our country would travel if we followed the lead of the speculators, monopolists, and profiteers.

In time of boom there is always a small minority who can reap fabulous profits. In time of depression there are always a number of large corporations who can take this opportunity to push their smaller competitors to the wall. Monopoly has learned to insulate itself from the ups and downs in business conditions. It has learned to ride the business cycle.

Let me quote in this connection from an article entitled, "We Need Those Depressions," written by Mr. Ralph B. Blodgett, head of an advertising agency in Des Moines, Iowa:

It is to be hoped that depressions are never abolished, for they have many desirable features. Those who learn to ride the business cycle can find as many advantages in depressions as in booms—personal as well as business advantages. Smart folks take advantage of the boom * * * they are then ready for depression-time bargains, bargains in every conceivable thing from a suit of clothes to a railroad.

To those who look forward with glee to the prospect of boom-time profits and depression bargains, legislation to impair or destroy the rights of labor appears both desirable and necessary.

Mr. President, there is no doubt in my mind that the overwhelming majority of the American people prefer the first course—the road to full employment and full production, the road toward the enlargement and expansion of our social-security program.

Unfortunately, the ordinary people of America, as well as Members of Congress, are engulfed in a wave of unscrupulous propaganda. The opponents of full employment and full production use every conceivable psychological trick in their attempt to confuse the public.

I only wish those who talk so volubly about free enterprise would devote a little more of their own enterprise to helping make our free-enterprise system really free and work more effectively.

Mr. President, if we are to make our free-enterprise system operate successfully, we must decisively and courageously choose the road to full employment and full production—the road toward the enlargement and expansion of our economy to meet the demands of our country in the period ahead.

We must not only preserve the rights of labor but we must take affirmative action on a comprehensive program dealing with price control, monopoly, taxation, health, housing, social security, and providing protection and encouragement for small business enterprise.

Only a program of this type will give us an economy which, through the peaceful cooperation of labor and capital, will

we be able to achieve a standard of living and a way of life that will meet the needs of a free people.

Mr. WILSON. Mr. President, will the Senator from Montana yield?

Mr. MURRAY. I yield.

Mr. WILSON. I wish to offer an amendment to the so-called Lucas and Capehart amendments, and ask that it be considered read, printed in the RECORD, and to lie upon the table.

There being no objection, the amendment intended to be proposed by Mr. WILSON, in the nature of a substitute for the Lucas and Capehart amendment to House bill 4908, was ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

Amendment intended to be proposed in the nature of a substitute for the Lucas and Capehart amendment to H. R. 4908 to provide additional facilities for the mediation of labor disputes and for other purposes, viz: At the end of the bill insert the following:

"SEC. —. That with the development of an industrial civilization, citizens of the United States have become so dependent upon the production of goods for commerce, the distribution of goods in commerce, and the continuous operation of the instrumentalities of commerce that substantial and continued stoppages of such production, distribution, or operation in the case of essential goods or services seriously impair the public health, safety, and security. Irrespective of the cause of such stoppages, it is necessary for the protection of commerce and the national economy, for the preservation of life and health, and for the maintenance of the stability of Government that a means be provided for supplying essential goods and services when such stoppages occur.

"SEC. —. (a) Whenever the President finds that a stoppage of work or threatened stoppage of work arising out of a labor dispute (including the expiration of a collective labor agreement) affecting commerce has resulted in or may result in interruptions to the supply of goods or services essential to the public health, safety, or security to such an extent as seriously to impair the public interest, he shall issue a proclamation to that effect, calling upon the parties to such dispute to continue or resume work and operations in the public interest.

"(b) If the parties to such dispute do not resume work and operations after the issuance of such proclamation, the President shall take possession of and operate any properties of any business enterprise where such stoppage of work has occurred if the President determines that it is necessary for him to take possession of and operate such properties in order to provide goods or services essential to the public health, safety, or security: *Provided*, That while such properties are operated by the United States, and the employees refuse to continue or resume work, then and in that event such properties shall be operated as open shops. *Provided further*, That during the period such properties are operated by the United States no employee shall, as a condition of employment, be required, compelled, or solicited to join any labor organization.

"(c) Any properties of which possession has been taken under this section shall be returned to the owners thereof as soon as (1) the rate of production equals the rate of production achieved during the 60 days immediately prior to the work stoppage resulting in the seizure; or (2) such owners and employees have reached an agreement settling the issues in dispute between them; or (3) the President finds that the continued possession and operation of such properties by the United States is not necessary to provide goods or services essential to the public health, safety, or security. The owners of any properties of which possession is taken under this section shall be entitled to receive just compensation for the use of such properties by the United States: *Provided*, That upon the return of any properties seized by the United States to the owners thereof, the United States or any agency thereunder shall impose no conditions relative to rates of pay, seniority rights, collective bargaining rights, nor shall any increase of pay or benefits be provided for: *Provided further*, That for 6 months after the date when any such seized properties are returned to the owners thereof, the National Labor Relations Board shall conduct no representation election among the employees of such properties for the purpose of determining the majority status of any labor organization.

"(d) Whenever any properties are in the possession of the United States, it shall be the duty of any labor organization of which any employees who have been employed in the operation of such properties are members, and of the officers of such labor organization representing them, in good faith to induce such employees to return to work and not to engage in any strike, slow-down, or other refusal to work or stoppage of work while such properties are in the possession of the United States. Any such employee who fails to return to work or to remain at work or who engages in any strike, slow-down, or other concerted refusal to work or stoppage of work while such properties are in the possession of the United States, shall be deemed to have voluntarily terminated his employment in the operation of such properties, shall not be regarded as an employee of the owners or operators of such properties for the purposes of the National Labor Relations Act, as amended, unless he is subsequently reemployed by such owners or operators, and if he is so reemployed shall not be entitled to any seniority rights based on his prior employment. Any provision of any contract inconsistent with the provisions of this subsection is hereby declared to be against public policy and to be null and void.

"(e) Whenever any properties are in the possession of the United States under this section, it shall be unlawful for any person (1) to coerce, instigate, induce, conspire with, or encourage any person to interfere with or prevent, by lock-out, strike, slow-down, concerted refusal to work, or other interruption, the operation of such properties, or (2) to aid any such lock-out, strike, slow-down, refusal, or other interruption interfering with the operation of such properties by giving direction or guidance in the conduct of such interruption or by providing funds for the conduct or direction thereof or for the payment of any strike, unemployment or other benefits to those participating therein or by requiring or compelling any employee to join any labor organization as a condition of employment. Any individual who willfully violates any provision of this subsection shall be subject to a fine of not more than $5,000, or to imprisonment for not more than 1 year, or both.

"(f) The powers conferred on the President by this section may be exercised by him through such department or agency of the Government as he may designate.

"(g) As used in this section, the terms 'employee,' 'representative,' 'labor organization,' 'commerce,' 'affecting commerce,' and 'labor dispute' shall have the same meaning as in section 2 of the National Labor Relations Act, as amended."

Mr. BARKLEY. Mr. President, in view of the situation which exists in the Senate and in the country, it seems to me that we ought to seek to bring about an early termination of the consideration of the pending legislation. Therefore, looking to that end, and in the hope that it may be agreed to, I ask unanimous consent that during the further consideration of the pending legislation no Senators shall speak more than once or longer than 30 minutes on the bill or any amendment thereto.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous consent request of the Senator from Kentucky?

Mr. WHITE. Mr. President, reserving the right to object, I take it the request is subject to the cloture proceeding under rule XXII.

Mr. BARKLEY. It is subject, of course, to that procedure. The cloture petition can be withdrawn only by unanimous consent. But if my request should be agreed to it would afford time equivalent to the length of time each Senator could have if cloture were adopted independently of any agreement.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. REVERCOMB. Am I to understand the request to contemplate 30 minutes on the bill and 30 minutes on each amendment?

Mr. BARKLEY. Yes. As a matter of fact, that would give each Senator more time than he would have under the cloture rule.

Mr. BALL rose.

Mr. BARKLEY. I yield to the Senator from Minnesota.

Mr. BALL. That was the question which I was about to ask. A Senator could also speak more than once.

Mr. BARKLEY. Yes, on different amendments.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. PEPPER. As I understand, the request is that we enter into a unanimous consent agreement for limitation of time to 30 minutes on the bill and 30 minutes on each amendment, and to postpone the cloture vote.

Mr. BARKLEY. That is not incorporated in my request. If this request is agreed to, I shall follow it with a unanimous consent request that the vote on cloture, if it is to be had, be postponed until after the President has delivered his message tomorrow.

Mr. PEPPER. I understood that the two requests were to be connected.

Mr. BARKLEY. They are not connected.

Mr. PEPPER. One is to follow the other?

Mr. BARKLEY. Yes.

Mr. WHERRY. Mr. President, reserving the right to object, I did not hear the last part of the explanation given by the Senator from Kentucky.

Mr. BARKLEY. My request is for a limitation, that no Senator shall speak more than once or longer than 30 minutes on the bill or any amendment. That, of course, means each amendment. That is all the request that I made. I was asked whether there was connected with that the request that the vote on cloture under the petition now on file be postponed. I replied that there was no connection. I had not included that subject in my request.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CORDON. Am I correct in the understanding that if the agreement is had to the unanimous-consent request, and thereafter, by unanimous consent, the cloture petition is withdrawn——

Mr. BARKLEY. It is not included. That is an entirely separate matter.

Mr. CORDON. I am assuming that it will be withdrawn afterward.

Mr. BARKLEY. Frankly, I hope that if we enter into this agreement the petition for cloture will be withdrawn, because it would be unnecessary. But I did not couple the two, and I have no right to do so. The authors of the cloture petition, or any one of them, would have the right to ask that the petition be withdrawn, but I myself would not assume that right.

Mr. CORDON. I fully understand the majority leader's position, but I am presenting a hypothetical situation, on the assumption that we shall have the unanimous consent limitation now requested, and that thereafter the cloture petition will be withdrawn.

Mr. BARKLEY. That is something which I cannot predict. I hope that will be true, but I am not connecting the two proposals.

Mr. CORDON. Would the Senator consider my inquiry on the basis of that assumption?

Mr. BARKLEY. If that does happen, it will infinitely simplify matters, in my judgment.

Mr. CORDON. Would not this situation be possible: While we would have a limitation on the right of each Senator to speak for half an hour on the bill and half an hour on each amendment, there would be no limitation on the number of amendments which might thereafter be offered.

Mr. BARKLEY. That is true. There would be no limitation on the number of amendments which might be offered until the final conclusion of the legislation. I may say in that connection that under the rule, prior to a vote on cloture, as many amendments can be offered, printed, and lie on the table as any Senator wishes to offer during the further consideration of the bill.

Mr. CORDON. I understand.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. TAFT. If amendments were offered purely for dilatory purposes, motions to lay on the table would cut off debate, in spite of the unanimous-consent agreement.

Mr. BARKLEY. Yes. I think I ought to state that under the rule, even though amendments are offered prior to the vote on cloture, if cloture should be adopted, under the rule all amendments must be germane to the legislation under consideration.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous-consent request?

Mr. MURRAY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield to the Senator from Montana.

Mr. MORSE. Mr. President——

Mr. BARKLEY. I am yielding to the Senator from Montana. Later I shall be glad to yield to the Senator from Oregon.

Mr. MURRAY. Mr. President, so far as I am concerned, and so far as those on the side of the controversy on which I have been speaking are concerned, we are entirely agreeable to the request. It seems to me that it would allow plenty of time for full and complete debate. I do not anticipate any dilatory amendments from this side.

Mr. BARKLEY. I am sure that the Senator from Montana speaks in the utmost good faith in that regard, and I thank him for his suggestion.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Kentucky?

Mr. MORSE. Mr. President, reserving the right to object, although ordinarily I believe that debate in the Senate should be limited only by way of cloture, I feel that in this critical hour we should proceed to close this debate as quickly as possible so that we may be in a position to take whatever steps are necessary to support the hand of the President in meeting the crisis which confronts the Nation. Therefore, I shall not object, as would ordinarily be my custom.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

Mr. BARKLEY. Mr. President, I appreciate the willingness of the Senate to enter into this agreement. Of course, the cloture petition is still pending, and I have no purpose at this time to ask that it be withdrawn. I hope it will be withdrawn. But if it is not withdrawn, in order that we may not be compelled to vote upon it until after the President has delivered his speech to the joint session tomorrow at 4 o'clock, and in order that we may in the meantime determine whether it is advisable, feasible, practicable, or wise to attempt to incorporate in the pending legislation whatever recommendation the President may make, or pursue an independent course by the introduction of what his recommendation may be separately and apart, I ask unanimous consent that the vote on the cloture petition be postponed until 5 o'clock p. m. tomorrow.

The ACTING PRESIDENT pro tempore. Let the Chair suggest to the majority leader that it would probably be advisable to ask that the vote on the cloture petition be postponed for a full legislative day, or until 1 o'clock on Monday, so as to give ample time to determine what course the leadership would like to pursue.

Mr. KNOWLAND. Mr. President, as one who presented the cloture petition on behalf of a group of Senators, I should have no objection to the request of the majority leader that the vote on cloture go over until 5 o'clock tomorrow afternoon. If, at that time, it were deemed advisable, unanimous consent could then be asked to have it go over until Monday. But I would have to object were the request made at this time to have it go over until Monday.

Mr. BARKLEY. I presume that Members of the Senate who have sponsored the cloture petition desire to consider whether, in view of the unanimous-consent agreement we have entered into, they will withdraw the petition. They might be in a position to determine that by 5 o'clock tomorrow. If that were done, it would obviate any vote on the cloture petition, and greatly simplify the matter.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous-consent request submitted by the Senator from Kentucky? The Chair hears none, and it is so ordered.

Mr. LUCAS. Mr. President, I ask unanimous consent to submit a modified amendment intended to be proposed by me to House bill H. R. 4908 to provide additional facilities for the mediation of labor disputes, and for other purposes, and request that it lie on the table, be printed, and be printed in the RECORD.

There being no objection, the amendment was received, ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. LUCAS to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: At the proper place in the bill insert the following:

"SEC. —. With the development of an industrial civilization, citizens of the United States have become so dependent upon the production of goods for commerce, the distribution of goods in commerce, and the continuous operation of the instrumentalities of commerce that substantial and continued stoppages of such production, distribution, or operation in the case of essential goods or services seriously impair the public health and security. Irrespective of the cause of such stoppages, it is necessary for the protection of commerce and the national economy, for the preservation of life and health, and for the maintenance of the stability of Government that a means be provided for supplying essential goods and services when such stoppages occur.

"SEC. —. (a) Whenever the President finds that a stoppage of work arising out of a labor dispute (including the expiration of a collective labor agreement) affecting commerce has resulted in interruptions to the supply of goods or services essential to the public health or security to such an extent as seriously to impair the public interest, he shall issue a proclamation to that effect, calling upon the parties to such dispute to resume work and operations in the public interest.

"(b) If the parties to such dispute do not resume work and operations after the issuance of such proclamation, the President shall take possession of and operate any properties of any business enterprise where such stoppage of work has resulted in the finding provided for in subsection (a). While such properties are operated by the United States, they shall be operated under the terms and conditions of employment which prevailed therein when the stoppage of work began, except that if any changes in terms and conditions of employment, which contributed to the dispute, or which are at issue in the dispute, were put into effect prior to the time the work stoppage began, such properties shall be operated as if such changes had not been made.

"(c) Any properties of which possession has been taken under this section shall be returned to the owners thereof as soon as (1) such owners have reached an agreement with the representatives of the employees in such enterprise settling the issues in dispute between them or (2) the President finds that the continued possession and operation of such properties by the United States is not

necessary to provide goods or services essential to the public health or security. The owners of any properties of which possession is taken under this section shall be entitled to receive just compensation for the use of such properties by the United States. In fixing such just compensation, due consideration shall be given to the fact that the United States took possession of such properties when their operations had been interrupted by a work stoppage, and to the value the use of such properties would have had to their owners during the period they were in the possession of the United States in the light of the labor dispute prevailing. It is hereby declared to be the policy of the Congress that neither employers nor employees profit by the operation of any business enterprise by the United States under this section and, to that end, if any net profit accrues by reason of such operation after all the ordinary and necessary business expenses and payment of just compensation, such net profit shall be covered into the Treasury of the United States as miscellaneous receipts.

"(d) In any case in which the owners of any properties of which possession is taken under this section are dissatisfied with the compensation fixed by the President, or by such agency as he may designate, said owners may file a petition in the Court of Claims of the United States (which court shall have exclusive jurisdiction to hear, determine, and render judgment in all such cases) for just compensation for the use of such properties by the United States. Final judgments in the Court of Claims in cases under this section shall be subject to review by certification or certiorari in the same manner and to the same extent as provided in section 3 (b) of the act entitled 'An act to amend the Judicial Code, and to further define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes,' approved February 13, 1925 (43 Stat. 939; U. S. Code, title 28, sec. 288), as amended. In all cases of final judgments by the Court of Claims under this subsection or, on review by the Supreme Court, where the same are affirmed in favor of the claimant, the sum due thereby shall be paid first out of any net profits accruing by reason of operation of the properties by the United States and second, if the compensation finally awarded hereunder shall exceed such net profits, out of any general appropriation made by law for the payment and satisfaction of private claims, on presentation to the General Accounting Office of a copy of said judgment, certified by the clerk of the Court of Claims, and signed by the chief justice, or, in his absence, by the presiding judge of said court.

"(e) Whenever any properties are in the possession of the United States under this section, it shall be the duty of any labor organization of which any employees who have been employed in the operation of such properties are members, and of the officers and agents of such labor organization, to seek in good faith to induce such employees to return to work and not to engage in any strike, slow-down, or other concerted refusal to work or stoppage of work while such properties are in the possession of the United States. Any such employee who fails to return to work within a reasonable time after possession of such properties has been taken by the United States or who does engage in any strike, slow-down, or other concerted refusal to work or stoppage of work while such properties are in the possession of the United States, shall be deemed to have voluntarily terminated his employment in the operation of such properties, and shall not be regarded as an employee of the owners or operators of such properties for the purposes of the National Labor Relations Act, as amended, or the Railway Labor Act, as amended: *Provided*, That such loss of employee status for purposes of such acts, as amended, shall terminate if and when he is reemployed by such owner or operator, but if he is so reemployed, such employee shall not be entitled to any seniority rights based on his prior employment. Any provision of any contract inconsistent with the provisions of this subsection is hereby declared to be against public policy and to be null and void.

"(f) Whenever any properties are in the possession of the United States under this section it shall be unlawful for any person (1) to coerce, instigate, induce, conspire with, or encourage any person to interfere with or prevent, by lock-out, strike, slow-down, concerted refusal to work, or other interruption, the operation of such properties, or (2) to aid any such lock-out, strike, slow-down, refusal, or other interruption interfering with the operation of such properties by giving direction or guidance in the conduct of such interruption or by providing funds for the conduct or direction thereof or for the payment of any strike, unemployment, or other benefits to those participating therein. No individual shall be deemed to have violated the provisions of this subsection by reason only of his having ceased work or having refused to continue to work or to accept employment. Any individual who willfully violates any provision of this subsection shall be subject to a fine of not more than $5,000, or to imprisonment for not more than 1 year, or both.

"(g) The powers conferred on the President by this section may be exercised by him through such department or agency of the Government as he may designate.

"(h) Except as to offenses committed prior to July 1, 1948, all provisions of this section and the authority to operate any properties as provided herein shall terminate on such date.

"(i) Any properties which are in the possession of the United States on the date of enactment of this act, and of which possession was taken by the United States on account of a labor dispute or other interruption or threat of interruption in production or services, shall, for the purposes of this section, be deemed to have been taken possession of by the United States under this section on the date of enactment of this act.

"(j) Notwithstanding any other provision of this act or any other law, no matter shall be exempt from the provisions of this section because it is subject to the provisions of the Railway Labor Act, as amended."

Mr. BARKLEY. Mr. President, I ask unanimous consent for the consideration of the order which I send to the desk.

The ACTING PRESIDENT pro tempore. The proposed order will be read for the information of the Senate.

The Chief Clerk read as follows:

I ask unanimous consent that all amendments intended to be proposed to the pending bill, H. R. 4908, which have heretofore been ordered to lie on the table, together with those that may be offered for printing prior to the cloture vote, may be printed in the RECORD and thereby deemed to be a compliance with the rule as to their reading.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous consent request submitted by the Senator from Kentucky? The Chair hears none, and it is so ordered.

Under the foregoing agreement, the following amendments were ordered to be printed in the RECORD:

Amendment intended to be proposed by Mr. BYRD to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: At the end of the bill insert the following:

"REGISTRATION

"SEC —. (a) Within 6 months after the date of enactment of this act and annually thereafter every labor organization having as members one or more employees of persons engaged in commerce shall register its identity with the Securities and Exchange Commission and shall state under oath the following information and such other information as the Commission may by regulations require: The name of the labor organization; the address at which it has its principal office; the names and titles of the officers and their annual compensation; the company or companies with which the labor organization deals, if a local organization; the industry or industries in which the labor organization operates, if a national organization; initiation fees; annual dues charged to each member; assessments levied during the past 12 months' period; limitations on membership; number of paid-up members; date of the last election of officers; the method of election; the vote for and against each candidate for office; and the date of the last detailed financial statement furnished all members and the method of publication or circulation of such statement. With such information shall be filed under oath, in accordance with such rules and regulations as the Commission may prescribe, detailed and intelligible financial statements and a copy of the articles of incorporation and bylaws of the labor organization.

"(b) Every labor organization incorporated after the date of enactment of this act having as members one or more employees of persons engaged in commerce shall, when incorporated and annually thereafter, register with the Commission and furnish the information required of existing labor organizations under the provisions of this section.

"INCORPORATION

"SEC. —. Every labor organization having as members one or more employees of persons engaged in commerce shall, prior to its initial registration with the Securities and Exchange Commission as provided in this act, take out articles of incorporation under the laws of the District of Columbia, except that, if permitted by the laws of the State in which a labor organization has its principal place of business, such articles of incorporation may be taken out under the laws of such State. Each such labor organization when incorporated shall have the capacity to act possessed by a natural person, shall be liable for the acts of its officers, members, or agents, to the same extent and in the same manner as ordinary business corporations, and shall have the power—

"(a) to continue as a corporation for the time specified in its articles;

"(b) to have a corporate seal and the power to alter it;

"(c) to sue and be sued in its corporate name;

"(d) to make bylaws for the government and regulation of its affairs;

"(e) to acquire, own, hold, sell, lease, pledge, mortgage, or otherwise dispose of any property incident to its purposes and activities;

"(f) to conduct its affairs within or without the District of Columbia;

"(g) to exercise any power granted to ordinary business corporations consistent with its purposes and activities;

"(h) to exercise all powers not inconsistent with this joint resolution which may be necessary, convenient, or expedient for the accomplishment of its lawful purposes and, to that end, the foregoing enumeration of powers shall not be deemed exclusive.

"PENALTIES

"SEC. —. (a) No labor organization having as members one or more employees of persons engaged in commerce and no member thereof shall be entitled to any rights, privileges, or benefits under the National Labor Relations Act unless and until such organi-

zation complies with the provisions of this act.

"(b) In the event any such labor organization is held by the final decision of a court of competent jurisdiction to have breached its employment contract with any employer or to have unlawfully damaged or destroyed the property of any employer, such organization shall not be recognized as a labor organization, or a representative of employees, under the National Labor Relations Act insofar as any matter relating to employees of such employer is concerned.

"DEFINITIONS

"SEC. —. When used in this act the terms 'person,' 'employer,' 'employee,' 'representative,' 'labor organization,' and 'commerce' shall have the same meaning as is given to those terms by section 2 of the National Labor Relations Act. In addition, the term 'labor organization' shall include national and international organizations having as members labor organizations as defined in said section 2."

Amendment intended to be proposed by Mr. EASTLAND (for himself and Mr. BYRD) to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: On page 26, beginning with line 19, strike out down to and including line 8, on page 27, and in lieu thereof insert the following:

"INTERFERENCE WITH TRADE AND COMMERCE

"SEC. 6. The act entitled 'An act to protect trade and commerce against interference by violence, threats, coercion, or intimidation,' approved June 18, 1934 (48 Stat. 979; U. S. C., 1940 ed., title 18, secs. 420a–420e), is amended to read as follows:

" 'TITLE I

" 'SEC. 1. As used in this title—

" '(a) The term "commerce" means (1) commerce between any point in a State, Territory, or the District of Columbia and any point outside thereof, or between points within the same State, Territory, or the District of Columbia but through any place outside thereof, and (2) commerce within the District of Columbia or any Territory, and (3) all other commerce over which the United States has jurisdiction; and the term "Territory" means any Territory or possession of the United States.

" '(b) The term "robbery" means the unlawful taking or obtaining of personal property, from the person or in the presence of another, against his will, by means of actual or threatened force, or violence, or fear of injury, immediate or future, to his person or property, or property in his custody or possession, or the person or property of a relative or member of his family or of anyone in his company at the time of the taking or obtaining.

" '(c) The term "extortion" means the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right.

" 'SEC. 2. Whoever in any way or degree obstructs, delays, or affects commerce, or the movement of any article or commodity in commerce, by robbery or extortion, shall be guilty of a felony.

" 'SEC. 3. Whoever conspires with another or with others, or acts in concert with another or with others to do anything in violation of section 2 shall be guilty of a felony.

" 'SEC. 4. Whoever attempts or participates in an attempt to do anything in violation of section 2 shall be guilty of a felony.

" 'SEC. 5. Whoever commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of section 2 shall be guilty of a felony.

" 'SEC. 6. Whoever violates any section of this title shall, upon conviction thereof, be punished by imprisonment for not more than 20 years or by a fine of not more than $10,000, or both.

" 'TITLE II

" 'Nothing in this act shall be construed to repeal, modify, or affect either section 6 or section 20 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, or an act entitled "An act to amend the judicial code and to define and limit the jurisdiction of the courts in equity, and for other purposes," approved March 23, 1932, or an act entitled "An act to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes," approved May 20, 1926, as amended, or an act entitled "An act to diminish the causes of labor disputes burdening or obstructing interstate or foreign commerce, to create a National Labor Relations Board, and for other purposes," approved July 5, 1935.' "

Amendment intended to be proposed by Mr. ELLENDER (for himself, Mr. BYRD, Mr. HATCH, Mr. LUCAS, Mr. BALL, Mr. TAFT, Mr. HAWKES, and Mr. FERGUSON) to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: At the proper place in the bill insert the following:

"SEC. . (a) Section 2 (3) of the National Labor Relations Act is amended by inserting before the period at the end thereof a comma and the following: "or any individual employed as a supervisor".

"(b) Section 2 of such act is further amended by inserting at the end thereof the following:

" '(12) The term "supervisor" means any individual having authority, in the interest of the employer—

" '(a) to hire, transfer, suspend, lay off, recall, promote, demote, discharge, assign, reward, or discipline any employees of the employer, or to adjust their grievances, or to effectively recommend any such action; or

" '(b) to determine, or make effective recommendations with respect to, the amount of wages earned by any employees, or to apply, or make effective recommendations with respect to the application of, the factors upon the basis of which the wages of any employees are determined, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment;

but such term shall not include any individual in an occupation of a character which under prevailing custom prior to July 1, 1935, was covered by collective-bargaining agreements.'

"(c) Nothing herein shall prohibit a supervisory employee from becoming or remaining a member of a labor organization."

Amendment intended to be proposed by Mr. ELLENDER to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: At the proper place in the bill insert the following:

"SEC. —. (a) When a labor dispute in an industry affecting commerce is not settled or adjusted under the foregoing provisions of this act and if a public utility whose rates are fixed by some governmental agency is a party to such dispute, the Board shall determine whether the dispute threatens to result in such a substantial interruption of commerce as to make it necessary or desirable in the public interest to request the President to create an emergency commission. If the Board determines that an emergency commission is necessary or desirable, the Board shall thereupon request the President to create and appoint an emergency commission to investigate and report respecting such dispute. Such commission shall be composed of such number of persons as may seem desirable to the President. No commissioner appointed shall be pecuniarily or otherwise privately or prejudicially interested in the employees or employers concerned in the dispute. The compensation of such commissioners shall be fixed by the President at an amount not exceeding $100 per day. Such emergency commissions shall be created separately for each dispute or group of disputes in the same industry presenting similar issues and pending at the same time. The commission shall investigate promptly the facts as to the dispute and make a report thereon to the President with its recommendations as to the manner in which such dispute should be adjusted. The commission's recommendations shall be confined to wages, hours, and working conditions, but it may describe in its report other issues, not involving wages, hours, and working conditions, which may be in dispute. The commission's report shall be made within 30 days from the date the commission is created, except that with the approval of all parties to a dispute, the time for making its report may be extended by the President for an additional 30 days. The report of the commission shall be made public promptly by the President.

"(b) The Board shall provide for any commission appointed under this section such stenographic, clerical, and other assistance and such facilities, services, and supplies as may be necessary to enable the commission to perform its functions. When a commission appointed under this section has made its report, the commission shall be dissolved and its records shall be transferred to the Board."

Amendment intended to be proposed by Mr. ELLENDER to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: At the proper place in the bill insert the following:

"SEC. —. (a) Section 2 (3) of the National Labor Relations Act is amended by inserting before the period at the end thereof a comma and the following: 'or any individual employed as a supervisor.'

"(b) Section 2 of such act is further amended by inserting at the end thereof the following:

" '(12) The term "supervisor" means any individual having authority, in the interest of the employer—

" '(a) to hire, transfer, suspend, lay off, recall, promote, demote, discharge, assign, reward, or discipline any employees of the employer, or to adjust their grievances, or effectively to recommend any such action; or

" '(b) to determine, or make effective recommendations with respect to, the amount of wages earned by any employees, or to apply, or make effective recommendations with respect to the application of, the factors upon the basis of which the wages of any employees are determined, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment;

but such term shall not include any individual in an occupation of a character which under prevailing custom prior to July 1, 1935, was covered by collective-bargaining agreements.'

"Section 9 of the National Labor Relations Act is hereby amended by the addition of the following subsection:

"(e) Notwithstanding the provisions of this section and the two preceding sections (that is, secs. 7 and 8) the Board shall not certify as the representative of any supervisor any labor organization other than (1) one which admits to membership only supervisory employees, and (2) is not affiliated through charter, agreement, understanding, or in any other manner whatsoever with any

labor organization which admits to membership nonsupervisors; nor shall the provisions of sections 7 and 8 be deemed to afford protection to any supervisor who may form, assist, or join labor organizations ineligible for certification under this subsection, or to encourage the designation of such an organization by any supervisor as his representative for the purpose of collective bargaining."

Amendment (in the nature of a substitute) intended to be proposed by Mr. KILGORE to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: Strike out all after the enacting clause and in lieu thereof insert the following:

"That the first section of the act entitled 'An act relating to certain inspections and investigations in coal mines for the purpose of obtaining information relating to health and safety conditions, accidents, and occupational diseases therein, and for other purposes,' approved May 7, 1941, is amended by adding at the end thereof the following:

"'(f) For the purpose of obtaining such information as may be necessary or appropriate for prescribing regulations pursuant to section 13 and for the administration and enforcement of such regulations.'

"SEC. 2. Such act of May 7, 1941, is further amended by adding at the end thereof the following:

"'SEC. 13. (a) The Secretary of the Interior, acting through the United States Bureau of Mines, is hereby authorized to prescribe reasonable regulations establishing standards and requirements necessary and appropriate for the prevention or amelioration of unhealthy or unsafe conditions, accidents, or occupational diseases in coal mines the products of which regularly enter commerce or the operations of which substantially affect commerce. Such regulations may provide, among other things, that the operations of any such mine shall be suspended in whole or in part upon the order of a coal mine inspector if he finds in such mine an unsafe or unhealthy condition which is specified in such regulations as a ground for such suspension.

"'(b) At least 30 days prior to the issuance of any regulation under this section or any amendment to such a regulation, notice of the proposed regulation or amendment shall be published in the Federal Register and shall include either the terms or a statement of the substance of the proposed regulation or amendment. Not less than 15 days after the publication of such notice, interested persons shall be afforded an opportunity to submit, orally or in writing, data, views, and arguments with respect to such proposed regulation or amendment. All relevant matter so presented shall be given consideration, and such regulation or amendment shall, before issuance, be revised to the extent which the Secretary, acting through the Bureau of Mines, deems necessary and appropriate in the light of such matter.

"'(c) Whoever violates the provisions of any regulation prescribed pursuant to this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $5,000 or imprisoned not more than 1 year, or both.

"'(d) Whenever in the judgment of the Secretary, acting through the Bureau of Mines, any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any regulation prescribed pursuant to this section, the Secretary may make application to the appropriate court for an order enjoining such acts or practices, or for an order enforcing compliance with such regulation, and upon a showing that such person has engaged or is about to engage in any such acts or practices a permanent or temporary injunction, restraining order, or other order may be granted without bond.'

"Amend the title so as to read: 'A bill to provide for requiring compliance with safety regulations in coal mines.'"

Amendment intended to be proposed by Mr. MOORE to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: On page 28, between lines 5 and 6, insert a new section, as follows:

"SEC. —. (a) It is hereby declared unlawful for any person, firm, labor organization, association, or corporation, subject to the National Labor Relations Act, as amended, after the passage and approval of this act, to enter into any contract or agreement of employment, oral or written, with any other person, firm, labor organization, association, or corporation whereby either party to such contract or agreement undertakes or promises (1) to employ or promise to employ any person or continue the employment of any person only if such person shall be, become, or remain a member of a labor union or other organization; (2) to deduct from the wages, salary, or other compensation due any employee any sum to be paid as membership or other dues or assessments to any labor union or other organization, unless such deduction is made pursuant to the separately given consent in writing of each employee affected.

"(b) Every contract or agreement entered into in violation of the provisions of this section is hereby declared to be contrary to public interest, null and void.

"(c) Every person found to have violated any of the provisions of this section shall be fined not more than $10,000 and imprisoned not more than 5 years."

Renumber succeeding sections.

Amendment intended to be proposed by Mr. MOORE to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: On page 28, between lines 5 and 6, insert a new section, as follows:

"SEC. —. (a) Every labor organization, any of whose members are engaged in activities affecting commerce or the production of goods for commerce, shall, by a direct vote of its members, elect all its officers and bargaining representatives annually by secret ballot. Candidates for election shall be nominated at open meetings held at least 60 days prior to the date fixed for such election, upon notice to all members.

"(b) Every labor organization, any of whose members are engaged in commerce or the production of goods for commerce, shall, at least once during each calendar year, publish, in itemized form and within 10 days of its completion, a complete report of its financial activities during the preceding year in at least two issues of a newspaper having general circulation within the county wherein the headquarters or main office of such labor organization is located. Such report shall also be filed, within 10 days after its completion, with the Bureau of Labor Statistics of the Department of Labor, and shall be open to public inspection at any time.

"(c) As used in this section—

"(1) 'Goods' means goods, wares, products, commodities, merchandise, or articles or subjects of commerce of any character, or any part or ingredient thereof.

"(2) 'Produced' means produced, manufactured, mined, handled, or in any other manner worked on in any State; and for the purposes of this section an employee shall be deemed to have been engaged in the production of goods if such employee was employed in producing, manufacturing, mining, handling, transporting, or in any other manner working on such goods, or in any process or occupation necessary to the production thereof, in any State.

"(d) Any person who willfully violates any of the provisions of this section shall upon conviction thereof be subject to a fine of not more than $1,000 or to imprisonment for not more than 6 months, or both."

Renumber succeeding sections.

Amendment to be proposed by Mr. MOORE to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: On page 28, between lines 5 and 6, insert a new section as follows:

"SEC. —. (a) Subsection (b) of section 9 of the National Labor Relations Act (49 Stat. 449) is amended to read as follows:

"'(b) The Board shall decide in each case whether, in order to insure to employees the full benefit of their right to self-organization and to collective bargaining, and otherwise to effectuate the policies of this act, the unit appropriate for the purposes of collective bargaining shall be the employer unit, craft unit, plant unit, or subdivision thereof: *Provided*, That the unit appropriate for the purposes of collective bargaining shall be the smallest practicable employee unit, as may be determined by the Board, and in no case shall be larger than the employee group of any separate plant or shop.'

"(b) The fourth sentence of subsection (e) of section 10 of such act is amended to read as follows: 'The findings of the Board as to the facts, if supported by the weight of the evidence, shall be conclusive.'

"(c) Section 10 of such act is amended by adding at the end thereof the following new subsection:

"'(j) Whenever the Board shall find that any person or persons, or any labor organization, is threatening to violate any contract relating to the wages, hours, or other working conditions of employees, entered into as a result of collective bargaining, or is threatening to engage in a jurisdictional strike, it shall thereupon deny to such person or persons or labor organization, during the period of the continuance of such threat of violation, or threat of jurisdictional strike, any rights, privileges, or benefits which such person or persons or labor organization would otherwise be entitled to under this act. In the case of any actual violation of such a contract, or of any actual jurisdictional strike, such rights, privileges, or benefits shall continue to be denied to any person or persons or labor organization who engaged in such violation or jurisdictional strike for a period of 1 year from the date of cessation of such violation or jurisdictional strike.'

"(d) Section 13 of such act is amended to read as follows:

"'SEC. 13. Nothing in this act shall be construed so as to prohibit or interfere with the prosecution of any cause of action in any court of competent jurisdiction for the recovery of civil damages by any person, including a corporation, injured as a result of a labor strike or violation of a contract relating to the wages, hours, or other working conditions of employees.'"

Renumber succeeding sections.

Amendment intended to be proposed by Mr. MOORE to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: On page 28, between lines 5 and 6, insert a new section as follows:

"SEC. —. Section 6 of the act entitled 'An act to supplement existing law against unlawful restraints and monopolies, and for

other purposes,' approved October 15, 1914, is amended to read as follows:

" 'SEC. 6. It shall be unlawful for any labor organization or for the officers, representatives, or members thereof to enter into any contract, combination, in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States or foreign nations.' "

Renumber succeeding sections.

Amendment intended to be proposed by Mr. MOORE to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: On page 28, between lines 5 and 6, insert a new section as follows:

"SEC. —. The act entitled 'An act to protect trade and commerce against interference by violence, threats, coercion, or intimidation,' approved June 18, 1934 (48 Stat. 979; U. S. C., 1940 edition, title 18, secs. 420a–420e) is amended to read as follows:

" 'SEC. 1. As used in this title—

" '(a) The term "commerce" means (1) commerce between any point in a State, Territory, or the District of Columbia and any point outside thereof, or between points within the same State, Territory, or the District of Columbia but through any place outside thereof, and (2) commerce within the District of Columbia or any Territory, and (3) all other commerce over which the United States has jurisdiction; and the term "Territory" means any Territory or possession of the United States.

" '(b) The term "robbery" means the unlawful taking or obtaining of personal property, from the person or in the presence of another, against his will, by means of actual or threatened force, or violence, or fear of injury, immediate or future, to his person or property, or property in his custody or possession, or the person or property of a relative or member of his family or of anyone in his company at the time of the taking or obtaining.

" '(c) The term "extortion" means the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right.

" 'SEC. 2. Whoever in any way or degree obstructs, delays, or affects commerce, or the movement of any article or commodity in commerce, by robbery or extortion, shall be guilty of a felony.

" 'SEC. 3. Whoever conspires with another or with others, or acts in concert with another or with others to do anything in violation of section 2 shall be guilty of a felony.

" 'SEC. 4. Whoever attempts or participates in an attempt to do anything in violation of section 2 shall be guilty of a felony.

" 'SEC. 5. Whoever commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of section 2 shall be guilty of a felony.

" 'SEC. 6. Whoever violates any section of this act shall, upon conviction thereof, be punished by imprisonment for not more than 20 years or by a fine of not more than $10,000, or both.' "

Renumber succeeding sections.

Amendment intended to be proposed by Mr. MOORE to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: On page 28, between lines 5 and 6, insert a new section as follows:

"SEC. —. Section 313 of the Federal Corrupt Practices Act, 1925, as amended (43 Stat. 1074), is amended to read as follows:

" 'SEC. 313. It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure in connection with any election to any political officer, or for any corporation whatever, or any labor organization, or any committee or other organization organized by or affiliated directly or indirectly with any labor organization, to make a contribution or expenditure in connection with any election at which Presidential and Vice Presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to Congress are to be voted for, or for any candidate, political committee, or other person to accept or receive any contribution prohibited by this section. Every corporation, or labor organization, or committee or other organization organized by or affiliated directly or indirectly with any labor organization which makes any contribution or expenditure in violation of this section shall be fined not more than $5,000; and every officer or director of any corporation, or officer of any labor organization, or officer of any committee or other organization organized by or affiliated directly or indirectly with any labor organization, who consents to any contribution or expenditure by the corporation, or labor organization, or committee or other organization organized by or affiliated directly or indirectly with any labor organization, as the case may be, in violation of this section shall be fined not more than $1,000 or imprisoned for not more than 1 year, or both. For the purposes of this section "labor organization" shall have the same meaning as under the National Labor Relations Act.' "

Renumber succeeding sections.

Amendments intended to be proposed by Mr. MURRAY to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz:

On page 28, line 6, after "SEC. 8." insert "(a)."

On page 28, between lines 15 and 16, insert the following new subsection:

"(b) Nothing in this act shall be construed to diminish or interfere with the exercise of the rights of employees, labor organizations, or carriers under titles I and II of the Railway Labor Act of May 20, 1926 (44 Stat. 577), as amended, or to impair the functions of the National Mediation Board and the National Railroad Adjustment Board, system, group, or regional boards of adjustment under said act, as amended."

Amendments intended to be proposed by Mr. WILEY to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz:

On page 19, line 14, strike the period at the end thereof, insert a comma, and add the following: "except as specifically provided."

On page 24, line 22, strike the period after the word "act" and insert in lieu thereof the following: "except as otherwise provided by the provisions of this act relative to compulsory arbitration."

At the proper place in the bill insert the following:

"SEC. —. (a) When the Federal Mediation Board finds and determines that a labor dispute affecting commerce, which is not settled or adjusted under other provisions of this act, or under the Railway Labor Act, as amended, if subject thereto, (1) involves an industry engaged in the production of goods or services which are essential to the public health, safety, or security, or to the normal functioning of the national economy, or which are furnished by a public utility whose rates are fixed by governmental agency, State or Federal, and (2) threatens or has resulted in such interruption of the furnishing of such goods and services as will endanger the public health, safety, or security in the Nation as a whole or any part thereof, or as will so substantially interrupt commerce as seriously to disrupt the functioning of the national economy, or in the case of public utilities as will substantially interrupt the furnishing of an essential monopolized service, then the Board shall so notify the President. Upon receipt of such notification, the President is authorized to require submittal of the dispute to arbitration by a board of seven persons (or, if the parties so stipulate, three persons).

"(b) Within 20 days after notice from the President to the parties to the dispute or their representatives that the dispute shall be submitted to arbitration, it shall be the duty of the parties and their representatives to enter into an arbitration agreement covering all the questions involved in the unsettled controversy. The parties shall have no power to withdraw questions submitted or to terminate the arbitration except upon written settlement of such questions or of the controversy, respectively, filed with the board of arbitration. Such settlement shall be effective for at least 6 months from the date thereof. In case of failure or refusal of the parties to execute such an arbitration agreement, the Board shall name the arbitrators and shall present to the board of arbitration a submission in behalf of the parties which shall conform as nearly as may be to the requirements for an arbitration agreement. Neither a board of arbitration named pursuant to the arbitration agreement nor a board of arbitration appointed by the Federal Mediation Board shall be limited or restrained in the exercise of its power to make a binding award by the failure or refusal of any party, or of all parties, to participate in the proceedings.

"(c) The provisions of section 7 Second through section 9 of the Railway Labor Act, as amended (U. S. C., tile 45, secs. 157 Second through sec. 159), shall govern arbitration conducted under this section to the extent that such provisions are not inconsistent with this section. Where used in the aforesaid sections of the Railway Labor Act, for the purposes of this section the term 'carrier or carriers' shall mean the employer or employers parties to the dispute and/or their representatives; the term 'employees' shall mean the employees parties to the dispute and/or their representatives; the term 'board of arbitration' shall mean such boards established under this section; the term "Mediation Board' shall mean the Federal Mediation Board, and the term 'chapter' or 'act' shall mean this section.

"(d) Notwithstanding the provisions of the Railway Labor Act, for the purposes of this section—

"(1) a board of arbitration shall have the power to grant or deny in whole or in part the relief sought by any parties on any question submitted;

"(2) the provisions of section 7 (f) of the Railway Labor Act, as amended (U. S. C., title 45, sec. 157 (f)), relating to filing the award with the Interstate Commerce Commission and to the effect of such award on the powers and duties of the Commission, for the purposes of this section shall be applicable only to awards in proceedings under this section to which carriers subject to the jurisdiction of the Commission are parties: *Provided, however,* That in all proceedings under this section involving carriers or public utilities whose rates are fixed by governmental agency, a certified copy of the award shall also be furnished to such agency and no such award shall be construed to diminish the powers and duties of such agency: *Provided further,* That in the case of any award which grants an increase in wages or salaries, a copy of the proposed award, together with copies of the papers and proceedings and a transcript of the evidence taken at the hearings, all

certified under the hands of at least a majority of the arbitrators, shall, before the award is filed for judgment thereon, be furnished to the Stabilization Administrator while such office exists and a certified copy of such proposed award shall also be furnished the parties. The Stabilization Administrator, if in his judgment such action is necessary to prevent wage or salary increases inconsistent with the purposes of the Stabilization Act of 1942, as amended, shall have the authority to require by directive that the board of arbitration reduce its award to such maximum increases as in his judgment are consistent with the purposes of said act. Failure on the part of the Stabilization Administrator to exercise such authority within 15 days after the receipt of the award, papers, proceedings, and transcript and to issue such directive to the board of arbitration shall be deemed approval of such increase for all purposes under the stabilization laws and Executive orders and regulations issued thereunder. As soon as practicable after receipt of the directive from the Stabilization Administrator the board of arbitration shall amend its proposed award accordingly and issue the award so amended as a final award and the same procedural and substantive provisions shall apply thereto as to any award under this section, except that no award shall be held not to comply with the stipulations of the agreement to arbitrate or of the submission in behalf of the parties by the Federal Mediation Board because of the time consumed in conforming to this proviso or because the award grants or denies wage or salary increases in conformity with the directive of the Stabilization Administrator;

"(3) in the case of an arbitration agreement providing for a board of seven arbitrators the parties shall choose four and the arbitrators or the Federal Mediation Board, as the case may be, shall name three all in the manner provided in section 7 Second (b) of the Railway Labor Act aforesaid.

"(e) If an award is set aside in whole or in part and the parties do not agree upon a judgment to dispose of the subject matter of the controversy, the Federal Mediation Board shall reinvestigate the matter. If it makes the findings described in subsection (a) of this section, it shall so notify the President. The President is then authorized to require resubmittal of the matters in dispute to arbitration pursuant to the provisions of this section and further to require that no person who was a member of the previous board of arbitration shall serve on the new board.

"(f) The duties of employers and employees and their representatives involved in the dispute, and the penalties for breach thereof, as set forth in section 3 of this act, shall continue from the date of the requirement of submittal to arbitration until the entry of final judgment upon an award, or until termination of the proceeding by written settlement, as the case may be. Any such settlement as well as settlement of particular questions by agreement of the parties at any stage of the proceedings shall be enforceable under the provisions of this act relating to enforcement of collective-bargaining contracts.

"(g) Unless in the arbitration agreement the parties stipulate for a longer period, an award shall continue in force for 6 months from the entry of final judgment thereon. During such period it shall be the duty of the employers and employees and their representatives involved in the dispute to adhere to the terms of the award and to refrain from strikes, lock-outs, and concerted slow-downs of production. Section 3, subsections (c), (d), and (e) of this act shall exclusively govern any breach of such duties.

"(h) Impeachment of awards under this section, provided for by reference, shall be the exclusive method of judicial review thereof."

Amendments intended to be proposed by Mr. AIKEN (for himself and Mr. MORSE) to the amendment proposed by Mr. BYRD to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz:

On the first page, line 5; on page 2, line 20; and on page 3, line 3; after the word "commerce" insert the following: "and every trade, promotional, or other organization or association of employers which has for its purpose the promotion of the welfare of its members through the influencing of public opinion and which uses the mails or other instrumentality of commerce in carrying out such purposes."

On the first page, line 9; on page 2, lines 3, 5, 17, and 23; and on page 3, lines 8 and 10, strike out the word "labor."

On page 4, strike out lines 12 to 25, inclusive, and insert in lieu thereof the following:

"SEC. —. Any organization which violates any provision of this act shall, upon conviction thereof, be punished by a fine not exceeding $10,000."

Mr. REVERCOMB. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. REVERCOMB. If cloture is invoked and adopted by the Senate, will the Chair advise the Senator from West Virginia whether, after cloture has been voted, amendments may be offered?

The ACTING PRESIDENT pro tempore. They may be offered only by uanimous consent, unless they are first presented and read into the RECORD under the rule. Under the unanimous consent agreement just entered into, all pending amendments, that is, all amendments printed and lying on the table, are considered as having been read and printed in the RECORD under the rule, and would be in order if the cloture petition should be adopted.

Mr. REVERCOMB. I thank the Chair.

Mr. PEPPER. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. PEPPER. I did not quite hear the first part of the question propounded by the Senator from West Virginia. As I understood the unanimous-consent request proposed by the leader, it was that any amendment now lying on the desk, or any which might be presented or offered before the cloture vote, should be considered as being been offered in accordance with the rule. Is that correct?

Mr. BARKLEY. That is correct.

The ACTING PRESIDENT pro tempore. The Chair believes that the Senator's hearing was entirely accurate.

Mr. PEPPER. I thank the Chair.

Mr. HATCH. Mr. President, if the Senator from Kentucky is finished with his unanimous-consent requests I desire to make a very brief statement. Has the Senator anything further?

Mr. BARKLEY. No; I have no further unanimous-consent requests, but I have been urged to insist that the Senate vote tonight on the pending amendment. So far as I am concerned, it is entirely agreeable to do it if the Senate wishes to do so, or to have the Senate take a recess until tomorrow and vote on the amendment tomorrow when the Senate reassembles then.

SEVERAL SENATORS. Vote! Vote!

Mr. BARKLEY. I simply wish to obtain the consensus of views of Senators regarding what they wish to do about that.

Mr. HATCH. Mr. President——

Mr. MURRAY. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. MURRAY. In view of the very fine spirit of harmony which we have achieved here tonight, it seems to me that we should not continue the session late into the evening. In addition to being present here on the floor of the Senate, I am engaged in conducting committee hearings. This morning I opened the hearings at 9:30 in the Senate Office Building, on the national health bill, and had hearings all morning and a part of the afternoon. I have been doing that every day, right along.

It seems to me that it would be unfair and unnecessary to vote tonight. We do not intend to prolong this debate, and I wish to assure the leader that I have no desire to make any further addresses in connection with this problem, and I am willing to vote on every amendment as it comes up.

Mr. BARKLEY. Mr. President, I appreciate the Senator's viewpoint on that matter.

I shall make one more unanimous-consent request, although I do not wish to trespass in that connection or to take a chance on asking for too much. But on the theory that the Senate will take a recess until 12 o'clock tomorrow, I ask unanimous consent that the Senate proceed to vote at not later than 1 o'clock p. m., tomorrow, on the pending amendment, without further debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REVERCOMB. Mr. President, reserving the right to object, let me ask whether there would be a dvision of time for the purpose of discussion of the amendment.

Mr. BARKLEY. Mr. President, I shall incorporate in my request a further request that the time be divided equally between the proponents and the opponents, to be controlled by the Senator from Montana [Mr. MURRAY] for those in opposition to the amendment, and by the Senator from Minnesota [Mr. BALL] for those in favor of it.

The ACTING PRESIDENT pro tempore. Without objection, the unanimous-consent request is agreed to.

Mr. HATCH. Mr. President, I merely rose as one Member of the United States Senate and one Member of the Congress of the United States that is charged with the responsibility and the obligation for legislation, to voice my strong and hearty approval of the address which has just been delivered by the President of the United States, and to say to the President of the United States, as one Member of this body, that I shall be ready to vote for whatever legislation may be necessary in order to meet the crisis which our country faces at this hour—a grim, dark, stark tragedy, brought on, in my opinion, by the willful action of two men.

Mr. President, I live in a railroad town. I know railroad men. They are my personal friends. I do not think there is any better class of citizens in this country than they are. There are none who are more patriotic. I do not believe at

all that the condition which now exists meets with the approval of the rank and file of the railroad men of these two unions. I wish to join with the President of the United States in the strong statement which he made when he said that when the welfare of one group or two groups or any number of groups conflicts with the welfare of the country, the country comes first.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting sundry nominations, which was referred to the appropriate committee.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. WALSH, from the Committee on Naval Affairs:

Sundry officers for appointment in the Navy for temporary service.

RECESS

Mr. BARKLEY. Mr. President, in view of the agreement into which we have entered, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 10 o'clock and 41 minutes p. m.), the Senate took a recess until tomorrow, Saturday, May 25, 1946, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 24 (legislative day of March 5), 1946:

APPOINTMENTS IN THE UNITED STATES MARINE CORPS

TO BE MAJORS

James J. Keating
Ralph B. Dewitt

TO BE CAPTAINS

Harry G. Fortune
Lyle N. Meyer
Robert G. Ballance
Wallace T. Breakey
Harry H. Bullock
Arthur J. Davis
"A" "E" Dubber, Jr.
Reed M. Fawell, Jr.
Jacob G. Goldberg
Leroy Hauser
George W. Hays
John O. Holmes
Edward F. Howatt
Philip W. John
Ralph M. King
Ewart S. Laue
Alfred H. Marks
Gallais "E" Matheny
Harold B. Meek
Jimmy B. Miles
Glenn D. Morgan
Herbert R. Nusbaum
Charles D. Roberts
Walter T. Short
John S. Twitchell
William F. Whitaker
Edmund M. Williams

TO BE FIRST LIEUTENANTS

Jay H. Augustin
Floyd E. Beard
Thomas R. Belzer
Harold C. Boehm
John G. Bouker
Kimber H. Boyer
Thomas W. Brundage, Jr.
Paul G. Chandler
Albert Creal
Henry P. Crowe
Francis T. Eagan
Paul A. Fitzgerald
Ernest P. Foley
Harold Granger
Loran E. Haffner
Rodney Handley
Robert C. Hiatt
Norman H. Jungers
Charles W. Kelly, Jr.
Thomas C. Kerrigan
Albert F. Lucas
George W. Martin
Gooderham L. McCormick
Richard C. Nutting
Joseph S. Reynaud
Arthur N. B. Robertson
Millard T. Shepard
Ormond R. Simpson
Sylvester L. Stephan
Rex R. Stillwell
Allen Sutter
James N. Tinsley
Birney B. Truitt
August L. Vogt
Thomas E. Williams

TO BE SECOND LIEUTENANTS

Francis W. Benson
Carl J. Cagle
Angus M. Fraser
Robert Hall
Fred J. Klingenhagan
Randolph S. D. Lockwood
Melville M. Nenefee
Wilbur F. Meyerhoff
William D. Morgan
Harry S. Nessly
John E. Rentsch
Erik W. Ritzan
Donald J. Robinson
Clyde T. Smith
Guy B. Smith, Jr.
Homer Sterling
Ralph M. Wismer
William E. Abblitt
Julian F. Acers
Edwin W. Allard
Alvia H. Allen
William P. Alston
John R. Barreiro, Jr.
Drew J. Barrett, Jr.
Robert N. Barrett, Jr.
Donald M. Beck
John R. Bohnet
John T. Bradshaw
James G. Brady
James T. Breen
Robert W. L. Bross
Edward W. Bryan
Thomas M. Burton
Richard S. Button
Vernice S. Calvert
Albert W. Campbell
Charles C. Campbell
Henry S. Campbell
Walter J. Carr, Jr.
Alan R. Cason
Walter M. Caulfield
William C. Chamberlin
Roscoe C. Cline, Jr.
Milton G. Cokin
Robert E. Collier
Milton M. Cook, Jr.
John A. Copeland
Charles H. Cowles
Thomas J. Cross
Andrew Csaky
James N. Cupp
Honore G. Dalton
David M. Danser
James N. M. Davis
John L. Dexter
Charles E. Dobson, Jr.
Anthony J. Dowdle
Alexander A. Elder
Joseph H. Elliott, Jr.
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Elmer R. Wilson
Robert R. Wilson
Rex Wilson
George L. Winneberger, Jr.
Donald M. Winters
Karl B. Witte
Wayne E. Wolcott
Howard Wolf
Donald R. Wood
Drury W. Wood, Jr.
Jack Wood
Wallace N. Wood
Reece J. Woodard
Laurence "H" Woods
Ray Woods
Harry D. Wortman
Andy D. Yates, Jr.
Arthur C. Young
William E. Zane
William J. Zaro
Harold F. Adair
Rayford K. Adams, Jr.
Leland G. Alexander
Rufus H. Allen, Jr.
John K. Aller
Philip L. Anderson
Robert V. Anderson
George B. Anderson
William E. Androsko
Charles A. Arneson
Frederick L. J. Ashworth
Stuart P. Baar, Jr.
Edward A. Bailey
Raymond O. Ball
Stewart C. Barber
Arnold W. Barden
Kenneth L. Barnes
Robert W. Barnes
Robert E. Beare
William J. Beer
Ralph E. Belk
George H. Benskin, Jr.
Lenard L. Berg
James Bergen
Rocco D. Bianchi
Richard F. Bliss
Miller M. Blue
David W. Bowman
John C. Breckinridge
John T. Breckinridge
Robert W. Breeze
Goodwin P. Broaddus, Jr.
Eugene H. Brown
John E. Brown
Royal R. Bruchman
Sherwood A. Brunnenmeyer
Fitzhugh L. Buchanan, Jr.
George H. Buckmaster
Jack H. Butler
Paul B. Byrum
Ralph D. Cail
Edward E. Camporini
Charles T. Carter
Stacy B. Cartledge
Dean Caswell
George G. Chambers, Jr.
John Chambers
Fred D. Chapman
Lloyd F. Childers
Landon E. Christian
Stanford Cluggish
James E. Condra
Walter J. Connors
Richard A. Cooley
Alan G. Copp
John W. Cotton
John Craig
Bethel Crowell, Jr.
Fred K. Croyle
John E. Cuneo
Donald N. Dackins
Clarence G. Dahl
Dennis D. Damsgaard
David A. Davis
Eugene C. Davis, Jr.
Kenneth E. Davis
Ralph G. Demaree, Jr.
John G. Demas
Frank R. DeNormandie
Don G. Derryberry
Oliver E. Dial
James G. Dionisopoulos
Robert A. Dobbelaar
John "H" Doering, Jr.
Walter E. Domina
William F. Donahue, Jr.
Leonard Dooley
Donald W. Dorn
Robert S. Doyle
Earl C. Dresbach, Jr.
Michael J. Dunbar
James Dunn
William W. Dutton, Jr.
Edward W. Dzialo
John C. Eddy
Arthur D. Edmiston
Donald H. Edwards
Paul M. Edwards
Thomas G. Elder
Frank A. Eldracher, Jr.
Daniel R. Evans
William T. Evans, III
Kenneth L. Fellows
Henry Fischer, Jr.
Sidney Fisher
John P. Flynn, Jr.
Martin S. French
Ray Funderburk
Harold C. Fuson
Leland S. Gaug
Edward D. Gelzer, Jr.
Byron G. Genung
Marshall E. George
George E. Gibson, Jr.
Charles P. Gilchrist, Jr.
John R. Goss
John A. Grondin
Benjamin C. Grosscup, Jr.
Dale Gutshall
Patrick J. Hagarty
Leslie R. Hail
Eugene Hall
Ralph H. Hamilton, Jr.
Burton D. Hammons
John R. Hancock
Nicholas P. Hardeman
Autrey B. Harmon
Donald R. Harris, Jr.
Albert B. Haynes, Jr.
Lester Heinz, Jr.
Robert A. Henry
Robert V. Henshall
Joe "B" Henson
Wilber N. Herndon
Gilbert R. Hershey
Theodore D. Hess
John J. Hill III
Malcolm A. Hill
Twyman R. Hill
John J. Hoffman
Lawrence J. Hofmeister
Thomas C. Holleman, Jr.
Connor W. Hollingsworth
Robert E. Hoskins
Arthur E. House, Jr.
John Huston, Jr.
Carroll V. Howe
Kerwin W. Jacobs
Peter Janopaul, Jr.
Harvey L. Jensen
Manning "T" Jeter, Jr.
Leo R. Jillisky
Robert E. Jochums
Robert C. Johnson
Tracy Johnson
Corbin J. Johnson
Claude K. Johnson
Aubrey T. Jones
Elwin M. Jones
Robert W. Jorn
Eugene S. Kane, Jr.
Timothy J. Kerns
Gene S. Keller
James P. Kelly
George D. Kew
Edwin W. Killian
Reed T. King
Charles S. Kirchmann
Wilson A. Kluckman
Elmer F. Koehler
Stanley E. Kramek
William H. Kreeger, Jr.
Anthony E. Kujawinski
Cecil B. LaFayette
Paul D. LaFond
Benjamin J. Landry
Harvey A. Larson
Donald O. Larson
Roger C. Lawson
Fred Lawton, Jr.
Ernest S. Lee
Phillip K. Leeseberg
Benjamin Leffler
Sylvester F. Leis
Thaddeus F. Lewandowski
Albin L. Lindall, Jr.
Robert B. Lipscombe, Jr.
William W. Lotz
Joseph B. Lynch, Jr.
William H. MacCormack
Anthony J. Machado
Crawford B. Malone
Richard H. Mample
Lorenzo F. Martin
Rob A. Matthews
William L. May, Jr.
Robert L. McBride
Robert C. McCarthy
Robert E. McCarville
Harold J. McClellan, Jr.
Jerry L. McCollom
John P. McCullough
Lawrence McGlade
Louis J. McGowan
Lawrence McGlade
John P. McLaughlin
Clare R. McMahon
John E. McVey
Richard C. Melanson
Charles C. Menzies
George A. Merrill
Bruce F. Meyers
George V. Mikkelsen
Richard G. Miller
James H. Milstead
Richard T. Milyard
Robert W. Minick
Welden R. Mitchell
Herman L. Mixson
Dale M. Molsberry
Arthur B. Montagne
George D. Moore
Theodore R. Moore
Donald E. Morin
Andrew B. Moritz
Thomas E. Mulvihill
John J. Murphy
Cleon E. Nesbitt
Gail A. Newkirk
Claude D. Neyman, Jr.
Robert L. Nichols
William J. Nietschmann
James B. O'Bannon
Walter Panchision
Bruce A. Pates, Jr.
Earl F. Patrick
Kenneth W. Paul
George A. Pavlicin
John R. Perdue
Don M. Perkins
Kenneth J. Petrick
Allen L. Phillips
Ewell B. Pinkston
Jay V. Poage
William D. Pomeroy
Robert H. Porter, Jr.
Harry G. Poulson
Charles L. Presser
Arthur E. Probst
Paul E. Raine
Edgar F. Remington
Edgar E. Reynolds
Charles I. Rice, Jr.
Knowlton P. Rice
Thomas W. Riggs
Harry G. Robinson, Jr.
Glenn W. Rodney
Edward R. Rogal
John J. Rootboff
Maurice Rose
Mervin L. Rowell
Guy W. Rowlett
Thomas T. Sandel
Paul E. Sanders
Louis J. Sartor
Warren A. Savage
George P. Sawyer, Jr.
Adolph G. Schwenk
Edwin R. Scotcher
Clyde V. Scott, Jr.
Darwin H. Scott
John L. Scott
Robert G. Scribner
Robert G. Scurrah
James W. Shank
Alexander V. C. Shaw
Alfred C. Shelby, Jr.
Donald A. Silva
Charles N. Sims, Jr.
John B. Sims
Frederick D. Singer
Ernest P. Skelt, Jr.
Anthony J. Skotnicki
Robert D. Slay
Bradford N. Slenning
Alfred E. Smith

Elmore G. Smith	Merrill Waide, Jr.
George E. Smith	Denzil E. Walden
Grady F. Smith	Samuel A. Wallace
"H" "J" Smith	Wilbourn Waller
Thomas D. Smith, Jr.	Leo E. Walton, Jr.
William M. Smith	Ralph L. Walz
Albert W. Snell	Charles M. Wann, Jr.
Carleton B. Solloway	George W. Ward
Sam Solomon	Henry Waryek
Robert L. Solze	Wilmoth W. Watkins
Joseph A. Sousa	Lester M. Watson, Jr.
Donald E. Spencer	Raymond J. Weber
Hugh M. Steele	Peter J. Weigel
Warren L. Stewart	James A. Weizenegger
Howard D. Stewart, II	Warren E. Wescott
Howard E. Stidham	Nathaniel L. Whisenhant, Jr.
Samuel H. Stiefel	James H. White
Jacob Stocker	Kenneth Whitehurst
James H. Stone	Carson D. Whitten, Jr.
William W. Storm, III	John C. Wickham
Charles E. Street, Jr.	Edward F. Wiese
Arthur J. Sulliyan	Loren K. Wildermuth
Charles H. Sullivan	Herbert L. Wilkerson
William Swanson	John E. Williams, Jr.
James M. Tanner	Frederick S. Wood
Warren G. Tanzler	Paul A. Wood
Robert J. Thomas	Joseph L. Wosser, Jr.
Thaddeus J. Toups	William P. Yerger, Jr.
James V. Townsend	Douwe B. Yntema
James B. Turner, Jr.	Walter T. Zamojc
William T. Unger	Emil L. Zanutto
Rollin F. VanCantfort	Wilbur K. Zaudtke
Earl K. Vickers, Jr.	Robert Zeugner
Norman Vining	Paul E. Ziegler
Floyd L. Vuillemot	Robert "J" Zitnik
Taylor H. Wagner	

HOUSE OF REPRESENTATIVES

FRIDAY, MAY 24, 1946

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou who art the Father of all nature, springtime and harvest have not failed us. Thou coverest the earth as with a garment and crownest us with loving kindness. In the plentitude of Thy mercies we rejoice. It is written that the lilies of the field are clothed by Thee and the sparrow does not fall unregarded. What, then, will be the care of Thy children, and those who bear Thy likeness? O give us hearts of understanding that we may realize our rich inheritance, and thrill us with the challenge of this urgent day, commanding us to take our part in the world's redemption. In our festivities and in our prosperities, minister unto us, and may we forget not all Thy benefits. Give us wills to put first things first, and to be aware that no earthly affluence can atone for poverty of soul.

"We are watchers of a beacon whose light
must never die;
We are guardians of an altar that shows
Thee ever nigh;
We are children of Thy freemen who
sleep beneath the sod;
For the might of Thine arm we bless
Thee: our God, our fathers' God."

We pray in Jesus' name. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS

Mr. ARENDS asked and was given permission to extend his remarks in the RECORD and include a resolution.

Mr. McDONOUGH asked and was given permission to extend his remarks in the RECORD in three instances, to include in one a report from the Welfare Council of Metropolitan Los Angeles, and in another an editorial appearing in the United States News by David Lawrence.

Mr. MASON asked and was given permission to extend his remarks in the RECORD and include an editorial appearing in the Washington Times-Herald today.

Mr. RICH asked and was given permission to extend his remarks in the RECORD and include an editorial entitled "Prophecies in Retrospect" appearing in the Herald Tribune, New York City, May 22.

THE STRIKE SITUATION

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, yesterday afternoon at the White House the President, in appreciation of the disabled veterans, received them. I could not help contrasting the attitude of those men during the war with the attitude of some of our civilian leaders at this time. During the war the officers and the men under them did not strike against the Government. Negotiating inside the White House there were groups of men who were striking against the United States Government.

I respectfully request, Mr. Speaker, that you and the Members of the House invite Mr. Lewis and the coal operators to appear before the House. I also respectfully request, Mr. Speaker, that you invite the owners of the railroads and the various brotherhoods to appear before the House. It is not a matter, Mr. Speaker, for any one committee. It is a matter for every one of us in Congress. It affects the whole United States and the world.

PERMISSION TO ADDRESS THE HOUSE

Mr. HARNESS of Indiana. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include an article from a magazine.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

[Mr. HARNESS of Indiana addressed the House. His remarks appear in the Appendix.]

SPIRITUAL AWAKENING NEEDED

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, the United States is now involved in a bloodless revolution. Strikes of the automobile industry, the steel industry, the electric industry, the coal mines, and many, many other strikes. Now we are faced with a complete tie-up of the railroads.

Has American labor decided to wreck this country, as happened in France? O God of our Fathers, be with us yet, be with us yet. Fill our hearts with love for one another in America, not hatred. Help us to live by the Golden Rule and the Sermon on the Mount. Give us a spiritual awakening in America that will bring peace to industries and our private-enterprise system. May we act and do the will of God.

Save America. Save our form of government. It is the best yet devised by man. America, wake up and come to your senses ere it is too late.

IT IS TIME FOR PRESIDENT TRUMAN TO SHOW LEADERSHIP

Mr. MUNDT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. MUNDT. Mr. Speaker, the position of President of the United States is one of the greatest leadership posts in the world. In times past, we have had many great Presidents who have met large emergencies with big and brave action programs. Today America faces one of the gravest crises in her history. It is time—in fact, it is already far past the time—for President Truman to show some leadership in meeting this crisis.

Mr. Speaker, I call upon President Truman to summon the Congress of the United States together in joint session tomorrow noon for the purpose of bringing into one working unit the authority of the President and the Congress of the United States for the specific and immediate purpose of putting an end to the defiant strikes which are paralyzing both Government and business, which are depriving millions of starving Europeans from getting American foods which cannot reach seaboard and which are picturing America before the entire world as an impotent giant unable to utilize its own strength.

Mr. Speaker, these grave times call for action and for leadership. Let the President come to a joint session of Congress to spell out precisely the added authority he needs to meet the strike situation; let him pledge us his cooperation and his intention to sign such legislation, and I am sure that before tomorrow night at midnight the Congress of the United States can and will act to give him the strike-stopping authority which he desires.

We have had many joint sessions to declare war against aggressors and to meet the challenges of global conflict. It is now time—it is now abundantly time, Mr. Speaker—that we hold a joint session to meet the challenges of reconstruction, rehabilitation, and near-revolution here at home.

EXTENSION OF REMARKS

Mr. SPRINGER asked and was given permission to extend his remarks in the RECORD in two instances and include in

one an editorial and in the other a newspaper article.

Mr. WEICHEL asked and was given permission to extend his remarks in the RECORD.

Mr. REED of New York asked and was given permission to extend his remarks in the RECORD and include an article entitled "Feed Famine" from the Wall Street Journal.

Mr. TRIMBLE asked and was given permission to extend his remarks in the RECORD and include an editorial from the St. Louis Star-Times.

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a very excellent address.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

INDUSTRIAL WAR

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WHITTINGTON. Mr. Speaker, we have won the military war on the battlefields of the earth. An industrial war is being waged in the United States that threatens to destroy the fruits of our victory. We have pointed to the Railway Labor Acts as the pattern for other labor legislation. Those acts and all other existing labor acts have now failed. The public sacrificed in war, and the public is today helpless and paralyzed by Nation-wide strikes. The issue transcends employer and employee, transcends political parties, and involves the destruction of the public economy. The Congress that promoted the greatest military victory in human history should now provide for fair wages and reasonable living conditions in mining, transportation, and manufacturing without the Nation-wide paralyzing strikes that now obtain.

Strikes against the Government must not be tolerated. We go to military war when we are attacked. When will the Congress be better justified in passing legislation in behalf of the paramount rights of all the people to curb and prevent strikes? The time for debate has passed. It is time for action. The American public demands that industrial war must and shall be won and prevented.

THE STRIKE SITUATION

Mr. COX. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. COX. Mr. Speaker, Edmund Burke said in his speech on the conciliation of America that "The concessions of the weak are the concessions of fear." Let it be now noted that this Government's policy of appeasement has brought the country up on the brink of ruin. We have reached the point where even the coward must stand up and fight or be lost. But, Mr. Speaker, the situation demands more than that bastard sort of courage thus far displayed. This House has demonstrated that it is not afraid; what say others.

PERMISSION TO ADDRESS THE HOUSE

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

[Mr. RANKIN addressed the House. His remarks appear in the Appendix.]

STRIKES AGAINST THE GOVERNMENT

Mr. GOSSETT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GOSSETT. Mr. Speaker, democracy is on trial. Our Government is in danger. Six months before Pearl Harbor I stood on the floor of this House and predicted that our failure to establish a firm, consistent labor policy would get us into serious trouble. Now we have the miners and the railroads on strike against the Government. Recently a union of Federal employees have insisted they have a similar right.

The very least we can now do is to write immediately into law two things: First, that to strike against the Government at any time, under any circumstances, is a crime; second, that industrial disputes in which the public health, safety, or welfare is seriously involved shall be submitted to compulsory arbitration. To say that such laws cannot be enforced is a stupid admission of futility. A government that can draft men to die for the safety of its people can force men to work for the same reasons.

The American people have a right to be alarmed. They are asking: "Will the big labor bosses continue to vie with each other in seeing who can squeeze the most out of a defenseless public? Can big industries and big labor unions defy with impunity the Government of the United States?" To answer these questions affirmatively is to insult the character and the intelligence of the American people.

Mr. Speaker, I can imagine Hitler and Mussolini looking up from their beds in hell and laughing at our puny efforts to save ourselves from economic and political destruction. Or perhaps in anguish and remorse they simply cry, "Oh, if we had only waited."

SELECTIVE SERVICE ACT

Mr. WASIELEWSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include an editorial from the Milwaukee Journal.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. WASIELEWSKI. Mr. Speaker, last week the House extended selective service until July 1, 1946. Two unfortunate amendments were adopted which for all practical purposes have sabotaged the Selective Service Act. We have reports from the State of Wisconsin that the selective-service boards have only been able to fill about 10 percent of their draft quotas. Enlistments fell off 50 percent immediately after the House's action and continue to fall each day. The fate of 600,000 men who have sufficient points to qualify for release is at stake. Some have spent many months abroad and have had active combat service, yet must now be indefinitely detained. Many of these men are married and their families anxiously await their return, others are of school age and are looking forward to completing their studies. All these men, as well as others, are doomed to disappointment. Can the morale of the men in the service or their families at home be kept on a high level under such circumstances?

Further, we have an obligation to fulfill to our allies and to ourselves. We must remain strong if we expect to fulfill our mission at the peace table; our representatives need more than words to support them. If we are to have a lasting peace we cannot permit our Army and Navy to be disintegrated before final victory is complete.

Shortly, the selective-service legislation will come before the House again. I pray and urge that the House may revoke its previous action and eliminate these two sabotaging amendments.

I include as a part of my remarks the following editorial from the Milwaukee Journal of May 20, 1946:

DRAFT FIASCO COMES HOME

The degree to which the House majority sabotaged Selective Service and the whole military replacement program is now reflected right here in Wisconsin. Col. John F. Mullen, State Selective Service director, reports that his organization will be able to fill only 10 to 15 percent of its draft quota for the next 6 weeks. Local recruiting offices say that enlistments dropped 50 percent immediately after the House adopted the ban on drafting 18- and 19-year-olds.

The 85 to 90 percent of the draft quota that will not be raised, plus the boys who would have enlisted if the draft had been working but who choose now to remain at home, were the replacements that the Army was counting on to relieve men in service who have already done their share and are entitled to be discharged. These lost replacements were the men the services were going to use to win the last, and very important, phase of World War II. These were the men that were to help guard and save millions of dollars' worth of military supplies, equipment, and ships for American taxpayers. Through their occupation duties they were to assist in upholding the honor of this Nation, its pledged word, and the respect of other countries for it.

EXTENSION OF REMARKS

Mr. GARY asked and was given permission to extend his remarks in the RECORD and include a resolution adopted by the Richmond (Va.) Ministerial Union on the subject of the food situation in the world.

THE STRIKE SITUATION

Mr. GALLAGHER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. GALLAGHER. Mr. Speaker, I believe that if this Congress would pass legislation granting the President the right to permanently seize all the railroads, coal mines, and all like public utilities, the knowledge that the President had that power would bring about a settlement of all strikes within 24 hours; and the power would not have to be used.

The SPEAKER. The time of the gentleman from Minnesota has expired.

EXTENSION OF REMARKS

Mr. LANE of Massachusetts asked and was given permission to extend his remarks in the RECORD in four instances, in one to include a resolution adopted at a rally of the Lynn Committee for Armenian Rights, in the second to include a resolution adopted by the City Council of the City of Lawrence; in the third instance to include a report adopted in Washington at a convention of textile workers, and, fourthly, to include a speech made by him in the city of Lynn, Mass.

Mrs. DOUGLAS of California (at the request of Mr. OUTLAND) was given permission to extend her remarks in the RECORD.

Mr. MANSFIELD of Montana asked and was given permission to extend his remarks in the RECORD.

THE STRIKE SITUATION

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. ABERNETHY. Mr. Speaker, I have just listened with considerable interest to the remarks made by the gentleman from Minnesota [Mr. GALLAGHER]. I am amazed that any Member of this democratic body would seriously propose, as he has, the permanent Federal operation of the railroads and coal mines.

I simply want to say to him that that which he has proposed is exactly what they have in Russia today—communism, pure and simple. We do not need, we do not want and we will not have it in these United States of America.

This great Nation, a powerful industrial giant, today finds itself prostrate due to strikes. The wheels of industry are turning to a halt, millions forced into idleness, food shortages envisioned in many sections, hunger in sight, chaos everywhere. This, Mr. Speaker, is rebellion. It leads to communism. It leads to such as the gentleman from Minnesota proposes and which, I am sure, he does not want. Labor leaders Lewis, Whitney, and Johnston have defied the President, have defied the people and even thousands of their own workers. They are burning the house down on the working masses.

The time has come for the President and the Congress to act. I respectfully call on the President to appear before a joint session of the Congress and there make known his needs to end this chaos. And, then I call on the Senate and my colleagues to act. As for myself, I am ready to give the President such as will meet the needs.

EXTENSION OF REMARKS

Mr. AUGUST H. ANDRESEN asked and was given permission to extend his remarks in the RECORD on the St. Lawrence seaway.

THE RAILROAD AND COAL STRIKES

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I do not agree with my colleague [Mr. GALLAGHER] from Minnesota, who has just demanded that Congress pass legislation authorizing the President to seize and nationalize railroads and coal mines. Such a policy would be either national socialism or communism, and I know that I speak for the vast majority of the American people, when I say that we want no traffic with either one of these isms or any other kind of ism which does not reflect true Americanism.

Mr. Speaker, as a result of the railroad and coal strikes a national calamity has come to our country. Irrespective of the merits involved in these strikes, I insist that the administration and Congress must take immediate steps to secure a resumption of operations in these vital industries. The controversies involved between the operators and the men can and must be settled without the necessity of work stoppages. The President now possesses ample authority to bring about a satisfactory settlement, which action should have been taken by him yesterday before the railroad strike started.

As matters stand today, these strikes are strikes against the American people, instead of against railroad companies and coal-mine owners. I am convinced that just grievances on the part of workers in both industries can be peacefully settled without tying up the country's economy. Unless operations are immediately resumed, there will be a complete collapse, and all of the people will suffer. In addition, we will also fail to meet our commitments to feed starving people in the rest of the world, who are depending upon our promises to supply food.

I urge the President to use his high office to secure work resumption in both industries, and I insist that Congress must take constructive action to prevent a reoccurrence of such tragic events.

The SPEAKER. The time of the gentleman from Minnesota has expired.

EXTENSION OF REMARKS

Mr. PLUMLEY asked and was given permission to extend his remarks in the RECORD and include a telegraphic resolution from the Associated Industries of Vermont.

Mr. MATHEWS asked and was given permission to extend his remarks in the RECORD.

Mr. JONES asked and was given permission to extend his remarks in the RECORD and include a letter written by a doctor formerly in the Army, and a note to him.

Mr. HAND asked and was given permission to extend his remarks in the RECORD.

Mr. ARNOLD (at the request of Mr. HAND) was granted permission to extend his remarks in the RECORD.

Mr. HAGEN asked and was given permission to extend his remarks in the RECORD in two instances, and in one to include certain letters.

Mr. GROSS asked and was given permission to extend his remarks in the RECORD and include an editorial appearing in yesterday's Washington News entitled "The Labor Trusts."

THE LABOR SITUATION

Mr. LANDIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. LANDIS. Mr. Speaker, today we find ourselves in a peculiar situation. Very few Members of the House have the facts on the strike situation.

Some months ago I was turned down on a request of the President to have a small delegation from Congress to sit in on and find out the facts in the strike situation.

Now we come to this conclusion: That in America you cannot make a man work for a living. We also find that it takes railroaders to run the railroads and it takes miners to run the mines. We found from experience after the last war that it costs about $200 a ton to mine coal after the Government took over.

Today our acting chairman has appointed a subcommittee to go into the details of the strike situation. Any Member who has any information or who desires to amend the Wagner Act should furnish that information to our subcommittee.

The SPEAKER. The time of the gentleman from Indiana has expired.

MEMORIAL DAY EXERCISES AT NATIONAL CEMETERY, GETTYSBURG, PA.

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GROSS. Mr. Speaker, I call the attention of the House to the fact that former Governor Bricker, of Ohio, will make an address in the National Cemetery at Gettysburg on Memorial Day at 2:30 in the afternoon.

This is an annual event. Gettysburg is our greatest national shrine. Most of our great men and many of the near great have spoken there from time to time. We look forward to Governor Bricker saying some things of great national importance. The address will be broadcast. I urge as many Members as possible to be there, particularly the Members from Pennsylvania and Ohio. I am sure Governor Bricker would be greatly pleased to see many of you there.

The ceremonies in the national cemetery, amid the thousands of flags floating in the breeze, is always thrilling and inspiring.

They usually have 500 children strewing flowers. It is an event that will thrill you to tears, no matter how many times you may see it.

Gettysburg usually is the host to thousands of people on Memorial Day. This year there will be tens of thousands to honor our heroic dead and to listen to the words of a great statesman and a probable future President.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

THE STRIKE SITUATION

Mr. KOPPLEMANN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. KOPPLEMANN. Mr. Speaker, while the war was on President Roosevelt, with his well-known foresight, called upon the Congress for reconversion measures.

In his Budget message on January 21 of this year, President Truman listed 21 specific measures he had been urging for the reconversion and postwar period. He pointed out that very few of them had been acted on. Congress was quick to help business and industry reconvert. Last fall, it gave them notable tax concessions. Congress has not been eager to help labor reconvert. With the exception on an inept full-employment bill, other legislation of importance to the rank and file of the people languish in committees or on the calendars—action on the Federal pay-increase bill was completed only some days ago. Important amendments to the Railroad Retirement and Railroad Unemployment Insurance Acts, urged by the railroad employees, were pigeonholed in the committee until we secured enough signatures to a petition to bring them up for a vote.

Congress has had an opportunity to act and Congress has not acted. It is unfair for any Member of this House to criticize the President because he was good enough to take time out to greet some 700 disabled veterans, while his mind was busy and his associates were working in an effort to avert the catastrophe that has come upon America.

The SPEAKER. The time of the gentleman from Connecticut has expired.

THE LABOR SITUATION

Mr. BULWINKLE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BULWINKLE. Mr. Speaker, I would like to ask a question of those Members who are saying that legislation should be passed in connection with the strike situation. What manner of legislation would you have? I admit with you and I agree with you that the conduct of certain labor leaders in the United States is absolutely reprehensible—John Lewis, Al Whitney, and some of the others—but I ask you when you talk about the legislation which should be passed, what have you in your minds? What would you propose?

We passed back in 1924 or 1925 the Railway Labor Act, used as a model all these years not only in the transportation field but also in other lines of industry. I am disappointed at what is taking place. The Railway Labor Act must be studied and amended.

Mr. Speaker, at this time let us not forget ourselves because of our indignation. Heaven forbid that we should stand here on the floor and criticize the President of the United States for taking a few minutes off to be with the disabled veterans who were on the White House lawn.

The SPEAKER. The time of the gentleman from North Carolina has expired.

EXTENSION OF REMARKS

Mr. RABAUT asked and was given permission to extend his remarks in the Appendix of the RECORD and to include therein an article by Father John E. Coogan, S. J., of the University of Detroit, on religion and the criminologist.

Mr. SPENCE asked and was given permission to extend his remarks in the Appendix of the RECORD and include therein an address delivered by Governor Szymczak of the Federal Reserve System before the Ohio Bankers' Association.

PERMISSION TO ADDRESS THE HOUSE

Mr. COLMER. Mr. President, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

[Mr. COLMER addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. MILLER of Nebraska asked and was given permission to extend his remarks in the Appendix of the RECORD and include an editorial.

PERMISSION TO ADDRESS THE HOUSE

Mr. DIRKSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and to include therein a table.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

[Mr. DIRKSEN addressed the House. His remarks appear in the Appendix.]

THE GOVERNMENT AND THE STRIKES

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. CURTIS. Mr. Speaker, in the present labor-management crisis the administration is found wanting in two particulars. In the first place, for the last 13 years the Roosevelt-Truman administration has failed to assume an impartial and judicial attitude in reference to labor and management. It has promoted strikes, class consciousness, and has often committed acts which have led to strikes, work stoppages, and the lack of production. In the second place, this administration has fought all legislation that has been proposed to amend the Wagner National Labor Relations Act or to curb the acts of labor racketeers. Several bills have passed the House of Representatives, in spite of administration opposition, only to be killed in the Senate because of the administration's superior strength over in the other body.

Early during my service in the Seventy-sixth Congress I voted for the resolution to investigate the National Labor Relations Board. That House committee recommended certain amendments to the National Labor Relations Act. I voted for those amendments. The administration caused those amendments to the Wagner Act to be pigeonholed in a committee in the other body. Had those amendments become the law it would have been a great step forward in the field of labor-management relations and it would have averted much of the trouble that we have experienced in recent years. There were many other bills that passed the House which were not advanced by the Senate. The Case bill, which I also supported, should have been advanced in the Senate weeks ago, and it could have been used as a vehicle to avert the coal and rail strikes that are now paralyzing the country.

Today American industry is paralyzed and production has ceased. Farmers and city people alike, including our veterans, are without the food, clothing, and shelter that they need. Fights, bordering on near riots, are taking place in our stores. The seeds that have brought forth our present situation were sown by the Government itself during the last 13 years. The group that has brought about our current strikes, and the group that has placed and kept the present administration in power, seem to be synonymous.

Mr. Speaker, if further legislation is needed to meet the present situation I, for one, am ready to vote for that legislation.

THE STRIKE CRISIS

Mr. MILLER of Nebraska. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. MILLER of Nebraska. Mr. Speaker, there comes a time in the history of a people when they reach the boiling point. It is easy to review past events of history. In my humble opinion, World War II was not necessarily caused by Pearl Harbor, but by the many incidents that occurred previous to Pearl Harbor. Pearl Harbor was the boiling point. The people could stand no more.

The present strike wave is again causing the people of this Nation to reach

the boiling point. The people are demanding that labor legislation be enacted now. Legislation that will protect the public from the tremendous damage that is now being done to them by the railway and coal strikes.

I would suggest to the leadership in this House, that they act immediately on the bill which may come, shortly, from the Senate. If the bill from the Senate, is in proper form, it should be accepted without benefit of a conference committee. The conference committee might pull out all of the teeth.

Mr. Speaker, legislation is needed which will be in the interest of the public. It does seem that when the health, welfare and public safety are involved and when the Government takes over a union and a strike, then that strike should be ended. If it continues it is a strike against the Government, and that means the people of the United States.

It can well be said that the chickens are coming home to roost for this administration. This administration, for many years, has coddled labor and urged legislation which put labor in a favorable position. They helped enact labor legislation which did not protect the public. The people of the United States have been without proper leadership from this administration. The time has arrived to take prompt and determined action.

The SPEAKER. The time of the gentleman from Nebraska has expired.

EXTENSION OF REMARKS

Mr. REES of Kansas asked and was given permission to extend his remarks in the RECORD and include an article and two letters.

VETERANS ARE ENTITLED TO MODERATE-COST HOUSING

Mr. REES of Kansas. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. REES of Kansas. Mr. Speaker, a great deal has been said on this floor and through the press with respect to priorities for veterans on building materials and supplies for constructing homes. There are a half dozen Government agencies dealing with veterans' housing problems. It is understood the Government policy is to see that priority is given to construction of moderately priced homes for veterans, and then to others who are in dire need of them.

Mr. Speaker, there are hundreds of high-priced homes being built in the larger cities in this country, including Washington. I visited a project where 125 homes are now under construction. The lowest price on any one of these houses is $25,400. They run from that figure to beyond $30,000. Those in charge of the project advise they are being supplied with all necessary building materials together with plumbing and other fixtures to complete these homes. The only requirement involved is that they first offer these homes to veterans during a period of 30 days. After that, anyone may buy who has the money. Not many veterans will buy these high-priced houses. This one project alone will total more than four and a half million dollars. The material and equipment in these homes would go a long way in building many moderate-priced homes.

In my district lumber and supply dealers are able to secure only a limited supply of material and equipment to build a few moderately priced homes. If the material used in expensive homes could be used for moderately priced homes, it would help a great deal in solving the housing problem for servicemen and others.

If a veteran wants to build a home in my part of the country he is required to go through reams of red tape in order to secure permission to do it. Then he meets with the further difficulty of lack of materials. I cannot understand how, or why, priorities to big contractors to build expensive homes.

If administrative officials are really anxious to provide moderate-cost housing for veterans, the situation to which I called attention cannot be justified.

The SPEAKER. The time of the gentleman from Kansas has expired.

CURE FOR THE STRIKE EVIL

Mr. SMITH of Ohio. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SMITH of Ohio. Mr. Speaker, the question has been asked as to what kind of law ought to be passed to meet the perilous strike situation. Enact a law guaranteeing to every person in this country the right to work wherever he pleases, at whatever wage he can voluntarily agree upon with any employer, without having to pay tribute to anyone. If we do that we will be doing no more than reassert one of the fundamental principles of the Constitution of the United States. This would be helpful to wage earners as well as all others. It is imperative that we do this to preserve national order and stability.

FEASIBILITY OF AMENDING PRESENT LABOR LAWS

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, the gentleman from Indiana [Mr. LANDIS] has already called the attention of the membership to the action taken by the House Labor Committee earlier today in reference to the appointment of a seven-man subcommittee to investigate the feasibility and the practicability of amending present laws dealing with labor and management. The possibility of offering remedial legislation to deal with the economic troubles caused by strikes and other reasons is a proper subject for careful review.

As the acting chairman of the Committee on Labor, I am attempting to exercise my duty during a grave crisis in the history of our Nation. The Labor Committee unanimously empowered me to appoint a group to make a searching inquiry. I selected the following: Mr. KELLEY of Pennsylvania; Mr. FISHER, of Texas; Mr. HOOK, of Michigan, Mr. RESA, of Illinois; Mr. LANDIS, of Indiana; Mr. MCCONNELL, of Pennsylvania; and Mr. BUCK, of New York.

The SPEAKER. The time of the gentleman from West Virginia has expired.

CURE FOR THE PRESENT LABOR STRIFE

Mr. OUTLAND. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. OUTLAND. Mr. Speaker, we hear a great deal these days about labor strife and about the fact that there is no action being taken about it. A certain amount of blame is being placed on the President of the United States; such is most unfair.

Mr. Speaker, these difficulties are not going to be solved by passing hasty legislation such as the Smith-Connally bill which after being passed over President Roosevelt's veto was repudiated by the Republican candidate for the Presidency in the following campaign. We are going to solve labor strife only as we pass comprehensive, thoughtful measures, such as full-employment legislation, minimum wage laws, adequate social security and other things which in the long run will bring a greater degree of decency, of fairness and of democratic living to the American people as a whole. If there would be less calling of names and more cooperation on the President's program there would be less industrial strife. If we had more statesmanship and less politics we would achieve more lasting results.

The SPEAKER. The time of the gentleman from California has expired.

COMMITTEE ON LABOR

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SMITH of Virginia. Mr. Speaker I want to congratulate the gentleman from West Virginia on finally getting the Committee on Labor in the House to respond to the sentiment of the country in trying to get some amendments to the National Labor Relations Act. I recall an old spiritual which I believe goes like this:

As long as the light holds out to burn,
The vilest sinner may return.

But I do want to also call attention of the committee to the elaborate investigation of the National Labor Relations Act and of that Board which took place 5 years ago resulting in a report from the select committee of which I was chairman, recommending a complete revision of the National Labor Relations Act, and which revision was passed by this House over the opposition of the Committee on Labor by a vote of 2 to 1. I think

that they can begin their education on this subject by a careful scrutiny of the report of that select committee, and the bill which the House passed pursuant thereto.

THE PRESENT CRISIS

Mr. KEEFE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. KEEFE. Mr. Speaker, in these times of great crises it is remarkable to hear the speeches that have been made here this morning. Certainly the chickens have come home to roost right on the doorstep of the administration that has toyed with this problem lo these many years. Now we find that at long last, the Committee on Labor is about to conduct an investigation of what they may possibly do to amend the National Labor Relations Act.

It reminds me of the veteran who recently applied for a passport to return to Europe, and when asked why he wanted to return after having served 3½ years in combat, he said, "I have found from my experience over there that chaos in Europe is better organized than it is in America."

EXTENSION OF REMARKS

Mr. HAYS asked and was given permission to extend his remarks in the RECORD.

Mrs. LUCE (at the request of Mr. MARTIN of Massachusetts) was given permission to extend her remarks in the RECORD.

Mr. FORAND (at the request of Mr. KOPPLEMANN) was given permission to extend his remarks in the RECORD in two instances and include in one a resolution.

NATIONAL CEMETERIES

Mr. SABATH, from the Committee on Rules, reported the following privileged resolution (H. Res. 639, Rept. No. 2129), which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the act (S. 524) to provide for one national cemetery in every State and Territory, and such other national cemeteries in the States, Territories, and possessions as may be needed for the burial of war veterans. That after general debate, which shall be confined to the act and to continue not to exceed 1 hour to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Military Affairs, the act shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the act for amendment, the Committee shall rise and report the same back to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the act and amendments thereto to final passage without intervening motion except one motion to recommit.

ADMINISTRATIVE PROCEDURE ACT

Mr. SABATH. Mr. Speaker, I call up House Resolution 615 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the act (S. 7) to improve the administration of justice by prescribing fair administrative procedure. That after general debate, which shall be confined to the act and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary, the act shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the act for amendment, the Committee shall rise and report the act to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the act and amendments thereto to final passage without intervening motion except one motion to recommit.

TO IMPROVE ADMINISTRATIVE PROCEDURE

Mr. SABATH. Mr. Speaker, later on I shall yield 30 minutes to the gentleman from Michigan [Mr. MICHENER].

Mr. Speaker, House Resolution 615 makes in order the consideration of Senate 7 as amended by the Committee on the Judiciary. The bill aims to improve the administration of justice by prescribing fair administrative procedure. The rule is an open rule, and provides for 2 hours of general debate.

Mr. Speaker, I hope this is only the beginning of legislation to improve the administration of justice and that it will bring about real justice to all those who are obliged to face our courts.

NOT THIS KIND OF JUSTICE

Speaking about justice, I am reminded of a story. A certain corporation lawyer, having been called to defend an action way out West, after surveying the situation engaged every lawyer in that county that he thought could be of service one way or the other. After the case was concluded the corporation lawyer wired home, "Pleased to report case has been concluded and justice prevailed." In about half an hour he received a wire, "In view of that result, give notice of appeal for a new trial." I hope that is not the kind of justice we are going to have in some of these courts as a result of the passage of this bill.

This bill, Mr. Speaker, is the fruit of 10 years of careful inquiry and consideration by the Committees on the Judiciary in both Houses of Congress, by the President's Committee on Administrative Management, by the Attorney General's Committee on Administrative Procedure, and by many public, quasi-public, and private groups, committees, and organizations representing the bar, business, and industry. Exhaustive hearings have been held, scores of witnesses heard, dozens of conferences and consultations had. Seldom, indeed, has any legislation reached the floor with so much careful thought behind it. High recognition is due the members and the chairmen of the respective committees, and in particular to the gentleman from Pennsylvania [Mr. WALTER].

PRESENT BILL MEETS OBJECTIONS

The object of the bill is, as I have stated, to improve the administration of rules and regulations made by the agencies under grants of power from Congress, and to establish uniformity of practice so that any citizen may have his day in court with a minimum of delay and expense.

Ever since I have been in the House, and for many years before that, there has been complaint from lawyers, from businessmen, from industry, and from plain citizens that they were lost in the maze of administrative agencies and regulations. There has been no argument as to the need for systematization and clarification; the only differences have been as to the methods to be followed, on how to achieve the desired end with the greatest equity to the public and the least disturbance to the complex growth of administrative functions. An earlier bill, the Logan-Walter bill, was vetoed by President Roosevelt because it was felt to be inadequate to the problems, and that it would have the effect of crippling administrative agencies and the courts.

PUBLICITY VALUABLE CONTRIBUTION

There is general agreement that the present bill has not only eliminated the objections previously made but has achieved a substantial contribution in its publicity requirements; and that it has arrived at an equitable and helpful differentiation of the legislative or rule-making powers and the quasi-judicial powers frequently lodged in the same agency.

What the bill does, in substance, may be summarized under four headings:

First. It provides that agencies must issue as rules certain specified information as to their organization and procedure, and also make available other materials of administrative law.

Second. It states the essentials of the several forms of administrative proceedings and the general limitations on administrative powers.

Third. It provides in more detail the requirements for administrative hearings and decisions in cases in which statutes require such hearings.

Fourth. It sets forth a simplified statement of judicial review designed to afford a remedy for every legal wrong.

COMMENDATION FOR INVESTIGATIVE SECTIONS

I should like to bespeak special commendation for the discussion of section 6 (B), dealing with administrative investigation, found on page 23 of the report of the House Committee on the Judiciary. Investigations, the committee says, must not be "fishing expeditions," and may not disturb or disrupt personal privacy, or unreasonably interfere with private occupation or enterprise. They should be so conducted as to interfere in the least degree compatible with adequate law enforcement.

I am told that this is only the beginning in trying to adjust many different viewpoints held by various judges in the different districts. I am hopeful that the Committee on the Judiciary within a short time will bring in a much broader bill that will guarantee real justice to all the people, and assure that justice will be done in all proceedings, that whether a man be poor or rich, equal justice will be meted out.

I do not wish to detain the House further, as this is a bill I know the Members are desirous of considering. I do not believe there will be much opposition to the rule or to the bill.

I now yield 30 minutes to the gentleman from Michigan [Mr. MICHENER].

Mr. MICHENER. Mr. Speaker, this is an important bill. In my experience in Congress, no legislation has had more careful and more painstaking consideration on the part of the legislative branch of the Government, the agencies of the Government, the committees of Congress, the American Bar Association, business and other groups primarily affected. For more than 10 years, committees have been working. During all that time efforts have been made to reach a common ground where we could all agree and enact needed legislation. The measure we are about to consider, in my opinion, will not receive a negative vote in the Congress today. That is something—that is an accomplishment. It is the fruition of careful study, tolerance, nonpartisanship, and genuine cooperation. The only aim and purpose of this bill is to see that the rank and file of American people receive the justice which our system of jurisprudence attempts to guarantee to them. I am not going to go into the technicalities of the bill. It will be explained by members of the subcommittee of the Judiciary Committee, who have lived with this matter for 10 long years. I am sure they will be able to answer all questions. For my part, I doubt if many questions will be asked. When the first proposal was suggested to the Congress, I was opposed to it. One school of thought was entirely of one mind. Another school of thought was entirely of another mind. Possibly each school went too far in advocating just what it thought should be done. But after calm study, deliberation, and consideration, as well as tolerance, we are here today with something that the Committee on the Judiciary stands behind unanimously. It is not perfect. It is a pioneer effort. It can be amplified as circumstances warrant.

Mr. JOHNSON of California. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I yield.

Mr. JOHNSON of California. In the State of California, the courts and the bar have spent about 6 years studying this same problem. They finally passed a bill almost identical to the bill you are offering here today. It has received universal approbation both of the bench and bar as well as litigants.

Mr. MICHENER. I am sure after this bill becomes law, which I feel sure it will, the same condition will exist in the Federal Government.

Mr. PITTENGER. Mr. Speaker, will the gentleman yield for a comment since my distinguished colleague does not want to delay matters?

Mr. MICHENER. I yield to the gentleman.

Mr. PITTENGER. As I understand it, this is a successor to the old original Walter-Logan bill. Our distinguished colleague from Pennsylvania [Mr. WALTER] and the late Senator Logan rendered a great public service when they introduced that legislation. It should have been passed years and years ago because it is in harmony with American ideas and American traditions of the right to go into court when you feel you have been wronged. I hope we pass it, and pass it soon.

Mr. MICHENER. The Walter-Logan bill passed the Congress, but was vetoed by the President because, he said, the subject needed more study. That study has been made. This type of bill cannot be written on the floor. It is too technical. Neither can it be adequately explained in a short speech in this debate.

Mr. SCRIVNER. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I yield.

Mr. SCRIVNER. I wish to take this opportunity to commend the committee and the subcommittee, not only on the measure itself, but on the full and complete and explanatory report which they have prepared. This measure is a step in the right direction toward regulating the regulators. I trust the bill will receive a unanimous vote.

Mr. MICHENER. Mr. Speaker, reference has been made to the committee report. This report contains 56 pages, and it is complete. If it were not so long, I should include it in the RECORD, but I want the RECORD to show reference to the report, so that anybody in the future who wants to know what this bill means and why it is here will know where to go to get concise information. It is House Report No. 1980, Seventy-ninth Congress, second session.

Mr. Speaker, Dean E. Blythe Stason, of the law school of the University of Michigan, served on the Attorney General's committee studying administrative procedure. He has also served on bar association committees making like investigation. Indeed, he is an expert on administrative procedure legislation and I have a great respect for his judgment in these matters. After reading this bill, Dean Stason wrote to me approving the bill in its present form. He said:

> This measure has now been given very careful attention, not only by the Senate committee, but also by the appropriate committees of the American Bar Association, where it has been debated, revised, and rerevised, throughout the last half dozen years. I have studied the act very carefully indeed and in fact have participated in certain of the earlier drafts. I am convinced that the measure is now in first-class condition and is as good a measure as can be expected at this time in so highly controversial a field as that of administrative law. I hope that the bill becomes a law at an early date.

I understand that the other members of the former Attorney General's committee agree with Dean Stason.

Mr. Speaker, I have no requests for time on this side.

Mr. SABATH. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia [Mr. SMITH].

Mr. SMITH of Virginia. Mr. Speaker, I am delighted to see this bill come to the floor in the form in which it is probably going to receive the approval of both the House and the Senate. This is a subject that should have been dealt with many years ago. It is more important now than ever before. It is becoming more important every day. There has grown up a great system of administrative procedure that has grown up without any regulation by Congress to the point where the average citizen who has a matter before any bureau in Washington must go through a maze of rules and regulations unknown to him and often unknown to the agency which deals with them.

I have given this subject much consideration. In fact, I introduced a bill which went farther than the present bill. I had hoped that certain features of it would go farther. I had hoped that we would have a more complete separation of the judicial and executive functions in this bill. I do think that the committee has gone a long way, and perhaps they are wise in not going any farther than they have gone.

I want to call the attention of the House particularly to the report on this bill, as has the distinguished gentleman from Michigan [Mr. MICHENER]. It is one of the finest reports I ever read. It is clear, full, and complete. There are many details in setting up a code of administrative procedure. It is a great undertaking. I look upon this bill as merely the beginning of setting forth a code that will regulate and coordinate the procedure in all of these procedures before executive agencies.

This bill has this added advantage: Although one bill was vetoed by the President, although there has been much controversy over this whole subject, we have at last reached the point where the Committee on the Judiciary in the House of Representatives has agreed upon a bill, and I understand they have consulted with the Judiciary Committee of the Senate, and this bill has been submitted to them in its amended form and it is agreeable to the Senate. On the last page of the report you will find a complete endorsement by the Attorney General. So the Senate Judiciary Committee, the House Judiciary Committee, and the Attorney General all being in accord, I merely took the floor to express the hope that, notwithstanding some of us may have wanted some addition of details to this bill, we will all agree on this bill as it is written, and we will not place any amendments on the bill which may jeopardize its ultimate passage at this session of the Congress. It is a most important thing to do. I do hope the House will pass this bill as it is, so that we may finally make a fine start, as we are in this bill, upon legislation that has been so long needed and so long neglected.

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. SABATH. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri [Mr. SLAUGHTER].

Mr. SLAUGHTER. Mr. Speaker, I ask unanimous consent to speak out of order and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SLAUGHTER. Mr. Speaker, I cannot go along with the violent attacks that have been made upon the administration this morning. In the first place, I think many of them are unjust. Second, and more important, the vitupera-

tive name-calling is not going to pull this country out of the industrial paralysis which grips it today. Whatever mistakes the administration may have made are water over the dam. The fact remains that action is needed and needed now, and I know of no place from which it can come but from the Congress of the United States.

Can something be done? I think it can. I have just introduced a bill which, in my judgment, will end the railroad strike within a matter of hours, if and when it becomes law. I can say this, for I have no pride of authorship. It largely follows the amendment presented by Senator SCOTT LUCAS, of Illinois, in the bill which is now pending in the Senate.

This bill reaffirms and restates a declaration of policy so self-evident that there can be no dispute as to its wording. It defines and states as a national policy that strikes in those industries which affect the health and safety of our people cannot be tolerated. It provides and reaffirms the power which the President already has to seize such industries—and this the President has already done. It seeks to curb and prohibit a strike against the Government of the United States, for the present railroad strike is not a strike against the carriers. It is a challenge to the authority of the President of the United States. It is a flouting of the Congress. It is a cruel and irresponsible gesture of contempt to the American people.

Briefly, this bill provides that once the President, acting as the Chief Executive of the Nation, has found that a work stoppage seriously affecting the health and safety of the people is imminent and has seized an industry, persons who continue to strike against the Government of the United States shall lose their status as "employees" within the meaning of the Labor Relations Act. This means that an employee striking against his Government loses his seniority.

Of all the railroad brotherhoods, the Organization of Railroad Engineers has been one of the best. Engineers are usually oldest in point of service on a railroad. They are responsible, sober, loyal, and patriotic citizens. They have worked up to the position of engineers, and they are well paid and should be. Under the award of the President's fact-finding board, which has already been accepted by the carriers and by all but two of the brotherhoods, the average pay of a railroad engineer will be $5,700. It is more than the Governor of many States receive. It is more than the judges in many parts of the country receive. It is greater compensation than is paid to the mayors of many large cities. I submit that it is a figure that meets with the approval of most of the men affected. If not, further negotiations can be had, but they must be had while rail traffic continues to move.

The bill does not in any way prohibit a strike against a private employer. It simply outlaws and prohibits a strike against the sovereign power of the United States which must be superior to the right and power of any other individual or group if we are to survive as a great nation. The bill interferes in no way with subsequent collective bargaining negotiations between employer and employee during the period of Government seizure. It would merely provide, in the instant case, the trains engaged in interstate commerce would continue to roll.

Never in the history of the country have we faced an industrial crisis such as confronts us today. Trains cannot run without engineers, and when those vital employees walk out, commerce ceases to move. Here in the Nation's Capital I am informed that only two trains out of many hundreds normally operated, will move from Washington to New York today. By Monday suffering and want will stalk this land, and if the strike continues many days, sickness and epidemics are inevitable. The House leadership has wisely and prudently decreed that the House will be in session tomorrow. We can be in session until midnight if necessary. We can act either on the bill just introduced or on the Senate version, if that body should pass legislation today. No longer can we wait for deliberative action. Passage of the bill just introduced will, in my opinion, terminate the present strike of engineers, and knowing engineers as I do, I say they will welcome this legislation. They are not striking against their Government through choice but because they are ordered to do so. They can and must return, and the passage of this legislation, which could receive the President's signature before the week end is out, will avert a national disaster of inconceivable magnitude.

Mr. SABATH. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. ERVIN].

Mr. ERVIN. Mr. Speaker, I ask unanimous consent to proceed out of order, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. ERVIN. Mr. Speaker, our economic house is on fire. The Committee on Labor has appointed a subcommittee to investigate the causes of the fire. It seems to me it would be wiser to take some steps to pour a little water on the fire and try to extinguish it, rather than to investigate the causes of the fire while the house burns down.

Mr. SABATH. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

Mr. SUMNERS of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 7) to improve the administration of justice by prescribing fair administrative procedure.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill S. 7, with Mr. SMITH of Virginia in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. WALTER].

I. THE PROBLEM

Mr. WALTER. Mr. Chairman, for a generation Americans have been brought face to face with new forms or methods of government, which we have come to call administrative law. It is administrative because it involves the exercise of legislative and judicial powers of government by officers who are neither legislators nor judges. It is law because what they do is binding upon the citizen exactly as statutes or judgments are binding.

The people of the country have been of different minds about this new phenomenon. Thirty years ago they were arguing about its validity under the constitutional system of the United States. Twenty-five years ago the argument had shifted to questions of how far the courts should be authorized to control administrative operations. Within the last 10 years the emphasis has swung to problems of administrative organization and administrative procedure.

The plain fact is that administrative government, or administrative justice, as it is sometimes called, has been with us a long time and is obviously here to stay. In the last 15 years it has grown by leaps and bounds. Thirty years ago a distinguished statesman, Elihu Root, put the problem in words which have not since been improved upon. He then said:

> There is one special field of law development which has manifestly become inevitable. We are entering upon the creation of a body of administrative law quite different in its machinery, its remedies, and its necessary safeguards from the old methods of regulation by specific statutes enforced by the courts. As a community passes from simple to complex conditions the only way in which government can deal with the increased burdens thrown upon it is by the delegation of power to be exercised in detail by subordinate agents, subject to the control of general directions prescribed by superior authority. The necessities of our situation have already led to an extensive employment of that method. The Interstate Commerce Commission, the State public service commissions, the powers of the Federal Reserve Board, the health departments of the States, and many other supervisory offices and agencies are familiar illustrations. Before these agencies the old doctrine prohibiting the delegation of legislative power has virtually retired from the field and given up the fight. There will be no withdrawal from these experiments. We shall go on and we shall expand them, whether we approve theoretically or not, because such agencies furnish protection to rights and obstacles to wrong doing which under our new social and industrial conditions cannot be practically accomplished by the old simple procedure of legislatures and courts as in the last generation. Yet the powers that are committed to these regulating agencies, and which they must have to do their work, carry with them great and dangerous opportunities of oppression and wrong. If we are to continue a government of limited powers these agencies of regulation must themselves be regulated. The limits of their power over the citizen must be fixed and determined. The rights of the citizen against them must be made plain. A system of administrative law must be developed, and that with us is still in its infancy, crude and imperfect.

Similarly, 20 years ago, Charles Evans Hughes had this to say:

> Legislators have little time to follow the trails of expert inquiry and so we turn the

whole business over to a few with broad authority to make the actual rules which control our conduct. The exigency is inescapable but the guardians of liberty will ever be watchful lest they are rushed from legislative incapacity into official caprice. If we escape bureaucracy it will not be because of dissertations on delegations of legislative authority. We are a practical people and necessary delegations will not fail to find reasons to support them. It will be only because we never lose sight of the ultimate purpose of government, because we would rather take some risks than give too much leeway to officialism, because we refuse to establish or maintain power for its own sake, and because we have the assertiveness of the unbroken will of freemen who will insist that every public officer must constantly feel that he is a servant and not a master, the servant of an intelligent community which is content with thorough investigation and impartial findings and scientific applications, but is not servile and is able and quick to detect favoritism or arbitrariness. It will be for the reason that we are not willing to exchange our birthright for a mess of administrative pottage, no better for being prepared by democratic cooks.

These are statements of great men, learned in the art of government and in the technique of the law. Their measured language, however, is merely the echo of history and common sense of English-speaking peoples. On the eve of the American Revolution the great Pitt warned that "unlimited power corrupts the possessor." Our Declaration of Independence, which followed a few years later, charged that the British King had "sent hither swarms of officers to harass our people," sponsored "arbitrary government," sought to introduce "absolute rule into these Colonies," and proposed to alter "fundamentally the forms of our governments." Those were the words of Thomas Jefferson, used to describe the administrative tyranny of the time.

Other people in other walks of life have recognized and expressed the same ideas here and abroad. In 1901 the great historian who was also Bishop of London uttered these historic words:

> Power tends to corrupt, and absolute power corrupts absolutely.

Even the poets have had their say, as in these words from the pen of Shelley:

> Power, like a desolating pestilence,
> Pollutes whate'er it touches.

Today, in the backwash of the greatest war of history, we need not be reminded of the abuses which inevitably follow unlimited power.

II. LEGISLATIVE HISTORY

The situation has not been ignored by the Congress of the United States. For 10 years it has been considering legislation. The difficulty has been the complexity of the subject, the disturbances of the times, and world-shaking events in the international sphere. In considering the legislative proposals presented since 1933, the Congress has held many hearings and its committees have issued many reports on the subject.

The executive branch also has been concerned. The late President Franklin D. Roosevelt initiated or approved two major investigations on the subject, both of which resulted in legislative recommendations of far-reaching consequence. Our great Attorney General, the Honorable Tom Clark, has participated in the drafting of the present bill, and he has repeatedly endorsed it.

The history of these activities is set forth at length at pages 7 to 16 of the report of the Committee on the Judiciary respecting the present bill. While various proposals have been made over the years, the continuous line of development leading to the present bill is there for all to read. In 1937, when transmitting to the Congress the report of his Committee on Administration Management, President Roosevelt stated that the practice of creating administrative agencies, which perform administrative work in addition to judicial work, threatens to develop a "fourth branch" of the Government, for which there is no sanction in the Constitution. In 1938 the Senate and House Committees on the Judiciary investigated very thoroughly the proposal for the creation of an administrative court. In 1939 and 1940, Congress passed an administrative-procedure bill which President Roosevelt vetoed because, as he stated in his message to this body, he desired to await the report of the Attorney General's Committee on Administrative Procedure, which had then been at work for over a year pursuant to instructions to make a thorough study and comprehensive recommendations.

In 1941 the Attorney General's Committee, after some 2 years of labor and issuance of numerous printed studies of the operations of important agencies of the Federal Government, issued its final report. Legislative hearings were held in April, May, June, and July of the same year on the legislative proposals growing out of the work of that Committee.

War intervened. It was not until 1944 that the Judiciary Committees of both Houses could again become active respecting this problem.

So much had been done in the prior years that it was perfectly obvious that the problem remaining was one of draftsmanship. In reaching the final form of the bill the executive branch and private interests of every kind were called into consultation over a period of a year or more as is set forth at pages 14 to 16 of the report of the Committee respecting the present bill.

With the details of this very extended legislative history I shall do no more than refer the Members of the House to the Committee report. It is a comprehensive document. It sets forth all the official history of this bill and its predecessors.

III. THE GENERAL STRUCTURE OF THE BILL

Many people who approach the subject of general administrative law legislation either conceive the problem as one which is very simple, or as one which is so complex as to be impossible. Neither impression is correct.

Granted that Federal powers are going to be exercised and that they are going to be exercised through administrative agencies, there is no simple panacea. To expand court review would not, for example, remedy the administrative situation at its source. To adopt some drastic system of independent hearing officers would not take care of the vast area of governmental activity where there are no hearings. To require hearings in all cases would add unnecessary burdens in the business of government and would at the same time deprive the citizen of the need for speed where quick action is desirable.

Nor on the other hand is administrative operation so complex in its fundamentals that it cannot be grasped by an intelligent mind and regulated by simple statute. It is true that the number of administrative agencies is great. The number of subjects with which they deal is even greater. The number of administrative powers almost passes beyond conception. But what administrative officers or agencies do falls into a few simple categories.

We are not here concerned so much with mere custodial or managerical tasks of administration. But we are concerned with administrative powers which are compulsory in their nature. We are mainly concerned with administrative processes, in other words, which are regulatory in their effect. Compulsory or regulatory administrative operations fall into three main groups:

First, there are the legislative functions of administrative agencies, where they issue general or particular regulations which in form or effect are like the statutes of the Congress. Among these are such regulations as those which state minimum wage requirements or agricultural marketing rules. Congress—if it had the time, the staff, and the organization—might itself prescribe these things. Because Congress does not do so itself and yet desires that these things be done, the legislative power to do them has been conferred upon administrative officers or agencies.

The second kind of administrative operation is found in those familiar situations in which an officer or agency determines the particular case just as, in other fields of law, the courts determine cases. Examples of this type of administrative operation are the injunctive orders issued by the Federal Trade Commission. Other agencies are authorized to award damages, which are usually called reparations in the administrative field. What the agencies do in these cases is to determine, just as a court might determine, the liability of a party or the redress to which a party is entitled in a specific case on a specific state of facts and under stated law.

The third type of administrative compulsory power may be incidental to either legislative or judicial powers of administrative agencies, or it may be entirely independent of either. I refer to the compulsory action of administrative agencies when they issue subpenas, require records or reports, or undertake mandatory inspections. These functions are investigative in nature. The investigation may be made in connection with their legislative or judicial functions, or it may be made for the purpose of submitting a report to Congress or to refer prosecutions to a grand jury. Whatever the purpose, the administrative arm is given power to require information to be submitted to it.

The present bill carefully distinguishes between these three basic types of administrative regulatory powers. Indeed

it goes further, and within these types of powers or operations it frequently makes differentiations and exceptions. For example, in connection with the legislative or rule-making function, the bill differentiates several kinds of rules such as rules of procedure as distinguished from rules of substance. Also, in connection with the judicial function of administrative agencies, the bill differentiates between adjudications made in connection with foreign or military affairs as distinguished from those in the domestic or civil field.

But this bill does more than merely analyze the administrative process and lay down the forms of procedure for each. It really deals with three separate subjects: First, public information; second, administrative operation; and third, judicial review.

The first operative section of the bill is basic and requires agencies to issue certain information which is essential to inform the public about the substance and the procedure of administrative law. It requires that agencies state their organizational set-ups, promulgate statements respecting their procedures, and make available as regulations the substantive and interpretative rules which they have framed for the guidance of the public.

Sections 4, 5, 6, 8, 9, and 11 deal with administrative operations. Section 4 relates to the legislative functions of administrative agencies and provides that where Congress has not required hearings, with some exceptions, the agency shall give notice of the making of proposed regulations and afford interested parties an opportunity for the informal submission and consideration of their views or requests. Section 5 deals with administrative adjudications of particular cases where Congress has required adjudications to be made upon a hearing. Sections 7, 8, and 11 spell out the details of hearing and decision procedures in all cases in which, by other legislation, Congress has required an agency hearing. Section 9 states certain limitations upon the penalties or relief which agencies may impose or confer in any case. Section 6 deals with the investigative powers and other incidental matters of importance.

In the all-important field of judicial review section 10 is a complete statement of the subject. It prescribes briefly when there may be judicial review and how far the courts may go in examining into a given case.

I shall discuss all these matters in greater detail next in taking up the bill section by section, subsection by subsection.

Before doing so, however, I should like to refer the Members of the House to the diagrammed synopsis of the bill which will be found at pages 28 and 29 of the committee report. There, as nearly as possible within the limitations of the printed page, is presented a diagram sketch of the provisions and operation of the bill. I should also like to refer the House to Appendix A of the committee report, at pages 49 to 56, which indicates the changes made by the committee amendment in the bill as it passed the Senate. There is shown not only the changes made in the text of the bill, but footnotes explain the reason for each change. I think I may say with confidence that these changes have been acceptable to all who have labored in the drafting of this measure. The bill as it passed the Senate was a good bill, but the subject is one of such great importance and of such far-reaching effect that the committee has felt it wise to make numerous changes for purposes of clarification and in order to leave no doubt as to what is intended by the legislation.

IV. DETAILED PROVISIONS

In taking up the specific provisions of the bill as reported to the House, I will not attempt to restate all of the detail which appears in the committee report at pages 18 to 48. I shall try, however, to emphasize those things which are of paramount importance and at the same time state how the provisions of the bill as a whole are intended to operate.

DEFINITIONS, SECTION 2

In a bill of this kind the definition section is of great importance. The definitions in section 2 simplify the remaining provisions of the bill. They also make more precise the kinds of operations which are included in the terms used in the bill.

AGENCY, SECTION 2 (A)

The definition of agency in section 2 (a) of the bill is perfectly simple and consists of two elements: First, there are excluded legislative, judicial, and territorial authorities. Secondly, there is included any other authority regardless of its form or organization. In short, whoever has the authority to act with respect to the matters later defined is an agency.

However, except for the public information requirements of section 3, there are expressly exempt from the term "agency" all those composed of representatives of parties to the disputes decided by them. The reason for this exception is that agencies of that kind, such as the National Railroad Retirement Board and Railroad Adjustment Board, are a special class. On the other hand, the National Mediation Board, another agency established under the Railway Labor Act, and not an agency composed of representatives of the parties or of representatives of organizations of the parties to disputes determined by them, is an agency within this definition.

For obvious reasons there are also excepted defined war authorities functioning under temporary or named statutes. Purely military and naval functions should obviously be exempt. It simply was not wise to attempt to adapt the bill to the functioning of civilian defense authorities because of their temporary nature and because the Congress has separately legislated respecting them.

PERSON AND PARTY, SECTION 2 (B)

I think nothing need be said about the definition of "person" and "party" in section 2 (b), since it is obvious on its face.

RULE AND RULE MAKING, SECTION 2 (C)

The definition of "rule" and "rule making" in section 2 (c) is very important. It defines the legislative function of administrative agencies. Here I might say there is great confusion in the terms used in the field of administrative law. The word "regulations" is sometimes improperly used to embrace the decisions of particular cases. Also, regulations are often called something other than rules or regulations. Thus we find that regulations specifying prices or rates are more often than not called orders. Similarly, Treasury regulations are customarily called decisions. To the person who is not expert in the field of administrative law, the confusion of terminology is baffling. From time to time new terms are invented, such as the word "directive."

In this bill the accepted analytical terminology has been adopted. Accordingly we speak of rule or rule making whenever agencies are exercising legislative powers. We speak of orders and adjudications when they are doing things which courts otherwise do.

The definition of "rule" and "rule making" in section 2 (c) is of paramount importance. Upon that definition depends the application or nonapplication of later sections of the bill. The rule making requirements are simpler than the adjudication requirements of the bill.

"Rule" is defined as any agency statement of general or particular applicability and future effect designed to state the law, policy, organization, procedures, or practice requirements of any administrative agency. The definition follows that of the Federal Register Act, with some additional language for purposes of clarification and certainty. In rule making an agency is not telling someone what his rights or liabilities are for past conduct or present status under existing law. Instead, in rule making the agency is prescribing what the future law shall be so far as it is authorized so to act. Advisory interpretative rulings in particular cases, however, are not "rules" within this definition.

ORDER AND ADJUDICATION, SECTION 2 (D)

"Order" and "adjudication" as defined in section 2 (d) cover the judicial function of administrative agencies. They embrace all of the decisions that agencies make in matters other than rule making. Two items in the definition should be noted. First, "licensing" is expressly included. Secondly, injunctive orders—such as those issued by the Federal Trade Commission—are also expressly included.

LICENSE AND LICENSING, SECTION 2 (E)

The definition of "license" in section 2 (e) is included in order to embrace every form of operation where a private party is required to take the initiative in securing the official permission of a governmental agency.

SANCTION AND RELIEF, SECTION 2 (F)

The definition of "sanction" or "relief" in section 2 (f) is included mainly for the purpose of simplifying the language of sections 9 and 10. As they show on their face, those terms are meant to be all embracing.

AGENCY PROCEEDINGS AND AGENCY ACTION, SECTION 2 (G)

The final definition of "agency proceeding" and "agency action" in section

2 (g) is included in order to simplify the language of later provisions of the bill.

The important definitions in section 2 are the definitions of "agency," "rule," and "order." Those are basic. The other definitions are included either for purposes of clarification or to simplify the remaining sections of the bill.

PUBLIC INFORMATION, SECTION 3

As heretofore indicated, the public information requirements of section 3 are among the most important and useful provisions of the bill. Excepted are matters requiring secrecy in the public interest—such as certain operations of the Secret Service or FBI—and matters relating solely to the internal management of an agency.

RULES REQUIRED TO BE PUBLISHED, SECTION 3 (A)

Apart from those exceptions, agencies are required by section 3 (a) to publish, first, their organization and delegations of final authority, second, a statement of their methods and rules of procedure regarding each of their functions; and, third, the substantive rules they are authorized to make and their interpretative rules or policies issued for the guidance of the public. Publication is not required as to rules addressed to and served upon named parties in accordance with law.

These requirements are enforced by the provision that no person shall in any manner be required to resort to organization or procedure not so published. This means, among other things, that the accepted rule respecting the exhaustion of administrative remedies would not apply where the agency has not published the required information respecting organization or procedures. However, the requirement that agencies must separately state these several kinds of rules does not mean that agencies would be required to revise and republish all their existing rules, but would simply have to issue organizational and procedural rules for future cases, and in the future such substantive rules as they may issue must be free of the freequent hodgepodge of organizational and procedural matter.

The effect of this subsection will be to require all agencies to issue at least two rules or sets of rules—one respecting their organization and the other respecting their procedures. In addition, where they are authorized to issue substantive rules—such as price regulations—or where they issue statements of policy—as in the Communications Commission—or interpretative rules—as in the Bureau of Internal Revenue—they would issue a third body of materials. The effect will be that parties will understand the country-wide organization of administrative agencies and their methods of procedure, as well as have access to the regulations and general interpretations in matters of substance which the agency has framed for the guidance of the public.

In this connection I would like to call the attention of the House to the fact that the Attorney General's Committee on Administrative Procedure, which was appointed at the direction of the President of the United States and which functioned from 1939 to 1941, was emphatic and unanimous on this subject. It stated the situation thus:

> Few Federal agences issue comprehensive or usable statements of their own internal organization—their principal offices, officers, and agents, their divisions and subdivisions; or their duties, functions, authority, and places of business. * * * Yet without such information, simply compiled and readily at hand, the individual is met at the threshold by the troublesome problem of discovering whom to see or where to go.

The Attorney General's Committee on Administrative Procedure unanimously agreed that "laymen and lawyers alike are baffled by a lack of published information to which they can turn when confronted with an administrative problem"—Final Report, page 25. The chairman of that Committee further explained this situation to a subcommittee of the Senate as follows:

> The agency is one great obscure organization with which the citizen has to deal. It is absolutely amorphous * * * No one seems to have specific authority * * * That is what is baffling. (Hearings, Senate Judiciary Subcommittee, on S. 674, 675, and 918, pt. II, 77th Cong., 1st sess., p. 807.)

But the present situation is even more serious than whe nthose statements were made. Every Member of Congress is well aware of the difficulty of finding one's way about in the maze of Federal agencies. That being so, the problem of the citizen west of the Potomac is a hundredfold more difficult.

OPINIONS AND ORDERS, SECTION 3 (B)

In the case of opinions and orders issued by agencies in the exercise of their judicial functions, section 3 (b) of the bill requires them either to be published or made available to public inspection except where held confidential for good cause. All rules must be either published or made available to public inspection but, as heretofore stated, interpretative rulings in particular cases are not rules.

PUBLIC RECORDS, SECTION 3 (C)

Section 3 (c) also requires agencies to make matters of official record available to inspection except as by rule it may require them to be held confidential for legal cause.

RULE MAKING, SECTION 4

Section 4 deals with the very important subject of rule making. From it, however, are exempted: First, military, naval, or foreign affairs functions; and second, matters relating to agency management or personnel or to public property, loans, grants, benefits, and contracts. The exemption of military and naval functions needs no explanation here. The exempted foreign affairs are those diplomatic functions of high importance which do not lend themselves to public procedures and with which the general public is ordinarily not directly concerned. The exemption of proprietary matters is included because in those cases the Government is in the position of an individual citizen and is concerned with its own property, funds, or contracts.

NOTICE OF RULE MAKING, SECTION 4 (A)

There are two particularly important aspects of section 4 (a), which deals with the notice of rule making. In the first place, where notice is required, it should be complete and specific as the subsection indicates on its face. In the second place, except where notice and hearing are required by some other statute, the agency by this provision is authorized to dispense with notice where it finds for good cause that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest. This latter is not an escape clause but one which, as the committee report explains, may be made operative only where facts and interests are such that notice and proceedings are impossible or manifestly unnecessary.

PROCEDURES, SECTION 4 (B)

The second subsection of section 4 is designed to provide that, where other statutes do not require an agency hearing, the legislative functions in administrative agencies shall, so far as possible, be exercised only upon some form of public participation after notice. That is, an agency may permit parties to submit written statements, confer with industry advisory committees, hold open meetings, and the like. Whatever method is adopted, the agency must consider the data or argument so presented by interested people and incorporate a concise general statement of their basis and purpose in any rules it issues.

The effect of this provision will be to enable parties to express themselves in some informal manner prior to the issuance of rules and regulations, so that they will have been consulted before being faced with the accomplished fact of a regulation which they may not have anticipated or with reference to which they have not been consulted. This provision will make for good public relations on the part of administrative agencies. Wisely used and faithfully executed, as it must be, it should be of great aid to administrative agencies by affording them a simple statutory means of apprising the public of what they intend to do and affording the interested public a nonburdensome method of presenting its side of the case. Day by day Congress takes account of the interests and desires of the people in framing legislation; and there is no reason why administrative agencies should not do so when they exercise legislative functions which the Congress has delegated to them.

EFFECTIVE DATE OF RULES, SECTION 4 (C)

Under section 4 (c) agencies are required, in addition to the foregoing, to defer the effective date of any substantive rule for not less than 30 days except as they may specifically provide otherwise for good cause or in the case of rules recognizing exemptions or relieving restrictions, and so forth. This section places the burden upon administrative agencies to justify in law and fact the issuance of any rule effective in less than 30 days. Rules may be made effective in a legally reasonable time less than 30 days because of the shown urgency of conditions coupled with demonstrated and unavoidable limitations of time. The section requires agencies to proceed with the convenience or necessity of the people

affected as the primary consideration, so that an agency may not itself be dilatory and then issue a rule requiring compliance forthwith.

PETITIONS, SECTION 4 (D)

Section 4 (d) is of the greatest importance because it is designed to afford every properly interested person statutory authority to petition for the issuance, amendment, or repeal of a rule. No agency may receive such petitions in a merely pro forma manner. Every agency possessing rule-making authority will be required to set up procedures for the receipt, consideration, and disposition of these petitions. The right of petition is written into the Constitution itself. This subsection confirms that right where Congress has delegated legislative powers to administrative agencies. As in connection with the prior provisions of section 4, this subsection should be a most useful instrument for both improving the public relations of administrative agencies and protecting the public by affording interested persons a legal and regular means of securing the issuance, change, or rescission of a rule.

ADJUDICATION, SECTION 5

Section 5 relates to the judicial function of administrative agencies where they decide specific cases respecting compliance with existing law or redress under existing law. It applies, however, only where Congress by some other statute has prescribed that the agency shall act only upon a hearing and, even in that case, there are six exceptions. The requirements of section 5 are thus limited to cases in which statutes otherwise require a hearing because, where statutes do not require an agency hearing, the parties affected are entitled to try out the pertinent facts in court and hence there is no reason for prescribing informal administrative procedures beyond the requirements of section 6 which I will discuss presently. The right of trial de novo in judicial review in cases where agencies do not proceed upon a statutory hearing will also be discussed later in connection with section 10 (e).

As stated, even where statutes require an agency hearing, this section does not operate respecting, first, matters subject to trial de novo in court; second, the selection or tenure of public officers other than examiners; third, decisions resting solely on inspection, tests or elections; fourth, military, naval, or foreign affairs functions; fifth, cases in which an agency is acting for a court; sixth, the certification of employee representatives. I think that little need be said about these exceptions. Where, although the agency is required to hold a hearing, the facts are nevertheless subject to retrial in court, it has seemed fairly obvious that the parties are adequately protected at the judicial stage of the proceedings so that there is no great reason to require additional formalities in the administrative process itself. I am not aware of any clear statutory provision that the selection or tenure of public officers is subject to a statutory agency hearing, but the exception has been included because the situation is a special one for Congress to decide by separate legislation. Where decisions rest solely on inspections, tests, or elections it is clear that the hearing and decision requirements applicable in other cases have no place. The exemption of military, naval, or foreign affairs functions is again obvious; moreover, it does not appear that statutes require hearings in such matters. I have heretofore commented on the meaning of the term "foreign affairs." Where an agency is acting for a court, and thereby its factual and legal basis of action is subject to judicial control in toto, there is no reason for insisting upon any particular form of administrative formality. Certification of employee representatives is exempted because the determinations in those cases so largely rest either upon an election or its availability.

NOTICES, SECTION 5 (A)

Subsection (a) of section 5—respecting notices in the exercise of the judicial function of administrative agancies—is designed mainly to assure that such notices are adequate, particularly in the matter of stating the particular issues of law or fact which parties must meet. In that connection I wish to call the attention of the House to the unanimous conclusion of the Attorney General's Committee on Administrative Procedure. It reads as follows—report, pages 62–63:

The individual immediately concerned should be apprised not only of the contemplated action with sufficient precision to permit his preparation to resist, but, before final action, he should be apprised of the evidence and contentions brought forward against him so that he may meet them. * * *

A * * * prerequisite to fair formal proceedings is that when formal action is begun, the parties should be fully apprised of the subject-matter and issues involved. Notice, in short, must be given; and it must fairly indicate what the respondent is to meet. * * *

Room remains for considerable improvement in the notice practices of many agencies. * * * Too frequently, this notice is inadequate. * * * The applicant is put to his proof on such broad issues as public interest, convenience, and necessity. * * * Agencies not infrequently set out their allegations in general form, perhaps in statutory terms thus failing fully to apprise the respondents and to permit them adequately to prepare their defenses.

ADJUDICATION PROCEDURE, SECTION 5 (B)

Subsection (b) of section 5 simply provides that, apart from notice, parties must be afforded opportunity for the settlement of cases in whole or in part and, to the extent that issues are not so settled, by hearing and decision in compliance with the later provisions of the bill. There are of course cases where time, the nature of the proceeding, and the public interest do not permit settlements; but those situations have been taken care of on the face of the subsection. The settlement by consent provision is extremely important because agencies ought not engage in formal proceedings where the parties are perfectly willing to consent to judgments or adjust situations informally. Here again I should like to quote the statement from the unanimous report of the Attorney General's Committee on Administrative Procedure as follows—pages 35, 39, 40, 41:

It is of the utmost importance to understand the large part played by informal procedure in the administrative process. * * *

In cases of (claims and license applications) formal proceedings in the first instance are undesirable from the point of view of the individual and the Government. * * * Only after these applications have passed through the sieve of initial decision—which in most cases satisfactorily ends the matter—is it necessary or possible to have formal proceedings. * * *

In most cases in which a person applies for some official permission, the agency, if satisfied that the permission is proper, grants it without any formal proceedings. Sometimes the public interest in a full record of the grounds of decision is thought so important by Congress that formal proceedings and a formal record are required by law. * * * But there are other cases where formal proceedings are required either by the terms of the statute or by administrative interpretations in which, in the committee's opinion, something less would fully protect the public interest and make for more expeditious dispatch of business. * * *

It often occurs that after an agency has investigated a complaint filed with it, the person or persons complained of and the agency may agree as to the principal evidentiary facts and may also agree that the acts complained of should not be repeated. A frequent obstacle to settlement by consent is the reluctance of persons to make an admission that they acted with an illegal or unethical intent or purpose. It is in this area that consent dispositions are employed, are highly desirable, and can be extended by some improvement in procedures.

SEPARATION OF FUNCTIONS, SECTION 5 (C)

Subsection (c) of section 5 deals with the well-known problem of separating prosecuting and deciding functions. It provides that the officer who takes the evidence must decide the case or recommend a decision unless he should become unavailable to the agency. Those officers may not hold ex parte private conferences. They may not be subject to the supervision of prosecuting officers, and prosecuting officers may not participate in decisions except as witnesses or counsel in public proceedings. However, the subsection does not apply in determining applications for initial licenses, because it is felt that the determination of such matters is much like rule making and hence the parties will be better served if the proposed decision—later required by section 8—reflects the views of the responsible officers in the agencies whether or not they have actually taken the evidence. It does not apply in cases concerning the validity or application of rates, facilities, or practices of public utilities or carriers because these types of cases are customarily consolidated with rule-making proceedings where the separation of functions is not required so that, unless excepted from this provision, either rule making would be restricted beyond the intent of the bill or consolidated proceedings would be impossible. Also, the subsection does not apply to the top agency or members thereof because from the very nature of administrative agencies, in which ultimate authority is fixed in one place respecting both prosecution and decision, it is impossible to deprive heads of agencies of

authority over the prosecutors for whom they are ultimately responsible.

Despite these exceptions, which have seemed necessary at least until more is known about the operation of an Administrative Procedure Act, this section is of great importance because it is an attempt to deal with one of the critical sectors of administrative operation. It does not provide for a complete separation of functions in the sense that hearing officers are entirely and physically separated from the agencies in which they operate. This bill adopts the "internal" separation of functions and in addition, as I will point out when I come to section 11, provides salary and tenure independence for examiners even though they may be selected by and attached to a particular agency. The problem is discussed at pages 55 to 57 of the final report of the Attorney General's Committee on Administrative Procedure. This bill follows generally the recommendations of that committee, although by a somewhat different route.

DECLARATORY ADJUDICATIONS, SECTION 5 (D)

The last subsection of section 5 authorizes agencies, in their sound discretion, to issue declaratory orders with the same effect as other orders. Since agencies exercise judicial functions, it has been deemed wise, for the benefit of the public and people subject to administrative adjudications, to confer upon them authority by this subsection to do the same things that courts do under the Declaratory Judgment Act. In other words, administrative agencies should at least be as free to act irrespective of the technical rules of case or controversy as courts are. Indeed, without this provision, in cases involving administrative powers, there is a blind spot in our law—for parties can neither secure a declaratory judgment from the courts nor a declaratory order from the administrative agency. Parties faced with a situation in which they desire a declaratory adjudication would under this provision be authorized to ask an agency to rule upon the situation; and the ruling of the agency would be subject to judicial review and all other requirements as in other cases. Administrative authority so to act has been widely urged. This provision, however, narrows the authority to those cases in which agencies act upon a statutory hearing and subject to the safeguards of sections 5, 6, 7, 8, 9, and 11 of this bill.

OTHER MATTERS, SECTION 6

Section 6, entitled "Ancillary Matters," brings together a number of incidental rights, powers, and procedures, including limitations on compulsory investigative powers. These provisions are important, although they do not necessarily relate in all cases to either public information, rule making, or adjudication as dealt with in the previous sections.

APPEARANCES OR REPRESENTATION, SECTION 6 (A)

Section 6 (a) deals with the right of parties to have the advice or representation of counsel or, to the extent that agencies lawfully permit it, representation by nonlawyers. The representation of counsel contemplated by the bill means full representation as the term is understood in the courts of law. Counsel may thus receive notices, decisions, and awards. Agencies are not authorized in any manner to ignore or bypass legal representatives that parties have selected for themselves pursuant to this section. The section also confers a statutory right for any interested person to appear before any agency or its responsible officers at any time for the presentation or adjustment of any matter, and this is particularly important as—among other things—authorizing the settlement of cases in whole or part. It also requires agencies to proceed with reasonable dispatch.

INVESTIGATIONS, SECTION 6 (B)

The second subsection of section 6 limits any form of investigative process to authority conferred upon an agency by law. This limitation will require any agency to justify its process in case of a contest thereof by demonstrating that upon the law and the facts it is acting within its proper sphere of operations. The subsection also provides that those compelled to submit data or evidence shall either be entitled to copies thereof or, in cases in which the situation clearly demands that no copies be made, to inspect them in person or through counsel.

SUBPENAS, SECTION 6 (C)

Subsection (c) of section 6 provides that, where Congress has authorized agencies to issue subpenas, private parties may secure them upon an equality with Government representatives and without any more than a general showing of relevance and reasonable scope of the information sought. Where administrative subpenas are contested, the court is to inquire into the situation and issue an order of enforcement only so far as the subpena is found to be in accordance with law. This is a definite statutory right and is applicable to subpenas of every kind addressed to any person under authority of any law. The effect of the subsection is thus to do more than merely restate the existing constitutional safeguards which in some cases, such as those involving public contractors—see *Endicott Johnson Corp.* v. *Perkins* (317, U. S. 501, 507, 509, 510 (1943)), have been held inapplicable. Also, the term "in accordance with law" does not mean that a subpena is valid merely because issued with due formality. It means that the legal situation, including the necessary facts, demonstrates that the persons and subject matter to which the subpena is directed are within the jurisdiction of the agency which has issued the subpena.

DENIAL OF REQUESTS, SECTION 6 (D)

The final subsection of section 6 requires agencies to give prompt notice of the denial of any request made in any agency proceeding, and to accompany that notice with a simple statement of the procedural or other grounds for the action of the agency. Under this provision, if the ground is procedural, the agency would be required to state any available further or alternative remedies open to the party. If the ground is not procedural, the agency would be required to make a simple statement of the legal or factual basis of its action.

HEARINGS, SECTION 7

It will be recalled that section 4—relating to rule making—and section 5—relating to the determination of particular cases—refer to situations in which Congress has by some other statute required an agency to act upon a hearing. Accordingly sections 7 and 8, which I am about to discuss, state the requisites of statutory agency hearings and decisions.

PRESIDING OFFICERS, SECTION 7 (A)

The first subsection of section 7 requires an agency to hold hearings itself, or through a member or members of the board which comprises it, or by one or more examiners qualified as provided in section 11 of the bill, or through other officers specially provided for or designated pursuant to the authority contained in other statutes. Whoever presides must do so impartially. They may withdraw if they deem themselves disqualified or, if an affidavit of personal bias or disqualification is filed against them, the agency must determine the issue as a part of the record and decision in the case.

This provision authorizes agencies, if they do not wish to hear cases themselves, to delegate the hearing function to the named types of presiding officers. It does not mean, however, that agencies are authorized—whether pursuant to the express authority of other statutes or not—to avoid the examiner system—set up in this bill and hereafter discussed—by assigning general employees or attorneys to hear cases individually or as boards. In short, unless the agency or its members or some specially qualified statutory officer hears the case, an examiner qualified under section 11 of this bill must do so.

Of particular importance in this subsection is the requirement that any presiding officer must act impartially rather than as a prosecutor. These provisions mean that presiding officers will be required to conduct themselves in the manner in which people think they should—that is, as judges and not as the representatives of factions or special interests.

HEARING POWERS, SECTION 7 (B)

Subsection (b) of section 7 lists the commonly accepted kinds of powers which it is generally conceded that officers who preside at hearings ought to have. These include administering oaths, issuing authorized subpenas, receiving or excluding evidence, taking depositions, generally regulating the hearing, holding informal conferences with the parties for the settlement or simplification of issues, disposing of procedural requests such as those for adjournment, and the like. In exercising these powers, of course, presiding officers will be bound by relevant legal limitations.

EVIDENCE, SECTION 7 (C)

Subsection (c) of section 7 is one of the more important provisions of the bill. In its final report the Attorney General's Committee on Administrative Procedure stated that—pages 70–71:

Although administrative agencies may be freed from observance of strict common-law rules of evidence for jury trials, it is erroneous to suppose that agencies do not, as a result, observe some rules of evidence. * * * Abuses in admitting remote hearsay and

irrelevant or unreliable evidence there surely have been. * * * That strict adherence to standards of relevance and probative value should be observed needs no underscoring. A diffuse record dissipates the energies of the parties and the deciding authorities and distracts attention from the issues. Careless admission of evidence for what it is worth—a practice not infrequent among trial examiners—swells the record beyond its necessary limits.

Section 7 (c) of this bill provides that the proponent of a rule or order has the burden of proof except as statutes otherwise provide. It authorizes agencies to receive any evidence, although as a matter of policy they are required to provide for the exclusion of irrelevant, immaterial, or unduly repetitious matter. Thus, the mere fact that such matter is in the record would not of itself be reversible error. The principal provision of the subsection provides that no sanction may be imposed or rule or order be issued except upon consideration of the whole record or such portions as any party may cite and as supported by and in accordance with reliable, probative, and substantial evidence. The parties are authorized to present documentary, oral, and rebuttal evidence and to conduct reasonable cross-examination. In rule making or determining applications for initial licenses agencies may adopt procedures for the submission of the evidence in written form, so far as the interest of any party will not be prejudiced thereby.

The requirement that agencies may act only upon relevant, probative, and substantial evidence means that the accepted standards of proof, as distinguished from the mere admissibility of evidence, are to govern in administrative proceedings as they do in courts of law and equity. The same provision contains two other limitations—first, that the agency must examine and consider the whole of the evidence relevant to any issue and, secondly, that it must decide in accordance with the evidence. Under these provisions the function of an administrative agency is clearly not to decide arbitrarily or to act contrary to the evidence or upon surmise or suspicion or untenable inference. Mere uncorroborated hearsay or rumor does not constitute substantial evidence—see *Edison Co. v. Labor Board* (305 U. S. 197, 230). Under this provision agencies are not authorized to decide in accordance with preconceived ideas or merely to sustain or vindicate prior administrative action, but they must enter upon a bona fide consideration of the record with a view to reaching a just decision upon the whole of it.

RECORD, SECTION 7 (D)

The final subsection of section 7 provides that the record of the evidence taken and the papers filed is exclusive for purposes of decision. It also provides that, where a decision rests in whole or part on official notice of a material fact not appearing in the record, any party must on timely request be given an adequate opportunity to show the true facts.

Both of these provisions are important. The exclusiveness of the record precludes deciding officers from basing their judgments as to the facts upon matters which are not in the record. The provision respecting official notice is essential in order to prevent miscarriages of justice through mistake or by unwarranted expansion of the idea of judicial notice.

DECISIONS, SECTION 8

Section 8 applies only in cases in which other statutes require a hearing and in which section 7 applies as to the conduct of the hearing. Next to the matter of evidence, which I have discussed in connection with section 7 (c), the manner and method in which agencies arrive at decisions have been one of the most criticized parts of the field of administrative law. With respect to this problem the final report of the Attorney General's Committee on Administrative Procedure had the following to say—pages 44–46:

In most of the agencies the person who presides is an adviser with no real power to decide. * * * He may simply be a monitor at the hearing with power to keep order and supervise the recording of testimony but little or none to make rulings or to play a real part in the final decision of the case. * * * There should be general improvement in administrative procedure at this stage. * * * The committee * * * has been impressed with the fact that as the conduct of the hearing becomes divorced from responsibility for decision two undesirable consequences ensue. The hearing itself degenerates, and the decision becomes anonymous. * * *

If the hearing officer is not to play an important part in the decision of the case, other persons must. The agency heads cannot read the voluminous records and winnow out the essence of them. Consequently this task must be delegated to subordinates. Competent as these anonymous reviewers or memorandum writers may be, their entrance makes for loss of confidence. Parties have a sound desire to make their arguments and present their evidence, not to a monitor, but to the officer who must in the first instance decide or recommend the decision. In many agencies attorneys rarely exercise the privilege of arguing to the hearing officer. They have no opportunity to argue to the record analysts and reviewers who have not heard the evidence but whose summaries may strongly affect the final result.

The provisions of section 8 are designed to make it certain that those who sign decisions or decision papers are actually the people responsible for them, that the evidence and the arguments of the private parties are fully and fairly considered, that the views of agency personnel are not unduly emphasized or secretly submitted, and that the official record alone is the basis of decision.

DECISIONS BY SUBORDINATES, SECTION 8 (A)

Section 8 (a) requires that, in adjudication cases subject to Section 5 (c), the officer or officers who presided at the taking of evidence must either decide the case or recommend a decision—the choice being left to the agency. Since section 5 (c) provides for the separation of functions only in certain cases of adjudications, this provision would not be operative in the excepted cases or in rule making. Its purpose is to make the hearing officer in the covered situations an important factor in the decision process. Where the officer or officers who presided at the hearing are not required to make or participate in the decision under this provision, some other officer or officers who are qualified to preside at hearings must do so. Where such officers make the decision, it becomes the final decision of the agency in the absence of an appeal to or review by the agency. If the agency itself makes the initial decision without having presided at the reception of the evidence, the officers who presided or who are qualified to preside must recommend a decision. Thus the recommended decision, which becomes a part of the record, bridges the gap between the hearing and deciding function in administrative cases. In rule making or determining applications for initial licenses, however, the subsection provides that the agency may issue a tentative decision, any of its responsible officers may recommend a decision, or such procedure may be wholly omitted where the execution of agency functions make it impossible.

SUBMITTALS AND DECISIONS, SECTION 8 (B)

The second subsection of section 8 is a statutory statement of the right of the parties to submit for the full consideration of the presiding officers, first, proposed findings and conclusions or, second, exceptions to recommended decisions or other decisions being appealed or reviewed administratively and third, supporting reasons for such findings, conclusions, or exceptions. The record must show the official rulings of the agency upon each such finding, conclusion, or exception presented. These provisions assure all parties an opportunity to present their views of the law and the facts and be heard thereon prior to the decision of any case. So that the parties and the reviewing courts may be fully apprised, all recommended or other decisions must include first, findings and conclusions, as well as the reasons or basis therefor, upon all the issues of fact, law, or discretion presented by the record and, second, the appropriate agency action or denial.

The purpose and effect of these provisions are clear upon the face of the section. One matter should be emphasized. Section 8 (b) requires findings and conclusions to be stated upon all the material issues of fact which the parties may present. This means that, within the legal framework of the type of case involved, the number and the subjects of the findings and conclusions will be determined by the record and by the legal, factual, or discretion issues raised by the parties. The mere parroting of findings or conclusions in the words of statutes, however sufficient that may be as an ultimate conclusion, definitely would not satisfy in any manner the requirements of this section unless both the statute and the issue were very narrow indeed. Almost any case of consequence involves numerous and detailed issues of law, fact, and discretion. These must all be determined as a part of the decision. Only in that manner are the parties protected and assured that the case has been fully and completely considered and determined.

SANCTIONS AND POWERS, SECTION 9

Section 9, relating to agency sanctions and powers, applies in all cases, whether or not a statutory hearing is required. It does not dispense with hearings otherwise required, nor does it supply them if not so required. It deals with the large

and troublesome problem of the remedies or redress which administrative agencies are entitled to undertake or grant.

GENERAL LIMITATIONS, SECTION 9 (A)

The first and principal provision of the section simply requires that no sanction shall be imposed or substantive rule or order be issued except within jurisdiction delegated to the agency and as authorized by law. This provision is framed on the necessary assumption that the detailed specification of powers must be left to other legislation relating to specific agencies. Its effect is to confine agencies to the jurisdiction and powers so conferred. That means not only the legal but the factual jurisdiction of an agency, and the legal and factual appropriateness of any sanction or relief it may assume to impose or grant. The basic premise of the section, if I may repeat, is that agencies are not authorized to invent sanctions or relief or to attempt to apply or grant them beyond the limitations of authority within which they operate.

LICENSES, SECTION 9 (B)

Section 9 (b) deals with licensing. It requires agencies to determine promptly all applications for licenses, prohibits them from withdrawing a license without first giving the licensee notice and an opportunity to achieve compliance except in cases of obvious willfulness or emergency, and in businesses of a continuing nature precludes any license from expiring until timely applications for new licenses or renewals have been determined.

These special provisions are necessary because of the very severe consequences of the conferring of licensing authority upon administrative agencies. The burden is upon private parties to apply for licenses or renewals. If agencies are dilatory in either kind of application, parties are subjected to irreparable injuries unless safeguards are provided. The purpose of this section is to remove the threat of disastrous, arbitrary, and irremediable administrative action.

JUDICIAL REVIEW, SECTION 10

Section 10 is a comprehensive statement of the right, mechanics, and scope of judicial review. It requires an effective, just, and complete determination of every case and every relevant issue. It is a means of enforcing all forms of law and all types of legal limitations. Every form of statutory right or limitation would thus be subject to judicial review under the bill. It would not be limited to constitutional rights or limitations alone—see *Perkins* v. *Lukens Steel Co.* (310 U. S. 113).

Two general exceptions are made in the introductory clause of section 10. The first exempts all matters so far as statutes preclude judicial review. Congress has rarely done so. Legislative intent to forbid judicial review must be, if not specific and in terms, at least clear, convincing, and unmistakable under this bill. The mere fact that Congress has not expressly provided for judicial review would be completely immaterial—see *Stark* v. *Wickard* (321 U. S. 288 at p. 317).

The second general limitation on the section is that there are exempted matters to the extent that they are by law committed to the absolute discretion of administrative agencies. There have been much misunderstanding and confusion of terms respecting the discretion of agencies. They do not have authority in any case to act blindly or arbitrarily. They may not willfully act or refuse to act. Although like trial courts they may determine facts in the first instance and determine conflicting evidence, they cannot act in disregard of or contrary to the evidence or without evidence. They may not take affirmative or negative action without the factual basis required by the laws under which they are proceeding. Of course, they may not proceed in disregard of the Constitution, statutes, or other limitations recognized by law.

RIGHT OF REVIEW, SECTION 10 (A)

The first subsection of section 10 provides that any person suffering legal wrong because of any agency action, or adversely affected within the meaning of any statute, is entitled to judicial review. Legal wrong means action or inaction in violation of the law or the facts. The categories of questions of legal wrong are set forth later as subsection (e) of section 10.

FORMS OF REVIEW ACTIONS, SECTION 10 (B)

Under this bill the technical form of proceeding for judicial review is, first, any special proceeding which Congress has provided or, in the absence or inadequacy thereof, any relevant form of action such as those for declaratory judgments or injunctions in any court of competent jurisdiction. In addition, any agency action is also subject to judicial review in any civil or criminal enforcement proceeding except to the extent that prior, adequate, and exclusive opportunity for such review is otherwise provided by law.

These provisions summarize the situation as it is now generally understood. The section does not disturb special proceedings which Congress has provided, nor does it disturb the venue arrangements under existing law. It does, however, constitute a statutory adoption of traditional forms of action in cases where Congress has made no contrary provision for judicial review.

REVIEWABLE ACTS, SECTION 10 (C)

In any proceeding for judicial review, the parties who seek it must specify what it is they wish reviewed and what it is they claim to be reviewable. Accordingly, section 10 (c) provides that specific acts which are either expressly made reviewable by legislation or for which there is no other adequate judicial remedy are subject to review under section 10 of this bill. Preliminary or procedural matters not so reviewable may be reviewed in connection with final actions. An act is final whether or not there has been presented or determined an application for any form of reconsideration, unless statutes otherwise expressly require.

The provisions of this section are technical but involve no departure from the usual and well understood rules of procedure in this field.

TEMPORARY RELIEF, SECTION 10 (D)

Of importance in the field of judicial review is the authority of courts to grant temporary relief pending final decision of the merits of a judicial-review action. Accordingly section 10 (d) provides that any agency may itself postpone the effective date of its action pending judicial review or, upon conditions and as may be necessary to prevent irreparable injury, reviewing courts may postpone the effective date of contested action or preserve the status quo pending conclusion of judicial-review proceedings.

The section is a definite statutory statement and extension of rights pending judicial review. It thus, so far as necessary, amends statutes conferring exclusive authority upon administrative agencies to take or withhold action. Its operation will involve no radical departures from what has generally been regarded as an essential and inherent right of the courts; but, however that may be, this provision confers full authority to courts to protect the review process and purpose otherwise expressed in section 10.

SCOPE OF REVIEW, SECTION 10 (E)

The final subsection of section 10 states the extent or degree of review which courts are required to afford under this bill. I have already referred to the exemption of situations in which Congress has specifically withheld review or in which action has by law been committed to the absolute discretion of administrative agencies.

Subsection (e) of section 10 requires courts to determine independently all relevant questions of law, including the interpretation of constitutional or statutory provisions and the determination of the meaning or applicability of any agency action. They must compel action unlawfully withheld or unreasonably delayed. They must hold unlawful any action, findings, or conclusions which they find to be, first, arbitrary or in abuse of discretion; second, contrary to any provision of the Constitution; third, in violation of statutes or statutory rights; fourth, without observance of procedure required by law; fifth, unsupported by substantial evidence in any case reviewed upon the record of an agency hearing provided by statute; or, sixth, unwarranted by the facts so far as the latter are subject to trial de novo. In making these determinations the court is to consider the whole record or such parts as any party may cite and, where error has been fully cured prior to the effective date of agency action, the courts may apply the rule respecting nonprejudicial error.

The term "substantial evidence" as used in this bill means evidence which on the whole record as reviewed by the court and in the exercise of the independent judgment of the reviewing court is material to the issues, clearly substantial, and plainly sufficient to support a finding or conclusion affirmative or negative in form under the requirements of section 7 (c) heretofore discussed. Under this

section the function of the courts is not merely to search the record to see whether it is barren of any evidence, or lacking any vestige of reliable and probative evidence, or supports the agency action by a scintilla or by mere hearsay, rumor, suspicion, speculation, and inference—cf. *Edison Co.* v. *Labor Board* (305 U. S. 197, 229–230). Under this bill it will not be sufficient for the court to find, as the late Chief Justice Stone pointed out within the year, merely that there is some "tenuous support of evidence"—*Bridges* v. *Wixon* (326 U. S. at 178). Nor may the bill be construed as permitting courts to accept the judgments of agencies upon unbelievable or incredible evidence.

Where there is no statutory administrative hearing to which review is confined, the facts pertinent to any relevant question of law must, of course, be tried and determined de novo by the reviewing court.

Whether a court is proceeding upon an administrative or a judicial record, the requirement of review upon the whole record means that courts may not look only to the case presented by one of the parties but must decide upon all of the proofs submitted.

EXAMINERS, SECTION 11

One of the most controversial proposals in the field of administrative law relates to the status and independence of examiners who hear cases where agencies themselves or members of boards cannot do so. I have heretofore referred to this problem in my discussion of section 8 respecting decisions. Both sections 7 and 8 authorize the use of examiners. Section 11, which I am about to discuss, provides for their selection, tenure, and compensation.

It is often proposed that examiners should be entirely independent of agencies, even to the extent of being separately appointed, housed, and supervised. At the other extreme there is a demand that examiners be selected from agency employees and function merely as clerks. In framing this bill we have rejected the latter view, as the Attorney General's committee on administrative procedure throughout the greater part of its final report rejected it, and have made somewhat different provision for independence. Section 11 recognizes that agencies have a proper part to play in the selection of examiners in order to secure personnel of the requisite qualications. However, once selected, under this bill the examiners are made independent in tenure and compensation by utilizing and strengthening the existing machinery of the Civil Service Commission.

Accordingly, section 11 requires agencies to appoint the necessary examiners under the civil service and other laws not inconsistent with the bill. But they are removable only for good cause determined by the Civil Service Commission after a hearing, upon the record thereof, and subject to judicial review. Moreover, their compensation is to be prescribed and adjusted only by the Civil Service Commission acting upon its independent judgment. The Commission is given the necessary powers to operate under this section, and it may authorize agencies to borrow examiners from one another.

If there be any criticism of the operation of the civil-service system, it is that the tenure security of civil service personnel is exaggerated. However, it is precisely that full and complete tenure security which is widely sought for subordinate administrative hearing and deciding officers. Section 11 thus makes use of past experience and existing machinery for the purpose.

CONSTRUCTION AND EFFECT, SECTION 12

The final section of the bill provides that nothing in it is to diminish constitutional or other legal rights, that requirements of evidence and procedure are to apply equally to agencies and private persons, that the unconstitutionality of any portion or application of the bill shall be subject to the usual saving provision, and that subsequent legislation is not to be deemed to modify the bill except as it may do so expressly.

The final sentence provides that the bill shall become law 3 months after its approval, except that sections 7 and 8 respecting statutory hearings and decisions shall not take effect until 6 months after its approval, the requirements of section 11 respecting the selection of examiners are not to become effective for a year, and no requirement of the bill is mandatory as to any agency proceeding initiated prior to the effective date of such requirement.

The staggered effective date provision has been thought necessary in order to give administrative agencies every opportunity to prepare fully.

V. CONCLUSION

This measure is the culmination of long and earnest consideration. It responds to a widespread, deep-seated, and insistent public demand for some attention to the problem of administrative justice and administrative operations. It has been drafted with the greatest of care and upon fulsome consideration of views from every side. It is not, of course, the final word, but it is a good beginning.

Mr. HANCOCK. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the two gentlemen who are best able to answer your questions and describe the bill are the gentleman from Pennsylvania [Mr. WALTER], chairman of the subcommittee which has studied this bill for years and brings it to us today, and the ranking minority member on that committee, the gentleman from Iowa [Mr. GWYNNE]. As far as I know, there is no opposition to the bill on this side of the aisle, although there are many of us who would like to have it stronger. Nevertheless, I think we are all prepared to go along with it because we feel it is the first important step in the direction of dividing investigatory, regulatory, administrative, and judicial functions in Government agencies.

I have long favored reform of administrative procedure, legislation which would protect individual citizens against the abuses of delegated power, legislation which would separate the functions of investigator, prosecutor, judge, jury, and executioner. This problem has received a considerable amount of study over the last 10 years. The members of the Judiciary Committees of the House and of the Senate have given it a great deal of time and attention and extensive hearings have been held. The bar associations of the country, the Department of Justice, and prominent lawyers everywhere have studied it and recommended remedial legislation since 1935. Many bills have been introduced to accomplish this purpose, and at least one was passed, the Walter-Logan bill, 6 or 7 years ago. It was vetoed by President Roosevelt on the ground that further study was required. This legislation has received further study and the bill before us is the result of it. No one claims it is a perfect bill. If weaknesses develop, as they may with experience, the Congress can pass legislation to correct those weaknesses. I hope the bill will be passed as presented by the Judiciary Committee. It has already been passed by the Senate and it has the endorsement of the Attorney General, which is assurance that it will be signed by the President.

Just let me say this, which has already been mentioned: I regard the report which accompanies this bill as the most complete and scholarly report that has ever accompanied any bill to come before us in my time. It is a valuable legal document, and I advise you to retain it in your files for future reference.

No one has been more active in seeking to correct injustices of administrative law and procedure than the able gentleman from Pennsylvania [Mr. WALTER]. It now appears that his efforts of many years will culminate in success today, and I congratulate him.

Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. GWYNNE].

Mr. GWYNNE of Iowa. Mr. Chairman, I have often thought that private monopoly and Government bureaucracy cannot exist long in a country and have the country remain free. The purpose of this bill is to make a start at least along the road that we must travel to regulate the many bureaus and tribunals that are now operating in the executive branch of the Government.

Some of you who have been very much interested in this subject over the years may read this bill with a certain amount of disappointment. You will regret that the bill does not go further. I am frank to say that I have those same feelings myself. Nevertheless, I should like to point out to the membership that this bill has been passed by the Senate. If it is passed in the House with the amendments the House committee has recommended it will undoubtedly become the law. It will become the much needed start along the road I am so anxious to have us travel. I hope, therefore, we will pass this bill unanimously and without amendment.

Furthermore, as has been pointed out by the gentleman from Texas [Mr. SUMNERS], the chairman of the committee,

we are legislating in a new field. I think it is the part of wisdom not to go as far perhaps as some of us would like, but to go carefully, note mistakes and profit by them.

All I intend to do, Mr. Chairman, is to make a rather brief statement of what is in the bill.

Mr. GRANGER. Mr. Chairman, will the gentleman yield?

Mr. GWYNNE of Iowa. I yield.

Mr. GRANGER. There are a number of us in Congress, of course, who are not lawyers. This bill I suppose is fully understood by those who are members of the legal profession. As I understood the purpose of the bill—I was somewhat confused by the gentleman's statement that it was to regulate bureaus—my impression was that it was simply a bill to make uniform rules promulgated by the bureaus and practice before the various boards and commissions of the country. Is not that generally what it is supposed to do?

Mr. GWYNNE of Iowa. No; I would not say that was all of it. It does not as a matter of fact make uniform practice before bureaus and tribunals. It requires these agencies of Government in their practice to maintain certain minimum standards. It is an attempt to bring into the practice of these bureaus and tribunals those principles of due process that we understand and that have been enforced in the courts. If I may proceed for a few minutes I believe I will make these things clear as I go along. I really wish to touch the bill a little. I will yield later if I have time.

After a law has been passed by the Congress, before it applies to the individual citizen there are about three steps that must be taken First, the bureau having charge of enforcement must write rules and regulations to amplify, interpret, or expand the statute that we passed; rule making, we call it. Second, there must be some procedure whereby the individual citizen who has some contact with the law can be brought before the bureau and his case adjudicated. You might refer to that as adjudication or hearing. Finally, there must be some procedure whereby the individual may appeal to the courts from the action taken by the bureau. This bill briefly touches all three.

In the matter of rule making the bill provides, for instance, this in substance: It requires the agency to give notice of its intention to make rules and regulations. It requires the agency to allow interested parties to appear and state their views and request that certain rules and regulations be adopted. That would be much like the hearings that we now have before our committees in the House. Incidentally, that practice is now being followed by certain agencies of the Government. Then it requires that these rules or regulations which have the effect of law must be published in the Federal Register and go into effect at some future date. That is stating it very briefly but that is the substance of what is required on the important subject of rule making.

Then we come to the question of adjudication. How is an individual who violates, or let us say who wishes some action under, these rules and regulations, how is his case to be disposed of? On that point I think there is some difference between the present bill and the Walter-Logan bill. This bill is not as definite in its requirements. It lays down certain minimum standards which must be observed by the bureau or tribunal.

The bill provides that the agency must give notice to the individual of the hearing, also of the time and place, much the same as notice is given now in civil suits. The person affected may appear by lawyer or by some one who is not a lawyer, if that practice is allowed in that particular agency. Hearings may be had before the agency sitting together or by any member or members of the agency or, finally, by hearing examiners, which is probably usually the case.

The trial proceeds much after the fashion of a hearing before industrial commissions or boards who have charge of the administration of the workmen's compensation in various States. The rules of evidence are not restricted to those matters of competency that we enforce in court; nevertheless an attempt is made in the bill to require the presiding judge, so to speak, to confine the case at issue to relevant and probative testimony.

An important feature of the bill in this connection has to do with the appointment of examiners and there is a provision to keep the deciding functions separate and distinct from the prosecution part of it. Great complaint has been made that agencies send out people to prosecute the individual and, from the same office and subject to the same direction, they send out the hearing examiner who is to hear the case. This provides for separation of these functions and prohibits one from meddling with the other.

It also provides that these hearing examiners shall be appointed by the agency in accordance with civil-service rules. The salaries of the examiners are fixed by the Civil Service Commission and promotions and increases in salaries are also fixed by that Commission.

It is hoped to at least make a start, although I think it does not go as far as it should, in arriving eventually at a complete separation between the deciding functions and the prosecuting functions.

The only other and remaining feature I would like to mention has to do with appeals, then I shall be glad to yield. The great difficulty with our present setup is that many of these agencies are not subject to court review and many of them even if we pass this bill will still not be subject to court review. This bill does not give a court review in any case where review is now precluded by statute. It simply clarifies and expands in some particulars the authority of the court in reviewing cases in which court review is not precluded by law. In general they can reverse or modify the judgment on these grounds:

First. If the finding is contrary to some provision of the Constitution;

Second. If the tribunal or agency has failed to follow the procedure provided by law;

Third. If the decision is arbitrary or capricious; and

Finally, and very important, if the finding of the agency is not supported by substantial evidence.

Mr. Chairman, a lot can be said about this bill, but I will not proceed any further because I want to yield.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. HANCOCK. Mr. Chairman, I yield the gentleman three more minutes.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. GWYNNE of Iowa. I yield to the gentleman from Arizona.

Mr. MURDOCK. I want to say to the gentleman that I have received numerous communications from bar associations and legal authorities in my State supporting this bill and calling on me to support it. Not being a lawyer, I am glad to have the gentleman's clear-cut statement. However, in addition to that, what I would like to know is this: Has the machinery set up been such as to cause delay in the working out of justice for the citizen in review procedure and that sort of thing?

Mr. GWYNNE of Iowa. Does the gentleman mean the present procedure?

Mr. MURDOCK. No; I am inquiring about the machinery set up in this bill.

Mr. GWYNNE of Iowa. Oh, I would say not. I would say it certainly should not cause delay. It should expedite proceedings, if anything.

Mr. VOORHIS of California. Mr. Chairman, will the gentleman yield?

Mr. GWYNNE of Iowa. I yield to the gentleman from California.

Mr. VOORHIS of California. On the matter of court review, I wanted to ask the gentleman whether the bill will or will not make a change in the situation which now pertains as to certain agencies where, if the position of that agency is supported by any degree of reasonable evidence, the court must not go beyond that decision? Does not the bill give the court somewhat broader powers from that point of view than it would have otherwise?

Mr. GWYNNE of Iowa. Right.

Mr. VOORHIS of California. Would the gentleman expand on that a little bit? I think it is very important.

Mr. GWYNNE of Iowa. I might say rather briefly that there are two conflicting theories that have often been expounded by the courts. One is that if the verdict of the jury or if the finding of the triers of fact is sustained by a scintilla of evidence, any evidence, no matter how lacking in probative force, the court must sustain it. The other is that the court need not sustain a finding unless it is supported by substantial evidence. The latter is the view adopted in this bill.

Mr. VOORHIS of California. That is a change from the practice that is now in effect in regard to some agencies, is it not?

Mr. GWYNNE of Iowa. That is correct.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. GWYNNE of Iowa. I yield to the gentleman from Indiana.

Mr. SPRINGER. On the question which has just been raised by the gentleman from California, there have followed, in the procedure under the present rules findings even where the evidence was not competent; where there was no evidence at all. The finding might be made without regard to whether or not that evidence was actually competent to get into the case; is that not correct?

Mr. GWYNNE of Iowa. That happens under the present set-up, yes, unfortunately.

Mr. VOORHIS of California. But it can happen under the bill?

Mr. GWYNNE of Iowa. This bill does not concern itself with competent evidence particularly, but it does give to the court the duty to set aside findings if not supported by substantial evidence.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. HANCOCK. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. SPRINGER].

Mr. SPRINGER. Mr. Chairman, as has been stated during this debate, this measure which is now pending before the House is a very important measure as it appears to me. I might state that this bill, S. 7, was passed on March 12, 1946, by the Senate and it then came to the House and it has been given very careful consideration since that time.

May I say that the distinguished gentleman from Pennsylvania [Mr. WALTER], together with the ranking minority Member the gentleman from Iowa [Mr. GWYNNE], have given much attention and have spent much time on this particular legislation. I wish to compliment each of those gentlemen for the fine service they have rendered to the country and to the people in the presentation of this measure. The Attorney General is in favor of this bill.

I want to refer to the report, page 15, and quote from a letter of the Attorney General. In the closing portion of the letter this is what he has to say on that subject:

> The bill appears to offer a hopeful prospect of achieving reasonable uniformity and fairness in administrative procedures without at the same time interfering unduly with the efficient and economical operation of the Government. Insofar as possible, the bill recognizes the needs of individual agencies by appropriate exemption of certain of their functions.
>
> After reviewing the committee print, therefore, I have concluded that this Department should recommend its enactment.

That is the statement of Attorney General Clark on this particular subject.

The gentleman from Iowa [Mr. GWYNNE] has gone rather carefully over the provisions of the bill. I desire to call attention to only one, and that is the fourth provision, relating to the question of reviewable acts, the review of the proceedings by the judiciary, and the scope of the review. Under the present procedure, in many cases where there is any evidence, even a scintilla of evidence, decisions have been rendered and predicated on that character of evidence before the hearing tribunal.

Mr. HANCOCK. Even though contrary to the preponderance of the evidence.

Mr. SPRINGER. Yes, as the distinguished gentleman from New York says, that has been done in many cases even though it is contrary to the preponderance of the evidence introduced at the hearing.

May I say further on this particular point that in many instances the evidence upon which a decision has been predicated has not been competent evidence.

The bill pending before this committee, and which I hope will be passed without a dissenting vote, provides for judicial review in certain instances, and it takes up the scope of the review. It is to that particular feature that I desire to address the few comments I have to make upon this measure.

Page 39 of the bill provides that under this law the reviewing courts "shall compel agency action unlawfully withheld or unreasonably delayed."

In many of those cases there has been a withholding or a long delay, and that particular feature is intended to hasten action on the part of these agencies. I feel confident each Member will approve that provision in this bill.

The second provision, to which I now refer, provides "and hold unlawful and set aside agency action, findings, and conclusions found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law."

To my mind, that is a most potent statement and is a fair and equitable provision of the bill.

Mr. SCRIVNER. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I am happy to yield to my friend from Kansas.

Mr. SCRIVNER. Does the gentleman feel that that would correct the evils that might exist where a regulation was contrary to the intent, spirit, or purpose of the act?

Mr. SPRINGER. I think, unquestionably, it would. The gentleman is precisely correct. That is the purpose and that is the intention of that provision which has been written into this bill. In those cases where these decisions are found to be arbitrary, where the decision is found to be capricious or an abuse of discretion or otherwise not in accordance with the law, the decision can be set aside. That is certainly fair, that is certainly equitable, and that is certainly based upon a sound philosophy.

The next provision under the scope of review to which I desire to call the attention of the Members is that any decision can be set aside which is contrary to constitutional right, power, privilege, or immunity. There is no one in the world who could object to a provision of that kind because that is based upon the sound philosophy of the law.

The following provision in the scope of review that I desire to call to the attention of the Members is that in cases "where the decision is in excess of statutory jurisdiction, authority, or limitations, or short of statutory right," such decision can be set aside. In other words, where the person who has been tried has had taken away from him the legal rights to which he is entitled; or the limitation to which he is entitled under the provisions of the law have been reduced, then that character of decision under the scope provided in this bill can be set aside.

Fourth. "Without observance of procedure required by law." That is a potent and powerful reason. Decisions thus can be set aside where there is no observance of the legal procedure on the part of the hearing administrator or agent. When that authority has been taken into his hands and he has failed to observe the legal requirements and procedures, then such a decision, predicated upon that theory, can be set aside.

Fifth. "A decision which is unsupported by substantial evidence" can be set aside. I mentioned just a little while ago that many cases in which decisions have been rendered upon a mere scintilla of evidence, and not on the weight of the evidence, have been discovered. In many instances the decisions have been based upon evidence which is not competent. But under the provisions of this bill it is required that all such decisions shall be based upon and predicated upon substantial evidence. That is the only fair basis upon which decisions of this character should be made by either a court or any agency assuming the authority to hear and determine cases.

The sixth provision applies to decisions unwarranted by the facts to the extent that the facts are subject to a trial de novo by the reviewing court. It is my judgment that under the scope of review set forth in the pending bill it will give every person the opportunity and right to have a fair, just, and impartial trial in the judicial proceeding, and a complete review of the case which has been conducted against him. I hope this bill is passed without any objection. This worth-while legislation has been too long delayed already, and it is my hope that it will be passed in the House, fully approved by the other body, and promptly signed by the President.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DOYLE].

ADMINISTRATION OF JUSTICE IMPROVED AND PUBLIC RESULTINGLY BENEFITED BY DILIGENT CONTINUOUS WORK OF THE BUILDERS OF THE BILL S. 7

Mr. DOYLE. Mr. Chairman, first I wish very cordially and sincerely to compliment the Judiciary Committee, as well as the distinguished chairman of the subcommittee of the Judiciary on this very appropriate and significant bill. It is refreshing to come here to the national level from my native State of California and find that some of the worthy objectives for which I had the pleasure of working for several years there, as member of the Long Beach, Calif., and American Bar Associations, and as a member of the board of bar delegates of that great State, now about to be passed unanimously, I hope, by this great national legislative body.

Just several months ago, when the distinguished and able lawyer, Harry J. McClean, immediate past president of the Los Angeles Bar Association, was here in Washington in conference on the very objectives of this bill, I had the pleasure of sitting at dinner with him and listening to his discussion and learning from him. He and I and my wife were schoolmates at Long Beach, Calif. So, I naturally continue to have a great deal of confidence in his ability as well as his forthrightness in this matter of great importance. Besides, I know that for years he has searchingly labored to find a constructive plan such as this bill.

The report of the committee is so inclusive in its discussion of the subject matter and the diagram synopsis on pages 28 and 29 so clearly portray some of the most pertinent visions, and the debate here today is so conclusively in favor of the bill that I hope there will be a unanimous vote for it.

For more than 10 years this legislation has had careful consideration and we have just heard the distinguished Member from Michigan, on the minority side, state in substance that he has never known, in his long service in this House, of a measure having had more painstaking or careful study. Once again we find that the report in this case shows the far-seeing and rich vision of former President Franklin Delano Roosevelt. For the report, on page 7, thereof, specifically sets forth that he sent legislative recommendations to Congress many years ago in this very field.

I will not at this time take longer of the time of the House because members of the Judiciary Committee have done a very fine job of explaining this and I do compliment them on the work they have done.

Manifestly the vision of the needs of the objectives of this bill and the hard, continuous work over a term of almost a dozen years of the American Bar Association, the various State bar associations and the committees of Congress, and the departments of Government, should have the sincere appreciation at this time, of all of us, gentlemen.

The CHAIRMAN. The time of the gentleman from California [Mr. DOYLE] has expired.

Mr. HANCOCK. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. DOLLIVER].

Mr. DOLLIVER. Mr. Chairman, during the period of time since the close of the First World War, there has been a tremendous expansion of the number of agencies, administrative bodies, and commissions of the United States Government. In fact, to those of us who were engaged in the practice of law during that period, it had come to the point where a great deal of our time was taken up in dealing with those various agencies of the Federal Government. They were spawned with great speed and without too much consideration, it seemed to the practicing lawyer, over this period of time, with a great variety of powers. Some of those powers directly affected the daily lives of every individual in the United States of America.

It necessarily followed, I suppose, since so many of them were created, that each of them would develop its own variety of procedure—that each of them would have its own method of doing business. Accordingly the problem that confronted the citizen who overstepped the bounds of the rules of some agency was to discover how to alleviate the situation. It was more complex because there were no uniform rules of procedure, and a person had to delve into the intricacies of each agency or each commission in order to find out what to do.

This bill is certainly a step in the right direction. It attempts to give some uniformity of procedure. It attempts to direct these agencies and commissions and departments to use forms that can be understood which shall be uniform through all of them.

Not only does it promote uniformity but it codifies the procedures in a court review. This part of the bill has just been explained by my colleague the gentleman from Indiana [Mr. SPRINGER]. Because of the necessity of passing the bill, how great have been the abuses in some of the agencies concerned.

Personally, I think perhaps this bill does not go far enough in that direction. I believe I should welcome the opportunity to vote for a bill that would curtail the exclusions with respect to judicial review that are here contained.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. DOLLIVER. I yield.

Mr. WALTER. I would like to call the gentleman's attention to the fact that there is no exclusion whatsoever. The decision of an agency created by statute that prohibits a review is the only one excluded. We are anticipating the possibility that some time or other such an agency will be erected.

Mr. DOLLIVER. I was referring to exactly the point that the gentleman has raised, that there are certain statutory exclusions now existing which are not covered by this bill. Perhaps there is just one such agency and I believe the gentleman and I understand which one that is. I still say I would welcome an opportunity to consider legislation which would include that excluded agency.

In connection with this bill I am very glad to present to the Congress a portion of a letter I have just received from Mr. Burt J. Thompson, of Forest City, Iowa, former president of the Iowa State Bar Association.

Mr. Thompson says in part:

> This bill has been before the board of governors of the Iowa State Bar Association, and has received its approval. I think it is a fair statement also to say that it meets with the approval of the lawyers generally throughout the State of Iowa.

Mr. Thompson is a member of the special committee of the American Bar Association which has been studying this problem of administrative procedure for many, many years. I am glad to see that he is so fully in favor of the passage of this bill. While it does not, as I have just suggested, go as far perhaps as he and others may desire, nevertheless, it is a step in the right direction. We have great confidence that the bill will be passed.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama [Mr. HOBBS].

Mr. HOBBS. Mr. Chairman——

Mr. KEEFE. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. I shall be so delighted to yield to the distinguished gentleman from Wisconsin.

Mr. KEEFE. I merely wish to say to the distinguished gentleman who is about to address the House and to the other members of the committee that I regret that I am compelled to attend a very important meeting of a subcommittee of the Appropriations Committee and must be there this afternoon. I do want the RECORD to show at this point, however, that this matter contained in this bill is one in which I have been interested ever since I first came to Congress in 1939.

I congratulate the author and the Judiciary Committee in finally bringing this bill to the House. I trust it will go back to the other body and result in final action in a field that is so very much needed in this country.

Mr. HOBBS. We thank the gentleman for that contribution, although for us who know him so well and his outstanding ability in the field of law it was entirely unnecessary. We know he has been profoundly interested all the time, is now, and that but for conflicting engagements he would be with us as we work out this piece of legislation on the anvil of public discussion on the floor of the House.

I simply wish to adopt what he has said. There is no need of reiteration, and that is what may be now fast approaching in this debate. There is no need to discuss or argue the merits of this piece of legislation. So I wish in the few minutes allotted to me merely to make a few long-overdue observations as to some credit that is too apt to be overlooked.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield for a question before he goes into that?

Mr. HOBBS. I am delighted to yield to the distinguished gentleman from Arizona, always.

Mr. MURDOCK. I am not a lawyer, as the gentleman knows. I am just asking the gentleman whether the bill enacted into law will bring about a government of law rather than of men? Is that the ideal toward which this bill looks?

Mr. HOBBS. The gentleman has phrased it very aptly. It is the ideal toward which this legislation looks and moves. Whether or not it will be realized depends upon the construction which may be placed upon it by the trial and appellate courts of this land. We hope and pray that they will so construe this act as to emphasize its plain mandate and achieve that ideal.

Not only do I wish to compliment the distinguished gentleman from Pennsylvania, Hon. FRANCIS WALTER, who is the author of the report and who has done so much in the drafting of this act through the years he has worked, but I also wish to echo the congratulations that have been showered on the gentleman from Iowa, Hon. JOHN GWYNNE, and

his associates on the subcommittee. Our late great President, Franklin D. Roosevelt, in 1939, acting in accordance with the recommendation of the Honorable Homer Cummings, Attorney General of the United States, recommended the appointment of a committee to study the problem this bill seeks to solve. I wish also to compliment each of the successors of Attorney General Cummings in that high office, and particularly speak with approval of the work of the present Attorney General, Hon. Tom C. Clark.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. HOBBS. Mr. Chairman, I would be unworthy of the occasion, however, if I did not pay tribute to the work of the American Bar Association in this connection, particularly the leadership of that body and its great special committee. We all know that Hon. Carl McFarland has been one of the outstanding leading spirits in the movement which is now resulting in the enactment of this bill. We should also gratefully praise the administration of the Honorable George Maurice Morris, who during the time he headed that organization, as his successors have done in emulation of his example since his day, made it possible for us to bring to you today the well-reasoned, carefully drawn bill which is so soon to become law.

Mr HANCOCK. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. I am always delighted to yield to the gentleman from New York.

Mr. HANCOCK. May I add the name of a former very active supporter of this measure, a former president of the American Bar Association, Arthur P. Vanderbilt.

Mr HOBBS. Not only that, sir, but in line with the gentleman's usual quick thinking, he simply beat me to the punch. I am delighted to make acknowledgment not only to Hon. Arthur Vanderbilt but to a long line of other men who have aided in their high office.

Mr. Chairman, this is all I really care to say today. It seems to me that the Constitution of the United States, has divided the powers of our Government into three coordinate branches, the legislative, executive, and judicial. These have been swallowed up by some administrators and their staffs who apparently believed that they were omnipotent. These have exercised all of the powers of government, arrogating to themselves more power than ever belonged to any man, or group. This has made necessary the enactment of some such legislation as is now in process of passage.

We hope and pray that the plain meaning of this law will be so correctly interpreted as to effectuate its high purpose. Therefore we thank every Member of the House in advance for the unanimous support that this bill deserves and will receive.

Mr. HANCOCK. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky [Mr. ROBSION].

Mr. ROBSION of Kentucky. Mr. Chairman, I arise in support of Senate bill 7 which proposes "to improve the administration of justice by prescribing fair administrative procedure." This bill passed the Senate some time ago, came to the House and referred to the Committee on the Judiciary of the House which committee, after careful consideration, amended the Senate bill and which, in my opinion, improves the Senate bill in line with the purposes of the bill.

I am not a member of the subcommittee of the Judiciary Committee that held the hearings and considered this bill. I understand that the subcommittee approved it by unanimous vote. It then came to our full committee and as I recall there was no serious opposition to the bill in our full committee. Mr. WALTER of Pennsylvania is the chairman and Mr. GWYNNE of Iowa is the ranking Republican of that subcommittee. They have both made splendid speeches in explaining the provisions and purposes of this legislation. The time for general debate is more or less limited. I am sure that those who are not members of our Judiciary Committee will find the report on this bill most enlightening and I urge each one of you to read the report carefully.

This legislation is very necessary and it is long overdue. It is not as comprehensive as it should be. It certainly is a step in the right direction and as time goes on no doubt it will be perfected by appropriate amendments. Many of our leading jurists, statesmen, including former Chief Justice Hughes, many distinguished lawyers and judges, the American Bar Association, business people, and other citizens have strongly commended and urged legislation for the purposes set forth in this bill. Years ago we had only a small number of Federal bureaus, agencies, and commissions, and a comparatively small number of Federal offices but as the country has grown and as its activities have become more diversified and complex it has been necessary for the Congress to pass laws delegating to various agencies their administration. Congress could not spell out in precise words the administrtaive powers and duties of these agencies. It could only do so in general terms and it was up to these agencies to issue appropriate rules in carrying out their administrative duties within the purpose and intent of the Congress as expressed in the laws enacted by Congress. This type of legislation and the delegation of powers have increased from year to year so that it now involves many, many agencies and many, many officers. There is no doubt in my mind but what we have too many agencies and too many officers. The Federal officials now, outside of our armed forces, in this and foreign countries number approximately 3,000,000. In the last 10 or 15 years these Federal agencies and the number of officials have grown by leaps and bounds, and the naked fact is that we do have these agencies and officials administering hundreds of acts of Congress and in so doing they have issued orders, directives, and rules exceeding the powers granted to them by the Congress. In other words, they have assumed the function of making laws. The power to legislate and make laws rests alone in the Congress and not within the powers of any officer of any one of these agencies.

These same officers of these agencies issue these orders, directives, and rules, and then they proceed to hail the citizens and business concerns before them for investigation, trial, and judgment, and in that way not only become the law makers but they interpret their own self-made laws and execute them. They are the law makers, prosecutors, juries, and judges of their own laws.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. ROBSION of Kentucky. I yield to my friend from Indiana.

Mr. SPRINGER. Is it not a fact that every bar association throughout the country is deeply interested in this legislation because the lawyers do not know what procedure to follow and they do not know anything with respect to the law which is followed by these triers or administrators of the laws passed by Congress.

Mr. ROBSION of Kentucky. That is one of the things I was coming to. They change the rules of the game from day to day and without any notice to the American people who will be affected by the directives and rules. As I have stated, here is a group of men or individuals making and changing the laws and then executing them. Our Government is based upon the principle of three branches: Congress makes the laws and the courts interpret them, and the executive branches execute them, but in many of these agencies we find all of these functions of the Government lodged in one person or one board and then in many cases those who are aggrieved of the actions of the administrator or board are denied an appeal to the courts. In some cases where there is an appeal the courts uphold the administrator's or board's action if there is any evidence sustaining the action of the board. It may be against the overwhelming weight of the evidence and the rights of the parties may be ignored. This bill gives the aggrieved party the right to appeal to the courts and the court may set aside or modify the decision of the administrator or board if they ignore the law, the Constitution, or substantial evidence. They cannot sustain a finding or decision of the administrator or board unless there is substantial evidence supported. The administrator or board cannot base their finding on the scintilla rule.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. ROBSION of Kentucky. I yield to my friend the gentleman from Michigan [Mr. DONDERO].

Mr. DONDERO. Does this bill go far enough to include those who might seek their day in court under OPA regulations?

Mr. ROBSION of Kentucky. As I understand this bill, it does not give the right of appeal in cases where the Congress has expressly stated there can be no appeal; but unless the right of appeal is denied, I think an appeal could be taken as a matter of course where

there was a proper showing that the constitutional rights of the aggrieved party had been invaded; that the act itself did not sustain the award or judgment and an appeal can be taken where Congress provided in the act that an appeal could be taken and the way and manner in which it could be made.

As I recall, some of the provisions in the OPA Act provide for an appeal under certain conditions and circumstances, but those appeals are limited to the provisions of the acts themselves.

Mr. BENNET of New York. Mr. Chairman, will the gentleman yield?

Mr. ROBSION of Kentucky. I yield to the gentleman from New York [Mr. BENNET].

Mr. BENNET of New York. Are not the war agencies excluded from this bill?

Mr. ROBSION of Kentucky. Some of the acts of Congress expressly exclude an appeal in some cases, and the bill before us excludes the Selective Service Act and a number of other acts.

Mr. HANCOCK of New York. I yield the gentleman an additional 2 minutes.

The CHAIRMAN. The gentleman from Kentucky is recognized for two additional minutes.

Mr. ROBSION of Kentucky. Some of the most commendable features of this bill are:

First. It defines "agency," "person," "party," "rule," "rule-making," "order" and "adjudication," "license" and "licensing," "sanction" and "relief."

Second. It provides that these orders, rules, and directives can only be adopted after reasonable notice, and, when once adopted, they must be published in the Federal Register. These records are open to the public, and they cannot be amended or changed without giving a hearing to interested parties.

Third. This bill recognizes the principles on which our three branches of government are based so that the prosecutor may not get up the evidence, prosecute the case, and, at the same time, decide the case.

Fourth. The interested parties must be given proper notice of the legal and factual issues, with due time to examine, consider, and prepare for them and the parties who are entitled to appear on their own behalf or by counsel either an attorney at law or other person who has been admitted to appear before such board or agency.

Fifth. The agency is required to afford the parties an opportunity for settlement or adjustment of the issues involved where the nature of the proceeding and the public interest permit.

Sixth. All presiding officers and deciding officers are to operate impartially. Such officer may disqualify himself and a party to the proceeding may file proper affidavit to show that the presiding officer has personal bias or is otherwise disqualified. These officers may exclude irrelevant, immaterial, or unduly repetitious evidence.

These are only a few of the many provisions of this bill that leads us to believe that it will improve the administration of justice in administrative procedure of the various agencies and further protect the constitutional rights and the interest of the American people.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. RUSSELL].

Mr. RUSSELL. Mr. Chairman, at the outset I must agree that this bill in its entirety will be a valuable asset to the people of America if it is passed. In the main, it seeks to give the courts a little more function with regard to administrative agencies' rulings, decrees, orders, and judgments. In that respect I am in full accord with the terms of the bill.

Being a member of the lawyers' profession, I have always looked upon the functions of our courts and the jurisprudence of our country in general with jealousy and zealousness. I have always been able to speak with pride of the jurisprudence of the American Government because of the fundamental principles underlying the rules by which the courts, both trial and appellate, are guided. Perhaps some of you do not know it, but as far as I know, without a single exception each general principle of the rules of evidence that have been adopted by the courts is based upon some Biblical quotation. Every rule is taken from the Bible, when you analyze it and run it back to its source. This fact alone should make the American people proud of American jurisprudence. There is one thing I am somewhat apprehensive about in regard to this bill. It is for that reason I take the floor for these few minutes. If you will turn with me to page 38 to subsection (c) of section 10, I want to read the first part of that paragraph to you. It is as follows:

> Every agency action made reviewable by statute and every final agency action for which there is no other adequate remedy in any court shall be subject to judicial review.

That is fine. That is excellent. That is what the American people have been clamoring for for the last few years. The Congress has been clamoring for it too. The paragraph reads further:

> Any preliminary, procedural, or intermediate agency action or ruling not directly reviewable shall be subject to review upon the review of the final agency action.

Now, that is fine. But here is the clause or phrase that I am afraid of:

> Except as otherwise expressly required by statute—

I am afraid of that provision. I am not in a position, because I did not know the bill was up for consideration, and I happened into the Chamber and heard this discussion, to answer directly the way in which I think this would preserve the dictatorial powers of that agency or that authorization by law. The law, of course, is what the Congress makes. There are some laws which I am not able to point out to you right now which make it possible for an agency to pass upon a question presented to them on the basis of the slightest evidence, whether it be relevant or irrelevant, whether it be material or immaterial, and whether it be prejudicial or not prejudicial.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield three additional minutes to the gentleman.

Mr. SPRINGER. Mr. Chairman, I yield one additional minute to the gentleman.

Mr. RUSSELL. When an agency has such an authorization, which under the authorization is the law, then this act is exempting that agency from a judicial review or a passing upon that evidence, regardless of the kind of evidence it may be.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. RUSSELL. I am glad to yield to the gentleman.

Mr. WALTER. The gentleman is not seriously contending that an agency decision based upon a mere scintilla of evidence would hold up?

Mr. RUSSELL. If the law has made it such, it will hold up under this very phrase that I have just read. That is what I am afraid of.

Mr. WALTER. Well, the very measure now under consideration is designed to prevent that sort of thing, and will prevent it.

Mr. RUSSELL. But this is the thing I am afraid of, that is, giving life to that power which the measure is supposed to take away.

There is another bill pending in this House, a very controversial bill. Perhaps you heard of it this week on Calendar Wednesday, where a provision is embodied in that bill which I do not believe 25 Members—10 Members—not 5 Members—if they understood the legal effect of that provision, would vote for the bill with that in it, because they would be cutting off their own noses and denying themselves a right which they hold near and dear. That same provision is embodied in that bill. If it becomes law, the law making that scintilla of evidence binding upon the court, then this bill will not take care of it. That is my only objection to this bill. I do not want to tie the hands of the courts, but throughout the years of American history there has developed the most beautiful, the most equitable, the most American jurisprudence known throughout the world, a system of jurisprudence under which each man can go into court where justice, and justice alone, will prevail.

I ask you to look into this question because I am fearful that by this provision you are giving life to that which you think you are destroying.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. HANCOCK. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET of New York. Mr. Chairman, I had not expected to speak on this subject today. I have been practicing law for 25 years. I am certainly in sympathy with the provisions of this bill. Nevertheless, I wonder if it is fully understood by the Members of the House.

I want to make the frank admission that I read the bill three or four times and I have also read the report and I do not fully understand it yet. I just asked the gentleman from Kentucky [Mr. ROBSION] a question, to which I did not get the proper answer, which indicates there may be some misunderstanding

even on the part of well-informed Members. My question was: "Does this bill affect the war agencies?" The gentleman indicated he thought it did. It does not. The war agencies are expressly exempted from the provisions of this bill. It is against the war agencies that you hear most of the complaints and criticism. It is against the OPA and the CPA that you hear most of the criticism.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. BENNET of New York. I yield.

Mr. WALTER. Those agencies are erected under orders and statutes that provide a special method of review of their decisions.

Mr. BENNET of New York. I am well aware of all that, but what I said, that they are not covered by this act, still remains true. Also, that most of the criticisms are against those agencies. That remains true.

Mr. GWYNNE of Iowa. Mr. Chairman, will the gentleman yield?

Mr. BENNET of New York. I yield.

Mr. GWYNNE of Iowa. That matter was discussed at some length in the committee. Of course, we hope we are writing permanent legislation, to be improved as the years go by. We also hope that these war agencies will soon be terminated.

Mr. BENNET of New York. I certainly join in that hope that they will soon be eliminated. I think the great majority of the American citizens feel the same way.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. BENNET of New York. I yield.

Mr. DONDERO. A moment ago I asked the gentleman from Kentucky Mr. ROBSION] whether or not this bill was broad enough to permit a person who got into difficulty with the OPA to have his day in court. I think the gentleman expressed doubt whether it did or not. What is the gentleman's opinion?

Mr. BENNET of New York. My opinion is that it has nothing to do with the OPA.

Mr. DONDERO. That is a war agency. It does not cover the OPA, as I understand it.

Mr. BENNET of New York. Under definitions, section 2, page 22, those agencies and functions which expire on the termination of present hostilities or within any fixed period thereafter, or before July 1, 1947, are not covered. That means war agencies.

Mr. KEFAUVER. Mr. Chairman, will the gentleman yield?

Mr. BENNET of New York. Gladly.

Mr. KEFAUVER. I think I should call the gentleman's attention to the fact that on page 22, line 3, it provides that it shall not apply to war agencies except as to the requirements of section 3. Of course, section 3 requires that their orders be made public. That is about as far as the committee thought it should go in making it applicable to the war agencies.

Mr. BENNET of New York. I am aware of that particular exception. I do not think it affects the general proposition that I am advancing.

I am not going to oppose this bill. I am trying to make it clear that I do not think it is fully understood by all the Members. Before they vote on it I thought perhaps they might like to have a little different approach to it. If I correctly understand this bill, and I shall be pleased to have the members of the committee tell me if I am wrong about it, it does not specifically provide where an appeal should be taken, for which reason I assume the appeal would have to be taken to the District Court of the United States. I am not an expert on these matters, but I think ordinarily bills of this nature have provided for appeals to the circuit court of appeals. If I am correct about that, that means it is going to be quite a long-drawn-out process of appeal in some of these cases.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. BENNET of New York. I yield.

Mr. WALTER. The only instance where an appeal can be taken to the circuit court of appeals in the first instance is where there is a special statute providing that method of appeal. In all other instances the appeal must be direct to the United States district court.

Mr. BENNET of New York. That is what I said in substance in my statement. But statutes have been passed which permitted appeals directly to the circuit court of appeals in order to save time. There are any number of administrative agencies covered by this bill and anybody who believes himself injuriously affected by an order can appeal as I understand it to the district court. If he is not satisfied with the decision of the district court he can go on to the circuit court of appeals and then to the United States Supreme Court if they will grant him a writ of certiorari. I would like to have someone tell me whether I am correct or not in this statement that the Pure Food and Drug Administration could find that some article within its purview was deleterious to the public health and issue an order against its distribution. The manufacturer could then go to the district court appealing from that decision and obtain an injunction if the court saw fit to issue an injunction. Am I correct in that statement?

Mr. WALTER. The gentleman is entirely correct, but I cannot conceive of a court's granting an injunction to permit the further distribution of an article that was unfit for human consumption.

Mr. BENNET of New York. That may very well be; nevertheless as I read this bill it can be done. The same thing would be true with respect to the Securities and Exchange Commission issuing an order stating that a certain practice should not be indulged in. The aggrieved party could obtain an injunction and go ahead continuing the alleged improper practice.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee [Mr. KEFAUVER].

Mr. KEFAUVER. Mr. Chairman, first I want to join with the many Members who have spoken here in congratulating the chairman of the committee, the gentleman from Texas, Judge SUMNERS, and the chairman of the subcommittee, the gentleman from Pennsylvania [Mr. WALTER], the ranking minority Members, the gentleman from New York [Mr. HANCOCK], the gentleman from Iowa [Mr. GWYNNE], and others on the subcommittee who have worked so long and so intelligently on this problem. Our chairman, the gentleman from Texas, Judge SUMNERS, deserves special recognition for his good work. He has worked on the problems of administrative practices for many years. He filed H. R. 1203 and H. R. 4941, which are the companion measures to S. 7, which we have before us today. I suppose that in the files of the Judiciary Committee you will find more bills, more proposals, more complaints, and suggestions about administrative procedure than any other one subject. Certainly, during the 7 years I have been in Congress the matter of making provision to have a uniform system of procedure in the agencies of Government has been one of the vital ones before the Congress and the Nation. The committee is to be heartily congratulated on finally being able to get everybody together on at least a beginning of a settlement, a solution of this difficult problem.

In this complex day when Government is interested in so many things, it is, of course, necessary to have administrative agencies which must of necessity be able to make some rules and regulations and to act in quasi-judicial positions in certain instances. Congress cannot, by the very complexity of the situation, make all of the detailed rules and regulations. But in connection with the administration of the agencies, the lawyers of America, the businessmen, and interested people have for many years been perplexed in trying to find some way to get uniformity into the making and publication of regulations and in obtaining a review procedure. Some of the agencies for many years have resisted various administrative procedure bills that have been presented or the theory that the bills would unduly hamstring them in the operation of their departments.

On the other hand, some lawyers of America and many others wanted more drastic rules for the regulation of agencies than the Congress has been willing to impose. Finally the agencies have come to realize that some orderly administration must be worked out for them and they now join in the approval of this legislation.

Various bar associations and committees that have worked on this matter have likewise joined in recommending it.

I have noticed in the debate on the bill that various Members have felt that in some instances the bill went too far, in other instances it did not go far enough; some things should be done that are not done and some things should not be done that are done. This bill will not be entirely satisfactory to everyone but it marks an excellent begining. Only after years of practice, experience, and application can we come to see the places where it will need remedying and where it will need strengthening. I think it is going to be greatly in the public interest to have uniform administration in the various agencies of the Government.

There is one matter I feel should be commented on, and that is that lawyers of the United States have always been

met with various and different regulations for the practice before the various agencies. For the average lawyer representing his client in sections distant from Washington it is very difficult to know how to be admitted to practice before some of the agencies. Some admit anybody, some admit lawyers only, some admit laymen, and some require specific qualifications. I would like to see it worked out so that any member of the bar who is in good standing in the bar of his own State is at least prima facie eligible to practice law before these various agencies. This could be done while the bill is in conference. I have prepared an amendment which I have shown the chairman of the subcommittee and others which will make this needed improvement. I have had bills pending on the question for years. The gentleman from New York [Mr. HANCOCK] has a bill pending to this effect. The question is not complicated and I should like to see it settled satisfactorily in this measure. The chairman of the subcommittee [Mr. WALTER] indicated he thought well of the proposal.

Mr. Chairman, I take this time mainly to express my thanks for the job that has been done and to say that this is a great day for the judiciary of the country, for the Government and the people in that we have made an excellent beginning in working out these rules and regulations for the various agencies. The committee, the agencies, the bar associations and all who have participated deserve our deep appreciation.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. HANCOCK. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. JOHNSON].

Mr. JOHNSON of California. Mr. Chairman, in 1943 when Hon. Earl Warren, the present Governor of California, took office this matter of administrative agencies and their rules and set-up was so acute and confused that he advocated passage of a law laying down the new and uniform rules and procedures that these agencies should observe. That law is almost the same as the pending bill. Therefore, for the information of the Members I would like to make a statement concerning the scope of the operation of the California law. If that experience is any criterion of what we may expect with the bill before us, I am confident everybody, when this law is enacted, will entirely approve of it. It will do a great measure of justice to litigants who appear before these types of boards and administrative agencies.

As I said, the State of California in 1943 passed a similar measure and it has met with wholehearted approval, not only of the agencies coming within the scope of the measure, but with other agencies, who now desire to be brought within its scope. A brief history of the background of the California Administrative Act follows:

Some time prior to the war the chaotic condition of the rules in effect in various administrative agencies in the State became common knowledge. Some agencies had printed their rules; some had mimeographed them; some had them typewritten; and some agencies had not published them in any form whatsoever, stating that they were within the knowledge of the chairman or other executive officials of the agency. The legislature, taking cognizance of the situation, passed a bill requiring the agencies to file their rules with the Secretary of State, and appointed a codification board composed of the secretary of state, the head of the department of finance, and the legislative counsel. The magnitude of the problem was disclosed upon the filing of the rules. It required several filing drawers to contain the existing rules of some of the agencies. Many of the agencies requested assistance in determining which rules were actually in effect at the time, and similar unfortunate situations were disclosed. A subsequent legislature provided $70,000 to be used in editing, codifying, and printing the rules in effect in the various agencies, and order began to replace this chaotic condition.

Gov. Earl Warren realized that the situation was acute, and in an address to the members of the State bar of California called upon them to assist in the passage of an administrative procedure act, which would cure many of the defects in administrative agency procedure which were apparent. In certain agencies they acted as investigator, prosecutor, and judge; in others, matters were decided without regard to evidence; and in others, the attorney for the agency, in effect, decided the questions. Certain agencies admitted that when their counsel objected, his objections were invariably sustained, and when the opposition counsel objected, his objections were also overruled.

These agencies had a great deal to do with the life and business of the people of the State, and their effectiveness was being impaired by these procedures.

Following the Governor's speech, the Judicial Council of California, headed by the chief justice of the supreme court, and the administrative agencies' committee of the State bar of California commenced a study, which resulted in the presentation in the 1943 legislature of an administrative procedure act, which was passed and thereafter became law upon its signature by the Governor. It was similar in scope to the present measure under consideration. It concerned itself with the rules and orders issued by the agencies, with the method of investigation, the conduct of hearings, the findings, with the type of evidence which might be introduced, and the scope of judicial review of the agencies decisions and orders.

Certain California agencies were not included within the jurisdiction of the act because they derived their existence and jurisdiction directly from the Constitution of California, and the legislature did not have authority to include their procedures under the Administrative Procedure Act. Among these agencies were the Industrial Accident Commission, and the Railroad Commission of the State of California. Since the act has been in effect it has received the acclaim and sincere approval, not only of the bar of California, but of the people of the State, and the officials of the agencies involved. In addition to this, the chief officials of the constitutional agencies above alluded to, have approached the Governor of California and the State bar of the State to ask amendments to the constitution of the State for the purpose of bringing these agencies under the procedure set up in the Administrative Procedure Act of California.

Mr. HANCOCK. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee [Mr. JENNINGS].

Mr. JENNINGS. Mr. Chairman, this bill is a step in the right direction, but many more of the same tenor and effect need to be taken by Congress. This Government was primarily set up for three general purposes; first, to protect itself and its citizens against foreign aggression; second, to protect the law-abiding members of society against the fraud and violence of the lawless members of society; and, third, through the first 10 amendments, to protect its citizens against the encroachment on their liberties and the destruction of their lives and property rights by the Government itself.

It is one of the paradoxes, one of the tragedies of history, that men and women must sacrifice, fight, and die to establish a Government such as our fathers and mothers set up and then are compelled to fight their own Government to protect themselves against assaults on their liberty, lives, and property. This fact made necessary the adoption of the Bill of Right embodied in the first 10 amendments to the Federal Constitution. They cover the citizen all over with the armor of the law. And no bureaucrat should be permitted to strip the citizen of their protection.

The Federal Government now touches almost every activity that arises in the lives of millions of people who make up the population of this country. The chief indoor sport of the Federal bureaucrat is to evolve out of his own inner consciousness, like a spider spins his web, countless confusing rules and regulations which may deprive a man of his property, his liberty, and bedevil the very life out of him.

Recently Westbrook Pegler dissected an interesting speech by a young lady who is an official in one of the bureaus here in Washington. I was interested in his article because I heard her make a speech not so long ago at a meeting of the Federal Bar Association in which she said that this bill was pending before the two Houses of Congress, and that the Federal bureaucrats and lawyers who served these bureaus and bureaucrats should be on their toes and should do their best to prevent the passage of this bill or any similar bill because she said that it would put the Federal bureaucrats and the lawyers whom they had on their pay rolls in a strait-jacket.

Well, I was interested in that frank confession and I became interested in fitting a restraining legal strait-jacket on these people who have been harassing the citizens of this country. As I have said, one of their principal indoor sports is to promulgate these rules and regulations.

Now, this bill does three things generally, you might say. It puts a legal restraint upon the power of these bureaus to promulgate rules and regulations and

gives the citizen who may be affected by them the right to a hearing, to make suggestions, and to enter protest against the proposed rule, and then it gives the citizen the right to a hearing before these bureaus. It requires that the rules and regulations shall be made public, and as a last resort when the citizen has exhausted his remedy before some Federal bureau here in Washington, he has a right to go into court and undertake to protect himself.

I just want to read some of the things that this enterprising young woman had to say. Mr. Pegler said of her speech before a meeting of the Texas Bar Association:

> Though cynical, Miss Rawalt was thoroughly honest and practical. The citizen occupied no place in her remarks. Her message was an exhortation to her fellow lawyers to get aware of the existence of government by bureaucracy and to grab off their share of the loot from a Nation bedeviled by confusing and harassing rules, regulations and interpretations, many of them improvised by New Deal bureaus operating as courts.
>
> * * * the extent to which the citizen has been elbowed out of court and into New Deal bureaus for his justice, constantly in need of lawyers to keep him out of jail, is thoroughly convincing. Miss Rawalt certainly would not exaggerate.
>
> "Speaking of opportunity," the lady said, "are the lawyers of this country, men and women, going to take full advantage of their opportunities in administrative law? It is the most rapidly expanding area of law practice today. There are some 217 special courts, bureaus and commissions which today decide upon and administer various Federal laws directly affecting citizens and business firms in this country. This does not take into account similar State quasi-judicial bodies.
>
> Administrative law, through the Federal Communications Commission, regulates the programs you hear on your radio and determines the use of the telephone and telegraph in our country today. Administrative law, through the Federal Trade Commission, determines various trade practices within the industries of this Nation. Administrative law, through the OPA and other departments, regulates what food you may buy and what you may pay for it. Concurrent with the phenomenal growth in this field of law, there has been a sudden decrease in the number of lawyers.

Then this young woman told the Texas lawyers that they should "stake their claim in this promising professional gold mine now and avoid the costly process of ejectment of others who have laid claims thereto." She urged them to familiarize themselves with the bureau where this administrative law is administered. She also called their attention to the fact that a certain provision which was expressed in 500 words in the original income-tax law now runs to 2,300 words.

Then she stressed the statement of Mr. Justice Frankfurter, who recently said in one of his opinions:

> The notion that because the words of a statute are plain, its meaning also is plain, is merely pernicious oversimplification.

In other words, words do not mean what they say and things are not as they appear to the naked eye and to ordinary human intelligence.

Mr. Chairman, for the reason I have stated and for many other reasons that might be stated, I hope this bill is enacted by this House as passed by the Senate. It will give a long-suffering public much-needed relief.

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. JENNINGS. I yield to the gentleman from Nebraska.

Mr. CURTIS. I will say to the gentleman from Tennessee that I shall support this measure. I think the gentleman made one point that should be well remembered, that this is only a step in establishing a government of law in these days of bureaus. I hope the time will soon come when we can standardize the procedure before all these bureaus so that the lawyer who lives near the citizen can find out what the procedure is before these various bureaus.

Mr. JENNINGS. And may represent him in a court among his own people and in his own State. It was never contemplated or intended by the founders of this Republic that the power to legislate vested in Congress should be usurped by a bunch of appointive officers here in Washington who were never elected by any constituency and never could be.

Mr. SUMNERS of Texas. Mr. Chairman, I yield myself the remainder of the time.

Mr. Chairman, this is one of the most important items of legislation that has been reported by the Committee on the Judiciary since I have been a member of that committee, and one of the most important that has been considered by this House in a long time. I do not believe any item of legislation that I know of has received broader and more earnest, patriotic consideration by so many groups of our citizenship, as well as Government agencies themselves and individuals in different branches of the Government service.

The subcommittee of the Committee on the Judiciary which had first responsibility is Subcommittee No. 3, of which the gentleman from Pennsylvania [Mr. WALTER] is the able chairman, and the gentleman from Tennessee [Mr. KEFAUVER], the gentleman from South Carolina [Mr. BRYSON], the gentleman from Massachusetts [Mr. LANE], the gentleman from Iowa [Mr. GWYNNE], the gentleman from Connecticut [Mr. TALBOT], and the gentleman from Ohio [Mr. LEWIS] members of that subcommittee, have done a fine job, as has the entire membership of the Judiciary Committee. There have been differences of opinion, but in the main they have been composed during the long consideration of the legislation.

An interesting historical fact about this bill is that the American Bar Association began to manifest interest in this type of legislation as far back as 1935. William L. Ransom was then its president. Through the intervening administration of Presidents Frederick H. Stinchfield, Arthur T. Vanderbilt, Frank J. Hogan, Charles A. Beardsley, Jacob M. Lashly, Walter A. Armstrong, George Maurice Morris, Joseph W. Henderson, David A. Simmons, and Willis Smith that interest has continued reaching out into all parts of the country, resulting in invaluable contributions toward this final result. In this connection I want to mention with especial appreciation the service of Mr. Carl McFarland, chairman of the special administrative law committee of the American Bar Association, and his associates on that committee, Messrs. Albert Ewing, Jr., Aaron Ford, Reuben Hall, Ralph M. Hoyt, Charles E. Lane, Harry J. McClean, W. James Macintosh, Clarence A. Miller, Roland F. O'Bryen, George Rossman, Mayo A. Shattuck, Julius C. Smith, Sylvester C. Smith, Jr., and Burt J. Thompson. And to this list I want to add Mr. Ashley Sellers, who represented the Attorney General. This legislation has been examined by more different groups of people than any other I know of, and a remarkable unanimity of attitude has been worked out.

As far as I am concerned, I hope that much of this power that is being administered by the Federal Government through these agencies can be got rid of entirely and that some of the rest be sent back into the States. But after that is done there will remain, of course, necessary Federal powers in Federal agencies. This bill seeks to bring the exercise of these powers into the general pattern of democratic government. In framing this bill there has been caution not to incorporate provisions which would reduce the efficiency of these agencies which must be depended upon to render important public service. It is believed that has been done. In fact, this bill, it seems generally agreed, goes far in the right direction—as far as we can safely go, at least until we shall have got the guidance of experience. The gentleman from Pennsylvania [Mr. WALTER] and the members of his subcommittee have rendered a great public service. I hope the bill will be unanimously passed, and without amendment.

I very much hope and expect that this bill will be accepted by the House as it has been reported by the committee. There is every reason to believe that the modifications of the Senate bill which are incorporated in this bill will be satisfactory to the Senate; that there will be early action by that body; that the President will promptly approve; and this important, long-needed legislation will soon be on the statute books.

Mr. WALTER. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. RANKIN].

ICKES THE "OPTOMIST"

Mr. RANKIN. Mr. Chairman, our old friend Harold L. Ickes, seems to be going "hay wire."

He seems to think he is Secretary of the Ex-terior, and is constantly shadowboxing with himself.

The other night he attended a Negro banquet downtown and made a speech in which he attacked the white people of the South, especially of Mississippi, and more especially of my congressional district.

He is quoted as having said that I was elected by only 3 percent of the voters of the district.

Of course, every intelligent man knows that in those States where we have no opposition in the general election the vote is always light.

The next day, after his speech, two Negroes were discussing it out here on

the streets. One of them said: "You know what's the matter wid Mr. Ikus?"

The other one asked, "What you think is wrong wid 'im?"

"Well," he said, "he seems to be puffed up wid his own consequences."

The other one said, "You's wrong; Mr. Ikus is just an optomist."

The first one asked: "What is a optomist?"

The other one said: "An optomist is a fella 't just don't give a damn what happens, so it don't happen to him."

The CHAIRMAN. The Clerk will read.

The Clerk read, as follows:

Be it enacted, etc., That this act may be cited as the "Administrative Procedure Act."

With the following committee amendment:

Strike out all after the enacting clause and insert:

"TITLE

"SECTION 1. This act may be cited as the 'Administrative Procedure Act.'

"DEFINITIONS

"SEC. 2. As used in this act—

"(a) Agency: 'Agency' means each authority (whether or not within or subject to review by another agency) of the Government of the United States other than Congress, the courts, or the governments of the possessions, Territories, or the District of Columbia. Nothing in this act shall be construed to repeal delegations of authority as provided by law. Except as to the requirements of section 3, there shall be excluded from the operation of this act (1) agencies composed of representatives of the parties or of representatives of organizations of the parties to the disputes determined by them, (2) courts martial and military commissions, (3) military or naval authority exercised in the field in time of war or in occupied territory, or (4) functions which by law expire on the termination of present hostilities, within any fixed period thereafter, or before July 1, 1947, and the functions conferred by the following statutes: Selective Training and Service Act of 1940; Contract Settlement Act of 1944; Surplus Property Act of 1944.

"(b) Person and party: 'Person' includes individuals, partnerships, corporations, association, or public or private organizations of any character other than agencies. 'Party' includes any person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, in any agency proceeding; but nothing herein shall be construed to prevent an agency from admitting any person or agency as a party for limited purposes.

"(c) Rule and rule making: 'Rule' means the whole or any part of any agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or to describe the organization, procedure, or practice requirements of any agency and includes the approval or prescription for the future of rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services or allowances therefor or of valuations, costs, or accounting, or practices bearing upon any of the foregoing. 'Rule making' means agency process for the formulation, amendment, or repeal of a rule.

"(d) Order and adjudication: 'Order' means the whole or any part of the final disposition (whether affirmative, negative, injunctive, or declaratory in form) of any agency in any matter other than rule making but including licensing. 'Adjudication' means agency process for the formulation of an order.

"(e) License and licensing: 'License' includes the whole or part of any agency permit, certificate, approval, registration, charter, membership, statutory exemption or other form of permission. 'Licensing' includes agency process respecting the grant, renewal, denial, revocation, suspension, annulment, withdrawal, limitation amendment, modification, or conditioning of a license.

"(f) Sanction and relief: 'Sanction' includes the whole or part of any agency (1) prohibition, requirement, limitation, or other condition affecting the freedom of any person; (2) withholding of relief; (3) imposition of any form of penalty or fine; (4) destruction, taking, seizure, or withholding of property; (5) assessment of damages, reimbursement, restitution, compensation, costs, charges, or fees; (6) requirement, revocation, or suspension of a license; or (7) taking of other compulsory or restrictive action. 'Relief' includes the whole or part of any agency (1) grant of money, assistance, license, authority, exemption, exception, privilege, or remedy; (2) recognition of any claim, right, immunity, privilege, exemption, or exception; or (3) taking of any other action upon the application or petition of, and beneficial to, any person.

"(g) Agency proceeding and action: 'Agency proceeding' means any agency process as defined in subsections (c), (d), and (e) of this section. 'Agency action' includes the whole or part of every agency rule, order, license, sanction, relief, or the equivalent or denial thereof, or failure to act.

"PUBLIC INFORMATION

"SEC. 3. Except to the extent that there is involved (1) any function of the United States requiring secrecy in the public interest or (2) any matter relating solely to the internal management of an agency—

"(a) Rules: Every agency shall separately state and currently publish in the Federal Register (1) descriptions of its central and field organization delegations by the agency of final authority and the established places at which, and methods whereby, the public may secure information or make submittals or requests; (2) statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal or informal procedures available as well as forms and instructions as to the scope and contents of all papers, reports, or examinations; and (3) substantive rules adopted as authorized by law and statements of general policy or interpretations formulated and adopted by the agency for the guidance of the public, but not rules addressed to and served upon named persons in accordance with law. No person shall in any manner be required to resort to organization or procedure not so published.

"(b) Opinions and orders: Every agency shall publish or, in accordance with published rule, make available to public inspection all final opinions or orders in the adjudication of cases (except those required for good cause to be held confidential and not cited as precedents) and all rules.

"(c) Public records: Save as otherwise required by statute, matters of official record shall in accordance with published rule be made available to persons properly and directly concerned except information held confidential for good cause found.

"RULE MAKING

"SEC. 4. Except to the extent that there is involved (1) any military, naval, or foreign affairs function of the United States or (2) any matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts—

"(a) Notice: General notice of proposed rule making shall be published in the Federal Register (unless all persons subject thereto are named and either personally served or otherwise have actual notice thereof in accordance with law) and shall include (1) a statement of the time, place, and nature of public rule-making proceedings; (2) reference to the authority under which the rule is proposed; and (3) either the terms or substance of the proposed rule or a description of the subjects and issues involved. Except where notice or hearing is required by statute, this subsection shall not apply to interpretative rules, general statements of policy, rules of agency organization, procedure, or practice, or in any situation in which the agency for good cause finds (and incorporates the finding and a brief statement of the reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

"(b) Procedures: After notice required by this section, the agency shall afford interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments with or without opportunity to present the same orally in any manner, and, after consideration of all relevant matter presented, the agency shall incorporate in any rules adopted a concise general statement of their basis and purpose. Where rules are required by statute to be made on the record after opportunity for an agency hearing, the requirements of sections 7 and 8 shall apply in place of the provisions of this subsection.

"(c) Effective dates: The required publication or service of any substantive rule (other than one granting or recognizing exemption or relieving restriction or interpretative rules and statements of policy) shall be made not less than 30 days prior to the effective date thereof except as otherwise provided by the agency upon good cause found and published with the rule.

"(d) Petitions: Every agency shall accord any interested person the right to petition for the issuance, amendment, or repeal of a rule.

"ADJUDICATION

"SEC. 5. In every case of adjudication required by statute to be determined on the record after opportunity for an agency hearing, except to the extent that there is involved (1) any matter subject to a subsequent trial of the law and the facts de novo in any court; (2) the selfection or tenure of an officer or employee of the United States other than examiners appointed pursuant to section 11; (3) proceeding in which decisions rest solely on inspections, tests, or elections; (4) the conduct of military, naval, or foreign-affairs functions; (5) cases in which an agency is acting as an agent for a court; and (6) the certification of employee representatives—

"(a) Notice: Persons entitled to notice of an agency hearing shall be timely informed of (1) the time, place, and nature thereof; (2) the legal authority and jurisdiction under which the hearing is to be held; and (3) the matters of fact and law asserted. In instances in which private persons are the moving parties, other parties to the proceeding shall give prompt notice of issues controverted in fact or law; and in other instances agencies may by rule require responsive pleading. In fixing the times and places for hearings, due regard shall be had for the convenience and necessity of the parties or their representatives.

"(b) Procedure: The agency shall afford all interested parties opportunity for (1) the submission and consideration of facts, argument, offers of settlement, or proposals of adjustment where time, the nature of the proceeding, and the public interest permit, and (2) to the extent that the parties are unable so to determine any controversy by consent, hearing, and decision upon notice and in conformity with sections 7 and 8.

"(c) Separation of functions: The same officers who preside at the reception of evidence pursuant to section 7 shall make the recommended decision or initial decision

required by section 8 except where such officers become unavailable to the agency. Save to the extent required for the disposition of ex parte matters as authorized by law, no such officer shall consult any person or party on any fact in issue unless upon notice and opportunity for all parties to participate; nor shall such officer be responsible to or subject to the supervision or direction of any officer, employee, or agent engaged in the performance of investigative or prosecuting functions for any agency. No officer, employee, or agent engaged in the performance of investigative or prosecuting functions for any agency in any case shall, in that or a factually related case, participate or advise in the decision, recommended decision, or agency review pursuant to section 8 except as witness or counsel in public proceedings. This subsection shall not apply in determining applications for initial licenses or to proceedings involving the validity or application of rates, facilities, or practices of public utilities or carriers; nor shall it be applicable in any manner to the agency or any member or members of the body comprising the agency.

"(d) Declaratory orders: The agency is authorized in its sound discretion, with like effect as in the case of other orders, to issue a declaratory order to terminate a controversy or remove uncertainty.

"ANCILLARY MATTERS

"SEC. 6. Except as otherwise provided in this act—

"(a) Appearance: Any person compelled to appear in person before any agency or representative thereof shall be accorded the right to be accompanied, represented, and advised by counsel or, if permitted by the agency, by other qualified representative. Every party shall be accorded the right to appear in person or by or with counsel or other duly qualified representative in any agency proceeding. So far as the orderly conduct of public business permits, any interested person may appear before any agency or its responsible officers or employees for the presentation, adjustment, or determination of any issue, request, or controversy in any proceeding (interlocutory, summary, or otherwise) or in connection with any agency function. Every agency shall proceed with reasonable dispatch to conclude any matter presented to it except that due regard shall be had for the convenience and necessity of the parties or their representatives. Nothing herein shall be construed either to grant or to deny to any person who is not a lawyer the right to appear for or represent others before any agency or in any agency proceeding.

"(b) Investigations: No process, requirement of a report, inspection, or other investigative act or demand shall be issued, made, or enforced in any manner or for any purpose except as authorized by law. Every person compelled to submit data or evidence shall be entitled to retain or, on payment of lawfully prescribed costs, procure a copy or transcript thereof, except that in a nonpublic investigatory proceeding the witness may for good cause be limited to inspection of the official transcript of his testimony.

"(c) Subpenas: Agency subpenas authorized by law shall be issued to any party upon request and, as may be required by rules of procedure, upon a statement or showing of general relevance and reasonable scope of the evidence sought. Upon contest the court shall sustain any such subpena or similar process or demand to the extent that it is found to be in accordance with law and, in any proceeding for enforcement, shall issue an order requiring the appearance of the witness or the production of the evidence or data within a reasonable time under penalty of punishment for contempt in case of contumacious failure to comply.

"(d) Denials: Prompt notice shall be given of the denial in whole or in part of any written application, petition, or other request of any interested person made in connection with any agency proceeding. Except in affirming a prior denial or where the denial is self-explanatory, such notice shall be accompanied by a simple statement of procedural or other grounds.

"HEARINGS

"SEC. 7. In hearings which section 4 or 5 requires to be conducted pursuant to this section—

"(a) Presiding officers: There shall preside at the taking of evidence (1) the agency, (2) one or more members of the body which comprises the agency, or (3) one or more examiners appointed as provided in this act; but nothing in this act shall be deemed to supersede the conduct of specified classes of proceedings in whole or part by or before boards or other officers specially provided for by or designated pursuant to statute. The functions of all presiding officers and of officers participating in decisions in conformity with section 8 shall be conducted in an impartial manner. Any such officer may at any time withdraw if he deems himself disqualified; and, upon the filing in good faith of a timely and sufficient affidavit of personal bias or disqualification of any such officer, the agency shall determine the matter as a part of the record and decision in the case.

"(b) Hearing powers: Officers presiding at hearings shall have authority, subject to the published rules of the agency and within its powers, to (1) administer oaths and affirmations, (2) issue subpenas authorized by law, (3) rule upon offers of proof and receive relevant evidence, (4) take or cause depositions to be taken whenever the ends of justice would be served thereby, (5) regulate the course of the hearing, (6) hold conferences for the settlement or simplification of the issues by consent of the parties, (7) dispose of procedural requests or similar matters, (8) make decisions or recommend decisions in conformity with section 8, and (9) take any other action authorized by agency rule consistent with this act.

"(c) Evidence: Except as statutes otherwise provide, the proponent of a rule or order shall have the burden of proof. Any oral or documentary evidence may be received, but every agency shall as a matter of policy provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence and no sanction shall be imposed or rule or order be issued except upon consideration of the whole record or such portions thereof as may be cited by any party and as supported by and in accordance with the reliable, probative, and substantial evidence. Every party shall have the right to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. In rule making or determining claims for money or benefits or applications for initial licenses any agency may, where the interest of any party will not be prejudiced thereby, adopt procedures for the submission of all or part of the evidence in written form.

"(b) Record: The transcript of testimony and exhibits, together with all papers and requests filed in the proceeding, shall constitute the exclusive record for decision in accordance with section 8 and, upon payment of lawfully prescribed costs, shall be made available to the parties. Where any agency decision rests on official notice of a material fact not appearing in the evidence in the record, any party shall on timely request be afforded an opportunity to show the contrary.

"DECISIONS

"SEC. 8. In cases in which a hearing is required to be conducted in conformity with section 7—

"(a) Action by subordinates: In cases in which the agency has not presided at the reception of the evidence, the officer who presided (or, in cases not subject to subsection (c) of section 5, any other officer or officers qualified to preside at hearings pursuant to section 7) shall initially decide the case or the agency shall require (in specific cases or by general rule) the entire record to be certified to it for initial decision. Whenever such officers make the initial decision and in the absence of either an appeal to the agency or review upon motion of the agency within time provided by rule, such decision shall without further proceedings then become the decision of the agency. On appeal from or review of the initial decisions of such officers the agency shall, except as it may limit the issues upon notice or by rule, have all the powers which it would have in making the initial decision. Whenever the agency makes the initial decision without having presided at the reception of the evidence, such officers shall first recommend a decision except that in rule making or determining applications for initial licenses (1) in lieu thereof the agency may issue a tentative decision or any of its responsible officers may recommend a decision or (2) any such procedure may be omitted in any case in which the agency finds upon the record that due and timely execution of its function imperatively and unavoidably so requires.

"(b) Submittals and decisions: Prior to each recommended, initial, or tentative decision, or decision upon agency review of the decision of subordinate officers the parties shall be afforded a reasonable opportunity to submit for the consideration of the officers participating in such decisions (1) proposed findings and conclusions, or (2) exceptions to the decisions or recommended decisions of subordinate officers or to tentative agency decisions, and (3) supporting reasons for such exceptions or proposed findings or conclusions. The record shall show the ruling upon each such finding, conclusion, or exception presented. All decisions (including initial, recommended, or tentative decisions) shall become a part of the record and include a statement of (1) findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record; and (2) the appropriate rule, order, sanction, relief, or denial thereof.

"SANCTIONS AND POWERS

"SEC. 9. In the exercise of any power or authority—

"(a) In general: No sanction shall be imposed or substantive rule or order be issued except within jurisdiction delegated to the agency and as authorized by law.

"(b) Licenses: In any case in which application is made for a license required by law the agency, with due regard to the rights or privileges of all the interested parties or adversely affected persons and with reasonable dispatch, shall set and complete any proceedings required to be conducted pursuant to sections 7 and 8 of this act or other proceedings required by law and shall make its decision. Except in cases of willfulness or those in which public health, interest, or safety requires otherwise, no withdrawal, suspension, revocation, or annulment of any license shall be lawful unless, prior to the institution of agency proceedings therefor, facts or conduct which may warrant such action shall have been called to the attention of the licensee by the agency in writing and the licensee shall have been accorded opportunity to demonstrate or achieve compliance with all lawful requirements. In any case

in which the licensee has, in accordance with agency rules, made timely and sufficient application for a renewal or a new license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined by the agency.

"JUDICIAL REVIEW

"SEC. 10. Except so far as (1) statutes preclude judicial review or (2) agency action is by law committed to agency discretion—

"(a) Right of review: Any person suffering legal wrong because of any agency action, or adversely affected or aggrieved by such action within the meaning of any relevant statute, shall be entitled to judicial review thereof.

"(b) Form and venue of action: The form of proceeding for judicial review shall be any special statutory review proceeding relevant to the subject matter in any court specified by statute or, in the absence or inadequacy thereof, any applicable form of legal action (including actions for declaratory judgments or writs of prohibitory or mandatory injunction or habeas corpus) in any court of competent jurisdiction. Agency action shall be subject to judicial review in civil or criminal proceedings for judicial enforcement except to the extent that prior, adequate, and exclusive opportunity for such review is provided by law.

"(c) Reviewable acts: Every agency action made reviewable by statute and every final agency action for which there is no other adequate remedy in any court shall be subject to judicial review. Any preliminary, procedural, or intermediate agency action or ruling not directly reviewable shall be subject to review upon the review of the final agency action. Except as otherwise expressly required by statute, agency action otherwise final shall be final for the purposes of this subsection whether or not there has been presented or determined any application for a declaratory order, for any form of reconsideration, or (unless the agency otherwise requires by rule and provides that the action meanwhile shall be inoperative) for an appeal to superior agency authority.

"(d) Interim relief: Pending judicial review any agency is authorized, where it finds that justice so requires, to postpone the effective date of any action taken by it. Upon such conditions as may be required and to the extent necessary to prevent irreparable injury, every reviewing court (including every court to which a case may be taken on appeal from or upon application for certiorari or other writ to a reviewing court) is authorized to issue all necessary and appropriate process to postpone the effective date of any agency action or to preserve status or rights pending conclusion of the review proceedings.

"(e) Scope of review: So far as necessary to decision and where presented the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of any agency action. It shall (A) compel agency action unlawfully withheld or unreasonably delayed; and (B) hold unlawful and set aside agency action, findings, and conclusions found to be (1) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; (2) contrary to constitutional right, power, privilege, or immunity; (3) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; (4) without observance of procedure required by law; (5) unsupported by substantial evidence in any case subject to the requirements of sections 7 and 8 or otherwise reviewed on the record of an agency hearing provided by statute; or (6) unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court. In making the foregoing determinations the court shall review the whole record or such portions thereof as may be cited by any party, and due account shall be taken of the rule of prejudicial error.

"EXAMINERS

"SEC. 11. Subject to the civil-service and other laws to the extent not inconsistent with this act, there shall be appointed by and for each agency as many qualified and competent examiners as may be necessary for proceedings pursuant to sections 7 and 8, who shall be assigned to cases in rotation so far as practicable and shall perform no duties inconsistent with their duties and responsibilities as examiners. Examiners shall be removable by the agency in which they are employed only for good cause established and determined by the Civil Service Commission (hereinafter called the Commission) after opportunity for hearing and upon the record thereof. Examiners shall receive compensation prescribed by the Commission independently of agency recommendations or ratings and in accordance with the Classification Act of 1923, as amended, except that the provisions of paragraphs (2) and (3) of subsection (b) of section 7 of said act, as amended, and the provisions of section 9 of said act, as amended, shall not be applicable. Agencies occasionally or temporarily insufficiently staffed may utilize examiners selected by the Commission from and with the consent of other agencies. For the purposes of this section, the Commission is authorized to make investigations, require reports by agencies, issue reports, including an annual report to the Congress, promulgate rules, appoint such advisory committees as may be deemed necessary, recommend legislation, subpena witnesses or records, and pay witness fees as established for the United States courts.

"CONSTRUCTION AND EFFECT

"SEC. 12. Nothing in this act shall be held to diminish the constitutional rights of any person or to limit or repeal additional requirements imposed by statute or otherwise recognized by law. Except as otherwise required by law, all requirements or privileges relating to evidence or procedure shall apply equally to agencies and persons. If any provision of this act or the application thereof is held invalid, the remainder of this act or other applications of such provision shall not be affected. Every agency is granted all authority necessary to comply with the requirements of this act through the issuance of rules or otherwise. No subsequent legislation shall be held to supersede or modify the provisions of this act except to the extent that such legislation shall do so expressly. This act shall take effect 3 months after its approval except that sections 7 and 8 shall take effect 6 months after such approval, the requirement of the selection of examiners pursuant to section 11 shall not become effective until 1 year after such approval, and no procedural requirement shall be mandatory as to any agency proceeding initiated prior to the effective date of such requirement."

Mr. SUMNERS of Texas (during the reading of the amendment). Mr. Chairman, I ask unanimous consent that the further reading of the amendment may be dispensed with; that it be printed in the RECORD; and that any section of it may be subject to amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. KEFAUVER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KEFAUVER: On page 30, line 15, after the period, insert "any member of the bar who is in good standing and who has been admitted to the bar of the Supreme Court of the United States or of the highest court of the State of his or her residence shall be eligible to practice before any agency: *Provided, however*, That an agency shall for good cause be authorized by order to suspend or deny the right to practice before such agency."

Mr. KEFAUVER. Mr. Chairman, I discussed this amendment a few minutes ago. I think this is an important question which we ought to settle now. This bill has to go to conference and some changes will have to be made. I do not see how there can be very much objection to the inclusion of some provision relative to the establishment of a uniform system of practicing before the agencies. As the situation now exists, some agencies permit laymen to practice; some permit lawyers; some few agencies require a person to register and be introduced. I think in one or two agencies they require a person to take some kind of an examination before being admitted. In this country there is no reason in the practice before the agencies of the United States Government why a member of the bar who is in good standing and who has been admitted to the Supreme Court of the United States or to the highest court in his or her State of residence should not prima facie be eligible to practice before any agency of the Government.

Mr. GWYNNE of Iowa. Mr. Chairman, will the gentleman yield?

Mr. KEFAUVER. I yield.

Mr. GWYNNE of Iowa. Is that not provided for in section 6? The appearance is there provided for. Someone who is a lawyer and also someone who is not a lawyer.

Mr. KEFAUVER. I will say to the gentleman I have studied section 6 with that in mind. I think in the committee that we really intended to let the person choose his own lawyer to go with him before the agency and that every lawyer in good standing should be accepted. But we still do not say that that agency shall be required to accept him, if he is in good standing in the State of his residence or that he is entitled to practice. The agencies still might have artificial barriers or rules which would keep him from practicing. I think this should be included so that when the matter goes to conference it can be ironed out if my proposal is not entirely acceptable.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. KEFAUVER. I yield.

Mr. MAY. I believe that any man who holds a license to practice law in any State ought to be eligible to practice before these agencies. I am afraid the gentleman's amendment would limit it to those who are authorized to practice before the supreme court, or the court of final resort in the State in which he lives. There are many members of the bar who are admitted to practice in the State who have not been admitted to practice before the supreme court in their own State.

Mr. KEFAUVER. Of course, if they are entitled to practice before the Supreme Court of Kentucky, they would not have to be admitted to practice before

the Supreme Court of the United States before they could practice before the agency. I do not think this is too much of a requirement to ask of these people, to say that they be admitted to practice in the highest court in their State. Of course, if the agency now admits laymen or licensed lawyers who have not been admitted to the Supreme Court of the United States or to their State supreme court to practice before the agency they would continue to do so. This amendment does not say that only certain lawyers shall be so entitled. It only provides for a class who shall have an absolute right to practice. If the agency allows others, they would not be excluded by this amendment.

Notice, also, the amendment gives the agency a right to suspend or deny the right if it has good reason for so doing such as misconduct or unethical methods.

Mr. HANCOCK. Mr. Chairman, will the gentleman yield?

Mr. KEFAUVER. I yield to the gentleman from New York, who has introduced legislation heretofore to cover this point.

Mr. HANCOCK. I did, in the Seventy-eighth and again in the Seventy-ninth Congress. I know it is controversial. I dislike to jeopardize this bill by putting on an amendment which I regard as controversial, which may possibly cause delay, and may defeat the bill. I have heard from a number of these agencies and departments downtown strongly opposed to my bill. Let us bring that out as a separate proposition. Let us have hearings on it and let us come to the House with that definition. Let us not muddy up the waters on this bill. We have got this bill in shape to be passed and approved by the President and to become law. I am very much opposed to the gentleman's amendment, although I proposed it myself as a separate bill.

Mr. KEFAUVER. I do not think there is anything so complicated about it that it cannot be worked out in conference. Perhaps this is not exactly the right language but there should not be difficulty in working out a satisfactory provision.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. KEFAUVER. I yield.

Mr. DONDERO. I was impressed with the gentleman's amendment, but I rose to ask this question: What happens in the case of an attorney admitted to the bar within the District of Columbia but who has no certificate either before the highest court of the State of his residence or of the United States Supreme Court?

Mr. KEFAUVER. Of course, members of the bar of the District of Columbia are usually members of the United States Supreme Court. If they are not they could still practice before the agencies if they can now.

Mr. DONDERO. They must be admitted here?

Mr. KEFAUVER. Yes.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. FORAND. Mr. Chairman, I ask unanimous consent that the gentleman may have 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Rhode Island?

Mr. WALTER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. WALTER. Mr. Chairman, I rise in opposition to the amendment.

It is indeed unfortunate that the gentleman from Tennessee [Mr. KEFAUVER] brings up this very important and complicated question at this late moment. After all, the committee having this measure under consideration for many months, considered all phases of this problem. As the distinguished gentleman from New York [Mr. HANCOCK], has said, what the gentleman from Tennessee [Mr. KEFAUVER], proposes is something that should be the subject matter of separate legislation.

I would like to call the attention of the House to the language with respect to eligibility:

> Every member shall be accorded the right to appear in person or by or with counsel—

Now that is mandatory—

> or other duly qualified representative in any agency proceeding.

It certainly seems to me that anyone duly qualified may under this language appear to practice before any agency; and I am afraid that if we set up the standards suggested by the gentleman from Tennessee that instead of making it necessary for an agency to permit anyone duly qualified to appear, we might exclude people who have for the purpose of particular litigation been retained.

Mr. MATHEWS. Mr. Chairman, will the gentleman yield?

Mr. WALTER. I yield.

Mr. MATHEWS. I am interested to know the gentleman's own definition of the word "counsel." It seems to me it might not be limited to legal counsel, or it might include legal counsel and something else.

Mr. WALTER. The gentleman has suggested one of the fields into which we might well stray. What the committee meant by that was a member of the bar.

Mr. MATHEWS. The bill does not say so.

Mr. FORAND. Mr. Chairman, will the gentleman yield?

Mr. WALTER. I yield.

Mr. FORAND. Is it the intent of the committee that because a person is not a member of the bar he would not be permitted to appear before an agency?

Mr. WALTER. Of course not, and we say so in the bill. We have taken care of certified public accountants and other experts who have been practicing for years before particular agencies.

Mr. FORAND. In other words, they need not be lawyers.

Mr. WALTER. That is right.

Mr. SUMNERS of Texas. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I very much hope we will not adopt this proposed amendment. It is now demonstrated that it is highly controversial.

This bill has been worked on for a very long time. Many many groups of people have contributed and are tremendously interested in it, the whole country is and I know most of us on the committee hope we can vote this bill out without amendment and let it go back to the Senate where there is every reason to expect the final act of its congressional progress will be completed the President will sign it and it will be a part of the law of the land.

Mr. JENNINGS. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, with all due deference to my distinguished and learned friend from Tennessee, I am inclined to believe that his amendment is tantamount to throwing a monkey wrench into the machinery, putting sand in the bearings and water in the gasoline. As I recall, when this measure was before the committee the gentleman did not suggest this amendment.

It reminds me of the old fellow with whom I was boarding once when I was teaching school who had been in the legislature, and he was so entranced with his experience in that body that I really believe that if he had been standing on the threshold of the new Jerusalem and were about to be ushered in and somebody had offered him another seat in the Tennessee Legislature he would have turned his back on Paradise and gone back to the legislature.

Mr. KEFAUVER. Mr. Chairman, will the gentleman yield?

Mr. JENNINGS. No; not now; I am not in a yielding mood.

He once asked me this question, "If you were a member of the legislature and wanted to kill a bill, what would you do to kill it?"

"Well," I said, "I would make a speech against it; I would talk to my colleagues and suggest the reasons why it should be rejected and try to get them to help me kill it."

"Oh," he said, "you don't know how to kill a bill."

I asked, "Uncle John, what would you do?" He said, "Introduce an amendment to kill the constitutionality of the bill."

My friend here has used this method to stop the passage of this long-needed legislation by offering an amendment that will make it obnoxious and perhaps lead to its veto by the President.

Let us vote down the amendment offered by my good friend from Tennessee.

Mr. SABATH. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, the gentleman who just preceded me criticized the gentleman from Tennessee because he did not appear before the Judiciary Committee and offer his amendment.

Mr. KEFAUVER. Mr. Chairman, will the gentleman yield?

Mr. SABATH. I yield.

Mr. KEFAUVER. I tried to get my friend from Tennessee to yield to say that for many years along with the gentleman from New York, [Mr. HANCOCK], I have had bills pending on this very matter. I happen to be a member of the subcommitte and talked about this proposal with

the chairman of the subcommittee. The gentleman from Tennessee not being a member of the committee, of course, would not know that, and I am sorry that he opposes the amendment.

Mr. SABATH. Mr. Chairman, I am not a member of the committee that reported this splendid bill which I believe should pass by unanimous vote. However, I have great respect for and confidence in the gentleman from Tennessee. If he has not been before the Judiciary Committee and did not offer this amendment to that committee, it must be the only committee he did not appear before asking for legislation which he believes is in the interest of the people. He is a most active member, he possesses great intelligence and ability and deserves the appreciation of the Members of this House. I therefore regret that the gentleman who preceded me should criticize and make point of the fact that the gentleman from Tennessee was not present and did not offer the amendment. He appears before the Rules Committee very often, perhaps more often than any other member, and every time he comes before that committee he appears in the interest of legislation that is for the benefit of the masses, in the interest of good government and in the interest of good administration.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. KEFAUVER] to the committee amendment.

The amendment to the committee amendment was rejected.

Mr. WALTER. Mr. Chairman, on page 28 there is a typographical error. In line 3, after the word "the" the word "selfection" should be changed to "selection," I ask unanimous consent that the correction be made.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALTER. Mr. Chairman, on page 34, line 5, the section should be (d), not (b). I ask unanimous consent that that correction be made.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. SMITH of Virginia, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (S. 7) to improve the administraton of justice by prescribing fair administrative procedure, pursuant to House Resolution 615, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. FORAND asked and was given permission to extend his remarks in the RECORD.

Mr. TABER asked and was given permission to extend his remarks in the RECORD and include a letter he wrote to the President of the United States and to the Attorney General.

SPECIAL ORDER GRANTED

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that on Monday next, at the conclusion of the legislative program of the day and following any special orders heretofore entered, I may be permitted to address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

EXTENSION OF REMARKS

Mr. HOBBS. Mr. Speaker, I ask unanimous consent to extend my remarks at the point in the RECORD where I got permission from the committee and to include therein a letter and different indexes from the Attorney General of the United States.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. D'ALESANDRO asked and was given permission to extend his remarks in the RECORD and include a letter he wrote to Gen. Omar Bradley, also letter he wrote to a legislative committee of the House and its reply thereto.

Mr. SASSCER asked and was given permission to extend his remarks in the RECORD and include an essay which was submitted in the Nation-wide "Food plank for peace."

PROGRAM FOR NEXT WEEK

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MICHENER. I do this for the purpose of asking the majority leader what the program for tomorrow and next week will be?

Mr. McCORMACK. There will be no legislation tomorrow. I feel, however, that we ought to meet tomorrow.

Monday is District Day. One bill, H. R. 6265, is on the calendar. That is the bill that came up 2 weeks ago, and I understand that there will be no objection to it. If the stock-pile bill is disposed of today there will be no further legislation on Monday.

Tuesday we will hold memorial exercises for the deceased Members, and there will be no legislation that day.

Wednesday we will take up the third urgency deficiency bill, then House Concurrent Resolution 148, and then H. R. 2871, the Alaskan International Highway Commission.

Thursday is Memorial Day, and there will be no legislation on that day.

Friday we will take up H. R. 5674, a bill relating to protection work in connection with Yuma and Boulder Dam.

That is the program for next week.

Mr. MICHENER. With reference to tomorrow, as I understand, we will be in session for the purpose of being available if the President desires to send any request to the Congress, for legislation dealing with the terrible strike situation prevailing in the country.

Mr. McCORMACK. We will be in session tomorrow. I cannot state that it is for that reason. We will be in session tomorrow because I think it is well for us to be in session.

Mr. MICHENER. It is not usual to sit on Saturday, and in case the President does not take judicial notice of the session, I hope that the distinguished majority leader will advise the President that the House will be in session tomorrow and will be glad to receive any message dealing with this terrible strike situation.

Mr. McCORMACK. The suggestions of the gentleman from Michigan are always welcomed, but in this case I think the President will take legislative notice of the fact that we are in session, and we will be in session not because of the reason stated by the gentleman, but because the leadership feels that we should be in session tomorrow in view, I will agree, of the disturbing and alarming situation that exists, which we all hope that forward-looking, constructive, sane, common sense leadership in the best interest of the country will settle immediately.

Mr. MICHENER. I quite agree with the gentleman, and we are in exact harmony. We, on this side, will be glad to be here, and render any service we can to the administration in dealing with this critical condition.

STRATEGIC AND CRITICAL MATERIALS—NATIONAL DEFENSE

Mr. SABATH. Mr. Speaker, I call up House Resolution 626 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 752) to amend the act of June 7, 1939 (53 Stat. 811), as amended, relating to the acquisition of stocks of strategic and critical materials for national defense purposes. That after general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Military Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amend-

ments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SABATH. Mr. Speaker, this rule makes in order the consideration of the bill S. 752 as amended by the House Committee on Military Affairs. It is a unanimous report, and I think the bill will receive the unanimous approval of the House, as did the bill we just passed.

The bill provides for the acquisition of strategic and critical material for defense purposes. It authorizes the Secretary of War, the Secretary of the Navy, and the Secretary of the Interior to act in conjunction with the Army and Navy Munitions Board to acquire the needed critical materials from time to time, and to dispose of some of it which might not be needed and the disposition of which might be justified by the passage of time.

The bill authorizes for 5 years annual appropriations of $360,000,000, so that in 5 years it would provide over $1,800,000,000 with which to acquire these very strategic and critical materials.

I believe every Member is in favor of this legislation.

Mr. Speaker, I now yield 30 minutes to the gentleman from Illinois [Mr. ALLEN].

Mr. ALLEN of Illinois. Mr. Speaker, this resolution makes in order the consideration of S. 752 to amend the act of June 7, 1939 (53 Stat. 811), as amended, relating to the acquisition of stocks of strategic and critical materials for national defense purposes. That after general debate, which shall be confined to the bill for 1 hour the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

This bill was unanimously reported by the Committee on Military Affairs after full and lengthy hearings. The Rules Committee likewise reported it unanimously. After a most thorough study of its purposes and values I am convinced that this body should pass it unanimously.

Mr. Speaker, I am certain that this measure for national defense purposes has the endorsement and support of the great majority of our people. I emphasize for national defense purposes because we all realize that large battleships and the most modern military equipment cannot function, cannot be replaced without a large supply of strategic and critical material. Perhaps some unthoughtful person would mention that in the event of attack from some unseen enemy that the mining industry would commence work immediately and prove equal to the task. That is not true because it takes years for that industry to properly function in the event they are forced to close. Coming from a mining district I am convinced that they will be forced to close unless this legislation is passed. I know this will not happen because I know well that you realize that if our Nation is to be secured that we must see to it that we have a sound and healthy mining industry functioning at all times.

Mr. Speaker, I have stated that it would take years for the proper efficiency and full production in the event that we allowed our mines to close. Shut-down mines, filled with water, caved and rotted and old equipment would indeed require considerable time to bring to being. Ore reserves under such a condition would not give us good preparation in the event of war. We need stock piles that could be shipped immediately.

We must never forget that stock piles of minerals do not become obsolete. Neither do they become outmoded. There is little waste.

In the event of war, of course, manpower and machinery are of extreme importance. Stock piles and functioning mines with modern machinery would permit the assignment of tens of thousands of men to other important work.

Another thing is of grave importance. Congress must retain control over these stock piles. Congress has always done this in the past and we should follow this precedence. We have permitted the use of stock-pile materials only in war emergency. Congressional approval should be obtained before any agency should be permitted to use or release stock piles. These stock piles should be zealously guarded for the Nation's safety.

Mr. Speaker, this rule should be adopted and the bill pass without delay.

Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. MURRAY] and ask unanimous consent that he may speak out of order.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MURRAY of Wisconsin. Mr. Speaker, once more I want to call to the attention of the House exactly what is taking place in this country. Yesterday I offered to yield to any Member on either side of the aisle for them to tell me if in their mind it makes sense to have one agency of our Government telling the cattle owners of this country that they could not have any feed; and to have another agency telling them they could not kill the cattle; and the propaganda agencies telling them they should not eat the meat even after the cattle are killed. One fact is obvious. If we have a drought the big packers will make a "killing" that will really be a "killing." The small slaughterer will still be under the heel of the OPA, no doubt. I would just like to know why it is that the big slaughterers who have dominated this meat picture ever since the beginning of this war, if not for many years before, were able to come down here and sort of write the rules themselves now find themselves under the Agriculture Department and the little slaughterers find themselves in the clutches of the OPA? There were only about 1,500 slaughterers in the United States before the war, and now there are 26,000 of them. Small operators have sprung up in many places in this country. Are the big slaughterers to be provided protective legislation? I repeat that at the present time the big slaughterers are under the guiding hand of the Department of Agriculture, and all the small slaughterers are in the clutches of the OPA. Why this discrimination? Will someone give a worthwhile answer? The meat from a big slaughterer can find its way into a black market as well as the meat from a small slaughterer. These little slaughterers are not allowed even to kill enough cattle in the communities in which they are located to furnish meat for the people in those localities. Now, that is not equity; that is not justice; that is not even common sense. It is not fair and, for that reason, I am today introducing a resolution asking that we do not have any quota on any cattle by anybody at any time that prohibits the killing of less than 500 cattle a month and 1,000 hogs a month. This will give those sections that do have the cattle at least a chance to supply their own needs and they will not be put under the economic necessity of having to have their cattle go to some big packing company some two or three hundred miles away with all the expenses incident thereto and have the meat come back to them for distribution in those communities.

In my own particular part of the country we have been able to kill local cattle and eat the meat for 100 years. Some of us have been able to survive. Now that the war is over, I do not know any reason why these local people cannot kill these cattle in their communities and eat the meat. Remember one branch of the administration does want them to feed them and yet we have another branch that does not want them to kill them. For that reason, I think that somebody, sometime, somewhere, must do something to straighten this meat situation out.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include a resolution which I am introducing today.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The resolution is as follows:

Resolution relating to quotas with respect to the slaughtering of cattle and hogs

Resolved, etc., That no quota or other slaughtering limitation shall be imposed or continued in effect, with respect to any slaughterer of animals, by the Price Administrator or by any other officer or agency of the Government under authority of any provision of law, which—

(1) in the case of a slaughterer of cattle, does not permit such slaughterer to slaughter at least 500 head of cattle per month; or

(2) in the case of a slaughterer of hogs, does not permit such slaughterer to slaughter at least 1,000 head of hogs per month; or

(3) in the case of a slaughterer of both cattle and hogs, does not permit such slaughterer to slaughter at least 500 head of cattle and 1,000 head of hogs per month.

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield?

Mr. MURRAY of Wisconsin. I yield.

Mr. CRAWFORD. The gentleman knows, of course, that a lot of these cattle which are now being shipped by the farmers to the stockyards have to be returned to the farmers because when the cattle reach the stockyards they find the quota has been exhausted. They cannot

even sell the beef in many cases. Therefore, it is not only a case of the meat going to the packer and then coming back instead of being slaughtered locally, but the situation is that there are many cases now where the livestock on the hoof has to be shipped back. This is one of the most disastrous interferences with private enterprise that I have ever heard of. I am just watching with interest to see how long the people of this country will put up with such an interference.

Mr. MURRAY of Wisconsin. May I say to my distinguished colleague from Michigan that he has brought out another important fact. Such activities by Governmental agencies add confusion to frustration. The people of this country are just getting tired of having rules, directives, and what not put out on the basis of helping a few people at the expense of the many. Their idea of America is legislation that gives everybody a chance, right straight across the board. That is their idea of the kind of Government they want to live under. That is why they want an equal opportunity with the big boys of this country. The resolution is introduced and now it is up to the administration leaders as to what they wish to do about it. If these administration leaders do not do something to correct the situation it will indicate that they are not in sympathy with the small slaughterers. As a minority Member, I have given them a constructive approach to a serious situation.

The SPEAKER. The time of the gentleman from Wisconsin [Mr. MURRAY] has expired.

EXTENSION OF REMARKS

Mr. DOLLIVER asked and was given permission to extend his remarks in the RECORD and include an editorial.

CRITICAL AND STRATEGIC MATERIALS STOCK-PILING ACT

Mr. ALLEN of Illinois. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska [Mr. CURTIS].

Mr. CURTIS. Mr. Speaker, I am very much interested in this bill that is referred to as the stock-piling bill, S. 752. It is certainly in the interest of sound economy of this country and in the interest of our national defense that we have on hand the necessary stock piles of critical and strategic materials.

I am particularly interested in the program with reference to rubber. I am pleased that the committee has inserted the language found in (b) of section 7. I hope that is administered so that it will keep alive the synthetic-rubber industry in this country and cause it to expand and grow.

During the last war and in previous wars this Nation was in an embarrassing and dangerous position because of the lack of rubber. We certainly should keep alive and keep going on a profitable basis those industries that are manufacturing synthetic rubber in this country. A great industry was built up under the leadership of a well-known Nebraskan, Bill Jeffers, the Rubber Administrator. He proved to the world that we can be self-sustaining with reference to our needs for rubber. We should continue to be self-sustaining so that in another time of national emergency we will not be dependent upon foreign shores thousands of miles away for rubber which is so essential to our transportation industry, to our national defense, and to our every-day economy.

The SPEAKER. The time of the gentleman from Nebraska has expired.

Mr. SABATH. Mr. Speaker, I yield 6 minutes to the gentleman from Virginia [Mr. SMITH].

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent to speak out of order, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SMITH of Virginia. Mr. Speaker, the President, under authority of the War Labor Disputes Act has taken over the coal mines of the country and has ordered the Secretary of the Interior, Mr. Krug, to operate those mines and make a contract with the mine unions.

Mr. Speaker, if Mr. Krug acts with courage, determination, and fairness in this matter, he will incite the admiration and respect and gratitude of the American people. If he cravenly surrenders to the demands of the labor unions holding a gun over the people of the United States and over the Government of the United States, I think his name will not go down in history as a great man.

Mr. Speaker, I do not know when we have ever had an issue that is so vital to the American people as the question of whether this Government today or tomorrow shall surrender its sovereignty to one man. That is all there is to it.

For historical purposes I think there ought to be stated on the record just what is the law, and whether Mr. Krug or the President or anyone else has the right to yield to the demands of the mine workers without violating their oath of office. For that purpose I have taken this time to cite to you the law on the subject. I am talking about the so-called much-abused Connally-Smith law. I have seen Members get up on the floor and heard them say what a terrible thing it was, and yet today when the Nation is in a crisis it is the only weapon the President has to deal with this situation. It reminds me of an old rusty Civil War gun that might be sitting in a corner behind the door. Everybody said: "Oh, that won't do any good." But when the burglar comes in you grab for it; and that is what has happened in this case.

Mr. JOHNSON of California. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I have very little time; I am sorry I cannot yield at this point.

Mr. Speaker, the War Labor Disputes Act is very specific on this subject. When it gives the President the power to take over it puts certain limitations upon him. I want to read section 4 into the RECORD:

SEC. 4. Except as provided in section 5 hereof, in any case in which possession of any plant, mine, or facility has been or shall be hereafter taken under the authority granted by section 9 of the Selective Training and Service Act of 1940, as amended, such plant, mine, or facility, while so possessed, shall be operated under the terms and conditions of employment which were in effect at the time possession of such plant, mine, or facility was so taken.

Now, let us go one step further:

SEC. 5. When possession of any plant, mine, or facility has been or shall be hereafter taken under authority of section 9 of the Selective Training and Service Act of 1940, as amended, the Government agency operating such plant, mine, or facility, or a majority of the employees of such plant, mine, or facility or their representatives, may apply to the National War Labor Board for a change in wages or other terms or conditions of employment in such plant, mine, or facility. Upon receipt of any such application, and after such hearings and investigations as it deems necessary, such board may order any changes in such wages, or other terms and conditions, which it deems to be fair and reasonable and not in conflict with any act of Congress or any Executive order issued thereunder.

Now, it is very clear that Mr. Krug under his power given him in the law has no more right to make a contract with John Lewis that is different from the contract that existed when the workers ceased working than any Member of this House has to make that contract; and if he does make that contract he makes it in violation of the law and in violation of his oath of office and in violation of the wishes and prayers of the American people.

There is something that Mr. Krug and the President can do about it under the Smith-Connally Act. Let us go to the next section. Section 6 provides:

SEC. 6. (a) Whenever any plant, mine, or facility is in the possession of the United States, it shall be unlawful for any person (1) to coerce, instigate, induce, conspire with, or encourage any person to interfere, by lockout, strike, slowdown, or other interruption, with the operation of such plant, mine, or facility, or (2) to aid any such lockout, strike, slowdown, or other interruption interfering with the operation of such plant, mine, or facility by giving direction or guidance in the conduct of such interruption, or by providing funds for the conduct or direction thereof or for the payment of strike, unemployment, or other benefits to those participating therein. No individual shall be deemed to have violated the provisions of this section by reason only of his having ceased work or having refused to continue to work or to accept employment.

Here is the crux of it:

(b) Any person who willfully violates any provision of this section shall be subject to a fine of not more than $5,000, or to imprisonment for not more than 1 year, or both.

In other words, under that act anybody who bats an eye at Mr. Krug after he takes over these plants and proceeds to operate them, and gives the least assistance, advice, financial or other kind of assistance to such a strike against the Government, this administration today has the power to put that man in jail and the American people want to see him put in jail. The American people want to see the law carried out now in this great moment of crisis, and I hope that nothing will so affect the nerve of Mr. Krug, the President, or anybody else that, having taken these plants over under this law, they will now yield the sovereignty of this Nation to John Lewis or anybody else.

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. SABATH. Mr. Speaker, I yield 5 minutes to the gentleman from Kentucky [Mr. MAY] chairman of the Committee on Military Affairs.

Mr. MAY. Mr. Speaker, in speaking on this rule which makes in order the bill, S. 752, I should like to make a few observations with respect to the work that has been done in the preparation of this legislation.

The legislation was originally considered by the Military Affairs Committee of the House in 1939 and after long hearings at that time became law. It was known as the act of June 7, 1939. The legislation was considered and passed by the Senate. In the present Congress the Senate took up the act of June 7, 1939, and has amended it.

What this bill does is to strike out everything after the enacting clause in the Senate bill, so written and passed by the Senate, and substitutes certain other provisions. I would like to say that one man perhaps more than any other member of the Military Affairs Committee of the House, and certainly more than I, is entitled to outstanding recognition and credit for this fine piece of legislation. The gentleman from North Carolina [Mr. DURHAM] was appointed by me as chairman of a subcommittee, which committee under his leadership, and I might say it was wise and unfaltering leadership, went to work, drafted and presented the legislation that is before us today, which was unanimously approved by the whole committee. No man has ever done a better job, no legislator has ever been more faithful, more industrious and diligent in an effort to present to the Congress a fine piece of legislation than the gentleman from North Carolina [Mr. DURHAM], and I pay tribute to him.

Mr. JOHNSON of California. Mr. Speaker, will the gentleman yield?

Mr. MAY. I yield to the gentleman from California.

Mr. JOHNSON of California. I think the chairman of the Military Affairs Committee ought to add the name of the gentleman from Iowa [Mr. MARTIN], because he and the gentleman from North Carolina [Mr. DURHAM] were the experts on this legislation. They really framed it together.

Mr. MAY. I pay tribute to both of them. The gentleman from Iowa [Mr. MARTIN] was particularly helpful and gave much valuable service in the preparation of this legislation. Of course, the gentleman from North Carolina [Mr. DURHAM] was chairman of the subcommittee.

This legislation provides for the acquisition of strategic and essential war materials that are not always available to this country in time of war. Everyone understands that the modern method warfare made necessary vast quantities of equipment of various kinds. As a result, war is built almost entirely upon minerals. We foresaw the approach of war and the act of 1939, amended by this bill, was vital and important in our preparation for the war we felt sure could not be avoided.

The strategic minerals concerned in this legislation are scarce in this country. There is one provision in the bill I am sure everyone is interested in and that is the one which provides for the purchase of these strategic materials out of production in this country where it can be obtained. When it cannot be obtained in this country, then they are authorized to acquire it elsewhere. It is commonly known as the law called Buy American.

When we went to work to get ready in 1939 for what we thought was an approaching war and what since has been demonstrated to be a real war, we were wholly unprepared so far as stock piling of material was concerned. We had to find these materials all over the world. At one time our supply of strategic materials was cut entirely off, shortly after the attack on Pearl Harbor when the transportation lines to the Far East had been broken, when Japan had acquired jurisdiction and control of over 2,900,000 square miles of the Pacific, including all of the strategic raw materials in that area.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

Mr. MAY. I yield to the gentleman from Arizona.

Mr. MURDOCK. I observed what the gentleman said in complimenting the chairman of our subcommittee, the gentleman from North Carolina [Mr. DURHAM], and the gentleman from Iowa [Mr. MARTIN]. That is good, and I concur in it. I know the gentleman is too modest to recall for his own benefit and credit as much history as he might in regard to this legislation. I want to recall it for him. He has had a notable part. On May 18, 1937, the gentleman now addressing us [Mr. MAY] presented a bill of this nature before the House Committee on Military Affairs, so that the gentleman himself really began on this matter prior to 1939. He was working earnestly at it in 1937 and considering the "buy American" clause at that time in the cause of national defense and the welfare of our country.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. SABATH. Mr. Speaker, I yield the gentleman one additional minute.

Mr. GRANGER. Mr. Speaker, will the gentleman yield?

Mr. MAY. I yield to the gentleman from Utah.

Mr. GRANGER. I want to say that there is no one who did more or who has a greater knowledge of what should be done in the stock piling of strategic materials than the gentleman from Kentucky now addressing us. I know the great job that he did and the anxiety he had as to whether or not we would be able to get the strategic materials we needed and the great expense that was necessary in order to secure it.

Mr. MAY. Mr. Speaker, I thank these gentlemen very much for their highly extravagant and undeserved compliments to me personally. I feel that the vast amount of the work was done by the subcommittee, for which I am in no wise entitled to credit. However, Mr. Speaker, the pending legislation is of great importance at this time, and I am sure it will receive the unanimous approval of the House of Representatives.

Mr. SABATH. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. THOMASON].

Mr. THOMASON. Mr .Speaker, while passing around all these deserved compliments to the chairman of our committee, and especially the subcommitee that wrote this particular bill, I would like to join the chairman in expressing regret at the enforced absence today of the chairman of the subcommittee, the gentleman from North Carolina [Mr. DURHAM]. I also join in the compliments paid to the gentleman from Iowa [Mr. MARTIN]. At the same time I would not want the House to forget the fine work done by all of the members of the subcommittee, including the gentleman from Pennsylvania [Mr. FENTON] and the gentleman from California [Mr. JOHNSON]. I would also like to add that among the very first and most ardent advocates of legislation to build up stock piles was the gentleman from Arizona [Mr. MURDOCK] and the gentleman from Utah [Mr. GRANGER]. All the gentlemen I have mentioned worked long and hard on this very necessary and constructive legislation.

I anticipate no opposition to this bill because it has been carefully worked out. I am sure that every Member joins in a feeling of gratitude that such legislation was enacted as far back as 1939, because, in view of the terrible war through which this country has only recently passed, followed by a great victory, I do not know where our armed forces would have been but for a fairly adequate supply of strategic materials and supplies that was obtained in this country as far as possible and those that could not be obtained were imported.

The chairman has already made reference to some of the provisions of the bill and contrasted the pending bill with the one that passed the Senate. I would like, in order to get right down to the point of this legislation, to quote just a few lines from the report which expresses the situation far better than I can. The report on page 5 states as follows:

(1) Instead of establishing a new agency to administer the stock-piling program, we have provided for administration by the Secretary of War and the Secretary of the Navy, as in the original 1939 act.

(2) Instead of authorizing appropriations without limit, we have limited the authorization to $1,800,000,000, with a specific limitation to $360,000,000 in each of the next five fiscal years.

(3) Instead of requiring that funds received on account of sales of materials be covered into the Treasury as miscellaneous receipts, we have provided that any such funds shall remain available for expenditure under the stock-pile program.

(4) We have deleted a section in the Senate bill which would have permitted duty-free importation of materials purchased from foreign sources for stock piling.

That just about sizes up the material features of this bill, that will keep this great program in effect.

The bill sets up no new board. It leaves the stock-piling authority exactly where it is now. It places in the Army-Navy Munitions Board, which has done such a fine piece of work, the authority and the discretion to acquire such stock piles as it deems necessary to our adequate national

defense. It also makes fair provision for the great mining industry of America, which is entitled to protection. The mining resources of this great country have hardly been touched. They are entitled not only to fair and just treatment but should also be given support and encouragement.

In that connection, I may say that this bill not only comes to the floor of the House with a unanimous report of the committee, but I think it meets with the approval of the mining industry of this country, so I anticipate no opposition to it.

It is sad but true that we are still living in a very sick world. We all hope and pray that there will never be another war, but in view of the present world conditions it is not only the unanimous opinion of the committee but likewise of the heads of our Army and Navy that we must never again be caught short as we were back in 1937, 1938, 1939, and 1940, and down until the time of Pearl Harbor. We must not again gamble with our security. We must at all times be prepared and that means we must have on hand at all times an adequate stock pile of strategic minerals and supplies. I hope and I feel confident that this bill will pass the House exactly as reported by the committee.

Mr. ALLEN of Illinois. Mr. Speaker, I yield such time as he may desire to the gentleman from Oregon [Mr. ANGELL].

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include certain excerpts.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. ANGELL. Mr. Speaker, I am deeply interested in S. 752, now under discussion. I believe there is no one subject that merits greater consideration in the discussion of our national defense and keeping prepared for any emergencies that may arise. Sections 8, 9, and 10 of the bill provide as follows:

SEC. 8. For the procurement, transportation, maintenance, rotation, storage, and refining or processing of the materials to be acquired under this act, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,800,000,000: *Provided*, That not more than the sum set out opposite each of the following fiscal years shall be appropriated for such purposes during such fiscal year:

Fiscal year 1946–47 $360,000,000.
Fiscal year 1947–48, $360,000,000.
Fiscal year 1948–49, $360,000,000.
Fiscal year 1949–50, $360,000,000.
Fiscal year 1950–51, $360,000,000.

The funds so appropriated, including the funds heretofore appropriated, shall remain available to carry out the purposes for which appropriated until expended, and shall be expended under the joint direction of the Secretary of War and the Secretary of the Navy.

SEC. 9. Any funds heretofore or hereafter received on account of sales or other dispositions of materials under the provisions of this act shall be deposited to the credit, and be available for expenditure for the purposes, of any appropriation available at the time of such deposit, for carrying out the provisions of sections 1 to 6, inclusive, of this act.

SEC. 10. This act may be cited as the "Strategic and Critical Materials Stock Piling Act."

I quote from the report of the committee on this bill as follows:

(1) Instead of establishing a new agency to administer the stock-piling program, we have provided for administration by the Secretary of War and the Secretary of the Navy, as in the original 1939 act.

(2) Instead of authorizing appropriations without limit, we have limited the authorization to $1,800,000,000, with a specific limitation to $360,000,000 in each of the next five fiscal years.

(3) Instead of requiring that funds received on account of sales of materials be covered into the Treasury as miscellaneous receipts, we have provided that any such funds shall remain available for expenditure under the stock-pile program.

(4) We have deleted a section in the Senate bill which would have permitted duty-free importation of materials purchased from foreign sources for stock piling.

We have used the term "strategic and critical materials" instead of "strategic materials." The former term is used in the title and in the first section of the Senate bill, as well as in the original 1939 act. It is defined in the report of the Army and Navy Munitions Board submitted to the Congress under date of January 2, 1945 (S. Doc. No. 5, 79th Cong., 1st sess.) and has an accepted significance.

Mr. Speaker, as far back as May 8, 1940—volume 86, part 5, CONGRESSIONAL RECORD, page 5786—I addressed the House at some length on this important subject, calling attention to the critical situation that faced us with reference to the dearth of certain critical and strategic materials. I am including the remarks I made at that time in the discussion today as much of the material I gathered bears directly on the bill now under consideration and shows the necessity of enacting legislation of this character. The remarks I made at that time are as follows:

A COMMERCIAL, ECONOMIC, SOCIAL, AND DEFENSE ANALYSIS OF STRATEGIC AND CRITICAL MINERAL PROBLEM

Mr. Speaker, the importation of strategic and critical minerals is a national problem of sizable proportions. Aside from the interest in, and the necessity for providing for the common defense, this mineral situation has pretentious economic, commercial, and social aspects. This mineral importation represents an average annual value of about 86 percent of the total metal production in the United States. It also represents an employment displacement equal in number to our total direct metal-mining wage earners.

Raw mineral ores—metallic and nonmetallic—and synthetic agricultural products, constitute the base on which modern industrial activity rests. What we now see in Scandanavia is a struggle for the control of iron ore, which is perhaps the principal industrial metallic material.

Congress is appropriating large sums for military and naval expansion. How effective will these appropriations be unless we remove the bottlenecks created by a deficiency of strategic and critical materials? To make these defense appropriations more effective, we must definitely solve this material problem. Aside from being our principal defense problem, it is one of our outstanding commercial, economic, and social questions. Nationally we need to know where we stand.

I have long thought of coupling Bonneville with the latent resources of the Northwest. This is the motivating reason for my research in this field. My study confirms this early judgment, but at the same time impresses me with the seriousness of the national problem.

HISTORY OF THE PROBLEM

Mr. Speaker, this is no new problem. We first knew of it from our unfortunate and demoralized industrial experience in World War I. We then became suddenly aware of our lack of essential materials. In a quick attempt to cure the situation we hastily conceived and executed a wasteful and extravagant program. Submarines and military appropriation of transports cut off the essential material sources at a time when our War and Navy Departments were speeding up the industrial machine. In 1917 we had no advance plan when the emergency struck our essential industries. Only the shortness of our active war participation saved us from industrial chaos.

In the Defense Act of 1920, Congress placed upon the Assistant Secretary of War the responsibility of providing a plan for industrial mobilization and the procurement of necessary materials. As a result of this charge, progress has been made but this planning has brought to the front our supply-base weakness.

About 1922 the War Department sought the suggestions of a joint committee from the two national mining societies. In 1924 this joint committee recommended:

First. The purchase, importation, and storage of stock piles of these strategic and critical materials.

Second. The discouragement of artificial domestic stimuli such as tariffs and subsidies.

These two suggestions were not made the base for any legislation nor was the manganese stock-pile suggestion, incorporated in the 1927 annual report of the Secretary of War, formally presented to Congress. Wartime strategic mines, with the collapse of high prices, were forced to shut down. A demand for tariff protection followed, which resulted in a mild inclusion in the Tariff Act of 1922. These duties were increased in the act of 1930. Duty on two of these materials has been reduced by reciprocal-trade agreement, namely, manganese and a special grade of mica.

In 1931 the War Department again requested a mineral report from a group of outstanding mining engineers. This group reported the same conclusions as the 1924 group, with the addition of a recommendation for concrete research by the proper Government agencies, to the end that fully demonstrated methods—for exploiting submarginal domestic deposits—may be in hand on the eve of a war emergency. In 1934 the President's Mineral Planning Committee made the same recommendations.

In 1938 the Director of the United States Bureau of Mines urged the mining industry to support the recommendations of these committees, with the additional suggestion that $500,000 be appropriated annually for investigation and study of means to use our domestic reserves as a permanent solution of the problem.

In June 1939 Congress passed the Thomas Act, authorizing $100,000,000 a year for a 4-year purchasing program of strategic minerals for stock piles. In addition, this bill authorized $500,000 annually for 4 years for investigation of domestic resources of these minerals, with the view of stimulating domestic production.

This legislation is a step in the right direction. However, it would seem that we need to go still further. Safeguarding stock piles for a long period is not practical. Nationally we need to be independent. This requires that we know what we really have, how to use submarginal deposits, and how

to develop substitute processes and materials. In short, there is a large field for research based on a real inventory of assets.

PRINCIPAL INDUSTRIAL MATERIALS

Finch and Farness, in their Analysis of the Strategic Mineral Problem, list the following principal industrial materials:

Metals: Aluminum, antimony, chromite, copper, iron, lead, manganese, mercury, nickel, tin, tungsten, zinc.

Nonmetals: Asbestos, barite, China clay, coal, fluorspar, graphite, gypsum, magnesite, mica, nitrates, petroleum, phosphates, potash, pyrites, sulfur, talc.

PRODUCTION ABILITY

As an index covering the production ability of the principal nations of the world, I am presenting table 1:

TABLE 1.—*Production ability of principal countries to supply primary industrial metals*

[Number of metallic and nonmetallic ores available and controlled, or not available for domestic consumption out of 12 primary metals and 16 primary nonmetallic ores. This table indicates number of ores but is not an index of quantity or quality]

Country	Number of metallic ores		Number of nonmetallic ores	
	Available	Not available	Available	Not available
United States	5	7	7	9
United Kingdom	10	2	13	3
France	4	8	6	10
Germany	0	12	6	10
Italy	5	7	8	8
Japan	2	10	7	9
Belgium	1	9	0	16

(Data derived from chart, p. 2, of Analysis of Strategic Mineral Problem of United States, by Finch and Furness, U. S. Bureau of Mines.)

This table only covers supply self-sufficiency of materials. It is a material number index only, and furnishes no measure of quantity or quality available in each country. However, it does show that we do not have the material independence of the United Kingdom. In number of available materials we rank next to Britain. This table also points out, impressively, the plight of Germany, Japan, and Belgium. A full understanding of this table will explain existing world-wide conditions.

STRATEGIC MATERIALS

Mr. Speaker, strategic materials are defined as those essential materials on which supply reliance must be placed on foreign resources. Critical materials can also be defined as those defense materials presenting some difficult procurement problems but of a less serious nature than the case of strategic materials. The critical-materials problem requires research and legislation to control conservation and distribution. The Munitions Board's listing of strategic and critical minerals is as follows:

Strategic minerals in order of priority: Manganese, chromium, tin, tungsten, nickel, quartz crystals, aluminum, antimony, iodine, mica, mercury.

Alphabetic list critical minerals: Abrasive, arsenic, asbestos, cadmium, copper, cryolite, fluorspar, graphite, helium, iron and steel, lead, magnesium, molybdenum, petroleum, phosphate, platinum, potash, refractories, sulfur and pyrites, titanium uranium, vanadium, zinc, zirconium.

IMPORTATIONS

Mr. Speaker, in tables 2 and 3 is presented data on the importation of strategic and critical metals. This data was independently worked out from material in Roush's Strategic Mineral Supplies, and the Mineral Year Books of the United States Bureau of Mines. Importations fluctuate from year to year because of the business cycle, and also because of importations for industrial stocks. I have, therefore, tabulated the fluctuations both in the good and lean years, and have struck off a mean value, which is the basis of these tables. I have added magnesium to the list prepared by the experts in this field. Magnesium is the metal of the future. It is lighter than aluminum and much stronger, and, in addition will furnish a limited substitute for tin products. There are extensive deposits of this basic ore in the Northwest. This metal can help solve our deficiency problem. Germany is developing magnesium for airplane construction from much lower grades of ore than are found in the Northwest.

TABLE 2.—*Strategic metals*

Metal	Unit of measurement	Long-time average apparent consumption	Long-time average apparent domestic production	Equivalent imported consumption	Average price per unit	Value of average imports
Bauxite ore (aluminum)	Metric ton	540,000	320,000	220,000	$6.50	[1] $1,430,000
Antimony	do	12,360	2,050	10,310	[2] .11	2,500,000
Chromium	do	188,300	7,800	181,500	24.00	[3] 7,200,000
Iodine	Pound	1,349,000	274,000	1,075,000	1.00	[4] 1,075,000
Manganese	Metric ton	561,400	41,400	520,000	16.70	[5] 8,700,000
Magnesium	Short ton			14,000	300.00	[6] 4,200,000
Mercury	Pound	2,038,000	1,071,000	960,000	[7] 91.00	[7] 1,150,000
Mica	Short ton			5,260		[8] 921,000
Nickel	do	22,500	300	22,200	700.00	15,540,000
Tin	Long ton	63,500	(10)	63,500	[2] .45	63,800,000
Platinum	Troy ounce	229,000	46,000	183,000	28.50	5,220,000
Tungsten	Short ton	3,225	1,225	2,000	1,075.00	2,150,000
Total						113,886,000

[1] 14-year average, since time that domestic ore production was curtailed.
[2] Per pound.
[3] Chromium consumption has materially increased in last few years. The figures presented represent modern use, since advent of stainless steel.
[4] Last 6-year average, since the start of American production.
[5] Taken from value of imports, rather than unit price as manganese content of ore varies widely.
[6] Estimated on basis of modern development.
[7] Per flask.
[8] Based on commercial flasks of 76 pounds.
[9] Based on total difference of imports and exports. There are so many different grades of mica imported that a single price will not be representative of all mica importations.
[10] Practically none.

NOTE.—Consumption, imports, and prices fluctuate from year to year. These tabular quantities do not represent any specific year, but are a composite average of boom and depression years derived from graphs platted from data given in the mineral yearbooks and Rusch's Strategic Minerals in order to set a composite average-apparent long-time average, and to eliminate fluctuations resulting from stocking imports.

TABLE 3.—*Critical minerals—Value of imports*

Minerals:	
Abrasives	$5,768,500
Arsenic	723,400
Asbestos	8,315,400
Cadmium	1,080,000
Copper	[1] 24,000,000
Cryolite	1,134,000
Fluorspar	390,000
Graphite	560,000
Lead	656,000
Molybdenum	59,000
Phosphate	2,585,000
Potash	16,850,000
Titanium, uranium, vanadium	811,000
Zinc and zirconium	800,000
Total	63,723,300

[1] Estimated on basis of 480,000,000 pounds, at 5 cents per pound.

It will be noted that the annual mean importations of strategic and critical minerals total $177,600,000. When this total is compared with the total annual value of the products of metal mines in the United States the significance of this problem is apparent. The 1935 value of products of all metal-mining industries in the United States is given by the United States Department of Commerce as $206,000,864.

MINING EMPLOYMENT

Mr. Speaker, there is a direct relationship between the value of mining products and the number of employed wage earners. To show this relationship I have compiled table 4 from data in the Department of Commerce's 1939 edition of Industrial Market Data Handbook of the United States.

TABLE 4.—*Relationship, value of products, and number of wage earners; metal mining*

State	Value of product	Expenditures for materials and supplies	Number of wage earners
California	$30,550,658	$7,422,051	12,021
Colorado	12,988,490	5,113,780	5,574
Idaho	14,137,081	2,934,283	3,754
Montana	25,481,248	9,067,192	6,950
Nevada	12,120,855	3,492,498	3,663
Oregon	1,776,157	660,543	1,321
Utah	20,728,634	4,584,636	4,528
	117,783,123	33,274,983	37,811

Composite averages:

Number mine wage earners per million value of products	321
Expenditures materials and supplies per million of product	$283,000
Employment of materials and supplies per million of products	46
Total wage earners in mining and fabrication of mining supplies per million-dollar value of mining product	367

Calculated from statistical data in U. S. Department of Commerce's Industrial Market Data Handbook, 1939 edition.

Based on the given relationship between value of products and employment, the direct wage earners displaced by the importation of strategic and critical minerals is as follows:

Direct wage earners in mines	57,200
Wage earners represented by materials used in mines	8,200
Total displaced direct wage earners	65,400

This direct displacement is 25 percent higher than the total industrial employment in the

State of Oregon. The industries of Oregon, on the average, give employment to 52,200 wage earners and produce an annual pay roll of $53,070,000 and products valued at $265,437,000. This comparison points out the large possibilities inherent in the development of the latent resources of the Northwest.

INDIRECT PAY ROLL

For every person gainfully employed in mining or industry, there is, conservatively, at least 2 to 3 persons gainfully employed in agriculture, construction, finance, trade transportation, and some seven other lines of major employment activities. Direct employment in mine or factory induces employment in other lines. To show this relationship, I am presenting table 5.

TABLE 5.—*Distribution of United States employment*

	Equivalent full-time employment	Percent of total
Agriculture	9,925,000	24.0
Construction	719,000	1.7
Finance and government	3,128,000	7.5
Manufacturing	[1] 8,512,000	20.6
Mining (all mining)	[2] 745,000	1.8
Railroads	[3] 1,014,000	2.4
Trade	6,572,000	15.9
Services	6,562,000	15.9
Utilities:		
Electric	[4] 245,000	.6
Electric railway, telephone and telegraph	[4] 580,000	1.4
Other	1,379,000	3.3
Miscellaneous	2,030,000	4.9
Total	41,411,000	100.0

[1] This figure is slightly higher than that reported by the U. S. Department of Commerce in Industrial Market Data Handbook for 1935. This difference is due to including in the figure presented herewith average part-time employment.

[2] This figure checks substantially with U. S. Department of Commerce figures for 1935.

[3] From 1935 report Interstate Commerce Commission.

[4] Estimated from data presented in Moody's Manual of Public Utilities.

This table presents the best guide as to the part played by each section of the over-all employment sources in the national economy.

Based on chart IV, Structure American Economy, June 1939, National Resources Committee, p. 63.

Ratio of employment in different sections per industrial employee:

Agriculture	1.16
Railroad	.12
Trade	.77
Services, personal	.77
Sum of principal other employment sources	2.82
Ratio of industrial employment to all other employment sources	4.86

The modern key which can unlock the door leading to the storehouse of latent resources is electrometallurgical, electrochemical, and electrothermal processes. Cheap hydroelectric power is the Northwest's greatest resource. If wisely used, it will become a national, as well as a great local asset. Electric processes can make the opening of mines possible. Opening mines will furnish materials for basic industrial development. Basic industries which use large amounts of power induce secondary industries which are large users of manpower but smaller users of mechanical power. In addition to latent minerals the Northwest has vast forestry and agricultural resources. The same energy methods can be applied to forestry and agricultural wastes and products.

The lack of metallurgical coke has kept iron and steel industries from locating in the Northwest. Recently developed processes point out the way to manufacture synthetic coke from wood wastes. Any mining and industrial development requires collateral transportation, finance, construction, trade, and utility services, with attendant indirect employment. The starting point in this development lies in tying together the energy sources and the latent products of the ground. We need to open mines and establish basic industries, and use waste forest and agricultural products.

NITROGEN

Mr. Speaker, during the last World War nitrogen and its compounds was No. 1 on the list of strategic materials. Four years ago this element was transferred from the strategic list to the critical list. Last year it was removed from the critical list because of progress made in synthetic production from the air.

The nitrogen situation furnished an illuminating example in what can be accomplished by research and investigation, and points out a definite avenue of approach in our present situation. The largest uses of nitrogen are for explosives and fertilizer. Practically the entire supply of the world's mineral nitrogen was concentrated in Chili, under monopolistic control. Foreign ownership early realized the importance of control both of production and trade routes. German capital then owned one-third of these nitrogen ores.

Space does not permit repeating the history of the political and commercial struggle over this Chilean ore. The 1914 British-German naval battle off the Falkland Islands resulted from the tussle to control the nitrate trade routes. The removal of German shipping from the high seas and the German blockade was of important military advantage to the Allies, but led to the development of synthetic processes and the overthrow of Chilean supremacy in the nitrogen industry. These facts together with the long-distance transportation and requirements of large tonnage space for the world's requirements, placed the synthetic nitrogen industry on its feet. The large concentration of this natural mineral ore is a place far removed from the consumption centers, and the world's dependence on a single remote source, induced the chemical industry to get to work on processes and substitutes.

There is very little new under the sun. All we have to do to progress is to observe, work, and experiment. From the beginning of time nature has taken nitrogen from the air. Thunderstorms and lightning have fixed nitrogen in the form of nitrogen oxide, which reaches the soil dissolved in rain. It has been estimated that each year lightning fixes 100,000,000 tons of atmospheric nitrogen, which Roush stated is 50 times the amount annually produced by man. Eighty percent of nature's fixation is lost at sea, and a large part of the remaining 20 percent falls on unproductive land. Only 2 to 9 pounds per acre annually reach tilled land, depending on the frequency of thunderstorms. When man's ingenuity went to work and imitated nature, or developed byproduct processes, or produced artificial lightning under a control system of occurrence, the air and coal mines were opened for nitrogen production. This development has been rapid and has progressed to such a point that 75 percent of the world's nitrogen requirements are now supplied from synthetic sources. The air's supply of nitrogen is unlimited.

Besides production from natural sources, there have been developed two principal synthetic sources, namely, byproducts from coke and atmospheric nitrogen. The development of byproduct coke ovens started in the depression of 1893, and by 1914 domestic byproduct nitrogen supplied one-quarter of our domestic requirements. Since the World War byproduct nitrogen production has increased rapidly. The amount of such byproduct production depends on our coke and steel requirements. The difference between our consumption and byproduct production can be supplied from atmospheric sources.

Three processes have been worked out for fixing atmospheric nitrogen. This conversion can be effected by the cyanamide process, the high-tension electric spark, or catalytic action at high temperatures and pressures in the formation of ammonia. As a war measure, Congress authorized the construction of a 40,000-short ton cyanamide plant at Muscle Shoals. This plant was completed after the armistice but has not been in operation except for test purposes. The largest cyanamide plant in existence is the 80,000-ton plant at Niagara Falls, Canada, just over our border. The first synthetic-ammonia plant was built in 1921. Nearly 90 percent of our synthetic-ammonia capacity is found in two plants at Charleston, W. Va., and Hopewell, Va. Chemical research has solved the nitrogen problem and assured our self-sufficiency in this material. This case is cited as an example we should follow.

THE REMOVAL OF OTHER MATERIAL DEFICIENCIES

Another of our World War shortages was potash, one of the three essential plant foods and a requisite in the manufacture of a number of products, including medical compounds and black gunpowder. Extensive exploration has located an inexhaustible supply in New Mexico and California. In spite of our developed potash independence, we import 350,000 tons annually to supply a consumption of 620,000 tons.

The Bureau of Mines has recently developed a new process for the production of pure electrolytic manganese, which is No. 1 on the current list of strategic metals. This process has been patented, and a use license was issued in 1938. A small manganese pilot plant is under construction in Knoxville, Tenn.

The Bureau of Mines and Washington State College have also recently developed a combined flotation and electric method for extracting magnesium metal from the lower-grade magnesite ores of the Pacific Northwest. In 1938 a method was found to protect lower-quality magnesium from corrosion. Another protective treatment has been developed through electrolysis. High-strength magnesium alloys have been produced experimentally. The Northwest Magnesite Co. has completed the construction of a 5-ton experimental plant for the beneficiation of magnesite ores. This work opens an avenue for the utilization of cheap Bonneville power for the production of magnesium from magnesite. This is a field of major proportions, and one in which great advances will be made. Magnesium can be substituted for some of the deficient metals.

The United States chemical industry was greatly stimulated by the World War. As a result of the present war, chemical industrial activity is now expanding on a world-wide basis. Synthetics in many fields are replacing natural materials, as better results have been obtained from controlled and stable processes. The most spectacular of recent developments has come in the field of plastics. For years we have imported millions of dollars' worth of natural gums, but this importation has dropped to small quantities. We are now able to manufacture high-grade synthetic gums for fibers and lacquers from agricultural products. Rayon is replacing imported silk.

What we must now consider is the commercial effect of the German ersatz progress. The soybean and castor bean will become the raw-material base for a developing plastic industry. Many natural articles now in consumer trade will be produced synthetically. We need to watch the growth of world markets for new kinds of merchandise, and the effect dispersion of political exiles from Europe, with their inventive aptitude and their skill in trading, will make on our industry and commerce. If we are to hold our place as a nation, we must go into and solve this problem in an effective way. World conditions will not permit halfway measures.

Minerals amount to about one-sixth of our total imports. Of this amount 38 percent are strategic minerals and 21 percent are critical minerals. In addition, we import about $119,000,000 in rubber. It is, therefore, apparent that a few materials occupy an important, and seemingly an indispensable, place in our world-wide over-all strategy.

In citing the advances made in synthetic production I do not want to create the impression that we are making exceptional progress. Modern industrial development has created new requirements, especially in the field of alloy steels. With the advance in technology, new requirements have come up about as fast as we have solved our older problems. Most of our rubber and tin—totaling in annual imports $188,900,000—come from the Dutch East Indies and the Malay States. The present implications are that we may have to secure rubber and tin from other sources. To protect this source of supply would require us to expend a billion dollars per year for an augmented navy. Could we not declare our indpendence in tin and rubber through technological synthetic developments? It could be done at a much lower price and keep us free from involvement in Old World affairs.

THE HANDICAP OF IMPORT RESTRICTION

Mr. Speaker, how restrictions can be placed upon us, by dependence on imports, is exemplified by the case of aluminum ore—bauxite. In the early days of the aluminum industry, domestic metal requirements were derived from domestic ores. In the interim, use of aluminum expanded sevenfold, and this industry had to seek foreign ore sources. Today one-half of our ore requirements are imported—almost entirely from British Guiana. After American exploitation in this country, a British ruling was issued limiting the use of ore on crown lands in any British territory to British capital. However, a concession was granted in the case of Guiana, provided the ore was reduced in British territory. This ruling resulted in the establishment of the large American-owned plants at Arvida and Shawinigan Falls, Quebec. We must realize that importations can impose political and commercial control by outsiders, adversely affecting our defense, employment, and commercial situation.

Bauxite deposits in the United States are small but large reserves of the submarginal ores, leucite and alunite, exist in Utah, Colorado, Wyoming, Oregon, and Washington. Further development in technology is needed for the commercial development of these submarginal ores. Occurrences of bauxite in Oregon have been reported, but further detailed surveys are needed to determine the quality and extent of these Oregon deposits.

The same situation existed as to nickel. After the *Deutschland* incident in 1915, Canada required smelting within her borders, resulting in the closing of our New Jersey nickel smelters.

MINERAL RESOURCES OF NORTHWEST

Forty-one mineral occurrences have been charted in the Pacific Northwest. This number includes 31 industrial metals, 9 of the 11 strategic metals, and 14 of the 24 critical metals. The extent and quality of all these occurrences has not been fully determined. Low-priced power for modern processes is available, and all that is needed to utilize these resources is an accurate inventory of quantity and quality of minerals and practical processes for beneficiation of the determined quality of the ores.

Under the Thomas act the United States Geological Survey and the Bureau of Mines are authorized to make the necessary surveys and investigations. With the cooperation of the State Mining Bureaus, these two Federal agencies can make a wider coverage with the given appropriations. We have heard a great deal about these occurrences. Our first step is to determine really what we have of commercial value and then concentrate on the utilization of these determined values.

The region is short of fuels and metallurgical coal. This fact has hampered past industrial development. Low-priced hydro power is more than a substitute for these fuels. Such power is the most modern tool in the industrial kit.

Over all, we have sufficient information to conclude that a substantial part of these minerals are of low grade and occur in complex ores. The treatment of such ores cannot be accomplished by established standard processes, successfully used in the East under different conditions. We need to follow up such an inventory with investigation and experiment. We need also to develop new processes in pilot plants, and to fairly protect utilization against the "sidetracking" control of monopolies. Briefly, this is the formula which will tie together the power and mineral resources of the region into a great national asset. Again I must state that there is nothing new in this formula. It is the one used in Scandinavia, where natural endowments are similar to those of the Pacific Northwest. It was the cheap and abundant hydro power of Niagara, through electric processes, that made the automotive industry of Detroit possible.

THE SOLUTION

Mr. Speaker, in an emergency the lack of strategic and critical material sources will become a great national handicap. To solve this problem we cannot afford to wait until the arrival of such an emergency. Our industrial system cannot change its operations overnight. Any adjustments must be gradual and developed under normal conditions.

Aside from being a defense question, it is one of great commercial, economic, and social proportions. A partial solution of the unemployment problem is wrapped up in this matter, and it has a sufficient pressing demand to warrant further consideration by Congress. This problem is susceptible of a number of solutions, which I am collecting and restating. The solution to adopt will depend on the material. Most likely we will find that the most advantageous program will be a combination of several or more solutions. These are:

(1) Make it possible for the Geological Survey and the Bureau of Mines, with the cooperation of the State agencies, to accumulate all available information on metal deposits.

(2) Expand surveys and samplings of reported occurrences to accurately determine extent and commercial quality of deposits.

(3) Advance processes or develop new methods for processing medium and lower grade ores, through research, experiment, and the construction of pilot plants.

(4) Increase domestic peacetime production.

(5) Adopt conservation measures for those materials where domestic reserves are definitely known to be limited.

(6) Expand recovery of secondary metals—scrap.

(7) Develop both general and limited substitutes.

(8) Build up reserve stocks, by use in other commercial channels, which can be converted to basic metals if necessary.

(9) Establish stock piles. Stocking is needed to protect immediately against the consequences of a long-delayed plan or adjustment of industry to new processes. At best, stock piles are a short-time expedient. On a long-time basis, it should not be attempted until possibilities of other solutions have been exhausted.

(10) Establish research in the collateral fields of prices, markets, cost of development, cost of operation of commercially feasible or undeveloped sources, and the accessibility and cost of transportation. [Applause.]

Mr. SABATH. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. CANNON].

Mr. CANNON of Missouri. Mr. Speaker, by direction of the committee having jurisdiction, I desire to give notice that on Wednesday I will report out the third urgency deficiency bill and call it up on the same day.

Unanimous consent is not required. The bill is privileged under the rules. As the Members of the House will recall, it was formerly the custom to consider general appropriation bills on the day on which reported, but I have always delayed consideration at least 1 day in order to give the House opportunity for a more leisurely study of the report.

However, next Tuesday is set aside for memorial services in the House, so it will be impossible to submit the report on that day. Therefore, unless there is objection at this time, I will report the bill and will call it up for consideration on the same day on which it is reported.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from Michigan.

Mr. MICHENER. Is that agreeable to the gentleman from New York [Mr. TABER], the ranking Republican on the committee?

Mr. CANNON of Missouri. Yes. I have taken the matter up with him and notified him that I would make this request, and it has his approval.

Mr. MICHENER. My understanding was that there were not to be any controversial matters considered on Wednesday.

Mr. CANNON of Missouri. I do not believe the gentleman will find anything controversial in this bill. It carries urgent deficiencies which must be provided for before the end of the fiscal year.

Mr. MICHENER. If the gentleman from New York [Mr. TABER], the ranking minority member of the committee, has agreed, that is all there is to it.

Mr. CANNON of Missouri. The gentleman from New York has been consulted.

Mr. MICHENER. However, I thought there was an understanding on the part of the leadership on both sides that no controversial matter would be considered on Wednesday, and I felt sure that if this was controversial that agreement would be respected.

Mr. CANNON of Missouri. This is a matter of providing for urgent deficiencies, and Wednesday is the last day on which we can report the bill. I desire to give notice that I will call the bill up on the same day on which it is reported. It is not necessary to have consent, but I wanted to apprise the House of this departure from the usual practice.

Mr. SABATH. Mr. Speaker, I yield such time as he may require to the gentleman from Arizona [Mr. MURDOCK].

Mr. MURDOCK. Mr. Speaker, I know of no legislation passed during the war period that has been so significant to our national defense as the stock piling of strategic materials and the measures taken to provide the critical and strategic materials, especially minerals, and

metals, for war purposes and for national defense. I am heartily supporting the bill. I trust the rule will be adopted and the bill passed without a dissenting vote.

This is timely legislation. It is needed at once because of postwar conditions. I have always thought Congress was a bit slow in passing this type of legislation just before the war. It should have been passed several years before it was enacted. Let us not delay such steps in the postwar period.

PRESIDENT HAS DONE EVERYTHING IN HIS POWER

Mr. SABATH. Mr. Speaker, I yield myself such time as I may require.

I cannot, Mr. Speaker, afford to permit to remain unanswered what I consider unfair and unjust attacks against the President of the United States.

I have been in Congress for many years. I have served under nine Presidents, and I have known them all well, having had the highest regard, of course, for the late President Roosevelt; but not even that great and extraordinarily able man could in this juncture, have tried harder or more skillfully to reach a settlement satisfactory to all than has President Truman, who I know is sincere, honest, and just, and has done his utmost to bring about harmony between capital and labor, and to prevent the occurrence of these strikes.

Neither you, nor I, nor he, under the Constitution, can force men to work. The law of the land gives to labor the right to organize. The President, realizing that, has striven to bring about an adjustment of differences by peaceful means, by conferences and by mediation and conciliation.

PRESIDENT IS NOT A DICTATOR

During the first 6 months of his administration you gentlemen, and the gentlemen of the press, gave to President Truman great acclaim. I said then, and I repeat, much of the praise, the unsought advice, the prognostications laid before him, were designed to win him over to the camp of reaction, in the hope of controlling him. Having followed the just course to which he pledged himself and this Nation, the President now is being unfairly attacked, and unjustly.

Well, you have done that to other Presidents. The vested interests of greed and avarice thus assailed the late Franklin D. Roosevelt, Wilson, Theodore Roosevelt, Lincoln, Jackson, and even George Washington, the Father of our Country.

It is easy to criticize and find fault—far easier than to do the task before us.

Had President Truman exercised his full wartime powers, had he arbitrarily broken this strike by sheer might, the same voices which criticize him here today would have been calling him dictator.

President Truman is not a dictator. He reveres and believes in and adheres to that Constitution to which each of us has taken the oath of fealty. He is loyal to our democratic methods. He has done everything in his power to bring the strikers and the owners together. While in Congress we have heard nothing but labor, labor, labor. The President has realized there are two sides to every question and two parties to every dispute.

I am hopeful that in the next 24 or 48 hours both these great and desperate strikes will have been settled agreeably to both sides, and that labor will not be punished by having many of those rights for which I have so long labored stripped away.

LABOR MUST END INTERNAL DISPUTES

These unfortunate strikes have given to the enemies of organized labor and to the professional labor baiters an excuse to excoriate labor and its freely chosen leaders.

Personally, I deplore these strikes more than I possibly can say because I feel they are bound to have an unfortunate effect upon the American people and may react unfavorably upon the cause of organized labor.

I, as a friend of organized labor, and as one who for 40 years has urged living wages and decent living conditions, dislike very much that the advances made by labor, especially in the last 12 years, should be risked or lost.

For that reason I once more urge organized labor—in the railroads, in the coal mines, in the CIO, in the AFL, in the independent unions—to cease their internal discord and strife, and to come to an understanding, and join hands and work in harmony before it is too late.

ENEMIES OF LABOR ARE UNITED

All labor leaders, and all members of unions, and unorganized workers, must recognize that the enemies of labor, the industrialists, big business, and the financial powers of the world, are strong and powerful and united, and will exert their great power and influence to weaken the cause of labor in every way, though in the long run they will hurt themselves thereby.

Not the most bitter antagonists of the CIO and of militant labor politics can find in the strike of the United Mine Workers of John L. Lewis, nor in the strike of the trainmen and engineers the bugbear of the CIO or of the Communist front, so-called, nor can they, as is their custom, claim these strikes were ordered from Moscow by Joe Stalin. The mine workers now are part of the American Federation of Labor; the striking brotherhoods are the oldest and most conservative of all labor organizations, and their members are mainly from the oldest American stock, and no one has dared, or will dare, to question their patriotism.

GOOD WAGES ARE GOOD BUSINESS

For the information of those who love to label anyone who believes in the cause of labor as "pink" or opposed to all industry, let me say to them: I am not against business or industry or private enterprise. I am, in fact, financially interested in many private enterprises, and have been for years. I have made money in business and the law. I have at all times cooperated with all legitimate businesses. I am not going to cut off my nose to spite my face by fighting business.

But good wages are good business. I believe in fair play. I am a Jeffersonian Democrat; I believe in equal rights to all and special privileges to none. Unfortunately, greed never changes, and industrial and financial leaders allow their avarice and their selfishness to make them unfair to labor, and ultimately to themselves and to the country.

I always favored high wages and better living conditions. Well-paid workers are better consumers, and that makes for better business and prosperity to all.

Mr. SABATH. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

Mr. MAY. Mr. Speaker, I ask unanimous consent that the bill (S. 752) to amend the act of June 7, 1939 (58 Stat. 811), as amended, relating to the acquisition of stocks of strategic and critical materials for national defense purposes, may be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. MAY. Mr. Speaker, I ask unanimous consent that the reading of the bill be dispensed with and be printed in the RECORD at this point.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The bill reads as follows:

Be it enacted, etc., That the act of June 7, 1939 (53 Stat. 811), as amended, is hereby amended to read as follows:

"That the natural resources of the United States in certain strategic and critical materials being deficient or insufficiently developed to supply the industrial, military, and naval needs of the country for common defense, it is the policy of the Congress and the purpose and intent of this act to provide for the acquisition and retention of stocks of these materials and to encourage the conservation and development of sources of these materials within the United States, and thereby decrease and prevent wherever possible a dangerous and costly dependence of the United States upon foreign nations for supplies of these materials in times of national emergency.

"SEC. 2. (a) The President shall establish, within such agency of the Government as he shall designate, a Strategic Materials Stock Piling Board (hereinafter referred to as the Board). The Board shall consist of a chairman (hereinafter referred to as the chairman), to be appointed by the President, by and with the advice and consent of the Senate, and the following members with whom the chairman shall advise and consult: The Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce. Each member of the Board may designate an officer of his department to serve as his representative on the Board. The chairman shall receive a salary of $10,000 per annum and is authorized, within the limits of funds which may be made available, to appoint and fix the compensation of such officers and employees, and to make such expenditures for supplies, facilities and services, as may be necessary to carry out the functions of the chairman and the Board under this act. Without regard to the provisions of the civil-service laws and the Classification Act of 1923, as amended, the chairman may appoint such engineers and other experts as may be necessary to carry out his functions. Upon the request of the chair-

man, the head of any agency may detail personnel in his agency, including commissioned officers and enlisted personnel in the armed forces, for service under this act subject to the direction of the chairman.

"(b) The chairman may perform the duties and functions imposed upon him under this act through such agencies, acting under his direction, as he may designate, and the chairman shall reimburse such agencies for any expenditures so incurred and for any services so performed out of the funds available to him under this act.

"(c) To the fullest extent practicable, the chairman shall appoint industry advisory committees selected from the industries concerned with the materials to be stock piled. It shall be the general function of the industry advisory committees to advise with the chairman and the Board with respect to the purchase, sale, care, and handling of such materials. Members of the industry advisory committees shall receive a per diem allowance of not to exceed $10 for each day spent at conferences held upon the call of the chairman, plus necessary traveling and other expenses while so engaged.

"SEC. 3. To effectuate the policy set forth in section 1 of this act, the President with the advice of the Board, shall determine from time to time (1) which materials are strategic, (2) the quality and quantities of such materials needed to effectuate the purposes of this act, and (3) the dates by which such quantities should be acquired. The authority conferred upon the President by this section may, in his discretion, be exercised through such officers and agencies as he shall designate.

"SEC. 4. The chairman, with the advice of the members of the Board shall—

"(a) direct the purchase of strategic materials pursuant to the determinations as provided in section 3 hereof, which shall be made, so far as is practicable, from supplies of materials in excess of the current industrial demand and at a price not in excess of the current open market price;

"Such purchases shall be made with due regard to the objectives set forth in section 1 of this act, and except where the chairman with the advice of the members of the Board, shall determine that the objectives cannot thereby be achieved, purchases under this act shall be made in accordance with title III of the act of March 3, 1933 (47 Stat. 1520), but may be made without regard to section 3709 of the Revised Statutes. Where the chairman finds that the domestic production of any materials is economically feasible he may direct the purchase of such material without requiring the vendor to give bond.

"(b) provide for the storage, security, and maintenance of strategic materials for stock-piling purposes on military and naval reservations or other locations, approved by the chairman;

"(c) provide through normal commercial channels for the refining or processing of any materials acquired or transferred under this act when he deems such action necessary to convert such materials into a form best suitable for stock piling, and such materials may be refined, processed, or otherwise beneficiated either before or after their transfer from the owning agency;

"(d) provide for the rotation of any strategic materials constituting a part of the stock pile where necessary to prevent deterioration by replacement of acquired stocks with equivalent quantities of substantially the same material;

"(e) dispose of any materials held pursuant to this act which are no longer needed because of any revision of a determination made pursuant to section 3 of this act, as hereinafter provided;

"No such disposition shall be made until 6 months after publication in the Federal Register and transmission to Congress of a notice of the proposed disposition. Such notice shall state the reasons for such revised determination, the amounts of the materials proposed to be released, the plan of disposition proposed to be followed, and the date upon which the material is to become available for sale or transfer. The plan and date of disposition shall be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of the material to be released and the protection of producers, processors, and consumers against avoidable disruption of their usual markets: *Provided*, That no material constituting a part of the stock piles may be disposed of without the express approval of the Congress except where the revised determination is by reason of obsolescence of that material for use in time of war;

"(f) submit to the Congress, not later than 6 months after the approval of this act, and every 6 months thereafter a written report detailing the activities with respect to stock-piling under this act, including a statement of foreign and domestic purchases, and such other pertinent information on the administration of the act as will enable the Congress to evaluate its administration and the need for amendments and related legislation.

"SEC. 5. The stock piles shall consist of all such materials heretofore purchased or transferred to be held pursuant to this act, or hereafter transferred pursuant to section 6 hereof, or hereafter purchased pursuant to section 4 hereof, and not disposed of pursuant to this act. Except for the rotation to prevent deterioration and except for the disposal of any material pursuant to section 4 of this act, materials acquired under this act shall be released for use, sale, or other disposition only (a) on order of the President at any time when in his judgment such release is required for purposes of the common defense, or (b) in time of war or during a national emergency with respect to common defense proclaimed by the President, on order of such agency as may be designated by the President.

"SEC. 6. (a) Pursuant to regulations issued by the chairman, every material determined by the President to be strategic pursuant to section 3 hereof, which is owned or contracted for by the United States or any agency thereof, including any material received from a foreign government under an agreement made pursuant to the act of March 11, 1941 (55 Stat. 31), as amended, or other authority, shall be transferred by the owning agency, when determined by such agency to be surplus to its needs and responsibilities, to the stock piles established pursuant to this act, so long as the amount of the stock pile for that material does not exceed the quantities determined therefor pursuant to section 3 hereof. The chairman shall exempt from this requirement (1) any material which constitutes contractor inventory if the owning agency shall not have taken possession of such inventory; (2) such amount of any material as the chairman, with the advice of the members of the Board, determines (i) to be necessary to make up any deficiency of the supply of such material for the current requirements of industry; (ii) are held in lots so small as to make the transfer thereof economically impractical; or (iii) do not meet, or cannot economically be converted to meet, stock-pile requirements determined in accordance with section 3 of this act. The total material transferred to the jurisdiction of the chairman in accordance with this section during any fiscal year beginning more than 12 months after this act becomes law shall not exceed in value (as determined by the chairman on the basis of the fair market value at the time of each transfer) an amount to be fixed by the appropriation act or acts relating to the acquisition of materials under this act.

"(b) Any transfer made pursuant to this section shall be made without charge against or reimbursement from the funds available to the Chairman, except that expenses incident to such transfer may be paid or reimbursed from such funds, and except that, upon any such transfer from the Reconstruction Finance Corporation, or any corporation organized by virtue of the authority contained in the act of January 22, 1932 (47 Stat. 5), the Secretary of the Treasury shall cancel notes of Reconstruction Finance Corporation, and sums due and unpaid upon or in connection with such notes at the time of such cancellation, in an amount equal to the fair market value as determined by the chairman of the material so transferred.

"(c) Effective whenever the Secretary of the Treasury shall cancel any notes pursuant to subsection (b) of this section, the amount of notes, debentures, bonds, or other such obligations which the Reconstruction Finance Corporation is authorized and empowered to have outstanding at any one time under the provisions of existing law shall be deemed to be reduced by the amount of the notes so canceled.

"(d) Subsection (b) of section 14 of the act of October 3, 1944 (58 Stat. 765), is hereby amended to read as follows:

"'(b) Subject only to subsection (c) of this section, any owning agency may dispose of—

"'(1) any property which is damaged or worn beyond economical repair;

"'(2) any waste, salvage, scrap, or other similar items;

"'(3) any product of industrial, research, agricultural, or livestock operations, or of any public works construction or maintenance project, carried on by such agency;

which does not consist of materials which are to be transferred in accordance with the Strategic Materials Stock Piling Act, to the stock piles established pursuant to that act.'

"(c) Section 22 of the act of October 3, 1944 (58 Stat. 765), is hereby repealed.

"Provided, That any owning agency as defined in that act having control of materials that, when determined to be surplus, are required to be transferred to the stock piles pursuant to subsection (a) hereof, shall make such determination as soon as such materials in fact become surplus to its needs and responsibilities.

"SEC. 7. (a) The Secretary of the Interior, through the Director of the Bureau of Mines and the Director of Geological Survey, is hereby authorized and directed to make scientific, technologic, and economic investigations concerning the extent and mode of occurrence, the development, mining, preparation, treatment, and utilization of ores and other mineral substances found in the United States or its Territories or insular possessions, which are essential to the common defense or the industrial needs of the United States, and the quantities or grades of which are inadequate from known domestic sources, in order to determine and develop domestic sources of supply, to devise new methods for the treatment and utilization of lower grade reserves, and to develop substitutes for such essential ores and mineral products; on public lands and on privately owned lands, with the consent of the owner, to explore and demonstrate the extent and quality of deposits of such minerals, including core drilling, trenching, test pitting, shaft sinking, drifting, cross-cutting, sampling, and metallurgical investigations and tests as may be necessary to determine the extent and quality of such deposits, the most suitable methods of mining and beneficiating them, and the cost at which the minerals or metals may be produced.

"(b) The Secretary of Agriculture is hereby authorized and directed to make scientific, technologic, and economic investigations of the feasibility of developing domestic sources of supplies of any agricultural material or for using agricultural commodities for the manufacture of any material determined by the President pursuant to section 3 of this act to be strategic, or substitutes therefor.

"SEC. 8. There is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as the Congress, from time to time, may deem necessary to carry out the provisions of this act. The funds so appropriated, including the funds heretofore appropriated, shall remain available to carry out the provisions of this act until expended and (exclusive of sums allocated for the purposes of section 7) shall be expended under the direction of the chairman.

"SEC. 9. Any funds heretofore or hereafter received on account of sales or other dispositions of materials under the provisions of this act, except funds received on account of the rotation of stocks, shall be covered into the Treasury as miscellaneous receipts.

"SEC. 10. Strategic materials purchased from foreign sources for stock piling pursuant to the provisions of this act shall be admitted into the United States free of any tariff duty, import tax, or other impost applicable to importations. If any such imported strategic material is disposed of pursuant to section 4 of this act, and if such disposition is made at a price based on the cost to the Government of such strategic material rather than the market price current at the time of sale, there shall be added to such price the amount of any tariff, duty, import, tax, or other impost which would be due were such strategic material imported at the time the sale is made.

"SEC. 11. For the purposes of this act the term 'strategic materials' shall not include petroleum or petroleum products.

"SEC. 12. This act may be cited as the 'Strategic Materials Stock Piling Act.'"

With the following committee amendment:

Strike out all after the enacting clause and insert: "That the act of June 7, 1939 (53 Stat. 811), as amended, is hereby amended to read as follows:

"'That the natural resources of the United States in certain strategic and critical materials being deficient or insufficiently developed to supply the industrial, military, and naval needs of the country for common defense, it is the policy of the Congress and the purpose and intent of this act to provide for the acquisition and retention of stocks of these materials and to encourage the conservation and development of sources of these materials within the United States, and thereby decrease and prevent wherever possible a dangerous and costly dependence of the United States upon foreign nations for supplies of these materials in times of national emergency.

"'SEC. 2. (a) To effectuate the policy set forth in section 1 hereof the Secretary of War, the Secretary of the Navy, and the Secretary of the Interior, acting jointly through the agency of the Army and Navy Munitions Board, are hereby authorized and directed to determine, from time to time, which materials are strategic and critical under the provisions of this act and to determine, from time to time, the quality and quantities of such materials which shall be stock piled under the provisions of this act. In determining the materials which are strategic and critical and the quality and quantities of same to be acquired, the Secretaries of State, Treasury, and Commerce shall each designate representatives to cooperate with the Secretary of War, the Secretary of the Navy, and the Secretary of the Interior in carrying out the provisions of this act.

"'(b) To the fullest extent practicable the Secretary of War, the Secretary of the Navy, and the Secretary of the Interior, acting jointly, shall appoint industry advisory committees selected from the industries concerned with the materials to be stock piled. It shall be the general function of the industry advisory committees to advise with the Secretary of War, the Secretary of the Navy, and the Secretary of the Interior and with any agencies through which they may exercise any of their functions under this act with respect to the purchase, sale, care, and handling of such materials. Members of the industry advisory committees shall receive a per diem allowance of not to exceed $10 for each day spent at conferences held upon the call of the Secretary of War, the Secretary of the Navy, and the Secretary of the Interior, plus necessary traveling and other expenses while so engaged.

"'SEC. 3. The Secretary of War and the Secretary of the Navy shall direct the Secretary of the Treasury, through the medium of the Procurement Division of his Department, to—

"'(a) make purchases of strategic and critical materials pursuant to the determinations as provided in section 2 hereof which purchases (1) shall be made, so far as is practicable, from supplies of materials in excess of the current industrial demand and (2) shall be made in accordance with title III of the act of March 3, 1933 (47 Stat. 1520), but a reasonable time (not to exceed 1 year) shall be allowed for production and delivery from domestic sources and in the case of any such material available in the United States but which has not been developed commercially, the Secretary of War and the Secretary of the Navy may, if they find that the production of such material is economically feasible, direct the purchase of such material without requiring the vendor to give bond;

"'(b) provide for the storage, security, and maintenance of strategic and critical materials for stock-piling purposes on military and naval reservation or other locations, approved by the Secretary of War and the Secretary of the Navy;

"'(c) provide through normal commercial channels for the refining or processing of any materials acquired or transferred under this act when the Secretary of War and the Secretary of the Navy deem such action necessary to convert such materials into a form best suitable for stock piling, and such materials may be refined, processed, or otherwise beneficiated either before or after their transfer from the owning agency;

"'(d) provide for the rotation of any strategic and critical materials constituting a part of the stock pile where necessary to prevent deterioration by replacement of acquired stocks with equivalent quantities of substantially the same material with the approval of the Secretary of War and the Secretary of the Navy;

"'(e) dispose of any materials held pursuant to this act which are no longer needed because of any revised determination made pursuant to section 2 of this act, as hereinafter provided;

"'No such disposition shall be made until 6 months after publication in the Federal Register and transmission of a notice of the proposed disposition to the Congress and to the Military Affairs Committee of each House thereof. Such notice shall state the reasons for such revised determination, the amounts of the materials proposed to be released, the plan of disposition proposed to be followed, and the date upon which the material is to become available for sale or transfer. The plan and date of disposition shall be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of the material to be released and the protection of producers, processors, and consumers against avoidable disruption of their usual markets: *Provided*, That no material constituting a part of the stock piles may be disposed of without the express approval of the Congress except where the revised determination is by reason of obsolescence of that material for use in time of war. For the purposes of this paragraph a revised determination is by reason of obsolescence if such determination is on account of (1) deterioration, (2) development or discovery of a new or better material or materials, or (3) no further usefulness for use in time of war.

"'SEC. 4. The Secretary of War and the Secretary of the Navy shall submit to the Congress, not later than 6 months after the approval of this act, and every 6 months thereafter a written report detailing the activities with respect to stock-piling under this act, including a statement of foreign and domestic purchases, and such other pertinent information on the administration of the act as will enable the Congress to evaluate its administration and the need for amendments and related legislation.

"'SEC. 5. The stock piles shall consist of all such materials heretofore purchased or transferred to be held pursuant to this act, or hereafter transferred pursuant to section 6 hereof, or hereafter purchased pursuant to section 3 hereof, and not disposed of pursuant to this act. Except for the rotation to prevent deterioration and except for the disposal of any material pursuant to section 3 of this act, materials acquired under this act shall be released for use, sale, or other disposition only (a) on order of the President at any time when in his judgment such release is required for purposes of the common defense, or (b) in time of war or during a national emergency with respect to common defense proclaimed by the President, on order of such agency as may be designated by the President.

"'SEC. 6. (a) Pursuant to regulations issued by the War Assets Administration or its successor, every material determined to be strategic and critical pursuant to section 2 hereof, which is owned or contracted for by the United States or any agency thereof, including any material received from a foreign government under an agreement made pursuant to the act of March 11, 1941 (55 Stat. 31), as amended, or other authority, shall be transferred by the owning agency, when determined by such agency to be surplus to its needs and responsibilities, to the stock piles established pursuant to this act, so long as the amount of the stock pile for that material does not exceed the quantities determined therefor pursuant to section 2 hereof. There shall be exempt from this requirement such amount of any material as is necessary to make up any deficiency of the supply of such material for the current requirements of industry as determined by the Civilian Production Administration or its successor. There shall also be exempt from this requirement (1) any material which constitutes contractor inventory if the owning agency shall not have taken possession of such inventory, (2) such amount of any material as the Army and Navy Munitions Board determines (i) are held in lots so small as to make the transfer thereof economically impractical; or (ii) do not meet or cannot economically be converted to meet, stock-pile requirements determined in accordance with section 2 of this act. The total material transferred to the stock piles established by this act in accordance with this section during any fiscal year beginning more than 12 months after this act becomes law shall not exceed in value (as determined by the Secretary of the Treasury on the basis of the fair market value at the time of each transfer) an amount to be fixed by the appropriation act or acts relating to the acquisition of materials under this act.

"'(b) Any transfer made pursuant to this section shall be made without charge against or reimbursement from the funds available under this act, except that expenses incident to such transfer may be paid or reimbursed from such funds, and except that, upon any such transfer from the Reconstruction Finance Corporation, or any corporation organized by virtue of the authority contained in the act of January 22, 1932 (47 Stat. 5), the Secretary of the Treasury shall cancel notes of Reconstruction Finance Corporation, and sums due and unpaid upon or in connection

with such notes at the time of such cancellation, in an amount equal to the fair market value as determined by the Secretary of the Treasury of the material so transferred.

"'(c) Effective whenever the Secretary of the Treasury shall cancel any notes pursuant to subsection (b) of this section, the amount of notes, debentures, bonds, or other such obligations which the Reconstruction Finance Corporation is authorized and empowered to have outstanding at any one time under the provisions of existing law shall be deemed to be reduced by the amount of the notes so canceled.

"'(d) Subsection (b) of section 14 of the Act of October 3, 1944 (58 Stat. 765), is hereby amended to read as follows:

"'"(b) Subject only to subsection (c) of this section, any owning agency may dispose of—

"'"(1) any property which is damaged or worn beyond economical repair;

"'"(2) any waste, salvage, scrap, or other similar items;

"'"(3) any product of industrial, research, agricultural, or livestock operations, or of any public works construction or maintenance project, carried on by such agency; which does not consist of materials which are to be transferred in accordance with the Strategic and Critical Materials Stock Piling Act, to the stock piles established pursuant to that act."

"'(e) Section 22 of the act of October 3, 1944 (58 Stat. 765), is hereby repealed.

"'*Provided*, That any owning agency as defined in that act having control of materials that, when determined to be surplus, are required to be transferred to the stock piles pursuant to subsection (a) hereof, shall make such determination as soon as such materials in fact become surplus to its needs and responsibilities.

"'SEC. 7. (a) The Secretary of the Interior, through the Director of the Bureau of Mines and the Director of Geological Survey, is hereby authorized and directed to make scientific, technologic, and economic investigations concerning the extent and mode of occurrence, the development, mining preparation, treatment, and utilization of ores and other mineral substances found in the United States or its Territories or insular possessions, which are essential to the common defense or the industrial needs of the United States, and the quantities or grades of which are inadequate from known domestic sources, in order to determine and develop domestic sources of supply, to devise new methods for the treatment and utilization of lower grade reserves, and to develop substitutes for such essential ores and mineral products; on public lands and on privately owned lands, with the consent of the owner, to explore and demonstrate the extent and quality of deposits of such minerals, including core drilling, trenching, test-pitting, shaft sinking, drifting, cross-cutting, sampling, and metallurgical investigations and tests as may be necessary to determine the extent and quality of such deposits, the most suitable methods of mining and beneficiating them, and the cost at which the minerals or metals may be produced.

"'(b) The Secretary of Agriculture is hereby authorized and directed to make scientific, technologic, and economic investigations of the feasibility of developing domestic sources of supplies of any agricultural material or for using agricultural commodities for the manufacture of any material determined pursuant to section 2 of this act to be strategic and critical or substitutes therefor.

"'SEC. 8. For the procurement, transportation, maintenance, rotation, storage, and refining or processing of the materials to be acquired under this act, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,800,000,000: *Provided*, That not more than the sum set out opposite each of the following fiscal years shall be appropriated for such purposes during such fiscal year:

"'Fiscal year 1946–47, $360,000,000.
"'Fiscal year 1947–48, $360,000,000.
"'Fiscal year 1948–49, $360,000,000.
"'Fiscal year 1949–50, $360,000,000.
"'Fiscal year 1950–51, $360,000,000.

"'The funds so appropriated, including the funds heretofore appropriated, shall remain available to carry out the purposes for which appropriated until expended, and shall be expended under the joint direction of the Secretary of War and the Secretary of the Navy.

"'SEC. 9. Any funds heretofore or hereafter received on account of sales or other dispositions of materials under the provisions of this act shall be deposited to the credit, and be available for expenditure of the purposes, of any appropriation available at the time of such deposit, for carrying out the provisions of sections 1 to 6, inclusive, of this act.

"'SEC. 10. This act may be cited as the "Strategic and Critical Materials Stock Piling Act."'"

Mr. MARTIN of Iowa. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, at the outset I want to call attention to the fact that his particular bill is the result of about 10 years of study and consideration by Congress and especially by the Military Affairs Committee.

The first stock-piling appropriation of any kind came in 1937 when an item of about $3,500,000 was included in the naval appropriation bill. But as the chairman of the Military Affairs Committee has stated, the first legislative authorization for stock piling came in 1939. It was a very modest beginning, to the extent of $100,000,000. However, it was a lifesaver for our Nation just in time to help us at the outset of World War II.

The present authorization is somewhat larger in extent, being in the amount of $1,800,000,000, spread over a period of 5 years. This amount is the result of study by War and Navy officials, and is not an excessive amount for our national needs.

We have provided in the bill for the acquisition of materials that are now owned by Government agencies, and have spread over 5 years of time the acquisition of additional materials which it is thought by the War and Navy experts are needed to meet any future emergency so that we shall never again, as a nation, come up to an emergency without some provision for our own national protection.

I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. MARTIN of Iowa. Mr. Speaker, the bill before us for consideration today, S. 752, relates to the acquisition of stocks of strategic and critical materials for national-defense purposes. This is one of the most important measures to come before the Seventy-ninth Congress for consideration. In all of my discussions of national defense during the past 8 years I have listed stock piling of strategic and critical materials as one of the most fundamental factors of an adequate national defense program for our Nation.

The first statutory authority for stock piling was granted in 1937 when the sum of $3,500,000 was included for the purchase of strategic and critical materials in the 1938 Naval Appropriation Act and $500,000 was carried in Naval Appropriations in 1939 and 1940.

Early in 1939 a bill, S. 572, of the Seventy-sixth Congress was referred to the Military Affairs Committee of the House, and from that bill we developed and enacted into law Public Law 117 of the Seventy-sixth Congress, which was approved by the President on June 7, 1939. That law authorized the appropriation of $100,000,000 to be spread over the period June 30, 1939, to June 30, 1943. That was, indeed, a very small beginning and a very tardy beginning for our Nation to overcome a dangerous and costly dependence of the United States upon foreign nations for supplies of strategic and critical materials in times of national emergency. On April 21, 1941, the House adopted a resolution introduced by the gentleman from Georgia [Mr. VINSON], House Resolution 162, Seventy-seventh Congress, authorizing the Committee on Military Affairs and the Committee on Naval Affairs to conduct studies and investigations of the progress of our national defense program. The chairman of the Committee on Military Affairs, the gentleman from Kentucky, Mr. ANDREW J. MAY, appointed three special committees pursuant to that authorization, and Special Committee No. 3 was authorized to deal with materials, procurement, and personnel. Mr. Faddis, of Pennsylvania, was named chairman of Special Committee No. 3, and it was my privilege to serve on that committee. The report we made to Congress on July 21, 1941, deals primarily with the administration of Public Law 117 of the Seventy-sixth Congress, with special reference to the record of purchase, production, and conservation of strategic and critical materials in our national defense program. I will not attempt to analyze or discuss the steps leading to the enactment of Public Law 117 of the Seventy-sixth Congress and the work of the Faddis committee as set out in their report of July 21, 1941, except to tell you that one of the greatest shocks of my life came during the first months of my service in Congress in 1939 when I learned that our Nation had no program for building stock piles of strategic and critical materials to protect our Nation and enable it to carry on its defense operations in event of emergency. The long and slow development of activity in this field following the enactment of Public Law 117 was again very shocking to the members of the Faddis committee during the spring of 1941, when war was flaming throughout the world and our Nation's safety was seriously threatened. This situation so impressed the Faddis committee that we made this statement in our report of July 21, 1941:

> Emphasis over the past few years has been made on social reform rather than national security. As a Nation, we seem to have forgotten that without national security social reform might well prove meaningless.

I will not attempt to set cut here the analysis and description of strategic and

critical materials covered by the bill now before us for consideration, but I will refer you to a public document that will enable those who are desirous of studying this matter fully. It is Senate Document No. 5 of the Seventy-ninth Congress, and it sets out a letter from the Army and Navy Munitions Board which was submitted to Congress pursuant to section 22, subsection D, of the Surplus Property Act of 1944. I believe that this document, together with the special report of the Faddis committee, House Report No. 982 of the Seventy-seventh Congress, and the committee reports submitted during the consideration of Public Law 117, in 1939—Senate Report No. 119, Seventy-sixth Congress, and House Report No. 283, Seventy-sixth Congress—and the committee report befor you today—House Report No. 1869, Seventy-ninth Congress—will give you a very complete summary of the problem confronting us today in regard to strategic and critical materials.

Section 8 of the bill before us today authorizes the appropriation of $1,800,000,000, to be evenly divided over the next five fiscal years. The bill is an amendment to the original Stock Piling Act of June 7, 1939, and all stock piles that have been acquired under that act will be maintained intact. We have amended the Senate bill in a few important particulars which are set out on page 5 of the committee report as follows:

(1) Instead of establishing a new agency to administer the stock-piling program, we have provided for administration by the Secretary of War and the Secretary of the Navy, as in the original 1939 act.

(2) Instead of authorizing appropriations without limit, we have limited the authorization to $1,800,000,000, with a specific limitation to $360,000,000 in each of the next five fiscal years.

(3) Instead of requiring that funds received on account of sales of materials be covered into the Treasury as miscellaneous receipts, we have provided that any such funds shall remain available for expenditure under the stock-pile program.

(4) We have deleted a section in the Senate bill which would have permitted duty-free importation of materials purchased from foreign sources for stock piling.

The bill, S. 752, in the form it is now presented to you for consideration represents the unanimous thought and judgment of the Committee on Military Affairs after long and careful study of the extent of our needs for such stock piles both as to materials involved and their acquisition and their storage, security, and maintenance.

In closing, I wish to commend the chairman of the Committee on Military Affairs, the gentleman from Kentucky, Hon. ANDREW J. MAY, and the chairman of the subcommittee that had jurisdiction over this bill, the gentleman from North Carolina, Hon. CARL T. DURHAM, and the members of the special committee who have devoted so much time to this legislation. These gentlemen have worked long and hard to build sound and adequate legislation to safeguard our Nation in the matter of strategic and critical materials for any future emergency.

It was my privilege to serve with the gentleman from North Carolina [Mr. DURHAM] also as a member of the Faddis committee in 1941 and it was my privilege also to serve with the gentleman from Kentucky [Mr. MAY] as one of the committee of conference between the House and Senate in the development of Public Law No. 117 in 1939. Throughout the past 8 years I have had occasion to observe their patriotic interest and devotion to the cause of building an adequate stock-pile program to meet our Nation's needs in any emergency that may befall us. They are entitled to great credit for the development of the bill presented to you today for your consideration and I am glad, indeed, to have had the opportunity to work with them during the past 8 years and to support this legislation to the utmost of my ability.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Iowa. I yield.

Mr. RICH. Shortly after the last World War the Government had on hand a great stock pile of certain material, and industry is very much in need of it. Is there any possibility that some of these materials might be temporarily loaned or sold or handled in some way that industry could receive it in order that we may be able to keep the wheels turning and have production of necessary commodities today, so that we can furnish equipment and things which the people of this country need? If you did that, then shortly we would be able to gather up and complete the stock pile without hurting our national defense, and still aid industry.

Mr. MARTIN of Iowa. In section 3 of the bill there are provisions for the acquisition and the rotation and keeping alive of Government stock piles. We have placed in that section certain provisions to prevent deflation of the stock piles necessary for national defense once they are acquired. We had to put some safeguard in the bill against putting these materials into the commercial market at the expense of national defense. This total authorization does not intend that the Government shall pile up or accumulate excessive amounts of these particular materials and the stock piles authorized by this bill will not absorb or take over all the existing stock piles of materials now owned by various Government agencies.

Section 6 (a) authorizes the transfer of Government-owned stock piles to the stock piles established pursuant to this bill but the section limits the amount of any material so transferred that the total stock pile of that material will not exceed the quantity determined under section 2 of the bill. It also exempts from this transfer such amount of any material as is necessary to make up any deficiency of the supply of such material for the current requirements of industry as determined by the Civilian Production Administration or its successor.

Section 3 also makes provision for the purchase of strategic and critical materials in addition to those owned by the Government, and the limitation is included in the section that such purchases shall be made, so far as practicable, from supplies of materials in excess of the current industrial demand.

The SPEAKER pro tempore (Mr. MONRONEY). The time of the gentleman from Iowa has expired.

Mr. BATES of Massachusetts. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa may proceed for an additional 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. RICH. Just one further question, if the gentleman will yield.

Mr. MARTIN of Iowa. I yield.

Mr. RICH. There may be some deterioration of these stock-piled strategic materials due to age. I presume you have given every consideration to seeing that these stock piles are rotated and to prevent deterioration so that we do not stand to suffer a great loss.

Mr. MARTIN of Iowa. Yes; we gave considerable time to the development of that point to insure the rotation and preservation of materials on hand. This provision is set out in section 3 (d) of the bill.

Our whole objective is that of keeping the stock piles available and usable for any national emergency.

Mr. RICH. As I understand, it is the purpose to aid and assist industry in this country and through industry, labor, by making these strategic materials available to keep the wheels of industry turning in an emergency.

Mr. MARTIN of Iowa. We worked on that. It is our hope that the National Defense Agency will cooperate with industry.

Mr. RICH. Hope is not enough. I hope that is in the bill and that we are going to request them to do so.

Mr. MARTIN of Iowa. As set out in the first section of the bill, the very purpose of the bill is to enable industry to produce needed items in a national emergency.

Mr. BATES of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Iowa. I yield.

Mr. BATES of Massachusetts. Does the bill contain any provision to prohibit exportation for sale abroad by any of our industries and holders of these critical materials during this time when we are attempting to build up our own stock piles?

Mr. MARTIN of Iowa. This provides only for the Government stock piles. It is not the purpose of this undertaking to control private industry stock piles.

Mr. BATES of Massachusetts. If, however, we are going to build up Government stock piles, we must buy the materials from private industry. At a time when we are attempting to build up these critical material stock piles are we going to permit our industries or the holders of these critical materials to export them for sale as we did prior to the war, when Japan was getting oil, gas, iron, and steel at a time when we needed those things in our own country?

Is there anything in this bill prohibiting that?

Mr. MARTIN of Iowa. That is not in this bill.

Mr. BATES of Massachusetts. It ought to be in the bill.

Mr. CURTIS. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Iowa. I yield.

Mr. CURTIS. The gentleman has rendered a distinct service to the country in his work on this bill. I want to call attention to subparagraph (b) of section 8 which states:

(b) The Secretary of Agriculture is hereby authorized and directed to make scientific, technologic, and economic investigations of the feasibility of developing domestic sources of supplies of any agricultural material or for using agricultural commodities for the manufacture of any material determined pursuant to section 2 of this act to be strategic and critical or substitutes therefor.

Is it the intent of the committee that the synthetic rubber industry may be developed under this language?

Mr. MARTIN of Iowa. That section is in there primarily as the outgrowth of our experience with synthetic rubber and we did not attempt to confine it to synthetic rubber. It is the intent of the committee that synthetic rubber and also any other similar development of agricultural products in the interest of national defense shall be included.

Mr. HILL. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Iowa. I yield.

Mr. HILL. The gentleman knows that in the territory I have the honor to represent, the State of Colorado, we have considerable mining activity in the Rocky Mountain region. We are far from the Atlantic Ocean and many miles from the Pacific. Will it be the policy under this measure to establish stock piles and buying depots at points near the producing areas in this section of the United States rather than at some distant point to which the producer would find it impossible to ship his minerals?

Mr. MARTIN of Iowa. As a practical matter the committee was of the opinion that stock piling should be carried out as close to the source of the materials as possible and that the material should be rotated and kept as fresh as possible; that the officials charged with responsibility under this bill should do everything to make administration of this act economical, effective, and efficient.

Mr. HILL. The gentleman knows that in the interior of the Rocky Mountains there are some of the materials out of which the atomic bomb has been made, or that are a real part of the manufacture of that bomb. Will it be the purpose and intent of the persons handling these storehouses to establish them at points close enough to producing areas so that the men who are working those mines will not have to be up against the job of shipping it clear across the Nation when they wish to stock pile some of this material?

Mr. MARTIN of Iowa. It is my understanding that that is the intent of the committee.

The SPEAKER pro tempore. The time of the gentleman from Iowa has expired.

Mr. RAYBURN. Mr. Speaker, I move to strike out the last two words.

Mr. Speaker, I simply have an announcement to make. The President has just telephoned to notify me that he would like to have Congress in session at 4 o'clock tomorrow afternoon.

Mr. MANSFIELD of Montana. Mr. Speaker, I move to strike out the last three words.

Mr. Speaker, the debate on this stockpile measure has indicated to the House the real contribution which the Committee on Military Affairs is making at this time in pushing consideration of this particular bill. It indicates to me also that the Committee on Military Affairs has in mind the defense of this country at all times, and this measure, of course, is very necessary in furtherance of that objective. I urge the House to pass this very necessary measure because it is both timely and essential. We know now that we must be prepared in the accumulation of strategic minerals and the passage of this measure gives us that assurance.

Mr. MURDOCK. Mr. Speaker, I move to strike out the last four words.

Mr. Speaker, when the gentleman from Kentucky was passing out compliments a bit ago during discussion of the rule, I took occasion at that time to say that I remember that for 10 years this type of legislation in various forms has been before the House, as the gentleman from Iowa later indicated. I did not have enough time then to expand on that idea and to give Chairman MAY and others more credit. I would like to go into it a little further. We had the legislation up in 1937, as I well remember, and we discussed at that time the "buy American" clause.

I feel that not enough has been said about that, for subsequent enactments helped win the war. I want to add my word on that score for the fine work that others besides members of the Military Affairs Committee have done in preparing the Nation for defense during the recent war.

Mr. JOHNSON of California. Mr. Speaker, will the gentleman yield?

Mr. MURDOCK. I yield to the gentleman from California.

Mr. JOHNSON of California. I would like to concur in the compliment paid our chairman, and I also want to add for the benefit of westerners especially that we had a statement from Mr. Julian D. Conover, secretary of the American Mining Congress, concurring in the provisions of this bill.

Mr. MURDOCK. I am glad to have that statement of the gentleman. I do know that the American Mining Congress is back of this bill and approves it. I have taken note of Secretary Conover's statement in the hearings. Other mining men from the West have given me advice and help in connection with this and earlier bills.

Mr. MURDOCK. But let me return to the earlier forms of this bill. This legislation has been under study and under enactment through a period of at least 10 years to my personal knowledge. It is true that, although I am not a member of the House Military Affairs Committee, I first appeared before that committee on the Faddis bill on May 18, 1937, and I recall distinctly that I suggested an amendment to the bill before the committee at that time requesting that the buy American clause be inserted. The original Faddis bill had provided for stock piling of strategic metals and minerals, but had provided for obtaining them from other countries in payment on war debts, which meant of course debts at that time from the First World War. The committee amended that bill, however, in such a way as to give encouragement to domestic production. Perhaps that was not because of my suggestion, but I did suggest it.

Thi scomes to my mind with all the more force because at that time we were getting manganese from Brazil, from China, and especially from Russia, and in my statement before the committee in May 1937 I pointed out that Brazil owed us no war debt, China owed us no war debt, and although Imperial Russia did owe us a war debt the succeeding regime in Russia had repudiated such, and of course would never pay it. Accordingly, I pointed out the fallacy of expecting to get any manganese from those countries in payment on any war debt in effect at that time. Instead of depending upon foreign supply entirely, I advocated building a stock pile for national defense quickly by getting what was necessary abroad immediately for safety's sake, and then concurrently developing our domestic production with all possible haste.

I remember distinctly that I stated to the committee that day that one of the largest manganese deposits in the Western Hemisphere was at Artillery Peak, in Mohave County, Ariz., and I even estimated that there might be a hundred million tons of manganese of fair quality at that point, only a few miles from the Colorado River, and within not more than 30 miles of a high-tension power line running south from Boulder Dam, where a great supply of cheap electric power might be had. At the same time I pointed out the fact that a new process, an electrolytic process, of beneficiating low-grade manganese ore had recently been developed which would make possible the treating of this ore at Artillery Peak in Arizona.

I personally deserve little credit for all of this, but I was following the suggestion of my colleague, Congressman Jim Scrugham, sole Congressman at that time from the State of Nevada, a mining man of wide experience and knowledge and influential on the Appropriations Committee. Confirming what the gentleman from Iowa said with regard to the first bill of this nature in 1937, I recall that Chairman Scrugham, in the naval appropriation bill, got the first appropriation that year for a beginning stock pile, and I wish to testify further that our deceased colleague continued all the while he was in the House and also after he became a Member of the Senate to strive for bigger and better stock-piling bills. In fact, I attribute much of the success of the stock-piling program, so useful during the war and so significant now, to the efforts of our colleague from Nevada, Jim Scrugham.

In saying this I do not wish to detract from the credit of Chairman MAY, but if my memory serves me correctly Chairman MAY voluntarily passed up an opportunity to push a May bill and presented, not his own bill in 1939, but the Scrugham bill which was to the same purpose. The gentleman from Texas

[Mr. THOMASON] gave distinct aid. Not to take further time with this, I have a feeling that this measure which we are about to pass today will prove as beneficial and effective toward national defense and security in a period of peace as these various other measures proved during the war. In this age of metals the mining industry is as basic as agriculture, whether in peace or war.

Mr. CAMPBELL. Mr. Speaker, I move to strike out the last five words, and I ask unanimous consent to speak out of order.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CAMPBELL. Mr. Speaker, on May 17, I introduced H. R. 6478, a bill which provides that if two or more persons conspire for the purpose of delaying, obstructing, or interfering with the movement of the mails, the transmission of intelligence, passengers, or property in interstate commerce, they shall, upon conviction in a court of competent jurisdiction, be guilty of a felony.

I understand this is, in substance, the same provision which was proposed in 1916 by Chairman Adamson, of the Committee on Interstate and Foreign Commerce, but was withdrawn at that time due to opposition by the then President, Woodrow Wilson.

There are some laws which now forbid interference with the mails, but there is no law against conspiracy to interfere with the movement of mails, the transmission of intelligence, passengers, or property in interstate commerce.

I am seeking to have this bill brought before the House at the earliest possible moment and sincerely hope that the Members of the House will pass it without delay.

In my opinion it is most urgent.

If there had been such a law enacted and on the statute books, we would not be confronted with the serious situation we have today.

Mr. HARLESS of Arizona. Mr. Speaker, I rise in support of the bill.

Mr. Speaker, I wish to add my words of compliment to the chairman of the Committee on Military Affairs, as well as the entire membership of that committee, for bringing this bill out at this time. I come from a mining State. I have seen the copper, lead, and zinc mines in the West closed down at a time when they should have been operating to build up supplies for a time of emergency. They were closed because the industrial consumption of this Nation could not absorb the production of those mines during peacetimes.

I think this legislation is not only important as a defense measure but is important as an economic measure which guarantees that a segment of the economy of this country runs smoothly. I trust that the bill will pass this House without a dissenting vote.

Mr. PITTENGER. Mr. Speaker, I move to strike out the last three words.

Mr. Speaker, I join my colleagues in saying that I think the committee has done a fine piece of work. I just want to point out that 80 percent of the iron ore that was used in the prosecution of World War II, and probably the same amount in World War I, came from the congressional district which I have the honor to represent in the House of Representatives. Iron ore, like some of these other metals that you have been talking about, is strategic war material. This country could not have prosecuted the war for a single minute without the resources that were furnished by the district I represent.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. PITTENGER. I yield to the gentleman from Kentucky.

Mr. MAY. Does not the gentleman think that in the future, in order to be adequately prepared for any war that may occur, that the iron ore of the great Middle West and Northwest requires some high-quality metallurgical coal to make steel with, and things of that kind?

Mr. PITTENGER. I agree with the gentleman from the Big Sandy district that coal is also essential in the prosecution of any war. I want to say, Mr. Speaker, that we are interested in this bill because suggestions have been made that some of the high-grade iron ore that we have should be stock-piled, and should be kept available for a war emergency if that should come to pass.

I trust that this bill receives favorable action. I hope that it may be properly administered and that the iron-ore features in any preparation for national defense will not be overlooked. I remember when this subject was first brought up. I remember when we were short on rubber, when we were short on quinine. These may not be minerals, but they were strategic materials. I remember how these folks that knew more than anybody else—and it turned out that they knew nothing at all—missed the boat when we did not accumulate stocks of these materials when the clouds of war were hovering over this country. I hope that we will have more statesmanship and foresight such as the committee has demonstrated here, and not allow the things that happened in the past, which make this bill necessary to occur again.

Mr. GRANGER. Mr. Speaker, I move to strike out the last four words in order to ask a question of the gentleman from Iowa. As strategic material is defined, I suppose the gentleman has accepted the definition of the act of 1939. Has there been anything added or taken from those strategic materials as formerly defined?

Mr. MARTIN of Iowa. We have merely added in the definitions used in this bill the terminology of Senate Document No. 5, which includes not only strategic materials but critical materials.

Mr. GRANGER. I thank the gentleman.

May I say that I come from a district that has next to the largest deposit of iron ore in the whole world, also plenty of coal, a situation that exists at only two other places in the world as far as I know.

I am glad to announce that the War Assets Corporation has now sold the Geneva Steel Plant to the United States Steel Corp., which will utilize many of these strategic and critical materials that will be necessary in the prosecution of any war we might have in the future, and will also develop the West as it has never been developed before.

I also want to join with my colleagues in congratulating the Military Affairs Committee, and especially the subcommittee, who have reported this bill, not only because some of us are vitally interested, in an economic way, in strategic and critical materials, but because I think the committee has recognized and lived up to its responsibility in taking this action that will go a long way, in my opinion, in maintaining the security of our country.

Mr. CASE of South Dakota. Mr. Speaker, I move to strike out the last word.

If I may have the attention of the chairman of the committee for a moment, the gentleman from Kentucky will recall that following the time this bill was referred to his committee I asked him if consideration was being given to the protection of this stock pile when it was once acquired. Some fears had been expressed to me on the ground that this stock pile might be used as a threat to hold over the market for release for commercial advantage. I think the gentleman at that time assured me that the committee planned to take care of that by providing that the stock pile could be disposed of only with the consent of the Congress. Would the chairman care to make a statement on that point?

Mr. MAY. We gave special attention to the particular problem of whether or not these stock piles should be carried to such an extent that they would constitute a threat to private industry in the country on the question of the cost of procuring their own supplies. That is adequately dealt with in certain provisions of the bill.

Mr. MARTIN of Iowa. Mr. Speaker, will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from Iowa.

Mr. MARTIN of Iowa. I call the gentleman's attention to section 3, subsection (e). The gentleman will find the protection he has in mind outlined very carefully there, primarily through our definition of the word "obsolescence":

> For the purposes of this paragraph a revised determination is by reason of obsolescence if such determination is on account of deterioration, development, or discovery of a new or better material or materials, or no further usefulness for use in time of war.

Mr. CASE of South Dakota. I am glad to have the assurance of both the gentleman from Kentucky and the gentleman from Iowa on the matter. Surely the Congress does not want these stock piles to be acquired in the name of national defense and then to be dumped on the market at the expense of our national economy and national development.

Personally, Mr. Speaker, I believe legislation to create stock piles of strategic minerals is badly needed, and I compliment the committee on pursuing the matter and bringing this legislation to us at this time. Certainly during the war we shot away a lot of our minerals, and it is high time that we give consideration to legislation which will insure an adequate supply of strategic and critical

materials to protect the Nation and its interests in time of need.

Mr. JENNINGS. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I join with those who have commended the committee on this far-sighted and very necessary piece of legislation. I do not anticipate any objection to this measure on the part of those who produce strategic materials for the reason that it affords them a market for their material and has been of very material assistance in keeping large numbers of men at work who otherwise might have been out of employment. These materials, unless, as suggested here, they should become obsolescent, are materials that do not deteriorate by stock piling. I think it is the part of wisdom and the very finest exercise of that foresight that should characterize our defense program that this measure has been worked out by this committee and reported to this House. I shall support it.

Mr. CARNAHAN. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I am very much interested in this legislation creating stock piles. I come from the district in the United States which has the greatest deposits of lead. We are quite proud of our mining industry in the Eighth Congressional District of Missouri. I find that during the war the known deposits of ore have been depleted, and our mining industries are faced with the problem of exploring and finding other bodies of ore. I notice a section in the bill, section 7, which says that the Secretary of the Interior, through the Director of the Bureau of Mines and the Director of Geological Surveys, is hereby authorized and directed to make scientific, geological, and economic investigations concerning the extent and the mode of occurrence, the development and the preparation, treatment, and utilization of ores and other mineral substances found in the United States or in its territories or possessions. I am certainly glad that that clause is in the bill. I feel that to build up a stock pile we should keep ahead of the game and ahead of the miners with the deposits of ore. This clause in the bill will mean a great deal to the stock pile and to the district which I have the honor to represent.

I also feel that the stock pile of strategic materials should be used to keep marginal operations going. If these marginal operators are kept as going concerns by making sales of their production to the stock piles, then in case of an emergency it would not be necessary to start from scratch with these industries. Of course, during any prolonged emergency we would perhaps find it necessary to depend on domestic production of strategic materials.

Mr. MAY. Mr. Speaker, I move the previous question on the amendment.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MONRONEY). The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was ordered to be read a third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

JOINT SESSION OF THE HOUSE AND SENATE

Mr. McCORMACK. Mr. Speaker, I offer a resolution, House Concurrent Resolution 153, and ask for its immediate consideration.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Saturday, the 25th day of May, 1946, at 4 o'clock p. m., for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DECLARATION OF RECESS TOMORROW

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that it be in order for the Speaker to declare a recess at any time tomorrow afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

GENERAL LEAVE TO REVISE AND EXTEND

Mr. MAY. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. SCHWABE of Oklahoma asked and was given permission to extend his remarks in the RECORD and include an editorial from the Tulsa Tribune

Mr. IZAC (at the request of Mr. DOYLE) was given permission to extend his remarks in the RECORD.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. WOLFENDEN of Pennsylvania (at the request of Mr. KINZER), for an indefinite period, on account of illness.

EXTENSION OF REMARKS

Mr. HESELTON (at the request of Mr. MICHENER) was given permission to extend his remarks in the RECORD.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. ROGERS of New York, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 5504. An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto; and

H. J. Res. 273. Joint resolution to provide for the proper observance of the one hundred and fifty-fifth anniversary of the adoption of the first 10 amendments to the Constitution, known as the Bill of Rights.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. ROGERS of New York, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills and joint resolutions of the House of the following titles:

H. R. 4763. An act for the relief of R. L. Benton;

H. R. 5504. An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto;

H. J. Res. 273. Joint resolution to provide for the proper observance of the one hundred and fifty-fifth anniversary of the adoption of the first 10 amendments to the Constitution, known as the Bill of Rights; and

H. J. Res. 353. Joint resolution extending the time for the release of powers of appointment for the purposes of certain provisions of the Internal Revenue Code.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 19 minutes p. m.) the House adjourned until tomorrow, Saturday, May 25, 1946, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON THE JUDICIARY

On Monday, May 27, 1946, Subcommittee No. 4 of the Committee on the Judiciary will start public hearings on the following pending measures with respect to the cessation of hostilities and termination of the war and emergencies: House Concurrent Resolution 85, House Concurrent Resolution 86, House Concurrent Resolution 91, House Concurrent Resolution 98, House Concurrent Resolution 132, House Concurrent Resolution 133, House Joint Resolution 245, House Joint Resolution 272, House Joint Resolution 287.

The hearings will be held in the Judiciary Committee room, 346 House Office Building, beginning at 10 a. m.

On Thursday, June 6, 1946, Subcommittee No. 2 of the Committee on the Judiciary will continue hearings on the bill (H. R. 6301) to supplement existing laws against unlawful restraints and monopolies, and for other purposes. The hearings will begin at 10 a. m. and will be held in the Judiciary Committee room, 346 House Office Building.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Public Health Subcommittee of the Committee on Interstate and Foreign Commerce, at 10 a. m., Tuesday, May 28, 1946.

Business to be considered: Commence public hearings on the bill (H. R. 6448) National Science Foundation Act of 1946, and related pending bills.

COMMITTEE ON PATENTS

The Committee on Patents will begin hearings Tuesday, June 4, 1946, at 10 a. m., in the Patents Committee room, 416 House Office Building, on the following bills:

H. R. 3964 (HARTLEY): A bill to declare the national policy regarding the test for determining invention.

H. R. 5841 (BOYKIN): A bill fixing the date of the termination of World War II, for special purposes.

H. R. 5940 (LANHAM): A bill to make Government-owned patents freely available for use by citizens of the United States, its Territories and possessions.

These hearings will be continued on succeeding days until concluded or until this notice is superseded.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1329. A letter from the Acting Administrator, War Shipping Administration, transmitting report No. 13 of action taken under section 217 of the Merchant Marine Act, 1936, as amended; to the Committee on the Merchant Marine and Fisheries.

1330. A letter from the Acting Secretary of the Interior, transmitting a draft of a proposed bill for the relief of Milton A. Johnson, and for other purposes; to the Committee on Claims.

1331. A communication from the President of the United States, transmitting a proposed provision pertaining to an existing appropriation of the Veterans' Administration for the fiscal year 1947 (H. Doc. No. 611); to the Committee on Appropriations and ordered to be printed.

1332. A communication from the President of the United States, transmitting a draft of a proposed provision pertaining to an existing appropriation for the legislative branch, Government Printing Office (H. Doc. No. 612); to the Committee on Appropriations and ordered to be printed.

1333. A communication from the President of the United States, transmitting supplemental estimates of appropriation for the fiscal year 1947 in the amount of $16,800 for the legislative branch, House of Representatives (H. Doc. No. 609); to the Committee on Appropriations and ordered to be printed.

1334. A communication from the President of the United States, transmitting supplemental estimates of appropriation for the fiscal year 1946 in the amount of $79,661,100 for the Post Office Department (H. Doc. No. 610); to the Committee on Appropriations and ordered to be printed.

1335. A letter from the Secretary of State, transmitting a draft of a proposed bill to provide military assistance to the Republic of the Philippines in establishing and maintaining national security and to form a basis for participation by that Government in such defensive military operations as the future may require; to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2128. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. SABATH: Committee on Rules. House Resolution 639. Resolution providing for the consideration of S. 524, an act to provide one national cemetery in every State and Territory and such other national cemeteries in the States, Territories, and possessions as may be needed for the burial of war veterans; without amendment (Rept. No. 2129). Referred to the House Calendar.

Mr. BATES of Massachusetts: Committee on Naval Affairs. S. 1802. An act to provide for the delivery of custody of certain articles of historic interest from the U. S. S. *Nevada* and the U. S. S. *Wyoming* to the State of Nevada and the State of Wyoming, respectively; without amendment (Rept. No. 2131). Referred to the Committee of the Whole House on the State of the Union.

Mr. HESS: Committee on Naval Affairs. S. 1805. An act to authorize the promotion of personnel of the Navy, Marine Corps, and Coast Guard who were prisoners of war; without amendment (Rept. No. 2132). Referred to the Committee of the Whole House on the State of the Union.

Mr. IZAC: Committee on Naval Affairs. S. 1854. An act to establish the civilian position of academic dean of the Postgraduate School of the Naval Academy and compensation therefor; without amendment (Rept. No. 2133). Referred to the Committee of the Whole House on the State of the Union.

Mrs. SMITH of Maine: Committee on Naval Affairs. S. 1862. An act to repeal section 1548, Revised Statutes (34 U. S. C. 592); without amendment (Rept. No. 2134). Referred to the Committee of the Whole House on the State of the Union.

Mr. COLE of New York: Committee on Naval Affairs. S. 1872. An act to provide for the rank of original appointments in the Corps of Civil Engineers of the United States Navy, and for other purposes; without amendment (Rept. No. 2136). Referred to the Committee of the Wohle House on the State of the Union.

Mr. MADDEN: Committee on Naval Affairs. S. 1959. An act to authorize the payment of additional uniform gratuity to Reserve officers commissioned from the status of aviation cadets; without amendment (Rept. No. 2137). Referred to the Committee of the Whole House on the State of the Union.

Mr. PRICE of Florida: Committee on Naval Affairs. H. R. 4433. A bill to provide for the conveyance to the State of Alabama for use as a public park of the military reservation known as Fort Morgan; with amendment (Rept. No. 2139). Referred to the Committee of the Whole House on the State of the Union.

Mr. SASSCER: Committee on Naval Affairs. H. R. 5640. A bill to reestablish the status of funds of the midshipmen's store, barber shop, cobbler shop, and tailor shop at the United States Naval Academy, and for other purposes; without amendment (Rept. No. 2140). Referred to the Committee of the Whole House on the State of the Union.

Mr. BIEMILLER: Committee on Naval Affairs. House Joint Resolution 347. Joint resolution to correct a technical error in the act approved April 18, 1946 (Public Law 347, 79th Cong., 2d sess.); without amendment (Rept. No. 2141). Referred to the Committee of the Whole House on the State of the Union.

Mr. PETERSON of Georgia: Committee on the Territories. H. R. 6486. A bill to authorize an appropriation for the establishment of a geophysical institute at the University of Alaska; without amendment (Rept. No. 2142). Referred to the Committee of the Whole House on the State of the Union.

Mr. MANASCO: Committee on Expenditures in the Executive Departments. H. R. 5552. A bill relating to the sale by the United States of surplus vessels suitable for tuna fishing; with amendment (Rept. No. 2143). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. MANKIN: Committee on Claims. S. 1286. An act for the relief of Sam Bechtold; without amendment (Rept. No. 2110). Referred to the Committee of the Whole House.

Mr. CASE of New Jersey: Committee on Claims. H. R. 1331. A bill for the relief of the Hatheway Patterson Corp.; with amendment (Rept. No. 2111). Referred to the Committee of the Whole House.

Mr. CHENOWETH: Committee on Claims. H. R. 1614. A bill for the relief of Jennie Olsen Andersen, widow, and Arthur Andrew Andersen, infant son, of Carl Edward Andersen; with amendment (Rept. No. 2112). Referred to the Committee of the Whole House.

Mr. DOYLE: Committee on Claims. H. R. 2287. A bill for the relief of Susan S. Wiseman; with amendment (Rept. No. 2113). Referred to the Committee of the Whole House.

Mr. BYRNES of Wisconsin: Committee on Claims. H. R. 2772. A bill for the relief of Juan Calcaño; without amendment (Rept. No. 2114). Referred to the Committee of the Whole House.

Mr. DOYLE: Committee on Claims. H. R. 3484. A bill for the relief of the Poultry Producers of Central California; without amendment (Rept. No. 2115). Referred to the Committee of the Whole House.

Mr. BYRNES of Wisconsin: Committee on Claims. H. R. 3672. A bill for the relief of Dimple Benoit; with amendment (Rept. No. 2116). Referred to the Committee of the Whole House.

Mr. DOYLE: Committee on Claims. H. R. 3827. A bill for the relief of Fred W. Grant; with amendment (Rept. No. 2117). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 4247. A bill for the relief of Jesús Lassalle; with amendment (Rept. No. 2118). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 4357. A bill for the relief of the estate of the late Alberto López Ramos; with amendment (Rept. No. 2119). Referred to the Committee of the Whole House.

Mr. SCRIVNER: Committee on Claims. H. R. 4458. A bill for the relief of Rosella J. Masters; without amendment (Rept. No. 2120). Referred to the Committee of the Whole House.

Mr. COLE of Kansas: Committee on Claims. H. R. 4466. A bill for the relief of Francis T. Lillie and Lois E. Lillie; with amendment (Rept. No. 2121). Referred to the Committee of the Whole House.

Mr. CHENOWETH: Committee on Claims. H. R. 4576. A bill for the relief of Ben W. Schubert; with amendment (Rept. No. 2122). Referred to the Committee of the Whole House.

Mr. JENNINGS: Committee on Claims. H. R. 4943. A bill for the relief of Fred A. Gottlieb; with amendment (Rept. No. 2123). Referred to the Committee of the Whole House.

Mr. CHENOWETH: Committee on Claims. H. R. 5228. A bill for the relief of Stephen Lisay; with amendment (Rept. No. 2124). Referred to the Committee of the Whole House.

Mrs. MANKIN: Committee on Claims. H. R. 5324. A bill for the relief of Mrs. Mary Francoline and Mrs. Rose Wallace; with amendment (Rept. No. 2125). Referred to the Committee of the Whole House.

Mrs. MANKIN: Committee on Claims. H. R. 5510. A bill for the relief of Newton William Lowery; without amendment (Rept. No. 2126). Referred to the Committee of the Whole House.

Mr. BYRNES of Wisconsin: Committee on Claims. H. R. 5541. A bill for the relief of F. B. Sweat; without amendment (Rept. No.

2127). Referred to the Committee on Naval Affairs.

Mr. MADDEN: Committee on Naval Affairs. S. 1871. An act to authorize the conveyance of a parcel of land at the naval supply depot, Bayonne, N. J., to the American Radiator & Standard Sanitary Corp.; without amendment (Rept. No. 2135). Referred to the Committee of the Whole House.

Mr. MADDEN: Committee on Naval Affairs. S. 1106. An act for the relief of Malcolm K. Burke; without amendment (Rept. No. 2130). Referred to the Committee of the Whole House.

Mr. IZAC: Committee on Naval Affairs. S. 1978. An act to authorize the restoration of Philip Niekum, Jr., to the active list of the United States Navy with appropriate rank and restoration of pay and allowances; without amendment (Rept. No. 2138). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MANSFIELD of Montana:

H. R. 6541. A bill to grant certain servicemen and veterans the benefits of section 251 of the Internal Revenue Code; to the Committee on Ways and Means.

By Mr. CASE of South Dakota:

H. R. 6542. A bill to make eligible for the acquisition of surplus property certain hospitalized members of the armed forces; to the Committee on Expenditures in the Executive Departments.

By Mr. LYLE:

H. R. 6543. A bill relating to the grades of city delivery carriers converted from the village delivery service; to the Committee on the Post Office and Post Roads.

By Mr. MAY (by request):

H. R. 6544. A bill to provide for the national security of the Nation by requiring that all qualified young men undergo a period of training for the common defense; to the Committee on Military Affairs.

By Mr. McCORMACK:

H. R. 6545. A bill to permit the continuation of certain subsidy payments; to the Committee on Banking and Currency.

By Mr. VINSON:

H R. 6546. A bill to authorize the Secretary of the Navy to construct a postgraduate school at Monterey, Calif.; to the Committee on Naval Affairs.

H R. 6547. A bill to authorize the Secretary of the Navy to acquire in fee or otherwise certain lands and rights in land on the island of Guam, and for other purposes; to the Committee on Naval Affairs.

By Mr. FLANNAGAN:

H. R. 6548. A bill to provide for further research into basic law and principles relating to agriculture; to the Committee on Agriculture.

By Mr. McMILLAN of South Carolina:

H. R. 6549. A bill to provide for investments of surplus funds deposited in cash depositories of South Carolina, or in the United States; to the Committee on Banking and Currency.

H. R. 6550. A bill authorizing the rezoning of certain property in the District of Columbia as a residential area; to the Committee on the District of Columbia.

By Mr. RANKIN (by request):

H. R. 6551. A bill to provide increased compensations for the widows and children of deceased veterans; to the Committee on World War Veterans' Legislation.

By Mrs. ROGERS of Massachusetts:

H. R. 6552. A bill to provide increased compensations for the widows and children of deceased veterans; to the Committee on World War Veterans' Legislation.

By Mr. SLAUGHTER:

H. R. 6553. A bill to provide additional means for the settlement of labor disputes, and for other purposes; to the Committee on Labor.

By Mr. WORLEY:

H. R. 6554. A bill to provide that part of the interest on loans guaranteed or insured under the Servicemen's Readjustment Act of 1944, as amended, be paid by the Administrator of Veterans' Affairs, so that eligible borrowers will pay interest at the rate of 1.8 percent per annum; to the Committee on World War Veterans' Legislation.

By Mr. JENNINGS:

H. R. 6555. A bill to authorize a preliminary examination and survey of the Big South Fork River and its tributaries, Tennessee, for flood control, for run-off and water-flow retardation, and for soil-erosion prevention; to the Committee on Flood Control.

By Mr. MURRAY of Wisconsin:

H. R. 6556. A bill relating to quotas with respect to the slaughtering of cattle and hogs; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMS:

H. R. 6557. A bill for the relief of Paul G. Hamel; to the Committee on Military Affairs.

By Mr. ANDERSON of California:

H. R. 6558. A bill for the relief of George Lutley Sclater-Booth; to the Committee on Immigration and Naturalization.

By Mr. BROOKS:

H. R. 6559. A bill for the relief of Gladys Geraldine Skeels; to the Committee on Claims.

By Mr. CASE of South Dakota:

H. R. 6560. A bill for the relief of Louis H. Deaver; to the Committee on Claims.

By Mr. COLE of Kansas:

H. R. 6561. A bill for the relief of the estate of Norman C. Cobb, Naomi R. Cobb, and Garland L. Cobb; to the Committee on Claims.

By Mr. COURTNEY:

H. R. 6562. A bill granting an increase of pension to Mrs. Lula Insley; to the Committee on Pensions.

By Mr. CROSSER:

H. R. 6563. A bill to enroll a certain person on the citizenship rolls of the Apache Tribe; to the Committee on Indian Affairs.

By Mr. ELLIOTT:

H. R. 6564. A bill for the relief of Chiyoichi Y. Koga; to the Committee on Claims.

By Mr. KEARNEY:

H. R. 6565. A bill for the relief of Dominick Angelone; to the Committee on Immigration and Naturalization.

By Mr. KILDAY:

H. R. 6566. A bill for the relief of Mrs. Pearl Ruck; to the Committee on Claims.

By Mr. LEFEVRE:

H. R. 6567. A bill for the relief of Nicholas Garadiasz; to the Committee on Claims.

By Mr. LESINSKI:

H. R. 6568. A bill for the relief of William Edward Samek; to the Committee on Immigration and Naturalization.

By Mr. RANKIN (by request):

H. R. 6569. A bill for the relief of William R. Irvin, to the Committee on Invalid Pensions.

By Mr. RUSSELL:

H. R. 6570. A bill for the relief of Peter Bednar; to the Committee on Immigration and Naturalization.

By Mr. WORLEY:

H. R. 6571. A bill for the relief of Mrs. Ila Sue Messenger; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1909. By Mr. SMITH of Wisconsin: Petition of Wisconsin Cheese Makers Association of Plymouth, Wis., setting forth this organization's views on OPA policies; to the Committee on Banking and Currency.

1910. By the SPEAKER: Petition of the Philadelphia Annual Conference of the Methodist Church, petitioning consideration of their resolution with reference to correction of the coal and railroad strikes; to the Committee on Labor.

1911. Also, petition of the department of Maryland, Disabled American Veterans, petitioning consideration of their resolution with reference to compulsory military training; to the Committee on Military Affairs.

SENATE

SATURDAY, MAY 25, 1946

(Legislative day of Tuesday, March 5, 1946)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

O God who art the hope of all the ends of the earth, as in former times Thy spirit didst breathe over the chaos, confusions, and divisions of struggling States and weld them into one Nation and didst lead forth our fathers unto a wealthy place, so in these latter days, having girded us to conquer tyranny without, wilt Thou heal the tensions within which threaten to tear the fair robe of democracy. Save us from violence, discord, confusion, and from all pride and arrogance. Endue with the spirit of wisdom those who in Thy name are trusted with the authority of governance, to the end that there may be peace within our borders. Forbid that the precious oil of our unity be spilled upon the ground to ignite selfish fires; may it still feed the flame of liberty's torch as it enlightens the whole darkened earth. We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, May 24, 1946, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its reading clerks, announced that the House had passed the following bills of the Senate, each with an amendment in which it requested the concurrence of the Senate:

S. 7. An act to improve the administration of justice by prescribing fair administrative procedure; and

S. 752. An act to amend the act of June 7, 1939 (53 Stat. 811), as amended, relating to the acquisition of stocks of strategic and

critical materials for national defense purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H. R. 3370) to provide assistance to the States in the establishment, maintenance, operation, and expansion of school-lunch programs, and for other purposes, and it was signed by the Acting President pro tempore.

THE STRIKE CRISIS—ADDRESS BY THE PRESIDENT

Mr. BARKLEY. Mr. President, I ask unanimous consent that the address on the strike situation, delivered over the radio last night by the President of the United States, be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

My fellow countrymen, I come before the American people tonight at a time of great crisis. The crisis of Pearl Harbor was the result of action by a foreign enemy. The crisis tonight is caused by a group of men within our own country who place their private interests above the welfare of the Nation.

As Americans you have the right to look to the President for leadership in this grave emergency. I have accepted the responsibility, as I have accepted it in other emergencies.

Every citizen of this country has the right to know what has brought about this crisis. It is my desire to report to you what has already taken place and the action that I intend to take.

Negotiations between the unions and the railroad operators started in accordance with the Railway Labor Act. Twenty unions were involved. Eighteen of these unions agreed to arbitrate the wage question, and an award was made. Alvanley Johnston, president of the Brotherhood of Locomotive Engineers, and A. F. Whitney, president of the Brotherhood of Railway Trainmen, refused to arbitrate the matter for their unions and instead took a strike vote. An emergency board heard the case of these two unions and recommended the same wage increase awarded to the other 18 unions. Mr. Johnston and Mr. Whitney, however, rejected the emergency board's recommendation in its entirety.

I began conferring with Mr. Whitney and Mr. Johnston as far back as February 21, 1946, in order that every effort should be made to avert a rail strike. When it became evident that the parties themselves were unable to agree, I submitted a compromise proposition to all the parties involved.

Negotiations were made considerably more difficult by the attitude of Mr. Whitney and Mr. Johnston in refusing my request that they meet with the operators and the other 18 unions in a joint conference in the office of the President of the United States. They agreed to meet with the operators but not in the presence of the representatives of the other unions. Accordingly, three separate conferences had to be held in the White House.

The unions had been awarded an increase of 16 cents per hour and certain changes in rules by the arbitration and emergency boards. I recommended that they accept the 16-cent increase awarded by the boards, plus 2½ cents in lieu of rule changes. These rule changes had been considered by the emergency board, which recommended that most of them be negotiated by the parties.

After consideration this compromise was accepted by the operators and by 18 of the unions. These 18 unions were cooperative. They placed the interests of their country first. The compromise was rejected by the locomotive engineers and the trainmen.

This offer of an increase of 18½ cents per hour was eminently fair. It would have resulted in actually increasing the take-home pay of the union members above the greatest take-home pay which they enjoyed during the war. In addition, these two unions are among the highest-paid unions in the country. It is also important that the suggested increase of 18½ cents was within the wage stabilizati n formula—and this formula must be maintained.

Instead of accepting this offer as did 18 of the unions and the operators, Mr. Johnston and Mr. Whitney chose to reject it and to call a strike of their unions. I assume that these two men know the terrible havoc that their decision has caused and the even more extreme suffering that will result in the future. It is inconceivable that the rank and file of these two unions realize the terrifying situation created by the action of these two men.

The effects of the rail tie-up were felt immediately by industry. Lack of fuel, raw materials, and shipping is bringing about the shut-down of hundreds of factories. Lack of transportation facilities will bring chaos to food distribution.

Farmers cannot move food to markets. All of you will see your food supplies dwindle, your health and safety endangered, your streets darkened, your transportation facilities broken down.

The housing program is being given a severe set-back by the interruption of shipment of materials.

Utilities must begin conservation of fuel immediately.

Returning veterans will not be able to get home.

Millions of workers will be thrown out of their jobs.

The added inflationary pressure caused by the drop in production cannot be measured.

While the situation in our country is extremely acute, the condition in Europe is tragic. Most of our friends today in liberated Europe are receiving less than one-third of the average American consumption of food. We have promised to help the starving masses of Asia and Europe, and we have been helping them. We have been exerting our utmost efforts and it is necessary for us to increase our shipments. At this minute 100,000 tons of grain are being held up by the strike of these two unions. UNRRA has 12 ships scheduled to leave from our ports with grain. These ships cannot sail because the strike of these two unions is keeping the food from reaching the ports. If these ships are held up any longer it means that the bread supply of 45,000,000 people will be cut off within 1 week.

These people are living from hand to mouth. They depend upon weekly shipments from us to meet their minimum daily needs. This grain held up in this country by the strike of these few men means the difference between life and death to hundreds of thousands of persons. This is stark, tragic truth. If the operation of our railroads is not resumed at once thousands of persons, both here and abroad, will starve. During these past weeks I have told Mr. Johnston and Mr. Whitney of the tragedy that would result from a strike. They have refused to heed my warning. I doubt whether the rank and file of their unions have been told these facts. I am telling them now so that each one of them can face his conscience and consider the spectre of starvation and death that will result from the course which Mr. Whitney and Mr. Johnston are following.

I do not speak tonight of the situation in the coal mines of the Nation, for the men are now at work and negotiations for settlement are now taking place between the Government and the unions.

I am a friend of labor. You men of labor who are familiar with my record in the United States Senate know that I have been a consistent advocate of the rights of labor and of the improvement of labor's position. I have opposed and will continue to oppose unfair restrictions upon the activities of labor organizations and upon the right of employees to organize and bargain collectively. It has been the basic philosophy of my political career to advocate those measures that result in the greatest good for the greatest number of our people. I shall always be a friend of labor.

But in any conflict that arises between one particular group, no matter who they may be, and the country as a whole, the welfare of the country must come first. It is inconceivable that in our democracy any two men should be placed in a position where they can completely stifle our economy and ultimately destroy our country. The Government is challenged as seldom before in our history. It must meet the challenge or confess its impotence.

I would regret deeply if the act of the two leaders of these unions should create such a wave of ill will and a desire for vengeance that there should result ill-advised restrictive legislation that would cause labor to lose those gains which it has rightfully made during the years.

As President of the United States, I am the representative of 140,000,000 people and I cannot stand idly by while they are being caused to suffer by reason of the action of these two men.

This is no contest between labor and management. This is a contest between a small group of men and their Government. The railroads are now being operated by your Government and the strike of these men is a strike against their Government. The fact is that the action of this small group of men has resulted in millions of other workers losing their wages. The factories of our country are far behind in filling their orders. Our workers have good jobs at high wages but they cannot earn these wages because of the willful attitude of these few men. I cannot believe that any right of any worker in our country needs such a strike for its protection. I believe that it constitutes a fundamental attack upon the rights of society and upon the welfare of our country. It is time for plain speaking. This strike with which we are now confronted touches not only the welfare of a class but vitally concerns the well-being and the very life of all our people.

The railroads must resume operation. In view of the extraordinary emergency which exists, as President of the United States, I call upon the men who are now out on strike to return to their jobs and to operate our railroads. To each man now out on strike I say that the duty to your country goes beyond any desire for personal gain.

If sufficient workers to operate the trains have not returned by 4 p. m. tomorrow, as head of your Government I have no alternative but to operate the trains by using every means within my power. I shall call upon the Army to assist the Office of Defense Transportation in operating the trains and I shall ask our armed forces to furnish protection to every man who heeds the call of his country in this hour of need.

This emergency is so acute and the issue is so vital that I have requested the Congress to be in session tomorrow at 4 p. m. and I shall appear before a joint session of the Congress to deliver a message on this subject.

MEDIATION OF LABOR DISPUTES

The Senate resumed consideration of the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the modified amendment offered by the Senator from Minnesota [Mr. BALL] on behalf of himself and other Senators.

Mr. REVERCOMB. Mr. President, yesterday the able Senator from Massachusetts [Mr. SALTONSTALL] and I offered an amendment to the pending amendment which was accepted. I will say to the Members of the Senate that what occurred in the acceptance of the amendment appears on page 5607 of the RECORD of yesterday. The added language is as follows:

Nor shall the quitting of labor by an employee or employees in good faith because of the abnormally dangerous conditions for work of the place of employment of such employee or employees be deemed a strike under this section.

When the amendment was offered and accepted, as will be seen from the RECORD, the Senator from Minnesota [Mr. BALL] requested that the amendment as modified by the new language offered and accepted be printed. That was ordered by the Presiding Officer, but the order has not been carried out. Therefore, I must call the attention of Members of the Senate to the RECORD to see there just what transpired and to see the contents of the added language. That language is added at the end of the pending amendment. The necessity for it, if I may explain, is readily seen when, on page 3, it is provided that during the pendency of the negotiations of settlement it shall be the duty of the employees and their representatives to refrain from strikes during the fixed period; and if they fail to refrain from striking, a penalty is placed upon them that they shall lose their status as employees of the employer engaged in the particular labor dispute, and that such loss of employment status for such employee shall terminate if and when he is reemployed by such employer.

The authors of the new language felt that it would be very unfair and very unjust to employees in any industry to penalize them if, because of abnormal or unusually dangerous conditions, they should refrain from working. I know that the Senate and the Congress of the United States do not want to put men under an obligation to work in an abnormally dangerous place. Of course there are classes of employment in connection with which there are innate dangers, such as bridge building, structural steel work, and coal mining, but where an unusual condition of danger other than a normal condition of safety exists, Mr. President, no man should be required to go there, and if all of them stop work they should not be penalized for such stoppage. It is to meet that situation that the language was written into the amendment.

One of the great needs in industry today is the protection of life and limb and health. We have already adopted an amendment that permits the setting up of a welfare fund for the improvement of the health and sanitation and the taking care of the injured; and certainly we do not want to place in this law any provision which would require men to work under abnormally dangerous conditions.

With that explanation, and because of the limitation of time for discussion this morning, I submit that the added language strengthens very much the Ball amendment, which would permit men to remain at their work during the time controversial issues were being discussed for settlement, but would not require them under a penalty to continue at work in a place that is too dangerous to work in. I think that is indeed the purpose of the Congress as we pass laws to meet the chaotic and strained situation existing in our country today.

Mr. BALL. Mr. President, I yield to the Senator from Virginia [Mr. BYRD].

Mr. BYRD. Mr. President, I want to express my unqualified approval of the pending amendment. I believe it is exactly along the right line and will do a great deal to avoid strikes. It has been carefully prepared and in my opinion it will be most effective.

I desire also to take this occasion to commend highly the courageous speech made last night by President Truman. He met the issue in forthright fashion.

No American can question the fact that the time has come for stern and positive action to save this country from anarchy and chaos due to the ruthless action of just a few men.

I was called from the floor on Thursday night and asked to make a brief statement over the radio and then said:

Tonight powerful labor leaders are in open revolt against their own Government. With railroads idle and coal mines again closing, we face a great national crisis. The dignity and authority of our National Government must be quickly reestablished. Appeasement of these ruthless leaders of labor has been practiced for too long. We must have courageous, firm and, above all, quick action if a national catastrophe is to be averted. I, for one, am not willing to concede that our great Government is impotent to deal with this situation. Let the Congress remain in constant session if need be.

Let President Truman come to Capitol Hill, as is the custom in a national emergency, and then by the united action of the President of the United States and the Congress means, I feel certain, can be effectuated to control those willful men who place their selfish aims above the public welfare.

On yesterday I conferred with the President at the White House and recommended to him as strongly as I could that prompt and effective and firm measures be taken to restore the control of our Government to its duly elected representatives.

A strike of the employees of the Government-seized railroads is a strike against the Government. A strike of the employees of the Government-seized coal mines is a strike against the Government. No democracy can survive when a few men not elected or responsible to the people usurp authority which is used in a way destructive of the national interest.

In his message of last night, President Truman said:

It is inconceivable that in our democracy any two men should be placed in a position where they can completely stifle our economy and ultimately destroy our country. The Government is challenged as seldom before in our history. It must meet the challenge or confess its impotence.

The President stated the situation very accurately as affecting the two labor leaders who have caused the railroad strike against the wishes of 18 other unions, which comprise a vast majority of the total employees affected. But the same thing applies to John L. Lewis, who controls the production of coal; to Philip Murray, who controls the production of steel.

The longshoremen and marine workers have scheduled a strike for June 15, and one man may determine whether or not water transportation will stop or continue; and, if stopped, many thousands will starve in foreign lands and our internal conditions will be still further disrupted.

So today the operations absolutely vital to our existence are in the control of any one of a half-dozen labor leaders who by ruthless action, by coercion made possible by a threatened national calamity, can destroy the business economy of our country and endanger the lives of our citizens.

What has created a situation in this country whereby one man in a vital industry can exercise supreme control over the lives, the happiness, and the prosperity of our citizens? The reason is that these great labor leaders have built up their power because no one in high public office has dared to challenge them. Power begets power. John L. Lewis, on at least four occasions, has proved himself to be bigger and more powerful than the Government of the United States. His constant victories over the Government have built up his ego so that he does not recognize compromise but only a subservient acceptance of his demands will satisfy him. Otherwise he orders a stoppage of all coal production.

Again, whenever John L. Lewis or any other great labor leader fails to win further concessions, then that labor leader loses his power. It is this situation, Mr. President, that has created a condition in America which is more dangerous, I think, to our American institutions than anything else that exists today.

The settlement of one strike brought about by selfish demands of one labor leader does not mean that another labor leader powerfully situated in another vital industry cannot likewise create a condition of national catastrophe. This is a menace that we must face and remove. It cannot be solved by appeasement. Further appeasement and surrender will only make more disastrous the ultimate consequences.

I think the Congress should stay in session today, tonight, Sunday, and continuously from then on until we do what may be necessary to protect the very existence, not only of our Republic, but even the lives of our citizens. Our very institutions of government are on trial. It is for us to meet the challenge and preserve our Republic.

Mr. HATCH. A parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. HATCH. What is the pending question?

The ACTING PRESIDENT pro tempore. The pending question is on agreeing to the amendment, as modified, offered by the Senator from Minnesota [Mr. BALL] for himself, the Senator from Ohio [Mr. TAFT], the Senator from Virginia [Mr. BYRD], the Senator from New Mexico [Mr. HATCH] and the Senator from New Jersey [Mr. SMITH], to House bill 4908.

The Senate is proceeding under a unanimous-consent agreement, and the time is under the joint control of the Senator from Minnesota [Mr. BALL] and the Senator from Montana [Mr. MURRAY].

Mr. BALL. Mr. President——

Mr. REVERCOMB Mr. President, will the Senator yield for just one inquiry?

Mr. BALL. I yield.

Mr. REVERCOMB. The Presiding Officer stated the question to be upon the amendment of the Senator from Minnesota [Mr. BALL] and other Senators. It is upon that amendment as modified by an amendment accepted yesterday.

The ACTING PRESIDENT pro tempore. The Senator is correct. The question is on agreeing to the Ball amendment as modified.

Mr. BALL. Mr. President, yesterday the Senator from Colorado [Mr. MILLIKIN] propounded a question about the meaning of the language in subparagraph (2) on page 2 of the amendment about the collective bargaining conference to be held "not later than 10 days," and so forth. I think the language is a little ambiguous, and I modify the amendment by inserting in line 9, on page 2, between the words "conference" and "not" the words "to be held."

The ACTING PRESIDENT pro tempore. Without objection, the amendment is so modified.

Mr. BARKLEY. Mr. President, I merely wish to announce to the Senate what I am sure it will be happy to learn: That the railroad brotherhoods involved in the pending strike have agreed to go back to work immediately.

The ACTING PRESIDENT pro tempore. Does the Senator from Minnesota desire recognition?

Mr. BALL. Mr. President, I discussed the pending amendment at some length yesterday. All it does is to attempt to set an orderly pattern for collective bargaining and mediation of labor-relations disputes and to place a very mild injunction on both employers and employees when they are involved in a dispute affecting commerce which the Federal Mediation Board believes to be important enough so that it proffers its services in an effort to settle the dispute. Under the amendment, in such cases employers and employees would be under an obligation to devote at least 60 days to efforts to settle the dispute peaceably, by both collective bargaining and by mediation, before they resorted to the use of economic force, which result in a stoppage of production.

Mr. President, the amendment is a very mild one, and I think, in the long run, it will do a great deal to introduce order and eventually to minimize stoppages of production in the major industries affecting commerce.

Mr. President, I should like to reserve the final 5 minutes of my time until after we have heard the opposition to the amendment.

Mr. LA FOLLETTE. Mr. President, will the Senator from Montana yield me 5 minutes?

Mr. MURRAY. I yield the Senator from Wisconsin 5 minutes.

Mr. LA FOLLETTE. Mr. President, I rise in opposition to the amendment. I think it is based on the same erroneous concept upon which the strike-vote provisions of the Smith-Connally Act were based. It is based on the theory that strikes usually originate as the result of autocratic action taken by union leaders, and not because there is discontent and a desire for improvement of working conditions or wages on the part of the membership of the union.

Senators will recall that the strike-vote provisions of the Smith-Connally Act were held out as a means of preventing strikes. The record since that act went on the statute books, and especially since VJ-day, shows conclusively that it has not had that effect. Strike votes have been taken prior to the time of collective bargaining or the expiration of a contract, or they have been taken shortly after those proceedings got under way in order to meet the terms of the Smith-Connally strike-vote provisions.

I fear that the pending amendment, instead of producing increased industrial peace and better labor relations between management and unions, will have the opposite effect. I concede that in those industries where there have been harmonious relationships between organized labor and employers they may conform to this congressional declaration of policy. But, unfortunately, Mr. President, although I think a large majority of the employers have accepted in good faith collective bargaining by representatives chosen by their workers, as conceived and legislated for in the National Labor Relations Act, there still remains an intransigent but powerful minority of employers who have never accepted in good faith and at heart the principle of independent collective bargaining upon the part of unions organized and choosing their own independent representatives.

I know that to be true as a result of my own experience and 4 years of investigation in this field. While I think there has been some improvement in the situation, I know of my own personal knowledge, from having talked to large employers of labor, that some of them, I am sorry to say, are only looking forward to the time when they anticipate there will be widespread unemployment and labor will be at a disadvantage, when once more they will attempt to smash the progress which organized labor has made under the Wagner Labor Relations Act. In those types of industries, Mr. President, and in those concerns where there has been this long period of poisoned relationships between the employer and the employee, I fear that the terms of the amendment will have the effect of bringing on strikes in advance whenever the workmen are fearful, because of their past experiences, that the employer is not going to bargain in good faith. Consequently, Mr. President, I think the amendment may have a very unfortunate effect in the kind of relationship I am describing.

I emphasize again that I do not think what I have said applies in the majority of relationships, but it does apply I regret to say, in many instances. I fear that during the 60-day period, if it shall be invoked, employers who desire to break unions will, during the negotiations which may be proceeding conduct themselves in a manner to provoke their employees to violate the 60-day provision. If and when that happens, Mr. President, we will have put the most effective union-breaking power in the hands of the employer that has ever been provided in a piece of serious legislation, for if by his attitude, an employer who desires to smash a union of his employees can provoke the men into striking during the 60-day period allowed for collective bargaining, it rests within his power to say which ones of his employees shall be reemployed at the end of the strike, and thus the workers will be in a position to lose all the rights which they have in that particular occupation.

I fear Mr. President, that despite the intent of the authors of the amendment to bring about more peace in labor relations, it will have directly the opposite effect. For these reasons, briefly stated, I cannot support it.

Mr. MURRAY. Mr. President, the Senator from Wyoming [Mr. O'MAHONEY] asked for 5 minutes' time. He does not appear to be present at the moment.

Mr. HATCH. Mr. President, if the Senator who asked for time from the Senator from Montana is not present at the moment, and if the Senator from Montana can yield me 2 or 3 minutes of time, I shall be glad to take that time now, because I want to express my wholehearted approval of the pending amendment.

Mr. BALL. I am glad to yield 5 minutes to the Senator from New Mexico.

Mr. HATCH. I do not want to take up that much time. I see the Senator from Wyoming has now the Chamber.

Mr. President, I wholeheartedly approve the amendment. It is not an effort in any way to curtail the rights of labor. It does in a measure postpone the right to use the extreme weapon of force—the force of the strike—in economic relations. It does not take that weapon away from labor at all, but it does set up a mediation board, giving to labor itself and also to management another weapon—the weapon of peaceful negotiation of settlement of disputes without force and without violence. It is something which the Government has long neglected to provide to the ranks of labor and to the ranks of management. Heretofore the Federal Government and the several States have been content and willing to let economic warfare exist, and to have settlement of these problems which affect the life of all the Nation made according to the rule of force, might, and violence, which is exactly the thing we are trying to do away with in international affairs

by providing among nations opportunities for conferences and agreements by which war may be driven from the world.

Now, we try by this mild measure—most mild, indeed—to give 60 days' time when these contending—no; more than that—these warring forces—too often warring—may settle their differences by peaceful negotiations with the aid and help of an established board of government. By this means we try to bring about orderly and peaceful adjustment without resort to force and violence.

Mr. President, if anything, the amendment is too mild and does not go far enough. It ought to be adopted.

Mr. MURRAY. Mr. President, I now yield to the Senator from Wyoming.

Mr. O'MAHONEY. Mr. President, I think that no one can quarrel with the intent and purpose of the Senator from New Mexico just expressed, nor I believe with the sentiment expressed by the distinguished and able Senator from Minnesota, who has been the principal spokesman for this amendment. I fear, however, Mr. President, that in the consideration of this legislation we are overlooking a very fundamental aspect of the whole problem. We are dealing here not with the excesses of labor alone—and there have been some excesses—we are also dealing with the fundamental problem of the concentration of economic power.

There has come over this Nation and over the world a great transformation. Our economy is no longer the economy of individuals acting in their individual capacity, with their own individual property or their individual labor. Our economy now, Mr. President, is one huge economic organization which has the effect of suppressing the liberty of individuals. This economic organization first became manifest in the realm of management. In the great industrial and commercial organizations which span this country in their operations the owners, namely, the stockholders, have completely delegated away to a few experts who constitute management the entire power to wield the tremendous influence of concentrated capital. It was the wielding of that concentrated power by a few managers which in the first instance created the problems of labor with which we are now dealing.

Several years ago the Congress of the United States, upon the recommendation of President Roosevelt, appointed a joint committee of the executive and of the legislative to make a study of the concentration of economic power in the United States. I had the honor of serving as the chairman of that committee. In March 1941, I had the privilege of presenting on this floor the final report of that committee. It was presented, as I say, in March 1941, when the clouds of war were descending upon the world and upon the United States. Europe and Asia were then involved in war, and we were about to become involved. We were turning all our great economic power, through lend-lease, to the assistance of those who later became our allies. Perforce our attention was diverted from domestic problems. We were unable to give further consideration to the reorganization and readjustment of our domestic economic situation and our domestic economic machinery to meet the changed condition.

In that final report, which I filed on March 31, 1941, on pages 47 and 48 will be found the following statement which I wrote, in which I attempted to summarize briefly and pointedly the conclusions to which my mind was led by the facts which were presented to that committee. I believe that Senators will credit me when I say that these conclusions were reached in a spirit of impartiality, in a spirit of a sincere desire to understand the problems with which we were confronted. I hope Senators will bear with me as I read these words of 1941:

It is a fundamental rule of democratic society, as already pointed out in this report, that authority over the society proceeds from the whole and not from any part of it. It follows from this that the organizations which affect the whole should be amenable to the whole and should derive their authority from the whole. Organizations, which from their very nature must of necessity influence the political or economic life of a democracy, must be of a character to reflect the will of the members rather than the will of the leaders.

Democratic society is willing to permit the individual to exercise the utmost freedom because no individual acting alone can so injure the entire community (except in the case of crime) as to justify the withdrawal of individual liberty. This is not the case, however, when organizations become so large and powerful that by weight of numbers, by wealth or power they threaten or affect the public welfare. In such instances the public has the right to define the nature and the form of the organization, not for the purpose of "regimenting" it but for the sole purpose of making certain that the organization shall operate in the public interest.

For this reason, since it appears that as a result of economic concentration there are not only huge corporate business and industrial organizations which intimately affect the entire national economy, but also trade associations, agricultural associations, consumers' organizations and labor unions, as well as pressure groups of various kinds, all of which are beyond the jurisdiction of local political subdivisions, I am personally of the opinion that the Congress, which represents all the people, should, by legislation, lay down definite standards of organization and activity for all such groups. This would be no easy task, but it seems to be preeminently a necessary one, for if the people of America, in order to make the defense of democracy effective, have found themselves obliged to coordinate all their forces and resources for the purposes of war, it seems clear that a similar coordination must be made effective if we are to establish the coming peace upon an unassailably democratic basis.

The mark of our economy has been largely one of restricting production for the purpose of maintaining price. That policy is to be found everywhere, but the defense crisis teaches us that stimulated production, not restricted production, is our great need. If, under the impetus of war, we are eliminating all restriction on production, surely the demonstrated economic needs of millions teach us that we should have the same policy in peace. Only thus can we hope to distribute equitably among all the people the abundance nature provides.

The termination of the war effort, putting to an end, as it may very suddenly, the industrial activity now gaining tremendous momentum, will bring with it problems more critical and more fraught with danger than those which followed the collapse of 1929. Unless the democratic society of America shall have prepared in advance for this hour, there will be no alternative except Government action, which will necessarily be as inconclusive as the action which has heretofore been taken. The unsolved problems of postwar depression will be heaped upon the unsolved problems of prewar depression, and it is difficult to say how, in these circumstances, democracy can survive unless democracy prepares for peace now.

Therefore I recommend that the Congress by an appropriate statute call a national conference of the various organizations representative of business, labor, agriculture, and consumers, which have for years been working on the diverse phases of the economic problem. The duties of such a conference would be twofold, first, to define the nature and democratic responsibility of such organizations—business, labor, agriculture, and all—and, second, to define a formula for stimulated production under the impetus of peace rather than war.

Mr. President, the events of the past few months conclusively demonstrate to my mind the accuracy of that analysis of our condition made in March 1941. We shall not solve this problem by dealing with labor alone. It may be acknowledged that nationally organized unions of workingmen should be made responsible to the will of all the people, because in economic affairs, as in political affairs, the old axiom of geometry is perfectly sound: "The whole is greater than any of its parts." Our trouble, Mr. President, is that we have not developed the rule of order for the whole. We have not developed the rule of order which shall apply to all of the different segments. If we undertake in a moment of passion, such as now prevails, to devise a rule which many members of organized labor believe to be directed against them, against the existence of their organizations, against their right to band together to protect the conditions under which they labor, if such an impression is created, in my judgment it will result, not in an improvement, but, rather, in a worsening of the conditions which confront us.

Mr. President, now we have had an example of what may be done. Last night the President made his appeal to the people of America. Perhaps I should not use the word "appeal." The President last night in a memorable talk to the people of America announced that the Government must remain unassailed and unassailable. That is a basic principle of order, Mr. President. We know now that the labor organizations to whom that message was immediately directed have returned to work. The action of the President has brought about the basis for a restoration of economic order. The Executive must act; the Executive did act. The response has been made.

Now in due course the time comes for the legislative body to prescribe the rule. But, Mr. President, if we apprehend what is going on in the world about us, we must know that it is incumbent upon the greatest democratic nation in the world to reach an understanding of that rule by adjusting all of the different conflicts of opinion. It is not a matter which can be worked out in debates such as we have had here on the floor of the

Senate on the pending bill. Senators will recall that amendment after amendment has been presented to the measure which is now under consideration. The chairman of the Committee on Education and Labor has on his desk a folder containing all these amendments. It is the largest folder of the kind I have ever seen, dealing with any measure that has been presented to the Senate for action. Most of these amendments were not submitted to the committee. They were not the subject of study and testimony and hearing by the committee. They are offered upon inspiration, as it were, on the floor, and then they are modified and remodified. We are coming to a realization of what everybody who participates in a parliamentary body must realize to be the fact, namely, that sound legislation cannot be drafted upon the floor. When such an attempt is made, Mr. President, it inevitably results in bad law.

But now that the railroad workers have responded to the call of the President and have agreed to see that the trains shall be moving again, it seems to me unavoidable that we must now undertake in a spirit of understanding, of sympathy, and of cooperation, to work out the rule which will apply to all these diverse phases and segments of our economy. To legislate hastily with respect to one and not with respect to others will inevitably breed suspicion that injustice may be inflicted.

Last night I received a telegram from various officers of labor unions who are not involved in strikes, saying, "Please do not punish us for conditions for which we are not responsible and in which we have not participated."

Mr. President, Senators will remember the plea which was made only the night before last by the distinguished and able senior Senator from Massachusetts [Mr. WALSH], that legislation of this kind is not directed against those individuals who, in the public mind, are perhaps being held responsible at this moment for the conditions which have existed, but legislation of this kind is directed against all. It is directed not merely against the labor leader but also against the members of his organization.

Mr. President, I sought this morning to obtain the full text of a speech which was made yesterday by John Foster Dulles. I saw a brief report of it in the Washington Post. I have not been able to obtain the entire text of his speech; but I should like to read to the Senate the extract which appeared in this morning's Washington Post, on page 12:

ATLANTIC CITY, N. J., May 24.—John Foster Dulles, lawyer and consultant on international affairs, declared tonight the United Nations was relatively impotent and that peace negotiations in Paris failed because Soviet leaders consider American ideas of freedom to be obsolete.

Dulles, honorary chairman of the National Laymen's Committee of the Presybyterian $27,000,000 restoration fund, told 880 commissioners at the one hundred and fifty-eighth general assembly of the Presbyterian Church in the U. S. A. (north) that Soviet leaders sought world-wide acceptance of their system as the basic goal of their foreign policy.

"I do not believe that labor and management realize that their present performance is discrediting our free society to such an extent that it jeopardized the peace and may render vain the human and material sacrifices of the war," Dulles said.

"We use our freedoms in ways which, to others, seem to demonstrate that they lead to a disorder which the world in its weakened condition cannot stand.

"But Soviet leaders, themselves atheistic, are not disposed to bend to conceptions which, to them, seem obsolete and to have little authority except the waning tradition of a dying faith."

The ACTING PRESIDENT pro tempore. Under the unanimous-consent agreement, the time of the Senator has expired.

Mr. MURRAY. Mr. President, I yield the Senator from Wyoming 3 minutes more.

Mr. O'MAHONEY. Mr. President, under the brief extension, let me add——

The ACTING PRESIDENT pro tempore. The Chair is advised that the time allotted to the Senator from Montana has expired.

Mr. SALTONSTALL. Mr. President——

Mr. BALL. I yield to the Senator from Massachusetts.

Mr. SALTONSTALL. Mr. President, I shall vote for the pending amendment. I shall not vote for all the amendments which have been offered or may be offered to the bill, but I shall vote for this amendment because I believe it will prove helpful to our whole society in the United States at this time.

What we want today is greater production. What we want today is an opportunity for more jobs. What we need today is greater faith in ourselves, less distrust in each other, and greater confidence that we can get along with each other.

The other day I listened to the distinguished Senator from Wyoming [Mr. O'MAHONEY] who has just taken his seat. I was much impressed by what he said. After listening to him, I came away with the feeling that we want less distrust of one another; we want more ability to get along with each other. We know that when men are under great strain they cannot get along with each other as well as when their relationships are calm. We have seen that demonstrated in this body during long, heated night sessions. How different it was when Members were endeavoring calmly to consider the business before them.

The pending amendment will afford an opportunity for men to cool off, and sit together at a conference called by persons who have no part in the dispute, but who wish to help in working out an agreement. It seems to me that the amendment is directly in line with what the distinguished Senator from Wyoming said the other day, namely, that it will afford an opportunity for contending forces to sit down and work out their problems, and at the same time keep production moving. If we do not have production we will not have jobs.

I should like to reply briefly to the Senator from Wisconsin. Earlier in the day he said in substance that he would vote against the amendment because he believed it would result in increasing the already difficult relationships between some employers and their employees. I believe that a careful reading of the amendment will eliminate such fear. In the amendment it is provided that the Federal Mediation Board may proffer its services. If it concludes, after examining into the dispute, that it cannot accomplish a settlement of the dispute, it will immediately conclude its hearings. The hearings do not necessarily have to continue for 60 days. If men of the proper type and ability are appointed to the Federal Mediation Board, and they see that an employer is not properly treating his employees and not living up to the spirit of the amendment, the Board may immediately conclude its hearings and permit the employees to discontinue their work and go on strike, which is their right and may become their duty under these special circumstances.

Mr. President, I believe that the amendment is in the interest of better collective bargaining, in the interest of more jobs, and in the interest of greater production. It will afford an opportunity for contending parties to sit down together. It will encourage them to have faith in each other instead of distrust, and will enable them to solve their common problems and at the same time attain greater production, which is the need of this country today. I hope the amendment will be adopted.

Mr. BALL. Mr. President, I wish briefly to reply to one of the arguments made by the Senator from Wyoming, the effect of which was that these amendments had come hastily to the Senate, or had been ill-considered and not carefully studied.

The Senate Committee on Education and Labor spent several weeks in holding hearings on these specific issues. Each of the six amendments which have been proposed by the minority members of the committee, of which the pending amendment is one, were offered and discussed in the committee. The pending amendment was defeated in the committee by a vote of 9 to 6.

Moreover, Mr. President, in connection with the charge that the Senate is rushing into legislation in this field, I think we may say that if Senators will consider the over-all picture they will find that since January 30, 1938, various committees of the House and Senate held more than 265 days of hearings, and took more than 23,000 pages of printed testimony concerning matters directly related to the industrial relations problem. The subject was studied by committees of both the Senate and the House, and on four separate occasions the House by a large majority passed measures which it considered necessary in order to correct the labor situation then confronting the country.

Mr. President, as I have said over and over again, the pending amendment is not antilabor. It is not aimed at any party involved in the employer-employee relationship. Every obligation which the amendment would impose is imposed equally upon employers and employees as well as upon their representatives.

The Senator from Wisconsin referred to the provision in the Smith-Connally Act which requires that a strike vote be taken, followed by a 30-day so-called cooling-off period. I do not believe that

it will ever be possible to have the pending amendment referred to except in connection with a 60-day cooling-off period. The Smith-Connally provision was for a cooling-off period of 30 days after the employees had voted to strike.

The pending amendment provides that when a dispute affecting interstate commerce is of such a serious nature that the Federal Mediation Board believes that it should step into the picture, it proffers its services. In that event both the employer and employees shall devote at least 60 days to collective bargaining and mediation efforts in an attempt to settle the dispute peacefully before the employees resort to economic force and a stoppage of production. Mr. President, I believe that is the very minimum which the Congress should demand. The amendment will not injure the unions in any way. Most unions have a policy of spending sometimes as many as 90 days, and it has been known that they have spent as many as 4 months, in an effort to settle disputes before resorting to strikes. Most all the representatives of unions who appeared before the committee stated it was their policy to make every effort to arrive at a peaceful settlement before resorting to the strike. The pending amendment provides that they shall spend at least 60 days in an effort to solve their difficulties before going on strike.

Mr. MURRAY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Hatch	O'Mahoney
Andrews	Hawkes	Overton
Austin	Hayden	Reed
Ball	Hickenlooper	Revercomb
Barkley	Hill	Robertson
Brewster	Huffman	Russell
Bridges	Johnson, Colo.	Saltonstall
Briggs	Johnston, S. C.	Shipstead
Buck	Kilgore	Smith
Bushfield	Knowland	Stanfill
Byrd	La Follette	Stewart
Capehart	Langer	Taft
Capper	Lucas	Taylor
Connally	McCarran	Thomas, Okla.
Cordon	McClellan	Thomas, Utah
Donnell	McFarland	Tobey
Downey	McMahon	Tydings
Eastland	Magnuson	Vandenberg
Ellender	Mead	Wagner
Ferguson	Millikin	Walsh
Fulbright	Mitchell	Wheeler
George	Moore	Wherry
Gerry	Morse	White
Green	Murdock	Wiley
Guffey	Murray	Wilson
Gurney	Myers	Young
Hart	O'Daniel	

The ACTING PRESIDENT pro tempore. Eighty Senators having answered to their names, a quorum is present. The question is on agreeing to the modified amendment offered by the Senator from Minnesota [Mr. BALL], for himself, the Senator from Ohio [Mr. TAFT], the Senator from Virginia [Mr. BYRD], the Senator from New Mexico [Mr. HATCH], and the Senator from New Jersey [Mr. SMITH].

Mr. BALL. Mr. President, I ask that the amendment may be printed in the RECORD at this point so that it will appear in connection with the vote.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 19, beginning with line 16, strike out all of section 3 and insert in lieu thereof the following:

"SEC. 3. (a) In order to prevent or minimize interruptions of the free flow of commerce growing out of labor disputes, employers and employees and their representatives, in any industry affecting commerce, shall—

"(1) exert every reasonable effort to make and maintain agreements concerning rates of pay, hours, and working conditions, including provision for adequate notice of any proposed change in the terms of such agreements and provision for the final adjustment of grievances or questions regarding the application or interpretation of such agreements;

"(2) whenever a dispute arises over the terms or application of a collective-bargaining agreement and a collective-bargaining conference is requested by a party or prospective party thereto, arrange promptly for such a conference to be held not later than 10 days after receipt of a written request therefor and endeavor in such conference to settle such dispute expeditiously; and

"(3) in case such dispute is not settled by conference, cooperate fully and promptly in such procedures as may be undertaken by the Federal Mediation Board under this act for the purpose of aiding in a settlement of the dispute.

"(b) Whenever the Federal Mediation Board proffers its services for the purpose of aiding in a settlement of a labor dispute affecting commerce and until the Board certifies that its efforts at mediation are concluded or until 60 days have elapsed since the giving of notice asking a collective-bargaining conference between the parties regarding such dispute as provided in paragraph (2) of subsection (a) of this section, whichever date occurs first, it shall be the duty—

"(1) of the employer or employers involved to refrain from any lock-out and to restore and maintain the rates of pay, hours, and working conditions which existed immediately prior to the time the dispute arose, except that changes agreed upon in writing with the employees or their representatives may be made;

"(2) of the employees and their representatives to refrain from any strike or concerted slow-down of production.

"(c) Any employer who fails to perform the duties imposed on him by subsection (b) of this section shall be deemed to have engaged in an unfair labor practice within the meaning of section 8 of the National Labor Relations Act, and the National Labor Relations Board is hereby authorized to utilize such powers as are granted to it by such act to prevent and restrain such unfair labor practices.

"(d) Any employee who fails to perform the duties imposed on him by subsection (b) of this section shall lose his status as an employee of the employer engaged in the particular labor dispute in connection with which such employee's failure occurred for the purposes of sections 8, 9, and 10 of the National Labor Relations Act: *Provided*, That such loss of employee status for such employee shall terminate if and when he is reemployed by such employer.

"(e) The penalties set forth in subsections (c) and (d) for failure to perform the duties imposed by this section shall be exclusive, and no other legal or equitable remedy for such failure shall be available. Nothing in this act shall be construed to require an individual employee to render labor or service without his consent, nor shall anything in this act be construed to make the quitting of his labor by an individual employee an illegal act; nor shall any court issue any process to compel the performance by an individual employee of such labor or service, without his consent; nor shall the quitting of labor by an employee or employees in good faith because of the abnormally dangerous conditions for work of the place of employment of such employee or employees be deemed a strike under this section."

The ACTING PRESIDENT pro tempore. The question is on agreeing to the modified amendment offered by the Senator from Minnesota [Mr. BALL] for himself and other Senators.

Mr. BALL, Mr. MURRAY, and other Senators asked for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. MURRAY. On this vote I announce that the Senator from Florida [Mr. PEPPER] is detained on important public business. If he were present, he would vote "nay."

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Virginia [Mr. GLASS], and the Senator from Tennessee [Mr. MCKELLAR] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senator from Idaho [Mr. GOSSETT] are absent by leave of the Senate.

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate because of illness in his family.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from North Carolina [Mr. HOEY], the Senator from Maryland [Mr. RADCLIFFE], and the Senator from Delaware [Mr. TUNNELL] are detained on public business.

I also announce that if present and voting, the Senator from Alabama [Mr. BANKHEAD], the Senators from North Carolina [Mr. BAILEY and Mr. HOEY], and the Senator from Maryland [Mr. RADCLIFFE] would vote "yea."

Mr. WHERRY. The Senator from Nebraska [Mr. BUTLER] is absent by leave of the Senate. If present he would vote "yea."

The Senator from Indiana [Mr. WILLIS] is necessarily absent. If present he would vote "yea."

The Senator from Illinois [Mr. BROOKS] is absent by leave of the Senate, and is delayed en route on his return because of transportation difficulties. If present he would vote "yea."

The result was announced—yeas 54, nays 26, as follows:

YEAS—54

Andrews	Gerry	Revercomb
Austin	Gurney	Robertson
Ball	Hart	Russell
Brewster	Hatch	Saltonstall
Bridges	Hawkes	Shipstead
Buck	Hayden	Smith
Bushfield	Hickenlooper	Stanfill
Byrd	Hill	Stewart
Capehart	Huffman	Taft
Capper	Johnston, S. C.	Thomas, Okla.
Connally	Knowland	Tobey
Cordon	Lucas	Tydings
Donnell	McClellan	Vandenberg
Eastland	Millikin	Wherry
Ellender	Moore	White
Ferguson	O'Daniel	Wiley
Fulbright	Overton	Wilson
George	Reed	Young

NAYS—26

Aiken	Langer	Murray
Barkley	McCarran	Myers
Briggs	McFarland	O'Mahoney
Downey	McMahon	Taylor
Green	Magnuson	Thomas, Utah
Guffey	Mead	Wagner
Johnson, Colo.	Mitchell	Walsh
Kilgore	Morse	Wheeler
La Follette	Murdock	

NOT VOTING—16

Bailey	Chavez	Pepper
Bankhead	Glass	Radcliffe
Bilbo	Gossett	Tunnell
Brooks	Hoey	Willis
Butler	McKellar	
Carville	Maybank	

So the modified amendment of Mr. BALL and other Senators was agreed to.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

MILITARY ASSISTANCE TO THE REPUBLIC OF THE PHILIPPINES

The Acting President pro tempore laid before the Senate a letter from the Secretary of State, transmitting a draft of proposed legislation to provide military assistance to the Republic of the Philippines in establishing and maintaining national security and to form a basis for participation by that government in such defensive military operations as the future may require, which, with the accompanying paper, was referred to the Committee on Territories and Insular Affairs.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A petition signed by Sgt. Charles M. Swart, of Philadelphia, Pa., and Sgt. John W. Krause, of La Harpe, Ill., praying for the enactment of legislation extending the Selective Training and Service Act; ordered to lie on the table.

A letter from Colston E. Warne, professor of economics, Amherst College, New London, Conn., transmitting a petition signed by him and sundry other educators, economists, and political scientists of the United States, relating to House bill 4908, to provide additional facilities for the mediation of labor disputes, and for other purposes (with the accompanying petition); ordered to lie on the table.

INTERIM REPORT ON INVESTIGATION OF GOVERNMENT WARTIME PRICE CONTROLS AFFECTING MILK AND MILK PRODUCTS (REPT. NO. 1391)

Mr. THOMAS of Oklahoma. Mr. President, from the Committee on Agriculture and Forestry, I ask unanimous consent to submit, pursuant to Senate Resolution 92, Seventy-ninth Congress, first session, providing for an investigation of Government wartime price controls and subsidies affecting milk and milk products, an interim report thereon, I request that the report be printed in the RECORD.

There being no objection, the report was received and ordered to be printed in the RECORD, as follows:

The Committee on Agriculture, to whom was referred the resolution (S. Res. 92) providing for the investigation of matters relating to food production and consumption, makes the following interim report on the production, distribution, and consumption of dairy products.

The committee had before it numerous dairy farmers including both cooperative members and producer-distributors, executives of important dairy cooperatives, State commissioners of agriculture, and others. The witnesses came from most of the major dairy sections of the country.

In addition, the committee gave full consideration to the report of the Special Committee To Investigate Food Shortages for the House of Representatives which, under title of "The Dairy Situation," was released March 10, 1946. The findings and recommendations therein were based upon testimony from all parts of the industry, the Department of Agriculture, the Office of Price Administration, and the Office of Economic Stabilization. Upon the evidence introduced, this committee makes the following findings and recommendations relative to price and subsidy policies applicable to the dairy industry.

TOTAL PRODUCTION

That dairy production is falling appears incontestable; but the production figures showing such a decline are more optimistic than the situation warrants. For example, April total milk production ran about 2 percent under April 1945, but as of January 1946 cow numbers were 3 percent under a year ago and the rate of slaughter has increased since that time. The fact appears to be that the dairy farmers are culling their herds of the lower-producing cows and that the loss of this production is concealed by the resulting higher rate of production per cow. The marketing of heifer calves for veal today, moreover, does not appear in present production figures, but inevitably will mean less milk tomorrow. These marketings are running 10 to 15 percent ahead of last year. The total production figures give a wholly inadequate picture of regional declines in production in areas of greatest demand and take no cognizance of the fact that demand for dairy products at present prices is far in excess of current production.

The basic reason for the present serious and threatened catastrophic decline in milk production is inadequate return to the dairy farmer. This inadequacy may be absolute in some aspects, or merely relative to other more remunerative opportunities in others. The evidence was unanimous that costs of producing milk have risen much more than returns to farmers. For example, in the southern California area the return including subsidies is about $1.25 per pound of butterfat against a cost of production of $1.36. In South Carolina increases in cost of production per hundredweight of milk run to about $1.03 since early 1944. Against this the only relief has been an increase of 20 cents per hundredweight by way of subsidy. Florida dairymen as of March 1, 1946, had a return of about 46.5 cents per gallon against production costs of about 53 cents per gallon. In Washington, D. C., the dairymen in the milkshed have received an increase of about 62 percent since January 1941 to meet a cost-of-production rise of about 105 percent. In Connecticut returns are up $1.45 and costs $2.11 per hundredweight since 1941. These situations appear typical of dairying throughout the country. In many cases dairy operations are maintainable only at a loss.

The major cost increases lie in labor and feed costs. Particularly in milk-producing areas near large high-wage urban areas the rise of industrial wages has forced the farmer to make unprecedentedly high wage payments to keep his labor on the farm. In parts of California dairy hands earn from $200 to $350 per month with house, lights, and milk free. In Tennessee where the producer's return is slightly less than immediately following the First World War, farm labor costs run from 26 to 51 percent higher than in 1919. At least under present conditions the dairy farmer often finds that more labor than before the war is necessary to perform a given task, principally because the men are less willing to do hard physical work or work so long. The testimony consistently pointed to the inability of dairy farmers under present prices, including subsidies, to afford a return to farm labor equivalent to urban labor opportunities. Inability to afford this return is a substantial factor in reducing the supply of farm labor and consequently reducing production.

Feed costs, a second major item in dairy production, have outstripped what rises have occurred in the dairy farmer's income since 1941. In general, prices of the various feed ingredients have increased since March 1941 by from 73 to 130 percent. This does not take account of black market in feeds. There was convincing testimony that in the Southwest dairy feeds are entirely unavailable except in the black markets. As one witness put it, speaking of the corn bonus, even the Government has to pay black-market prices for grain. In Colorado, feed prices are regularly above ceiling, even advertised at figures higher than ceiling maximums. In the Midwest and California farmers were unable to obtain feed except at black-market prices. In sum, all the estimates were that feed costs at ceiling were so high as to discourage production and that in fact the ceilings were more illusory than real.

Inadequacy of return relative to alternative opportunities is about as effective in reducing dairy production in source areas as the absolute insufficiency of return to meet costs. Thus where tobacco is more profitable than milk, its competition tends to drive the milk producer either into the more profitable line or out of business entirely. Again a Texas milk producer will reduce his herd and turn to peanuts which will bring a higher return. The small dairymen milking fewer than 10 cows in a diversified farming section find the income from the cows too small to pay for the time and labor in their care; they simply drop the cattle to put their time in better-paying farm crops.

In light of the inadequate returns to dairy farmers to meet costs and the more profitable alternatives in other fields of agriculture, the high prices current for beef are a powerful incentive to cutting dairy herds. Beef prices are attractive enough to draw many desirable dairy animals, especially heifers, into beef channels on the one hand and to force the price of grade cattle so high as to make it difficult for dairy farmers to buy replacements on the other. Thousands of dairy cattle go to the slaughterhouse every week. The number is increasing. These cows are not culls in the ordinary sense. Rather, they are cows which under normal conditions would be profitable if not top milkers, but which under the stress of the present conditions are being turned into beef in large numbers. Since dairying in many areas does not return funds adequate to keep the dairying operations going, animals are often sacrificed merely to provide operating cash.

OPA AND PRICE POLICIES

Because the basic difficulties among dairymen are traceable largely to questions of price, the ultimate responsibility for prevailing conditions lies with the Office of Price Administration and the Office of Economic Stabilization. These agencies have put price control ahead of production. Repeatedly the committee's attention was directed to instances where local price relief which would have increased production was denied on the simple ground of "hold the line." This occurred even in Federal order markets where the stabilization agencies forced the indefinite postponement of action on producer prices under the Marketing Agreement Act.

OPA has taken the position that local production cost increases have nothing to do with local price increases. The inevitable

effect of such a policy pursued in market after market has been to aggravate the national shortage of milk for all purposes. The policy has been effective despite the readiness of the OPA to raise the ceilings on the grains going into feeds, on the prices of farm machinery, and on other milk production costs, e. g., transportation rates on milk. The stabilization agencies have maintained this policy in the face of permitted increases of almost 20 percent in national wage rates in order to maintain take-home pay. As one witness put it, "Farmers would be glad to receive the same price for 80 pounds of milk as they did for 100 pounds."

The OPA policy that production is not important has created distressing anomalies in many dairy areas. The testimony showed that in the South anywhere from 25 to 55 percent of the milk in the larger markets was being imported from other regions. The handler pays for the imported milk from 75 cents to $1.75 per hundredweight more than he pays to local producers. This milk is commonly of a quality suitable for manufacturing but which does not meet fluid milk health standards. Often it is reconstituted milk made by recombination of water, condensed skim milk, and cream. It is obviously unreasonable to expect local producers of grade A milk or its equivalent to produce for less than the cost of imported inferior milk. In these circumstances the health department of Houston, for example, has had to recommend no return to a grade A standard because the production of grade A milk even in the flush season is falling at the rate of 1,000 gallons a day. The effect of the policy therefore is to compel the producer of the superior product to accept less than the cost of the inferior product—a policy hardly reconcilable with common sense.

The evidence showed that prior to the imposition of price control there were steady and substantial increases in milk production, particularly in the South. With the advent of price control, the rate of increase dropped sharply or became a decrease. Witnesses unanimously attributed these reversals of trend to the policy described. The committee concurs in this view.

It is to be observed that losses in production consequent on OPA policy are not replaceable in a moment; for it takes 2½ to 3 years merely to bring a cow from calfhood to production, and another year to determine whether she is a good enough producer to warrant her keep. Therefore, the crippling of milk-producing regions will be felt for some time to come.

Section 3 of the Stabilization Act of 1942, as amended, requires maximum prices on agricultural commodities to be not lower than certain prices adjusted for grade, location, and seasonal differentials. A proviso requires adjustment of such maximum prices where they do not reflect increased costs incurred since January 1, 1941. Since Congress was dealing with locational prices, it is obvious that it intended adjustments of such prices to be made on the basis of cost increases in the location. OPA, however, has ignored this and has used national average costs which have no relevance to local situations.

The testimony also disclosed that OPA ignores the direction of section 3 aforesaid to modify prices to reflect increases in "labor or other costs" and by administrative fiat includes only cash costs in the term "costs."

OPA's method of handling requests from farmers for price relief appear to be to deny relief upon repeated representations until the farmers threaten to divert their milk elsewhere. Indeed, the agency has even told producers that the only way it had to arrive at the fact that an adjustment should be made is diversion or the threat of diversion. It should not be necessary for an American citizen so to exercise his right of petition. The threat to divert has no relation to the merits of the producers' need for higher prices to meet increased costs. If, then, relief is granted, it should have been granted in the first instance. The result of OPA tactics of this sort can only be more diversions which the agency's obtuse refusal to face the facts of economics invites.

But the question is more than economic. As one witness said, "Our lives are tied up in" dairy farming. To quit and sell out because OPA will not allow the dairymen to break even is to abandon a way of life. Perhaps such considerations, in a democracy at least, are not without importance.

The butter problem is an example of the disruption of the internal price structure of the dairy industry consequent upon price regulation. The problem has two aspects. First, the imports of milk into deficit areas are largely coming out of areas where butter had been the chief dairy product. Similar diversions of milk normally used for butter into more profitable use classifications both in the production area and out were reported by all witnesses from butter-producing regions. Second, the witnesses agreed that in the regions where butter is normally made from farm-separated cream, the price is too low to support production. The scarcity of butter is too well known to need documenting; but the president of the largest butter cooperative on the west coast testified that the total butter handled by his organization in the first quarter of this year was less than one-tenth of the corresponding period last year; and of this less than half was locally produced. The president of a large middle western cooperative anticipated a make of about 50 percent of last year and pointed out that some of their member creameries who could handle only butter have already closed. The reason for the situation is simply that the price of butter is too low to meet the costs of producing cream for butter. The farmer must either turn his milk to other uses or quit producing.

SUBSIDIES

OPA has attempted to evade all these price problems by subsidizing the consumer with Government grants to producers. Measured by any standard this is no solution to the dairy problem. It is not maintaining production; for all the evidence was that production is declining. The program has been carried out on a national basis whereas the evidence has shown that market area costs are crucial problems to be dealt with. In the case of small producers—particularly the producers of farm-separated cream—the subsidy payment is so delayed that the farmer often has not the cash resources to feed his cattle in the meantime. It is subject to the changing will of Congress. No dairyman can make the long-range plans essential to his business when a fifth to a third of his income depends upon political and administrative decisions which he cannot anticipate. This factor contributes to declining production.

It is unquestionable that dairy farmers dislike subsidies. It is humiliating because the dairymen against his will is in the position of begging for a Government hand-out. It exposes him to ridicule of his neighbors as a "charity" case and goes deep against the grain of self-respect. The subsidy is inflationary in that it adds to the public debt and increases the already excessive spendable consumer income. The consumer is the real beneficiary of subsidies at a time when, if ever, he can afford to pay what it costs to produce the dairy products he uses. The witnesses agreed that if low-income groups need subsidy, let the subsidy be paid to such groups. The committee agrees.

REMOVAL OF CEILINGS

Witnesses unanimously recommended removal of price controls and subsidies on dairy products. The evidence showed that in such event minor price rises of from 2 to 4 cents per quart would occur. These raises would run from 14 to 18 percent of the retail price compared with current wage raises running to 18½ percent. Butter would rise to 70 or 80 cents as compared with the $1 to $1.50 per pound which the housewife now pays when, as is very frequent, she churns it herself, or buys it in the black market.

FINDINGS

1. Dairy production is declining nationally and the declines are greatest in the areas of greatest shortage.

2. Since dairy production is a long-time planning operation and cannot be expounded rapidly, the current trend must be reversed immediately if a prolonged disaster is to be avoided.

3. The responsibility for this condition resides in the price and subsidy policies of the stabilization agencies.

4. The refusal of such agencies to deal adequately with local problems is reflected in declines in deficit areas, the threat of permanent injury to production in such areas, and the uneconomic burdening of transportation facilities to import milk not meeting peacetime local health standards.

5. The maladministration of dairy pricing has had a bad effect in all segments of the industry, but due to dairy industry price structures the effect has been notably concentrated on butter. In substance OPA has determined that the American consumer shall not have butter.

6. The subsidy program has not served to replace necessary price adjustments to stimulate production.

RECOMMENDATIONS

This committee recommends that all subsidies and price controls on milk and dairy products be removed at once.

ELMER THOMAS,
Chairman.
HARLAN J. BUSHFIELD,
TOM STEWART,
B. K. WHEELER.

I concur in the above findings of the committee.

I also concur in the recommendations provided that the Secretary of Agriculture finds that the net income of dairymen will not be reduced thereby nor a substantial segment of our population be deprived of the use of milk and other dairy products.

GEORGE D. AIKEN.

MEDIATION OF LABOR DISPUTES—AMENDMENTS

Mr. McCLELLAN, Mr. MURRAY, and Mr. MAGNUSON each submitted an amendment intended to be proposed by them, respectively, to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, which were severally ordered to lie on the table and to be printed.

Mr. PEPPER (for himself, Mr. MURRAY, Mr. WAGNER, Mr. WALSH, Mr. GREEN, Mr. MEAD, Mr. GUFFEY, Mr. KILGORE, Mr. MYERS, and Mr. TAYLOR) submitted an amendment intended to be proposed by them, jointly, to House bill 4908, supra, which was ordered to lie on the table and to be printed.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH:

S. 2253. A bill to further amend the act of January 16, 1936, as amended, entitled "An act to provide for the retirement and retirement annuities of civilian members of the

teaching staff at the United States Naval Academy and the Postgraduate School, United States Naval Academy"; to the Committee on Naval Affairs.

By Mr. TYDINGS:

S. 2254. A bill to provide military assistance to the Republic of the Philippines in establishing and maintaining national security and to form a basis for participation by that government in such defensive military operations as the future may require; to the Committee on Territories and Insular Affairs.

(Mr. BARKLEY introduced Senate bill (S. 2255) to provide on a temporary basis during the present period of emergency for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace, was referred to the Committee on Interstate Commerce, and appears under a separate heading.)

By Mr. ANDREWS:

S. J. Res. 163. Joint resolution proposing an amendment to the Constitution of the United States to prohibit the denial or infringement of the inherent right of a citizen to work and bargain freely with his employer; to the Committee on the Judiciary.

WHAT KIND OF EDUCATION SHALL WE BUY?—ARTICLE BY GLENN D. EVERETT

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD an article entitled "What Kind of Education Shall We Buy?" by Glenn D. Everett, published in the Utah Educational Review of March 1946, which appears in the Appendix.]

WHITHER THE STRIKE?—EDITORIAL FROM THE DENVER POST

[Mr. JOHNSON of Colorado asked and obtained leave to have printed in the RECORD an editorial entitled "Whither the Strike?" published in the Denver (Colo.) Post of May 24, 1946, which appears in the Appendix.]

EDUCATIONAL FACILITIES FOR VETERANS—AMENDMENT

Mr. MEAD submitted an amendment intended to be proposed by him to the bill (S. 2085) to amend title V of the act entitled "An act to expedite the provision of housing in connection with the national defense, and for other purposes," approved October 14, 1940, as amended, to authorize the Federal Works Administrator to provide needed educational facilities, other than housing, to educational institutions furnishing courses of training or education to persons under title II of the Servicemen's Readjustment Act of 1944, as amended, which was referred to the Committee on Education and Labor, and ordered to be printed.

Mr. TAFT. Mr. President, on behalf of myself, the Senator from Minnesota [Mr. BALL], the Senator from New Jersey [Mr. SMITH], the Senator from Louisiana [Mr. ELLENDER], the Senator from New Mexico [Mr. HATCH], and the Senator from Virginia [Mr. BYRD], I offer an amendment.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. On page 26, after line 18, it is proposed to insert the following new section:

SEC. —. (a) When a labor dispute affecting commerce, involving a public utility whose rates are fixed by some governmental agency, is not settled or adjusted under the provisions of this act, the Board shall determine whether the dispute threatens such a substantial interruption of an essential monopolized service as to make it necessary in the public interest to request the President to create an emergency commission. Whenever the Board makes such a determination and request, the President is hereby authorized to create and appoint an emergency commission to investigate and report respecting such disputes. Such commission shall be composed of such number of persons as may seem desirable to the President. No commissioner appointed shall be pecuniarily or otherwise privately or prejudicially interested in the employers or employees concerned in the dispute. The compensation of the commissioners shall be fixed by the President at an amount not exceeding $100 per day. Such an emergency commission shall be created separately for each dispute or for a group of disputes in the same industry presenting similar issues and pending at the same time. The commission shall investigate promptly the facts as to the disputes and make a report thereon to the President with its recommendations as to the manner in which such disputes should be adjusted. The commission's recommendations shall be confined to wages, hours, and working conditions but it may describe in its report other issues not involving wages, hours, and working conditions which may be in dispute. The commission's report shall be made within 30 days from the date of its appointment, except that, with the approval of the parties to a dispute, the time for making a report may be extended by the President for an additional 30 days. The report of the commission shall be made public promptly by the President.

(b) The Board shall provide for any commission appointed under this section such stenographic, clerical, and other assistance and such facilities, services, and supplies as may be necessary to enable the commission to perform its functions. Upon the conclusion of its work, the commission shall be dissolved and its records delivered to the custody of the Board.

(c) Whenever the President appoints an emergency commission under this section to investigate a dispute, the duties of employers and employees and their representatives involved in such dispute, as set forth in section 3 (b) of this act, shall continue until 5 days after such commission has submitted its report to the President, and the provisions of subsections (c), (d), and (e) of section 3 of this act shall apply for such additional period of time.

The ACTING PRESIDENT pro tempore. The question is agreeing to the amendment offered by the Senator from Ohio for himself and other Senators.

Mr. TAFT. Mr. President, I first ask unanimous consent that there be inserted in the RECORD at this point an article appearing in this morning's Washington Times-Herald entitled "White House Puts Politics Above Welfare."

Mr. BARKLEY. Reserving the right to object—and I am not going to object—if the article is no more correct than that part of it which states that I had any knowledge or that any information had come to me in regard to such a program, it is not worth much.

Mr. TAFT. Mr. President, I do not warrant necessarily the accuracy of the proposals for a legislative program in the strike situation, but the article bears all the internal marks of having been prepared by the President's advisers, and I am assured that it is stamped with the stamp of the Office of War Mobilization, presided over by Mr. Snyder, and that it was prepared there. I am not offering it as proof, I am offering it only because I wish to comment on various features of it. I think it will prove of great interest to Senators who care to read it in the RECORD.

Mr. BREWSTER. Mr. President, I am sure the majority leader does not take exception to the complimentary reference to his good judgment.

Mr. BARKLEY. If it is the article I have in mind, it states that this proposal had been circulated around to various people, including me. I merely wish to say that no such program has been circulated around to me. [Laughter.]

Mr. TAFT. That part of the article I know nothing about. I only want the opening, and the proposals for a legislative program.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Ohio?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

The political crisis is put before the economic crisis in the administration's plan for handling the strike paralysis, it was disclosed last night in a confidential White House document outlining the plan for a National Industrial Peace Board.

This paper, on the basis of which Mr. Truman went on the air last night for his fireside chat and plans to address Congress today, was drawn up May 22. It tells not only what the President should do, but why.

PROPOSALS FOR A LEGISLATIVE PROGRAM IN STRIKE SITUATION

I. BACKGROUND

These proposals are based upon the following considerations:

1. The current strike situation is grave on both economic and political grounds. Momentarily the political crisis is most urgent.

2. This crisis will not end with a solution to the coal and rail strikes. The longshoremen and maritime workers' strike in June may be less economically disastrous than either of the present disputes, but will be political dynamite because of interference with the food and relief programs.

3. Congressional adoption of antilabor legislation is virtually certain. The legislation will approximate the House version of the Case bill.

4. Under present circumstances, adoption of the Case bill will put the President on the spot. He cannt afford to veto it in the absence of a more concrete program of his own. Yet legislation will do more harm than good and his approval of it will cost a large part of the labor vote.

CASE BILL TOO SWEEPING

(a) The Case bill is both too sweeping and too restrictive to be desirable. It would turn back the clock so far as all union bargaining is concerned and revive the hated injunction process in labor disputes. At the same time, it contains nothing which would help in dealing with a major strike like coal. Both statesmanship and politics require that it be headed off, if possible.

(b) The bill has become a symbol of infamy to the labor movement. Its approval might be politically disastrous to the administration.

5. The congressional situation accurately reflects the present temper of the country. Positive administration action is therefore required for political reasons, if for no other.

6. There are no simple solutions to the substantive problems involved and the climate of opinion is not favorable to an objective review of national labor policy at this time. Such a review will have to be made in the future. Meantime, some useful steps can be taken which, combined, would meet the political problem.

II. SUGGESTED PROGRAM

The following elements could comprise an immediate administration labor program:

1. Create within the Department of Labor a national industrial peace board. This should have semi-independent status, like the Wage Stabilization Board, and its members should be appointed by the President. The board should serve as a national mediation board and should administer, through the chairman, a strengthened conciliation and mediation service. It should also contain a well-staffed fact-finding unit, which would anticipate important disputes and assemble all relevant facts pertaining to them.

(a) Substantive argument for this: Strengthening of our conciliation and mediation machinery is the most fruitful approach to industrial peace. The lack of a national mediation board is particularly serious and has turned the Secretary of Labor and even the President into a mediator.

REQUIRE UNIONS TO REGISTER

(b) Political argument: Creation of such an agency would dramatize administration action in the crisis and would meet some of the criticism of a weak Department of Labor.

2. Require all unions to register and file their constitutions with the National Labor Relations Board and require certification by the Board before a union can claim the privileges and protections of the Wagner Act. Such certification should be based on clear standards related to internal union organization and procedure: free elections, ordinary civil rights, nondiscrimination because of race, creed, or color. The following are indicative of such standards:

Labor organizations must have their constitutions adopted by the membership by secret ballot; must hold regularly stated meetings and conventions; must elect their officers at fixed dates by secret ballot supervised by election boards supervised by the membership; must distribute detailed and properly certified financial statements to the membership.

REASONABLE RULES

Unions must agree to admit new members without discrimination on the same basis as was established by the existing fellowship; there must be no discrimination based on race, color, or religion.

Unions must have adopted clear and reasonable rules with regard to "good standing" and the conditions for resignation from the union and have impartial machinery to protect employees against unreasonable demand or suspension of union membership when loss of membership involves loss of employment, and from the imposition of unreasonable fines or penalties.

(a) Substantive argument: Such requirements would be good for the labor movement and would establish norms by which to judge these free associations. They would help to break up undemocratic practices and concentrations of power in the hands of individual labor dictators. To the extent that mass unions become truly democratic, they will behave much like the rest of the population and will be confronted with fewer situations like the coal strike.

AIMED AT JOHN L. LEWIS

(b) Political argument: No one can legitimately object to this if standards are reasonable and many liberal groups will welcome it. Moreover, it can be aimed directly at John L. Lewis and thus appear to be specific for the country's present sickness. It is a step to meet the increasing public criticism of the personal power of labor leaders without harming the union movement.

3. Request the Congress to enact a permanent seizure law of limited scope. Such an act should be applicable only to dispute situations threatening the national economy or the health and safety and should become applicable only after a Presidential proclamation to this effect. It should clearly authorize the Government to put into operation, during the period of seizure, changed conditions of an employment and should include criminal penalties similar to those in the Smith-Connally Act.

LIMITED ARBITRATION

(a) Substantive argument: Free and unlimited collective bargaining is in the public interest in most instances and the overwhelming majority of strikes do not seriously affect the national economy. In a limited number of instances like coal, however, we cannot, in fact, permit collective bargaining to run its full course. The only realistic alternative is a limited form of compulsory arbitration. This is achieved when the Government takes over the facility and puts into effect new conditions of work.

Seizure on a status quo basis is virtually useless in peacetime. At best, it is only a delaying tactic and it invariably raises the question of whether the workers will actually return to work. That problem can be handled by authority to make wage and other adjustments during the period of nationalization.

(b) Political argument: The public now generally recognizes seizure as the ultimate step in disputes affecting the national economy. Request for this power on a permanent basis will symbolize the determination of the administration that our basic economy and services be protected from disruption by any private power. Its application would not affect most industries or unions and it should be emphasized as an extreme power used only in extreme cases.

APPOINT COMMISSION

4. Appoint an expert commission to undertake a comprehensive review of national labor policy and agencies and to report to the President.

(a) Substantive argument: Such a review is urgently required if we are to avoid a hodgepodge of conflicting measures and policies and to develop an adequate national labor policy. No official body has yet undertaken such a comprehensive review and analysis. Major changes in labor policy should await such a study.

(b) Political argument: The chief political advantage of such action—aside from indicating a determination to get at root causes of our present difficulties—would be to provide a sound basis for a "cooling off" period for Congress and the country. We should not tinker with our fundamental labor policies in our present national mood.

III. SUGGESTED TACTICS

The tactical question involved relates to two areas: (1) The Congress; and (2) the general public. Decisions in both areas will necessarily be governed in large part by the legislative situation at the given moment.

To the extent possible at this late date, the administration should attempt to recover the offensive. This is admittedly difficult so far as Congress is concerned. It is less so from the standpoint of the country as a whole.

The objectives of any tactics adopted are: (1) To convince Congress and the Nation that the administration is really on top of the situation and not merely muddling through; (2) to forestall or provide a basis for vetoing any ill-advised legislation which might make the situation worse.

CONGRESSIONAL TACTICS

1. Congressional tactics: These are the most difficult to devise in the present situation. Opportunity may be presented by a congressional deadlock (a filibuster in the Senate) for the President to outline the above program in a special message. It would probably be more desirable, however, to use informal methods, in terms of amendments offered in the Senate to the Case bill, or of compromise proposals presented to the conference. There is danger that a public recommendation of an administration labor program which should be the maximum program at this time would merely add fuel to the antilabor flames and be used by Congress as a starting point, rather than a finishing one. However, someone with judgment, like Senator BARKLEY, might be prepared to present the program at the appropriate time.

2. Relations with the public: Whatever approach is made to the legislative problem, the President should certainly make a fireside report to the Nation on the labor situation. The content of such a report would vary somewhat in terms of the situation existing at the time in the coal and rail disputes and in Congress.

Mr. BARKLEY subsequently said: Mr. President, earlier today the Senator from Ohio [Mr. TAFT] put into the CONGRESSIONAL RECORD an article which appeared in the Washington Times-Herald of today, May 25, 1946, under the following heading:

Handbook for Democrats: White House paper reveals President's labor philosophy. Proposal to create mediation board tells how to smash John L. Lewis.

And so forth. In the article reference is made to Mr. John W. Snyder. The whole article was inserted in the RECORD.

I am authorized by Mr. Snyder to say to the Senate, and, if the country is interested, to the country, that so far as he is concerned, or so far as anything in this article relating to him is concerned, it is absolutely unfounded and untrue, that he never heard of any such proposal or proposition as that just described in the article, and that he never heard of it until he saw it in the paper himself today.

I ask unanimous consent that the statement I am making on the authority of Mr. Snyder be included in the RECORD, following the article itself and the statement the Senator from Ohio made, and the statement I made, insofar as the article referred to me.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Without objection, it is so ordered.

Mr. TAFT. Mr. President, I wish to review briefly the present labor situation and state why I believe the Senate should promptly adopt the program proposed by the minority of the committee, add to it any reasonable emergency legislation recommended by the President this afternoon, and promptly pass the Case bill.

First, I wish to deal with the reasons for the present situation.

The wave of strikes which has inundated the country during the past 6 months, and is now threatening its very existence, is directly due to the policies of the Roosevelt and Truman administrations. In times past the employers had an unreasonable advantage in labor negotiations. They were able to check the development of labor unions, and they abused that power. Long ago Congress began to deal with the situation. Labor unions were exempted from the provisions of the Sherman Act. Injunctions were practically prohibited by the Norris-LaGuardia Act, and the prevention of violence was left entirely to local

authorities, often completely unable to maintain the peace. The Wagner Act was passed, compelling the employer to leave unions alone and bargain with them collectively. All these laws were reasonable, but since they were designed to correct a special situation, they were naturally one-sided.

Through the arbitrary and unjust decisions of the National Labor Relations Board, however, and court interpretations of these various statutes, policies were established far more prolabor than was intended in the statutes. The unfair administration of the Wagner Act practically tied the hands and closed the mouth of every employer. The Supreme Court held that any action of labor unions, no matter how outrageous, racketeering, and secondary boycotts, were within the legitimate objects of labor unions, protected by the statutes to which I have referred.

This was supplemented by a consistent prolabor policy on the part of the administration, which decided substantially every question of policy in accordance with the demands of the labor leaders. Furthermore, every effort on the part of Congress to correct the most minor defects and injustices was suppressed by the administration, largely through their control of the labor committees in Congress.

The total result has been to swing the balance of economic power in collective bargaining far over on the side of the labor unions. Many of them have acted with restraint and judgment, but just as the undue power of employers led to unreasonable demands and strikes in the old days, so the unreasonable demands of labor have led to strikes today. After the speech of the President last night, no one can question the fact that Mr. Whitney and Mr. Johnston have adopted a wholly unreasonable attitude, refused to abide by a fair and impartial decision, and tied up the country to enforce their unreasonable demands. I only repeat what the President himself said last night.

The basic solution of the problem, therefore, is to redress somewhat the excessive power given to the labor unions in collective bargaining, so that unreasonable men may not be tempted to abuse that excessive power. Since the power is built up by dozens of laws and decisions, there is no panacea. There are many amendments suggested, but there is no way to deal with the situation by one amendment. We certainly do not want to sweep away these laws and go too far the other way. We can only undertake to redress those provisions which are clearly unjust. That is the reason for the number of amendments we have to consider. We should not adopt any unless we are convinced that they are just to both parties.

The administration's policy since VJ-day is even more responsible for the present wave of strikes. Just after VJ-day the President announced that the National War Labor Board was abolished and that the war methods should be replaced by collective bargaining. Many unions immediately undertook that bargaining in the usual way. In particular, the A. F. of L. unions bargained in each industry or plant and obtained increases which they felt the industry could stand, which could usually be obtained without strikes and which would not increase prices. Then the CIO unions demanded a 30-percent increase. The President then stepped in, reversed his former position that it should be left to collective bargaining, recommended a figure of 18½ cents an hour, led the people to believe that this could be granted without a price increase, and insisted that the employers settle on this basis. He thus discredited every reasonable labor leader who had settled for less on the President's own invitation. In Chicago pamphlets were being circulated stating, "Join the A. F. of L. and get a lousy nickel. Join the CIO and get 18½ cents." As a matter of fact, the A. F. of L. settlements ran from 5 to 20 percent.

The President made it certain that no labor leader in the future could accept less and retain his standing with his men. The demands of Mr. Lewis and the railroad brotherhoods have grown directly out of this policy. The administration itself has brought down this catastrophe on the country and on itself. We are not through, as the memorandum which I have put in the RECORD says:

> This crisis will not end with a solution to the coal and rail strikes. The longshoremen and maritime workers' strike in June may be less economically disastrous than either of the present disputes, but will be political dynamite because of interference with the food and relief programs.

Apparently the President's advisers are fearful of the political results of his policy. They go on to say:

> Under present circumstances, adoption of the Case bill will put the President on the spot. He cannot afford to veto it in the absence of a more concrete program of his own. Yet, legislation will do more harm than good, and his approval of it will cost a large part of the labor vote.

It is fairly evident that the whole policy has been directed primarily with an eye to the labor vote. If the President is on the spot, it is due to the labor policies of his own administration.

REMEDIES

The remedies for the present situation fall into two classes—those relating to the permanent situation, and those which might be of assistance in the present emergency. There has been a lot of nonsense talked about waiting until the emergency is less acute before dealing with the permanent situation. Let me remind Senators that the present emergency situation grows out of a permanent situation, and cannot be effectively guarded against without permanent legislation. Let me remind Senators that studies have been made of this subject for years. The House has passed numerous bills all of which until the present have been suppressed in the Senate Committee on Education and Labor. The Senator from Minnesota and myself submitted a complete mediation plan in December 1941. Extensive hearings were held on amendments to the Wagner Act in 1940. Extensive hearings were held on the present bill.

The hearings, copies of which are on Senators' desks, were held in December, January, and February, some 3 months ago. They are available to all Members of the Senate. The mere fact that the majority of the committee refused to study the three proposals now before us is no evidence that they did not have adequate study.

Incidentally, what we are doing here is, in effect, to ask the Senate to adopt the minority report in place of the majority report. The minority report has been on the desk of Senators for a considerable time, and contains the amendments which have been studied and which we are now presenting.

All this talk about punitive labor legislation is designed purely to discredit those who vote in favor of our amendments. So far as I know, there are almost no punitive provisions contained in the amendments. Certainly there is nothing in them as punitive as was contained in the anti-Petrillo bill. There is no vengeance in any of the amendments we are proposing. They are reasonable amendments. They stand on their own feet.

Some of the amendments attempt to regularize the whole process of collective bargaining and make it a two-way street, that is, the amendment we just adopted, the one now before us, and the next one making unions liable on their own collective-bargaining contracts.

As a matter of fact, some legislation of this kind must underlie any emergency legislation, compulsory arbitration, or punitive measures if they are desired. Obviously, we cannot punish anyone for striking unless a legal procedure is set up for bargaining, for mediation, for voluntary arbitration, for fact finding, and decision. Someone must decide what the justice of the situation is, and there is no machinery for that purpose except that in the railroad mediation law.

The amendment now pending proposes to extend that fact finding to all public utilities where rates are fixed by Government. Those who wish to prohibit strikes under certain circumstances must certainly provide for an investigation and must provide for the prevention of strikes during such investigation. Furthermore, if collective bargaining is to be our principal reliance in the prohibition of future strikes, it must work both ways. The union must be obligated to bargain collectively, just as the employer is now required by the Wagner Act to bargain collectively. The union must be responsible on its contract as the employer is responsible on his. That is the effect of amendment No. 3, the next one to follow after the one we are now considering. Surely, no one can question the justice of these amendments or the necessity for them as part of any labor program, permanent or emergency.

The other amendments attempt to redress some of the injustices created rather by administration and decision than by law. The fourth amendment prohibits secondary boycotts. That is, it prohibits a union from using its power to injure some third party with whom they have no direct dispute, but whose policies or whose employees they do not like. This does no more than restore the law as it was after the passage of the Clayton Act for many years before the decisions of the present Supreme

Court. The practice of secondary boycotts is growing by leaps and bounds. It presents an outrageous abuse of economic power against innocent parties.

The fifth amendment proposes that foremen shall be considered as management and not as employees, so that they shall take their orders from the employer rather than from union leaders. This was the law until recent 2-to-1 decisions of the National Labor Relations Board legalized union activity on the part of foremen against their employer's interest. This amendment does no more than restore what everyone thought was the law.

Amendment No. 6 restores the courts to some power in labor disputes. It does not repeal the basic provisions of the Norris-LaGuardia Act, but it does repeal one or two provisions which, contrary to the intent of Congress as shown in the debates on that act, practically prevent any interference whatever against the most serious violence and destruction of property.

Another amendment to be offered proposes to remove the protection given to unions by the Supreme Court decision which held that racketeering was within the legitimate purposes of labor unions.

No one of these measures by itself will cure strikes. Taken together, they will provide the machinery for collective bargaining and remove a few excessive powers given to the unions without the intention of Congress.

There is no reason why these various laws we have passed should be sacred. No one has ever denounced the Wagner Act with more vigor than Mr. William Green, head of the American Federation of Labor, in demanding amendments in 1940. I quote from William Green:

> Your committee is of the opinion that the manner and method of administering the act by the National Labor Relations Board has brought administrative justice into disrepute.
>
> It is imperative therefore that the act be revised lest our actions be rendered impotent by the unjust decrees of the Board.

Furthermore Mr. Green answered the question which may be asked. He said:

> The question may be asked, If our principal objection is against the administration of the act and not the act itself then why amend the act? Why not merely remove the present board and substitute a new one? The answer is obvious. First, the interpretations placed on the existing act which have become precedents may be followed and adopted by a new board. It is possible, though not likely, that a new board may not observe the mandate implicit in a change of personnel and may continue to administer the act in the same objectionable manner as has the present board. You know how we are tied to precedents.
>
> Second, no board is permanent. Some future board could pervert the present act even more than has the present board.

I read that only to show that the theory that everything concerned with the Wagner Act is sacred is certainly not the idea of labor, and there is no reason why it should be the idea of the Senate.

THE EMERGENCY SITUATION

Today we face serious strikes which are threatening the economic life of the country. We are, therefore, faced with the demand that we prohibit strikes by law, presumably substituting for that method of decision, compulsory arbitration by the Government. As a general proposition, I am opposed to such prohibition and also to compulsory arbitration. If such arbitration lay back of every collective-bargaining negotiation, it would tend to prevent agreement, because one party or the other would think he could do better in arbitration. Inevitably it would lead to a complete fixing of wages by the Government. Wage fixing would involve price fixing, and we would have a complete planned and Government-operated economy. It would destroy freedom.

Furthermore, I think we must admit that in a Republic we cannot make men work if they refuse to work. Joe Stalin can prevent strikes, and so could Mr. Hitler, but a republic cannot do so. We must rely on the fact that men are open to persuasion, and that usually their own interests are adversely affected by strikes. It would be futile today to pass a law requiring 200,000 railroad workers to return to work under the penalty of a jail sentence. We cannot put 200,000 men in jail, and we should not do so. As a permanent measure I see no advantage in the Government seizing railroads or mines. I do not see why it is not as easy to take whatever action we desire to take with reference to essential industries, whether the Government has possession of the property or not. Seizure, in any event, has been largely a form.

While I am opposed to making strikes unlawful by permanent law, in the case of public utilities and possibly of coal, where a great national emergency is created by a national strike, I believe we are justified in adopting some form of emergency legislation. I believe it should be limited to the emergency. I believe it should not be extended beyond imposing a criminal penalty on those responsible for organizing the conspiracy against the public which such a strike amounts to. But may I point out that such a penalty can be fairly imposed only if there is permanent machinery for fact finding as in the railroad mediation law. It seems to me essential, therefore, that we pass the Case bill, with our amendment No. 2, which provides for fact finding in the case of public utilities.

I may say to Senators on the other side that that is about the only feature of the original Truman recommendation which will be continued in the bill if the bill is passed. The committee eliminated the fact finding. We propose to restore it in the case of public utilities, where we already have the fixing of prices, and therefore the fixing of wages would not seriously further impede the freedom of the industry. The penalty can be imposed only if a fair hearing has been had and the leaders call a strike because of their unwillingness to abide by the decision. It happens that we already have emergency legislation in the Smith-Connally Act to deal with the coal problem. The only additional emergency legislation which seems to be called for today, for the strikes now in existence—and even that is not called for if the railroad strike is settled—is some provisions imposing penalties against those who have conspired against the public welfare by refusing to accept the decision of the President's Emergency Railroad Board.

In conclusion, it seems clear to me that we do not even deal satisfactorily with the emergency situation and emergency situations which are rapidly approaching, unless we pass this bill with substantially all the minority amendments.

I cannot conceive of any reasonable objection to the pending amendment, which simply provides for a fact-finding board after the mediation procedure, limited to the case of public utilities.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Ohio [Mr. TAFT] on behalf of himself and other Senators.

Mr. MURRAY and other Senators asked for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. MURRAY. I announce the absence of the Senator from Florida [Mr. PEPPER] and the Senator from New York [Mr. MEAD], who are detained on important public business. If present, these Senators would vote "nay."

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Virginia [Mr. GLASS], and the Senator from Tennessee [Mr. MCKELLAR] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senator from Idaho [Mr. GOSSETT] are absent by leave of the Senate.

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate because of illness in his family.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from North Carolina [Mr. HOEY], the Senator from Maryland [Mr. RADCLIFFE], and the Senator from Delaware [Mr. TUNNELL] are detained on public business.

The Senator from Illinois [Mr. LUCAS] is detained on official business at one of the Government departments.

I also wish to announce that if present and voting, the Senator from Alabama [Mr. BANKHEAD], the Senator from North Carolina [Mr. HOEY], the Senator from Illinois [Mr. LUCAS], and the Senator from Maryland [Mr. RADCLIFFE] would vote "yea."

Mr. WHERRY. The Senator from Nebraska [Mr. BUTLER] is absent by leave of the Senate. If present, he would vote "yea."

The Senator from Indiana [Mr. WILLIS] is necessarily absent. If present, he would vote "yea."

The result was announced—yeas 59, nays 19, as follows.

YEAS—59

Aiken	Eastland	Johnston, S. C.
Andrews	Ellender	Knowland
Austin	Ferguson	Langer
Ball	Fulbright	McClellan
Brewster	George	McMahon
Bridges	Gerry	Millikin
Brooks	Gurney	Moore
Buck	Hart	O'Daniel
Bushfield	Hatch	O'Mahoney
Byrd	Hawkes	Overton
Capehart	Hayden	Reed
Capper	Hickenlooper	Revercomb
Connally	Hill	Robertson
Cordon	Huffman	Russell
Donnell	Johnson, Colo.	Saltonstall

Shipstead	Tydings	White
Smith	Vandenberg	Wiley
Stewart	Walsh	Wilson
Taft	Wheeler	Young
Tobey	Wherry	

NAYS—19

Barkley	McCarran	Myers
Briggs	McFarland	Taylor
Downey	Magnuson	Thomas, Okla.
Green	Mitchell	Thomas, Utah
Guffey	Morse	Wagner
Kilgore	Murdock	
La Follette	Murray	

NOT VOTING—18

Bailey	Glass	Mead
Bankhead	Gossett	Pepper
Bilbo	Hoey	Radcliffe
Butler	Lucas	Stanfill
Carville	McKellar	Tunnell
Chavez	Maybank	Willis

So the amendment offered by Mr. TAFT and other Senators was agreed to.

Mr. ELLENDER. Mr. President, I offer an amendment on behalf of myself, the Senator from Virginia [Mr. BYRD], the Senator from New Mexico [Mr. HATCH], the Senator from Illinois [Mr. LUCAS], the Senator from Minnesota [Mr. BALL], the Senator from Ohio [Mr. TAFT], the Senator from New Jersey [Mr. HAWKES], and the Senator from Michigan [Mr. FERGUSON], and I send it to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. At the proper place in the bill it is proposed to insert the following:

SEC. —. (a) Section 2 (3) of the National Labor Relations Act is amended by inserting before the period at the end thereof a comma and the following: "or any individual employed as a supervisor."

(b) Section 2 of such act is further amended by inserting at the end thereof the following:

"(12) The term 'supervisor' means any individual having authority, in the interest of the employer—

"(a) to hire, transfer, suspend, lay off, recall, promote, demote, discharge, assign, reward, or discipline any employees of the employer, or to adjust their grievances, or to effectively recommend any such action; or

"(b) to determine, or make effective recommendations with respect to, the amount of wages earned by any employees, or to apply, or make effective recommendations with respect to the application of, the factors upon the basis of which the wages of any employees are determined, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment;

but such term shall not include any individual in an occupation of a character which under prevailing custom prior to July 1, 1935, was covered by collective-bargaining agreements."

(c) Nothing herein shall prohibit a supervisory employee from becoming or remaining a member of a labor organization.

Mr. ELLENDER. Mr. President, this amendment is an essential one. Its purpose is to clarify the position of the supervisory employee under the National Labor Relations Act by explicitly setting forth the intent of Congress to exclude persons vested with bona fide supervisory authority from its provisions.

I believe that the language of this amendment is more clearly adapted, however, to express the real intent of Congress, since it would exclude from the protection of the act only those supervisors traditionally regarded both by industry and labor as being a part of management until some very recent decisions of the National Labor Relations Board.

It is not the purpose of this amendment to exempt from the Labor Relations Act working foremen, leadmen, straw bosses, and other employees with negligible supervisory duties. The amendment would also leave undisturbed the custom in certain craft unions in the printing and building industries for covering foremen by collective agreement and the custom in the maritime industry of including licensed personnel in professional unions of their own.

The amendment also recognizes that in the railroad industry there has been a practice of including certain supervisors in bargaining units. This practice also will not be affected by the amendment, although it is not believed necessary to make any express reference to employees of railroads or air lines, since the National Labor Relations Act itself in section 2 (2) makes it clear that no persons subject to the Railway Labor Act fall within its provisions. In other words, since this amendment deals only with the Labor Relations Act, it can have no bearing upon employees of the carriers which are regulated by the Railway Labor Act.

Until 1942, the National Labor Relations Board had never considered that supervisory employees were covered by the Wagner Act, except in those industries where, pursuant to craft custom long antedating the passage of the act, supervisory employees were organized. By and large, these industries were not affected by the enactment of this statute, the principal developments in union organization since that time having occurred in the mass-production industries where it was union practice not to admit foremen to membership or to represent them in collective-bargaining negotiations. In 1942, however, the Board abruptly departed from this policy in the Union Collieries case—see *Matter of Union Collieries Company* (44 N. L. R. B. 165)—and entertained a petition for an election filed by a labor organization composed of supervisory employees in the bituminous coal mines. This was a 2-to-1 decision—Millis and Leiserson concurring, Reilly dissenting. This decision gave impetus to an organizing drive among foremen in mass-production industries which was halted in 1943 when the Board, in another 2-to-1 decision—Reilly and Houston concurring, Millis dissenting—overruled the Union Colleries case.

Two years later, however, the Board again reversed itself on a petition of the Foremen's Association of America and directed an election among the foremen in an automobile manufacturing plant—see *Matter of Packard Motor Car Company* (61 N. L. R. B. 4); Millis and Houston concurring, Reilly dissenting.

About a month ago this doctrine was pushed to extremes by a majority opinion holding that the same union which represents the rank and file of the mine workers of the United States also has the right to file a petition under the Wagner Act to represent supervisory employees in the mines—see *Matter of Jones & Laughlin Steel Corporation* (6-R-1191); Herzog and Houston concurring, Reilly dissenting. The result of this latest decision is that we are now confronted with the anomalous situation of having a Federal statute which was enacted primarily for the benefit of the workers being construed so as to permit unions which already represent the workers to become also the legal representatives of the very men whom management has hired to supervise the rank and file.

The text of the proposed amendment has been drawn with reference to the reasoning of the current Board majority. It has been their position that since section 2 (3) of the act defining the term "employee" excludes only agricultural laborers, domestic servants, and relatives of employers, that supervisors, by implication, are not exempted. Under the proposed amendment, however, section 2 (3) would be augmented by including supervisors among the enumerated exempt categories.

Since there is considerable variance in industry with respect to the duties of supervisory employees, and since it was not the intent of this amendment to exempt any employee who does not possess genuine and important supervisory duties, the text of the amendment defines the term "supervisor" in very much the same language which the Board itself has used in scores of decisions to draw a line between supervisory units and units of rank-and-file workers. In other words, the amendment is confined to supervisors who possess real authority with respect to the hiring, firing, and disciplining of subordinate employees, or those who can exercise independent judgment with respect to the factors upon which compensation is computed. Under this definition it would be impossible, by change of nomenclature, for management to secure exemptions for minor supervisors or timekeepers, since the language of the amendment would cover only persons entrusted by management with sufficient authority to affect the status of other personnel.

Mr. President, we have given a great deal of study to this definition. As I have just indicated, it is patterned after a decision which was used by the NLRB for more than 5 years, and I am very hopeful that the Senate will agree to the amendment.

Mr. REVERCOMB, Mr. PEPPER, Mr. BALL, Mr. HAWKES, and other Senators addressed the Chair.

Mr. PEPPER. Mr. President, does the Chair recognize the Senator from Florida?

The ACTING PRESIDENT pro tempore. Does the Senator from Florida ask for the floor in his own right, or does he desire to ask a question of the Senator from Louisiana?

Mr. PEPPER. I was asking for recognition of the Chair. I did not understand whom the Chair recognized.

The ACTING PRESIDENT pro tempore. Does the Senator from West Virginia desire to propound a question to the Senator from Louisiana?

Mr. REVERCOMB. Yes.

The ACTING PRESIDENT pro tempore. Does the Senator from Louisiana

yield to the Senator from West Virginia for a question?

Mr. ELLENDER. I yield.

Mr. REVERCOMB. Am I correct in my understanding that the effect of the amendment proposed by the Senator from Louisiana is to take supervisors out from under the provisions of the National Labor Relations Act?

Mr. ELLENDER. Yes.

Mr. REVERCOMB. And that it does not prevent them from joining a union if they desire to do so?

Mr. ELLENDER. It is provided in the proposed amendment under (c) that they shall have the right to unionize.

Mr. HAWKES. Mr. President——

The ACTING PRESIDENT pro tempore. The Senator from Florida is recognized.

Mr. PEPPER. Mr. President, I ask leave to have printed in the RECORD at this point, without reading it unless a reading be requested, a copy of the letter in full which was dispatched this afternoon at 12:15 o'clock by Mr. A. Johnston, grand chief engineer of the Brotherhood of Locomotive Engineers, and Mr. A. F. Whitney, president of the Brotherhood of Railroad Trainmen, submitting a statement of the position and effort of the employees whom they represent, in an attempt to restore at once train service throughout the country.

The ACTING PRESIDENT pro tempore. Does the Senator request that the letter be inserted in the RECORD?

Mr. PEPPER. I request that the letter be printed in the RECORD at this point.

Mr. WILEY. Mr. President, the letter is of such importance that I suggest it be read.

Mr. PEPPER. I shall be glad to read it, Mr. President.

Mr. McCLELLAN. I also wish to suggest that the significance of the letter is such that it should be read.

The ACTING PRESIDENT pro tempore. Very well. The Senator from Florida may read the letter.

Mr. PEPPER read as follows:

WASHINGTON, D. C., *May 25, 1946.*

The PRESIDENT,
The White House,
Washington, D. C.

DEAR MR. PRESIDENT: The Brotherhood of Locomotive Engineers and the Brotherhood of Railroad Trainmen are patriotic men and they wish to cooperate with you in every possible way in the maintenance of rail service in the country. We know, however, that you want to be fair to our men and that you will be fair to our men. We know that you would not ask us to surrender our deep convictions that the carriers have not given our people the consideration they deserve.

But we regret deeply the impression that our men are not willing to work for the Government. We will work for the Government. As you have by now heard, we had last evening a very constructive talk with the Honorable James F. Byrnes, Secretary of State, and the Honorable Lewis B. Schwellenbach, Secretary of Labor. It was suggested that if the Government feels that it should not enter into a permanent agreement with the engineers and trainmen we would be willing to negotiate a temporary agreement for the duration of Federal control if you would approve an increase of 18.5 cents an hour, or $1.48 a day, and the seven rules recommended by your Board, with appropriate interpretations, with the further proviso that we would be willing to arbitrate such other rules as we are unable to settle through negotiation with the railroads.

At the time, it was our understanding that this proposal would be submitted to the railways, but we were advised later that no action was taken in connection with it.

Your suggestion of the 18.5 cents increase would deprive us of the seven rules changes recommended by the members of your Emergency Board.

Our men await only your word that they can return to work for the Government on the basis of the award of your Emergency Board, that is, the seven rules changes, with appropriate interpretations, and 16 cents an hour wage increase, to be effective January 1, 1946, if you, Mr. President, will allow us to negotiate with you further concerning any other fair wage increases.

In returning to work on this basis we know that we can rely also on your fairness and good will to keep the door open to further consideration of those differences regarding working rules changes which apply to the membership of our two unions and in which the nonoperating rail unions have no interest. This would leave the matter of our contract with the carriers to be worked out in further negotiation.

When the permanent settlement is made we believe we can rely upon you to see that any benefits received by our men above those enjoyed during the period of government operation should be made retroactive.

Last evening you stated over the radio that the engineers and trainmen were among the highest paid workers in the country. We respectfully submit that you will find that the records show that we rank No. 27 in the matter of wages. This can be borne out by the record presented to your Emergency Board.

Some years ago the men we represent received wages which compared fairly well with higher paid labor. However, because of the handicaps with which we have been confronted due to restricted legislation and a desire to refrain from inconveniencing the public, we now find ourselves in a very unfavorable situation as compared with other labor. Furthermore, many of our members at this time are suffering reprisals from their employers, and if a settlement can be effected these men are certainly entitled to protection. We know, Mr. President, that if our men, upon our faith in you, return immediately to work we could count upon it that you would not allow such reprisals to be inflicted upon them.

We respectfully submit these suggestions to you, Mr. President, in our earnest desire to restore full and complete railway service to the Nation at once.

Respectfully yours,

A. JOHNSTON,
Grand Chief Engineer,
Brotherhood of Locomotive Engineers.

A. F. WHITNEY,
President,
Brotherhood of Railroad Trainmen.

Mr. HAWKES. Mr. President, I should like to say a few words in connection with the amendment offered by the Senator from Louisiana [Mr. ELLENDER], in which I have joined him. The amendment deals with the question of separating supervisory employees from the ordinary employees who join a labor union.

First, I wish to say that I believe that the Senator from Louisiana has devised a very good definition, which sets forth clearly the dividing point between those who are in management and those who are rated as regular employees. I have had experience in such matters, and I can vouch for the statement the Senator from Louisiana has made that until recently the National Labor Relations Board has always considered that anyone who had the right to hire, fire, or change the status of anyone under him, as related to wages, working conditions, or otherwise, belonged to management. In the only strike with which I had anything to do, the National War Labor Board, as the guardian, took the very definite position that no one who had power of control over other employees should be allowed to vote in the election for a collective-bargaining representative, and I concurred in that interpretation.

It seems to me there is nothing more important than to separate these two groups, without depriving anyone of his just rights. The amendment does not deprive the supervisory groups of the right to organize in their own union, or whatever they may choose to do. It merely separates management and those with whom management must bargain.

I submit to Senators that we have been criticizing Government bureaus and agencies which have been the prosecutor and the judge and have handled all sides of a case. I ask, How can a man bargain with himself successfully regarding the rights of others? Bargaining involves two sides of the table, it involves two parties attempting to find a common point of agreement.

Mr. President, I think this question is vital. So far as I am concerned, I have not found any labor organization of the old school which disagrees with the opinion that the supervisory management should not be a part of a labor-union organization. I believe that if they are permitted to go ahead along the line the recent decisions of the National Labor Relations Board permit them to go, we will find very extensive complaint, involving criminations and recriminations. In fact, I go so far as to say that I cannot personally see how a man can remain in the ranks of management if he is affiliated in the ranks of a labor union.

Mr. President, I merely wanted to make these remarks from my practical experience in business.

Mr. MAGNUSON. Mr. President, I do not quite understand section (c) on page 2, which provides:

> Nothing herein shall prohibit a supervisory employee from becoming or remaining a member of a labor organization.

In view of that flat statement, what is the purpose of the rest of the amendment? How does it fit in?

Mr. ELLENDER. They can organize, but they will not have the protection of the Wagner Act.

Mr. MAGNUSON. In other words, the purpose of the Senator's amendment is to allow them to be members of a union or an organization, but they will not come under the Wagner Labor Relations Act?

Mr. ELLENDER. That is correct.

Mr. McCLELLAN. Mr. President, I wish to make an inquiry with reference to just what the amendment does. If persons are already members of a union, or if they should join a union which has bargaining powers under the Wagner Labor Relations Act, how would we by this amendment take those powers away from them? If they can vote in the

union, have a voice in the union, and then have the same position in management ascribed to them, it seems to me it rather leaves the matter in a state of confusion. They are both members of the union and can function as such——

Mr. ELLENDER. They cannot have the rights granted under the Wagner Labor Relations Act.

Mr. McCLELLAN. In other words, the union could not bargain for them with reference to wages and other things?

Mr. ELLENDER. That is correct. It separates the actual workers from the supervisors, who are their representatives with management.

Mr. HAWKES. Will the Senator yield for a moment?

Mr. ELLENDER. I yield.

Mr. HAWKES. I should like to say that the purpose of the amendment is to restore what we believe was the situation when the National Labor Relations Act was enacted.

Mr. ELLENDER. And as it was for 5 or 6 years following the enactment of the National Labor Relations Act.

Mr. HAWKES. In other words, to me the amendment provides that those who are in the ranks of management cannot take advantage of the National Labor Relations Act, because it was not passed in their interest.

Mr. ELLENDER. That is correct. That is all the amendment does.

Mr. McCLELLAN. Then, the supervisors in any industry, or employers, could organize a union and be members of the union, but insofar as making use of the union, or representatives of the union, for bargaining purposes with the employer is concerned, they would be prohibited from doing so under the provisions of the amendment; or would they?

Mr. ELLENDER. They could unionize. What the amendment does is to take away from them such rights as are afforded unions under the NLRB.

Mr. McCLELLAN. Collective bargaining is one of the rights afforded unions. What I am trying to ascertain is this: Suppose the supervisory employees of an industry organize a union of supervisory employees. It is not affiliated with the rank and file of labor employees who are not in a supervisory capacity. Having organized such a union, would that union, or representatives of it, have bargaining powers with the employer under the National Labor Relations Act?

Mr. ELLENDER. No; not under the National Labor Relations Act. They are denied that right. They can create an independent union of their own, and bargain, if they will, with the employer, but they would not have the protection of the NLRB.

Mr. HAWKES. I should like to give the Senator an illustration.

Mr. McCLELLAN. I am a little confused about what the practical effect of the amendment will be.

Mr. ELLENDER. I yield to the Senator from New Jersey, who has had much practical experience.

Mr. HAWKES. I wish to give an illustration. There is nothing in the laws of the United States, so far as I know, which would prevent all the employed presidents and vice presidents of the large corporations of the United States from organizing into a union, if they wanted to call it such, and there is nothing that would keep them from bargaining with the owners of the businesses for higher wages, higher salaries, better conditions, fewer hours of work, and many other things.

Mr. McCLELLAN. Either individually or collectively?

Mr. HAWKES. Either individually or collectively. This amendment does not change the status of the supervisory force at all in their right to organize a union, but it gives them no protection under the National Labor Relations Act, nor can they take advantage of that law in their bargaining.

It is our theory, in drawing the amendment, that it never was intended that they should come under the National Labor Relations Act. We are merely clarifying the situation which has come about by a divided opinion of the National Labor Relations Board in the last 2 or 3 years in connection with supervisory employees.

Mr. McCLELLAN. In other words, it merely segregates employees from management?

Mr. HAWKES. That is exactly what it does.

Mr. McCLELLAN. But under the National Labor Relations Act management is not a part of labor for collective bargaining, and cannot become a part of it, whereas under the present interpretation of the National Labor Relations Act, supervisors, foremen, and the like, may, as members of labor unions, get the benefit of collective bargaining and the protection of the National Labor Relations Act. That is the latest ruling.

Mr. HAWKES. I think the Senator has it perfectly clear. The situation is confused, and it has come about through a divided opinion of the National Labor Relations Board. We are trying to clear that up so that there can be no question that the National Labor Relations Act was never intended to give management bargaining rights under that act.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. HAWKES. I yield.

Mr. MAGNUSON. Is it not true that under the National Labor Relations Act the trouble has been with respect to the interpretation of the term "supervisor"; that the difficulty has been to determine who is a supervisor?

Mr. HAWKES. That is very definitely so.

Mr. MAGNUSON. What bothers me about the amendment of the Senator from Louisiana is that it would not prohibit the organizing of a union or prohibit men from belonging to a union, but it would be an impotent union for the simple reason that the men would not receive the protection of the Wagner Act. On page 2, subparagraph (a) provides:

> (a) to hire, transfer, suspend, lay off, recall, promote, demote, discharge, assign, reward, or discipline any employees of the employer, or to adjust their grievances, or to effectively recommend any such action.

Would not that language give rise to some abuses? For instance, an employer might say to every third workman in his plant, "You are now a supervisor. You can discipline the two men under you." That might completely do away with all collective bargaining for one-third of the plant. Or an employer could make the same assignment with respect to every other man who worked for him.

Mr. HAWKES. I believe that such a situation as the Senator now describes would be thoroughly covered by the act itself. The National Labor Relations Board could determine such questions in respect to elections held.

Mr. MAGNUSON. But the minute a man is called a supervisor, the minute he is given authority to say to one man or to two men "You do this; you do that," he comes out from under the Wagner Act as such.

Mr. HAWKES. I will say to the Senator from Washington that if an employer tried to put anything like that over on the National Labor Relations Board in an election he would not succeed, because the Board examines into such matters in most minute detail. Representatives of the Board would check such matters and would finally come to an agreement with the employer and the representatives of the employees as to who should vote. I think the Senator will find that such a situation is pretty well covered by the procedure of the National Labor Relations Board.

Mr. MAGNUSON. I appreciate that those who come within the jurisdiction of the act would be protected, but it is entirely possible that if an employer calls a man a supervisor that man would not come under the act. I do not say that such things would happen in all cases, but what is bothering me is the possible abuse that might occur because of the definition of the term "supervisor." An employer could designate every fifth man in his plant to be a supervisor. That man would be given the right to tell the other four men at the machine what they should do. Therefore, he would be a supervisor.

Mr. HAWKES. The mere calling of an individual "supervisor" is not the determining factor at all. The question is whether the individual has the powers defined in the amendment.

Mr. MAGNUSON. The amendment provides that an employee who is given the right to discipline another employee becomes a supervisor, if the employer wants to call him such.

Mr. HAWKES. Does not the Senator think that one who disciplines another employee becomes a supervisor?

Mr. MAGNUSON. The employer can designate every other man as one who has authority to discipline the other.

The ACTING PRESIDENT pro tempore. The Chair wishes to say that under the unanimous-consent agreement no Senator may speak more than once on the bill or more than once on any amendment.

Mr. MAGNUSON. Mr. President, I am simply asking questions of the Senator from New Jersey.

The ACTING PRESIDENT pro tempore. The Chair is endeavoring to determine the situation with respect to who has the floor, and whether the Senator is speaking on the bill or on the amendment.

Mr. HAWKES. Mr. President, I had the floor and yielded for a question. I was recognized by the Chair.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. HAWKES. I yield.

Mr. McCLELLAN. With respect to the question raised by the Senator from Washington, it occurs to me that a great number of workers would not be promoted to the status of supervisors. It simply could not occur because they are already under working contracts. Industry could not promote men by the wholesale as the Senator suggested might be done, without bringing about a great increase in the payment of wages, and without considerable change in other respects in connection with the placing of additional responsibility on men.

Mr. MAGNUSON. The employer could pay the man designated to be a supervisor the same amount he pays other workers. In fact the work pay of the ordinary worker may be even greater than that of the supervisor.

Mr. McCLELLAN. Does the Senator understand that simply because management may direct someone to have authority over other employees the man so directed must accept? Must he place himself in the status of a supervisor whether he wants to or not?

Mr. MAGNUSON. My point was that a man working in a plant could be designated by the employer to be a supervisor by merely saying to the worker "You have the right to tell worker No. 1, worker No. 2, and worker No. 3, and worker No. 4 what to do during the day." A great deal of confusion could arise under the terms of the amendment with respect to who is a supervisor. I think the present system, under which the Labor Board determines who is a supervisor in actuality works better than would the proposed system. Under the proposed system the employer could simply designate who is a supervisor, while under the present system the National Labor Relations Board can examine into all such cases, and it has jurisdiction to determine the question.

The ACTING PRESIDENT pro tempore. The Chair understands that the Senator from New Jersey has spoken once on the amendment. He has a right to speak on the bill.

Mr. HAWKES. No; I have not spoken once on the amendment. I have simply spoken on the bill.

The ACTING PRESIDENT pro tempore. The Chair has a definite recollection that the Senator from New Jersey spoke once on the amendment, and inasmuch as the Senate is operating under a unanimous-consent agreement the Chair will ask that Senators comply.

Mr. HAWKES. I will speak for a few moments on the bill, Mr. President.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from New Jersey to speak on the bill.

Mr. HAWKES. I wish to say to the Senator from Washington that whatever we may do, we will not completely rid ourselves of confusion. If it is proposed to try to define everything to the *n*th degree we will never have any bill. From my experience, I believe the Senator will find that he will be satisfied with the decision of the Board whenever a dispute of this kind arises. I think we would be going too far if we were to assume that every employer, or most employers, would appoint a greater number of supervisors, making them a part of management, and thus placing them in the higher brackets of compensation, simply to avoid the provisions of the act.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. HAWKES. I yield.

Mr. WHEELER. The Senator from New Jersey, I know, is a very honorable employer. The trouble, however, is that there are employers who are not honorable. Complaint has been made of exactly the condition of which the Senator from Washington has spoken, that is in some industries workers have been called supervisors simply in order to get around the law. Some unscrupulous employers in the past have designated great numbers of men as supervisors in order to break up a union completely. That is why the War Labor Board changed its ruling in the first instance. I agree with the Senator from New Jersey that if all employers were honorable, there would be no necessity for safeguards of this nature. I agree that what is proposed in the amendment would be a perfectly legitimate piece of legislation, and I would favor it. But, unfortunately, there are some unscrupulous employers, as there are unscrupulous men in all walks of life.

Mr. HAWKES. I should like to ask the Senator from Montana a question. He will admit, will he not, that under the National Labor Relations Act there is a very definite necessity of separating management from labor?

Mr. WHEELER. Yes.

Mr. HAWKES. I do not know of any legislation now on the books or proposed that is perfect. But I think the Senator from Louisiana has devised a definition in the amendment which, after many years of experience under the Wagner Act, is as precise as can be made. I believe it will give the National Labor Relations Board the foundation which the Senator from Montana believes it should have for stopping such practice on the part of uncrupulous employers.

Mr. WHEELER. If the amendment were to be adopted, I think it would be extremely difficult for the Board to rule on the question of who has the right to discharge or who has the right to assign. Many individuals might have the right to assign others to a job, or to tell others to do this or to do that. I fear that, under the definition provided in the amendment, unscrupulous employers would do what the Senator from Washington fears might be done. I know such things have been done by some employers. I have said to some labor leaders that I did not think it a good idea for the unions to take in foremen and superintendents. The reason it was done, in many instances, was because employers designated many individuals to be supervisors, and did so in an effort to break up a labor organization.

Mr. HAWKES. The Senator from Montana will agree, will he not, that where there is no distinction or discrimination between management and labor the result, in effect, is socialism and communism?

Mr. WHEELER. It seems to me there must be supervisors as distinguished from workers. But we pass laws, Mr. President, to deal with the unscrupulous individuals. We do not pass laws to deal with honorable employers. If all people were honorable and honest, we would not need laws. Our difficulty lies on the fact that there are unscrupulous individuals, whether on the side of labor or on the side of employers.

Mr. HAWKES. And there are probably just as many on one side as on the other.

Mr. WHEELER. Yes. They may be found on both sides.

Mr. HAWKES. My experience in life has taught me that if we could take a knife and cut a cross section out of every group in our American society, and throughout the world, we would find just about as much selfishness in each piece we analyze, one as compared with the other.

Mr. WHEELER. We find selfishness among every race, every religion, and every organization, whether it be an organization of labor, of farmers, of businessmen, or anyone else. But we enact laws to reach the unscrupulous individual, or the individual who is crooked. Frankly, I am afraid that this proposal would throw open the door for the unscrupulous to break down labor organizations.

Mr. HAWKES. I thank the Senator from Montana.

In concluding my statement I wish to say that this bill with this amendment, from my point of view, defines the thing which is at issue, and which is creating confusion in connection with the National Labor Relations Act. I very strongly recommend its adoption.

Mr. MURRAY. Mr. President, when this question was before the Committee on Education and Labor it was given considerable thought, and it was decided by the majority that this subject is not a proper matter for legislative disposition.

When the issue with respect to supervisory employees was first raised, it was determined by the National Labor Relations Board that the definition of "employee" under the National Labor Relations Act included such employees, and that they could, in appropriate cases, constitute an appropriate bargaining unit within the meaning of section 9 of the act. The Board has been consistent in its position that supervisors are employees, and has uniformly been sustained by the courts on this point. In the *Matter of Maryland Drydock Co.* (49 N. L. R. B. 733), however, and later cases, it adopted the view that, except in certain cases where the traditional practice of the unions involved was to the contrary, supervisory employees could not constitute an appropriate bargaining unit. Recently, in the *Matter of Packard Motor Car Co.* (61 N. L. R. B. 4), and in the *Matter of Jones and Laughlin Steel Corp.* (66 N. L. R. B. No. 51), the Board reverted to its original position, and has designated bargaining units consisting of supervisory employees.

The status of these employees is by no means a simple issue, as is evidenced by the line of decisions in cases before the Board. Your committee feels that this problem must be viewed on the basis of a realistic approach to the problems of large-scale modern industry. While it may be true that in small enterprises the supervisor is identified with the management of the business for most purposes, there is, as a matter of fact, very little such identification in the case of supervisory employees of gigantic industrial concerns, except perhaps in the case of employees at the highest levels of policy making and direction. While the supervisory employee may have some limited management functions, his tenure is no more secure than that of the rank-and-file production employee and, in the absence of organization, he is equally at the mercy of management as to his own wages, hours, and working conditions. It was on the basis of this reasoning that the Board, in the light of long experience in the performance of its statutory duties, accorded to supervisory employees the right to form a collective-bargaining unit, subject, of course, to any applicable conditions that the act imposes.

During the period while the Board's decision in the Maryland Drydock case was in effect, membership in the foremen's unions increased by leaps and bounds. The refusal of the Board to certify bargaining units of supervisory employees led to several strikes for recognition by foremen's unions, particularly in the automotive industry, which constituted some of the more serious interruptions to war production. The representation machinery of the act for the determination of representation disputes was devised to obviate the need for strikes for the purpose of obtaining union recognition. It would be incongruous to close a peaceful avenue for the settlement of disputes, and to substitute the road of industrial warfare. The removal of the protection of the Wagner Act from supervisory employees does not make self-organization illegal. And recent history shows that the trend toward such organization is not likely to be arrested by requiring employees to depend upon the exercise of economic strength to obtain the right to organize. Many subsidiary issues may arise with respect to this question. It is the sense of your committee that these issues will not be resolved, nor will the sources of conflict be eliminated, if the Congress, by statute, denies bargaining rights to supervisory employees. It has therefore been determined to leave the matter where it now stands, in the hands of the Board for decision in individual cases as they arise.

I think we ought to keep in mind that the practice of bargaining collectively with foremen's unions has been thoroughly established in this country for a great many years, and it has not had any such dire results as are claimed. There have been foremen's unions for many years in the railroad and maritime industries, in the building and metal and printing trades, and in the postal and railway mail services. Many problems arose in those industries as a result of the organization of the foremen. Some of the problems were tough ones. But they were not insoluble. All that was necessary was for the employers and the employees to sit down around a table and work them out in an atmosphere of good faith and cooperation. That is the way man solves all his problems. It does not help to bury one's head in the sand and pretend or wish that the problems did not exist. He must face them. Passing the Case bill would be like burying our heads in the sand. I believe that Government can best help to solve the problems arising out of the organization of foremen by making sure that the parties sit down together and try to work them out. We can do it by seeing that there is available to those employees impartial and orderly machinery so that, freely and uncoerced, they can cast their secret ballots in the choice of a representative. Then we can see to it that the employers sit down with the freely chosen representatives and, in good faith, seek to work out their mutual problems. This is the democratic way. This is the rational way. This is the peaceful way.

Mr. President, I have received a letter from the Foreman's Association of America, which explains their position very clearly. I should like to read it if I have the time. It is addressed to me as chairman of the committee, and reads as follows:

FOREMAN'S ASSOCIATION OF AMERICA,
Washington, D. C., May 13, 1946.

Hon. JAMES E. MURRAY,
Senate Office Building, Washington, D. C.

DEAR SIR: In the following statement I wish to call attention to facts that should be taken into consideration in dealing with the problem of collective bargaining for foremen.

Unless he owns all or part of the enterprise in which he functions as a supervisor, a foreman is first and always an employee in his relationship to his employer. The degree of authority vested in him may determine whether he is part of the management.

There is a reasonably clear line of demarcation between the personnel comprising the management of an industrial entity and those comprising the supervisory staff. The former group is vested with authority and responsibility to devise and determine the policies and program to be engaged in by the company. To the supervisory staff is delegated the duty to translate said policies and program into productive activity under prescribed limitations.

There is nothing whatever incompatible in a situation wherein foremen may deal with their employer through a collective bargaining agency on matters affecting their own wages, hours, and working conditions and at the same time serve their employer fully and faithfully as his agent in the capacity of supervisors of the personnel functioning under their direction. These are entirely separate relationships and the oft-repeated reference to "serving two masters" is a deceitful effort to becloud the true facts.

The amendment No. 5 as proposed in the minority report on the bill H. R. 4908, if enacted, will serve to deny to supervisory employees the ordinary protection available to other employees in the employee-employer relationship. This will tend to discourage competent men from leaving the security afforded them through collective bargaining to accept the responsibilities of supervision.

The enactment of such discriminatory legislation as is embodied in the above-referred-to amendment will not serve to accomplish the purposes of the act, namely, "to encourage settlement of disputes," etc., but will arouse foremen to avail themselves of whatever means that may be at hand to protect their interests. Foremen are intelligent men and they will not hold still while being hamstrung at the behest of their organized employers.

Subsection (b) of the amendment would place the individual supervisor at the mercy of the whims of his employer whose interests are protected through organization.

In effect, subsection (e) of the amendment says that a supervisor may be a member of a labor organization, be subject to its commitments, may pay dues, but may not receive any benefits or protection therefrom. If ever a discriminatory situation were devised, this is it.

Progress in human relations is not attained by suppression but by conscious effort to solve our problems.

Very truly yours,

W. ALLEN NELSON,
Vice President.

Mr. O'MAHONEY. Mr. President, I should like to address an inquiry to the Senator from Louisiana [Mr. ELLENDER], but he does not seem to be in the Chamber. Perhaps I may address it to the Senator from Ohio [Mr. TAFT] if I may have his attention.

I notice that in the minority views on page 17 there appears the text of amendment No. 5 suggested by the minority, which deals with the problem of the supervisory employee. That amendment has apparently been abandoned, and there has been substituted the amendment which was offered a few moments ago by the Senator from Louisiana. The significant difference between the two, of which I should like to have an explanation, is that the amendment set forth in the minority views defines a supervisory employee as one "who regularly devotes less than 20 percent of his time to productive manual work"; whereas the amendment upon which we are asked to vote does not provide such a definition. Therefore, it lends itself to the interpretation made by the Senator from Washington; namely, that if it should become the law it would be possible for the employer to designate as supervisors, employees who had practically no supervisory work or who did 20, 25, or 50 percent of productive manual labor.

Mr. President, it seems to me it was a very significant thing to draw up this very distinctive definition, and I should like to know why the minority have abandoned that position.

Mr. BALL. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. BALL. We did so because of the great number of independent establishments. For instance, some of the dairy companies have independent establishments of 8 or 10 employees with a foreman in charge. That is quite often the case in a branch of some large business. The supervisor is in complete charge, and yet he spends perhaps 80 percent of his time working along with the men. The definition regarding 20 percent of manual labor is, as we discovered, rather an unrealistic definition. Even the wage-and-hour legislation has exempted those who are in charge of independent branches or establishments, even though they do more than 20 percent of manual labor, although that is their criterion.

It seemed to us that this definition—and that is why we abandoned the No. 5 minority amendment—is much more realistic and effective because it is tied up with the individuals who have authority in the interests of the employer to hire, transfer, and so forth, or to make effective and recommend such action, and also to determine the factors on which pay is based or make recommendations about pay. Such exercise of authority is not of a merely routine or clerical nature, but it requires the use of independent judgment.

That definition, I may say, was worked up by the Senator from Louisiana, in cooperation with some attorneys of the National Labor Relations Board, who, I believe, originally used a definition very similar to this one when the National Labor Relations Board was holding that supervisory employees were not covered by the act.

Mr. O'MAHONEY. From what the Senator has said, I am sure that it is not his purpose to present an amendment which would afford an opportunity for an employer who might be so inclined to avoid the responsibilities of the National Labor Relations Act.

Mr. BALL. I would say to the Senator that there is no possibility of that, because the determination in any case which is disputed will be made by the National Labor Relations Board. I think that Board has consistently held that such a designation, which was merely a subterfuge, would not hold.

Mr. O'MAHONEY. Then, let me ask the Senator this question, calling his attention to lines 3 and 7 on page 2 of the measure. There the words "any employees" appear. Of course, that would mean that a supervisor would be included in this amendment if he had the right to assign one employee.

Mr. BALL. The word there is in the plural; there would have to be at least two employees.

Mr. O'MAHONEY. Very well; let us consider that. Of course, that in itself would lead to the possibility of abuse. Would there be any objection to a modification of the amendment at that point, so as to use, for example, instead of the words "any employees," the words "not less than 10 employees," or some such figure?

Mr. BALL. I think perhaps it would be necessary to make it less than 10, inasmuch as some of the independent establishments have perhaps only 5, 6, 7, or 8 employees.

Mr. O'MAHONEY. I am simply suggesting a minimum, so that it will be clear from the language that the supervisor has in fact supervisory authority, and has not been merely named a supervisor for the purpose of the classification.

Mr. BALL. I should see no objection to changing the amendment so as to read "not less than five employees," but frankly I think the National Labor Relations Board in interpreting the language would disapprove of any subterfuge used by an employer to try to avoid the application of the Wagner Act. I would not object to the modification the Senator has proposed. I do not know how the Senator from Louisiana [Mr. ELLENDER] feels.

Mr. ELLENDER. I would not object to providing for five.

Mr. O'MAHONEY. I suggest to the Senators that they might modify their amendment in that way. After that is done, if it is done, I desire to ask another question. The other question refers to paragraph (c).

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. LUCAS. Do I correctly understand that the Senator from Louisiana has modified the amendment in accordance with the suggestion which has been made by the Senator from Wyoming?

Mr. ELLENDER. Yes, Mr. President, I make that modification on page 2, in line 3 and in line 7.

The ACTING PRESIDENT pro tempore. The amendment will be modified accordingly.

Mr. O'MAHONEY. Mr. President, with respect to lines 18, 19, and 20, I should like to have a clear definition of the meaning of the language:

> Nothing herein shall prohibit a supervisory employee from becoming or remaining a member of a labor organization.

Is it intended by that to mean that such a labor organization shall not have the benefits accorded other labor organizations under the National Labor Relations Act, or would that section properly be interpreted as though it read as follows:

> Nothing herein shall prohibit a supervisory employee from becoming or remaining a member of a labor organization, with all the powers of a labor organization under the terms of the National Labor Relations Act.

Mr. BALL. Mr. President, if the Senator will yield, let me say I do not think the language he mentions is necessary, because all we do in subsections (a) and (b) is to remove from the protection of the Wagner Act supervisory employees in respect to their efforts to organize and bargain collectively.

In other words, an employer who said, "I do not want my foremen organized; and if they join a union, I will fire them," could not be cited for unfair labor practices before the National Labor Relations Board, as he can under their recent decision. But there is nothing in any law—and subsections (a) and (b) would not change that situation—to prohibit a foreman from joining a labor organization.

Mr. O'MAHONEY. Then, as I understand the Senator, the purpose of those who are advancing this amendment is to give the employers the right to prohibit their foremen from joining a union which has rights under the National Labor Relations Act and which may bargain collectively and be protected by that law. Is that correct?

Mr. BALL. Yes; to give the employer the right, if he does not want his foremen unionized, to fire them without running the risk of being cited for an unfair labor practice by the National Labor Relations Board.

Mr. O'MAHONEY. I thank the Senator for his candor.

Mr. MAGNUSON. Mr. President, I should like to ask a further question.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming has the floor.

Mr. MAGNUSON. Will the Senator yield to me?

Mr. O'MAHONEY. I yield.

Mr. MAGNUSON. I wish to ask the Senator from Minnesota again if this matter does not illustrate what we have been trying to point out, namely, the great difficulty of attempting to legislate on these matters. Here is an amendment which is designed in good faith to correct a situation which I know exists on both sides in regard to foremen. The purpose is to prevent trouble and strikes. But when we take foremen out from under the provisions of the Wagner Act, here is what happens, which is an excellent example I think of what causes strikes: The foremen organize—they are not under the Wagner Act—they go to the employer, and say to him, "We want to bargain with you for better conditions." The employer can say to them one of two things. He could either say, "I do not want to bargain with you," or "I do not think you should have a union." And that will be all. If the law does not require him to do anything further, that will force a strike, or on the other hand, they could go to the employer as a group, and say to him, "We want to bargain with you to improve our conditions." The employer could say to them, "I do not think you represent a majority," or "I do not think you represent the union." He could stop right there. And then they would strike.

So, Mr. President, the amendment would remove many of the good features of the present law. In my opinion, it would cause even more strikes, because once the employer said that, that would be the end; the foremen would be out from under the act, and they would have no chance.

I do not think employers would do that as a rule, but such a practice is what causes trouble. Again, Mr. President, I say it shows the almost insuperable difficulty of trying to legislate in connection with these matters.

Many foremen—and this situation has been the cause of much trouble in the past—have gone to their employers, and have said, "We would like to do this," and the employers have said to them, "I do not think you represent a majority of the foremen," or "I do not want to bargain with you." And that is all. That causes strikes, and it offers no possibility of mediation. It does away with all forms of mediation. I appreciate the difficulty which has been experienced by the Board with regard to foremen, but it seems to me that an amendment such as the pending one would not correct anything. On the contrary, it would probably increase the difficulties which already exist.

Mr. BALL. Mr. President, I am sorry that the Senator has escaped the purpose of the amendment. An employer may say that he does not want his foremen to organize because they are a part of management. If the foremen go on strike, the management may hire new foremen without being liable under the Wagner Labor Act, or being required by the court to reinstate the men who have gone on strike. I admit that a few strikes

may take place. But does the Senator want the whole weight of the NLRB decision to be invoked in enforcing employers to permit, recognize, and accept the unionization of their foremen who are representatives of management, and who deal directly with the production workers? Would the Senator have the foremen subject to the discipline of the production workers, when at the same time they represent management?

Mr. MAGNUSON. Mr. President, I agree that abuses may take place. But I am merely trying to point out the difficulty which we always experience in trying to legislate on matters of this character. The abuses which have occurred in the so-called foremen and supervisory field have been great. However, the temptation to commit abuses, should the pending amendment be agreed to, would be greater, in my opinion, than it is now. Again, I assert, Congress is attempting to legislate in a field in which the application of the Wagner Act would probably be the best solution.

Mr. BALL. Mr. President, if the Senator believes that management should have the right to hire and to fire its foremen and supervisory employees without Government interference, I am sure he should be willing to vote for this amendment. I believe that if management is to remain management, it must have the right to hire and fire its supervisors and foremen.

Mr. LUCAS. Mr. President, am I to understand that at one time the Board rendered a decision which was in line with what the Senator from Minnesota suggested a moment ago?

Mr. BALL. Up until a few years ago the Board's decision was that supervisory employees were not covered by the Wagner Labor Relations Act.

Mr. LUCAS. That was my understanding, and I was wondering why the Board changed its position within the last 2 or 3 years.

Mr. BALL. There have been some 14 or 15 decisions. I read the last one on the Jones-McLaughlin case. That decision treated the word "employee" absolutely literally.

Mr. TAFT. I should like to point out that the Board membership changed. That is why the decision was changed.

Mr. LUCAS. In other words, the question has been a very close one within the Board from the beginning of this problem.

Mr. MAGNUSON. There again, as I have already stated, the Board has the authority to determine these questions. Of course, a change in the membership of the Board may take place during the course of time. The members of the Board may reverse themselves occasionally, but the matter is an administrative one, and when Congress starts to legislate on it we shall get into more trouble than we have already experienced.

Mr. HATCH. Mr. President, if the Senator will yield to me, I wish to assert that we, as Members of the Congress, have no right to leave these matters to administrative discretion. Either we intend to have supervisors construed to be employees having all the benefits of the Wagner Labor Relations Act, or we do not intend to have them so construed. I contend, Mr. President, that, instead of it being a difficult matter on which to legislate, it is a simple matter, and one on which legislation should be enacted. If we do not lay down the rules, we have no right to criticize the administrative boards. I believe the issue is very clear-cut. Either the supervisors are employees or they are not, and the Congress should say so.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Louisiana [Mr. ELLENDER] for himself and other Senators.

Mr. WAGNER. Mr. President, I understand that the question with which we are dealing is now pending in court. I believe that the subject about which we are asked to legislate is the very subject over which we fought several years ago. The issue then was, Shall the workers have the right to organize and bargain collectively? Foremen are also workers. What we are now being asked to say to the foremen is "No; you may not organize. If your employer does not want you to have a union, you may not organize." As I have said, we fought over that issue some years ago when the so-called Wagner Act was first before the Congress. Supervisors are not a part of management; but it is now proposed to say to them, "You may not be protected under the so-called Wagner Act because you are foremen. You are not ordinary workers. You may not have anything to say about your wages. You have no right to bargain collectively." We fought out that very issue back in 1933, and we thought it was settled. The employer said to the employee, "No; you may not belong to a union." We were compelled to enact legislation so as to permit the workers to organize.

Mr. BREWSTER. Mr. President, am I correct in understanding that up until 2 years ago the board took a position contrary to the one which was referred to a few minutes ago?

Mr. WAGNER. I do not recall.

Mr. BREWSTER. I understand that to be the subject of the present discussion.

Mr. WAGNER. I said that the court now has the question before it for decision, and it will make a decision very soon.

Mr. ELLENDER. Mr. President, I have already cited a decision which held to the contrary. For 5 or 6 years following the enactment of the act the board followed the very definition which now is before the Senate.

Mr. WAGNER. Senators may do as they please, but if they vote for the amendment they will say to many foremen and supervisors, "No; you have no legal protection. You have no right to bargain collectively. You have no right to carry on collective bargaining with your employer with reference to what your wages, hours, or anything else shall be." Senators, if we do that, I say that we are returning to the old days.

I recall the time—I am sure that if the senior Senator from Montana [Mr. WHEELER] were here he would bear me out in my statement—when we went into some of the coal mines. That was in 1928. A strike had occurred. The reason for the strike was that the coal miners wanted unions, and the employer said, "If you organize into a union, you may not work in this mine." Men were ejected from their houses. They were not permitted to obtain any food from the company stores. Since then we have fought that issue out. The miners now have the right to organize and to bargain collectively. Are we now to say to the supervisors that they may not have unions or be protected?

Mr. TAFT. Mr. President, will the Senator yield?

Mr. WAGNER. I yield.

Mr. TAFT. The foremen may have unions. Of course, it is provided that if they go to the employer for something he does not have to bargain with them collectively. He may bargain with them separately. The foremen have the right to wait on the employer and present their grievances, or any other issue, but the employer may deal with them separately.

Mr. WAGNER. Of course, Mr. President, at one time that was true with reference to all unions. What the Senator would have the employer say is, "We will not bargain with you unless you get out of the union." I think that is very unfair.

Mr. TAFT. No; the foremen would not have to get out of the union.

Mr. WAGNER. Possibly not, but they could not continue to work for the same employer.

Mr. TAFT. Oh, yes; they could. They could be members of the union. The effect of the amendment is that the union may not insist that foremen be represented by it. Foremen can be members of unions; they may be members of the men's union, if they wish, or their foremen's union, but the union is not entitled to be the sole collective-bargaining agent, and if they engage in union activities they may be fired, and, frankly, if a foreman engages in union activities against the interests of his employer, I think the employer should have a right, under those circumstances, to separate him.

Mr. WAGNER. I know that is the Senator's view, but it is not my view. I believe a foreman, like any other workman, is entitled to protection.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the modified amendment offered by the Senator from Louisiana [Mr. ELLENDER] for himself and other Senators.

Mr. MORSE. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. WAGNER. I have a general pair with the Senator from Kansas [Mr. REED], who is detained on official business. I transfer that pair to the Senator from Utah [Mr. THOMAS] who is unavoidably detained, and who if present would vote as I intend to vote. I am therefore at liberty to vote. I vote "nay."

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Virginia [Mr. GLASS], and the Senator from Tennessee

[Mr. McKELLAR] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senator from Idaho [Mr. GOSSETT] are absent by leave of the Senate.

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate because of illness in his family.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from North Carolina [Mr. HOEY], the Senator from Maryland [Mr. RADCLIFFE], and the Senator from Delaware [Mr. TUNNELL] are detained on public business.

I also announce that, if present and voting, the Senator from Alabama [Mr. BANKHEAD] and the Senator from North Carolina [Mr. HOEY] would vote "yea."

Mr. WHERRY. The Senator from Nebraska [Mr. BUTLER] is absent by leave of the Senate. If present, he would vote "yea."

The Senator from Indiana [Mr. WILLIS] is necessarily absent. If present, he would vote "yea."

The Senator from Kansas [Mr. REED] is detained on official business. If present, he would vote "yea."

The result was announced—yeas 48, nays 30, as follows:

YEAS—43

Andrews	Ferguson	Overton
Austin	Fulbright	Revercomb
Ball	George	Robertson
Brewster	Gerry	Saltonstall
Bridges	Gurney	Smith
Brooks	Hart	Stanfill
Buck	Hatch	Stewart
Bushfield	Hawkes	Taft
Byrd	Hayden	Tobey
Capehart	Hickenlooper	Tydings
Capper	Knowland	Vandenberg
Connally	Lucas	Wherry
Cordon	McClellan	White
Donnell	Millikin	Wiley
Eastland	Moore	Wilson
Ellender	O'Daniel	Young

NAYS—30

Aiken	La Follette	Murray
Barkley	Langer	Myers
Downey	McCarran	O'Mahoney
Green	McFarland	Pepper
Guffey	McMahon	Russell
Hill	Magnuson	Taylor
Huffman	Mead	Thomas, Okla.
Johnson, Colo.	Mitchell	Wagner
Johnston, S. C.	Morse	Walsh
Kilgore	Murdock	Wheeler

NOT VOTING—18

Bailey	Chavez	Radcliffe
Bankhead	Glass	Reed
Bilbo	Gossett	Shipstead
Briggs	Hoey	Thomas, Utah
Butler	McKellar	Tunnell
Carville	Maybank	Willis

So the modified amendment of Mr. ELLENDER and other Senators was agreed to.

Mr. TAFT. Mr. President, I offer an amendment in behalf of the Senator from Minnesota [Mr. BALL], the Senator from New Jersey [Mr. SMITH], the Senator from New Mexico [Mr. HATCH], the Senator from Virginia [Mr. BYRD], and myself.

I may say that this is amendment No. 3 in the minority views, and amendment C offered on May 9. There seems to be two amendments marked "C." This is the one offered on May 9.

The ACTING PRESIDENT pro tempore. The clerk will state the amendment.

The CHIEF CLERK. At the proper place in the bill it is proposed to insert a new section, as follows:

SEC. —. (a) Suits for violation of a contract concluded as the result of collective bargaining between an employer and a labor organization if such contract affects commerce as defined in this act may be brought in any district court of the United States having jurisdiction of the parties.

(b) Any labor organization whose activities affect commerce as defined in this act shall be bound by the acts of its duly authorized agents acting within the scope of their authority from the said labor organization and may sue or be sued as an entity and in behalf of the employees whom it represents in the courts of the United States: *Provided*, That any money judgment against such labor organization shall be enforceable only against the organization as an entity and against its assets, and shall not be enforceable against any individual member or his assets.

(c) For the purposes of this section district courts shall be deemed to have jurisdiction of a labor organization (1) in the district in which such organization maintains its principal office, or (2) in any district in which its duly authorized officers or agents are engaged in promoting or protecting the interests of employee members. The service of summons, subpena, or other legal process upon such officer or agent shall constitute service upon the labor organization.

(d) Any employee who participates in a strike or other stoppage of work in violation of an existing collective-bargaining agreement, if such strike or stoppage is not ratified or approved by the labor organization party to such agreement and having exclusive bargaining rights for such employee, shall lose his status as an employee of the employer party to such agreement for the purposes of section 8, 9, and 10 of the National Labor Relations Act: *Provided*, That such loss of status for such employee shall cease if and when he is reemployed by such employer.

Mr. TAFT. Mr. President, this amendment is the third and last of the amendments which attempt to strengthen the collective-bargaining process. I do not know of anything for which there has been greater demand than recognition that labor unions shall be responsible on their collective-bargaining contracts exactly as the employer is responsible. The United States Supreme Court has said that the purpose of the Wagner Act was:

> To compel employers to bargain collectively with their employees to the end that an employment contract, binding on both parties, should be made.

I quote from President Truman's address to the Management-Labor Conference in November 1945:

> We shall have to find methods not only of peaceful negotiation of labor contracts, but also of insuring industrial peace for the lifetime of such contracts.

I quote still further from President Truman's address:

> Contracts once made must be lived up to and should be changed only in the manner agreed upon by the parties. If we expect confidence in agreements made, there must be responsibility and integrity on both sides in carrying them out.

A bill was introduced, as I recall, by the Senator from Virginia [Mr. BYRD] to require all labor unions to incorporate. We found that to be awkward, and we thought it unnecessary. All we provide in the amendment is that voluntary associations shall in effect be suable as if they were corporations, and suable in the Federal courts if the contract involves interstate commerce and therefore involves a Federal question. As a matter of fact, labor unions in theory are responsible for their contracts. At times they have been sued, including actions for tort. In the Danbury Hatters case it will be remembered a judgment was obtained, and because it was a voluntary association, the houses of all the various members were levied upon and taken in satisfaction of the judgment. We do not want to perpetuate such a condition. Therefore, we provide very simply that a labor union may be sued as if it were a corporation, and if it is sued, then the funds of the labor organization and its assets are responsible for the judgment, but the funds and the assets of the individual members are not liable on such a judgment. In other words, we think in subsection (a) and in subsection (b) we have fairly stated the proposition.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. REVERCOMB. I want to put a question to the Senator while he is discussing the effect of the right to sue and to make unions liable. The amendment, however, goes further than that, because it provides in subsection (d)——

Mr. TAFT. I will come to subsection (d). Does the Senator wish me to discuss it now?

Mr. REVERCOMB. I want to raise a question respecting subsection (d), because it places a penalty on the individual who stops his work. I shall be glad to have the Senator discuss it now.

Mr. TAFT. Let me finish discussing subsection (c) first. It simply provides how labor unions may be sued, how they may be served, and provides the machinery by which the suit may be brought. The difficulty with respect to unincorporated associations is that under most State laws they are very difficult to sue. In theory, they are suable, but as a practical matter there are many States in which it is almost impossible to sue them. It is necessary to make practically every member of the labor organization a party to the suit. Various other kinds of restrictions and difficulties exist which, as a practical matter, in a large part of the United States makes it absolutely impossible to sue a labor union.

Subsection (d) provides that if an employee strikes in violation of the contract and without the approval of the union he shall be personally deprived of his rights under the Wagner Act. In other words, that is a wildcat strike, if you please. If the union violates its collective-bargaining agreement, it is responsible, but no individual member is responsible, and he can in no way be deprived of his rights. But if the union tries to keep its contract and, in violation of its undertaking, some of its members proceed to strike, then the employer may fire those members and they do not

have the protection of the Wagner Act. As a matter of fact, I am told—I do not assert it definitely, because I do not have a copy of the contracts—that the last Chrysler contract and the Ford contract provide exactly that. In other words, the unions themselves have said in their agreement that "if there is a wildcat strike during the period of this agreement you may fire any member who starts it and we will not ask for his reinstatement." All we do is to carry out that principle in the law.

Mr. REVERCOMB. Mr. President, will the Senator further yield?

Mr. TAFT. I yield.

Mr. REVERCOMB. It seems to me that the language in subsection (d) which is now being discussed goes further than an attempt to stop a wildcat strike. Let me read the language again:

(d) Any employee who participates in a strike or other stoppage of work in violation of an existing collective-bargaining agreement, if such strike or stoppage is not ratified or approved by the labor organization party to such agreement and having exclusive bargaining rights for such employee, shall lose his status as an employee of the employer, party to such agreement for the purposes of sections 8, 9, and 10 of the National Labor Relations Act: *Provided*, That such loss of status for such employee shall cease if and when he is reemployed by such employer.

The punishment falls directly upon the individual who engages in a work stoppage.

Mr. TAFT. Wait a minute. Only if such striker's stoppage is not ratified or approved by the labor organization.

Mr. REVERCOMB. The individual man is placed by this provision at the mercy of both the employer and the labor organization. In other words, if an agreement has been made that he will do certain work, and for reasons satisfactory to himself he wants to stop work, this provision, as I see it, might be construed to say "No, if you stop work for what is in your judgment good cause as an individual, you are going to be subjected to a penalty whereby you cannot get your rights under the National Labor Relations Act."

Mr. TAFT. No, I do not think the Senator is correct in any way. A man who quits because he is sick, because he does not want to work any more, is not participating in a strike nor is he violating the collective-bargaining agreement. That is the main point. The collective-bargaining agreement does not promise that every member of the union is going to continue working indefinitely for the employer. If he is sick, if he chooses to take a vacation, and go away, that certainly is not in violation of the collective-bargaining agreement.

Mr. REVERCOMB. If a man wants to stop work—and the amendment uses the word "stoppage", must he go to his union and obtain its consent to stop, even if the individual thinks it is right to stop work and wants to stop?

Mr. TAFT. No, because if he wants to stop it is not in violation of the agreement for him to stop.

Mr. REVERCOMB. The amendment uses the word "stoppage." It is a word that goes beyond "strike."

Mr. TAFT. A work stoppage may mean a slow-down. It may mean anything which is in effect a strike, but it is not in violation of any collective-bargaining agreement I have ever seen for a man to stop work and go home if he does not want to work any more for the employer, or wants to take a vacation.

Mr. REVERCOMB. The word "stoppage" has a very broad meaning. When a man stops work he is guilty of a work "stoppage." But let me point out to the able Senator that in the first amendment adopted very similar language was used. I call attention to page 3 of the first amendment, under subsection (d), the same designation as the section we are discussing in the pending amendment:

Any employee who fails to perform the duties imposed on him by subsection (b) of this section shall lose his status as an employee of the employer engaged in the particular labor dispute.

But I may point out to the able Senator that the amendment further provides:

(e) The penalties set forth in subsections (c) and (d) for failure to perform the duties imposed by this section shall be exclusive and no other legal or equitable remedy for such failure shall be available.

Then I point out especially this language:

Nothing in this act shall be construed to require an individual employee to render labor or service without his consent, nor shall anything in this act be construed to make the quitting of his labor by an individual employee an illegal act.

What I am trying to point out to the able Senator from Ohio is that this amendment is good so far as it applies to permitting a suit to be maintained against a labor organization and permitting recovery against the organization as a unit, but it goes a little too far, it seems to me, when it places a penalty and a punishment upon the individual who may stop his work for good cause.

Mr. TAFT. It does not do such a thing, I say with all due respect to the Senator. It only applies if a worker quits in violation of a collective-bargaining contract. The Senator never saw a collective-bargaining contract which provided that every man must continue to work.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. CAPEHART. I believe I am correct in the statement that in many miners' contracts an agreement is contained that if any member of the union pulls a wild-cat strike, or a sit-down strike, or refuses to work, he is automatically fined by the union, and I think the fine has been as high as $6 a day. I think it will be found today that such provisions are contained in miners' contracts, by which they try to discipline their own members by fining them $2, or $4, or $6 a day if they refuse to work according to the terms of the collective-bargaining contract.

Mr. TAFT. Yes, I think so. Generally, this particular provision has been approved by the labor people. They feel, and I feel, that a responsible labor leader who wants to keep his contract should not be hampered by the fact that members of the union whom he cannot control put on a wildcat strike. Four or five men can tie up an entire plant—and it has happened repeatedly—if they happen to be in a crucial spot. Those are the men who ought to be disciplined if they prevent a responsible labor leader from carrying out his collective-bargaining contract.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. REVERCOMB. I do not see that what may have been in some collective-bargaining contract in the past, or even at the present time, is germane to the point which is raised. We are enacting a law which is to be the basis of the rights of the people in the future whatever the contract may be. We are not shaping the rights which may arise under this statute on the basis of what may have been in an agreement between individuals. I must say that I am not deeply impressed by the fact that some of the labor leaders may want this provision. I am thinking of the individual worker himself. Must he get permission from his labor union, or from anyone else, in order to stop work for a good cause? The able Senator says that there is no such provision in the amendment.

Mr. TAFT. There certainly is not.

Mr. REVERCOMB. What is the meaning——

Mr. TAFT. That is not a violation of any collective-bargaining agreement that I ever heard of, or any that is likely to be made.

Mr. REVERCOMB. Let us read the language and see:

Any employee who participates in a strike or other stoppage of work—

If an individual stopping work is not a stoppage of work, I wish to be set right.

Mr. TAFT. The important words are "in violation of an existing collective-bargaining agreement."

Mr. REVERCOMB. I feel that that is going a little far, and that my view is correct.

Mr. TAFT. What good is a collective-bargaining agreement if people are not bound by it? If there is a collective-bargaining agreement and the men are bound by it, they ought to carry it out. If the union wants to carry it out, and some of the men say, "We will not do it," they ought to be liable. This provision applies only if the action of the individual is a violation of the collective-bargaining agreement.

Mr. REVERCOMB. Would stopping work be in violation of any collective-bargaining agreement? If it is, then we are creating a condition of slavery.

Mr. TAFT. It is not a violation of any collective-bargaining agreement that I know of.

Mr. REVERCOMB. If a man quits his work?

Mr. TAFT. If a man wants to quit work, all he does is to lose his rights as an employee, and, apparently, on the Senator's own assumption, that is what he wishes to do. He wishes to quit work.

Mr. REVERCOMB. That is correct.

Mr. TAFT. Then the penalty means nothing to him, because the only penalty is to take away his rights as an employee of that employer. So I do not see that there can be any complaint.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. FERGUSON. I think the individual rights of the individual employee are protected in this case under subsection (e) of amendment No. 1. That subsection reads as follows:

The penalties set forth in subsections (c) and (d) for failure to perform the duties imposed by this section shall be exclusive, and no other legal or equitable remedy for such failure shall be available. Nothing in this act shall be construed to require an individual employee to render labor or service without his consent—

That must be read in connection with amendment No. 3 because it is a part of the act; and if the individual employee does not engage in a wildcat strike or a wildcat stoppage of work in violation of the agreement, then he is not violating this section and there is no penalty.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. TAFT. I think this clause in amendment No. 1 applies to the whole act, so it would apply to this section as well as to the others.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. REVERCOMB. I read the same language a few moments ago to the able Senator from Ohio. I raised the very point that is being raised here, as to whether or not it did so apply. If it is perfectly clear that the language which has been read by the able Senator from Michigan, and which was read by me a few minutes ago, does apply to the third amendment, I think the point which I have raised is clear.

Mr. TAFT. I think it clearly applies, because it applies to the entire act.

Mr. FERGUSON. It says "this act." In another part of the section it says "the penalties set forth in subsections (c) and (d)." Then subsection (e) of amendment No. 1 continues:

Nothing in this act—

Meaning nothing in the entire act—

shall be construed to require an individual employee to render labor or service without his consent.

Mr. TAFT. I have one further suggestion which I am perfectly willing to make. I am willing to have the amendment read in this way:

Any employee who participates in a strike or other interference with the performance of an existing collective-bargaining agreement—

And so forth. Would that entirely meet the Senator's point of view?

Mr. REVERCOMB. That would certainly improve the subsection.

Mr. TAFT. I ask that subsection (d) be modified to read as follows:

Any employee who participates in a strike or other interference with the performance of an existing collective-bargaining agreement in violation of such agreement—

And so forth.

The ACTING PRESIDENT pro tempore. The amendment will be modified as indicated by the Senator from Ohio.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. REVERCOMB. Does the able Senator from Ohio agree with the construction placed upon the language in the first amendment, namely:

Nothing in this act shall be construed to require an individual employee to render labor or service without his consent, nor shall anything in this act be construed to make the quitting of his labor by an individual employee an illegal act.

Does the Senator say that that language applies with equal force to the third amendment?

Mr. TAFT. Yes. I should say that it applies to every provision of the act, with the possible exception of a provision amending some other act. But it certainly would apply to this particular section in the act.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. VANDENBERG. Will the Senator identify the purposes of sections 8, 9, and 10 of the National Labor Relations Act, for the RECORD?

Mr. BALL. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. BALL. Section 8 of the National Labor Relations Act defines unfair labor practices.

Section 9 is the representation section.

Section 10 is the section under which the employee appeals to the National Labor Relations Board for reinstatement, or complains of an unfair labor practice.

Mr. VANDENBERG. I thank the Senator.

Mr. TAFT. Mr. President, it seems to me that the purpose of this amendment is clear. I believe that this supplemental measure clearly assists the performance of these contracts and permits responsible labor union leaders to avoid wildcat strikes. I hope the amendment will be adopted.

Mr. REVERCOMB. Mr. President, will the Senator yield for a moment?

Mr. TAFT. I yield.

Mr. REVERCOMB. The able Senator changed the language "or other stoppage" in one place in the first line of the subsection. Did he change it in the third line of the same subsection?

Mr. TAFT. I will change it also in the third line of the subsection, so as to read:

If such strike or interference is not ratified—

And so forth.

The ACTING PRESIDENT pro tempore. The amendment will be modified accordingly.

Mr. MURRAY. Mr. President, the proponents of this amendment have sought to make it appear beguilingly simple. It is assumed that it is absolutely necessary in the relations between management and labor. As a matter of fact, it makes the most revolutionary changes in the basic principles of labor relations.

This amendment would go a long way toward promoting industrial strife and canceling the gains which have already been made in the field of collective bargaining.

In the first place, the amendment proceeds upon the wholly unfounded assumption that labor unions frequently breach their collective-bargaining agreements and therefore should be subjected to an additional Federal sanction. But the plain fact is that not one of the major strikes in recent months was in violation of a collective-bargaining contract. On the contrary, it was an employer, the General Motors Corp., which provided during the past period the outstanding example of breach of faith by refusing to comply with an award of the President's fact-finding board. Like the universally regretted Smith-Connally Act, this amendment proceeds upon the false and insulting assumption that labor organizations require some sort of special treatment to compel them to comply with their obligations.

Moreover, anyone with even a superficial familiarity with the field of labor relations recognizes that a lawsuit never solves anything in that field. Employers and labor organizations with a bona fide desire to live in peace and harmony strive in every way possible to free themselves from legalistic technicalities. There can never be good relations between an employer and a labor organization if a lawsuit is the end product of a breach of contract. The drafters of this amendment are apparently unaware that there is a special form of redress for a breach of contract developed in the collective-bargaining agreement itself, namely, a grievance procedure. The sheer chaos which would result if an organization or an employer instead of filing grievances under the contract sued in a court for violations of the contract is incalculable. The destructive effect that resort to lawsuits would inevitably produce is so great as permanently to endanger the hope of amicable relationship between the parties. Employers and labor organizations who bargain collectively in good faith would no more think of suing each other for a so-called breach of contract than an individual would sue his wife for breach of a marriage contract simply because he had a spat with her. This amendment would reintroduce into bargaining relationships ideas and concepts that are completely hostile to effective collective bargaining. Only the employer who rejects the basic principles of collective bargaining seeks the aid of a court for the solution of his labor-relations problems.

This amendment would shackle collective-bargaining relationships by plunging them into the hostile atmosphere of the courts. But it would go farther than that. It would substitute a special Federal forum to handle contract matters which under the American system of jurisprudence have always been handled locally.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. MURRAY. I yield.

Mr. PEPPER. In view of what the able Senator from Montana has said, I wonder whether some of those who are sponsoring this amendment are being a little inconsistent. Do not we often hear

those gentlemen speak of preserving States' rights and State control over controversies? But now are they not abandoning States' rights, and seeking to interpose Federal jurisdiction in a field which already is adequately covered in the legal jurisprudence of the several States?

Mr. MURRAY. The Senator is exactly right. I thank the Senator for the suggestion. It is obvious that they are seeking to avoid State jurisdiction because in the States the judges are elected and are subject to political review of their conduct and actions in matters of this kind. I assume the proponents of the amendment are making this special provision so as to get away from the unprejudicial local courts in connection with such matters.

In addition, Mr. President, it would usurp the right of the State to determine the conditions under which one type of unincorporated association, namely, labor organizations, can be sued.

Labor unions are unincorporated associations. As such, they are subject to all of the rules and laws which apply to such organizations.

Mr. PEPPER. Mr. President, may we have order? The Senator from Montana is making a very able presentation of this matter, and I am sure his colleagues wish to give him a hearing.

The ACTING PRESIDENT pro tempore. The Senate will be in order.

Mr. MURRAY. Mr. President, I am not very much interested in the suggestion made by my able colleague, because I do not expect that my argument will be regarded or have any great effect when the Senate comes to vote. I merely am making a record; that is all.

As I have said, the labor unions are unincorporated associations. As such, they are subject to all of the rules and laws which apply to such organizations. Their legal status for purposes of law suits is exactly the same as that of any club, association, farm organization, business association, fraternal organization, or any similar group. No effort is made to apply similar legislation to the groups I have mentioned just now.

There is no question that all of these groups may be sued on contracts or for any other obligation. There is some variation among the States as to the exact technical requirement for such a suit. In some instances the association, whether it is a union or any other type of organization, may be sued in its own name simply by naming it as a defendant. In other instances, certain officers must be named as representatives of the organization. In all instances, the rules in the States as to how a union may be sued are not rules for unions alone, but are rules laid down in the general laws of the State governing unincorporated associations.

By their proposal, the minority members of the committee proposing this amendment would create a completely new Federal right in the United States courts. It would not create this new right as against all unincorporated associations, but it would set up a new and special court right against unions.

To realize the full implication of this matter, it should be remembered that the courts of the United States, as distinguished from the courts of each of the several States, operate under a very long-standing set of laws defining their jurisdiction. It is not possible to bring each and any case into the United States courts. It is the courts of the States which handle the main body of litigation between private citizens—issues of contract rights, personal injuries, all the items which go into the legal relationship of American people to each other. The Federal courts were created solely for the purpose of handling special matters which are appropriately in the jurisdiction of a Federal agency. Thus, suits involving rights of a citizen under Federal statute may go to a Federal court. Suits involving citizens of more than one State may go to a Federal court under appropriate circumstances.

What is the state of the law today with respect to the right to bring a suit in a Federal court for violation of a collective-bargaining agreement? The law in such a situation is identical with that affecting all individuals, corporations, or associations. Where there is diversity of citizenship—plaintiffs and defendants from different States—action may be brought in the Federal courts. Where rights under a Federal statute are involved, the matter may be brought to a Federal court. In short, where, under general law a matter appropriate for Federal jurisdiction is involved, suits under labor contracts, as under any other type of contract, may be brought in the Federal courts.

The Senators making the present proposal are not satisfied with this, however. Their proposal would take labor agreements out of the category of normal State court operations, and would make them at all times and under all circumstances a matter for the Federal courts. The proposal would create a new and special Federal right to enforce in the Federal courts the terms in a labor agreement.

This is a doctrine quite novel in American jurisprudence. When two people in the State of Pennsylvania make a contract with each other, they are subject to the laws of Pennsylvania; and any suit arising under the contract is brought in the courts of Pennsylvania. The proposed amendment would upset this rule completely, and would make a very special exception if the contract happens to be a labor agreement. In such a case, if an employer in Pennsylvania entered into an agreement with a union in Pennsylvania covering his employees, it would be a Federal court matter if any dispute arose between them as to their rights under the contract.

Mr. FERGUSON. Mr. President, will the Senator yield for a question?

Mr. MURRAY. I yield.

Mr. FERGUSON. Is it the contention of the able Senator from Montana that this amendment, as it is drawn, gives exclusive jurisdiction to the Federal courts?

Mr. MURRAY. That is my understanding of it.

Mr. FERGUSON. I do not so understand the amendment at all.

Mr. MURRAY. Mr. President, that just shows the danger of trying to write legislation of this character upon the floor of the Senate. The amendment was modified here on the floor of the Senate just a few moments ago. It seems to me it does provide that the Federal courts in practical operation would have exclusive jurisdiction.

Mr. FERGUSON. Mr. President, there is nothing whatever in the now-being-considered amendment which takes away from the State courts all the present rights of the State courts to adjudicate the rights between parties in relation to labor agreements. The amendment merely says that the Federal courts shall have jurisdiction. It does not attempt to take away the jurisdiction of the State courts, and the mere fact that the Senator and I disagree does not change the effect of the amendment.

Mr. MURRAY. But it authorizes the employers to bring suit in the Federal courts, if they so desire.

Mr. FERGUSON. That is correct. That is all it does. It takes away no jurisdiction of the State courts.

Mr. MURRAY. Of course, they will bring all such suits in the Federal court in order to escape from the jurisdiction of the local court, which may be subject to review by the supreme court of the State and may be subject to review in political elections in the State.

Mr. WHERRY. Mr. President, a point of order.

Mr. MURRAY. Mr. President——

The ACTING PRESIDENT pro tempore. The Senator from Montana will suspend. A point of order has been made.

Mr. WHERRY. Mr. President, I desire to call attention to rule XXXIII of the rules of the Senate. I also wish to point out that at the time when I made the point of order, a man by the name of Bragman was talking to the Senator from Washington. Under rule XXXIII, I feel that anyone who is not a clerk of a Senate committee or a clerk to a Senator should be ejected from the floor of the Senate.

I wish to stand on that point and to ask the Presiding Officer to see that those who do not comply with that rule are ejected from the floor of the Senate.

Mr. PEPPER. Mr. President, will the Senator permit me to state the nature of the gentleman's employment? He is employed by the Committee on Education and Labor, and has been working on this legislation constantly.

Mr. WHERRY. Mr. President, in reply I should like to say that Mr. Bragman is not carried upon the rolls of the Senate at all. His name does not even appear on the disbursing officer's roll. Furthermore, he has been carried as an employee of a Government agency, borrowed from the Federal Housing Authority; and even though he was borrowed from that agency to work for the Committee on Education and Labor, he has no right to contact other Members of the Senate not on the Education and Labor Committee on matters of labor legislation.

Furthermore, Mr. President, there is now in the Senate Chamber a man by the name of Kenneth Robertson, of the Department of Labor, the Secretary's representative on legislative matters. I

ask under what rule he is permitted the floor of the Senate.

There is also on the floor of the Senate, Kenneth Miekeljohn, Assistant Solicitor of the Department of Labor. I ask under what rule of the Senate he is permitted the floor of the Senate.

There is also on the floor of the Senate, Mr. Bernard Cushman, from the Solicitor's Office of the Department of Labor. I should like to ask under what rule that man is permitted the floor of the Senate of the United States.

I should like to say, further, that there has been a continuous running of these men from that corner of the Senate Chamber to the reception room, for the past 3 days—contacting different labor organization representatives, then coming back into the Senate Chamber and filtering out memoranda and statistics to Senators who are leading the fight for the so-called unions on the floor of the Senate.

Mr. President, I submitted and the Senate adopted Resolution 77 and Resolution 312. I desire to point out to the distinguished Senator from Florida that under the provisions of these resolutions, he has not reported one of these borrowed personnel of a Government agency or other organizations since the first day of April 1946. That is a violation of the provisions of the foregoing resolutions. Unless this borrowed personnel comes within the rule I have mentioned, they should not be permitted the floor of the Senate of the United States.

Upon that rule I am asking the Presiding Officer to act now.

Mr. PEPPER. Mr. President——

The ACTING PRESIDENT pro tempore. Let the Chair state: The rules of the Senate are plain. Those who are entitled to the floor, among others, are—

Clerks to Senate committees and clerks to Senators when in the actual discharge of their official duties. Clerks to Senators, to be admitted to the floor, must be regularly appointed and borne upon the rolls of the Secretary of the Senate as such.

If there are persons in the Chamber who are not entitled to the privileges of the floor, the Sergeant at Arms will proceed to escort them out of the Chamber.

Mr. PEPPER. Mr. President——

The ACTING PRESIDENT pro tempore. The Senator may not argue with the Chair. The rule is clear, and any person who is a clerk within the meaning of the rule is entitled to remain.

Mr. PEPPER. Mr. President, the Senator from Florida has no desire to argue with the distinguished occupant of the chair. But a point of order had been made, and the Senator making it was factually in error. At the proper time the Senator will be advised of that fact, and I am sure that he will be disposed, as he always is on such occasions, to correct his error. The gentleman of whom he spoke is not on the pay roll of the Federal Housing Administration, but on the pay roll of the subcommittee of the Committee on Education and Labor, and his compensation is being paid out of funds allocated to that committee. I merely wanted to make a statement of the facts before the matter was forgotten.

Mr. WHERRY. Mr. President——

Mr. MURRAY. Mr. President, I wish first to yield to the Senator from Washington [Mr. MAGNUSON]. He has been on his feet for the past 5 minutes.

The ACTING PRESIDENT pro tempore. A point of order was made. The question as to what are the facts with reference to any particular employee or attaché of any committee must be determined by some other jurisdiction. It does not arise under a point of order.

Mr. STEWART. Mr. President, a point of order.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. STEWART. Mr. President, I understood the Acting President pro tempore to direct the Sergeant at Arms to remove from the floor all persons who are not permitted under the rule to remain in the Chamber.

The ACTING PRESIDENT pro tempore. The Chair invited them to retire. The Chair assumed that they would accept his invitation. [Laughter.]

Mr. STEWART. My inquiry to the Chair is, Will the Sergeant at Arms make a report with reference to his survey, and the result of putting into force the order which was given to him by the Acting President pro tempore?

The ACTING PRESIDENT pro tempore. The Chair assumes that the Sergeant at Arms will discharge his duty, and that he will probably make a report accordingly.

Mr. STEWART. I was only wondering if there were yet on the floor any persons who do not have a right to be here?

Mr. MAGNUSON. Mr. President, will the Senator from Montana yield to me?

Mr. BARKLEY. Mr. President, if the Senator will yield to me, I should like to say that it is time for the Members of the Senate to proceed to the other House where the Congress is to meet in joint session.

Mr. MAGNUSON. Mr. President, I send forward to the desk an amendment which I ask to have printed and lie on the table.

The ACTING PRESIDENT pro tempore. The amendment will be received, printed, and lie on the table.

JOINT MEETING OF THE TWO HOUSES

Mr. BARKLEY. Mr. President, I ask unanimous consent that, in accordance with House Concurrent Resolution No. 153, heretofore concurred in, the Senate proceed to the Chamber of the House of Representatives, and there meet with the other House in a joint session.

There being no objection (at 3 o'clock and 50 minutes p. m.), the Senate, preceded by the Secretary and the Sergeant at Arms, proceeded to the Hall of the House of Representatives to receive such communication as the President of the United States might be pleased to make.

(The address delivered this day by the President of the United States to the two Houses of Congress appears in the House proceedings at p. 5752.)

At 4 o'clock and 28 minutes p. m., the Senate returned to its Chamber, and was called to order by the Acting President pro tempore.

SETTLEMENT OF INDUSTRIAL DISPUTES AFFECTING THE NATIONAL ECONOMY

Mr. BARKLEY. Mr. President, following the message of the President just delivered before a joint session of the Congress, I ask unanimous consent to introduce a bill to carry out his recommendations. I ask that the clerk read the bill, and I ask that the unfinished business be temporarily laid aside, without prejudice to its status, and that the Senate proceed to the consideration of the bill after it has been read by the clerk.

Mr. TAFT and Mr. BALL addressed the Chair.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. TAFT. I object. I have no objection to the reading of the bill.

Mr. HATCH. Mr. President, may not the bill be read for the information of the Senate?

Mr. BARKLEY. Mr. President, I did not understand that the Senator from Ohio or the Senator from Minnesota objected to the reading of the bill. I coupled the two requests. I shall renew the request for present consideration of the bill after it is read.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will read the bill.

The bill (S. 2255) to provide on a temporary basis during the present period of emergency for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace, was read by the Chief Clerk, as follows:

Be it enacted, etc.—

SECTION 1. It is the policy of the United States that labor disputes interrupting or threatening to interrupt the operations of industries essential to the maintenance of the national economic structure and to the effective transition from war to peace should be promptly and fairly mediated, and brought to a conclusion which will be just to the parties and protect the public interest.

SEC. 2. Whenever the United States has taken possession, under the provisions of section 9 of the Selective Training and Service Act of 1940, as amended, or the provisions of any other applicable law, of any plants, mines, or facilities constituting a vital or substantial part of an essential industry, and in the event further that a strike, lock-out, slowdown, or other interruption occurs or continues therein after such seizure, then if the President determines that the continued operation of any such plant, mine, or facility is vitally necessary to the maintenance of the national economy, the President may by proclamation declare the existence of a national emergency relative to the interruption of operations.

SEC. 3. The President shall in any such proclamation (1) state a time, not less than 48 hours after the signature thereof, at which such proclamation shall take final effect; (2) call upon all employees and all officers and executives of the employer to return to their posts of duty on or before the finally effective date of the proclamation; (3) call upon all representatives of the employer and the employees to take affirmative action prior to the finally effective date of the proclamation to recall the employees and all officers and executives of the employer to their posts of duty and to use their best efforts to restore full operation of the premises as quickly as may be; and (4) establish fair and just wages and other terms and conditions of employment in the affected plants, mines, or facilities, which shall be in effect

during the period of Government possession, subject to modification thereof, with the approval of the President, pursuant to the applicable provisions of law, including section 5 of the War Labor Disputes Act, or pursuant to the findings of any panel or commission specially appointed for the purpose by the President.

SEC. 4. (a) On and after the initial issuance of the proclamation, it shall be the obligation of the officers of the employer conducting or permitting such lock-out or interruption, the officers of the labor organization conducting or permitting such strike, slow-down or interruption, and of any person participating in the calling of such strike, lock-out, slow-down, or interruption to take appropriate affirmative action to rescind or terminate such strike, lock-out, slow-down, or interruption.

(b) On and after the finally effective date of any such proclamation, continuation of a strike, lock-out, slow-down, or any other interruption at any such plant, mine, or facility shall be unlawful.

(c) On and after the finally effective date of the proclamation, any person willfully violating the provisions of subsection (a) of this section shall be subject to a fine of not more than $5,000 or to imprisonment for not more than 1 year, or both.

SEC. 5. The Attorney General may petition any district court of the United States, in any State or in the District of Columbia, or the United States court of any Territory or possession, within the jurisdiction of which any party defendant to the proceeding resides, transacts business, or is found, for injunctive relief and for appropriate temporary relief or restraining order, to secure compliance with section 4 hereof or with section 6 of the War Labor Disputes Act. Upon the filing of such petition, the court shall have all the power and jurisdiction of a court of equity, and such power and jurisdiction shall not be limited by the act entitled "An act to amend the Judicial Code, to define and limit the jurisdiction of courts sitting in equity, and for other purposes," approved March 23, 1932. Notice or process of the court under this section may be served in any judicial district, either personally or by leaving a copy thereof at the residence or principal office or place of business of the person to be served. Petitions filed hereunder shall be heard with all possible expedition. The judgment and decree of the court shall be subject to review by the appropriate circuit court of appeals (including the United States Court of Appeals for the District of Columbia) and by the Supreme Court of the United States upon writ of certiorari.

SEC. 6. Any affected employee who fails to return to work on or before the finally effective date of the proclamation (unless excused by the President), or who after such date engages in any lock-out, strike, slow-down, or other concerted interruption of operations while such plants, mines, or facilities are in the possession of the United States, shall be deemed to have voluntarily terminated his employment in the operation thereof, shall not be regarded as an employee of the owners or operators thereof for the purposes of the National Labor Relations Act or the Railway Labor Act, as amended, unless he is subsequently reemployed by such owners or operators, and if he is so reemployed shall be deemed a new employee for purposes of seniority rights.

SEC. 7. The President may, in his proclamation issued under section 2 hereof, or in a subsequent proclamation, provide that any person subject thereto who has failed or refused, without the permission of the President, to return to work within 24 hours after the finally effective date of his proclamation issued under section 2 hereof, shall be inducted into the Army of the United States at such time, in such manner (with or without an oath) and on such terms and conditions as may be prescribed by the President, as being necessary in his judgment to provide for the emergency. The foregoing provisions shall apply to any person who was employed in the affected plants, mines, or facilities at the date the United States took possession thereof, including officers and executives of the employer, and shall further apply to officials of the labor organizations representing the employees.

SEC. 8. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

SEC. 9. In fixing just compensation to the owners of properties of which possession has been taken by the United States under the provisions of section 9 of the Selective Training and Service Act of 1940, as amended, or any other similar provision of law, due consideration shall be given to the fact that the United States took possession of such properties when their operations had been interrupted by a work stoppage, and to the value the use of such properties would have had to their owners during the period they were in the possession of the United States in the light of the labor dispute prevailing. It is hereby declared to be the policy of the Congres that neither employers nor employees profit by such operation of any business enterprise by the United States and, to that end, if any net profit accrues by reason of such operation after all the ordinary and necessary business expenses and payment of just compensation, such net profit shall be covered into the Treasury of the United States as miscellaneous receipts.

SEC. 10. The provisions of this act shall cease to be effective 6 months after the cessation of hostilities, as proclaimed by the President.

SEC. 11. If any provision of this act, or the application of such provision to any person or circumstance, is held invalid, the remainder of the act and the application of such provision to other persons or circumstances, shall not be affected thereby.

Mr. BARKLEY. Mr. President, in view of the emergency which has called for the joint session and the President's message and the introduction of the measure which has just been read, I ask unanimous consent that, without prejudice to the present status of the pending measure, it be temporarily laid aside, and that the Senate proceed to the consideration of the bill which has just been read by the clerk.

Mr. TAFT. Mr. President, reserving the right to object, let me ask what is the Senator's purpose in so requesting? Does he intend to have the bill considered by the Senate, without reference to a committee, and to have it considered on the floor of the Senate tonight?

Mr. BARKLEY. Yes; that is what I intended.

Mr. TAFT. I object.

Mr. BARKLEY. Then, Mr. President, I ask that the bill be referred to a committee.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CONNALLY. Let me ask the Senator from Kentucky whether it would be practicable, in view of the objection, to offer the bill as an amendment to the pending bill. Then when that bill passes the Senate and goes to the conference committee, the conferees could eliminate the objectionable features and could retain this measure alone.

Mr. BARKLEY. Mr. President, I shall answer the Senator categorically by saying that the measure which has just been read deals with a temporary emergency, whereas the pending measure deals with long-range, permanent legislation which involves many matters; and no one knows how long it may take to pass such legislation.

Therefore, in my judgment it is important that the pending measure should be handled on its merits, without regard to the temporary measure which has just been recommended by the President and read to the Senate.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. HATCH. Yesterday, I said on the floor of the Senate that I was willing to support whatever legislation it might be necessary to enact in order to meet the present crisis. I am willing to do that. I wonder what situation we are in. We have just listened to the address of the President of the United States; and he has called on the Congress to act, and to act now.

I think there should be a little period of time in which to permit us to study the bill. If it goes to the committee, what will be the normal course?

Mr. BARKLEY. The normal course, I assume, will be for the committee to consider it and make a report upon it as soon as possible.

Mr. HATCH. The committee could not consider it until Monday, I suppose. To what committee would it go?

Mr. BARKLEY. That is a matter for the Chair to decide.

Mr. HATCH. Mr. President, I ask the chairman of the Committee on Education and Labor how long it would take his committee to consider it.

Mr. BARKLEY. Mr. President, I do not think the Senator from New Mexico or any other Senator has a right to assume to what committee it would go.

Mr. HATCH. Mr. President, I have not assumed anything. I am asking the chairman of the Committee on Education and Labor how long it would take his committee to consider this measure and to report it back to the Senate.

Mr. MURRAY. Mr. President, if the bill is referred to the Senate Committee on Education and Labor, I, as chairman of that committee, will immediately set it down for a hearing. [Laughter.] I am sure that consideration of the bill by that committee would not be delayed.

Mr. RUSSELL. Mr. President——

Mr. BARKLEY. I yield to the Senator from Georgia.

Mr. RUSSELL. I wonder whether it is possible to have the measure which has just been read lie on the table until the next session of the Senate. It seems to me that, if the bill goes to a committee, it is likely to be stalled there almost indefinitely.

Therefore, in view of the emergency, as it appears to us, it might be well to let the bill lie on the table.

Mr. BARKLEY. In view of the objection made by the Senator from Ohio to the request for present consideration of the bill, I think it should go to a committee. If the committee delays consid-

eration of it, the Senate can, by appropriate motion and action, discharge the committee from further consideration of the measure.

I can hardly believe that a committee to which the bill might be referred would unduly delay its consideration.

Mr. LUCAS. Mr. President——

Mr. BARKLEY. I yield to the Senator from Illinois.

Mr. LUCAS. I wish to call the attention of the Senate to the fact that the measure which has just been read, with the exception of section 7, which deals with the induction into the Army of men who now are in the employ of the Government, has been thoroughly studied by a group of Senators who have been working upon legislation of this character. The bill as a whole is practically identical with the amendment which the Senator from Illinois offered on May 24 to the pending bill, House bill 4908.

Mr. President, the President of the United States, in probably one of the most important addresses which has ever been made by a President, has recommended in this emergency immediate legislative action by the Congress of the United States. Under these circumstances, I, for one, dislike to see the bill go to a committee, which will start hearings on it, as the Senator from Montana has said. It seems to me that the Senator from Georgia [Mr. RUSSELL] made an appropriate suggestion, namely, that the bill lie on the table for several hours, in order that the Senate may study it, and that the Senate stay in session tonight until we can obtain some action upon it. Mr. President, this is a matter of great and grave importance. I believe, Mr. President, the country is demanding action.

There is nothing in the measure that the Senate cannot in due course seriously consider and determine what it wishes to do before we adjourn tonight.

Mr. BARKLEY. Mr. President, if I may respond to the suggestion of the Senator from Illinois, I will say that while it may be true that the general proposal or idea carried in the bill which has just been introduced following the President's message to Congress may have been considered by groups in the Senate who have been working upon it, it has not been considered by any authorized committee of the Senate. Personally, I do not think there would be any need for hearings. In view of the objection of the Senator from Ohio to the request for present consideration of the bill, it would seem to me that the committee to which it might be referred could meet, take action, and report it back to the Senate.

Personally, I am entirely agreeable to having the Senate remain in session tonight in an effort to dispose of the pending measure, and I think it is not altogether impossible that we may do so.

The bill I have introduced constitutes a temporary expedient, in view of the emergency situation which now exists, and, in my judgment, it should be dealt with in the light of this emergency, not in the light of the permanent, long-term legislation which the President in his message today recommended that the Congress give careful consideration to, in determining its policy.

Mr. KNOWLAND and Mr. TAFT addressed the Chair.

Mr. BARKLEY. I yield to the Senator from California.

Mr. KNOWLAND. I should like to ask the majority leader, in view of the parliamentary situation with which we are now confronted, whether it might be advisable to obtain a unanimous-consent agreement to have the vote on the cloture motion go over until 1 o'clock on Monday, so that the suggestion which has been made by the Senator from Texas and other Senators—namely, that possibly this measure might be made an amendment to the pending measure—could be given consideration.

Mr. BARKLEY. Of course, Mr. President, I recognize the fact that any Senator can offer this identical bill as an amendment to the pending measure, even though it is referred to a committee or lies upon the table. I realize that from a parliamentary standpoint that can be done. But I wish to be entirely frank with the Senate. I think it would be unfortunate, in view of the emergency, to tie this proposal on to the bill we are now considering, a bill which undertakes to set a permanent pattern for labor legislation in the United States.

But so far as the matter of the cloture petition is concerned, unless it is either postponed or withdrawn, we shall be required, under the unanimous-consent agreement, to vote on it at 5 o'clock. The difficulty with postponing it until Monday is that I hope we may dispose of the pending legislation before Monday.

Mr. KNOWLAND. I will say to the Senator from Kentucky that I do not advocate that the bill which has just recently been read be attached as an amendment to the pending bill. I merely did not want to be foreclosed from having consideration being given to the proposal. I am perfectly willing to agree to have the vote on the petition for cloture go over until 1 o'clock next Monday. I ask unanimous consent that that be done.

Mr. BARKLEY. Mr. President, let me ask the Senator from California a question. In view of the unanimous-consent agreement which was reached last night with reference to the limitation on debate, is it the purpose of the Senator from California, and others who presented the petition for cloture, to insist on a vote being taken on it instead of allowing it to be withdrawn and proceed under the unanimous-consent request which has already been granted?

Mr. KNOWLAND. I believe that would depend on circumstances. At the present time I am asking unanimous consent that the vote on the cloture petition be postponed until 1 o'clock next Monday.

Mr. DOWNEY. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. TAFT. Mr. President, when this program was originally presented I understood that it was desired that the bill be passed by both Houses tonight, because of the situation concerning the railroad emergency; but the situation, as it now exists, with reference to the railroads certainly makes it no longer essential that the bill be passed tonight.

With reference to the coal situation, I believe that the Smith-Connally Act, which imposes criminal penalties on any leaders who undertake to call a strike in the coal mines, still applies. So the emergency is not the same with reference to coal as it is with reference to the railroads.

Therefore, Mr. President, I believe that the bill which has been so recently introduced should pend until the pending bill is disposed of, which I hope will be tonight, or that it be sent to a committee from which the Senate will later receive a report. It seems to me that there is no emergency which now requires that the bill introduced by the Senator from Kentucky be passed tonight. That is why I objected to the Senator's request.

Mr. BARKLEY. In view of the fact that the men have been ordered back to work, or have agreed to go back to work, the Senator's position contains merit. We do not yet know under what terms the men have agreed to work. I do not know what are the terms or conditions under which they have returned.

Mr. TAFT. They returned under the President's terms, as I understand the situation.

Mr. BARKLEY. Yes; that information evidently came to the President while he was delivering his address.

Mr. DOWNEY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. DOWNEY. I wish to state that in my judgment—and I state it with great humility—the bill which has been proposed is one of the most technical and far-reaching legislative proposals that has ever been presented to the Senate of the United States. For the past 10 days Senators have been working 12 and 15 hours a day. We are now at the conclusion of a hectic and tiring week. But it is claimed that we have the clarity of intellect and understanding to pass on this most complicated and serious measure in a few hours' time. I think such a proposal is tragically wrong.

I notice the bill contains a provision which might at the whim of the President pass this Nation into socialism overnight.

Moreover, Mr. President, let me say that the bill contains a provision by which officers of corporations who may have resisted the strike, may be drafted into the Army and taken from their families and the communities in which they reside, and compelled to work for the same salary which enlisted men receive.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. LA FOLLETTE. There are remaining only about 7 minutes before we shall be required to vote on the petition for cloture. Although I did not sign the petition, and have not been in conference with the Senators who drafted the amendments, I wish to appeal to the signers of the cloture petition to withdraw it. I wish to appeal to them from

their own standpoint. Many amendments are still pending. Some of them are very complex and important. Under the cloture rule only 1 hour will be allowed each Senator to speak on the bill and all the amendments. Even the proponents of the amendments would soon find themselves without sufficient time adequately to present them or explain them to the Senate before it would be necessary to vote on them.

Mr. President, I have been through one cloture situation, and I know whereof I speak. In view of the position taken by the majority leader, I am unable to see any parliamentary advantage which the proponents of the petition for cloture would now lose.

In order that we may not get into a ridiculous situation which would bring the Senate into contempt for the manner in which it had passed upon vitally important matters relating to the existing problem of industrial labor relations, I appeal to those who filed the petition to withdraw it, in view of the fact that an agreement has been reached with reference to limitation on debate, under which the debate will be closed within a reasonable length of time.

Mr. KNOWLAND. Mr. President, if the Senator from Kentucky will yield to me, I will say to my distinguished colleague from Wisconsin that it was for the reason which he has stated that I requested unanimous consent to have the vote on cloture postponed until next Monday. However, in view of the parliamentary situation, and in view of the grave national emergency with which the country is now confronted, I ask unanimous consent to withdraw the petition for cloture.

Mr. PEPPER. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. BARKLEY. Mr. President, if I still have the floor, allow me to appeal to the Senator from Florida, and to any other Senator who might object to the withdrawal of the petition for cloture. I may say to the Senator from California and to other Senators, including the Senator from Florida, that while I did not sign the petition for cloture, it is and has been my purpose to vote for it if the question is put before the Senate for a vote. Without regard to the merits of the pending bill, and without regard to whether I am in favor of it or against it, I have always believed that when debate on a pending question has been sufficient, I should be willing to vote for a closing of the debate. That is all that cloture means. It means closing the debate. When the debate is closed every Senator will then have the right to speak 1 hour on the bill and the pending amendments to the bill.

Mr. HATCH. Mr. President, will the Senator yield to me for a moment?

Mr. BARKLEY. I will yield in a moment.

Mr. HATCH. I wish to ask a question.

Mr. BARKLEY. I will yield to the Senator later.

Mr. President, in view of the unanimous-consent agreement which was reached last night, that no Senator shall speak longer than 30 minutes on the bill or any of the amendments to the bill—and that is almost the same as cloture—it seems to me that the Senate should permit the withdrawal of the petition for cloture so that we may proceed under the unanimous-consent agreement to dispose of the pending bill.

I now yield to the Senator from New Mexico.

Mr. HATCH. Mr. President, I merely wish to ask the Senator——

Mr. BALL. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. BALL. If the motion for cloture is defeated, will the unanimous-consent agreement with regard to limitation on debate still be effective?

The ACTING PRESIDENT pro tempore. The unanimous-consent agreement would still prevail.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. McCLELLAN. Are amendments now in order to the pending bill?

The ACTING PRESIDENT pro tempore. They may be offered, printed under the rules, and lie on the table.

Mr. McCLELLAN. I send forward to the desk an amendment, and I ask unanimous consent that the reading of it be waived.

Mr. BARKLEY. Mr. President, what is the unanimous-consent request?

The ACTING PRESIDENT pro tempore. The Senator from Arkansas has sent forward an amendment and has asked unanimous consent that the reading of it be waived. The reading of all amendments is waived under unanimous consent.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. TAFT. If it should be impossible to secure unanimous consent to withdraw the petition for cloture, I suggest that we merely vote down the petition. Although I signed it, I shall vote against it.

Mr. HATCH. Mr. President, the Senator from Kentucky had yielded to me, and I was attempting to make a statement. I was interrupted by many parliamentary inquiries. However, what the Senator from Ohio has just stated is what I was about to suggest. If the Senator from Florida insists upon his objection to the voluntary withdrawal of the petition for cloture, those of us who signed it should vote against it.

Mr. BARKLEY. Of course, in view of the parliamentary situation, that is a matter which may appeal differently to different Senators. While I would vote for cloture under ordinary circumstances, in view of the unanimous-consent agreement which was reached last night, and the effect of which would be practically the same as that of cloture, it seems to me that if the signers of the petition for cloture may not be permitted to withdraw it there is no purpose in debating it, because we have practically the same advantage under the unanimous-consent agreement.

Mr. LUCAS. Mr. President, I think the Senate should know what the House is doing with regard to the legislation which has been recommended by the President of the United States. It is my understanding that the House is now considering such legislation, and that not later than 7 o'clock tonight they expect to have a final vote on it.

Mr. ANDREWS. Mr. President, I should like to make a short statement and offer an amendment.

The authority to operate vital semigovernmental public utilities such as telephone, telegraph, lighting, heating, water supply, and transportation is granted under special permit issued only by officials acting under special Federal, State, or municipal statutes. Their operation is not a privilege or right conferred on capital or labor to be exercised at will and without regard for vital necessities of health and convenience of the public. The public pays the cost of operation—not the employers or employees. No employer or employee nor combination of persons has the legal or moral right to hazard or imperial the health, life, and vital convenience of the public in the uses of such utilities by lock-outs or by strikes enforced by picketing which by common knowledge has become a symbol and threat of a breach of the peace by violence against not only nonunion employees but against union employees as well.

Our citizens now have no protection against disastrous strikes and threatened violence of the picket lines except violence in kind, and no sane American will deny that the employers and employees have a lawful and inherent right to go wherever their ordinary duty calls them as free American citizens without threat or hindrance. Deprived of that right, there is little else worth having.

We should, therefore, amend our laws by establishing courts of arbitration and award in every Federal judicial district with ample judicial powers to try all issues presented by parties to industrial disputes in like manner and in the American way as other civil issues arising between citizens, organizations, or corporations are tried whereon final judgments are entered, with the right of appeal without delay by either side. In such tribunal all necessary records properly admissible in evidence would be obtainable under proper process of the court.

Such final courts of arbitration would be what is termed in Federal jurisprudence as a "three-judge court," and would be evoked only after collective bargaining and those conciliatory remedies provided by the Department of Labor and other established labor tribunals shall have failed. In plain terms, if the States and Federal Government have the authority to grant the right to operate these utilities it must follow that the suffering public must, through its courts, necessarily have effective and expeditious recourse under law to require proper operation of these vital utilities. We are now faced with the awful experience of seeing our rights to the use of these public facilities blotted out.

There is a fifth freedom which is more vital in the life of our citizens and their families than either of the "four freedoms" usually stressed by officials,

writers, and commentators. That fifth freedom should be added to our Bill of Rights and submitted to the States by Congress for ratification; and, in substance, should provide as follows:

That the inherent right of a citizen to work and bargain freely with his employer, individually or collectively, for terms and conditions of his employment shall not be denied or infringed by any Federal, State, or municipal law or by any corporation or organization of whatsoever nature.

This essential right was not originally set forth as part of the Bill of Rights of our Constitution for the obvious reason that the right of a citizen to freely sell his labor on terms agreeable to him and his employer was deemed to be inalienable and inherent in the maintenance of liberty and life itself. It could not be conceived that any American could be forced into or forced out of any organization or union to make him eligible to obtain employment.

No citizen can lawfully be compelled to labor against his will and by the same token no citizen can against his will lawfully be prevented from working in any lawful business. This proposed amendment could in no wise abridge the constitutional right of the people to peaceably assemble to redress grievances by petition. It carries out the legal axiom that the right to infringe upon another's fundamental right ends where the latter's begins.

No minority group, nor combination of minority groups acting by force or threat has the right to intimidate or dictate the destiny of the people of the United States. The Government of the people, by the people, and for the people does not mean nor will ever mean a government of the people and for the people by one-tenth of the people.

No law-abiding corporation, nor organization or group or union should object to having the issues in controversy between them tried before our courts as like issues are tried between other organizations, corporations or groups after our regular methods of arbitration and conciliation have failed.

It is essential in our America that after all reconciliatory methods of settling serious controversies between people or corporations or groups have failed that we must rely upon our courts. The verdicts and decrees of our courts are obeyed. Otherwise we do not have a Government of the people, by the people, and for the people. Our courts are our final resort. The domestic chaos with which we are now confronted was brought about by the failure of industry and the labor unions to agree through the concilliatory methods heretofore provided by law. Ours is a government of laws and not of men.

I now offer the amendment and ask that it be considered as having been read in accordance with the order which has been made.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment intended to be proposed by Mr. ANDREWS is as follows:

On page 9, beginning with line 8, strike out all down to and including line 17 and insert in lieu thereof the following:

"SEC. 7. (a) In the event a dispute is not settled by collective bargaining or by mediation under section 6, the Chairman shall require the parties to the dispute to submit their differences to arbitration.

"(b) The Board shall establish such adjustment panels as may be necessary for the adjustment of labor disputes. Such adjustment panels may be established on a regional basis or an industry basis, or both, and each such panel shall have jurisdiction with respect to labor disputes to which this section is applicable in such region or in such industry or industries as may be prescribed by the Board. The members of each adjustment panel shall be selected by the Board. Each such panel shall consist of one or more representatives of employers, an equal number of representatives of employees, and one or more members, officers, or employees of the Board. The Board may authorize any member of the Board to serve on any adjustment panel at any time in place of any officer or employee of the Board who is a member of such panel. Members of such panels who are representative of employers and employees shall not receive any compensation from the United States, but no provision of law prohibiting officers or employees of the United States from receiving compensation from other sources shall be deemed applicable with respect to such members.

"(c) The Board shall from time to time adopt, amend, and rescind such rules and regulations as may be necessary for governing adjustment panels in the exercise of their functions. The Board shall provide for adjustment panels such stenographic, clerical, and other assistants and such facilities, services, and supplies as may be necessary to enable such panels to perform their functions.

"(d) Whenever a labor dispute arises between an employer and employees, such dispute may be referred by petition of the parties or petition of either party to the appropriate adjustment panel with a full statement of the facts and all supporting data bearing upon the dispute. If such panel finds that the dispute so referred to it is within its jurisdiction, it shall proceed to consider such dispute. Parties may be heard either in person, by counsel, or by other representatives, as they may respectively elect, and the adjustment panel shall give due notice of all hearings to the parties involved in the dispute. Any panel may empower three or more of its members to conduct hearings and make findings upon the dispute, at any place designated by the panel, but final decisions as to any dispute must be made by a majority vote of the entire panel. Each adjustment panel shall deliver a written opinion in respect of each dispute referred to it, setting forth its decision as to the respective rights of the parties and requiring the parties to take such action as the panel deems just and equitable. The decision of the panel shall be transmitted to the Board; and if the Board finds that such decision was made in accordance with the provisions of this section, the Board shall issue an order requiring the parties to the dispute to comply with the requirements of such decision.

"(e) If either party to a labor dispute does not comply with such an order of the Board, any party to such dispute or any other person for whose benefit such order was made may, at any time within 2 years from the date of the order of the Board, file in the appropriate district court of the United States a petition setting forth briefly the causes for which he claims relief, and the opinion of the adjustment panel and the order of the Board in the premises. Such suit in the district court shall proceed in all respects as other civil suits, except that on the filing of such suit the findings and opinion of the adjustment panel shall be prima facie evidence of the facts therein stated, and except that the petitioner shall not be liable for costs in the district court nor for costs at any subsequent stage of the proceedings, unless they accrue upon his appeal, and such costs shall be paid out of appropriation for the expenses of the courts of the United States. If the petitioner finally prevails in such suit he shall be allowed reasonable attorney's fees, to be taxed and collected as part of the costs of the suit. The district courts shall have jurisdiction to make such orders and to enter such judgment as may be appropriate to enforce or modify or set aside the order of the Board."

The ACTING PRESIDENT pro tempore. The hour of 5 o'clock having arrived, pursuant to the order of yesterday, the Chair lays before the Senate a motion to close debate on H. R. 4908, and directs the Secretary to call the roll for a quorum, under the rule.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hayden	Overton
Austin	Hickenlooper	Pepper
Ball	Hill	Reed
Barkley	Hoey	Revercomb
Brewster	Huffman	Robertson
Briggs	Johnson, Colo.	Russell
Brooks	Johnston, S. C.	Saltonstall
Buck	Kilgore	Shipstead
Bushfield	Knowland	Smith
Byrd	La Follette	Stanfill
Capehart	Langer	Stewart
Capper	Lucas	Taft
Connally	McCarran	Taylor
Cordon	McClellan	Thomas, Okla.
Donnell	McFarland	Thomas, Utah
Eastland	McMahon	Tobey
Ellender	Magnuson	Tydings
Ferguson	Mead	Vandenberg
Fulbright	Millikin	Wagner
George	Mitchell	Walsh
Gerry	Moore	Wheeler
Green	Morse	Wherry
Guffey	Murdock	White
Gurney	Murray	Wiley
Hart	Myers	Wilson
Hatch	O'Daniel	Young
Hawkes	O'Mahoney	

The ACTING PRESIDENT pro tempore. Eighty Senators having answered to their names, a quorum is present.

The question is, Is it the sense of the Senate that the debate shall be brought to a close on H. R. 4908, a bill to provide additional facilities for the mediation of labor disputes, and for other purposes? The clerk will call the roll, the rule requiring that the question shall be determined by a yea-and-nay vote.

The legislative clerk called the roll.

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Virginia [Mr. GLASS], and the Senator from Tennessee [Mr. MCKELLAR] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senator from Idaho [Mr. GOSSETT] are absent by leave of the Senate.

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate because of illness in his family.

The Senator from Florida [Mr. ANDREWS] is necessarily absent.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from Maryland [Mr. RADCLIFFE], and the Senator from Delaware [Mr. TUNNELL] are detained on public business.

I also wish to announce that if present and voting the Senator from Florida [Mr. ANDREWS], the Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], and the Senator from South Carolina [Mr. MAYBANK] would vote "nay."

Mr. WHERRY. The Senator from Nebraska [Mr. BUTLER] is absent by leave of the Senate.

The Senator from Indiana [Mr. WILLIS] is necessarily absent.

The roll call resulted—yeas 3, nays 77, as follows:

YEAS—3

Johnson, Colo.	Pepper	Wilson

NAYS—77

Aiken	Hawkes	O'Mahoney
Austin	Hayden	Overton
Ball	Hickenlooper	Reed
Barkley	Hill	Revercomb
Brewster	Hoey	Robertson
Briggs	Huffman	Russell
Brooks	Johnston, S. C.	Saltonstall
Buck	Kilgore	Shipstead
Bushfield	Knowland	Smith
Byrd	La Follette	Stanfill
Capehart	Langer	Stewart
Capper	Lucas	Taft
Connally	McCarran	Taylor
Cordon	McClellan	Thomas, Okla.
Donnell	McFarland	Thomas, Utah
Eastland	McMahon	Tobey
Elender	Magnuson	Tydings
Ferguson	Mead	Vandenberg
Fulbright	Millikin	Wagner
George	Mitchell	Walsh
Gerry	Moore	Wheeler
Green	Morse	Wherry
Guffey	Murdock	White
Gurney	Murray	Wiley
Hart	Myers	Young
Hatch	O'Daniel	

NOT VOTING—16

Andrews	Carville	Maybank
Bailey	Chavez	Radcliffe
Bankhead	Downey	Tunnell
Bilbo	Glass	Willis
Bridges	Gossett	
Butler	McKellar	

The ACTING PRESIDENT pro tempore. On this question the yeas are 3, the nays are 77. Two-thirds of the Senators present not having voted in the affirmative, the motion is not agreed to.

Mr. BARKLEY. Mr. President, I think the Senate should be advised that today the House of Representatives adopted, with only 4 dissenting votes, I believe, a rule under which they were authorized to consider immediately whatever recommendation the President might make with regard to the present situation. In accordance with that rule, they now have under consideration a measure which is a companion to the bill which I have introduced. In all likelihood that bill will be passed by the House and messaged over to the Senate shortly. I understand they have only a short time remaining for debate. It seems to me to be wise, under the circumstances, that the bill I have introduced be referred to a committee, and in view of the fact that the Railway Labor Act, which is now on the statute books, was reported in the House of Representatives by the Committee on Interstate and Foreign Commerce, and in the Senate by the Committee on Interstate Commerce, the bill should be referred to the Committee on Interstate Commerce.

I believe that if it were referred to that committee, the committee could meet and act upon it with such recommendations as it might see fit to make, without any delay whatever. I feel impelled, therefore, to ask that the bill be referred to that committee, with instructions to the committee to report forthwith with whatever recommendations it wishes to make concerning it.

Mr. McCLELLAN. Mr. President, can it not be considered as an amendment to the pending bill?

Mr. BARKLEY. That would not change the situation so far as the course that ought to be pursued.

Mr. McCLELLAN. It can be considered in connection with the pending bill?

Mr. BARKLEY. Yes, it is legitimate to offer it as an amendment to the pending bill.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. WHITE. As I understood the suggestion of the majority leader, it was that the bill be referred to the Committee on Interstate Commerce of the Senate to be reported forthwith. I think the reference is a proper one for legislation of this character. But if the language is to be continued in the request to the effect that the bill be reported forthwith I do not see any object in referring it to the committee at all. If it is to be referred to the committee, I do not see why the committee is not under obligation to give it some study and report it to the Senate so the Senate may have the benefit of such weight of judgment as the committee has. I should like it a good deal better if the request were that the bill be referred to the Committee on Interstate Commerce with instructions to report it at 1 o'clock on Monday or some other date certain. I, myself, do not believe that anything of tragic consequence is going to happen immediately.

I must say, while I am on my feet, that I applaud the speech the President made last evening. I applaud the spirit of his talk to the joint session of Congress today. So far as I can, I want to contribute to carrying out the spirit of his recommendations. But I do not like to go through this shadow-boxing of sending a bill to a committee with instructions to report it forthwith. I would rather not have it go to committee at all, and have the request made that we proceed to its consideration here on the floor without reference to a committee, than to go through such dubious process of sending it to a committee.

Mr. BARKLEY. Mr. President, I appreciate what the Senator from Maine has said. "Forthwith" does not mean within the next 10 minutes. It does not mean that the committee should not consider the language of the bill and recommend any change or amendment that it might see fit to offer. But it does mean that we would get prompt action by the committee, and, I hope, prompt action by the Senate.

In view of the situation, I do not believe there is anything that could give the country more reassurance than for us to deal promptly with this emergency; not to delay it until Monday, or to any other day, but that we deal with it quickly, because, as I said, the edge has been taken off the emergency by the agreement of the men to go back to work, we do not know under what conditions, or what restrictions or reservations. We have not received that information as yet.

I would be willing to modify my request that the committee report it at the earliest practicable hour.

Mr. WHITE. That would soothe my feelings quite a bit.

Mr. BARKLEY. I modify my request to that extent.

The ACTING PRESIDENT pro tempore. Without objection, the request of the Senator from Kentucky, as modified, is agreed to.

The bill (S. 2255) to provide on a temporary basis during the present period of emergency for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace was read twice by its title and referred to the Committee on Interstate Commerce, with instructions to report on the bill to the Senate at the earliest practicable hour.

Mr. WHEELER. Mr. President, in view of the fact that the bill has been referred to the Committee on Interstate Commerce I make the announcement that I will ask the committee to meet immediately in the Interstate Commerce Committee room on the gallery floor of the Senate.

Mr. DOWNEY. Mr. President, I will detain the Senate only for 3 or 4 minutes, merely to complete the statement I started to make on the floor a few minutes ago. I reiterate, that I think it is most unfortunate that on this vital, complicated, and far-reaching legislation we should allow ourselves by hysteria to be forced into action in a few hours. As I run through the bill I note serious constitutional questions and many serious difficulties of interpretation.

Let us consider, for example, one point. There is a provision on page 4, at the beginning of section 6, which reads as follows:

> Any affected employee who fails to return to work on or before the finally effective date of the proclamation—

May under later provisions be drafted into the Army. Is such a provision constitutional? I doubt it. Would public sentiment permit enforcement? I doubt it.

Now suppose the bill were enacted into law. Then suppose a man who leaves his employment returns for 24 hours, and then leaves his work again. Can he then be drafted? Is a provision in the bill which would give the right to draft into the Army any officer of any corporation who resisted the strike constitutional? I think not. Oh yes, I know that in wartime anyone can be drafted. But can we make legal a punitive statute directed at men who strike and then punish an officer of a corporation who does not want to strike?

I think we should pause to ask how this law will be regarded in the Nation—a law so harsh and stern that in the hands of a bad president it might become an instrument of tyranny. Oh yes, I know that President Truman is one of the kindest and most patient of men. But that does not allay my fears.

As I understand, the railroads would not be taken over under the Selective Service Act, but under a prior act, and under that act, I think of 1916, Congress

has no right to declare the termination of hostilities and the return of the property to the owner. In this bill that power is left solely to the Executive. Does Congress desire to deprive itself of being a check upon the Executive in that respect?

Mr. President, the bill is full of innumerable technicalities, constitutional questions, and questions of serious fundamental rights.

Mr. PEPPER and Mr. MILLIKIN addressed the Chair.

Mr. DOWNEY. I yield to the Senator from Florida first, after which I will yield to the Senator from Colorado.

Mr. PEPPER. Mr. President, does the Senator recall in recent history, in wartime or in peace, a measure of such drastic character as the bill which has been recommended to us?

Mr. DOWNEY. No. I answer that question in the negative. As far as my own judgment is concerned, this particular measure would represent a far-reaching and serious departure from any prior American jurisprudence. Some of you may think we must pass this legislation. But I say we should do so only after calm and dispassionate consideration, and not in the heat of hysteria and prejudice at the end of a long and tiring week.

Mr. MILLIKIN. Mr. President, will the Senator now yield?

Mr. DOWNEY. I yield.

Mr. MILLIKIN. I should like to congratulate the Senatar for his courage in standing against the excitement which prevails at this moment. I should like to congratulate him for raising the point he has raised. I certainly think it deserves most serious consideration, and I hope he will continue to expand on it so that we may understand every one of its implications. I shall discuss the subject a little later.

Mr. DOWNEY. Mr. President, I appreciate that statement, coming from one of the most distinguished lawyers this body has ever had.

Mr. TAFT. Mr. President, I also desire to compliment the Senator from California [Mr. DOWNEY] with reference to his position in connection with the drastic measures the President has just proposed to deal with present emergency labor problems. I think the bill is exceedingly doubtful. I think I shall vote against it. It seems to me that it violates every principle of American jurisprudence. I would consider passing such a bill for a particular emergency; but if the emergency is over, we should consider every feature of the bill. Certainly the program which has been objected to as being too hastily considered, and written on the floor (as the Case bill), is mild and reasonable, and has had years of consideration, compared with the proposals which are made in this bill of President Truman. If the administration itself, and those who to some extent have represented it have opposed the other legislation on the ground that it was being put through too fast and without consideration, it seems to me that every administration Senator who has opposed the other measure should oppose this bill. I cannot understand the position of the distinguished Senator who is the leader of the majority in taking so contradictory a position on this bill from that which he has taken with respect to the other measure.

Mr. DOWNEY. I appreciate that statement.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. MILLIKIN. I hope the distinguished Senator will point out the legal implications involved in denying a man's vested seniority which he has acquired without reference to the particular dispute, and because of a lifetime of devotion to his employment.

I hope the Senator will point out that there is no limitation whatever on the kind of businesses which might be seized under this bill. I hope the Senator will further expand on the point which he raised a while ago, as to the obvious defects and dangers in the paragraph relating to putting the profits of a seized business into the Federal Treasury.

The bill is full of questionable provisions and some which I believe are fatally defective, and I think it would be a tragedy to proceed in an excited and hasty fashion with such issues at stake.

Mr. DOWNEY. I thank the distinguished Senator.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. PEPPER. I cannot but share to the very depths of my heart the sentiments which have been expressed by the able Senators who have expressed themselves on this measure. I believe that this is going to be a moment to which we shall not look back with pride. It comes the nearest to being the indication of a willingness on the part of the duly constituted democratic body of this Government to abandon democratic principle and protection that I have seen in my public career.

Mr. President, this measure gives to the President of the United States, as an individual, an arbitrary and unreviewable power to take over practically any business in the United States; and when he singly exercises that responsibility he practically makes it impossible for the citizenry of this country affected by that enterprise to preserve their constitutional rights. President Roosevelt led this country through the most dangerous war it has ever experienced, and never had the necessity of asking Congress for such a denial of civil rights. President Roosevelt never asked such drastic legislation under the dire stress of calamity and war. I cannot believe that in peacetime, after victory, we shall yield up the democratic constitutional rights of the citizenry of this country because we have an unrestrained animosity against certain of the working men and women of the United States.

I venture with all kindliness to predict, Mr. President, that the President of the United States has been imposed upon by his counselors, and that he will live to see the day when he will regret that he made to this Congress the recommendation for the passage of this measure. I would give my seat in the Senate before I would support such a measure.

[Manifestations of applause in the galleries.]

Mr. DOWNEY. Mr. President, I do not rise at this time to attempt to discuss the merits or demerits of this bill, because my intellect is not sufficient. I have only heard it read, and my humble intelligence would require at least 2 or 3 days properly to analyze the bill, so far as I am capable of doing it. So I have no intention of making an argument at this time unless, of course an attempt is made to force the bill through in the closing hours of this night.

But I wish to suggest another technicality of many which might arise under the proposal. Suppose that a veteran of our wars were drafted into the Army under the terms of this bill. Would he forfeit his GI rights? He would again be in the Army. What would be his status as a veteran? Perhaps we do not care about that. Perhaps it is not important. Perhaps it is a detail that no one else cares to worry about, but at least I should like to know what the law would mean.

Mr. President, there are so many intricate and important questions involved in the bill that I pray that we shall postpone consideration of it until sometime next week, and then calmly, judiciously, and dispassionately work out the kind of a bill that we believe would be for the public welfare.

In that connection, at the very time when the President presented this proposal to the Congress, he stated to us, if I understand the English language, that the very crisis which had prompted this extreme proposal had passed away, and that the railroad men of America, in deference to his request, were again operating the railroads of this country.

Mr. President, I have long had for the railroad men of America and for their leaders and organizations a deep and abiding respect. I thought it was unfortunate that they were led out upon this strike. But now, upon solicitation of their Chief Executive, they have returned to work. They have shown sufficient tolerance and forebearance to admit a mistake, and are now attempting to right it. I pray that we in the Senate will not in turn be led into prejudice and mistake in this fateful hour of the Nation's history. If we pass a bad bill that will be most unfortunate; if we act in passion and excitement that will be calamitous. I pray we shall not.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its reading clerks, announced that the House had passed a bill (H. R. 6578) to provide on a temporary basis during the present period of emergency for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H. R. 6578) to provide on a temporary basis during the present period of emergency for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace, was read twice by its title and referred to the Committee on Interstate Commerce.

SETTLEMENT OF INDUSTRIAL DISPUTES AFFECTING THE NATIONAL ECONOMY

Mr. MORSE. Mr. President, I wish to make a very brief comment on the issue which is before the Senate. I wish to commend the Senator from California for his outspoken and forthright statements on the emergency bill which has been proposed for immediate passage by the Senate.

As I stated on the floor of the Senate 2 days ago, the right to strike is not an absolute right, but only a relative right. It is a right which we have the right to expect American labor leaders to use in a manner which does not jeopardize the public welfare. As I stated 2 days ago, there is no doubt about the fact that these major disputes, and particularly the disputes on the railroads and in the mines, involve an abuse of labor's obligations to the public welfare in this critical hour, and that therefore it is the duty of the Congress of the United States to support the hand of the President in seeing to it that necessary executive power exists to meet any challenge to government, be that challenge issued by labor or by any other group. I am still ready to support the hand of the President, giving to him such power as he may need to meet such an emergency; but, as I stated over the radio within 5 minutes after his speech, and now repeat, the power that he asks for in this bill is a power so unnecessary to meet the emergency and so dangerous to a perpetuation of freedom in this country that I cannot under any circumstances vote for the bill in its present form.

As I stated over the radio, I think the time has come for this Congress to calm down, deliberate, and exercise some rational judgment on the legislation which is before us for passage. I believe that when the history of this day is reviewed in the calmness of future events there will be many who will recognize that it is true that great haste and bad judgment prevailed in the Congress of the United States in this hour of crisis.

I make just two comments on the proposed bill. One provision, for example, seeks, during the time of governmental seizure of plants, mines, or railroads, or other properties, to place in the United States Treasury such profits as are made by the Government from its operation of the private property of others.

Mr. President, we had that type of problem before us on the War Labor Board in innumerable cases during the war, when it became necessary for the Government to seize the property of American employers because of the fact that groups of labor were violating the no-strike pledge. Senators will remember the criticism we received over the seizure policies of the War Labor Board. One of the criticisms with which we were faced was that it did not seem to make any difference from the employer's standpoint whether the employer or labor violated the no-strike, no-lock-out agreement because the employer lost control of his property in either event. Thus, if the employer violated the no-strike, no-lock-out agreement, his property was seized. If labor violated the no-strike, no-lock-out agreement, the employer's property was still seized, and he was bound to lose, irrespective of who was at fault in the case.

To me the seizure policy of the Board worked a great injustice upon American industry. Let the records speak for themselves. I protested the policy of the Board, and I led, on the Board, the movement to insist that when the Government seized property belonging to employers, not because of fault of the employers but because of a violation of the no-strike, no-lock-out agreement on the part of labor, the Government should move in to protect employers' rights—that is, I argued the Government's duty was not to take away the property rights of the employers—not to seize their property in the sense that it amounted to confiscation of the employers' property because of labor's failure to obey the no-strike agreement. Yet, unless I read this bill awrong, what is going to happen now in an emergency?

Irrespective of who is at fault, irrespective of whether the cause of the emergency is a strike by labor that never should have been called, a strike which would be an abuse of labor's relative right to strike, it is proposed that the Government step in and seize the property of the employers concerned, and that any profits that are made during the time of seizure shall go into the Treasury of the United States. If that is not confiscation of property rights, then I do not know what that term means in the American law. It is grossly unfair to the employers who own the property involved in such an emergency.

Let us take another case. Of course, if we have to pass bills which provide for seizure, the Government ought to go to protect the property rights of the employers. Management ought to be kept behind its desks to the maximum extent possible, and should be protected by the Government in its operation of its property, during the period of Government seizure. That is the policy which finally came to be adopted by the War Labor Board, Mr. President. There are men in high position, as advisers to the President, in the White House now, who are well aware of the argument which took place on this issue, and some of them joined in my position to see to it that, under seizure, where labor was at fault, the property rights of employers would not be destroyed. That became the policy of the Board after the arguments were presented at the White House itself, and I was sustained in my position. Under that policy management received financial protection during the period of seizure by the Government.

There is another feature of this measure, Mr. President, which I do not see how we, the representatives of a free people, can possibly adopt. That is the suggestion that we shall attempt to settle labor disputes in time of emergency by saying to men who, even though they suffer a lapse of good judgment, even though they abuse the relative right to strike, quit their work, "We will force you, nevertheless, to work, by putting the uniform of your country upon you, and we tell you that under the orders of the Army you shall turn the wheels of American industry." In the first place, Mr. President, I say that would be an insult to the uniform they would wear. In the second place, I say it would be in violation of what I consider to be some very basic concepts of American freedoms and individual rights.

At a later time I shall be willing to defend that premise, after I have had an opportunity to check authorities upon which now I can give only a curbstone opinion.

I wish to say, Mr. President, that in my judgment the proposal to force men to work by blanketing them into the Army goes a long way down the road toward involuntary servitude. It is a misconception and a misinterpretation of the power of the Government under our Constitution to draft people in the interest of the national security. Mr. President, I do not charge a very harassed President, today, a man whom I admire a great deal, with deliberately advocating principles which cannot be reconciled with basic principles of freedom and liberty in this country. But I say that the result of the industrial draft provision in this measure will be so dangerous to the perpetuation of our American free system that I am not going to vote for it, because I believe there are so many other avenues on which we can travel in solving this problem, without adopting any principle of involuntary servitude. It is a dangerous principle to establish in the American law, even for an emergency period, insofar as its application to industrial strife is concerned.

Mr. President, I think we have today been adopting a great deal of legislation which is going to have very serious and bad repercussions on the industrial life in the United States in the years immediately ahead. I think some basic rights of free labor have been shattered today. As I said the other day, I know there is nothing that can stem the tide of this antilabor typhoon that has struck the Congress. Labor must assume its fair share of responsibility for it. We must get it behind us. But I believe we must get ready to clean up the debris. That is why I repeat now a proposal which I have heretofore made; namely, that we should immediately start, by means of a special Senate committee, to make investigation of all the facets of American labor and industrial problems, so that when we reconvene after the summer recess we can really write a labor code. Of course, we are going to have labor legislation; we are going to have to write a labor code. Labor has come of age, and it is going to have to expect to assume more responsibilities and additional obligations, in return for the privileges and the rights which have been granted to it. But let that code rest upon a very thorough analysis of existing causes of labor trouble in the United States.

In my judgment, Mr. President, that is why we need to have the Senate make a study of union and employer practices and policies. Today we adopted an amendment—I did not have an opportunity to speak on it at the time, because of the limitation of debate—which ought rightly to be labeled "the strike-first-mediate-afterwards amendment." I say that because the first amendment we adopted this afternoon, as has been

pointed out in the RECORD, has no application whatsoever to any labor union that decides to strike first and then afterwards see what the employer wants to do by way of mediation. Instead of preventing strikes, it will be a great inducement for strikes.

Mr. President, let the proponents of the amendment say, as they have said, "You do not have as high a regard for labor leadership as we do; when you suggest that that is what they might do." Well, Mr. President, I am at least a realist. At least I know that when men feel that injustices are being done them and when they feel that their Government is seeking to impose upon them the obligation of spending another 60 days in mediation, during which time the employer can use union-weakening strategies and tactics, not the least of which will be stalling, to their embarrassment, and creating other difficulties for them, many unions under such circumstances will strike first, rather than have the amendment which was adopted today placed upon them as a handicap for a quick settlement of their disputes.

The other day I pointed out in my discussion of this legislation that there are a good many labor situations in which it would be impossible for the most conscientious of labor leaders to hold his men in line for 60 days, when they feel that the conditions of employment have become so intolerable that they want action much quicker than it can be provided for them under the amendment. Under such circumstances they will drive those leaders into a strike first. They will demand immediate action or get new leaders.

Furthermore, Mr. President, it should be pointed out that under most circumstances unions which would mediate anyway do not need the amendment; we simply do not need the amendment for them. All it will serve as will be a red flag. It will create a feeling that, once again, the employers, through legal machinery, have maneuvered themselves into a position more powerful than the one the unions are able to enjoy. It will give rise again, as so many of these amendments will do, to tremendous litigation.

Mr. President, let me tell you that one of the criticisms that will be made of this legislation, and I think it is a good criticism and a sound criticism, is that underlying this legislation—whether intentionally or unintentionally is immaterial—is the strategy of driving labor and its representatives into litigation, constantly keeping them in turmoil by bringing one type of legal action after another against the union.

You know, Mr. President, there is no more effective way to destroy the confidence of a group of men in their leaders than for those men to find their leaders, or their union through their leaders, constantly in court. It does not take very long before "the old grapevine" through the union, as we say, will spread the charge, "Well, what is the matter with our leaders? Cannot they keep us out of court? What are they always getting us into litigation for? Why is our treasury kept poor because of one case being brought after another?"

Mr. President, some of the legislation which we are asked to pass today would give to the employers of this country—I believe they represent a minority, but, nevertheless, they happen to be employers who are constantly carrying on antilabor union activities—additional weapons with which to slow up the entire procedure of voluntary settlement of labor disputes.

Mr. President, I assert that it it will not work. We will eventually come out of the present emergency. This type of revengeful legislation will satisfy that part of the public which has not stopped to analyze some of the fundamental principles involved in the problem. It will satisfy those who are sending me so much smoking mail, demanding that we do something to put the workers in their places, and overlooking the fact that in those very letters they are advocating principles which, if applied to them, would jeopardize some of their very precious liberties. Industry and the public will in the long run suffer more than labor from this legislation of revenge.

Mr. HICKENLOOPER. Mr. President, will the Senator yield?

Mr. MORSE. Because of the limitation of my time, I cannot yield. I am sorry. I decline to yield until I complete my remarks. Then, if there remains any time before the vote is taken, and any Senator wishes to ask me questions, I shall be glad to attempt to answer them.

Mr. HICKENLOOPER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HICKENLOOPER. I wished to inquire if we were discussing the pending bill?

The PRESIDING OFFICER. The pending question is on agreeing to the amendment of the Senator from Ohio as modified.

The Senator from Oregon.

Mr. MORSE. Mr. President, I believe it to be very important that some of us, impolitic as it is—no one recognizes more than I do how impolitic it is in this hour—should stand up and speak out against the passage of the various pieces of antilabor legislation which have been proposed on this floor, and which are now pending. I am perfectly aware of how impolitic my stand on this matter is. But I happen to be one who does not believe that it is at all important that I shall remain as a Member of this Senate for any great length of time. It is important, however, so long as I occupy the chair in this Senate which I now occupy as a Member of this great body, for me to be absolutely certain that I exercise my voting rights in accordance with what I believe to be my obligation in protecting the fundamental rights of the people of this country. In attempting to protest those rights, Mr. President, I am also protecting rights of generations who will be affected by any mistakes we make here.

Therefore, I shall not be swept along with the tide which seeks to have me vote for the type of legislation which has been already voted for by the Senate this afternoon. I would much rather retire to the pleasant life of a lawyer in the practice of law than remain in the Senate and feel that I should vote for the kind of legislation which is being adopted today and vote for it merely for political reasons or because of the public pressures of the moment.

Mr. HATCH. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from New Mexico?

Mr. MORSE. Mr. President, I have already stated that I shall not yield until I complete my remarks.

The PRESIDING OFFICER. The Senator from Oregon declines at this time to yield to the Senator from New Mexico.

Mr. MORSE. Mr. President, there is one more point which I wish to make and then I shall close. Throughout this debate I have been very much interested in some rather novel doctrines of law which have been laid down by various Members of this body when presenting curbstone opinions on the meaning of the National Labor Relations Act. Mr. President, if you were to go through the RECORD, you would find many instances of interpretations having been made of the National Labor Relations Act which, in my judgment, cannot be sustained by the lawbooks. The other day I spent considerable time in discussing an argument which had been advanced by some Senators to the effect that the word "contribution" in section 8 of the National Labor Relations Act did not permit an employer to contribute to the welfare and health fund of a union. I sought to show—and I know of no statement in the RECORD which denies or successfully rebuts the legal soundness of my argument on that point. I repeat that the law does not support the arguments which were made on the floor of the Senate with reference to the legal meaning of the word "contribution" as it is used in the National Labor Relations Act.

Yesterday my good friend the distinguished Senator from Minnesota [Mr. BALL] made a statement which appears on page 5580 of the CONGRESSIONAL RECORD. In speaking about the definition of the meaning of the word "employee" in the National Labor Relations Act he said:

> The effect of that definition of an employee has been to take at least half of the economic risk out of the strike action for the employees. The employers' risk was left just the same. But prior to the enactment of the Wagner Act the employer could, if he thought the strike was completely ill-advised and not supported by his employees, attempt to break it by hiring other employees to work, and open his plant. We notice that in the wave of recent strikes not one plant out of a thousand attempted to operate while there was a so-called strike in progress. Why? Because if the employer tried to open the plant and hire people to go to work, he knew that when the dispute was finally settled—and under the Wagner Act he had to bargain collectively with the union and settle it—he would have to take back all his striking employees and fire the employees he had hired during the strike. Under such circumstances new employees cannot be hired. Consequently the unions have been tremendously reinforced in their strike power, because as a rule they do not have to worry about an employer attempting to break the strike and remain in production, because the Wagner Act makes such a course prohibitive in cost for the employer.

Mr. President, when I heard that argument I could not square it with my recollection of the decisions of the courts with reference to the meaning of the word "employee," and the rights of the employers to hire new workers during a strike and thereafter keep them. A hurried research brought forth, in Three Hundred and Four United States Reports, at page 333, the case of Labor Board against MacKay Co. I read from page 345.

It is contended that the Board lacked jurisdiction because respondent was at no time guilty of any unfair-labor practice. Section 7 of the act denominates as such practice action by an employer to interfere with, restrain, or coerce employees in the exercise of their rights to organize, to form, join or assist labor organizations, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection, or "by discrimination in regard to * * * tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization: * * *." There is no evidence and no finding that the respondent was guilty of any unfair-labor practice in connection with the negotiations in New York. On the contrary, it affirmatively appears that the respondent was negotiating with the authorized representatives of the union. Nor was it an unfair-labor practice to replace the striking employees with others in an effort to carry on the business. Although paragraph 13 provides, "Nothing in this act shall be construed so as to interfere with or impede or diminish in any way the right to strike," it does not follow that an employer, guilty of no act denounced by the statute, has lost the right to protect and continue his business by supplying places left vacant by strikers. And he is not bound to discharge those hired to fill the places of strikers, upon the election of the latter to resume their employment, in order to create places for them.

What I have read, Mr. President, is another example of the fact that during the debate of the past several days, many erroneous statements were made with reference to the legal meaning of the basic legislation which we are seeking to amend. In my judgment, the record is being cluttered with many gross errors. As I said in my major speech on this issue 2 days ago, the time has arrived when I think we, as law makers, and not as men who are willing to be responsive to the pressures of the moment, but as men who are writing the laws of this country which are to have a tremendous effect on the economy of our Nation for years to come, should stop, look, and listen.

We should proceed to deliberate upon these very technical matters at a much slower pace than has characterized the action of the Senate in the last few days.

Mr. President, without reading it, but along that line, I ask unanimous consent to have published in the RECORD as a part of my remarks a telegram which I have received from Mr. Charles J. MacGowan, international president of the International Brotherhood of Boilermakers, in which he sets forth the fact that his is a great union, with one of the finest war records that could possibly be made by any union. It has lived up to its contract. Yet, as he points out in this telegram, that union, and millions and millions of other men in organized labor, are going to suffer because the majority here is rising in its wrath and passing what, in my judgment, is revenge legislation against a few labor leaders who have abused the great privileges and rights of organized labor.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Is there objection to the request of the Senator from Oregon?

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

KANSAS CITY, KANS.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D. C.:

As the chief executive of one of the largest labor unions in the United States whose members during the war built the combat vessels and the ships which carried the supplies to all corners of the earth and which also maintained the steam locomotive boilers on all American railroad systems as well as the petroleum refineries that produced the high octane gasoline the synthetic rubber plants and the steam boiler generating plants which furnished the light and power to all American industry, I hereby announce on my own responsibility and definitely upon the record made that nearly one-half million members of this international union went through the entire war without one single work suspension and we have weathered the storms of the reconversion period without one single strike. With this kind of exemplary record are we now to be repaid by the enactment by Congress of antilabor legislation which will shackle all of our activities in the future and reduce us to a condition of economic servitude. I can fully understand the dilemma in which the United States now finds itself, with certain Nation-wide strikes upon us but I assert that any legislation will not resolves those strikes. Moreover, such legislation conceived in haste and enacted in hate and passion will lay the ground work for the ultimate destruction of the free enterprise system in the United States and will make possible the widespread introduction of socialistic and communistic substitutes. For all of these reasons and in behalf of our great membership and its magnificent record I appeal as a patriotic American citizen to the distinguished Members of United States Senate to shelve this legislation until the Nation has returned to a condition of sanity after which the whole problem of legislation can be approached in a calm and dispassionate manner. The foregoing is addressed to you, sir, as one of the avowed friends of labor and with the thought that you may choose to read it into the RECORD, and I have adopted this course rather than annoy all of the other Members of the Senate with individual telegrams.

Identical copy to Senator WHEELER.

CHARLES J. MACGOWAN,
International President, International Brotherhood of Boilermakers.

Mr. MORSE. Mr. President, I close by making an announcement.

The PRESIDING OFFICER. The time of the Senator from Oregon on the amendment has expired.

Mr. MORSE. Do I have any time on the bill?

The PRESIDING OFFICER. The Senator has 30 minutes on the bill.

Mr. MORSE. Very well; I will take about 2 minutes.

The PRESIDING OFFICER. The Chair wishes to advise the Senator from Oregon that he cannot reserve the time. He has only one time to speak on the bill.

Mr. MORSE. I shall be all through in about 2 minutes. I am not reserving any time on the bill. I have a right to proceed, have I not?

The PRESIDING OFFICER. Certainly; for 30 minutes.

Mr. MORSE. I merely wish to make an announcement, Mr. President, and let me assure the Members of the Senate that I make the announcement only because of the fact that, like every other Member of the Senate, I am an exceedingly busy man, and I cannot afford to devote my time to any committee work for the Senate unless I feel that that committee work can be put to good use. On a couple of occasions I have protested certain unfair charges which have been made against the Education and Labor Committee. For days now I have heard on the floor of the Senate unfair criticisms which were not even veiled. I have heard charges made against the Committee on Education and Labor that it stalls legislation, that it functions as a death cell, so to speak, for labor legislation.

Mr. President, I feel that those charges are unwarranted as to the committee as a whole, and they are unwarranted as to individual members of the committee. They certainly are unwarranted so far as the junior Senator from Oregon is concerned. I do not propose to sit here any longer and hear these unwarranted attacks made upon a committee which I have sought to serve as conscientiously and loyally as I have served the Committee on Education and Labor.

The record of that committee is perfectly clear. The chairman of the committee is on the Senate floor at this moment and I wish to pay my respects to him. I know of no committee that has had legislation of greater importance before it, legislation which required more careful consideration, during this session of Congress, than the Committee on Education and Labor.

I deny categorically that there is a scintilla of evidence available to any Member of the Senate that the Committee on Education and Labor, under the leadership of the Senator from Montana [Mr. MURRAY], has been guilty of any practices not conducive to the efficient and conscientious handling of legislation pending before it.

As to my own record on that committee, Mr. President, the present occupant of the chair, a member of the committee, well knows I have time and time again pointed out in my discussions in the committee that, although we want full and adequate hearings on proposed legislation, we are under an obligation to report the measures pending before us at the earliest possible date. The entire committee always agreed with me and cooperated to bring about that end. It was not so very long ago that I went before the committee and discussed with the committee a suggestion which had been made to some of us on the committee that an attempt be made to delay and filibuster legislation pending before the committee. I said that I was sure no member of the committee would be a party to such an unfair and contemptible proposal.

Mr. President, the record is perfectly clear that the members of the committee took the unanimous position that delaying tactics or a filibuster policy should not be countenanced by the committee. We met long hours, as the present occupant of the chair well knows, we met morning and afternoon, we had special meeting after special meeting, to make haste in getting the pending legislation to the floor of the Senate.

Not only that, Mr. President, but at one time, as the record will show, I made clear that unless we proceeded to report the legislation to the floor of the Senate just as soon as we had completed our discussion of it, I would join in a motion to discharge the committee in order to meet the criticism that was being leveled. But, as I have said, I knew that no such motion was ever going to be necessary, because we were proceeding in the utmost of haste. Nevertheless, Mr. President, the sad fact is that the impression has been successfully created in the Senate of the United States that the Committee on Education and Labor cannot be counted upon to handle expeditiously labor legislation.

We had a clear demonstration this afternoon of just how well that idea has been planted because we have now before us a new labor bill referred to the Interstate Commerce Committee. If there was ever a labor bill this is one. It is not an interstate commerce bill, not a transportation bill, but a labor bill. If we ever had a labor bill presented to the Senate of the United States which should go to the Committee on Education and Labor, this is the bill.

What has happened? A successful run-around of that committee has been accomplished. The bill has gone to a committee which certainly cannot begin to establish an equal jurisdiction right over the bill with that of the Committee on Education and Labor.

Mr. President, I recognize that assigning bills is within the discretion of the Presiding Officer of the Senate. However, in practice I recognize that the majority leader can greatly influence the reference of bills. In this instance it seems clear that he favored this reference. I have too many other things to do, Mr. President, just to serve on a "catch as catch can" committee, or to serve on a committee to which there will be referred, not all the legislation within the clear jurisdiction of the committee, but just such legislation as pleases the strategists of the Senate.

Therefore, Mr. President, I here announce to my minority leader that I submit my resignation from the Committee on Education and Labor. I prefer to devote my time to other work of the Senate in which I feel that the time will be well spent, and the results of the exercise of the time will be more appreciated by the Senate than apparently have been the efforts of those of us serving on the Committee on Education and Labor.

Mr. SALTONSTALL. Mr. President, the majority whip and the minority whip are both in the Chamber at this time, and I would like to ask the majority whip a question.

A news release points out that the railroad situation has been cleared up, and that an agreement has been made for a year. The coal truce will expire at midnight, and coal will not be mined tomorrow. The House of Representatives has passed a bill, the temporary bill for which the President has asked. The Senate has sat for the last 2 nights and obviously, on the part of many Senators, there is considerable emotion and feeling about the present situation.

My question to the majority whip and to the minority whip is, Would it not be possible for the Senate to recess until the hour of 1 or 2 o'clock, or any agreeable hour, tomorrow, with the idea that we may have a chance to sleep over the situation. No damage would be done, we could meet at the hour fixed, and the discussion would be much more calm and considered. I should like to ask the majority whip if that would not be possible? If it is desirable, I hope he will move for such a recess.

Mr. HILL. Mr. President, in reply to the Senator from Massachusetts——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Alabama?

Mr. SALTONSTALL. The Senator from Massachusetts respectfully yields the floor.

The PRESIDING OFFICER. Does the Senator from Alabama wish to be recognized on the bill or the pending amendment?

Mr. HILL. The Senator from Alabama would be delighted to answer the Senator's question, but does not desire to take his own time to do so. If the Senator will yield out of his time—he has already consumed some of his time, and he will not lose anything by yielding to me—I shall attempt to answer his question.

Mr. SALTONSTALL. I gladly yield.

Mr. HILL. I will say to the distinguished Senator from Massachusetts that the Senate Committee on Interstate Commerce is now in session considering the emergency legislation which the President requested. The distinguished majority leader, the Senator from Kentucky [Mr. BARKLEY], as a member of the Committee on Interstate Commerce, is attending the meeting of the committee. Therefore I am unable at this time to give the distinguished Senator any definite answer as to when the Senate might recess or adjourn. In the absence of the distinguished majority leader, the Senator from Kentucky, and in view of the fact that the Interstate Commerce Committee is now considering the legislation, I could not make any motion to recess or adjourn at this particular point.

Mr. WHERRY. Mr. President, will the Senator yield to me?

Mr. SALTONSTALL. I yield.

Mr. WHERRY. I should like to reply to the distinguished Senator from Massachusetts that I not only agree with what the majority whip has said, but even though we might wish to recess we would first have to get the approval of the majority leader who maps out the program, and even then, if the majority leader would not consent, while we would be within our rights if we were to move that the Senate recess, I would certainly be reluctant to do so until the majority leader has been consulted.

Mr. SALTONSTALL. Mr. President, if I may have the floor——

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. SALTONSTALL. May I say that if there is anything in the suggestion made by the majority and minority whips of the Senate, I hope they will find the majority leader and discuss the matter with him.

Mr. WHERRY. If the distinguished Senator will yield further, I will say that I meant to include in my statement that consultation should also be had with the leader of the minority. I shall be glad to convey the Senator's wishes to the minority leader, and I am sure he will give consideration to them.

Mr. President, while I am on my feet, in the absence of the distinguished minority leader who so ably leads us on this side of the Chamber, I should like to say to the distinguished Senator from Oregon [Mr. MORSE], that I heard with deep regret the submission by him of his resignation from the Committee on Education and Labor at a time when the distinguished minority leader was not present. I sincerely trust that the distinguished Senator from Oregon will not resign from the committee, a committee on which he has served ably, well and industriously, and to which he has given the benefit of his long experience in educational labor, and other matters. If he continues to feel inclined to resign I trust he will have a conference with the minority leader before he hands in his resignation. I am sure the minority leader would not wish to have it otherwise.

Mr. MORSE. Mr. President, will the Senator from Massachusetts yield?

Mr. SALTONSTALL. I yield.

Mr. MORSE. I assure the Senator from Nebraska that when I have reached such a decision as I have reached in this matter I speak with absolute finality.

Mr. WHERRY. I wish to say to the distinguished Senator from Oregon that if he has made up his mind, of course that is his privilege. I simply suggest that I wish he could have conferred with the minority leader, who is at the moment absent from the Chamber, before taking such action.

MEDIATION OF LABOR DISPUTES

The Senate resumed consideration of the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Ohio on behalf of himself and other Senators, as modified.

Mr. MURRAY. Mr. President, I was in the midst of a discussion of the pending amendment when the Senate proceeded to the House Chamber in order to hear the President of the United States. I had not concluded my statement.

The PRESIDING OFFICER. The Chair would say that, technically, under the unanimous-consent agreement, the Senator has already spoken once on the

amendment, but in view of the fact that he was interrupted by reason of the Senate attending the joint session with the House, the Chair suggests that the Senator might ask unanimous consent to be allowed to continue his remarks for the remainder of his time.

Mr. BALL. Mr. President, I ask unanimous consent that the Senator from Montana may be accorded the opportunity of speaking for the remainder of his time on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURRAY. Continuing my discussion of the amendment, I wish to say that the first issue is not whether a collective-bargaining agreement may be enforced in court. Collective-bargaining agreements are as enforceable in the courts as any other kind of agreement under the law today. The first question is whether collective-bargaining agreements, unlike any other agreements, are to be thrown into the Federal courts and made the subject of Federal court jurisdiction.

The real purpose of the sponsors of the amendment becomes clearer when the second part of the proposed amendment is considered. It is significant that in the minority report of the Committee on Education and Labor the portion devoted to amendment No. 3—pages 10 to 14—deals solely with the question of how unions may be sued, creating the impression that is all the amendment deals with. No mention is made in the minority report as to other portions of the amendment.

The second portion of the proposed amendment, however, would make the union liable for "the acts of its duly authorized agents acting within the scope of their authority." With this section included, it becomes perfectly clear that amendment No. 3 represents an effort to undo a substantial portion of the 30 years of history that led up to the enactment of the Norris-LaGuardia Act.

Section (6) of the Norris-LaGuardia Act (29 U. S. C. A., sec. 106) declares that:

> No officer or member of any association or organization, and no association or organization participating in a labor dispute, shall be held responsible or liable in any court of the United States for the unlawful acts of individual officers, members, or agents, except upon clear proof of actual participation in, or actual authorization of, such acts, or of ratification of such acts after actual knowledge thereof.

This section of the Norris-LaGuardia Act was the result of decades of experience with the tendencies of antilabor-minded Federal court judges. In the height of the injunction era in the early part of the twentieth century, it became common practice for the judges to issue injunctions on evidence concerning activities of any individual regardless of whether or not those activities were authorized by the union. The practice became so notorious that it became necessary in the Norris-LaGuardia Act to say simply that a union could be regarded as responsible only for acts which it authorized.

The proposed amendment seeks a repeal of that very equitable rule. Apparently, the minority members of the Senate committee are not satisfied with the present law, holding unions responsible only for clearly authorized or ratified activities. It seeks to hold the union responsible even for unauthorized acts so long as the person involved is a "duly authorized agent."

What is a so-called duly authorized agent of a union?

Any truly democratic union has an extremely large number of "duly authorized agents." Grievance committeemen are duly authorized to negotiate grievances. Local elected officers are duly authorized to administer and lead their locals. Dozens of committees of union members exist for various purposes in a local union. During a strike there are duly authorized picketing committees, food committees, negotiating committees, and many others.

It has always been the aim of anti-union employers to seek to attack the union or to tie up the union's funds on the basis of any minor altercation or scuffle on a picket line or on the basis of some minor infraction or similar action by an individual member or local grievance man. The proposed amendment would now make that possible.

It is no answer for the supporters of the amendment to state that the union's liability is limited to activities by its agents "acting within the scope of their authority." It is sufficient to note that if there is any disposition on the part of the proponents of this amendment to limit the union's liability specifically to acts authorized by the union, then the present law should be completely acceptable. By seeking to change the present law, the proponents of this amendment make it perfectly clear that they wish to be able to hold a union liable even for acts not specifically authorized by the union. Under the proposed amendment, this would be done by arguing that a grievance representative, for example, does have authority to handle grievances and therefore, even when a specific tactic which he may pursue in connection with a grievance is not authorized, nevertheless he is acting within the scope of his authority to handle grievances.

We find, therefore, that the first two sections of the proposed amendment taken together establish an entirely new body of laws calculated especially to furnish an effective weapon for attacking unions. In the first instance, the unions are told that any act which the employer deems a violation of a collective-bargaining agreement may be taken into a Federal court and treated as a matter of Federal right. In the second place, the unions are told that, in so doing, the employer may try to hold the union responsible even for completely unauthorized acts by local officials, by committee members, or by any member serving in any kind of official capacity. In any truly democratic union that could and should include almost every member of the union. It is a liability whose scope can be limited only by moving the union in the direction of a dictatorial structure with authority centralized in a small number at the top. While the supporters of the proposed amendment would undoubtedly declaim against any such tendency in a union, their support of this amendment indicates that many of them actually prefer that kind of a union.

Moreover, the employer is given special assistance in making the operation of the proposed amendment as oppressive as possible to the union. Subsection (c) of the proposal would give the Federal courts jurisdiction over the unions, not merely in the districts where the union has its main office, but also in any district where it has any duly authorized officers or agents. Most large labor organizations have members scattered throughout the country. The proposed statute would permit harassment of the organization by law suits in any district where the company might find local committeemen or other minor representatives of a small affiliated group.

Finally, sponsors of this amendment apparently decided to take no chances on missing any possible bets for impeding and weakening employees and their organizations on the pretext of enforcing contracts. A final clause in the proposed amendment declares that where an employee participates in an unauthorized stoppages he "shall lose his status as an employee" for purposes of the National Labor Relations Act.

There is an almost Machiavellian cleverness about this clause. It presents an appearance of seeking merely to protect unions against stoppages which they themselves do not authorize. It creates an impression that the sole penalty is aimed against the offending employee.

Many union contracts now provide that an employee who engages in a stoppage in violation of a contract may be discharged as a penalty. This is a clause of a type which may be acted upon where an employer and a union feel that a collective bargaining relationship is such as to make such action a desirable means of enforcement. A statutory approach which irrationally assumes that such a penalty is necessary and desirable in all instances and under any circumstances would be in itself dangerous and undesirable. The proposal, however, goes far beyond even that. It penalizes not merely the employee, but also the very union against whose orders the employee is rebelling. The proposal specifically includes a loss of status as an employee under section 9 of the National Labor Relations Act. Presumably, therefore, if a majority of the employees at a given plant strike in violation of union policy, then, even if the employer does not discharge them, they nevertheless lose their status as employees in determining representation and the union loses its collective bargaining rights.

Coming and going, the union is hit. Under subsection (b) the union is liable in court for acts of its agents, even if the specific act was not authorized. Under subsection (d) the union may be penalized, even for an unauthorized act, done by persons who are not in any sense union agents.

The PRESIDING OFFICER. The time of the Senator on the amendment has expired.

Mr. MURRAY. I hope the amendment will be rejected.

Mr. MEAD. Mr. President, I wish to make a few observations about the message just delivered by the President to the joint session of Congress. I understand that there is an extra edition of the newspapers on the street now which carries the details of the railroad strike settlement.

All the organizations involved in the railroad strike have been ordered back to work by their leaders. It must be understood, Mr. President, that 18 of the 20 railroad organizations were not on strike. The two organizations that were on strike have been ordered by their leaders to go back to work. They have accepted the President's proposal and they are preparing to operate the trains.

That leads me to the observation that the crisis which was discussed by the President in his talk this afternoon is now over. If that crisis is over, it occurs to me that the Senate committee which is now considering the emergency bill can well take a reasonable length of time to give it the consideration which a measure of that character well merits.

If this strike had been settled earlier in the week I have my doubts about the President recommending the bill which has been brought to our attention since he delivered the message before the joint session of Congress.

I understand that the other House has passed the bill, that during its consideration there was an insufficient number of copies of the bill to go around. Not only did the House lack a sufficient number of copies of the bill, but there were no extra copies for the press gallery. Surely we have time now to furnish everybody here with copies of the bill.

As was pointed out by the able Senator from Ohio [Mr. TAFT], the coal strike, which is still in progress, but concerning which there are continuing negotiations, comes under the purview of the Smith-Connally Act. The President has considerable authority in dealing with that particular matter. What he had specifically in mind when he came before the Congress today was the railroad strike. He particularly referred to strikes in progress against the Government. He made it crystal clear that he was referring to the railroad strike. He was talking about the railroad strike, which is now over. By reason of the fact that the crisis is now over, we can well afford to give the proposed legislation more attention than might otherwise be the case.

The President during his address expressed his feelings in the matter, and indicated his attitude toward the subject of labor relations when he said:

> The contribution of labor to the growth of this country in peace and to its victory in war is at least as great as that of any other group in our population. Without well-paid, well-housed, and well-nourished working men and women in this country it would stagnate and decay. I am here not only to urge speedy action to meet the immediate crisis, but also deliberate and weighty consideration of any legislation which might affect the rights of labor.

Notice the President said:

> I am here not only to urge speedy action to meet the immediate crisis, but also deliberate and weighty consideration of any legislation which might affect the rights of labor.

Now that the immediate crisis is over, legislation is not required to meet it.

With the crisis over we can give the matter the study and consideration the President suggests. Surely great weight ought to be given to the President's own feelings in the matter.

The President in further explanation of his position said:

> The benefits which labor has gained in the last 13 years must be preserved.

He makes that emphatic. Let me read it again:

> The benefits which labor has gained in the last 13 years must be preserved.

That sentence should recommend itself to the committee now considering this temporary legislation. The President continued:

> I voted for all these benefits while I was a Member of Congress. As President of the United States I have repeatedly urged not only their retention but their improvement. I shall continue to do so.

If we are to go along with the President of the United States in his recommendations it is necessary for us to take cognizance of that statement by the President. In that paragraph I believe the President very well lays the ground work for the veto of the pending bill. If we are to carry on as the President has suggested, we should consider the President's emergency and long-range program and no other program. But if we are to continue with the consideration of a bill to take from labor its gains, contrary to the request of the President, and then also to give him an emergency bill which may or may not be in accordance with his wishes, we are taking unfair advantage of a situation that no longer exists. Let me quote again from the President's address:

> I request temporary legislation to take care of this immediate crisis.

The immediate crisis, however, is now over. The railroad strike has been settled.

The President continues:

> I request permanent legislation leading to the formulation of a long-range labor policy designed to prevent the recurrence of such crises and generally to reduce stoppages of work in all industries for the future.

A day or so ago I took the floor and discussed the experiences of the English-speaking countries of the world in the matter of labor-management relations. I pointed out to my colleagues that when those nations resorted to voluntary procedures, safeguarded and well supported by the Government, the number of industrial strikes was less than when compulsory, drastic, and even at times vicious antilabor legislation was on the statute books. I expressed the hope at that time that we would create a committee, and that the committee would study the most advanced labor laws throughout the country and throughout the world, and earnestly and sincerely dedicate themselves to the presentation to the Congress of forward-looking, progressive, and effective legislation which would minimize industrial strikes in this country. The President today called for such a study.

Mr. President, we therefore have more reason to do that now than was the case when I left those thoughts with the Senate. The President of the United States has just come before us and told us that we should preserve labor's gains. He urged us to continue the legislation which was enacted during the administration of the late President Roosevelt, and he likewise requested the creation of a joint committee to make an exhaustive study of the problem and, with it, a recommendation to the Congress.

If we are going to pass the pending bill, with all the amendments to it, and deny labor the gains it has accumulated throughout the administration of President Roosevelt, and if at the same time we are to rush through a temporary bill to meet a crisis which now is over, it occurs to me that we are not following the President; we are in fact defying the President.

So, Mr. President, as one who would sympathetically consider the President's program, as one eager to devise a more perfect formula that will minimize industrial difficulties, as one who would like to have the President's program considered in the light of his message, it occurs to me that we could well set aside the pending measure, and that the committee now considering the temporary measure could hold hearings on it and could consider it thoroughly and reasonably, and then report it to the Senate, so that we might have opportunity to pass judgment upon the finished product.

I am not an attorney, nor am I versed in constitutional law. But I am disturbed by one of the sections of the temporary measure, and I trust that the committee considering it will report it with amendment and with modification. According to section 7 of the bill, which we did not have when the President delivered his address—

> The President may, in his proclamation issued under section 2 thereof, or in a subsequent proclamation, provide that any person subject thereto who has failed or refused, without the permission of the President, to return to work within 24 hours after the finally effective date of his proclamation issued under section 2 thereof, shall be inducted into the Army of the United States.

Mr. President, we have on the statute books a great many laws which have been enacted by Congress for the protection of the men who fought our battles in time of war. I should like to have this section very carefully studied, lest we do injury to the legislation affecting the ex-servicemen which we have already enacted.

Mr. WILSON. Mr. President, will the Senator yield?

Mr. MEAD. I yield.

Mr. WILSON. I was very much interested in the Senator's reading of section 7. He stopped a bit too soon, I think. Those who might be inducted into the service of the Army of the United States would be inducted, according to the terms of the bill, with or without subscribing to an oath to support the Constitution and to maintain our Government.

Mr. MEAD. My colleague from Iowa is correct. I did not read the complete section. I read merely enough of it to

enable me to voice my opinion with regard to it. I hope it is taken out of the bill by the committee.

Mr. President, I shall conclude now by merely expressing the hope that we shall join the House of Representatives in creating a committee to make a study of the proposed program of the President to make a study of the long-range program of the President. I urge that the committee now considering the emergency measure study it well, to the end that they will protect the rights and privileges of the ex-servicemen; to the end that it will not do what the President urged that we do not do; namely, destroy the hard-earned gains of labor. We should consider the recommendations of the President in the light of the changed conditions now at hand.

Mr. President, there is time now for the fullest consideration of both the emergency and the long-range program. I trust that the committee which now is dealing with the temporary program will bring to the Senate a bill which we can support.

Mr. President, I trust that the joint committee will be created quickly and that it will go about its work speadily and that we shall improve and refine our present labor procedure. We want industrial peace and as the President said we desire to preserve the hard-earned gains of labor.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to a concurrent resolution (H. Con. Res. 148) creating a joint select committee to study and recommend legislation concerning labor relations, in which it requested the concurrence of the Senate.

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 148) creating a joint select committee to study and recommend legislation concerning labor relations, was read twice by its title and referred to the Committee on Education and Labor.

MEDIATION OF LABOR DISPUTES

The Senate resumed consideration of the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Ohio [Mr. TAFT] for himself and other Senators.

Mr. BALL. Mr. President, I desire to speak very briefly on the pending amendment.

First I should like to say that under the proposal of the Senator from New York that the Senate lay aside the pending measure and that the Committee on Interstate Commerce proceed to hold hearings on the President's bill, the Senate would be doing absolutely nothing in regard to the President's suggestion.

The pending amendment very simply seeks to establish for unions the same responsibility for carrying out their contracts that now apply to employers. The Senator from Montana seems to think that under it the union will be responsible for any activity of any individual employee. I do not think that is true. Subsection (b) provides that:

> Any labor organization whose activities affect commerce as defined in this act shall be bound by the acts of its duly authorized agents acting within the scope of their authority from the said labor organization.

It seems to me that ties it down rather well to the officers of the union who, under its constitution, have authority to act for the union.

Mr. President, some question has been raised as to whether, under this amendment, it might come about that every little grievance under an existing labor-relations contract would come into court. I do not think that would happen. Although I am not a lawyer, it seems to me that the rule of law would be that if a grievance occurred and if a contract provided for grievance machinery, any court would hold that a suit over a grievance was out of order until the grievance machinery had been used.

Question has also been raised as to whether, if a union can be sued for violation of contract, a great many unions will refuse to write into their contracts a no-strike clause to apply during the life of the contract. The fact is that four States of which I know—namely, Minnesota, Colorado, Wisconsin, and California—have on their books at the present time statutes which permit unions to be sued for violation of contract. So far as can be determined, that provision has not lessened to any degree the willingness of unions, when they get a contract they want, to write into it a no-strike clause for the life of the contract.

Mr. President, it is the contention of some of the opponents of this amendment that unions are now suable in State courts. A lawyer on my staff looked up a number of recent decisions. Several of them show that in Kentucky, West Virginia, in Massachusetts, and in Illinois, all of which are important industrial States, unions cannot be sued as legal entities. I ask unanimous consent that the brief memorandum which I hold in my hand, which bears on that subject, may be printed at this point in the RECORD as a part of my remarks.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

RECENT COURT DECISIONS AS TO SUABILITY OF UNIONS

1. Unions may be sued—

(a) *Busby v. Electrical Utilities Employees Union, District of Columbia* (January 22, 1945).

"Voluntary labor organizations may sue and are suable in their common name, and funds in their common treasury are subject to execution for torts committed and contracts made in the common enterprise."

(b) *Hotel, Restaurant, Building Service and Maintenance Workers Union, CIO, v. Hotel and Club Employees Union, A. F. of L.* (Pennsylvania Court of Common Pleas, February 11, 1946).

The CIO union sued for damages, alleging libel in an A. F. of L. publication which accused the CIO of having a bellman dismissed because he joined an A. F. of L. union.

The A. F. of L. claimed that it could not be sued.

The court overruled the claim, and said: "We cannot accept the inference of the defendants that a labor union, engaged in a labor dispute, is beyond the pale of the law, even though the dispute be a jurisdictional quarrel."

2. Unions may be sued—

(a) Kentucky case. In One Hundred and Seventy-second Southwest Reports, volume 2, page 202, on June 1, 1943.

"At common law, a voluntary association such as a labor union is not a 'legal entity' and may not be sued in its common name distinct from the names of its members."

(b) West Virginia Supreme Court. In Thirty-second Southeast Reports, volume 2, page 269, on December 5, 1944.

The statute law of West Virginia does not provide for suits against unincorporated societies or organizations, and, in the absence of such statute, it cannot be sued as an entity by name.

(c) Massachusetts case. *Worthington Pump & Machinery Corp. v. Local No. 259 of the United Electrical Radio and Machine Workers of America, CIO* (October 29, 1945).

A dispute arose over the dismissal of an employee member of the union. The company brought this suit to enforce its collective-bargaining agreement with the union. The Federal district court sitting in Massachusetts applied the law of Massachusetts, which holds that a labor union is not a corporate entity, may not be sued as a person, and may not be subjected to any decree. The case was dismissed.

(d) *Pullman Standard Car Manufacturing Company v. Local Union No. 2928, United Steel Workers of America, CIO* (152 Fed. 2d 493, 7th Circuit Court of Appeals, Nov. 28, 1945).

The Pullman Co. sued the union for libel, charging that the union's newspaper published an article accusing the company of making false statements to the public and the workers.

The case came into the Federal courts because of the parties' diversity of citizenship. However, since the alleged libel occurred in Illinois, the Federal courts are required to follow the law of Illinois.

Applying the Illinois law to the case, the court said: "We think these cases (earlier Illinois decisions) clearly show that the common law of Illinois, which has not been changed by statute, does not permit an action at law against an unincorporated labor association."

Mr. BALL. Mr. President, it seems to me that equal responsibility by both parties to a contract is a principle which the Senate should apply in the field of labor relations. I hope the amendment will be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Ohio, on behalf of himself and others Senators, as modified.

Mr. BALL. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Virginia [Mr. GLASS], and the Senator from Tennessee [Mr. MCKELLAR] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senator from Idaho [Mr. GOSSETT] are absent by leave of the Senate.

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate because of illness in his family.

The Senator from Florida [Mr. ANDREWS], the Senator from Texas [Mr.

O'DANIEL], and the Senator from Oklahoma [Mr. THOMAS] are necessarily absent.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from Maryland [Mr. RADCLIFFE], and the Senator from Delaware [Mr. TUNNELL] are detained on public business.

I announce further that if present and voting the Senator from Alabama [Mr. BANKHEAD] and the Senator from Texas [Mr. O'DANIEL] would vote "yea."

Mr. WHERRY. The Senator from Nebraska [Mr. BUTLER] is absent by leave of the Senate. If present he would vote "yea."

The Senator from Indiana [Mr. WILLIS] is necessarily absent. If present he would vote "yea."

The Senator from South Dakota [Mr. BUSHFIELD] is unavoidably detained.

The Senator from Delaware [Mr. BUCK] is necessarily absent. If present he would vote "yea."

The result was announced—yeas 50, nays 28, as follows:

YEAS—50

Austin	Gurney	Revercomb
Ball	Hart	Robertson
Brewster	Hatch	Russell
Bridges	Hawkes	Saltonstall
Brooks	Hickenlooper	Smith
Byrd	Hill	Stanfill
Capehart	Hoey	Stewart
Capper	Huffman	Taft
Connally	Johnson, Colo.	Tobey
Cordon	Johnston, S. C.	Tydings
Donnell	Knowland	Vandenberg
Eastland	McClellan	Wherry
Ellender	McMahon	White
Ferguson	Millikin	Wiley
Fulbright	Moore	Wilson
George	Overton	Young
Gerry	Reed	

NAYS—28

Aiken	Lucas	O'Mahoney
Barkley	McCarran	Pepper
Briggs	McFarland	Shipstead
Downey	Magnuson	Taylor
Green	Mead	Thomas, Utah
Guffey	Mitchell	Wagner
Hayden	Morse	Walsh
Kilgore	Murdock	Wheeler
La Follette	Murray	
Langer	Myers	

NOT VOTING—18

Andrews	Butler	Maybank
Bailey	Carville	O'Daniel
Bankhead	Chavez	Radcliffe
Bilbo	Glass	Thomas, Okla.
Buck	Gossett	Tunnell
Bushfield	McKellar	Willis

So Mr. TAFT's amendment, as modified, was agreed to.

SETTLEMENT OF INDUSTRIAL DISPUTES AFFECTING THE NATIONAL ECONOMY

Mr. BARKLEY and Mr. BALL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BARKLEY. From the Committee on Interstate Commerce I am authorized to report the bill (H. R. 6578)——

Mr. TAFT. I object.

The PRESIDING OFFICER. Objection is heard. The report cannot be received under objection.

Mr. BALL obtained the floor.

Mr. HATCH. Mr. President——

Mr. BALL. I yield to the Senator from New Mexico for a parliamentary inquiry.

Mr. HATCH. I rise to a parliamentary inquiry, and I make it in good faith.

The PRESIDING OFFICER. The Senator from New Mexico will state it.

Mr. HATCH. The point I wish to ask about—and I really want information myself—is this: If a standing committee of the Senate offers a report, can any one Member of the Senate object to receiving the report?

The PRESIDING OFFICER. It may only be received, under the rules of the Senate, during a morning hour regularly provided for following an adjournment. At any other time it must be done by unanimous consent.

Mr. HATCH. Mr. President, I think that now is the time for a unanimous-consent request to be proposed.

The PRESIDING OFFICER. One has already been proposed, and objection was heard.

MEDIATION OF LABOR DISPUTES

The Senate resumed consideration of the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes.

Mr. BALL. Mr. President, on behalf of the Senator from Ohio [Mr. TAFT], the Senator from New Jersey [Mr. SMITH], the Senator from Virginia [Mr. BYRD], the Senator from New Mexico [Mr. HATCH], and myself, I send to the desk an amendment which I offer to the pending bill.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. At the proper place in the bill it is proposed to insert the following new section:

SEC. —. (a) The second paragraph of section 20 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, is amended by striking the period at the end thereof, inserting a colon, and adding the following: "*Provided*, That nothing in this paragraph shall be construed in any proceeding, civil or criminal, instituted under the antitrust laws to make lawful any combination, contract, or conspiracy in restraint of trade having as its purpose one or more of the objects which are defined in section 6, subsection (1) or (2), as not being legitimate objects of labor, agricultural, or horticultural organizations."

(b) Section 6 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, is amended by adding thereto the following paragraphs:

"It shall not be within the legitimate objects of such organizations or of the officers, representatives, or members thereof to make any contract, or to engage in any combination or conspiracy, in restraint of commerce if one of the purposes of such contract, combination, or conspiracy is—

"(1) by strikes, or threats to strike, or violence, or threats of violence, or by concerted refusal to use, handle, transport, or otherwise deal with specified articles or materials, to force or require any employer, or any other individual, corporation, or partnership to cease using, selling, handling, transporting, or otherwise dealing in the products of any other producer, processor, or manufacturer.

"(2) to join or combine with any person to fix prices, allocate customers, restrict production, distribution, or competition, or impose restrictions or conditions upon the purchase, sale, or use of any material, machines, or equipment: *Provided*, That nothing herein shall prevent a labor organization from joining or combining with another labor organization or an agricultural or horticultural organization from joining or combining with another agricultural or horticultural organization.

"(c) The term 'labor dispute' appearing in the act of March 23, 1932, entitled 'An act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes,' shall not be interpreted to include any dispute arising out of or in furtherance of any contract, combination, or conspiracy under the antitrust laws described in paragraph (1) or (2) of subsection (b) of this section."

Mr. ELLENDER. Mr. President, I send to the desk an amendment to the pending amendment. I have discussed it with the Senator from Minnesota. It broadens the scope of his amendment in protecting an employer who has entered into a collective-bargaining agreement with one labor organization from being forced to deal with another labor organization in order to have its products utilized by the public.

The PRESIDING OFFICER. Does the Senator from Minnesota yield for that purpose?

Mr. BALL. I yield.

The PRESIDING OFFICER. The clerk will state the amendment to the amendment.

The CHIEF CLERK. On page 2, of Mr. BALL's amendment, in line 17, after the word "materials" it is proposed to insert "(a)", change the period to a comma, in line 21, on page 2, and add the words "or (b) to force or to require any employer to recognize, deal with, comply with the demands of, or employ members of one labor organization instead of another labor organization with which such employer has an effective collective-bargaining agreement."

Mr. BALL. Mr. President, the sponsors of the pending amendment have discussed the proposed amendment of the Senator from Louisiana, it fits into our proposal, and we wish to modify the proposed amendment to include his amendment.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. BALL. Mr. President, the amendment just offered by me deals with a practice of unions which is rapidly becoming one of the most serious problems in this whole field, namely, the use of the secondary boycott as a weapon of labor organizations to enforce in a given geographical area a complete monopoly on the types and kinds of materials which the consuming public may use.

We had much testimony on this point in the committee hearings. One of the very worst instances brought out, one which went to the Supreme Court, was the case of the International Brotherhood of Electrical Workers, Local No. 3, which is the New York City local. That local has contracts with both manufacturers of electrical equipment and with contractors who install such equipment. Originally, through a conspiracy with the employers in the manufacturing end of the business, the union, by placing on its unfair list any equipment not manufactured by concerns having contracts with that particular local, enforced a monopoly in the New York area so that anyone, including the Government, proposing to construct a building in the New York area, had to buy all the electrical

equipment from the few small manufacturers in the New York City area. The construction unions, with which this Local No. 3 had a closed-shop contract, refused to handle equipment made by any outside manufacturers. I might add that the major manufacturers of electrical equipment, such as General Electric and Westinghouse, do not have factories in that area, so their products were barred from the New York City area.

An antitrust suit was filed, and the case was taken to the Supreme Court of the United States, which dissolved the injunction insofar as it affected the employers. The Court said that under the antitrust laws as amended by the Clayton Act, and their interpretation of the Norris-LaGuardia Act, the labor unions could not enter into a conspiracy with the employers to create this monopoly, which incidentally, the testimony taken showed, had approximately doubled the cost of electrical equipment in the New York City area. The Court specifically held, however, that the union was free to enforce that monopoly all by itself, and the union is continuing to enforce the monopoly, and today no outside manufacturer can sell electrical equipment in the New York City area with any hope that it can be installed.

The result on a Federal housing project, for instance, as I recall the testimony, was that Westinghouse, General Electric, or some other of the major firms, offered equipment at about $50,000. The union refused to work on the project, and the housing authority building this war housing had to pay approximately double that amount to one of these New York City manufacturers which had a contract with Local No. 3 of the IBEW. Mind you, Mr. President, that local was not only boycotting the products manufactured by a concern which had a contract with the CIO local, which had no collective bargaining contracts at all, but it was barring products manufactured by concerns which had collective bargaining contracts with other locals of the same international union. Of course, that monopoly has been very greatly to the benefit of the members of that particular local. But all the other electrical workers in the country, and particularly the consumers in the city of New York, have paid through the nose for that monopoly.

We had another instance of a manufacturer of neon signs in Lima, Ohio, whose union, certified by the National Labor Relations Board, was a CIO union. He signed a closed-shop contract with them. He has found that he cannot sell his neon signs anywhere in the country because the construction end of the industry, that is the installation of these signs, is controlled by firms which have closed-shop contracts with the A. F. of L. Electrical Workers' Union, and that union boycotts any products made by a rival union. So, this manufacturer is now in process of shutting down his plant because this secondary boycott has completely closed the markets to him.

In the construction industry, where this particular weapon is most widely used, we have affidavits that the plumbers' union, A. F. of L. is now boycotting seamless pipe and other plumbing fixtures which are made by any other than an A. F. of L. union. Since most of the manufacturing end of the plumbing business is organized by CIO, that particular situation, if it is not corrected very soon, is likely to lead to one of the very worst bottlenecks in the whole housing shortage situation, because the construction industry cannot relieve the housing shortage if it is continually to be caught and shut down by these boycotts of one union against a rival union or against unorganized workers.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. BALL. I yield for a question.

Mr. REVERCOMB. I am very much interested in the very clear and able presentation of the Senator's view. But as a practical matter, under what procedure will such situations be met and dealt with and cured?

Mr. BALL. I am about to proceed to discuss that point.

Mr. President, our amendment would place these monopoly practices of unions under exactly the same terms of the antitrust laws as apply to corporations or individuals in business who attempt monopoly practices. The present situation results from various Supreme Court interpretations of the antitrust laws as they consider them to be modified by the Clayton Act, and later on by the Norris-LaGuardia Act.

In *United States* v. *Hutcheson* (312 U. S. 219) the Supreme Court held that a secondary boycott could not be reached under the antitrust laws because the declaration of policy in the Norris-LaGuardia Act gave employees full freedom to engage in concerted activities for their mutual aid and protection. Therefore, even though a secondary boycott was clearly illegal under the Clayton antitrust law, it was free from criminal prosecution or injunction because of the declaration of policy in the Norris-LaGuardia Act.

In the majority opinion, written by Mr. Justice Frankfurter in that case he specifically stated—and this is contained in the minority views:

> So long as a union acts in its self-interest, * * * the licit and the illicit under section 20 are not to be distinguished by any judgment regarding the wisdom or unwisdom, the rightness or wrongness, the selfishness or unselfishness of the end of which the particular union activities are the means.

In other words, under that decision, Mr. President, the unions are completely beyond the reach of the law so far as any Federal law is concerned. So long as the unions can show that somehow their members will benefit, whether their practices are in restraint of trade, elimination of competition, creation of monopoly or any other practice that for anyone else is illegal and unlawful—so long as they can show that their particular members will benefit by their otherwise illegal acts, they are exempt from any kind of prosecution or court action, under the Supreme Court's interpretation.

Now we attempt to get at that situation by amending the Clayton Act, sections 6 and 20, and if Senators want to study those particular sections, they are set forth, I may say, on page 15 of the minority views on this bill which are on Senators' desks.

Section 6 of the Clayton Act is that one which provides:

> That the labor of a human being is not a commodity or article of commerce. Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of—

Unions. Before the passage of that act the Sherman Act had been invoked a number of times against unions. And section 20 spells out in more detail the fact that no injunction shall issue and no court degree shall apply to any legitimate activities of either a labor organization, a horticultural or agricultural organization.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. BALL. I yield.

Mr. BRIDGES. Will the Senator explain his definition of a primary boycott as differentiated from a secondary boycott?

Mr. BALL. Mr. President, I was coming to that. Every strike is a primary boycott. If a union puts a particular firm on the unfair list and urges its members not to patronize it, that is a primary boycott against the first firm. In a secondary boycott, the employees of one employer refuse to handle or install or use certain products because they are trying to force the manufacturer of those products, who is another employer, to do certain things. In other words, the purpose is to bar from commerce particular items and materials manufactured by another employer than the one against whom the secondary boycott is directed. That is as near as I can define it. We try to get at it in the language in paragraph (1) on page 2 of the amendment. We amend section 6 of the Clayton Act by adding certain paragraphs.

> It shall not be within the legitimate objects of such organizations or of the officers, representatives, or members thereof to make any contract, or to engage in any combination or conspiracy, in restraint of commerce if one of the purposes of such contract, combination, or conspiracy is—
>
> (1) by strikes, or threats to strike—

We had to include the word "strikes" because obviously if the construction union says, "We will put on our unfair list this product made by General Electric or Westinghouse; we will not use it," and the employer says, "Well, I will go along," and he merely stacks it up in the corner, that is a concerted refusal to use. But if the employer says, "You use these, or else you are through working for me," and the workers strike, that is just as effective as a concerted refusal to handle, and there must be included in this picture the use of the strike weapon where it is used to enforce a secondary boycott. The paragraph reads:

> (1) By strikes, or threats to strike, or violence, or threats of violence, or by concerted refusal to use, handle, transport, or otherwise deal with specified articles or materials, to force or require any employer, or any other individual, corporation, or partnership to cease using, selling, handling, transporting, or otherwise dealing in the products of any other producer, processor, or manufacturer.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. BALL. I yield.

Mr. REVERCOMB. As a practical matter in a court proceeding for injunction against whom would the action be directed? Would it be brought against the union or against individuals? Where would the injunction process lie?

Mr. BALL. The injunction would lie against the union, as I construe the Sherman antitrust act. There are three remedies under the Sherman antitrust law. One is an injunction proceeding instituted by the United States District Attorney on recommendation of the Attorney General. The second is a criminal proceeding instituted by the district attorney on recommendation of the Attorney General. The third is a suit for treble damages by anyone damaged by the violation of the antitrust law and antimonopoly law.

Mr. REVERCOMB. Will the Senator again yield?

Mr. BALL. I yield for a question.

Mr. REVERCOMB. The proceeding under a criminal statute would be against certain individuals, I take it?

Mr. BALL. The criminal statute, I think, would lie against anyone who directly engaged in the conspiracy; yes.

Mr. President, the amendment of the Senator from Louisiana [Mr. ELLENDER], which we accepted, adds to the secondary boycott designed to create a monopoly which we would outlaw under this statute, also a secondary boycott which is designed to force or require an employer to recognize or deal with one labor organization when the employer has an effective collective-bargaining agreement with another labor organization. In other words, it reaches the jurisdictional strike or boycott, which attempts to force an employer, in effect, to violate the National Labor Relations Act by dealing with a union other than the one which really represents a majority of his employees.

Mr. President, we have worked over this amendment for many days. It is carefully worded. I think it reaches exactly what we are trying to reach, and no more; and I hope the Senate will adopt it, as I think it strikes at one of the most serious problems and worst abuses existing in the whole picture today.

Mr. PEPPER. Mr. President, the proposal of the able Senator from Minnesota would apply the antitrust laws to secondary boycotts by labor unions. It is fortunate that we have the experience of a prior era guide us as to the wisdom of taking such a step. In 1890, secondary boycotts became subject to the severe penalties of the antitrust laws, and from 1914 until 1932 they were restrainable at the behest of private parties. The history of the application of the antitrust laws to secondary boycotts during those periods should provide a solemn warning to those of us who wish to restrain unduly the activities of American labor organizations. It may be that certain labor unions have indulged in some colorable or even unsocial activities in their struggle for existence and recognition. Certainly I do not condone organized jurisdictional boycotts which involve innocent third parties in ruin. The boycott, however, is the practice of the right of every free individual to refuse to work or to buy what he does not desire.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. LUCAS. The Senator does not condone that kind of a boycott. What does the Senator suggest ought to be done under those circumstances?

Mr. PEPPER. There is published in the city of the able Senator from Illinois a newspaper which I many times have thought a public nuisance and a public menace; yet because I think that way about the Chicago Tribune I am not willing to destroy the freedom of the press. I do not know what the answer is, or how to curb people who abuse the power of freedom of the press; but I have said on this floor—and every Senator, of course, would agree with me—that I would rather have freedom of the press and have it abused than not have it. That is essentially the principle which is involved in all this legislation which we are considering at the present time. I would preserve the right to strike, even if it is abused, than to try by coercion to prevent it. I would rather permit abuses of the power of free speech than to deprive free citizens of the power to enjoy it and to abuse it. That, Mr. President, is essentially the price we must pay for the beneficence of democracy. Somehow or other I cannot escape the feeling that Senators sometimes think that they can enjoy, without paying a price for them, the immeasurable privileges of democratic rights. We cannot, Mr. President. So I say to the able Senator that I do not know the answer to many abuses which exist in our economic, social, and political life.

But these are not the only abuses; and because we do not have any perfect remedy to suggest, that does not mean that we are ready to apply a rule which would be worse than the situation we try to remedy.

Mr. President, in all the history of this privilege that labor has exercised, instances of the abuse of it are very limited in number. The man who has a neon sign business in Lima, Ohio, came to see me, and he spoke about how his business was threatened because he deals with a CIO union, and members of the A. F. of L. union seem to be the ones who erect the signs. If I knew of any way to draft an amendment, or if some other Senator had found a way to correct that situation without depriving other citizens of the right to buy what they want to buy, and to work with those with whom they wish to work, and for those for whom they wish to work, I would vote for it. But I have not seen such an amendment; and, with all deference, I do not believe that the able Senator from Minnesota has offered the Senate such an amendment in the one now being considered.

The boycott is the practice of the right of every free individual to refuse to work or to buy what he does not desire. This is a part of our great tradition of liberty and has repeatedly been protected from encroachments by the highest tribunal in the land.

Although some types of organized boycotts are distasteful to us, the proposed restraint on the use of the boycott is even more distasteful because it would open the way to a denial of the constitutional rights of American workers through the coercion of the injunction. The old horse who was led down to the water but could not be made to drink was the exception. Men who are coerced by omnibus injunctions can probably be made to give in and drink but only at the cost of their freedom from oppression and involuntary servitude.

It might be well at this time to take a look at the proposal we are now considering. In brief—leaving out the Ellender amendment—it would declare that, a combination of employees to force an employer by strike, threat of strike, or boycott to cease handling or dealing in the product of another employer is not within the legitimate purposes of labor unions. A further provision would make it unlawful on the part of a labor union to combine with a nonlabor group to restrain trade through agreements on certain matters such as prices, and so forth.

As a means to prevent secondary boycotts, the Senator would rewrite the definition of labor dispute under the Norris-LaGuardia Act to exclude disputes arising out of the prohibited acts, and make these combinations subject without restriction to injunctions and all the other heavy penalties of the antitrust laws. I shall not linger upon the abuses against which the Norris-LaGuardia Act was aimed, and the long list of grievances which brought it about.

What does this proposal mean? It means that with a few brief words the Senator would destroy the results of a generation of progress in labor relations, made the hard way, at the cost of many mistakes and much suffering. The history of Federal statutory control over combinations in restraint of trade began in 1890. In that year the Congress passed the Sherman Anti-Trust Act, having as its primary purpose the protection of consumers from monopolistic practices of business combinations. Although there will always be some doubt about whether Congress intended to have the Sherman Act apply to labor unions, that problem is no longer important today. Our judiciary settled the question for all practical purposes. It also exposed the inappropriateness of its decision. The story of the cases during those early years shows quite plainly the folly and injustice of applying laws designed to combat the evils of massed capital to organizations formed by workers who have the strength of their muscles as their only offering and their combined power to withhold their labor as their only protection. Workers join together into labor unions because it is the only way they have to protect the small amount of money and security they possess. Capital, already strong, combines to form monopolies for the purpose of accumulating further capital and more power.

We are all, I am sure, familiar with the famous Danbury Hatters case wherein

a judgment for triple damages was enforced individually against each and every member of the union. Although the dispute ruined the company its effect on the workers was appalling. This case was the most extreme case of its kind but it is also an example of what could happen again if this proposal were to go through.

Although labor has come a long way since the early days, labor unions must still depend on service to their members to retain their support, and on contributions out of their members' wages for their financial resources. Even a full union treasury is the product of long and laborious saving of small amounts of money at a time. It is rapidly emptied when expenses of law suits have to be paid.

As an example of what I have in mind I should like to tell of an incident related to our committee by a witness for labor. During the dispute in Republic Steel in the middle thirties, the corporation brought suit against the union. The union eventually won the case in the Supreme Court. The cost to the union, however, amounted to $200,000 in counsel fees. The corporation was easily able to pay the cost of the suit, but to the union it was a serious drain from which it took some time to recover. In view of this inequality of financial position between unions and corporations Congress would be striking a blow at the Achilles heel of labor unions if it brought back the possibility of suits for triple damages.

Labor unionism is no longer a gaunt, dangerous specter to be kept locked up in a back closet and allowed to live only because it has some ties to the community. In the language of section 1 of the National Labor Relations Act, it is now—

> The policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce and to mitigate and eliminate these obstructions when they have occurred by encouraging the practice and procedure of collective bargaining and by protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.

The proposal of the Senator from Minnesota would reverse this policy of the United States by creating, instead of removing, obstructions to the free flow of commerce. It would create labor unrest by depriving labor unions of their right to act in their own defense. It would strike at the exercise by workers of the full freedom of association by making it dangerous for them to join together lest they be financially wiped out, both jointly and individually, by damage suits.

Mr. LANGER. Mr. President, will the Senator yield for a question?

Mr. PEPPER. I yield for a question.

Mr. LANGER. Referring to page 3 of the amendment, where agricultural and horticultural organizations are mentioned, and also referring to lines 14, 15, 16, and 17, on page 2, I am rather puzzled. Suppose a group of farmers who were raising apples or wheat or cotton decided that the price was too low, and suppose a farmer went to a meeting and said, "I am not going to keep on raising wheat for 20 cents a bushel." I should like to have the Senator's opinion as to whether by threatening to strike he would be guilty of a crime.

Mr. PEPPER. I cannot be quite sure about the case cited by the able Senator from North Dakota; but I may say that if a citizen living in New York joined with a group of consumers of wheat, and said, "We do not like it because the farmers of North Dakota are limiting their acreage in order to force up the price," I do not see why he would not run the risk of violating the provisions of this amendment. Or if in another case a group of people got together and said, "We will not buy the output of your farm or your factory because of some policy or practice of yours that we do not like," it would seem to me that they would be subject to the kind of injunction provided for in the amendment, and would be subject to a penalty.

Mr. LANGER. I call the attention of the distinguished Senator to line 14, which says "or threats to strike." Suppose a group of farmers held a meeting on a local lot and talked over the situation, and said, "We cannot produce wheat at the price the Government is offering, and we do not propose to raise it. We will let our land lie fallow." Do I correctly understand that under this proposal they could be prosecuted?

Mr. PEPPER. They could certainly be subjected to suit. Whether the suit would be a success is another matter. Certainly, Mr. President, when we give to a large corporation or to strong private financial groups the power to commence suits, we give them the power to ruin a poor defendant.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. FERGUSON. Has it been the experience of the able Senator from Florida that the right to sue has been abused? Has that been his experience?

Mr. PEPPER. I will say that the right to sue has been abused, although not in every case, of course, or in a majority of cases. But I know, and I believe experience will confirm it to the satisfaction of anyone, that in the patent field the very threat of an infringement suit against a poor inventor by a large corporation will sometimes persuade him to sell his invention because he cannot last out a long patent infringement suit against a great corporation.

Mr. FERGUSON. Will the Senator further yield?

Mr. PEPPER. I yield.

Mr. FERGUSON. Does the Senator know whether Congress has ever taken away the right to sue, merely because there is one case of the sort the Senator from Florida has mentioned?

Mr. PEPPER. No; Congress has not taken it away. But I think the present instances are not analogous to this situation. We are here trying to redefine labor suits so as to take them, in the cases mentioned here, out of the protection of the Norris-LaGuardia Act and for the first time in recent history to subject labor organizations to the menace and expense and threat of such suits. I think that carries with it the possibility of such grievous abuse and it seems to me that the necessity is so relatively unimportant, as compared to the abuse which might be committed, that I believe in the balance of interest the amendment should not be adopted.

Mr. FERGUSON and Mr. BALL addressed the Chair.

The ACTING PRESIDENT pro tempore. Does the Senator from Florida yield, and if so, to whom?

Mr. PEPPER. I continue to yield to the Senator from Michigan, to permit him to conclude.

Mr. FERGUSON. The Senator has stated that in the neon sign case he believes there should be a remedy. That being true, inasmuch as the secondary boycott exists in other cases in addition to the neon sign case, what would the Senator from Florida recommend, if Congress does not pass a law to prevent secondary boycotts? Suppose the same situation existed today in the building field. Today most of the builders—the laborers, the carpenters, and so forth, who are engaging in construction work—are members of the A. F. of L. The suppliers of the great amount of that material are members of the CIO. If something is not done, and if in the building-trades field the same thing happens that has happened in the electrical business, how will this country function in connection with the attempt to build houses for the veterans?

Mr. PEPPER. Mr. President, there are many other ways by which the same thing could occur. It is theoretically possible that the building-material men might do the same thing. They might not wish to sell in certain ways to certain people for certain prices, and thereby they would stymie the veterans' building program. But the Congress is not making those possibilities unlawful and illegal.

Mr. FERGUSON. Under the Clayton Antitrust Act——

Mr. PEPPER. Oh, no, Mr. President; a man can refuse to sell any commodity that he owns; he can refuse to sell it to anyone to whom he does not choose to sell it.

The antitrust laws only prevent certain combinations in restraint of trade. But that does not mean that the Ford Motor Co. cannot refuse to sell its cars to a man to whom it does not choose to sell them, and it does not mean that merchants who are selling suits cannot refuse to sell them to people to whom they do not wish to sell them, and so forth.

How is the Senator going to distinguish between a group of people who get together and conscientiously think it is in their interest not to deal with certain other people, and cases in which a group of people get together and, for some selfish or malicious or destructive purpose, will not deal with a certain group of people?

Mr. BALL. Mr. President, I should like to ask the Senator a question, in view of his reference to this terrible use of the injunction against labor unions. In the case of a monopoly such as the one which has been created in New York, and which has spread all over the coun-

try—a monopoly by the A. F. of L. Construction and Building Trades Union, who are beginning to use this secondary boycott technique to create monopolies—does not the Senator think that Congress must devise some effective way to stop those monopolies, if we are to retain the free flow of commerce which has made this country great and strong?

Mr. PEPPER. Mr. President, when the Senator from Minnesota has devised a scheme that will stop other effective monopolies which for a century have been spreading all over the United States from New York, I shall be willing to vote for this proposal.

Mr. BALL. Mr. President, if the Senator has any amendment to the antitrust laws that will make them strong, or if he will propose added appropriations, if they need more appropriations, let me say that the Senator from Minnesota will support such a movement 100 percent, because I think monopoly is the most dangerous trend in our economy, and it has been tremendously reinforced during the recent war.

I am entirely in favor of doing that. But, unfortunately, the Department of Justice has been settling all such antitrust suits by consent decrees, instead of really breaking up the monopolies.

Mr. PEPPER. Yes; and if the Senator would examine every one of the cases which the Department of Justice has settled, he would see that a plausible case was made as to why the case should be settled. I do not charge, and I am sure the Senator from Minnesota does not charge, any corruption on the part of the Government's representatives; but that situation emphasizes what I am trying to point out, namely, that it has been so difficult to write a law which would draw such a fine line of distinction as to enable the Government to destroy a wrongful monopoly and to preserve a rightful business combination, that we never have been able effectively to enforce the antitrust laws against big business.

Therefore, I say it is not fair to adopt the amendment. I say that the number of abuses on the part of labor organizations and labor unions and organizations of workers are not sufficiently appreciable in volume and in significance to justify the harm which will be done to organized workers by the adoption of this amendment.

Mr. BALL. Mr. President, if it is the Senator's contention that the antitrust laws are ineffective against business monopolies and cartels and trusts, then this amendment certainly will not hurt unions, because it applies to unions exactly the same standards as the ones which are applied to industry.

Mr. PEPPER. Yes; but I am not at all sure that there will always be the charitable application of it to labor unions that there has been to big business.

Mr. McMAHON. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. McMAHON. Bearing out what the Senator has said about the impossibility of trying these cases by the Department of Justice, from my experience I say it would take a $50,000,000 appropriation to try the consent cases, instead of getting consent decrees.

Mr. PEPPER. I am glad to have the Senator confirm what I tried to suggest.

Mr. McMAHON. If this amendment were restricted solely to unions engaging in secondary boycotts or similar processes, would the Senator be in favor of the amendment?

Before the Senator answers that question, let me state that in my home town there is a concern which manufactures electrical appliances. That concern is CIO. When it attempted to ship its products into New York, it found that the members of another union refused to install the fixtures. What provision of the amendment would apply to a wider operation than simply one of union against union?

Mr. PEPPER. I think it covers other things besides merely union against union.

Mr. McMAHON. Let me ask the Senator another question. I know he does not think well of that kind of procedure.

Mr. PEPPER. I certainly do not condone the practice mentioned; of course not.

Mr. McMAHON. And it certainly would result in a very great break in our industrial progress, it seems to me. It is a very deplorable situation. It is the law of the claw and the hammer and the tooth. What in this amendment, in the opinion of the Senator, goes further than to stop that practice, and that practice alone?

Mr. PEPPER. Mr. President, in the first place I believe there is language in the amendment which may be interpreted as being broader than union against union. In the second place, one of the principal objections to the amendment lies in the fact that for the first time it would put labor unions, although possibly to only a small degree, within the coverage of the Sherman Antitrust Act. The amendment would be the same as the camel who puts his head under the enforcement tent, so to speak, and would be the beginning of what some of us feel would result in a virtual hamstringing and restricting of the freedom which labor unions deserve to have. At the present time the antitrust law, as declared by the Supreme Court, does not apply to labor unions and their activities. Therefore, an injunction would not lie against them.

Mr. McMAHON. Mr. President, I understood that under this amendment unions would be prevented from exercising a secondary boycott against the products produced by members of another union. I agree with the philosophy of the Senator to the extent that we should not make the law fully applicable to labor unions, and I would oppose it on that ground as vigorously as would the Senator. But we are dealing with an existing evil. What I am trying to find out is, What does the proposal do to labor except to prevent one union from boycotting the products which are produced or manufactured by the members of another labor union?

Mr. President, allow me to read from page 2 of the amendment, beginning in line 9. The language to which I refer reads as follows:

> It shall not be within the legitimate objects of such organizations or of the officers, representatives, or members thereof to make any contract, or to engage in any combination or conspiracy, in restraint of commerce if one of the purposes of such contract, combination, or conspiracy is—
>
> (1) by strikes, or threats to strike, or violence, or threats of violence, or by concerted refusal to use, handle, transport, or otherwise deal with specified articles or materials, to force or require any employer, or any other individual, corporation, or partnership to cease using, selling, handling, transporting, or otherwise dealing in the products of any other producer, processor, or manufacturer.

Mr. President, that language could just as well be directed at an employer as it could be directed at a union. In other words, let us cite an example. Let us consider the city of Seattle, Wash., where the teamsters' union is strong under the very able leadership of Dave Beck. Let us assume that an effort is being made to unionize a certain factory in that city. Let us assume further that there is a valid but bitter labor fight being waged against the manager of that factory, and that he is viciously and stubbornly antilabor in his sentiments, and, moreover, has stated that he will not deal with labor, and will wage a nasty fight against labor organizing the plant. Let us assume further that the teamsters' union says, "We believe in organized labor. We believe that management has been unfair in denying the workers in this plant the right to organize, and we will not haul its products."

Mr. TAFT. Mr. President, will the Senator yield?

Mr. PEPPER. Yes.

Mr. TAFT. What is the National Labor Relations Board for? The way to deal with a situation of that kind is to let the National Labor Relations Board deal directly with the manager of the plant. If the teamsters are to be permitted to do anything like what the Senator has described, they can also hold up the manager because he has in his plant a CIO union, or a company union, or because they do not like the manager for some other reason. Therefore, the industry is at the power of the union and it may be ruined, just as a small dairy in Connecticut was ruined.

Mr. PEPPER. For that matter, the unions can also oppose us Senators. They can put up money against us, and speak against us, and have advertisements against us printed in the newspapers, because we are Republicans or because we are Democrats, or because we have black eyes or blue eyes, or because we are bachelors or are married. Today I may go to the assistance of any person whom I wish to help who is engaged in a fight.

Whether I wish to help him or not is a matter of my own business. Is there any law that would prevent me from going to the side of the Senator from Connecticut, for example, if I wished to help him in a battle in which he was engaged? No. Yet, because the teamsters wish to help other workingmen in a battle in which they are engaged with an employer who deals with them unfairly, we say

that it is illegal. We tell them, "We will put you in the penitentiary. We will subject you to an injunction suit and contempt of court. We will not allow you to help your fellow workers." I agree that there are many cases of abuse of the secondary boycott. However, there are many instances of the abuse of other rights, but we should not destroy a right in order to get rid of a wrong.

Mr. McMAHON. Mr. President, has the Senator thought of any language which might be suggested which would limit the application of the amendment strictly to the boycott of one union against another?

Mr. PEPPER. The Senator from Florida has no such amendment to propose. As I have said, there have been abuses. I admit that there have been abuses, and wish that they had never taken place. However, I do not know how to write a law which will separate the chaff of abuse from the wheat of right. We do not destroy wheat because it happens to contain a little chaff.

Mr. MORSE. Mr. President, will the Senator yield for a question?

Mr. PEPPER. I yield.

Mr. MORSE. I do not know whether I should propound the question to the Senator from Florida, to the Senator from Minnesota, or to the Senator from Ohio? If either the Senator from Minnesota or the Senator from Ohio wish to join in the answer to the question, I shall appreciate it very much.

In prefacing my question——

The PRESIDING OFFICER (Mr. TYDINGS in the chair). The Chair announces that under the rule the time of the Senator from Florida has expired.

Mr. PEPPER. Mr. President, I will take my time on the bill.

The PRESIDING OFFICER. The Senator from Florida is recognized for 30 minutes on the bill.

Mr. PEPPER. I believe that I would rather not take all of my time on the bill at this point in the debate. I have been rather generous in yielding because we were conducting an interesting discussion on this subject.

Mr. McMAHON. Mr. President, in view of the importance of the debate, I ask unanimous consent that the Senator from Florida be allowed to proceed for 5 minutes in discussing this amendment.

Mr. TAFT. Mr. President, I object. That would be setting a precedent which should not be set.

Mr. PEPPER. Mr. President, if my time has expired, very well. I fell into the error of overgenerosity in yielding to my colleagues, but I hope that it contributed to the discussion.

The PRESIDING OFFICER. The Senator has 30 minutes on the bill.

Mr. PEPPER. I will take a portion of that time. Are books being kept on the time which a Senator consumes? [Laughter.]

The PRESIDING OFFICER. The Chair is advised that the Senator has a right to make only one speech on the bill, whether he consumes 30 minutes or less.

Mr. PEPPER. Cloture is not now in effect. I believe we are operating under the unanimous-consent agreement, so I have 30 minutes in which to speak on any amendment and, of course, 30 minutes on the bill.

Mr. President, if I have fallen into the error of giving up a few minutes of my time in allowing the discussion to take place which has already ensued, I might be found guilty of the same vice in connection with any further discussion, and therefore I shall not speak further at this time.

Mr. PEPPER subsequently said: Mr. President, due to the limitation of time and my frequent yielding, I did not finish, during my discussion of the previous amendment, a prepared statement. I now ask unanimous consent that it may appear in the body of the RECORD as a part of my statement.

The PRESIDING OFFICER. Without objection, the unanimous consent request is granted.

The remainder of Mr. PEPPER's statement is as follows:

The gentlemen of the Senate have probably had their attention focused on jurisdictional boycotts where employees refuse to handle goods which have been worked on by members of a rival union. It is well not to forget that the labor boycott began as an effort by labor unions to protect hard-won union-wage standards and working conditions from the depressing influence of the sweat-shop conditions in many nonunion businesses. Many boycotts even today are purely defensive and are carried on for this purpose. As such they have a beneficial influence on society because they support better wages, and better working and living conditions for everyone. In its attempts to attack certain activities practiced by unions in some severe jurisdictional contests, the Congress should not outlaw the use of defensive measures which are morally just, socially beneficial, and legally right. In the words of Justice Brandeis:

"When centralization in the control of business brought its corresponding centralization in the organization of workingmen, new facts had to be appraised. A single employer might, as in this case, threaten the standing of the whole organization and the standards of all its members; and when he did so the union, in order to protect itself, would naturally refuse to work on his materials wherever found. When such a situation was first presented to the courts, judges concluded that the intervention of the purchaser of the materials established an insulation through which the direct relationship of the employer and the workingmen did not penetrate; and the strike against the material was considered a strike against the purchaser by unaffected third parties. * * * But other courts, with better appreciation of the facts of industry, recognized the unity of interest throughout the union and that, in refusing to work on materials which threatened it, the union was only refusing to aid in destroying itself." (*Duplex Printing Press Co.* v. *Deering*, 254 U. S. 443, ct. 482 (1920).)

The other half of Mr. BALL's proposal would forbid combinations of labor unions with employer groups to fix prices, allocate customers, and restrict markets. I do not need to say any more about this provision than that it is unnecessary, as the Supreme Court has already decided that combinations of this kind, when they restrain or impede interstate commerce, are in violation of the antitrust laws.

The proposal of the Senator from Minnesota would in addition to providing treble damage suits, restore the use of the labor injunction. Under the Norris-LaGuardia Act injunctions are still permissible, subject to carefully drawn restrictions to prevent irreparable injury brought about by illegal means or for unlawful ends. The chief purposes of the act were to prevent the improvident use of ex parte injunctions, and to protect certain types of union activity from judicial restraint under all circumstances. To restore the untrammeled use of the injunction in labor disputes will be repetition of one of the most disgraceful periods in the history of our country. The injunction can be beneficial as the means of preventing persons from committing unlawful acts but, as a device for forcing people to work, it is an insidious device to deny to free Americans their constitutional rights against involuntary servitude. There are cases in the Federal courts of temporary orders being issued restraining persons from feeding strikes or giving them any encouragement verbal or otherwise, restraining strikers from conducting church services, restraining strikes—

"From disbursing any funds for any further appeal bonds, attorney services, court costs, or otherwise for the purpose of enabling, aiding, encouraging or procuring any person to occupy against the plaintiff's will any such mining houses of plaintiff; from signing any further appeal bond or depositing, providing, or furnishing security for such appeal bond to prolong or aid in litigation respecting the possession of said houses." (Frankfurter and Geeene, The Labor Injunction, p. 101, from case in footnote.)

I do not believe that Senators want to make themselves parties to any action which would again commit the United States Government to a course of denying American citizens their rights as freemen.

I hope that the members will see that this move to apply the antitrust laws to labor unions is not an attempt to control the excesses of labor but is rather an effort to strike at all labor unions under the guise of legislation outwardly aimed at the abuses practiced by a small minority.

I urge the Senate to reject this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Minnesota [Mr. BALL] for himself, the Senator from Ohio [Mr. TAFT], and the Senator from New Jersey [Mr. SMITH].

Mr. TAFT. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BARKLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hart	O'Daniel
Andrews	Hatch	O'Mahoney
Austin	Hawkes	Overton
Ball	Hayden	Pepper
Barkley	Hickenlooper	Reed
Brewster	Hill	Revercomb
Bridges	Hoey	Robertson
Briggs	Huffman	Russell
Buck	Johnston, S. C.	Saltonstall
Bushfield	Kilgore	Smith
Byrd	Knowland	Stanfill
Capehart	La Follette	Stewart
Capper	Lucas	Taft
Connally	McCarran	Taylor
Cordon	McClellan	Thomas, Utah
Donnell	McFarland	Tobey
Downey	McMahon	Tydings
Eastland	Magnuson	Vandenberg
Ellender	Mead	Walsh
Ferguson	Millikin	Wherry
Fulbright	Mitchell	White
George	Moore	Wiley
Gerry	Morse	Wilson
Green	Murdock	Young
Guffey	Murray	
Gurney	Myers	

The PRESIDING OFFICER. Seventy-six Senators having answered to their names, a quorum is present.

The question is on agreeing to the amendment of the Senator from Minnesota [Mr. BALL], and other Senators, as modified. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MEAD (when Mr. WAGNER's name was called). My colleague, the senior Senator from New York, is unavoidably absent. If he were present and voting he would vote "nay."

The roll call was concluded.

Mr. REED (after having voted in the affirmative). I have a general pair with the senior Senator from New York [Mr. WAGNER]. I thought he was present. He was in the Chamber very recently. However, on this vote I transfer my pair to the Senator from Nebraska [Mr. BUTLER], and let my vote stand.

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Virginia [Mr. GLASS], and the Senator from Tennessee [Mr. MCKELLAR] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senator from Idaho [Mr. GOSSETT] are absent by leave of the Senate.

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate because of illness in his family.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from Maryland [Mr. RADCLIFFE], and the Senator from Delaware [Mr. TUNNELL] are detained on public business.

The Senator from Montana [Mr. WHEELER] is unavoidably absent.

The Senator from Colorado [Mr. JOHNSON] and the Senator from Oklahoma [Mr. THOMAS] are necessarily absent.

I also announce that if present and voting, the Senator from North Carolina [Mr. BAILEY] and the Senator from Alabama [Mr. BANKHEAD] would vote "yea," and the Senator from Colorado [Mr. JOHNSON] and the Senator from Montana [Mr. WHEELER] would vote "nay."

Mr. WHERRY. The Senator from Nebraska [Mr. BUTLER] is absent by leave of the Senate. If present he would vote "yea."

The Senator from Indiana [Mr. WILLIS] is necessarily absent. If present he would vote "yea."

The Senator from Delaware [Mr. BUCK] is unavoidably detained. If present he would vote "yea."

The result was announced—yeas 53, nays 24, as follows:

YEAS—53

Andrews	Gerry	Reed
Austin	Gurney	Revercomb
Ball	Hart	Robertson
Brewster	Hatch	Russell
Bridges	Hawkes	Saltonstall
Brooks	Hayden	Smith
Bushfield	Hickenlooper	Stanfill
Byrd	Hoey	Stewart
Capehart	Huffman	Taft
Capper	Johnston, S. C.	Tobey
Connally	Knowland	Tydings
Cordon	Lucas	Vandenberg
Donnell	McClellan	Wherry
Eastland	Millikin	White
Ellender	Moore	Wiley
Ferguson	O'Daniel	Wilson
Fulbright	O'Mahoney	Young
George	Overton	

NAYS—24

Aiken	La Follette	Morse
Barkley	Langer	Murdock
Briggs	McCarran	Murray
Downey	McFarland	Myers
Green	McMahon	Pepper
Guffey	Magnuson	Taylor
Hill	Mead	Thomas, Utah
Kilgore	Mitchell	Walsh

NOT VOTING—19

Bailey	Glass	Thomas, Okla.
Bankhead	Gossett	Tunnell
Bilbo	Johnson, Colo.	Wagner
Buck	McKellar	Wheeler
Butler	Maybank	Willis
Carville	Radcliffe	
Chavez	Shipstead	

So the amendment of Mr. BALL and other Senators was agreed to.

Mr. EASTLAND. Mr. President, on behalf of the Senator from Virginia [Mr. BYRD], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from New Mexico [Mr. HATCH], the Senator from Texas [Mr. O'DANIEL], the Senator from Oklahoma [Mr. MOORE], the Senator from Ohio [Mr. TAFT], and myself, I offer an amendment which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 26, beginning with line 19, it is proposed to strike out down to and including line 8, on page 27, and in lieu thereof to insert the following:

INTERFERENCE WITH TRADE AND COMMERCE

SEC. 6. The act entitled "An act to protect trade and commerce against interference by violence, threats, coercion, or intimidation," approved June 18, 1934 (48 Stat. 979; U. S. C., 1940 ed., title 18, secs. 420a–420e), is amended to read as follows:

"TITLE I

"SEC. 1. As used in this title—

"(a) The term 'commerce' means (1) commerce between any point in a State, Territory, or the District of Columbia and any point outside thereof, or between points within the same State, Territory, or the District of Columbia but through any place outside thereof, and (2) commerce within the District of Columbia or any Territory, and (3) all other commerce over which the United States has jurisdiction; and the term 'Territory' means any Territory or possession of the United States.

"(b) The term 'robbery' means the unlawful taking or obtaining of personal property, from the person or in the presence of another, against his will, by means of actual or threatened force, or violence, or fear of injury, immediate or future, to his person or property, or property in his custody or possession, or the person or property of a relative or member of his family or of anyone in his company at the time of the taking or obtaining.

"(c) The term 'extortion' means the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right.

"SEC. 2. Whoever in any way or degree obstructs, delays, or affects commerce, or the movement of any article or commodity in commerce, by robbery or extortion, shall be guilty of a felony.

"SEC. 3. Whoever conspires with another or with others, or acts in concert with another or with others to do anything in violation of section 2 shall be guilty of a felony.

"SEC. 4. Whoever attempts or participates in an attempt to do anything in violation of section 2 shall be guilty of a felony.

"SEC. 5. Whoever commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of section 2 shall be guilty of a felony.

"SEC. 6. Whoever violates any section of this title shall, upon conviction thereof, be punished by imprisonment for not more than 20 years or by a fine of not more than $10,000, or both.

"TITLE II

"Nothing in this act shall be construed to repeal, modify, or affect either section 6 or section 20 of an act entitled 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,' approved October 15, 1914, or an act entitled 'An act to amend the judicial code and to define and limit the jurisdiction of the courts in equity, and for other purposes,' approved March 23, 1932, or an act entitled 'An act to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes,' approved May 20, 1926, as amended, or an act entitled 'An act to diminish the causes of labor disputes burdening or obstructing interstate or foreign commerce, to create a National Labor Relations Board, and for other purposes,' approved July 5, 1935."

Mr. PEPPER. On that amendment, I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Virginia [Mr. GLASS], and the Senator from Tennessee [Mr. MCKELLAR] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senator from Idaho [Mr. GOSSETT] are absent by leave of the Senate.

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate because of illness in his family.

The Senator from Oklahoma [Mr. THOMAS] is unavoidably detained.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from Maryland [Mr. RADCLIFFE], and the Senator from Delaware [Mr. TUNNELL] are detained on public business.

I also wish to announce that if present and voting, the Senator from Alabama [Mr. BANKHEAD] and the Senator from Maryland [Mr. RADCLIFFE] would vote "yea."

Mr. WHERRY. The Senator from Nebraska [Mr. BUTLER] is absent by leave of the Senate.

The Senator from Indiana [Mr. WILLIS] is necessarily absent.

The Senator from Delaware [Mr. BUCK] is unavoidably detained. If present he would vote "yea."

The result was announced—yeas 59, nays 22, as follows:

YEAS—59

Andrews	Fulbright	McClellan
Austin	George	McMahon
Ball	Gerry	Millikin
Barkley	Gurney	Moore
Brewster	Hart	O'Daniel
Bridges	Hatch	O'Mahoney
Brooks	Hawkes	Overton
Bushfield	Hayden	Reed
Byrd	Hickenlooper	Revercomb
Capehart	Hill	Robertson
Capper	Hoey	Russell
Connally	Huffman	Saltonstall
Cordon	Johnson, Colo.	Smith
Donnell	Johnston, S. C.	Stanfill
Eastland	Knowland	Stewart
Ellender	Langer	Taft
Ferguson	Lucas	Tobey

Tydings	Wherry	Wilson
Vandenberg	White	Young
Walsh	Wiley	

NAYS—22

Aiken	McFarland	Pepper
Briggs	Magnuson	Shipstead
Downey	Mead	Taylor
Green	Mitchell	Thomas, Utah
Guffey	Morse	Wagner
Kilgore	Murdock	Wheeler
La Follette	Murray	
McCarran	Myers	

NOT VOTING—15

Bailey	Carville	Maybank
Bankhead	Chavez	Radcliffe
Bilbo	Glass	Thomas, Okla.
Buck	Gossett	Tunnell
Butler	McKellar	Willis

So the amendment offered by Mr. EASTLAND on behalf of himself and other Senators was agreed to.

The PRESIDING OFFICER. The amendment of the committee is still open to amendment.

Mr. HATCH and Mr. BALL addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. HATCH. Mr. President, I merely rise to ask, What is the pending business?

The PRESIDING OFFICER. The committee amendment is now before the Senate and open to amendment.

Mr. LUCAS. Mr. President——

Mr. HATCH. I yield to the Senator from Illinois. I have been recognized, have I not, Mr. President?

The PRESIDING OFFICER. The Senator is correct.

Mr. HATCH. Does the Senator from Illinois desire that I yield to him?

Mr. LUCAS. I should like to have the floor in my own right.

Mr. HATCH. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. LUCAS. Mr. President, on May 24 the Senator from Illinois submitted an amendment to House bill 4908, to provide additional facilities for the mediation of labor disputes, and for other purposes.

That amendment briefly sets forth that, due to the development of an industrial civilization, citizens of the United States have become so dependent upon the production of goods for commerce, the distribution of goods in commerce, and the continuous operation of the instrumentalities of commerce, that substantial and continued stoppages of such production, distribution, or operation in the case of essential goods or services seriously impair the public health and security.

The second section of the amendment provides as follows:

SEC. —. (a) Whenever the President finds that a stoppage of work arising out of a labor dispute (including the expiration of a collective labor agreement) affecting commerce has resulted in interruptions to the supply of goods or services essential to the public health or security to such an extent as seriously to impair the public interest, he shall issue a proclamation to that effect, calling upon the parties to such dispute to resume work and operations in the public interest.

I shall not go into the amendment in detail, because I intend to withdraw it. However, I wish to say to the Senate that following the introduction in the first section, the amendment provided economic sanctions on both employer and employee. It provided that in the event the President should call the workers back to work after taking over the plant, it would be necessary for the workers to return; otherwise they would lose their rights under the Wagner Act, including seniority rights.

My amendment differs from the bill which was sent here today by the President of the United States, in that I seek to place the men back at work on the same pay basis on which they were working when they went out. If I correctly understand the bill recommended by the President, that is a question for collective bargaining between the Government of the United States and the employees. That is an essential and an important difference.

On the question of sanctions against the owner of the plant, I believe that the bill which has been sent here by the President is practically the same as my amendment. Sanctions would be applied to the owner of the plant, taking into consideration the fact that the plant was not operating because of the strike, as well as other factors, in determining the just compensation to be paid to the owner. In other words, the theory of the amendment is that if we apply such sanctions to employer and employee, there will be an incentive for them to bargain collectively, take the plant away from the Government, and put it back under private management, where it belongs.

There are several other features of the amendment. There is a penalty for the employer or union leaders coercing, intimidating, or conspiring to keep men from going back to work after the Government had requested them to go back. That provision is the same in the President's bill as in my amendment. The other features with respect to criminal penalties are practically the same. The only real difference is the one which I mentioned a moment ago, with respect to the rights of individuals when they go back to work, plus section 7 of the President's bill, which provides that under certain circumstances the President would have the right to draft those men into the Army.

Under those circumstances, and in view of the fact that the President has sent this emergency legislation here, it is the opinion of the Senator from Illinois that this legislation should not be attached to the pending bill. I had expected and hoped to offer it as an amendment to the pending bill, but the President, in no uncertain terms, has asked for immediate emergency legislation, and in my opinion, it would not be fair to him or to the country for me now to offer this amendment to the pending labor legislation. Under those conditions, I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. The Senator is in control of his own amendment. If he desires to withdraw it, the amendment is withdrawn.

Mr. CAPEHART. Mr. President, I somewhat regret that the able Senator from Illinois has withdrawn his amendment. The other night I introduced a bill which was similar in most respects to his amendment, and a couple of days ago I sent to the desk and had printed an amendment which I had intended to offer. In many respects it is similar to the amendment of the Senator from Illinois.

I invite the attention of the Senate to one or two things. One is that the emergency measure which the President has asked us to pass, and which we hope to pass here tonight, will expire on June 30, 1947. It would give the Government the right to seize any profits which might be made from any facility, manufacturing concern, or mine which the President might take over. If it is necessary at the moment to have emergency legislation as drastic as that which the President has asked us to pass—and one of the sections of the President's emergency bill is that he be given the right to draft men into the Army—and that measure is to expire on June 30, 1947, it seems to me that it would be just as wise to include the amendment of the able Senator from Illinois to the pending bill, because on July 1, 1947, there will be no law which will cover such a situation as that in which the country finds itself today. It seems to me that it would be wisdom on the part of the Senate to include this amendment as a part of the Case bill in order to take care, after July 1, 1947, of emergencies such as we face at the moment.

The amendment which the able Senator from Illinois has just withdrawn and the amendment which I hold in my hand, and which I had intended to offer, do not call for drafting men into the service. They do not call for many of the other drastic measures to be found in the President's bill.

I think it is a mistake not to include the amendment in the Case bill. However, since the senior Senator from Illinois, who is the real author of the amendment, has seen fit to withdraw it, I shall not offer my amendment, and I ask that it be withdrawn.

The PRESIDING OFFICER. The question recurs on the committee amendment as amended.

Mr. WILEY. Mr. President, I offer the amendment which I have heretofore submitted as one intended to be proposed by me, and which has been printed and lies on the table.

The PRESIDING OFFICER. The amendment offered by the Senator from Wisconsin will be stated.

The CHIEF CLERK. On page 19, line 14, it is proposed to strike the period at the end thereof, insert a comma, and add the following: "except as specifically provided."

On page 24, line 22, it is proposed to strike the period after the word "act" and insert in lieu thereof the following: "except as otherwise provided by the provisions of this act relative to compulsory arbitration."

At the proper place in the bill it is proposed to insert the following:

SEC. —. (a) When the Federal Mediation Board finds and determines that a labor dispute affecting commerce, which is not settled or adjusted under other provisions of this act, or under the Railway Labor Act, as amended, if subject thereto, (1) involves an industry engaged in the production of goods or services which are essential to the public

health, safety, or security, or to the normal functioning of the national economy, or which are furnished by a public utility whose rates are fixed by governmental agency, State or Federal, and (2) threatens or has resulted in such interruption of the furnishing of such goods and services as will endanger the public health, safety, or security in the Nation as a whole or any part thereof, or as will so substantially interrupt commerce as seriously to disrupt the functioning of the national economy, or in the case of public utilities as will substantially interrupt the furnishing of an essential monopolized service, then the Board shall so notify the President. Upon receipt of such notification, the President is authorized to require submittal of the dispute to arbitration by a board of seven persons (or, if the parties so stipulate, three persons).

(b) Within 20 days after notice from the President to the parties to the dispute or their representatives that the dispute shall be submitted to arbitration, it shall be the duty of the parties and their representatives to enter into an arbitration agreement covering all the questions involved in the unsettled controversy. The parties shall have no power to withdraw questions submitted or to terminate the arbitration except upon written settlement of such questions or of the controversy, respectively, filed with the board of arbitration. Such settlement shall be effective for at least 6 months from the date thereof. In case of failure or refusal of the parties to execute such an arbitration agreement, the Board shall name the arbitrators and shall present to the board of arbitration a submission in behalf of the parties which shall conform as nearly as may be to the requirements for an arbitration agreement. Neither a board of arbitration named pursuant to the arbitration agreement nor a board of arbitration appointed by the Federal Mediation Board shall be limited or restrained in the exercise of its power to make a binding award by the failure or refusal of any party, or of all parties, to participate in the proceedings.

(c) The provisions of section 7 Second through section 9 of the Railway Labor Act, as amended (U. S. C., title 45, secs. 157 Second through sec. 159), shall govern arbitration conducted under this section to the extent that such provisions are not inconsistent with this section. Where used in the aforesaid sections of the Railway Labor Act, for the purposes of this section the term "carrier or carriers" shall mean the employer or employers parties to the dispute and/or their representatives; the term "employees" shall mean the employees parties to the dispute and/or their representatives; the term "board of arbitration" shall mean such boards established under this section; the term "Mediation Board" shall mean the Federal Mediation Board; and the term "chapter" or "act" shall mean this section.

(d) Notwithstanding the provisions of the Railway Labor Act, for the purposes of this section—

(1) a board of arbitration shall have the power to grant or deny in whole or in part the relief sought by any parties on any question submitted;

(2) the provisions of section 7 (f) of the Railway Labor Act, as amended (U. S. C., title 45, sec. 157 (f)), relating to filing the award with the Interstate Commerce Commission and to the effect of such award on the powers and duties of the Commission, for the purposes of this section shall be applicable only to awards in proceedings under this section to which carriers subject to the jurisdiction of the Commission are parties: *Provided, however*, That in all proceedings under this section involving carriers or public utilities whose rates are fixed by governmental agency, a certified copy of the award shall also be furnished to such agency and no such award shall be construed to diminish the powers and duties of such agency: *Provided, further*, That in the case of any award which grants an increase in wages or salaries, a copy of the proposed award, together with copies of the papers and proceedings and a transcript of the evidence taken at the hearings, all certified under the hands of at least a majority of the arbitrators, shall, before the award is filed for judgment thereon, be furnished to the Stabilization Administrator while such office exists and a certified copy of such proposed award shall also be furnished the parties. The Stabilization Administrator, if in his judgment such action is necessary to prevent wage or salary increases inconsistent with the purposes of the Stabilization Act of 1942, as amended, shall have the authority to require by directive that the board of arbitration reduce its award to such maximum increases as in his judgment are consistent with the purposes of said act. Failure on the part of the Stabilization Administrator to exercise such authority within 15 days after the receipt of the award, papers, proceedings, and transcript and to issue such directive to the board of arbitration shall be deemed approval of such increase for all purposes under the stabilization laws and Executive orders and regulations issued thereunder. As soon as practicable after receipt of the directive from the Stabilization Administrator the board of arbitration shall amend its proposed award accordingly and issue the award so amended as a final award and the same procedural and substantive provisions shall apply thereto as to any award under this section, except that no award shall be held not to comply with the stipulations of the agreement to arbitrate or of the submission in behalf of the parties by the Federal Mediation Board because of the time consumed in conforming to this proviso or because the award grants or denies wage or salary increases in conformity with the directive of the Stabilization Administrator;

(3) in the case of an arbitration agreement providing for a board of seven arbitrators the parties shall choose four and the arbitrators or the Federal Mediation Board, as the case may be, shall name three all in the manner provided in section 7 Second (b) of the Railway Labor Act aforesaid.

(e) If an award is set aside in whole or in part and the parties do not agree upon a judgment to dispose of the subject matter of the controversy, the Federal Mediation Board shall reinvestigate the matter. If it makes the findings described in subsection (a) of this section, it shall so notify the President. The President is then authorized to require resubmittal of the matters in dispute to arbitration pursuant to the provisions of this section and further to require that no person who was a member of the previous board of arbitration shall serve on the new board.

(f) The duties of employers and employees and their representatives involved in the dispute, and the penalties for breach thereof, as set forth in section 3 of this act, shall continue from the date of the requirement of submittal to arbitration until the entry of final judgment upon an award, or until termination of the proceeding by written settlement, as the case may be. Any such settlement as well as settlement of particular questions by agreement of the parties at any stage of the proceedings shall be enforceable under the provisions of this act relating to enforcement of collective-bargaining contracts.

(g) Unless in the arbitration agreement the parties stipulate for a longer period, an award shall continue in force for 6 months from the entry of final judgment thereon. During such period it shall be the duty of the employers and employees and their representatives involved in the dispute to adhere to the terms of the award and to refrain from strikes, lock-outs, and concerted slow-downs of production. Section 3, subsections (c), (d), and (e) of this act shall exclusively govern any breach of such duties.

On page 7, after line 19, insert the following new subsection:

"(h) Notwithstanding the provisions of the National Labor Relations Act exempting employers subject to the Railway Labor Act, as amended, and subsections (f) and (g) of this section, any such employer who violates the duties imposed upon him by subsections (f) and (g) of this section shall be subject to the penalties therefor to the same extent and in the same manner hereinbefore provided for employers, and any employee of an employer subject to the Railway Labor Act, as amended, who violates the duties imposed upon him by the subsections aforesaid shall lose his status as an employee of the employer engaged in the particular labor dispute in connection with which such employee's violation occurred for the purposes of the Railway Labor Act, as amended: *Provided*, That such loss of employee status for such employee shall terminate if and when he is reemployed by such employer.

(i) Impeachment of awards under this section, provided for by reference, shall be the exclusive method of judicial review thereof.

Mr. WILEY. Mr. President, last evening the President of the United States expressed in no uncertain terms the idea that the public interest is superior to that of any group or individual; and today, a little after 4 o'clock, I think he expressed quite clearly again the idea that no group or individual can interfere to the detriment of the public interest or the public welfare.

The only criticism I have to make of that statement is that it has been a long time overdue. The vast majority of our people, including labor itself, have long been demanding that there be placed on the statute books a clear, definite, and constructive pro-American labor policy, a policy which will make it clear and certain that the public interest is dominant when it comes in conflict with the interest of any other group.

As I listened to the President today, when he told us that it is our function to enact a constructive pro-American labor policy, I agreed 100 percent.

Mr. President, for 7½ years it has appeared to me that the Congress of the United States has been remiss in not placing on the statute books a compulsory arbitration law or statute which would apply to certain great industries, the stoppage of which would interfere with the economic and political life of this Nation. Over the years I have spoken for the need of enacting a legislative statement of a pro-American labor policy. The people have been calling for it. But there has been no leadership in the Roosevelt administration or in the present administration consonant with that idea, until last evening and today. The result has been, because of the majority control of both Houses of the Congress, that no such policy has been placed on the statute books.

I desire to compliment some of my brethren of the Senate, especially those of the minority of the Committee on Education and Labor who filed the minority views. I think they have not only sensed what the people of the Nation want but they have worked diligently and constructively, so that when they have translated that want into language, it is clear.

Today we have adopted amendments which were not born in haste, but which received the deliberate consideration of these Senators and others, not for a week or a month or a year, but for years. As for myself, the amendments which have been adopted today are in the record years back, showing what I felt was the public directive to the Congress.

Mr. REED. Mr. President, will the Senator yield?

Mr. WILEY. I yield for a question.

Mr. REED. Will the Senator from Wisconsin permit me to join him in his compliment to the minority members of the Committee on Education and Labor, which long has been the graveyard of all legislation intended to curb abuses of organized labor—the Senator from Ohio [Mr. TAFT], the Senator from Minnesota [Mr. BALL], the Senator from New Mexico [Mr. HATCH,] and the Senator from Virginia [Mr. BYRD]——

Mr. MURRAY. Mr. President——

Mr. WILEY. I yield for a question.

Mr. REED. May I join the Senator from Wisconsin in complimenting those Senators——

Mr. MURRAY. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. MURRAY. I think the Senator is out of order in making accusations against the Committee on Education and Labor. The statements he is making are utterly false and untrue, and are a reflection on the chairman of that committee and other majority members of the committee. I want to point out that the committee has not held up a single piece of legislation since I have been chairman of it. It has reported more bills and has conducted more hearings than has any other committee of the United States Senate. I object to any Senator making false and untrue statements of the kind which the Senator has made. One Member of this body resigned from the committee today because of dishonest charges which have been made against the majority members of the committee. I resent the charges, and I believe that the Senator should be declared out of order and required to desist from making further charges of the nature to which I have referred.

The PRESIDING OFFICER. The Chair admonishes Senators to stay within the rules of the Senate.

The Senator from Wisconsin [Mr. WILEY] has the floor.

Mr. MORSE. Mr. President, I think the Senator from Wisconsin was making a speech at the time that he was interrupted by the Senator from Kansas.

Mr. WILEY. Mr. President, I yielded for a question. I was glad to have the Senator from Kansas join with me in complimenting the Senate for the constructive way in which it has attempted to express the intent of the people of the country through proper legislation.

Mr. President, I have spoken for many years of the need of a statement of policy. The people of the country have been calling for one, but there has been no leadership in the administration along that line. It is forthcoming now because of the crisis which confronts the country. If, as a result, Congress now has the "guts"—and I believe it has them—to define in legislation such a policy, the price which we have paid up to the present time may not have been too great. The distinguished Senator who now occupies the chair [Mr. TYDINGS] said today that approximately 75,000 persons in the city of Baltimore had been thrown out of employment because of the railroad strike. If we have now laid down a definite policy, a policy which is not antilabor or anticapital, but pro-American, and which will result in the requirement that organized labor be made amenable to the law, perhaps the price we have paid up to the present time is not too great.

Why, Mr. President, must we always pay a penalty like the one we are now paying? Leadership implies leading, not following. It implies the courage to speak, to define, and to inspire. The leadership which we have had during the past 24 hours should have been made manifest months ago. If it had been, the recent tremendous impediment to the prosperity and health of the Nation would not have blocked its path. The slow-down which took place in production, and our failure to meet the challenge of the dying in Europe, as well as our inadequacy to meet our own needs, could all have been averted.

Mr. President, I hope that labor will think the situation through. When the automobile strike occurred, the coal strike followed, and then the railroad strike. It should not have required a wise man to foresee what we were headed into. Yes, a little foresight would have enabled us to have seen that in the aftermath of war there would come more problems and more tragedies. It should not have taken an extremely wise person to see what we were about to encounter. The gestapo methods resorted to by labor unions, the coddling of this or that group, the hobnobbing of our officials with labor princes and allowing them to define policy, all foreshadowed coming events. No, it did not take an extremely wise man to foresee what we were heading into.

Mr. President, the bill which we are to write should, in my opinion, provide machinery for the use of compulsory arbitration after other measures to be outlined in the bill have been utilized.

Mr. REED. Mr. President, will the Senator yield?

Mr. WILEY. I yield for a question.

Mr. REED. I wish once again to join the Senator in including the name of the Senator from Louisiana [Mr. ELLENDER] on the roll of honor of Senators who have done magnificent work in connection with the legislation which we are about to pass.

The PRESIDING OFFICER. Without objection, the name of the Senator from Louisiana will be entered on the roll of honor. [Laughter.]

Mr. WILEY. Mr. President, I am happy to have heard the Senator from Kansas make the suggestion he made, and I hope that it will be appropriately attended to.

Mr. President, I shall state the basic provisions of the amendment I have proposed to the bill. I read from the amendment:

SEC. —. (a) When the Federal Mediation Board finds and determines that a labor dispute affecting commerce, which is not settled or adjusted under other provisions of this act, or under the Railway Labor Act, as amended, if subject thereto, (1) involves an industry engaged in the production of goods or services which are essential to the public health, safety, or security, or to the normal functioning of the national economy, or which are furnished by a public utility whose rates are fixed by governmental agency, State or Federal, and (2) threatens or has resulted in such interruption of the furnishing of such goods and services as will endanger the public health, safety, or security in the Nation as a whole or any part thereof, or as will so substantially interrupt commerce as seriously to disrupt the functioning of the national economy, or in the case of public utilities as will substantially interrupt the furnishing of an essential monopolized service, then the Board shall so notify the President. Upon receipt of such notification, the President is authorized to require submittal of the dispute to arbitration by a board of seven persons (or, if the parties so stipulate, three persons).

The bill should provide machinery which will be adequate to the occasion after all the previous steps have failed. If, during the period of arbitration, there should occur a breach on the part of either the employer or the employee, what would take place? The penalties which are provided by the Ball and Taft amendments as adopted today, would take effect. If a breach occurred on the part of the employee pending arbitration, he would lose his status as an employee, under sections 8, 9 and 10 of the National Labor Relations Act. If a breach occurred on the part of the carriers, the same penalties would apply.

That is, it would be an unfair labor practice for the employer and employee, and the employee would lose status as an employee for the purposes of the Railway Labor Act.

Mr. President, that is practically the same penalty that was suggested by President Truman today in his address, though he proposes additional penalties about which I am very doubtful. I refer to the penalty for breach of the award of arbitration after the award has been made. If there were a breach again, the same penalties are here provided.

Someone might say they are not sufficient, that they are not strong sufficiently. I would rather have it so that they would be coincidental with what has been provided already today in the preceding portion of this law. If after trial and error it is found that they are not adequate, then the Congress of the United States can well design other penalties.

The loss of an employee's status would be a rather mild sanction, some persons might contend, but I think it would be pretty tough. I think men would hesitate.

Mr. President, that is not all. When I become involved in a little difficulty with another man, we have an arbitrator, for we agree that the legal institutions of the Nation, the courts, shall de-

termine the case, and, what is more, there are tens of thousands of voluntary arbitrations. The bill provides for voluntary arbitrations, but if that fails, in the last analysis the public interest demands, and it has the right to demand, that Congress write into legislation a provision with teeth in it so that we will not again be compelled to go through the soul-searing experience which has been forced upon us in the last 10 days, and so that it will not be necessary for the President of the United States to come before Congress and tell us to pass a bill authorizing him virtually to become a dictator, to take over men and induct them into the armed services.

Mr. President, I think it will be found that the people of this country want us to step out, and, in the case of the large industries, involving the public health and safety, to build a structure which will stand the gaff. Employees will follow the course now provided, they will try the method of voluntarily dealing with one another; but if voluntary arbitration does not work, then we will face another railroad strike, another coal strike, and strikes in great institutions such as the meat-packing industry.

No; let us do the job, let us build into this very measure this provision which as a last resort may be utilized by industries in which the public interest is dominant, and which at long last the President has recognized as dominant.

I want machinery on the books which will provide for compulsory arbitration. Let the penalties, if any desire to call them such, as I have said, be mild at the start. I agree that reason and judgment and good will can do much more than arbitrary action, but I know that, living in the world as it is now constituted, government must not only have the guts to carry on, but the power to do so, and that teeth are required in legislation for that purpose.

Mr. President, if it should be found that the penalties provided for breach of duty pending arbitration, or for breach of duty after award is made, are not sufficient, once we have the machinery set up it is a simple matter to provide more drastic penalties.

I ask for the yeas and nays on the amendment.

The yeas and nays were not ordered.

Mr. THOMAS of Utah. Mr. President, I wish to be heard on the pending amendment, and to speak against it.

The Senator from Kansas [Mr. REED] interrupted the Senator from Wisconsin while the Senator from Wisconsin was defending an amendment which would bring about, or attempt to bring about, compulsory arbitration in the United States. The Senator from Kansas, of course, did not interrupt the Senator from Wisconsin in order to engage seriously in the debate. If he had done so he would have said that the State of Kansas tried compulsory arbitration, and discovered that it was a complete and absolute failure and that the citizens of Kansas repudiated the experiment.

Sometimes we become historic-minded, as the Senator from Kansas thought he was when he cast reflections upon one of the committees of the United States Senate, and mentioned the fact that it was a graveyard of labor legislation. I consider it one of the greatest compliments that have ever been paid a committee of the United States Senate to have a man speak with such gross ignorance, and such a failure to refer to the truth. I consider it a great honor when a man of that kind talks about what he may term the "shortcomings" of the Committee on Education and Labor.

Mr. President, I am very proud of the measures the Committee on Education and Labor has reported to the Senate and the laws which have come into effect as the result of the action of that committee. I am proud of the National Labor Relations Act. I am proud of the Fair Labor Standards Act. I am proud of the fact that that committee reported to this body a Federal aid-to-education bill, and the Senator who asked the Senator from Wisconsin the question, with all his might and with all his strength and with all his ability, killed that bill. He may be proud of what he has done, but the people of Kansas are not proud of it.

I am proud of the fact that the United States Housing Authority had its origin in that committee. I am proud, above all things, of the great bills dealing with the whole subject of housing that have been enacted as the result of the action of that committee. We never would have had the housing legislation which was passed by this body within the last few weeks if it had not been for the great work, the pioneering work, carried on by a subcommittee of that committee. All the constructive legislation dealing with slum clearance, with the attempt to bring about better housing, and with what has resulted in a magnificent housing act, came out of that committee. I am not unmindful of the fact that the committee reported to the Senate a codification of the United States health laws, made a review of the laws of the country which had been in existence before the Constitution was adopted, and brought about the most progressive and most forward-looking legislation in regard to health the country has ever had. I might go on and enumerate other measures. The fact that there are some men in the United States who are opposed to every humanitarian piece of legislation that is suggested is no sign that that committee has been a burial place.

Now let me call attention to a few other matters. The President of the United States in his message to us today said that he was very happy that labor was able to sustain the gains which these laws had given it. Everyone knows that if the Committee on Education and Labor had not tried to stand by the law of the land, had not resisted amendment of the Fair Labor Standards Act, had not resisted amendment of the National Labor Relations Act, had not resisted all the amendments which would have nullified that act, the President could not have said what he stated to us today, and that labor could not justly have been rebuked, as labor has justly been rebuked by the action of the President and the action of the Congress because it went too far. If we had not given labor the reforms to which it was entitled, if we had not passed the Railway Labor Act, if we had not passed the National Labor Relations Act, if we had not given labor those things that justly belong to it, how in the wide world could we say that labor, when it acts contrary to the public interest, must be rebuked?

Mr. President, I wish to make a point against the amendment, and it comes as a result of the President's message. First, he has asked for a joint committee to consider constructive labor legislation.

For many years I was chairman of the Senate Committee on Education and Labor. That committee has always stood ready to consider and to report a bill dealing with national labor policy. I have offered my services there in that connection, just as I offered my services with respect to military policy in the Military Affairs Committee. A bill to carry out such a policy has not been accepted.

Mr. President, I wish to say, however, that it is not a proper function of that committee to destroy that which has been gained after many years. Month after month, and year after year, we have sat in the Senate Chamber and allowed persons to say that bills were being buried in the Labor Committee; that bills were not being considered in the Labor Committee. The bills referred to were not even before the Labor Committee. Columnists have made statements that bills were being buried in the Labor Committee, radio commentators have said the same thing, and Senators on the floor had said the same thing.

Mr. President, the Smith-Connally measure was not before the Labor Committee, as everyone knows. The Smith-Connally measure was an amendment to the Selective Service Act. It was not even before the Military Affairs Committee. It was before the Committee on the Judiciary. Yet while the Committee on the Judiciary was handling that measure the Committee on Education and Labor was accused of burying the legislation.

Mr. President, I am very proud of what we have accomplished in the Committee on Education and Labor in the past 12 or 14 years, and I use the record of our accomplishment, which I presented earlier, as an argument against the adoption of the amendment which is now pending before us.

Mr. President, if Congress is going to adopt the concurrent resolution already adopted by the House of Representatives, and if we are going to have a Joint Committee on Labor to consider an American labor policy, it seems to me it is time for us to stop adopting piecemeal amendments of the type which are being offered to the pending measure. Already the bill has been so overloaded with amendments that its original sponsors are going to be a bit sorry if the measure is passed. We are considering now permanent legislation. We are considering it in the face of the fact that the President wants a

committee appointed to consider permanent legislation. That has not been done. I trust the amendment will be voted down.

Mr. President, while I am on my feet I desire to talk about the other side of the President's recommendation. I want to point out a paragraph in the President's message as follows:

> However, when the strike actually broke against the United States Government which was trying to run the railroads, the time for negotiation definitely had passed and the time for action had arrived. In that action you, the Congress of the United States, and I, the President of the United States, must work together—and we must work fast.

There is no doubt in my mind but that the President echoed the wishes of practically every man, woman, and child in the United States, including most of the men out on strike.

That is the purest and best kind of Americanism coming from the man who is responsible for the safety and the welfare of the American people. I am willing to accept the President's proposals under the philosophy of that paragraph.

But, Mr. President, in justice to myself, in justice to a bill with which I have had much to do, in justice to a law which is now in operation, I want to say that if the time ever comes when the President has to enforce the whole of the law which he has today recommended, he will do violence to one of the greatest traditions of our land, and will do an injustice to that great body of men who have so nobly served their country. There is no doubt in my mind that the legislation which the President presented to us seem to him to be necessary, as so clearly set forth by him in the paragraph I just read. I am willing to accept it.

But, Mr. President, section 7 of the President's recommended legislation is as follows:

> SEC. 7. The President may, in his proclamation issued under section 2 hereof, or in a subsequent proclamation, provide that any person subject thereto who has failed or refused, without the permission of the President, to return to work within 24 hours after the finally effective date of his proclamation issued under section 2 hereof, shall be inducted into the Army of the United States at such time, in such manner (with or without an oath) and on such terms and conditions as may be prescribed by the President, as being necessary in his judgment to provide for the emergency.

Mr. President, I am sure that that provision will never be enacted. I am sure that if we pass this bill tonight the President, having a certain number of days in which to sign it, undoubtedly will veto the measure because of that very provision.

I have always understood that it was an honor to serve in the Army of the United States, and I resent, and resent to the fullest, induction into the Army of the United States to be used as a penalty to punish men who are out of harmony with the will of the President. The philosophy of this provision in the Presidential recommendation is so grossly out of harmony with everything we have done in the Selective Service Act that I simply cannot vote for it without calling attention to it.

A man would be inducted into the Army of the United States, under this provision, "with or without an oath." If that language is placed in the bill with the same meaning as the provision respecting affirmation instead of taking an oath to uphold the Constitution of the United States, very well. But is a man so inducted to become a soldier of the United States? Is he to become eligible for all the advantages which are given soldiers of the United States, rewarded as a veteran, given his education fee, and given hopitalization for the rest of his life? All those advantages would accrue to him as the result of his being punished.

Mr. President, whenever we step over the bounds and permit to be used as a means of punishment those things which are great honors and which we have always honored, we make that type of mistake which we have made so many times in connection with the amendments which were offered and accepted by the Senate in the last few hours.

Mr. President, a Federal judge in the kindness of his own heart, when he was called upon to sentence a boy who was out of harmony with society, instead of sending him to a penal institution or to a reform school, instructed that he be inducted into the Civilian Conservation Corps. That judge thought he was doing the boy a kindness, but he was doing the Government of the United States a great injustice. Mr. President, even the CCC—if I may be excused for using the word "even"—realized that if that great institution were allowed to be used by a judge of the United States or by an officer of the United States as a medium for punishing delinquent boys it would ruin everything the United States was trying to do under the CCC Act.

Mr. President, I know that I need not argue longer on this point. I am not going to oppose this measure. I am going to vote in toto for the President's recommendation, and I am going to do it wholly because it is emergency legislation, and I hope all Senators will do it in exactly the same spirit. But if this temporary legislation, which is drawn up for the purpose of taking care of a given emergency, is studied from beginning to end we are not going to be very happy with respect to many of its sections or many of its parts. The motive behind it is proper. The motive behind it is pure; the motive behind it is constructive, but if all the details in the bill are ever put into force, and especially if we decide that as a form of punishment a person must wear the uniform of the United States, then Mr. President, we will do violence to some of the finest things our country has yet produced.

So, Mr. President, I close by reiterating that I shall support the recommendation of the Interstate Commerce Committee only on one theory, and in keeping with the President's request. At times such as these the all-important thing is that the Congress of the United States and the President of the United States shall show a united front and step forward with a united front. That is more important than anything else. It is important, as the Senator from Wyoming [Mr. O'MAHONEY] said today, that we say for all time, for always, that the whole is always greater than any of its parts. If we allow that whole to be separated in time of emergency, if we allow it to be challenged, if we allow any division between any of the parts of the American Government when it comes to taking care of the people of America, we do violence to our oaths and to the purpose for which we were sent to Congress.

Therefore, Mr. President, I shall support the President's recommendation. I shall support the recommendation of the Committee on Interstate Commerce, because I know that no one in the United States could speak from better experience. I know that if it had not been necessary for the President to say what he said, he would not have spoken. He said:

> However, when the strike actually broke against the United States Government which was trying to run the railroads, the time for negotiation definitely had passed and the time for action had arrived. In that action you, the Congress of the United States, and I, the President of the United States, must work together—and we must work fast.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin [Mr. WILEY].

Mr. REVERCOMB. Mr. President, I have been standing here for some time.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. REVERCOMB. I wish to address a question to the able Senator from Utah. If I correctly understood him, I was very much interested in his statement with respect to that part of the President's bill which deals with putting men in the Army if they stop work. I am thoroughly in accord with the first views expressed by the able Senator, when he said that he did not agree with that method, and that he deplored the idea of using membership in the Army as a means of punishment. Was I correct in understanding the able Senator to say that he believes the President of the United States will veto the bill if Congress passes it?

Mr. THOMAS of Utah. I am sure the President is no prouder of that piece of legislation as permanent legislation than we are. He stressed the fact that it was temporary. If the objective has already been reached, it seems to me that it would be just as well to let the temporary piece of legislation die. We have shown by our actions so far today, and the President has shown by his actions, that when once the people of the United States become united in an idea they respond to it very quickly. That was the President's objective. He came to us to try to overcome a strike. The strike was overcome.

Mr. REVERCOMB. I understood the Senator to say forthrightly that it was his belief that the President would veto the bill. I should like to ask the able Senator how he can consistently say that, when this temporary piece of legislation was sent here by the administration to be passed by the Congress. Would the President send a piece of legislation here and then veto it if the Congress should pass it? Is that conceivable?

Mr. THOMAS of Utah. The President told us in his message that he had two

propositions, one temporary and the other permanent; and in the paragraph which was read the President justified sending the proposed legislation to us only on the score that an emergency is present, and that it is time for the people of the United States to speak as a unit with regard to that emergency. The people of the United States spoke as a unit when the President spoke; and almost before he had finished speaking the strike was over. We cannot do any better than that by any kind of law. The purpose having been accomplished, the President surely would not want such a law.

Mr. REVERCOMB. I say to the able Senator that I do not feel that he has answered my question, as to whether the President would think of vetoing his own legislation. If I correctly understood the Senator, he said that the bill would be vetoed.

Mr. THOMAS of Utah. Mr. President, in order to make it more plain, I will say that the President of the United States has not spoken to me. The President of the United States has not said that he would veto the bill. The President of the United States did say why he proposed the legislation. If I were President of the United States, and I had done what the President did, and the Congress of the United States had responded to my request, with all the things having been accomplished that I intended to accomplish, before I would allow such a bill to become a law of the United States I would veto it. When I say "I" I mean ELBERT THOMAS. I know nothing about how the President will react.

Mr. REVERCOMB. I am glad to have the views of the able Senator, who says that he would veto it if he were President. But I understand him to say that he intends to vote for it as a Member of the Senate.

Mr. THOMAS of Utah. I am very sorry if the Senator from West Virginia was not present during the earlier part of my remarks. I justified voting for it on one single score. The Senator from West Virginia may prove me inconsistent or illogical; but this is what the President said:

> However, when the strike actually broke against the United States Government which was trying to run the railroads, the time for negotiation definitely had passed and the time for action had arrived. In that action, you, the Congress of the United States, and I, the President of the United States, must work together—and we must work fast.

That is my platform. It is only under those conditions that I would accept legislation of this type.

Mr. MORSE. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield for a question?

Mr. REVERCOMB. Mr. President, I rose to ask the Senator from Utah a question. In connection with the new bill of the President, which I understand we are to consider shortly, the subject of one of its provisions was discussed, namely, that if men quit work they would be placed in the Army of the United States and subjected to military discipline, military law, and military force. I heard the remarks of the able Senator from Utah when he said that he did not like it, as I understood him. I was thoroughly in accord with that view. Then later I heard him say that he would vote for it, regardless of his view upon it.

I wish to say that so long as there is a provision of this kind in the bill, which would place men in the Army of the United States because they will not work, and subject them to military law, military punishment, and the orders of the military, I cannot support such a measure. That is my position upon it. I want to meet the present situation as much as anyone does. My vote here today has displayed my views upon the great crisis which is before us, and how we must meet it. Since this question has arisen, and since there is contained in the bill sent here by the President, as I understand, the provision that men will be inducted into the Army by way of punishment, I hope that it will not pass.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin [Mr. WILEY].

Mr. MURRAY. Mr. President——

Mr. PEPPER. Mr. President——

Mr. WILEY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MURRAY. Mr. President—Mr. President——

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin. On this question the yeas and nays have been ordered, and the Clerk will call the roll.

Mr. MURRAY. Mr. President, the Chair cannot put the question to a vote until I am heard.

The PRESIDING OFFICER. The Senator will take his seat. The Chair announced that the yeas and nays were ordered, and directed the clerk to call the roll.

Mr. MURRAY. But, Mr. President, I wish to be heard.

The PRESIDING OFFICER. Then the Senator should address the Chair.

Mr. HATCH. Mr. President——

Mr. PEPPER. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. PEPPER. With all respect to the able Presiding Officer, before the question was put the Senator was trying his best, in a loud voice, to attract the attention of the Chair.

Mr. MURRAY. They could hear me all over the galleries.

(Manifestations of applause in the galleries.)

The PRESIDING OFFICER. The Chair did not see the Senator from Montana rise. The Senator held up his hand, and the Chair assumed that he only wanted the yeas and nays.

Mr. MURRAY. I will get the Chair a pair of goggles.

Mr. HATCH. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator is out of order, and will take his seat.

Mr. PEPPER. Mr. President, I move that the Senator be permitted to proceed in order.

The PRESIDING OFFICER. The Senator may proceed in order, and he will be put in his seat as soon as he makes any more such remarks.

Mr. MURRAY. Mr. President, a similar situation occurred earlier in the evening, and I was justified in feeling that it was occurring again when I was not recognized by the Chair.

The PRESIDING OFFICER. The present occupant of the Chair has never failed to recognize the Senator. If he had not had his arm extended as he addressed the Chair, the Chair would have assumed that he was rising for some other purpose.

Mr. MURRAY. I thought that inasmuch as the Chair did not appear to hear me, he might at least see me if I stretched out my arm.

The PRESIDING OFFICER. Usually a Senator does not obtain recognition by being an acrobat.

Mr. MURRAY. No; but by yelling at the top of my voice I thought possibly I might be heard.

Mr. President, during the course of the evening and on several other occasions recently reference has been made to the Committee on Education and Labor as having been a graveyard for important labor legislation as well as other legislation. I wish to say that such statements with reference to the Committee on Education and Labor are absolutely untrue. The committee has acted promptly on every piece of legislation that has been referred to it, and I believe has reported more bills to the Senate than has any other committee of the Senate. I hold in my hand the legislative calendar of the Committee on Education and Labor. If anyone will refer to it he will find a list of important bills which were referred to the committee, and afterward reported to the Senate.

The Senator from Minnesota [Mr. BALL] will recall that I agreed to hearings, and sent out notices for hearings on the so-called Ball-Burton-Hatch bill, beginning October 21, 1945. Subsequently, at the request of the Senator from Minnesota and the Senator from New Mexico [Mr. HATCH] I canceled those hearings.

Shortly thereafter the President's Labor-Management Conference was held in Washington. When the sessions of that conference were concluded and it had not accomplished as much as the President and many of us had hoped it would accomplish, within a week or two the President sent a message to Congress on the subject of providing adequate means for settling industrial disputes. The message was referred to the Committee on Education and Labor; and on December 6 the Senator from Louisiana [Mr. ELLENDER], a member of the committee, introduced Senate bill 1661, the fact-finding bill. An executive session of the committee was promptly held to consider the President's message. At that meeting the majority of the committee felt that the committee should hold limited hearings and should atempt to report a bill along the lines of the

President's recommendations, before the Christmas holidays. At that meeting it was the Senator from Minnesota [Mr. BALL], who most strenuously objected to our hurried consideration of the fact-finding bill, and he stated—and properly so, I believe—that the problem of labor relations was such a difficult and complicated one that we would have to hold hearings for at least 2 or 3 months in order to give the problem the kind of consideration it deserved, in order to do justice to it.

In order to assist the President in meeting the situation which already was looming larger and larger every day, the committee voted, in its desire to act expeditiously in regard to the matter, to confine its hearings to the Ellender fact-finding bill, and agreed to hold at a later date further hearings on the Ball-Burton-Hatch bill and other labor bills. But the Senator from Minnesota [Mr. BALL], in spite of the committee's decision to act expeditiously, asked and induced the committee to consider the whole labor-relations problem by offering his bill as a substitute for the Ellender bill.

At a subsequent executive meeting, after some hearings, the committee decided it could not report any labor-relations legislation before the Christmas recess. The committee set hearings for the first day of the second session, and the committee held hearings over a period of approximately 24 days.

At the conclusion of the hearings the full committee and a special subcommittee which was appointed to draft a bill sat in executive sessions and agreed to report a bill which we considered presented the best possible method of promoting sound and harmonious labor relations.

The committee reported the bill to the floor of the Senate on April 15. It lay on the calendar from that time. No Senator called it up until last week, when the United Mine Workers, led by John L. Lewis, became the object of widespread public criticism and condemnation.

Mr. President, in view of the facts I have stated, I submit that no fair-minded person can say that the Committee on Education and Labor of the United States Senate has been the "graveyard of labor legislation" since I have been chairman of it. I have responded to every request that was made by any member of the committee for action on bills which have been pending before us. As I have stated, the committee has considered some of the most important legislation before the Congress.

In response to inquiries, at the time when the committee was considering labor-relations bills, as to whether the bills would be pigeon-holed. I told the press and the members of the committee that I would be willing even to report—although with a negative report, to be sure—the Case bill, as passed by the House of Representatives, rather than to pigeon-hole labor legislation.

Mind you, also, Mr. President, the committee has been busy with many other pieces of legislation, many of them highly controversial and technical. The committee has had referred to it some 90 bills. We have acted upon 36 of them and have held hearings on 26. We have been very active. The chairman feels that the committee has a record of which the Senate can well be proud.

Mr. HILL. Mr. President, will the Senator yield?

Mr. MURRAY. I yield.

Mr. HILL. I wish to say for the Senator that I think two of the finest pieces of legislation that ever have been reported by any committee in the history of the Congress—to wit, the hospital and health bill and the Federal aid-to-education bill—have been reported by the Senate Committee on Education and Labor during the present session of Congress. I do not think there have ever been two finer or more important or more far-reaching bills, insofar as their consequences regarding the public health are concerned, than those.

As the Senator has said, the committee has been in daily and almost continuous session, week after week and month after month.

Mr. MURRAY. The Senator is exactly correct. I thank him for his contribution.

I wish to ask the Senator if at any time he has observed that I have undertaken to block or restrict the committee or the Senate in any manner in connection with legislation pending before the committee?

Mr. HILL. To the contrary, Mr. President, I will say to the Senator that I have been to him a number of times and have asked his cooperation and help in securing action on legislation pending before his committee, and I always found that he cooperated fully and wholeheartedly and did all he could to obtain action.

Mr. MURRAY. And I acted promptly, too.

Mr. HILL. The Senator certainly did.

Mr. MURRAY. And I never delayed.

Mr. HILL. The Senator never did.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. MURRAY. I yield.

Mr. ELLENDER. Mr. President, I was not in the Senate Chamber a while ago when a charge was made by the distinguished Senator from Kansas [Mr. REED]. I have been a member of the Committee on Education and Labor for nearly 9½ years. The distinguished Senator from Montana has been chairman of the committee since January of last year. I know he has been very diligent in doing the work of the committee. Of course, we have not always seen eye to eye; but I can say that in regard to any bill which ever came before the committee and which needed hearings, he was always "on tap" and he always saw to it that hearings were held in time.

Mr. MURRAY. And I wish to say that in order to carry out the wishes of the Members of the Senate it has been necessary for me to be almost constantly holding committee sessions, either executive sessions or hearings at which testimony was taken in regard to measures before us.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. MURRAY. I yield.

Mr. PEPPER. I wish to very heartily subscribe to the testimonials of faithfulness which have just been uttered by the Senator from Alabama and the Senator from Louisiana in regard to the chairmanship of the able Senator from Montana. I believe that if the record is checked to ascertain the number of hearings and the number of days consumed in hearings by the several committees of the Senate since the able Senator from Montana has been chairman of the Committee on Education and Labor, it will be found that if his committee does not lead the list it certainly is one of the leading committees in both those respects.

I also wish to say that I distinctly recall that when we had this very measure pending before the committee a number of Senators complained that the Senator from Montana insisted on morning and afternoon sessions of the committee in order to expedite a report to the Senate.

So, in spite of the fact that he has been handling legislation which is keenly controversial in character, I believe that without any doubt the overwhelming majority of his committee can only commend his faithful leadership and chairmanship of the committee and his faithful public service.

Mr. AIKEN. Mr. President, if the Senator from Montana has time to yield 4 or 5 minutes to me, I should like to speak as a member of the Committee on Education and Labor. During the 5 years that I have been in the Senate I have been a member of that committee. The Senator from Utah was chairman for a part of the time, and the Senator from Montana has been the chairman in recent years.

Mr. REED. Mr. President, a point of order.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. REED. I call attention to the fact that the Senator from Montana is supposed to have the floor. The Senator from Vermont is making a speech.

Mr. MURRAY. I am allowing Senators to use my time.

Mr. AIKEN. Mr. President, I shall later take time in my own right, and shall make a somewhat longer speech.

The ACTING PRESIDENT pro tempore. Of course, it is not permissible for one Senator to make a speech in the time of another Senator.

Mr. SMITH. Mr. President, will the Senator yield for a question?

Mr. MURRAY. I yield.

Mr. SMITH. I have been a member of the Committee on Education and Labor for the last few years. While I have not agreed with the Senator from Montana all the time, I wish to take this occasion to pay a tribute to his fairness and leadership in the committee. I regret that the committee under his leadership has been criticized.

Mr. MURRAY. I thank the Senator.

Mr. President, I regret that these charges and accusations have been made, because they have gone out to the public, and articles have been published in newspapers and magazines holding me up to public ridicule and contempt because of these false statements made by people who ought to know better. If anyone wishes to look at the record, it will be found that the committee has

held a great number of hearings, and every member of the committee will acknowledge that I have never held up any bill or prevented speedy action on it in the committee, since I have been in charge of it.

I wished to make this statement tonight because of the continuance of such false statements and their continued circulation throughout the country. I think the people of the United States should know the truth about this matter, and that a Senator who is trying to do the fair thing and the just thing should be treated fairly by the press. I do not accuse the press of being dishonest in this matter. They have been misled by charges made by Senators who should know better.

Mr. REED. Mr. President, I think the Senator from Montana, the chairman of the Committee on Education and Labor, has taken entirely too seriously the rather offhand remark I made about the reputation of the Committee on Education and Labor as being the graveyard of labor legislation. I think that impression is rather general; and the Senator from Montana confirms it by his complaint about the criticisms the press have made of the committee. Mr. President, nothing that I could do, and nothing that the press could do, could carry anything like the emphasis which the Senate of the United States has carried in repudiating the action of the majority of the Committee on Education and Labor on the legislation which we have been considering here in this body during the last 2 weeks.

We have had, I believe, eight roll calls, and on each roll call the present chairman of the committee, the former chairman of the committee, and the most voluble member of the committee have stood together, and by an increasing majority the Senate of the United States repudiated the chairman of the committee, and the former chairman of the committee, as well as other members of the committee, and accepted the views of the minority.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. REED. Never in my experience in the Senate have I seen a major committee receive such emphatic rejection and be so emphatically repudiated by such overwhelming majorities as occurred today.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. REED. I yield for a question.

Mr. PEPPER. Mr. President, I am sure the able Senator from Kansas would not deny to a Senator, merely because he happended to be the chairman of the committee, the right to express his views and follow a course on the Senate floor which he believed to be right. In this case, would the Senator overlook the fact that the Senator from Montana [Mr. MURRAY] was acting pursuant to the direction of the majority of the committee? The Senator from Kansas surely would not deny to a chairman of the committee the right to take a position on the floor of the Senate in accordance with his conscience and judgment.

Mr. REED. I would not take away from the chairman of the committee any privilege or right which he might have. I would not take off any of the bouquets which have been pinned upon his breast. [Laughter.] But that does not alter the fact that I have not seen in my experience in the Senate the majority of a major committee of this body so emphatically repudiated as has been done by the Senate today.

Mr. AIKEN. Mr. President, I wish to say that any charge that the chairman of the Committee on Education and Labor has not been diligent in the performance of his duties, cannot be sustained. The Senator from Montana [Mr. MURRAY], in his capacity as chairman of the Committee on Education and Labor, has been very diligent. I have not been able to attend the hearings of that committee as often as I should like to have attended them because of other committees being in session at the same time, which I was compelled to attend. But no Senator has been more tireless in his work than has the chairman of the Committee on Education and Labor.

I should like the RECORD to show the membership of that committee so that persons who read the RECORD may know who are the Senators who are dominated by the committee chairman.

The chairman is JAMES E. MURRAY, of Montana. The ranking member is DAVID I. WALSH, of Massachusetts, chairman of the Naval Affairs Committee. The next member is ELBERT D. THOMAS, of Utah, chairman of the Military Affairs Committee. The next member is CLAUDE PEPPER, of Florida, chairman of the Committee on Patents. The remaining members are ALLEN J. ELLENDER, of Louisiana, chairman of the Committee on Claims; DENNIS CHAVEZ, of New Mexico; JAMES M. TUNNELL, of Delaware, chairman of the Committee on Pensions; JOSEPH GUFFEY, of Pennsylvania; OLIN D. JOHNSTON of South Carolina, J. WILLIAM FULBRIGHT, of Arkansas; ROBERT M. LA FOLLETTE, Jr., of Wisconsin; ROBERT A. TAFT, of Ohio, who has been particularly dominated by the chairman [laughter]; GEORGE D. AIKEN, of Vermont; JOSEPH H. BALL, of Minnesota; H. ALEXANDER SMITH, of New Jersey; WAYNE MORSE, of Oregon, and FORREST C. DONNELL, of Missouri. Can any Senator imagine the members of that committee doing anything which they did not wish to do? [Laughter.]

The majority of the committee reported bills many times when they knew they would be defeated on the floor of the Senate. The bill which we are now discussing is one of them. The majority of the committee knew perfectly well that the minority views would be sustained by the Senate.

If Senators will examine the record they will find that, with the exception of the Committee on Claims, which must consider hundreds of bills each year, and the Judiciary Committee, there are more bills on the Senate Calendar which have been reported by the Committee on Education and Labor than there are bills which have been reported by any other committee.

In addition to the bills which are already on the calendar, the committee reported to the Senate the emergency housing bill, which has already passed the Senate. It also reported the hospital bill. We have held hearings for days on bills relating to health and education. As fast as we could conclude the hearings we did so and reported the measures to the Senate.

So I repeat, Mr. President, if any Senator says that the chairman of the committee has not been diligent, or that the committee has been withholding bills, such statement is not in accord with the facts.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Wisconsin [Mr. WILEY].

Mr. PEPPER. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. The yeas and nays have already been ordered.

Mr. BALL. Mr. President, I regret that we have reached the point where it has been thought necessary to make charges, and follow them with counter charges. I wish merely to say that in the consideration by the committee of the pending legislation the Senator from Montana, as chairman of the committee, cooperated fully and completely, in my opinion, with those who wished to expedite the matter.

I wish to speak on the pending amendment of the Senator from Wisconsin. The Senator from New Mexico [Mr. HATCH], our former colleague, who is now Associate Justice of the Supreme Court, Mr. Burton, and myself, introduced a bill last year which provided in cases of disputes vitally affecting the public interest, for the same kind of arbitration as that which has been suggested in the pending amendment. After studying the problems involved in compulsory arbitration, and after attending the hearings which were held on the subject, I became convinced that we could not in a rush write a compulsory arbitration provision. If the time comes when a strike or a lock-out cuts off a vital supply of goods or materials, we may have to pass legislation of that nature. But, when that time comes, I think it will be necessary for Congress to provide for an arbitration court and write standards and rules with regard to the issues which may be arbitrated. I do not think that can be done until after the matter has been considered thoroughly by a committee. Therefore, Mr. President, I must oppose the amendment offered by the Senator from Wisconsin.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Wisconsin [Mr. WILEY]. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Virginia [Mr. GLASS], and the Senator from Tennessee [Mr. MCKELLAR] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr.

CARVILLE], and the Senator from Idaho [Mr. GOSSETT] are absent by leave of the Senate.

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate because of illness in his family.

The Senator from Florida [Mr. ANDREWS] is necessarily absent.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from Maryland [Mr. RADCLIFFE], and the Senator from Delaware [Mr. TUNNELL] are detained on public business.

The Senator from California [Mr. DOWNEY], the Senator from Washington [Mr. MAGNUSON], the Senator from Louisiana [Mr. OVERTON], and the Senator from Massachusetts [Mr. WALSH] are necessarily absent.

I also announce that, if present and voting, the Senator from Florida [Mr. ANDREWS], the Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from California [Mr. DOWNEY], the Senator from Washington [Mr. MAGNUSON], and the Senator from South Carolina [Mr. MAYBANK], the Senator from Louisiana [Mr. OVERTON], and the Senator from Massachusetts [Mr. WALSH] would vote "nay."

Mr. WHERRY. The Senator from Nebraska [Mr. BUTLER] is absent by leave of the Senate.

The Senator from Indiana [Mr. WILLIS] is necessarily absent.

The Senator from South Dakota [Mr. BUSHFIELD] is unavoidably detained.

The result was announced—yeas 2, nays 74, as follows:

YEAS—2

Reed	Wiley	

NAYS—74

Aiken	Hatch	Myers
Austin	Hawkes	O'Daniel
Ball	Hayden	O'Mahoney
Barkley	Hickenlooper	Pepper
Brewster	Hill	Revercomb
Bridges	Hoey	Robertson
Briggs	Huffman	Russell
Brooks	Johnson, Colo.	Saltonstall
Buck	Johnston, S. C.	Smith
Byrd	Kilgore	Stanfill
Capehart	Knowland	Stewart
Capper	La Follette	Taft
Connally	Langer	Taylor
Cordon	Lucas	Thomas, Okla.
Donnell	McCarran	Thomas, Utah
Eastland	McClellan	Tobey
Ellender	McFarland	Tydings
Ferguson	McMahon	Vandenberg
Fulbright	Mead	Wagner
George	Millikin	Wheeler
Gerry	Mitchell	Wherry
Green	Moore	White
Guffey	Morse	Wilson
Gurney	Murdock	Young
Hart	Murray	

NOT VOTING—20

Andrews	Chavez	Overton
Bailey	Downey	Radcliffe
Bankhead	Glass	Shipstead
Bilbo	Gossett	Tunnell
Bushfield	McKellar	Walsh
Butler	Magnuson	Willis
Carville	Maybank	

So Mr. WILEY's amendment was rejected.

The ACTING PRESIDENT pro tempore. The question now is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The ACTING PRESIDENT pro tempore. The question now is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. PEPPER. Mr. President, I wish to make a very brief observation. All of us remember the 1926 general strike in Great Britain. For a number of days the Empire of Great Britain was relatively paralyzed by that general strike. The public reaction something like a year later led to the imposition of a law which I would regard as very much akin to some of the proposals which have been incorporated in the bill about to be voted upon, and very much in the same spirit, although I believe not quite so drastic, as the recommendations the President made this afternoon to the joint session.

I have not examined in detail the record of Great Britain under the 1927 law, which grew out of antipathy toward labor resulting from the general strike, but it has been my distinct impression that I have heard the statement of a distinguished British statesman that, during the time intervening from 1927 to the present year, few strikes in Great Britain were prevented by that legislation.

I stated on the floor a few days ago, and I thought it was proper for me to state it, because other Senators heard him, that the present leader of the House of Commons, Mr. Herbert Morrison, stated here in Washington recently his opinion that the British law had not had any efficacy in the prevention of strikes, since it had been on the statute books of Great Britain, and that its impending repeal—it may have been repealed by now in the British Parliament, it was going through the stages of repeal very recently—its impending repeal should not, in the opinion of the leader of the House of Commons, lead to any greater strike emergencies in Great Britain.

With that stringent law upon the statute books, I have heard it stated time and again that, even in the kind of war Great Britain experienced, when people's businesses and homes and families and lives were being destroyed by the enemy, there were more strikes in Great Britain, according to the number of people in each country, than in the United States of America. Yet that stringent legislation was on the statute books of Great Britain while we had no effective antistrike legislation on our books at all.

I believe that it is one of the great tributes that came out of this war for democracy, for the American type of democracy, that we defeated the most vicious and powerful totalitarian states in the world and never lost our essential character as a great democracy. We never stifled free speech even as much as we did in World War I. We never closed up any newspapers that I know of, certainly no newspapers which had any claim to legitimacy, during World War II, even as much as we did in World War I. We had learned by experience.

I do not know of any people who were put in jail, except spies or saboteurs. We did not in World War II go as far as we did in World War I in putting in jail people who exercised the privilege of free and critical speech of President, Government, or policy.

Yet, Mr. President, we mobilized might in this Nation the like of which the world has never seen, and almost as commendable and glorious as the records of our fighting men are the records of our working men and women here in the United States in a freely functioning democracy.

Mr. President, in 1946 the British Government either has gotten rid of the 1927 law, or it is in process of repealing that legislation. I venture to predict, if any of us on this floor enjoy normal, physical, and political life, that we will see the time when the Senate will reverse the action taken even upon some of the amendments adopted to the pending legislation, and surely, if we should go so far as our distinguished President has asked us to go today, I cannot but believe that the majority of us would rue the day we ever went so far in such a time as this.

Yet I am thoroughly sympathetic with the attitude existing in the country. The problem is a grievous one, the answer to which we have not yet found.

It has been stated repeatedly by able Senators on this floor, even advocates of the amendments, that they did not hope or expect that their amendments, if adopted, would stop strikes. When this bill is passed in a few minutes, I hope the disappointment of the American people will not be too great, because in view of all the controversy and the clash of opinion, and sometimes of tempers when we were all fatigued, or deeply agitated by our point of view, due to all the disturbances, and all the furor, and all the pressure that has been exerted in the past 2 weeks, they got the impression we were on the threshhold of passing legislation which would stop strikes.

The President himself, by his recommendations this afternoon, indicated that this bill offers no efficacy in stopping strikes, and he had to propose additional legislation. So I think it is only fair that the people out in the country who have not been able to sit in the galleries, who have not been privileged to be on the floor of the Senate, should accredit those of us who have opposed these amendments, like those who were the advocates of the amendments, with attempting to work in the public interest as we saw it. Perhaps we erred. Only time will tell who of us was right.

I am sure that if anything has been said by any Senator sharing my point of view that in any way at all reflected upon any other Senator, he is deeply sorry he said it in the heat of debate, and we hope what will be remembered will be the pleasant things that were said rather than when we have grown fatigued and said things we may regret.

We are said by many people to be trying to protect strikes. I disclaim that, and protest the assertion. There are many who believe we are trying to condone the abuses of labor leaders. I deny with all the vigor of which I am capable any such design on the part of those who were opposed to some of the restrictive amendments. I hope public opinion will understand that this

is a controversial subject, that it is a part of the process of an experimental democracy. In the clash of competing opinion we are fighting and finding our way forward, and the important thing is that each of us in all these controversies and contests shall do what he in his conscience truly believes to be right.

So, Mr. President, in the final vote on this measure I simply wanted to say that I do not believe that all that has been expected of this legislation, amended as it has been, will be achieved. I anticipate the coming of the day when we will go back truly to the principles for which the able Senator from New York [Mr. WAGNER] has so long fought. He is sitting here now in the Senate Chamber, I cannot but believe thinking sorrowfully of what he has seen done in the last few weeks. I cannot but believe that the day will come when labor leaders, business executives, employees, and management, and all of us will have learned to restrain ourselves in the exercise of our freedoms and our liberty so that we will not effect a hamstringing by the passage of legislation, but under our own consciences and our sense of public duty will still contribute to the welfare of a great and growing democracy.

The ACTING PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall it pass?

Mr. WILEY. Mr. President, I was not a member of the Senate when the Wagner Act was passed, but the situation that existed at that time, which justified the passage of that act, was similar to the situation which exists now, which is justification for the passage of this measure. Although I believe the measure could have been improved if we had placed in it a provision for compulsory arbitration, I believe the law will be a good one, and I believe that it will be called the Magna Carta for the public welfare.

I ask Senators to turn back the pages of time. Why did the Senator from New York and other Senators join to pass the Wagner Labor Act? Because power was being exercised ruthlessly against labor. Labor then was young. But it grew in stature and in might. It grew up. And labor, as is true with every group and practically every individual when power is secured, does not use it to the best interests of the other fellow.

I had little or nothing to do with the amendments incorporated in the bill except to vote for them, but I will say that I have stood for the principle contained in every one of them prior to coming to the Senate. I have stood for compulsory arbitration. If it appears in the course of time that all the other steps we have taken in amending the bill, which, in my humble opinion, deprive labor of nothing, but assure the public that there will not be permitted in labor's ranks the autocracy that was manifested in capital's ranks, then the result will be to the betterment of the public.

Mr. President, I do not fear any evil consequences from the enactment of this measure. A great President once said, as Senators on the other side will remember, that the only thing we have to fear is fear itself. In my judgment, 99 percent of labor wants these very amendments. I have said before that many letters have come to me not only from laboring men themselves but from officials of labor unions, some of the largest labor unions in my State, who have seen the 10-point program I have spoken for, and have said, "You are right." They want their homes. They want decent wages. They want to be secure in their living the same as we do. And when within their ranks there rises the same autocratic disposition to chisel them into a line of thinking and action, they resent it.

So, Mr. President, I conclude with the thought that tonight we are passing a Magna Carta for the general welfare, and that by passing it we are securing the rights of labor as well as of management, the farmer, and everyone else.

The ACTING PRESIDENT pro tempore. The bill having been read a third time, the question is: Shall it pass?

Mr. RUSSELL. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Virginia [Mr. GLASS], and the Senator from Tennessee [Mr. MCKELLAR] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], the Senator from Idaho [Mr. GOSSETT] are absent by leave of the Senate.

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate because of illness in his family.

The Senator from Florida [Mr. ANDREWS] and the Senator from Louisiana [Mr. OVERTON] are necessarily absent.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from Maryland [Mr. RADCLIFFE], and the Senator from Delaware [Mr. TUNNELL] are detained on public business.

I also announce that if present and voting, the Senator from Florida [Mr. ANDREWS], the Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from South Carolina [Mr. MAYBANK], the Senator from Tennessee [Mr. MCKELLAR], the Senator from Louisiana [Mr. OVERTON], and the Senator from Maryland [Mr. RADCLIFFE] would vote "yea."

I announce further that the Senator from California [Mr. DOWNEY], and the Senator from Massachusetts [Mr. WALSH] are unavoidably detained. If present and voting, both Senators would vote "nay."

Mr. WHERRY. The Senator from Nebraska [Mr. BUTLER] is absent by leave of the Senate. If present he would vote "yea."

The Senator from Indiana [Mr. WILLIS] is necessarily absent. If present he would vote "yea."

The Senator from South Dakota [Mr. BUSHFIELD] is unavoidably detained. If present he would vote "yea."

The result was announced—yeas 49, nays 29, as follows:

YEAS—49

Austin	Gerry	Robertson
Ball	Gurney	Russell
Brewster	Hart	Saltonstall
Bridges	Hatch	Smith
Brooks	Hawkes	Stanfill
Buck	Hickenlooper	Stewart
Byrd	Hoey	Taft
Capehart	Huffman	Tobey
Capper	Johnston, S. C.	Tydings
Connally	Knowland	Vandenberg
Cordon	Lucas	Wherry
Donnell	McClellan	White
Eastland	Millikin	Wiley
Ellender	Moore	Wilson
Ferguson	O'Daniel	Young
Fulbright	Reed	
George	Revercomb	

NAYS—29

Aiken	Langer	Myers
Barkley	McCarran	O'Mahoney
Briggs	McFarland	Pepper
Green	McMahon	Shipstead
Guffey	Magnuson	Taylor
Hayden	Mead	Thomas, Okla.
Hill	Mitchell	Thomas, Utah
Johnson, Colo.	Morse	Wagner
Kilgore	Murdock	Wheeler
La Follette	Murray	

NOT VOTING—18

Andrews	Carville	Maybank
Bailey	Chavez	Overton
Bankhead	Downey	Radcliffe
Bilbo	Glass	Tunnell
Bushfield	Gossett	Walsh
Butler	McKellar	Willis

So the bill H. R. 4908 was passed.

Mr. BALL. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized and directed to make all necessary clerical and technical changes, including changes in section numbers and cross references in the Senate engrossed amendments to House bill 4908, to provide additional facilities for the mediation of labor disputes, and for other purposes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SETTLEMENT OF INDUSTRIAL DISPUTES AFFECTING THE NATIONAL ECONOMY

Mr. BARKLEY. Mr. President, I ask unanimous consent, out of order, from the Committee on Interstate Commerce, to report, with amendments, House bill 6578, to provide on a temporary basis during the present period of emergency, for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace. I will state to the Senate that if this report is permitted to be filed, I shall ask unanimous consent that the Senate proceed to consider the bill and make it the unfinished business. However it is not the intention to proceed with the consideration of the bill until Monday.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

Mr. BARKLEY. I ask unanimous consent that the Senate proceed to the consideration of the bill, with the understanding that it will not be proceeded with until Monday.

The ACTING PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider the bill, which had

been reported from the Committee on Interstate Commerce with amendments.

Mr. BARKLEY. I ask unanimous consent that the bill which I have just reported, and which has been made the unfinished business, be printed with the amendments recommended by the committee, and be available for Members of the Senate on Monday.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WILEY subsequently said: Mr. President, I understood the majority leader to state that the bill which has just been reported was reported with some amendments. I wish to know if the copies which have been distributed to Senators show the amendments?

Mr. BARKLEY. No; they do not. I have asked that the bill be printed with the amendments, so that all Senators may have copies showing the amendments. The amendments are merely technical and textual in character, and do not change the substance of the legislation. For the benefit of the Senate, I have asked that the bill be printed so that all Senators may know the amendments recommended by the committee.

Mr. WILEY. As I understand, nothing is materially changed by the committee amendments?

Mr. BARKLEY. That is true.

Mr. WILEY. I thank the Senator.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. If there be no reports of committees, the clerk will state the nominations on the Executive Calendar.

NOMINATIONS PASSED OVER

Mr. BARKLEY. Mr. President, at the request of Members of the Senate I ask that the first two nominations on the Executive Calendar may go over until Monday.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will state the remaining nominations on the calendar.

FOREIGN SERVICE

The legislative clerk read the nomination of Arthur B. Emmons 3d, to be consul of the United States of America.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Norris S. Haselton to be a consul of the United States of America.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

UNITED STATES MARITIME COMMISSION

The legislative clerk read the nomination of Vice Admiral William Ward Smith to be a member of the United States Maritime Commission for the unexpired term of 6 years from April 16, 1943.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

NATIONAL HOUSING AGENCY

The legislative clerk read the nomination of Wilson W. Wyatt to be Housing Expediter in the National Housing Agency.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

SECURITIES AND EXCHANGE COMMISSION

The legislative clerk read the nomination of Robert E. Healy to be a member of the Securities and Exchange Commission for the term expiring June 5, 1951.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Richard B. McEntire to be a member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 1948.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

THE NAVY

The legislative clerk proceeded to read sundry nominations in the Navy.

Mr. BARKLEY. I ask that the nominations in the Navy be confirmed en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations in the Navy are confirmed en bloc.

That completes the calendar.

Mr. BARKLEY. I ask that the President be immediately notified of all nominations confirmed this day.

The ACTING PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 11 o'clock a. m. on Monday next.

The motion was agreed to; and (at 10 o'clock and 28 minutes p. m.), the Senate took a recess until Monday, May 27, 1946, at 11 o'clock a. m.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 25 (legislative day of March 5), 1946:

FOREIGN SERVICE

Arthur B. Emmons 3d to be consul of the United States of America.

Norris S. Haselton to be consul of the United States of America.

UNITED STATES MARITIME COMMISSION

Vice Admiral William Ward Smith to be a member, United States Maritime Commission for the unexpired term of 6 years from April 16, 1943.

NATIONAL HOUSING AGENCY

Wilson W. Wyatt to be Housing Expediter.

SECURITIES AND EXCHANGE COMMISSION

Robert E. Healy to be a member, for the term expiring June 5, 1951.

Richard B. McEntire to be a member, for the remainder of the term expiring June 5, 1948.

IN THE NAVY

APPOINTMENTS IN THE NAVY FOR TEMPORARY SERVICE

John H. Towers to be admiral, to rank from November 7, 1945.

DeWitt C. Ramsey to be admiral, to rank from December 28, 1945.

Arthur W. Radford to be vice admiral, to rank from December 28, 1945.

Forrest P. Sherman to be vice admiral, to rank from December 28, 1945.

Lawrence B. Richardson to be rear admiral, to rank from April 6, 1943.

Rico Botta to be rear admiral, to rank from June 30, 1943.

Leslie C. Stevens to be rear admiral, to rank from July 3, 1943.

Clinton E. Braine, Jr., to be rear admiral, to continue while serving as deputy to the Chief of the Material Division, Office of the Assistant Secretary of the Navy, to rank from January 8, 1946.

Earl E. Stone to be rear admiral, to continue while serving as Chief of Naval Communications, Office of the Chief of Naval Operations, to rank from January 8, 1946.

William S. Parsons to be rear admiral, to continue while serving as Assistant Chief of Naval Operations (Special Weapons), to rank from January 8, 1946.

Leland P. Lovette to be rear admiral, to continue while serving as Chief of the United States Naval Mission to Brazil and until reporting for other permanent duty, to rank from January 8, 1946.

Joel T. Boone to be medical director, with the rank of rear admiral, to rank from September 17, 1942.

Frederic L. Conklin to be medical director, with the rank of rear admiral, to rank from September 17, 1942.

John P. Owen to be medical director, with the rank of rear admiral, to rank from September 18, 1942.

Thomas C. Anderson to be medical director, with the rank of rear admiral, to rank from September 18, 1942.

Archie A. Antrim to be pay director, with the rank of rear admiral, to rank from September 15, 1943.

Charles W. Fox to be pay director, with the rank of rear admiral, to rank from September 15, 1943.

APPOINTMENTS FOR TEMPORARY SERVICE, WHILE SERVING AS INDICATED, AND TO CONTINUE DURING ANY ASSIGNMENT WHICH IS COMMENSURATE WITH RANK OF COMMODORE, OR UNTIL REPORTING FOR OTHER PERMANENT DUTY

Charlton E. Battle, Jr., to be commodore, while serving as commander, United States naval operating base, Guantanamo Bay, Cuba, to rank from April 13, 1944.

Paul S. Theiss to be commodore, while serving as commanding officer, United States naval training station, Newport, R. I., to rank from April 13, 1944.

Allen G. Quynn to be commodore, while serving as chief of staff to commander, Eastern Sea Frontier, to rank from April 13, 1944.

Homer W. Graf to be commodore, while serving as supervisor, New York Harbor, N. Y., to rank from November 10, 1944.

Paul F. Lee to be commodore, while serving as Assistant Director of the Shore Division, Bureau of Ships, to rank from January 12, 1946.

Thomas G. Peyton to be commodore, while serving as commandant, United States naval operating base, Guam, to rank from January 12, 1946.

Myron W. Hutchinson, Jr., to be commodore, while serving as chief of staff to commander, Hawaiian Sea Frontier, to rank from January 12, 1946.

Charles J. Rend, to be commodore, while serving as Deputy Chief of Naval Intelligence to rank from January 12, 1946.

John F. Wegforth to be commodore, while serving as commander, naval air bases, Thirteenth Naval District, to rank from January 12, 1946.

Daniel F. Worth, Jr., to be commodore, while serving as deputy commander, Marianas, and chief of staff and aide to commander, Marianas, to rank from January 12, 1946.

George A. Seitz to be commodore, while serving as commander naval air bases, First Naval District, to rank from January 12, 1946.

Walton W. Smith to be commodore, while serving as commander, Carrier Division 19, to rank from January 12, 1946.

Charles R. Jeffs to be commodore, while serving as commanding officer, United States Naval Advanced Base, Weser River, Germany, to rank from January 12, 1946.

Henry P. Needham to be commodore, while serving on the staff of commander, Service Force, United States Pacific Fleet, to rank from January 12, 1946.

HOUSE OF REPRESENTATIVES

SATURDAY, MAY 25, 1946

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Not unto us, O Lord, but unto Thee give glory for Thy mercy. Come unto us with needful lessons, cleansing our thoughts and motives. In this hour of unparalleled crisis, we are anxious for our Nation, and pray that the great lights of patriotism and liberty may not be smothered by indifference or by the distractions of personal gain.

In a land so rich with heaven's blessings, forbid that any should move lawlessly or be hard of heart and blind of eye to those who are dependent upon them. Guard and gird us against any forces that would threaten the life of our civilization, and grant that the freedoms which have been gained and the institutions founded in sacrifice and toil may be carried to greater achievements. Help us to approach our responsibilities calmly, undisturbed, remembering that he who is slow to anger is better than the mighty. Bless and sustain our President as he asserts the power and dignity of free government; may he be assured of the loyalty and confidence of all our citizens.

"God bless our native land!
Firm may she ever stand,
Through storm and night;
Thou who art ever nigh,
Guarding with watchful eye,
To Thee aloud we cry,
God save the state!"

In the name of our Redeemer. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 153. Concurrent resolution providing for a joint session of the Congress on Saturday, May 25, 1946.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3370) entitled "An act to provide assistance to the States in the establishment, maintenance, operation, and expansion of school-lunch programs, and for other purposes."

SUSPENSION OF THE RULES

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that any time today or on Monday next it shall be in order for the Speaker to entertain motions to suspend the rules, notwithstanding the provisions of clause 1, rule XXVII.

Mr. MARCANTONIO. I object, Mr. Speaker.

Mr. McCORMACK. Will the gentleman reserve his objection?

Mr. MARCANTONIO. I reserve the right to object, Mr. Speaker.

Mr. McCORMACK. May I suggest to the gentleman that this will obviate the necessity of a rule from the Rules Committee. Of course, two-thirds of the Members voting in favor of a rule, the legislation could be considered at once, notwithstanding the requirement that a rule should lie over 24 hours. This unanimous-consent request is to expedite action and to obviate the delay of going to the Rules Committee for a rule.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. MARCANTONIO. Just a minute; I have the floor. I wish to reply to the distinguished majority leader.

I prefer to have the rule so that the House will have an opportunity to debate and vote and express itself, while by this method those of us who are opposing what is going to be attempted here will be put in a position of consenting. Therefore, with all due respect for the gentleman, for whom I have a great personal affection, I am constrained to object because of principle.

The SPEAKER. Objection is heard.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. MARCANTONIO. I yield to the gentleman from Massachusetts.

Mr. MARTIN of Massachusetts. I wish to ask the distinguished majority leader, for the information of the House, if it is his intention now that objection has been made to get a rule and have action on it?

Mr. McCORMACK. That is the intention at the present time.

Mr. MARTIN of Massachusetts. Then the membership following the address of the President will probably find itself in position to take action upon the request.

The SPEAKER. The intention——

Mr. McCORMACK. That is the present intention.

Mr. MARCANTONIO. I object, Mr. Speaker.

The SPEAKER. The Chair will make a statement in his own right.

It is the intention of the gentleman from Massachusetts to ask the Committee on Rules to meet immediately and adopt a rule and report it out before the Chair declares a recess.

Mr. RANKIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. If we took the bill up under a suspension of the rules, it would require a two-thirds vote to pass it.

The SPEAKER. Yes.

Mr. RANKIN. But under a rule it will require only a majority vote unless the rule provides for a suspension of the rules. So the gentleman from New York [Mr. MARCANTONIO] will not have gained anything by his objection.

Mr. MARCANTONIO. The rule must provide for suspension and a two-third majority will be required to pass the legislation. The gentleman from New York exercises his privilege as a Member of this House and objects despite the gratuitous advice of the gentleman from Mississippi.

The SPEAKER. The gentleman has objected.

EXTENSION OF REMARKS

Mr. HOBBS. Mr. Speaker, on yesterday the House granted unanimous consent for me to incorporate in my remarks a letter from the Attorney General on the bill S. 7. I am advised by the Public Printer that the cost will be $180. Notwithstanding the excess, I ask unanimous consent that the letter and its addendum may be printed in the RECORD.

The SPEAKER. Without objection, notwithstanding the cost, the extension may be made.

There was no objection.

Mr. HOBBS. Mr. Speaker, I ask unanimous consent secondly to put in a memorandum on the same subject by the Department of Justice.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BLOOM asked and was given permission to extend his remarks in the Appendix of the RECORD and include therein an address by Hon. James A. Farley.

Mr. LANE asked and was given permission to revise and extend his remarks.

Mr. LYLE asked and was given permission to extend his remarks in the Appendix of the RECORD and include a letter.

Mr. PRICE of Illinois asked and was given permission to extend his remarks in the RECORD and include a letter and a resolution.

HOD CARRIERS AGAINST DRASTIC STRIKE ACTION

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. ABERNETHY. Mr. Speaker, yesterday I received the following telegram:

WASHINGTON, D. C., *May 24, 1946.*
Hon. THOMAS ABERNETHY,
Washington D. C.:

This international union and its affiliated locals and members urgently request your cooperation in defeating all proposed anti-labor bills now being considered. The permanent rights of working people should not be destroyed because of temporary economic misunderstandings. Serious decisions with lasting effect should never be made during a period of excitement. Counciliation is the true and lasting remedy. We sincerely urge your indulgence at this time.

JOS. V. MORESCHI,
General President, International Hod Carriers Building and Common Laborers Union of America.

How can any group, unionized or otherwise, close their eyes to the terrible situation in which the country now finds itself? Do they not know that the recent acts of some labor leaders amount to nothing less than insurrection? Do they not know that the Nation is almost completely paralyzed? Do they not know, as the President so well stated last night, that the entire world is being made to suffer? Do they really want the President and the Representatives of the people to sit around with innocent faces, in complete silence, in a state of inaction, twiddling their thumbs, as our people in every station of life are forced into idleness and approach starvation? Do they not know that without action that this situation can and will happen again, with even more serious consequences?

No, Mr. Speaker, the Congress must act. The House of Representatives has heretofore acted many times. But now the entire Congress must act—today and not tomorrow. It must find a means to end this chaos and it must guarantee that it shall never happen again.

Unless we do, Mr. Speaker, I would like to say to the President of the hod carriers union that his men may soon find themselves suffering from the lack of any hods to carry.

PERMISSION TO ADDRESS THE HOUSE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WHITTEN. Mr. Speaker, last night I listened with the gravest concern to the speech of our President on the strike situation, as I know the millions of American citizens must have listened. Like them, I was glad to see that the President recognized that the present situation was one that could not be tolerated if we are to continue as a democracy, able to have and to hold a free economy. I know there are few, if any, right thinking Americans who would differ with the President in his indictments of the few willful men who have brought about the present stalemate now destroying our country, making itself felt in all affairs of our people. Yet, Mr. Speaker, I feel that the President's speech failed in a great particular.

Our troubles are not caused all together by a few willful men. A change of heart on the part of this particular small group will not cure our troubles, for if they let up on this strike there will be more. There have always been small willful groups. Society recognizes this when it provides criminal laws, not because they are needed for the average American but to take care of those few who will not be guided by the rules of right and who are not willing to conform to the best interest of the community and country.

In the labor field, we have had the Petrillos, the Lewises, and now others. I have insufficient information to pass on the merits of the controversies between the carriers and the unions. I do know that the public interest should not suffer because of those differences. The desires of any group should always be subservient to the national interest if we are to continue as a government. There must be some tribunal or some authority which can finally pass on such differences and no one should be able to break down the actual operations of the governmental economy to serve their own ends in the settlement of any differences between employers and employees.

No, Mr. President, the trouble goes a little deeper than a few willful men. We will have a few willful men who put their own interests ahead of the public welfare always. The trouble is that our laws do not protect us from the acts of such willful groups. I have supported the Smith-Connally bill, the Case bill, and all other measures which I believed would help to prevent such stalemates as we now have. The House has acted many times only to have the measure die or be stripped of effectiveness by the Labor Committee of the other body.

Mr. President, with all due deference to your high position, I join with millions of American citizens, both union and nonunion, in the hope that you will use your high office to press for changes in the basic law which will protect the American Government, the American economy, the American people from the acts of a few willful men, for we are all bound to know that such men there will always be. The House of Representatives has spoken many times, now we hope that we may have the support of the executive department and action on the part of the other body, so that the law may be corrected and differences between employees and employers be settled in the future on a fair basis between the parties, if possible, but by the Government if need be, to protect the operation of an orderly, sound economy of American citizens.

EXTENSION OF REMARKS

Mr. LUTHER A. JOHNSON asked and was given permission to extend his remarks in the RECORD in two instances, in the first to include an article by the Secretary of State, James F. Byrnes, and in the other an address by Mr. Clair Wilcox, Director of the Office of International Trade Policy of the Department of State.

Mr. WASIELEWSKI asked and was given permission to extend his remarks in the RECORD and include a newspaper article.

PRESIDENT TRUMAN'S ADDRESS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include the address by President Truman last night.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Speaker, President Truman thrilled the American people with encouragement and inspired them with hope by his speech last night.

Harry Truman grew in stature more last night than any other President ever has with one speech within the memory of this generation.

Now, if he will just follow through, which I feel sure he will, the Congress will go along with him in protecting America against such racketeering activities as we have experienced during the last few months.

Mr. Speaker, I want to answer one criticism of the President that was made here on yesterday, with reference to his attending a garden party during this crisis. I call attention to the fact that day before yesterday was set apart months and months ahead for the reception of disabled veterans, those boys who suffered gunshot wounds and other disabilities in this war. They were gathered on the south lawn of the White House and the President went out to meet them. He is entitled to commendation for thus honoring those disabled heroes, and he would have been criticized more severely if he had not been there to honor them on this occasion.

Under permission granted me to extend my remarks in the RECORD, I am including President Truman's speech on the strike question delivered over the radio last night.

The matter referred to follows:

My fellow countrymen, I come before the American people tonight at a time of great crisis. The crisis of Pearl Harbor was the result of action by a foreign enemy. The crisis tonight is caused by a group of men within our own country who place their private interests above the welfare of the Nation.

As Americans you have a right to look to the President for leadership in this grave emergency. I have accepted the responsibility, as I have accepted it in other emergencies.

TELLS HISTORY OF CONFLICT

Every citizen of this country has the right to know what has brought about this crisis. It is my desire to report to you what has already taken place and the action that I intend to take.

Negotiations between the unions and the railroad operators started in accordance with the Railway Labor Act. Twenty unions were involved. Eighteen of these unions agreed to arbitrate the wage question, and an award was made. Alvanley Johnston, president of the Brotherhood of Locomotive Engineers, and A. F. Whitney, president of the Brotherhood of Railway Trainmen, refused to arbitrate the matter for their unions and instead took a strike vote. An emergency board heard the case of these two unions and rec-

ommended the same wage increase awarded the other 18 unions. Mr. Johnston and Mr. Whitney, however, rejected the emergency Board's recommendation in its entirety.

I began conferring with Mr. Whitney and Mr. Johnston as far back as February 21, 1946, in order that every effort should be made to avert a rail strike. When it became evident that the parties themselves were unable to agree I submitted a compromise proposition to all the parties involved.

THREE SEPARATE CONFERENCES

Negotiations were made considerably more difficult by the attitude of Mr. Whitney and Mr. Johnston in refusing my request that they meet with the operators and the other 18 unions in a joint conference in the office of the President of the United States. They agreed to meet with the operators, but not in the presence of the representatives of the other unions. Accordingly the three separate conferences had to be held in the White House.

The unions had been awarded an increase of 16 cents per hour and certain changes in rules by the arbitration and emergency boards. I recommended that they accept the 16-cent increase awarded by the boards, plus 2½ cents in lieu of rule changes. These rule changes had been considered by the emergency board, which recommended that most of them be negotiated by the parties.

After consideration, this compromise was accepted by the operators and by 18 of the unions. These 18 unions were cooperative. They placed the interests of their country first. The compromise was rejected by the locomotive engineers and the trainmen.

RAISE EMINENTLY FAIR

This offer of an increase of 18½ cents per hour was eminently fair. It would have resulted in actually increasing the take-home pay of the union members above the greatest take-home pay which they enjoyed during the war. In addition, these two unions are among the highest paid unions in the country. It is also important that the suggested increase of 18½ cents was within the wage-stabilization formula—and this formula must be maintained.

Instead of accepting this offer, as did 18 of the unions and the operators, Mr. Johnston and Mr. Whitney chose to reject it and to call a strike of their unions. I assume that these two men know the terrible havoc that their decision has caused and the even more extreme suffering that will result in the future. It is inconceivable that the rank and file of these two unions realize the terrifying situation created by the action of these two men.

The effects of the rail tie-up were felt immediately by industry. Lack of fuel, raw materials and shipping is bringing about the shut-down of hundreds of factories. Lack of transportation facilities will bring chaos to food distribution.

FOOD SUPPLIES TO DWINDLE

Farmers cannot move food to markets. All of you will see your food supplies dwindle, your health and safety endangered, your streets darkened, your transportation facilities broken down.

The housing program is being given a severe set-back by the interruption of shipment of materials.

Utilities must begin conservation of fuel immediately.

Returning veterans will not be able to get home.

Millions of workers will be thrown out of their jobs.

The added inflationary pressure caused by the drop in production cannot be measured.

While the situation in our country is extremely acute, the condition in Europe is tragic. Most of our friends today in liberated Europe are receiving less than one-third of the average American consumption of food. We have promised to help the starving masses of Asia and Europe, and we have been helping them. We have been exerting our utmost efforts, and it is necessary for us to increase our shipments. At this minute 100,000 tons of grain are being held up by the strike of these two unions. UNRRA has 12 ships scheduled to leave from our ports with grain. These ships cannot sail because the strike of these two unions is keeping the food from reaching the ports. If these ships are held up any longer it means that the bread supply of 45,000,000 people will be cut off within 1 week.

These people are living from hand to mouth. They depend upon weekly shipments from us to meet their minimum daily needs. This grain held up in this country by the strike of these few men means the difference between life and death to hundreds of thousands of persons. This is stark, tragic truth. If the operation of our railroads is not resumed at once, thousands of persons, both here and abroad, will starve.

"I'M A FRIEND OF LABOR"

During these past weeks I have told Mr. Johnston and Mr. Whitney of the tragedy that would result from a strike. They have refused to heed my warning. I doubt whether the rank and file of their unions have been told these facts. I am telling them now so that each one of them can face his conscience and consider the specter of starvation and death that will result from the course which Mr. Whitney and Mr. Johnston are following.

I do not speak tonight of the situation in the coal mines of the Nation, for the men are now at work and negotiations for settlement are now taking place between the Government and the unions.

I am a friend of labor. You men of labor who are familiar with my record in the United States Senate know that I have been a consistent advocate of the rights of labor and of the improvement of labor's position. I have opposed and will continue to oppose unfair restrictions upon the activities of labor organizations and upon the right of employees to organize and bargain collectively.

It has been the basic philosophy of my political career to advocate those measures that result in the greatest good for the greatest number of our people. I shall always be a friend of labor.

But in any conflict that arises between one particular group, no matter who they may be, and the country as a whole, the welfare of the country must come first. It is inconceivable that in our democracy any two men should be placed in a position where they can completely stifle our economy and ultimately destroy our country. The Government is challenged as seldom before in our history. It must meet the challenge or confess its impotence.

CANNOT STAND IDLY BY

I would regret deeply if the act of the two leaders of these unions should create such a wave of ill will and a desire for vengeance that there should result ill-advised restrictive legislation that would cause labor to lose those gains which it has rightfully made during the years.

As President of the United States, I am the representative of 140,000,000 people, and I cannot stand idly by while they are being caused to suffer by reason of the action of these two men.

This is no contest between labor and management. This is a contest between a small group of men and their Government. The railroads are now being operated by your Government and the strike of these men is a strike against their Government. The fact is that the action of this small group of men has resulted in millions of other workers losing their wages.

The factories of our country are far behind in filling their orders. Our workers have good jobs at high wages but they cannot earn these wages because of the willful attitude of these few men. I cannot believe that any right of any worker in our country needs such a strike for its protection. I believe that it constitutes a fundamental attack upon the rights of society and upon the welfare of our country. It is time for plain speaking. This strike with which we are now confronted touches not only the welfare of a class but vitally concerns the well-being and the very life of all our people.

The railroads must resume operation. In view of the extraordinary emergency which exists, as President of the United States, I call upon the men who are now out on strike to return to their jobs and to operate our railroads. To each man now out on strike I say that the duty to your country goes beyond any desire for personal gain.

If sufficient workers to operate the trains have not returned by 4 p. m. tomorrow, as head of your Government I have no alternative but to operate the trains by using every means within my power. I shall call upon the Army to assist the Office of Defense Transportation in operating the trains, and I shall ask our armed forces to furnish protection to every man who heeds the call of his country in this hour of need.

This emergency is so acute and the issue is so vital that I have requested the Congress to be in session tomorrow at 4 p. m. and I shall appear before a joint session of the Congress to deliver a message on this subject.

MEETING OF RULES COMMITTEE

Mr. SABATH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SABATH. Mr. Speaker, in view of existing conditions, I shall call a meeting of the Rules Committee today at 12:30 for the consideration of such business as it may be necessary for the Rules Committee to transact at that time.

DAVID LAWRENCE

Mr. GRANGER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. GRANGER. Mr. Speaker, I read an article last night by Mr. David Lawrence who in his own opinion is the only oracle of truth, righteousness, and courage. This article was slanderous of the President of the United States, and every decent person should condemn such nonsense. If there is a spark of humility in his self-satisfied, conceited soul, he would apologize to the President.

PRESIDENT TRUMAN'S ADDRESS

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RUSSELL. Mr. Speaker, I also listened to the President last night and

I agree with him as far as he went, although I do not think he went far enough, at least to suit me. But I am standing behind him as far as he has gone. I was particularly interested in the way he described the two parties he named. While he described them as they were, he failed to designate the terms. To supply part of that I am going to say in the well of this House that they should have been termed what they are—insurrectionists.

EXTENSION OF REMARKS

Mr. REED of New York asked and was given permission to extend his remarks in the RECORD in two instances and include certain quotations in one from a speech of a former President, and in the other from various sources.

Mr. ANGELL asked and was given permission to extend his remarks in the RECORD on two subjects and include in one a short article and in the other a letter.

Mr. FULTON asked and was given permission to extend his remarks in the RECORD and include an editorial from the Washington Post of May 25, 1946.

Mr. REES of Kansas asked and was given permission to extend his remarks in the RECORD and include a newspaper article.

Mr. JOHNSON of California asked and was given permission to extend his remarks in the RECORD.

Mr. CLEVENGER asked and was given permission to extend his remarks in the RECORD and include a newspaper editorial.

Mr. LEFEVRE asked and was given permission to extend his remarks in the RECORD and include an editorial from today's New York Herald Tribune.

Mr. MUNDT asked and was given permission to extend his remarks in the RECORD and include a newspaper article.

Mr. PITTENGER asked and was given permission to extend his remarks in the RECORD, and further to extend his remarks and include an editorial.

Mr. HESELTON asked and was given permission to extend his remarks in the RECORD with reference to the livestock feed shortage in New England, and further to extend his remarks and include a telegram from the undergraduate council of Williams College.

BOSTON & MAINE RAILROAD

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I am very happy to announce to the House that on the Boston & Maine Railroad this morning at 5:52 a. m. the first train since the strike ran out of Lowell, Mass., with its own train crew. Those men love their country much better than their own interests, much better than themselves. I am extremely proud to represent them in the Congress of the United States. They telephoned me from Lowell just a little while ago that other trains are running into Boston and running up north. If only the other trainmen all over the country would follow suit before added misery and suffering and loss of work and loss of property take place.

LABOR LEGISLATION

Mr. MILLER of Nebraska. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. MILLER of Nebraska. Mr. Speaker, the speech of the President last night was a forthright, strong message. It was good medicine for the country. It has been needed for a long time. I feel that instead of cautioning the Senate 3 weeks ago not to pass restrictive labor legislation that this type of speech should have been delivered then. I am convinced, too, that the country is far ahead of the administration and this Congress in its desire for good, honest, constructive labor legislation. When the Government seizes a business because of a strike or lock-out by industry, that union and industry are not denied any rights not in the interest of the public, it is no different from restricting an individual who may have a contagious disease from walking the streets and broadcasting his infection. We need legislation at this time. I suggested quite some time ago that the proper method was to have Federal judges decide some of these disputes, and I feel we must have judicial decisions on the strikes and their finding must be respected under penalty of law.

It is very questionable in my mind that we should accept legislation on industrial disputes without careful examination, but if the President today suggests definite legislation I expect to vote for same. It is his responsibility and if failure occurs it will not be the fault of this Member.

LABOR LEGISLATION

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. PLUMLEY. Mr. Speaker, I want to go definitely on record to say that while in my personal and private opinion, under the War Powers Acts the President has had, although he has not used, the necessary power and authority to prevent all these strikes against the Government and public interest, and what has happened, nevertheless I shall support such recommendations as he may make in the crisis as he thinks necessary to give him the necessary power and authority to protect representative government, to put an end to this debacle now and for all time.

TODAY'S SPECIAL JOINT SESSION

Mr. MUNDT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. MUNDT. Mr. Speaker, yesterday at this time from this place I gave a talk recommending that the President call a joint session of Congress today to consider the strike situation. It is not my contention this noon that his action grew out of my recommendation, but I am, however, gratified along with the rest of you that the President is going to appear here today before a joint session of Congress to make proposals for meeting this critical situation.

If the President lacks sufficient authority to meet the strike situation confronting this country, and if he will come here today and spell out the authority which he lacks and tell us the legislation he is willing to sign to secure it, I am sure the House and the Senate will act today as I predicted in my remarks yesterday.

If the President now has adequate authority he should have used it, not today, not tomorrow, but at least 30 days ago. The whole sorry strike spectacle which confronts the Nation today stems from policies and promises emanating from the White House. It is now time that the Nation receive some corrective leadership from the White House to bring order out of the chaos which its lack-wisdom program has created.

THE STRIKE SITUATION

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, I most earnestly hope that the members of the two rail unions to whom the President made an appeal last night will return to their jobs before 4 o'clock. Be it remembered none of the other 18 railroad unions are on strike at all. If they do not, the only thing for a Member of Congress to do, and the thing which I do now and shall do, is to support the President of the United States in his attempt to meet this national crisis. I want to add this one word—that should legislation be requested to empower the President in time of national emergency to take over industries and to assure their continuous operation by preventing any work stoppage or strike therein, then that legislation ought to include provisions that the net earnings of that industry which may be earned during the period of Government operation should be covered into the Federal Treasury. There ought to be every element in that legislation to discourage both labor and management against getting into a situation where Government seizure will be necessary. But once an industry has come under the flag of the United States because of a break-down of all collective-bargaining efforts, then the President of the United States becomes responsible to the entire Nation for its continued operation and must be—and over the long run I am

confident will be—supported under such circumstances by every group in the Nation.

THE STRIKE SITUATION

Mr. DE LACY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. DE LACY. Mr. Speaker, in this serious situation that confronts us, I am confident that the members of the two brotherhoods will declare their readiness to return to work. But I am certain that they will want to understand certain things. I am certain they will want an agreement or an understanding that further negotiations will be carried on between them and the private companies. I am certain they will want those negotiations, if they come to a fruitful result, to be retroactive. I am sure they will expect their Government to deal fairly with them if they respond to this call. After all, the Government of the United States cannot become the shield and buckler of recalcitrant, profit-hungry corporations. We cannot permit our Government to be the shield of powerful corporations against the demands of their workers in an economic dispute. When that question is satisfactorily resolved, I am sure that the brotherhoods involved will be ready to go to work and do the job which they have done so well during the war.

The SPEAKER. The time of the gentleman from Washington has expired.

THE STRIKE SITUATION

Mr. SLAUGHTER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SLAUGHTER. Mr. Speaker, it seems to me that the gentleman who has just spoken has overlooked a very salient feature in this crisis when he talks about a struggle between unions and corporations. The strike that is now in progress is not a strike against any corporation. It is a strike against the President of the United States, acting as the servant of all the people. It is a strike against the people of the United States, and it is a strike against the sovereign power of the United States.

EXTENSION OF REMARKS

Mr. KEFAUVER asked and was given permission to extend his remarks in the RECORD and include an address by Judge Ewin Davis, Chairman of the Federal Trade Commission.

BROADCASTING PROCEEDINGS OF THE HOUSE

Mr. DIRKSEN. Mr. Speaker, I would like to address a parliamentary inquiry to the Chair. While I am not advised as to what may take place this afternoon or whether the House will consider legislation sometime after the President's message, would it be possible perhaps to preserve the microphones in the Chamber, because I am satisfied the country would be deeply interested in any discussion or debate that may take place here. I very respectfully address that inquiry to the Chair.

The SPEAKER. There is no rule under which proceedings of the House of Representatives can be broadcast except on special occasions.

THE STRIKE SITUATION

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GROSS. Mr. Speaker, whenever a doctor is called into a home to help a sick patient, if he is honest and if he wants to help the patient, the first thing he does is look for the cause; and then he begins by removing the cause of the ailment. After the cause is removed, nature generally takes care of itself. If we want to help the patient we have now, we will look for the cause and we will find it in the Wagner National Labor Relations Act. It does not make any difference what suggestion the President makes for immediate relief, it will just be a shot in the arm; it will be like a dose of aspirin. Until we revise the Wagner Labor Relations Act, which is the cause of all our present troubles, we will have nc definite relief.

EXTENSION OF REMARKS

Mr. JENNINGS asked and was given permission to extend his remarks in the RECORD and include an editorial and two letters.

PRACTICE BEFORE FEDERAL AGENCIES

Mr. JENNINGS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. JENNINGS. Mr. Speaker, on Friday, May 24, the House considered and passed an act to improve the administration of justice by prescribing fair administrative practice. In my speech on the floor of the House favoring the passage of this act, I pointed out that this measure is a step in the right direction to protect the rights, liberty, and property of the citizens of this country against the steady and unlawful oppression at the hands of Washington bureaucrats. The thousands of men and women in Washington who have disregarded laws passed by Congress, and set themselves up as lawmakers, and who, in many instances, under rules and regulations they have promulgated, act as accuser, prosecutor, judge, jury, and executioner of the citizen, have heretofore been a law unto themselves.

This act is similar to one favorably acted on by the House Committee on the Judiciary. As a member of this committee, I, along with the other members of the committee, carefully considered each and every section and provision of the act as finally passed.

Section 6 of the act, provides, among other things, that—

> Any person compelled to appear in person before any agency or representative thereof shall be accorded the right to be accompanied, represented, and advised by counsel or, if permitted by the agency, by other qualified representative. Every party shall be accorded the right to appear in person or by or with counsel or other duly qualified representative in any agency proceeding.

On the consideration of this measure the gentleman from Tennessee [Mr. KEFAUVER] offered and spoke in favor of the following amendment:

> On page 30, line 15, after the period insert "any member of the bar who is in good standing and who has been admitted to the bar of the Supreme Court of the United States or of the highest court of the State of his or her residence shall be eligible to practice before any agency: *Provided, however,* That any agency shall for good cause be authorized by order to suspend or deny the right to practice before such agency."

I opposed this amendment and spoke against it. The House rejected it, and properly so.

There are many cases coming before these Federal agencies where a competent businessman or a certified public accountant can render a citizen services just as valuable as an attorney could render. And, in case of an accounting, much more valuable.

And certainly no agency should have the right to refuse to hear any competent representative of a citizen who has been hauled from his home in some distant State to fight for his rights before a bureaucrat in Washington.

In a reply he made to what I had to say in opposition to his proposed amendment, which was defeated, the gentleman from Tennessee [Mr. KEFAUVER] used this language:

> I happen to be a member of the subcommittee and talked about this proposal with the chairman of the subcommittee. The gentleman from Tennessee, not being a member of the committee, of course would not know about that, and I am sorry that he opposes the amendment.

I did not then nor do I know now what the gentleman from Tennessee [Mr. KEFAUVER] said in a conversation he had with the chairman of the subcommittee. I am in no way interested in that. But I do know what occurred when the House Committee on the Judiciary considered this measure. And, what is important, I was present as a Member of the House when this proposed amendment that would have prevented a citizen from selecting and employing a competent representative to appear with or for him before a Washington agency or its representative to aid and defend him against some one of the thousands of prosecutions, and too often persecutions, with which the people of this country are being harassed.

Certain it is, no bureaucrat should have the power to deny the citizen the right to be heard as the law of the land provides.

THE DOMESTIC SITUATION

Mr. BENDER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BENDER. Mr. Speaker, I was just now called on the long-distance telephone. A nephew of mine has landed in New York after having spent 2 years in Saipan. He said, "Uncle George, I just came in. I would like to get home and I cannot get transportation." I said, "That is too bad. You will have to wait there until we can make arrangements to send for you." He said, "Isn't that a hell of a country to come home to, when you cannot get home after you land in New York?" He said, "Will you have a big steak for me when I get back to Cleveland?" I said, "We cannot get any steaks in Cleveland." He said, "Isn't that a hell of a note?" I said, "Yes, but what do you expect when a majority of the people have been voting the country that way for the last 14 years?"

EXTENSION OF REMARKS

Mrs. ROGERS of Massachusetts asked and was given permission to extend her remarks in the RECORD, and include a petition of the Arlington Machine Workers against the strikes.

THE STRIKE SITUATION

Mr. VURSELL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. VURSELL. Mr. Speaker, we have reached another crisis. At 4 o'clock this afternoon the President of the United States will address the Congress. I presume his address will deal with what may be necessary to straighten out the industrial disputes of the Nation.

May I call the attention of the House to the fact that 3 months ago 258 Members of this House passed legislation in the hope of preventing the very crisis that is now upon us. We were criticized throughout the Nation when we attempted to pass legislation that would seek to obviate the necessity for what is happening in the Nation, and the necessity that will bring the President to the floor of the House this afternoon.

And may I point out that the President and his administration leaders opposed the legislation passed by the House which sought to define and protect the rights of labor, business, and such legislation as would protect the millions of people who make up the public. Had the President supported this legislation, doubtless the Senate would have passed it and the crisis would not be upon us today where we will be almost compelled, because of this crisis, to pass legislation without due consideration.

For 12 years the administration in power, with a majority in both branches of the Congress, by playing politics with the labor leaders for their votes at election time have been digging the rather deep hole the administration finds itself in now. Now, they call upon the Members of this House who have had the wisdom and courage to courageously meet the question and try to solve it before the economy of the Nation has been broken down with strikes, to throw a rope down in the hole to pull the administration out.

It is interesting to note that the President could and should have taken action 6 months ago so that the Congress could deliberately study and pass comprehensive legislation, fair to labor, business, and the entire Nation. This he did not do for the very obvious reason, the fear of offending the labor vote.

If the President would have made the speech he made last night 30 days ago, it would have prevented the break-down of the business of the Nation and saved a billion dollars the Nation badly needs in goods and service. The matter was allowed to drift with the results that the entire Nation is aroused and the people are greatly inconvenienced and punished.

It is to be hoped that the people clearly see through this picture so they may place the responsibility and the blame where it properly belongs.

The SPEAKER. The time of the gentleman from Illinois has expired.

THE STRIKE SITUATION

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and not revise my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CRAWFORD. Mr. Speaker, a railroad strike is a very disastrous thing if it lasts very long. So is a coal strike. But this country rolls on automobile wheels and truck wheels. I became rather concerned about the situation when a combination was formed which prevented the production and shipment of automobiles in interstate commerce. Now, this is just another chapter in the same book, perhaps a little more entertaining to all of us. If this particular strike is settled between now and 4 o'clock, what are we going to do about the general situation? I am of the opinion that there will be waves of strikes going on across this country in the months to come unless we can do something to save matters. So I hope that if the strike is settled between now and 4 o'clock the President of the United States will not come up here and call off consideration of this whole proposition.

The SPEAKER. The time of the gentleman from Michigan has expired.

CALL OF THE HOUSE

Mr. KEFAUVER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 133]

Adams	Fuller	Miller, Calif.
Allen, Ill.	Gamble	Morgan
Anderson, Calif.	Gary	Morrison
Andrews, N. Y.	Gathings	Murphy
Arends	Gearhart	Murray, Tenn.
Bailey	Geelan	Norton
Baldwin, Md.	Gerlach	O'Neal
Baldwin, N. Y.	Gifford	Patrick
Barden	Gillespie	Patterson
Barrett, Pa.	Granahan	Pfeifer
Barry	Green	Philbin
Beall	Hagen	Powell
Bennett, Mo.	Hall,	Quinn, N. Y.
Biemiller	Leonard W.	Rabin
Bolton	Halleck	Rayfiel
Bonner	Hand	Reece, Tenn.
Boren	Harris	Rich
Boykin	Hart	Robertson, Va.
Bradley, Pa.	Hartley	Roe, Md.
Brumbaugh	Havenner	Roe, N. Y.
Buckley	Healy	Sadowski
Bunker	Heffernan	Sasscer
Byrne, N. Y.	Hendricks	Schwabe, Mo.
Cannon, Fla.	Hinshaw	Shafer
Carlson	Hoffman	Sheppard
Case, N. J.	Hook	Sheridan
Celler	Howell	Short
Chapman	Izac	Simpson, Pa.
Clark	Jarman	Smith, Wis.
Clippinger	Johnson, Ind.	Stewart
Cochran	Kearney	Stockman
Cooley	Kelly, Ill.	Sumner, Ill.
Cravens	Keogh	Sundstrom
Curley	Kerr	Taber
Davis	King	Talbot
Dawson	Kinzer	Taylor
Delaney,	Kirwan	Thom
James J.	Klein	Thomas, N. J.
Delaney,	Knutson	Tolan
John J.	Kunkel	Torrens
D'Ewart	LaFollette	Towe
Dingell	Latham	Traynor
Domengeaux	Lea	Wadsworth
Douglas, Calif.	LeCompte	Weaver
Drewry	Lesinski	Welchel
Durham	Ludlow	Welch
Dworshak	Lynch	White
Eaton	McGehee	Winstead
Elliott	McGlinchey	Winter
Ellis	McGregor	Wolfenden, Pa.
Engle, Calif.	Maloney	Wood
Fernandez	Mankin	
Flannagan	Mansfield,	
Flood	Mont.	
Folger	Mason	

The SPEAKER. On this roll call, 267 Members have answered to their names; a quorum is present.

By unanimous consent, further proceedings under the call were dispensed with.

SUSPENSION OF THE RULES

Mr. SABATH. Mr. Speaker, by direction of the Rules Committee, I present a resolution (H. Res. 640) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That at any time on Saturday, May 25, 1946, or Monday, May 27, 1946, it shall be in order for the Speaker to entertain motions to suspend the rules notwithstanding the provisions of clause 1, rule XXVII.

The SPEAKER. The question is, Will the House consider the resolution?

Mr. MARCANTONIO. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MARCANTONIO. In order to consider the resolution, a two-thirds majority is required, is it not?

The SPEAKER. The gentleman is correct. The Chair is putting that question now.

The question is, Will the House consider the resolution?

The question was taken; and on a division (demanded by Mr. MARCANTONIO) there were—ayes 181, noes 3.

Mr. MARCANTONIO. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and eighteen Members are present, a quorum.

Mr. MARCANTONIO. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were refused.

So, two-thirds having voted in favor thereof, the House decided to consider the resolution.

The SPEAKER. The gentleman from Illinois [Mr. SABATH] is recognized.

OUR COUNTRY MUST COME FIRST

Mr. SABATH. Mr. Speaker, as the gentleman from Michigan [Mr. MICHENER] stated a little while ago, we are confronted with a condition, not a theory.

All my life, Mr. Speaker, I myself have been a friend of labor. I aided in every way in the building up of strong labor organizations so they could protect and safeguard the interests of the workers. Due to the strong organization of labor a great deal has been accomplished by them and while I feel that labor in our country today is better off than in any other country, there still is room for vast improvement.

I listened with great interest to the report made to the country last night by the President on the conditions that confront us and his extraordinary efforts to bring about an adjustment of the differences that exist between the railroad companies and organized railroad labor. I was gratified that 18 of the 20 organizations agreed to go along with his aims to bring about the end of this unfortunate crisis that confronts the Nation, and, I regret exceedingly that the gentlemen representing the two oldest railroad organizations have failed to realize the significance of the situation that exists. I, for one, although a true friend of labor, feel just as the President feels, that always our country comes first. In view of this fact, when requested, I called a meeting of the Rules Committee for the purpose of bringing in a rule that would authorize the Speaker today and on next Monday to suspend the rules. The Committee on Rules held a meeting and unanimously adopted the resolution which has been read to you. Under this resolution the Speaker will have the right to call up legislation that I take for granted will be recommended by the President. I believe it will be of a temporary nature only, and fair and just. Knowing the President as I know him, I am sure he will not recommend anything which will not be for the best interests of our Nation, or harmful to organized labor and its rights, feeling as I do that the President will not be swept away by the present hysteria, and that the Speaker will not call up any other legislation than that pertaining to the present situation.

The crisis is so acute that I feel strong affirmative action is absolutely necessary not only to protect the interests of our country but actually to protect the interests of all labor. The paralyzing conditions which face the country now require this extraordinary rule so that legislation can be immediately enacted which may influence the membership of these two railroad organizations to comply with the request of the President to resume their usual activities.

I have observed that a few gentlemen are opposed to this rule, and I sympathize with them and fully appreciate their feelings, but I wish to say this to those gentlemen: For 60 years organized labor and the common man have had no stronger supporter than I, yet the crisis before us is so grave it demands that I bring in this rule, regardless of my own feelings. Our country, and the welfare of our country, must come before any special interests of whatever nature, and at this moment the welfare of our country is involved.

Mr. Speaker, I reserve the balance of my time and now yield 30 minutes to the gentleman from Michigan [Mr. MICHENER].

Mr. MICHENER. Mr. Speaker, this is a rather unusual procedure, but unusual circumstances and conditions require unusual treatment in the Congress of the United States just as in other walks and activities of life.

Let me explain just what this resolution does. Under the general rules of the House, the first and the third Mondays in each month are unanimous consent days. On these days the Speaker has power to recognize any Member to move to suspend the rules of the House and pass any bill. This rule gives the Speaker suspension-day powers for today and Monday next only. The discretion of the Speaker is the only limitation placed on him. When the Speaker exercises this discretion and recognizes for a suspension motion, it requires a two-thirds vote to pass the legislation. The debate is limited to 20 minutes on a side and no amendments are in order except in a case where the sponsor of the bill or resolution asks unanimous consent to pass the resolution with amendments. So, if this rule passes, there will be lodged in the Speaker the right on today and on Monday next to recognize any Member of the House he sees fit, to offer for passage any legislation that may be pending in the House. It will require a two-thirds vote to pass that legislation.

Mr. Speaker, as we all know, there has been much industrial strife and disagreement culminating in strikes and work slow-downs and stoppages during the whole reconversion period. I make no reference as to who is to blame. The fact exists that these strikes have impeded economic recovery. The condition was bad enough when the fury of the strike was felt primarily by the particular industry affected. It was a fight between the employer and the employee. The Government and other industries were only affected indirectly.

The General Motors strike was the first big one after the war. The automobile business is such an important part of our economy that the industry of the country was well-nigh tied up, and solely because management and labor could not agree in collective bargaining. The administration and the President did not want to interfere and insisted on letting nature take its course. In short, they apparently thought that the country would muddle through somehow. Regardless of what they thought, they took no specific action, made no declaration of policy, and waited.

At that time I addressed the House and among other things I said:

> Mr. President, I beseech you to come out with a courageous statement in behalf of all of the people—not in the interest of either management or labor. I believe, with many others, that such a declaration on your part at the moment will do more to alleviate instantly the terrible strike conditions now prevailing than any other one thing. I speak most respectfully, yet most earnestly.

No action was taken by the President and within a few days I again addressed the House and called attention to the necessity of Presidential proclamation at least. When the President tells labor how far it can go, it usually respects his command.

However, the President took no action. Things in the strike field have been growing progressively worse. Small strikes beget larger strikes, and so the thing has gone along until John L. Lewis, the one-man boss of the United Mine Workers, has the apparent authority and ability to say whether or not the American people will be permitted to have coal.

The President has been urged by radio, press, and in the Halls of Congress to announce a definite policy or take a definite position as to just how far this one man can go in stopping the wheels of industry.

Next, along come two railroad union leaders who state that they are technically following the law in calling a strike of our rail transportation system, and, notwithstanding the fact that 18 other unions of the railroad employees are opposed to any strike, these two leaders have brought want, suffering, and even hunger to every corner of our country.

This thing just cannot continue, and at long last President Truman has summoned courage enough to do something about it. We all listened to his clear-cut and forthright radio statement to the American people last night. He has adequately diagnosed the case. He is the Commander in Chief of the Army and Navy and the first officer of our Republic. He says that he cannot cope with the railroad strike situation without additional power coming through law passed by the Congress. He has written his prescription and asks the Congress to implement his formula.

Within a few minutes he is to address the Congress, amplifying his statement made over the radio. The understanding is that he will ask for immediate legislation which is necessary if this terrible strike is to be controlled.

For my part, I am going to cooperate and I am going to vote to give the President the temporary legislation he seeks to deal with the present emergency.

Mr. Speaker, this rule is a necessary parliamentary step if the House is to be able to deal with the President's request immediately. It is a creature of expediency as well as of necessity. It is an extraordinary rule and it does vest much power in the Speaker.

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I yield to the gentleman from Illinois, the chairman of the Rules Committee.

Mr. SABATH. The gentleman has thoroughly explained the rule but so that there may be no charges made in the future, may I also add that this is an extraordinary rule because it not only authorizes the Speaker to call up any bill reported or on the calendar or reported by a committee, but any bill that in his judgment he may see fit to call up.

Mr. MICHENER. The gentleman is quite right. It lodges a discretion in the speaker.

It so happens that the executive branch of the Government and the majority in the House are of the same political faith. I might, if I wanted to be partisan, criticize the do-nothing attitude of those in power through all this strike period. However that is all water gone over the dam. At long last the President is assuming his responsibility as President, and the majority leadership in the House is asking for this rule. I hope that the vote on it will be unanimous. As one member of the minority, I shall assist in every way in giving the Executive the further authority which he says is necessary.

This is a case where the house is burning and the people are asking why the Congress does not do something about it. The Congress says that the President is the Executive, and in turn the President says he does not have adequate authority. This is not the time or the place for buck-passing. Under the Constitution and the law, the administration has control of the fire machinery. It has the engine. It has the driver of the engine. It has the firemen and it has the hose. If it needs more authority to coordinate all this machinery to put out the fire, who am I to deny this legislation? Certainly our people want action now, and if the Congress refuses to cooperate, then it is entitled to just criticism. The President is asking for emergency legislation. It will not help current conditions to start an investigation as to the cause of the fire. The spread must be stopped and the permanent legislation should be enacted that will prevent things in the future.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I yield to the gentleman from Minnesota.

Mr. AUGUST H. ANDRESEN. The gentleman has stated that the Speaker under this rule may call up any bill. Does the gentleman anticipate that any other bill except the one dealing with this emergency will be called up for consideration under suspension?

Mr. MICHENER. I can hardly anticipate what the Speaker will do. My judgment is that Speaker RAYBURN is not going to call up any improper bills under this additional authority. Speaker RAYBURN will not entertain a motion to consider any bill that he does not think will be helpful in this dreadful hour of uncontrolled strikes.

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. Was the Committee on Rules given any idea of the kind of bill that may be presented to deal with this emergency situation?

Mr. MICHENER. The Committee on Rules was not. The Committee on Rules was given the option of giving the Speaker of the House, who represents the administration, the right to select the bill which he would permit to come up, or vote against a rule to give immediate right-of-way to the President's request. When the baby is sick, and needs medicine, if castor oil is not available, then I am willing to try Castoria.

Mr. CASE of South Dakota. The gentleman from Michigan has already said that the bill that will be presented will be presented, in all probability, without any opportunity for amendment.

Mr. MICHENER. Why, of course. The gentleman is a good parliamentarian. He knows that.

Mr. CASE of South Dakota. I simply want the record clear so that it will be apparent that what is being done is that the Congress is saying to the President, "You [illegible] us castor oil, it is castor oil; if it is Castoria, it is Castoria; but whatever you send up here, that is the thing that is going through without any amendment."

Mr. MICHENER. I prefer the regular legislative processes, but this case is desperate. There is no time for delay. Time is of the essence.

Mr. VORYS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I yield to the gentleman from Ohio.

Mr. VORYS of Ohio. Would it be possible under the rules of the House to adopt today by a two-thirds vote or anything short of unanimous consent a rule which would make in order bills subject to amendment in the way we usually handle legislation?

Mr. MICHENER. No. This procedure is under the rules of the House. The gentleman heard the unanimous-consent request to which he refers objected to.

Mr. KEEFE. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I yield to the gentleman from Wisconsin.

Mr. KEEFE. Am I correct in the assumption that in the event this resolution passes, it will rest in the Speaker the discretionary authority to recognize, if he so desires, any Member of the House to move to call up the FEPC legislation?

Mr. MICHENER. Yes, if the Speaker considers that paramount and that such legislation should come up at this time, he will have absolute discretion. We are placing in the Speaker the absolute right to call up any bill that he thinks is for the best interests of the country at the moment. However, there will be 40 minutes' debate and then a two-thirds vote is necessary to pass the bill. In the end, it will be the action of the House.

Mr. SABATH. You do not think the Speaker will recognize anyone to consider the FEPC bill, do you?

Mr. MICHENER. Certainly not—but I do not know.

Mr. SABATH. Personally, I do not object, of course.

Mr. MICHENER. I do not know what he is going to do about the FEPC. I do not want to discuss the FEPC legislation here. I want to prevent these strikes. I think this problem is serious enough and important enough so that no extraneous matters should be interjected.

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I yield.

Mr. SABATH. When the Committee on Rules acted unanimously on this resolution they expressed the utmost confidence in the Speaker, believing that he has the confidence of the House and that we did not need to fear that he will bring up any bill or anything that is not in the best interests of the country at this time.

Mr. MICHENER. The gentleman is quite right. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include some excerpts from speeches which I made in the House within the last few months with reference to this matter.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MICHENER. Mr. Speaker, I yield 10 minutes to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Speaker, as a member of the Committee on Rules, I voted to report this rule out as the lesser of two evils. At the same time I think I am duty bound to call to the attention of the House the fact that under this rule the Speaker is authorized to select any measure he may wish to have considered by this body, and in turn his body will be required to pass upon it—or to pass upon any bill which may be presented by any Member the Speaker recognizes for that purpose—to pass upon that bill in 40 minutes—with only 20 minutes debate on each side—to pass upon a bill which may be of the utmost importance to the future welfare and safety of this Nation.

I have the greatest confidence in the Speaker of the House. Yet, at the same time I am not unmindful of the fact that the legislation which we will be called upon to consider here today will be legislation prepared by the very administration which has helped to bring about the deplorable situation which confronts our country today. I am not so sure that the people who have failed to recognize and meet the responsibilities which were theirs over the last few years or during the crisis of the last few weeks will be able to give us the type or kind of legislation that will prove to be any permanent solution to the problems which now face the Nation and which have plagued us for so many, many months past.

The responsibility, however, is not mine. It does not belong to the minority. Those of us who are here, as this measure is presented to us later in the afternoon, will be required to vote either "yes" or "no" as the roll is called. Probably, and it is my opinion that such will be the case, we will be required to take a measure which has some good portions in it, to which we can agree, and other portions to which we may object. Yet I want to remind the House, in the few minutes I have, that we have had before this body in the past few years quite a number of bills, any one of which, if written into law, would have gone a long way toward preventing or correcting the present situation in which the country finds itself. Practically all of these measures passed this body. I think I voted for every single one of them. They were sent to another body where, for some reason or other, they were not acted upon, or were defeated. About 3 months ago we approved in the House of Representatives a bill introduced by the gentleman from South Dakota [Mr. CASE] which passed by a tremendous majority.

That measure was permitted to sleep quietly in another body until this present great catastrophe was upon us. I am not unmindful of the fact that some people put political aspirations and considerations above everything else. This, I am fearful has been done, in the past consideration of labor dispute problems. So I, for one, refuse to accept responsibility for the condition in which the country now finds itself, and I want to say to the administration in power, and to those of the majority, the responsibility is yours.

We will give you this rule. We will give you the opportunity to bring before Congress the measure that you think will be of benefit in meeting this present emergency. If it fails, if it is not the kind of law we should have, if it is not a proper or permanent solution for this great problem of labor unrest, then woe be unto you, for the responsibility for the failure of this Government to meet its obligations to its citizens rests squarely upon your shoulders and yours alone.

In all candor and fairness, I think I can say to you who sit before me, and to the country as a whole, that in these past few years the House of Representatives has not been unmindful of the serious threat to representative, constitutional, free government contained in this great labor problem which we have had with us so continuously for the past few years. We have lived up, to the best of our ability, to the responsibility which has been ours as legislators. I think every man and woman in America, who knows how our Government is constituted, realizes that the Congress of the United States is the legislative branch of the Government; that we have no power or authority to enforce the laws. So today we are acting only as legislators. We will simply hand to the administration of President Truman in a few short hours the legislative tools, in the form of a law or laws, which he requests to meet this national emergency.

My one regret is that the President has not seen fit to come to this Congress in recent months with any worth-while constructive legislation that would have actually reached the core and center of this perplexing problem. I am afraid that now he comes just a little too late. But if the price we have already paid has awakened the administration and the country to the dangers which confront us, then perhaps after all the great cost which has been ours has been worth while. Perhaps there is still time to fight back to sound, sane, constitutional government here in America.

So I say to you, I support this rule, but I support it with the understanding and knowledge that the responsibility for solving the labor problems which confront us rests squarely on the White House and the administration in control of the Government. That is where it has rested. That is where it rests now. And that is where it must rest in the future.

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield.

Mr. CRAWFORD. I want to join with the gentleman in supporting the rule. I want to ask this question for information. So far as the gentleman knows, does the bill which it is proposed to be brought up, carry provisions which impose upon the employee the penalty which he may assess against himself——

Mr. BROWN of Ohio. Let me interrupt the gentleman to say that I do not know what the administration bill will contain. I do not know what sort of bill will be called up. I think that is one of the things that is wrong with this procedure. I feel this Congress and the people of the United States should be told what this legislation is and should have a fair opportunity to study it.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. Yes. I yield with pleasure to the gentleman from Georgia.

Mr. COX. Remembering that there is already in existence a rule adopted by this House which gives the Speaker on certain days the right to recognize anyone to move to suspend the rules, is the gentleman prepared to say that there is anything extraordinary about the pending resolution?

Mr. BROWN of Ohio. I am not talking so much about the pending resolution as I am the extraordinary and hasty way in which we are bringing up and considering labor legislation now in an attempt to meet a problem that should have been met many weeks and months ago.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. SABATH. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia [Mr. SMITH].

Mr. SMITH of Virginia. Mr. Speaker, I expect we are having more conversation about this rule than the situation really warrants. We all know, of course, that the country is in an emergency today and we all want to see something done to remedy this emergency.

I do not know, and the speakers who preceded me do not know, whether we are going to be called upon to pass any bill, but the President of the United States has notified the Congress that he would like to meet us in joint session with a message this afternoon. He may ask for legislation and he may not, but if he does, I will say that, with very few exceptions, every Member of this House desires to place himself in the position where we can act, and act promptly, in case the President does ask for legislation. None of us knows what he will ask for or whether he will ask for any legislation.

The only thing this rule does, as the gentleman from Georgia has so pertinently pointed out, is to say that the Speaker may today, and on next Monday, recognize somebody to suspend the rules when, under the general rules of the House, he could always do that on the first and third Mondays of the month. All this does is to move up by a few days the ordinary rules of the House with respect to suspensions.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I am glad to yield.

Mr. McCORMACK. And within the rules of the House we are just taking legislative procedure making it in order.

Mr. SMITH of Virginia. That is all; so that when the President comes and speaks to us, if he recommends immediate passage of emergency legislation, we can pass it and pass it at once and without any hesitation.

I cannot see how any Member of this House whose loyalty is first to the United States can wish to deny the House this opportunity.

Mr. SABATH. Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi [Mr. COLMER].

Mr. COLMER. Mr. Speaker, the purpose of this resolution has been rather thoroughly explained. I can see no reason for extensive debate upon this question, especially in view of what the vote showed here a few moments ago on the question of consideration when, if my eyesight correctly served me, there were only three who voted against immediate consideration of this resolution.

Mr. Speaker, I am one of those who has long thought that we in this Congress should have taken some timely action to prevent the happening of such catastrophes, both in wartime and in our reconversion program. The point, however, is that action was not taken, and certainly no good American who entertains that philosophy can find fault that the President of the United States has now asked for action. Maybe he should have asked for that action sooner—I think he should; but that is another question. Today the wheels of industry are stopped, the rail lines are closed down. In a few more days if this strike continues the rail lines will be but a couple of streaks of rust, and chaos will exist in the land. The time for talk has passed.

Mr. Speaker, the question is frequently asked, What can the Congress do? In fact, I heard a distinguished Member of this side of the aisle ask that question yesterday. Does anyone contend that

the President and the Congress of this great country are impotent to deal with a situation such as exists here? If so, there is something wrong with our governmental set-up, and that something should be corrected. But I do not admit that such a situation exists.

I call attention to the fact that on March 23, 1942, when a similar situation existed at a time when our boys were fighting this country's battles overseas, when strikes in the war industries were increasing and the production of the sinews of warfare was threatened, I introduced a bill—H. R. 6826, of the Seventy-seventh Congress—which, if adopted, would have met that situation. The bill simply provided, among other things, that those people engaged in the production of the necessities of war who were of draft age and who went on strike would automatically be inducted into the armed forces, where they would wear the uniform and receive the same pay as the GI Joes who were fighting the country's battles. Although that bill received a hearing before the Military Affairs Committee of the House, the administration opposed it as being too drastic, and an unfavorable report was given on the bill. Now that we are having a strike against the Government, I see no reason why the President could not ask the Congress for legislation to do the same thing that I tried to do then. I know now, as I knew then, that if the President would take such action in this crisis, the bill would become law, as it would have become law if the administration had not opposed it back in 1942. I respectfully suggest that this policy could well be followed in this emergency.

It is quite evident from President Truman's speech last night that he, too, has had his patience exhausted and is in a fighting mood. His speech, though long overdue, was one of the strongest that I have ever heard. Certainly he is entitled to the consideration and the confidence of this body. And now that he is carrying the torch that this body has so long advocated, it is the duty of all of us to go along with him. The Nation's house is on fire, and we, as the Representatives of the people, are the only ones who can put it out. Let us have action, and action now.

Mr. SABATH. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. MARCANTONIO].

Mr. MARCANTONIO. Mr. Speaker, I fully appreciate the situation that exists in this House. I realize there is very little I can say that will halt the passion and fury which has been whipped up by the press of the country, outside of Congress, and by enemies of labor inside of Congress. I also fully appreciate that some time, somewhere, somehow, those of us who are in opposition to what is to be done today may have our side told to the people of the country. Further, I am confident, Mr. Speaker, that when the sound and fury have blown over, when Americans take stock and inventory, our side, those of us who are trying to let the people of this country know the truth, will be vindicated. I have confidence in time and events. I have faith in the judgment of my fellow Americans.

As far as this rule is concerned, the issue is very clear. I know what it is for. The President makes recommendations, a bill will be offered, then the Speaker, of course, will recognize some one to call up the bill under suspension of the rules. But there is this very, very unusual character to this rule. The gentlemen from Massachusetts and Georgia and several others have said this rule merely advances by a few days suspension Monday. It does more than that. On suspension Mondays bills that are called up are bills that have already been in existence; bills that may or may not have been reported out of committee, but they are bills which any Member will have had the opportunity to read and study. By this procedure that we adopt here we are providing for consideration of a bill which is not even in existence. No Member of Congress knows what it will contain. I think that is true. I do not believe anybody here can challenge that statement. We are providing for the consideration of a bill under 40 minutes debate which is not even in existence. Certainly that is a most extraordinary procedure. In spirit, in my opinion, it is a violation of the traditions of the House, the traditions of due deliberation before the enactment of legislation of this or any other character.

I know what the answer is going to be. We will be told that this is a very unusual situation with which we are dealing and consequently we must use unusual methods and take unusual steps. It is an emergency situation, we will be told, therefore emergency action and emergency procedure will be necessary. Well, now, Mr. Speaker, unless I am very much mistaken, I have every reason to believe that the emergency will be over before the President of the United States addresses this Congress today. If the railroad workers go back to work then you no longer have your rationale, your excuse, your alibi, for emergency procedure because the emergency conditions no longer exist. That is why I have sought to delay this matter, not for the purpose of being dilatory but for the purpose of permitting the Members of this House to be deliberate, of having full knowledge of a bill on which they are going to vote and to deal with the situation realistically.

Mr. Speaker, as to the basic issues. Yes, the country faces a crisis. A crisis brought upon the American people not by labor but by selfish and unpatriotic railroad corporations. You would think that the operators did not exist—not a word of condemnation of them in the press, not a single proposal advanced here to curb them.

What are the facts here? The facts are that the worst mistake that was made in connection with this railroad situation was that we permitted the operators to continue their adamant position. Even after we seized the railroads, instead of doing what would have solved the problem: the Government negotiating directly with the workmen and then returning the property only after the operators agreed to assume a Government-negotiated contract. If we had done that there would not have been a second of cessation in the operations. But oh, no, we had to go after the workers. This was a golden opportunity to smash and wipe away gains that workingmen and workingwomen have made over a period of years of struggle and sacrifice. The heat was on. The monopolists of this country, who have been the recipients of tax benefits, bloated with profits, sought to smash the equality that labor has obtained in collective bargaining. So they refused to negotiate. They took an unreasonable position and provoked a strike. Why should they worry, because on their side now they have the press, on their side now they have the President of the United States. On their side they have now the majority of the Congress of the United States, as was demonstrated here awhile ago. They now have all of the advantages. Everything has been placed on the side of the scales of the operators. Equality in bargaining? Wiped away, wiped away by this diabolical conspiracy launched in Wall Street, in the very heart of Wall Street, and carried on throughout the country by the press and the radio. And now Congress will put its stamp of approval on it.

I know I am just a voice crying in the wilderness here. I know that with a few others I stand alone, but let me assure you, standing alone as we may be, we are expressing an honest conviction, a conviction that arises not because of any interest in any class but a conviction that exists because we believe that the democracy of this Nation will survive only as long as there exists a free, untrammeled labor movement, a conviction that exists because the experience of Italy and Germany has taught us that fascism marches into power and rides roughshod over democracy and democratic traditions and principles, by means of hamstringing, so-called regulation, and destruction of labor's equality in bargaining, and destruction of labor's right to refuse to work, which is the only bargaining power, in the final analysis, that labor has.

Yes, we take the position that we do because we believe in the democracy of our country. We want that democracy to live. We know it cannot live if you destroy the labor movement in the United States. A free labor movement is the very foundation of the liberties of all the people.

In conclusion, I ask that at least if we want to do what you want to do, let us do it on the record. This is such a serious question, do not refuse me when I ask for the yeas and nays.

Mr. MICHENER. Mr. Speaker, I yield 3 minutes to the gentleman from South Dakota [Mr. CASE].

Mr. CASE of South Dakota. Mr. Speaker, I should not have asked for this time except for a couple of points mentioned in the argument of the gentleman from New York [Mr. MARCANTONIO], to which I think direct attention should be given.

I share with him a feeling of wishing there were some other way to approach legislation than this way because I do not like to have legislation ramrodded at us

and then be asked to vote upon it without a chance to offer amendments. I think all of us regret that. But I must point out that there is no obligation resting upon any Member to vote for the bill when it comes up for passage under suspension of the rules.

All we are doing at this time by the adoption of this rule making suspension Monday earlier, so to speak, is to give us an opportunity to consider legislation. Then we may either vote "yes" or "no" on that legislation as we may desire. So that in the adoption of this rule there is no obligation to vote for the bill when it comes if we do not want to vote for it.

The other point which was discussed by the gentleman from New York a fundamental issue which I think we should all keep in mind when we consider permanent labor legislation.

The gentleman said, and I agree with him, that it is important to keep an untrammeled right for labor to bargain. It is important that labor be free. But I want to point out to him that if the Government establishes as permanent policy, the procedure of seizing property and then negotiating a settlement with one side and making a contract between the Government and that one side, and then when the property is turned back, seeks to enforce that agreement upon the other party, then free labor has been destroyed, and the untrammeled right to bargain will have been destroyed.

There is pending in the other body a bill which has been introduced by a Senator from Illinois which proposes to deal with this problem in permanent legislation of this type where seizure of property is involved, which contains a sentence which I think puts its finger on the issue and which is important to keep in mind. That legislation would say:

> While such properties are operated by the United States, they shall be operated under the terms and conditions of employment which prevailed therein when the stoppage of work began.

That is fundamental, ladies and gentlemen. If we abandon that position when we write permanent legislation then you will torpedo collective bargaining—you will torpedo mediation. If it can be said that dissatisfied negotiators can come around and make a special deal with the Government, you will always have strikes asking for a seizure of property in order to get that special deal.

The SPEAKER. The time of the gentleman from South Dakota has expired.

Mr. MICHENER. Mr. Speaker, I yield such time as he may require to the gentleman from Kansas [Mr. REES].

Mr. REES of Kansas. Mr. Speaker, the situation in which we find ourselves today is a most serious one. America faces a great crisis. This is a time that demands sane and discerning leadership. I still have faith that the Congress and the people of this country will work out and solve the important and serious problems that confront their country.

It is indeed unfortunate and disappointing that in view of the outstanding performance of labor and management during the war crisis, that they are unable to carry on in a similar fashion during the postwar period. It is tragic that the industrial, political, and social life of America should become paralized and suffer all because a comparatively small segment of leadership on the part of management and labor, fail to compromise and solve their differences.

Mr. Speaker, certainly a strike against the Government and against the public interest cannot be tolerated. It is indeed unfortunate that this administration and the Congress has not dealt with these problems constructively and fairly, many months ago. I do not believe the rank and file of men who have quit their work, really intend or want to strike against their Government. They are, after all, American citizens and have respect for their country.

It is, as I have just said, most unfortunate that the Congress is called upon to approve legislation under these critical circumstances. The whole problem is too important and too involved to be decided when feeling is running high as it is today. So it is unfortunate that legislation must be adopted immediately and without delay to protect the public interest and to prevent suffering in this country.

It is my hope that, notwithstanding legislation that may be approved today, that this Congress will immediately give careful and painstaking study with respect to this entire problem and submit to the House and the Senate constructive and protective legislation that will be as fair as can be provided, not only to management and to labor but to the people of this country.

Mr. Speaker, the experience of the last few months is sufficient proof and background and sufficient warning as to the need of comprehensive, constructive legislation that will be fair to all parties concerned, including the public interest, in order that America may again lead the way as she has done in the past in the production and the distribution of those things that have made America great.

IN DEFENSE OF THE PRESIDENT

Mr. SABATH. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, it is not necessary for me to urge the adoption of this resolution. The resolution has been explained. But what I desire to say at this time is that the criticism of the gentleman from Ohio [Mr. BROWN] and the gentleman from Mississippi directed to the President is manifestly unfair. They state he should have made recommendations heretofore. Does not the gentleman from Ohio know that the President has made many recommendations on which the House or the Congress has failed to act? I can name some of the outstanding recommendations that he has made on which no action has been taken, such as the minimum-wage bill, the health bill, the social-security amendments, the long-range housing program, extension of a real price-control act, and other sound, forward-looking, and desirable legislation he has recommended. Had we acted on all, or even some of the President's wise recommendations this unfortunate strike might never have occurred. Would not recommendations for railroad legislation have met the same fate and delay and inaction as this other legislation the President has asked for? I think it is manifestly unfair to criticize the President when we should cooperate with him in view of the situation in which he has been placed because we have failed to act. Yesterday afternoon on the floor of the House I stated in my short speech that I hoped that the deplorable strike will be over within 24 hours and in not more than 48 hours. I still feel that it will be, and consequently the situation, unfortunate as it is, will be behind us so that we will be able to legislate sanely for the best interests of all and not be carried away by hysteria. As one who feels that immediate action is necessary and that the action will be fair and that the Speaker will not submit any bill which is not in the best interests of the country, I am ready and willing and desirous to support it.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I yield.

Mr. BROWN of Ohio. I wonder if the gentleman is endeavoring to tell the House that in this great controversy which has come about between the railroad workers and the managers and which has resulted in a strike that has paralyzed the transportation of the Nation that there was any scintilla of evidence whatsoever that any of the things you have mentioned, such as health legislation and minimum-wage legislation, and so forth, was the point at issue? Not a single one of the items the gentleman mentioned was even discussed in all the controversy.

Mr. SABATH. I answer the gentleman this way: That I believe the President had the utmost confidence in this stable labor organization, one which has been recognized by all of us as a real American organization, which no one can charge is dominated by the CIO or by pinks of any shade; and because of his long friendship with the officers of the brotherhoods he believed the strike would be settled, and that railroad management, as well as the union leaders, would agree on an amicable solution of the grievances. That was his belief. Surely, after listening to the President yesterday, we must concede, whether we sit on one side or the other of this aisle, that he has done everything humanly possible to bring about a fair adjustment of the problems that are with us today.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I yield.

Mr. McCORMACK. The very question asked by the gentleman from Ohio [Mr. BROWN] concedes on his part the basic statement made by the gentleman from Illinois [Mr. SABATH] that there has been a delay on the part of Congress in the consideration of the bill.

Mr. BROWN of Ohio. Of course, if the gentleman from Massachusetts drew that impression from the colloquy that was had, the gentleman's comprehension is below par today.

Mr. SABATH. I will say to the gentleman from Ohio the President also, I presume, felt, in view of the fact that Congress has failed to act upon the recommendations he has already made, that further recommendations would not receive consideration from this House.

BILL THREATENS HARD-WON GAINS OF LABOR

Mr. SABATH. Mr. Speaker, since I made my remarks in support of the adoption of this rule, the President of the United States has addressed a joint session of the Congress, and while in the midst of delivering his message he received word that the strike had been called off and the railroad men were returning to their work. This is indeed gratifying to me, the more so because in my remarks yesterday and again today I predicted that settlement would come in 48 hours at the outside, and probably in 24 hours.

The bill recommended by the President, and which we undoubtedly will pass today, is entitled to my vote and to my support only because it is a temporary measure, a stopgap measure, to meet an acute emergency which apparently cannot be met in any other way; and because it can be terminated at any time by the action of Congress, and in any event terminates within 6 months after the official proclamation of the end of hostilities.

For so long as the act remains in effect, it deprives labor of the most important gains made in the last 12 years. It nullifies the Norris-LaGuardia Act in restoring the injunctive processes, the court weapon used by reactionary industry in years gone by to break unions and break strikes, and which, I am happy to say, I worked hard to outlaw. More drastic than that provision is authority granted the President to draft workers in peacetime into the armed services to compel their forced labor. This is the substitution of military might for the civil law.

EMERGENCY JUSTIFIES ACTION

Those provisions are, to my mind, unfortunate and regrettable.

Notwithstanding these drastic provisions, I feel that the President was forced by the crisis to ask for these powers; he has devoted months of time, effort, and study to bringing about adjustment of differences through conciliation and negotiation. I feel that not only railroad labor but railroad owners and management must realize that the legislation the President has asked for is necessary for the time being, as an expedient to enable the country to proceed with its job of reconversion.

The only redeeming features are that it is a temporary measure which will expire automatically 6 months after the peace proclamation, or sooner by congressional action, and that the injunction proceedings at least are in the discretion of the Government and not in the hands of irresponsible industrial reactionaries and their lawyers.

That organized industry and business will try to take advantage of conditions brought about by the 2-day strike goes without saying, and they will press their advantage to the detriment of organized labor. This may, and I hope will, serve as a warning to labor, as I pointed out yesterday and earlier today. The friction, jealousies, and conflicts which exist among the different bodies of labor must be eliminated. All factions must join together for their own protection and cooperate in unionism so that those of us who realize the need for strong organized labor will not be hampered in our efforts to defeat any disruptive and destructive legislation urged and demanded by selfish and reactionary groups.

I deplore and regret that I was constrained, by the emergency which confronted us, to support this drastic measure. I hope it will not be taken advantage of by the railroads or by any other industry.

It must be borne in mind that a full share of blame for the strike must be shouldered by the railroad managements, with whom the union representatives have been attempting to negotiate their grievances since last August. No true picture of the whole story ever has been given the public; the issues on which the railroads were adamant were technical and involved, and the public gained no clear picture of the long and patient discussions which ended only when the unions realized they were unable to gain further concessions without striking.

The SPEAKER. The time of the gentleman from Illinois has expired. All time has expired.

The question is on agreeing to the resolution.

Mr. MARCANTONIO. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were refused.

The question was taken; and on a division (demanded by Mr. MARCANTONIO) there were—ayes 213, noes 4.

So the resolution was agreed to.

ANNOUNCEMENT

The SPEAKER. The Chair desires to announce that during the joint session this afternoon the door on the left of the chair and the door on the right of the chair will be open, and no other. No one will be permitted upon the floor of the House who does not have the privilege of the floor of the House.

The Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 4 minutes p. m.) the House stood in recess subject to the call of the Speaker.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 3 o'clock and 55 minutes p. m.

JOINT SESSION OF THE HOUSE AND SENATE

At 3 o'clock and 56 minutes p. m., the Doorkeeper announced the Acting President pro tempore, Mr. GEORGE, and the Members of the United States Senate.

The Senate, preceded by the Acting President pro tempore and its Secretary and Sergeant at Arms entered the Hall of the House of Representatives.

The Acting President pro tempore of the Senate took the chair at the right of the Speaker, and the Members of the Senate took the seats reserved for them.

At 3 o'clock and 59 minutes p. m., the Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

The SPEAKER. On the part of the House, the Chair appoints the following members of the committee to escort the President of the United States into the Chamber: The gentleman from Massachusetts [Mr. MCCORMACK], the gentleman from North Carolina [Mr. DOUGHTON], and the gentleman from Massachusetts [Mr. MARTIN].

The ACTING PRESIDENT pro tempore of the Senate. On the part of the Senate, the Chair appoints as members of the committee to escort the President of the United States into the Chamber the senior Senator from Kentucky [Mr. BARKLEY], the senior Senator from Maine [Mr. WHITE], and the senior Senator from Montana [Mr. WHEELER].

At 4 o'clock and 3 minutes p. m., the Doorkeeper announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk. [Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is my great pleasure and my privilege to present to you the President of the United States.

ADDRESS OF THE PRESIDENT OF THE UNITED STATES

The PRESIDENT. Mr. President, Mr. Speaker, Members of the Congress of the United States, I desire to thank you for this privilege of appearing before you in order to urge legislation which I deem essential to the welfare of our country. For the past 2 days the Nation has been in the grip of a railroad strike which threatens to paralyze all our industrial, agricultural, commercial, and social life.

Last night I tried to point out to the American people the bleak picture which we face at home and abroad if the strike is permitted to continue.

The disaster will spare no one. It will bear equally upon businessmen, workers, farmers, and upon every citizen of the United States. Food, raw materials, fuel, shipping, housing, the public health, the public safety—all will be dangerously affected. Hundreds of thousands of liberated people of Europe and Asia will die who could be saved if the railroads were not now tied up.

As I stated last night, unless the railroads are manned by returning strikers, I shall immediately undertake to run them by the Army of the United States. [Applause.]

I assure you that I do not take this action lightly. But there is no alternative. This is no longer a dispute between labor and management. It has now become a strike against the Government itself. That kind of strike can never be tolerated. [Applause.] If allowed to continue, government will break down. Strikes against the Government must stop. I appear before you to request immediate legislation designed to help stop them.

I am sure that some of you may think that I should have taken this action earlier, and that I should have made this appearance here before today. The reason that I did not do so, was that I was determined to make every possible human effort to avoid this strike against the Government and to make unnecessary

the kind of legislation which I am about to request.

For months, publicly and privately, I have been supervising and directing negotiations between the railroad operators and the 20 different railroad unions. I have been doing the same with respect to the pending labor dispute in the coal mines. Time and again I have seen the leaders of the unions and the representatives of the operators. Many hours have been spent by me personally, and many days have been spent by my representatives in attempting to negotiate settlements of these disputes.

I assure you that it was not easy to be patient. But until the very last moment I made every effort to avert this crisis. In fact my representatives were in conference with the two striking railroad unions up to 2 hours before I took my place at the microphone last night.

However, when the strike actually broke against the United States Government which was trying to run the railroads, the time for negotiation definitely had passed and the time for action had arrived. In that action you, the Congress of the United States, and I, the President of the United States, must work together—and we must work fast. [Applause.]

The action which I have already taken, and the action which I shall ask you to take are necessary for the preservation of our Government. That action is also necessary to save the great and mighty masses of working men and women from the dangerous effects of the ill-advised and misguided acts of some of their own leaders.

This particular crisis has been brought about by the obstinate arrogance of two men. They are Mr. Alvanley Johnston, president of the Brotherhood of Locomotive Engineers, and Mr. A. F. Whitney, president of the Brotherhood of Railway Trainmen. Eighteen other unions and all of the railroad companies of the Nation are ready to run the railroads. These two men have tried to stop them.

I can well appreciate the attitude of those Members of the Congress and those citizens of the United States outside of the Congress who would seek to take vengeance for the unpatriotic acts of these two men. However, I am sure that none of us wishes to take any action which will injure labor.

The contribution of labor to the growth of this country in peace and to its victory in war, is at least as great as that of any other group in our population. Without well-paid, well-housed, and well-nourished working men and women in this country, it would stagnate and decay. I am here not only to urge speedy action to meet the immediate crisis, but also deliberate and weighty consideration of any legislation which might affect the rights of labor.

The benefits which labor has gained in the last 13 years must be preserved. I voted for all these benefits while I was a Member of the Congress. As President of the United States I have repeatedly urged not only their retention but their improvement. I shall continue to do so.

However, what we are dealing with here is not labor as a whole.

We are dealing with a handful of men who are striking against their own Government and against every one of their fellow citizens.

We are dealing with a handful of men who have it within their power to cripple the entire economy of the Nation.

I request temporary legislation to take care of this immediate crisis. I request permanent legislation leading to the formulation of a long-range labor policy designed to prevent the recurrence of such crises and generally to reduce stoppages of work in all industries for the future.

I request that the temporary legislation be effective only for a period of 6 months after the declaration by the President or by the Congress of the termination of hostilities. It should be applicable only to those few industries in which the President by proclamation declares that an emergency has arisen which affects the entire economy of the United States. It should be effective only in those situations where the President of the United States has taken over the operation of the industry. In such situations where the President has requested the men either to remain at work or to return to work and where such a request is ignored, the legislation should:

(a) Authorize the institution of injunctive or mandatory proceedings against any union leader forbidding him from encouraging or inciting members of the union to leave their work or to refuse to return to work; subjecting him to contempt proceedings for failure to obey any order of the Court made in such proceedings;

(b) Deprive workers of their seniority rights who, without good cause, persist in striking against the Government.

(c) Provide criminal penalties against employers and union leaders who violate the provisions of the act.

The legislation should provide that after the Government has taken over an industry and has directed the men to remain at work or return to work, the wage scale be fixed either by negotiation or by arbitrators appointed by the President, and when so fixed it shall be retroactive.

This legislation must be used in a way that is fair to capital and labor alike. The President will not permit either side—industry or workers—to use it to further their own selfish interest, or to foist upon the Government the carrying out of their selfish aims.

Net profits of Government operation, if any, should go to the Treasury of the United States.

As a part of this temporary emergency legislation, I request the Congress immediately to authorize the President to draft into the armed forces of the United States all workers who are on strike against their Government. [Applause.]

Word has just been received that the rail strike has been settled on terms proposed by the President. [Applause.]

These measures may appear to you to be drastic. They are. I repeat that I recommend them only as temporary emergency expedients and only in cases where workers are striking against the Government.

I take this occasion again to request early action by the Congress to continue the price control and stabilization laws in an effective form. The stoppage of work in many industries has brought about a decline of production which has caused great pressure upon price levels. We must protect the workers whom we ask to remain on their jobs, as well as the millions of workers who have remained on their jobs and the many millions of other American citizens, against the extraordinary inflation which may come upon us. Delay by the Congress is daily increasing these pressures, and I urge immediate action.

I have said that I am most anxious—as I am sure the majority of the Members of the Congress are—to do nothing which would injure labor or the cause of labor.

I believe that the time has come to adopt a comprehensive labor policy which will tend to reduce the number of stoppages of work and other acts which injure labor, capital, and the whole population.

The general right of workers to strike against private employers must be preserved.

I am sure, however, that adequate study and consideration can produce permanent long-range legislation which will reduce the number of occasions where that ultimate remedy has to be adopted. The whole subject of labor relations should be studied afresh.

I recommend the immediate creation by the Congress of a joint committee to make that study. This committee should study the whole problem and within a period of 6 months bring in recommendations for appropriate legislation which would be fair to labor and to industry and to the public at large.

I make these recommendations for temporary and long-range legislation with the same emphasis on each. They should both be part of one program designed to maintain our American system of private enterprise with fairness and justice to all the American citizens who contribute to it. [Applause, the Members rising.]

At 4 o'clock and 17 minutes p. m. the President retired from the Hall of the House of Representatives.

The Members of the President's Cabinet retired from the Hall of the House of Representatives.

At 4 o'clock and 18 minutes p. m. the Speaker announced that the joint session was dissolved.

Thereupon, the Acting President pro tempore and the Members of the Senate returned to their Chamber.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 4 o'clock and 19 minutes p. m.

RECESS

The SPEAKER. The Chair desires to announce that in order to rearrange the Chamber the House will stand in recess until 4:30 o'clock p. m.

Thereupon (at 4 o'clock and 20 minutes p. m.), the House stood in recess.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 4 o'clock and 34 minutes p. m.

TEMPORARY INDUSTRIAL DISPUTES SETTLEMENT ACT

The SPEAKER. The Chair recognizes the gentleman from Massachusetts [Mr. McCORMACK].

Mr. McCORMACK. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 6578) to provide on a temporary basis during the present period of emergency for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace.

The Clerk read the title of the bill.

Mr. CHURCH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CHURCH. Is it not possible now before the bill is presented that we take at least 10 minutes to read it? This bill is 6 pages long and will not be subject to amendment, as I understand the procedure under suspension of the rules. The bill as drafted only came before us a few moments ago. Some of us have been able to prevail upon the gentleman from Massachusetts to amend section 10 so that the following words are added "or upon the date (prior to the date of such proclamation) of the passage of the concurrent resolution of the two Houses of Congress stating that such provisions and amendments shall cease to be effective."

There may be other acceptable amendments that should be included in the bill before it is offered, since it cannot be amended under the parliamentary situation we find ourselves in.

The SPEAKER. There will be 40 minutes in which Members may familiarize themselves with the bill and it will be followed by a reading of the bill also.

Mr. CHURCH. A further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CHURCH. Do I understand that the bill is not subject to amendment?

The SPEAKER. Not under a suspension of the rules.

Mr. SMITH of Ohio. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SMITH of Ohio. Are there not enough bills that each Member may have a copy?

The SPEAKER. There are supposed to be 500 copies of the bill.

The Clerk will read.

The Clerk read as follows:

Be it enacted, etc.—

SECTION 1. It is the policy of the United States that labor disputes interrupting or threatening to interrupt the operations of industries essential to the maintenance of the national economic structure and to the effective transition from war to peace should be promptly and fairly mediated, and brought to a conclusion which will be just to the parties and protect the public interest.

SEC. 2. Whenever the United States has taken possession, under the provisions of section 9 of the Selective Training and Service Act of 1940, as amended, or the provisions of any other applicable law, of any plants, mines, or facilities constituting a vital or substantial part of an essential industry, and in the event further that a strike, lock-out, slow-down, or other interruption occurs or continues therein after such seizure, then if the President determines that the continued operation of any such plant, mine, or facility is vitally necessary to the maintenance of the national economy, the President may by proclamation declare the existence of a national emergency relative to the interruption of operations.

SEC. 3. The President shall in any such proclamation (1) state a time not less than 48 hours after the signature thereof at which such proclamation shall take final effect; (2) call upon all employees and all officers and executives of the employer to return to their posts of duty on, or before the finally effective date of the proclamation; (3) call upon all representatives of the employer and the employees to take affirmative action prior to the finally effective date of the proclamation to recall the employees and all officers and executives of the employer to their posts of duty and to use their best efforts to restore full operation of the premises as quickly as may be; and (4) establish fair and just wages and other terms and conditions of employment in the affected plants, mines, or facilities which shall be in effect during the period of Government possession, subject to modification thereof, with the approval of the President, pursuant to the applicable provisions of law, including section 5 of the War Labor Disputes Act, or pursuant to the findings of any panel or commission specially appointed for the purpose by the President.

SEC. 4. (a) On and after the initial issuance of the proclamation, it shall be the obligation of the officers of the employer conducting or permitting such lock-out or interruption, the officers of the labor organization conducting or permitting such strike, slow-down, or interruption, and of any person participating in the calling of such strike, lock-out, slow-down, or interruption to take appropriate affirmative action to rescind or terminate such strike, lock-out, slow-down, or interruption.

(b) On and after the finally effective date of any such proclamation, continuation of a strike, lock-out, slow-down, or any other interruption at any such plant, mine, or facility shall be unlawful.

(c) On and after the finally effective date of the proclamation, any person willfully violating the provisions of subsection (a) of this section shall be subject to a fine of not more than $5,000, or to imprisonment for not more than 1 year, or both.

SEC. 5. The Attorney General may petition any district court of the United States, in any State or in the District of Columbia, or the United States court of any Territory or possession, within the jurisdiction of which any party defendant to the proceeding resides, transacts business, or is found, for injunctive relief, and for appropriate temporary relief or restraining order, to secure compliance with section 4 hereof or with section 6 of the War Labor Disputes Act. Upon the filing of such petition, the court shall have all the power and jurisdiction of a court of equity, and such power and jurisdiction shall not be limited by the act entitled "An act to amend the Judicial Code, to define and limit the jurisdiction of courts sitting in equity, and for other purposes," approved March 23, 1932. Notice or process of the court under this section may be served in any judicial district, either personally or by leaving a copy thereof at the residence or principal office or place of business of the person to be served. Petitions filed hereunder shall be heard with all possible expedition. The judgment and decree of the court shall be subject to review by the appropriate circuit court of appeals (including the United States Court of Appeals for the District of Columbia) and by the Supreme Court of the United States upon writ of certiorari.

SEC. 6. Any affected employee who fails to return to work on or before the finally effective date of the proclamation (unless excused by the President), or who after such date engages in any lock-out, strike, slow-down, or other concerted interruption of operations while such plants, mines, or facilities are in the possession of the United States, shall be deemed to have voluntarily terminated his employment in the operation thereof, shall not be regarded as an employee of the owners or operators thereof for the purposes of the National Labor Relations Act or the Railway Labor Act, as amended, unless he is subsequently reemployed by such owners or operators, and if he is so reemployed shall be deemed a new employee for purposes of seniority rights.

SEC. 7. The President may, in his proclamation issued under section 2 hereof, or in a subsequent proclamation, provide that any person subject thereto who has failed or refused, without the permission of the President, to return to work within 24 hours after the finally effective date of his proclamation issued under section 2 hereof, shall be inducted into the Army of the United States at such time, in such manner (with or without an oath), and on such terms and conditions as may be prescribed by the President, as being necessary in his judgment to provide for the emergency. The foregoing provisions shall apply to any person who was employed in the affected plants, mines, or facilities at the date the United States took possession thereof, including officers and executives of the employer, and shall further apply to officials of the labor organizations representing the employees.

SEC. 8. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

SEC. 9. In fixing just compensation to the owners of properties of which possession has been taken by the United States under the provisions of section 9 of the Selective Training and Service Act of 1940, as amended, or any other similar provision of law, due consideration shall be given to the fact that the United States took possession of such properties when their operations had been interrupted by a work stoppage, and to the value the use of such properties would have had to their owners during the period they were in the possession of the United States in the light of the labor dispute prevailing. It is hereby declared to be the policy of the Congress that neither employers nor employees profit by such operation of any business enterprise by the United States and, to that end, if any net profit accrues by reason of such operation after all the ordinary and necessary business expenses and payment of just compensation, such net profit shall be covered into the Treasury of the United States as miscellaneous receipts.

SEC. 10. The provisions of this act shall cease to be effective 6 months after the cessation of hostilities, as proclaimed by the President, or upon the date (prior to the date of such proclamation) of the passage of a concurrent resolution of the two Houses of Congress stating that such provisions and amendments shall cease to be effective.

SEC. 11. If any provision of this act, or the application of such provision to any person or circumstance, is held invalid, the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

The SPEAKER. Is a second demanded?

Mr. MARCANTONIO. Mr. Speaker, I demand a second.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. MARCANTONIO. I am, Mr. Speaker.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. McCORMACK]?

There was no objection.

Mr. McCORMACK. Mr. Speaker, I intend to yield 10 minutes of my time to the gentleman from Massachusetts [Mr. MARTIN].

Mr. MARTIN of Massachusetts. I appreciate the consideration of the majority leader.

Mr. BRADLEY of Pennsylvania. Mr. Speaker, will the gentleman yield for a question?

Mr. McCORMACK. Mr. Speaker, I yield myself one-half minute and yield to the gentleman from Pennsylvania.

Mr. BRADLEY of Pennsylvania. Mr. Speaker, section 10 as read appears to be different than the printed copy of the bill. I ask unanimous consent that section 10 be read again so that the Members may have the opportunity of knowing what is in it.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read section 10.

Mr. McCORMACK. Mr. Speaker, I yield 3 minutes to the gentleman from West Virginia [Mr. RANDOLPH].

Mr. RANDOLPH. Mr. Speaker, only a few minutes ago in this Chamber the Chief Executive of the United States, in no sense acting as a Democrat or a Republican, addressed the Members of the Congress of the United States and through them the citizens of our Republic.

I think those of us who watched the grave expression on the President's face as he entered the Chamber, and moved down the center aisle and took his place on the Speaker's rostrum, felt keenly that there was a grimness in his countenance and a deep sincerity apparent to all. I saw no smile on his face. My colleagues were cognizant that our President realized he was dealing with a problem which could in nowise call for lightheartedness in even the slightest degree.

He made it very plain to those of us of the Congress that this legislation requested is to provide on a temporary basis during the present period of emergency for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace.

We must realize that the problems facing the American people during the period of reconversion are of such a serious nature that, based on the facts, we have gone, in some instances, at least, beyond a conflict between management and labor. We entered into a realm where our citizenry and the Federal Government, expressive and responsive of the public will, are directly involved.

We know that the President spoke as a sincere and proven friend of labor, both organized and unorganized, in America. I believe the action of the House this evening, perhaps in overwhelming degree, will be an expression of the over-all purpose to discharge a duty on the part of those who have been sincerely desirous and who have voted and acted through the years for the best interests of loyal labor and responsible unionism in this country.

The President was confronted with the fact that today we face during this time of reconversion what appalling condition? Simply this: Not a knock-down and drag-out between groups within management and labor but a period when the Government of the United States, the general public, is not only caught in the middle but is being struck below the belt. Our impaired economy must be strengthened. Production must proceed and public services must function. The President of the United States was determined to meet that challenge, and I believe this Congress will meet it with him.

The SPEAKER. The time of the gentleman from West Virginia has expired.

Mr. MARCANTONIO. Mr. Speaker, I yield 5 minutes to the gentleman from Washington [Mr. DE LACY].

Mr. DE LACY. Mr. Speaker, on an issue of this gravity, with such far-reaching consequences as will flow from this precedent, we must approach our deliberations in all calmness.

This bill contains points of vital consequence to all the people. First, it repeals the Norris-LaGuardia Act in any dispute which this bill would handle. Second, it repeals those sections of the National Labor Relations Act which protect workers against discrimination.

These first two moves deprive labor at once of its protection against court injunctions, and, second, of its protection against the old blacklist. In my short life I have actually experienced that blacklist in my own person. I know something of the pain that comes when a man is penalized and his family is penalized by being denied the right to earn his bread and butter.

The bill then holds over the head of anyone who does not choose to go to work in a plant where conditions that he does not approve of exist, that he shall be inducted into the Army under the conditions and for the time stated by the President.

Then, presumably to make this bill apply evenly to capital as well as to labor, section 9 appears to offer penalties against employers who may resist.

Section 9 states that net profits during Government operations shall go into the Treasury of the United States. But that net profit is defined in a very special way. It is net profit after just compensation to the owners of the property. In other words, the owners of the property lose nothing. They are compensated for the period their property is in Government hands. They are penalized in no way by any seizure of the property. Therefore, while section 9, looks as if it means to be impartial it actually will prove in practice to give to the Government power over labor but not a corresponding power over the financial resources which are the true source of the employer's power. I do not believe you ought to pass this bill so quickly.

The President of the United States announced here today that he had succeeded in settling the rail strike and that the men had gone back to work. I said earlier on the floor this morning that it was my belief, that I had confidence that these men would go back to work when they had received assurance from the President of the United States that they would not be harmed and that any agreement reached after negotiations would be retroactive. Now, that is the condition. The thing that actually caused this fury has been settled. The President's efforts have prevailed. He was able to settle that strike without the drastic powers this bill would grant. Do we need them now? I do not think so. We are setting a pattern here which means that the Government of the United States under some other President, perhaps with other legislation following this and confirming and strengthening it, will make it possible for the Government to be the shield and the protector of the employer to the disadvantage of workingmen. This bill will strip organized labor of its protection in the Wagner Act and in the Norris-LaGuardia Act. And it will subject labor to a new penalty, drafting its members and officers into the armed services if they do not go along. This bill violates the clause in the Constitution of the United States which prohibits involuntary servitude. It is the pattern of military dictatorship against labor. Ladies and gentlemen, I appeal to you, do not embark upon a course of action in which the Federal Government becomes an instrument of coercion against working people. Section 9 will not coerce employers for it does not touch their only sensitive part, their pocketbooks. This bill coerces only labor. It plays into the hands of employers who provoke labor into strikes for the purpose of smashing labor organizations.

The SPEAKER. The time of the gentleman from Washington has expired.

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I regret the procedure in which this bill has been brought before the House. I would have preferred the legislation to come before us so that amendments could be offered and there could have been ample time for study. Unfortunately, we are not in that position. I regret the President did not speak out some time ago and bring to the attention of Congress the legislation he thinks he needs. Then Congress would have had a chance to present amendments and improve the legislation. We find ourselves in a crisis that leaves us no choice but to vote for the legislation as sponsored and presented by the President. Our country has been brought to the brink of economic collapse. The President states in his address that millions of people in Europe face death from starvation if there is not improvement in our industrial conditions. He said the preservation of the Government depends upon the legislation proposed. The Republican Party gave its full cooperation and loyalty to the administration during the war. No opposition party ever made a better record, and I believe we today are in a situation requiring that same cooperation to the President in this perilous economic crisis. I believe the President has

sufficient power already to curb these strikes. However, he doubts this and says additional power is necessary. I am going to resolve a strong doubt in my mind in favor of the man charged with responsibility of leadership. I do not like to give the tremendous power in this bill to the President or any other man, but I find myself in the position where I have no alternative. Section 7 should be modified. In conclusion I repeat, the President has had the power to stop these strikes before now if he had proceeded with vigor. He has delayed long in acting, but he now comes forward in a grave crisis and wants more power. I have decided to put first the safety and interest of my country and favor the legislation.

Mr. MARCANTONIO. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FULTON].

Mr. FULTON. Mr. Speaker, I agree with the minority leader the gentleman from Massachusetts [Mr. MARTIN], that the President already has full powers to handle any such crisis, but we should put country above our politics or our party. At this time I am doing so. I object very strenuously to the provisions of this act, and I think this is a time that we should proceed with caution. We have heard that today the strike was said to be settled. We are now acting after the fact. I would like to ask Mr. Byrnes, our Secretary of State, why when the red slip was passed up during the speech of the President announcing the fact that the strike was settled, Mr. Byrnes gave a big wink and a knowing grin over to Secretary Schwellenbach. That gave me pause, and I would like to know the reason. The timeliness looks very suspicious to me.

Secondly, in this particular act I would like to point out that the words "pursuant to the findings of any panel or commission specially appointed for the purpose by the President," under section 3, gives the country so-called fact finding over all industry without any restriction, rules, or limitations whatever.

Under section 4, the officers of the labor organizations and corporations found to be "permitting" a slow-down, interruption, strike, or lock-out are to be thrown into jail for a year. What can or should officers of corporations or unions do to prevent even a slow-down? Congress does not say and yet they will be thrown in jail if they do not. Where are our individual liberties going?

Under section 5 there is a broad provision granting the old broad injunction proceedings that commercial States have been working for years to develop into a fair system. We in Pennsylvania do not desire to go back to the "yellow dog" contract days and the class warfare this engenders. Any notice or process of the court under this section may be served in any judicial district, either personally or by leaving a copy thereof at the residence or principal office or place of business of the person to be served. There is no statement that this must be served on a person of lawful age or on the proper administrative officers of any organization or corporation. It is against the Constitution of the United States of America.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. MARCANTONIO. Mr. Speaker, I yield the gentleman one additional minute.

Mr. FULTON. Under section 7 of this bill, which we must take or leave without amendment, which has been offered by the administration, there is the following:

> Any person who has failed or refused * * * after the finally effective date of his proclamation * * * shall be inducted into the Army of the United States at such time, in such manner (with or without oath), and on such terms and conditions as may be prescribed by the President.

I wish to say that I served in the Navy for several years during the war, and I did it voluntarily. I had hoped that we in the United States would not throw aspersions on our services by forcing people we consider in the class of persons doing criminal acts under any statute into either of our armed services. It took us a good many years to get over the position where the old judge looked down on the boy and said, "For your crime you either enlist in the Army or you will be sent to jail."

I did not serve in the Navy to be classed in this kind of a service. The servicemen of this country will have something to say about the country in the future, and these services are not to be made a catch-all or "forced" services for statutes like this. Keep our services proud of their men and their standing.

Despite my strong objections to this bill, the President of the United States, who is my Commander in Chief, has just said to the joint session that he needs my support and that of Congress immediately for the necessary preservation of the Government itself. While I disagree with the methods chosen, he shall have my full support, regardless, in any emergency. I assume that he has facts that are not available to the freshman Member of the opposition party, and I cannot assume that responsibility against his judgment when a crisis exists. I fought to save my country in the Second World War and left combat to take my seat in Congress. When my Commander in Chief, during the continuance of a state of war which has not yet been terminated, states that an item of legislation is vitally necessary for the preservation of the Union, in deference to our boys in the service who might be endangered, in deference to the millions starving abroad, I must accept the President's statement.

Mr. MARCANTONIO. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. SAVAGE].

Mr. SAVAGE. Mr. Speaker, I am glad the railroad strike is over. I think now, since we are handicapped under this legislative procedure, we should vote down this bill and let it be brought up in the regular way so that we can amend it. Those railroad workers should not be accused of striking against the Government; they were throwing the ball at the employers as they have a right to do, and the Government ran in at the last minute and grabbed the ball and squawked because it hurt. That made it impossible for the workers to win their point. I cannot vote for militarism in peacetime. Many of us cannot. I agree with the remarks just made by the gentleman from Pennsylvania [Mr. FULTON]. The crisis is over. There are very few men on strike today. The time for hysteria has passed. The Congress was hysterical, but now we can calmly legislate, if we will vote down this bill and let it be brought up under a regular rule, so that it can be amended. There are several things in the bill that we will be sorry for later on if we pass the bill in this condition. Let us not vote for militarism in the United States in peacetime. Let us not start another Japan.

The SPEAKER. The time of the gentleman has expired.

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. EATON].

Mr. EATON. Mr. Speaker, the time has come for us to proceed in the interests of all the people, regardless of any party, or section, or group. I stood by the President of the United States in time of war, as was my duty as a citizen, and I am going to stand by the President of the United States in this time of civil war, which this situation amounts to.

When the children of this country are threatened with starvation and all the institutions of the land are threatened with dissolution by this civil war, I say the President of the United States ought to be the spokesman, not of the Democrats, not of the Republicans, not of labor or of employer, but of all the people. In that position which he has taken today I propose to support him.

I spent 20 years of my life representing the employees in the great industries of this country. I have a right to claim as much experience in that work as any man here. What is an industry? It is simply a service to the country. Wages are what the country is willing to pay for that service, and profit is what the country is willing to pay on the investment.

I would take the whole thing out of the realm of brute force and put it back where it belongs, in the realm of law. I would establish a judicial system in this country so that every industrial dispute would not be settled by starvation and brute force and injustice and failure, but would be settled on the principles of equal liberty, and justice upon which, and by the general practice of which this Nation has for a hundred and fifty years been the hope of the world.

The SPEAKER. The time of the gentleman from New Jersey has expired.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that upon the conclusion of the debate on this matter all Members may have permission to extend their remarks in the RECORD at that point.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. VOORHIS].

Mr. VOORHIS of California. Mr. Speaker, many times I have said on the floor of the House that it is unconstitutional and wrong for the Congress to at-

tempt to compel one man to work for the profit of another. This bill does not do so.

I have said also—I said it in connection with the airplane strike during the war—I said it in connection with the meat strike, and I say it today, that a strike against the Government of the United States is essentially a strike against the integrity of the Nation and cannot be tolerated by government.

Under this bill what actually happens is that when: first, the Government of the Nation has been forced by a failure of collective bargaining to step in and take over an industry; and second, that industry is an industry essential to the maintenance of the general national health, safety, and welfare and to the functioning of our economic structure, then while that industry remains in the hands of the Nation's labor opportunity to strike is denied, and so is the opportunity of the employer to reap a cent of profit out of its operations during that period. What we are asserting is the paramount interest of the Nation as a whole over any group during that period of time.

This emergency legislation does have profound implications, some of which are taken care of in the legislation itself. It says the country comes first. Indeed it does, and every worker in America deep in his heart believes exactly that same thing even more passionately than some others. Congress is here legislating about the problems of a group of people who are as patriotic as any group in this whole Nation. But here is a job that has to be done here and now, today, by this Congress. The bill before us is not perfect, but the big issue is clear. It involves only one question: Can the United States Government in a crisis assure the Nation of the continucus operation of absolutely essential functions once those functions are in the hands of the Government or can it not?

I am going to vote for this resolution and I do so as one who feels a profound concern about the problems that we face. I know this too, that to the extent that the right to strike is to be denied to a group of workers, to that extent we here in Congress must take responsibility for the conditions under which these men will work. Recognition of that responsibility is in the bill, though not so clearly as it must be if legislation like this should continue on the statute books. All the way through any consideration of legislation of this sort must go this principle: Whenever the right to use their own economic strength to improve their conditions is denied to any group—as we are stating today, it must be under certain circumstances—then the responsibility of seeing that justice is done to them passes to the public body making that denial. In this case it is the Congress. I cannot close without saying that I believe the President has shown courageous leadership in a profound crisis. I hope and believe the net result of his action and of ours will be for the good of our Nation and all its people.

The SPEAKER. The time of the gentleman from California has expired.

Mr. MARCANTONIO. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. GREEN].

Mr. GREEN. Mr. Speaker, it is with much regret on my part that the President has taken this stand today in this critical situation, in view of the fact the railroad strike has been settled. I think the most important matter facing the country today and the most important thing in the world is that we come out of the terrible war that we have just gone through with a just and permanent peace.

It has not been very long ago on this floor that we had an opportunity to give to the President, to give to the War Department, to give to the Secretary of State a good extension of the Selective Service Act. The Members of this House saw fit at that time to pass an extension of selective service that practically would draft no one and thereby weaken our fight for peace.

President Roosevelt went all through this war without requesting any legislation as drastic as this. The paramount issue here today in my opinion is the civil liberties and the individual rights of citizens, and I do not think that you can make any man work because you bring in a piece of legislation and pass it in this Congress.

I do not like the procedure that is going on here today. More time and consideration should be given before we pass such drastic legislation. I stated on the floor once before that we cannot legislate honestly and we cannot legislate in the right way if we do it in confusion. I think that more thought should be given to this matter, and I do not see how I myself can at any time vote for a bill that is going to put into the military service the people who are trying to get a higher standard of living for their families and themselves.

I yield back the balance of my time.

The SPEAKER. The gentleman's time has expired.

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield 30 seconds to the gentleman from Wisconsin [Mr. KEEFE].

Mr. KEEFE. Mr. Speaker, if I correctly understood the gentleman who has just spoken on this bill, he stated that he regretted that the President had taken the action that he has done. I would suggest to him the language of an early Governor of the State of Wisconsin who in a similar position said, "I seen my duty and I done it."

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield 4½ minutes, the balance of the time on this side, to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Speaker, the Nation has been and is in a grave and critical condition, which requires strong remedies.

Like every one of you here I am confident the average American workman is a sound, patriotic American, who believes in Government by law. The bill now before us is designed to reach those few who have taken advantage of the workmen they represent and the Government under which they live.

I doubt that the strong remedies contained in this bill will actually ever have to be used by the President of the United States, simply because he will have vested with him the authority and power to use these remedies. I hope such may be the case. Yet, as I read the bill, I recall some of the things which have happened on the floor of this House and cannot help but call to your attention the fact that this measure contains provisions which are far more stringent than any labor-control measure ever considered or approved by this House.

As I said earlier this afternoon, the great majority of us here in the House have, in the past few years, voted for a number of labor-control measures, any one of which would have gone a long way toward preventing or correcting the conditions from which we have been suffering during the last few weeks and months.

For the record I call your attention to certain facts, because this bill is being hastily considered—and we must, under the rules of the House, consider it hastily—and cannot amend this bill, as you know.

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. I hope in that connection that the gentleman will call attention to the change in the language in section 10 between the mimeographed copy which the Members have and the section which was placed in the bill by the majority leader before he introduced it. I know the gentleman from Ohio had a part in it because we were reading the bill together and the suggestion was made that the termination section ought to be in the hands of the Congress as well as the President.

Mr. BROWN of Ohio. I thank the gentleman. Many of us who voted for much milder labor-control legislation in the past have been under constant attack because we attempted to do something to meet the labor-dispute problems which have confronted this country from time to time.

So I want to call your attention, if I may, to some of the provisions of this bill that go much further than the provisions of any bill for which any of us have voted in the past. I call your attention to the fact that this bill contains criminal penalties for those who participate in a strike, once the proclamation of the President has been issued and the property has been taken over. This section goes further than the provisions contained in the Smith-Connally Act.

I call your attention to the fact that section 5 provides for injunctive relief and for contempt proceedings, through action in the courts of the land, something which the House has been criticized for considering in the past.

I call your attention to the fact that section 6 provides for the loss of employment and seniority rights by labor, and even more severe penalty than carried in any legislation approved by the House in the past.

And, finally, section 7 provides for the drafting into the Army those who refuse

to continue to work in industries taken over by the Government. A little more than a year ago, when the Nation was at war, a bill for drafting labor for essential war work was rejected by the Congress.

So today we see an administration which in the past has opposed and helped to defeat much more reasonable and mild labor reform legislation approved by the House forced to come before us and ask the enactment of this far more drastic and restrictive legislation.

We see labor, which opposed and refused to accept the logical and carefully considered legislation approved by the House in past months and years, now faced with being forced to accept and live under far more stringent labor-control laws.

Had the administration accepted and followed the constructive labor legislation approved by this House in the past they would not now be in their present dilemma and the membership of this House would not now be called upon to accept as an emergency measure, without the opportunity to properly debate or amend, a bill which contains provisions which many of us feel goes further than is either necessary or wise. Yet we must give the President, in this critical hour, the only legislation he has requested to meet the emergency, and with it, of course, an opportunity to straighten out the mess the country now finds itself in as a result of 14 years of administration petting and pampering of a few labor leaders and racketeers for the purpose of gaining political advantage.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. McCORMACK. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. BRADLEY].

Mr. BRADLEY of Pennsylvania. Mr. Speaker, I returned to my home in Philadelphia last night about 10:30 from Washington, in time to receive a telegram calling me back to the Capital, and in time also to hear the address of the President on the radio. After listening to it, I decided that I would return to Washington today and support the President of the United States.

I do not think I need yield to anybody in this House in regard to my efforts on behalf of labor in the 10 years in which I have been a Member of this body. But this bill is of a temporary nature. It is of the character of wartime legislation. I know this, that if I do not support the President of the United States with regard to the terrible problems which confront him and the Nation today things may happen in this country to cause chaos and confusion and to generate a situation which would do infinitely more harm to labor than anything we can contemplate at the moment.

Because it is a temporary measure in connection with our economic problems today, which are of greater importance to this country, perhaps, than our war problems, I think that we friends of labor must take our stand with the President of the United States and, if you please, with the other eighteen brotherhoods who were with him in his efforts to prevent this situation arising. I shall support him with my vote.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. MARCANTONIO. Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker, without casting any reflection on anyone, I cannot help but make the observation that it is perfectly easy to be a so-called friend of labor when it is not unpopular to do so. The test of friendship is to demonstrate that friendship when labor is apparently unpopular, and particularly when labor needs its friends. Labor is not fearful of its enemies. Labor, however, is very fearful of desertions on the part of its friends.

Mr. Speaker, time does not permit me to give a full analysis of the bill. Generally speaking, however, this bill does the following: It repeals the Norris-LaGuardia Anti-Injunction Act and substitutes Government by injunction. It vitiates the National Labor Relations Act. It most definitely subjects labor and labor leaders to contempt proceedings and to imprisonment. It most certainly subjects men who are on strike to draft in the Army.

What does it do to the employer? What obligation does it place on him? None. As to seizure, the employer is compensated, and adequately compensated. All you have to do is read section 9 and bear in mind the experience of the past. Not only is he compensated under the provisions of section 9 but we must bear in mind also the great tax benefits that these corporations have received.

And all this for what? Yes; it is the most drastic antilabor legislation that has ever been presented to the Congress of the United States. Do not try to alibi yourselves out of opposing it by saying that it is temporary, because this entire labor legislation is being imposed in the most important period of employer-labor relationships in the period of reconversion, during which period labor-management relationships will be jelled, during which period wages and hours will be settled with a great degree of permanency. So that when you are legislating here it may be for a certain period on paper, but from the standpoint of effect, it regulates by the most coercive antilabor device conditions for a long, long time to come.

Why are we given this drastic, drastic legislation? Because we are told that men are striking against the Government. We are told that this is an issue between the country and labor, that it is a strike by labor against the Nation. Is it? They seek to justify that statement by the technicality that the Government has seized the railroads and has seized the mines, but who owns them? The Government does not own them. The Government is merely acting as an agent here. It places no obligation on the tax-benefited corporations and provides compensation for them. Thus you are not dealing with Government employees in these plants. You are still dealing with the employees of private corporations. The strike is not against the Government or the Nation but still against the operators.

I said this morning that the mistake that has been made is that Government has not negotiated with the workers directly but has insisted upon being an intermediary in a negotiation between the operators and the workers, under what conditions? Under conditions where the operators have been deliberately and willfully adamant, where they have refused even to talk for months and months and months, such as we had in the railroad case. Ladies and gentlemen, time and events will show after the fury and hysteria have passed away that these strikes were not provoked by workers or their leaders, but that they were provoked by profit-bloated corporations who have been seeking this very opportunity to continue the strikes and confuse the situation so as to bring about the very kind of legislation that we have here before us today. They have won their round. They have gotten their way. What have they been seeking? They have been seeking to destroy the equality that labor has obtained in the field of collective bargaining after years of suffering. Now that equality is being destroyed. That is what they wanted when they provoked the strikes. That is what they wanted when they continued the strikes. That is what they are receiving today—the destruction of labor's equality in collective bargaining. They sought it and they are getting it. But there is a very tragic feature about all this. If you will permit me a personal note, I cannot help but remember that after the march on Rome by Benito Mussolini one of the last edicts or laws that the last parliament of Italy passed was very, very similar to this legislation—the so-called labor syndicate law of Italy based on the same proposition and under the same guise—that you cannot strike against the government. Again, I repeat, the government in this case is not the Government but Government is merely acting as an agent for private monopolies. Yes, the march on Rome was followed by that edict and when the Italian parliament passed it, it passed itself out of existence. We are marching here toward a fascisizing of America. Free institutions can live only so long as there is a free labor movement. America can live as a democracy only as long as American workers are free and equal in the field of collective bargaining. Wha is, then, the solution when production and transportation ceases? Do you want to settle labor disputes? Then put the pressure where it belongs. Seize the plants. Negotiate the agreements directly with the workers. Return the properties only when the corporations agree to assume the Government-negotiated contracts. If that had been done, I assure you there would not have been a single moment of cessation in the production in these United States. Instead, we take sides—sides against labor, sides against the men and women who have made America, who have built it with toil—yes, they have built it with sacrifices and have been subjected to exploitation for years and have sought to save themselves from exploitation only by organization—made possible under the constitutional right guaranteed under the thirteenth amendment to refuse to work and thereby obtain equality in collective bargaining. All that today is being stripped away. You are stripping

it away because the press wants it. The press wants it because monopoly finance wants it. God save the Congress of the United States from a repetition of what happened in the Italian parliament under Mussolini.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. McCORMACK. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, the important fact that overshadows and dominates our minds is that a democracy must serve under normal conditions and must also serve when a crisis exists. There is an additional fact in this case, and that is that this legislation is born of necessity. That necessity was not brought about by the great majority of American citizens, but by a small group of men having control and dominating a situation, as a result of which there was being produced economic paralysis. In consequence of that, there was a feeling of uncertainty on the part of our people developing against the Government itself. This legislation is the product of necessity. It is just as important for the United States of America that the Congress of the United States legislate for our best interests in time of peace when an emergency exists as it is necessary for the Congress of the United States to legislate in time of war.

An emergency confronts us, an emergency where the national interests of the United States and of our people are involved. In that emergency a great majority of the American people take the position, and I know a great majority of the Members of this House will take the position, that the best interests of the people and of our Government are paramount to the selfish interests of any individual or of any group.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. Briefly.

Mr. RANKIN. If the President and the Congress had not taken this action, would not confidence in this Government have been destroyed?

Mr. McCORMACK. It would have been impaired, in any event.

Now, Mr. Speaker, none of us likes to vote for this legislation. We all regret that circumstances exist which require it. We cannot let conditions to exist that will bring about confusion and chaos. The railroad strike is over, and we are all glad for that, but we have 33 or 34 days of a coal strike. That coal strike may occur again. If that strike comes along the national interest of the country is involved and certainly the national interest of the country will be adversely affected. The issue is clear, that of the interests of a group conflicting with the national interest of the country. Wherever there is a conflict of that kind the national interest of the country comes foremost, and this legislation is aimed to protect it.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. VORYS of Ohio. Mr. Speaker, I am voting for this bill. We must uphold the Government of the United States. We have all felt that it is wrong to strike against the Government, but up to now it has been lawful to do so. By this bill we write into law a fundamental principle that has the overwhelming approval of the Nation's conscience.

This bill is drastic. It is brought up at the eleventh hour, possibly the twelfth hour, by an administration that has dawdled and delayed until this national crisis faces us. It is brought up under procedure, dictated by the party in power, that forces hasty consideration and permits no amendments. It may turn out to be a case of too much and too late. However, if the President is willing to act at last we must give him the authority he needs.

Under this bill, no individual worker can be jailed for striking, even against the Government, but any labor leader who incites or prolongs a strike against the Government can be jailed. That is right.

I am troubled by the draft provision. I do not like making military service a form of punishment. I would vote to eliminate this feature if we could obtain a separate vote on it, but under this emergency technique the only vote permitted is "yes" or "no" on the whole bill. There is this to be said in favor of the draft provision: We are continuing to draft other people into the Army, and if the emergency is serious enough we expect the Army to run the trains and keep essential services going. Men who strike against the Government are certainly no better than the other men we are drafting, and cannot complain if they receive the same treatment. The great forward step taken by this legislation is that by it the duties of labor unions and their leaders and members are written into law. In governing labor relations, as in other relationships in our Republic, we want a government of laws, and not of men.

Mr. PLUMLEY. Mr. Speaker, I have just listened to my distinguished colleague from Ohio whose judgment I usually respect and whose suggestions I usually follow. I just cannot do either now. It was so partisan and the issue is not partisan. I think I know that all the conditions of the bill I could not normally support, but I assert again this is not a partisan measure and should not be made so. This is not an antilabor bill. This is a bill to save the people and to protect labor against the loss of all it has gained over the years. While as a Republican—were there no crisis—I might oppose several of its provisions when the President of the United States tells the Congress that the bill submitted is necessary in the crisis in order to obviate a situation which obtains, no matter who may be responsible for it—the crisis—I mean. I will try to take care of that partisan proposition later while I vote now to support the President in his effort to relieve the crisis and to maintain representative government even at this late date.

Mr. BUCK. Mr. Speaker, the emergency legislation President Truman proposed today parallels, in essence, the bill for the same purpose I introduced 2 weeks ago. The President goes further than I would have gone, but in view of the situation confronting the country, I will, of course, support him.

As to the President's proposals for long-range study of labor legislation, he asks the very thing I have been urging upon the Committee on Labor ever since the coal strike started.

Mr. RICH. Mr. Speaker and Members of Congress, we have been driven to the place where we must pass this hastily drawn, temporary legislation, giving the President such power. I have no alternative for voting the power necessary to keep up production of necessities, the distribution of foodstuffs, the privilege of workers earning a living—of giving the authority for the Government to operate industry—temporarily I hope—for the benefit of all our people. The fact that we in the House of Representatives passed the Case bill some days ago, and had another body done so, we would not find ourselves in such a position as we are in today. Practically everything is at a standstill. Industry stopped, trains not running, liberty at stake. We must do something and do it now. So I am going to vote for the bill. We must have the President see to it that we have permanent legislation changing the Wagner Act—giving workers and management the same rights under law. We must also give labor the right to join or not to join a union. We want liberty and freedom in America—our Constitution guarantees our citizens that right so long as they do not harm another. I am and have been supporting the Constitution and I shall do so as long as I am a Member of Congress.

Mr. BUFFETT. Mr. Speaker, I expect to vote against the labor bill proposed by President Truman. Difficult as the present situation is, it does not in my judgment justify the totalitarian powers apparently given the President in this bill.

I confess I am not prepared to carefully evaluate the contents of this bill in the 40 minutes the House will consider it. However, I fear to entrust blanket powers to any Executive, but especially to a President who has played politics so long with a critical labor situation.

I also have the apprehension that this crisis may have been allowed to develop simply to compel us to abandon orderly deliberative procedure. I hope my fears may prove unfounded.

My record has been 100 percent in favor of legislation to make labor unions fully responsible for their actions. I voted for the Smith-Connally bill twice; I voted for the Hobbs bill twice, and I voted for the Case bill.

If representative government is to be preserved, those in high office must carry out their duties day by day. Freedom cannot survive if the executive officer of this Government is to follow a policy of first appeasements, then emergencies, then blank-check shotgun legislation.

Three years ago I warned this House of the dangers that are now threatening. In a discussion entitled "Economic Pearl Harbor" I declared—

Strong measures to preserve the value of the frugal savings of the common people of

America must be enacted, or else the same formula that has produced dictatorship in other parts of the world will produce it here.

First would come social dissensions, resulting from the disruption of home life and skyrocketing of prices. These disorders would take the form of food riots, sectional strife, or recurrent labor disputes.

Whatever their apparent nature, the underlying cause would be the protest of the people against destruction of the America they love by unsound economic practices. Should that day arrive, it will provide an alluring setting for the Executive power to seize all the reins of Government * * *. Special powers would be arbitrarily assumed, based on the necessity for preserving order and stopping dissension.

That old alibi for despotism is hard to combat in a critical hour. It has been used wherever democratic nations have been destroyed from within. Always the primary cause has been inflation and economic distress. (Economic Pearl Harbor, House of Representatives, May 20, 1943.)

Mr. Speaker, in passing this bill the House is taking a long stride toward the national socialism our young men victoriously conquered. I cannot cast my vote in favor of a measure that I am convinced takes us much farther down that road by making possible conscript labor service in peacetime; without an honest attempt being made to find a remedy that is not in the totalitarian pattern.

Mr. MONRONEY. Mr. Speaker, I have been asked by my colleague, the gentleman from Oklahoma, the Honorable LYLE BOREN, to announce that he is en route to Washington but was unable to reach here in time for the vote on this legislation. The gentleman from Oklahoma [Mr. BOREN] has long sponsored and urged corrective legislation which would prevent the paralysis of our national economy through crippling strikes. He was hurrying to Washington to be here in time for action on some corrective bill; but, of course, he did not know of the unprecedented speed with which this bill was brought to a vote. My other colleague from Oklahoma [Mr. STEWART] is unavoidably absent because of illness. Like the gentleman from Oklahoma [Mr. BOREN], his views on more-stringent labor legislation are well known to the Members of the House.

Mr. ADAMS. Mr. Speaker, the country is confronted with a virtual paralysis of its entire economic system. It is unfortunate that the result of this paralysis demands such prompt and vigorous action by the President and the Congress. It is to be regretted that conditions are so desperate that the legislation now before this body must be thus so hastily considered and enacted. However, the conditions confronting the country have left the President no alternative nor do they leave us here with any choice but to accept his recommendations promptly and vigorously. The press of time is undeniable. Delay just cannot be tolerated.

The desperate conditions confronting us might have been avoided had action been taken when it was clearly evident that negotiations in the railroad and other disputes were breaking down. A plain and clear-cut policy of our Government of its intentions to act if any such emergency as later developed occurred would have resulted in the realization that the public interest in the outcome of these disputes was so obviously paramount that agreements simply had to be reached. The action of government was too long delayed. The burden of providing the remedy now lies with the Congress. There is now no other recourse.

This legislation, as has been plainly stated by the President, is purely temporary in character. It expires upon the end of hostilities as proclaimed by the President or upon the adoption of a concurrent resolution by the Congress making such declaration. Even though this legislation is only temporary, yet it is to be regretted that the selective-service process is here used in the solution of labor disputes. The processes of induction were not designed for any such purpose and though there may be no alternative under the conditions, certainly this use of the process should not again be so employed. There is no place in our military history where conscription has ever been so used. In accepting this recommendation we do so because there is now no apparent alternative.

It is perfectly clear that, since this legislation is temporary, a thorough study and review of our labor-management system ought to be undertaken. The resolution providing for a temporary committee to be appointed by the President and a joint committee of the Congress for this purpose has been provided in a resolution which was offered on May 13 by the gentleman from New Jersey [Mr. CASE], the gentleman from Massachusetts [Mr. HESELTON], the gentleman from New York [Mr. BENNET] and myself. The President in his address to us today specifically recommended the adoption of a comprehensive labor policy to reduce strikes and other acts which injure the operation of our economic system.

The President further recommended the creation of a joint committee of the Congress to initiate such a study. I have consistently recommended this course and believe that it will be conducive to recommendations for permanent legislation that will provide for permanent changes in laws that deal with labor and management to the general benefit of our people. It is my understanding that later in the day a resolution will be taken up providing for carrying out this recommendation. It ought to be adopted and the study commenced without delay.

Mr. Speaker, our economic system is not functioning well. It needs the thoughtful attention and study of the most capable men in this country in an effort to provide the cures that are so necessary if the conditions which confront the country today are to be avoided. To find these remedies is now the responsibility of this Congress. We should keep in mind that any legislation which we pass today will no more than commence the work which must be done in the renovation of our labor-management system. We must meet the challenge that confronts us in the conditions that have caused stagnation of our economy. Nothing but diligent work will provide solutions of the problems that confront us.

WICKERSHAM ON THE JOB IN TIME OF NEED

Mr. WICKERSHAM. Mr. Speaker, I introduced House Joint Resolution 249 on November 18, 1941, which contains most of the same provisions as the legislation which President Truman today asked the Congress to pass dealing with the settlement of industrial disputes vitally affecting the national economy.

My bill provided that during the present emergency employees failing to abide by the decisions of the National Defense Mediation Board and going on strike should be replaced by soldiers qualified to perform the duties of the strikers and that the strikers should be drafted into service. Soldiers so employed should receive the pay of the displaced strikers and should be entitled to retain the positions as civilians if the strikers did not return to work in 30 days. My bill also provided for a limitation on the amount of dues any labor union could charge members and provided for an accounting of funds. Also all labor officials were held accountable for all their acts. My bill also provided for a fine and imprisonment of labor leaders instigating strikes.

I have, at all times, voted for strike-control legislation and I am today voting for the bill that was recommended by President Truman. I believe that if the Senate had agreed and passed the Case labor bill, which the House passed over 4 months ago, this railroad strike and coal strike would not have occurred. I am glad that I was on the job in Washington protecting the people I represent, as it is necessary that we have all-out production not only in the interest of the Nation but in the interest of the world in order to assure a lasting peace and a stable economy.

Mr. LYLE. Mr. Speaker, the least of us in this great body share with you and the President of the United States the great responsibility of carrying on until we have achieved total victory. The failure of labor and industry to reach agreement and understanding in the steel, rail, coal, and other major controversies without resorting to strike, is, in my judgment, of such magnitude as to warrant and demand immediate action. We cannot afford the luxury of half war and half peace. With soldiers in the field, it is impossible to justify the continued threat of a complete break-down of economic processes at home. The maintenance of production, communications and distribution of our products at home and abroad is as essential and urgent as the continued use of citizens in the armed forces.

I sincerely believe that the time is now for this Congress to follow our courageous President in assuring America and the world that we will meet this challenge as we did that of battle, and that we will insure the continuation of our production, maintenance of communication, production of fuel and power, processing and distribution of food, and the even flow of commerce vital and essential to total victory.

I have not, and I am sure you do not deal lightly with human liberties, free-

dom of action, and the precious rights Americans should enjoy in normal times; but these are not normal times, and we must apply the yardstick that measures 36 inches on both sides. It is inconsistent, Mr. Speaker, to continue induction of men into the military and naval forces, and to maintain millions of our men and women on foreign soil, and, on the other hand, to fail to invoke powers which require equal sacrifice of industry and labor. I am sure that it is the sense of this Congress and representative of the overwhelming majority of the American citizens that for that period of the emergency which justifies the involuntary induction and use of citizens in the armed forces the general welfare of our Nation warrants the use of power by the Government to insure the continuation of our economic processes at home.

Sir, the railroad men of America yes, the workers of America, are outstandingly courageous and patriotic. No man can rightfully challenge their good citizenship. It is, therefore, unthinkable that we should permit them to be placed in the position of subservience to the misguided, thoughtless, and capricious ambitions and leadership of a few men unworthy of their position.

Mr. Speaker, the President of the United States has exhibited great courage and understanding in this crisis—we can afford to do no less.

Mr. COMBS. Mr. Speaker, I have no intention of depriving labor of any of its hard-won rights or of denying to the man who works his rights to collective bargaining, or his privilege of association with his fellow workmen to improve his economic condition. I am mindful of the fact that labor has made a great contribution to the winning of this war and certainly the railroad men of this Nation have stuck to their posts throughout the emergency and made an outstanding contribution. But as I view it, the pending bill is not aimed at organized labor as such nor will it deprive any workman of any right except upon a purely emergency basis, the same basis upon which every American submitted to restrictions and deprivations in an hour of peril to our country.

In the present emergency, the President has just called upon the Congress to pass certain legislation which he feels is essential to enable him to preserve the economic stability of this Nation. There is no denying the fact that the pending bill introduced in response to his request, and presumably in strict accordance with his wishes, is most drastic indeed. None of us, I am sure, would support such legislation as a long-range or permanent policy; but this is emergency legislation, definitely limited as to its duration, and in my judgment on the brief study I have been able to give it, is surrounded with as much safeguards for the individual rights and liberties of the workers of our Nation as is possible under the circumstances.

The President in his speech last night and in his message to the Congress this afternoon has made it perfectly plain that he realizes a great emergency exists. He has challenged each and every Member to do his simple duty as a representative of our people.

There has been a complete break-down in certain quarters of the normal methods of adjusting the differences between the employer and employee. This has resulted in a situation which threatens the strangulation of the economic system of our country. If permitted to continue, it will bring untold suffering to our people, and seriously injure all of us, the workers included. Although the shooting has stopped, the war has not ended. Millions of the soldiers who fought to preserve the freedom of this Nation and to make secure the blessings of liberty under which men are privileged to live in freedom and security, walk the streets looking for employment. Millions of them need homes in which to live. All of our people stand in need of those essentials of life and the tools of industry which alone can restore us to normal conditions in this Nation. It is unthinkable that we should permit present conditions to continue.

We are faced with a challenge, a challenge to our democratic power of government. We must demonstrate whether government of the people, by the people, and for the people can effectively function in an emergency. You and I, by our votes on this bill, will determine that question. As for me, I stand with our President, and will support his efforts to bring industrial peace and resumption of production and the restoration of the industry of this Nation to its normal productivity.

The President has coupled with his recommendation for emergency legislation, a recommendation for the formation of a joint committee of the Senate and House to make a comprehensive study of the questions of labor-management relations, and of the factors that enter into the formation of long-range laws under which industrial disputes can be peaceably, fairly, and justly adjudicated. That offers the opportunity for Congress to do really a constructive job, and thus to lay the ground work for future industrial peace and prosperity for all of us.

Mr. MURDOCK. Mr. Speaker, I feel compelled to vote for this measure and shall vote for it. I have had many bitter pills by way of unpleasant vote situations forced upon me during the past 10 hectic years as a Member of this body, but very few which I regret the necessity of more than this one. Some weeks ago I voted against the so-called Case bill because it contained some of the very prominent provisions embodied in this measure. Now, today I must vote for some of the very features applying to labor which I objected to writing into law at that time. Why this difference?

This bill today is temporary emergency legislation to meet a crisis which is upon the Nation at this moment. The so-called Case bill was intended as new, long-ranged, permanent legislation put forth to change the national policy of our whole labor relation law. The objectives of these two bills are as far apart as the poles. Congress should go about shaping long-range labor relation policy with great deliberation and care, for it is a vital subject fraught with tremendous possibilities for good or evil. But this bill is an emergency, just about as significant as a declaration of war, and it requires positive actions now. The President has called on us today to act.

True, he did pause in the midst of his message to announce the end of the rail strike, therefore this enactment will not apply to the trainmen now on strike, but the coal strike is now on and is almost equally paralyzing to our national economy, and a similar strike is threatened in transportation at the coasts. If this measure was necessary to the Nation's safety 2 hours ago, directed against the destructive efforts of two rail leaders, before the President began his message, it is equally necessary in the immediate future against the destructive possibilities of other power-mad leaders in other vital industries affecting the Nation's very life.

The gentleman from California [Mr. VORHIS] has rightfully pointed out the real difference between this emergency bill and other proposals on labor legislation which liberal friends of labor have generally opposed. These drastic provisions in this bill are to be applied only as in a wartime crisis, for in fact, this is wartime legislation and it has been made just as necessary now as selective service was necessary for the military needs to send men to the battle front. All these strikes now raging, whether rail, coal, steel, or shipping, are as cruel and destructive to our country as a military invasion would be. If it is the duty of the Government to protect the Nation—and I know of no higher duty—Congress and the President can do nothing else but compel, if necessary to do so, the functioning of every activity of production and transportation so vitally necessary to the Nation's life. For the Government to fail to do that would mean the end of the Government itself.

The Government can and does compel soldiers to fight for the preservation of the Nation from a foreign foe. When the situation is sufficiently desperate, as in the present situation, the Government can and should compel anyone to whatever extent necessary, if it cannot be done another way, to fight through work for the Nation's economic existence. The Government ought never, and must never, force any person to work for a private employer for the employer's profit. This bill in section 9 makes sure that no private profits go to employers or employees under the operation of this act. If the Government must take over in such extreme cases, let there be no opportunity for any private profit to result therefrom.

THIS EMERGENCY LEGISLATION

Mr. CASE of South Dakota. Mr. Speaker, there are only two considerations which permit me to vote for this bill; without both of them, I would be compelled in conscience and judgment to vote against it.

The first consideration is that the country's domestic life, the health and safety of its citizens have been placed in jeopardy and as of the time we vote, the peril is not entirely cleared away and unless I vote affirmatively, I can vote for nothing.

No amendments are permitted to be offered under the present parliamentary situation; that is in the House of Representatives. In the other body, the bill

will be open for amendment when considered, and if it is amended, as I expect it to be, the final vote will permit us to register more sharply and clearly a conviction on the specific provisions in the bill.

In other words, I hope that the other body will delete or amend some of the provisions in this bill, and my affirmative vote now will be cast with mental reservations in the knowledge that the passage of this bill under this unusual procedure will place it in line for early deliberative consideration over there.

The second consideration, Mr. Speaker, is that the Congress retains a string on this legislation by the language which the majority leader, the gentleman from Massachusetts [Mr. MCCORMACK] and the distinguished Speaker of the House, the gentleman from Texas [Mr. RAYBURN] agreed at the request of the gentleman from Ohio [Mr. BROWN] and myself, should be added to the termination language in section 10 as it appeared here in the one mimeographed copy which the alert minority leader, the gentleman from Massachusetts [Mr. MARTIN] was able to obtain and let us read in a hurried minute or two prior to the actual introduction of the bill.

The termination language comes in section 10, and as Members know the mimeographed copies now in their hands read:

> The provisions of this act shall cease to be effective 6 months after the cessation of hostilities, as proclaimed by the President.

Mr. Speaker, if the bill had remained and been introduced in that fashion and were not open to amendment, I would have been compelled to vote against its passage.

In all fairness, however, I wish to say that when the gentleman from Ohio and I went to the majority leader as the Members were taking their seats preparatory to resuming business following the joint session, and called his attention to the fact that in most of our other emergency wartime legislation, the Congress kept an equal voice in proclaiming its termination, the gentleman from Massachusetts promptly stated that he thought this section should be changed to correspond, and suggested we confer immediately with the Speaker.

The Speaker not only concurred but stated that it was intended to have the language include authority for Congress to terminate the act, if it so desired. Thereupon, the words were added, which appear in the termination section of the War Labor Disputes Act, the so-called Smith-Connally Act, namely:

> Or upon the date (prior to the date of such proclamation) of the passage of a concurrent resolution of the two Houses of Congress stating that such provisions and amendments shall cease to be effective.

The words were written by the Parliamentarian into the copy which the majority leader was about to introduce, and in that form it was introduced, thereby explaining the discrepancy between the mimeographed copies which the membership has and the text read by the Clerk, the discrepancy noted by the gentleman from Pennsylvania [Mr. BRADLEY].

Those are important words for an addition, Mr. Speaker, as the Speaker so promptly recognized. Without them, Members might well hesitate; indeed, they should refuse to approve the legislation.

For, in this bill, it is proposed to give to one man powers which no man, no President ever before had in this country when the Nation was not engaged in war with a foreign foe. If to that one man, whoever he might be, were also given the power to determine the termination date of that grant of power, we would be charged, and properly so, with having given away the freedom of the United States in an hour of hasty, improvised legislation.

But with this change, Mr. Speaker, the Congress of the United States can say that it has kept the termination of this power in its own hands, and that will be true. A concurrent resolution passes by a simple majority vote of House and Senate and does not require a Presidential signature to be effective. That, of course, is quite a different thing than leaving the bill in such form that, if enacted into law, a repeal would be necessary which a President who refused to proclaim a termination could likewise veto, necessitating then a two-thirds vote to override the veto if the powers herein granted were to be reclaimed.

So that with this second consideration, the retention in Congress of the power to terminate this emergency grant of power, it becomes possible to vote for this bill in order to meet a situation without precedent in the history of the country with a reservation of mind about the vote on final approval following action in the other body of the Congress.

My reservations, Mr. Speaker, I shall not attempt to set forth here in detail or at length.

In passing, however, I mention the serious doubts I have as to constitutionality at several points in the bill. I mention the doubts I have as to the wisdom of authorizing a draft of men of all ages and placing them "with or without oath" in the armed forces under several considerations.

I question whether it will be fair to draft men, under the guise of a penalty, for striking against the national welfare and thereby to place them in a position to receive all the benefits of the so-called GI bill, or rights extended to those men who risked their lives in combat that the Nation might live.

I question the section which would let the Government negotiate a working contract during its period of operation for reasons I have hitherto stated today. Were this permanent legislation, on that score alone I should vote against it.

I shall not detail these matters further at this time, Mr. Speaker, but I place them in the record of the consideration of this bill for the purpose of calling attention to them, and I shall make it a point to bring them to the attention of Members of the other body of the Congress, where it is indicated, more deliberative consideration will be given, and where we know such a rule as we are operating under here will be impossible.

In conclusion, I will say that many of us regret that some people did not share our concern over the trend of industrial relations months ago. We feel that had equal concern been shown in other places, with an equal determination to face issues, that the situation which now confronts the country would never have developed. But this is no time for recrimination or patting ourselves on the back. The Nation faces an emergency. The President has properly placed the problem before us. We cannot solve the problem by suggesting what might have been. We can solve it only by doing what in our judgment is necessary to do in this crisis to preserve the Republic.

The SPEAKER. All time has expired.

The Chair desires to make an announcement. The President made another recommendation in his message. He recommended the formation of a joint committee of the House and Senate to study labor and management relations. When the pending bill is disposed of the Chair will recognize the gentleman from Virginia for consideration of House Concurrent Resolution 148.

The question is on the motion to suspend the rules and pass the bill.

Mr. McCORMACK. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 306, nays 13, not voting 112, as follows:

[Roll No. 134]

YEAS—306

Abernethy	Clements	Goodwin
Adams	Clevenger	Gordon
Allen Ill.	Cole, Kans.	Gore
Allen, La.	Cole, Mo.	Gorski
Almond	Cole, N. Y.	Gossett
Andersen, H. Carl	Colmer	Graham
	Combs	Granahan
Andresen, August H.	Cooper	Granger
	Corbett	Grant, Ala.
Andrews, Ala.	Courtney	Grant, Ind.
Angell	Cox	Gregory
Arends	Cravens	Griffiths
Arnold	Crawford	Gross
Auchincloss	Cunningham	Gwinn, N. Y.
Baldwin, Md.	Curley	Gwynne, Iowa
Barrett, Pa.	Curtis	Hagen
Barrett, Wyo.	D'Alesandro	Hale
Bates, Ky.	Daughton, Va.	Hall, Edwin Arthur
Bates, Mass.	Davis	
Beall	Dingell	Hall, Leonard W.
Beckworth	Dirksen	
Bell	Dolliver	Hancock
Bender	Dondero	Hand
Bennet, N. Y.	Doughton, N. C.	Hare
Blackney	Douglas, Ill.	Harless, Ariz.
Bland	Doyle	Harness, Ind.
Bloom	Earthman	Hays
Bolton	Eaton	Hébert
Boykin	Eberharter	Hendricks
Bradley, Mich.	Ellsworth	Henry
Bradley, Pa.	Elsaesser	Herter
Brehm	Elston	Heselton
Brooks	Engel, Mich.	Hess
Brown, Ga.	Ervin	Hill
Brown, Ohio	Fallon	Hobbs
Bryson	Feighan	Hoch
Buck	Fellows	Hoeven
Bulwinkle	Fenton	Holifield
Burch	Fisher	Holmes, Mass.
Butler	Flannagan	Holmes, Wash.
Byrnes, Wis.	Flood	Hope
Camp	Fogarty	Horan
Campbell	Forand	Howell
Canfield	Fuller	Huber
Cannon, Fla.	Fulton	Hull
Cannon, Mo.	Gallagher	Jackson
Carnahan	Gamble	Jenkins
Case, N. J.	Gardner	Jennings
Case, S. Dak.	Gary	Jensen
Chelf	Gavin	Johnson, Calif.
Chenoweth	Geelan	Johnson, Ill.
Chiperfield	Gibson	Johnson, Luther A.
Church	Gillespie	
Clark	Gillette	Johnson, Lyndon B.
Clason	Gillie	

Johnson, Okla.	Norblad	Sabath
Jones	Norrell	Sasscer
Jonkman	O'Brien, Ill.	Schwabe, Okla.
Judd	O'Hara	Scrivner
Kean	O'Konski	Sharp
Keefe	O'Toole	Sikes
Kefauver	Outland	Simpson, Ill.
Kilburn	Pace	Simpson, Pa.
Kilday	Patman	Slaughter
Kopplemann	Peterson, Fla.	Smith, Maine
Kunkel	Peterson, Ga.	Smith, Va.
Landis	Phillips	Somers, N. Y.
Lane	Pickett	Sparkman
Lanham	Pittenger	Spence
Larcade	Plesser	Springer
Latham	Plumley	Starkey
LeFevre	Poage	Stefan
Lemke	Price, Fla.	Stevenson
Lewis	Price, Ill.	Stigler
Lyle	Priest	Stockman
Lynch	Quinn, N. Y.	Sullivan
McConnell	Rabaut	Sumner, Ill.
McCormack	Rabin	Sumners, Tex.
McCowen	Rains	Talle
McDonough	Ramey	Tarver
McKenzie	Randolph	Taylor
McMillan, S. C.	Rankin	Thomas, Tex.
McMillen, Ill.	Reed, Ill.	Thomason
Madden	Reed, N. Y.	Tibbott
Mahon	Rees, Kans.	Traynor
Maloney	Resa	Trimble
Manasco	Rich	Vinson
Mansfield, Mont.	Richards	Voorhis, Calif.
	Riley	Vorys, Ohio
Mansfield, Tex.	Rivers	Vursell
Martin, Iowa	Rizley	Walter
Martin, Mass.	Robertson, N. Dak.	Wasielewski
Mason		West
Mathews	Robertson, Va.	Whitten
May	Robinson, Utah	Whittington
Merrow	Robsion, Ky.	Wickersham
Michener	Rockwell	Wigglesworth
Miller, Nebr.	Rodgers, Pa.	Wilson
Mills	Rogers, Fla.	Wolcott
Monroney	Rogers, Mass.	Wolverton, N. J.
Mundt	Rogers, N. Y.	Woodhouse
Murdock	Rooney	Woodruff
Murphy	Rowan	Worley
Murray, Tenn.	Russell	Zimmerman
Murray, Wis.	Ryter	

NAYS—13

Bishop	Green	O'Brien, Mich.
Buffett	Kee	Savage
Coffee	Luce	Smith, Ohio
Crosser	Marcantonio	
De Lacy	Neely	

NOT VOTING—111

Anderson, Calif.	Gerlach	Morrison
Andrews, N. Y.	Gifford	Norton
Bailey	Halleck	O'Neal
Baldwin, N. Y.	Harris	Patrick
Barden	Hart	Patterson
Barry	Hartley	Pfeifer
Bennett, Mo.	Havenner	Philbin
Biemiller	Healy	Powell
Bonner	Hedrick	Rayfiel
Boren	Heffernan	Reece, Tenn.
Brumbaugh	Hinshaw	Rce, Md.
Buckley	Hoffman	Roe, N. Y.
Bunker	Hook	Sadowski
Eyrne, N. Y.	Izac	Schwabe, Mo.
Carlson	Jarman	Shafer
Celler	Johnson, Ind.	Sheppard
Chapman	Kearney	Sheridan
Clippinger	Kelley, Pa.	Short
Cochran	Kelly, Ill.	Smith, Wis.
Cooley	Keogh	Stewart
Dawson	Kerr	Sundstrom
Delaney, James J.	King	Taber
	Kinzer	Talbot
Delaney, John J.	Kirwan	Thom
	Klein	Thomas, N. J.
D'Ewart	Knutson	Tolan
Domengeaux	LaFollette	Torrens
Douglas, Calif.	Lea	Towe
Drewry	LeCompte	Wadsworth
Durham	Lesinski	Weaver
Dworshak	Link	Weichel
Elliott	Ludlow	Welch
Ellis	McGehee	White
Engle, Calif.	McGlinchey	Winstead
Fernandez	McGregor	Winter
Folger	Mankin	Wolfenden, Pa.
Gathings	Miller, Calif.	Wood
Gearhart	Morgan	

So two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Knutson and Mr. Keogh for, with Mr. Celler against.

Mr. McGregor and Mr. O'Neal for, with Mr. Powell against.

General pairs until further notice:

Mr. Morrison with Mr. Short.

Mr. Pfeifer with Mr. Anderson of California.

Mr. Barden with Mr. Bennett of Missouri.

Mr. Winstead with Mr. Thomas of New Jersey.

Mr. Sheridan with Mr. Schwabe of Missouri.

Mr. McGlinchey with Mr. Hoffman.

Mr. Barry with Mr. Smith of Wisconsin.

Mr. Wood with Mr. Hartley.

Mr. Kelly of Illinois with Mr. Gearhart.

Mr. Boren with Mr. Halleck.

Mr. Heffernan with Mr. Kinzer.

Mr. Sadowski with Mr. Wadsworth.

Mr. Roe of New York with Mr. Reece of Tennessee.

Mr. James J. Delaney with Mr. Carlson.

Mr. Link with Mr. Shafer.

Mr. King with Mr. Taber.

Mrs. Douglas of California with Mr. Welchel.

Mr. Kelley of Pennsylvania with Mr. Dworshak.

Mr. Miller of California with Mr. Clippinger.

Mr. McGehee with Mr. Johnson of Indiana.

Mr. Eyrne of New York with Mr. Kearney.

Mr. Fernandez with Mr. Towe.

Mr. Jarman with Mr. Welch.

Mr. Chapman with Mr. Sundstrom.

Mr. Rayfiel with Mr. Winter.

Mr. Kirwan with Mr. LeCompte.

Mr. Bunker with Mr. Gifford.

Mr. Torrens with Mr. Ellis.

Mr. Bailey with Mr. Brumbaugh.

Mr. Tolan with Mr. Gerlach.

Mr. Sheppard with Mr. D'Ewart.

Mr. Drewry with Mr. Talbot.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. The message of the President is referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

JOINT COMMITTEE TO INVESTIGATE LABOR RELATIONS

Mr. SMITH of Virginia. Mr. Speaker, I call up House Concurrent Resolution 148 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That there is hereby established a joint committee to be composed of seven Members of the Senate, to be appointed by the President of the Senate, and seven Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives. The committee shall select a chairman and a vice chairman from among its members.

SEC. 2. The committee shall make a thorough study and investigation of existing and pending labor legislation and of the whole field of labor relations and report to their respective Houses of Congress its recommendations for legislation to promote harmonious relations between labor and industry and to safeguard the public interest in the orderly and uninterrupted flow of interstate commerce and the mining, manufacturing, and production of essential commodities, and the uninterrupted cooperation of public utilities and enterprises essential to the operation of such utilities or essential to the public health or welfare.

The committee shall also investigate and report on the desirability of further legislation concerning the health and safety of employees engaged in industries that are essentially hazardous, with a view to the prevention of accidents and the improvement of health and sanitary conditions connected with such industries.

The committee shall further investigate the feasibility of the establishment of a uniform voluntary system of welfare funds, with a view to the enactment of legislation to assist in the promotion and encouragement of such a program for the benefit of ill, disabled, or aged employees and their families.

The committee shall confer and consult with responsible leaders of both organized labor and industry and shall seek, as far as compatible with their own judgment, to recommend legislation that will eliminate all reasonable objections of either labor or industry.

The committee shall have power to report to the Senate and the House of Representatives, through the Members of the respective Houses, such legislation as it may deem wise and adequate to carry out the purposes of this concurrent resolution.

SEC. 3. (a) The committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times during the sessions, recesses, and adjourned periods of the Seventy-ninth Congress; to require, by subpena or otherwise, the attendance of such witnesses and the production of such books, papers, and documents; to administer such oaths; to take such testimony; to procure such printing and binding; and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words.

(b) The committee is empowered to appoint and fix the compensation of such experts, consultants, and clerical and stenographic assistants as it deems necessary, but the compensation so fixed shall not exceed the compensation prescribed under the Classification Act of 1923, as amended, for comparable duties.

Mr. SMITH of Virginia. Mr. Speaker, the resolution that is on the Calendar of the House was really programed for next Wednesday. In view of the fact that the President asked for this joint committee, I am calling up the resolution at this time.

I have no requests for time on this side. I would like to reserve a few minutes to explain the resolution.

I yield 30 minutes to the gentleman from Michigan [Mr. MICHENER].

Mr. MICHENER. Mr. Speaker, the gentleman from Virginia calls up this resolution and suggests he does not want to use any time, then he reserves some time "to explain the resolution later." I do think it well to state what the resolution provides before the House is asked to vote on it.

Mr. SMITH of Virginia. That will be done, if the gentleman does not do it himself, but he is so much better at explanations than I am that I would be very glad to have him do it now.

Mr. MICHENER. No. I would be very glad to hear the gentleman's explanation.

Mr. SMITH of Virginia. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I yield.

Mr. SMITH of Virginia. You will notice in the President's message he asked for this investigation but he asks that it be concluded within a period of 6 months. Would it be agreeable to the gentleman from Michigan to have an amendment to the resolution merely directing the committee to report within the 6-month period requested by the President?

Mr. MICHENER. Certainly no one could object to that.

The resolution before the House was considered and reported out by the Rules Committee. It provides for an investigation of the matters mentioned in the President's message today. As I understand it, inasmuch as it has been reported out by the Rules Committee after consideration, and is on the agenda for Wednesday, and agrees with what the President has asked in the way of an investigation, it is the purpose to dispose of it now.

Mr. JENKINS. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I yield.

Mr. JENKINS. Did the President specifically refer to this resolution in his address?

Mr. MICHENER. Oh, no.

Mr. JENKINS. What makes the gentleman think that the President did refer to it indirectly?

Mr. MICHENER. I do not think the President referred to this specific resolution. What I attempted to say was that the President had asked for an investigation of certain matters; that what the President had asked for is contemplated by this resolution which was reported out and which is a House committee action, and which is before the House and will be before the House on Wednesday, unless it is disposed of today. Inasmuch as the House by such an overwhelming majority has just passed the first part of the President's recommendation, I see no reason why it should not amend the resolution and add the 6-month limit as far as the report is concerned, and dispose of the whole thing today in one bite of the cherry instead of two bites extending over some days.

Mr. JENKINS. Mr. Speaker, will the gentleman yield further?

Mr. MICHENER. I yield.

Mr. JENKINS. I just want to bring this out: Whether as a matter of fact the resolution referred to is definitely what the President wants? If not, would it not be the part of wisdom to pass a bill today that follows the President's wishes?

Mr. MICHENER. I may say to the gentleman that I do not understand that the President has in any way recommended this specific bill. I want that to be clear.

Mr. SMITH of Virginia. Mr. Speaker, in view of the insistence that we vote immediately I shall not consume any time.

I offer an amendment to the resolution.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Virginia: On page 3, after line 21, insert the following: "The committee shall file its report within 6 months from the time of its appointment."

The amendment was agreed to.

Mr. HESELTON. Mr. Speaker, certainly no one could offer any reasonable objection to the thorough study and investigation of existing and pending labor legislation and of the whole field of labor relations provided in this resolution.

Some of us have been advocating for months such an inquiry into the basic causes of labor-industry disputes and a complete review of existing Federal laws and their administration.

The pending resolution was filed on May 14. The day before, May 13, the gentleman from New Hampshire [Mr. ADAMS] introduced House Joint Resolution 349; the gentleman from New York [Mr. BENNET] introduced House Joint Resolution 350; the gentleman from New Jersey [Mr. CASE] introduced House Joint Resolution 351; and I introduced House Joint Resolution 348. These were identical resolutions and, in section 2, provided for the creation of a joint committee with the same membership as is provided in the pending resolution. Our resolutions define in more detail the scope of the inquiry now proposed, but it seems reasonable to assume that the study now to be undertaken will be similar to the one we proposed and which we described at pages 4941 to 4944, inclusive, of the RECORD for May 13.

We are gratified, also, that now the basic purpose of section 9 (a) of H. R. 4908, offered by the gentleman from New York [Mr. BENNET] and adopted on February 5, is to be endorsed so overwhelmingly by the House.

It is fair to note that the amendment offered by the gentleman from New Jersey [Mr. CASE] on February 6, which is quoted again at page 4942 of the RECORD for May 13, defining more specifically the scope of the study we have advocated consistently, is now to meet with such definite approval.

In terms of the record, I want to quote excerpts from the President's message delivered here less than 2 hours ago.

He said:

I request permanent legislation leading to the formation of a long-range policy designed to prevent the recurrence of such crises and generally to reduce stoppages of work in all industries for the future.

Later he said:

I believe that the time has come to adopt a comprehensive labor policy which will tend to reduce the number of stoppages of work and other acts which injure labor, capital, and the whole population.

He added:

I am sure, however, that adequate study and consideration can produce permanent long-range legislation which will reduce the number of occasions when that ultimate remedy [the strike] has to be adopted. The whole subject of labor relations should be studied afresh.

On this phase of his recommendation, he concluded:

I recommend the immediate creation by the Congress of a joint committee to make that study. This committee should study the whole problem and, within a period of 6 months, bring in recommendations for appropriate legislation which would be fair to labor and to industry and to the public at large.

We regret that our efforts of February 5 and 6 produced no quicker results. But we are pleased that this study is now to be undertaken.

We said on May 13:

We believe it is completely apparent that whatever action, if any, may be taken by Congress to deal with the immediate crisis, or whatever may be the fate of the Case bill, the need for the investigation proposed by our resolution will still remain.

The adoption of this pending resolution will be ample recognition of the soundness of that proposition.

Mr. SMITH of Virginia. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. MICHENER. Mr. Speaker, I ask unanimous consent that all those who desire may extend their remarks on House Concurrent Resolution 148, which just passed, at the point before the vote was taken.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ANNOUNCEMENT

The SPEAKER. The Chair, with authority to declare a recess, is of the opinion that the House should remain in session for a little while longer. We may get some additional information from the Senate. If any Member desires to extend his remarks or address the House for a minute, the Chair will recognize him for that purpose.

Mr. WHITTINGTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WHITTINGTON. Will the Speaker indicate how much time the bell will be rung before the expiration of the recess?

The SPEAKER. The Chair intended to declare a recess until 6:30 p. m. today. If progress is being made in the Senate we can stay a while longer. If it is determined that the Senate may not act upon the bill tonight then we can adjourn.

EXTENSION OF REMARKS

Mr. ROBSION of Kentucky. Mr. Speaker, I recognize the fact that consent was given to each Member to revise and extend his remarks, but I wish to include and ask unanimous consent that I may include some excerpts from the bill, from this resolution, and a brief statement that I issued in my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. PRIEST asked and was given permission to extend his remarks in the RECORD and include a statement issued by the American Veterans of World War II.

Mr. McDONOUGH asked and was given permission to extend his remarks in the Appendix of the RECORD in two instances and include a report from the Veterans' Employment Service of California.

SPECIAL ORDER GRANTED

Mr. CHENOWETH. Mr. Speaker, I ask unanimous consent that on Monday next after the business of the day is disposed of and any special orders heretofore entered I may address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. FOGARTY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

THE HOUSE RESTAURANT

Mr. FOGARTY. Mr. Speaker, I do not know who is in charge of the restaurant downstairs, but it seems to me that somebody in this House should see to it that when we are in session the restaurant should stay open.

This is not the first time it has happened that when the House has been in session late the restaurant has not been open. Here we are called to stay to a late hour and the Members have no place to eat unless they go out. Somebody should take this up and see that when we are in session the restaurant stays open and provides some food for the Members who have to stay here.

RECESS

The SPEAKER. The House will stand in recess until 6:30 o'clock p. m. today.

Thereupon (at 6 o'clock and 11 minutes p. m.) the House stood in recess.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 7 o'clock and 12 minutes p. m.

EXTENSION OF REMARKS

Mrs. LUCE (at the request of Mr. MARTIN of Massachusetts) was given permission to extend her remarks in the RECORD and include a debate on communism.

GENERAL LEAVE TO EXTEND REMARKS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the first bill brought up for consideration today.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

EXTENSION OF REMARKS

Mr. POAGE asked and was given permission to extend his remarks in the RECORD and include a couple of letters.

CLERK AUTHORIZED TO RECEIVE MESSAGES FROM THE SENATE

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

GENERAL LEAVE TO EXTEND REMARKS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to extend their remarks in the RECORD on the second resolution, the so-called Smith resolution, considered and passed by the House today.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, what will be the situation on Monday?

Mr. McCORMACK. Mr. Speaker, I have already announced the program, but in view of the present situation, if the Senate acts on the bill we passed today we will bring that up. I am unable to state definitely. I wish I could give the gentleman and the House further information but I am unable to at this time. Outside of that, the program as announced for next week continues with the exception that we have disposed of the Smith resolution which was scheduled for next Wednesday.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. AUGUST H. ANDRESEN, for 10 days, on account of official business.

To Mr. KELLEY of Pennsylvania (at the request of Mr. EBERHARTER), for 3 days, on acccunt of the death of his father.

To Mr. CHAPMAN (at the request of Mr. GREGORY), for today and Monday, on account of official business.

To Mrs. DOUGLAS of California, for 2 weeks, on account of illness.

ENROLLED BILL SIGNED

Mr. ROGERS of New York, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 3370. An act to provide assistance to the States in the establishment, maintenance, operation, and expansion of school-lunch programs, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. ROGERS of New York, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 3370. An act to provide assistance to the States in the establishment, maintenance, operation, and expansion of school-lunch programs, and for other purposes.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 15 minutes p. m.), the House adjourned until Monday, May 27, 1946, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON THE JUDICIARY

On Monday, May 27, 1946, Subcommittee No. 4 of the Committee on the Judiciary will start public hearings on the following pending measures with respect to the cessation of hostilities and termination of the war and emergencies: House Concurrent Resolution 85, House Concurrent Resolution 86, House Concurrent Resolution 91, House Concurrent Resolution 98, House Concurrent Resolution 132, House Concurrent Resolution 133, House Joint Resolution 245, House Joint Resolution 272, House Joint Resolution 287.

The hearings will be held in the Judiciary Committee room, 346 House Office Building, beginning at 10 a. m.

On Thursday, June 6, 1946, Subcommittee No. 2 of the Committee on the Judiciary will continue hearings on the bill (H. R. 6301) to supplement existing laws against unlawful restraints and monopolies, and for other purposes. The hearings will begin at 10 a. m. and will be held in the Judiciary Committee room, 346 House Office Building.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Public Health Subcommittee of the Committee on Interstate and Foreign Commerce, at 10 a. m. Tuesday, May 28, 1946.

Business to be considered: Commence public hearings on the bill (H. R. 6448) National Science Foundation Act of 1946, and related pending bills.

COMMITTEE ON PATENTS

The Committee on Patents will begin hearings Tuesday, June 4, 1946, at 10 a. m., in the Patents Committee room, 416 House Office Building, on the following bills:

H. R. 3864 (HARTLEY): A bill to declare the national policy regarding the test for determining invention.

H. R. 5841 (BOYKIN): A bill fixing the date of the termination of World War II, for special purposes.

H. R. 5940 (LANHAM): A bill to make Government-owned patents freely available for use by citizens of the United States, its Territories and possessions.

These hearings will be continued on succeeding days until concluded or until this notice is superseded.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1336. A letter from the Acting Secretary of the Navy, transmitting a draft of a proposed bill to authorize the Secretary of the Navy to construct a postgraduate school at Monterey, Calif.; to the Committee on Naval Affairs.

1337. A letter from the Acting Secretary of the Navy, transmitting a draft of a proposed bill to permit the Secretary of the Navy to delegate the authority to compromise and

settle claims against the United States caused by vessels of the Navy or in the naval service, or for towage or salvage services to such vessels, and for other purposes; to the Committee on Naval Affairs.

REPORT OF COMMITTEE ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, a report of a committee was delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LESINSKI: Committee on Immigration and Naturalization. H. R. 5595. A bill for the relief of Marjorie See; with amendment (Rept. No. 2144). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLOOM:

H. R. 6572. A bill to provide military assistance to the Republic of the Philippines in establishing and maintaining national security and to form a basis for participation by that Government in such defensive military operations as the future may require; to the Committee on Foreign Affairs.

By Mr. RANKIN:

H. R. 6573. A bill to amend the Servicemen's Readjustment Act of 1944; to the Committee on World War Veterans' Legislation.

By Mr. ROBINSON of Utah:

H. R. 6574. A bill relating to the sale of electric power and lease of power privileges under the Reclamation Act of 1939; to the Committee on Irrigation and Reclamation.

By Mr. SUMNERS of Texas:

H. R. 6575. A bill to allow costs against the United States; to the Committee on the Judiciary.

By Mr. VOORHIS of California:

H. R. 6576. A bill to amend the Federal Unemployment Tax Act and the Social Security Act so as to authorize any State to use amounts contributed by employees to the unemployment fund of such State to pay cash benefits to individuals with respect to their unemployment by reason of their disability; to the Committee on Ways and Means.

H. R. 6577. A bill to amend the Federal Unemployment Tax Act and the Social Security Act so as to authorize any State to use amounts in its unemployment fund to pay cash benefits to individuals with respect to their unemployment by reason of their disability; to the Committee on Ways and Means.

By Mr. McCORMACK:

H. R. 6578. A bill to provide on a temporary basis during the present period of emergency for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace; to the Committee of the Whole House on the State of the Union.

By Mr. WICKERSHAM:

H. R. 6579. A bill to correct certain inequities applicable to former prisoners of war; to the Committee on World War Veterans' Legislation.

By Mr. PACE:

H. J. Res. 359. Joint resolution relating to peanut-marketing quotas under the Agricultural Adjustment Act of 1938, as amended; to the Committee on Agriculture.

By Mr. PITTENGER:

H. Con. Res. 154. Concurrent resolution against adoption of Reorganization Plan No. 3 of May 16, 1946; to the Committee on Expenditures in the Executive Departments.

H. Con. Res. 155. Concurrent resolution against adoption of reorganization plan No. 1 of May 16, 1946; to the Committee on Expenditures in the Executive Departments.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CHELF:

H. R. 6580. A bill for the relief of F. L. McGary, of Breckinridge County, Ky.; to the Committee on Claims.

By Mr. KEEFE:

H. R. 6581. A bill for the relief of Leonard J. Siegmann; to the Committee on Claims.

By Mr. VORYS of Ohio:

H. R. 6582. A bill for the relief of Ruth A. Hairston; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1912. By Mr. COLE of Missouri: Petition of W. J. Senden and P. J. Darling of North Kansas City, Mo., and 136 others, who are all of the employees of the shop and yard force of the Frisco Railroad at Kansas City, Mo., offering an amendment to House bill 1737 and protecting pension amendment Senate bill 293 and House bill 1362; to the Commitee on Interstate and Foreign Commerce.

1913. By Mr. Voorhis of California: Petition of Robert R. Elsner, Jr., and 180 other students of Brown University, urging that legislative or executive action be taken to insure the immediate fulfillment of our obligation to feed the starving peoples of the world; to the Commitee on Foreign Affairs.

SENATE

MONDAY, MAY 27, 1946

(Legislative day of Tuesday, March 5, 1946)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Eternal God who turnest not Thy face away from those who work Thy will, as in the morning we take anew the cup of our freedom crimsoned with great cost, may we be mindful of its sacred meaning and reverent in its use. Make more worthy in faith and uprightness the hands of those who hold it high in trust for all, that its healing balm may be denied to none beneath the spangled flag of this favored land. Grant that even when the rights of all are mocked and betrayed for power or gain we may still labor on with valor for the enthronement on earth of Thy reign of law and love, of equity and righteousness, nor ever doubt the final triumph of Thy great purposes for all men. Through Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the journal of the proceedings of the calendar day Saturday, May 25, 1946, was dispensed with, and the Journal was approved.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following communication and letter, which were referred as indicated:

SUPPLEMENTAL ESTIMATE, COAST GUARD, TREASURY DEPARTMENT (S. Doc. No. 188)

A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Coast Guard, Treasury Department, amounting to $1,020,000, fiscal year 1947, in the form of an amendment to the Budget for that fiscal year and a draft of a proposed provision pertaining to an appropriation for the fiscal years 1946 and 1947 (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

RELIEF OF CERTAIN POSTMASTERS

A letter from the Acting Postmaster General, transmitting a draft of proposed legislation for the relief of certain postmasters (with an accompanying paper); to the Committee on Post Offices and Post Roads.

PETITION AND MEMORIAL

Petitions, etc., were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A telegram in the nature of a petition from F. E. Ulrich, of Valley Stream, N. Y., praying for the prompt enactment of legislation to curb strikes; ordered to lie on the table.

A letter from J. R. FARRINGTON, Delegate from Hawaii, transmitting telegrams in the nature of memorials from Carpenters' Union Local No. 745, Boilermakers' Union No. 204, Central Labor Council, American Federation of Labor, and International Association of Machinists, all of Honolulu, P. I., remonstrating against the enactment of antilabor legislation (with accompanying telegrams); ordered to lie on the table.

ANTISTRIKE LEGISLATION—PETITIONS

Mr. CAPPER. Mr. President, I have received telegrams from chambers of commerce in cities of Eureka, Liberal, Great Bend, Manhattan, Beloit, and Abilene, all in the State of Kansas, appealing to the Congress to enact legislation that will stop strikes. I ask unanimous consent to present these telegrams for appropriate reference and that they be printed in the RECORD.

There being no objection, the telegrams were received, ordered to lie on the table, and to be printed in the RECORD, as follows:

EUREKA, KANS., *May 27, 1946.*

Senator ARTHUR CAPPER,
Washington, D. C.:

We believe in the principles of collective bargaining and in union responsibility for its acts. We believe that individuals should be free to join or not join labor organizations. That organized labor should be protected in its rights by laws which equally protect other citizens, organized or unorganized. That the best interests of all citizens are best served by a minimum of regulative legislation. We are opposed to violence, intimidation and coercive methods on part of labor or management. Interests, rights of public in continuity of production goods and services must not be subordinated in disputes of labor and management or in disputes between or within labor unions. To achieve these ends, to effectuate prompt settlement of current strikes, to establish effective precedent for future disputes we urge your prompt and united action.

Board of Directors, Eureka Chamber of Commerce: F. A. Smethers, J. W. Bayless, W. E. Marshall, H. F. Brenton, George S. Stright, H. M. Marriott, P. L. Braden, L. C. Baird.

GREAT BEND, KANS., *May 25, 1946.*

Hon. ARTHUR CAPPER,
United States Senator,
Senate Office Building,
Washington, D. C.:

Lack of adequate national labor policy has resulted in widespread suffering and stifling of Kansas industries despite meritorious conduct of labor in Kansas. We believe in principles of collective bargaining and in union responsibility for its actions. Laws which protect labor ought to equally protect other citizens organized or unorganized. Interests and right of public must not be subordinated in disputes of labor and management or in disputes between or within labor unions. Temporary settlement of current railroad and coal strikes will not protect country against future serious paralyzing effects of strikes. We urge enactment of proper legislation to establish effective precedent for future disputes. Country expects prompt and united action.

CREAT BEND CHAMBER OF COMMERCE,
DON C. MCILRATH, *President.*

MANHATTAN, KANS., *May 24, 1946.*

Hon. SENATOR ARTHUR CAPPER,
Senate Office Building,
Washington, D. C.:

Realizing the desperate situation which has been facing this country because of labor troubles—intensified now by the paralysis caused by the railroad strike—we strongly urge you to exert every effort to secure action and legislation which will stop strikes against the welfare of the general public, and make the parties to such strikes—industry and labor—equally responsible for violation of their contracts and for actions deleterious to the public good. The essentials of this statement were unanimously approved today by the board of directors of the Manhattan, Kans., Chamber of Commerce and the members of the governmental affairs committee.

MANHATTAN CHAMBER OF COMMERCE,
E. L. WILSON, *President.*

BELOIT, KANS., *May 25, 1946.*

Senator ARTHUR CAPPER,
United States Senate,
Washington, D. C.:

We believe in the principles of collective bargaining and in union responsibility for its acts. We believe that individuals should be free to join or not join labor organizations; that organized labor should be protected in its rights by laws which equally protect other citizens organized or unorganized; that the best interests of all citizens are best served by a minimum of regulative legislation. We are opposed to violent intimidation and coercive methods on part of labor or management. Interests and rights of public in continuity of goods and services must not be subordinated in disputes of labor and management or in disputes between or within labor unions. To achieve these established effective precedents for future disputes we urge your prompt and united action.

BOARD OF DIRECTORS OF BELOIT
CHAMBER OF COMMERCE,
W. J. CONSIDINE, *Secretary.*

LIBERAL, KANS., *May 25, 1946.*

Senator ARTHUR CAPPER,
Washington, D. C.:

We believe in the principles of collective bargaining and in union responsibility for its acts. We believe that individuals should be free to join or not to join labor organizations; that organized labor should be protected in its rights by laws which equally protect other citizens organized or unorganized. That the best interests of all citizens are best served by a minimum of regulative legislation. We are opposed to violence, intimidation, and coercive methods on part of labor or management. Interests and rights of public in continuity of production of goods and services must not be subordinated in disputes of labor and management or in disputes between or within labor unions. To achieve these ends, to effectuate prompt settlement of current strikes, to establish effective precedent for future disputes, we urge your prompt and united action.

LIBERAL CHAMBER OF COMMERCE,
N. S. LEPLEY.

ABILENE, KANS., *May 25, 1946.*

Senator ARTHUR CAPPER,
Senate Office, Washington, D. C.:

We believe that if the unions are to receive the benefits of collective bargaining they should also accept the responsibility that goes with their privileges. We are opposed to the closed shop principle, the check-off. We believe that every worker should have the right to join or not join a union. That when organized labor is protected in rights, that the consumer and those who are not organized have a right to the same protection. We object to a minority movement such as organized labor using intimidation and coercive methods to force their demands. We believe that capital and management should play fair with both organized labor and the public who pays the bill. It is time for the enactment of a labor bill that gives right and justice to the unions, the management, the stockholder, and the public. Congress should draft reasonable and fair legislation now.

THE ABILENE CHAMBE OF COMMERCE,
C. W. WHEELER, *President.*

THE JEWISH PALESTINE PROBLEM

Mr. WALSH. Mr. President, I ask unanimous consent to present and to have inserted in the RECORD a public letter to the President, dated May 21, 1946, sent to him by the Political Action Committee for Palestine, Inc., whose national headquarters are at 104 West Seventieth Street, New York, and by the congressional advisory board of this committee, of which I am a member.

This 3,000 word letter is one of the most adequate summaries for the case of a Jewish Palestine. The letter is unbiased in its approach, and beyond that, an excellent presentation of facts to guide our policy in the Middle East. It expresses an overwhelming sentiment and hope that the State Department will take cognizance of the case for a Jewish Palestine, as set forth in that letter.

It should be noted that this letter was personally delivered to the President by my colleague, the Honorable JOHN W. MCCORMACK, majority leader, House of Representatives.

I ask that the letter be treated as a petition and referred to the Committee on Foreign Relations.

There being no objection, the letter was received, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

POLITICAL ACTION COMMITTEE
FOR PALESTINE, INC.,
May 20, 1946.

Hon. HARRY S. TRUMAN,
The White House, Washington, D. C.

DEAR MR. PRESIDENT: We call on you, the most potent leader of a great, proud, and victorious Nation, the most powerful in the world today, to stand firm by your pledges, as set forth in the very platform of your party during the last national convention; by the pledges of many former national administrations; by the numerous other official declarations of the United States. We call on you to use every form of diplomatic, economic, and moral suasion in your power to prevent Great Britain, the cosignatory of the Anglo-American Convention of December 3, 1924, and the author of the Balfour Declaration, from repudiating her commitments and from perpetrating a most shameful betrayal of a long-suffering and persecuted people.

Our British cousins are pursuing their interests along the lines of British imperial policy in utter disregard of the unparalleled sufferings of a homeless race. The rescue of the survivors of the most infamous carnage the world has ever inflicted upon a defenseless people, threatened as they are with extinction in a Europe impregnated with anti-Semitism by a decade of nazism, is not another file in the British archives.

It is incontrovertible that anti-Semitism is rampant in Europe today. Its victims, to a man, long to return to their historic homeland; there, to rehabilitate their lives. They wish to leave forever the cursed and bloody soil of Europe, those lands which brought them nothing but disaster. The Anglo-American Committee of Inquiry has recommended that 100,000 Jews be admitted to Palestine as quickly as possible. To condemn the remaining 1,400,000 (14 out of 15) Jews to perpetual exile; to deny repatriation to Palestine to all but 100,000, would be a cruel mockery of the great principles for which the war was fought and a denial of life, liberty, and opportunity to the Jewish people, nay, a death sentence to Israel.

Aside from the humane approach of the "Jewish problem," the Jews are by every concept of justice and international law the heirs to Palestine. The legal grounds for Jewry's claim to Palestine are well known. They are to be found in the Bible, and in Israel's unbroken connection with the Holy Land since the dawn of recorded history. Nowhere can be found any intimation that Palestine was ever under Arab sovereignty.

The foremost authorities on international law pointed out, as far back as the nineteenth century, that since the Jews never relinquished their title to Palestine, the general "law of dereliction" could not be applied for their case, "for," as Blackstone says, "they never abandoned the land. They made no treaty; they didn't even surrender. They simply succumbed, after the most desperate conflict, to * * * overwhelming power * * * and were captured or enslaved. * * * Since then they have disputed the possession of the land by continued protests."

According to the compelling precedents established by such authorities as Boswell, Wheaton, Clifford, Phillimore, and others the forcible manner by which the Jewish nation had been ejected and has since been kept out of Palestine, with no means of redress, is equivalent in principle to a continuous state of war, and therefore prescription should in no event run against them until they have had the opportunity to present their claim at the bar of the only possible mundane court, an international conference. This was at last accomplished when the historical claim of the Jewish people to its land, Palestine, was officially recognized by the great powers in a series of international documents and conventions, i. e., the Balfour Declaration (November 2, 1917, the mandate (July 24, 1922), and the American British convention of December 3, 1924. The mandate, as well as the American-British convention, stipulate explicitly:

"Recognition has thereby been given to the historical connection of the Jewish people with Palestine and to the grounds of reconstituting their national home in that country."

Furthermore, all this was substantiated in the treaty of "racial kinship" signed by King Feisal, representing and acting on behalf of the Arab Kingdom of Hejaz. The following words are from Feisal's own treaty:

"In the establishment of the constitution and administration of Palestine all such measures shall be adopted as will afford the fullest guaranty for carrying into effect the British Government's declaration of November 2, 1917 (the Balfour Declaration)," and that

"All necessary measures shall be taken to encourage and stimulate immigration of Jews into Palestine on a large scale, and as quickly as possible to settle Jewish immigrants on land through close settlement and intensive cultivation of the soil."

When the great powers pledged the return of Palestine to Jewry, they were not motivated by benevolence but rather by atonement. Neither was Palestine placed in trust for Jewry on humanitarian grounds. Palestine was not construed as a refuge or a habitation, but as a Jewish state with all its political connotations.

We can perhaps best illustrate to you Palestine's ability and capacity for the absorption of Europe's 1,500,000 Jews—and more—through facts and figures when compared with the density of other countries of similar resources:

The heir presumptive is the Arab League, allegedly speaking for six Arab states: Saudi Arabia with 350,000 square miles and a population of 5,250,000; Yemen with 75,000 square miles and a population of 3,500,000; Iraq with 140,000 square miles and a population of 3,560,000; Egypt with 386,000 square miles and a population of 17,287,000; Syria and Lebanon with 57,900 square miles and a population of 3,630,000—making the staggering total of 1,008,900 square miles for a population of only 29,727,000, a density of a little over 20 per square mile.

The area of Palestine is 44,850 square miles, the size of the State of New York or Pennsylvania.

Palestine has a population of 2,000,000, of which 700,000 are Jews, 1,250,000 Arabs, and 50,000 inhabitants of other national and racial origin, a density of less than 50 per square mile.

Belgium with its 11,785 square miles has a population of 8,159,185. Palestine's population, by the same ratio, would swell to 31,027,230.

England, with an area of 50,874 square miles, has a population of 37,350,917. Palestine, by the same ratio, could care for 32,-933,355.

The State of Rhode Island, with its 1,248 square miles, has a population of 702,000. Palestine, with its 44,850 square miles, could sustain, by comparison, a population of 25,-228,125—not the mere handful of 2,000,000 it now has.

It has been established by the foremost authorities that Palestine at this time can sustain more than four times its present population when given the opportunity under article 2 of the mandate, which reads in part:

"The mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish National Home, as laid down in the preamble, and the development of self-government institutions and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion."

On the basis of past performances, the Jewish colonists have proved with their blood, sweat, and tears the numerous possibilities for large scale industrialization in Palestine. The country's natural resources, when cultivated, and the technical skill of the Yishauv hold even greater promise for the future of Palestine.

Nobody wants to oust the Arabs of Palestine. There is room within historic Palestine for millions of additional settlers. To speak, as the Arab propagandists do, under British tutelage, of expropriation and expulsion is a wilful misrepresentation. Far from expelling Arabs, Jewish immigration has, according to official figures, attracted some 260,000 Arab immigrants in the last 15 years from other vast thinly settled Arab lands.

Mr. President, the foregoing statistics more than justify the humane stand which you took, on August 31, 1945, in your request to the British Government, that 100,-000 European Jews be admitted to Palestine immediately.

You persisted in your request irrespective of the creation of the Joint Anglo-American Committee of Inquiry. As a matter of record, you reiterated your demand on November 13, 1945, the day London and Washington announced their agreement to form such a committee.

In applause of your position, this committee, through its executive vice chairman, Rabbi Baruch Korff, on November 19, 1945, wrote to you, predicting that your request would surely be acceded to by Great Britain, but only after interminable delays in accordance with empire paraphernalia, and unsavory attempts to involve the unsullied honor of the United States in the crimes committed by Great Britain against a long-martyred people. His predictions have come to pass with prophetic certainly.

Now we foresee that perfidious Albion's demands for American military aid in Palestine is but a further scheme by the Colonial Office to have American soldiers hurt or killed in riots incited by British agents in Palestine in order to alienate the cause of the Jews in the eyes of public opinion in this country.

We urge you to reject this dastardly and callous ruse of British foreign policy. We urge you to insist in turn on the recognition by the British of the Jewish defense forces in Palestine and the Jewish brigade still detained outside the country they helped to defend, as the proper agencies to keep order in Palestine and to protect the vanguard of the 100,000 European Jews. Were the propagandists of the British Colonial Office to cease to incite the Arab masses in accordance with their classic formula of "divide and rule," the necessity for such armed protection would never have arisen.

The Arab common man is no enemy of the Jews. Nowhere in the Middle East does the Arab worker fare so well as in Palestine, where western civilization has been introduced by the Jews. This development, however, is deemed by Great Britain against her economic interests. She would rather have a primitive, uninhabited country guarding her shipping lanes—the life line to India—so, through Arab oil barons, effendis, and self-appointed leaders, the British Colonial Office instigates a war of nerves as well as the much exploited so-called holy wars. One such holy war was declared against Britain herself in 1914 by the spiritual head of Islam—its effect was not even noted by historians.

Who are these self-appointed Arab leaders? A few will indicate the quality of all. In the forefront is Jamal el Husseini, who in his testimony before the Anglo-American committee of inquiry, justified the Nazi activities of his cousin, Haj Amin el Husseini, the former Grand Mufti of Jerusalem. In the group, we also find Abu Bakr whom the British have now returned to the Holy Land (for obvious reasons), arch fomenter of the Palestine riots of 1936–39, and his confrere, Fawzi Bey el Kaw Kadzi, who led those riots. These gentlemen have more than one thing in common, they were all Axis agents. Not one of them but prayed for a Nazi victory.

When the Arab propagandists speak of Arab support to the war effort they omit to state which side they supported. Are they referring to the Moslem regiments recruited for the Axis by the ex-Mufti? Do they have in mind the armed rising in Iraq in 1941? Do they allude to the Egyptian ally who did not send a single soldier in support of Britain but had to be coerced into uneasy neutrality by a show of force? Have they forgotten the large sums in gold with which Arab benevolence had to be bought in north Africa?

We ask you, Mr. President, to compare the Arab contribution to the allied war effort with the sacrifices made by the millions of Jews who fought and died for the Allied cause, not least among whom were the 136,000 Palestinian Jews, out of a population of 700,000, who volunteered for service despite their distrust of Great Britain, occasioned by repeated former betrayals.

Our committee, comprised as it is of members of all faiths, feels that the report of the Anglo-American committee has ignored the fundamental principles involved in a Palestine solution and has adroitly circumvented the basic problem. We earnestly petition that so much of that report as recommends the repudiation by this Government of the principle respecting the establishment of the self-determination by the Jewish people in the Jewish homeland of Palestine be summarily rejected by the Government of the United States. We further petition that this Government reject the introduction of new conditions by the British requiring United States military aid; and the disarming of the Jewish people of Palestine which would leave them at the mercy of the unprincipled inciters of riot as a prerequisite to admitting the 100,000 European Jews.

We also petition that this Government take the lead in a final solution of the Jewish problem by adopting the following program:

(a) The recognition by the UN of European and Palestinian Jewry as an ethno-political entity.

(b) The recognition of Palestine as the national territory of this ethno-political entity.

(c) The immediate repatriation of the Jews in Europe to Palestine.

(d) Since it is apparent that Great Britain must withdraw her imperial military bases from Egypt, Syria, and Lebanon, it must be recognized that transferring such bases to Palestine would violate the letter and spirit of the mandate, lest Palestine be transformed into a British colony with the burden of maintaining these bases resting primarily upon the Jews through grinding taxation.

In the interim we respectfully request your intervention in a situation which is nothing less than scandalous. We refer to the oppression, persecution, and imprisonment by the mandatory power of Jews in Palestine because of their political views. The immediate release of the thousands of such Jews now held in concentration camps in Palestine and elsewhere, is of deep concern to every liberty-loving American.

May we take the liberty, Mr. President, of ending this letter by expressing our deep esteem and gratitude for your good will and humanitarianism in sponsoring the repatriation of the first 100,000 displaced Jews to Palestine.

Very respectfully yours,

Political Action Committee for Palestine, Inc.: For the Congressional Advisory Board: Senator David I. Walsh, Senator Milton R. Young; for the Executive Board: Representative Thomas J. Lane, Senator James M. Mead, Murray K. Josephson, Representative John W. McCormack, Michael Potter, cochairmen.

NOTE.—This letter was handed to the President by Representative JOHN W. MCCORMACK, House majority leader and cochairman of PAC for Palestine on May 21, 1946.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and by unanimous consent, the second time, and referred as follows:

By Mr. GEORGE:

S. 2256. A bill to amend the Servicemen's Readjustment Act of 1944; to the Committee on Finance.

By Mr. O'MAHONEY:

S. 2257. A bill granting to the State of Wyoming certain public lands in such State for the use and benefit of the University of Wyoming; to the Committee on Public Lands and Surveys.

By Mr. DOWNEY:

S. J. Res. 164. Joint resolution creating a joint congressional committee to conduct a study of Federal salary and wage schedules; to the Committee on Civil Service.

SETTLEMENT OF INDUSTRIAL DISPUTES AFFECTING THE NATIONAL ECONOMY—AMENDMENTS

Mr. MILLIKIN submitted three amendments intended to be proposed by him to the bill (H. R. 6578) to provide on a temporary basis during the present period of emergency, for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace, which were severally ordered to lie on the table and to be printed.

PRINTING OF REVIEW OF REPORT ON OUACHITA RIVER AND TRIBUTARIES ON BAYOU LAFOURCHE, LA. (S. DOC. NO. 191)

Mr. OVERTON. Mr. President, I present a letter from the Secretary of War, transmitting a report dated August 1, 1945, from the Chief of Engineers, United States Army, together with accompanying papers and illustrations, on a review of report on the Ouachita River and its tributaries, with respect to flood control and drainage on Bayou Lafourche, La., and I ask unanimous consent that it may be printed as a Senate document, with illustrations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PRINTING OF REVIEW OF REPORTS ON THE MISSISSIPPI RIVER BETWEEN THE MISSOURI RIVER AND MINNEAPOLIS (S. DOC. NO. 192)

Mr. OVERTON. Mr. President, I present a letter from the Secretary of War, transmitting a report dated April 24, 1946, from the Chief of Engineers, United States Army, together with accompanying papers and an illustration, on a review of reports on the Mississippi River between the Missouri River and Minneapolis, with a view to improvement of a harbor for small craft at Lansing, Iowa, and I ask unanimous consent that it may be printed as a Senate document, with an illustration.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PRINTING OF REVIEW OF REPORT ON THE FRANKLIN CANAL, ST. MARY PARISH, LA. (S. DOC. NO. 189)

Mr. OVERTON. Mr. President, I present a letter from the Secretary of War, transmitting a report dated April 8, 1946, from the Chief of Engineers, United States Army, together with accompanying papers and an illustration, on a review of report on Franklin Canal, St. Mary Parish, La., and I ask unanimous consent that it may be printed as a Senate document, with an illustration.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PRINTING OF REVIEW OF REPORTS ON LAKE CHARLES DEEP WATER CHANNEL, SHIP CHANNEL, AND CALCASIEU RIVER AND PASS, LA. (S. DOC. NO. 190)

Mr. OVERTON. Mr. President, I present a letter from the Secretary of War, transmitting a report dated March 18, 1946, from the Chief of Engineers, United States Army, together with accompanying papers and an illustration, on a review of reports on Lake Charles Deep Water Channel, Ship Channel, and Calcasieu River and Pass, La., and I ask unanimous consent that it may be printed as a Senate document, with an illustration.

The PRESIDENT pro tempore. Without objection, it is so ordered.

POSTPONEMENT OF HEARINGS ON COLUMBIA VALLEY AUTHORITY BILL

Mr. OVERTON. Mr. President, hearings were scheduled on Senate bill 1716, the Columbia Valley Authority bill, for Tuesday, June 25, to Friday, June 28. These hearings are indefinitely postponed. I am sending to the desk and asking to have printed as part of my remarks at this point a letter I received from the author of the bill, the Senator from Washington [Mr. MITCHELL], and my reply thereto.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
May 24, 1946.

Hon. JOHN H. OVERTON,
Chairman, Commerce Committee,
United States Senate,
Washington, D. C.

DEAR SENATOR OVERTON: You have kindly agreed to hold hearings on S. 1716, my bill to create a Columbia Valley Authority, and have scheduled them for June 25 through the 28th.

Since the public announcement of the hearing dates, I have had so many requests from people of the Pacific Northwest who desire to be heard on behalf of the proposal that it appears the 4 days assigned to S. 1716 from your heavy schedule will be inadequate.

Because I know how congested is the general Senate committee calendar and because I recognize how many are the calls upon you for work on both Appropriations and Commerce Committee problems, I hesitate in making this request for additional time. However, in fairness to both CVA proponents and opponents, I am forced to request that hearing time be at least doubled, allowing four hearing days to each side. In the event this cannot be done, I believe the hearing should be postponed.

With cordial personal regards,

Sincerely yours,

HUGH B. MITCHELL.

UNITED STATES SENATE,
Washington, D. C., May 27, 1946.

Hon. HUGH B. MITCHELL,
United States Senate,
Washington, D. C.

MY DEAR SENATOR MITCHELL: Receipt is acknowledged of your letter of the 24th instant wherein you, as author of the bill S. 1716, to create a Columbia Valley Authority, request that I, as acting chairman of the Commerce Committee and chairman of the subcommittee handling the bill referred to, either double the days of hearings or postpone the hearings.

In answer thereto, it is, as I have heretofore explained to you, quite impossible for me to extend the time of the hearings.

It is contemplated that the Congress will adjourn by not later than the middle of July. I have the following hearings scheduled on bills that I have to handle in the Senate:

Beginning May 28, the Navy Department appropriation bill.

Beginning June 10, the river and harbor bill.

Beginning June 17, the McCarran all-American-flag-line bill.

The flood-control bill as soon as possible after it passes the House.

Interspersed with these are other hearings on sundry bills referred to the Senate Commerce Committee, some of which are extremely important.

It is quite impossible, therefore, for me to give approximately 2 weeks hearings on the Columbia Valley Authority bill; and I am directing that the hearings be indefinitely postponed. I shall probably use the time heretofore allotted for the CVA bill to conduct hearings on the flood-control bill, this being about the only time left available for this very important measure that affects the whole Nation.

Sincerely yours,

JOHN H. OVERTON,
United States Senator.

EXPLANATION OF SO-CALLED BYRD AMENDMENT TO THE CASE BILL

Mr. BYRD. Mr. President, in view of the misrepresentations that were made on the floor of the Senate of the so-called Byrd amendment to the Case bill, I ask permission to incorporate in the body of the RECORD a statement of what this amendment really means.

I want to say emphatically that neither the original amendment offered by me nor any subsequent modifications outlawed, as has been stated on the floor of the Senate, the expenditure of funds for welfare purposes, whether such funds were contributed solely by the employer or jointly by the employer and the employees. I ask that the amendment be printed first and then the explanation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment as adopted by the Senate, by a vote of 48 to 30, is as follows:

Proposed by Mr. BYRD to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: On page 28, strike out section 8 and insert in lieu thereof the following:

"SEC. 8. (a) It shall be unlawful for any employer to pay or deliver, or to agree to pay or deliver, any money or other thing of value to any representative of any of his employees who are engaged in commerce or in the production of goods for commerce.

"(b) It shall be unlawful for any representative of any employees who are engaged in commerce or in the production of goods for commerce to receive or accept, or to agree to receive or accept, from the employer of such employees any money or other thing of value.

"(c) The provisions of this section shall not be applicable (1) with respect to any money or other thing of value payable by an employer to any representative who is

an employee or former employee of such employer, as compensation for, or by reason of, his services as an employee of such employer (2) with respect to any amounts deducted from the compensation of any employee and paid to a labor organization by an employer in payment of dues or other membership fees payable by such employee to such labor organization; or (3) with respect to money or other thing of value paid to a trust fund established by such representative, for the sole and exclusive benefit of the employees of such employer, and their families and dependents (or of such employees, families, and dependents jointly with the employees of other employers making similar payments, and their families and dependents), provided (A) such payments are held in trust for the purpose of paying, either from principal or income or both, for the benefit of employees, their families, and dependents, for medical or hospital care, pensions on retirement or death of employees, compensation for injuries or illness resulting from occuptional activity, or insurance to provide any of the foregoing, or life insurance, disability and sickness insurance, or accident insurance; and (B) the detailed basis on which such payments are to be made is specified in a written agreement with the employer, and employees and employers are equally represented in the administration of such fund, such agreement to contain a provision that in the event the employer and employee groups deadlock on the administration of such fund, the two groups shall agree on an impartial umpire to decide such dispute, or in event of their failure to agree within a reasonable length of time, an impartial umpire to decide such dispute shall, on petition of either group, be appointed by the District Court of the United States for the district where the trust fund has its principal office, and shall also contain provisions for an annual audit of the trust fund, a statement of the results of which shall be available for inspection by interested persons at the principal office of the trust fund and at such other places as may be designated in such written agreement; and (C) such payments meet the requirements for deduction by the employer under section 23 (a) or section 23 (p) of the Internal Revenue Code.

"(d) Any person who willfully violates any of the provisions of this section shall upon conviction thereof be subject to a fine of not more than $10,000 or to imprisonment for not more than 6 months, or both.

"(e) The district courts of the United States and the United States courts of the Territories and possessions shall have jurisdiction, for cause shown, and subject to the provisions of section 17 (relating to notice to opposite party) of the act entitled 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,' approved October 15, 1914, as amended (U. S. C., title 28, sec. 381), to restrain violations of this section, notwithstanding the provisions of sections 6 and 20 of such act of October 15, 1914, as amended (U. S. C., title 15, sec. 17, and title 29, sec. 52), and the provisions of the act entitled 'An act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes,' approved March 23, 1932 (U. S. C., title 29, secs. 101–115).

"(f) As used in this section—

"(1) 'Goods' means goods, wares, products, commodities, merchandise, or articles or subjects of commerce of any character, or any part or ingredient thereof.

"(2) 'Produced' means produced, manufactured, mined, handled, or in any other manner worked on in any State; and for the purposes of this section an employee shall be deemed to have been engaged in the production of goods if such employee was employed in producing, manufacturing, mining, handling, transporting, or in any other manner working on such goods, or in any process or occupation necessary to the production thereof, in any State.

"(3) 'Representative' means any labor organization which, or any individual who, is authorized or purports to be authorized to deal with an employer, on behalf of two or more of his employees, concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work; and any other organization or fund of which a majority of the officers are representatives or are members of a labor organization or are elected or appointed by a representative.

"(g) This section shall not apply to any contract in force on May 15, 1946, during the life of such contract."

EXPLANATION OF AMENDMENT

The amendment is designed to do one thing, and that is to prohibit an employer from paying or agreeing to pay any money or anything of value to a labor union or to its representatives, the expenditure of which would be controlled solely by the labor union or its representatives. It specifically provides for the establishment of health and welfare funds under joint control.

The necessity for this legislation at this time is completely obvious. John L. Lewis, acting as head of the United Mine Workers, is demanding a production tax to the extent of 7 percent of the gross pay roll paid for the production of coal. The effect of this demand is exactly the same as a royalty on coal production, as the amount of coal produced is in exact ratio to the amount of labor employed to produce the coal. As a matter of fact, on a basis of 7 percent of the gross pay roll, this, in effect, establishes a royalty which would make an average of approximately 20 cents a ton on national production instead of the first suggested tax of 10 cents a ton.

It would have a disastrous effect on the so-called high-production-cost mines and would give a great advantage to the low-cost-producing mines, which, in the main, are the mines controlled by the more wealthy coal corporations. This 7 percent on the gross pay roll may be as low as 10 cents a ton in the lowest-cost district and would probably be as high as 40 cents a ton in the highest-cost district. So it is obvious that the imposition of such a tax would create a disorganization of the coal industry, which would be disastrous in the competitive field to the highest-cost producers. In fact, to impose a 7-percent gross pay-roll tax on the mines, in addition to the social-security taxes now imposed, would place the coal business in a position where it could not compete with its competitors—for example, oil—unless the same gross tax were collected from the oil producers.

This tax will produce $100,000,000.

At the wage conference on May 13, Mr. Lewis stated in unequivocal language that this fund must be paid wholly by industry and the administration of the fund wholly by his union. In other words, what Mr. Lewis wants is to have the coal operators pay to him and his organization $100,000,000, and he will spend this fund as he and his associates desire. There will be no provisions for an accounting of this vast fund, and it may be used for purposes other than those Mr. Lewis now says he desires to use it for.

The result is that this $100,000,000 will be passed on to the consumers. This is inevitable, as the coal operators could not absorb it. In fact, this is greater than all the profits made by the mine owners. In this, therefore, the people of the United States have a very direct interest.

Mr. Lewis is not asking for this in the ordinary course of negotiations. He has precipitated a great national crisis, one of the most serious this country has ever been faced with. He closed the mines completely for more than 40 days, losing a coal production of at least 80,000,000 tons. Then, just as the railroads were being forced to discontinue their trains, and public utilities about to shut down, with great distress and suffering immediately confronting the people, he gave the coal operators and the country 12 days of grace in order to agree to his demands. In plain language he held up the Government and the people of America at the point of a gun, taking advantage of the fact that he, one man, had the power of life and death over the business activity of America, and, further than that, the power to deny the people the very necessities of existence, because he controlled the production of perhaps the greatest single necessity in our daily life.

Should this 7-percent gross pay-roll tax be applied to all compensation paid employees, it would amount to approximately $8,000,000,000, as the total of wages and salaries paid out for the year 1945 was $114,000,000,000. The total annual yield of the social-security tax is approximately $2,500,000,000. The balance in old-age and survivors insurance reserve accounts as of April 15 was seven billion three hundred and one million.

If John L. Lewis succeeds in his demand, it will mean that other unions will make the same demand. It will mean another renewal of an epidemic of strikes all through the country, because the labor leaders of other unions cannot afford to permit John Lewis to succeed in this without obtaining the same benefits. It will establish a standard and still further increase the unrest, the interruptions in work, and the strikes that have reached such a disastrous peak in recent months.

I want to emphasize clearly, Mr. President, that I do not oppose the establishment of welfare funds, if such funds may be needed, providing that the disbursement of these funds, which after all are in the nature of a public contribution, because they are added to the cost of living, put in the hands of a joint trust fund such as is provided by the pending amendment. We already have a vast fund in unemployment compensation aggregating approximately $8,000,000,000 for relief in the event of unemployment. We have a large old-age insurance account and other funds for social security established both by the Federal Government and the States. If additional funds are necessary, such can be provided under the amendment now pending without giving the control of these vast sums to labor unions.

FEED FOR DAIRY HERDS AND POULTRY IN CONNECTICUT

Mr. HART. Mr. President, I have a letter from Mr. Henry B. Mosle, food administrator of Connecticut, a highly efficient man in that capacity. The letter, which is addressed to an official of the Department of Agriculture, sets forth the situation in regard to feed supplies for dairy herds and poultry. I ask that the letter be printed in the body of the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 22, 1946.

Mr. LEE SMITH,
Director, Grain Division, United States Department of Agriculture,
Washington, D. C.

DEAR MR. SMITH: It is my understanding that you are the Director of the Grain Branch of the Production and Marketing Administration of the United States Department of Agriculture. For this reason I wish to refer to you a request that some explanation be given us as to how the Federal Government proposes to meet the feed supply crisis from which we are suffering. The steps which have been taken to date have not supplied an effective remedy. We are now slaughtering our laying hens. Dairy herds are being

liquidated at a rate hitherto unknown, although we are at the height of the pasture season when presumably it should be possible to carry our dairy cattle if some assurance of a continuing grain supply were available. Already egg receipts at local auctions have fallen sharply. What will happen later unless this disastrous liquidation of laying flocks and dairy herds is immediately halted you can well imagine.

Connecticut annually produces poultry and dairy products with a retail value of $90,000,000. Since what is happening here is being duplicated with more or less severity in neighboring feed deficit areas, we are concerned about obtaining the equivalent of these supplies in the months ahead. We are also beginning to experience serious difficulties in obtaining flour. I anticipate that bread will be short here within the month. You will agree, I think, that this is a very bad state of affairs. The people of this State, with whom I meet daily to discuss food matters, are beginning to suffer from a sense of outrage. They are well aware that food is needed for those abroad and that, in supplying those unfortunates, we must naturally take away from our own supplies. The tide of gifts to the UNRRA, in which one Connecticut town led the Nation, and the reduction of our poultry population well below that suggested by the Department of Agriculture is proof positive of our cooperative spirit. But people here are beginning to wonder whether they are expected to bear the whole burden of the sacrifices asked of the Nation. They do not think this is either just or politic. Aware that we are living under a managed economy, they now are beginning to wonder what sort of management this is.

Since 1943 at any meeting of responsible persons conversant with the grain situation, the Federal Government in all its branches has been warned and memorialized on this matter by Connecticut people. Countless suggestions, some better and some worse, have been offered to the Government for consideration. But the problem has not been solved and this critical situation, which we have feared so long, has now at last come home to roost.

No one in Connecticut that I know of wishes to receive more than a fair share of the feed stocks or flour supplies available in the Nation. The reduction of animal numbers called for by the Federal Government's goals program has been cheerfully accepted. How much more must be given up? Is it the intention of the Federal Government to force the whole reduction of animals and flour to fall upon food and feed deficit areas? If so, what arrangements have been made to sustain people in these areas later on? These are questions the answers to which we must have.

We have been informed that responsibility for these things is lodged with your division of the Department of Agriculture. You, therefore, will know that the newly announced ceiling prices on grain have not relieved our situation. We feel that these changes are months, if not years, too late to affect our situation this year. Something more is needed. Either we must do away with ceiling prices entirely so that we can bid in to meet our requirements, a procedure which would undoubtedly raise feed and food prices but would, nevertheless, readmit us to the company of those who are permitted access to supplies; or else the Federal Government must itself take title to enough feed grain and flour and by allocation assure some supplies to feed and food deficit areas. This course has been urged on you by our feed grain committee, and more recently by our bakers. We are disposed to wonder whether anyone in Washington realizes the gravity of our situation. Please let me have some explanation, or else some indication of the plans which have been made to meet the present crisis. We, too, must make plans, first, to insure, if possible, the orderly liquidation of our laying flocks and dairy herds and, second, to provide as best we can for supplementary food supplies to take the place of our home-grown eggs, milk, and poultry meat later on.

Very truly yours,

HENRY B. MOSLE,
State Food Administrator.

THE OPA—STATEMENT OF WISCONSIN IMPLEMENT DEALERS' ASSOCIATION

Mr. WILEY. Mr. President, last week I placed in the RECORD information which came from the Cheddar-cheese manufacturers of the State of Wisconsin which indicated that they would no longer sell their cheese at a loss because of the OPA lack of understanding of their problem. Today there was placed in my hands by two very outstanding and representative citizens of our State, Mr. Joseph Walsh and Mr. George A. Martiny, representatives of the Wisconsin Implement Dealers' Association, a statement from the association. In the statement there is to be found this language:

We are representing a group of about 975 loyal American implement dealers scattered in every hamlet and town throughout the State of Wisconsin who cannot continue to serve the Nation as law-abiding citizens under the OPA-regulated amendment of May 10.

Then they ask:

Should we, as small business, close our doors? Are we to cut our services accordingly or shall we hide our self-respect and join the ever-increasing ranks as black marketeers or shall we openly defy the regulations?

They conclude with this statement:

We have submitted the facts and are not going to operate under this amended regulation because we cannot.

They call attention to the fact that it means loss of business; it means they will not be able to service the farmers.

I ask that the entire statement be printed in the RECORD following my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

A STATEMENT FROM THE DEALERS OF THE WISCONSIN IMPLEMENT DEALERS' ASSOCIATION

According to information received, OPA, on May 10, 1946, amended MPR 246 and MPR 133, changing the pricing of farm equipment, which gives the manufacturer a 10¼-percent increase and increases the selling price 5 percent, thereby reducing the trade discount from manufacturer to dealer from 20 to 16 percent, which is actually forcing a dealer to operate on 14.4-percent basis, or an absorption of 5.6 percent on new machines, and reduces the trade discount on extra repair parts from 35 to 28 percent, and, according to actual figures, 16 to 22 percent is the dealer's overhead cost on an average normal volume of business—this depending on the season and efficiency of the individual operation. This figure is based on the fact that most dealers are operating as individuals and not as corporations, so does not include salary of owner-operator.

The manufacturer's increase was justified and we feel sure that farmers today are able and willing to pay the extra price if they could get the equipment through legitimate channels. They need this equipment so badly in their short-handed fight to increase the world's food supply.

Most dealers would endeavor to continue as they have done during the war years, if the price increase was a dollar-for-dollar pass-on, but with this drastic reduction, how can they continue?

We are representing a group of about 975 loyal American implement dealers scattered in every hamlet and town throughout the State of Wisconsin who cannot continue to serve the Nation as law-abiding citizens under the OPA regulated amendment of May 10. This is the group who not only gave their sons and daughters, supported all bond drives, assisted with rationing, served on selective-service boards, but took time to call on every farmer during the early days of the war to put the scrap drive across that really brought the scrap into war channels. In general, they promoted all loyal American jobs which might be classed as beyond the line of duty call.

We nobly carried on and supported the Stars and Stripes in the long battle on the home front, hand in hand with the farmer in the production of food. Our job has been big brother to him in his mechanical problems. Whether it was the 10-cent spring lost from his corn planter or the broken block in his tractor, his call is for the implement dealer. The dealer by carefully planning and anticipating the parts that might be needed and working early and late has kept this equipment in operating condition. This dealer's mechanical help and personal contact with the farmer has strengthened his morale to work beyond his capacity to produce our ever increasing food supply with less physically able help on the farm than ever before in history.

It was long hours, short-handed with limited parts and no time and one-half for overtime. According to statistics, more than 20 percent could not get adjusted to the small volume and hard grind with ever increasing costs and passed out of the picture. Most dealers, however, by long hours and the liquidation of stock of obsolete and used equipment sold on a depleted market, have shown a nominal gain.

Today with the show nearing a close, stock inventories depleted, overhead, that is, labor, rent, taxes, etc., at an all-time high and with less than one-quarter of the new goods nominally available, how can we dealers possibly operate under the new OPA regulation of May 10?

The 20-percent reduction on commissions itself spells only failure for the dealer who would attempt to follow the regulations. Is this the proper reward for services rendered on the home front?

We hard-headed implement dealers of Wisconsin may not be too well versed on political affairs but we do know farm equipment. Being closely associated with the farmer we know his problems and needs and do recognize a solid stone wall which is what we are confronted with under the May 10 OPA amended regulation.

As previously stated, farmers would rather pay the dollar-for-dollar increase that the manufacturer must have and get their equipment through the legitimate channels than patronize the black market.

We are not happy to admit that we now have some black marketeers in our ranks. We are more grieved with regulations that will force good home front, fighting, loyal American citizens into illegitimate practices if they want to continue in business.

Our problem in the implement line in Wisconsin under the May 10 amendment, is probably more critical than other sections.

First, we are in the hilly, rougn country with greatly diversified farming. Our unit sales are smaller and dealers' volumes normally smaller than many sections.

Second, the distribution of farm equipment is always started in the South, with deliveries made to the North last as the season progresses. We get what equipment has been left over, if any, each year from the South. Our pattern of distribution for 1941 was, therefore, not as large. We have paid

the penalty all the war years on this score, thereby making our problem to continue, under the May 10 regulation, still more impossible.

This same group of Wisconsin implement dealers probably should have but are not following the well-beaten path of labor and industry, namely, asking for higher pay, shorter hours, or making threats of strikes or suggesting other asinine actions.

After a very courteous hearing with the National Department on Farm Equipment Pricing of the OPA, we are forced to draw the following conclusions:

First, from OPA statement, they made a survey of dealers' profits through forms mailed to approximately 17,000 dealers, from which they received only 149 usable returns. Based on the information in 149 returns the regulation was amended affecting all 20,000 dealers throughout the United States. We consider the amendment very unfair, unjust, and if followed will work a definite hardship on all farm implement dealers. Prior to the amendment the officials of the National Retail Farm Equipment Association conferred with OPA and strenuously opposed it. We are led to believe that the conclusions drawn from this survey are very arbitrary, due to the fact that the reports received were only from dealers who had weathered the storm and due consideration should have been given to the fact that over 20 percent of the dealers had already failed.

Second, due consideration should have been given to the fact that in probably a majority of cases where the dealers'-report showed a nominal profit for the war years that it was as above stated, from the liquidation of obsolete machines and the reduction of inventories of used equipment sold on a depleted market. We are led to believe that the dealer was supposed to be able to survive under this drastic amendment from the greatly increased volume of merchandise that he would have to sell. This increase in farm equipment under present conditions, has not materialized and is apparently nil and in all probability is many months away and no more stock piles of used equipment are now available.

Should we, as small business, close our doors? Are we to cut our services accordingly or shall we hide our self respect and join the ever increasing ranks as "black marketeers" or shall we openly defy the regulations?

Summarizing with our volume at less than one-fourth normal and the increased cost of operating, overhead, rent, labor, taxes, etc., and a 20 percent cut in the trade discount, according to our arithmetic, this cannot be added up to anything but failure.

We have submitted the facts and are not going to operate under this amended regulation because we cannot. We are making this appeal in our own behalf as individual dealers and as representatives of the Wisconsin Implement Dealers Association and must report back to the adjourned meeting of the group we represent. The action of the group we represent will be determined by the relief that we are given.

WISCONSIN IMLEMENT DEALERS ASSOCIATION.
JOSEPH WALSH.
GEORGE A. MARTINY.
MADISON, WIS., *May 25, 1946.*

CURRENT WHEAT SUPPLIES AND FLOUR PRODUCTION

Mr. WILEY. Mr. President, during the past week I was in my home State, and I found a great deal of concern among the millers and the bakers. The problem of wheat was becoming very serious. Some bakers had a supply which would last for only about 10 days. When I returned to Washington I addressed a letter to the Production and Marketing Administration, Grain Branch, of the Department of Agriculture, asking a series of questions. Today I received a reply signed by Leroy K. Smith, and I ask that it be printed in the RECORD at this point as a part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES
DEPARTMENT OF AGRICULTURE,
PRODUCTION AND
MARKETING ADMINISTRATION,
GRAIN BRANCH,
Washington, D. C., May 27, 1946.

Hon. ALEXANDER WILEY,
United States Senate.

DEAR SENATOR WILEY: This is in reference to a telegram of May 21, 1946, received by you from Mr. Fred H. Laufenburg, executive secretary, Wisconsin Bakers Association, Inc., Milwaukee, Wis., in reference to current wheat supplies and flour production. Mr. Laufenburg has asked the following questions to which we have replied on the basis of present information and tentative plans:

"1. To insure millers getting wheat under War Food Order No. 144 necessary—and in turn, bakers getting flour—for milling 75 percent of the amount of wheat milled last year for domestic use for the remainder of May and for June?

"If wheat is delivered to elevators, the inventory and certificate provisions of WFO No. 144 provide for an equitable distribution of such wheat to the mills. There is no assurance that sufficient wheat to maintain 75 percent domestic flour production will be delivered to trade channels.

"2. To insure millers receiving wheat—and bakers flour—so 85 percent of the amount of wheat milled in 1945 will be milled in 1946 for domestic use after July 1?

"WFO No. 144, as amended, requires that one-half of the wheat delivered to any grain handler must be offered for sale. One-half of the wheat purchased by grain elevators and warehouses must be held for the Government until such time as 250,000,000 bushels have been set aside for export commitments. In the event there is an inequitable distribution of the wheat available for domestic milling, it is contemplated that the provisions for limited wheat inventories, certificates, and preference orders will be reinstated in WFO No. 144.

"3. Will the Department of Agriculture extend the embargo on the movement of wheat from Kansas and other States—except for export—and will the embargo continue after July 1?

"At the present time there is no embargo on the movement of wheat from Kansas. The Department of Agriculture had favored such an embargo with respect to early harvest wheat shipments from Oklahoma, Texas, New Mexico, Arkansas, and Louisiana, but the embargo has not been announced. We had not planned an embargo on Kansas wheat and had contemplated that the suggested embargo applicable to the above-named States would terminate by the time wheat was being harvested in Kansas and other winter-wheat States.

"4. If only one-quarter of the new-crop wheat sold by producers will be available for milling for domestic use until the Government obtains 250,000,000 bushels for foreign countries, what provisions are being made to keep even this one-quarter coming to mills regularly?

"As indicated in our answer to question 2, there is no present provision to assure the movement of grain to mills for domestic milling. It is hoped that present provisions will result in a continuous marketing of at least one-quarter of the new wheat crop for domestic use and that normal trade distribution will assure millers sufficient supplies to continue production at permitted limits. In the event the supplies are not distributed equitably, we will reinstate the original provisions of WFO No. 144 with respect to inventories and purchases.

"5. What provisions are being taken to insure wheat producers a price for wheat that will insure sales of wheat for human food uses rather than for animal feed?

"The ceiling price of wheat, effective May 13, 1946, reflecting an increase of 15 cents per bushel over the previous ceiling price, is expected to be maintained through the marketing year of 1946–47. Present restrictions on the use of wheat for feed contained in War Food Orders Nos. 144 and 145 shall be continued and further limitations will be imposed as soon as the general feed-grain situation improves sufficiently."

The above answers are tentative and merely indicate present consideration of the questions. It is realized that the wheat supply situation may change. The problems presented in Mr. Laufenburg's questions have been and are being studied by the Department and final solution must await future developments.

Very truly yours,

LEROY K. SMITH,
Director.

SALE OF GENEVA, UTAH, PLANT TO UNITED STATES STEEL CORP.

Mr. MURDOCK. Mr. President, during the war one of the finest and most modern steel plants in the world was constructed at Geneva, Utah, for war purposes. A few days ago, under the Surplus Property law passed by Congress, it was recommended by the War Assets Administration that that plant be sold to the United States Steel Corp. The matter is now pending before the Attorney General, as provided by the law.

The Salt Lake Tribune, Mr. President, is one of the outstanding newspapers of the United States. It is always keenly alert to any action or any proposition which will enhance the welfare of the West. On Saturday, May 25, 1946, an editorial was printed in that newspaper concerning the disposition of the Geneva steel plant. The editorial is entitled "West Applauds Decision of the WAA in Awarding Geneva Bid."

I ask unanimous consent that the editorial be printed in the RECORD, at this point, as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WEST APPLAUDS DECISION OF THE WAA IN AWARDING GENEVA BID

Citizens, business leaders and public officials of Utah and indeed of the entire West are loud in their praises of the War Assets Administration, its price-review board, its experts and its officials for the prompt and impartial manner in which the Geneva steel plant decision was rendered. Gen. E. B. Gregory, WAA chief; John W. Snyder, reconversion director, and W. A. Hauck, chief of the iron and steel branch of the agency, also are deserving of commendation for the efficient and expeditious way in which this difficult task has been accomplished.

The Geneva plant is the largest unit yet to be handled by the War Assets Administration in its task of reconversion and the action in this case speaks well for the soundness of the board's deliberations. The Geneva plant decision is not only of great advantage to Utah, and to the entire West, but it provides the best possible protection for the interests of the Federal Government.

While commending the governmental agency for the wisdom displayed in this case, the

important part played by Utahans and public-spirited citizens of other Western States must not be overlooked. Utah's congressional delegation, Governor Maw, Gus P. Backman of the Salt Lake Chamber of Commerce, Dr. J. R. Mahoney, chambers of commerce, and dozens of others have been tireless in their efforts to preserve this war-born steel industry for Utah and the West.

The distinct advantages of the United States Steel Corp.'s bid for the Geneva plant have already been set forth in detail. As Senator ABE MURDOCK declares, "In the hands of the United States Steel Corp., there can be little question about Geneva's successful and full-capacity operation as rapidly as it can be converted to peacetime production, which the United States Steel guarantees to do to the extent of a minimum of $18,000,000. Once it is integrated as a part of the United States Steel system, there is little question in my mind of its permanency as a great and dynamic hub of western industrialization."

Senator ELBERT D. THOMAS takes a most optimistic view of the situation when he says:

"Nothing can happen in the Department of Justice that will retard the transfer to the United States Steel Corp. If that company is breaking the antitrust law now, its acquisition of the Geneva plant would make it no more a violator. I think there is no doubt the Attorney General will affirm the award made by War Assets. Economically this is a great boon to the whole United States, and ultimately will be one to the world."

Dr. Mahoney, who has made complete and exhaustive studies of the western steel economics, sees little excuse for any fears for monopolistic strictures on industry here in the West under the control of Geneva by the United States Steel Corp. "The Department of Justice," Dr. Mahoney declares, "should be interested in lower prices for steel in the West. And the fact is that the lowest basing point prices for steel are in the Pittsburgh, Chicago, and Birmingham areas, where the bulk of United States Steel's productive capacity is located. I have made a careful study of the price pattern of steel in this country in relationship to producing companies. And the record will show that United States Steel has been a leader in providing favorable steel prices."

The Tribune joins with business leaders and industrialists of the West in applauding the prompt and decisive action taken by the War Assets Administration in approving the United States Steel Corp. bid for the Geneva plant.

THE STRIKE SITUATION—EDITORIALS FROM THE ATCHISON (KANS.) GLOBE

Mr. CAPPER. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a letter I have received from Al Bennett, editor of the Atchison (Kans.) Globe, calling my attention to two outstanding editorials printed by the Globe—one from Pathfinder magazine and one from the Christian Science Monitor—expressing their opinion with regard to the strike. I ask that these able editorials also be printed in the RECORD.

There being no objection, the letter and editorials were ordered to be printed in the RECORD, as follows:

THE ATCHISON DAILY GLOBE,
Atchison, Kans., May 25, 1946.

ARTHUR CAPPER,
United States Senate,
Washington, D. C.

DEAR SENATOR CAPPER: Your attention is invited to the enclosed two editorials concerning the strike situation, which appeared in this newspaper on above date, and to our suggestion that the people themselves deliver their opinions directly to your desk.

We felt such an expression of thought at this particular time from citizens of your own State might be, from your point of view, both desirable and helpful.

The Globe is ready to offer whatever assistance it can, in any way. We should be happy to have your views on the subject with permission to publish.

Very cordially,

AL BENNETT, *Editor.*

TWO OPINIONS ON THE STRIKES

The Globe herewith reprints two thoughtful opinions concerning the strike situation in which you find yourself today. We urge you to read and study them. The conditions which they described and comment upon will leave their imprint on your community, your family, and on you, no matter how they finally may be resolved. We should like to suggest that you do something about it; we should like to suggest that after reading these two articles, you write a personal letter to your congressional representatives giving them your frank and honest reaction, giving your reasons, intelligently, on your own stationery is more effective than a hundred mimeographed letters. You may be "in favor of" or you may be "against"—it makes no difference as long as you express yourself factually. Your Congressmen are: In the Senate, CLYDE M. REED, of Parsons, and ARTHUR CAPPER, of Topeka; in the House of Representatives, ALBERT M. COLE, of Holton. They will receive clippings of this article by air mail from the Globe.

(EDITOR'S NOTE.—The following article appeared recently in Pathfinder, a news weekly which because of the coal strike has dropped to four pages. Only because resourceful printers assembled Diesel engines was it possible for Pathfinder to publish even these—and the publication devoted two of these four pages to this editorial:)

"A fundamental principle of freedom is that 'one man's liberty ends where liberties of another begin.'

"The time has now come to ask whether, under freedom, one group of men shall follow as a right a course which interferes with the rights of millions of others.

"Fair-minded men have long defended the right to strike because it is one of the few weapons which labor was able to use in a contest which might otherwise be unequal, over rates of pay or conditions of work.

"The right to strike under conditions which affect only a few people for a short time is one thing. Now the Nation is confronted with something quite different.

"A Nation-wide strike in a basic industry, such as coal or steel or power production, places almost a whole people at the mercy of a few men.

"This modern civilization revolves around mechanical power. When the fires have to go out the wheels slow down or stop. Food may not be transported, or preserved, or even cooked. The lights go out. Workers may not reach their jobs. The sick in the hospitals also may be deprived of life-saving attentions. All the normal proceedings of business are threatened with interruption or stoppage.

"At this particular time the people of the United States are struggling to recover from the effects of a long, tragic, and costly war.

"They are short of countless necessities and much-desired goods needed for production and for living.

"Confronted with inflationary trends, due largely to shortage of goods, the value of their savings and incomes is threatened by production.

"In the midst of a humanitarian effort to produce and convey food to starving millions abroad, from whom death may not be far away, transportation, farm-machinery manufacture, and other vital services are threatened.

"Is it, then, consistent that the liberty of any one man or group of us, legally or not, shall invade so far the liberties of all the rest of the people?

"The Constitution itself was 'ordained and established' among other things, according to the preamble, to 'establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity'—

"This condition is the direct fruit of legislation which Congress has enacted within the last 15 years and of decisions by the Supreme Court.

"It can be corrected only by Congress. It will be corrected if the public demands corrections vigorously enough.

"The basic legislation is the Wagner Act of 1935. The Wagner Act was an attempt to increase the bargaining strength of labor organizations. It overshot the mark, because it placed weapons in the hands of labor leaders which they now hold over the Government itself.

"As the Wagner Act is written it declares in effect that the policy of Congress is that no restraints can be placed upon the organization of labor, the choice of bargaining agents, the rights to strike, to make demands, or to picket in enforcement of those demands.

"A Supreme Court decision, handed down by Justice Byrnes, now Secretary of State, went even further. It upheld the right to use violence in labor disputes.

"In the face of these laws and decisions even the President of the United States is virtually powerless. He can exercise little except moral suasion. Under the Smith-Connally Act he can seize the mines, but it has been pointed out that coal cannot be mined with bayonets.

"In plain language, the law of the United States provides that a coal strike, or any other kind of strike, can be called and can be continued indefinitely, regardless of how much it costs the people, regardless of how destructive it may become to the Nation.

"Any settlement of the miners' strike will not change this basic situation. It can arise again in the same or another industry.

"The people are without protection from the disastrous consequences. More power has been placed in the hands of a few men in private life than the Government itself retains. It has become even the right, both of labor-organization members and of millions of others, to make a living.

"Certainly now it must be clear to everyone that this great Nation cannot for long prostrate itself before an unchallenged private power.

"Where do we go from here?"

(EDITOR'S NOTE.—This article appeared recently in the Christian Science Monitor. Its author is Erwin D. Canham. Its title, "Will We Profit by the Coal Strike?")

"It was an amazing experience, crossing two-thirds of the United States by train last week. Amazing because it seemed inconceivable that so great a land, so free a people, should have been enslaved by their own failure to act. And yet, from Boston to Denver, the tragic evidences of economic waste are on every hand. Downtown Chicago was a travesty of a great city. Its lights were dim. The great stores were closed, except between the hours of 1 and 5. There were few electric lights in office buildings, and in the shady canyons of the Loop, business was done by candlelight and by lantern. Consumption of electricity—and hence of coal—had been reduced by some 48 percent.

"In other cities along the way, the effects were almost equally severe. Some of the chief industries of the land were shut down altogether; all were being choked off by stoppage of freight shipments. It was as if a great disaster had smitten the Nation, as

indeed, it had. It was as if huge fleets of bombing planes had flown over our biggest cities and knocked out half of the powerhouses and most of the freight yards.

"These were the consequences of the coal strike. It is still too early to estimate how many hundreds of millions of dollars have been needlessly lost. It is impossible to say how much useful production, which can alone bring back our economy back to normal and reduce the tragic toll of inflation, has been lost forever. It is hard to calculate how many millions of dollars of the people's savings, set aside during the war and potentially available to purchase things like refrigerators and bathtubs and new furnaces and motorcars, have now been siphoned off into subsistence buying.

"Why have we needlessly inflicted all this damage upon ourselves? Whose fault is it? It is easy to say it is John L. Lewis' fault. But we let ourselves off too easily when we say that. Who gave Mr. Lewis this power? What people elected the President and the Congresses which passed laws giving great power to labor, but refusing to place the compensatory responsibilities upon labor? What President has been sitting in the White House hoping for the best for nine long weeks? What Congress has stalled and wrangled and talked big but done nothing during all the long weeks of this economic disaster? It was the Congress we elected, and the President whom we elected as Vice President.

"The Christian Science Monitor has been demanding the broadening of the controversial Wagner Act to impose obligations on labor ever since it was first enacted. We never got to first base, though a good many other newspapers and leaders of public opinion took the same view. Why were we so unsuccessful? Because too large a part of Congress is afraid of organized labor. Because the public at large did not effectively support the demand. Because too many people have no interest in repairing the roof when the sun is shining. If, after this coal strike is settled, Congress fails to enact legislation balancing labor's so-called gains with labor's responsibilities, it will be a lasting disgrace on our legislative system.

"We know, of course, that some of the things Mr. Lewis has been seeking in this strike were desirable. Working conditions in the mines were far from right. But the establishment of a $70,000,000 welfare fund for miners, to be administered solely by Mr. Lewis' union, has outraged the Nation's sense of fairness. A welfare fund by all means, but let it be administered by some cooperative authority.

"What we have seen is, of course, a strike for power. Mr. Lewis, according to the labor experts, is seeking to lead the American Federation of Labor's organizing drive in the South. He wishes to win out over the despised CIO, of which he was once president. Mr. Lewis obviously aims to make himself the most powerful man in American labor, as an era of unprecedented labor influence continues.

"But I suggest that Mr. Lewis has made a profound miscalculation. He has hung on too long. He—and the whole labor movement—cannot now escape penalty of restrictive legislation. If the AFL elects Mr. Lewis as its president, it will be an almost unbelievable tribute to reckless, irresponsible leadership. Yet most American labor is neither reckless nor irresponsible, but moderate and patriotic. Even Mr. Lewis' own faithful miners are extremely eager to get back to work.

"The national reaction to this coal strike will be the most serious blow that labor's interests, selfishly viewed, have suffered for many years. But taking a longer range view, perhaps the prospective balancing in the Wagner Act—if it comes—will be one of the most constructive things that could happen to American labor. It is, perhaps, better to suffer this economic calamity today than some months or years hence. We will recover from the coal strike, though we shall pay a heavy price for it. But if, in the end, we get a reasonable and balanced curb on the power of labor unions as it has been growing for the past 13 years, we may feel the experience has had some value."

CARTOON IN WASHINGTON POST

Mr. PEPPER. Mr. President, I cannot put this matter in the RECORD, but I should like to call attention to a cartoon published in the Washington Post, in which Uncle Sam is shown addressing the Government, and all around him are some pieces of legislation—one is selective service, one is atom control, one is national health bill, one is minimum wage, one is FEPC, and one is OPA. And the caption is "And now, when do we get tough about these?"

THE LABOR CRISIS—ADDRESS BY SENATOR HOEY

[Mr. HOEY asked and obtained leave to have printed in the RECORD an address delivered by him at Duke University on Saturday, May 25, 1946, which appears in the Appendix.]

SENATOR PEPPER'S ATTITUDE ON LABOR LEGISLATION AND CHILD WELFARE—EDITORIALS FROM THE WASHINGTON POST

[Mr. PEPPER asked and obtained leave to have printed in the RECORD two editorials from the Washington Post, one headed "Pepper to the rescue," and the other headed "Child care program," which appear in the Appendix.]

A HISTORIC DAY—EDITORIAL IN THE LYNCHBURG (VA.) NEWS

[Mr. BYRD asked and obtained leave to have printed in the RECORD an editorial entitled "A Historic Day," published in the Lynchburg (Va.) News, which appears in the Appendix.]

SETTLEMENT OF INDUSTRIAL DISPUTES AFFECTING THE NATIONAL ECONOMY

The Senate resumed consideration of the bill (H. R. 6578) to provide on a temporary basis during the present period of emergency, for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace.

Mr. BARKLEY obtained the floor.

Mr. CAPPER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from Kansas?

Mr. BARKLEY. I yield, but let me say that I do not propose to farm out the floor to any Senator who wants to make a speech. I shall yield to those who wish to have matters inserted in the RECORD.

(Mr. BARKLEY yielded to Mr. CAPPER, who asked leave to have matters inserted in the Appendix of the RECORD, which appear elsewhere under the appropriate headings.)

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Brewster	Byrd
Andrews	Bridges	Capehart
Austin	Briggs	Capper
Ball	Brooks	Connally
Barkley	Bushfield	Cordon
Donnell	Langer	Robertson
Downey	Lucas	Russell
Eastland	McCarran	Saltonstall
Ellender	McClellan	Shipstead
Ferguson	McFarland	Smith
Fulbright	McKellar	Stanfill
George	McMahon	Stewart
Gerry	Magnuson	Taft
Green	Mead	Taylor
Guffey	Millikin	Thomas, Okla.
Gurney	Mitchell	Thomas, Utah
Hart	Moore	Tobey
Hatch	Morse	Tunnell
Hawkes	Murdock	Tydings
Hayden	Murray	Vandenberg
Hickenlooper	Myers	Wagner
Hill	O'Daniel	Walsh
Hoey	O'Mahoney	Wheeler
Huffman	Overton	Wherry
Johnson, Colo.	Pepper	White
Johnston, S. C.	Radcliffe	Wiley
Knowland	Reed	Wilson
La Follette	Revercomb	Young

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], and the Senator from Virginia [Mr. GLASS] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senator from Idaho [Mr. GOSSETT] are absent by leave of the Senate.

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate because of illness in his family.

The Senator from New Mexico [Mr. CHAVEZ] and the Senator from West Virginia [Mr. KILGORE] are detained on public business.

Mr. WHERRY. The Senator from Delaware [Mr. BUCK] is necessarily absent.

The Senator from Nebraska [Mr. BUTLER] is absent by leave of the Senate.

The Senator from Indiana [Mr. WILLIS] is necessarily absent.

The PRESIDENT pro tempore. Eighty-four Senators having answered to their names, a quorum is present.

Mr. BARKLEY. Mr. President, I wish to make a very brief statement in explanation of the bill now before the Senate, H. R. 6578, to provide on a temporary basis during the present period of emergency for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace. I am not going to consume the time of the Senate to discuss the history of negotiations and labor disputes which have led up to this proposed legislation. The President in his address to the country on Friday night in a very clear-cut, concise, and very forceful way, indicated the situation which confronted the country, and in his address to the Senate on Saturday he did the same. Therefore, I do not intend to cover the ground by way of repetition which he covered in his radio address and in his message to Congress on Saturday. I wish merely to confine myself for the moment to a brief explanation of the terms of the bill.

Section 1 of the bill provides:

That it is the policy of the United States that labor disputes interrupting or threatening to interrupt the operations of industries essential to the maintenance of the national economic structure and to the effective transition from war to peace should be promptly and fairly mediated, and brought to a conclusion which will be just to the parties and protect the public interest.

Section 2 provides for proclamation in certain circumstances by the President of the existence of a national emergency relative to the interruption of operations, whenever the United States has taken possession of facilities. The bill deals only with plants or mines or facilities which have been taken over by the President and which are in the possession of the Government of the United States. It has no application to labor relations that exist between the employer and the employee. It has no relationship to negotiations which are in progress between employers and employees in an effort to settle a dispute. It has no relationship to strikes which are engaged in by employees as between them and the employer against whom they are striking. It deals solely with plants and facilities which are now in or may hereafter be in the possession of the Government under a proclamation of the President under the provisions of the Selective Service Act of 1940 or the provisions of any other applicable law, whenever he has taken over such plants, mines, or facilities constituting a vital or substantial part of any industry, and in the event further that a strike, lockout, slow-down, or other interruption occurs or continues therein after such seizure. In such event, if the President determines that the continued operation of any such plant, mine, or facility is vitally necessary to the maintenance of the national economy, he may by proclamation declare the existence of a national emergency relative to the interruption of operations.

Mr. President, I might say that section 9 of the Selective Training and Service Act is the one which was included in the Smith-Connally Act which was passed, I believe, in 1943. There is a provision in the act passed in 1916 with respect to transportation facilities which authorizes the President to take over railroads under certain circumstances therein set forth. So that whenever such seizure has taken place or whenever it is imminent, section 2 provides that the President shall issue a proclamation declaring the existence of a national emergency with respect to the interruption of operations of the plant, mine, or facility which he proposes to take over.

In section 3 it is provided that the President shall in any such proclamation—

(1) state a time not less than 48 hours after the signature thereof at which such proclamation shall take final effect.

In other words, the President's proclamation as to the emergency which exists would take effect not less than 48 hours following the signature and promulgation of the proclamation.

He shall—

(2) call upon all employees and all officers and executives of the employer to return to their posts of duty on or before the finally effective date of the proclamation.

The President is given 48 hours after issuing such proclamation, within which to make it effective. During that 48 hours he shall call upon employees and officers and executives of employers to return to their posts of duty on or before the final taking effect of the proclamation. In other words, within the 48-hour period specified in section 3, he shall call upon them to return to their posts of duty.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. OVERTON. As I read the bill, the President is not limited to 48 hours. It says not less than 48 hours. He may make the period a week or 10 days.

Mr. BARKLEY. I thank the Senator. Forty-eight hours is the minimum. He might make it a week or any other length of time which he might see fit to prescribe. But within the time, whatever time he fixes, he shall call upon employees and others to return to their posts of duty. I thank the Senator for the correction.

He shall—

(3) call upon all representatives of the employer and the employees to take affirmative action prior to the finally effective date of the proclamation to recall the employees and all officers and executives of the employer to their posts of duty and to use their best efforts to restore full operation of the premises as quickly as may be.

That is simply an additional authority on the part of the President, not only to call on the employees and the officers and executives of the employers to return to their posts of duty, but to call upon the representatives of both to take affirmative action prior to the finally effective date, to recall the employees and officers and executives to their posts of duty, and to use their best efforts to restore full operation of the premises as quickly as may be.

The President shall also—

(4) establish fair and just wages and other terms and conditions of employment in the affected plants, mines, or facilities which shall be in effect during the period of Government possession, subject to modification thereof, with the approval of the President pursuant to the applicable provisions of law, including section 5 of the War Labor Disputes Act, or pursuant to the findings of any panel or commission specially appointed for the purpose by the President.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. BARKLEY. In a moment.

That, of course, makes it possible for wage conditions and terms and conditions of employment to be adjusted during the period of governmental operations. It is also sufficiently flexible to authorize the President to appoint a commission or panel to consider the difficulties which brought about the seizure.

I now yield to the Senator from New Jersey.

Mr. HAWKES. Mr. President, I am very much in sympathy with efforts to take some action which will put people back to work in the interest of the entire economy of the United States. I should like to ask the distinguished majority leader a question, so that when he comes to section 9 he will correlate these two things. Under clause (4) of section 3 the President has the right to establish fair and just wages. That could involve anything which in his mind, or the mind of his agent, was fair and just. It could involve a very substantial benefit. The language continues:

And other terms and conditions of employment in the affected plants, mines, or facilities—

We all know that if the President should change favorably to the employees the conditions of employment and the rules and regulations under which men were working, there would be a substantial benefit to the men.

I know, and I believe every other Member of the Senate knows, that new wages and conditions could not be established for a period of 3 or 4 months under governmental operation with the expectation that the employees would go back to work for their regular employer on any lesser terms than the President of the United States said were fair. I am raising the point only in connection with the later statement in section 9 that—

It is hereby declared to be the policy of the Congress that neither employers nor employees profit by such operation of any business enterprise by the United States.

In other words, neither employees nor employers shall profit through getting themselves into a situation in which the President of the United States must issue a proclamation and take over the business. I am leaving that thought with the majority leader, because I believe that the Senate will wish to consider that question.

Mr. BARKLEY. This provision of the bill seems necessary in order that, regardless of the length of time Government operation continues—and the longer the time of Government operation the more necessary it would be—there shall not be a static situation. The Government, through the President, may bring about adjustments of wages and conditions under which the plant or facility is operated by the Government.

Mr. HAWKES. Mr. President, will the Senator further yield?

Mr. BARKLEY. I yield.

Mr. HAWKES. I am in sympathy with that aim, and I understand it. The only thing I am trying to do is to be helpful in seeing if we cannot word this measure so that we shall not have two opposing statements in the bill and can avoid making it profitable to disregard the public security and welfare.

Mr. BARKLEY. If there is any conflict, naturally we wish to adjust it. However, I doubt if there is any conflict between this provision and section 9. But I shall come to that question later.

Mr. HAWKES. I thank the Senator.

Mr. BARKLEY. In section 4 of the bill it is provided that—

(a) On and after the initial issuance of the proclamation, it shall be the obligation of the officers of the employer conducting or permitting such lock-out or interruption, the officers of the labor organization conducting or permitting such strike, slow-down, or interruption, and of any person participating in the calling of such strike, lock-out, slow-down, or interruption to take appropriate affirmative action to rescind or terminate such strike, lock-out, slow-down, or interruption.

That is more or less of an amplification of the provision in the previous section. The President is authorized to call

upon the various parties to the dispute who are officers or agents to issue the necessary orders to rescind a previous order or orders resulting in either a strike, lock-out, or interruption.

Subsection (b) reads as follows:

(b) On and after the finally effective date of any such proclamation, continuation of a strike, lock-out, slow-down, or any other interruption at any such plant, mine, or facility shall be unlawful.

After the President issues his proclamation, whether it provides for a period of 48 hours, a week, or a longer period, and he has called upon the various parties to return to their posts of duty, and the officers to recall the workers to their posts of duty, and has called upon them to rescind any order bringing about the strike, lock-out, or interruption, it shall be unlawful thereafter for any such strike, lock-out, slow-down, or interruption to continue.

Subsection (c), which is the penalty clause, reads as follows:

(c) On and after the finally effective date of the proclamation, any person willfully violating the provisions of subsection (a) of this section shall be subject to a fine of not more than $5,000 or to imprisonment for not more than 1 year, or both.

Subsection (a) sets forth the obligation of officers, both of employers and employees, to recall whatever has been done with respect to the calling of the strike or lock-out.

Mr. DOWNEY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. DOWNEY. In reference to the provision which the Senator has just read, assessing punishment under the act, assume that a striker was drafted into the Army and refused to work in his industry, and disobeyed the orders of his commander. Would the Senator express an opinion as to whether, under the law, in addition to being subjected to penalties of court martial, imprisonment, or perhaps even death, he might also be subjected to the penalty which the Senator has just read?

Mr. BARKLEY. In my judgment, he would not. This is a penalty which is assessed for violation of subsection (a) of section 4, which applies to officers of employees and officers of labor organizations. It would apply to the officers of both.

Mr. DOWNEY. Mr. President, as I recall the bill, all the officers of the labor organization are to be drafted into the Army, as well as all the officers of the corporation, even though they resisted the strike. Am I wrong about that?

Mr. BARKLEY. Whoever was inducted into the Army under the provisions of this bill would, of course, be subject to military justice, whatever the law might provide. But this penalty does not apply to anything except a violation of section 4. It does not apply to section 7, which is the section under which the President may induct them into the Army.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. HAWKES. I should like to emphasize that the question of when and how they may be inducted into the service lies clearly in the hands of the President.

Mr. BARKLEY. Absolutely.

Mr. HAWKES. It does not say they shall be. To me, it means that they may be, in whatever way the President deems is necessary and in the interest of the general public at the time. Is that correct?

Mr. BARKLEY. Yes. I may say that section 7 begins with the words "The President may."

Section 5 is a provision of the bill which authorizes the Attorney General to file a petition "in the District of Columbia, or the United States court of any Territory or possession, within the jurisdiction of which any party defendant to the proceeding resides, transacts business, or is found, for injunctive relief, and for appropriate temporary relief or restraining order," and so forth.

That is a provision which authorizes the Department of Justice, where a plant or facility has been taken over and is in the possession of the Government, to go into court and seek, and, if possible, secure, an injunction to carry out the proclamation of the President with respect to the situation which has been created.

Now I read from section 6:

Any affected employee who fails to return to work on or before the finally effective date of the proclamation (unless excused by the President)—

Of course, in case of sickness or other excusable situation the President could—and, of course, would—decide not to impose the penalties provided; and that language provides for the acceptance of a reasonable excuse. I read further—

or who after such date engages in any strike—

The word "lock-out" was written into the bill as passed by the House; but the committee struck out the word "lock-out" because that would not apply to employees, for as a rule they do not engage in lock-outs. Employers are largely the ones who engage in lock-outs. I read further—

slow-down, or other concerted interruption of operations while such plants, mines, or facilities are in the possession of the United States, shall be deemed to have voluntarily terminated his employment in the operation thereof, shall not be regarded as an employee of the owners or operators thereof for the purposes of the National Labor Relations Act or the Railway Labor Act, as amended, unless he is subsequently reemployed by such owners or operators, and if he is so reemployed shall be deemed a new employee for purposes of seniority rights.

That is in the nature of sort of an economic sanction against those who refuse or, without being excused by the President, fail to return to work. They will lose their status as employees. They will lose their rights of seniority. They will lose their rights under the National Labor Relations Act and under the Railway Labor Act.

Mr. BREWSTER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. BREWSTER. Has the majority leader given consideration to the question whether the term "facilities" would cover a ship, inasmuch as that seems to be one of the problems?

Mr. BARKLEY. I will say to the Senator from Maine that the effort to define the word "facilities" is one of the most difficult tasks that Congress ever faced. We discussed that in the committee. It is my settled judgment, for whatever it may be worth, I may say in reply to the Senator's question, that the word "facility" would include any institution such as a railroad or the merchant marine or any other form of transportation facility which might come under the proclamation of the President as creating a national emergency.

Mr. BREWSTER. The Senator from Kentucky feels, then, does he, that under his interpretation there would be no doubt that the President would have the power to seize all the ships under the American flag, if they were tied up by a strike?

Mr. BARKLEY. I have no doubt of it, and I can say to the Senator that in drawing up this legislation that situation was had in mind, as well as the railroad situation and the other situations which are calculated to bring about interruptions in the national economy.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. SALTONSTALL. I should like to ask the Senator from Kentucky a question. On page 2, in line 20, clause (3) of section 3 permits the President to call upon employees and employers to take affirmative action. Can even the President of the United States require people to take affirmative action against their consent, without some form of martial law or without putting them into the Army, as is suggested in section 7? Can he compel them to go to work and, if they do not go to work, under our Constitution, put them in jail or subject them to an injunction as suggested in section 5?

Mr. BARKLEY. Clause (3) of section 3, mentioned by the Senator from Massachusetts, refers only to representatives of the employer and the employees. It does not refer to the employees themselves. It authorizes the President to take action with respect to representatives of employers and employees, both.

Mr. SALTONSTALL. My question also relates to clause (2) of section 3, which requires employees and employers to go to work. I wonder how effectively the President could do that under our Constitution, and if he could enforce it by criminal process or by taking away rights. I think under our Constitution a man could not be compelled to go to work if he did not want to.

Mr. BARKLEY. Of course, that matter has been a subject of discussion for a long time; namely, whether a man could be compelled to engage in what is called involuntary servitude. Section 7 attempts to deal with that problem in a way with which the Senator no doubt is familiar.

But I should say that insofar as the penalties provided in clause (3) on page 2 are concerned, they are calculated and intended to apply only to officers who are responsible, in a way, as the heads of either labor or business organizations, for bringing about a situation that calls for the proclamation provided in this

bill; and the penalties provided in subsection (c) of section 4 will apply to that.

Mr. SALTONSTALL. I should like to ask a further question. In the view of the majority leader, could a court enforce the provisions of affirmative action under clauses (2) and (3) of section 3, except through public policy or by some steps of that character, rather than through criminal proceedings in the courts? It does not seem to me that any court could enforce an affirmative action of the President of that character.

Mr. BARKLEY. The clause to which the Senator from Massachusetts is referring—clause (3)—simply says that the President shall "call upon all representatives of the employer and the employees." No means of self-enforcement is provided in that particular clause of section 3.

Subsection (b) of section 4 declares that—

(b) On and after the finally effective date of any such proclamation continuation of a strike, lock-out, slow-down, or any other interruption at any such plant, mine, or facility shall be unlawful.

And the following provision is that—

(c) On and after the finally effective date of the proclamation, any person willfully violating the provisions of subsection (a)—

Which applies, as I have said, to officers—shall be fined or imprisoned, as the case might be.

Mr. SALTONSTALL. As the Senator will see, the language in line 14, on page 3, requires that the officers of the company, the officers of the labor organization, and the employees shall "take appropriate affirmative action to rescind or terminate such strike, lock-out, slowdown, or interruption." In other words, the language provides that the men shall return to work. It is provided further that if they do not return to work, they may be put into jail.

Mr. BARKLEY. Yes; or fined, as the case may be.

Mr. SALTONSTALL. I ask the question, Can the President require a man to go to work, and if he does not go to work, may the President put him in jail?

Mr. BARKLEY. The penalty section, which is at the bottom of page 3, beginning with line 21, applies only to the provisions of subsection (a) of section 4, because it specifically says that any person "violating the provisions of subsection (a) of this section" shall be fined or imprisoned, and subsection (a) provides:

On and after the initial issuance of the proclamation, it shall be the obligation of the officers of the employer conducting or permitting such lock-out or interruption, the officers of the labor organization conducting or permitting such strike, and of any person participating in the calling of such strike, lock-out, slow-down, or interruption to take appropriate affirmative action to rescind or terminate such strike, lock-out, slow-down, or interruption.

If that is not done, they will be subject to fine and imprisonment as provided in the language of the act.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. TAFT. Is it not true, however, that under section 5 the Government may seek injunctive relief against a violation of section 4? In other words, the Government may obtain an injunction against any strike, and the provision is broad enough to cover every employee who does not go to work. If the employee refuses to return to work he may be put into jail for contempt under section 5, it seems to me, even though the jail penalty in section 4 should not apply.

Mr. BARKLEY. I attempted to point out, when I was dealing with section 5, that the Attorney General is authorized to go into court, and if he secures an injunction which is subsequently violated, the violator would be subject to penalty and contempt of court for violating the injunction. However, that would not impinge upon the penalties fixed in subsection (c) which would require an indictment and a trial, I presume, by jury.

Mr. TAFT. It is much broader, however, because it covers section 4 (b) as well as section 4 (a). The criminal penalties in section 4 (c), as the Senator points out, apply only to the officers.

Mr. BARKLEY. The Senator is correct.

Mr. TAFT. But, as I understand, if an injunction is granted, each of the 500,000 miners becomes liable for contempt if he does not return to work, and may be put into jail. Is not that a correct interpretation of section 5?

Mr. BARKLEY. Section 5 authorizes the Attorney General to apply for an injunctive process against anyone who violates section 4, which would include paragraphs (a) and (b) of section 4, or of the War Labor Disputes Act which, by the way, except as to section 6, does not apply to railroads. So the power of the Attorney General to apply for an injunction is coextensive with the violation of the provisions of section 4.

Mr. TAFT. May I ask one further question, Mr. President?

Mr. BARKLEY. I yield.

Mr. TAFT. The Senator said that the War Labor Disputes Act does not apply to railroads.

Mr. BARKLEY. I am quite sure that it does not.

Mr. TAFT. Why not? I understand that the Government takes the position that the War Labor Disputes Act does apply to railroads.

Mr. BARKLEY. Section 6 of the War Labor Disputes Act does apply to railroads.

Mr. TAFT. Section 6 does apply?

Mr. BARKLEY. Allow me to read it.

SEC. 6. (a) Whenever any plant, mine, or facility is in the possession of the United States, it shall be unlawful for any person (1) to coerce, instigate, induce, conspire with, or encourage any person to interfere, by lock-out, strike, slow-down, or other interruption, with the operation of such plant, mine, or facility, or (2) to aid any such lock-out, strike, slow-down, or other interruption interfering with the operation of such plant, mine, or facility by giving direction or guidance in the conduct of such interruption, or by providing funds for the conduct or direction thereof or for the payment of strike, unemployment, or other benefits to those participating therein. No individual shall be deemed to have violated the provisions of this section by reason only of his having ceased work or having refused to continue to work or to accept employment.

(b) Any person who willfully violates any provision of this section shall be subject to a fine of not more than $5,000, or to imprisonment for not more than 1 year, or both.

Mr. TAFT. The Senator believes, then, that the War Labor Disputes Act does apply to railroads so far as section 6 of the act is concerned?

Mr. BARKLEY. Yes, I believe that it does.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. OVERTON. The point has been made that this proposal would authorize the President to compel an individual employee to return to work. I do not so interpret it. I interpret it to mean that where there is something in the nature of a conspiracy, the language would apply. For example, the Government could not compel any individual employee to go to work, but it could prevent two or three or a dozen employees from conspiring together to cause an interruption in the operation of a plant. That would be in the nature of a conspiracy.

Mr. BARKLEY. Of course, the employees may be proceeded against for conspiracy, or they may be proceeded against under section 5, which gives the Attorney General the right to go into a court of equity and seek an injunction against them. Or, if the men involved are officers of either an employees' or employers' association they could be fined and imprisoned under section 4 (c).

Mr. OVERTON. In section 4 (a) the language reads:

On and after the initial issuance of the proclamation, it shall be the obligation of the officers of the employer conducting or permitting such lock-out or interruption, the officers of the labor organization conducting or permitting such strike, slow-down, or interruption, and of any person participating in the calling of such strike, lock-out, slow-down, or interruption to take appropriate affirmative action to rescind or terminate such strike, lock-out, slow-down, or interruption.

That language does not compel any individual to return to work.

Mr. BARKLEY. In section 4 (b) the languge reads:

On and after the finally effective date of the proclamation, any person willfully violating the provisions of subsection (a) of this section shall be subject to a fine of not more than $5,000 or to imprisonment for not more than 1 year, or both.

That language is a part of section (4) under which the Attorney General may go into court and ask for an injunction.

Mr. OVERTON. The provision relates to the continuance of a strike itself in the nature of a conspiracy.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CORDON. I invite attention to section 4, paragraphs (a), (b), and (c). Am I correct in understanding it to be the view of the majority leader that the penal provision under paragraph (c) is not applicable to members of a striking union whose participation is the result of obeying the mandate of the union when a strike has been called, but to

those who take part in violating an injunction which has been issued?

Mr. BARKLEY. No; I believe that section 4 (c) is limited in its applicability to section 4 (a). Section 4 (a) applies only to officers of labor organizations and to officers of the employer who is conducting or permitting the lock-out or interruption.

Mr. CORDON. I invite the Senator's attention to the language beginning at the end of line 12 on page 3 reading as follows:

> And of any person participating in the calling of such strike, lock-out, slow-down, or interruption to take appropriate affirmative action to rescind or terminate such strike, lock-out, slow-down, or interruption.

We have already applied the section to the officers, and then we broaden it to include any person participating in the calling of a strike, lock-out, or slow-down. It would occur to me that the language is sufficiently broad to include any individual who participated in any proceeding which resulted in the strike.

Mr. BARKLEY. I do not know that I am familiar with all the details that go on within an organization of any kind that result in a strike. They usually have a vote authorizing the head of the organization upon certain conditions to call a strike. It is an officer who actually calls it, although, as a rule, he does it after the employees express their wishes and their determination with respect to it.

Mr. CORDON. Then, what is the use of having that language in the text. We have already covered officers.

Mr. BARKLEY. Because subsection (a) deals on terms of equality or attempts to deal on terms of equality with officers of labor organizations and the officers of employers, so as to put them in the same category.

Mr. CORDON. Would it not be more certain language if that section were amended to limit its applicability to officers or agents participating in calling a strike?

Mr. BARKLEY. If there is any ambiguity in the language, of course, the Senate would naturally wish to consider that point, but I think we ought to give it very careful consideration before we change it.

Mr. CORDON. I should like to ask one other question if I may.

Mr. BARKLEY. Certainly.

Mr. CORDON. The provisions of the bill are dependent upon existing law authorizing the President to take charge of an essential industry. In section 2 the language is:

> SEC. 2. Whenever the United States has taken possession, under the provisions of section 9 of the Selective Training and Service Act of 1940, as amended, or the provisions of any other applicable law—

Is the Senator familiar with any other applicable law than that provision of the Selective Service and Training Act?

Mr. BARKLEY. Congress enacted, in 1916, a law which authorizes taking over the railroads under certain circumstances. There is also a provision of law with reference to communications facilities. I think it is subject to some doubt, but there has been a considerable discussion as to whether, under the Second War Powers Act, the President might act. But whatever the applicable law is, it would govern his action. Of course, if there is no applicable law to any particular plant, facilities, or mines, he could not issue his proclamation under it.

Mr. CORDON. I hope the Senator will, during his discussion or while this discussion is under way, give the Senate the benefit of a reference to what seem to be the applicable laws.

Mr. BARKLEY. I have asked for, I will say to the Senator, and I hope to have available very shortly, information as to what laws there are that are applicable, besides section 9 of the Selective Training and Service Act.

Now, Mr. President, I come to section 7 of the bill:

> SEC. 7. The President may, in his proclamation issued under section 2 hereof, or in a subsequent proclamation, provide that any person subject thereto who has failed or refused, without the permission of the President, to return to work within 24 hours after the finally effective date of his proclamation issued under section 2 hereof, shall be inducted into, and shall serve in—

The words "and shall serve in" constitute an amendment reported by the committee—

> the Army of the United States at such time, in such manner (with or without an oath), and on such terms and conditions as may be prescribed by the President, as being necessary in his judgment to provide for the emergency. The foregoing provisions shall apply to any person who was employed in the affected plants, mines, or facilities at the date the United States took possession thereof, including officers and executives of the employer, and shall further apply to officials of the labor organizations representing the employees.

The committee amended that section, as will be seen, because it was not the intention of the Senate committee, and, I am sure, of the House, in enacting the law to provide that those who were inducted, who must be employees of the employer at the time the plant is taken over, should enjoy, in addition to the compensation which they receive, which may under the bill be adjusted from time to time during Government operation, all the advantages, immunities, and benefits conferred upon members of the armed services of the United States. Of course, they are technically in the Army, if they are inducted, to carry on certain work, to perform the same duties which they pursued prior to their induction, and prior to the seizure of the property by the President, and they get their compensation for their work. So, in order to avoid the possibility that the bill might be interpreted as conferring upon them also all the rights and privileges enjoyed by those in the armed services, the committee added this amendment:

> Provisions of law which are applicable with respect to persons serving in the armed forces of the United States, or which are applicable to persons by reason of the service of themselves or other persons in the armed forces of the United States, shall be applicable to persons inducted under this section only to such extent as may from time to time be prescribed by the President.

Inasmuch as the President is authorized to fix the terms and conditions under which these employees may be inducted into the Army for the time being the committee felt that he ought also to have the power to determine whether and to what extent when so inducted the men should enjoy the rights, privileges, and benefits conferred by law upon all those who serve in the real armed forces of the United States.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. VANDENBERG. I should like to ask the able Senator if he does not believe in view of the utterly severe sanctions in this bill, the President could achieve every purpose of the proposed law without the necessity of a labor draft for the first time in the history of this Nation?

Mr. BARKLEY. I will say frankly that the President does not think so and did not think so when he was faced with the necessity of asking for this legislation. It is conceivable, for instance, that an injunction might be obtained against a hundred thousand men or three or four hundred thousand men, but that would be an interminable process, and it might not effectively put them back to work. The penalty in subsection (c) of section 4 applies only to officers of labor organizations and of employers. I may say to the Senator that I concede that it is a drastic provision and one which I would not support if it were simply a controversy between an employer and an employee. So long as the status was that of a controversy between a private employer and his employees I would not think for a moment of giving the President the power to induct such persons into the armed services of the United States. This bill applies only to controversies in connection with which the Government of the United States has found it necessary, under a great strain of circumstances and conditions, to take over a plant. It is felt that the necessity for exercising this power would be very rare; but without it, it might prove that the effort to get the men back to work would be ineffective and futile and would utterly fail.

Mr. VANDENBERG. Will the Senator yield further?

Mr. BARKLEY. I yield.

Mr. VANDENBERG. I realize, of course, that the Senator is correct when he says that the President would not have asked for this final sanction if he had not thought it needful to his objective. I am prepared to implement the objective to the maximum of the necessity, the objective being to stop strikes against the Government.

Mr. President, I was not asking the Senator for the President's opinion, I was asking the Senator for his own opinion, for which I have a very great respect. I wish to ask him if, in view of all the other sanctions which he has just recited in detail, he does not believe, as a matter of frankness, that the President can achieve every objective he seeks without the draft?

Mr. BARKLEY. Frankly, my answer is "No," and I shall attempt to say why.

The criminal penalties prescribed in the bill apply only to officers, as I have attempted to explain, because they apply only to subsection (a) of section 4. The Department of Justice can go into a court and seek an injunction, I assume, under all of section 4, against the continuation of a strike, and the injunction might include not only officers of employers and employees, but the employees themselves. But of course that would be subject to the delays which might occur in the court, it might be subject to appeals to be taken in the process of court procedure, and it might be a long, long time before the other sanctions to which the Senator from Michigan has alluded would become effective in the stopping of the strike itself.

If that situation arose, the objective of the President, or of the Government, or of Congress, would be immediate termination of the strike, so that if it happened to be on the railroads, as has just occurred, it would not be necessary to wait for weeks or months, during which time the entire public might suffer, to obtain a final determination, even by the Supreme Court of the United States, as to whether the injunctive process had been properly applied. So, frankly, I think that without this section, there might be grave danger of a failure to meet the objective of the proposed legislation, which is purely emergent, which is drastic, as I concede, and which is only designed to meet a national emergency which calls for action by the President in regard to both railroads and coal mines, the latter still in possession of the Government. Without this the effective use of the proposed legislation would be very seriously hampered.

Mr. VANDENBERG. Will the Senator yield further?

Mr. BARKLEY. I yield.

Mr. VANDENBERG. The Senator describes a final, ultimate emergency which might require this final reliance upon a draft. Personally, I think it is a pretty tenuous hypothesis, because I am unable to believe that with the other sanctions a situation would ever reach such a result.

Furthermore, I remind the Senator that there is another sanction which is not in the proposed law or in any law, which is the most powerful sanction of all, that is, the moral authority of the Presidency of the United States when the Chief Executive is prepared and willing to exercise it. The rail strike, according to the Senator from Kentucky, was settled at 12:30 o'clock Saturday, long before there was any request even for such legislation as is proposed.

Mr. BARKLEY. I was a little premature in announcing at 12:30 o'clock that the men had gone back to work. At that time they had made a proposal to go back to work which did not become effective. Later they went back to work, as was announced in the House Chamber, on the terms fixed by the President. It does not matter about that, they did go back.

Mr. VANDENBERG. I do not know how premature the Senator was——

Mr. BARKLEY. I was premature in announcing that they had actually gone back to work. That was the information that was handed to me by the press associations, and I took it to be true, but actually they had not physically gone back to work, and did not until about 4 o'clock Saturday afternoon.

Mr. VANDENBERG. In the present instance I think the Senator is premature in thinking that a labor draft is necessary in order to implement the proposed legislation. But, regardless of whether the Senator was premature, the fact remains that the President interrupted his own message to announce a settlement of the strike, which meant that the sanction which really produced a settlement of the strike was the moral authority of the Presidency of the United States when the Chief Executive is prepared to exercise it.

I say to the Senator that with that tremendous and paramount moral sanction available to the President of the United States at all times, plus all the other specific new sanctions written into the proposed law, it seems to me any fair-minded analysis of the situation must reach the conclusion that the objectives of the proposed act can be reached without for the first time in 150 years submitting this country to a labor draft.

Mr. BARKLEY. I appreciate the Senator's opinion, and, of course, he is entitled to it, as all other Senators are entitled to theirs, but I do not think the episode which took place Saturday, in which the President had given the railway employees until 4 o'clock p. m. to return to work, or he would use the Army of the United States to operate the trains, can be accepted as an evidence that in all cases the moral momentum of the Presidential action would bring about the result contemplated; and as a matter of fact, it has not done so in other fields.

Mr. VANDENBERG. Just one further observation, if the Senator will permit.

I cannot escape the feeling that if the President had exercised the moral authority of the Chief Magistracy of the Nation many weeks, and perhaps months, earlier, the accumulation of these crises might have been prevented. But, be that as it may, when he finally did act—and I commend him without reservation for the action he took, and I uphold his hands—I think he demonstrated what a President of the United States can do in circumstances of this nature if, as, and when he is willing to do it.

I merely submit to the Senator that there is a pretty clear demonstration at that point that the overriding sanction, when there is a strike against the Government, is the courage and affirmative position of the President himself, and when we underwrite that overriding sanction, with the specific sanctions which are written into the proposed law, I very respectfully submit to the Senator that under no conceivable stretch of the imagination, it seems to me, could we reach a necessity to turn the Army of the United States into a punitive organization.

Mr. BARKLEY. Let me comment very briefly upon the Senator's first premise, that the President should have taken such action weeks or months before.

I think any President of the United States who has a proper assessment of the responsibilities of his office would hesitate to act prematurely in such a situation. Premature action on the part of any President might be futile, and might create a situation which would make it more difficult successfully to operate in the same field later.

The President himself explained in his message why he had not taken earlier action, namely, because he was putting forth all the efforts possible to bring about an adjustment without the interposition of the Government, in the taking over of the roads, and even in asking for legislation. It was only as a last resort, when the economy and the health and the welfare of the whole Nation were involved, that he asked for legislation which would authorize him to do what he could not do, except by the exercise of his moral suasion in the situation.

I think the President was wise in waiting and exhausting all the influence he might have by reason of his office before resorting either to the possible use of the Army at 4 o'clock p. m. Saturday, if the railroads were not being operated, or asking Congress to enact special legislation authorizing him to do the things provided for in the bill now before us.

Mr. DOWNEY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. DOWNEY. Calling the Senator's attention to the committee amendment on the top of page 6, it seems to me that the language is so broad that the President could strip away existing rights of veterans who might be workers in a striking plant, and who were drafted into the Army.

I am not concerned about the particuluar language, but was it the intention of the committee to give to the President the power to say to a striker who had veterans' rights, "If you do not go back into the Army now and work in this industry I will forfeit all your existing veterans' privileges"?

Mr. BARKLEY. Not at all. The rights of veterans under the law were not intended to be interfered with. This language was put in the bill in order that men who refuse to go back to their work may not by reason of being inducted into the Army claim benefits to which they would otherwise not be entitled. They might never have served in the Army at all.

Mr. DOWNEY. I am merely talking about those who were veterans at the time they would be drafted into the Army.

Mr. BARKLEY. No; the committee had no such purpose.

Mr. DOWNEY. I might say to the distinguished Senator from Kentucky that perhaps my understanding of the language is not correct. The language is:

> Provisions of law which are applicable with respect to persons serving in the armed forces of the United States, or which are applicable to persons by reason of the service of themselves or other persons in the armed forces of the United States, shall be applicable to persons inducted under this section only to such extent as may from time to time be prescribed by the President.

I am not concerned with the particular language or whether my interpretation is right or wrong. I am resting upon the statement of the distinguished Senator that that was not meant to prejudice the rights of veterans who might be caught in the toils of this draft.

Mr. BARKLEY. No, not at all. It was not intended to interfere with the rights veterans had earned by reason of their services in the armed forces. It was merely intended to prevent such an interpretation of the language that those who might not have had such service would come under the provisions of the veterans' legislation.

Mr. DOWNEY. Mr. President, will the Senator further yield?

Mr. BARKLEY. I yield.

Mr. DOWNEY. I ask the Senator, Could not many complications arise in relation to that? Suppose a coal miner who is a veteran refuses to be drafted to work in a coal mine, and suppose he is drafted under this bill, is court-martialed, and is confined in the penitentiary, say, for 20 years. During that period of 20 years will he have his selective-service rights because he is not employed, such as the rights to which he might be entitled because of his former Army service and his veteran's status?

Mr. BARKLEY. So far as this amendment is concerned, I would say yes.

Section 8 merely authorizes the necessary appropriation to carry out the provisions of the act.

Mr. TAFT. Mr. President——

The PRESIDING OFFICER (Mr. GEORGE in the chair). Does the Senator from Kentucky yield to the Senator from Ohio?

Mr. BARKLEY. I yield.

Mr. TAFT. I want to ask about section 7. It seems to me that even without the committee amendment these men would be inducted on such terms and conditions as may be prescribed by the President. The President could eliminate all provisions for compensation or change the compensation in any way he chose to do. In fact, if he wishes to do so under this language he could make everyone work for 10 cents a day. That seems even more clear with the committee amendment. Does the Senator think that is a possible interpretation of the section?

Mr. BARKLEY. Of course, it would be so extreme as to seem to me impossible, because under other provisions of the measure during Government operation or seizure the wage question shall be open for adjustment, not only with respect to the items or causes that brought about this dispute, but I suppose under that section of the bill the President could go into the whole wage question, and the terms of the employment, so that they might be adjusted. One can always conjure up an extreme possibility, but certainly——

Mr. TAFT. The idea is that if all the other of the provisions of the bill do not work—that is the point of the section—as a last resort, the President may draft these men. I am only asking the Senator whether, under such circumstances, this language does not give the President power to eliminate all compensation, or make anyone work for 10 cents a day, or any other compensation.

Mr. BARKLEY. No.

Mr. TAFT. I cannot see any other possible interpretation of the language.

Mr. BARKLEY. It would be utterly inconceivable and utterly inconsistent with the whole design and purpose of the measure.

Mr. TAFT. What would the Senator do if he were President? Would he pay them the compensation of the ordinary soldier or the pay they are receiving as employees of the company?

Mr. BARKLEY. If the Senator asks me what I would pay if I were in position to determine that, I would pay them the compensation to which they were entitled and received as employees of the plant, whatever it was, subject to such readjustment as might be brought about while the Government operated the plant.

Mr. TAFT. Even though they were in the Regular Army, and in the Army uniform, the Senator would pay them three times as much as the ordinary GI? Is that a correct interpretation of the Senator's statement?

Mr. BARKLEY. Even though they are in the Army, and in the Army uniform, they are still employees of a plant or facility that is being temporarily operated by the Government, and certainly they should be paid the wages which go with that employment, and not simply the wages of a soldier.

Mr. TAFT. But the Senator must admit that the President, under this provision, is free to alter the pay, or pay them nothing, or anything that he chooses to pay. Is that correct? That must be the interpretation of the measure. If the President can pay them more than the soldier's pay, surely he can pay them less than the soldier's pay.

Mr. BARKLEY. The President is no more free to do that, which would be a ridiculous performance, than he is to do a lot of other things which would be equally ridiculous if he were to perform them.

Mr. TAFT. We are merely authorizing him by this measure to do certain things, and I am asking the Senator the question whether the President would have the legal power to do it.

Mr. BARKLEY. Would the Senator from Ohio induct them under the wages of a soldier?

Mr. TAFT. I would not induct them at all.

Mr. BARKLEY. That is not the question. If they were inducted, and the Senator from Ohio had the power, as he probably hopes to have if this measure is enacted into law and it does not expire prior to such a time—if the Senator from Ohio had the authority would he pay them the wages to which the men would be entitled in the employment in which they are engaged, or would he pay them at the rate of compensation received by soldiers?

Mr. TAFT. The Senator is assuming facts which are not likely under any circumstances to exist.

Mr. BARKLEY. I agree that in part they are not.

Mr. TAFT. I would under no circumstances advise the President to exercise the power if he had it.

Mr. BARKLEY. I do not know that he would. I dare say he would not exercise it, if he had it, unless it were absolutely necessary in order to continue to operate whatever it was he had taken over for the benefit and welfare of the American people.

Mr. TAFT. Let me ask the Senator a further question. What would the Senator suggest that the President pay to the officials of the labor organizations representing the employees? What would he pay the union leaders who were not employees of the company?

Mr. BARKLEY. I do not think I am called upon to answer that question. I do not know what they are getting now.

Mr. TAFT. Would the Senator take over that matter and pay the leaders of the union the salaries the unions are paying them now, or pay them 10 cents a day? What would the Senator's position be on that question?

Mr. BARKLEY. My position——

Mr. TAFT. Would the Senator——

Mr. LUCAS. Mr. President, a point of order.

The PRESIDING OFFICER. Does the Senator from Kentucky yield, and if so to whom?

Mr. BARKLEY. I am yielding to the Senator from Ohio to ask some ridiculous questions, and I shall continue to do so.

Mr. TAFT. No; I am not asking——

Mr. LUCAS. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. LUCAS. Can we have order in the Senate so that Senators may be able to hear what is going on?

The PRESIDING OFFICER. The Chair is endeavoring to secure order.

Mr. TAFT. I am asking a question about a ridiculous bill. If the Senator——

Mr. REED. Mr. President, a point of order. Could the Chair request Senators to speak one at a time so that we may hear them?

The PRESIDING OFFICER. That is not a point of order. It may be a very wise suggestion.

Mr. BARKLEY. It is very difficult for any Senator who has the floor to "talk one at a time" when the Senator from Ohio is interrupting him.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. TAFT. What is the purpose of including the drafting of labor union leaders? Does not that make this purely a punitive measure rather than a measure in good faith intended to obtain workmen to operate the company?

Mr. BARKLEY. No; it is not. That is not the intention or the purpose, and in my judgment, it does not accomplish such a result.

Mr. TAFT. What would be the use of these labor officials in connection with the draft? What is the purpose of it then, if it is not punitive?

Mr. BARKLEY. In the first place, the bill provides that the President may do this. He does not have to do it. He is

not required to draft them or to induct any of them or all of them into the service. Under such regulations as he may prescribe from time to time, he may induct some of them. He may not induct all of them. He may not feel that any good purpose can be accomplished by inducting officers of the labor organization or any other officers. That is a matter which would be within the discretion of the President. I doubt very much whether any purpose could be served by that, but that is all within his discretion.

Mr. TAFT. Mr. President, will the Senator yield further?

Mr. BARKLEY. I yield.

Mr. TAFT. Does not the Senator think that, in view of the very doubtful constitutionality of the whole provision of a limited draft in time of peace, it would be wise to leave out a provision which perhaps may be shown to be purely punitive in character?

Mr. BARKLEY. No; I do not think it has a purely punitive purpose. It is intended to effectuate the effort of the President to get whatever it is that is idle, or in which there is a strike or lockout, into operation.

Mr. TAFT. Mr. President, will the Senator further yield?

Mr. BARKLEY. I yield.

Mr. TAFT. It is assumed that when the President drafts men into the Army they must go, and take the jobs assigned to them. But what is the ultimate sanction? Suppose that engineers are drafted, and they refuse to carry out the order to operate the engines. What does the Senator suggest? Would that make them traitors and subject them to being shot?

Mr. BARKLEY. That line of questioning is utterly inappropriate. The Senator is seeking to inject an offensive word with respect to a great number of men. But if it happened to be the engineers, the firemen, the conductors, the clerks, or anyone else employed by the employer whose property was taken over, and they would not obey the orders of the President of the United States, and were inducted into the service by reason of that disobedience, they would be subject to the penalties involved by reason of their induction into the service.

Mr. TAFT. My question is asked in perfectly good faith. I am only trying to find out what the ultimate sanction is. The ultimate sanction is not drafting. It is punishment for disobedience of orders as a soldier.

Mr. BARKLEY. I believe that the ultimate object is not simply induction. The ultimate object is resumption of work in the facility or plant which is seized. This is one of the methods by which it is expected that the President will secure the operation of the plant—and promptly, without waiting for weeks or months, while the whole Nation might be compelled to suffer by reason of shortages and various other things which might occur. This is only one of the methods by which to accomplish a return to operations while the plant or facility is in the hands of the Government.

Mr. TAFT. Then what is the ultimate sanction? What happens if the workers will not work even as soldiers?

Mr. BARKLEY. They would be subject to whatever penalties might be involved in refusing to obey orders as such.

Mr. TAFT. As soldiers?

Mr. BARKLEY. Yes.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield to the Senator from Vermont.

Mr. AIKEN. I think my question will be rather mild in comparison with some of the others.

Mr. BARKLEY. We are used to that, I will say to the Senator.

Mr. AIKEN. I was about to ask the Senator from Kentucky if the workmen's compensation laws of the several States would apply to men who were employed in occupational work while they were draftees of the Government.

Mr. BARKLEY. I do not see anything in the bill, or in any interpretation to be placed upon it, which would in any way affect State laws with respect to compensation.

Mr. AIKEN. Do soldiers of the United States come under the State laws when they are employed as soldiers, and not as private employees?

Mr. BARKLEY. Not necessarily. By reason of being inducted under this provision, they would not be divested of their status as employees, so far as any compensation that the State might award is concerned.

Mr. AIKEN. Then, they would remain under the workmen's compensation laws of the States, rather than being discharged as disabled members of the United States Army, if they were hurt?

Mr. BARKLEY. If they were employed in a local plant, or in a number of plants which were large enough in their output and in their effect upon our economy to create a crisis which would justify taking them over, and they were employed under conditions which would entitle them to workmen's compensation under the laws of the State, I do not think they would be deprived of that benefit by reason of this legislation.

Mr. REVERCOMB and Mr. SALTONSTALL addressed the Chair.

The PRESIDING OFFICER (Mr. GEORGE in the chair). Does the Senator from Kentucky yield, and if so, to whom?

Mr. BARKLEY. I yield first to the Senator from West Virginia.

Mr. REVERCOMB. The question has been asked the able Senator from Kentucky as to what would be done to the worker if he were inducted and refused to obey an order. Suppose he were inducted into the Army? Would he not be subject to the same punishment as any other member of the Army who refused to obey the order of his superior officer?

Mr. BARKLEY. Yes; I think that is true.

Mr. REVERCOMB. Therefore he would be subjected to general court martial for refusing to obey orders.

Mr. BARKLEY. He might be.

Mr. REVERCOMB. The punishment for refusal to obey an order may be death, or confinement in the penitentiary, as the history of courts martial shows. Would not the worker be subjected to such punishment as might be decreed by the court martial for refusal to carry out an order?

Mr. BARKLEY. If he were inducted into the armed services of the United States, under the provisions of this bill or any other legislation with which I am familiar, he would be subject, for violation of the orders of the Government, to the same penalties to which he would be subject if he were a member of the armed forces under other conditions.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. SALTONSTALL. I should like to ask one question along the line of the questions asked by the Senator from Ohio and the Senator from West Virginia. I wonder how the answer of the Senator from Kentucky can be correct if a man is taken into the Army under the provisions of lines 19 and 20 on page 5, section 7, without an oath. My question is, Can he be subjected to court martial without having previously taken an oath as a soldier?

Mr. BARKLEY. That depends upon the Presidential discretion. He is taken in under such circumstances and conditions as the President may prescribe. The President may, in the order of induction or in the proclamation, prescribe regulations for the induction, providing that a man may be inducted not only without an oath, if necessary or thought desirable, but without the conditions of punishment fixed for ordinary soldiers in the Army of the United States. The President could control those conditions by reason of the authority given him to fix the terms and conditions under which a man shall be inducted.

Mr. SALTONSTALL. If that is so, then we fall back on the civil or criminal penalties of the law, and section 7 becomes valueless. Why is section 7 necessary?

Mr. BARKLEY. If in the proclamation of the President he should say that under certain circumstances laws applicable to soldiers regularly inducted and regularly in the Army shall not be applied so far as the penalties are concerned, under such orders and regulations, he has the power to do so. But we are bound to assume that in issuing a proclamation, or in the induction of men into the service under the proposed act, he would necessarily include in his terms and conditions such provisions as would make the act effective. He would have it entirely in his discretion to determine that question.

Mr. SALTONSTALL. Frankly, I do not see how a man can be a soldier for some purposes and not be a soldier for other purposes.

Mr. BARKLEY. We must assume that the President of the United States, in the act of inducting men into the service, would operate under the provisions of lines 19 and 20 on page 5—

> In such manner (with or without an oath), and on such terms and conditions as may be prescribed by the President, as being necessary in his judgment to provide for the emergency.

If the Senator can imagine that the President, in dealing with the situation, would not exercise the discretion conferred upon him, the Senator is entitled to his opinion.

Mr. SALTONSTALL. The words to which I refer are "with or without an oath." I do not see how a man could be a soldier in the United States Army and subject to court martial unless he had taken an oath.

Mr. BARKLEY. Congress may prescribe the terms under which men may be inducted into the Army of the United States; and it may prescribe that all of them may be taken in without an oath. It has not done so.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. McCLELLAN. I should like to hear the able leader discuss the provisions of section 9.

Mr. BARKLEY. I have not come to that. I am about to discuss it now.

Mr. McCLELLAN. I thought we were discussing section 9 a moment ago.

Mr. BARKLEY. No; I have not discussed section 9. I shall do so now.

Mr. McCLELLAN. It occurs to me that there is an inconsistency between the provisions of section 9 and subsection 4 of section 3. The last sentence of section 9 reads as follows:

It is hereby declared to be the policy of the Congress that neither employers nor employees profit by such operation of any business enterprise by the United States and, to that end, if any net profit accrues by reason of such operation after all the ordinary and necessary business expenses and payment of just compensation, such net profit shall be covered into the Treasury of the United States as miscellaneous receipts.

In view of the declaration of policy that neither management, the owners, nor employees shall profit, I do not understand that that would be true in the case of the employees, if the President is authorized at the time of taking over a plant to raise the salary or wages of the employees, because certainly that would be profiting. That is the only way employees do profit—by their wages—and an increase in wages would be a profit to the employees, whereas it is declared in that provision I have read that it is not the policy that either shall profit.

Mr. HAWKES. Mr. President, will the Senator yield to me?

Mr. BARKLEY. I yield.

Mr. HAWKES. That is the same question which I propounded a few minutes ago. I imagine the Senator was not then in the Chamber.

From my point of view and my understanding of the measure, the two things are diametrically opposed to each other, and I have asked the majority leader to clear up that matter when he comes to section 9 because certainly if provision is made by the Government for increasing wages or for a 6-hour day or for a change in the rules in other ways—there are any number of rules which might be changed in the case of the railroads, or any other business—the employees would profit.

But I have suggested, I may say for the information of the Senator from Arkansas, that from my experience in life I doubt very much whether the employees would ever go back to work for their old employer, at the end of 3 or 4 or 5 months of Government operation, if during that time the Government had raised the wages or had changed the rules. In other words, I doubt whether the employees would go back to work for their old employer under less favorable wages or rules than the ones prescribed by the President.

Mr. McCLELLAN. Yes.

Mr. President, if the Senator from Kentucky will further yield, I call the attention of the Senator from New Jersey and also the attention of the distinguished majority leader to the first sentence in section 9, which carries with it an implication of authority, at least, for the President to fix the compensation to the owners. There is no other authority in the bill, as I see it, directing the President to fix compensation. But section 9 provides:

SEC. 9. In fixing just compensation to the owners of properties of which possession has been taken by the United States under the provisions of section 9 of the Selective Training and Service Act of 1940, as amended, or any other similar provision of law, due consideration shall be given to the fact that the United States took possession of such properties when their operations had been interrupted by a work stoppage—

And so forth. In other words, it is ambiguous, to say the least, when reading the two sections together.

In short, if there is in the law, as it is now written, authority or direction for the President to fix the compensation to the owner, this provision requires that the President must take into account the fact that if the plant had remained idle under a strike, the owner would not have been entitled to any compensation.

Therefore, I think that matter should be studied and worked out in order to do equity and justice not only to the employees, but to the employers, as well.

Mr. BARKLEY. Mr. President, I say to the Senator from New Jersey and also the Senator from Arkansas that this section of the bill was discussed rather fully in the committee, and at least an attempt was made to arrive at its interpretation. Nothing in the bill authorizes the President to take over a plant or facility or anything else. It provides that whenever under existing law he takes over a plant under section 9—and all the laws provide that in the taking of property he shall provide for the payment of just and equitable compensation to the owner—payment is to be made out of the Treasury of the United States, regardless of the income resulting from the operation of the plant.

We all recall that in connection with taking over the railroads during World War I, there was a large deficit, which had to be made good by the Government of the United States out of the Treasury, because the receipts of the railroads as a whole during that period did not pay the expenses of their operation. But the Government was obligated to give just compensation, regardless of that. And that comes out of the Treasury of the United States.

The bill provides:

SEC. 9. In fixing just compensation to the owners of properties of which possession has been taken by the United States under the provisions of section 9 of the Selective Training and Service Act of 1940, as amended, or any other similar provision of law, due consideration shall be given to the fact that the United States took possession of such properties when their operations had been interrupted by a work stoppage, and to the value the use of such properties would have had to their owners during the period they were in the possession of the United States in the light of the labor disputes prevailing.

In other words, in fixing the just compensation to which the owners of these properties would be entitled, consideration may be given to the fact that they were idle, that there was a stoppage, and also to the value of the properties to the United States or to the people of the United States while under operation by the Government.

In other words, there might be offsets to what ordinarily would be just compensation in the event there was no strike or shut-down at all; and in considering how much just compensation should be paid—and that has no relationship, necessarily, to the income of the plants—consideration shall be given to the fact that when the Government took them over, they were idle and not operating, and therefore not earning, presumably, any compensation at all.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. BARKLEY. Yes.

Mr. McCLELLAN. As I understand, the Senator's explanation is that under existing law, when property or plants are taken over, there is an obligation on the part of the Government to pay just compensation to the owners of the plant or facility, as the case may be, and that that is irrespective of whether a profit is made or is not made out of the operation of it while under Government control.

Mr. BARKLEY. That is true as to every law authorizing the Government to take over property. As I said, under the act authorizing the Government to take over the railroads in World War I, the Government paid just compensation; and, as I have said, the amount paid by the Government for the use of the properties was greater than the profits of the companies which were taken over.

Mr. McCLELLAN. In other words, in the determination of any profits to be paid, if any are earned during the Government's operation, that provision does not preclude the owners from being paid any compensation at all?

Mr. BARKLEY. Not at all. Of course, it would be highly improper for the Government to be required to pay just compensation to the owners of the company while the Government had it, and, in addition, be required to pay whatever profit was made by reason of that operation.

Mr. McCLELLAN. Of course.

Mr. BARKLEY. In other words, it is felt that the profit which might accrue while the Government was operating it should go into the Treasury, because it has no just relationship to the amount of compensation which should be paid.

Mr. McCLELLAN. I appreciate the Senator's explanation. It is very helpful to me.

Mr. BARKLEY. I will say to the Senator that the last sentence is a declaration of policy. It may sound, superficially, to be inconsistent with the provision in the bill which authorizes the

payment of wages while the Government has possession. But it is not inconsistent. It is merely a declaration of policy:

It is hereby declared to be the policy of the Congress that neither employers nor employees profit by such operation of any business enterprise.

And so forth. In other words, the Government is required to give just compensation to the owners of the property. It is required to deal with the men and see that they are paid proper compensation while the property is in the possession of the Government. But by reason of the operation by the Government, when the owners have been given just compensation, and when the employees have been given just compensation, any profits which may accrue from Government operation of the enterprise shall accrue to the Government of the United States.

Mr. McCLELLAN. In other words, under existing law, supplemented by this proposal, the obligation of the Government, after it had taken over the operation of a plant, would be to fix fair wages and just compensation for the employees, and also to fix just compensation for the owners of the property. All such compensation will come out of either profits resulting from the operation of the enterprise, or out of the Treasury of the Government. On the other hand, any profits or earnings from the operation of the enterprise will go into the Treasury.

Mr. BARKLEY. Yes. Primarily, the Government is obligated, through its Treasury, to give just compensation. I believe that under such circumstances, whatever profits may be made would necessarily go into the Treasury of the United States.

Mr. McCLELLAN. I thank the Senator.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. HAWKES. I should like to ask the distinguished majority leader if it is not a new philosophy in American life to cover into the Treasury the profits to which he has referred. The able Senator will remember that in the Interstate Commerce Committee the other night I suggested that, in my opinion, we would not be getting away from the American tradition against confiscation without compensation if we were to provide in this bill that any net profits made during the operation by the Government should be applied to the payment of just compensation, and not covered into the Treasury. My purpose was not to confiscate profits, but to use the money in the payment of just compensation.

Mr. BARKLEY. There is no provision which could be interpreted as an attempt to confiscate profits. Take, for example, the railroads. Some of them may make profits and some may not. That fact would not alter the obligation of the Government of the United States to give compensation to all the railroads, whether they made a profit or not. When the Government shall have discharged its obligation to give just compensation to all, without regard to whether they are in the red or in the black, it has complied with the Constitution in its requirement that property shall not be taken for public use without due compensation, and so forth. I may say that during the former period of operation of the railroads by the Government during World War I, we had a Railroad Administration, and a bookkeeping arrangement was provided whereby profits or incomes of railroads were turned into the Treasury, and expenses of the railroads were paid out through the Railroad Administration.

Mr. HAWKES. I believe that the majority leader could answer my question for me at this point. During World War I, when the Government took over the railroads, did the Government take any profits which were made and put them into the Treasury and, under a separate and distinct arrangement, fix just compensation for the railroads?

Mr. BARKLEY. As I recall, the Government controlled all income of the railroads and was under obligation to give to the railroads just compensation. The Government operated the railroads for 2 or 3 years. When the operation ceased, or when the President ordered the railroads to be turned back to their owners, the question of compensation during the period of Government ownership was a matter of adjustment between the Government and the railroads. So the income derived from the operation of the roads was taken by the Government, accounted for, and when the final adjustment and settlement was made with reference to the question of what was just compensation, the Government adjusted the compensation according to its obligation under the act of Congress and under the Constitution, whether it involved a profit on the part of a railroad, in case it had been privately operated, or whether it involved a net loss. In many cases the Government paid compensation to railroads and the officers, and directors of the corporation distributed the money among stockholders, or in any other way in which it saw fit.

Mr. HAWKES. If the Senator could give me this information it would settle my question. During World War I, when the Government operated the railroads, were there any instances of the profits of a particular road, for example, being considerable, or even in excess of the amount subsequently determined to be just compensation?

Mr. BARKLEY. I am unable to answer the Senator's question, but I might be able to ascertain the facts.

Mr. HAWKES. I would appreciate very much having the information.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. REVERCOMB. I understand the able majority leader to say that if section 7 remains in the bill and becomes law, and a worker becomes inducted into the Army and subsequently refuses to obey an order, he may be subjected to a court martial and severe penalties for insubordination, mutiny, or for disobeying an order.

Mr. BARKLEY. That statement is subject to modification. In connection with the power to induct persons into the service, the President is given full authority to fix the terms and conditions under which such persons may be inducted. In fixing those terms he may release them from some or even all of the obligations which they might otherwise assume as soldiers.

Mr. REVERCOMB. Yes; but if we adopt section 7, and it becomes law, a worker could be made subject to a court martial. Am I correct in that statement?

Mr. BARKLEY. If the President so prescribed in the terms of induction, that would be possible.

Mr. REVERCOMB. Does not the majority leader believe that that would be going too far, and that we would be giving too much power to the President?

Mr. BARKLEY. I said at the outset that if the President were to be given any such power in connection with a controversy between merely a private employer and his employees, my answer would be "yes." But we are dealing here with the question of whether the Government of the United States shall take over the operation of property under certain conditions. When, in the interest of the welfare of the Nation, the Government finds it necessary to take over the operation of property, it is to be determined whether the President of the United States shall be given all the authority which he may need in order that the objectives of the seizure of the property may be realized. In such a situation, I do not believe that we would be going too far in giving to the President the powers to which the Senator refers.

Mr. REVERCOMB. I may say further to the able majority leader, that when we come to the final analysis of what section 7 means, we will find that we are granting to the President of the United States the power to say that these men may be subjected to Army court martial for disobedience of an order which we all know might occur, and, if such a court martial desired to inflict the death penalty, or a long term in prison, it could do so. I feel that we cannot justify giving such power to the President, even when the controversy is between the United States and the individual. We have never given power to the President to punish a citizen of this country because he refused to obey a law of the country, or an order of the Chief Executive. When we pass laws which inflict severe punishment, we place the punishment directly in the law. But if we enact section 7 of this bill we will give power to the President to subject these men to Army court martial which may result in the imposition of even a death penalty for refusal to obey an order.

The able Senator has modified his statement with reference to the necessity of a court martial by saying that the President may prescribe the rule which will determine whether or not a man who disobeys an order shall be tried by a court martial. It is not unusual in the Army to make disobedience to rules or orders subject to court martial. But the able Senator said that there is language in the bill which would permit the President to provide differently.

Mr. BARKLEY. Section 7 reads in part:

The President may, in his proclamation issued under section 2 hereof, or in a subsequent proclamation, provide that any person subject thereto who has failed or refused, without the permission of the President, to return to work within 24 hours after the finally effective date of his proclamation issued under section 2 hereof, shall be inducted into, and shall serve in, the Army of the United States at such time, in such manner (with or without an oath), and on such terms and conditions as may be prescribed by the President, as being necessary in his judgment to provide for the emergency.

Mr. REVERCOMB. He is inducted under such conditions, and serves under such conditions as the President may prescribe. Does the able Senator think that goes so far as to say that the President may make special terms or may require special rules for his trial for infractions after he is in the Army?

Mr. BARKLEY. The amendment, if adopted, would give the President complete discretion and determination for how long they would be inducted, under what terms and conditions they would be inducted, and under what terms and conditions they would serve.

Mr. REVERCOMB. To get back to the point I had raised, does the able Senator feel that we should give to the Chief Executive such broad discretion that he may subject a worker after he is once inducted into the Army to the powers and authority of a military court martial?

Mr. BARKLEY. Of course, if the President could not do that by his regulations, it would be utterly futile to say that he would be able to exercise the authority we are giving him in the remainder of this legislation. Of course, the committee and the Congress are bound to recognize that there are certain rigidities about service in the Army of the United States which ought to be modified, which the President is given authority to modify, and which no doubt he would modify in the proclamation inducting them into the service or prescribing the terms and conditions under which they would serve and of course those terms and conditions would include punishment, or modifications of the rigidities of existing law with reference to Army trials, which in his judgment he might wish to include in such a proclamation. Otherwise the words "under terms and conditions" would be without meaning.

Mr. REVERCOMB. Mr. President, will the Senator from Kentucky yield for a further question?

Mr. BARKLEY. I yield.

Mr. REVERCOMB. If the able Senator says section 7, putting a man into the Army and subjecting him to the rigidity and the extreme punishments of the Army court martial and is power which must be given and enforced, then may I point out that in section 6, just preceding, there is a very clear penalty placed upon a man who will not work. He loses all his rights of seniority, and he loses his status as a worker under the National Labor Relations Act as well as the Railway Labor Act.

Mr. BARKLEY. That is true.

Mr. REVERCOMB. Is not that sufficient punishment

Mr. BARKLEY. There is a question about that.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield, but I should like to conclude.

Mr. McCLELLAN. In connection with the discussion of this section is it the Senator's interpretation of it that, for instance, an officer of a railroad company or a plant or business or someone occupying a position representing management would also be drafted into the service under this provision?

Mr. BARKLEY. If he failed to comply with the proclamation of the President, he would be just as subject to the provisions of section 7 as would an employee.

Mr. McCLELLAN. In other words, if management was designing a lock-out or a shut-down and refusing to continue operations of a plant or an industry which the President deemed vital or essential, and the President took over the plant on account of the lock-out or shut-down, then would the management, the personnel of the management, be subject to the same treatment under this bill as would employees who might refuse to work or who might be out on strike?

Mr. BARKLEY. The language of the section reads:

SEC. 7. The President may, in his proclamation issued under section 2 hereof, or in a subsequent proclamation, provide that any person subject thereto who has failed or refused, without the permission of the President, to return to work within 24 hours after the finally effective date of his proclamation issued under section 2 hereof, shall be inducted into, and shall serve in, the Army of the United States.

Mr. McCLELLAN. That is what I wanted to have cleared up.

Mr. BARKLEY. It applies to management and employers not less than to employees.

Mr. McCLELLAN. In other words, management and employees are treated alike under the severe terms of this bill.

Mr. BARKLEY. That is correct.

Mr. WHERRY. Mr. President, will the Senator from Kentucky yield?

Mr. BARKLEY. I yield.

Mr. WHERRY. As I understand the explanation given by the majority leader, there is this difference between inducting men into the military service under the Selective Service Act and under the provisions prescribed by the bill, namely, that the President may, with or without oath, induct men under such terms and conditions as may be prescribed by him. There is a difference between inducting employees into the armed forces and regularly inducting men under the selective service. I think it should be clearly understood that, in the absence of limitations in the proclamation, one who might be inducted under this bill would go into the military service exactly as does an inductee.

Mr. BARKLEY. In the proclamation issued by the President, in the first instance, he will under this language, of course, prescribe the terms and conditions and even the length of time, within the operation of the law, for which they shall serve; but, of course, if he inducted them without any conditions or terms they would come in as other men are inducted.

Mr. WHERRY. So that, if I understand the explanation correctly, unless limitations are written to the law we leave it to the judgment of the President, and if the President wants to use that extraordinary method of induction there is no limitation on him placing men in the armed forces exactly on the same basis as any other inductee under the selective service.

Mr. BARKLEY. We leave it to the President in the first place to decide whether there shall be an induction and we leave it to him to decide the conditions and terms under which there shall be an induction.

Mr. WHERRY. One more question. If limitations are provided on inductions into the service, I should like to ask the distinguished majority leader if the limitations would also apply to the sanctions that might be used against one who is a violator, and who has been inducted into the military service, say, to operate a railroad. Being inducted and subject to whatever terms the President may prescribe with reference to his induction would the other sanctions of the bill apply?

Mr. BARKLEY. Yes. Undoubtedly, unless the President himself in his proclamation should modify them.

Mr. WHERRY. The majority leader misunderstood me. What I mean is this: If one is inducted under the provisions of this act with the limitations the President might place in his proclamation, then would the sanctions used in the military service be limited because of the fact that the man who is inducted is only in for limited service. Would he be subject to court martial, if he were a violator?

Mr. BARKLEY. If the President in his proclamation fixing the terms and conditions should so provide he would have the authority to do it. Whether he would do it, I would not attempt to predict; but I am bound to assume that in inducting a man into the service in order to operate any facilities or any industry he would take over in a national emergency the President would consider carefully and seriously the extent to which the rigidity of service in the Army as carried on and is compelled under the law should be modified. As to the extent he would modify that rigidity, of course, I would not be able to say.

Mr. WHERRY. One more question. If we dropped out the sanction for the punishment of a violator inducted into the service, there would be less than is intended to be accomplished. For example, the very argument advanced by the Senator from West Virginia relative to court martials is significant. If we drop out the sanctions, or if we modify the sanctions, would the President be able to get the result desired, namely, resumption of the operation of the railroads?

Mr. BARKLEY. That is speculative, but I think if we took away all sanctions and all penalties which accrue because of the President's induction of men into the service, including inability to punish

them if they refuse, of course we would make it absolutely impossible for the President to bring about the objective of taking men into the Army, that is, the operation of the plants or facilities, whatever it may be.

Mr. WHERRY. I thank the majority leader. That is my interpretation of the provision, that if we did not include sanctions which are comparable to the sanctions of punishment in the Selective Service, the law would lose its force. Regardless of whether we leave it to the President to prescribe in his proclamation any limitations, it seems to me the sanctions of military service must be employed in order to get the inductees into the service, and accomplish the purpose for which the emergency legislation is set up.

In view of that fact, it seems to me that it is an extreme punishment, and that the sanctions would have to be the ones which are employed in the military service. I do not see how the President can limit the induction into the service without limiting the sanctions, unless the men are taken, on a basis comparable with that of any other inductee, into the military service to accomplish what he is taken in to do.

Mr. BARKLEY. I have been asked questions about what the President may do, and I have tried to show that under the language he could modify existing terms of enlistment and of induction in any way he might think wise. But if we take away all the sanctions which are involved in induction, we create merely a voluntary army to operate plants which the workers have already refused to operate, either before or after the Government has taken them over, and we absolutely nullify the theory upon which the President can continue to operate the plants by reason of inducting men into the Army.

Mr. WHERRY. I have one more question, which may have been covered. I am quite sure, interpreting the answers of the majority leader, that section 7 is the one section in which we provide the sanctions which will force men into the Army and have them work. If we strike section 7 entirely out of the bill, does the Senator feel the sections which would remain in the bill would be of sufficient force to accomplish the desired purpose?

Mr. BARKLEY. Frankly, my answer is that I do not think so, because it is the other sections which vest in the Attorney General power to get an injunction and power in the court to punish for violation of an injunction in contempt proceedings, which is a long drawn-out process. The emergency might drag on indefinitely while that legal process was being pursued.

The only other sanction is the punishment of officers of labor unions or employer organizations, whatever they might be, by fine or imprisonment.

Mr. SALTONSTALL. Mr. President, will the Senator from Kentucky yield?

Mr. BARKLEY. I yield.

Mr. SALTONSTALL. I wish to ask a question which may seem irrelevant, but I hope the Senator from Kentucky will consider it a fair question, because it is one which bothers me very much.

Today the distinguished Senator from Kentucky is asking us to pass the pending bill, including section 7. Probably one of the next measures to come before the Senate for consideration is a bill providing for a continuation of the Selective Service Act in some form or other.

What bothers me is this, and I should like to ask the Senator if it does not bother him, or if it is a fair question to ask him: In one breath we are making induction into the Army a punitive affair, and in the next breath we are asking young boys of 18 and 19 to go into the Army to help make it a strong Army, and to make our country respected in other sections of the world. It bothers me much to have prospect of having those two absolutely contradictory matters before us in a brief space of time.

Mr. BARKLEY. I do not see any inconsistency between the two situations any more than there is inconsistency between the provisions of section 7 and existing law with respect to the existing Army already in service. The mere fact that we are to extend the draft law for a period, under such circumstances and conditions as Congress may itself prescribe, puts the men in no different situation after they are inducted from that which surrounds other men already in the service. Therefore I see no inconsistency between the proposed law and the existing law, either as it is already administered, or as it may be administered under any extension of the draft act.

Mr. SALTONSTALL. This is a punitive affair.

Mr. BARKLEY. It is only punitive to the extent and in the event that the President shall call upon men to return to work, and call upon their officers to rescind orders for their quitting work, there is final resort to the essential power of the Government of the United States as between it and those who refuse to comply in a national emergency with the proclamation of the President.

Mr. SALTONSTALL. I thank the Senator.

Mr. BARKLEY. It is only where the workers refuse to work.

Mr. SMITH. Mr. President, will the Senator from Kentucky yield?

Mr. BARKLEY. I yield.

Mr. SMITH. I feel that we all at this time desire to give the President every assistance we can possibly extend him in the difficult situation in which he finds himself. I feel also we should make it perfectly clear that a strike against the Government cannot be tolerated. But I am troubled by section 7, and I should like to ask the distinguished majority leader whether he would not be expressing what we really want to have by a different approach to this section.

Clearly, to me, this is a punitive measure. It provides for punishment of someone who has gone out on strike and is going to be put in the Army, and, as the Senator from Massachusetts has just said, it is going to make the Army a place where people who have done wrong are inducted. I do not like that feature of it.

It is provided in section 7 that in certain circumstances a man may be inducted into the Army, "and on such terms and conditions as may be prescribed by the President, as being necessary in his judgment to provide for the emergency."

That is, the emergency of work stoppage. I should like to see us reframe this section in some way to show that the President should have the authority granted by Congress to call on any citizens, not just those who have struck, to help in case of a stoppage, anybody who is qualified to do the work in the field where work has been stopped. That would include those who have gone out on strike and anyone else.

It seems to me the President needs authority to meet the emergency by calling on citizens of the country—and I would rather make it voluntary than compulsory—and I think some such expression in the section would make it far preferable to this mandatory injunction, which, I am frank to say, I cannot support. I feel that it is a totally wrong policy for us to induct men who have gone out on strike and force them to go into the Army, and keep them upon the plane of forced labor.

Mr. BARKLEY. Of course, that raises the question whether Congress would be justified in penalizing, in a way, innocent people who have not participated in a strike or lock-out, who have not been working for the company involved in the labor dispute, who may be utterly unskilled in the performance of the duties involved in such employment, whether the President should be authorized to go out on the highways and byways and summon all and sundry, whether they know anything about the work which is involved or not.

I can appreciate the Senator's feeling about section 7. Frankly, I do not like it. I am not enthusiastic about advocating that the President be under any circumstances clothed with authority to bring into play his power as President or as Commander in Chief of the Army and Navy in order that there may not be work stoppage. Of course, it would be a last resort, it would be an extreme situation which would cause any President to use the law. Yet I do not think the Senator's worries or mine could be resolved by authorizing the President just to go out everywhere and say to all, not only those who have not participated in the disobedience of the Government, but those who may be victims of that very disobedience, to come in and operate the plants for facilities, or whatever they may be.

Mr. SMITH. Will the Senator yield further?

Mr. BARKLEY. I yield.

Mr. SMITH. I would much prefer, in case the President proclaims a state of emergency, to have him call for volunteers, whom I think he would get. I think he would get volunteers from the very groups who are striking, because many men do not like to strike.

Mr. BARKLEY. It would be inconsistent to assume that those who were striking, and refused to go back to work when the President called them back, or when he had called upon their leaders to call them back, would come back just

on invitation extended to them by the President.

Mr. SMITH. It seems to me the whole spirit of this section is important. The way the section reads now, to me it seems a punitive section. If the section were framed with a view of providing for an emergency, and a calling on the people by the President, I think the whole psychology might be different. I am merely throwing that out as a suggestion.

Mr. BARKLEY. The President in the meantime has already done all of that before he reaches the point where he feels that he must induct them into the service.

Mr. SMITH. I agree; and that is why I feel that the section may well be eliminated entirely.

Mr. BARKLEY. They have finally refused. When he has gone through all the calls and taken all the necessary steps, even to the extent of calling upon their leaders to rescind or recall the strike or walk-out orders, and the men have not gone back, then only, when he has exhausted all methods he can use, it is that he invokes his powers under section 7.

Mr. SMITH. I understand, but I feel that the section is a very serious one to adopt, and I hope it will be eliminated.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. LUCAS. I should like to ask the able Senator from Kentucky if this legislation is not based upon the fact that the Nation is in danger?

Mr. BARKLEY. Yes; it is based upon the assumption that crises may be created by work stoppages from different causes to such a point as to endanger the health, welfare, and the lives of the American people. It is based upon an extremity which cannot otherwise be solved.

Mr. LUCAS. I should like to ask the able Senator if it is not based upon the fact that Government, in the event that the emergency is not solved, might fail?

Mr. BARKLEY. It is based upon the assumption that in a dire extremity, which is contemplated as the basis for this legislation, the Government were not able to carry out its proclamations and orders, in order to rescue the Nation, if the Government did not fall it would become so impotent that it might as well fall.

Mr. LUCAS. Then, I follow that up with this question: If that be true, what good can be accomplished by us attempting to protect the civil rights in which the Senator from New Jersey is so interested, at the present time, because if that happens there will be no civil rights left for anyone? That is the true situation.

Mr. BARKLEY. I thank the Senator.

Mr. SMITH. Mr. President, will the Senator yield to me for a comment?

Mr. BARKLEY. I will do so in just a moment. I want to reply and to make a comment on what the Senator from Illinois has said. We would not be here with this legislation if it were not for the fact that the Nation faced very recently, and may at this hour face a great crisis.

Mr. LUCAS. It does.

Mr. BARKLEY. And there may be another one around the corner, according to the newspapers of today.

Mr. LUCAS. There is.

Mr. BARKLEY. And we are confronted with the question whether in the face of these recurring crises Government must be relegated to voluntary persuasion which may result in total impotence on its part, or whether we shall clothe it with such power, drastic as it may be, and unlikable and unwelcome as it may be—whether we shall clothe the Government of the United States with power to do the things that are essential to protect the American people.

Mr. LUCAS. Mr. President, will the Senator again yield?

Mr. BARKLEY. I yield.

Mr. LUCAS. Did the Senator read this morning the statement in the newspapers that Mr. Curran, the head of the maritime union, said they were going to strike irrespective of what the Government did?

Mr. BARKLEY. I saw that statement. A strike in the maritime union and the merchant marine of the United States is imminent, which may involve not only all the ports of the United States but indirectly the transportation facilities by water all over the world. The statement was made that no matter what we do here, no matter what Congress does or what the President does, the president of that union will defy the Government of the United States. Now, in the face of that statement are we to say that we are impotent, and that the Government of the United States is to be permitted to remain impotent to deal with such a situation as that, which may involve the lives and the health and the welfare of more people of the United States than are involved in the particular labor dispute growing out of the merchant-marine difficulty?

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. LUCAS. May I ask the Senator one more question? Is anything unconstitutional which is necessary to be done to save the country?

Mr. BARKLEY. The law of self-preservation is the first law of nature, and that applies to governments, I presume, as well as to me. I think there is nothing unconstitutional about this measure which we are seeking to pass in the emergency which brings it forth.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. FULBRIGHT. With further reference to the statement made by the Senator from New Jersey concerning section 7; if I understood him correctly, he said that provision obviously is punitive. I do not understand that it is obviously punitive any more than a great many obligations which the Government has invoked upon its people. It might incidentally be a burden upon the people who are inducted, but its primary purpose is not that at all. It is simply to take advantage of a convenient way of inducting people to do necessary duties. I do not regard ordinary induction as essentially punitive. It is protective. It is like the income tax. It might be very burdensome, and it is punitive in one sense, but in another sense it is one of the basic obligations of the citizen. I do not quite see that it is proper to say that this is essentially punitive. It is simply to use machinery which we already have—that is the Army—in order to bring to bear the necessary power to meet a situation when nothing else will suffice.

Mr. SMITH. Mr. President, will the Senator yield for an observation?

Mr. BARKLEY. I will yield in a moment. Other Senators have risen to whom I must yield.

The provisions of section 7 are no more punitive than the Selective Service Law is punitive. It provides merely a way by which men can be brought together to the accomplishment of something absolutely vital to the welfare of the Nation. The mere induction is not punitive. This is a measure by which the Government can maintain an organized force of men to carry out certain policies that are necessary to the protection of the interests of the United States. It would only become punitive, and that is true of any other law, if there were a violation.

Mr. FULBRIGHT. If the men refused to obey.

Mr. BARKLEY. If there were a violation of the order under which they were inducted.

Mr. AIKEN and Mr. HAWKES addressed the Chair.

Mr. BARKLEY. I am not going to yield much longer. I will finish my remarks very soon. But I am glad to yield to Senators who are now on their feet. I yield first to the Senator from Vermont.

Mr. AIKEN. In asking for this legislation, is it the intention of the Government that the penalties of the existing legislation, the Smith-Connally Act and any other act, are not applicable to the coal miners or to the maritime workers, or is it the contention of the Government that those penalties are not sufficiently severe to secure the desired effect?

Mr. BARKLEY. It is the contention of the proponents of this legislation that, whatever those penalties may be, they are not sufficient to deal with the situation which now confronts the country. This bill does not nullify any penalty that might apply, but provides its own penalties by fine and imprisonment for violation, and by an injunctive process against all who violate.

Mr. AIKEN. Has there been any attempt made to apply the penalties of the Smith-Connally Act in any of the present strikes where men have refused to go back to work on the request of the President?

Mr. BARKLEY. I am not able to say whether that is true or not.

Mr. AIKEN. How do we know that the existing penalties will not be effective if no attempt has been made to apply them?

Mr. BARKLEY. One can always, of course, speculate on what might happen in the event something is done which has not been done. But the power to

take over the plant under the Smith-Connally Act is included in section 9, which is made a part of the Selective Service Act itself which, unless we extend it, will expire on July 1.

Mr. AIKEN. That is still in force, however.

Mr. BARKLEY. Yes, that is still in force.

Mr. SMITH. Mr. President, will the Senator yield to me just for an observation?

Mr. BARKLEY. I yield.

Mr. SMITH. My remark that this provision seems to be punitive was made because it is limited to those who are guilty of work stoppage. My remark was that when we face a crisis such as this the whole Nation has an obligation; the obligation falls on me and on you, and I am sure we would not hesitate to serve in such a crisis. It seems to me that to limit the induction merely to those who have been parties to the work stoppage, is a punitive measure. I would rather see the provision placed in the measure to provide for the emergency by calling on all our people to serve. Whether that should be compulsory or on a voluntary basis I am not clear. I was merely thinking in those terms rather than in the terms of the compulsory induction of the men who are out on strike.

Mr. BARKLEY. Of course, there are certain skilled employments, such as operating a locomotive, which could not be carried on by anyone who might be picked up on the streets in any town of the United States. We cannot compel those who have never sat in the cab of a locomotive or operated an engine or fired an engine, or who have never been conductors on trains, to perform such services. If we are to assume that those who are skilled and who have brought about the stoppage, those who are involved in the controversy, are to be shielded from any compulsion, and that we are to go out into the highways and byways and summon men, as they used to be summoned as road hands in the country, to operate these enterprises, whether they be coal mines, railroads, steamships, or whatever else they may be, it seems to me that we shall be doing a very ineffective thing, and one which might involve the country in even worse danger from the standpoint of safety than anything involved in this legislation.

Mr. SMITH. I would not exempt the strikers at all. I would include them, but I would include others as well who might be helpful in the crisis, so that it would not appear that we were merely visiting a punishment on the strikers.

Mr. BARKLEY. I think we would be spreading very thin the authority of the Government of the United States if we were to attempt to pick up raw recruits to operate the enterprises which require skill and long experience in their operation for the safety and benefit of the people.

Mr. SMITH. I have been told that many of our men who have been in the services have become skilled in operating locomotives, and that they would be delighted to help in the present crisis. I think it is worth while to mobilize that volunteer force in the country at a time when people ought to be working together instead of being divided by various influences.

Mr. BARKLEY. If we are to say that the crisis is sufficiently acute that the President of the United States is authorized to take over the plant and operate it, it ought to be operated at once. We ought not to wait to mobilize workers scattered all over the country who may at one time or another in their lives have done similar work.

Mr. SMITH. I believe that the President would have thousands of volunteers tomorrow if he were to call upon them to operate the railroads.

Mr. BARKLEY. I do not know about that. We are having some difficulty in obtaining volunteers now. That is why we are considering a draft law.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. HAWKES. I wish to support the majority leader in what he is saying. I feel very strongly that this is not a party question. It is a question of Americanism. I do not believe that there is a Member of the Senate who realizes more fully than I do that no law which we may enact will make millions of people work. There must be voluntary cooperation in the last analysis. But let me ask the majority leader this question: Which is the greater crime—to shut down an essential mine or transportation facility, or any other kind of facility which involves the lives of millions of people, many of whom may die because of the acts of a given group of men, whether they be employers or employees, or to shoot a man in the back? I say that this is a punitive measure. It must be a punitive measure. If we make this thing soft, in my opinion the Government will not occupy the position it must occupy with its citizens in these very crucial times.

Mr. BARKLEY. If the Senator will permit me to comment, I agree that it is a potentially punitive measure.

Mr. HAWKES. It must be.

Mr. BARKLEY. But it becomes punitive only when those to whom it applies continue to defy the Government of the United States.

Mr. HAWKES. That is exactly the point.

Mr. BARKLEY. After the Government has done the thing which it regards as essential in the protection of the health, welfare, and lives of our people.

Mr. HAWKES. If, after the Congress and the President have taken action, they continue to do things which are a crime against the people of the United States.

Mr. President, I should like to read something which I think is worth while, if the Senator from Kentucky will yield to me.

Let us remember what Mr. Justice Oliver Wendell Holmes, in the Hitchman case, said:

> I have no doubt that when the power of either capital or labor is exerted in such a way as to attack the life of the community, those who seek their private interests at such cost are public enemies and should be dealt with as such.

Let us remember what President Woodrow Wilson said with respect to the general railroad strike, September 23, 1916:

> The business of government is to see that no other organization is as strong as itself. To see that no body or group of men, no matter what their private interest is, may come into competition with the authority of society.

Let us remember what the late Mr. Justice Louis Brandeis said before he became a member of the Supreme Court. No one would accuse him of being unfriendly to labor.

> The plea of trade-unions for immunity, be it from injunction or liability from damages, is as fallacious as the plea of the lynchers. If lawless methods are pursued by trade unions—

And that is what we are talking about—

> whether it be by violence, by intimidation, or by the more peaceful infringement on legal rights, that lawlessness must be put down at once and at any cost.

Mr. BARKLEY. I thank the Senator from New Jersey.

Section 10 is simply a limitation of the time during which the act shall be effective. It reads as follows:

> SEC. 10. The provisions of this act shall cease to be effective 6 months after the cessation of hostilities, as proclaimed by the President, or upon the date (prior to the date of such proclamation) of the passage of a concurrent resolution of the two Houses of Congress stating that such provisions shall cease to be effective, or on June 30, 1947, whichever first occurs.

Under that language, the life of the act could not extend beyond June 30, 1947. That provision was placed in the bill because we do not wish anyone to gain the impression that we are enacting permanent legislation. It is temporary, to deal with the emergency which has been created.

Section 11 is the separability provision. It reads as follows:

> SEC. 11. If any provision of this act, or the application of such provision to any person or circumstance, is held invalid, the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

Mr. President, I apologize to the Senate for consuming so much time. I have been provoked—or encouraged, whichever word one chooses to use—by questions. I hope that I have given a reasonably fair interpretation of the provisions of the bill.

Mr. DOWNEY obtained the floor.

Mr. TUNNELL. Mr. President, will the Senator yield to me for the purpose of suggesting the absence of a quorum?

Mr. DOWNEY. I yield for that purpose.

Mr. TUNNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HUFFMAN in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Bridges	Capper
Andrews	Briggs	Connally
Austin	Brooks	Cordon
Ball	Bushfield	Donnell
Barkley	Byrd	Downey
Brewster	Capehart	Eastland

Ellender	McCarran	Russell
Ferguson	McClellan	Saltonstall
Fulbright	McFarland	Shipstead
George	McKellar	Smith
Gerry	McMahon	Stanfill
Green	Magnuson	Stewart
Guffey	Mead	Taft
Gurney	Millikin	Taylor
Hart	Mitchell	Thomas, Okla.
Hatch	Moore	Thomas, Utah
Hawkes	Morse	Tobey
Hayden	Murdock	Tunnell
Hickenlooper	Murray	Tydings
Hill	Myers	Vandenberg
Hoey	O'Daniel	Wagner
Huffman	O'Mahoney	Walsh
Johnson, Colo.	Overton	Wheeler
Johnston, S. C.	Pepper	Wherry
Knowland	Radcliffe	White
La Follette	Reed	Wiley
Langer	Revercomb	Wilson
Lucas	Robertson	Young

The PRESIDING OFFICER. Eighty-four Senators having answered to their names, a quorum is present.

ADMINISTRATIVE PROCEDURE ACT

Mr. McCARRAN. Mr. President, will the Senator from California yield in order that the Chair may lay before the Senate a message from the House of Representatives with respect to Senate bill No. 7?

Mr. DOWNEY. Upon condition that I shall not lose the floor, I shall be very happy to yield.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 7) entitled "An act to improve the administration of justice by prescribing fair administrative procedure," which was to strike out all after the enacting clause and insert:

TITLE

SECTION 1. This act may be cited as the "Administrative Procedure Act."

DEFINITIONS

SEC. 2. As used in this act—

(a) Agency: "Agency" means each authority (whether or not within or subject to review by another agency) of the Government of the United States other than Congress, the courts, or the governments of the possessions, Territories, or the District of Columbia. Nothing in this act shall be construed to repeal delegations of authority as provided by law. Except as to the requirements of section 3, there shall be excluded from the operation of this act (1) agencies composed of representatives of the parties or of representatives of organizations of the parties to the disputes determined by them, (2) courts martial and military commissions, (3) military or naval authority exercised in the field in time of war or in occupied territory, or (4) functions which by law expire on the termination of present hostilities, within any fixed period thereafter, or before July 1, 1947, and the functions conferred by the following statutes: Selective Training and Service Act of 1940; Contract Settlement Act of 1944; Surplus Property Act of 1944.

(b) Person and party: "Person" includes individuals, partnerships, corporations, associations, or public or private organizations of any character other than agencies. "Party" includes any person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, in any agency proceeding; but nothing herein shall be construed to prevent an agency from admitting any person or agency as a party for limited purposes.

(c) Rule and rule making: "Rule" means the whole or any part of any agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or to describe the organization, procedure, or practice requirements of any agency, and includes the approval or prescription for the future of rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services or allowances therefor or of valuations, costs, or accounting, or practices bearing upon any of the foregoing. "Rule making" means agency process for the formulation, amendment, or repeal of a rule.

(d) Order and adjudication: "Order" means the whole or any part of the final disposition (whether affirmative, negative, injunctive, or declaratory in form) of any agency in any matter other than rule making but including licensing. "Adjudication" means agency process for the formulation of an order.

(e) License and licensing: "License" includes the whole or part of any agency permit, certificate, approval, registration, charter, membership, statutory exemption or other form of permission. "Licensing" includes agency process respecting the grant, renewal, denial, revocation, suspension, annulment, withdrawal, limitation amendment, modification, or conditioning of a license.

(f) Sanction and relief: "Sanction" includes the whole or part of any agency (1) prohibition, requirement, limitation, or other condition affecting the freedom of any person; (2) withholding of relief; (3) imposition of any form of penalty or fine; (4) destruction, taking, seizure, or withholding of property; (5) assessment of damages, reimbursement, restitution, compensation, costs, charges, or fees; (6) requirement, revocation, or suspension of a license; or (7) taking of other compulsory or restrictive action. "Relief" includes the whole or part of any agency (1) grant of money, assistance, license, authority, exemption, exception, privilege, or remedy; (2) recognition of any claim, right, immunity, privilege, exemption, or exception; or (3) taking of any other action upon the application or petition of, and beneficial to, any person.

(g) Agency proceeding and action: "Agency proceeding" means any agency process as defined in subsections (c), (d), and (e) of this section. "Agency action" includes the whole or part of every agency rule, order, license, sanction, relief, or the equivalent or denial thereof, or failure to act.

PUBLIC INFORMATION

SEC. 3. Except to the extent that there is involved (1) any function of the United States requiring secrecy in the public interest or (2) any matter relating solely to the internal management of an agency—

(a) Rules: Every agency shall separately state and currently publish in the Federal Register (1) descriptions of its central and field organization including delegations by the agency of final authority and the established places at which, and methods whereby, the public may secure information or make submittals or requests; (2) statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal or informal procedures available as well as forms and instructions as to the scope and contents of all papers, reports, or examinations; and (3) substantive rules adopted as authorized by law and statements of general policy or interpretations formulated and adopted by the agency for the guidance of the public, but not rules addressed to and served upon named persons in accordance with law. No person shall in any manner be required to resort to organization or procedure not so published.

(b) Opinions and orders: Every agency shall publish or, in accordance with published rule, make available to public inspection all final opinions or orders in the adjudication of cases (except those required for good cause to be held confidential and not cited as precedents) and all rules.

(c) Public records: Save as otherwise required by statute, matters of official record shall in accordance with published rule be made available to persons properly and directly concerned except information held confidential for good cause found.

RULE MAKING

SEC. 4. Except to the extent that there is involved (1) any military, naval, or foreign affairs function of the United States or (2) any matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts—

(a) Notice: General notice of proposed rule making shall be published in the Federal Register (unless all persons subject thereto are named and either personally served or otherwise have actual notice thereof in accordance with law) and shall include (1) a statement of the time, place, and nature of public rule-making proceedings; (2) reference to the authority under which the rule is proposed; and (3) either the terms or substance of the proposed rule or a description of the subjects and issues involved. Except where notice or hearing is required by statute, this subsection shall not apply to interpretative rules, general statements of policy, rules of agency organization, procedure, or practice, or in any situation in which the agency for good cause finds (and incorporates the finding and a brief statement of the reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

(b) Procedures: After notice required by this section, the agency shall afford interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments with or without opportunity to present the same orally in any manner; and, after consideration of all relevant matter presented, the agency shall incorporate in any rules adopted a concise general statement of their basis and purpose. Where rules are required by statute to be made on the record after opportunity for an agency hearing, the requirements of sections 7 and 8 shall apply in place of the provisions of this subsection.

(c) Effective dates: The required publication or service of any substantive rule (other than one granting or recognizing exemption or relieving restriction or intepretative rules and statements of policy) shall be made not less than 30 days prior to the effective date thereof except as otherwise provided by the agency upon good cause found and published with the rule.

(d) Petitions: Every agency shall accord any interested person the right to petition for the issuance, amendment, or repeal of a rule.

ADJUDICATION

SEC. 5. In every case of adjudication required by statute to be determined on the record after opportunity for an agency hearing, except to the extent that there is involved (1) any matter subject to a subsequent trial of the law and the facts de novo in any court; (2) the selection or tenure of an officer or employee of the United States other than examiners appointed pursuant to section 11; (3) proceedings in which decisions rest solely on inspections, tests, or elections; (4) the conduct of military, naval, or foreign-affairs functions; (5) cases in which an agency is acting as an agent for a court; and (6) the certification of employee representatives—

(a) Notice: Persons entitled to notice of an agency hearing shall be timely informed of (1) the time, place, and nature thereof; (2) the legal authority and jurisdiction under which the hearing is to be held; and (3) the matters of fact and law asserted. In instances in which private persons are the moving parties, other parties to the proceeding shall give prompt notice of issues controverted in fact or law; and in other instances agencies may by rule require responsive pleading. In fixing the times and

places for hearings, due regard shall be had for the convenience and necessity of the parties or their representatives.

(b) Procedure: The agency shall afford all interested parties opportunity for (1) the submission and consideration of facts, arguments, offers of settlement, or proposals of adjustment where time, the nature of the proceeding, and the public interest permit, and (2) to the extent that the parties are unable so to determine any controversy by consent, hearing, and decision upon notice and in conformity with sections 7 and 8.

(c) Separation of functions: The same officers who preside at the reception of evidence pursuant to section 7 shall make the recommended decision or initial decision required by section 8 except where such officers become unavailable to the agency. Save to the extent required for the disposition of ex parte matters as authorized by law, no such officer shall consult any person or party on any fact in issue unless upon notice and opportunity for all parties to participate; nor shall such officer be responsible to or object to the supervision or direction of any officer, employe, or agent engaged in the performance of investigative or prosecuting functions for any agency. No officer, employee, or agent engaged in the performance of investigative or prosecuting functions for any agency in any case shall, in that or a factually related case, participate or advise in the decision, recommended decision, or agency review pursuant to section 8 except as witness or counsel in public proceedings. This subsection shall not apply in determining applications for initial licenses or to proceedings involving the validity or application of rates, facilities, or practices of public utilities or carriers; nor shall it be applicable in any manner to the agency or any member or members of the body comprising the agency.

(d) Declaratory orders: The agency is authorized in its sound discretion, with like effect as in the case of other orders, to issue a declaratory order to terminate a controversy or remove uncertainty.

ANCILLARY MATTERS

SEC. 6. Except as otherwise provided in this act—

(a) Appearance: Any person compelled to appear in person before any agency or representative thereof shall be accorded the right to be accompanied, represented, and advised by counsel or, if permitted by the agency, by other qualified representative. Every party shall be accorded the right to appear in person or by or with counsel or other duly qualified representative in any agency proceeding. So far as the orderly conduct of public business permits, any interested person may appear before any agency or its responsible officers or employees for the presentation, adjustment, or determination of any issue, request, or controversy in any proceeding (interlocutory, summary, or otherwise) or in connection with any agency function. Every agency shall proceed with reasonable dispatch to conclude any matter presented to it except that due regard shall be had for the convenience and necessity of the parties or their representatives. Nothing herein shall be construed either to grant or to deny to any person who is not a lawyer the right to appear for or represent others before any agency or in any agency proceeding.

(b) Investigations: No process, requirement of a report, inspection, or other investigative act or demand shall be issued, made, or enforced in any manner or for any purpose except as authorized by law. Every person compelled to submit data or evidence shall be entitled to retain or, on payment of lawfully prescribed costs, procure a copy or transcript thereof, except that in a nonpublic investigatory proceeding the witness may for good cause be limited to inspection of the official transcript of his testimony.

(c) Subpenas: Agency subpenas authorized by law shall be issued to any party upon request and, as may be required by rules of procedure, upon a statement or showing of general relevance and reasonable scope of the evidence sought. Upon contest the court shall sustain any such subpena or similar process or demand to the extent that it is found to be in accordance with law and, in any proceeding for enforcement, shall issue an order requiring the appearance of the witness or the production of the evidence or data within a reasonable time under penalty of punishment for contempt in case of contumacious failure to comply.

(d) Denials: Prompt notice shall be given of the denial in whole or in part of any written application, petition, or other request of any interested person made in connection with any agency proceeding. Except in affirming a prior denial or where the denial is self-explanatory, such notice shall be accompanied by a simple statement of procedural or other grounds.

HEARINGS

SEC. 7. In hearings which section 4 or 5 requires to be conducted pursuant to this section—

(a) Presiding officers: There shall preside at the taking of evidence (1) the agency, (2) one or more members of the body which comprises the agency, or (3) one or more examiners appointed as provided in this act; but nothing in this act shall be deemed to supersede the conduct of specified classes of proceedings in whole or part by or before boards or other officers specially provided for by or designated pursuant to statute. The functions of all presiding officers and of officers participating in decisions in conformity with section 8 shall be conducted in an impartial manner. Any such officer may at any time withdraw if he deems himself disqualified; and, upon the filing in good faith of a timely and sufficient affidavit of personal bias or disqualification of any such officer, the agency shall determine the matter as a part of the record and decision in the case.

(b) Hearing powers: Officers presiding at hearings shall have authority, subject to the published rules of the agency and within its powers, to (1) administer oaths and affirmations, (2) issue subpenas authorized by law, (3) rule upon offers of proof and receive relevant evidence, (4) take or cause depositions to be taken whenever the ends of justice would be served thereby, (5) regulate the course of the hearing, (6) hold conferences for the settlement or simplification of the issues by consent of the parties, (7) dispose of procedural requests or similar matters, (8) make decisions or recommend decisions in conformity with section 8, and (9), take any other action authorized by agency rule consistent with this act.

(c) Evidence: Except as statutes otherwise provide, the proponent of a rule or order shall have the burden of proof. Any oral or documentary evidence may be received, but every agency shall as a matter of policy provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence and no sanction shall be imposed or rule or order be issued except upon consideration of the whole record or such portions thereof as may be cited by any party and as supported by and in accordance with the reliable, probative, and substantial evidence. Every party shall have the right to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. In rule making or determining claims for money or benefits or applications for initial licenses any agency may, where the interest of any party will not be prejudiced thereby, adopt procedures for the submission of all or part of the evidence in written form.

(d) Record: The transcript of testimony and exhibits, together with all papers and requests filed in the proceeding, shall constitute the exclusive record for decision in accordance with section 8 and, upon payment of lawfully prescribed costs, shall be made available to the parties. Where any agency decision rests on official notice of a material fact not appearing in the evidence in the record, any party shall on timely request be afforded an opportunity to show the contrary.

DECISIONS

SEC. 8. In cases in which a hearing is required to be conducted in conformity with section 7—

(a) Action by subordinates: In cases in which the agency has not presided at the reception of the evidence, the officer who presided (or, in cases not subject to subsection (c) of section 5, any other officer or officers qualified to preside at hearings pursuant to section 7) shall initially decide the case or the agency shall require (in specific cases or by general rule) the entire record to be certified to it for initial decision. Whenever such officers make the initial decision and in the absence of either an appeal to the agency or review upon motion of the agency within time provided by rule, such decision shall without further proceedings then become the decision of the agency. On appeal from or review of the initial decisions of such officers the agency shall, except as it may limit the issues upon notice or by rule, have all the powers which it would have in making the initial decision. Whenever the agency makes the initial decision without having presided at the reception of the evidence, such officers shall first recommend a decision except that in rule making or determining applications for initial licenses (1) in lieu thereof the agency may issue a tentative decision or any of its responsible officers may recommend a decision or (2) any such procedure may be omitted in any case in which the agency finds upon the record that due and timely execution of its function imperatively and unavoidably so requires.

(b) Submittals and decisions: Prior to each recommended, initial, or tentative decision, or decision upon agency review of the decision of subordinate officers the parties shall be afforded a reasonable opportunity to submit for the consideration of the officers participating in such decisions (1) proposed findings and conclusions, or (2) exceptions to the decisions or recommended decisions of subordinate officers or to tentative agency decisions, and (3) supporting reasons for such exceptions or proposed findings or conclusions. The record shall show the ruling upon each such finding, conclusion, or exception presented. All decisions (including initial, recommended, or tentative decisions) shall become a part of the record and include a statement of (1) findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record; and (2) the appropriate rule, order, sanction, relief, or denial thereof.

SANCTIONS AND POWERS

SEC. 9. In the exercise of any power or authority—

(a) In general: No sanction shall be imposed or substantive rule or order be issued except within jurisdiction delegated to the agency and as authorized by law.

(b) Licenses: In any case in which application is made for a license required by law the agency, with due regard to the rights or privileges of all the interested parties or adversely affected persons and with reasonable dispatch, shall set and complete any proceedings required to be conducted pursuant to sections 7 and 8 of this act or other proceedings required by law and shall make its decision. Except in cases of willfulness or

those in which public health, interest, or safety requires otherwise, no withdrawal, suspension, revocation, or annulment of any license shall be lawful unless, prior to the institution of agency proceedings therefor, facts or conduct which may warrant such action shall have been called to the attention of the licensee by the agency in writing and the licensee shall have been accorded opportunity to demonstrate or achieve compliance with all lawful requirements. In any case in which the licensee has, in accordance with agency rules made timely and sufficient application for a renewal or a new license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined by the agency.

JUDICIAL REVIEW

SEC. 10. Except so far as (1) statutes preclude judicial review or (2) agency action is by law committed to agency discretion—

(a) Right of review: Any person suffering legal wrong because of any agency action, or adversely affected or aggrieved by such action within the meaning of any relevant statute, shall be entitled to judicial review thereof.

(b) Form and venue of action: The form of proceeding for judicial review shall be any special statutory review proceeding relevant to the subject matter in any court specified by statute or, in the absence or inadequacy thereof, any applicable form of legal action (including actions for declaratory judgments or writs of prohibitory or mandatory injunction or habeas corpus) in any court of competent jurisdiction. Agency action shall be subject to judicial review in civil or criminal proceedings for judicial enforcement except to the extent that prior, adequate, and exclusive opportunity for such review is provided by law.

(c) Reviewable acts: Every agency action made reviewable by statute and every final agency action for which there is no other adequate remedy in any court shall be subject to judicial review. Any preliminary procedural, or intermediate agency action or ruling not directly reviewable shall be subject to review upon the review of the final agency action. Except as otherwise expressively required by statute, agency action otherwise final shall be final for the purposes of this subsection whether or not there has been presented or determined any application for a declaratory order, for any form of reconsideration, or (unless the agency otherwise requires by rule and provides that the action meanwhile shall be inoperative) for an appeal to superior agency authority.

(d) Interim relief: Pending judicial review any agency is authorized, where it finds that justice so requires, to postpone the effective date of any action taken by it. Upon such conditions as may be required and to the extent necessary to prevent irreparable injury, every reviewing court (including every court to which a case may be taken on appeal from or upon application for certiorari or other writ to a reviewing court) is authorized to issue all necessary and appropriate process to postpone the effective date of any agency action or to preserve status or rights pending conclusion of the review proceedings.

(e) Scope of review: So far as necessary to decision and where presented the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of any agency action. It shall (A) compel agency action unlawfully withheld or unreasonably delayed; and (B) hold unlawful and set aside agency action, findings, and conclusions found to be (1) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; (2) contrary to constitutional right, power, privilege, or immunity; (3) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; (4) without observance of procedure required by law; (5) unsupported by substantial evidence in any case subject to the requirements of sections 7 and 8 or otherwise reviewed on the record of an agency hearing provided by statute; or (6) unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court. In making the foregoing determinations the court shall review the whole record or such portion thereof as may be cited by any party, and due account shall be taken of the rule of prejudicial error.

EXAMINERS

SEC. 11. Subject to the civil-service and other laws to the extent not inconsistent with this act, there shall be appointed by and for each agency as many qualified and competent examiners as may be necessary for proceedings pursuant to sections 7 and 8, who shall be assigned to cases in rotation so far as practicable and shall perform no duties inconsistent with their duties and responsibilities as examiners. Examiners shall be removable by the agency in which they are employed only for good cause established and determined by the Civil Service Commission (hereinafter called the Commission) after opportunity for hearing and upon the record thereof. Examiners shall receive compensation prescribed by the Commission independently of agency recommendations or ratings and in accordance with the Classification Act of 1923, as amended, except that the provisions of paragraphs (2) and (3) of subsection (b) of section 7 of said act, as amended, and the provisions of section 9 of said act, as amended, shall not be applicable. Agencies occasionally or temporarily insufficiently staffed may utilize examiners selected by the Commission from and with the consent of other agencies. For the purposes of this section, the Commission is authorized to make investigations, require reports by agencies, issue reports, including an annual report to the Congress, promulgate rules, appoint such advisory committes as may be deemed necessary, recommend legislation, subpena witnesses or records, and pay witness fees as established for the United States courts.

CONSTRUCTION AND EFFECT

SEC. 12. Nothing in this act shall be held to diminish the constitutional rights of any person or to limit or repeal additional requirements imposed by statute or otherwise recognized by law. Except as otherwise required by law, all requirements or privileges relating to evidence or procedure shall apply equally to agencies and persons. If any provision of this act or the application thereof is held invalid, the remainder of this act or other applications of such provision shall not be affected. Every agency is granted all authority necessary to comply with the requirements of this act through the issuance of rules or otherwise. No subsequent legislation shall be held to supersede or modify the provisions of this act except to the extent that such legislation shall do so expressly. This act shall take effect 3 months after its approval except that sections 7 and 8 shall take effect 6 months after such approval, the requirements of the selection of examiners pursuant to section 11 shall not become effective until 1 year after such approval, and no procedural requirement shall be mandatory as to any agency proceeding initiated prior to the effective date of such requirement.

Mr. McCARRAN. Mr. President, some weeks ago the Senate passed Senate bill No. 7, which is known as the administrative procedure bill.

The Senator from Maine will recall that the bill passed the Senate, after a careful discussion, without a dissenting vote. Let me say that the bill has been under study and consideration for nearly 10 years. For about 2 years, while the present chairman of the Judiciary Committee and other members of that committee have had the matter in hand, a very careful and meticulous study has been made of the whole subject. The House did not in any substantial particular amend the Senate bill. The only thing which the House did was to clarify the bill in respect to a few of its provisions. I can best illustrate that by a brief statement from the Attorney General as to what the House did. Without quoting him at length, the Attorney General said that he approved the amendments which had been made by the House which were merely explanatory in nature.

For that reason, Mr. President, I move that the Senate concur in the House amendment.

Mr. WHITE. Mr. President, will the Senator yield for an inquiry?

Mr. McCARRAN. I yield.

Mr. WHITE. Were the House amendments submitted to the Judiciary Committee for its consideration, or only to individual members of the committee?

Mr. McCARRAN. Only to individual members, because we were unable to get a meeting of a quorum of the committee.

Mr. WHITE. Was there a unanimity of approval on the part of the committee members, so far as the Senator knows?

Mr. McCARRAN. So far as I personally know, yes.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. REVERCOMB. As a member of the subcommittee which dealt with the bill, I should be very happy if the Senator from Nevada, who is chairman of the Judiciary Committee, and who has so ably steered the legislation thus far, would tell us briefly what are the amendments.

Mr. McCARRAN. Does the Senator refer to the House amendments?

Mr. REVERCOMB. Yes.

Mr. McCARRAN. I shall have to ask the Senator from California [Mr. DOWNEY] to be patient with me while I go over the amendments. They are set forth in the report of the Committee on the Judiciary of the House of Representatives.

With reference to section 1, it is provided that the measure may be cited as the "Administrative Procedure Act."

In section 2, with reference to definitions, the report states, the definitions apply to the remainder of the bill.

With reference to section 2 (a), under the title "Agency," it is said, "The word 'agency' is defined by excluding legislative, judicial, and territorial authorities" and by including any other "authority" whether or not within or subject to review by another agency. The word "other" was inserted by the House of Representatives.

In connection with section 2 (b), the word "person" and the word "party" are dealt with in the report as follows: "Person" is defined to include specific forms of organizations other than agencies. "Party" is defined to include anyone named, or admitted, or seeking, and entitled to be admitted, as a party in any agency proceeding, and so forth.

With reference to section 2 (c) the report states:

"Rule" is defined as any agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law, policy, organization, procedure, or practice requirements and includes any prescription for the future of rates, wages, financial structure, and so forth. "Rule making" means agency process for the formation, amendment, or repeal of the rule.

Does the Senator wish me to go through each amendment?

Mr. REVERCOMB. Am I to understand that all the changes which have been made were changes merely in language and do not materially affect the intent of the act?

Mr. McCARRAN. I assure the Senator that his statement is correct.

Mr. REVERCOMB. Then I shall not ask for a further explanation.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada.

The motion was agreed to.

RECONSIDERATION OF CONFIRMATION OF NOMINATION OF RICHARD B. McENTIRE, OF KANSAS, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. DOWNEY. I am glad to yield if I do not lose the floor.

Mr. WAGNER. Mr. President, as in executive session I ask unanimous consent to enter a motion to reconsider the vote by which the Senate, on last Saturday, confirmed the nomination of Richard B. McEntire, of Kansas, to be a member of the Securities and Exchange Commission.

The PRESIDING OFFICER. Is there objection?

The Chair hears none.

Mr. AIKEN. Mr. President, may I make a statement without the Senator from California losing the floor?

Last Thursday I asked the majority leader if he would agree to allow consideration of the confirmation of the appointment of Admiral Smith to be a member of the Maritime Commission to go over until today, because I wanted to say something with regard to the nomination. I did not wish consideration of the nomination to be postponed for the purpose of opposing the nomination of Admiral Smith. I understood the majority leader to say that consideration of the nomination could go over until today, but evidently an executive session was held at a time when I was out of the Chamber. I have noticed in the RECORD that the nomination was confirmed. I wonder if the Senator would be willing to agree that the vote by which the nomination of Admiral Smith was confirmed may be reconsidered.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. OVERTON. As acting chairman of the Senate Committee on Commerce, I wish to say to the Senator that an inquiry was made into the qualifications of Admiral Smith. After the hearing was completed, the Committee on Commerce voted unanimously for confirmation of the nomination. If it is the purpose of the Senator not to oppose the nomination, but to make some observations with regard to it, I believe he could make such statement without the Senate reconsidering the vote by which the nomination was confirmed.

The PRESIDING OFFICER. Does the Senator from Vermont wish to object to the motion of the Senator from New York?

Mr. AIKEN. No; I do not object. I am merely asking if the vote by which the nomination of Admiral Smith was confirmed may be reconsidered, because what I have to say concerning the Maritime Commission should be said in connection with the appointment to which reference has been made by the Senator from New York. I understood the majority leader to say that consideration of the nomination might go over until today. There are things which the Senate should know. The Senate should know some things about the Maritime Commission. It ought to know, if it does not know, that there was a discrepancy of approximately $6,000,000,000 in the accounts of the Maritime Commission up to June 30, 1943, as reported by the Comptroller General. I merely asked that consideration of the nomination of Admiral Smith go over until today. I thought it was going over, or I would have sat in the Chamber all the time the Senate was in session so as to be present when the nomination came up in the Senate.

Mr. WAGNER. That in no way relates to the nomination concerning which I have asked unanimous consent.

Mr. AIKEN. Has the Senator made a motion?

Mr. WAGNER. I asked unanimous consent.

The PRESIDING OFFICER. The Senator from New York asked for unanimous consent, and the Chair asked if there was objection. The Chair heard none.

Mr. AIKEN. No; I do not object to the request of the Senator from New York. I believe that the nomination should come back to the Senate. I believe that it was confirmed under unusual circumstances.

Mr. WAGNER. I move that the President be requested to return the resolution of confirmation to the Senate.

The PRESIDING OFFICER. Without objection, the motion is agreed to.

Mr. AIKEN. Will the Senator from California yield, so that I may make a motion? I do not wish the Senator to lose the floor. The motion would be that the Senate reconsider the vote by which it confirmed the nomination of Admiral Smith.

Mr. DOWNEY. Mr. President, I regret, but I must say to the Senator that the motion to which the Senator has referred might precipitate a long argument which would make it necessary for me to lose the floor.

Mr. AIKEN. I thank the Senator from California.

SETTLEMENT OF INDUSTRIAL DISPUTES AFFECTING THE NATIONAL ECONOMY

The Senate resumed consideration of the bill (H. R. 6578) to provide on a temporary basis during the present period of emergency for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace.

Mr. BYRD. Mr. President, the legislation which has been proposed by the President is along the pattern whereby Gov. William M. Tuck, of Virginia prevented a threatened strike in the Virginia Electric & Power Co. which would have paralyzed two-thirds of Virginia.

In fact, an agency of the Government, during the preparation of the legislation now pending, requested my office to supply the various orders that Governor Tuck issued, whereby he, as Governor of Virginia, and as commander in chief of the land and naval forces of the State, on March 29, ordered the drafting into the active service as members of the unorganized Virginia Militia the employees of the Virginia Electric & Power Co.

The action taken by Governor Tuck is nearly identical with the action now proposed by the President. In Virginia the strike was stopped and no further trouble has occurred.

The action which was taken by the Governor of Virginia is of great public interest as it bears directly on the pending legislation. I ask unanimous consent to have printed in the body of the RECORD at this point as a part of my remarks, a copy of the original orders of Governor Tuck and his various announcements, as well as an opinion of the Attorney General of Virginia.

There being no objection, the matters referred to were ordered to be printed in the RECORD, as follows:

COMMONWEALTH OF VIRGINIA,
GOVERNOR'S OFFICE,
Richmond, March 29, 1946.

EXECUTIVE ORDER

Pursuant to the provisions of sections 2, 3, and 4 of article VI of the Military Code of Virginia as enacted by chapter 446 of the Acts of Assembly of 1930, the undersigned, William M. Tuck, Governor of Virginia, and as such commander in chief of the land and naval forces of the State, in order to execute the laws as set out in section 4066 of the Code of Virginia requiring the Virginia Electric & Power Co. to provide electric service to the people of the State customarily served by it, does hereby order out a part of the unorganized militia of the State, said part consisting of the hereinafter designated persons:

The following named officers and employees of the Virginia Electric & Power Co., male and not over 55 years of age, residing or being in the cities and towns indicated: as shown by the accompanying document which is incorporated as a part of this order and marked exhibit 1.

All of the aforesaid persons are ordered out by draft and the draft in the various counties and cities shall be made by the officers of the Virginia State Guard whose names and addresses appear from the accompanying roster which is incorporated expressly as a part of this order, and such subordinate officers and men as they shall designate verbally or otherwise.

The persons so called out by this draft shall be organized into a unit to be known and designated as the emergency laws executing unit.

In testimony of the foregoing I have hereunto set my hand as Governor of Virginia and commander in chief of the land and naval forces of the State, and have caused

to be affixed the lesser seal of the Commonwealth this 28th day of March 1946.

WILLIAM M. TUCK,
Governor of Virginia and as Such Commander in Chief of the Land and Naval Forces of the State.

COMMONWEALTH OF VIRGINIA,
OFFICE OF THE GOVERNOR,
March 29, 1946.

ORDER

Having been drafted by the Governor of Virginia you are now in active service as a member of the unorganized Militia. You are now granted a temporary suspension of your active military duties so long as the Virginia Electric & Power Co. is conducting its operations without interruption by strike, and you may during such time continue in its employ. If and when any union of its employees calls its members out on strike, your status as an employee of such company shall thereupon cease and determine and you shall immediately thereafter be on active duty as a member of the State Militia, and assist in the operation of said company's plants and facilities which will be taken over by the Commonwealth of Virginia.

Now, therefore, as commanding officer in charge of the unorganized Militia of the Commonwealth of Virginia I hereby order you immediately following any such strike to report for duty at the same post or position which you were filling at the time said strike occurred, and at the same hour you would have reported if the strike had not occurred, and there you shall perform the same duties you have been accustomed to perform for said company or such other duties as may be assigned to you by your superior military officer.

You are informed that you are now subject to the military law of Virginia, and for disobedience to orders or other offenses against said law you are subject to such lawful punishment as a court martial may direct.

WILLIAM M. TUCK,
Governor of Virginia and as Such Commander in Chief of the Land and Naval Forces of the State.

Commonwealth of Virginia
Governor's Office
Richmond, Va.

NOTICE OF DRAFT AND ORDER TO REPORT

To ----------
Location ----------
Home Address ----------
a member of the unorganized militia of the Commonwealth of Virginia:

You are hereby notified that you have been drafted by the commander in chief of the land and naval forces of Virginia, the Honorable William M. Tuck, Governor of Virginia, into the service of the Commonwealth to execute the law which requires the Virginia Electric & Power Co. to provide electric service to the people of Virginia customarily served by it.

You are, therefore, ordered and commanded to report to the commanding officer, Virginia State Guard (in uniform) at the office of the Virginia Electric & Power Co., located at ----, ------ Va., within 24 hours after receipt of this notice and thereafter to be and remain obedient to the commands of said officer or such other officers as may be set over you.

Executed at Richmond, Va., this — day of March 1946.

WILLIAM M. TUCK,
Governor of Virginia and Commander in Chief of the Land and Naval Forces of the State.

The statement issued by Governor Tuck March 22, 1946, in full:

"In the last few days many citizens of Virginia, alarmed over the consequences of a strike by the employees of the Virginia Electric & Power Co., which strike I am now informed has been set by the labor unions for April 1, have appealed to me to intervene as governor and protect the public health and welfare of the people, if such a situation develops.

"Today, I requested Hon. John Hopkins Hall, Jr., commissioner of labor and industry, to request not more than three representatives of the union and not more than three representatives of the company involved to come to my office for a conference. Mr. Hall has just advised me that Mr. J. G. Holtzclaw of the power company expressed a willingness to send representatives, but that Mr. J. C. McIntosh, international representative of the International Brotherhood of Electrical Workers, first stated that he wished to confer with his committee, Mr. Hall advised me that Mr. McIntosh later called and said that negotiations had reached such a stage that they could not be interrupted at this time, and that inasmuch as West Virginia and North Carolina are involved, he would consent to see the Governors of all three States together.

"I am advised by the State corporation commission that approximately 94 percent of all the revenues of the Virginia Electric & Power Co. are derived from Virginia business. Inasmuch as this situation obtains, I feel that this is a problem in which I must take full responsibility.

"After talking with Mr. Hall, I conferred with a representative of the Virginia Electric & Power Co., and I am advised that a most serious situation exists."

WOULD PARALYZE INDUSTRY

"The Virginia Electric & Power Co. serves 63 counties and more than half of the population of Virginia. Industry in these sections so served will be brought practically to a standstill if such a strike develops. It is even more serious than that, however, for human health and safety facilities will be paralyzed. Hospitals, with their numerous expectant mothers, their seriously ill and their emergency patients, will be left in darkness, and physicians will be without power to carry on and administer to the needs of the suffering and the afflicted. Dairies, running full force to feed our children as well as adults, will be forced to shut down. Many homes will be unable to cook a meal or even to so much as toast a biscuit. The above constitute only a few of the most serious effects of such a tieup. In our modern way of living, we are geared to electric power and when it is cut off we are practically helpless, so that hunger, famine, pestilence and even death will be the result.

"As Governor of Virginia I shall not sit idly by and do nothing in the face of such a disaster. If a strike comes, bringing with it these attendant evils, I shall forthwith order these plants, together with all of their properties and equipments, seized by one of agencies of the Commonwealth, which will be instructed to operate them for the protection and benefit of the people.

"This is a drastic step. So far as I am able to learn, it is also unprecedented. But such a situation as will develop if a strike comes demands drastic methods.

"Faced with misfortune of this character, there is no question in my mind as to my powers, nor as to my right and duty to make full use of them in dealing with this problem. I am determined and I shall not hesitate to exert every power of the office of Governor in this emergency to prevent such a calamity.

"With our people suffering and dying, there is not time to await processes of either the legislative or judicial branches of the Government. To do so would be to lock the stable door after the horse is gone. If this threat matures, it will require immediate action. Delay may result in destruction so serious that even the Commonwealth may be powerless to function."

IMPARTIAL IN ATTITUDE

"I am absolutely impartial in my attitude toward both industry and labor. I am not unfriendly to labor nor to management. As Governor of Virginia, I am the servant and protector of all the people.

"I have no quarrel with labor strikes which do not interfere with our essential public services.

"I appeal to both parties involved in this controversy to become reconciled and to compose their differences. I urge them to continue to render these essential services upon which our people are so dependent.

"If it is necessary for the Commonwealth to intervene, I shall expect the company to surrender its property to such agents as may be designated. I also shall expect both the officials and the employees to work and to cooperate with these same agents and with each other in a way that will make certain no serious inconvenience or suffering results.

"I appeal to the people of Virginia to stand firm with me in my efforts to safeguard the welfare of all. I trust and believe they will."

MARCH 24, 1946.

Mr. J. C. MCINTOSH,
International Representative IBEW, Murphy's Hotel, Richmond, Va.

I have just dispatched to Holtzclaw of the Virginia Electric & Power Co., Richmond, Va., the following telegram:

"I note from a statement of J. C. McIntosh, international representative of IBEW, published in the Richmond Times-Dispatch this date, that unless the Vepco meets such demands made by him upon them, the strike set by the labor union for April 1 will follow. Your company holds an exclusive franchise from the Commonwealth to serve electric power to the public in large areas of Virginia. This electricity is essential and must not be cut off. In view of the above threat, as chief magistrate of the Commonwealth, and the chosen representative of the people from whom all power is derived, I have a right to know whether or not there will be an interruption of this service.

"I also hold that no set of men are powerful enough to have a right to wield themselves together so as to wreck the Commonwealth and strike against the public interests, health, and safety of the people.

"The rights of the Commonwealth in this matter are paramount. The rights of Vepco and its employees of approximately 1,100 are important and will be protected, but these rights are subordinate to the public interest.

"It is not in the public interest for me to wait until we are enveloped by disaster before moving to protect the people. The parties involved in this controversy have been negotiating for weeks.

"I have a right to demand and must know before the deadly hour set what you propose to do with reference to this service. Therefore, unless I hear from a responsible representative of Vepco that there will be no interruption of service by your organization not later than Thursday, March 28, at 12 noon of that date at the Governor's office at the Capitol at Richmond, I shall as chief executive forthwith declare an emergency to exist and I shall proceed as expeditiously as possible to take such action as I am advised is necessary and proper to protect and preserve the public interest and to assure to the people of the Commonwealth these essential public services and without any interruption.

"I am sending a copy of this telegram to J. C. McIntosh for his information, and I am disclosing the contents thereof to the press in order that all parties concerned may be advised of the situation and of my purposes in the premises."

Very respectfully,

WILLIAM M. TUCK,
Governor of Virginia.

MARCH 24, 1946.

Mr. J. C. HOLTZCLAW,
President, Vepco, Richmond, Va.:

I note from a statement of J. C. McIntosh, international representative of IBEW, published in the Richmond Times-Dispatch, this date, that unless the Vepco meets such demands made by him upon them, the strike set by the labor union for April 1 will follow. Your company holds an exclusive franchise from the Commonwealth to serve electric power to the public in large areas of Virginia. This electricity is essential and must not be cut off. In view of the above threat, as chief magistrate of the Commonwealth, and the chosen representative of the people from whom all power is derived, I have a right to know whether or not there will be an interruption of this service.

I also hold that no set of men are powerful enough to have a right to wield themselves together so as to wreck the Commonwealth and strike against the public interests, health, and safety of the people.

The rights of the Commonwealth in this matter are paramount. The rights of Vepco and its employees of approximately 1,100 are important and will be protected, but these rights are subordinate to the public interest.

It is not in the public interest for me to wait until we are enveloped by disaster before moving to protect the people. The parties involved in this controversy have been negotiating for weeks.

I have a right to demand and must know before the deadly hour set what you propose to do with reference to this service. Therefore, unless I hear from a responsible representative of Vepco and also a responsible representative of the employees of Vepco, that there will be no interruption of service by your organization not later than Thursday, March 28, at 12 noon of that date at the Governor's office at the Capitol at Richmond, I shall, as Chief Executive forthwith declare an emergency to exist and I shall proceed as expeditiously as possible to take such action as I am advised is necessary and proper to protect and preserve the public interest and to assure to the people of the Commonwealth these essential public services and without any interruption.

I am sending a copy of this telegram to J. C. McIntosh for his information, and I am disclosing the contents thereof to the press in order that all parties concerned may be advised of the situation and of my purposes in the premises.

Very respectfully,

WILLIAM M. TUCK,
Governor of Virginia.

MARCH 27, 1946.

Mr. J. G. HOLTZCLAW,
President VEPCO, Richmond, Va.:

I have this day dispatched to J. C. McIntosh, International Representative IBEW, the following telegram: "You are familiar with my statement of March 23, and you have my telegram of March 24. I am informed by Commissioner Rye of the United States Conciliation Service that a deadlock has occurred in negotiations between the employees and the Power Company. The situation at this time is such that I can take no part in these negotiations or in the demands made by either party. In the event that it becomes necessary for the Commonwealth of Virginia to intervene and to use its powers in operating these properties so as to avoid a cut-off in electric power, let me have a "yes" or "no" answer on or before 12 o'clock M. Thursday, March 28, at the State Capitol at Richmond whether or not these employees of the VEPCO will work at their respective essential stations for the Commonwealth of Virginia, and under the same wages and labor conditions now prevailing. This telegram is being sent you because you stated to the press that you have authority to speak for the employees of VEPCO. Very respectfully signed Wm. M. Tuck". In case the commonwealth intervenes will your company surrender to the Commonwealth the properties and equipment of the VEPCO situated within the Commonwealth of Virginia for the purposes of operating the same, and to the end that these essential electric services may be continued. Let me have a "yes" or "no" answer not later than 12 o'clock M. Thursday March 28 at the State Capitol at Richmond. Very respectfully,

WILLIAM M. TUCK,
Governor of Virginia.

MARCH 27, 1946.

Mr. J. C. MCINTOSH,
International Representative IBEW,
Murphy's Hotel, Richmond, Va.

You are familiar with my statement of March 23, and you have my telegram of March 24. I am informed by Commissioner Rye of the United States Conciliation Service that a deadlock has occurred in negotiations between the employees and the Power Company. The situation at this time is such that I can take no part in these negotiations or in the demands made by either party. In the event that it becomes necessary for the commonwealth of Virginia to intervene and to use its powers in operating these properties so as to avoid a cut-off in electric power, let me have a "yes" or "no" answer on or before 12 o'clock m. Thursday, March 28, at the State Capitol at Richmond, whether or not these employees of the VEPCO will work at their respective essential stations for the commonwealth of Virginia and under the same wages and labor conditions now prevailing. This telegram is being sent you because you stated to the press that you have authority to speak for the employees of VEPCO. Very respectfully,

WILLIAM M. TUCK,
Governor of Virginia.

MARCH 28, 1946.

For some weeks, the International Brotherhood of Electrical Workers and the Virginia Electric & Power Co. have been negotiating over matters in dispute involving both rates of pay and labor conditions. I watched this with some misgivings because I knew of electric power strikes in other, and as I thought, less fortunate States. When this notice to strike was served by the union on the power company, I became more apprehensive, but could not believe Virginians would follow such evil leadership.

As the deadline set by the labor union approached, I became less confident. It then became my duty to make certain that catastrophe would not come. On last Friday, I requested John Hopkins Hall, Jr., State commissioner of labor and industry, to summons to the Governor's office representatives from both of the disputants. The union refused to come to the Governor's office when requested. It was my purpose to ask the union to withdraw the strike order unconditionally. Had this meeting been held and the order to strike been withdrawn, I intended to inquire into the situation to determine if I could what was just and right as between the parties, to act as a mediator and to use the influence of the Governor's office to correct all injustices, if any, which might have been found to exist. In my opinion, it is not proper for a public official to negotiate or make terms with those who threaten to do violence to the public interest, and so long as I am Governor, the Commonwealth will not be coerced by threats of violence or by any other baleful influences into making any concessions or commitments of any kind.

The above is in explanation of my failure to take any part in this controversy looking to a settlement of it on its merits.

Shortly after the proposed meeting failed, I issued a statement declaring my intention, in case a settlement was not reached, to seize these properties and operate them for the public benefit so that these essential services would continue. Among other things, I pointed out that the public interest came first and that I expected both the officials and employees of the Virginia Electric & Power Co. to work and cooperate with the Commonwealth and with each other in a way that would make certain no serious inconvenience or suffering would result. I need not here again state the many forms of suffering and inconvenience which would result from such a strike.

After this statement was issued by me, the spokesman of the union continued to make references to the strike with abandon and apparently with a view to terrifying the Commonwealth and the people. I then forthwith, from my home at South Boston, on Sunday, dispatched a telegram to this leader, as well as to the company, putting them both on notice as to my purpose and my intentions, as well as my absolute determination, to protect the people of Virginia from disaster of this sort, unless I was assured by both parties not later than 12 o'clock m., March 28, that no strike would ensue. Yesterday, when negotiations between them collapsed, I sent both the union and the company telegrams requesting that each of them advise me positively whether or not they would cooperate with the State in the movement to operate these plants. Within a short time, the company replied affirmatively. The union was evasive and not responsive to my question, and its reply amounted to a negative answer.

Even though it be conceded that the union is right in its controversy with the company over hours and wages, and verily I do not know as to this, they are wrong in holding this threat to strike over the Commonwealth and its people. I champion the right of labor strikes in proper places. I shall cheerfully, as a citizen and an official, uphold them and all others in their God-given privileges and rights. But I deny that in this instance a right to strike exists, either morally or under the laws of Virginia, so long as doing so adversely affects the supply of electric current, and any effort to exercise such a so-called right on the part of anybody will be vigorously resisted. The Commonwealth will perform every act necessary to insure the continuous free flow of electric current over the wires of the company here involved.

From all the information I am able to derive from any source, I regret very much to have to say that it now appears that the International Brotherhood of Electrical Workers employed at the various essential stations of the Virginia Electric & Power Co. in this State will strike on Monday, April 1. It is difficult for me to believe that any sensible and patriotic Virginian, regardless of any organization or leadership, and knowing full well the certain consequences and dangers of his act in so doing, would refuse to remain steadfastly to his station until suitable relief is orderly obtained. But, inasmuch as the consequences of a strike so seriously affect the safety and security of such a large segment of society, and in further view of the fact that the solution of such a problem on the part of the Commonwealth will require considerable time to organize and execute its plans, I cannot assume the risk of further delay in the matter, irrespective of whatever may be my personal feelings and particularly in view of the short time remaining. The powers which I am about to invoke are not personal to me, but belong to the high office with which I have been entrusted by the people. A failure to embrace these heavy responsibilities and to act promptly would be inexcusable and would amount to shirking my duties, especially so in the face of this public exhibition of such wanton and reckless disregard of the rights and safety of others by a trucculent and irresponsible labor leader, who has heretofore claimed the right to speak the words of terror for the

employees of the Virginia Electric & Power Co. and whose leadership in so doing, so far as I am advised, no one of these employees has repudiated. That the employees have not repudiated this threat, carrying with it these awful consequences, astonishes me. Many of them I have known for years. They are my personal friends. However true these employees as individuals may be, the type of leadership they appear to have chosen is threatening and terrifying and will not be tolerated in Virginia.

In view of the foregoing circumstances and the alarming conditions now confronting us, I hereby declare that a state of emergency exists in the Commonwealth of Virginia. As Governor of the Commonwealth and as commander in chief of the State militia, I shall, after the expiration of such number of hours as may be necessary to effect and coordinate proper plans, and before the end of this week, issue a formal order declaring that an emergency exists and seizing the property and equipment of the Virginia Electric & Power Co. situated in the Commonwealth, and shall from time to time issue such order or orders as may be necessary to accomplish this objective safely and securely, to the end that these plants may be operated without any interruption or diminution of service.

At the outset of this endeavor, I must remind the people that enforcement of the law is the cornerstone of democracy. Without law enforcement, all other functions of government fail. I specially call the attention of the employees of the Virginia Electric & Power Co to the fact that, like all good citizens, their first obligation is to the Commonwealth and any obligations to unions or other organizations should be subordinated when found in conflict with the public interest. No good citizen will allow anything to interfere with his allegiance to Virginia.

When necessary, my oath requires—and it is my will—to compel compliance with all law. I shall act without fear or favor and with a firm hand and a resolute determination. In this I have the right to expect the support of all law-abiding citizens of Virginia and to demand the support of all others. This latter I shall require.

WILLIAM M. TUCK,
Governor of Virginia.

COMMONWEALTH OF VIRGINIA,
GOVERNOR'S OFFICE,
Richmond, March 29, 1946.

The action the Commonwealth is taking is for the sole purpose of guaranteeing that these power plants will be kept open. The hand of the State will be removed when this unbridled threat to strike is withdrawn and disaster thus averted, and it will not be removed until then.

I do not intend to be lulled into a false sense of security by the statements of Commissioner Rye that conciliation may be agreed upon. He holds out no hope for such a thing to happen before Saturday night. If at that time conciliation fails, it would be too late to protect ourselves and we would be at the mercy of these ruthless labor dictators from the North. I am taking no such chance.

These same dictators have known for more than a week how they can settle with the Commonwealth, and they can now do it in 2 minutes or less—simply by withdrawing the strike order.

It must be distinctly understood that the Commonwealth did not enter this situation until it was said that all of the labor negotiators except one had gone home and until both parties conceded that negotiations had collapsed.

Nothing we have done or will do interferes in the slightest with negotiations, and both parties know this. The State's only interest is to continue these power services for the people of Virginia while parties concerned in the controversy negotiate or not, as they wish.

WILLIAM M. TUCK,
Governor of Virginia.

MARCH 29, 1946.

I am pleased with the progress of our plans. Many capable and patriotic Virginians in and out of the union are sending me messages volunteering and offering me their services to the end that the power will not be cut off and the State will not be in darkness. I am happy over the response of the Virginia people.

May I repeat again in this emergency my sole concern is to see that electric power is not cut off in Virginia. I am not at this time trying to solve any social, economic, or labor problem. They can be solved in the weeks, months, and years that lie ahead. I am simply exercising my duties and the powers of the high office which I hold to see that suffering, death, and devastation do not come to Virginia. The lights in Virginia will not go off.

WILLIAM M. TUCK,
Governor of Virginia.

MARCH 30, 1946.

I am glad to learn this morning that the parties in controversy are resuming negotiations. At the time I declared this emergency on Thursday, negotiations had collapsed. This was conceded by both parties and most of the union negotiators had left Richmond.

I do hope so much that the company and the union may reach an amicable and a just settlement. Disputes, especially those of a type calculated to produce inflammation and violence between large groups of people, should always be settled if possible.

In the meantime, however, I can take no chance, and the action I have decided upon will not be relaxed until all danger of a disaster disappears. At this stage, my only interest is to avoid extraordinary misfortune to the people of Virginia and to see that the laws of Virginia are executed.

WILLIAM M. TUCK,
Governor of Virginia.

GOVERNOR'S STATEMENT

I am immensely gratified and relieved to learn that the proposed strike of the union employees of the Virginia Electric & Power Co. has been called off. I know that the two and three-quarters million of the people of this State who would have felt the disastrous consequences of an interruption in the electric service upon which they have become so dependent will be equally relieved. It was with great reluctance and only because of the tremendous responsibilities of my office as Governor, involving as they do the duty to protect the people of Virginia from the hardships, suffering, and dangers with which they are threatened, that I felt impelled to draft temporarily those members of the unorganized militia of the State who alone were able to prevent an interruption of the vital services of this utility. If the strike had occurred, it was my purpose, as soon as other personnel could be secured, to relieve from duty all drafted members who desired to be released. But securing this personnel would have taken some little time and irreparable injury would have been suffered in the meantime without their temporary help.

Let me take this occasion to extend, on behalf of the people of the State, to the members of the State guard, and also to those who were drafted, my thanks and appreciation for the splendid cooperation manifested and service rendered and to the many others who so freely volunteered their services in this crisis which has just passed.

The emergency having ended, I hereby so declare and do hereby proclaim that all persons who were drafted into the emergency are forthwith discharged honorably and are returned to their former status in the unorganized militia of the Commonwealth and my best wishes go with each of them.

It is my fervent hope that the proposed arbitration may result in a decision that is just and satisfactory to all. Now that this threat has been removed and I am free to act for the people without compulsion, I volunteer and offer the full influence of the office of the Governor to that end. The lights of Virginia will not go off.

OPINION OF THE ATTORNEY GENERAL OF VIRGINIA

COMMONWEALTH OF VIRGINIA,
OFFICE OF THE ATTORNEY GENERAL,
Richmond, April 18, 1946.

HON. WILLIAM M. TUCK,
Governor of Virginia, State Capitol,
Richmond 12, Va.

DEAR GOVERNOR TUCK: In discussing with your excellency the power and authority of the Governor to embody that portion of the unorganized militia composed of persons employed in the operation of the Virginia Electric & Power Co., and to direct the members so embodied, in the event of a strike of said employees, to enter into possession of such of the plants and facilities of said company as might be necessary, and to operate the same so as to prevent a shut-down of its power production, I expressed the opinion orally that the Governor does possess such power and authority. I further stated that I would later render a written opinion giving the reasons for the conclusions reached, same having been based upon then existing facts and conditions which you found to be as follows:

I

The Virginia Electric & Power Co. provides electric power and lighting service in an area comprising more than half the State and about two-thirds of its inhabitants.

Within this area are located the following State institutions and buildings, and the governmental activities therein carried on: The capitol of the State, the supreme court of appeals, the various State office buildings, 12 State institutions of higher learning, 2 State prison farms, 4 industrial schools for delinquents, numerous convict road camps, the penitentiary, the office of the State police, and its radio broadcasting station, five State hospitals, and six State mental hospitals. In addition, there are located in this area numerous municipal and county governmental institutions, agencies, functions, and activities, such as waterworks, schools, courthouses and jails, street lighting in cities and towns, which would be left in a state of black-out; police protection at night; fire alarm signals; street traffic lights and operation of sewage facilities. All of the foregoing are dependent for electric service upon continued and uninterrupted operation of the plants and facilities of said company. Any substantial interruption in said service would seriously hinder and obstruct the principal activities of the State, county, and city governments, their departments, agencies, and institutions in this area. The following nongovernmental activities or functions would either be greatly curtailed or completely eliminated if such service were discontinued: dairy and other farm activities; railway freight and passenger stations; block signal systems in train operations throughout the area; elevators in hospitals and office buildings; X-ray and other equipment in numerous hospitals, and scores of offices of physicians and dentists; cold-storage facilities containing large quantities of meat and other perishable foods; electric street railways; gasoline filling station delivery pumps; naval bases and shipyards; Army camps; veterans' hospitals, and lastly

the provision for lighting, cooking, heating, and refrigeration in the homes of a large part of about 2,000,000 private citizens. An interruption in the operation of said company, therefore, in addition to seriously obstructing the activities of State and local governments, would threaten, endanger, and imperil the health, safety, and lives of a majority of the citizens of the State. It would also paralyze the operation of numerous factories and industrial plants, throwing great masses of their workers out of employment. In other words, it would create a condition tending to disorder and unrest in about two-thirds of the State. For several weeks a labor dispute had been in progress between said company and the union of its employees and a notice had been given to the company by the union of a proposed strike to become effective April 1. The effect of such a strike would be to shut down the operation of the electric and power plants of the utility.

Because of apparently reliable information to the effect that there was serious danger the strike would occur, since the parties were unable to make any satisfactory progress in their negotiations to settle their dispute, you became apprehensive and on March 22, 1946, you requested that three representatives each of the union and of the company attend a conference in your office with a view to bringing about an accord; or at least a delay in the threatened strike. The company stated its willingness to comply with your request. The union leaders, however, expressed the view that they should not do so unless there were also present at the conference the Governors of North Carolina and West Virginia, into which States a small part of the company's service extends. About 92 percent of the revenue of the company is derived from its Virginia operations. Because of the shortness of time before the day fixed for the strike you felt it would be unwise to delay the matter by undertaking to arrange such a conference. You thereupon issued a public statement, pointing out in detail some of the disastrous consequences to the people and the government of Virginia which would result from such a strike and declared that, if same should occur, it was your intention to take possession of the company's facilities in your official capacity and operate same so as to protect the interests, safety, and lives of the people of Virginia who would be affected thereby. Receiving no further communication from either of the disputing parties, on March 24 you notified the union representatives and the company that, unless you were assured by noon of March 28 that the planned strike would not occur, you would declare an emergency to exist and would forthwith make preparations to take the steps necessary to seizure and continue the operation of the plants and facilities of the company without interruption by a strike should it occur. At the same time you requested from each party to the dispute information as to whether, in the event of a strike, each would cooperate in the State's seizure and operation of the utility so as to prevent a shut-down. The company answered that it would not oppose same. The union representatives replied that they were without authority to speak for their members in the matter. Shortly thereafter, however, you learned that these representatives had initiated a movement to secure official action of the union which would prohibit its members from cooperating in such proposal. You were satisfied that they would succeed in their efforts, and your expectations were later confirmed when you were officially advised by the authorities of the union that its members would not voluntarily work for the State. Your investigations in the meantime had developed the fact that, because of the special skill, knowledge, and familiarity with the work necessary for the personnel to have in order to operate the utility, it would be impossible to prevent an interruption in its service by the use of members of the State Guard, and that the only possible way in which continuous service to the public could be maintained was with the aid and assistance of those members of the unorganized militia who were the regular employees of the company. On March 27 both parties to the dispute indicated that their negotiations were hopelessly deadlocked and it was stated in the press that a majority of the union representatives had left the city, and that negotiations had been abandoned. Thereupon, as Governor of Virginia, on Thursday, March 28, at noon, you declared an emergency to exist threatening the public welfare, health, and security, and expressed the intention, should a strike occur, of taking possession of the company's properties on behalf of the Commonwealth and undertaking to operate same in the public interest.

You then requested my opinion upon the question whether under these circumstances, as Governor and commander in chief of the land and naval forces of the State, in order to avoid an interruption of said operations by reason of a strike, you were empowered to seize the utility and in order to accomplish such seizure draft and order into active service that part of the unorganized militia which consisted of certain of the officers and employees of said company necessary to operate same, and to assign to them temporarily, pending the organization by the State of an independent operating force, the duty should the strike occur of seizing the necessary plants and properties of the company, and of performing such duties in connection with their operation as might be assigned them by their superior officers, provided such duties were essential to prevent a shut-down of said operations. It was proposed that said plants and facilities would be seized and operated by the State in the public interest and not in the interest of the company or the union, and that the service of the said members of the militia so drafted would be performed solely for the State and not for said company.

As above stated, I expressed the view that the said facts and conditions found by you to exist as above stated constituted such an exigency as to justify the exercise of the authority and power of the Governor as proposed. Accordingly, on March 29 said members of the unorganized militia were embodied into an emergency service unit of the State militia. An order was immediately given to each member of said unit suspending his active military duties unless and until the operations of the company should be interrupted by a strike. In that event, the order stated, the State would take possession of the properties of the utility and the status of each member as an employee of the company would immediately cease and determine, and he would automatically be returned to active militia service with the duty to seize said properties in concerted action with other members of the unit, and to perform for the State the same work that he had been accustomed to perform in the usual course of his duties while he was working for the company.

I now respectfully submit the authorities and reasons upon which the opinion I then expressed is based.

II

The foregoing state of facts portrays a condition of affairs which not only constituted a grave threat to the health and safety of the people within the area affected, but also threatened to interfere with and obstruct the proper functioning of the State government itself. The situation presented a direct challenge to the power of the government to protect itself and its citizens from the happening of the impending disaster and the resulting chaos, and was apparently intended as such a challenge, because the union, instead of cooperating with the government in its proposal to operate the utility, as the chief executive invited it to do, held meetings and bound the rank and file of its members not to work voluntarily for the State should it take over the company's plants. By this action the union had deprived the Commonwealth of the voluntary services of the only persons who were able to operate the plant. The situation then posed this question: Was the State government impotent and helpless to avert the threatened disaster, or did it possess the power to compel these persons as members of the militia to render under compulsion the necessary services they were prohibited by the union from rendering voluntarily until the State could form an organization of competent workmen to carry on the operation. I hold that it did possess such power.

The general principles underlying the duty and obligation of a State government to its citizens was clearly and succinctly stated by the New York Court of Appeals in these words:

"The fundamental purpose of government is to protect the health, safety, and general welfare of the public. All its complicated activities have that simple end in view. Its power plant for the purpose consists of the power of taxation, the police power, and the power of eminent domain. Whenever there arises, in the state, a condition of affairs holding a substantial menace to the public health, safety, or general welfare, it becomes the duty of the Government to apply whatever power is necessary and appropriate to check it." (*New York* v. *Muller* (270 N. Y. 333).)

The constitutions of the several States were framed upon the theory and principle that Government, in one or the other of its several branches, should be vested with all powers necessary to protect itself from interferences and obstructions, and to shield the people who created it from any calamities or disasters which might threaten them insofar as same can be accomplished by human action. *Burrough* v. *Peyton* (57 Va. (16 Grat.) 470, 473.) Obviously it is impossible to foresee and provide by law a specific remedy for every danger and threat which may arise. To meet such unforeseen emergency situations, in most State constitutions a general reservoir of power has been created by vesting in the Chief Executive power and authority whereby he can, in emergencies, make available and utilize all the resources of the State and its people for their protection. "The prime idea of Government is that power must be lodged somewhere for the protection of the commonwealth." *Re Moyer* (Col.) (12 L. R. A. (N. S.) 979, 985.) This emergency power has been usually created by conferring upon the Governor the authority to use the entire militia (consisting in Virginia of all able-bodied male citizens of the State from the ages of 16 to 65 years [1]), if required, to enforce the execution of the laws and prevent serious obstructions thereto or interferences therewith. And so in section 73 of the Virginia Constitution we find this direct grant of residuary power in these words: "He (the Governor) shall be commander in chief of the land and naval forces of the State, have power to embody the militia to repel invasion, suppress insurrection, and enforce the execution of the laws." It is to be noted that this is a constitutional power, is absolute, and is not dependent upon any legislative delegation of power to the Governor. In fact, the exercise of this emergency power is free from legislative control of any kind. This power may be used whenever a situation arises where, on account of obstructions, or threats of obstructions to the enforcement of the laws or obedience thereto, the functioning of the Government

[1] Code of Virginia, sec. 2673 (1).

or the health and safety of the people of the State are jeopardized. No limitation is imposed upon the exercise of the power by the State constitution. The Governor is vested with absolute discretion in its use and in the selection of members of the militia he will embody, and when the power is employed in good faith the Governor's actions are not subject to challenge in either the State or Federal courts. He is the sole judge of whether an exigency exists which requires the aid of the militia, and has full discretion as to the method of utilizing that aid. On the other hand, of course, if the facts leave no room for doubt that an emergency does not exist, the power cannot be exercised under a mere pretense that it does. The foregoing principles are established by numerous cases in the Federal courts, though no case has been found involving a State Governor's use of the militia for purposes other than to suppress insurrection and disorder. In no other type of use has it ever been challenged. In such a case, *Sterling* v. *Constantin* (287 U. S. 378), the Supreme Court concluded that the Governor of Texas, under pretense that a state of insurrection existed when it did not and in violation of a Federal court injunction restraining him from so doing, attempted, through use of the militia, to regulate the quantity of oil which might be taken from the Texas oil wells. The Court held that there being no insurrection the Governor's action was without justification in fact, but Chief Justice Hughes, in delivering the opinion of the Court said (287 U. S. 399, 400):

"As the State has no more important interest than the maintenance of law and order, the power it confers upon its Governor as chief executive and commander in chief of its military forces to suppress insurrection and to preserve the peace is of the highest consequence. The determinations that the Governor makes within the range of that authority have all the weight which can be attributed to State action, and they must be viewed in the light of the object to which they may properly be addressed and with full recognition of its importance. It is with appreciation of the gravity of such an issue that the governing principles have been declared.

"By virtue of his duty to 'cause the laws to be faithfully executed,' the executive is appropriately vested with the discretion to determine whether an exigency requiring military aid for that purpose has arisen. His decision to that effect is conclusive. That construction, this court has said, in speaking of the power constitutionally conferred by the Congress upon the President to call the militia into actual service, 'necessarily results from the nature of the power itself, and from the manifest object contemplated.' The power 'is to be exercised upon sudden emergencies, upon great occasions of state, and under circumstances which may be vital to the existence of the Union.' *Martin* v. *Mott* (12 Wheat. 19, 29, 30; 6 L. ed. 537, 540, 541). Similar effect, for corresponding reasons, is ascribed to the exercise by the Governor of a State of his discretion in calling out its military forces to suppress insurrection and disorder." (Citing cases.) "The nature of the power also necessarily implies that there is a permitted range of honest judgment as to the measures to be taken in meeting force with force, in suppressing violence and restoring order, for without such liberty to make immediate decisions, the power itself would be useless. Such measures, conceived in good faith, in the face of the emergency and directly related to the quelling of the disorder or the prevention of its continuance, fall within the discretion of the executive in the exercise of his authority to maintain peace."

When the Governor's proclamation that an emergency exists which requires the use of the militia is made in good faith, the ordinary constitutional rights of personal liberty and property must yield to the public interest and to the principle that the safety of the people is the supreme law, or, as expressed in the old Roman maxim, salus populi, suprema lex. It was so stated by Mr. Justice Holmes in *Moyer* v. *Peabody*, 212 U. S. 78. In that case a strike of miners in Colorado had caused such disturbance that the Governor declared that a state of insurrection existed and called out troops to put down the trouble. He had ordered the arrest of the president of the union as a leader of the outbreak and his detention until he could be discharged without danger of his causing further disturbance. He was not released from jail until 2½ months later, and he brought suit against Governor Peabody for damages, claiming that his imprisonment deprived him of his liberty without due process of law. In denying the validity of the claim the opinion referred to the duty of the Governor to order the National Guard to suppress or repeal a threatened insurrection and continued:

"That means that he shall make the ordinary use of the soldiers to that end; that he may kill persons who resist, and, of course, that he may use the milder measure of seizing the bodies of those whom he considers to stand in the way of restoring peace. Such arrests are not necessarily for punishment, but are by way of precaution, to prevent the exercise of hostile power. So long as such arrests are made in good faith and in the honest belief that they are needed in order to head the insurrection off, the Governor is the final judge and cannot be subjected to an action after he is out of office, on the ground that he had no reasonable ground for his belief.

* * * * *

"When it comes to a decision by the head of the State upon a matter involving life, the ordinary rights of individuals must yield to what he deems the necessities of the moment. Public danger warrants the substitution of executive process for judicial process. (See *Keely* v. *Sanders*, 99 U. S. 441, 446, 25 L. ed. 327, 328.) This was admitted with regard to killing men in the actual clash of arms; and we think it obvious, although it was disputed, that the same is true of temporary detention to prevent apprehended harm."

The emphasis in the above cases was placed upon the power of the Governor to prevent the happening of disturbances to the public peace and safety, and the subordination of the liberty of the citizen to that preventive purpose. It was in furtherance of such a preventive purpose that the President seized the railroads during the present war when threatened with a strike of railroad employees. He appointed the presidents of certain railway companies as colonels of the United States Army with orders to operate the lines until the emergency passed, after which they were restored to their owners. The President also seized and operated the Elgin, Joliet & Eastern Railroad when its operations were obstructed by strikes.

It is clearly established therefore, both by judicial authority and by precedent, that the militia may properly be used to prevent the occurrence of threatened events which would cause interruption of services necessary and vital to the public interest and welfare.

There can be no doubt that under both the common law and the Virginia statutes a public service corporation is bound to render continuous service, and its patrons, on their part, are entitled to be furnished such service. (Code of Virginia, sec. 4066, *Jeter* v. *Roanoke Water Co.* (114 Va. 784–5, 43 Am. Jur., p. 586, sec. 22; id. pp. 591–596, secs. 30–36, incl. 51 C. J. pp. 6–8, incl.).) This requirement is further exemplified by code section 3810, which provides that a public service corporation cannot surrender its charter and relieve itself of the duty to discharge its public functions without the consent of the State granted by the State Corporation Commission in proceedings conducted after notice to all persons interested and opportunity to be heard. The utility may be compelled to perform its duty to provide proper service by order of the State Corporation Commission pursuant to code section 4072. In the past such action by the commission has proven effective, but, of course, it would be fruitless in a case of this kind because the company itself could not comply with the commission's order if its employees were on strike.

The State government having assumed supervision and control of electric lighting and power companies, is charged with the duty of seeing to it that the operation of their plants is continuously maintained. If by reason of threatened strikes or other obstructions there is imminent danger that they will be closed down and as a result the welfare, health, peace, safety, and lives of a vast number of the citizens of the commonwealth will be placed in jeopardy, or that the proper functioning of agencies of the government itself will be interfered with, it is unquestionably that government's duty to utilize every resource and instrumentality at its command to forestall the threatened shut-down. This same duty has been held by the Supreme Court of the United States to rest upon the Federal Government in the exercise of its constitutional powers. It was thus expressed *In re Debs* (158 U. S. 564, 586):

"The National Government, given by the Constitution power to regulate interstate commerce, has by express statute assumed jurisdiction over such commerce when carried upon railroads. It is charged, therefore, with the duty of keeping those highways of interstate commerce free from obstruction, for it has always been recognized as one of the powers and duties of a government to remove obstructions from the highways under its control."

The case from which this quotation is taken involved power of a Federal court to enjoin Debs from stirring up strikes on all railroads hauling Pullman cars following a labor dispute between his union and the Pullman Co. The opinion also stated the power of the Government to prevent such obstructions to interstate commerce in the following language:

"But there is no such impotency in the National Government. The entire strength of the Nation may be used to enforce in any part of the land the full and free exercise of all national powers and the security of all rights entrusted by the Constitution to its care. The strong arm of the National Government may be put forth to brush away all obstructions to the freedom of interstate commerce or the transportation of the mails. If the emergency arises, the Army of the Nation, and all its militia, are at the service of the Nation to compel obedience to its laws" (158 U. S. 564, 582).

The holding that the "Army of the Nation, and all its militia," may be utilized to remove the obstruction to and interference with the operation of the railroads in the discharge of the duty of the National Government is necessarily applicable to the availability of the State militia for use in the performance of the similar duty of the State government to keep in operation the vital public utility here involved. Likewise applicable to the power of the Virginia government to use the militia to actually operate the plants here involved is the rule as stated in that recently published standard authority, American Jurisprudence (Vol. 36, p. 198), where it is said:

"There is no doubt that in the event of a great national strike on the interstate railroads of the country which seriously interfered with or prevented interstate transportation or the transportation of the mails, the President, under his constitutional duty

to see that the laws are enforced, has the power to use the Army, and the militia if necessary, to prevent such interference and to operate the railroads."

The duties of the Chief Executive of Virginia with respect to the enforcement of the laws at the State level are parallel to those of the Nation's Chief Executive at the national level. Each is charged with the duty of enforcing the laws, and each is Commander in Chief of the military forces within his respective jurisdiction.

The President, being Commander in Chief of the armed forces, during the recent World War, used military personnel to manage the operation of the railroads when obstructions were threatened by strikes or for other reasons. Perhaps the most spectacular instance of seizure and operation of a business by the Army on account of a strike was that of Montgomery Ward & Co., when its president, Mr. Avery, was forcibly removed from the premises of the company by Army officers. In that case a strike of its employees was due to the company's refusal to institute a maintenance of membership in the union representing a majority of the employees in its establishments, with check-off of dues and other privileges as ordered by the War Labor Board. The company objected to the seizure on the ground that it was not conducting a business of the type contemplated by the Federal acts relating to such seizures, and there was no such exigency as would otherwise justify placing the Army in charge of its business. But the United States Circuit Court of Appeals held the acts by the President were justified. *United States* v. *Montgomery Ward and Company* (150 Fed. (2d) 369). The Army officers took possession of the company's properties and the striking employees immediately returned to their jobs to work for this military agency of the Government.

If the operation of railroads and retail stores by the militia in cases of emergency induced by strikes is a proper use of that agency by the President, a fortiori, it is true that the militia is an appropriate agency for use by the Governor of Virginia to operate a public utility as essential as one providing light and power to two-thirds of the people of the State when faced with a similar emergency.

III

It appears from the press that there are some who concede the propriety of the Governor's use of the militia for seizure and operation of the utility in the event of a strike, but deny that an emergency existed which justified embodying into an organized unit of the militia only those members of the unorganized militia who were employees of the company. They argue that no strike had actually occurred, and, further, that the Governor could not embody particular individuals into such a unit but must employ some such scheme as drawing names by lot.

First, as to the justification for preparing for seizure and operation in the event a strike should occur. It appeared highly probable that it would. The union representatives had declined an invitation to a joint conference designed to alleviate the situation; they had been unable or unwilling to give assurances of cooperation with the Governor in operating the properties to prevent a shutdown; on the contrary, they had set on foot a movement within the union to prevent such cooperation; the parties had abandoned negotiations for a settlement of their disputes or a postponement of the threatened strike; a majority of the union representatives had left the city. The company had stated that it would not oppose a seizure of its property, but had not indicated any lack of intention to adhere to its position with respect to the matters in controversy, even though a strike should result. It cannot be said that these acts of the union and company representatives were consistent with a determination on the part of either of them to yield ground in order to avoid a shut-down of the utility's operations. It cannot be fairly argued that because the parties resumed negotiations after the Governor had acted, and agreed to call off the strike and submit to arbitration of their differences, that the same thing would have happened without such action on his part. It would seem more reasonable to conclude that neither the company nor union representatives liked the idea of the State taking over the operation in the manner planned by the Governor, and for that reason they promptly resumed negotiations and made mutual concessions, with the fortunate result above indicated. In my opinion, the Governor had every reasonable ground to believe that the threatened catastrophe would probably happen.

If he had delayed action until the strike actually took place, the plants would have been shut down and the employees, who he considered the only persons capable of operating them, would have been scattered and difficult to find. There would, in all probability, have been a delay of several days in getting the operations started up again. For this reason the Governor fixed a dead line for Thursday noon to afford time to complete his plans to prevent a shut-down from happening Sunday at midnight. Only by using these precautions did he think public inconvenience and suffering could be avoided.

As to the action of the Governor in designating by name the persons to be embodied in the organization of the militia which was ordered to seize and operate the plant, the Governor had found as a fact that these persons, the company's employees, who were familiar with and possessed the skill necessary to do the required work, were the only ones who could continue the operation without interruption of the service which he regarded as so vital to the public welfare. It would have been an idle gesture to embody in the organization persons who were absolutely unfitted to carry out its purposes. It would have been but a pretense, utterly lacking in good faith to have included therein any such unqualified persons.

But, it has been argued by some, the Governor exceeded his powers because, they assert, he did not comply with the requirements of section 4 of article VI of the Military Code of Virginia (acts 1930, p. 965, Michie's Code, sec. 2673 (74)). This section is as follows:

"If the unorganized militia is ordered out by draft, the Governor shall designate the persons in each county and city to make the draft, and prescribe rules and regulations for conducting the same."

Section 4, article I, of said military code (Michie's Code, sec. 2673 (4)), thus defines the unorganized militia:

"The unorganized militia shall consist of all able-bodied males as set out in section 1 above, except such as may be included in section 2 and section 3, and except such as may be exempted as hereinafter provided."

Section 2 provides for the organization of the National Guard and section 3 the Naval Militia. The unorganized militia, therefore, consists of all other able-bodied male citizens of Virginia between 16 and 55 years of age. The exemptions referred to are here immaterial.

It is clear that the Governor did comply with these sections. He designated certain members of the State guard to make the draft in each county and city affected, and he prescribed the rules and regulations applicable by designating by name the members of the unorganized militia who should be embodied in the organization. No others were needed, and no others would have been useful or desirable. But even if it should be conceded, for the sake of the argument, that the method adopted did not comply with the quoted section, it is nevertheless clear that the Governor had ample authority to employ the method he used. As has been hereinbefore pointed out (II, supra), the power of the Governor to embody the militia to enforce the execution of the laws is derived, not from legislative enactment, but directly from the constitution itself (sec. 73). It is an emergency power coupled with that to repel invasions and suppress insurrections. Its effectiveness would be completely destroyed if it were subjected to the delay necessary to conduct complicated induction proceedings throughout the entire State, as some have contended, is required. Prompt and immediate action to meet the threat of the emergency is imperative, and the constitution grants the Governor full power to take that action. If the quoted section of the Military Code should be construed as an attempt to modify or curtail the power thus granted him, it would be obviously unconstitutional. He is not restricted as to the method he shall employ in embodying the militia, nor is he in any way limited in the particular members thereof he may select for the group embodied or in the duties to be assigned to them. This power of the Governor is, of course, far broader and more comprehensive than that of the sheriff's posse comitatus, but it is analogous thereto. Under the common law, as well as by statute in Virginia (code, sec. 4511), the sheriff may select any persons he desires and summon them to his aid in suppressing disorders or making arrests. Refusal to comply with his request subjects the offender to a fine of $100 and 6 months' imprisonment in jail. Naturally, this officer will select the persons best qualified to perform the tasks to be assigned them. Certainly the Governor cannot be said to have a narrower range of selectivity in impressing into service members of the unorganized militia to meet an emergency than a sheriff would have under similar circumstances. Unquestionably the Governor may likewise order out those militia members best qualified to meet the demands of the occasion. The emergency with which the State was confronted on March 28, 1946, clearly justified the action taken.

IV

The National Labor Relations Act (49 Stat. 449, 29 U. S. C. A. 151 et seq.) establishes a general and uniform jurisdiction over labor relations in the National Labor Relations Board with respect to businesses and industries affecting interstate commerce, but expressly excepting States and their political subdivisions. It guarantees to the employees the right of collective bargaining which may not be impaired by State laws or by State action. (*Hill* v. *Florida* (325 U. S. 538).) The Virginia Electric & Power Co. and its employees are subject to the act. (*N. L. R. B.* v. *V. E. P. Co.* (314 U. S. 476).) It is pertinent to consider, therefore, whether the embodying of that part of the unorganized militia consisting of these employees in the manner and for the purposes stated, and at a time when collective bargaining had been abandoned, constituted an impairment of their right to bargain collectively. The Governor's executive order did not interfere with the asserted right to strike, because the obligation imposed to render active service for the State in the capacity of militiamen was conditional upon, and effective only at the time of, the occurrence of the proposed strike.

Did the Governor's order impair the employee's lawful bargaining rights guaranteed by said act? The only possible effect upon the bargaining powers of the union and company representatives was to eliminate as a factor of their negotiations the threat of causing a public calamity by shutting down the operations. I have never heard of, nor can I conceive of any principle of law or justice which clothes any man or group of men with the right to insist upon inflicting such a hardship upon the great masses of

the people in order to achieve their own private purposes. The claim of such a right and that it is violated by being required to render military service to avert the threatened calamity carries with it a repudiation of the duties which both the officers and employees of the company, as citizens of Virginia, owe to their State and its government. As said by Mr. Chief Justice White in *Aver* v. *United States* (245 U. S., at p. 378), "It may not be doubted that the very conception of a just government and its duty to the citizen includes the reciprocal obligation of the citizen to render military service in time of need and the right to compel it."

Clearly neither the company not the union has a right to take advantage of its capacity to cause public misfortune by using same as a lever to force compliance by the other party with its demands.

Did the proposed taking over of the utility for operation and the use of its employees as members of the militia give the company an unfair advantage over the union in their bargaining negotiations in violation of said Federal act? Though statements have appeared in the press that the proposed action had this effect, past precedents would indicate the contrary. In the Montgomery Ward case, supra, it was the company which objected to Government seizure, not the union. Its members voluntarily went to work for the Army and operated Ward's stores. And the same has been true with respect to railroads, coal mines, and industrial plants seized by the President, and operated by the Government under his direction. The workers were not deprived of their employment and wages though the owners were divested of possession of their property. The argument that removal of the threat of public disaster was prejudicial to the union carries with it the implication that its members were less reluctant to inflict such hardships upon the people and were less patriotic and less loyal to their duties and obligations to the State than the officers of the company were. There is no evidence of the truth of any such implication. It is true that this is the only known case in which the workers and officers of a public utility have been called upon to serve as militiamen to avert a public catastrophe due to a strike or threatened strike, but it is also true that this is the only time that the utility employees have refused to work for the Government. When the Governor of New Jersey took over the operation of the gas utility a few days ago under similar circumstances, the employees voluntarily went to work for the State to keep the plant in operation. In that instance there was no necessity for the step which the Governor of Virginia was compelled to take to prevent a shut-down.

The Governor's action, therefore, did not impinge upon or impair any rights of collective bargaining guaranteed to the members of the union by the National Labor Relations Act.

V

Does the purpose for which the members of the militia were embodied, or the duties conditionally assigned to them to perform for the State the same work they had been accustomed to do in operating the utility, subject them to involuntary servitude in violation of the thirteenth amendment of the Constitution of the United States as has been asserted by some? The amendment, by its own terms, applies alike to both State and Federal Governments.

This question has been the subject of widespread judicial consideration in the last 2 or 3 years in which numerous conscientious objectors, who were drafted by the United States to perform work not related to combat service, such as cutting trees in the national forest, soil conservation, and the planting of trees in civilian camps, aids in mental and other hospitals, claimed they were forced into involuntary servitude without pay. A typical case is *Kramer* v. *United States* (147 Fed. (2) 756), in which the contention was emphatically rejected, and to which judgment the Supreme Court denied a writ of certiorari. Three hundred and twenty-fourth United States Reports, page 878. The principle is well established that the involuntary servitude prohibited by the Constitution is restricted to private relationships and does not embrace the imposition upon one of the duty to discharge the obligations of the citizen to his State or Nation which arise out of conditions which threaten the safety and security of the State and its people. Many of the cases so holding, decided by the various circuit courts of appeal, are cited in *Wolfe* v. *United States* (149 Fed. (2d) 393). *Aver* v. *United States*, supra, sustained the validity of the Selective Service Act of 1917. That act, to quote from the opinion, "while relieving from military service in the strict sense the members of religious sects as enumerated whose tenets excluded the moral right to engage in war, nevertheless subject such persons to the performance of service of a noncombatant character, to be defined by the President." It is clear from the decisions that there is no merit in the argument that the employees of the Virginia Electric & Power Co. would have been subjected to involuntary servitude in violation of the thirteenth amendment had a strike occurred and, as members of the Virginia Militia, they had been compelled to serve the State in maintaining the public service which the strike would otherwise have terminated.

It follows from the foregoing that I am of the opinion that the action of the Governor of Virginia in embodying the said members of the unorganized militia, and ordering them as militia members to perform the specified duties in connection with the operation by the Commonwealth of the plants of the said utility, was fully justified by the exigency of the occasion, and, under the circumstances, was a proper exercise of his powers as chief executive of the State and commander in chief of its land and naval forces.

Respectfully yours,

ABRAM P. STAPLES,
Attorney General.

PERSONNEL CEILING IN REFERENCE TO COMPENSATION OF GOVERNMENT EMPLOYEES

Mr. BYRD. Mr. President, I ask unanimous consent to have inserted in the body of the RECORD an explanation of the personnel ceiling which was adopted by the conferees on the part of the Senate and the conferees on the part of the House in relation to the last pay bill which was enacted into law.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

MANDATORY REDUCTION IN EXCESS OF QUARTER MILLION

Reduction of more than a quarter of a million in classified Federal employment in the fiscal year beginning July 1 is mandatory under provisions of the 1946 Pay Act, which became law last week.

POSSIBLE WITHOUT IMPAIRMENT OF FUNCTIONS

Despite last-minute revisions in estimated War and Navy Department and Veterans' Administration requirements, evidence before the Senate-House conferees on the bill indicated clearly that this reduction could be accomplished without impairment of essential governmental functions if provisions of the law are efficiently administered in conformance with the intent of Congress.

UNDER QUARTERLY AND YEAR-END CEILINGS

Administration will be the responsibility of the Director of the Bureau of the Budget. The law spells out specific year-end and declining quarterly ceilings on over-all-total employment, and from the total force allowable under the ceilings the Budget Director must allot and from time to time reallot personnel quotas to the respective agencies based on relative needs and the prevailing policy.

FLEXIBILITY PROVIDES FOR ORDERLY PRUNING

This flexibility—under ceilings which are graduated downward over a full year—to be administered by the Presidential assistant best equipped to evaluate personnel requisitions in terms of administration program, represents a deliberate effort by Congress to force orderly pruning of the war-swollen pay roll without necessitating sudden death of any essential function, violence to competent personnel, or use of any meat-ax techniques.

HARDSHIP CASES WHOLLY OR PARTIALLY EXCEPTED

In its consideration of the statutory force-reduction mandate, Congress was aware that resistence to administration and enforcement was to be expected as a natural reaction of affected agencies and effort was made to anticipate cases in which appeal for relief might be justifiable. In view of the formative state of new programs, Veterans' Administration was excluded from all ceiling restrictions. War and Navy Department classified personnel was excluded from quarterly ceilings because the date of peak postwar requirements was uncertain, but drastic reduction is required of both on or before the year end.

TIME GIVEN FOR PROGRAM REVISION AND PERSONNEL EXAMINATION

As further concession to intelligently planned reduction and more efficient use of competent personnel, the law provides that the first quarterly ceiling will not be effective until October 1, giving a full quarter and more for revision of programs and examination of personnel. On that date, however, it is specified that total classified personnel in executive agencies, exclusive of Veterans' Administration and War and Navy Departments, shall not be greater than 528,975, and thereafter the legal ceiling drops to 501,771 on January 1 to 474,567 next April 1, and to 447,363 on and after July 1, 1947. In addition, the year-end ceilings will fall upon the War and Navy Departments, forcing War Department personnel down to 176,000 or less not later than July 1, 1947, and Navy Department to within 100,000 not later than the same date.

NET REDUCTION, 286,521

It is estimated that on June 30, 1946, total personnel (including Veterans' Administration) in categories covered by reduction terms of the law total 1,184,884.

Veterans' Administration employment on June 30, 1946, was estimated at 145,000.

Excluding Veterans' Administration employment, the total to which reductions will be applied is 1,039,884.

Under the reduction formula specified in the act, employment in the categories covered, exclusive of Veterans' Administration, on July 1, 1947, must not exceed 723,363.

Exclusive of Veterans' Administration personnel, this represents a reduction of 316,521.

Including 175,000 estimated Veterans' Administration employment July 1, 1947, total employment allowable under terms of the law on that date becomes 898,363.

Total July 1, 1947, employment of 898,363, compared with total employment (including Veterans' Administration), estimated to be 1,184,884 on June 30, 1946, leaves a net reduction of 286,521.

CEILINGS ARE MAXIMUM WITH VIOLATION PENALTIES

Believing it had been liberal with safety features, Congress specifically wrote into the law that the ceilings were to be regarded as maximum totals and that further reductions were expected whenever they are consistent with efficient and economic administration.

At the same time it was provided that the penalties of the antideficiency act are to be imposed on agency heads who allow ceiling violations. These penalties include fines, jail sentences, or dismissal.

PAY-RAISE COST ABSORBED BY REDUCTION IN FORCE

The primary purpose of the Pay Act was to increase classified personnel compensation at a rate ultimately fixed at 14 percent. It was estimated that the raise would increase the cost of Federal personal service by $321,000,000. The decision to write the reduction mandate into the law followed House adoption of an amendment by Representative E. M. DIRKSEN, of Illinois, designed to require that the increase in the cost of personal service should be absorbed by reduction in force. When it was found that technical obstructions made it difficult to accomplish the purpose of the amendment by curtailment of appropriations conferees on the bill adopted the ceiling procedure as recommended by the Joint Committee on Reduction of Nonessential Federal Expenditures.

WAGE BOARD EMPLOYMENT UNDER STUDY

The committee had recommended that ceilings be applied to all Federal personnel, both inside and outside continental United States. However, due to the nature of the pay-bill legislation, which applied principally to classified employees' compensation, application of the ceilings at this time will not embrace wage board or postal field service employees whose compensation is not affected by the law, except that wage-board personnel will be brought under quarterly ceilings largely for information purposes. Excluded also are legislative and judicial branch employees, as well as certain others employed outside the United States.

PERSONNEL LEGISLATION OVERHAUL OVERDUE

It was obvious from the study put on this bill that an overhaul of all personnel legislation, affecting not only the classified service but all other, including pay schedules, efficiency requirements, and retirement plans is overdue.

THE SURPLUS PROPERTY SITUATION

Mr. WILEY. Mr. President, from my own State and from all corners of our Nation, colleges and universities, together with veterans, have flooded Congress with complaints about the War Assets Administration's failure to properly handle the surplus-disposal program.

This failure has become a national scandal. I have pointed it out in factual and constructive presentations many times previously in the Senate. I have shown how, in particular, the WAA's disposal of surplus electronics and communications equipment has violated the law, the will and intent of Congress, because WAA has virtually completely ignored the anxious requests of priority claimants—schools and universities. In so doing, WAA has ignored the national defense needs of our country for equipment with which to train young scientists in our universities in this atomic age.

Today, I have written a letter to General Gregory of WAA. In it, I summarized the position which I have taken in my previous correspondence with him. I have weighed the serious charges which I make in this letter with the greatest of care and have found them completely justified by the terrible mess in the surplus program.

I ask unanimous consent that the text of my letter be reproduced in the RECORD at this point as a part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD as follows:

MAY 27, 1946.

Lt. Gen. E. B. GREGORY,
Administrator, War Assets Administration, Washington, D. C.

DEAR GENERAL: This will acknowledge receipt of your letter of May 23 adding further information to the reply of May 10 to my letter of May 4, concerning disposal of surplus electronic equipment to priority claimants.

My fundamental aim and purpose during our past interchange of letters on this subject has been to secure for veterans, educational institutions, and other priority holders a full recognition of their legislatively created preferences and a fair distribution of surplus electronic equipment to them.

THE LIE IN WAA'S ANSWER

In your letter of May 23 you make the statement that:

"I am advised that the 20 percent provision was incorporated in the form of agreement as an administrative direction to implement its operation and has enabled us to fill promptly, from the Washington office, all orders of priority claimants."

Those of your subordinates who have advised you that "all orders of priority claimants have been promptly filled" have told you a willful and deliberate falsehood, for all orders of priority claimants have not been filled, nor, if they were counted, would you find that more than 20 percent of them have been filled, either promptly or at all.

You are entitled to assume that those who advise you are honest, truthful, and competent, and I have not the slightest doubt that you have accepted in good faith and as true the lie which I have quoted from a letter to which you affixed your signature—again in good faith and by reason of your reliance on the integrity of your subordinates.

I will pass over the statements in your letter which contradict the quoted sentence in order to call your attention to a few facts which indicate that your faith in your advisers is sadly misplaced.

THE REASON FOR CONGRESS' INVESTIGATIONS

You are undoubtedly aware that there are several committees of the Congress, which have been and are now engaged in investigations of the administration of surplus-property disposal. Activities of these committees result from great numbers of complaints that have poured into the offices of Congressmen and Senators. The largest group of complaints is composed of those persons who claim to have been denied the benefits of preferences or priorities granted them by law.

To contend that these complaints are confined to Republican Congressmen and Senators would be ridiculous, because such a claim is disproved by the statements, and, what is more important, by the legislative actions of Democratic Congressmen and Senators.

Do you think, General, that the overworked gentlemen of the Congress would be adding the foregoing investigative efforts to their already over-crowded schedules, if orders of priority claimants of surplus electronic and other equipment had been filled, either promptly or belatedly?

THE FAILURE IN ELECTRONICS DISPOSAL

Attached to your letter of May 23, is a report for the month of April from your Priority Disposal Section of the Electronics Branch. I have no fault to find with the truth or accuracy of this report, but I desire to have a personal assurance from you, as to certain of its figures.

This report states that no sales were made to States during the month of April, and that only two sales were made to cities, and five sales to educational and public-health institutions during the above period. I would appreciate having your personal confirmation of the fact, if it is such, that the absence of any sale to any State was due to absence of orders, and that the above sales to the cities and institutions filled all pending orders, from these two classes of priority purchasers.

I have forwarded to you a letter recently received by me from a college in Texas. To this letter is attached a list of needed items of surplus electronic equipment, and in the letter is a lengthy recital of delays, obstacles, run-arounds, and failures encountered by this college in its struggle of the past months to obtain its required items. May I ask if this order has been promptly filled? I happen to know that it has not been. Moreover, there are unsatisfied orders of Wisconsin priority claimants for surplus electronic equipment of which I have rather full, definite, and personal knowledge. In this connection, I refer you to the order from the Appleton Vocational School for Adult Education.

And finally, General, may I recommend that you make a telephone call or a 10-minute visit to this priority-disposal section, which has "promptly filled all orders from priority claimants." You will secure enlightening information as to some 7,000 unfilled veterans' orders, and some 500 unfilled orders from educational institutions, States, cities, and other priority purchasers. I commend the call or the visit to your early consideration.

WHO IS RESPONSIBLE FOR DECEPTION?

The falsehood I have quoted from your letter of May 23 is a stupid and clumsy attempt by some of your subordinates to perpetrate a deception, and to evade their responsibility to you and to the American people to whom they owe the duty of discharging the public trust which they have failed to perform.

Statements which are false in part, are, in law and human experience most aptly to be considered wholly untrue, for as the great Sir Francis Bacon remarked: "Truth of being and knowing are one."

Knowing, therefore, that a deliberate lie has been stated regarding the most essential question involved in our correspondence, regrettably I am compelled to consider every other statement of your letter of May 23 in the same low light.

The inescapable inference to be drawn from the subject matter of your letter of May 23 is that it was prepared in large part by executives who are in close contact with your electronics branch. I am informed that Messrs. Gustav Schwarz, R. C. McCurdy, and John M. Wilkins occupy positions of responsibility which would involve the preparation of your letter of May 23 or its factual materials, or the review or approval of its contents prior to the addition of your signature.

Within the realm of motives, actions, personal interests, and allegiances of these individuals, there may exist the causes of grievances of which I have repeatedly written to you.

If these men had no share in the preparation, review, or approval of the falsehood contained in your letter, then, those who are guilty should be identified, and the truth ascertained. If the truth is not forthcoming, the Congress will be well advised to use its appropriate powers to secure the same.

CONCLUSIONS

I should like to summarize my position as follows:

1. The particular statement advised by your subordinates in your letter of May 23, and which I have quoted to you, is a lie.

2. The whole system for disposal of surplus electronic equipment to priority claimants, particularly to educational institutions, is scandalous and reeks with fouler odors than came from Teapot Dome.

3. The subordinates who advised you in preparation of this letter apparently intentionally worked a fraud upon you and upon the American public in order to cover up their own apparent dereliction of duty and possibly to serve private interests to whom they owe a great allegiance by reason of their occupancy of their office.

4. All attempts to place the administration of the surplus electronics equipment program on an honorable, truthful, and efficient basis are doomed to failure so long as the administration of this program is committed to the hands of men who either lack those necessary qualities or are unwilling to apply such principles of truth, honor, and efficiency.

5. The tactics applied by these administrators in your agency in serving their own private and selfish interests has resulted in such a failure in the surplus electronic program as to make one wonder whether the letters WAA do not stand for "Working Against America" Agency or "Wasting America's Assets" Agency.

I say this particularly in view of the national defense needs of our country for training young scientists in colleges, which needs have been shamelessly ignored by your officials.

6. Congress would do well to pursue its investigation of this whole rotten mess and I believe that you might personally look into it at your earliest convenience.

The interests of America demand that there shall be a thorough house cleaning of those personnel and those practices which have violated the law and the will of our people in this matter. The whole surplus disposal program and that of electronics equipment in particular, must be established on an honorable, truthful and efficient basis.

Sincerely yours,

ALEXANDER WILEY.

SETTLEMENT OF INDUSTRIAL DISPUTES AFFECTING THE NATIONAL ECONOMY

The Senate resumed consideration of the bill (H. R. 6578) to provide on a temporary basis during the present period of emergency, for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace.

Mr. DOWNEY. Mr. President, like every other Member of Congress who has been in Washington for 5 or 10 or 15 years or more, I have had a vast variety of amazing experiences, for the world has been deluged by great and startling events as never before. But I had no trouble adapting my own state of mind to what was happening. I was startled and amazed on that Sunday when the radio informed us that the Japanese had bombed Pearl Harbor. I have been startled and amazed many other times in the last 10 years. But I had no trouble in bringing my intellect to an understanding of what was happening.

I must admit, however, Mr. President, as I have heard here seriously debated the most dictatorial and harsh law of which human mind can conceive, that I am like a person in a dream. I cannot have a sense of reality that our President has proposed such a law, and in a wild hysteria of excitement, abandoning all consideration, in an hour or two the House of Representatives placed its approval upon it.

Mr. President, I doubt if anyone can point to a single act by Mussolini or by Hitler before their war began, but when they were dictators, as extreme as this proposal.

Oh, I wonder not that our majority leader was unwilling to let his intellect go down the course of this proposal, and how it may work out if it is passed, implemented, and used. I was not amazed when he refused to go along with the discussion and consideration suggested by the Senator from West Virginia [Mr. REVERCOMB] when that Senator was asking him about the court martials and the punishments which might arise under the proposed law.

No one can deny that if we once enact this bill we will have given to the President and to the Army the power to shoot a man, after summary trial, in 24 hours, if the worker, under this bill, refuses to obey the call of the President and says, "I am unwilling to work in the coal mines under existing conditions."

Perhaps some of my colleagues may think the present strike should not take place, perhaps they think the workers are not entitled to health insurance and hospitals, perhaps they think they should work for present wages and not demand more, but are they willing to take the next step and say, "You either obey our demand and work at whatever wages we say, or your employers say, or the President says, or you will be drafted into the Army, you will be dragged out of your homes, you will be taken away from your wives and children and formed into labor battalions and sent to labor under the conditions imposed under this law, and if you refuse, you will be subject to such punishment as a court martial may assess—perhaps long imprisonment or even death itself."

I doubt that any Senator wants that kind of a law in free America. Does any Senator doubt this measure, if enacted, would be just that kind of a law?

Well, what does this law mean unless it means to bring into power the summary action of the court martial, and say to the recalcitrant worker who will not obey his Army superior, "You then shall be confined," or "You shall be shot by a firing squad." Mr. President, I do not wonder that the tender heart of our majority leader would not let his intellect consider the possible working of this measure.

Senators and other men have said to me, "We never expect this law to be used," or as one of our most distinguished Members assumes the mere enactment of it will be such a threat against workers that they will surrender their rights and against their will go back to work. I say, Mr. President, that any Senator who is voting for this proposal upon the assumption that it will never be used is indeed a naive individual, and treading upon the quicksands.

Dare we scrutinize and weigh the proposed law, and accept it or reject it except upon the assumption it will be used? Now I ask my colleagues to consider with me, and I hope calmly and fairly, the road the majority leader was unwilling to follow in his colloquy with certain Senators on the other side of the aisle when they were interrogating him on the possible effects of this measure.

Mr. OVERTON. Mr. President, will the Senator from California yield?

Mr. DOWNEY. I yield.

Mr. OVERTON. Assuming the able Senator indicates autocratic power and dictatorship, does he think it preferable to be put under the dictatorship of the President of the United States or of the Lewises, and the Whitneys, and the Johnstons? If the Senator says that some miner may be drafted, or some railroad employee may be drafted, and might be shot under court-martial law, what comparison is there between that and the death of thousands upon thousands in this land as the result of a continuance of the railroad strike or the continuance of the mine strike?

Mr. DOWNEY. Mr. President, I intend later in my address to cover fully the issue just raised by my beloved friend, the distinguished Senator from Louisiana. It may be that we have reached a condition in this Nation of complication and confusion in which perhaps a dictatorship will come. If so, then let us face it frankly and say that free government and free enterprise have finally died in the United States. But I am not willing to admit that. I, for one, am not going to open wide the door to any harsh, cruel dictatorship without at least safeguarding human rights as much as can be done. When I help to create dictatorial powers I want to do it intelligently, and I want to do it for everyone, including all the Members of this body and every other member of society. If dictatorship is coming, let us make the dictatorship universal, not applicable to union workers alone.

Mr. President, let us assume that the proposed law goes into effect and the coal miners say, "We will not return to work," and assume a proclamation is issued and those men are drafted, as far as law can draft them, into the Army of the United States. What does the President intend to do? Has he thought his way through? Perhaps he has, but if he has, we do not know it. Will he take those men out of their homes, or will he allow them to continue to live with their wives and children? Will he form them into labor battalions? Will he have them under control of Army officers? Will he place them in cantonments? None of us knows the intentions of the President.

Then, Mr. President, suppose that the spirit of Patrick Henry is still alive in America and some of those men say, "I will not go down into the coal mines against my will; I will not labor under existing conditions. I am going to assert my right as a free-born American citizen and to refuse to work when I do not think I am fairly dealt with."

Mr. President, I am speculating, perhaps I am all wrong, but I think that the great majority would sit in their homes, if they had refused to return, and after they had been drafted into the Army, and they would refuse to work.

Now, Mr. President, I ask this body, are Senators really prepared to be dictators? Are they prepared to go into the homes of those miners and drag them out, court martial them, and confine them in concentration camps, and shoot them? I say that unless they are, they have not the stuff dictators require, because that is just the meaning of the proposed law, if it is ever put to the test.

Mr. REVERCOMB. Mr. President, will the Senator from California yield?

Mr. DOWNEY. I yield.

Mr. REVERCOMB. Does the able Senator agree with me that one of the great dangers of the bill is even vesting in any individual the power that is attempted to be vested in the Chief Executive over citizens and workers of this country?

Mr. DOWNEY. I heartily agree, and I thank the Senator for that statement.

I have a deep affection for President Truman. I think he has been one of the most patient and most kindly of men. But I would not entrust this power of life and death over employers, and heads of labor organizations and the workers themselves to any man.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. WHEELER. Even if the men were put back into the mines, how are they to be made to work after they are put back in the mines? I agree with what the Senator has to say about President Truman. I think he has been most patient. I think it is unfortunate that some of the labor leaders have gone as far as they have. But, frankly, I see no excuse for putting into effect a draft. I might say that there were six members of the committee who voted to strike out the draft feature. Frankly, I think it is going to lead to worse labor troubles in this country than anything else that has happended, and I, myself, hope that that provision will be stricken out of the bill.

Mr. DOWNEY. I thank the Senator for that statement.

Mr. President, let me say that if such a law goes into effect and the men refuse to go to work there are, of course, two alternatives. I have already discussed the less optimistic one, and that is that the men would refuse to work and subject themselves to court martial and punishment. But now suppose the men do go back to work under the prod of a bayonet, hating and despising our Government and us.

What will happen? How efficient will workers be. How much sabotage and waste will there be? What will happen to the cost of living and to American industry generally? Do Senators think that this great productive system of ours which, under free enterprise of employer and employee has produced so miraculously, will continue to do so? Why, sabotage and waste and destruction would be inevitable. You just cannot hope, Mr. President, to run coal mines or railroads successfully by men torn out of their homes by the power of the Army and forced into involuntary servitude.

Well, thanks be to God, the railroad strike ended before this proposal was made, before it could be passed and put into effect. That was well, if I know something about the railroad workers of America. To me they are one of the finest body of men I have ever known, living, many of them, in the small towns of America. But if you think that you could draft them into the Army and make them serve as soldiers, with all of the harassment and humiliation, and not have the railroads break down, then you are still optimists, even though we are now in most unhappy difficulties.

Mr. MORSE. Mr. President, will the Senator yield for a question?

Mr. DOWNEY. I yield.

Mr. MORSE. Is the Senator from California aware of the fact that before noon on Saturday the White House knew that the railroad workers were willing to go back on the basis of the report of the President's own Emergency Board?

Mr. DOWNEY. Mr. President, I do not know that, but I assume that may be true.

Mr. MORSE. I tell the Senator from California that is a fact. Does the Senator from California know that when the President of the United States spoke Saturday afternoon at 4 o'clock he did not tell the American people that fact?

Mr. DOWNEY. Mr. President, the President did announce in the course of his radio speech, I think at about 4:10, that the strike had been settled.

Mr. MORSE. May I say that I think that that was one of the cheapest exhibitions of ham acting I have ever seen, because he knew full well, before he went to the rostrum, what the position of the American railroad workers was.

[Manifestations of applause in the galleries.]

The PRESIDING OFFICER (Mr. HUFFMAN in the chair). The occupants of the galleries will refrain from demonstrations. They are here as guests of the Senate.

The Senator from California will proceed.

Mr. DOWNEY. Mr. President, I should like to say——

Mr. OVERTON. Mr. President, will the Senator yield for one moment?

Mr. DOWNEY. Yes; I yield.

Mr. OVERTON. May I ask the Senator this question? Suppose it were necessary suddenly for the United States to build up a tremendous navy, much larger than it is now, would not the Congress of the United States have the authority to draft every shipwright in the country, regardless of age, in order to accomplish that purpose?

Mr. DOWNEY. Mr. President, I certainly answer that in the affirmative under the present laws and conditions existing. I am not discussing whether this law is constitutional or unconstitutional. For my argument I am assuming its constitutionality. I might say to the distinguished Senator from Louisiana that the Senator from New Jersey [Mr. SMITH], as I understand him—and I apologize if I did not hear him correctly—wants this law broadened. The Senator said in effect: "Why draft the coal miners alone? Why not go out into the highways and byways and draft other people and make them work in the coal mines?" And let me say this. Assuming this law is constitutional—and I do not say it is not; I am not expressing that opinion—you could draft anybody in America for any kind of work upon the same assumption.

Mr. OVERTON. It depends, may I say to the Senator, upon the urgent necessity. Now suppose it was absolutely necessary that we build up promptly a tremendous navy; suppose shipwrights who were capable of working were unwilling to work; that they did not like the wages or were engaged in other pursuits which they liked better; would not the necessity justify the induction of every shipwright?

Mr. DOWNEY. Let us consider how wide this door would open for future drafts of our people by the Federal Government. Out in California presently, as in many other places in the United States, the cost of feed is so high that dairymen cannot make any profit. Dairymen are selling off their herds as a consequence and looking ahead to the 1st of January. We are going to be very short in California of dairy products. Very well. Now assume the President believed that in order to get food to people we had to have the same kind of a law applied to the farmers. Clearly, under the principle of this bill we could say to the farmers, "You farmers hold essential instrumentalities of the Nation to feed our people. You are not willing to carry on your dairy work, your excuse being that you cannot make any money. We are going to take over your farms, and we are going to draft you into the Army, and you are going to run those farms as soldiers."

I say, Mr. President, again, that the passage of this law would open wide the way for a complete national dictatorship of workers, employers, farmers, and everyone else.

Mr. HATCH. Mr. President, will the Senator yield to me to interrupt him for a moment?

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. HATCH. I want to refer to the episode which occurred a moment ago.

Mr. OVERTON. I should like to follow out my thought.

Mr. HATCH. Will the Senator yield to me for a moment so I may refer to the episode?

Mr. DOWNEY. Let me yield first to the Senator from Louisiana.

Mr. McFARLAND. Mr. President, will the Senator kindly yield for the purpose indicated by the Senator from New Mexico? It is something that ought to be taken up.

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Louisiana?

Mr. HATCH. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield on condition that I do not lose the floor.

The PRESIDING OFFICER. The Senator from California yields to the Senator from New Mexico.

Mr. HATCH. Mr. President, I realize that we are operating under more or less strained conditions; that the Senate of the United States and Senators are more or less stirred. We have had in our laps legislation for a few days and weeks which is straining our nerves and which is likely to excite us to say and do things which we otherwise would not do. But I am also reminded, Mr. President, that the President of the United States has been confronted with a situation a hundred times worse than that which has confronted any Senator. Upon his shoulders has rested the responsibility for guiding this Nation through most perilous waters.

I have no information as to what was told the President of the United States

before 12 o'clock on Saturday. I am not informed that the railroad workers had offered to go back to work upon the terms afterward accepted. In fact my information is to the contrary and that any offers which had been made were conditional and did not constitute a full acceptance. I do not know when the word first reached the President of the United States that the offer had been accepted, but I do know that the President of the United States did tell us in the joint session, and did tell the Nation, that the offer had been accepted, and I know it was a simple, matter-of-fact statement, coming from one of the most earnest, one of the most sincere, one of the most patriotic men in this Nation, the President of the United States. And I do not think any Senator—I care not what his party affiliation—has the right in these times to stand here on the floor and refer to the President of the United States as a ham actor.

Mr. MORSE. Mr. President——

Mr. HATCH. Mr. President, I think every Senator ought to rise and resent that statement. He is the President of the United States. I ask unanimous consent that those words be stricken from the RECORD.

Mr. MORSE. Mr. President——

The PRESIDING OFFICER. Without objection——

Mr. MORSE. Mr. President, I am asking for the floor. I will repeat those words if necessary, to put the facts in the RECORD.

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Oregon?

Mr. DOWNEY. No; I am not willing to yield at this time.

Mr. MORSE. Will the Senator yield to me for the purpose of answering the Senator from New Mexico?

Mr. DOWNEY. I will say to the distinguished Senator that I am not willing to prolong any conversation of that kind in my time. There will be ample time for Senators to discuss that question when I am through.

Mr. AIKEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. AIKEN. Is it the order of the Presiding Officer that those words be stricken from the RECORD, without permitting the Senator from Oregon to say anything more?

The PRESIDING OFFICER. No; in view of the fact that the Senator from Oregon rose at that moment to object, the words are not stricken.

Mr. DOWNEY. Mr. President, at this point I wish to make my position clear to the distinguished Senator from Louisiana [Mr. OVERTON] and to other Senators.

I freely acknowledge and realize, on my part, that we, the people of the United States, are now confronted by many alarming crises of various kinds, and that how they should be resolved, or how they can be resolved, present most difficult questions.

At the end of 150 years of development we have created an economic and farm machine of such abundance and fertility that it is almost beyond the ability of the human mind to conceive it. But in doing so we have likewise created an intricate web of business, commerce, and industry. Injury to any important part of that web may completely destroy that entire economy.

Mr. President, I do not underestimate the seriousness of the situation which confronts us. I know what Senators and Representatives are thinking. We have now developed an economic system and a labor picture in the United States by virtue of which a few laboring men in ten or fifteen industries have the power, if they wish to use it unreasonably and are not checked, to destroy the whole economy. There is no doubt of that. If the railroads stop operations, under the rule of the chiefs of the workers, or if the steel industry ceases operations, or if the automobile industry, or many other businesses in the United States, cease to operate, a disintegration and demoralization which could almost destroy the Government in 90 days or 6 months may set in. So I say to the Senator from Louisiana that I do not differ from him when he asserts that aggressive measures are necessary to save our very Government.

I will go further than the Senator from Louisiana has gone. For 3 or 4 years I have watched with increasing worry the advancement of communistic influence in certain of our labor groups. I have watched some of the leaders, whom I personally know to be communistically inclined, become more truculent and belligerent in their attitude toward Congress and toward this Nation.

Why do I particularly refer to that group, Mr. President? Because that group openly espouses the Marxian theory. What is the Marxian theory? To me it is a cruel philosophy, because it appeals to the baser instincts of humankind by preaching the philosophy that we must have a dictatorship. That that dictatorship must be achieved by violent and bloody revolution. That a few masters must ruthlessly rule the many.

Why does that worry me? Because I say that the very things which are happening in the United States today are fuel for controversy, hate, bitterness, revolution, and some kind of dictatorship. Labor leaders who believe in communism could hope for no apter law than this. It is perfectly adapted to their philosophy of dictatorship.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. DOWNEY. I shall be glad to yield in just a moment.

So it becomes the policy of men who want revolution to advance destructive ideas and methods only for the purpose of creating disorder in the Nation.

I now yield to the Senator from Wyoming.

Mr. O'MAHONEY. I rise to clarify a statement which the Senator has just made. One listening to his statement, or reading it in the RECORD, might draw the conclusion that it is his opinion that in the United States there is a ruling class. The Senator correctly described the Marxian theory as announced in Europe and as adopted in Russia, for the liquidation of a ruling class which did exist in Russia. But does not the Senator agree with me that to this hour there has not yet developed in the United States a ruling class in the sense in which Karl Marx used the phrase? In the United States we have been endeavoring to preserve a free government by the support of all classes.

Mr. DOWNEY. Mr. President, I have no desire to enter into a discussion of whether there is a ruling class in the United States, or to what extent the communistic leaders may think there is, and mark out certain persons as members of the ruling class. I am certainly entirely in harmony with the general philosophy of the Senator from Wyoming. But so far we, the people of the United States, have been an island in the almost endless flow of time that alone has preserved freedom and independence for its people. There is certainly no ruling class here in any invidious sense. Men may pass freely from one stratum to another. There is not, except in isolated cases, injustice. On the whole, our political philosophy has worked well, although there are some unhappy exceptions. I hope they will soon be remedied. I am very glad indeed to accept the statement of the distinguished Senator from Wyoming as my own.

Yes, Mr. President, we do have this communistic philosophy impregnating certain of our leaders and certain of our unions. I do not mean to say that many of our unions are under its dominion and control, but some of them are to a greater or less extent, and I believe that these communistic advocates see the labor movements as a means of advancing their philosophy.

Mr. President, I take the position that no body of men, either employers or employees, should be gifted with such power over any great industry that they can destroy it overnight. In order that my position may be abundantly clear, let me say that in 1928 and 1929 the employers operating our big industries just as effectively shut those industries down as the workers could have done by striking. I cannot say that they did it purposely. I doubt if they knew what they were doing. But history clearly reveals that the depression of 1929 came because the owners of our great industries diverted into profits and corporate savings such tremendous sums of money that they could not be used in building more factories or other proper investments. Those tremendous sums stagnated or were drawn into the speculative stock market to such an extent that they stagnated equal amounts of wealth. In the first 6 months of 1929 our inventories increased $6,000,000,000, and the stagnant savings of the Nation increased by the same amount. There was plenty of money in the Nation to take the goods off the market place. There were plenty of people wanting those goods; but the people who wanted the goods did not have the money. Too much had been diverted away from wages and salaries into profits and corporate reserves, and the terrible depression which involved 15,000,000 men unemployed finally came upon us.

Mr. President, looking ahead 5 or 10 years, we are confronted with the same possibility of excessive capital and insufficient mass purchasing power.

Let me point out to the Senate why I think we are entering an era, during the next 6 months, year, or 18 months, fraught with tremendous danger to this Nation. It is thought by many people that the cost of living will rise from 15 to 30 percent before January 1st of next year. I ask, What is going to happen in the Nation if that occurs? Are we going to be able to stop strikes, hate, bitterness, and slow-downs if it should occur? Do you think the drafting of workers will be sufficient to do it?

As chairman of the Committee on Civil Service, for many months I engaged in an examination of budgets of workers in Washington, and talked with many workers personally. I was left with the firm impression that from 75 to 80 percent of our people were living on the ragged edge of insolvency and desperation.

I wish to assert that if the inflation that many of us talk about so easily—an inflation of 15 or 25 or 30 or 50 percent—comes, we may expect anything in this Nation, because people will not easily and quietly starve or go unclothed.

Mr. President, figure it for yourself. Eighty percent of our people receive $125, $150, or $175 a month—less than $200 a month. The average wage now paid in the steel companies is the highest average wage paid in the United States—a little over $200 a month if a man is employed and is not sick and is working at his job. A worker in a city must give up, if he has two or three or four members of his family, at least $100 a month for food and $50 or $60 a month for his rent or his home. He has to pay his income tax and his social-security exactions and his transportation; and most men with families, working at $175 or $200 a month or less, are in such straitened circumstances that an extra dental bill or medical bill or sickness is a calamity and a tragedy.

I sometimes think that we in the governing power here do not have the imaginative conception that we should have for people struggling to live on such incomes. Perhaps this kind of a law, if it is passed, will cause people to continue to work, even though the inflation takes $25 or $50 or $75 a month more out of their incomes. But I have my doubts.

So, Mr. President, let me say that I agree that difficult and controversial days and years lie ahead. I agree that we have created in this country a condition in which leaders of either the employers or the employees may wreck the economy. But I do not believe we are going to cure evils by saying, "Whenever these arguments arise, we will put a bayonet back of a man, and he will work at the amount that the Government or the President or his employer tells him, if he is in a vital industry."

I think dignity is almost the finest possession of the human heart. We in America have, as I see it, a great and a splendid body of workmen. During the recent war, with the youngest and most vigorous absent from the factories and the fields, in war goods we outproduced all the dictatorial and other nations of the world. I have had a good deal to do with these laboring men; and, Mr. President, I tell you that they have one horror in their hearts: First and foremost in their minds is a deadly fear that some day they will be drafted into labor battalions or into the Army and forced to work as soldiers.

I have not read my mail today and I have not talked to any labor leaders, but I know enough of the American workman, be he CIO or A. F. of L. or railroad brotherhood or anything else, to know that there is a hate and a bitterness in his heart against labor drafting beyond what I can describe. When we place upon the statute books a law that says that, "Under certain conditions, in these great industries, if you do not do what the President of the United States says, you will be drafted into the Army and made to work as a soldier in a labor battalion," we shall have stricken the American workers to their hearts. The mere passage of this law will, in my opinion, create a wave of controversy and hate from the men in this Nation who do the work, who make our shoes and clothing and bring us our milk and food and transport us and light and heat us.

Mr. President, by methods such as here proposed we could start slow downs and strikes and sabotage in America to an extent that would ruin our economy in 6 months or in a year. I do not believe that the pathway to peace and plenty for us lies along the road of this dictatorial bill by which a man may be shot to death in 24 hours if he does not return to his employment under what he considers unfair conditions.

Mr. President, before I sit down—and I shall do so very soon—I should like to strike a note of optimism and hope in this rather fateful, unhappy day. We are at the end of 150 years of development in America. One hundred and fifty years ago there were only two or three or four million people inhabiting a scanty area along the Atlantic coast. From the Alleghenies westward to the Pacific there was an unbroken wilderness inhabited only by the red men and the wild animals upon which they lived. From the American wilderness by ingenuity and toil and thrift and saving and effort we have made a veritable paradise out of America, whenever we want to properly use it.

Mr. President, if we could only have 2 years of peace and tranquillity, without these bitter, hateful controversies, to get our farms and our machines and our factories and our railroads again in full production, at last, for the first time in all history, we could give to every man, woman, and child in the United States a full and decent living, and we could go on from there to build here in the United States a nobler Nation for a nobler people.

But, Mr. President, how are we going to get that 2 years of peace in which to "get back to normalcy," to use that expression? I think one of the things we ought to do, before we ever vote for a bill by which we would tell a man that he might be court-martialed and shot or imprisoned if he did not work against his will, before we go into open dictatorship, would be to see whether by free and open hearings we may do something.

It may be that already today the coal strike is in process of settlement. I have heard that Mr. Krug and Mr. Lewis are very close to a settlement. But if they are not, if they have not reached a settlement, I, for one, before I vote this penalty against coal miners, would like to know something about this dispute. I do not know very much about it. I know that coal miners do probably the most disagreeable and dangerous work in the Nation. I know they live in rather miserable communities. I know they have not had proper medical and dental attention. I know that the amount of money they receive is barely sufficient to keep body and soul together. I should like to know just what all the dispute is about. I should like to know how much profits are being made by the coal mines. I am not saying those profits are exorbitant. I am not saying that men should not make profits. But if the President does not succeed in making a settlement—and I hope he will, and I believe he will—I should like to see whether there is not some way that the leaders in Congress could have some sort of public hearing which might extend over a month; and upon the intercession of Congress, and if Mr. Lewis knew there was to be a full and frank revelation of all the facts, I have no doubt he could be prevailed upon to accept a law by Congress which would continue operations for 30 days under the Smith-Connally Act. Yes, Mr. President, I think many things should be attempted before we force a military dictatorship upon the Nation.

Mr. President, approximately 10 years ago I said that I believed that the coming decades would test the strength of democracy to its enduring limit. I believe that more today than I ever did before. I believe that this is only one of the many crises which we shall have to confront within the next 5, 10, or 20 years. Mr. President, the coming of atomic energy alone, which will probably be within 10 or 20 years, may rend the fabric of every law and every economy which we now have. There are plenty of pitfalls and difficulties which clearly lie ahead.

Mr. President, while this may not be entirely apropos of the pending question, I should like to say to the Senate, and particularly to the distinguished Senator from Virginia, because he is a member of the Civil Service Committee, that today I am submitting a concurrent resolution to appoint a joint committee to be composed of members of the Civil Service Committees of the two Houses, to make a study of the Federal pay roll. The Government is the greatest employer of labor in the United States. In the bill which was recently passed by Congress, and in the one which was passed last July, we dealt with many intricate and involved propositions. The very great ability and learning of the distinguished Senator from Virginia was of great help in working out what I considered to be a very fine bill.

On that committee, Mr. President, we would have a well-balanced group of men who differ in their ideologies and social outlooks. I believe that those men, by checking against and working with each other, might work out very useful plans and data, and a program

for the solution of the problems in connection with the Federal pay roll.

I have some hope that if we were to undertake that work, Mr. President, by our hearings and investigations we might, perhaps, be able to set a model or an example for the entire Nation. I believe that if there can be a free and candid examination of this question in the Halls of Congress, with a clear understanding that wages must be based upon production, or otherwise inflation may take place, and with a clear realization on the part of the workers that they will have as quick an increase in compensation as possible, I believe that much might be accomplished.

Mr. President, I am unhappy that in opposing this bill I find myself in opposition to my President, and to my beloved and distinguished majority leader whom I am nearly always able to follow. I hope the distinguished majority leader himself may be converted to the belief that section 7 of the bill should be expunged. I understand that another distinguished Senator is prepared to offer an amendment in that connection, and when he does so it will have my fervent support.

Mr. President, in conclusion I assert that I, for one, am not willing to aid in the promotion of a dictatorship. I hope that, as we go forward with our consideration of the pending bill, the Senate, the President, and, our majority leader, may come to an agreement with some of the rest of us that the bill is not a proper and workable one and should be withdrawn.

Mr. WILEY. Mr. President, I wish to ask the majority leader one question, if I may have his attention.

Under consideration today is a bill which has been suggested by the President of the United States. I understand that between 800 and 900 notices of strikes have been served under the law. I also understand that the maritime workers have definitely stated, through their leaders, that they will go on strike within a few days. I have also understood that the purpose of the pending bill is to meet a great national crisis. The question which I wish to propound to the able majority leader is this: Are there other factors or facts involved in the present national crisis of which we should be made aware? Is there something in the picture which we should know about, but which we do not now know?

Mr. BARKLEY. Mr. President, if there is anything in the picture which is not known to the public generally, I am not aware of it. I mean that I have no secret information with respect to any impending matter which is not included in what the Senator has referred to, namely, the issuance of eight or nine hundred notices of strikes which are about to occur, and the maritime strike which is set for the 15th of June. I have no information concerning any set of facts which either the President or any one in his executive family, or any Member of the Senate, including myself, has withheld or is withholding from the Senate or from the public.

Mr. WILEY. Is there anything in the international picture which ties up with the internal picture and makes necessary the proposed legislation?

Mr. BARKLEY. Of course, every Senator, as well as every other citizen of the country, might draw his own conclusions as to what may be the effect of the present situation on the international situation. The creation of a crisis within the United States which affects not only the welfare, health, and life of the people, but also the power and authority of our own Government to deal with it, would undoubtedly have an effect on the international situation. It would undoubtedly create the impression on the part of other nations that if we cannot act adequately to deal with an internal situation which challenges our Government, we might not be able to deal adequately with an international situation which challenged the authority of our Government. That does not resolve itself around any particular domestic incident or episode. But certainly, if other nations should feel that the United States was without authority or power to deal with its own domestic problems, they would naturally question its power to deal in a broader field.

Mr. WILEY. Then, it is the judgment of the majority leader that by the proposed legislation we are to give to the President discretionary and exceptional power in order that he may meet the present grave emergency. The proposal does not necessarily mean that the President will exercise such power, but that he may exercise it if, in his judgment, he deems it necessary to do so.

Mr. BARKLEY. Precisely.

ACQUISITION OF STOCKS OF STRATEGIC AND CRITICAL MATERIALS

The PRESIDING OFFICER (Mr. GEORGE in the chair) laid before the Senate the amendment of the House of Representatives to (S. 752) to amend the act of June 7, 1939 (53 Stat. 811), as amended, relating to the acquisition of stocks of strategic and critical materials for national defense purposes, which was to strike out all after the enacting clause and insert:

That the act of June 7, 1939 (53 Stat. 811), as amended, is hereby amended to read as follows:

"That the natural resources of the United States in certain strategic and critical materials being deficient or insufficiently developed to supply the industrial, military, and naval needs of the country for common defense, it is the policy of the Congress and the purpose and intent of this act to provide for the acquisition and retention of stocks of these materials and to encourage the conservation and development of sources of these materials within the United States, and thereby decrease and prevent wherever possible a dangerous and costly dependence of the United States upon foreign nations for supplies of these materials in times of national emergency.

"SEC. 2. (a) To effectuate the policy set forth in section 1 hereof the Secretary of War, the Secretary of the Navy, and the Secretary of the Interior, acting jointly through the agency of the Army and Navy Munitions Board, are hereby authorized and directed to determine, from time to time, which materials are strategic and critical under the provisions of this act and to determine, from time to time, the quality and quantities of such materials which shall be stock piled under the provisions of this act. In determining the materials which are strategic and critical and the quality and quantities of same to be acquired the Secretaries of State, Treasury, and Commerce shall each designate representatives to cooperate with the Secretary of War, the Secretary of the Navy, and the Secretary of the Interior in carrying out the provisions of this act.

"(b) To the fullest extent practicable the Secretary of War, the Secretary of the Navy, and the Secretary of the Interior, acting jointly, shall appoint industry advisory committees selected from the industries concerned with the materials to be stock piled. It shall be the general function of the industry advisory committees to advise with the Secretary of War, the Secretary of the Navy, and the Secretary of the Interior and with any agencies through which they may exercise any of their functions under this act with respect to the purchase, sale, care, and handling of such materials. Members of the industry advisory committees shall receive a per diem allowance of not to exceed $10 for each day spent at conferences held upon the call of the Secretary of War, the Secretary of the Navy, and the Secretary of the Interior, plus necessary traveling and other expenses while so engaged.

"SEC. 3. The Secretary of War and the Secretary of the Navy shall direct the Secretary of the Treasury, through the medium of the Procurement Division of his Department, to—

"(a) make purchases of strategic and critical materials pursuant to the determinations as provided in section 2 hereof which purchases (1) shall be made, so far as is practicable, from supplies of materials in excess of the current industrial demand and (2) shall be made in accordance with title III of the act of March 3, 1933 (47 Stat. 1520), but a reasonable time (not to exceed 1 year) shall be allowed for production and delivery from domestic sources and in the case of any such material available in the United States but which has not been developed commercially, the Secretary of War and the Secretary of the Navy may, if they find that the production of such material is economically feasible, direct the purchase of such material without requiring the vendor to give bond;

"(b) provide for the storage, security, and maintenance of strategic and critical materials for stock-piling purposes on military and naval reservations or other locations approved by the Secretary of War and the Secretary of the Navy;

"(c) provide through normal commercial channels for the refining or processing of any materials acquired or transferred under this act when the Secretary of War and the Secretary of the Navy deem such action necessary to convert such materials into a form best suitable for stock piling, and such materials may be refined, processed, or otherwise beneficiated either before or after their transfer from the owning agency;

"(d) provide for the rotation of any strategic and critical materials constituting a part of the stock pile where necessary to prevent deterioration by replacement of acquired stocks with equivalent quantities of substantially the same material with the approval of the Secretary of War and the Secretary of the Navy;

"(e) dispose of any materials held pursuant to this act which are no longer needed because of any revised determination made pursuant to section 2 of this act, as hereinafter provided;

"No such disposition shall be made until 6 months after publication in the Federal Register and transmission of a notice of the proposed disposition to the Congress and to the Military Affairs Committee of each House thereof. Such notice shall state the reasons for such revised determination, the amounts of the materials proposed to be released, the

plan of disposition proposed to be followed, and the date upon which the material is to become available for sale or transfer. The plan and date of disposition shall be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of the material to be released and the protection of producers, processors, and consumers against avoidable disruption of their usual markets: *Provided*, That no material constituting a part of the stock piles may be disposed of without the express approval of the Congress except where the revised determination is by reason of obsolescence of that material for use in time of war. For the purposes of this paragraph a revised determination is by reason of obsolescence if such determination is on account of (1) deterioration, (2) development or discovery of a new or better material or materials, or (3) no further usefulness for use in time of war.

"SEC. 4. The Secretary of War and the Secretary of the Navy shall submit to the Congress, not later than 6 months after the approval of this act, and every 6 months thereafter, a written report detailing the activities with respect to stock piling under this act, including a statement of foreign and domestic purchases, and such other pertinent information on the administration of the act as will enable the Congress to evaluate its administration and the need for amendments and related legislation.

"SEC. 5. The stock piles shall consist of all such materials heretofore purchased or transferred to be held pursuant to this act, or hereafter transferred pursuant to section 6 hereof, or hereafter purchased pusuant to section 3 hereof, and not disposed of pursuant to this act. Except for the rotation to prevent deterioration and except for the disposal of any material pursuant to section 3 of this act, materials acquired under this act shall be released for use, sale, or other disposition only (a) on order of the President at any time when in his judgment such release is required for purposes of the common defense, or (b) in time of war or during a national emergency with respect to common defense proclaimed by the President, on order of such agency as may be designated by the President.

"SEC. 6. (a) Pursuant to regulations issued by the War Assets Administration or its successor, every material determined to be strategic and critical pursuant to section 2 hereof, which is owned or contracted for by the United States or any agency thereof, including any material received from a foreign government under an agreement made pursuant to the act of March 11, 1941 (55 Stat. 31), as amended, or other authority, shall be transferred by the owning agency, when determined by such agency to be surplus to its needs and responsibilities, to the stock piles established pursuant to this act, so long as the amount of the stock pile for that material does not exceed the quantities determined therefor pursuant to section 2 hereof. There shall be exempt from this requirement such amount of any material as is necessary to make up any deficiency of the supply of such material for the current requirements of industry as determined by the Civilian Production Administration or its successor. There shall also be exempt from this requirement (1) any material which constitutes contractor inventory if the owning agency shall not have taken possession of such inventory, (2) such amount of any material as the Army and Navy Munitions Board determines (i) are held in lots so small as to make the transfer thereof economically impractical; or (ii) do not meet or cannot economically be converted to meet, stock-pile requirements determined in accordance with section 2 of this act. The total material transferred to the stock piles established by this act in accordance with this section during any fiscal year beginning more than 12 months after this act becomes law shall not exceed in value (as determined by the Secretary of the Treasury on the basis of the fair market value at the time of each transfer) an amount to be fixed by the appropriation act or acts relating to the acquisition of materials under this act.

"(b) Any transfer made pursuant to this section shall be made without charge against or reimbursement from the funds available under this act, except that expenses incident to such transfer may be paid or reimbursed from such funds, and except that, upon any such transfer from the Reconstruction Finance Corporation, or any corporation organized by virtue of the authority contained in the act of January 22, 1932 (47 Stat. 5), the Secretary of the Treasury shall cancel notes of Reconstruction Finance Corporation, and sums due and unpaid upon or in connection with such notes at the time of such cancellation, in an amount equal to the fair market value as determined by the Secretary of the Treasury of the material so transferred.

"(c) Effective whenever the Secretary of the Treasury shall cancel any notes pursuant to subsection (b) of this section, the amount of notes, debentures, bonds, or other such obligations which the Reconstruction Finance Corporation is authorized and empowered to have outstanding at any one time under the provisions of existing law shall be deemed to be reduced by the amount of the notes so canceled.

"(d) Subsection (b) of section 14 of the act of October 3, 1944 (58 Stat. 765), is hereby amended to read as follows:

"'(b) Subject only to subsection (c) of this section, any owning agency may dispose of—

"'(1) any property which is damaged or worn beyond economical repair;

"'(2) any waste, salvage, scrap, or other similar items;

"'(3) any product of industrial, research, agricultural, or livestock operations, or of any public works construction or maintenance project, carried on by such agency;

which does not consist of materials which are to be transferred in accordance with the Strategic and Critical Materials Stock Piling Act, to the stock piles established pursuant to that act.'

"(e) Section 22 of the act of October 3, 1944 (58 Stat. 765), is hereby repealed.

"*Provided*, That any owning agency as defined in that act having control of materials that, when determined to be surplus, are required to be transferred to the stock piles pursuant to subsection (a) hereof, shall make such determination as soon as such materials in fact become surplus to its needs and responsibilities.

"SEC. 7. (a) The Secretary of the Interior, through the Director of the Bureau of Mines and the Director of Geological Survey, is hereby authorized and directed to make scientific, technologic, and economic investigations concerning the extent and mode of occurrence, the development, mining, preparation, treatment, and utilization of ores and other mineral substances found in the United States or its Territories or insular possessions, which are essential to the common defense or the industrial needs of the United States, and the quantities or grades of which are inadequate from known domestic sources, in order to determine and develop domestic sources of supply, to devise new methods for the treatment and utilization of lower grade reserves, and to develop substitutes for such essential ores and mineral products; on public lands and on privately owned lands, with the consent of the owner, to explore and demonstrate the extent and quality of deposits of such minerals, including core drilling, trenching, test-pitting, shaft sinking, drifting, cross-cutting, sampling, and metallurgical investigations and tests as may be necessary to determine the extent and quality of such deposits, the most suitable methods of mining and beneficiating them, and the cost at which the minerals or metals may be produced.

"(b) The Secretary of Agriculture is hereby authorized and directed to make scientific, technologic, and economic investigations of the feasibility of developing domestic sources of supplies of any agricultural material or for using agricultural commodities for the manufacture of any material determined pursuant to section 2 of this act to be strategic and critical or substitutes therefor.

"SEC. 8. For the procurement, transportation, maintenance, rotation, storage, and refining or processing of the materials to be acquired under this act, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,800,000,000: *Provided*, That not more than the sum set out opposite each of the following fiscal years shall be appropriated for such purposes during such fiscal year:

"Fiscal year 1946–47, $360,000,000.
"Fiscal year 1947–48, $360,000,000.
"Fiscal year 1948–49, $360,000,000.
"Fiscal year 1949–50, $360,000,000.
"Fiscal year 1950–51, $360,000,000.

"The funds so appropriated, including the funds heretofore appropriated, shall remain available to carry out the purposes for which appropriated until expended, and shall be expended under the joint direction of the Secretary of War and the Secretary of the Navy.

"SEC. 9. Any funds heretofore or hereafter received on account of sales or other dispositions of materials under the provisions of this act shall be deposited to the credit, and be available for expenditure for the purposes, of any appropriation available at the time of such deposit, for carrying out the provisions of sections 1 to 6, inclusive, of this act.

"SEC. 10. This act may be cited as the 'Strategic and Critical Materials Stock Piling Act'."

Mr. THOMAS of Utah. Mr. President, I move that the Senate disagree to the amendment of the House, ask a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. THOMAS of Utah, Mr. JOHNSON of Colorado, Mr. HILL, Mr. O'MAHONEY, Mr. AUSTIN, Mr. BRIDGES, and Mr. GURNEY conferees on the part of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House insisted upon its amendment to the bill (S. 704) to authorize the Secretary of Agriculture to continue administration of and ultimately liquidate Federal rural rehabilitation projects, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. FLANNAGAN, Mr. COOLEY, Mr. PACE, Mr. HOPE, and Mr. KINZER, were appointed managers on the part of the House at the conference.

SETTLEMENT OF INDUSTRIAL DISPUTES AFFECTING THE NATIONAL ECONOMY

The Senate resumed consideration of the bill (H. R. 6578) to provide on a temporary basis during the present period of emergency for the prompt settlement

of industrial disputes vitally affecting the national economy in the transition from war to peace.

Mr. MILLIKIN obtained the floor.

Mr. BYRD. Will the Senator yield to me to suggest the absence of a quorum?

Mr. MILLIKIN. I yield.

Mr. BYRD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hawkes	Overton
Andrews	Hayden	Pepper
Austin	Hickenlooper	Radcliffe
Ball	Hill	Reed
Barkley	Hoey	Revercomb
Brewster	Huffman	Robertson
Bridges	Johnson, Colo.	Russell
Briggs	Johnston, S. C.	Saltonstall
Brooks	Knowland	Shipstead
Bushfield	La Follette	Smith
Byrd	Langer	Stanfill
Capehart	Lucas	Stewart
Capper	McCarran	Taft
Connally	McClellan	Taylor
Cordon	McFarland	Thomas, Okla.
Donnell	McKellar	Thomas, Utah
Downey	McMahon	Tobey
Eastland	Magnuson	Tunnell
Ellender	Mead	Tydings
Ferguson	Millikin	Vandenberg
Fulbright	Mitchell	Wagner
George	Moore	Walsh
Gerry	Morse	Wheeler
Green	Murdock	Wherry
Guffey	Murray	White
Gurney	Myers	Wiley
Hart	O'Daniel	Wilson
Hatch	O'Mahoney	Young

The PRESIDING OFFICER. Eighty-four Senators having answered to their names, a quorum is present.

Mr. MILLIKIN. I respectfully affirm that the proposed legislation is an ill-considered, hasty product of hysteria, is an affront to our veterans, is violative of human dignity, human decency, and fair play, is lacking in candor, is arbitrary, capricious, and brutal, is unconstitutional, and in its present form should not be enacted into law.

Mr. President, I ask unanimous consent that the bill be printed in full at this point in the RECORD.

The PRESIDING OFFICER. Is there objection?

There being no objection, the bill (H. R. 6578) to provide on a temporary basis during the present period of emergency for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace, was ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That it is the policy of the United States that labor disputes interrupting or threatening to interrupt the operations of industries essential to the maintenance of the national economic structure and to the effective transition from war to peace should be promptly and fairly mediated, and brought to a conclusion which will be just to the parties and protect the public interest.

SEC. 2. Whenever the United States has taken possession, under the provisions of section 9 of the Selective Training and Service Act of 1940, as amended, or the provisions of any other applicable law, of any plants, mines, or facilities constituting a vital or substantial part of an essential industry, and in the event further that a strike, lock-out, slow-down, or other interruption occurs or continues therein after seizures, then, if the President determines that the continued operation of any such plant, mine, or facility is vitally necessary to the maintenance of the national economy, the President may by proclamation declare the existence of a national emergency relative to the interruption operations.

SEC. 3. The President shall in any such proclamation (1) state a time not less than 48 hours after the signature thereof at which such proclamation shall take final effect; (2) call upon all employees and all officers and executives of the employer to return to their posts of duty on or before the finally effective date of the proclamation; (3) call upon all representatives of the employer and the employees to take affirmative action prior to the finally effective date of the proclamation to recall the employees and all officers and executives of the employer to their posts of duty and to use their best efforts to restore full operation of the premises as quickly as may be; and (4) establish fair and just wages and other terms and conditions of employment in the affected plants, mines, or facilities which shall be in effect during the period of Government possession, subject to modification thereof, with the approval of the President, pursuant to the applicable provisions of law, including section 5 of the War Labor Disputes Act, or pursuant to the findings of any panel or commission specially appointed for the purpose by the President.

SEC. 4. (a) On and after the initial issuance of the proclamation, it shall be the obligation of the officers of the employer conducting or permitting such lock-out or interruption, the officers of the labor organization conducting or permitting such strike, slow-down, or interruption, and of any person participating in the calling of such strike, lock-out, slow-down, or interruption to take appropriate affirmative action to rescind or terminate such strike, lock-out, slow-down, or interruption.

(b) On and after the finally effective date of any such proclamation, continuation of a strike, lock-out, slow-down, or any other interruption at any such plant, mine, or facility shall be unlawful.

(c) On and after the finally effective date of the proclamation, any person willfully violating the provisions of subsection (a) of this section shall be subject to a fine of not more than $5,000 or to imprisonment for not more than 1 year, or both.

SEC. 5. The Attorney General may petition any district court of the United States, in any State or in the District of Columbia, or the United States court of any Territory or possession, within the jurisdiction of which any party defendant to the proceeding resides, transacts business, or is found, for injunctive relief, and for appropriate temporary relief or restraining order, to secure compliance with section 4 hereof or with section 6 of the War Labor Disputes Act. Upon the filing of such petition, the court shall have all the power and jurisdiction of a court of equity, and such power and jurisdiction shall not be limited by the act entitled "An act to amend the Judicial Code, to define and limit the jurisdiction of courts sitting in equity, and for other purposes," approved March 23, 1932. Notice or process of the court under this section may be served in any judicial district, either personally or by leaving a copy thereof at the residence or principal office or place of business of the person to be served. Petitions filed hereunder shall be heard with all possible expedition. The judgment and decree of the court shall be subject to review by the appropriate circuit court of appeals (including the United States Court of Appeals for the District of Columbia) and by the Supreme Court of the United States upon writ of certiorari.

SEC. 6. Any affected employee who fails to return to work on or before the finally effective date of the proclamation (unless excused by the President), or who after such date engaged in any strike, slow-down, or other concerted interruption of operations while such plants, mines, or facilities are in the possession of the United States, shall be deemed to have voluntarily terminated his employment in the operation thereof, shall not be regarded as an employee of the owners or operators thereof for the purposes of the National Labor Relations Act or the Railway Labor Act, as amended, unless he is subsequently reemployed by such owners or operators, and if he is so reemployed shall be deemed a new employee for purposes of seniority rights.

SEC. 7. The President may, in his proclamation issued under section 2 hereof, or in a subsequent proclamation, provide that any person subject thereto who has failed or refused, without the permission of the President, to return to work within 24 hours after the finally effective date of his proclamation issued under section 2 hereof, shall be inducted into, and shall serve in, the Army of the United States at such time, in such manner (with or without an oath), and on such terms and conditions as may be prescribed by the President, as being necessary in his judgment to provide for the emergency. The foregoing provisions shall apply to any person who was employed in the affected plants, mines, or facilities at the date the United States took possession thereof, including officers and executives of the employer, and shall further apply to officials of the labor organizations representing the employees. Provisions of law which are applicable with respect to persons serving in the armed forces of the United States, or which are applicable to persons by reason of the service of themselves or other persons in the armed forces of the United States, shall be applicable to persons inducted under this section only to such extent as may from time to time be prescribed by the President.

SEC. 8. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

SEC. 9. In fixing just compensation to the owners of properties of which possession has been taken by the United States under the provisions of section 9 of the Selective Training and Service Act of 1940, as amended, or any other similar provision of law, due consideration shall be given to the fact that the United States took possession of such properties when their operations had been interrupted by a work stoppage, and to the value the use of such properties would have had to their owners during the period they were in the possession of the United States in the light of the labor dispute prevailing. It is hereby declared to be the policy of the Congress that neither employers nor employees profit by such operation of any business enterprise by the United States and, to that end, if any net profit accrues by reason of such operation after all the ordinary and necessary business expenses and payment of just compensation, such net profit shall be covered into the Treasury of the United States as miscellaneous receipts.

SEC. 10. The provisions of this act shall cease to be effective 6 months after the cessation of hostilities, as proclaimed by the President, or upon the date (prior to the date of such proclamation) of the passage of a concurrent resolution of the two Houses of Congress stating that such provisions shall cease to be effective, or on June 30, 1947, whichever first occurs.

SEC. 11. If any provision of this act, or the application of such provision to any person or circumstance, is held invalid, the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

Mr. MILLIKIN. Mr. President, the plan of the bill is to keep men at work, on the theory that one cannot strike against the Government, and therefore it would make public employees out of private employees, public operators out

of private operators, would make criminal by antecedent proclamation that which has been lawful, and would punish the crimes thus created by fine, imprisonment, injunction, loss of seniority, and involuntary servitude.

There are many defects in the bill. We notice at once the absence of decontrol standards. This defect is heightened by the fact that control under section 10 can continue until 6 months after the cessation of hostilities as proclaimed by the President. When is that going to be? How many years must a man work in the Army against his will for the offense of not working against his will?

The Allies are unable to agree among themselves, and hence they cannot make peace treaties with our enemies to end the war. The bill fails to provide that decontrol of seized mines, plants, and facilities may also be established by a resolution of Congress.

Through the bill Congress is called upon to abdicate many of its normal functions. It has no control, no check, over the startling remedies which are proposed.

The President alone proclaims the emergency. He alone determines the plants, mines, or facilities which constitute a vital or substantial part of an essential industry necessary to the maintenance of the national economy.

Mr. SMITH. Mr. President, will the Senator yield for a question?

Mr. MILLIKIN. Gladly.

Mr. SMITH. In section 10 of the bill we find the language:

> The provisions of this act shall cease to be effective—

On the date when the war ends, as the Senator suggested, or, as it appears at the end of the section—

> or on June 30, 1947, whichever first occurs.

Mr. MILLIKIN. Yes.

Mr. SMITH. That final date is provided in the act.

Mr. MILLIKIN. It was not provided in the bill as introduced. It appears in the bill as a proposed committee amendment. I think it would be wise to adopt that amendment in the absence of a more definite limitation.

The President alone proclaims the emergency. He alone determines when to induct recalcitrant workers into the Army, and the terms and conditions of such induction.

Under section 3 the President, while operating private property which has been seized, takes it upon himself to adjudicate the unresolved disputes between the private operators and the private employees. Free collective bargaining as to wages and working conditions gives way to Presidential fiat.

The operator may find burdens thus imposed upon his business which it may not be able to carry if it should ever be returned to private control, and on the other hand the worker may find himself the dissatisfied recipient of wages and working conditions which would be completely unacceptable if he were a free man, and in the end, when the property is returned to the owner, may find himself with depressing precedents as to wages and working conditions impossible to overcome except by further strikes.

Political solution of disputes as to wages and working conditions is the antithesis of collective bargaining. True, there have been precedents for such solutions and these have contributed mightily to our present difficulties. When labor must compete for political favors it and its leaders have lost their freedom. They have become captive satellites of politicians and of political parties. The satesmen of labor have long been aware of this and have wanted to shorten rather than lengthen the nose of the Government in their affairs.

It is neither in the interest of labor, management, nor the public that wages and working conditions in important segments of our economy may be determined on the sole judgment or caprice of the President of the United States, no matter who he may be. The President, no matter who he may be, is also the leader of a political party, and therefore cannot be entirely insensitive to partisan political considerations.

Under section 3 of the bill the President has a discretionary right to appoint a panel or commission to determine these matters. If it should be considered inadvisable to provide for the maintenance of the status quo at the time of seizure until the return of the property with retroactive adjustments, it would be better to make mandatory the appointment of a panel or commission, and better yet if an independent agency were set up consisting of members to be confirmed by the United States Senate.

The wide-open provisions of the bill which would permit the distribution of political plums or the punishment of political enemies should be considered as a dangerous and unnecessary feature even by those who believe in legislation of the general type here proposed.

Section 4 of the bill imposes the duty on the leaders of management and labor "to take appropriate, affirmative action to rescind or terminate such strike, lock-out, slow-down, or interruption." Observe, please, that the rigor of the mandate is not limited to good-faith effort, and is not relieved by any other mitigating language. Let me repeat——

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. MILLIKIN. I yield.

Mr. PEPPER. The Senator has called attention to the expression "slow-down." I ask the Senator if there is any definition of what constitutes a "slow-down" provided in the measure?

Mr. MILLIKIN. I find no definitions as to that, and I can recall no solid definition of anything in the measure.

Let me repeat. It is provided that they shall "take appropriate, affirmative action" not to make a good-faith effort to do something, but "to rescind or terminate such strike, lock-out, slow-down, or interruption." Exactly what are the officers of the employers and of the labor organizations to do? Are they to make stirring exhortations? That would be affirmative action, but would it rescind or terminate a strike or lock-out or slow-down that had come to the point of Government seizure of the property affected? Must the leaders work out a mutually acceptable contract? Shall private coercions take place to compel men to return to work?

What are the appropriate actions to be taken, and what are the willful violations which under the same section subject the guilty to a fine of not more than $5,000 or to imprisonment for not more than 1 year, or both? They should be stated in explicit language. The citizen should not incur the jeopardy of fine or jail on failure to perform the unachievable or on failure to meet unspecified and dimensionless objectives.

Section 5 restores to the Government the hated weapon of injunction to secure compliance with the ambiguous section 4 of the bill.

As we have seen, section 4 imposes the duty on the leaders on both sides "to take appropriate affirmative action to rescind or terminate such strike, lock-out, slow-down, or interruption."

It is perfectly obvious that it takes the workers as well as the leaders to terminate any of the proscribed activities. Therefore, a strong argument may be made that when section 5 makes injunction available against the leaders to secure compliance with section 4, the remedy necessarily carries over to the workers whose cooperation with the affirmative action to be taken is indispensable if anything is to come of them.

I anticipate that it will be said that there is no such intention; that this is a strained construction of the bill. If so, the sponsors had better clarify the language.

The injunctive remedy must be considered with the other remedies provided in the bill.

If we are willing to force employees to work against their will under section 6, why cavil over the milder restraints and compulsions of injunction?

If one had to choose between conscription of recalcitrant workers and coercions under the mandates of a court of equity, one might gladly prefer the latter, for in a court of equity equitable considerations may be heard. And jail might be preferable to involuntary servitude.

But I abhor both remedies and will consent to neither until more temperate measures now available or readily procurable from the Congress have been tried and have been found wanting.

Section 6 provides a brutally sadistic punishment to be achieved by a legal lie. It is provided that if on the finally effective date of the President's proclamation a worker continues to strike, he—

> shall be deemed to have voluntarily terminated his employment in the operation thereof—

We are referring to plants, mines, or facilities in the possession of the United States—

> shall not be regarded as an employee of the owners or operators thereof for the purposes of the National Labor Relations Act or the Railway Labor Act, as amended, unless he is subsequently reemployed by such owners or operators, and if he is so reemployed shall be deemed a new employee for purposes of seniority rights.

Is it not obvious that if a man goes on strike it is not to quit his job, but to hold his job under better wages or conditions? But this plain fact is of no importance to those who drafted the bill. By legal legerdemain he is "deemed" to have done two things which in fact he has not done of his own free will. He has been "deemed" into voluntarily quitting his job, and he has been "deemed" into becoming a new employee.

Mr. THOMAS of Utah. Mr. President, will the Senator yield for a question?

Mr. MILLIKIN. I yield gladly.

Mr. THOMAS of Utah. It has been stated that the bill is undoubtedly constitutional. I wonder if the Senator is now seeking to show that punishments which would come as a result of something that has been deemed to have happened would be the sort of punishments which the Constitution itself bans.

Mr. MILLIKIN. I am coming to that point, I will say to the distinguished Senator. In my opinion it violates the due-process clause.

What does this "deeming" business mean? What is its real significance? When a railroad worker goes into railroading, one of the compensations that he is working for, and which he acquires by long service, is seniority. As he grows old in the service he gains privileges appropriate to his service and to his years. The more arduous tasks are passed, as they should be passed, to the younger men more capable of bearing them. The better runs, the runs which accommodate themselves to a man's home life, to his community life, and to his physical condition, and which require long experience and ripe judgment, are assigned to the older man because he has earned the right to them; and it is in the public interest that he have them. When he was a young man in the service he took his share of the tough tasks. He took on those tasks willingly because he knew that with time he would enjoy the perquisites and privileges of the older man.

Take a look at the men to whom we trust our lives and comfort on the trains coming into the Capital city. On a run of that kind will be found seasoned men who have come up from work on branch lines and jerk-water routes, from uncomfortable assignments, until finally, as a fitting climax to their careers, they are entrusted with the job of safely transporting passengers in the finest and most expensive railroad equipment that can be assembled.

Take a look at the men in the cab. One will find rugged, weather-beaten, undissipated faces. He will like the cut of their jibs, and the look out of their eyes. Those men know what they are doing, and they make one know that they know what they are doing. The passenger goes back to his seat or berth with full confidence that he will arrive at his destination in one piece.

This outrageous provision would have those men ranked as new men. A lifetime of devotion to duty and success with their assigned tasks would be stripped away. If those men must be punished, let the punishment have sensible and fair relation to the offense.

Mr. BREWSTER. Mr. President, will the Senator yield?

Mr. MILLIKIN. I yield.

Mr. BREWSTER. Would it be considered that those men had contractual rights in the seniority provisions?

Mr. MILLIKIN. I think it might be strongly argued.

Mr. BREWSTER. Which they have gained by their service.

Mr. MILLIKIN. I think that might be strongly argued; and this method of deprivation might also violate the due process clause.

Mr. BREWSTER. Are there any precedents for the annulment of private contracts of that character as a penalty in the law?

Mr. MILLIKIN. I am not familiar with annulments of that character. To my mind it would depend upon whether the man had acquired a vested right.

Mr. BREWSTER. It would certainly be so assumed.

Mr. MILLIKIN. I may add that under my understanding of the contract which a railroad man enters into with his employer, he does have what is or what closely resembles a vested right.

Mr. BREWSTER. Would it not also be true that the penalty for the same act would vary with every individual, since the seniority rights in all instances would be different?

Mr. MILLIKIN. That is correct.

Mr. BREWSTER. So the same act by 100 different men would have 100 different penalties.

Mr. MILLIKIN. Which points up the arbitrary and capricious character of the standard.

Mr. HICKENLOOPER. Mr. President, will the Senator yield?

Mr. MILLIKIN. I yield gladly.

Mr. HICKENLOOPER. The point suggested by the Senator from Maine raises this question in my mind as to precedents by way of punishment. I should be glad to have the views of the Senator from Colorado as to whether or not the precedent of the denial of the right of franchise and certain prerogatives of citizenship flowing as a result of the commission of a felony might have any relationship. I think that might be a situation in which the commission of a crime is punishable in other ways than pure confinement or the assessment of a fine, or certain other penalties. The punishment may involve denial of the right of franchise.

Mr. MILLIKIN. I do not wish to give an opinion on that question offhand.

Mr. BREWSTER. Mr. President, will the Senator yield?

Mr. MILLIKIN. I yield gladly.

Mr. BREWSTER. The right of franchise is a right created by the Government, and so may well be taken away by the Government as a penalty; but this is a right secured by private contract between two individuals. For the Government to enter in and say that that private contract right is to be abolished or restricted by governmental action has no precedent, so far as I know.

Mr. HICKENLOOPER. Mr. President, will the Senator yield?

Mr. MILLIKIN. I yield.

Mr. HICKENLOOPER. I am not prepared to argue the point. I merely raised the question as to the possibility of a similarity. However, I believe that contractual rights, as well as the right of franchise, flow from the Constitution. They all have the same origin. At the moment there would seem to be little distinction between the two, because they are based upon constitutional immunities or constitutional guaranties. However, I am not prepared to argue the question. I thought perhaps the Senator from Colorado might have thought somewhat along that line.

Mr. MILLIKIN. Let me repeat, if these men must be punished, let the punishment have sensible and fair relationship to the offense. When they were piling up their seniority, they were not guilty of anything except devotion to duty. Their seniority does not represent criminal activity which must be extirpated. Here we are providing the fatuous procedure of taking away the good in order to punish the bad. Remember that this heartlessness is sanctioned because of the two legal lies also provided in the bill, namely, that the worker has voluntarily terminated his employment, and that, therefore, he shall be deemed a new employee for purposes of seniority rights.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. MILLIKIN. I yield.

Mr. BARKLEY. The bill which passed the Senate on Saturday night, House bill 4908, for which the Senator voted—and I do not say that in criticism, because the bill passed the House and Senate by a majority vote—contains this provision, in subsection (d) of section 3:

(d) Any employee who fails to perform the duties imposed on him by subsection (b) of this section—

Subsection (b) is a subsection requiring that—

(b) Whenever the Federal Mediation Board proffers its services for the purpose of aiding in a settlement of a labor dispute affecting commerce and until the Board certifies that its efforts at mediation are concluded or until 60 days have elapsed since the giving of notice asking a collective-bargaining conference between the parties regarding such dispute as provided in paragraph (2) of subsection (a) of this section, whichever date occurs first, it shall be the duty—

* * * * *

(2) of the employees and their representatives to refrain from any strike or concerted slow down of production.

Then subsection (d) provides:

(d) Any employee who fails to perform the duties imposed on him by subsection (b) of this section—

And only subdivision (2) of that subsection would apply to the employees—

shall lose his status as an employee of the employer engaged in the particular labor dispute in connection with which such employee's failure occurred for the purposes of sections 8, 9, and 10 of the National Labor Relations Act: *Provided*, That such loss of

employee status for such employee shall terminate if and when he is reemployed by such employer.

So while the language is different, the bill which the Senate passed on Saturday night undertook to penalize those who violated the provisions of subsection (b) of the section under consideration. What is the difference between an outright statement in the law that it is a violation, as in the bill passed Saturday night, that he shall cease to be an employee and lose his status as an employee, and the language in the bill now before the Senate, that he shall be deemed to have voluntarily given up his employment? What is the difference between a provision that he shall lose his employment, as provided in the bill which was passed day before yesterday, and the provision in this bill, that he shall be deemed to have given up his employment? In either case he is denied the status of an employee, and in either case he can be restored only by voluntary action of the employer.

Mr. MILLIKIN. I think that a part of the distinction is between a forthright statement to achieve a legitimate purpose and a lying statement to achieve a cruel and unconstitutional purpose. I suggest also that the "deeming" section of the bill to which the Senator has referred is for the purposes of sections 8, 9, and 10 of the National Labor Relations Act, which are not entirely comparable to what I am discussing.

Mr. BREWSTER. Mr. President, will the Senator yield?

Mr. MILLIKIN. I yield.

Mr. BREWSTER. I think the point which the Senator from Kentucky raises is made clear when we note that it is specified that he shall lose his status as an employee for the purposes of sections 8, 9, and 10 of the National Labor Relations Act. In other words, provisions which have been made for the employee's benefit by a law of this Congress are taken away from him.

That is certainly very markedly distinguished from the penalty of taking away a private contract right which he has acquired.

Mr. MILLIKIN. I think the distinction is very clear. We can have one rule of action where the Government has conferred that which it takes away, which might be very different in legal effect from a rule of action which takes away that which does not belong to the Government and has not been conferred by the Government.

Mr. BALL. Mr. President, will the Senator yield?

Mr. MILLIKIN. I gladly yield.

Mr. BALL. I think there is also a further distinction; namely, that all three of the sections of the Wagner Act which are referred to in the bill the Senate passed Saturday evening are sections which compel an employer to do certain things. They have nothing to do with the employee's seniority rights or any pension benefits or other things which he may have accumulated. They simply permit the National Labor Relations Board to order an employer to do certain things about the employee in certain cases.

Mr. MILLIKIN. I thank the Senator for his clarifying contribution.

Mr. President, it seems clear to me, that this section is so patently arbitrary and capricious that it cannot be reconciled with due process.

Since under section 6 a recalcitrant worker has been "deemed" to have voluntarily terminated his employment, one would think this would end the Government's preoccupation with him. When a man voluntarily ends his employment he, according to the understanding of normal minds, no longer has any claims on the employer and the employer no longer has any claims on him. He is at liberty to seek and accept other employment. He is at liberty to loaf if he wishes to do so.

But not under this bill. Under section 7 the President may induct him into the Army, in such manner and on such terms and conditions as may be prescribed by the President as being necessary in his judgment to provide for the emergency. Perhaps the theory is that having forced the employee to terminate his employment voluntarily, we should do something for the poor devil, and that that is the best reward we can think of.

No, Mr. President, of course that is not the purpose. The unstated purpose is to induct that man into the United States Army, not to serve as a soldier in the usual sense in which such service is understood, but to force him to continue as an involuntary worker in the same employment, under the same employer, and under terms and conditions which may or may not be acceptable to him, as to which he has no voice, but which are prescribed in the judgment or the caprice of the President of the United States. Mr. President, this is Uncle Sam turned Simon Legree.

But the section does not state the purpose, and therefore it is dishonest and under its language it is senseless, arbitrary, and capricious, and it would be no less so if the purpose were frankly disclosed.

What a gross perversion of selective service. The Selective Service Act of September 16, 1940, at the outset states the theory from which it derives its validity and its support from the American people, as follows:

(b) The Congress further declares that in a free society the obligations and privileges of military training and service should be shared generally in accordance with a fair and just system of selective compulsory military training and service.

Under section 7 of the bill before us we would induct men at the will of the President—yes, perhaps at the caprice of the President—men taken from only a few occupations, and taken on standards which are not specified and are not even hinted at.

Mr. President, selective service is not a punitive system. It is not a gateway to a penitentiary or to a rock pile. Induction under the system represents an honorable way of sharing duty, not punishment. What is proposed in the bill before us is, in naked truth, nothing less than peonage, involuntary servitude. It offends the thirteenth amendment of the Constitution, which declares that—

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime—

Note the exception, please—

whereby the party shall have been—

Note this, if you please—

duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Does the provision of the bill to which I have referred come under the exception? The bill does not define a crime, so far as the worker is concerned. The bill does not provide a due-process method for duly convicting a worker of a crime. Without having committed a crime under the bill, and while a free and unemployed citizen under the bill, he is inducted into the Army by proclamation. Why? Because he "failed or refused, without the permission of the President, to return to work," within a specified time after, as I have pointed out, he had been liberated by the same bill from that very obligation.

Mr. GERRY. Mr. President, will the Senator yield?

Mr. MILLIKIN. I gladly yield.

Mr. GERRY. I wonder whether the Senator will make the distinction, which I think he is making, between those powers and the powers of the posse comitatus.

Mr. MILLIKIN. Mr. President, I would not wish to embark upon that subject offhand. There is an obvious distinction between those powers and the powers of the posse comitatus. I think the question is a relevant one, but, as I say, I should prefer not to try to answer it "off the cuff."

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. MILLIKIN. I gladly yield.

Mr. SALTONSTALL. At this point I should like to ask the distinguished Senator if, under the bill, the Congress does not lose all power over defining when a man becomes a member of the Army and is, therefore, subject to court martial and when he is still a civilian. As I understand, the Supreme Court, in the case of *Billings* v. *Truesdell* (321 U. S. 542), said that the Selective Service Act defined accurately when a man becomes a member of the United States Army, namely, when the oath is taken and at the time of the ceremony of the oath.

If a man may become subject to court martial and to losing his civil rights at such time and in such manner, with or without the oath, as the President may prescribe, that may be different in different cases, and a man may never know whether he is subject to court martial and to losing his civil rights. Am I correct?

Mr. MILLIKIN. I think the Senator is entirely correct, and that represents another of the numerous inexplicable features of the bill.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. MILLIKIN. I yield.

Mr. FERGUSON. It may mean that under this provision an employee could be put into the Army merely by act of the President, without any specific personal notice to the employee.

Mr. MILLIKIN. I think that is correct.

Mr. FERGUSON. And, therefore, he would be liable, from that point on, under court martial, for disobedience, even though he had no knowledge that he was in the service of the United States.

Mr. MILLIKIN. That is correct. And he could wear the uniform of a United States soldier without having taken an oath to support the Government.

Mr. FERGUSON. And he would be subject to court marital, without taking the oath, or without being, as others have been in the past, a member of the armed forces.

Mr. MILLIKIN. That is correct.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. MILLIKIN. I gladly yield.

Mr. REVERCOMB. I do not want the Senator to go back to a point which he has covered, but I should like to know whether I correctly understood his reply to a question propounded by the Senator from Maine [Mr. BREWSTER] as to whether the contract rights of the employees gain a certain status and a certain advancement. Of course, the Senator does not take the position that the impairment of a contract would prevent this law from being valid, because there is no inhibition upon the Federal Government, as I understand, under the Constitution, to impair contracts. That is an inhibition upon the States alone.

Mr. MILLIKIN. I did not base my own point on that. I based my own point on the arbitrary and capricious nature of what would be done.

Mr. REVERCOMB. After notice and process defined, however arbitrary it might be, would it not be due process as defined by the Constitution?

Mr. MILLIKIN. Of course, it is not safe to speculate on what a court might do with a bill of this kind, which clothes itself in the garb of war emergency. That garb can cover a multitude of what would be constitutional sins in normal times. We have an individual duty to form our own judgment—a duty which is not delegable—as to whether a bill here meets with the letter or spirit of the Constitution; and if we determine, if any individual Senator determines, that it is not constitutional, he dare not, under his oath, vote for that bill and delegate his conscience, and delegate his judgment, and delegate his oath to some court.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. MILLIKIN. I yield.

Mr. REVERCOMB. I agree entirely with the able Senator from Colorado; he cannot wipe away his duty under his oath. But my discussion went to the subject of the constitutionality which is involved. The Senator knows that I am heartily in accord with the views which he has expressed with regard to section 7. I am so much against punishing a man for refusing to work by placing him in the Army, that I cannot agree with section 7 of the bill. The question which I asked was whether or not the Senator believes that punishment, in the form of taking away seniority rights is a violation of a contract and invalid under the Constitution for that reason. I assert that the punishment of a man by placing him in service and subjecting him to the rigid punishments which may be imposed by a court martial, is not justified, from my point of view.

Mr. TOBEY. Mr. President, will the Senator yield?

Mr. MILLIKIN. I yield.

Mr. TOBEY. The Senator has enunciated a high principle with which I concur, namely, that if a particular measure or any part of it contravenes the Constitution of the United States under the allegiance to which he has taken his oath of office, he cannot vote for it. Have I made a correct statement?

Mr. MILLIKIN. Yes.

Mr. TOBEY. Does the Senator realize that the sound advice which he has given to Members of this body, including myself, contravenes 100 percent the advice given to the House of Representatives in 1934 by a former President of the United States in a letter which was read by the then chairman of the Ways and Means Committee? In that letter the President stated, in effect, "I hope the House of Representatives will not allow any views which they may have on the constitutionality of the bill to cause them to hesitate to vote for it." Does the Senator remember that?

Mr. MILLIKIN. I remember it very well, and take no pride in it. [Laughter.]

Mr. TOBEY. In the event that the Senator had forgotten it, I wished to refresh his recollection.

Mr. MILLIKIN. Mr. President, the failure of the workers to return to work when called upon to do so may be considered as a species of recalcitrance, but it is not defined in the pending bill as a crime, and an American citizen may not be convicted of an undefined crime by Presidential proclamation. The Constitution has some very cranky notions on that subject.

Let us not accept one misstep as a rule of conduct. Let us not forget that those who are intended to be reached by these extraordinary and terrible remedies are citizens of the United States; that they contribute their fair share to the maintenance of the Government which we all serve; that many of them are entitled to show gold stars in the windows of their homes; that they are our neighbors and our friends; that we all worship the same God; that many of them, along with millions of others, have worn with honor the uniform which this bill would degrade.

Many of our sons and some of our daughters have fallen and have been buried in that uniform. The consecrations which the uniform symbolizes are to the living veterans the most precious things in life. When God takes us and friends gather to forget the bad and speak the good, those who have worn the uniform want, above all other things, that the fact be mentioned, because it is our greatest temporal glory. You shall not desecrate that uniform by making it the garb of a felon or of a slave.

We will live to see the day when we will be ashamed that such a bill was ever introduced in the Congress. It is unnecessary. The most perilous of our strikes has been ended and those which remain will not be with us in perpetuity. We are here proposing remedies to fit disorders and the chaos of a disintegrated Government. We have not yet reached that point. And we will not reach it if our President maintains the resolution shown by him during the past few days. All we need to do is to keep the dust brushed off the doctrine of paramount public interest. The public has shown that it will support that doctrine and will support a leader who will assert it.

We need not blink the fact that we have come to the pass in which we have found ourselves because for years there has been an assiduous cultivation for political profit of class, group and industrial warfare. Powerful labor leaders figured they would not be disturbed by an obligated or compliant government. No labor leader would ever dare to call a strike aimed at the vitals of this Nation had he not believed that the governmental climate was favorable.

If remedies other than those resting on the moral power of an aroused and determined people led by a courageous and determined President are needed, then let those be used which are at hand. We can find space enough in our overcrowded jails for the labor leaders who are violating existing law and a leaderless strike does not last very long. If the existing laws are insufficient, let the President ask that they be buttressed in sane ways which accord with due process, which accord with the American way of protecting American interests, and which accord with the provisions of the Constitution of the United States. Such a request would be promptly granted.

Mr. President, later on I shall have some comments to make with reference to section 9 of the bill. I have sent amendments to the desk which are designed to amend the bill in a number of particulars to which I have referred, and I shall call them up later.

Mr. SALTONSTALL. Mr. President, will the Senator yield for a question?

Mr. MILLIKIN. I yield.

Mr. SALTONSTALL. I should like to ask the distinguished Senator from Colorado if, in his opinion, the measure which was passed by this body last Saturday night would not help in the present situation in the orderly solution of collective bargaining between employer and employee and make unnecessary the enactment of the very stringent provisions which the pending bill contains.

Mr. MILLIKIN. That was one of the thoughts which induced me to support the measure to which the Senator has referred.

Mr. CAPEHART. Mr. President, I am not a lawyer. Therefore, I am unable to argue the constitutionality of the proposed legislation. Any remarks which I may make will be made as an American citizen and as a businessman. I should like to invite the attention of the Senate

to what I stated on this floor only last Thursday. I do not claim to be a prophet, but in addressing myself to the Case bill which the Senate passed last Saturday night I stated that I intended to support that bill, not because it was, in its entirety, a just measure, but because it was an expedient measure, and I thought that it should be passed.

I related some history in respect to what had happened to labor in France, England, and in other countries. I pointed out, by citing some history, that labor legislation had gone from one extreme to the other; that governments had passed legislation giving every right, regardless of the consequences to the general good of the people, to labor on the one side, and then had gone to the extreme on the other side and denied labor any rights whatsoever.

I should like to quote some of the remarks I made, because little did I realize when I made those statements last Thursday, prophesying that the pendulum in our own Nation might go to the extreme of denying labor everything, that that would happen within the course of 3 days. This is what I stated last Thursday:

> When, therefore, I cast my vote on the legislation being considered today—

I was directing my remarks to the Case bill—

> it will be solely for the purpose of stopping the dangerous swing of the pendulum.

I further stated:

> If it be sought only to reverse the swing of the pendulum, and such appears to be the motivating force of the action which now seems inevitable, we must not forget that it will swing far before it loses its momentum.

Mr. President, I call attention to the fact that within 3 days from that time the pendulum did swing, and it swung all the way, so that there is being taken away from labor, under the proposed bill, practically all its rights.

Mr. President, I could make a good case for the President's bill. I likewise feel that I could make a good case against it. I doubt if any piece of legislation coming before this body since I have been a Member has caused me as much concern as does the pending measure.

I do not hesitate to vote on bills making appropriations or routine measures, but I do feel that we should stop, think, and listen when we are talking about principles, because I have always been taught, since I was a youngster, and it has been one of my philosophies all my life, that one cannot compromise a principle; and certainly a principle is involved in the pending legislation.

On the other hand, in order to be fair, I might have asked this question prior to the time the railroad strike was settled; if the employees of the railways and the employees of the coal mines refused to work, what would be the consequences? What would have happened to this Nation had they refused to work? I might also ask this question: Did the bill the President sent to us on Saturday, which was passed by the House of Representatives, have any effect in settling the railroad strike? Will that legislation have any effect in settling the coal strike?

I do not like certain features of the pending bill. I am in hearty accord with much the able Senator from Colorado [Mr. MILLIKIN] has just said. On the other hand, if I remember correctly, most of last week practically every Senator on this floor was demanding some sort of action. Senators were asking the question, what is the President of the United States going to do? What should we do? If I remember correctly, many Senators, and I am certain the American people, were saying to themselves, what is going to happen? Will the President take action? Will the Congress take action? I received many telegrams and many letters, some of them very uncomplimentary, wanting to know what I was going to do, and wanting to know what the Congress was going to do.

I made a feeble effort Thursday night, and the President has made an effort. As I stated before, I am not a lawyer, and I do not know whether the effort he has made is unconstitutional or not. As I have said, I can only approach the problem as an individual businessman.

It seems to me as though in this instance we possibly should go along with the President, possibly correct any defects in the bill which we feel exist, or anything that is utterly opposed to our principles of government. In any event, I feel at this time that possibly we should stand behind our President in acting on the pending legislation.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. CAPEHART. I yield.

Mr. LUCAS. The Senator from Indiana just mentioned the fact that he had offered a bill last week, while we were debating the labor legislation, which sought to help out in the emergency. Of course the able Senator knows that the Senator from Illinois had introduced a bill along the same lines sometime before that.

I am glad to hear what the able Senator has said, because a great deal of discussion has taken place here this afternoon with respect to a number of provisions in the pending bill outside of section 7, and the Senator from Indiana well knows that the bill which had been practically agreed upon for the temporary emergency included practically everything, with the exception of the injunction feature, that the President now seeks, save and except section 7, as I have indicated. I think the Senator from Indiana will agree with me in that.

Mr. CAPEHART. I am very happy to agree with the able Senator.

Mr. LUCAS. Mr. President, other Senators on both sides of the aisle had carefully worked out and studied for a long time the temporary measure which was introduced. I withdrew it after the President had given his message on Saturday last, because the President's bill embodied most of the measures I had proposed. In other words, outside of section 7, Senators on both sides of the aisle had agreed to go along with all the economic sanctions which the Senator from Colorado pointed out as a part of the labor measure last week and to which he is opposed. Section 7 is practically the only new feature that is added to the pending bill, plus, perhaps, the injunction feature.

Mr. CAPEHART. Mr. President, I think it has been noted in the newspapers that possibly the President will veto the so-called Case bill. Something has happened in America——

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. CAPEHART. I am glad to yield to the Senator from Kentucky.

Mr. BARKLEY. I think it is unfair to the President, no matter whether the statement appears in the newspapers or anywhere else, to state what the President will do with the Case bill. The Case bill passed the House of Representatives, it has been materially amended in the Senate, and whether it will go to conference I do not know. It may depend upon the House of Representatives. Neither the President nor anyone else knows what the Case bill will be when it gets to him, and it is unfair to the President to try even to commit him in advance as to what he will do in regard to that bill, or to quote speculative statements at any time as to what the President will do. I do not think the President should be required to make up his mind about the Case bill or any other bill until he has seen it and knows what its provisions will be.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. CAPEHART. I yield.

Mr. TAFT. I have been informed that in the House of Representatives the advocates of the Case bill desire to have a rule to present directly to the House the amendments adopted by the Senate. The Case bill has many things in it. The welfare fund was the only matter which is not dealt with in the Case bill as it passed the House. Every other matter was dealt with in the House. We revised it in some respects. We attached to the Case bill the Hobbs antiracketeering bill, which had already been passed by the House of Representatives.

As to the effort made by those who desire to obtain a rule in the House, the chairman of the House Rules Committee has disappeared and is refusing to call a meeting, I understand, of the House Rules Committee. The result is that no action can be taken in the House for a period of 10 days, under the rules of the House. In other words, apparently the authorities in control of the House, the administration, are deliberately stalling the Case bill in order that the bill pending in the Senate may go first to the President, and he may consider and sign the bill, and so he may be more free to veto the Case bill if he desires to do so.

Mr. BARKLEY. Mr. President, the statement of the Senator from Ohio with reference to the official conduct of the House of Representatives is as inappropriate and offensive as the statement made earlier in the day by another Senator regarding the President of the United States.

Mr. TAFT. Mr. President, so long as the Senator does not say that what I have said is not true I do not object to his

criticism. [Laughter and manifestations of applause in the galleries.]

Mr. BARKLEY. If I were to say that it was true or untrue I would have as little information about it as has the Senator from Ohio.

Mr. BREWSTER. Mr. President, will the Senator yield?

Mr. CAPEHART. I will be happy to yield to the Senator from Maine.

Mr. BREWSTER. Mr. President, there is so interesting a parallel between the memorandum inserted in the RECORD of last Saturday and the entire procedure in relation to this situation that I cannot forbear calling attention to one of its sentences, in the second paragraph under the discussion of the Case bill. The anonymous author of this memorandum seems to have been able to anticipate practically every move that has been made, even down to the concluding passages where it suggests that after providing for a cooling-off period for the Congress and the country so that we might not legislate, as the distinguished majority leader suggested the other day, while we are frothing at the mouth, the memorandum went on to suggest that it might at the proper time be possible for a program to be presented. After that it says:

> Someone with judgment, like Senator BARKLEY, might be prepared to present the program at the appropriate time.

The situation seems to be developing strictly according to that order.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BREWSTER. Let me read one more sentence. Speaking of the Case bill and the tremendous embarrassment which it is to the administration, the memorandum says:

> Its approval might be politically disastrous to the administration.
>
> The congressional situation accurately reflects the present temper of the country. Positive administration action is, therefore, required for political reasons, if for no other.

Mr. BARKLEY. Mr. President, I ask the Senator from Indiana to yield to make inquiry from what document the Senator from Maine was reading?

Mr. BREWSTER. Since apparently the Senator was not paying attention, I will say that when I began I referred to the document which was inserted in the RECORD on last Saturday by the Senator from Ohio. The document is evidently by an anonymous author. The internal evidence of its authenticity seems to be abundantly borne out by the fact that every move suggested in this document has been exactly the program which has been here unfolded.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. CAPEHART. I yield.

Mr. BARKLEY. It is an anonymous article taken from last Saturday morning's Times-Herald and inserted in the RECORD—and I presume it is the same one—by the Senator from Ohio?

Mr. BREWSTER. That is correct.

Mr. BARKLEY. Outlining a rather fictitious program, and stating that it had been circulated among a number of individuals, including me. I then denounced it as absolutely without foundation, because I had ever seen or heard of it at the time it was inserted in the RECORD. I had not even read the article in the morning newspaper. Later on I was authorized by Mr. John W. Snyder, around whom this fictitious plan seems to have revolved, to say that nothing of the kind was ever thought of. He himself never heard of it until it appeared in this newspaper, and he authorized me categorically to deny every statement in the article insofar as it referred to him or to any activity on his part.

Mr. BREWSTER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Indiana yield for a question, or does he yield for continuation of the debate?

Mr. CAPEHART. I yield for a question.

Mr. BREWSTER. I shall ask the Senator from Indiana, and through him suggest to the Senator from Kentucky that if he had taken the trouble to read the article, which he apparently indicates he has not, I should be interested to know whether or not he would be as profoundly impressed, as everyone is who has read the article, with the amazing parallel between every step which has been taken, even to its passage, which I think is pretty significant, and which I am sure the Senator will definitely recall. I would be interested to ask the Senator from Kentucky to comment on the following, which appears under the heading of "Congressional tactics":

> CONGRESSIONAL TACTICS
>
> 1. Congressional tactics: These are the most difficult to devise in the present situation. Opportunity may be presented by a congressional deadlock (a filibuster in the Senate) for the President to outline the above program in a special message. It would probably be more desirable, however, to use informal methods, in terms of amendments offered in the Senate to the Case bill, or of compromise proposals presented to the conference.

I should like to inquire of any Member of the Senate whether the performance of the past 2 weeks here bears a rather deadly parallel to exactly what this anonymous adviser there suggested?

Mr. BARKLEY. Mr. President, so far as the Senator's inquiry is directed to me, I will say that I have been too busy in recent days to read fiction of any kind, and I regard the article to which the Senator referred as fiction. It was not written in the name of anybody. It has been denied by the chief culprit therein named, who was alleged to be maneuvering around with some sort of legislative legerdemain—not a Member of Congress—and therefore I do not think that any statement made in this article, so far as the legislative course of this legislation is concerned, either in the House or in the Senate, bears the earmark of authenticity or accuracy.

If there was a filibuster with reference to the Case bill I certainly did not participate in it. I made every effort which within my knowledge could be made to bring about an early conclusion of the debate and the passage of the bill, and I had obtained unanimous consent to limit debate upon it before the article referred to appeared in the public press.

Mr. BREWSTER. Will the Senator from Kentucky care to comment on the impassioned plea——

The PRESIDING OFFICER. Does the Senator from Indiana yield further?

Mr. CAPEHART. I refuse to yield any further.

The PRESIDING OFFICER. The Chair will say to the Senator from Indiana that he can yield only for a question. If he yields for debate he will lose the floor.

Mr. CAPEHART. I did not consent at the start to any long-winded argument.

Mr. President, I made mention of the fact that there was a possibility that the President might veto the Case bill. Something is wrong in America. Something is wrong with our labor industrial relations. Any 6-year-old child knows that to be true.

The Wagner Act was passed to cure conditions which existed in our labor industry relations. I should like to read——

Mr. TAYLOR. Mr. President, will the Senator yield for a question?

Mr. CAPEHART. Yes; I will yield for a question.

Mr. TAYLOR. The Senator from Indiana has told me on different occasions of the very good labor relations existing within the plants in which he is interested. I ask the Senator if he needs the legislation contained in the Case bill to help better any labor relations in his plants or the plants in which he is interested? And does he not think that possibly if other employers were as reasonable as he is the present legislation would not be necessary?

Mr. CAPEHART. I appreciate the kind remarks of the able Senator, but I must again say that, in my opinion, something is wrong in America in respect to our labor-industry relationship, because we have work stoppages all over the Nation. We have just gone through a railroad strike, and we are in the midst of a coal strike.

Mr. TAYLOR. Mr. President——

Mr. CAPEHART. Let me finish, please. I should like to read the first and second paragraphs of section 1 of the Wagner Act entitled "Findings and Policy":

> Experience has proved that protection by law of the right of employees to organize collectively safeguards commerce from injury, impairment, or interruption, and permits the flow of commerce by removing certain recognized sources of industrial strife.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. CAPEHART. Yes; I yield.

Mr. LUCAS. A moment ago the able Senator from Ohio rose and gave to the Senate and the country the impression that the chairman of the Rules Committee of the House had "disappeared"—I think that is the very word he used—and that therefore nobody could find him and nobody could get a rule or get him to consider a rule on the labor legislation which the Senate sent over to the House Saturday night. I merely wish to say that I talked to Mr. SABATH, the chairman of the Rules Committee, and he is in his office at the present time. He answered the roll call this morning

in the House of Representatives. He had lunch in the restaurant of the House of Representatives. Furthermore, he wanted the Senate to know that he called his Rules Committee together on last Friday and gave to the Speaker of the House a rule upon which the House of Representatives acted immediately upon the President's legislation.

Furthermore, he said that some of the members of the Rules Committee were not here. I personally know that Representative Cox is out of the city. He said that as soon as the members had an opportunity to study the labor legislation which was sent over to the House a meeting of the Rules Committee would be called to consider a rule, and he said he did not think it would take over 2 or 3 days to do it.

I merely mention these things to show what rumor and innuendo can do to a Member of the Congress of the United States.

Mr. BREWSTER. Mr. President——

Mr. LUCAS. Just a moment.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. CAPEHART. Mr. President, I decline to yield further for anything except a question.

Mr. LUCAS. May I complete my statement?

Mr. CAPEHART. I decline to yield further.

Mr. HATCH. Mr. President, will the Senator yield to me?

Mr. CAPEHART. I decline to yield. I will yield the floor in a few moments.

Mr. President, I am hopeful that the House will concur in the Senate's version of the Case bill and that the President of the United States will sign it. I feel confident that he will, because I do not believe that the President of the United States will refuse to sign the Case bill, which was passed by this body in good faith and in the spirit of an effort to stop the strife which prevails today between labor and management, after sending to the Congress of the United States as drastic a piece of labor legislation as that which he sent us last Saturday. I am confident that the President of the United States will sign the Case bill, because it is a constructive piece of legislation which, in my opinion, will bring a semblance of peace and harmony to labor and management in the United States.

Therefore, Mr. President, I am hopeful, as a citizen, that the Case bill will be enacted into law and signed by the President. I am hopeful that we shall delete that portion of the legislation before us at the moment which calls for drafting men into the armed services, and will pass the bill. I am hopeful that after those two things have been done, the Congress of the United States will proceed to enact some more far-reaching labor legislation than that which we have before us at the moment.

I for one will support the pending bill, with the exception of one section, which I should like to see eliminated. I should like to see the section having to do with the drafting of men eliminated. I do not believe it to be necessary. I think the bill will be just as effective without it, and I am praying that the Senate will eliminate it. On the other hand, I am thoroughly convinced in my own mind that, aside from that particular section, we should uphold the President of the United States.

Mr. BARKLEY and Mr. STANFILL addressed the Chair.

The PRESIDING OFFICER. The senior Senator from Kentucky is recognized.

Mr. BARKLEY. Mr. President, I do not intend to thresh over the questions involved in the discussion of the Case bill. It has gone back to the House of Representatives where, under the rules of the House, it will be appropriately dealt with.

I voted against the Case bill on its passage Saturday night, but I certainly would be the last man in the world to seek to commit the President of the United States in advance as to whether he would veto it or approve it. I have not attempted to do so. I know that efforts have been made to commit him as to what he will do with it, before he has seen it, before it has been certified to him under the Constitution, under the signatures of the Speaker of the House of Representatives and the President of the Senate. Before he has had an opportunity to study it, and before he knows what its provisions will be, efforts have been made to compel him to say whether he would approve it or disapprove it. Under the Constitution the President is supposed to have the right to withhold his judgment in regard to legislation particularly controversial legislation such as this. Although the President is charged with the duty of recommending legislation to Congress, in connection with a measure of this sort the President is entitled, in all fairness, and in order to uphold the dignity of his high office, to be allowed to read the bill and make such investigation of its provisions as he may see fit, in order to determine whether he will approve it or disapprove it. Under the Constitution he has 10 days from the date of its delivery to him in which to make up his mind about it. It is not fair to the President, and it has all the earmarks of some devious design, for anyone to be trying to compel the President to say, before he receives the legislation, whether he will approve it or disapprove it.

Mr. President, I rise specifically to comment briefly upon an attack made upon the President of the United States by the Senator from Oregon [Mr. MORSE].

Mr. TAFT. Mr. President, will the Senator yield to me for a moment?

Mr. BARKLEY. I yield.

Mr. TAFT. Does not the Senator remember that a short while ago the President wrote a letter to the effect that he would veto the OPA bill unless substantial changes were made in it, without waiting to see what had been certified by the Speaker of the House of Representatives and the President of the Senate?

Mr. BARKLEY. The President of the United States wrote a letter to the Senate Committee on Banking and Currency after the House had passed the bill and sent it over here, weeks after the House had passed it, and while the committee was considering it, to the effect that he could not approve the legislation as it has passed the House.

Mr. TAFT. Exactly. He did not wait until anything was certified to him.

Mr. BARKLEY. He knew what was in the House bill. But he does not yet know what will be in the OPA bill, and he cannot tell now whether he will veto or approve the OPA bill until it gets to him, because both Houses must pass on it. But he did see it as it passed the House.

Mr. TAFT. He had that opportunity at the earliest possible moment. He did not have to wait until the return of Mr. SABATH, the Chairman of the Rules Committee.

Mr. BARKLEY. If I may say so with all due respect to the Senator from Ohio, it is none of the business of the Senator from Ohio how the House conducts its business.

Mr. LUCAS. Mr. President, will the Senator yield for one observation?

Mr. BARKLEY. I yield.

Mr. LUCAS. I do not believe the Senator from Ohio was present when I started speaking a moment ago to tell him that I had just finished speaking with the chairman of the Rules Committee over the telephone. He is present in the House. He answered a roll call this morning. He has not disappeared. The Senator from Ohio wanted the truth about it, so I thought I would find out and give it to him, because apparently he did not know what he was talking about.

Mr. BARKLEY. It would have been just as easy for the Senator from Ohio to have called the chairman of the Rules Committee and obtain the truth as it was for the Senator from Illinois to do so, the difference being that the Senator from Illinois went to the trouble to find out what the truth was, whereas the Senator from Ohio did not.

Mr. WHITE. Mr. President——

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield to the Senator from Maine.

Mr. WHITE. In view of the Senator's suggestion that he wishes to comment on what has been said by the Senator from Oregon [Mr. MORSE], will he not withhold his observations until I have made the point of no quorum, so that the Senator from Oregon may have an opportunity to be present?

Mr. BARKLEY. Yes. I should like to have the Senator from Oregon present. I was not present when he made the charge. I make no point of that.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BARKLEY. Just a moment. I make no point of that. I am willing, if necessary, to have a quorum call to get the Senator from Oregon into the Chamber. I am willing to yield for that purpose.

Mr. WHITE. It seems to me that that would be an appropriate course.

Mr. HATCH. Mr. President, will the Senator yield to me for a question?

Mr. BARKLEY. I am yielding to the Senator from Maine to make the point of no quorum.

Mr. WHITE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Hayden	Radcliffe
Andrews	Hickenlooper	Reed
Austin	Hill	Revercomb
Ball	Hoey	Robertson
Barkley	Huffman	Russell
Brewster	Johnson, Colo.	Saltonstall
Bridges	Johnston, S. C.	Shipstead
Briggs	Knowland	Smith
Brooks	La Follette	Stanfill
Bushfield	Langer	Stewart
Byrd	Lucas	Taft
Capehart	McCarran	Taylor
Capper	McClellan	Thomas, Okla.
Connally	McFarland	Thomas, Utah
Cordon	McKellar	Tobey
Donnell	McMahon	Tunnell
Downey	Magnuson	Tydings
Eastland	Mead	Vandenberg
Ellender	Millikin	Wagner
Ferguson	Mitchell	Walsh
Fulbright	Moore	Wheeler
George	Morse	Wherry
Gerry	Murdock	White
Green	Murray	Wiley
Guffey	Myers	Willis
Gurney	O'Daniel	Wilson
Hart	O'Mahoney	Young
Hatch	Overton	
Hawkes	Pepper	

The PRESIDING OFFICER. Eighty-five Senators having answered to their names, a quorum is present.

The Senator from Kentucky has the floor.

Mr. BARKLEY. Mr. President, earlier in the day, during the address of the Senator from California, the following colloquy took place:

Mr. MORSE. Mr. President, will the Senator yield for a question?

Mr. DOWNEY. I yield.

Mr. MORSE. Is the Senator from California aware of the fact that before noon on Saturday the White House knew that the railroad workers were willing to go back on the basis of the report of the President's own emergency board?

Mr. DOWNEY. Mr. President, I do not know that, but I assume that may be true.

Mr. MORSE. I tell the Senator from California that is a fact. Does the Senator from California know that when the President of the United States spoke Saturday afternoon at 4 o'clock he did not tell the American people that fact?

Mr. DOWNEY. Mr. President, the President did announce in the course of his radio speech, I think at about 4:10 or something, that the strike had been settled.

Mr. MORSE. May I say that I think that was one of the cheapest exhibitions of ham acting I have ever seen, because he knew full well, before he went to the rostrum, what the position of the American railroad workers was.

The PRESIDING OFFICER—

And so forth. Mr. President, in order that the Senate and the country and the Senator from Oregon may know that the statement made by the Senator from Oregon is utterly without foundation, I wish to give a chronological history, as nearly as I can, and I take this authoritatively from Dr. Steelman, who has been involved in the negotiations in regard to the railroad and other strikes ever since their incipiency:

The President delivered his radio address on Friday evening, at 10 o'clock, to the American people, advising them of the situation which existed, and advising the railroad employees who had not been willing to enter into an agreement that unless they returned to work by 4 o'clock on Saturday afternoon, he would attempt to use the armed forces to operate the trains in the United States.

Up to that time there had been no agreement. They were as widely deadlocked as they had been during the recent negotiations. It was already known that the 18 other railroad brotherhoods were willing to accept the proposal made by the President, which was not the proposal of his fact-finding emergency committee, but was his own proposal. The 18 brotherhoods were willing to accept the President's proposal. Of course, an effort was being made to arrive at a simultaneous agreement with all the brotherhoods, by an identically similar agreement, on the ground that the terms of settlement for the 18 brotherhoods who were not out on strike and who had indicated their willingness to accept the President's proposal should be the same as those accepted by the other two brotherhoods, whose officers are Mr. Whitney and Mr. Johnston.

In view of the fact that no settlement had been reached on Saturday morning, Mr. Charles G. Ross, the President's news secretary or publicity secretary at the White House, announced that no further negotiations would be made at that time with the two brotherhoods because an effort was to be made to settle the matter with the other 18 brotherhoods; and that in order to settle that matter with the other 18 brotherhoods, conferences had to be held between representatives of the other 18 brotherhoods and the railroad carriers so as to determine whether the railroads would be willing to settle with the 18 brotherhoods, although they were not settling with the other two.

Negotiations were resumed in respect to that; and later in the day, somewhere around 1 o'clock, or 1:30 or 2 o'clock—it was certainly after lunch, afternoon—the carriers agreed with the 18 brotherhoods who were not out on strike and who were idle because of the strike of the other two brotherhoods. They agreed among themselves to accept the President's proposal which he had made to all the brotherhoods. That announcement was made—namely, that the other 18 brotherhoods had accepted the President's proposal.

Thereafter, somewhere around 2 or 2:30 o'clock in the afternoon, the suggestion was made that there be a further conference between Dr. Steelman, as the President's representative, and the carriers and the two brotherhoods which were on strike, to see if they were able to make any progress toward a settlement. In the meantime a letter had been dispatched to the President, on Saturday morning, and the letter was signed by Mr. Whitney and Mr. Johnston, making their proposal for an adjustment—not accepting the President's proposal, but making their own proposal. That letter was given to the press on Saturday, without its having been received by the President; and the proposal as outlined in that letter was not an acceptance of the President's proposal at all. It was a proposal made by Mr. Whitney and Mr. Johnston.

In the meantime, in the afternoon, it was agreed that if there was a possibility of making any progress toward settling the strike as between the carriers and these two railroad organizations, that effort might be made. They went into a further conference at, I think, around 2:30 or 3 o'clock. The final upshot of that last conference was that the two brotherhoods which in the morning had made their own proposal in the letter to the President—a letter which he had not received—agreed to accept the President's proposal which had already been accepted by the other 18 brotherhoods. The other 18 brotherhoods had signed the agreement, and it was necessary for these two to sign the agreement; because if any announcement were made about it prematurely and in the absence of a signed agreement, some other difficulty might arise which would make any announcement premature. The agreement between the carriers, which, of course, had to be considered, and the representatives of these two other brotherhoods was signed at precisely 3:57 p. m. on Saturday last.

Dr. Steelman tried to get hold of the White House, but the President had already departed from the White House to the Chamber of the House of Representatives. The Senate had also departed. We left here at approximately 3:45 p. m., to go to the joint session of the two Houses in the House of Representatives. Dr. Steelman called the office of Secretary Biffle, in order to tell him to pass on the word that there had been a signature of an agreement at 3:57, 3 minutes before the President was to address the joint session. Mr. Biffle had gone over with the rest of us to the Chamber of the House of Representatives. We assembled over there; and when the President began reading his address to the Congress, at 4 o'clock, he had not been advised that, at 3:57, 3 minutes before that, the two brotherhoods had signed an agreement accepting the President's proposition.

That message had to be relayed from Secretary Biffle's office here, over to the House Chamber. When Secretary Biffle left with us to go to the House Chamber none of us knew there had been any settlement, because it had not been made, and was not made until 3 minutes before 4 o'clock. As soon as the word came to the Secretary's office, it was relayed to Mr. Biffle on the floor of the House of Representatives; and I am sure all of us saw him step up to the rostrum and hand the President a memorandum or a note, based upon which, at about 4:10 p. m., the President announced that the settlement had been made on the terms proposed by the President.

That is an accurate and chronological statement of what took place on Saturday with respect to this situation, and I think the statement of the Senator from Oregon, however much in good faith he was in making it, with reference to the fact that Mr. Leslie Biffle, Secretary of the Senate, handed to the President a note at approximately 4 p. m. stating that the remaining two brotherhoods had agreed to return to work, and do so under the terms proposed by the President,

was one of the greatest injustices ever done to the President of the United States publicly in the CONGRESSIONAL RECORD. The Senator also made the statement that a certain announcement which was made constituted "one of the cheapest exhibitions of ham acting that was ever indulged in by a public officer of the United States."

I regret that the Senator from Oregon allowed himself to make that statement. I hope that in view of the facts which I have outlined, and which have come to me directly from the tongue of Mr. Steelman, who is involved in all this matter, that the Senator from Oregon will seek to make amends for the unjust and unfair statement which he made against the President of the United States in accusing him of pulling off in public a cheap, phony act for some dubious and unworthy purpose.

Mr. MORSE. Mr. President, I should like to make a few remarks in answer to the Senator from Kentucky.

First, I should like to read from page 5688 of the CONGRESSIONAL RECORD, of Saturday, May 25, 1946, a statement which was made by the majority leader to the Senate of the United States before we even left the Chamber to go over to the Hall of the House of Representatives to meet in joint session for the President's speech. The majority leader said:

> Mr. President, I merely wish to announce to the Senate what I am sure it will be happy to learn: That the railroad brotherhoods involved in the pending strike have agreed to go back to work immediately.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. MORSE. I am glad to yield.

Mr. BARKLEY. I made that statement. I have already acknowledged here today that I made it. I made it prematurely. I based the statement on a dispatch which was handed to me by one of the representatives of either the Associated Press or the United Press. I came immediately into the Chamber and made the statement which the Senator has read. It turned out, however, that what the newspapers had interpreted as a settlement was evidently only a proposal made in the letter of the two brotherhoods which had sent the letter to the President. It was not a settlement, but a proposal of the brotherhoods setting forth the conditions under which they would settle the strike if the President should so agree. It was not a settlement, but it was a proposal which I referred to, and in accordance with the letter which they sent to the President. I am sorry that I was a little hasty in assuming, as the members of the press association evidently had assumed, that the letter meant a settlement of the dispute. The settlement did not come until later, as I have indicated in my remarks.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. MORSE. I shall not yield until I complete my remarks. I shall be glad to yield when I am through.

With all due respect to the Senator from Kentucky, I do not believe that his statement was made prematurely at all. I believe that the statement which he made before we went to the Hall of the House of Representatives in order to meet in a joint session was in accordance with the facts. From the majority leader's remarks it is perfectly clear that an attempt is being made to fix the time of 3:57 o'clock on last Saturday as the first time the agreement to end the strike was reached and to the conditions under which the brotherhoods would return to work. It may be that at 3:57 an agreement was signed but the Government officials and the brotherhoods knew long before 3:57 that the strike was over and the men were going back to work.

Mr. President, signed agreements in labor controversies of this type do not fix the time that there is a meeting of the minds. In most labor controversies the parties have reached a meeting of the minds long before there is any signed statement. That was true in this case. I assert, Mr. President, that it is my honest judgment, long before 3:57 o'clock last Saturday afternoon the White House offices knew that the railroad strike was, in fact, over, and that they knew the terms and conditions under which the workers would return to work. The President should have so informed the people of this country and he should have given them all the facts and not just part of them.

I wish to say that as early as 9 o'clock last Saturday morning the brotherhoods involved in this controversy had made up their minds to return under the terms of the President's own emergency board's report, and that the President's White House advisers knew that before noon on Saturday. That is what I pointed out earlier this afternoon.

Mr. BARKLEY. Will the Senator yield?

Mr. MORSE. If the Senator will permit me to finish I should like to do so. I did not interrupt the Senator during the time when he was making his statement about me. I should like to have some continuity preserved in connection with my remarks.

Mr. BARKLEY. Very well.

Mr. MORSE. As early as 9 o'clock last Saturday morning, Mr. President, representatives of the brotherhoods had made up their minds to return to work under the President's emergency board report.

They sought consultation with me in the matter. I told them clearly that I felt—I believe that the exact language I used in one part of my conversation with them was that they did not have a leg to stand on as far as repudiating the report of the President's emergency board was concerned. I said that I believed they should show their good faith and make it perfectly clear that, upon reflection, they would return to work under the President's own emergency board report. I urged them to help the President by cooperating with him and accept at once the emergency board report. After that conference they so informed the White House.

I have every reason to believe, Mr. President, that those representatives told me the truth. They notified me before noon that the decision which they had made had been given to the advisers at the White House. The majority leader, himself, admitted in his comments that a letter also went to the White House to that effect. But I assert that not only by letter but by word of mouth the position of the brotherhoods was made known to the White House. It was a fair proposal and the White House owed it to the country to say so.

Not more than 20 minutes ago, on the floor below, in the presence of Senators who are in the Chamber now, and in the presence of representatives of labor, at a conference which was called by the Senator from Montana [Mr. MURRAY], a representative of the brotherhoods again made the representations to which I have just referred.

Mr. President, I believe it was perfectly well known by the advisers at the White House long before 4 o'clock Saturday afternoon that there was no serious danger whatsoever of the continuation of the strike after 4 o'clock. When I spoke earlier today I expressed my own personal opinion, Mr. President, as to what I thought the obligation of the President of the United States was when he addressed the country at 4 o'clock last Saturday. I repeat that I think he was under a solemn obligation to inform the people of the country of all the facts which had transpired on Saturday in connection with the railroad strike. He did not do it.

The Senator from Kentucky, and, I understand, some other Senators as well, have taken offense at my characterization of the Presidents speech of last Saturday afternoon. I am sorry it did not please them but I did not expect it to. I only wish to say that I was very much disappointed in the President's bearing and his attitude at that joint session. I believe that it was a most unfortunate appearance and speech. I felt that, in view of the fact that it was well known by his advisers that the strike would be concluded, that the greatest service and the greatest statesmanlike act which the President could have performed under those circumstances, was in either not making the address at all and informing us that he thought the matter would be settled on the basis of the emergency board report or some similar settlement, or canceling the speech entirely and letting the announcement go over the country that the matter was being settled. Instead of that he inflamed further the hysteria in the land. I hope that the time has not yet come in this country when a Member of the United States Senate may not stand upon the floor of the Senate and express his personal opinion and criticisms of the President of the United States, if that is the way he feels about some act or speech of the President. I hope that we have not yet reached the time when a Member of the United States Senate may not characterize his disappointment in the conduct of the President of the United States by such language which he believes properly characterizes and depicts the President's conduct and language.

I am sorry that the President's conduct on last Saturday afternoon was such a complete disappointment to me that I found it necessary to so characterize it. But that happened to be my own honest opinion. I felt that, with the hysteria which was sweeping this country, with almost a mob psychology, at the very time he spoke, that the President

did not act wisely in making the speech he did. As I have already said to some Senators earlier this afternoon, the great flood of antilabor feeling which was sweeping the country was so serious, Mr. President, that, judging from some of the telegrams which I have received, if the voters in my State had the power to recall me as a Member of the United States Senate, some of them would attempt to circulate recall petitions against the junior Senator from Oregon. But as I said before and now repeat, as long as I am a Member of the Senate I will continue to fight for and to vote for the preservation of what I consider to be the basic freedoms of the individual citizen as they are guaranteed to him under the Constitution of the United States. I shall fight for them even if in an hour of hysteria many citizens unthinkingly want to sacrifice or throw away those precious rights.

Mr. President, it happens to be my personal opinion that the conduct of the President of the United States on last Saturday afternoon was not in the interest of preserving those basic freedoms and liberties to which I have referred. I feel that the legislation which he proposed strikes at the very heart of some precious rights which are guaranteed in the bill of rights to all citizens of this country, including labor, employers, farmers, and every other citizen. This bill rests upon a totalitarian principle.

All I have tried to do, Mr. President, is to express my honest opinion of the type of performance which, in my judgment, the President staged before a joint session of the Congress last Saturday afternoon. There is nothing which the Senator from Kentucky could say, I am sure, which could change the impression that was formed in my mind by the observation of the President's performance.

I stress again that although I was very much saddened and disappointed in what the President did Saturday afternoon, and have criticised him for it, on the other hand, when I believe that he is right on any measure, there is no man on this floor who will fight harder to sustain his hand. But I intend to reserve to myself, as I think I have the right as a Member of this body, to criticize when I believe criticism is due, and to support the hand of the President when I believe he is entitled to that support.

The legislation which he proposes is in my judgment a violation of the clause of the Constitution that protects us from involuntary servitude. It violates the inherent constitutional right of every citizen to be safe in the possession of his property without confiscation by the Government. Every businessman in this country should rise up in protest against the confiscatory features of this bill. This bill threatens the constitutional guaranty that the person of the individual shall be protected from capricious and illegal acts of Government. It sounds of fascism irrespective of the motives behind it. I regret that my President has made such a serious blunder. I must not hesitate to criticize him severely for it. That is all I have done and I stand by it.

The President has all the power he needs under existing law to seize the mines, the railroads, or any other industry that is or may become strike-bound to the great detriment of the public welfare. I shall support his hand in carrying out those powers but I never shall vote in favor of giving him dictatorial powers that destroy liberties guaranteed by the American Bill of Rights. That is exactly what he is asking for by this legislation.

Mr. BARKLEY. Mr. President, I would not rise for the purpose of entertaining or indulging the hope that anything I may say might change the opinion of the Senator from Oregon, but I do want the record to be straight, and the Senate can be its own judge.

The Senate will recall that the President's emergency board recommended an increase of 16 cents an hour for all the railroad brotherhoods involved, plus a change in some seven rules, I think. The brotherhoods had asked for a change in some 44 rules, the railroads had asked for a change in 29 rules, and the President's emergency board recommended, in addition to the increase in wages which had been sought, an increase of 16 cents, and a change in seven rules of operation.

Subsequent to the report of that board the President recommended to all the brotherhoods an increase of 18½ cents an hour in wages, not 16 cents, but 18½ cents, together with some variations with respect to the changes in the rules.

In the letter which was sent Saturday morning, which was printed in the RECORD by the Senator from Florida [Mr. PEPPER], dated May 25, statements were made which I desire to read. I shall not read the entire letter, I shall read only two paragraphs.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. LUCAS. Am I to understand that 18 of the 20 brotherhoods accepted the findings of the board, with an increase of 16 cents an hour, plus changes in whatever rules were to be altered?

Mr. BARKLEY. The 18 brotherhoods accepted the proposal of the President.

Mr. LUCAS. Originally did they not accept——

Mr. BARKLEY. Originally I think they agreed to accept the award of the board of 16 cents an hour, plus some changes.

Mr. LUCAS. That is correct.

Mr. BARKLEY. Two brotherhoods declined, and then the President made an identical offer to all of them, to provide for an increase of 18½ cents an hour, plus certain variations and recommendations regarding the rules.

Mr. WHEELER. Mr. President, will the Senator from Kentucky yield?

Mr. BARKLEY. I yield.

Mr. WHEELER. The 18 brotherhoods did not accept the 16 cents recommended by the board. Some of them talked with me, and I presented the President with a memorandum, and suggested that he allow them 18½ cents, the same increase given the steel workers and the automobile workers. I said to him, "After all, the 18 brotherhoods submitted to arbitration, and the board brought in a recommendation for an increase of 16 cents." I said further, "You have allowed 18½ cents to workmen who went on strike, and it seems to me that you ought to allow the others 18½ cents, and then, if there is a dispute about the rules, take that up some other time."

Mr. LUCAS. The 18 brotherhoods did accept the arbitration theory in the beginning, they agreed to arbitration?

Mr. WHEELER. They agreed to arbitration, but after arbitration they have a right to appeal to the President of the United States, and that is what they were doing. Then, after arbitration, they have a right, as a matter of fact, to go on strike, but they did not do it.

Mr. BARKLEY. As a matter of fact, the President modified the award of the Board.

Mr. WHEELER. That is correct.

Mr. BARKLEY. By offering all 20 of the brotherhoods 18½ cents an hour, and some modifications with respect to rules. The 18 brotherhoods finally accepted that, and that was the basis on which they entered into the agreement with the railroads and with the Government; but the other two brotherhoods were not willing at any time to agree to the 18½ cents an hour, but insisted on 16 cents, with apparently a wider field of negotiation with respect to the rules under which they were to work.

The 18½ cents is what the President offered as a modification of the award of his board, the emergency board, and that is what was finally accepted. That is what was accepted on Saturday by agreement, after negotiation and conference between Dr. Steelman and the carriers and representatives of the brotherhoods.

The carriers took the position that there should be a uniform wage increase. They could not deal separately with 18 and then do something else with 2. That was the matter which was hanging fire practically all day Saturday, and that is the matter about which the two brotherhoods wrote the letter to the President which was sent to the White House some time Saturday, and which was inserted in the RECORD. In order that it may be clear what their proposal was, without reading the entire letter, I shall read only two paragraphs. The letter was addressed to the President, and I read from it:

> Your suggestion of the 18.5 cents increase would deprive us of the seven rules changes recommended by the members of your emergency board.
>
> Our men await only your word that they can return to work for the Government on the basis of the award of your emergency board, that is, the seven rules changes, with appropriate interpretations, and 16 cents an hour wage increase, to be effective January 1, 1946, if you, Mr. President, will allow us to negotiate with you further concerning any other fair wage increases.

In other words, in this letter, they were saying by implication that they would not accept the President's modification of the award by giving them 18½ cents an hour, but they would accept 16 for themselves, if the President would allow further negotiations with respect to other wages and other working conditions and rules.

The suggestion in the letter to the President was not that they would accept terms which were acceptable to the

other 18 brotherhoods, not that they would accept the President's proposal, but that they would accept the award of the emergency board and leave it to further negotiations as to whether there would be other increases.

The position of the Government, and I think of all concerned, the carriers and the 18 brotherhoods who were willing to agree to the President's modification, was obvious, that it would create confusion and discrimination for 18 of them to get 18½ cents an hour increase, and 2 of them get 16 cents an hour increase, and leave open to future negotiations, as to the two, whether there should be additional increases and additional changes in the rules.

So that, regardless of the opinion of the Senator from Oregon, when the President of the United States left the White House and went to the Chamber of the House of Representatives, and when he began the delivery of his speech at 4 o'clock p. m., he did not have any knowledge whatever that the two brotherhoods who wrote this letter to him Saturday had accepted the same conditions which had been accepted by the 18 brotherhoods, that is, 18½ cents an hour, plus some variations in regard to the rules which had been the subject of negotiation. That difference may be technical, in a sense, but there is quite a difference between 16 cents an hour increase and 18½ cents an hour increase. The 16 cents an hour increase, plus the variation in rules, was what the two brotherhoods wrote the President they would accept if there could be further negotiation. The 18½ cents an hour increase, and whatever the President proposed in regard to the rules, was accepted by the 18, and 3 minutes before 4 o'clock p. m. last Saturday was accepted by the two brotherhoods, so that the President could make the announcement he made about 10 minutes after 4 that they had all accepted the settlement of the strike on the terms proposed by him.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. WHEELER. Of course, he could not give some of the railroad workers 18½ cents and have a different agreement with reference to the others, because it would be confusing. If the Government is to settle with a part of them it has to settle with all.

Mr. BARKLEY. That is correct.

Mr. WHEELER. I wish to call attention to a fact which has not been brought out. There are 106 short-line railroads, and they, together with the American Express Co., have not accepted the new rate for the workmen engaged upon their lines and in their employ.

Mr. BARKLEY. They are short-line roads, which follow along pretty much the same course, but they are not involved with the 18 or the 2 brotherhoods.

Mr. WHEELER. Those railroads have not yet accepted. As I said, I called up and suggested that certainly the employees of the 106 short-line railroads should be given the same rate the other employees received, because if they were not it would be bound to lead to trouble.

Mr. BARKLEY. To give one set of employees an increase of 18½ cents, and another set an increase of 16 cents, even though they were willing to accept it with certain reservations, would create confusion, and the carriers were unwilling to discriminate in that way. I think the President, in all the negotiations, felt that whatever was done for one group should be done for all of them, and it was not possible for the President, prior to 4:10 p. m. Saturday, to announce that the two brotherhoods which had gone on strike had accepted the 18½-cent proposal officially, which up to that time they had not done.

Mr. WHEELER. I thank the Senator, and I think he is absolutely correct in his statement of the facts.

Mr. BARKLEY. If the President had made any statement of that sort prior to that time it would have been untrue, because the condition which justified the statement which he made during his address, when he was handed a note by the Secretary of the Senate, had not existed up to that very moment.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. BARKLEY. I continue to yield to the Senator from Montana.

Mr. WHEELER. Not only that, Mr. President, but in their offer to the President they offered to take 16 cents, but wanted further to negotiate, which would have upset the whole situation.

Mr. BARKLEY. Of course it would have upset the whole situation. But there was no suggestion in the communication as to how long the negotiations should continue, or whether they would finally result in another cessation of employment. It was impossible to tell.

I now yield to the Senator from Florida, who has been on his feet for some time, if he wishes me to.

Mr. PEPPER. I wish to take the floor in my own right, when the Senator concludes.

Mr. BARKLEY. I am on the point of desisting.

Mr. STANFILL. Mr. President, I am the youngest Member in point of service in the United States Senate. I am profoundly concerned over the crisis which faces the country—not only that which faced it on last Saturday but which still faces it. I hold in my hand a copy of the Washington Daily News of today, which on the front page has the headline "Lewis primed for showdown with Truman." In the story on page 3 of the same newspaper, a story by the United Press, we find the following:

> John L. Lewis' United Mine Workers struck the Government-operated soft coal industry today in a defiant challenge to the Truman administration.

The words are "Truman administration." I think the writer could better have used the expression "the administration of the American people." Lewis is not striking against President Truman, but against the President of the United States.

Mr. President, on Saturday before the joint session of the Congress the President of the United States, among other things, said:

> This is no longer a dispute between labor and management. It has now become a strike against the Government itself. That kind of strike can never be tolerated. If allowed to continue, Government will break down. Strikes against the Government must stop. I appear before you to request immediate legislation designed to help stop them.

And then again he said:

> However, when the strike actually broke against the United States Government, which was trying to run the railroads, the time for negotiation definitely had passed and the time for action had arrived. In that action you, the Congress of the United States, and I, the President of the United States, must work together—and we must work fast.

It is true that the President had reference mainly, if not entirely, to the strike involving our railroads tying up our entire transportation system. I agree with these statements wholeheartedly and I should like to vote for legislation to implement these words of the President, although there are features of the present bill handed to us by the advisers of the President which I believe are unsound which I may not be able to support and which I could not support in any event except for the great emergency now facing us.

But we must not forget the coal strike which will have perhaps as far-reaching consequence in the long run as the railroad strike; for without coal the railroads cannot run, and the net result will finally be the same as if the railroad strike had continued, although it will be slower in its effect—more like a creeping paralysis of our whole economic and transportation system than the spectacular tie-up manifested in the railroad strike.

According to the story in the Washington Post Sunday, May 26, Mr. John L. Lewis is still adamant. Well, so were Mr. Alvanley Johnston and Mr. Whitney of the two striking railroad brotherhoods adamant up to 4 p. m. Saturday. Mr. Lewis has never yet told the operators or the management of the coal mines what he is demanding. Since March 12, or thereabouts, he has consistently refused to discuss with mine management any terms of settlement. He still refuses to discuss any terms of settlement until, as he says, management agrees to his health and welfare fund. He has in effect defied the mine operators and now we are witnessing the spectacle of Lewis defying the Government of the United States. Under the Wagner Act management is required to negotiate in good faith, but John L. Lewis is not required to negotiate at all. The present deadlock shows the absurdity of that provision of the Wagner Act.

Again I call attention to the words of the President of the United States:

> However, when the strike actually broke against the United States Government, which was trying to run the railroads, the time for negotiation definitely had passed and the time for action had arrived.

If that was true last Saturday of the railroads, was it not equally true of the

mines? The Government had seized the mines and placed them in the hands of the Secretary of the Interior, Mr. Krug.

Although when the railroad workers strike, the President says the time for negotiation definitely has passed, yet when John Lewis' union strikes against the Government, the Secretary of the Interior is directed to step in and negotiate with him. Wherein lies the difference in treatment? This strike by the railroad workers is the first one we have had for many, many years, yet Mr. Lewis' mine union strike is like a perennial plant; it comes up every year. The President tells the country that this railroad crisis was brought about by the obstinate arrogance of two men. Is it possible that we have at last discovered not one but two men who are more obstinately arrogant than John L. Lewis? Why does the President single out these two men and put them in a class above John L. Lewis for obstinate arrogance and relegate Lewis to treatment of utter silence? Unless some sort of deal is being made with Mr. Lewis, I am afraid he will not like to have it said that there is not just one but two men who are more obstinately arrogant than he.

While the Government could or would not negotiate with the railroad men, because of the strike, yet, nevertheless, we are told that negotiations are still going on between the Government and Mr. Lewis although there is no evident sign that Mr. Lewis has been halted in or given up any of his own obstinate arrogance. But the point I desire to make is that it is now the Government which is negotiating with Mr. Lewis and it is not management. Management, I am informed, has no voice in the matter at all. Government will bargain collectively for management, and management will have absolutely nothing to say in arriving at the bargain, if indeed the result of all this political maneuvering can be called a bargain.

It is time to give a note of warning to Secretary Krug and to the President.

The coal contract now being negotiated between the Government through the Secretary of the Interior and John L. Lewis may and is likely to be unsatisfactory to the mine owners. The owners are in no way a party to this contract and they may find it impossible to work under it.

This agreement may prove so expensive and burdensome that it will be impossible to mine and sell coal in a competitive market, and the Government may be required to expend large amounts to pay the concessions granted Lewis, and if Lewis' demands are granted, the rules under which coal is mined may prove so burdensome that the mines may not be able to produce enough coal to meet the public demand and thus our general economy may be so seriously restricted that we will run into the same kind of a serious depression from which England is now suffering as a result of her coal production declining from over 300,000,000 to under 200,000,000 tons per annum. A similar drop in our production in our reconversion period, when we need every ton of coal we can mine, would be a national disaster.

A substantial reduction in our weekly production below the 12,000,000 tons per week, which we must have for our domestic economy, would result in great suffering and great shortage of goods.

When the Government attempts to return the mines to their owners, another strike may take place. If the Government places burdens on the coal industry which the owners cannot carry, the Government will be responsible.

I mention these considerations as a note of warning to Secretary Krug and to the President that they think carefully before buying Lewis off. The price can be too high for the country to pay.

If the President will take matters concerning Lewis and his union into his own hands and publicize Lewis' attitude as he did the attitude of the two men, Johnston and Whitney, the country will support him in that crisis as it has supported him in the railroad crisis.

Mr. BARKLEY. Mr. President, in order that Members of the Senate may understand the program, I wish to advise them that while I regret, after the hard work and long hours of last week, to impose night sessions on the Senate, it is my purpose to ask the Senate to sit very late into the evening in order that we may make progress in regard to this legislation. Our experience has been that we have a better attendance and make more progress at night than we do during the daytime. I hope that will be true during the night.

RESIGNATION OF SENATOR MORSE FROM COMMITTEE ON EDUCATION AND LABOR

Mr. PEPPER obtained the floor.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. WHITE. With reluctance, but upon the insistence of the Senator from Oregon [Mr. MORSE], I ask unanimous consent that he may be relieved from further membership or further service on the Committee on Education and Labor.

The PRESIDENT pro tempore. Is there objection?

Mr. PEPPER. I object. I ask the Senator from Maine, Does that request concern the Senator from Oregon?

Mr. WHITE. Yes.

Mr. PEPPER. Mr. President, if it requires unanimous consent, I feel so strongly that the committee and the Senate need the services of the Senator from Oregon on that committee, that I should like an opportunity to discuss the matter with him further in the hope that he might withdraw his request, if that would be permitted.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. WHITE. I made the request only upon the insistence of the Senator from Oregon.

Mr. PEPPER. I am aware of that, but I still insist that the committee needs the services of the able Senator from Oregon very greatly. I heard the chairman of the committee express himself to that effect, as well as other members of the committee. I am still hopeful that he will reconsider his decision. For that reason only, so that the resignation may be deferred, I object to the present consideration of the request.

Mr. MURRAY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Montana?

Mr. PEPPER. I yield.

Mr. MURRAY. I wish to join in that request. I believe that because of the experience of the Senator from Oregon his resignation from the Committee on Education and Labor would be a great loss. I am sure that every member of the committee who has attended the executive hearings we have held holds him in very high respect and regard because of his knowledge and experience in this work; and I think it would be most unfortunate for the Senate to lose his services on that committee.

Mr. TAYLOR. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. TAYLOR. While I am not a member of the Committee on Education and Labor, nevertheless, I wish to add a word to what has been said by the Senator from Florida and the Senator from Montana. I come from the same section of the country as does the distinguished Senator from Oregon. I feel that it would be a distinct loss to the Senate if he were to resign from this committee; and I humbly beg of him to reconsider his decision and put the welfare of the great Northwest and of the Nation above his own personal desires in this matter.

Mr. SMITH. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. SMITH. I wish to add a word on this same subject. The Senator from Oregon is one of my best friends in the Senate. I am a fellow member with him on the Committee on Education and Labor. I agree with my colleagues on that committee that he is one of the most valuable members we have, not only because of his personality and convictions, but because of his wide experience in the labor field. I sincerely hope that he will reconsider his decision.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. AIKEN. I wish to say as a member of the Committee on Education and Labor that I hope the Senate will not consider accepting the resignation of the junior Senator from Oregon, and I hope the Senator from Oregon will reconsider his resignation from the committee.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BARKLEY. I wish to congratulate the Senator from Oregon upon his popularity with the members of his committee. I venture the suggestion that if I were today to resign from all the committees of which I am a member, there would be no objection upon the part of any Member of the Senate. [Laughter.]

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. LA FOLLETTE. I wish to join with other members of the Committee on Education and Labor in stating that I hope the Senator from Oregon will reconsider his action in asking to be relieved from service on that committee. Without doubt his background and experience in the field covered by that committee is unequaled by that of any other Member of the Senate, and I think it would be a great loss to the work of the committee if he were to persist in his determination to be relieved from duty on the committee.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. DONNELL. There is nothing that I can add from a factual standpoint or in the way of an expression of opinion, to what has been stated with respect to my distinguished friend from Oregon. However, it is with great pleasure that I take this opportunity as a member of the Committee on Education and Labor to express substantially the same views as have been voiced by my colleagues who have spoken just before me.

To my mind, the Senator from Oregon is characterized first by courage and intelligence; then he is characterized by a great fund of information along the line of labor and its problems. I regard him as an exceedingly valuable member of the Committee on Education and Labor, and I would regard it as a great loss, not only to that committee but to the United States Senate and the people of the United States of America, if he were not to be upon the committee.

I very earnestly join in the suggestions made and the hopes expressed that he will reconsider the decision which he has already expressed.

Mr. BALL. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BALL. May I, as another member of the Committee on Education and Labor, make this unanimous? I quite often vote the other way from the Senator from Oregon, but with respect to his integrity, background, and knowledge in this field I think he makes a valuable contribution.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. FULBRIGHT. In order to make this unanimous, I wish to add my protest to the purpose of the Senator from Oregon in resigning, and I sincerely hope that he will reconsider his resignation.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. PEPPER. Only for the purpose of the Senator withdrawing his request. [Laughter.]

Mr. MORSE. I should like to make a very brief statement. If my face is as red as the embarrassment I feel after these very kind remarks, it must be very red.

I shall be very glad to talk with my good friends on the committee at a later time. Saturday night I expressed myself in the RECORD as wishing to use my time to better advantage on some other committee, or to do more work for the other committees of which I am a member, in view of my feelings when this particular bill was not referred to the Committee on Education and Labor, as I think it should have been referred.

For the time being, until I can have an opportunity to closet myself with my friends and discuss the question of principle and policy which I think this incident has raised, and which I feel someone ought to raise in protest, I shall let the resignation hang in abeyance.

Mr. PEPPER. At least the Senator from Oregon will agree to enter into collective bargaining negotiations with his friends on the committee. [Laughter.] That is characteristic of his fair-mindedness and his devotion to the public interest.

SETTLEMENT OF INDUSTRIAL DISPUTES AFFECTING THE NATIONAL ECONOMY

The Senate resumed consideration of the bill (H. R. 6578) to provide on a temporary basis during the present period of emergency for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace.

Mr. PEPPER. Mr. President, I wish to maintain the thesis that, in the first place, the legislation proposed is not justified by circumstances.

In the second place, the legislation is dangerous and highly improper.

That leads me obviously to the conclusion that the legislation should not in any case be enacted; and, a fortiori, should not be enacted at any early date.

This has been called the greatest deliberative body in the world. I hope that by our conduct we justify the high reputation which this body has. I have heard it said in the Senate that perhaps the most important thing we can do is to preserve the character of the Senate itself.

I doubt if there is any measure that we could enact which would reflect upon the character of the Senate which would not be procured at too high a price.

We know, therefore, Mr. President, that we cannot preserve the character of the Senate, or its reputation as even a respectable deliberative body, if we pass this legislation without its having had due and proper deliberation and consideration.

It is not becoming for a Member of this body to refer, especially with any degree of disparagement, to the conduct of our sister House; but I cannot justify the action of our sister body as a deliberate assembly, as the thoughtful spokesmen of a serious people, when after the President's address, in something like an hour of elapsed time, with only——

Mr. CONNALLY. Mr. President, with all due respect to the Senator, I think he is transgressing the rules of comity between the two Houses.

Mr. PEPPER. I prefaced my remarks by saying that what I was about to say was not intended by way of disparagement.

Mr. CONNALLY. It may not be so intended, but it is.

Mr. PEPPER. If the Senator will allow me to finish the statement, if it is improper I shall suggest that it be expunged from the RECORD.

All I meant to say was that I could not consider that 20 minutes' debate——

Mr. CONNALLY. Mr. President, I make the point of order.

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). The point of order is well taken. The Senator will take his seat.

Mr. PEPPER. Mr. President, a parliamentary inquiry. Is it permissible for me to emphasize or refer to the fact that the House of Representatives gave only 40 minutes' debate and time for the consideration of this measure, as exhibited by the RECORD?

Mr. CONNALLY. Mr. President, that is a rule of the House; and any reflection on that rule is a reflection on the House. I do not mind what the Senator is saying; but I do want to preserve comity between the two bodies. If the Senate can "cuss" the House out, the House can "cuss" the Senate out. It is not in conformity with good practice, and it is violative of all the legislative traditions and precedents. I hope the Senator will not indulge in such a practice. What he says does not offend me, but I do think it transgresses the rule, and I shall have to insist upon the observance of the rule.

Mr. PEPPER. I made it clear in the beginning that in what I said I was referring only to the fact that the RECORD discloses——

Mr. CONNALLY. Mr. President, I make the point of order.

The PRESIDING OFFICER. The point of order is well taken, and the Senator from Florida will take his seat.

Mr. CONNALLY. Mr. President, I move that the Senator from Florida be allowed to proceed in order.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. PEPPER. Mr. President, I am somewhat at a loss as to what to say. Certainly it would seem to me that I could refer to what was published in the newspapers, and what was in the RECORD, as to the total elapsed time of debate.

Mr. BREWSTER. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). Does the Senator from Florida yield to the Senator from Maine?

Mr. PEPPER. I gladly yield.

Mr. BREWSTER. We have no evidence that this measure has ever been adequately considered by anyone whom we know.

Mr. PEPPER. The Senator is thoughtful in his suggestion.

All I wish to say is that the Congress of the United States is not expected by the people of this country to act other than as a deliberative body, and to act in a manner commensurate with our responsibility to the public. I will say this, Mr. President—and I suppose it is permissible—that if the Senate of the United States did not give more than 20 minutes' opportunity for debate on this measure to one side, namely, those who favored it, and 20 minutes' debate to the other side, those who opposed it, that would not be enough time. Nor would it

be enough time if any other parliamentary body proposed to act upon it in such a limited time, whatever may be the name of the body.

So, Mr. President, what I am saying is that it is essential that the Congress of the United States continue to act as a deliberative body, and that we show, by our conduct and our deliberations, that we have a sense of the weight of the solemn responsibility which rests upon our shoulders as the constitutional representatives of the people of the United States.

Saturday night it was proposed that this measure be immediately placed upon the calendar and made the pending business, when the Senate had before it nothing except mimeographed copies which had been sent to the Senate by the Chief Executive or some other branch of the Government. We did not even have on the Clerk's desk a typewritten copy, to my knowledge, of the bill which we were expected immediately to pass. If any Senator had had any part in drafting this legislation, no notice of it was given to the Senate; and I certainly have no information of that character. Someone drafted a bill and sent it to the Congress in mimeographed form; and the Congress of the United States—not a mob on the street, Mr. President—the Congress of the United States was expected to pass that bill Saturday evening.

Mr. President, was that a declaration of war? If an enemy had been at the gates of this country, clamoring for entry, if our gallant citizenry had been holding him back by sheer force of courage and determination and if then there had been the necessity for such a measure, no Member of the Senate would have withheld his consent from the Executive's recommendation, because the Executive would have been charged with the defense and security of the United States.

But when the proposal was made that the measure immediately be made the pending business, without reference to a committee, without having Members of the Senate consult, so far as I know, about the measure, without any committee hearings, but when request was made to write a bill on the floor of the Senate, it was not the Senator from Florida, but it was the Senator from Ohio [Mr. TAFT], who objected to such a request. Other Senators would have made objection; but I commend the Senator from Ohio for making it courageously. Had he or some other Senator not made it, then this measure would have been made the pending business, and there would have been no chance for committee consideration or senatorial consultation upon it.

On the contrary, Mr. President, when the Senator from Montana [Mr. MURRAY], as chairman of the Committee on Education and Labor, said that he would hold hearings as expeditiously as possible, the very fact that he announced that he would hold hearings at all created laughter in the Chamber and, no doubt, a resolution on the part of the advocates of the measure that it be deviated from a course to the Committee on Education and Labor, the committee to which it should have gone in due course, and made them determine then to have it referred to another committee, a committee which had never exercised jurisdiction over legislation of this general character.

A little later, therefore, our distinguished leader made request that the bill be referred to the Committee on Interstate Commerce. Mr. President, that is a very distinguished committee. No one made objection to consideration of the measure by that committee. It has an able chairman and a distinguished membership. But we did not believe that the instruction given that committee by the leader's motion of reference, namely, that the committee report it back at the earliest possible hour, would be so literally followed that an hour would be the measure of its consideration by that distinguished committee.

So, Mr. President, within an hour's time after the committee meeting was called following the announcement of the chairman from the floor of the Senate, the bill was reported back to the Senate, with only two material changes. One was that those who were, under the bill, to be drafted into the armed services of the country should not get the benefits of the GI bill of rights unless the President should so determine. The other one was to change the expiration date of the measure to the end of June 1947.

I will say, to the credit and to the distinction of six members of that committee, including the chairman and able Senator who now presides over the Senate, the Senator from Colorado [Mr. JOHNSON], that an effort was made to delete section 7, the section which gives to the President authority to draft workers and executives who have disobeyed his command into the armed services of the country. But they were overwhelmingly outvoted by their colleagues, and so they were unable to make even that change in the proposed legislation.

When the measure came back to the floor of the Senate it was noised around the Senate Chamber that an effort would be made to adjourn the Senate and to commence another session and bring up the measure later the same night. I am happy to say that that purpose was desisted from, and, by common consent, the bill was made the unfinished business for this day and agreement was had that the Senate would be called into session at 11 o'clock this morning.

But the leader has already announced that we shall be kept in session until a late hour tonight. It is already manifest to the membership of the Senate that we are in for another drilling, that we are in for another discipline of duty, in order that this measure may be passed forthwith, without consideration in the Senate that is adequate to its character, without committee consideration, and without letting the public of the United States have an opportunity to be heard upon the measure.

Mr. President, I wonder whether Senators realize what that kind of senatorial deliberation does to the character and reputation of this great body, which is known all over this great land and throughout many parts of the world as one of the greatest, if not the greatest, deliberative bodies of mankind. To have those people who have that confidence in the United States Senate believe that we would rush through to passage into the law of the land a piece of legislation of such momentous significance and character will do more harm, in my opinion, in the long run to the democratic process and to the dignity and repute of the Senate than almost anything else we could do affecting this subject. I am sure I can say that it will do the cause of republican government more harm, for us to rush through this measure, with the public knowing that it has not had due consideration, than it will render a disservice to the public not to pass the measure at all. If we had a choice between passing the measure in such an unseemly way or not passing it at all, even if it were a good measure, I respectfully submit, Mr. President, that it would be better for us not to pass it at all.

What is the emergency which requires such haste in the Congress? Is it the railroad strike? We all know that the railroad strike has been settled. It was settled by the announcement of the President on Saturday afternoon, in the course of his address. Before he had completed his address directions by the leaders of the workingmen who were not at work for the railroads had gone out, and they were either at work again or were on their way to their appointed tasks. Therefore, it was not necessary to have a night session in the Senate on Saturday night, after a grueling 2 weeks of debate upon a vital piece of legislation. Surely it was not necessary, so far as the railroad strike was concerned, to have the Senate dispense with its ordinary procedures, set up as a result of long experience and wise foresight for the governance of their conduct. No, Mr. President; there was no emergency with respect to transportation in America which justified the effort which was made to rush, in an unseemly and hasty manner, this measure into law.

Mr. BREWSTER. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BREWSTER. As the Senator from Florida knows, we have had a little discussion from time to time about the duration of senatorial debate. The thing which has puzzled me in this situation has certainly not been any lack of consistency on the part of the Senator from Florida in undertaking to see that all these matters were adequately discussed. But I am puzzled by certain other Members of the Senate, particularly by our distinguished majority leader, who begged and implored us, during the early stages of the discussion of the Case bill, not to rush into hasty legislation which would be calculated to do harm. I recall his very impassioned and earnest plea that we defer consideration, particularly while a crisis was on and while we might be angry, one man toward another. I think he even used the phrase "froth at the mouth." So he implored the Senate not to take action at that time.

Now, apparently, the tune is changed. Now we are being asked to proceed with consideration. As the Senator from Florida pointed out, Saturday night, after very extended debate and under

very pressing circumstances we now have the feeling that we are being carried into extended session for no apparently fruitful purpose, and certainly not to produce the orderly procedure which is most desirable.

It seems to me that those responsible for that change in attitude regarding the consideration of legislation should give to us some reason for the emergency which requires so great a change in front.

Mr. PEPPER. Mr. President, I thank the Senator from Maine for his observation. Of course, I cannot speak for other Senators. I appreciate the remarks of my able friend from Maine that the Senator from Florida has been consistent in both cases in insisting that these measures be given the fullest consideration.

Let me say as an aside, Mr. President, that I think the conduct of the Senator from Florida has been consistent also, since 1937, in not engaging in a filibuster and in voting for cloture every time a cloture petition to limit debate has been filed. The reason why the Senator from Florida on Saturday afternoon or evening was one of the three Senators who voted for cloture was that the Senator from Florida wanted to keep his record straight; and the Senator from Florida is profoundly grateful to the distinguished occupant of the Chair, the Senator from Colorado [Mr. JOHNSON], and the able Senator on the other side of the aisle [Mr. WILSON], who joined with him that evening, from keeping him from standing out altogether like a sore thumb in voting for cloture on debate.

In view of the fact that the charge had been made that the Senator from Florida had been engaged in a filibuster, I wanted the RECORD to be clear that when the cloture petition was voted upon I would keep my promise of the previous day, and my previously announced purpose of voting for cloture, but, Mr. President, only after I felt that there had been a fair opportunity by debate in the Senate to advise the country and the Congress as to what was involved in the legislation. I contend that that is what the Senate rules contemplate. It should be proper in a deliberative body to debate and inform the Congress itself of the character of proposed legislation. After that purpose has been accomplished, the Members of the body have a right to vote. I shall consistently agree to cloture when I think it is the consensus that there has been a fair opportunity afforded for debate upon the measure then before the body. That statement applies to the pending bill. I will say that the Senator from Florida will do everything he can do in order to prevent the pending bill from passing within the next few hours, or, for that matter, during the present week. Certainly 1 week is not too long in which to give the people of America a chance to learn whether or not their constitutional rights are about to be taken from them, or whether their property is about to be snatched from their ownership and possession by the will of a single man, even if he be the Chief Magistrate of the land.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. PEPPER. I yield to the Senator from Arkansas.

Mr. McCLELLAN. I am very much interested in the statement which the Senator made a moment ago with regard to the attempt which he will make to prevent the Senate from voting upon the pending measure within the present week. I should like to determine the point more clearly in order to decide whether I should or should not carry out some plans which I have already made. I had planned to keep an engagement on Memorial Day in my own State. But, I do not wish to be absent when a vote is taken on a measure so important as the pending bill. I understood the Senator to say a moment ago that he would do everything possible to prevent a vote being taken on the bill during the present week. If I knew that a vote would not be taken, I would be glad to fill my engagement. If that is the plan, and those who are opposing the bill will carry out their purpose to prevent a vote being taken this week, I believe that I would be justified in being absent from the Senate. If I can not obtain such assurance, I feel that I should not be absent when the vote is taken on the pending bill.

Mr. PEPPER. I can quite understand how the Senator from Arkansas feels. I do not want him to misunderstand what I said. What I intended to say was that I feel this matter is of such gravity and momentous consequence to the country, and is so vitally related to our system of constitutional democracy, that I cannot give my consent to its immediate passage by the Senate. I certainly cannot consider that less than a week's time for debate would be fair in connection with the discussion of this measure. I do not know, of course, how many other Senators feel the same way, and I cannot speak for them. Neither can I speak for the efficacy of my effort. The Senator knows that when the steam roller begins to roll in the Senate and he dares to oppose it, he will find it almost necessary to take his life in his hands. We saw instances of that last week.

I will say further to the Senator from Arkansas that many of us are going to insist that this bill be recommitteed to the Interstate Commerce Committee, which has already considered it, or that it be referred to some other committee. If some other Senator who is better qualified does not make the motion, the Senator from Florida, in due course, will make a motion that the bill be recommitted to the Interstate Commerce Committee or referred to some other appropriate committee of the Senate, and that the public of the United States, both employer and employee, shall have an opportunity to be heard on a measure which proposes to take away their property and their civil rights.

Mr. McCLELLAN. Mr. President, will the Senator further yield?

Mr. PEPPER. I yield.

Mr. McCLELLAN. I appreciate the Senator being frank. Perhaps I do not agree entirely with him in the statement with reference to the premises on which he bases the importance of the bill. However, I do feel that the bill is so important that every Senator should be present to register his vote when the Senate is ready to take a vote. For that reason, I do not want to be absent when the vote is taken, and will not be absent unless I can obtain assurance that the vote will not be taken this week.

Mr. PEPPER. I am sorry that I cannot give the Senator further information.

Mr. WHERRY. Mr. President, will the Senator yield to me?

Mr. PEPPER. I yield.

Mr. WHERRY. In view of the statement which the Senator made that he expects to make a motion——

Mr. PEPPER. Unless some Senator better qualified than I will make it, I shall make the motion.

Mr. WHERRY. I wonder if the Senator feels that the motion will be made soon?

Mr. PEPPER. I do not know. I believe the discussion in the Senate this evening will be general, and I do not know whether the motion will be made this evening or not.

Mr. WHERRY. There are several Senators now absent from the Chamber who would wish to be present when the motion is made.

Mr. PEPPER. An adequate opportunity will be given for all Senators to be present.

Mr. BREWSTER. Mr. President, did I hear the Senator from Florida give the latest available report with reference to the situation in connection with the coal strike? The Senator from Florida referred to the railroad strike.

Mr. PEPPER. I will come to that in a minute.

Mr. BREWSTER. Very well.

Mr. PEPPER. Mr. President, before I get away from the procedural suggestion that the pending bill be referred to some appropriate committee of the Senate, I believe it to be only fair to say that in spite of the fact that the Senate on Saturday evening bypassed the Committee on Education and Labor, it might be well to recommit the bill to the Committee on Interstate Commerce. However, Mr. President, we have many precedents in the Senate for the consideration of an important measure, the jurisdiction of which might properly attach to more than one committee, by more than one committee, one after another. I remember, for example, the Missouri Valley Authority bill. If I recall correctly, that bill was referred to the Commerce Committee, to the Committee on Agriculture and Forestry, and to the Committee on Irrigation and Reclamation. It was a far better measure when it came out of those three committees than it would have been had it been considered by only one of them.

Surely, Mr. President, the Judiciary Committee of the Senate would be a proper committee to consider this measure. The measure would change to a very large degree the very inherent system of our Government and the character of our Republic. It would change very vitally the laws respecting the power of the courts of this country to issue injunctions in labor disputes, a subject which is particularly and exclusively within the jurisdiction of the Committee on the Judiciary. Certainly, it would

be appropriate for the Committee on Education and Labor, which labored all through the long hearings, discussions, deliberations, and reports on the Case bill, to be given an opportunity to consider this measure. Many times this body has decided that it would be better to act wisely and wait, than to act hastily and regret it later. It is an old saying that "Haste makes waste." Sometimes the desire to accomplish public purposes too hastily has led to the very undermining of constitutional and responsible government in all too many lands of the world. So I am advocating, first, that the Senate discuss this measure until every Senator has burned into his head and heart every provision the bill contains, and every purpose which is behind every provision; in the second place, that at a time when the Senate thinks that it is appropriate, the measure be referred to some committee or committees, and that the first thing those committees or that committee do may be to give the American people an opportunity to be heard.

Mr. President, can any Senator recall any number of measures of any significance which have been passed by the Senate without an opportunity for the public affected to be heard? The selective-service law would draft young men into the armed services of the country for the country's defense, and we are short of men. Every newspaper report tells of the shortage of the number of volunteers as compared to the needs of the armed services. Yet we have had hearings upon the selective-service law. We have had hearings upon the selective-service law in spite of the fact that the effect of our not acting upon that measure in a timely way has made it necessary for 200,000 men, some of them fathers, some of them having already put in longer service than they were under obligation to render, to remain in the service. Yet, in spite of that disservice and that injustice being done to those men honorably wearing the uniforms of their country, we have insisted upon public hearings on selective service. We have given an opportunity to be heard not only to the Government agencies affected, but to responsible representatives of the public itself.

The same is true about the OPA legislation. In spite of the fact that we need enactment of that legislation at an early date, that, too, has been submitted to public hearings and to the closest scrutiny, and to long-time debate and consideration in the committee itself.

I could go on enumerating almost every piece of legislation which has been before this body, and we would find the same record. A bill is first introduced, then it is referred to a standing committee, then notice is given of public hearings, the public is heard, the committee deliberates, usually having the recommendation of the appropriate department of the Government before it when it acts, and then finally the committee acts and reports the measure to the Senate of the United States, and the Senate considers it in due course upon its calendar.

I recall the same practice applied to the lend-lease measure. When the world was burning up, when Hitler was marching farther and farther toward America, when totalitarianism seemed inevitable as an inundation upon the earth, when Great Britain, our gallant ally, was almost on her knees, when France was prostrate, and when Europe was largely overrun by the Nazi hordes, we took time month after month in the United States Senate to have public hearings upon the lend-lease measure.

Senators will also recall when we proposed to change the Neutrality Act to make it possible for us to make our supplies, from factory to farm, available to those who were the victims of Hitler's aggression, and when every day we withheld supplies meant that we were for all practical purposes embargoing aid to our friends who were fighting for democracy, and aiding those who were the enemies of democracy and America, yet we had public hearings upon that measure to amend the neutrality law. That, Mr. President, was when America was really in danger.

Away back in the fall of 1940, long before we had ever passed a lend-lease measure, long before we had ever been attacked by Japan, when the question arose as to the raising of an Army to defend America, and the need was imperative, yet we took the time to have public hearings. Why? Because we thought it worth while not only to defend democracy, but to preserve it in the Senate of the United States.

So even in actions directed against Hitler we did not become so hasty that we were willing to dispense with the ordinary procedures inherent and necessary in proper consideration of proposed legislation.

Mr. President, now we are in a day of peace—practically peace; I am not talking about technical peace. We know the war with Germany and the war with Japan are over, and, as the courts say, what everybody knows even the courts know. The courts of America know that, while technically the Congress has not declared the war at an end and the President has not proclaimed officially the end of the war, the war is really over; except, Mr. President, for those who are lingering in the hospitals, for whom the war will never be over as long as they live.

Here, in a day of peace, on the recommendation of the President, the Congress of the United States is expected to dispense with all ordinary safeguards for legislation and for the public interest, and in a matter of hours, if not minutes, adopt the most far-reaching legislation, as Senator after Senator has said on this floor, to be proposed in this body or in the other House of Congress.

Mr. President, I said in the first place that the emergency existing today does not justify such haste and such shunting aside of the ordinary protective procedures of the United States Senate. I said the rail strike had been settled. That was obviously a move of disastrous consequence, not only to the public and the management, but also to the workingmen whose work stoppage had stalled the trains of the country. No one claims that everybody did not lose by that stoppage of work. I have heard of no Senator, I know of no citizen, who does not in his heart's recesses lament that that circumstance ever came about. I shall not at the present time go into a discussion of the causes of that work stoppage, although I shall before I take my seat; but I will say that that work stoppage was at an end during the address of the President, according to official notice which had come to his attention.

I will say further, Mr. President, although I regret to discuss it when the able leader is of necessity not on the floor, that I cannot bring myself to the conclusion that the President could not have been satisfied that those men were going back to work before he came to address the Congress. I base that statement upon two things. The first is the uncontradicted assertion that the Government of the United States never during all the deliberations upon the rail strike requested these men to work under a contract between them and the Government, the duration of which should extend only to the end of the operation of the railroads by the Government. On the contrary, I was told, upon my own inquiry, by Dr. Steelman, when I asked him the direct question on Friday afternoon, that the Government had never proposed to these workers a contract of agreement under which they would go back to work for the United States Government.

Mr. President, I do not wish to be understood as saying that the Government did not propose a basis for a permanent contract between the workers and management. I said that, according to Mr. Steelman, and the advice of Mr. Whitney to me Friday afternoon and evening, there was never any effort made on the part of the Government to induce these workers to return to work under an agreement that would cover the period of their labor for the Government of the United States.

Senators will recall that in the Senate on Friday evening this matter was discussed, and that various Senators made the proposal that the Government should attempt to get the railroads to operate again, and that as important as the permanent settlement was in the respect of the public interest, the primary thing was to get the trains running again, and then let the parties continue their negotiations about a permanent form of contract between management and labor.

Mr. MURRAY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. MURRAY. Mr. President, a very important speech is being made in the Senate. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GEORGE in the chair). Does the Senator from Florida yield for that purpose?

Mr. PEPPER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PEPPER. Will the Senator from Florida lose the floor if he yields for the purpose suggested?

The PRESIDING OFFICER. The Senator from Florida will be considered as having spoken once upon the subject. If he yields for the purpose suggested he can make only one more speech upon the subject.

Mr. PEPPER. Mr. President, I thank the Senator from Montana, but I shall continue to speak.

I was saying that I conceive in every case when the Government takes over a public utility, or an enterprise, or a facility, that the first obligation of the Government should be to get it to going again. In the case, for example, of the coal mines, to get the coal miners back into the mines to mine coal. In the case of the railroads, to get the men back at their jobs running the trains and doing the work necessary to keep the trains on the move. Yet, Mr. President, somehow the Government never approached the railroad strike in that spirit. I will say that I think the Government has approached the coal-mines strike with that view, and I will say that I understand great progress is being made toward a solution of the coal strike, or the reexecution of a contract between management and labor, because the Government is directing its efforts—its able Secretary of the Interior, its able special representative, Vice Adm. Ben Moreell, and other representatives are directing their primary efforts to getting the coal to move again out of the bowels of the earth to its various uses all over the land and over the earth.

So I say, Mr. President, that in my humble opinion our Government was derelict, our Government was delinquent, in never having approached a railroad employee with a proposition to work for the Government. I knew Friday night, after talking to Mr. A. F. Whitney, that they were anxious to work for the Government, that they would gladly agree with the Government upon what would be fair working terms upon which to work for the Government, but they told me with sadness, Mr. President, that they had been rebuffed at the White House in an effort to present their petition to the President that he negotiate with them an agreement which would relate only to the period of the operation of the railroads by the Government itself.

Mr. BREWSTER. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BREWSTER. Am I to understand, then, that the Senator feels he has it on reliable authority that the heads of the railroad brotherhoods had indicated to some responsible party in the Government that they would be willing to continue operations under an equitable arrangement with the Government, and that their suggestion of that solution was rebuffed—I think those were the words the Senator used? It seems to me that if that situation prevailed it does present a somewhat extraordinary situation.

Mr. PEPPER. Mr. President, I will say that in the letter to which I shall refer later, already referred to by the Senator from Kentucky, it is stated that on the night before the date of the letter—and the date is May 25—there had been consultations with Secretary of Labor Schwellenbach and Secretary of State Byrnes by the labor representatives, and they had suggested the negotiation of a temporary agreement to be entered into between the workers and the Government, so that in the letter that went to the President himself was the statement of these representatives of the workers that they had told two of the Cabinet officers of the President they would negotiate with the President an agreement covering the period of the Government's operation of the railroads. I further was informed by Mr. Whitney, and I saw it on the previous day in the Washington Post, that their application for an appointment to see the President to discuss the matter with him was denied.

Mr. BREWSTER. Has the Senator been able to find from any responsible Government officials the reason why this offer was not more seriously considered?

Mr. PEPPER. Mr. President, I have not heard, other than what I heard from the leader on the floor of the Senate and what I heard the President announce, that the men were back at work and the strike was settled on terms proposed by the President. I take it that the President intended to say what I understood was imputed to him, that the time for negotiation had passed, and the President did not expect to negotiate further with these workers, but to tell them what they had to take and demand unconditionally that they take it.

Mr. President, unconditional surrender, I suggest, may be appropriate for an enemy of the country, but I do not believe it is appropriate with respect to patriotic workingmen who are conscientiously offering to enter into an agreeable adjustment of a work stoppage that will send them back to work. I do not think any credit goes to the President of the United States or to the Government for the victory of unconditional surrender over any segment of the citizenry of this country who are not criminal in their conduct, who are conscientious in their desire to come to an accord with the Government in the public interest.

I said, therefore, that I thought that the emergency was not so acute as the impression was created that it was, and that the reason it was not so acute was that the Government could have gotten the railroadmen back to work if it had approached them upon the theory of working for the Government and then settling the disagreement with management in due course by negotiation.

I read from the letter of Mr. Whitney and Mr. Johnston:

> But we regret deeply the impression that our men are not willing to work for the Government. We will work for the Government. As you have by now heard, we had last evening a very constructive talk with the Honorable James F. Byrnes, Secretary of State, and the Honorable Lewis B. Schwellenbach, Secretary of Labor. It was suggested that if the Government feels that it should not enter into a permanent agreement with the engineers and trainmen we would be willing to negotiate a temporary agreement for the duration of Federal control if you would approve an increase of 18.5 cents an hour, or $1.48 a day, and the seven rules recommended by your Board, with appropriate interpretations, with the further proviso that we would be willing to arbitrate such other rules as we are unable to settle through negotiation with the railroads.

I read a little bit more to show what response that suggestion of theirs received:

> At the time, it was our understanding that this proposal would be submitted to the railways, but we were advised later that no action was taken in connection with it.

In other words, 4 o'clock Saturday afternoon was the President's deadline, and Friday night, when Mr. Whitney and Mr. Johnston told two of the President's principal Cabinet officers their terms and made their proposals in good faith, and were told that they would be transmitted to management, management never took any action upon them, never proposed to meet them half way or part of the way, and neither did the Government of the United States.

So, not having heard anything by the morning of Saturday, these two gentlemen, Mr. Whitney and Mr. Johnston, drafted this letter to the President, and gave it to the press and to the radio, so that the American people would understand that there was something to be said for their side in this controversy, notwithstanding the fact that the President himself had addressed the people the evening before. I take it, Mr. President, that nobody will deny that a citizen feeling himself aggrieved by a remark of the President should not try to correct the public misimpression about his conduct if he were able to do so.

They proceed further in the letter:

> Your suggestion of the 18½ cents increase would deprive us of the seven rules changes recommended by the members of your emergency board.

They are simply protesting against the deprivation of the recommendation made by the President's emergency board.

Now listen to this language:

> Our men await only your word that they can return to work for the Government on the basis of the award of your emergency board. That is, the seven rules changes, with appropriate interpretations, and 16 cents an hour wage increase, to be effective January 1, 1946, if you, Mr. President, will allow us to negotiate with you further concerning any other fair wage increase.

Mr. President, that was a definite proposal made by the representatives of these workingmen at noon on Saturday, that they go back to work for the Government if the President would give them the award of his own emergency board, literally, and if the President would agree to negotiate with them as to whether they were entitled to any further and fair wage increase.

Some will say, "That is a conditional proposal." Yes; it is conditional in principle. But they did not ask the Government to agree to give them any definite assurance of any particular wage increase. They did not ask the President to give them any assurance of any further wage increase at all. They merely asked the President to give them assurance that he would hear them, discuss the question with them, and negotiate with them as the head of the Government, as to whether or not they were entitled to any further wage increase.

Mr. President, having discussed this matter with these gentlemen, I understand why they wanted to put the matter in that way. In the first place, they wanted to talk with the President personally. I am informed that the President carried on these negotiations, as he tended to confirm in his address, almost exclusively through his representatives.

That is all right. I do not question the right or the wisdom of the President in doing so; but I will say this, Mr. President—and I am quoting Mr. Whitney now; I give the Senate the probity of his word. He said that in the last several acute days of these negotiations the President spent a total of approximately 18 minutes personally negotiating with these men, and he contrasted those 18 minutes with the 8 hours President Franklin D. Roosevelt spent, in the stress of war in 1943, settling the rail strike of that year.

Mr. President, I am not in any sense of the word making any personal criticism of the President. But I do respectfully submit that this matter was of such magnitude that it required the personal attention of the President of the United States to the exclusion of almost everything else. I respectfully say that the President had not exhausted every reasonable effort to put those men back to work until he had personally exhausted every effort to reconcile the differences either between them and management or between them and the Government of the United States.

I believe that it would have been perfectly proper to have done with these two railway brotherhoods what at that very time the Secretary of the Interior, Mr. Krug, and the special representative of the Government, Vice Adm. Ben Moreell, were doing with the mine workers, that is, trying to negotiate a contract to cover the period of operation of the mines by the Government itself.

A little while ago our able leader stated that there were 18 of the other railway brotherhoods. I was repeatedly informed this afternoon by Mr. Miller, a representative of the railway trainmen, that there were only 17 of the other railway brotherhoods. The number is not so important; but he did feel that the record ought to be clear, that the number is 17 instead of 18.

The second important matter is this: Contrary to what our able leader has said, it has seemed to me that the railway trainmen and the engineers were right in insisting that there were special problems involved in the rules changes which they sought, which were not common to all the brotherhoods. There were reasons why the rules changes were of special importance to those two particular brotherhoods. In their letter to the President they pointed out that fact. The matter is referred to in the letter of Mr. Whitney and Mr. Johnston to the President on the 25th day May in these words:

> In returning to work on this basis we know that we can rely also on your fairness and good will to keep the door open to further consideration of those differences regarding working rules changes which apply to the membership of our two unions, and in which the nonoperating rail unions have no interest. This would leave the matter of our contract with the carriers to be worked out in further negotiations.

They were emphasizing that these rules matters had a particular significance to those two brotherhoods. That is the reason why they felt that the settlement proposed by the Government of 16½ cents an hour should not be applicable to them, because the other brotherhoods did not have in dispute the matter of rules changes, while these two unions did have in dispute changes in their rules. They assert that for 25 years they have not had a change in their rules. Therefore, they were particularly anxious that in this controversy they gain some rules changes.

It will be noted that the emergency board of the President recommended seven rules changes, and yet the President's recommendation repudiated the recommendation of his own emergency board, and he deleted from his proposal the seven rules changes recommended by the emergency board. The President exercised his own judgment in stating that 2½ cents an hour would be the fair equivalent of the seven rule changes for those two brotherhoods recommended by the President's emergency board.

Mr. President, I respectfully submit that it is up to the men to determine whether 2½ cents an hour is the equivalent to them of the seven rule changes recommended by the President's emergency board. Surely the President of the United States cannot too severely condemn these two men and the organizations they represent for insisting upon the very thing that his own emergency board recommended. It was he who repudiated his emergency board, and not these two willful men whom the President castigated in his remarks over the radio Friday evening and in his address to the joint session on Saturday. So the matter of a change in their rules being of such special importance to them, they insisted as long as they could that they had a right to the rules changes recommended by the President's board, but they said they were willing to accept 16 cents an hour, whereas the other unions had obtained a recommendation of 16½ cents an hour. But they would accept it only upon the condition that if they could show the President that they were entitled to further wage increases while they worked for the Government, he would give them the wage increases of the merit of which they could convince him.

Was there anything wrong about that, Mr. President? Was there anything unpatriotic about that? Was there anything dictatorial about it? Was there anything arbitrary about it, or anything unreasonable? These men made a conscientious effort to right objectionable working rules and wages to the best of their ability.

Another reason why these men made the proposal to the President that the other railway brotherhoods should not be brought into this matter was the fact that the other railway brotherhoods, whether they be 17 or 18, were not on strike. They had not stopped work due to any disagreement with the Government; and the procedures under which their controversy was being considered never reached the emergency stage so that it properly should come to the attention of the President.

I say this by way of explanation: Those who are not familiar with the elaborate machinery of the Railway Labor Disputes Act would not know that that act provides a great many procedures. It goes through a labyrinth of requirements and regulations, different tribunals and boards; and there is in the statute itself a time limit in most cases for the consideration of such controversies by the various boards and tribunals. I am told by experts in this field that it would have been at least 60 days, in due course, before the controversy between the other railway brotherhoods and management reached the emergency stage which would have brought it to the personal attention of the President of the United States under the Railway Labor Disputes Act. And yet what did the President do? Instead of trying to settle this strike with the two striking brotherhoods, instead of trying to get the trains running again, instead of thinking first about the inconvenience to the public, the President determined to settle the whole railroad controversy between labor and management.

Mr. President, I realize the desirability of settling the whole railroad controversy; but again I say that I think the primary emphasis by the Government should have been put upon getting the striking men back in to their jobs and the trains of the United States running again. That was not done. So I say, in respect to the operations of the country's railroads, that the emergency was never such as suggested by the legislation which is now pending before the Senate. At the present time, with the rail strike settled, it assuredly is not of the character to demand the stringent legislation which we are now considering.

Mr. President, I cannot give the Senate any information of value about the coal strike, except to say that I believe that, now that the Government is proceeding in the way that many of us have quite respectfully suggested in the Senate that it should, in trying to work out an agreement with the coal miners covering their work for the Government, it will be only a matter of hours until the coal strike will be settled.

If our anticipation is realized, namely, that the rail strike is settled and the coal strike is settled, will Senators still contend that it is necessary or desirable that the Senate immediately enact this measure without serious debate and consideration of it by the Senate, without deliberations by a Senate committee, and without public hearings? I do not think they will. Not only do I insist that these two strikes in these two important fields either have been settled or will soon be settled, in my opinion, but I will say that the major industries in which work stoppages might occur to the detriment and inconvenience of the public have already had management-labor settlements or have already had contracts executed between management and labor which afford rather satisfactory assurance that we shall not be confronted with any other work stoppages affecting the national economy in the immediate future.

I am not forgetting about the maritime strike which has been proposed. I shall refer to it in a moment. But I will say that the railroad strike has been settled now; and if the coal strike is early settled, that will be out of the way. The steel strike has been settled. The automobile strike has been settled. The elec-

tric strike has been settled. Also the oil strike or disagreement has been settled, the farm-equipment controversy has been settled, and the packing-house controversy has been settled. Those are the major industries of the country in which work stoppages, if they occurred, would seriously inconvenience the American public.

Mr. President, it is true that a maritime strike has been proposed. There is no doubt that a maritime strike would be of serious consequence to the country, and all of us earnestly desire that one shall not occur. But does the prospect of a maritime strike justify us in passing such stringent legislation as this? A little later I shall discuss the details of the proposed legislation, but I can summarize it as other Senators have summarized it, as the most exacting proposal which in the lifetime of Senators—some have said "ever"—has been proposed to the Congress of the United States. There were many who felt that the court bill proposed by President Roosevelt struck at the very heart of American constitutional government and constitutional prerogatives and liberties. There are many of us who think that this measure as much deserves that appellation as did the court bill; and it would seem to us at least that many who so valiantly and gallantly and, in the long run, so successfully opposed the court bill should be alarmed about this measure which comes by the recommendation of another Executive. In that day, the fact that it was the President who recommended the proposal did not give it immunity from criticism, nor did that measure enjoy immunity from public hearing and protracted consideration by a committee. But now if we stand up and speak our minds about this measure, there are many who think it is an affront personally to the President, that it is an act of disloyalty, and that somehow we are culpable if we pursue such a course.

I think all of us have a right—nay, not a right, but a duty—when we consider that the public interest is imperiled, to oppose the measure in every way within our power. Because some of us believe that this measure does jeopardize the public interest and undermines our system of government and takes away essential liberties from those who own property and have essential rights, it is not only our right but our duty to oppose it to the very limit of our ability, properly exercised.

I should like Senators to look back a little with me at an earlier time than the present. I should like to begin with last fall, and to say that in making these suggestions I am leading up to a justification of a remark which I made in the Senate last week; namely, that management should share the public condemnation for the work stoppages and the public inconvenience which we have experienced in recent weeks and months since VE-day and VJ-day. Senators will recall that in the fall of last year, immediately following the end of the war, there was held, by common desire, a labor-management conference. Many looked upon that conference with high hope and with expectations of optimism. They knew that we were just emerging from a terrible war, that we had lived under a controlled economy for many years, and that the transition period from a controlled war economy to a free peace economy would be a tumultuous one, that the sheer mechanical difficulty of adapting ourselves from war to peace would be extremely demanding in its exactions upon us; and they thought—such persons as the Senator from Michigan [Mr. VANDENBERG] and others, who proposed and advocated the management-labor conference—that if management and labor would get together and, in good spirit, try to reconcile their differences, perhaps we could spare ourselves the pain and the ordeal of such work stoppages and such industrial strife as later came to pass.

Under those most favorable hopes and under great auspices, the management-labor conference convened in the city of Washington. Those at the conference began to discuss the various subjects which were likely to produce industrial strife between management and labor. In a very few days it became obvious that the conference would not get far unless it discussed the matter of wage increases, and there were some who proposed that wage increases be put upon the agenda of the conference. Management stubbornly refused, and, throughout that conference, management stubbornly refused to put wage increases upon the agenda of that conference. Some labor leaders did the like. But such men as Philip Murray—and I repeat that I consider him a statesman—earnestly and persistently advocated that wage increases be put upon the agenda, because they foresaw that prices had so risen, the cost of living had so increased, that of necessity when we came from under the restraint of a controlled economy of wages and prices, it would be necessary that working men and women receive increased compensation for their labor.

But, no, Mr. President; management and some short-sighted labor leaders turned a deaf ear to the proposal of Mr. Murray and of those associated with him. So there came about the end of the management-labor conference, and it was a failure. Management and labor had not been able to get together.

Are we going to blame labor entirely for that failure? Is management to be acquitted of any wrong? Is even the Government itself to be exculpated of responsibility for that failure? Did the Government take a strong and wise part in those deliberations, and say, "Gentlemen, we will not let you separate, we will not let you go home, until we have worked out a charter for reconversion that will assure a reasonable prospect of industrial peace?"

No, Mr. President; the Government did not do that. Management did not agree to the adjustment of these disputes and to the formulation of principles which would prevent their occurrence. That is the first thing that justified my saying what I said the other day, for the saying of which I was criticized by an editorial which was published in the Washington Post, which I read; that the fault for many of these work stoppages should lie as much at the door of management and Government as at the door of the working men and women of this country.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. AIKEN. Does the Senator believe that if the labor-management conference had worked out a formula for increased wages to meet increased living costs at that time, many of the present-day strikes could have been avoided?

Mr. PEPPER. I assuredly do. I think any fair observer will say that if that had been done, practically all the major strikes which have occurred could have been prevented and would have been prevented.

Mr. AIKEN. Practically all the strikes have been brought about by differences of opinion as to what wages should be in the various industries in which strikes have been experienced; is not that true?

Mr. PEPPER. The Senator is absolutely correct.

Mr. AIKEN. And the matter of broken contracts, about which we hear so much, has not entered the strike picture at all; has it?

Mr. PEPPER. It has not.

Mr. President, I will go a step further. Sometime after the failure of the management-labor conference there occurred a meeting of the principal industrial executives of the country in the Waldorf-Astoria Hotel in New York. What was the purpose of that meeting? I was not present, and I do not have the testimony of any witness who was present which purports to give all that occurred, but I think it is pretty clear that management was getting together to present a common front against the demands of labor in America that their wages be adjusted according to the increased cost of living.

I will go further and express it as my own opinion—I have a right to have an opinion—that the group of men to whom I have referred, which was composed of leaders of American industry, got together for the purpose fundamentally of either breaking or weakening the power of the labor unions of America.

I believe further that there was a common and concerted effort among them. There was a pattern which was substantially agreed to that industry in America would stand together in order to break labor. Industry was angry with labor because of its demands which it had made during the war, because of the power it acquired during the war, and because of the power it possessed following the war. Industry knew that there were more men in the ranks of organized labor than there had ever been before—12,000,000 or more. Industry knew also that labor had been given the right to bargain collectively under the law of the land. Industry knew that the men and women among the ranks of labor had learned how to work together in negotiation as well as in the production of matériel for war uses. Some of them merely went along with those who feared or hated labor, or those who both feared and hated it.

Mr. President, I wish to read to the Senate something about the meeting to which I have referred which was held in the Waldorf-Astoria Hotel in New York.

Mr. Charles E. Wilson, president of General Motors Corp., testified before the Committee on Education and Labor. I do not have the exact date of his testimony.

Mr. AIKEN. It was about the 18th or 19th of January.

Mr. PEPPER. The Senator from Vermont has informed me that Mr. Wilson's testimony was given on or about the 18th or 19th of January of this year. The testimony appears on page 647 of the hearings on Senate bill 1661, part II, which took place between January 25 and February 11, 1946.

Mr. President, I ask Senators to attend these questions and answers and see the honesty and sheer fairness and candor with which the president of General Motors Corp. replied to United States Senators on this subject. The chairman of the committee, the Senator from Montana [Mr. MURRAY], was asking the questions.

The CHAIRMAN. This whole national situation, of course, has made the problem more difficult for each individual company in that respect?

Mr. WILSON. Much more.

The CHAIRMAN. Because on the part of labor they feel that they have to act as a solid body opposing management generally in the country and management feels the same way about it.

Mr. WILSON. I don't think I can go along with you, sir, that management feels the same way about it, because I have seen very little sign or evidence that management is united in fighting this labor body.

The CHAIRMAN. You don't mean to say that you haven't discussed this with other executives of corporations involved in this general controversy?

Mr. WILSON. I can say to you that I haven't discussed it with a half dozen people, if that is what you mean.

The CHAIRMAN Have you discussed it with four or five of them?

Mr. WILSON. Yes, but not to the point of coming to any agreement as to what ought to be done, because it happens that the only people I have discussed it with are people in entirely different lines of business from my own, and I still maintain that there is a very great difference as to what should or must be done in one business as contrasted with another. Take steel as an example, as opposed to automotive, and automotive as opposed to the electrical industry.

I don't think there is any common pattern here, by any means, and I am not willing to acknowledge that in any connection with the people who run these other businesses.

The CHAIRMAN. There has been some public reference to the fact that some meetings were held in the Waldorf-Astoria by the managements of some corporations with the management of the steel industry.

Mr. WILSON. That is right; I believe I have read that.

I ask Senators to listen to the president of General Motors.

I believe I have read that.

I ask Senators to remember what he later said. I continue reading:

The CHAIRMAN. That is a fact, is it not, that such meetings as that have occurred?

Mr. WILSON. I think it is.

The CHAIRMAN. And isn't there a general meeting of the minds of big business in the country, that they have to stand together in this controversy?

Mr. WILSON. I haven't seen much sign of if, but maybe there is.

The CHAIRMAN. Isn't that a natural result?

Mr. WILSON. I say, it was natural that there ought to be more of it than there is, but I haven't seen very much sign of it today.

The CHAIRMAN. Heretofore, you didn't have to do it so much, because each corporation was able to handle the situation pretty well as far as the struggle between labor and management was concerned.

Mr. WILSON. Senator, I may as well tell you the whole truth on it. Of course, it is natural there ought to be more than that, but it also must be natural that since the manufacturers involved know or think they know at least that they can't do many of the things labor is demanding and meet this national schedule of higher wages without price increases, that you just aren't going to get two manufacturers in the same line of business, or similar businesses, to sit down and talk it over, because they are afraid of that club behind them, of the Department of Justice and the antitrust laws.

You couldn't get me to sit down with one of my competitors and talk this question over, for all the tea in China.

The CHAIRMAN. That doesn't appear to be the experience of the American people with regard to corporations or industry, generally, because when they want to get together in other matters pertaining to the control of production and profits where their own private interests are concerned, they have been able to do so. They have been able to circumvent, for instance, the antimonopoly laws and we have a pretty good record in the country of how businesses get together sometimes in the country, and it is very difficult for the Government to do anything about their proceedings.

Mr. WILSON. I hear a great deal about that.

The CHAIRMAN. Is it not the truth?

Mr. WILSON. I don't think so.

The CHAIRMAN. You don't think it is?

Mr. WILSON. I certainly do not.

The CHAIRMAN. You do not think it is true that industries in the United States have gotten together at different times for the purpose of raising prices and developing monopoly practices in this country? You do not believe that has occurred?

Mr. WILSON. Oh, there have been cases which have been fought out in court, where the Department of Justice has proceeded against corporations, mine included, but when all is said and done there have been a very few of them, and I would not acknowledge for a moment that there is very much of a tendency along the lines you are hinting at in that statement.

No; I don't agree that is the case.

The CHAIRMAN. There is some feeling in the country that the antimonopoly laws are not being properly enforced and that there should be a stronger antimonopoly set-up in the Department of Justice in order to prevent the conspiracies which may develop in the country in regard to these matters.

Mr. WILSON. Yes; I read about that, too, and if there are those monopolistic tendencies, I hope, myself, that the Department of Justice will proceed against them. It is all right with me.

The CHAIRMAN. When was this meeting held in the Waldorf Hotel?

Mr. WILSON. I don't know, about a month ago.

The CHAIRMAN. Since the strikes started?

Mr. WILSON. No; I think it was—I don't know. I am not sure.

The CHAIRMAN. It was after the controversy had arisen between your company and the labor in your company?

Mr. WILSON. Well, that controversy goes back to October.

The CHAIRMAN. Do you know of any other meetings besides the Waldorf meeting?

Mr. WILSON. No; I do not.

The CHAIRMAN. You never heard of any other meeting?

Mr. WILSON. No.

The CHAIRMAN. And you never attended any other meeting except the Waldorf meeting?

Mr. WILSON. No.

The CHAIRMAN. And you never discussed the matter with representatives of other corporations?

Mr. WILSON. Never discussed what matter?

The CHAIRMAN. This strike matter, the present dispute between labor and management, with reference to the program of increasing the take-home pay of workers in the plants.

Mr. President, let me suspend the reading at that point. We all know that when the war was over the working hours were reduced for sometimes fifty-odd and forty-odd down to 40, and that that severely diminished the take-home pay of the worker. Naturally the workers were not only trying to get a wage increase they were trying to prevent a decrease in wages to meet an increase in the cost of living and that was the thing which provoked a large part of the wage controversy which led to work stoppages in most of the industries where there have been work stoppages.

Mr. WILSON. I have discussed—let us get that straight, because I do not want to be in the position of denying for a minute that I discussed with a half dozen of my friends in industry the problems which we may jointly have, because that would be far from the truth. Of course, I have.

He is getting stronger and stronger. He started off trying to deny that there had been a meeting of these big executives at the Waldorf-Astoria Hotel, of which Senators will hear more later. The chairman of the committee, the Senator from Montana [Mr. MURRAY] kept on pressing him, until he admitted that he had with half a dozen of his associates in industry discussed the whole question of what they might have to confront in demands from the workers of the country in trying to get wage adjustments.

If you say, have I attended meetings for the purpose of getting some kind of a national policy like the demand of the unions for 25 cents across the board, the answer is definitely "No." Of course, I have discussed it with many of my friends.

Let me interpolate again, Mr. President. I have no positive proof of it, although I have it directly from a representative of the steel industry, who got it from a source which he regards as reliable, that all during the war there were meetings of the big steel executives in this country, actually fixing prices, so that whenever there was a bid for steel, even to a decimal point the same bid was sent in by all the major companies. I shall give one case which I believe can be confirmed from the records of the Treasury Department.

Russia, through our Treasury Department, bought a large order of steel, and the Treasury Department sent out invitations for bids. The steel industry did bid on those invitations, and the companies bid the same to the fourth decimal point. Mr. President, how could various steel companies get together on such a large tonnage of steel and bid the same price to the fourth decimal point, without previously getting together and comparing their bids?

Mr. President, that just goes to show how hard it is to get this monopoly on the part of management under control and to prevent conspiracy on the part of management from perpetrating wrongs. Yet we do not hear many people condemning men who have done things like that.

I continue to read the discussion between the chairman of the committee and Mr. Wilson:

The CHAIRMAN. You have discussed it with the representatives of the Ford Motor Co., have you?

Mr. WILSON. I have not.

The CHAIRMAN. What corporation representatives have you discussed it with?

Mr. WILSON. I have discussed it with a representative of the steel companies.

Mind you, this is the head of General Motors talking.

I have discussed it—

Namely, a common policy to meet the demands of labor—

with just some of my friends.

Now he says with one of the steel companies. The testimony continued:

The CHAIRMAN. Mr. Philip Reed?

Mr WILSON. Who?

The CHAIRMAN. Mr. Reed.

Mr. WILSON. I don't know which Reed you are talking about. Do you mean Reed of the General Electric Co.? Did I discuss it with him?

The CHAIRMAN. Has he discussed it with you?

Mr. WILSON. Yes, of course, we have discussed our labor policy as associates of the same company.

Discussing "our" labor policy, mind you, the head of General Motors, with the representative of one of the steel companies, and if he was talking to the head of the General Motors, I take it it was one of the big steel companies, not an independent company off somewhere. Now he discloses that another one was the head of General Electric.

I am emphasizing this, Mr. President, because we will see a little later that all three of these, and perhaps some of the others later, had strikes, because they would not meet the workers half way in adjusting the workers' wages.

I read further:

The CHAIRMAN. What other concerns did you discuss it with, or representatives of big concerns involved in this labor conference?

Mr. WILSON. Oh, I have discussed the matter with a representative of one of the steel companies, other than the Steel Corporation—two of them, I think, as a matter of fact, at a dinner one night, not a meeting called for the purpose.

Mr. President, we know all about these dinners. We sometimes go ourselves, when it is under a social cloak, but it is for a business purpose. That happens not only in diplomacy, but in politics, and assuredly in business. One of the best ways to get a good order, or to get a good business deal over, is to give a fellow a good dinner. We all know that very well. So what could have been better as an occasion for discussion of a common labor policy by these heads of big enterprises than for the boys all to get together over a good dinner, with some good highballs and cocktails beforehand and some good liqueurs and coffee afterward? Then they push their chairs back and, while they smoke their cigars and sip some good wine or some good champagne, they talk about the labor policy that will have to safeguard the industry of America.

He says:

I have discussed it with some small manufacturers whom I have met.

He has mentioned the steel companies. Now he says two of the steel companies and General Electric, now he throws in a certain unspecified number of small manufacturers.

The CHAIRMAN. Did you discuss it with anybody connected with Westinghouse?

Another big electrical concern.

Mr. WILSON. Except as we have been brought together. Remember now that the Westinghouse representatives and the General Electric representatives have been brought together in a meeting by the mediators appointed by the Government, and the thing has been well discussed there, except that I refused to discuss in the presence of the Westinghouse people anything having to do with the price considerations which I was bringing before the mediators. I will not discuss what we intended to ask for in the way of prices or, indeed, anything to do with prices in the presence of the Westinghouse people, for a number of obvious reasons.

Mr. President, I may be in error, and I think I am, in saying this was Mr. Wilson, of General Motors. I believe this was C. E. Wilson, of General Electric, and that I should correct the RECORD in every respect that would indicate otherwise. They have the same name, and it probably is Mr. C. E. Wilson of General Electric rather than of General Motors.

Mr. President, I pass on from page 650, where I was reading, to page 657. It will be remembered that Mr. Wilson had been dodging and evading the Waldorf-Astoria meeting. Later the Senator from Minnesota [Mr. BALL] asked this question:

Mr. Wilson, did I understand you to say you were at this meeting at the Waldorf which has been publicized by the unions?

Mr. WILSON. I didn't say. But I do not hesitate to admit I was there.

Senators can see how long it took to get Mr. Wilson to admit that there was a meeting of these big corporate executives at the Waldorf-Astoria Hotel.

Senator BALL. Would you mind if I asked you who called it and what it was about and what was done there?

Mr. WILSON. If you ask me who called it, I could not answer you because I don't remember. I don't know who called it. I was invited to go over one lunch hour, and I went, and I heard the troubles of a group of industries. That is about all there was to it.

Senator BALL. There was no action taken?

Mr. WILSON. No. You mean did they take a concerted action about what they were going to do? By no means, because, Senator, it is just so obvious, if you get a meat packer, an automotive manufacturer, and a couple of steel fellows, and an electrical fellow like myself.

That shows that I was in error in my first statement that it was C. E. Wilson of General Motors. It was C. E. Wilson of General Electric.

Mr. HAWKES. Mr. President——

The PRESIDING OFFICER (Mr. HOEY in the chair). Does the Senator from Florida yield to the Senator from New Jersey?

Mr. PEPPER. I yield.

Mr. HAWKES. Am I to understand from the Senator now that he has been talking about Mr. C. E. Wilson of General Electric all the way through?

Mr. PEPPER. That is correct.

Mr. HAWKES. The Senator said that they attended a lunch. Does the Senator think that Mr. C. E. Wilson—if the Senator knows anything about him—drank the highballs, the champagne, these liqueurs and all the other drinks the Senator was putting into the picture to try to intimate that they went there to get drunk and try to reach a decision in a matter of this kind?

Mr. PEPPER. No.

Mr. HAWKES. I think the Senator should be very careful and retract that statement about all the liquor and other things they drank at this meeting. I think it is very unfortunate to pour bitterness and hatred into this Nation at the present moment.

Mr. PEPPER. No; Mr. President——

Mr. HAWKES. I am a little surprised that the Senator would do that, and keep on hour after hour dividing the groups of the United States which we must bring together if we are going to be successful in our efforts to solve these issues.

Mr. PEPPER. Mr. President, the witness had been testifying that there was a dinner held——

Mr. HAWKES. Will the Senator let me interrupt him for the purpose of asking him a question?

Mr. PEPPER. And the witness was submitting his imagination only as to what kind of a dinner it was, because that is the usual kind of dinner. Not only do the executives, but Senators go to the same kind of dinners—the Senator from New Jersey and the Senator from Florida.

Mr. HAWKES. And did the Senator from Florida attend any dinners of that kind in Russia while he was there?

Mr. PEPPER. Except that they had more vodka than is provided here.

Mr. HAWKES. They had a great deal of vodka and many drinks, and they extend the glasses half way across the table in Russia.

Mr. PEPPER. They do what?

Mr. HAWKES. There are so many different kinds of drinks in Russia that they put the glasses clear to the center of the table.

Mr. PEPPER. I dare say that the excellence of the table in Russia is comparable to the excellence of the table in many other parts of the world. But I do not think the Senator should be so sensitive about these gentlemen in business that if one indulges in a little levity and a little imagination as to the kind of a dinner it probably was, the Senator feels he should defend these gentlemen against the innuendo that it probably was that kind of a dinner. As a general rule that is the kind of a dinner corporate executives hold, and that is very generally the kind of dinners Senators have held.

Mr. HAWKES. Mr. President, will the Senator permit me to interrupt him for a moment?

Mr. PEPPER. I yield.

Mr. HAWKES. I take it from what the Senator read a moment ago that Mr. Wilson admitted that he was at a lunch.

Mr. PEPPER. Yes.

Mr. HAWKES. And if the Senator thinks that is the kind of lunches the able businessmen of this country hold I will tell the Senator he is very, very wrong.

Mr. PEPPER. The witness did not say that this all occurred at the lunch.

Mr. HAWKES. Will the Senator read it again?

Mr. PEPPER. He said this was at a dinner. He said he attended a dinner. There are two things, a lunch and a dinner.

Mr. HAWKES. I asked the Senator if he was talking about a lunch or a dinner, and the Senator said a lunch.

Mr. PEPPER. I am talking about both. Mr. Wilson is the witness, and I am quoting what Mr. Wilson said.

Mr. HAWKES. Let me say to the distinguished Senator from Florida, that I have attended a great many dinners, as the Senator from Florida has done, on occasions, but let me say that I have never attending business sessions or meetings that were specifically for business where there was a lot of liquor on hand, and I do not believe that was the case when any of these business meetings were held.

Mr. PEPPER. If the Senator can convince the American public, and certainly Senators, that corporate executives do not conduct considerable important business and discuss policy matters on many occasions around that kind of table, the Senator is more naive than I think him to be.

Mr. HAWKES. Let me ask the distinguished Senator from Florida if he ever attended any meetings of labor leaders?

Mr. PEPPER. I have, and many of them have been the same kind of dinners.

Mr. HAWKES. Did the Senator ever see anything different there?

Mr. PEPPER. As a general rule the best place to get the best dinner is with the rich folks. That is the way I have found it in my experience.

Mr. HAWKES. I found the best place and the easiest place to get a fine dinner and a lot to drink was with the labor leaders who were spending their money very freely.

Mr. PEPPER. Maybe it works out that way. I may do a heap of shooting with the rich and vote with the poor.

Mr. HAWKES. The Senator shoots at the rich; I know that.

Mr. PEPPER. And I think that is a good example for the Senator to take, because the rich have always got better hunting preserves, they hunt in a buggy or a carriage or on horseback, they have a pack of dogs in the back of the car, they are well trained, they have several men to look after them, they bring tea and lunch to the field, and it is real fun to go hunting with the rich. I enjoy it. But when I come back to the Senate I always try to remember the poor fellow.

Mr. HAWKES. I am in perfect agreement with the Senator that here in the Senate we should remember the poor fellow and try to better his situation, but I ask the Senator from Florida: If you tear down this great machine in the United States, how are you going to benefit the workingmen?

Mr. PEPPER. Mr. President——

Mr. HAWKES. Let me finish. Workingmen have not been benefited very much around the world elsewhere. They have been in a rather miserable condition.

Mr. PEPPER. I respect the conscientiousness and the effort of the able Senator from New Jersey to defend private enterprise. I am not attacking private enterprise. I started off to show that there had been concert of action respecting a labor policy for big business in the United States, and I was proving it, I thought, by some of the responsible leaders of industry themselves in a public hearing in the Committee on Education and Labor. Now I will say to the Senator, it is just as important to preserve the private enterprice of collective bargaining as it is to preserve the private enterprise of the right of corporate executives to get together. It is just as important to America to protect labor as it is to protect capital. I do not want to see either destroyed.

Mr. HAWKES. May I interrupt the Senator to say to him that I think it is more important to protect labor than it is to protect capital.

Mr. PEPPER. Then, we agree.

Mr. HAWKES. I go further than the Senator from Florida, because capital is only the fruit of labor.

Mr. PEPPER. Yes.

Mr. HAWKES. And labor comes before capital.

Mr. PEPPER. I thank the Senator for that statement.

Mr. HAWKES. But I am saying to the Senator that we will not protect the rights of labor if we improperly attack capital and tear down the institutions of the United States.

Mr. PEPPER. Of course not.

Mr. HAWKES. And I should like to say further, if I may finish, that a monopoly which is operated by a small group of labor leaders who misuse labor is quite as injurious to the Nation as a monopoly of capital. And we want to stop both of them.

Mr. PEPPER. Yes, Mr. President; but I dare say the Senator does not really want to destroy monopoly in the sense that I would want to destroy it, because if we are going to take away the rights of a labor leader to represent a thousand or one hundred thousand or a million men, then let us take out of one man the power to represent a billion dollars.

Mr. HAWKES. I would not take away the rights of a labor leader to conduct the affairs of a million working men if he would let those working men have their voluntary rights and would not intimidate or threaten or coerce them. The Senator from Florida would be amazed if I were to put into the RECORD the hundreds of letters I have received from fine American working people testifying and stating that they do not want to be controlled by labor leaders and they do not want dictatorship in labor any more than they want it in the Government of the United States.

Mr. PEPPER. I will give the able Senator my opinion on this matter. I believe that there is no greater minority in labor unions who do not have what they consider adequate representation in their labor leadership than there are minorities among the stockholders of the business enterprises of this country who feel that they do not have adequate representation in the business leadership of the corporations of the country, and I dare say that taking it day in and day out the labor unions are 10 times more democratically run than are big corporations of America. I say that with all kindness, but with all sincerity.

Mr. HAWKES. The Senator is always kind. I am not criticizing the Senator nor am I saying that he is unkind. But let me say that the Senator cannot prove which group is more democratic, neither can I, so there is no use in arguing it. In other words, the Senator cannot prove that one is more democratic than the other. I say to the Senator that if what he just said is true, then we ought to take steps to stop monopoly in both capital and labor, and that is the solution.

Mr. PEPPER. I thank the able Senator, for whom I have great respect.

Mr. HAWKES. And I thank the Senator from Florida.

Mr. PEPPER. Mr. President, we started in 1890 to try to stop business monopoly in the United States of America by passing the Sherman Antitrust Act; later on we strengthened it with the Clayton Act; but we have not begun to stop monopoly yet. I believe Senators know I am telling the truth. Yet, because a few labor men get together, because 100,000 or half a million or at the outside a million or two million workingmen get together and elect their representatives to speak for them, then business, which is the very epitome of monopoly, and corporate heads who are the very symbol of restraint of trade in fact, become those who howl the loudest. Maybe I will retract the word "howl" and say "who cry out the loudest" against what they call monopoly of labor in America.

Mr. HAWKES. Mr. President, will the Senator again yield for a moment?

Mr. PEPPER. Yes.

Mr. HAWKES. I am not going to carry this argument on much further, but I should like to say to the Senator that despite this terrible system, as depicted by the Senator, under which we have not been able to control monopoly in capital and management, this is the only Nation in the world to which the rest of the world could come for help to save the cause of free men.

Mr. PEPPER. Yes; and they came——

Mr. HAWKES. May I finish and then I shall be through. I wish to say to the Senator that I have been pretty much around the world, and I have seen the misery and suffering of the common man all over the world. Notwithstanding all the accusations which are made in this body against the free-enterprise system or the American system of making a living, notwithstanding that, I say, and I can prove it to anyone who will go with me, that the living conditions in this country under this terrible system the

Senator is describing, are better than they are anywhere else on the face of the earth.

Mr. PEPPER. Mr. President, I am very glad the able Senator from New Jersey brought up that point, and I should like to ask the able Senator a question. When America achieved the greatness the Senator is justly honoring, did we have the amendment we passed here last week in the law of the land to restrict and curb labor? Did we have upon the statute books of the country the bill which is now before the Senate? Were these two measures necessary in order to build a great America? No, Mr. President. Why not let the situation alone then? Why not let the America be which achieved the marvels which the Senator has properly extolled?

Mr. HAWKES. May I reply to the Senator for a moment?

Mr. PEPPER. I yield gladly.

Mr. HAWKES. We really built America up to the point where it has done these wonderful things prior to the Wagner Labor Relations Act. I want to say to the Senator that any act can go too far. It may be that we have not gone far enough in controlling monopoly in capital and ownership. Regardless of what anyone may say, I believe that the amendments which we adopted were in the interest of the working men and women of this country. If I had not thought so I would not have voted for them.

The Senator knows very well that when the Interstate Commerce Commission was created the railroads objected to it very definitely; but after a few years they would not have had it taken away for anything in the world. Whether or not the Senator believes I am sincere in what I am doing, I will say that I would not have voted for those amendments if I had not believed that they were for the betterment of the employer-employee relationship.

Mr. PEPPER. But the able Senator from New Jersey will have to admit that when America achieved the marvel of wartime production so that, as the Senator said, nations came to us from all over the world, the restrictive amendments on labor enacted last week, and this bill now before the Senate, had never been enacted into law.

Mr. MURRAY. Mr. President, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The PRESIDING OFFICER (Mr. HOEY in the chair). The Chair observes that there is not a quorum present. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answer to their names:

Aiken	Gerry	McClellan
Austin	Green	McFarland
Ball	Gurney	McMahon
Barkley	Hatch	Magnuson
Brewster	Hawkes	Mead
Bridges	Hickenlooper	Millikin
Briggs	Hill	Morse
Brooks	Hoey	Murdock
Capper	Huffman	Murray
Connally	Johnston, S. C.	Overton
Cordon	Kilgore	Pepper
Donnell	Knowland	Revercomb
Ellender	La Follette	Robertson
Ferguson	Langer	Russell
Fulbright	Lucas	Shipstead
George	McCarran	Smith
Stewart	Vandenberg	Willis
Taft	Wherry	Young
Taylor	White	
Tunnell	Wiley	

The PRESIDING OFFICER. Fifty-eight Senators have answered to their names. A quorum is present.

The question is on agreeing to the motion of the Senator from Montana [Mr. MURRAY] that the Senate take a recess until 12 o'clock noon tomorrow.

Mr. BARKLEY. Mr. President, I ask for the yeas and nays on that motion.

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. BRIDGES (after having voted in the affirmative). I have a general pair with the Senator from Utah [Mr. THOMAS]. I transfer that pair to the Senator from South Dakota [Mr. BUSHFIELD], and let my vote stand.

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], and the Senator from Virginia [Mr. GLASS] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senator from Idaho [Mr. GOSSETT] are absent by leave of the Senate.

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate because of illness in his family.

The Senator from Florida [Mr. ANDREWS], the Senator from Virginia [Mr. BYRD], the Senator from California [Mr. DOWNEY], the Senator from Mississippi [Mr. EASTLAND], the Senators from Pennsylvania [Mr. GUFFEY and Mr. MYERS], the Senator from Arizona [Mr. HAYDEN], the Senator from Colorado [Mr. JOHNSON], the Senator from Tennessee [Mr. MCKELLAR], the Senator from Washington [Mr. MITCHELL], the Senator from Texas [Mr. O'DANIEL], the Senator from Wyoming [Mr. O'MAHONEY], the Senators from Maryland [Mr. RADCLIFFE and Mr. TYDINGS], the Senator from Oklahoma [Mr. THOMAS], the Senator from Utah [Mr. THOMAS], the Senator from New York [Mr. WAGNER], the Senator from Massachusetts [Mr. WALSH], and the Senator from Montana [Mr. WHEELER] are necessarily absent.

The Senator from New Mexico [Mr. CHAVEZ] is absent on public business.

I also announce the following general pairs: The Senator from Alabama [Mr. BANKHEAD] with the Senator from Nebraska [Mr. BUTLER]; the Senator from Utah [Mr. THOMAS] with the Senator from New Hampshire [Mr. BRIDGES]; and the Senator from New York [Mr. WAGNER] with the Senator from Kansas [Mr. REED].

I announce further that if present and voting, the Senator from Texas [Mr. O'DANIEL] would vote "yea."

Mr. WHERRY. I announce the following general pairs:

The Senator from Nebraska [Mr. BUTLER] with the Senator from Alabama [Mr. BANKHEAD], and the Senator from Kansas [Mr. REED] with the Senator from New York [Mr. WAGNER].

The Senator from Delaware [Mr. BUCK], the Senator from Indiana [Mr. CAPEHART], the Senator from Connecticut [Mr. HART], the Senator from Oklahoma [Mr. MOORE], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from Kentucky [Mr. STANFILL], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Iowa [Mr. WILSON] are unavoidably detained.

The result was announced—yeas 24, nays 34, as follows:

YEAS—24

Aiken	La Follette	Shipstead
Ball	Langer	Smith
Brewster	Mead	Taft
Bridges	Millikin	Vandenberg
Brooks	Morse	Wherry
Capper	Murray	White
Donnell	Pepper	Willis
Knowland	Revercomb	Young

NAYS—34

Austin	Hatch	McMahon
Barkley	Hawkes	Magnuson
Briggs	Hickenlooper	Murdock
Connally	Hill	Overton
Cordon	Hoey	Robertson
Ellender	Huffman	Russell
Ferguson	Johnston, S. C.	Stewart
Fulbright	Kilgore	Taylor
George	Lucas	Tunnell
Gerry	McCarran	Wiley
Green	McClellan	
Gurney	McFarland	

NOT VOTING—38

Andrews	Glass	Radcliffe
Bailey	Gossett	Reed
Bankhead	Guffey	Saltonstall
Bilbo	Hart	Stanfill
Buck	Hayden	Thomas, Okla.
Bushfield	Johnson, Colo.	Thomas, Utah
Butler	McKellar	Tobey
Byrd	Maybank	Tydings
Capehart	Mitchell	Wagner
Carville	Moore	Walsh
Chavez	Myers	Wheeler
Downey	O'Daniel	Wilson
Eastland	O'Mahoney	

So the Senate refused to take a recess.

Mr. PEPPER. Mr. President, in the testimony which I was reading occurs the statement of Mr. Charles E. Wilson, of General Electric. The following occurred:

Senator BALL. There was no action taken?

Mr. WILSON. No. You mean did they take a concerted action about what they were going to do? By no means; because, Senator, it is just so obvious, if you get a meat packer, an automotive manufacturer, and a couple of steel fellows, and an electrical fellow like myself in a room, and while they may all be faced with a problem of a national demand on wages, yet their problems beyond that are so different.

I don't know anything about the meat business, and if they talked all day about it, I would not understand what they needed in the way of a price increase in meat, for example, because they talk a margin level which is so different from my business that I would never get to understand it.

So there could not be any concerted action at that sort of thing. As to their being all faced with a national, if you please, demand for almost a uniform wage increase, 25 cents an hour, sure, we all had it. Everybody was up against it. And that was about all the meeting brought out, to my satisfaction. Their own technical problems were beyond me. I don't know anything about the automotive business or steel.

The CHAIRMAN. But as a result of the meetings, though, it was recognized that industry generally was up against this wage demand in the Nation?

Mr. WILSON. They were up against the gun. There is no question about it.

The CHAIRMAN. And it would be a very simple matter for them to develop a general understanding as to how they were going to meet the situation?

Mr. WILSON. It might have been a simple matter, but it was not simple enough to be decided at that meeting, and I have never been to another one.

Mr. President, those hearings disclosed that the heads of the big corporations considered, that they had a common problem to meet after the war—namely, wage demands from labor. I remind Senators that those wage demands grew largely out of the reduction in hours of work on the part of labor, due to the war's being over; and the cut-back in take-home pay which thus reduced the hours of work had appeared to labor. When that common situation faced the heads of the big corporations, they got together to discuss their common problem of rebutting the request for such wage increases.

Mr. President, I have before me the testimony of Mr. C. E. Wilson, this time Mr. C. E. Wilson, of the General Motors Corp., in the proceeding involving the General Motors Corp. before the National Labor Relations Board. My transcript says that Mr. Wilson testified on February 14; and the following quotations from the record of that hearing appear on pages 316 to 321:

Question (by Harold A. Cranefield, National Labor Relations Board attorney). Who attended this luncheon? (At the Waldorf-Astoria on January 9, 1946.)

Answer (S. E. Wilson). I have no list of it now, it would just be from memory. Is that important to this meeting?

Question. Is it a fact that Benjamin Fairless attended?

Answer. It is not.

Question. Mr. C. E. Wilson, of General Electric?

Answer. He was there.

Question. Philip Reed, of General Electric?

Answer. He was not there. Well, I don't know.

Question. You are not sure of him?

Answer. No; he wasn't.

Question. Mr. A. W. Robertson, from Westinghouse?

Answer. He was there.

Question. There were some gentlemen from the meat packing industry, were there not?

Answer. Yes, Mr. Holmes. The only people who were there were those who had been looking down the guns, who had been threatened with strikes or who had had strikes.

Mr. President, allow me to interject that this luncheon meeting was being held by corporate heads of companies who had been threatened with strikes or who had had strikes.

I continue reading from the testimony.

Question. With your recollection refreshed now, do you recall who else, if anyone, attended that luncheon? Was anyone there from Libbey-Owens-Ford?

Answer. Yes; Mr. Biggers was there.

Question. Do you recall anyone else?

Answer. (No response.)

Question. There were some gentlemen there who were executive officers of the United States Steel Co., were there not? How about Mr. Eugene Grace of Bethlehem, was he there?

Answer. Yes.

Question. Do you recall anybody else?

Answer. John Steel was there from the United States Steel—he was there most of the time. You see, most of these men—Charlie Hook——

Question (interposing). Of American Rolling?

Answer. Yes.

There follows some testimony which does not appear in the copy which I have before me, and the witness testified further as follows:

Question. Who else attended who was an officer and executive of the General Motors Corp.?

Answer. Most of the men who happened to be in New York on that day.

Question. That was Mr. Sloan—he is one?

Answer. Yes.

Question. Donald Brown?

Answer. Yes.

Question. How about Mr. Smith, the general counsel?

Answer. He was there.

At this point some more testimony is deleted, and the transcript continues as follows:

Question. Were there any officers or directors of Ford or Chrysler there?

Answer. No, sir.

Question. Or RCA?

Answer. No, sir.

Mr. President, that luncheon was held by executives of big corporations which had been threatened with strikes or which had had strikes. The purpose of the luncheon was to discuss, obviously, a labor policy of big business against labor which was endeavoring to protect itself following the war from a reduction in its take-home pay because of the reduction in the number of hours it was allowed to work. At this luncheon there were representatives of General Motors, United States Steel, the packing industry, General Electric, the rolling mills, and some of the other major corporations of the Nation.

Mr. President, I now have reached my second point in confirmation of what I have already said on the Senate floor, namely, that corporate management, and, I added, government, must share the responsibility for work stoppages which we have experienced in recent months instead of putting the blame entirely upon the shoulders of labor. I have contended that corporate management and the Government should share the blame with labor. I have proved it in the first place by showing that management would not agree to discuss wage increases at the management-labor conference which was held last fall; secondly, that management met in conference to discuss management's common problems and policy with respect to wage increases.

Mr. President, I now come to the third phase of the matter. After the labor-management conference, and after the big corporation executives met to discuss a common policy, there then occurred demands on the part of labor for increased wages.

As I have already said, the demands were made largely in order to offset the diminished take-home pay which had resulted from a reduction in the number of hours worked.

When labor made its demands, what was the response of management? Did management deny that labor had experienced higher living costs? Did it deny that labor had its take-home pay at the end of the week reduced because of a reduction in the number of hours worked? Did management deny that it had made great volumes of corporate profits during the war, that those profits were in the reserves of the corporations, and that they had credit in the United States Treasury against which they could draw under the carry-back provisions of the tax laws, and thereby offset to some extent any loss which they might suffer during any part of the 2-year period following the war? No, Mr. President, management made no such denials. Management turned a deaf ear to the demands of labor and refused to use its corporate profits, refused to use its reserves, and refused to take the money which it had on credit with the United States Government. Management preferred to see labor suffer rather than follow any of the courses to which I have referred. Management said, in effect, "No, we will not meet your demands except on one condition, namely, that you make the United States Government give us price increases so that we can make the American public pay for your wage increases. If you do that, we will give you wage increases. In other words, if you will support us in our effort to get price increases, we will enter into a conspiracy with you against the public and make the public pay the wage increases which you demand." Obviously, Mr. President, labor took the position that it was not its function——

Mr. TAYLOR. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. PEPPER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PEPPER. If a Senator may be required to remain on his feet, is he not entitled to the presence of a quorum in the Chamber while he is speaking? If he is entitled to a quorum, the Senator from Florida will insist upon a quorum being present during the remainder of the time he speaks. If the Senator from Florida is denied a quorum he will offer one amendment after another until the quorum is developed. I am not going to be required to stand on this floor and speak when I am recognized if the Members of the Senate, at least to the extent of a quorum, do not remain in the Chamber to hear what I have to say. Therefore, I suggest the absence of a quorum, and if I am called out of order I shall offer an amendment as soon as I get on my feet again.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Eastland	Huffman
Austin	Ellender	Johnson, Colo.
Ball	Ferguson	Johnston, S. C.
Barkley	Fulbright	Kilgore
Brewster	George	Knowland
Bridges	Gerry	La Follette
Briggs	Green	Langer
Brooks	Gurney	Lucas
Capehart	Hatch	McCarran
Capper	Hawkes	McClellan
Connally	Hayden	McFarland
Cordon	Hickenlooper	McMahon
Donnell	Hill	Magnuson
Downey	Hoey	Mead

Millikin	Robertson	Vandenberg
Morse	Russell	Wagner
Murdock	Shipstead	Wherry
Murray	Smith	White
Myers	Stewart	Wiley
O'Daniel	Taft	Willis
Overton	Taylor	Young
Pepper	Thomas, Okla.	
Revercomb	Tunnell	

The PRESIDING OFFICER. Sixty-seven Senators having answered to their names, a quorum is present.

Mr. PEPPER. Mr. President——

Mr. OVERTON. A point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. OVERTON. I make the point of order that the Senator from Florida has spoken twice upon the bill and is not entitled to the floor.

Mr. PEPPER. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PEPPER. There have been two roll calls. One was on a motion for a recess, which interrupted the speech of the Senator from Florida. In view of the business which has been transacted on the floor, is it the opinion of the Chair that the Senator from Florida has spoken twice, so that he now would not be eligible to speak upon the bill?

The PRESIDING OFFICER. That is correct, in the opinion of the Chair. When the Senator yielded to the Senator from Montana to make a motion to recess, that was yielding one time, that was the end of one speech. When the Senator spoke until the time the Senator himself called the attention of the Chair to the fact that no quorum was present, and the call was made, that was the second.

Mr. PEPPER. A further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PEPPER. Is that the ruling of the Chair, in spite of the fact that no point of order was made in either case?

The PRESIDING OFFICER. The point of order is made now. The Chair did not do anything about it until the point of order was made.

Mr. PEPPER. Mr. President, in the title of the bill H. R. 6578, at the end of the title, I move to strike out——

Mr. STEWART. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will wait until the Senator has made his motion.

Mr. PEPPER. I move to strike out, at the end of the title, the words "affecting the national economy in the transition from war to peace."

Mr. BARKLEY. Mr. President, I make the point of order that the title cannot be amended until the bill has been concluded and passed.

The PRESIDING OFFICER. The point is well taken.

Mr. PEPPER. Mr. President, I move to amend the pending legislation by striking out the enacting clause.

The PRESIDING OFFICER. The Senator's motion is not in order. No amendment is proper to the bill until the committee amendments have been passed upon. The clerk will state the first amendment of the committee.

Mr. BARKLEY. Mr. President——

Mr. LA FOLLETTE. A parliamentary inquiry.

Mr. BARKLEY. I feel duty bound to suggest to the Chair that he is probably in error in that ruling.

The PRESIDING OFFICER. The Parliamentarian advises the Chair that he is correct.

Mr. BARKLEY. I have not asked that the Senate committee amendments be first considered.

The PRESIDING OFFICER. There are any number of precedents.

Mr. BARKLEY. Unless automatically, committee amendments are to be first considered.

The PRESIDING OFFICER. That is correct; they come first.

Mr. BARKLEY. It is customary to ask unanimous consent that committee amendments be first considered; but, if that is not necessary, the Chair is undoubtedly correct.

The PRESIDING OFFICER. That is correct; the Parliamentarian so advises the Chair.

Mr. PEPPER. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Wisconsin has suggested that he has an inquiry to propound.

Mr. LA FOLLETTE. I do not wish to take the Senator from Florida from the floor.

Mr. PEPPER. What is the pending question before the Senate?

The PRESIDING OFFICER. The clerk will state the first amendment of the committee.

The LEGISLATIVE CLERK. The first amendment of the committee is on page 5, line 2, after the words "in any," to strike out the word "lock-out."

Mr. PEPPER. Is that committee amendment subject to amendment?

The PRESIDING OFFICER. It is debatable and subject to amendment.

Mr. PEPPER. Does the Chair consider that the Senator from Florida has already spoken twice upon the pending amendment?

The PRESIDING OFFICER. Not upon this amendment.

Mr. PEPPER. Then, I address myself to the pending amendment.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. PEPPER. Mr. President, I made the statement a moment ago that I think it is all right to hold night sessions, and I am perfectly agreeable to holding night sessions at the pleasure of the leader, but I think in equal fairness, if we are to hold night sessions, we are entitled to have a quorum of the Senate present to attend them. If Senators are going to insist that we remain in session, it is only right and proper that they should be willing to make the sacrifice and have a quorum of the Senate present during the debate. If we are discussing a matter of great moment and great national emergency, I think Senators would want to hear the debate and the discussion, and to take part in it. So the Senator from Florida said that he would suggest the absence of a quorum if he was to speak longer, as he did for about an hour to only one or two Senators in the Chamber.

Mr. MURRAY. Mr. President, will the Senator yield?

Mr. PEPPER. I will not yield unless the nature of the Senator's statement is disclosed and it may be understood that the Senator from Florida will not lose the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Senator from Montana.

Mr. RUSSELL. I did not understand the nature of the unanimous-consent request.

Mr. MURRAY. I merely wish to make the statement that a few moments ago I made a motion to recess. At the time I made that motion there were very few Senators in the Chamber, and it occurred to me that if the Senator who is now addressing the Senate was to continue his very able address, there should be a greater number of Members of the Senate on the floor. Inasmuch as the Senate has been in continuous session and having late hours for some time I thought it was very proper for me to make the motion to recess. I did not at the time feel that I was doing any injustice to the leadership of the Senate. When I learned subsequently that my action was improper in view of the circumstances, I felt very sorry about it, and I wish to apologize now for having made the motion. I have the utmost confidence in the leadership of the majority party. I have very great respect and very intense affection for our leader because he has always been so courteous and kind to me that I feel that I have done him an injustice, and I want to apologize to him.

Mr. BARKLEY. Mr. President, will the Senator from Florida yield to me without taking him from the floor?

Mr. PEPPER. I am glad to yield to the Senator from Kentucky if I may obtain unanimous consent not to lose the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. BARKLEY. I appreciate the statement made by the Senator from Montana. I suppose all of us recognize that somebody has to assume the responsibility here of trying to guide the proceedings of the Senate. Fortunately or unfortunately, that duty devolves upon me. Earlier in the evening I had announced that it would be my purpose to ask the Senate to sit until a late hour tonight in order that we might make progress. During my temporary absence the Senator from Montana moved to recess. Whether he was on the floor when I made the announcement that it would be my purpose to ask the Senate to remain in night session I do not know. But I feel that, because of my announcement and the insistence by many Senators that we go on into the night, the motion to recess, in spite of that announcement, ought not to have been made. Therefore, I felt that the Senator should have consulted me, frankly,

in view of my announcement before he made the motion. The motion was defeated and the Senator has made a very gracious statement which entirely satisfies me, and I thank him for it.

I wish to say to the Senator that on general principles he and I have agreed with respect to labor legislation. I have cooperated with him and the Senator from Florida and those who were in the majority on the Committee on Education and Labor with respect to the bill which was voted on last Saturday, and, in view of that, I felt that the effort to postpone any action and to nullify my announcement that I would ask the Senate to sit late into the night was not exactly in conformity with what I thought ought to be. Therefore, I stated to the Senator privately that I thought he ought not to have made his motion. He has been very gracious about it, and the Senate has rejected the motion, and, therefore, I have no complaint about anything. I feel as the boy felt in the story told by William Jennings Bryan. He recited the incident of a boy who had been going to see a girl for months and years and had proposed marriage, and she had always turned him down, and finally one moonlight night she accepted him and he went out into the front yard, knelt down on the grass and said, "Oh, Lord, I ain't got nothin' agin anybody."

I feel that way. [Laughter.]

Mr. MURRAY. I want to thank our very genial leader and I want to assure him that I was not acquainted with his statement. I did not know that he had made the statement that he intended to have a late session tonight. If I had, I certainly would not have made the motion.

Mr. PEPPER. Mr. President, I had been making the point that first the management-labor conference had refused the demand of labor that management and labor agree upon certain wage policies for the conversion period. Then I had emphasized, as disclosed by the record of the Senate Committee on Education and Labor hearings and also by a hearing of the National Labor Relations Board, that there had been a meeting of the heads of the enterprises that had been threatened with strikes or that had had strikes about a common policy with respect to labor's wage demands.

The next thing that occurred chronologically was the demand made by labor upon management for increased compensation due to reduction in working hours, and, therefore, diminished takehome pay. When those demands were made they were completely ignored by management. Management made no effort at all to make concessions, to make up these losses, not even, Mr. President, from many of the sources which it had available. The result was that labor, being able to have no success in dealing with management in getting wage increases, was forced to the extremity of a strike.

I desire to digress for a moment at this point, Mr. President. When working men and women quit work because they are not receiving a fair wage from management and when management is adamant in its refusal to give them a fair wage, who is more responsible for the work stoppage—management or labor? Yet, Mr. President, that is what occurred. Not only that, but, in most cases, management had gotten back from the United States Treasury the money with which to pay those wage increases. Management had profits and it had reserves which it could have employed in giving these workers a decent living wage. Moreover, taking into consideration the price increases which had been brought about during the war the workers never were able to save very much out of the wages they received even during the war.

This is the next thing that management did. It told labor it would not grant wage increases unless labor and management together could make the Government give management on its commodities or services a price increase which would really pass the wage increase on to the public.

Talk about striking, Mr. President. Management struck first. It struck against labor and it struck against the Government by refusing to give wage increases unless the Government would take the increases out of the pockets of the people. Talk about work stoppage, Mr. President. I can show that the major work stoppages were brought about by management and not by labor, if the whole truth can be known.

When management refused to give labor any wage adjustment, as I said, labor stopped work. They stopped work in, for example, General Motors, steel, the packing-house industry, the electric industry, the oil, and farm-equipment industries. They were the major industries in which the work stoppages occurred. But Mr. President, when work stoppage occurred, then what did the Government do? President Truman, after labor and management had failed to agree upon a basis for adjusting their differences was left no alternative except to appoint fact-finding committees, and, although he had no statutory authority for it, the President wisely and rightly exercised his authority as Chief Magistrate to appoint fact-finding committees to try to find the truth about these industrial disputes and to tell him and tell the public what the truth really was. So those committees went to work.

In the case of General Motors what kind of response did they receive from General Motors? Did management cooperate with the President's own committee? No. Management refused to cooperate. Management refused to disclose its books. It refused to disclose its profits, its resources, and the data requested as to its ability to pay the demands of the workers. Management claimed that it was a violation of its constitutional rights to require it to disclose its ability to pay what the worker demanded. Management said that was a transgression by labor upon capital and management; that it was none of labor's business how much management was making; that it was none of labor's concern about management's capacity to pay even enough for a man to live decently on, or to pay just compensation to a faithful worker.

Mr. President, in that case there was a strike—a strike against the Government of the United States and its President and the President's fact-finding board, and an unwillingness to cooperate with it.

Did anyone propose to legislate to make it mandatory that management disclose its books and its profits and its capacity to pay? No. I dare say, Mr. President, anyone who proposed such a thing would not have gotten very far in Congress with that kind of a proposal. No one denounced management for striking against the Government, let alone striking against men, women, and children who needed and deserved a decent wage.

So again I charge that management should bear equal responsibility with labor in every case that I know of, and I believe it is fair to say that is in most of the cases where there have been work stoppages.

Mr. President, in spite of that refusal on the part of General Motors to cooperate with the President's fact-finding committee, the President's fact-finding committee proceeded, and, from the best sources it could employ, it obtained the best facts it could obtain, and when it got those facts then the fact-finding committee made a recommendation to the President. It made a public report to the country that there be paid a given wage. Did management pay it? No. The same thing happened in the case of steel. The President appointed a fact-finding board. The board found the facts as best it could. It later made a recommendation. Did management carry out the recommendation of the President's fact-finding board? No.

Later when the President of the United States personally made a recommendation to management did management follow it? No. Yet did anyone propose to put management in jail or to draft management into the Army? Did anyone introduce legislation in the Congress to penalize management? No, Mr. President. That was considered a proper exercise of their authority as businessmen under the Constitution of the United States. There was no great public clamor against them, in spite of the fact that they had turned down the recommendation of the fact-finding board of the President of the United States, and the personal recommendation of the President of the United States. So again I charge that management should bear equal fault with labor in this country for the work stoppages which have occurred.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. LANGER. Is it not true that even when the war was on—the actual war—management refused to go ahead until it was guaranteed cost-plus?

Mr. PEPPER. I will say that it is my opinion that management was well rewarded for what it did during the war, by the profits which it was allowed to get—not only by the profits which it got during the war, but by the carry forward-carry back legislation, contract termination legislation, and other legislation which we have enacted in the Congress since the war to protect business, which obtained big profits during the war.

Furthermore, it is my understanding that labor has never had any such legislation for its benefit as the carry forward-carry backward legislation which has been provided by Congress for management and for the business enterprises of this country. If they made big profits during the war they had to pay big excess profits taxes. That money went into the Treasury. Later, if they had bad times and losses they could get that money back. But how about the worker in an airplane factory who received big wages during the war, and after the war lost his job and went unemployed? Perhaps he will get an unemployed-compensation benefit for just a little while. But the Congress did not follow President Truman by giving him substantially $25, or the other amount which was recommended by the President. No. We cut him down to what the State allowed. The Congress would not supplement the State allowances. So I say that we have not been as fair to labor in the reconversion period as we have been to management.

Yet in every one of the industries I have named—the packing houses, steel, the electric industry, General Motors, oil, and farm machinery—the President's fact-finding board made a recommendation that management pay a given wage. In every case labor accepted the recommendation of the President's fact-finding board, and in every case management refused to accept it. Now, who opposes the President and the public interest? Is it management or labor? Now, who is responsible for work stoppages? Management or labor?

Yet, Mr. President, there has been no outcry against management. There has been no public animosity against management. No one has seriously proposed diminishing the rights of management over corporate enterprise. I regret to say that since the worker who leaves his work is the man whom the public sees, without seeing the provocation which sent him from his work, most of the contumely falls upon the worker rather than the man in a corporate executive capacity whose policy drives the worker at last in protest away from his job.

I will even include in that category the mine stoppage. I will even say that in my opinion management is equally at fault with labor in bringing about the stoppage of mining in the United States today. I say that regardless of my opinion of John L. Lewis. I would not have said it before this debate began. I have looked a little into the causes of the mine-work stoppage. With all that I do not approve of about John L. Lewis—his tactics or his policies—I will say that I believe that if the truth were known, management is equally at fault with labor in bringing about the stoppage of mining in the United States. If one reads the public announcement of the coal operators, which I read on the floor of the Senate a little while ago as it appeared in the New York Times, he will see that it was essentially the unwillingness of mine management properly and freely to negotiate with labor that brought about the impasse which resulted in turn in the stoppage of work in the mines. The mine operators flatly stated—and they have not changed their position—that they would not negotiate with John L. Lewis or the miners over a health and welfare fund. They said it was a new social principle, that it had no place in negotiations between management and labor, and that if it were to be dealt with at all it should be dealt with by legislative bodies, and then only after long and thorough investigation and consideration.

Mr. President, what a different story there would have been if, when John L. Lewis raised the question of a health-and-welfare fund, the mine operators had been willing to negotiate the question, instead of standing adamantly against the proposal and saying that it was a new principle. It was not. Already there were hundreds of thousands of workingmen in America—more than 1,000,000 of them—covered by health and welfare funds negotiated by management; and more than 200,000 workers were protected by such funds, negotiated in agreements arrived at by collective bargaining, under which the workers administered their own funds. So it was not a new social principle; nor was the principle of administration proposed by Lewis a new administrative policy.

Yet the mine operators were wrong on both scores. But they refused flatly to negotiate with Mr. Lewis, because he had mentioned as a condition to the renegotiation of his contract the principle of a new health-and-welfare fund, administered by the employees. I believe that Lewis would have yielded on details. I cannot assure the Senate of that. I am not his defender, and certainly not his spokesman. But I will say that he stated in his statement that he was willing to negotiate the details of the administration and handling of the health-and-welfare fund. I am taking the statement of each side as stating its sentiments. So, Mr. President, it is my opinion that even in the mine industry, if there had been an approach on the part of management to the whole question of disputes with labor, in a free, frank, and friendly way, there would never have resulted a stoppage of work in the coal mines.

Mr. President, with that kind of a record of management and labor, I again say that labor has been discriminated against in public animosity—and, I may add, in the Congress. It was discriminated against in our reconversion program, and discriminated against in the legislation which was proposed and is today pending before this body.

I will go further. I will say that if one will examine the 21 recommendations made by the President of the United States to the Congress last year as a long-range reconversion program designed to give this Nation economic, political, and social stability and progress, he will find that more bills have been passed that were favorable to management and to business, of those recommended by the President, than were passed favorable to the public interest at large, and to labor.

The President has repeatedly had to remind the Congress of his humanitarian recommendations to the Congress. Notwithstanding his repeated and urgent recommendations to the Congress, most of those measures have made little or no progress in the Congress. I shall not mention them all. There are many of them that are readily within the knowledge of Senators.

That is something of the background which led me to say that I believe that management should share with labor the responsibility for the situation which we face today. I believe that government should share some of the responsibility, because government has not done all that it could have done and should have done to remove the differences between management and labor and to bring about industrial peace.

Mr. OVERTON. Mr. President, will the Senator yield for a question?

Mr. PEPPER. I yield for a question.

Mr. OVERTON. The Senator has undertaken to defend the attitude of organized labor in respect to the various controversies which have arisen within the past few months. We are legislating not with particular reference to the past, but in the light of the past; and mainly we are legislating for the future. Looking forward to the future, I should like to know whether the Senator from Florida is in a position to defend the statement of Mr. Curran, representing the CIO Seamen's Union, that, regardless of what law may be enacted by the Congress to prevent strikes, or with reference to strikes, the seamen's union will inaugurate the strike on June 15. Does the Senator defend that position?

Mr. PEPPER. I do not defend that position.

Mr. OVERTON. Does the Senator believe that the laws of the United States ought to be observed by all its citizens?

Mr. PEPPER. I do, Mr. President. However, let me say that I do not favor legislation depriving a citizen of his right to strike. If legislation of that character is enacted, then those who are the complainants against it have a right to test its constitutionality in the courts. That is a perfectly legitimate exercise of a citizen's rights. If the courts should hold that the law is not valid under our Constitution, then it would not be binding upon the citizens who might be the victims of it. If, on the other hand, the proper court should properly hold that the law is within the authority of Congress to enact and that it applies to the person complaining, then, of course, it is the duty of the citizen to observe the law, and he would be a disloyal citizen if he did not do so.

Mr. OVERTON. Mr. President, will the Senator further yield?

Mr. PEPPER. I yield.

Mr. OVERTON. That is not the position of Mr. Curran. He is not stating that he is going into any court to test the constitutionality of any law which may be enacted by the Congress of the United States; but what he is going to do, he says, is that, regardless of any law which may be enacted by the Congress of the United States, he proposes to conduct and to continue the strike, beginning on June 15.

Mr. PEPPER. No, Mr. President; in no sense of the word do I approve or encourage or uphold anyone in defying the

law of the land. I think the proper course, if a citizen complains about legislation, is for him to take it to the proper tribunal and have it determine whether the legislation is properly binding on him. That applies to Mr. Curran and to every other citizen of the country.

We here are concerned with legislation itself, and we are primarily concerned with the wisdom of legislation, as well as the policy which should be expressed in it.

We have before us the pending bill. As I said in the Senate on Saturday, I cannot but believe that our President will see the day when he will regret recommending to the Congress this proposed legislation. I say that with respect; I say it with the deference which is due from a citizen, a Senator, to the Chief Executive of our land. I believe that the President has been badly advised, and I think he will see, in time, the error of that advice. I will say that I believe that those who have advised the President to recommend this legislation will also regret that they have advocated such policies, for in my opinion it is one of the most dangerous pieces of legislation which has ever been proposed in the Congress of the United States.

Mr. President, it is proposed to this Congress, while technically we are at war; but if it is possible to enact this legislation now, it will be possible to enact it after the technical status of the war has passed. If it is possible to enact this legislation now, in the present emergency, it will be possible to enact it in another situation which the President or his advisers might think represented an emergency, but which might not be an emergency of comparable importance to the one which we face today. If it is possible to enact this kind of legislation with respect to management and labor, it will be possible to enact legislation of this kind with respect to the citizenry of the United States generally.

Therefore, I say that this measure provides for conferring upon the President an arbitrary power which no President should have. I doubt whether the President should have this power, even in wartime. I can only say that President Roosevelt never asked for it or possessed it in the war from which we have just emerged. If President Franklin D. Roosevelt, after Pearl Harbor, when the heart of this Nation for a time stood still, in the darkest days of that war, although he was confronted with work stoppages which endangered the victory itself, never allowed himself to ask the Congress for the exercise of this power, I cannot bring myself to give it to any President to exercise in peacetime.

Yet, the bill is a very logical bill and a very logical projection of the arguments which have been made in the Senate in the last 2 weeks. It is the logical answer to those who clamored for effective action, without thinking about the price we would have to pay for effective action. Yes, Mr. President; this bill is the answer to the *n*th degree to those who demanded that the Government have power to stop strikes. This bill confers such power. It probably would not confer, in practice, an effective power to get out of the people of this country the work which they would gladly yield voluntarily. I shall never believe that forced American labor can ever equal in output and accomplishment voluntary American labor. If I believed that, I would not believe in America and in Americanism. I do not believe it would be possible to get as much coal mining out of the miners with a bayonet at their backs or even by threatening to put them in the penitentiary as it would be possible to obtain by making a fair agreement with them and letting them work of their own accord in the mines.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. MILLIKIN. I venture to say that no coal mining will be obtained if an attempt is made to drive the miners to work with a bayonet at their backs.

Mr. PEPPER. Mr. President, I thank the Senator for that observation, and it is a tribute to the hardihood and character of the miners of America that the Senator from Colorado would say that.

That would not be the first time that men have died in America for something they believed right. Miners' sons died all all over the world in fighting against something that they believed wrong. Many of them died for what they believed right, and in fighting against what they believed wrong, and many others have returned home. Mr. President, I believe that the boys who used to wear the uniform of their country and who fought against a totalitarian scheme which gave the Government all power without judicial review, will fight against it in the mines, on the railroads, in the automobile factories, in the great ramifications of industrial life in America. I agree with the able Senator. The Government may shoot a lot of them; the Government may disembowel them with a soldier's bayonet, or may put them in prison. I am not predicting what they will do, but I am saying that it is impossible to force Americans in large numbers to do what they do not believe to be right. There will be a few who will yield at the threat of force, but it would not be the first time that police officers and sheriffs and soldiers have shot working men and women in America. The annals of our industrial history are replete with instances of company-hired thugs and company-paid-for deputy sheriffs and policemen shooting down American citizens in the exercise of their rights. But I thought that day had passed.

If the Senator from Wisconsin [Mr. LA FOLLETTE] could stand up on this floor and tell what his committee investigation courageously disclosed about how the workingmen of this country had been physically browbeaten and brutalized by management-paid hirelings, it would shock the sensibilities of Senators.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. MILLIKIN. I think it should be said that the miner is a very spirited man; and he, too, has shot some company police and policemen.

Mr. PEPPER. Yes; I think the Senator is correct. The miner is a pretty tough fellow, and the worker in America is a pretty tough fellow; and I would not want the job of coercing him when he felt that he was acting within the exercise of his rights as a citizen of the United States.

But, Mr. President, I said that the bill will come the nearest to stopping strikes that physical power exercised by the Government of the United States, can come, for it gives to the Government the power, first, to put in jail a man who does not work, a man who even slows down his work, a man who permits another man not to work, if he happens to be a labor leader, a man who does not bring a man back to work, if he is a labor leader.

Mr. President, it would provide a penalty for an executive who permitted a man to refuse to work in one of the industries which has been taken over by the Government. What is the penalty? I read from page 3:

> (c) On and after the finally effective date of the proclamation, any person willfully violating the provisions of subsection (a) of this section shall be subject to a fine of not more than $5,000 or to imprisonment of not more than 1 year, or both.

Yes, Mr. President; the yawning door of the jail awaits the man who does not do what the President of the United States or a representative of the President of the United States—we all know that he must act through representatives—tells him to do. That means that, although the Constitution of the United States has abolished slavery and involuntary servitude in this country, except as a punishment for a crime whereof the accused shall have been duly convicted, if a man exercises what he believes to be a constitutional right not to work for anyone for whom he does not wish to work, he may be put into prison or made to pay a fine.

Mr. President, are citizens of this country willing to hold their lives and their liberty under that kind of a law? Is the Congress of the United States willing to enact and rest its honor on that kind of legislation?

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. MILLIKIN. Does it escape the distinguished Senator that before these penalties become effective under the provisions of the bill which we are discussing, the man has been liberated from his employment by a presumption of law?

Mr. PEPPER. The Senator is quite correct, and he has shown the great ability which he possesses as a lawyer by pointing out that the law itself provides that a man shall be considered a stranger to his job who has been adjudged by the law itself to be a stranger to a job. Yet, under the pending bill he may be put into the penitentiary for refusing to work.

Mr. President, I am only skimming along. On page 4 of the bill is section 5. However, allow me to go back a little before I take up section 5.

In the first place, the policy of the United States is declared in the following language:

> That it is the policy of the United States that labor disputes interrupting or threatening to interrupt the operations of industries essential to the maintenance of the national

economic structure and to the effective transition from war to peace should be properly and fairly mediated, and brought to a conclusion which will be just to the parties and protect the public interest.

I have no quarrel with that declaration of policy. Of course, we favor labor and management getting together, but, in the bill itself, there are no penalties to be imposed for the violation of that policy.

Section 2 is as follows:

SEC. 2. Whenever the United States has taken possession, under the provisions of section 9 of the Selective Training and Service Act of 1940, as amended, or the provisions of any other applicable law, of any plants, mines, or facilities constituting a vital or substantial part of an essential industry, and in the event further that a strike, lock-out, slow-down, or other interruption occurs or continues therein after such seizure, then if the President determines that the continued operation of any such plant, mine, or facility is vitally necessary to the maintenance of the national economy, the President may by proclamation declare the existence of a national emergency relative to the interruption of operations.

Mr. President, in the first place I wish to invite attention to the fact that the basic law upon which this bill operates is already the law of the land. So, it is not proposed that the President be given any new authority to compel certain acts to cease. I do not believe there has been such a failure under the Smith-Connally Act, or under the Second War Powers Act, as to require that we should abandon those possibilities and procedures, and go to other strange procedures such as those which are embodied in the pending bill.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. MILLIKIN. Is it not a fact that the Smith-Connally Act has never been tried against any important offender?

Mr. PEPPER. The Senator is absolutely correct. I also invite attention to the fact that in the absence of such a law as the one now being proposed, under the authority that he possesses under the Smith-Connally Act and as President of the United States, the President stopped the railroad strike. If the President could stop the railroad strike under the existing law, and has authority, as President, why could he not stop other strikes if he courageously exercised the power which he possesses? In the second place, I wish to point out that the President alone determines that the continuous operation of any plant, mine, or facility is necessary to the maintenance of the national economy.

Remember, Mr. President, that this is not a war bill. I would give the Commander in Chief of the Army and the Navy great power during wartime to determine what is vital to the national economy. I wonder if we wish to give to the President such uncontrolled power over the national economy during peacetime. Is a mere inconvenience to the public a national emergency? Under this bill no court determines the matter. The sole and single adjudication is to be made by the President of the United States. Moreover, the President determines whether he shall issue a proclamation. If the President does issue a proclamation he determines the conditions of the proclamation in accordance with section 3 of the bill, which I read:

SEC. 3. The President shall in any such proclamation (1) state a time not less than 48 hours after the signature thereof at which such proclamation shall take final effect; (2) call upon all employees and all officers and executives of the employer to return to their posts of duty on or before the finally effective date of the proclamation; (3) call upon all representatives of the employer and the employees to take affirmative action prior to the finally effective date of the proclamation to recall the employees and all officers and executives of the employer to their posts of duty and to use their best efforts to restore full operation of the premises as quickly as may be; and (4) establish fair and just wages and other terms and conditions of employment in the affected plants, mines, or facilities which shall be in effect during the period of Government possession, subject to modification thereof, with the approval of the President, pursuant to the applicable provisions of law, including section 5 of the War Labor Disputes Act, or pursuant to the findings of any panel or commission specially appointed for the purpose by the President.

Mr. President, if we look at section 5 of the War Disputes Act we will find that the President already has, through the National Labor Board, the power to fix wages under the same conditions in any plant which may be in the custody of the Government. If it be said that the National War Labor Board no longer exists, I believe I can show that it has been succeeded by another board which, by Executive order, possesses similar powers. So there is still authority in the law, the very authority which Mr. Krug, Secretary of the Interior, is exercising today in his negotiations with the miners, to make the necessary wage adjustments which would make it possible for work stoppages to be corrected. The President of the United States did not exercise such power during the time of the railroad strike, because I have been told by Dr. Steelman, as well as Mr. Whitney, that the Government never once negotiated with the workers as to the terms upon which they would return to work for the Government of the United States. The sole negotiations which were carried on by the Government were with reference to the conditions of the contract which should govern the private relationships between management and labor, and not between the Government and labor.

Yet, Mr. President, the strike is largely being made the excuse for the enactment of this so-called emergency legislation, and the President has asked for a power which he never endeavored to employ in the settlement of the strike, in spite of the grievous calamity which it inflicted upon the people of the United States.

Mr. MILLIKIN. Mr. President——

The PRESIDING OFFICER (Mr. HILL in the chair). Does the Senator from Florida yield to the Senator from Colorado?

Mr. PEPPER. I yield.

Mr. MILLIKIN. The distinguished Senator has doubtless noted that although there is an imperative mandate, to the representative of the employer and the representatives of the union, to bring an end to the things that are specified, there is no specification whatever of what they shall do to accomplish that objective.

Mr. PEPPER. The Senator is absolutely correct.

Mr. MILLIKIN. If I may proceed, in some remarks this afternoon, I pointed out that surely a spirit of exhortation would not bring men back to work where the situation had gotten so grave that the Government itself had to take possession of the facility. What exactly is it that these representatives are to do to escape being fined and put in the hoosegow?

Mr. PEPPER. The Senator is absolutely correct. That is characteristic of the language of the bill all the way through, which makes something a crime by a standard which is so loose that no one can define what the standard to be observed is. I cannot believe that we wish to enact such a criminal law in this land.

Let me also point out that authority which we gave the President to fix wages and working conditions and hours in the Smith-Connally Act was really an emergency piece of legislation. That was really adopted in real war, for that was adopted in 1943. I need not remind Senators about what the military situation in that war was in 1943 when the Smith-Connally Act became the law of the land. That legislation was adopted about the summer of 1943.

Mr. President, while I voted for the Smith-Connally Act, I would have it known I spoke on the floor of the Senate for the Smith-Connally Act, I denounced John L. Lewis, and I hope that all that will not be forgotten because I have changed my policy with peace. But I did, and the RECORD, of course, will show it. That act was a war measure.

I wonder if Senators on this floor, Senators who have had wide business experience, Senators who are distinguished lawyers, Senators who are very able citizens, are willing to give to any President—and, of course, I am not distinguishing between the present distinguished President of the United States and any other President, past or future—are they willing to give to any President the power, completely and without the right of review, and without any limitations whatsoever upon his authority, to do the following:

To establish fair and just wages and other terms and conditions of employment in the affected plants, mines, or facilities which shall be in effect during the period of Government possession.

What may be the consequence of the exercise of that power? Let us suppose that the President fixes a wage which is too low in the opinion of the worker, yet he enforces it by the coercion that is provided for by the proposed law. And then suppose sometime or other, as I dare say the proponents contemplate, the President turns the industry back to the owner or owners of it, and labor then says, "All right; we worked for those wages while we were working for the Government and while the Government could put us in jail, or fine us, or put us in the Army, or take away from us our seniority rights, but we will not

work for those wages for the private employer." Just what is the Government going to do? Suppose the workers strike if the management does not give them more. Then we are right back where we started, we have not cured at all the industrial strife, we have not remedied the malady which provoked governmental possession.

On the other hand, Mr. President, suppose the Government is overliberal in fixing wages and fair standards of work, and raises the workers to a point that private enterprise could not possibly afford while the enterprise stays in the hands of the Government. Would there be any incentive on the part of labor to want to see the enterprise go back to private management? Would they not vigorously protest? Would they not say, "We will strike if you turn it back to management, because they will cut our wages, and we do not want our wages cut. If you turn it back to management we will stop work." What would that lead to? That would mean that the Government would have to keep the industry as long as it was likely that so long as it kept it there was going to be no cessation of work.

Mr. MILLIKIN. Will the Senator yield?

Mr. PEPPER. I yield.

Mr. MILLIKIN. I should like to ask the distinguished Senator whether it is not basically and viciously wrong to substitute Presidential fiat for free collective bargaining.

Mr. PEPPER. The Senator could have stated the case better. On the one hand, we have totalitarian, absolute rule by Government. It is bad under any government. It produced under some governments the spirit that bathed this world in blood, whereas, on the other hand, the right of free collective bargaining is the true spirit and genius of democracy, the kind of spirit and genius that won the war against the totalitarian states which employed in their industry exactly the kind of principle that is proposed to us here today.

Mr. MILLIKIN. May I ask the distinguished Senator if the settlement of labor disputes by governmental fiat is not the heart and soul of the syndicalism which is the characteristic of fascism?

Mr. PEPPER. Mr. President, I avoided the use of the word, as the Senate perhaps noted, in referring to the matter, because if one ever uses it he is subjected to criticism. Speaking without prejudice, but historically, fascism started, perhaps, in Hungary, and it really came to be effective first in Italy. I am told that the last law passed by the Italian Chamber of Deputies, or whatever the name of the legislative body in Italy was, was a law outlawing labor unions, and giving the government unrestrained power over the working men and women of the country.

Why did such a system grow up? It was not heinous in its beginning, except in concept and character. Fascism grew up largely because the men who were its advocates promised the country tranquillity from stoppages of work and industrial strife.

Mr. President, I am speaking now historically, and not prejudicially, and I do not want anyone to say that I am demeaning the character of the President of the United States. It has gotten here in this debate the last few days so that a Senator does not know what to say lest he be snapped off the floor, or subjected to denunciation for not being a patriot. I am beginning to be alarmed about the right of free speech even in the Senate of the United States. I today have heard a Senator upbraided and embarrassed because he made a statement in the Senate of the United States about the action of the President of the United States. I never thought I would live to see a Senator called to account by his colleagues for saying anything he wanted to say about the President of the United States, or anybody else in the United States.

Have we gotten back to the alien and sedition laws, or are we going to enforce the alien and sedition laws by custom here in the United States Senate and in the country? There have been things happening here in the last few days so that if a Senator actually availed himself of his right to speak to the best of his ability about a bill, if his physical or political life were not in danger, he certainly endangered his effectiveness as a Senator in the United States Senate. And I say that out of my heart.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BARKLEY. Does the Senator think it is an invasion of the province of free speech for one Senator to call attention to the inaccuracy of another Senator in what he said about the President of the United States?

Mr. PEPPER. Of course not.

Mr. BARKLEY. That is all that happened here today.

Mr. PEPPER. Mr. President, while I do not agree with what the leader has said, those who were in the Chamber heard what the Senator from Oregon said. The RECORD speaks for itself. The Senator was subjected to a severe reprimand. Perhaps he was wrong, but one has a right to be wrong in a democracy.

Mr. BARKLEY. It is not a violation of free speech to call attention to the fact that he is wrong.

Mr. McFARLAND. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. McFARLAND. I am glad to hear what the Senator has said, because some days ago I thought I heard the Senator praise the British for cutting off the right of free speech.

Mr. PEPPER. Oh, no; I do not think the Senator heard the Senator from Florida make such a statement.

Mr. McFARLAND. I understood the Senator to be praising the British system.

Mr. PEPPER. The colloquy to which the able Senator refers arose when one day after we had debated the British loan for over a month, a statement was made here upon the floor of the Senate to the effect that we would not have time to deal with all the legislation on the calendar, and I rose and said we would never be able to dispatch the public business in the way it should be dispatched until we revise the Senate rules so that the leadership—and I meant of course the leadership with a concurrence of a majority of the Senate—could determine that the rules of the Senate were observed in the transaction of public business. Then I went on to say that that meant that we should revise the rules in three respects. I am sorry to bore Senators by repeating them, but one was to give the majority the right to invoke the rule of relevancy in debate. The second was to give the majority the right to determine what should be the pending business; the third when to determine a vote should be had upon a question before the Senate. I said further that it should be possible to invoke each of the rules as a privileged motion, even if a Senator were on his feet. I challenge any Senator to show any inconsistency in the action of the Senator from Florida in that respect since I participated in a filibuster in 1937. As I said here today, the reason I voted for cloture on Saturday, when only three of us voted for it, was because, without having to explain it, I wanted the RECORD to show that the Senator from Florida had voted for cloture on every cloture petition that had been filed and voted upon since 1937, when the Senator from Florida was present and a vote was had. So I think I have been consistent.

The other matter that the Senator joked me a little bit about was that some days ago I said it would be a good thing to follow the British parliamentary practice; that we would have real debate, and debate better and more effectively if we did not allow any Senator to read a manuscript in the Senate, just as in the British House of Commons no member, as I understand, aside from the Government or the leaders of the opposition, are allowed to read a manuscript, and if they do they are subject to a point of order. Some member will get up and say, "Mr. Speaker, the member is making rather full use of his notes." I said if we had more debate in the Senate and less declamation we would get along better. I still think I am right in that respect. And I shall be glad, Mr. President, when the acoustics of the Senate Chamber are improved, as I hope they will be soon, so that Senators may speak in the Chamber in a conversational way and really debate.

I agree with Mr. Winston Churchill definitely about one thing. I like the idea of having the seats facing each other; let one party sit on one side of the Chamber and the other on the other side, facing the first party, and the Speaker sit up on the Speaker's bench to keep order between the two; then let us debate in the finest tradition of the mother of parliaments and the finest tradition of the American parliament. Senators know that almost always when a Senator proceeds to read a manuscript other Senators will go over and look at the manuscript and, after judging the size of it, and finding that it is a long manuscript, will go to lunch or go to their offices. That is not the best parliamentary practice. If I have erred in suggesting that for the consideration of my colleagues, I am certainly just as

sorry as I can be, but I thought it not an impropriety to suggest it.

Mr. McFARLAND. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. McFARLAND. I have the utmost respect for Mr. Churchill and I admire him, but I am still satisfied with our American way. I think it has proven better than the British way.

Mr. PEPPER. Very well. I am certainly not going to do anything to make the Senator change his mind. I am merely making the suggestion, Mr. President, and I hope the impact of an idea is not an offense.

Mr. McFARLAND. Not at all.

Mr. PEPPER. Mr. President, as a matter of fact I am rather glad that I am being accused of being a little pro-British, because I have often been accused of being a little anti-British here lately when I have been talking about foreign policy. I am glad that this minor suggestion of mine respecting a rule in the British House of Commons or my attitude respecting the British loan, which I vigorously supported, may subject me to the charge of being pro-British, but when I think the British are following a foreign policy which I believe is not to the best interests of my country I shall oppose it even though I may be called anti-British or even pro-Russian.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BARKLEY. I merely wish to suggest to my very dear friend, the Senator from Florida, whose ability and whose fluency and consistency I admire that much as we enjoy his dissertation upon the difference between the American legislative system and the British parliamentary system, I wonder if we could bring him back to the discussion of the amendment now under consideration, which is to strike out the word "lock-out"?

Mr. PEPPER. Yes, Mr. President. Under the rules of the Senate the Senator from Florida is obliged to confine himself exclusively to the discussion of that word "lock-out" as the pending amendment. Now further about the lock-out amendment; I had gotten to the point of dealing with section 3. I will say that this is simply preliminary to the lock-out amendment discussion, but I am going to get around to that, I want to assure my leader.

Mr. President, I have already called attention to the character of section 4. But when I branched off into a rather extraneous discussion, what I was pointing out was that if business in this country allows, without its protest, the President of the United States—and again I say any President—to have the almost authority of life and death over it, then the American businessmen are less tenacious than I believe them to be. I believe, Mr. President, that if we can debate this bill the remainder of the week—and I think 1 week is perhaps not an extraordinary time for a matter of this importance—if we can debate the measure in the Senate until the businessmen of America understand it, we need not worry about what their reaction will be. They will be against it. They do not want any government to have such power assuredly in a time of peace. They do not want any government to have the power to take their plants, their whole industry, away from them and fix the wages and hours and working conditions of every man and woman in it, and have the power to put in jail any executive or representative of the industry because he does not do what the President proclaims he should do, or what some underling of the President tells him to do.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. MILLIKIN. I feel quite certain that the businessmen of the Nation when they realize that the Government is playing with the businessmen's chips and, under the last section of the bill, making a profit that goes into the Federal Treasury—I should think that would be a matter of deep concern to the businessmen and also to the workers, because the very declaration, that the workers shall not profit implies that the Government may not raise their wages while they are on the job under Government control.

Mr. PEPPER. The Senator is absolutely correct. I was just going to consider section 3, subsection (4) in connection with section 9, as the Senator from Colorado has just suggested:

SEC. 9. In fixing just compensation to the owners of properties of which possession has been taken by the United States under the provisions of section 9 of the Selective Training and Service Act of 1940, as amended, or any other similar provision of law, due consideration shall be given to the fact that the United States took possession of such properties when their operations had been interrupted by a work stoppage, and to the value the use of such properties would have had to their owners during the period they were in the possession of the United States in the light of the labor dispute prevailing.

Mr. President, it will be noted there who fixes the compensation. Who fixes it? The President of the United States individually, without court review or any other curb upon his finding.

Mr. MILLIKIN. And of course it has not escaped the distinguished Senator that an estimate of that kind would be so purely speculative that it would be impossible to arrive at a sound decision.

Mr. PEPPER. Of course. The President would have an arbitrary power to fix any figure he wanted to fix. And, Mr. President—have I overlooked it—if he made any mistake, is there any judicial review provided at all in the act over the President's finding? There is not the slightest suggestion of it. As the Senator from Colorado has pointed out, even if there were a judicial review, the standards the President may employ in fixing those figures are so general that that no court could say he had erred in respect to the standards.

I read further:

It is hereby declared to be the policy of the Congress that neither employers nor employees profit by such operation of any business enterprise by the United States.

Mr. MILLIKIN. Mr. President, will the Senator be good enough to yield again?

Mr. PEPPER. Yes.

Mr. MILLIKIN. That is the only honest statement in this entire bill. Will the Senator be good enough to read it again?

Mr. PEPPER. I read:

It is hereby declared to be the policy of the Congress that neither employers nor employees profit by such operation of any business enterprise by the United States.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BARKLEY. After 2 weeks or 3, whichever it was, of acute difference of opinion between the Senator from Florida and the Senator from Colorado in the discussion of the Case bill, now to see the Senator from Florida coming to the rescue of the American businessman, and the Senator from Colorado coming to the rescue of the American working man, is something wonderful to behold. [Laughter.]

Mr. PEPPER. Mr. President, it is perhaps better to be right sometime than never to be right at all.

Mr. BARKLEY. Is the Senator right now, or was he right last week?

Mr. PEPPER. I shall have to leave that to the Senator's judgment; but I will say that I have never advocated a policy for the benefit of the worker that I did not believe to be also for the benefit of the employer. When we advocate genuine free collective bargaining, as we advocated it here the other day, I think we were trying to protect the interest of the employer as well as the interest of the employee.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. MILLIKIN. I do not wish to impose upon the Senator's good nature, but will he read that statement again?

Mr. PEPPER. Mr. President, I do not know whether I shall lose my position on the floor or not. It might be regarded that I should not read it, but I will read it once more; and this time with the momentum I get from the third reading of it I shall continue to the end of the sentence without stopping:

It is hereby declared to be the policy of the Congress that neither employers nor employees profit by such operation of any business enterprise by the United States, and to that end——

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. PEPPER. I promised to finish the sentence. I shall have to decline to yield—

and, to that end, if any net profit accrues by reason of such operation after all the ordinary and necessary business expenses and payment of just compensation, such net profit shall be covered into the Treasury of the United States as miscellaneous receipts.

I now yield to the Senator from Kentucky.

Mr. BARKLEY. I merely wish to express the fervent hope that after the

third reading of that sentence the Senator from Colorado understands it. [Laughter.]

Mr. PEPPER. I doubt very seriously whether just three readings of that sentence will impart any great meaning to it.

Mr. BARKLEY. The Senator does not mean any reflection upon the intellectual ability of the Senator from Colorado to understand a simple sentence like that, does he?

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. MILLIKIN. I wish to say that I caught it the first time. As I previously stated, I regard it as the only truthful statement in the bill.

Mr. PEPPER. The able Senator from Colorado wanted it read thrice simply for emphasis, and not for clarity.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BARKLEY. I suppose he was asking that it be read three times for my benefit. [Laughter.]

Mr. PEPPER. I am sure that if he had thought that the hearing of it might change the opinion of the able leader, he would have asked that it be read even again.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. MILLIKIN. The distinguished majority leader always requires a "close shave." [Laughter.]

Mr. PEPPER. Seriously, Mr. President, that language indicates rather clearly that the gentlemen who drafted this legislation were not all Philadelphia lawyers.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BARKLEY. I have never in my whole life been willing to admit that all the legal intelligence was concentrated in Philadelphia.

Mr. PEPPER. Mr. President, I do not know whence these lawyers came, but I do not propose to recommend one of them for the vacant place of the Chief Justiceship. [Laughter.]

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. MILLIKIN. Does not the Senator believe that we should applaud the honesty of that statement.

Mr. PEPPER. I believe that we should applaud honesty wherever we find it.

Mr. President, seriously, who determines what are the ordinary and necessary business expenses? The President of the United States. Who determines what is just compensation? The President of the United States. Who determines what is a profit for business or management? The President of the United States.

All these things, in turn, depend upon the way the Government operates the business. If the Government wishes to consume all the profit by increased wages, there will be no profit to give the Government. There will not even be any just compensation, because if there is nothing left, there is nothing with which to pay just compensation. Perhaps industry will come to the Congress with a bill. That is what happened after World War I, when the Government operated the railroads. Senators remember the great claims which railroads made as to the detriment which they suffered during the Government administration. I do not know what the amount of the claim was. I believe the able Senator from Kentucky was a Member of Congress at the time. I wonder if he can tell us, if he recalls, how much the Congress appropriated after World War I as compensation to the railroads for the time the Government had them under its operation.

Mr. BARKLEY. I cannot give the Senator that information. It has been so long ago that I have forgotten. I was in the other branch of the Congress at the time. I know that we appropriated out of the Treasury an amount to make up the deficit between the Government's agreement with the roads for just compensation and the amount of revenue and income received by the Government from the operation of the railroads; but I cannot give the Senator the figures.

Mr. PEPPER. I thank the Senator.

Mr. BARKLEY. It was quite a large sum.

Mr. PEPPER. It was many million dollars.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. WHERRY. I think this is the third time that question has arisen since the debate on this measure started. I would appreciate it if the distinguished Senator from Florida would see that those figures are given to the Senate.

Mr. PEPPER. I shall be very glad to do so. The information is very pertinent.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. MILLIKIN. The figures are important; but the end fact is also important, that the railroads were well nigh ruined.

Mr. PEPPER. Of course, that is a matter of opinion. I was a great friend and advocate of the late Senator McAdoo. I appreciate what he did to help win World War I. Yet I recall that it was said that while he was operating the railroads he put into effect his own labor policies. I have heard it stated that management had a very disagreeable time; at least, when it got the railroads back into its possession, in adapting private management to the wage scale and the working conditions which had been laid down by the Government during the time of Government operation. The Senator from Montana [Mr. WHEELER] is a better authority on that subject than I am.

Mr. MILLIKIN. I know the Senator loves to debate, so I will ask the Senator whether, while Secretary McAdoo was running the railroads, he was also running for office.

Mr. PEPPER. I hope we shall never have a time in this country when a man will be too much scrutinized and too much surrounded by restraint to do a little running for office while he is doing other things. It is true that the able Director General of Railroads was a candidate for the Presidency. Personally I should have liked to see him succeed in that aspiration.

Mr. President, I brought up that point as a factual historical statement that during the operation of the railroads under broad statutory authority, statutory authority comparable in scope to that sought to be conferred here, the United States Government had to appropriate many millions of dollars. The Senator from Colorado says that the railroads were grievously impaired, and that there was an entirely new relationship established between management and labor during the period of Governmental operation. I say that the same thing will happen respecting the railroads or any other industry if such industries are operated under this proposed law.

Not only that, Mr. President, but I can foresee countless claim bills brought to Congress by industry after industry, claiming that in one way or another the Government inflicted detriment and harm and loss upon an industry while it had it in operation. It will be claimed that the Government did this, that, and the other thing, and was responsible for all the little things that went wrong. Industries will claim incompetence; they will claim willfulness on the part of some Government agents. They will claim that the industry was allowed to fall into disrepair, or that something stupid was done, or that something was done, by omission or commission, by the Government of the United States during the time of Governmental operation, which entitles the industry to recompense out of the Public Treasury. We shall be confronted with the question time and time again if this bill ever becomes the law of the land.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. OVERTON. Did the railroads operate during World War I?

Mr. PEPPER. Yes; they operated quite effectively. But, Mr. President, again I emphasize that that was during the war, and this is peacetime.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. WHEELER. Certainly they operated during the First World War when the Government took them over; but they did not do one-half as good a job, and they did not have half as many men to move as was the case under private ownership during this war. The facts and figures show definitely that the railroads transported a far greater amount of freight and a far greater number of men backward and forward across the country during this war than they did during World War I, and it was done with a smaller number of cars and poorer equipment, proportionately, than we had the last time. I do not have the exact figures.

Mr. PEPPER. I thank the Senator from Montana, chairman of the Committee on Interstate Commerce, and an authority on this subject, for making that contribution.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. OVERTON. The situation in World War I was entirely different from that in World War II.

Mr. WHEELER. Of course, it was greatly different, but the fact of the matter is that in World War II we carried a far greater amount of freight, by many million tons, and we transported many more million men backward and forward across the country. It is really a tribute to private industry that it was able to do so much better a job than the Government did when it had the railroads under operation. There can be no denying the fact that the railroads really did a great job during this war, and a far better job than anyone expected them to do.

Mr. OVERTON. Management and labor worked together during this war.

Mr. WHEELER. They worked together the last time. There was no question that labor and management worked together the last time. It was not the fault of labor that transportation broke down in World War I. The reason it broke down was mismanagement on the part of some, whereby the docks were loaded with freight and the trains were loaded, and there was a general and complete break-down in the transportation system due, it seemed to me, to a large extent to the fact that when the railroads were in the hands of private industry there was mismanagement. But this time industry had learned its lesson, and it did a far greater job than was done under the Government the last time.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BARKLEY. I do not know that it is pertinent to compare Government operation of railroads during World War I with private operation during World War II. But it is a fact that Congress authorized the President to take over the railroads in 1917 because there had been a collapse of transportation due to a lack of unification or coordination, and because of disagreements of various kinds between management and employees. The Government therefore took over the railroads.

When this war began there was no such difficulty. On the whole, the equipment was better than it was in 1917. There was more coordination on the part of railroad management, and greater unification of effort than there was in 1917. Lack of such coordination and unification resulted in the Government taking over the railroads in World War I. It is undoubtedly true that this time the railroads did a magnificent job because there was unity between management and labor. There was no disagreement. Equipment was utilized to the fullest extent. I believe that the fact that it was necessary for the Government to take over the railroads in 1917 operated as an incentive to the railroads to do the very best job they could do in World War II, so that they would not again find themselves in such a situation that it might be necessary for the Government to take them over.

Mr. PEPPER. I want the able leader to attend these reminders: The Senator has said that during the war there was unity, and a working together as between management and labor. Let me remind him that there was a railroad strike in 1943, during the war. Let me remind my able leader, also, that the strike was over a wage increase demanded by the workers, and the President of the United States took over the railroads.

Mr. BARKLEY. Only for a very short period.

Mr. PEPPER. I am coming to that. Let me remind my leader further that it was the present President of the United States who, as a United States Senator, introduced legislation which made this Congress go contrary to and override the Director of Economic Stabilization, Mr. Fred Vinson, who now is his Secretary of the Treasury; and, as United States Senator, he settled the railroad strike in 1943, by making possible a wage increase which had been denied by the Government of the United States and by the regularly established Director of Economic Stabilization.

Mr. BARKLEY. The Senator will realize that the resolution then known as the Truman resolution, for which I voted, as I think the Senator from Florida did——

Mr. PEPPER. I did.

Mr. BARKLEY. Was an expression of the sentiment of the United States Senate. It did not have the effect of law. It may have had some moral influence upon the Economic Stabilizer, but it did not have the effect of law. It was an expression of our viewpoint. But that does not minimize what I said—namely, that in the railroad management itself there was a degree of moral and managerial unit which was prompted to some degree by the desire not to be taken over again by the Government as a war measure; and the strike to which the Senator refers was only a temporary affair, and did not interfere with transportation, although the Government took over the railroads for a very short period; but the strike was soon settled, and the railroads soon went back to private ownership. It was largely a bookkeeping enterprise.

Mr. PEPPER. Mr. President, I hope I am not going to be subjected to bitter criticism and I hope it will not be said that I should not say this, but I think it is a matter of public knowledge and I have a right to quote my source, and I am going to quote it. Mr. A. F. Whitney told me Saturday night that President Truman spent approximately 18 minutes personally negotiating this strike with him and his employees, whereas President Franklin D. Roosevelt spent approximately 8 hours personally negotiating the railroad strike in 1943. I am not making any invidious comparisons, but I will say I do not want the Senator from Kentucky to leave the impression that the strike in 1943 all of a sudden settled itself. I think President Roosevelt did some awfully hard work, personally. I read in the Washington Post that these men sought an interview with the President, but did not get it, and their offer to go back to work lay on his desk from 12:15, and his secretary gave the impression that the President counted the matter closed and was not going to go into consultation with these men.

I say that with kindness; but we are talking about matters of public consequence, and I do not believe those men are entitled to be denounced the way they have been denounced, taking the public's interest into account, as well; and believing that, I have said it.

Mr. President, here is an editorial from today's New York Times:

There is only one credible interpretation to be placed on what took place in Washington over the weekend.

I am reading from the New York Times of May 27th, today:

When a President whose whole record as legislator and executive has been one of consistent partiality toward organized labor suddenly proposes the enactment of a law under which leaders of strikes against Government-seized properties may be sent to prison for a year and strikers themselves may be drafted into the Army and ordered back to work, and when a House of Representatives whose ear is always particularly close to the ground in an election year proceeds to pass this measure within 2 hours' time, there is no reasonable explanation except an immense pressure of public opinion to achieve some protection against strikes which have threatened the very life of the Nation.

The leaders of organized labor in this country will read the signs of the times very badly if they fail to recognize that the great mass of unorganized Americans have lost patience with successive strikes in basic industries, by means of which powerful trade unions have attempted and are attempting to force the diversion to themselves, in a time of inflation, of a larger share of a much smaller supply of goods, at the price of a considerably smaller output of effort. It is undeniable, and the action of Mr. Truman and the House of Representatives is proof of the truth of the statement, that there is in this country at this time a strong and widespread conviction that an earlier monopoly of unregulated capital, placing group interest above national interest, has now been succeeded by a monopoly of industrial labor, which carries similar possibilities of evil and which likewise demands regulation.

The regulatory measure which the House has passed, on the President's initiative, is, by the President's own description, "drastic." What should not be overlooked, however, is that it is not only drastic, so far as the rights of organized labor are concerned, but that it is also drastic from the point of view of the employer.

That is what I was saying a while ago.

For the bill provides that the owners and managers of businesses may also go to prison for "willfully violating" the measures of the bill and failing "to take appropriate affirmative action" to end strikes or lock-outs. Moreover, whenever an industry has been seized by the Government (which can happen through no fault whatever of the owner, but solely because a strike has been called by his employees), the President shall have power to "establish fair and just wages" for the period of Government seizure—and we may be sure that such wages, fixed not at all by the process of collective bargaining, but solely by Government order, would remain at that point thereafter. Meantime, all net profits resulting from Government operation would be turned over to the Treasury.

Furthermore, it seems certain that one effect of the bill, if approved without change by the Senate, must be to stimulate greatly the whole practice of Government seizure. For it is to be noted that nothing whatever happens, under the terms of the bill, until a property is seized. It is then and then only that the proposed restraints and penalties

would come into being. The result must surely be to promote Government seizure as the most effective method—and, in fact, so far as this bill is concerned, the only method—of dealing with a strike. And while the President's message promises to use this power of seizure sparingly—

Mr. President, I interpolate to ask, Did anyone ever attempt to get power that he did not intend to use sparingly when he got it? Did anyone ever give power that he expected to be abused when he granted it? Of course not.

I continue to read from the editorial:

The terms of the bill itself are broad enough to give him power to seize anything and everything, provided only that it is deemed by him to be "vitally necessary to the maintenance of the national economy."

What is not vitally necessary to the maintenance of the national economy, in this highly mechanized modern age?

Again I interpolate that we have seen half a million coal miners practically stop the economy of the country. I do not know what other key industries there are, but there may be key industries in which fewer men than that could practically stop the wheels of the American economy.

I continue to read from the editorial:

Certainly the list of vitally necessary things includes railways, coal, and steel. Does it not also include meats and other food products, textiles, automobiles, leather goods, metals, house furnishings, drugs, clothing, machine tools, petroleum, building materials, and a hundred other items? And must not the fact that the present bill proposes no grant whatever of additional authority until a factory or a mine or a mill has been seized promise vastly to accelerate the seizure process, with all of the attendant evils with which we have become familiar—the diversion of attention from the real problem, the fiction of "Government ownership" and the steady erosion of respect for the rights of private property?

These are points for the Senate to consider—

Yet we are not even going to have a committee hearing. With all deference to the committee, acting pursuant to the directive it was given to report back in a matter of hours, at the earliest hour, or something like that, the committee came back in an hour. Had not unanimous consent been denied by objection of the Senator from Ohio [Mr. TAFT], this measure would have been taken up at that time; and if the leadership had had its way, the bill would have been passed Saturday night. I say that with all respect to the leader. I think he will not deny that it was his policy to do what the House did, and to have the Senate pass the bill Saturday night.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. SHIPSTEAD. I believe the RECORD will show that the committee had instructions to bring back the bill forthwith.

Mr. PEPPER. I think the word "forthwith" was contained in the instruction.

Mr. BARKLEY. No, Mr. President; if the Senator will yield to me——

Mr. PEPPER. I yield.

Mr. BARKLEY. I originally asked that it be instructed to report forthwith, but I modified that by asking that it be instructed to report back at the earliest practicable hour.

Mr. PEPPER. At the earliest practicable hour; I think that is correct. But, Mr. President, the word "hour" is a rather suggestive one. It certainly did not indicate that they were going to stay out very long, if they were going to report back "at the earliest practicable hour" to the Senate of the United States.

Mr. President, I am emphasizing that when we look back upon what we were about to do, we shall be ashamed of ourselves. I really believe that if we look back at that time we shall find that we had lost our heads, when we were about to do that Saturday night, if individual Senators had not denied unanimous consent. Mr. President, that shows how we can become excited and wrought up, and in just a little while can lose the character of being the greatest deliberative body in the world.

These are points for the Senate to consider, along with such points as seem certain to be raised concerning the enforceability of the measure and its effect on the traditional rights of labor. And there is also this further, and more fundamental, point to be considered: Would it not be more practicable and more profitable to do something to prevent the strikes from occurring, or from being prolonged until they create a national crisis, than merely to provide a remedy which begins to work only after they have reached the crisis stage and the country is in a furor?

It would be just as easy to prevent a person from striking.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BARKLEY. The Senator is complaining about the rapidity with which we are considering the pending bill. Does the Senator believe that the 2 weeks which were consumed in debating the Case bill resulted in any improvements in it?

Mr. PEPPER. I certainly do.

Mr. BARKLEY. In what way? What were the improvements?

Mr. PEPPER. Many amendments were offered and not adopted, but they would have been adopted if we had not had the protracted debate.

Mr. BARKLEY. All the amendments proposed by the minority members of the committee were adopted, and the Senator very vigorously and intelligently opposed them, as did I. But I cannot see that their adoption, after long debate, improved the bill over the form in which it was when reported to the Senate by the Committee on Education and Labor.

Mr. PEPPER. Mr. President, if the Senator takes that position, then he must also argue that debate in the Senate is a futility. If we do not improve legislation by debate and by discussion, we may as well not talk about it at all.

Mr. BARKLEY. The Senator has indicated that he thinks it would be well to debate the pending bill for a week or more. We debated the Case bill for 2 weeks, and he and I, instead of the Senator from Florida and the Senator from Colorado, worked together on it. It may make a difference with regard to whose ox is being gored. But if the Senator is urging that we should not act speedily on this bill, I wonder what improvement was made in the Case bill, over the objection of the Senator from Florida, the Senator from Montana [Mr. MURRAY], and myself, as well as other Senators, by the long-drawn-out debate which was participated in by many Members of the Senate.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. TAFT. The Byrd amendment, when first offered, would have outlawed all welfare funds in the United States. By amending the Byrd amendment we protected many health and welfare funds.

Mr. PEPPER. Yes; I appreciate the fact of what the Senator has said.

Mr. BARKLEY. The Senator from Ohio favored the Byrd amendment in its original form.

Mr. TAFT. I did not favor the Byrd amendment in its original form. I would have voted against it. I rewrote the Byrd amendment, or at least participated with various other Senators in rewriting it after the debate in the Senate which revealed the general situation.

Mr. PEPPER. The able Senator from Kentucky himself referred in the debate to the number of times in which the Byrd amendment had been modified, and I know that he spoke with reference to the matter on many occasions. As various Senators took part in the discussion and revealed certain possibilities in connection with the amendment, it was finally modified so that it was an entirely different amendment in character from what it was in its original inception.

Mr. BREWSTER. Mr. President, do I understand that the majority leader is now advocating the enactment in haste of legislation, after his eloquent speech of 10 days ago in which he argued that the Senate should not legislate in haste and should not froth at the mouth? [Laughter.]

Mr. BARKLEY. No; the Senator from Maine should not arrive at such understanding at all. At the time I made the remarks to which the Senator refers there was, as I stated, a foot race being staged between certain Senators in order to see who would move first to lay aside the bill which was then under consideration and take up the Case bill. That was the situation. I think that the move to have the Senate take up the Case bill was a very hasty one.

Mr. BREWSTER. Mr. President, may I be permitted to read to the Senator a few of his statements made on the occasion to which I refer?

Mr. BARKLEY. Mr. President, I remember perfectly what I said at that time. Moreover, I do not wish to take the Senator from Florida off his feet by permitting the Senator from Maine to make a speech in the time of the Senator from Florida.

Mr. BREWSTER. I understand, then, that the Senator from Kentucky objects to having the administration——

Mr. OVERTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. OVERTON. What is the parliamentary status of the Case bill?

The PRESIDING OFFICER. The Case bill has been passed by the Senate

and it is now before the House of Representatives.

Mr. OVERTON. I thank the Chair.

Mr. PEPPER. Mr. President, I thank the able Senators for their cooperation.

Mr. BARKLEY. If any. [Laughter.]

Mr. TAYLOR. Mr. President, will the Senator yield for a question?

Mr. PEPPER. I yield.

Mr. TAYLOR. Is it not the opinion of the Senator from Florida that if there had not been strenuous opposition to the Case bill, and it had been permitted to be passed without any opposition, it would have contained many more stringent provisions than it contained when it was finally passed?

Mr. PEPPER. The Senator is correct. I will go further, Mr. President. I will venture the prediction, and will wager a bet with the able majority leader that if the Senate debates the pending bill for one more week, he will not recognize it.

Mr. BARKLEY. I do not understand what it was that the Senator was betting.

Mr. PEPPER. I was merely proposing a wager in a spirit of levity.

Mr. BARKLEY. Yes; but what was the wager?

Mr. PEPPER. I doubt very seriously if this bill will be passed in its present form if the Senate will consider it for as long as 1 week.

Mr. BARKLEY. I merely rose to ask the Senator what it was which he proposed to me in the way of a bet.

Mr. PEPPER. I was about to bet the Senator a good dinner against one in return.

Mr. BARKLEY. A good dinner.

Mr. PEPPER. In the event I lose, I shall at least enjoy the conviviality of the distinguished majority leader. [Laughter.]

Mr. BARKLEY. Mr. President, being a good Methodist and not being a betting man, I am prepared to decline the Senator's offer. [Laughter.]

Mr. PEPPER. Very well. I wish the Senator would decide what he believes to be a fair time to be consumed in debating this bill, and afford to some of us Senators that much time. If he will do that I believe I can assure him that some material changes will be made in the bill before it is passed by the Senate, or else I shall be distinctly deceived. However, before I complete what I have to say, I wish to assert that, in my judgment, it would be proper for the bill to be subjected to hearings. I believe that some Senator should, and if no Senator does I shall move that the bill be recommitted to the Committee on Interstate Commerce, or referred to some other committee of the Senate, and that the American public be given an opportunity to be heard for a reasonable length of time to be determined within the discretion of the committee.

If we deny the people of this country such privilege, Mr. President, we will be denying them a right which they should not be deprived of. I wish to emphasize that if the business people of the United States learn that they hold their businesses at the mercy of the President of the United States, no matter how able he may be, they will not favor the kind of legislation which is here being proposed. If this bill should be enacted into law, Mr. President, the business people of this Nation would never know when the President would say, for example, "Very well, if General Motors will not follow my fact-finding committee's recommendations, and you men are still out on strike 30 days from now, I will take over the plants. I will show General Motors how I will run its business." Do Senators believe that General Motors would look with favor on legislation of that character, in light of the fact that all the labor unions would have to do would be to strike to put the company's business in the hands of the Government?

Mr. President, talk about the power of labor unions. If Mr. Lewis did not like the collective bargaining conduct with reference to his miners, it is generally assumed that he would have power to call them out at any time. All he would have to say to management is, "All right, if you do not comply with my request I will call out my miners and there will be a strike. The country will need coal and the President may take over the mines. I would rather take my chance on a wage contract with the President of the United States than with you."

The President has the power now to take over the mines and to take over General Motors. But the great distinction between the President's authority and the power which would be given him under this bill is that the President's power is a nebulous one, and is not clearly defined. If it is abused, Senators may call it into review. It might be called into review in the courts. The enforcement machinery is not very distinct. Perhaps that is a good thing.

What I started to say, and tried to establish by the New York Times editorial, was that not only labor and businesses are vitally affected by this bill, but business executives may be subjected to severe penalties. The president of a corporation could be "jerked" into the Army and court-martialed if he did not do what the Government told him to do, just as quickly as could the head of a labor union. If this bill had been the law when the President took over Montgomery Ward, all he would have had to do was to issue an Executive order saying to the head of Montgomery Ward, "Mr. Sewell Avery, you are in the Army now, and as your Commander in Chief I order you to raise the wages of your workers." Yes, he could have said, "You are in the Army now." Mr. President, do you believe that Mr. Avery would like such a law as that, or that other businessmen would like management made subject to the penalties which might be imposed under this bill?

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. WHEELER. I cannot speak with authority on this, but I understand that one of the news commentators made the statement this evening that Mr. Curran had stated that the strike of the maritime workers was over, with the exception of a few conditions, and he was coming to Washington with the view of working them out. Notwithstanding what is stated with reference to Lewis, I am told that the coal strike will probably be settled within the next 24 or 48 hours. If both these statements are true, we should continue debate on the pending bill until such time, at least, as we can ascertain whether or not these two strikes are settled. If they are settled, it means that practically every industry which would come under the provisions of the bill will be no longer in the way of having a threat of a serious strike, and it would be very unfortunate, in my judgment, to pass the bill with the draft provisions in it, providing the strikes of all these unions are out of the way, because all the big strikes that are likely to take place have been settled with the exception of these two.

Mr. PEPPER. Mr. President, I am glad the Senator called attention to that. At an earlier time, when there were not so many Senators present, I tried to call attention to that very thing. In the steel industry the strikes are ended, same as to the packing-house industry, the electric industry, Westinghouse and General Electric, the oil industry, and the farm equipment industry. As soon as the mine strike is settled, with the maritime strike, which is the only one that is threatening on the horizon, it looks as if we would have practically fought our way at last through the most grievous part of the painful period of reconversion, and that there had come about a greater stability in the economy of the country.

Mr. WHEELER. Of course, in the maritime situation, the President, under his war powers, could take over the ships, and it would be quite a different situation from the mines and the railroads, because he could immediately put sailors from the Navy in charge of the ships, and carry the cargoes, whereas in the railroad situation, or in the coal mine strike, quite a different proposition would be involved. The President has the power under the War Powers Act to prevent the maritime strike, or break it, if it actually takes place and threatens the Government of the United States.

Mr. PEPPER. I also call attention to the fact, Mr. President, that every one of these strikes was settled by a fact-finding committee appointed by the President, and through the President's persuasion and efforts at reconciliation, except the rail strike, and that was settled by the exercise of the powers the President already had without the enactment of the proposed legislation now before us. No one denies or doubts that the resolute exercise of the authority the President now has, as President, under the Smith-Connally Act, brought about the settlement of the rail strike.

The only strike of any consequence the Government has failed to settle so far is the mine strike, but the negotiations are going on under present law for the settlement of that strike, and everyone confidently believes there will be a settlement of it within a relatively short time. But even if it were not settled, I believe the same resolute exercise of power which the President showed in dealing with the rail strike would lead to an adjustment of the coal strike.

Mr. President, I now read the last paragraph of the editorial in the New York Times:

In our judgment Congress can both reduce the number of strikes and ameliorate their severity if it will move to restrain the monopoly power which it has given the leaders of the trade-union movement in the basic labor law of the country—the Wagner Labor Relations Act. If it wishes to deal with causes, and not merely with consequences, let Congress at once subject that statute to thoroughgoing revision—in order to make certain that it provides at every point equal responsibilities for employee and employer, equal penalties and the conditions of genuinely fair, collective bargaining.

There is a great deal of difference of opinion, Mr. President, even in the business community, as to what legislation should be enacted in this field.

Mr. President, I wish to refer to just two or three more sections, and then conclude my remarks. Section 5 gives the Attorney General the power to file a petition in any district court of the United States to enforce the duties defined under the act, and therefore modifies the Norris-LaGuardia Act of 1932.

Mr. President, we used to say of our Republican opponents that they criticized the Roosevelt administration, but we did not see any of them proposing to amend the Roosevelt administration laws, or repeal them and take them off the statute books. Only in recent weeks has the drive seriously gained momentum to begin to repeal and effectively to destroy a great deal of the labor legislation which was regarded by some as monumental achievements of the Roosevelt administration.

I wonder how the gentle George Norris would feel if he were sitting in this Chamber in the place now occupied by the able senior Senator from Wisconsin [Mr. LA FOLLETTE], when this administration itself proposed to limit the authority of the Norris-LaGuardia Act of 1932, or when it was proposed, in the legislation we disposed of Saturday night, to diminish the authority of the Norris-LaGuardia Act of 1932.

What I fear, Mr. President, is that we have already begun to undo, not merely by an effort to do it administratively but legislatively, some of those monumental achievements in the field of human relations which have been spoken of as among the great accomplishments of the Roosevelt administration.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. WHEELER. I do not believe there is a Member of the Senate who throughout the last 30 or 40 years has had any better record, so far as labor legislation is concerned, than I, because I defended all classes and all kinds of labor, both before I came to the Senate and afterward. But I think that some of the labor leaders in this country are to a large extent responsible for some of the conditions which exist at the present time. If they go too far, they are going to be held responsible for destroying the gains which labor has made in the United States.

I was in Italy just after Mussolini came into power, and I was in Germany before Hitler came into power and afterwards. Those two men came into power because they thought labor was going too far, and while some say it cannot happen in the United States, I think it should be plain to some of the labor leaders, and some of those who are making irresponsible statements for labor, that the same thing can happen in the United States that happened in Italy and in Germany. If they want to lose all the gains they have made, if they want to bring about dictatorship in the United States, the way to do it is to make irresponsible statements such as those they have made in recent weeks.

I have no sympathy with some of the unions which are dominated by Communists, who I am afraid want to tie up industry in this country. I think their activities were one of the things that caused farmers in the United States and small businessmen and big businessmen generally to fear that these people were going too far.

The leaders of labor should realize from what has been taking place in the last few days in the Congress, and throughout the country, that a great responsibility rests upon them as to whether their gains are going to be wiped out and whether we are going to have a free economy and a free enterprise system and a democracy in the United States.

Mr. PEPPER. I thank the able Senator for what he has said. He spoke with great wisdom in those remarks. There is no doubt that, just as action begets reaction, abuse begets excess. There is no doubt at all that a great many labor leaders have exercised arbitrary power. Some of them have been dishonest, some of them have been corrupt. There can be no doubt at all about that.

I will say—and I believe it would also have been said by the Senator if he had gone that far—that I am hopeful that the legislation which is now proposed, and the action of the Congress in recent weeks, has had a salutary effect on the stubbornness of both management and labor.

Frankly, I think that labor is not altogether responsible for most of the recent work stoppages, and I think both management and labor are going to have to see and appreciate that if they continue their abuses of power there is no alternative except absolute control by government, and the people will stand it just so long.

Congress will permit public excesses of power, in my opinion, in order to curb private excesses of power; it will give the President more power than Congress upon reflection would ever want to give the President, in order to meet a great national intensity of feeling and a great revolutionary sentiment in the country that the public interest must not be destroyed.

Mr. McFARLAND. How long should the Senate wait before bestowing such power?

Mr. PEPPER. I will tell the Senator when I would stop. I would stop either with nothing at all being done in respect to the passage of the proposed legislation, or shearing it down to a clarification of the President's authority to take over, and give him very limited powers in case he took over. As a matter of fact, I would not pass it at all, because I think the threat of the kind of legislation that Congress would pass has taught both management and labor a lesson which they needed to learn.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BARKLEY. Would the Senator advocate or does he believe that we ought to be compelled to make a threat of this kind every time a crisis like this arises?

Mr. PEPPER. No; I do not. Let me say in fairness to both management and labor, that, while we have had a great deal of worry and vexation and annoyance and some inconvenience, yet after all, taking into consideration everything that has happened, we have had no more difficulty and trouble than might have been anticipated in coming out of war to peace, and it should not be considered to be an extreme experience in a free economy like the American economy, where we have dynamic forces and characters in both management and labor. It is no disgrace to America that we have even had what we have had. With our economy having been chained to Government for 5 years and then suddenly control being taken off and each one struggling to find himself, the businessman with the profit motive, the laborer trying to adjust his wages to living costs, and each one sparring for power and position, I say that all that which has happened is no disgrace to American management or labor.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. WHEELER. I entirely agree with the statement made by the Senator from Florida, that in many instances management has been as much responsible for the situation that has arisen as has labor. But we should remember that after every war—after the Civil War and after the last war and after every other war—there has been a tremendous disturbance and upset in the economy of the country, not alone among labor and industry but among the farmers, businessmen and among the people of every class. We are passing through a sort of hysteria at the present time. Certainly the Congress of the United States should not completely lose its head and pass legislation for which it will be extremely sorry. As I said to the committee, and I repeat it on the floor of the Senate, if we should pass this law to draft labor at this time, I think it would be one of the most unfortunate things that could possibly happen. Let us say that tomorrow every miner were drafted into the Army and a uniform were put on him and he were put back into the mines. Do Senators think for one moment that the miners would work and do a good job under such conditions? We have always boasted on the floor of the Senate that ours was a free economy, and that men could not be made to work, because work could not be gotten from them under compulsion. It has often been said here that we could no more get work out of men by compulsion than could be obtained in Italy, Germany, Russia, or any other country on the face of the globe. If the bill is passed with

that provision in it, and the men are sent into the mines at the point of a gun, we are not only not going to get the work done, but a great fear will have been placed in the minds of every laboring man in the United States, and we will no longer have free government and free enterprise.

Mr. PEPPER. That is true.

Mr. McFARLAND. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. McFARLAND. The Senator from Montana knows that the Senator from Arizona voted against section 7.

Mr. WHEELER. Yes.

Mr. McFARLAND. In the committee only one Republican voted against that section. But I can count five Democrats who voted against it, and I was among them.

Mr. WHEELER. I think the Senator is entirely correct.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BARKLEY. I do not know whether it is material, but I will say that the motion to strike out section 7 was defeated by a vote of 12 to 6. I do not know what the proportion of Democrats may have been to Republicans. I did not take account of that. Some of each side voted each way. So I do not know that that is very material. But the committee voted 2 to 1 against striking it out.

Mr. McFARLAND. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. McFARLAND. I do not care to make any point about it, either, but I know that five out of the six who voted against it were Democrats.

Mr. KILGORE. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. KILGORE. I think the RECORD could be corrected in one respect. The Senator from Montana said that after each war there has been a terrible upset in our economy. The upset really occurred during the war, and the apparent upset after the war is due to the attempt to adapt ourselves to the changed conditions. For instance, we manufactured out of whole cloth, shall I say, literally thousands upon thousands of welders. We probably have an overplus, shall we say, of welders. What now seems to be an upset is due to what occurred when we tried to adapt ourselves to war conditions. We feel that situation following the war. The big problem we face now is that of getting ourselves back into balance.

Mr. WHEELER. That is correct.

Mr. KILGORE. I merely wanted to have the RECORD straight on that point.

Mr. PEPPER. The Senator from Montana is absolutely correct in his statement. Labor must see that if they abuse their power they will be subjected to curbs and restraints. On the other hand, business must understand that if they abuse their power, they, too, will be subjected to curbs and restraints. If each is to preserve the freedom of collective bargaining, each has got to be more ready to meet the point of view of the other and exercise the true spirit of reconciliation instead of stubbornness in their disputes.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BRIDGES. The remarks made by the distinguished Senator from Arizona [Mr. McFARLAND] as to the vote in the committee, of course, are wholly based on an unofficial report of the proceedings of the committee. The test will come when the vote comes, when an amendment is offered to strike out section 7 and a record vote is had in the Senate. Then will be a good time to take note, if we are going to bring partisan politics into this particular matter, to see how the Democrats and the Republicans vote.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. REVERCOMB. Since this point has been raised I might say that there is now on the desks of Senators an amendment offered by the able Senator from Colorado [Mr. MILLIKIN], a Republican, by the way, to strike out section 7, and I am quite sure that it will get more than one Republican vote.

Mr. PEPPER. I thank the Senator.

Mr. DOWNEY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. DOWNEY. I should like to ask the distinguished Senator from Florida—but I look at our leader as I ask it—what would he think of the propriety of an amendment making United States Senators subject to this draft along with the workers in the Nation, but adding for their benefit, because of their generally advanced age, a provision that nobody drafted should have to work more than 12 hours a day? Would the Senator think that would be an appropriate amendment?

Mr. PEPPER. I think with the limitation upon labor suggested by the Senator, it would certainly be a wise one.

Mr. DOWNEY. Then, I wonder if the distinguished Senator from Florida would appeal to our majority leader to consider that such an amendment were now in effect; that we have been drafted, but that we are subject to human limitations and frailties, and after we have worked from 12 to 15 hours a day our minds really stop functioning.

Mr. BARKLEY. I hope that when the Senator from California desires to ask me a question he will not do it over the head of the Senator from Florida, but do it directly.

Mr. DOWNEY. Mr. President, will the Senator again yield?

Mr. PEPPER. Yes; without interposing my head between the Senator from California and the Senator from Kentucky.

Mr. DOWNEY. I will not accept the yielding on that basis, because I am a bit afraid, I will say to the Senator from Florida, to approach our majority leader directly, and would prefer to do it through the Senator from Florida.

Mr. PEPPER. Was the Senator from California making a suggestion of any sort to the majority leader? If so, I know he is alert in taking up any suggestion of that sort, and he may act favorably.

Mr. BARKLEY. I have no desire to take the Senator from Florida off the floor.

Mr. PEPPER. I thank the Senator for the privilege of continuing the discussion.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. CAPEHART. I do not know whether it is germane to the general discussion to talk about who voted to strike out section 7 in committee, and who did not vote to strike it out; but inasmuch as the able Senator from Arizona has brought up the matter I think the RECORD should show that the first suggestion that section 7 be stricken from the bill came from the Republican side, and that there were at least three Republican votes to strike section 7 from the bill.

Mr. McFARLAND. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. McFARLAND. I cannot agree with the Senator from Indiana. I cannot state that he even voted for the motion to strike out section 7. I know of five Democratic votes for the motion. After the Senator from Colorado said that he intended to make the motion, the Senator from Indiana said that he would make the motion. But if my recollection serves me correctly, he did not hold up his hand when the time came.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. WHEELER. It is strange to find such a large number of Senators claiming that they voted for the motion. When I counted the hands only six held up their hands.

Mr. McFARLAND. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. McFARLAND. I know definitely that five of them were Democratic, because I counted them. I do not know whether the Senator from Indiana held up his hand, but I know that there were five Democratic hands, and I could name them for the RECORD.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. TAFT. I suggest that we might refer the bill back to the Senate Committee on Interstate Commerce, because I think there are enough votes in the committee to strike section 7 from the bill.

Mr. McFARLAND. That would be agreeable to the Senator from Arizona.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BARKLEY. It seems to me that this debate on a serious question, at a serious time, ought not to degenerate into a controversy as to who voted for or against something in the committee. It was an executive session of the committee. There was no roll call on the question. The motion was made. I do not know who voted for it or against it. It seems to me that we should devote ourselves to the merits of the question, and not go off on the question as to who

voted for or against something in the committee.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. PEPPER. I yield provided the Senator's remarks will contain no levity.

Mr. SHIPSTEAD. For the purpose of the RECORD, I affirm that the motion was made by a Republican.

Mr. PEPPER. Mr. President, will the Senator speak a little louder?

Mr. SHIPSTEAD. The distinguished Senator from Arizona stated that there were five Democratic votes for the motion. There were six votes, as announced by the chairman, and at least two Republicans voted for it. The Senator from Indiana made the motion, and another Republican seconded the motion, and the chairman announced six votes.

Mr. McFARLAND. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. McFARLAND. There were two Republican votes, but there were no more than two. There were six votes announced—perhaps there were seven; but at least not more than two Republicans voted for the motion.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. WHEELER. We were in executive session, but I counted six Senators who held up their hands. The motion was made by the Senator from Colorado, seconded by the Senator from Minnesota.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. PEPPER. I yield to the Senator from New Hampshire.

Mr. BRIDGES. I simply wish to remark that we are coming up in the world. The Senator from Arizona now admits that two Republicans voted for the motion.

Mr. McFARLAND. No; the Senator is mistaken. I can say definitely that five Democrats voted for it. I concede that the Senator from Minnesota voted for it; but I looked over at the Senator from Indiana, and he did not hold up his hand. Perhaps I am mistaken, but I did not see him hold up his hand.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. PEPPER. I yield to the Senator from Indiana.

Mr. CAPEHART. It is a little difficult for me to answer the statement made by the Senator from Arizona just a moment ago. I do not think it makes any difference; but inasmuch as he has brought up the question, I am certain that the able chairman of the Senate Committee on Interstate Commerce will vouch for the fact that I suggested that section 7 be eliminated, and voted to eliminate it when the vote came.

Mr. PEPPER. Mr. President, the arithmetic which I have heard discussed here this evening reminds me of a convention about which I heard in years gone by. It was a State convention of the ladies of a certain State. They were inexperienced in parliamentary procedure. The time finally arrived in the convention when the president called for the report of the secretary-treasurer. The secretary-treasurer rose and very solemnly gave her report, concluding with the statement that they had a $100 deficit. One of the ladies immediately arose and said, "Madam President, I am a great believer in the Red Cross. It has done more good than any other institution I know of, and I move that our deficit be given to the Red Cross." [Laughter.]

Another lady arose immediately and said, "Madam President, I wish to offer an amendment to my friend's motion. I wish to propose that our deficit be given to the Salvation Army, which is one of the greatest organizations in the world. If my friend will consider all the good the Salvation Army has done, I believe she will agree to my amendment to her motion, and let our deficit go to the Salvation Army." She looked across the chamber at the other lady, who immediately rose and very graciously said, "Madam President, I quite agree that the Salvation Army has done great good. I will accept the amendment of my friend if she will modify it so that 75 percent of our deficit will go to the Red Cross and 50 percent to the Salvation Army." [Laughter.]

Mr. President, section 6, which contains the pertinent word "lock-out" which is involved in this amendment, denies to any employee the right to retain his seniority rights, or his rights under the National Labor Relations Act or the Railway Labor Act if he does not comply with the proclamation of the President.

Remember that the conduct which may subject him to that penalty is not merely striking, but also may involve slowing down his work, because it also applies to slow-downs as well as to strikes. We would be in a bad fix in the Senate if we lost our seniority every time we slowed down a little in our work.

Seriously, I wonder if Senators have contemplated what it might mean to a faithful worker who had spent many years in becoming an engineer or a senior worker in a given industry to have a life-time of accomplishment snatched away from him by some ill-advised or rash action on his part, or even possibly by some unintentional action.

Next comes section 7, which reads as follows:

> The President may, in his proclamation issued under section 2 hereof, or in a subsequent proclamation, provide that any person subject thereto who has failed or refused, without the permission of the President, to return to work within 24 hours after the finally effective date of his proclamation issued under section 2 hereof, shall be inducted into—

I emphasize the next words, which are in italic—

> and shall serve in the Army of the United States at such time, in such manner (with or without an oath), and on such terms and conditions as may be prescribed by the President, as being necessary in his judgment to provide for the emergency.

I wonder if any Senator would consider, 10 years from now when he might be looking back upon that section in the law, that he could look upon it with any pride in having given his assent to its enactment.

In the debate in the House of Representatives I understand that it was stated by a Member of the House who is a veteran of this war—I judge a fighting veteran—that "to have worn the uniform of the country was a badge of honor and distinction, and not a badge of criminality."

We did not put criminals in the Army. As a matter of fact, a criminal was not eligible for the Army. He was not even subject to the draft. Our Government would not take a criminal out of prison and put him in the ranks of the Army beside the honorable patriot serving his country.

Now, we are asked to use the Army of the United States as a penal institution for those whom the President may commit to it. As I have stated, that is a logical extension of the philosophy of those who demand effective action. They say, "First, we will penalize the man by the loss of his rights of seniority. If that threat is not serious enough, then we will make him pay a fine. If that is not enough, we will put him in prison. If we do not think that is enough, he will put him in the Army." If he then disobeys, what can be done except to court martial him? The President of the United States, without any restraint upon his authority, without any local draft board, without any review, simply commands him to become a member of the armed forces, and I suppose from the date of the Executive order he becomes legally subject to the discipline of the Army of the United States. He loses his rights as a citizen to a trial by jury, and becomes triable in a court martial only as a military offender.

Mr. President, I do not claim that the President of the United States would have anyone shot, but I will say that if he did not work he would have to be punished in some way. That is the intention of this authority—that men be punished if they do not comply with the President's directive, or the directive of some man away down the line, who says, "This man slowed down. This one refused to return to work. He was not sick, as he said he was. That man is still striking. I hereby certify or recommend that he be drafted into the Army." The President of the United States is not going to be there to observe the men. He will have to rely on the word of someone else. For the first time it will become possible to inflict imprisonment upon an individual by lettre de cachet, as was done during the French Revolution, when the executive had authority to issue a writ which would place in the dungeon anyone he wished to put there. For the first time the President of the United States would have the right to issue a writ to put any man in any of these industries—either management or labor—in the Army, and court martial him without any review by any court in the land. I do not believe that the Senate is going to pass that kind of legislation in peacetime when we never dared to enact it during the war. I do not believe that peace presents any emergency comparable to the dire days of war which would allow us to strip the citizenry of this country of their civil constitutional rights. In the first place, I do not believe that the final court would ever uphold the validity of such a stat-

ute. The courts know that we are not at war in that sense.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. TAFT. Can the Senator see any difference between passing this bill today and passing it a year from now?

Mr. PEPPER. None at all.

Mr. TAFT. Assuming that the coal strike is on the way to settlement, can the Senator see any emergency existing today that is not going to exist 12 months from now or that is not going to exist 24 months from now or 36 months from now? Are not we in fact considering a permanent labor policy of the Federal Government?

Mr. PEPPER. Exactly.

Mr. President, let me answer the able Senator's question in two parts. First, if we can enact this measure now, we can enact it 12 months from now or 5 years from now.

There is no distinction in respect to national emergency in this measure. If this bill is valid now, all the Congress would have to do 5 years from now, when 100,000,000 people might think there was no emergency, would be to put this language in a bill and act to give the President this power. If it will stand up now, it would stand up then, because we have laid down no criterion regarding what is the emergency. We have provided no standard of measurement of what is the calamity. We merely say that, if the President says it is an emergency, it is an emergency; that is all. There is to be no review by any court. The President has the same power that a Governor has to declare martial law; in fact, I believe the President has greater power; it is as unrestrained, at least, as the power of a governor to declare martial law; and even some of those cases are subject to review by court action. That is the first thing I wish to say; namely, that if we can pass this measure now, we can pass it at any time; and if we can take away these rights from working people now, we can take away comparable rights from other people who violate something we do not like; and then, for the first time, our country will have ceased to be a country of law, and will have become a country of men.

The second observation I wish to make is that this measure has the effect of providing for the compulsory arbitration of disputes. In the last analysis, that is what it is. That is what some of us have been so reluctant to embrace, because we knew the vices it would contain if we embraced it. The Senator from Illinois [Mr. LUCAS] and the Senator from Indiana [Mr. CAPEHART] and other Senators had here on the floor of the Senate last week amendments which provided for the compulsory arbitration of disputes. They said, "If you do not give the Government the power to act, how can you expect it to act to stop strikes?"

Some of us said then, "Yes; that power can be conferred upon the Government, but what is the price we would have to pay for it? Is any Senator willing to pay that price even for what good might be obtained? In order to be effective, such power has to be absolute in the hands of the President. Are Senators willing to pay that price for the good they expect to achieve?"

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. LUCAS. What price does the Senator from Florida think we would have had to pay in the event the coal strike and the rail strike had continued for a period of 30 days?

Mr. PEPPER. In the first place, I do not think they would have continued that long.

Mr. LUCAS. Mr. President, assuming that they would have continued for 30 days, what price would the American people have had to pay as a result of those two strikes?

Mr. PEPPER. I will ask the Senator from Illinois this question: What are civil rights worth?

Mr. LUCAS. Civil rights are not paramount to the Senator from Illinois if political disintegration of the Nation is at stake.

Mr. PEPPER. Very well.

Mr. LUCAS. And that is exactly what is at stake with respect to the two strikes now before this country, and that is the reason for the emergency action we voted for.

Mr. PEPPER. Mr. President, that was the answer which the people of other countries made in authorizing the exercise of totalitarian power; namely, that the public good justified the exercise of such power. They did not start to take the people's rights away from them. They started out to get good results, but they paid for it with the civil liberties of the people.

Mr. LUCAS. Mr. President, will the Senator from Florida answer my question?

Mr. PEPPER. I started to say that, in the first place, I thought the President would have been able, with the power he now has——

Mr. LUCAS. No, no; the Senator should stick to the point. The Senator is an able debater and has an unusual command of the English language. He can talk more about nothing than almost anyone I have heard in a long time.

Mr. MURRAY. Mr. President, I think that was a very unnecessary statement for the Senator from Illinois to make. The Senator from Florida has been making a wonderful debate here, and every Member of the Senate is complimenting him for it.

Mr. LUCAS. I will say to my good friend from Montana that the Senator from Florida does not need him to come to his defense, because the Senator from Florida has been defending the Senator from Montana all the way through these debates.

Mr. MURRAY. But I think it is very improper for the Senator from Illinois to make such an insinuation about a Senator.

Mr. LUCAS. If the Senator from Florida says it is improper, I certainly will apologize to him, but not to the Senator from Montana. I wish to compliment the Senator from Florida for taking care of the Senator from Montana for the last 2 weeks on the floor of the Senate. [Laughter.]

Mr. PEPPER. Mr. President, I am sure the Senator from Illinois does not wish to say that, either. He owes me no apology. I know he does not mean anything improper by whatever is said in the give and take of debate, and I know he has great respect for the Senator from Montana.

Mr. LUCAS. I have respect for both Senators and I do not intend to reflect on either one. But I should like to have the answer of the Senator from Florida to my question as to what would have happened to this country if the coal strike and the rail strike had continued for 30 days. The Senator from Florida has answered every other question he has been asked, and I should like to have him answer that one.

Mr. PEPPER. Mr. President, the Senator from Florida tried to answer the question to the best of his ability. As a part of the answer, he said that it depends upon the value we place on civil rights. I asked the Senator from Illinois a question in connection with my answer. I asked him, "What are civil rights worth?" Then I deviated somewhat, and I said that that decision had had to be made in every country that became totalitarian.

Then, as the RECORD will show, I started to say—and I was still trying to answer the Senator's question—that I believed the power the President now has, irrespective of the power contained in this measure, could have been employed in settling the rail strike; and it was finally used, and the strike was settled, without this measure being put on statute books.

Mr. LUCAS. Will the Senator yield?

Mr. PEPPER. Let me continue, please; I should like to try to answer the Senator's question.

In the second place, Mr. President, I think the power the President had to settle the rail strike can, if he deems that the emergency justifies it, relatively be used to settle the mine strike, although I am not sure it will be as easy as it was in the case of the rail strike.

Mr. LUCAS. The Senator——

Mr. PEPPER. Just a minute, please.

But Mr. President, everything we do has to be evaluated against something else. There is a balance of interest. I am not saying that conditions in the United States could not become so bad that I would not be willing to give such powers. I am saying that the condition has not yet become that bad.

Mr. LUCAS. I thank the Senator.

Mr. PEPPER. And we are debating this matter today in the Senate of the United States.

As I said to the Senator from Illinois—and he will recall that he was really getting at the heart of this dispute—by providing for compulsory arbitration and providing absolute power on the part of the Government to act is the only way we can enforce compulsory arbitration. But I told the Senator that while he and the Senator from Indiana were getting at the heart of the problem, it was a very grievous problem, and I was not yet ready to adopt compulsory arbitration in the United States. I am prepared to say that I am willing, so far, to risk all the harm to the public interest which may

come out of leaving things as they are now rather than to give to the President of the United States the power to deprive citizens of their civil rights. That is the balance of interest I make, and my scales fall on the negative side. Perhaps the scales of the able Senator from Illinois fall on the affirmative side.

Mr. LUCAS. In other words, Mr. President, there is no difference between the Senator from Florida and myself, with the exception of the extent of the gravity of the situation of the Nation as it is affected by these strikes. In other words, the Senator from Florida says that conditions as a result of these strikes have not yet reached the point where he could go as far as the President has gone.

Mr. PEPPER. No; as far as the pending bill goes.

Mr. LUCAS. It is the President's bill. But the Senator would, in certain conditions, if conditions did reach a certain point, give the President the power which he seeks.

Mr. PEPPER. It would depend upon the extent of the emergency. I say I certainly would not give it to the President in peacetime unless there was something comparable to a calamity which threatened this country. But we have not had any experience like that.

Mr. LUCAS. The Senator will not deny, however, that if the coal strike and the rail strike continued for 30 days or even 15 days, we would have a national disaster or a national calamity in this country.

Mr. PEPPER. I would deal with that situation when I got to it, and I would want to know what powers the President had already exercised, before I would vote to give him new ones.

Mr. LUCAS. In other words, the Senator, before he would act, would wait until the crisis struck the country and until people were suffering and until the health and the welfare and safety of the Nation were at stake.

Mr. PEPPER. No, indeed.

Mr. LUCAS. He would not act in advance, as the President of the United States has done.

Mr. PEPPER. No, indeed; but I would not give the President this authority until he has exhausted and failed with all the authority he already had.

Mr. LUCAS. What authority is that?

Mr. PEPPER. The authority with which he settled the rail strike.

Mr. LUCAS. The authority with which he settled the rail strike was the speech he made over the radio on Friday.

Mr. PEPPER. It was the speech he made in saying that he would use the power he had under the law.

Mr. LUCAS. Yes; and what power is that?

Mr. PEPPER. It is the Smith-Connally Act and the power he has as Chief Executive to use the Army.

Mr. LUCAS. Oh, yes; to use the Army!

Mr. President, I have heard it said over and over again on the floor of the Senate—the able Senator from Ohio [Mr. TAFT] stood on the floor and repeated it—that the Congress of the United States could not do anything in this crisis, but that the President had the power to do what was necessary to be done to settle these strikes. They called the President weak and vacillating; and said he would not do anything. But the moment the President of the United States sends to Congress a bill on which the Congress is asked to act, then they say that the President has done too much, that he is too strong for the country.

One day he is weak and the next day he is strong. So far as I am concerned, Mr. President, in this crisis I shall follow the President of the United States because I believe he knows what he is talking about with respect to the crisis which now faces the Nation.

Mr. PEPPER. Mr. President, the Senator from Illinois may strip from the people of this country their civil rights and give them to the President, but I will not do so.

Mr. LUCAS. Of what good to the people of this country are their civil rights if men like Lewis, Whitney, Johnston, and Curran are going to defy the United States Government and instruct the members of their unions to strike against the Government's orders?

Mr. TAFT. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. TAFT. The Senator from Illinois referred to what I said, and he then added some other statements which perhaps someone else made, and put them together in a wholly unfair manner. Last week I said that the President could, under the Smith-Connally Act, have seized the railroads and the mines, and put the leaders of both unions in jail if he had wished to do so. Under those powers he succeeded, apparently, in settling the railroad strike without any additional powers being given to him such as those which are provided for under the pending bill. I do not see anything inconsistent in that I thoroughly approve of what the President did. I did not criticize him for doing it. What I object to is his demand for additional powers over and above the powers which he already has, powers which certainly enabled him to settle the strikes. As a matter of fact, I believe that those powers are more than the President should have in peacetime. I will vote for unusual power to be placed in the hands of the President during wartime in order to enable him to act in great national emergencies, but I object in peacetime to giving to the President power under which, during an emergency, he could requisition every industry in the United States, put every workman in the United States in the Army, and set up a Fascist state within the United States of America.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. CAPEHART. A moment ago the able Senator from Florida criticized the President of the United States for failure to use the Smith-Connally Act in settling the strikes. I believe the Senator took the position that the President had the power, under the Smith-Connally Act, to settle the strike. Yet, I sat on this floor last week and listened to the able Senator from Florida make the statement that he had voted for the Smith-Connally Act, that he was sorry that he had voted for it, and that it was a bad piece of legislation and should never have been passed.

It now develops, by his own admission, that the Senator from Florida believes that the Smith-Connally Act was the one piece of legislation by which the President could have ended the emergency, and under the Senator's admission it would appear that the Smith-Connally Act furnishes sufficient power to enable the President to settle other strikes.

Mr. PEPPER. Mr. President, allow me to say to the distinguished Senator from Indiana that President Franklin D. Roosevelt, under conditions similar to those which exist in the country today, took over business enterprises in this country and operated them before the Smith-Connally Act was ever enacted. Is that not true? By virtue of his authority as the President of the United States, and as Commander in Chief of the Army and the Navy, he took over industry before the Congress ever passed the Smith-Connally Act.

I said that I was sorry that I had voted for the Smith-Connally Act, because I do not believe in settling these controversies by force. At least, I do not believe so yet. As I said here the other day, I do not know what we shall encounter eventually. The answer may be compulsory arbitration with force. I said the other night that I hoped we would never reach that stage. I hope, as the Senator from Montana said, that labor will be so tempered by obligation to duty and restraint that it will never force us to make a choice of coercive methods.

I still do not believe in settling these questions by coercion. I would still rather worry along in the way that Franklin D. Roosevelt worried along than to demand of my Congress what has been demanded here. The problems which President Roosevelt faced shortened his great life. I know that many times they taxed his patience, and I know that sometimes they cut him to the heart, because he thought that men, in the midst of war dangers, were grabbing for profits or power. I presume that the humanitarian feelings by which he was actuated welled up within him occasionally in perhaps a violent way. I do not know how long that spirit lasted, if it ever got into his heart, but before he ever expressed it he restrained it. That is a part of the democratic process of worrying along. I would rather worry along. As I said a while ago, the situation has not been such a monstrous one.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. PEPPER. Not until after I have completed my statement.

After all, Mr. President, the recent strikes were settled by agreements. They caused the Executive and his agents a great deal of worry. I sympathize with poor Secretary Schwellenbach. Ever since he took office as Secretary of Labor he has had to worry with strikes. But he has worried along and worried along, and even before the President spoke on the radio the other night, we had only two strikes, namely, the railroad strike and

the miners' strike. I know that they were bad; of course they were bad; but I believe that public opinion and the President's constitutional power will enable him to settle eventually both of those strikes, even without using the powers afforded under the Smith-Connally Act.

As I say, Mr. President, I would rather worry along. I would rather spend time with the problems associated with the strikes and keep many appointments of lesser importance out of my office while the situation existed. I would not expect my second- or third-rate executives to settle these national crises. I would give to the occasion the best I had.

Mr. President, sometimes constitutions are embarrassing to governments. There are many times when government feels it should have absolute power. It feels that it suffers from a limitation of power and constitutional inhibitions. I do not suppose there was ever a President who did not feel that he should have absolute power in order to meet great emergencies. But we do not give men absolute power. I shall not become so excited, even in the midst of a railroad strike or a coal strike, as to be willing to restrict the rights of citizens of America and give any President power which would enable him, by Presidential fiat, to put citizens of the United States into the Army and subject them to court martial merely because they refused to work, or because they slow down in their work, or do something else which may be contrary to the President's orders. That is the whole philosophy which is involved in this bill.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. LUCAS. The Senator was talking about how the late President worried along with these problems. Does the Senator from Florida believe that the present President of the United States has not done any worrying about these matters?

Mr. PEPPER. Of course he has, and I did not intend to say that he has not worried. But I assert that Franklin D. Roosevelt worried along and vetoed the Smith-Connally bill, and did not ask the Congress for additional powers.

Mr. LUCAS. The Senator has referred to the Smith-Connally law during the course of debate and has said that he was ashamed of having voted for it. He has used the Smith-Connally Act in supporting his arguments. But I say that the present President of the United States, Harry Truman, has been criticized and condemned—indeed, almost crucified—by certain people in this country because he has been worrying along with John Lewis, with Whitney and Johnston, in attempting to settle these strikes. The truth of the matter is that many persons believed that Truman was not Franklin D. Roosevelt. They thought they had a push-over in the White House. They thought that the little man from Missouri would yield. Those who have been condemning him because they thought he was weak and vacillating are now condemning him because they think he is too strong. Harry Truman will never yield. Thank God Harry Truman will never accept the doctrine of appeasement in this crisis, because his mind is made up.

Mr. PEPPER. Mr. President, I do not think history will say that Franklin D. Roosevelt was an appeaser.

Mr. LUCAS. I am not saying that he was.

Mr. PEPPER. Is it necessary to be an appeaser if one worries along with these problems and does not ask for the kind of legislation which is proposed in the pending bill?

Mr. LUCAS. Not at all. The Senator from Florida always moves into another channel when he does not want to answer directly the argument which is being made. [Laughter.]

Mr. PEPPER. What I was saying was that there was not any question in my mind about using any of those descriptions of the President which the Senator from Illinois has mentioned. Franklin D. Roosevelt had a coal strike with the same John L. Lewis in 1943, in wartime. We became excited here over the same John L. Lewis and passed the Smith-Connally Act, and Franklin D. Roosevelt vetoed it, and Congress passed it over his veto. He said he did not need to have the power in order to govern this country during the war. It was the same John L. Lewis, the same coal strike, but in war, I do not mean technical war, I mean war, shooting war.

The same railroad men struck under the same Whitney, in 1943, yet Franklin D. Roosevelt did not come here and ask for this kind of legislation against the same Whitney and the same railroad strikers. But he worried along with it, as I said, and eventually worked it out without asking for legislation of this character, and the railroads kept running.

Mr. LUCAS. Yes; the railroads never stopped. They might have had a strike, but the railroads never stopped running.

Mr. PEPPER. They might have had a strike, if the President had not handled it correctly.

Mr. LUCAS. The miners never stopped digging coal, either.

Mr. DOWNEY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. DOWNEY. I wish to say to the distinguished Senator that, like almost everyone else, I have been deeply interested in his discussion here tonight, and very much edified by it.

I should like to ask him a question in relation to the question asked by the Senator from Illinois concerning how the Senator from Florida would balance his ideas of civil liberty against the passage of the pending bill and the drafting of men into the Army to work the coal mines. Is not the essential weakness of that question that it assumes that we can take unwilling and hostile workers and, by the passage of such a bill as that before us, force the mining of coal? In other words, what assurance have we that the passage of such a law and its execution would do anything more than precipitate great difficulties in the Nation?

Mr. PEPPER. Mr. President, I wish to ask Senators to contemplate what would happen if one of the miners became stubborn and a soldier somewhere should shoot him down. I want Senators to speculate whether anyone would regard that with any pride or satisfaction.

Mr. BREWSTER. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BREWSTER. When the question is raised as to whether or not we must accept without question the conclusion of the President of the United States as to the wisest way to handle a situation of this character, is it not a historic fact that in the last rail crisis, when President Franklin D. Roosevelt was seeking to handle it, it was the one who is now President, then Senator Harry Truman, who introduced in this body a bill designed to overrule the action of the then President in the attempt to handle that rail strike, indicating that he at that time saw no impropriety in a Member of the Senate having an opinion which might be at variance with that of the President of the United States as to the correct course of action in a crisis of that character?

Mr. PEPPER. I thank the able Senator from Maine. I wish to say in conclusion, Mr. President, that what the Senator from California has just pointed out, and what was said earlier by the Senator from Colorado, show how far we have to go if once we start to force men, and how far it will take us, because once having committed ourselves we have to go through with it. If we put workers into the Army and they rebel, what are we going to do with them? Then, if the President is not to be derelict in his duty, he will have to go through with it and punish them, because the intent is that they be punished if they do not obey.

Mr. President, that indicates the vice of this whole action. We must reflect that, once we ever start down this totalitarian road there are very few who have ever had the courage to turn back before it is too late. All history proves that to be so.

The decison we must make is whether we are willing to pay the price of moderate restraints and moderate authority, willing to bear the ills we have, as Hamlet tells us, rather than fly to others we know not of. That is the issue as I see it. As grievous and onerous and burdensome as the laws are which we have, I shudder to fly, as some would insist, to others that I know not of.

Mr. BARKLEY. Mr. President, I wish to see whether it may be possible to arrive at an agreement with respect to debate.

I am sure that Senators need not be admonished that time is running against us with respect to legislation. Next Monday will be the third day of June, and it will be then only 27 days before two very important acts will expire, the draft law, which was extended temporarily, and the Stabilization Act, which will expire on the 30th day of June. It seems to me that the Senate would make itself certainly subject to criticism, if not discredit, if it allowed itself to drift into such a situation that we would come right up to that date without these two laws being acted on. Both of them will be debated in the Senate. How long it

will take to dispose of them no one can foresee, but I imagine it will take some days in each case. The two bills will have to go to conference; no one knows how long they will be in conference, nor when they will reach the President, whether they might reach him at the end of that process in time for him to act upon them favorably or unfavorably before the expiration day on June 30.

We have been debating labor legislation for more than 2 weeks. I think we all pretty well understand the principles involved not only in the legislation we have had before us, but in the pending bill, and it seems to me the Senate should be willing to restrain itself at this time in order not to find itself in a pocket 2 or 3 weeks hence. I am making an appeal earnestly to the Senate for its own sake, as well as for the sake of the country.

Therefore I ask unanimous consent that during the further consideration of the pending bill, no Senator shall speak more than once or longer than 30 minutes on the bill or any amendment thereto.

Mr. TAFT. Mr. President, this bill was introduced late Saturday afternoon. There was no opportunity to read it before that time. It proposes many novel principles of law. True, we have been debating labor legislation in general, so I think it appropriate the debate should be somewhat shorter than it otherwise would be, but during the day various Senators have been working on proposed amendments to the bill which I think they will be prepared to submit the first thing tomorrow.

I quite agree with the Senator that we must hurry the whole procedure in the Senate between now and the 30th of June, but I would not be willing to agree to a limitation of debate tonight. If the Senator will renew his request tomorrow afternoon, I think most of the Senators on this side will be agreeable to accept his suggestion, when the amendments are presented, and we have an opportunity to see what they are, and how much debate they may require. Therefore, Mr. President, I object.

Mr. BARKLEY. It seems to me that on any amendment which may be offered any Senator can say all that needs to be said within the limitation which I have proposed, which gives any Senator an hour. If he desires or chooses to use 30 minutes upon the bill and on any amendment consecutively, it gives him a half hour on the bill, even regardless of what amendment may be pending, it gives him a half hour on that amendment, and half an hour on any other amendment which may be proposed. It seems to me that, in view of the situation, of the condition of the calendar and the compulsion which must operate on the Senate, that is all the time any Senator ought really to expect. I am sorry the Senator from Ohio sees fit to object to this reasonable request of mine.

Mr. TAFT. I will say that I should like the Senator from Kentucky to make the request again tomorrow afternoon sometime, after we have had an opportunity to see what the situation is.

Mr. BARKLEY. Do I understand that the Senator would object to any limitation tonight?

Mr. TAFT. Yes; I would object to any limitation.

Mr. REVERCOMB. Mr. President, will the Senator yield for an inquiry?

Mr. BARKLEY. I yield.

Mr. REVERCOMB. Do I understand that the suggestion of the majority leader is that the time be limited to half an hour on the bill and half an hour on each amendment?

Mr. BARKLEY. Yes; that is the request.

Mr. REVERCOMB. And that no Senator speak more than once on the bill or more than once on each amendment?

Mr. BARKLEY. That is true. If a Senator speaks once on the bill under such an arrangement, he could not speak again on the bill, but he could speak 30 minutes on each amendment as it is offered.

Mr. TAFT. There is another objection to any arrangement of that kind, which is that it absolutely cuts off debate, because it is impossible to have any running debate or discussion under such an arrangement. With the limitation of half an hour, Senators naturally would refuse to yield, because they are limited in their time, and such limitation changes the whole character of the debate. I do not think we have exhausted the possibilities, and the proper discussion of the various issues here involved, and I do not think the time has come, therefore, for a limitation of debate.

Mr. BARKLEY. I appreciate that the Senator from Ohio has a right to object, and he has objected, and has served notice on me that he will object to any other request, no matter what length of time I include in it. I make no complaint respecting his objection. I think he is mistaken in his assumption. But I think that this is to be said in response to his last suggestion. Every Senator who rises to speak on an amendment or on the bill knows within a reasonable radius what he wants to say. It is also questionable whether these running debates back and forth, the arguing back and forth, contribute very much to enlighten the Senate on the subject which is under discussion, although it is within the control of any Senator not to yield. But I think that frequently more time is wasted by getting into quarrels back and forth, getting into heated animated debate, in which extraneous matters are discussed, and in which we chase rabbit tracks all over the woods, than if a Senator simply confined himself to a discussion of what he had in mind to say within the time allowed for him to say it.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. GEORGE, from the Committee on Finance:

Ralph Porges, senior assistant sanitary engineer, for temporary promotion as sanitary engineer in the Regular Corps of the United States Public Health Service.

By Mr. WALSH, from the Committee on Naval Affairs:

Sundry officers for appointment in the United States Marine Corps.

By Mr. McCARRAN, from the Committee on the Judiciary:

Philip F. Herrick, of Puerto Rico, to be United States attorney for the district of Puerto Rico; and

Maurice T. Smith, of Colorado, to be United States marshal for the district of Colorado, vice Arthur D. Fairbanks, deceased.

By Mr. LANGER, from the Committee on the Judiciary:

Powless W. Lanier, of North Dakota, to be United States attorney for the district of North Dakota.

By Mr. McKELLAR, from the Committee on Post Offices and Post Roads:

Sundry postmasters.

RECESS

Mr. BARKLEY. Mr. President, in view of the situation, and in view of the obvious impossibility of obtaining an agreement tonight on voting on any amendment, I move that the Senate take a recess until 11 o'clock a. m. tomorrow.

The motion was agreed to; and at 11 o'clock and 14 minutes p. m., the Senate took a recess until tomorrow, Tuesday, May 28, 1946, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES

MONDAY, MAY 27, 1946

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We praise Thee, O God, for the assurance that Thou art present and art a rewarder of them that diligently seek Thee. From time immemorial the human heart has turned to Thee for help, sympathy, and guidance; we bow at Thine altar. Blessed Lord, keep us faithful to ourselves, our homes, our fellow men, and our Nation. We pray Thee to free us from bad memories, and strengthen the faith of those who doubt. Lead us to be quick of thought and slow of speech. We do not ask to see the distant scene, but we pray for the eyes of vision, for the arms of faith, and for the feet of obedience. Today make our duty our delight, with stout hearts fulfilling our obligations. Let the spirit of the only true and living God lift us above all passion and resentments, and make us responsive to every measure that is right and just in Thy sight. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of Saturday, May 25, 1946, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Gatling, its enrolling clerk, announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 4908. An act to provide additional facilities for the mediation of labor disputes, and for other purposes.

SELECT COMMITTEE TO STUDY AND INVESTIGATE THE OPERATION OF THE PROGRAM FOR THE DISPOSITION OF SURPLUS PROPERTY

Mr. O'TOOLE. Mr. Speaker, by direction of the Committee on Accounts, I offer a privileged resolution (H. Res. 641) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the expenses of conducting the study and investigation authorized by House Resolution 385 of the Seventy-ninth Congress, incurred by the select committee appointed to study and investigate the operation of the program for the disposition of surplus property, acting as a whole or by subcommittee, not to exceed $45,000 for conducting said study and investigations, including expenditures for the employment of experts, investigators, clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee or any subcommittee thereof conducting such investigation, signed by the chairman of the committee, and approved by the Committee on Accounts.

SEC. 2. The official committee reporters may be used at all hearings held in the District of Columbia unless otherwise officially engaged.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. RYTER asked and was given permission to extend his remarks in the RECORD and include a news dispatch appearing in the Washington Evening Star of May 25 of this year.

Mr. LANE asked and was given permission to extend his remarks in the RECORD in two instances, and in one to include an address delivered at a dedication and in the other a newspaper item that appeared in the Boston Post.

Mr. WASIELEWSKI asked and was given permission to extend his remarks in the RECORD in two instances and include with each a newspaper article.

Mr. ROBERTSON of Virginia asked and was given permission to extend his remarks in the RECORD and include an address he delivered at Richmond, Va., on the evening of May 24 before the Virginia State-Wide Safety Council.

Mr. GRANAHAN asked and was given permission to extend his remarks in the RECORD and include an address delivered by him before the George T. Cornish Post, No. 292, of the American Legion, on Sunday, May 26, 1946.

Mr. EBERHARTER asked and was given permission to extend his remarks in the RECORD and include a communication which appeared in the Washington Post on Saturday, March 18, 1946.

Mr. ROMULO. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include speeches and press releases of President-elect Roxas and High Commissioner McNutt during their visit to Washington. I am informed by the Public Printer that this will exceed two pages of the RECORD and will cost $780, but I ask that it be printed notwithstanding that fact.

The SPEAKER. Without objection, notwithstanding the cost, the extension may be made.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. ROMULO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the Resident Commissioner from the Philippines?

There was no objection.

[Mr. ROMULO addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. KIRWAN (at the request of Mr. FEIGHAN) was given permission to extend his remarks in the RECORD and include a letter from Mr. Johnston.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and include a sermon delivered yesterday by His Eminence Francis Cardinal Spellman. If the extension exceeds the amount allowed under the rules, which I doubt, nevertheless, Mr. Speaker, I ask unanimous consent that the extension may be made.

The SPEAKER. Without objection and notwithstanding the cost, the extension may be made.

There was no objection.

Mr. ROONEY asked and was given permission to extend his remarks in the RECORD and include a newspaper article.

Mr. LUTHER A. JOHNSON asked and was given permission to extend his remarks in the RECORD and include a brief editorial from the Washington News commending President Truman.

FACT-FINDING BOARDS IN LABOR DISPUTES

The SPEAKER. For what purpose does the gentleman from South Dakota [Mr. CASE] rise?

Mr. CASE of South Dakota. Mr. Speaker, I rise to make a unanimous-consent request. I ask unanimous consent, Mr. Speaker, to take from the Speaker's desk the bill H. R. 4908, an act to provide additional facilities for the mediation of labor disputes, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

Mr. McCORMACK. Mr. Speaker, reserving the right to object, of course, that is an unusual procedure. I assume my friend is making this unanimous-consent request merely for purposes of the RECORD. This matter should be taken up in an orderly way. Unless the gentleman withdraws his request, I am serving notice upon him that I shall object. I would much prefer that the gentleman withdraw his request.

Mr. RANKIN. Mr. Speaker, will the gentleman yield? I think it is perfectly in order to ask unanimous consent to take the measure from the Speaker's desk and vote on the amendment. That is what we should do. I hope the majority leader will not object to that.

Mr. McCORMACK. I have stated my position. Unless the gentleman from South Dakota withdraws his request at this time so that the matter can be brought up in an orderly way, then I shall be constrained to object.

Mr. CASE of South Dakota. In response to the suggestion of the majority leader, I recognize the force of the observation made by him and that it is within his power to object. I anticipated that he might, but I thought the request should be made as a matter of record in order that opportunity be given for the earliest consideration that can be agreed upon. May I ask the majority leader if he would object if I were to modify the request and make it in the form suggested by the gentleman from Mississippi?

Mr. McCORMACK. The bill has just been messaged over from the Senate. I think the gentleman is well aware that the question will be discussed as to the form in which it will be brought up—whether we will undertake to send it to conference or have a straight vote on concurring in the Senate amendment. Those are serious questions. Those are the questions that are involved and which have not been considered yet.

Mr. RANKIN. Mr. Speaker, will the gentleman yield? I would suggest to the gentleman from Massachusetts that so far as debate is concerned, we could agree on the time. We have plenty of time today and plenty of time tomorrow. There is only one amendment, as I understand, and we could agree on the time for debate and have it properly divided and proceed to consider the amendment.

Mr. McCORMACK. There are two important questions involved as to the manner in which it should come before the House—whether it should go to conference—and the question of the House voting directly on agreeing to the Senate amendment.

The SPEAKER. The Chair calls for the regular order. Does the gentleman from South Dakota withdraw the request?

Mr. CASE of South Dakota. Mr. Speaker, in view of the statement made by the gentleman from Massachusetts [Mr. McCORMACK] with the implication understood that we will have an opportunity to confer and arrange for consideration of the bill, I will withdraw the request at this time.

The SPEAKER. The request is withdrawn.

FORTY-SEVEN MILLION DOLLARS TO DEFEAT PRESIDENT TRUMAN

Mr. BUCK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BUCK. Mr. Speaker, Harry S. Truman is not my favorite President. But when a labor leader declared by that President to be an enemy of the Nation threatens to spend $47,000,000 of union funds to defeat that President, then I say it is the duty of the Congress to act, and promptly, and in no uncertain terms.

CIO LITERATURE

Mr. MILLER of Nebraska. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include a letter.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. MILLER of Nebraska. Mr. Speaker, I ask permission to address the House for 1 minute and to revise and extend my remarks in the RECORD and include a letter to the Postmaster General, Robert E. Hannegan.

Mr. Speaker, at 4 p. m., May 23, every Member of Congress received a notice from the United States Post Office that no more second-, third-, or fourth-class matter would be accepted for mailing until further notice.

Saturday morning, May 25, I received this magazine, Citizens CIO, address 1717 Broadway, New York City. On Sunday morning, May 26, I received the CIO News, with a Washington address. I subscribe for neither of them. I also received no other second-, third-, or fourth-class mail.

Mr. Speaker, I arise to inquire just what type of working agreement or understanding the organization that publishes these pink, communistic sheets have with the Post Office Department? What made their delivery through the mails possible when delivery of other second-, third-, and fourth-class matter was denied?

Mr. Speaker and Members of Congress, does this administration feel that we should receive, without fail, our weekly dose of this virus of communism? I am writing the Postmaster General a letter of inquiry, which I include with these remarks:

MAY 27, 1946.

Hon. ROBERT E. HANNEGAN,
Postmaster General, Post Office Department, Washington, D. C.

MY DEAR POSTMASTER GENERAL: Every Member of Congress received a notice on May 23, from the United States Post Office, that no more second-, third-, or fourth-class matter would be accepted for mailing during the then existing emergency. My office received no second-, third-, or fourth-class matter during that time, with two exceptions. The one exception was the Citizens CIO magazine, whose address is given as 1717 Broadway, New York City. It was received Saturday May 25. It is full of the CIO program. The other magazine, the CIO News, was received through the mails Sunday morning, May 26. It is also full of the New Deal communistic ideas.

The question I wish to ask, sir, is why these two magazines were permitted mailing and did come through the mail to Members of Congress, who received them without the necessity of subscribing, while all other second-, third-, and fourth-class matter was denied acceptance for delivery. I shall look forward to your reply.

Sincerely yours,

A. L. MILLER,
Member of Congress, Fourth District, Nebraska.

EXTENSION OF REMARKS

Mr. GRIFFITHS asked and was given permission to extend his remarks in the RECORD and include a poem by a constituent.

Mr. JENNINGS asked and was given permission to extend his remarks in the RECORD and include four letters, an editorial, and a petition.

CERTIFICATION OF QUESTIONS BY THE UNITED STATES COURT OF CUSTOMS AND PATENT APPEALS

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. SPRINGER. Mr. Speaker, I take this time to advise the House that I have introduced, today, a bill wherein it is sought to amend section 239 of the Judicial Code, by providing for the certification of questions or propositions by the United States Court of Customs and Patent Appeals to the United States Supreme Court in customs cases.

At the present, under existing law, this same method of procedure is recognized insofar as circuit courts of appeals and the United States Court of Appeals for the District of Columbia are concerned.

Many of the questions presented in customs cases are very intricate amazingly confusing, and it is highly desirable that many of those questions may be certified to the Supreme Court of the United States for instructions, or for a decision, which, in many cases, would avoid prolonged litigation and, in some cases, avoid a multiplicity of suits.

It is my hope that the membership will make a careful study of this question, and be prepared to assist in the passage of this worth-while piece of legislation when it is presented to the House for action and vote.

PERMISSION TO ADDRESS THE HOUSE

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to include as a part of my remarks an article by Major Schroeder which appears in American magazine of May 5.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

[Mrs. ROGERS of Massachusetts addressed the House. Her remarks appear in the Appendix.]

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include an article by Mr. Sokolsky appearing in the Times-Herald of May 25.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

[Mr. REED of New York addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mrs. BOLTON asked and was given permission to extend her remarks in the RECORD and include two articles from the New York Times.

Mr. FULLER asked and was given permission to extend his remarks in the Appendix of the RECORD and include a newspaper article.

Mr. LEMKE asked and was given permission to extend his remarks in the RECORD and include a letter from A. W. Ricker, former editor of the Farmers' Union Herald.

THE CASE BILL

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, some weeks ago we passed the Case bill. We have had very much labor trouble and disturbance during the past week. The President of the United States came here Saturday at 4 o'clock and asked for certain legislation. The majority leader, at that time, requested that that legislation be passed at a moment's notice, and it was passed by the House.

The Senate has just sent the Case bill back to us, and I am in hopes that the majority leader will not block consideration of the Senate amendments, that we may take them up at the very earliest possible moment. I hope the majority leader, who right now is very much interested in discussing the Case bill with some Members on the floor, will permit us to have a vote on that bill and let the membership of the House decide.

WHITNEY'S THREAT OF REVENGE AGAINST PRESIDENT TRUMAN AND 306 MEMBERS OF CONGRESS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Speaker, of all the arrogance I have ever known, it was manifested by this man, A. F. Whitney, who misrepresents the Brotherhood of Railway Trainmen, when he announced on yesterday that he was going to spend $47,000,000, which has been wrung from the members of his organization, to defeat the President of the United States, Harry S. Truman, for reelection, as well as the 306 Members of this House who supported him on last Saturday in protecting the American people against a threatened disaster.

In that connection, Mr. Whitney will probably learn that the American people are not for sale. He underestimates their patriotism. He has done the members of the brotherhood more injury, and organized labor generally more harm, than probably any other man who has ever lived.

I have before me a record of Mr. Whitney's Communist-front affiliations, and I want to call your attention to some of them. I dare say that if the rank and file of his organization had known his record he would never have attained his present position.

One of his Communist-front affiliations was with the so-called American League for Peace and Democracy, which former Attorney General Francis Biddle

branded as a Communist-front organization.

The records show that in 1938 this same man Whitney signed a statement as representative of the American League for Peace and Democracy, which was published on March 15, 1938, in the New Masses, a well-known Communist-front magazine.

The record also shows that he was chairman of the national labor committee of this Communist-front organization in 1939.

This organization was established in 1937 as a successor to the American League Against War and Fascism, which Earl Browder, the Communist leader, described as a "Communist transmission belt," and with which Mr. Whitney was affiliated, and for which he contributed magazine articles.

Here is what Attorney General Biddle says about this outfit as you will see from the CONGRESSIONAL RECORD, volume 88, part 6, at page 7443. Attorney General Biddle said:

> The American League for Peace and Democracy was designed to conceal Communist control, in accordance with the new tactics of the Communist Internationale.

This outfit was cited as "subversive and un-American" by the special subcommittee of the House Committee on Appropriations on April 21, 1943, and was cited as a Communist-front organization by the Special Committee on Un-American Activities, known as the Dies committee, on January 3, 1940, January 25, 1942, and March 29, 1944.

Remember these findings were made before the present Committee on Un-American Activities was created.

He was also a member of the so-called American Congress for Peace and Democracy, which was cited by the Dies committee as a Communist-front organization, and was one of its delegates, as well as one of its contributors to the Communist Daily Worker, as will appear from page 2 of the issue of January 6, 1939, of that well-known Communist sheet.

He was also a member of the American Friends of Spanish Democracy, which was receiving Communist support back in the prewar days, as will appear from the record of the New York City council committee investigating the municipal civil-service commission, part 2, page 63, and was cited as a Communist organization by the special House Committee on Un-American Activities on March 29, 1944, pages 82 and 116.

Mr. Whitney was also connected with the American League Against War and Fascism, a known Communist-front organization, and contributed an article for that outfit in Fight magazine for November 1937.

He also contributed an article to Champion, the official magazine of the Young Communist League in August 1938.

He was also a sponsor of the so-called Friends of Abraham Lincoln Brigade, which was cited as a Communist-front organization by the Pennsylvania Commonwealth Council before the Board of Assistance in 1942. It was also cited as a Communist-front organization by the House Committee on Un-American Activities, known as the Dies committee, on March 29, 1944, and on January 3, 1940. It was also cited as a Communist-front organization by the California Committee on Un-American Activities in its report for 1943.

Mr. Whitney was also a member of the League of American Writers, a Communist-front organization for which he wrote an article entitled, "We Hold These Truths."

This organization cooperated with the Communist Party in the Schapps defense campaign, according to the report of the Rapp-Coudert committee, 1944, at page 293. Here is what the Attorney General of the United States said about this organization:

> The League of American Writers was founded under Communist auspices in 1935. The overt activities of the League of American Writers in the last 2 years leaves little doubt of its Communist control.

You will find this statement by Attorney General Biddle in the CONGRESSIONAL RECORD, volume 88, part 6, at page 7445.

This outfit was cited as a Communist organization by the Special Committee on Un-American Activities, known as the Dies committee in 1940, 1942, and 1944.

The State Department is quoted in a letter from Secretary Ickes to Robert Morss Lovett, on April 25, 1941, as saying:

> The League of American Writers is generally regarded as a Communist subsidiary. Its policies, of course, always parallel those of the Communist Party.

These are just a few of the Communist-front affiliations of this man, A. F. Whitney, who has barged his way into the position of temporary leadership in one of the great railway brotherhoods, and now threatens to take the $47,000,000 that has been wrung from the members of that organization and use it to defeat every one of the 306 Members of Congress who stood by their Government in a moment of crisis, and to defeat Harry S. Truman, the President of the United States, who by his courageous action and his statesmanlike utterances on last Friday and Saturday rose to a height of patriotic leadership that has seldom been equaled, and never surpassed, in the history of this country.

Congress supported him in that trying hour; the American people are back of him, and these arrogant threats to use this $47,000,000 to try to get control of this country will have the very opposite effect from that for which they were intended.

Harry Truman is stronger today than he has ever been before, and the Members of Congress who went along with him gained far more strength than they lost by putting the welfare of their country ahead of all other considerations.

The SPEAKER. The time of the gentleman from Mississippi has expired.

THE CASE BILL

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SMITH of Virginia. Mr. Speaker, this House acted very promptly on Saturday last on the President's request for temporary legislation. This House has acted upon the so-called Case bill, the Senate has acted upon the so-called Case bill, and it has reached the House by message this morning.

There ought to be no delay in dealing with this subject and I urge the leadership of the House and the membership of the House to insist upon bringing that question up and voting to concur in the Senate amendments.

ROBERT HANNEGAN'S BACKGROUND NOT COMMUNISTIC

Mr. RABAUT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. RABAUT. Mr. Speaker, when the gentleman from Nebraska [Mr. MILLER] seeks to place the name of the distinguished Postmaster General of the United States in the Communist column he is far afield. Anyone familiar with Bob Hannegan's background knows that he is a graduate of the University of St. Louis, a Jesuit school. Seldom will you find an alumnus coming from their distinguished institutions who forgets, not to mention repudiates, the principles of his alma mater.

UNITED STATES PARTICIPATION IN THE PHILIPPINE INDEPENDENCE CEREMONIES ON JULY 4, 1946

Mr. McCORMACK. Mr. Speaker, I offer a House joint resolution (H. J. Res. 360) and ask for its immediate consideration.

The Clerk read the joint resolution, as follows:

Resolved, etc., That there is hereby created a commission to be composed of nine members, as follows:

Three officers of the executive branch of the Government to be appointed by the President of the United States; three Members of the Senate to be appointed by the President pro tempore of the Senate; and three Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. The commissioners shall serve without compensation and shall select a chairman from among their number.

SEC. 2. The commission is authorized to represent the United States at the ceremonies to be held at Manila on July 4, 1946, in celebration of the independence of the Philippines, and to make and carry out appropriate plans for United States participation in such ceremonies. In making and carrying out such plans the commission is authorized to cooperate with official representatives of the Philippines.

SEC. 3. The commission is authorized, without regard to the civil-service laws or the Classification Act of 1923, as amended, to appoint and prescribe the duties, and fix the compensation, of such employees as are necessary for the execution of its functions.

SEC. 4. Such amounts as may be necessary are hereby authorized to be appropriated for the carrying out of the provisions of this joint resolution.

Mr. RICH. Mr. Speaker, will the gentleman from Massachusetts yield?

Mr. McCORMACK. I yield to the gentleman from Pennsylvania.

Mr. RICH. Does not the gentleman think we ought to stipulate the amount authorized for the carrying out of this program because, if left to the commission—we are responsible here for the expenditure of funds—they might spend more than they should. We have about reached the time when, it seems to me, we ought to have a limit to the expenditure of money.

Mr. McCORMACK. May I say to the gentleman, they cannot spend a penny until the money is appropriated. The Appropriations Committee has to bring in an item and it has to pass both branches of Congress. This does nothing in the way of authorizing them to spend a penny until the money is appropriated. After this is adopted I presume the commission will submit its budget or recommendation to the Appropriations Committee.

Mr. RICH. I am not trying to be niggardly about this thing but since we hold the purse strings we ought to keep a good hold on them.

Mr. McCORMACK. We have. This does not authorize them to spend a penny until the money is appropriated.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my remarks.

[Mr. HOFFMAN addressed the House. His remarks appear in the Appendix.]

DISTRICT OF COLUMBIA DAY

The SPEAKER. This is District day. The Chair recognizes the gentleman from Louisiana.

DEPARTMENT OF CORRECTIONS IN THE DISTRICT OF COLUMBIA

Mr. HÉBERT. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H. R. 6265) to create a Department of Corrections in the District of Columbia and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. SMITH of Virginia. Mr. Speaker, reserving the right to object, this is a matter of considerable importance and controversy in the District of Columbia. Two weeks ago I objected to the consideration of this bill because I thought it should have further study. There are three bills pending on this subject, all three of which at one time or another have been endorsed by the District Commissioners. I understand that there are several citizens' associations who are now engaged in a study of this whole penal and welfare system in the District, and they have asked me, as chairman of the subcommittee having that measure in charge, to try and have action on it deferred until they have an opportunity to bring in their report and their recommendations.

Mr. Speaker, I am not going to put myself in the position again today of objecting to the consideration of this bill, but I do think ample time should be given on the floor for discussion, and I do think that the citizens of Washington ought to have the opportunity to be heard before the committee on this subject before so far-reaching a measure is passed.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby created in and for the District of Columbia a Department of Corrections to be in charge of a Director who shall be appointed by the Commissioners of the District of Columbia.

SEC. 2. Said Department of Corrections under the general direction and supervision of the Commissioners of the District of Columbia shall have charge of the management and regulation of the Workhouse at Occoquan in the State of Virginia, the Reformatory at Lorton in the State of Virginia, and the Washington Asylum and Jail, and be responsible for the safekeeping, care, protection, instruction, and discipline of all persons committed to such institutions. The Department of Corrections shall have power to promulgate rules and regulations for the government of such institutions and to establish and conduct industries, farms, and other activities, to classify the inmates, and to provide for their proper treatment, care, rehabilitation, and reformation.

SEC. 3. With respect to the said institutions, the Department of Corrections shall succeed to all the powers and authority, and to all the duties and obligations vested in or imposed by law upon the Board of Public Welfare of the District of Columbia. Where powers are vested in or duties are imposed by existing law upon the Director of Public Welfare of the District of Columbia with respect to said institutions, such powers and duties are transferred to and shall be exercised by the Director of the Department of Corrections. The officers and employees and all plant and equipment, official records, furniture, and supplies of the said institutions are hereby transferred to the Department of Corrections.

SEC. 4. The cost of the care and custody of persons confined in the said institutions charged with or convicted of offenses under any law of the United States not applicable exclusively to the District of Columbia shall be charged against the department or agency of the United States primarily responsible for the care and custody of such persons in quarterly accounts to be rendered by the Disbursing Officer of the District of Columbia. The amount to be charged for such care and custody shall be ascertained by multiplying the average daily number of such persons so confined during the quarter by the per capita cost for the same quarter for all prisoners in the institution where confined, excluding expenses of construction or extraordinary repair of buildings. The sum so derived shall be credited to the current appropriation for the maintenance and operation of such institutions.

Mr. HÉBERT. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, this bill establishing a Department of Corrections in the District of Columbia is the outgrowth of the multitudinous jail breaks which the people in this area have been subjected to, with particular reference to the District of Columbia jail itself. As the result of the most recent outbreak some weeks ago a special committee was appointed by the chairman of the Committee on the District of Columbia, which committee made a full and complete investigation of the escape of two convicted murderers from the death cell of the District jail. As a result of that investigation, which was coupled with an investigation by the Federal Bureau of Investigation, and conferences with Mr. James V. Bennett, Director of the Bureau of Prisons of the United States, who is considered the outstanding penal authority in the country, it was decided that a far and widespread investigation should be made of the complete penal set-up of the District looking forward to some permanent legislation. In the meantime, however, it was decided by the committee charged with the investigation that special legislation should be introduced in the House at this time as stop-gap legislation, taking away from the Board of Welfare, which is a department in the District of Columbia—and now under scrutiny by several citizens' organizations and by a committee in Congress—all jurisdiction over the penal institutions.

Mr. Speaker, that is the purpose of this bill. In answer to the gentleman from Virginia, in connection with the interest of several citizens' committees, I am sure he does not want to confuse the House at this time that these committees are directing their attention to the Federal institutions but to the Board of Public Welfare. These are two separate and distinct subjects, and should be dealt with accordingly.

Mr. STEFAN. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from Nebraska.

Mr. STEFAN. What will this leave the Board of Public Welfare to do? What have they left to do after this work is taken from them?

Mr. HÉBERT. After this bill is enacted the Board of Public Welfare will have all its power and jurisdiction which it now has over all the matters pertaining to public welfare in the District of Columbia, with the exception of control of the District jail, which control goes to the Department of Corrections under the direct control of the Commissioners.

Mr. STEFAN. I had some hesitancy about the passage of this bill a week or two ago because I was informed that an organization of citizens was now making an investigation into some of these matters and was to report, and that its report has not yet been submitted. The gentleman indicates that this organization is investigating something other than this particular bill.

Mr. HÉBERT. That is my understanding. It is my understanding that these citizen groups are investigating the picture as a whole.

May I inform the gentleman from Nebraska further in connection with this particular legislation that the chairman of the Committee on the District of Columbia has appointed a special committee, on the recommendation of his subcommittee, consisting of a justice of the United States District Court for the District of Columbia, the Director of the

Federal Bureau of Prisons, representing the Attorney General of the United States; the corporation counsel, representing the Commissioners of the District; the President of the Board of Welfare, Mr. Edgar Morris; and a member of the Committee on the District of Columbia, to consider the entire subject of penal institutions and recommend permanent and far-reaching legislation in that connection. All of these gentlemen have accepted their appointments.

Mr. STEFAN. Has the gentleman talked to Mr. Edgar Morris about this particular bill?

Mr. HÉBERT. Mr. Edgar Morris has accepted his appointment to the special committee to investigate and recommend legislation.

Mr. STEFAN. Does he favor this legislation?

Mr. HÉBERT. Appearing before the special subcommittee, he testified he is in favor of divorcing the penal institutions from the Board of Welfare.

Mr. COLE of New York. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from New York.

Mr. COLE of New York. I direct the gentleman's attention to the provisions of section 4, which would cover the apportionment of the cost of the care and custody of the prisoners in these institutions. May I inquire why section 4 is necessary? It appears to me it is not entirely justified, if this is a new principle to be established. As I understand, the expense of caring for any prisoner who is sentenced to an institution for a violation of the law which does not apply exclusively to the District of Columbia shall be transferred to the appropriate department of Government which has jurisdiction over the prosecution of the individual.

Mr. HÉBERT. There is no new principle involved. That is merely applying to the District of Columbia what applies to every other State and political subdivision in the United States where a Federal prisoner is held. For instance, in the gentleman's own State of New York, where a Federal prisoner is held in a New York prison the local authorities are compensated for the keep of that prisoner at that particular time. Here in the District of Columbia, in typical confusion and misunderstanding, it is not a two-way street at all, it is only a one-way street. When a Federal prisoner is incarcerated in the local jail the District of Columbia government receives no money at all for his upkeep, whereas in contrast, if any District of Columbia prisoner is kept in a Federal prison, his keep must be compensated for by the District of Columbia. In other words, it just puts a pair of shoes instead of one shoe on the operation of the upkeep of prisoners.

Mr. COLE of New York. In other words, by the adoption of this section the Congress is adopting as a principle the practice which is applied throughout the country?

Mr. HÉBERT. That is correct.

Mr. COLE of New York. For the District of Columbia.

Mr. HÉBERT. For the District of Columbia.

Mr. COLE of New York. Heretofore all persons who were prosecuted for violation of the Federal law, whether exclusively a District law or any Federal law, and who were sentenced to a Federal institution in the District of Columbia, have been supported by the taxpayers of the District?

Mr. HÉBERT. That is correct.

Mr. COLE of New York. To that extent these new cases will be apportioned to other departments of the Government and the District will be relieved of that responsibility?

Mr. HÉBERT. That is correct.

The SPEAKER. The time of the gentleman from Louisiana has expired.

Mr. HÉBERT. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendments offered by Mr. HÉBERT:

On page 2, line 3, insert after the words "Department of Corrections" the words "with the approval of the Commissioners."

On page 2, lines 8 and 9, strike out the words "Department of Corrections" and insert in lieu thereof of the words "Commissioners of the District of Columbia."

Mr. SMITH of Virginia. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I think this is a very bad procedure, and the House ought to know just what the situation is here. For a long time the jail and the Welfare Department which takes care of dependent children and so forth, have been under the Welfare Board of the District which is a board of prominent citizens who are not compensated but who give a great deal of time to this subject. The Commissioners first sent up a bill in which they recommended that both the welfare part of it and the jail be taken away from the Welfare Board and put under the jurisdiction of the Commissioners. That bill has been pending and was in the subcommittee of which I am chairman. Then the gentleman from Louisiana got up his bill. His bill just takes one bite at the cherry and removes the jail to the jurisdiction of the District of Columbia Commissioners and away from the Welfare Board. It leaves the Welfare Board with the power to run the Welfare Department, but without the proper jurisdiction to handle its personnel. I think that has been the crux of the trouble in the whole jail situation here, that there has been a division of authority between the Welfare Board and the District Commissioners. What I have attempted to do is to do the whole job in one bill, namely, do what the gentleman from Louisiana proposes to do and put the jails under the jurisdiction of the District Commissioners, but give the Welfare Board power and authority to handle the Welfare Department of the city without having that conflict of jurisdiction between the Welfare Board and the District Commissioners. The gentleman from Louisiana was away at the time I requested a conference with the Commissioners. I tried to get him but he was out of town. But I had a member of his committee, I had the District Commissioners, the Welfare Board, and Mr. Morris, chairman of the Board of Public Welfare, and they agreed upon this proposition in the Hébert bill which would give the jail to the jurisdiction of the District Commissioners and a provision that would give the Welfare Department to the Welfare Board, so that they would have complete and full jurisdiction and authority so that they would not be handicapped by this division of authority which has been so bad for everybody and everything. Those gentlemen agreed upon that bill. Then I called a meeting of the subcommittee and heard everybody who wanted to be heard, including the District Commissioners. The prevailing sentiment was in favor of that method rather than the method adopted by the gentleman from Louisiana. I wanted to make this explanation so that the House might know the situation. I think it is very, very bad that the District of Columbia government should be in such a fix that they are dependent upon the Congress to work out these problems when the Congress does not even have time to listen to them.

Mr. HÉBERT. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. HÉBERT. Does the gentleman from Virginia know that the Attorney General of the United States agrees that this is proper legislation? Does he know that the Director of the Bureau of Prisons, who I think is a very responsible authority in this country and is recognized as such, agrees that this is proper legislation? Does he know that the Commissioners themselves have said that they agree with this particular bill?

Mr. SMITH of Virginia. All I know is that there have been three bills presented to the District Commissioners and at one time or another they have approved all three of them. What we ought to do about it, I do not know.

Mr. HÉBERT. Of course, I cannot explain the flip-flops of the District of Columbia Commissioners, but I think that their flip-flops indicate more than ever that we should take this proposition in hand ourselves and do something about it right now.

Mr. SMITH of Virginia. The gentleman says that, but the gentleman knows that he and I are paying attention to this thing. Most of the other Members of the House have their attention engaged in other matters. I do not think that is the way to legislate for a great National Capital like the District of Columbia. I think there should be a thorough study of this matter. I think action should be deferred until the citizens of the District who have appointed a board and who are taking funds out of their Community Chest to investigate this subject, have an opportunity to be heard.

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent to proceed for two additional minutes. The gentleman from Louisiana has taken up so much of my time.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. HÉBERT. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. Now, if the gentleman is going to take up this 2 minutes, I will yield the floor.

Mr. HÉBERT. If the gentleman from Virginia confines himself to the facts it will not be necessary to interrupt to set him straight.

Mr. SMITH of Virginia. I do not think the gentleman need have any fear on that subject. I think I will rest my reputation for being accurate on the floor of the House against that of the gentleman from Louisiana.

Mr. Speaker, what I wanted to say was that I think, in justice to the citizens of Washington, when they have appropriated money out of their Community Chest to conduct an investigation and to advise the Congress what in their judgment the citizens of the District think is the best thing to do in this problem, and while that investigation is going on, it seems to me, in common decency to the citizens of Washington, the matter should be deferred at least until we can get that report. I have had numerous requests to ask Congress to defer action until that report can be obtained. I am now making that request.

The SPEAKER. The time of the gentleman from Virginia has expired.

The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HÉBERT. Mr. Speaker, I offer another amendment, which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. HÉBERT:

On page 2, after line 20, insert the following sections:

"SEC. 5. All rules and regulations promulgated by the Board of Public Welfare with respect to said institutions shall continue in force and effect until amended or repealed by the Department of Corrections and with the approval of the Commissioners.

"SEC. 6. No contract for services or supplies made by the Board, pursuant to authority granted to it by law, shall be invalidated by this enactment, and the unexpended balances of all appropriations heretofore and hereafter made for the Board with respect to said institutions shall become available for use by the Department of Corrections under the direction of the Commissioners."

On page 2, line 21, change "SEC. 4." to read "SEC. 7."

The SPEAKER. The question is on the amendment offered by the gentleman from Louisiana.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HOUR OF MEETING ON WEDNESDAY

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns tomorrow it adjourn to meet on Wednesday at 11 o'clock.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

THE CASE BILL

Mr. McCORMACK. Mr. Speaker, I think a brief observation should be made at this time. While I cannot definitely state now what action the Rules Committee will take, nevertheless, the purpose of asking the House to meet at 11 o'clock on Wednesday is in anticipation of the Case bill, as amended by the Senate, being taken up in one form or another. I make this statement so that all Members will be notified that it is the intention and the strong probability that action, one way or the other, on the bill will take place on Wednesday next.

Mr. SMITH of Virginia. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. SMITH of Virginia. Did the gentleman ask unanimous consent that the committee have until midnight to make a report?

Mr. McCORMACK. No. I was going to leave that to the chairman of the Rules Committee.

Mr. SMITH of Virginia. Mr. Speaker, in the absence of the chairman of the Rules Committee, I think it is proper that I should make such a request. I ask unanimous consent that the Rules Committee may have until midnight tomorrow night to file a report on the Case bill.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. MARCANTONIO. Mr. Speaker, I object.

SPECIAL ORDER GRANTED

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent that today, following any special orders heretofore entered, I may be permitted to address the House for 30 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER. Under previous order of the House the gentleman from California [Mr. HOLIFIELD] is recognized for 30 minutes.

OPA MEAT CONTROL PRACTICES IN CALIFORNIA

Mr. HOLIFIELD. Mr. Speaker, due to the fact that the majority of the meat-packing firms serving southern California are located in my congressional district, I have accumulated quite a bit of knowledge on the effect of OPA regulations on the meat industry. I believe, therefore, that my comments on this subject are based on more direct knowledge than that of a Member from a district devoid of large meat-packing operations.

I have supported the general theory of price control, because I believed it to be a fair and legitimate attempt to prevent runious inflation. I believe an objective appraisal of the good which OPA has done will far outweight the evil. The cost of the war would have been trebled and the civilian cost of living would have been greatly increased had there been no price control or rationing. Honest statistical comparison between commodity costs during and immediately after World Wars I and II, prove the above assertion. The laymen need only check the inflationary price advance in real estate, commercial rents, and other uncontrolled items, to prove to himself the value of price control.

Notwithstanding the over-all value of price control during the war and to date, there have been many serious objections to administration, enforcement, and the effects of inequitable and impractical regulations. Most of the Members of Congress have borne the brunt of criticism for the mistakes of OPA and many of us have spent innumerable hours trying to obtain the adjustment of inequitable regulations which brought hardship and financial loss on honest businessmen who often found it impossible to comply with these regulations and still retain financial solvency.

Today, I wish to address my remarks to certain phases of OPA regulations in regard to the meat industry.

In the administration of OPA meat regulations, the agency found it necessary to borrow from the meat-packing industry, men who had years of experience in the industry. This was necessary because the meat industry is one of the most complicated and hazardous industries. Its product is very perishable and therefore must be carefully inspected, refrigerated, and expeditiously brought to the ultimate consumer. The operation of this industry, unlike many other industries, cannot be reduced to a mathematical formula. Although the meat business is strictly modern and uses the best accounting practices known, it still has variable factors which depend on the judgment and experience of keymen in the industry rather than a set formula. Because of these variable elements within the function of the industry, it has been impossible for OPA to deal justly with the industry or to control equitably, through formulas and regulations, this great and important industry. What are these variable factors? I will list a few of the most important ones:

First. Grading: A packer's buyer under OPA regulations, is directed to buy live cattle according to grade. The grade classifications are as follows: Choice, good, commercial, utility canner, and cutter (6). The grade is authoritatively established after slaughter by a Government grader whose judgment—a variable factor—often disagrees with the livestock buyer's—a variable factor—at the time of purchase. Here we establish the first important variable factor: A difference in judgment between two men. One man—the packer's buyer—looks at a live animal and estimates the grade into which that live animal will be classified after slaughter. The second man looks at the slaughtered carcass and stamps the Government grade on it, according to his judgment and experience in grading the quality and grade of meat. Any difference of judgment between these two men, can and frequently does, place the meat packer in violation of OPA regulation and subject to criminal prosecution.

Second. Yield: The OPA has prescribed predetermined dressed yield factors on cattle to use in calculating the minimum and maximum permissible amount payable for the month's purchases on each grade. This yield is the same percentage for the entire United States: In the West our yield is often 1 to 2 percent lower due to the long distances cattle have to be hauled. A yield variance such as this may put a packer several thousand dollars out of compliance. The OPA answer to this is that the packer should buy cattle, enough cheap-

er, to make up for the difference in yield. This is impossible when all cattle are at the ceiling. A legitimate packer would be outbid and out of business. This differential is extremely variable and has thrown many a packer out of compliance. While the OPA justifies its national yield factor as being the only way this can be handled administratively, it is a known fact that the variation in percentage yield between the East and West is discriminatory against the West and is another variable factor which frequently throws the honest packer in noncompliance and therefore subject to criminal prosecution.

Mr. MILLER of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Nebraska.

Mr. MILLER of Nebraska. I would like to get the gentleman's opinion relative to the slaughter quotas as they are working over the country. Does he feel that the slaughter quotas imposed by the OPA are going to solve the meat situation?

Mr. HOLIFIELD. I have not taken up the slaughter quota point in this short discourse here, but I think that it was necessary to reimpose the slaughter quotas because the legitimate packers were being outbid and the cattle was going into the hands of the black-market operators. As to whether it would be successful or not I somewhat doubt, because the profit element in the black market slaughter is so great now, approaching $60 to $75 a head, that unless enforcement is much better in the future than it has been in the past it will not be a solution.

Mr. MILLER of Nebraska. I received a letter this morning from a slaughterer of cattle and he said that the slaughter quotas are not working. Out in western Nebraska where we live, in the heart of the cattle country, many of these small slaughterers are no longer able to supply the local trade even because the quota has been cut back to 1944 and last year they were unable to supply meat even to the harvest hands who came through there. They are rapidly approaching the same condition this year so I am informed. These men will have to go into the black market under the circumstances. Now, the cattlemen have the cattle, but you cannot feed them and you cannot kill them. I wonder what the cattlemen are supposed to do with their cattle?

Mr. HOLIFIELD. That is a problem, of course, which I do not have time to comment on at the present time. I thank the gentleman for his contribution.

The next variable factor in the OPA problem of meat control is the 24-hour shrinkage regulation.

When this regulation first went into effect, a packer had to turn in a figure purporting to show his shrinkage obtained in his cooler in 24 hours after slaughter, on each grade. This figure must stand for each month thereafter. I contend that this is extremely variable and may differ as much as one-half of 1 percent from one month to another due to weather conditions alone. This is enough to put a packer well out of compliance, due to an inflexible regulation full of estimates and averages. Here again, the OPA regulation which requires the use of a set figure of shrinkage to be applied on the monthly reports, forces the packer into noncompliance status because of seasonal variation which cannot be accurately predicted due to atmospheric changes over which the packer has no control.

On that particular point the shrinkage should be the same the year round due to the fact the meat is shrunk in the refrigerators, but the factor of opening the doors of the refrigerator in hot weather has a distinct effect on the shrinkage and where the shrinkage factor was based on an over-all average for the complete year, it had to be applied by the month because the meat reports had to go in by the month, which means that the annual figures had to be applied to a monthly report. As I say here that frankly puts the packer out of compliance.

I had an actual case recently on this shrinkage problem. The OPA finally adjusted this case in favor of the packer's contention, but the important point which I wish to make is that the packer had tried to comply with an impossible regulation, and yet, due to an unpredictable and uncontrollable variable factor, found himself in minor and technical violation. On over a million dollars' worth of business for a certain period, this packer was in violation approximately $2,000. Now let me proceed to show you what occurs when a packer is in violation. The OPA, on receipt of the packer's monthly report, checks same and certifies to the Commodity Credit Corporation as to whether the packer is in compliance or not. If the packer's report shows that he is in compliance, he is certified as being eligible for his subsidy payment from CCC. If it shows he is in violation—technical or otherwise, regardless of the amount—he is not certified, and therefore cannot receive his subsidy check from the Government agency—CCC.

In the case mentioned the subsidy amount withheld amounted to over $150,000. Only a $2,000 technical violation was involved, and yet this packer, whose record of cooperation with the war effort was perfect, found his business in jeopardy because of the impractical and unworkable regulation of OPA. He found his company subject to criminal prosecution and forfeiture of a subsidy check of over $150,000.

Fourth. Condemnations: If any of a packer's slaughter of cattle are condemned, the cost of these cattle must be left in as cost, but the weight may not be included, thus raising his cost per hundredweight of cattle purchased. The OPA contends condemned cattle has always been calculated as a cost of doing business by a packer. They have not calculated condemnation on a monthly basis, but each packer always calculated his condemnation on an annual basis. Condemnation may vary greatly from month to month. However, the OPA takes no note of this. At any time a packer may lose by condemnation sufficient cattle in 1 month to place him out of compliance, and he would lose his subsidy. Some reasons for condemnation that the packer's buyers are supposed to be able to forecast and foretell while the cattle are alive and walking around are tuberculosis, pneumonia, peritonitis, and cancer.

Mr. MILLER of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Nebraska.

Mr. MILLER of Nebraska. I hope before the gentleman finishes that he will give us some solution to this meat problem which the cattlemen are facing today, because there are hundreds of towns all over the country out of meat right in the very cattle country. The OPA will not let the small slaughterer, who has the cattle right there, kill it. If the gentleman can give us an answer I would certainly welcome it, because I would like to write my cattlemen and tell them what they can do with the cattle they have on the ranges that they cannot kill.

Mr. HOLIFIELD. I appreciate the gentleman's remarks. I seldom rise on this floor, but when I do it is not to make critical, sarcastic condemnation, and I usually try to explain the subject and consider it to the best of my ability and then offer to make some constructive suggestions. I hope that will meet with the gentleman's approval.

Mr. GRANGER. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Utah.

Mr. GRANGER. I think the gentleman has to dig pretty deep and find a lot of excuses why the big packers cannot comply with the OPA. I want to say that this group that the gentleman has been talking about are the ones who have almost destroyed the OPA so far as meat is concerned. They have been finding difficulty with it ever since the act was passed.

Mr. HOLIFIELD. Which group is the gentleman referring to?

Mr. GRANGER. I am talking about the big packers, the Big Four.

Mr. HOLIFIELD. I am also talking about the Big Four, but not like the gentleman understood me. However, I am talking particularly about 30 independent packers in the Los Angeles area, in my district, and I certainly am not particularly concerned at this time with the Big Four. I am concerned with the problem of the little independent packer, and I say that during the whole administration of price control—and I do not hesitate to state it—due to the fact that keymen have been pulled out of the Big Four meat packers and put into administrative positions and policy writing positions in the administration of OPA, those men proceeded to write regulations which the Big Four, so-called, or the Big Ten, if we want to enlarge it a little, could live with, but which the little independent packers could not live with. I proceed in the rest of my discourse to show some of the reasons why this condition exists.

Mr. GRANGER. I am glad I misunderstood the gentleman. I thought he was making a case for the Big Four packers, who have been on the inside and

have been very successful in destroying the program.

Mr. HOLIFIELD. I hope the balance of my speech will clear up the gentleman's misconception.

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. I think the meat situation is in a terrible mess. I should like to get some solution, just as the gentleman would. What makes it difficult for me to think that the Big Four are controlling the situation is that their yards are empty, too. I am afraid that the situation is out of the control of everyone.

Mr. HOLIFIELD. That is a very interesting comment. I might point out the fact that during the war the Big Four percentage of kills showed a tremendously greater percentage than the independent packer, until just recently. Some of the regulations which the Big Four put into effect are boomeranging on the Big Four, and they are now suffering because certain conditions have changed.

During the war the Big Four had tremendous contracts with the Government. They had dehydrating, they had canning, they had what we call fabricating facilities which the little independent did not have. The regulations put a price on the fresh kill of cattle of the independent that was so close that it either put him into bankruptcy or put him into the black market. On the other hand, the Big Four could operate at a loss in the fresh-kill division, because they had their eggs in four baskets. They could make up on their dehydrating, their canning, and their fabricating processes, which the little packer did not have.

Mr. CASE of South Dakota. But it adds up to the fact that the big packers do not have any stuff in their yards, and the little packer is not able to kill any cattle and stay in business. Right in my own section of the country, where we raise a lot of cattle, we do not have any meat. Actually the Department of Agriculture came out with census figures the other day showing that whereas in 1940 South Dakota had 1,500,000 head of cattle, in 1945 we had 2,540,000, an increase of more than a million in 5 years, on a base of only a million and a half.

Mr. HOLIFIELD. That is right.

Mr. CASE of South Dakota. The situation was described by one of our weekly newspapers out there the other day as "Cattle, cattle everywhere, but not a steak to eat."

Mr. HOLIFIELD. I realize that, but I come back to the assertion I made, and that is that now the big packer is on a competitive basis, with the little packer, because the big contracts with the Government are now over and he finds himself in a competitive position again. Therefore, his yards are empty. Why are his yards empty? Because there has been a tremendous increase in slaughtering facilities throughout the Nation. There are something like 26,000 slaughterers now, I understand, where before there were about 1,600. I believe I am right in those figures. Many of those slaughterhouses are black-market operators. Many of them are small operators. Many of the so-called small operators are not reporting for their subsidies; therefore, they do not have to make monthly reports of a technical nature such as the bigger slaughterers have to make.

Mr. CASE of South Dakota. Let us take the small slaughterer in a specific case. Mrs. Case is at our home in South Dakota. The other night I was talking with her on the telephone, and she said, "There isn't any meat to buy in town. Do you know the answer to it?" Of course, that was being put on the spot by a constituent in an effective way, the gentleman will agree. I said, "What is the situation with the Ranch Market down there; aren't they killing any?" She said, "No; the butcher says, 'I cannot kill any this month or June because last year at this time I was not slaughtering. I do not get my quota until later,' so he has no quotas for the months of May and June this year."

We live in the western part of the State of South Dakota, about 350 miles from the nearest outside packer, at Sioux Falls, and farther than from Sioux City to Omaha. The large packers in those cities will not ship meat out that far and pay the freight differentials because they can dispose of their entire kill near their plants, with the result that in the western section of South Dakota there just is not any meat for sale, although that is where it is grown.

Mr. HOLIFIELD. I will not comment on the gentleman's speech, as my time is limited, and I will ask my friends to refrain from asking me to yield further because I see my time is almost up and I should like to finish the balance of my statement. Then if any time is left, I will be glad to yield.

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent that the time of the gentleman be extended an additional 5 minutes to make up for the time that I consumed.

The SPEAKER pro tempore (Mr. SPARKMAN). The Chair will state that the gentleman from Colorado [Mr. CHENOWETH] has a special order for today.

Mr. CHENOWETH. Mr. Speaker, I have no objection.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. HOLIFIELD. Returning now to the variable factor of condemnations, here again we find a conflict between the historical procedure of the packing industry and an OPA directive. It is true that a reasonably fair annual percentage of condemnations can be estimated, but it is absolutely impossible to apply this annual figure on a monthly basis. The average annual figure becomes unfair when applied on his monthly report by the packer; he finds himself again in noncompliance and therefore subject to criminal prosecution and forfeiture of Federal subsidy.

Fifth. Discriminatory effect of national directives were applied to Far Western States. In the administration of the meat control regulations, OPA has used industry-wide costs of operation, and industry-wide profit figures as the basis for their major directives, and as a basis for the computation of subsidy payments under the Barkley-Bates amendment. The contention has been made from the first, by western packers, that industry-wide figures were unfair to the western packers and therefore inequitable. Industry-wide figures were actually based on the over-all national operation of the so-called big ten meat packers. From the first, the big ten were successful in placing key men from their big ten companies in key policy-making and directive-writing spots of OPA. The result was inevitable, regulations and directives could be "lived with" by the big ten, but were disastrous for the honest independent packer. The history of the meat-packing industry has been a continuous fight between the big packers like Armour, Cudahy, Wilson, Swift, and so forth and the small independent. Punitive trade wars, forced sales, and bankruptcies of small packers fill its pages. Time does not permit me to elaborate on this point, but I do wish this statement to stand: Directives of OPA, issued in most instances by key policy-making administrators on loan from the big ten meat packers, have forced 98 percent of the independent meat packers into a desperate condition verging on bankruptcy or into black-market operations. I am going to insert here a comparison between the national industry profits and the far western profits for the months of July, August, September, and October 1945, as compiled by the OPA itself. The far western plants only fared half as well on cattle, calves, and hogs, and slightly higher on sheep, than the national average profit recoveries of percentage of sales. The national average as determined by the Office of Price Administration being as follows for the period July 1 through October 31, 1945.

Mr. Speaker, I ask unanimous consent to insert in the RECORD at this point a table.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The table is as follows:

National average profit percentage from July 1 to October 31, 1945:

One and five-tenths cents per dollar of sales profit on cattle and calves.

One and seven-tenths cents per dollar of sales profit on hogs.

One and seven-tenths cents per dollar of sales profit on sheep.

While the profits in the far-western plants were as follows for the period July 1 through October 31, 1945:

Eight-tenths cent per dollar of sales profit on cattle and calves.

Eight-tenths cent per dollar of sales profit on hogs.

Two and one-tenth cents per dollar of sales profit on sheep.

Mr. HOLIFIELD. Although OPA has contended that the Far Western States' packers have been treated as well as the national average, they admit by these figures such is not the case and the far western packers' profit position is only 50 percent as good as the national average.

There are many reasons why national average profit figures are not the same as

Far Western States packers' profit figures.

Western costs of operation are higher due to many factors. Labor costs are one-third higher, smaller operations by volume, nonintegrated operations, lesser byproducts and offal returns, excessive liver condemnations of western cattle, and long transportation problems. These are some of the peculiar factors which western packers have to contend with, this is why their cost of operation is higher and their profit position is lower. This is why national scope directives are discriminatory to the western independent packers.

Mr. JOHNSON of California. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I yield.

Mr. JOHNSON of California. What the gentleman has said is specifically confirmed in my district. There are a number of small packers and they have mentioned the identical point the gentleman has brought out in his remarks.

Mr. HOLIFIELD. I thank the gentleman.

I could cite many other reasons why during the war years, the directives of OPA were discriminatory against independent western meat packers.

I challenge the OPA to deny the facts I have cited. I have forced some of the OPA officials to admit privately that national directives based on national average figures have been unfair to the western independent meat packer.

Mr. Speaker, I believe I have proved the meat industry has too many variable factors within its operation, to be susceptible to rigid and inflexible formulas of OPA, which are applied on a national basis.

I believe I have proved that national directives have been discriminatory to western independent packers.

I have proved that because of these factors and because of the punitive power embodied in the withholding of subsidy payments exercised by OPA noncertification of those in technical noncompliance, that the western meat industry is in a terribly, complicated and desperate condition.

What are the answers? I want to be constructive and I want to guard against adding to the spiral of inflation.

I do not believe that OPA can straighten the tangled web it has woven.

I do not believe that we have a shortage of meat animals. Department of Agriculture census figures prove that we have the greatest inventory in history.

I, therefore, believe that a 4 to 6 months' suspension of meat controls should be started July 1, and give the meat industry a chance to prove their contention that controls are unnecessary.

If meat controls are not suspended I believe that subsidies should be eliminated. Remember basic subsidies are not retained by the packer, but passed on to the cattle producer at time of purchase. Basic subsidy was paid to packer in lieu of roll back on wholesale-meat prices, in order to sustain producer prices. Subsidies are either ignored or fraudulently collected by black-market packers and are used by the OPA as a club on the honest packer whose honest monthly reports are self-incriminatory.

If meat controls are not suspended, an attempt must be made to administer directives on a realistic regional basis instead of a theoretical national average basis.

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I yield.

Mr. CASE of South Dakota. I think the gentleman has made a constructive suggestion about a suspension of the OPA.

On these self-incriminating reports, there is one small slaughterer in my district who has voluntarily refused to apply for the subsidies, partly because he does not believe in subsidies, but also because he is afraid there might be some technical rule about which he did not know and he would find himself in violation, and rather than take any chances, he does not ask for any subsidy.

Mr. HOLIFIELD. That is a very interesting point on these compliance reports. The black-market operator who does not hesitate to file his record, because it is a fraudulent record anyway, just automatically sets down the percentages which puts him in compliance. He not only collects his black-market charges, which is cash on the side, but he collects from the Government an average of $30 subsidy. The honest packer on the other hand who put in an honest report, if he is out of compliance a few dollars, sacrifices or puts himself in jeopardy of not receiving the subsidy for the complete reporting period, just because he is honest.

SPECIAL ORDERS GRANTED

Mr. ELLSWORTH. Mr. Speaker, I ask unanimous consent, at the conclusion of the other special orders listed for today, that I may address the House for 30 minutes to discuss the grave poultry-feed shortage in the Northwest.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes today following the other special orders.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mr. CHURCH. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes following the other special orders heretofore granted for today.

Mr. MARCANTONIO. Mr. Speaker, reserving the right to object, we have a most unusual situation here. I do not want to charge anyone with bad faith, but it seems to me these requests to make speeches today have a certain purpose in connection with a certain strategy.

Mr. HOFFMAN. Mr. Speaker, a point of order.

Mr. MARCANTONIO. Mr. Speaker, I have not yielded. I have the floor under a reservation of objection.

Mr. HOFFMAN. Then I ask for the regular order.

Mr. MARCANTONIO. Then I object.

Mr. CASE of South Dakota. Mr. Speaker, it seems to me if the precedent is to be established in this House that objection is made to an individual who requests to address the House, it establishes a precedent which will work to the disadvantage of the objector.

Mr. CHURCH. The gentleman from New York should understand that my request was for only 5 minutes.

Mr. MARCANTONIO. In that event I withdraw my objection.

Mr. CHURCH. Mr. Speaker, I renew my request that I may address the House for 5 minutes this afternoon following the other special orders.

Mr. ELLSWORTH. Mr. Speaker, reserving the right to object, inasmuch as I am one of those who has made a request to address the House this afternoon, referred to by the gentleman from New York, I suggest that the gentleman from New York stay on the floor and hear my remarks. I shall address the House regarding a condition in my State which is an outright emergency, a matter which should be called to the attention of the House and which I intend to call to the attention of the House.

I know nothing about any such strategy as is implied by the gentleman from New York.

Mr. MARCANTONIO. If the gentleman will yield.

Mr. ELLSWORTH. Just briefly.

Mr. MARCANTONIO. I want to assure the gentleman I did not have him in mind.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. MARCANTONIO. If the gentleman wants to know whom I had in mind I had the gentleman from Michigan in mind.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois [Mr. CHURCH].

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent that at the conclusion of other special orders today I may address the House for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Under the previous order of the House the gentleman from Colorado [Mr. CHENOWETH] is recognized for 30 minutes.

SALE OF THE GENEVA STEEL PLANT AT GENEVA, UTAH

Mr. CHENOWETH. Mr. Speaker, I wish to call the attention of the House to a recent decision of the War Assets Corporation wherein the Geneva steel plant located at Geneva, Utah, was sold to the United States Steel Corp. for the sum of $47,500,000. The bids for this plant had to be submitted by May 1, and I understand there were only two bids worthy of consideration—that of the United States Steel Corp. and the bid of the Colorado Fuel & Iron Corp.

This plant cost the Government in the neighborhood of $200,000,000. There is a great deal of interest in the Rocky Mountain region in the disposition of the Geneva plant, as the economy of the entire area will be affected. I was personally very much disappointed, as I

know many others in the western States were, that this plant was not sold to the Colorado Fuel & Iron Corp., which has its plant in Pueblo, Colo., in my district. There are several elements involved in this transaction that I want to discuss briefly with the House this afternoon, as I consider the sale of the Geneva steel plant perhaps the most important disposal that the War Assets Corporation has made up to this time. In talking to members of the board I am advised that they also consider this transaction to be of great importance and significance.

In order to understand the situation I am discussing this afternoon, it is necessary to know something about the background of the Colorado Fuel & Iron Corp. and its experience in the manufacture and sale of steel and steel products in the entire western half of the country. I want to show to the House how the sale of this Geneva plant may affect the future operations of the Colorado company, and to explain why there are many more important elements involved in this sale than the amount of money to be derived therefrom. I feel that a basic policy laid down by Congress when the Surplus Property Act was passed is in danger of being violated and that a precedent may be set for future sales of large war plants in this country that may have disastrous results.

First, I want to present a few facts concerning the Colorado Fuel & Iron Corp. This company is a Colorado corporation and has been doing business since 1872. It was organized by General Palmer, the same man who built the Denver & Rio Grande Railroad. The company was established primarily for the production of rails and accessories for use in the construction of railroads throughout the West. The Colorado Fuel & Iron Corp. furnished the first rails used on many of our western lines, and has continued to supply the railroads with rail and track accessories down to the present time. The progress and growth of this company has been consistent and has kept pace with the development of the great intermountain country comprising the States of Montana, Idaho, Utah, Nevada, Arizona, Wyoming, Colorado, and New Mexico, together with the adjoining States both on the East and West.

With the turn of the century, and the increase in demand for steel in the Western States which were fast developing their industrial resources, new mills were added at Pueblo to manufacture the different steel products that were in demand. The history of this company is interwoven with the development of most of our great industries in the West, and has provided employment for thousands of families, not alone at the steel plant in Pueblo, but in coal mines and on railroads in other Western States. Its pay rolls have totaled more than half a billion dollars. Its early motto of "Cooperation, friendship, and industry" is still adhered to and is now the policy of this company.

The economy of the intermountain and other Western States is to a large extent dependent on the operations of the Colorado Fuel & Iron Corp. Its coal and limestone mines are located in southern Colorado, while its ore deposits are in Wyoming and Utah. Its deposits of ore in Utah are the largest in that State. Coal is also purchased in New Mexico. During World War I this company produced semifinished steel for numerous purposes. In World War II this company produced 155 millimeter shells for Ordnance, and had one of the outstanding records of any steel plant in the country. Early in the war the company received the Army-Navy E award.

The company owns the California Wire Cloth Co., a subsidiary corporation, with plants located in Oakland and south San Francisco. The principal business of the California company is wire-fabricated products.

Ever since the Geneva steel plant was built by the Government and began operations, there has been considerable speculation as to just what would be done with this plant when the war was over, and the Government did not need the steel being produced at this plant. The Colorado Fuel & Iron Corp. has always manifested the keenest interest in this plant and has made comprehensive studies of the possibilities of combining the operations of the Geneva plant with its own plant in Pueblo, Colo. I might state that prior to the building of the Geneva plant the Pueblo plant of the Colorado Fuel & Iron Corp. was the only completely integrated steel plant west of the Mississippi River. The operation of the Geneva plant can be justified by the Colorado Fuel & Iron Corp. on a long-term development basis. A complete analysis of markets for steel in the prewar years has been made, as well as a study of the requirements at this time. This company is convinced that the needs of the Western States can best be served if these two plants are operated by the same company.

The capacities of the Geneva and Pueblo steel plants are about the same. Last year I am advised that the Pueblo plant of the Colorado Fuel & Iron Corp. produced 1,291,000 tons of steel. It is estimated that about 70 percent of its output is steel rails, and the other 30 percent divided between steel products of many kinds, including wire, fencing, nails, and some structural steel.

This should be sufficient information to convince the House that the Colorado Fuel & Iron Corp. has been the dominant figure in the Rocky Mountain area in manufacturing and distributing steel products. I cannot believe that it is the policy of the War Assets Corporation to permit the United States Steel Corp. to invade this area by selling it the Geneva plant. In so doing, the Government is lending aid and assistance to depriving the old-established steel company, the C. F. & I., of its regular markets, and there will be severe competition in this region. The Government built many plants in this country during the war and according to a report submitted by the Surplus Property Administrator last October, the Government spent more than $1,300,000,000 on the wartime steel expansion program. It was recognized in this report that there were special problems involved in the disposal of the Geneva plant, as this plant, according to the report—and I quote—"is not only the largest single disposable plant owned by the Government, but is considered the key to the industrial growth of the West."

I do not believe it was the intention of Congress when we declared the objectives of the Surplus Property Act that the Government plants, built in time of war, should be used in peacetime to compete with established concerns, like the Colorado Fuel & Iron Corp. This Geneva plant is the key to the steel picture of the Rocky Mountain area, and it is my contention that Colorado Fuel & Iron Corp. is the logical company to operate the same.

The C. F. & I. has always been interested in acquiring this plant. The interest of the United States Steel Corp. has been spasmodic. At one time United States Steel decided it did not care to either lease or purchase this property. This sudden interest has aroused suspicions, and we in the Rocky Mountain area are apprehensive of the results that may follow.

Fortunately, under the provisions of the Surplus Property Act the Attorney General must be notified of any disposal of property wherein the consideration involved is more than $1,000,000. I am advised that this sale has now been referred to the Attorney General, the Honorable Tom Clark, who must advise the Board whether, in his opinion, the proposed sale violates the antitrust laws. I feel confident that the Antitrust Division of the Attorney General's Office will give due consideration to paragraph (d) of section 2 of the Surplus Property Act which reads as follows:

SEC. 2. The Congress hereby declares that the objectives of this act are to facilitate and regulate the orderly disposal of surplus property so as—

* * * * *

(d) to discourage monopolistic practices and to strengthen and preserve the competitive position of small business concerns in an economy of free enterprise.

Under this objective Congress has declared that in disposing of surplus property care must be exercised to strengthen and preserve the competitive position of small business concerns. I maintain that in the sale of the Geneva plant the War Assets Corporation has violated the spirit, if not the letter, of this section. My interpretation of this objective is that it shall be the purpose of the Government in disposing of these war plants to protect small business, instead of building up large corporations, which would soon be able to eliminate competition. In this case, we have the United States Steel Corp., largest of all steel companies, being given the preference over the Colorado Fuel & Iron Corp., a smaller company, and in an area where the Colorado company has always operated.

If this sale is permitted to stand, the United States Steel Corp. is being given an opening wedge to obtain markets in this area heretofore enjoyed by the Colorado Fuel & Iron Corp. This company opened its Minnequa steel plant at Pueblo, Colo., in 1872, and maintains its general offices in Denver. It is truly a western company, and I submit that the Government should not be a party to taking away its established markets.

I wish also to cite a few other objectives of the Surplus Property Act which I feel sure the Attorney General will consider in passing on this sale. I quote from section 2 the objectives of the act which are to regulate the orderly disposal of surplus property so as—

(b) To give maximum aid in the reestablishment of a peacetime economy of free independent private enterprise, the development of the maximum of independent operators in trade, industry, and agriculture, and to stimulate full employment.

* * * * *

(j) To avoid dislocations of the domestic economy and of international economic relations.

* * * * *

(r) To dispose of surplus property as promptly as feasible without fostering monopoly or restraint of trade, or unduly disturbing the economy, or encouraging hoarding of such property, and to facilitate prompt redistribution of such property to consumers.

I submit, Mr. Speaker, that the Colorado Fuel & Iron Corp. is entitled to another opportunity to bid on the Geneva steel plant, and I understand such a bid is being tendered to the War Assets Corporation Wednesday morning. I am confident that this agency desires to carry out the spirit and intent of the Surplus Property Act passed by Congress, and under the objectives I have heretofore referred to, I feel that this plant should be awarded to the Colorado Fuel & Iron Corp. to preserve the economy of the Western States. The Colorado Fuel & Iron Corp. is entitled to the protection which this act affords, and for this reason I am urging that the sale of the Geneva plant announced last week may be set aside and the new bid of the Colorado Fuel & Iron Corp. be considered.

I think it is well for us, Mr. Speaker, to examine this situation. Here we have the War Assets Corporation for a comparatively nominal sum disposing of this $200,000,000 steel plant constructed entirely with Government funds to the United States Steel Corp. I have no antipathy whatever against the United States Steel Corp. I do not intend to be in any way critical of this company or its operations. However, I feel in disposing of this plant, located in the Rocky Mountain region, the financial return to the Government is not the most important consideration. War is costly, and we know the tremendous waste and extravagance of this war, as in all wars. There is a $200,000,000 investment of Government funds in this plant. Whatever the Government gets, it will be only a fraction of the original cost, so I say the actual amount of money that the Government receives is of secondary importance. We should inquire what the impact of this sale will be on the economy of that area.

Mr. SMITH of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. CHENOWETH. I yield to the gentleman from Wisconsin.

Mr. SMITH of Wisconsin. The gentleman mentioned the fact that this plant was disposed of at a nominal sum. What was the figure involved?

Mr. CHENOWETH. The figure was $40,000,000 for the land, buildings, and plant and $7,500,000 for the inventory of the products now on hand.

Mr. SMITH of Wisconsin. On an investment of $200,000,000?

Mr. CHENOWETH. Yes; or very close to that amount. I talked to an official of the War Assets Corporation, and I was advised that the actual amount of cash which had been spent on this plant was about $191,000,000, or a little over that.

There was $200,000,000 authorized, but not quite all of it had been expended, according to this report.

Mr. SMITH of Wisconsin. Do I understand that the Colorado corporation offered a bid for this property?

Mr. CHENOWETH. That is true. There were only two substantial bidders, as I mentioned, which were the United States Steel Corp. and the Colorado Fuel & Iron Corp. I think there were three other bids received, but they received no consideration.

Mr. SMITH of Wisconsin. Was that bid substantially under the bid of the United States Steel Corp.?

Mr. CHENOWETH. It was a different type of bid. I wish to make this explanation. The Colorado Fuel & Iron Corp. had requested the War Assets Corporation to postpone action until another bid could be submitted. As I understand, the first bid was rather hastily drawn. The company had decided to submit another bid which no doubt would be much closer to the bid of the United States Steel Corp. While officials of the Colorado Fuel & Iron Corp. were still negotiating with the War Assets Corporation, last Thursday, I believe it was, the Board suddenly and without advance notice, acted on the bids and awarded the plant to the United States Steel Corp.

I am not criticizing the Board for accepting what appeared to be the highest bid in terms of cash. I think the bid of the United States Steel Corp. was perhaps more attractive from a monetary standpoint than that of the Colorado Fuel & Iron Corp., although it is difficult to compare them. They were two entirely different types of bids. The United States Steel Corp. made a cash bid, while that of the Colorado Fuel & Iron Corp. proposed a lease, with payments to be made over a period of time. The fact remains, however, that the Colorado Fuel & Iron Corp. was tremendously interested in the Geneva plant because it realizes that if this plant is sold to the United States Steel Corp., it means bringing into the Rocky Mountain area the largest operator in the steel industry as a competitor.

Mr. GRANGER. Mr. Speaker, will the gentleman yield?

Mr. CHENOWETH. I yield to the distinguished gentleman from Utah.

Mr. GRANGER. I wish to compliment the gentleman on his statement. I think it is fair. It is true that the Colorado Fuel & Iron Corp. has contributed greatly to the development of the West. It is true it owns coal mines and some of the biggest interests in the iron mines in my particular section. As far as I am concerned, I have had the most friendly feeling toward the Colorado Fuel & Iron Corp., and never have I in any way discouraged them in submitting a bid. In fact, I have continuously urged them to submit a bid, and I am sorry their bid is not the one that was accepted. I imagine the War Assets Corporation were simply following the law and in their judgment accepted the best bid, the one they thought would be in the best interest of the Government.

Mr. CHENOWETH. I am not criticizing th Board for their decision, except that I feel that further consideration should have been given to the Colorado Fuel & Iron Corp. I feel that the Board did not fully weigh all of these different elements I have mentioned. I think they paid too much attention to the financial consideration and failed to recognize that Congress had certain objectives in mind in the sale of war plants other than to realize money for the Government.

Mr. GRANGER. That may be true. But other than the calling for bids and the opening of bids, the date has been changed on two different occasions to give ample time for everybody who wanted to submit a bid. Is that not true?

Mr. CHENOWETH. That is true, so far as I know.

Mr. GRANGER. The other matter about which the gentleman spoke, the monopoly feature, of course, is a matter for the Department of Justice to determine. There is nothing that can be done about that until that determination is made. As I understand it, it is the bid that has been accepted by the War Assets Corporation. It is not finally determined until that issue is finally met.

Mr. CHENOWETH. I think that is correct. I believe the sale cannot be consummated and finally approved until the Attorney General has ruled as to whether or not it violates the antitrust law.

Mr. GRANGER. That is my understanding.

Mr. CHENOWETH. May I also say to my friend from Utah, that I greatly appreciate his attitude and interest in this matter. I have discussed this situation with him and also with our distinguished colleague the gentleman from Utah [Mr. ROBINSON] on many occasions. I have been greatly interested in what was going to be done with the Geneva steel plant. The distinguished gentleman from Utah, I know, has been active in protecting the interests of his great State in every way possible. I am glad to hear him state on the floor of the House that he feels the interests of the State of Utah, and the other Western States, can best be served by the Colorado Fuel & Iron Corp., operating the Geneva steel plant in connection with its present plant at Pueblo, Colo.

I am deeply grateful to the gentleman for his splendid cooperation and his contribution to this discussion this afternoon.

I also wish to refer briefly to one other point that the gentleman from Utah brought out. That is the fact that bids had been called for on a certain date and notices had gone out. I want to make a few observations on that situation. Preliminary studies were made as early as last summer on the disposal of the Geneva steel plant by the Surplus Property Administration. In October this agency submitted a report, as required by the Surplus Property Act, covering the possibilities of this steel plant and calling attention to its importance in the

economy of the West. It must be remembered that this is the largest of the wartime steel plants constructed by the Government. It is the most important of all. It occupies a very strategic place in the future industrial and economic development of the Rocky Mountain area. Inquiries were sent out by the Surplus Property Administrator to some 30 of the large steel companies of the country to ascertain if they had any interest in acquiring the Geneva steel plant. I understand that replies were received from all but two, and that of the 28 replies received only 3 expressed any interest whatsoever in acquiring this plant, which would indicate, Mr. Speaker, that these steel companies at that time did not look upon the operation of this plant as a good investment. Apparently, they recognized that this plant belonged to the Rocky Mountain area and they were not prepared to invade this new territory. Otherwise, they would have manifested some interest in it and submitted bids. One of the three companies expressing some interest was the United States Steel Corp., another the Colorado Fuel & Iron Corp., and the third the Kaiser Syndicate, which did not file a bid. At a subsequent date the United States Steel Corp. announced it did not care to either lease or purchase the plant. It appears that for some time the only steel company interested was the Colorado Fuel & Iron Corp. This company was under the impression that United States Steel was no longer interested and did not intend to submit a bid. Numerous conferences were held with Government officials by officers of the Colorado Fuel & Iron Corp. on terms and conditions for acquiring the Geneva plant.

I wish to state further that the Colorado Fuel & Iron Corp. will on Wednesday have another bid ready to submit to the War Assets Corporation for this plant. I hope it does not come too late. I think it should have every consideration.

Mr. CURTIS. Mr. Speaker, will the gentleman yield?

Mr. CHENOWETH. I yield to the gentleman from Nebraska.

Mr. CURTIS. As the matter stands now it is merely a decision of the War Assets Corporation that there has been no sale made?

Mr. CHENOWETH. Well, the sale has been made, subject to the approval of the Attorney General. Under the Surplus Property Act the Attorney General must pass on all sales of plants valued in excess of $1,000,000, to see that the antitrust provisions are complied with.

Mr. CURTIS. While it is true this is not a judicial sale, I believe the practice is in many jurisdictions—I know it is in the State of Nebraska—that until the sale is finally confirmed, additional bids are accepted which would increase the amount that may be obtained for a given property. That procedure, of course, is not binding on the War Assets Corporation at all, but it does give them a precedent if they wish to follow it.

Mr. CHENOWETH. I thank the gentleman for that observation and contribution. I talked to a member of the Board and I believe it is the attitude of the Board that nothing further will be done until the decision of the Attorney General has been received.

CALL OF THE HOUSE

Mr. SMITH of Virginia. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. COOPER). Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 135]

Adams	Gathings	Norblad
Anderson, Calif.	Gearhart	Norton
Andresen, August H.	Gerlach	O'Brien, Mich.
Andrews, Ala.	Gifford	Outland
Andrews, N. Y.	Gore	Pace
Baldwin, Md.	Grant, Ala.	Patrick
Baldwin, N. Y.	Gwinn, N. Y.	Patterson
Beall	Hagen	Peterson, Ga.
Bender	Hall, Leonard W.	Pfeifer
Bennet, N. Y.	Halleck	Philbin
Bennett, Mo.	Hand	Poage
Bishop	Hart	Powell
Bland	Hartley	Priest
Bolton	Havenner	Quinn, N. Y.
Bonner	Hays	Rabin
Brumbaugh	Healy	Rains
Buckley	Hébert	Randolph
Buffett	Heffernan	Rayfiel
Bulwinkle	Hinshaw	Reece, Tenn.
Bunker	Hook	Rees, Kans.
Byrne, N. Y.	Horan	Rich
Cannon, Fla.	Izac	Robertson, N. Dak.
Carlson	Jarman	Robinson, Utah
Case, N. J.	Johnson, Ind.	Roe, N. Y.
Celler	Kearney	Rogers, Fla.
Clark	Kelley, Pa.	Rogers, N. Y.
Clippinger	Kelly, Ill.	Sabath
Cochran	Keogh	Sadowski
Coffee	Kerr	Scrivner
Cole, Kans.	Kilburn	Shafer
Cole, N. Y.	King	Sheppard
Cooley	Kinzer	Sheridan
Cox	Kirwan	Short
Curley	Klein	Sikes
Daughton, Va.	Kopplemann	Simpson, Pa.
Dawson	LaFollette	Somers, N. Y.
De Lacy	Lea	Stewart
Delaney, James J.	LeCompte	Stigler
	LeFevre	Tabor
Delaney, John J.	Lesinski	Tarver
	Ludlow	Thom
Dingell	Lynch	Tibbott
Domengeaux	McDonough	Tolan
Douglas, Calif.	McGlinchey	Torrens
Douglas, Ill.	McGregor	Vinson
Durham	McMillan, S. C.	Vorys, Ohio
Dworshak	McMillen, Ill.	Wadsworth
Eaton	Maloney	Weaver
Elliott	Mason	Welch
Engle, Calif.	May	White
Ervin	Merrow	Wilson
Fernandez	Miller, Calif.	Winter
Flood	Monroney	Wolfenden, Pa.
Folger	Morrison	Wood
Gamble	Murphy	
Gary	Murray, Tenn.	

The SPEAKER. On this roll call 266 Members have answered to their names. A quorum is present.

By unanimous consent, further proceedings under the call were dispensed with.

Mr. CHENOWETH. Mr. Speaker, I want to assure the House that the quorum call was not made at my instigation. I was just about to conclude my remarks on the Geneva steel plant.

Mr. SMITH of Wisconsin. Mr. Speaker, will the gentleman yield for an observation?

Mr. CHENOWETH. I am glad to yield to the gentleman.

Mr. SMITH of Wisconsin. I think it is very important that this matter should be brought to the attention of the country at this time. I trust the War Assets Administration and the Attorney General will feel it encumbent upon them to investigate and to review these contracts very closely.

Mr. CHENOWETH. I appreciate the observation of the gentleman from Wisconsin. I have every reason to believe that the Attorney General will scrutinize this sale very carefully to determine if it does comply with the provisions of the Surplus Property Act. The only reason I am presenting this matter is to call the attention of the House to this very important transaction, which involves the sale of this $200,000,000 steel plant, built entirely with Government money, for $47,500,000.

As I have stated, I think the money is not the important factor. It is a question of policy and whether the Congress intended that these war plants should be sold to the highest bidder regardless of the effect upon companies operating in the area where the plant is located. I submit that the Government should not use these plants to provide new competition for old established concerns like the Colorado Fuel & Iron Corp.

I feel this is a very important question which I have presented to you this afternoon, and I hope the Members will follow the sale of this Geneva steel plant very carefully, as I believe a precedent is being established which may vitally affect the disposal of other Government plants throughout the country. As I mentioned, the Geneva plant is the largest of all steel plants which were constructed during the war, costing almost $200,000,000. It is my contention that the Colorado Fuel & Iron Corp. is entitled to the protection provided for in the Surplus Property Act, and I do not want to see the Geneva plant used to destroy markets enjoyed by this company for many years.

I trust that the Colorado Fuel & Iron Corp. will be permitted to file this bid which is to be ready Wednesday morning, and that it will receive the consideration of the War Assets Corporation. I hope that this plant may be disposed of to the Colorado Fuel & Iron Corp. so that it can operate the same in conjunction with its plant at Pueblo, Colo.

The SPEAKER. The time of the gentleman from Colorado has expired.

SPECIAL ORDER GRANTED

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent that after the disposition of other special orders today, I may address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

EXTENSION OF REMARKS

Mr. WOODRUFF asked and was given permission to extend his remarks in the RECORD in two instances.

Mr. BOREN and Mr. COLMER asked and were given permission to extend their own remarks in the RECORD.

SPECIAL ORDER

The SPEAKER. Under previous order of the House, the gentleman from Michigan [Mr. HOFFMAN] is recognized for 30 minutes.

Mr. FULTON. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I yield the gentleman 1 minute.

THE RAILROAD STRIKE

Mr. FULTON. Mr. Speaker, on Saturday the question came up of the passing up of the red slip to the President by the Secretary of the Senate. At that particular time I had made some comment about the wink by one of the Cabinet members across the aisle to another Cabinet member.

I wish to call attention to the fact that at the opening of the Senate several hours before the speech made before this House, Mr. BARKLEY, majority leader of the Senate, said:

> Mr. President, I merely wish to announce to the Senate what I am sure it will be happy to learn, that the railroad brotherhoods involved in the pending strike have agreed to go back to work immediately.

That was announced in the other body at least 2 hours before it was announced here. I still would like Secretary Byrnes to explain the meaning of his grin and his broad smile and his wink at the time that slip was sent up, because I am reliably informed that it was also known around the Capitol much before the time we convened after the recess. I say that if the matter had been kept from the President of the United States or if there had been delay in transmitting it to him for that length of time this House should be informed because it is a matter of vital importance on a question that was vital to the country at the time.

Mr. HOFFMAN. Mr. Speaker, earlier in the day when Members were asking consent to speak under special orders the gentleman from New York [Mr. MARCANTONIO] made objection. It was my understanding at that time that, while he did not say it, he intimated that some of us had been requested to speak in order that the Rules Committee might have an opportunity to consider and bring in a rule so that the Case bill might be voted on next Wednesday.

I think it was very unfair and unkind of the gentleman from New York [Mr. MARCANTONIO] to intimate in any way that the Member from Michigan's Fourth Congressional District had to be requested to speak. I do not think that was fair, it was not accurate. It is also my understanding that a point of no quorum was made a little while ago because the Rules Committee members were looking for, searching for, the chairman of the Rules Committee, the gentleman from Illinois [Mr. SABATH].

Mr. MARCANTONIO. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. MARCANTONIO. I am afraid I have to agree with the gentleman. I cannot conceive of anything anywhere or any place that would prevent the gentleman from speaking.

Mr. HOFFMAN. That is right. That is where the gentleman and I have something in common, always inflicting ourselves on other people; and for myself I want to apologize to the House for the many, many times that I have discourteously taken up the time of the Members, but there might be something in what I said that might sometime be useful and I am more inclined to think that perhaps on occasion even when some thought I did not know what I was talking about, if such an occasion ever occurred, I did say something worth while, because I recall now, it just comes to me, called to mind by what was referred to by the gentleman from New York [Mr. MARCANTONIO] that on July 6, 1945, when the men of our country were fighting all over this world and when the men in the factories, some of them represented by the organizations to which the gentleman from New York professes to owe allegiance were on strike and were refusing to produce food, clothing, and the munitions of war which our men in foreign lands at that time needed so desperately, I did offer a bill, H. R. 3705, providing that men who went on strike in factories producing war materials be drafted into the armed service and put under the command of the officer of the Army who was in control of that area and by him assigned to a task, whether it was digging ditches, working on farms, in the factories, or on railroads, or having to do with the fighting of the war, that no one would be permitted to be a slacker. But when I advanced that thought and that idea way back in 1945, the then President of the United States did not think anything of it. The majority party's leader did not think anything of it; even on my own side it did not get the support I thought it should have received, anyway, not enough to get it out of committee. The gentleman from New York and his associates and those who believe with him and went along with him always, they said: "Why! That is involuntary servitude." And so they left the boys to die over across without things they needed to carry on the job—the fighting in which they were engaged.

And I was happy, although I did not happen to be here—I was engaged in what I thought was official business on that day and because of the strike could not get back here to vote—I was very, very happy to see that the President at long last and when prodded by public protest picked up that idea and went along with it even though he misapplied it and misused it in some respects.

Mr. GOSSETT. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. GOSSETT. I am a little troubled by the repeated speeches of our handsome friend, the gentleman from Pennsylvania [Mr. FULTON], concerning the alleged smile on the face of the Secretary of State the other day. I never have known or supposed there was anything serious about smiles. The gentleman from Pennsylvania himself, I may say, is addicted to smiling, because he wears a smile all the time. Now, if a smile is so sinister he must get his face slapped pretty often. I suggest that he better study up on the subject of smiles for he does not appear to know as much as most about the subject.

Mr. HOFFMAN. Would the gentleman from Texas just as soon put that some other place than where it is? Just put it before my remarks.

Mr. FULTON. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman.

Mr. FULTON. I may say for the benefit of the distinguished gentleman from Texas [Mr. GOSSETT] that the news agencies reported and every Member of the House saw that the President of the United States at no time smiled while he was in this House. It was a serious, grave time, and I would expect the same demeanor from anybody in the House at that particular time. I do make a distinction, however, as the gentleman from Texas should know, between a smile, a grin, and a wink. I might smile at many young ladies, but if I grinned and gave them a slight wink, I think what the gentleman from Texas said, would happen, and should.

Mr. HOFFMAN. I was not worried about being absent, because the President picked up my idea and the House adopted it almost unanimously though in modified form and added to it a provision or two which might far better have been omitted. I was explaining to Mrs. Hoffman, a very observant, sound-thinking woman, who, if that be possible, sees less good in the New Deal than do I, as we listened to the radio, what the President was doing and she said, "I am glad to see that at last they are going along with your idea, CLARE." She seems to think even after 46 years of me that there may be something worth while in me—and plenty of room for improvement.

Mr. Speaker, I was talking about the last roll call and stated it was my understanding that perhaps it was made for the purpose of locating the chairman of the Rules Committee [Mr. SABATH] because they wanted to get the rule out. This is the first time I have ever known a roll call to be made, or a point of no quorum to be made, as a substitute for either a search warrant, a writ of replevin, or a writ of habeas corpus, whichever term you want to use. I hope that its purpose will be fulfilled and that they will find the chairman of the Rules Committee, induce him to call a meeting of that committee, and that the Democratic organization will be able to hold a meeting of that committee to bring in a rule so that day after tomorrow we may vote on what is called the Case bill. I, together with 154 others, voted against that bill before it went over to the other body, and I hope when it comes back it will find almost unanimous support in the House, because the objectionable features have been stricken and it includes many provisions which make the bill itself far better than when it left the House and, if I read it correctly, it includes the provisions of the Hobbs bill that has been over on the other side for something more than 2 years. I do not know what happened to it over there. Apparently it took root and grew and became firmly fixed and we could not get it out, but the tie-up of food, freight, and passengers blasted it out and here it is.

If I understand the situation correctly, the other body is waiting for the House to pass H. R. 4908 as amended—more accurately, as rewritten. If we pass it as it came to us, which I hope and expect

we will, then the other body will take up the other bill which the House acted on last Saturday and give it consideration, and I hope remove one or two objectionable provisions.

Mr. Speaker, I do not know whether it will be to use the balance of my time or whether the chairman of the Rules Committee has, while I have been talking, been found and has consented to meet with his fellow members who are so anxious to see him in the committee room. It may be necessary to consult a page as to the result of the "treasure hunt." Those who do not care for a canned speech may retire to the cloak room.

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Michigan.

Mr. CRAWFORD. This other bill to which the gentleman refers, is that the Hoffman bill?

Mr. HOFFMAN. What bill is that?

Mr. CRAWFORD. The gentleman referred to another bill that the other body is going to act on.

The gentleman said the other body passed the Case bill; then it would take up the other bill.

Mr. HOFFMAN. Pardon me for being so dumb. The bill is a version of H. R. 3705. More correctly it contains the thought that the public welfare is paramount. It is a version, it contains one of my ideas, as expressed in the bill introduced in July of 1945, and while I am talking about that let me make it clear that in my judgment, which is not worth too much, the President went too far when he asked for the drafting of men after the fighting is over. In connection with the labor legislation I have introduced other than when we were actually in war, I have always carried out the idea that if we would take from the labor organizations, from the employees, when a strike affects the public welfare the special privileges which we have given them under the Railway Act and the National Labor Relations Act, take from them seniority and other benefits, they would go back to work and that without any draft provisions or other penalties. That is why they went back last Saturday—they feared a loss of jobs—of seniority.

Then the President added in his program, and the House took it, the provision that he would take from corporations which had not violated any law, which had not been guilty of unfair practices or unproper conduct of any kind, all the profits. Why did he not go one step further and say that the Government should take over the industry itself? You know that Tugwell back there in 1933, in his book, said along that line—Tugwell wrote and I quote "Planning will necessarily become a function of the Federal Government—either that or the planning agency will supersede the Government—business will logically be required to disappear." Bless your dear hearts, it is being made to disappear all right enough. By Bowles and his OPA and now—as to profits by the President and his proposed legislation. I just wondered when I read that bill whether the President was following the Tugwell line, and the Bowles procedure and intended to take over not only the workers and the profits of business but ultimately the business itself.

Then his bill does not go far enough in this, that it applies only to the industries that he decides should be seized. Why did he not say that in every industry where the public welfare was endangered, as in a strike against a public utility, a streetcar line, water, or light service, and things like that—why did he not recommend that in those cases those who went on strike and persisted in striking after a certain number of hours should be deprived of their rights under the National Labor Relations Act or the Railway Labor Act, or whatever special legislation applies, and that the corporation should then be required to employ other workers and put them on the job? Now those bills would have answered the same purpose. That was the idea embodied in H. R. 4612 introduced by me in November 1945 and again in H. R. 5114 and H. R. 5571 when the Capital Transit Co. strike was on. It would have avoided conscription, in which I do not believe, in peacetime, either of soldiers or of workers, and would have taken away the incentive that these men have to strike.

Mr. PLUMLEY. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I was hoping that the chairman of the Rules Committee would be found and so relieve me of any embarrassment in reading this speech which I hold in my hand.

Mr. PLUMLEY. It may be worse than embarrassment, but I do not think so. I regret the gentleman's inability to have been present and to have listened to the President's message.

Mr. HOFFMAN. I heard it.

Mr. PLUMLEY. But the gentleman was not here in the Chamber.

Mr. HOFFMAN. That is right. But there is the radio.

Mr. PLUMLEY. But had he been here——

Mr. HOFFMAN. Oh, I would probably have gone along like others, frightened to death.

Mr. PLUMLEY. Nobody was scared, if the gentleman asks me. But everybody realized the situation in which the country found itself. We went along. Many of us might agree with the gentleman with respect to what he had to say with regard to conscription, although I do not admit his statement that it is conscription in peacetime. There has been no edict, no order, ending this war.

Mr. HOFFMAN. That is right. But the fighting is over, we hope.

Mr. PLUMLEY. And, therefore, I think the gentleman should qualify his statement. Whether he does or not, I say this, which has nothing to do with the gentleman's speech, but I would like to get this in the RECORD while I am up here and mad. I resent the interference on the part of an ex-captain of the Navy by the name of Stassen, who is not a Member of this Congress, who criticizes the Republican Members in Congress for the action they took in such an emergency as confronts us.

And Mr. Speaker, I am not mad now. I speak deliberately and after calm consideration.

Who is this Captain Stassen of the Navy?

I ask the gentleman from Michigan [Mr. HOFFMAN], and I will answer my own question. Why does he have the nerve and the assurance to criticize Congress for its vote in support of the President's program or for what it had to do in order to protect the interests of the common people? Why did this man Stassen, in order to try to get the support of revolutionary elements hostile to the maintenance of the organized Government, which it is our sworn duty to maintain, make such statements as he has made? Why did he not support the Congress and the President and representative government in the crisis? Well, he did not do it and that is the answer. I would not trust him as President if I ever were for him.

How does he qualify to try, after the vote has been had by the representatives of the people, to tell us what should be done and why? How does he assume to speak for the Republican Party when Mr. Dewey, our recent candidate for President, has the decency not to try to tell Congress what to do?

This man Stassen, speaking personally and for 20,000,000 of Willkie Republicans, crucified Wendell Willkie by his action taken in Wisconsin against a friend, against a man who stood for all he stands for, in order selfishly to advance his personal political career today.

I am against him for these reasons and for many others and I only speak now, for myself, in order that my position may be well known.

We have many men in the Republican Party more able, not seeking office, who could and would better discharge the obligations and duties of the high office than an ex-captain of the Navy, Stassen.

Mr. HOFFMAN. Mr. Speaker, I agree in much that the gentleman has said, and I realize, as do Members of this House, how so often the Congress is caught right in the grip of the thing, the vise, or whatever it might be, and we have to vote for some things which we do not ordinarily approve. We must vote or we do not get anything, and I have no criticism. I have never criticised any Member of this House nor any action of the House on votes that had been taken.

Mr. BAILEY. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from West Virginia.

Mr. BAILEY. I would like to ask the gentleman if he thinks he is getting anything worth while in the Case bill?

Mr. HOFFMAN. The question was whether I thought we were getting anything worth while in the Case bill? Does the gentleman mean as it comes back from the Senate?

Mr. BAILEY. Of course.

Mr. HOFFMAN. Most assuredly we are; there is no question about it. We are getting the exclusion of supervisory workers. We are getting the right to sue for breach of any contract entered into as a result of collective bargaining. We are getting the abolition of racketeering

as practiced by Dan J. Tobin's union and which we attempted to outlaw when we passed the Hobbs bill 2 years ago. We are getting the outlawing of secondary strikes. The gentleman from South Dakota is here and if he cares to add anything to that I will yield for that purpose.

Mr. CASE of South Dakota. Mr. Speaker, in response to the invitation of the gentleman I will say that at an appropriate time I intend to review the bill as sent back to us by the Senate, but in view of the gentleman's invitation I might say two or three things about it right now.

The bill as it comes back from the Senate comes technically in the form of a single amendment, because the Senate Committee on Education and Labor struck out all after the enacting clause and substituted the version which was written by the Senate committee. Then the Senate itself, in its consideration of the bill, adopted seven amendments, which, as far as we are concerned, became an integral part of the general Senate amendment to the House bill. Those amendments can be classified, however, so that the Members of the House can readily identify the corresponding portions of the bill as it passed the House.

In the bill as it left the House we had several sections, sections 2 to 9, I think, which dealt with the creating of a mediation board. That was the mediation part of the bill. Following that were the miscellaneous provisions, being principally four sections directed to some specific objectives such as the making of contracts mutually binding on both parties in collective bargaining, the outlawing of force and violence, the defining of supervisory employees, and the outlawing of secondary boycotts and jurisdictional strikes.

The amendments which were adopted by the Senate can be directly related to the bill as passed in the House as I have outlined it.

The basic Senate amendment deals with mediation, broadly speaking, and the early sections correspond to the early sections in the House bill which propose the setting up of a mediation board. There were two or three differences in the set-up of the mediation board, not particularly vital ones, but I might mention them just as a matter of clarification.

In the mediation board proposed by the bill as it passed the House, we contemplated a tripartite board, with representatives of the public and of labor and management. In the mediation board proposed by the Senate committee, the board would be composed of five members appointed by the President and confirmed by the Senate, without any classification as to whether or not they were representing any particular party. In other words, in view of the fact that they would be confirmed by the Senate, it is expected that they would be generally representative of the public, which is probably better for mediation purposes.

Mr. HOFFMAN. Is it not also true, if I may interrupt there, that the bill as it comes back would prevent the collection of the fee or royalty asked by Lewis?

Mr. CASE of South Dakota. It would prevent management of the fund as proposed by Mr. Lewis, for it would be subject to joint control. I will mention that more fully when I take up the seven amendments adopted on the Senate floor.

The bill as reported by the Senate committee had one other section which was offered by Senator AIKEN and has been identified by some people as the Aiken amendment. This section sought to make it a felony to interfere with the delivery of perishable farm produce by a farmer or his employees. It can be disregarded as it was later absorbed by one of the supplementary amendments.

When the bill was considered on the floor of the Senate, seven supplementary amendments were adopted.

Of the seven, two related to the sections on mediation or to the mediation procedure in the bill.

A third, the so-called Byrd amendment, deals with the matter the gentleman from Michigan has mentioned, that is, the collection and operation of the welfare funds.

The remaining four amendments deal with the four specific objectives I have mentioned that were sought in the bill as it passed the House. In my opinion, Members of the House will find them well drawn and some will prefer them to the language used in the House version.

With respect to the content of those seven amendments the first two amendments deal with mediation, as I have said. The first one sets up the obligation for both parties to bargain collectively, makes it their responsibility to do so, and provides for a 60-day waiting period or mediation period. The second provides for emergency fact-finding commissions to supplement the mediation board's work in disputes of a public utility, whose rates are fixed by a governmental agency.

Mr. HOFFMAN. If the gentleman will permit, I have something else I want to get in if I can before my time expires.

Mr. CASE of South Dakota. I see another Member is here to whom the gentleman wishes to yield, so I will not proceed further at this time but simply say in summary the first two amendments deal with mediation; the third amendment deals with the welfare fund; the last four amendments deal with making contracts mutually enforceable, deal with force and violence in extortion, deal with the question of supervisory employees, and deal with secondary strike and boycott.

I hope that every Member will get a copy of the bill, H. R. 4908, as it now stands with the Senate amendment shown in italics and study it in relation to the House version which appears ahead of the italics. If Members keep in mind the identification of corresponding provisions as I have outlined them in these brief remarks, it may help in understanding the scope of the bill as now constituted.

I thank the gentleman from Michigan for his courtesy.

Mr. SMITH of Virginia. Mr. Speaker, will the gentleman yield for me to make a parliamentary inquiry?

Mr. HOFFMAN. I yield to the gentleman from Virginia.

Mr. SMITH of Virginia. Mr. Speaker, I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SMITH of Virginia. Mr. Speaker, the Committee on Rules all day long has been seeking to get a meeting of that committee. This morning I made the unanimous-consent request that the Committee on Rules be given until tomorrow night to file its report on the so-called Case bill. Objection was made by the gentleman from New York to that request. So that the situation now is that unless the committee meets this afternoon it will not be possible to carry out the previously agreed upon schedule of the House to take up the Case bill on Wednesday morning. My parliamentary inquiry is whether when the chairman of the Committee on Rules absents himself from the floor of the House and from the office of the committee and declines to call a meeting of the committee to transact important business for the country it is within the province of a majority of the members of the committee to themselves call a meeting and report whatever legislation they desire to the floor of the House.

Mr. BRADLEY of Pennsylvania. May I ask the gentleman from Virginia on what authority he says the chairman of the Committee on Rules declines to call a meeting of the committee when he admits that he has not asked him that question?

Mr. HOFFMAN. Mr. Speaker, I did not yield to the gentleman from Pennsylvania; I yielded to the gentleman from Virginia [Mr. SMITH].

Mr. SMITH of Virginia. I will answer a lot of questions, if I get the opportunity to do so.

The SPEAKER. The Chair will read clause 48 of rule XI:

> A standing committee of the House shall meet to consider any bill or resolution pending before it: (1) on all regular meeting days selected by the committee; (2) upon the call of the chairman of the committee; (3) if the chairman of the committee, after 3 days' consideration, refuses or fails, upon the request of at least three members of the committee, to call a special meeting of the committee within 7 calendar days from the date of said request, then, upon the filing with the clerk of the committee of the written and signed request of a majority of the committee for a called special meeting of the committee, the committee shall meet on the day and hour specified in said written request. It shall be the duty of the clerk of the committee to notify all members of the committee in the usual way of such called special meeting.

That is the answer of the Chair to the parliamentary inquiry of the gentleman from Virginia.

Mr. SMITH of Virginia. Mr. Speaker, may I submit a further inquiry?

Under those circumstances, is it possible for the chairman of the committee of his own volition to prevent the House from taking action on legislation vital to the Nation until the time set forth in the rule has elapsed?

The SPEAKER. Under the rules of the House, the chairman of a committee does not have to call a meeting of the committee. The answer to the question as to how the committee can get together

if the chairman does not desire to call the committee together or refuses to call them together is contained in the rule just read.

Mr. HOFFMAN. Mr. Speaker, a parliamentary inquiry. If a Member of the House refuses to be present and has not been excused by the House, is he entitled to compensation under the rules and the statutes?

The SPEAKER. That certainly is not involved in the pending question.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Massachusetts.

Mr. MARTIN of Massachusetts. May I ask the gentleman from Virginia if this means that the House will not have any opportunity to act on the Case bill until 10 days have passed?

Mr. SMITH of Virginia. That is what I have been trying to find out, I will say to the gentleman from Massachusetts.

The SPEAKER. The gentleman can find out because the Chair just read from the rules. There is no trouble in finding that out.

Mr. MARTIN of Massachusetts. I thought the gentleman might have some additional information which has not been given to the House. Are we to take it from this that there will be no action on the Case bill for 10 days? The Members would like to be able to arrange their affairs.

Mr. SMITH of Virginia. I do not know. I have told you the facts that have occurred. I should say, if the gentleman will yield, in answer to the inquiry of the gentleman from Pennsylvania [Mr. BRADLEY] as to how I knew, that, when the majority of the members of this committee desired to meet, I personally called the clerk of the committee and was informed that the chairman of the committee was downstairs at lunch. I asked the clerk to say that a majority of the members of the committee would meet in the committee room at 2:15 and to request his presence at that time. I was informed that he left the Capitol shortly after that with his coat and hat.

Mr. BRADLEY of Michigan. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BROWN of Ohio. Would it be in order for a Member to move to take from the Speaker's desk H. R. 4908 for consideration at this time?

The SPEAKER. The motion is not a privileged motion at this stage of the proceedings.

Mr. BROWN of Ohio. Would it be within the discretion of the Speaker?

The SPEAKER. It would not. It requires unanimous consent.

Mr. BROWN of Ohio. Will the gentleman yield further?

Mr. HOFFMAN. I yield.

Mr. BROWN of Ohio. Mr. Speaker, I make the unanimous-consent request, that the bill H. R. 4908 be taken from the Speaker's table for consideration at this time.

Mr. MARCANTONIO. Mr. Speaker, I object.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

The SPEAKER. The gentleman from New York [Mr. MARCANTONIO], has objected.

Mr. MARCANTONIO. I will reserve the objection so that the majority leader can make a statement.

Mr. McCORMACK. Mr. Speaker, I will assume the responsibility of handling this situation.

The gentleman is aware of the colloquy I had this morning with the gentleman from South Dakota [Mr. CASE]. Of course, I take the same position.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield to allow me to interrupt long enough to say that the gentleman from Massachusetts, the majority leader, has been very fair in this matter.

Mr. McCORMACK. I thank the gentleman. I try to be. I hope the gentleman will not insist upon his unanimous-consent request, because then, exercising my responsibility under the circumstances, I shall object.

Mr. BROWN of Ohio. Of course, the gentleman knows that the dilatory tactics that have taken place today will keep the President's bill held back for 10 days in this great emergency.

Mr. McCORMACK. I am not accountable for that.

Mr. BROWN of Ohio. The gentleman is well aware of the fact that the gentleman from Ohio is trying to get action and an opportunity for the House to work its will.

Mr. McCORMACK. Under no circumstances would I criticize the gentleman from Ohio in what he is trying to do. My position in no way is to be construed as such.

Mr. HOFFMAN. Mr. Speaker, I thought I had the floor. How can I get in a few words?

The SPEAKER. The gentleman can call for the regular order.

Mr. HOFFMAN. Then I call for the regular order, Mr. Speaker, and will say it looks as though while the House on Saturday condemned the strikers on the railroads and voted to draft them, today the chairman of the Rules Committee [Mr. SABATH] is sitting on H. R. 4908, the Case bill, as rewritten and passed by the Senate, and refuses to meet with the members of his committee, and the body at the other end of the Capitol is sitting on the bill passed by the House Saturday and we are getting ourselves into a very bad position. The President is at the bottom of it all, letting it be known that he will veto H. R. 4908, the Case bill, as rewritten and passed by the Senate, and Members of that body refusing to give him power which they consider improper and unnecessary. The public is going to take it out on someone, and that someone may not be either Lewis or the strikers.

The SPEAKER. The time of the gentleman from Michigan [Mr. HOFFMAN] has expired.

Does the gentleman from Ohio insist upon his unanimous-consent request?

Mr. BROWN of Ohio. I insist upon it; yes, Mr. Speaker.

Mr. MARCANTONIO. Mr. Speaker, I object.

The SPEAKER. The Chair will state that during the remainder of the day the Chair will not recognize any Member to make a similar unanimous-consent request except the majority leader.

Mr. GEELAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GEELAN. In view of the previous ruling by the Chair that he would recognize reports of no committee which was meeting while the House was in session, what would be the situation?

The SPEAKER. If the Chair made any such ruling today he does not remember it.

Mr. GEELAN. I distinctly recall the Chair's prohibiting any committee's being in session or holding hearings while the House was in session.

The SPEAKER. The Committee on Rules is exempt from that rule.

Mr. COLMER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COLMER. Mr. Speaker, I understood the Chair to rule that under the circumstances the majority members of the Rules Committee could not call a meeting except under the specifications of the article laid down by the rules.

My inquiry is, Would the Committee on Rules, when it does meet, have the authority, the rule that the Chair has read to the contrary notwithstanding, to amend the rules on the calling of meetings in the Rules Committee?

The SPEAKER. The Committee on Rules may recommend an amendment to the Rules of the House. The House would have to pass upon it.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield if I have the floor for that purpose; yes.

The SPEAKER. The Chair has responded to the parliamentary inquiry, but if the gentleman from Michigan desires to be heard, the Chair will hear him.

Mr. MICHENER. Another parliamentary inquiry, if the Speaker please.

Amplifying the ruling by the Speaker, is it not possible for any standing committee of the House to make rules governing the meetings of the committee and the conduct of the committee in the committee, controlling that committee only?

The SPEAKER. The Chair had experience with only one committee in the House during his 24 years of membership on that committee, and the Chair does not feel that he wants to get into that field at the present moment.

The Chair thinks that is a matter to be determined under the rules of the House by the chairman and the members of the committee. The Chair would be getting into a pretty broad field if he did anything but simply pass upon the specific question raised.

Mr. MICHENER. Am I wrong in saying that the committee has that authority and they can do that thing?

Mr. BRADLEY of Pennsylvania. Mr. Speaker, if there are no other special orders, or if there is no other business before the House——

The SPEAKER. There are several other special orders undisposed of.

SPECIAL ORDER GRANTED

Mr. BRADLEY of Pennsylvania. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes today following the other special orders.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

SPECIAL ORDER

The SPEAKER. Under the previous order of the House the gentleman from Oregon [Mr. ELLSWORTH] is recognized for 30 minutes.

Mr. ELLSWORTH. Mr. Speaker——

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman from Oregon yield for an observation?

Mr. ELLSWORTH. I yield.

Mr. BROWN of Ohio. Before we leave the discussion regarding the transaction of business in the Rules Committee, I believe it will be of interest to the Members of the House and to the country as a whole to know that a majority of the Committee on Rules was ready for a session this afternoon, did meet in the committee room of the Committee on Rules and wanted to transact business so that there would be no slowing down of the legislative processes in this critical hour.

Mr. BRADLEY of Pennsylvania. Mr. Speaker, will the gentleman yield for a brief observation?

Mr. ELLSWORTH. I yield for a brief observation; yes.

Mr. BRADLEY of Pennsylvania. I just want to state so it will be well understood, that the parliamentary situation which we were discussing concerns only the Case bill. The chairman of the Committee on Rules was within his rights under the rules of the House and particularly in view of the assurances which the distinguished majority leader had given to the House last week.

With respect to obstruction of the program involving the President's recommendation to which the gentleman from Ohio, my distinguished friend refers, I wish to direct his attention to the fact that it is another distinguished gentleman from Ohio, according to today's press, on the other side of the Capitol who has objected to consideration of the President's recommendation.

Mr. BROWN of Ohio. As I understand the gentleman from Pennsylvania, he admits that the chairman of the Rules Committee has blocked legislative action in the House today.

Mr. BRADLEY of Pennsylvania. I said the chairman of the Rules Committee is acting within the rules of the House.

Mr. CASE of South Dakota. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. CASE of South Dakota. I make the point of order that it is against the rules of the House to comment upon the action of any Member of the other body.

The SPEAKER. The gentleman is correct.

The point of order is sustained.

Mr. ELLSWORTH. Mr. Speaker, I decline to yield further to the gentleman from Pennsylvania.

The SPEAKER. The Chair has recognized the gentleman from Oregon and trusts that he does not yield for any further parliamentary inquiries.

Mr. MILLER of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. ELLSWORTH. I yield to the gentleman from Nebraska.

Mr. MILLER of Nebraska. I just want to make the observation that the rather drastic labor legislation brought in and recommended by the President has a termination date of 6 months after the war is over. The Judiciary Committee is now having hearings upon the point of when the war is over. Perhaps we can get some action on declaring when the war will be over or when it will end. We have introduced resolutions trying to establish a definite date when the war will be over.

THE POULTRY FEED SITUATION IN THE NORTHWEST

Mr. ELLSWORTH. Mr. Speaker, I wish to discuss a matter which I consider to be not only of grave importance but of an emergency nature. There are other troubles in our country right now besides labor troubles and labor legislation. I want to bring to the attention of the House, Mr. Speaker, the situation with respect to the poultry industry of America, particularly with reference to the poultry industry in some 15 States, and specifically with reference to the poultry industry in my own State of Oregon.

Out in Oregon the poultry flocks are being liquidated so rapidly that the cold-storage facilities are not adequate to take care of the laying hens that are being killed and these chickens are being destroyed and not being used for food purposes. We cannot get the feed with which to feed these flocks in our State and in the other 14 or 15 States of which I speak. The result is that not only are great quantities of food being wasted but, as I shall show later on in my remarks, this current waste and loss to the poultry industry is not necessary.

On Saturday morning I received the following telegram from Mr. G. C. Keeney, manager of the Pacific Cooperative Poultry Producers' Association, which tells the story very quickly and very graphically. It reads as follows:

Killing plants in valley unable to handle heavy liquidation of laying hens. Conditions will be chaotic next week. Urge you continue every possible effort to secure immediate relief.

Mr. Speaker, the other members of the Oregon delegation and I have been using every possible effort to secure relief for our poultry industry but up to noon today, without any appreciable effect. Relief is not being had and more than a million chickens ordinarily usable for food will likely be burned or buried within the next week or 10 days.

Some little time ago the chairman of the Oregon State United States Department of Agriculture Council wired the Secretary of Agriculture, Clinton D. Anderson, as follows:

The Oregon United States Department of Agriculture is gravely concerned with the feed supply situation in the State resulting from the heavy wheat exports to famine areas. On April 10 I wired you the council's report that remaining wheat supplies in the Northwest were about 10,000,000 bushels short of requirements. In view of this shortage and its effect on the livestock and poultry industries, the council asked for an immediate stoppage of exports of Northwest wheat. At its meeting today, the council again considered the situation, and from the information presented, it is apparent that wholesale liquidation of laying flocks is in prospect.

The council recognizes that heavy reduction in both poultry and livestock is necessary to do our share of feeding the starving abroad. But the council believes that the Pacific Northwest has been doing much more than its share in sending wheat to famine areas. It now has reached the point where emergency action must be taken to prevent wrecking of the poultry industry far beyond the point of individual hardship.

That wire was sent to the Secretary of Agriculture on May 10. Still nothing was done. Oregon now faces not merely a reduction of its poultry flocks but complete liquidation, and poultry raising is a major industry in my State. There will not be enough slaughtering facilities, as I said before, or storage facilities, either, so that much of our poultry that must be slaughtered must be a complete loss.

The growers were given goals by the Department of Agriculture in the fall of 1945 for 1946 production, and they were encouraged to meet those production goals. The only offense that our Oregon growers have committed is that they have done too well. They have met their goals. In February 1946, after having set this production pattern to meet the goals established, the same Government, through its Department of Agriculture, limited the amount of grain which could be used for feed purposes, automatically reducing production to the extent of the limitation, or 20 percent. Then the Government competed for grain to be shipped abroad and used up a major portion of what would otherwise have been available for domestic uses, including feed. Now the Government says it has no facilities for making feed grain available except through the persuasion of handlers and the people who have feed. It admits the gravity of the situation and then claims to be powerless to act. I am told that because we did not reduce our flocks as much as we were requested they are now to be exterminated. It seems our Government is more concerned with the welfare of the citizens of other nations than our own.

We are Christians first, of course, and we want to look after the feeding of other peoples so far as we can, and we are United States citizens second, but, Mr. Speaker, we are not United States citizens third, fourth, and fifth.

Mr. VOORHIS of California. Mr. Speaker, will the gentleman yield?

Mr. ELLSWORTH. I yield to the gentleman from California.

Mr. VOORHIS of California. I am as deeply concerned as the gentleman is about this situation, and my section of the country has been hit very, very hard, too. But I introduced a bill myself several months ago to provide for empowering and directing the Government to prevent the use of grain during this period of shortage for any nonessential purposes, including the manufacture of alcoholic beverages. I would like to point out to the gentleman that 100,000,000 bushels of grain per month are still allowed to go for that reason, despite the fact that at the moment we have 2½ years' supply of hard liquors in stock in comparison to annual consumption. I would like to ask the gentleman whether he does not think that some of the grain could better be used for feed for poultry flocks in his section and my section and other sections of the country?

Mr. ELLSWORTH. I thank the gentleman for his observation. It happens that on Friday afternoon I discussed this matter with the Secretary of Agriculture and was told that nothing official could be done by the Government. I was told that the Government would lend every aid toward the purchasing of grain for feed from private owners, but that nothing could be done officially.

On Saturday morning in one of the Washington newspapers I saw this clipping. It reads, "End of shortage of beer pledged by Anderson." The statement goes on to say that the wheat crop is going to be a little better than expected and there will be additional grain for the manufacture of beer.

I do not have any desire to take the time now to discuss the question of whether or not beer should be manufactured, but I do say that when an entire industry is to be liquidated because there is no wheat I certainly am shocked to read that there is wheat enough to make beer.

Mr. SAVAGE. Mr. Speaker, will the gentleman yield?

Mr. ELLSWORTH. I yield to the gentleman from Washington.

Mr. SAVAGE. I was in the State of Washington a few weeks ago and learned that out of the port of Portland, in the gentleman's State, and Vancouver, in my State, we had shipped up to that time more than 1,500,000 tons of grain to Franco, one of the Fascist leaders. No doubt part of that grain went into the mouths of some of the Nazis that were stationed in Spain at the very time that UNRRA could not get their fingers on that grain. I certainly think it is a mistake when we give scarce grain to one of the former Fascist rattlesnakes.

Mr. ELLSWORTH. May I point out to the gentleman that hunger does not recognize politics. The Fascists and Nazis get just as hungry as Communists. I agree with the statement made by Mr. Hoover when he said to a group of us some weeks ago that as far as he was concerned politics did not enter into the question of human suffering.

Mr. SAVAGE. I understand, however, that that grain goes to Franco and his army gets it, and the people in Spain who are opposed to Franco remain hungry.

Mr. ELLSWORTH. I understand UNRRA grains have been misused when shipped to some of the other countries, too. I imagine there are a great many things around the world we might object to; nevertheless, people are starving. If we can ship some grain to starving people, we will have accomplished our mission.

Mr. ANGELL. Mr. Speaker, will the gentleman yield?

Mr. ELLSWORTH. I yield to the gentleman from Oregon.

Mr. ANGELL. Is it not true that the crux of this situation is that it is due to the fact that the Government really has commandeered the grain crop in the Northwest, which ordinarily would go to the feeding of these flocks, and has exported it?

Mr. ELLSWORTH. That is correct.

Mr. ANGELL. Is it not also true that the situation could be relieved if the Government agencies would allocate a sufficient amount of the grain they now have in storage awaiting shipment to relieve this acute situation? The amount which is taken for that purpose temporarily could be replaced when the new crop comes in.

Mr. ELLSWORTH. That is exactly right. I thank the gentleman for the observation.

Mr. ANGELL. May I say further that it is true that the Government through the Department of Agriculture and the other agencies has refused to take any action to prevent the destruction of millions of laying hens which are producing food which we need not only here in America but in the Old World as well, where we are seeking to give relief?

Mr. ELLSWORTH. That is very definitely the case.

Mr. RIZLEY. Mr. Speaker, will the gentleman yield?

Mr. ELLSWORTH. I yield to the gentleman from Oklahoma.

Mr. RIZLEY. I think it could well be pointed out by the gentleman that just last week the Department of Agriculture, working under the War Powers Act, commandeered one-half of all the grain the farmers take into the elevators for storage, and has issued an order that it must be sold. The same order directed that one-half of the wheat the elevator buys must be set aside for the use and benefit of the Commodity Credit Corporation.

Mr. ELLSWORTH. That is correct.

Mr. RIZLEY. It seems to me, coming from Oklahoma, a great wheat-producing State—and I may say to the gentleman that we have a lot of wheat going into the terminal elevator at Enid, Okla., right now—that notwithstanding the fact that we need to feed these people over in Europe, the Government could, if it wanted to, from wheat that is on hand certainly release enough so that the flocks in the gentleman's State of Oregon could be taken care of.

Mr. ELLSWORTH. I thank the gentleman for that observation. I will give the figures on that point right now.

The very sad thing about this emergency in the State of Oregon and in some of the other States of the country is that the condition now existing will prevail only a matter of a few weeks. We are to liquidate, mind you, an entire industry. When I say "liquidate" I mean put it out of business. We will not have any laying hens in the State of Oregon 2 weeks from now. The shortage of grain will last only a short time because the new crops will be coming in from other sources. Certainly it will not last longer than the 1st of July.

The tragedy of this thing is that it does not have to happen, for this reason: Let me read you part of a letter written by Senator GUY CORDON, on behalf of the Oregon delegation, to the President of the United States following the conference we had with him:

> The Oregon congressional delegation in its conference with you yesterday presented the critical situation facing the poultry industry in the State of Oregon due to lack of feed grain resulting from heavy Government purchases.
>
> It was made clearly apparent that liquidation of the poultry industry and the bankruptcy of thousands of people will result unless there is an immediate diversion of Government-owned wheat or other grains to permit the orderly reduction of the poultry population, which is already reduced far below the maximum limits set by the Department of Agriculture.
>
> In the ensuing discussion the delegation advanced the suggestion that diversion of essential food be made from Government stock to be replaced from grain now being harvested in Texas, or to be presently harvested in the West and Northwest. You expressed belief in the soundness of this suggstion and, at your request, Secretary of Agriculture Anderson conferred with State Director of Agriculture Peterson and Congressman ELLSWORTH yesterday afternoon. The net result of that conference was that the Secretary requested departmental heads to send men out in the field in an effort to purchase wheat—no action was taken to divert Government-owned grain now in elevators in the area.

I may say parenthetically at this point that this is not a matter which can be taken care of by shipments which may take several weeks to reach their destination. The matter I am talking about is critical as of this minute, and will be for the next 48 hours or for a week. After that it will be too late.

Mr. JENKINS. Mr. Speaker, will the gentleman yield?

Mr. ELLSWORTH. I yield.

Mr. JENKINS. This situation is not only critical in your section but also in the northeastern part of the country.

Mr. ELLSWORTH. It is critical in about 15 States.

Mr. JENKINS. For instance, last Saturday I went down to a big market here in Washington and I noticed that there were plenty of chickens on the stands, but there was no other meat. Here is another thing that is going to come out of this proposition. I have a telegram from a big hatchery in California saying that they are going to lose 100,000 chicks immediately because the people in your territory who have ordered the chicks say they do not want them and have canceled the order, and that the chicks will die.

Mr. ELLSWORTH. We are killing them by the hundreds of thousands. I thank the gentleman from Ohio, who is

chairman of the Republican Food Study Committee, for his observation.

Now, to continue with the information sent to the President on last Saturday:

This letter is to urge that you direct the Secretary of Agriculture to forthwith make the necessary diversion from presently held Government stock. Such diversion can unquestionably be made with little or no prejudice to export shipments during the current fiscal year.

In other words, we are not suggesting that any grain be taken away from the feeding of starving people.

The following figures show that:

During the last half of 1945 the average monthly Government exports, civilian and military, were 30,400,000 bushels. During the first quarter of 1946 the average was less than 31,000,000 bushels. Reports for April 1946, show exports of less than 13,000,000 bushels, and from May 1 to May 22, the total export reported is less than 5,000,000 bushels. The estimated exports for April, May, and June, are 85,000,000 bushels or 28,000,000 bushels per month. Almost 2 months have passed and only 17,500,000 bushels are reported as exported, leaving on hand—

Mind you, in the elevators in the Pacific Northwest, which are so jammed that no more wheat can come in—

leaving on hand 67,500,000 bushels, or more than double the amount of the average monthly export for the last half of 1945 and the first quarter of 1946—iwth only 5 weeks in which to make the export.

It is therefore obvious that the amount set up for export cannot be shipped and the grain will remain there while our chickens starve. These facts clearly show the full amount of grain diversion necessary, not only for Oregon needs but also for the other 10 or 12 States where a critical feed shortage exists, can be made from current Government stocks without reducing current exports.

Mr. Speaker, could any proposition be fairer or more sensible than the proposition advanced to the Secretary of Agriculture and the President by the Oregon delegation, namely, that grain on hand which cannot and will not be sent overseas but will lie in the warehouses and grain elevators, be used during the next 2 weeks to 4 weeks to preserve orderly liquidation of the poultry and the turkey flocks of the State of Oregon, and that that grain so used be replaced from Oregon's own production? We think that proposition or suggestion is so fair as to be almost absurdly fair. Yet, as of this minute, so far as I know, nothing has been done, and the poultry of Oregon and Washington and a number of other States is being slaughtered, and in the case of Oregon it is being slaughtered at such a rate that it cannot even be used as food.

Miss SUMNER of Illinois. Mr. Speaker, will the gentleman yield?

Mr. ELLSWORTH. I yield.

Miss SUMNER of Illinois. As I see it, the trouble is that they made a survey at the beginning of the war and made up their minds to make up a minimum diet of beans and peas. But the fact is that everybody knows, whoever cooked up a meal, that meat sticks to your ribs and vegetables do not. If they let you produce your chickens and put the vegetables that they are sending to Europe into the production of meat, then we would have people who would not be as hungry as they are at the present time.

Mr. ELLSWORTH. I thank the gentlewoman for her observation. May I say along that line that part of the difficulty right now is due to the fact that while an inventory of the grain situation of the Northwest States was being taken and before it was completed, weeks before it was completed, so that the administration could know from the facts obtained in the inventory, before the facts were known, the allocation of grain for shipment overseas was made and the commitments made on the shipments. That is a most outrageous way of doing business.

Mr. PITTENGER. That is another way of saying that these braintrusters and bureaucrats do not pay any attention to you folks.

Mr. ELLSWORTH. We have a regulated economy, may I say.

Miss SUMNER of Illinois. Mr. Speaker will the gentleman yield?

Mr. ELLSWORTH. I yield.

Miss SUMNER of Illinois. You referred to the estimates of the wheat crop. Nobody ever knows how much grain they are going to get until it is harvested.

Mr. ELLSWORTH. I am referring specifically to the inventory of grain actually on hand in the Northwest.

Miss SUMNER of Illinois. But earlier you referred to letting them have it for alcohol, because of the estimates of the amount of wheat to be harvested.

Mr. ELLSWORTH. That is correct. The previous estimates have been exceeded in production.

Mr. PHILLIPS. Mr. Speaker, will the gentleman yield?

Mr. ELLSWORTH. I yield.

Mr. PHILLIPS. Has the gentleman in his well-thought-out speech any figures which show the carry-over of grain in Canada as compared with the carry-over of grain in the United States?

Mr. ELLSWORTH. I am sorry, but I do not have those figures with me.

Mr. PHILLIPS. There is a greater reserve of grain in Canada than in the United States. I am wondering why that could not be made available immediately for the Pacific Northwest.

Mr. ELLSWORTH. There is plenty of grain that is not being used and will not be shipped that is available for our purposes.

Mr. CLEVENGER. Mr. Speaker, will the gentleman yield further?

Mr. ELLSWORTH. I yield.

Mr. CLEVENGER. Would it be any comfort for the gentleman to know that these crystal-ball gazers have already allocated next year's wheat crop as well, before they know how much it is going to be?

Mr. ELLSWORTH. There was a phrase that was used considerably a few years ago, "We planned it that way." I would not know just how that applies to the present situation.

Mr. TRAYNOR. Mr. Speaker, will the gentleman yield?

Mr. ELLSWORTH. I yield.

Mr. TRAYNOR. In Delaware they seem to think the great trouble is the shortage of corn, and not so much the shortage of wheat. It takes one-third more in weight to feed a thousand chickens right now because of the shortage of corn. It is not so much a shortage of wheat.

Mr. ELLSWORTH. We would be very happy to have corn. Our feed is normally wheat, because we produce wheat. Our situation is that we produce more wheat than our people feed every year. So all we are asking is to be allowed to use some of our own wheat for our own flocks. We would like to ship in corn but we do not know where to obtain it.

Mr. ANGELL. Mr. Speaker, will the gentleman yield?

Mr. ELLSWORTH. I yield.

Mr. ANGELL. If the administration does not take steps to cure this situation, it will mean that within a few months we will not only have no eggs but we will have no chickens for food. Furthermore, we will be out of supplies that ordinarily would go to help keep Europe from starving.

Mr. ELLSWORTH. After the next 2 weeks, if conditions go on as they appear to be going, it will take us 5 years to build the poultry industry back in this country to the point where we will have enough eggs and poultry to supply our normal requirements.

Mr. ANGELL. Meantime the citizens of our State who invested their money in this industry, some of them all they have, will be absolutely bankrupt?

Mr. ELLSWORTH. I wish the gentleman could see the letters I have on my desk now from veterans of this last war who have put in their entire savings and their war bonds into flocks of poultry. They have written me asking, "Is there anything the Government can do to keep us from losing our entire savings?"

Mr. PITTENGER. Mr. Speaker, will the gentleman yield further?

Mr. ELLSWORTH. I yield.

Mr. PITTENGER. Have you got the names of those who are perpetrating and bringing about this economic tragedy about which you are telling us? If they are on the Government pay rolls they should be taken off.

Mr. ELLSWORTH. I have discussed this matter with the heads of the Government insofar as this problem is concerned. I give those men complete credit for sincerity and a desire to be helpful. I do criticize them for what I consider to be lack of judgment and lack of initiative to act in this emergency in the proper way.

Mr. PITTENGER. There is not much left after you get done with that; not much left to talk about.

Mr. TRAYNOR. Mr. Speaker, will the gentleman yield further?

Mr. ELLSWORTH. I yield.

Mr. TRAYNOR. The chicken growers in my State say it takes 300 pounds of feed a day to feed a thousand chickens where it used to take 200 pounds.

Mr. ELLSWORTH. Those are interesting figures.

Mr. TRAYNOR. I have been meeting with them and that is what they tell me. The quality of the feed is so poor that it takes that much more to feed them. There is no corn in it, they claim.

Mr. ELLSWORTH. In other words, it needs more corn?

Mr. TRAYNOR. Yes.

Mr. RIZLEY. Mr. Speaker, will the gentleman yield?

Mr. ELLSWORTH. I yield.

Mr. RIZLEY. If it will be any consolation to the gentleman from Delaware, it is not only that they are taking wheat out of this country but they also have bought up several million bushels of corn and are sending it across to feed some place else while your chickens in Delaware have to go without.

Mr. TRAYNOR. Somebody talked about beer. I did not know they put corn in beer; I thought they put corn into liquor. Any liquor I ever drank was said to be either corn or rye.

Mr. ELLSWORTH. Mr. Speaker, in concluding my remarks, I wish to say that I have hesitated to take the time of the House to tell his story, but feel there is nothing else we can do. This critical shortage of feed for our poultry flocks in the Pacific Northwest—and the same applies to the Atlantic coast and New England—has reached such a stage that unless something is done in a matter of hours—it is that critical—unless something is done in a matter of hours or at most in a matter of a very few days, the poultry industry of the United States will go downhill to an extent that it will take years to build back. This should not be allowed to happen because the grain is here for these poultry flocks without depriving people who are now starving.

The SPEAKER. The time of the gentleman from Oregon has expired.

LIQUIDATION OF FEDERAL RURAL REHABILITATION PROGRAM

Mr. FLANNAGAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 704) to authorize the Secretary of Agriculture to continue administration of and ultimately liquidate Federal rural rehabilitation projects, and for other purposes, with House amendments, insist on the House amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Virginia? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. FLANNAGAN, COOLEY, PACE, HOPE, and KINZER.

The SPEAKER. Under the previous order of the House, the gentlewoman from Massachusetts is recognized for 10 minutes.

CARS FOR VETERAN AMPUTEES

Mrs. ROGERS of Massachusetts. Mr. Speaker, some months ago I introduced a bill which would provide an automobile for the amputees, paraplegics, those who have lost the use of a limb or limbs, or have lost a limb or limbs. No hearings to date have been held on that bill or on other bills of a similar nature that have been introduced by other Members in the House.

The other day the amputees and paraplegics held a mass meeting at Forest Glen. This meeting was attended by representatives of various veterans' organizations, representatives of the CIO, and of the American Federation of Labor. The American Federation of Labor wrote a strong letter supporting this program. The American Federation of Labor has heartily endorsed this bill. As have various groups of the CIO, various veterans groups have endorsed the bill.

Mr. Speaker, I feel strongly that the Veterans' Administration should pay more attention to the needs of the disabled than it is now doing. Other bills, such as not cutting the compensation of men without dependents in hospitals, a very unjust and cruel provision which is in force now, and other bills. I am greatly disheartened. Such a long time elapses before any action is taken on bills or before reports are sent in on measures introduced for the disabled. There is not a Member in the House, I am sure, who would begrudge a man who has given a leg or legs for his country the means of rehabilitating himself in order that he may get around and earn his living or at least earn money. Anyone who has watched an amputee walk on a slippery street knows how almost impossible it is for him to go. Many of you have seen these men walking in slippery weather or on icy streets have noticed that they are apt to fall down. When they break their prosthetic appliances and injure their stumps, that means delay in walking again, it means going back into a hospital for the curing and healing of the stumps, it means delay in the repair of the prosthetic appliances.

That man is deprived of an earning capacity, of his earning ability, as a result for, in some cases, long periods of time. We have given the man, it is true, artificial arms and legs in order that he may walk about as well as possible under his handicaps. These autombiles are just another prosthetic appliance, another thing to be given to the veterans in an effort to make them self-supporting and to rehabilitate them so much as possible.

The Congress some years ago in its good wisdom and judgment gave to the blind seeing-eye dogs in order to help them get about.

Mr. Speaker, this House may adjourn within a few weeks. Action on this so-called amputee bill should be taken up immediately if it is to become law. It is also for the paraplegics or anyone who had lost the use of a limb. Of course, it will have to pass both the House and the Senate before the Congress recesses for the summer.

There is another very urgent reason for the passage of this bill, in my judgment, and in the judgment of many other people. Today the amputees and paraplegics, and other veterans too, for that matter, cannot buy automobiles anywhere. For some reason or other the dealers do not seem to want to sell to the amputees. This is an extremely urgent matter, it is an emergency, because even if the veterans have the money to purchase, they cannot get the cars. If the Government should provide the cars for the men, the Government, of course, will have a priority. The men will get their cars, and you will see them driving along the streets going to and from their work. You have thereby given them a measure of happiness, you are providing them with a method of rehabilitation.

Mr. Speaker, I am sure there is not a Member among our 435 who would not go along with this bill if it is reported out of the World War Veterans' Committee and comes to the floor for consideration.

Mr. PITTENGER. Mr. Speaker, will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. I yield to the gentleman from Minnesota.

Mr. PITTENGER. May I ask if it is not a fact that the number who are affected or are concerned by this bill is a very small number? Is there any opposition to it?

Mrs. ROGERS of Massachusetts. I cannot understand why there should be any opposition. The only reason, perhaps, there may be some opposition is because no report came from the Veterans' Administration regarding it. No hearings have been held on the bill although hearings were promised by the chairman of the committee to the amputees who came in from Walter Reed Hospital and a paraplegic who came in from Michigan. One, as a matter of fact, was flown in from Texas. I cannot make out the invisible something that is delaying passage of this bill. There will not be 20,000 men affected by it. Every one has said that anything we can do for these men we ought to do. They have said that this is a way to help rehabilitate them. This is something we can do for them to bring them back to as nearly normal as it is possible for us to do.

Mr. PITTENGER. The gentlewoman's bill gives them something additional; some special consideration, that is a little different and a little more than the other veterans get, of which there are a large number.

Mrs. ROGERS of Massachusetts. It gives them an automobile. The other veterans do not have any trouble in moving about. When the boys came to me and asked me to introduce their bill they said, "We have not mobility. We cannot get on and off crowded streetcars. If someone pushes us in the street he may easily push us so hard we fall. We injure our stumps in these accidents."

They cannot walk in crowds, they cannot walk on slippery sidewalks. I know of a man the other day who was walking perhaps nine blocks, and he fell. In fair weather he could do it. He fell down three times walking on these rainy, slippery sidewalks. This bill would not cost much for so few are involved. It seems such a little thing to do for these men, who have given so much for us. There are some of these veterans you cannot help very much, but these men you can help.

I know of the interest of the gentleman from Minnesota [Mr. PITTENGER] and others. Many Members of the House have said to me they were heartily in favor of the bill. It makes no difference which bill goes through just so long as a bill is passed and the veterans receive their transportation.

The SPEAKER. Under previous order of the House the gentleman from Illinois [Mr. CHURCH] is recognized for 5 minutes.

SOME RESULTS OF THE COAL STRIKE IN THE CHICAGO AREA

Mr. CHURCH. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include an analysis of the effect on Chicago area companies of the Reduction in Use of Electrical Power—from May 2 to May 11, 1946—and also to include part of a letter written to me by the chief executive officer of the Chicago Association of Commerce, Leverett S. Lyon.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CHURCH. Mr. Speaker, the Chicago Association of Commerce has gathered from the Chicago area companies data which have made possible a factual analysis of the damage done to employment, pay rolls, and production in that area by the curtailment from May 2 to May 11 of electric power usage resulting from the coal strike. A copy of this very important analysis will appear at the end of my remarks. A glance through it will show that the cost to that community was approximately $110,000,000 in lost production and sales, and $21,580,000 in lost wages. The manufacturing companies affected by the electricity cut averaged:

A reduction in number of persons employed of 22 percent.

A reduction of pay rolls of 50.7 percent.

A reduction in production of 65 percent.

Mr. Speaker, in this letter to me Mr. Lyon points out that—

The data concerning other types of companies, and the fact that more than one-third of the companies reporting told us that they could not have continued operations for long at the reduced rate will, I am sure, be of equal interest to you.

I believe this study, which, as I have indicated, is based on reports from individual companies, will be helpful to you in the work you are doing to resolve this serious problem. It is compelling evidence of the gravity of the problem and of the critical need for finding means to prevent industrial disagreements from causing break-downs in the national economy.

Mr. SAVAGE. Mr. Speaker, will the gentleman yield?

Mr. CHURCH. I yield to the gentleman from Washington.

Mr. SAVAGE. I just want to point out that the worker always loses by a strike for the immediate time, too, and gains in the long run like a businessman investing money in a business. It initially costs him more than he gets out, but eventually he intends to get a profit. That is what happens to the working people, and if there had never been any strikes in America the workers might now be working for $1 a day. On the increased wages that the workers do get from striking, they necessarily spend it among businessmen, and it all goes back to the channels of trade eventually. The country does not lose anything in the long run by a strike.

Mr. CHURCH. It is very apparent here that the reduction in pay roll of 50.7 percent that Chicago Association of Commerce has brought out here in its investigation as well as the other data should be brought to the attention of the country and the Congress. I hope the gentleman from Washington as well as other Members will read it.

AN ANALYSIS OF THE EFFECT ON CHICAGO AREA COMPANIES OF THE REDUCTION IN USE OF ELECTRICAL POWER, MAY 2 TO 11, 1946

Just before the curtailment of the use of electricity in the Chicago area made necessary by the stoppage of coal mining nearly 2,000,000 persons were at work in the Chicago industrial area.[1] They were earning between eighty-seven and ninety-one million dollars a week, producing manufactured goods at an estimated rate of $139,000,000 per week, and selling wholesale and retail goods and rendering services worth $230,000,000 per week. These people were employed in nearly 10,000 manufacturing plants and over 100,000 nonmanufacturing establishments.[2]

The damage caused by the electricity curtailment and the other curtailments resulting from the coal stoppage amounted to an estimated weekly loss in the Chicago area of $94,000,000 worth of production and sales. It also meant that approximately 127,000 persons were laid off, that an even larger number were placed on reduced hours of work, and that weekly pay rolls were some $18,500,000 less than they otherwise would have been.[3]

For the working days of the curtailment (May 2 to 11, 1946) these losses are estimated to have totaled $110,000,000 in production and $21,580,000 in wages.[4]

I. All classes of business were reduced: As a result of the curtailment of electricity and of the other regulations and scarcities arising out of the stoppage of coal mining, Chicago area business activity was sharply reduced immediately following May 2, 1946.

The total number of employees at work was reduced 6.6 percent.

The total pay roll was reduced 20.4 percent.

Production and sales were reduced 39.3 percent.

A. These general figures, however, including as they do a number of companies exempted from the restrictions, fail to show the real impact of the limitation. The effects on the companies subject to the limitations were much more serious than the above figures suggest.

1. Manufacturing companies subject to the limitations showed reductions as follows:

The number of persons at work was reduced 22 percent.

Pay rolls were reduced 50.7 percent.

Production was reduced 65 percent.

2. Retailers, wholesalers, and service companies subject to the limitations show reductions as follows:

The number of persons at work was reduced 8 percent.

Pay rolls were reduced 14 percent.

Sales were reduced 14.5 percent.

Adaptation to reduced hours, as in the case of the department store customers, or the use of substitute forms of lighting, were more practicable for these classes of business.

B. For exempt classifications of both manufacturing and nonmanufacturing, declines were relatively small. Four such companies, reductions were as follows:

	Percent
Manufacturing:	
Employment	2
Pay roll	2
Production	4
Nonmanufacturing:	
Employment	1
Pay roll	1
Sales	3

II. Reductions in all phases of business activity varied among companies as indicated by the table below:

Size of reduction	Number of companies with—		
	Employment reduction	Pay-roll reduction	Production and sales reduction
0 to 10 percent	183	86	32
11 to 20 percent	10	19	8
21 to 30 percent	12	12	13
31 to 40 percent	6	19	15
41 to 50 percent	9	39	20
51 to 60 percent	9	18	44
61 to 70 percent	3	17	10
71 to 80 percent	8	11	8
81 to 90 percent	2	2	9
91 to 100 percent	7	5	8
Companies reporting	249	228	167

III. Many companies could not have continued operation at the reduced rate. Slightly more than one-third (35 percent) of the companies responding to the questionnaire reported that they could not have continued operations "even if no further reduction is made in electric power use." Respondents gave such reasons as:

"Our customers cannot use our output."

"Overhead will be too high."

"The freight embargo would preclude further operations."

"Material supply from other sources is likely to fail."

"Nature of operations requires more than 24 hours of use of electricity to complete a particular operation."

"Employees would sooner draw unemployment compensation than work reduced schedule."

"Cancellation of orders."

"Peril to health." (Many mentioned eyestrain.)

IV. Few companies could have operated with less than 24 hours of electricity use: In answer to the question "If a further reduction is ordered, what is the smallest number of hours of use of electricity at which you could continue to operate?" One hundred

[1] Cook, Kane, Lake, Will, and Du Page Counties in Illinois, and Lake County in Indiana, as defined by the United States Census of Manufactures.

[2] The data in this paragraph were computed by use of indexes, and totals published in such sources as the United States Census of Distribution and Manufactures, the Illinois Department of Labor, and the U. S. Employment Service.

[3] The reductions in employment, pay rolls, production, and sales given here and in subsequent sections of this report are based upon replies from 250 companies to a special questionnaire sent by the Chicago Association of Commerce to its member companies. Returns from large companies (over 500 employees) were relatively few in this sample. Returns from medium-sized companies (150 to 500 employees) were substantially more numerous, and returns from small companies (less than 100 employees) were most numerous. In computing over-all totals, the classes of business, used in paragraphs I-A and I-B, were weighted in proportion to their size.

[4] This assumes Saturdays as well as all other working days, but none of the preceding estimates attempt to include estimates of losses involved in reestablishing previous production rates.

and seventy-five companies answered as follows:

Minimum hours per week	Number of companies responding	Minimum hours per week	Number of companies responding
0 to 3 hours	37	36 to 39 hours	3
4 to 7 hours	3	40 to 43 hours	11
8 to 11 hours	8	44 to 47 hours	1
12 to 15 hours	2	48 to 51 hours	5
16 to 19 hours	18	52 to 55 hours	1
20 to 23 hours	19	56 to 59 hours	0
24 to 27 hours	40	Over 60 hours [1]	15
28 to 31 hours	2		
32 to 35 hours	10	Total	175

[1] Includes respondents with multiple shift operations before electricity curtailment.

Fifty percent of the companies reported that they needed 24 hours or more of electricity use for continued operations. Note from the table that, except for a few companies reporting themselves to be able to operate with little or no electricity, further reductions would have resulted in an almost complete stoppage of business activity in the community.

The SPEAKER. Under previous order of the House, the gentleman from California [Mr. VOORHIS] is recognized for 5 minutes.

LABOR LEGISLATION

Mr. VOORHIS of California. Mr. Speaker, on Saturday the House, meeting under circumstances perhaps unparalleled in the history of the country, did, in my judgment, the one thing the House could do under the circumstances that was right. We had no opportunity to amend the measure that was before us. I have asked for this time to say that I believe there is one provision in that bill which ought not to be there, which is unnecessary, and which I hope another body may remove from the bill; that is, the provision providing for a military draft of workers.

My conviction is that strong legislation with regard to interference as against an industry that is in Government hands because of its essential nature to the economy of the Nation in a time of crisis is called for, and that is why I voted as I did. I believe the legislation is strong enough without the provision I have mentioned, and much better calculated to accomplish the central purpose which it aims to serve, which is simply to say that any attempt to interfere with the operation of an industry which is under Government operation and is being carried on in the interest of the whole national economy is an illegal interference. I believe if we do that, that is all that is needed to assure operation of essential industries under the conditions specified in the bill. For that reason I have asked for this time, in order to express my further views on this matter, which it was not possible to do with any effect at the time we acted as we did on last Saturday. In conclusion, Mr. Speaker, I repeat that I believe that this House did the one right thing which it could do in the premises on last Saturday.

The SPEAKER. Under previous order of the House, the gentleman from Minnesota [Mr. PITTENGER] is recognized for 15 minutes.

ST. LAWRENCE SEAWAY AND POWER PROJECT

Mr. PITTENGER. Mr. Speaker, I do not take up a lot of the time of the House and I do not as a rule take up any of its time when I have such an enthusiastic audience on the floor of the House as I have here this afternoon. I am glad to see so many folks up in the gallery.

I asked for this time, Mr. Speaker, to call to the attention of the House a subject that most of you know is very near and dear to me, and that is the St. Lawrence seaway and power project.

Mr. Speaker, one of the tragedies that will be written into history in connection with this administration, which has created one emergency after another, which is followed by one tragedy after the other, is its failure to do something for the American people of a lasting nature. There is no great project comparable to the Panama Canal except the St. Lawrence seaway and power project. Seventeen months ago a measure to start the construction of this project was introduced in this Congress, and for 17 months the responsible leadership of this Congress has failed miserably to live up to its pledges and its promises to the American people. They were only good when our campaign was on. I want this record to show now and for all time that the responsibility for this delay, the responsibility for the failure to keep faith with America, rests on the party that is in power and has been in control of this Government for 13 consecutive years.

I will have a lot more to say about this St. Lawrence seaway and power project because tomorrow in another body I anticipate, although I hope that I may prophesy wrong, additional delay will come about in connection with action by an important committee in that other body that will make this project move forward. There has been one delay after another, and delay has spelled death for the St. Lawrence seaway and power project. It has been postponed long enough and we should take it up before we have an adjournment.

Mr. STEFAN. Mr. Speaker, will the gentleman yield?

Mr. PITTENGER. I yield to the distinguished gentleman from Nebraska.

Mr. STEFAN. Will the gentleman tell us the status of the St. Lawrence seaway legislation at this time?

Mr. PITTENGER. On January 4, 1945, I introduced a measure in the House, and there has been no action taken on that bill. There have been no hearings, although we have made constant inquiry as to when progress would be made. We were met with the suggestion that the measure would be taken up in another body. After long, long, long suffering and work, the other body produced a bill, or somebody did, which in substance was the same as the bill that I had introduced in January 1945. That bill was the bill reported out of the Committee on Rivers and Harbors in 1941 by our distinguished chairman of the Rivers and Harbors Committee of the House. That is about all that has been accomplished. The status spells "nothing."

Mr. GRANGER. Mr. Speaker, will the gentleman yield?

Mr. PITTENGER. I yield to my distinguished colleague.

Mr. GRANGER. Is it not a fact that President Roosevelt recommended this project?

Mr. PITTENGER. Why, so many Presidents have recommended this project that the memory of man runneth not to the contrary.

Mr. GRANGER. Also, President Truman has recommended it. Then what is the gentleman complaining about?

Mr. PITTENGER. What am I complaining about? Let me tell you, my brother, you should listen to what I have been telling you. I am complaining about the fact that the men who represent the President of the United States do not carry out his orders. They do not do what he tells the American people he is going to have them do. The responsibility rested upon Mr. Roosevelt for failure by his lieutenants. The responsibility now rests upon Mr. Truman for failure of his advisers and assistants. Neither could evade that responsibility by saying it was the job of somebody else, because they were the responsible leaders of their party, and nothing was done. That just partially answers your question.

Mr. GRANGER. I do not think it answers it at all.

Mr. PITTENGER. Oh, well, you make your own speech on your own time. I know that was not what you wanted me to tell you, but I answered your question, and correctly.

Mr. GRANGER. I am sure the gentleman wants to be fair about the situation.

Mr. PITTENGER. I am being more than fair.

Mr. GRANGER. I think there is a great number, perhaps a majority, of the Members in this House who want this legislation. It is not fair to charge it to the administration. They have indicated time and time again that they wanted it. I think the gentleman's complaints, so far as the administration is concerned, are not fair.

Mr. PITTENGER. That is a good speech. As long as the gentleman felt that he wanted to make a speech, I was glad to have him do so.

Mr. STEFAN. Mr. Speaker, will the gentleman yield?

Mr. PITTENGER. I yield to my colleague the gentleman from Nebraska.

Mr. STEFAN. Of course, the minority party is not in control of the situation. In all the committees the majority party has the chairmanship as well as the majority of the membership of the committees. They have the absolute responsibility and have control of the legislation.

Mr. PITTENGER. That is true in the other body.

Mr. STEFAN. And on this side too, is it not?

Mr. PITTENGER. On this side too. I think my colleague has answered the question of our colleague the gentleman from Utah [Mr. GRANGER] about as I would answer it, with this possible exception. May I say to my colleague who said that I was not fair about the matter, I think some of President Roosevelt's leaders ran out on him. In fact, they did. I do not know what Mr. Truman's

leaders are doing, but I know they are doing nothing. That is the record. I know that in another body where your party is in control there has been one delay after another and the responsibility unfortunately rests there. I do not charge the individual rank and file of the membership of this body with that responsibility, but when the American people look for an answer, what I am saying to you this afternoon is the answer to the question: Why this delay?

Why have they permitted 17 months to elapse and still refuse in the other body to report out to the floor a bill for the construction of the St. Lawrence seaway and power project, where the membership could vote for or against the measure?

Let me say to my colleague, I am not making a political speech. What I am saying now would be applicable to my leader if my party were in control of this Congress, and it would be equally true. But, as a member of the Committee on Rivers and Harbors of the House of Representatives, the improvement of rivers and the improvement of our harbors, the construction of projects such as this which would add to the wealth of America and in that way contribute to the general welfare of our people, has never had a political tinge in any vote I have ever cast in that committee or in any vote I have ever cast on the floor of this House. I have attended practically every meeting of the Committee on Rivers and Harbors of the House of Representatives. I have been present, without exception, when that splendid bunch of men, the War Department engineers, have come before that committee, headed by that illustrious man, the gentleman from Texas, Judge MANSFIELD, when the engineers have shown the committee the study they have made, have shown the committee their evidence, have shown the committee the need for an improvement on the Columbia River, way out on the west coast, or on the Sacramento River, out in California, or on some river in Texas or some river in Louisiana or Alabama, or some improvement on the Mississippi River, or some of these other localities that I do not have time to enumerate, I want to assure my distinguished colleague the gentleman from Utah [Mr. GRANGER], who says that he recognizes the value of this St. Lawrence project, and that I am not quite fair in charging the failure up to the party in power, my vote in every instance has been in favor of the improvement of these other projects.

If there is anything we need in America, it is a program of development of these projects, our rivers and harbors, that will contribute to the welfare of our own people.

Mr. GRANGER. Mr. Speaker, will the gentleman yield?

Mr. PITTENGER. I yield.

Mr. GRANGER. Certainly the gentleman has an idea of who is blocking this legislation, has he not?

Mr. PITTENGER. Yes.

Mr. GRANGER. I wonder if the gentleman will tell us who it is.

Mr. PITTENGER. Yes, sir. I will tell the gentleman this legislation is being blocked by several groups. Some of them are doing it without intent to do injury to America. Some of them are doing it purely for selfish reasons. Others are doing it for other reasons. I will say to the gentleman that it is an open secret that the ports on the Gulf and on the eastern seaboard, with their selfishness, born only of an adulterated mixture of elements of human nature that have neither morality nor ethics, have consistently blocked every project that they thought would take one ton of shipping away from them. That is part of the answer.

I will say further the utilities are blocking this project in their own way, through their own efforts, through their own effective way. It is a matter of history that at one time they were going to develop the power on the St. Lawrence seaway and power project at Messina, N. Y. They were all set to go, and somebody told me that Alfred E. Smith, at one time Governor of New York, led the fight to save this power for the people of New York. He won. The late mayor of New York, Mr. LaGuardia, has said that if the utilities were not interested we would have this thing overnight.

The other people who are opposing this is the Association of American Railways, through their numerous agencies and through their numerous representatives, because they think it will hurt the railroads.

I have given the gentleman a very frank answer and I do not want to be misunderstood. We cannot get along without the railroads, we cannot get along without the utilities and their power, and God knows we cannot get along without the port of New Orleans and the port of New York; we need them all and I want to keep them; but I want them to keep in their place. I do not want the tail to wag the dog and that is what the tail is doing to the dog in this instance. That is your answer to this delay. They have reached somebody, some place, somewhere.

Mr. GRANGER. Mr. Speaker, will the gentleman yield?

Mr. PITTENGER. I yield.

Mr. GRANGER. I may say to the gentleman that when the bill comes up on the floor I believe he will get the vote of every liberal on this side of the aisle.

Mr. PITTENGER. I thank the gentleman. I will go further, I will say that the project will get the vote of every Member of this body who does not come from some of these locations I could name and maybe have inadvertently stated in the last few minutes. It will get the vote of every Member who will study this project and who will realize what it means to the welfare of the American people. That includes some of our good friends in New England. A number of years ago the New England Chamber of Commerce hired people who had no ulterior motive except to tell the truth to make an investigation. They reported that the development of the St. Lawrence would help New England as much as it would help the Midwest. Then somebody who owned a railroad up there got hold of it, got scared, as lots of those folks do when there isn't anything to get scared about—they got scared, they suppressed that old report and put out a new one. I happen to have a copy of that report. I have the habit of saving things, not as much as I should, but because of that habit I have that old report.

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. GRANGER. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota may proceed for one additional minute.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. GRANGER. I wish to say to the gentleman that I heard him on the radio make a very fine presentation of this problem. As I remember there was a distinguished citizen of New England who indicated that it was perfectly selfish as far as they were concerned with him. It was how it would affect the people of the New England States, it was not how it would affect the Nation as a whole, as I remember it.

Mr. PITTENGER. I thank the gentleman for his contribution.

EXTENSION OF REMARKS

Mr. BROOKS asked and was given permission to revise and extend his remarks in the Appendix of the RECORD and include a letter from the clerk of the House of Representatives of the State of Louisiana and a resolution dealing with surplus war property from the House of Representatives of Louisiana.

Mrs. ROGERS of Massachusetts asked and was given permission to extend her remarks in the Appendix of the RECORD and include an address she gave at Lowell, Mass., yesterday afternoon at a memorial service.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. LAFOLLETTE, for 30 days, on account of necessary business.

To Mr. ANDREWS of Alabama, for Monday, May 27, on account of official business.

ADJOURNMENT

Mr. BIEMILLER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 54 minutes p. m.) the House adjourned until tomorrow, Tuesday, May 28, 1946, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON FOREIGN AFFAIRS

The Committee on Foreign Affairs will hold hearings on H. R. 6326, to contribute to the effective maintenance of international peace and security pursuant to the objectives and principles of the United Nations, to provide for military cooperation of the American states in the light of their international undertakings, and for other purposes, on Tuesday, May 28, 1946, at 10 a. m.

General Eisenhower and Admiral Nimitz will appear before the committee.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Public Health Subcommittee of the Committee

on Interstate and Foreign Commerce, at 10 a. m. Tuesday, May 28, 1946.

Business to be considered: Commence public hearings on the bill (H. R. 6448) National Science Foundation Act of 1946, and related pending bills.

COMMITTEE ON PATENTS

The Committee on Patents will begin hearings Tuesday, June 4, 1946, at 10 a. m., in the Patents Committee room, 416 House Office Building, on the following bills:

H. R. 3964 (HARTLEY): A bill to declare the national policy regarding the test for determining invention.

H. R. 5841 (BOYKIN): A bill fixing the date of the termination of World War II, for special purposes.

H. R. 5940 (LANHAM): A bill to make Government-owned patents freely available for use by citizens of the United States, its Territories and possessions.

These hearings will be continued on succeeding days until concluded or until this notice is superseded.

COMMITTEE ON THE JUDICIARY

On Thursday, June 6, 1946, Subcommittee No. 2 of the Committee on the Judiciary will continue hearings on the bill (H. R. 6301) to supplement existing laws against unlawful restraints and monopolies, and for other purposes. The hearings will begin at 10 a. m. and will be held in the Judiciary Committee room, 346 House Office Building.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1338. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year 1946 in the amount of $24,000,000 for the Veterans' Administration (H. Doc. No. 614); to the Committee on Appropriations and ordered to be printed.

1339. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal years 1946 and 1947 in the amount of $15,125 for the Treasury Department (H. Doc. No. 615); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. O'TOOLE: Committee on Accounts. House Resolution 641. Resolution providing funds for the study and investigation regarding the disposal of surplus property authorized by House Resolution 385 of the Seventy-ninth Congress; without amendment (Rept. No. 2145). Referred to the House Calendar.

Mr. RANDOLPH: Committee on the Civil Service. S. 896. An act to amend the act entitled "An act to amend further the Civil Service Retirement Act, approved May 29, 1930, as amended," approved January 24, 1942, and for other purposes; without amendment (Rept. No. 2146). Referred to the Committee of the Whole House on the State of the Union.

Mr. RANDOLPH: Committee on the Civil Service. H. R. 3492. A bill to amend further the Civil Service Retirement Act, approved May 29, 1930, as amended; without amendment (Rept. No. 2147). Referred to the Committee of the Whole House on the State of the Union.

Mr. RANDOLPH: Committee on the Civil Service. H. R. 4651. A bill to amend section 6 of the Civil Service Retirement Act of May 29, 1930, as amended; with amendment (Rept. No. 2148). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McGEHEE: Committee on Claims. H. R. 3359. A bill for the relief of Mrs. Mary Belk; with amendment (Rept. No. 2149). Referred to the Committee of the Whole House.

Mr. SCRIVNER: Committee on Claims. H. R. 3623. A bill for the relief of William A. Pixley; with amendment (Rept. No. 2150). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 4479. A bill for the relief of William E. Robertson and Estelle Robertson; with amendments (Rept. No. 2151). Referred to the Committee of the Whole House.

Mrs. MANKIN: Committee on Claims. H. R. 4834. A bill for the relief of the estate of Katherine Delores Booth; with amendments (Rept. No. 2152). Referred to the Committee of the Whole House.

Mr. JENNINGS: Committee on Claims. H. R. 4862. A bill for the relief of Walter R. Newcomb, Sr.; with amendments (Rept. No. 2153). Referred to the Committee of the Whole House.

Mr. JENNINGS: Committee on Claims. H. R. 4888. A bill for the relief of Gustav F. Doscher; with amendments (Rept. No. 2154). Referred to the Committee of the Whole House.

Mr. JENNINGS: Committee on Claims. H. R. 4919. A bill for the relief of Archibald J. Alcorn; without amendment (Rept. No. 2155). Referred to the Committee of the Whole House.

Mr. JENNINGS: Committee on Claims. H. R. 5026. A bill for the relief of the estate of Drury Lee Jordan; with amendment (Rept. No. 2156). Referred to the Committee of the Whole House.

Mr. CHENOWETH: Committee on Claims. H. R. 5243. A bill for the relief of Stone & Cooper Coal Co., Inc.; without amendment (Rept. No. 2157). Referred to the Committee of the Whole House.

Mr. JENNINGS: Committee on Claims. H. R. 5284. A bill for the relief of Mrs. Lucy T. Harris; with amendment (Rept. No. 2158). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SPRINGER:

H. R. 6583. A bill to further amend section 239 of the Judicial Code, and to provide for certificates of questions by the United States Court of Customs and Patent Appeals in customs cases, and for other purposes; to the Committee on the Judiciary.

By Mr. GREEN:

H. R. 6584. A bill to provide that every Saturday shall be a holiday in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BIEMILLER:

H. R. 6585. A bill to provide for the establishment of civilian government and local home rule in certain island possessions and trust areas under the jurisdiction of the United States; to the Committee on Insular Affairs.

By Mr. BOREN:

H. R. 6586. A bill to outlaw the closed shop; to the Committee on Labor.

By Mrs. ROGERS of Massachusetts:

H. R. 6587. A bill to authorize the erection in the United States Capitol of a monument in memory of Brig. Gen. William Mitchell; to the Committee on the Library.

By Mr. FORAND:

H. J. Res. 361. Joint resolution directing the Secretary of the Navy to make the naval training station at Newport, R. I., the home port of the U. S. S. *Constellation* and to maintain it as a national museum; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ABERNETHY:

H. R. 6588. A bill for the relief of Paul and Lurline Thomas of Duck Hill, Miss.; to the Committee on Claims.

By Mr. ANDERSON of California:

H. R. 6589. A bill for the relief of Hyakujiro Watanabe; to the Committee on Immigration and Naturalization.

H. R. 6590. A bill for the relief of Mrs. Mie Sagara; to the Committee on Immigration and Naturalization.

By Mr. BLOOM:

H. R. 6591. A bill for the relief of Anastasio A. Ylagan; to the Committee on Claims.

By Mrs. LUCE:

H. R. 6592. A bill to permit the naturalization of Sang Hun Shim; to the Committee on Immigration and Naturalization.

By Mr. McGEHEE:

H. R. 6593. A bill for the relief of Milton A. Johnson, and for other purposes; to the Committee on Claims.

By Mr. McKENZIE:

H. R. 6594. A bill for the relief of the estate of Mrs. B. F. Goodson; to the Committee on Claims.

By Mr. RIZLEY:

H. R. 6595. A bill conferring jurisdiction upon the United States District Court for the Western District of Oklahoma to hear, determine, and render judgment upon the claim for refund of income tax erroneously paid by A. L. Bogan; to the Committee on Claims.

By Mr. ROE of New York:

H. R. 6596. A bill for relief of Jose Cabral Lorenzo; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1914. By Mr. GEELAN: Resolution adopted by the labor participation committee of the New Haven Council of Social Agencies, urging the passage of the Price Control Act without crippling amendments; to the Committee on Banking and Currency.

1915. Also, resolution adopted by the board of aldermen of the city of New Haven, urging the passage of the Price Control Act without crippling amendments; to the Committee on Banking and Currency.

1916. Also, resolution adopted by Local 142, Yale University employees, concerning an amendment to the Murray-Wagner-Dingell bill asking that coverage under the act be extended to include workers of nonprofit institutions; to the Committee on Ways and Means.

1917. By Mr. REES of Kansas: Petition of Mrs. Idonia Daniels and 85 other residents of Wichita, Kans., in support of House bill 4747; to the Committee on Ways and Means.

SENATE

TUESDAY, MAY 28, 1946

(Legislative day of Tuesday, March 5, 1946)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Thou great Companion of the sons of men, amid the change and decay decreed by the passing years as the corroding hand of time touches the world in which we toil and these mortal tenements in which we live, make us rich in that realm where moth and rust doth not corrupt; keep us faithful when others falter; keep us still pursuing when others give up the quest; keep us hopeful when our fairest dreams seem as but mocking mirages of the desert; keep our integrity unsullied when siren songs assail our ears. And when soon or late on our brief day's span there falls the twilight, and leaning walls of mortality are exchanged for a building of God not made with hands, may we find, even as Thy servant who, full of years and honor, having with mind and heart served well his Nation in the long ministry of public life and now fallen on sleep, has found:

"Some humble door among Thy many mansions,
Some sheltering shade where sin and striving cease,
And flows forever through heaven's green expansions
Thy river of Thy peace."

In the Redeemer's name. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar Monday, May 27, 1946, was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. McCLELLAN. Mr. President, I find it necessary to be absent from the Senate for the next 2 or 3 days, and I ask unanimous consent that I may be absent from the Senate for that time.

The PRESIDENT pro tempore. Without objection, leave is granted.

DEATH OF SENATOR CARTER GLASS, OF VIRGINIA

Mr. BYRD. Mr. President, it is with profound sorrow that I announce to the Senate the passing of the senior Senator from Virginia, my beloved colleague, Senator CARTER GLASS.

He was one of the outstanding Americans of this generation. This is not the occasion to recall in detail the great services that Senator GLASS has rendered Virginia and his country during a public life of nearly 50 years. I shall not attempt now to analyze or measure the value of his public service, the strength and brightness of his intellect, the aptness and assurance of his mind, the sharpness and brilliance of his wit. His character, carved out of unblemished granite, was composed of truth and loyalty and sincerity that hates deceit and detests a lie. In the soul and brain of his dynamic personality were forged at white heat the clear convictions on politics and life that Senator GLASS refused to compromise.

This businessman, who accepted public office after he was 40, served for years in the House of Representatives before he made a major speech. He then spoke without interruption for 5 hours on the Federal banking system, of which he was the father, and became one of the outstanding orators of America.

Beginning his public career as clerk of the City Council of Lynchburg, he was drafted to represent his district in the State Senate of Virginia; was a leader and a very notable figure in the Virginia State Constitutional Convention of 1901; was elected and reelected to the National House of Representatives; twice endorsed for the Presidency of the United States by the Virginia Democracy; elected and reelected to the Senate of the United States, of which he was one of the most beloved and respected Members.

His long career in the representation of Virginia has been interrupted only once in half a century, when he resigned from Congress to serve with great distinction as Secretary of the Treasury and as intimate adviser of his close friend, Woodrow Wilson.

A great educator, in awarding Mr. GLASS the highest honor of an ancient college not long ago, said:

> You have reached a position of distinction and eminence which has placed you above the power of others either to add to your honor or to detract from your fame.

For myself, I feel the deepest personal sorrow. Senator GLASS and I have been intimately associated for many years. I have been his close and devoted friend and he has been mine. I shall never cease to be eternally grateful for the privilege of being his colleague in the representation of Virginia in the Senate of the United States. Virginia, in her history, has contributed some great men to this body, but Senator GLASS was Virginia's outstanding Senator and will remain so, I predict, for many generations to come.

My admiration for him was only exceeded by my love and devotion for him. Today I voice the sorrow of all Virginians and express in their behalf their gratitude for his great public service.

Mr. President, I submit a resolution, and ask that the clerk may read it and that it may be considered and agreed to.

The PRESIDENT pro tempore. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 273) and, by unanimous consent, the Senate proceeded to its consideration, as follows:

> *Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Hon. CARTER GLASS, late a Senator from the State of Virginia.
>
> *Resolved*, That a committee of 12 Senators be appointed by the President pro tempore of the Senate to take order for superintending the funeral of the deceased Senator.
>
> *Resolved*, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Mr. BARKLEY. Mr. President, the Senator from Virginia has delivered so beautiful a tribute to Senator GLASS that I do not deem it necessary at this moment to add anything to what he has said. At a later time I shall take advantage of the opportunity to discuss the character and public service of Senator GLASS more in detail. I share the great regret and profound sorrow that not only Virginia but the country feels and the Senate especially at the death of Senator GLASS.

Mr. VANDENBERG. Mr. President, the late Senator from Virginia was one of the great men of this age. In rugged probity, in high honor, in deepest devotion to principle, in gallant loyalty to his country, in faithful service to his heavy public tasks, this GLASS was ever clear as crystal.

I speak for his country's love of him, I speak for the sense of profound loss which is our common and universal tribute to his memory in this sad hour.

Mr. WAGNER. Mr. President, it is with a deep sense of personal loss that I rise to pay tribute to that noble son of Virginia, an outstanding American, who has just passed away. He lived a long, full life, complete in the just fame he achieved and the great national service he rendered during the long years a merciful Providence bestowed upon him. As a newspaper editor and publisher in the community where he was born and where his friends and neighbors lived, he showed at the outset of his career the flaming independence, integrity, and courage which later carried him to the highest position of national leadership.

As chairman of the House Committee on Banking and Currency, he piloted the far-reaching Federal Reserve Banking Act through the House, and at all times thereafter he was the valiant defender of the Federal Reserve System, giving wise counsel and guidance to its administrators.

Immediately following the First World War, he rendered distinguished service as Secretary of the Treasury in the Cabinet of Woodrow Wilson. As United States Senator since 1920, he became one of the foremost figures ever to serve in this great body.

Mr. President, these are the bare outlines of the career of one of America's most distinguished public servants. But those who had the privilege of his friendship will remember those great qualities of CARTER GLASS for which we loved and respected him. His ability to pierce to the heart of the most complex problems, his steadfast adherence to principle, and his courage in fighting for the welfare of the American people distinguished him in all his years in the Senate. With his great abilities, he combined a deep courtesy and personal charm which endeared him to all who knew him.

The Banking and Currency Committee, of which I am chairman, owes a great debt to CARTER GLASS. During the years in which he served on that committee, his deep knowledge of banking and finance and his unusual ability to analyze the most complex problems were of immeasurable help to the committee.

In the death of CARTER GLASS, the Senate has lost one of its most beloved and

distinguished Members, and the Nation has lost a great public servant. In this hour of grief, I extend my warmest sympathy to his widow and family.

Mr. MCKELLAR. Mr. President, I cannot let this occasion pass without saying a word.

Senator CARTER GLASS, of Virginia, was one of the finest and noblest characters with whom I have ever been associated during my life. He was the soul of truth and honor; very firm in his convictions, as we all know; determined in his actions; and animated by the highest sense of duty.

Senator GLASS and I did not always agree. Sometimes we were widely divided on issues, but he had my respect and admiration and esteem at all times, and I believe I enjoyed his.

I was associated with Senator GLASS for many years in the work of the Committee on Appropriations of the Senate, and he always insisted upon doing what he deemed to be fair and just and right. In all that time I never knew CARTER GLASS to do a little or a small thing. He had a big heart and a great mind.

Mr. President, I was warmly devoted to Senator GLASS; I loved him personally; I honored and respected and esteemed him as the true, genuine, upstanding, courageous man that he was. I deeply deplore his passing, and I extend to his loved ones my deepest and heartfelt sympathy.

Mr. WHITE. Mr. President, the death of Senator GLASS brings to an end a colorful, dynamic, and distinguished public career.

For more than half a century his mind, his political philosophy, and his character made definite impress upon the life of his State and upon the Nation.

As a publisher and editor, with clarity and forcefulness he made known to the people of Virginia his thoughts upon social, economic, and political problems. As a Member of the National House of Representatives, as a Senator of the United States, as Secretary of the Treasury, and as an intimate adviser of Presidents, his was never a doubting voice.

He was a positive character, sure of the rightness of his convictions, and loyal always to them.

His personal character, Mr. President, and his life were above reproach. He denounced fraud and sham with indignation and with vigor, and he fought always valiantly for the right.

Mr. President, a great public servant has gone to his rest and to his reward. With him goes the respect of the American people. We who have served with him in public life add the assurance of our affection. We extend to his widow and his family our tender and our enduring sympathy in their present great loss.

Mr. GEORGE. Mr. President, as the distinguished Senator from Virginia [Mr. BYRD] has said, this is neither the time nor the place to pay tribute to the life and character and public service of Senator GLASS. It is only a time of sorrow, and for acknowledgment of the deep loss that not only his State, but his Nation as well, must feel today.

Time passes very rapidly. Of all the men who were occupying seats in the Senate when I entered it there are only two left. CARTER GLASS was one of the Senators representing his State with great honor and distinction at that time, and my early associations with him were most cordial. Early I learned to entertain for him a deep and genuine respect, confidence, and esteem.

In his life and in his character he instinctively turned away from all false pretense and fraud. There was no sham in his soul, and he knew there was no honor in false pretense, but he was a true servant of the principles of the Government which he loved and of the institutions of the country to which he was so deeply and unswervingly devoted.

In his last active days, when this Nation shifted back to a strong, aggressive position in a world of confusion and of coming war, he seemed to regain some of his old fire.

In a very peculiar sense, I feel the loss of this great man who for so many years was a pillar of strength in this body. During his last illness he has been my next-door neighbor, and through these nearly 4 years I have had occasion to see how uncomplaining he was, and with what courage and fortitude he faced the inevitable summons, as he had faced all the problems of life, personal and official.

CARTER GLASS will be justly included among that large number of illustrious and distinguished names given this country by his beloved State.

The PRESIDENT pro tempore. The question is on agreeing to the resolution submitted by the Senator from Virginia.

The resolution was unanimously agreed to.

The PRESIDENT pro tempore. The Chair will state that the committee provided for in the resolution will be announced later.

Mr. BYRD. As a further mark of respect to the memory of the deceased Senator from Virginia, I move that the Senate take a recess until 11 o'clock a. m. tomorrow.

The motion was unanimously agreed to; and (at 11 o'clock and 21 minutes a. m.) the Senate took a recess until tomorrow, Wednesday, May 29, 1946, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES

TUESDAY, MAY 28, 1946

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

God is a Spirit. Let us worship Him in spirit and in truth.

Let the words of our mouths and the meditations of our hearts be acceptable in Thy sight, O Lord, our strength and our redeemer.

Amen.

The reading of the Journal of the proceedings of Monday, May 27, 1946, was dispensed with, and the Journal was approved.

RECESS

The SPEAKER. Pursuant to House Resolution 604, the Chair declares the House in recess for the purpose of holding memorial services as arranged by the Committee on Memorials.

Accordingly the House stood in recess to meet at the call of the Speaker.

MEMORIAL SERVICE PROGRAM, MAY 28, 1946

Prelude, sacred selections (11:30 to 12)—United States Army Band Orchestra
Presiding officer—The Speaker
Hon. SAM RAYBURN
Invocation—The Chaplain
Dr. James Shera Montgomery
Solo—Hon. LOUIS C. RABAUT
Representative from the State of Michigan
At the piano—Joan Marie Rabaut
Scripture reading and prayer—The Chaplain
Roll of deceased Members—The Clerk
of the House of Representatives
Devotional silence.
Address—Hon. F. EDWARD HÉBERT
Representative from the State of Louisiana
Solo—Hon. LOUIS C. RABAUT
At the piano—Joan Marie Rabaut
Address—Hon. J. HARRY MCGREGOR
Representative from the State of Ohio
Taps—Charles Barnes
Master sergeant, United States Army
Benediction—The Chaplain

IN MEMORIAM

SENATE

Hon. JAMES GRAVES SCRUGHAM, a Senator from the State of Nevada. Died June 23, 1945.

Hon. HIRAM WARREN JOHNSON, a Senator from the State of California. Died August 6, 1945.

Hon. JOHN THOMAS, a Senator from the State of Idaho. Died November 10, 1945.

HOUSE OF REPRESENTATIVES

Hon. JOHN WHEATON MOTT, First Congressional District of Oregon. Died November 12, 1945.

Hon. JOSEPH WILSON ERVIN, Tenth Congressional District of North Carolina. Died December 25, 1945.

Hon. JOHN BUELL SNYDER, Twenty-third Congressional District of Pennsylvania. Died February 24, 1946.

Hon. WILLIAM OLIN BURGIN, Eighth Congressional District of North Carolina. Died April 11, 1946.

The Members of the House rose and remained standing while the relatives and friends of the deceased Members were escorted into the House Chamber by the Committee on Memorials.

MEMORIAL SERVICES

The SPEAKER of the House of Representatives presided.

The CHAPLAIN:

Our Father, who art in heaven, hallowed be Thy name. Thy kingdom come. Thy will be done, on earth as it is in heaven. Give us this day our daily bread. And forgive us our trespasses, as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil. For Thine is the kingdom, and the power, and the glory, forever and ever.

Amen.

Hon. LOUIS C. RABAUT sang Ave Maria, composed by A. H. Rosewig, accompanied by Joan Marie Rabaut at the piano.

Ave Maria, Ave Maria, Ave, Ave Maria.
Ave Maria, gratia plena;
Dominus, Dominus tecum;
Benedicta tu in mulieribus,
Et benedictus fructus ventris tui, Jesu.
Sancta Maria, mater Dei,
Ora, ora pro nobis
Peccatoribus, peccatoribus
Nunc et in hora mortis nostrae.
Amen, Amen, Ave Maria, Amen.

SCRIPTURE READING AND PRAYER

The CHAPLAIN:

The Lord is my shepherd; I shall not want. He maketh me to lie down in green pastures: He leadeth me beside the still waters. He restoreth my soul: He leadeth me in the paths of righteousness for His name's sake. Yea, though I walk through the valley of the shadow of death, I will fear no evil for Thou art with me Thy rod and Thy staff, they comfort me. Thou preparest a table before me in the presence of mine enemies: Thou anointest my head with oil; my cup runneth over. Surely goodness and mercy shall follow me all the days of my life: and I will dwell in the house of the Lord forever.

"O yet we trust that somehow good
Will be the final goal of ill,
To pangs of nature, sins of will,
Defects of doubt, and taints of blood.

"That nothing walks with aimless feet;
That not one life shall be destroyed,
Or cast as rubbish to the void,
When God hath made the pile complete.

"That not a worm is cloven in vain;
That not a moth with vain desire
Is shriveled in a fruitless fire,
Or but subserves another's gain.

"So runs my dream, but what am I?
An infant crying in the night;
An infant crying for the light;
And with no language but a cry.

"I falter where I firmly trod,
And falling with my weight of cares
Upon the great world's altar stairs
That slope through darkness up to God.

"I stretch lame hands of faith and grope,
And gather dust and chaff, and call
To what I feel is Lord of all,
And faintly trust the larger hope."

Let not your heart be troubled; ye believe in God, believe also in me. In my Father's house are many mansions: if it were not so, I would have told you. I go to prepare a place for you. And if I go and prepare a place for you, I will come again, and receive you unto myself; that where I am, there ye may be also.

And he showed me a pure river of water of life, clear as crystal, proceeding out of the throne of God and of the Lamb. In the midst of the street of it, and on either side of the river, was there the tree of life; and the leaves of the tree were for the healing of the nations. And there shall be no more curse: but the throne of God and of the Lamb shall be in it; and His servants shall serve Him. And there shall be no night there; and they need no candle, neither light of the sun; for the Lord God giveth them light; and they shall reign forever and ever.

"Yet Love will dream and Faith will trust
(Since He who knows our needs is just)
That somehow, somewhere, meet we must.
Alas for him who never sees
The stars shine through his cypress trees!
Who, hopeless, lays his dead away,
Nor looks to see the breaking day
Across the mournful marbles play!
Who hath not learned in hours of faith,
The truth to flesh and sense unknown,
That Life is ever Lord of Death,
And Love can never lose its own!"

ROLL OF DECEASED MEMBERS

Mr. Alney E. Chaffee, reading clerk of the House of Representatives, read the following roll:

JAMES GRAVES SCRUGHAM, Senator from the State of Nevada. Born January 19, 1880; engineer; teacher; soldier; graduate University of Kentucky 1906; commissioned major, United States Army, 1917, and promoted to rank of lieutenant colonel 1918; State engineer of Nevada 1917–23; State public service commissioner 1919–23; Governor of Nevada 1923–27; Member of the House of Representatives, Seventy-third to Seventy-seventh Congresses; elected to the United States Senate 1942; died June 23, 1945.

HIRAM WARREN JOHNSON, Senator from the State of California. Born September 2, 1866; lawyer; student University of California; elected Governor of California 1910; reelected 1914; one of the founders of the Progressive Party 1912; nominee for Vice President of the United States on the Progressive Party ticket 1912; elected to the United States Senate 1916, 1922, 1928, 1934, and 1940; died August 6, 1945.

JOHN THOMAS, Senator from the State of Idaho. Born January 4, 1874; teacher; livestock dealer; banker; student Phillipsburg (Kans.) High School and Central Normal College; superintendent of schools of Phillips County 1898–1903; register of land office, Colby, 1906–9; mayor of Gooding, Idaho, 1917–19; chairman of the Republican State Central Committee 1922–24; member of the Republican National Committee 1925–33; Member of the United States Senate, under appointment and election from June 30, 1928, to March 3, 1933; again appointed on January 27, 1940, and elected the same year; reelected 1942; died November 10, 1945.

JAMES WHEATON MOTT, First Congressional District of Oregon. Born November 12, 1883; lawyer; student University of Oregon; Stanford University; graduate of Columbia University 1909 and Willamette University 1917; served in the United States Navy 1918 and 1919; city attorney, Astoria, 1920–22; member of the Oregon House of Representatives 1922–28, 1930–32; State corporation commissioner 1931–32; Member of the Seventy-third, Seventy-fourth, Seventy-fifth, Seventy-sixth, Seventy-seventh, Seventy-eighth, and Seventy-ninth Congresses; died November 12, 1945.

JOSEPH WILSON ERVIN, Tenth Congressional District of North Carolina. Born March 3, 1901; lawyer; graduate of the University of North Carolina 1921; student University of North Carolina law school 1922 and 1923; Member of the Seventy-ninth Congress; died December 25, 1945.

JOHN BUELL SNYDER, Twenty-third Congressional District of Pennsylvania. Born July 30, 1877; teacher; student Harvard University, Columbia University; graduate of Lock Haven (Pa.) Teachers College; taught school 1901–12; western State manager, educational publishers, 1912–32; member of the National Commission of One Hundred for Study and Survey of Rural Schools in the United States 1922–24; Member of the Seventy-third, Seventy-fourth, Seventy-fifth, Seventy-sixth, Seventy-seventh, Seventy-eighth, and Seventy-ninth Congresses; died February 24, 1946.

WILLIAM OLIN BURGIN, Eighth Congressional District of North Carolina. Born July 28, 1877; merchant; lawyer; banker; student Rutherfordton Military Institute and University of North Carolina Law School; mayor of Thomasville 1906–10; president of and attorney for the Industrial Bank of Lexington; elected to the State house of representatives 1930 and to the State senate 1932; Member of the Seventy-sixth, Seventy-seventh, Seventy-eighth, and Seventy-ninth Congresses; died April 11, 1946.

Mrs. ROGERS, a Representative from the State of Massachusetts, standing in front of the Speaker's rostrum, placed a memorial rose in a vase as the name of each deceased Member was read by the Clerk.

Then followed 1 minute of devotional silence.

The CHAPLAIN. Infinite God, our rock of refuge in every time of need, in this silence we would find our song of praise. Our hearts and memories are moved over scenes and associates which are no more. Our departed Members have labored through the storm; their souls have become immortal. Bless those whose hearts are bedewed with love and tenderness. When Thou comest in the darkness, when the thorn enters the side and our loved ones are smitten, then Thou art most gracious and full of mercy. Loving Father, in the arms of faith we bring all sorrowing hearts to Thee, Thou whose name is above every name, the One with the pierced hand and the wounded side; be Thou the divine herald who goes before, proclaiming final peace and happiness. In our Redeemer's name. Amen.

The SPEAKER. The Chair recognizes the gentleman from Louisiana [Mr. HÉBERT].

ADDRESS BY HON. F. EDWARD HÉBERT

Mr. HÉBERT. Mr. Speaker, my colleagues in the House of Representatives and in the Senate of the United States, the families and relatives of those colleagues in whose memory we gather here today in this historic Chamber.

On this solemn occasion when we are met to commemorate the lives, the spirit, and the good work of our colleagues who have been called to their eternal rest, I would ask you to come with me in spirit to that hallowed shrine which stands on Bedloe Island, at the entrance to the harbor of New York. That is indeed a hallowed sanctuary suited to the mood and the purpose of this ceremony, for there stands the Statue of Liberty, symbolizing the soul of America, silently proclaiming the ideals for which our colleagues labored and died. On the base of that monument we find these words,

quoted from the Growth of the American Republic:

Keep, ancient lands, your storied pomp, cries she with silent lips.
Give me your tired, your poor, your huddled masses yearning to breathe free—the wretched refuse of your teeming shore,
Send these, the homeless, the tempest-tossed to me.
I lift my light beside the golden door.

Yes; there you find the soul of America. There you find the source of strength, the inspiration, the courage, the faith in humanity that have brought through to the realization of high ideals, of noble endeavor, of heroic achievement, the records of the men we memorialize today. Well did the Senator from California, HIRAM JOHNSON, know; well did the Senator from Nevada, JAMES SCRUGHAM, know; well did the Senator from Idaho, JOHN THOMAS, know; well did the gentleman from Oregon, JAMES MOTT, know; well did the gentleman from North Carolina, JOSEPH ERVIN, know; well did the gentleman from Pennsylvania, J. BUELL SNYDER, know; well did the other gentleman from North Carolina, WILLIAM BURGIN, know that it profiteth man nothing if he gain the whole world and thereby suffer the loss of his own soul. Well, too, did they grasp the easy transition that it profits a nation nothing if it gain the whole world and suffer the loss of its own immortal soul. They, too, have held high that torch of liberty beside the golden door. They, too, watched with bated breath and a sense of solemn responsibility the hundreds of millions of people who looked to that hallowed shrine for security, for peace, for possible happiness. Like a giant beacon their light too has shone out over the world, guiding men from the dangers of Scylla and shielding them from the rocks of Charybdis. The danger, far from passing, is increasing in our own times, of men avoiding Scylla only to be crashed against Charybdis.

It is not so long ago that one whose memory we revere uttered an impressive prayer for America. He begged of Almighty God to vouchsafe to the people of this Nation the vision which is necessary to profit fully from the victory that was sure to come. Thank God that victory has been granted to us. To what end would that victory have been had we, in gaining it, snuffed out the light of the lady in New York harbor and had closed shut the golden door to a suffering world and, in that victory, have lost the immortal soul of America. Righteous as our cause, just as our purpose, lofty as our ideals, what would it have profited to have gained the whole world and suffered the loss of our own soul.

In victory and triumph we must turn humbly toward God instead of away from God in haughty satisfaction of material attainment.

We must pray God that the vision may be ours. The vision for all the people and the vision, especially for us, in whose trembling hands has been placed the shivering, vibrant, yet strong, soul of America. Ours is the duty to hold high the torch, when men would snatch it from our grasp. Our American youth sacrificed their lives in order to preserve the brightness and the clear message that flashes from the soul of America. Ours is the task to be worthy of them and to leave for the future generations of young men and young women an example of vision that is clear, unwavering, and unfaltering. To do that we ourselves must beware of the rocks which flank both sides of the hallowed shrine of Liberty.

On one side there is the dangerous rock of Scylla. It has often been camouflaged as Liberty, but we must know that it is a liberty of indifference—indifference to truth, indifference to morality, indifference to justice, and more than all else, indifference to the social good. It is an alleged vaunted right of the individual to say, to do, or to think anything whatsoever he pleases—no matter who or what might suffer. It is based on the assumption that there is no absolute standard of right and wrong; it sets up the individual as the supreme authority; it regards all regulations of liberty as unwarranted and unjustifiable restraint. We need not look far to find the various manifestations of this dangerous Scylla. We find it in the ideologies which maintain that there is no such thing as truth—there is merely a point of view; and their profound reason for such philosophy is because each man is his own measure of what is truth or good.

We look to education and find it indoctrinating even the young with the principle that all discipline is a restriction on the individual's right of "self-expression." We come to the political order and we find it assuming that the State has a merely negative function—that is, to protect the individual rights. Finally, in the economic order, it argues that if individuals are left free to run their business as they please without any social interference on the part of the Government, the maximum good of all will, in some miraculous way, be the outcome.

With heavy hearts and with nervous misgivings, we have witnessed the ravages caused by this relentless Scylla. We have seen it produce, or try to produce, a civilization made up of a series of cross-currents of egotism. Under the aegis of that concept, the world began to take on the aspect of a free-for-all which was dignified by calling it the struggle for existence. No one was interested in the common good, but only in his own little cosmos which he proudly called his ego. Little wonder that on such sharp rocks unity was shattered, unselfishness was lost, and the spirit of sacrifice for others was almost completely torn to shreds.

But the ravages of this indifference to the common good did not end here. It tore into the economic structure of life and left tremendous gashes which we called inequalities. Power and credit were concentrated in the hands of a few while the vast majority were reduced to the state of wage earners with little or no material security for the future. Logically that could lead to only one thing: The right of the rich to be rich, and of the poor to be poorer. Where were those words from the silent lips, "Give me your tired, your poor, your huddled masses yearning to breathe free." Had the light at the golden door been dimmed by the glitter of the gold itself? Was our Nation going to lose its soul?

There were some who tried to avoid Scylla and they steered a course to Charybdis. They felt that in some way or other men had to be lifted out of their individual desires and brought to a regard for the good of all; some remedy had to be found to divert economic forces to the common good. Some means had to be invented to equalize inequalities and to recall an almost forgotten tie which bound men as brothers. And in looking for these avenues of escape they were dashed against the rocks of Charybdis.

They forgot that men were "yearning to breathe free." To them there opened but one course and that was to force them to live for the general welfare and to seek wealth and power in order to equalize inequalities. On the rocks appeared the barnacles of dictatorships. Dazzled by siren calls, they proclaimed that if individuals cannot be responsible to the voice of conscience prompting them to recognize social responsibilities, if unity did not come from inside men, from their minds and their hearts and their souls, then it would be made to come from outside—through compulsion, through force, through dictatorship.

Can you see the ship freighted with the destinies of men, swaying from one side, where the individual was called supreme; to the other, where the state was crowned with the laurels of supremacy? There is nothing surprising in that twist, for where there was no guardianship over the mind and heart and soul of liberty, the principle that the strong individual is permitted to devour the weak one will naturally lead to the principle that the strong state may devour the weak one. So it was that liberty began to take on a meaning which we emphatically refused to accept or to recognize—the liberty which Frederick Engels called the liberty of necessity. We have heard it shouted from high balconies, from crowded market places, "Man is free, when he acts according to determined laws"; man is free, so long as he obeys the will of the dictator, and the dictator is always identified with the common good. Under this concept of society, then, we will have freedom of speech and freedom of the press—if they are used to support the dictator; men will have freedom to vote—if their ballot is approved by the dictator; men will have freedom to think, to will, to desire, if they think and will and desire what the dictator thinks and wills and desires; and thus the total man is absorbed by the state. Yes, the total man, body and soul; and for that reason we have called this not liberty of necessity, but totalitarianism.

From our vantage point at that hallowed shrine of liberty, looking out over the world today, we still see nations in danger of being dashed against Scylla or ground to complete impotence by Charybdis. Our colleagues whose memory we revere today have handed into our keeping that torch of liberation for the homeless, the tempest-tossed, the wretched refuse of the greed, the selfishness, the tyranny of men who, thank God, have gone down in defeat.

Yes, we have gained a victory of arms, but in gaining that victory have we not marched to the precipice of defeat when

we face the danger of losing that for which we fought to win.

The danger is not a new one.

It is as old as America itself.

Every individual American, every individual who has served in this body, has been faced with the same danger and has met the challenge unhesitatingly and unflinchingly.

Those men whose names you heard called here today—SCRUGHAM of Nevada, JOHNSON of California, THOMAS of Idaho, MOTT of Oregon, ERVIN of North Carolina, SNYDER of Pennsylvania, BURGIN of North Carolina—those men who now fail to answer "Present" when their names are called because they are no longer among the living, faced this challenge every day of their lives in the service of the people they represented and served.

Day after day they stood in this Chamber and the Chamber at the other end of this Capitol and bowed their heads in silent prayer for the strength to keep the light burning and the door open for the peoples of a world seeking the right to live in a country which guaranteed the dignity of the individual and yet preserved the soul of the Nation itself by perpetuating that right with the force of arms if necessary.

Day after day they stood with steadfast determination and unswerving courage in the cause of a people who to themselves could say: "We are free to think as we please, we are free to speak as we please, we are free to write as we please, we are free to worship as we please—our forefathers could not. We can."

Day after day when our men of arms stood on the battle fronts of the world and our men of brawn stood on the production lines in this "the arsenal of democracy," these men of fortitude and purpose, these colleagues of ours, stood at their posts of duty on the home front of eternal vigilance keeping the light burning and the door open, until felled by the hand of death.

With humility, we acknowledge our unworthiness to be their successors, just as they, in turn, felt their own unworthiness to succeed the long line of noble men stretching back to the first fathers of our glorious Republic.

As we pause to do honor to their memory we suddenly find ourselves listening to other voices, the voices of our American boys, descendants of tired, poor, huddled masses who entered through the golden door and found their pathway brightened by the torch of liberty. Boys who made the supreme sacrifice of their lives in order to protect and immortalize the soul of America.

The poppies cannot bloom on Iwo-land in row on row, as told of Flanders' field;
Black sands of hell and blood-soaked sacred strand
Where liberty-or-death's blood bathed proud shields,
Brave devil-dogs from halls of Montezuma,
Who tamed the pirates well at Tripoli,
Now sanctify their blood on Iwo Jima
And plant their gallant hearts on Suribachi.
Heroes of Roi, Namur, Guam, Saipan,
Who bled the shock of awesome Peleliu,
Engaged Nippon to their last fighting man.
On tragic Tarawa, they died for you
On hell's black sands. Where poppies cannot grow
Thrive living seeds of freedom, row on row.

—*George William Cooper.*

They died for you and for you more than any individuals in our beloved America; because you and I are keepers of the light, you and I are guardians of the torch, you and I are to hand down to future generations that soul of America which is worth fighting for, which is worthy dying for, and God grant that we hand it down as clean, as untarnished, and as strong as our departed colleagues handed it to us. American liberty is based on the recognition that freedom is not merely a constitutional right, nor merely a natural right, nor simply a human right, nor a social right. It is, above all things else, a spiritual right. Let dictators talk with benevolent suggestions of giving freedom, our answer was heard in the roar of cannons, the barking of guns, the whirring of planes that dropped protesting bombs. And those bombs, as they hurled down from the skies, screamed back our answer, "All men are endowed by their Creator with certain inalienable rights." With that endowment of God, and with the faculty of free will, there came to every man the gift of conscience which tells him not what he would like selfishly to do, not what he must do, but what, as an intelligent being, and a social unit, he ought to do.

America, recognizing the brotherhood of man, appreciates the nature of man as a self-directing individual who, recognizing his responsibilities before God, before his fellow men, and before his country, can be trusted to make the right and proper choice—a choice that will redound to the good of all. That idealism approaches reality when we scan the records of our young men in our camps, on our ships, in our planes, on our battlefields, in our "God's acres" where stand the crosses row on row. That ideal found realization in the services rendered by our young women as Wacs and Waves and Spars, as cadet nurses, as Red Cross nurses, as workers in our defense plants. That ideal found realization on the home front when even necessities were sacrificed so that still another bond might make victory more secure and more lasting. Oh, yes, my colleagues, "there are such things," and thank God, that at least in this part of the universe, there are such things. And if we feel heavy with a sense of our responsibility in the task set before us in the most critical days of our Nation and of the world, let us rededicate ourselves at that hallowed shrine of liberty and, putting our hands into the hand of God, go forth with courage, with determination, with faith in a future that must bring lasting peace for men and for us in our own time, eternal rest and everlasting reward.

It took the hell of war to make man realize that there are no atheists in foxholes.

It will take the hell of the struggle for peace to make civilization realize that there can be no atheism in government if we who have won an earthly victory are to win an eternal triumph.

No nation can live without acknowledgment of a Supreme Being.

Governments founded on atheism are but meteors flashing temporarily across the skies of the international firmament. Their light blazes brilliantly and illuminates the world momentarily, only to fade out on the distant horizon, forgotten in the ages.

Governments founded on a belief in God and dependence on a Supreme Being are perpetual lights, burning eternally, held aloft as beacons to the downtrodden peoples who seek not to conquer the world but to save their own immortal souls.

As long as America keeps its immortal soul will freedom and independence live.

When America loses its immortal soul freedom and independence die.

America has always recognized the existence of God. Yes; the Jehovah of the Jews, as well as the Christ of the Protestants and the Catholics—the God of Jew and Christian, the Supreme Being of all mankind. There is no atheism in the concept of government which inspired the organization of the United States of America. There can be no atheism in a government whose Declaration of Independence begins by admitting the goodness of God and who proudly proclaims to the world, "In God we trust."

No, my colleagues, there can be no compromise between a government of atheism and a government of God.

There can be no deviation from the course set by those who have gone before us. If we are to keep faith with those who have died we must avoid both Scylla and Charybdis. We must face the danger and meet the challenge with the same fortitude and determination with which they met it while they lived and served here.

Today from Valhalla they can smile on those of us who have been left behind to carry on where they who have gone left off, with the full knowledge and satisfaction that we shall keep burning the light and shall keep open the golden door of the Goddess of Liberty, symbolic of the immortal soul of America, because we, too, like those who have lived and died, know it would profit America nothing to gain the whole world and suffer the loss of her immortal soul!

Good night, a sweet good night, my departed colleagues; rest your weary heads on the bosom of endless time; sleep in the comfort of eternal peace: we shall not break faith with you—the immortal soul of America shall not be lost.

Hon. LOUIS C. RABAUT sang Softly and Tenderly, by Will L. Thompson, accompanied by Joan Marie Rabaut at the piano.

Softly and tenderly Jesus is calling,
Calling for you and for me;
See at the portals He's waiting and watching,
Watching for you and for me.

Come home, come home, ye who are weary,
come home;
Earnestly, tenderly, Jesus is calling,
Calling for you and for me.

Why should we tarry when Jesus is pleading,
Pleading for you and for me?
Why should we linger and heed not His mercies,
Mercies for you and for me?

Come home, come home, ye who are weary,
come home;
Earnestly, tenderly, Jesus is calling,
Calling for you and for me.

The SPEAKER. The Chair recognizes the gentleman from Ohio [Mr. McGREGOR].

ADDRESS BY HON. J. HARRY M'GREGOR

Mr. McGREGOR. Mr. Speaker, this day has been set aside as one of reflection upon the past; as a day on which to recall to our minds with special significance those colleagues who have labored with us for varying periods of time, some briefly and others for a lengthy span, but all of whom gave their devoted and unselfish efforts to the cause of our representative form of government toward the end that this Nation might have truly a Government "of the people, by the people, and for the people."

We came here today to pay respect to men entitled to our respect. It is a significant thing that the House pauses to do honor to those who have striven, and striven hard, to be worthy of this place. We have met in solemn exercise to express as best we can our regret at the passing of these friends and colleagues. And in the memorial exercises of this day I wish I could adequately and eloquently picture of them the commendable things which they did and said in the service of this Congress.

The Members of the House know well the extreme mental and physical exertions required in the performance of service as a Representative of the people, and it is not to be doubted that many of our colleagues whom we remember and cherish today paid the price of a shortened existence on this earth as a result of their constant and conscientious response to their multitude of exacting and pressing duties. Service here in the capacity of a faithful servant of the people involves, as all of us recognize, not only mental and physical efforts, challenging to a high degree, but also other sacrifices and obligations which need not be detailed here because of our common knowledge of them.

Since our last memorial service, seven Members of this Congress have departed from these scenes to answer the roll call yonder. These stalwart souls gave their lives, or a generous portion thereof, in the service of their country, and it is for us who remain to carry on, holding high the banner of freedom and permitting no power, or combination of powers, to bring down that emblem, but to keep it ever flying over everything that we love and prize in our individual and collective lives.

They were men of character and good judgment; more anxious to be right and to do the right thing and to render service to those whom they represented than they were to seek praise or seeming popularity. They would rather subject themselves to criticism and follow a course they believed to be right than to escape that criticism by following a doubtful course. As Representatives in Congress they served their constituents faithfully and well. They commanded the friendship and respect of those with whom they served, and I am sure that the membership of this House feels that in the passing of these honored colleagues we have lost good men; good Representatives and good citizens have gone from us. They were worthy of all the ambitions of their lives; they were statesmen of high order. They loved their country, their State, their home, their friends. Their friendships knew no party lines. They lived and believed that—

When a man ain't got a cent, and he's feeling kind o' blue
An' the clouds hang dark an' heavy, an' won't let the sunshine through,
It's a great thing, oh my brethren, for a feller just to lay
His hand upon your shoulder in a friendly sort o' way!

It makes a man feel curious; it makes the tear drops start,
An' you sort o' feel a flutter in the region of the heart;
You can't look up and meet his eyes—you don't know what to say
When his hand is on your shoulder in a friendly sort o' way.

Oh, the world's a curious compound, with its honey and its gall,
With its care and bitter crosses, but a good worl' after all;
An' a good God must have made it—leastways that is what I say,
When a hand is on my shoulder in a friendly sort o' way.

They placed their hands on many shoulders of younger and inexperienced colleagues, and we, who but recently obtained the honor of membership in this legislative body, will miss their natural talent, the zeal of their youth, the energy of their middle life, the wisdom of their old age.

We who continue to serve as the Representatives of the people can truly evaluate the service of our comrades and their contributions to the Nation's welfare and security. We knew them intimately and were daily in their company. We observed them on the line of duty, under fire and facing courageously the crises that daily confronted them. We know of their conduct under the pressure of unprecedented events and problems. Truly, it requires courage, stamina, and stability to withstand the high tension of present-day conditions. They who have passed on possessed these attributes, as we who are assembled here today can testify. But the constant strain, pressure, and burdens exacted their toll and deprived our comrades of the satisfaction and enjoyment of the fruits of their labors in what we all fervently hope will be the dawn of a new era of peace on earth and good will among men. When history is written, let it not be remiss in recording the names of our deceased colleagues high on the honor roll of those who have diligently served their Nation and their fellow men.

Selection as a Representative of the people of this Nation is not only a distinctive honor but also a weighty responsibility and demands the best faculties we can muster to cope with the vital problems of our times. Especially is this true today in these United States when forces both within and without are attempting to destroy our constitutional way and fasten upon us individually and collectively a philosophy and system foreign to us and in which our forefathers, who had faith in our future, would have no part.

At no time in the history of the Congress has there been prevalent such a vicious and strongly organized campaign as that directed today toward belittling and smearing the American Congress in the eyes of the American people and the world at large. Groups and individuals without respect for, nor allegiance to, the constitutional form of government which has made this country great and its standard of living the highest in the entire world are striving constantly to cast the blame or the Congress indiscriminately for any situation which may or may not occur, according to their wishes or designs. Is it any wonder, then, that the imposition of added burdens and worries, not to mention insults and slander, must be reckoned with, and most certainly constitutes not only a menace to our free Government in these United States, but also to the well-being of our membership, beset, as they are, from all sides with an infinite number and variety of tasks, large and small?

I am aware, Mr. Speaker, that we as Representatives of the people are human, and all humans can and do make mistakes, and therefore we are prepared to receive honest criticism. Such criticism may often be deserved, and certainly should not be unwelcome. In many instances, criticism comes from those who lack a full understanding of the requisites of membership in either the House or the Senate. While we are and must ever be receptive to suggestions, advice, and criticism by the people whom we represent in these trying days in these hallowed halls, we should not ignore the efforts of individuals or groups unsympathetic with our representative form of government to poison the minds of the American people against their chosen Representatives. We would be derelict in our sworn duty to protect our constitutional liberties through longer constitutional liberties through longer permitting unjustified and indiscriminate attacks upon the Congress as a whole to continue unheeded and unchecked. It is high time, both to preserve the integrity of the Congress and protect the memories and ideals of those who have served here in the past, as well as days to come, that we scrutinize and investigate thoroughly the persons and groups seeking to undermine and destroy our truly representative form of government.

Mr. Speaker, I could go back through the years and name countless former Members of Congress who sacrificed days, months, and years of their lives by unstinted devotion to their ideals and untiring efforts in their endeavors to perpetuate the tenets of our forefathers and further extend the influences of good and sound government for all.

Our former colleagues stricken during the past year were worthy and honored Members of the most distinguished legislative body in the greatest Nation of this day. As we recall them to our minds, we appreciate the qualities of mind and soul that they exhibited among us. Today we bow in reverence and honor to them. Their passing leaves gaps that cannot be filled, although their places be taken by others who will measure up to the high standards of this body.

We are linked to our departed colleagues through pleasant memories of

their words, acts, and deeds. We are privileged also to go to the RECORD at any time to derive inspiration from their recorded remarks and actions. Future Members may also know our comrades from the RECORD, but, unfortunately, they will be limited in their appraisal by the fact of not knowing the personalities and the friendships of these leaders, as we have known them.

Henry C. Churchman has written a poem entitled "What Monument?" which seems to me to summarize the lives and memories of our deceased colleagues in the continual struggle of life and in the service of our fellow men.

Mr. Speaker, I will read this poem in reverence and respect to those whom we today memorialize:

What monument shall you erect
To foil Oblivion's lethal scheme,
When Death his customs shall collect,
And terminate this fleeting dream?

Build not of stone, for stone is cold,
And heartless, through Time's deathless reign;
No tenderness doth mortar hold
Where mem'ries spring to life again.

Build not of tyranny nor greed,
Nor blood-drenched garments of the slain;
Build not of Mother's tears that plead
The safety of their sons in vain.

But build of honesty and grit,
With consciousness of virtue's might,
With force of wisdom, grace of wit,
Determination for the right.

And build of courage, worthy deeds,
With selfless service to your kind;
Yes, build of thoughts for others' needs,
Adorned with cheerfulness of mind.

Thus through the ages shall survive
This monument you've builded then,
Your inmost self kept still alive
Within the living souls of men.

I have one more thought that I would like to leave today. It is the thought that it is more fitting to honor our fellow Members during their days of active service in these halls rather than after they have shed this mortal coil. It has been tritely said thousands and thousands of times that honors mean more to a man when he is alive than when he is dead. But how often do we overlook in these busy and hectic days the simple truth of this statement. How often has the world eulogized in death the man it knew slightly and valued less during his lifetime. There is a moral in our thoughts at this point that we should all take to heart. In all of our relationships and activities of a kindred nature, as representatives of the people, let us strive to become better acquainted one with the other, and when one among us demonstrates qualities of leadership and virtues of rare and unusual worth, let us not permit these virtues to be hidden under a bushel, as it were, but render our acclaim and honor forthwith.

"The slings and arrows of outrageous fortune" to which all men are targets would be easier to withstand if along the highway of life we were more alert and generous to give credit where credit is due.

Waterman has expressed this thought in his homespun way so much better than I can that I wish to conclude with a few lines written by this advocate of the good-neighbor policy among men:

If I knew you and you knew me—
If both of us could clearly see,
And with an inner sight divine
The meaning of your heart and mine,
I'm sure that we would differ less
And clasp our hands in friendliness;
Our thoughts would pleasantly agree,
If I knew you and you knew me.

If I knew you and you knew me,
As each one knows his own self, we
Could look each other in the face
And see therein a truer grace.
Life has so many hidden woes,
So many thorns for every rose;
The "why" of things our hearts would see,
If I knew you and you knew me.

TAPS

Charles Barnes, master sergeant, United States Army, sounded taps.

The Chaplain pronounced the following benediction:

The Lord bless you and keep you; the Lord make His face to shine upon you and be gracious unto you; the Lord lift up His countenance upon you and give you peace, both now and evermore. Amen.

The relatives and friends of the deceased Members were escorted from the Chamber.

AFTER RECESS

At the conclusion of the recess, at 1 o'clock and 7 minutes p. m., the Speaker called the House to order.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Frazier, its legislative clerk, announced that the Senate had adopted the following resolution (S. Res. 273):

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Hon. CARTER GLASS, late a Senator from the State of Virginia.

Resolved, That a committee of 12 Senators be appointed by the President pro tempore of the Senate to take order for superintending the funeral of the deceased Senator.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now take a recess until 11 o'clock ante meridian tomorrow.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 7. An act to improve the administration of justice by prescribing fair administrative procedure.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 752) entitled "An act to amend the act of June 7, 1939 (53 Stat. 811), as amended, relating to the acquisition of stocks of strategic and critical materials for national defense purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. THOMAS of Utah, Mr. JOHNSON of Colorado, Mr. HILL, Mr. O'MAHONEY, Mr. AUSTIN, Mr. BRIDGES, and Mr. GURNEY to be the conferees on the part of the Senate.

THE LATE CARTER GLASS

Mr. BLAND. Mr. Speaker, it becomes my sad duty to announce the death of the senior Senator from Virginia, Hon. CARTER GLASS.

Mr. Speaker, I offer a resolution (H. Res. 642) and ask for its immediate consideration.

The Clerk read the resolution as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. CARTER GLASS, a Senator of the United States from the State of Virginia.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased Senator.

Resolved, That a committee of 11 Members be appointed on the part of the House to join the committee appointed on the part of the Senate to attend the funeral.

The resolution was agreed to.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to attend the funeral: Mr. BLAND, Mr. DREWRY, Mr. BURCH, Mr. FLANNAGAN, Mr. SMITH of Virginia, Mr. ROBERTSON of Virginia, Mr. DAUGHTON of Virginia, Mr. GARY, Mr. ALMOND, Mr. BEALL, and Mr. ELLIS.

Pursuant to the provisions of House Resolution 604, and as a further mark of respect to the memory of the deceased Member, the House will stand adjourned until 11 o'clock tomorrow.

ADJOURNMENT

Accordingly (at 1 o'clock and 15 minutes p. m.), under its previous order, the House adjourned until tomorrow, Wesdnesday, May 29, 1946, at 11 o'clock a. m.

COMMITTEE HEARINGS

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

There will be a meeting of the Committee on World War Veterans' Legislation, in open session, on Wednesday, May 29, 1946, at 10 o'clock, a. m., in the committee room, 356 Old House Office Building, on H. R. 6340.

COMMITTEE ON PATENTS

The Committee on Patents will begin hearings Tuesday, June 4, 1946, at 10 a. m., in the Patents Committee room, 416 House Office Building, on the following bills:

H. R. 3964 (HARTLEY): A bill to declare the national policy regarding the test for determining invention.

H. R. 5841 (BOYKIN): A bill fixing the date of the termination of World War II, for special purposes.

H. R. 5940 (LANHAM): A bill to make Government-owned patents freely available for use by citizens of the United States, its Territories and possessions.

These hearings will be continued on succeeding days until concluded or until this notice is superseded.

COMMITTEE ON THE JUDICIARY

On Thursday, June 6, 1946, Subcommittee No. 2 of the Committee on the Judiciary will continue hearings on the bill (H. R. 6301) to supplement existing laws against unlawful restraints and monopolies, and for other purposes. The hearings will begin at 10 a. m. and will

be held in the Judiciary Committee room, 346 House Office Building.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1340. A communication from the President of the United States, transmitting the budget for the Office of Scientific Research and Development for the fiscal year 1947, consisting of an estimate of appropriation of $597,000 and proposed provisions pertaining thereto (H. Doc. No. 619); to the Committee on Appropriations and ordered to be printed.

1341. A communication from the President of the United States, transmitting the budget for the Office of War Mobilization and Reconversion for the fiscal year 1947 in the amount of $900,000 (H. Doc. No. 620); to the Committee on Appropriations and ordered to be printed.

1342. A communication from the President of the United States, transmitting the budget for the Office of Defense Transportation for the fiscal year 1947, containing estimates of appropriation amounting to $525,000 (H. Doc. No. 621); to the Committee on Appropriations and ordered to be printed.

1343. A letter from the Acting Secretary of the Navy, transmitting a draft of a proposed bill, to further amend the act of January 16, 1936, as amended, entitled "An act to provide for the retirement and retirement annuities of civilian members of the teaching staff at the United States Naval Academy and the Postgraduate School, United States Naval Academy"; to the Committee on Naval Affairs.

1344. A letter from the Attorney General, transmitting a draft of a proposed bill, to make criminally liable persons who negligently allow prisoners in their custody to escape; to the Committee on the Judiciary.

1345. A letter from the Acting Postmaster General, transmitting a draft of a proposed bill for the relief of certain postmasters; to the Committee on Claims.

1346. A letter from Archivist of the United States, transmitting report on records proposed for disposal by various Government agencies; to the Committee on the Disposition of Executive Papers.

1347. A letter from the Attorney General, transmitting the report on the activities of the Department of Justice for the fiscal year ending June 30, 1945; to the Committee on the Judiciary.

1348. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated March 8, 1946, submitting a report, together with accompanying papers and illustrations, on a preliminary examination and survey of the Potomac River and tributaries, Maryland, Virginia, West Virginia, and Pennsylvania, including the North Branch of the Potomac River and its tributaries in the vicinity of Keyser, W. Va., authorized by the Flood Control Acts approved on June 22, 1936, and August 28, 1937, and an act of Congress approved on May 5, 1936 (H. Doc. No. 622); to the Committee on Flood Control and ordered to be printed with four illustrations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WHITTINGTON:

H. R. 6597. A bill authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes; to the Committee on Flood Control.

By Mr. WASIELEWSKI:

H. R. 6598. A bill to provide relief from tax on income to be paid or permanently set aside or used exclusively for religious, charitable, or educational purposes; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CANNON of Florida:

H. R. 6599. A bill for the relief of Samuel H. McLean; to the Committee on Claims.

By Mr. SASSCER:

H. R. 6600. A bill for the relief of J. Frank Tongue; to the Committe on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1918. By the SPEAKER: Petition of the committee for Tennessee of the Southern Conference for Human Welfare, petitioning consideration of their resolution with reference to support of continued effective price control; to the Committee on Banking and Currency.

1919. Also, petition of the Association of Higher Education of West Virginia, petitioning consideration of their resolution with reference to request for exemption from Federal income taxes all retirement allowances, from whatever source, to the amount of $1,440 per annum; to the Committee on Ways and Means.

1920. Also, petition of the Commissioners Court of Kinney County, Tex., petitioning consideration of their resolution with reference to the purchase of the Fort Clark Military Reservation; to the Committee on Expenditures in the Executive Departments.

SENATE

WEDNESDAY, MAY 29, 1946

(Legislative day of Tuesday, March 5, 1946)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Rev. Bernard Braskamp, D. D., pastor of the Gunton-Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

God of all goodness, in this moment of communion with Thee, may our groping and faltering spirits be brought under the sway and spell of Thy Spirit to be transformed and touched to finer issues.

May the chosen representatives of our Republic unto whom Thou hast given the high vocation of statesmanship in the affairs of government come to the sacrament of public service richly endowed with the grace of insight, the gift of interpretation, and the sinews of moral and spiritual strength.

Inspire us with lofty desires. Make us victorious over those devastating moods which would eclipse our faith and undermine our confidence in the ultimate triumph of truth and righteousness. Emancipate us from fear and all cynical tempers of mind and heart. Lead us out of our night of darkness and confusion into a new day of light and joy, assured that where Thou dost guide Thou wilt also provide.

Hear us in the name of the Captain of our salvation. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, May 28, 1946, was dispensed with, and the Journal was approved.

LEAVES OF ABSENCE

Mr. YOUNG. Mr. President, I ask unanimous consent to be excused from attendance on the Senate for an indefinite period to take care of some problems in my State.

The PRESIDENT pro tempore. Without objection, leave is granted.

Mr. TAYLOR. Mr. President, I have never asked to be absent from the Senate, but I have some important matters which require my attention in the State of Idaho. They cannot be postponed or I would not make this request. I ask leave of the Senate to be absent until June 11. I shall try to return if I possibly can before that date.

The PRESIDENT pro tempore. Without objection, leave is granted.

OMNIBUS RIVERS AND HARBORS BILL—NOTICE OF HEARINGS

Mr. OVERTON. Mr. President, I desire to give notice that the Senate Committee on Commerce will hold hearings in its committee room on the so-called omnibus rivers and harbors bill, being the bill (H. R. 6407) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, starting Monday, June 10, 1946. The hearings will begin at 10:30 a. m. each day, and will probably be concluded within 3 days.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that the President had approved and signed the following acts:

On May 24, 1946:

S. 1415. An act to increase the rates of compensation of officers and employees of the Federal Government, and for other purposes.

On May 28, 1946:

S. 203. An act for the relief of Margery Anderson Bridges;

S. 875. An act for the relief of Mercy Duke Boehl;

S. 1201. An act for the relief of Arthur F. Downs; and

S. 1916. An act to authorize the Secretary of State to transfer certain silver candelabra to May Morgan Beal.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, communicated to the Senate the resolutions of the House adopted as a tribute to the memory of Hon. Carter Glass, late a Senator from the State of Virginia.

The message announced that the House had passed a bill and joint resolution, in which it requested the concurrence of the Senate, as follows:

H. R. 6265. An act to create a Department of Corrections in the District of Columbia; and

H. J. Res. 360. Joint resolution to provide for United States participation in the Phil-

ippine independence ceremonies on July 4, 1946.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 7) to improve the administration of justice by prescribing fair administrative procedure, and it was signed by the President pro tempore.

COMMITTEE TO ATTEND THE FUNERAL OF THE LATE SENATOR GLASS, OF VIRGINIA

The PRESIDENT pro tempore. Under authority of Senate Resolution 273, the Chair appoints as members of the committee to attend the funeral of the late Senator from Virginia, Mr. Glass, the Senator from Virginia [Mr. BYRD], the Senator from Kentucky [Mr. BARKLEY], the Senator from Maine [Mr. WHITE], the Senator from Tennessee [Mr. MCKELLAR], the Senator from New Mexico [Mr. HATCH], the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Montana [Mr. WHEELER], the Senator from New Hampshire [Mr. BRIDGES], the Senator from New York [Mr. WAGNER], the Senator from Georgia [Mr. RUSSELL], the Senator from Minnesota [Mr. SHIPSTEAD], and the Senator from Nebraska [Mr. WHERRY].

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

FOREIGN SERVICE BUILDINGS PROGRAM

A letter from the Acting Secretary of State, transmitting a draft of proposed legislation for the acquisition of buildings and grounds in foreign countries for the use of the Government of the United States of America (with an accompanying paper); to the Committee on Foreign Relations.

REPORT OF DEPARTMENT OF JUSTICE

A letter from the Attorney General, transmitting, pursuant to law, a report on the activities of the Department of Justice for the fiscal year ended June 30, 1945 (with an accompanying report); to the Committee on the Judiciary.

REPORT ON ACTIVITIES OF SMALLER WAR PLANTS CORPORATION

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on the activities of the Department of Commerce relating to functions previously carried out by the Smaller War Plants Corporation and transferred to the Department of Commerce for the months of February and March 1946 (with accompanying papers); to the Committee on Banking and Currency.

DISPOSITION OF EXECUTIVE PAPERS

Two letters from the Archivist of the United States, transmitting, pursuant to law, lists of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The PRESIDENT pro tempore appointed Mr. BARKLEY and Mr. BREWSTER members of the committee on the part of the Senate.

PETITION

The PRESIDENT pro tempore laid before the Senate a copy of a concurrent resolution of the Legislature of the Territory of Hawaii, favoring an appropriation to complete the improvements of the harbor and port of Hilo, T. H., which was referred to the Committee on Territories and Insular Affairs.

MAINTENANCE OF CONFIDENCE IN THE GOVERNMENT

Mr. CAPPER. Mr. President, I have received a telegram from Senator Roy Bailey, chairman of the National Affairs Committee, of the Salina (Kans.) Chamber of Commerce, asking that action be taken in Washington for the purpose of maintaining confidence in Government and respect for it at home and abroad. I ask unanimous consent to have the telegram printed in the RECORD and appropriately referred.

There being no objection, the telegram was received, ordered to lie on the table, and to be printed in the RECORD, as follows:

SALINA, KANS., *May 25, 1946.*

Senator ARTHUR CAPPER,
Senate Office Building,
Washington, D. C.:

In order to establish domestic tranquillity and justice, promote the general welfare, and preserve the blessings of liberty for ourselves and our children, we urge you to do everything in your power to end the virtual anarchy that exists in the United States today. We do not believe that any individual or groups of individuals should dictate to the Government, and for these reasons, and because they are rights guaranteed by the Constitution, we are convinced that immediate action is needed to maintain confidence in the Government itself and respect for it at home and abroad.

SALINA CHAMBER OF COMMERCE
NATIONAL AFFAIRS COMMITTEE,
ROY F. BAILEY, *Chairman.*

EXPORTATION OF WHEAT TO MEXICO

Mr. CAPPER. Mr. President, I have received an interesting telegram from B. K. Smoot, a leading businessman of Salina, Kans., with regard to the shipment of wheat to Texas for export to Mexico. I think the telegram is of public interest, and I ask unanimous consent to have it printed in the RECORD and appropriately referred.

There being no objection, the telegram was received, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

SALINA, KANS., *May 22, 1946.*

Senator ARTHUR CAPPER,
Washington, D. C.:

Our elevator and other elevators Kansas City are loading wheat on instructions CCC to go El Paso and Brownsville, Tex., for export to Mexico. This grain acquired by CCC under confiscation and bonus program presumably for starving Europeans. The sale is reported 30 cents over ceiling prices with Lathrop Grain Co. acting as agent of Mexican Government. Lathrop was director of Kansas City office of CCC at time stocks of grain in hands of grain dealers and millers was confiscated. How can the American public be expected to respect ceiling prices when our Government continually violates ceilings by bonus payments and sales exceeding ceilings? Please let us end the war officially, abolish all ceilings, bonuses, subsidies, and get to work.

B. K. SMOOT.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. O'MAHONEY, from the Committee on Public Lands and Surveys:

S. 1236. A bill to promote the development of oil and gas on the public domain and on lands acquired for the Appalachian National Forest, and for other purposes; with amendments (Rept. No. 1392).

By Mr. TYDINGS, from the Committee on Territories and Insular Affairs:

S. 2254. A bill to provide military assistance to the Republic of the Philippines in establishing and maintaining national security and to form a basis for participation by that government in such defensive military operations as the future may require; without amendment (Rept. No. 1393); and

H. R. 5453. A bill to authorize certain expenditures by the Alaska Railroad, and for other purposes; without amendment (Rept. No. 1394).

By Mr. MCCARRAN, from the Committee on the Judiciary:

H. R. 2788. A bill to limit the time during which certain actions under the laws of the United States may be brought; with an amendment (Rept. No. 1395).

By Mr. WALSH, from the Committee on Naval Affairs:

S. 2133. A bill to amend further the Pay Readjustment Act of 1942, as amended; with amendments (Rept. No. 1396); and

S. 2246. A bill to authorize the Secretary of the Navy to acquire in fee or otherwise certain lands and rights in land on the island of Guam, and for other purposes; with an amendment (Rept. No. 1397).

PRODUCTION, TRANSPORTATION, AND MARKETING OF WOOL (REPT. NO. 1398)

Mr. O'MAHONEY. Mr. President, from the Special Committee to Investigate Production, Transportation, and Marketing of Wool, I ask unanimous consent to report favorably with an amendment the bill (S. 2033) to provide support for wool, to amend the Agricultural Marketing Agreement Act of 1937 by including wool as a commodity to which orders under such act are applicable, to authorize the Secretary of Agriculture to fix wool standards, and for other purposes. Under the agreement at the time of the introduction of the bill, I request that it be referred to the Committee on Agriculture and Forestry.

The PRESIDENT pro tempore. Without objection, the bill will be received and referred to the Committee on Agriculture and Forestry as requested by the Senator from Wyoming.

Mr. O'MAHONEY. Mr. President, I ask unanimous consent to submit individual views of my colleagues, the junior Senator from Wyoming [Mr. ROBERTSON] and the Senator from Massachusetts [Mr. WALSH], respectively.

The PRESIDENT pro tempore. Without objection, it is so ordered.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MEAD:

S. 2258. A bill for the relief of the estate of Mrs. Charles Bath, and others; to the Committee on Claims.

By Mr. TYDINGS:

S. 2259. A bill to amend the Philippine Rehabilitation Act of 1946, for the purpose of making a clerical correction; to the Committee on Territories and Insular Affairs.

By Mr. GEORGE:

S. 2260. A bill for the relief of Roy M. Davidson; to the Committee on Claims.

S. 2261. A bill authorizing the appointment and retirement of Glenwood L. Cook as a lieutenant (junior grade) in the United States Navy; to the Committee on Naval Affairs.

By Mr. O'MAHONEY (by request):

S. 2262. A bill restoring to tribal ownership certain undisposed of surplus lands of the Klamath River Reservation, Calif.; and

S. 2263. A bill for the relief of Milton A. Johnson, and for other purposes; to the Committee on Indian Affairs.

By Mr. McCARRAN:

S. 2264. A bill to amend the act providing for the appointment of court reporters; and

S. 2265. A bill to make criminally liable persons who negligently allow prisoners in their custody to escape; to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 2266. A bill to exclude from the Olympic National Park certain privately owned lands which were added thereto by Executive action; to the Committee on Public Lands and Surveys.

By Mr. SHIPSTEAD:

S. 2267. A bill for the relief of Merchants Motor Freight; to the Committee on Claims.

By Mr. WALSH:

S. 2268. A bill for the relief of William Hugh Murphy; to the Committee on Naval Affairs.

S. 2269. A bill to provide for making certain War Department articles and equipment available for use at the convention of the Veterans of Foreign Wars to be held in Boston, Mass., in September 1946; to the Committee on Military Affairs.

SETTLEMENT OF INDUSTRIAL DISPUTES AFFECTING THE NATIONAL ECONOMY—AMENDMENTS

Mr. WILSON submitted an amendment and Mr. EASTLAND submitted amendments intended to be proposed by them, respectively, to the bill (H. R. 6578) to provide on a temporary basis during the present period of emergency for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace, which were ordered to lie on the table and to be printed.

EXTENSION OF SELECTIVE TRAINING AND SERVICE ACT—AMENDMENTS

Mr. JOHNSON of Colorado submitted an amendment intended to be proposed by him to the bill (S. 2057) to extend the Selective Training and Service Act of 1940, as amended, until May 15, 1947, and for other purposes, which was ordered to lie on the table and to be printed.

Mr. JOHNSON of Colorado (for himself and Mr. LA FOLLETTE) submitted an amendment intended to be proposed by them, jointly, to the bill (S. 2057) to extend the Selective Training and Service Act of 1940, as amended, until May 15, 1947, and for other purposes, which was ordered to lie on the table and to be printed.

HOUSE BILL AND JOINT RESOLUTION REFERRED

The following bill and joint resolution were each read twice by their titles and referred, as indicated:

H. R. 6265. An act to create a Department of Corrections in the District of Columbia; to the Committee on the District of Columbia.

H. J. Res. 360. Joint resolution to provide for United States participation in the Philippine independence ceremonies on July 4, 1946; to the Committee on Territories and Insular Affairs.

INVESTIGATION OF CAUSES OF DISPUTES BETWEEN LABOR AND MANAGEMENT

Mr. KILGORE submitted the following concurrent resolution (S. Con. Res. 63), which was referred to the Committee on Education and Labor:

Resolved by the Senate (the House of Representatives concurring), That there is hereby established a joint committee to be composed of seven Members of the Senate, to be appointed by the President of the Senate, and seven Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives. The committee shall select a chairman and a vice chairman from among its members.

SEC. 2. The committee shall make a thorough study and investigation into the causes of disputes between labor and management, including union and employer policies and practices, economic and other factors, Government policies, present and proposed legislation affecting such disputes, and the measures by which such disputes may be minimized or eliminated in order to safeguard the public interest, including particularly, voluntary and cooperative measures between labor and management which can be promoted or facilitated by the Federal Government.

The committee shall have power to report to the Senate and the House of Representatives, through the Members of the respective Houses, such recommendations as it may deem wise and adequate to carry out the purposes of this concurrent resolution.

SEC. 3. (a) The committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times during the sessions, recesses, and adjourned periods of the Seventy-ninth Congress, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words.

(b) The committee is empowered to appoint and fix the compensations of such experts, consultants, and clerical and stenographic assistants as it deems necessary, but the compensation so fixed shall not exceed the compensation prescribed under the Classification Act of 1923, as amended, for comparable duties. The committee shall file its report within 6 months from the time of its appointment.

(c) The expenses of the committee, which shall not exceed $50,000, shall be paid for in equal amounts from the contingent funds of the Senate and House of Representatives, respectively, and be disbursed by the Secretary of the Senate on voucher signed by the chairman or vice chairman.

REORGANIZATION OF GOVERNMENTAL AGENCIES—PLAN NO. 1

Mr. McCARRAN submitted the following concurrent resolution (S. Con. Res. 64), which was referred to the Committee on the Judiciary:

Resolved by the Senate (the House of Representatives concurring), That the Congress does not favor the reorganization plan No. 1 transmitted to Congress by the President on May 16, 1946.

REORGANIZATION OF GOVERNMENTAL AGENCIES—PLAN NO. 2

Mr. McCARRAN submitted the following concurrent resolution (S. Con. Res. 65), which was referred to the Committee on the Judiciary:

Resolved by the Senate (the House of Representatives concurring), That the Congress does not favor the reorganization plan No. 2 transmitted to Congress by the President on May 16, 1946.

REORGANIZATION OF GOVERNMENTAL AGENCIES—PLAN NO. 3

Mr. McCARRAN submitted the following concurrent resolution (S. Con. Res. 66), which was referred to the Committee on the Judiciary:

Resolved by the Senate (the House of Representatives concurring), That the Congress does not favor the reorganization plan No. 3 transmitted to Congress by the President on May 16, 1946.

AMENDMENT OF THE RULE RELATING TO DEBATE

Mr. FULBRIGHT submitted the following resolution (S. Res. 274), which was referred to the Committee on Rules:

Resolved, That rule XIX of the standing rules of the Senate is amended by adding at the end thereof the following:

"7. It shall be in order at any time during the consideration of any measure or question for a Senator to submit in writing a motion to limit debate upon such measure or question, and upon amendments and motions relating thereto. The motion shall state the terms and conditions of the proposed limitation, and shall not be subject to amendment. The motion and any point of order or other question relating thereto shall be decided without debate. If the motion shall be decided in the affirmative by 90 percent of the Senators voting, further debate upon the measure or question under consideration, and amendments and motions relating thereto, shall be limited in accordance with the motion, and no amendment not germane to such measure or question shall be in order."

COMMENCEMENT ADDRESS BY SENATOR KILGORE AT WEST VIRGINIA WESLEYAN COLLEGE

[Mr. HILL asked and obtained leave to have printed in the RECORD the commencement address delivered by Senator KILGORE at West Virginia Wesleyan College, on May 27, 1946, which appears in the Appendix.]

AMERICAN-TYPE LEGISLATION TO ANTIDOTE COLLECTIVIST EVILS—STATEMENT BY SENATOR WILEY

[Mr. WILEY asked and obtained leave to have printed in the RECORD a statement prepared by him, entitled "American-Type Legislation To Antidote Collectivist Evils," which appears in the Appendix.]

OFFICE MORALE—ARTICLE BY SENATOR WILEY

[Mr. WILEY asked and obtained leave to have printed in the RECORD an article entitled "Is Your's a Happy Office?" written by him and published in the May 1946 issue of the magazine Office Management and Equipment, which appears in the Appendix.]

ADDRESS BY SENATOR MEAD BEFORE ASSOCIATION OF FRATERNAL AND BENEVOLENT ORGANIZATIONS OF THE AMERICAN JEWISH CONGRESS

[Mr. MEAD asked and obtained leave to have printed in the RECORD an address delivered by him on May 26, 1946, at a dinner of the Association of Fraternal and Benevolent Organizations of the American Jewish Congress, tendered to Dr. Stephen S. Wise on his seventy-second birthday, which appears in the Appendix.]

PALESTINE: SOLE SALVATION OF 100,000—ADDRESS BY HON. HENRY MORGENTHAU, JR.

[Mr. MEAD asked and obtained leave to have printed in the RECORD a radio address entitled "Palestine: Sole Salvation of 100,000," delivered by Hon. Henry Morgenthau, Jr., former Secretary of the Treasury, on May 22, 1946, which appears in the Appendix.]

MORITURI SALUTAMUS—POEM BY RT. REV. JOHN J. NASH

[Mr. MEAD asked and obtained leave to have printed in the RECORD a poem entitled "Morituri Salutamus" written by Rt. Rev. John J. Nash, pastor of the Holy Family Church at Buffalo, N. Y., which appears in the Appendix.]

SETTLEMENT OF STRIKES—EDITORIALS FROM THE PHILADELPHIA RECORD

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD two editorials from the Philadelphia Record of May 27, 1946, the first entitled "After We Have All Calmed Down," and the second entitled "Congress Can't Stop Strikes by Goading Labor Into Them," which appear in the Appendix.]

DRAFTING STRIKERS—EDITORIAL FROM THE WASHINGTON POST

[Mr. PEPPER asked and obtained leave to have printed in the RECORD an editorial entitled "Drafting Strikers," published in the Washington Post of May 29, 1946, which appears in the Appendix.]

INCREASED EFFICIENCY IN THE LEGISLATIVE BRANCH—EDITORIAL FROM THE WASHINGTON POST

[Mr. PEPPER asked and obtained leave to have printed in the RECORD an editorial entitled "S. 2177," published in the Washington Post of May 19, 1946, which appears in the Appendix.]

SETTLEMENT OF INDUSTRIAL DISPUTES AFFECTING THE NATIONAL ECONOMY

The Senate resumed consideration of the bill (H. R. 6578) to provide on a temporary basis during the present period of emergency, for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment on page 5, line 2, to strike out the word "lock-out".

Mr. WAGNER obtained the floor.

Mr. PEPPER. Mr. President, will the Senator yield to me to suggest the absence of a quorum? The Senator is about to address himself to matters of merit in connection with the bill which is before the Senate, and I think there ought to be a quorum present.

Mr. WAGNER. It all depends upon whether I would thereby lose the floor.

Mr. PEPPER. A quorum not having been called at the beginning of the session, if the Senator will yield, I ask unanimous consent that a quorum may be called without the Senator from New York losing the floor.

The PRESIDENT pro tempore. Does the Senator from New York yield for that purpose?

Mr. WAGNER. I yield for that purpose.

The PRESIDENT pro tempore. Without objection, it is so ordered, and the clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hawkes	Pepper
Andrews	Hayden	Radcliffe
Austin	Hickenlooper	Reed
Ball	Hill	Revercomb
Barkley	Hoey	Robertson
Brewster	Huffman	Russell
Bridges	Johnson, Colo.	Saltonstall
Briggs	Johnston, S. C.	Shipstead
Brooks	Kilgore	Smith
Buck	Knowland	Stanfill
Bushfield	La Follette	Stewart
Butler	Langer	Taft
Byrd	Lucas	Taylor
Capehart	McCarran	Thomas, Okla.
Capper	McFarland	Thomas, Utah
Connally	McKellar	Tobey
Cordon	McMahon	Tunnell
Donnell	Magnuson	Tydings
Downey	Maybank	Vandenberg
Eastland	Mead	Wagner
Ellender	Millikin	Walsh
Ferguson	Mitchell	Wheeler
Fulbright	Moore	Wherry
George	Morse	White
Gerry	Murdock	Wiley
Green	Murray	Willis
Guffey	Myers	Wilson
Gurney	O'Daniel	Young
Hart	O'Mahoney	
Hatch	Overton	

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY], and the Senator from Alabama [Mr. BANKHEAD] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], the Senator from Idaho [Mr. GOSSETT], and the Senator from Arkansas [Mr. MCCLELLAN] are absent by leave of the Senate.

The Senator from New Mexico [Mr. CHAVEZ] is detained on public business.

The PRESIDENT pro tempore. Eighty-eight Senators having answered to their names, a quorum is present.

Mr. BARKLEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Kentucky?

Mr. WAGNER. I yield.

Mr. BARKLEY. In view of the situation existing in the Senate with reference to the pending bill, it seems to me desirable that we vote today on the motion, which either has been made or will be made, I understand, to strike section 7 from the bill, and that we limit debate during the further consideration of the bill, with a possibility of eliminating a night session tonight and possibly eliminating a session tomorrow. With that in view, I ask unanimous consent that the Senate proceed to vote at not later than 5 o'clock p. m. today on any motion or amendment striking out section 7 of the bill.

The PRESIDENT pro tempore. Is there objection?

Mr. VANDENBERG. Mr. President, I have no objection, but I suggest to the Senator that in view of the parliamentary ruling made Monday night, the Senator will have to include some provision for permission to submit a motion to strike out section 7.

Mr. BARKLEY. Of course, I think that motion really has been made. But in any event it will be made.

The PRESIDENT pro tempore. Is there objection?

Mr. BREWSTER. Mr. President, reserving the right to object, and I do not intend to, what does the majority leader contemplate as to the division of time?

Mr. BARKLEY. I have not included that, but I am perfectly willing to provide that there shall be an equal division of time, half of it to be controlled by me, I suppose, as the author of the bill, and the other half to be controlled by whoever the opponents may wish to control it, the Senator from Florida [Mr. PEPPER] or the Senator from Ohio [Mr. TAFT], I do not care which.

Mr. BREWSTER. It is intended, I presume, that the Senator from Colorado [Mr. MILLIKIN] will discuss——

Mr. BARKLEY. Or the Senator from Colorado; I do not care who controls the time on the other side.

Mr. LUCAS. Mr. President, will the Senator yield to me before the question is put?

Mr. BARKLEY. I yield.

Mr. LUCAS. I should like to say that I think up to this point no Senator has spoken in behalf of the President's position. The speeches have been made by those who are apparently opposed to section 7.

Mr. BARKLEY. I will guarantee to the Senator that if I control the time under this arrangement he will have time allotted to him for the purpose of discussing it, and that other Senators will have time, so far as it is possible to allot it.

Mr. LUCAS. I thank the Senator.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. MILLIKIN. Has the Senator from Kentucky any objection to giving control over the time to be allotted to Senators opposed to section 7 to the Senator from Ohio [Mr. TAFT]?

Mr. BARKLEY. No; I said I would suggest the Senator from Ohio or the Senator from Florida.

The PRESIDENT pro tempore. Will the Senator from Kentucky restate his unanimous-consent request?

Mr. BARKLEY. I ask unanimous consent that at not later than 5 p. m. today the Senate proceed to vote on the amendment striking out section 7 of the bill, and that the time from now on until then be equally divided between the opponents and proponents of that amendment, the time of Senators opposed to the amendment to be controlled by the Senator from Kentucky, and the time of Senators in favor of the amendment to be controlled by the Senator from Ohio [Mr. TAFT].

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. MILLIKIN. Have we disposed of the committee amendments?

Mr. BARKLEY. No. I was going to ask unanimous consent, if this agreement is made, that the order with reference to committee amendments be vacated, so that we may devote our entire time to this one subject, if we so desire.

Mr. MILLIKIN. There are two committee amendments in section 7, which have to be acted on.

Mr. BARKLEY. That is all a part of section 7.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent request of the Senator from Kentucky? The Chair hears none, and the agreement is entered into.

Mr. BARKLEY. I ask unanimous consent that following the disposition of the matter involving section 7, and during the further consideration of the bill, no Senator shall speak more than once or longer than 30 minutes on the bill or on any amendment thereto.

The PRESIDENT pro tempore. Is there objection?

Mr. TAFT. Reserving the right to object; is that with the understanding there will be no meeting tomorrow?

Mr. BARKLEY. Yes.

Mr. TAFT. And no meeting this evening?

Mr. BARKLEY. And no meeting this evening.

Mr. TAFT. I have no objection.

Mr. PEPPER. Mr. President, what was the last request made by the Senator?

Mr. BARKLEY. The last request is that after the disposition of this matter at 5 o'clock, or sooner if it is disposed of, during the further consideration of the bill no Senator shall speak more than once or longer than 30 minutes on the bill or any amendment thereto.

Mr. PEPPER. With the understanding there will be no night session tonight and no meeting tomorrow?

Mr. BARKLEY. That is true.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and, without objection, it is so ordered.

Mr. BARKLEY. Mr. President, in view of the fact that yesterday privately I advised all Senators who inquired that under the circumstances I thought we would have to have a session tomorrow, I wish to nullify that advice now, in view of the action just taken.

Mr. TAFT. Mr. President, will the Senator ask further unanimous consent that the Senator from Colorado [Mr. MILLIKIN] may call up his amendment dealing with section 7, in spite of the fact that the committee amendments have not been disposed of?

Mr. BARKLEY. It may be possible to agree to this committee amendment so as to dispose of that, because it only adds the words "and shall serve in." It is a technical amendment.

Mr. TAFT. There are other committee amendments. One deals with the date, and that amendment is rather important.

Mr. BARKLEY. I see that section 7 does contain another amendment at the end of the section.

Mr. TAFT. Would it not be easier simply to have unanimous consent to submit the amendment and consider it?

Mr. BARKLEY. I do not understand what the Senator's amendment to section 7 is? It has not yet been offered.

Mr. TAFT. It lies on the desks of Senators. It is simply to strike out section 7.

Mr. BARKLEY. I do not care to have any unanimous-consent agreement as to who shall move to strike out section 7. I think that is a matter for Senators who obtain the floor to act upon.

Mr. LA FOLLETTE. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. LA FOLLETTE. Did not the unanimous-consent agreement provide for the suspension of the rule so far as committee amendments were concerned, so that the motion to strike section 7 could now be considered?

The PRESIDENT pro tempore. It did.

Mr. LA FOLLETTE. I understood that had been included in the unanimous-consent agreement.

Mr. BARKLEY. Yes. I asked that the order previously made for considering committee amendments first be vacated.

Mr. LA FOLLETTE. I understood that to be a part of the unanimous-consent agreement; so it is now in order for any Senator to move to strike section 7 from the bill.

Mr. MILLIKIN and Mr. PEPPER addressed the chair.

The PRESIDENT pro tempore. Does the Senator from Kentucky yield, and if so to whom?

Mr. BARKLEY. The Senator from New York [Mr. WAGNER] has the floor.

Mr. MILLIKIN. Mr. President, will the Senator from New York yield to me?

Mr. WAGNER. I wish to say that when I finish my statement I propose to make a motion to strike section 7 from the bill.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. WAGNER. I yield.

Mr. MILLIKIN. There is already pending an amendment, sponsored by me, to accomplish that purpose.

Mr. BARKLEY. That statement is not quite correct.

The PRESIDENT pro tempore. The Senator's amendment was ordered to be printed and to lie on the table.

Mr. BARKLEY. That is not the pending question at the moment, because the amendment could not be offered, although sent to the desk and ordered to lie on the table and to be printed for the information of the Senate, until the committee amendment now pending is disposed of.

Mr. MILLIKIN. I understand that. I was going to move that my amendment receive consideration at the present time as the pending business.

The PRESIDENT pro tempore. Does the Senator from New York yield for that purpose?

Mr. WAGNER. I yield for no purpose now. I desire to proceed.

The PRESIDENT pro tempore. The Senator from New York declines to yield.

Mr. WAGNER. Mr. President, the railway strike is over. The mine dispute, I believe, is well on the way to settlement. We may now examine legislative proposals with calmness and deliberation. These qualities the Senate of the United States should display at all times—although it was more difficult to display them when we were facing the prospect of a paralyzing railroad strike.

My sympathy and confidence have been with President Truman during these trying times while he has been following his conscience in exercising the enormous responsibilities of his office. Nothing that has happened has shaken in the slightest my attitude of loyalty and friendship toward the President. I am sure that nothing will.

I have the same feeling of loyalty and friendship for the majority leader, the distinguished Senator from Kentucky [Mr. BARKLEY].

But Members of the Congress, as well as the President, must follow the promptings of their own conscience and the lessons of their own experience. And when I attempt earnestly to do this, I cannot bring myself to support the bill now before this body.

I, therefore, intend to vote against it, unless it is modified by amendment so substantially that it comes to bear little resemblance to its present form.

America has come through a life or death war with certain precious heritages intact. Even during the war, while we trusted great powers to the President, we retained that fundamental balance between the Congress and the Chief Executive which is a part of our system. Even during the war, while necessary restraints and unusual obligations were placed upon both industry and labor, we preserved the fundamental liberties of both. We did not even pass a National Service Act, much less force individuals to work, "or else." Even during the war, we did not resort to Government by injunction rather than through more measured procedures. Even during the war, we did not throw the weight of Government heavily on the side of either industry or labor, in the disputes between them arising out of their relationship. Even during the war, we zealously preserved certain rights of workers, which through long tradition have become inseparable from their rights as Americans. In consequence, we came through the war with our democracy not only intact, but strengthened and purified through its vindication in time of mortal peril.

The essence of my objection to the pending bill is this: I cannot believe that, 9 months after the war, we need to do things which are so drastic and unprecedented that we did not do them even during the war.

It is true that last week there was a railroad strike having far-reaching consequences. I can well understand the public consternation which it caused. I can well understand the firmness and decision with which the President dealt with that strike. But the fact remains that, under existing law, the President was able to seize the railroads. He did so. The fact remains that, under existing law, the overwhelming force of public opinion was marshaled against the strike. The fact remains that existing law and the force of public opinion were enough to end the railroad strike in about 2 days.

Two days is a long time when the railroads are not running. But 2 days of a general railroad strike, after many decades without a general railroad strike, is not enough to justify discarding the whole philosophy and system which have produced these decades of harmonious operations. A railroad strike

of 2 days' duration is not enough to justify embarking upon an entirely new approach, which gives every prospect of doing much harm and little good.

If the pending bill was drawn well before the railroad strike took place, then I say that it was formulated without testing our capacity to meet the situation under existing law. If, on the other hand, the pending bill was formulated after the railroad strike became a certainty, then I say that it was drawn up in a spirit of haste and excitement, at a time when the wisest counsels could not prevail.

Now that the railroad strike is over—and there is no prospect of its resumption—there is no room for hysteria, and there is ample opportunity for calmness and deliberation. Above all, there is now time to gain perspective. And on this matter of perspective, let me begin by emphasizing one outstanding fact.

In 1935 the National Labor Relations Act became law. Since then one criticism of this act has exceeded all others. One proposal to improve this act has almost taken on the character of a panacea. This proposal has been that the National Labor Relations Act should be amended, so as to be the same as the Railway Labor Act.

Some have said that the National Labor Relations Act was one-sided, and that the Railway Labor Act was fair. Some have said that the National Labor Relations Act promoted discord, and that the Railroad Labor Act promoted peace. Some have said that the National Labor Relations Act was based upon bias, and that the Railway Labor Act was based upon sound experience. Many people said, "Conform the National Labor Relations Act to the Railway Labor Act, and all will be well."

And now we have just encountered a country-wide railroad strike—a strike of workers who have never been under the National Labor Relations Act—a strike of workers who since 1926 have been under the terms of the Railway Labor Act.

What could be clearer proof, what could be a clearer warning—that easy remedies are not to be found for industrial disagreements in a democracy?

I do not propose to burden the Senate with a detailed analysis of all the legislative proposals which have recently been clamoring for attention. Their very number, their very inconsistency one with another, should give us pause, if we are acting with the steadiness which the situation demands.

But let me briefly run through some of the proposals recently written into the Case bill. Let me indicate how unrelated they are to the situation on the railroads and in the mines.

There is the proposal to outlaw secondary boycotts, but neither the coal nor the railway dispute involves any secondary boycott whatsoever.

There is the proposal for civil suits against unions for breach of collective-bargaining agreements, but the mine and railroad disputes have not involved breach of any agreement.

There is the proposal to amend the Federal antiracketeering law by prohibiting robbery or extortion of property in interstate commerce. This is unrelated to the rail or coal disputes.

There is the proposal for a 60-day cooling-off period, but, so far as railway labor is concerned, a waiting period has been the law of the land for many years.

There is the proposal to approve or disapprove various types of employee-benefit plans. This is an issue in the coal dispute, but it was not an issue in the railway strike. It was not an issue in a single one of the other large strikes which have occurred from time to time during the past 10 years.

There is the proposal to discourage unionization by supervisory employees, but this issue had nothing to do with the railroad dispute, and it was evidently not the main issue in the coal dispute.

So much for the proposals that the Senate has just finished writing into the Case bill. Now, what about some of the other proposals that have been offered recently for our attention—apart from the pending bill?

There are proposals for Government seizure of struck plants, but the Government seized the railroads and the mines under existing law. Moreover, under the Smith-Connally Act, the most stringent penalties already prevail, but are of no avail.

There are proposals for union incorporation and registration—as if such legalistic formula can mine coal or run trains.

There are proposals for annual elections and financial reports by unions. Can we stop or shorten current stoppages by holding an election next month or next January?

There are proposals to deal with unauthorized strikes. Whatever else may be said, neither the railroad strike nor the mine dispute has been unauthorized by the men. In fact, the mine strike was called after due notice in strict conformity with the Smith-Connally law. All the mediation machinery of the Railway Labor Act was exhausted before the railroad strike was called.

There are proposals to prohibit political contributions by labor unions—but this has no bearing on the mine dispute or the railroad strike.

There are proposals to curb violence in labor disputes—but there was no claim of violence in either the mine dispute or the railroad strike.

When we view calmly the proposals which the Senate has had before it during the past few weeks, we see that they are mostly irrelevant to the recent disputes which have caused the current crisis. Is it not sensible, therefore, to examine whether the pending bill does not suffer from the same defects and deficiencies?

Is the present bill the product of excitement, or is it the logical outgrowth of sound experience? To appraise the present bill, it is necessary first of all to discuss two diametrically opposed approaches to the whole problem of industrial strife.

One approach is to say that all differences between big employers and big unions should be settled by the force of Government decision. This would mean, in the final analysis, that the Government would assume responsibility for every term of the labor contract in every current dispute. The difficulty of drafting and redrafting the Byrd amendment to the Case bill shows the problems we encounter in trying to write a labor contract on the floor of the Senate. That tendency would end in Government control or ownership of all of our major industries. I assume that every Member of the Senate is against that course.

The second main approach is to encourage employers and workers to settle their differences by collective bargaining. It is obvious that there can be no collective bargaining without the right to strike, because without that right labor has no bargaining force. Everyone in this body has subscribed, at one time or another, to this fundamental American principle. It is the way of democracy.

This democratic way means strikes from time to time, especially in a post-war period of conversion and adjustment. There are certain definite things which must be done in the public interest when such strikes occur or are threatened.

First. Public authority must be used to protect against violence. There is no danger or threat of violence now, and in my judgment there is ample law to protect against it.

Second. Public authority must be available to offer mediation or conciliation, in helping the opposing forces to reconcile their differences. This process began before the recent strikes came. It will go on until they end. If any strike is too serious to countenance even for a short time, the President and the country already have demonstrated the power to stop it. The railroad strike was stopped.

Third. There must be examination of the underlying causes of the disputes.

The great strikes of a decade ago, before the National Labor Relations Act became fully effective, dealt with the right to unionize and bargain collectively. That right has been established; and that kind of strike, with all its violence and terror, has practically disappeared. The present strikes deal with fundamental economic matters, such as wages, working conditions, the cost of living, and security—economic matters that never were embraced by the National Labor Relations Act. The legislative proposals now before the Senate do not address themselves to these underlying economic problems before they develop into labor strife. As a Nation, before and since the war, we have not faced squarely the underlying problems of mine safety and national health; and since the war's end, price control has met with serious rebuffs.

I was happy to hear the President emphasize the relation between many of the present strikes and the Government's policy of economic stabilization, especially the price-control laws. I was pleased that he renewed his stand in favor of "immediate action" to continue the price and stabilization laws in effective form. But on the day that the President made this request, a majority of the Committee on Banking and Currency,

over my objection, voted to lift all price-control on meat, poultry, milk, and all the products thereof. In my judgment, that action was a mortal blow to price control on food for the average man's table. If adopted by Congress, such changes in themselves would bring a serious rise in the cost of living, which could only result in another round of demands for wage increases, by workers already pressed to catch up with past price increases.

In our free economy, production results from agreement between two parties—capital and labor. When they disagree, when they cannot get together, there is no production. If this happens suddenly and on a large scale, it is called a strike. The strike is the result of the failure of both parties to agree. Either party can end the strike by acceding to the views of the other.

Under these circumstances, the only way to determine which party is right and which party is wrong is to look at the merits of the controversy.

Mr. President, the legislative proposals in the bill now before us do not flow from the merits of the controversy. They are not based upon an examination of the merits. Few here have said that the workers are basically wrong in seeking better wages or improved working conditions. Why, then, should we place such emphasis upon legislative proposals which restrict or limit the rights or liberties of the workers? Why is there this tendency to take sides against them?

Nobody can study the pending bill without coming to the conclusion that it would impose restraints, hazards, and uncertainties upon workers which are not shown to be necessary to accomplish the broad objective intended. Nobody can say that any employer, however recalcitrant or wrongful, could be treated as severely as workers under the bill.

Even the Smith-Connally Act, severe though its terms, becomes pale by comparison with this bill. The Smith-Connally Act prescribes criminal penalties for persons who lead or instigate strikes interfering with the war effort. But even the Smith-Connally Act specifically provides that no individual worker shall be deemed in violation solely because of refusing to work or ceasing to work. This bill, in contrast, while it does not impose criminal penalties upon the individual worker, does impose the following penalties upon the individual worker who simply refrains from returning to work when the Government takes over:

First, under section 5 the Attorney General may seek an injunction through the Federal courts against any "unlawful" action under section 4 (b), as well as 4 (a), and hence may enjoin any worker who does not return to work. A restraining order or temporary injunction may be granted without hearing on the merits, and it may be kept in force for an indefinite period without hearing on the merits. For this purpose the provisions of the Norris-LaGuardia Act are swept aside. Thus the bill would place again in the hands of sitting judges all over the country the power to issue injunctions against any worker, no matter how humble, to issue injunctions without definition by statute of their terms or scope—to issue injunctions without hearings, and to punish for contempt without a trial by jury.

The second form of penalty and restraint upon the individual worker who does no more than fail to accept employment would strip him of his rights as an employee of the owners or operators for the purposes of the National Labor Relations Act or the Railway Labor Act, unless he is subsequently reemployed by such owners or operators. Only the free will of the employer, and not action by the Government, could restore these fundamental and basic rights to the individual worker. Never has the Congress placed such supreme power over workers in the hands of the employers with whom their disputes have occurred. This provision strips away one of the workingman's most valued possessions, namely, his standing and continuing relation to his job. This valued possession has been built up during years of service to the private corporation which owns the property, the private corporation which will resume the operation when the Government steps out of the picture.

A third provision of the bill deprives the worker whose conscience will not permit him to work, of his seniority rights built up over years of loyal service. I know of no comparable penalty in American law.

The fourth and most drastic penalty directed against the individual worker is the threat of induction into the Army of the United States, upon such terms and conditions as the President may prescribe, including, I would expect, military discipline, forced labor, and military courts martial. This provision is, in my judgment, a complete departure from time-tested principles in American law. It casts an aspersion upon the Army. It conflicts with the theory and practice of selective service as a universal obligation in time of peril. I believe that enforcement of this provision of the bill would establish involuntary servitude in violation of the Constitution.

Mr. President, let us look this combination of unprecedented penalties squarely in the eye. I believe that the President should have the right to seize, for a limited period of time, industries vitally affecting the public interest, in order to insure the continuance of vital services during this period of transition, while a technical state of war exists. He now has that power and has exercised it. If his authority needs to be clarified by law as to any industry or operation, especially in view of the possible expiration of the Selective Service Act, I favor legislative action for that purpose. When the President has taken over an industry, the workers in that industry become employees of the Government, I would also agree that strikes against the Government should not be countenanced. But a strike involves concerted action, and existing penalties against such strikes have been directed against leaders of strikes. The situation is different when an individual, without conspiring with or encouraging others, decides not to return to work. And yet, under this bill, the individual worker could be drawn into the Army, or subjected to injunctive mistreatment by any Federal judge, or stripped of his status and seniority rights not only temporarily while in the employment of the Government, but permanently at the whim of the individual employer. I cannot believe that American workers deserve or would tolerate such treatment.

For the reasons which I have stated, I feel that the pending bill involves punishments out of all relation to the offense. These kinds of punishment do not produce peaceful industrial relations in a democracy. These kinds of punishment can have only one of two consequences: As the first alternative, they will stir up resentment, bitterness, and increasing strife. As the second alternative, they will need to be succeeded by even more drastic punishments in order to make the original punishments effective. Repression will breed further repression. Neither of these two alternatives can be acceptable to those who want both industrial peace and industrial liberty, and who believe that in America one is impossible without the other.

Now that the railroad strike is over, I urge that we proceed with moderation. In all probability, the mines will soon be working again. Serious efforts in that direction are being exerted by competent men who are completely absorbed with this problem. Both the employers and the workers know that the public is being grievously hurt. Both of them are responsive to the pressure of American public sentiment. That kind of pressure has worked before. It will work again. Coal mining is traditionally a sick, strife-ridden industry in all democratic countries. Only dictatorships are free of labor troubles among coal miners. The democratic way works best for greater production as well as for assured liberty.

Only bitterness and recrimination will result from ill-considered measures. The experience which has been had under the Smith-Connally Act should give us pause.

Mr. President, the bill now before the Senate offers no immediate solution in its present form. If any part of the pending bill has any long-range utility, it should be considered apart from an atmosphere of rancor and passion engendered by the immediate strike issue The President's seizure authority may possibly need to be extended or clarified. Also, from the long-range viewpoint, I welcome the President's suggestion of an impartial 6-month inquiry into the causes of strikes, and improvement in the means of preventing or terminating strikes, based on facts and experience instead of hysteria and repression. I myself introduced a bill in 1940 to strengthen our national mediation machinery. In many respects that bill was similar to the bill which was recently reported by the Committee on Education and Labor. Unfortunately, that bill—a substitute for the Case bill—was loaded down with unwise amendments which I have discussed. I hope that the President will veto the bill.

I do not believe that we need to abridge or curtail fundamental industrial liberties, in order to get through

these critical times. I have that much faith in the American system, as it has evolved through years of experience Let us profit by that experience, and not ignore it.

Mr. President, I move to strike out section 7 of the pending bill.

The PRESIDING OFFICER (Mr. HOEY in the chair). The question is on agreeing to the motion of the Senator from New York.

Mr. VANDENBERG. Mr. President, I wish to address myself to section 7 of the bill.

The PRESIDING OFFICER. Will the Senator advise the Chair on which side of the question he is speaking?

Mr. VANDENBERG. I am about to speak in opposition to section 7 of the bill.

Mr. TAFT. I yield 20 minutes to the Senator from Michigan.

Mr. VANDENBERG. I should have asked the Senator from Ohio that I might have not to exceed 20 minutes.

Mr. President, I wish to address myself to section 7, the draft section of the pending bill, which is a bill, according to its own title, to provide on a temporary basis during the present period of emergency for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace.

I ask that section 7 be printed at this point in my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Section 7, including the committee amendments reported thereto, is as follows:

SEC. 7. The President may, in his proclamation issued under section 2 hereof, or in a subsequent proclamation, provide that any person subject thereto who has failed or refused, without the permission of the President, to return to work within 24 hours after the finally effective date of his proclamation issued under section 2 hereof, shall be inducted into, and shall serve in, the Army of the United States at such time, in such manner (with or without an oath), and on such terms and conditions as may be prescribed by the President, as being necessary in his judgment to provide for the emergency. The foregoing provisions shall apply to any person who was employed in the affected plants, mines, or facilities at the date the United States took possession thereof, including officers and executives of the employer, and shall further apply to officials of the labor organization representing the employees. Provisions of law which are applicable with respect to persons serving in the armed forces of the United States, or which are applicable to persons by reason of the service of themselves or other persons in the armed forces of the United States," shall be applicable to persons inducted under this section only to such extent as may from time to time be prescribed by the President.

Mr. VANDENBERG. Mr. President, I earnestly urge the Senate sponsors of this measure to join in eliminating this section:

First. Because it is probably unnecessary to the Presidential objective in this emergency proposal, and is well calculated to hurt rather than to help this objective;

Second. Because it is clearly impractical in net operative results;

Third. Because it needlessly challenges very precious personal liberties with which it is unwise needlessly to tamper, regardless of irate provocation, lest a needlessly dangerous precedent be set;

Fourth. Because it involves the Army in activities so alien to its traditional functions that it is well calculated to impair the Army's morale at a moment when we can afford no such luxury; and

Fifth. Because the retention of this section may jeopardize the passage of other sections of the bill which may prove to be essential. I ask an unemotional consideration of these realities for the sake of the common welfare and the public interest.

Lest there be any doubt as to the motives which inspire this plea, I wish to state—at the outset—that I support without reservation the position of the President of the United States that there can be no right in any group to strike against the Government of the United States, anywhere, any time. Otherwise, the voice of all the people is silenced by the voice of a relatively few. Otherwise, the rights of all the people, their security, their health, and their safety, are mercilessly subordinated to coercion and attack by belligerent, minority pressure groups. Otherwise, there is no government worthy of the name or likely long to survive. I shall never consciously surrender to any such tragedy.

I commend the President of the United States for his sturdy statement on this subject last week end in respect to current crises. I quote him:

The Government is challenged as seldom before in our history. It must meet the challenge or confess its impotence.

In his vigorous leadership last week end the President vindicated the moral authority of the Presidency. This is a consideration of key concern in our national life, even as it has a tremendous bearing on the legislative problem now confronting the Senate, particularly upon the question whether section 7 is required in order to achieve the legitimate objectives of this bill. It points a moral to adorn this tale. The moral authority of the Presidency, no matter who is the incumbent, is an authority of vast potency. It is an authority which transcends statutes. It is an authority that flows primarily from the very nature of democracy which depends upon our Chief Magistrate to be the spokesman for our total citizenship and the oracle of our ideals. Let us briefly examine this thesis because it has a direct bearing upon the nature and extent of the sanctions which are necessary in the pending bill to achieve its stated purposes.

With great respect, and with no intention to be critical, but rather to emphasize the specific point which I shall make in this connection, and to measure what I believe to be the extent of this moral authority, let me say it is my view that if the President had exercised this leadership and this authority many weeks ago, the culmination of these recent crises might have been avoided. The rail strike ceased last Saturday afternoon, not as the result of new, summary, extrapunitive law such as the President has subsequently recommended, but as the result of the exercise of Presidential moral authority within existing law and within the moral influence of inherent and perpetual Presidential prerogatives. The workers responded to their President when he spoke to them with irresistible finality. After all, they are citizens, the same as we.

The President spoke to Congress at 4 p. m. last Saturday. The majority leader of the Senate had previously announced on the floor of the Senate that the rail strikers "have agreed to go back to work." He has explained that he spoke prematurely and, of course, I fully accept his explanation. Nevertheless, it is important to note that even his premature announcement caused no particular surprise because it was in the air that the use of the President's moral authority would inevitably produce swift reckoning. The President himself interrupted his own message to the joint session of Congress, at about 4:15, to confirm a final, pacific settlement. The settlement came, in other words, ahead of any new legislation on this subject. And, apparently, Mr. President, we are about to witness the same phenomenon in connection with the coal strike.

The point I make is that the President of the United States, by virtue of his office, can be, when he is willing, the greatest protector of the public welfare—perhaps even greater than the authority of law itself. The point is that, without new law, the moral authority of the Presidency, under any administration, is the greatest of all sanctions to enforce respect and protection for public health, safety, security, and government when strikes against the Government occur.

This does not, however, obviate the desirability and the necessity for adequate law. In the final analysis this must be a government of law and not of men. Therefore I am prepared to move ahead with legislation upon this subject, and with adequate dispatch. But in framing such legislation, and in measuring the legal sanctions necessary to stop strikes against the Government and against the whole people, we must never forget that the first and greatest of all sanctions is the moral authority of the President of the United States. We must not forget that we have this sanction always available to use whenever the President so wills, and regardless of statutes, old or new.

This is the first reason why I think section 7 should be striken from the bill. In the light of this greatest of all sanctions, and in the light of already existing law, and in view of other new and severe sanctions in the pending proposal, I am unable to believe it is necessary or practical or wise to order the final sanction of a labor draft. It is normally repugnant to every principle of free, constitutional democracy, as demonstrated by the fact it has never heretofore been invoked even during the extreme exigencies of war. It has never been attempted in 150 years of our free history. Nothing short of utter and urgent extremity could justify such impressment now. Despite our acute anxieties during recent weeks and despite the heavy potential of national damage which was involved, I register my deepest doubts that such a step

should be taken, particularly in the absence of any normal and adequate process of study and deliberation, and in the absence of any proof of need.

Mind you, I am prepared to embrace any device which is necessary to defend the unassailable sovereignty of the Federal Government at home or abroad, and I will give this sovereignty the benefit of every doubt. If this extraordinary and unprecedented recourse in section 7 is finally unavoidable to protect public health, safety, subsistence and security, I will let the President proceed. But I see nothing in the present situation which warrants the belief that we are yet driven to any such totalitarian extreme, and I doubt if we ever will be.

I have said that the labor draft is unnecessary to achieve the stated purposes of this bill. I mean that there are other sanctions available which will suffice. I have already referred to the greatest of these sanctions, namely, the moral authority of the White House. I now refer to other concrete sanctions in the bill itself. These other new and drastic sanctions should offer a complete guaranty—so far as such a thing is possible in human relations—that Government-seized industries will resume their operations.

There are sanctions in the pending proposal against union leaders and workers who would be put under a positive obligation not only to refrain from directing or aiding a strike or slow-down, but also "to take appropriate, affirmative action to rescind or terminate such strike, lock-out, slow-down, or interruption." Failure to do so would render them liable to heavy fines or imprisonment. Individuals refusing to go back to work in a Government-seized industry would lose their very precious seniority rights and the indispensable protections of the National Labor Relations Act, which is to say their protection in their jobs. Indeed, any recalcitrants might well find themselves in jail under section 4 before they ever reached the Army under section 7.

I think, Mr. President, that even some of these other and additional sanctions may go too far. Even if they were further curtailed—and I think in some respects they should be—I should still say that it is perfectly clear to me that completely adequate and effective sanctions exist without pushing cumulative penalties to the climax of involuntary servitude. It has been admitted by the sponsors of the bill that probably the labor draft in section 7 never will be used. That is equivalent to a confession that section 7 is probably not necessary even in their view. That is my conclusion without reservation. And I have said nothing about still another highly important sanction, namely, the loyal conscience of a vast majority of citizen-workers who have demonstrated that they will voluntarily stop short of a strike against their Government.

I have said, Mr. President, that I consider the labor draft not only unnecessary, but also impractical. If all these restraints are insufficient to deter a striker against his Government, I very much doubt whether he will be a productive operative in his subsequent role as an unwilling and resentful labor draftee. I am not impressed with the wisdom or utility of drafting rebels—if that is what you want to call them. An Army of so-called rebels is not calculated to be a particularly reliable or productive one. On the contrary, if they have been unimpressed by all these other restraints and penalties they are calculated to continue to find unresponsive means to continue to rebel when an attempt is made to make conscript workers out of them. We may create an even greater problem than we solve. We may directly jeopardize the very results to which we dedicate our efforts.

Mr. President, that is not all. This labor draft would also be a wrench to the time-honored character of the Army of the United States. The Army is not a penal institution. It is not an industrial recruitment service. It is not a labor internment camp.

The Army needs the total good will of all our people, and particularly now. The popularity of the Army is a thing of vital concern to the Nation. Its popularity and its universal respect would be obviously undermined in the opinions of large sectors of our people if the Army became an instrument of what they, rightly or wrongly, believed to be oppression. The Army has enough to do, in critical times of rebellious unrest, to protect production and to maintain law and order, without being drawn into special jeopardy, as would be the case if the Army were used not only to defend law and order, but also to assimilate draftees who were directly related to the very controversy which threatened law and order.

Mr. President, let me say again that I would not deprive the Chief Executive of any authority he needed to protect the Government and the general welfare. Neither would I do anything to shatter effective liaison between the Congress and the White House upon this score in such times as these, and I am frank to say that I have particularly in mind the truculently threatened general strike on June 15, which would not only paralyze our rapidly expanding and vitally essential export trade, but which would also perhaps condemn to death hundreds of thousands of helpless people in the famine zones of the so-called liberated areas of the Old World.

But, Mr. President, I cannot believe that literal acceptance of all the details of the President's admittedly hasty legislative recommendation is required of me in order to meet my obligation. I cannot believe that it would be any service to the President, or to the country, to withhold deliberative Senate scrutiny of any such sweeping and unprecedented proposal, and not to make useful changes to the end that it shall mature in best possible form. I decline to believe that the President himself would not wish us to perfect his proposal if we can. As a former honored Member of the Senate, I am certain he does not consider our function to be that of carbon paper. I cannot believe it is essential to the public welfare, safety, and security, or that it is necessary in their name, to accept any needless provisions which, under any circumstances, would be a startling invasion of traditional American personal liberty.

All these considerations lead me to think, Mr. President, that we should strike section 7 from the pending measure; and that this can be done without remotely vitiating the highly important purposes of the bill; that we can eliminate the labor draft without robbing the President's bill of adequate and effective sanctions; that we can do these things without sacrificing jot or tittle of our relentless purpose to stop strikes against the Government. On the contrary, it is my conviction that this change will make it a better bill, a wiser bill, a more practical bill, and one more likely to command the universal respect which is so essential to the success of sumptuary law.

During the delivery of Mr. VANDENBERG's address the following occurred:

Mr. BARKLEY. Mr. President, will the Senator yield to me for just a moment?

Mr. VANDENBERG. I yield.

Mr. BARKLEY. I am compelled to leave the Chamber, and following the Senator's address I wish to yield to the Senator from Illinois [Mr. LUCAS] such time as he may wish.

Mr. LUCAS obtained the floor.

Mr. TAFT. Mr. President, will the Senator yield to me for a procedural matter?

Mr. LUCAS. I yield.

Mr. TAFT. I may have to be absent from the Chamber. Following the address of the Senator from Illinois, I yield the next 15 minutes to the Senator from New York [Mr. MEAD].

Mr. DOWNEY. Mr. President, will the Senator from Illinois yield to me for the purpose of suggesting the absence of a quorum?

The PRESIDING OFFICER. The Chair will state that if that is done the time consumed will have to be taken out of the time of the Senator from Illinois.

Mr. LUCAS. The Senator from Kentucky gave me all the time I needed; so I yield for that purpose.

Mr. DOWNEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Hatch	O'Mahoney
Andrews	Hawkes	Overton
Austin	Hayden	Pepper
Ball	Hickenlooper	Radcliffe
Barkley	Hill	Reed
Brewster	Hoey	Revercomb
Bridges	Huffman	Robertson
Briggs	Johnson, Colo.	Russell
Brooks	Johnston, S. C.	Saltonstall
Buck	Kilgore	Shipstead
Bushfield	Knowland	Smith
Butler	La Follette	Stanfill
Byrd	Langer	Stewart
Capehart	Lucas	Taft
Capper	McCarran	Taylor
Connally	McFarland	Thomas, Okla.
Cordon	McKellar	Thomas, Utah
Donnell	McMahon	Tobey
Downey	Magnuson	Tunnell
Eastland	Maybank	Tydings
Ellender	Mead	Vandenberg
Ferguson	Millikin	Wagner
Fulbright	Mitchell	Walsh
George	Moore	Wheeler
Gerry	Morse	Wherry
Green	Murdock	White
Guffey	Murray	Wiley
Gurney	Myers	Willis
Hart	O'Daniel	Wilson

The PRESIDING OFFICER. Eighty-seven Senators having answered to their names, a quorum is present.

Mr. LUCAS. Mr. President, on Saturday last Congress was called into a joint session to hear the President of the United States deliver an emergency message on the state of the Union. I undertake to say that if the Nation-wide crisis caused by the coal and rail strikes was as threatening today as it was when the President left the White House on Saturday last to come to the Capitol and deliver the extraordinary message to the Congress of the United States, the Senate would by this time have passed any legislation the President desired in that message.

Not since the late President Roosevelt came to us in the dark days of the Pearl Harbor infamy has the Nation been so seriously threatened with peril. The Pearl Harbor treachery came from power-crazed aggressors across the sea. The railroad strike with all its chaotic and devastating implications, which paralyzed the greatest transportation system in all the world, came from two American aggressors who a short while ago believed they, too, had the power to write their own economic peace terms in the White House.

Mr. President, the passing of Franklin D. Roosevelt left to his successor, Harry S. Truman, stupendous unsolved national and international problems. Every thoughtful American knows that no man in all our history was catapulted overnight into the chair of the Commander in Chief to face more serious and painful responsibilities. Franklin D. Roosevelt literally wore himself out in his service for his country. He was the first citizen of the world when he passed on in the midst of global war. Overnight Harry Truman, of only national fame, became President. At that tragic hour in the fate of our Nation all America gave him their blessings, wished him well, and prayed for his success. However, as time went on, the period of harmony expired. The honeymoon was over. The political sniping began. Mean, little, and contemptible things were said about President Truman by men of idle fancy and evil thoughts.

Many leaders in the industrial, labor, and political fields were certain that the new President in the White House was easy prey for their machinations. They believed him a soft touch for their beguiling and cunning methods. They said, "Here is a man we can push around. Here is a President who will weaken under the pressure of vigorous opposition and concerted power."

Mr. President, those arrogant and stupid men forgot that Harry Truman was an artillery officer in World War I who inherently knew how to shoot straight for his country. They forgot that as chairman of the Truman committee when serving as a United States Senator he demonstrated a passion for courage, honesty, and upright dealings, irrespective of whether he was meeting with friend or foe. They forgot that underneath his contagious smile there was a heart and soul that would never forsake his country when it was in danger.

Today, Mr. President, all true Americans are grateful for the display of courage and candor exhibited by our President in his two historical speeches of last week. When the chips were down, Harry Truman never flinched nor yielded. When the health, safety, and security of his Nation were threatened by the arrogant action of two men, he accepted the challenge, and today all America breathes easier. It was time to determine whether the United States was still a government by law or by men. Through his bold and courageous action he crushed the opposition, stamped out insurrection, and within 48 hours literally turned the Government back to the people.

Mr. President, Saturday will be recorded as one of the truly great days in American history. Throughout America men and women know that they can never strike against their Government. Those who have a different viewpoint should not forget that it was only a little while ago that this great Nation, single-handed, defeated Japan, the most barbaric nation the world has ever known. We also put the finishing touches upon the ruthless and despicable Nazis. People should understand as a result of what has happened in the last week that when they strike against the Government of the United States, they are striking against a power which has met and defeated all enemies since the fathers gave to us this country more than a century and a half ago.

Mr. President, it has been said over and over again on the floor of the United States Senate that there was nothing the Congress could do, that the remedy and the power for dealing with such a national crisis lay definitely in the hands of the President of the United States. I never subscribed, Mr. President, to that doctrine. Over and over again I have taken the position that Congress in conjunction with the executive branch of the Government could do something, and that we could not, under our oath, sit by silently and see government destroyed from within.

Mr. President, I understand that the people of America have been educated to the idea of individual sovereignty. Some are so mentally fortified with that theory that irrespective of any national calamity or disaster which approaches they will be found clinging tenaciously thereto. They tell us that the civil liberties of the American people must be preserved at all cost, even though the Nation might fall. Of course, when that happens those civil liberties will also fall. Over and over again in these debates we have heard about civil liberties and the rights of American citizens who are involved in these strikes. I, too, respect those rights. But, Mr. President, if the Government should fall because of forces either within or without, civil liberties would not be worth anything to us. Every Senator and every other individual in America who has followed the rail and coal crises knows that the very fundamentals of free government were at stake.

The mental attitude of these opponents reminds me of what Matthew Arnold said in Culture and Anarchy, and that is:

> Some people insist on the right to do what they like, march where they like, meet where they like, hoot as they like, threaten as they like, and smash as they like.

I am one who will never believe that the founding fathers drafted the Constitution in the light of a cold and legal document only. Our Constitution is a living thing. As society makes progress for the elevation and dignity of the human being, the Constitution has been found sufficiently flexible to embrace the conditions of that progress. There is nothing in the Constitution of the United States which would keep this Nation from saving itself.

Mr. President, a nation is not always conquered by the enemy from without. Internal trouble sometimes becomes a dangerous threat to continuation of free government. We are now passing through just such a crisis. Nothing has been so threatening to the welfare of our people as the railroad and coal strikes.

He who contends that this Government is helpless under such circumstances has lost faith in our institutions. Thank God, Harry Truman does not belong to that timid school of thought.

Mr. President, he belongs to the Jacksonian school of thought. It will be recalled that Jackson, while President of the United States, sought to forfeit the charter of the Bank of the United States. Americans were divided into two camps. The question was debated so heatedly that for a time civil war seemed inevitable. Jackson was unwilling to see his people and their property suffer from an untried Utopian government, and with that characteristic firmness which dominated his life he rallied to the flag and all it represents and in the crisis issued that famous utterance which will live forever, "The Union must be preserved."

Thereafter the special interests which had bitterly assailed the President yielded in their reverence for a united front and an indissoluble America, and when Jackson completed his second term confidence in America and her institutions was at its highest peak.

Mr. President, that course should be followed today. Labor leaders and management should resolve their differences for the best interests of America. We have the greatest opportunity in all our history to move forward on a road of progress which will outstrip any peacetime progress we have hitherto enjoyed as a Nation.

Mr. President, Grover Cleveland was a sincere and resolute character. He had no hesitancy in doing the extraordinary, if it became necessary, to turn back a threatened insurrection. It will be recalled that in the aftermath of the panic of 1893 there was a railroad strike. The center of that strike was in the vicinity of Chicago where the boycott on the Pullman palace cars originated. There was violence. Over the protests of John P. Altgeld, one of Illinois' greatest governors, the Federal Government intervened in two ways, both of which were novel and which were declared by many to be unconstitutional. Cleveland was denounced unmercifully for his so-called military dictatorial methods. An

injunction was issued by the Federal Government restraining the strikers and President Cleveland, on application of Federal officials, sent troops from the Regular Army to Chicago to enforce the laws. Cleveland was criticized severely by the Governor of the State of Illinois and by many other persons throughout the Nation, but as a result of that bold stroke he brought order out of chaos.

Mr. President, in 1902 there was a strike in the anthracite coal fields owned by the railroads. Theodore Roosevelt was the President of the United States at that time. President Roosevelt asked George F. Baird, spokesman for the group of financiers who owned the mines, to arbitrate the difference with the miners. In that case the owners refused. The public was on the side of the miners who were receiving low and meager wages at that time. Baird refused to acknowledge the interest of the Government in the cause, and he flatly refused to arbitrate. Roosevelt even tried to get a secret settlement of the strike through a separate commission. The operators again refused. It was then that Baird said—listen to this, Mr. President:

> The rights and interests of the laboring man will be protected and cared for, not by labor agitators, but by the Christian men to whom God in His infinite wisdom has given the control of the property interests of this country.

Mr. President, Baird was an unscrupulous industrialist. We still have in America powerful individuals in American industry who believe practically the same as Baird did in the long ago; and in some of the recent strikes, some of these powerful industrialists refused for some time to accept the proposal made by the President of the United States to settle those labor controversies. The only difference, Mr. President, between those strikes and the coal and rail strike today is what effect they would have, if continued, upon the safety, the health, and the security of the Nation. Some strikes might go on forever without injuring the national economy as a whole. But we all know that the rail strike and the coal strike, if continued, without check, would destroy the economy and the Government of this Nation. In this great crisis we see ambitious labor leaders taking practically the same position as did Baird in the long ago, as did management in the General Motors strike, as did the leaders of the powerful Westinghouse Corp. in that recent strike. Apparently some men, both in labor and in management, even at this late hour in American life, believe they have inherent powers to do as they please, regardless of how it affects the welfare, the health, and the safety of the Nation.

As a result of the obstinacy of Baird, back in 1902, Theodore Roosevelt in his characteristic way advised Mr. Baird of his intention to call out the Regular Army and take over and operate the mines. With that threat hanging over Mr. Baird's head, he capitulated and agreed to arbitration. The miners got better wages. That was one of the early struggles between capital and labor, where the interest of the third party, namely, the public, was paramount. Of course, it is even more significant in the rail and the coal crisis today.

Mr. President, in September 1919, the Boston police threatened to go on strike because of the refusal of the commissioner to permit affiliation with the American Federation of Labor. The commissioner was steadily supported in his position by Governor Coolidge, who later became President of the United States. A general strike was threatened, which would have disorganized business activities, as well as incited the danger of rioting. Coolidge called out the entire State Guard, and took charge of the police department. He said in a letter to Samuel Gompers, then president of the American Federation of Labor:

> The right of the police of Boston to affiliate, which has always been questioned, never granted, is now prohibited. There is no right to strike against the public safety by anybody, anywhere, at any time.

When he was warned that organized labor would prevent his election to any other public office in the future, he said, "It does not matter."

In the critical years coming with the termination of the first great World War, the Government was faced with serious work stoppages. President Wilson met these threats squarely and without hesitation.

On October 25, 1919, President Wilson issued the following warning to United Mine Workers, then threatening to go out on strike:

> This is one of the gravest steps ever proposed in this country, affecting the economic welfare and the domestic comfort and health of the people. * * *
>
> From whatever angle the subject may be viewed, it is apparent that such a strike in such circumstances would be the most far-reaching plan ever presented in this country to limit the facilities of production and distribution of a necessity of life and thus indirectly to restrict the production and distribution of all the necessaries of life. A strike under these circumstances is not only unjustifiable; it is unlawful. * * *
>
> It is time for plain speaking. These matters with which we now deal touch not only the welfare of a class but vitally concern the well-being, the comfort, and the very life of all the people.
>
> I feel it is my duty in the public interest to declare that any attempt to carry out the purpose of this strike and thus to paralyze the industry of the country, with the consequent suffering and distress of all our people, must be considered a grave moral and legal wrong against the Government and the people of the United States.
>
> I can do nothing else than to say that the law will be enforced, and the means will be found to protect the interests of the Nation in any emergency that may arise out of this unhappy business. * * *

Mr. President, on December 2, 1919, in his annual message to the two Houses of Congress, President Wilson correctly summed up his position—the Government's position—on strikes which threaten the national well-being. He said:

> The right of individuals to strike is inviolate and ought not to be interfered with by any process of Government, but there is a predominant right and that is the right of the Government to protect all of its people and to assert its power and majesty against the challenge of any class.

Mr. President, history records that President Wilson, in giving protection to the right of the whole people, did point to means to protect the interests of the Nation. On September 13, 1918, in a letter addressed "To the Striking Workmen of Bridgeport, Conn.," he said:

> Having exercised a drastic remedy with recalcitrant employers, it is my duty to use means equally well adapted to its end with lawless and faithless employees. Therefore, I desire that you return to work and abide by the award. If you refuse, each of you will be barred from employment in any war industry in the community in which the strike occurs for a period of 1 year.
>
> During that time the United States Employment Service will decline to obtain employment for you in any war industry anywhere in the United States, as well as under the War and Navy Departments, the Ship Building, the Railroad Administration, and all Government agencies, and the draft boards will be instructed to reject any claim of exemption based on your alleged usefulness of war production.

In recommending this candid and drastic remedy, President Wilson was following through on a recommendation which he had previously made with respect to a threatened railroad strike. That recommendation was made in a special address to Congress on August 29, 1916. Mr. President, in the midst of a political campaign, a general election, if you please; here is what Woodrow Wilson requested of the Congress of the United States:

> The lodgment in the hands of the Executive of the power, in case of military necessity, to take control of such portions and such rolling stock of the railways of the country as may be required for military use and to operate them for military purposes, with authority to draft into the military service of the United States such train crews and administrative officials as the circumstances require for their safe and efficient use.

In other words, what the late President Wilson did at that hour was to tell the Congress and the people of this country that if the men went out on strike at that particular time he would come to the Congress of the United States and ask for the same power which Harry Truman asked this Congress to give him in behalf of his country on Saturday last. Fortunately, he was not required to ask for such power, because the threat which hung over the heads of the strikers as a result of the request which the President was about to make to the Congress, restrained them in carrying out their plans.

Mr. President, last but not least, Abraham Lincoln also had his troubles with the Constitution of the United States. In his inaugural address in 1861 he said that the Union is much older than the Constitution. Lincoln knew that the Union of States began among the Colonies. He knew that the Union received definite form in the Articles of Confederation wherein the Union was declared to be perpetual. When the articles were found to be inadequate, the Constitution was ordained to form a more perfect Union. From that premise stems Lincoln's extraordinary conception that this Nation, in a great national emergency, is not compelled to rely wholly upon the

Constitution and the laws of the land, if they are insufficient to protect the inherent right of a nation to self-preservation.

Lincoln believed that if the Union was to be saved, it might become necessary for him to find and tap some new source of national authority. He was of the firm opinion that, as Chief Executive and Commander in Chief, he could dispense with almost any law if the emergency was such as to precipitate a national crisis.

Lincoln said, "Must a government by necessity be too strong for the liberties of its own people, or too weak to maintain its own existence?" While this unusual theory of government was pronounced after the War Between the States had commenced, nevertheless it can be said that this philosophy had long been considered as paramount in the crisis, and so when the war became an actuality, Lincoln was ready for the test. He bypassed the Constitution by adopting one measure after another which he deemed necessary and essential to preserve the Union. Without a whit of constitutional or statutory authority, Lincoln issued the Emancipation Proclamation, suspended the writ of habeas corpus, enlarged the Army and Navy beyond the limitation fixed by existing law, caused the arrest and military detention of persons, and spent public money without congressional appropriation.

In a proclamation of April 15, 1861, Lincoln called for 75,000 troops. He also summoned a special session of Congress, but delayed its meeting until July 4. That was, of course, deliberate. Lincoln did not want the Congress in session immediately because he did not know what it would do. He concluded it might become a continuous nuisance. Obviously, he was right. Congress seldom functions with expedition and dispatch. It is worthy of mention that Congress thereafter, through legislation, legalized the illegal acts of the President.

Lincoln believed that in any great national emergency, the President had extraordinary legal resources which Congress lacked. He contended that self-preservation of the Nation was not confined to legal prescription. He maintained that decisions might be made out of harmony with the American laws of civil liberty, if such decisions were necessary to save a nation from political disintegration through a threat to its life, safety, health, or security. Under the pressure of severe circumstances he became in name and in deed a temporary dictator. Had the rail crisis lasted another week, Harry Truman would, to all intents and purpose, have become a temporary dictator over this Nation.

One of the classical examples of how many persons felt about Lincoln's actions can be found in the statement made by Wendell Phillips, who at that time denounced Lincoln's government as a fearful peril to democratic institutions, and characterized the President as an unlimited despot. But there is one thing that we must remember about the immortal Abraham Lincoln, as he seized these extra legal powers. Lincoln was a great humanitarian. He had a fine legal mind. He was possessed with an overdose of common sense and courage. He was always willing to take the people into his confidence and give to them in a detailed manner the reasons for the unusual measures which he adopted. While he did that with patience and moderation, he was also firm in those extralegal decisions.

Mr. President, on Friday last, the President of the United States in that memorable speech which he delivered to the Nation over a national hook-up said, among other things, "I shall always be a friend of labor. But in any conflict that arises between one particular group, no matter who that might be, and the country as a whole, the welfar of the country must come first." He further said that it is inconceivable that in our democracy any two men should be placed in a position where they can completely stifle our economy and ultimately destroy our country.

Obviously the President of the United States was referring to Whitney and Johnston. It should be said at this point that the people of America should be eternally grateful to the 18 other railroad brotherhoods who never at any time wanted the railroad strike, accepted the theory of arbitration, and finally accepted the proposal made by the President of the United States. The leaders of those 18 brotherhoods placed the welfare of their country above everything else. From the time I first started talking about this crisis I have never lost faith in the patriotism of the worker of America. The tactics which have been pursued have been those of ambitious and recalcitrant leaders in the labor movement who thoroughly aroused and alarmed the American people.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. FULBRIGHT. Does not the Senator believe that consideration of the pending measure has had considerable influence upon the settlement of the strike?

Mr. LUCAS. The mere consideration of the pending measure by the Congress of the United States has had its effect, of course, not only on the settlement of the railroad strike, but on the settlement of the coal strike which, I understand, will be reached at about 3 o'clock this afternoon. Obviously that is true. It has been said that Congress is powerless to do anything with respect to legislation which would aid the President of the United States in a crisis of this kind. Such statements are inaccurate.

Mr. President, I support this extraordinary measure of delegated power, because in America we have developed a highly integrated industrial civilization which is completely dependent upon the continuous operation of the instrumentalities of commerce. There must be a continuous and uninterrupted production and distribution of essential goods and services if America is to remain a free and happy Nation. Any substantial stoppage of one or more of these basic industries paralyzes our economy. When industrial paralysis strikes the Nation, the preservation of the health, security, and safety of the Nation becomes impossible. When such an economic impasse is reached, the stability of free government is threatened. If the rail strike had continued 10 days, there would have been little or no Government left.

Mr. President, time moves on. Progress is made. Never let it be said that the Government is so impotent as not to be able to meet any internal or external aggressor.

Mr. President, certainly the President of the United States was reluctant to take the decisive step which he took. All through his life he has been a friend of man. He believed, as Abraham Lincoln did, that "God must have loved the common man, because he made so many of them." But as President of the United States, he saw labor leaders, enamored with their own greatness, gnawing fiercely at the fundamentals of the greatest government ever devised by man.

Harry Truman is a soldier who fought in World War I to preserve this Nation. Harry Truman, as President of the United States, still fights to preserve it. Mr. President, I, too, came up the hard way. I know what it is to toil with my hands. I know what it is to want for the real necessities of life. I have always been a friend of labor. But my Government has also been my friend. It has never failed me. I cannot fail it now in an hour of peril. This crisis should be a lesson for us all. Never again should the President of the United States be compelled to demand such drastic legislation. There must be a change in the hearts of men. There must be a way found to eliminate selfishness and greed. There must be a moral rearmament to our obligations to society. We must think more, talk more, write more, and love more this noble land that God has given us. We must instill into the hearts of the people of America the feeling toward this country that Jackson had when on retiring from the Presidency on March 4, 1837, he said, "I thank God that my life has been spent in a land of liberty and that He has given me a heart to love my country with the affection of a son."

Mr. MEAD. Mr. President, first of all, I wish to make my position crystal clear on the subject of industrial work stoppages. My support of the workers of America in their long struggle for a living wage and decent working conditions is well known, but I want to cooperate with my colleagues in the Senate in order to bring about the maximum degree of industrial peace by means of democratic methods. I believe in American industrial procedures based on humanitarian principles, and I hope that such principles will never be lost sight of.

Mr. President, I believe that we have neglected our responsibilities in the past, because we have failed adequately to appropriate for the labor agencies and mediation instrumentalities which, from time to time, the Congress, by law, has provided. Meager, inadequate appropriations have injured the efficiency and the effectiveness of our conciliation, mediation, and arbitration services. If we would realize how vitally necessary, how all-important these services are in

our growing, expanding, complex industrial organization, we would make them the important major services they deserve to be. Large appropriations should be provided, the very best men should be attracted, and the Congress should cultivate and develop these agencies because of their effect upon industrial peace.

Mr. President, on May 23, just 2 days before the President addressed the joint session of Congress, I urged the Senate to consider the experiences of the English-speaking industrial nations of the world. At that time I pointed out with facts and figures, gleaned from official reports, that whenever drastic compulsory or other vicious labor legislation was resorted to industrial work stoppages increased immensely. I pointed out that in Australia, with the possibilities of invasion upon her, resorting as she did to drastic labor legislation, even conscripting strikers into her military forces, brought about greater industrial unrest and a larger number of work stoppages and strikes, particularly in the mines, than at any other time in her history. I pointed out in a word, Mr. President, that voluntary procedures, voluntary methods, in accord with traditional American policy, had always proved to be most effective.

Again on May 25, shortly after the President delivered his speech to the joint session of the Congress, I urged the Senate to give time and thought and consideration to the pending emergency bill. I explained that I feared its effects, for evil would overbalance anything else that might result from the bill. I pointed out at that time that its effect upon the GI bill of rights, upon the selective service, upon the Wagner Act, upon property rights, and upon the Norris-LaGuardia Act, as well as its effect upon the Army and the uniform of the Army, might be derogatory, and should be considered. Since that time a number of very able and distinguished Senators on both sides of the aisle and on both sides of the legislative question have approved the position I took on that occasion.

Mr. President, I desire to add that I have some misgivings about the international aspects of this proposed legislation. If in time of war we found it unnecessary to conscript the manpower of America in order to prevent work stoppages, what will be the comment by other nations of the world if we must resort now to this drastic military method of conscription in time of peace?

Mr. President, as a result of the discussions and the debates in the Senate there have been in the newspapers, editorially and otherwise a great many statements, pointing out just what I suggested in the Senate on Thursday and again on Saturday of last week. I have here an editorial from the New York Times of this morning from which I read as follows:

A STRIKE-FOMENTING BILL

The Smith-Connally law when it was passed by Congress was sincerely thought by that body, and by the union leaders who denounced it, to be an "antistrike" law.

It will be recalled that the Smith-Connally law was very drastic and was a departure from traditional American methods.

But it turned out in practice to be a strike-fomenting law.

In other words, we had more strikes as a result of it than we had before we adopted it.

The editorial in the New York Times continues:

It compelled a strike ballot to be taken under Government auspices and at Government expense. The natural result was that when such a ballot was taken, and it resulted as it nearly always did, in a majority in favor of a strike, the strike had the appearance of being specifically sanctioned and legalized by the Government. Moreover, as the law provided for Government seizure of the property involved, and as the employers feared this action more than the workers did, union leaders found that a Smith-Connally strike ballot further increased their bargaining power.

Then the editorial goes on to point out the weaknesses of the pending bill:

The question may be raised whether the much more drastic antistrike law for which the President is now asking, and for which the House has already voted, may not provoke more strikes than it stops. Under its terms, when a strike occurs in an essential industry the Government is to seize that industry. The President is then to "establish fair and just wages and other terms and conditions of employment in the affected plants, mines, or facilities." While these fair wages are to prevail legally only while the plants are in Government possession, it is obvious that few, if any, employers will be able to reduce the wage previously fixed by the Federal Government when the properties are turned back to them.

Experience shows that the Government practically always awards a substantial wage increase in these cases. It is likely to be much larger than the union concerned could get by really free bargaining. This is true for several reasons. The administration will want to award a wage increase high enough to seem fair and generous to a public that can know little of the specific problems with which particular industries are confronted. The administration will want to prove that it is prolabor. The administration will want to make the award large enough to make sure of stopping the strike, or at least of minimizing public sympathy for the strikers if it continues.

The union leaders will undoubtedly be aware of all this. For these reasons, it seems likely that unions everywhere, if the proposed law is enacted in its present form, will be tempted to make impossible demands, to provoke strikes, to compel Government seizure, and to force fair wages far higher than they could get in a free economy. For once the Government has granted the higher wages and saddled them on the employers, the members of the union can peacefully go back to work until the Government withdraws.

The new bill, in short, like the previous interventions of the Truman administration, seems likely, even to a greater extent than the Smith-Connally law, to provoke more strikes than it settles.

Mr. President, I believe that editorial adds weight to the argument I made when I pointed out the experiences of other industrial nations of the world, when I pointed to our own wartime experiences, and when I made the point that the traditional American method, involving the use of voluntary means, have always resulted in a higher degree of industrial peace than has been the case when we resorted to drastic compulsion, particularly of a military type.

Mr. President, to indicate that great opposition to the sanctions proposed by this bill is to be found in the press, editorially and otherwise, I have here almost a full editorial from the New York Post of Monday, May 27, which reads as follows:

STRIKES AND GOVERNMENT

The cheers that greeted Harry Truman from a Congress hostile to labor should have told him that something was wrong.

The President, thwarted during his year in office by men who reject any liberal measure, be it for price control or medical care, should take little comfort from Congress' wild applause of his labor stand. Rather, it should cause him to do some soul-searching.

He should remember that this Nation went through a war without once having to force American workingmen to do their jobs. He should recall that by using all the prestige and power of his office, Franklin Roosevelt was able to give us relatively uninterrupted production without serious damage to our liberties or to our constitutional structure.

We did not have to grant totalitarian powers to Roosevelt. On Saturday, however, Harry Truman, 1 year after the war had ended, did demand totalitarian authority.

If Congress were to pass the emergency legislation sought by the President, it would mean:

Workers could be forced to labor at the point of a bayonet. Once drafted, they would have to return to their jobs, not as free workmen, but as soldiers subject to military law. Also, they would lose hard-won seniority rights.

Wages could be fixed by Government fiat, without consent of workers; should they resist, they could be compelled to work for a private's pay.

Capital would be subject to the President's dictate—whenever he wished, he could proclaim an emergency, seize an industry and confiscate the profits resulting from its operation.

The entire American way of life could be changed. Methods and sanctions hitherto characteristic only of dictatorships would be written into our law.

Decades of political wisdom, from Jefferson to Franklin Roosevelt, have gone into creating a system in which the common man would have an increasing amount of say about his fate. The end cannot be that, after all, free citizens must subordinate themselves without due process of law to a Chief Executive.

The Truman method would solve no problems, but would simply add new ones to those that already exist. For the very processes of collective bargaining, which are the basis of stable labor relations, would be outflanked.

Recalcitrant or insincere management would be given a premium for failure to agree in negotiations. If only it waited long enough, the President might step in, seize, draft the workers, and force them to scab on themselves. Though management would lose profits during the period of Government operation, it could win vastly in the long run, for the back of the union would be broken.

Labor leaders, negotiating under the shadow of a mass draft, could not represent their men adequately for fear of inviting drastic Presidential intervention.

It is easy to imagine how union men would feel. Responsible labor leaders would be hooted, their advice disregarded; irresponsible, demagogic misleaders would reap the harvest of discontent. The result could only be more chaos, and a constant need for more seizures, more drafting.

For the sake of real labor peace, and to preserve American liberty, the people of this

country should immediately register a great mass protest with Congress to dissuade it from granting President Truman the powers he asks.

It must be clearly understood, however, that the President is right when he says a series of strikes in basic industries can shatter our economy and even threaten the American system.

Our economic life is complex—a coal strike in Alabama can put out the light in Chicago, a tugboat tie-up in New York Harbor can prevent the arrival of wheat from Kansas.

Under those circumstances the Government, if necessary, must seize and operate basic industries to maintain the economic well-being of the Nation.

And when it does so in such a crisis, there can be no right to strike against the Government. From there on out, men who lead such strikes or who conspire to keep workers away from their jobs in such emergencies challenge the Government and to that there is one answer—severe penalties.

But it is one thing to put a willful conspirator in jail; it is another to deprive masses of workers of their freedom and their economic rights—through loss of seniority and wages.

Extreme measures should never be quickly taken by the Government. The value of seizure is proportionate to the cautiousness with which the administration invokes it; to use it too often is to dilute its effect.

Before resorting to seizure the Government should first exhaust every other means available—negotiation, mediation, arbitration, fact-finding, and appeal to the massive force of public opinion. And when all these have failed, we have the right to expect our President to exercise the utmost skill and make most effective use of his office to achieve settlement.

A government that seizes only after exhausting every other expedient takes over with a labor force which knows there was no alternative. It take over an industry whose workers are convinced of administration sincerity. Such men will be far more inclined to work for the common good than when they feel themselves to be victims of governmental hostility or incompetence.

In the case of Truman's seizure of the railroads, the means that lie within the President's power had not been exhausted; just when he was within sight of voluntary agreement, he gave up.

Our President should search out ways of reconciling labor's rights with those of the public and the liberties of all of us—of fitting traditional freedoms into the new exigencies of a vastly complicated economy.

Certainly he does not serve us well, or himself either, by falling in with an antilabor trend in Congress that is stronger now than at any time in the past quarter century, for in doing so he lends his influence to increase the momentum already behind the Case bill and other labor-baiting measures, and surely the President cannot go along with such legislation.

The ill-considered nature of Mr. Truman's legislative proposal is even today high-lighted by the impasse in the coal strike. The logic of his position dictates that he seek to draft half a million miners into the Army and order them to extract coal.

But does anyone, including the President, think this Nation of free men will tolerate putting half a million husbands, fathers, sons into Army uniforms to force them to work? Yet, in conformity with his Saturday speech, that is exactly what he must now intend.

Truman should return to the traditional methods. The resources of democracy have not yet been exhausted. The answer to the labor-management problems of today is still to be found within the framework of our freedoms.

Mr. President, we have procedures already to stop labor disputes. We have the Wagner Act; we have the Railway Labor Act; we have our conciliation, our arbitration, and our mediation services; we have the Smith-Connally Act; and the President still retains his war-powers authority. Therefore, I think drastic action is not needed at the present time. The rail strike has been settled. We are told that the coal strike is well on its way to settlement. Agreements have been reached in most of the industrial disputes of the major industries, and contracts have been signed for the next year. They have been signed up in the oil industry, the packing-house industry, the motor industry, General Electric, the steel and farm-equipment industry.

In every one of those cases, without a single exception, labor signed on the dotted line and agreed to the decisions of the President's fact-finding board or the Government agency involved. In each and every case the industry itself held out, and in a few of the cases until they were given higher prices. In my judgment, there is a very important matter we should take into consideration at this time, namely, that in these major disputes the workers agreed to the findings of the Government agency which had to do with the case.

Mr. President, there is other comment that is being made with reference to the bill. I have here an editorial from the conservative Washington Post, and the heading is "Drafting strikers." Among other things, it says:

It is a proposal odious at best and violative of a long-accepted democratic principle.

Quoting further from the editorial, I read:

We believe, therefore, that it is needless to supplement them—

Meaning the powers already given to the President—

We believe, therefore, that it is needless to supplement them with the additional power which the President also requested—the power to induct strikers into the Army of the United States.

That points to the amendment submitted by my able senior colleague [Mr. WAGNER], which is the amendment on which we will be voting very shortly. In my judgment it points to the evil which will result unless that amendment be adopted.

Continuing, the Post editorial says, referring to this particular section of the bill:

It would degrade military service by establishing it as a form of punishment.

Mr. President, we do not want that. We should consider that question very carefully and at great length before we disgrace the uniform and disgrace the service, because the conservative Washington Post points out the necessity for that consideration when it says:

If this additional power is needless, then it is certainly altogether undesirable. It would degrade military service by establishing it as a form of punishment. It would be enforceable only through a distasteful, and perhaps brutal, type of coercion; for it does not follow that men can be made to mine coal or run trains against their will merely by inducting them into the Army.

That has been well said by a number of Senators during the course of the debate.

It would entail, insofar as the coercion could be made effective, a discriminatory species of involuntary servitude in time of peace and is therefore of doubtful constitutionality.

The Washington Post says further:

And, finally, it would place in the hands of the President a power over the lives and liberties of American citizens which ought not to be entrusted to any individual. * * * The granting of it would constitute a precedent explosive in its implications. And the precedent, once established, would lie at hand like a loaded weapon ready for use whenever a crisis could be cited as a pretext for dictatorial control.

* * * * *

A great service has been rendered to the Nation in the Senate, we think, by the insistence of Senators PEPPER and MORSE and TAFT and MURRAY—

And after this morning's session they could have added, "and Senators WAGNER and VANDENBERG"—

A great service has been rendered to the Nation in the Senate, we think, by the insistence of Senators PEPPER and MORSE and TAFT and MURRAY that real and serious deliberation precede the enactment of any law so novel and so drastic.

The editorial concludes:

A government made too powerful is at least as perilous as a government not powerful enough.

Mr. President I ask unanimous consent that the entire editorial be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DRAFTING STRIKERS

The drastic labor legislation urged upon Congress by President Truman was designed to meet a national emergency. The criterion which must be applied in judging it, therefore, is this: Are the powers requested by the President necessary? Will nothing less serve to overcome the crucial threat to the national economy? No American who cherishes the free traditions of this society can relish the imposition of stringent governmental controls upon labor. Such controls can be justified only by genuine necessity and only to the extent that they are indisputably required for protection of the general welfare. It is in this light, we think, that the proposal to draft into the armed services men who strike against the Government ought to be conscientiously examined. For it is a proposal odious at best and violative of a long-accepted democratic principle.

The coal strike and the railroad strike demonstrated that the self-restraint of men cannot be counted upon to keep them from striking against the authority of their own Government. Since strikes against the Government in an industrial society so integrated as our own are intolerable, the Government must be armed with extraordinary powers to prevent them. The powers which President Truman has requested include the power to seek injunctive relief in the event of strikes conducted against the Government, the power to punish strike leaders by fine or imprisonment, and the power to punish the strikers themselves by depriving them

of their seniority rights. These are powerful sanctions—powerful enough in themselves to break any attempt at defiance of the Government's authority. We believe, therefore, that it is needless to supplement them with the additional power which the President also requested—the power to induct strikers into the Army of the United States.

If this additional power is needless, then it is certainly altogether undesirable. It would degrade military service by establishing it as a form of punishment. It would be enforceable only through a distasteful, and perhaps brutal, type of coercion; for it does not follow that men can be made to mine coal or run trains against their will merely by inducting them into the Army. It would entail, insofar as the coercion could be made effective, a discriminatory species of involuntary servitude in time of peace and is therefore of doubtful constitutionality. And, finally, it would place in the hands of the President a power over the lives and liberties of American citizens which ought not to be entrusted to any individual. It seems to us idle to defend this power on the ground that it would be merely temporary. The granting of it would constitute a precedent explosive in its implications. And the precedent, once established, would lie at hand like a loaded weapon ready for use whenever a crisis could be cited as a pretext for dictatorial control.

Violent actions beget violent reactions. The power to draft strikers sought by the President is a reaction to extreme provocation and to the helplessness of the Government in the face of the recent railroad strike. The granting of this power by the House of Representatives, without debate and almost without consideration, was an expression of extreme anger, not of sober legislative judgment. A great service has been rendered to the Nation in the Senate, we think, by the insistence of Senators PEPPER and MORSE and TAFT and MURRAY, that real and serious deliberation precede the enactment of any law so novel and so drastic. Theirs has been a soundly sobering influence. It has afforded opportunity for reflection. And reflection forces a recognition that nothing less is at stake here than a fundament of our society.

Let us not shatter this fundament recklessly or needlessly. A government made too powerful is at least as perilous as a government not powerful enough. Balance has been always the American watchword. Balance between the powers of the Government and the rights of the people is the key to freedom. Let us preserve that balance now.

Mr. MEAD. Mr. President, there are editorials in newspapers all over the United States. I shall not take time to read any more of them, but they all point out that in this departure from the traditional American voluntary method to the proposed compulsory military doctrine we had better make haste slowly, we had better consider the proposed legislation, and give it the thought and the study it requires.

Mr. President, I have before me the following statement from George M. Harrison, president of the Brotherhood of Railway Clerks; B. M. Jewell, president of the Railway Employees Department, and Elmer E. Milliman, president of the Brotherhood of Maintenance-of-Way Employees:

The common people will not surrender their liberties to satisfy the traditional enemies of the working people.

These recommendations are shocking and, if enacted, will result in nationalization of our basic industries, increase industrial unrest, encourage the growth and development of communism.

GEORGE M. HARRISON,
President, Brotherhood of Railway Clerks.
B. M. JEWELL,
President, Railway Employees Department.
ELMER E. MILLIMAN,
President, Brotherhood of Maintenance-of-Way Employees.
(Representing 1,000,000 nonstriking railroad employees.)

I also have here a telegram from William Green, president of the American Federation of Labor, which reads as follows:

WASHINGTON, D. C., *May 27, 1946.*
Hon. JAMES M. MEAD,
United States Senate,
Washington, D. C.:

I respectfully appeal to the Members of the United States Senate to refer House bill 6578, passed by the House of Representatives Saturday afternoon, May 25, to the appropriate Senate committee for public hearings. Simple justice calls for such action. The proposed legislation transgresses upon the sacred fundamental rights of labor. It provides for the drafting of workers into the armed forces. It restores government by injunction. It provides for criminal prosecution of workers under certain conditions and deprives workers of seniority rights earned over a long period of time. The drafting of workers, the criminal procedure provided for under certain conditions in this legislation is nothing less than the imposition of involuntary servitude. It seems inconceivable that the Senate of the United States would hastily pass such legislation without giving representatives of the workers an opportunity to present facts and information in opposition to such legislation. This appeal is based upon the crying need for the extension of simple justice to millions of workers and the need for maintaining inviolate the sacred fundamental rights of these workers who cherish them as a common heritage.

WILLIAM GREEN,
President, American Federation of Labor.

Mr. President, I hate work stoppages. I want industrial peace, and I will cooperate with my colleagues to bring about, in the traditional American way, the maximum of industrial peace, which I think can be obtained in that manner.

The PRESIDING OFFICER (Mr. HUFFMAN in the chair). The Senator's 15 minutes have expired.

Mr. RUSSELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Ellender	La Follette
Andrews	Ferguson	Langer
Austin	Fulbright	Lucas
Ball	George	McCarran
Barkley	Gerry	McFarland
Brewster	Green	McKellar
Bridges	Guffey	McMahon
Briggs	Gurney	Magnuson
Brooks	Hart	Maybank
Buck	Hatch	Mead
Bushfield	Hawkes	Millikin
Butler	Hayden	Mitchell
Byrd	Hickenlooper	Moore
Capehart	Hill	Morse
Capper	Hoey	Murdock
Connally	Huffman	Murray
Cordon	Johnson, Colo.	Myers
Donnell	Johnston, S. C.	O'Daniel
Downey	Kilgore	O'Mahoney
Eastland	Knowland	Overton
Pepper	Stanfill	Vandenberg
Radcliffe	Stewart	Wagner
Reed	Taft	Walsh
Revercomb	Taylor	Wheeler
Robertson	Thomas, Okla.	Wherry
Russell	Thomas, Utah	White
Saltonstall	Tobey	Wiley
Shipstead	Tunnell	Willis
Smith	Tydings	Wilson

The PRESIDING OFFICER (Mr. MCMAHON in the chair). Eighty-seven Senators having answered to their names, a quorum is present.

Mr. TAFT. Mr. President, I yield 5 minutes to the Senator from Connecticut [Mr. HART]

Mr. HART. Mr. President, I shall vote to eliminate section 7 from the pending bill, although I cannot agree with much of the reasoning on the point which has been expressed. My own reason is that section 7 appears to have been far too hastily drawn, and without sufficiently thinking out the subject. I believe that some such power as that contained in section 7 must eventually be available to the Chief Executive for use as a last resort to meet great emergencies.

Our civilization has grown into a vast machine which has many cogwheels. Some of those wheels are not important, but some bear such relationship to the entire machine that if any one of them does not work the whole machine stops. One of such wheels is the transportation system, which comprises equipment and men who operate the equipment. We can count on the integrity and efficiency of the equipment and of the raw materials. We have found that we can no longer count on all the men who operate it. That situation cannot long endure if we who live in this country are to be secure in our living. There must be a remedy, strong medicine though it may be. It may be a big stick far back in the closet which we all hope will never be taken out. If the other thing does happen, the probabilities are that the power of the big stick will never have to be used a second time.

President Truman has recommended that a joint congressional committee be established to study and recommend new labor legislation of a permanent nature and to accomplish its work within 6 months. I suggest that at least in the first instance such joint committee should confine its field to that phase of labor relations which is represented by section 7 of this bill. That is a new field, whereas all the others have been worked over many times. There has been much work by committees of Congress on all other angles of labor relations. There are 23,000 pages of testimony available to anyone who wishes to study it. Everyone has had an opportunity to be heard. The issues are clear, and are available for anyone to examine. It does not seem to be at all necessary to wait 6 months for a new committee to study those angles of the labor relationships upon which the Senate has been engaged for more than 2 weeks. It has all been gone over before—not hastily, but thoroughly studied.

The situation is quite different as regards the subject of section 7 of the bill. This is a field in which a new joint com-

mittee might well serve. It should serve, and perhaps it should confine its work to that field.

Mr. TAFT. Mr. President, I yield 10 minutes to the Senator from Texas [Mr. O'DANIEL].

Mr. O'DANIEL. Mr. President, when I first entered the United States Senate I introduced legislation designed to correct some dangerous situations which had grown up as a result of certain laws enacted by the United States Congress. I stated on the floor of the Senate that I did not believe this Nation or any other nation could exist as a free democratic government if the law of the land was designed to make one group of our citizens responsible under the law and at the same time to authorize other citizens to fail to obey the law.

I recommended that the Wagner labor law be amended so that the rights of labor would actually be protected, not only against the employer who sought to invade those rights, but also against the racketeering labor bosses who sought through coercion, force, and violence to herd American workmen into unions whether they wanted to join or not.

I stated that in view of the fact that the Federal Government had undertaken the task of regulating every activity of employers and employees within the field of labor relations, the Government go the rest of the way and by law protect employees and employers against the use of force and violence in labor disputes.

I urged the adoption of a constitutional amendment which would provide that no employer be allowed to enter a labor contract the result of which would force employees to join a labor union or would prohibit employees from joining a labor union.

Ever since I have been in the United States Senate I have consistently fought for legislation designed to relieve this country from the threat of the labor union bosses and to protect the legitimate labor unions and the legitimate workmen of this country from domination and from force from any source.

Again and again I have pointed out on the floor of the United States Senate the fact that through the leadership of a communistic element in this country the very foundation of business and the very foundation of organized labor was being undermined. Again and again I have pointed out the fact that the attitude of the Federal Government, as reflected in the National Labor Relations Board and in other agencies of this Government, was building up in this Nation a communistic labor element that sooner or later would wreck the Government itself.

I have warned the people of this Nation and I have warned the United States Senate that the doctrine announced at the Chicago convention of the Democratic Party, that everything had to be cleared with Sidney, was a dangerous doctrine. During the days when the CIO and the Automobile Workers Union and other CIO unions had this Nation absolutely by the throat, day by day strangling the industries of this country, I stated on more than one occasion that the active support of the Federal Government in aiding these Red labor elements in America was striking at the very foundation of government itself and was building up a force which sooner or later would assert itself as actually having more power than the Government has.

Mr. President, we have now reached that day, and the authority and power of the labor bosses to dictate to the American people and to dictate to the Government itself has been asserted. The President of the United States has come before the Congress and has recommended legislation to meet this situation, but in my judgment the legislation recommended is wholly inadequate. It is like applying salve to a wound, but in no sense does it deal with the fundamental which brought the situation about.

I have always been a friend of labor. I have always fought to protect the rights of labor. I have always been against the labor bosses and the labor racketeers. My position has not changed. I want legislation which will make organized labor responsible under the law, the same as all other citizens are. I want legislation which will protect, not legislation which will destroy, the rights of labor. I want legislation which will protect, not legislation which will destroy, the rights of the employer. I want legislation which will protect, not legislation that will destroy, the rights of the great rank and file of the American citizens. I do not believe that even in this emergency anything will be gained by passing legislation which violates so many of the fundamental principles of the laws and the Constitution of this country.

I think the master minds of the Communists and the Reds and the political racketeers are working toward a well-determined plan that will result, if possible, in total Government ownership and operation of every line of business in this country, which is just another way of saying that it will result in the total destruction of free enterprise and free government. I believe that legislation which will encourage the Red elements of the country to promote and to foment strikes, in order that the Government may be forced to take over and operate business, is something we should discourage, not something we should encourage.

I think the correct way to solve the labor situation which the Nation faces today is to solve it by law, not to attempt to solve it by placing more power in the hands of the executive department of Government. I am perfectly willing to vote for legislation, and I have voted for such measures, designed to correct the conditions which have made possible the building up in America of this dictatorship of labor union bosses, but I am not willing to vote for the bill which has been proposed and recommended by the President, as it was originally introduced, for the reason that I think this bill deals with the symptom, rather than the disease, and I think this bill violates the fundamental rights of labor which are the rights which, ever since I have been on the floor of the United States Senate, I have fought to preserve.

What we need in this country is legislation which will make all of our citizens responsible under the law. What we need is the total repeal of this New Deal legislation which sought to make the labor union bosses and the labor union racketeers exempt from all law. That is what has produced the situation we face today. To remedy the situation we face today can be accomplished in one way, and only one; and that is, to correct the causes which brought it about.

Fair and honest collective bargaining between labor and capital is the foundation upon which this Nation rose to greatness. It is the only foundation upon which we can remain a great industrial nation and a free people. The Wagner labor law absolutely repealed the right of collective bargaining, and substituted therefor collective dictation by the bosses of organized labor.

Let us go back to the firm foundation of government by law, with the law applying with fairness and equality to all our citizens. If we do this, then emergencies such as the ones which face the Nation today will not occur in the future.

Mr. TAFT. Mr. President, I yield 8 minutes to the Senator from Wisconsin [Mr. WILEY].

Mr. WILEY. Mr. President, on Monday last, speaking in this body, I presented several questions to the majority leader. They are recorded on page 5804 of the CONGRESSIONAL RECORD, which also shows the majority leader's answers. I ask that they be incorporated in the RECORD at this point, as a part of my remarks.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

Mr. WILEY. Mr. President, I wish to ask the majority leader one question, if I may have his attention.

Under consideration today is a bill which has been suggested by the President of the United States. I understand that between 800 and 900 notices of strikes have been served under the law. I also understand that the maritime workers have definitely stated, through their leaders, that they will go on strike within a few days. I have also understood that the purpose of the pending bill is to meet a great national crisis. The question which I wish to propound to the able majority leader is this: Are there other factors or facts involved in the present national crisis of which we should be made aware? Is there something in the picture which we should know about, but which we do not now know?

Mr. BARKLEY. Mr. President, if there is anything in the picture which is not known to the public generally, I am not aware of it. I mean that I have no secret information with respect to any impending matter which is not included in what the Senator has referred to, namely, the issuance of eight or nine hundred notices of strikes which are about to occur, and the maritime strike which is set for the 15th of June. I have no information concerning any set of facts which either the President or any one in his executive family, or any Member of the Senate, including myself, has withheld or is withholding from the Senate or from the public.

Mr. WILEY. Is there anything in the international picture which ties up with the internal picture and makes necessary the proposed legislation?

Mr. BARKLEY. Of course, every Senator as well as every other citizen of the country, might draw his own conclusions as to what may be the effect of the present situation on the international situation. The creation of a crisis within the United States which affects not only the welfare, health, and life of the people, but also the power and authority of our own Government to deal with it, would undoubtedly have an effect on the international situation. It would undoubtedly create the impression on the part of other nations that if we cannot act adequately to deal with an internal situation which challenges our Government, we might not be able to deal adequately with an international situation which challenged the authority of our Government. That does not resolve itself around any particular domestic incident or episode. But certainly, if other nations should feel that the United States was without authority or power to deal with its own domestic problems, they would naturally question its power to deal in a broader field.

Mr. WILEY. Then, it is the judgment of the majority leader that by the proposed legislation we are to give to the President discretionary and exceptional power in order that he may meet the present grave emergency. The proposal does not necessarily mean that the President will exercise such power, but that he may exercise it if, in his judgment, he deems it necessary to do so.

Mr. BARKLEY. Precisely.

Mr. WILEY. Mr. President, if all the talk which has occurred on the floor of the Senate has not been of any benefit to the country, I am sure it has brought clarity to the thinking of many a Senator. We are all fairly well agreed on the following propositions:

First, the imperative need of maintaining a Government of checks and balances, so that no group or individual may ruthlessly exercise power to the damage of the general welfare; or, to put it in another way, we are agreed that no individual or group has a right to strike against the Government. I believe that the press has brought that clear conclusion or fact to the minds of the thinking people of the United States.

Second, I think we are all agreed that there is a need for enactment into law of a pro-American labor policy having in mind the rights of labor, the rights of management, and those much neglected rights—the rights of the public. In relation to the second point, the Senate of the United States on last Saturday took a great step forward in bringing about a realization of a comprehensive pro-American labor policy, when it passed the amended Case bill.

At this point I shall state what are substantially its provisions, and I do so particularly for the benefit of those who sit in the gallery. I hope they will pay attention to this statement, because throughout the country there has been gross misrepresentation about the name "Case bill" or "the amended Senate Case bill" A few days ago I had an experience in that connection. A very ardent laborite from my own State came to my office to see me. He was all "het up" over it. I sat down with him and stated to him the points I am now stating. First, I said, "Would you object to a bill which contained a provision for a Federal Mediation Board which would assist in the mediation and voluntary arbitration of labor disputes, and which provided that once the Board had offered its services the employer and the employee would not be able to strike or lock-out during a period of 60 days, during which there would be opportunity for mediation and arbitration?"

He said, "No."

Then I said, "Would you be against a provision in law which authorized special emergency fact-finding commissions to look into disputes involving public utilities and to make recommendations regarding wages, hours, and working conditions?"

He said, "No."

Then I said, "Would you be against making it a felony for anyone by robbery or extortion to obstruct commerce?"

He said, "No."

I said then, "Would you be against a provision which would prohibit the making of royalty payments to unions, except for specified purposes, such as health and welfare funds, which must, however, be administered jointly by labor and management?"

On that point he had the usual argument that if it was too narrow he might be against it, but if it was broad enough he would be for it.

But I said, "Would you agree that the fund should be administered jointly by labor and management?"

He said, "Yes."

I then said, "Would you object to a provision which would make unions legally liable for damages for breach of a contract concluded after collective bargaining?"

He looked me straight in the face and said, "No."

I thrilled to his response. That is a great concept in America—that a contract is a meeting of minds, and that one cannot break it without responsibility.

Then I said, "Would you be against a law that would outlaw the use of secondary boycotts?"

He said, "No."

"Why," I said, "my dear friend, that is all that the Senate version of the Case bill provides."

He said, "Is that so?"

I said, "Yes."

Mr. President, the other night I heard an argument on the radio—generalities, again, but no specific argument on the proposition. There were charges of "antilabor" and "crucifying labor," but they do not prove anything. As I said the other day in this Chamber, calling a man a liar does not make him a liar. There should be proof.

Mr. President, I regret that the Senate version of the Case bill is not a complete restatement of labor policy, but it is a step forward.

There is another need, a third need—for what?

Third, the enactment into law of provisions that will protect men in labor unions against the autocracy and Fascist tactics of the labor bosses.

There recently appeared in the Saturday Evening Post an article entitled, "How to Scrub a Union," by Frank J. Taylor. It is a very illuminating article because it shows how two little fuehrers in San Francisco strong-armed the employers and the union men alike. It cost 8,000 machinists more than $9,000,000 in wages, and, after war production had been interfered with, after suffering had been endured by the men, after an appeal by President Roosevelt had failed, after court action had been taken, after the community had suffered, it required Harvey W. Brown, president of the International Association of Machinists, to clean up the mess.

In my own State some years ago, when the country was calling for war production by Wisconsin's greatest industry, and when men wanted to work, a fraudulent strike vote was "put over." How many lives were lost because necessary war material did not get out to our men, nobody knows. But, apparently, at that time there was no remedy available to either the men, management, or the public. The strike, as I remember, lasted 100 days or more. How many lives in the armed forces of this country were sacrificed because of that condition in the union itself, God only knows. So, Mr. President, I assert that we must add to the pending bill provisions which will prevent men and women in labor unions from being required to respond to the autocracy and Fascist tactics of labor bosses.

Mr. President, I ask unanimous consent that the entire article to which I have referred be printed in the RECORD at this point as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW TO SCRUB A UNION

(By Frank J. Taylor)

San Francisco, which in the past half century has survived just about everything listed in the book of industrial growing pains, recently had a ringside seat to something new—the public scrubbing of a union with a notoriously dirty record. The union was Lodge 68 of the International Association of Machinists. The scrubbing was done by IAM Grand President Harvey W. Brown and his executive council. It was thorough and painfully legal. Though it may be too soon to pass judgment, both labor leaders and employers believe the housecleaning will serve as a shining precedent for coping with irresponsible wildcat strikes and for restoring integrity and democracy to defiant local unions.

The house cleaning had to be handled by the grand lodge because Lodge 68 had fallen under the dictatorship of two business agents, Harry S. Hook and Edward F. Dillon, known locally as the two little fuehrers. "Hook and Dillon" was a term synonymous for trouble in the San Francisco area. The pair had defied their own grand lodge, the War Labor Board, the Federal Conciliation Board, the Navy, the President, and the Federal labor laws. During the war they had pulled the pin on slow-downs and phony strikes in critical war industries, despite the IAM's no-strike pledge. Lodge 68 members who dared protest their tyranny were disciplined by strong-arm methods, by arbitrary fines, and, in some cases, by being driven out of the union, with consequent loss of livelihood. All vestiges of democracy, as guaranteed by the little green book that is the bible and constitution of IAM machinists, had vanished for Lodge 68's rank and file who, like employers, lived in daily fear of punitive decrees from the two little fuehrers.

A deluge of appeals for relief poured in from union men, civic organizations, employers, State officials, and Congressmen, when the grand lodge executive council convened in Washington, D. C., last February. The council adjourned and caught a train for San Francisco.

When the IAM's head men reconvened 5 days later at Whitcomb Hotel, near the San Francisco Labor Temple, they found themselves confronted with one of the most fouled-up situations ever faced by a union international.

Hook and Dillon had dissipated Lodge 68's resources in a 5-months-old strike unauthorized by the grand lodge or by the AFL Central Labor Council of San Francisco. The strike, called with total disregard of the Federal 30-day-cooling-off law, was stalemated and no nearer settlement than when it began. The two dictators were arbitrarily standing on their demand for a 30-percent pay boost from employers, even after other IAM lodges had signed new contracts in Oakland across the bay, in San Jose, Los Angeles, Stockton, Seattle, Portland, and other cities on the basis of an 18-percent increase. Flushed with previous success in laying down the law to employers, Hook and Dillon refused to negotiate or to compromise. The strike had cost 8,000 machinists more than $9,000,000 in lost wages. It forced idleness upon 55,000 other workers in plants whose equipment was dependent upon maintenance machinists, with a total wage and production loss of $140,000,000.

Worse yet in grand-lodge eyes, Hook and Dillon were in close collusion with East Bay CIO Lodge 1304 in a joint strike of shipyard machinists. The shipyard strike tied up scores of ships in San Francisco harbor, vessels commissioned to bring back homesick troops from the Pacific war theater. Finally, Hook and Dillon had figuratively thumbed their noses at the union's venerable officers, who were denied access to the local's membership roll, property and cash, a good share of which was overdue to the grand lodge for fraternal benefits and overhead.

Harry Hook and Ed Dillon were running their own show in their own way, as they lost no time in demonstrating to President Brown and eight other grand-lodge officers when the latter settled into a suite at the Whitcomb Hotel. To impress the membership and the local's bosses, Brown had brought along General Vice Presidents H. J. Carr, of Chicago; Elmer W. Walker, of Cleveland; Roy M. Brown, of Los Angeles; J. L. McBreen, of Salt Lake City; D. S. Myers, of Montreal; S. L. Newman, of New York; Harvey F. Nickerson, of Milwaukee; Earl Melton, of Birmingham, and General Secretary-Treasurer Eric Peterson.

This gathering of the international's top brass impressed everyone but the little fuehrers. Called before the executive council to account for their stewardship, they bristled defiance. Though the strike was wiping out the savings of thousands of workers kept on the bricks for months. Hook and Dillon had held no negotiations with employers for 12 weeks. Following the usual pattern, they were waiting for the employers to come in and sign. To break the deadlock, President Brown proposed that a negotiations meeting be called immediately, with a committee from the executive council sitting in. Hook and Dillon spurned the idea.

Then, to its surprise, the executive council learned that the employers had made an offer to settle the strike on the basis of an 18-percent increase accepted by IAM machinists in other coast cities. The little green book says that the membership involved must have a chance to cast a secret ballot on any proposition like this. Instead, the business agents had "filed" the offer.

When the executive council demand that the secret ballot be taken forthwith, the local bosses refused. To reach the rank and file, President Brown called a membership meeting in the civic auditorium. He planned to explain the executive council's purpose and to take a secret ballot on the employers' offer. The meeting proved an eye-opener and ear-opener to the IAM chieftains.

As he stepped on the platform that Saturday morning, followed by his dignified colleagues, President Brown was greeted with boos and catcalls. He called the meeting to order. Bedlam broke loose. Groups of noisy members planted all over the hall rose with points of order, loosed Bronx cheers, and jostled one another. Ed Dillon and Harry Hook moved about the floor, urging the boys to whoop it up. The great majority of the 3,500 machinists present watched apprehensively, waiting to see who was boss around there. One of the rioters seized a mike on the floor to demand that Brown retire and turn the gavel over to Frank De Mattei, lodge 68 president, and a Hook-and-Dillon stooge. When this motion was made, Hook and Dillon immediately restored order. President Brown rejected the motion, explaining that this was a grand-lodge meeting. Bedlam broke loose again. It lasted for 35 minutes. By that time, Dillon had distributed, to a handful of the faithful, arm bands bearing the words "Sergeant at Arms." The sergeants at arms began, clearing the hall while the near riot continued.

Boiling with anger after this taste of the treatment hitherto reserved for employers and the public, President Brown adjourned the meeting and retired to the hotel. The International Association of Machinists is a sedate, dignified, albeit tough, old union, with a strong fraternal tinge to its conduct. Even when they differ in heated argument, members greet one another as "dear sir and brother." The international president and the general vice presidents were shaken to their very boots. They realized at last that the bad boys of Lodge 68 needed the strongest medicine that the grand lodge could hand out and that what the harassed employers of San Francisco had said was true. Hook and Dillon stood for dictatorship, not collective bargaining.

They knew also that they had to move carefully, legally, and constitutionally, because in Ed Dillon and Harry Hook they were taking on two wily, well-entrenched labor politicians. Hook and Dillon were a strange pair. Nobody understood them. Nobody even knew stocky Dillon, brains of the team. A bachelor, living alone and unostentatiously in a small hotel, he had no friends, no hobbies, except going to church, seldom took a drink, never smoked, spent all his conscious moments living and scheming for his little empire, Lodge 68. Usually quiet and morose, he could mount a rostrum, peel off his coat, slam it on the floor, snap his suspenders, and loose a spell-binding talk that swept a meeting off its feet.

Harry Hook was something else again. Father of two boys in the service, he was garrulous, shifty, friendly, but tough. "Harry will belly up to a bar with anybody," is the way both union men and employers described him. When they knocked over employers, Hook and Dillon called as a team, one taking up where the other left off talking. They were affable and polite, and their talk was so much soothing sirup. It always ended with a gesture toward a contract or a memorandum slapped on the employer's desk. "We want this, or else," was their byword. "Or else" meant that they would pull the machinists off their jobs the next morning. In San Francisco and on the peninsula, where few plants had more than a handful of mechanics, but employed many other workers dependent upon mechanics, the strategy had worked like magic. Over a period of years, Hook and Dillon had jacked up wages until San Francisco's machinists were among the highest paid in the country.

When the war broke, the twain recognized the golden hour to do still better by their members. Lodge 68 was unique among unions in that it was an economic octopus with tentacles in nearly every industry in the area. Not only were the uptown shops—the group of industries in San Francisco engaged in metal work—dependent upon the lodge for skilled workers; so likewise was another group of so-called fringe shops which needed maintenance machinists. The fringe shops included a variety of industries—can companies, sugar refineries, apparel factories, newspapers, lithographers, and food-products packers. Whenever Hook and Dillon pulled the pin on an overnight quickie strike to back up arbitrary demands for an upgrading or pay boost or work limitation, it meant a tie-up for dozens, or hundreds, or thousands, of these workers. Even if the employer could keep his machine going, the other workers usually hesitated at passing through the raucous Lodge 68 picket line at the gate.

How the system worked is best illustrated in the wartime production hurdles set up by Hook and Dillon for an employer such as National Motor Bearing Co., of Redwood City, 28 miles south of San Francisco, but in their domain. National's experience is typical, except for one unique distinction—Ed Dillon once worked for the outfit as a die maker for 2 weeks, until discharged for lack of skill in the craft. Dillon has been tough with National since it came under his protective wing.

The business was launched in a tiny San Francisco shop 25 years ago by Lloyd A. Johnson, to manufacture shims and oil seals for the local automobile industry. Making a better oil seal, Johnson soon found himself in business on a Nation-wide scale. His business outgrew two larger shops in San Francisco, then moved to Oakland, where he took a still larger factory, built up his pay roll to 500, producing oil seals and shims by the millions, largely for shipment east to the automobile industry. In 1941, he decided to build a model plant at Redwood City, where his employees could work under better conditions and live in the country, a move that wasn't entirely altruistic; Johnson figured the only way he could compete in the Detroit market with products manufactured on the Pacific coast was in a plant whose workers produced more efficiently.

Soon after he opened his Redwood City plant, moved his skilled employees and located them in homes in the country, operating busses for those who preferred to commute from Oakland, Johnson's labor headaches began. The new factory was swamped with war orders—seals and shims for trucks, jeeps, tanks, bombers, gun mounts, ducks and water buffaloes, war planes. Since the company was second largest of five in the country making those essential parts for war machines, it immediately became a critical bottleneck industry.

In Oakland, the company's contracts were with a tool-and-die-makers lodge, 1507 IAM, and the United Automobile Workers. Ninety percent of the employees belonged to the UAW, a CIO affiliate, but the punch presses they operated and the dies for the presses were made by machinists who belonged to the AFL. But in Redwood City, Hook and Dillon claimed jurisdiction over the machinists. Lodge 1507 relinquished them to San Francisco Lodge 68. National signed a temporary contract with Hook and Dillon, since both management and the business agents agreed that changes, based on experience, would be necessary when the agreement was renewed.

In 1943, Hook and Dillon slapped on Johnson's desk a new contract. It carried an escalator clause calling for automatic increases in ratio to the cost-of-living index; something no other plant in the area had been asked to pay. The demand caught the plant between the traditional upper and nether millstones, because wages had been frozen by the War Labor Board, which forbade unauthorized increases for the duration on penalty of heavy fine.

The company attempted to negotiate. Hook and Dillon stood by on their "sign this, or else" tactics. In desperation, the company appealed to Dr. John R. Steelman, Director of the United States Conciliation Service. Steelman assigned a commissioner to the dispute. When he called the management and the union bosses together, the latter refused to meet for any purpose but the signing of the contract as they had written it. The day before the deadline set for the signing, they posted a notice in the plant advising machinists: "You are instructed to terminate and report to the office of Lodge 68 for assignment to other jobs under union conditions." On the Monday following the 44 machinists walked out.

STRIKE? STRIKE? WHAT STRIKE?

There followed a tragedy which would have been a comedy had it not been so serious to war production. Hook and Dillon naively insisted that there was no strike. The machinists had merely quit their jobs. The War Labor Board investigated, decided it was a strike and sent individual telegrams ordering the men back to work, promising them the protection of the Government in case of punitive action by the union. It also directed Hook and Dillon to order the men back. Instead, the business agents wired the machinists, instructing them to stay out of the plant to protect their good standing in the lodge. President Roosevelt appealed to the men to go to work. So did the Navy and the Army. Twenty-two men defied the business agents and returned to their jobs. The others, frightened, stayed away. Ernest A. Zeller, oldest employee of the company and most valued and skilled tool-and-die worker in the plant, and an ardent labor-union man, told Johnson, as he checked out, "I know what you're in for, and I'm not going through trouble with Hook and Dillon."

Those who came back to work paid through the pocketbook. All 22 were called on the carpet of Lodge 68 and fined from $100 to $250 apiece. The three men who paid the top fine were accused of advocating transfer from Lodge 68, IAM, to Lodge 504, IAM, in San Jose. When the company undertook to reimburse the men the amounts of their fines, Hook and Dillon registered a complaint with the Wage Stabilization Director of the War Labor Board. The latter called Johnson, who had already paid four fines, to warn that, if he paid any more, each case would be construed as a wage increase and subject to a $10,000 fine.

The machinists who were merely fined got off easily. One, Richard F. Tuttle, who had the temerity to admit that he had circulated a petition to the grand lodge, IAM, for transfer from Lodge 68 to Lodge 504, was tried for "conduct unbecoming a member," expelled and forced off the pay roll. Tuttle found another job in a garage. The garage owner was advised to let him go, "or else." A home shop which Tuttle had set up in his back yard was smashed, including a lathe, a press, and other equipment in which he had invested his savings. After being hounded from two other jobs, Tuttle went to sea to escape the punitive fury of his former labor leaders. The protection of the Government, which the War Labor Board promised him in a telegram ordering him back to work, never materialized.

In an affidavit, later introduced in the CONGRESSIONAL RECORD by Representative JACK Z. ANDERSON, Tuttle told how, at his trial before Lodge 68, he had protested work stoppages on parts for B-25 bombers that were seriously injuring the war effort.

Dillon asked, "You would place your country before the union; is that correct?"

"Yes," said Tuttle. "My country comes before the union."

"That is a very poor attitude," retorted Dillon.

Though Hook and Dillon insisted that no strike existed at the National Motor Bearing Co. plant, Johnson soon found plenty of signs of a strike. One was a "hot cargo" embargo. The 22 machinists who returned to work could keep the stampng machines and other equipment in running order, but they were unable to make the dies needed for these machines. Johnson ordered them from other manufacturers in the area—Stanger Manufacturing Co., Larkin Specialty Manufacturing Co., Friden Calculating Machine Co., Cook Research Laboratories, and Rheem Manufacturing Co. All promised to make dies for National. Then, one by one, the managers telephoned to say that their plants were threatened with strikes if their machinists touched any work destined for National Motor Bearing Co. To keep war production going, Johnson finally had to get the dies surreptitiously outside northern California.

Meantime, the Tenth Regional War Labor Board decided that the walk-out was a strike in defiance of IAM's no-strike pledge, Hook and Dillon to the contrary notwithstanding. The company's officers were summoned before Thomas F. Neblett, War Labor Board regional director, so were the Lodge 68 business agents. The management appeared with evidence; Hook and Dillon ignored the summons. The board heard the company's side of the story, nothing from the union. As a last resort, the Navy seized the plant and operated it, summarily firing the troublemakers. Forbidden to enter the plant by the Navy, Hook and Dillon called shop stewards to the gate to receive their orders.

These incidents were not exceptional. Other plants in the area, groaning under war orders, ran into similar obstacles set up by the busy Lodge 68 business agents. In March 1944, Hook and Dillon announced that thereafter no machinist could work more than 48 hours a week, no matter what the emergency, on penalty of fine or loss of his union card. In the Federal-Mogul plant, making bearings for ships, a group of machinists worked more than 48 hours in defiance of the decree. Hook and Dillon immediately struck the shop, stopping all work. At once the Navy seized Federal-Mogul and three other critical plants, Enterprise Engine & Foundry Co., U. S. Pipe & Foundry, and Link-Belt, forbidding organizers to enter them. Lodge 68 retaliated by organizing slowdowns in other shops, instructing members to "spread out" vacations, after the allotted 2 weeks were up—at a time when American fighters in the Pacific needed everything to turn back the Japs. To cope with these tactics, the Navy instructed Capt. H. K. Clark to seize 99 other plants dominated by Hook and Dillon. Lodge 68 promptly filed two injunction suits to restrain the captain from an alleged "reign of terror." The Federal judge threw the suits out, with biting tongue-lashings for the Lodge 68 strategists.

UNHOLY ALLIANCE

The two little fuehrers bided their time. After VJ-day the Navy turned the plants back to their owners. Without delay, Hook and Dillon began calling at shops and plants. They were affable, ready to do business, but to each employer they said, "Gentlemen the Navy is out, and the time has come to pay." The contracts on which they demanded signatures without negotiation called for 30-percent increases in wages, 2 weeks' vacation on pay, straight-time pay for 9 holidays a year on which shops were closed, and a guaranteed weekly income. East Bay CIO Lodge 1304, whose members worked largely in the shipyards, presented identical demands, and the Lodge 68 business agents notified employers that they and representatives of the CIO union would bargain jointly.

This was a major political error. The grand lodge, IAM, rose in wrath at collusion with a CIO union and withheld sanction of the strike. It also refused financial support. So did the AFL Central Labor Council, of San Francisco. Employers offered a 10-percent wage increase, later boosted to 15 percent, and prepared for a long-drawn-out strike. The public soon began to feel the tentacles of the Lodge 68 octopus, which reached into nearly every industry in the area. Dairies were unable to deliver milk because the lodge had thrown a picket line around the American Can Co. plant which made the milk cartons. Housewives frantically hunted glass bottles, because stores put up "no bottles, no milk" signs. A coffee shortage followed, because coffee-roasting plants were picketed when their maintenance machinists quit under orders. A big men's-work-clothing factory closed, throwing 300 out of work, because two machinists were on strike.

At Sunnyvale, the strike closed the Joshua Hendy Iron Works, as it was set to launch postwar production. The Hendy case was an interesting violation of the IAM's constitution. In the little green book, provision is made for membership in the union of machinists, automotive and aircraft mechanics, specialists, helpers, apprentices, and production workers. This is known as classification. Other IAM lodges recognized classification, but Hook and Dillon refused to do so, insisting that specialists and production workers in plants like Hendy's be rated as either journeymen or maintenance machinists, at top rates, even though they handled repetitive jobs calling for little or no skill. The Hendy management was forced to transfer $1,500,000 worth of orders to Southern California and Alabama plants. Of this sum, approximately $600,000 would have been paid in wages to workers who, ironically, did not belong in the Lodge 68 jurisdiction, but were kept from transferring to San Jose local in which they worked and lived by the arbitrary stand of Hook and Dillon.

For Hook and Dillon, this industry-wide strike was a reversal of strategy. Up to this time, they had negotiated with employers, plant by plant. The 30-percent wage increase demanded of all plants using machinists drew San Francisco and Peninsula employers into a united front. The strike dragged on without negotiations, because Hook and Dillon contended there was nothing to negotiate. The one and only way to end the strike was for the employers to sign the contract as written.

This was the costly stalemate confronting President Harvey Brown and the IAM executive council when they adjourned to the hotel. After being booed out of the meeting at the Civic Auditorium, they were outside looking in, because Hook and Dillon held the Lodge 68 records, the keys to headquarters, and the lodge checkbook. Fortunately, Secretary-Treasurer Peterson had farsightedly brought along a batch of envelopes addressed to the 8,000 machinists in the union. The executive council used these to poll the machinists on the employers' latest offer—the across-the-board pay raise which Hook and Dillon had "filed."

While the ballots were in the mail, the aroused grand-lodge officers wielded the broom. Lodge 68 officers were summoned to show cause why their charter should not be suspended. When they ignored the summons, the lodge tried them in absentia, as provided for in the IAM constitution. The executive council suspended the charter. President Brown and his staff took over affairs as receivers.

Hook and Dillon still held the keys to lodge headquarters in the Labor Temple and were in possession of the lodge's property and the chapter roll. The grand-lodge officers formally demanded that Hook and Dillon turn them over. The business agents refused. Both sides resorted to court action. The judge ruled in favor of the grand lodge. Armed with a court order and accompanied

by police, President Brown and his staff again invaded the union's sanctum. Hook and Dillon accepted the court order. The first act of the grand-lodge officers, as receivers for the lodge, was to have the locksmith they had brought along change the locks on all the doors.

Meantime, the ballots coming back by mail indicated a 9-to-1 sentiment for ending the strike on the employers' "15, 6, and 2" offer. This meant a 15 percent wage increase, 6 paid holidays, and 2 weeks' vacation on pay, a combination that added up to about an 18 percent increase. The executive council opened negotiations with the employers' associations and, after 2 days of bargaining, signed a contract giving the machinists an 18 percent increase across the board, with a 1-week vacation on pay. For die-and-tool-makers, this meant a 28-cent increase to $1.81 an hour; for journeymen machinist, a 23-cent increase to $1.51 an hour. The settlement was on a basis higher than that recommended by the President's fact-finding boards and still higher than employers were paying machinists in other Pacific coast cities. The grand-lodge officers declared the strike ended.

The strike was over, but the machinists were not back on their jobs. Neither were the 55,000 other workers kept out by pickets. Nor were the picket lines wiped out. At a Sunday-morning meeting in the Coliseum, called by Hook and Dillon, the 2,200 machinists present voted first vocally, then by a showing of hands, to continue the strike. They also voted to secede from the International Association of Machinists and form Machinists' Union No. 68, Independent. Hook and Dillon set up offices in a club near the labor temple and ordered the machinists to ignore the grand-lodge instructions to return to work. They also assigned pickets to the struck plants and shops.

The show-down of strength was to be on the following Monday morning when the shops and plants opened. Police chiefs mustered squads to maintain order. A preview at the Hendy Iron Works in Sunnyvale occurred 3 days before the grand opening. The grand-lodge officers had transferred the Hendy workers to the jurisdiction of San Jose Local No. 504, where it belonged, but where Hook and Dillon had refused to let it go in the wartime heyday when Lodge 68 was collecting dues from more than 5,000 workers. Lodge 504 signed a contract with Hendy and cleared the new members for work immediately. When they appeared, a Hook and Dillon picket line barred the gate. The Hendy workers, largely country people who own homes and little farms in the area around the plant, jostled the pickets out of the way and pushed through the gate. Whereupon, to everyone's amazement, most of the pickets removed their arm bands, fished Hendy badges out of their pockets, pinned them on their jackets and went to work. By the end of the day there was one lone Hook and Dillon picket at the gate. The next day he was gone and the Hook and Dillon party line had changed. They urged all machinists to get back to their jobs, so they could vote, when a National Labor Relations Board election is held, against the IAM. Soon after they set up their independent, Hook and Dillon petitioned the NLRB for elections in five breweries and a cannery, "fringe shops" employing several score maintenance mechanics. The election, if allowed, will reveal whether or not the independent is a factor in San Francisco industry, or the dying gasp of the Hook and Dillon era.

The clean-up wasn't over. With the shops and plants reopened, the grand-lodge officers again turned their attention to Hook and Dillon. The two little fuehrers were again summoned to show cause why they should not be expelled.

Once more the pair ignored the summons. Again they were tried in absentia, expelled and fined $1,000 each. The fine must be paid before they can get IAM union cards again. Without them they cannot work as machinists in closed-shop areas.

Along with other troubles, the grand-lodge heritage from their recalcitrant lodge was a batch of hot spots—a score or more of shops and plants in which employers by circumstance had been picked off by Hook and Dillon and forced to sign the 30 percent contract. These were largely plants employing 2 to 10 machinists and hundreds of other workers in other crafts. The city's newspapers were among them. In their dealings with the employers' association, the grand-lodge officers had promised to see that machinists employed by these shops received no more than the bay-area scale. This forced the IAM officers into the unpleasant task of asking the machinists to take less than Hook and Dillon had secured for them. Under General Vice President Roy M. Brown, of Los Angeles, left in charge when the rest of the executive council returned to Washington, the IAM has kept its word. One by one, the hot spots are being cleared up by renegotiation downward.

The rebel independent set up by Hook and Dillon functions from quarters set up in a tavern. It claims some 800 members, and hopes to bag more if an NLRB election can be called. In another court injunction won by the IAM, Hook and Dillon were restrained from using the term "Lodge 68" in the name of their independent. It may remain an independent or petition to join the CIO. Fifty-five hundred machinists have signed the loyalty pledge to the IAM and have been cleared for work. Somewhere, 1,700 machinists are missing, probably driven out of the area by the long strike. But those who did swarm back to work were in there pitching. Production hit a new peak. "The whole atmosphere has changed," was the report of employers.

When order had replaced chaos, Vice President Brown, of the IAM, was talking with a group of California employers. Brown explained that the IAM recognized its responsibilities, respected the opinions of employers and hoped to iron out the differences by collective bargaining.

"We've spent half a century building up the principle of collective bargaining," he said. "The Lodge 68 business agents were tearing down all we've built up by dictating to employers in this area. How can we expect you to believe in collective bargaining if we ourselves don't practice it?"

Mr. WILEY. Mr. President, the fourth need is to place on the statute books, in this atomic age, legislation which will make it possible for government to take appropriate action in any emergency. In other words, the age calls for alertness, and what is more, alertness calls for emergency powers being brought into being during any emergency. In other words the Republic must be adequate. We must demonstrate prescience. Without foresight of this character now, we will be remiss to the Republic.

The President has called for the exercise of temporary power in this critical period. I am sure appropriate legislation can be drafted. It would not only give the Executive power to meet a general strike or a lesser strike which threatened the public interest, but it would give him power to meet any other emergency which might arise in this changed world.

There are those who would fear such legislation. A decade ago I would not have been in favor of it, because I could see no reason for it at that time. But in this tremendously challenging period, I would not "worry along" as the Senator of Florida [Mr. PEPPER] would. I would have available and ready for any eventuality every instrument which, with foresight, I could bring into being.

However, as indicated by the majority leader the other day, when I asked him certain questions prefatory to my remarks today, there is nothing in the domestic picture, or in the international picture, which we do not know. In view of such assurance on the part of the majority leader, I shall vote to remove section 7 from the pending bill. As has been suggested by many of my colleagues, I hope that it will be but a short time——

The PRESIDING OFFICER. The time of the Senator from Wisconsin has expired.

Mr. WILEY. May I have one more minute?

Mr. TAFT. I yield one more minute to the Senator from Wisconsin.

Mr. WILEY. I hope that within a short time adequate legal provision will be placed on the statute books which will enable the Government to meet any emergency which may arise.

Mr. BROOKS rose.

Mr. TAFT. Mr. President, I yield 5 minutes to the Senator from Illinois.

Mr. BROOKS. Mr. President, today I received one of the most tolerant telegrams which I have received from either management or labor in connection with the present crisis. It reads as follows:

CHICAGO, ILL., *May 28, 1946.*

Hon. C. WAYLAND BROOKS,
United States Senate,
Washington, D. C.:

In the name of the Illinois State Federation of Labor and more than three thousand local unions connected with the American Federation of Labor within the borders of Illinois, we respectfully and urgently request that you take steps to provide hearings for representatives of labor on H. R. 6578 now being considered in the Senate. That bill provides for extremely dangerous antilabor legislation. During the first half of the life of our great Nation, our people were torn by heated discussions on the subject of slavery, which is simply another name for forced labor. After about 90 years the question was settled by the ratification of the thirteenth amendment to the Constitution, forever prohibiting involuntary servitude under the American flag. The State of Illinois, your State and our State, which gave to the Nation the great leadership of the immortal Lincoln, was the first of the States to ratify that great constitutional amendment. We should lead now in an effort to maintain its full integrity and force against the danger of the blight of forced labor again being initiated under the flag of our Republic. We know that these are trying times and that Congress is troubled with great problems calling for earnest attention, among which are labor issues of great importance. That very fact is of itself evidence for the need of thoughtful patience on the part of the leaders of our Nation as well as the people in general. Legislative errors made now are certain to have grave consequences in the future. When the Declaration of Independence was written, we began our journey toward the highest degree of individual freedom ever reached by any people throughout all history. A few years later, one of the great purposes of that declaration was given definite legislative expression against involuntary servitude in article 6 of the famous ordinance of the Northwest Territory, following the recommendation of Jefferson a few years earlier. The great glory of America is that the action thus taken was part of the original plan for human freedom. The author of both the Declaration and the

ordinance was the great Jefferson. The progress was slow and tortuous for a good part of the time and we have not yet reached the era of safety against legislative actions containing slave proposals. As witness of this, we point to the fact that only a few years ago the United States Supreme Court found it necessary to invalidate certain State statutes because they tended to establish peonage. Nevertheless we have made tremendous progress. We now express the earnest hope that because of the difficulties arising out of the war for the freedom of the people of the world our governing authorities will not now sacrifice the freedom of the workers of America. We look to you as our representatives for help in this emergency.

ILLINOIS STATE FEDERATION OF LABOR,
R. G. SODERSTROM,
President,
VICTOR A. OLANDER,
Secretary-Treasurer.

Mr. President, I commend the officers and members of the Illinois State Federation of Labor upon their attitude and their approach to the present problem, and I shall vote to remove section 7 from the pending hastily considered bill which was brought before the Senate without any hearing having been held with reference to it, and in the form of emergency legislation after we had taken many days and weeks to consider a measure by which we were to give money to foreign countries at a time when some of us wished to consider deliberately labor legislation.

I shall vote against section 7 for another reason. The most historic capital of freemen in the world is Washington, D. C., the tomb of the Unknown Soldier, and the memorials to Washington, Lincoln, and Jefferson which stand as mute testimony to the fact that this Nation could never have been made free if men had not been willing to sign away or fight away their lives. I consider it to be one of the greatest honors in my entire life to have had the privilege of wearing the uniform of my country against its armed enemies. I regard that uniform and my honorable discharge from military service as among my most valuable possessions. I prize it as evidence of the fact that I served honorably with millions of other Americans in the cause to which I have referred. I shall never vote to permit the uniform to be used as an instrument of punishment or to force men to labor in this Nation for whose freedom so many millions have been willing to die.

Mr. TAFT. Mr. President, I yield 10 minutes to the Senator from California [Mr. KNOWLAND].

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). The Senator from California is recognized.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. KNOWLAND. I yield.

Mr SHIPSTEAD. I merely wish to state that I raised the issue and expressed my opinion of section 7 in the meeting of the Committee on Interstate Commerce. I shall not take the time to repeat here what I said about it. I seconded the motion to eliminate it, and voted to reject it.

I may state that I think the motion to strike speaks for itself to anyone who has read section 7. I intend this afternoon to vote for the motion to the end that section 7 may be stricken from the bill.

Mr. TAFT. Whatever time has been taken by the Senator from Minnesota is charged directly against our side. I now yield 10 minutes to the Senator from California.

Mr. KNOWLAND. Mr. President, so long as we have constitutional government, it is the responsibility of the Congress to study proposals such as that recommended by President Truman, and to amend or eliminate provisions which in the judgment of the Congress are unconstitutional or unsound.

Mr. President, I shall oppose section 7 of the pending bill. This is what the New York Times said of this provision in an editorial a day or two ago:

> The new bill further provides that in the President's proclamation of a national emergency at the time of seizure, or in a subsequent proclamation, he may declare that any person who fails to return to work shall be inducted into the Army "on such terms and conditions as may be prescribed by the President." This could mean that such persons would be put in uniform and forced to work at Army pay next to workers working at regular pay; that such persons, moreover, could be sent anywhere in the country, and, if they still refused to work, court-martialed and imprisoned. Passing over the violation involved of the constitutional provision against involuntary servitude, one wonders whether such a power could seriously be enforced in a democracy. The probabilities are that this provision is intended to be rhetorical: that it is intended to be a threat which, it is hoped, will never have to be put into execution. But for the Government to put into a law a more drastic penalty than it ever dares to enforce is dangerous business.

It seems to me, Mr. President, that our task is to develop legislation which will protect the fundamental rights of labor and collective bargaining; but collective bargaining was never meant to be collective bludgeoning.

The economic structure of the Nation and the stability of our Government were challenged last week. On that issue there can be only one answer. No man or group of men, no organization, is bigger than the Government of the United States. Never again must any group use the power which has come from the Nation to endanger the public welfare, the health and safety of 140,000,000 of our countrymen.

Mr. President, in his farewell address on September 27, 1796, President George Washington said:

> This Government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. * * * The very idea of the power, and the right of the people to establish government, presuppose the duty of every individual to obey the established government.

Mr. President, I strongly believe that there is a better way of solving international disputes than by war and that there is a better way of solving economic disputes than by costly industrial warfare.

Mr. TAFT. Mr. President, I yield 20 minutes to the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. LA FOLLETTE. Mr. President, I realize that it is difficult for the Senate and the country to consider this far-reaching and unprecedented piece of legislation with the calmness, the judgment, and the impartial weighing of all the factors involved, because of the strikes which have occurred, and which have affected the entire economy. Nevertheless, I feel that it is the obligation and the duty of every Member of the United States Senate to give thoughtful, calm, deliberate, and dispassionate consideration to the issues here involved, because in a peculiar sense the Congress of the United States is responsible to the people for the protection of their fundamental human liberties guaranteed by the Constitution of the United States.

All recent history demonstrates that it is easy enough for a legislative body to surrender the rights of the citizen to the Executive. All recent history likewise demonstrates that it is often impossible to recover those rights. The road to totalitarian government seems to be a one-way highway. There seems to be no indication that the legislative arm of the Government ever recovers the rights of the people once they are given to the Executive. We have seen that situation in the Axis Nations; we have seen it in Soviet Russia.

I do not believe that it is an exaggeration to say that the Senate has never, certainly not since the Civil War, had to consider a more fundamental or far-reaching domestic issue than the one here presented today.

In times of passion, in times when animosities are aroused, it is difficult to realize that these human rights, these liberties, which were so hard-won and are written into our Constitution, are indivisible. They cannot be separated. We cannot curtail the rights of one group of the population without endangering the sacrifice of those rights ultimately by all citizens of the Republic.

It is clear from a reading of section 7, which the Senate is now considering, that my statement is well founded. It is proposed in section 7 to utilize the plenary power of selective service against not only labor but against management as well. I think it is significant that running all through this measure is a futile effort to balance it by trying to make it all-inclusive in the exercise of the power therein sought to be obtained.

Mr. President, I spent more than 4 years, as chairman of a subcommittee of the Senate Committee on Education and Labor, investigating violations of civil liberties and undue interference with the rights of labor to organize and bargain collectively. Those hearings run to some 70 volumes of testimony and exhibits. I was impressed, as the chairman of that subcommittee, with the importance of civil liberties and with the proposition which I have enunciated here today, that the moment we strip any particular group of citizens of their rights and liberties, we endanger those rights, nay, we make it almost certain that those rights and those liberties will be impaired so

far as other citizens of the community are concerned.

The proposition to utilize the plenary power of the selective-service law as a means of securing forced labor in the United States of America is to me a shocking proposal, one which violates the fundamental liberties of the people of this Nation. Once we have granted that power it is not enough to say that we do not expect it to be utilized, because should another crisis arise and that power remains in the hands of the President of the United States it will indeed be a strong man who can resist the public clamor and pressure which will be upon him to utilize that power.

Mr. President, I ask the Senate to envision what will be the consequences if such an unfortunate occasion should occur. Men are on strike exercising their fundamental right to refuse to labor for a corporation or a group of corporations. The President decides to induct them into the armed forces of the United States. Under the provisions of section 7 he may do so under his own terms and conditions, with or without an oath of allegiance to the United States. Let us assume that the men are inducted. They are put into the uniform of the United States Army, and then they are ordered back to work. We must envision the possibility that under certain circumstances American citizens will refuse to obey that order. Then, Mr. President, it seems to me that only one result can follow. There will be no turning back then. Whatever power is necessary must be applied or sought to be applied in an effort to get obedience from men who have been inducted into the service of the United States Army. The consequence will be widespread bloodshed or there will be thousands of men committed to concentration camps for their failure to obey such an order.

What will be the effect, Mr. President, upon the standing and the prestige of the Army of the United States if it shall be utilized in such a fashion? The morale and the dignity of the armed forces of the United States are too precious and too vital in these critical days of the Republic to permit them to be undermined by a situation where large segments of the population may find themselves compelled in obedience to their belief in fundamental rights to refuse to obey the orders issued to them. Bloodshed or imprisonment will result.

I say, Mr. President, that, in my opinion, if that power is ever exercised and the unfortunate events which I have described take place, the morale of the Army will descend to a new low, and there will be turned upon it the prejudice—nay, the hatred—of millions of men and women who feel that its high ideals have been prostituted to the purpose of enforced labor in the United States.

Mr. President, I recognize that the issues which confront us in connection with this legislation are of great magnitude. I concede that there is a point beyond which the exercise of the right to strike may not be permitted to go. I recognize that the Government cannot tolerate a strike against itself which paralyzes its power and threatens its existence. After all, we do recognize, and have always recognized, that certain of these liberties which stem from the Constitution are subject to regulation. They are subject to abridgement when there is a situation that compels their abridgement. We recognize, for example, that in time of war the privilege of free speech cannot be permitted to be exercised when it threatens the existence of the Government—when it threatens to be disloyalty in the form of utterances which may bring aid and comfort to an armed enemy.

But, Mr. President, in time of peace we should proceed very cautiously down the road toward the curtailment of those rights. I firmly believe that there has been no demonstration—there has been no evidence—that we are faced with the necessity of abridging the right of men to refuse to work to the point where they can be inducted into the armed forces of the United States—those forces to be utilized as a method of punishment, as a method of putting men, so to speak, in a chain gang where they will be compelled to labor under conditions of peonage and coercion. I assert there has been no justification advanced for such a proposal.

Other powers contained in this bill will later be the subject of further discussion and deliberation. It seems to me that we should not hesitate at all in our determination to cut section 7 out of the bill, notwithstanding the statement of the able majority leader that he regards it as the heart of the measure.

Mr. President, we have not reached the point where we must yield to any President of the United States the right under his own terms and conditions to draft men into the armed forces, not for the purpose of defending the Nation, not for the purpose of spreading the obligation of service in the armed forces against the enemy, but, forsooth, under the naked proposition of compelling them by Army dscipline and by the threat of armed force to enforced labor and involuntary servitude. I think that the growing utilization of forced labor in other parts of the world is one of the great menaces to the free existence of free men on this globe. It would indeed be a sad day in the history of this great democracy if we were to embark upon the utilization of enforced or slave labor in this Nation. And I say that when all the husks are stripped away from it, that is the proposition which is to be found in section 7 of this measure.

In closing, I desire to repeat what I said at the outset. Fundamental human liberties are the warp and woof of the democratic process. All history proves that they are indivisible; that once an attempt is made to strip one segment of the population, or one group, or one class, of their liberties, it endangers and threatens the liberties of all.

I want to reemphasize that it is easy enough to yield up these powers to the Executive in a time of stress and hysteria, but recent history demonstrates that it is difficult, if not impossible, to recover those rights once they are relinquished. And I assert, Mr. President, that there is just as much, if not more, danger in a democracy from a government which has too much power as there is from one which has too little.

I contend that in the deliberations over this measure we are not in an atmosphere or environment in which we can weigh these delicate decisions as we should. Nevertheless, so far as I am concerned, I will never be willing to give the Executive the extraordinary dictatorial and plenary power which it is proposed to give him in section 7 of this bill. I think it violates fundamental constitutional rights. Moreover, I think it would result, if it were ever enacted into law, in the degradation of the armed service of the United States from which it would be difficult for that honored service to recover.

For these reasons, briefly stated, I shall vote to strike section 7 from this measure.

[Manifestations of applause in the galleries.]

The PRESIDING OFFICER. Let there be order in the galleries.

Mr. TAFT. Mr. President, I yield 20 minutes to the Senator from Indiana [Mr. WILLIS].

Mr. WILLIS. Mr. President, ever since VJ-day this country has been in the throes of a labor crisis. The railroad strike of the past week-end was the most critical in all our history and climaxed a series of labor disputes that broke out as soon as the last shot was fired in the Pacific. Yet not a single step had been taken by the administration during the intervening 9 months to eliminate the causes for labor strife. In fact, the administration has been encouraging labor leaders to seek greater and greater concessions from management regardless of their effect upon the economy. The President, not 7 months ago, announced that strikes "are not serious." He described them as "a blow-up after a let-down from war," though he did realize that "we still have a few selfish men who think more of their own personal interests than they do of the public welfare." The President assured the country that they were not going to prevail.

Nevertheless, today labor disputes are primarily responsible for the fear with which this country faces the future. Strikes are holding us back when we should be plunging boldly ahead. Strikes are causing America to stand still when it should be leading the world in production on the road to peace.

There is hardly a problem that is not being accentuated by the inability of the administration to bring the strike situation under control. For example, avoiding inflation is one of our principal immediate economic problems. Mounting costs of living concern every American. Increased production at lower cost is the real answer to the threat of inflation; yet labor disputes have kept factories and mines closed, have disrupted marketing and distribution, and have virtually paralyzed this Nation. The inability of the administration to deal realistically with the labor crisis is the principal explanation for rising costs of living; and they will continue to rise until we formulate intelligent labor policies.

There can be no misunderstanding the public's temper concerning the recent

wave of strikes. The people are frightened. Their mood is against further temporizing with the problem. Last week end they realized for the first time the extent to which overzealous labor leaders could impose their will upon all the people in an effort to force acceptance of their demands. It was forcefully brought home to them how a few labor leaders could bring this country to a standstill.

The people want no more interference with production. They want this country to get along. They need and want housing. They need and want clothing. They need and want food. They are demanding immediate action and are looking to the Congress, not to the executive branch of the Government, for leadership. It would be a mistake, however, were we to proceed on the assumption that the country is antilabor. The people do not wish any action to be taken that will destroy the gains made by the laboring men and women during the past quarter of a century. But they want to insure against the misuse of such unlimited powers.

Our task is twofold: Our immediate problem is to terminate the current wave of strikes that menaces the national economy. Our long-run problem is to eliminate the causes of widespread labor disturbances that result in paralyzing strikes.

In a democracy such as ours it is wrong for any small group of men to possess such monopolistic power that it can impose its will upon the public irrespective of the public good. The country suffered as a result of the concentration of power in the hands of financial interests during the twenties. That was wrong. It was right and proper that the Congress took corrective action to curb those evils.

The Congress also took steps during the thirties to bolster the rights of working men and women. It was not its intention, however that these rights should be used as instruments of power to shackle our liberties and impede progress.

The National Labor Relations Act was passed in 1935 by a nonpartisan vote, and it has been endorsed as a step forward by all who are interested in the American labor movement. It assured to labor the right to organize and to bargain collectively, rights that are as basic to labor's well-being as freedom is to democracy. It became apparent years ago, however, that the administration of that act was one-sided; that it was being used by one faction of labor to weaken another faction; and that it was being used to destroy management's right to manage.

Above all, the act conferred upon organized labor tremendous powers without comparable responsibilities. It set up machinery to facilitate the peaceful settlement of certain types of labor disputes, but at the same time encouraged union leadership to indulge in industrial warfare even where this law provided for a peaceful remedy. The act imposed upon employers the obligation to bargain collectively with their workers, but it did not impose upon employees the comparable obligation to bargain collectively with their employers. One of the basic objectives of the act was to encourage the making of collective agreements, but it did nothing to insure that those agreements would be binding both on labor and management. The act sought to encourage industrial peace, but actually it ushered in an unprecedented decade of industrial warfare.

That the act needed improvement was clear; and Democrats and Republicans alike participated in an attempt to amend this law. Republican and Democratic leaders in the House of Representatives realized even before the war that the gains of labor stood in jeopardy because of the imperfection of the law. Amendments to the National Labor Relations Act, passed by the House in June of 1940, 6 years ago, sought to cure some of the basic causes for the labor disputes that are troubling us today.

These amendments were fought by the administration, and were never adopted. How much better it would have been had we taken constructive action in 1940—a prewar year—to have strengthened our labor laws and to have improved their administration. The labor strife that impeded our production for war and that is impeding our reconversion to peace could have been avoided.

The Case bill which the Senate passed on May 25 and is now before the President for his signature, is a lineal descendant or the amendments to the National Labor Relations Act that were proposed 6 years ago. I believe this legislation is a step in the right direction and if approved by the President, will be helpful. But this is only one step forward when many steps are required. We must proceed immediately to a comprehensive study of existing labor law and its administration if we are to complete the job.

First, we must prevent labor leaders from using their monopolistic powers to disrupt the national economy. It is no more desirable for labor leaders to tie up production unnecessarily than it is desirable for a group of manufacturers, through conspiracy, to restrict production for their personal ends. Within the last 5 months union leadership has demonstrated on no less than three occasions that by restricting the entire production of a necessary product or service it can put this country flat on its back and win its demands without regard to the public interest.

If we are going to impose upon employers the obligations to bargain collectively we must impose a comparable duty upon labor to bargain with its employers. For 45 days all bituminous coal production was stopped by a labor union that refused even to tell the producers of coal why it was striking. How could anyone bargain with a union that refused to set forth its claims or proposals? But we expected the coal mine operators to do just that. As a consequence the country was driven to the brink of industrial prostration.

The National Labor Relations Act needs basic and thorough revision to insure that it will accomplish its objectives of promoting industrial peace. The law should be modified so as to make the use of industrial warfare and violence unattractive, especially where adequate peaceful remedies exist. Restrictions on freedom of speech that are embedded in the law should be terminated. The law must also be modified so as not to penalize the development of legitimate independent labor organizations. Above all, if labor organizations are given the right to bargain for employees, the law must insure that these organizations are democratic and completely responsible to the employees for whom they bargain.

Certainly this is a more fundamental approach to the labor problem than that proposed by the President in his message to the Congress on May 25.

I, too, deplore the fact that the President of the United States has deemed it necessary to ask for the authority to break strikes against the Government by impressing workers into the Army. This aspect of the President's program would involve the most dangerous delegation of power made by any Congress. It strikes at the very fundamentals of our American philosophy and American system. Even if we attempt to excuse it because of the greatness of the emergency, it would set a precedent which in future years might lead this country into a military dictatorship. That part of the program must not be enacted unless it can be surrounded by safeguards to insure against its repeated use in the future.

Mr. President, it would not be accepted by the American people if we attempted to draft doctors into the Army to meet an epidemic. It would not be accepted by the American people if we attempted to draft any group of people to meet a definite emergency. So in this situation it is not necessary to draft men into the Army to stop strikes and obtain production, for in America an aroused and indignant public—and it is now thoroughly aroused and indignant—will be the best answer to the challenge which confronts us. It is not necessary, Mr. President, to burn down this great American house of freedom in order to destroy a few rats.

We would still fail the people, however, if we viewed the current labor crisis as springing solely from labor causes. Primarily responsibility for our present difficulties must rest upon those who during the last decade have been leading this country step by step toward a planned state. To accomplish their end, these leaders needed mass political support; and it is now clear that they were more interested in labor's votes than in the well-being of laboring men and women or in building up an enlightened labor movement. Their tools were confusion, setting class against class, breeding hatreds and suspicion, and ridiculing the importance of individual productivity and the individual's responsibility toward his fellow man.

If we are to progress, we must stop moving toward a planned state. Paying allegiance to this uncertain objective has made us fearful, when we should look to the future with confidence. The bogey of "economic security" has dulled our vision and imagination and has left us with a security complex. The emphasis upon group interest, rather than the public interest, has submerged the

spirit of cooperation that formerly existed between one and all.

Mr. President, in this situation it is necessary that the Congress and the President present a united front to the people. But to do that, the President must not ask us to do things which in the future would endanger the freedom of the people of the United States, and which would require us to violate our oaths to support the Constitution. Therefore I shall vote to delete section 7 from the pending bill.

Mr. TAFT. Mr. President, I yield 10 minutes to the Senator from New Jersey [Mr. SMITH].

Mr SMITH. Mr. President, it is my desire to say a few words on the subject of section 7 of the pending bill, which now is under discussion, and also on the subject of the philosophy of the bill as a whole.

I yield to no one in my allegiance to the President of the United States. At a time like this, when he has such heavy responsibilities, we must uphold his hand. He is correct in the position he took last Friday night on the radio, namely, that the Government must be supreme, that there is no right to strike against the United States Government. But in dealing with these questions, one is faced at once with the question, What is the solution of the problem? When we were presented with the pending bill, House bill 6578, which was aimed at meeting this emergency, I found myself in a great quandary. On the one hand, I wished to support the President in whatever measures he might regard as necessary in order to take care of the emergency; but, on the other hand, I was unable to support the proposed bill in the form in which it was drawn, which seemed to me to go to the very fundamentals of our Government.

In thinking this bill through, it has seemed to me that we have a real division between the possible wrongdoing of those who are leading in these labor disputes and those who are the workers and who follow because their leaders give them instructions. My feeling with regard to this bill is that we must remove from it everything which penalizes the worker himself because he is in the position of having to choose between loyalties. Although we can say that he must choose the United States as his first loyalty, nevertheless, I can understand his difficulty when a situation like a strike call occurs.

So, Mr. President, from that angle alone, I am definitely and unalterably opposed to section 7, which practically says to a man who has followed the lead of his own organization, "You have done a wrong against the United States, and therefore as punishment we are going to induct you into the United States Army." That would be detrimental to the best interests of our Army organization, to begin with. It is a degrading act to put a man who has violated a statute of the United States into the Army as a penalty. From that viewpoint, I object to the proposal. But beyond that, I object to any action by our Government which results in placing a man in a position of even quasi penal servitude. I do not think such an effort would succeed. I think it is unsound in its conception all the way through; and as I said on the floor of the Senate in the debate on Monday, I think the President would be in a much stronger position if, in a time of emergency, he were to call on all our people—including the railroad workers and all others—to assist in meeting the crisis and the emergency. I think it could be done on the basis of an appeal, rather than on the basis of a forced draft.

I object to another provision of the bill which also is penal in its nature. I refer to the one which, as a penalty, would deny to a worker his seniority rights. I feel that all these penalties which affect a worker who himself is a part of a large organization, must be carefully scrutinized before we apply any of them. We should seek to bring such sanctions against those who are wrongfully directing the activities of the workers. A provision to that end is contained in the bill. I believe that we should eliminate the sections which have a too severe bearing on the workers concerned.

So, Mr. President, I propose to vote against section 7. I intend to vote for its elimination from the bill. There are in the bill other provisions of a punitive nature which I shall also oppose as the bill progresses through its consideration by the Senate.

I wish to make a clear record on this matter. I am supporting the President in the emergency; but, in the position I hold in the Senate of the United States, I do object to subjecting workers to such severe penalties in such an emergency. I do feel that the Government must be supreme, but I do not believe we are called upon to add to the difficulties of our problem by providing for a draft of our workers because they have disobeyed the provisions of the bill.

Mr. TAFT. I yield 1 minute to the Senator from Pennsylvania [Mr. GUFFEY].

Mr. GUFFEY. Mr. President, if section 7 of the pending bill, H. R. 6578, were enacted into law, the working people of this country could be forced into involuntary servitude during times of peace.

I am opposed to such involuntary servitude; and, therefore, I shall cast my vote to delete section 7 from the bill.

Mr. TAFT. I yield 15 minutes to the Senator from Delaware [Mr. TUNNELL].

Mr. TUNNELL. Mr. President, I desire to speak for a few minutes on section 7, to which I understand the motion applies.

It seems to me that this section is stricter than is necessary under the circumstances; and I believe it transgresses in another way, aside from its punitive nature.

In the first place, a person who failed or refused, without the permission of the President, to return to work within 24 hours would be subject to be placed in the Army. I do not know what might be the reason for a person's failure to return to work. So far as the language of the provision under consideration is concerned, the person might be sick, but he would be subject to the penalty simply because he failed or refused to return to work. There might be hundreds of reasons for the failure of a person to return to work. If an employee refused, that would be one thing; but under the provision we are now considering, if he failed to be at his place of employment and failed to work within 24 hours, he would be inducted into the Army.

The question of whether the Army is to be used as a prison, whether it is to be considered by the Nation as a place for punishing those who have transgressed a law, is something which must be determined and will be determined before such a provision becomes a part of the law. Whatever may have been the purpose, it seems to me that the language of the provision is certainly too broad. It should not be phrased in such a way as to apply to all those who have failed or refused. In other words, a man might legitimately fail to return to work.

In addition, the idea of having a person excused from such an obligation if he receives the permission of the President is objectionable. The President would not keep up with the activities of every person in the United States who would be liable to violate a proclamation with reference to strikes. Of course, the President would have to depend upon some board or commission which he would appoint; and that in itself would be a very undesirable thing. I do not believe it turned out very well with reference to the boys who were permitted to leave the Army, or failed to go into the Army during the last war. The President's Board had the right to determine to a certain degree whether or not a man should be deferred. I do not believe that plan worked very well, because the President was not in a position to know the merits of all the excuses and reasons which were presented by thousands of men for not being inducted into the service.

Mr. President, 24 hours is a very short time within which a person must comply with the proclamation referred to in the pending bill. He must not only cease to be a striker, but he must return to his job within 24 hours, regardless of what conditions may be.

Mr. TAFT. Mr. President, I may be compelled to leave the Chamber. After the Senator from Delaware concludes his remarks, I will yield 10 minutes to the Senator from Missouri [Mr. DONNELL], and after the Senator from Missouri has concluded his remarks I shall yield 20 minutes to the Senator from Oregon [Mr. MORSE].

Mr. TUNNELL. I thank the Senator. Mr. President, I ask the Chair to let me know when my time has expired.

The PRESIDING OFFICER. The Chair informs the Senator from Ohio that he has remaining only 17 minutes.

Mr. TAFT. The Senator from Kentucky [Mr. BARKLEY] agreed to give me 45 additional minutes.

Mr. TUNNELL. Mr. President, I do not know whether the present occupant of the chair understood my request, but when my 15 minutes have expired, will he notify me?

The PRESIDING OFFICER. The Senator has 9 minutes left.

Mr. TUNNELL. Very well; I thank the Chair.

Mr. President, to compel a person to return to the job which he was occupying when the strike began is a very strong requirement. I contended during the debate with reference to the Case bill that many of the requirements which were being insisted upon would be ineffective. I have always maintained that a person could not be compelled to work except, for example, after having been convicted of a crime. The requirement in the pending bill would compel a man to return to work within 24 hours or be inducted into the military service. Not being satisfied with inducting him into the service, the committe has amended the bill by including the words "and shall serve in." The man is not only to be inducted into the Army, for example, but he is to be required by a special statute to serve in the Army after he has been inducted into it. I believe that such requirement might well have been left to the men who enforce the rules and regulations of the Army.

There has also been placed in the bill, in parentheses, the words "with or without an oath." I do not know why those words were included. The language covers all situations, whether "with or without an oath." There is also included the words, "and on such terms and conditions as may be prescribed by the President." Knowing the present President of the United States, I believe that any rules and regulations which he might prescribe would be fair if he knew the particulars of the case involved. But the language reads, "as may be prescribed by the President." Does that mean, Mr. President, that a man could be forced to serve in the Army for the remainder of his life? Does it mean that he could be forced, for example, to serve in the Army for 20 years? The language is, I repeat, "and on such terms and conditions as may be prescribed by the President." There is no limitation in such language. It seems to me that it is more than should be asked for, even in the case of an acknowledged criminal, or in the case of a conviction in regular form. On the basis of the President's judgment, a man could be inducted into the Army and compelled to serve. It would depend upon the President's judgment. We can reasonably say that the President would never have an opportunity to exercise his judgment.

Therefore, Mr. President, this proposal is one of the strongest ever incorporated in a measure presented for the consideration of the Congress. I have never before seen such a proposal. I have never seen it proposed that a person may be placed in the Army and compelled to serve under conditions such as those provided in the pending bill. I cannot imagine a provision of law going that far. I am anxious to stand by the President and by the people of the United States. I believe that the pending bill is aimed at something which is wrong; I fully agree that it is; yet, it seems to me that we are being asked to prescribe a punishment which we would not prescribe for a murderer, or a person who had been found guilty of any other serious crime. When we provide that a man may be forced into the Army under such terms and conditions as the President, in his judgment, may prescribe, it is going too far.

Mr. President, there is another thing which comes to my mind. I refer to the language beginning in line 22 on page 5, as follows:

> The foregoing provisions shall apply to any person who was employed in the affected plants, mines, or facilities at the date the United States took possession thereof, including officers and executives of the employer, and shall further apply to officials of the labor organizations representing the employees.

I do not know whether the 18- and 19-year-old men would be brought under that language; I do not know whether the regular rules in connection with selective service would apply. The language reads, "shall apply to any person who was employed in the affected plants, mines, or facilities," and so forth. It includes not only the workers but the officers and executives of the employer. Regardless of who those persons might be and regardless of their age or qualifications, they are covered by the words which I have read.

For example, Mr. President, persons who represent employers, whether they had anything to do with the strike or not, could be compelled to go to work within 24 hours, as I understand the meaning of the language which I have read, within the particular plant or facility involved, and if they refused to do so they could be inducted into the armed services and there compelled to serve. Whether they were within the jurisdiction of the United States at the time, or whether they had had anything to do with the strike, they could be required to go to work or be inducted into the armed services.

Let us consider those who represent the employees. I do not know how a labor union, as such, would proceed to work. The language reads, "including officers and executives of the employer, and shall further apply to officials of the labor organizations representing the employees." That may represent a contradictory situation; I do not know. It may be that the labor union official is the very person who is responsible for the men not returning to work. The bill provides that the labor official must return to work within 24 hours. Perhaps he would be a detriment to the work. We do not know. The language has been so carelessly drawn that one cannot tell whether it would provide authority to induct into the armed services those who would be beneficial to the Nation, or those over whom the Nation would have discretion.

The committee has reported an amendment as follows:

> Provisions of law which are applicable with respect to persons serving in the armed forces of the United States, or which are applicable to persons by reason of the service of themselves or other persons in the armed forces of the United States, shall be applicable to persons inducted under this section only to such extent as may from time to time be prescribed by the President.

This morning I was asked if a man who had been inducted into the armed services under the amendment which I have just read, could be court martialed. I told him that I presumed he could be, and perhaps be shot. Under the Army rules and regulations, I know of no reason why the punishment which could be assessed for the infraction of Army rules, could not be applied. Under such conditions it would be possible to subject persons to punishment of the severest kind. They could be subjected to punishment as the result of having violated certain rules of the Army, without having had an opportunity to offer any excuse for their conduct.

The PRESIDING OFFICER (Mr. HILL in the chair). The time of the Senator from Delaware has expired.

The Senator from Missouri is recognized for 10 minutes.

Mr. DONNELL. Mr. President, I rise to oppose section 7 of the bill. Section 7 provides, among other things, that "the President may," in his proclamation, "provide for induction into and service within the Army of the United States," on such terms and conditions as may be prescribed by the President, as being necessary in his judgment to provide for the emergency."

The meaning of the term "emergency" is clear from reference to section 2 of the bill, which provides for the declaration by the President of the existence of a national emergency relative to the interruption of operations.

The obvious purpose of section 7 is to remove interruption of operations, in other words, to cause a resumption of operations to occur. The purpose of section 7 therefore is to require the persons who shall be drafted to resume labor in the industries from which they have removed themselves.

I do not find it necessary, in determining my position on this section, to decide the question whether the section is or is not constitutional. On the one hand, it may be argued that it is constitutional because of the power vested in Congress in section 8 of article I "to raise and support armies." On the other hand, it may be argued that no power exists in Congress because, although the persons who are described in section 7 are described as being inducted into the Army, the very fact that they are being brought in for the purpose of being inducted back into labor shows that they are not in fact being created into an army. An army is well defined in law as meaning "a large force of armed men designed and organized for military service on land." So, Mr. President, it may be argued with some considerable degree of force that what is being done here, while ostensibly induction into the Army, is merely the creation of a body of men to resume labor in industry, and not organized for military service, and that consequently the power to "raise and support armies" does not grant the power to provide for the induction referred to in section 7.

Indeed, the argument may be made, further, that not only is there an absence of power in Congress, but that there is a positive prohibition in the thirteenth amendment, which provides against "involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted."

Mr. President, as I have said, these arguments may be made upon one side or the other. There may be other bases

upon which it may be argued that the bill is constitutional, and there may be answers to those propositions. I do not undertake this afternoon to pass upon these questions of constitutionality, for the reason that I have satisfied myself to be in opposition to section 7 upon points independent of that question.

There are four reasons why I am opposed to section 7. In the first place, in my judgment the results in the industries into which these men would be inducted for forced labor would be poor and ineffective. In my opinion, unwilling workers will not be effective and productive workers.

The second of my reasons is one which has to do with the very patriotism innate in the breast of every true American citizen. That reason is that to bring about a condition of induction into the Army under the terms set forth in section 7 would be degrading to the Army of the United States. Under our traditions, service in the Army of our country is a glorious and noble badge of honor. Under the bill it would be a punishment, and hereafter, if section 7 of the bill were enacted, service in the Army of the United States would no longer be a conclusive badge of honor to the wearer of the uniform.

So, Mr. President, I oppose the section on those two grounds.

There are, however, two further grounds. In the third place, in my judgment, such a provision as that set forth in section 7 would create resentment, disunity, and hatred throughout our Nation, and would be productive of results evil in their consequence to the building up of a greater and nobler America.

Finally, Mr. President, the fourth of the reasons upon which I base my action with respect to section 7 is that a forcible requirement by which labor is compelled of our fellow citizens contravenes the national traditions of our Nation, contravenes the traditions of 170 years of our national history. Mr. President, the repugnance of such a provision is obvious from the contents of the Thirteenth Amendment, to which I referred a moment ago. The very fact that those who framed and those who adopted the amendment found it advisable and important to provide a prohibition against the creation of "involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted," in itself shows the repugnance with which our Nation has looked upon the matter of forced service.

So, Mr. President, I am opposed to section 7, first, because the results in the industries would be affected by section 7 would be poor and ineffective; second, because the adoption of section 7 would prove degrading to the Army itself; third, because such a provision would create resentment, disunity, and hatred throughout the Nation; and fourth, being a forcible requirement by which labor would be compelled of our fellow citizens, such a provision would contravene our national traditions and history.

It has not yet been demonstrated that our labor troubles can be settled only by resort to the extremity prescribed in section 7. I oppose the adoption of that section.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 20 minutes.

Mr. MORSE. Mr. President, I stated a few days ago that as soon as I had time to go to the lawbooks I would seek to defend my criticism of the bill as proposed by the President on the ground that it is unconstitutional. Because of the limitation of time, I shall not have the opportunity to place in the RECORD all the arguments on its constitutionality which I should like to have in the RECORD, and because my argument is devoted entirely to a discussion of court cases, I ask unanimous consent to have my entire manuscript included in the RECORD if I do not have time to cover it all before my time is up.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MORSE. Mr. President, since the President presumably premises his proposal that he be granted the extraordinary powers asked for in this bill on the ground of emergency, it is well at the outset to point to the established rule of law that the Constitution is not and cannot be evaded on the grounds of extreme emergency.

I can think of no criticism I can make of the proposed legislation, Mr. President, more serious than the criticism that it is unconstitutional, and that is the premise I rise to support by way of a legal argument.

The classic statement of the rule I have just referred to is contained in the case of *Schechter* v. *The United States* (295 U. S., 495), citing page 528. In that case the Court said:

> We are told that the provision of the statute authorizing the adoption of codes must be viewed in the light of the grave national crisis with which Congress was confronted. Undoubtedly, the conditions to which power is addressed are always to be considered when the exercise of power is challenged. Extraordinary conditions may call for extraordinary remedies. But the argument necessarily stops short of an attempt to justify action which lies outside of the sphere of constitutional authority. Extraordinary conditions do not create or enlarge constitutional power. The Constitution established a national Government with powers deemed to be adequate, as they have proved to be both in war and peace, but these powers of the national Government are limited by the constitutional grants. Those who act under these grants are not at liberty to transcend the imposed limits because they believe that more or different power is necessary. Such assertions of extra-constitutional authority were anticipated and precluded by the explicit terms of the tenth amendment. "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The famous case of *Ex parte Milligan* (18 L. Ed. 281, 4 Wall. 2), which grew out of the attempted exercise of war power in the Civil War, is directly relevant to the President's proposal that he be empowered to conscript employees into the armed forces. In that case the Court said:

> The Constitution of the United States is a law for rules and people * * * and covers with the shield of its protection all classes of men, at all times, and under all circumstances.
>
> The proposition is that a commander of an armed force (if in his opinion the exigencies demand it, and of which he is to judge) has the power * * * to suspend all civil rights * * * and subject citizens * * * to the rule of his will. * * *
>
> If this position is sound to the extent claimed, then * * * the commander * * * can, if he chooses, * * * on the plea of necessity, * * * substitute a military force for and to the exclusion of the laws. * * *
>
> The statement of this proposition shows its importance; for, if true, republican government is a failure, and there is an end of liberty. * * * Martial law, established on such a basis, destroys every guaranty of the Constitution, and effectually renders the "military independent of and superior to the civil power"—the attempt to do which by the King of Great Britain was deemed by our fathers such an offense that they assigned it to the world as one of the causes which impelled them to declare their independence. Civil liberty and this kind of martial law cannot endure together; the antagonism is irreconcilable and, in the conflict, one or the other must perish.

It seems to me, Mr. President, that the remarks of my good friend the distinguished Senator from Missouri [Mr. DONNELL] bear out very well the principles enunciated by the Supreme Court in the famous Milligan case.

In this instance the President apparently desires to prohibit the mere decision of an employee to quit his job. This would mean, in effect, making it unlawful under certain circumstances for an employee to lay down his tools and refuse to work any longer If that is the nature of the conduct which is rendered criminal, it would be perfectly clear that such a statute would constitute involuntary servitude under the thirteenth amendment of the Constitution as indicated by the following cases. Even without regard to the thirteenth amendment, the right of an individual to quit his employment regardless of his reason for so doing is just as absolute as the right of an individual to refuse to deal or to cease dealing with or patronizing another. See *Federal Trade Commission* v. *Raymond Brothers-Clarke Co.* (263 U. S. 565); *United States* v. *Colgate & Company* (250 U. S. 300).

There is nothing inconsistent between that statement, Mr. President, and the remarks I made the other day, that the right of labor to strike is a relative right and not an absolute right when the strike is exercised against the public welfare. It is a relative right. But the right of labor as individuals to be protected from the type of involuntary servitude which, in section 7, the bill seeks to impose upon them is a constitutional right of protection, and under no circumstances, in my judgment, can the Senate on legal grounds justify a vote for section 7.

The outstanding expression of the concept that combinations of workers are free from the imposition of involuntary servitude is that of Mr. Justice Brandeis, in which Mr. Justice Holmes concurred, in the case of *Bedford Cut Stone Co.* v. *Journeymen Stone Cutters Association of North America* (274 U. S. 37).

In that case this great Justice said:

Members of the Journeymen Stone Cutters' Association could not work anywhere on stone which had been cut at the quarries by "men working in opposition" to it, without aiding and abetting the enemy. Observance by each member of the provision of their constitution which forbids such action was essential to his own self-protection. It was demanded of each by loyalty to the organization and to his fellows. If, on the undisputed facts of this case, refusal to work can be enjoined, Congress created by the Sherman law and the Clayton Act an instrument for imposing restraints upon labor which reminds one of involuntary servitude.

It may be observed that this dissenting opinion has since been adopted by the majority of the Supreme Court in the case of *United States* v. *Hutchinson* (312 U. S. 219).

In *Bailey* v. *Alabama* (219 U. S. 219), the Supreme Court condemned a statute which made nonfulfillment of a contract for personal services criminal, and declared with respect to the thirteenth amendment that—

The plain intention was to abolish slavery of whatever name and form and all of its badges and incidents; to render impossible any state of bondage, to make labor free by prohibiting that control by which the personal service of one man is disposed of or coerced for another's benefit, which is the essence of involuntary servitude.

See also *Arthur* v. *Oakes* (63 Fed. 310).

A recent Florida case of *Henderson* v. *Coleman* (7 Sou. (2d) 117), is very much in point. There the Court stated:

We are not advised of any rule of law under which any man in this country will be forced to serve with his labor any other man whom he does not wish to serve.

Section 19 of the Bill of Rights of our Constitution provides:

"Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party has been duly convicted, shall ever be allowed in this state."

If the injunctive order be construed to mean that the officers and members of the Longshoremen's Association, Local No. 1416, were thereby required to load or unload the trucks of Collins, although there was no contractual relation between the local and Collins, then such construction would violate the constitutional provision above referred to. We think it will not be contended that any member of the local could be committed to jail for refusing to load or unload the Collins' trucks.

I digress, Mr. President, to point out that that is what would happen to strikers under the bill proposed by the President.

That service required the performance of manual labor and it is beyond the power of courts to punish one by imprisonment for failure to engage in involuntary servitude.

The Supreme Court of Illinois, in the Kempt case, said—*Kempt* v. *Division No. 241* (255 Ill. 213):

It is the right of every workman, for any reason which may seem sufficient to him, or for no reason, to quit the service of another, unless bound by contract. This right cannot be abridged or taken away by any act of the legislature, nor is it subject to any control by the courts, it being guaranteed to every person under the jurisdiction of our Government by the thirteenth amendment to the Federal Constitution, which declares that "involuntary servitude * * * shall not exist within the United States or any place subject to their jurisdiction."

In the case of *Albro J. Newton Co.* v. *Erickson* (126 N. Y. S. 949), the court said:

A strike is a combination to quit work; * * * the absolute right to quit work, which necessarily exists in a free constitutional government construed on individualistic principles, is guaranteed by our Constitution, and cannot be abridged by legislative, executive, or judicial power.

It might be argued that the prohibition against striking is a prohibition against concerted or joint, rather than individual, action in leaving employment. Under what theory can the quitting together by two, three, a dozen, a hundred or a thousand employees be made criminal, let alone restrained, particularly if the concerted quitting is for a proper economic purpose and is the only means of effectuating that purpose? Surely, there is a far greater moral justification for a leaving of employment because of intolerable working conditions than for the leaving of employment for purely arbitrary or even malicious reasons; yet the latter is protected under the thirteenth amendment when engaged in individually, while it is asserted that the former, when engaged in by two or more persons in concert, is not protected by the thirteenth amendment. A prohibition against leaving work, whether imposed on 1, 100, or 1,000 employees is a command to continue working, and no amount of specious reasoning on the part of any Member of this body, or on the part of the President of the United States can contravene the fact that involuntary servitude is thereby imposed.

In the case of *Lindsay* v. *Montana Federation of Labor* (37 Mont. 264, 96 Pac. 127), the Court said:

There can be seen running through our legal literature many remarkable statements that an act perfectly lawful when done by one person becomes by some sort of legerdemain criminal when done by two or more persons acting in concert and this upon the theory that the concerted action amounts to a conspiracy But with this doctrine we do not agree. If an individual is clothed with a right when acting alone, he does not lose such a right merely by acting with others, each of whom is clothed with the same right. If the act done is lawful, the combination of several persons to commit it does not render it unlawful. In other words, the mere combination of action is not an element which gives character to the act.

Similarly, in the case of *Jersey City Printing Co.* v. *Cassidy* (63 N. J. Eq. 759, 53 Atl. 230), the Court stated:

I am unable to discover any right in the courts, as the law now stands, to interfere with this absolute freedom on the part of the employer to employ whom he will and to cease to employ whom he will, and the corresponding freedom on the part of the workmen of their own free will to combine and meet as one party, as a unit, the employer who, on the other side of the transaction, appears as a unit before them. Any discussion of the motives, purposes or intentions of the employer in exercising his absolute right, to employ or not to employ as he sees fit, or of the free combination of employees in exercising the corresponding absolute right to be employed or not as they see fit, seems to be in the air.

Other decisions upholding the absolute right to quit work, whether singly or in concert, and declaring that prohibitions against such right are in conflict with the prohibitions against involuntary servitude, are *Alfred W. Booth & Bro.* v. *Burgess* (72 N. J. Eq. 181, 65 Atl. 226); *Union P. R. Co.* v. *Ruef* (120 F. 102 (C. C. D. Nebr, 1902)); *Lambert* v. *Georgia Power Co.* (181 Ga. 621, 183 N. E. 814 (1936)); *Karges Furniture Co.* v. *Amalgamated W. U. L.* (165 Ind. 421, 75 N. E. 877 (1905)); *Trimble* v. *Prudential Life Ins. Co.* (23 Ky. L. 1184, 64 S. W. 915 (1901)); *Orr* v. *Home Mutual Ins. Co.* (12 L. Ann. 255 (1857)); *Kimball* v. *Harmon* (34 Md. 407 (1871)); *Bowen* v. *Matheson* (14 Allen 499 (Mass. 1867)); *Opera House Co.* v. *Minneapolis Musicians* (118 Minn. 410, 136 N. W. 1092 (1912)); *Hunt* v. *Simonds* (19 Mo. 583 (1854)); *Empire Theatre Co.* v. *Cloke* (53 Mont. 183, 163, p. 107, L. R. A. 1917 E. 383 (1917)); *Foster* v. *Retail Clerks Int'l Protective Association* (39 Misc. 48, 78 N. Y. S. 260 (1902)); *Roddy* v. *United Mine Workers* (41 Okla. 621, 139, p. 126 (1914)); *Cote* v. *Murphy* (159 Pa. 420, 28 A. 190, 23 L. R. A. 135, 39 Am. St. Rep. 686 (1894)); *Macauley* v. *Tierney* (19 R. I. 255, 33 A. 1 (1895)); *Delz* v. *Winfree* (80 Tex. 400, 16 S. W. 111 (1891), 6 Tex. Civ App. 11, 25 S. W. 50 (1894)); *West Virginia Trans. Co.* v. *Standard Oil Co.* (50 W. Va. 611, 40 S. E. 591 (1902)); *Gebhardt* v. *Holmes* (149 Wis 428; 135 N. W. 860 (1911)); *Goldfield Cons. Mines Co.* v. *Goldfield Miners' Union* (159 F. 500 (C. C. D. Nev., 1907)); *J. F. Parkinson Co.* v. *Santa Clara County Bldg. Trades' Council* (154 Cal. 581, 98 P. 1027, 21 L. R. A. (N. S.) 550, 16 Ann. Cas. 1165 (1908)); *Greenwood* v. *Building Trades Council* (71 Cal. App. 159, 233 P. 823 (1925)); *Jetton-Dekle Lumber Co.* v. *Mather* (53 *Fla.* 969, 43 S. 590 (1907)); *Illinois Malleable Iron Co.* v. *Michalek* (279 Ill. 221, 116 N. E. 714 (1917)); *Saulsberry* v. *Coopers' International Union* (147 Ky. 170, 143 S. W. 1018, 39 L. R. A. (N. S.) 1203 (1912)); *Gray* v. *Bldg. Trades Council* (91 Minn. 171, 97 N. W. 663, 103 Am. St. Rep. 477, 63 L. R. A. 753, 1 Ann. Cas. 172 (1903)); *Lohse Patent Door Co.* v. *Fuelle* (215 Mo. 421, 114 S. W. 997, 128 Am. St. Rep. 492, 22 L. R. A. (N. S.) 607 (1908)); *Booth* v. *Burgess* (72 N. J. Eq. 181, 65 A. 226 (1906)); *Mills* v. *United States Printing Co.* (99 A. D. 605, 91 N. Y. S. 185 (1904)); *Sheehan* v. *Levy* (215 S. W. 229 (Tex. Civ. App. 1919)).

As Judge Amidon proclaimed in his celebrated decision growing out of the Railway Shopmen's strike of 1921, in the case of *Great Northern Railway Co.* v. *Broussecu* (286 Fed. 414), "Americans cannot be held permanently by an injunction in a state of peonage."

If it is something other than the mere laying down of tools and refusal to work any longer that is made criminal under the terms of these various provisions, then we are entitled to inquire further as to just what is the conduct that is made criminal. A strike obviously involves the concerted cessation of work by a large number of workers at the same time. This concert is secured in any of a number of ways. Workers discuss their grievances with each other on the job, in their lunch hours, at home, and are persuaded one by the other of the desirability of concerted cessation of work. More formally, the matter may be

discussed at a meeting, with speeches and arguments pro and con, ending in a vote for or against concerted cessation of work.

Once the men have acted to leave their job they may, by word of mouth or in writing, seek to convince other fellow employees of the desirability of taking like action. Hence I hasten to invite attention to the fact that the basic constitutional right of free speech also is involved in the proposed legislation. I have no hesitancy in saying that if the bill is enacted that right will be transgressed, and the Supreme Court will have no alternative but to declare the law unconstitutional.

In general it is clear that, when restrictions or prohibitions are placed on the right to strike, that which is prohibited or restricted is not the leaving of work, because the leaving of work is a right available to all persons in a society where slavery has been abolished. What is prohibited is the urging or persuading by one person or two persons or a number of persons of others to leave their work. Such a prohibition is, in essence, a prohibition on the communication of ideas, on the bare right of speech and of argument and persuasion.

Accordingly, all of the recent Supreme Court decisions upholding the right to picket as a concomitant of the right of free speech and declaring that such right cannot be prohibited, regulated, or restrained, are relevant. See, for instance, *Thornhill* v. *Alabama* (310 U. S. 88); *American Federation of Labor* v. *Swing* (312 U. S. 321).

There are in addition many decisions emphasizing directly and expressly the basic rights involved in the right of workers to leave their jobs and in the right of workers to discuss among themselves the desirability of such concerted action and attempt to persuade others. In his classic dissent in *Vegelahn* v. *Guntner* ((Mass.), 44 N. E. 1077, 1081) Mr. Justice Holmes declared:

> One of the eternal conflicts out of which life is made up is that between the effort of every man to get the most he can for his services, and that of society, disguised under the name of capital, to get his services for the least possible return. Combination on the one side is patent and powerful. Combination on the other is the necessary and desirable counterpart, if the battle is to be carried on in a fair and equal way. * * *
>
> If it be true that workingmen may combine with a view, among other things, to getting as much as they can for their labor, just as capital may combine with a view to getting the greatest possible return, it must be true that when combined they have the same liberty that combined capital has to support their interests by argument, persuasion, and the bestowal or refusal of those advantages which they otherwise lawfully control.

In *American Steel Foundries* v. *Tri-City Central Trade Council* (Supreme Court of United States, 257 U. S. 184, 42 S. Ct. 72, 66 L. Ed. 189, 27 A. L. R. 360 (1921)) Chief Justice Taft stated, at page 196:

> They [labor organizations] were organized out of the necessities of the situation. A single employee was helpless in dealing with an employer. He was dependent ordinarily on his daily wage for the maintenance of himself and family. If the employer refused to pay him the wages that he thought fair, he was nevertheless unable to leave the employ and to resist arbitrary and unfair treatment. Union was essential to give laborers an opportunity to deal on equality with their employer. They united to exert influence upon him and to leave him in a body in order by this inconvenience to induce him to make better terms with them. They were withholding their labor of economic value to make him pay what they thought it was worth. The right to combine for such a lawful purpose has in many years not been denied by any court.

But the President of the United States, to his everlasting discredit, seeks to deny it in this bill.

In a very recent case, In re Porterfield, decided on April 30, 1946, by the Supreme Court of California, that court declared as follows:

> Particularly in the fields of labor union controversies with employers and in competition among the unions themselves has it been recognized that physically peaceable compulsion coercion, intimidation, and threats may go to make up lawful moral and social pressure as against both employers and nonmember employees. * * * Various means of economic suasion such as picketing, the primary and secondary boycotts, and refusal to work together, often go to make up concerted efforts to induce nonmember employees to join a particular union. Such conduct may be performed in the exercise of civil liberties, guaranteed by both our Federal and State Constitutions.

Mr. President, I am about to close because of the time limit. I say that, in addition to the other bases which I have mentioned in establishing the unconstitutionality of such an act, there is still an additional one. If the Senate will take the time to analyze the power of the Congress of the United States under the Constitution to raise armies, I believe it will agree with me that the Army provisions of this bill are unconstitutional, because they do not carry out the basic principle which I assert under the Constitution must be followed in raising armies by a draft in this country, namely, equality of selection. This basic principle protects all citizens under any Army draft in our free society from tyranny. The principle involved in this bill, Mr. President, insofar as drafting strikers, is based upon a premise of unfair discrimination, which I submit cannot stand the tests of the Court as it comes to pass upon the Constitution of the United States in relation to this bill. Our power under the Constitution as a Congress to raise armies cannot be twisted into a meaning that would allow us to discriminate against one group of citizens to the advantage of other groups even though that single group be strikers. That not only would be involuntary servitude—it would be tyranny. This is a dark hour in America. Have we gone so far in our country, as the result of the hysteria and mob psychology which unfortunately the President's speech of last Saturday helped to augment, that we are ready to destroy the civil liberties of free men and women in America. God forbid.

Mr. TAFT. Mr. President, I yield 5 minutes to the Senator from Nebraska [Mr. WHERRY], and then I shall yield 10 minutes to the Senator from West Virginia [Mr. REVERCOMB].

Mr. WHERRY. Mr. President, in addition to the very forceful arguments which have been made against section 7 on the ground that it would impress labor on the basis of slave labor, I think there is another angle which should be forcibly brought to the attention of Members of the Senate.

Under the power proposed to be granted to the President, the penalty for striking against the Government would make of the Army of the United States a penal institution. I believe that that is a sad commentary upon the military services of this country. I have always taken great pride in the Army, and what the Army has done. I have taken pride in the fact that to fight in the armed forces in defense of our country was the highest honor that one could possibly ask.

This proposal goes far beyond anything I ever dreamed of, and makes of the Army a penal institution to carry out the punishment of one who refuses to work.

The reason I bring that point to the attention of the Senate and of the people of the country is this: If the bill is passed with section 7 in it, it will be a direct threat to those of us who believe that we should end the draft and in its place have a volunteer army to carry on the military work necessary at this time, not only at home, but abroad. I do not wish to do anything which would jeopardize the raising of a volunteer army. I think the time has come when those of us who feel as I feel should rise upon our feet and see to it that nothing is done to jeopardize the ability of the military to recruit, on a voluntary basis, a volunteer army to meet the needs of this hour.

I believe that Senators who vote to leave section 7 in the bill will vote in contradiction of their position if they are against the draft. I believe that making the Army a penal institution would jeopardize the possibility of raising a voluntary army without the continuation of the draft.

That is the position which I expect to take. If we are to continue selective service, I shall support a provision to suspend inductions. I wish to do it on the ground of what has been accomplished in raising a volunteer army. Time does not permit me to give the facts as to what has been accomplished by way of recruiting a volunteer army. I ask unanimous consent to have printed in the RECORD at this point, as a part of my remarks, a statement which clearly shows what has been done by the military in obtaining, through the volunteer system, the army which we need, and in the numbers asked for by the military.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

DRAFT BY PROPAGANDA

Both the War Department and the press have asserted that the failure to draft teen-age boys is responsible for a decrease in volunteer enlistments. An examination of the facts reveals that the ending of the teen-age draft has not in any way been responsible for the different enlistment rate.

In the first place, no recruiting figures are yet available for the week of May 15–21. Therefore, all statements to date have been made on the basis of enlistments prior to May 14 when teen-age boys were not yet eliminated from the draft. Consequently

there is no factual basis for asserting that the ending of the teen-age draft decreased volunteers.

Second, enlistments have not decreased because of any ending of the draft. They have decreased while we had a draft—and they have not decreased as much as the War Department expected them to.

The only War Department monthly estimates for March, April, and May 1946 given in the Senate or House Military Affairs Committee appear on page 167 of the Senate hearings as follows: Opposite are listed the actual enlistments later supplied by the War Department.

War Department estimates:

March	78,679
April	56,600
May	39,500

Total estimate by July 1, 1946, 800,000.

Actual enlistments:

March	73,499
April	63,867
May	[1] 22,352

[1] As of May 14 with 17 days yet to go, or more than half of the estimate, had already been filled.

Total enlistment as of May 14, 1946, 758,942.

In other words, the volunteer enlistments have not decreased as rapidly as the War Department all along expected them to decrease. Isn't it strange, therefore, that so much publicity should appear in the press that failure to draft teen-age boys is responsible?

Furthermore it is apparent that the decrease in volunteering has come about as a result of the Army's own action. This was told to the House of Representatives on April 13 by Representative CHARLES R. CLASON, a member of the House Military Affairs Committee:

"As for the number that enlisted in March, there were 73,499, and there has not been any lessening in the number of persons who were trying to enlist. In other words, just as many are going to the recruiting stations, but the Army has raised the standards from 59 to 70. I am told that before the Army raised the standards only 1 out of 7 persons was rejected, now 3 out of 7 persons are rejected. That accounts for the apparent falling off in enlistments."

The higher test was not applied to drafted men (Senate hearings, p. 257). During April the Selective Service standards were even lowered to take men previously deferred as IV-F.

Moreover, Senator ELBERT THOMAS, in commenting on the declining volunteer rate, said to Generals Eisenhower and Paul (p. 259 of Senate hearings):

"Comparative statistics are no good if you change any of the rules in regard to the statistics. If, for instance, the number is changed something like 10 percent, then it is improper to come and say there is a falling off. We know that 10 percent falling off has come about as a result of your own action."

Mr. WHERRY. Mr. President, I hope that when Senators vote on this question they will consider that we do not wish to make the Army a penal institution, but to help the Army obtain a volunteer force. I do not believe that the Army should be restricted by the provisions of section 7 of the bill.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 10 minutes.

Mr. REVERCOMB. Mr. President, the pending question is upon the seventh section of the bill which the President of the United States has asked the Congress to pass. The question is whether or not the Senate will agree to grant the President the powers set forth in that section.

In substance, section 7 states that if in time of strike the President of the United States, under his power of seizure, shall take over any industry and the men in that industry decline to work, they may be impressed into the Army, to serve in the Army.

At this point in my remarks, for the sake of clarity, I ask unanimous consent that section 7 of the bill may be printed.

There being no objection, section 7, including the amendments reported by the committee, was ordered to be printed in the RECORD, as follows:

SEC. 7. The President may, in his proclamation issued under section 2 hereof, or in a subsequent proclamation, provide that any person subject thereto who has failed or refused, without the permission of the President, to return to work within 24 hours after the finally effective date of his proclamation issued under section 2 hereof, shall be inducted into, and shall serve in, the Army of the United States at such time, in such manner (with or without an oath), and on such terms and conditions as may be prescribed by the President, as being necessary in his judgment to provide for the emergency. The foregoing provisions shall apply to any person who was employed in the affected plants, mines, or facilities at the date the United States took possession thereof, including officers and executives of the employer, and shall further apply to officials of the labor organizations representing the employees. Provisions of law which are applicable with respect to persons serving in the armed forces of the United States, or which are applicable to persons by reason of the service of themselves or other persons in the armed forces of the United States, shall be applicable to persons inducted under this section only to such extent as may from time to time be prescribed by the President.

Mr. REVERCOMB. Mr. President, this matter may be viewed from several points. I have listened with interest to the able arguments regarding the legality of the proposed procedure. I have listened to the able argument of the Senator who just preceded me in speaking. He referred to the effect of the proposal upon the Army.

But, Mr. President, this matter involves a determination of policy for the United States. The question is whether the Congress will decide, for the first time in the history of our country, to adopt a course whereby the Chief Executive of our land may order men to work. Stripped of all its verbiage and all its description, we know that if this measure is passed and if section 7 remains in it, we shall have placed our approval, for the first time in the history of the United States, upon the formation of impressed labor battalions in the United States.

I cannot go that far. Last week I joined with other Senators in voting to strengthen some of the laws of the United States on a basis of fairness, so that there might be some force and strength within the laws of our land which deal with the subject of management and labor. In my judgment, not one of those laws which were passed was unfair to the workingman.

But I cannot go so far as is now proposed, because not only is the present proposal unfair to the workingmen of the United States, but for the first time in our history we would be departing from the course of free government and the course of government by a free people, to a course of forced labor which can justly be given the name of slavery.

Let us see what effect the provision under consideration would have. First of all, if a man is put into the Army, it provides that he shall serve in the Army. Suppose for some reason he does not want to continue with his work. Suppose he will not work—for no man in this country can be compelled to work against his own judgment and his own will. What, then, will be his position? Being in the armed forces he will be subject to trial by a court martial. Upon what charge will he be tried? He will be tried upon the charge that he has disobeyed the order of a superior officer. What is the punishment for that? It ranges from death by shooting or hanging to confinement in the penitentiary. Surely the Congress of the United States will not go to that extreme.

But it has been argued that there are no sanctions without that provision; that there is no other way of enforcing the orders which may be issued for men to work. Mr. President, if we consider the preceding section of the bill, section 6, we find that it contains a provision that those who do not comply or who do not wish to go on with their work, in cases in which the Government, through the President, deems it necessary to take over work industries in which they are employed, shall lose their rights under the National Labor Relations Act and under the Railway Labor Act, and that they shall lose all rights of seniority. I say there is no punishment which could be more effective than that, if punishment is needed, for an action which might be charged against them. But to go to the extent of subjecting a man in civil life in this free country to the severe punishments meted out under court martial would be going too far.

When this bill came to the Senate from the House of Representatives last Saturday night I took the floor at that time and said I could not support it if section 7 remained in it. I take that position today. As I have had time to study it more carefully, I am all the firmer in the position that I will not support any measure that leads us upon a course of this nature.

Mention has been made on the floor of the Senate of the fact that we are raising a volunteer Army. For months a number of us have worked toward that end, because we know that a volunteer Army for the United States of America is the kind of Army this country should have, and that conscription is justified only in time of war, when the burden of fighting the battles is placed upon all the citizenry. Great success has been met. Since the passage of that bill, in October last, we have already taken into the Army, as volunteers, more than 750,000 young men who have volunteered into the service of this country, and more than 52 percent of them have volunteered for periods of 3 years.

Now, to say to those men who are in the great American Army, service in

which we have always held to be a badge of honor, this great Army which, through its victories, has brought everlasting glory to this country—to say to them that that same Army shall be used as a labor battalion, and that membership in it shall be a badge of punishment, is unthinkable. Mr. President, we cannot go that far.

I heard the able Senator from Colorado [Mr. MILLIKIN] with great eloquence state his position upon that point, that today the uniform of the Army is wrapped around too many sons of America who sleep the long, long sleep to make it thinkable that membership in the Army instead of being a position of honor should be a place of punishment.

So, Mr. President, without discussing the other sections of the bill, inasmuch as they are not involved in the pending question, I submit, first, that we cannot, under any policy of a government of freemen, grant such powers to any individual within our Government, nor can we in fairness to a free people, if America is to remain free, go so far in fixing a punishment which is unusual and extreme and beyond the pale of a government by freemen and for freemen.

Mr. TAFT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TAFT. How much time is left for me to allot?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. TAFT. I allot 5 minutes to the Senator from Florida.

Mr. PEPPER. Mr. President—

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. PEPPER. I hold in my hand a report of the Senate Committee on Military Affairs on House bill 1752, which had for its purpose the imposition of so-called work-or-fight obligations upon the working people of this country. I shall not read what Mr. Eric Johnston, president of the United States Chamber of Commerce, said, but he opposed such proposed legislation. I shall not read what the National Association of Manufacturers said in their communication to the Committee on Military Affairs, but that organization also opposed that proposed legislation.

So, Mr. President, it appears that in hearings upon that proposed legislation, the heads of great organizations that speak for business in America were just as much opposed, even in wartime, to the so-called work-or-fight coercion upon labor as were the labor representatives themselves, for those manufacturers, those men of business, knew the American workingman, and they knew that in the factory and on the farm more would be accomplished in the effort to win the war from a voluntary labor force than from one which was coerced into making a contribution to the country.

Mr. President, I have been immensely gratified to see the confirmation of the prophecy which I made here recently: That if time were given to the Congress and the people of the country to consider the evils of this proposed legislation, there was no doubt what the reaction and what the response would be. Accordingly, instead of a Senate which on Saturday night would, probably by an overwhelming vote, have passed this legislation unimpaired, today we have a Senate which I believe will administer an overwhelming defeat to the proposal.

Mr. President, I wish to conclude by saying that I am very much encouraged about the vitality of democracy and the essentials of republican spirit which today are being expressed in the Congress and in the country. I am reminded of the dark time in the Constitutional Convention when old Benjamin Franklin arose and addressed his colleagues, saying, "Mr. President, for days and weeks I have sat here and looked out the window at the sun shining upon the back of the chair of the Presiding Officer"—none other than George Washington—"and there have been times when I doubted whether the sun was setting or rising. But now I know that that sun is rising and bringing to birth a new day in America."

Mr. President, I see in the Senate this afternoon, and in the country, that democracy is rising in our land, and that free institutions still live, and that democracy cannot be destroyed.

Mr. BARKLEY. I yield 10 minutes to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized to speak for 10 minutes.

Mr. HOEY. Mr. President, I have listened with a great deal of interest to the debate on the pending subject. I wish to commend especially the very magnificent speech which was made earlier in the day by the able Senator from Illinois [Mr. LUCAS]. I endorse most heartily his entire presentation.

Last Friday this country faced a real disaster. The President of the United States made a speech over the radio last Friday evening. He followed it on Saturday afternoon with an address to a joint session of the Congress. The House of Representatives, in response to his request, passed the pending bill by a very large majority. In doing so they represented the sentiment and the justice of the American people. They represented the thought of the American people, namely, that they were unwilling to allow any group or combination of groups to defy the authority of this Government and subject the Nation to disaster.

The Interstate Commerce Committee of the Senate considered the pending bill. I have the honor and the pleasure of being a member of that committee. In the discussion which was had with reference to the bill, the committee considered the bill section by section and reported it to the Senate. The only part of the bill with reference to which there was any controversy was the seventh section, which was adopted by a vote of 12 to 6.

Of course, the discussion in the committee was not very extensive because there was not much purpose in discussing the bill. The time called for action. Every member understood perfectly well what was provided by section 7.

Mr. President, I believe in individual liberty. I believe in the rights of the citizen. I believe that the rights of the citizen looms largest in a democracy, and that those rights should be preserved. However, I subscribe to the belief that whenever individual rights meet head on with the rights of the public as a whole, and with its security and welfare, those individual rights must give way. That is the situation with which we are faced at the present time.

Mr. President, what are the conditions which now confront the country. It is true that the railroad strike has been settled. I understand the coal strike has been or is about to be settled. However, those are only two strikes. Can the Senate halt in the discharge of its duty to provide for the President the means and facilities necessary to enable him to deal with future disasters as they arise? Shall we say that, because of what he has been able to accomplish through the threat to exercise the power which he already has in connection with the present controversy, we should disarm him and say that he should not have the power which he has requested in dealing with future disasters which may arise?

Mr. President, the pending measure would be but a temporary one. The President has asked that the measure be passed, and that a study be made of comprehensive legislation to be considered by the Congress next year. The effect of the pending measure, if enacted into law, would be only until July 1, 1947, and in the meantime legislation could be enacted of a permanent character and nature to deal with any emergency which might arise in the years to come.

Mr. President, I believe in giving the President of the United States the power which he has requested. I do not believe that such power would be exercised so as to invade the rights of citizens beyond the point necessary in order to protect and defend the country. We do not hesitate to go into the home of a citizen and take away a son, or a daughter, if need be, and send them into service or combat during the time of war, and compel them to fight in the defense of our country. All of us endorse such a course of action. On many occasions in the past both the Senate and the other House have jointly approved such authority. The war has been over for many months, but we still do not hesitate to draft men into the armed services of the country. We believe it to be necessary and essential. If I am willing to allow our Government to go into the homes of the citizens of this country and take boys from those homes and send them into the armed services of the Army and the Navy, I cannot refuse to allow my Government to walk up to the door of the labor union and require it to respond to its country's needs. I assert that it is the duty of every American citizen to be requisitioned for service in any capacity when the public security demands it.

Mr. President, I have heard a great deal of argument to the effect that we should not press persons into the armed services. I do not see anything particular offensive about doing that. If the pending measure shall be adopted we may never be compelled to put it into force. The very fact that the President was armed with the power and authority which the pending bill would give to

him, would in all probability render it unnecessary to exercise it.

During the war we said that it was not sufficient to get enough men, enough material, or enough resources into the proper channels in order to win the war, but that it was also necessary to have a surplus of them. The very fact that we add to the force already at the hands of the Government makes it possible for the Government, through the President, to win a war more speedily. I am unwilling to send the President of the United States against the common foes of this Nation during a period of crisis when he is only half armed. He has asked for two things which, I believe, are wholly warranted. He has asked for the power to take away from strikers their seniority rights and other privileges and benefits, which inure to them under the rules of their employment, when they strike against the Government. The other request is for power to draft strikers into the armed services during a period of national emergency. Should we strip the President of one-half his power and send him into a battle only partly armed and compel him to contend against powerful dictators? Shall we say to the President, "We will give you only one-half of the power which you need in order to battle successfully the enemies of the American people?"

Mr. President, has the time arrived when we must stand on the brink of chaos in our Nation and quibble over the question of giving to the President the power to compel strikers against the Government to work? Let us analyze the situation for a minute.

What would any Senator think if a city were on fire and the firemen of that city went out on strike? Would any Senator hesitate to say that those firemen should be commandeered and compelled to serve in their capacities as firemen, and fight the threatened destruction of the city? Would they call such service servitude? Should not those men be compelled to fight that fire whether they wished to strike or not? Would Senators let the city burn while arguing the question of whether the firemen should be compelled to work?

Allow me to give another illustration. If a riot took place within a city and its policemen went on strike, would any Senator hesitate to furnish adequate power and authority to the Government to enable it to compel those policemen to serve?

Mr. President, at the present time, when a national emergency has arisen and the entire Nation is threatened, every citizen is under the obligation to respond to the Commander in Chief of the Army and Navy. I shall not quibble over it. At the present time, when the President requires power to protect this Nation in the hour of its need, I shall not hesitate to vote to give him such power merely because, as some would assert, it might be used to invade the rights of the labor unions. I shall not be willing to have the ordinary citizen taken out of his home and placed in the armed services of this country, after the war is over, and at the same time be unwilling to compel men whose work is essential to the security of the Nation to return to their work.

Personally, I shall not turn my back upon one part of the President's program and be willing to approve another part of it. He needs the power and authority for which he has asked, or he would not have requested it of the Congress of the United States. The very possession of such power will reinforce his words with authority, and will serve to prevent persons from striking against the Nation's welfare and security. As I have already said, if the President is clothed with such power, it may never be necessary for him to exercise it.

Mr. President, I shall but briefly trespass further upon the time of the Senate. I wish to record my support of section 7, as well as the remainder of the bill. I propose to give to the President all the power for which he has asked. I believe that the House of Representatives responded to the desires of the people of America in a very commendable way. Notwithstanding the fact that the Members of the other House face the coming elections, they were willing to stand by the Nation in its hour of great need and risk their political future. I should not like to see the Senate do less. Any political exigencies which may be involved should not be considered. It is time for us to follow the leadership of our President. He is representing not only the working men and women of this country who are affiliated with labor unions but all the people of the Nation as well, and desires to preserve the country from disasters which may threaten it now and in the future.

The Congress cannot always be in session and be in position to respond immediately to a request of the President. It cannot always be at hand to arm the President with necessary power. We should now give to the President the authority which he has requested. I do not believe that we should refuse his request at this time of need. I do not believe in taking away, as I illustrated once before, one of his arms and compelling him to fight labor dictators who have such great sources of power as they now have. I believe that the President should be given sufficient power in order to deal adequately with any situation which may arise, such as the one which the country now faces.

Mr. President, the present period is one of crisis in America. I believe that our freedom and our liberty can be preserved only to the extent that we preserve our national integrity and sovereignty. The assertion of such sovereignty and power through the President is the only way by which we may preserve this country for the American people. Therefore, in the name of freedom, liberty, and justice, I join with the Senator from Illinois in his magnificent address, and will stand by the President in defying any enemies of this country, no matter whom they may be, or by whatever power they threaten the public welfare and security of the Nation.

Mr. BARKLEY. Mr. President, I yield 5 minutes to the Senator from Kansas [Mr. REED].

Mr. REED. Mr. President, it is with some hesitation that I speak today. It is only because an unpleasant note has crept in through the heat and pressure of debate.

I served 6 years in the Senate with Harry Truman when he was a Senator from Missouri and a member of the Committee on Interstate Commerce. On that committee we were associated in much important work, subcommittee work and committee work. Throughout all those years I found Mr. Truman to be a friendly, cordial, plain-spoken, and sincere man. I never was one of his intimates, but our relations always were cordial.

I sat in the House Chamber last Saturday about 20 feet from the President. I heard every word he uttered, I noted with interest every expression that passed across his face. To me he was a man bearing a tremendous responsibility and making a decision which required more courage than any decision by any man in public life within my easy recollection.

If there was anything artificial or counterfeit or play acting on the part of the President, I failed to observe it. Such demeanor was totally absent. Every expression, the tone of his voice, his appearance, every action, every movement, were those of a man bearing a great load of grave responsibility in a crisis in his country.

So I regret that, even in the heat of debate, there should have come, and especially from this side of the aisle, any question of the President's good faith or his sincerity. I have taken these few minutes today to express my belief that the President was honest, straightforward, sincere, and totally devoid of any intent to indulge in play acting. I regret such ungenerous criticism. I belong to the opposition party. I have freely criticized policies of the Truman administration. If occasion requires, I shall continue to do so. I have voted for legislation recently before the Senate which the President opposes. But I want my opposition and that of my party always to be within the bounds of fairness and courtesy.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes.

SETTLEMENT OF INDUSTRIAL DISPUTES AFFECTING THE NATIONAL ECONOMY

The Senate resumed consideration of the bill (H. R. 6578) to provide on a temporary basis during the present period of emergency, for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace.

Mr. TAFT. Mr. President, will the Senator from Kentucky yield to me a few minutes?

Mr. BARKLEY. How much time does the Senator desire?

Mr. TAFT. Five or 10 minutes.

Mr. BARKLEY. I yield the Senator from Ohio 10 minutes.

Mr. TAFT. I thank the Senator from Kentucky not only for this time, but for the 45 minutes additional of his time which he has already given me for the discussion on this side of the question.

Mr. President, I merely wanted to state my position very strenuously against the provisions of section 7. I hope on Friday to make a more extended talk giving the reasons for my opposition to the entire bill as it now stands, even if this section shall be eliminated, but I wish to say that it seems to me that section 7 goes further toward Hitlerism, Stalinism, and totalitarian government, than any provision I have ever seen proposed in any measure.

Not only does this provision grant the right to draft into the Army, but whoever drew the section did not show very carefully the exact status of those who were to be drafted, so he provided that any person who does not return to work within 24 hours shall be inducted into the Army of the United States—

> At such time, in such manner, * * * and on such terms and conditions as may be prescribed by the President, as being necessary in his judgment to provide for the emergency.

Apparently that would permit the President to suspend all statutes relating to the Army. He might suspend the pay statutes, he might suspend the allowance statutes, he might require men to serve for 10 cents a day, or for nothing. So far as I can see, that must be the meaning of those terms. So that obviously it could be used to impose involuntary servitude on those who were enlisted in the Army.

When we have heretofore drafted men into the Army, we have prescribed the terms, we have said what they shall receive in the way of pay and allowances, uniforms, and whatever other necessary perquisites may be connected with Army service. But in effect this would permit the President to establish a German concentration camp. He could draft these men into a concentration camp, without pay, and even without food, so far as the actual terms of the bill are concerned.

It may be said that, of course, the President would not do so. I do not think that is an answer. I do not think that excuses us from giving him the power to exercise that kind of complete domination over people who may be drafted into the Army.

Mr. President, it is not clear whether the purpose is to draft these men in order to put them to work, in order that they may work in a particular industry, or whether it is in part merely a punitive provision. Presumably, if persons refuse to work, they may be court-martialed and shot or imprisoned. Presumably, as I say, they may be shut up in concentration camps, because we make it absolutely subject to the arbitrary power of the President to treat them in any way he sees fit to treat them.

When we come to the end of the provision, where it says that it shall apply to any person who is employed, including officers and executives of the employer, I think someone with a punitive idea added, "and shall further apply to officials of the labor organizations representing the employees." Those men presumably would be of no value in working in a plant. Whether they are to be drafted purely as a punishment or whether they are to be drafted and then obliged to order the men to do something, so that the orders would be validated, I do not know exactly. I do not know the purpose, but certainly it makes it look as if one of the ideas behind the whole section was purely a punitive idea, and I do not think the Army should be used for that purpose.

Mr. TUNNELL. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. TUNNELL. I should like to ask the Senator where the labor union officials would be working?

Mr. TAFT. I do not know. The writer of this section would probably put them to work on K. P., or disposing of the garbage, perhaps.

Mr. TUNNELL. I mean before a man is inducted. Just what sort of work would he have to go back to, what would he have to refuse to do?

Mr. TAFT. I think the person who drew this section drafted it very badly. I am informed by reliable authority that the Department of Justice was not summoned to draw this bill until Friday evening. I think throughout it shows evidences of very hasty draftsmanship, and there is a question whether the provision we are discussing refers to officials of labor organizations representing employees, or whether it applies only to those who have been working for the company. But I think the man who wrote it intended that they should be drafted, whether they had been working for the company or not. I am not at all sure he carried out that particular purpose.

As to the officers and executives, if this really is an Army draft, there certainly seems no way in which we can pay a GI $25,000 a year, whatever the executives may receive. I presume they would have the ordinary pay of officers in the Army, which might be very much less than they had been drawing, although clearly they might not be to blame for the strike in any way whatever. Yet they also would be penalized by such a general procedure.

In short, Mr. President, even assuming that we wish to draft men under these circumstances, this clause is so badly drawn, it is drawn so much in a punitive spirit and with a punitive idea behind it, that I do not believe it carries out the proper purpose of the draft, even if a draft were a proper kind of procedure by which to undertake a solution of the strike problem.

All through the war we wholly refused to draft men for labor, even at the height of the war. I can see no emergency today that will not exist 12 months from now, or 24 months from now. I see no reason why we should provide anything now that we would not have in permanent legislation. Certainly the idea of drafting men into the Army against their will, taking them from their homes, is the most extreme form of punishment or servitude that can be used under the Constitution of the United States.

I think the Senator from Oregon [Mr. MORSE] has shown that this is an unconstitutional provision. We cannot draft men in time of peace, certainly unless there is a more clearly defined purpose than is stated in the section we are considering. I think it offends not only the Constitution, but every basic principle for which the American Republic was established.

Mr. BARKLEY. Mr. President, I yield 10 minutes to the Senator from Michigan [Mr. FERGUSON].

Mr. FERGUSON. Mr. President, I believe that on a question such as the one on which the Senate is called upon to vote today each Senator should express his opinion and give his reasons why he is going to vote for or against the motion to strike. I am not unmindful that my country today faces a very serious problem. The President of the United States has seen fit to come before Congress and make a certain request, and I am of the opinion that wherever it is possible, whenever we believe that we can properly follow and give to the President of the United States all the support he needs to enable him to enforce the law of the United States, we should go along with him, and if he needs new laws, that Congress should enact new laws. I believe, however, in this particular case that the bill was drafted hastily and without due consideration upon the part of the Executive. I believe section 7 was inserted in the bill without the careful consideration so essential before such a measure is presented to the Congress for action.

We find in this particular section a number of inconsistencies. Its first provision is that if a man fails to return to work or if he refuses to return to work in any industry or business which has been taken over by the United States, he shall be inducted into the Army of the United States. I realize that under the Constitution of the United States it is within the power of the Congress to create an army composed of any of its citizens that it may choose to select; and we find nothing in this section except a drafting provision for the creation of an army.

There is nothing in it which provides that men who quit or fail to report for work shall, when drafted into the Army, resume their particular occupations.

I am not convinced that the section is unconstitutional, because I believe it to be within the power of Congress to create an army composed of any of our citizens, but we ought to be extremely careful not to use as a reason for induction into the Army of the United States the mere fact that a man failed to work at a particular job. But that is exactly what we are doing by this section, Mr. President. The section is not clear, because it says that only those who fail or

refuse to work in the particular industry or business taken over shall be inducted into the Army. We find the further language in the section:

The foregoing provisions shall apply to any person who was employed—

And the word "was" should be emphasized—

who was employed in the affected plants, mines, or facilities at the date the United States took possession thereof, including officers and executives of the employer, and shall further apply to officials of the labor organizations representing the employees.

That would indicate that an executive of a labor organization who was not employed in the plant could not be inducted.

But why, Mr. President, was this provision placed in the section? Because those who put it in the section wanted it to appear upon the surface that labor leaders are to be drafted into the United States Army. Oh, yes; such a provision would cause a great cheer on the part of many persons throughout the country, because of the fact that the United States Senate had seen fit to put into the Army the labor leaders and those connected with management, but I want to say that for every one of those connected with management and every one of the labor leaders so inducted many, many other citizens would also be put into the Army of the United States.

Mr. President, I served for some time in the judiciary; I have never seen the time when I thought we should do away with the judiciary and abolish criminal law as a means of compelling people to abide by the laws of the United States but, instead, should sentence those who fail to abide by the law to induction into the Army of the United States. I have never felt that we should ever do away with the judiciary and abandon jury trials, as provided for in the Constitution, and substitute therefor martial law.

Mr. President, in time of war—and technically we are still in time of war—do we realize that the penalty for desertion may be death and that if one of the men who was inducted should desert from the Army, the penalty could be death?

I think sober reflection will bring the Congress back to the point where it will reassert its belief in the three divisions of government—the legislative, the judicial, and the executive, and that it will not undertake to abolish the judiciary as the means for the enforcement of law.

Congress enacted into law the Smith-Connally bill. In that law we provided that no labor leader shall, after the Government takes over a plant, induce any concerted action or even represent the employees. But what do we find? The minute a plant is taken over under that law we find representatives of labor in the office of the President, in the office of Mr. Krug, representing the men and negotiating for them, in violation of the law.

There is ample law upon the statute books. The courts are still open. We should make use of existing laws and of the courts before we induct men into the Army, and resort to martial law.

Mr. TOBEY. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. TOBEY. In connection with the remarks of the Senator from Michigan I desire to recall to his mind the great injunction, "but let there be no change by usurpation because it is a customary instrument by which free governments are so often destroyed." That applies to this case.

Mr. FERGUSON. I thank the Senator for his remarks.

Mr. BARKLEY. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator has 35 minutes.

Mr. BARKLEY. I shall not use all that time. I hope the Chair will call me if I use as much as 15 minutes of that 35.

The PRESIDING OFFICER. The Chair will oblige.

Mr. BARKLEY. Mr. President, I have no desire to detain the Senate for any length of time in regard to this section upon which we are, I presume, about to vote. I wish at the outset of what I have to say to announce that word has just come to me officially that the coal strike has been settled, and the papers settling it have been signed at the White House only shortly after 4 o'clock.

Mr. TOBEY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. TOBEY. I simply point out to the Senator that I hope that that is not also too previous advice, as was the advice given the other day. The Senator thinks the information he has given is authentic?

Mr. BARKLEY. Yes. I based my statement the other day upon a press dispatch which evidently was not quite accurate. This announcement is direct to me from the White House itself. Therefore it is not premature.

Mr. President, criticism has been made of this section and of the entire bill on the ground that it was drawn hastily. Of course it was. There is no point in denying that it was hastily drawn, because it had to be. There was not the time for careful deliberation which under ordinary circumstances would be given to the draftsmanship of a piece of important legislation.

As the President of the United States announced in his message of last Saturday, he had for months been doing everything within his power, by supervising the negotiations which were in progress not only in the railroad strike but in the coal strike, to bring about a settlement. He only went to the people over the radio Friday night as a last resort to take them into his confidence and advise them of the situation, and to announce that on the following day he would present the problem to Congress and ask definite legislation. In his address Friday night the President fixed 4 o'clock p. m. the next day as the deadline which, if reached without a settlement or a return to work by those who were striking on the railroads, he would attempt to operate the trains with the Army of the United States.

In all the hectic circumstances which headed up suddenly in an actual cessation of the operations of the trains, a condition which, if continued, might have involved the health and lives of our people and the destruction of millions of dollars worth of perishable property in the way of food, and nullified and paralyzed our effort to send food to starving people throughout the world, there was no other alternative except for the President to come before Congress and ask immediate legislation to deal with a situation which had suddenly come to a climax and called for this drastic action on the part of the President

I do not know, and I suppose nobody will know to what extent the President's address to the people on Friday evening, his address to the Congress on Saturday afternoon, his recommendation as embodied in the legislation before us, its prompt passage by the House of Representatives by an overwhelming majority of 306 to 13, influenced the striking railroad men to resume the operation of the trains, or influenced the settlement of the coal strike which has just been announced. Any statement as to what influence those events might have had upon those two situations would be pure speculation, and I do not desire to indulge in such speculation, except to say that in view of the settlement of the railroad strike and the coal strike, I think it may be said that the President's recommendation and his hasty action—if one chooses to call it hasty—the prompt action of the House, the prompt action of the Senate committee in reporting the pending legislation, and the prompt action of the Senate in taking it up for consideration, at least did not retard the negotiations which resulted in the settlement of these two difficult situations.

I shall not consume the time of the Senate in reciting my own attitude over a period of nearly 34 years as a Member of one or the other of the two Houses of Congress on matters involving the rights of labor. That record speaks for itself. It cannot be changed, and I would not change it in any particular if I were to deal with it specifically as the events arose under the circumstances and with the knowledge I had at the time I assumed the attitudes which I assumed in regard to labor legislation. If my attitude upon this particular bill and my vote upon this particular occasion shall operate to cancel out the record I have made for 34 years in the Congress of the United States on labor problems, so be it. If I had not the courage or the political fortitude to take the chance now upon the immediate situation which confronts us and confronts me, I should be willing and ready to take whatever the consequences are with respect thereto.

This section of the bill was not drawn by me. If I had drawn it I probably would have drawn it differently. If I had time to deliberate and work over it myself, I might even modify it. But that is neither here nor there. I am not seeking time to do that, because I felt that we ought to vote upon it today. I

obtained an agreement on the part of the Senate to vote at 5 o'clock, and I shall not attempt to interfere with that order of business.

I would not vote for a draft provision such as this, or any other that I can now think of, if it were to be operative as between employers and employees, so that it would draft men into the employment of any private enterprise under the guise of inducting them into the Army of the United States. That is not the problem which confronts me, and it is not the problem which confronts the United States Senate. We are not voting on such a proposition as that. We are not voting upon a proposal authorizing the President of the United States to induct men into the Army to work for any private employer, whether it be a railroad, a coal mine, or a steamship company.

Unsatisfactory as section 7 may be in its language, it is only temporary. It is intended only to meet the emergency which arose, with which we are all familiar. It expires June 30, 1947, unless it shall expire sooner by proclamation of the President or by concurrent resolution of the two Houses of Congress. It applies only to a situation which has become so grave, whose consequences may be so dire to the American people—140,000,000 men, women, and children—as to involve their livelihood, their ability to eat and drink at their tables. It involves the transportation of food to sustain their lives. It may involve the very life and opportunity of hundreds of thousands, or even millions, to work for a living while the tragic exigency is in existence.

These conditions justify the President in temporarily substituting the Government of the United States for the employer by taking over the plants or facilities so that the economic life and the health and well-being of the country may not be jeopardized or destroyed during the existence of the emergency.

We are called upon to vote whether under those circumstances, when the Government of the United States has become the employer under the direction and proclamation of the President, the Government of the United States and its proclamations and orders shall be superior to those of any other individual, no matter how high a rank he may enjoy either in employment on the side of the employer, or the employee—whether the word and the proclamations and directions of the Government of the United States shall be more or less powerful than those of some individual. That is the question upon which we are voting.

Does anyone doubt what the Congress would do if the postal employees of the United States should walk out on strike? Does anyone doubt what we would do under those conditions in making felt the power and authority of our Government, which is essential to the production of all of us, and which must be maintained in all its strength and purity in order that the rights of all of us may be protected and respected. Yet it may be infinitely less important to receive our mail day by day than to receive our food day by day.

That was the question involved last Friday night when the President addressed the people of the United States. It was the question involved on Saturday when he addressed the Congress. It was the question involved when the House passed the bill which is now before the Senate—whether, under these dire emergency conditions, it was necessary for the Government to exercise all its power, all its protective authority, to see to it that the authority of your government, my government, and the government of all the people should be superior to the authority of one man among the 140,000,000 who inhabit this country, whether that man be the head of a railroad brotherhood, a mine workers' organization, a shipping workers' organization, a steelworkers' organization, or an automobile workers' organization, or any other organization which may defy the Government of the United States under circumstances so dire and tragic as to involve the health, the life, and the well-being of 140,000,000 people.

When I am called upon to vote upon a proposition of that sort, when circumstances demand that the President shall substitute the Government as the employer for the private enterprise which has been taken over, I am not willing to say, by my vote, that any one man, however powerful he may be among any group or segment of our people, shall have more authority than the Government of the United States. That is what is involved in section 7, no matter how crudely or hastily it may have been drawn.

It is regrettable indeed, and deplorable, that any segment of our population, however much in good faith they may be in the assertion of their rights as between themselves and their habitual employers, should bring about a situation which should be allowed to become so dangerous as to require the President to exercise the authority which he already possesses to take possession of plants and facilities, whatever they may be, in the interest of the whole people.

The PRESIDING OFFICER. In response to the majority leader's request, the Chair advises him that 15 minutes have expired.

Mr. BARKLEY. I shall take 5 minutes more.

It is deplorable that such a situation should arise, that such a juncture should be created in the economic situation which faces our country.

Mr. President, we no longer live in a primitive land. We no longer live in an agricultural atmosphere, in which everyone can live to himself and be self-sustaining. Every city, every State, and every community vitally depends upon facilities for the production and distribution of the necessaries of life. We are an interdependent people. When the residents of New York, Philadelphia, Atlantic City, St. Louis, Chicago, or San Francisco are denied a vital supply which comes from somewhere else in the United States, and which may involve their health, their welfare, and their lives, that is a problem which faces the whole country. It is a problem which cannot be avoided or escaped by the only agency that can act effectively, namely, the Government of the United States.

Regrettable and deplorable as this may be, and as certainly as I would oppose such action if it were simply a question between the private employer and his employees, I am unwilling to vote in the Senate that this great Government of ours may not, under the Constitution, exercise the right of self-defense, not only for the people, but for the Government itself. Whenever the time comes that our Government becomes impotent and powerless and supine in dealing with the national problems which confront us in times of peace, we shall not have a Government which will be worth defending in the days of war.

Therefore, Mr. President, much as I regret the necessity for it and the occasion for it, I shall feel compelled to vote against the motion to eliminate section 7 from the pending measure.

Mr. President, how much do I have remaining?

The PRESIDING OFFICER. The Senator has 16½ minutes remaining.

Mr. BARKLEY. I yield 5 minutes to the Senator from Maryland [Mr. TYDINGS].

Mr. TYDINGS. Mr. President, it seems almost impossible to believe that this is the same country, today, which existed last Friday night. Last Friday night we were threatened with the complete paralysis of all the economic and industrial life of the Nation. At that time we felt a tenseness which now, fortunately, we do not feel, because the emergency which then existed has been resolved. The coal strike, which began prior to the railroad strike, likewise has now been resolved. The condition which confronted the country last Friday and Saturday, when the President of the United States spoke to the people and to the Congress, is not the situation which exists today.

If any one of the 96 Members of this body had been President of the United States last Friday night, when the industrial life of the Nation was threatened with prostration, when people all over the land were demanding action, and when action had to be taken for the maintenance of law and order and to preserve the sovereignty of the Government, if any one of the Members of this body had then been in the President's position I do not know whether he could have done otherwise than the President felt he was called upon to do. Quick, hasty, crude, if you please, though the remedy might have been, he was called upon to act in the great emergency which then confronted us. Today, as we look back over it, it does not seem to have been quite so dangerous as we thought it was on last Friday and Saturday.

I have been greatly impressed with the remarks just made by the distinguished majority leader, as I have been impressed with the remarks of the distinguished Senator from Colorado [Mr. MILLIKIN] and the distinguished Senator from Ohio [Mr. TAFT] on the other side. There clearly is a great conflict in the thought of today. But there was not much conflict in the thought of last Friday and

Saturday, because no sooner had the President of the United States acted than the House of Representatives, Democrats and Republicans alike, with almost unprecedented solidarity, by a vote of 306 to 13, supported the proposal of the President, because the need of that hour was for action, even though the action might not be perfectly poised or balanced or in complete accord with our traditions and our constitutional heritage.

But today the situation has changed, although in the near future we may have another crisis from some unforeseen quarter. Therefore, as we look at it today and as we consider the remarks of the majority leader, on the one hand, and the remarks of the distinguished Senators who have taken the opposition side, upon the other, all of which arguments are worth our most careful consideration and are worthy of the deepest weight, now that we have a breathing spell, now that we have a chance to examine the pending bill a little more carefully—an opportunity which the House of Representatives did not have the other day when it acted upon it—it seems to me that it would be the part of wisdom and the logical course for this great body, the greatest deliberative body in the world, to follow, to go slowly, not to strike down anything in toto, on the one hand, or to keep anything in toto, on the other hand, but with more deliberation to try to fashion a piece of legislation which, in the light of present circumstances, at 4:45 in the afternoon, after the coal strike has been settled, and after the railroad strike is behind us, will be worthy of our recollection in the light of past history, so recent in our minds, and of possible future history as it may unfold itself in the events of next week.

Therefore, Mr. President, with that thought in mind, may I appeal to the Senate, to those who oppose this measure, and to those who favor it, and to those who are in between, who favor a more modified approach to it, not to act this afternoon, inasmuch as the coal strike has been settled, but to deliberate further on this matter. The Senate, I understand, will be in recess tomorrow, which is Thursday, and we can return on Friday with a little less passion and a little less heat and a little more mature reflection, and see whether we can take this measure and fashion it into something which may be worthy of the Congress of the United States.

The PRESIDING OFFICER. The time of the Senator from Maryland has expired.

Mr. TYDINGS. Mr. President, I ask the Senator from Kentucky if he will grant me an additional minute or two.

Mr. BARKLEY. I yield to the Senator five more minutes, if he wishes me to do so.

Mr. TYDINGS. I thank the Senator.

Mr. President, I am thoroughly in sympathy with the remarks of the Senator from Colorado [Mr. MILLIKIN] and the Senator from Ohio [Mr. TAFT] about the drastic nature of this measure. I am likewise in sympathy with the position of the President last Friday night, and I find myself in sympathy with the position of the Senator from Kentucky [Mr. BARKLEY], all of which viewpoints more or less conflict. But there have been particular situations, particular facts, and particular circumstances which have molded our opinions as the minutes and hours have moved on during the last 3 or 4 days.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. TAFT. Is the Senator suggesting that we send the bill back to the committee, where this job could be properly done?

Mr. TYDINGS. Would the Senator favor that?

Mr. TAFT. I would vote for it. I do not wish to initiate it. If the majority leader favors having that done, I would say "Yes." I do not wish, however, to be placed in the position of trying to do that or of attempting to suppress this bill.

Mr. TYDINGS. Let me say to the Senator from Ohio that I have no plan, nor do I suggest a plan; but I say that we are not in a position to do the best thing and the most favorable thing if we tackle the job today at 5 o'clock in the afternoon.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. BARKLEY. I have commented upon the fact that the coal strike and the railroad strike have been settled. I have some justification for the hope that by Friday the maritime strike, which has been threatened and called, may also be resolved.

As I said a while ago, I brought about this unanimous-consent agreement, and I intend to carry it out. But if, in view of those possibilities, the Senate should see fit to postpone a vote until Friday, and if the maritime situation should become resolved by that time, I certainly would have no objection to having the bill go back to the committee for such further deliberation and consideration as the committee might see fit to give to it.

Mr. TYDINGS. Mr. President, in order to put the matter to a test——

Mr. TAFT. Mr. President, will the Senator yield to me for a moment?

Mr. TYDINGS. I yield.

Mr. TAFT. I understand that the majority leader's proposal to refer the bill back to the committee on Friday, however, is contingent upon the settlement of the maritime strike before that time. Is that correct?

Mr. BARKLEY. In a sense, yes. It is based on the hope that it will be settled by that time, and that we then may approach this subject in a situation of less acuteness than the one we now face.

Mr. TAFT. However, the martime strike is not to be called until the 15th of June, I understand.

Mr. BARKLEY. No. But strenuous efforts are in process to adjust it possibly by Friday. That is a hope which I entertain and which others who are in responsible positions share with me.

Mr. HAWKES. Mr. President, will the Senator from Maryland yield half a minute to me?

Mr. TYDINGS. My time is running out, but I will yield.

Mr. BARKLEY. I will yield to the Senator from Maryland whatever further time he needs.

Mr. TYDINGS. Very well; I yield to the Senator from New Jersey.

Mr. HAWKES. I simply wish to say that I think the Senator from Maryland is talking good common sense.

Mr. TYDINGS. I thank the Senator.

Mr. HAWKES. I am heartily in favor of everything he has said, because I am in the same situation. Perhaps some of us know how the coal strike has been settled, but I do not.

Mr. TYDINGS. Neither do I.

Mr. HAWKES. All I know is that it has been settled. In every business proposition I have ever been connected with in all my life, I have liked to know how it has been settled, before taking steps which may be diametrically opposed to what has been done. Therefore I am heartily in favor of the suggestions which the Senator from Maryland has been making.

Mr. TYDINGS. I may say to my colleagues that I shall never forget that on the night when the railroads had ceased operating because of a strike, the junior Senator from Indiana [Mr. CAPEHART] arose and addressed himself to the Senator from Florida [Mr. PEPPER] and to the Senator from Montana [Mr. MURRAY], who were then debating the matter and asked them what they would propose to do if the strike continued for a week. I remember their reply. I mention the occasion only to show how the situation has changed since last Friday, and to assert that we should not be too hasty about rushing this matter through at the present time when no major strike is under way. I am loath to believe that the Senate of the United States is willing to exercise quick judgment in connection with a measure which is wholly revolutionary in character. The pending bill was introduced last Saturday. It is now Wednesday and we are about to pass judgment upon it. We should now have time to weigh its provisions and consider them. Perhaps we will want to strike down the bill entirely; perhaps we will want to preserve a part of it; but, in heaven's name may I say that we are not equipped within the bare space of 72 hours to pass upon it, and it is not in such shape as it should be in order for the Senate to vote upon it. I do not like it in the form in which it is now written.

The PRESIDING OFFICER. The time of the Senator from Maryland has expired.

Mr. BARKLEY. I yield three more minutes to the Senator from Maryland.

Mr. TYDINGS. I thank the Senator.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. PEPPER. Is it the intention of the able Senator from Maryland to ask unanimous consent to recommit the bill to the committee?

Mr. TYDINGS. The Senator from Maryland would be glad to accept any of a number of proposals if he could ascertain what the Senate desires to do. He now wishes to find out, within the brief

time available to him, what is the temper of the Senate and, in any event, obtain a longer period of time in which to consider the pending bill.

Mr. PEPPER. Mr. President, if the Senator will yield further to me, I can only speak for myself, but I may say that if unanimous consent is requested, I would not object to it if the purpose of the request were to recommit the bill to the committee. If any other unanimous consent should be requested, which would avoid a vote, I would object.

Mr. BARKLEY. Mr. President, I believe that I intimated a moment ago—not that it necessarily carried any weight—that in view of the situation which impends with respect to the other matter which has not been settled, I would with great reluctance see the bill sent back to the committee today. Perhaps Friday that should take place. If it should be sent back to the committee, I would concur in such action. But I believe that it would be hasty at the present time to take such action, and, therefore, I hope that it will not be taken. If what has occurred has had any influence in the settlement of these other controversies, it might have some influence in the settlement of the controversy which has not as yet been settled.

Mr. TYDINGS. The Senator from Ohio [Mr. TAFT] has been very active in the debate. Would he consent to the postponement of the vote until next Friday at 4 o'clock?

Mr. TAFT. The answer is "No."

Mr. TYDINGS. Does the Senator have any suggestion as to how I should make a proposal which would meet with the approval of those who are now opposed to the measure?

Mr. TAFT. If the Senator wishes to move to have the bill recommitted to the committee, I shall not object, although there may be Senators who will.

Mr. TYDINGS. Would the Senator be in favor of a motion to recommit the bill with instructions to the committee to report it to the Senate by a specified time?

Mr. TAFT. No; because I believe the bill will require elaborate hearings being held with reference to it. The Senator has said that we should have plenty of time.

Mr. TYDINGS. I have only 1 minute left.

Mr. TAFT. I believe that we should consider thoroughly the question.

Mr. TYDINGS. I have remaining only 1 minute, unless the Senator from Kentucky will yield me one additional minute.

Mr. BARKLEY. I yield two more minutes. [Laughter.]

Mr. WHITE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WHITE. As I understand the parliamentary situation, we are now proceeding under a unanimous-consent agreement solemnly entered into that we should proceed to vote on the motion to strike out section 7 of the pending bill on or before 5 o'clock this evening. If a unanimous-consent agreement is worth anything in the Senate, I do not know how we can vacate the order unless unanimous consent is again sought and obtained. It seems to me that all this talk about motions is out of order.

Mr. TYDINGS. Mr. President, there is a great deal of force in what the distinguished minority leader has said, but I believe that what we are about to do is of far-reaching importance. Therefore, in order that I may present at least a cogent proposal to the Senate, I move that the Senate take a recess until 11 o'clock a. m. next Friday.

Mr. TAFT. I object.

Mr. MORSE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MORSE. I wish to ask if, under the unanimous-consent agreement to vote by 5 o'clock to strike section 7 from the bill, the motion of the Senator from Maryland is in order?

The PRESIDING OFFICER. Under rule XXII of the Senate rules, when a question is pending, a motion to recess is in order.

Mr. MORSE. Mr. President, I appeal from the decision of the Chair.

The PRESIDING OFFICER. The decision of the Chair has been appealed from. All those who are in favor——

Mr. MORSE. Mr. President, the appeal is debatable.

Mr. WHITE. Mr. President, do I understand that the Chair has ruled that the unanimous-consent agreement which was entered into by the Senate may be voided in the manner now being proposed?

The PRESIDING OFFICER. The Chair will read rule XXII:

> When a question is pending, no motion shall be received but—
>
> To adjourn.
>
> To adjourn to a day certain, or that when the Senate adjourn it shall be to a day certain.
>
> To take a recess.
>
> To proceed to the consideration of executive business.
>
> To lay on the table.
>
> To postpone indefinitely.
>
> To postpone to a day certain.
>
> To comment.
>
> To amend.
>
> Which several motions shall have precedence as they stand arranged; and the motions relating to adjournment, to take a recess, to proceed to the consideration of executive business, to lay on the table, shall be decided without debate.

Mr. WHITE. Mr. President, I submit that all the authorities with reference to that rule are subject to unanimous-consent arrangements when entered into by the Senate of the United States.

Mr. TOBEY. Absolutely.

Mr. BARKLEY. Mr. President, regardless of any one's feelings concerning the proposition, it is always in order to move to recess or to adjourn. There is no rule or decision of the Senate which denies to a Senator the right at any time, regardless of any unanimous-consent agreement which may have been previously entered into, or regardless of the adoption of cloture rules, or any other rule, to move to recess or to adjourn. Whether the Senate wishes to agree to such a motion is a matter for it to pass upon, but it certainly is in order to make the motion.

Mr. TAFT. Mr. President, a point of order. Did not the Senator from Maryland request unanimous consent to make a motion?

The PRESIDING OFFICER. The Senator did not.

Mr. TYDINGS. Mr. President, in my opinion the decision of the Chair is being overruled, because debate upon the ruling of the Chair is now proceeding. If there is opposition to the Chair's ruling, there is a procedure provided for, and I insist that the Chair's ruling be not further discussed.

Mr. MORSE. Mr. President, a parliamentary inquiry.

Mr. TAFT. Mr. President, I appeal from the decision of the Chair.

Mr. MORSE. A parliamentary inquiry.

Mr. TAFT. Mr. President, a point of order. Is the appeal not debatable?

The PRESIDING OFFICER. The Chair rules that it is not. All those in favor——

Mr. MORSE. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Oregon will state it.

Mr. MORSE. Does the Senator from Oregon have the right to suggest the absence of a quorum?

SEVERAL SENATORS. No.

The PRESIDING OFFICER. No.

Mr. VANDENBERG. Why not?

Mr. TOBEY. What rule prevents it? I ask for a ruling from the Chair.

Mr. TYDINGS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been called for.

Mr. TAFT. Mr. President, a point of order. Under what rule is an appeal from the decision of the Chair not debatable?

Mr. BARKLEY. Mr. President, in the interest of keeping the RECORD straight, I should like to say to the Chair that, in my opinion, a motion to appeal from the decision of the Chair is debatable. Of course, debate can be shut off by a motion to table.

Mr. MORSE. If it is not debatable, it is tyranny.

Mr. TYDINGS. Mr. President, I move to lay the appeal from the decision of the Chair on the table.

Mr. BARKLEY. It is in order at any time, if any business has intervened since a previous call for a quorum, to again suggest the absence of a quorum. I think, in the interest of maintaining the rules of the Senate, that rule should be observed.

Mr. LANGER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll, and Mr. AIKEN answered to his name when called.

Mr. WHERRY. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WHERRY. Is this a quorum call, or is it a vote on the appeal?

The PRESIDING OFFICER. This is a quorum call.

The legislative clerk resumed the calling of the roll, and Mr. ANDREWS answered to his name when called.

Mr. TOBEY. A parliamentary inquiry. How can we have a roll call now and take time that will contravene the unanimous-consent instruction of the Senate to vote at 5 o'clock, and it is now 30 seconds beyond that hour?

Mr. MAYBANK. Mr. President, I call for order.

The PRESIDING OFFICER. Senators will please take their seats, and the clerk will proceed with the roll call.

The legislative clerk resumed the calling of the roll and called through the name of Mr. BROOKS.

Mr. BREWSTER. I ask for order.

The PRESIDING OFFICER. Senators will please take their seats. Senators desiring to converse will retire to the cloakroom. The clerk cannot hear the responses.

The legislative clerk resumed and concluded the calling of the roll, and the following Senators answered to their names:

Aiken	Hart	Myers
Andrews	Hatch	O'Daniel
Austin	Hawkes	O'Mahoney
Ball	Hayden	Overton
Barkley	Hickenlooper	Pepper
Brewster	Hill	Radcliffe
Bridges	Hoey	Reed
Briggs	Huffman	Revercomb
Brooks	Johnson, Colo	Robertson
Buck	Johnston, S. C.	Russell
Bushfield	Kilgore	Saltonstall
Butler	Knowland	Shipstead
Byrd	La Follette	Smith
Capehart	Langer	Stewart
Capper	Lucas	Taft
Connally	McCarran	Thomas, Okla.
Cordon	McFarland	Tobey
Donnell	McKellar	Tunnell
Downey	McMahon	Tydings
Eastland	Magnuson	Vandenberg
Ellender	Maybank	Wagner
Ferguson	Mead	Walsh
Fulbright	Millikin	Wheeler
George	Mitchell	Wherry
Gerry	Moore	White
Green	Morse	Wiley
Guffey	Murdock	Willis
Gurney	Murray	

The PRESIDING OFFICER. Eighty-three Senators having answered to their names, a quorum is present.

Mr. TAFT. A point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. TAFT. The Senate is not in order.

The PRESIDING OFFICER. The Senator's point is well taken. Let there be order in the Senate.

Mr. TAFT. Mr. President, the hour of 5 o'clock having arrived, I ask that the vote ordered by the unanimous-consent agreement be taken at this time, a quorum being present and the Senate being in session.

The PRESIDING OFFICER. A unanimous-consent agreement having been reached, the roll will be called.

The legislative clerk proceeded to call the roll, and called the name of Mr. AIKEN.

Mr. AIKEN. May we have the question stated?

The PRESIDING OFFICER. The question is on striking section 7 from the bill.

Mr. LUCAS. Oh, no, Mr. President.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. TOBEY. A point of order. The roll was ordered called and the Senator from Vermont had answered. No interruptions may occur. His name was called and he voted "yea."

Mr. SHIPSTEAD. The Senate is in disorder. The roll call has been answered and the Senate must vote. Nothing can interfere with the vote.

The PRESIDING OFFICER. The Chair might say to the Senator that the yeas and nays were not ordered.

Mr. TOBEY. The Chair stated, "The clerk will call the roll." How could he do it without instructions from the Chair? The Chair said, "The clerk will call the roll," and the Senator from Vermont answered. That is history now. We cannot go back of that.

Mr. BARKLEY. Mr. President, let us see if we can come to an understanding about what it is we are voting on. Under the unanimous-consent agreement we were to vote at 5 o'clock on the question of striking out section 7. Prior to the arrival of that hour, an appeal was taken by the Senator from Ohio from the ruling of the Chair. The parliamentary inquiry is this, does the unanimous-consent agreement previously entered into, to vote on the motion to strike out section 7 from the bill, take precedence over the appeal of the Senator from Ohio from a ruling of the Chair made prior to the arrival of 5 o'clock? It seems we should know what we are voting upon, whether on the appeal of the Senator from Ohio, or upon the question of striking out section 7.

Mr. TOBEY. Will the Senator yield to me?

Mr. BARKLEY. I yield.

Mr. TOBEY. As I read the history of the last 5 minutes, what happened was that the present occupant of the chair ordered the roll to be called, and the name of the Senator from Vermont was called and he answered "yea." But first he said, "What are we voting on?" And the Chair said, "We are voting to strike section 7 out of the bill."

Mr. BARKLEY. I understand that, but it is not in the interest of order or intelligent voting for Senators to vote either "yea" or "nay" and then ask what it is we are voting on.

Mr. TOBEY. The Senator did not do that. He asked first what we were voting on, and got instructions, and then he voted.

Mr. VANDENBERG. Regular order.

Mr. WHEELER. Mr. President, the Senate is out of order. An appeal was taken. The Senator from Ohio [Mr. TAFT] took an appeal, and that is what we are voting on. That can be debated, but it has to be debated in order.

Mr. PEPPER. Mr. President, I ask unanimous consent to make a unanimous-consent request, and that request is——

Mr. BARKLEY. The Senator had better get his consent first.

Mr. PEPPER. I wish to state the request. I ask unanimous consent to be permitted to state what the request is.

The PRESIDING OFFICER. Is there objection?

Mr. WHITE. Mr. President——

Mr. PEPPER. I want to ask that the matter be postponed until——

Mr. WHITE. I object.

The PRESIDING OFFICER. Objection is heard. The Chair is advised by the Parliamentarian that the unanimous-consent agreement to vote at 5 o'clock takes precedence. The hour of 5 o'clock having arrived—it is now 7 minutes thereafter—the yeas and nays having been ordered, the clerk will call the roll.

The legislative clerk proceeded to call the roll, and called the name of Mr. AIKEN, who voted "yea" when his name was called.

Mr. LUCAS. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. LUCAS. Irrespective of the ruling of the Chair, we have before us two very peculiar propositions. I thought we were going to vote on the appeal from the decision of the Chair. I think the Senator from Montana is absolutely correct, notwithstanding the great respect I have for the opinions of the Parliamentarian. I appeal from the decision of the Chair.

Mr. WHERRY. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WHERRY. Does not the unanimous-consent agreement take precedence over any other business at this time?

The PRESIDING OFFICER. The Chair so rules. The Senator from Illinois has appealed from the ruling of the Chair.

Mr. LUCAS. I call for the yeas and nays.

Mr. MORSE. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MORSE. I wish to ask the Chair if the RECORD does not at this moment disclose that after the Chair's ruling that the unanimous-consent agreement takes precedence over any other business, he ordered the clerk to call the roll, and the clerk called the name of the Senator from Vermont before the Senator from Illinois was recognized.

The PRESIDING OFFICER. The Chair will say that at the time the name of the Senator from Vermont was called the yeas and nays had not been ordered.

Mr. RUSSELL. I make the point of order that the yeas and nays have not yet been ordered.

The PRESIDING OFFICER. The Senator from Illinois appealed from the ruling of the Chair.

Mr. PEPPER. Mr. President——

The PRESIDING OFFICER. The Senator from Florida.

Mr. PEPPER. The Chair announced, before the Senator from Illinois gained the floor, that the parliamentary inquiry that had been made to him was answered to the effect that the unanimous-consent agreement took precedence over an appeal from the decision of the Chair previously made. Therefore, Mr. President, I make the point of order that it would be out of order and inconsistent with the ruling of the Chair to allow a subsequent appeal from a decision of the Chair to take precedence over the unanimous-consent agreement.

The PRESIDING OFFICER. The Chair will say to the Senator from Florida that any Member of the Senate has a

right to appeal from any ruling of the Chair at any time.

Mr. PEPPER. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PEPPER. In a previous situation where a contest arose, as stated by the Senator from Kentucky, as to which should take precedence, the unanimous-consent agreement, or an appeal from the decision of the Chair which had already been taken, the Chair ruled that the unanimous-consent agreement would take precedence over the appeal from the decision of the Chair, the hour of 5 o'clock having passed. I state that because, if I can get the floor and be permitted to do so, in order that we may have a chance to work this matter out, I shall submit a unanimous-consent request that the unanimous agreement to vote on the striking out of section 7 be postponed to the convening of the Senate on Friday next.

SEVERAL SENATORS. No! No!

Mr. WHITE. Mr. President, if that is a unanimous consent request, I object.

Mr. BREWSTER. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BREWSTER. It was my understanding that the Presiding Officer did state, preceding the second call of the roll, before the Senator from Vermont answered "yea" the second time, that having ruled that the unanimous-consent request took precedence, he ordered the roll called. The yeas and nays had been called for, and the Chair said, "The clerk will call the roll," and the Senator from Vermont answered "yea" when his named was called. If that is a correct statement of the record, it would seem to me to conclude the question, and may we have the record read?

Mr. LUCAS. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LUCAS. Am I correct in my understanding that an appeal from the decision of the Chair is not debatable?

The PRESIDING OFFICER. It is debatable.

Mr. TYDINGS. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TYDINGS. Mr. President, I should like to propound a parliamentary inquiry to the Chair. First, I would say that in the event a unanimous-consent agreement is arrived at to vote at a certain hour on a certain day, a motion to recess or a motion to adjourn is always in order, because the unanimous-consent agreement might set an hour or a day a week or 2 weeks away, and obviously the Senate would not have to stay in session for two full weeks until the time when it would vote. I therefore, in view of that fact, ask the Chair whether a motion to adjourn or to recess, either one, is now in order?

The PRESIDING OFFICER. The Chair would think not, in view of the fact that the Senate had an agreement to vote at 5 o'clock today.

Mr. TYDINGS. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. TYDINGS. The hour of 5 o'clock is not now on the face of the clock, because it is 13 minutes after 5. Therefore, I am not setting aside any order of the Senate previously entered into, and I make a motion that the Senate now recess until 12 o'clock noon next Friday.

Mr. TAFT. Mr. President, do I understand that the appeal of the Senator from Illinois is debatable?

The PRESIDING OFFICER. It is debatable.

Mr. TAFT. I think we might as well go directly to that question. It seems to me that one of the basic means by which we conduct business in the Senate, one of the things which overcomes and to some extent justifies the unlimited-debate rule, is the unanimous-consent agreement. We largely work on unanimous-consent agreements. If unanimous-consent agreements are not going to be carried out, then we have destroyed one of the most necessary measures by which the Senate operates its business. It seems to me that, obviously, since the hour of 5 o'clock has arrived, the unanimous-consent agreement cannot be set aside by a number of motions which happen to be pending at the time; otherwise no unanimous-consent agreement would ever mean anything. Therefore, so far as the motion of the Senator from Maryland is concerned, it seems to me that the ruling of the Chair is obviously correct.

Mr. BARKLEY. Mr. President, will the Senator yield to me?

Mr. TAFT. I yield to the Senator from Kentucky.

Mr. BARKLEY. It is more important that we keep straight the record of our rules for future guidance than that somebody gain a point here this afternoon either for or against this proposition. Frequently we arrive at unanimous-consent agreements to vote at a certain hour. I would say that 9 times out of 10, when that hour arrives, some Senator makes a point of no quorum, and the roll is called to obtain a quorum, and thereafter we proceed to vote, not at 5 as the agreement provides, but when we have a quorum ascertained by the call of the roll, and that may be 5 or 10 minutes after 5 o'clock, or 4 o'clock, or 3 o'clock, whatever the time may be.

I think it is unfortunate and deplorable that we are called upon here to act in this confusion and haste, and in view of what seems to be more temper than ought to be exhibited in a great deliberative body, and especially the most deliberative and the greatest deliberative body. But I brought about this unanimous-consent agreement. I asked for it. I obtained it. And if it is necessary, in spite of the disadvantages under which we must vote upon it, I shall stand by the agreement which I obtained from the Senate, and vote, whether we get to it at 5:15 or 5:30. I do not believe we can afford to take advantage of any technical situation that may throw us beyond 5 o'clock in order to avoid a vote. Much as I regret that we should be required to vote under those circumstances, I feel compelled in good faith to stand by that agreement.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. TYDINGS. In order to clear up any confusion, which I regret as following in the wake of the first motion to recess, which I thought was in order, I withdraw the motion so there will be nothing standing before the unanimous-consent arrangement.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. TAFT. I yield to the Senator from Maine.

Mr. WHITE. What the Senator from Kentucky has just said still further raises him in my estimation, which has always been high. I have not been in the Senate as long as has the Senator from Kentucky, but I have served in the other body and in this body for almost 30 years, and this is the first instance within my knowledge when there has been an organized and a persistent, flagrant effort to disregard and avoid the effect of a unanimous-consent agreement solemnly entered into by the Senate. I think it vastly more important that unanimous-consent agreements of this body shall have sanctity and shall be respected by all the Members of this body, than what we do with this particular amendment at this particular time.

I am proud of the Senator from Kentucky for the attitude he has just taken.

Mr. TAFT. Let us vote, then.

NUMEROUS SENATORS. Vote! Vote! Vote!

Mr. SHIPSTEAD. Mr. President, will the Senator from Ohio yield?

Mr. LUCAS. I call for the regular order.

Mr. TAFT. I have the floor, I believe.

The PRESIDING OFFICER. The Senator from Ohio has the floor.

Mr. TAFT. I yield to the Senator from Minnesota for a question.

Mr. RUSSELL. Mr. President, who is insisting upon this delay in voting under the unanimous-consent agreement?

Mr. SHIPSTEAD. I wish to pay my compliments to the Senator from Kentucky for his integrity in upholding the sanctity of unanimous-consent agreements entered into by the Senate. Unanimous-consent agreements are solemn agreements entered into by Members of the Senate, and should be respected as such.

Mr. LUCAS. I demand the regular order.

Mr. SHIPSTEAD. They should be kept in good faith. I compliment the Senator from Kentucky on his attitude.

The PRESIDING OFFICER. The regular order has been asked for.

Mr. TAFT. I wish to debate the appeal.

The PRESIDING OFFICER. The Chair asks the Senator: For what purpose does he wish to debate?

Mr. TAFT. I wish to debate the appeal. Do I understand that the Senator

from Illinois has appealed from the decision of the Chair that the unanimous-consent agreement supersedes the earlier motion to recess? Is that the question?

Mr. TYDINGS. Mr. President, I have withdrawn the motion to recess, and there is nothing before the Senate except the unanimous-consent agreement. Those who insist upon the unanimous-consent agreement being carried out now will not let it come to a vote.

Mr. MORSE and several other Senators asked for the yeas and nays, and the yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion of the Senator from New York [Mr. WAGNER] to strike out section 7 of the bill. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BRIDGES (when his name was called). I have a general pair with the Senator from Utah [Mr. THOMAS], who is detained on public business. I understand that if present he would vote as I am about to vote, so I am at liberty to vote. I vote "yea."

Mr. BUTLER (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD], who is absent from the Senate because of illness. Not knowing how he would vote, I transfer my pair to the junior Senator from North Dakota [Mr. YOUNG], which leaves me free to vote. I vote "yea." If present, the junior Senator from North Dakota would vote "yea."

The roll call was concluded.

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Alabama [Mr. BANKHEAD] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], the Senators from Idaho [Mr. GOSSETT and Mr. TAYLOR], and the Senator from Arkansas [Mr. MCCLELLAN] are absent by leave of the Senate.

The Senator from New Mexico [Mr. CHAVEZ] and the Senator from Utah [Mr. THOMAS] are detained on public business.

I announce further that on this question the Senator from North Carolina [Mr. BAILEY] is paired with the Senator from Idaho [Mr. TAYLOR]. If present and voting, the Senator from North Carolina [Mr. BAILEY] would vote "nay" and the Senator from Idaho [Mr. TAYLOR] would vote "yea."

Mr. WHERRY. I announce that the Senator from Kentucky [Mr. STANFILL] and the Senator from Iowa [Mr. WILSON] are unavoidably absent.

The result was announced—yeas 70, nays 13, as follows:

YEAS—70

Aiken	Gerry	McCarran
Austin	Green	McFarland
Ball	Guffey	McKellar
Brewster	Gurney	McMahon
Bridges	Hart	Magnuson
Briggs	Hawkes	Mead
Brooks	Hayden	Millikin
Buck	Hickenlooper	Mitchell
Bushfield	Hill	Moore
Butler	Huffman	Morse
Capehart	Johnson, Colo.	Murdock
Capper	Johnston, S. C.	Murray
Cordon	Kilgore	Myers
Donnell	Knowland	O'Daniel
Downey	La Follette	O'Mahoney
Ferguson	Langer	Pepper
Radcliffe	Stewart	Walsh
Reed	Taft	Wheeler
Revercomb	Thomas, Okla.	Wherry
Robertson	Tobey	White
Russell	Tunnell	Wiley
Saltonstall	Tydings	Willis
Shipstead	Vandenberg	
Smith	Wagner	

NAYS—13

Andrews	Ellender	Lucas
Barkley	Fulbright	Maybank
Byrd	George	Overton
Connally	Hatch	
Eastland	Hoey	

NOT VOTING—12

Bailey	Chavez	Taylor
Bankhead	Gossett	Thomas, Utah
Bilbo	McClellan	Wilson
Carville	Stanfill	Young

So Mr. WAGNER's motion to strike out section 7 was agreed to.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. MCMAHON in the chair) laid before the Senate messages from the President of the United States submitting nominations and two protocols, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORT OF A COMMITTEE

The following favorable report of a nomination was submitted:

Mr. CONNALLY, from the Committee on Foreign Relations:

Sundry persons to be foreign service officers, unclassified, vice consuls of career, and secretaries in the diplomatic service.

INTERNATIONAL SANITARY CONVENTIONS—REMOVAL OF INJUNCTION OF SECRECY FROM PROTOCOLS

Mr. CONNALLY. Mr. President, I ask unanimous consent that the injunction of secrecy be removed from Executive D, Seventy-ninth Congress, second session, a protocol to prolong the International Sanitary Convention, 1944, modifying the International Sanitary Convention of June 21, 1926, signed at Washington on behalf of the United States on April 30, 1946, and Executive E, Seventy-ninth Congress, second session, a protocol to prolong the International Sanitary Convention for Aerial Navigation, 1944, modifying the International Sanitary Convention for Aerial Navigation of April 12, 1933, signed at Washington on behalf of the United States on April 30, 1946.

Mr. REVERCOMB. Mr. President, what is the request?

Mr. CONNALLY. The request is to remove the ban of secrecy, so that newspapers may obtain copies.

Mr. REVERCOMB. As I understand, it would not place the treaties on the calendar.

Mr. CONNALLY. No. The protocols would remain with the committee, in the regular way.

The PRESIDING OFFICER. Without objection, the injunction of secrecy will be removed from the protocols and they will be published in the RECORD.

The protocols, with accompanying papers, are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a certified copy of each of the following two protocols:

Executive D, Seventy-ninth Congress, second session, a protocol to prolong the International Sanitary Convention, 1944, modifying the International Sanitary Convention of June 21, 1926, signed at Washington on behalf of the United States of America on April 30, 1946.

Executive E, Seventy-ninth Congress, second session, a protocol to prolong the International Sanitary Convention for Aerial Navigation, 1944, modifying the International Sanitary Convention for Aerial Navigation of April 12, 1933, signed at Washington on behalf of the United States of America on April 30, 1946.

These protocols were open for signature at Washington from April 23, 1946, to May 1, 1946, and were signed on behalf of the United States of America on April 30, 1946, with the reservation, "Subject to ratification."

I transmit also for the information of the Senate a report regarding the two protocols made to me by the Secretary of State, and an accompanying memorandum.

HARRY S. TRUMAN.

THE WHITE HOUSE, *May 29, 1946.*

(Enclosures: 1. Report of the Secretary of State; 2. Certified copy of the protocol to prolong the International Sanitary Convention, 1944; 3. Certified copy of the protocol to prolong the International Sanitary Convention for Aerial Navigation, 1944; 4. Memorandum setting forth the reservations with which Australia acceded to the 1944 Sanitary Conventions.)

DEPARTMENT OF STATE,
Washington, May 28, 1946.

The PRESIDENT,
The White House:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to their transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a certified copy of each of the following two protocols:

(1) Protocol to prolong the International Sanitary Convention, 1944, Modifying the International Sanitary Convention of June 21, 1926;

(2) Protocol to prolong the International Sanitary Convention for Aerial Navigation, 1944, modifying the International Sanitary Convention for Aerial Navigation of April 12, 1933.

These protocols were open for signature in the English and French languages at Washington from April 23, 1946, to May 1, 1946. Both protocols were signed on behalf of New Zealand on April 23, 1946; on behalf of Belgium on April 24, 1946; on behalf of Canada on April 25, 1946; on behalf of Nicaragua on April 26, 1946; on behalf of the United Kingdom of Great Britain and Northern Ireland on April 29, 1946; and on behalf of the United States of America, Australia, China, Ecuador, France, Greece, Haiti, and Luxembourg on April 30, 1946.

Reservations requiring ratification of each of the two protocols were made on behalf of the United States of America, Belgium, and Ecuador. Both protocols were signed on behalf of Australia, "Subject to the reservations with which Australia acceded to the 1944 convention to which this protocol relates." Those reservations are set forth in a memorandum which accompanies this report.

Each of the protocols remains open for accession by any government which is a party to the 1944 convention to which it relates and is not a signatory to that protocol.

The purpose of the protocols is to continue in force the International Sanitary Convention, 1944, modifying the International Sanitary Convention of June 21, 1926, and the International Sanitary Convention for Aerial Navigation, 1944, modifying the International Sanitary Convention for Aerial Navigation of April 12, 1933. These conventions came into force on January 15, 1945, and, by their terms, will expire on July 15, 1946. Information on their background and purposes is set forth in detail in the report of March 10, 1945, by the Acting Secretary of State to the President (Senate Executive B and C, 79th Cong., 1st sess.).

Advice and consent to ratification of the 1944 conventions was given by the Senate on May 21, 1945. The conventions were ratified by the President of the United States on May 29, 1945, and the instruments of ratification by the United States deposited on May 29, 1945.

The protocols will continue the 1944 conventions without modification except for the limitation provided for in article II of both protocols. Particular attention is invited to the fact that the United Nations Relief and Rehabilitation Administration (UNRRA) will continue to perform the duties and functions assigned to it by the 1944 conventions, but only until such time as a new international health organization is established. In the event a new international health organization has not been formed, or, having been formed, is unable to perform the above duties and functions by the date UNRRA terminates its activities, the duties and functions are to be entrusted to the Office International d'Hygiène Publique.

Unless the 1944 conventions are prolonged, concerted action on an international scale against epidemic diseases after July 15, 1946, will again be based upon the three older conventions relating to quarantine and the exchange of epidemiological information; namely, the International Sanitary Convention of June 21, 1926, the International Sanitary Convention for Aerial Navigation of April 12, 1933 and the Pan-American Sanitary Convention of November 14, 1924.

The technical provisions of the first two of these three conventions are obsolete in many respects and the third convention is restricted in its application to the American Republics. It is considered essential, therefore, to continue in force the technical provisions of the 1944 conventions which supplement those of the 1926 and 1933 conventions. It is desirable to continue in force, also, the provisions of the 1944 conventions which require notification of epidemic diseases which are not covered by the earlier conventions.

Respectfully submitted

JAMES F. BYRNES.

PROPOSAL TO PROLONG THE INTERNATIONAL SANITARY CONVENTION, 1944, MODIFYING THE INTERNATIONAL SANITARY CONVENTION OF JUNE 21, 1926

The Governments signatory to the present Protocol,

Considering that, unless prolonged in force by action taken for that purpose by the interested Governments the International Sanitary Convention, 1944, Modifying the International Sanitary Convention of June 21, 1926, will expire on July 15, 1946, the expiration of 18 months from the date on which the said 1944 Convention entered into force; and

Considering that it is desirable that the said 1944 Convention shall be prolonged in force after July 15, 1946, between the Governments parties thereto;

Have appointed their respective Plenipotentiaries who, having deposited their full powers, found in good and proper form, have agreed as follows:

ARTICLE I

Subject to the limitation provided for in article II of the present Protocol, the International Sanitary Convention, 1944, Modifying the International Sanitary Convention of June 21, 1926, shall be prolonged in force on and after July 15, 1946, in respect of each of the Governments parties to the present Protocol, until the date on which such Government shall become bound by a further Convention amending or superseding the said 1944 Convention and the said 1926 Convention.

ARTICLE II

The United Nations Relief and Rehabilitation Administration (hereinafter referred to as UNRRA) shall continue to perform the duties and functions assigned to it by the said 1944 Convention, as prolonged by the present Protocol, until such time as a new International Health Organization shall be established, at which time such duties and functions shall be transferred to and shall be assumed by such new International Health Organization, provided that if the new International Health Organization has not been formed or, having been formed, is unable to perform the above duties and functions by the date on which UNRRA, owing to the termination of its activities in Europe or for any other reason, ceases to be able to perform them, those duties and functions shall be entrusted to the Office International d'Hygiene Publique and the countries signatory to this Protocol will, in that event, make appropriate financial provisions so as to enable the Office to perform those duties and functions.

ARTICLE III

The present Protocol shall remain open for signature until May 1, 1946.

ARTICLE IV

The present Protocol shall come into force when it has been signed without reservation in regard to ratification, or instruments of ratification have been deposited or notifications of accession have been received on behalf of at least ten governments. The present Protocol shall come into force in respect of each of the other signatory Governments on the date of signature on its behalf, unless such signature is made with a reservation in regard to ratification, in which event the present Protocol shall come into force in respect of such Government on the date of the deposit of its instrument of ratification.

ARTICLE V

After May 1, 1946, the present Protocol shall be open to accession by any Government which is a party to the 1944 Convention and is not a signatory to the present Protocol. Each accession shall be notified in writing to the Government of the United States of America.

Accessions notified on or before the date on which the present Protocol enters into force shall be effective as of that date. Accessions notified after the date of the entry into force of the present Protocol shall become effective in respect of each Government upon the date of the receipt of that Government's notification of accession.

In witness whereof, the undersigned Plenipotentiaries sign, the present Protocol, on the date indicated opposite their respective signatures, in the English and French languages, both texts being equally authentic, in a single original which shall be deposited in the archives of the Government of the United States of America and of which certified copies shall be furnished by the Government of the United States of America to each of the signatory and acceding Governments and to each of the Governments parties to the said 1944 Convention or the said 1926 Convention.

Done at Washington this twenty-third day of April 1946.

For New Zealand: C. A. Berendsen, April 23, 1946.

For Belgium (sous réserve de ratification): Silvercruys, April 24, 1946.

For Canada: Lester B. Pearson, April 25, 1946.

For Nicaragua: Alberto Sevilla Sacasa, April 26, 1946.

For the United Kingdom of Great Britain and Northern Ireland: Halifax, April 29, 1946.

For the United States of America (subject to ratification): Dean Acheson, April 30, 1946.

For Greece: P. Economou-Gouras, April 30, 1946.

For China: Wei Tao-Ming, April 30, 1946.

For Luxembourg: Hugues le Gallais, April 30, 1946.

For Ecuador (subject to ratification): L. N. Ponce, April 30, 1946.

For Australia (subject to the reservations with which Australia acceded to the 1944 Convention to which this Protocol relates): J. B. Brigden, April 30, 1946.

For Haiti: Dantès Bellegarde, April 30, 1946.

For France: H. Bonnet, April 30, 1946.

I certify that the foregoing is a true copy of the Protocol to Prolong the International Sanitary Convention, 1944 Modifying the International Sanitary Convention of June 21, 1926, which was open for signature in the English and French languages at Washington, D. C., from April 23, 1946 until May 1, 1946, the signed original of which is deposited in the archives of the Government of the United States of America.

In testimony whereof, I, Dean Acheson, Acting Secretary of State of the United States of America, have hereunto caused the seal of the Department of State to be affixed and my name subscribed by the Acting Authentication Officer of the said Department, at the City of Washington, in the District of Columbia, this sixth day of May 1946.

[SEAL] DEAN ACHESON,
Acting Secretary of State.
By EDRIE C. WAY,
Acting Authentication Officer, Department of State.

PROTOCOL TO PROLONG THE INTERNATIONAL SANITARY CONVENTION FOR AERIAL NAVIGATION, 1944, MODIFYING THE INTERNATIONAL SANITARY CONVENTION FOR AERIAL NAVIGATION OF APRIL 12, 1933

The Governments signatory to the present Protocol,

Considering that, unless prolonged in force by action taken for that purpose by the interested Governments, the International Sanitary Convention for Aerial Navigation, 1944, Modifying the International Sanitary Convention for Aerial Navigation of April 12, 1933, will expire on July 15, 1946, the expiration of eighteen months from the date on which the said 1944 Convention entered into force; and

Considering that it is desirable that the said 1944 Convention shall be prolonged in force after July 15, 1946, between the Governments parties thereto;

Have appointed their respective Plenipotentiaries who, having deposited their full powers, found in good and proper form, have agreed as follows:

ARTICLE I

Subject to the limitation provided for in Article II of the present Protocol, the International Sanitary Convention for Aerial Navigation, 1944, Modifying the International Sanitary Convention for Aerial Navigation of April 12, 1933, shall be prolonged in force on and after July 15, 1946, in respect of each of the Governments parties to the present Protocol, until the date on which such Government shall become bound by a further Convention amending or superseding the said

1944 Convention and the said 1933 Convention.

ARTICLE II

The United Nations Relief and Rehabilitation Administration (hereinafter referred to as UNRRA) shall continue to perform the duties and functions assigned to it by the said 1944 Convention, as prolonged by the present Protocol, until such time as a new International Health Organization shall be established, at which time such duties and functions shall be transferred to and shall be assumed by such new International Health Organization, provided that if the new International Health Organization has not been formed or, having been formed, is unable to perform the above duties and functions by the date on which UNRRA, owing to the termination of its activities in Europe or for any other reason, ceases to be able to perform them, those duties and functions shall be entrusted to the Office International d'Hygiene Publique and the countries signatory to this Protocol will, in that event, make appropriate financial provisions so as to enable the Office to perform those duties and functions.

ARTICLE III

The present Protocol shall remain open for signature until May 1, 1946.

ARTICLE IV

The present Protocol shall come into force when it has been signed without reservation in regard to ratification, or instruments of ratification have been deposited or notifications of accession have been received on behalf of at least ten Governments. The present Protocol shall come into force in respect of each of the other signatory Governments on the date of signature on its behalf, unless such signature is made with a reservation in regard to ratification, in which event the present Protocol shall come into force in respect of such Government on the date of the deposit of its instrument of ratification.

ARTICLE V

After May 1, 1946, the present Protocol shall be open to accession by any Government which is a party to the 1944 Convention and is not a signatory to the present Protocol. Each accession shall be notified in writing to the Government of the United States of America.

Accessions notified on or before the date on which the present Protocol enters into force shall be effective as of that date. Accessions notified after the date of the entry into force of the present Protocol shall become effective in respect of each Government upon the date of the receipt of that Government's notification of accession.

In witness whereof, the undersigned Plenipotentiaries sign the present Protocol, on the date indicated opposite their respective signatures, in the English and French languages, both texts being equally authentic, in a single original which shall be deposited in the archives of the Government of the United States of America and of which certified copies shall be furnished by the Government of the United States of America to each of the signatory and acceding Governments and to each of the Governments parties to the said 1944 Convention or the said 1933 Convention.

Done at Washington this twenty-third day of April 1946.

For New Zealand: C. A. Berendsen, April 23, 1946.

For Belgium (sous réserve de ratification): Silvercruys, April 24, 1946.

For Canada: Lester B. Pearson, April 25, 1946.

For Nicaragua: Alberto Sevilla Sacasa, April 26, 1946.

For the United Kingdom of Great Britain and Northern Ireland: Halifax, April 29, 1946.

For the United States of America (subject to ratification): Dean Acheson, April 30, 1946.

For Greece: P. Economou-Gouras, April 30, 1946.

For China: Wei Tao-ming, April 30, 1946.

For Luxembourg: Hugues Le Gallais, April 30, 1946.

For Ecuador (subject to ratification): L. N. Ponce, April 30, 1946.

For Australia (subject to the reservations with which Australia acceded to the 1944 Convention to which this Protocol relates): J. B. Brigden, April 30, 1946.

For Haiti: Dantès Bellegarde, April 30, 1946.

For France: H. Bonnet, April 30, 1946.

I certify that the foregoing is a true copy of the Protocol to Prolong the International Sanitary Convention for Aerial Navigation, 1944, Modifying the International Sanitary Convention for Aerial Navigation of April 12, 1933, which was open for signature in the English and French languages at Washington, D. C., from April 23, 1946, until May 1, 1946, the signed original of which is deposited in the archives of the Government of the United States of America.

In testimony whereof, I, Dean Acheson, Acting Secretary of State of the United States of America, having hereunto caused the seal of the Department of State to be affixed and my name subscribed by the Acting Authentication Officer of the said Department, at the city of Washington, in the District of Columbia, this sixth day of May 1946.

[SEAL] DEAN ACHESON,
Acting Secretary of State.
By EDRIE C. WAY,
Acting Authentication Officer, Department of State.

MEMORANDUM SETTING FORTH THE RESERVATIONS WITH WHICH AUSTRALIA ACCEDED TO THE 1944 SANITARY CONVENTIONS

The accession of the Australian Government to the 1944 Sanitary Conventions was subject to the following reservations:

(1) As regards the International Sanitary Convention, 1944:

"(a) Under Article No. 24 the Australian Government declares that the Convention does not apply to the Territories of Papua and Norfolk Islands or the Mandated Territories of New Guinea and Nauru.

"(b) The Australian Government reserves the right in respect of certificates of inoculation against cholera, typhus, yellow fever and certificates of vaccination against smallpox, to accept only those certificates which are signed by a recognized official of the Public Health Services of the country concerned, and which carry within the text of the certificate an intimation of the office occupied by the person signing the certificate.

"(c) The Australian Government reserves full rights under Articles Nos. 7 and 9 of the 1926 Convention, especially with reference to the last paragraph on the reestablishment of the Eastern Bureau or analogous agencies as regional bureaux for Asia or the Pacific zone."

(2) As regards the International Sanitary Convention for Aerial Navigation, 1944:

"(a) Pursuant to Article No. 21, the Government declares that the Convention does not apply to the Territories of Papua and Norfolk Islands or the Mandated Territories of New Guinea and Nauru.

"(b) The Australian Government reserves the right in respect of certificates of inoculation against cholera, typhus, yellow fever and certificates of vaccination against smallpox, to accept only those certificates which are signed by a recognized official of the Public Health Services of the country concerned, and which carry within the text of the certificate an intimation of the office occupied by the person signing the certificate.

"(c) The Australian Government, for temporary reasons of a practical nature, is not in a position to accept the full obligations arising out of Section 1, Part 1 of the 1933 Convention in relation to aerodromes within its territory which are within operational areas or under the control of the Air Forces of the Commonwealth or any Allied power.

"(d) Notwithstanding Article No. 35 or other provisions of the 1933 or the present Convention, the Australian Government reserves the right to require that every member of the crew and every passenger on every aircraft arriving from overseas shall, on arrival at the first landing place in Australia, produce to the quarantine officer there a certificate of recent vaccination against smallpox as defined in the Convention, or a certificate that he has given proof that he is adequately immune to smallpox, failing both of which certificates he shall submit to be vaccinated against smallpox.

"(e) The Australian Government reserves the right to prohibit the importation into Australia on any aircraft of any animal other than approved insects and parasites."

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the calendar.

NOMINATIONS PASSED OVER

Mr. BARKLEY. Mr. President, at the request of interested Senators I ask that the first two nominations on the calendar be passed over again.

The PRESIGING OFFICER. Without objection, it is so ordered.

UNITED STATES ATTORNEYS

The legislative clerk read the nomination of Powless W. Lanier to be United States attorney for the district of North Dakota.

Mr. LANGER. I ask that the nomination of Mr. Lanier to be United States attorney for the district of North Dakota be confirmed.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Philip F. Herrick to be United States attorney for the district of Puerto Rico.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

UNITED STATES MARSHAL

The legislative clerk read the nomination of Maurice T. Smith to be United States marshal for the district of Colorado.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

UNITED STATES PUBLIC HEALTH SERVICE

The legislative clerk read the nomination of Ralph Porges to be temporary sanitary engineer in the United States Public Health Service.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. BARKLEY. I ask that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

THE MARINE CORPS

The legislative clerk proceeded to read sundry nominations in the Marine Corps.

Mr. WALSH. I ask that the nominations in the Marine Corps be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the Marine Corps are confirmed en bloc.

That completes the calendar.

Mr. BARKLEY. I ask that the President be immediately notified of all nominations confirmed this day.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith

RECONSIDERATION OF CONFIRMATION OF NOMINATION OF RICHARD B. McENTIRE, OF KANSAS, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION

Mr. WAGNER. Mr. President, I desire to withdraw the motion which I entered on May 27, 1946, to reconsider the vote by which the Senate, on last Saturday, confirmed the nomination of Richard B. McEntire, of Kansas, to be a member of the Securities and Exchange Commission.

The PRESIDING OFFICER. Without objection, the motion to reconsider will be withdrawn.

RECESS TO FRIDAY

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 11 o'clock a. m. on Friday next.

The motion was agreed to; and (at 5 o'clock and 32 minutes p. m.) the Senate took a recess until Friday, May 31, 1946, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate May 29 (legislative day of March 5), 1946:

FARM CREDIT ADMINISTRATION

Ivy W. Duggan, of Mississippi, to be Governor of the Farm Credit Administration for a term of 6 years from June 15, 1946. (Reappointment.)

FEDERAL HOUSING ADMINISTRATION

Raymond Michael Foley, of Michigan, to be Federal Housing Administrator in the National Housing Agency for a term of 4 years from June 30, 1946. (Reappointment.)

ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS

REPRESENTATIVE, COMMISSION ON NARCOTIC DRUGS

Harry J. Anslinger, of Pennsylvania, to be the United States Representative in the Commission on Narcotic Drugs of the Economic and Social Council of the United Nations.

THE TAX COURT OF THE UNITED STATES

Clarence P. LeMire, of Missouri, to be a judge of The Tax Court of the United States for a term of 12 years from June 2, 1946.

IN THE NAVY

Assistant Paymaster William P. Ferguson, United States Navy, to be an ensign in the Navy.

The following-named officers of the line of the Navy to be assistant paymasters in the Navy with the rank of lieutenant (junior grade):

William J. Bush
James H. Elsom

The following-named officers of the line of the Navy to be assistant paymasters in the Navy with the rank of ensign:

Thomas C. Cain, Jr.
William C. Croft
Joseph A. Fernald
John W. Hirst
Frank H. McDonald

The following-named officers of the Naval Reserve to be ensigns in the Navy:

William L. Landreth
Charles F. Weiss

POSTMASTERS

The following-named persons to be postmasters:

ARKANSAS

Lennie L. Potter, Dell, Ark., in place of L. B. Gill, resigned.

Henry Clay Cottrell, Dyer, Ark. Office became Presidential July 1, 1945.

CALIFORNIA

Gertrude S. Downs, Buellton, Calif., in place of William Budd, retired.

CONNECTICUT

Bernard O. Bailey, Glastonbury, Conn., in place of H. W. Potter, retired.

FLORIDA

Edna T. Jones, Pelican Lake, Fla. Office became Presidential October 1, 1944.

GEORGIA

Mary R. King, Winston, Ga., in place of C. J. Hall, transferred.

ILLINOIS

Robert M. Coleman, Milledgeville, Ill., in place of M. E. Brand, resigned.

Hugh W. Hamilton, Yale, Ill. Office became Presidental July 1, 1945.

IOWA

Harvey H. Douglass, Postville, Iowa, in place of Boies Capper, resigned.

KANSAS

William Campbell, Mullinville, Kans., in place of A. M. Bryan, retired.

Ruth B. Dunlap, Rose Hill, Kans. Office became Presidential July 1, 1945.

KENTUCKY

Homer Erwin Davis, Columbus, Ky., in place of N. M. Medley, transferred.

John T. Bradley, Kettle Island, Ky. Office became Presidential July 1, 1945.

MARYLAND

Joseph E. Nolan, Kingsville, Md., in place of E. C. Green, resigned.

MASSACHUSETTS

Lawrence L. Carpenter, Foxboro, Mass., in place of W. J. O'Connor, retired.

Edward G. Perry, Teaticket, Mass., in place of R. F. Manley, transferred.

MICHIGAN

Samuel J. Leach, Hersey, Mich. Office became Presidential July 1, 1945.

MISSISSIPPI

Ione T. Burns, Weathersby, Miss. Office became Presidential July 1, 1945.

MISSOURI

George T. Carter, Moscow Mills, Mo., in place of A. A. Weitkamp, transferred.

NEW JERSEY

Edward Praiss, Camden, N. J., in place of E. E. Hyland, resigned.

George M. Beaman, Keansburg, N. J., in place of G. M. Beaman, commission expired.

Louella Lockwood, Oceanport, N. J., in place of Mildred Mullen, deceased.

NEW YORK

Susan H. Dye, Boston, N. Y. Office became Presidential July 1, 1944.

Stanley E. Zaremba, Herring, N. Y., in place of L. W. Cain, removed.

Romeyn S. Dunn, Scottsville, N. Y., in place of J. E. McVean, transferred.

NORTH CAROLINA

Joe R. Johnson, Toecane, N. C., in place of J. T. Johnson, retired.

OREGON

Maude B. Thames, Oswego, Oreg., in place of R. C. Cooke, resigned.

TENNESSEE

William J. Collins, Elora, Tenn., in place of J. A. Pylant, retired.

TEXAS

Harvey F. Shuler, Snyder, Tex., in place of B. W. Dodson, transferred.

WEST VIRGINIA

Velva A. Pelter, Sharples, W. Va., in place of C. C. Hunley, resigned.

WISCONSIN

George Pudas, Iron River, Wis., in place of J. G. A. Mollenhoff, retired.

WYOMING

Lee Waddell, Moorcroft, Wyo., in place of R. W. Macy, transferred.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 29 (legislative day of March 5), 1946:

UNITED STATES ATTORNEYS

Powless W. Lanier to be United States attorney for the district of North Dakota.

Philip F. Herrick to be United States attorney for the district of Puerto Rico.

UNITED STATES MARSHAL

Maurice T. Smith to be United States marshal for the district of Colorado.

UNITED STATES PUBLIC HEALTH SERVICE

PROMOTION IN THE REGULAR CORPS

Ralph Porges to be temporary sanitary engineer.

IN THE MARINE CORPS

The following-named officers for appointment in the United States Marine Corps.

(The nominations of James J. Keating et al., which were received by the Senate on May 24, 1946, and which appear in full in the Senate proceedings of the CONGRESSIONAL RECORD for May 24, 1946, under the caption "Nominations," beginning with the name of James J. Keating on p. 5637 and ending with the name of Robert "J" Zitnik on p. 5640.)

POSTMASTERS

CALIFORNIA

Loraine J. Grisingher, Arroyo Grande.
Stella C. Slack, Boron.
Robert F. Keefe, Folsom.
Eunice E. Fowler, Ridgecrest.

GEORGIA

Margaret W. Overby, Richland.

INDIANA

Richard C. Beck, Griffith.
June Roberts, Owensburg.
Clyde Brooks, Pleasant Lake.

IOWA

James F. Thompson, Whitten.

LOUISIANA

Alma L. Guillot, Goodhope.

MARYLAND

Edith W. Dewey, Elk Mills.

MISSOURI

Rosetta M. Lauck, Napoleon.
Clyde D. Myers, Newark.
Vernon V. Reynolds, Pomona.

NEW MEXICO

Faustina Santillanes, Alameda.

NORTH CAROLINA

Ralph Wade, Dunn.
Robert L. Pitts, Sr., Spring Hope.

NORTH DAKOTA

Walter Emil Poulsen, Stanley.
Kathryn L. Gallagher, Taylor.

OKLAHOMA

Johnnie Y. Elmore, Alma.

OREGON

Anna C. Allen, Elgin.
Hugh T. Smith, Forest Grove.
Parthena S. Terrill, Talent.

PENNSYLVANIA

Norma D. Mashey, Bradfordwoods.
Margaret A. Haggerty, Crabtree.
Stephen P. Veoni, Dagus Mines.
John O. Anderson, Delta.
John William Conway, Grassflat.
Gertrude C. Miller, Millerton.
Robert S. Fenyus, Phoenixville.
James Treemarcki, Pittock.

RHODE ISLAND

Raymond A. Creegan, Providence.

VIRGINIA

Rita S. Wallace, Buckroe Beach.
Ellen L. Peyton, Rapidan.

WEST VIRGINIA

Kermit Gress, New Haven.

WISCONSIN

William L. Edwards, Avalon.
Herman E. Beckman, Merton.
Mabel Janssen, Underhill.

HOUSE OF REPRESENTATIVES

WEDNESDAY, MAY 29, 1946

The House met at 11 o'clock a. m.

The Right Reverend Monsignor William A. Toolen, St. Edward's Church, Baltimore, Md., offered the following prayer:

Sweet Saviour, redeemer of the human race, we humbly implore the light of Thy divine wisdom to direct the proceedings and deliberations of this august assembly.

We are conscious of the strife and confusion that exists in the prevailing conditions of the world at present and acknowledge our absolute dependence on Thee for a satisfactory and amicable adjustment of these perplexing problems.

We render Thee profound gratitude for all the benefits that Thou hast bestowed and dost unceasingly bestow upon us as a Nation.

We invoke Thy holy spirit of counsel and fortitude to give us the necessary light and courage to discharge all our duties in a manner that will be pleasing to Thee and bring peace and prosperity to our beloved country and perpetuate to us the blessings of equal liberty.

May our understanding be always submissive to Thy heavenly inspirations.

May our hearts be ever inflamed with love of Thee and of our neighbor.

May our will be ever conformed to the divine will.

May our whole life be a faithful imitation of the life and virtues of our Lord and Saviour, Jesus Christ, to whom with the Father and the Holy Ghost be honor and glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS

Mr. LANE asked and was given permission to extend his remarks in the RECORD and include an editorial appearing in the Evening Tribune, Lawrence, Mass.

Mr. SMITH of Wisconsin asked and was given permission to extend his remarks in the RECORD and include a newspaper article.

Mr. ANGELL asked and was given permission to extend his remarks in the RECORD and include excerpts.

Mr. REED of New York asked and was given permission to extend his remarks in the RECORD in two instances, and to include in each quotations and excerpts.

Mr. MILLER of Nebraska asked and was given permission to extend his remarks in the RECORD in two instances, in one to include the subject matter of a bill entitled "Abolish the OPA" and in the other an address delivered by Mr. Warne, Assistant Reclamation Commissioner, in Omaha, recently.

PERMISSION TO ADDRESS THE HOUSE

Mr. MURRAY of Wisconsin. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include a resolution adopted by the Wisconsin Implement Dealers' Association.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

[Mr. MURRAY of Wisconsin addressed the House. His remarks appear in the Appendix.]

Mr. LANDIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include brief excerpts from letters.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

[Mr. LANDIS addressed the House. His remarks appear in the Appendix.]

LABOR RACKETEERS

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GROSS. Mr. Speaker, a lot of people are asking "Where do some of the labor organizations get the millions of dollars which they say they are going to spend to defeat 100 Members of Congress and thus set up a labor government?" Here is the answer: A tradesman writes me that he took a job recently. After taking the job he was asked by a union representative about his hours and wages; he was then ordered to the union office, and there he was told he could not work unless he joined the union. Now, he could keep on working provided he joined the organization by paying $137.50 to join and $3 a month dues. He was told they would give him a break—he could work 2 weeks to see that the job was secure. Two weeks later they told him he could now join but the fee was now $150, and for that amount he could keep on working. I am convinced that the only people that refuse any worker the right to work are the labor racketeers.

REPUBLICAN CONGRESSIONAL FOOD STUDY COMMITTEE

Mr. JENKINS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. JENKINS. Mr. Speaker, yesterday the Republican Congressional Food Study Committee released some figures that are very interesting and apparently have attracted a great deal of attention. They deal with the difference in the cost of food in Washington in April of this year as against April of 1939 These figures disprove the assertions frequently made by OPA officials that they have held the line. The cry "hold the line" has been very deceptive. In addition to the fact that the figures show that the line has not been held we must not forget that the commodities sold in these days are sold with little consideration given to quality. Formerly quality was almost as important as price. But now price is about the only consideration .

We also put out some very interesting figures with reference to fertilizer. These figures apply to the whole country. By that I mean that these figures are not local but they apply country wide.

PERMISSION TO ADDRESS THE HOUSE

Mr. CLEVENGER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

[Mr. CLEVENGER addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. BUFFETT asked and was given permission to extend his remarks in the RECORD and include some newspaper material.

Mr. ELLIS asked and was given permission to extend his remarks in the RECORD and include an editorial.

Mr. REECE of Tennessee (at the request of Mr. MARTIN of Massachusetts) was given permission to extend his remarks in the RECORD and include an article on the one hundred and fiftieth anniversary of the admission of Tennessee into the Union.

Mr. HOFFMAN asked and was given permission to extend his remarks in the RECORD on two subjects.

Mr. HESELTON asked and was given permission to extend his remarks in the RECORD and include a statement issued by the Production and Marketing Administration of the Department of Agriculture with reference to the program to furnish feed grains to deficit areas.

SPECIAL ORDER GRANTED

Mr. BUFFETT. Mr. Speaker, I ask unanimous consent that on Monday next, at the conclusion of the legislative program of the day and following any special orders heretofore entered, I may be permitted to address the House for 45 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

CAMPAIGN EXPENDITURES AND ACTIVITIES

Mr. DOMENGEAUX. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. DOMENGEAUX. Mr. Speaker, when certain pressure groups in our Nation openly boast of the huge sums they will spend in an effort to elect public officials who will do their bidding, it is time that we call their hand. It is time to throw the full light of publicity on the motives of these groups and on their activities. If selfish interests seek to buy and coerce their way to power, then our whole system of free elections is critically imperiled.

The public should be fully informed of these matters. We in Congress owe this duty to the millions of voters who look to the ballot box for the preservation of their liberty and the right to choose their own leaders without outside influence. The people must have every opportunity to know of the purposes, plans and operations of these groups and those who represent them.

I have therefore introduced a resolution calling for appointment of a special committee with authority to investigate expenditures and activities in connection with the campaigns of any candidates for nomination and election to membership in the House of Representatives.

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that the Committee on World War Veterans' Legislation may sit during the sessions of the House during general debate for the remainder of the week.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

THE FIRST MEMORIAL DAY

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include an address I made many years ago on the subject of Memorial Day.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Speaker, tomorrow will be the eighty-first Memorial Day, and will be celebrated throughout the Nation.

Memorial Day began in Columbus, Miss., in the district I have the honor to represent, on April 25, 1866, when the Daughters of the Confederacy while placing flowers upon the graves of the Confederate soldiers decorated alike the graves of the Federal soldiers who happened to be buried in the same cemetery.

The woman who led in the placing of these flowers on the graves of those fallen Federal soldiers was the widow of a brave Confederate who had been killed in the Civil War. The Mississippi Index, a paper published at Columbus at that time, in its issue of April 26, 1866, gives this account of that decoration:

The procession yesterday in honor of the Confederate dead was large and imposing. First marched, in twos, the young ladies and girls, dressed in immaculate white, each bearing her bouquet or chaplet of flowers. Next came the matrons dressed in mourning; like the others, with flowers in their hands, their black dresses typical of the Southern heart in gloom for its beloved dead, the fair flowers emblematic of woman's admiration and affection for all that was gallant and chivalrous in patriots. Lastly came the procession of carriages bearing the elderly ladies.

Arriving at the cemetery, the ladies assembled around the graves of the soldiers in the form of a square. From the center of the ground an elaborate and eloquent address was delivered by Rev. G. T. Stainback, and following it a fervent prayer by Rev. A. S. Andrews. The ladies then performed the beautiful and touching duty of decorating the graves with flowers.

There were over 1,400 graves to be decorated. Through exertions and appeals of the kind ladies superintending the good work, all these graves had been neatly cleaned off; so that after the decoration was completed, "God's Acre" of heroes looked as if freshly blooming with a thousand flowers—bearing up to heaven a fragrant and beautiful evidence of woman's love, tenderness, and appreciation.

We were glad to see that no distinction was made between our dead and about 40 Federal soldiers, who slept their last sleep by them. It proved the exalted, unselfish tone of the female character. Confederate and Federal—once enemies, now friends—receiving this tribute of respect.

A report of this incident was carried in the press throughout the country and made such an impression that it brought from the pen of Hon. Francis Miles Finch, a distinguished northern jurist, a poem called, The Blue and the Gray, that will live as long as the Stars and Stripes continue to float over free people.

It was published in the Atlantic Monthly in September 1867 with the following preface which I understand was written by Judge Finch himself:

THE BLUE AND THE GRAY

The women of Columbus, Miss., animated by nobler sentiments than are many of their sisters, have shown themselves impartial in their offerings made to the memory of the dead. They strewed flowers alike on the graves of the Confederate and of the National soldiers. (New York Tribune.)

By the flow of the inland river,
Whence the fleets of iron have fled,
Where the blades of the grave grass quiver,
Asleep are the ranks of the dead;
Under the sod and the dew,
Waiting the judgment day;
Under the one, the blue,
Under the other, the gray.

These in the robings of glory,
Those in the gloom of defeat,
All with the battle-blood gory,
In the dusk of eternity meet;
Under the sod and the dew,
Waiting the judgment day;
Under the laurel, the blue;
Under the willow, the gray.

From the silence of sorrowful hours
The desolate mourners go,
Lovingly laden with flowers
Alike for friend and the foe;
Under the sod and the dew,
Waiting the judgment day;
Under the roses, the blue;
Under the lilies, the gray.

So with an equal splendor
The morning sun rays fall,
With a touch, impartially tender,
On the blossoms blooming for all;
Under the sod and the dew,
Waiting the judgment day;
Broidered with gold, the blue;
Mellowed with gold, the gray.

So, when the summer calleth
On forest and field of grain,
With an equal murmur falleth
The cooling drip of the rain;
Under the sod and the dew,
Waiting the judgment day;
Wet with the rain, the blue,
Wet with the rain, the gray.

Sadly, but not with upbraiding,
The generous deed was done;
In the storm of the years that are fading,
No braver battle was won;
Under the sod and the dew,
Waiting the judgment day;
Under the blossoms, the blue,
Under the garlands, the gray.

No more shall the war cry sever,
Or the winding rivers be red;
They banish our anger forever
When they laurel the graves of the dead!
Under the sod and the dew,
Waiting the judgment day;
Love and tears for the blue,
Tears and love for the gray.

While proper official recognition has never been given these patriotic women for this magnanimous gesture, the people of a reunited country join in following their noble example.

It would be just as impossible to deprive them of the honor of initiating this splendid custom as it would to abolish Memorial Day itself, or to erase from the minds of men this wonderful poem, which their glorious deed inspired.

EXTENSION OF REMARKS

Mr. JUDD asked and was given permission to extend his remarks in four instances in the RECORD and to include extraneous matter in three of them.

Mr. BEALL asked and was given permission to extend his remarks in the RECORD and include an article by Charles G. Bolte.

BUREAU OF THE CENSUS

Mr. BATES of Kentucky, from the Committee on Rules, reported the following privileged resolution (H. Res. 643, Rept. No. 2160), which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 5857) to provide for the collection and publication of statistical information by the Bureau of the Census. That after general debate, which shall be confined to the bill and continue not to exceed 1 hour to be equally divided and controlled by the chairman and the ranking minority member of the Committee on the Census, the bill shall be read for amendment under the 5-minute rule. At

the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same back to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

EXTENSION OF REMARKS

Mr. VURSELL asked and was given permission to extend his remarks in the RECORD and include an editorial from the Centralia Sentinel published by Verne E. Joy at Centralia, Ill., the editorial dealing with the dramatic ending of the railroad strike.

Mr. PLUMLEY asked and was given permission to extend his remarks in the RECORD and include a telegraphic resolution from the Hotel Association of Vermont.

Mr. MARTIN of Massachusetts asked and was given permission to extend his remarks in the RECORD and include an address to be made tomorrow by the gentleman from Illinois [Mr. VURSELL] over radio station WDZ at Tuscola, Ill.

Mr. DOLLIVER asked and was given permission to extend his remarks in the RECORD and include a speech made by him last night over radio station WWDC.

CALL OF THE HOUSE

Mr. MARCANTONIO. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 136]

Adams	Eaton	McGlinchey
Anderson, Calif.	Elliott	Mason
Andresen, August H.	Engle, Calif.	May
Andrews, N. Y.	Fernandez	Merrow
Arends	Fogarty	Miller, Calif.
Baldwin, Md.	Folger	Morrison
Baldwin, N. Y.	Fuller	Murphy
Bates, Mass.	Gathings	Murray, Tenn.
Bell	Gavin	Norton
Bennet, N. Y.	Gearhart	Patrick
Bennett, Mo.	Gossett	Patterson
Bloom	Gwinn, N. Y.	Philbin
Boykin	Hagen	Ploeser
Brehm	Hall, Edwin Arthur	Powell
Buckley	Hancock	Quinn, N. Y.
Bunker	Hand	Reece, Tenn.
Butler	Hart	Reed, Ill.
Cannon, Fla.	Hartley	Rees, Kans.
Cannon, Mo.	Havenner	Robertson, N. Dak.
Carlson	Hays	Roe, N. Y.
Chelf	Healy	Sadowski
Clippinger	Hébert	Schwabe, Mo.
Cochran	Hook	Sheppard
Coffee	Hope	Short
Cole, Kans.	Izac	Stewart
Colmer	Jarman	Sundstrom
Cooley	Johnson, Ind.	Thom
Corbett	Kearney	Tolan
Courtney	Kilburn	Torrens
Crawford	Kilday	Traynor
Curley	King	Vinson
Daughton, Va.	Kirwan	Weaver
Dawson	LaFollette	Welch
Delaney, James J.	Lea	White
Douglas, Calif.	Lesinski	Wilson
Durham	Ludlow	Winter
Dworshak	McCormack	Wolcott
	McDonough	Wolfenden, Pa.

The SPEAKER. On this roll call, 317 Members have answered to their names. A quorum is present.

By unanimous consent, further proceedings under the call were dispensed with.

THIRD URGENT DEFICIENCY APPROPRIATION BILL

Mr. CANNON of Missouri, from the Committee on Appropriations, reported the bill, (H. R. 6601) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1946, and for prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1946, and for other purposes, (Rep. No. 2159), which was read a first and second time, and with the accompanying papers referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. TABER reserved all points of order on the bill.

THE CASE BILL

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, the Committee on Rules has reported out a rule making in order the consideration of the Senate amendment to the Case bill. In order for the Senate amendments to be considered today, two-thirds of the Members must vote in favor of the rule. Since tomorrow is Memorial Day, the matter will have to be brought up today or go over until Friday, since I am sure we would all want to go over tomorrow in memory of our dead. So far as I am concerned, I am going to vote for the present consideration of the rule. That in no way involves my views on the matter of the Senate amendment itself on which I will express myself if I am given time. So far as the consideration of the rule is concerned, I am going to vote for the present consideration of the rule. Anybody can object to adjourning over until Friday.

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. SABATH. Does the gentleman know the rule provides that the bill be taken from the Speaker's table and the Senate amendment agreed to?

Mr. McCORMACK. That is what I understand, yes.

Mr. SABATH. That is not the usual procedure, which is to send the bill to conference.

Mr. McCORMACK. I would rather have seen it go to conference, but the rule is before us.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. MARTIN of Massachusetts. As I understand, a vote against the consideration of the rule now simply means that the matter will be postponed until tomorrow or Friday?

Mr. McCORMACK. Yes, either tomorrow or Friday.

Mr. MARTIN of Massachusetts. Therefore, a vote on the consideration of the rule at the present time has nothing to do with the merits of the legislation?

Mr. McCORMACK. That is correct.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. MICHENER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MICHENER. Am I correct in stating that the procedure will be as follows: When the rule is called up, there will be a vote immediately on the question of the present consideration of the rule without any debate. If two-thirds of the Members vote for immediate consideration of the rule, then we are in exactly the same position as when a rule is reported to the House, that is, there will be 1 hour's debate, one-half to be controlled by the majority, and one-half by the minority. Then those who are opposed to the Senate amendment may vote against that rule. A vote for consideration is not a vote for the rule. It requires two-thirds to get consideration today. It requires a majority only to pass the rule.

The SPEAKER. The gentleman has correctly stated the parliamentary situation.

Mr. MARCANTONIO. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MARCANTONIO. Is it in order for those of us who are opposed to the consideration of the rule to have 1 minute at this time to take a different position than the one taken by the distinguished majority leader with regard to the interpretation of the vote on the rule?

The SPEAKER. The gentleman can proceed for a minute by unanimous consent.

Mr. MARCANTONIO. Mr. Speaker, I ask unanimous consent to proceed for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MARCANTONIO. Mr. Speaker, I simply want to state that those of us who are opposed to the Case bill are opposed to any steps that will be taken to promote that Case bill toward the White House, and that includes consideration of this rule today, tomorrow, or any other time. Therefore, the vote of all opponents of the Case bill should be "no" on the question of present consideration of this rule.

Mr. BRADLEY of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BRADLEY of Pennsylvania. If there is no consideration of the rule today after a two-thirds vote, what then is the parliamentary situation with respect to these amendments?

The SPEAKER. The parliamentary situation is that either tomorrow or the next day or the next day the rule would be a privileged matter and could be called up for consideration without any two-thirds vote.

Mr. McCORMACK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McCORMACK. If two-thirds do not vote to consider the rule today, then, when we adjourn over tomorrow it must

be by unanimous consent. Is that understanding correct?

The SPEAKER. The gentleman is correct.

Mr. McCORMACK. So that if any Member objects to adjourning over tomorrow, then it would be in order to bring this rule up tomorrow under the ordinary rules of the House?

The SPEAKER. The gentleman is correct.

Mr. SABATH. Would it not be in order for the gentleman to ask unanimous consent now that when we adjourn today we adjourn until Friday?

The SPEAKER. The Chair recognizes the gentleman from Georgia [Mr. Cox].

FEDERAL MEDIATION ACT OF 1946

Mr. COX, from the Committee on Rules, submitted the following privileged resolution (H. Res. 644, Rept. No. 2161) for printing in the RECORD:

Resolved, That upon the adoption of this resolution the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, with the Senate amendment thereto, be, and the same hereby is, taken from the Speaker's table, to the end that the Senate amendment be, and the same hereby is, agreed to.

Mr. COX. Mr. Speaker, I call up House Resolution 644 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, with the Senate amendment thereto, be, and the same hereby is, taken from the Speaker's table, to the end that the Senate amendment be, and the same hereby is, agreed to.

The SPEAKER. The question is, Will the House consider the resolution?

Mr. MARCANTONIO. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 235, nays 96, not voting 99, as follows:

[Roll No. 137]

YEAS—235

Abernethy	Campbell	Ervin
Allen, Ill.	Cannon, Mo.	Fallon
Allen, La.	Case, N. J.	Fellows
Almond	Case, S. Dak.	Fisher
Andersen, H. Carl	Chapman	Gamble
Andrews, Ala.	Chelf	Gary
Arnold	Chenoweth	Gathings
Auchincloss	Chiperfield	Gerlach
Barden	Church	Gibson
Barrett, Wyo.	Clark	Gifford
Barry	Clason	Gillespie
Bates, Ky.	Clevenger	Gillette
Beall	Cole, Mo.	Gillie
Beckworth	Cole, N. Y.	Goodwin
Bender	Combs	Gore
Blackney	Cooper	Gossett
Bland	Cox	Graham
Bolton	Cravens	Grant, Ala.
Bonner	Crawford	Grant, Ind.
Boren	Cunningham	Gregory
Bradley, Mich.	Curtis	Griffiths
Brehm	Davis	Gross
Brooks	D'Ewart	Gwynne, Iowa
Brown, Ga.	Dirksen	Hale
Brown, Ohio	Dolliver	Hall, Leonard W.
Brumbaugh	Domengeaux	Halleck
Bryson	Dondero	Hare
Buck	Doughton, N. C.	Harness, Ind.
Buffett	Drewry	Harris
Bulwinkle	Earthman	Heselton
Burch	Ellis	Hendricks
Byrnes, Wis.	Ellsworth	Henry
Camp	Elston	Herter
Heselton	Mahon	Russell
Hess	Maloney	Sasscer
Hill	Manasco	Schwabe, Okla.
Hinshaw	Mansfield, Tex.	Scrivner
Hobbs	Martin, Iowa	Shafer
Hoeven	Martin, Mass.	Sharp
Hoffman	Mathews	Sikes
Holmes, Mass.	Michener	Simpson, Ill.
Holmes, Wash.	Miller, Nebr.	Simpson, Pa.
Horan	Mills	Slaughter
Howell	Monroney	Smith, Maine
Jenkins	Morrison	Smith, Va.
Jennings	Mundt	Smith, Wis.
Jensen	Murray, Wis.	Sparkman
Johnson, Ill.	Norblad	Springer
Johnson, Luther A.	Norrell	Stefan
	O'Hara	Stevenson
Johnson, Lyndon B.	O'Neal	Stigler
	Pace	Stockman
Johnson, Okla.	Patman	Sumner, Ill.
Jones	Peterson, Fla.	Sumners, Tex.
Jonkman	Peterson, Ga.	Sundstrom
Judd	Phillips	Taber
Kean	Pickett	Talbot
Keefe	Pittenger	Talle
Kerr	Plumley	Tarver
Kilday	Poage	Taylor
Kinzer	Price, Fla.	Thomas, N. J.
Knutson	Priest	Thomason
Landis	Rains	Tibbott
Lanham	Ramey	Towe
Larcade	Rankin	Trimble
Latham	Reed, Ill.	Vorys, Ohio
LeCompte	Reed, N. Y.	Vursell
LeFevre	Rich	Wadsworth
Lewis	Richards	Welchel
Luce	Riley	West
Lyle	Rivers	Whitten
McConnell	Rizley	Whittington
McCormack	Robertson, Va.	Wickersham
McCowen	Robsion, Ky.	Wigglesworth
McGehee	Rockwell	Winstead
McGregor	Rodgers, Pa.	Wood
McKenzie	Roe, Md.	Woodruff
McMillan, S. C.	Rogers, Fla.	Worley
McMillen, Ill.	Rogers, Mass.	Zimmerman

NAYS—96

Angell	Gorski	Murphy
Bailey	Granahan	Neely
Barrett, Pa.	Granger	O'Brien, Ill.
Biemiller	Green	O'Brien, Mich.
Bishop	Harless, Ariz.	O'Konski
Bloom	Hart	O'Toole
Bradley, Pa.	Hedrick	Outland
Byrne, N. Y.	Heffernan	Pfeifer
Canfield	Hoch	Price, Ill.
Carnahan	Holifield	Rabaut
Celler	Huber	Rabin
Clements	Hull	Randolph
Crosser	Jackson	Rayfiel
D'Alesandro	Johnson, Calif.	Resa
De Lacy	Kee	Robinson, Utah
Delaney, John J.	Kefauver	Rogers, N. Y.
	Kelley, Pa.	Rooney
Dingell	Kelly, Ill.	Rowan
Douglas, Ill.	Keogh	Ryter
Doyle	Klein	Sabath
Eberharter	Kopplemann	Savage
Elsaesser	Kunkel	Sheridan
Feighan	Lane	Somers, N. Y.
Fenton	Lemke	Spence
Flannagan	Link	Starkey
Flood	Lynch	Sullivan
Fogarty	Madden	Thomas, Tex.
Forand	Mankin	Voorhis, Calif.
Fulton	Mansfield, Mont.	Walter
Gallagher		Wasielewski
Gardner	Marcantonio	Wolverton, N. J.
Geelan	Morgan	Woodhouse
Gordon	Murdock	

NOT VOTING—99

Adams	Cooley	Hancock
Anderson, Calif.	Corbett	Hand
Andresen, August H.	Courtney	Hartley
	Curley	Havenner
Andrews, N. Y.	Daughton, Va.	Hays
Arends	Dawson	Healy
Baldwin, Md.	Delaney, James J.	Hébert
Baldwin, N. Y.		Hook
Bates, Mass.	Douglas, Calif.	Hope
Bell	Durham	Izac
Bennet, N. Y.	Dworshak	Jarman
Bennett, Mo.	Eaton	Johnson, Ind.
Boykin	Elliott	Kearney
Buckley	Engle, Calif.	Kilburn
Bunker	Fernandez	King
Butler	Folger	Kirwan
Cannon, Fla.	Fuller	LaFollette
Carlson	Gavin	Lea
Clippinger	Gearhart	Lesinski
Cochran	Gwinn, N. Y.	Ludlow
Coffee	Hagen	McDonough
Cole, Kans.	Hall, Edwin Arthur	McGlinchey
Colmer		Mason
May	Rees, Kans.	Torrens
Merrow	Robertson, N. Dak.	Traynor
Miller, Calif.		Vinson
Murray, Tenn.	Roe, N. Y.	Weaver
Norton	Sadowski	Welch
Patrick	Schwabe, Mo.	White
Patterson	Sheppard	Wilson
Philbin	Short	Winter
Ploeser	Smith, Ohio	Wolcott
Powell	Stewart	Wolfenden, Pa.
Quinn, N. Y.	Thom	
Reece, Tenn.	Tolan	

So, two-thirds having voted in favor thereof, the House decided to consider the resolution.

The Clerk announced the following pairs:

On this vote:

Mr. Ploeser and Mr. Eaton for, with Mr. Hook against.

Mr. Bennett of Missouri and Mr. Robertson of North Dakota for, with Mr. LaFollette against.

Mr. Cole of Kansas and Mr. Bennet of New York for, with Mr. Miller of California against.

Mr. Hebert and Mr. Clippinger for, with Mr. Butler against.

Mr. Hand and Mr. Rees of Kansas for, with Mr. Powell against.

Mr. Short and Mr. Schwabe of Missouri for, with Mrs. Douglas of California against.

Mr. Winter and Mr. Hope for, with Mr. Havenner against.

Mr. Carlson and Mr. Gwinn of New York for, with Mr. Patterson against.

Mr Arends and Mr. Hartley for, with Mr. Healy against.

Mr. Courtney and Mr. Vinson for, with Mrs. Norton against.

Mr. May and Mr. Fuller for, with Mr. Quinn of New York against.

Mr. Murray of Tennessee and Mr. Mason for, with Mr. King against.

General pairs until further notice:

Mr. McGlinchey with Mr. Corbett.
Mr. Jarman with Mr Adams.
Mr. Ludlow with Mr. Johnson of Indiana.
Mr. Hays with Mr. Anderson of California.
Mr. Bell with Mr. Edwin Arthur Hall.
Mr. Lea with Mr. Gavin.
Mr. Cochran with Mr. Dworshak.
Mr. Boykin with Mr. Kilburn.
Mr. James J. Delaney with Mr. Merrow.
Mr. Buckley with Mr. Reece of Tennessee.
Mr. Coffee with Mr. Smith of Ohio.
Mr. Fernandez with Mr. Wilson.
Mr. Cooley with Mr. Kearney.
Mr. Folger with Mr. Wolcott.
Mr. Colmer with Mr. McDonough.
Mr. Sheppard with Mr. Wolfenden of Pennsylvania.
Mr. Torrens with Mr. Hagen.

Mr. BARRY and Mr. BRADLEY of Michigan changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

Mr. McCORMACK. Mr. Speaker, this is an important matter. Under the rules of the House, the debate would be limited to 1 hour. I think it is of such importance that the time for debate should be extended. Therefore, I ask unanimous consent that the time be extended to 2 hours, to be controlled by the Members that will have control of the time under the rules of the House.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. COX. Mr. Speaker, of the 2 hours' time, I yield 1 hour to the gentleman from Illinois [Mr. ALLEN]. Of the 1 hour at my disposal, I yield 30 minutes

to the gentleman from Illinois, the chairman of the committee, to be yielded by him as he sees fit.

Mr. Speaker, I now yield 5 minutes to the gentleman from Virginia [Mr. SMITH].

Mr. SMITH of Virginia. Mr. Speaker, this rule provides for the consideration of the bill that has come back to us from the Senate known as the Case bill. When you vote for the adoption of the rule, if you do vote for its adoption, it means the adoption of the Senate amendment as written. If you vote against the rule, it means a vote against the Senate amendment.

Mr. Speaker, I do not think there is anything in this bill, with the exception of the so-called Byrd amendment, which prohibits the royalty payment. I do not think there is anything else in this bill that the House has not previously substantially in the same language voted for in bills that have heretofore been before the House. This bill contains virtually all of the provisions of the so-called Case bill with the exception of the violence provision and, in addition to that, carries the so-called Hobbs bill which the House has also on two occasions passed by a large majority.

Mr. MARCANTONIO. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I decline to yield because I have only 5 minutes.

It will be said there is now pending in the Senate a bill recommended by the President for the seizure of properties, and that that is the remedy. We passed that bill by a large majority, but that bill does not touch the things that the Case bill covers. It is temporary in nature, in the first place. In the second place, it only touches those controversies involving those things that are either public utilities or of such magnitude as to affect the health and welfare of the Nation.

We have had a lot of excitement about the current railroad strike and the coal strike, and that bill apparently was aimed at those two things. In the meantime, I think the country and the public have overlooked the fact that we are now threatened with a strike on the part of the maritime union which will again tie up the country and tie up our relief to foreign countries.

I want to call the attention of the House further to the fact that aside from these strikes which have invited so much public attention, when I inquired yesterday I found there are now 851 strike notices pending before the National Labor Relations Board. Eight hundred and fifty more strikes in the making, both large and small, and the figures for the month of May show that strike notices are coming in at the rate of approximately 150 per week.

Now, we have gone on record in this House time and again for permanent, sound legislation that will do some good in preventing some of the abuses on the part of some labor organizations. That is what this bill is designed to do. It has had thorough consideration in the House and in the Senate. Every measure in it has been considered and voted upon by this House at one time or another, except that provision which prohibits the exaction of royalties on the part of unions against industry.

I think that substantially covers this bill. Others will have more time to explain the different features than I have. I have previously voted for these measures, and I expect to vote for them today, and I hope this bill will become the law of the land and help us to bring an end to this terrible confusion and turmoil that is now stemming the progress of the Nation.

The SPEAKER. The time of the gentleman from Virginia [Mr. SMITH] has expired.

Mr. ALLEN of Illinois. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, on last Saturday we passed overwhelmingly H. R. 6578. I believe it was 306 to 13. That was drastic legislation but imperative under the conditions. Fifteen years ago such legislation would be considered unbelievable.

Today we are considering H. R. 4908, commonly known as the Case bill, with certain Senate amendments. Personally, I would have wished that the Senate would have accepted the Case bill as it passed the House, because I believe it to be a better bill than the Senate bill. Above everything, I know that the bill as now contained in the Senate amendment is not nearly as drastic as the bill that was passed last Saturday. So I have every reason to believe that the House will today pass this bill with the same majority as it passed the bill last Saturday. I repeat, I cannot conceive of anyone voting for that most drastic measure and hesitating for a moment to vote for this measure.

The Rules Committee met this morning. They had three rules before them for consideration. One was to send this bill to conference. We all know that for many years we have passed sound bills here only to have them delayed by the Labor Committee of the House and the other body; and I believe that had the Rules Committee this morning reported a rule sending this bill to conference there would have been many months of delay. The second proposition that came before the Rules Committee was the one pending before us, to concur in the Senate amendments. I hope this rule today is voted overwhelmingly. The third proposition we would have brought in would have permitted the bill to be taken from the Speaker's table and be open to amendment. There again, might have taken months to iron out the differences between the two bodies.

Mr. MARCANTONIO. Mr. Speaker, will the gentleman yield for a clarification?

Mr. ALLEN of Illinois. I yield to the gentleman.

Mr. MARCANTONIO. Am I correct in stating that if this resolution is adopted no further action is necessary on the part of Congress, that agreeing to the rule will send the bill directly to the White House?

Mr. ALLEN of Illinois. That is correct.

Mr. MARCANTONIO. By an affirmative vote on this resolution?

Mr. ALLEN of Illinois. Yes; the gentleman is correct, there would be no further delay.

The Case bill, as we all know, was passed by this House months ago. In the event this rule is not voted favorably it will again perhaps be months before the Senate takes further action on it because it, in my opinion, will be held up in our Labor Committee.

As the gentleman from Virginia [Mr. SMITH] has correctly told you, there are few changes made by the Senate amendments; namely, the Byrd amendment, which sets up a joint welfare fund board between management and labor. The other is to eliminate a provision of the original Case bill making illegal violence on the picket line. That provision has been taken out by the Senate, but we are still hopeful that the various local jurisdictions of the States and counties will take care of violence in picketing.

Mr. HALE. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield.

Mr. HALE. Am I correct in understanding that there is no Senate amendment of the Norris-LaGuardia Act?

Mr. ALLEN of Illinois. The gentlemen is correct.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield.

Mr. HALLECK. The gentleman is absolutely correct. There was great objection made on the theory that it opened the door to injunctive relief. That provision, as the gentleman has pointed out, is not in the Senate bill and will not be, hence, in the measure upon which we are now voting.

Mr. ALLEN of Illinois. I repeat that the violence section, as I understand it, in regard to picketing by violence, will be out and must be taken care of by local authorities.

Mr. ROBSION of Kentucky. Mr. Speaker, will the gentleman yield.

Mr. ALLEN of Illinois. I yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. The Norris-LaGuardia Act, therefore, remains intact.

Mr. ALLEN of Illinois. That is correct.

Mr. ROBSION of Kentucky. Does this bill in any way interfere with collective bargaining? Or rather, does it encourage collective bargaining?

Mr. ALLEN of Illinois. This bill definitely does not interfere with collective bargaining. I do not know of a member of this body who is opposed to collective bargaining. That is a fundamental right which we all guard zealously.

Mr. ROBSION of Kentucky. Will it interfere with the right to strike for any lawful purpose?

Mr. ALLEN of Illinois. This bill permits strikes for lawful purposes. Again, I say, Mr. Speaker, I hope this measure passes as overwhelmingly as the one last Saturday.

The SPEAKER pro tempore (Mr. SPARKMAN). The gentleman from Illinois used 7 minutes of his time.

Mr. SABATH. Mr. Speaker, I yield 10 minutes to the majority leader, the gentleman from Massachusetts [Mr. McCORMACK].

Mr. McCORMACK. Mr. Speaker, in the first place we want to realize that this is not the same type of bill that we

acted on last Saturday because that was emergency legislation after the Government had taken over an essential activity and where a strike in that activity adversely affected the national economy and the national interest of the country. It was purely emergency legislation confined to a very limited class of cases and where the national interest and the national economy were affected. Furthermore only the other day we passed a resolution appointing a joint committee to investigate and consider the whole labor question with a view to recommending legislation that will bring about better management-labor relationships.

Mr. Speaker, the bill as passed by the Senate, in my opinion, is more drastic in certain of its provisions against labor than the Case bill that passed the House. We want to keep in mind that the President recently said in a speech and message:

> I have opposed and will continue to oppose unfair restrictions upon the activities of labor organizations and upon the right of employees to organize and bargain collectively.

There are provisions in both the Case bill and in the Senate amendment that constitutes "unfair restrictions upon the activities of labor organizations and upon the right of employees to organize and bargain collectively." The failure to follow the usual procedure of permitting this bill to be sent to conference, in my opinion, prevents the consideration and drafting of a bill that would be a healthy and constructive contribution to better management-labor relationships.

Mr. Speaker, there are some aspects of the bill as it passed the Senate which appear to me to be open to serious objection.

For example, there is section 9, which takes away from supervisory employees the protection of the National Labor Relations Act, which will, in my opinion, do more to create industrial strife than to eliminate it. In this connection I would like to quote an editorial in the Washington Post of May 28, 1946. Referring to section 9 of the Senate bill, the editorial reads, so far as pertinent, as follows:

> One would withdraw the privileges of the Wagner Act from unions of supervisory employees; the other would provide for prestrike cooling-off periods ranging up to 65 days.
>
> The fundamental test to be applied to labor legislation is whether or not it will promote industrial peace. No guesswork is required to evaluate the clause dealing with supervisory employees in the light of this test, for the Senate version of the Case bill would do what the National Labor Relations Board did in 1943. In the Maryland Drydock case the Board denied to supervisory employees any collective-bargaining rights under the National Labor Relations Act. It decided, in other words, to do just what the Case bill now proposes to do. The result was Nationwide trouble. Foremen's unions increased rapidly, and these employees, spurned by their employers and denied access to the peaceful machinery of the Labor Board, began to strike and threaten to strike. For this reason the Board, 2 years later, was obliged to abandon the position taken in the Maryland Drydock decision.
>
> The course of true wisdom lies in attention to realities. Whether we like it or not, the plain and inescapable fact is that supervisory employees have organized. Not only that, they are now engaged in a struggle for recognition of their right to bargain collectively. Under the Senate version of the Case bill, however, Congress would compel these employees to carry out their struggle on the economic battlefields. It would be much better, it seems to us, to make it possible for them to exercise those rights peaceably by resort to the orderly processes of the Labor Board. Our feeling about the Wagner Act has been that the act requires amendment, not by way of abridgement but by way of expansion—that is to say, by making unionized labor, as well as management, responsible for bargaining in good faith.

In addition to fostering strikes, section 9 is objectionable because it fails to recognize that foremen, just as other employees, have their own problems concerning their wages and working conditions. In the great industrial corporations of the country there are thousands of these employees. The effect of the Senate bill, as well as the House version, is to leave such employees at the mercy of management with respect to their wages and working conditions.

I note, also, that the Senate version makes an exception as to supervisors who are employed in industries in which foremen were organized prior to July 1, 1935, the date of the enactment of the National Labor Relations Act. We should not discriminate against other supervisors merely because in their industries organization did not take place until after the enactment of the National Labor Relations Act. As former Chairman Millis, of the National Labor Relations Board, has said, it is well to recognize an exception in industries in which foremen have traditionally been organized, but there is no good reason why history should stop now. Prior to July 1, 1935, it was the custom in certain trades such as printing trades, maritime unions, and construction work, to allow working foremen to belong to the union. These provisions bar any foreman from receiving the protection of the Wagner Act, whether or not he joins any union after July 1, 1935, and deprives any foreman who joins a union in the future of the benefits of the Wagner Act. In other words, under the provisions of this bill, any large industry such as General Motors and the steel industry, which employs hundreds of thousands of men and thousands of foremen, these foremen for all practical purposes are barred from joining or forming a union, because if they join or form a union the provisions of the Wagner Act would not apply to them. Therefore the only recourse left to foremen who joined a union or formed a union since 1935 is to strike immediately. This will only result in a tendency to increase industrial strife. It leaves many thousands of foremen without legal protection and subject to ruthless economic conditions. We must remember, under our intense industrial system, most foremen are "working foremen."

Another matter which I wish to point out is that the bill takes away from the Secretary of Labor all powers in connection with the mediation and conciliation of labor disputes. The Secretary of Labor is a Cabinet officer who has always had the primary responsibility for the formulation of a national labor policy. Everyone expects the Secretary to use his good offices in an effort to settle labor disputes. This bill would not only prevent the Secretary of Labor from utilizing the resources of his Department in connection with disputes. It would also prevent the Secretary from personally mediating disputes, even though the parties themselves wish his assistance. This proposal is, moreover, completely inconsistent with the recommendations of the President's labor-management conference. Labor and management agreed at that conference upon the enlarging and strengthening of the United States Conciliation Service as it is now constituted under the supervision of the Secretary of Labor. The proposal likewise ignores the fine work that the Conciliation Service has done. In April of 1946, the Conciliation Service settled 1,704 labor disputes. Among those 1,704 disputes were 1,507 ordinary disputes, 75 arbitrations, 11 in which the technical services of the Conciliation Service were rendered, and 111 special investigations. The situations involved included 355 strikes, 648 threatened strikes, and 504 disputes involving other conditions. This is a remarkable record and is illustrative of the splendid work that the Service has rendered for the many years since it was constituted in 1913.

The bill does provide in section 5 (c) that—

> If arbitration at the request of the Board is refused by one or both parties, the Board should at once notify the Secretary of Labor and both parties to the controversy, in writing, that its efforts for mediation and conciliation have failed.

What the Secretary is to do about this, once he is notified, is not clear. As to that, the bill is silent.

Just what authority this gives the Secretary of Labor is very vague and uncertain because in previous sections of the bill all authority with respect to mediation and conciliation has been taken away from the Secretary of Labor. These lines contain the only reference to authority being vested in the Secretary of Labor, but there is nothing in these lines to indicate what he can do with the authority or how he can exercise it or the extent to which he may use the authority, if acquired.

I think it is a great mistake to deprive the Secretary of Labor of all his conciliation and mediation functions.

Section 10, concerning suits against labor organizations, is separate and distinct from the mediation and conciliation provisions which have a relationship to it. Under its provisions, a company like Montgomery Ward could bring any number of suits on varied occasions against a union for the purpose of depleting the union treasury and, at the same time, destroying the strength and the backbone of the union. This is legislation which antilabor corporations have been trying to get through for many years and is a powerful weapon in the hands of the unscrupulous employer who wants to destroy or impair the organization set up by his employees, or to intimidate these employees. Paragraph (a) places no limitation at all on

the bringing of suits, and there is nothing in the whole section that defines in anyway just what constitutes a violation of contract. We must keep in mind that we are dealing with millions of human beings, and that the provisions of this section seriously affect their economic condition. Paragraphs (a), (b), and (c) relate to the union as a whole.

Section 10 (d) brings back into the labor relations field the iniquitous blacklist. That section provides as follows:

> Any employee who participates in a strike or other interference with the performance of an existing collective bargaining agreement, in violation of such agreement, if such strike or interference is not ratified or approved by the labor organization party to such agreement and having exclusive bargaining rights for such employee, shall lose his status as an employee of the employer party to such agreement for the purposes of sections 8, 9, and 10 of the National Labor Relations Act: *Provided*, That such loss of status for such employee shall cease if and when he is reemployed by such employer.

Section 3 (d) provides that where an employee strikes during the 60-day cooling-off period he shall likewise lose his status as an employee and the protection of the National Labor Relations Act.

Under Section 10 (d) any employee who interferes with the performance of an existing collective bargaining agreement is subject to discharge without any hearing and as to this employee loses the protection of the National Labor Relations Act forever, unless his employer decides to reemploy him. Other employers could secretly black-list this employee, as was the practice in the days prior to the enactment of the National Labor Relations Act. This is a long step backward into the dark ages of labor relations.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Indiana.

Mr. HALLECK. Will not the gentleman agree that all that this section about which he is talking does is to take away reemployment rights as far as that immediate employer is concerned? The man is under no prohibition or restriction with respect to any other employer.

Mr. McCORMACK. All right; if the gentleman from Indiana was working for the General Motors Corp., and he was an officer of the union, they might get some other member of the union to provoke strife and then discharge CHARLIE HALLECK. CHARLIE HALLECK might go off in the afternoon and have a row with a foreman, as frequently happens, and come back to work the next morning. Under the present law he is retained, he continues in his employment, if he has not been replaced. Under this bill he can be fired. Unless the present employer calls him back to work, CHARLIE HALLECK goes to some other company for employment, and they will say, "Where were you employed?" He says, "At General Motors." They look it up and they say, "He was fired." CHARLIE HALLECK is blacklisted.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. COX. Mr. Speaker, I yield 2 additional minutes to the gentleman from Massachusetts.

Mr. McCORMACK. The sad history of the blacklist is too well known to need extended treatment. The blacklist is an employer boycott of workers. In the years before the enactment of the Wagner Act, the personal blacklist of union leaders and other employees in order to keep them out of employment and, perhaps, to force them out of the community to search elsewhere for livelihood was a common employer technique. The La Follette special committee some years ago exposed the viciousness of that practice.

Mr. Speaker, moreover, there is no provision for a hearing in section 10 (d). Apparently the employer may make the decision which deprives the employee of his rights. There is no provision for any recourse on the part of the employee if he is unjustly discharged under these circumstances. This conclusion is reinforced by the fact that the Senate struck a savings clause contained in section 8 of the bill as reported by a majority of the Senate Committee on Education and Labor. The savings clause provided in substance that nothing in the act was to be construed as amending or modifying the National Labor Relations Act.

It should be noted that section 10 provides no comparable limitation as against an employer who violates his contract.

I submit that section 10 (d) and section 3 (d) mistakenly turn back the clock to an unfortunate era in our labor-relations history.

Oh, yes, they can go along and talk. There are other provisions in this bill. Section 10 will hinder the settlement of labor disputes. It will produce labor unrest. The probable result will be that labor will not in the future insert a no-strike clause by reason of that very section. That is what labor will do. Under that, that is all they can do, but we do not want them to do it. We want them to make an agreement that will include a no-strike clause, to run for a year or 2 years, whatever the agreement is, but under section 10 they would not dare do it. Under section 10 they will have to eliminate the no-strike clause in any agreement in the future.

Section 11 of the Senate bill outlaws all secondary boycotts and puts the unions back under the antitrust laws. There can be no question but that there are several types of secondary boycotts which are completely unjustified and which have caused a great deal of harm to innocent parties. On the other hand, there are various types of boycotts which are entirely justified. The weaknesses of the Senate measure seem to me to lie in the fact that they approach the problem from the wrong angle. No distinction is made between union activities in furtherance of the normal, legitimate ends of protecting union wage rates and working conditions against undercutting by nonunion employees, and activities in furtherance of jurisdictional disputes between rival unions. Unions ought to be entitled to preserve and improve their working standards and to protect themselves against unscrupulous employers who exploit labor by the payment of a bare minimum wage.

Moreover, the Senate proposal seems to me to outlaw not only secondary boycotts, but certain types of primary boycotts. For example, section 11 (b) provides in part that labor organizations are forbidden—

> (1) By strikes, or threats to strike, or violence, or threats of violence, or by concerted refusal to use, handle, transport, or otherwise deal with specified articles or materials, (a) to force or require any employer, or any other individual, corporation, or partnership to cease using, selling, handling, transporting, or otherwise dealing in the products of any other producer, processor, or manufacturer.

The employees of employer A, who refuse to work on goods manufactured by nonunion employer B, who is undercutting union standards, would be engaging in a violation of the antitrust laws under the legislation just quoted.

Moreover, it seems a mistake to utilize the antitrust laws in labor disputes. It renders probable the revival of the use of the injunction and triple-damage penalty for the destruction of labor organizations. Such a proposal harks back to the era of the Danbury Hatters case, when the antitrust laws were, in fact, used as a union-breaking weapon. Such laws are primarily a device for the protection of the consumer against the effects of monopolistic business combinations. They are useful in regulating trade but they are of little utility as a means for maintaining stable labor-management relations or for regulating union behavior.

This proposal, moreover, specifically amends the Norris-LaGuardia Act so that ex parte injunctions and all the evils against which the Norris-LaGuardia Act was directed would again be presented in this type of case. We should not forget the unfortunate history of the abuses of the injunctive processes prior to the enactment of the Norris-LaGuardia Act. Ex parte injunctions were issued with no opportunity for hearing on the part of labor, of a scope so wide as to prohibit messages of encouragement to strikers.

If this bill had gone to conference, it could have been ironed out, but we have to vote it up or down now. I know what is going to happen. I am aware of that. But I am trying to make the record as to my views, trying to call to the attention of the Members of the House some of the provisions of this bill which will be repressive to labor. I am not going to support passing permanent repressive legislation against labor or management. The only justification is where the national interest is involved. I oppose such legislation against either, unless an emergency exists and it is absolutely essential in the interest of the country, and then the country comes first. This is permanent legislation.

I have discussed some of the elements in the Senate proposal which appear to me to render that proposal open to the objection that it constitutes repressive labor legislation. When permanent legislation in this highly technical and sensitive field is considered, we must have regard for all the equities on both sides. We should not attempt to meet the delicate problems before us with a spirit of vengeance toward either labor

or management. We should attempt to write legislation which will furnish a firm foundation for the democratic adjustment of labor disputes. H. R. 4908 is, in my opinion, too restrictive against labor organizations to afford that type of foundation which will make for the successful and peaceful adjustment of disputes between labor and management.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 8 minutes to the gentleman from South Dakota [Mr. CASE].

Mr. CASE of South Dakota. Mr. Speaker, there is no better time than here and now to apply the recommendation of the gentleman that we consider this thing without emotion or frenzy or passion. I shall try to do so. I shall point out the changes in the bill made by the Senate that are of most concern to the Members of the House, as I have heard them express themselves, and then I shall try to give a clearer idea of what the bill in its present form does on the points which the gentleman from Massachusetts discussed.

INJUNCTIVE FEATURES

First, let me say that this bill, generally speaking, does most of the things that were done in the House bill except that it does eliminate resort to the use of injunctions, in the two fields which have been previously mentioned, namely, preservation of the status quo during the period of mediation and enforcement of restraints on force and violence.

Under the mediation sections in the House bill we had a provision that, if necessary to preserve the status quo during the 30-day waiting period, the courts might be asked for a restraining order, merely in order that the status quo might be preserved. That is done away with in the Senate version.

Also in the House bill we made it possible to get a restraining order in case of the use of force and violence. The force and violence section in the House bill was entirely eliminated in the Senate, and in its place was substituted the Hobbs bill, which has been twice passed by the House.

Mr. KUNKEL. Will the gentleman yield on that point?

Mr. CASE of South Dakota. Yes, briefly on this point.

Mr. KUNKEL. Will the gentleman say whether any references to the Norris-LaGuardia Act remain in the bill and whether the use of injunctions is authorized?

Mr. CASE of South Dakota. As I have said, the authority to ask for an injunction to keep both parties in status quo during the waiting period—30 days it was in the House version, now 60 in the Senate amendment—that authority to ask for a restraining order against a labor organization is entirely eliminated from the bill. Employer and employee are required to continue under the existing contract during the mediation period except for such changes as are agreed upon in writing. The employer remains under the compulsions of section 8 of the National Labor Relations Act, the so-called Wagner Act, which describes unfair labor practices and makes them enjoinable; the employee who fails to carry on may lose his rights under sections 8, 9, and 10 of the act, which means that he may lose his right to be included in the employment contract unless the employer chooses to reemploy him. But there, again, the language is carried, as it was in the House version, that "nothing in this act shall be construed to require an individual to render labor or service without his consent."

I believe this change effectively meets the objections that have been raised on the so-called abridgment of the right to strike and the use of injunctions and, at the same time, I think the penalty will be effective in inducing workers to carry on while the mediation proceeds in an attempt to settle issues without a strike.

The second place the House version carried authority to ask an injunction, as I have indicated, was in the section on force and violence. And, as I have said, the Senate version struck out that section entirely and replaced it with the so-called Hobbs antiracketeering bill, which has twice passed this House, and I have no doubt but that the gentleman voted for it. This appears on pages 30–33, as section 7 of the Senate amendment under the heading "Interference with Trade and Commerce."

The gentleman will note that this really is an amendment of the act of June 18, 1934: "An act to protect trade and commerce against interference by violence, threats, coercion, or intimidation." Members will want to read these pages carefully, noting the quotation marks as well as other punctuation, to avoid reading the section numbers and references within section 7 as applying to the entire bill before us.

But with respect to the penalty provisions, the gentleman will find that they are limited to fine and imprisonment for violation of a felony that is defined and that title II of the 1934 act as amended in this section of our bill expressly provides that nothing in it shall be construed "to repeal, modify or affect" certain other specified acts, including the act entitled, "An act to amend the judicial code and to define and limit the jurisdiction of the courts in equity," and so forth, approved March 23, 1932, which is the Norris-LaGuardia Act about which the gentleman is concerned.

Members will recall that one or two other references to the Norris-LaGuardia Act or injunctive relief were removed from the original bill during the House consideration, but that one slight reference to it was restored in an amendment offered by the gentleman from Kansas [Mr. HOPE] to permit getting a restraining order when it should "affirmatively appear from pleadings and evidence that irreparable injury would otherwise occur due to the perishable nature of articles such as livestock and live poultry" or words to that effect.

In the Senate committee, that idea was expressed by what was known as the Aiken amendment, which some people described as a bobtailed version of the Hobbs bill, and the Hope amendment was eliminated. The Senate, itself, dropped the Aiken amendment for the complete Hobbs bill, which, as I have explained, specifically exempts the Norris-LaGuardia Act from modification by it.

Thus, it will be seen how the three references to injunctive processes found in the bill as it passed the House have disappeared.

I should call attention, however, to new matter in the Senate amendment where references are made to the Norris-LaGuardia Act. I am sure that understanding of them will alarm no one who has been concerned on this point.

First, in the so-called Byrd amendment, dealing with welfare funds, section 8, which appears at pages 33 to 36, and is entitled "Restrictions on Payments to Labor Organizations." It is not generally remembered, I think, that the Wagner Act prohibits employers from contributing to labor organizations. The language comes in section 8 of the National Labor Relations Act, which says:

SEC. 8. It shall be an unfair labor practice for an employer—

(2) To dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it.

Presumably that was to prevent domination on the one hand or bribery of union leaders on the other. The Byrd amendment continues that philosophy but provides that such restrictions shall not be applicable to payments made to a welfare fund that is jointly administered. Thus the principle that taxes may be levied only for a public body for a public purpose is preserved and a joint trust welfare fund is authorized for joint administration with an annual audit of the trust.

And then, at that point, the Byrd amendment would permit an injunction to be obtained to restrain violations of the safeguards in this section. Obviously that protection to the trust fund is as much or more in the interest of the employees than in the interest of the employer.

The other place in new matter of the Senate amendment where I find reference to the Norris-LaGuardia Act is in subparagraph (c) of section 11 on secondary boycotts, appearing at page 41 of the print before us. It reads as follows:

(c) The term "labor dispute" appearing in the act of March 23, 1932, entitled "An act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes", shall not be interpreted to include any dispute arising out of or in furtherance of any contract, combination, or conspiracy under the antitrust laws described in paragraph (1) or (2) of section 6 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914, as amended.

The members will note that this is purely interpretive. The need for this language was given by Senator BALL, of Minnesota, and appears in the CONGRESSIONAL RECORD for May 25 at page 5724, as follows:

In *United States* v. *Hutcheson* (312 U. S. 219) the Supreme Court held that a secondary boycott could not be reached under the antitrust laws because the declaration of policy in the Norris-LaGuardia Act gave employees full freedom to engage in concerted activities for their mutual aid and protection. Therefore, even though a secondary boycott was clearly illegal under the Clayton

antitrust law, it was free from criminal prosecution or injunction because of the declaration of policy in the Norris-LaGuardia Act.

In the majority opinion, written by Mr. Justice Frankfurter in that case, he specifically stated—and this is contained in the minority views:

"So long as a union acts in its self-interest, * * * the licit and the illicit under section 20 are not to be distinguished by any judgment regarding the wisdom or unwisdom, the rightness or wrongness, the selfishness or unselfishness of the end of which the particular union activities are the means."

I may say to the House that I know that this (c) appears in the bill as the result of informal conferences with Mr. Donald Richberg, who is generally credited with the authorship of the Norris-LaGuardia Act. During our consideration in the House, the gentleman from New York [Mr. MARCANTONIO] contended that the act did not exempt force and violence from injunctive relief. This paragraph, I am informed, will make it clear that the declaration of policy in the Norris-LaGuardia Act was not intended to negative the language in the body of the act which he cited.

So much for that question.

THE WELFARE FUND

It has already been pointed out that the only substantially new subject which appears in the bill as it comes back from the Senate, on which there was nothing whatsoever in the bill as it passed the House, was that in the so-called Byrd amendment. That deals with the large welfare fund that has been proposed recently and comes, of course, out of the proposals to establish a royalty tax in the coal-mining industry. It was not a general issue at the time we had the bill in the House. There has been a little misunderstanding about what this Byrd amendment does. Members might interpret the remarks by the gentleman from Virginia [Mr. SMITH], coupled with some newspaper headlines, as meaning that the Byrd amendment prevents creation of a welfare fund. That is not correct. The Byrd amendment was revised as it was finally offered in the Senate and as it now appears in the bill. It permits the welfare fund to be created, but provides that, if the employer contributes to it, the employer shall have a share in the management of it. The amendment also provides that annual reports shall be made of the fund. If you will read the language of the section dealing with that, you will see the purposes of the fund are quite broad and the fund may be used for accident insurance, compensation for death or disability, or anything of that sort. Therefore, the Byrd amendment does not prevent a welfare fund but legalizes it and provides for joint management on the part of those who contribute to it.

So much for the changes in the bill.

Now, I should like to address myself directly to the points discussed by the majority leader, the gentleman from Massachusetts [Mr. MCCORMACK]. He made three or four rather impassioned declarations about the provisions of the bill with which I cannot agree.

ON SUPERVISORY EMPLOYEES

First, with respect to supervisory employees. Members will recall there was a section on supervisory employees in the bill as it passed the House. At the time, I said I felt the definition was not the best that might be obtained. We accepted some amendments on the floor during the consideration of it. When the bill went to the Senate, several definitions were considered there. Some of us from the House were consulted at different times about changing the language.

The amendment which was finally adopted in the Senate, known as the Ellender amendment, is particularly important with respect to the change in the definition because of one phrase, in my judgment. It says that the term "supervisor" means any individual having authority "in the interest of the employer to hire, transfer, suspend," and so forth. "In the interest of the employer"—that is the key phrase to keep in mind.

During the hearings before the Senate Committee on Education and Labor, Mr. William Green, President of the American Federation of Labor, appeared and objected to the definition that had been used in the House. But he agreed, as was pointed out in the minority report of the Senate, in his testimony on February 23, 1946, that a line of distinction should be drawn between the employee who was purely an employee and the employee who was a representative of management. All that the section on supervisory employees does is to say that if "in the interest of the employer," this person has a primary responsibility in hiring, firing, discharging, and fixing pay, and things of that sort, then at the bargaining table he shall not sit on the side of the employee, but shall sit on the side of the employer. As Mr. Green said, the line has to be drawn somewhere. No man can serve two masters. If you are negotiating a contract, a lawyer does not represent both clients. That is all that is involved here. The definition further carries this important subsection, "That nothing herein shall prohibit a supervisory employee from becoming or remaining a member of a labor organization." That is expressed in the Ellender amendment as it was adopted. It appears at the end of section 9 and is alone at the top of page 38 and its significance was possibly overlooked by the gentleman from Massachusetts when he made his remarks.

AN INDEPENDENT BOARD

Then, with respect to the second objection of the majority leader, that we are taking a little power away from the Secretary of Labor, I think there is a fundamental principle that ought to be kept in mind. When you are setting up a board or commission that may have some sort of judicial function—although the Mediation Board here does not have the power of arbitration specifically included, yet it is to appear as a mediator or as a go-between between the two parties—it should be an independent board or commission.

You might as well argue that the Interstate Commerce Commission should be put under the Secretary of Commerce as to say that the Mediation Board should be put under the Secretary of Labor. If you are going to have a Tariff Commission or an Interstate Commerce Commission or a Mediation Board, it should be independent. The provisions of the Senate amendment provide that the Mediation Board shall be composed of five men appointed by the President, by and with the advice and consent of the Senate, for a term of 5 years, with the tenure of office of the first 5 staggered 1, 2, 3, 4, and 5 years. That would mean that one man's terms would expire each year.

So I take direct issue with the gentleman when he thinks this Board should remain in the hands of the Secretary of Labor. I think you should have an independent board. The board is set up in the Department of Labor for housekeeping purposes. The bill specifically provides that the Solicitor of the Department of Labor can be called upon for legal advice; that the Statistical Bureau in the Department of Labor shall furnish such information and figures as the Board may require for its purposes, but it does make the Board independent as far as the functioning of the Board is concerned.

So, unless you believe that quasi-judicial boards should become departmental boards to carry out the partisan or political policies, you should be in favor of the provision of the Senate bill in that respect.

Now, with regard to the provision on suability for labor unions.

The SPEAKER pro tempore. The time of the gentleman from South Dakota has expired.

Mr. ALLEN of Illinois. Mr. Speaker, I yield the gentleman four additional minutes.

MAKING BINDING CONTRACTS

Mr. CASE of South Dakota. When the distinguished majority leader took issue with the provisions on suability, he took issue with the President of the United States when he made his appeal to the labor-management conference last November. On that occasion, President Truman said:

> We shall have to find methods not only of peaceful negotation of labor contracts but also of 'nsuring industrial peace for the lifetime of such contracts. Contracts once made must be lived up to and should be changed only in the manner agreed upon by the parties.

All this section on suability does is to carry out the same purpose we had in the House bill, when we provided for making contracts actually binding upon both parties to it. It has been found that while a few States permit suing on a labor contract, many States do not. Unless you have some such provision as this in Federal law, collective-bargaining contracts will not be good, in the words of the President, "for the lifetime of such contracts."

So the Senate very carefully and properly drafted this provision in the way they did, to insure that "contracts," again in the words of President Truman, "once made must be lived up to" and "changed only in the manner agreed upon by the parties."

Individual members of a union are not made liable for any money judgment, I might point out, but only the union as an entity. If employees strike in violation of their agreement, the only indi-

vidual penalty that can be employed is the forfeiture of their right to employment under that contract which is cured when the employer reemploys them.

THAT FINAL OBJECTION

Finally, the last objection that the gentleman from Massachusetts made was what he feared might be the creation of a so-called black list under the provision in the section to which he referred. While he referred to the paragraph on page 39, he did not read the language in the paragraph; for if he did, the illustration he used about the gentleman from Indiana, CHARLIE HALLECK, going off the job and then losing his rights under the Wagner Act would not have applied, because the gentleman from Indiana, CHARLIE HALLECK, would have had to participate in a strike in violation of the collective-bargaining agreement.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. CASE of South Dakota. I yield.

Mr. HALLECK. Would it also not have been necessary, under the terms of the proposal, that that individual action on the part of the individual employee would have to be in contravention of the agreement and desire of the labor organization which made the contract?

Mr. CASE of South Dakota. That is exactly true. It would have to be in violation of that agreement.

Mr. HALLECK. I think it should be pointed out in connection with that, that his reemployment rights and whether or not he had been guilty of the violation of the provisions of the section, would be triable as an issue of fact, before the National Labor Relations Board.

Mr. CASE of South Dakota. That, of course, is true. I call attention to the fact that this Senate amendment carries language which was in the House bill, at page 22, line 2, where it says:

> Nothing in this act shall be construed to require an individual employee to render labor or service without his consent; nor shall anything in this act be construed to make the quitting of his labor by an individual employee an illegal act; nor shall any court issue any process to compel the performance by an individual employee of such labor or service without his consent; nor shall the quitting of labor by an employee or employees in good faith because of the abnormally dangerous conditions for work of the place of employment of such employee or employees be deemed a strike under this section.

So that I think if you analyze the bill and go into all the details, you will find it is amply protective on all these things.

Mr. Speaker, I wish every Member of the House might have had the opportunity, as I have had, to realize the way in which conviction has grown upon the country that we should take action. You have seen something of it, of course. You know the way in which the mail has come in your own office, but, naturally, I have probably received more correspondence on this than the average individual Member. Naturally, I have probably observed more editorial expressions, and I know as a fact that newspapers which were opposing the Case bill when it was voted in the House are urging its acceptance now.

And so, again, as at the outset, in behalf of the public welfare and the public's stake in achieving industrial justice without industrial war, I urge you to vote for acceptance of the Senate amendments to complete final passage of the bill.

The SPEAKER pro tempore. The time of the gentleman from South Dakota has expired.

Mr. SABATH. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Speaker, I believe we should follow the admonition of the President, who asked us to make a study of this entire labor situation and come to a reasonable conclusion. I do not think we can devise any sensible or reasonable long-ranged labor bill (and I do not think the bill before us now is either sensible or reasonable) with the hysteria and excitement that now is agitating the Nation.

We passed the Smith-Connally bill in a moment of perturbation. We were told that it was an antistrike bill—at least the proponents said so. However, it became a prostrike bill. Whereas it was intended to provide a 30-day cooling off, the 30 days turned out to be a boiling period. The bill encouraged a vote to be taken as to whether there should or should not be a strike in a given establishment. It put the Government imprimatur or stamp of approval upon a strike vote being taken. That was equivalent to encouragement to develop strikes, to agitate for strikes, to argue for strikes. What has happened with reference to the Smith-Connally Act will again happen with reference to the Case bill if we pass this bill. It also provides for a so-called cooling-off period, but instead it will turn out to be a period of encouragement, a boiling period; and, worse than that, it doubles the time of excitement from 30 to 60 days.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield.

Mr. HALLECK. The gentleman has referred to the Smith-Connally Act and its promotion of strikes. Did the gentleman ever hear of the administration asking for the repeal of the Smith-Connally Act since its adoption?

Mr. CELLER. I assure the gentleman that most of the administration adherents—at least all such genuine adherents on my side of the aisle, voted against the Smith-Connally bill. Also, the President vetoed the bill. It was passed over his veto.

The current bill would put labor back decades. It will do no good. It will incense and cripple labor and destroy the precious right to strike.

I think it opportune to give my views, at this stage, on the Truman labor bill, against which I was paired on Saturday last.

The Democratic Party has always been the friend of labor. Labor properly rewards its friends and punishes its enemies. The greatest strength of the Democratic Party has been its close relations with labor. The Truman antistrike bill strikes at the heart of labor. Its draft, seizure, and sanction provisions would destroy the labor movement. Labor will therefore not favor the bill's proponents.

The bill would provide for enforced labor. Be it remembered that Hitler used enforced labor as a spearhead for his iniquitous dictatorship. His labor battalions did the trick for him.

The current bill practically sets up labor battalions.

It was always thought that service in the armed forces was a proud distinction; now it must be deemed a punishment. By its enforced labor provision, the bill sets up a penal colony. The draft makes of the Army a penal colony and degrades the honorable service within our armed forces.

Government seizure is nothing more nor less than a snare and delusion. The coal mines were seized. That did not preclude the continuation of the strike. Making soldiers out of miners does not force them to work. They might be court-martialed but filling the jails does not fill the coal bins. Government seizure will not prevent strikes. It is utterly unnecessary if other remedies are used effectively.

Then there is the absurd provision that the Government can garner the profits due to Government operation. That is confiscation. It is taking property without due process. And if the operator has done no wrong, it is unduly punished.

In 1920, after the last war, the British were confronted with wholesale strikes. They adopted sensible emergency legislation. That law was approved by the Ramsay MacDonald Labor Cabinet, the Baldwin-Chamberlain-Churchill Cabinets, and the present Attlee Labor Cabinet. The British law provides for no seizures because it is wisely thought that seizure is unnecessary. Furthermore, there is an absolute prohibition against drafting labor into the army. Individuals are free to quit work, but the King, subject to revocation or amendment by Parliament, can proclaim any industry affecting public interest to be an essential industry and then strikers are cautioned to go back to work, although they are free not to go back. There are fines and punishment for offenses in defiance of regulations covering these illegal strikes. These regulations, promulgated by the King with the consent of Parliament, permit the industry to recruit workers and they cannot be interfered with by the strikers. Furthermore, strikes are legal only if the disputes are restricted between employers and employees. Sympathy strikes and political strikes are illegal. Whenever the strike takes on the nature of a strike against the general public or government, then the strike is illegal, but the common workingman who is striking is not punished and he can refrain from working, but labor leaders who urge strikers not to work and to continue the strike are punished. Public employees may not strike against the government or the municipality.

I emphasize there is no draft of labor and no government seizure in England. Since 1920 England has gone along fairly well with this labor act. We might well benefit from a study and adoption of some of the features of this British labor law.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. HALLECK].

Mr. HALLECK. Mr. Speaker, as we consider this matter I think it may be well for us to bear in mind that the President of the United States asked the Congress for labor legislation. It is true he made certain recommendations which most considered unwise or ineffectual, but he also said: "If you do not want to adopt these recommendations, write a program of your own."

After the failure of the labor-management conference, the President of the United States made a statement urging provisions for obligation of contracts and secondary strikes and jurisdictional strikes, and said something needed to be done about it. Most recently he came before the Congress and advocated a seizure bill, for which the overwhelming majority of the Members voted. That bill goes far beyond the provisions of this measure, or any other measure I know of that has been presented to the Congress.

Seizure is not the answer; seizure can effect no long-time cure of our labor-relations problems. That can be nothing more than a stopgap measure. So we are left with the underlying responsibility as to what ought to be done.

I realize that anyone who rises to support any of these provisions may seem to have his statements and arguments destroyed by resort to the use of epithets, name-calling, and various exaggerations about what is attempted to be done. I do not believe that sort of argument contributes very much to the solution of the problem that is now before us. I was necessarily out of town last Saturday and missed the vote on that measure, but thereafter I was back home in my State. If you believe that the people think we are proceeding too hastily you better do a little checking up back home. If there is any complaint at all, it is that action has not been heretofore taken to bring about a solution of some of these problems.

We assert our belief in the processes of collective bargaining. Certainly I do. The right of labor to organize and bargain collectively is one of the fundamental essentials of our competitive enterprise economy. Without regard to what anyone says about anyone else's intention, I do not know of any Member of the House of Representatives who wants to destroy the right of labor to organize and bargain collectively.

Now, we get to that point and then we say if collective bargaining is to mean anything, the contracts arrived at as the result of collective bargaining must be binding upon the parties as to the agreements made. Everyone agrees on that. Yet the minute we begin to write those provisions into law the opponents, whose consistency I say must on occasion be open to question, get up and criticize us. They never bring forward any suggestions of their own. They never have any ideas about it.

When the Case bill was before the House the provisions in the contractual liability section were such as to lead some to urge—I thought wrongly—that the union would be responsible for the acts of the individual members of the union in going out on strike in violation of the union's wishes. The proposal that comes from the Senate makes it clear that the union is only responsible for the acts of its agents carried on under the scope of their authority.

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired.

Mr. ALLEN of Illinois. Mr. Speaker, I yield the gentleman five additional minutes.

Mr. HALLECK. Mr. Speaker, there is substituted for that the thing about which my very good friend, the majority leader, has expounded at length, in which he kindly used me as an illustration, which has to do with the responsibility of the individual who goes out on a wildcat strike in violation of a contract and in violation of the wishes of his organization. All we say is that if he breaches his contract as an individual in that manner, his employer does not have to take him back unless he wants to. What is the matter with that. There is no prohibition against his employment anywhere else.

Mr. Speaker, let us consider this matter of supervisory employees. You cannot have collective bargaining except by management sitting on one side of the table and the men on the other side of the table. Their respective positions must be maintained. If a man is sitting on the side of management that is where he ought to be for the purposes of the National Labor Relations Act. That is all that this proposal that we have undertakes to do. Now, then, the man can belong to the employees' union if his employer does not object. By specific provision he may belong to the union subject only to a right on the part of the employer to cease his employment in the event he believes that man comes within the limits of the definition and really is on the side of management.

Some may be critical of the manner in which this measure is brought before us. Let us go back again to a little history. The President asked for legislation. He made a number of recommendations.

The Committee on Labor of the House of Representatives—and I quarrel with no committee the way they run their affairs and their business, but I think I can run my affairs on the basis of what their action has been—took about everything out of that proposal, being what the President wanted, and reported out a bill that just had nothing in it. Why, nobody was for it. Then the House of Representatives wrote the provisions of the Case bill into the bill after long debate and careful consideration. It then went to the other body, and there the committee that has these matters in charge did the same thing that they have been doing to every piece of legislation like this since I have been in Congress. The committee took it all apart. They took out everything that amounted to anything. Then the other body, even as we, acted on that bill and wrote into the measure most of the provisions of the Case bill that I say are defensible. They added the Hobbs bill, which an overwhelming majority of the House previously supported.

Now the bill is back to us. Who will deny that if this measure went to the conference before those two committees that heretofore absolutely refused to deal with these problems that then all hope of legislation would be lost? If we want to get something on the books there is only one way to do it and that is to vote for the adoption of this rule and agree to the Senate proposal. Then that measure which I say to you is a workmanlike job—and if you read it, you will think it is also and should go down to the President for his signature. You people on that side know about what the President is going to do better than I do. But let me say to you that he had better not veto this bill. And it is going to be down there.

I yield to the gentleman from Ohio.

Mr. JENKINS. Might I add to what the gentleman has said that there has probably been no time in the history of the Congress that we have ever seen an instance of a committee reporting out a bill when not a single member of the committee would sponsor it?

Mr. HALLECK. That is correct.

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield.

Mr. SABATH. In view of your statement that the Senate has taken the House bill apart and has substituted many other provisions do you not think the House should have been entitled to a few days to consider some of these amendments that the Senate put into this bill? Notwithstanding do you not think that the regular procedure would have been to send it to conference the same as we have done with all other bills of similar nature?

The SPEAKER. The time of the gentleman has expired.

Mr. ALLEN of Illinois. Mr. Speaker, I yield one additional minute to the gentleman.

Mr. HALLECK. May I say to the gentleman I believe in the orderly procedures of the House and this procedure is orderly. I have always supported such procedures. I also believe that the time comes now and then when the Congress has a responsibility to fulfill, and I am for meeting that responsibility.

These provisions, as the gentleman from Illinois knows, have been debated at great length a number of times. They have been the subject of hearings before committee after committee. There is not one of us who has not been over them backward and forward. The only new feature that is included in the bill that has come back from the Senate is the provision having to do with the welfare fund and the manner of setting it up and its operation.

The SPEAKER. The time of the gentleman has again expired.

Mr. SLAUGHTER. Mr. Speaker, I yield two additional minutes to the gentleman.

Mr. HALLECK. It does not prohibit creation of the fund. It simply undertakes to outline the manner in which the fund can be created.

The Senate is one of the great deliberative bodies of the country. There was

much debate about that provision. We have watched the opinions change over there day after day as legitimate objections were raised and we have seen finally a meeting of minds on that provision.

The mediation section was thoroughly debated. As far as I am concerned I would rather see it an independent board and not in the Department of Labor. But that is what the Senate decided. There was a close division about that here, so I am not going to be adamant in my position in that regard. The President asked for fact-finding boards once. I would like to point out that in respect to threatened strikes in public utilities, which certainly is a matter of great concern to all of us, there is provision for the creation of emergency fact-finding boards in this proposal. The violence section, as has been stated, has been stricken out. A lot of us voted for that when it was in the other bill.

The contractual obligation section has been debated pro and con, and again, if I may say it; it was rewritten in the Senate to meet the very objections that were voiced against the provision we had here in the Case bill before the House.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. BUCK].

Mr. BUCK. Mr. Speaker, had this bill been law 3 months ago President Truman would not have come before us to ask the drastic legislation we gave him last Saturday. This is moderate legislation. If this bill or any part of it curbed or in any way restricted any legitimate labor objective or activity, I would vote against it. But it does not do so. On the contrary, its only purposes are to set up machinery for the settlement of disputes and to curb abuses which in the past 6 months have brought all labor unions, good and bad, into public disfavor. Therefore, I will vote for the bill, and I do so with the conviction that I am thereby rendering a service rather than a disservice to labor's best interests.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. HARNESS].

Mr. HARNESS of Indiana. Mr. Speaker, in this morning's Washington Post there appeared the following news item, dated at Kansas City, Mo., May 28, and I quote:

> Loading of wheat for shipment to Mexico was halted by union workmen today.
>
> "Why Mexico should receive wheat when flour mills in Kansas City cannot secure a supply to remain open is more than I can understand," said the leader, J. A. Leveridge.
>
> He said 4 of Kansas City's 8 mills were closed, with 1,000 workers idle, and that the other 4 mills must close early next week.
>
> The Commodity Credit Corporation sold the wheat to Mexico, the union official said.
>
> The union telegraphed protests to President Truman and Secretary of Agriculture Anderson last Friday on the shipments, but received no reply, Leveridge said.
>
> The Kansas City Board of Trade and the Associated Millers of Kansas Wheat also protested.

I am advised by members of the Committee on Agriculture who have recently made an exhaustive study of our own wheat supply, that we are so short of wheat in this country that there is only six-tenths of a bushel per person, to last us until the new wheat crop is available. Moreover, that much of the new wheat crop has already been pledged or committed by the administration, in an effort to minimize the starvation and misery threatening millions of peoples throughout the world. I am sure that no decent American will object to this humanitarian gesture, but we expect the program to be administered with a little common horse sense. Certainly we should not be so generous as to completely strip our own country of the bare necessities of food. Everybody knows that the meager supply of six-tenths of a bushel of wheat per person is wholly inadequate for our population. Why then are we shipping wheat to Mexico where there is no apparent shortage of food, and further diminishing our own supply.

Mr. Speaker, not only in Kansas City are the flour mills closing down, but it is reliably reported in today's press, that by June 4 next, 90 percent of all the flour mills in the country will be down. We are receiving reports daily from bakers throughout the Nation that they are forced to cease operations because of the shortage of flour. Housewives are unable to buy bread. Thousands of people will be thrown out of employment. While I do not condone the strike of the union in this instance, I am sure that every thinking person will sympathize with their protests which thus far have been ignored by administration officials.

Mr. BUFFETT. Mr. Speaker, will the gentleman yield?

Mr. HARNESS of Indiana. I yield to the gentleman from Nebraska.

Mr. BUFFETT. Will not the gentleman agree with me that much of the underlying cause of all these strike troubles is the uneconomic management of the Nation's financial and business affairs by this administration?

Mr. HARNESS of Indiana. Yes, there is no question about that. When the President and the Secretary of Agriculture are so callous to their protests, these workingmen are forced to resort to drastic measures to obtain consideration. In this instance there appears to be no doubt that the bungling short-sightedness of administration officials has provoked this strike.

Mr. KEFAUVER. If the gentleman will yield, under this bill could not the union be prosecuted because of the refusal to load wheat, providing they had a contract with the employer?

Mr. HARNESS of Indiana. No; the union could not be prosecuted, but if there was a contract and damage resulted from a breach of it by the union, the union probably could be sued and held liable for that damage. No matter how much we may sympathize with the union in their protests, that would not justify a damaging strike. There are times when we can sympathize with a person who is provoked to commit an assault and battery for which he can be prosecuted under the criminal law, but that is no reason to abolish the law that punishes assault and battery.

I shall support the pending bill because I believe it will go a long way in solving many of our current labor-management difficulties. It is legislation that should have been enacted long ago.

Mr. SABATH. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island [Mr. FOGARTY].

Mr. FOGARTY. Mr. Speaker, most of us do not possess the gift of clairvoyance which is claimed by some newspaper editors and commentators. Thank God, too, most of us do not possess the insolent arrogance of some newspaper editors—those editorial writers whose principal stock in trade is hypocritical demagogy that enables them to act as character assassins—while they pose as lily white and simon pure defenders of downtrodden masses; or the champions of civil liberties, while in truth they are the despoilers of genuine liberty and the exploiters of the workers they pretend to champion.

Just a few days ago we met in this House to make a decision which was momentous—and until less than an hour before we were called on to vote few if any of us knew just what decision we would be asked to make. For myself—distasteful as it was—I did my duty as I saw it and I will take the consequences without any quibbling or equivocating.

But I vigorously object to these self-anointed guardians of the people who sat in the bleachers while the storm raged and then came rushing in with a bagful of speeches and editorials—like firemen arriving after the smoke has settled and giving a lot of instructions and advice about how the affair could have been handled without burning anyone's fingers.

Up in my district we have an alleged newspaper whose editorial columns regularly contain the outpourings of reactionaries whose sole desire is to prevent the average American working man and woman from having even the slightest voice in the shaping of his own future. Yet, this disgrace to American journalism puts on its pious robes and, wrapping itself in the flag, proceeds to condemn me because I am a friend of labor, and yet voted to uphold the President on last Saturday.

The grandest thing that paper can ever say of me is that I am a friend of labor. More than that, it pointed out that I am a laborer, that I carry a card in the bricklayer's union. And by the same token, the grandest tribute that can ever be paid to me, the best evidence that I am true to the dictates of my conscience, is the declaration that I have incurred the wrath of the Providence Journal.

No bald face lie, no treacherous hypocrisy, is too raw to deter this paper in its efforts to wreck the character of anyone who refuses to come to heel at its bidding.

This unprincipled sheet castigates me, under the pretext of talking about my responsibility. Why, the Providence Journal does not begin to understand the responsibility it owes to the people it is supposed to serve in the exercise of its monopoly.

The Journal has violently attacked the railroad brotherhoods. It has attacked with venom the coal miners, the textile workers, the building trades, the machinists, and every other group of union

men and women who have dared to strike for the betterment of their working conditions.

This organ is so influenced by the rancor in the minds of its editorial writers that it pursues contradictory courses. Never constant in any principle, it is influenced only by its obsession that it must, at whatever cost to intellectual honesty, assail the character and person of the men who have incurred its wrath.

Bitterly antilabor in all its actions, this paper assailed pickets as public enemies and seriously recommended their imprisonment. It called them anarchists and stated that they had no understanding of the kind of freedom on which the institutions of this land depend. It called them irresponsible and thoughtless and accused them of threatening the fundamentals of a free society.

All this appeared in the columns of its editorial page just a few days ago and before many hours had passed it was soundly thrashing the administration because it dared to interfere with the right to strike. No individual should be forced to go back to work this paper argued. The right to strike is one of the most precious of rights. It is of the same essential character as a man's right to worship, read, write, and talk as his conscience or choice dictates.

Is it any wonder that newspapers have lost their influence when such muddied thinking is the best they can afford to the reading public? Is it any wonder that the reading public holds grave doubts about the worth of any cause which such newspapers choose to support? Their confused thinking and confounded reasoning demonstrate that their only interest is sharpening the axe for their own pet purposes.

This vicious organ—completely blind to its responsibility as a medium for the dissemination of news and information—distorts the facts willfully and piously wails that it is the moderates in the Senate who are saving the working people of the land and preserving the sacred ideals of American democracy. Does the Providence Journal think anyone will believe its pious chant that these so-called conservative Senators are interested in American labor? They, who effectively destroyed the real full employment bill and substituted therefor a ridiculously ineffective gesture advocating the hope that everyone could find a job—somewhere.

The Providence Journal and these Senators have the same end in view in their present hypocritical performance. They do not want the passage of this purely temporary legislation. This bill requested by the President will expire in 6 months. These Senators and the Journal do not want that to happen. They want permanent chains forged to shackle labor unions and the working men and women of the country. They want and they are determined to have—no matter how long it takes—a permanent gag on all labor unions. Unions have demonstrated that the working men and women of the country are powerful forces for good in the economic, social, and political life of the country. The labor unions have upset the established status quo of the privileged few. That is why the Journal wants the Case bill—or any other repressive, antilabor legislation. That is why these Senators have fought to prevent any action on the President's request until he could force this Case bill through Congress and into the President's hands.

If it were good legislation, if it were progressive legislation, it would not have the support of the Providence Journal. For that paper has consistently supported everything that was reactionary—and opposed everything that was progressive.

A stranger, reading the columns of the Providence Journal, would be convinced that its publisher and editor were ashamed of the city of Providence and the State of Rhode Island. Nothing is any good about either according to the Journal.

From the days of John R. Rathom to the very present its columns have been stuffed with sarcasm and ridicule for any man of the people who sought to improve the lot of the average man in the street. The only people it can find time for are the members of the Hope Club, while its principal energies are devoted to proving what misfits and failures staff the Providence police and fire departments.

It would have people believe it is a powerful force in the life of Rhode Island yet it has never successfully espoused any cause which was for the betterment of the people. It has supported a decadent and ruthless political organization until the organization itself died of dry rot. It championed the GOP in Rhode Island when it deprived the people of Rhode Island of the fundamental principle of home rule—and now it poses sanctimoniously as the champion of sacred rights and individual liberties.

It conducted a violently scurrilous campaign against the beginnings of social security and branded the New Deal a gang of thieves. It ridiculed the programs of the New Deal which sought to put food into empty stomachs, save the roof over a family's head, and help restore some semblance of pride to men who were on the brink of despair.

It has condemned every strike—and supported every form of strike-breaking tactic—including the calling out of the State militia to drive honest pickets away from the mill gates.

It bitterly attacked textile workers—while it mumblingly covered up the obstinate arrogance of Henry D. Sharpe who refused to meet with the representatives of his employees—or the officials of the sovereign State who sought to solve the dispute at Brown and Sharpe's.

And now this self-styled champion of individual liberty supports the passage of this Case bill. Here is the real enemy. Here is the permanent garrotte. This is the fixture which the Journal wants established as the law of the land. There is nothing of an emergency nature in this bill. This is not designed to meet a sudden and dangerous crisis. This is the bill which seeks to amend the Clayton Act, the Wagner Act and other pieces of progressive legislation. This is the bill which would set up a new agency within an agency. This is the bill which ignores the fact that we have a conciliation service in the Labor Department and declares there will be a mediation service. This is the bill designed to bring about the dissolution of labor unions and the fastening upon the body politic of a government by fiat.

The Case bill is evidently unworkable. The so-called cooling-off period, about which so much has been said, is as effective in solving industrial unrest as is the strike-vote provision of the Smith-Connally Act. Under the Case bill the necessary activities must be set in motion a little earlier. That is the only difference. This so-called cooling-off period is a violation of the right to strike, which the Journal must defend. It interferes with a man's sacred right to work or not, as he pleases. It violates the rights of the employees and provides one more justification for obstinacy on the part of employers. It warns employees against cooperating and places a premium on the employers' refusal to cooperate.

The ultimate result of the Case bill, should it prevail, will be the imposition of a system of compulsory arbitration. Neither labor nor industry wants compulsory arbitration, and for a very simple reason. Such a system will result in the substitution of governmental fiat for the agreements of free men bargaining with each other. It is amazing to see this bill receiving support from men who have clamored loud and long to get the Federal Government out of business. This bill will not restore private initiative—it will hamstring its operation.

One of the great objectives of social-minded men and women has been the establishing of unions on a plane somewhere near equal with industrialists—so that the two could bargain fairly. This bill will wipe out all the progress that has been made in that direction. Labor unions will be set back two generations—and manacles will be placed on their limbs so that it will be next to impossible for them to grow strong again.

That is not the American way. The proper way is to consider and adopt genuine social legislation: A real full-employment bill. Raise the minimum wage standard. Provide genuine security. Demonstrate that this democracy of ours can and will work for the benefit of all its citizens.

It is time we stopped applying poultices to festering sores. It is time we removed the cause of trouble. Root out the cause of industrial disputes rather than look for temporary and ill-fated remedies.

Such was the situation on Saturday last. That crisis should never have developed. Because of the dangers imminent last Saturday good men were compelled to lose a good fight. Their defeat caused personal discomfort. Some of them are personal friends of mine. Arthur Riani, one of the representatives of the Brotherhood of Railway Trainmen has been almost as close as a brother. I know he understands.

The Members of this House were forced to make a decision which was agonizing to many. I love my friends in the labor movement in Rhode Island. A father will love his son sufficiently to risk death to protect him from attacks, but that father cannot stand by and see his son

burn the house down. I have been criticized for my vote on Saturday. I shall defend with my life the right of every man to make such criticisms. I can only say I shall always do my duty as God gives me to see it. I hope I shall always have the intestinal fortitude to hew to the line and let the chips fall where they may.

I feel it is my duty to vote against this Case bill. I sincerely believe it is poor legislation. If it should succeed here in the House then I shall appeal to the President to veto it. I shall assure him that I shall vote to sustain his veto, if the measure comes back to the House.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. HOFFMAN], a member of the Committee on Labor.

Mr. HOFFMAN. Mr. Speaker, when this bill was passed by the House before, my vote was cast against it. It comes back from the Senate in many respects a much better bill, and as written it will receive my vote though with some of its provisions I cannot agree. It comes back from the Senate after the House last Saturday voted when we were not in a fighting war to draft citizens of this country to operate industries. To my mind, so long as we must have remedial legislation, and there is no question but that we must, it is far better for those who are interested in the welfare of employees and workers to accept and support this bill than it is for them to adhere, or rather if they do not adhere, to be forced to take the bill that went through Saturday drafting men for industrial work. This bill though not the complete answer is in part the answer to the President's request. There are several things in this bill that I do not like, but I am caught, as the Congress is so often caught, in a situation where we cannot get what we want. We are forced to take what we can get. There is one thing in this bill that to me is radically wrong, and that is the definition of a labor dispute. While the definition is the same as that in NLRA that does not make it correct. It should be corrected both in the act and in the NLRA. Under this bill there is a labor dispute regardless of the fact that the relationship of employer and employee does not exist between the parties. That means that any organization controlled by men who do not have the welfare of the worker in their minds or in their hearts can cause a strike and bring about what was brought about in this country last week—what might be called chaos—by insisting that their demands be met even though they do not represent a single employee. Another thing that is wrong in the bill, and I hope that somebody will correct it, is the definition of an employee. When a labor dispute arises, one would naturally think an employee is one who is working for the employer where the dispute arises and exists. But under this bill, employees may include those who may be thousands of miles away or engaged in some other industry. Yet, because they work for someone, they are employees who may be involved in that particular dispute and strike.

What I mean is this: If a supplier of the Ford Co. in St. Louis has a strike on his hands and a Ford employee in Detroit, thousands of miles away from where the parts were being made, is thrown out of a job, then he becomes an individual, an employee, who is involved in a labor dispute, though he knows nothing of the merits of the controversy, has no interest in it. Yet he may be called out on strike.

Another thing: The Senate took out the provision against violence which occurred during strikes. If that provision comes before the Supreme Court and the Supreme Court follows the line of reasoning that it did when it wrote the decision which rendered the Hobbs bill necessary, it will undoubtedly hold that because of the action of the House today it exempted from injunctive relief, from relief of any kind obtainable in Federal courts or under contracts which come under the jurisdiction of the Federal courts, exempt them all of those who engaged in the violence, from being punished and from being liable for their action. And that notwithstanding other provisions of this bill.

I point out these things only because, when difficulties arise in the future and some of these questions come up for consideration by the courts and by the Congress, I do not want it to be said that all of us who voted for this bill, as I shall do, did it not knowing what was in it, and that we failed at that time to point the improper provisions in the bill.

Another thing which I think should be included in the bill, and I do not understand why it was left out, is a provision that, if any part, or paragraph, or section of the bill be held void, unconstitutional, the rest of the bill shall stand. I say, I do not know why the other body did not put it in, but it is not in. It should be in, and I wish it were subject to amendment.

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. Yes; I yield.

Mr. CASE of South Dakota. I know of no language in the bill as it now stands that raises any question of constitutionality. However, in an informal observation to some Members of the Senate on Saturday night I did suggest it might be well to insert the customary separability section. In the long session they were having it may have been overlooked or they may have thought the bill was so clearly constitutional that such a provision was not necessary.

Mr. HOFFMAN. Overlooked. That is the trouble, because the people of the country were about to suffer from hunger last week the House was forced to pass the bill which it did.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. ALLEN of Illinois. Mr. Speaker, I yield the gentleman one additional minute.

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. CASE of South Dakota. I am glad the gentleman made his observations about the definitions in section 2 of the bill. The point which the gentleman made about imperfections in the definitions of labor disputes and employer and employee may be valid but, of course, the gentleman knows that language is the law now. Those are the same definitions that are in the Wagner Act. We are not making new law there; we are simply using the same definitions, which avoids confusion.

Mr. HOFFMAN. Oh, wait a minute. Never mind what the law is now. If it is not as it should be, we should change the law. That something has been is no reason why it always should be. So far as this racketeering is concerned, that is legal according to the law made by the Supreme Court, when it is practiced by members of a union in connection with union business. The definition of labor disputes was written by the Supreme Court in accord with that written into NLRA, but that does not make it correct.

Now we come along and give approval to that decision, and to the definition carried in the Wagner Act, and both are absolutely wrong. There is no question about it. The only point in my remarks is that I want the House to know that I do not believe all the provisions of this bill are as they should be written. I am going to vote for it because it is the best I can get at the moment. It is my hope that the passage of this bill will make it expedient for the President to withdraw the bill passed Saturday and that without delay we will rewrite the NLRA.

The SPEAKER. The time of the gentleman from Michigan has again expired.

Mr. SABATH. Mr. Speaker, I yield 3 minutes to the gentleman from West Virginia [Mr. RANDOLPH].

Mr. RANDOLPH. Mr. Speaker, I believe that the country applauds courage. Yet, by the same token, the country equally applauds moderation and a temperate approach, through careful study, to a subject so fraught with difficult and proper solution as the field of long-range labor-management disputes.

On Saturday evening I joined with practically all of my colleagues in supporting, 306 to 13 on roll call, the request of the President of the United States for certain emergency powers—call them drastic, but I believe they were necessary temporary powers—to deal for the Government in crises in which we have found ourselves, and may again find ourselves, in this country where a deadlock goes beyond labor and management troubles into the period when the Government of the United States, expressive of and responsive to the public will, must necessarily assume control and operation of essential industry, so that productive and public services in this country continue to operate for the public welfare.

Mr. Speaker, I supported the President's request, so as to place in his hands—to be used only in extreme and unwarranted stoppages of vital industry or transportation—the instrumentality with which the recalcitrant or stubborn can be brought to an accounting. I believe the great majority of workers are desirous of striking only as a last resort, and yet, when these shut-downs occur and continue to a time when our Nation's democratic and essential economy is in jeopardy, there must be a settlement on behalf of all citizens rather than any special group.

But it will be recalled by my colleagues that when this legislation amending a

fact-finding bill brought from the House Labor Committee was before us for consideration several weeks ago, that I opposed the Case proposal during debate and on the roll call. I vigorously oppose it again today, because I believe that it is a conglomerate, intemperate catchall, which cannot aid better labor management relationships of this Nation in the solution of mutual problems. If the measure is enacted into law it would further rip and tear apart any solidarity which we, the American people, have the responsibility to preserve during the critical period of reconversion.

The SPEAKER. The time of the gentleman from West Virginia has expired.

Mr. SABATH. Mr. Speaker, I yield such time as he may desire to the gentleman from Indiana [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, this afternoon we are considering the Senate version of H. R. 4908, better known as the Case bill. This legislation was thoroughly debated on the floor of the House when it passed several weeks ago.

Every Member has made up his mind on how he will vote on this legislation, and the various speeches made on the floor will not change their decision.

On last Saturday, a great number of our Members supported the President's request for temporary legislation during this war emergency because we hoped that its passage would cause the enemies of labor to postpone or abandon their desire to pass permanent legislation of this kind.

If this bill is passed and signed by the President, it will wipe out practically all of the progressive labor legislation which has been placed on the statute books during the last 15 years. The passage of this legislation will contribute to industrial strife and turmoil instead of aiding management and labor to engage peaceably in collective bargaining.

Since taking my seat in Congress 3 years ago last January, I have opposed and voted against all antilabor legislation and it is my firm belief that if the Congress cooperated and adopted President Truman's progressive program which he recommended last year, the present industrial difficulties would have been averted. We are not going to solve industrial strife until we pass comprehensive and progressive measures such as the full-employment legislation, minimum-wage laws, adequate social security, FEPC, and similar measures.

Another contributing factor to the present industrial turmoil was the failure of the legislative branch of our Government to uphold President Roosevelt's veto of the so-called reconversion tax bill of 2 years ago. This legislation amply provided for a cushion to protect management in the reconversion period, but wholly neglected provisions which were so necessary for the American worker during this emergency.

The Congress will be making a terrific mistake at this time if it insists upon passing permanent legislation similar to the bill now under consideration. The ill-fated Smith-Connally bill has proved to be a legislative and economic mistake and it is my earnest hope that the Congress will proceed with the enactment of progressive legislation instead of antilabor legislation so that we can resume normal peacetime industrial progress as soon as possible.

If this bill is passed this afternoon, I hope the President vetoes it.

Mr. SABATH. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. BIEMILLER].

Mr. BIEMILLER. Mr. Speaker, the real question before the House is, Do we want to weaken labor unions? A great many people who have spoken in support of H. R. 4908, better known as the Case bill, have been loud in the praise of the principles of unionism. They have all shouted about their love for the workingman. And then they have gone on to insist that this bill would not really harm "good" unions in their legitimate activities; it would only curb the "bad" ones, when they attempted activities not in the public interest.

The big trouble is that we by no means agree on what are good and bad unions, or good and bad activities. In the opinion of every responsible labor leader I know, A. F. of L., CIO, or Railway Brotherhood, the Case bill would seriously weaken every labor union in the pursuit of almost every essential activity. And this I believe to have been the intent of the framers of this bill, though it is by no means the intent of everyone who supports it. Many are supporting it in ignorance of the vicious provisions it contains.

For as long as we have had a Government in this country, labor has been struggling for recognition and for justice. Slowly, painfully, it has gained recognition of its rights, has established its right to economic security, to organize for improvement of conditions, and to bargain collectively. Its three greatest victories, the Clayton Act, the Norris-LaGuardia Act, and the Wagner Labor Relations Act, have come within the past two generations.

The Case bill proposes to nullify these three acts in defense of labor's rights. It would at one blow remove the protection provided by these three fundamental, carefully drawn, basically just acts of Congress.

Section 11, entitled "secondary boycotts," effectively repeals the Norris-LaGuardia Act and certain sections of the Clayton Act of 1914. It expressly amends section 6 of the Clayton Act by setting forth objectives which may not be considered legitimate.

Section 20 of the Clayton Act is correspondingly amended so as to make unlawful any peaceful strike, or any peaceful picket, directed toward the objects described. Finally the Norris-LaGuardia Act is also amended, so that the term "labor dispute" cannot be interpreted as to include any dispute "arising out of or in furtherance of any contract, combination, or conspiracy described in section 6" of the Clayton Act.

This section effectively nullifies virtually every prolabor decision that has been rendered since the enactment of the Norris-LaGuardia Act. It will be recalled that the vast majority of cases in which the injunction was so indiscriminately applied in labor disputes were premised on alleged violations of the antitrust laws, and mostly in situations involving the precise objectives that are sought to be outlawed by this section.

The inexcusable abuse of the injunction, the national shame of government by injunction reached its political climax in 1914. Then the vast majority of the country was completely aroused over the perversion of the Sherman antitrust law, and the flagrant indecency of the labor injunction. The best-known case which aroused the public was that of the Danbury Hatters. The public demand for simple justice for labor resulted in the passage of the Clayton Act, often called labor's magna carta.

The second political climax reached its height in 1932. In the intervening period the Federal courts had grossly ignored the plain mandate of the Clayton Act, and injunctions were flourishing as never before. The dissenting opinions of Justices Holmes and Brandeis called attention to the injustice of cases heard before them.

At this time Congress responded with the Norris-LaGuardia Act. That act was the first comprehensive labor code enacted in this country. It was the subject of several years of most exhaustive study. It was not something tossed together casually by a group of labor-baiters backed by a prejudiced press. It sought to remedy the accumulated mistakes of half a century and to set forth a basic fair policy for the future of industrial relations in the country. It was passed by a Democratic House, a Republican Senate, and signed by a Republican President.

Section 11 of H. R. 4908 repudiates that entire history; it is a violent negation of every gain of recent years. The advance and struggle and study and experience of the past half century would be wiped out in a moment.

In the slow and steady progress which we have made, in this country, it has been our practice as a government to add new gains on top of old, not to destroy the older gains in fits of temporary anger. There have been frequent attempts to wipe out hard-bought freedoms, but they have seldom been successful for long. The people cherish their rights with too much tenacity.

Consider, for instance, the Alien and Sedition Acts which, in the closing years of the eighteenth century, threatened the fundamental principles of the Bill of Rights. They were passed in anger to correct what appeared to be evils, but the sober second thought of the people identified them as much worse evils than those they were intended to correct. Under Tom Jefferson's leadership they were repealed. So it has been again and again, when the forces of reaction have attempted to take advantage of the people's monetary lack of judgment. We must not let this happen again.

Mr. Speaker, may I also, before closing, call attention to one brand-new feature in the bill as it came from the Senate. This new feature is the so-called Byrd amendment dealing with welfare funds of unions. This particular provision allegedly was introduced solely because of the controversy in the coal fields at the present time.

Actually, the idea of a union welfare fund is a very old one indeed. There are some 600,000 union men and women in this country covered at the present time by various kinds of welfare funds. The best known of all of those funds is one established by a union that has been universally held by people of all shades of opinion as one of the finest unions in the country, the International Ladies' Garment Workers Union. For a decade and a half this union has had a health and welfare fund run exclusively by the union, with all contributions coming from employers. I have never heard one single squawk from any human being against the administration of that fund or the value that has come from it, but if this bill is passed that fund will have to go out of existence. The health centers that have been built by that fund in New York City, Philadelphia, and Fall River, Mass., will all go out of existence and the benefits that have been derived by the union membership will be lost.

Some 20 other unions have health and welfare plans in existence that would be adversely affected by passage of this bill. I cite this as one illustration of the kind of short thinking, the kind of ill-considered attention, that has been given to this matter in the bill now before us. There are many other problems of a comparable nature. I think it is a bill that has not at all been thought out carefully.

A few small improvements over the House bill may have been made by the Senate, but basically the bill as a whole refuses to recognize that in the last analysis the problems of labor relationships are essentially the problems of human relationships. You have got to get men to sit down together and work out their problems. You do not do that by trying to force them, as this bill does.

In other words, you have a situation where in a moment of irate irritation both Houses have tried to rewrite our labor laws in terms of being mad at somebody rather than in terms of trying to sit down and work the problems out as a matter of basic human relationships.

We have passed in this House, and I hope the Senate will pass it, a resolution to create a joint committee of both Houses to thoroughly survey the whole field of labor relations and to make recommendations to the Congress. I think a careful analysis of existing economic problems and their relationship to industrial relations would have value. It is high time we learned that insecurity, low wages, and high prices, rather than the alleged perversiveness of labor leaders, are the real causes of strikes. It is high time that we learned passage of the minimum wage bill, the National Health Act, and sound price-control legislation will help stop strikes.

But passage of the monstrosity before us, the Case bill, would only stimulate industrial unrest. It would correctly be interpreted as an effort to weaken labor and take away much of its hard-won progress.

No one who really cares about the welfare of our great country, no one who wants to see the people prosperous and happy, can vote for this bill.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 3 minutes to the gentleman from Kentucky [Mr. ROBSION].

Mr. ROBSION of Kentucky, Mr. Speaker, on February 7, 1946, the House approved, by an overwhelming majority, H. R. 4908. This bill went to the Senate where action was delayed until last Saturday, May 25, after the President addressed a joint session of the House and Senate and advised the Members of the House and Senate that by reason of the railroad and other industrial disputes our country was threatened with a national disaster and also asserted some of these strikes were against the United States Government itself and that these strikes threatened not only the life of the Nation itself but imperiled our economic, industrial, financial, and social life and also threatened the lives and health of the people.

The Case bill, H. R. 4908, as amended by the Senate, was brought to the floor of the House today by a special rule granted by the Rules Committee of which the distinguished gentlemen from Illinois [Mr. SABATH] is chairman. On the Rules Committee there are eight Democrats and four Republicans. I am informed that the Rules Committee was unanimous in reporting this resolution. The gentleman from Massachusetts [Mr. MCCORMACK], the distinguished Democratic leader of the House, complains because of the haste with which the amended bill, H. R. 4908, has been brought before the House for consideration and urges the Members of the House to vote against this bill. He also complains about the provisions of the bill as being inimical to the best interest of labor. I am somewhat surprised in view of the statements of President Truman and the gentleman from Massachusetts [Mr. MCCORMACK], and other good administration Democrats that have spoken here today against the bill before us, who have claimed to be the special friends of labor. On last Saturday, the House convened in joint session to hear the President's speech urging labor legislation. He and his associates prepared the draft of the bill as I understand. At the conclusion of the President's speech the gentleman from Massachusetts [Mr. MCCORMACK] presented a proposed bill that had been handed to him by the Speaker of the House and he made a speech urging the suspension of the rules and the passage of the bill without amendment. This proposed bill was not even printed and at the time, as I understand, it had never been introduced as bills are introduced in the House, and was not referred to any committee for consideration. Mimeographed copies were passed around to the Members after the matter was brought up for consideration. The debate was limited to 40 minutes. No amendment could be offered or considered, not even to the crossing of a "t" or the dotting of an "i."

The President, Mr. MCCORMACK, Mr. SABATH and other Democratic leaders insisted on the passage of this proposed legislation. This proposed legislation provided that in the event of any strike defined in the bill, the President was authorized to issue a proclamation calling upon all employees and all officers and executives of all employees to return to their post of duty, and also call upon all employers and their employees to take affirmative action in not less than 48 hours after this proclamation was issued to resume operations. Section IV provided that after the initial issuance of the proclamation it was the obligation of the employers and the officers of the labor organizations conducting or permitting such lock-out or interruption, the officers of the labor organization conducting or permitting such strike, slowdown, or interruption and of any person participating in the calling of such strike, lock-out, slow-down, or interruption to take appropriate affirmative action to rescind or terminate such strike, lock-out, slow-down, or interruption, within 24 hours and if such person or persons should fail they would be subject to a fine of not more than $500 or imprisonment for not more than 1 year or both.

Section 7 also provides that the President in his proclamation issued under section 2, or in a subsequent proclamation, any person subject thereto who has failed or refused, without the permission of the President, to return to work within 24 hours after the finally effective date of his proclamation issued under section 2, shall be inducted into the Army of the United States at such time, in such manner, and on such terms and conditions as may be prescribed by the President, as being necessary in his judgment to provide for the emergency.

I do not see how anyone can complain of haste today in the consideration of H. R. 4908 as amended. That bill was considered last February for many days in the House with every opportunity to amend it and discuss it. It was considered at great length by an appropriate committee in the Senate and was discussed and considered for many days on the floor of the Senate with full opportunity to amend it. It passed the Senate last Saturday and came to the House.

H. R. 4908 contains no provision to draft workers who may be on a strike into the armed forces of the United States. I have been a Member of the House and Senate for many years, as many of you know. The President's bill is the most drastic bill that was ever considered by the House and Senate in my recollection. I think it very unfortunate that the forced conscription of American workers was placed in his bill, especially in peacetime. No such legislation was requested by President Roosevelt or President Truman while we were engaged in the greatest war of history. I have never favored such legislation. In my opinion it is clearly unconstitutional. It really gives to President Truman the power of enforced servitude on the civilian workers of the country, denounced by the Constitution. There are no conditions at this time that would justify any such action, but it has accomplished the very thing I thought it would accomplish when his bill was presented and urged by the President, the gentleman from Massachusetts [Mr. MCCORMACK], the gentleman from Illinois [Mr. SABATH], and others last Saturday. It

went to the Senate, where this particular provision met strong opposition from both Democrats and Republicans, and I think that conscription of labor will be taken out of the bill in the Senate. In my opinion it would have been taken out of the bill last Saturday by the House if the Members of the House had been given an opportunity to amend the bill. The House had no alternative but to accept the bill as presented and under the circumstances in which it was presented. It was passed by a vote of 306 to 13 because most of the Members of the House, including myself, felt that some legislation was necessary as requested by the President to meet the crisis and great emergency, although it turned out, as a matter of fact, the railroad strike had been settled before the President came before the Congress, and it was known to the Democratic leaders at the time they presented the bill. Because of the insistence of the President and his leaders in placing the conscription of labor provision in the bill, the President's bill may be rejected by the Senate and the country will have no legislation on the management-labor situation unless H. R. 4908, which contains no such violent and stringent provisions, is approved by the House.

This legislation that has been carefully considered for many, many months will then go to the President. Many of his Democratic friends in the House are urging him to veto it. I cannot believe that he will veto this bill. Should he do so, it would likely result in no constructive legislation dealing with management-labor problems and might reflect upon the sincerity of the President.

THE RIGHTS OF LABOR PROTECTED

H. R. 4908, as amended by the Senate, does not repeal any of the laws granting to workers the right to organize. These rights are all preserved. It provides for the check-off system to aid in maintaining their respective organizations. It gives them the right to bargain collectively and sets up machinery to encourage and aid them in collective bargaining.

One of the main purposes of the bill is to encourage and aid in the peaceful settlement of labor-management disputes through mediation and conciliation. There is nothing in the bill that takes away the workers' right to strike for any lawful purpose.

I am sure that management and labor alike, as well as the American people, as a whole, deplore the conditions that now exist in the way of strikes and industrial disturbances.

Management and labor have felt the ill effects of lock-outs and strikes. There never was a time when it was so important to management and labor themselves and the American people, to have their differences settled without lock-outs or strikes. The American people have more liquid assets today than they have ever had in the history of this country and more than any people have had in any country in the history of the world, and there never has been a greater demand for everything that can be produced.

The American people were willing to forego thousands of articles of necessity during the war. Their necessities have accumulated and today there is dire need for clothing, furniture, houses and everything that can be produced. The American people have been hopeful that disputes between management and labor would be speedily adjusted so that we could get on with the program of reconversion but their hopes have been blasted from time to time and management and labor must recognize the needs and desires of the American people and their impatience because of frustrations and delays.

As some evidence of this impatience and disappointment during these shutdowns and stoppages of work in the various industries and on the railroads, I have received no word from any constituent of mine expressing opposition to management-labor legislation but on the contrary, I have received many letters and many telegrams from railroad workers, miners, and other workers, urging me to cooperate with others in passing legislation that would bring peace and concord in the ranks of labor and management, and, of course, we have received many letters and telegrams from farmers, small business people, from those in professional life, and, last but not least, we have received many complaints in person, by letters and by telegrams, from returning veterans. Many of them complain bitterly in coming home to find discord, dissension, and closed-down industries and literally millions of people out of work. They need jobs, they need clothing, furniture, houses, and a multitude of other articles and commodities. Some go so far as to say they see more disorder and frustration here in their own wonderful America than they saw in foreign lands.

This vote of 306 to 13 in the House the other day is a reflection of the unrest and dissatisfaction expressed through the chosen representatives of the people. These conditions cannot be ignored by public officials and neither can they be ignored by labor nor management.

PRIVATE ENTERPRISE—FREE LABOR

Few Members of this House have a more constant record of active support in measures helpful to the workers of this country than I have. I have always favored real American high standard of living and working conditions. I helped to pass laws recognizing the constitutional rights of workers to organize, bargain collectively, to strike and to promote peaceful relations between management and labor through conciliation and mediation, and I have been grieved to observe the discord and dissension between management and labor.

There are 20 railroad brotherhoods. It was most gratifying to me when 18 of these railroad brotherhoods and management composed their differences through collective bargaining and conciliation. As I had a part through the year in passing laws to accomplish these ends through these means, but it was a source of regret to me that two of the brotherhoods and management could not compose their differences by collective bargaining, mediation and conciliation, and they could not agree, as I understand it, to submit their differences to arbitration, and the strike was on, which we know, if carried through, would have completely paralyzed the railroad transportation system of the Nation and stopped the employment of the workers of the 18 other brotherhoods, and with such disaster to the Nation as a whole that could hardly be estimated. No one was more happy than I when the strike was called off. If any questions remain unsettled no one would be more anxious than myself to have those considered fairly and fully by impartial boards through mediation and conciliation.

We were threatened by a bituminous coal mine strike. This is a key industry, equal in importance to the railroads. It is rumored here today that the coal mine stoppage has been settled. Of course, if the coal-mine shut-down had continued it too would have been a major disaster to the Nation and millions would have been thrown out of employment and there would have been disaster throughout the land. For a long time it appeared that the coal operators and miners could not settle their differences by collective bargaining and they were unable or unwilling to agree to submit their differences to arbitration. Of course, the American people and the public officials could not sit down and let the railroads go to pieces or the coal mines fall in with consequences to the American people as a whole that could not be measured.

So far as I have been able to study the policies of labor and management, they wholeheartedly support private enterprise. Under that system each American citizen can choose his vocation. Life is not planned for him by some dictator. It has been very well said that private enterprise is one of the foundation stones of a free people. There can be no real freedom with Government ownership and control. Only one kind of government can function under such conditions and that is totalitarian. We hear much about the effect of communism on the American way of life and its threat to private enterprise. That is a real danger, but is it as compelling in the thinking of the American people as the constant bickerings, lock-outs and strikes that we have been experiencing under private enterprise? By these acts do we not tell the world that private enterprise—management and labor—cannot settle their difference and will not submit to anything except for the Government to take over and control industrial operations? The American people will finally get tired of having their lives and activities interrupted by denial to them of the necessities of our modern life and civilization and may come to the conclusion after all democracy will not work in emergencies or in crises and they must as in some other countries look to a centralized power, to a dictator. If we are to preserve our liberties, our freedom, our private enterprise, we must be governed by laws and not by one man.

The bill before us undertakes to protect fully the rights of management and labor and, at the same time, protect the American people as a whole. Does anyone claim that any individual or group of men should have the power or the right to destroy the life of this Nation or to disrupt or destroy its economic.

financial, or industrial life or threaten the lives and the health of the American people as a whole? It seems to me that before situations reach that point management and labor should get together and if they cannot agree among themselves should they not select honest, capable persons to compose their differences for them? The bill before us provides against lock-outs or any unfair or unjust treatment to labor. It provides against extortion or robbery on the part of management or labor. It preserves the Norris-LaGuardia anti-injunction law. It provides for a Federal mediation board made up of capable and disinterested persons to aid management and labor in the settlement of their disputes, and only where they cannot settle them themselves. It makes it lawful for the employer and employee to create a fund to provide for health and welfare funds for the workers and their families, and where the employer contributes all of this fund or where both contribute to this fund, it provides for a fair and just way in which it shall be administered. It does not give to either party the exclusive power to administer this fund. It also provides for suits by labor organizations for damages done to them by management for violation of contract and the right of action is given to the employer against the labor union for damages sustained by the breach of a contract between the employer and the union. Some labor objects to this provision. They say they are in favor of collective bargaining. The purposes of collective bargaining is to make contracts. When a contract is once entered into the aggrieved party should have the right of action against the party at fault. That has always been the law of civilized people in their relations with each other. Why make a contract if it is not to be observed, and if there is no penalty for its violation?

This bill goes further in some matters than I would go if I had my own way, but all legislation is more or less of a compromise. If this measure when put in operation causes injustice to either management or labor, I shall be one of the first persons to join in helping to adopt appropriate amendments. With reasonably good will and a desire to do justice, labor and management should be able to compose their differences under the provisions of this bill.

Mr. ALLEN of Illinois. Mr. Speaker, I yield such time as he may desire to the gentleman from Michigan [Mr. MICHENER].

Mr. MICHENER. Mr. Speaker, this is one of those occasions where debate is of no avail. Every Member knows how he is going to vote. The Case bill was debated for days in the House and all desired amendments were offered. The House passed the bill by a vote of 258 for and 155 against. It has been before the Senate for consideration since February. Extensive hearings have been held and, after long debate in the Senate, numerous amendments to the bill were adopted.

Many months ago the House after adequate hearings, long consideration and debate, passed the so-called antiracketeering bill by an overwhelming vote. The Senate never took action on the antiracketeering bill as such. It has, however, added the antiracketeering bill as an amendment to the Case bill.

Therefore, the Case bill, with Senate amendments including the House antiracketeering bill, is now on the Speaker's table. A vote for the resolution means a vote for the Case bill as amended. I repeat this, because this vote simply means that the House is voting the second time on the Case bill and on the antiracketeering bill. I do not imagine many Members have changed their positions since those votes, even though much pressure has been brought to bear and threats of defeat by certain labor leaders have been given wide publicity.

This Case bill, as amended, is not nearly as restrictive, as revolutionary, or as potent as is the emergency bill demanded by the President and passed the House last Saturday by a vote of 306 for and 13 against.

The President's bill deals entirely with strikes against the Government and is a temporary measure coping with the present railroad and coal strikes primarily. It will eventually pass the Senate with amendments, and in my judgment the House will agree to those amendments and the bill will go to the White House for approval or disapproval.

As I have said so many times recently, the country is demanding action—not just study, consideration, investigation, and inquiry. I certainly favor investigation, study, and inquiry in connection with the whole labor problem and our present labor-relations laws, but we have been doing this for years and it is not enough. Few, if any, of these laws will ever be repealed, but they should be amended to meet the necessities of the time and to place equal protection and responsibility on labor unions and employers alike. The Case bill is a step in this direction, and we all know that it will pass the House today at least 2 to 1.

Of course, I shall support this rule and believe that in doing so I am expressing the sentiment of a vast majority of my constituents and am, in fact, helping to save legitimate organized labor from some of the unwise, arrogant, and selfish actions of its leaders.

Mr. Speaker, American labor is sound and it should be protected for its own good rather than exploited for the benefit of unscrupulous leaders.

Mr. Speaker, I ask permission to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. ALLEN of Illinois. Mr. Speaker, I yield such time as he may desire to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS. Mr. Speaker, this bill is a great improvement over the original Case bill. The Case bill contained provisions that permitted the granting of injunctions. This bill has no such provisions. This bill is drawn more carefully and is more nearly free from ambiguities.

When the Case bill was up for consideration the distinguished gentleman from Kentucky [Mr. ROBSION] and I made an effort to strike from the bill the sections providing for the issuance of injunctions. We were not successful in our efforts.

There are strong and protecting provisions on page 22 of this bill that protect the employees. I shall read them. These provisions are as follows:

> Nothing in this act shall be construed to require an individual employee to render labor or service without his consent, nor shall anything in this act be construed to make the quitting of his labor by an individual employee an illegal act; nor shall any court issue any process to compel the performance by an individual employee of such labor or service, without his consent; nor shall the quitting of labor by an employee or employees in good faith because of the abnormally dangerous conditions for work of the place of employment of such employee or employees be deemed a strike under this section.

I repeat that this bill is an improvement over the original Case bill.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio [Mrs. BOLTON].

Mrs. BOLTON. Mr. Speaker, no one in this House desires the welfare of the man who works with his hands more earnestly than I, nor does anyone seek the betterment of his lot more sincerely. Because I want greater opportunity for him and his so keenly I am certain that the sooner we put aside all sentiment and nonsense and face facts and realities the better.

We have heard some say that the Case bill will destroy unions, that it sounds the death knell of organization, that it is the tool of industry and as such is fashioned so as to destroy the one protection labor has—the right to strike. What utter nonsense. I have studied the bill carefully and I find nothing in it to warrant such denunciation. If I did I would not vote for it because I believe sincerely in the need of the laboring man to join with his own kind that his voice may be heard and his viewpoint recognized. I am greatly relieved that certain punitive sections which I tried to see eliminated before its earlier passage by this House were stricken out by the other body. Even as it stands I would prefer certain other changes. But I shall vote for the bill because I believe that the moment has come when labor must submit to restriction just as at an earlier time the arrogance and selfishness of capital forced action by the Congress.

I cannot blame the workers for asking for better working conditions, for wages more in keeping with increasing costs. But there is a way of doing things and making the innocent suffer is not the way. It is tragically unfortunate that during these years of the New Deal when labor has held the cards there could not have been wise, far-seeing leadership. Labor had a great contribution to make but it is not making it. Nowhere in all the world in any age has any group gone ahead with comparable speed. The growth of its power and opportunity has been so fast that it has taken on abnormality and outdistanced wisdom.

No other country is geared to such productive capacity. Scientifically and economically there is no country like this in all the world. Unfortunately, when growth is too fast it is estopped by the very unbalance of its processes. Bad

leadership and bad policy with irresponsible activity on the part of all has brought us to a sorry pass. All are to blame for each is insisting on only his way with complete unwillingness to consider the needs of others or of the whole. Labor, industry, free citizens, and their chosen government, all are responsible, none can escape. If we want to scrap our whole economy we will keep on, each in the way we have been going: labor striking, with a selfishness shared by industry, Government uncertainly wavering between new and untried paths and the people angry, confused, and filled with foreboding.

In the abnormal growth of the labor group true leadership has been lacking. We have seen men seeking power for power's sake, and that is bad. We have seen fear grow in the hearts of men—and women—and that is bad. The people of this great country of ours have begun to feel that the constant demands of labor leaders for more and more and more are top heavy and beyond reason. They are beginning to know that there will be no milk in the morning if they have killed the cow the night before.

Is there an answer? Is it not too late? There is an answer, and it is not too late if all of us determine that it shall be done, and done together. The answer is production.

Let us face reality. The world has need of all that we can grow, all we can mine, all we can make. How have we dared refuse to fulfill our responsibilities? People of other lands turn to us to find us barren. They turn away to others with tears in their eyes and a cloud over their sun.

Selfishness, greed, lust for power, stalk our highways and obscure our sight. But even at this late hour we can yet be true to our ideals. It is a matter of faith in what we want America to be and in our own capacities to make her so.

Out of the passions of the moment could come revolution; but equally there can be born a new recognition of the truth that no man has freedom if in his efforts to get it he destroy another's. Equal right for freedom is for all men.

Let us face the darkness of the moment with its confusions and its fears with one determination: To win a new freedom and a new peace.

Mr. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. BONNER].

Mr. BONNER. Mr. Speaker, the American people today are thoroughly disgusted with the arrogant leadership of labor. I warn those who sit here in the House today who have the honest workman at heart that they should call in the leaders of labor and counsel them to use some good judgment just at this crucial moment.

As long as I stay in this House I will always deal fairly with all groups of men, but when certain men set themselves up as dictators in this country, yes, and threaten elections not only in my State but in other States by arrogantly publishing in the paper that they will spend enormous amounts of money here and there and flagrantly spend it in the public eye, it is time for those who pose as friends of the workingman to arouse themselves and get the leadership of labor to consider carefully the disaster they are about to bring to those men whom they pose as representing in good faith.

This is a serious time. I do not want to see the pendulum swing and the benefits be taken from those who honestly make their bread by the sweat of their brow, but if something is not done, if more attention is not given, and if the leadership of labor is not changed, there will be a reversal in this House that will take from labor all the benefits they have gained.

The time has arrived when labor must be protected from its leadership.

The real American is disgusted with the bragging and bragging of Lewis and others that elections can be bought and Congress controlled by such practices. This is repulsive to the rank and file of labor as to all other good citizens.

Mr. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma [Mr. MONRONEY].

Mr. MONRONEY. Mr. Speaker, I intend to vote for this legislation. I believe the Senate has vastly improved the bill from the way the House passed it. I believe this legislation demonstrates that the American people do not intend to vest in any group of people, whether Wall Street, the utilities, the railroads, or any other group, labor leaders included, the power to offend and injure the American public by an abuse of their power.

I call your attention especially to the fact, however, that we here are dealing merely with the effect of labor disturbances, yet this House and the body at the other end of the Capitol are setting up a cause for untold labor difficulties and work stoppages that will make the present round of work stoppages look like a Saturday afternoon sandlot baseball game.

Unless the Congress intends to follow out and do something effective to extend effective control of inflation, as outlined in the last half of the President's message to this body Saturday, and give us an effective price-control law, you are going to see the worst and most awful round of work stoppages this Nation has ever seen.

Yet the Congress up to this good minute has not faced up to that challenge.

I think if we are going to enact this legislation we must also prevent giving cause to thousands of new strikes by stabilizing the value of the American dollar.

No law, no matter how tightly drawn or how equitably its provisions are, can succeed in preventing widespread and devastating labor difficulties, if prices are permitted to skyrocket upward. By the House-passed amendments, and the amendments placed in the Price Control Act by the other body, we will have inflation. This will in turn destroy the "real wages" of the workers of the Nation and lead to literally thousands of strikes and a paralysis of our national production.

Much criticism has been leveled at the Office of Price Administration by its avowed enemies and by others who are merely misinformed, charging it with the responsibility for loss of production through restrictive prices. If the truth were known, or would be told, I feel certain that the figures would show that 90 percent of what loss of production that has occurred, has been because of labor difficulties, shut-downs because of wage disputes, and less than 10 percent because of restrictive pricing.

By the failure of Congress to meet the challenge for a real and an effective continuance of price controls through this present critical period, we are going to set the stage for thousands of new strikes and work stoppages. Yes; we will even make obsolete those labor cases which are already settled, through reducing the purchasing power of the workers' dollar to 50 cents or even 25 cents.

I fear that we will thus deny to the Nation its only real and permanent weapon against inflation. Production and more production is that weapon.

I plead with the Members of Congress to recognize that here today we deal only with the effects of strikes.

Congress must not, by legislative mandate, create the cause of new and even more serious labor trouble. If we surrender to inflation we do just this—we create labor difficulties and stoppages by congressional mandate.

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. MONRONEY. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. It may be of interest to the Members to know that the section on secondary boycotts that was adopted by the Senate follows closely the resolution the gentleman from Oklahoma introduced in this body.

Mr. MONRONEY. I thank the gentleman.

THE CASE BILL

Mr. SABATH. Mr. Speaker, I yield myself 5 minutes and ask unanimous consent to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SABATH. Mr. Speaker, I agree with the last part of the remarks of the gentleman from Oklahoma [Mr. MONRONEY] that it is our duty to pass a strong price-control bill even though I disagree with the other things he has said. As the President urged and recommended in his message last Saturday, I agree that the bill extending OPA should have been acted on months ago, because our failure to act and the powerful industrial and business pressures on OPA to raise or remove many price ceilings so that the cost of living is up 50 to 60 percent, have been largely responsible for the strikes. Industry has not raised wages so the workers can meet the higher prices.

Mr. Speaker, to my mind this bill before us is an extremely important piece of legislation. Unfortunately it comes in here in the same unfair manner that the original Case bill came here. Members have had no opportunity to study it or

familiarize themselves with its provisions. No legislative committee in the House has held hearings on it.

TIME FOR STUDY NEEDED

I venture to say with all due respect to the Members that very few have read the Senate amendments or know what is in them. Notwithstanding that fact, an effort is being made, which I presume will prevail, to agree to the Senate amendment in violation of the custom and precedents of the House. This bill, under the ordinary procedure of the House, should have been sent to conference. Such unseemly haste is unjustifiable. I believe the most troublesome strikes are behind us. Whatever we may think or say about the President's message, it has had a wholesome effect on John L. Lewis. We should act sanely, and not in this moment of hysteria. I am satisfied that this bill is aimed at destroying organized labor in this country. Though we have had some strikes, they were not always the fault of labor. In most instances, industries caused the strikes because they hoped that, the war being over, they would be able to bring about a disruption of organized labor which has rendered such valuable services to the country during the war. Fairness demands that we should have taken a little more time to familiarize ourselves with this bill.

SUPPORTERS HURRIED CONSIDERATION

The bill came over from the Senate by messenger Monday. The RECORD shows that within a few minutes the gentleman from Virginia [Mr. SMITH], urged that the House immediately concur in the Senate amendments. Later he found fault, intimating that I had absented myself from the Capitol to avoid calling a meeting of the Rules Committee. I call attention to this only to show the unjustifiable haste on the part of the gentleman from Virginia [Mr. SMITH], and the gentleman from Missouri [Mr. SLAUGHTER], who urged action on this legislation forthwith. The statement that I had absented myself was uncalled for. I was on the floor when the House met, had luncheon in the Capitol, and answered a quorum roll call at 2 o'clock or thereabouts, and then stepped over to my other office to give dictation and sign some mail. I returned to my office in the Rules Committee room in an hour, and I was then informed by one of the stenographers, not by the clerk of the committee, that the gentleman from Virginia had telephoned about 2 o'clock that he desired to have a meeting called at 2:15 p. m. Well, I do act fast, but not that fast, especially when Members should be accorded an opportunity to familiarize themselves with a bill.

I feel that the country has lost nothing by the delay. It has given some of the Members an opportunity to become familiar with this—what I call, most unfair, unjust, and unreasonable bill, which organized big business is forcing upon the country in the hope of destroying organized labor and take away the rights gained in the last 60 years, all in the interest of the wage earner and the laboring people and of a greater and more prosperous country.

PRESIDENT ASKED STOPGAP BILL

Some gentlemen contend that this bill is not as drastic as the one recommended by the President last Saturday. What the President did then was to comply with the country's urgent appeal for action because of the extraordinary conditions.

However, unlike the President's recommendation for temporary legislation to meet an emergency, the bill before us is for permanent legislation purporting to establish a national labor policy.

PRESIDENT THOUGHT TOUGH BILL NECESSARY

Although I do very much regret that the President felt obliged to call a special joint session of the Congress to urge the legislation he did, yet I have no doubt that he felt the impending crisis made recommendation of such stringent but temporary legislation a necessity.

I am sure he would never have made such a recommendation had not such a dire emergency faced him and the American people; the country was paralyzed, affecting nearly everyone in our country, and I refer not only to the strike of the railroad workers but to the strikes of the coal miners. These industries vitally affect the well-being of our whole country—they vitally affect our foreign relations and the welfare of millions abroad.

The President's message, in fact, restated his long and proved friendship for organized labor, and advised against any hasty permanent legislation which might injure labor; he pointed out that his request was for temporary, admittedly drastic, legislation to meet the single present emergency.

WENT TOO FAR

Despite the President's affirmation of his friendship for labor—and I have complete confidence in the President—I yet feel that in the heat of the moment he went further than the emergency required. To be specific, I think his recommendations that power be given to induct strikers into the armed forces, that striking workers lose their seniority and employment rights, and that the much-abused injunctional proceedings in labor disputes be restored, even in qualified form, are much too stringent, go far beyond his own personal views, I am sure, and reflect only the near panic of the general public, which had to be reassured that strong action could be taken.

As I have said on another occasion, no one can truthfully question the sincerity of my friendship for the cause of organized labor; but I could not, even as a lifelong friend of labor, withhold or prevent immediate action on the recommendations of the President, though they went beyond the necessities of the hour, as I have said.

Nevertheless, I feel that Mr. Whitney was not justified in attacking the President in the manner he did, nor in threatening to use the $47,000,000 his great organization has accumulated, or any part of it, to effect the defeat of President Truman and of all those who voted for the bill recommended by the President.

LABOR WILL DISAPPROVE WORDS

I think the vast majority of organized labor will disapprove of such ill-tempered words on the part of this supposedly responsible leader of the Brotherhood of Railroad Trainmen. It will be vividly remembered that Mr. Whitney is not the only labor leader who has threatened President Truman with political reprisals. The president of the CIO severely criticized the President some time ago, but after calm deliberation he came to the conclusion that the President's attitude was not unfriendly to labor. I feel that after a cooling-off period Mr. Whitney will reconsider his utterances, because after sober and mature deliberation he must appreciate the fact that the defeat of Mr. Truman would probably bring in a President not only less friendly but probably openly antagonistic to labor.

Mr. Whitney is too wise a man not to realize that fact.

Mr. Whitney was, of course, making a desperate fight for his own organization; but when 18 other railroad labor organizations had acquiesced in the President's proposals, the country felt that he and Mr. Johnston should not stand alone against the recommendations and pleas of the President. I am sure that had he been willing to take the conciliatory course of the other unions, his cause, and the cause of organized labor, would shortly have gained all the additional advantages he sought, and for which he so strongly contended, without losing the support of public opinion.

OPERATORS MORE TO BLAME

Mr. Speaker, what I have said applies with equal force to Mr. John L. Lewis also. I have sympathy for the coal miners, just as I have sympathy for the railroadmen and for workers everywhere, and I always support them in their just aspirations; yet, in defiance of aroused and antagonistic public opinion, Lewis could not hope to attain all the advantages for which he contends.

I realize, Mr. Speaker, that the coal operators, like the railroad operators, have been unfair in refusing to adjust the grievances of their employees. Despite the misleading comments of radiocasters and columnists, the unfair, unreasonable, and arrogant position of these operators cannot be hidden from the light.

The truth should and must be brought out to the American people. The industrialists have, for the time being, gained the advantage through Nation-wide, malicious, and distorted propaganda, which must be refuted by the truth.

At this time the minds of many Members of Congress and of the public are inflamed. They support such drastic legislation as passed last Saturday, and the forcing through of this destructive measure today, which will, I predict, bring about more industrial strife rather than less; and ask for more.

PREDATORY INTERESTS ARE UNITED

The vested and predatory interests of America are united. They are working in unity, and with the tremendous resources and great wealth they have accumulated—much of it in the last 12

years. They purpose using this wealth, and the passions of this hour, to weaken, if they cannot destroy, the labor movement in America, and deprive our Nation of the justifiable gains made especially during the last 12 years.

All fair-minded citizens, all friends of labor, are united in the belief that it is absolutely necessary for labor to join forces, to eliminate friction and discord within the movement, to work together and effect harmonious cooperation, to enable the labor movement to combat the nefarious activities of its enemies and their shrewd, capable, and highly paid managers and directors.

Labor must not permit itself to be used or deceived by those unfriendly to its own interests who would gladly promote discord, disunity, and dissension in labor's ranks. Labor should, and I believe will, remember the old adage, "United we stand, divided we fall."

WHITNEY'S LOYALTY CANNOT BE IMPUGNED

Already we have seen how the wedge of distrust and suspicion can be driven between one segment of labor and another.

The gentleman from Mississippi [Mr. RANKIN] charged in this Chamber that A. F. Whitney has belonged to numerous so-called Communist-front organizations. He named the American League for Peace and Democracy, the American Congress for Peace and Democracy, American Friends of Spanish Democracy, the American League Against War and Fascism, Friends of the Abraham Lincoln Brigade, League of American Writers.

I offer no judgment as to these organizations, Mr. Speaker, nor to the charges that Mr. Whitney was affiliated with them; I add only the observation that the source of the charge makes me skeptical, and I should want stronger and more disinterested proof.

But as to Mr. Whitney, I say this without reservation: He is no more a Communist, no more a revolutionary, than the gentleman from Mississippi himself.

With the adjustment of the railroad strike, and the impending settlement of the coal strike, we have clearly demonstrated to the American people and to the world that the democratic form of government can function successfully and efficiently even under the most adverse conditions—even when industrialists sin against their own interests and seem to prefer a totalitarian, Fascist form of government.

COMPLIMENTS MAJORITY LEADER

In conclusion, I want to compliment the majority leader, the gentleman from Massachusetts [Mr. MCCORMACK], for the masterly way in which he expounded the unfair, unworkable, and discriminatory provisions in this bill.

I hope that those Members who, notwithstanding our warnings that this strangling antilabor bill, should it by some chance become law, will bring about more litigation, yes, even arrests, yet vote for passage, will review the summary of the gentleman from Massachusetts [Mr. MCCORMACK], and keep his admonitions well in mind in the future.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky, or rather Tennessee [Mr. JENNINGS].

The SPEAKER. The gentleman from east Tennessee [Mr. JENNINGS] is recognized for 2 minutes.

Mr. O'NEAL. Mr. Speaker, if the gentleman will yield, I congratulate the gentleman upon the mistake that was made.

Mr. JENNINGS. Were I not a Tennessean, I would be perhaps a Kentuckian. I thank the distinguished Speaker for not only recognizing me as the gentleman from Tennessee, but as the gentleman from east Tennessee, from which section of Tennessee he too hails.

Mr. Speaker there are two schools of thought in this country—one is that nothing at all should be done about the situation that has brought our Nation and its people to the brink of disaster; and the other school is that this Congress as the lawmaking representative of the American people should legislate to the end that one big union in this country should be over all, and that is the union of the 48 sovereign States for the protection of the rights of all the people.

I am tired of the effort being made to separate the people of this country into warring groups.

This bill has for its purpose the settlement of disputes between employers and employees. It preserves the right to strike, which is a form of industrial warfare that is legal, but like all warfare it is destructive and many times ruinous.

This bill embodies the so-called anti-racketeering bill which this House has passed twice. It makes unlawful robbery by threat and force and protects the citizen in his right to carry his property to market across State lines. The Case bill is modified by the Senate and carries another amendment with respect to the creation of welfare funds and their joint administration by both employers and employees.

I shall support this measure in the firm belief that in so doing we have taken a constructive step toward the stabilization of peaceable and just relationships between all the people of our country and the preservation of this Nation.

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. SLAUGHTER. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, of course argument at this stage of the debate is totally superfluous. Not a vote will be changed. Everybody knows how he is going to vote and probably knew when he came into the Chamber today. But it does seem to me that some of the underbrush can be cut out.

In the first place, all this talk about unnecessary haste and delay is claptrap. Over a period of 5 years various committees of the House of Representatives have been taking testimony on bills similar to the Case bill. Over 35,000 pages of testimony have been taken. In the last 4 years either four or five bills have been passed by this House by votes approximating 2 to 1 and sent to another body where they have languished and died in the Labor Committee of that body. That was the constitutional right of that body. Finally the situation became so intolerable that something was done.

Last February the Case bill was passed, and, as usual, the charge was made that it was being passed without due consideration. It was a bill that was virtually the same that had passed this House on four separate occasions by a 2 to 1 vote, and was based on 35,000 pages of testimony taken by committees of this House. When it went to another body it remained there for approximately 3 months. But now it has passed that body. It passed when it finally got to the point that no coal was being mined and not a single wheel of the railroads of this country was turning. Today it has returned and the question before us is, What will we do?

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. SLAUGHTER. I yield.

Mr. SABATH. Do I understand the gentleman to state there was a long hearing on the Case bill?

Mr. SLAUGHTER. No. I think the gentleman is thoroughly aware of the situation. I said the Case bill is based upon 35,000 pages of testimony taken over a period of 5 years. Of course, the gentleman is familiar with that.

Now, what is there in this bill, if anything, that anyone has to apologize for? In the first place, there is a section on mediation, which is approximately the same as the President of the United States asked of the Congress last January, with some slight changes. It does not go as far as the President asked.

The second point in the bill provides for mutuality of contracts. Who is there in this body or in any labor union or among any group of right-minded men and women who would say that both parties to a contract are not mutually liable? Certainly, in the days of Samuel Gompers you would not have heard that puny cry raised. It might be raised by a man who says he will use $47,000,000 to beat the President of the United States, but it is not the sort of cry that is raised by a man who has the genuine best interests of his union at heart.

An employer is liable for his contracts and should be, and, by the same token, so should the employee.

Mr. BRADLEY of Pennsylvania. Mr. Speaker, will the gentleman yield for a question?

Mr. SLAUGHTER. I yield for a brief question; yes.

Mr. BRADLEY of Pennsylvania. From the gentleman's remarks he indicates a familiarity with the bill that has come to us from the Senate. I would, therefore, like to ask the gentleman if he can tell me, starting on page 36, section 9, which amends a section of the National Labor Relations Act by adding the following language: "Supervisory Employees"—

Mr. SLAUGHTER. I cannot yield further; my time is too brief.

Mr. BRADLEY of Pennsylvania. Just what does that mean?

Mr. SLAUGHTER. I am talking about mutuality of contract now; I will

get to supervisors in just a moment. I am talking about the question of whether or not both sides to a contract should abide by the contract.

Another section of the bill is the boycott provision. All of us know of the pernicious effects of the boycott and jurisdictional strikes. Millions and millions of tons of fruit and vegetables in California have rotted in the last few years because one union picks them and another union will not haul them because they were not able to organize the pickers. You, and I, and every other member of the consuming public has paid the bill.

The other body has made the Hobbs bill a part of this act. The so-called Hobbs bill outlaws and denounces as a Federal crime the crime of racketeering and extortion. Who is the man hurt by racketeering and extortion except the man who proposes to racketeer, who proposes to rob, who proposes to hold up, who proposes to indulge in extortion? Where is an honest citizen hurt by the action of the Federal Government in denouncing racketeering and extortion?

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. COX. Mr. Speaker, I yield the gentleman from Missouri three additional minutes.

Mr. SLAUGHTER. The gentleman from Pennsylvania [Mr. BRADLEY] asks about supervisory employees. Everybody knows that you cannot sit on both sides of the table and arrive at fair and equitable bargaining between labor and management. There is no provision against foremen organizing their own association, but there must be a provision prohibiting foremen from belonging to the same organization with whom they deal as representatives of the owners when their fellow members would belong to the same union.

But the need for legislation goes deeper than this. I submit that the working men and the working women are entitled to protection, and by that I mean the dues-paying members of legitimate labor organizations. You cannot make me believe that the General Motors employees, the rank and file, wanted to go without a pay check from last November until last April. They did not need to. The AFL secured the same results without starving their people for 3 or 4 months, and they are entitled to protection. I submit further that no movement in this country whether it be a labor union or business or anything else can thrive or can survive without public support. When two leaders drunk with power shut down the railroads, proceed to strike against the Government, and then when forced into a corner say, "That is all right, we will take $47,000,000 and beat that President," I say that in the interest of the general public whose interest is, or should be paramount to the interest of any group, it is time for this Congress to assume its responsibility and to legislate.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. SLAUGHTER. I yield.

Mr. HALLECK. The gentleman referred to supervisory employees belonging to unions. As I understand the provisions of the bill, the supervisory employee may join the union if he wants to, but if he does he will not have the protection of the definition of the word "employee" contained in the National Labor Relations Act.

Mr. SLAUGHTER. The gentleman is correct.

The SPEAKER. The time of the gentleman from Missouri has again expired.

Mr. SPRINGER. Mr. Speaker, in the presentation of the pending measure, H. R. 4908, all Members of the House are reminded that the President asked and requested the Congress, some time ago, for legislation which would aid in curbing the labor disturbances which were then pending throughout our country—and that was at the time the General Motors and steel strikes were in progress. The history of the situation then pending may be of interest, and very helpful, to the Members of this body—because many of us, in the rush of things, forget just what confronted us at that particular time. And, pursuing this thought further, legislation was presented to the House, and that measure was finally, by general approval, supplemented by the substitution of the so-called Case bill. The committee bill, which was presented, was meaningless and, in the opinion of many of the members, would not have served the purpose for which it was intended; therefore, the result was that the Case bill was offered as a substitute, and it was approved by the House. We had a critical situation in our country at that very time. We had the General Motors strike and we had the steel strike, and both of those stoppages had been in progress for some time. Business was almost at a standstill, because of the critical shortage of steel. Other disturbances were in progress at that time, and the loss in wages and production was estimated at a huge sum of money. Other disturbances were in evidence, as there had been a motorbus drivers' strike, a telephone strike in certain areas, and a taxi strike was conducted in the District of Columbia, and many other disturbances and stoppages were in evidence. The so-called Case bill was passed in the House, and that measure was sent to the other body, where it rested, without any action, for several weeks.

Mr. Speaker, then we experienced the coal strike, and this continued for some time, and then came the railroad strike, and these two stoppages caused every American to ponder very seriously, because the meaning of these two strikes was merely that all business and industry in our country would be forced to shut down and practically every item of business would be at a standstill. That was a most serious situation. The people could not contemplate just what the result would be if those two disturbances should long remain in force. It was apparent that disaster would be the inevitable result, and our people would be left in confusion and utter distress. Our laboring men and women would be forced out of their jobs, as many of them have already suffered that severance in this very short space of time, because our factories, mills, and plants cannot operate without coal and they cannot continue without transportation. This was indeed a most distressing condition, and this called for some action to be taken. The period of reconversion was stopped, and our country was in distress.

Mr. Speaker, all remember when the former coal strike was in effect, and the so-called Smith-Connally bill was passed. At that time the then President vetoed that measure, and the contents of the veto message remains fresh in the memory of the people, because the then President stated, in substance, "that he would prefer a law under which all men between 18 and 65 years of age could be drafted into the Army, and then assigned to the job for work"—and without mentioning the wages they would receive, the inference was apparent that they would be so compelled to work at a "soldier's pay," and under the orders of the Army. That was the attitude at that particular time.

All of the people know, Mr. Speaker, that the President came before the Congress in joint session on Saturday, the 25th day of May 1946, and delivered his message. When that message was read and the assembly had cleared the House Chamber, the majority leader presented the emergency bill, which was debated for 40 minutes and then passed. The vote was 306 to 13 for the passage of that measure. That measure was passed in the House because the President had demanded drastic legislation upon the subjects of the coal and railroad strikes, and the President, who had been in conference with the leaders of those groups, and who was, or he ought to have been, fully advised upon every detail connected with their conferences and the possibility of a settlement of those disputes. But the President demanded that legislation, and that legislation was presented by the majority leader to the House very soon after the President had delivered his message in which he demanded legislation upon that very subject. After that particular bill was passed, as requested by the President, the bill was sent to the other body for action.

Mr. Speaker, instead of taking any action upon the President's bill—the one which he had requested and the one which was presented by the majority leader—the other body passed the so-called Case bill, with certain amendments, and sent that measure back to the House. In the House we have considered the so-called Case bill heretofore and we are now considering it again. The Case bill is not an antilabor bill, but it is a measure which will be helpful, if it is approved by the President, to both management and labor. It is my considered judgment that the Case bill, as amended, will be very helpful to labor, and it will be helpful to management. This measure will clarify many matters which are now, and have been in the past, very controversial. This measure recognizes the long-followed policy of collective bargaining by those representatives selected by labor, and it also recognizes the right to strike and to cease work if it is so desired in order to enforce

the consummation of a contract which is agreeable to both labor and management. It does, however, contain the provision that after collective bargaining and the meeting of the minds upon a contract, agreeable to both parties, that for the duration of that contract, so agreed upon, both parties are bound by the terms and provisions of that contract.

Of course, that is merely the law under which every American is guided. The sanctity of contracts must remain inviolate, and all parties to a contract fully agreed upon, after negotiation and conferences, must be bound by the terms and provisions contained therein. Any other policy would be unthinkable. It would be entirely unfair to apply our laws to a part of our American citizens with respect to contracts and to permit others to violate their contracts with impunity. We would be unable to make any progress in our Nation under that policy of law, and that plan to excuse a part of our people from complying with their contractual agreements is certainly unthinkable. This provision in the so-called Case bill would not be an infringement upon the rights of labor, but it would make labor secure under the contracts which it makes in the future; it would assure to labor that the contracts they make and enter into will be fully carried out by the other contracting party—and, on the other hand, it would be an assurance that labor would carry out its contractual obligations under the provisions of the contracts made and entered into. That would certainly be a healthy condition, and it is my considered judgment that this provision will be a most healthy one for both labor and management.

These are serious days in our country. Our Nation must go forward. We have just completed a terrible war. Our boys, from every walk of life, have participated in this awful carnage. We have won the war. We must win the peace. As the boys fought together side by side in war—we, as Americans, must go forward, side by side, in time of peace. This is America—the United States of America—and we have obligations before us which are beyond the comprehension of any man. We must meet those obligations. We cannot meet them—we cannot go forward—we cannot make any progress—unless every American under the patriotic impulse of doing that which is best for our country, will, on a common level, march forward together as Americans for the common good and for our country.

Mr. ALLEN of Illinois. Mr. Speaker, I yield the balance of my time to the gentleman from Ohio [Mr. BROWN].

The SPEAKER. The gentleman from Ohio is recognized for 9 minutes.

Mr. BROWN of Ohio. Mr. Speaker, I do not want to discuss the pending bill with the Senate amendment thereto, now before us under this rule, in detail because I believe previous speakers have covered the measure thoroughly and well. Instead I want to take just a few minutes, if I may, to speak about the background of this legislation and to discuss the actual situation which confronts us today.

We have been considering the fundamental issues contained in this measure for many, many months and even years. Every single issue covered in this bill, both as it passed the House originally and as it was amended by the other body, has been thoroughly debated and discussed on the floor of this House during past months and years. Every single issue has been considered by our various legislative committees. So there can be no legitimate charge made that proper consideration has not been given this legislation. It has been discussed thoroughly, freely, and frankly, with all sorts of opinions expressed, by various Members of both the House and Senate.

We are now faced with the single question as to whether or not we will concur in the Senate amendments, which, in my opinion, have benefited the measure somewhat, and send this bill down to the White House for the consideration of the President under his constitutional prerogative. I have heard it whispered and rumored around and about these historic halls that the President will veto this measure. I for one just simply cannot believe that the President is going to veto this bill. I do not believe that the man—Harry S. Truman, President of the United States—who stood before us here on the rostrum just a few days ago—last Saturday—with his face lined with care and his jaw set with determination, and appealed to us to pass labor legislation far more drastic, far more strict and stringent than this bill can possibly be considered, will now turn around and veto this legislation, which is much more moderate and far milder than the bill that he sponsored.

I was surprised—yes, amazed—today when the sponsor of the President's bill, the gentleman from Massachusetts, my good friend, and I honor and respect him very highly, the majority floor leader, who introduced the administration's labor legislation last Saturday, which would go further than any labor law that has ever been proposed before in America, would take the floor of the House and argue against the adoption of this rule and concurrence in the Senate amendments, thereby assuring the passage of this bill.

How anyone can justify voting for the measure which was before us last Saturday and then vote against this measure is beyond my poor powers of comprehension. I just simply cannot understand the logic or the reasoning that would cause anyone to take such an indefensible position; and I do not believe the country will approve anyone who would support such legislation on last Saturday and then turn around this Wednesday and oppose a bill like the amended Case bill.

I spoke here, in the well of the House, last Saturday in the measure then before us. I am sure you could all understand from my remarks—and if you could not, I suggest you read them again in the RECORD—that I was not entirely happy over some of the provisions that were contained in that bill. I was not at all happy, as my good friend, the gentleman from Illinois, so well knows, over the way that bill was rushed to the floor and through this body, with the Republican minority being given the short time of but 10 minutes in which to present their views on the measure. I was not at all happy that we were called upon to pass and to vote on such a bill within 40 minutes from the time the measure was first read to the House. I swallowed just a little hard over being forced to accept the whole bill "as is" in such haste, but I determined, in my own heart, mind, conscience, and judgment, that the only thing we could do was to give to the President of the United States the legislative tools which he demanded, and we did just that. We voted to him broad power he said he needed in an emergency. That emergency is not over as yet, and certainly there are going to be other emergencies in the future. I say to you now, as I said last Saturday, that if legislation such as the Case bill now before us had been enacted when the House of Representatives wanted it enacted, not only 3 months ago, but 2 or 3 years ago, the President would never have been in the position he was in last Saturday; he would not have had to come and ask Congress and ask for that sort of drastic legislation.

But I want to remind you that the dictatorial power he asked for was not such an unusual request from this administration that has been held up as the great friend of labor, because back in 1943, at the time we had before us the Smith-Connally Act, also known as the War Labor Disputes Act, which was vetoed by the President and then enacted by the Congress over his veto, President Roosevelt had this to say in his veto message, and I am quoting from the official veto message which was signed by the President on June 25, 1943, this paragraph:

> I recommend that the Selective Service Act be amended so that persons may be inducted into noncombat military service up to the age of 65 years.

Note that he said "persons" and not just "men."

But again quoting from President Roosevelt:

> This will enable us to induct into the military service all persons who engage in strikes or stoppages or other interruption of work in plants in the possession of the United States.

So President Truman actually just followed the course which was laid down for him by the preceding President and now that he has taken such a step I refuse to believe that the President will veto this measure and thereby say that he does not want any permanent solution to this grave problem, but instead, just wants some sort of emergency labor-control legislation when he is on the spot and no legislation at all when he is off the spot.

Mr. COX. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. VOORHIS].

Mr. VOORHIS of California. Mr. Speaker, the issue voted on last Saturday and the one before us today are two entirely different things. The issue last Saturday was whether the American Government could meet a crisis and leave the Nation supreme in that crisis. Today we are talking about legislation with

which labor and management and all the rest of the Nation are going to have to live through the years. I make no apology for the vote I cast last Saturday. In voting for the bill I did what I conceived my duty to be.

I am not opposed to long-range legislation in the labor field nor to measures to curb abuses. Twice I have voted for the Hobbs antiracketeering bill. But I do not believe general, catch-all labor legislation can safely be written by the method of wholesale rewriting of the bill on the floor of the House or Senate. What we do must work reasonably well. Some provisions of the pending bill I do not believe can work fairly.

I take one example. The bill, in an attempt to establish justifiability of contract, would throw every dispute between management and labor and all the intricacies of collective-bargaining contracts into the ordinary courts, thus opening the way for suits in the ordinary courts on a thousand and one different issues. It cannot be done that way. In the bill I offered as a substitute for the Case bill, there is proposed a succession of special tribunals for the purpose of handling those questions. Their first job would be to determine whether and by whom and under what provocation a contract had been violated. That is the first and most essential requirement and it will take tribunals skilled in knowledge of labor-management relations to do the job. Of course, there must be mutual responsibility for carrying out contracts faithfully. But it must really work equally. Under subsection 10 (d) of this bill a worker who leaves his job in a dispute over a grievance loses his rights as an employee. That is a flat, absolute, unequivocal penalty. No finding as to whether his action was provoked by the employer is required at all. This is illustrative of the sort of thing I am worried about.

If Congress will start now with the study of this whole question which the President proposed, we can have legislation soon which will not only aim in the right direction, as many provisions of this bill do, but also actually hit the desired mark.

I believe we are in a most critical time in our country. I believe it is enough at the moment for us to establish the unquestioned right of the Nation to be supreme over any group and to assure continuous operation of vitally essential functions in time of crisis. We ought not to press for all the labor legislation that someone might want all at once.

My vote will not be a popular one I expect. But I believe I am correct that there is a most strong drive on foot in this country today to sweep it into a wholly reactionary stream. That would be disastrous. I do not contend that the pending bill would do that. I do believe most earnestly that we had better give the country a chance to digest the strong governmental action of last Saturday before we go too far with our attempts to pass long-run legislation aimed to curb labor. Some curbs are needed as to every group, not excepting labor, but I have studied these problems hard enough and discussed them with enough good sound people to know that there are right ways and wrong ways to accomplish the ends desired. That is the sort of study that is needed. Not a study to determine whether jurisdictional strikes, for example, are good or bad. Everyone knows they are bad. But rather a study as to how, by what machinery, they can actually be eliminated. For in my judgment the provisions of this bill will not accomplish that purpose, for the simple reason that no method is set up for dealing with the problems such strikes represent. My contention here is much the same as it was in the case of the contract problems. Flat, simple provisions sound well and are politically appealing. Our task is more complex and fundamental.

Mr. SABATH. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. MARCANTONIO].

Mr. MARCANTONIO. Mr. Speaker, the remarks of the gentleman from Ohio [Mr. BROWN] are both tragic and amusing. I cannot sympathize with the breast beating that he went through here today. Here it is only Wednesday, and he cries and belabors himself over the way he voted on Saturday.

The same gentleman from Ohio also voted for the Smith-Connally bill. He also voted to override the President's veto of that bill.

Mr. BROWN of Ohio. May I add that I voted for every other piece of labor reform legislation that has come before the House.

Mr. MARCANTONIO. Labor reform legislation? You mean antilabor legislation. I do not yield. The gentleman would not yield to me.

The gentleman from Ohio, campaigning in the great State of Ohio, must have felt mighty, mighty uncomfortable and must have gone through perhaps some more breast beating after he read the speech of his party's candidate for President in that campaign of 1944 calling for the immediate repeal of the Smith-Connally Act. I just wonder how the gentleman is going to feel and how much he is going to beat his breast when some future standard bearer of his party demands the repeal of the Case bill if it ever becomes law.

I can understand the gentleman's embarrassment when we realize that the gentleman stood up in this well last Saturday and, with the same vehemence with which he urges this legislation, supported the President's recommendation last Saturday. Somehow the signals got crossed. Communications really must have been interrupted between two gentleman from Ohio, his Senator from Ohio and himself. The gentleman finds himself today in the most uncomfortable position of witnessing the Senator from his State take an entirely different position than his. So that, to my mind, explains to a great extent the discomfort and the breast beating that the gentleman displayed on the floor of this House.

Mr. GREEN. Mr. Speaker, will the gentleman yield?

Mr. MARCANTONIO. I yield to the gentleman from Pennsylvania.

Mr. GREEN. That is possibly what makes the gentleman unhappy.

Mr. MARCANTONIO. Yes; I think the gentleman certainly is unhappy, and I am pretty sure the gentleman is definitely uncomfortable.

I think we should deal with the fundamental issue involved in this legislation. The purpose of this legislation is to destroy labor's right to strike. It is done by destroying the National Labor Relations Act and the Norris-LaGuardia Anti-Injunction Act. It takes labor's arms and ties them so that monopoly capital can do as it pleases hereafter in the field of so-called collective bargaining.

Collective bargaining means what? It means equality in bargaining for both sides. That equality is destroyed because labor's only bargaining power is its right of refusing to work. That is destroyed by this legislation. Mind you, you are not limiting this legislation only to industries whose tie-up would affect the entire Nation, you are extending this legislation to every industry that is engaged in interstate commerce, and under recent definitions of interstate commerce this includes practically every industry.

Therefore, the purpose of this legislation is to destroy the right to strike and thereby exploit and enslave American labor. If you destroy the right to strike you make collective bargaining a mockery, and what does that mean? It means that American workers can no longer obtain for themselves and their families a decent American living wage and keep up an American standard of living. You do that under what guise? Under the guise that these strikes disturb production and hold up reconversion. But who is really causing the strikes? Men do not want to strike for the fun of it. It causes them and their families suffering to go out on strike. Men go out on strike only as a last resort and only when they are provoked by the scheming, uncompromising, and unreasoning tactics of profit-bloated, tax-benefited corporations. They provoke strikes, and then the organs of propaganda start beating the drums against American workers in order to intimidate Congress to pass antilabor legislation. This Case bill is just what these corporations wanted, to deprive labor of its rights, its right to bargain collectively, its equality in bargaining collectively. All this is accomplished under the guise of an emergency created not by labor but by these corporations who now ask you to pass this Case bill. This bill was sired by the National Association of Manufacturers, the same sire of the Smith-Connally Act. Just as Americans have repudiated the Smith-Connally bill, so will they denounce this Case bill.

Mr. COX. Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker, this is an American problem, and I speak for America, which I want to see governed in an American sort of way. I would like to say at the outset that I sympathize very greatly with those who now find themselves upon a hot

stove that was lighted up by the President last Saturday. Theirs is an experience that I never had. My people seem to think that I stand today in the same place where I stood on Saturday. They seem to be under the impression that I maintain a sort of consistency in voting what I conceive to be the best interests of my country and do it without fear of injury to my political fortune. Mr. Speaker, about 3 years ago a group of important people coming from different walks of life met in convention in London. From that meeting there emanated a manifesto in which there ran this line, "Power corrupts: absolute power corrupts absolutely." Mr. Speaker, the purpose of the pending legislation is to place a limit upon the absolute power which certain organized groups in the country have found it possible to exercise to the point of bringing the country upon the brink of ruin. The President came to the rescue on Saturday. With a courage fortified by high character and a strength born of necessity, he played the part of a great and good man. Mr. Speaker, I wish it were proper that I might express in words my scornful contempt for that miserable hypocrisy and cowardice that makes a man hesitate to make a decision at a time when the safety of his country is involved. My friends, we have come to the point towards which we have been traveling for a long, long time. In spite of what some may say, I know that there is wrapped up in the consciousness of every Member of this body the thought that unless something is done to bring the people of this country under a government of law we will soon run into disaster. It matters not what your professions may be. You may take this floor and inveigh against the adoption of this legislation, and yet I know that behind your words there is something better and finer than what you say, because there can be no differences between us when our country is involved. This, Mr. Speaker, is still our beautiful America. This is our home. It was the home of our forebears now buried within the cavern of our memory. It is the home of our children. Let us find the courage to defend it against violence. Let us fight to keep it the land of the free and the home of the brave.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

Mr. MARCANTONIO and Mr. BIEMILLER demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 230, nays 106, not voting, 94, as follows:

[Roll No. 138]

YEAS—230

Abernethy	Bender	Brumbaugh
Allen, Ill.	Blackney	Bryson
Allen, La.	Bland	Buck
Almond	Bolton	Buffett
Andersen, H. Carl	Bonner	Bulwinkle
Andrews, Ala.	Boren	Burch
Arnold	Boykin	Byrnes, Wis.
Baldwin, Md.	Bradley, Mich.	Camp
Barden	Brehm	Campbell
Barrett, Wyo.	Brooks	Case, N. J.
Beckworth	Brown, Ga.	Case, S. Dak.
	Brown, Ohio	Chapman
Chelf	Hobbs	Plumley
Chenoweth	Hoeven	Poage
Chiperfield	Hoffman	Price, Fla.
Church	Holmes, Mass.	Priest
Clark	Holmes, Wash.	Rains
Clason	Horan	Ramey
Clevenger	Howell	Rankin
Cole, Mo.	Jenkins	Reed, Ill.
Cole, N. Y.	Jennings	Reed, N. Y.
Combs	Jensen	Rich
Cooper	Johnson, Calif.	Richards
Cox	Johnson, Ill.	Riley
Cravens	Johnson, Luther A.	Rivers
Crawford	Johnson, Lyndon B.	Rizley
Cunningham	Johnson, Okla.	Robertson, Va.
Curtis	Jones	Robsion, Ky.
D'Ewart	Jonkman	Rockwell
Dirksen	Judd	Rodgers, Pa.
Dolliver	Kean	Roe, Md.
Domengeaux	Keefe	Rogers, Fla.
Dondero	Kerr	Rogers, Mass.
Doughton, N. C.	Kilday	Russell
Drewry	Kinzer	Sasscer
Earthman	Knutson	Schwabe, Okla.
Ellis	Kunkel	Scrivner
Ellsworth	Landis	Shafer
Elsaesser	Lanham	Sharp
Elston	Larcade	Sikes
Ervin	Latham	Simpson, Ill.
Fallon	LeCompte	Simpson, Pa.
Fellows	LeFevre	Slaughter
Fenton	Lyle	Smith, Va.
Fisher	McConnell	Smith, Wis.
Gamble	McCowen	Sparkman
Gary	McGehee	Springer
Gathings	McGregor	Stefan
Gerlach	McKenzie	Stevenson
Gibson	McMillan, S. C.	Stigler
Gifford	McMillen, Ill.	Stockman
Gillespie	Mahon	Sumner, Ill.
Gillette	Maloney	Sumners, Tex.
Gillie	Manasco	Sundstrom
Goodwin	Mankin	Taber
Gore	Mansfield, Tex.	Talbot
Gossett	Martin, Iowa	Talle
Graham	Martin, Mass.	Tarver
Grant, Ala.	Mathews	Taylor
Grant, Ind.	Michener	Thomas, N. J.
Gregory	Miller, Nebr.	Thomason
Griffiths	Mills	Tibbott
Gross	Monroney	Towe
Gwynne, Iowa	Morrison	Trimble
Hale	Mundt	Vorys, Ohio
Hall, Leonard W.	Murray, Wis.	Vursell
Halleck	Norblad	Wadsworth
Hancock	Norrell	Weichel
Hare	O'Hara	West
Harness, Ind.	Pace	Whitten
Harris	Patman	Whittington
Hendricks	Peterson, Fla.	Wickersham
Henry	Peterson, Ga.	Wigglesworth
Herter	Phillips	Winstead
Heselton	Pickett	Wood
Hess	Pittenger	Woodruff
Hill		Worley
		Zimmerman

NAYS—106

Angell	Geelan	Neely
Bailey	Gordon	O'Brien, Ill.
Baldwin, N. Y.	Gorski	O'Brien, Mich.
Barrett, Pa.	Granahan	O'Konski
Barry	Granger	O'Neal
Bates, Ky.	Green	O'Toole
Beall	Harless, Ariz.	Outland
Biemiller	Hart	Pfeifer
Bishop	Hedrick	Powell
Bloom	Heffernan	Price, Ill.
Bradley, Pa.	Hoch	Quinn, N. Y.
Byrne, N. Y.	Holifield	Rabaut
Canfield	Huber	Rabin
Cannon, Mo.	Hull	Randolph
Carnahan	Jackson	Rayfiel
Celler	Kee	Resa
Clements	Kefauver	Robinson, Utah
Crosser	Kelley, Pa.	Rogers, N. Y.
D'Alesandro	Kelly, Ill.	Rooney
Davis	Keogh	Rowan
De Lacy	Klein	Ryter
Delaney, John J.	Kopplemann	Sabath
Dingell	Lane	Savage
Douglas, Ill.	Lemke	Sheridan
Doyle	Lewis	Smith, Maine
Eberharter	Link	Somers, N. Y.
Engel, Mich.	Luce	Spence
Feighan	Lynch	Starkey
Flannagan	McCormack	Sullivan
Flood	Madden	Thomas, Tex.
Fogarty	Mansfield, Mont.	Torrens
Forand	Marcantonio	Voorhis, Calif.
Fulton	Morgan	Walter
Gallagher	Murdock	Wasielewski
Gardner	Murphy	Wolverton, N. J.
		Woodhouse

NOT VOTING—94

Adams	Elliott	Mason
Anderson, Calif.	Engle, Calif.	May
Andresen, August H.	Fernandez	Merrow
Andrews, N. Y.	Folger	Miller, Calif.
Arends	Fuller	Murray, Tenn.
Auchincloss	Gavin	Norton
Bates, Mass.	Gearhart	Patrick
Bell	Gwinn, N. Y.	Patterson
Bennet, N. Y.	Hagen	Philbin
Bennett, Mo.	Hall, Edwin Arthur	Ploeser
Buckley	Hand	Reece, Tenn.
Bunker	Hartley	Rees, Kans.
Butler	Havenner	Robertson, N. Dak.
Cannon, Fla.	Hays	Roe, N. Y.
Carlson	Healy	Sadowski
Clippinger	Hébert	Schwabe, Mo.
Cochran	Hinshaw	Sheppard
Coffee	Hook	Short
Cole, Kans.	Hope	Smith, Ohio
Colmer	Izac	Stewart
Cooley	Jarman	Thom
Corbett	Johnson, Ind.	Tolan
Courtney	Kearney	Traynor
Curley	Kilburn	Vinson
Daughton, Va.	King	Weaver
Dawson	Kirwan	Welch
Delaney, James J.	LaFollette	White
Douglas, Calif.	Lea	Wilson
Durham	Lesinski	Winter
Dworshak	Ludlow	Wolcott
Eaton	McDonough	Wolfenden, Pa.
	McGlinchey	

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Ploeser for, with Mr. Hook against.

Mr. Eaton for, with Mr. Tolan against.

Mr. Cole of Kansas for, with Mr. Miller of California against.

Mr. Short for, with Mrs. Douglas of California against.

Mr. Schwabe of Missouri for, with Mr. Havenner against.

Mr. Gwinn of New York for, with Mr. Patterson against.

Mr. Arends for, with Mr. Healy against.

Mr. Auchincloss for, with Mrs. Norton against.

Mr. Hartley for, with Mr. King against.

Mr. Bennett of Missouri for, with Mr. LaFollette against.

Mr. Hébert for, with Mr. Butler against.

Mr. May for, with Mr. Curley against.

Mr. Robertson of North Dakota for, with Mr. Dawson against.

Mr. Vinson for, with Mr. Coffee against.

Mr. Rees of Kansas for, with Mr. Sadowski against.

Additional general pairs:

Mr. Sheppard with Mr. Adams.

Mr. Cooley with Mr. Carlson.

Mr. Ludlow with Mr. Hand.

Mr. Cochran with Mr. Mason.

Mr. Traynor with Mr. Bennet of New York.

Mr. Courtney with Mr. Smith of Ohio.

Mr. Jarman with Mr. Clippinger.

Mr. Bunker with Mr. Wilson.

Mr. Murray of Tennessee with Mr. Winter.

Mr. Colmer with Mr. Fuller.

Mr. Daughton of Virginia with Mr. Hope.

Mr. Kirwan with Mr. Wolcott.

Mr. Elliott with Mr. Dworshak.

Mr. Durham with Mr. Corbett.

Mr. Fernandez with Mr. Kilburn.

Mr. Engle of California with Mr. Reece of Tennessee.

Mr. Foger with Mr. Welch.

Mr. Buckley with Mr. Johnson of Indiana.

Mr. Lesinski with Mr. Anderson of California.

Mr. Hays with Mr. Edwin Arthur Hall.

Mr. Lea with Mr. Merrow.

Mr. Stewart with Mr. Gavin.

Mr. Philbin with Mr. Hagen.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mr. COX. Mr. Speaker, I ask unanimous consent that Members may have five legislative days in which to extend their own remarks in the RECORD on the resolution just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

ADJOURNMENT OVER

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Friday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

LEGISLATIVE PROGRAM

Mr. MARTIN of Massacusetts. Mr. Speaker, I would like to know the legislative program for Friday for the information of the House.

Mr. McCORMACK. The remainder of the program today, of course, consists of the third urgent deficiency appropriation bill, and then the Alaskan International Highway Commission bill. The deficiency bill comes up next. I understand that will not take long. If the Alaskan International Highway Commission bill is not disposed of today, that will go over until Friday. Then there is a bill (H. R. 5674) having to do with the Yuma project at Boulder Dam, which will come up Friday.

Mr. MARTIN of Massachusetts. Neither bill, I presume, is very controversial?

Mr. McCORMACK. My understanding is that they are not.

Mr. MARTIN of Massachusetts. I thank the gentleman.

Mr. MARCANTONIO. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield.

Mr. MARCANTONIO. In the event the Senate acts on the President's proposal, is it the intention of the leadership to bring the bill up on Friday?

Mr. McCORMACK. That can only be brought up by unanimous consent, and it is not the intention to do that. Therefore, the Members may rest assured that they will be protected so far as that is concerned for the balance of the week.

LEAVE OF ABSENCE

Mr. BOREN. Mr. Speaker, my colleague, the gentleman from Oklahoma [Mr. STEWART], is seriously ill. His doctors advise him against making a trip here. I ask unanimous consent that he be given an indefinite leave of absence.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THIRD DEFICIENCY APPROPRIATION BILL, 1946

Mr. CANNON of Missouri. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 6601) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1946, and for prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1946, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 1 hour, to be equally divided and controlled by the gentleman from New York [Mr. TABER] and myself.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Missouri.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 6601, with Mr. KEOGH in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. CANNON of Missouri. Mr. Chairman, at the end of a session of Congress there is always a flood of deficiency items. Owing to emergency conditions, or otherwise, various governmental establishments, agencies, and activities find themselves without sufficient funds to continue their work, and apply to Congress for supplementary or deficiency appropriations with which to round out the program for the fiscal year.

This year is no exception to the rule. We have on hand many estimates for deficiencies which, under the general routine, would be incorporated in the last deficiency bill which, in the natural order of things, we expect to report early in June. However, owing to unforeseen circumstances, certain deficiencies have developed of such urgent nature, and requiring funds which must be available before the end of the fiscal year, as to preclude waiting for the regular deficiency bill which might not, and possibly will not, become law before July 1. Accordingly, we have gone through the estimates and screened out matters requiring immediate attention and have presented them in the pending bill.

You will observe in looking through the report that a large number of these deficiencies, and a large amount of the money carried by this bill, is for veterans' activities or for expenditures necessitated by the World War. As a matter of fact, 77 percent of them are directly related to and incident to World War II and its aftermath. Appropriations providing for the Veterans' Administration, the Children's Bureau, liquidation of war agencies, tax refunds, cemeterial expenses, and similar items resulting from the war obviously are not subject to debate and must be immediately made available.

Seventeen percent of the remaining 23 percent is due to the postal service, most of which results from the recently enacted law increasing the pay of postal employees. The remainder ensues from the unusual burdens placed upon the service and which must be financed in order that it may carry on its work for the remainder of the fiscal year.

Then there are some minor items for the legislative branch of the Government, including deficiencies in the conduct of House affairs, deficiencies occasioned by House resolutions recently passed, requiring provision at this time without waiting for the regular deficiency bill.

There is very little, if any, controversial matter in this bill. We have a unanimous report upon the part of the subcommittee. I therefore hardly consider it worth while to take a great deal of the time of the House this late in the afternoon unless there is some particular item about which some member may wish to inquire.

The item which possibly will attract the most interest is one for which we received an estimate of $50,000,000 for planning. The membership will recall that we initiated a program at the beginning of the Congress under which we advance to any sponsor—municipality, county, or State—the funds necessary to plan any sponsored project. I may say in passing that most of this is for sewage, waterworks, utilities, schools, school buildings, highways, and similar activities which are urgently needed by the local governmental units and for which we propose to loan the money to pay the expenses of their engineers, architects and designers in order that there may be systematically programed just what will be needed, when it will be needed, and how it will be needed.

This aid is not intended to cost the Federal Government a dime. It is intended that the sponsor will pay back to the Government the entire amount loaned. At the same time there is provided a needed service through which a community can plan far enough in advance to have a dependable plan in contrast with many community projects not well thought out, which later on have to be altered after construction has begun or where early planning was found inadequate.

Of course, as has been frequently explained, there is no inference here and no commitment of any kind under which the Government can be expected to advance any part of the cost of construction. A great many communities seem to have entertained the idea that following the war we would resume the lavish expenditure by the Government through grants and contributions to the States and other sponsors; of matched money, for construction as in the old WPA days. Every care has been taken to disabuse the mind of anybody, of any idea that the Government ever expects to go into the WPA business again; and we want at this time to again serve notice, as we have repeatedly served notice in the past, that because we are here proposing to help plan these projects there is positive assurance that the Government will not

advance funds for construction, and that we expect reimbursement of every Federal dollar loaned for planning.

Mr. CANFIELD. Mr. Chairman, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from New Jersey.

Mr. CANFIELD. Is it not true that these so-called advances by the Federal Government a local subdivisions of Government are really loans, on which there will be no interest, loans which have to be repaid when the contracts for these jobs are let?

Mr. CANNON of Missouri. The gentleman is correct. They are loans, without interest. Repayment must be made when construction begins.

It is gratifying to report, that up to this time there have been no defaults. No money has been lost and while some of our more pessimistic friends anticipated huge losses there has been up to this time no evidence upon which to base any such conclusion.

Mr. CANFIELD. May I also add that I think it is rather unfortunate that the authorizing act refers to these loans as advances because of the fact that whenever there is a release on the part of FWA the story goes out to the public that the money is being advanced for local planning. The inference is drawn by many laymen back home in our respective districts that the Federal Government is going to follow through with the actual construction. I think it most unfortunate that the basic law does not refer to these advances as loans, which they really are.

Mr. CANNON of Missouri. I am glad the gentleman has called attention to that fact. They are termed "advances," because that is the phraseology of the statute. The law under which these advances are made calls them advances, but the term "advance," as carried in the statute, refers both to advance provision for planning and advancing money for planning. So, as the gentleman very well says, there might be some misunderstanding, but there should not be here, where I think it is generally understood that this money is a loan and that it has to be repaid and that the Federal Government is making no contribution to the cost of construction.

Mr. ARNOLD. Mr. Chairman, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from Missouri.

Mr. ARNOLD. If the bonds fail to carry, then the Government has lost its advance?

Mr. CANNON of Missouri. No. They are still bound to return the money if the construction is abandoned. We already have had instances in which projects were abandoned and the money returned. The community is responsible, and when they accept this money they accept this responsibility.

Mr. D'EWART. Mr. Chairman, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from Montana.

Mr. D'EWART. In the State of Montana, following the last war, we did not have adequate planning because we did not have funds such as this available. My State has taken advantage of this opportunity to plan public works of which a large backlog has accumulated during the war. It makes possible better plans for schools and other facilities that are needed in the State, and we have taken advantage to a large extent of this fund. I hope that this provision in this deficiency bill will be incorporated.

Montana's share of the funds currently appropriated for the planning program of the Federal Works Agency was $160,500. It has been used already for a great variety of important projects, and there are additional applications on hand for $134,750 in additional projects.

It is important that the majority of these projects are for water or sewer systems, or for educational facilities. These are worth-while projects which will be of great and lasting value to the communities, and are needed now to take care of the postwar expansion which has been experienced by most of our cities and towns.

Many of the projects cannot be completed now, of course, because of the critical shortages of materials and supplies. It is heartening, however, to observe the general community interests in such projects, and to know that we are building up a backlog of useful, constructive plans which can be put into operation in the future. I think the Federal Government is performing a needed and useful service in providing assistance for these plans.

In my congressional district we have sanitary and school projects at Terry, Fort Shaw, Wolf Point, Conrad, and Billings for which no funds are presently available. I hope that this item will receive favorable action so that plans for these projects may go ahead.

Mr. CANNON of Missouri. The gentleman calls attention to important advantages accruing from this legislation. During the course of the hearings an instance was cited by a member of the subcommittee, the gentleman from Michigan [Mr. RABAUT] in which a community built haphazardly, without definite plans, a number of school buildings. Later on, when they adopted a general plan, it was necessary to raze all of the buildings and completely to rebuild the entire system at great additional cost in order to have a practical system, all of which expense and disadvantage would have been avoided had a plan like this been available.

Mr. BAILEY. Mr. Chairman, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from West Virginia.

Mr. BAILEY. If the gentleman will permit me, I would like to compliment the subcommittee and the Committee on Appropriations for the excellent manner in which they have handled this matter.

Mr. CANNON of Missouri. I am glad to have the support of the gentleman who always recognizes not only good legislation when he sees it, but good service when rendered.

Mr. CARNAHAN. Mr. Chairman, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from Missouri.

Mr. CARNAHAN. This bill contains an appropriation to return the remains of members of the armed forces and other citizens and employees of the Government; is that right?

Mr. CANNON of Missouri. Yes. That is one of the appropriations incident to the war. The Government will, within the next 2 or 3 months, distribute questionnaires to all next of kin, which will offer four options: to leave their boys abroad in national cemeteries or abroad in other cemeteries, or return them home to national cemeteries or return them home for interment in their own family cemeteries. In the first three options the Government will pay all expenses. In the last, the Government will provide an escort of honor, a firing squad, a flag, and $50 toward the expense of local burial.

Mr. CARNAHAN. Mr. Chairman, if the gentleman will yield further, is this fund to become available immediately?

Mr. CANNON of Missouri. Yes; this fund becomes available immediately. It is the first increment. The balance required will be provided at a later date and in a later bill.

Mr. CARNAHAN. I am heartily in accord with this figure. I just wanted to know if it was going to become available immediately.

Mr. CANNON of Missouri. Of course this matter must proceed gradually. All the boys cannot be brought back at once. This is sufficient to start operations and accomplish a great deal. The whole operation will require, it has been estimated, 2 years to complete. Eventually, however, every family will have the opportunity to make its choice.

Following the First World War some families preferred to leave their heroic dead where they fell. President Roosevelt's son was left where a generous enemy had provided burial with honors of war back of their lines. His grave is today one of the noted shrines of the French border. In widely scattered cemeteries in many parts of Europe the soldiers of the First World War sleep in beautifully appointed cemeteries under the perpetual care of their Government and on each hallowed spot the soil will remain American territory as long as time lasts.

We provide enough money in this bill to complete the emergency maternity and infant-care program for the remainder of this fiscal year, which must be continued until all commitments have been carried out, and which it is expected will be completed early in the next fiscal year.

The item of contractual authority for veterans' hospitals is for curing a situation brought about by changed economic conditions.

There are 76 hospitals previously appropriated for which cannot be built for the money remaining unobligated on their account, namely, $331,452,814.

General Bradley has been canvassing the problem for several weeks. He has conferred with Vice Admiral Ben Moreell, Mr. Bert Reynolds, Commissioner of Public Buildings, with the Army engineers, and others, with the result that it is patent that if the hospitals are going to be built, we shall have to spend, in the aggregate, more than twice as much as called for by the estimates upon which the appropriations were based.

They do not need all of the cash at this time, but they must have an amount of cash and contractual authority combined sufficient to cover the whole cost for all projects if they are to be got under construction without further delay.

The bill will make that practicable.

The new pay-increase law applying to postal employees makes necessary an additional appropriation of $79,661,100. That will cover the cost, together with $2,751,894 on hand, for the period of the first half of the present calendar year.

We continue the availability of $7,000,000 of community facilities funds for continuing aid to schools in areas where the war's impact is still felt. That is $3,000,000 less than proposed. It seemed to use that the reduced amount should take care of all cases meriting Federal assistance.

There are a number of other items in the bill of a relatively minor character. All are enumerated in the comparative table at the end of the report.

As will be noted, the bill appropriates a total of $661,520,810.89. In addition, it carries contractual authority of $441,250,000. We have effected net reductions of $14,679,800.

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. RABAUT].

Mr. RABAUT. Mr. Chairman, I open my remarks to request the indulgence of the House to bear with me for a moment on a personal matter.

To one whose life as a father and a grandfather is for the most part surrounded by pulchritude, my relations in that respect consisting of one wife, five sisters, six daughters, two daughters-in-law, and three granddaughters, a great and significant change presents itself to our household in the automotive city by the announcement today of the designers, Lieutenant Vincent, and his charming wife, Virginia Macdonald Rabaut, of a new pink sport model with blue headlights, bird's-eye upholstery, water-cooled, with castor-oil lubrication, and full of squeaks.

Incidentally the arrival of my first grandson breaks a 25-year precedent in our household.

Mr. CANNON of Missouri. Mr. Chairman, this is indeed a notable occasion, and I desire to take advantage of the opportunity to congratulate this new scion of the house of Rabaut upon his great American heritage, his notable ancestry and especially his distinguished grandfather. It is evident that he is a young man of rare judgment and discriminating taste as indicated by his choice of parents and grandparents—and intimate friends here on the floor of the House. We trust that as he grows in stature he will likewise grow in knowledge, in wisdom and in fear of the Lord, and that he will carry on nobly the honored traditions of the great family he represents.

Mr. RABAUT. I thank the gentleman.

Mr. CANNON of Missouri. And, Mr. Chairman, I ask unanimous consent that the gentleman from Michigan be permitted to extend ad libitum his remarks relative to this interesting and felicitous occasion.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. TABER. Mr. Chairman, I should like to add my felicitations to Grandpa RABAUT. I wonder will Grandson Rabaut be as able a singer as grandpa? This bill represents a total of $676,000,000. The substantial items outside of the Veterans' Bureau, which is $416,000,000, are for the Post Office Department—$114,000,000, representing $79,000,000 for increased pay, and deficiencies of $15,000,000 for clerks, and $11,000,000 for carriers in city offices. For the proper burial and transfer of bodies of veterans of the late war there is provided $92,500,000. The bodies may be properly buried abroad or they may be brought here, at the option of the families. Frankly, I do not like the project for Federal public works advance planning. I think it is a menace to this country. There are at present nearly $1,200,000,000 of plans worked out and only $16,000,000 of public works contracts under way. A very small percentage of that $16,000,000 has been completed. As I understand, a very small percentage of the amounts that have been advanced have been paid back. There is no payment back unless a contract is entered into. With this kind of operation we will build up such a backlog of plans that the biggest part of these plans will be obsolete before contracts are entered into, and we will get nowhere and nothing will be done about it.

Mr. STEFAN. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. STEFAN. In my district there has been some apprehension about this planning program. Some of the people would like to know what happens to the funds that the Government advances or loans to communities for planning when those plans are not consummated. In other words, when the construction is not completed, what becomes of the money?

Mr. TABER. If the construction is embarked upon, as I understand it, they must pay. If the construction is not embarked upon, there is no obligation whatever on their part to pay.

Mr. STEFAN. Did the evidence adduced before your committee develop any loss to the Government up to this time for money advanced for planning which was not consummated?

Mr. TABER. There has been an enormous quantity of plans completed, but such a small percentage of the total of the plans have resulted in projects being started that one would not have an opportunity to judge anything of that kind or to say that the Government had suffered losses. They told us that where contracts had been entered into, in every case repayments had been made; but that would only be 1⅓ percent of the total on which funds have been advanced for planning. It would be such a small percentage that one could not have any intelligent judgment on whether or not those things were going to pay out. I would not expect any substantial reimbursement.

Mr. STEFAN. Let me get this clear, if the gentleman will yield further. My community can apply to the Federal Works Administration for funds to plan a waterworks or some other construction, and the Federal Government advances funds for that planning, interest free. In other words, it does not advance it but it loans it this money interest free. If my community does not complete this project, my community does not have to repay this money, but if it starts construction it must repay, and that money is loaned to them interest free. But where the construction is not consummated they do not have to pay this money back to the Government which loaned them the money?

Mr. TABER. That is right.

Mr. STEFAN. How much has been advanced to various communities over the country for planning, the plans of which have not been consummated, and how much loss has that represented to the Federal Treasury?

Mr. TABER. No one would be able to say positively that there have been any losses so far. About $30,000,000 have been allocated to these people, and, as I remember it, about $30,000,000 has been paid out of the Treasury. Plans have been started involving local projects, totaling something like $1,200,000,000. Of course, we all know that any of the plans that have been made at any time back of the last month will involve a great deal more money than actually has been estimated, because construction costs have gone up so fast. Out of that $1,200,000,000 of planned projects, approximately $16,000,000, as I understand it, have been let to contract. That would be 1⅓ percent of the total. They told us that everything was paid back that had accrued. As long as the amount of contracts totals $16,000,000, I would assume that the amount of money that had been paid back would be something like $400,000. That would be the arithmetic of it, the way the thing would work out; but whether any more of it has become due or not I would not say. I do not believe we have reached the stage where we should say that any community would default upon it, there has been so little of it let to contract and so little of it could possibly result in activities along that line of construction with general conditions as they are in this country. Although I do not like this item, this amount was a compromise in the committee and I shall support the committee upon this item.

There was no other item in the bill that resulted in any controversy whatever. There are some items that were brought in below the Budget where it appeared it was possible to do so, but that was entirely with the agreement of the full committee.

I shall support the bill the way it stands. Mr. Chairman, I reserve the balance of my time.

Mr. CANNON of Missouri. Mr. Chairman, I yield myself 2 minutes. In view of the interest evinced by the gentleman from Nebraska in the repayment of this money in the event of abandonment of a project, may I call attention to page 35 of

the hearings. There it is not only indicated that acceptance of such funds involves an obligation to the Government to be repaid regardless of construction or nonconstruction, but that up to this time, all funds so advanced have as a matter of fact been repaid on all abandoned projects. It is not merely a matter of obligation, it is an historical fact, a matter of actual accomplishment. Up to this time all moneys advanced on abandoned projects have been repaid, as you will observe from the testimony on page 35 of the hearings.

Furthermore, as the gentleman from New Jersey [Mr. CANFIELD] well pointed out, this is a loan. Construction is not necessarily a condition precedent to payment, it is merely the fixing of a time at which repayment is expected.

It is also inferred that when construction is abandoned the money should be repaid. Up to this time the sponsors of all projects which have been abandoned have immediately repaid in full every cent of the money advanced.

Mr. STEFAN. Mr. Chairman, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from Nebraska.

Mr. STEFAN. I have read the hearings very carefully, Mr. Chairman. I cannot find anything in the law which indicates that this money must be repaid on plans which are not consummated. I call attention to page 35 of the hearings, to the gentleman's questions under the heading of "Abandonment of projects":

Mr. CANNON. And you have lost no money on that account?

Mr. FIELD. We have lost no money on that account at all.

Mr. CANNON. This money is repayable on the beginning of construction?

Mr. FIELD. Yes, sir.

There is nothing I can find specifically regarding the repayment of the money loaned to communities for planning in case no construction has been had. Will the able chairman give us a little further information on that, in view of the fact that I have received considerable inquiry about this matter from my district.

Many people out there have felt that we had something here in Washington whereby they can get 100 percent grants for construction. I have continually replied to them that there is no bureau in our Federal Government that makes any grant whatsoever for construction but that we do have a program on community planning under the Federal Works Administration for which we are now appropriating additional funds.

I would like them to know definitely that these are not grants, that they are loans, as ably explained by the distinguished chairman of the Appropriations Committee. The thing that bothers some of the people back there is in cases where they make application for money to plan and because of the increase in the cost of construction or because they cannot get labor, they decide to abandon the project, and they inquire, Will we have to repay the Government the money they loaned to us if we do not carry out the plans?

Mr. CANNON of Missouri. The gentleman discontinued reading too soon. Had he read on down to the next paragraph he would have noted that I asked the further question as to what would happen in the case of abandonment of the project, and the reply was, "It is an obligation that they owe to the Government which should be met." So that whether they build or do not build it is, in either event, an obligation.

Mr. STEFAN. I found that, and I thank the gentleman very much for the explanation. I did not find anything specifically in the law that would make it mandatory.

Mr. CANNON of Missouri. This is an interpretation by the agency administering the project.

As to the gentleman's statement that communities are expecting contributions for construction, there is no ground upon which any such impression can be based. It has been repeatedly stated on the floor here that any advancement of money for planning under this authorization in no way commits the Government to contributions or loans or other advancements for construction.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. TABER. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. Chairman, tomorrow is Memorial Day. Wherever Americans gather in the world there will be memorial services. At Casino, on the Anzio beach, where Italian peasants are pruning the limbs from olive trees and cultivating fields of rye and buckwheat, they perhaps will wonder about the reverent words that will be spoken in those little cemeteries, perhaps not understanding until they make inquiry. Then some American will tell them that everywhere in the world this is Memorial Day.

Out in Saipan, at Tarawa and on Okinawa, barefoot natives will watch the procession to a little cemetery which is marked with white crosses, not comprehending what it is all about. They will be advised that this is the day when we enjoy the feast of remembrance with our hallowed dead.

Off in ancient Iran, which is such a center of controversy, the chill winds will blow down from the snowy peaks of the Elburz Mountains to caress the pansies and poppies that grow on those graves. It will be Memorial Day. I am inclined to remark about it very briefly because those hallowed dead will be brought home. This bill contains $92,500,000 for the initiation of that program. They sleep peacefully now in some 356 cemeteries. They are scattered from one end of the world to the other. There is such a tremendous interest on the part of the kinsfolk back home as to the disposition of these young men who went abroad in this crusade of freedom. The War Department indicates that more than 112,000 letters have been received from families, from fathers, from mothers, from sweethearts, from wives, and from the next of kin back home. In the true American tradition there will be a choice in bringing them back. There will be the choice of leaving them overseas to be interred in some private cemetery or in a national cemetery. There will be the choice of having them brought back to be interred in a private cemetery or in a national cemetery in this, their native, land. They will be brought back home through two ports: San Francisco for those who come back from the western theater, and New York for those who come back from the Middle East and from the European theater. From there they will go to 10 strategically locating distribution centers and then under escort sent back home where there will be the sweet agony once more of the wound reopened in the heart of a mother or father as the young dead come back to their native heath. That is in the best American tradition.

In World War I requests for the return of 61 percent of our heroes were received. I am advised that from letters received by the War Department more than 98 percent of the next of kin have indicated that they want the remains of those youngsters brought back to their native country. I allude to it because we are on the threshold of Memorial Day. Everywhere voices will be raised in reverent tribute, and I can only hope that when that rather tripping phrase will come to the tongues of speakers in churches, in cemeteries, in schools, on rostrums everywhere, "that those honored dead shall not have died in vain," that it becomes something more than a trite and vacuous phrase. I hope that by policy, by conduct, by our action here in this deliberative body, we can prove to our fellow countrymen, to the memory of the holy dead, and to the world that we will carry on the purposes and objectives for which GI's died everywhere and that their sacrifices will in truth and in fact not have been in vain. This becomes a solemn obligation as we prepare to observe the first Memorial Day since the termination of formal hostilities in a war that engulfed all mankind and threatened the very foundations of civilization.

Mr. TABER. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana [Mr. BROOKS].

Mr. BROOKS. Mr. Chairman, I am not going to use all the time, but I rise to present a new problem which is presented to the pecan growers of the Southwest. At the present time a new pest has attacked the pecan groves throughout this section of the country. The Bureau of Plant Industry is very anxious to go into the areas where this pest has become evident and attack these trees which are now bearing fruit, and it is trying to work out some means of fighting and, perhaps, eliminating this pest.

Unfortunately, in the agricultural appropriation bill we passed a few weeks ago the amount of money allowed to the Bureau of Plant Industry for experimental purposes was reduced, and this agency tells me it is completely out of funds for this type of work. It has called on the farmers of my section of the Southwest, at least, to come forward and furnish to the experimental station the special type of machine or equipment which is needed in order that this agency

may further experiment in the fight against this new pest called the black-pecan aphis. So the farmers are now getting together and trying to raise the funds necessary to buy the machines in order that the experimental station, with its trained personnel, may be permitted to go ahead with its experiments and try to work out some method of extinguishing the pest.

The reason I rise at this time is not to offer an amendment. I think the gentlemen who compose this committee of the House are very able and very conscientious, and I have found them to be very fair-minded men. We are in a time when our problem is not increasing appropriations but cutting them down, and it is hard, painstaking, thankless work to cut down appropriations and bring our Government back to a condition of sound, businesslike economy. Tnat is what this committee is doing, and it will continue, I am sure, to do a magnificent job in that respect.

If I had any doubt about the ability of this committee and its able chairman, that doubt would have been removed after I was permitted, as I was yesterday, the opportunity of reading a very able address by the chairman of the committee [Mr. CANNON] entitled "The Anvil Which Has Worn Out Many Hammers." I think the address was most timely and certainly appropriate to the occasion in the House. I commend the chairman on a most scholarly address.

Coming back to this problem, Mr. Chairman, I think our economy does go just a little bit too far when we cut down our experimental station to the point that it is not able to furnish itself the equipment necessary to experiment in the fight against pests which appear to attack our agricultural crops throughout the Nation. I think we are going just a trifle too far when, because of our desire for economy, we are compelled to call upon our farmers to furnish the equipment needed, which in this case is called a spray-duster, a peculiar type of spray-duster, which is needed in order to apply the poison to the pecan trees in the Southwest suffering from this pest.

I am presenting this today in order that the Department of Agriculture may know of the interest of myself and others who are interested in the pecan industry. The Louisiana Pecan Association has written me and has taken the matter up also with the Department of Agriculture. I want everyone to be acquainted with this problem, and I hope that within the near future the few thousand dollars necessary to fight this disease may be appropriated in the next deficiency bill.

Mr. TABER. Mr. Chairman, so that the House may have before it just what the picture is, I read subparagraph (c) of section 501 of title V of the George Act, under which this advance planning is done.

Advances under this section to any public agency shall be repaid by such agency if and when the construction of the public works so planned is undertaken. Any sum so repaid shall be recovered into the Treasury as miscellaneous receipts.

Mr. CANNON of Missouri. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. CANNON of Missouri. Again, the gentleman has failed to read all of the enactment. Under section (d) the Federal Works Administrator is authorized to prescribe rules and regulations to carry out the purposes of this section. According to their interpretation, they hold that under this enactment the obligation exists whether the project is abandoned or not, as was stated to the subcommittee in the hearings.

Mr. TABER. I would say that there was no question in my mind that their regulation would not give them the authority to collect. I would not like to see the Congress operate on a basis that I do not believe is correct.

Mr. CANNON of Missouri. May I also say, Mr. Chairman, that the Administrator very well expressed the situation when he said that so far the attitude of the local communities and the State governments has been very fine and they have had no trouble over reimbursements whether the sponsors started the project or did not start it. We always got the money back.

Mr. Chairman, I ask unanimous consent that the bill be considered as read and that amendments to any section thereto now be in order.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CANNON of Missouri. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House without amendment with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. KEOGH, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 6601) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1946, and for prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1946, and for other purposes, had directed him to report the bill back to the House without amendment with the recommendation that the bill do pass.

Mr. CANNON of Missouri. Mr. Speaker, I move the previous question in the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

By motion of Mr. CANNON of Missouri, a motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent that all Members who have spoken on the bill may have five legislative days in which to extend their remarks.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

EXTENSION OF REMARKS

Mrs. LUCE (at the request of Mr. MARTIN of Massachusetts) was given permission to extend her remarks in two instances in the RECORD and include newspaper editorials.

SPECIAL ORDER GRANTED

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that after the disposition of business on the Speaker's desk and the conclusion of special orders heretofore entered, I may address the House for 20 minutes on Friday.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

GRAND RIVER DAM AUTHORITY

Mr. STIGLER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 5508) to authorize the return of the Grand River Dam project to the Grand River Dam Authority and the adjustment and settlement of accounts between the authority and the United States, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. RIZLEY. Mr. Speaker, reserving the right to object, and I shall not object, as I understand the primary purpose of the gentleman's bill is to return to the State of Oklahoma the Grand River Dam, which belonged to the State of Oklahoma and which was taken over temporarily by the Government during the war emergency.

Mr. STIGLER. That is correct.

Mr. RIZLEY. And that is the purpose of the bill?

Mr. STIGLER. That is the only purpose of the bill. It only affects the State of Oklahoma.

Mr. RIZLEY. And no one is affected except the State of Oklahoma?

Mr. STIGLER. That is right.

Mr. SABATH. Mr. Speaker, reserving the right to object, I would like to know what this bill amounts to.

Mr. STIGLER. I may say that the State of Oklahoma in 1935, by act of its legislature, created what is known as the Grand River Dam Authority, to construct the Grand River Dam in Oklahoma. Later on, the Government assisted the State of Oklahoma by purchasing $12,000,000 worth of bonds to assist in the construction. Then, in 1941, after the emergency arose, the Federal Government took the dam over and operated it. The State of Oklahoma now would like to have the dam returned.

Mr. SABATH. How about the money the Government invested in it?

Mr. STIGLER. In bonds?

Mr. SABATH. Was it in bonds against the project?

Mr. STIGLER. Yes, sir.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed, notwithstanding the provisions of any other law, to adjust and settle, upon such basis as he may deem just and equitable, the accounts between the United States and the Grand River Dam Authority arising out of (a) the loan and grant agreement between the United States and the Grand River Dam Authority of October 16, 1937, as modified and extended; and (b) the taking of possession and control, and the occupation and use of the Grand River Dam project in Oklahoma under Executive Order No. 8944, dated November 19, 1941, and Executive Order No. 9373, dated August 30, 1943, and upon completion of or in connection with such adjustment and settlement to return to the Grand River Dam Authority possession and control of the properties and assets which were taken over by the United States under Executive Order No. 8944, so far as such properties and assets may still be held by the United States; and to convey and deliver to the Grand River Dam Authority, for cash, credit, bonds, or property, and upon such other terms as the Secretary of the Interior may deem proper, all right, title, and interest of the United States in and to all or any part of the improvements, additions, and facilities made or added to the Grand River Dam project by the United States during the period of Federal control thereof and such maps, drawings, and other records pertaining thereto as may be agreed upon by him and the Authority.

SEC. 2. In carrying out the authority conferred upon him under section 1 of this act, the Secretary, in accordance with such agreement as is made between him and the Authority, may—

(a) surrender for cancellation the 4 percent revenue bonds of the Authority, dated April 1, 1938, together with the unpaid interest coupons appertaining thereto, now held by the United States, and accept in lieu thereof new revenue bonds of the Authority of such description and cash in such amounts as the Secretary may determine: *Provided*, That such new bonds shall bear interest at a rate of not less than 2½ percent per annum, payable semiannually;

(b) cancel, modify, or treat as having been fulfilled the loan and grant agreement of October 16, 1937, as modified, and extended, and allow the Authority credit for all or such part of the grant provided for under such loan and grant agreement as he may determine, in his discretion, to be just and equitable;

(c) waive and relinquish on behalf of the United States all or such part of the matured interest installments and coupons or accrued interest on the Authority's bonds held by the United States that has matured or accrued during the period of Federal control of the Grand River Dam project as the Secretary may, in his discretion, determine to be just and equitable; and

(d) transfer or cause to be transferred by the appropriate disbursing officer to the Grand River Dam Authority all, or such part as the Secretary may in his discretion determine to be just and equitable, of the balance of funds remaining in the special trust account in the Treasury of the United States used by the United States for deposits and disbursements on account of the Grand River Dam project during the period of Federal control thereof.

SEC. 3. In connection with and as a part of the adjustment and settlement authorized to be made by this act, the Secretary shall retain all lands or interests therein of the United States above elevation 750 feet mean sea level necessary or desirable for operation of the Grand River Dam project at a pool elevation of 755 feet above mean sea level at the Grand River Dam, and the Authority shall grant to the Secretary on behalf of the United States flowage rights on all lands or interests therein of the Authority above elevation 750 feet mean sea level which are necessary or desirable for such operation. Elevations herein stated are referred to the sea level datum in use at the time the Grand River Dam project was started, known as Grand River Dam datum, which is 1$\frac{7}{10}$ feet below the sea level datum now in use at said location.

SEC. 4. The Grand River Dam Authority shall not be required to pay any annual charges under its license issued by the Federal Power Commission for the operation of the project during the period of Federal control thereof.

SEC. 5. The authority and power conferred herein shall cease and terminate 30 days after approval of this act unless an adjustment and settlement shall have been agreed to by the Authority and the Secretary prior thereto.

WE WANT OUR DAM BACK

Mr. STIGLER. Mr. Speaker, H. R. 5508 now under consideration and introduced by me is a bill to authorize the return of the Grand River Dam project in Oklahoma from the Federal Government to the Grand River Dam Authority of Oklahoma and the adjustment and settlement of accounts between the Authority and the United States and for other purposes.

In order that there may not be any misunderstanding about this legislation, I would like to give a history of the same. The Grand River Dam Authority was created and organized under the provisions of article IV, chapter 70 of the sessions laws of 1935 of the State of Oklahoma, amended and supplemented—title 82, sections 861 to 881—to carry out the provisions and purposes set forth in said act, including the control, storage, preservation and distribution of the waters of the Grand River of Oklahoma and its tributaries for electric power and other useful purposes, the reclamation, irrigation of the arid and semi-arid and other lands needing irrigation, and the conservation and development of the forest waters and hydroelectric power of the State of Oklahoma.

The Government through the Federal Emergency Administration of Public Works, agreed to aid the Authority in financing the construction of the project on Grand River to provide water storage for the purpose of flood control and hydroelectric power development, together with hydroelectric generating plant and transmission lines, including the necessary equipment and acquisition of land and rights-of-way therefor, by making a grant to the Authority in the amount of 45 percent of the cost of the project upon completion. The original offer was made by the Government to the Authority on the 16th day of October 1937.

On November 21, 1941, pursuant to said agreement, the Government had purchased $12,700,000 of the Authority's 4-percent revenue bonds and had paid to the Authority on the account of the grant, the sum of $8,933,000, and had agreed to purchase an additional $1,300,000 of the Authority's 4-percent revenue bonds, and to make an additional grant to the Authority for the completion of the project, the total loan and grant not to exceed $25,113,636.

On May 5, 1938, the Authority made a written application to the Federal Power Commission for a license authorizing the construction, operation, and maintenance of the Grand River Dam project in Oklahoma, and the Federal Power Commission acting upon said application, and pursuant to the Federal Power Act, did on July 26, 1939 grant and issue to the authority a license, known as "Project 1494 Oklahoma-Missouri," for that purpose, effective January 1, 1939.

Thereupon the Authority proceeded with the construction of said project pursuant to the loan and grant agreement of October 16, 1937, but said project had not been fully constructed and was not capable of being operated under the provisions of the loan-and-grant agreement, and the Federal Power Commission's license. Thereupon, pursuant to and under authority of section 16 of the Federal Power Act, the President of the United States on November 19, 1941, by Executive Order No. 8944, directed that the Federal Works Administrator acting for and on behalf of the United States, enter upon, take possession of, manage, and operate said project for the purpose of generating and supplying power for the manufacture of explosives or munitions of war or otherwise necessary to the safety and defense of the United States; and to retain possession, management, and control of said project until such time as it would appear to the President that further retention of the project by the United States was unnecessary for the accomplishments of said purposes, and to then restore the same back to the Authority.

Pursuant to the Executive order, issued on November 21, 1941, the Federal Works Administrator did take possession of said project, including all property assets, funds, accounts, contracts, and records of the Authority, and the United States ever since has retained possession thereof, managing and operating said project for the purposes for which it was taken over by the Government.

When the Federal Works Administrator took possession of the project, there remained in possession of the Government out of funds allocated to the project, which was $25,113,636, the sum of $3,480, 636 which had not been paid by the United States Government to the Authority, consisting of the balance of the maximum grant in the sum of $2,180,636 and the balance of the fund available for the purchase of bonds in the sum of $1,300,000. At the time of the taking, the Government also took cash from the Authority—a sum in the amount of $677,444.78. Following the taking over of this project, the Government deposited in the Treasury of the United States of America, in a special trust account, the said sums of $3,480,636 and $677,444.78—making a grand total from all sources the sum of $4,158,080.78. This sum was made available for expenditures by the Government for the completion of the project as set out by the loan-and-grant agreement and the Federal Power Commission license.

Upon the taking over of this project, the Government proceeded with the completion of same and with the construction and acquisitions of improvements, betterments and extensions of the proj-

ect so as to make the project usable for the purposes for which it was constructed. Since November 21, 1941, the Government has continuously operated and maintained such project, together with extensions and improvements; has deposited all revenues received from such operation in said special trust account; and has paid all operating and maintenance expense out of the said trust account.

On August 30, 1943, all of the functions, powers, and duties vested in the Federal Works Administrator by law and Executive order heretofore mentioned were transferred to and vested into the Secretary of the Interior by Executive Order 9373 issued by the President of the United States.

At the time the Government took possession of said project, the Government was the owner and holder of $12,700,000 of the authority's 4 percent revenue bonds and still is the owner and holder thereof. There was delinquent at that time an interest installment of said bonds in the amount of $254,000 which fell due on October 1, 1941. No part of the principal of said bonds or any installments due or that have come due during the period of Federal control have been paid by the Federal Government.

It has been agreed by all parties concerned that the purpose for which said project was taken over has been accomplished and it is no longer necessary for the Government to retain the possession, control, management, and operation of the project, and is now ready to return the project to the authority of Oklahoma. The existing procedure for returning the project from the Federal Government to the State authority is contained in section 16 of the Federal Power Act and Executive Order 8944, the pertinent portions of which read as follows:

> Possession, management, and control thereof for such length of time as may appear to the President to be necessary to accomplish said purposes and then to restore the possession and control to the party or parties entitled thereto; and in the event that the United States shall exercise such right it shall pay to the party or parties entitled thereto just and fair compensation for the use of said property as may be fixed by the commission upon the basis of a reasonable profit in time of peace and the cost of restoring said property to as good condition as existed at the time of the taking over thereof less the reasonable value of any improvements that may be made thereto by the United States and which are valuable and serviceable to the licensee.

It has been recognized by the Federal Government and the State authority that it will be impractical and detrimental to both Government and the authority to have the project returned under the procedure set out by section 16 of the Federal Power Act. The reasons are many, some of which are as follows:

At the time the Government took possession of the project, all the materials and facilities necessary for full utilization of the project had not been acquired or constructed.

The total cost for the project had not been fully determined.

The operation of the project by the Government had been entirely during a period of war emergency.

There would have to be a settlement and adjustment between the authority and the Government under the loan and grant agreement which could not be adjudicated by the Federal Power Commission.

The Government at this time has no funds with which to pay just and fair compensation for the use of the project. An act of Congress would be necessary to appropriate funds.

The balance of the funds allocated under the loan and grant agreement for the authority's use in completing the project, have been used and expended by the Government and the Government will be unable to perform under the loan and grant agreement according to the terms thereof. It probably would be necessary that Congress authorize by legislation the adjustment of the loan and grant agreement.

The President of the United States, realizing that it would be very difficult and would also require considerable time to return the project and having a settlement made pursuant to section 16 of the Federal Power Act, suggested in a letter to Gov. Robert S. Kerr, of Oklahoma, that it was desired that the project be returned and arrangements covering all of these problems be worked out as rapidly as conditions permit.

Pursuant to this suggestion, the authority of Oklahoma and the Secretary of the Interior in consultation with other agencies, worked out a proposal for the return of the project and for the settlement for accounts by the Federal Government and the authority, which may be summarized as follows:

First. The Authority is to create, issue, and deliver to the Government $14,000,000 of the Authority's 2½-percent revenue bonds in lieu of $12,700,000 of the Authority's 4-percent revenue bonds now owned and held by the Government, and $1,300,000 of the Authority's 4-percent revenue bonds which the Authority was committed to deliver to the Government at the time of the taking of the project.

Second. The Government to return to the Grand River Dam Authority the project as completed, together with all the improvements and additions made thereto during the period of Federal control.

Third. The Government to pay the Authority the balance of cash remaining on deposit in the special trust account with the Treasurer of the United States, into which account all moneys obtained by the Federal Government from every source whatsoever were deposited and from which account all expenditures were made, during the period of Federal control.

Fourth. The Authority to cancel all of its original issue of 4-percent revenue bonds in the aggregate principal amount of $15,000,000.

Fifth. The Government agrees to a reduction of the interest rate on the Authority's bonds as of November 21, 1941.

The Authority and the Secretary of the Interior intend to enter into an agreement providing for the return of the project and for the full settlement, accounting, and refinancing of the project, but before such an agreement can be entered into and carried out on the part of the Secretary of the Interior, it is necessary that the Congress authorize and empower the Secretary of Interior to do the things set out in the proposal and to authorize the return of the project, the refinancing and the settlement of accounts by agreement notwithstanding the provisions of the Federal Power Act or any other law.

The agreement worked out has the approval of the Secretary of the Interior, Federal Power Commission, Secretary of the Treasury, Reconstruction Finance Corporation, the Federal Works Agency, the Chief of Engineers of the War Department, and the Grand River Dam Authority.

The effect of the proposed legislation will be to empower the Secretary of the Interior by agreement with the Authority, to return the project and to make a full and complete settlement between the Government and the Authority with regard to the provisions of any other law, thereby obviating: (a) The return of the project to the Authority by Executive order of the President; (b) The determination by the Federal Power Commission of (1) the just and fair compensation for the use of the project; and (2) the cost of restoring the project to as good condition as existed at the time of the taking over; and (3) the reasonable value of the improvements made to the project by the Government and which are valuable and serviceable to the Authority.

The result of such settlement will be that the possession, control, management, and operation of the project, as taken, together with all improvements, additions, and extension made thereto by the Government, will be delivered to the Authority within about 30 days after the passage and approval of said legislation, together with a cash payment of approximately $1,000,000, it being the estimated cash balance remaining in the special trust account after all improvements, extensions, and additions and interest on the Authority's obligations have been paid, and the Government will own and hold $14,000,000 of the Authority's 2½-percent revenue bonds dated as of January 1, 1946, maturing and to be retired over a period of 40 years. It will not be necessary for Congress to appropriate any money if this manner of settlement is had.

During the period of Federal control, the Grand River Dam project was operated chiefly in the interest of the war effort and approximately 95 percent of the power produced was used by the Government. The average rate of the Grand River Dam Authority for power at the time the Government took possession of the project was 5 mills per kilowatt. Soon after taking over the project, the Government reduced the rate to 4 mills per kilowatt, or 1 mill less than the rate would have been charged by the Grand River Dam Authority had it been operating the project.

The arrangements worked out between the interested Federal agencies and the Grand River Dam Authority took into consideration the refinancing of this

project, and in order to place the Authority in the same position that it would have been in had it remained in possession of the project during the war period, it is necessary to adjust the interest rates. It was demonstrated to the satisfaction of the interested Federal agencies that if the Authority had retained possession of the project it would have been able to refinance its 4-percent-revenue bonds at a lower rate of interest. It also would have to earn a sufficient amount of money based upon its existing rates at the time the Government took over, to meet its debt charges during the period of Federal control.

Mr. Speaker, since this bill affects only the State of Oklahoma and the Grand River Dam project originally being a State of Oklahoma project, it is hoped that the House will give its unanimous approval to the enactment of this legislation. So far as the distribution of power is concerned, the war emergency is over. It is our opinion that the Grand River Dam Authority of Oklahoma can operate this project just as successfully and efficiently as the Federal Government. We want our property back.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ALASKAN INTERNATIONAL HIGHWAY COMMISSION

Mr. SABATH. Mr. Speaker, I call up House Resolution 636, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 2871) to create a commission to be known as the Alaskan International Highway Commission. That after general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MARTIN of Massachusetts. Mr. Speaker, I hope the gentleman will temporarily withdraw this resolution. I understood this was to be taken up on Friday, and therefore we are not prepared to take it up at this time. I dislike to raise the question of no quorum.

The SPEAKER. Of course, that will not be necessary.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield.

Mrs. ROGERS of Massachusetts. This was reported unanimously by the Foreign Affairs Commitee, both Republicans and Democrats voting for it unanimously.

Mr. MARTIN of Massachusetts. I appreciate that, but this was to be taken up on Friday.

The SPEAKER. It is on the program for today.

Mr. MARTIN of Massachusetts. I understand that, but since that was arranged I had a talk with the majority leader.

Mr. MANSFIELD of Montana. The majority leader brought it out the third time this afternoon when the gentleman from Massachusetts questioned him.

Mr. SABATH. There is a similar bill. Perhaps that is what the gentleman was referring to.

Mr. MARTIN of Massachusetts. No. We understood that after the appropriation bill this afternoon there would be no other legislation. We felt that it could be taken up on Friday very easily, and I have told a great many Members there would be no other business after the appropriation bill today.

Mr. SABATH. Naturally, Mr. Speaker, in view of the understanding of the gentleman from Massachusetts, I am not going to insist on consideration of the resolution, because I would not like to see all the Members brought back.

The SPEAKER. The gentleman withdraws the resolution.

EXTENSION OF REMARKS

Mr. KEOGH asked and was given permission to extend his remarks in the RECORD and include a message received by the Superintendent of the United States Maritime Academy from the Superintendent of the Naval Academy and his reply thereto.

ALASKAN INTERNATIONAL HIGHWAY COMMISSION

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I just wanted to say that General Eisenhower testified before the Foreign Affairs Committee yesterday. He endorsed the purposes of the bill offered by the gentleman from Montana [Mr. MANSFIELD] very highly, saying it was a very important measure for our national defense.

Mr. MANSFIELD of Montana. Mr. Speaker, will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. I yield.

Mr. MANSFIELD of Montana. I wish to corroborate the lady's remarks, of course, and to point out that as far as this bill is concerned it ties in very closely with our economic and strategic security.

Mrs. ROGERS of Massachusetts. Yes, and General Eisenhower stressed that yesterday.

The SPEAKER. The time of the gentlewoman from Massachusetts has expired.

PERMISSION TO ADDRESS THE HOUSE

Mr. DE LACY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. DE LACY. Mr. Speaker, since probably I cannot be here on Friday, I wish to make a few remarks about the bill H. R. 2871 which I may say I regard with a friendly eye, inasmuch as my own bill, H. R. 2654, is identical with that of the gentleman from Montana. He, of course, has added a couple of words "Alberta and Saskatchewan" which words will bend the road and make it between five or six hundred and a thousand miles longer; but, as I say, I view it with a friendly eye.

Inasmuch as the highway commission which has already been established has rendered a report and completed its work and has recommended one of two possible routes to Alaska as the best, I cannot see much use for another commission being set up to consider the subject further.

Mr. MANSFIELD of Montana. Mr. Speaker, will the gentleman yield?

Mr. DE LACY. I yield.

Mr. MANSFIELD of Montana. I may say to the gentleman from Washington that the ground has not been gone over east of the mountains on the surveys the Commission is to consider. It can make a recommendation at that time for the building of the road or roads anywhere in those Provinces and Yukon Territory. So I hope there will be no disagreement between us.

Mr. DE LACY. No real disagreement, but I may say that President Hoover had a commission to study the route which a road should take to Alaska. Subsequently President Roosevelt appointed one headed by a former Member of this House, now our State's distinguished senior Senator.

The Commission has studied routes. It has made its report to the President.

The Public Roads Committee of this House looked the field over last summer and issued a full-dress report.

The present status of the international highway is that negotiations between our Government and Canada are under way to determine proper allocation of costs between the countries.

The logical route is the coast route, but I will say to the gentleman that I cannot bring myself to oppose his most understandable desire to have possible routes studied for a road from points in his State to Alaska. All of us want to see that great Territory developed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. CORBETT (at the request of Mr. SIMPSON of Illinois), indefinitely, on account of illness.

To Mr. ALMOND, from Thursday, May 30, through Tuesday, June 4, 1946, on account of official business.

To Mr. COURTNEY (at the request of Mr. PRIEST), for 10 days, on account of serious illness in family.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 7. An act to improve the administration of justice by prescribing fair administrative procedure.

ADJOURNMENT

Mr. COOPER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 56 minutes p. m.) the House, pursuant to its previous order, adjourned until Friday, May 31, 1946, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

There will be a meeting of the Committee on World War Veterans' Legislation on Friday, May 31, 1946, at 10 o'clock a. m., in open session, in the Committee Room 356, Old House Office Building.

COMMITTEE ON THE JUDICIARY

There will be a hearing before Subcommittee No. 4 of the Committee on the Judiciary on Monday, June 3, 1946, on House Resolution 430, to authorize the Committee on the Judiciary to conduct an investigation of the disposition of the case against certain individuals charged by the Federal Bureau of Investigation with espionage and possession of confidential Government documents.

The meeting will begin at 10 a. m. and will be held in the Judiciary Committee room, 346 House Office Building.

COMMITTEE ON PATENTS

The Committee on Patents will begin hearings Tuesday, June 4, 1946, at 10 a. m., in the Patents Committee room, 416 House Office Building, on the following bills:

H. R. 3964 (HARTLEY): A bill to declare the national policy regarding the test for determining invention.

H. R. 5841 (BOYKIN): A bill fixing the date of the termination of World War II, for special purposes.

H. R. 5940 (LANHAM): A bill to make Government-owned patents freely available for use by citizens of the United States, its Territories and possessions.

These hearings will be continued on succeeding days until concluded or until this notice is superseded.

COMMITTEE ON THE JUDICIARY

On Thursday, June 6, 1946, Subcommittee No. 2 of the Committee on the Judiciary will continue hearings on the bill (H. R. 6301) to supplement existing laws against unlawful restraints and monopolies, and for other purposes. The hearings will being at 10 a. m. and will be held in the Judiciary Committee room, 346 House Office Building.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1349. A letter from the Acting Secretary of State, transmitting a draft of a proposed bill for the acquisition of buildings and grounds in foreign countries for the use of the Government of the United States of America; to the Committee on Foreign Affairs.

1350. A letter from the Archivist of the United States, transmitting a report on records proposed for disposal by various Government agencies; to the Committee on the Disposition of Executive Papers.

1351. A letter from the Secretary of Commerce, transmitting a report on the activities of the Department of Commerce related to those functions previously carried out by the Smaller War Plants Corporation and transferred to the Department of Commerce; to the Committee on Banking and Currency.

1352. A communication from the President of the United States transmitting the budget for the Office of Alien Property Custodian providing for administrative expenses in the amount of $3,870,120 for the fiscal year 1947 (H. Doc. No. 625); to the Committee on Appropriations and ordered to be printed.

1353. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated April 11, 1946, submitting a report, together with accompanying papers and an illustration, on a preliminary examination and survey of the Sabine River and tributaries, Texas, for improvement of Adams Bayou, authorized by the River and Harbor Act approved March 2, 1945 (H. Doc. No. 626); to the Committee on Rivers and Harbors and ordered to be printed with an illustration.

1354. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated April 19, 1946, submitting a report, together with accompanying papers and illustrations, on a review of reports on Brazos Island Harbor, Tex., and the Gulf Intracoastal Waterway at Port Isabel and its vicinity, requested by a resolution of the Committee on Rivers and Harbors, House of Representatives, adopted on February 28, 1945 (H. Doc. No. 627); to the Committee on Rivers and Harbors and ordered to be printed with two illustrations.

1355. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated April 15, 1946, submitting a report, together with accompanying papers and an illustration on a review of reports on, and a preliminary examination and survey of, Fall River Harbor, Mass., requested by a resolution of the Committee on Rivers and Harbors, House of Representatives, adopted on October 19, 1943, and also authorized by the River and Harbor Act approved on March 2, 1945 (H. Doc. No. 628); to the Committee on Rivers and Harbors and ordered to be printed with an illustration.

1356. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated January 10, 1946, submitting a report, together with accompanying papers and illustrations, on a review of reports on Cleveland Harbor, Ohio, requested by a resolution of the Committee on Rivers and Harbors of the House of Representatives, adopted on September 28, 1943, and a resolution of the Committee on Commerce of the United States Senate, adopted on November 12, 1942 (H. Doc. No. 629); to the Committee on Rivers and Harbors and ordered to be printed with two illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CANNON of Missouri: Committee on Appropriations. H. R. 6601. A bill making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1946, and for prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1946, and for other purposes; without amendment (Rept. No. 2159). Referred to the Committee of the Whole House on the State of the Union.

Mr. BATES of Kentucky: Committee on Rules. House Resolution 643. Resolution providing for the consideration of H. R. 5857, a bill to provide for the collection and publication of statistical information by the Bureau of the Census; without amendment (Rept. No. 2160). Referred to the House Calendar.

Mr. COX: Committee on Rules. House Resolution 644. Resolution providing for the concurrence in Senate amendment to H. R. 4908, an act to provide additional facilities for the mediation of labor disputes, and for other purposes; without amendment (Rept. No. 2161). Referred to the House Calendar.

Mr. BOREN: Committee on Interstate and Foreign Commerce. H. R. 3129. A bill to amend the Securities Exchange Act of 1934 so as to limit the power of the Securities and Exchange Commission to regulate transactions in exempted securities; with amendment (Rept. No. 2164). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHITTINGTON: Committee on Flood Control. H. R. 6597. A bill authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes; without amendment (Rept. No. 2165). Referred to the Committee of the Whole House on the State of the Union.

Mr. WEST: Committee on Ways and Means. House Joint Resolution 327. Joint resolution to permit articles imported from foreign countries for the purpose of exhibition at the Inter-American Trade Exposition, Fort Worth, Tex., to be admitted without payment of tariff, and for other purposes; without amendment (Rept. No. 2166). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROBINSON of Utah: Committee on Roads. H. R. 6324. A bill to amend and supplement the Federal-Aid Road Act of July 11, 1916, as amended and supplemented, to provide for the design and construction of dams so that they will serve as foundations for highway bridges, to provide for the design and construction of highway bridges upon and across such dams, to authorize the granting of easements and rights-of-way in connection therewith, and for other purposes; with amendment (Rept. No. 2167). Referred to the Committee of the Whole House on the State of the Union.

Mr. PITTENGER: Committee on Claims. H. R. 6454. A bill to amend the act approved July 3, 1943, entitled "An act to provide for the settlement of claims for damage to or loss or destruction of property or personal injury or death caused by military personnel or civilian employees or otherwise incident to activities of the War Department or of the Army; without amendment (Rept. No. 2168). Referred to the Committee of the Whole House on the State of the Union.

Mr. PITTENGER: Committee on Claims. H. R. 6532. A bill to provide a method for payment in certain Government establishments of overtime, leave, and holiday compensation on the basis of night rates pursuant to certain decisions of the Comptroller General, and for other purposes; with amendment (Rept. No. 2169). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAY: Committee on Military Affairs. S. 1228. An act to authorize the course of instruction at the United States Military Academy to be given to not exceeding 20 persons at a time from the American Republics, other than the United States; without amendment (Rept. No. 2184). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAY: Committee on Military Affairs. H. R. 6463. A bill to provide for making certain War Department articles and equipment available for use at the convention of the Veterans of Foreign Wars to be held in Boston, Mass., in September 1946; without amendment (Rept. No. 2185). Referred to the Committee of the Whole House on the State of the Union.

Mr. MANASCO: Committee on Expenditures in the Executive Departments. H. R. 6533. A bill to authorize certain administrative expenses in the Government service,

and for other purposes; without amendment (Rept. No. 2186). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2, of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BIEMILLER: Committee on Naval Affairs. H. R. 4525. A bill for the relief of Oran Edmund Randall Rumrill; without amendment (Rept. No. 2162). Referred to the Committee of the Whole House.

Mr. MADDEN: Committee on Naval Affairs. H. R. 4863. A bill to establish the date of acceptance of a commission as lieutenant (junior grade), United States Naval Reserve, by William Leon de Carbonel to be June 1, 1941, and the date of reporting for active duty to be December 9, 1941, and for other purposes; without amendment (Rept. No. 2163). Referred to the Committee of the Whole House.

Mr. DOYLE: Committee on Claims. H. R. 2785. A bill for the relief of Will O'Brien, Mrs. Bessie O'Brien, and Jane O'Brien; with amendments (Rept. No. 2170). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 3401. A bill for the relief of Mrs. Hattie Main Babcock, Chester N. Main, and Mr. and Mrs. Earl Norman; with amendments (Rept. No. 2171). Referred to the Committee of the Whole House.

Mr. HEDRICK: Committee on Claims. H. R. 4673. A bill for the relief of Mrs. Minnie Jenkins Ward; with amendment (Rept. No. 2172). Referred to the Committee of the Whole House.

Mr. HEDRICK: Committee on Claims. H. R. 4996. A bill for the relief of Joan Esther Hedin; with amendments (Rept. No. 2173). Referred to the Committee of the Whole House.

Mr. HEDRICK: Committee on Claims. H. R. 5349. A bill for the relief of Charles F. Barrett; with amendment (Rept. No. 2174). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 5351. A bill for the relief of Charles Booker; without amendment (Rept. No. 2175). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 5538. A bill for the relief of Mae Maxine Stone; without amendment (Rept. No. 2176). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 5539. A bill for the relief of Andrew M. Halvorson; with amendments (Rept. No. 2177). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 5739. A bill for the relief of Frances Fitzgerald; without amendment (Rept. No. 2178). Referred to the Committee of the Whole House.

Mr. HEDRICK: Committee on Claims. H. R. 5792. A bill for the relief of certain postmasters; without amendment (Rept. No. 2179). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 5806. A bill for the relief of Etta Yoakam; with amendments (Rept. No. 2180). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 5878. A bill for the relief of Elsie Elmhorst; without amendment (Rept. No. 2181). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 5884. A bill for the relief of Frances Krzys; with amendment (Rept. No. 2182). Referred to the Committee of the Whole House.

Mr. MAY: Committee on Military Affairs. S. 1776. An act to authorize the exchange of certain land at the Benicia Arsenal, Calif.; with amendments (Rept. No. 2183). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 6562) granting an increase of pension to Mrs. Lula Insley, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CANNON of Missouri:

H. R. 6601. A bill making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1946, and for prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1946, and for other purposes; to the Committee on Appropriations.

By Mr. BLOOM:

H. R. 6602. A bill to provide basic authority for the performance of certain functions and activities of the Department of State; to the Committee on Foreign Affairs.

By Mr. EARTHMAN:

H. R. 6603. A bill to provide for the payment of persons assuming the duties of postmaster at fourth-class offices during the absence of postmasters at such offices; to the Committee on the Post Office and Post Roads.

By Mr. GRANAHAN:

H. R. 6604. A bill to include Jewish War Veterans of the United States among the organizations which shall be recognized by the Administrator of Veterans' Affairs in the presentation of claims; to the Committee on World War Veterans' Legislation.

By Mr. JACKSON:

H. R. 6605. A bill to provide for the government and administration of certain islands in the Pacific Ocean by the Department of the Interior; to the Committee on Insular Affairs.

By Mr. JUDD:

H. R. 6606. A bill relating to credit for service rendered in the Women's Army Auxiliary Corps by members of the Women's Army Corps; to the Committee on Military Affairs.

By Mr. KEOGH:

H. R. 6607. A bill to provide a commission to supervise the construction of a chapel, to be constructed for religious worship, and a library at the United States Merchant Marine Academy at Kings Point, N. Y.; to the Committee on the Merchant Marine and Fisheries.

By Mr. MILLER of Nebraska:

H. R. 6608. A bill to abolish the Office of Price Administration and to transfer certain of its functions to the Secretary of Agriculture and the National Housing Administrator; to the Committee on Banking and Currency.

By Mr. PETERSON of Florida:

H. R. 6609. A bill to authorize the survey of a proposed Mississippi River Parkway for the purpose of determining the feasibility of such a national parkway, and for other purposes; to the Committee on the Public Lands.

By Mr. FARRINGTON:

H. R. 6610. A bill to waive certain restrictions of the Hawaiian Organic Act relating to land exchanges, for the acquisition of certain lands at Hilo, T. H.; to the Committee on the Territories.

H. R. 6611. A bill to provide for the restoration and extension of triangulation stations in the Territory of Hawaii; to the Committee on the Merchant Marine and Fisheries.

By Mr. KNUTSON:

H. R. 6612. A bill to create a court for the review of sentences imposed by courts martial; to the Committee on Military Affairs.

By Mr. SUMNERS of Texas:

H. R. 6613. A bill to make criminally liable persons who negligently allow prisoners in their custody to escape; to the Committee on the Judiciary.

By Mr. TRIMBLE:

H. J. Res. 362. Joint resolution proposing an amendment to the Constitution relating to the selection of the successors of the President, Vice President, or Members of Congress who become unable to perform their duties; to the Committee on the Judiciary.

By Mrs. LUCE:

H. J. Res. 363. Joint resolution authorizing the admission into the United States, as nonquota immigrants, of certain orphan children now interned within the American zone of occupation in Europe; to the Committee on Immigration and Naturalization.

By Mr. DOMENGEAUX:

H. Res. 645. Resolution creating a special committee to investigate the election of Members of the House of Representatives; to the Committee on Rules.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Louisiana, memorializing the President and the Congress of the United States to take immediate action to the end that any honorably discharged veteran of World War II may enjoy a price preference in the purchase of surplus war materials over all competition on a set formula; to the Committee on Expenditures in the Executive Departments.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROOKS:

H. R. 6614. A bill for the relief of Mack Gene Odom, a minor; to the Committee on Claims.

By Mr. BARRY:

H. R. 6615. A bill for the relief of Stavros N. Karavolas; to the Committee on Immigration and Naturalization.

By Mr. EBERHARTER:

H. R. 6616. A bill for the relief of Henry A. Levake; to the Committee on Military Affairs.

By Mr. GRANT of Indiana:

H. R. 6617. A bill for the relief of William E. Koerting; to the Committee on Claims.

By Mr. HART:

H. R. 6618. A bill for the relief of Walter P. Gardner, sole surviving trustee of the property of the Central Railroad Co. of New Jersey; to the Committee on Claims.

By Mr. HARTLEY:

H. R. 6619. A bill for the relief of Paul Boulanger; to the Committee on Immigration and Naturalization.

By Mr. KLEIN:

H. R. 6620. A bill for the relief of (1) William R. Dohnt, administrator of all and singular the goods, chattels, and credits which were of Margaret E. Dohnt, deceased; (2) Joseph A. Hauser, individually and as guardian of Florence Hauser, an infant of the age of 19 years; (3) Richard Adams, Sr., individually and as guardian of Richard Adams, Jr., an infant of the age of 16 years; (4) William P. Novotny, Sr., individually and as guardian of William Joseph Novotny, an infant of the age of 18 years; (5) William P. Novotny, Sr., individually and as guardian of Bernadette Novotny, an infant of the age of 20 years; (6) Grace Swiadek, individually and as guardian of Stanley Swiadek, an infant of the age of 18 years; and (7) Joseph F. Krotz, Sr., individually and as guardian of Joseph F. Krotz, Jr., an infant of the age of 18 years; to the Committee on Claims.

By Mr. McCORMACK:
H. R. 6621. A bill for the relief of Jeremiah Lipkind; to the Committee on Claims.
By Mr. OUTLAND:
H. R. 6622. A bill for the relief of Max Schlederer; to the Committee on Claims.
By Mr. REECE of Tennessee:
H. R. 6623. A bill for the relief of Thomas F. Gibbons; to the Committee on Military Affairs.
By Mr. SUMNERS of Texas:
H. R. 6624. A bill for the relief of Lawrence Edgar Edwards; to the Committee on Immigration and Naturalization.
By Mr. VOORHIS of California:
H. R. 6625. A bill for the relief of Gertrude O. Yerxa, Mrs. G. Olive Yerxa, and Dr. Charles W. Yerxa; to the Committee on Claims.
By Mr. WHITE:
H. R. 6626. A bill to record the lawful admission to the United States for permanent residence of Gottfried Schmidt-Ehrenberg; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1921. By Mr. O'HARA: Petition of K. H. Kraus of Mankato, Minn., and 27 other persons residing in the vicinity of Mankato, in regard to the present strike situation; to the Committee on the Judiciary.

1922. By Mr. LUTHER A. JOHNSON: Petition of A. R. Nelms, president, and Mr. C. M. Herring, secretary, Retired Railway Mail Service Employees Association, Fort Worth, Tex., favoring Senate bill 896; to the Committee on Rules.

1923. By Mr. SMITH of Wisconsin: Petition of members of the Wisconsin Anti-Tuberculosis Association setting forth its position in regard to slum clearance and housing and further urging immediate passage of the Wagner-Ellender-Taft bill, S. 1592, by Wisconsin Representatives in the House of Representatives; to the Committee on Banking and Currency.

SENATE

FRIDAY, MAY 31, 1946

(Legislative day of Tuesday, March 5, 1946)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Rev. Bernard Braskamp, D. D., pastor, Gunton-Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

Almighty God, who wert the God of our fathers, we thank Thee for our beloved country, conceived in sacrifice, dedicated to Thy glory, and consecrated to the service of humanity.

We bless Thee for all the God-fearing men and women who struggled so valiantly to bequeath unto us our glorious heritage of freedom. We rejoice that their names are inscribed indelibly upon the pages of history and that their souls are enshrined forever in Thy divine love. Grant that the memory of their lives may hallow and inspire all our days.

We pray that we may carry on in their spirit as we meet the challenging demands of each new day. Help us to break down the barriers that hinder and impede the fulfillment of their hopes and aspirations. May the chasms that divide the members of the human family be bridged by the spirit of good will and understanding and become the highways of friendship and peace.

Hear us in the name of the Prince of Peace. Amen.

THE JOURNAL

On request of Mr. HILL, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, May 29, 1946, was dispensed with, and the Journal was approved.

SENATOR FROM VIRGINIA

Mr. BYRD. Mr. President, I send to the desk the credentials of Hon. THOMAS G. BURCH, appointed a Senator of the United States from the Commonwealth of Virginia.

The PRESIDENT pro tempore. The credentials will be read.

The legislative clerk read as follows:

COMMONWEALTH OF VIRGINIA.

To All to Whom These Present Shall Come, Greeting:

Know ye that from special trust and confidence reposed in his fidelity, our Governor, by virtue of authority vested in him by law, hath appointed and hereby commissions THOMAS G. BURCH United States Senator from Virginia, to fill the vacancy caused by the death of the late Senator Carter Glass, to hold said office until a successor has been duly elected for the remaining portion of the unexpired term and has qualified as provided by law.

In testimony whereof our said Governor hath hereunto signed his name and affixed the lesser seal of the Commonwealth at Richmond this 31st day of May in the year of our Lord 1946 and in the one hundred and seventieth year of the Commonwealth.

By the Governor:

[SEAL] WILLIAM M. TUCK, *Governor.*

JESSE W. DILLON, *Secretary of the Commonwealth.*

The PRESIDENT pro tempore. The credentials will be placed on file.

Mr. BYRD. Mr. President, the Senator-designate is present in the Chamber and ready to take the oath.

The PRESIDENT pro tempore. If the Senator-designate will present himself at the desk, the oath will be administered.

Mr. BURCH, escorted by Mr. BYRD, advanced to the desk, and the oath prescribed by law was administered to him by the President pro tempore.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on May 31, 1946, the President had approved and signed the act (S. 1305) to confer jurisdiction on the State of North Dakota over offenses committed by or against Indians on the Devils Lake Indian Reservation.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 5508. An act to authorize the return of the Grand River Dam project to the Grand River Dam Authority and the adjustment and settlement of accounts between the Authority and the United States, and for other purposes; and

H. R. 6601. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1946, and for prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1946, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, and it was signed by the President pro tempore.

COMMITTEE SERVICE

On motion of Mr. BARKLEY, and by unanimous consent, it was

Ordered, That the Senator from Tennessee [Mr. MCKELLAR] be excused from further service as chairman of the Committee on Post Offices and Post Roads and that he be appointed chairman of the Committee on Appropriations, to fill the vacancy caused by the death of the late Senator from Virginia, Mr. Glass; and that the Senator from New Mexico [Mr. CHAVEZ] be appointed chairman of the Committee on Post Offices and Post Roads.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following communications and letters, which were referred as indicated:

SUPPLEMENTAL ESTIMATES, DEPARTMENT OF THE INTERIOR (S. DOC. NO. 194)

A communication from the President of th United States, transmitting supplemental estimates of appropriation for the Department of the Interior, amounting to $3,145,400, fiscal year 1947, together with drafts of proposed provisions in the form of amendments to the Budget for that fiscal year (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

SUPPLEMENTAL ESTIMATES, DISTRICT OF COLUMBIA (S. DOC. NO. 195)

A communication from the President of the United States, transmitting supplemental estimates of appropriation for the District of Columbia, amounting to $244,350, fiscal year 1946 (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

INCREASE IN EFFICIENCY OF COAST AND GEODETIC SURVEY

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to increase the efficiency of the Coast and Geodetic Survey (with accompanying papers); to the Committee on Commerce.

LAWS PASSED BY ALASKA TERRITORIAL LEGISLATURE

A letter from the Secretary of the Territory of Alaska, transmitting, pursuant to law, a copy of the laws passed by the 1946 extraordinary session of the Alaska Territorial Legislature (with an accompanying document); to the Committee on Territories and Insular Affairs.

PETITIONS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A letter from C. F. Remer, Ann Arbor, Mich., transmitting a statement by American

economists on the proposed financial agreement with Great Britain (with the accompanying statement); to the Committee on Banking and Currency.

A letter in the nature of a petition from a citizen of New York, N. Y., praying for the enactment of legislation to curb strikes; to the Committee on Education and Labor.

A letter in the nature of a petition from George R. Mitchell, of Lexington, Mass., relating to legislation to curb strikes; to the Committee on Education and Labor.

By Mr. VANDENBERG:

A petition signed by sundry members of the Wayne University Student Council, Detroit, Mich., relating to racial discrimination; to the Committee on the Judiciary.

By Mr. ELLENDER:

A concurrent resolution of the Legislature of the State of Louisiana; to the Committee on Military Affairs.

"House Concurrent Resolution 2

"Whereas the youthful and vigorous manhood and womanhood of our Nation, by their valiant services and sacrifices, have defeated and destroyed those evil forces who sought to deprive us of our American way of life, and,

"Whereas not the least among their sacrifices was the compelling necessity to abandon their peacetime jobs and businesses to take up arms against our common enemy, and

"Whereas upon their discharge from service and return to civilian pursuits they find our economy in a confused state brought about by an unprecedented scarcity of materials and equipment, and

"Whereas this unprecedented scarcity, following a period of prosperity for those engaged in business during the emergency, has created an inflationary market for the limited supply of materials and equipment, and

"Whereas the Government of the United States, as a result of the termination of the war, has a large quantity of surplus war materials and equipment suitable for civilian pursuits now being sold by the War Assets Corporation, and

"Whereas it is the fervent desire of the grateful people to assist and encourage the early readjustment of our returning veterans, a vital and virile part of our population, and

"Whereas under existing legislation no preference in price is given the veteran in the purchase of surplus war material: Therefore be it

"Resolved by the House of Representatives (the Senate concurring), That we urge the Louisiana delegation in the Congress of the United States to take immediate action to the end that any honorably discharged veteran of World War II may enjoy a price preference in the purchase of surplus war materials over all competition on a set formula, as follows:

"(a) On all purchases up to $5,000 the veteran to pay 50 percent of the marked price.

"(b) On all purchases over $5,000 and less than $10,000 the veteran to pay 75 percent of the marked price.

"(c) On all purchases over $10,000 and less than $20,000 the veteran to pay 90 percent.

"(d) On all purchases over $20,000 the veteran to pay full marked price; be it further

"Resolved, That copies of this resolution be forwarded to the President of the United States, the Speaker of the House of Representatives of the United States, the Presiding Officer of the Senate of the United States, to the Representatives and Senators from Louisiana in the Congress, and to national patriotic organizations."

PETITION BY BOARD OF DIRECTORS OF TOPEKA (KANS.) CHAMBER OF COMMERCE RELATING TO LABOR AND INDUSTRY

Mr. CAPPER. I have received from Robert F. Geoffroy, manager of the Topeka Chamber of Commerce, a petition adopted by the board of directors of that organization setting forth their program relative to labor and industry. I ask unanimous consent to present the petition for appropriate reference and printing in the RECORD.

There being no objection, the petition was received, referred to the Committee on Education and Labor, and ordered to be printed in the RECORD, as follows:

BOARD PETITIONS FOR MORE EFFECTIVE SOLVING OF LABOR PROBLEMS

Taking cognizance of the need for a legislative program which will enable labor and industry to solve their problems in such a way as to minimize the danger to public health and welfare, the board of directors at their meeting this week sent to the Kansas Senators and to our Representative in Congress a three-point petition. Topics covered by the petition were:

1. Encourage the enactment of legislation which would prevent the payment of royalties to unions for uses over which the unions have sole control.

2. Amend the National Labor Relations Act in such a way as to make supervisory officials and foremen exempted from the definition of "employees."

3. Enact legislation making it an unfair labor practice for unions to refrain from bargaining on collective-bargaining contracts; in other words, to place upon unions the same responsibility that management has to bargain in good faith.

ECONOMY IN THE GOVERNMENT PROGRAM

Mr. CAPPER. Mr. President, I ask unanimous consent to present for appropriate reference and to have printed in the RECORD a resolution I have received from the Beloit City Teachers Association, of Beloit, Kans., urging that economy in the program of the Government be encouraged and that every effort be made to avoid further inflation during the postwar years.

There being no objection, the resolution was received, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

Resolution commending the Federal Government for its efforts to maintain a stabilized economy and urging further action to avoid inflation during postwar years

Whereas living costs have been partially held in check during the war years; and

Whereas many powerful forces are now exerting extreme pressure on the Government to remove restrictions on inflation; and

Whereas many millions of workers can never hope to secure salary increases fast enough to catch up in a race with inflation: Therefore be it

Resolved by the Beloit City Teachers Association, of Beloit, Kans., That suitable agencies and individuals of the United States Government be highly commended for their heroic efforts to keep the cost of living under control while the war was being fought; and be it further

Resolved, That suitable agencies and individuals of the United States Government be urged to stabilize our economy and exert every effort to avoid further inflation during the postwar years.

(Miss) CLARA BOLLMAN,
Past President, Beloit City Teachers Association, Beloit, Kans.

Action taken May 23, 1946.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LA FOLLETTE, from the Special Committee on the Organization of Congress:

S. 2177. A bill to provide for increased efficiency in the legislative branch of the Government; with amendments (Rept. No. 1400).

By Mr. HATCH, from the Committee on Public Lands and Surveys:

S. 1988. A bill to authorize the Secretary of the Interior to quit claim to the heirs of Jesus Gonzales all right, title, and interest of the United States in a certain described tract of land within the Carson National Forest, New Mexico; without amendment (Rept. No. 1401); and

S. 2126. A bill to provide for the disposal of materials or resources on the public lands of the United States which are under the exclusive jurisdiction of the Secretary of the Interior; with amendments (Rept. No. 1402).

By Mr. O'MAHONEY, from the Committee on Public Lands and Surveys:

S. J. Res. 160. Joint resolution to amend the Act of March 22, 1946, for the purpose of correcting the description of the small parcel of land authorized to be conveyed to the State of Wyoming by such act; without amendment (Rept. No. 1403).

By Mr. McCARRAN, from the Committee on Public Lands and Surveys:

H. R. 4113. A bill to authorize and direct the Secretary of the Interior to issue a patent for certain land to Mrs. Estelle M. Wilbourn; without amendment (Rept. No. 1404).

By Mr. CONNALLY, from the Committee on Foreign Relations:

H. J. Res. 340. Joint resolution to amend the joint resolution creating the Niagara Falls Bridge Commission; without amendment (Rept. No. 1405).

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. BARKLEY, from the Joint Select Committee on the Disposition of Executive Papers, to which was referred for examination and recommendation a list of records transmitting to the Senate by the Archivist of the United States that appeared to have no permanent value or historical interest, submitted a report thereon pursuant to law.

REPORT OF JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES — CIVILIAN EMPLOYMENT OF EXECUTIVE BRANCH

Mr. BYRD. Mr. President, from the Joint Committee on Reduction of Nonessential Federal Expenditures, I ask unanimous consent to submit a report on civilian employment in the executive branch of the Government by department and agency for the months of March and April 1946, showing increases and decreases in the number of paid employees, and I request that it be printed in the RECORD.

According to Federal personnel reports submitted to the Joint Committee on Reduction of Nonessential Federal Expenditures during the month of April, reductions in personnel in the War and Navy Departments continue to be offset by increases in other agencies. This trend is serious and I shall continue to call the public's attention to it until I am satisfied that an effort is being made by responsible officials to stem the tide.

Within the United States during the month there was an increase of 15,622 employees, increasing from the March 1946 figure of 2,382,121 to the April figure of 2,397,743. Thus despite an overseas reduction of 15,160 employees, largely of the industrial group, over-all employment both inside and outside the United States increased 462 from the March

total of 2,873,509 to the April total of 2,873,971. If the War and the Navy Departments decreases were excluded there would be a net increase during the month of 39,695.

There were 30 agencies which increased employment during the month of April, as opposed to 23 agencies which showed decreases. Largest increases occurred in the Veterans' Administration, which increased 18,413; Post Office Department, which increased 11,184; Interior Department, which increased 1,853; Agriculture Department, which increased 1,767; Treasury Department, which increased 1,449; Maritime Commission, which increased 930; Office of Price Administration, which increased 885; and Commerce Department, which increased 829. In addition, the War Assets Administration, included for the first time as a new postwar agency, showed a total of 30,391 employees, most of whom were transferred from the Reconstruction Finance Corporation.

Last week the President signed the 1946 Federal Pay Act, which, in addition to pay-raise provisions, prescribed a Federal personnel ceiling to be effected through gradual reductions on a quarterly basis. Reduction of more than a quarter of a million in classified Federal employment during the fiscal year beginning July 1, 1946, is mandatory under provisions of this act. The personnel ceiling provisions of the act are in accordance with recommendations submitted to the President and the Congress by the Joint Committee on Nonessential Federal Expenditures in its recent report, Postwar Federal Personnel.

For some time it has been apparent that the executive establishments of the Government, with a few notable exceptions, will not voluntarily reduce employment to a level consistent with sound economic policy. From all sides one hears rumors and complaints of waste of the taxpayers' money through the employment of excessive personnel who pass the day in idleness. Congress by this new ceiling provision tacitly recognizes the fact that effective reduction in personnel would not be attempted by the agencies themselves until it became compulsory. Cuts in specific appropriations have proved ineffective with respect to curtailment of over-all Federal personnel. However, if the provisions of this law are administered in conformance with the intent of Congress, large-scale reductions in excess personnel should soon be apparent. In order to come within the ceiling prescribed for October 1, 1946, the first quarter for which ceilings are prescribed, the old-line agencies, exclusive of Veterans' Administration, should immediately initiate personnel retrenchment.

The Congress in passing this personnel ceiling law has taken a decisive step toward cutting Federal expenditures. The administration of this law will be closely scrutinized by the Joint Economy Committee, which has advocated the release of nonessential Federal employees since April 1943.

There being no objection, the report was received and ordered to be printed in the RECORD, as follows:

FEDERAL PERSONNEL IN THE EXECUTIVE BRANCH, APRIL 1946, AND A COMPARISON WITH MARCH 1946

(All figures compiled from reports signed by the heads of Federal establishments or their authorized representatives)

According to monthly personnel reports submitted to the Joint Committee on Reduction of Nonessential Federal Expenditures, Federal personnel within the continental United States during April increased 15,622 from a total of 2,382,121 in March 1946 to 2,397,743 in April. Excluding the War and Navy Departments, personnel increased 39,601 from the March total of 1,168,729 to the April total of 1,208,330. The War Department inside the United States decreased 5,726 from the March figure of 721,697 to the April figure of 715,971. The Navy Department within the United States decreased 18,253 from the March figure of 491,695 to the April figure of 473,442. (See table I.)

Outside the continental United States Federal personnel decreased 15,160 from the March 1946 total of 491,388 to the April total of 476,228. Excluding the War Department, civilian personnel overseas would have increased 700. Nearly all personnel abroad are industrial employees. (See table II.)

The consolidated table of inside and outside personnel showed a total increase of 462 from the March total of 2,873,509 to the April total of 2,873,971. Excluding the War and Navy Departments, there was an increase of 39,695 employees in the executive branch of the Federal Government from the March figure of 1,222,284 to the April figure of 1,261,979. (See table III.)

Industrial employment during the month of April decreased 25,935 from the March total of 1,116,164 to the April total of 1,090,229. The War Department decreased 18,632 employees outside continental United States and increased 2,861 inside the United States in the industrial group. This gives a total decrease in the War Department industrial employment of 15,771. The Navy Department showed a decrease of 9,925 industrial employees within the continental United States. The term "industrial employees" as used by the committee refers to unskilled, semiskilled, skilled, and supervisory employees paid by the Federal Government who are working on construction projects such as airfields and roads, and in munition plants, shipyards, and arsenals. It does not include regular maintenance and custodial employees. (See table IV.)

TABLE I.—*Federal personnel inside continental United States employed by executive agencies during April 1946, and comparison with March*

Department or agency	1946		Increase	Decrease
	March	April		
Executive Office of the President:				
Bureau of the Budget	775	779	4	
Executive departments (except War and Navy Departments):				
Agriculture Department	84,584	86,295	1,711	
Commerce Department	32,989	33,512	523	
Interior Department	41,868	43,702	1,834	
Justice Department	24,694	24,530		164
Labor Department	34,336	34,916	580	
Post Office Department	469,621	480,803	11,182	
State Department	8,147	8,268	121	
Treasury Department	107,211	108,642	1,431	
Emergency war agencies:				
Committee on Fair Employment Practices	33	26		7
Office of Alien Property Custodian	631	661	30	
Office of Defense Transportation	131	120		11
Office of Inter-American Affairs	396	381		15
Office of Price Administration	31,969	32,844	875	
Office of Scientific Research and Development	749	715		34
Office of War Mobilization and Reconversion	670	192		478
Petroleum Administration for War	66	54		12
Selective Service System	15,328	14,890		438
War Shipping Administration	3,305	3,243		62
Postwar agencies:				
Civilian Production Administration [1]	2,516	2,844	328	
National Wage Stabilization Board [1]	821	944	123	
Office of Economic Stabilization [1]	25	32	7	
War Assets Administration [2]	0	30,391	30,391	
Independent agencies:				
American Battle Monuments Commission	1	2	1	
American Commission, Protection of Monuments in Europe [3]	0	6	6	
Civil Aeronautics Board	401	402	1	
Civil Service Commission	4,330	4,321		9
Employees' Compensation Commission	525	521		4
Export-Import Bank of Washington	96	96		
Federal Communications Commission	1,264	1,290	26	
Federal Deposit Insurance Corporation	1,208	1,198		10
Independent agencies—Continued				
Federal Power Commission	727	727		
Federal Security Agency	31,320	31,338	18	
Federal Trade Commission	492	504	12	
Federal Works Agency	22,205	22,042		163
General Accounting Office	14,674	14,377		297
Government Printing Office	7,307	7,301		6
Interstate Commerce Commission	2,188	2,217	29	
Maritime Commission	8,597	9,527	930	
National Advisory Committee for Aeronautics	5,383	5,467	84	
National Archives	353	359	6	
National Capital Housing Authority	265	274	9	
National Capital Park and Planning Commission	15	15		
National Gallery of Art	279	288	9	
National Housing Agency	14,929	15,461	532	
National Labor Relations Board	910	973	63	
National Mediation Board	105	100		5
Panama Canal	258	280	22	
Railroad Retirement Board	1,964	1,931		33
Reconstruction Finance Corporation	38,881	11,632		27,249
Securities and Exchange Commission	1,209	1,196		13
Smithsonian Institution	423	427	4	
Tariff Commission	248	245		3
Tax Court of the United States	121	120		1
Tennessee Valley Authority	11,670	11,052		618
Veterans' Administration	135,516	153,857	18,341	
Total, excluding War and Navy Departments	1,168,729	1,208,330	69,233	29,632
Net increase, excluding War and Navy Departments			39,601	
Navy Department	491,695	473,442		18,253
War Department	721,697	715,971		5,726
Total, including War and Navy Departments	2,382,121	2,397,743	69,233	53,611
Net increase, including War and Navy Departments			15,622	

[1] Previously included under "Emergency war agencies."
[2] Created Mar. 25, 1946. Includes employees transferred from Reconstruction Finance Corporation.
[3] Included for the first time in committee report.

TABLE II.—*Federal personnel outside continental United States employed by executive agencies during April 1946, and comparison with March*

Department or agency	1946		Increase	Decrease
	March	April		
Executive departments (except War and Navy Departments):				
Agriculture Department	1,281	1,337	56	
Commerce Department	1,937	2,243	306	
Interior Department	4,301	4,320	19	
Justice Department	305	312	7	
Labor Department	150	156	6	
Post Office Department	1,441	1,443	2	
State Department	11,654	11,345		309
Treasury Department	643	661	18	
Emergency war agencies:				
Office of Alien Property Custodian	40	45	5	
Office of Inter-American Affairs	227	230	3	
Office of Price Administration	408	418	10	
Selective Service System	322	286		36
War Shipping Administration	722	646		76
Postwar agencies:				
Civilian Production Administration	[1] 5	7	2	
National Wage Stabilization Board	1	0		1
Independent agencies:				
American Battle Monuments Commission	37	37		
Civil Aeronautics Board	9	10	1	
Civil Service Commission	5	5		
Employees' Compensation Commission	41	45	4	
Export-Import Bank of Washington	0	2	2	
Independent agencies—Continued				
Federal Communications Commission	54	49		5
Federal Deposit Insurance Corporation	2	2		
Federal Security Agency	486	476		10
Federal Works Agency	291	298	7	
Maritime Commission	18	18		
National Housing Agency	31	32	1	
National Labor Relations Board	4	4		
Panama Canal	28,399	28,350		49
Reconstruction Finance Corporation	235	294	59	
Smithsonian Institution	7	7		
Veterans' Administration	499	571	72	
Total, excluding War and Navy Departments	53,555	53,649	580	486
Net increase, excluding War and Navy Departments			94	
Navy Department	69,806	70,412	606	
War Department	[1] 368,027	[2] 352,167		15,860
Total, including War and Navy Departments	491,388	476,228	1,186	16,346
Net decrease, including War and Navy Departments			15,160	

[1] Figures as of Feb. 28, 1946.
[2] Figures as of Mar. 31, 1946.

TABLE III.—*Consolidated table of Federal personnel inside and outside continental United States employed by executive agencies during April 1946, and comparison with March*

Department or agency	1946		Increase	Decrease
	March	April		
Executive Office of the President:				
Bureau of the Budget	775	779	4	
Executive departments (except War and Navy Departments):				
Agriculture Department	85,865	87,632	1,767	
Commerce Department	34,926	35,755	829	
Interior Department	46,169	48,022	1,853	
Justice Department	24,999	24,842		157
Labor Department	34,486	35,072	586	
Post Office Department	471,062	482,246	11,184	
State Department	19,801	19,613		188
Treasury Department	107,854	109,303	1,449	
Emergency war agencies:				
Committee on Fair Employment Practices	33	26		7
Office of Alien Property Custodian	671	706	35	
Office of Defense Transportation	131	120		11
Office of Inter-American Affairs	623	611		12
Office of Price Administration	32,377	33,262	885	
Office of Scientific Research and Development	749	715		34
Office of War Mobilization and Reconversion	670	192		478
Petroleum Administration for War	66	54		12
Selective Service System	15,650	15,176		474
War Shipping Administration	4,027	3,889		138
Postwar agencies:				
Civilian Production Administration [1]	2,521	2,851	330	
National Wage Stabilization Board [1]	822	944	122	
Office of Economic Stabilization [1]	25	32	7	
War Assets Administration [2]	0	30,391	30,391	
Independent agencies:				
American Battle Monuments Commission	38	39	1	
American Commission, Protection of Monuments in Europe [3]	0	6	6	
Civil Aeronautics Board	410	412	2	
Civil Service Commission	4,335	4,326		9
Employees Compensation Commission	566	566		
Export-Import Bank of Washington	96	98	2	
Federal Communications Commission	1,318	1,339	21	
Federal Deposit Insurance Corporation	1,210	1,200		10
Federal Power Commission	727	727		
Federal Security Agency	31,806	31,814	8	
Independent agencies—Continued				
Federal Trade Commission	492	504	12	
Federal Works Agency	22,496	22,340		156
General Accounting Office	14,674	14,377		297
Government Printing Office	7,307	7,301		6
Interstate Commerce Commission	2,188	2,217	29	
Maritime Commission	8,615	9,545	930	
National Advisory Committee for Aeronautics	5,383	5,467	84	
National Archives	353	359	6	
National Capital Housing Authority	265	274	9	
National Capital Park and Planning Commission	15	15		
National Gallery of Art	279	288	9	
National Housing Agency	14,960	15,493	533	
National Labor Relations Board	914	977	63	
National Mediation Board	105	100		5
Panama Canal	28,657	28,630		27
Railroad Retirement Board	1,964	1,931		33
Reconstruction Finance Corporation	39,116	11,926		27,190
Securities and Exchange Commission	1,209	1,196		13
Smithsonian Institution	430	434	4	
Tariff Commission	248	245		3
Tax Court of the United States	121	120		1
Tennessee Valley Authority	11,670	11,052		618
Veterans Administration	136,015	154,428	18,413	
Total, excluding War and Navy Departments	1,222,284	1,261,979	69,574	29,879
Net increase, excluding War and Navy Departments			39,695	
Navy Department, inside and outside United States	561,501	543,854		17,647
War Department, inside continental United States	721,697	715,971		5,726
War Department, outside continental United States	[4] 368,027	[5] 352,167		15,860
Total, including War and Navy Departments	2,873,509	2,873,971	69,574	69,112
Net increase, including War and Navy Departments			462	

[1] Previously included under "Emergency war agencies."
[2] Created Mar. 25, 1946. Includes employees transferred from Reconstruction Finance Corporation.
[3] Included for the first time in committee report.
[4] Figures as of Feb. 28, 1946.
[5] Figures as of Mar. 31, 1946.

TABLE IV.—*Industrial employees[1] of Federal Government, inside and outside the continental United States, employed by executive agencies during April 1946, and comparison with March*

Department or agency	1946		Increase	Decrease
	March	April		
Executive departments (except War and Navy Departments):				
Commerce Department	940	1,107	167	
Interior Department	4,405	4,747	342	
State Department	218	210		8
Treasury Department	6,421	6,283		138
Independent agencies:				
National Housing Agency	752	743		9
Panama Canal	2,929	2,899		30
Tennessee Valley Authority	5,122	4,559		563
Total, excluding War and Navy Departments	20,787	20,548	509	748
Net decrease, excluding War and Navy Departments			239	
Navy Department, inside and outside United States	402,563	392,638		9,925
War Department, inside continental United States	336,268	339,129	2,861	
War Department, outside continental United States	[2]356,546	[3]337,914		18,632
Total, including War and Navy Departments	1,116,164	1,090,229	3,370	29,305
Net decrease, including War and Navy Departments			25,935	

[1] Industrial employees include unskilled, semiskilled, skilled, and supervisory employees on construction projects. Maintenance and custodial workers are not included.
[2] Figures as of Feb. 28, 1946.
[3] Figures as of Mar. 31, 1946.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LA FOLLETTE:

S. 2270. A bill to provide funds for cooperation with the school board of Hunter School District for the construction and equipment of a new school building in the town of Hunter, Sawyer County, Wis., to be available to both Indian and non-Indian children; to the Committee on Indian Affairs.

S. 2271. A bill relating to the second seaman's war risk policy of Victor Gmeiner; to the Committee on Commerce.

By Mr. BUSHFIELD:

S. 2272. A bill providing for the exclusion of certain Indian reservations from the application of the act of June 18, 1934, upon majority vote of the inhabitants; to the Committee on Indian Affairs.

By Mr. MYERS:

S. 2273. A bill for the relief of R. C. Jackson; and

S. 2274. A bill for the relief of Frederick J. Roggow; to the Committee on Claims.

By Mr. BYRD:

S. 2275. A bill for the relief of Kenneth Dove and T. T. Grimsley; to the Committee on Claims.

By Mr. HILL:

S. 2276. A bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; to the Committee on Commerce.

By Mr. HILL (for himself and Mr. BANKHEAD):

S. 2277. A bill for the relief of the trustees of the Charles A. Boswell Trust Fund; to the Committee on Claims.

By Mr. McCARRAN:

S. 2278. A bill authorizing the Western Bands of the Shoshone Nation of Indians to sue in the Court of Claims; to the Committee on Indian Affairs.

INVESTIGATION OF PEARL HARBOR ATTACK—EXTENSION OF POWERS AND FUNCTIONS, AND TIME FOR FILING REPORT

Mr. BARKLEY. Mr. President, I ask unanimous consent to submit a concurrent resolution, and I request its immediate consideration.

There being no objection, the concurrent resolution (S. Con. Res. 67) was read, considered, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring) That the time for filing the report of the Joint Committee To Investigate the Pearl Harbor attack be, and it is hereby, extended to July 10, 1946, and that the power and functions of the said committee be, and the same are hereby, also extended to said date.

NAVY DEPARTMENT APPROPRIATIONS—AMENDMENT

Mr. GREEN submitted an amendment intended to be proposed by him to the bill (H. R. 6496) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1947, and for other purposes, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 13, after line 20, insert the following:

"For placing the equipment at the Naval Torpedo Station, Newport, R. I., in condition for operation, $350,000."

SETTLEMENT OF INDUSTRIAL DISPUTES AFFECTING THE NATIONAL ECONOMY—AMENDMENT

Mr. BUSHFIELD submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (H. R. 6578) to provide on a temporary basis during the present period of emergency for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace, which was ordered to lie on the table and to be printed.

EXTENSION OF SELECTIVE TRAINING AND SERVICE ACT—AMENDMENT

Mr. REVERCOMB (for himself, Mr. WILSON, and Mr. WHERRY) submitted an amendment in the nature of a substitute intended to be proposed by them, jointly, to the bill (S. 2057) to extend the Selective Training and Service Act of 1940, as amended, until May 15, 1947, and for other purposes, which was ordered to lie on the table and to be printed.

CHANGE OF REFERENCE

On motion of Mr. SHIPSTEAD, and by unanimous consent, the Committee on Commerce was discharged from the further consideration of the bill (S. 2213) to extend to January 1, 1948, the time within which the States may construct or acquire toll bridges and make them free bridges, securing reimbursement from Federal-aid road funds for a part of the cost of constructing or acquiring such bridges, and it was referred to the Committee on Post Offices and Post Roads.

OFFICER-ENLISTED MAN RELATIONSHIPS (S. DOC. NO. 196)

Mr. THOMAS of Utah. Mr. President, I ask unanimous consent to have printed as a Senate document the report of the Secretary of War's Board on Officer-Enlisted Man Relationships to Hon. Robert P. Patterson, Secretary of War, dated May 27, 1946.

The PRESIDENT pro tempore. Without objection, it is so ordered.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred, as indicated:

H. R. 5508. An act to authorize the return of the Grand River Dam project to the Grand River Dam Authority and the adjustment and settlement of accounts between the Authority and the United States, and for other purposes; to the Committee on Commerce.

H. R. 6601. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1946, and for prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1946, and for other purposes; to the Committee on Appropriations.

MEMORIAL DAY ADDRESS BY SENATOR KILGORE

[Mr. MYERS asked and obtained leave to have printed in the RECORD a Memorial Day address delivered by Senator KILGORE on May 30, 1946, which appears in the Appendix.]

COMPULSORY ARBITRATION—THE ANSWER TO INDUSTRIAL CHAOS

Mr. WILEY. Mr. President, last Saturday the Senate rejected my amendment to the Case bill, which would have established machinery for compulsory arbitration in utilities and other Nationwide industries affecting the public health, welfare, and safety.

A number of Senators have told me that the vote against my amendment was based not so much on the rejection of the principle of compulsory arbitration, but rather on the hope that if such an amendment were omitted, it would

be more likely that the President would not veto the Case bill. How sound that hope is remains to be seen.

But I say, Mr. President, that the principle of compulsory arbitration will not down, because it is sound, because men are increasingly recognizing that it provides an answer in law and in peaceful processes to the chaos which we have experienced, and which we may experience again.

Compared to the President's proposal for induction into the Army of striking workers in key industries, which was rejected on Wednesday by the Senate and which I voted against—compared to this drastic proposal of the President, my compulsory arbitration amendment is obviously mild but it would be effective.

I call the attention of my brother Senators to the fact that last year a Gallup poll pointed out that 71 percent of the rank and file members of unions were reported in favor of compulsory arbitration. It is unfortunate, however, that all union members and the public as a whole do not have a full understanding of the mandatory arbitration principle. I shall continue to strive to make public adequate information on this subject.

Now, Mr. President, I want to cite an excerpt from the May 27, 1946, issue of Business Action, a weekly report from the Chamber of Commerce of the United States. This excerpt relates to a talk made by President William K. Jackson of the National Chamber before the New Jersey State Chamber of Commerce. It is as follows:

Conceding that there are valid objections to compulsory arbitration, Mr. Jackson asked for a careful weighing-in-the-balance of the manifest disadvantages of extensive Government participation in labor disputes that compulsory arbitration would bring, and of the present situation where Government "actually fixes the terms of work contracts, often upon the terms demanded by workers." He went on:

"Should we try compulsory arbitration? I do not have the answer for you, but I think that businessmen and the public in general should review their consideration of this suggestion, along with others, in the light of recent events."

I believe that this excerpt shows that management which has long opposed compulsory arbitration because it involves Government interference, is coming around to the way of thinking that whatever its disadvantages, it is obviously preferable to virtually all the other proposals for industrial peace.

I ask unanimous consent that there be reprinted in the RECORD at this point the text of an editorial in the United States News of May 31, 1946, by David Lawrence, entitled "Compulsory Arbitration—the Only Answer."

The PRESIDING OFFICER (Mr. HAYDEN in the chair). Without objection, the editorial will be printed in the RECORD.

The editorial is as follows:

COMPULSORY ARBITRATION—THE ONLY ANSWER

(By David Lawrence)

The right of an individual to quit work is inviolate but the right of one or more persons to influence a whole group to quit is not unlimited.

Big unionism is just as much subject to regulation in the public interest as big business.

The right of the people to be secure in their employment and in the distribution of the necessities of life transcends the right of any group to obstruct such employment or such distribution.

These are basic truths inherent in the right of the people to life, liberty and the pursuit of happiness.

To deprive the people of these rights by economic force is to assert a right of rebellion.

Rebellion cannot be tolerated by the majority.

A railroad strike is rebellion. Eighteen brotherhoods promptly accepted the President's proposals but two unions employed in the same transportation business did not. In a sense a vote of 18 to 2 favored the settlement, but the minority had it in its power to rebel and tie up the Nation's economic system.

This power has come about through the grant of monopoly privileges to unions. As long as those privileges were not abused, they were called rights and were respected by the people as perhaps a desirable way to secure for labor certain needful changes in wages and working conditions.

But the right to concerted action is forfeited when it becomes an effort to damage the public as a whole.

The problem before the country is not at all complicated. It simply requires courageous leadership, as is always the case when a nation faces rebellion.

LEADERSHIP LACKING

The country looks first to the White House for such leadership. It hopes to find there not a Buchanan who wobbles but a Lincoln who sees clearly that Government must be for all the people and that there must be respect for the basic principles of government.

President Truman has been a wishy-washy Buchanan, bewildered by what has been happening all around him. He was forewarned. He knew for months that big unions could tie up the Nation's business and threaten its safety by strangling its system of food and fuel distribution. But he wavered.

Mr. Truman should have gone to Congress long ago and addressed a joint session. He should have asked for a law requiring arbitration of labor disputes when they involve the maintenance of public health and safety. It would not have been an unprecedented action in a democracy. Britain in 1926 had to pass a law differentiating between legal and illegal strikes. That happened when England found herself in the grip of a general strike. The strike resulted in the defeat of the British Labor Party, which did not recover from that blow for nearly 20 years.

CONGRESS TO BLAME, TOO

Unhappily, in America we do not have a similar system of responsible government. When we get an incompetent man in the White House we must wait for many months to get someone else. Under a parliamentary system we could change overnight and elect someone who is immediately responsive to the public will. We could also oust a Congress and replace it with one that would meet the people's wishes.

Congress shares the blame for inaction. The recommendation of a President is not necessary to get a law passed. Both Houses can act of their own initiative. Congress is a coordinate and not a subordinate branch of the Federal Government.

But here again the threat of a labor bloc at the polls has brought about a filibuster or delaying tactics by a minority in the Senate who have for 10 years blocked legislation to regulate labor unions and eliminate abuses in the collective-bargaining process.

The House of Representatives has acted many times but each of the measures it has passed in the last decade either has been pigeonholed in committee or talked to death on the floor of the Senate.

Last week there were signs of a change. But it is a far cry from the passing of amendments to a House bill and getting law enacted. The maneuvers and plots of a minority can tangle up the bill in conference. The plan last week was for the Senate to pass the kind of bill that could be accepted by the House of Representatives without the necessity of a conference so that the bill would go to the White House promptly.

But what sort of legislation? It is important not to penalize the many law-abiding citizens who have banded themselves into labor unions which have not struck and which have adopted the path of reason and compromise. The right to bargain collectively should not be weakened. There should on the other hand, be equal responsibility imposed on unions and management to bargain in good faith and to comply with contracts and agreements.

This, however, is not enough. A failure of collective bargaining leads to strikes or lockouts as a means of enforcing demands. Neither strikes nor lock-outs which damage or threaten to damage the public interest should be lawful. Public utilities and governmental agencies, Federal, State, and city, cannot be permitted to stop functioning. Certain industries essential to public health and safety must be kept in operation.

To settle labor disputes in these essential businesses, a system of compulory arbitration must be established. Congress by law authorizes the Interstate Commerce Commission to fix freight and passenger rates, and thus the income of the railroads is regulated by the Government. Why shouldn't the outgo of the railroads be similarly regulated when unions and management cannot agree?

STRIKES MUST BE LIMITED

The existing Railway Labor Act, which has been on the statute books for 20 years, provides an elaborate machinery for settling disputes in the transportation business. The law has worked in the sense that its restraints upon immediate work stoppages have been effective and the railroad unions and carriers have gone through the process of mediation and acceptance of fact-finding board recommendations. While there has been a limitation as to the time when a strike could be called, the right to strike was not prohibited. Hence the fact that labor and management have gotten along and neither has gone the limit heretofore in stopping operations has been taken to mean that the law was a success.

Today, however, even the machinery of the Railway Labor Act has failed to prevent a strike and Congress must go a step further. It must provide that an impartial tribunal shall be set up with a system of umpires, and that both sides must accept the award of such an arbitration body or subject themselves to the penalties of injunction and governmental power.

The principle of compulsory arbitration is, of course, a limitation on the freedom of both parties, but such limitation is essential to protect the public interest. There are no rights which supersede those of the public as a whole, and the Congress must act as the representative agent of the American people, and not any small segment of it.

PROTECT THE PUBLIC INTEREST

Coal, for instance, is an essential business. Without it, the lights go out and electric power is stopped. The miners' union is a monopoly. The Congress should never allow closed shops to exist. They are as much a restraint on the freedom of individuals as the concerted action of corporations in monopolizing a market of commodities.

The Wagner Act was passed in order to cut down the number of strikes. It has not done so. It has protected labor's rights, but labor unions of the larger type in the automobile, steel, coal, and railroad industries now have such big memberships and such political strength that they behave as if they constituted a whole system of government above the Federal power. They rely on their voting strength at the polls to command Congress and the President. Actually they constitute a minority of the voters, but the rest of the voters—the victims—have never been aroused sufficiently to put this minority in its place.

Repeal of the Wagner Act was, a few months ago, thought impossible. Today the movement to amend it has grown to the point where substantial changes are being proposed in Congress. When any organization of labor or management acquires power that is greater than that of government itself and can actually paralyze the Nation's economic system at will, it is time for the representatives of the people in the National Legislature to protect the public interest. Action by Congress has long been overdue.

Mr. WILEY. Mr. President, on May 29 I set forth in this body four principles that I thought were imperative for the guidance of Congress now and in the future. Briefly they were:

First, the imperative need of maintaining a government of checks and balances so that no group or individual may ruthlessly exercise power to the damage of the general welfare; or, to put it in another way, we are agreed that no individual or group has a right to strike against the Government.

Second, I think we are all agreed that there is a need for enactment into law of a pro-American labor policy having in mind the rights of labor, the rights of management, and those much-neglected rights—the rights of the public.

Mr. President, at this point I ask unanimous consent that a short summary of the provisions of the Case bill as sent to the White House be printed in the RECORD.

The PRESIDING OFFICER. Is there objection? There being no objection, the summary was ordered to be printed in the RECORD, as follows:

PROVISIONS OF CASE BILL AS SENT TO WHITE HOUSE

Major provisions of the Case strike-control bill as Congress sent it to the White House yesterday:

1. Creation of a Federal mediation board with authority to step into major labor disputes and forbid strikes or lock-outs for 60 days while it seeks to solve them. The board would include representatives of labor, management, and the public.

2. Provisions for civil suits against either labor or management for breach of contract.

3. Loss of bargaining rights for anyone engaged in violence while picketing or striking in violation of the proposed law.

4. A ban on secondary boycotts in strikes. Violators would face loss of bargaining and reemployment rights.

5. A prohibition against unionization of supervisory workers for collective-bargaining purposes unless such employees actually perform manual productive labor.

6. A ban against employer contribution to worker-welfare funds administered exclusively by unions.

7. Establishment of fact-finding commissions to determine facts in major labor disputes involving public utilities.

8. Severe penalties for workers interfering with movement of goods in interstate commerce. This provision embodies terms of the House-passed antiracketeering bill.

Mr. WILEY. I read further from my remarks of Wednesday:

Third, the enactment into law of provisions that will protect men in labor unions against the autocracy and Fascist tactics of the labor bosses.

Mr. President, the third point we do not have to argue. It is not only true in relation to labor, it is true in relation to any group when men get into possession of autocratic power. But it has become so evident throughout the Nation in relation to certain labor groups that labor itself is entitled to protection from its autocratic bosses.

On Wednesday last I placed in the RECORD an article from the Saturday Evening Post showing just what was meant by that.

I read further:

Fourth, there is need to place on the statute books, in this atomic age, legislation which will make it possible for government to take appropriate action in any emergency. In other words, the age calls for alertness, and what is more, alertness calls for emergency powers being brought into being during any emergency. In other words the Republic must be adequate. We must demonstrate prescience. Without foresight of this character now, we will be remiss to the Republic.

EXTENSION OF OPA

Mr. MOORE. Mr. President, I think we may very well feel proud of the vote that has been taken on that provision of the President's recommendation for induction of a great variety of the citizens into the armed forces that they may be forced into labor battalions. It must be a great uplift to the people of the country when they realize the determination of Congress to check the tyranny that has prevailed in this country for so many years.

We are reminded at this time that we will soon be taking up for consideration the extension of the so-called OPA, which itself is the very acme of tyranny, and has contributed more than anything else to a lack of confidence of the American people in their Government, which is a tragic state of mind.

I now read into the RECORD a letter from a small businessman in my State which speaks for itself. I am reading it into the RECORD rather than asking permission to have it printed for the reason that I do not want any little snoopers of the OPA to have an opportunity to identify this man that they may further distract him by reprisals, which they are sure to employ. This letter, as I have said, is from a small businessman in a small town in my State, a man engaged in making contribution to the feeding of the people who need to be fed in such small towns and elsewhere. The letter reads:

I am engaged in the cafe business in ——— and employ six or seven workers. This, you can see, is a small business. The OPA has fixed the prices in my cafe and I have abided by their regulations which have about wrecked my business. Cost of food has advanced rapidly and I have been unable to get any relief at all from the OPA authorities to meet these increasing costs.

I have been in business a good many years and have always paid my debts. Several weeks ago a competitor opened a business near my place and the OPA permits him to charge approximately 50 percent more for steaks, pies, and other articles of food than they will permit me to charge. The OPA authorities tell me that there is no way they can correct this injustice. Why doesn't Congress make it possible to correct this injustice?

Mr. President, it was often said on this floor during the recent debate that we must limit the discussion of important matters, that we may, within the time allowed, take up and extend the so-called OPA, which I deem to be the most potent instrument for the destruction of the people's liberties on the statute books; more potent than anything that is employed by the existing bureaucracy that so curses and distracts the people. The people of this country, in my opinion, would breathe a sigh of relief if the Senate would impose the death sentence upon this foul, disturbing, and dishonest institution, as definitely and unequivocally as was imposed upon section 7 of the President's ill-considered and indefensible recommendations for so-called temporary measures restrictive of the freedoms and liberties of certain classes of people in this country. When the freedoms and liberties of a class may be invaded, it is only a step to where the freedoms and liberties of all the people may be invaded.

I predicted that when the President read his message to Congress, subsequent to his speech to the people of the country he would also recommend, as a part of the restrictive proposal, the extension of the OPA. That was to be expected, because it is a part of the general plan to regiment the people of this country and to invade their rights.

SETTLEMENT OF COAL STRIKE

Mr. BYRD. Mr. President, as the full effects of the agreement made between John Lewis and the Government become understood, it is apparent that Lewis has won his greatest victory.

This is the fourth time the United States Government has surrendered to him. Every 2 years he stops all bituminous coal production and, at the point of a gun, threatens a complete paralysis of our country unless his demands are met.

The only demand he did not win in the agreement just made was his insistence that the welfare fund derived from the royalty tax on coal should go into the union fund under his exclusive control. The so-called Byrd amendment to the Case bill required that any welfare fund should be jointly administered, and prohibited such a fund going into the union treasury.

When we recall the policy of appeasement of union bosses practiced by our Government during the past 15 years we see clearly the cause of the great power over the lives and properties of all Americans now exercised by a few union leaders, of whom John Lewis is the most arrogant and dangerous.

Mr. President, no democracy can survive when any one of half a dozen union leaders can destroy the business economy of our country. This menacing situation will continue until someone in the highest authority, backed by Congress, meets this challenge and wins a victory for the American people.

Mr. President, I ask unanimous consent to have printed in the body of the RECORD as a part of my remarks a news article containing a statement made by Mr. John D. Small, Administrator of Civilian Production, as to the effect of the coal strike.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COAL STRIKE BLOW AT OUTPUT GOAL—SMALL SAYS COUNTRY'S ECONOMY WILL BEAR SCARS OF STOPPAGE FOR MONTHS TO COME

(By Charles E. Egan)

WASHINGTON, May 30.—The bituminous-coal strike cost the country an estimated $2,000,000,000 in lost production and the American economy will bear scars of the stoppage for "a great many months to come," John D. Small, Administrator of Civilian Production, stated today.

The output of durable goods, including automobiles, was set back at least 3 months by the coal and less spectacular walk-outs, Mr. Small asserted.

Industries which suffered most from these strikes include steel, railroads, utilities, chemicals, nonferrous metals, automobiles, tires, farm machinery, and building materials, he said, adding:

"Important programs such as the food program and the veterans'-emergency-housing program received serious set-backs. Production of critical building materials such as brick, tile, gypsum board, heating equipment, and items made from iron castings, was checked by the lack of fuel."

SAYS CROPS WILL BE LOST

"Perishable crops will be lost due to a shortage of both glass and tin containers.

"The loss of zinc and lead production because of the power shortage which resulted from the coal strike will affect a wide range of items from galvanized sheets and brass fittings to high-test gasoline."

Mr. Small emphasized that the resumption of work in a basic industry did not produce an immediate increase in the flow of finished goods to consumers, because of the time lag while pipe lines of raw materials and work-in-process are being refilled.

He said that in the case of copper it would take from 2 to 6 months after the settlement of the present strikes in mines and refineries to reestablish the flow of goods dependent on copper and copper products.

His report on April production showed that the output of consumer goods was reaching record levels last month before the full impact of the coal strike was felt throughout industry.

The Federal Reserve Board's adjusted index of industrial production showed an over-all decline to 164 in April from the postwar high in 168 in March.

The report showed that losses in April's output because of the coal stoppage and the consequent cut in iron and steel operations were largely offset by increased production of automobiles and other durable goods following settlement of the General Motors and General Electric strikes and expansion in the output of petroleum.

New high levels of monthly production were reported in a number of industries, with tires for passenger cars and motorcycles totaling 5,600,000; for trucks and busses, 1,400,000; men's suits, about 2,000,000; vacuum cleaners, 175,000; electric irons, 382,000; and washing machines, 177,000.

Postwar peaks were reached in automobiles with an output of 150,000; trucks, 81,000; women's hosiery, 54,000,000 pairs; sewing machines, 28,000; domestic mechanical refrigerators, 143,000; electric ranges, 23,000; gas ranges, 152,000; and radio sets, about 1,000,000.

For the first time since VJ-day unemployment declined, the report stated, and additions to pay rolls in March and April were sufficient to absorb discharged servicemen and the 600,000 persons who reentered the labor force in April, as well as to dip into the pool of unemployed.

"The Census Bureau estimated," the report added, "that unemployment in early April was down to less than 2,500,000. If employment by the end of 1946 increases another 2,500,000, we will have reached the 57,000,000 jobs regarded by some Government economists as full employment in the year 1947."

CONSUMER SPENDING SETS RECORD

Retail sales in April rose in some lines from 30 to as much as 125 percent, as compared with the corresponding period last year.

Total consumer expenditures attained unprecedented high levels. The report said, however, that this spending did not reflect an increase in total consumer incomes, but was due to the people dipping into their wartime savings for what goods they could buy.

Persons who during the war were saving as much as 29 percent of their total income are now saving only 14 percent.

In the construction field, residential housing was reported 25 percent higher than in March and seven times that of a year ago. Building permits are being issued at a rate almost equal to the period of record residential construction in the middle twenties.

At the same time, nonhousing construction authorizations are being sharply curtailed to aid the residential program.

The report went on:

"Early reports on the level of retail sales during April indicate that consumer expenditures during that month were at the highest rate ever attained. Department-store sales were 51 percent above April 1945, and sales by other types of merchandisers showed similar gains.

"A compilation of chain-store sales during April demonstrates that the largest chain of stores selling automotive accessories increased its sales by 125 percent over a year ago. Sales of shoe-store chains increased 120 percent, men's-wear chains 90 percent, mail-order houses 66 percent, women's apparel chains 45 percent, general-merchandise and variety-store chains 40 percent, and drug and grocery chains 30 percent over last year."

SAVINGS RATE IS CUT

However, the report notes, expenditures are at the expense of savings to a greater extent than during the war. Americans who during the war were saving as much as 29 percent of their total income are now saving only 14 percent. This rate is still higher than the prewar rate, when even in years of peak prosperity savings were only 10 to 12 percent of total disposable income.

Pointing out that expenditures would be even higher if goods were available for purchase, Mr. Small warned against thinking that price increases alone would bring forth sufficient production to avoid inflation.

"If any lesson is to be learned from our experience in 1919-20," he repeated, "it is the risk of relying exclusively upon price increases to solve our problems. If we are to avoid a repetition of 1920, we must not price ourselves out of the market."

The report went on:

"The Civilian Production Administration has taken the position that the extension of price control until June 1947 will not deter but will encourage production if the controls continue to be administered with increasing realism and flexibility.

"This agency feels that price controls are vital to prevent preemptive buying and hoarding of materials. CPA also believes that other measures, such as appropriate fiscal policy, must be used to supplement price control if it is to be effective in staving off inflation.

"The rise of 1,000,000 in employment from early March to early April absorbed all the men released from the armed forces. The 600,000 others who reentered the labor force in the month caused 'the first decline in unemployment since VJ-day,'" Mr. Small said.

He went on:

"Should employment rise another 2,500,000 this year—and such a rise seems certain in view of the large increases in construction activity and durable-goods production schedules for the months ahead—employment will hit the 57,000,000 mark, defined in some quarters as 'full employment' for the postwar transition period.

"The changes in the labor force and in employment in the past 2 months tend to confirm the conclusion advanced in earlier reports that the country is likely to face a severe labor shortage in the closing months of 1946.

"The loss of man-days of working time as a result of strikes has been greater during the first 4 months of 1946 than ever before in the country's history.

"Although records of man-days idle were not kept for the period following World War I, it is clear that the current losses are even greater than in that period, even after allowance for growth in population."

ALL BUILDING ON RISE

Despite the Government's efforts to channel the bulk of building materials into new housing, commercial construction was 10 times that of last April, Mr. Small said, and all types of building shared in what he called the sharp upward movement.

He reviewed the progress, previously reported in most cases, so far made in stimulating production of critically scarce building materials. The judicious use of premium-payment subsidies recently authorized by Congress should make further gains possible, he said.

The gains in consumer-goods production were marked, in many cases. Output of washing machines, for instance, jumped 51 percent in April over March, to a total of 177,000 units. This is 12 percent higher than the prewar rate.

Other all-time high marks were reached as follows:

Tires, passenger car and motorcycle, 5,600,000; a 4-percent increase over March.

Men's suits, nearly 2,000,000 (March estimate).

Vacuum cleaners, 175,000; 8 percent over March.

Electric irons, 382,000; a 24-percent gain from March.

Postwar peaks were reached in production of the following:

Automobiles, 150,000.
Trucks, 81,000.
Women's hosiery, 54,000,000 pairs.
Sewing machines, 28,000.
Domestic mechanical refrigerators, 143,000.
Electric ranges, 23,000.
Gas ranges, 152,000.
Radio sets, nearly 1,000,000.

Mr. BYRD. Mr. President, I also ask to have printed in the RECORD as a part of my remarks a statement from the New York Times, written by Mr. Louis Stark, respecting the agreement made with the coal miners.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SOFT COAL LEADERS TELL KRUG CONTRACT IS UNFAIR, RUINOUS—ASK CONFERENCE TO WORK OUT PRACTICABLE APPLICATION—SAY PACT SADDLES HUGE HIDDEN WAGE COSTS ON OWNERS

(By Louis Stark)

WASHINGTON, May 30.—Bituminous coal operators, smarting under the contract signed yesterday by the Government and John L. Lewis, protested vehemently today over the

telephone to Secretary J. A. Krug, Coal Administrator, who arranged the agreement, and demanded an early conference for the purpose of working out what they consider would be a "practicable" method of carrying out the arrangement.

Stating that the 400,000 members of the United Mine Workers were to receive at least 25 cents an hour instead of the 18½ cents announced, the operators declared that "hidden" wage costs, far greater than those apparent on first examination of the document, had been fsaddled on the industry.

The stipulation in the new agreement that Federal Bureau of Mines safety standards are to prevail would raise the cost incalculably, according to the operators. Exactly how much they could not say, but they explained that under the Bureau's objective standards in 1943, when an estimate was made, it was said that adherence to a Federal yardstick at that time would have meant an addition of $600,000,000 a year to the industry's cost.

The present contract, it is estimated by the operators, will add from $200,000,000 to $300,000,000 to annual costs.

The wage provisions of the new coal agreement are retroactive to May 22, when the mines were taken over by the Government.

One operator said that it was a "grave question" whether Alabama coal operators who operate high-cost mines would be "able to live." These operators, according to a spokesman, are now considering whether to turn over their mines to the Government "for keeps" and to ask for a fair recompense.

Some operators are now taking the position that no corporate funds will be available to the Federal coal mine management except as the Government may, at its own risk, appropriate money now in the companies' treasuries or paid into them henceforth.

The obligatory 9-hour day with overtime payment and the vacation payments, together with the 5 cents a ton for health and welfare, would, the operators say, add 6½ cents an hour to the 18½ cents announced yesterday.

"This is the worst injustice ever perpetrated on any group of people, bar none," said one large coal operator who declined to permit use of his name.

He declared that the Government, in making mandatory the carrying out of Federal Mine Bureau standards, was doing by administrative decree what Congress had not given it authority to do.

Under the contract, he said, a coal operator and his managers could be dismissed from their posts unless they complied with the standards set by the Bureau of Mines. He felt that by this provision the Bureau had received a blank check to revise and reinterpret previous safety rulings and impose them on the industry.

The operators pointed out that the contract stated that "the Director of the Bureau of Mines, after consultation with representatives of the United Mine Workers and such other persons as he deems appropriate," shall issue a reasonable code of safety standards. He felt that this meant union domination of the Bureau, the clause even omitting mention of the operators, except generally.

Referring to the provision permitting union safety committees to order miners out of the mines when they consider the pits unsafe, the operators assert that this would give the union the right to roam at will and saddle upon them costs of compensation if committeemen were injured.

This clause gives too much power to safety committees, it was argued, for even if a Federal inspector had pronounced the workings safe 5 minutes before the union committee inspected them, the latter's orders would have to stand.

Although the mines are operating under technical seizure orders, it was maintained by the operators that they would have no voice in selecting the operator member of the jointly administered health and welfare fund. Mr. Krug selects one, according to the agreement, the union selects one, and jointly they select the third. The operators' view is that Mr. Krug's selection would not be the operators' selection, although they concede that the Secretary asked the operators to submit five names for this place.

In the steel and other industries, it was maintained, 18½ cents an hour was paid because reduction of take-home pay, due to shorter hours, made such an increase necessary. But the operators say that Mr. Krug is maintaining the 9-hour day, so such a wage increase is unjustified.

The vacation provision in the contract was held unfair by the operators because it is made retroactive to June 1945, while the mines were not seized until last week.

At the same time, they complained that while the usual practice is to give vacation pay for 1 year's service or over, the Krug-Lewis agreement provides such pay for any period of time under a year at the rate for the months worked. Thus a man employed 3 months would get $25 as a vacation payment for that period.

The new contract, it was further urged, "kills the penalty clause" of the old agreement. Fines for wildcat strikes were formerly turned over to the Red Cross or to colleges for coal research or in some cases to indigent miners. In the new agreement this money is to go to the fund for medical and hospital services, to which the men contribute and which is to be administered solely by the union.

At a strategy meeting the operators decided today that they would wait for an OPA coal ceiling price decision before they sought a new contract of their own with the union. That decision may take several weeks, it was said.

The National Wage Stabilization Board is expected to approve soon the wage increase provided in the Krug-Lewis contract.

THIRTY TO THIRTY-FIVE CENTS A TON RISE IS SEEN

WASHINGTON, May 30.—Government officials predicted tonight that the strike gains of John L. Lewis' miners would increase the price of soft coal 30 to 35 cents a ton for consumers.

Chester Bowles, Stabilization Director, cannot approve a price increase until the wage board has acted on the miners' pay, but his aides said he would wait—perhaps a month or more—for reports from the mine managers on their new costs of operation.

Officials who previously believed the price increase might be held to 25 or 30 cents a ton raised their estimates by 5 cents after seeing the full contract terms.

The Government-Lewis coal contract will be in effect only as long as the Government has the mines. It does not bind the owners in any way. The Government will have to keep possession of the mines until the owners and Mr. Lewis agree to a contract of their own.

THE ST. LAWRENCE SEAWAY AND POWER DEVELOPMENT—CORRESPONDENCE BETWEEN SENATOR AIKEN AND C. L. CAMPBELL

Mr. AIKEN. Mr. President, on April 3, I inserted in the RECORD a letter received from Mr. C. L. Campbell, president of the Connecticut Light & Power Co., in which he took exception to statements which I had made relating to the St. Lawrence seaway and power development, together with my reply to his letter.

Under date of April 30, Mr. Campbell wrote me again taking exception to certain statements which I made, and requesting that his letter to me be inserted in the RECORD.

I am glad to comply with his request to insert his letter of April 30 in the RECORD, with the permission of the Senate. However, as Mr. Campbell's contentions are entirely without any foundation of fact, and as he appears to be still under the delusion that the power companies of New England are doing an adequate job at reasonable rates, I ask that my reply to his letter of April 30 also be inserted in the RECORD at this point. I do this because the points in controversy are of interest not only to the region that would use low-cost St. Lawrence power, but to the entire Nation as well.

Mr. President, I repeat, I should like to have these two letters printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE CONNECTICUT LIGHT & POWER CO.,
Hartford, Conn., April 30, 1946.

The Honorable GEORGE D. AIKEN,
The United States Senate, Senate Office Building, Washington, D. C.

DEAR SIR: Your letter of April 2 concerning the article you prepared and included in the CONGRESSIONAL RECORD of January 29, 1946, entitled "Development of the St. Lawrence—Benefits to Rural Electrification" has been received. In this article you stated:

"During the war the shortage of electricity in the Northeast was one of the biggest headaches the war mobilizers had."

This statement certainly implies that during the war there was a widespread shortage of electric power in the Northeastern States, which would include the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and the State of New York. This is why I asked you, in my letter of March 15, to specify more specifically just what particular communities in the Northeast were short of electricity, because I did not know of any. In your reply of April 2 you now qualify your original statement with the following:

"I think first we should have an understanding as to the kind of shortage that is being referred to. Obviously, insofar as the general public is concerned, there was no apparent shortage, since when a consumer reached for electrical energy to light his lamps or run his radio or when industrial plants desired to start up a motor, they were always able to do so."

It is unfortunate and somewhat misleading that your original statement included in the CONGRESSIONAL RECORD of January 29, above-quoted, did not contain this same qualification.

It now appears that what you had in mind was not a shortage of electricity in the Northeastern States in the ordinary meaning of the word but that there was not unlimited surplus power already available to meet the unprecedented demands of war. Furthermore, it appears that the territory that you had in mind was not the seven Northeastern States, nor any appreciable part thereof, but one particular section of one particular State. It is unfortunate that your original statement did not contain this qualification.

In your letter of April 2, in which you purport to give specific instances, the only industries you name are those located near Niagara Falls and supplied from the 25-cycle system at Niagara Falls. It is well known that 25-cycle electric power is not standard in this country since almost 99 percent is 60-cycle power. Furthermore, it is also known that the amount of water available at Niagara Falls with which 25-cycle electric power is produced is limited by treaties between this country and Canada. Also, that

practically every year ice troubles, slush, or adverse winds tend to reduce the water supply to the plants at Niagara Falls. I am informed, therefore, that it was determined by those in charge to be illogical and uneconomic to expand this nonstandard 25-cycle development.

Referring once again to the above-quoted statement in the CONGRESSIONAL RECORD of January 29, in my letter of March 15, I asked you also if you would give me the names of the war mobilizers that you referred to in this statement. In your reply of April 2, you have failed to give the names of any persons connected with the War Production Board, which was the agency charged with the production of war materials. The following statement made by J. A. Krug, Chairman of the War Production Board, seems to be in conflict with your letter:

"The entire world stands in frank amazement today at the record of war production of American industry. In the short span of only a few years, the men and women of the United States have fashioned a war machine and have turned out the weapons for making war on a scale unmatched in all history.

"Electric power has been the lubrication for this tremendous war plant, and it has never failed. My statement of February 16, 1945, concerning the accomplishments of the electric utilities, can be repeated now with equal confidence. Now, just as truly as then, it may be said: 'Power has never been too little nor too late.' "

With respect to the power situation in the Northeastern States during the war, I am submitting below a statement furnished me by Col. John Damon, who was in charge of the Army section of the Power Division of the Army and Navy Munitions Board, and Mr. C. W. Mayott, of the Power Branch of the War Production Board during the whole war period:

"There was no curtailment in the Northeast area or any other area during the war. In the interest of over-all production for war, loads were placed, as far as possible, where the over-all use of critical materials were the least, regardless of the location in the country. There were very few cases where additional power facilities could not be constructed and placed in operation as quickly as the new factories required their output. Interconnections, of course, were used for maximum accomplishment and fuel savings. These interconnections were found to be well placed and of sufficient capacity to take care of all war requirements except where new loads required corresponding increases in facilities.

"As far as the Niagara Falls case was concerned, this area is supplied with 25-cycle power. It has motor-generator sets connecting it with the main 60-cycle power system of New York and the rest of the Northeast.

"Treaty requirements limited the amount of water that could be used for power purposes. Close cooperation and coordination with the Ontario Hydro Commission effected maximum use of all facilities available. But war loads on the 25-cycle system had increased till only a war minimum of reserves were available on this 25-cycle system. (The main systems in New York as in most of the country generated 60 cycles.) Therefore, should Niagara River conditions make any material reduction in the hydro capacity it would be necessary to reduce some load. In anticipation of such a possibility and to provide legal methods of discrimination in favor of the most needed war supplies, the War Production Board issued Limitation Order L46 on March 30, 1942. This order was divided into two parts. The first was to handle possible curtailments of load on the 25-cycle system. The second was to limit new loads on the 25-cycle system.

"It was never necessary to invoke the first part providing for possible curtailments.

"The second part was put into effect as the War Production Board did not find it could justify the installation of additional 25-cycle generating equipment as against having increases in load placed in other sections of the country."

In your letter you make reference to other matters such as rates and the inability of industry and customers to obtain power in this area, none of which are really germane to the particular problem you were discussing which is whether or not the St. Lawrence project should be developed.

I might just say that, speaking in general terms, the rates for electric power in the northeast section of the country compare quite favorably with those in other areas of the country considering the different conditions prevailing. The rates of all of the utilities in the northeast section of the country, I believe, are subject to regulation by State commissions which protects the customers against overcharges.

I am unable to find a record of any industry failing to locate in the northeast section of the country because of the cost of power. That item is seldom, if ever, an important element in considering the location of factories.

As this project, if proceeded with, will involve the expenditure of a huge sum of money, I am sure you will agree with me that it is very important that correct as well as complete facts be considered before any decision is arrived at. For that reason, inasmuch as you inserted your letter of April 2 in the CONGRESSIONAL RECORD, I would ask that you also have inserted in the RECORD this reply in order that the record may be complete.

Very truly yours,

C. L. CAMPBELL,
President.

MAY 30, 1946.

Mr. C. L. CAMPBELL,
President, the Connecticut Light & Power Co., Hartford, Conn.

DEAR MR. CAMPBELL: I have your letter of April 30 in which you refer to my letter of April 2 relating to my article entitled "Development of the St. Lawrence, Benefits to Rural Electrification," which appeared in the January 1946 issue of the magazine, Rural Electrification.

While it is not my intention to prolong unduly our exchange of correspondence in this matter, I feel, however, that your interpretation of certain portions of my letter, together with your views regarding some of the basic facts relating to the St. Lawrence project, demands that I make this further effort to keep the record straight.

First, I should like to emphasize that when I referred to the shortage of electricity in the Northeast as being "one of the biggest headaches the war mobilizers had," I was referring to the area which includes New York State and New England. I repeat what I wrote in my letter of April 2, that:

"I do not single out your system, nor do I refer to your corner of the Northeast in particular; I am considering the Northeast as a region and the value of cheap St. Lawrence power to that region."

Hence, I do not limit my reference to any particular section of any particular State.

As for your quotation from Mr. J. A. Krug, when he was with the War Production Board, I fail to see how that general statement can be construed to apply specifically to the Northeast. And, even if you should so construe it, the preponderance of evidence shows clearly that there was not available then an ample supply of power, at all times and in all places, to meet war requirements.

The recent shortage of power, because of the coal strike, serves to dramatize even more clearly the important place which St. Lawrence power could play in your area if it were now available.

I have in my possession a photostatic copy of a map prepared by the War Production Board in October 1942 showing areas of power scarcity and surplus in the United States of America. According to this map, as indicated by the legend, the area around Niagara Falls, N. Y., had the most critical power shortage at that time, and virtually all of New England was classified in the category of the next most critical area. The information for this map was provided by Mr. J. E. Moore, of the War Production Board. In the course of his service with WPB, Mr. Moore was Deputy Director, Power Division, and Chief, Power Supply Section of the Power Division. In private industry Mr. Moore was an engineering official of the Electric Bond & Share organization.

It is common knowledge among those who were responsible for the location of war industries during the emergency that the availability of power was one of the first questions considered with reference to the location of a new plant or industry in any given area of the country. It is common knowledge also that the Northeast portion of the country, because of the lack of sufficient power, was eliminated from consideration in many cases, and plants accordingly were located in sections where power was available. The gravitation of war industries to such places as the TVA area and the Pacific Northwest was due in large measure to the availability of power in those areas. The inadequate planning of the power companies militated against the best interests of the Northeast and its citizens. The shortage of power in this area is the main reason why so many people had to migrate from New England to the Tennessee Valley, the Pacific Northwest, and other areas of the country to find war jobs.

And even more serious, so far as the welfare of the Northeast is concerned, than the failure of industry to locate in the Northeast during the war is the threat of a further loss of industry through moving to other areas now that peace has come. In this connection, I should like to call your attention to an example, which I consider to be fairly typical of the whole Northeast area. During the hearings on S. J. Res. 104, providing for approval of the 1941 agreement between the United States and Canada to develop the St. Lawrence seaway and power project, Mr. Hugh Thompson, well known labor and civic leader, of Buffalo, testified on February 22, 1946:

"I had the president of a very important company in Buffalo tell me no longer ago than last week that the Columbia River group had come to him—he has an electrochemical industry—and told him the price at which they would sell power to him and that they would move his plant out there if he would go out there. Power there is very cheap.

"He said that he was waiting to see if the St. Lawrence seaway would go through before he would accept the proposition."

Because of the shortage of power in this country strategic materials were diverted from the United States to the Shipshaw project, where an aluminum plant was built and Canadian power utilized.

The idea that I am trying to get across is that in the Northeast there is available in the St. Lawrence River a tremendous power potential that was not utilized during the war, and certain groups are trying desperately now to keep the Nation from utilizing it during peacetime. We have now reached the point where it no longer is a question merely of whether or not one section of this country will provide ample cheap power for certain industrial uses, such as the electrochemical industry and electrometallurgical industry, but it is a question of whether these industries can find sufficient cheap power in this country or be forced to seek it in foreign lands. Therefore, it is very important to the future progress of the country that the additional quantity of power that will be made

available by the St. Lawrence project become available at the earliest possible date.

I must confess amazement at your statement that the cost of power "is seldom, if ever, an important element in considering the location of factories." This means that you have overlooked, or are unfamiliar with, the electrochemical and electric furnace industries in which the cost of power is such a large part of the cost of production that the industry cannot prosper without cheap power. And even when the cost of power is not a large percentage of the total production cost, it is an important factor nevertheless.

Moreover, I cannot accept your assumption that a discussion of power rates and the availability of power to industry and other customers is not germane to the broader question of whether or not St. Lawrence power should be developed. As I see it, the first consideration is: Will there be a market for the power if it is developed? The second consideration is: What will the power cost? I am sure that you, as a representative of private industry, would not be likely to go forward with the development of a power project without first considering whether or not there would be a market for such power. I am sure also that the rate at which you would sell such power would be very likely to enter into the considerations. The fact that the Government is considering this project does not justify the suspension of all laws of business and economics. It has been clearly shown that this project will pay for itself many times over in savings to the public.

It is interesting to note that the claims as to the adequacy of power in the Northeast are substantially the same now as in 1933 when the St. Lawrence issue was before the Senate Foreign Relations Committee. And yet the demand for electricity in the Northeast has practically doubled in the last decade. Still the claim is being made that there has been an ample power supply in this area, in spite of the fact that the Joint Chiefs of Staff have recently referred to it as "a power-deficit area" during World War II. Suppose we had not had in operation such projects as the TVA, Boulder, and Bonneville to meet the power demands of that war.

As compared with actual 1940 energy requirements for the St. Lawrence area of 26,310,000,000 kilowatt-hours, it is estimated that by 1950 the energy requirements for this area will have risen to 42,900,000,000 kilowatt-hours, and by 1960 to 55,500,000,000 kilowatt-hours.

According to the Federal Power Commission, the utilities' plans call for an additional installation of 638,000 kilowatts in the Northeast within the next 3 years. If the power companies are willing to undertake this additional installation, this is a clear indication of their confidence that there will be a market, in the immediate future at present rates, for power equivalent to a large percentage of the St. Lawrence capacity. In the face of this fact, any argument that there will not be a future market for additional cheaper power, such as could be provided by the St. Lawrence project, seems rather illogical. The real question the is, Which is the best and cheapest source of power? It has been shown definitely that St. Lawrence power will be much cheaper.

It is difficult for me to understand also your statement that:

"The rates for electric power in the Northeast section of the country compare quite favorably with those in other areas of the country, considering the different conditions prevailing."

According to Federal Power Commission figures, the average rate for class A and class B utilities in the six States in the St. Lawrence market area (the Northeast) was 4.42 cents for domestic use in 1944. The same average for the entire area centering around the Tennessee Valley was 2.47 cents and in the area around the Columbia River development the rate was about 1.84 cents. I don't know what you mean by the terminology "different conditions prevailing," but to my mind these figures for the Northeast do not compare favorably with the other areas where power projects comparable to the St. Lawrence have been developed.

With reference to what constitutes a shortage of electricity, I did not mean then, and do not now so interpret, that any portion of my April 2 letter placed any qualification as to what a power shortage is, in the sense that you have interpreted it. Considered in its proper context, I think what I said was perfectly clear. I hope you will pardon me from quoting from my previous letter this paragraph, which I can assure you is what I meant without qualification:

"You who are in the utility business understand, I am sure, that you can only contract for the amount of power available from your system and beyond that point you must decline to take on any additional load. To the extent that any system is unable to take on new load and such load must be diverted to another system or another part of the country, then to that extent there exists a shortage of power for necessary and desirable users. That is the kind of shortage which I am talking about."

Your whole question concerning the limitation placed upon Niagara Falls power because of the low-cycle generation seems to me to be answered by the quotation in your letter of April 30, which says that the Niagara Falls power—

"* * * has motor-generator sets connecting it with the main 60-cycle power system of New York and the rest of the Northeast."

According to power experts, it is a rather simple procedure to make 25-cycle power and 60-cycle power interchangeable.

The significant fact in this connection is that if there had been sufficient 60-cycle power available in the Northeast, frequency-changer equipment to convert to 25-cycle power would have been cheaper, and less strategic materials would have been used, than the building of new power plants. Furthermore, most companies buying 25-cycle power could just as well have used 60-cycle energy for additions to their plants if the power had been available there, instead of locating in other areas of the country.

I am thinking of this whole question not merely in terms of the war which is past, but in terms of the future prosperity of the country which is before us. In this latter respect, I am thinking of it in terms of providing low-cost power as an inducement to industrial expansion, and of affording greater comforts and conveniences to the thousands upon thousands of unelectrified rural homes in the Northeast, and of the contribution which this power, in turn, can make to the prosperity and happiness of the Nation.

I agree with you wholeheartedly that a project of the magnitude of the proposed St. Lawrence undertaking should be considered from all angles before any decision is reached. However, in view of the fact that the project has been so thoroughly considered in many studies and in congressional committee hearings, I think that you will agree that there is a limit to the possibility for continued constructive exploration of this subject. Therefore, it is my hope that a showdown on the St. Lawrence legislation, now pending in the Congress, may not be delayed interminably by discussion and procrastination.

Sincerely yours,

GEORGE D. AIKEN.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House insisted upon its amendment to the bill (S. 752) to amend the act of June 7, 1939 (53 Stat. 811), as amended, relating to the acquisition of stocks of strategic and critical materials for national defense purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MAY, Mr. THOMASON, Mr. BROOKS, Mr. ANDREWS of New York, and Mr. SHORT were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 3543) for the relief of the legal guardian of James Thompson, a minor; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MCGEHEE, Mr. COMBS, and Mr. PITTENGER were appointed managers on the part of the House at the conference.

SETTLEMENT OF INDUSTRIAL DISPUTES AFFECTING THE NATIONAL ECONOMY

The Senate resumed consideration of the bill (H. R. 6578) to provide on a temporary basis during the present period of emergency, for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace.

Mr. BUSHFIELD. I send to the desk an amendment in the nature of a substitute for the pending bill, and ask that it be printed.

The PRESIDING OFFICER. The amendment will be printed and lie upon the table.

Mr. AIKEN. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "A Nation's Growing Pains," from the Brattleboro Daily Reformer of May 29, written by John S. Hooper, coeditor of the paper.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A NATION'S GROWING PAINS

The machinery of democratic government grinds slowly. The only governmental machinery that grinds faster, however, is that of despotism. In our periods of impatience we should cling tenaciously to the memory of what has happened when democratic peoples swapped the cumbersomeness of a free government for the iron-handed efficiency of a despotism.

Nor should we forget that the crises in the history of democracies have had precedents every bit as critical in their day. At this time, when the Nation seems about to be struck down by strikes, we can look back into the horse-and-buggy days, the "good old days" that included the gay nineties, and find that in the 25 years between 1881 and 1906 there occurred some 38,000 strikes and lock-outs, involving almost 200,000 establishments and over 9,500,000 workers.

Just previous to this period the great strike of 1877 had taken place, in which the employees of four eastern railroads fought a 10-percent wage cut in a strike that had all the violence of a rebellion. Lasting for a week, it paralyzed every large industrial city from the Atlantic to the Pacific. In Baltimore, Pittsburgh, Chicago, Buffalo, and San Francisco there were pitched battles between militia and mobs of unemployed who joined the strikers. Scores were killed and property damage was estimated at $10,000,000.

During the more than 70 years of struggle between capital and labor, the ogre has been

monopoly in some form or other. In the beginning, and for many years, the power of monopoly lay in the hands of capital. And as early as 1887 Government was drawn into the struggle in an effort to achieve a balance, with President Cleveland crying out against the "existence of the powerful combinations and monopolies, while the citizen is struggling far in the rear or is trampled to death beneath an iron heel." This was followed in the next election by both parties pledging opposition to the trust and monopolies, with the Sherman Antitrust Act following in 1890.

Government has been squeezed between these two struggling forces ever since. But lately there has been a shift in the monopolistic power from capital to labor, to the extent that the Government's long battle for a balance between capital and labor is again brought violently to the public attention.

If there is any lesson that we should have learned from history it would seem to be that the public has been too concerned when there have been violent upsets in the balance of power between capital and labor and not sufficiently concerned with the continuous but undramatic struggle between crises. The result has been extreme legislation enacted to meet the crisis at hand rather than legislation designed to effect a balance in the interest of the Nation as a whole between its two economic forces, each of which has proven itself capable of utilizing the evils of monopoly.

In the present debate in Congress on the President's overweighted bill there is some hope that this lesson may have been learned.

JOHN S. HOOPER.

The PRESIDING OFFICER. The question before the Senate is on the committee amendment on page 5, line 2, to strike out the word "lock-out."

Mr. PEPPER. Mr. President, I merely wish to give my hearty approval to the action of the Government in the settlement of the coal strike. I feel that the pattern which the Government followed in the settlement of that controversy was a very wise course, and I particularly wish to commend the Government for the requirement that there be provided by the industry, on the basis of so much for each ton of coal mined, a health and welfare fund. I hope the Government will insist that a health and welfare fund shall be provided from every industry which the Government shall take over and operate.

Until we secure the enactment of a national health act which will give the facilities for maintaining hospital care for the people of the Nation, as they deserve it, it seems to me that for all practical purposes the only effective sources of funds to provide such health and welfare to the people are the industries of the country themselves.

I noted with great pleasure that the administration of the fund is to be under the general supervision of the Government of the United States and the miners, that is, the mine workers, with a third representative to be appointed by the two. There may be some who will say that that was what was embodied in the Byrd amendment adopted in the Senate a few days ago, but I do not think so. This is not the operators naming a representative and the miners naming a representative and the two naming a third, but the Government of the United States naming a representative and the employees naming a representative, and the two naming a third. So, after all, the administration of this fund, which is paid by the public and provided for the benefit of the workers, not management, is under the Government and the employees, and the third party is selected by the two, and the fund is not under the administrative direction and scrutiny of private management itself.

Mr. President, if the Government had pursued in the rail strike the course it has followed in the coal strike, in my opinion we never would have had a day of interrupted rail service in the United States.

So I wanted to commend what Mr. Krug, Secretary of the Interior, and his able representative, Vice Admiral Ben Moreell, and the President did in negotiating an agreement with the miners, a fair agreement, one which I believe the public will approve, especially in providing a health fund which will come out of the proceeds of the industry itself measured in terms of the tonnage of coal produced. It was a wise policy wisely pursued, and I want to give it encouragement and commendation.

Mr. TAFT. Mr. President, I desire to state the reasons why I shall vote against the pending bill.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. TAFT. I yield to the Senator from Maine.

Mr. WHITE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hatch	O'Mahoney
Andrews	Hawkes	Overton
Austin	Hayden	Pepper
Ball	Hickenlooper	Radcliffe
Barkley	Hill	Reed
Brewster	Hoey	Revercomb
Briggs	Huffman	Robertson
Brooks	Johnson, Colo.	Russell
Buck	Johnston, S. C.	Saltonstall
Burch	Kilgore	Shipstead
Bushfield	Knowland	Smith
Butler	La Follette	Stanfill
Byrd	Lucas	Stewart
Capehart	McCarran	Taft
Capper	McClellan	Thomas, Okla.
Connally	McFarland	Thomas, Utah
Cordon	McKellar	Tunnell
Donnell	McMahon	Tydings
Downey	Magnuson	Vandenberg
Eastland	Maybank	Wagner
Ellender	Mead	Walsh
Ferguson	Millikin	Wheeler
Fulbright	Mitchell	Wherry
George	Moore	White
Gerry	Morse	Wiley
Green	Murdock	Willis
Guffey	Murray	Wilson
Gurney	Myers	
Hart	O'Daniel	

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Alabama [Mr. BANKHEAD] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senators from Idaho [Mr. GOSSETT and Mr. TAYLOR] are absent by leave of the Senate.

The Senator from New Mexico [Mr. CHAVEZ] is detained on public business.

Mr. WHERRY. The Senator from New Hampshire [Mr. BRIDGES] and the Senator from North Dakota [Mr. LANGER] are necessarily absent.

The Senator from New Hampshire [Mr. TOBEY] is absent on official business.

The Senator from North Dakota [Mr. YOUNG] is absent by leave of the Senate.

The PRESIDING OFFICER. Eighty-five Senators have answered to their names. A quorum is present.

The question is on agreeing to the committee amendment on page 5, line 2, to strike out the word "lock-out." The Senator from Ohio is recognized for 30 minutes on the amendment.

INTERSTATE COMPACT BETWEEN COLORADO AND NEW MEXICO WITH RESPECT TO THE WATERS OF COSTILLA CREEK

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. TAFT. I yield to the Senator from Colorado.

Mr. MILLIKIN. Mr. President, on behalf of the senior Senator from New Mexico [Mr. HATCH], the junior Senator from New Mexico [Mr. CHAVEZ], the senior Senator from Colorado [Mr. JOHNSON], and myself, I ask unanimous consent, from the Committee on Irrigation and Reclamation, to report favorably, without amendment, House bill 4510, granting the consent and approval of Congress to an interstate compact between Colorado and New Mexico with respect to the waters of Costilla Creek, which is an interstate stream between Colorado and New Mexico, and to submit a report (No. 1399) thereon.

The PRESIDING OFFICER. Without objection, the report will be received.

Mr. MILLIKIN. Mr. President, I ask unanimous consent for the present consideration of the bill.

The PRESIDING OFFICER. Is there objection?

There being no objection, the bill (H. R. 4510) granting the consent and approval of Congress to an interstate compact between Colorado and New Mexico with respect to the waters of Costilla Creek was considered, ordered to a third reading, read the third time, and passed.

SETTLEMENT OF INDUSTRIAL DISPUTES AFFECTING THE NATIONAL ECONOMY

The Senate resumed consideration of the bill (H. R. 6578) to provide on a temporary basis, during the present period of emergency, for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 5, line 2, to strike out the word "lock-out."

Mr. TAFT. Mr. President, I ask unanimous consent that my time on the amendment begin from this time, instead of from the beginning of the quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TAFT. Mr. President, I desire to state the reasons why I intend to oppose the pending bill unless a complete revision is made of it, which would certainly require consideration by a committee.

I do not criticize the President's action with relation to the rail strike or the coal strike. I have never done so. I believe that he faced one of the most serious problems that any President has ever faced. It seems to me that his handling of the rail strike was entirely justified.

and brought about the result which should be brought about. I did not criticize him before, and I did not criticize him afterward. I believe that the situation was brought about by the continuance for many years of a policy so completely pro-labor and so completely in favor of building up the power of labor-union leaders that the administration is responsible for the situation. However, I am willing to give 100 percent approval to the President's handling and settlement of the strikes.

There was absolutely no excuse for the railroad strike. When the mediation procedure provided by Congress and the railroad men themselves under the mediation law had been followed, when a board had decided the merits of the case, whether that decision was right or whether it was wrong, I do not think any railroad labor leader had a right to call a strike against that decision. The action of the two leaders who did so, and their actions subsequently in threatening reprisals, are only evidence of their stupidity and arrogance, which the President has every right to resent.

What I do criticize is that after the settlement of the railroad strike, when it was known to have been settled, and when it was known that the coal strike was in process of settlement and would almost certainly be settled, the President continued his demand for unlimited emergency power to extend over a further period of at least 12 months, and insisted that the Congress pass such legislation hastily, without consideration, on the very night on which it was introduced.

The President himself held off asking for emergency legislation until the very last moment. I pointed out that he did not use the powers he already had under the statutes which then existed. Apparently, he hoped he could settle the strike without this emergency action, and yet after the emergency has ended he demands that Congress immediately, without consideration, adopt emergency legislation, when it no longer is immediately necessary.

It seems to me that Congress should take its time, and should use legislation of this kind again only as a last resort—as the President used the Smith-Connally Act as a last resort—when there was no other method of dealing with the situation.

Mr. President, in this labor problem situation we should give considered and unbiased consideration to the whole problem. I do not believe we should be moved by emotion, or by crisis, or by political views, or by resentment against unreasonable labor action, or unreasonable threats from labor leaders, or unreasonable demands for immediate action from thousands of persons who do not really, fundamentally, understand the facts and difficulties involved in any labor situation.

The Case bill, Mr. President, was given months of nonpartisan consideration in the Committee on Education and Labor. We had extended hearings. We heard from all sides. We heard from the labor people, from the employers, from many experts on labor relations. We considered that expert testimony and the merits of each proposal. There may be differences of opinion as to the things we did, but certainly it was a carefully considered measure and a constructive measure to deal with the labor situation.

The particular bill now pending before the Senate, it seems to me, after listening to that testimony and listening in the hearings to people who know, cannot be supported as sound permanent legislation. Yet if it is justified today, I do not quite see why it is not justified permanently. Today there exists no special situation which may not be in existence at any time within the next 10 years.

It was the unanimous view of both sides in the committee that we should not proceed to set up a compulsory system of arbitration and Government wage fixing. We even felt that we should not go so far as to set up a Government fact-finding board to ascertain what the wages should be, except in the matter of public utilities. We had already done so by the mediation law for the railroads; and the minority of the committee felt that at least fact-finding procedure and the suggestion by the Government of a proper wage, should be extended to public utilities. But we did not feel that we could go to compulsory arbitration in respect to public utilities or to fact finding in respect to the rest of the economy without destroying, in effect, the free-enterprise system on which this Nation is based.

Mr. President, we cannot have a free economy if the Government in effect fixes wages and thereby destroys the process of collective bargaining. The Government cannot fix wages unless it also goes further and fixes prices. We cannot fix wages unless we are willing to fix prices; and any universal, compulsory arbitration system is bound to lead gradually to the fixing of wages, and then the Government becomes the ultimate arbiter, and a sufficient number of cases go to the Government so that the Government finally fixes the entire wage pattern of the United States. We had an example of such informal action by the President in his fixing of the 18½-cent wage increase, which to my mind was a grievous error, as it proposed a uniform rule when there should be none. I believe it will lead to an increase in cost which inevitably will force increases in prices. The very fact that the Government is there, at the end of the legal procedure for mediation, means that we do not have collective bargaining. Either one party or the other figures that it will be to its advantage to prolong the controversy, rather than to settle it, because one party or the other considers that it can obtain a better deal from the Government board than from voluntary collective bargaining. The very existence of that last appeal to the Government in effect destroys the whole value of the collective-bargaining process. I feel very strongly that if we adopt such a policy, we shall destroy the free-enterprise system in the United States and shall ultimately subject every wage to determination by the Government of the United States. In that event we have, in effect, a totalitarian government.

So, in the Case bill we were very careful not to go to that extent. That bill imposes only certain limitations on the right to strike, and they are not directed to the ultimate question of determining what the wages shall be.

In the Case bill we restricted the right to strike during a period of 60 days from the time when the negotiations are opened. Incidentally, a statement appeared in the newspapers yesterday, in an Associated Press dispatch, that the mediation board could step in at any moment and could impose a 60-day waiting period. That is not so. The 60-day period runs from the time when the first party asks the other party to open negotiations, and probably the mediation board may not step in until 30 days after the negotiations have commenced, at a time when apparently they have begun to fail. In that case we said there shall be no strike during that period. That is a strengthening of the collective-bargaining process, not a weakening of that process, nor can the Government ever assume the wage-fixing power.

One other penalty imposed by the Case bill was that during the life of a collective-bargaining contract, while it is in existence, no individual can strike. The union cannot strike without violating the contract and rendering itself liable, and no individual may go out on an outlaw strike without forfeiting his own rights. That again is a provision designed to strengthen the whole process of voluntary collective bargaining.

The only case in which the Case bill goes on toward a final Government arbitration proceeding is in regard to fact-finding for public utilities; and it should be pointed out that there we are already fixing rates or prices, and the further step of fixing a wage is not a material change in our present regulation of public utilities.

The bill now pending shows exactly where we go if we say that we may finally impose compulsory arbitration and compulsory settlement in regard to every strike in the United States. It shows exactly what the logical conclusion is once we begin a process of putting something over and above the collective-bargaining prccess, and start to impose on the country Government wage-fixing by force.

This bill is particularly bad even from the logical standpoint of those who think there should be compulsory arbitration, because it leaps right over those processes. In many of the cases in which the President could take over plants, there would be no determination by anyone as to what the justice of the situation was. In those cases the determination would be left to the individual and arbitrary discretion of the President of the United States himself. There is no suggestion that there would be fact-finding or arbitration or anything else. If a strike occurred, the President would step in and would bypass every other process of collective bargaining; and he would arbitrarily impose a Government fixed wage, and set aside the collective-bargaining process, through the ability of the Government to seize the plant.

Mr. President, in trying to establish a proper procedure for the mediation of labor disputes, and the elimination of labor difficulties, I see no reason to believe that seizure of properties or compulsory wage-fixing should ever have a place.

When we are confronted with an emergency situation involving what, perhaps, may be tantamount to war, we are faced with something entirely different from that involving a proper method of settling labor disputes. We must admit that no government should allow arbitrary labor-union leaders to destroy the Government itself. We must admit that the situation may develop to a point where the Government will be compelled to step in. We must admit also, that a situation as bad as war could develop, and that it could produce starvation and destruction of the health of countless numbers, which no government can permit to exist. But the possibility of such conditions should not change a permanent, sound labor program. Under such circumstances, we deal with a situation equivalent to revolution. We deal with persons who say, "We do not care whether we starve the rest of the world, or whether we impose health hardships upon them." I assert, Mr. President, that when we reach that point strikers will be defying, not only the Government but the people of the United States itself.

We saw what took place in England when a general strike there was called. No government can fail to act in such an emergency. No government should fail to do everything which can possibly be done, and to use every power which government has in order to bring an end to a condition of that kind. Such a situation is equivalent to war emergency, while inconvenience to the public resulting from an ordinary strike is not.

So, in the last analysis, the question is, When does a situation arise which the Government must treat as a revolution, and with reference to which it must throw into the breach every power which it possesses? As a matter of fact, I believe that such a condition was being produced by the recent strike. Two days or three days of strike imposed inconvenience, but another week would have brought people in many parts of the country to the verge of starvation. I believe that the President was justified in doing whatever he could do in order to bring an end to the situation.

If the strike had continued until Saturday night, I do not believe that I would have objected to the passage of this bill, not because I like the bill in the shape in which it was, but because it seemed to me that we were confronted with an emergency with which the Congress was required to deal immediately.

However, Mr. President, should we pass a bill permanent in character on the assumption that such a condition as we were confronted with will arise again? Should the bill provide continuous machinery giving to the President arbitrary power to call it into use? As a matter of fact, the powers which are to be granted in such an emergency are unlimited. They are powers which should not be granted to any President during time of peace. If they are needed now, they may be needed a year from now. We should consider legislation of a permanent character. But I believe we should not pass the proposed legislation at all unless it contains provisions to the effect that when an emergency arises, such legislation may be made effective only by action of Congress representing the people. Of course, the consideration of such a legislative proposal requires time and study.

I believe we should study what the procedure should be, make it as perfect as we can make it, and then put it on the shelf. But we should never call it into use unless Congress authorizes its use by a joint resolution to the effect that the country faces an emergency, and that it is willing to make of the President a dictator. I am not now willing to vote for a measure which provides that the President may be a dictator a year from now without the authority of Congress.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. JOHNSON of Colorado. What would be the position of the Senator, in connection with what he has advocated, if the pending measure were to be placed on the calendar of the Senate and not recommitted to the committee, but merely held in abeyance as a club behind the door in dealing with any emergency which may arise in the future?

Mr. TAFT. My difficulty is that I do not like this bill. If we are to have a law which will be permanent in character, but shall rest on the shelf before being placed into effect, I think the bill should, in the first instance, be carefully studied and drawn. That can be done only in a committee. I do not wish to suggest present procedure. As I have already said, I shall vote against this bill in its present form if we are required to vote on it. I have also previously said that I would vote to have the bill recommitted if a motion to that effect were made.

Mr. President, it is said that if we were to pass a bill in the form which I have suggested, it would result in delay in putting its provisions into effect during a time of emergency. Allow me to point out that no delay was experienced in passing the joint resolution declaring war. We could provide, as we have provided on previous occasions, a rule of the Senate which would require immediate consideration of a joint resolution of the kind to which I have referred. We have seen such power exercised in connection with the so-called organization bill which was introduced by the distinguished Senator from Wisconsin [Mr. LA FOLLETTE]. We could provide that the joint resolution would be voted on within 48 hours after adequate consideration and debate. If Congress is not in session when an emergency of that kind arises, it should be called into session. The only kind of an emergency for which I think the suggested powers should be granted would be an emergency substantially equivalent to war. Under those conditions, if it were not already in session, Congress should be called into special session, and required to consider the question whether the President should then be made a dictator.

Certainly, the powers provided for in the pending bill would make that possible. The powers to be given the President would be unlimited. He could take over every plant in the United States. He could take over every transportation agency in the United States. He could take over all the businesses of the United States if he wished to do so. He could do all those things under the statutory authority then existing. In the event that the pending bill had been enacted into law, he could then undertake to declare a strike to be unlawful, to enjoin the enforcement of the strike, and put every striker in jail who did not return immediately to his work. He would have power to take every individual striker in the United States who refused to return to work, punish him for contempt, and send him to jail without affording to him any of the protection which has been provided for several years under the Norris-LaGuardia Act. The Case bill would not set aside that act at all.

It is true that the President must make certain findings. I do not regard that as a limit in any way on the actions of the President. I ask Senators to read the proclamation with reference to taking over the railroads and the coal mines. The President found last week that it was necessary to issue such a proclamation in order to assist in the prosecution of the war. Everybody in the United States knows that there could be no such substantial finding of fact. Technically, perhaps, yes. When we incorporate words in the measure as to what the President must find, they do not necessarily mean much. Perhaps those matters are never looked at by the President until he signs the proclamation. The pending language would give to the President dictatorship over labor, and would clothe him with authority to take over and operate millions of various enterprises throughout the United States.

We were not even asked for such dictatorship powers in time of war, and we granted none. We refused a labor draft in time of war. The Smith-Connally bill never went to the extent of imposing its penalties except on the officers of the union or those actively engaged in fomenting the strike. Yet now we are asked to pass an emergency bill making the President in effect a complete dictator.

We already, it seems to me, are drifting toward a totalitarian government. We have given the President complete power over foreign policy. He can almost certainly involve us in war. We have given him complete power over our trade policy. Under the Reciprocal Trade Act the President can change tariffs and destroy American industry. Almost every bill that comes before Congress asks for broad powers to be given to some board, to be exercised in their complete discretion, so that, in effect, they may make laws, instead of Congress. But this bill, it seems to me, goes far beyond anything we have ever been asked to do. Certainly I feel very strongly that we would be violating our oath of office, we would be delegating powers the peo-

ple gave to us if we should now provide that for 12 months from this time the President, if he finds certain conditions to exist, may make himself a complete dictator over all the business operations and all the people of the United States of America.

The pending bill is unlimited in its terms. Taking up the bill, section 2 provides that the President may take over "plants, mines, or facilities constituting a vital or substantial part of an essential industry." If that provision should remain in the bill, I think certainly it ought to be confined to matters of purely national interest. I understand an amendment is to be offered which will limit it to public utilities, railroads, coal, oil, and steel. Those, it seems to me, are the only industries as to which there is any practical possibility of again actually tying up the country and creating the kind of situation I have envisioned.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. TAFT. I yield to the Senator from Vermont.

Mr. AIKEN. Is it the Senator's opinion that the bill as now written would cover food-processing plants as an essential industry?

Mr. TAFT. Yes; but I do not regard it as necessary to take over food-processing plants, for the reason that food is so widely distributed and there are no unions which cover more than one-tenth or a very small fraction of the total food supply. I would be inclined to think that we could safely leave out "processing plants," but as now drafted I think the bill covers food-processing plants.

Mr. AIKEN. That answers the question. It would cover, then, cold-storage plants and refrigerating plants.

Mr. TAFT. I think so.

Under section 3 the President after he takes over a plant may establish fair and just wages and other terms and conditions of employment at the affected plant solely on his arbitrary discretion without any consultation with any board, if he does not wish to consult it. He may fix wages as he may determine for millions of people in the United States.

Under section 4 any strike is declared to be unlawful even though it is a strike in which there is no contract existing and though it may involve basic questions, including wages.

Then, in section 5, the Attorney General is given power to go into the courts and obtain an injunction against every person participating in a strike, against every employee of the particular company or organization, and the injunction may order the employee to return to work or may require him to work for the Government, with the penalty that, if he does not do so, contempt proceedings may be filed against him and he may be put in jail.

In the Smith-Connally Act and in the Case bill we provided that no penalty should lie against any man who did not participate in a strike and did not do anything about it but simply refused to work. In this bill, however, there is a clause saying that in such cases he shall be deemed subject to the penalty. In this bill it is proposed to remove the protection of the Norris-LaGuardia Act so that an injunction may be granted without notice, if you please; an injunction may be granted against an unlimited number of people, and those people may be haled into court and tried the next day by some kind of summary procedure, without any indictment by a grand jury, which is required by the Constitution of the United States.

Mr. REVERCOMB. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. MAYBANK in the chair). Does the Senator from Ohio yield to the Senator from West Virginia?

Mr. TAFT. I yield to the Senator from West Virginia.

Mr. REVERCOMB. I have been following the Senator's argument upon the question of the use of injunctions as found in section 5 of the pending bill. Under that section the Attorney General may petition any district court of the United States for an injunction to secure either compliance with section 4 of this bill or section 6 of the War Labor Disputes Act.

With respect to section 4—I will turn back to that section—we find that it deals with officers of labor organizations conducting or directing a strike and the officers of employers conducting or directing a lock-out.

Mr. TAFT. Section 4 (a) does do that, but section 4 (b) goes on to say:

> On and after the final effective date of any such proclamation, continuation of a strike, lock-out, slow-down, or any other interruption at any such plant, mine, or facility shall be unlawful and that they may enjoin—

Under that I think that every man who refused to go back to work could be enjoined.

Mr. REVERCOMB. My point is, would the objection raised by the able Senator be good if the use of the injunction applied only to section 4 (a)?

Mr. TAFT. Yes. I have an amendment which reads as follows:

> Between lines 23 and 24 on page 4 insert the following in the subsection:
>
> "No individual shall be deemed to have violated the provisions of section 4 or be subject to be enjoined under this section by reason only of his having ceased work or having refused to continue to work or to accept employment."

That provision was inserted in the Smith-Connally bill, which was the most extreme labor bill Congress ever passed.

The PRESIDING OFFICER. The Chair will advise the Senator from Ohio that his time on the amendment has expired.

Mr. TAFT. I will take time on the bill.

As I have said that provision was inserted in the Smith-Connally Act and we put it in the Case bill in the only place where there was any danger that it might be assumed that Federal action would be taken against any person.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. AIKEN. Is it not a fact that where injunctions appear to be warranted there has been very little difficulty in obtaining them in the State courts. I noticed recently an injunction was issued by a court in Michigan against the teamsters' union, which tried to force certain shopkeepers into the union, and injunctions have recently been issued, I believe, in Illinois, Pennsylvania, and in a number of other States.

Mr. TAFT. I think if we provided a permanent law, as I suggested, to go into effect on the adoption of a joint resolution by Congress that probably would include the Federal injunction procedure. I think it might be wanted in the case of officers and people who are participating in a strike, people who are picketing or anything of that kind. I am imagining a bill that is, in effect, a bill against revolution, if you please. It seems to me that is the only justification for this kind of a bill, I care not what it may be called. Unless it is left finally to the decision of the Congress as to whether such an emergency has arisen, I am going to vote against the bill; but I think the bill could be improved. It need not be quite so radical as it is today.

In section 6 someone thought of the general remedy of taking away seniority rights from men. I do not know whether that can be done constitutionally. I do not think it can.

Furthermore, of course, the punishment does not fit the crime, because in the case of the older man it is a severe penalty, while in the case of the younger man it is no penalty at all, and the younger man may be far more active in the strike than the older man. It seems to me an unfair penalty thrown in as a punitive provision.

Section 7 has already been removed from the bill.

Section 9, by giving the Government the power of operation, makes the whole business look far more like real Government operation. In effect, what the bill provides is that when the Government takes a business over it means business. It is not formal any longer; the Government is going to take over the plant and run it. It emphasizes the fact certainly that we are putting into the hands of the President power really to take over the operation of industries in the United States.

When the Smith-Connally Act was passed seizure was a very doubtful matter. Many people felt that seizure was not a good remedy. Labor people may want a plant seized. They may welcome national operation, and think it is a step toward nationalization of a particular industry. There may be conditions under which an employer may want seizure.

Seizure does not seem to me to be the proper method of dealing with any ordinary labor dispute. The only excuse for seizure is in a case where the functioning of the business has broken down, and the Government itself must undertake the operation. Of course, in order to do so it has to have possession of the property. Whether any compensation is provided I do not think makes any difference, under those circumstances. The Government is in effect, as I have said, acting as it acts in time of war. But I think that, whatever powers are granted, it is extremely unwise to grant them without Congress determining whether they shall

be used. We know enough about the action of a President to know what may happen if by the stroke of a pen he may put a law into operation. He is subjected to every kind of pressure. He does not have to pay any attention to public opinion. There is pressure on him from people who are inconvenienced. The power exists, and for some reason we think that when power exists it should be used; it is supposed to be used.

If we put this proposal into effect it will become a method of settling every strike in the United States, and it should be only for the settlement of a general strike, which is in effect a revolution. If strikes go so far as to threaten the starvation of people, or to endanger their health and their security we are in effect in war, and only Government operation can possibly deal with such a situation.

Mr. President, in conclusion I wish to say that Congress has worked out in the Case bill a reasonable approach to the problem, a strengthening of the whole collective-bargaining-agreement principle, and removal of three or four respects in which court decisions have given labor leaders power far beyond what is fair or just. This power led unreasonable leaders unreasonably to abuse the powers they had—not most of them, but some of them. The Case bill proceeds on the theory that the situation must be somewhat redressed so that there shall be equal bargaining power in the employer and the employee. The proposal then outlines the exact manner in which we expect collective bargaining to be carried through, which should strengthen the process of collective bargaining.

In this Truman measure we are dealing with something that is entirely different. something which should be entirely apart from the labor problem, something which should be an emergency measure, which should be called into effect only when the people of the United States themselves say, "Now the time has come when these labor leaders, or these employers, are defying the people of the United States, and are subjecting them to intolerable hardships."

Mr. HAYDEN. Mr. President, the Senator from Ohio has suggested that Congress enact a general statute providing for procedure to be followed in the event of a general strike or other widespread labor dispute which is disastrous to the public welfare.

I have obtained from the Library of Congress a translation of the decree of the French Government adopted on October 12, 1910, which is based upon that same principle, except that instead of a law being passed which would go into effect on the enactment of a joint resolution by Congress, the French Government was empowered to make the law effective by decree.

The text is short, and I shall read it to the Senate. It is signed by the Minister of War, and states:

In pursuance of the law of December 28, 1888, and the provisions of the decree of December 8, 1909, amended on July 16, 1910, the personnel of the fourth region of provincial railways and of subsidiary lines as well as the personnel of the ninth region, and that of the division of track of the eighth region are called up for a period of 21 days beginning October 14, 1910.

That is, the railway workers were called into military service.

The supervisors and their assistants of the said lines must obey the conditions carried in this call and the individual orders addressed to them for this period.

They will continue to assure normal service on the railway network to which they belong, according to the orders which they will receive from their immediate superiors, and under the conditions fixed by the aforesaid decree and the ministerial instructions of December 10, 1909, as amended July 16, 1910.

Another occasion arose where a like situation was met, not by calling the men into the military service, but by directing them to stand by at attention. I read the text of that decree, which was signed by the President of the French Republic November 28, 1938, as follows:

On the recommendation of the President of the Council, Minister of National Defense, and of War.

In view of articles 1, 2, 5, 29, 56, and 58 of the law of July 3, 1877, amended by the law of January 21, 1935;

In view of the decree of June 6, 1936, relating to the exercise of the right of requisition;

In view of article 2 of the decree of November 5, 1870;

Decrees:

ARTICLE 1. The following are hereby requisitioned:

1. All agents and workers on public services of the state, the departments, and communes;

2. All personnel of services under concession from the state, departments, and communes.

A justification for this decree was contained in a report by the Council of Ministers to the President, which I shall also place in the RECORD. The important paragraphs are these:

By his acceptance of the employment which has been granted him, the worker becomes subject to all the obligations growing out of the necessities of the public service, and gives up all powers incompatible with a continuity essential to the national life.

By going on strike, agents in charge of public service not only commit an individual offense, they put themselves, by their collective act, outside the scope of the law and regulations, drawn up to guarantee the exercise of the rights which apply to them in regard to the area of public power.

* * * * *

The Government is convinced of the devotion to our institutions of the great majority of those who, in whatever capacity, work together in the functioning of the public services. It must, nevertheless, recall to those who would be tempted to forget it, their duties and obligations to the Nation as a whole, and indicate at the same time its considered determination not to permit any failure, any faltering at a time when the fate of the national regime is at stake.

The French way of going at it was to pass a law, and let the law go into effect by a decree of the Government. The Senator from Ohio suggests that we pass such a law and let it go into effect by joint resolution of the Congress.

Mr. TAFT. Yes.

Mr. HAYDEN. In Great Britain there was a general strike, to which the Senator has referred, and the British adopted a statute which was permanent law. I understand it has recently been repealed by the British Parliament on the theory that no labor organization in Great Britain would ever again be foolish enough to engage in a general strike. But this is an interesting statute, pertinent parts of which I should like to read to the Senate. It is the Trade Disputes and Trades Union Act of 1927, and provides:

1. It is hereby declared—

(a) that any strike is illegal if it—

(i) has any object other than or in addition to the furtherance of a trade dispute within the trade or industry in which the strikers are engaged; and

(ii) is a strike designed or calculated to coerce the Government either directly or by inflicting hardship upon the community; and

(b) that any lock-out is illegal if it—

(i) has any object other than or in addition to the furtherance of a trade dispute within the trade or industry in which the employers locking-out are engaged; and

(ii) is a lock-out designed or calculated to coerce the Government either directly or by inflicting hardship upon the community; and it is further declared that it is illegal to commence, or continue, or to apply any sums in furtherance or support of, any such illegal strike or lock-out.

For the purposes of the foregoing provisions—

(a) a trade dispute shall not be deemed to be within a trade or industry unless it is a dispute between employers and workmen, or between workmen and workmen, in that trade or industry, which is connected with the employment or nonemployment or the terms of the employment, or with the conditions of labor, of persons in that trade or industry; and

(b) without prejudice to the generality of the expression "trade or industry" workmen shall be deemed to be within the same trade or industry if their wages or conditions of employment are determined in accordance with the conclusions of the same joint industrial council, conciliation board, or other similar body, or in accordance with agreements made with the same employer or group of employers.

Mr. TAFT. I may say that that bill has never been used since it was enacted, and is now repealed. Of course, it grew out of the general strike in England.

Mr. HAYDEN. It was on the statute books from 1927 to 1945, and there were no general strikes in England during that period.

Mr. TAFT. That is true.

Mr. HAYDEN. I shall read section 2, and then ask to have the whole excerpt printed in the RECORD.

2. If any person declares, instigates, incites others to take part in or otherwise act in furtherance of a strike or lock-out, declared by this act to be illegal, he shall be liable on summary conviction to a fine not exceeding 10 pounds or to imprisonment for a term not exceeding 3 months, or on conviction on indictment to imprisonment for a term not exceeding 2 years.

Provided, That no person shall be deemed to have committed an offense under this section or at common law by reason only of his having ceased to work or refused to continue to work or to accept employment.

Mr. TAFT. We took those words out of that act and wrote them into the Smith-Connally Act. But they have not as yet been put into this measure. This measure goes further in that respect than did the British act.

Mr. HAYDEN. I thought it proper that these documents be placed in the RECORD at this time because they show that other nations have had similar experiences with labor disputes which affected the welfare of the entire country.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. MILLIKIN. I just wanted to suggest to the distinguished Senator from Arizona that according to my memory that law of France to which the Senator referred was either used or its use was threatened, and that that was one of the greatest causes of the bitterness that went into the hearts of French workmen; that it was a distinct contribution toward the disunity of France which, because of that and other factors, became so accentuated that when the French Government came under its greatest challenge it was unable to meet it and succumbed to ready defeat by a foreign enemy.

Mr. HAYDEN. A general strike and any act of a government to defeat it are bound to create discord. But if such a situation arises in any country, whether it be France, England, or the United States, that the very life of the nation is at stake in that its transportation and other industries are so interrupted that it is impossible for people to obtain food and to carry on the ordinary affairs of life, then drastic action must be undertaken.

There has never been a general strike that was successful. One was once tried in San Francisco and it lasted until the babies failed to get milk. Then the people of San Francisco rose en masse and the strike had to come to an end. Any such strike is bound to come to the same result because no people in any country can allow any group to tie up its very life, and that is exactly what happens in the case of a general strike. Anyone who advocates a general strike to secure the adjustment of grievances is in effect promoting a revolution against his Government. The only justification for such action is the successful turning over of the Government and placing its control in the hands of somebody else. A government cannot live if its powers to assure that the people may have food are impaired. How desperate the remedy must be depends entirely on how desperate the case is. But the power to carry out that kind of a remedy undoubtedly exists in our Government as it did in the British Government or the French Government.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. MILLIKIN. I would not for a moment challenge the thesis of the Senator that our powers are equal to any emergency and that whatever power is necessary must be used and should be tailored to the emergency. My objection to this bill is that we are trying to authorize the most extravagant and unprecedented powers before we have used normal powers which are already at hand and which could be strengthened if that might be thought necessary.

Mr. HAYDEN. Mr. President, I ask that the excerpts from laws to which I have referred and from which I read be printed at this point in the RECORD.

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

[Translation]

(Journal Officiel de la République Française, October 13, 1910, p. 8426, col. 2)

DECREE OF THE MINISTER OF WAR CALLING UP RAILROAD WORKERS ON THE STATE AND SURROUNDING LINES OF THE FOURTH REGION, OF THE NINTH REGION, AND PART OF THE EIGHTH REGION

In pursuance of the law of December 28, 1888, and the provisions of the decree of December 8, 1909, amended on July 16, 1910, the personnel of the fourth region of provincial railways and of subsidiary lines as well as the personnel of the ninth region, and that of the division of track of the eighth region are called up for a period of 21 days beginning October 14, 1910.

The supervisors and their assistants of the said lines must obey the conditions carried in this call and the individual orders addressed to them for this period.

They will continue to assure normal service on the railway network to which they belong, according to the orders which they will receive from their immediate superiors, and under the conditions fixed by the aforesaid decree and the ministerial instructions of December 10, 1909, as amended July 16, 1910.

BRUN,
Minister of War.

PARIS, *October 12, 1910.*

[Translation]

(Journal Officiel de la République Française, November 1938, p. 13423)

The PRESIDENT OF THE FRENCH REPUBLIC:

On the recommendation of the President of the Council, Minister of National Defense and of War;

In view of articles 1, 2, 5, 19, 56, and 58 of the law of July 3, 1877, amended by the law of January 21, 1935;

In view of the decree of June 6, 1936, relating to the exercise of the right of requisition;

In view of article 2 of the decree of November 5, 1870;

Decrees:

ARTICLE 1. The following are hereby requisitioned:

(1) All agents and workers on public services of the state, the departments, and communes.

(2) All personnel of services under concession from the state, departments, and communes.

ART. 2. The present requisition will be effective according to circumstances, whether by collective notification by poster, under the conditions set out in article 132 of the administrative rules published on August 2, 1877, amended by the decree of August 2, 1914, or by individual notification.

ART. 3. The President of the Council, Minister of National Defense and of War, is charged with execution of the present decree, which shall take effect immediately, and is applicable in Algeria.

Done at Paris, November 28, 1938.

ALBERT LEBRUN,
President of the Republic.
EDOUARD DALADIER,
President of the Council, Minister of National Defense and of War.

[Translation]

(Journal Officiel de la République Française, November 1938, p. 13422)

Report to the President of the French Republic. Paris, November 28, 1938.

Mr. President, a vicious propaganda, of which the Government is not ignorant either of the hidden purpose, or the inspiration, is going around, setting itself up against the laws of the Republic, in order to create through the country a state of agitation which threatens not only to imperil the public order but to affect, in the most dangerous way, the foreign relations of France.

The Government, which will not fail to insist on each of its rights under the law, and which will not shrink from any of its obligations to the Republic, will know how to take all necessary steps to meet any eventuality. In any state of the case, it should not permit any disturbance, from any source whatever, of the normal functioning of the public services which assure the essential needs of the nation.

It is not necessary to take special measures respecting those workers who are at present exclusively under the state or local units in the exercise of their duties. The law prohibits, under sanctions set out in article 123 ff. of the penal code, any coalition and any concerted stoppage of labor. On the other hand it has been decided by the Council of State that "a strike, when it results from a concerted refusal of service among employees, is illegal, even if it could not be curbed by application of the criminal law.

"By his acceptance of the employment which has been granted him, the worker becomes subject to all the obligations growing out of the necessities of the public service, and gives up all powers incompatible with a continuity essential to the national life.

"By going on strike, agents in charge of public service not only commit an individual offense, they put themselves, by their collective act, outside the scope of the law and regulations, drawn up to guarantee the exercise of the rights which apply to them in regard to the area of public power. Their dismissal, in such case, is merely a demonstration of the fact that they are themselves excluded from the public service, and the administration, compelled to take emergency measures and proceed to immediate replacements, can pronounce their dismissal without being required (in spite of the generality of the provisions of article 65 of the law of April 22, 1905) to permit the interstate parties even to consult their work records [dossiers].

The fact that the workers who have participated in a strike have resumed service before receiving notification of dismissal, would not necessarily be regarded as implying a willingness on the part of the administration to restore them to duty * * *."

So far as concerns the personnel of the public services and of concessions, which are not within the meaning of public duty, the interests of national defense, which the agitation above noted could in these circumstances, imperil, demands a measure of general protection of the services. The Government has decided to utilize in this respect the powers of the law of 1877 concerning military requisition, so for requisition of persons and services. This law has been rendered applicable, beyond the case of a mobilization, when circumstances demand, by the law of January 21, 1935. The time when such application can begin must be determined by decree of the council of ministers. This decree was made on June 6, 1936, under the government then in power. It is permanently in force, and has been applied, since, on numerous occasions. The legality of the requisitions effected by virtue of these proceedings cannot be doubted.

Because of the importance of the general measure which is envisaged, it has seemed desirable to accomplish it by decree citing the provisions of the amended law of 1877 concerning requisition of persons and services. This decree contains the statement of immediate execution authorized by article 2 of the decree of November 5, 1870, the requisition will take effect at the instant of promulgation. * *

The Government is convinced of the devotion to our institutions of the great majority of those who, in whatever capacity, work together in the functioning of the public services. It must, nevertheless, recall to those who would be tempted to forget it, their duties and obligations to the Nation as a whole, and indicate at the same time its considered determination not to permit any failure, any faltering at a time when the fate of the national regime is at stake.

(Excerpt from trade-union documents compiled and edited with an introduction by Walter Milne-Bailey, secretary of the research and economic department of the Trades Union Congress)

ILLEGAL STRIKES

(Trade Disputes and Trades Union Act, 1927; 17 and 18 George V, ch. 22)

(1) It is hereby declared:

(a) that any strike is illegal if it—

(i) has any object other than or in addition to the furtherance of a trade dispute within the trade or industry in which the strikers are engaged; and

(ii) is a lock-out designed or calculated to coerce the Government either directly or by inflicting hardship upon the community; and

(b) that any lock-out is illegal if it—

(i) has any object other than or in addition to the furtherance of a trade dispute within the trade or industry in which the employers locking-out are engaged; and

(ii) is a lock-out designed or calculated to coerce the Government either directly or by inflicting hardship upon the community;

and it is further declared that it is illegal to commence, or continue, or to apply any sums in furtherance or support of, any such illegal strike or lock-out.

For the purposes of the foregoing provisions—

(a) a trade dispute shall not be deemed to be within a trade or industry unless it is a dispute between employers and workmen, or between workmen and workmen, in that trade or industry, which is connected with the employment or nonemployment or the terms of the employment, or with the conditions of labor, of persons in that trade or industry; and

(b) without prejudice to the generality of the expression "trade or industry" workmen shall be deemed to be within the same trade or industry if their wages or conditions of employment are determined in accordance with the conclusions of the same joint industrial council, conciliation board or other similar body, or in accordance with agreements made with the same employer or group of employers.

2. If any person declares, instigates, incites others to take part in or otherwise acts in furtherance of a strike or lock-out, declared by this act to be illegal, he shall be liable on summary conviction to a fine not exceeding 10 pounds or to imprisonment for a term not exceeding 3 months, or on conviction on indictment to imprisonment for a term not exceeding 2 years: *Provided*, That no person shall be deemed to have committed an offense under this section or at common law by reason only of his having ceased to work or refused to continue to work or to accept employment.

(3) Where any person is charged before any court with an offense under this section, no further proceedings in respect thereof shall be taken against him without the consent of the Attorney-General except such as the court may think necessary by remand (whether in custody or on bail) or otherwise to secure the safe custody of the person charged, but this subsection shall not apply to Scotland, or to any prosecution instituted by or on behalf of the Director of Public Prosecutions.

(4) The provisions of the Trade Disputes Act, 1906, shall not, nor shall the second proviso to subsection (1) of section two of the Emergency Powers Act, 1920, apply to any act done in contemplation or furtherance of a strike or lock-out which is by this act declared to be illegal, and any such act shall not be deemed for the purposes of any enactment to be done in contemplation or furtherance of the trade dispute;

Provided that no person shall be deemed to have committed an offence under any regulations made under the Emergency Powers Act 1920, by reason of his having ceased work or having refused to continue to work or to accept employment.

* * * * *

8. (2) (c) A strike or lock-out shall not be deemed to be calculated to coerce the Government unless such coercion ought reasonably to be expected as a consequence thereof.

Mr. BARKLEY. Mr. President, I think there are only two committee amendments left. Both of them are technical and routine. As I recall, on page 5 the word "lock-out" is eliminated because it is not necessary, because a lock-out is only brought about by an employer and not by the employees. So the committee struck out the word "lock-out." I should like to have that amendment passed upon.

The PRESIDING OFFICER. The question is on the committee amendment on page 5, line 2, to strike out the word "lock-out."

The amendment was agreed to.

Mr. BARKLEY. Mr. President, I ask that the committee amendment on page 7 be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 7 in section 10, line 10, after the word "provisions," it is proposed to strike out "and amendments."

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The next committee amendment was on page 7, in section 10, line 10, after the word "effective," to insert "or on June 30, 1947, whichever first occurs."

Mr. BARKLEY. This amendment is designed to limit the operation of this act to June 30, 1947, or to earlier limitation if the President by proclamation or Congress by concurrent resolution should take such action, but in no event does the act continue in effect beyond June 30, 1947.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. SALTONSTALL. If the act is to be merely temporary, why would it not be better to make the time as short as possible, and make the date February 1, 1947, assuming that Congress will return to take up its work in January.

Mr. BARKLEY. Of course it seems to me that in view of the emergency we are in—we are still in a state of war—and in view of the fact that under the Selective Service Act the power to take over plants extends until 6 months after the end of hostilities, as proclaimed by the President, that fixing the date February 1 would be illogical. The bill first provided that its provisions should cease to be effective 6 months after the end of hostilities, as hostilities might be ended by proclamation of the President or by concurrent resolution. The committee amendment simply provides that regardless of that it shall not go beyond June 30, 1947. That is practically a year. Under the conditions it seems to me that if we are going to pass this legislation it ought to be effective for a year.

Mr. BUCK. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. BUCK. Is the proposed law predicated for its operation solely upon the extension of the Selective Service Act?

Mr. BARKLEY. Not necessarily. The power to take over plants is contained in the Smith-Connally Act, known as the Labor Disputes Act.

Mr. BUCK. That applies to everything but the railroads.

Mr. BARKLEY. Everything but the railroads, and probably communications, which are taken care of in another act.

Mr. BUCK. As I understand, if this bill becomes a law it will be operative even though the Selective Service Act is not extended.

Mr. BARKLEY. If section 9 of the Selective Service and Training Act should fall by reason of failure to extend it, it is questionable whether section 9 of this bill would not fall with it, although section 9 of the Selective Training and Service Act is contained in the Connally Act by reference.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 7, line 10.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. BARKLEY. Mr. President, I wish to call attention to a question which has arisen over the language of section 4, subsection (a), on page 3. That subsection reads as follows:

(a) On and after the initial issuance of the proclamation, it shall be the obligation of the officers of the employer conducting or permitting such lock-out or interruption, the officers of the labor organization conducting or permitting such strike, slow-down, or interruption, and of any person participating in the calling of such strike, lock-out, slow-down, or interruption to take appropriate affirmative action to rescind or terminate such strike, lock-out, slow-down, or interruption.

The question has been raised whether the language in lines 12, 13, and 14, reading "and of any person participating in the calling of such strike, lock-out, slow-down, or interruption," would apply to members of a labor organization who voted to bring about a strike. It is not the intention to have it so apply. Therefore I offer an amendment in section 4, on page 3, to strike out the language in line 12, after the word "interruption," all of line 13, down to and including the word "interruption" in line 14, and to insert in line 9, after the word "officers," the words "or agents," and in line 11, after the word "officers," to insert the words "or agents," so as to read:

(a) On and after the initial issuance of the proclamation, it shall be the obligation of the officers or agents of the employer con-

ducting or permitting such lock-out or interruption, the officers or agents of the labor organization conducting or permitting such strike, slow-down, or interruption, to take appropriate affirmative action to rescind or terminate such strike, lock-out, slow-down, or interruption.

Then the subsection would not apply to the men who had voted in favor of a strike. It would apply to the officers or agents.

I offer the amendment to section 4.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kentucky.

The amendment was agreed to.

Mr. TAFT. Mr. President, while we are on that subject, would the Senator object to the amendment to which I have referred, relating to both sections 4 and 5, to be inserted on page 4, after line 23? It reads:

No individual shall be deemed to have violated the provisions of section 4 or be subject to be enjoined under this section by reason only of his having ceased work or having refused to continue to work or to accept employment.

The distinguished Senator from Arizona [Mr. HAYDEN] has shown that that provision was in the British general strike act. It is in the Smith-Connally Act. It is in the Case bill; and it seems to me that it should be in this bill.

Mr. BARKLEY. I would have no objection if it applied to section 4. With respect to section 5, I should like to think it over for a few minutes.

Mr. TAFT. If the Senator will consider it, I will withhold suggesting the amendment.

Mr. BARKLEY. I should like to think over its applicability to section 5.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. EASTLAND. I should like to ask the Senator if his amendment strikes out lines 13, 14, 15, and 16 on page 3.

Mr. BARKLEY. No. It strikes out a part of line 12, all of line 13, and down to and including the word "interruption" in line 14. It strikes out this language:

And of any person participating in the calling of such strike, lock-out, slow-down, or interruption.

The purpose of the amendment is to get away from the fear entertained by some Senators and others that if a strike vote were taken under the provisions of any law, or in the course of negotiations, the subsection would apply to such vote. It is not the purpose to make it apply to a vote, which is usually taken in secret, as to whether a strike should be authorized.

Mr. EASTLAND. However, the leadership of the union is still obligated to comply with the provisions of the subsection, is it not?

Mr. BARKLEY. Absolutely. It would still apply to the officers and agents of the union, and the officers and agents of the corporation, or the employer, whoever they may be.

Mr. EASTLAND. I thank the Senator.

Mr. BARKLEY. Mr. President, for the moment those are all the amendments I have. I wish to say to Senators that I am in the process of working out an amendment in regard to section 9, which I am not quite ready to offer. I ask that any other amendments which may be offered with respect to other portions of the bill be now proceeded with. As soon as I have the amendment with respect to section 9 ready, I shall offer it.

Mr. TAFT. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Ohio will be stated.

The LEGISLATIVE CLERK. On page 2, it is proposed to strike out section 2, and insert in lieu thereof the following:

SEC. 2. Whenever the United States has taken possession under the provisions of section 9 of the Selective Training and Service Act of 1940, as amended, or the provisions of any other applicable law, of any public utilities, transportation facilities operating in interstate or foreign commerce, steel mills, facilities for the production or refining of oil, or coal mines, constituting a substantial part of the industry concerned, and in the event further that a strike, lock-out, slow-down, or other interruption occurs or continues therein after such seizure, then if the President determines that such interruption if continued will seriously endanger the public health or security and the maintenance of the national economy, the President may by proclamation declare a national emergency relative to such interruption of operations.

Mr. TAFT. Mr. President, the purpose of this amendment is to cut down the scope of the possible action by the President. Under the existing law, including the Smith-Connally Act, all plants, mines, or facilities constituting a vital or substantial part of an essential industry are covered. Under the Smith-Connally Act, any facility equipped for the manufacture, production, or mining of any articles or materials is covered. In other words, the law is wide open. It covers every one of some 250,000 manufacturing plants in the United States. The purpose of this amendment is to restrict the application, first, to railroads, second, to public utilities, and third, to transportation facilities in interstate and foreign commerce, facilities for the production or refining of oil, coal mines, and steel mills.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. TAFT. I yield to the Senator from Georgia.

Mr. GEORGE. Would the Senator's amendment restrict and limit the Smith-Connally Act?

Mr. TAFT. No; it would not limit the Smith-Connally Act, because the Smith-Connally Act would not be amended. Under the Smith-Connally Act the President could still seize plants, mines, and facilities necessary for war production.

Section 2 provides the procedures to be followed if there is a strike following the seizure of the plant or facilities. This is the condition on which the proclamation may be issued, upon which all the other procedures in the Act are based.

Mr. GEORGE. Then it is not the purpose of the Senator's amendment to amend, limit, or restrict the Smith-Connally Act?

Mr. TAFT. No. I may say that the draftsmanship of the bill is very poor. If we are to have this kind of a law, we ought to spell out the whole story and say what may be seized. It is based on the Smith-Connally Act, which was a war act. So far as the operation of the proposed act is concerned, my amendment proposes to apply it to transportation facilities, public facilities, coal, oil, and steel. They are the only industries in which there is Nation-wide bargaining, and in which the monopoly is such that they can all be tied up at once, with a serious effect on the public. I feel that if there is to be such a law, there should be such a limitation as I have proposed.

Mr. ELLENDER. Mr. President, before the pending measure is further emasculated, I should like to read a letter which I dictated on May 29th in reply to many communications which I have received from my constituents in reference to the pending labor troubles:

WASHINGTON, D. C., *May 29, 1946.*

DEAR SIR: I have your recent communication regarding the management-labor disputes now plaguing the country.

If by strikes or otherwise our way of life is seriously threatened, I believe that swift and effective means should be employed to avert calamity and to protect the interests of the American people.

Last Saturday our Government was almost helpless in its efforts to restore essential transportation and make fuel available for industry, all of which was brought about by railroad and coal strikes. Industry and our economic activity were almost at a standstill. The normal distribution channels of food and medicines and other indispensable supplies were being slowly choked off. On that day, the President requested the Congress to enact urgent legislation empowering him to adequately deal with such an emergency and to protect the health, welfare, and the very life of the American people. The suggested legislation was promptly passed by the House and sent to the Senate, where it is now being debated.

I wish to make it clear that I am supporting the President's proposals without qualification and without reservation. He must be sustained, lest the power of a few labor leaders will become paramount to Government itself and nothing short of anarchy will follow.

The bill embodying the President's recommendations declares it to be the policy of the United States Government to settle by mediation and conciliation any labor dispute interrupting, or threatening to interrupt, the operations of industries essential to our national economic structure. Should that method fail to bring the dispute to a satisfactory conclusion, as was the case in both the coal strike and the railway strike, the Government will seize the plant, mine or facility involved and operate it under existing laws. If the strike or other interruption does occur after Government seizure, or continues after seizure, the President would then issue a proclamation declaring the existence of a national emergency. The proclamation would call upon all employees and officers and executives of the employer to return to work prior to a stated time and to do all in their power to restore full operation of the affected plant as quickly as possible. The proclamation would also establish fair and just wages and other terms and conditions of employment.

After the effective date of the President's proclamation, continuation of the strike or further interruption with operations in any way would be unlawful, and any person in violation would be subject to fine and/or imprisonment.

Under the bill the executive department is also empowered to petition any United States district court for injunctive relief to secure

compliance with the proclamation method of settlement.

The bill also provides that any person who refuses to return to work in compliance with the President's order shall be denied seniority.

All of this is done by the President in order to maintain our economy, prevent interruption in essential industries, and to protect the American people.

If all of these efforts toward settlement should be made by the President and result in failure—i. e., if the strike continues and the men still refuse to work for the Government in violation of the law—then and only then is the President authorized to induct strikers into the Army of the United States.

I agree that the power sought to be granted the President is astonishingly great—even fearful to contemplate—but what else can be done if a group of citizens endanger this country by persisting in a strike against the Government and continuing to violate the law of the land in such a manner that their actions imperil the national interest? If we can enact laws to seize private property and draft millions into our armed forces for the protection of our way of life against foreign enemies, is it not equally right and just that we should employ the same powers when our way of life and form of government are threatened at home by the acts of irresponsible labor leaders?

I realize that the grant of power asked by the President is dangerously broad, that it approaches totalitarian methods, but I am willing to grant it if such a power is necessary to effectively combat the efforts towards totalitarianism by certain of these insolent labor leaders themselves. Certainly the methods those few leaders have been using recently are a far cry from the democratic process. They have brought about these national crises in complete and arrogant defiance of their own Government, and in absolute disregard for the welfare of their countrymen. Until such a time as the Congress can revise the national labor policy into an instrument which can be used to prevent such crippling stoppages in essential industries, then I believe we must have ready such a weapon for our defense as the President suggested Saturday.

Bear in mind that the proposal is not permanent legislation but shall cease to be effective 6 months after the cessation of hostilities, as proclaimed by the President, or upon the date of the passage of a concurrent resolution of the two Houses of Congress stating that such provisions shall cease to be effective, or on June 3, 1947, whichever first occurs.

Also bear in mind that this legislation will not empower the President to arbitrarily induct any worker into the armed forces. That power is to be exercised as a last and compelling resort, after all other means have failed and when that power alone can preserve the national interest. I hope that the President will never find it necessary to use the power, but I believe that in the present situation such a power is necessary, that it is just, and I am firmly in favor of granting it.

Sincerely yours,

ALLEN J. ELLENDER,
United States Senator.

P. S.—Since dictating the above, I am sorry to advise that the Senate tonight voted to strike from the bill the section giving the President power to draft employers and employees, as you have probably noted from press reports. Only 13 Senators stood by the President on that issue, and I am glad to say that I was one of them.

A. J. E.

The PRESIDING OFFICER (Mr. DOWNEY in the chair). The question is on agreeing to the amendment offered by the Senator from Ohio [Mr. TAFT] in the nature of a substitute for section 2 of the bill.

Mr. BARKLEY. Mr. President, I realize how difficult it is, in writing any statute of this kind, to limit its operations by name to certain facilities or plants or certain kinds of work.

In the consideration of the Case bill, which was passed the other night, I think consideration was given to the problem of trying to spell out what it might apply to, in connection with the amendment offered by the Senator from Illinois [Mr. LUCAS]. As I recall, although I was not in on the conferences and did not participate in framing the amendments, and I did not vote for any of them, I understand that in the effort to try to do that, everyone recognized that in naming four or five occupations or industries or facilities, there is always the risk of leaving out something which should be included. I care not who might be the President of the United States in the event such a situation as has been mentioned should arise, the statute would be merely temporary anyway, and unless the Congress extended it, would not be effective beyond June 30, 1947. We all hope that by then the situation will be such that no excuse may be offered for extending the effectiveness of the act. But, Mr. President, I am sure that no President would exercise his authority to seize property unless he found it necessary to do so as a last resort. It is entirely conceivable that some industries of a Nation-wide character might be brought to a complete halt in their operation, and not be of the nature of those included in public utilities, and business engaged in interstate commerce, such as coal mines, refineries, steamships, and so forth. I presume that the Senator from Ohio intended to include in the meaning of the words "public utilities," any kind of a public utility, whether a steamship facility, or not.

Mr. TAFT. The language is "transportation facilities operating in interstate or foreign commerce," which would include shipping, a maritime strike, railroads, airplanes, and, if necessary, busses.

Mr. BARKLEY. I interpret the words "transportation facilities operating in interstate or foreign commerce" to include all of them. The Senator's amendment does not include communications which are not a transportation facility. It does not include any kind of telegraph or telephone facilities. We all know about the serious problem with which the country was confronted only a few months ago with reference to a threatened tie-up of all interstate telephone communications.

Mr. TAFT. It seems to me that the words "public utilities" clearly cover telephone and telegraph companies. They have always been included, so far as any definition is concerned about which I have ever heard.

Mr. BARKLEY. That, of course, is questionable. It seems to me that the employees in the packing industries of the United States might bring about a shut-down of the packing plants and thereby endanger the health of the country. I think that situation is just as possible as it is with reference to other industries.

Mr. TAFT. Of course, that matter was not overlooked during the consideration of the Lucas amendment. The difficulty is that if we go into the question of food plants we must add thousands of possible seizures. The food industry is not concentrated. The OPA has practically cut off meat from the public, and we have not yet abolished the OPA. The food industry, as I have already said, is not concentrated. It seems to me to be impossible, by any means, for any labor action or strike seriously to interfere with the food of the American people.

Mr. BARKLEY. I presume that the Senator was not serious in his reference to the OPA as having cut off all the meat production in the country.

Mr. TAFT. The remark was intended to be somewhat facetious, but, nevertheless, we have practically no butter today.

Mr. BARKLEY. Whatever may have been the Senator's intention, the remark was perhaps sub rosa and premature. It only illustrates the difficulty of trying to spell out four or five activities which might come within the words "transportation facilities operating in interstate or foreign commerce." No one would expect any President, whatever his political affiliation, to take over all the railroads or all the coal mines or all the oil refineries of the country, unless he and the country were being confronted with a dire emergency which would justify the President in taking such action. I believe it would be unwise to try to spell out all the activities which the President should be empowered to take over and operate during an emergency. I hope the amendment will not be agreed to.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. LUCAS. I should like to invite attention of the Senator to the fact that in the study which was made originally of the amendment the words "meat-processing plants" were included and subsequently stricken out. The committee endeavored to reach the over-all picture by spelling out the various industries which would be included.

In order that we might not miss some vital industry the operation of which might affect the economy of the Nation, we sent an expert to the Brookings Institution. Five men there studied for several hours in trying to spell out what the committee was trying to do through this amendment, and they reported that it was impossible to spell out those industries and at the same time accomplish what the committee was endeavoring to accomplish. They believed that the statement as to the activities to be covered should be left in the form it now is.

Mr. President, I believe the amendment should be defeated. I can see no good purpose in trying to spell out the various industries which are located throughout the country. Let us take, for example, the tug-boat strike which involved only approximately 4,500 employees. That strike contained implications of involving the health and security of the entire city of New York.

Mr. BARKLEY. It not only involved New York City, but many parts of the hinterland, because of the threatened stoppage of the operation of ships in bringing in and taking out the commerce of the people of the United States.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. OVERTON. Does not the Senator believe that it is much more important at the present time for Congress to bend its efforts toward restraining certain labor leaders, who have been vested with tremendous power, from forcing our Nation into a crisis, the effect of which would be disastrous to the Nation as a whole, than to hamstring the President of the United States in the exercise of the authority which we should give to him?

Mr. BARKLEY. I think it is more important that the President be authorized to exercise, during the period of a national crisis, the suggested authority than it is to attempt to spell out what he shall be empowered to do, and thereby leave the handling of other matters entirely beyond his power. I believe that any President who is empowered to exercise this authority would exercise it with restraint. He would not exercise such power until he believed in his own heart, at least, that he had exhausted all other remedies.

Mr. OVERTON. I agree with the Senator. It seems to me that many persons are more afraid of the President of the United States than they are of certain labor leaders who now exercise more power than any President ever exercised.

Mr. BARKLEY. Of course, the question is whether we shall wisely give to the President such power as will be necessary in protecting the public against any emergencies which may arise.

Mr. VANDENBERG. Mr. President, regardless of the portion of the amendment which deals with identifications, I ask the Senator whether, at the end of section 2, he does not believe that the expression "vitally necessary to the maintenance of the national economy," is very broad and very vague, and that it could be used to cover almost any circumstance? Would not the Senator feel that it would at least be wise to add at that point the words which I notice he has constantly used in his discussion of the matter, "necessary for the maintenace of the public health and safety and the national economy?"

Mr. BARKLEY. Does the Senator suggest that such an amendment be made in section 2 of the bill?

Mr. VANDENBERG. Yes. It is a part of the pending amendment and I am asking the Senator if he does not agree that at least that portion of the amendment ought to be adopted?

Mr. BARKLEY. I would have no objection to that language being incorporated in section 2.

Mr. VANDENBERG. Then, if the pending amendment is not adopted, I assume the Senator would not object to such an amendment?

Mr. BARKLEY. No; I would not object to the insertion of that language, but I hope the pending amendment, limiting the operation of this section to four or five fields, will not be agreed to.

Mr. BALL. Mr. President, I think the fear that we might by spelling out the industries to which it applies leave out something which might conceivably cause a shut-down and endanger the national health and security is extremely remote. After all this bill as amended by the committee would expire in 1 year, and the pending amendment offered by the Senator from Ohio covers all public utilities, all forms of transportation, and steel, coal, and oil.

Mr. President, those are the only industries in which industry-wide bargaining prevails, and with it the possibility within the next year of a shut-down of the total supply of those basic commodities or services to the Nation. Those are the only industries in connection with which a shut-down or a labor dispute leading to a shut-down could vitally affect the public health or security or the maintenance of the national economy, which is also one of the findings the President must make before he issues his proclamation.

So, I think the fear is largely groundless that we may leave out some vital little industry. I do not know what it could be, and no Senator has specified. The Senator from Illinois mentioned the tugboat strike in New York. That, however, is certainly covered by the word "transportation," and communications are certainly public utilities. So I think we have covered everything.

Mr. President, as I read this bill, under it a President could destroy any business enterprise he took over; he could destroy any labor union that struck against the Government. In other words, the Government would become a strike breaker if the union refused to call off a strike. If the men refused to return to work they would lose their reinstatement rights, and if the United States Government should then proceed to advertise for men to take their jobs in the given industry, with all the prestige of the Government, plus the fact that the unions cannot even establish a picket line, it seems to me the way is wide open to destroy the union under this bill. Certainly we all know that the way is wide open to destroy any business enterprise which is taken over under the bill.

These are vast powers, and it seems to me, in granting them to the President, we should at least put the industries we intend to cover and to which the powers are to apply on notice that, unless the employees and employers in these industries settle their disputes between themselves without coming to a stoppage, the employer runs the risk that his business enterprise may be destroyed, and the union itself may be destroyed by Government action. I think we should hesitate to grant that kind of power and to take that kind of drastic action. I may say that my present intention is to support this bill, with section 7 eliminated and other changes. But I think we have an obligation to put both management and labor in the industry to be affected on notice that they are covered and that is what we do by spelling it out so that it covers public utilities, transportation, coal, oil, and steel, the only basic and vital industries in which there is any danger of a shut-down of the supply of goods or services needed by the Nation.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Ohio [Mr. TAFT].

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. WHERRY. I ask for the yeas and nays on the amendment of the Senator from Ohio.

The PRESIDING OFFICER. The Chair ordered the roll called.

Mr. WHERRY. Have the yeas and nays been ordered?

Mr. BARKLEY. Mr. President, let us have the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. AIKEN. Mr. President, may I ask again, Is this a quorum call?

The PRESIDING OFFICER. It is. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hatch	Myers
Andrews	Hawkes	O'Daniel
Austin	Hayden	O'Mahoney
Ball	Hickenlooper	Overton
Barkley	Hill	Pepper
Brewster	Hoey	Radcliffe
Briggs	Huffman	Reed
Brooks	Johnson, Colo.	Revercomb
Buck	Johnston, S. C.	Robertson
Burch	Kilgore	Russell
Bushfield	Knowland	Saltonstall
Butler	La Follette	Shipstead
Byrd	Lucas	Smith
Capehart	McCarran	Stewart
Capper	McClellan	Taft
Connally	McFarland	Thomas, Utah
Cordon	McKellar	Tunnell
Donnell	McMahon	Tydings
Eastland	Magnuson	Vandenberg
Ellender	Maybank	Wagner
Ferguson	Mead	Walsh
Fulbright	Millikin	Wheeler
George	Mitchell	Wherry
Green	Moore	White
Guffey	Morse	Wiley
Gurney	Murdock	Willis
Hart	Murray	Wilson

The PRESIDING OFFICER. Eighty-one Senators having answered to their names, a quorum is present.

Mr. WHERRY. Mr. President, at this point in the RECORD I wish to call attention to an editorial written by the editor of the Nebraska News-Press in which referring to the modified Case bill which passed the Senate, went to the House, passed the House, and is now upon the desk of the President, or shortly will be, he quotes the late William Allen White.

I think it is important to bring to the attention of the President and the Senate the views of this editorial writer, who bespeaks the sentiments of the editors generally of the State of Nebraska, and I think of the people generally, relative to their feeling and belief in the Case bill as modified.

I hope the President will sign the Case bill as modified. It is a start on constructive labor legislation which will be

of tremendous help to collective bargaining in the future. This editorial, I believe, sums up the sentiments of the press of Nebraska, of the Nation, and of a great body of loyal American citizens whose faith and allegiance are above question.

As I have said, I hope the President will sign the bill and give us for the first time in years constructive legislation on this subject.

I ask that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TOO MUCH POWER

The capacity for keen, selfish minds to organize in this country is a dangerous phenomenon, and such organizing cannot be trusted to such minds except in their own self-interest.

So says William Allen White autobiographically, describing the political chicanery of another day when Senators were elected by dictation from banks, railroads, and other exponents of big business prior to the day when reform changed the method.

Power breeds arrogance and without exception, all down the ages, arrogance has been the father of cruelty.

Any institution of Government which gives great power without responsibility to a few is building up tyranny and oppression, greed and lust for more power at any price.

"This," says White prophetically, "is as true of organized labor as of organized industry and finance. It is true in any field of human endeavor."

The results of power and more power to organized labor, as was the case with great amalgamations of capital in the lush days of trust-building, are evident to all of us in this month of May, 1946.

It is the lust for power and the greed for gain that have induced recent strikes. The right to that power and lust is the result of ill-considered legislation which observing men for a decade declared would hurt not only the general public, now aroused as it has not been for years, but destroy the slowly built-up structure of labor freedom itself.

An inept government should have foreseen what has occurred and will continue to occur until the labor legislation so swiftly put through Congress in the early days of the New Deal is amended to give equality to all classes of citizens.

Under the National Labor Relations Act, conscienceless racketeers have been able to stifle business, tie up transportation by whim, discommode and sadly injure the business affairs of millions of people in every walk of life, and, saddest of all, injure millions of working people who are at this moment, for example, thrown out of employment as a direct consequence of a strike which affects every human activity, regardless of its size.

We would not say without more definite proof that Moscow is dictating the current and most devastating epidemic of labor troubles, the charge made by commentators and columnists all over the country, but the pattern is suspiciously similar to that applied in Russia and later as a Fascist device to gain control of government in Germany.

Certainly the leadership of labor in making inconsiderate demands, acceptance of which means more inflation and a spiral of more price rises and more labor demands ad infinitum, ad nauseam, must defend itself against these charges of subversive influence, because suspicion is strong in the minds of the people that there is something more sinister behind these strikes than a mere demand for better working conditions and higher pay for men who already are among the very best paid workers in the whole world.

As for the people they have lost hope of governmental control. Rapidly, too, they are losing faith in government, in the man who is at the head of the Government, and who, according to yesterday's news dispatches, ate ice cream in a White House garden while the country lay prostrate, business suspended, mills and factories closing, millions added to the rolls of the unemployed. When hope and faith die chaos stands a somber figure just around the corner.

Mr. AIKEN. Mr. President, will the Senator from Nebraska yield for a question?

Mr. WHERRY. I yield.

Mr. AIKEN. The Senator says he considers the Case bill a start toward adequate labor legislation. What is the final objective, what is the ultimate? I notice the Wall Street Journal this morning voices the opinion that the Case bill is a good start toward adequate labor legislation. I received many letters asking me to vote for the Case bill as a start. I did not vote against the Case bill because of any fear that by itself it would be disastrous to organized labor, but I realized that in the minds of certain proponents of the bill it was regarded as a start toward a more far-reaching objective. I wonder if the Senator from Nebraska can tell us what the ultimate objective is if the Case bill is only a start.

Mr. WHERRY. In answer to the inquiry of the distinguished Senator from Vermont, I reply I would go far enough in our labor and management legislation to establish the finest relationship we can possibly obtain between employers, employees, and the public in the future, especially as regards the relations of the public with both of them.

Mr. AIKEN. I thank the Senator from Nebraska. I suppose we should know now exactly what the ultimate objective is.

Mr. FERGUSON. Mr. President, we have before us an amendment proposed to House bill 6578, to strike out section 2 and insert certain language in lieu of that section.

As I stated at the last session of the Senate, I believe the President should receive the support of the Senate and of the Congress in order that he may deal adequately with any emergency which is serious enough to affect the over-all life of the American people.

As I understand the pending bill, and as shown by the able majority leader, it is not what he might desire, and he has proposed certain amendments this morning. The bill was hastily drawn. As I understand, representatives of the Department of Justice went to the White House Friday evening and drafted the bill, and on Saturday, in the afternoon, it was mimeographed and submitted to the Senate. Now it appears that those who drafted the bill desired to state in section 2 what was to be covered; in what cases the bill was to be effective. The bill itself permits no taking over of property by the Government. It refers to certain laws, and particularly to section 9 of the Selective Service Act. An examination of section 9 clearly indicates that it was the purpose of Congress to provide that when the Government of the United States desired war material while we were actually at war it could take over certain plants and facilities in order to manufacture or to compel the manufacture of war goods so that America might survive in the great struggle in which she was then engaged with Nazi Germany and with Japan. It will be found that we then amended that act by the Smith-Connally Act, known as section 9 of the Selective Service Act, and we there provided that the Government might take over certain plants and certain facilities which related to the war effort.

Mr. President, the over-all policy of the United States should be laid down by the Congress of the United States, and I believe that on every occasion the Congress should face its responsibility in that respect and declare what the policy of the United States is, in such a way that the President of the United States will be able to act within certain bounds and, within the boundaries of that policy, act for the benefit and general welfare of the people of the United States. The President of the United States, from whatever party he may have been chosen, should have the policy laid down for him by the Congress. The elected representatives of the people should establish the sphere within which the President may act. Congress should face that responsibility.

All that is required in the pending bill is that the President of the United States issue a proclamation that the supply of goods or services essential to the public health, safety or security is endangered to such an extent as seriously to impair the public interest.

During the war it was declared to be a fair interpretation of section 9 of the Selective Service Act that the President of the United States had power, and the President believed he had the power, to take over Montgomery Ward in Chicago, and he used that power to do so. I am not debating whether that action was right or wrong during those days when we were struggling to save America and the principles on which America is founded, but I say that I believe the Congress of the United States should lay down the scope of the principles and the policies within which the President of the United States should act.

It was stated by the able Senator from Illinois that Senators met and tried to work out his proposal, which contained a similar amendment; and that we tried to designate certain facilities which we believed should be named in the amendment. The Senator said that we called in a man from the Brookings Institution, and that he with other men worked for a period of 5 hours, but was not able to arrive at a determination of what should be inserted in the bill. So far as I have any personal knowledge, that man never reported back to the committee. I think the serious error on the part of the committee was to have called in an economist. We asked him some questions and naturally he wanted to consult with others about them, and he spent 5 hours in deciding where a period should be placed or where a comma should be inserted. The error was in leaving such a matter to an economist, and that we, the representatives of the people, did not ourselves determine the policy. It is our responsibility to establish the policy.

Mr. President, I am ready and willing to vote upon that policy. I believe the policy now proposed by the Senator from Ohio in his amendment, which has had the serious thought of elected Members of the Senate, should be the policy of the United States. If that policy is adopted then we will all feel secure. Business generally will feel secure. The small businessman will feel secure. He will not have to consult his lawyer or his economist to ascertain whether he is covered. I say to Members of the Senate that it is a good thing to put into the statute specific words so that those covered by it may know exactly what the Congress of the United States feels should be the policy of the United States.

Mr. CORDON. Mr. President——

The PRESIDING OFFICER (Mr. McMAHON in the chair). Does the Senator from Michigan yield to the Senator from Oregon?

Mr. FERGUSON. I yield.

Mr. CORDON. Does the Senator feel that the Taft amendment, if adopted, would grant any authority to the President to make the seizures of the several types of facilities described in his amendment?

Mr. FERGUSON. It would not permit the seizure of them, but it would provide that the statute we are passing would be effective with respect to the particular properties mentioned in the subsection if they were seized under section 9 of the Selective Service Act.

Mr. CORDON. Is the Senator in agreement with the Senator from Oregon that the authority to seize must be found in the Smith-Connally Act?

Mr. FERGUSON. I agree wholeheartedly with the Senator from Oregon that that is true.

Mr. CORDON. And that the authority there granted was an authority to seize plants and facilities solely for the purpose of forwarding a war effort?

Mr. FERGUSON. I agree wholeheartedly with the able Senator from Oregon that that was the intent, as can be found from an examination of the arguments and from the records, and from a knowledge of the spirit of the Congress of the United States.

Mr. CORDON. So that the whole proceeding, that is, the bill with the amendments which are offered to it, in the last analysis, is an attempt by indirection to use a war power for other purposes, namely, for maintenance of peace and security endangered by internal domestic troubles? Is that a necessary conclusion?

Mr. FERGUSON. I must acknowledge that that is a perfectly logical and proper analysis of the bill. So far as this bill is concerned, the war is over. It is not our intention at the present moment to anticipate war, or to use the proposed law in the fighting of a shooting war. I think the Senator has drawn a fair interpretation.

Mr. CORDON. Has the Senator perhaps indulged, as I have, in speculation as to why a bill of this character should have been drawn, not carrying within its own context the authority to make seizures under conditions of national emergency arising in the domestic field?

Mr. FERGUSON. Not being able to read the minds of the drafters of the bill, but having some knowledge as to how it was drafted on one evening, I should say that it was an attempt by the drafters to adopt the language of the original section 9 and the amendments thereto. No care or attention was given to the question of what this bill intended to do. Section 9 of the original Selective Service Act is mentioned. I do not believe that anyone would contend that the original section related to the seizure of any plants except those used in manufacturing instruments of war. I believe that the bill is an attempt—careless, in my opinion—to cover the thing done in the Smith-Connally Act, and implement that act so far as the present day is concerned.

Mr. CORDON. Is the Senator in agreement with the Senator from Oregon in this respect, that whatever rights of seizure are given under the Smith-Connally Act, they exist in their entirety, and will continue so to exist if the Taft amendment is adopted; but that the Taft amendment would limit the handling of any properties so seized, insofar as the use of the mechanics of this bill is concerned, to public utilities, transportation units, and the other industries mentioned in the Taft amendment?

Mr. FERGUSON. I will answer that question by saying to the able Senator from Oregon that I believe he has given a correct interpretation of this amendment. It is a limitation upon what we did in the Smith-Connally Act. The bill upon which we are now working, if enacted, would operate only upon the Smith-Connally Act seizures. The powers given under the Smith-Connally Act are very broad, and were given for war purposes. If we adopt the pending amendment, the power of seizure will be effective only with respect to those things which we specify in the amendment. That is why I urge upon the Senate as strongly as I can that we adopt this limitation, so that the people may read and know exactly to what this proposed statute relates.

Mr. CORDON. Mr. President, will the Senator yield for a further question?

Mr. FERGUSON. I am glad to yield.

Mr. CORDON. If I correctly understand the Senator, his view is that under the authority of the Smith-Connally Act the President may seize any plant or facility mentioned therein, under the conditions described in the act. It would be a violent assumption of fact to find such conditions; but he may seize any plant described in that act. If the pending bill is enacted, with the Taft amendment, he may not use the mechanics of this bill in the operation of the properties so seized, except under the terms of this act, and with respect to the particular facilities described in this act. As to the other facilities which he might seize, he would have to rely upon the general terms of the Smith-Connally Act.

Mr. FERGUSON. Again I say that I am wholeheartedly in agreement with the analysis which the Senator has stated.

Mr. CORDON. I thank the Senator.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. BARKLEY. I do not care to take the Senator's time, in view of the limitation; but I should like to invite his attention to a case with which he is probably familiar. I refer to the case of *Stewart* v. *Kahn* (11 Wall. 493), in which the Supreme Court long ago said that war power is not limited to victories in the field, but "carries with it inherently the power to guard against the immediate renewal of conflict and to remedy the evils which have arisen from its rise and progress."

In numerous cases the Supreme Court has upheld that doctrine—even as late as the February decision of the late Chief Justice Stone in the Yamashita case. We are still in a state of war. It may be regarded as technical in a sense, but we are in a state of war. The Supreme Court has held that in that situation we may take whatever steps may be necessary to avert a renewal of the fighting in the field, and avoid whatever the consequences may be in the process of transition. So there is nothing merely technical in the power of the President during this emergency, in the process of transition, to take over plants and facilities as provided for in this bill.

Mr. FERGUSON. I am glad that the able Senator from Kentucky has brought this case to our attention. I am familiar with the case. I think it is perfectly good law. I think that what is proposed is one of the things that should be done. That is why I am advocating the amendment to this section, because I believe that Congress itself recognizes that there is a distinction between supplying material for a shooting war and supplying material for a nonshooting war. I am perfectly willing to go along with the President and spell out these over-all programs in plain words, so that he who runs may read, and the people may know exactly what the Congress has in mind.

We took a certain step in the Smith-Connally Act because we were fighting. We are now saying to the President, "You may use the instruments which we gave you in that act, but when we give you further instruments we want you to use them in relation to the existing conditions."

I believe that we ought never to enact a law unless we are perfectly willing that prosecutions may be conducted under it. If there is anything wrong with the Congress of the United States it is that it will not face the responsibility which is upon it to fix the policy of America. The legislative branch has that duty, and the executive branch should act within the field so prescribed. But we will not do that. We enact a law so wide open that a team of horses can be driven through it. Twenty-five lawyers will interpret it in one way, and twenty-five in another way. Then finally, after a long time, it reaches the Supreme Court, and then it is doubtful whether any of the lawyers are correct in their interpretation.

If we will face our responsibility and enact laws which state plainly what we mean, we shall be doing a real service to to the people of the United States. I have had some experience, and I know how difficult it is to interpret laws when they

are left wide open so that no one knows exactly what they mean. That is what is wrong. We are living under a government of laws, and not of men. Let us make the law so specific that it will not be necessary to live under the edicts and decrees of men. Let us live under laws made by the Congress of the United States. Then we can put into application the great principle of equal justice under law.

That is what we need, and that is why I urge upon the Senate that we be specific in this instance, that we say what we mean and mean what we say, and that we back up the President of the United States in the interpretation of this measure fairly and equally to all, because we have been specific.

If I did not think this measure, as now written, after due and mature consideration, covered all the powers which should be given to the President, I would say we should add whatever additional provisions might be needed in order to achieve that end. But whatever we do, let us be specific, so that there will be equal justice under law and so that there will not be occasion or need for decrees and interpretations by governmental bureaus and agencies of the statute we enact. Today, as a result of such actions by governmental agencies, in a great number of cases, no man in America knows what the law is. That is because we in Congress have not faced the responsibility, in writing the law, of saying exactly what we mean, and then standing back of what we mean.

The section which is proposed as a substitute, as amended, provides in part that—

The provisions of any other applicable law, of any public utilities—

That means any State public utility, and anyone can read it and understand it. It does not take the able judges of the Supreme Court to understand what a public utility is—

transportation facilities operating in interstate or foreign commerce—

That means exactly what it says, because the Congress has the constitutional power to regulate interstate or foreign commerce, and therefore we have the duty to provide for facilities operating in interstate or foreign commerce. That is the only jurisdiction we have over commerce—

steel mills, facilities for the production or refining of oil, or coal mines, constituting a substantial part—

There is where we give some discretion—

of the industry concerned—

It is impossible to be more specific than we are there in those words—

and in the event further that a strike, lockout, slow-down or other interruption occurs or continues therein after such seizure, then if the President determines that such interruption if continued will seriously endanger the public health or security and the maintenance of the national economy, the President may by proclamation declare a national emergency relative to such interruption of operations.

Mr. President, what that section will reach is the over-all program where there is monopoly in business and monopoly in labor. When there is monopoly in business and monopoly in labor in connection with such over-all programs, we have strikes and lock-outs and shut-downs. This provision does not represent pleading for either side, but it covers specific industries, an interruption of which will be a detriment to the general welfare.

Let us not make it possible for a Government agency or officer by means of such a threat to take over a small spark-plug plant or a small bakery or a small tool plant. No, Mr. President; let us say, "Here is what we mean, and we mean what we say."

Mr. MOORE. Mr. President, I have consistently urged the adoption of necessary measures that would bring about legal equality as between employees and employers. My position in this respect has been made known on numerous occasions and by statements upon the floor of the Senate. The failure of the New Deal administration, which has directed the destinies of our Government since 1933, to follow a policy of fairness and justice for all citizens under the law, certainly is the direct and moving cause for the calamitous national emergency brought on by the coal and railroad strikes.

I fully appreciate the feeling of panic that pervaded the Nation at the thought of the awful consequences that would necessarily follow a general railroad strike. I think I understand the chilling fear and the frenzied hysteria that gripped the President and his advisers when confronted with the stark reality of complete economic collapse. In this desperate situation, the President sought to avert the impending disaster which had been brought on through the policies pursued by his party since 1933, by making the drastic and unconstitutional proposal of setting up a military dictatorship. Like other governments that have accepted totalitarian philosophies, the Chief Executive's first thought was for more and greater instruments of power.

Mr. President, I voted to strike section 7 from the President's bill because it would create the power to require enforced labor, which is synonymous with slavery. It would have created the power to require involuntary servitude of those never convicted of crime, and it would have denied the equal protection of the Constitution to those who fell within the classification covered by the proposed law. Mr. President, we must always be impressed with the governmental axiom that the Constitution is a law of equality for all the people in war and in peace, and it covers with the shield of its protection all classes of men, at all times and under all circumstances. No doctrine involving more pernicious consequences was ever invented than that any of the provisions of the Constitution can be suspended during any of the great exigencies of government. As suggested by the Supreme Court of the United States, such doctrine would lead directly to anarchy or despotism. We must be continuously conscious that if the provisions of the Constitution be not upheld when they pinch as well as when they comfort, they may as well be abandoned.

Mr. President, on constitutional grounds I shall also vote to strike out section 9 of the bill, because it provides for the confiscation of the net profits derived from the operation of any property that has been seized under the bill. Net profits are property. It is proper to provide for payment of just compensation, over and above all operating expenses, for the use of property during the period of seizure by the Government; but the confiscation of net profits remaining over and above such operational expenses, inclusive of payment for the use thereof, is a clear taking of property without just compensation. I shall, therefore, vote to strike out section 9 or to amend it so as to make it conform to constitutional requirements.

The remainder of the bill invests the President with three constitutional instruments of power in cases of national emergency when it has been found necessary to seize properties essential to the protection of the general welfare.

First. Section 4 imposes obligations upon officers of labor organizations conducting or permitting strikes against the Government to take affirmative action to terminate such strikes against the Government, and it prohibits any action designed to continue such strikes after the effective date of the President's proclamation, and makes any person willfully violating this section subject to a fine of not more than $5,000 or imprisonment for not more than 1 year, or both.

Second. Section 5 invests the Federal courts with jurisdiction to grant injunctive relief to secure compliance with section 4, upon petition of the Attorney General.

Third, section 6 deprives employees who fail to return to work on or before the effective date of the President's proclamation, or who engage in any interruption of operations, of their status as employees under the National Labor Relations Act or the Railway Labor Act, and of their rights of seniority.

I shall, therefore, support the adoption of these provisions of the bill.

It may be argued that they provide for drastic punishment of employees and an impairment of private contractual rights, in that they deny seniority that has accrued by reason of previous employment. But I am convinced that drastic action is justified in times of great national emergencies, so far as is permitted by the Constitution. This provision of the law is insurance against a particular type of economic calamity. It is not a penalty or punishment for striking in the ordinary sense. It does not apply to strikes against private employers. The penalties apply solely to strikes against the Government when it has been found necessary for the Government to operate industries essential to the maintenance of the national economy, and the penalties can readily be avoided by the simple expedient of returning to work under the President's proclamation. The penalties imposed can be clearly distinguished from such penalties as applied to all strikes. The penalties are justified because they are reserved for strikes against the Government in and during national emergen-

cies. Labor can have no reasonable complaint against the enactment of these penalties in view of the fact that they are limited to strikes against public authority. It is true that the loss of seniority rights is an impairment by the Federal Government of private contractual rights, but they are rights which the Federal Government can constitutionally invade. The right to impair private contracts is denied to the States by the fourteenth amendment, but no such inhibition is applicable to the Federal Government.

I think it should be made clear that the right of the President to seize certain properties under this law is predicated on existing provisions of the War Labor Board Disputes Act, and is, therefore, confined solely—

To any plant, mine, or facility equipped for the manufacture, production or mining of any article or materials which may be required for the war effort, or, which may be useful in connection therewith.

The War Labor Disputes Act also provides that when such properties have been taken, they shall be returned to the owners in no event more than 60 days after the restoration of the productive efficiency prevailing prior to the taking. The act also provides that such seized properties shall be operated under terms and conditions of employment in effect at the time possession of such plant or facility is taken. By reason of these provisions of the War Labor Disputes Act, the kind and description of properties which the President may seize are expressly enumerated; the time within which the Government may operate such properties is limited; and the terms and conditions under which the properties are to be operated during the seizure are defined. The President clearly violated this provision of the law when he negotiated a new contract with Lewis for the miners.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks an article by David Lawrence entitled "Impartiality Doubted in Strike Settlement—Mine Leaders Are Applauded, Rail Strikers Denounced."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IMPARTIALITY DOUBTED IN STRIKE SETTLEMENT—MINE LEADERS ARE APPLAUDED, RAIL STRIKERS DENOUNCED

(By David Lawrence)

As a reward for their strike against the Government, the mine workers' union has been given a written contract by the Government itself. This contract is not binding on the mine operators but if they don't accept its terms, the Government will not turn the mines back to the owners.

Thus, while the Truman administration denounces the railroad union chiefs who struck against the Government, it applauds the coal miners' leaders by giving them more than had been agreed to in collective-bargaining proceedings.

The administration broke the spirit as well as the letter of the Smith-Connally law by refusing to prosecute any of the miners or their leaders who were responsible for the concerted action of nearly 400,000 miners in remaining off the job during the last few days of Government seizure.

The law specifically forbids any two or more persons from acting in concert in bringing about a work interruption while properties are under Government seizure. Just why the President of the United States failed to enforce the law against labor unions—though he doubtless would never hesitate to enforce it against management—will ever be a puzzle to those who believe in even-handed justice from a Chief Executive at all times.

EXPEDIENCY AND OPPORTUNISM

The only explanation is that the law was not enforced because the Nation needed coal and the miners by their strike were, in effect, coercing the Government to make a contract with them. Hence the surrender by the President was in the interest of expediency and opportunism. It means, of course, an abandonment of principle.

There is an orderly procedure during the period when properties are in the Government's possession. The Smith-Connally law prescribes that the same terms and working conditions as existed before a seizure occurs must be maintained, with one exception. That exception permits the employees or the Government agency which holds the properties to go before the National War Labor Board and apply for "a change in wages or other terms or conditions of employment in such plant, mine, or facility." Then the law reads:

"Upon receipt of any such application, and after such hearings and investigations as it deems necessary, such board may order any changes in such wages, or other terms and conditions which it deems to be fair and reasonable and not in conflict with any act of Congress or any other Executive order issued thereunder."

The statute, it will be noticed, specifically stipulates the National War Labor Board. This tribunal consisted of three sections—the public, labor, and management. That board has been discontinued by Executive order and its functions turned over to the National Wage Stabilization Board.

BLUNDER COMPOUNDED

But Congress has not recognized by law the new board, which is merely the creature of an Executive order. Also there have been no hearings and no opportunity for management to present its side. To contend that no hearings were necessary is to refute a principle laid down in many Supreme Court decisions heretofore which have ruled that private property could not be confiscated by any governmental order in any instance where hearings were provided for the aggrieved parties unless and until such hearings have been duly held.

It would appear, therefore, that the President and his advisers have compounded their blunder, first, by refusing to prosecute law offenders and, second, by making a contract in behalf of a Government agency with a labor union which is on its face contrary to the procedures prescribed by law.

The tendency toward arbitrary action by the executive branch of the Government has increased in the last decade but it was thought that under President Truman there would be more respect shown the statutes. It may well be asked why Congress takes the trouble to debate or pass laws if the President can nullify them at will. This is not what the American system of government with its checks and balances has provided as a means of safeguarding the rights of the people. The so-called settlement of the coal strike is not an occasion for rejoicing—even though the terms of it are doubtless fair to the miners—but it is an occasion for mourning. The slogan "Equal justice for all" is rapidly being made obsolete.

Mr. MOORE. Mr. President, the fourth subdivision of section 3 of the President's bill providing that he shall fix wages and other conditions of employment during the period the properties are being operated by the Government, is in conflict with this latter provision of the War Labor Disputes Act and should therefore be stricken.

It should not be overlooked that the War Labor Disputes Act makes it unlawful for any person to coerce, instigate, induce, conspire with, or encourage, any person to interfere by strike or otherwise with the operation of any properties which have been seized and are being operated by the Government, or to aid in the interruption of or interference with such operation by giving direction or guidance in the conduct of such interruption, or providing funds for the conduct or direction thereof, or for the payment of strike or other benefits to those participating in any interruption. Any person willfully violating this section of the law is subject to a fine of not more than $5,000 or imprisonment for 1 year, or both.

During the railway strike and the coal miners' strike, after the date of the Government seizure, the President had this specific provision of law available to him. Every official of the Railway Brotherhoods and the United Mine Workers who were violating this provision of the law, could have and should have been prosecuted by direction of the President, and the penalties provided for imposed upon and against them.

I am perfectly willing to invest the President with every constitutional power for which he has asked, in order to deal with existing and threatened emergencies, but I do so with the admonition that it will be a futile gesture unless the President shall determine to use these instruments of power when the necessity arises, and shall exercise that degree of moral leadership inherent in the Presidency in such manner that those who would destroy the national economy of this Nation may know that the President will use those powers when necessary to protect the general welfare.

The PRESIDING OFFICER (Mr. BRIGGS in the chair). The question is on agreeing to the amendment offered by the Senator from Ohio [Mr. TAFT] in the nature of a substitute for section 2.

On this question, the yeas and nays having been demanded and ordered, the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. BUTLER (when his name was called). On this question I have a pair with the senior Senator from Alabama [Mr. FANKHEAD]. Not knowing how he would vote, if present, I withhold my vote.

The roll call was concluded.

Mr. HOEY. My colleague the senior Senator from North Carolina [Mr. BAILEY] is detained from the Senate by illness. If he were present and voting, he would vote "nay."

Mr. THOMAS of Utah. I have a general pair with the Senator from New Hampshire [Mr. BRIDGES]. Not knowing how he would vote, I transfer that pair to the Senator from Idaho [Mr. TAYLOR], who, if present and voting, would vote as I intend to vote. I am therefore at liberty to vote. I vote "nay."

Mr. HILL. I announce that the Senator from Alabama [Mr. BANKHEAD] is absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senators from Idaho [Mr. GOSSETT and Mr. TAYLOR] are absent by leave of the Senate.

The Senator from New Mexico [Mr. CHAVEZ] is detained on public business.

The Senator from California [Mr. DOWNEY], the Senator from Rhode Island [Mr. GERRY], and the Senator from Oklahoma [Mr. THOMAS] are absent on official business at various Government departments.

Mr. WHERRY. The Senator from New Hampshire [Mr. BRIDGES], who is unavoidably absent, has a general pair with the Senator from Utah [Mr. THOMAS]. The announcement of that pair and its transfer has heretofore been made.

The Senator from North Dakota [Mr. LANGER] is unavoidably absent.

The Senator from New Hampshire [Mr. TOBEY] is absent on official business.

The Senator from North Dakota [Mr. YOUNG] is absent by leave of the Senate.

The result was announced—yeas 35, nays 45, as follows:

YEAS—35

Aiken	Gurney	Shipstead
Austin	Hart	Smith
Ball	Hawkes	Taft
Brewster	Hickenlooper	Vandenberg
Brooks	Knowland	Walsh
Buck	La Follette	Wheeler
Bushfield	Millikin	Wherry
Capehart	Moore	White
Capper	O'Daniel	Wiley
Cordon	Reed	Willis
Donnell	Revercomb	Wilson
Ferguson	Robertson	

NAYS—45

Andrews	Hoey	Morse
Barkley	Huffman	Murdock
Briggs	Johnson, Colo.	Murray
Burch	Johnston, S. C.	Myers
Byrd	Kilgore	O'Mahoney
Connally	Lucas	Overton
Eastland	McCarran	Pepper
Ellender	McClellan	Radcliffe
Fulbright	McFarland	Russell
George	McKellar	Saltonstall
Green	McMahon	Stewart
Guffey	Magnuson	Thomas, Utah
Hatch	Maybank	Tunnell
Hayden	Mead	Tydings
Hill	Mitchell	Wagner

NOT VOTING—16

Bailey	Chavez	Taylor
Bankhead	Downey	Thomas, Okla.
Bilbo	Gerry	Tobey
Bridges	Gossett	Young
Butler	Langer	
Carville	Stanfill	

So Mr. TAFT's amendment in the nature of a substitute was rejected.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to the concurrent resolution (S. Con. Res. 67) to extend the time for filing the report, together with the powers and functions, of the Joint Committee to Investigate the Pearl Harbor Attack.

SETTLEMENT OF INDUSTRIAL DISPUTES AFFECTING THE NATIONAL ECONOMY

The Senate resumed consideration of the bill (H. R. 6578) to provide on a temporary basis during the present period of emergency, for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace.

Mr. EASTLAND obtained the floor.

Mr. VANDENBERG. Mr. President, will the Senator yield to me for just a moment?

Mr. EASTLAND. I yield.

Mr. VANDENBERG. I wish to ask the majority leader, before we leave the section we have been considering, if we may not perfect it by unanimous consent now in the manner we discussed, so that in line 9 on page 2 it shall read "is vitally necessary to the maintenance of the public health and security and the national economy," and so forth?

Mr. BARKLEY. I accept that amendment, Mr. President.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. VANDENBERG. Then, Mr. President, I suggest that in order to be consistent the same language should be used in line 5, page 1, so that it will read "industries essential to the maintenance of public health and security and the maintenance of the national economic structure," and so forth.

Mr. BARKLEY. The Senator is correct.

Mr. VANDENBERG. I offer that amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. EASTLAND. Mr. Chairman, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 4, line 24, after "SEC. 6.", it is proposed to insert "(a)".

On page 5, between lines 11 and 12, it is proposed to insert the following new subsection:

(b) Whenever the employees who have failed to return to work in one or more plants, mines, or facilities on or before the finally effective date of the proclamation (unless excused by the President) or who have engaged in any strike, slow-down, or other concerted interruption of operations in such plants, mines, or facilities while they were in the possession of the United States, constitute a majoirty of the members of any labor organization who were employees in such plants, mines, or facilities, any individual who is an officer of such labor organization and any labor organization of which such an individual is an officer, shall not, until the expiration of a period of 5 years thereafter, be deemed to be a representative for collective-bargaining purposes of any employees in such plants, mines, or facilities and shall not be recognized as such a representative by any employer. Any collective labor agreement entered into by an employer with any such labor organization or individual as a representative of such employees is hereby declared to be against public policy and to be null and void. The provisions of this subsection shall not apply to any individual who is an officer of any such labor organization who, on or before the finally effective date of the proclamation, acts affirmatively and in good faith to rescind or terminate such strike, slow-down, or interruption.

Mr. THOMAS of Utah. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield?

Mr. EASTLAND. For what purpose?

Mr. THOMAS of Utah. I wish to speak on the amendment. The Senator may proceed if he is about to speak on the amendment.

Mr. EASTLAND. Mr. President, the amendment provides merely that before the effective date of the President's proclamation, after a plant has been taken over by the Government, if the employees strike, or if they are already out on strike and do not return to work, then the union for a period of 5 years loses its right to represent them as bargaining agent, and the officials of the organization for a period of 5 years forfeit their right as officers of the union to represent the employees as bargaining agents.

Mr. President, this is what we are doing: Section 4 of the bill attempts to place a criminal penalty on officials of a union who refuse—quoting from the section—"to take appropriate affirmative action to rescind or terminate such strike."

I submit that that provision is not worth the paper it is written on, and I do not believe any lawyer would seriously maintain that it is. No legislative standard is there provided so that a person could tell whether or not he had violated the law. It is simply and solely within the discretion of the court as to whether or not one who is accused has violated the act. There is no legislative standard, no set standard, by which a person could tell when he was in compliance or when he was violating the law.

Here is a strike. I think we all admit that the leadership of the union is responsible for the strike. The workingman, the man who labors, does not have much choice in the matter. Yet when he does not return to work, under the law we are about to enact, he will forfeit his rights under the Wagner Act, he will forfeit his seniority rights, while the union leader, the man who is responsible, will go absolutely free.

Mr. President, consider this man Joe Curran. My judgment is that he is a Communist. He has defied the American Government. He says his union is going out on strike on the 15th of June, and that the Government be damned. We should certainly in the law make provision under which a man like that could be reached and punished.

Mr. President, my amendment provides merely a reasonable restraint. It should be declared to be against public policy to recognize a union for bargaining purposes which has defied the Government, which has defied the will of the American people, and which calls a strike which will bring the country to its knees, and if carried to its conclusion will bring starvation and death, as would have resulted had the coal strike and the rail strike progressed further. Why can we not put the blame on the men who are responsible? Why should the union leaders continue to be above the law? I say in all sincerity, Mr. President, that no one enjoys a right today that these labor leaders are obligated to respect. The farmers have no such right; the laboring men have no such right; the professional men have no such right; no group of our citizens has any right which these labor overlords are legally obligated to respect.

The amendment is fair. It places a mild restraint on the exercise of the labor leaders' power over life and death of the American people. I submit that the amendment alone will do more than anything contained in the bill to prevent the wave of strikes and the conduct by union leaders which we have witnessed in the past few days.

Mr. President, I hope the amendment will be adopted.

Mr. THOMAS of Utah. Mr. President, last Saturday night I rose to make a few remarks on the pending bill. I read this paragraph from the President's message.

> However, when the strike actually broke against the United States Government which was trying to run the railroads, the time for negotiation definitely had passed and the time for action had arrived. In that action you, the Congress of the United States, and I, the President of the United States, must work together—and we must work fast.

Mr. President, in my remarks last Saturday night I stated that, so far as I was concerned, I was ready and willing to accept the President's recommendation upon the President's own thesis; that is, that time meant everything, and that at once the United States should be united by joint action on the part of the President and of the Congress. Almost before that speech was delivered one of the strikes was settled and the second one was settled within a few hours.

In my remarks on that occasion I also pointed out the fact that section 7, which made it possible for the President of the United States to draft into the Army persons who refused to go back to work, was extremely obnoxious, and I tried to base my argument on the very high plane that the Army of the United States should never be used as an instrumentality to punish men for being out of harmony with their Government.

I do not think I was very far wrong in what I stated last Saturday night. I think conditions have proved that I was right. In the Decoration Day address made by the gentleman who ran for Vice President of the United States on the Republican ticket in the last Presidential election even that Republican accepted the thesis of this humble Democrat, and in his address he pointed out that the Army should never be used for such a purpose. The Senate of the United States, after some deliberation, indicated that it realized that section 7 was a great mistake, and by a vote of 70 to 13 the section was eliminated.

Mr. President, I refer to another part of my remarks made last Saturday night. I stated that the President had made two recommendations. The first was that we act quickly on the emergency measure which he recommended and, secondly, that we deliberately act upon labor bills which might make such emergencies impossible in the future. The President implied in his message that his legislation was emergency legislation. The legislation which he recommended contained the time limit of the emergency upon it. The committee which considered that emergency legislation made definite that point by putting a time limit on it. It was emergency legislation to save the country from a definite situation, and it was necessary to act quickly.

In my remarks I also pointed out that we would have to act quickly, because if we did not act quickly and started long deliberations we would never take action, because of the seriousness of other legislation before us.

Now, Mr. President, we have deliberated for nearly a week about whether we shall pass a measure which was to be an emergency law, and which was passed by the House of Representatives in a comparatively few minutes. Within the last half hour we have acted upon an amendment which has never been printed, an amendment nearly a page long, an amendment which is very serious, an amendment offered by the senior Senator from Ohio who is a very careful student of industry-labor relations, and who as a member of the Committee on Education and Labor has always done valiant service in this line. I do not criticize the amendment as being hastily drawn. I do not criticize it as being probably unwise. I have no criticism to make of the amendment itself. But the Senator from Ohio himself uttered certain words upon this floor when a simple little bill was brought before the Senate which would extend an act which would come to an end at midnight on the 15th of May. The Senator himself objected to consideration of that simple measure and refused to have it considered by unanimous consent because it had not been printed, although that bill had had the consideration of a Senate committee.

Mr. President, we are now in the frame of mind of deliberating about a bill which the President of the United States suggested we act on quickly to save us from a situation which has passed.

I might proceed further along the same line. Another amendment has been offered by the Senator from Mississippi [Mr. EASTLAND]. In his remarks on that amendment he criticized the pending bill. In other words, we are beginning to get into such a state of mind that we are deliberating, and considering the bill, not as an emergency, emotional bill to unite the President and the Congress in an action which had to be taken quickly, but to bring about what might be termed permanent legislation in its nature.

We have by unanimous consent agreed to limit debate. Under those circumstances I do not think the Senate of the United States can deliberate as it is its custom and as it is its wont. We find ourselves now after a week, after the two emergencies are over, dealing with legislation with which apparently no one is satisfied and which no one wants to see passed. The committee amended the bill in one or two places. The Senate itself has stricken one important section of the bill. We considered the amendment of the Senator from Ohio, an amendment which was never printed, and we rejected it. Now we are considering another amendment of a page and a half in length, offered by the Senator from Mississippi.

Mr. President, need the Senator from Utah argue longer or argue further the fact that we have gotten ourselves into a state where deliberation seems to be necessary on the part of all of us? Why not, therefore, accept the President's second proposition that the matter be left to the time when a joint committee can act upon it, report back to Congress, when we can enact a permanent law and bring our labor legislation up to date?

Mr. President, I, for one, am very proud of the gains which labor in the matter of its rights has made in the past 10 or 12 years. I do not wish to see any of those rights jeopardized; and I do not wish to see the Congress of the United States placed in a position where it may say, if those rights should be jeopardized because of impulsive action on our part, that action was needed at a given time. I do not wish to see any Senator or Representative explaining his vote on the basis that hasty legislation was asked for and hasty legislation was enacted, and as a result some of the rights of labor were jeopardized.

Mr. President, if it be in order—and I had better inquire whether the motion is in order or not—I should like to move that the bill be recommitted to the Committee on Interstate Commerce, and that the committee be ordered to report back to the Senate not later than June 14.

The PRESIDING OFFICER. The parliamentarian informs the Chair that a motion to recommit is in order at any time.

Mr. THOMAS of Utah. Then, Mr. President, I formally move that the bill be recommitted to the Committee on Interstate Commerce, and that the committee be instructed to make some report in regard to the bill on or before the 14th of June.

Mr. TAFT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TAFT. Is the motion debatable?

The PRESIDING OFFICER. The motion is debatable.

Mr. TAFT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hatch	O'Daniel
Andrews	Hawkes	O'Mahoney
Austin	Hayden	Overton
Ball	Hickenlooper	Pepper
Barkley	Hill	Radcliffe
Brewster	Hoey	Reed
Briggs	Huffman	Revercomb
Brooks	Johnson, Colo.	Robertson
Buck	Johnston, S. C.	Russell
Burch	Kilgore	Saltonstall
Butler	Knowland	Shipstead
Byrd	La Follette	Smith
Capehart	Lucas	Stewart
Capper	McCarran	Taft
Connally	McClellan	Thomas, Okla.
Cordon	McFarland	Thomas, Utah
Donnell	McKellar	Tunnell
Downey	McMahon	Tydings
Eastland	Magnuson	Vandenberg
Ellender	Maybank	Wagner
Ferguson	Mead	Walsh
Fulbright	Millikin	Wheeler
George	Mitchell	Wherry
Gerry	Moore	White
Green	Morse	Wiley
Guffey	Murdock	Willis
Gurney	Murray	Wilson
Hart	Myers	

The PRESIDING OFFICER. Eighty-three Senators having answered to their names, a quorum is present.

Mr. THOMAS of Utah. Mr. President, at the suggestion of several Senators I ask the privilege of modifying my motion. The reason I make the suggestion is that the threatened maritime strike is called for June 15. It is felt that the committee should report back earlier than that time. Therefore I change the date in my original from June 14 to June 12.

The PRESIDING OFFICER. The Senator has that right.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield.

Mr. KNOWLAND. I was not present when the Senator made his motion. Will he restate the motion which he has made?

Mr. THOMAS of Utah. I moved that the Senate recommit the bill to the Committee on Interstate Commerce, with instructions to report something back to the Senate on or before June 14. The motion has now been modified so as to call for a report on or before June 12.

Mr. KNOWLAND. The Senator asks that the committee be instructed to report something back. That might mean that the committee would merely report that it had decided to do nothing.

Mr. THOMAS of Utah. That would be possible. I should like to abide by the decision of the Committee on Interstate Commerce.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah [Mr. THOMAS].

Mr. BARKLEY. Mr. President, I hope the motion of the Senator from Utah will not be agreed to. We have this bill before us. Under the circumstances which exist, I think we are under some obligation to complete consideration of it. We practically wrote the Case bill on the floor of the Senate, and I see no reason why we cannot make such perfecting amendments to this bill as the Senate, by a majority, may decide to make.

To postpone consideration of this bill until the 12th of June, which is 3 days prior to the date fixed for the maritime strike, would simply postpone it until 3 days before an impending interruption in the maritime transportation facilities of the United States, unless the strike were settled or adjusted. There is no assurance that the committee, if it should work from now until the 12th of June, would make improvements in the bill which could not be made here, in view of amendments which have been offered or which may be offered.

It seems to me that now that we have this question before us we ought to dispose of it in order that we may proceed with something else. By the 12th of June we may be in the midst of the discussion of the extension of the Stabilization Act. No one can tell what the condition in the Senate may be at that time with respect to legislation. There is much legislation which needs to be considered and disposed of, and upon which there is a time limit.

I hope we may conclude action on the pending legislation. I may say that if the Senate amends the bill in any respect, it will have to go to conference, and in conference a better bill might be worked out.

So, Mr. President, I see no reason for recommitting the bill, and I hope the motion will be rejected.

Mr. MILLIKIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MILLIKIN. Under the motion of the Senator from Utah, if the motion is agreed to, will the bill come back to the Senate or will it be placed upon the calendar?

The PRESIDING OFFICER. The Parliamentarian informs the Chair that something would be reported back, and then it would be in the hands of the Senate to dispose of it as it saw proper.

Mr. BARKLEY. Mr. President, in the normal course, after a bill is recommitted and subsequently is reported, it occupies the status it originally occupied, and ordinarily it would immediately go to the calendar, to take its place on the calendar along with other measures.

Mr. MILLIKIN. Mr. President, is it the interpretation of the Chair that the measure would come back to the Senate and would go on the calendar?

The PRESIDING OFFICER. The Parliamentarian informs the Chair that the motion is that something be referred back to the Senate.

Mr. BARKLEY. Mr. President, in order that the motion may be made in orderly fashion, let me say that if the bill is recommitted to any committee, with instructions, it should go to the committee with the instruction that the bill be reported back by title, even if the committee votes to strike everything out of it. It is scarcely adequate to move that "something be reported." The committee might report on the weather. [Laughter.]

Mr. LA FOLLETTE obtained the floor.

Mr. THOMAS of Utah and Mr. SALTONSTALL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin has the floor. Does he yield; and, if so, to whom?

Mr. LA FOLLETTE. Mr. President, I yield to the Senator from Utah, because I feel certain that he intended that his motion provide that the committee report the bill to the Senate, together with its recommendations thereon.

Mr. THOMAS of Utah. Mr. President, the Senator from Utah certainly did not intend that his motion, if adopted, would change the custom and rule of the Senate. I thought, of course, that matters would proceed in an orderly way, as our leader has suggested. I wish to reiterate that the mere remarks of our leader to the effect that my motion was not made in an orderly way, and that it should call for an orderly reporting by the committee, and so forth, show us that we need to deliberate properly upon this measure.

My whole purpose was to enable the Senate to attempt to accomplish exactly what our leader has suggested we should accomplish. As chairman of the Committee on Military Affairs, I am rather sure that we have on the calendar a measure which we would like to have considered, but as amendments to the pending bill come in day after day and day after day, instead of acting in accordance with the President's wishes and the President's message, we are acting as if we were considering permanent legislation. The more that occurs, Mr. President, the more the logic of the motion I have made is apparent.

Mr. BARKLEY. Mr. President, will the Senator yield to me?

Mr. LA FOLLETTE. I yield.

Mr. BARKLEY. Let me say that in nothing which I have said did I state that the motion which the Senator originally made was not in order. I assumed that he intended to move to recommit the bill by number and title, with instructions to report it not later than the 14th of June. But the Senator from Utah in his colloquy said that the committee would report back something, and the Chair in interpreting what was going on said that the committee would report back something.

Mr. THOMAS of Utah. Mr. President, I did not expect the committee to report back another bill. This bill, the bill with this number, would be recommitted, and I am rather sure the committee would act on this bill, with this number.

Mr. LA FOLLETTE. Mr. President, as I understand the motion of the Senator from Utah, it is to recommit the bill, together with all amendments, to the Committee on Interstate Commerce, with instructions that it report the bill and its recommendations on or before the 12th of June.

I wish to say a few words in connection with the motion. There are now pending in the Senate many important amendments to this bill. One of them is the amendment offered by the Senator from Mississippi, and it is a very important one. The measure itself has not had the committee consideration to which its vital and far-reaching importance entitles it. Every Senator knows—and I say this without the slightest criticism of the members of the Committee on Interstate Commerce—that the bill could not have had adequate consideration in the brief time in which it was in the possession of that committee on Saturday night.

Mr. President, every line of the bill should have careful committee consideration, the amendments which are pending to it should have careful committee consideration, and the Senate should have the benefit of the recommendations of the Committee on Interstate Commerce, after it has had an opportunity to give the measure and the proposed amendments or any amendments which may later be proposed thorough and adequate consideration. It will really be a shocking thing in the history of the Senate, in my opinion, if a measure of this magnitude and importance is passed and if the legislative record shows that it has not received adequate committee consideration.

In addition, I wish to say that as we go through with the further consideration of the bill, it is perfectly obvious that the amendments which are pending cannot receive the consideration which the Senate should give to them unless they have been studied by a committee. In considering these amendments, we

should have the benefit of the committee's consideration and recommendations. Every Senator knows that when measures are written on the floor of the Senate they do not emerge from that process as sound legislation.

I cannot see anything which would be lost by having the bill go through the proper procedure. The two strikes which occasioned the President's recommendation of the bill have been settled. There is not now an emergency. The only other one of which we have any advance knowledge is the maritime strike, which cannot occur before June the 15th, if it is not settled before that time. If this measure is reported on the 12th of June and if at that time there is any threat of a maritime strike, I have no doubt that the Senate will take up the measure and will give it prompt consideration. If that is the situation which gives Senators concern about voting for the motion, I shall be willing to vote now, so far as I am concerned, to make this measure a special order of business for the 12th of June—which we can do under the rule.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. BARKLEY. The Senator knows that if the Senate adopted any amendments, whether recommended by the committee or not, which would materially change the bill as it passed the House of Representatives, the bill would either have to go to conference or the House would have to concur in the Senate's amendments. The time elapsing between the reporting of the committee on the 12th and June the 15th, the date which has been mentioned here, certainly might be wholly inadequate to enable the completion of the process of conference and adjustment, study of the bill by the conferees, and the dispatch of the bill to the President in time to enable him to study it, and to obtain legislation which might be better than that which would result from the passage of this measure without recommitting it, and with a resultant more deliberate conference with respect to it.

Mr. LA FOLLETTE. Mr. President, having viewed the celerity with which the House of Representatives passed the bill in the first place in the face of that emergency, I cannot doubt that if on the 12th of June a maritime strike is threatened, both the House of Representatives and the Senate will act with celerity in that situation.

Furthermore, while I hope and pray that the maritime strike will be settled, I personally do not believe that that strike can take effect, because I think there is now on the statute books sufficient legislation to give the President the power to cope with it. We are not in the same situation that we were in when the mine strike and the rail strike occurred. If the maritime strike theatens, we have in the Navy and the Coast Guard the personnel to make it unnecessary for a single ship to be delayed 1 hour, in my opinion, if the President exercises the power which already is on the statute books.

So I urge that the Senate adopt this motion; and I say in all sincerity that I do so only in the interest of sound legislation, because we can rest assured that if this measure goes on the statute books and if it is invoked, it will be tested in the courts, and it will be very important that the Congress should have given full weight and consideration to all the delicate and important legal problems which are involved in the proposals contained in the bill. It certainly will not help in the ultimate sustaining of whatever action the Congress takes if the court looks to the legislative history of the bill and finds that the House of Representatives adopted a rule for its consideration before the bill was ever proposed or suggested, and passed the bill before copies of it were available to each Member of the House of Representatives, and also finds that the Senate considered and passed the measure after it was considered for only an hour or so by one of its committees.

I believe that the adoption of the motion would not delay consideration of the measure beyond the time when it could be passed soon enough to meet any possible emergency. I believe further that, in the end, it would result in a very much more satisfactory and sound piece of legislation than could possibly be enacted if we were to proceed to write the bill here on the floor of the Senate without the benefit of previous committee consideration either of the bill itself or of the important amendments which have been proposed to it.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. SALTONSTALL. June 12 comes on a Wednesday. June 10 comes on a Monday. It is now May 31. I ask the Senator from Wisconsin, and through him the Senator from Utah [Mr. THOMAS], if they would consider favorably the suggestion of making the date by which the committee is to report Monday, June 10, instead of Wednesday, June 12, and thereby meet some of the objections which have been made by the Senator from Kentucky.

Mr. LA FOLLETTE. Mr. President, I am not the author of the motion, but I should be satisfied if the committee were given a chance to have the bill for 10 days. The 10th of June would satisfy me as the date by which the committee would report the bill back to the Senate. I do not know how the Senator from Utah feels about it. Certainly all I desire is that we may not be forced to act upon this vitally important measure and the amendments which are pending to it without the benefit of the help and the advice of some committee. I personally believe that 10 days would be sufficient for that purpose.

Mr. THOMAS of Utah. Mr. President, I would not object to the change in date.

Mr. LA FOLLETTE. Would the Senator from Utah be willing to modify his motion accordingly?

Mr. THOMAS of Utah. I am thinking in terms of what we should try to do. Therefore, once again, Mr. President, I modify my motion so that the date will be changed from June 12 to June 10.

The PRESIDING OFFICER. The Senator has a right to modify his motion, and the motion is modified accordingly.

Mr. LA FOLLETTE. Mr. President, I should like to go further, and ask unanimous consent that consideration of the bill be made the special order of business of the Senate on the 11th of June, provided, of course, that the motion which has been made by the Senator from Utah shall be agreed to.

Mr. BARKLEY. Mr. President, in view of the legislative program which lies ahead of us, and the impossibility of predicting what sort of a posture the business of the Senate will be in on the 10th or 11th of June, I shall be compelled to object to the unanimous-consent request of the Senator from Wisconsin.

Mr. LA FOLLETTE. I am sorry that the Senator from Kentucky feels that way. I understand some of the reasons for his attitude, but I am happy, nevertheless, to make the unanimous-consent request in order that the Senate may do credible work in connection with the pending legislative proposal, which is one of the most far-reaching proposals of domestic legislation that have ever confronted the Senate since the Civil War.

Mr. SALTONSTALL. Mr. President, I hope that the Senate will agree to the motion of the Senator from Utah. Last week, after several weeks of debate, we adopted several amendments to the Case bill. I hope that those amendments will be of aid during collective bargaining processes which may take place in the future. I hope that they will result in improving the relationships between the managers of companies and their employees.

The pending bill would give power to the President of the United States to seize certain plants during a national emergency. It would give power to put into jail officers of companies and of unions who refused to cooperate. It would also give power to deprive of their seniority rights, persons who worked in plants. Such powers are very drastic ones. The bill would take away from the owners of the companies certain rights, and also give the profits received from the operation of those companies to the United States Treasury. The proposals are very drastic ones. They are un-American as we know America today.

Mr. President, I wish to remind the Senate that I come from the State in which the Boston Tea Party was held. As a representative of the Commonwealth of Massachusetts, I believe in the freedom and liberty of the individual.

I do not want to give any individual in the United States power such as that which is proposed in the pending bill, unless the Nation is confronted with a tremendous crisis or a revolution. I voted for the amendments to the Case bill because I believed they would be of immense help in conducting collective-bargaining negotiations.

Section 7 of the pending bill was stricken out last week. That section would have reduced our Army to a punitive system. How can we in 1 week pass a bill that makes a punitive system out of our Army and then the next week pass a law to put our sons in the Army to keep our country strong and respected?

I hope that we will give all necessary consideration to the pending bill before the Senate decides to pass it. I am heartily in favor of the motion of the Senator from Utah to recommit the bill. If the necessity is believed to be present after consideration has been given to the bill by the committee for at least a week, I hope that the committee will report back a bill which they believe will be in the best interests of the country. I hope that we will not act on the pending bill too hastily.

Mr. MILLIKIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MILLIKIN. What is the motion now before the Senate?

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah [Mr. THOMAS] to recommit the bill to the Senate Committee on Interstate Commerce with instructions to the committee to report the bill to the Senate on or before June 10, 1946.

Mr. MILLIKIN. Mr. President, I urge favorable action on the motion.

Mr. PEPPER. Mr. President, will the able Senator speak a little louder? We cannot hear him on our side of the Chamber.

Mr. MILLIKIN. I urge favorable action on the motion. I know that amendments are now pending which conflict with each other. If any of them should be agreed to, the Senate would be required substantially to sit as a committee of the whole and recast the entire bill in order to keep its provisions in proper coordination. The junior Senator from Colorado has at the desk a proposed amendment to strike out section 9, and a proposed amendment to strike out the section which would take away from the workers their seniority rights. It seems to me, as stated by the Senator from Massachusetts [Mr. SALTONSTALL] that these matters involve important constitutional considerations. It would be tragic, in my opinion, if we were to attempt to legislate on a bill of such transcendent importance without the further and proper consideration which I feel can be given to it only by a Senate committee.

Mr. BREWSTER. Mr. President, since the pending bill came before the Senate we have had, at least, a breathing spell, which some have termed a cooling-off period, in which to contemplate the consequences of the proposed measure. I venture to invite attention to the first amendment to the Constitution of the United States which reads as follows:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

If we establish the precedent of enacting into law proposed legislation of such great consequence as that of the pending bill, without first affording an opportunity to any person in the United States to be heard, we may not violate the technical language of the amendment which I have read, but we will violate its spirit, because the redress of grievances is a right of people to be heard on legislation vitally affecting their entire welfare and that of their posterity.

As every Senator knows, we are asked to take a step which will be unprecedented in the history of this country, or at least not contemplated in the Constitution. Inasmuch as there is now sufficient time in connection with the orderly processes of legislation to refer the bill to a competent committee, and afford the committee an opportunity to hear from citizens of the United States who are vitally affected and who, perhaps, have knowledge regarding these matters which has not yet been fully presented to the Senate of the United States, it seems to me that it would be a parody on the legislative processes for us to refuse to afford such opportunity.

I venture also to read from an enlightened journal of opinion. While I attribute no omniscence to editorial sanctums, they do have a certain detachment from the passions which seem to swirl about this Chamber.

I wish to read two paragraphs from an editorial in the New York Times of today, analyzing the situation with which we are now faced. The editorial argues very persuasively, it seems to me, that in the interest of orderly Government legislation should not take the course which is here being proposed. I quote:

> In its present form—

Speaking of the measure after the removal of the strike-draft provision—

> In its present form the chief powers which this legislation would confer are these: Power for the President to seize any industry in the country interrupted by a strike or threatened by a strike, provided only that he deems the continued operation of this industry to be "vitally necessary to the maintenance of the national economy"; power for the President, immediately and without consultation with the owners of this industry, to establish "fair and just wages and other terms and conditions of employment" for the period of Government control; and power to cover into the Treasury the net profits of this industry while the Government operates it.

At that point I may say that in my own State a railroad may make all its money in 3 months as a result of crop movements. If the railroad happened to be seized during that 3-month period, January, February, and March, all the profits of the entire year would go to the Government, and the losses for the next 9 months, if there should be losses, would be borne by the operators. That is one phase of the proposal which, if the bill were before a committee, I should wish to have the committee consider, and whether or not some equitable arrangement could not be made to avoid an inequity of that character, which I have no doubt prevails in many industries, transportation particularly, because of seasonal profits.

I proceed with the New York Times editorial:

> It may well be asked what possible deterrents such legislation provides to future strikes. To put the question specifically and bluntly: Mr. Lewis' 75,000 hard-coal miners have just gone on strike: Have they anything whatever to fear from a piece of legislation which would enable the Government to take over the hard-coal mines, establish "fair and just wages" and take over the profits of the owners until such time as they agreed, however reluctantly, to continue to pay the "fair and just wages" which the President had picked out for them? To ask the question is to answer it. There is nothing in the emergency bill, as it now stands in the Senate, which promises seriously to deter strikes. There is, on the contrary, a great deal in the bill which promises to foment strikes. For the bill, if enacted in its present form, would create a situation in which it seems likely that unions everywhere would be tempted to make impossible demands, to provoke strikes, to compel Government seizure, and force "fair" wages far higher than they could get in a free economy. In short, now that the unwise and unconstitutional provisions for a peacetime labor draft have been cut out of the bill, it remains more a measure for cracking down on employers than a measure for cracking down on unions that place the Nation's health and welfare in jeopardy.

Mr. President, it seems to me that when there is a considered editorial utterance of that character from a journal of the significance of the New York Times, the Senate may well pause and consider whether or not the Committee on Interstate Commerce may not properly and wisely afford opportunity for all the great interests of the country, labor and employer alike, to appear befor the committee and discuss the implications of the proposal, and discuss their problems, in the orderly process of government, and enable the Senate to be afforded the benefit of a report by such a committee, after some proper time for the hearings, which have been the tradition of this country for 157 years, since the Constitution of the United States was adopted.

For the reasons stated, Mr. President, I earnestly hope the motion will prevail.

Mr. CAPEHART. Mr. President, I am against recommitting the bill. It is hard for me to follow the reasoning of the many able Senators who have spoken on the subject.

It seems to me some lose complete sight of the significance of the legislation we are considering, and its purpose. I should like to emphasize the fact that the pending bill deals only with a situation which arises when the United States Government takes over, in the interest of 140,000,000 people, a plant or facility, and the question is whether a few people, or many people, have the right to strike against the Government. In my opinion, when they do it is anarchy and we no longer have law and order.

We are not considering legislation which has to do with an employee, whether he be a union employee or nonunion employee, and a private enterprise. We are considering whether or not a man has the right to defy his government.

We voted Wednesday to delete section 7, to which section I was opposed. There are a few other angles of the bill which can be amply amended on the floor of the Senate, and I shall vote for amendments, but I see no necessity for recommitting the bill to the committee. I am a member of the Committee on Interstate Commerce, and I have all the respect in the world for the good judgment of the committee, but my opinion

is that we know as much today as we will know 10 days hence whether we want to vote for such legislation or whether we want to vote against it.

We may recommit the bill to the Committee on Interstate Commerce, and the committee may hold hearings, but I cannot see that anything new can be developed in connection with the proposal. Senators either favor giving the President, whether he be a Democrat or a Republican, the right to deal with persons defying the Government, or they are opposed to giving the President of the United States such authority. I, for one, am in favor of giving the President the authority to deal with those who defy the Government of the United States.

Mr. TAFT. Mr. President, there are some things in connection with the pending bill which I think have received no consideration whatever, and it does seem to me that committee action might be seriously thought of.

In the first place, the bill has not been carefully coordinated with the Smith-Connally Act, nor have we considered whether we want to continue the Smith-Connally Act. The bill provides, "Whenever the United States has taken possession, under the provisions of section 9 of the Selective Training and Service Act of 1940, as amended," and so forth. That act will expire on June 30 if we do not extend it. The relationship between that act and the pending proposal should be worked out in some way, because the bill now pending would remain on the books only until June 30 unless we extended another law. The whole matter should be taken care of in the measure we are now about to pass.

If we are to have a law at all, we should at least give power to the President to call for volunteers to do the particular job we need done. There should be a general provision, as in the case of the British general strike, under which the President might appeal to people to enter the service of the Government voluntarily, and some provision made for paying them, some substitute for the draft provision.

Furthermore, as I stated this morning, I should like very much to present the idea of such bill as might be passed going into effect only by joint resolution of the Congress, and that would require such a complete rewriting that it could not be done on the floor of the Senate. I could not possibly present an appropriate amendment today.

Again, there is no provision in the bill at present covering the method by which the President could restore seized materials to the owners, and under what conditions he should return them. That has not been in any way considered. Whether the Smith-Connally provisions are to apply, I do not know.

There are four important matters which, as I see it, can not properly be dealt with by treatment on the floor. I really think, if they are to be given proper consideration, a thorough study of the bill by the committee would improve the measure.

Mr. LUCAS. Mr. President, before the Senate votes on the motion I wish to detain it to briefly refer to what was contained in the veto message of the President of the United States on what is known as the Smith-Connally Act.

In attempting on Wednesday last to trace the history of crises in this country from the days of Andrew Jackson to the present time, I overlooked what Franklin D. Roosevelt said in his veto message to the Senate on June 25, 1943. True it is, Mr. President, we were at war at that time, but there are a few things in the veto message which I desire to read to the Senate, which bear directly upon the pending emergency legislation. The war crises in 1943 from our internal economy was not as serious as what we experienced last week with the coal and rail strike.

Mr. President, we recall that the Senate of the United States in 1943 passed the Connally bill containing seven sections, and the House of Representatives added sections 8 and 9. In his veto message of this legislation Franklin D. Roosevelt said:

> If the bill were limited to these seven sections I would sign it.

He was referring to the bill passed in the Senate.

Then he proceeded to discuss sections 8 and 9, which he believed would promote strikes rather than restrain them, and he gave a very cogent reason for his conclusion.

But here is something that is tremendously important, and I regret that I overlooked it. I was not in the Senate at the time the veto message came. As I recall, I was in Illinois at the moment and had no opportunity, or did not take the opportunity to read the message when I returned. Franklin D. Roosevelt, true friend of labor, the individual who the labor people of the Nation know did much in behalf of their cause, said this on another day in a great crisis:

> There should be no misunderstanding—I intend to use the powers of Government to prevent the interruption of war production by strikes. I shall approve legislation that will truly strengthen the hands of Government in dealing with such strikes, and will prevent the defiance of the National War Labor Board's decisions.
>
> I recommend that the Selective Service Act be amended so that persons may be inducted into noncombat military service up to the age of 65 years. This will enable us to induct into military service all persons who engage in strikes or stoppages or other interruptions of work in plants in the possession of the United States.

And that is all that this emergency legislation ever sought to do. All it sought to do was to provide that when the Government took over a plant the Government would have the right to operate the plant, that a strike against the Government of the United States was against the law, and that the Government could do certain things in the way of economic sanctions and criminal penalties if there was a strike against it.

Franklin D. Roosevelt further stated:

> This direct approach is necessary to insure the continuity of war work. The only alternative would be to extend the principle of selective service and make it universal in character.

Mr. President, I merely call the attention of the Senate of the United States to what the greatest friend that labor ever had during a war crisis, said the Congress of the United States should do in connection with drafting men into the military service in order that public services essential to the safety and the health and the welfare of this Nation should continue uninterrupted.

Mr. President, the same principle applied when Harry Truman delivered his address to Congress Saturday last. At that time the rail crisis and the coal crisis threatened the very fundamental and basic tenets of the Government; the threat to Government was the same as when the previous coal crisis was on, when the Smith-Connally measure was passed during time of war. It is nonsense for anyone to say that this legislation is revolutionary, or unconstitutional. It had been recognized as a national necessity by Woodrow Wilson and Franklin D. Roosevelt—two great, illustrious, and liberal Democrats.

I merely wanted to make this additional contribution to what I previously stated in the early part of this debate.

Mr. THOMAS of Utah. Mr. President, I ask for the yeas and nays on my motion.

The yeas and nays were ordered.

Mr. REED. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. REED. Will the Chair be good enough to state the question on which we are about to vote?

The PRESIDING OFFICER. The question is on the motion of the Senator from Utah [Mr. THOMAS], as modified, to recommit the bill to the Committee on Interstate Commerce with instructions to report the same back to the Senate on or before June 10, 1946. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUTLER (when his name was called). On this vote I have a pair with the senior Senator from Alabama [Mr. BANKHEAD. Not knowing how he would vote, I withhold my vote.

The roll call was concluded.

Mr. THOMAS of Utah. I have a general pair with the Senator from New Hampshire [Mr. BRIDGES] who, if present, would vote as I intend to vote. I am therefore at liberty to vote. I vote "yea."

Mr. PEPPER. I announce that the Senator from Idaho [Mr. TAYLOR] is absent by leave of the Senate. If present he would vote "yea."

Mr. HOEY. I announce that my colleague the senior Senator from North Carolina [Mr. BAILEY] is detained because of illness. If present he would vote "nay" on this motion.

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Alabama [Mr. BANKHEAD] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senators from Idaho [Mr. GOSSETT and Mr. TAYLOR] are absent by leave of the Senate.

The Senator from New Mexico [Mr. CHAVEZ] is detained on public business.

Mr. WHERRY. The Senator from New Hampshire [Mr. BRIDGES], who is

necessarily absent, would vote "yea" if present.

The Senator from North Dakota [Mr. LANGER] is unavoidably absent.

The Senator from Kentucky [Mr. STANFILL] is unavoidably detained.

The Senator from New Hampshire [Mr. TOBEY] is absent on official business.

The Senator from North Dakota [Mr. YOUNG] is absent by leave of the Senate.

The result was announced—yeas 40, nays 42, as follows:

YEAS—40

Aiken	Kilgore	O'Daniel
Austin	La Follette	Pepper
Ball	McCarran	Saltonstall
Brewster	McFarland	Shipstead
Brooks	McMahon	Smith
Cordon	Magnuson	Taft
Donnell	Mead	Thomas, Utah
Downey	Millikin	Tunnell
Green	Mitchell	Wagner
Guffey	Moore	Walsh
Hart	Morse	Wheeler
Huffman	Murdock	Wherry
Johnson, Colo.	Murray	
Johnston, S. C.	Myers	

NAYS—42

Andrews	Gerry	Overton
Barkley	Gurney	Radcliffe
Briggs	Hatch	Reed
Buck	Hawkes	Revercomb
Burch	Hayden	Robertson
Byrd	Hickenlooper	Russell
Capehart	Hill	Stewart
Capper	Hoey	Thomas, Okla.
Connally	Knowland	Tydings
Eastland	Lucas	Vandenberg
Ellender	McClellan	White
Ferguson	McKellar	Wiley
Fulbright	Maybank	Willis
George	O'Mahoney	Wilson

NOT VOTING—14

Bailey	Butler	Stanfill
Bankhead	Carville	Taylor
Bilbo	Chavez	Tobey
Bridges	Gossett	Young
Bushfield	Langer	

So the motion of Mr. THOMAS of Utah, as modified, was rejected.

LEGAL GUARDIAN OF JAMES THOMPSON, A MINOR

The PRESIDING OFFICER (Mr. MAYBANK in the chair) laid before the Senate a message from the House of Represenatives announcing its disagreement to the amendments of the Senate to the bill (H. R. 3543) for the relief of the legal guardian of James Thompson, a minor, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ELLENDER. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ELLENDER, Mr. HUFFMAN, and Mr. WHERRY conferees on the part of the Senate.

L. WILMOTH HODGES—CONFERENCE REPORT

Mr. ELLENDER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 874) for the relief of L. Wilmoth Hodges, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

ALLEN J. ELLENDER,
JAMES O. EASTLAND,
Managers on the Part of the Senate.
DAN R. MCGEHEE,
JOHN JENNINGS, Jr.
Managers on the Part of the House.

The report was agreed to.

MRS. C. A. LEE, ADMINISTRATRIX OF THE ESTATE OF ROSS LEE, DECEASED—CONFERENCE REPORT

Mr. ELLENDER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 941) for the relief of Mrs. C. A. Lee, administratrix of the estate of Ross Lee, deceased, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the sum inserted by the Senate amendment insert $3,500; and the Senate agree to the same.

KENNETH S. WHERRY,
ALLEN J. ELLENDER,
JAMES O. EASTLAND,
Managers on the Part of the Senate.
DAN R. MCGEHEE,
JOHN JENNINGS, Jr.,
Managers on the Part of the House.

The report was agreed to.

CATHERINE BODE—CONFERENCE REPORT

Mr. ELLENDER (for Mr. EASTLAND) submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2223) for the relief of Catherine Bode, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

JAMES O. EASTLAND,
ALEXANDER WILEY,
Managers on the Part of the Senate.
DAN R. MCGEHEE,
W. A. PITTENGER,
Managers on the Part of the House.

The report was agreed to.

WILLIAM N. THERRIAULT AND MILLICENT THERRIAULT—CONFERENCE REPORT

Mr. ELLENDER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3808) for the relief of William N. Therriault and Millicent Therriault, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the sum inserted by the Senate amendment insert $7,500; and the Senate agree to the same.

ALLEN J. ELLENDER,
GEO. WILSON,
Managers on the Part of the Senate.
DAN R. MCGEHEE,
E. H. HEDRICK,
Managers on the Part of the House.

The report was agreed to.

SETTLEMENT OF INDUSTRIAL DISPUTES AFFECTING THE NATIONAL ECONOMY

The Senate resumed consideration of the bill (H. R. 6578) to provide on a temporary basis during the present period of emergency, for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Mississippi [Mr. EASTLAND].

Mr. TAFT. Mr. President, this amendment proposes that as a penalty for a strike such as is contemplated, a union shall no longer be the collective bargaining agent. In the Committee on Education and Labor we have considered at some length that method of punishment. It has been discussed and proposed frequently. The general conclusion which I think the members of the committee came to was that it was not an effective remedy. We would not accomplish anything by depriving the union of collective bargaining rights. In the first place, there would be no union with which to settle a strike. It could no longer speak. Consequently there would be no one who could speak for the men. The majority of the men are likely to remain loyal to the union. There would be no union with which employers could sign a collective bargaining agreement.

The theory seems to be that if there were two unions competing, which sometimes occurs, the other union would be able to march in and, through an election or otherwise, become the collective bargaining agent and shut out the first union. But that is not a very customary situation. In the railroad business what would we accomplish, for example, by saying that the Brotherhood of Railroad Trainmen should no longer represent the trainmen in collective bargaining agreements? Who would represent the trainmen? They would still be members of that brotherhood, and would remain so. It is impossible for me to see what could be accomplished by saying that the union could on longer be the agent of the men. We would simply put an end to the whole process of collective bargaining, and be no better off from the standpoint of settling strikes when we were through than we were in the beginning.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. EASTLAND. Does not the Senator realize that it is perfectly obvious that if the workers desired they could form another organization? The Senator is asking the Senate to penalize laboring men by taking away their rights under the Wagner Act and depriving them of seniority rights, when they are forced to do what the union says.

Mr. TAFT. I do not wish to take away their seniority rights.

Mr. EASTLAND. Let me conclude——

Mr. TAFT. I do not wish to take away their seniority rights. The Senator from Mississippi wants to take away their seniority rights.

Mr. EASTLAND. The bill provides that the laboring man shall lose his

seniority rights. He has no voice in the matter. He must do what the union says.

Mr. TAFT. Yes.

Mr. EASTLAND. If we pass the bill as it is written, what we shall be doing will be punishing the laboring man; and the leader, who is responsible for the strike and responsible for defying the Government, will go free.

Mr. TAFT. He does not go free, because under section 4 the criminal penalty is imposed on every leader. It is not imposed on the men. Under section 5 the injunction lies against the leader. If the amendment which I have suggested is adopted, it will not apply to the men.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. EASTLAND. The Senator does not seriously maintain that the criminal penalties in section 4 are enforceable, does he? The Senator must realize that there is no legislative standard. The matter is left within the discretion of the court to decide whether a crime has been committed. The provision is palpably void.

Mr. TAFT. Such action is made a crime. The bill provides that the officers must order the men back to work, and retract their previous orders, or else go to jail and pay a fine of $5,000. I do not know what further penalty the Senator wants.

Mr. EASTLAND. The Senator knows that in that amendment no legislative standard is set. I will warrant that the Senator's colleague, the Senator from Colorado [Mr. MILLIKIN], who is an eminent lawyer and who has been conferring with the Senator on this bill, would state that that provision is utterly unenforceable, and that no court could operate under that section.

Mr. TAFT. If that be so, the Senator should have voted for the motion to recommit the bill. If the bill is so defective that when it states a crime, with the penalty, it is wholly ineffective, it ought to be rewritten so as to make it effective.

Mr. EASTLAND. Or written on the floor of the Senate so as to be effective. My amendment would make it effective.

Mr. TAFT. No. In the first place, the amendment imposes no penalty on the labor leader, because no leader is a representative for collective-bargaining purposes. He is merely the officer of the union. The representative for collective-bargaining purposes is the union itself, not the leader. I suppose the men could execute a power of attorney to authorize Mr. X, who is in fact a friend of the union, and appointed by the union, to represent them in a collective-bargaining agreement. There is no penalty against any leader. The penalty is against the union. It can no longer be the collective-bargaining representative of the men. To my mind, that is a wholly ineffective and useless penalty, and would do more harm than good.

Mr. BARKLEY. Mr. President, it seems to me that the amendment offered by the Senator from Mississippi is more unworkable than anything in the bill. It provides, under the conditions stated, that for a period of 5 years the persons involved—that is to say, the officers—shall not be deemed to be representatives, and the organization of which they are officers shall not be permitted for 5 years to engage in collective bargaining on behalf of the employees named, although the strike might be settled within a week or two or a month after the Government had taken over a plant, and the labor organization might reelect its officers who had had a part in the proceedings. They would not be eligible for 5 years, and the organization itself would not be able to participate in collective bargaining for a period of 5 years. It seems to me wholly unnecessary to inflict a provision like that, and I hope the amendment will not be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Mississippi [Mr. EASTLAND].

The amendment was rejected.

The PRESIDING OFFICER. The bill is before the Senate and open to further amendment.

Mr. TAFT. Mr. President, may I ask the majority leader whether the amendment which I submitted to him regarding section 4 would be acceptable? There are other amendments to be considered.

Mr. BARKLEY. I have before me three or four amendments which have been handed to me.

Mr. TAFT. I shall be glad to wait. I understand that another amendment will be offered.

Mr. MILLIKIN. Mr. President, may I ask the distinguished majority leader whether he has ready the amendment which has been suggested to section 9, which he intended to offer?

Mr. BARKLEY. I am prepared to offer at this time the amendment which I intended to offer to section 9. It may not be as comprehensive or cover the same ground as the amendment intended to be offered by the Senator from Colorado, but I think I shall now offer the one I contemplated offering, and we will see how it looks and discuss it for a few minutes.

Mr. MILLIKIN. I yield for that purpose.

Mr. BARKLEY. Does the Senator have the floor? I do not wish to have the Senator yield in his time. If I am to offer an amendment, I should like to have the floor. If I am to be permitted to offer my amendment now, I should like to have the floor in my own right.

Mr. MILLIKIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BARKLEY. Mr. President, some confusion has arisen over the interpretation of section 9, and especially that part of it which begins in line 22 on page 6 and extends to the end of line 4 on page 7. It reads as follows:

> It is hereby declared to be the policy of the Congress that neither employers nor employees profit by such operation of any business enterprise by the United States and, to that end, if any net profit accrues by reason of such operation after all the ordinary and necessary business expenses and payment of just compensation, such net profit shall be covered into the Treasury of the United States as miscellaneous receipts.

After thinking over that sentence in section 9, I have reached the conclusion that it is unnecessary. In the first place, even if there were no law providing for just compensation for property taken by the Government, the Constitution of the United States provides for the payment of just compensation for property so taken, and that is a very clear provision.

Mr. AUSTIN. Mr. President, will the Senator yield to me for a moment?

Mr. BARKLEY. I yield.

Mr. AUSTIN. I wish to call the attention of the distinguished majority leader to the following language contained in the Smith-Connally Act:

> The compensation to be paid to any individual, firm, company, association, corporation, or organized manufacturing industry for its products or material, or as rental for use of any manufacturing plant while used by the United States, shall be fair and just: *Provided*, That nothing herein shall be deemed to render inapplicable existing State or Federal laws concerning the health, safety, security, and employment standards of the employees in such plant.

Mr. BARKLEY. I thank the Senator from Vermont. My view of this matter is that under the Constitution and under existing law, the President is compelled to award fair and just compensation for the use of any property taken, and that is regardless of the amount of income which may be taken in by the Government through the operation of the plant and regardless of any profits which might have accrued to the corporation if the Government had not taken it over or any profits accruing while the Government has possession of it and is in operation of it.

So the Government is, in effect, the operator in charge of the plant. It may be a bookkeeping matter, but of course the Government is responsible for the expenses of the corporation. It receives the corporation's receipts, whatever comes in by way of income. The Government has charge of the receipts. Regardless of whether the operation is profitable or unprofitable, the Government is obligated to pay just and fair compensation for the use of the property. Therefore, it is not necessary to say that if any profits accrue as a result of the operation, they should go into the Treasury as miscellaneous receipts.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. FERGUSON. Before the Senator leaves that point, I wish to call attention to a case in One Hundred and Forty-eighth United States Reports, page 327—Monongahela Navigation Company against the United States. Not only is it unnecessary but it is unconstitutional for us to say what we are saying in this section of the bill. The question of just compensation is a judicial question, not a legislative question at all. I should like to place in the RECORD at this point the following language from the case I have just cited, which may clear up this point:

> By this legislation, Congress seems to have assumed the right to determine what shall be the measure of compensation. But this

is a judicial and not a legislative question. The legislature may determine what private property is needed for public purposes—that is a question of a political and legislative character; but when the taking has been ordered, then the question of compensation is judicial. It does not rest with the public, taking the property, through Congress or the legislature, its representative, to say what compensation shall be paid, or even what shall be the rule of compensation.

Mr. President, the Constitution says that one from whom property is taken is entitled to just compensation. The fixing of what is just compensation is a judicial question, and this body has no right to legislate upon it. That is the law of the land.

Mr. BARKLEY. I thank the Senator.

Of course, Mr. President, as a matter of fact and as a matter of practice, where property is taken over by the Government, the amount of the compensation is adjusted by negotiation between the Government and the property owner. But if there were any disagreement about it, certainly the owner of the property would have the right to go into court to establish what was just and fair compensation, and nothing which Congress could write into the law would take away the right to do that.

I should like to make another point with respect to the use of the word "employees." The section says that it is the policy of the Congress, and so forth, that neither the employer nor the employees shall profit by reason of the Government operation. The only possible way by which an employee could profit would be to have his wages increased. He does not participate in the profits which are distributed among the stockholders. In that sense he does not share, anyway, in what we ordinarily call profits. But inasmuch as we have provided here that while the Government is operating the plant the Government may adjust the wages and working conditions, it certainly is inconsistent to say in the following section, which I am now moving to amend by striking out the language referred to, that the employees shall not be entitled to any profit, which might be interpreted to mean, if it were interpreted to mean anything, that the employee could not receive any adjustment of his wages, no matter how long the Government might hold and operate the plant.

Therefore, I hope this language may be stricken out, in the interest of clarity.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. HAWKES. The point the Senator from Kentucky is making is the same as the one I raised in the committee and also on the floor of the Senate the other day. In other words, the provision referred to in section 3 is entirely inconsistent with this provision of section 9.

Mr. BARKLEY. Yes.

Mr. HAWKES. So I am in favor of striking it out.

I was going to call attention to the use of the word "owners" in line 23, instead of the word "employers"; inasmuch as the Government would be the employer; but in view of the Senator's statement withdrawing that paragraph, I agree with him and I join him in the proposal that the whole thing be stricken out.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. MILLIKIN. Let me point out in connection with the matter of a ruling by the courts in regard to what is just compensation that the language in lines 12 to 22 is unnecessary and would not receive consideration by the court because the courts, under the decision read by the Senator from Michigan and under the principle enunciated by the distinguished majority leader, would set up their own standards for determining just compensation.

So I suggest that the Senator from Kentucky modify his motion by moving to strike out the entire section.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. MORSE. I, too, wish to say that I do not think section 9 is at all necessary because just compensation is to be determined by the courts, and one of the points I made on Saturday was as to the unconstitutionality of the bill, insofar as section 9 is concerned.

Although I was not present to hear the remarks of the Senator from Kentucky, I wish to point out that any language which is left in, with respect to having profits accrue to the United States, would be unconstitutional.

Mr. BARKLEY. Mr. President, I have moved to strike out that language.

I say to the Senator from Colorado that if we could arrive at a meeting of the minds that, under any provision for just and fair compensation, the Government and the courts can and should take into consideration the situation of the plant at the time when it was taken over; in other words, whether it was idle at the time and had been idle for some time, and therefore no profit was accruing during the period of idleness, that fact might be taken into consideration in determining what is just and fair compensation.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. MILLIKIN. I assume that would be considered by the courts, and certainly the courts would take into consideration the situation of the property at that time, with respect to its use or idleness.

Mr. BARKLEY. Yes; the courts would take into consideration the status of the property at the time it was taken over, and the courts also would consider any improvements which might have been made while the property was in the hands of the Government, and they would also consider the condition of the property at the time when it was turned back by the Government.

Mr. MILLIKIN. Yes.

Mr. BARKLEY. I think those matters should be considered.

Mr. MILLIKIN. I feel so.

Mr. BARKLEY. Mr. President, I yield further to the Senator from Oregon; I assume that he had not finished with me.

Mr. MORSE. I say to the Senator that I think it is very important to realize that the consideration now occurring on the part of the Congress will be of the utmost importance in connection with the consideration of the bill by the courts. I wish to express complete agreement with the statement made by the Senator from Colorado, namely, that the question of just compensation is a judicial one. I say most respectfully to the Senator from Kentucky that it is not for us even to say at this time to the court that we think the court should be bound to take into account, in fixing just compensation, the fact that at the time when the Government took the property the workers were on strike, because I think that would be an invasion of the court's right in connection with the matter of deciding what is just compensation. I think it is necessary that we leave the matter of determining what is just compensation entirely to the court.

Mr. BARKLEY. The feeling which I have about this matter is the same as one which I had in connection with the amendment offered by the Senator from Ohio with reference to three or four different fields in which the President might operate. In fact, I think it would be even more difficult for the Senate to spell out or formulate a blueprint of the standard by which just compensation should be awarded. Inasmuch as it is a judicial matter and inasmuch as the courts have complete discretion to take into consideration the whole picture, it seems to me that this language is unnecessary.

Therefore, Mr. President, I modify my motion by moving to strike out all of section 9.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. FERGUSON. When I read the decision of the Supreme Court I had in mind—and I have checked it now, and I find that I was in error—that the Senator had moved to strike out all the language fixing just compensation. I am of the opinion, as is the majority leader, that, under the Constitution, as I have indicated, that matter is purely a judicial question. Everything that is in section 9 that is constitutional is already in the law or in the Constitution, so the entire provision is of no value in the law.

Mr. BARKLEY. Furthermore, the fact that it is a judicial question does not preclude the parties themselves from arriving at an agreement with respect to what is fair and just compensation.

Mr. FERGUSON. I think that is correct. If there is a dispute, it is not a legislative question but a judicial one.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Kentucky [Mr. BARKLEY] to strike out section 9.

Mr. THOMAS of Utah. Mr. President, I should like to speak briefly on the amendment.

We have had renewed evidence in the past 5 or 6 minutes with reference to the lack of wisdom in attempting to proceed in the way which has been suggested. We have also had evidence of the fact that no matter how bad the measure may be, we should go ahead and try to adopt it in some form. Moreover, Mr. President, in the discussion of a previous

amendment a message from the President of the United States was referred to, wherein the President vetoed the bill which was known as the Smith-Connally bill. In that message the President said that he would use the provisions of the Selective Service Act. What were those provisions? Under the Selective Service Act men were deferred because of being engaged in necessary occupations. The point which the President made was that if men refused to work in such occupations they would be inducted under the Selective Service Act into the Army of the United States.

Mr. President, there is a lack of patience being manifested on the part of our leader who has charge of the pending bill. Already he has accepted the suggestion that another section of the bill be stricken out. If it is said that there is not evidence of the fact that the bill was poorly considered in the first instance, we have such evidence in regard to the amendment which is now pending.

Allow me to show further how completely unfair it is to the President of the United States and to the previous President of the United States to compare the philosophy of President Roosevelt's veto message with that contained in section 7, which has already been stricken out.

Mr. President, at no place in section 7 is there reference to the Selective Service Act. The language of the section does not provide that men shall be inducted in accordance with the provisions of the Selective Service Act. What is of more importance, the present Selective Service Act will expire on July 1.

I use the section to which I have referred as an example. It is so strong in its possible effectiveness that any man, woman, or child who participates in a strike could be compelled to serve in the Army under rules and regulations drawn by the President of the United States, and not under rules and regulations of the Selective Service Act. Nothing at all is said about the change in status of men who have been deferred because of occupational necessity.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield.

Mr. HATCH. Is it not true that section 7, to which the Senator has adverted, refers also to section 2 which, in itself, refers to the Selective Service Act?

Mr. THOMAS of Utah. Yes.

Mr. HATCH. I understood the Senator to say that the language of section 7 contains no reference whatever to the Selective Service Act.

Mr. THOMAS of Utah. It contains no reference to the inductive part of the Selective Service Act. The part to which I referred reads, as follows:

SEC. 7. The President may, in his proclamation issued under section 2 hereof, or in a subsequent proclamation, provide that any person subject thereto who has failed or refused, without the permission of the President, to return to work within 24 hours after the finally effective date of his proclamation issued under section 2 hereof, shall be inducted into, and shall serve in, the Army of the United States at such time, in such manner (with or without an oath), and on such terms and conditions as may be prescribed by the President, as being necessary in his judgment to provide for the emergency.

Mr. President, that language would include all persons, regardless of their qualifications. I do not disagree with the Senator from New Mexico who, of course, assumes that everything would be done in accordance with the selective-service law. The point I wish to make is that so much has been assumed, that we ourselves have discovered great mistakes to have been made. The arguments which we have recently heard have been in regard to whether certain provisions are in accordance with the Constitution.

Mr. President, it has been said that section 9 should be eliminated because that part of it which is valid under the Constitution is already the law of the land, and that the part of it which would be invalid would soon be declared so.

I again plead with the Senate to act wisely in connection with the pending measure. What if we pass the measure and the President signs it, and it is not put into force? Are not the Members of the Senate somewhat proud of the fact that they did not act as hastily as did the Members of the House of Representatives? I wonder if we are not even now in a frame of mind to act impulsively without exercising our best judgment.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Kentucky [Mr. BARKLEY], as modified, to strike out section 9.

The motion was agreed to.

Mr. BARKLEY. Mr. President, I wish to offer a modification of section 6. That section now reads:

Any affected employee who fails to return to work on or before the finally effective date of the proclamation (unless excused by the President), or who after such date engages in any strike, slow-down, or other concerted interruption of operations while such plants, mines, or facilities are in the possession of the United States, shall be deemed to have voluntarily terminated his employment * * * and if he is so reemployed shall be deemd a new employee for purposes of seniority rights.

The effect of that language is to inflict a greater penalty upon long-time employees than upon those who have recently been employed. In other words, it would inflict a most severe penalty upon the long-time employees. It might be that they had never engaged in a strike, and yet, because of what the President was doing in taking over the operation of the enterprise, they could be deprived of their seniority rights.

Mr. President, on page 5, in line 4, after the words "United States" I move to strike out "shall be deemed to have voluntarily terminated his employment in the operation thereof," and in line 10 on the same page after the word "'operators" to strike out "and if he is so reemployed shall be deemed a new employee for purposes of seniority rights."

Section 6 would then read:

Any affected employee who fails to return to work—

And so forth—

shall not be regarded as an employee of the owners or operators thereof for the purposes of the National Labor Relations Act or the Railway Labor Act, as amended, unless he is subsequently reemployed by such owners or operators.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Kentucky [Mr. BARKLEY].

Mr. WHERRY. Mr. President, will the Senator restate the amendment? There was some confusion when he read it before.

Mr. BARKLEY. I will read the section as it will appear after the language is stricken out:

Any affected employee who fails to return to work on or before the finally effective date of the proclamation (unless excused by the President), or who after such date engages in any strike, slow-down, or other concerted interruption of operation while such plants, mines, or facilities are in the possession of the United States, shall not be regarded as an employee of the owners or operators thereof for the purposes of the National Labor Relations Act or the Railway Labor Act, as amended, unless he is subsequently reemployed by such owners or operators.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. MILLIKIN. I believe that the amendment of the Senator, in that it disposes of that legal falsehood to the effect that a man has voluntarily terminated his employment when he has not done so, and in that it strikes out that part of the section as it now stands which would deprive a man of his seniority rights, is a very constructive amendment.

Mr. BARKLEY. I appreciate that. I might say to the Senator from Colorado that the language "shall be deemed to have voluntarily relinquished his employment" is undoubtedly taken from other statutes, when under certain circumstances, certain things are deemed to have occurred. They may be fictitious, but it seems to me in connection with the pending bill the language has no particular purpose, and therefore I am suggesting its elimination.

Mr. MILLIKIN. In this bill that language became a springboard for a lot of other things.

Mr. BARKLEY. Yes; and it would apply to every separate individual who came within its purview.

Mr. HAWKES. Mr. President, will the Senator from Kentucky yield?

Mr. BARKLEY. I yield.

Mr. HAWKES. I should like to have the Senator from Colorado, if he will, listen to what I am about to suggest, to see whether he does not agree with me that, in line 9, the word "voluntarily" should be put in front of the word "reemployed." It would then read, "unless he is subsequently voluntarily reemployed by such owners or operators." My reason for making the suggestion is that if an owner is forced by some Government agency—and I have known it to be the case——

Mr. BARKLEY. The word "voluntarily" is not there.

Mr. HAWKES. No, it is not in the place to which I am now referring. It

comes later—"unless he is subsequently voluntarily reemployed."

Mr. BARKLEY. I do not see any need for the word "voluntarily," because if it is a reemployment, it is bound to be an act of will on the part of the employer.

Mr. HAWKES. The Senator knows there are innumerable cases in which employees have committed great depredations, have committed serious offenses, and have been ordered taken back by an employer. The point I am raising is whether the employer should not have something to say about taking such an employee back.

Perhaps I have been misunderstood. I am talking about the employer having some right to act in his voluntary capacity in saying whether he wants to take back a man or not. I myself have been ordered to take back a man who had already put ten or eleven men in the hospital. It was only with the greatest resistance that I kept from taking him back. Do we want to force the employers of this country to take back men against their will?

Let me say to the Senator, so that I may not be misunderstood, I am very deeply interested in what the Senator is trying to accomplish, but I want to give the employer some rights in this matter, or we might just as well say that the free-enterprise system, the American way of making a living, is gone, if the Government is going to step in and take all rights from the owner or employer, and force him to take back men by the edict of some bureau.

Mr. BARKLEY. I do not think we are doing that, or even approaching such a status as the Senator from New Jersey has in his mind. There is nothing in this provision which takes away from the employer his right to reemploy. If under the Railway Labor Act or the National Labor Relations Act a group of men have gone out on strike, and in the meantime the dispute is settled, although they come within the terms of this section, is it the Senator's idea that the employer should be given the right, at the time when it is all adjusted, to say whether John Smith or Bill Jones or Jake Brown shall be employed, and if he does not see fit to reemploy them, notwithstanding they are taken back under a decision of these agencies, that he should be permitted to deny those men the right to employment? That is not my view.

Mr. SMITH. Mr. President, will the Senator from Kentucky yield?

Mr. BARKLEY. I yield.

Mr. SMITH. Under the National Labor Relations Act an employer is compelled to take an employee back even though he struck. Under the provision we are considering the employee is not regarded, for the purposes of the National Labor Relations Act, as an employee, and that rule would not apply.

Mr. BARKLEY. He ceases to be an employee. The status of the employee, just as in the bill we passed the other day, is eliminated, but it is restored if he is reemployed, whether under voluntary employment, or under an order of the National Labor Relations Board, or whatever board would have jurisdiction.

Mr. SMITH. An employer cannot be compelled to take him back because the act is not applicable to him in case he comes under this provision.

Mr. BARKLEY. I think the Senator is correct.

Mr. HAWKES. Mr. President, just a moment more, because I do not quite agree with what my colleague, the junior Senator from New Jersey [Mr. SMITH] has said. I do not agree that, under the National Labor Relations Act, the employer must always take back every employee who has struck, and I did not say that. There are cases in which employers are not forced to take men back. If the majority leader believes, and it is understood, that the employer is to have something to say about whom he takes back under the provision we are considering, then it is all right so far as I am concerned.

Mr. BARKLEY. I would not be willing, myself, to include a provision which would enable an employer to penalize an employee because he has gone out on strike when the strike has been settled and the bulk of the employees are going back to work.

Mr. CORDON. Mr. President, will the Senator from Kentucky yield?

Mr. BARKLEY. I yield.

Mr. CORDON. I should like to inquire of the majority leader what sort of a situation the President would face if the section were amended as suggested, and if the bill were passed, and a strike should occur; and, of course, it is contemplated that one may occur, or we would not need the legislation.

Let us say there is a strike on a railroad, as there was a few days ago, that the men have gone out on strike, that the President has taken over the railroads, and called the men back. Let us suppose that 24 hours elapse and they have not come back, and they have thereby lost their status as employees, and are now just a part of the general public. With whom will the President negotiate, or with whom will the company negotiate, in order to make any sort of an agreement with reference to terms of wages or conditions of employment? Every man has lost his status as an employee; he could not negotiate under either of the negotiation acts.

Mr. BARKLEY. The Senator will recall that in the bill passed a few days ago the status of an employee was destroyed for the 60-day and the extra 5-day periods. So that during those periods the same situation would have existed; the status of employees would be suspended, would not exist. I think the language in the bill provided that the status would not be restored until or unless there had taken place reemployment of the individual involved.

What we have attempted to do here is to eliminate that part of the bill which says one shall be deemed to have voluntarily terminated his employment, and so forth. I think that language is subject to criticism for two or three reasons.

Mr. CORDON. I have no criticism at all of the suggestion that that provision be stricken out.

Mr. BARKLEY. We have also eliminated the language which destroyed one's seniority if he were reemployed.

Mr. CORDON. I am in entire accord with that.

Mr. BARKLEY. Let us say a hundred thousand railroad men go out on a strike. We provide that if the employee—

> Fails to return to work on or before the finally effective date of the proclamation * * * or who after such date engages in any strike * * * [he] shall not be regarded as an employee—

But he is still a member of an organization of which there is a spokesman representing him and others, and, of course, in that sort of case the President would do what he has done in the recent situation, and would do in all such cases, that is, he would carry on his negotiations with the representatives of the organization, because while a man loses his status as an employee for the time being, he does not lose his status as a member of an organization in which he has a spokesman to deal with the President.

Mr. CORDON. The Senator means there would be a representative charged with the power of negotiating with the Government, although his principals, being the employees who hire him, have not that status. That gives a higher level to the representative than it gives to the principal who employs him.

Mr. BARKLEY. They do not lose their status as members of the organization from which they have selected a spokesman to deal with the Government in this case.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CORDON. If I understand the measure correctly it provides for a collective bargaining by an organization of employees and those employees are the ones who give life to the organization, and if the employees have been thrown out, as not having any standing to negotiate collectively, I cannot quite understand how an organization of them would have any standing whatever.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield to the Senator from Georgia.

Mr. GEORGE. May I make this suggestion? Even when an employee of any company which has been taken over by the President under this proposed act engages in a strike or slow-down or some other concerted interruption of operations, he does not entirely lose his status, because the language of the bill itself provides that he "shall not be regarded as an employee of the owners or operators thereof for the purposes of the National Labor Relations Act or the Railway Labor Act, as amended, unless he is subsequently reemployed by such owners or operators." So that he has a continuing status that may be perfected, so to speak, after he might have lost his standing under the National Labor Relations Act or the Railway Labor Act, to demand certain rights given him by those acts.

The courts in the very beginning held that where a group of workers went out on strike they did not necessarily terminate their relations to their employers. They still had a continuing right to re-

turn, and therefore to insist upon bargaining rights and other rights. This measure undertakes to do precisely that, because, while it says that the Government during the time that it has charge of the plant is not obligated to regard them as employees of the owners, nevertheless they do have certain rights which may be fully restored to them after they are subsequently taken back by the owners.

Mr. BARKLEY. The status of employees, as between employees and owners or operators, is suspended, but may be resumed upon the conclusion of the situation which results in their reemployment. That is the way I look at it.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield to the Senator from Louisiana.

Mr. OVERTON. I find myself very much in accord with the suggestion made by the senior Senator from New Jersey. His suggestion is that in line 9, page 5, after the word "subsequently," the word "voluntarily" be inserted, so that the owner of the industry may exercise his own choice and will in the matter of reemploying the workers who have gone out on strike. I should like to hear some other reason advanced against the suggestion than that which has already been given. Let us assume a situation where the President has issued a proclamation in case of emergency calling upon the strikers to return to work. They do not do so, and the plant continues under Government control and operation. Finally the day comes when the whole matter is amicably settled. If the employer has not the right to determine whether he shall employ every single one of those men, then he is back in the same situation probably in which he started, and he might find himself face to face with another strike, because the organization may say, "Unless you employ A and B and C"—who perhaps were the worst agitators and who the employer would think would be detrimental to the organization to reemploy, then they may say, "We will have another strike," and they will all get back to the same situation in which they were before. Unless the employer has that right the recalcitrant employees, the striking employees, can organize to compel the employer to reemploy every one who was on strike.

Mr. BARKLEY. The section deals with the situation where the Government has taken over the property and is attempting to administer economic penalties for something the employee does while the Government is operating the plant. If the word "voluntarily" is inserted it would be placed within the power of the employer, after the Government has turned the plant back, to penalize an employee who, while the Government had the plant, was out on strike in violation of what is in this measure, which undertakes to administer economic sanctions against a violator of the Government order. So when we are trying to penalize somebody for what he has done with respect to the Government of the United States, it seems to me unwise after relationship has ceased to exist then to give to the employer the right to say that he will penalize an employee who went out on strike or who violated an order of the Government, while the Government had the plant. That is going too far. I do not believe I could concur in that viewpoint, because the section deals only with the employees who have failed to go back before the finally effective date, or who after the effective date have engaged in strikes or slow-downs or other concerted interruptions of the plant.

Mr. OVERTON. Mr. President, will the Senator yield again?

Mr. BARKLEY. Yes.

Mr. OVERTON. Perhaps I did not make myself clear. When all that has happened, and the property is turned back to the true owners, then the organization of labor can, acting as an organization, say, "We shall all be taken back, and we are going to be taken back on our own terms. We are going to be taken back and the provisions of the National Labor Relations Act, or the Railway Labor Act, as the case may be, shall apply to us, and every one of us shall be reemployed, or else we do not go back to work." Then there would be a renewed strike. I think the employer ought to have the right to exercise some volition in the matter.

Mr. BARKLEY. I think in that case it would be giving to the employer the right to penalize an employee for something he did while the Government was in charge of the plant. I doubt the wisdom of that.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. LUCAS. I wish to ask the Senator from Kentucky whether this provision in line 9, is still in the bill as amended: "unless he is subsequently reemployed by such owners or operators"?

Mr. BARKLEY. That is still in the section.

Mr. LUCAS. Will the Senator tell me how that is going to work, and what rights the owners or the operators have under that language in the way of reemploying men who refused to go back to work after the President has given up the plant?

Mr. BARKLEY. My idea about it is this: We will say that the Government has taken over a plant. The employees have gone out on a strike after the Government has taken it over or they have failed to return to work if they are already out on strike. The Government takes over the plant. The men refuse or fail to go back to work. During that status an adjustment is made of wages or conditions, or whatever it was that brought about the interruption, and the Government turns back the plant to the owners. Let us say that it turns the plant back in the situation where the Government, as the employer, has agreed with the employees upon an adjustment of wages or working conditions. It turns the plant back to the owners in that status. Otherwise, there would be probably no reason for turning the plant back, because there would be just as much likelihood that there would be another immediate strike or disagreement as there was before the Government took the plant over. One of the objects in taking over the plant is not only to continue its operation and production, but to bring about an adjustment of the situation which resulted in the strike.

Mr. LUCAS. Let us assume a worker is still out when the Government turns the plant back to the owner. How is that individual affected? Does the employer under those circumstances have any right at all to say that he will refuse employment of the men who are still out, or must he take them back?

Mr. BARKLEY. I think that if an individual has persistently refused to resume his status as an employee and is still out when the Government turns the plant back to the owner and it comes into the possession of the owner, the owner would then have the right to determine.

Mr. LUCAS. Is not that exactly what the language means—"unless he is subsequently employed"?

Mr. BARKLEY. Yes, "unless he is subsequently employed," and reemployment implies that he is reemployed by the owner or operator.

Mr. LUCAS. In other words, as a result of his refusal to go back, and if he is still out when the plant is turned back to the employer by the Government, he is out for the purposes of the National Labor Relations Act or the Railway Act, and then it is up to the owner or operator of the plant to determine whether he will take him back.

Mr. BARKLEY. I think so.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. HAWKES. While the Senator from Illinois is on his feet, I wish to make a comment. I know we want to be realists in this matter. We do not want to write into the law provisions dealing with a lot of imaginary conditions which may never arise. I wish to tell the Senate that if the National Labor Relations Board orders an employer to take a thug back into his employ, the employer has to take him back or stand suit. That is the situation in actual practice.

Mr. BARKLEY. What the Senator——

Mr. HAWKES. I understand what the Senator from Kentucky has in mind. He is saying that this occurs while the Government has the plant, and any harm that is done is while the Government was the employer. That is what the Senator has in mind, I take it.

Mr. BARKLEY. I wish to call the Senator's attention to the fact that while this status is in existence the men are violating the orders of the Government if they refuse to go back to work, or remain on strike, or go out on strike. In that event, they cease to be regarded as employees for the purposes of the National Labor Relations Act or the Railway Labor Act, and therefore have no rights under those acts. They could not be forced back on the employer if they were still out participating in a strike. They would have robbed themselves of the status of employees which would enable them to come under the provisions of the National Labor Relations Act or the Railway Labor Act.

Mr. HAWKES. I thank the Senator for that explanation. Am I to understand him to mean that the Government has no power to make the former employer take the men back and restore their rights, and that the employer has the definite right to refuse to take them back?

Mr. BARKLEY. Absolutely, because if a man has lost his status and rights under the National Labor Relations Act or the Railway Labor Act, he is out, unless, when the Government turns the plant back, the employer reemploys him, which is a voluntary act. He could not go back under any order of the National Labor Relations Board, because he would have lost his status and rights under that act.

Mr. HAWKES. If the Senator is correct in his interpretation of the meaning of those words—and I think he may be—that definitely clears up the point which I had in mind.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. LUCAS. Following up this chain of thought, if I correctly understand, if the owner or operator takes a man back he immediately becomes subject to any privileges or advantages which he previously had under the National Labor Relations Act or the Railway Labor Act.

Mr. HAWKES. May I say one word further? I do not wish to be misunderstood. I do not believe that any decent employer in the United States would want to be punitive or unjust, or impose on any man an unfair set of conditions, or inflict any injury upon him which was not more than justified. I would hold no brief for such an employer. But I want it understood that the employer has some rights in regard to taking back a man who might foment more strife and start the whole thing all over again.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. FERGUSON. In connection with the point with regard to section 6, am I to understand the able Senator from Kentucky to indicate that if some of the employees—let us say members of a local union—terminate their employment by virtue of a violation of this section, the local union itself may negotiate, at least, for those who still remain in it?

Mr. BARKLEY. Undoubtedly. Those who are still in it, if they do not violate these provisions, do not lose their status as employees.

Mr. FERGUSON. That is correct.

Mr. BARKLEY. And they do not lose their rights under the National Labor Relations Act or the Railway Labor Act.

Mr. FERGUSON. So the local union could go ahead and negotiate, at least, for those who remained in it.

Mr. BARKLEY. I think there is no doubt about that.

Mr. FERGUSON. Let us assume a case in which they are all out, and the local union, the entity itself, which we seem to recognize—because in the Case bill we have said that it may be sued as such, and service may be had on one or more of the officers—still exists. Does the union still exist for the purpose of negotiation provided it does not violate section 6 of the Smith-Connally Act? I have had great difficulty in seeing how a local could negotiate with respect to the men going back to work and not at the same time keep them out in case the union did not agree to the terms of the employer, the Government of the United States.

Mr. BARKLEY. If all of them went out in violation of this provision in section 6, they would all lose their rights under the National Labor Relations Act and under the Railway Labor Act.

Mr. FERGUSON. Then the entity, or union, could not operate.

Mr. BARKLEY. The entity then might still negotiate with the Government, which is in operation. But it would not come under the National Labor Relations Act. The men would have no rights under the National Labor Relations Act, because their status and rights under that act would have been suspended. I feel sure that the Government itself could negotiate. It would obviously be impossible ever to settle the dispute unless the Government, while in operation, could carry on negotiations which would result in resumption of the operation of the plant or facility.

Mr. FERGUSON. Let us say, for the purpose of the discussion, that the men would not have any rights under the National Labor Relations Act. The Board could not interfere and say, "You must make such and such a contract."

Then we come to section 6 of the Smith-Connally Act——

Mr. BARKLEY. I do not have it before me.

Mr. FERGUSON. Let me read it to the Senator:

> Whenever any plant, mine, or facility is in the possession of the United States, it shall be unlawful for any person—

I take it that would include the entity, the local union, as well as the members—

> (1) to coerce, instigate, induce, conspire with, or encourage any person to interfere, by lock-out, strike, slow-down, or other interruption, with the operation or such plant, mine, or facility—

In other words, a local, or any member, could not do anything——

The PRESIDING OFFICER. The time of the Senator from Kentucky on the amendment has expired.

Mr. BARKLEY. I do not wish to take time on the bill now. The Senator from Michigan may be recognized.

The PRESIDING OFFICER. The Senator from Michigan [Mr. FERGUSON] is recognized.

Mr. FERGUSON. Under section 6 of the Smith-Connally Act no person can even encourage another person to interfere, by lock-out, strike, slow-down, or other interruption, with the operation of such plant. I take it that if the local union itself, or any member were negotiating——

Mr. GEORGE. May I most respectfully suggest that the whole philosophy of this bill is that there is no absolute right to strike? It is based upon a limitation of the right to strike against the Government in certain circumstances. The Government can continue to negotiate with every single man in the plant, or on the mine or railroad, as an individual, or it can negotiate with a representative of a group, if it so desires. The men simply have lost their status under the National Labor Relations Act and the Railway Labor Act, until the owner finally comes along, when the property comes back into his hands, and says "I wish to take those employees back." If he does so, then all their rights are restored to them. What power is there to prevent the Government of the United States from negotiating with Tom, Dick, Harry, Bill, or anyone else, or the representatives of any group, simply because the men themselves, by their conduct, may have lost their status under the National Labor Relations Act? That is all there is to it. The whole philosophy of the bill is that there is no absolute right to strike against the Government. The bill simply provides that if the employees engage in a strike against the Government, they lose certain rights.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. BARKLEY. It seems to me, as I recall section 6 of the Smith-Connally Act, that it declares certain things unlawful.

Mr. FERGUSON. That is correct.

Mr. BARKLEY. There must be a penalty invoked for those unlawful acts. This section of the pending bill does not declare anything unlawful. No crime is committed. The men simply lose their status as employees under the National Labor Relations Act and under the Railway Labor Act. They do not resume that status unless and until they are reemployed; but no penalty is assessed against them. This is purely an economic sanction. They lose certain rights if they do certain things. The philosophy of section 6 of the Smith-Connally Act is entirely different from that of this bill. As I recall, under the Smith-Connally Act there is a penalty for violation of that section.

Mr. RADCLIFFE. Mr. President——

Mr. FERGUSON. I should like to clear up one point. It is true that there is a penalty in section 6 of the Smith-Connally Act. That is why the United States Government, not recognizing any strike, and agreeing that there cannot be a strike against the Government, naturally can negotiate with the union, even though the union violates section 6 of the Smith-Connally Act, and even though a man were encouraging others to stay out on strike unless they received a certain contract.

I think the Senator from Georgia is correct when he says that the Government, even though those with whom it is negotiating have violated the law, may continue to negotiate with those men, even though they are subject to the penalty of section 6 of the Smith-Connally Act. But that would not stop the Government from prosecuting them at the same time under section 6 of the Smith-Connally Act.

Mr. BARKLEY. They might be prosecuted under that section, but they could not be prosecuted under the provisions of the pending bill.

Mr. FERGUSON. That is correct. There is no penalty under section 6 of the pending bill. Therefore, they are

penalized only to the extent of losing their rights under the National Labor Relations Act and the Railway Labor Act.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. TAFT. As I read this provision, it applies to every employee who engaged in the strike. It does not apply merely to officers.

Mr. BARKLEY. That is correct.

Mr. TAFT. After they have struck against the Government, when they come back to be employed by the employer, the Government will no longer reinstate them as employees of the employer under the National Labor Relations Act, as it probably would do if section 6 were not enacted. I do not see that there is any difficulty about the employer negotiating with the union if he wishes to do so, just as the Government may do. But he may no longer be forced to take those men back. That is the only point. If they are all subject to this penalty, he may be under no obligation to negotiate with a particular union, but he may negotiate with that union. I see no reason why he should not—and in all probability he would, because they would be the people with whom he would wish to deal.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. GEORGE. I think the Senator from Ohio is entirely correct. We are all overlooking the fact that even in the first instance the President may forgive them for striking, and let them go. In that event, apparently they would not lose any rights. But certainly the Government at any stage can negotiate with individuals or organizations as it pleases. And certainly when the Government steps out, the owner can come in and negotiate with individuals or with unions. But under this language, as I interpret it, the employer would have the right to say to the union, "There are certain men with respect to whom we do not care to establish employer-employee relationships, because they were guilty of sabotage and committed criminal acts during the time the Government had charge of our property."

Mr. RADCLIFFE and other Senators addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Michigan yield, and if so, to whom?

Mr. FERGUSON. I yield first to the Senator from Maryland.

Mr. RADCLIFFE. I desire to ask a question in regard to seniority rights as affected by the last two lines of section 6, reading as follows:

> And if he is so reemployed snall be deemed a new employee for purposes of seniority rights.

Mr. BARKLEY. I am proposing to strike that out.

Mr. RADCLIFFE. The Senator proposes to strike out all of that section?

Mr. BARKLEY. Yes.

Mr. FERGUSON. Yes; the Senator from Kentucky moved to strike that out.

Mr. RADCLIFFE. With that language stricken out, the employer still has no discretion, I assume, with regard to the matter of the determination of seniority rights. He has a right to reemploy any individual, but in doing so he cannot make any new order of precedence in regard to seniority rights, as I understand the matter. Such rights would be determined otherwise presumably by the National Labor Relations Act or the Railway Labor Act. The employer can reengage a former employee but he has nothing whatever to do with setting up any standard in regard to the seniority of such employee.

Mr. FERGUSON. As I understand, the National Labor Relations Act in and of itself does not create seniority rights, nor does the Railway Labor Act in and of itself create seniority rights. The contract between the employer and the employee is what provides for seniority, and I take it for granted that the able Senator from Kentucky desires to strike out this reference to seniority because we do not care or desire to interfere with that right of contract, which we want to recognize, and in fact we want to sponsor such a negotiation between the employer and the employee.

Mr. BARKLEY. The Senator is correct.

Mr. RADCLIFFE. At any rate, would it not be that the employer, in taking back the employee, would not have any discretion in regard to modifying any status of seniority? Is that correct?

Mr. FERGUSON. That would be true, except as the contract might provide, if there were a contract.

Mr. RADCLIFFE. In other words, at the time of reemployment the employer could not set up any new terms or conditions or any new standard regarding seniority. Is that the situation?

Mr. FERGUSON. I think so.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. LUCAS. I should like to call attention to the fact that in the event the individual who is not on strike fails to return before the plant is turned back to the owner or manager, under this bill it becomes the sole right of the owner or the manager to reemploy that individual. If the worker who was out had seniority rights, and if he failed to be reemployed, of course he would lose his seniority.

Mr. RADCLIFFE. Of course. But if he is reemployed——

Mr. LUCAS. If he is reemployed, then, as I understand this measure, he returns to the exact status he had before he went out unless the contract prescribes something different.

Mr. RADCLIFFE. And the employer has no right to modify that.

Mr. LUCAS. Exactly.

Mr. FERGUSON. In other words, the bill, if enacted, would not touch seniority. It would be determined by the contract rights between the respective parties.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. BARKLEY. All the employee would lose would be his rights under the National Labor Relations Act and the Railway Labor Act, neither of which, as the Senator has said, set up seniority rights. Such rights have been a matter of contract over a long period of years between the employer and the employees, and they are not touched in any way by either of those acts.

All this section does is to say that the employees take themselves out from under the provisions of those two acts if they violate this provision.

Mr. RADCLIFFE. Mr. President, will the Senator further yield?

Mr. FERGUSON. I yield.

Mr. RADCLIFFE. If seniority is determined by contract, does it preclude the possibility of making a new contract or a new arrangement as to seniority?

Mr. BARKLEY. Oh, no.

Mr. RADCLIFFE. Must it be determined by the old contract?

Mr. FERGUSON. Yes; if the employee had such rights under a previous contract; or it would be determined under a new contract, if one were made.

Mr. RADCLIFFE. In other words, if the employer does take back the employee, he can do so only subject to the existing contract, so far as the question of seniority is concerned?

Mr. FERGUSON. I take it that that is true under the proposed act.

I believe that the Senator from Illinois had in mind in one of his amendments to the so-called Case bill an idea which other Senators had in mind, namely, that if the employee were taken back, it would be against public policy to restore his seniority. At least we discussed that question. But in this measure we do not do that. In fact, if this language is stricken out—and personally I believe it should be striken out—we simply do not touch the subject of seniority. We leave that solely to the contract rights of the respective parties.

Mr. RADCLIFFE. Does the Senator mean under the old contract, or the new contract which is made at the time when the reemployment occurs?

Mr. FERGUSON. I mean either the old one or the new one. If the old one is still in effect, naturally it can carry on. If they desire to do so, they can make a new contract and in it they can provide for all the rights.

Mr. BARKLEY. If the act of the employee under this section is such as to vitiate his right to seniority, then, of course, it would automatically terminate. But it can be renewed. If, however, he has with the employer a contract which provides that, regardless of any work stoppage or strike, if he is reemployed his seniority shall continue, that will take care of the matter.

So it depends upon the kind of contract which exists between the employer and the employee.

Mr. FERGUSON. I think the Senator is entirely correct.

Mr. RADCLIFFE. I understand the Senator to say that there might be determination of seniority under either an old contract or a new contract. If there were a new contract, how could it affect the seniority of employees who had not struck?

Mr. BARKLEY. Of course, if they do not strike, this section does not apply to them.

Mr. RADCLIFFE. No; the Senator did not understand my question.

Mr. BARKLEY. Perhaps not.

Mr. RADCLIFFE. Let us assume that there are three employees, having orders

of seniority 1, 2, and 3. Let us assume that 1 and 2 strike, and later they are taken back. Does the Senator from Kentucky understand that the employer would take them back and put them ahead of No. 3?

Or, let us take another case as an illustration: Suppose 2 and 3 strike, and later both come back. Of course, they cannot be put ahead of No. 1 in any way. In other words, the rights of employees who did not strike could not in any way be affected, could they, by any new agreements in regard to seniority?

Mr. BARKLEY. I think the employees who do not strike retain whatever seniority they have enjoyed all the time under the contract with the employer. If No. 2 and No. 3 were to strike, and later were to be reemployed, the question of their seniorities—that is, their resumption of the seniority they had before they went out on strike—would depend on the contract they had with the employer. I do not think they could be put ahead of No. 1.

It is hard to visualize the actual situation existing in such case. But if all of them are working at the same job and if one has a longer seniority and ranks as No. 1, certainly if No. 2 and No. 3 went out, and later returned and resumed their original status, that would not put them ahead of No. 1, because they would resume the position they had before the strike took place. So I do not see any difficulty there.

Mr. RADCLIFFE. Of course, there would be this difference: If No. 1 and No. 3 struck, then No. 2 would automatically take the place of No. 1 and would have the position of No. 1, unless No. 1 were reemployed.

Mr. BARKLEY. Not necessarily.

Mr. RADCLIFFE. Why not? And if No. 1 and No. 3 struck, then if No. 1 were out, No. 2 would automatically take the position which No. 1 had. Does that mean that he would automatically take the position which No. 1 had, but if No. 1 came back later on No. 1 would be returned to his former status?

Mr. BARKLEY. If No. 1, who, let us suppose, is at the head of the list, goes out on strike during the time when the Government is operating the plant, he loses his status as an employee under the National Labor Relations Act and under the Railway Labor Act.

Mr. RADCLIFFE. And then No. 2 becomes No. 1.

Mr. BARKLEY. Not necessarily. The status of No. 1 is in suspense.

Mr. RADCLIFFE. How long in suspense.

Mr. BARKLEY. So if he comes back at the end of the strike and if he has with the employer a contract which entitles him to the status he enjoyed when he went out, no one can be placed ahead of him by reason of his having gone out on strike, because he resumes the same position which he had before he went out.

Mr. RADCLIFFE. How long does that status remain in suspense? The language of the bill says, "If he is reemployed." Reemployed when? Immediately? Or at some later time?

Mr. BARKLEY. When the Government turns back the plant.

Mr. RADCLIFFE. It says, "Unless he is subsequently reemployed." That might be at a time quite some distance away.

Mr. BARKLEY. We could not say "previously reemployed."

Mr. RADCLIFFE. No, of course not. But suppose the plant is returned and suppose No. 1 is not reemployed at that time. Then No. 2 will automatically take the position which No. 1 had. But suppose that after some period of time—"subsequently," whatever that might mean in that particular instance—No. 1 is brought back.

Mr. BARKLEY. Mr. President, I am taking all the time of the Senator from Michigan.

Mr. FERGUSON. That is all right, because I practically took the floor from the Senator from Kentucky.

I should like to answer on the basis of my understanding of this measure the last question which was asked by the Senator from Maryland. The Senator said that if No. 1 quits the employment, and if No. 2 remains in the employment, and if No. 3 quits——

Mr. RADCLIFFE. Yes, that was my hypothesis.

Mr. FERGUSON. If a contract is in existence and if he returns to work under his contract, if the contract provides that No. 1 is entitled to No. 1 seniority, he would have it. But if the contract terminates in the meantime, I take it that the union and the employer can make any contract they see fit to make and can negotiate any kind of contract in relation to seniority. The contract could provide that No. 1 be put at the bottom of the list if the union sanctioned such action or he could be put at the top.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. HAWKES. I believe that the majority leader has put the situation very clearly. In other words, what the language does is this: If the employer reemploys the person he will retain his rights under the National Labor Relations Act, and under the Railway Labor Act. A contract might easily provide and very specifically say that if a man goes on strike or ceases to work, or quits his employment, he will lose his seniority rights. The matter is purely one of bargaining between the parties. When the contract terminates, the parties have a right to make a new contract with new conditions.

Mr. RADCLIFFE. Does not the Senator believe that the word "subsequently" is rather vague in this special use? If the plant is returned to the owner, and No. 1 worker remains out, but is reemployed later, No. 2 will go automatically into the status of No. 1. Some time later No. 1 is reemployed, not at the time the plant is returned to the owner, but at some time subsequent to that. What is then the situation with regard to worker No. 1 and worker No. 2? If No. 2 is temporarily in place of No. 1 whose right to return is in suspense, how long would that temporary or suspense period continue? There must from a practical standpoint be some limit to such continuation.

Mr. FERGUSON. Mr. President, I have no trouble with the word "subsequently" because I have seen contracts by which a man could be out of employment with the company for 3 months, and upon his return he would be given his former seniority status.

Mr. LUCAS. Every case will depend upon the particular circumstances involved. If such a case as has been cited by the able Senator from Maryland by way of example should actually occur, those who had the right to exercise bargaining power would take the situation into consideration and make a contract accordingly.

Mr. FERGUSON. I believe the Senator is correct.

Mr. PEPPER. Mr. President, in the Smith-Connally Act there was an expressed reservation to the effect that nothing in the act would be construed to prevent an individual worker from ceasing to work. The act contained a prohibition against a labor leader encouraging and fomenting a strike. However, at that time it was considered that the Congress of the United States would not compel any man to work for his employer or for the Government of the United States. So, while we made it a prosecutable offense under the Smith-Connally Act for a labor leader to foment a strike, we expressly reserved the right of the individual worker to quit work, even for the Government. If, therefore, there is any penalty at all to be inflicted upon the worker who wishes to quit work, we have reversed the policy which we adhered to even as late as when we passed the Smith-Connally Act.

Mr. President, I refer to that fact because there is still left punitive language in the section which we are considering.

Mr. BARKLEY. Mr. President, will the Senator yield? I did not understand his statement. I was interrupted in my attention to him.

Mr. PEPPER. I say that there is still punitive language against an individual worker who, of his own volition, ceases to work, even if the amendment of the Senator from Kentucky should be adopted. I favor the amendment, but I wish to emphasize that if we adopt the amendment we depart from the reservation which we made in the Smith-Connally Act, and for the first time the Congress adopts a concept that an individual worker may not quit work without being subjected to a legal penalty.

Mr. President, I wish to show why I say that. Section 6 reads as follows:

> SEC. 6. Any affected employee who fails to return to work on or before the finally effective date of the proclamation (unless excused by the President), or who after such date engages in any strike, slow-down, or other concerted interruption of operations while such plants, mines, or facilities are in the possession of the United States—

And now leaving out what the Senator from Kentucky wishes to strike out from the section—

> shall not be regarded as an employee of the owners or operators thereof for the purposes of the National Labor Relations Act or the Railway Labor Act, as amended, unless he is

subsequently reemployed by such owners or operators.

Mr. President, why do I say that the language which I have read provides for the imposition of a penalty upon an individual worker who ceases to work? Because I have before me a copy of the National Labor Relations Act, and on page 4 of that act, in sections 7 and 8, there are defined the rights of employees under the act. Those rights are empowered by section 6 which I have just read. Here are the rights of the employers under the National Labor Relations Act:

SEC. 7. Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection.

SEC. 8. It shall be an unfair labor practice for an employer—

(1) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 7.

Mr. President, among those rights are collective bargaining, mutual aid, and concerted action. Yet I believe that I can show that the employer is being made the punitive agent of the United States Government to inflict on the worker any deprivation of these rights which he may care to inflict. I shall try to prove that by a reading of the section. I repeat:

(1) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 7.

(2) To dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it: *Provided*, That subject to rules and regulations made and published by the Board pursuant to section 6 (a), an employer shall not be prohibited from permitting employees to confer with him during working hours without loss of time or pay.

(3) By discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization.

Mr. President, nothing could be clearer than the fact that one of the rights which were conferred upon the workingmen by the National Labor Relations Act was the prevention of the employer from exercising discrimination against the workingmen because they joined a union. He could not affect their job or their seniority, or in any other way adversely affect them because they joined a union. Allow me to again read the language:

(3) By discrimination in regard—

Mr. President, this is one of the things which is forbidden to the employer as against the employee under the National Labor Relations Act, and we would strip it away from the employee, even if the amendment of the Senator from Kentucky were adopted. I wish to read again:

(3) By discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization—

And so forth. Mr. President, what do I mean with reference to the applicability of that section even if the amendment of the Senator from Kentucky should be agreed to? It has already been admitted during the course of this debate that the employer is the sole judge of whether he will take back the worker who has been on strike. We, as a Congress, are asked to give the employer the right to take back the worker under any conditions which he may impose, and we cannot in any sense of the word limit those conditions. What would the employer probably do? The men who have been the officers of the union, the men who have been active in participating in the strike, the men who have been a thorn in the sides of employers will be the ones who will not be given back their jobs. If they do get them back the conditions under which those men will be given their jobs will not be limited in any way. Therefore, Mr. President, for the first time within my knowledge we are about to deprive citizens of their legal rights, and we are giving to a private citizen the right to judge whether or not, and the degree to which the worker, who is also a private citizen, shall be deprived of and denied his legal right.

I apologize for my tardiness in yielding to the able Senator from Oregon.

Mr. CORDON. Mr. President, I appreciate the Senator yielding at all in the midst of his argument. I apologize for interrupting him.

The presentation of the Senator relates to rights which may be lost under the bill. I think that is correct. But I wanted to observe that it is within the power of those who are affected by the bill to save themselves those rights, as I view it, by simply returning to work for the period of time the Government itself is operating the particular plant or facility. Is that the Senator's understanding of the application of the bill?

Mr. PEPPER. The Senator is correct, Mr. President, in that the time when the failure of the worker to work subjects him to this penalty is the time of the operation of the industry by the Government. That is correct. But the Senator will allow me to suggest something else. For striking during the time the Government is operating the enterprise we do not punish the man as an individual under this section; we give the private employer the right to punish him when we turn the plant back to the private employer. If we are to say, "You cannot strike against the Government," why do we not let the Government be the only one to impose the penalty, and not turn the man over to the tender mercies of the employer when the Government restores the plant to the employer?

If we are willing to establish the principle that a private worker has to work for the Government, even by coercion, then at least let us provide that the Government shall be the judge of the offense and the penalty to be imposed if the worker violates the prohibition.

Mr. TYDINGS. Mr. President, will the Senator from Florida yield?

Mr. PEPPER. I yield.

Mr. TYDINGS. I should like to ask the Senator from Florida whether as a practical matter, when the Government turns the plant or the railroad or the mine back to the owner, and ceases to operate it as the temporary owner, there would not then in all probability be a contract made between the employees and the employer. I should like to get that premise straightened out, because I want to ask the Senator a question based on it.

Mr. PEPPER. It would depend entirely on the parties. As I see it, if this section were the law, and men went out in violation of this prohibition, they would approach the employer as if they had never worked in the plant. The previous relationship between them would be null and void, and whether there was a contract, and what the contract would be, would depend entirely on the bargaining of the parties.

Mr. TYDINGS. I am very much impressed with the argument of the Senator from Florida, but I am trying to find a solution, and I think the solution would be what I am about to state.

Let us suppose the railroad men are out on strike; let us suppose the Government takes over the railroads, and asks the railroad men to come back and work for the Government; and let us suppose the railroad men who are out on strike come back and work for the Government. I would take it the Government would continue to operate the railroads, and while they were operating the railroads, the owners and the employees would negotiate a new contract. Otherwise the Government would continue to operate the railroads.

Mr. PEPPER. That might be so.

Mr. TYDINGS. In the case I have mentioned, then, I would assume that if the owners and the employees do make a new contract, labor leaders being practical, realistic men, it would contain provisions which would protect those who had been on strike prior to the time the Government took over the railroads, and in that case there would not be any difficulty. Does the Senator concede that, in that particular ideal case?

Mr. PEPPER. I take that supposition case, and say it is possible.

Mr. TYDINGS. Now let us take another case; let us take the case where the workers are out on strike—we will assume again, for the sake of the argument, that it is a railroad strike—the Government takes over the railroads and asks the workers to return to work, and the workers refuse to do so; that then there is a negotiation between the new owners and the railroad employees which penalizes the worker who refused to work for the Government. Does the Senator feel that the method of the imposition of the penalty is the thing he is discussing rather than the penalty itself, in the situation I have presented?

Mr. PEPPER. Mr. President, it is difficult for me to distinguish between the two, because if the employer has the power to impose any condition he would like to impose, then he may affect seniority, he may affect the kind of job the worker gets, he may affect whether he may join the union or not.

Mr. TYDINGS. Yes, but the worker in the case I have supposed would bring the penalty on his own head by refusing to work for his own Government in an hour of great crisis, and my sympathies would not be as great for him as if he

had opportunity to restore his seniority by working for the Government through the emergency, and then were penalized for some act outside of that circumstance.

Mr. PEPPER. I quite understand the point of view of the Senator from Maryland, but what I am trying to emphasize is that for the first time, and for the first time in our consideration of this bill, when we are dealing with this section we have considered sanctioning the imposition of a personal penalty upon the worker who individually declines to work for the Government. That is the first thing I am trying to emphasize. That is contrary to the reservation of the Smith-Connally Act, that the right of the individual to stop work is not impaired.

Mr. FERGUSON. Mr. President, will the Senator yield on that point?

Mr. PEPPER. In a moment. I ask Senators whether we are prepared to reverse the philosophy we wrote into the Smith-Connally Act and now say that if an individual, even without his act being fomented or brought about by a labor leader, determines not to work, we are going to inflict a penalty upon him for not working. If we do that, is that in violation of the Constitution of the United States respecting the imposition of penal servitude without a man having been adjudicated guilty of a crime?

I now yield to the Senator from Michigan.

Mr. FERGUSON. I take it for granted that the able Senator from Florida has in mind section 6 of the Smith-Connally Act, and particularly these words:

> No individual shall be deemed to have violated the provisions of this section by reason only of his having ceased work or having refused to continue to work or to accept employment.

It will be noticed that the section says, "No individual shall be deemed to have violated the provisions of this section." "This section" is section 6. The next provision, (b), is on the next line after the word "employment," and reads:

> (b) Any person who willfully violates any provision of this section shall be subject to a fine of not more than $5,000, or to imprisonment for not more than 1 year, or both.

There is an exception to those words, and that is when the employee himself ceases work.

Mr. PEPPER. That is correct. Will the Senator tell us, while he is construing that section, what is the offense prohibited by the section?

Mr. FERGUSON. The offense prohibited by the section is this:

> It shall be unlawful for any person (1) to coerce, instigate, induce, conspire with, or encourage any person, to interfere, by lockout, strike, slow-down, or other interruption, with the operation of such plant, mine, or facility, or (2) to aid any such lock-out, strike, slow-down, or other interruption interfering with the operation of such plant, mine, or facility by giving direction or guidance in the conduct of such interruption, or by providing funds for the conduct or direction thereof or for the payment of strike, unemployment, or other benefits to those participating therein.

Then comes the word "No," and the provision I have read.

Mr. PEPPER. Will the Senator pause there for a moment?

Mr. FERGUSON. Yes.

Mr. PEPPER. That is a prohibition against any leader either inducing a strike or encouraging it, or paying unemployment benefits, but it goes further to make clear that it is not designed to deprive the individual worker of the right to quit work if he wishes to do so.

Mr. FERGUSON. That is absolutely correct, if the Senator will yield to me for a moment. But it will be noted that the exception is only for the benefit of section 6 of the Smith-Connally Act because it says "this section."

Mr. PEPPER. That is correct.

Mr. FERGUSON. The penalty is only for a violation of section 6 of the Smith-Connally Act.

Mr. PEPPER. That is correct.

Mr. FERGUSON. Therefore, when we pass a new section 6—and let us refer to the bill now before us as the President's bill——

Mr. PEPPER. I do not think we do it any violence if we adopt that appellation.

Mr. FERGUSON. There is no criminal penalty in that section, except that the employee shall lose his rights under the National Labor Relations Act or the Railway Labor Act. That is the penalty. But as I view it, we cannot say that the penalty under section 6 of the Smith-Connally Act has anything to do with section 6 of the President's bill.

Mr. PEPPER. Will the able Senator from Michigan go along with me to this degree? Will he agree that there is nothing in the Smith-Connally Act that subjects the individual worker to any penalty whatever for not working even for the Government?

Mr. FERGUSON. I agree wholeheartedly with the Senator, because there is an exception in section 6 to the effect that no man may be required to work unless he wants to work. He can cease work if he wishes to.

Mr. PEPPER. Will the Senator go with me one step further and agree that if by this section we inflict any penalty upon the individual worker for stopping work, even while in the Government employ, it will be a departure from existing law?

Mr. FERGUSON. I agree wholeheartedly with the able Senator from Florida that it will be a departure from existing law.

Mr. PEPPER. The Senator from Michigan has been characteristically fair.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. WHERRY. I wish to ask the Senator a question. I have particular reference to the seniority rights which will be lost under the Railway Labor Act. Let us say that a railroad employee fails to go to work during the Government operation of a railroad. Let us assume he is on strike during the Government operation. He might even be afraid to go back to work. When the Government hands the railroad back to the operator, is it the Senator's understanding that unless the railroad employs that employee who failed to work during Government operation, the employee loses his seniority rights?

Mr. PEPPER. That is correct.

Mr. WHERRY. And the employer can decide whether he will or will not employ that employee under the provisions of this section?

Mr. PEPPER. Yes; or he may reemploy the employee under any conditions he may fix.

Mr. WHERRY. That is the Senator's interpretation of section 6, as it now is in the measure?

Mr. PEPPER. Yes; that is correct. I do not think that interpretation can be challenged.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. HATCH. I ask the Senator from Florida if the argument he has made is based upon the fact, as he says, that the penalty as provided by section 6 is in effect actually put into execution by the employer?

Mr. PEPPER. That is correct; by the private employer after the Government turns the property back to the private employer.

Mr. HATCH. Yes. Of course the penalty would not apply while the property was in the possession of the Government. Then when the Government turns the property back to the employer, the employer is under no obligation to reemploy?

Mr. PEPPER. That is correct.

Mr. HATCH. The man would have no benefits under the various labor acts unless he were reemployed.

Mr. PEPPER. Yes. The vice of it is, Mr. President, that we would strip that individual employee of any protection because of what his former employer may do to him, not for what he did to the employer, but by hypothesis, for what he did to the Government of the United States. In other words, we say that "because you violated your duty to work for the Government of the United States we will turn you over to the tender mercies of your former employer when he gets the business back."

Mr. HATCH. Mr. President, will the Senator yield further?

Mr. PEPPER. Yes.

Mr. HATCH Of course that could be easily corrected. If Senators thought it was sufficient offense for a man to refuse to work for his government in time of crisis, all that would have to be done would be to put a period after the word "act" in line 8, which would deprive him absolutely of his rights under the National Labor Relations Act or the Railway Labor Act, because he did do the thing about which the Senator has been talking, that is he refused to work.

Mr. PEPPER. Yes.

Mr. HATCH. But then it is not left to any discretion on the part of a private employer. That situation might be cured very easily in the manner I have just suggested.

Mr. PEPPER. No; it would not cure the situation, because it would accomplish substantially the same result. The

meaning of that language would be that if the employee were stripped of his rights under the two acts in question, then he would not have any protection of law against the employer.

Mr. HATCH. The point I was making is that it would do away with the vice, and I admit that it sounds like a vice, of letting a private employer inflict a penalty.

Mr. PEPPER. Yes; that is what I think.

Mr. HATCH. If the penalty should be inflicted, perhaps the Government should inflict it.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. WHEELER. If after the words "unless he is subsequently reemployed" the words "by the Government" were inserted, would that not cure the vice the Senator speaks of? Suppose a man works for a railroad, and suppose a strike occurs. Then let us assume the Government takes over the railroad, and the man is still on strike. After the Government has taken over let us assume the man returns to work. In such a case, if the language were "unless he is subsequently reemployed by the Government" it seems to me it would cure the defect the Senator spoke of.

Mr. PEPPER. That would go a long way toward obviating the vice which exists. It would give the Government the power to allow a man to repent. He may not come back on the day the President says "come back." He may be willing to come back the next day. Yet if he came back the second day, under this section no matter if he worked for the Government the rest of the time the Government operated the railroad, the private operator could do anything he wanted to do with the man when the railroad was returned to him.

Mr. WHEELER. The man might have a valid excuse for not returning to work, but the individual who had charge of the operation by the Government might not excuse him. He might say that the worker was faking or something of that kind. But if the worker comes back and works for the Government and the Government accepts him back it seems to me he should not be penalized.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. LUCAS. I should like to ask the Senator from Florida a question. Here are a number of men who come back and are subjected to no economic penalties so long as they come back while the Government has the plan in operation. There are other men who do not come back. They are still striking against the Government. I should like to ask the Senator what he thinks ought to be done with the few men, we will say, who refuse to return to work under those conditions? Perhaps the Senator already has explained that while I was out of the Chamber.

Mr. PEPPER. No; I have not, Mr. President. The able Senator from Illinois will understand that he and I have an opposing philosophy in dealing with this subject. I think if the bill were stripped down to the part which would permit the Government to take over the enterprise—and I voted against the amendment earlier today that would have narrowed the scope of the Government's authority—and if the Government, once having jurisdiction, would have authority to fix wages and hours, then it could settle strikes as it settled the coal strike. Personally I do not favor the infliction of any labor penalties.

The PRESIDING OFFICER. The time of the Senator from Florida on the amendment has expired.

Mr. PEPPER. I do not know whether I have talked on the bill or not. If I have not spoken on the bill, may I take part of my time of 30 minutes on the bill now?

Mr. BARKLEY. The Senator can take a part of it, but if he does he cannot take the rest of the time to speak on the bill later.

Mr. PEPPER. In that case I should like to offer an amendment to the amendment offered by the Senator from Kentucky.

The PRESIDING OFFICER. That will be in order.

Mr. PEPPER. Mr. President, I shall desist until the amendment offered by the Senator from Kentucky, which I favor, is voted upon. Then I can address myself to another amendment.

Mr. BARKLEY. Mr. President, I merely wish to ask Senators to remain in the Chamber. I have been asked whether we should proceed during the evening. I think we can finish the bill in an hour or two at the most. I hope Senators will remain so that when we have concluded action on this bill we can take up the draft bill, which is in charge of the Senator from South Dakota [Mr. GURNEY] and make it the unfinished business.

Mr. WHITE. Mr. President, I wanted to ask the Senator from Kentucky whether at the conclusion of the consideration of this bill there will be a recess taken until Monday.

Mr. BARKLEY. No. It is contemplated that there will be a session tomorrow, even if we finish this bill tonight, because the Senator from South Dakota wants to make the draft bill the unfinished business, and I think we ought to work on it tomorrow. The Senator from Georgia [Mr. RUSSELL] is anxious to have the agricultural appropriation bill taken up. There are other bills which should be considered, and I think we would not be justified in taking a recess over until Monday.

Mr. WHITE. I am in complete agreement with the Senator as to that. I simply wanted to know whether, if the bill is passed tonight, there will be nothing further tonight except the arrangement to make the draft bill the unfinished business.

Mr. BARKLEY. That is correct; and then we will meet tomorrow to consider it.

Mr. GEORGE. Mr. President, I wish to be heard briefly because, if it were true, the philosophy which has just been propounded by the Senator from Florida would destroy the Government itself, and I hope, therefore, that no amendment that will recognize that philosophy will be accepted or put into the bill.

The Senator from Florida overlooks the essential fact that the purpose of the Smith-Connally Act was to secure the manufacture of arms and munitions and other things necessary in the prosecution of the war. The Smith-Connally Act for that purpose, and in order to enable the Government to carry on the war and prevent unnecessary interruptions because of labor disputes, authorized the Government to take over plants, all kinds of plants and mines, everything in fact practically, excluding carriers by air and by sea. They were not authorized to be taken over under the Smith-Connally Act.

I am in essential disagreement with the Senator from Florida as to the whole philosophy of this measure. If the Government itself is to be preserved, or have the power of self-preservation, the United States Senate must be in disagreement with him.

This bill does not authorize the President to do anything with respect to any of the mines, facilities, or properties which may be taken over under the Smith-Connally Act; but it does authorize the President to proceed further. With respect to facilities or mines taken over under the Smith-Connally Act, or any other applicable law, if he finds that the uninterrupted operation of such facilities is essential to the maintenance of public health or security and the national economy, he may declare a state of emergency and thereafter operate the facilities taken over by the Government itself, the interrupted operation of which produced the basis for the national emergency which he declares.

The Senator from Florida is concerned because we are not expressly permitting the individual, as in the Smith-Connally Act, to walk out from his contract without any responsibility on his part, not as against the employer or the owner of the enterprise, or the business itself, but as against the Government of the United States, when the President of the United States has been driven to a declaration that the public health and security and the national economy will break down and cannot be carried on if there is an interruption of such facilities—in other words, that Government itself will cease to function.

Whenever any of the facilities or instrumentalities of Government which are essential to public health, public safety, and the whole national economy are taken over by the President, and he makes his proclamation, then the Government of the United States is squarely in the picture. The Government becomes the employer. The employer is no longer the private employer who originally had contracts to manufacture munitions of war and because of labor troubles was unable to do so and the Government found itself compelled to take over. The Government steps in here and takes over; but if the Government takes the further step and finds, through the President of the United States, that a grave national emergency is created, then the Government becomes the employer.

What is the mild penalty to which the Senator excepts?

Mr. PEPPER. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. DOWNEY in the chair). Does the Senator from Georgia yield to the Senator from Florida?

Mr. GEORGE. I yield.

Mr. PEPPER. In the first place, Mr. President, I believe the Senator and I are in accord, that the inherent right—the substantive law, as it were, to take over under the provisions of this bill—is the right to take over which is embodied in the Smith-Connally Act. That is the first step. That is the basic law.

Mr. GEORGE. Oh, no.

Mr. PEPPER. Section 2 of the bill so provides.

Mr. GEORGE. It also includes any other applicable law.

Mr. PEPPER. Does the Senator know of any other applicable law?

Mr. GEORGE. I am not prepared to say that there may not be.

Mr. PEPPER. I wished to start with that premise.

In the second place, the Senator will admit, will he not, that the Smith-Connally Act was for the important purpose of maintaining uninterrupted war production?

Mr. GEORGE. Yes; but not for the maintenance of the public health and security and the national economy, interference with which the President finds creates the greatest possible emergency.

Mr. PEPPER. Does the Senator from Georgia think it is likely that either the public health or the national economy would be more important to the people than the security of the country when it is involved in war?

Mr. GEORGE. Certainly, so far as the mere break-down of a particuular manufacturer in the production of war goods according to his contract is concerned. I am getting to the point. I wish to be perfectly frank with the Senator.

Mr. PEPPER. I am coming to the other point——

Mr. GEORGE. Let me proceed, and then I shall be glad to yield to the Senator.

Mr. WHEELER. Mr. President——

Mr. GEORGE. Let me get to the point which I wish to reach.

I believe that this is the time when the question ought to be fought out. There is no absolute right of any man to strike against his government or against any function of government. That is the basis on which this legislation is predicated. I know that the appeal has gone to the country that this is a proposal to crucify labor. That thought was furthest from the mind of the President, and that purpose was furthest from every line written into the bill.

I had nothing to do with the formation of the bill. I was not even consulted about it. I knew nothing about it until it came here. I received my first information about it, as did many other Senators, when it was presented to us.

This bill proceeds on the theory that no man has the right to strike against his Government or any essential function of Government. If the contrary doctrine is admitted for a moment by quibbling over whether or not certain rights and privileges which have been given to labor in the private relationship between employer and employee are affected, then the whole foundation of the Government is swept out from under it and the whole power of the Government to maintain its integrity, to preserve public health, to preserve public security and public peace, and the whole national economy, is simply taken away.

What does this provision do? It provides as follows:

Any affected employee—

That means anyone who fails to return to work—

who fails to return to work—

That is, after the Government steps in, after the proclamation has been issued, after the emergency is in existence, if we enact a law authorizing the President to sign it—

on or before the finally effective date of the proclamation (unless excused by the President)—

The President may still excuse anyone—

or who after such date engages in any strike, slow-down, or other concerted interruption of operations while such plants, mines, or facilities are in the possession of the United States, * * * shall not be regarded as an employee of the owners or operators thereof for the purposes of the National Labor Relations Act or the Railway Labor Act, as amended, unless he is subsequently reemployed by such owners or operators, and if he is so reemployed shall be deemed a new employee for purposes of seniority rights.

I do not care to argue the question whether "operators" includes the Government, because I do not believe it stands upon any such narrow foundation. Certainly, if the President can forgive any individual or any group of individuals, or if he permits them to continue work so long as the Government is operating the plant, mine, or facility, then the status of those individuals is never interfered with. But if men continue to remain on strike against the Government, or continue to remain idle after the Government invites them to come back, then at the end of Government operation, assuming that they still have remained out of the plant, mine, or facility, it is placed within the power of the employer to decide whether to reemploy those men. Why should it not be so?

The whole fault of the Wagner Act—and I speak of it not as one who voted against it, because I voted for it originally—the primary fault of it was that its administration was placed in the hands of zealots and partisans, who gave it a slant against every decent employer and in favor of every labor boss, so that the people of the country lost confidence in it. The businessmen of America do not believe in it as it has been administered. The fault was not necessarily in the act. It was in the maladministration of the act by partisans.

Why should not the owner of any business, after the Government has operated the business for 6 or 8 months, or for 3 weeks, have the right to say to any employee who refused to come back and work for the Government, "We do not elect to take you back into this plant"? If there is any fairness in American law, we will not hesitate to write it out specifically that the owner has such right.

That was the trouble when we were enacting legislation in an effort to help the workers. The Senator from Maryland [Mr. TYDINGS] stood here and made a long, hard fight to see that a worker should not be coerced by anyone—not merely his employer. The late Senator Couzens, from Michigan, stood on the other side of the aisle and made an honest plea, as an experienced businessman, for fairness in the language of the law. The language of the law was not necessarily unfair. The answer then made to the late Senator Couzens, from Michigan, as well as to the Senator from Maryland and others, was that the rights of the American employer were established under law, and that it was not at all necessary to reassert them in an act undertaking to establish the rights of labor.

As one who voted for that act, I have no hesitancy in saying that the primary fault in the act today is in the one-sided, partial interpretation and administration of the act by zealots, by partisans, by men who have no judicial approach to the settlement of any issue or question that arises between men in their ordinary relationships. The courts tried for a little while to put some reason into the interpretations made by these boards. But then the Supreme Court of the United States came along and gave to these partisan boards the absolute right to construe all on one side of the issue what was intended to be a good law and what is a good law in principle. That is our whole trouble here, Mr. President, and that is why we are here right now. So I wish the Senator from Florida to know, and I wish any other Senator who shares his views to know, that I take the position that no man or woman or group of men has the right to strike against the Government or any function of Government. It is not necessary to go any further now, but I take that position, and I take it absolutely without any qualification whatever.

We do not have to pass this law. But if we do pass it, and thus give to the President of the United States the right to say that "In these struck and interrupted enterprises of the country, the public health itself is in jeopardy, the public security has gone or is breaking down, and the whole national economy is fading, so I take over these plants and these facilities and operate them as the Government of the United States," my distinguished friend, the Senator from Florida, wishes to hesitate because, forsooth, he thinks that the former owner of the plant, if he gets it back at all, should not have the power to say to an employee who has struck under those circumstances, "I will take you back, but I will not take you back under favorable conditions"—after that man has gone on strike against his Government.

Mr. President, I have made this statement before, but I repeat it: I think the hour is coming when we shall have other crises. I do not think we have seen the last crisis. The railroad strike and John L. Lewis' strike in the mines were not

the first crisis, and I do not think we have seen the last one. We shall see other crises, unless we bring our labor-management relationships into better balance, through good administration of our laws, and through necessary and needful regulations by our laws.

Some day I should like to pay some attention to the decisions of the Supreme Court, to see how far they have gone in striking down the power of the district courts and the appellate courts of the Nation to try to do something like justice between employers and employees.

But for the time being, Mr. President, let us argue this question on the basis on which it should be argued. Of course, even the Smith-Connally Act, in section 6, says precisely what undoubtedly is the law in any instance, except to the extent that the Government of the United States sees fit to take away some privilege or some immunity granted to a member of a labor organization or to an individual worker.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. PEPPER. Does the Senator, however, construe that the immunity of the bill against imposing penalties against the worker who, as an individual, stops work, applies even under the Smith-Connally Act?

Mr. GEORGE. Oh, no. The Smith-Connally Act speaks for itself.

Mr. PEPPER. I say the Smith-Connally Act covers the case of the individual worker who stops work for the Government. It does not penalize him; does it?

Mr. GEORGE. Not where the individual worker simply does not work.

Mr. PEPPER. That is correct.

Mr. GEORGE. Yes.

Mr. PEPPER. That is what I mean.

Mr. GEORGE. But there the President has not declared a grave national emergency to exist. There the President has not said that the public health or public security or the whole national economy is crumbling. In the Smith-Connally Act the Congress was not even dealing with that question. The Congress there was dealing only with the single question of getting people to perform war contracts, which were being interrupted by strikes or threatened strikes, or through the perverseness of the contractor, through his unwillingness to work and to produce goods at a stipulated price, a price which might have been prescribed by the Secretary of War or the Secretary of the Navy.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. AUSTIN. I had much to do with the drafting of the Smith-Connally Act, having been on the subcommittee.

Mr. GEORGE. I remember that the Senator was.

Mr. AUSTIN. It is my clear recollection that the word "only" in the phrase which has so often been referred to, had significance, and that its purpose was together with the context to show that a combination of individuals was not comprehended in the immunity. It is only the single individual who is comprehended. But when two or more individuals combine together, they are not excused from the prohibition of the act.

Mr. GEORGE. I think the Senator is entirely correct. I remember his position on that point.

Mr. CONNALLY. Mr. President, will the Senator yield, to permit me to say just a word?

Mr. GEORGE. I yield.

Mr. CONNALLY. We hear a great deal about the constitutional right to strike. The constitutional right is individual. If I want to quit work, I have a perfect right to do so; but I have no constitutional right to conspire with the Senator from Vermont to injure someone else, or more especially, to injure the Government.

Mr. GEORGE. The Senator is entirely correct, and the Government undoubtedly has the power to take away any right or immunity that is enjoyed by any citizen. If the individual citizen exercises his right not to work for the Government, the Government can say and can lay down as a condition that, by his refusal, he will lose certain immunities.

No punishment is inflicted here on the individual, as a matter of fact. It is inconceivable that anything but the mere loss of certain rights under existing law could be taken away from the worker, and I do not think they could be taken away from the worker if he were forgiven or excused by the President of the United States under the express language of the measure or if he returned to work or went back to the plant and worked while the Government was operating the plant, because in that event that would be a forgiveness or an excuse.

It is only in the single event that he has remained out and has refused to come back at all that, upon his subsequent application for employment, the owners or the operators of the mine or plant have anything to say about it, and the only thing they can say about it then is, "If you come back, you may come back with whatever rights you may have as an individual to negotiate a contract and whatever rights you may have as a member of an organization to which you may belong to engage in collective bargaining."

In any event the owner cannot prescribe any condition for the employee who came back subsequent to the surrender of the plant by the Government. The owner could prescribe only lawful conditions. He could not prescribe a single illegal restriction on the right of the worker. He could not do anything against him which was not legal and authorized by law. He could say, "I do not care to take you back," if there were a justification for such a decision upon his part. But in no event could he engage in any unlawful practice against the individual, even though he had remained out of employment continuously.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. LUCAS. The theory of this bill is to try to get the men who are out back to work for the Government. What incentive would there be for men to go back if there were not sanctions of some kind or character?

Mr. GEORGE. I say to the Senator that there would not be any incentive unless there were a possibility that some loss of immunity or position might result from his failure to return to work.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. WHEELER. I wish to say to the Senator that I wholly agree with the philosophy that we cannot permit people to strike against the Government. People should never be permitted to strike against the Government after the President of the United States has said that the operation of certain facilities or plants is vitally necessary to the maintenance of the national health and security and economy.

Apparently the only difference between the Senator from Georgia and myself with respect to this matter is that it seems to me the language should be clarified, because the Senator from Georgia takes the position that under the language "unless excused by the President," if any employee comes back to work for the Government, then the employer cannot discriminate against him after that.

Mr. GEORGE. I think so. I should think that would be excusing him by the Government.

Mr. WHEELER. If that be the case, it seems to me that, in order to make perfectly plain what the Senator and I wish to provide, the language should read substantially "unless the worker is subsequently reemployed by the Government or by such owner or operator." Under such language there could be no question.

Mr. GEORGE. I would have no objection to it.

Mr. BARKLEY. Mr. President, I take the same view as that of the Senator from Georgia, namely, that when we speak of reemployment by owners or operators we are speaking of the Government as well as the operators. The Government, of course, would employ only while it had charge of the plant. But if it is necessary to make it plain that the Government may do what we are trying to empower it to do, I would have no objection to the use of the word "Government."

Mr. WHEELER. I understand that the Senator from Kentucky construes the word "Government" to mean the Government while it is operating the plant. I believe that would leave the matter open, and somewhat vague. But if we were to incorporate the words "reemployed by the Government or by such owners or operators," we would make the situation very clear.

Mr. GEORGE. I have no objection.

Mr. BARKLEY. On page 5, in line 9, after the words "reemployed by", I move to amend by inserting the words "the Government or."

Mr. WHEELER. And the words "or by such."

Mr. BARKLEY. The word "by" is already in the language and applies to the words "such owners or operators."

Mr. WHEELER. Yes; the Senator is correct.

Mr. PEPPER. Mr. President, will the Senator restate the motion?

Mr. BARKLEY. On page 5, in line 9, after the words "reemployed by," I move to amend by inserting the words "the Government or." The language would then read, "unless he is subsequently reemployed by the Government or such owners or operators," and so forth.

Mr. WHEELER. Mr. President, allow me to have one further word. As I read the language, only when the President, by proclamation, finds that the national safety and national economy is to be interrupted, does he take over the enterprise. That being true, it seems to me that the Congress may not put its stamp of approval on a strike against the Government, because if it does so a small handful of persons, or even one person, could completely tie up the Government. I do not believe the people of America, or the Members of the Congress, want such a condition to exist. For that reason, I would support the amendment of the Senator from Kentucky with the modification which I have suggested.

Mr. PEPPER. Mr. President, I move to strike section 6 of the amendment, and before the question is put I suggest the absence of a quorum.

Mr. BARKLEY. Mr. President, may we not vote on the amendments which I have proposed?

Mr. PEPPER. I thought they had been agreed to.

Mr. REED. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. REED. May we have the section, as modified by the Senator from Kentucky, now read?

Mr. BARKLEY. I will read it. Section 6, if amended according to my suggestion, would read as follows:

SEC. 6. Any affected employee who fails to return to work on or before the finally effective date of the proclamation (unless excused by the President) or who after such date engages in any strike, slow-down, or other concerted interruption of operations while such plants, mines, or facilities are in the possession of the United States, shall not be regarded as an employee of the owners or operators thereof for the purposes of the National Labor Relations Act or the Railway Labor Act, as amended, unless he is subsequently reemployed by the Government or such owners or operators.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. FERGUSON. I believe that if we are going to add the words "the Government" in line 9, it will also be necessary to add them in line 7 in order to indicate that the word "operators" is not intended to include the Government.

Mr. BARKLEY. I think perhaps that what the Senator said is true. I had thought of it, but I later decided that for the purposes of my amendment it would not be necessary.

Mr. President, I would further amend the language by inserting the words "Government or" after the words "of the" at the beginning of line 7.

I now ask for a vote on the amendments.

The PRESIDING OFFICER. The question is on agreeing en bloc to the amendments offered by the Senator from Kentucky.

The amendments were agreed to.

Mr. BALL. Mr. President, I wish to offer an amendment.

Mr. PEPPER. Mr. President, I suggested the absence of a quorum, and then gave notice that I wished to move to strike section 6 from the bill.

The PRESIDING OFFICER. What is the request of the Senator from Florida?

Mr. PEPPER. I suggested the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Florida withhold his request until the Senator from Minnesota offers an amendment?

Mr. PEPPER. Mr. President, I will gladly yield, but I thought that while the language of section 6 was in our minds we could dispose of a motion to strike out the section.

Mr. BALL. Does the Senator intend to discuss his proposal at some length?

Mr. PEPPER. If the Senator from Minnesota does not believe that a discussion of his amendment will consume very much time——

Mr. BALL. I think that it will consume some time.

Mr. PEPPER. Mr. President, I had suggested the absence of a quorum. After the development of a quorum it would be within the discretion of the Chair to recognize either the Senator from Florida or the Senator from Minnesota. I thought that while we were dealing with the subject of section 6 of the bill, it would be logical to make final disposition of it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Hatch	O'Mahoney
Andrews	Hawkes	Overton
Austin	Hayden	Pepper
Ball	Hickenlooper	Radcliffe
Barkley	Hill	Reed
Brewster	Hoey	Revercomb
Briggs	Huffman	Robertson
Brooks	Johnson, Colo.	Russell
Buck	Johnston, S. C.	Saltonstall
Burch	Kilgore	Shipstead
Bushfield	Knowland	Smith
Butler	La Follette	Stanfill
Byrd	Lucas	Stewart
Capehart	McCarran	Taft
Capper	McClellan	Thomas, Okla.
Connally	McFarland	Thomas, Utah
Cordon	McKellar	Tunnell
Donnell	McMahon	Tydings
Downey	Magnuson	Vandenberg
Eastland	Maybank	Wagner
Ellender	Mead	Walsh
Ferguson	Millikin	Wheeler
Fulbright	Mitchell	Wherry
George	Moore	White
Gerry	Morse	Wiley
Green	Murdock	Willis
Guffey	Murray	Wilson
Gurney	Myers	
Hart	O'Daniel	

The PRESIDING OFFICER (Mr. DOWNEY in the chair). Eighty-five Senators having answered to their names, a quorum is present.

LEAVES OF ABSENCE

Mr. TYDINGS. Mr. President, the President of the United States is coming into Maryland tomorrow and will be at Washington College to attend a graduation ceremony and to receive a degree. I should like to extend the hospitality of my State by being present. I therefore ask unanimous consent to be excused from the session of the Senate tomorrow.

Mr. RADCLIFFE. Mr. President, my colleague from Maryland has stated reasons for wishing to be absent from the session of the Senate on tomorrow. Those reasons apply to me also, and I make a similar request to be allowed to be absent from the session tomorrow.

The PRESIDING OFFICER. Without objection, the senior Senator and the junior Senator from Maryland may be absent from the Senate tomorrow.

SETTLEMENT OF INDUSTRIAL DISPUTES AFFECTING THE NATIONAL ECONOMY

The Senate resumed consideration of the bill (H. R. 6578) to provide on a temporary basis during the present period of emergency, for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace.

Mr. PEPPER. Mr. President, I first wish to move to strike out section 6 as amended. I asked for the quorum because I think this is one of the decisive amendments we will pass on in the bill, and I wish to try to address myself to Senators for a few moments upon the merits of the proposal to strike out section 6 as amended.

I am starting with the theory and the thesis that in the cases contemplated by the bill the enterprises taken over by the Government do not belong to the Government. I start out with the proposition that the Government is truly in the status of a trustee rather than in the position of an owner of property taken over under the law now proposed, or under the basic law, the Smith-Connally Act. I therefore make a difference, Mr. President, between a case where the Government acts in the nature of a sovereign and a case where the Government acts in the enjoyment and exercise of a proprietary interest.

There are a great many properties which the Government of the United States actually owns in a proprietary capacity. There are a great many acts of the United States Government in the discharge of which it acts as a sovereign. I call attention, therefore, to the distinction in law between a government acting in a proprietary capacity and a government in law acting in a sovereign capacity.

We know that all over this land there are States, and there are municipalities, which own public utilities of one sort or another, yet the law has held that in those functions the Government is acting in a proprietary capacity, and not in the exercise of its sovereignty, as it acts when it is discharging the sovereign police power of the State.

I therefore consider that when the President of the United States takes over an enterprise under the pending bill, or under the basic Smith-Connally law, it is relatively in the exercise of and control over that industry acting as a trustee. We have already indicated so in the amendment which has been made to section 9. Instead of the profits from the enterprises being turned into the Federal Treasury, we have provided that the profits shall be turned back to the owners of the enterprises, and under the proposed law the Government will merely have authority to fix wages, to fix work-

ing conditions, and to carry on a managerial function.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. PEPPER. I gladly yield.

Mr. HATCH. I am very much interested in the discussion the Senator is making, because there is the well-recognized distinction between a proprietary capacity and the exercise of a sovereign capacity. Does the Senator say that when the Government takes over a property in the interest of the life, health, and safety of its citizens, it acts only in a proprietary capacity?

Mr. PEPPER. I say that when the Government takes over a business to run it, the Government in that case, in my opinion, is not acting in a sovereign capacity, but is acting in the nature of a trustee to carry on the enterprise.

Mr. HATCH. Will the Senator yield to me for a moment?

Mr. PEPPER. There are certain functions the Government will discharge as the proprietary operator, and then the Government may exercise ancillary sovereign authority, as, for example, using the armed forces or using police powers in the protection of a proprietary power. I do not wish to labor the point, but I want to start out with that distinction in my mind, and then I want to proceed with my argument.

Mr. HATCH. If the Senator will yield for a moment further, let me suggest that the only way in the world the United States Government, a State, or a municipality, acts in its proprietary capacity, is by purchase, by the issuance of bonds. Never under any circumstances can any province of government take over, without the consent of the owner and without negotiation, any property except in the exercise of its sovereign capacity.

Mr. PEPPER. Mr. President, I make the distinction—except when the law, the statutes of the land, may authorize it, and the pending measure, of course, is contemplated as a statute.

Mr. HATCH. If the Senator will yield——

Mr. PEPPER. I have only 30 minutes.

Mr. HATCH. I will gladly yield my time. No statute can authorize the Government to exercise power such as the Senator is discussing. It simply cannot be done, except in the exercise of its rights as a sovereign.

Mr. PEPPER. What I wish to emphasize is that in every one of the businesses the Government has taken over, the Government has turned the usufruct of the business back to the owner. All the Government has done has been to regard itself as in temporary custody until a given purpose was served, and then it turned back the whole thing, lock, stock, and barrel, without any statutory authority to dispose of the publicly owned property or otherwise. The whole circumstances in which these properties have been taken over by the Government were that when the Government stepped in it acted as a court would do in the appointment of a trustee, and exercised the function of management during the existence of an emergency.

Mr. President, I wish to pass on to the next point. Surely the Government will make distinction, even if it takes over a property, between its power and its right to operate the property and to recruit the necessary labor to operate it in a lawful way, and the power of the Government to employ coercion and force to keep the men running the business from disassociating themselves from it voluntarily if they see fit to do so. That is a crucial question involved in the motion to strike out section 6.

A while ago, before some Senators now in the Chamber had returned to the floor, I started to emphasize that in the Smith-Connally Act for the first time we made it very clear that the Government did not have any right to impose any penalty upon an individual worker who did not work, even for the Government, and the Senator from Michigan and the Senator from Georgia have both admitted that to be true under the Smith-Connally Act, and their interpretation of it.

Then I say that for the first time, in this section as amended, we are imposing a penalty by law upon the individual worker who ceases to work for the Government of the United States in violation of the proclamation of the President.

Mr. President, if I get but one vote for my motion to strike, the Senate has a right to make a record of whether it is for the first time to outlaw the right of an individual not to work, even for the Government, if that individual desires not to work for the Government.

First I wish to discuss the right, then I wish to discuss the policy. I pointed out also, before many Senators now present came into the Chamber, that the present National Labor Relations Act, amongst other language, contains the following:

> It shall be an unlawful labor practice for an employer—
>
> * * * * *
>
> (3) By discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization.

That is the very bone and sinew of the National Labor Relations Act, to protect the employees in the right to join a union and bargain collectively with their employer.

It may be said, wherein does section 6 interfere with the enjoyment of that right? Here is the language:

> Section 6. Any affected employee—
>
> An individual—
>
> Any affected employee who fails to return to work on or before the finally effective date of the proclamation (unless excused by the President)—

I am not talking about conspiracy, I am not talking about concert of action, I am not talking about a coalition or a union. They are covered in the next alternative language. I am talking about the language I have read:

> Any affected employee who fails to return to work on or before the finally effective date of the proclamation—

Then the language reads—

> shall not be regarded as an employee of the owners or operators or government thereof for the purposes of the National Labor Relations Act or the Railway Labor Act, as amended, unless he is subsequently reemployed by the Government or by such owners or operators.

Mr. President, that language strips the individual worker who does not go back to work, of the protection of the National Labor Relations Act that he shall be not discriminated against in respect to being hired because of his action with respect to membership in a labor union or with respect to association with his fellow employees. And that language in section 6 leaves it to the individual employer, when the Government turns the industry back to him, to determine whether he will violate the National Labor Relations Act, whether he will impose conditions upon the worker going back to work or whether he will accept him back to work at all. If he says "No, you have been the president of this union"; if he says "No, you were an agitator for this strike;" if he says "No, you have been stirring up union activities ever since you have been working for me; I am not going to take you back," the law deprives the worker of any right of redress, any right to go to the National Labor Relations Board, any right to go to any court; he is utterly helpless before the conditions that his former employer may impose upon him.

Mr. President, instead of the Government penalizing him for not returning to work for the Government, the Government leaves it up to his former employer, either to take him back or to take him back upon conditions agreeable to the employer. That raises the question whether the Government of the United States wishes to delegate to the former employer of the worker the power to be the one to adjudicate for him and the one to impose the penalty which may be imposed upon the worker who does not come back at the time he is required to come back.

Mr. President, how much more time do I have on the amendment?

The PRESIDING OFFICER (Mr. TUNNELL in the chair). Fifteen minutes.

Mr. PEPPER. I thank the Chair.

Mr. President, I do not favor the imposition of any penalties at all. I do not favor the Government imposing any penalty even upon the individual worker who quits work for the Government. I say that, in the first place, it is vicious policy for the Congress and the Government ever to adopt the principle that a worker cannot stop working for the Government simply because the Government happens to have taken over some plant to operate and run.

In the second place, Mr. President, we have before us no experience to show that it is necessary for the Government to have such power. All of us know what our experience has been in respect to these work stoppages. We remember how President Roosevelt stopped strikes during the war, and how President Truman has stopped strikes since the war without the authority that this measure would give to him.

We know perfectly well that the President has authority, if the men running a railroad stop running it, to put other workers in their places. The President proclaimed that authority last Friday night over the radio and proclaimed it

Saturday afternoon to a joint session of the Congress. But it is one thing to have the physical power to operate the railroads and, if need be, to recruit the workmen who will run the railroads, and, if need be by the armed forces protect the workmen who have taken the places of the men who went out. That is one thing. It is another thing to say to an individual, "I will coerce you by the threat of prosecution with a bayonet, as a member of the armed forces, or by the deprivation of your economic rights under the National Labor Relations Act." They are entirely different things. It is not necessary to give the Government that power in order to continue to protect the public health, the public security, or the national economy, the protection of which is the declared objective of this measure. At least we have not a single case of necessity that has not been met without this legislation.

But when the Government recruits workers, as it was going to do last Saturday after the railroad workers did not return to work, and the men come voluntarily, not by coercion of law or force, then the citizens' rights have not been violated. They go voluntarily to work for their Government to run the railroads or to work in any other business taken over by the Government. That is one principle, and that is a lawful principle. But, Mr. President, give the Government the power to put a bayonet in the man's back, give the Government the power to apply physical force to him, or give the Government the power to impose a legal penalty upon him, and that is coercion of the individual affirmatively coerced. That is an entirely different thing.

Whenever it may appear to the Congress or to me that there is no other reasonable way to protect the public health, security, or the national economy without the direct application of force to the individual workman who stops work, I shall be glad to consider that case on the facts and in the circumstances of the time when it may be presented.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. LUCAS. I wish to discuss with the Senator with respect to the individual who, after the Government asked him to go back to work does not return. Let us then assume that the Government finally turns the plant back to the employer. As I understand the able Senator he would like to see the Government continue to bargain with that worker. I should like to ask the Senater: What should the Government do with that individual if he fails to go back to work or if he refuses to bargain with the Government? Is there anything that can be done with him at all? Obviously I am only speaking about a situation where there is a great national crisis existing as is contemplated by this bill.

Mr. PEPPER. Yes. At the present time and based upon our present experience, I would not do anything coercive against that individual. Then it might be said, "Oh, you would let the railroads stop running." No. I would recruit some more men to run the railroads. Until that practice fails, I will not begin putting in jail; I will not begin stripping of his legal rights under the National Labor Relations Act or the Railway Labor Act the individual workman who, believing that he has a right not to work, declines to heed the call of the President to work in an enterprise that belongs to a private individual, the profits from the operation of which will go to private individuals resulting from his work. Oh, yes, it will have an incidental public benefit, of course, but in substance it is the same principle as making the individual work by force for the owner of a railroad or a mine for the profit of a private individual.

I say that all the public interest requires is to keep the railroads running. The public is not interested in who runs them. The public interest is satisfied when the institution continues functioning, and it is not necessary, Mr. President, to deprive the individual workman of his right not to work for the Government when the Government takes over a business, unless it can be shown that that is the only reasonable and possible way by which these functions may be discharged.

Mr. President, this is, in my opinion, the most vital vote that we are going to take upon this measure. Remember it is a precedent. Remember that never heretofore has it been proposed in the law. It was proposed, maybe, in the work-or-fight bill, but that bill never was passed by Congress. Remember that in the Smith-Connally law there is an expressed exemption. I will read the language because I want it to be clear in the RECORD what we are voting on today. In section 6 (a) of the Smith-Connally Act, after the penalty which is provided in the first part of the act is set out against an individual for fomenting a strike, or organizing one, or encouraging one, or providing union money to sustain a strike, the following significant language occurs:

> No individual shall be deemed to have violated the provisions of this section by reason only of his having ceased work or having refused to continue to work or to accept employment.

Mr. President, that is a provision of the Smith-Connally law. In that law we exempted the individual from penalty if he ceased working or if he did not go back to work at the time he was required by proclamation to do so. Whereas in the section we are considering today, for the first time we propose to change that and to say:

> Any affected employee—

That is one employee—

> who fails to return to work on or before the finally effective date of the proclamation (unless excused by the President)—

Then I skip some language—

> shall not be regarded as an employee of the owners or operators thereof for the purposes of the National Labor Relations Act or the Railway Labor Act, as amended, unless he is subsequently reemployed by the Government or by such owners or operators.

That is history we are making, Mr. President. I am not prepared yet to apply coercion to the individual worker in America, first, to work for any private employer, and, second, to work indirectly for a private employer when the Government is simply acting as custodian of an employer's business, in order to keep the business functioning for the public service. I say that there is no precedent for such a proposal. It violates the individual right of the citizen, and I firmly believe that it is in violation of the Constitution of the United States.

Mr. President, I realize that my time is short; but here is a decision of the United States Supreme Court in the case of *Pollock* v. *Williams* (in 322 U. S. 4, at p. 17), which defines the scope of the thirteenth amendment:

> The undoubted aim of the thirteenth amendment * * * was not merely to end slavery but to maintain a system of completely free and voluntary labor throughout the United States. Forced labor in some special circumstances may be consistent with the general basic system of free labor. For example, forced labor has been sustained as a means of punishing crime, and there are duties such as work on highways which society may compel. But in general the defense against oppressive hours, pay, working conditions, or treatment is the right to change employers. When the master can compel and the laborer cannot escape the obligations to go on, there is no power below to redress and no incentive above to relieve a harsh overlordship or unwholesome conditions of work.

In my opinion that is good constiutional law. Before the Senate strips the citizenry of this country of immunity from legal or physical coercion for not working for a private employer directly, or indirectly while the Government is the custodian of his business, I beg of Senators to stop and reflect upon what will be the consequence of what they do.

Mr. LUCAS. Mr. President——

Mr. PEPPER. Mr. President, I have only 5 minutes. I should like to conclude.

I say furthermore that the necessity does not exist to destroy this civil right of immunity of the worker against legal or physical coercion. The President has not failed to settle any strike which so far has interrupted either production or transportation in the United States. There is therefore no necessity for a departure from the present law. If the President needs any power to take over industry and to operate it he has that power under the present law. If the workers do not work, if they go out on strike, if they do not return on proclamation, then the President can recruit free labor, which by free contract, freely entered into with the Government, will come to work for the Government. The Government can give those men protection by every police officer in the country, by every sheriff in the country, by every member of the National Guard, by every member of the armed forces of the United States, by every member of the Federal Bureau of Investigation, and by the protection of every other legal authority the Government of the United States has. If we give the Government the power which it now has to take over an enterprise and to operate it, and especially if we give it the power to fix wages and working conditions, as the Government did in the coal strike, that alone is enough. We do not have a

single case of failure of that method to keep the business in operation and to serve the public interest.

But if employees are stubborn, if they are overselfish, if they are excessively greedy, and say, "We will not work for the Government unless we are paid more,"—more than they are entitled to receive—the Government is not without remedy. The Government is not impotent. All the Government has to do is what President Truman called upon individual railway employees to do the other evening in his radio address. Railroad management called upon volunteers. It called upon the men to come back to work voluntarily or for new men to come to work as voluntary recruits to take the places of those who refused to work under the protection of the Government of the United States.

So I am not leaving the public interest without protection. I am not ignoring the public health, the public safety, or the national economy. But I am appealing for the preservation and protection of the public interest in a way which shall not for the first time as a precedent in our statutory law deprive the individual citizen of the right to do what the Supreme Court described as changing his employer—the right to work in civil employment for whomever he wishes to work, of his own free will and accord.

Mr. President, without such an emergency I cannot imagine that the Senate will wish to strip these recognized immunities away from the working men and women of this country. If we do it, I think we should do it knowingly, with a full awareness of the significance and the consequence of what we do.

I venture to believe that without any precedent showing the necessity for this action, the Government having adequate power to protect the public interest without this authority, it were a thousand times better not to try to exercise it, and to resort to other peaceful and legal procedures which in the long run, I respectfully submit, will accomplish a better peace, a more efficient continuity of the functioning of the enterprise taken over, than would the method proposed in this amendment.

Mr. President, if other Senators are not disposed to address themselves to the amendment, I ask that a vote be taken, and that there be a yea-and-nay vote upon my motion to strike section 6 of the pending bill as amended.

I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HILL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Connally	Hatch
Austin	Cordon	Hawkes
Ball	Donnell	Hayden
Barkley	Downey	Hickenlooper
Brewster	Eastland	Hill
Briggs	Ellender	Hoey
Brooks	Ferguson	Huffman
Buck	Fulbright	Johnson, Colo.
Burch	George	Johnston, S. C.
Bushfield	Gerry	Kilgore
Butler	Green	Knowland
Byrd	Guffey	La Follette
Capehart	Gurney	Lucas
Capper	Hart	McCarran
McClellan	Murray	Stanfill
McFarland	Myers	Stewart
McKellar	O'Daniel	Taft
McMahon	O'Mahoney	Tunnell
Magnuson	Pepper	Vandenberg
Maybank	Radcliffe	Walsh
Mead	Reed	Wheeler
Millikin	Revercomb	Wherry
Mitchell	Russell	White
Moore	Saltonstall	Wiley
Morse	Shipstead	Willis
Murdock	Smith	Wilson

The PRESIDING OFFICER. Seventy-eight Senators have answered to their names. A quorum is present.

The question is——

Mr. PEPPER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PEPPER. The pending question is on agreeing, is it not, to the motion to strike out section 6, as amended, thereby not providing a right to adjudicate a forfeiture of a man's rights under the National Labor Relations Act and under the Railway Labor Act if he is engaged in a strike?

The PRESIDING OFFICER. The question is on agreeing to the motion to strike out section 6, as amended. The Chair cannot undertake to state what the effect of agreeing to the motion will be.

On this question the yeas and nays have been demanded and ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUTLER (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD]. Not knowing how he would vote, I withhold my vote.

The roll call was concluded.

Mr. REED (after having voted in the negative). I transfer my general pair with the Senator from New York [Mr. WAGNER] to the Senator from Indiana [Mr. WILLIS], and let my vote stand.

Mr. HOEY. My colleague, the senior Senator from North Carolina [Mr. BAILEY], is detained because of illness. If present, he would vote "nay."

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY], and the Senator from Alabama [Mr. BANKHEAD] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senators from Idaho [Mr. GOSSETT and Mr. TAYLOR] are absent by leave of the Senate.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from Utah [Mr. THOMAS], and the Senator from Maryland [Mr. TYDINGS] are detained on public business.

The Senator from Florida [Mr. ANDREWS] and the Senator from New York [Mr. WAGNER] are necessarily absent.

I announce further that on this question the Senator from Maryland [Mr. TYDINGS] is paired with the Senator from Idaho [Mr. TAYLOR]. If present and voting, the Senator from Maryland [Mr. TYDINGS] would vote "nay," and the Senator from Idaho [Mr. TAYLOR] would vote "yea."

I also announce that the Senator from Utah [Mr. THOMAS] has a general pair with the Senator from New Hampshire [Mr. BRIDGES].

I announce further that if present and voting, the Senator from New York [Mr. WAGNER] would vote "yea."

Mr. WHERRY. The Senator from New Hampshire [Mr. BRIDGES] has a general pair with the Senator from Utah [Mr. THOMAS].

The Senator from New Hampshire [Mr. TOBEY] is absent on official business.

The Senator from North Dakota [Mr. YOUNG] is absent by leave of the Senate.

The Senator from North Dakota [Mr. LANGER] is necessarily absent.

The Senator from Indiana [Mr. WILLIS] is unavoidably detained.

The result was announced—yeas 12, nays 66, as follows:

YEAS—12

Aiken	Magnuson	Murray
Downey	Mead	Pepper
Guffey	Mitchell	Taft
Kilgore	Morse	Tunnell

NAYS—66

Austin	Hart	Myers
Ball	Hatch	O'Daniel
Barkley	Hawkes	O'Mahoney
Brewster	Hayden	Overton
Briggs	Hickenlooper	Radcliffe
Brooks	Hill	Reed
Buck	Hoey	Revercomb
Burch	Huffman	Robertson
Byrd	Johnson, Colo.	Russell
Capehart	Johnston, S. C.	Saltonstall
Capper	Knowland	Shipstead
Connally	La Follette	Smith
Cordon	Lucas	Stanfill
Donnell	McCarran	Stewart
Eastland	McClellan	Thomas, Okla.
Ellender	McFarland	Vandenberg
Ferguson	McKellar	Walsh
Fulbright	McMahon	Wheeler
George	Maybank	Wherry
Gerry	Millikin	White
Green	Moore	Wiley
Gurney	Murdock	Wilson

NOT VOTING—18

Andrews	Butler	Thomas, Utah
Bailey	Carville	Tobey
Bankhead	Chavez	Tydings
Bilbo	Gossett	Wagner
Bridges	Langer	Willis
Bushfield	Taylor	Young

So Mr. PEPPER's motion to strike out section 6 as amended was rejected.

Mr. BALL. Mr. President, I call up and offer the amendment which I have at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 2, line 24, beginning with the semicolon, it is proposed to strike out all down to and including the word "President" in line 7 on page 3.

At the proper place in the bill it is proposed to insert the following new section:

SEC. —. Whenever the President issues a proclamation in accordance with the provisions of section 2 and while the plants, mines, or facilities, or any of them, are in the possession of the United States they shall be operated under the terms and conditions of employment which prevailed therein when the stoppage of work began, except that if any changes in terms and conditions of employment, which contributed to the dispute, leading to the stoppage or which are at issue in the dispute, were put into effect prior to such time, such properties shall be operated as if such changes had not been made: *Provided*, That the President may make such changes in such conditions of employment as he finds necessary for the health or safety of employees: *Provided further*, That section 5 of the War Labor Disputes Act (57 Stat. 163)

insofar as it conflicts with the provisions of this section is hereby suspended while this section is in effect.

Mr. OVERTON. Mr. President, is there any reference in the amendment to wages?

Mr. BALL. The words "terms and conditions of employment" cover the subject of wages.

Mr. OVERTON. The bill now before the Senate, from which the Senator proposes to strike out reference to fair and just wages and other terms and conditions of employment, leads me to believe that there would be no significance to any reference in the amendment of the Senator from Minnesota to the subject of wages.

Mr. PEPPER. Mr. President, following out the inquiry of the Senator from Louisiana, I may say that if the amendment of the Senator from Minnesota had been a part of the existing law, would it not have made impossible the recent changes in wages in connection with coal miners, which the Government eventually brought about?

Mr. BALL. Absolutely.

The amendment which I have offered would strike out clause (4) of section 3 of the pending bill. That clause would authorize the President, in any proclamation, to do certain things. I read the language to which I refer:

> Establish fair and just wages and other terms and conditions of employment in the affected plants, mines, or facilities which shall be in effect during the period of Government possession, subject to modification thereof, with the approval of the President, pursuant to the applicable provisions of the law, including section 5 of the War Labor Disputes Act, or pursuant to the findings of any panel or commission specially appointed for the purpose of the President.

That is the language of the pending bill which would be stricken out. In place of it, my amendment would insert a new section at the proper place in the bill providing that whenever the President issues his proclamation under the act, and while the plants, mines, and facilities are being operated by the Government, the terms and conditions of employment which in my opinion, cover everything such as wages, hours, and all other matters covered by a collective bargaining contract, shall remain in effect so long as the Government operates the plants, but subject to certain provisos.

If the dispute leading to the stoppage of work occurred as the result of a change in conditions such as, for example, a pay cut put into effect by the employer, the pay cut would be restored.

Provided further that if any change is necessary for the health or safety of the employees, such as dangerous working conditions, the President may order such necessary changes to be made as will protect the health or safety of the employee.

The second proviso merely suspends section 5 of the War Labor Disputes Act insofar as it conflicts with this provision.

The purpose of the amendment, Mr. President, is very simple. It is to provide that in an emergency, after there has been a failure on the part of management and employees to agree on a contract, the facilities which are seized shall be operated under the terms and conditions which prevailed when the stoppage took place, and until the employer and the employees get together and write a new contract. In other words, the amendment would eliminate the possibility of what has occurred in connection with the soft-coal dispute. I refer to the fact that the United States Government has negotiated for the employers, without their consent, but with the representative of the employees, John L. Lewis, a contract which gave, in my opinion, Mr. Lewis far more than he ever had any right to expect. It certainly violated the Government's own wage-stabilization policy. If the owners ever want to get back those facilities which they had before their business was taken over by the Government, they must accept the contract, in negotiating which they had no part.

Mr. CORDON. Mr. President, I have heard the amendment read, and I listened to the explanation of it by the able Senator from Minnesota. The amendment must proceed upon the assumption that if a suit arises between the employees, on the one side, and the employers, on the other, the employees are at fault and the employers are correct. The penalty which is to be imposed—and it is essentially a penalty—is apparently quite clear. For example, if an agreement cannot be reached and the seizure of the plant takes place, and the Government steps in and says that the situation shall remain in status quo, or just as it was when the Government took over, that would mean that the dispute which precipitated the seizure had been predetermined by the Government, would it not?

Mr. BALL. I cannot agree with the Senator. The penalty of Government seizure of the properties results in depriving the owner of his property. The Government has complete control over the operation of the plant. That seems to me to be a very severe penalty to be inflicted upon the employer. I do not know of any manager of property who wishes to have his property taken away from him. I do not believe the Senator needs to worry about the employer precipitating the dispute. The only way to get the employer and the employees to negotiate their contract, instead of leaving it to the Government to do so, is to provide that the status quo shall be maintained until an agreement has been reached. In so doing, we put the pressure on both sides to reach a reasonable agreement.

Mr. CORDON. Mr. President, if the provision is to be that the employees shall be limited to the terms and conditions with which they were dissatisfied in the first instance, and, on the other hand, not only compensation but any profits accruing from Government operation—and some profits will accrue—

Mr. BALL. Wait a minute. Has the Senator any evidence of that? I can see the possibility of situations arising in which, under Government operation, the properties would lose money, deteriorate to a considerable extent, and the owner would be holding the sack and suffer a tremendous penalty.

Mr. CORDON. I have as guidance only the history of disputes up to date. I cannot speak authoritatively, but my understanding is that upon a Government seizure the same individuals are usually left in control who were in control when seizure took place. The equipment and facilities move forward in the same way as they did before the Government took over operation, and under the same conditions. That would ordinarily result in the same overhead and the same profits. If we are to consider this bill with the elimination of section 9—I was in favor of its elimination—which put a penalty upon the employer by taking any net profit away from him, no incentive whatever would be provided to the employer to be less reasonable in his dealings with the employees. On the other hand, do not we put the employee in a position where he must deal with the employer without being on the same level and having the power of collective numbers?

Mr. BALL. I do not know of any employer who wishes the Government to be in control and in operation of his property. I think that the taking of a man's property away from him and saying to him that he may not operate it in the way he may wish to do so, is a much greater penalty than any which could be imposed upon employees or union leaders, or anyone else under the statute.

Furthermore, Mr. President, unless the pending bill can be so amended that there will be no incentive to either party to a labor dispute to be obdurate and to force Government seizure and operation, then in my opinion one party or the other, the party that thinks it can gain an advantage from Government seizure will be continually forcing a dispute to a deadlock, and stoppage, and Government seizure.

Mr. President, what is the history of Government seizure, so far as we have seen it? Let us take the recent coal-mine seizure. What did the Government do under the authority of section 5 of the War Labor Disputes Act? It gave the United Mine Workers a contract in which it not only allowed them a wage increase of 18½ cents an hour, which is supposed to be the pattern for industrial workers, but, in addition to that, it gave them a welfare fund equal to 5 cents a ton on all coal produced in this country. If that is not a part of the compensation of the employees, or certainly to be considered so, I do not know what it is. Mr. Lewis has a perfect right to brag to the country and to his fellow labor leaders, "I got more out of this situation for my men than anyone else, Bill Murray, Bill Green, or any of them."

It seems to me that with that situation prevailing, and with the possibility always in the picture that every union that thinks it has enough drag or influence at the White House to get a better deal from the President and his agents than they are able to negotiate with their employers in collective bargaining will be under a tremendous incentive to deadlock negotiations, to force a stoppage, and Government seizure.

I cannot see any other possibility unless that incentive is removed. I think we have removed it from employers, be-

cause, as I have said, I do not know any owner of property who wants the Government to take it away from him, so far as he is concerned. He is under great pressure to negotiate a reasonable settlement, and unless we put the same kind of pressure on the other side of the bargaining table to reach an agreement in collective bargaining, it seems to me the whole effect of the law will be to force American industries and properties into Government ownership and operation, and I do not think that is a practical or workable answer.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. BALL. I yield.

Mr. CAPEHART. Would the Senator consider modifying his amendment to provide that the President could pay no more than that which the employers were willing to pay? I will give the Senator an example of what I mean. If I understand correctly, in the case of the coal mines the employers were willing to pay 18½ cents an hour more, but they were not willing to pay a royalty of 10 cents a ton or 5 cents a ton. Does not the Senator think that the President possibly should be given the right to pay as much as the employers are willing to pay before a deadlock occurs?

Mr. BALL. Mr. President, I am afraid that if we had that kind of a provision, every employer would be extremely reluctant to make any kind of a counterproposal in collective bargaining, and we would increase the probability of a deadlock resulting in seizure. My purpose in offering the amendment is to give all the incentive possible to both sides in labor disputes to settle their disputes themselves, and not have the Government take the plants over. I am afraid that so long as the Government can negotiate a new contract which the employers must take in order to recover their property, as an actual fact, there is a tremendous incentive to the unions who think they can get a better contract from the Government than from their employers.

Mr. SMITH. Mr. President, will the Senator from Minnesota yield?

Mr. BALL. I yield.

Mr. SMITH. I should like to ask the Senator whether he does not contemplate in the program he suggests that when the dispute is finally settled the terms of settlement would be retroactive during the period of the Government operation of the property? Would not that be a just way to settle, because then the men would know even if they went back on the old terms when the dispute was settled, that the terms of settlement would be retroactive?

Mr. BALL. I think that is a matter for collective bargaining, and in nearly all the major disputes, so far as I know, final settlements are made retroactive.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. BALL. I yield to the Senator from Vermont.

Mr. AIKEN. Am I correct in understanding that nothing in the bill supersedes or repeals any part of the Smith-Connally Act?

Mr. BALL. The second proviso would suspend section 5 of the Smith-Connally Act, and the War Labor Disputes Act, as soon as this section was in effect.

Mr. AIKEN. What section is that?

Mr. BALL. That is the section which gives the Government the power to change the terms and conditions of employment.

Mr. AIKEN. The Senator means it would suspend the means which the President has just used to settle the coal strike?

Mr. BALL. Certainly. I do not think he settled the coal strike on the basis of justice. I think he appeased an arrogant labor leader who was holding a gun at the head of the Nation's economy, and that is no vindication of government in this county, in my opinion.

Mr. AIKEN. Then the purpose of the Sentor's amendment is to prevent the use of the means by which the President has settled the coal strike?

Mr. BALL. That is absolutely correct; it is to prevent the Government from appeasing unions, and to prevent the giving to unions an incentive to force Government seizure.

Mr. SMITH. Will the Senator yield further?

Mr. BALL. I yield.

Mr. SMITH. Would the Senator be willing to read into his amendment a clause with the retroactive feature I have suggested?

Mr. BALL. I think that is a proper subject for collective bargaining between the employees and the employers. I do not think we should write it into the law or make it retroactive, because then we are again putting an obstacle in the way of the employer and employees reaching a free agreement by themselves. What I am trying to avoid is the Government dictating the terms on which the employer can recover his plant.

Mr. SMITH. I see the Senator's point, but it seems to me that it would clear up what we have in mind, if we wanted to put the whole matter in collective bargaining, to provide, when the dispute is settled, that the agreement shall be effective from the time the Government took over.

Mr. BALL. That would generally prevail in any collective-bargaining agreement reached, and I think such a provision would cause us to run into difficulties. As I have said, we would again put the pressure on the employer to accept the terms the Government suggests, if we wrote into the law provision that the settlement must be retroactive. As a general rule it will be, and that is a proper subject for collective bargaining.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. BALL. I yield.

Mr. WHEELER. I call attention to the fact that in the case of the coal strike, and in the other disputes where the Government has stepped in, the employers' representatives have agreed to the contract which was put into effect. That happened in the coal strike.

Mr. BALL. They did not sign the contract. The contract was with John L. Lewis, not with the owners.

Mr. WHEELER. That was because the Government had taken the mines over. It does not make any difference. The employers' representatives sat in every minute, and the argument went on as between the employers on the one hand and the employees on the other. The thing that tied it up the last 48 hours was the dispute as between the attorneys representing the employers and the coal miners. There has not been one single agreement, when the Government took over plants, where the employers did not sit in.

Mr. BALL. Wait a moment. That is not my understanding of the way the coal-mine agreement was reached. Mr. Krug did not negotiate with the employers and the union representatives at the same time. He negotiated with John L. Lewis. It is true, I understand, that he kept the owners and operators informed of the progress, and presumably got their O. K. after telling them, "This is what I am going to agree to."

Mr. WHEELER. Not at all. The Senator is entirely misinformed, I am sure, with reference to that. Mr. Krug talked with the employers and he talked with the employees, and he acted as an arbitrator between them to get them together.

Let us see what would happen if the Senator's amendment were enacted. It would simply mean that we would freeze the situation completely, if the employees did not agree to what the employers wanted. Without any arbitration by the Government of the United States, we would still keep whatever the Government took over in the hands of the Government, and if the employees wanted Government operation they would never get together, because they would say, "We would rather have the Government operate the plant."

What we want is to have these disputes brought to an end in the quickest possible time, so that the railroads can be operated without Government intervention and so that the coal mines can be operated under private ownership. In my judgment the very thing the Senator is suggesting would do much to keep the Government in possession of seized industries for a longer time than has ever been the case in the past.

Mr. BALL. The Senator means there would be no incentive for the employees, knowing that so long as the Government operated the business they could get no improvement in their wages or working conditions, to reach an agreement with the employer and end Government operation? I am sorry; I cannot agree with the Senator's reasoning.

Mr. WHEELER. That is what would happen——

Mr. BALL. I am sorry; I cannot agree. Two years ago, when Mr. Ickes negotiated the contract with Mr. Lewis, it was the same story. He negotiated it and said to the owners, "This is the best deal I can make. You have to take it." That is about what happened this time. I am sure the operators will sign the contract eventually. It is the only way they can get their mines back.

Mr. WHEELER. I am sure the Senator has been misinformed with reference to the facts in both cases.

Mr. BALL. I am sure I am not in this one.

Mr. WHEELER. I happen to know something about it.

Mr. BALL. So do I.

Mr. WHEELER. I know that the employers' representatives sat in.

Mr. BALL. I am sorry, but the employers' representatives did not sit in on the negotiations between Krug and Lewis. Krug negotiated, and then he came back and told the owners what Lewis had demanded; and, incidentally, the first time they ever knew what his demands were was when Krug told them. Then he told them what he was thinking of offering to Lewis. But it is not what we regard as Government mediation, where a mediator simply goes back and forth between the two parties trying to find out what both will accept, and making a proposition to one, or bringing a proposition from one to the other. That is not the kind of procedure which was followed in this situation.

Mr. WHEELER. That is exactly what happened both in the case of the coal strike and the rail strike. I happen to know that what held up the contract, when everyone thought it was going to be signed at 2:30 the day before, was the fact that the attorneys for the coal operators would not agree to two specific proposals. They finally agreed to compromise on the proposals, and finally the matter was settled and the contract was signed. That manner of dealing with a situation is the only way by which such disputes are ever going to be settled. If attempt is made to settle such situations in the manner proposed by the Senator from Minnesota it will, in my judgment, simply result in prolonging the troubles, in prolonging the strikes, and causing greater disruption.

Mr. CAPEHART. Mr. President, is it in order to offer an amendment to the amendment of the Senator from Minnesota?

Mr. BALL. It is not in order to do so in my time, Mr. President.

The PRESIDING OFFICER. The Senator from Minnesota has a specified time allotted to him. He is entitled to the floor for that period.

Mr. BALL. Mr. President, with respect to the argument just made by the Senator from Montana, it seems to me that so long as the Government is in a position to negotiate a contract to change hours and wages and working conditions, to make them more favorable to the employees, there is bound to be an incentive to the workers to think that they can obtain better terms and conditions from the Government than they can obtain through free collective bargaining with their employers, so they will take action to force Government seizure. It seems to me if we want to place the same pressure on both parties, employer and employee, to get together and settle their differences themselves, that neither one should gain any advantage from Government seizure and operation. I do not think that will be true unless my proposed amendment is adopted.

Mr. BARKLEY. Mr. President, I rise to speak very briefly in opposition to the amendment offered by the Senator from Minnesota. It is a very simple proposition that the Senator from Minnesota has offered. His amendment proposes to freeze the wages at what they were when the Government takes over a plant or facility. In other words, his amendment proposes to freeze the wages at what they were when the controversy originated, which controversy had not been settled. No matter how long the Government may operate the plant, 2 months, 6 months, or a year, or under the amendment until the law expires on June 30, 1947, the wage which existed when the Government took over the plant would still be the wage, and the Government could not adjust it at all, and the Government would be required to turn the plant back to the owner with the same controversy existing that existed at the time the Government took over the plant in the first instance.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. OVERTON. Is that necessarily true? Could not the employer and the employees still be negotiating, and when they advised the Government that they had entered into a contract, could not the Government return the plant to the employer?

Mr. BARKLEY. That would assume that while the Government is operating the plant and is the employer, the former employer and the employees could continue to negotiate and come to an agreement. It is possible that if such agreement were entered into the Government might relinquish control of the plant. But while the Government is operating the plant there are only two parties; that is the Government of the United States and the employees. Such a situation would occur only when the Government takes over a plant because of an emergency. It seems to me that it does not facilitate agreement between the employer and the employees for the Government to have no power whatever to adjust wages while the Government has the plant under control.

Let us consider the railroad strike and the coal strike. If the amendment of the Senator from Minnesota had been in effect when the Government took over the railroads, there could not have been any adjustment whatever of wages. The strike would not have been settled, and the Government could not have turned the railroads back to their owners, because the Government could not do anything about the matter. There was a dispute. There was a disagreement. It had not been settled. The Government took over the railroads and the parties entered into an agreement, and the carriers agreed to that, and the roads were turned back to the owners under the new agreement to which 18 of the unions had already agreed. Two of them held out, but finally they yielded, and all 20 agreed to the settlement.

In the case of the coal strike the Government took over the mines with a disagreement existing as to wages and a disagreement existing with respect to the welfare fund. Whatever may have happened in the closed sessions between Mr. Lewis and the operators we do not know, but the press has carried the information that there was a demand for 7 cents a ton, and so forth, to create a $60,000,000 or $70,000,000 fund, and the question of wages seemed not to have been discussed particularly, but finally the parties agreed on 18½ cents, and agreed on a welfare fund to be administered by a member of the union, and another member appointed by the Secretary of the Interior, and a third member to be selected by the first two. Which means that no one man shall control the administration of the fund. That agreement could not have been made under the amendment offered by the Senator from Minnesota.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. WHEELER. It seems to me that the Senator from Minnesota is overlooking entirely the fact that some plants may be taken over when there is no labor dispute existing, but simply by reason of the fact that there may be a national emergency, as there was during the last war when the Government took over plants in connection with which there was no labor dispute at all.

Mr. McAdoo, in World War I, took over the railroads and operated them. Let us assume he could not have done anything about raising the wages of the railroad men at that time. If so, we would not have had any worth-while operation of the railroads. Let us assume there were a lockout by the employer, or that some other dispute existed. If there were a lockout by the employer and the Government were obliged to take over and operate the railroads for any length of time, would anyone say that the Government should not, under such conditions, make any adjustment respecting wages? Some seem to think that it is always a labor dispute that is involved, but that is not always true. Other situations which might arise as a result of a national emergency would be affected by this measure.

Mr. BARKLEY. That is correct. If the amendment of the Senator from Minnesota had been in effect when the recent railroad strike occurred, the Government of the United States would still be operating the railroads, and might be continuing to operate them 6 months from now, simply because the Government could not do anything at all which would change the wage scale which existed when the railroads were taken over. And, ultimately, if the law expired and the power of the Government to operate the railroads ceased, the roads would have to be turned back to the owners with the same controversy still existing that existed when the Government took over the railroads.

The same would be true with respect to the coal strike, or with respect to any other dispute which resulted in the Government taking over facilities. It would be most unwise, it seems to me, to adopt such an amendment. It would militate against any settlement of strikes in any respect if the Government could not do anything to adjust wages while operating the seized plants.

It is provided in the bill that the Government may adjust wages, and the amendment of the Senator from Minnesota would nullify that provision. It seems to me that while the Government is operating seized plants or facilities,

whether for 2 months or 12 months, it should have the right to adjust wages, because if the Government cannot do that, then it must continue to operate the seized plants, and when it can no longer operate them, to turn them back to the owners with no settlement whatever of the dispute which required the taking over of the plants in the first place.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. AIKEN. It seems to me to be assumed by the Senator from Minnesota that the power of the Government to make new agreements with the unions is detrimental to the owners of the plant or mines. I want to ask the Senator from Kentucky if it is not generally understood that the agreement which the Government finally reached with the coal miners was far more favorable to the owners and operators of the mines than the terms which the miners had demanded of the owners in the beginning?

Mr. BARKLEY. Insofar as I understand those terms, undoubtedly that statement is true. The final settlement, made almost immediately after the Government took over the mines, was more favorable to the owners than the demand which was made of the owners while the mines were not under Government operation.

Mr. AIKEN. We understand that Mr. Lewis demanded a $70,000,000 welfare fund, and that the Government finally settled on the basis of $25,000,000.

Mr. BARKLEY. Twenty-five million or thirty million dollars.

Mr. AIKEN. Or less than half the original demand.

Mr. BARKLEY. Yes; and also that the fund should be administered by three men, and not by one man.

Mr. AIKEN. Yes.

Mr. BARKLEY. If nothing could be done with respect to wages, if under the amendment offered by the Senator from Minnesota the Government could not have agreed to an 18½-cent-an-hour increase in wages, the chances are that the Government would have been compelled to continue to operate the mines, and operate them as long as it possibly could, and then turn them back with the same controversy that existed when the Government took them over.

Mr. AIKEN. And the chances are that the country and the public would not be assured of anywhere near as much coal as they are under the present agreement.

Mr. BARKLEY. Absolutely. I think I may say frankly, because I come from a coal-mining State, that in the long run it is to the interest of both operators and miners that the Government release control at the earliest practicable date. Certainly the operators desire the return of their property as soon as possible. But under the amendment offered by the Senator from Minnesota, I do not believe there would be any alternative except that the Government should hold and operate the mines, railroads, steamships, or other facilities, as long as it could operate them under the law, and then turn them back under the same disastrous conditions under which it took them over.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. MILLIKIN. I suggest that what the distinguished Senator from Kentucky has said is simply another way of saying that by suppressing the dispute we continue and exaggerate the very thing which put the properties into Government possession.

Mr. BARKLEY. Absolutely. We hold the whole thing in status quo; and when the operation ends the things are still in status quo. I remember that during the Russo-Japanese War, when for 6 months Port Arthur was surrounded, every day the reports came in that Port Arthur was in status quo. Finally someone asked Irvin Cobb what that meant. He said that from the best information he had, it meant that Port Arthur was in a hell of a fix. [Laughter.]

Mr. MILLIKIN. Mr. President, will the Senator further yield?

Mr. BARKLEY. I yield.

Mr. MILLIKIN. To put it another way, the moment the Government lets go, we then have a flare-up of the original dispute, plus all the causes for dispute which have intervened.

Mr. BARKLEY. Yes.

Mr. MILLIKIN. We go through the whole rigmarole of getting into another strike, with the possibility of the Government again taking possession, and we never got out of the vicious circle.

Mr. BARKLEY. Absolutely.

Mr. MILLIKIN. I suggest that the ability of the operator of any business to have something to say about his wages and working conditions is essential and vital to the conduct of such business—a small business or a large business.

Mr. BARKLEY. Absolutely.

Mr. BALL. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. BALL. Is not the Senator from Kentucky overlooking the fact that while the Government is operating these facilities there will be quite an incentive for both the employer, who wants his facilities back, and the employees, who want to get away from the frozen wage situation, to reach an agreement? The pressure would be about equal on both of them to settle the dispute.

Mr. BARKLEY. I think that if there is any incentive it is a very nebulous incentive. I think it is infinitely better for the country, for the properties, and for all parties concerned, for the Government, while it is operating the plants, to be able to do something by way of intervention to bring about an agreement, than to hold the property indefinitely and then perhaps turn it back with the same controversy, aggravated by whatever has happened while the Government had it in possession and operation.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. MILLIKIN. I abhor what I think have been some of the political settlements made in wage disputes. I wish that the pending bill contained some kind of mandatory provision leaving the settlement of labor disputes to some sort of an independent agency. I notice that there is a provision which gives the President authority to appoint a panel or commission. I wish there were some provision in the bill looking to the establishment of an independent agency. It seems to me that it is very bad policy to have settlements which are necessarily affected by political considerations.

Mr. BARKLEY. I do not know—I suppose none of us knows—to what extent there may be political equations entering into settlements. Frankly, I do not know. I have not sat in on any conferences which have resulted in settlements, either befor or after the Government took over property; so I cannot inject my eyes into the bosoms of other men and try to see and assess their motives. I do not know whether there has been any political equation which has entered into these settlements; but, regardless of that, there have been settlements. The country very recently has been infinitely relieved by those settlements in regard to the transportation systems and the coal industry. We have been relieved of the tenseness and anxiety of the situation, and the whole country breathed a sigh of relief. Whether any politics entered into it I do not know. I seriously doubt it, because I do not believe that political considerations can be properly evaluated in the midst of a tense situation like that. But at least the railroad strike was settled, and the coal strike was settled. They were settled because the Government could do something about bringing the settlement to a conclusion.

Mr. MILLIKIN. I did not intend to precipitate a political discussion.

Mr. BARKLEY. I understand.

Mr. MILLIKIN. I was merely saying that I think it is human nature.

Mr. BARKLEY. Of course, we understand that everything that has to do with government is political. Politics is the science of government. Therefore a politician ought to be a man who is versed in the science of government. Here in the Senate we accept that as true.

Mr. MILLIKIN. I should like to make an additional observation. From the standpoint of equity, it seems to me grossly unfair to freeze the position of one party and not freeze the position of the other. They must both be dealt with alike.

Mr. BARKLEY. Absolutely.

Mr. MILLIKIN. If the owners have an opportunity to get their profits, which are the wages of capital, the workingmen should have a fair opportunity to press their own claims before some appropriate tribunal during the unfortunate period of Government operation.

Mr. BARKLEY. I appreciate that.

Mr. FERGUSON rose.

Mr. BARKLEY. One further observation before I yield.

Under the amendment of the Senator from Minnesota, all we would accomplish would be that the Government would operate the plants, without any power to

do anything to adjust the difficulty from which resulted Government operation. I think that cannot be denied.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. FERGUSON. The way the amendment is worded at present, does it not practically amount to compulsory arbitration? The Government becomes the arbitrator and fixes the price.

Mr. BARKLEY. Yes.

Mr. FERGUSON. From the wording, "during the period of Government possession," I believe it is indicated that the Government has the right to fix the price and be the arbitrator during that period. But from experience do we not find that at the end of the period the property is transferred back to the owner, subject to the Government's prices?

Mr. BARKLEY. Yes.

Mr. FERGUSON. Which amounts to compulsory arbitration.

Mr. BARKLEY. I think the Senator is correct. We are fixing the price in the amendment. We are saying, "No matter what the wage was when the Government took over the plant, that must be the wage that shall prevail during Government operation, no matter whether it is 2 months or 12 months." No change can be made. The only change that could be made would be in some rule or regulation with respect to the health or safety of the employees.

Mr. FERGUSON. The Senator is speaking of the pending amendment, is he not?

Mr. BARKLEY. Yes; that is all the Government could do. But, as we all know, most of these controversies arise out of a dispute as to wages, and the Government could do nothing about wages. So long as the Government operated the plant, under the terms of this amendment we would be fixing the wage, which would be inflexible and unchangeable; and if there were any arbitration at all it would be compulsory arbitration.

Mr. FERGUSON. As a suggestion, this being in effect compulsory arbitration, would it not be fair to both sides to have the owners appoint an arbitrator, labor appoint an arbitrator, and the Government appoint an arbitrator during this period if it were desired to change the wages?

Mr. BARKLEY. I think that could be done, if it did not freeze the wage so that the Government could do nothing.

Mr. FERGUSON. Not to freeze the wage, but to leave it as it is; but instead of saying that the Government may do it alone, we could say that during this period management may name an arbitrator, and labor may name an arbitrator, and if they do not do so within a reasonable time the Government could name three arbitrators, and then we would arrive at a fair solution and have compulsory arbitration during that period.

Mr. BARKLEY. In my judgment, that would be better than the amendment offered by the Senator from Minnesota. But I do not believe that even the suggestion made by the Senator from Michigan would solve the problem. I think that while the Government is in control and operation of these plants it is wise to continue, as it has heretofore, to negotiate agreements which result in the ability of the Government to turn the plants back to their owners. The Government does not want to keep them any longer than is necessary. Neither employers nor employees want it. Although the Senator's suggestion is an improvement, in my judgment, over the amendment which is now pending, I doubt whether we could wisely provide in the law which we are now considering that while the Government operates the plants there shall be the sort of compulsory arbitration which might be involved in the Senator's suggestion. Therefore, I hope that the amendment will not be agreed to.

Mr. FERGUSON. Mr. President, will the Senator yield so that I may ask the Senator from Minnesota a question?

Mr. BARKLEY. I think the Senator from Minnesota still has the floor; but if I have it, I yield.

Mr. FERGUSON. Will the Senator yield for a question?

Mr. BARKLEY. I remember now that I have the floor. I rose to speak against the amendment. I had forgotten that. I yield to the Senator from Michigan.

Mr. FERGUSON. Would the Senator from Minnesota accept an amendment which would provide for arbitrators in the manner I have suggested?

Mr. BALL. Does the Senator mean to fix the terms of operation during Government operation?

Mr. FERGUSON. That is correct.

Mr. BALL. I think that would be preferable to the present provision in the bill.

Mr. FERGUSON. Would the Senator accept such an amendment to his amendment?

Mr. BALL. I should like to see it.

Mr. HATCH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HATCH. Who has the floor? And how long can a Senator hold the floor?

The PRESIDING OFFICER. The Senator from Kentucky had the floor. He yielded to other Senators.

Mr. HATCH. Mr. President, I am addressing the Chair. I seek recognition.

The PRESIDING OFFICER. If the Senator will give the Chair an opportunity to make a statement, the Senator from Kentucky had the floor, and he is entitled to it for 30 minutes. He had yielded.

Mr. HATCH. He has taken his seat.

The PRESIDING OFFICER. Since the Senator from New Mexico addressed the Chair the Senator from Kentucky has taken his seat, and the Senator from New Mexico is now recognized.

Mr. HATCH. Then I have the floor in my own right?

The PRESIDING OFFICER. The Senator from New Mexico has the floor in his own right for 30 minutes, under the rule.

Mr. HATCH. Mr. President, there seems to be a great deal of confusion about what we are trying to do in this bill—whether the Government of the United States is trying to fix rates and wages or whether, under an extreme emergency, the Government is called upon to take possession of certain vital industries.

I have not had an opportunity to study the amendment offered by the Senator from Minnesota, but, as I understand, it provides that neither party shall gain any right by reason of the emergency. Mr. President, I favor that proposal. I favor the theory that neither labor nor management shall profit by the emergency which causes the Government to take the extreme action of seizing any property.

I take the position that when the Government is required to take possession of a railroad or a coal mine, I care not which it is, in order to protect the health, the safety, and the welfare of the 140,000,000 people of the United States, the Government should not become either the bargaining agent of labor or the bargaining representative of management. Yet it is argued on the floor of the Senate that the Government should do so. Mr. President, the Government should not do so. Whenever the United States Government seizes property under such an extraordinary circumstance as that, the Government should seize it and hold it strictly as it is, and should protect the welfare of the people by operating the railroads or by operating the coal mines, but leaving the private differences of the parties to be settled by collective bargaining or by whatever other instrumentality is available. Is not that reasonable? That is my position, and that is the position of the Senator from Minnesota [Mr. BALL] in regard to this amendment. Certainly under the Government of the United States the Senate cannot take any other position. This great power should never be exercised except in time of great stress and great national emergency. That is what this measure is designed to meet. It is offered for that purpose and that purpose alone. Yet there are Senators who wish to use this measure—and they argue it here, and they include my own distinguished majority leader—in such a way as to have it provide that in such times of great stress the Government should negotiate wages and hours, and perhaps should lay a penalty upon workers or a penalty upon employers.

Mr. President, I simply do not see that. I think it is entirely wrong, entirely contrary to the theory of the bill itself, which is only that under dire distress, under great emergency, the Government of the United States will use this great power and will step in and preserve the life and welfare of all our citizens. Some Senators say that such an emergency should be used to negotiate wages and hours and other things which are at the very root and bottom of the dispute, and they would have the Government say, "We will use our great power and we will say that labor should be paid so much an hour, that hours should be so short"—and I am not drawing any distinctions whatever—"or that profits should not exist." That is what this bill provides; all those things are in it. Then they would have the Government say that it wishes to use it as a means of negotiating or bargaining for

either side. Mr. President, that is simply wrong; I do not care which side is involved.

The only reasonable thing to do is to say that under such grave, extreme circumstances the Government will exercise its sovereign power and will protect the life and welfare of the American people, but that we will not allow that power to be used for the purpose of the selfish gain or advantage of either side.

Therefore, Mr. President, without any hesitation whatever I support the amendment offered by the Senator from Minnesota.

Mr. FERGUSON. Mr. President, section 3 indicates that the President shall, in his proclamation, before he makes any investigation at all, simply arbitrarily, before he seizes the plant, do what subsection 4 provides, namely:

> Establish fair and just wages and other terms and conditions of employment in the affected plants, mines, or facilities which shall be in effect during the period of Government possession.

In other words, this is a law to be enacted by Congress, saying to the President that he shall fix the wages before he takes over the plant; and then, I think it is fair to say, when the plant is returned to the owner, it will be returned on the basis of using the wage-scale fixed by the President.

The reason why I suggested that it is equivalent to compulsory arbitration is that it amounts to arbitration by the President before he takes over the plant, only on his decision. Certainly it would be fairer and more equitable to say that the management might have one of the arbitrators, even though he be a special pleader, and that labor might have an arbitrator, even though he be a special pleader, and that the President or the Government should name the third arbitrator. If we are going to have forced arbitration or compulsory arbitration, let us do it in the regular way in which we have been accustomed to arbitrate, instead of by saying to the President, "You shall fix the wages arbitrarily before you seize the plants; you shall do that in your proclamation."

I am sorry that the majority leader is not now in the Chamber, for I should like to have his reaction to the suggestion that not having time here tonight, because of the pendency of the vote, in conference between the House and the Senate he would urge some wording for this particular provision so as not to compel the President to fix wages in his proclamation, but to permit it to be done, after the plant is being operated by the Government, by the arbitrators named by the respective parties and by the Government.

Mr. BALL. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. McCLELLAN in the chair). Does the Senator from Michigan yield to the Senator from Minnesota?

Mr. FERGUSON. I yield.

Mr. BALL. I simply wish to call the Senator's attention to the fact that the only way by which subparagraph (4) could go to conference would be by means of some amendment which the Senate might make to it. Therefore, I suggest that if we adopt the amendment I have proposed, the whole matter will be in conference.

Mr. FERGUSON. The able Senator is correct.

Mr. BALL. Otherwise, it could not be changed in conference at all.

Mr. FERGUSON. The able Senator is quite correct. Under the rules pertaining to conference, this section would not go to conference, because we would have made no change, and therefore there would be no conference concerning it.

Therefore, Mr. President, I urge that we make some amendment, even though we adopt the amendment of the Senator from Minnesota, in order that the matter may go to conference.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. WHEELER. Le me say that under the precedents in recent years a bill can be completely rewritten in conference. That has been done; bills have been rewritten completely.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. WHITE. Let me say that that has been done when the Senate has moved to strike out all after the enacting clause and insert new matter. But then the whole measure is in conference.

But when the same matter is agreed to by the House and the Senate, it is not in conference.

Mr. WHEELER. I have checked on it, and we have done it in conference. Not only have we rewritten a measure, but we have done the very thing I have mentioned. It may be technically against the rules of the Senate, but it has been done repeatedly. The Senator from Maine has served on conference committees in which it has been done.

Mr. WHITE. If I have done it, as the Senator from Montana has said, I have done it under the lure of the persuasiveness of the Senator from Montana, and not under my own view, because it is perfectly clear, under the rules, that only matters on which different action has been taken by the two Houses can be considered in conference. Only when the Senate and the House have taken different positions on a certain matter can it be considered in conference.

Mr. FERGUSON. Mr. President, I hope that we may be able to agree to some form of amendment to this provision which can be taken to conference where a proper solution may be worked out and thereby enable equity to be done to all parties concerned. We do not wish to give to anyone an incentive to work for the Government as an employee, or an incentive to the Government to take over the plant and operate it at a profit.

I assume that under the Constitution of the United States just compensation shall be paid to the owner of a plant which has been seized by the Government. That does not necessarily mean that profit shall be made. I dare say, Mr. President, that such a provision as the one before us might result in the open wedge being driven into America so as to permit the entrance of state ownership of property.

Mr. President, we are asked to do a very serious thing. We should be careful not to give to anyone an incentive which might break down the system which has been established in America. I hope that we will work out some kind of a provision which will enable free enterprise to continue our present system in America. We should make it possible for the continuation of collective bargaining instead of making possible the enforcement of compulsory arbitration.

Mr. MORSE. Mr. President, I rise to endorse the arguments which have been made against the amendment of the Senator from Minnesota by the very able senior Senator from Oregon [Mr. CORDON], the distinguished junior Senator from Colorado [Mr. MILLIKIN], the highly experienced Senator from Montana [Mr. WHEELER], and the great majority leader the senior Senator from Kentucky [Mr. BARKLEY].

In supporting those arguments I wish to observe that I believe the whole procedure of amending this bill today is a very good example of why the bill should have been recommitted. I am satisfied that if the Members of the Senate had an opportunity before they vote to read in the CONGRESSIONAL RECORD tomorrow the arguments of the Senators to whom I have referred, the Ball amendment would be overwhelmingly rejected.

We are now being asked to pass upon amendments which involve many legal implications and highly technical questions. We are attempting to patch up a bill on the floor of the Senate without first conducting hearings before a committee so that witnesses on both sides of the questions may be examined. I believe it is a most unfortunate example to set before the American people, insofar as living up to our responsibilities of passing legislation with care and due consideration. If I were to characterize the patchwork job which has been done in connection with this bill, I would call it a crazy-quilt bill.

Mr. President, as we consider the Ball amendment, we should pause long enough to consider some of the dynamics of labor disputes. We should recognize some of the problems with which we are dealing when a situation develops to such a serious extent that the emergency of the type covered by this bill requires, in his opinion, the President, to issue a proclamation to take over some mine, some industry, some plant, some railroad, or some other industrial facility. Such emergencies just do not happen. They are not a matter of chance. They are the product of cause to effect. There are underlying causes to all the emergencies about which we have been talking.

When we consider legislation of this type we should consider it in the light of its relation to the cause of the disputes to which we seek to apply the proposed legislation. Let me say that in the dynamics of American labor relations there are too many employers who would like to destroy the unions within their plants and industries. There are still too many employers who would be willing to go to

great extremes in order to break the back of organized labor. They would be willing to pay quite a price in order to accomplish that result. There are also employers who, in order to get rid of the unions within their plants or industries, would be willing to pay the price for such length of time—I wish to underscore the word "time" because time is of great importance in labor disputes—as would be necessary in permitting the Government to operate their industry.

The debate early in the afternoon in connection with one section of the bill which was stricken out brought out the fact that under our Constitution it is a judicial question and a judicial prerogative to fix just compensation for property which the Government seizes and over which the Government exercises control.

In the instances of which I speak, and in which employers are out to destroy the unions in their plants, those employers do not lose anything, Mr. President, from the seizure. The greatest profit which they could receive in their antilabor view would be to destroy organized labor within their plants. In view of the fact that under Government seizure they would be entitled, as a matter of constitutional right, to just compensation for the use of their property so long as the Government had it seized, they would not lose anything. With such an antilabor viewpoint, those employers have everything to gain and nothing to lose by the Ball amendment.

Do not believe, Mr. President, that there are not employers who would use strategy on their side of a controversy just as unions would be willing to use strategy on their side. Therefore, I assert, Mr. President, that the Ball amendment would be a powerful weapon to place in the hands of those employers who would welcome Government seizure for the period of time necessary in order to break the unions within their plants.

Oh, it is said that, of course, the employers would be anxious to get back their plants. Mr. President, do not overlook the fact that the employers recognize that union leadership is weakened week by week as controversies continue such as those which would be covered by this legislation. Dissension develops within the ranks of union membership when settlements are not reached quickly. The union leaders are constantly put into an alibi position when time drags on and a dispute is not settled. They are required to explain, explain, explain, and explain to their membership. Finally, as time goes on—and the employers know this—the support of the union leaders begins to weaken, and eventually the membership says, "Well, let us make some deal in order to get this controversy over with."

Therefore, Mr. President, I assert that employers, recognizing that time is always of the essence so far as labor's power is concerned, will take advantage of the time element in the amendment and use it to break unions. That is why I am so much opposed to another Ball amendment which the Senate passed, namely, the 60-day cooling off period amendment. I assert that it will prove to be a strike-breaking and union-busting amendment.

There is another type of labor dispute to which this new Ball amendment will be a great boon. It will be a great boon to the leftist movement in American labor in their labor disputes. Do not overlook the importance of it, Mr. President. We must be realistic about that problem. There is a leftist problem in American labor just as there is a leftist problem in many other groups of American citizens. There are leftists who seek to penetrate the labor movement just as they seek to penetrate other social organizations. Part of their technique is to work up political strikes.

Mr. President, allow me to point out that in a case in which the wages, hours, and working conditions might be quite reasonable, nevertheless, if the leftists could succeed in stirring up sufficient trouble within the union organization concerned, or within the plant, so as to force a Government seizure, they will do it. Under the Ball amendment the Government would be in the position of functioning as a tool of the leftists. Thus the leftists would, through the back door, accomplish their objective of State control of that industry because they would never agree to reach an agreement with the employer.

What is their objective, Mr. President? Their objective is statism. The objective is Government control of the national economy. They will make use of the Ball amendment to carry out their objective. So I say that the amendment plays into the hands of the leftists who wish to accomplish their purpose of state economy. It works against the best interests of those labor leaders who are fighting to preserve the private property economy, and those who are fighting to preserve collective bargaining.

The third point which I wish to make is that, in settling labor disputes which have reached the emergency crisis of such serious character as to make it necessary for the Government to seize under the proposed bill, we need to recognize that in the majority of such cases there is some cause for labor's position.

As I have said several times before, I have yet to see one single major labor dispute in which all the wrong was on one side and all the right on the other. Both sides in most labor disputes are partly at fault and are partly right.

Therefore, Mr. President, flexibility, and a maximum degree of flexibility, and the power to exercise reasonable discretion, are essential and must rest in the hands of those Government officials who are to have the responsibility of operating, for the Government, plants and mines and other facilities.

Therefore, I think it very important that when the Government takes over property under such circumstances, it have the power to exercise reasonable discretion in eliminating unjust working conditions, unfair wages, unjust hours. These are factors in the relationship between the union and the employer that give rise to the great misunderstandings which produce such emergency conditions as this bill seeks to cover.

I grant that such discretion can be abused. I think it has been in some cases. Nevertheless, if we are really to have the industries which are seized by the Government operated on a harmonious basis, then we should vest in the operators—in this case the Government—the power to see to it that injustices are corrected, and that fair and reasonable wages and working conditions and hours become the policy of the Government.

Surely, Mr. President, we should not want to put the Government of the United States in a position where it operates a mine or a railroad, or any other facility, on terms of wages, hours, or working conditions which are unfair, unreasonable, and unjust. Under the provisions of the Ball amendment, the so-called exceptions do not give to the Government the power to correct unfair wages and unreasonable working conditions and unjust hours. Those exceptions are limited only to questions of health and safety, and that is not broad enough.

Mr. President, I say—and I speak my judgment—we do not want to put the Government, first, in the strikebreaking business, and, second, we do not want to put the Government into a position in which it administers any facility it seizes on the basis of wages, hours, and conditions of employment which never in the first place ought to have been the wages, hours, and conditions of employment under which the workers were required to work.

The distinguished Senator from Michigan [Mr. FERGUSON] made some comments with which I agree, but on the point in regard to arbitration, insofar as he seeks to implant in this bill the principle of compulsory arbitration, I am unalterably opposed to his stand. I am unalterably opposed to it, because I see in the vehicle of compulsory arbitration in any form whatsoever another opportunity to move us in the direction of a totalitarian government.

Even if we adopted the Senator's arbitration procedure as suggested, under his very procedure the Government man in the middle would be the final arbiter. He would be the one who would determine the wages, the hours, and the conditions of employment, because that is always true whenever there is an arbitration board set up with labor and management on the board and the representative of the Government in the middle.

What difference does it make whether some Government arbitrator or the President exercise the power to fix wages, hours, and conditions of employment in such emergency cases as we are dealing with under this bill? I prefer the flexibility inherent in leaving the problem squarely up to the President.

Mr. President, I close by renewing my plea that the Senate not adopt the Ball amendment, especially in view of the fact that there has not been opportunity to study the arguments, many of them legal arguments, which have been made here in the last 45 minutes as to the implications of the bill. I am satisfied that if those arguments were studied the vote would be overwhelmingly against the amendment.

Furthermore, I do not think we should adopt it because we have not had the op-

portunity, which I think we should have, to hear the testimony of experts who should be brought before the appropriate Senate committee to point out what I assert, Mr. President, are very serious dangers and unwise implications embodied in the Ball amendment.

I conclude by asking unanimous consent to have printed in the body of the RECORD, without my reading them now, as part of my remarks, four newspaper articles on the recent railroad strike.

The PRESIDING OFFICER. Is there objection?

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

RAIL STRIKE TALKS TRANSCRIPT

CLEVELAND, May 30.—Headquarters of the Brotherhood of Railroad Trainmen yesterday made public a stenographic record of two telephone conversations with the White House on May 18, date of the 5-day postponement of the rail strike.

Principals in the conversation were identified by the headquarters as A. F. Whitney, president of the trainmen; Alvanley Johnston, president of the Brotherhood of Locomotive Engineers; Dr. John R. Steelman, labor adviser to the President; President Truman, Ray T. Miller, legal counsel for the brotherhoods.

The first conversation was timed at 3:02 p. m. at the start and 3:10 p. m. at the conclusion. The portion of it made public follows:

"Dr. STEELMAN. I am here with the President.

"The PRESIDENT. It seems to me further negotiations might get somewhere in this. I thought it would yesterday but didn't have a chance to tell you that. As far as a postponement is concerned, if it is properly handled I don't think there is any chance of any trouble if you don't work it out.

"Mr. JOHNSTON. Well, Mr. President, I said the other day, I knew we would not get anywhere. They gave us the same old song and dance that they are broke.

"The PRESIDENT. I can't answer for that but I am satisfied that is not the idea. I wouldn't be asking you to negotiate further if I thought it was.

"Mr. WHITNEY. This is Mr. Whitney, Mr. President. Can you give us assurance that you have talked with the railroads and that they want a conference and are willing to do something definite?

"The PRESIDENT. Yes.

"Mr. WHITNEY. And further, that in case we don't settle, that the Smith-Connally Act will not be used against us?

"The PRESIDENT. If you handle the matter in the manner suggested to you, why there is no possibility of your getting into any trouble over that.

"Mr. WHITNEY. And you will protect us with the Attorney General as far as you can?

"The PRESIDENT. Yes, I will. I have been trying to protect you but you were not very kind to me. When I talked to you before I felt mighty badly about that because you were in the President's corner before and you were not this time.

"Mr. JOHNSTON. You were all right but they weren't, the railroads.

"The PRESIDENT. I understand that, but you didn't give me a chance to do anything about that. I am asking you now to give us that chance.

"Mr. WHITNEY. We will talk with our committees here and call you back within 10 minutes. Will that do?

"The PRESIDENT. That will be all right.

"Dr. STEELMAN. Wait a minute.

"Mr. JOHNSTON. He said wait a minute.

"Dr. STEELMAN. Hello, A. F., what I had in mind here, for your own benefit, if you are going to discuss it we don't want to pull any tricks on you with that Smith-Connally Act, and if you agree with the President and you announce at the President's request you are postponing the strike; here is the way you put it—we have moved the strike date over from 4 p. m., May 18, to 4 p. m. whatever date.

"Mr. WHITNEY. The 23d.

"Dr. STEELMAN. I would like to have 10 days, but if you can do the job quicker we want to do it. The quicker the better of course. You move the strike date from 4 p. m. May 18 to 4 p. m. some other date. See what I mean?

"Mr. JOHNSTON. Yes.

"Mr. WHITNEY. Yes.

"Dr. STEELMAN. We cannot say—nobody can criticize you or get after you on the law about that.

"Mr. WHITNEY. All right.

"Mr. JOHNSTON. You understand the only way we can call this off or postpone it—we have to put out a code word. Now, then I want assurances if we postpone this thing and we have later got to reinstate it—another code word—and that will not be considered a violation of the law.

"Dr. STEELMAN. You use a code word now to postpone it?

"Mr. JOHNSTON. To call it off, which will advise the postponement. That's right.

"Dr. STEELMAN. Then I think after I do that you could send a wire and get yourselves on record that you have agreed upon the request of the President to move the strike from —— to ——.

"Mr. JOHNSTON. That is not it. They will have to have this code word if we postpone. Now then, we want another code word to take care of it, and I want to ask—that wouldn't be a violation.

"Dr. STEELMAN. No.

"Mr. JOHNSTON. O. K.

"Dr. STEELMAN. No; that's right.

"Mr WHITNEY We will call you in a few minutes.

"Dr. STEELMAN. The President will see to it that the railroads will make some further concessions, but you cannot quote it. Say you are postponing at his request and returning here immediately for further negotiations.

"Mr. WHITNEY. I think we understand the situation he is in.

"Dr. STEELMAN. All right.

"Mr. WHITNEY. O. K.

"Dr. STEELMAN. Good-by."

(3:10 p. m.)

The text of the second transcript follows:

At 3:33 p. m. President Whitney and Brother Johnston called the White House, and the following conversation took place:

"President WHITNEY. Hello. Dr. Steelman?

"Dr. STEELMAN. Yes. I am still sitting here with the President.

"President WHITNEY. Can you listen in and have one of your stenographers take down what I say, so you will have it?

"Dr. STEELMAN. Yes; we can get somebody on the line to take it down; wait just a minute." [A pause.] "O. K. You want to give it to me and say a word to the President later?

"President WHITNEY. All right. The organizations have agreed to postpone the strike date.

"Dr. STEELMAN. Have agreed to postpone the strike date.

"President WHITNEY. From 4 p. m. May 18 to 4 p. m. Thursday, May 23.

"Dr. STEELMAN. Start over.

"President WHITNEY. All right, we will start over. The engineers and trainmen have agreed to postpone the strike date from 4 p. m. May 18 to 4 p. m. Thursday, May 23, 1946, if the President will immediately announce this action, and state that our action is responsive to a request from the President, with his assurance that further concessions can be made with the railways, and that the organizations will not become involved by such postponement under the terms of the Smith-Connally Act. Is that enough?

"Dr. STEELMAN. Is that it, now, Al?

"President WHITNEY. Now, can the President make that announcement?

"Dr. STEELMAN. Yes; I want to talk to you a minute about that so there is no misunderstanding. This statement; now, I will get our man here to type that immediately and bring that in to us while we hold you on the telephone.

"President WHITNEY. We only have 20 minutes to get this word out now.

"Brother JOHNSTON. If we don't do that and do it damned quick, they will be out anyway.

"Dr. STEELMAN. That's right.

"President WHITNEY. Now, another thing; I think you should announce that the trainmen's code word is 'convention,' so our men would understand it.

"Dr. STEELMAN. The trainmen's code word is 'convention'?

"President WHITNEY. That's it.

"Brother JOHNSTON. And the engineers' code word is 'Johnston.'

"Dr. STEELMAN. 'Johnston'?

"Brother JOHNSTON. All right; I will hold the wire.

"Dr. STEELMAN. Does that mean to continue operations?

"President WHITNEY. That to them means that they will continue operations until next Thursday at 4 p. m.

"Dr. STEELMAN. Now, then, I will let you explain to Charley Ross; you want us to mention that from here, too.

"Brother JOHNSTON. If you want to get these men to work—otherwise they will be out.

"Dr. STEELMAN. What does Mr. Ross say to the press?

"President WHITNEY. Just say to the press that trainmen's code word is 'convention' and the engineer's code word is 'Johnston.'

"Brother JOHNSTON. Now, John, another thing: Can you have the President arrange for transportation in a plane out of here tomorrow morning to take care of our 9-10 men?

"Dr. STEELMAN. Yes; we can get a plane to bring you in here tomorrow.

"Brother WHITNEY. We can talk about that later today.

"Brother JOHNSTON. All right.

"Dr. STEELMAN. There is one word here—I don't personally think the President ought to say he has assured you about the Smith-Connally Act. I think you move the strike from such a date to such a date. I will see the Smith-Connally Act is not involved.

"Brother JOHNSTON. Ray Miller wants to talk to you.

"Mr. Ray T. Miller—John.

"Dr. STEELMAN. Yes, Ray.

"Mr. MILLER. You are going to make the announcement from the White House?

"Dr. STEELMAN. We will make it right this minute.

"Mr. MILLER. I am very much concerned about the postponement of this thing resetting a strike date which could be in violation of the Smith-Connally Act.

"Dr. STEELMAN. You set a strike date and move it and nobody can touch you for moving the day.

"Mr. MILLER. Here is what I think you might do; when you make the announcement, do this: 'That this postponement was agreed to for the purpose of arriving at a settlement at the request of the President of the United States which entails notice to all employees, officers, etc., and calls for the setting of a new strike date on May 23, 1946, with the understanding that no violation of the Smith-Connally Act is involved.'

"Dr. STEELMAN. Yes.

"Mr. MILLER. Then I think we are all set.

"Dr. STEELMAN. We could say that the Smith-Connally Act is not involved in this postponement.

"Mr. MILLER. Because I think a postponement is definitely a violation unless agreed to.

"Dr. STEELMAN. Look here, Ray. The President doesn't think we ought to say a word about that—to handle it in your own notice. We will say that you moved the strike date, but the President has given you his word that it doesn't apply.

"Mr. MILLER. Since we have that, that's all right. Say, better get hold of Tom Clark and have him so understand.

"Dr. STEELMAN. Well, there is no trouble.

"Mr. MILLER. Now you think we ought to use the word move instead of postpone.

"Dr. STEELMAN. We will put out notices accordingly.

"President WHITNEY. Hello, Mr. President.

"The PRESIDENT. Hello. This message you have dictated is O. K. and Steelman understands it.

"President WHITNEY. We would like to have you announce it to the public immediately because we haven't got time enough to call the strike off now.

"The PRESIDENT. All right.

"President WHITNEY. But, we will do the best we can to reach everybody possible.

"The PRESIDENT. We will announce it here.

"Brother JOHNSTON. You take care of it from your end. Thank you.

"The PRESIDENT. Thank you, good-by."

RAIL UNIONS ASK TRUMAN TO REJECT ANTISTRIKE BILLS

Three of the railroad unions whose members stayed on the job have asked President Truman not to sponsor antistrike legislation.

They pointed out that they had successfully worked out contracts under the Railway Labor Act "without an interruption of production."

But, they said, certain measures now are before Congress which are "punitive and restrictive * * * un-American, unconstitutional, and unworkable."

"Enactment into law of any of these measures would vitiate and destroy traditional principles of freedom and liberty," they declared.

The request was put in a telegram last night from D. B. Robertson, president of the Brotherhood of Locomotive Firemen and Enginemen; H. W. Fraser, president of the Order of Railway Conductors, and T. C. Cashen, president of the Switchmen's Union of North America.

The text of the telegram was made public by Mr. Robertson, who is here on union business.

The union heads said they were speaking for 250,000 railroad employees.

TRUMAN SHOWED WEAKNESS, NOT STRENGTH, IN RAIL STRIKE

(By Willard Shelton)

For the historian, one of the fascinating studies of our times may be the processes by which Harry S. Truman was beguiled and befuddled into his vitriolic attack on the railroad brotherhoods and his even more extreme request for legislation empowering him to smash strikes by drafting union members into the Army.

The White House is bravely issuing stories about the 7,000 telegrams of support Mr. Truman received. But faint glimmerings of doubt must surely be flickering now in the Presidential mind. Men who have believed in the New Deal, and who have supported Mr. Truman's legislative programs, are profoundly shocked by the almost rabble-rousing tone and spirit of the President's labor proposals. James G. Patton of the Farmers Union calls them "naked, open fascism." Conservatives and progressives alike in the Senate shrank yesterday from the fantastic Presidential plan for labor "peace."

The telegrams of praise and glad endorsement went from citizens who could afford the luxury of such expressions. They did not come from the hard-working, patriotic rail workers who, whipped and sullen under the White House tongue lashing, nevertheless know their rights and deeply resent intervention which unnecessarily traduced them. Mr. Truman used a 16-inch gun on A. F. Whitney and Alvanley Johnston when a verbal rifle shot would have been enough.

OUT OF CHARACTER

How did the President let himself be trapped into such a blunder?

Everything in his record, as a Senator, suggests that the action was out of character. When he claimed for himself a demonstrated sympathy for the right of labor, he spoke sober truth. He has none of the natural attributes of a dictator and he has obviously hesitated to use coercion.

Yet suddenly he turned with fury, bitterness, and verbal violence upon the unions and demanded labor-control powers such as no President in time of peace has ever before requested.

It was the act, I believe, of a small man attempting to prove himself a big one. Goaded and harassed in his job, unable to get Congress to follow his leadership, unable to force powerful corporations to accept fact-finding board recommendations, he finally leaped upon a victim weak enough for him to master. He decided he could bust the leaders of the rail unions—and all his pent-up frustrations burst forth in one lava-like stream.

The President acted, also, as a man would who has surrounded himself with mediocrities and self-promoters as intimates—John Snyder, George Allen, and the ambitious John H. Steelman. He has blocked off advisers who are better informed, more conscious of the general welfare, and genuinely liberal in their instincts.

FLEES FROM BRAINS

A strong President would not be dominated, knowingly or otherwise, by Snyders and Allens. A President who understood the nature of the country's postwar industrial crisis would not tolerate the intimacy of men whose own inadequacies form the basis of the advice they whisper.

There are brains to spare in the administration—brains that are shrewd, sincere, and available for Mr. Truman's use. But they aren't found in the White House. He shrinks from men of brains, apparently because he is uncomfortable in their presence; because in his own deep unsureness, he finds it more palatable to deal with lesser minds which do not disturb his sense of chieftainship.

So he makes mistakes. He hesitates too long to assert Presidential leadership in critical industrial disputes and then, at the end, plunges into unnecessary and one-sided gestures which spring not from strength but from weakness. To his credit, it is likely that he has ignored recently the direct effect of labor policy on his personal political fortunes; he is a man of fundamental devotion to the public welfare. But he has blundered, unhappily, into a position which leaves him with the strong support of neither conservatives nor progressives. And some liberals are feeling that an avowed conservative, such as Senator TAFT, could scarcely have done worse in the industrial struggle.

THINK THIS DEAL OVER

A. F. Whitney and Alvanley Johnston made public the text of their telephone conversations with Dr. John R. Steelman and the President in order to show that they were double-crossed in postponing the rail strike for a week. The postponement was ordered on the tacit assurance of Dr. Steelman and the President that the railroad management would yield additional points. The railroad management did not yield and the end of the postponement found the President on Capitol Hill asking for his emergency legislation and putting the blame on Messrs. Whitney and Johnston.

That is one side of it and the transcript speaks for itself. To many Americans, however, the incredible picture revealed by these telephone conversations relates to the agreement between these four men to evade the provisions of a Federal statute and to fix it up in advance with the Attorney General. The evasion revolved about the question whether, the Government already having taken over the railroads, renewal of the strike after a truce would constitute violation of the Smith-Connally Act. The railroad men were advised by their own and other counsel that it might be so considered.

Said Mr. Whitney: "Our attorneys advised us, if we postponed this strike for 5 days, we will say, and then we don't settle, and the strike goes on, that might be considered a violation of the Smith-Connally Act."

The President: "I don't think it would be if you follow the directions that Steelman has dictated to you."

President Whitney: "And you will protect us with the Attorney General as far as you can?"

The President: "Yes."

In the long history of short-cuts, expedients, evasions, and double dealings that through the war and since have marked the National Government's role as a mediator in strikes and threats to strike, things like this may have happened before. But they have been carefully withheld from the public. The transcript of these telephone conversations now reveals, in all its discomfiting implications, the affront to public conscience that results when the President of the United States and his mediator, Dr. Steelman, put themselves in the position of arranging how to circumvent a Federal statute in order to gain a few days' respite for the people of the United States from a strike which would mean national chaos.

INSIDE WASHINGTON

The other day a bitter fight broke out on the Senate floor between Majority Leader BARKLEY, of Kentucky, and Senator MORSE, of Oregon, prolabor Republican.

MORSE charged that President Truman knew before his address to Congress last Saturday that the rail strike had been settled. BARKLEY denied the charge, and the White House later denied it, too.

Newsmen who have been trying to fit the puzzle together on the basis of various bits of evidence have come to one conclusion—that Dr. John R. Steelman, special assistant to the President, engaged in some delaying tactics during the final phases of the negotiations in the hour preceding Mr. Truman's talk.

There is every indication that those tactics enabled the President to make his climactic announcement—in the midst of the address to Congress—that the rail strike had ended on his terms.

Whether Mr. Truman knew about Steelman's antics will be argued for some time to come. Here are the known facts:

On Saturday morning President Truman, aroused over the stubbornness of the heads of the two striking railroad brotherhoods, ordered an end to all Government mediation efforts involving this pair.

Mr. Truman was determined to stick by his 18½-cents-an-hour compromise offer which A. F. Whitney and Alvanley Johnston had turned down before the strike started.

The President had given his back-to-work ultimatum and was preparing his legislative recommendations for the joint session of Congress.

Whitney and Johnston knew that they were licked and tried, as a last resort, to obtain a face-saving compromise through Secretary of State Byrnes and Secretary of Labor Schwellenbach.

Byrnes was an old friend of the two union men, and Schwellenbach used to represent Johnston's brotherhood in court back when

the Labor Secretary used to be an attorney in Washington State.

But the President ignored the Whitney-Johnston final compromise appeal by letter.

Within a short time after the White House had announced Mr. Truman's ban on further Government mediation attempts with Whitney and Johnston, Steelman held meetings with the carriers and with the 18 nonstriking railroad unions to get their acceptance of Mr. Truman's 18½-cent offer for all railroad workers.

When the conferees agreed on the 18½ cents, with a 1-year moratorium on working rule demands, the pressure on Whitney and Johnston was increased greatly. For now any striking trainmen and engineers who chose to go back to work on their own would have obtained the pay raise.

"AS A PRIVATE CITIZEN"

So Johnston and Whitney asked Steelman to meet with them once more. Steelman said, in effect, "I cannot do so as special assistant to the President, for Mr. Truman has ordered termination of Government mediation with you, but perhaps I can join you as a private citizen."

This Steelman did, with President Truman's knowledge and consent. So Private Citizen Steelman met with Whitney and Johnston and carrier representatives early Saturday afternoon.

It was the second time in his public-service career that Steelman temporarily acted as a private citizen to help the President of the United States settle an important labor dispute.

READY TO SETTLE

Whitney and Johnston appeared to be ready to settle on Mr. Truman's terms, but to consummate the deal before the President appeared before the joint session of Congress would have taken much of the sting out of what he had to say to the legislators.

Steelman did not rush matters. Subsequently, it developed that Whitney and Johnston sent telegrams to their union headquarters about 3:30 p. m.—a half hour before President Truman was to begin his address—calling off the strike.

But Steelman made no public announcements, although he left the conference room for nearly 15 minutes. He returned and at 3:50 p. m. obtained the final verbal settlement agreement.

At 3:57—3 minutes before the President's back-to-work dead line, the principals finished putting their signatures to a written agreement.

Still no announcement from Steelman. Promptly at 4 p. m. the broadcast from the joint session of Congress started, and President Truman launched into his aggressive address.

At 4:05 Steelman led the negotiators into the temporary press room at the Statler Hotel and by 4:09 the settlement had been disclosed to the public through the throng of waiting reporters.

Steelman then telephoned the Capitol and relayed news of the settlement to Leslie Biffle, Secretary of the Senate, who passed on that historic note to President Truman.

The President then interrupted his own prepared speech long enough to tell the world that he had just received word that the railroad strike had been settled on terms proposed by the President.

ROLE REENACTED

Government official John R. Steelman's previous enactment of the role of private citizen to help settle a major labor dispute occurred late in 1941.

John L. Lewis, president of the United Mine Workers, had deadlocked with Benjamin Fairless, president of the United States Steel Corp., in a dispute over demands for a union shop in the captive mines operated by the big steel companies.

President Roosevelt proposed that Steelman, then head of the United States Conciliation Service in the Department of Labor, serve as third man in the Lewis-Fairless tangle and decide it one way or the other.

Mr. Roosevelt's suggestion was approved. Possibly to add to the illusion that the Government had stepped out of the picture, Steelman did his umpire job as a private citizen.

Incidentally, Steelman's decision was in favor of Lewis' position, and there has been a union shop in the coal mines ever since. But news of Steelman's decision sort of got buried in the papers, for it was announced on December 7, 1941.

BASCOM N. TIMMONS.

Mr. CAPEHART. Mr. President, I wish to offer an amendment to the amendment offered by the able Senator from Minnesota. I send it to the desk and ask that it be read.

The PRESIDING OFFICER (Mr. OVERTON in the chair). The clerk will state the amendment to the amendment.

The CHIEF CLERK. At the end of the pending amendment it is proposed to insert the following:

Provided further, That the President may put into effect any changes in wages or working conditions which the employer had offered as a basis for settling the dispute.

Mr. CAPEHART. Mr. President, I believe the amendment I have just offered to the amendment of the Senator from Minnesota would be fair and equitable. I believe it would do more to settle a strike, possibly, than if we left the bill as it is now written.

I cannot agree with the able Senator from Oregon that the Ball amendment would accomplish the two results which he states. On the one hand, he says, it would work into the hands of the Communists, and on the other side would be an advantage to the employers. I do not agree with that at all.

I cannot see how we can give the President the right to make any sort of terms or pay any kind of wages he might wish to choose. Under the law as it is now written, what is to keep the President of the United States from offering the employees of any plant he might take over twice as much in wages as they are now receiving? What is to keep him from offering in the form of wages all the profits, or even more than all the profits? It may be said that he would not do it, and I am not saying he would, but there is nothing in the bill to keep him from doing it.

It might happen, Mr. President, that there would be a series of strikes, perhaps hundreds of them, the employees striking for higher wages and refusing to settle with their employers, and the Government would then step in and take over all the affected industries, possibly hundreds of them. After taking them over, what would there be to prevent the President of the United States, if he had a mind to, under the law, making any sort of a deal, regardless of whether it was good business or not, regardless of whether the business could afford to pay the kind of wages he fixed? There is not a Senator on the floor but will admit that when any private industry gets its business back it is going to take it back on the basis of the agreement the Government made with the employees. We might as well be realistic about this question. For example if the mine operators wish to get their mines back, they are going to have to pay the same wages the Government is now paying and they are going to have to pay the same royalty on each ton of coal the Government is paying.

We might have a President some day who would say, "All right, we will give to the employees in the struck plants which we have taken over tremendously high wages, such high wages that the management, we know, will never want their business back." If there is any danger from a communistic standpoint or leftist angle to the pending measure, it is from that standpoint.

Therefore, Mr. President, it seems to me as though it is fair to give the President the right—and I do not think he should have any further right—to pay the same wages and fix the same terms and conditions on which the employers offered to settle with the employees in attempting to adjust their difficulties.

Mr. President, I hope my amendment will prevail, because I think it is fair, I think it is right, and I think action on any other basis will be unfair to the employees.

Mr. BALL. Mr. President, will the Senator yield?

Mr. CAPEHART. I yield.

Mr. BALL. I wonder if the Senator has considered two things which it seems to me would come about if his amendment should become the law. One would be the tendency of an employer to be extremely wary of making any kind of offer in collective bargaining, knowing that once his plant was seized such offer would immediately become effective, and then bargaining would begin from that point on. It seems to me it would place the employer at a considerable disadvantage in bargaining, once his plant is seized. Furthermore, as I understand the process of collective bargaining, when an employer makes a counter offer with respect to wages and working conditions that offer is conditioned on its acceptance resulting in settling the dispute, and under the amendment proposed by the Senator to my amendment that offer would become effective without in any way settling the dispute. The dispute would still be in effect, and I think it would be doing a serious injustice to the employer.

Mr. CAPEHART. I agree with the able Senator. However, without his amendment, or without my amendment to his amendment, the President is in the position to pay any wages he may care to pay. He could pay $5 an hour if he cared to do so. He could pay any rate of compensation he might care to. I recognize the point made by the Senator from Minnesota. But I believe it is only fair to the employees when the President takes over the plant that he should pay the same wages that the employer agreed to give them in negotiating with them.

Mr. TUNNELL. Mr. President, will the Senator yield?

Mr. CAPEHART. I yield.

Mr. TUNNELL. What is the Senator's idea as to what the situation would be if no offer has been made by the employer?

Mr. CAPEHART. If no offer has ever been made it would be in the same status

as it would be under the amendment offered by the Senator from Minnesota.

Mr. TUNNELL. And if the men refused to go back to work, then what would be the situation?

Mr. CAPEHART. Under the law the men cannot be compelled to go back to work.

Mr. TUNNELL. The individual who refuses to go back to work cannot be compelled to go back, can he?

Mr. CAPEHART. That is what we have been talking about for several days; whether men have the right to strike against their Government. I have maintained continually that they could not be compelled to go back to work. Under this bill the man who refuses to go back to work loses his rights under the National Labor Relations Act.

Mr. TUNNELL. What is the idea of the Senator respecting how the Government could obtain production along any particular line?

Mr. CAPEHART. I do not know how I can answer that question. The big question in my mind arises from the fact that when the President takes over an industry, as the law now is, there is no longer any collective bargaining, and he may pay any wages he cares to pay.

Mr. TUNNELL. I will ask the Senator if he does not believe that the question of wages, in connection with getting the employees to go back to work, might not become of importance.

Mr. CAPEHART. I do not think so particularly.

Mr. TUNNELL. I thank the Senator. I thought it might become the big problem.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana [Mr. CAPEHART] to the amendment of the Senator from Minnesota [Mr. BALL]

Mr. WHEELER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gurney	Murdock
Andrews	Hart	Murray
Austin	Hatch	Myers
Ball	Hawkes	O'Daniel
Barkley	Hayden	O'Mahoney
Brewster	Hickenlooper	Overton
Briggs	Hill	Pepper
Brooks	Hoey	Radcliffe
Buck	Huffman	Reed
Burch	Johnson, Colo.	Revercomb
Bushfield	Johnston, S. C.	Robertson
Butler	Kilgore	Russell
Byrd	Knowland	Saltonstall
Capehart	La Follette	Shipstead
Capper	Lucas	Smith
Connally	McCarran	Stanfill
Cordon	McClellan	Stewart
Donnell	McFarland	Taft
Downey	McKellar	Tunnell
Eastland	McMahon	Vandenberg
Ellender	Magnuson	Wagner
Ferguson	Maybank	Walsh
Fulbright	Mead	Wheeler
George	Millikin	Wherry
Gerry	Mitchell	White
Green	Moore	Wiley
Guffey	Morse	Wilson

The PRESIDING OFFICER. Eighty-one Senators having answered to their names, a quorum is present.

The question is on agreeing to the amendment of the Senator from Indiana [Mr. CAPEHART] to the amendment of the Senator from Minnesota [Mr. BALL].

Mr. CAPEHART. On this question I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. HOEY. My colleague the senior Senator from North Carolina [Mr. BAILEY] is detained because of illness. If present, he would vote "nay."

Mr. BUTLER. I have a pair with the senior Senator from Alabama [Mr. BANKHEAD]. Not knowing how he would vote, I withhold my vote.

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY], and the Senator from Alabama [Mr. BANKHEAD] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senators from Idaho [Mr. GOSSETT and Mr. TAYLOR] are absent by leave of the Senate.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from Utah [Mr. THOMAS], and the Senator from Maryland [Mr. TYDINGS] are detained on public business.

The Senator from Oklahoma [Mr. THOMAS] is unavoidably detained.

I wish to announce further that the Senator from Utah [Mr. THOMAS] has a general pair with the Senator from New Hampshire [Mr. BRIDGES].

I also announce that if present and voting, the Senator from Idaho [Mr. TAYLOR] and the Senator from Maryland [Mr. TYDINGS] would vote "nay."

Mr. WHERRY. The Senator from New Hampshire [Mr. BRIDGES] has a general pair with the Senator from Utah [Mr. THOMAS].

The Senator from North Dakota [Mr. LANGER] is unavoidably absent.

The Senator from New Hampshire [Mr. TOBEY] is absent on official business.

The Senator from North Dakota [Mr. YOUNG] is absent by leave of the Senate.

The result was announced—yeas 2, nays 77, as follows:

YEAS—2

Capehart	Robertson

NAYS—77

Aiken	Hart	Murdock
Andrews	Hatch	Murray
Austin	Hawkes	Myers
Ball	Hayden	O'Daniel
Barkley	Hickenlooper	O'Mahoney
Brewster	Hill	Overton
Briggs	Hoey	Pepper
Brooks	Huffman	Radcliffe
Buck	Johnson, Colo.	Reed
Burch	Johnston, S. C.	Revercomb
Bushfield	Kilgore	Russell
Byrd	Knowland	Saltonstall
Capper	La Follette	Shipstead
Connally	Lucas	Smith
Cordon	McCarran	Stanfill
Donnell	McClellan	Stewart
Downey	McFarland	Taft
Eastland	McKellar	Tunnell
Ellender	McMahon	Vandenberg
Ferguson	Magnuson	Wagner
Fulbright	Maybank	Walsh
George	Mead	Wheeler
Gerry	Millikin	Wherry
Green	Mitchell	Wiley
Guffey	Moore	Wilson
Gurney	Morse	

NOT VOTING—17

Bailey	Chavez	Tobey
Bankhead	Gossett	Tydings
Bilbo	Langer	White
Bridges	Taylor	Willis
Butler	Thomas, Okla.	Young
Carville	Thomas, Utah	

So Mr. CAPEHART's amendment to the amendment of Mr. BALL was rejected.

Mr. BARKLEY. Mr. President, while we are on section 3, after consulting with the Senator from Michigan [Mr. FERGUSON] I have a suggestion to make with respect to an amendment in line 24 on page 2.

Mr. BALL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BALL. Is the Senator's amendment in order?

The PRESIDING OFFICER. It is not in order to offer the amendment at this time. The Senator from Kentucky may make a statement of what he proposes to do.

Mr. BARKLEY. I had forgotten that we were voting on the amendment of the Senator from Indiana [Mr. CAPEHART], to the amendment of the Senator from Minnesota [Mr. BALL].

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Minnesota [Mr. BALL]. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. HOEY. My colleague the senior Senator from North Carolina [Mr. BAILEY] is detained because of illness. If present he would vote "nay."

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Alabama [Mr. BANKHEAD] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senators from Idaho [Mr. GOSSETT and Mr. TAYLOR] are absent by leave of the Senate.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from Utah [Mr. THOMAS], and the Senator from Maryland [Mr. TYDINGS] are detained on public business.

I wish to announce further that the Senator from Utah [Mr. THOMAS] has a general pair with the Senator from New Hampshire [Mr. BRIDGES].

I announce further that if present and voting, the Senator from Idaho [Mr. TAYLOR] and the Senator from Maryland [Mr. TYDINGS] would vote "nay."

Mr. WHERRY. The Senator from New Hampshire [Mr. BRIDGES] has a general pair with the Senator from Utah [Mr. THOMAS].

The Senator from North Dakota [Mr. LANGER] is unavoidably absent.

The Senator from New Hampshire [Mr. TOBEY] is absent on official business.

The Senator from North Dakota [Mr. YOUNG] is absent by leave of the Senate.

The result was announced—yeas 28, nays 54, as follows:

YEAS—28

Ball	Hart	Smith
Buck	Hatch	Taft
Burch	Hawkes	Vandenberg
Bushfield	Hickenlooper	Wherry
Byrd	Knowland	White
Capper	Moore	Wiley
Donnell	O'Daniel	Willis
Eastland	Overton	Wilson
Ferguson	Reed	
Gurney	Robertson	

NAYS—54

Aiken	Brewster	Connally
Andrews	Briggs	Cordon
Austin	Brooks	Downey
Barkley	Capehart	Ellender

Fulbright	McCarran	O'Mahoney
George	McClellan	Pepper
Gerry	McFarland	Radcliffe
Green	McKellar	Revercomb
Guffey	McMahon	Russell
Hayden	Magnuson	Saltonstall
Hill	Maybank	Shipstead
Hoey	Mead	Stanfill
Huffman	Millikin	Stewart
Johnson, Colo.	Mitchell	Thomas, Okla.
Johnston, S. C.	Morse	Tunnell
Kilgore	Murdock	Wagner
La Follette	Murray	Walsh
Lucas	Myers	Wheeler

NOT VOTING—14

Bailey	Carville	Thomas, Utah
Bankhead	Chavez	Tobey
Bilbo	Gossett	Tydings
Bridges	Langer	Young
Butler	Taylor	

So Mr. BALL'S amendment was rejected.

Mr. DOWNEY obtained the floor.

Mr. BARKLEY. Mr. President, will the Senator permit me to offer a suggestion with reference to this section—one to which I think there will be no objection?

Mr. DOWNEY. If the majority leader thinks there is any suggestion which can be agreed to, I cheerfully yield.

Mr. BARKLEY. I thank the Senator.

Mr. President, while we were considering section 3, the Senator from Michigan and I discussed the provision in line 24 which involves the fourth subsection of section 3. Of course, section 3 provides that the President shall, in any such proclamation referred to, first, "state a time not less than 48 hours," and so forth, at which the proclamation shall take effect; second, "call upon all employees and all officers and executives of the employer to return to their posts," and so forth; third, "call upon all representatives of the employer and the employees to take affirmative action," and so forth; and, fourth, "establish fair and just wages and other terms and conditions," and so forth.

That seems to indicate that in the original proclamation the President must establish fair and just wages. It seems impossible that the President, in advance, in issuing the proclamation originally, could establish fair and just wages, and it seems to me that the language should be modified so as to provide as follows:

And (4) provide for the establishment from time to time of fair and just wages—

And so forth.

Mr. FERGUSON. I thank the Senator.

Mr. BARKLEY. I offer that amendment. I do not think there can be any objection to it, because it empowers him during Government operation from time to time to fix just and fair wages, instead of requiring him in advance to do it—which I think is an impossibility.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kentucky.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. FERGUSON. I think that will clear up the section and will be much better than it is at the present time, and also will permit it to be taken to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kentucky.

The amendment was agreed to.

Mr. DOWNEY. Mr. President, I have an amendment at the desk, and I now offer it and ask to have it read.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. At the proper place it is proposed to insert the following new section:

SEC. —. Whenever the President finds that any shut-downs or reduction in the rate of production in activities essential to the national economy has become so extensive as seriously to affect interstate and foreign commerce and impair the public interest, the President shall issue a proclamation calling upon the persons engaged in such activities to resume or increase their production of goods and services to the extent required in the national interest. Upon the failure to so resume or increase such production the President shall have power to take possession of and operate any plant, mine, or facility as to which he has made such finding, for the purpose of producing goods and services essential to the maintenance of the national economy. The owners of such plants, mines, and facilities shall be paid just compensation for the use thereof by the United States. All provisions of law applicable to plants, mines, and facilities in the possession of the United States under section 9 of the Selective Training and Service Act of 1940, to the extent not inconsistent with the provisions of this section, shall also apply in the case of plants, mines, and facilities in the possession of the United States under this section.

Mr. DOWNEY. Mr. President, I shall detain the Senate for only 5 or 10 minutes on this amendment.

So far, the attention of the Senate has been almost wholly directed to the proposition that the national interest may be demoralized by shutting down factories because men would not work in them. But let us recall, before we finally pass this bill, that great national demoralization may also be caused at the will and wish of the employer. It matters not whether the proprietor of the factory or the railroad does not wish to operate it or whether the workers do not wish to work; the effect upon the economy is exactly the same.

I believe that the distinguished Senator from New Jersey has said that we never could conceive of employers' shutting down factories, and that if they were so shut down, of course the Government would immediately take them over and operate them.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. HAWKES. Did I correctly understand the Senator to say that I said we never could conceive of an employer's shutting down a factory?

Mr. DOWNEY. I so understood the Senator.

Mr. HAWKES. I have never said such a thing in my life, and I wish the Senator to retract the statement he made.

Mr. DOWNEY. Whatever the RECORD is, I beg the Senator's pardon; I understood him to say that, and I think the RECORD will indicate it.

Mr. HAWKES. It would be very foolish for anyone to say that an employer would never shut down a factory. Employers have done so.

Mr. DOWNEY. Very well, Mr. President; what the Senator now says will corroborate what I am attempting to say; namely, that, of course, at many times in the past the entire national economy has almost been destroyed by having proprietors refuse to run their factories.

Mr. President, some persons may have forgotten the tragic and terrible lesson of 15 years ago, when this Nation approached the very precipice of complete collapse because the employers, forsooth, discharged their men and did not run the factories. I can remember that in 1931 or 1932, I was in one of the great hotels in Chicago. Having many worries on my mind, I got up about 5 o'clock in the morning and walked through that great hotel; but I saw not another guest around, and I saw what employees were there in the hotel totally disengaged. I was told by a clerk that less than 10 percent of the rooms of the hotel were occupied. That hotel soon passed into the hands of the bondholders.

I went out on the streets of Chicago, in that autumn morning, and I saw tens of thousands of desperate, unhappy men in the parks and on the streets. I was accosted, as were so many others in those days, when we walked out into a great city, by hundreds of beggars, men who had been industrious workingmen, but who were sacrificing their dignity to ask for 5 or 10 cents for a cup of coffee. I went around to the Salvation Army. There at 5 o'clock in the morning, were a queue of men, thousands in number, extending around many blocks, waiting for what? Mr. President, they were desperately waiting until 7 o'clock in the morning, when they might, if they were lucky, receive a crust of bread and a bowl of soup. Have we so soon forgotten that?

I can remember in California seeing the dispossessed of the earth by the hundreds of thousands sleeping out in the public parks and in the fields, in the dust of the earth, ravaged by rain, snow, and the winds, hungry, ill-clothed, vainly seeking jobs.

Mr. President, in those desperate years we saw the banks fail by the thousands, we saw depositors lose the savings of many decades of industry and thrift, we saw the stockholders of those banks in ruin and anguish. We saw millions of the Nation's merchants go into insolvency. We saw 15,000,000 or 17,000,000 unemployed, wanting nothing more than the simple right to work, which was denied them, although here we had the most miraculous of factories of all time. We saw millions of farmers foreclosed and ejected from their farms. We saw the entire Nation approaching insolvency and sometimes, I thought, revolution. We saw the national income drop from $92,000,000,000 in 1929 down to forty-three or forty-four billion dollars. Yes, Mr. President; great crises may come in the national economy, not only when the workers will not work but when the proprietors will not let them.

Mr. President, in order that I may be thoroughly understood, I wish to say that I am not suggesting hostile criticism of employers. I am not blaming them or arraigning them. You may say that they,

like everyone else during that sad and tragic depression of 1929, were victims of conditions. But did that make any difference? Did we need factories less or food less? Were men less cold or hungry because the fertile farms of America and its factories ceased to operate? Is it important how the devastation comes; will we not all suffer in any event? If devastation can come because labor unions can close factories and we wish to check such actions, should we not make equal provision for the Government to take over factories and railroads and operate them if they are closed by the will and wish of the employer?

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. PEPPER. For example, when General Motors and some of the other large corporations declined to comply with the recommendations of the Presidential fact-finding board, or to adopt recommendations of the President himself, but preferred to allow the plants to remain idle, does the Senator not believe that that in substance, was a stoppage of production on the part of management?

Mr. DOWNEY. I do. Mr. President, I wish to make another statement. I may have to corroborate this by the able Senator from Ohio, one of the most brilliant Senators who ever graced this body. All of the students of political science now agree upon the cause of the depression of 1929. Under the capitalistic economy which had generated a national income and production of goods and services in great quantities, an insufficient income was paid to the workers to enable them to buy back the products which were produced in a given year. But, Mr. President, if proprietors receive disproportionately large incomes and they choose to save them, speculate them, or stagnate them, and do not spend them, the inventories accumulate in the factories, stores and workshops. Money which is not spent becomes stagnant, and goods which are vitally needed are not sold and the depression comes.

Mr. President, we happily go along on the assumption that if we can just curb the worker, everything will be all right.

Mr. President, it may be only a question of a few short years before the accumulating profits and reserves of corporations and savings of individuals will outrun the opportunity to invest them and restore them to the national income. Whenever those savings again begin to accumulate, as they did in 1928 and 1929, again inventories will accumulate in the hands of the retailer, the wholesaler, and the farmer. Again retailers will cease to order. Again factory proprietors will begin to discharge their employees, and another great depression will sweep the land.

When that time comes, Mr. President, national insolvency will be far greater and heavier than in 1929. So do not expect an army of unemployed to be only 15,000,000 or 16,000,000, as in 1929 and the years immediately following, but the idle will consists of perhaps 20,000,000 or 25,000,000.

Mr. President, allow me to say this, which is not said in any critical way: The last depression came under a Republican President. There was hardly any income tax at all. The public debt was low, and it was being reduced. There was complete business confidence. Almost everyone was working. Under those ideal conditions, because management took too great a share of national income and denied it to the workers of the Nation, those workers could not buy back the products of their own industry. Those products which were vitally wanted by the masses accumulated in inventories unsold, and the depression was upon us. Senators may be optimistic, blithe, and happy. They may say, if they wish to, "Oh, we will be all right if we can only curb unions; another depression will not take place, and proprietors will not stop running their factories." Senators may confidently believe that, but even so why not make this a fair and equitable bill for labor, even though the power may not be needed, even if we should not go into another depression, and even if the automobile and steel plants and other factories, as well as the railroads, continue to run at full capacity. In that event no harm will have been done.

Mr. President, I say to you that if you want labor to take kindly and charitably this kind of a measure, extreme as it is in opposition to them, at least make it a mutual measure.

Mr. President, I think that the Senate of the United States should have given a fair opportunity for a committee to hold hearings on a bill so important as is the one which is now before us. That has not been done. I realize that the amendment which I have offered has not received the consideration which it should receive. I realize it is defective. But who is to blame for that? Is it the Senator who offered the amendment, or is it the leadership which denied a reasonable committee hearing?

I hope that Senators will feel that the gesture which I recommend should be made to labor, and that the bill should be made mutual and impartial. Just as we guard against unemployment and depression caused by the will and the wish of the labor leaders, so we should guard against that dread calamity by giving the Government power so that when the national interests require the Government to do so, it may step into a factory which the proprietor cannot or does not wish to operate, and produce goods. That should be done lest our people starve and go unclothed and lest we may become involved in ever-increasing crises.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from California [Mr. DOWNEY].

Mr. BARKLEY. Mr. President, I wish to say a word with reference to the amendment.

I always regret disagreeing with my lovable friend from California. I always appreciate his seriousness and earnestness in connection with anything which he advocates or proposes. But this amendment injects a new and vague element into the equation which is not included in the present law nor in the pending bill.

The bill now before the Senate assumes that under certain conditions the President will have authority to take over plants, mines, and facilities, and it provides a certain guide or standard for their operation while under Government control.

The amendment offered by the Senator from California provides:

> Whenever the President finds that in any shut-down or reduction in the rate of production in activities essential to the national economy has become so extensive as seriously to affect interstate and foreign commerce and impair the public interest, the President shall issue a proclamation calling upon the persons engaged in such activities to resume or increase their production—

And so forth. I maintain that it would be utterly impossible for the President to issue wisely a proclamation calling upon all persons interested to resume or increase production. No standard or guide is set for it. If the President merely concludes that somebody is not producing as much as he should produce, and that he should issue a proclamation calling upon that person to produce more, and he refused to produce more, the President should then be authorized to take over the plant and operate it.

Mr. DOWNEY. Mr. President, will the Senator from Kentucky yield?

Mr. BARKLEY. I yield.

Mr. DOWNEY. Of course, the Senator will note that in the amendment I have said that if the reduction or stoppage of work is such as in the opinion of the President will impair the national interest. Perhaps there should be included the words "or seriously to affect the public safety and welfare," which, of course, I would accept.

Mr. BARKLEY. Such provision is already in the law, or in the provisions of the bill—the national health, the public welfare, or the national economy. That is as far as we can go. But when we authorize the President to issue a proclamation directing or calling upon all those interested in any activity, whether employer or employee, to increase their production, we have entered a field which seems to me to be unworkable, and if they do not increase according to his proclamation, the plant would thereafter have to be taken over.

Mr. DOWNEY. Will the Senator yield further?

Mr. BARKLEY. I yield.

Mr. DOWNEY. Let us assume a condition which might very well come into existence, which almost came into existence in 1930 or 1931. Suppose the railroads find themselves unable to operate because of losses, and stop running their trains. Does not the distinguished Senator think the Government should then step in?

Mr. BARKLEY. We have set out in the Railway Labor Act, in the Transportation Act, and in the pending bill, the conditions under which transportation facilities shall be taken over. I am not certain that the Senator's amendment even covers transportation, because the Senator's amendment seems to imply that the President shall call upon everybody to produce more, to increase production.

Mr. DOWNEY. I do not know whether the Senator has answered me or evaded me about the railroads.

Mr. BARKLEY. I have not intentionally evaded the Senator.

Mr. DOWNEY. Then let me shift my question. Suppose the coal companies 2 or 3 years from now should say, "We cannot operate our coal mines at a profit, therefore we are going to close them down, or produce at 25 or 50 percent capacity." Does not the distinguished Senator believe that then the President should issue a proclamation and take over the coal mines?

Mr. BARKLEY. No. We are proceeding on the theory that we are trying to create such a situation that it will be possible to resolve disputes between employer and employee which result in shut-downs. We have at no time undertaken to deal with the problem involving the question whether the producer of any character of goods in making a profit, and therefore is not interested in production. When we have reached that point we will have to deal with it on a different basis. But that has no relationship to the shut-downs due to strikes or boycotts, or any of the things which result from disagreements over wages and conditions of labor.

Mr. DOWNEY. Will the Senator yield further?

Mr. BARKLEY. I yield.

Mr. DOWNEY. If I understood the Senator, in the first part of the last remark he made he said, in effect, that this measure was not intended to force collective bargaining or to settle wages. I have heard the Senator say many times during the course of the argument that the bill is merely, in its ultimate essence, to assure production, and keep the national economy running. That is the purpose of the bill, I am sure. Otherwise we would not be interfering with collective bargaining.

Mr. BARKLEY. That is true, but that cessation of production is brought about by a disagreement between the employer and employee which cannot otherwise be resolved, and I would not at this juncture be willing to support an amendment which would say to any President, "If you conclude that somebody is not producing as much in the way of goods as he should produce, you shall issue a proclamation ordering him to increase his production, and if he does not increase it, you shall take over the plant and operate it on behalf of the Government.

Mr. FULBRIGHT. Mr. President, is there provision as to what is to be done with the production? Are those producing just to pile up the goods in warehouses?

Mr. BARKLEY. The amendment does not go into that, and I dare say its authors could not spell out what was to be done with production. Frequently producers shut down or reduce production because there is no market.

Mr. FULBRIGHT. That was the reason in 1931, was it not?

Mr. BARKLEY. If the President decided, under this amendment, that persons were not producing as much as they should, he could take over the plant.

Mr. CORDON. Mr. President, if the Senator will yield, I call attention to the fact that section 9 of the Selective Service Act carries in itself authorization to the President of the United States to seize any plant of an operator or a manufacturer who refuses to produce. That is in the law at the present time as a war emergency act, and the provision with reference to wage disputes was added thereto as an amendment.

Mr. BARKLEY. Undoubtedly. I therefore do not think we should put into this bill a provision authorizing the President to take over all the plants or any plant, if they are not producing as much goods as we think they should produce. That is what this amendment does.

Mr. DOWNEY. Mr. President——

The PRESIDING OFFICER. The Senator from California has spoken one time on the amendment.

Mr. DOWNEY. I shall speak on the bill.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. DOWNEY. It is true that the Selective Service Act gave the President the right to take over factories in the interest of the war effort if they were not producing the amount of war goods thought advisable or necessary by the Government. Fortunately, he did not have to do that, because we gave factory proprietors such huge profits that they continued to run their factories without any further encouragement by the Government.

The Selective Service Act has already directed the Government to do in the interest of the war exactly what the pending amendment would authorize the Government to do in times of peace. Apparently we are willing to give power to the Government to produce the destructive instruments of war with which to kill our enemies, when we are not willing to give identically the same kind of power to the Government to feed and clothe our own people if it becomes necessary.

Let me say to the distinguished Senator from Kentucky that he may argue as long as he cares that the Government can take over the coal mines if production is entirely stopped, or reduced 25 or 50 or 75 percent, by reason of strikes, but he cannot convince me that the amendment I have offered does not present a parallel power, and that the President, when the public interest is imperiled and impaired by action of the employers should have the right to accomplish the same result in the coal mines.

Mr. President, in conclusion, the measure that is being passed will not be very sympathetically received by the men who have to do the hard toil of this Nation. If they believed it was a mutual bill, imposing the same kind of duties and burdens upon the employer as upon the employees, it would be much more sympathetically received, in my opinion.

Mr. KILGORE. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. KILGORE. I wish to have straightened out a question about the amendment which is not clear in my mind. Does the Senator's amendment apply to a shut-down, or merely to what we call a slow-down? In other words, does it apply to a case where an employer shuts a plant down completely, or merely where the production of the plant is not what is considered sufficient as it affects home needs?

Mr. DOWNEY. Under the amendment, the power would be brought into being whenever the President believed that the reduction or shut-down in industry was of sufficient magnitude to imperil the public interest.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from California [Mr. DOWNEY].

The amendment was rejected.

Mr. MEAD. Mr. President, I offer the amendment which I send to the desk and ask to have read.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 4, beginning in line 1, it is proposed to strike out section 5, line 1 to 23, inclusive, as follows:

SEC. 5. The Attorney General may petition any district court of the United States, in any State or in the District of Columbia, or the United States court of any Territory or possession, within the jurisdiction of which any party defendant to the proceeding resides, transacts business, or is found, for injunctive relief, and for appropriate temporary relief or restraining order, to secure compliance with section 4 hereof or with section 6 of the War Labor Disputes Act. Upon the filing of such petition, the court shall have all the power and jurisdiction of a court of equity, and shall not be limited by the act entitled "An act to amend the Judicial Code, to define and limit the jurisdiction of courts sitting in equity, and for other purposes," approved March 23, 1932. Notice or process of the court under this section may be served in any judicial district either personally or by leaving a copy thereof at the residence or principal office or place of business of the person to be served. Petitions filed hereunder shall be heard with all possible expedition. The judgment and decree of the court shall be subject to review by the appropriate circuit court of appeals (including the United States Court of Appeals for the District of Columbia) and by the Supreme Court of the United States upon writ of certiorari.

Mr. MEAD. Mr. President, the provision of the bill I propose to strike out would authorize the Attorney General to seek injunctions in United States district courts throughout the country against any unlawful act under section 4 (b), as well as section 4 (a) of the bill.

Section 4 (b) provides:

On and after the finally effective date of any such proclamation, continuation of a strike, lock-out, slow-down, or any other interruption at any such plant, mine, or facility shall be unlawful.

It follows that the injunctions provided for in section 5 could run only against labor leaders, the elected representatives of the workers, or their agents, that as the result of an amendment which I understand has been written into the bill, approved by the Senate, and offered by the distinguished majority leader, the authority vested in the Attorney General and the Congress under this section is not to be limited by the Norris-LaGuardia Act. I want to make that plain. That act was adopted in 1932, after years of intensive study and consideration by the Congress into the

abuses of Government by injunction. I should be a little bit fearful lest we do great injury to the legislation we have already enacted on this score and therefore I hope the Senate will not adopt this section of the bill.

We have, as everyone knows, removed some of the punitive sections of the bill as they apply to management and to ownership. We have eliminated the section which would confiscate property and profits, and it occurs to me that to be consistent we should eliminate the provision for government by injunction.

The Norris-La Guardia Act was carefully framed to eliminate the abuses which had been shown to exist: injunctions without hearing on the merits; punishment for contempt without trial by jury; injunctions general and sweeping in terms without enumeration of specific acts complained of in the bill of complaint or found by the court in the findings in fact. These and other abuses are specifically outlawed by the Norris-LaGuardia Act. Section 5 of the pending bill would reinstate them all. Thus the bill would place again in the exclusive authority of Federal judges the power to issue injunctions against agents of workers, without definition by statute of their terms or scope, and without hearing both sides; to keep such restraining orders in force indefinitely without a return day; without a hearing on the merits, and to punish for contempt without a trial by jury. These are possibilities, Mr. President, and I point them out lest we act hastily.

Another provision of this section, generally overlooked in the debate so far, is the extension of the same injunction authority for the enforcement of Section 6 of the Smith-Connally Act. This injunction provision was specifically rejected by the Senate when the Smith-Connally Act was before us in 1943, in time of war.

On calm consideration, I cannot believe that the Senate will maintain Section 5 in the bill. It would bring back all the abuse of judicial legislation and government by injunction. It is not the way to industrial peace.

Mr. President, I have received many thousand telegrams and letters dealing with the bill. I want to read one which came from a man who is not a worker and who is associated neither with labor nor management. The letter comes from an attorney who, in my judgment, represents the thought of the American people on the question of our democratic traditions. I think a great majority of our people will, when they think this through, have the same thoughts respecting the matter as those contained in this letter. I wish to read the letter to my colleagues. I received it on May 28. Among other things contained in the letter, I read as follows:

> We are at a point in the road where we can either turn away from democracy and democratic principles or, with a little patience, adhere to some good old American ideas.
>
> We have, during the war, undergone some great evolutions, evolutions of industry, education, and life itself so that it is not surprising that there is now some evolution in labor.
>
> The Attorney General, Tom Clark, has said, "The civil rights of minorities in this country were never in greater danger than at this time." Nothing could be truer than the plight the railroad unions now find themselves in. There has never been a more loyal group as a whole. During two major struggles they worked unceasingly and without complaint, while some groups demanded concessions during the war years.
>
> There is amongst the nations of the world today a misunderstanding that may lead to a division among the free nations, but there is a greater danger of a division among Americans. America is made up of minority groups, and the persecution of any minority group does danger to our democratic structure. If we are worthy Americans and true to our returning veterans and the life they expect to lead, we will endeavor to control our mental and emotional habits which make for prejudice and think in terms of fellow Americans.
>
> Elihu Root wrote a great many years ago: "We have come to take this Government as we take the air and sunshine—as a matter of course, as a mere gift that costs us nothing."
>
> We have with us today the only natural result of a great struggle, but as we united in war, so can we unite in peace, but the way of uniting is not to have our entire democratic structure put in reverse. The Congress has, during the past years, indicated by their actions their desire to protect and nourish labor through the enactment of laws just to both labor and management. Management has demonstrated time and again its ability to take care of itself. The Government during the war found it necessary on many occasions to take over management due to lack of cooperation, but never found it necessary to supplant labor. Labor as a whole was most loyal.
>
> Administrative action during wartime was a necessity and the granting of extensive powers to the administrative branch of our Government was deemed essential, but it seems that now is not the time for the granting of new and additional powers to our executive branch of Government. We have always functioned most successfully by the proper administration of our three-power system. The Congress should set up the machinery and leave it to the judicial branch to arbitrate and settle disputes that might arise thereunder, and when, if ever, our judicial structure fails to function our democratic government itself will be terminated.
>
> We have fully recognized that the Army is not an Army for the punishment of offenders, but an arm of our Government to which everyone should feel it an honor and a duty and a privilege to belong. All during our war years we were told not to send criminals into the Army, that the Army was not a correctional institution. Evidently the proposed legislation has reversed that view and now the Army is considered a place of punishment or banishment as the case might be.
>
> Unquestionably the public has reached a saturation point on strikes, but should labor take all the blame or be punished for exercising a right long known and recognized in our system of government?
>
> Revolutions are never nice and have always been bloody. Our own in this country was no exception, and today we are going through a revolution of industry and labor and must expect to undergo inconveniences in order to bring about a social organization in which there will be no exploitation of labor, no unemployment, and no further cause for war.
>
> As statesmen you have the ability to evolve a formula and a common policy that will compose the differences between labor and industry and lead to the enactment of laws that will be just to both.

Mr. President, that can only be attained by careful and meticulous consideration of the problems affecting labor and management.

I read further from the letter:

> It might be well to remind some of your fellow colleagues of the words of our late Commander in Chief, "The true goal we seek is far beyond the ugly field of battle. When we resort to force as now we must, we are determined that this force shall be directed toward ultimate good, as well as against immediate evil. We Americans are not destroyers, we are builders. The only limit to our realization of tomorrow will be our doubts of today. Let us move forward with strong active faith."

That is the end of the writer's quotation from the late Commander in Chief. The letter continues:

> To use force now would not result in ultimate good but in evil, what Roosevelt always tried to avoid. It would not lead to building our Nation but to its destruction. We will not be moving forward but will be taking a step back. Remember the difference in treatment accorded labor and veterans by two of our former Commanders in Chief. The one met them with bayonets and the other nourished them. Are we now going to meet labor with bayonets?
>
> Labor may have been led up a blind alley at times by some of its leaders but on the whole its cause has been a just one. We all appreciate today that industries which affect our health, our safety, and public economy are in the nature of public trusts and as such perhaps serious consideration should be given as to whether these industries should not be the responsibilities of the public. We all recognize that the inapt handling of these industries by either management or labor might well lead to chaos; and the necessity for some type of remedial legislation affecting these particular types of industries might well be considered, but to single out labor for punishment in this type of industry where disputes arise is not the answer.

Mr. President, I ask the elimination of this section, because we have striken out the section which penalizes management. I say, therefore, let us remove the section which is punitive of labor. While I recognize the fact that a good argument can be made for the adoption of procedures affecting the management of industry under Government control as distinct from the procedures which affect labor and management when management is in control, nevertheless I hesitate to lend my support to hasty legislation which is unjust to a great segment of our population who during the war were loyal to their nonstrike pledge.

So, Mr. President, I ask fervently that this section be eliminated from the bill. If I had my way, as I said a moment ago, the bill, along with the long-range program of the President, would be referred to the joint committee, with the request that the committee, now that the crisis is over, study both proposals and bring in legislation which would make America at once the example and the envy of all nations as the great united democratic force for good and the moral leader of the world, as we should become and will become if we keep our heads.

Mr. President, I ask in all earnestness that the section be removed from the bill by the adoption of my amendment.

The PRESIDING OFFICER (Mr. HOEY in the chair). The question is on the amendment of the Senator from New York [Mr. MEAD]. [Putting the question.]

Mr. PEPPER. Mr. President, I thought other Senators were seeking recognition who were perhaps my seniors. I do not want the question put without addressing myself to the amendment.

Mr. BARKLEY. There is no Senator here who is willing to admit that he is senior to the Senator from Florida.

Mr. PEPPER. I wish that were quite true, and I am sure some Senators do also.

Mr. President, the Senator from New York has presented very squarely the question of how far back we are willing to turn the clock of economic progress in the United States of America.

Mr. WHEELER. Mr. President, I give notice that when the Senator from Florida concludes I want to address myself to this subject. I make that announcement so I will not be cut off.

Mr. PEPPER. I thank the Senator. I thought the Senator from Montana wanted recognition a moment ago. That is the reason I deferred.

Mr. President, let us first understand what the acts are which would subject one to the injunctive relief which is provided for in section 5. The acts which may be the subject of injunctive relief under section 5 are found in section 4 of the pending bill and in section 6 of the Smith-Connally Act. Section 4 (a) reads as follows:

On and after the initial issuance of the proclamation, it shall be the obligation of the officers or agents of the employer conducting or permitting such lock-out or interruption, the officers or agents of the labor organization conducting or permitting such strike, slow-down, or interruption, to take appropriate affirmative action to rescind or terminate such strike, lock-out, slow-down, or interruption.

Anyone who commits either one of those acts or is guilty of either one of those enumerated omissions becomes subject to the injunctive relief provided in section 5.

In addition, in section 6 (a) of the Smith-Connally Act it is provided:

(a) Whenever any plant, mine, or facility is in the possession of the United States, it shall be unlawful for any person (1) to coerce, instigate, induce, conspire with, or encourage any person, to interfere, by lock-out, strike, slow-down, or other interruption, with the operation of such plant, mine, or facility, or (2) to aid any such lock-out, strike, slow-down, or other interruption interfering with the operation of such plant, mine, or facility by giving direction or guidance in the conduct of such interruption, or by providing funds for the conduct or direction thereof or for the payment of strike, unemployment, or other benefits to those participating therein.

Mr. President, I wish to address myself first to the generality of the language which would subject officers or agents of employers or officers or agents of employees to the injunctive remedy provided in section 4 of the bill. What is the act which these officers or agents would have to commit to subject them to this injunctive relief? The language of the bill says, in respect to agents or officers of the employers—

conducting or permitting such lock-out or interruption—

What is the permitting of interruption of work on the part of an officer or agent of the employer? What is the standard of "permitting" laid down in the bill which would authorize the court to find the defendant guilty of violating the statute, and therefore subject to punishment for contempt of court, and therefore to imprisonment? It seems to me that that language is so general and so ambiguous that it would give the court the authority to find a man guilty of anything he wanted to find him guilty of, without the language of the statute being certain enough that the right of review which is accorded in section 5 means actually anything at all.

What are the acts forbidden to officers or agents of the labor organization conducting or permitting such a strike? In the first place, the language of the bill calls upon them—

to take appropriate affirmative action to rescind or terminate such strike, lock-out, slow-down, or interruption.

Mr. President, what is "appropriate action"? We leave it to the judge to define "appropriate action," without a suggestion of a definition in the language of the bill. We say that the judge shall have carte blanche authority to decide whether what the union leader or the union agent has done constitutes appropriate action or not; and if the judge wishes to send him to jail, all he has to do is to say, "I do not think that what you did was appropriate action. You go to jail." The right of review means nothing. No standard is laid down to define the offense which subjects a man to the contempt proceeding and to indefinite imprisonment by a Federal judge with a lifetime appointment, without a jury.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. WHEELER. In the first place, affirmative action cannot be enjoined. A court cannot by injunction say to a man, "You must issue a statement saying that you want to call off the strike." No court would enjoin a man to take some affirmative action. An injunction is to prevent something from being done.

Mr. PEPPER. Unless this language is broad enough to authorize something that we have almost universally condemned, namely, the mandatory injunction.

Mr. WHEELER. Yes. A mandatory injunction can be obtained; but a mandatory injunction cannot be obtained to make a man do something affirmative, in the sense of issuing a statement if he does not want to issue a statement. No court will issue a mandatory injunction to do a certain thing. One cannot obtain a mandatory injunction to make a man issue a statement if he does not wish to issue a statement.

Mr. PEPPER. No court should have that authority.

Mr. WHEELER. It never has been done in the history of the jurisprudence of the Nation.

Mr. PEPPER. The Senator is absolutely correct. That kind of authority is universally condemned. A baseball player may have a contract to play baseball for a certain club, as some of the cases disclose; yet the courts do not issue mandatory injunctions to baseball players to play baseball for the clubs with which they have contracts, because they know that that sort of affirmative relief cannot be obtained by that kind of mandatory injunction.

Yet, what the Senator from Montana has condemned, and what the courts generally condemn, this bill would permit, because it provides that if the officer or agent of the labor organization has not taken what the court construes to be "appropriate affirmative action to rescind or terminate such strike, lock-out, slow-down, or interruption," then he is liable to punishment for contempt of court, and to confinement in prison, at the pleasure of the judge. I wish to emphasize that there is no limitation on the term for which a judge could put a man in jail who violated this statute and was found guilty by the judge of violating it. The judge would have authority to impose an unlimited jail sentence for contempt of court upon a man who did not take what the judge thought was "appropriate affirmative action to rescind or terminate such strike, lock-out, slow-down, or interruption."

I wonder if the Senate of the United States wishes to give to a Federal judge, who occupies a life-time judicial appointment, jurisdiction to deal in that manner with American citizens, without any definition of his authority, and without any limitation of his power.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. LA FOLLETTE. I invite the Senator's attention to the further fact that so far as subsection (a) of section 4 is concerned, the penalty is provided in subsection (c), of a fine of not more than $5,000 or imprisonment for not more than 1 year, or both. A similar penalty is provided by section 6 of the War Labor Disputes Act.

Mr. PEPPER. The Senator is absolutely correct.

Mr. LA FOLLETTE. So this is over and beyond the specific penalties provided in both sections.

Mr. PEPPER. The Senator is exactly correct. Besides, Mr. President, the penalties are not mutually exclusive. It is possible that the same man could be subjected to both penalties, either after conviction on the criminal side under section 6 of the Smith-Connally Act, or under subparagraph (c) of section 4 of the pending bill.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. MORSE. Does the Senator from Florida agree with the Senator from Oregon that the adoption by the Senate of section 5 of the bill would come to be looked upon as a legislative precedent for the basis of argument, in connection with future legislation before the Senate, for going back to the injunctive process as it existed in this country prior to the Norris-LaGuardia Act?

Mr. PEPPER. The Senator is entirely correct. In a moment I shall read some provisions of the Norris-LaGuardia Act which are avoided by the express language of section 5 of the bill which we are now considering.

Mr. MORSE. Does the Senator agree with me that if section 5 is enacted, in one of the emergency cases in which the injunction is used and the injunction is considered to be unfair to the employees involved, the tendency will thereby be to inflame other large groups of workers in this country against the exercise of the injunction?

Mr. PEPPER. The Senator is absolutely correct.

Mr. MORSE. Therefore does the Senator agree that instead of producing industrial harmony it would be conducive to great disharmony?

Mr. PEPPER. I thoroughly agree.

Mr. MORSE. One further question: Does the Senator from Florida agree with the junior Senator from Oregon that the exercise of the injunction prior to the Norris-LaGuardia Act—Government by injunction, so to speak—was one of the greatest causes of labor strife in the whole history of the labor movement?

Mr. PEPPER. There is no doubt whatever about it. The record of Congress and of the courts of the land proves it beyond any question.

Mr. President, what is the essential vice of this injunctive method? Let us read what the authority conferred upon the court in section 5 is.

In the first place, the Attorney General may petition any district court. It is not like the ordinary case, in which a complaint must be filed and evidence must be presented. All that is necessary to initiate the injunctive process provided in section 5 is for the Attorney General to petition any district court of the United States; and we all know that the Attorney General would act upon the directive of the President. So the suit is begun by the Attorney General of the United States or one of his deputies

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. WAGNER. I wish to remind the Senator from Montana that in the coal strike of 1928 one of the things with which we were confronted was the issuance of an injunction which prevented the strikers even from meeting, threw them out of company houses, and did not even permit them to sing in a church because it would interfere with the strike-breakers.

A judge came before our subcommittee and testified. All the hearings were printed. Of course, the organization was charged with causing an interruption. A temporary injunction had been issued. The lawyers for the union asked for a period of 6 months within which to obtain a hearing. The judge kept postponing it from month to month, and he kept enforcing the provisions of the injunction. That was a very clear indication of government by injunction.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. WHEELER. Not only did the injunction prohibit them from meeting, but even prohibited them from meeting in a church.

Mr. WAGNER. That is what I said.

Mr. WHEELER. They could not even hold church services. When the subcommittee went there, we held hearings in the church. There was a question as to whether we were violating the terms of the injunction because we were holding hearings in the church. Senator Gooding, who was the chairman of the subcommittee, and who certainly was no particular friend of labor, denounced that in the most unmeasured terms.

Mr. WAGNER. Mr. President, will the Senator further yield?

Mr. PEPPER. I yield.

Mr. WAGNER. I wish to remind the Senator from Montana, who a moment ago said, as I understood him, that there is no such thing as a case in which an injunction, under the circumstances referred to in section 5, has prevented a strike, that in that case the judge, who appeared before us, could not explain clearly just what the provisions of the injunction were or whether they were lawful.

Mr. PEPPER. Probably they were written by the company lawyers.

Mr. WAGNER. That is exactly what the case was.

Mr. PEPPER. Yes; that is usually the situation.

Mr. WAGNER. That is why there is danger of violation of the Norris-LaGuardia Act.

Mr. PEPPER. That is correct.

Mr. WAGNER. We have prevented all that. But now there seems to be a desire to go back to it. That would be an infamous thing to do.

Mr. PEPPER. That is why I say that the question is how far back we are to turn the clock, insofar as the economic life of the United States is concerned.

Mr. TUNNELL. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. TUNNELL. I say to the Senator that I am greatly interested in section 4, on page 3. I should like to have him state what is his idea as to what is meant by an "employer permitting such lock-out."

I have heard of employers ordering a lock-out. But how would an employer permit a lock-out? Either the employer orders it or does not order it; that is my understanding. Is not that correct?

Mr. PEPPER. It would seem so to me, and that is just another of the ambiguities which show a lack of wisdom and demonstrate the folly of enacting the bill.

Mr. TUNNELL. I should like to follow that up by referring to the situation with reference to the labor organizations. The language of section 4 is, in part,

> The officers of the labor organization conducting or permitting such strike—

As I understand the matter, the labor organization either orders the strike or does not order it. What is meant by "permitting such strike"? Is not everyone in the same neighborhood in the same position that the labor organization is in, if the strike is not ordered? Perhaps a business organization or perhaps the Chamber of Commerce does not order the strike; but it is not in the same position that the labor organization is in if it does not order a strike? In other words, there certainly is a difference between ordering and permitting. I should like to know what that difference is.

Mr. PEPPER. Mr. President, it practically gives to the judge the power to put in jail anyone he wishes to put in jail.

Mr. TUNNELL. Yes.

Mr. PEPPER. The judge practically has the power to find anyone guilty of permitting a strike that he wishes to find guilty of permitting it, whether it be the employer or the employee or someone else. If a Kiwanis Club by resolution were to say, "We think these strikers who are seeking a health fund are right" or "We think these men who have gone out on strike and have not gone back to work until they get a decent wage are right," it would be encouraging the strike, and by a proclamation a Federal judge, appointed for life, could, without a jury, put them in jail for as long a time as he wished them to stay there.

Mr. TUNNELL. Is there any defense to such action? If there is a strike or a lock-out, everyone has permitted it, I judge. Is not that so?

Mr. PEPPER. Yes. If they have not stopped it, they have permitted it.

Mr. TUNNELL. Then everyone is guilty.

Mr. PEPPER. Yes, if the judge wants to put them in jail.

Mr. TUNNELL. Yes.

Mr. PEPPER. That is just another instance of the arbitrary power which Senators are actually considering conferring upon a Federal judge who is appointed for life.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. WAGNER. I wish to remind the Senator of the following situation: A judge issues an injunction without a hearing on behalf of the defendant. He may continue the injunction, without any hearing, for several months, as was done in the case in Pittsburgh which we went to investigate. That could happen under the circumstances mentioned in the bill. It would be a great injustice, but it could be done.

Mr. PEPPER. And it has happened, as the able Senator from New York and the able Senator from Montana know. It happened thousands of times, right here in the United States, until it was stopped by the Norris-LaGuardia Act of 1932.

Mr. WAGNER. Yes; it happened until it was stopped by that act, because of the general indignation.

Mr. PEPPER. That is correct. It was stopped because of the abuse of that power by Federal judges; it was because of that abuse of power by Federal judges that the Norris-LaGuardia Act was passed.

Section 5 by its own language says that the power the judge shall have "shall not be limited by the act entitled 'An act to amend the Judicial Code, to define and limit the jurisdiction of courts sitting in equity, and for other purposes,' approved March 23, 1932"—which is the Norris-LaGuardia Act. In other words, the Norris-LaGuardia Act is expressly made inapplicable to injunctions issued by judges under section 5 of this measure.

Mr. MEAD. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. MEAD. Does the Senator recall that during the past few days it was reported in the press that a number of the international officers of the railroad organizations did not approve of the strike; they were satisfied with the terms which had been awarded. Yet the members of their unions were not working. Under the provisions of this bill, they were permitting a strike, even though they were attempting to terminate it.

The Senator will also recall that during the war, when there were a number of wildcat strikes, contrary to the no-strike pledge, the international unions were exerting every effort to get those men back to work and to break up those strikes. Yet under this provision of the bill they were permitting those strikes, and thus their officers could be put in jail, even though their intentions were absolutely proper.

Mr. PEPPER. Yes; and, Mr. President, I will buttress what the Senator has said by citing an experience I had during the coal strike. The senior Senator from Pennsylvania [Mr. GUFFEY] is now on the floor. After Mr. John L. Lewis agreed to an end of the coal strike 90,000 miners in western Pennsylvania did not go back to work, although I believe that was without his acquiesence or direction in any way. I shall ask the Senator from Pennsylvania if I am not correct in saying that the reason why they did not go back to work was that if they had done so they would have lost their right to unemployment compensation benefits, and they did not want to lose those benefits until the strike was settled.

Mr. GUFFEY. That is correct.

Mr. PEPPER. So there were 90,000 miners in western Pennsylvania who, on their own initiative as American citizens, did not go back to work. I should like to remind everyone who is interested in the subject that working men and women are still American citizens. I say that those miners in western Pennsylvania availed themselves of their own right to make up their own minds as American citizens, and they declined to go back to work. Yet if a judge had not liked John L. Lewis or one of his associates, all that it would have been necessary to do would have been to catch him—let us see where one of these suits could be brought, by reading section 5 we find that a suit might be brought—

> In any State or in the District of Columbia, or the United States court of any Territory or possession, within the jurisdiction of which any party defendant to the proceeding resides, transacts business, or is found—

Whether he is at home or whether he is away from home, for injunctive relief.

Mr. President, that judge would have absolutely unlimited power over the people who were brought before him by the petition of the Attorney General of the United States, according to the bill. By the express language of section 5, the Norris-LaGuardia Act is made inapplicable. So no protection of law is thrown around any man against whom the Attorney General may file a petition in a Federal court.

Section 5 also provides:

> Notice or process of the court under this section may be served in any judicial district, either personally or by leaving a copy thereof at the residence or principal office or place of business of the person to be served. Petitions filed hereunder shall be heard with all possible expedition.

Mr. President, allow me to call attention to the fact that under the Norris-LaGuardia Act, before such an injunction can be issued a hearing in open court must be afforded to the defendant with the right of cross-examination, the right of being confronted by witnesses, and other rights which are enumerated in the Norris-LaGuardia Act. Under the provision about which we are now talking, the defendant is not given any right of cross-examination, or allowed any time in which he may prepare and present his defense. There is no limitation placed on what kind of a judgment the court may impose upon him. Of course, it is subject to review by an appropriate court of appeals, including the Court of Appeals of the District of Columbia, and the United States Supreme Court on a writ of certiorari.

But what is there to review, Mr. President? Suppose the judge imposes a fine of a year in jail. Suppose the judge says, "I find that the defendant did not use appropriate action to stop the strike"? What is the standard of law to be used in governing a review of the case by the circuit court of appeals, or by the Supreme Court of the United States? We all know that on findings of fact circuit judges are ordinarily held by the findings of the courts below. Suppose the judge below has said, "The defendant did not take appropriate action to stop the strike or prevent a slow-down, and I found him guilty. I know that the railroadmen would have obeyed him, or his union employees would have obeyed him, if he had tried hard to get them to do so. He did not try hard enough, and, therefore, I put him in jail."

Mr. President, if we ever enact into law that kind of a provision, it will be a deprivation of the rights of citizens, and a more serious one than any of which I can conceive.

A violation of section 6 of the Smith-Connally Act, or of section 4 of the pending bill, would be punishable by a fine of, in case of a violation of the Smith-Connally Act, $5,000 or imprisonment of not more than 1 year; or, in case of a violation of section 4 of the pending bill, a fine of $5,000 or imprisonment for 1 year, or both.

But what would be the difference? In either one of those cases the defendant would have a trial by jury unless he waived it. His own peers would sit upon his alleged offense. That would be Americanism, Mr. President. Every American is entitled to a trial by a jury of his peers whenever he is charged with the violation of a law. Who would want to commit the liberty of the people of this country to be determined by Federal judges without affording to the defendant the right of a trial by jury? The Magna Carta contained as one of its principal features the right of a trial of a British subject by a jury of his peers. It has been incorporated in our Constitution and in the constitution of every State of the Union. Yet, because the dispute happens to be a labor dispute we would strike those constitutional safeguards away from the citizens of this country and say to any judge who could get his hands on the situation, "Go ahead and try this man," and we would give him power to put persons in jail without any limitation being placed upon his authority.

We all know about abuses of injunctions in connection with labor disputes. It was those abuses which led the Congress of the United States—and I may respectfully submit that it was done with greater deliberation than is being given to the legislation which is now before us—to enact a law the first section of which reads as follows:

> That no court of the United States, as herein defined, shall have jurisdiction to issue any restraining order or temporary or permanent injunction in a case involving or growing out of a labor dispute, except in a strict conformity with the provisions of this act, nor shall any such restraining order or temporary or permanent injunction be issued contrary to the public policy declared in this act.

Mr. President, I hope that the motion of the Senator from New York will prevail, and that the section will be stricken from the bill.

The PRESIDING OFFICER. The time of the Senator from Florida has expired.

Mr. WAGNER. Mr. President, I am willing that the Senator have several minutes of my time.

The PRESIDING OFFICER. The Senator from New York may not share his time in that way.

Mr. WHEELER. Mr. President, I challenge any lawyer in this body to say that he has ever seen so poor a piece of legislation and one so awkwardly drafted as is this provision with reference to the injunction. There is not a court of any intelligence in the United States, and I believe there is no lawyer of intelligence in the United States who would not say that, in the first place, this injunction provision is so completely out of line with the decisions which have been written on the subject of injunctions that it should not be approved.

I read from section 5 on page 4 of the bill:

> The Attorney General may petition any district court of the United States, in any State or in the District of Columbia, or the United States court of any Territory or possession, within the jurisdiction of which any party defendant to the proceeding resides, transacts business, or is found, for injunctive relief, and for appropriate temporary relief or restraining order, to secure compliance with section 4 hereof or with section 6 of the War Labor Disputes Act.

Mr. President, let us turn to section 4 of the bill. What does section 4 seek to do? It provides for injunctions not to restrain a picket line, not to restrain a force, and not to prevent a strike from taking place; but first:

> On and after the initial issuance of the proclamation, it shall be the obligation of the officers or agents of the employer conducting or permitting such lock-out or interruption, * * * to take appropriate

affirmative action to rescind or terminate such strike, lock-out, slow-down, or interruption.

Secondly:

The officers or agents of the labor organization conducting or permitting such strike, slow-down, or interruption, * * * to take appropriate affirmative action to rescind or terminate such strike, lock-out, slow-down, or interruption.

In the first place, it is said that the man is permitting the strike. Who is to judge that? Did any Senator ever hear of any court in the United States of America issuing a mandatory injunction to compel someone to make a statement to his men telling them to call off a strike? Suppose that a court were actually to issue that kind of an order, and suppose further that the men did not return to work; the court could then say, "Well, you did not take appropriate affirmative action." Mr. President, what is meant by "appropriate affirmative action"?

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. WAGNER. I wish to ask a question merely to emphasize the abuse of the injunctive process. The Senator will remember the injunction which was issued in connection with the strike in the coal fields. It was a mandatory injunction. One of its provisions was drawn to prevent the miners' union from giving any food to the strikers.

Mr. WHEELER. Yes; the Senator is correct.

Mr. WAGNER. It sounds incredible, but that provision was actually in the injunction.

Mr. WHEELER. Yes; it was an injunction preventing the union from giving any assistance or food to the wives and children of the men who were on strike.

Mr. FULBRIGHT. When was that?

Mr. WHEELER. That was in 1928 in Pennsylvania.

Mr. BARKLEY. Of course, that was a controversy between a private corporation and its employees. It was not a controversy between the Government of the United States and anyone else, either employer or employee, and to that extent the situation was quite different from the one which we are now discussing. The Norris-LaGuardia Act grew out of abuses. I voted for it.

Mr. WAGNER. So did I.

Mr. BARKLEY. It grew out of abuses on the part of the Federal courts in dealing with controversies between private corporations and their employees. However, we are not dealing with anything like that here. We are dealing with controversies between the Government of the United States and employers or employees, which is quite a different proposition.

Mr. WHEELER. I agree with the Senator from Kentucky; but I wish to invite attention to the futility of the proposal which is now pending. It has been so worded that it could not be made effective.

Mr. BARKLEY. Of course, if it is innocent, innocuous, and inoperative, it seems to me that the Senator is making a lot of unnecessary fuss about it.

Mr. WHEELER. I say that under the circumstances it is a perfectly foolish provision.

In the first place, under section 4 (c) the language reads:

On and after the finally effective date of the proclamation any person wilfully violating the provisions of subsection (a) of this section shall be subject to a fine of not more than $5,000 or to imprisonment for not more than 1 year, or both.

There is a provision subjecting a man to imprisonment for 1 year or $5,000 fine. It seems to me the appropriate method would be to take a man into court and file a charge against him, when he would have a chance to be tried by a court and a jury on the question whether he had taken appropriate action, or was trying to promote a strike.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. WHEELER. I yield, for a question.

Mr. FULBRIGHT. The Senator spoke about appropriate action. As I understood, Mr. Whitney said the only action necessary was the sending of a code word, that that would do the job. That is all the kind of action that is necessary.

Mr. WHEELER. I am not standing up for Mr. Whitney, because I think what he did was entirely wrong. What I should like to see done would be the passage of legislation which would make it punishable for anyone to strike against the Government of the United States. I say frankly that we cannot tolerate any person striking against the Government when the President says it will injure the health of the people or destroy the economy of the Nation. No man of intelligence in the United States can tolerate that, because if that could be done, then one or two individuals could destroy the Government of the United States, and of course none of us would permit that to be done.

I say that such procedure as is suggested would make a mockery out of the law, and it should not be in the bill, because there are provisions in the bill under which a man can be fined $5,000 or sent to the penitentiary for a year, without the injunction procedure.

Mr. FULBRIGHT. I understood the Senator to make a point about there being something mysterious about a labor leader calling off a strike. It seems to me it is simple.

Mr. WHEELER. Did the Senator ever hear of the supreme court of any State issuing a mandatory injunction saying, "You have to make such and such a statement"? I challenge the Senator to find any case in the Supreme Court of the United States, or in any State, where that kind of an injunction has ever been issued against a labor organization or anybody else.

Mr. FULBRIGHT. The conditions which have made the labor legislation necessary are only of recent origin, and certainly in recent years it has been against the law to issue an injunction at all.

Mr. WHEELER. That is no excuse whatever. After all, does the Senator want us to write into the law something that is futile?

Mr. FULBRIGHT. No.

Mr. WHEELER. Does he want to write something into the law that makes a mockery out of the law? How an intelligent lawyer can stand on this floor and say that the provisions of this bill make ordinary good sense is beyond my comprehension.

Mr. FULBRIGHT. There is a further explanation of that. There are Senators in this body who are really familiar with the labor laws—and I confess I am not—and they have not been eager to bring in any legislative proposal dealing with labor. That is why we are confronted with this kind of substitute.

Mr. WHEELER. That is no reason why we should pass on something which on its face is absurd.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. SALTONSTALL. I see the point the Senator makes. Would it not clear up the situation if we merely eliminated the words "to take appropriate affirmative action"? What do those words add? If we delete those words, it becomes the obligation of the officer to rescind or terminate the strike. Why would not that be an improvement?

Mr. WHEELER. I think it would be an improvement.

Mr. SALTONSTALL. What do the words "affirmative action" add?

Mr. WHEELER. Nothing. The only thing the words "affirmative action" do is to give the court the power to say whatever it wants to. No matter what a man said he did, the court could say, "That is not enough; that was not sufficient affirmative action."

The point I am trying to make is that, after all, there is another provision in the bill by which a man may be sent to the penitentiary for 1 year and fined $5,000. So why does anyone want to have an injunction issued and drag a man into court in an injunction proceeding to be tried before a judge, who could keep him in jail as long as he desired, until perhaps the man says, "I will issue a statement to my men saying that I call off the strike."

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. BARKLEY. The Senator realizes that the provisions of subsection (c), providing for a fine of $5,000 and imprisonment for 1 year apply only to officers or agents of employers or officers or agents of organizations. They do not apply to anybody except officers.

Mr. WHEELER. I understand.

Mr. BARKLEY. It would not be possible to fine or put into jail anyone except an officer or an agent.

Mr. WHEELER. I understand that.

Subdivision (b) reads:

On and after the finally effective date of any such proclamation, continuation of a strike, lock-out, slow-down, or any other interruption at any such plant, mine, or facility shall be unlawful.

So that an injunction would be issued if a man were slowing down, or if men continued to strike.

Now I wish to refer to section 6 of the War Labor Act. Section 6 of that act provides:

SEC. 6. (a) Whenever any plant, mine, or facility is in the possession of the United States, it shall be unlawful for any person (1) to coerce, instigate, induce, conspire with, or encourage any person, to interfere, by lock-out, strike, slow-down, or other interruption, with the operation of such plant, mine, or facility, or (2) to aid any such lock-out, strike, slow-down, or other interruption interfering with the operation of such plant, mine, or facility by giving direction or guidance in the conduct of such interruption, or by providing funds for the conduct or direction thereof or for the payment of strike, unemployment, or other benefits to those participating therein.

Then it provides:

No individual shall be deemed to have violated the provisions of this section by reason only of his having ceased work or having refused to continue to work or to accept employment.

(b) Any person who willfully violates any provision of this section shall be subject to a fine of not more than $5,000, or to imprisonment for not more than 1 year, or both.

Mr. TUNNELL. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. TUNNELL. I should like to ask the Senator with reference to the general plan for the stopping of injunctions. As I understand, in March 1932, when that act was passed, the Senator was a Member of the Senate.

Mr. WHEELER. I was.

Mr. TUNNELL. What are the conditions now which did not exist at that time which would justify going back to the injunction plan?

Mr. WHEELER. The only reason or excuse for the injunctive procedure is that there is a strike against the Government. But there are provisions in the bill which in my judgment are far more effective than the injunction provision. For instance, in another place in the bill it is provided that one may be sent to the penitentiary for a year or fined $5,000, or both. Why should any one desire to antagonize labor further by making it possible to sue out an injunction?

Mr. President, I have defended probably as many labor organizations as any other Member of the Senate, and I have taken part in a great many injunction proceedings. As a matter of fact, the first case I ever had in a Federal court was one in which the Bell Telephone Co. sought an injunction against its employees. Incidentally, in that case there were sent to jail for violating the injunction two men who were not guilty at all, and the evidence clearly showed that they were not guilty. But the judge sent them to jail with practically no evidence before him. They were poor individuals, who did not have money, and they had to go to jail and serve out their time when they were perfectly innocent. On the other hand, the judge did let some men go who were guilty of violating the injunction.

Mr. TUNNELL. Mr. President, will the Senator yield for a further question?

Mr. WHEELER. I yield.

Mr. TUNNELL. I call the Senator's attention again to section 4, and keeping in mind that this is, as I now understand, a contention or a difficulty existing between the United States Government and the employees, I should like to know who would be the ones against whom the injunctive relief would be obtained after the plant is taken over by the Government, under the language of section 4, which is:

On and after the initial issuance of the proclamation, it shall be the obligation of the officers of the employer conducting or permitting such lock-out or interruption—

Would it be the employers, or management, or the United States Government against whom the injunctive relief would be obtained at such a time? Who would be the "officers of the employer?"

Mr. WHEELER. It would be those whom the Government employed. The language itself shows how loosely and carelessly the legislation has been drawn by whoever drafted it. I do not know who drafted it. But whoever drafted it did one of the poorest jobs in my judgment that has ever been done on any bill I have seen presented to the Senate of the United States.

Mr. TUNNELL. Is it possible to determine who is meant by that language?

Mr. WHEELER. Of course, what was intended was to designate the officers of the company. But the officers of the company become the officers of the United States when the plant is taken over by the Government.

Mr. TUNNELL. But this language says that the officers of the United States must take positive action to prevent the lock-out.

Mr. WHEELER. That is true.

Mr. TUNNELL. And the Federal courts would have to grant that positive relief against the employees of the United States.

Mr. BARKLEY. Mr. President, there is no mystery about this language, and it does not require a Philadelphia lawyer to interpret it. I do not admit by that allusion that a Philadelphia lawyer is any more able than any other lawyer, but the provision is that—

On and after the initial issuance of the proclamation, it shall be the obligation of the officers of the employer conducting or permitting such lock-out.

That would not be the United States. It is the officers of the company who are conducting or permitting a lock-out. It seems to me there is no room for misinterpretation as to what that language means. The Government of the United States would not be conducting the lock-out. No officers of the United States Government would be permitting or conducting a lock-out. It would be the officers of the company who are permitting or conducting a lock-out.

Mr. WHEELER. The point the Senator from Delaware makes is that after the Government takes over a plant the officers of the company immediately become officers of the Government of the United States.

Mr. BARKLEY. The language here is "On and after the initial issuance of the proclamation."

The initial issuance of the proclamation may provide for a period of not less than 48 hours thereafter, or it may provide for a week or 10 days thereafter. So that immediately upon the issuance of the proclamation the Government does not take over the plant.

Mr. WHEELER. I assume that when the proclamation is issued the Government takes over the plant.

Mr. BARKLEY. The men may have 48 hours to go back to work.

Mr. WHEELER. Suppose the President issues a proclamation that if the men do not return within a week the Government will take over the plant. Does anyone contend that after the issuance of such a proclamation the employees will be locked out? And, if a court knows that the Government has taken over a plant, would it issue an injunction? To that extent the language does not seem to mean anything whatsoever. There are many loosely framed provisions in the bill which on their face seem to be rather ridiculous. The bill contains a provision under which individuals can be sent to the penitentiary because they are guilty of certain offenses. In view of that fact, what excuse is there to provide for the issuance of injunctions?

Mr. President, let me say that because of the abuses which have grown up by reason of the use of the injunctive process against labor organizations the mention to labor of the word "injunction" is like waving a red flag in the face of a bull. That is the one thing that all laboring men and labor organizations despise. They despise the word "injunction" because of the tremendous abuses that have occurred through the issuance of injunctions, such as the injunction to which the Senator from New York called attention.

Mr. President, I call attention to the fact that the Senate rejected the nomination of a very able and estimable gentleman who was nominated to be Justice of the Supreme Court. The Senate turned down his nomination because he had issued an injunction in a case involving what was called a yellow-dog contract. The Government itself, when it takes over a plant would, if it applied for an injunction, in effect say to the laboring man, "We condemn the issuance of injunctions to private individuals, particularly when it is not necessary by reason of the fact that other provisions in the law will reach what is sought to be reached; yet we ourselves are going to do something which will further tend to inflame the public mind and inflame the workers of the country."

Mr. President, I say frankly and in all sincerity that if this provision is left in the bill it will result in doing more to stir up unrest among laboring men from one end of the country to the other than anything else the Government can possibly do.

Our forefathers demanded the right of trial by jury, and under the Constitution every man has a right to trial by jury. If a man violates the law he is entitled to and should be given a trial by his peers; not by a judge who can send him to the penitentiary through a mere whim or practically without due process of law. There is no provision in the bill with respect to what kind of a hearing shall be had. The bill says that the matter shall be heard immediately; but what kind of a hearing shall it be? The bill does not even say that a real hearing shall be granted.

Mr. President, we ought to be reasonable about this matter. I do not contend that the Government of the United States should not have the right to punish those who strike against the Government after the President of the United States has issued a proclamation saying it is necessary for the Government to take over an industry because the continued operation of the industry is vital to the health and the economy of the people of the United States. Any labor leader, whoever he may be, who defies the Government of the United States under such conditions ought to be tried and, if found guilty, sent to the penitentiary. So far as I am concerned, and so far as the American people are concerned, no organization, whether it be an organization of business, of labor, or of farmers, can be permitted to do anything which would injure the health, the economy, or the freedom of the American people. The American people are not going to permit anything to be done which will bring them to the point of starvation.

Mr. President, when we act, let us act upon a reasonable, sensible basis, and not be carried away by passion after we have been in session for more than 11 hours—after being in session until late at night—and pass a bill which will be the cause of great regret, if such a provision as this is allowed to remain in it.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. SHIPSTEAD. I assume that this provision has been presented as a remedy for strikes. But let us assume the proposed remedy is actually applied. If the man who has authority to issue the order which the Government requests him to issue will not issue it, he will be fined and sent to jail. Wherein does the remedy lie? The man goes to jail, but that does not stop the strike. The men are still out on strike. So where is the remedy?

Mr. WHEELER. Certainly, even though a mandatory injunction is obtained, that in itself does not stop the strike because all that is said to the individual is, "We will keep you in jail."

Mr. SHIPSTEAD. Yes; and that man says, "I will go to jail."

Mr. WHEELER. All that can be said to him is, "We will keep you in jail until you issue the kind of statement you ought to issue." Then suppose the man says, "Very well, send me to jail."

Mr. SHIPSTEAD. And let us say there are 10,000 men out on strike. What is going to be done with them?

Mr. WHEELER. Mr. President, I am frankly sorry to see legislation of this kind enacted, because, as I said before, I think I know something about the labor movement, and I know how the bill will be received.

The PRESIDING OFFICER. The time of the Senator from Montana on the amendment has expired.

Mr. WHEELER. I will speak on the bill.

The PRESIDING OFFICER. The Senator is recognized to speak on the bill.

Mr. FULBRIGHT. Mr. President, will the Senator suggest what he would do under the circumstances? Will the Senator tell us what is the proper remedy? The Senator says that injunctions will not work and fines will not work. Is there nothing that can be done?

Mr. WHEELER. The issuance of an injunction is not going to work. First it is impractical.

Mr. FULBRIGHT. What will work?

Mr. WHEELER. If the labor leaders are told they will be put in jail, I think that would work. Of course, if it will not work——

Mr. FULBRIGHT. I just understood the Senator to say that it would not work.

Mr. WHEELER. Let me finish my statement, please. Let us consider the threatened shipping strike. If the maritime workers go on strike, and the President has to take over the shipping lines, because the strike would have a very harmful effect on the economy of the country, the President has the remedy. He can man the ships with Navy personnel and take care of the situation. All he has to do under the provisions of this bill is to send the strikers to jail if they continue to refuse to work. In my opinion, it will not be necessary for him to send many individuals to jail if they strike against the Government. In my judgment, public sentiment in any community will have greater effect than anything else if there is a prolonged strike, as was threatened the other day with respect to the railroads. In my judgment, public sentiment would have driven the railroad men back to the trains, and nothing could have kept the railroad men off duty for any length of time, because I think there is no finer group of patriotic citizens in this country than the rank and file of railroad men. I think they were being misled by their leader, and I do not believe that Mr. Whitney could have held them in line much longer.

Mr. FULBRIGHT. The Senator is speculating about the railroads. What about the coal strike? The coal miners had been out for some time. Public sentiment was very high, yet it made no difference.

Mr. WHEELER. That is correct. We had a coal strike during the war. But when we had a coal strike during the war Mr. Roosevelt did not ask to have the miners enjoined or sent to a penitentiary. The strike was settled.

Mr. FULBRIGHT. Mr. Roosevelt did ask for this very same power in his veto message on the Smith-Connally Act.

Mr. WHEELER. What he said was that if they did not go to work he would ask for legislation of this kind. Instead, we are faced with a situation in which legislation was sent here which is ill-conceived, ill-advised, and very poorly thrown together, by someone who does not know very much either about the labor movement or about the law. He does not know very much about drafting legislation.

Mr. FULBRIGHT. At least it served the same purpose as the President's statement, because both strikes were settled. It served the purpose.

Mr. WHEELER. I compliment the President on the speech which he made on last Friday night. I compliment him upon the speech which he made to the Congress of the United States; but I cannot compliment him upon the statement which he made advocating the drafting of men or women to work in the mines or in factories, because in my judgment that is un-American. It is against the Constitution of the United States to do what was attempted to be done.

For a great many years I represented practically every labor organization in every lawsuit of any consequence that was conducted in my city or in the State. I represented the American Federation of Labor, many of the railroad brotherhoods, and other unions. I am really amazed to see legislation of this kind proposed. I am amazed to see advocated the things which are here advocated. In the first place, I cannot conceive of an intelligent court attempting to say to any one, "I will put you in jail and keep you there unless you make a statement of this kind or that kind." I can conceive of ignorant or corrupt judges sometimes getting on the bench. But we would never find a Federal judge or district judge in my State, thank God, who would ever issue an injunction of that kind. I doubt if a Federal judge anywhere in the United States would have the temerity to issue an injunction of that kind.

So why write into the law something which on the face of it cannot be enforced? Why write into the law something which is calculated to disturb and inflame the laboring people of this country? Why write something into the law when there are other provisions under which the laboring man, if he violates the law, may have a trial by a jury of his peers and an opportunity to introduce evidence, as well as to appeal the case to an appellate court upon the facts and the law. If a judge should make a finding under the terms of this bill, the defendant could appeal in vain, because he would be found guilty before he ever got started.

I sincerely hope that this provision will be stricken from the bill. I can assure the Senate that if it goes into the bill it will do far greater damage and stir up more animosity toward the Government of the United States than could possibly be caused in any other way.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. SALTONSTALL. I should like to ask the Senator a question. Section 4 of the bill under discussion, House bill

6578, deals with the officers of the employer and the officers of the labor unions.

Mr. WHEELER. That is correct.

Mr. SALTONSTALL. In lines 12 and 13, on page 3, there is reference to "any person participating in the calling of such strike," and so forth. That line has been eliminated. If we turn to section 6 of the War Labor Disputes Act, in that section it is provided that:

> No individual shall be deemed to have violated the provisions of this section by reason only of his having ceased work or having refused to continue work or to accept employment.

Mr. WHEELER. That is correct.

Mr. SALTONSTALL. My question is this: If section 4 of the pending bill covers the officers of the employer and the officers of the labor organization, and grants the power to put them in jail if they do not help out, to whom does the injunction apply if those other words have been eliminated from the bill?

Mr. WHEELER. It applies only to officers and agents of the union.

Mr. SALTONSTALL. So there is a double penalty on the officers. They can be put in jail, and they can be enjoined.

Mr. WHEELER. Yes; there is a double penalty on the officers.

Mr. MORSE. Mr. President, I wish to speak very briefly, after which I shall ask for a quorum, because I think it is very important that on this particular amendment there be a record vote. I think it is one of the most vital provisions of the bill.

My brief remarks in regard to government by injunction cannot add anything to what the distinguished Senator from Montana has just told the Senate. I think he gave an exceedingly good history of the very serious problem of labor injunctions. I wish particularly to emphasize one point made by the Senator from Montana. The Senator from Montana said, in effect, that if we go back to the government-by-injunction process which existed prior to the Norris-LaGuardia Act, it will be a serious source of labor agitation. I think the Senate of the United States ought to recognize the fact that there is one issue on which American labor will unite. There is one issue on which it will continue to fight, and that is the issue of the labor injunction, because over the years American labor has suffered great hardships and many injustices.

Mr. SMITH. Mr. President, will the Senator yield for a question?

Mr. MORSE. I yield.

Mr. SMITH. I agree with the Senator's position as to the use of injunctions in labor disputes, a situation which was attempted to be remedied by the Norris-LaGuardia Act. But I am troubled by the present situation. We are dealing with a bill which will apply only in the event that there is a strike against the Government of the United States. The only place where the injunction enters is where the Attorney General, who is the judicial officer of the United States, must take the initiative under a special power. There must be a difference between ordinary disputes in which injunctions are used, and emergency cases. I think we are all agreed that injunctions should not be used in ordinary disputes. I am just as much opposed to that practice as is the Senator from Oregon. But what can the President do if he is not able to call on the judiciary to protect him in the case of strikes against the Goverment? That is the big problem which we must face, and we must keep that distinction clearly in mind, or I think we shall confuse the issue before us.

Mr. MORSE. I think the Senator from Montana completely answered the point of the Senator from New Jersey. The Senator from Montana pointed out that there are penalty powers in this bill which are being overlooked.

It was also pointed out that, of course, abuse of the injunction can be exercised by the Attorney General of the United States, so far as his advice is concerned, or by any Federal judge who issues an injunction under the advice of the Attorney General.

Mr. SMITH. I agree with the Senator.

Mr. MORSE. Whether the case is an emergency case or not, the abuse of the injunction is just as likely to be prevalent in an emergency case as in an ordinary case. In fact, I am inclined to think that it would be somewhat more prevalent, because of the likely hysteria which would exist at the time of an emergency case.

Mr. SMITH. I do not wish to be misunderstood in my position, because I agree with the Senator. I am as much afraid of the use of the injunction as he is; but I am trying to visualize the situation for myself. The President finds himself without a remedy, and he is asking us for remedies. With respect to every remedy that is proposed we say, "We cannot do it." Perhaps he does not need any more remedies than he has. He has the Smith-Connally Act. I have made that argument. But here we have a situation in which the President asks us for special powers, and we are saying that we cannot grant them. I voted to strike out section 7. I have agreed to strike out everything in the bill which is oppressive of the workingman. But in the case in which the workers defy the Government, it seems to me that we should uphold the President of the United States when he says that the Government must be supreme.

Mr. MORSE. I am at a loss to understand why the Senator thinks there will be no remedies left in the bill if section 5 is eliminated. If he will reread the bill, I think he will find plenty of remedies. On the basis of his argument, I certainly do not believe that he is justified in asking that we again give the Federal judiciary, even in so-called emergency cases, the power to exercise the discretion inherent in the granting of injunctions. I believe that the Senator from Montana has most adequately answered the Senator from New Jersey.

To proceed with my argument, Mr. President, I wish to point out that in the granting of injunctions in labor cases the problem which faces the court is not nearly so much a problem of law as it is a problem of judicial legislation, in which the court brings into play, through the injunction, the court's social and economic theories. Out of that practice on the part of the Federal judiciary grew the great abuses which existed prior to the Norris-La Guardia Act. If we are here tonight really seeking to enact a law which will be conducive to labor peace, we ought to see to it that there is kept out of the law a great weapon of abuse which the Federal judiciary has used for so many years, namely, the injunction. I think we need to keep in mind that by training and experience—and I mean no disrespect to the judiciary, but I state a fact—the great majority of our Federal judges do not have a thorough background of understanding of the economic problems of labor, and labor knows it. Therefore, I say that we do not serve American employers well, either, when we put them in such a position that a small segment of American employers who are still labor-baiters can make use of an injunctive petition before Federal judges who have demonstrated in the past that they are inclined to bring into play their economic and social theories by way of judicial legislation, through the exercise of the judicial process.

I simply close with the warning that if what is wanted is a united front on the part of labor for as many years as it will take to see to it that there is reestablished in this country freedom from injunctive abuses, then leave section 5 in this measure.

Mr. President, because I think the issue is so important that we should have a record vote on this question, I suggest the absence of a quorum.

Mr. SHIPSTEAD. Mr. President, will the Senator yield to me before he does that?

Mr. MORSE. I yield.

Mr. SHIPSTEAD. I am still at a loss to find a remedy for a strike which seems to be against the Government, and admittedly should not be.

Mr. MORSE. I am sure the Senator from Minnesota knows my view on that matter. I believe that when emergencies arise which involve a break-down in the transportation of the country or the mines, or what not, we must use every power we have by way of seizure, and the President must exercise such powers as already are on the statute books.

But I say again, as the Senator from Minnesota has heard me say many times, that it is simply senseless to try to put on the law such a strain that thousands of men, believing that an injustice is being done to them, will challenge the Government from the standpoint of their right to quit work if they want to. Any attempt to drive them to work, rather than to lead them and persuade them to work, will in the long run, I say, break down. We should be very careful not to put such a strain on government.

I believe that if the President has the power to seize such plants—and long before he took action recently, I said on this floor that I believed he had the right to seize them—once he seizes them and asks the workers to cooperate so as to see to it that the wheels of that industry turn and that the industry operates, I

believe they will cooperate so as to enable it to operate. Any strikers who refused to respond to such a call to do their patriotic duty and to perform their responsibility as citizens would soon wilt, I think, in the face of public pressure. That is one of the points the Senator from Montana made, and I think it is an exceedingly sound one, and I think it is borne out by the experience of the years.

Mr. SHIPSTEAD. I simply wish to call attention to this question of which I think has not yet been answered: Where is there a remedy in a court injunction?

Mr. MORSE. I think no injunction actually will get men back to work. Rather, as the Senator from Montana has pointed out, it will be a red flag that unfortunately will produce a great deal of defiance and will lead, I believe, to great violence.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hatch	Myers
Austin	Hawkes	O'Daniel
Ball	Hayden	O'Mahoney
Barkley	Hickenlooper	Overton
Brewster	Hill	Pepper
Briggs	Hoey	Radcliffe
Brooks	Huffman	Reed
Buck	Johnson, Colo.	Revercomb
Burch	Johnston, S. C.	Robertson
Butler	Kilgore	Russell
Byrd	Knowland	Saltonstall
Capehart	La Follette	Shipstead
Capper	Lucas	Smith
Connally	McCarran	Stanfill
Cordon	McClellan	Stewart
Donnell	McFarland	Taft
Downey	McKellar	Thomas, Okla.
Eastland	McMahon	Tunnell
Ellender	Magnuson	Vandenberg
Ferguson	Maybank	Wagner
Fulbright	Mead	Walsh
George	Millikin	Wheeler
Gerry	Mitchell	Wherry
Green	Moore	White
Guffey	Morse	Wiley
Gurney	Murdock	Willis
Hart	Murray	Wilson

The PRESIDING OFFICER. Eighty-one Senators having answered to their names, a quorum is present.

Mr. BARKLEY. Mr. President, I dislike to detain the Senate by constant discussion of these amendments, but I feel it my duty to do so, and in this particular case I do so only in the hope that I may dissipate some of the confusion which seems to have been injected into the discussion of this amendment. I should like to have the Senate bear with me for just a moment while I point out what section 4 does, for it is the subject of the injunctive process carried in section 5.

In the first place, the Norris-LaGuardia Act, for which I voted, grew out of controversies arising between private employers and employees in which the Federal courts had abused the injunctive process. At that time the theory or the pattern of the necessity for the Government of the United States to take over private plants of any kind and operate them had not been initiated and had not begun. It was scarcely thought of. So all the abuses indulged in by Federal courts in issuing injunctions, which I condemned as heartily and as lustily as did any other Member of the Senate, did not remotely involve the matter of the jurisdiction and power and authority of the United States Government which, for the time being, became the operator of a plant or a facility. So the situation which then existed, and which might even now exist but for that statute, between private employers and employees in their relationship to the Federal courts, does not pertain here in a measure which deals only with controversies in which the Government of the United States has intervened, to become the operator of the plan, by taking it over. This bill does not deal with any other situation or relationship, and I think we should keep that point clearly in mind.

Section 4 provides, in subsection (a), which is the only part of section 4 as to which any penalty whatever is provided, that—

> On and after the initial issuance of the proclamation—

That is the proclamation referred to in section 2, which the President is authorized to issue—

> it shall be the obligation of the officers or agents of the employer conducting or permitting such a lock-out or interruption, the officers or agents of the labor organization conducting or permitting such strike, slow-down, or interruption, to take appropriate affirmative action to rescind or terminate such strike, lock-out, slow-down, or interruption.

Some criticism has been voiced against the use of the words "take affirmative appropriate action." That may mean something else besides issuing an order to stop a strike. It may mean something else besides issuing an order for the men to return to work. It may mean persuasion on the part of the officers to bring every influence in an affirmative way to cause the men to return to work without the issuance of an order, or without rescission.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. PEPPER. It would then be up to the judge, in passing on the petition which had been filed by the Attorney General, to decide whether the labor leaders had used as much diligence and effort as he thought they should have used in causing the men to return to work.

Mr. BARKLEY. It would be up to the judge, on the application of the Attorney General, in his own discretion and in view of the facts submitted to him, to decide whether he should afford the relief applied for by the Attorney General, which may be in the form of a mandatory order by the court, or in the form of a prohibitive order.

Mr. PEPPER. So that we do not then define the criteria upon which the judge shall act in determining whether a man has committed substantially a criminal offense which may subject him to imprisonment.

Mr. BARKLEY. It would be as difficult for the Congress to write a blueprint on that subject as it would be to write the definition of the word "facilities," or to spell out many other things which the Congress in its wisdom might do, but which it has never seen fit to do because of the difficulty in trying to draw up a blueprint.

We now have subsection (a) of section 4 which places an obligation upon the officers of labor unions to take affirmative action to rescind action or lock-out, or whatever it may be.

We skip section 3 because it applies only to employees. Let us get down to section 4 (c).

> On and after the finally effective date of the proclamation, any person willfully violating the provisions of subsection (a)—

And I have just read that it applies only to officers and agents—

> of this section shall be subject to a fine of not more than $5,000 or to imprisonment for not more than 1 year, or both.

It is true that under those penalties an injunctive process would be operative against those who had been found guilty. In other words, the officers or agents might be fined or imprisoned, and yet the employees might continue on strike. To put a man in jail or subject him to a fine would not necessarily end the lock-out or the strike, and therefore the injunctive process would still be inapplicable even in the case of officers as to whom there had been a fine and imprisonment.

Mr. SMITH. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. SMITH. I am very much interested in subsection (b) of section 4.

Mr. BARKLEY. I will come to that later.

Mr. SMITH. I wish to ask the Senator from Kentucky whether he is arguing that the injunctive process applies to workers under subsection (b)?

Mr. BARKLEY. I think it does, because it applies to subsections (a) and (b) of section 4.

Mr. SMITH. I agree with the Senator.

Mr. BARKLEY. I do not believe that it applies to employees.

Mr. SMITH. I thank the Senator.

Mr. BARKLEY. I wish to be frank with the Senator from New Jersey. When the language provides that the Attorney General may apply for relief under injunctive process where there has been a violation of section 4 it means all of section 4, including the officers and agents of the corporation, or of the labor union, who are subject to fine and imprisonment, and it might apply to men who continued to violate the orders of the Government who were not subject to fine or imprisonment. The only penalty now contained in the bill for those men is to take away their status as employees while they are out on strike. When they are reemployed, either by the owners or operators, or by the Government of the United States, that status may be restored.

There is no criminal penalty against men who go on strike; there is only a sanction. That sanction is that, after the operation has been taken out of the hands of the private owners and put into the hands of the Government of the United States if the men persist in continuing the strike or refuse to return to work their status as employees and their rights under the Wagner Act and under the Railway Labor Act are taken away from them, but their status may be restored to them as soon as they are reemployed.

There is nothing in this bill which provides for a penalty being assessed against those men. They may not be reached by the injunction in cases where they defy the Government of the United States. That is the only situation in which injunctive process may be applied, and we have nothing left in this bill except to say, in effect, "Although your leaders may be put into jail and fined, you may remain out on strike in defiance of the orders of the President of the United States, and all we can do to you is to suspend your rights under the Wagner Act until you are reemployed, and then restore those rights to you."

Mr. LUCAS. Mr. President, I have listened to this debate, and I believe that one of the fallacies of the arguments which have been directed against the bill may be found in the fact that the arguments have been based on the theory that this is a permanent piece of legislation. I have heard Senators speak of what has taken place in the past, but it was based on permanent legislation. I do not believe that it can be overemphasized that this is designed to be merely a temporary measure, and that by its own terms it will soon expire. It is predicated, however, on conditions which may have a most serious and disastrous effect on the economy, the health, welfare, and safety of the Nation. That comparison is never made in the arguments which we hear from time to time.

Mr. BARKLEY. I appreciate what the Senator has said. Of course, this legislation is to be temporary in character. It will expire on June 30, 1947, if not sooner. It is not only temporary, but it is limited in the field of its operation. That field of operation applies only where the Government of the United States has been substituted for a private employer, and the dignity, power, authority, and prestige of the Government are involved, justifying the taking over by the Government of properties and operating them in the interest of the health of the citizens of the Nation, and the welfare of the national economy.

Mr. CORDON. Mr. President, is it the Senator's view that section 4 is sufficiently broad to reach the individual who, having ceased his work perhaps because of a strike, but who, as an individual, and without having counseled, aided, or abetted others, says, in effect, "I am not going to work at that job"?

Mr. BARKLEY. There is a difference between section 4 of this bill and section 6 of the War Labor Disputes Act, which exempts from prosecution or fine or imprisonment anyone who ceases to work as an individual. This bill deals with concerted action. Where there is concerted action among a group of men resulting in the stoppage of work, or the cessation of transportation or other facilities, this bill applies. We must distinguish between section 4 of this bill and section 6 of the War Labor Disputes Act, because in the War Labor Disputes Act provision is made for fine and imprisonment to be imposed upon those who violate section 6 of the act. However, in this bill there is no such provision for fine or imprisonment being assessed against such an individual. The bill does apply, however, to officers and agents subject to fine or imprisonment, where there is concerted action among them to conspire, or agree together to stop the facilities which the President of the United States believes to be of such importance as to warrant the Government taking over and operating the plants or facilities. We must keep those differences in mind.

Mr. CORDON. If I understand the majority leader correctly in his interpretation of the section pertaining to the power of the court under an injunction, it would apply only to the individual who is engaged in concerted action with other individuals to bring about a stoppage of work, and it would not apply to the individual who, as an individual, has ceased work.

Mr. BARKLEY. It does not apply to a mere individual who makes up his mind to quit work. It does not apply to him. The bill specifically uses the word "concert," that it is to be by concerted effort. If there is a stoppage of employment by concert, it applies.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. WHEELER. Let me call the Senator's attention to subsection (b), which reads:

> On and after the finally effective date of any such proclamation, continuation of a strike, lock-out, slow-down, or any other interruption at any such plant, mine, or facility shall be unlawful.

Mr. BARKLEY. That means it is unlawful, it means where they have agreed, by concert, to go out.

Mr. WHEELER. Oh, no.

Mr. BARKLEY. There cannot be a strike by one man.

Mr. WHEELER. There can be a strike by one man.

Mr. BARKLEY. It would not be much of a strike. It would not be the kind of a strike because of which the Government would want to take over a plant.

Mr. WHEELER. We would be leaving it up to a judge to issue an injunction, and it would be served upon every individual.

Mr. BARKLEY. I realize that an injunction is issued by a court, who is the judge.

Mr. WHEELER. And it is served upon every member, and if a man does not go back to work, he can be sentenced for contempt of court.

Mr. BARKLEY. Of course, if an injunction or any other process of court is violated, the offending party can be punished for contempt of court.

Mr. WHEELER. There does not have to be concerted action at all, because the injunction is to be served upon every individual.

Mr. BARKLEY. The Senator from Montana knows, and we all know, that a court is not going to issue an injunction against a single man who is going to quit work. There must be a cessation or interruption of work in the facility such as to endanger the life and the welfare and the economy of this Nation.

The language of the bill has been criticized as being inept and crude. I do not think it is fair to excoriate anybody who had anything to do with drawing the bill. I do not know how much better any of us could have done without the assistance of the Legislative Drafting Service, whom we always call in even to help us draw up a motion. It so happens that the Legislative Drafing Service collaborated with those who drew this bill. If there are any defects in its phraseology, I do not know that there would have been any better result if any one of us singly had gone into seclusion and tried to write a bill of this kind, or if any group of us had done so.

I do not think the merits of the bill should be condemned because someone may think he could have written a better bill. Suppose he could have written a better bill. There is no conclusive proof of it, so far as I know, in the history of the legislative process.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. FERGUSON. I am wondering whether or not the able Senator from Kentucky would say that if we inserted in subsection (b) of section 4 the exceptions in section 6 of the Smith-Connally law it would be interpreted and should be interpreted exactly as it is written now, so that any man might without question quit his employment and cease work if he did so individually.

Mr. BARKLEY. I think there must be a difference in the interpretation and in the construction of a criminal statute which involves an indictment and a trial, a fine and imprisonment, and a mere declaration of something that is unlawful if it takes place; and that is what subsection (b) does. It does not fix any penalty. It would not be possible to fine or imprison a person merely for engaging in this unlawful transaction.

Mr. FERGUSON. There is no criminal penalty except when we turn to page 4, lines 6 and 7, "and for appropriate temporary relief or restraining order, to secure compliance with section 4 hereof or with section 6 of the War Labor Disputes Act." So that if a man were to cease employment, unless he is excepted from the provisions of subsection (b) of section 4, the penalty of the court would be as provided, and it would not make any difference to the workman whether he went to jail under a criminal statute by a sentence, or went to jail by an order of the court under injunctive relief. He would still be in jail, as I read the section.

Mr. BARKLEY. If any individual came under subsection (b), if it were proved that he was not acting in concert with anybody else and was not engaged in a strike, but merely decided by himself to quit his job, therefore was not guilty of engaging in an unlawful act by the continuation of a strike, the sort of thing involved in subsection (b), he would not be punished. I think there must be a concert of action and cessation of work by agreement. If any individual who was brought into court could prove he had nothing to do with it, but that he merely quit because he wanted to, he would not be found guilty.

Mr. FERGUSON. Then would the able Senator from Kentucky consent to modify subsection (b) by adding to it as exceptions the last two or three lines of section 6 of the Connally Act?

Mr. BARKLEY. No; because I think the basis is entirely different. There is a criminal statute, there is an effort to exempt an individual who is acting all by himself, alone, without any concert with anyone else, from the application of the penalty, if it might be sought to apply it to him. I think we are likely to amend and modify the bill until there will be nothing left but the number of the bill, H. R. 6578, and the enacting clause. If we are to do that we might as well come right out and vote against the bill and say that we have marched up the hill and now are ready to march back down the hill. I am not willing to do that.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. REVERCOMB. I call the attention of the able Senator to some language which I think would meet the situation, and I call it to his attention with the hope that he may accept it, and that it may be written into section 5, which we are discussing. It would come on page 4, between lines 23 and 24, to insert a new subsection to read as follows:

Mr. BARKLEY. That is, at the end of section 5?

Mr. REVERCOMB. At the end of section 5. I propose to add:

No individual shall be deemed to have violated the provisions of section 4 or be subject to be enjoined under this section by reason only of his having ceased work or having refused to continue to work or to accept employment.

I may say to the majority leader that if that language were adopted, this whole issue would be clarified, and we would not have the suspicion raised in the minds of many Senators that an injunction may be issued against an individual who stops work for good cause.

We know that the injunctive relief was never intended to be used in this instance except where there was a conspiracy to act in concert, and to interfere with the Government's control and operation of a business. So I suggest to the able majority leader that he consider acceptance of this language, which clarifies the whole point, and will do away with any thought or doubt that the Government would seek an injunction against an individual who had stopped work or who would not go to work.

Mr. BARKLEY. Mr. President, if this were a criminal statute, under which the burden of proof would be on the Government anyway to prove a conspiracy, it would be one thing; but this is not a criminal statute. It is an effort of the Government to bring about a cessation of a concerted situation which has caused a condition which endangers the life and health and welfare and economy of the Nation.

I do not believe that it is fair to put upon the Government in a noncriminal statute the burden to prove that there has been a conspiracy on the part of enjoined individuals to go out on a strike, or to bring about a lock-out, as the case may be, in order to stop work and prevent the transaction of business. I would not feel that we were acting in the interest of the very objectives of the proposed statute if I agreed to the amendment which the Senator suggests.

Mr. REVERCOMB. The Senator has used the words "concerted action," which perhaps describe the situation better than the word "conspiracy." But the whole sense and whole gravamen is the concerted action of several together. Certainly it is not intended that one individual, because he has reason to quit work, acting upon his own judgment and not in concert with others, is to be subjected to an injunction. I hope the Senator will accept the suggestion.

Mr. President, is it in order to offer an amendment to section 5 of the pending bill?

Mr. BARKLEY. Mr. President, it is not in order while I have the floor.

Mr. REVERCOMB. Of course, I did not want to take the Senator from the floor.

Mr. BARKLEY. I will yield to the Senator if he wants to propound an inquiry.

Mr. REVERCOMB. I do propound the inquiry, and will offer the amendment later.

Mr. BARKLEY. I do not want the time consumed in this parliamentary inquiry and the response to it taken out of my time, which I think is about exhausted now.

The PRESIDING OFFICER. It will not be taken out of the Senator's time.

Mr. REVERCOMB. As a parliamentary inquiry, I ask if I may offer an amendment to section 5 at the end of the speech of the Senator from Kentucky?

The PRESIDING OFFICER. The Senator from West Virginia may offer an amendment before the debate is ended to the amendment now pending.

Mr. BARKLEY. Mr. President, let us assume this sort of case. Suppose 5,000 men, or 100,000, have gone out at the very same moment on a strike, all going out at the same time. Under such an amendment each one could come into court and say, "I had nothing to do with it. I did it on my own account. I never concerted with anybody else about it." The burden of proof would be on the Government to prove that every one of those 5,000 or 100,000 men conspired with others to go out on strike, notwithstanding the fact that they all went out at the same moment.

I ask the Senate whether it wants to put itself in the ridiculous attitude of saying that if 50,000 men, or 100,000 men, or 200,000 men, or 500,000 men went out on strike at the same time, when the clock struck the hour, it must show that every one of them who went out had entered into a conspiracy? Or if it were asserted by an individual that he went out on his own volition and without concert of action with others, that the burden is then on the Government to show that he acted in concert with others, notwithstanding his statement that he did not, but that each one went out for himself, simply because he wanted to. Certainly we cannot in all seriousness assume such an attitude. For that reason I will say to the Senator from West Virginia I think if his amendment were put in the bill, then after the Government took over a plant, and an individual went on strike and refused to go back to work, he would only have his rights under the Wagner Act and the Railway Labor Act suspended until he was reemployed. That would be the only provision for punishment left in the bill. If anyone thinks that that situation would result in the orders of the Government of the United States being obeyed or the dignity and the authority of the United States being maintained, I think he is extremely optimistic.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. REVERCOMB. The Senator has based his argument upon the ground that if the amendment which I intend to offer at the close of the remarks now being made by the Senator from Kentucky were adopted it would mean that the burden would be upon the Government to show that there was concerted action. As a matter of fact—and I propound this as a question—would not any injunction which was granted be issued against all the strikers, and would not the burden be upon the individual to show that he did not come within or under the terms of the injunction?

Mr. BARKLEY. No, I do not think so. I think a court of equity would take into consideration the whole situation, and in the absence of such an amendment the court might conclude that if 50,000 or 100,000 men went out at the same moment there was concert of action; but if any one of them came in and said that he had nothing to do with it; that he simply walked out without regard to anyone else; the burden, under the Senator's amendment, would then shift to the Government to prove that the individual went out in concert of action.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. FERGUSON. The able Senator from Kentucky has said that if the amendment of the Senator from West Virginia should be adopted, the only thing the individual would lose would be his rights under the Wagner Act and under the Railway Labor Act. I ask now whether issuance of the injunction would not restrain the individual from picketing, because picketing would be such action as would come within the sixth section of the Labor Disputes Act, the Smith-Connally Act?

Mr. BARKLEY. Picketing, for which there is a criminal penalty, would, I think, come under that section. But the bill we are dealing with now does not touch picketing or have anything to do with it.

Mr. FERGUSON. But this section, together with section 5, would restrain picketing.

Mr. BARKLEY. It might restrain the violation of the orders of the President. Whether the President would issue an order against picketing I do not know. But if the President ordered the men back to work and they refused, then the injunctive process would apply. But the men could not be punished criminally or be fined or put in prison. The only possibility of that sort of punishment would be where there was contempt of court by reason of violating an order of the court, in which event there could be a criminal penalty imposed.

Mr. REVERCOMB. Mr. President, I send to the desk an amendment to section 5 and ask that it be read.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 4, line 1, after "SEC. 5" it is proposed to insert "(a)."

On page 4, between lines 23 and 24 it is proposed to insert the following new subsection:

(b) No individual shall be deemed to have violated the provisions of section 4 or be subject to be enjoined under this section by reason only of his having ceased work or having refused to continue to work or to accept employment.

The PRESIDING OFFICER. The question is upon the adoption of the amendment offered by the Senator from West Virginia.

Mr. REVERCOMB. Mr. President, I wish to make a brief statement by way of explanation. The amendment is to place certain language at the end of section 5. The amendment is composed of one sentence, as follows:

No individual shall be deemed to have violated the provisions of section 4 or be subject to be enjoined under this section by reason only of his having ceased work or having refused to continue to work or to accept employment.

The sole purpose of that language is to do just what has been argued here by the proponents of this measure in the form that it is before us, and that is to make definite and certain that the injunction will not fall upon an individual who in good faith, for what he believes to be good cause and not in concert with others, stops his work. The language could not be clearer. The purpose, as expressed by it, could not be more certain. I feel that if we are to use injunctive relief and if we really do not intend that it shall fall upon the individual, my amendment should be adopted so as to declare clearly the policy of the Congress upon that point.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. REVERCOMB. I yield.

Mr. TAFT. The Senate perhaps will remember that earlier today the distinguished Senator from Arizona [Mr. HAYDEN] read the law which was passed at the time of the British general strike in order to give the Government power to act in that strike. These words were first written in that British law. They are in what is probably the most severe antistrike law ever passed. All these words and this protection for the individual are contained in that British law. It was then copied from that law into the Smith-Connally Act. It was again used where there was any general danger in the Case bill provision which Congress passed last week. So this is nothing new. This is a protection for the individual who does nothing whatever toward forwarding a strike except to obey the general orders of the union. It seems to me that certainly it should be adopted in this law as in any other law aimed to prevent strikes.

Mr. REVERCOMB. I thank the Senator from Ohio.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. REVERCOMB. I will yield to the Senator in a moment. I may say that this very provision was put in the permanent legislation passed by this body last Saturday, when we wanted to be certain that the punishment or the force, so to speak—and here the force is injunctive relief—would not fall upon the individual who, for what he believed to be good cause and for reasons of his own, quits work. The section itself is certainly intended to reach only those who in concert act to block the work while the industry is under the control of the Government. The amendment constitutes a clarifying statement. Nothing is left in doubt if we adopt this language, certainly there is doubt if it is not adopted.

I now yield to the Senator from Oregon.

Mr. CORDON. I desire to propound an inquiry to the distinguished Senator from West Virginia, and to explain why the interrogatory is propounded.

In cases of this character, when interpretation becomes necessary by the court, the statements made by those who propose legislation become evidentiary in connection with the interpretation which may be made by the court. The distinguished Senator has presented this amendment, which frankly in my opinion, is absolutely essential if we are to adopt the section in question, and his understanding as to the meaning of the language becomes doubly and trebly important.

I ask the Senator from West Virginia whether in his opinion the word "only" as used in the sentence means that as to the individual involved he is not liable to the injunction process solely and for no other reason but the fact that he himself, without consideration for the action of any other person does not return to work?

Mr. REVERCOMB. I think it very clearly means that. I think that the use of the word "only" limits and strengthens the intent of this language, that when the individual quits only, or does not return to work only because he himself is acting, that injunctive relief should not lie.

Mr. CORDON. Will the Senator from West Virginia indulge me further?

Mr. REVERCOMB. I yield.

Mr. CORDON. I desire to say further that if the amendment of the Senator from West Virginia is adopted, then, as one Member of this body, I can support section 5. If it is rejected I cannot support it, because in my opinion the section as a whole violates the fundamental fabric of the Government.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from West Virginia [Mr. REVERCOMB].

Mr. REVERCOMB. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BARKLEY. Just a moment. If this amendment is adopted to section 5 the Senate may as well adopt the same amendment to section 6.

Section 6 begins as follows:

Any affected employee—

That is, any single employee affected by these violations—

who fails to return to work on or before the finally effective date of the proclamation * * * shall not be regarded as an employee of the owners or operators thereof for the purposes of the National Labor Relations Act or the Railway Labor Act.

If we are going to exempt single employees who say, "I did not go out in concert; I merely got tired and quit," we might as well put the exemption in section 6, so that there will be no loss of rights under section 6. Then all we shall have left will be a pious prayer and supplication on the part of the President of the United States—"Won't you please go back to work?"

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from West Virginia [Mr. REVERCOMB].

Mr. REVERCOMB. Mr. President, in reply to what has been said——

The PRESIDING OFFICER. The Chair advises the Senator from West Virginia that he has already made one speech on the amendment.

Mr. MILLIKIN. Mr. President——

Mr. TAFT. Mr. President——

Mr. REVERCOMB. Mr. President, have I the right to yield?

The PRESIDING OFFICER. The Chair recognizes the Senator from Colorado in his own right.

Mr. MILLIKIN. Mr. President, with all due respect to the distinguished majority leader, I can see no analogy whatever between affixing the amendment which the distinguished Senator from West Virginia has offered, at the place where he has offered it for inclusion, and affixing it to the next paragraph. The subject matters of the two sections are entirely different. One does not require the same context or the same theory of approach as the other.

I, too, hope that the amendment of the Senator will be adopted. Like the distinguished Senator from Oregon [Mr. CORDON], I could possibly support the bill, if I supported it at all, only if that provision were included.

Mr. OVERTON. Mr. President, I am in thorough accord with the position taken by the majority leader in reference to the proposed amendment. I wish to take this occasion to congratulate him on the magnificent manner in which he has met the issues in this great debate. I do not believe that our majority leader has ever risen to greater heights of leadership than he has in the conduct of the pending measure.

Mr. President, it is now 11:27 p. m., and we are standing here caviling and quibbling about prohibitory injunctions and mandatory injunctions. We are caviling and quibbling about this little provision in the bill, and that little provision in the bill. We are overlooking the great objective of the pending legislation. The great objective is to prevent a recurrence of the episodes which disgraced law and order in the American

Republic during the past few weeks and which brought people of the United States to the verge of economic disaster, starvation, and ruin. In the near future we shall be faced with similar episodes. Yet we stand here, and, instead of acting, we are caviling about whether some labor leader may perforce be enjoined, or whether some labor racketeer may be imprisoned. That is the important issue. The unimportant issue is that millions of people may have their economy disrupted and that thousands upon thousands of men, women, and children—and even babies—may face starvation as a result of similar strikes which have been proposed and which may develop within a few weeks.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. OVERTON. I will yield in a moment.

So far as I am concerned, I stand by the voice of the American people, who want the Congress of the United States to do something for their own rescue and their own salvation, against the threats to the Federal Government and to the welfare and security of the Nation. I care not whether any labor leader, whether he be a Lewis or a Murray or anyone else, is enjoined or not. What difference does it make when we are face to face with the stark realities of threatened disaster?

I now yield to the Senator from West Virginia.

Mr. REVERCOMB. Mr. President, I have listened to the Senator's condemnation of the labor leader. But the very purpose of the proposed amendment is to protect the individual workingman himself, who may be ordered by that leader to follow a certain course, but who should not be punished or forced by an injunction to do something when for good reasons of his own he individually stops work.

Mr. OVERTON. My answer to the Senator is that I am against his amendment, and I shall vote against it.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from West Virginia [Mr. REVERCOMB]. On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BUTLER. I have a pair with the senior Senator from Alabama [Mr. BANKHEAD]. Not knowing how he would vote, I withhold my vote.

Mr. HOEY. My colleague the senior Senator from North Carolina [Mr. BAILEY] is detained because of illness. If present and voting he would vote "nay."

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Alabama [Mr. BANKHEAD] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senators from Idaho [Mr. GOSSETT and Mr. TAYLOR] are absent by leave of the Senate.

The Senator from Florida [Mr. ANDREWS] is necessarily absent.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from Utah [Mr. THOMAS], and the Senator from Maryland [Mr. TYDINGS] are detained on public business.

I announce further that the Senator from Utah [Mr. THOMAS] has a general pair with the Senator from New Hampshire [Mr. BRIDGES].

I also announce that on this question the Senator from Idaho [Mr. TAYLOR] is paired with the Senator from Maryland [Mr. TYDINGS]. If present and voting, the Senator from Idaho [Mr. TAYLOR] would vote "yea", and the Senator from Maryland [Mr. TYDINGS] would vote "nay."

Mr. WHERRY. The Senator from New Hampshire [Mr. BRIDGES], who is necessarily absent, has a general pair with the Senator from Utah [Mr. THOMAS].

The Senator from South Dakota [Mr. BUSHFIELD] and the Senator from North Dakota [Mr. LANGER] are necessarily absent.

The Senator from New Hampshire [Mr. TOBEY] is absent on official business.

The Senator from North Dakota [Mr. YOUNG] is absent by leave of the Senate.

The result was announced—yeas 36, nays 44, as follows:

YEAS—36

Aiken	McCarran	Revercomb
Ball	Magnuson	Robertson
Brewster	Mead	Shipstead
Brooks	Millikin	Smith
Buck	Mitchell	Taft
Cordon	Moore	Tunnell
Donnell	Morse	Wagner
Downey	Murdock	Walsh
Ferguson	Murray	Wheeler
Guffey	Myers	Wherry
Kilgore	O'Daniel	Willis
La Follette	Pepper	Wilson

NAYS—44

Austin	Hart	McMahon
Barkley	Hatch	Maybank
Briggs	Hawkes	O'Mahoney
Burch	Hayden	Overton
Byrd	Hickenlooper	Radcliffe
Capehart	Hill	Reed
Capper	Hoey	Russell
Connally	Huffman	Saltonstall
Eastland	Johnson, Colo.	Stanfill
Ellender	Johnston, S. C.	Stewart
Fulbright	Knowland	Thomas, Okla.
George	Lucas	Vandenberg
Gerry	McClellan	White
Green	McFarland	Wiley
Gurney	McKellar	

NOT VOTING—16

Andrews	Butler	Thomas, Utah
Bailey	Carville	Tobey
Bankhead	Chavez	Tydings
Bilbo	Gossett	Young
Bridges	Langer	
Bushfield	Taylor	

So Mr. REVERCOMB's amendment was rejected.

The PRESIDING OFFICER. The question now recurs on agreeing to the amendment offered by the Senator from New York [Mr. MEAD].

Mr. BARKLEY. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. WHITE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WHITE. What is the question upon which the Senate is now voting?

The PRESIDING OFFICER. The amendment offered by the Senator from New York [Mr. MEAD] to strike out section 5.

The legislative clerk resumed and concluded the calling of the roll.

Mr. BUTLER. I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD]. Not knowing how he would vote, I withhold my vote.

Mr. HOEY. My colleague the senior Senator from North Carolina [Mr. BAILEY], is detained because of illness. If present, he would vote "nay."

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY], and the Senator from Alabama [Mr. BANKHEAD] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senators from Idaho [Mr. GOSSETT and Mr. TAYLOR] are absent by leave of the Senate.

The Senator from Florida [Mr. ANDREWS] is necessarily absent.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from Utah [Mr. THOMAS], and the Senator from Maryland [Mr. TYDINGS] are detained on public business.

I announce further that the Senator from Utah [Mr. THOMAS] has a general pair with the Senator from New Hampshire [Mr. BRIDGES].

I also announce that on this question the Senator from Idaho [Mr. TAYLOR] is paired with the Senator from Maryland [Mr. TYDINGS]. If present and voting, the Senator from Idaho [Mr. TAYLOR] would vote "yea," and the Senator from Maryland [Mr. TYDINGS] would vote "nay."

Mr. WHERRY. The Senator from New Hampshire [Mr. BRIDGES], who is necessarily absent, has a general pair with the Senator from Utah [Mr. THOMAS].

The Senator from South Dakota [Mr. BUSHFIELD] and the Senator from North Dakota [Mr. LANGER] are necessarily absent.

The Senator from New Hampshire [Mr. TOBEY] is absent on official business.

The Senator from North Dakota [Mr. YOUNG] is absent by leave of the Senate.

The result was announced—yeas 19, nays 61, as follows:

YEAS—19

Aiken	Magnuson	Taft
Cordon	Mead	Tunnell
Downey	Mitchell	Wagner
Guffey	Morse	Walsh
Kilgore	Murray	Wheeler
La Follette	Pepper	
McCarran	Shipstead	

NAYS—61

Austin	Hart	O'Daniel
Ball	Hatch	O'Mahoney
Barkley	Hawkes	Overton
Brewster	Hayden	Radcliffe
Briggs	Hickenlooper	Reed
Brooks	Hill	Revercomb
Buck	Hoey	Robertson
Burch	Huffman	Russell
Byrd	Johnson, Colo.	Saltonstall
Capehart	Johnston, S. C.	Smith
Capper	Knowland	Stanfill
Connally	Lucas	Stewart
Donnell	McClellan	Thomas, Okla.
Eastland	McFarland	Vandenberg
Ellender	McKellar	Wherry
Ferguson	McMahon	White
Fulbright	Maybank	Wiley
George	Millikin	Willis
Gerry	Moore	Wilson
Green	Murdock	
Gurney	Myers	

NOT VOTING—16

Andrews	Butler	Thomas, Utah
Bailey	Carville	Tobey
Bankhead	Chavez	Tydings
Bilbo	Gossett	Young
Bridges	Langer	
Bushfield	Taylor	

So Mr. MEAD's amendment was rejected.

The PRESIDING OFFICER. If there be no further amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

Mr. PEPPER. Mr. President, I shall not delay the Senate, because I think I speak for a good many of those who have been opposing this measure when I observe that there is no further use in attempting to delay this matter. The Senate has made up its mind about the action it desires to take.

I only wish to say, with all due deference to our able leader, that on Monday evening last he expressed the thought that nothing would be gained by further consideration of this bill. Some of us were subjected to considerable criticism because of a request that sufficient time be allowed for public opinion to express itself on this measure, if it cared to do so. I am glad that in the time which has elapsed since Saturday night, when the attempt was made to have us act hastily, sufficient consideration has been given and sufficient thought has been devoted to result in the adoption of substantial amendments to the bill. Section 7, providing for drafting labor into the Army, was stricken out, and then section 9 was stricken out, and section 6 was amended so as to remove the penalty of loss of seniority rights to workers who might stop work in a legal sense, and other significant changes have been made in the bill, I am sure everyone will agree. So that there has been a salutary change of the measure by reason of the opportunity, afforded by the time which has elapsed, to consider the bill, as I have stated. I think there is probably a lesson involved in the matter, namely, that no matter how great the pressure and no matter how insistent the demand, we must, above everything else, preserve the character of this body as a deliberative body. We cannot deliberate upon a measure without having a fair opportunity to consider it and to discuss it. So much for that.

Now, Mr. President, let me say that I think it is plain, nevertheless, as the measure stands now, that by this bill we have made a very significant and signal departure from the law of the past. For the first time the Congress has chosen to make it unlawful for an individual worker to quit work, if the plant at which he works happens to be in the custody of the United States Government, pursuant to the mentioned proclamation of the President of the United States. In the Smith-Connally Act we have subjected the leaders of such strikes to prosecution, but in that law itself we exempted the individual worker from subjection to the penalty of prosecution.

In the pending measure, the one man or one woman who exercises a right which I thought no one had seriously challenged—the right of a man or woman to quit work, or not to return to work even if the Government had custody of the plant at which he or she worked—we have now adjudicated that that is unlawful and, being unlawful, he is subject, first, to a legal deprivation of the protection which he has otherwise had under the National Labor Relations Act and the Railway Labor Act; second, he is subject to criminal prosecution, and he may be fined $5,000 or imprisoned in the penitentiary for 1 year, or both; third, he may be tried by a single judge in a contempt proceeding filed by the Attorney General of the United States, without any limit upon the penalty which the judge may impose upon him, and he may be incarcerated in prison, and the language under which he may be incarcerated is so general that no court in the land can effectively review the discretion or the act of the judge who inflicts upon him that penalty.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. TAFT. On the other hand, it may be pointed out that so far as the officers of the union are concerned, the leaders who have to a large extent caused the trouble, this bill, so far as I can see, gives absolutely no power, of any substance whatever, which does not already exist in the Smith-Connally Act. So all we are doing is adding the ordinary workmen on the street to those to whom the penalties of the Smith-Connally Act can be applied.

Mr. PEPPER. I think the Senator is correct in what he says.

Mr. President, all this we have done in order that the President might somehow meet an emergency which he has already met, in order that we might be prepared to face a crisis which is not in anticipation. All this we have done, Mr. President, when the President of the United States already had the authority to take over plants and to settle with the workers, as he has already done in the mine strike, and as he has already done in the rail strike. And I dare say, none of us anticipates any strike or work stoppage anything like as serious as those two which already have been settled by the order of the President.

Mr. President, I desire to thank Senators for their consideration and their indulgence, and I express the hope that even as late as at the time of the final passage of this bill there may be a reservation as to giving this unwarranted and this unprecedented authority.

Mr. O'MAHONEY. Mr. President, I desire to say that I do not accept the interpretation of this measure which has just been announced by the Senator from Florida. This bill depends completely upon the declaration of the President that the maintenance of the national economy is necessary. Without the maintenance of the national economy there can be no security for labor, there can be no prosperity for those who may regard themselves as men or women of property, and there can be no safety for the people of the United States as a whole. In my judgment, the interpretation of the Senator from Florida is completely and utterly without foundation.

Mr. BARKLEY AND OTHER SENATORS. Vote! Vote!

Mr. REVERCOMB. Mr. President, I hope the Senate will bear with me for a brief observation in regard to this measure before the vote is taken upon it.

I am thoroughly impressed with the changes which have been made since we began consideration of the pending bill. I am particularly impressed by the fact that the section which provided that the workingman could be impressed into the Army and placed under the force of martial law has been stricken from the bill by a great majority of Members of the Senate upon a vote. I have opposed that section from the beginning of this discussion which has lasted throughout the week.

I am also glad that, as we approach a final vote, section 9, which provided for the seizure of any business or industry and permitted the President to use public funds to operate it and to place any profits in the Public Treasury, has also been eliminated.

I saw in that section Mr. President, an open gate for those in our country who are communistically inclined, to foment trouble so that the Government would be compelled to seize the plants and industries, and operate them under Government ownership. It would not have been an ordinary seizure had that section remained in the bill, but it would have been a seizure of ownership, and the Government would have been compelled to finance the business and take the profits made from it, and perhaps to have continued such operation.

With respect to injunctive relief, it has already been pointed out that such relief is not a power given to, or which may be sought by any employer, but is a power which is placed in the hands of the Government, because the Government is the one which takes over in the interest of the public at large, and only upon the order of the President, and only through his authority may injunctive procedure be taken.

I had wished that we did not have to enact any legislation on the subject at all. But events have shown that legislation is necessary. We cannot close our eyes to the facts. My sympathies are with the individual worker. I believe that he wants to work. I believe that he wants his income to be continued. I believe that he does not want to lay off during the arbitration of settlements, or during disputes which may arise. I believe that he would rather continue to draw his income instead of spending his savings which he has laid aside to use at some time in the future. If he desires that, then the opportunity to continue should be given him.

It seems to me that the proposed legislation, and particularly the legislation which we passed last Saturday night, will give protection and opportunity to the worker who himself desires to continue his work so that when disputes arise he will have no fear about going ahead and will have an opportunity to continue receiving the income which he needs.

Mr. President, I join in giving this proposed power to the President of the United States with the earnest hope

and trust that it will be used wisely, and only when the general welfare of the entire country is threatened.

Mr. GEORGE. Mr. President, I do not rise to make a speech, but to deny categorically the interpretations which have been placed upon this bill by the Senator from Florida, and others who may participate with him in the views which he has expressed.

This bill does not prescribe a criminal offense on the part of any individual, except an officer or an employee who is conducting or permitting a lock-out or interruption, or an officer of a labor organization who is conducting or permitting a strike, slow-down, or interruption.

Mr. PEPPER. Mr. President, will the Senator yield? I do not wish to interrupt the Senator now if he does not wish to yield to me, but I should like to have an opportunity to make a statement.

Mr. GEORGE. I yield.

Mr. PEPPER. Is it not true that under the Federal statute, when an offense is declared to be unlawful and no specific penalty is provided, there is a catch-all penalty provision?

Mr. GEORGE. I know of no such provision.

Mr. PEPPER. I am sure there is.

Mr. GEORGE. I am sure there is no such provision. In the pending bill there is no intention to define a crime. There is no offense on the part of the individual worker. Of course, an individual worker may concert with another individual worker, or a dozen individual workers, and engage in a strike and become subject to the injunctive process. But subsection (b) of section 4 is a declaration that the "continuation of a strike, lock-out, slow-down, or any other interruption,"—which means any other like interruption, of course, under every rule of construction—is declared to be unlawful, but no penalty is attached to it. It is the basis, of course, of injunctive relief, but it is the continuation of the strike which makes it necessary for the Government to take over. Therefore, there is no offense against an individual who acts in his individual capacity in refusing to work, or in leaving a plant.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. GEORGE. I decline to yield.

The PRESIDING OFFICER. The Senator from Georgia declines to yield.

Mr. GEORGE. I am not engaging in a didactic exercise.

The only provision which applies to an individual in this whole bill, unless the individual himself is an offender, is when he is a strike participant, and resisting an injunctive process as a member of an organization or a group. A strike can never be carried on by one person. It must always be carried on by two or more persons. Under this bill, the individual will be affected only when, after the Government has taken over, he declines to reenter the employ of the employer, or refuses to return to work either while the Government is operating the plant or when the owner takes over. In that case, if he does present himself for reemployment he may be taken back and even his rights under the National Labor Relations Act and the Railway Labor Act may be completely restored to him. The only possible deprivation to the individual as such, when he is acting in his individual capacity under this bill, and is not one of the officers or agents of the employers, or one of the officers or agents of the union, would be in the denial of the right or immunity which is given to the worker under the National Labor Relations Act or under the Railway Labor Act, in the event that he declines to return to his work while the Government is in possession of the plant.

Mr. President, I merely wished to say that much because I regard it as grossly unfair for any man occupying a seat in the Senate of the United States to make to the great American public and to that vast host of men and women in America who are numbered among America's workers a statement that will not hold water.

Mr. FERGUSON. Mr. President, I wish to say that I am in entire accord with the interpretation just given to the sections of the bill by the able Senator from Georgia. After hearing all the discussion, I think that a fair interpretation of subsection (b), on page 3, is that the man would be compelled to take concerted action with some one else, and that a fair interpretation is that the exceptions of section 6 of the Smith-Connally Act are in effect in that section. As the bill is now on the desks of Senators, I can vote for it, because I think under the circumstances it is fair to all parties concerned, and to the American people.

Mr. PEPPER. Mr. President——

The PRESIDING OFFICER. For what purpose does the Senator rise?

Mr. PEPPER. To make a motion.

The PRESIDING OFFICER. What is the motion?

Mr. PEPPER. The motion is that the bill be recommitted.

The PRESIDING OFFICER. All in favor of the motion——

Mr. PEPPER. No, Mr. President; I wish to address myself to the motion. It is debatable, is it not?

The PRESIDING OFFICER. It is.

Mr. PEPPER. Mr. President, in answer to what has been said in response to what I gave as my honest interpretation of this section, I may say that I did not expect I was being made a man of questionable character because I gave my own legal interpretation of this section. I think I have a right to reply when I am attacked for giving what I believe to be the meaning of the section.

Mr. President, I address myself to page 3, section 4, subparagraph (b), which reads:

> On and after the finally effective date of any such proclamation, continuation of a strike, lock-out, slow-down, or any other interruption at any such plant, mine, or facility shall be unlawful.

Mr. President, a continuation of a strike will mean one individual not going back to work at the proclamation of the President.

I understood the able leader—I may have misunderstood him—in arguing the amendment of the Senator from West Virginia, to emphasize the necessity of being able to use injunctive relief against an individual, and I wonder why subsection (b) of section 4 was made unlawful if it was not intended to mean something.

Mr. President, I have not been able to get the criminal code index, and I do not know whether one able lawyer sitting near me would care to express an opinion or not, but it is my recollection that when under a Federal statute an act is declared unlawful and no specific penalty is provided, there is a general catch-all provision, a general provision of the Federal statute, which says what penalty shall apply. I am perfectly willing, when I have time to examine the statutes, to bring the matter again to the attention of the Senate, to see whether I am so grossly wrong or not. I may be in error. I am giving the benefit of my best recollection.

I ask why the word "unlawful" was put in the section unless it was intended to mean something, because in a statute every word is presumed to have some purpose, and to be inserted for some meaning, and it is declared unlawful for a worker to continue a strike—that means not to go back to work. I am just giving one illustration, and I could give more.

I say, therefore, that even the criminal section of this proposed statute in my opinion is applicable to the individual, and can be enforced against him. For example, if there were a mine strike, and the miners were ordered to go back to work, and a miner said, "I will stay out," he would be subject to criminal prosecution for staying out. That is what I said a while ago.

Secondly, I said the individual was subject to injunctive process upon the petition of the Attorney General, and unless I grossly misunderstood the able leader, he argued against the amendment of the Senator from West Virginia because that amendment was intended to except the individual who did not work, or did not go back to work, from the penalty of contempt of court under section 5.

I understood the able leader to argue the necessity of having that provision, that it should not be necessary to prove conspiracy, concert of action, common understanding; that it was necessary to get results, to apply the injunctive remedy to the individual. That is what I understood the leader to say. Whether he said it or not, that is what I understood.

Mr. BARKLEY. Mr. President——

Mr. PEPPER. If the Senator will pardon me just a moment, that is what I understood the language of section 5 to mean, when it says:

> The Attorney General may petition any district court * * * for injunctive relief, and for appropriate temporary relief or restraining order, to secure compliance with section 4 hereof or with section 6 of the War Disputes Act.

Section 4, as the Senator from Kentucky clearly pointed out, has two parts to it, subparagraph (a), which applies to officers and agents of employers and officers and agents of labor organizations, and subparagraph (b), which applies to the workers themselves.

Mr. President, I may be wrong, but I respectfully submit that honest men may differ in their interpretation of the lan-

guage of that section, and I am just about as honest, I believe, according to my standards, as other Senators, and I do not think I am subject to being accused of trying to propagate some falsehood upon the country because I give what is my interpretation of the language.

As I have said, I believe the bill means exactly what I said it means, and is intended to apply to the individual. If I am in error, it is a conscientious error.

I yield to the Senator from Kentucky.

Mr. BARKLEY. Mr. President, the Senator has put an interpretation upon what I stated in argument, and I do not want any misinterpretation, however innocently made, and I do not suggest at all——

Mr. PEPPER. I certainly do not wish to misinterpret the Senator.

Mr. BARKLEY. I do not suggest that, but inasmuch as the Senator did put words in my mouth, or an interpretation on my statement, I wish merely to say that in opposing the amendment of the Senator from West Virginia, and other similar amendments, I stated that the whole theory of the bill was based upon concerted action on the part of those who engaged in strikes or lock-outs. I emphasized the fact that, if a single individual, free from anybody else, dissociated completely from anybody else, made up his mind that he wanted to quit work, he had the right to do that, and the injunctive process would not apply to him. But the theory of this section is that there is concerted action, there is a strike, and a strike must be participated in by more than one person, and wherever there is concert of action, regardless of the number, whether it may be 100 or 1,000, the injunctive process would apply to each of those who were guilty of the concert of action which resulted in the strike.

There is a vast difference between that and an individual man making up his mind that he is ready to quit work on his own, without any regard to any concert of action or any conference or agreement with anyone else. That is the interpretation I put upon it.

Mr. REVERCOMB. Mr. President, will the Senator from Florida yield?

Mr. PEPPER. In just one minute. I again want to read subparagraph (b), and see whether there is anything in it about concert of action. The able Senator may have his own theory about the theory of the bill, but the bill will be construed by Federal judges. I heard what the Senator said about concert of action in debate but this is the language we are passing in this bill.

> On and after the finally effective date of any such proclamation, continuation of a strike, lock-out, slow-down, or any other interruption at any such plant, mine, or facility shall be unlawful.

I ask the able leader where there is anything in that about concert of action.

Mr. BARKLEY. I will tell the Senator where it is if he can tell me how one man can strike by himself.

Mr. PEPPER. A little while ago there was a truce in the mines. Mr. Lewis asked the miners to go back to work. Ninety thousand miners in western Pennsylvania did not go back. If two did not go back, it would seem to be a continuation of the strike for those who did not go back. I believe it is a fair interpretation that that would subject the two who did not go back to work—and the purpose of the bill is to get them all back to work—to this injunctive process.

Mr. REVERCOMB. Will the Senator yield?

Mr. PEPPER. I yield.

Mr. REVERCOMB. I know that if there is any doubt about this language, and the bill should become law, the courts will turn to the RECORD of the debates in the Senate, perhaps, for guidance in interpreting the law, and since the majority leader has guided the bill through on behalf of its proponents, may I address a question to the Senator from Kentucky, with the permission of the Senator from Florida?

I want to ask the Senator from Kentucky very directly if it is his view that the stoppage of work by an individual, by any one man acting upon his own judgment, or refraining from work acting upon his own individual judgment, subjects him to any punishment or any penalty, or injunctive action under the bill. What is the answer of the Senator from Kentucky?

Mr. BARKLEY. I stated as clearly as I knew how to state, in the first place, over and over again, and reiterated it time after time, that the penalty provided for in subsection (c) of section 4 does not apply to subsection (b), which applies to individual workers. It applies only to subsection (a), which includes officers of either corporations or organizations.

I hesitate to feel that whatever I may say here may have any effect upon a court in interpreting the law, but I think I have said, and I maintain, that wherever a single human being at work for anybody decides that he does not want to work any longer he has the right to cease work, and there is no penalty. But where he does it as the result of concert of action, by agreement, which is the sort of thing we are trying to deal with here, he would not be subject to the penalty described in subsection (b), a fine and imprisonment, but he would be subject to the economic penalty of losing his status as an employee, and, along with all those who had concerted with him, he would be subject to the injunctive process under section 5.

Mr. REVERCOMB. Mr. President, will the Senator from Florida yield for a moment?

Mr. PEPPER. I yield.

Mr. REVERCOMB. I wanted that answer from the Senator from Kentucky because, as I want to say to the Senator from Florida emphatically, if I believed this law would prevent any individual man from stopping work upon his own judgment or from refusing to go to work or from staying away from work for any cause which he in his own judgment thought sufficient, I would not support the bill. But it seems to me that this measure is aimed at a concerted action—I will not use the word "conspiracy," but an action where several get together to effect the purpose.

SEVERAL SENATORS. Vote! Vote!

Mr. CORDON. Mr. President, I shall detain the Senate for just a moment. First I wish to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CORDON. Did the Senator from Florida withdraw his motion to recommit? May I inquire as to whether the Senator from Florida withdrew his motion to recommit?

Mr. PEPPER. Mr. President, in order that I might have an opportunity to give my interpretation of the meaning of this measure in reply to what was said by the Senator from Georgia [Mr. GEORGE], and my time on the bill having elapsed, I made a motion to recommit the bill. I do not wish to press the motion. And I now withdraw it.

Mr. CORDON. Mr. President, I regret that the Senator from Florida withdrew his motion. I think that during the time I have been a Member of the Senate, covering a period of a little more than 2 years, there has never been an occasion when the debate on this floor has more clearly exemplified a situation demanding a more searching investigation into a major problem than has this. Admittedly the bill came here without careful consideration. It had to because of the emergency. Admittedly the committee which considered it reported it without adequate consideration. It felt under the circumstances that that was its duty. Admittedly, Mr. President, the Members of this body have not had an opportunity to consider the major problems involved in legislation of the magnitude of that which faces us tonight.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. CORDON. Will the Senator permit me to continue for a moment, please.

At the best, Mr. President, the consideration which we have been able to give has been cursory. The measure could not be well considered. We have not had the time to do it. We have not had an opportunity to make the research necessary upon which to predicate it. We have not had the opportunity to call upon those who have the information and the experience that we do not have. Yet at this time we are called upon to cast a vote upon a bill which, despite what anyone says, despite what contention may be made to the contrary, carries within it certain sections that in my opinion very gravely impinge upon the constitutional guaranties of the people of this country.

Mr. President, when I make this statement I want to call to the attention of the Senate the fact that my record in the Senate in the last 3 weeks in connection with the consideration of the amendments to the Case bill indicates certainly that I am not one of those who have gone all-out for organized labor solely because it happens to be organized labor. I voted right down the line for amendments which substantially put into that bill the so-called Case provisions. I did that, Mr. President, because in my considered opinion when we contemplated the emergency facing the country it was better to put some affirmative provisions into that law which could go into effect, and through actual operation give to the

Senate and to the people an experience in fact upon which we could base our conclusions as to where we may have been wrong in those amendments.

The fact, Mr. President, that the law before the amendments were added was inadequate, the fact that there were injustices, was so evident that it needed no consideration. I voted for those amendments to the Case bill. I hoped that we would have there at least the basis upon which we could create a structure of law that was fair to all people. I still have that hope.

Mr. President, I recognize what faced the Senate when the seizure bill came forth, I recognized what faced that harassed man at 1600 Pennsylvania Avenue when the coal strike hit him, and the railroad strike hit him, and he knew not where to turn. I recognize those things and appreciate them, and I am willing to go as far as the next patriotic American citizen in assisting in working out a solution of the problem.

But Mr. President, I cannot believe that this bill is even an approach to the solution. There is nothing in it in the way of fundamental law that does not exist in the Smith-Connally Act. Shall we say, "Yes, we have the injunction proceeding?" Let me answer, Mr. President, that in the Smith-Connally Act we have a criminal provision which is far stronger. Has it ever been used? It never has. Have we not witnessed the strike in the coal fields led by Mr. John L. Lewis in connection with which for almost 3 weeks he was in violation of the criminal section of the Smith-Connally Act—guilty of a crime under the law of the United States, subject to a fine of $5,000 and imprisonment in a Federal institution for a year? Has anything been done with reference to an indictment under that law? There has not.

Mr. President, understand me, I do not criticize that situation. In the very nature of things such a thing could not have been done. Mr. Lewis was representing the men who charged him with the duty of representing them. The only possibility in the wide world that the Federal Government had of reopening the coal mines rested in the Government dealing with the only representative in the United States with the power to deal. So the Government did the only thing it could, and the same thing will be true Mr. President, if we add to that penalty an equally ineffective injunction proceeding.

Mr. President, the point I want to make is this: We are putting this law on the statute books without having given to the workingman of this country a fair break. We are saying that the industries involved, the public utilities, all those of interstate character and essential to the economy of the Nation, or any of them, may be seized; that the various mechanics of the act may be used; all of them directed against men whose honest day's labor makes for their functioning or makes them worth a continental. Have we anywhere in the measure set up any board, any tribunal, any court to which that workingman can come and bring his appeal or his complaint and say, "This is what I think is wrong. This is where I think an injustice exists. These are the facts upon which my complaint is based. I ask for an honest adjudication so I may not be compelled to strike"?

Is there anything in the measure that gives the workingman that chance? Again let us be wholly fair. In connection with the railroads there is. The Railway Act gives an opportunity for arbitration. But where else—where in connection with communications, where in connection with the busses, where in connection with all the other industries, including the coal mines, may the workers go for an opportunity to present their case to anybody but to those who are opposed to them: their employers? Where can they go?

I want to say frankly, I subscribe wholeheartedly to the philosophy that there can be no right to strike against one's government. I shall support that to any extent that may be necessary. But, Mr. President, so long as there are men in great numbers who are dependent on their work every day for their daily bread and for the lives of their wives and children, I shall not support the type of legislation which comes here until we have established a tribunal which is fair and impartial, where those men may go and have their cases considered before this type of action—seizure—is authorized to be invoked. We have not done it, Mr. President.

I regret that the Senator from Florida did not insist upon his motion to recommit. I cannot but feel that if we devote 5 days or 10 days to careful and complete committee action, out of it can come a bill which will give to the average working "stiff" an opportunity to be heard before he is brought before a court in an injunction proceeding because he is attempting to get a little more of this world's goods than someone else thinks he should have.

So, Mr. President, I move that the bill be recommitted, with its amendments, to the Committee on Interstate Commerce, with directions that that committee report the bill, with its recommendations and such comments as it wishes to make, on or before the 10th day of June 1946 .

Mr. STEWART. Mr. President, I move to lay that motion on the table.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. CORDON. I yield.

Mr. AIKEN. Does the Senator recall any other instance since he has been a Member of the Senate when citizens of the United States have been denied the right of petition to their Congress? Is it not true that responsible citizens of this country, including ex-Governor Stassen, of Minnesota, have asked to be heard on this bill and have been denied that right?

Mr. CORDON. I have no personal knowledge as to the facts; but the fact is clear that there has been no opportunity, which should be given, in order that we may enact the type of American legislation which gives to every man the honest break to which he is entitled, while at all times maintaining the supremacy of the Government of the United States for the benefit of all the people.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee [Mr. STEWART] to lay on the table the motion of the Senator from Oregon [Mr. CORDON] to recommit the bill.

The motion to recommit was laid on the table.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no further amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. BARKLEY. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. BUTLER. I have a pair with the senior Senator from Alabama [Mr. BANKHEAD]. I transfer that pair to the Senator from New Hampshire [Mr. TOBEY], who would vote as I am about to vote. I vote "yea."

The PRESIDING OFFICER (Mr. HOEY in the chair). My colleague, the senior Senator from North Carolina [Mr. BAILEY] is absent because of illness. If present and voting, he would vote "yea."

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Alabama [Mr. BANKHEAD] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senators from Idaho [Mr. GOSSETT and Mr. TAYLOR] are absent by leave of the Senate.

The Senator from Florida [Mr. ANDREWS] is necessarily absent.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from Utah [Mr. THOMAS], and the Senator from Maryland [Mr. TYDINGS] are detained on public business.

I announce further that the Senator from Utah [Mr. THOMAS] has a general pair with the Senator from New Hampshire [Mr. BRIDGES].

I also announce that on this question the Senator from Idaho [Mr. TAYLOR] is paired with the Senator from Maryland [Mr. TYDINGS]. If present and voting, the Senator from Idaho [Mr. TAYLOR] would vote "nay," and the Senator from Maryland [Mr. TYDINGS] would vote "yea."

I announce further that if present and voting the Senator from Florida [Mr. ANDREWS] would vote "yea."

Mr. WHERRY. The Senator from New Hampshire [Mr. BRIDGES] who is necessarily absent, has a general pair with the Senator from Utah [Mr. THOMAS].

The Senator from South Dakota [Mr. BUSHFIELD] is unavoidably absent. If present he would vote "yea."

The Senator from North Dakota [Mr. LANGER] is necessarily absent.

The Senator from New Hampshire [Mr. TOBEY] is absent on official business. If present he would vote "yea."

The Senator from North Dakota [Mr. YOUNG] is absent by leave of the Senate.

The result was announced—yeas 61, nays 20, as follows:

YEAS—61

Austin	Gurney	O'Mahoney
Ball	Hart	Overton
Barkley	Hatch	Radcliffe
Brewster	Hawkes	Reed
Briggs	Hayden	Revercomb
Brooks	Hickenlooper	Robertson
Buck	Hill	Russell
Burch	Hoey	Saltonstall
Butler	Huffman	Smith
Byrd	Johnson, Colo.	Stanfill
Capehart	Johnston, S. C.	Stewart
Capper	Knowland	Thomas, Okla.
Connally	Lucas	Vandenberg
Donnell	McClellan	Walsh
Eastland	McFarland	Wherry
Ellender	McKellar	White
Ferguson	McMahon	Wiley
Fulbright	Maybank	Willis
George	Moore	Wilson
Gerry	Murdock	
Green	Myers	

NAYS—20

Aiken	Magnuson	Pepper
Cordon	Mead	Shipstead
Downey	Millikin	Taft
Guffey	Mitchell	Tunnell
Kilgore	Morse	Wagner
La Follette	Murray	Wheeler
McCarran	O'Daniel	

NOT VOTING—15

Andrews	Bushfield	Taylor
Bailey	Carville	Thomas, Utah
Bankhead	Chavez	Tobey
Bilbo	Gossett	Tydings
Bridges	Langer	Young

So the bill (H. R. 6578) was passed.

Mr. BARKLEY. Mr. President, I move that the Senate insist on its amendments, request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to.

The PRESIDING OFFICER. The Chair will announce the appointment of conferees at a later time.

EXTENSION OF SELECTIVE TRAINING AND SERVICE ACT OF 1940

Mr. GURNEY. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1184, Senate bill 2057, and that it be made the unfinished business of the Senate.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (S. 2057) to extend the Selective Training and Service Act of 1940, as amended, until May 15, 1947, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Dakota [Mr. GURNEY].

The motion was agreed to; and the Senate proceeded to consider the bill, which is as follows:

Be it enacted, etc., That all of the provisions of the Selective Training and Service Act of 1940, as amended, are hereby expressly reenacted, except those provisions which are hereinafter amended or repealed.

SEC. 2. The fourth proviso of the second sentence of section 3 (a) of the Selective Training and Service Act of 1940, as amended, is amended to read as follows: "*Provided further*, That on July 1, 1946, the number of men in active training or service in the Army shall not exceed 1,550,000, and that this number shall be reduced consistently month by month so that the Army's strength shall be 1,070,000 on July 1, 1947: *And provided further*, That on July 1, 1947, the number of men in active training or service in the Navy shall be 558,000 and in the Marine Corps 108,000: *And provided further*, That the monthly requisitions on the President under this act by the Secretary of War and the Secretary of the Navy shall not exceed the number of men required after consideration of the actual number of voluntary enlistments during the 3 months preceding that month in which the requisition is made. The men inducted into the land or naval forces for training and service under this act shall be assigned to camps or units of such forces."

SEC. 3. Section 3 (b) of such act, as amended, is hereby amended to read as follows:

"(b) Each man inducted on and after October 1, 1946, under the provisions of subsection (a) shall serve for a period of training and service of eighteen consecutive months, unless sooner discharged. Each man inducted prior to October 1, 1946, under the provisions of subsection (a) who shall have completed a period of training and service under this act of 18 months or more shall, upon his request, on and after such date, be relieved from active service. Notwithstanding the foregoing provisions, whenever, after January 1, 1946, the Congress declares that the national interest is imperiled, such periods of training and service may be extended by the President to such time as may be necessary in the interest of national defense."

SEC. 4. Section 3 (e) of such act, as amended, is hereby repealed.

SEC. 5. Section 5 (e) of such act, as amended, is amended by adding at the end thereof the following new paragraphs:

"(3) Every registrant found by his selective-service local board, subject to appeal in accordance with section 10 (a) (2), to have a child or children dependent upon him for support, or with whom he maintains a bona fide family relationship in their home, shall not, without his consent, be inducted for training and service under this act. The term 'child' as used in this paragraph includes a child legally adopted, a stepchild, a foster child, and a person who is supported in good faith by the registrant in a relationship similar to that of parent and child, but such term does not include any person 18 years of age or over, unless such person is physically or mentally handicapped.

"(4) Any man inducted under the provisions of section 3 (a) of this act who has a child or children, as hereinabove defined, dependent upon him for support, or with whom he maintains a bona fide family relationship in their home, shall, upon his request after August 1, 1946, be relieved from his period of training and service under this act."

SEC. 6. Section 5 (m) of such act, as amended, is amended to read as follows:

"No individuals shall be called for induction, ordered to report to induction stations, or be inducted because of their occupations, or by occupational groups, or by groups in any plant or institutions, except pursuant to a requisition by the land or naval forces for persons in needed medical professional and specialists categories."

SEC. 7. Section 16 (b) of such act, as amended, is amended to read as follows:

"(b) All of the provisions of this act, except the provisions of sections 3 (c), 3 (d), and 8, and the fourth proviso of the second sentence of section 3 (a), shall become inoperative and cease to apply on and after May 15, 1947, or on such earlier date as may be specified in a concurrent resolution of the two Houses of Congress for that purpose, except as to offenses committed prior to such date. On May 15, 1947, or on such earlier date as may be specified in such concurrent resolution, all the functions, responsibilities, records, and property of the Personnel Division of the Selective Service System shall be transferred to such agency of the Federal Government as the Congress may designate, or, if not so designated, to such agency of the Federal Government as the President may prescribe."

SEC. 8. The first paragraph of section 9 of the Pay Readjustment Act of 1942, as amended, is hereby amended to read as follows:

"The monthly base pay of enlisted men of the Army, Navy, Marine Corps, and Coast Guard shall be as follows: Enlisted men of the first grade, $140; enlisted men of the second grade, $118; enlisted men of the third grade, $106; enlisted men of the fourth grade, $94; enlisted men of the fifth grade, $82; enlisted men of the sixth grade, $70; and enlisted men of the seventh grade, $65. Chief petty officers under acting appointment shall be included in the first grade at monthly base pay of $132."

SEC. 9. The provisions of section 8 of this act shall become effective on the first day of the second calendar month following its enactment, and no increase in pay for any period prior thereto shall accrue by reason of the enactment of this act.

REFINANCING OF NIAGARA FALLS BRIDGE

Mr. MEAD. Mr. President, I ask unanimous consent for the present consideration of a bridge measure which was reported earlier in the day. I have discussed the matter with the majority and minority leaders, and it is necessary to take it up tonight in order that the refinancing which is now under way may take place. I refer to House Joint Resolution 340.

The PRESIDING OFFICER. The joint resolution will be read by title for the information of the Senate.

The CHIEF CLERK. A joint resolution (H. J. Res. 340) to amend the joint resolution creating the Niagara Falls Bridge Commission.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. HICKENLOOPER. Mr. President, reserving the right to object, I inquire to what does the joint resolution apply?

Mr. MEAD. The joint resolution would permit the refinancing of a bridge built just before the emergency. The operation of the bridge was impaired as a result of gasoline restrictions, automobile restrictions, and so forth. It is desired to refinance so as to reduce the interest rate from 4½ percent to 2½ percent, and in that way expedite payment for the bridge. When the bridge is paid for it will become the property of the State of New York and the Province of Ontario. The financing is arranged to take place the 1st of June.

Mr. HICKENLOOPER. Does the bill apply to interstate bridges generally?

Mr. MEAD. No; only the Niagara Falls Bridge Commission. The joint resolution applies only to one bridge. As I say, I have discussed the matter with the majority and minority leaders.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. MEAD. I yield.

Mr. WHITE. As I understand, it is a matter of primary interest to the State of New York.

Mr. MEAD. That is correct.

Mr. WHITE. The joint resolution would authorize the joint commission which has been established and which has been in existence for a number of years to refund outstanding bonds and issue in their stead bonds at a lower rate of interest.

Mr. MEAD. That is correctly stated.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. MEAD. I yield.

Mr. AUSTIN. I should like to inquire whether this measure provides for immunity of these bonds—if bonds are to be employed in refinancing this property—from taxation?

Mr. MEAD. No. These are taxable bonds. It is desired to take advantage of an opportunity to obtain a lower rate of interest on the bonds which are now being refinanced, and the refinancing is to be completed on the 1st of June. The joint resolution was introduced by the Representative from the Niagara district. It came over to the Senate and was held up until just now.

Mr. AUSTIN. Are the bonds taxable by the Federal Government?

Mr. MEAD. That is correct.

Mr. AUSTIN. Then, I object.

Mr. MEAD. The old bonds were also taxable. The joint resolution has nothing to do with that feature of it.

Mr. AUSTIN. Mr. President, a very fundamental question is involved in the matter of taxation of securities of States and their subdivisions by the Federal Government, in which many Senators are interested. They are very much opposed to the idea of the Federal Government reaching into sources of States revenue. If the immunity of such bonds is removed by this bill, I wish to have an opportunity to consider the matter carefully.

Mr. MEAD. I will say to my distinguished colleague from Vermont that the bonds were taxable bonds, and they were authorized in 1941 when the Bridge Commission was created. Those bonds are now in existence, and this measure would merely finance them at a lower rate of interest. The bill does not provide for a new authority.

Mr. AUSTIN. Mr. President, I feel obliged to object until I can study that matter.

LEAVE OF ABSENCE

Mr. WILLIS. Mr. President, I ask unanimous consent to be absent from the sessions for the next 2 weeks, to attend to important business in Indiana.

The PRESIDING OFFICER. Without objection, consent of the Senate is granted.

RELEASE BY THE COMMITTEE FOR MARITIME UNITY

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the body of the RECORD at this point a release which has just been issued by the maritime unions in connection with a matter of importance in the maritime industry. I ask to have the release published in the RECORD, not because I necessarily approve of the comments made in the release, but because in my judgment it is indicative of trouble ahead.

I wish to say that I never was more inclined to thank God for the United States Supreme Court than I am at this moment because I am convinced that, with the crises which lie ahead, the United States Supreme Court, as it comes to pass judgment upon the action taken tonight by the United States Senate, will demonstrate very clearly that, in legal interpretation, the bill passed by the Senate will never stand the tests which will be applied to it by the Court. I think that if there is an opportunity to get the bill we have passed before the Court, it will be found to be clearly unconstitutional; and I think the sooner it is declared unconstitutional, the better, so that we can avoid the type of storm clouds which are rising, as indicated by the release which I am now asking consent to have published in the body of the RECORD.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., May 31, 1946.—The maritime unions are in Washington at the request of the United States Government Department of Labor. They were called here to confer with the American ship operators. The purpose of this conference was to avert a national shipping strike June 15. Negotiations with the ship operators commenced last Wednesday, under the supervision of Government representatives.

In opening the meetings, Secretary Schwellenbach insisted that both unions and ship operators must make every effort to avoid a maritime strike, by settling the issues in dispute through negotiation. He further insisted that neither party make any public statements with respect to the meetings and pledged both parties to the condition that all press releases come from the Secretary of Labor. The unions accepted and have observed the Secretary's wishes in this respect.

While the unions kept silent in the interest of preventing a maritime strike through peaceful negotiations, President Truman today, in complete disregard of the facts involved in the negotiations, and despite the Secretary of Labor's demand for no inflammatory statements, has deliberately fired a torpedo into the negotiations. By guaranteeing the American ship operators that he will break any maritime strike and will break any maritime union daring to strike, he has encouraged the American ship operators to refuse any reasonable settlement in the current negotiations which resume at 8 p. m. tomorrow.

At least, in the railroad strike the President did not move to break the strike before the negotiations had gotten under way. Yet that is what he threatens in the case of the maritime workers.

President Truman has turned his back on his and the Democratic Party's pledge to the American seamen to support their struggle for a reduction of their workweek from 56 to 63 hours per week to 40 hours. Yet such a reduction of hours is the main issue in dispute between the unions and the shipowners. The unions were defeated in their attempts to have the seamen covered by the wage-hour laws that protect workers ashore, thus forcing maritime workers to seek such protection through collective bargaining.

Despite President Truman's undermining of the unions' efforts to seek a peaceful solution and his invitation to the shipowners to hang tough in the current negotiations by his statement that he will use the full military and naval power of the Government to break a maritime strike and the maritime unions, these unions are determined to continue their efforts to achieve a 40-hour week and reasonable wage adjustments. The unions are still hopeful that the main issues can be negotiated, and they will continue their efforts despite the President's outright declaration of full support to the ship operators before negotiations have barely begun.

The torpedo that President Truman sent into the union-shipowner conferences will eventually have effects he never anticipated. It will eventually explode to the detriment of his entire administration, his party, and any future Presidential ambitions he might entertain at this time.

The maritime unions hope that the American people will make President Truman realize that he needs a cooling-off period between his strike-breaking acts.

NATIONAL HEALTH PROGRAM—PRINTING OF ADDITIONAL COPIES OF HEARINGS BEFORE COMMITTEE ON EDUCATION AND LABOR

Mr. MURRAY submitted the following resolution (S. Res. 275), which was referred to the Committee on Printing:

Resolved, That in accordance with paragraph 3 of section 2 of the Printing Act, approved March 1, 1907, the Senate Committee on Education and Labor be, and is hereby, authorized and empowered to have printed for its use 1,000 additional copies of the hearings held before the said committee during the Seventy-ninth Congress on the bill (S. 1606) to provide for a national health program.

EMERGENCY PRICE CONTROL AND STABILIZATION ACTS OF 1942—AMENDMENT

Mr. WILLIS submitted an amendment intended to be proposed by him to the bill (S. 2028) to amend the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, and for other purposes, which was referred to the Committee on Banking and Currency and ordered to be printed.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER (Mr. HOEY in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, and withdrawing a nomination, which were referred to the appropriate committees.

(For nominations this day received, and nomination withdrawn, see the end of Senate proceedings.)

RECESS

Mr. BARKLEY. Mr. President, I move that the Senate stand in recess until 12 o'clock noon today.

The motion was agreed to; and (at 12 o'clock and 38 minutes a. m. on Saturday, June 1, 1946) the Senate took a recess until 12 o'clock meridian of the same day.

NOMINATIONS

Executive nominations received by the Senate May 31 (legislative day of March 5), 1946:

SECURITIES AND EXCHANGE COMMISSION

Edmond M. Hanrahan, of New York, to be a member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 1947.

SELECTIVE SERVICE SYSTEM

Col. Claude C. Earp for appointment as State director of selective service for Missouri under the provisions of section 10 (a) (3) of the Selective Training and Service Act of 1940, as amended.

(Compensation for the position of State director of selective service for Missouri will be at the rate of $7,102.20 per annum.)

TEMPORARY APPOINTMENT IN THE ARMY OF THE UNITED STATES

TO BE MAJOR GENERAL

Brig. Gen. Harry Hawkins Vaughan (lieutenant colonel, Field Artillery Reserve), Army of the United States.

IN THE NAVY

Rear Adm. Robert D. Carney, United States Navy, to be a vice admiral in the Navy, for temporary service.

IN THE MARINE CORPS

The following-named naval aviators of the Marine Corps Reserve to be second lieutenants in the Regular Marine Corps, in accordance with the provisions of the Naval Aviation Personnel Act of 1940, as amended, to rank from the dates stated:

Gilbert Percy, from the 15th day of May 1942.

Judson C. Richardson, Jr., from the 22d day of May 1942.

Thomas D. Stockwell, Jr., from the 18th day of June 1942.

Richard B. Cropley, from the 11th day of August 1942.

Donald J. Gehri, from the 1st day of January 1943.

Edward R. Agnew, Jr., from the 1st day of March 1943.

Thomas J. Bardon, from the 1st day of May 1943.

Charles L. Schroeder, from the 16th day of July 1943.

John N. Snapper, from the 16th day of November 1943.

Byron C. Allison, from the 16th day of November 1943.

WITHDRAWAL

Executive nomination withdrawn from the Senate May 31 (legislative day of March 5), 1946:

SECURITIES AND EXCHANGE COMMISSION

Edmond M. Hanrahan to be a member of the Securities and Exchange Commission.

HOUSE OF REPRESENTATIVES

FRIDAY, MAY 31, 1946

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, we pause in Thy presence with grateful testimony for Thy loving providence, which is a river of blessing flowing from Thy throne. We beseech Thee to let this stream of cleansing enlighten and idealize our national life. Do Thou appeal to that instinct of recovery, to that temper of hope which Thou hast established in the human breast. Blessed Lord, may these days of memory be days of reconsecration to our Republic, drawing every section of our land toward a more complete knowledge of righteousness and brotherhood. Graciously be with our President and with every citizen of every station. May our institutions not fail through our misuse of them and because of our sins against God and man. O do Thou lift our people to that high plane of purer air where peace and tranquillity dwell, and where fret and fever pass away. For whatever awaits us we would rest in Thy hands; and praise and glory be unto Thee forever. In our Saviour's name. Amen.

The Journal of the proceedings of Wednesday, May 29, 1946, was read and approved.

RESIGNATION

The SPEAKER laid before the House the following communication:

MAY 31, 1946.

HON. SAM RAYBURN,
Speaker of the House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: I beg leave to inform you that I have this day transmitted to the Governor of Virginia my resignation as a Representative in Congress of the United States from the Fifth District of Virginia, to become effective as of this date.

Sincerely yours,

T. G. BURCH.

ELMER D. THOMPSON

Mr. McGEHEE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 3543) for the relief of Elmer D. Thompson, with Senate amendments thereto, disagree to the Senate amendments and ask for a conference.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi? [After a pause.] The Chair hears none, and appoints the following conferees: Mr. McGEHEE, Mr. COMBS, and Mr. PITTENGER.

SPECIAL ORDER GRANTED

Mr. ROBINSON of Utah. Mr. Speaker, I ask unanimous consent that today, following any special orders heretofore entered, I may be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

NATIONAL DEFENSE

Mr. MAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 752) to amend the act of June 7, 1939 (53 Stat. 811), as amended, relating to the acquisition of stocks of strategic and critical materials for national defense purposes, agree to the conference requested by the Senate and ask for the appointment of conferees on the part of the House.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? [After a pause.] The Chair hears none, and appoints the following conferees: Mr. MAY, Mr. THOMASON, Mr. BROOKS, Mr. ANDREWS of New York, and Mr. SHORT.

EXTENSION OF REMARKS

Mr. BLAND asked and was given permission to extend his remarks in the RECORD in two instances; to include in one a tribute on the life and character of the late Senator from Virginia, Hon. Carter Glass, and include an editorial, and in the other an address delivered by Hon. HENRY M. JACKSON at the Propeller Club in Washington.

Mr. LUTHER A. JOHNSON asked and was given permission to extend his remarks in the RECORD in two instances; to include in one a brief editorial and in the other an article by Dr. Emerson Fosdick.

Mr. REED of New York asked and was given permission to extend his remarks in the RECORD in two instances and include articles in each.

Mr. ANGELL asked and was given permission to extend his remarks in the RECORD and include an editorial appearing in the Portland Oregonian.

Mr. GROSS asked and was given permission to extend his remarks in the RECORD and include a copy of the Memorial Day address delivered by ex-Governor Bricker.

HOUSING SHORTAGE

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARTIN of Massachusetts. Mr. Speaker, while Congress was considering the housing bill, there was a great deal of hysteria and loose talk. There were frequent charges that the building program was being delayed. What are the facts as of today?

Housing Expediter Wilson Wyatt has announced the goal of his efforts for 1946 is 700,000 conventional type dwelling units. The Bureau of Labor Statistics says that in the first 3 months of this year, 171,000 building permits were issued for conventional type dwelling units and that about 150,000 units were actually under construction. The Bureau also estimates that in the month of April, 65,000 units were started.

These figures clearly show private industry on its own resources will build more units than the Expediter expected to obtain. Give the American people half a chance, and they will take care of the housing shortage, with the same energy and the same speed they showed in supplying the enormous demands of the war effort.

These figures further show the Expediter, with his subsidies and his expensive organization, must lift his goal. Surely it is reasonable to expect now more than what the people were doing themselves without assistance.

MEMORIAL DAY

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GROSS. Mr. Speaker, I wish to call to the attention of the House that there is at least one community in the United States where the old patriotic spirit is still alive. In Gettysburg, Pa., yesterday, 10,000 people gathered in the town to do honor to our heroic dead. Twenty-five hundred children strewed flowers over the national cemetery. The great throng was addressed by former Governor Bricker of Ohio. People had come from far and near; more than a dozen Members of Congress and their families motored from the Nation's Capital as well as 11 page boys representing

as many States had a thrilling and enjoyable day. Mr. Bricker was introduced as a great American—a proven statesman.

EXTENSION OF REMARKS

Mr. COLE of Missouri asked and was given permission to extend his remarks in the RECORD and include a petition received from Locals 116 and 93 of the International Union of United Brewery, Flour, Cereal, and Soft Drink Workers of America.

Mr. MUNDT asked and was given permission to extend his remarks in the RECORD and include an editorial.

Mr. SHAFER asked and was given permission to extend his remarks in the RECORD in three instances and to include in two editorials and newspaper articles.

Mr. LEFEVRE asked and was given permisison to extend his remarks in the RECORD and include an article by Mark Sullivan.

Mr. LECOMPTE asked and was given permission to extend his remarks in the RECORD and include a set of resolutions adopted by the United Brotherhood of Carpenters and Joiners, Local No. 767, of Ottumwa, Iowa.

Mr. LEMKE asked and was given permission to extend his remarks in the RECORD and include a letter from the Commissioner of Agriculture and Labor of North Dakota, and excerpts from other letters.

Mr. HINSHAW Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an address on the subject of Hungary. I am informed by the Public Printer that this will take two and one-quqarter pages of the RECORD and will cost $135, but I ask that it be printed notwithstanding that fact.

The SPEAKER. Without objection, notwithstanding the cost, the extension may be made.

There was no objection.

OFFICE OF PRICE ADMINISTRATION

Mr. PHILLIPS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PHILLIPS. Mr. Speaker, I rise today to ask a question. I ask it of the majority leader, Mr. MCCORMACK, or of any representative of the Committee on Banking and Currency, especially on the majority side, or any member of the Committee on Appropriations who may be present.

Yesterday I was going down Pennsylvania Avenue in a car and I saw overhead one of these smoke-writing airplanes which, as I saw it, had written only the word "Save." I presumed, of course, it was going to suggest that we save fats or save food, but I am told it wrote, "Save price control." My question is, Was that paid for by the taxpayers' money or was it paid for by some private fund, and if so, what fund; and what does one have to do in order to secure permission to have sky-writing support of the OPA during a time when the Congress of the United States is considering the bill?

GEN. DRAZA MIHAILOVICH

Mr. MUNDT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include some supplemental date.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. MUNDT. Mr. Speaker, the morning paper reports that a voluntary military commission of American soldiers who had served with General Mihailovich in Yugoslavia had met in New York and had given Mihailovich a clean bill of health, urging the United States to intervene, if possible, to be sure that he gets a fair trial in Yugoslavia. In that connection I want to read briefly from a rather detailed and voluminous report that our subcommittee of the Foreign Affairs Committee, which visited eastern Europe last fall, has just completed and which we hope to release to Congress and to the public sometime next week. We said in our report, and I quote from the galley proof sheets:

> Our committee was presented with considerable conflicting evidence in Yugoslavia concerning the merits or demerits of Gen. Draza Mihailovich. This one-time hero of Yugoslavia, the leader of its highly publicized Chetniks, is considered a traitor and an enemy by the Tito regime, but many of the people of the country see in him their liberator from the ruthless Tito-Subasic regime, and continue to look upon him as one of the great heroes of Yugoslavia.
>
> Our committee ventures no opinion as to which group is right, but does recommend, however, that our Government exercise its full appropriate energies in insisting that General Mihailovich be given a trial before the International Tribunal on War Crimes, that he be judged by an impartial jury in an even-tempered environment before which Tito's government and Mihailovich's defenders should be given a full and complete opportunity to present the full facts of both sides of the case.

Mr. Speaker, I urge that our State Department renew its efforts on this matter without delay.

Mr. MCCORMACK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCCORMACK. Mr. Speaker, the remarks just made by our friend are very constructive and very appropriate. It is repulsive to all of us to see an unfair trial being conducted anywhere. I am not passing an opinion, but certainly my tentative opinion is directly along the lines expressed by the gentleman. I can assure him from personal inquiry that our Government has been doing everything it possibly can and has asked that American witnesses be permitted to testify, but has been met with nonresponse and noncooperation. As far as I can ascertain, our Government is doing everything it can. I reiterate that I agree with everything the gentleman said, and consider his utterances very constructive.

THIS IS OUR COUNTRY

Mr. GRANT of Indiana. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include an address delivered by Rev. J. Hugh O'Donnell, president of the University of Notre Dame.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. GRANT of Indiana. Mr. Speaker, the ugly head of communism rises in America. The danger to America is real; it is imminent.

On March 22, 1946, the Reverend J. Hugh O'Donnell, president, University of Notre Dame, made an address to a general convocation of students in the Navy Drill Hall on the Notre Dame campus.

It is the frankest and most forceful statement on communism and its immediate threat to our American way of life that has been spoken. In the words of Father O'Donnell, "The philosophy of anti-God is the enemy from within." He calls for action, for a militant offensive against these astute, tough-minded propagandists who spread a pagan philosophy that is gnawing away at the family, the home, the church, and our country itself.

Father O'Donnell's address follows in full:

THIS IS OUR COUNTRY

(By Rev. J. Hugh O'Donnell, CSC, president of the University of Notre Dame)

As many of you know, and as the new students will soon learn, Notre Dame is a firm believer in tradition, and it is traditional for the president of the university to address the student body at least once a year. But I have something more than tradition in mind this morning. First of all, to the old students among you, I want to say, "It's good to see you back." And for those of you who are at Our Lady's School for the first time, I have a warm welcome too. My sincere wish is that your years under the golden dome will be happy and fruitful ones.

WELCOME TO VETERANS

In a family such as ours there can be no favorites. Still, I think you will understand when I say that Notre Dame's warmest welcome this morning must go to her sons who left school to join the armed forces, and who have now come back as veterans to the campus they love so dearly. To you, I say, "Welcome home." As I told you so often in my letters, you have never been out of our thoughts and prayers. And may I add here that I deeply appreciate the hundreds of letters that I received from you. They illustrate the bond that exists between the Notre Dame man and his alma mater. With us, out of sight does not mean out of mind. Hence, I think it very fitting for us to pay tribute to our 304 valiant sons who will never return to this campus. I ask, therefore, that all of you bow your heads in a minute of silent prayer for those brave young men who made the supreme sacrifice for our beloved country.

We are now beginning our first peacetime semester, and as you are well aware, Notre Dame is bursting at the seams because of the large enrollment. I shall not dwell upon the inconveniences of getting under way, because you know all about them. You have

spent a lot of time standing in line. You are familiar with the congestion in the dining halls, the residence halls, and the classrooms. These difficulties will be ironed out in time. Meanwhile, I want to commend you on the spirit in which you have cooperated with administration and faculty in a difficult time.

I know that cooperation will continue to the mutual benefit of all. Should you wish to make suggestions, make them, by all means. The university not only receives, but welcomes, suggestions when they are made through the proper channels. Your proper channel is the student council, which has the confidence of the university. It was established many years ago for the furtherance of cooperation between the students and the officers of administration to the end that the interests of both students and the university may be promoted. The student council is the only group that can speak officially for the students. The administration recognizes no other. Therefore, any observations, suggestions, or recommendations that you care to make should be made to this body through its moderator, the prefect of discipline, who will present them to Notre Dame's highest governing body, the university council.

And by way of strong parenthesis, I wish to commend the student council on the excellent manner in which it conducted the recent drive for the relief of the children of the war-stricken countries of Europe. Also, my gratitude to the students generally for their very generous response. The words of the Master come to mind: "Inasmuch as you have done it unto one of the least of these my brethren, ye have done it unto Me." God will reward you for your kindness.

DANGEROUS TREND IN UNITED STATES

With these preliminaries out of the way, for the next few minutes I am going to indulge in some plain speaking. What I have to say is not a matter of academic theory but of practical conditions, and, to use the vernacular, I feel that you should know what the score is. You should be made aware of a dangerous trend in the United States that threatens everything we fought for in World War II.

The fact is that the war was only part of a world revolution. The revolution is still going on. We won the war. Whether or not we shall win the revolution remains to be seen. We might as well be realistic. We might as well admit that although the world is well rid of one kind of totalitarianism, it is still beset by another vicious ideology that has the same depraved disregard, the same callous contempt for the sacredness and dignity of the human personality that the Nazis and Fascists had. The ideology that I refer to is communism.

I know that sometimes it is a little too easy to oversimplify issues that concern human beings and their relationships one to another, whether as nations or as individuals. I am not a professional "viewer with alarm." Yet I see, as many others do, the formation of a world pattern that is completely at odds with the only principles upon which a just and lasting peace may be built. We have seen the pattern before. The battle line is drawn. The opposing philosophies are arrayed against each other now just as they were when Hitler's Nazi forces first struck at western civilization. The one difference is that our enemy has changed its name.

ONE SIDE RECOGNIZES GOD

On the one side are those who believe in the American—and Christian—philosophy. They shape their lives by it in the light of the life to come. They recognize God the Creator; they accept the natural law which has its source in God the Supreme Lawgiver; they recognize natural rights of persons flowing from that law; and, finally, they acknowledge the inherent dignity and integrity of the human person because of these God-given rights. For my part, I must conclude that our part in World War II will have been the most tragic mistake in our history if we compromise the faith of our fathers.

On the other side is the philosophy of materialism—or communism, scientism, atheism, or secularism; call it what you will. The ideology is the same, and it is wrong, because it sees man as no more than an animal coming into the world without God or basic morality, existing for awhile, and then returning to the nothingness whence it came. It builds a bleak world of totalitarianism in which man exists for the state, and not the state for man as man's agent for the protection of God's gifts of life, liberty, and the pursuit of happiness. This is the world of statism—of Communist Russia, Nazi Germany, and Fascist Italy.

The danger of communism to America is real; it is imminent. True, the Communists in the United States are relatively few in number, but what they lack in numbers they make up in organization. They have a power and an influence far greater than their numerical strength would indicate.

They are astute, tough-minded propagandists with access to all channels of communication, and amazingly quick and deft at twisting or coloring news so that it will advance the interests of the movement. Of course, one of the most notable examples of the success of Communist propaganda is the picture that has been built up of Gen. Francisco Franco. The Franco regime has not been without fault, it is true; but its unforgivable sin seems to be that it beat the Communists in Spain to a standstill. Perhaps you read with interest, as I did, a comment in a recent issue of Columbia by Richard Pattee, who wrote: "It ought to be borne in mind * * * that in this chorus of condemnation, we are curiously inconsistent in denouncing the sins of Franco and his Spain, while we remain charitably silent about the conduct of Sweden which for years allowed German troop movements across her territory to enslave Norway. We show a strange understanding of the Swedish predicament and a complete refusal to apply the same logic to Spain."

COMMUNIST TACTICS

One more illustration of Communist tactics comes to mind. Recently the Russian newspaper Pravda made another of its characteristic charges against the Vatican. As usual, Osservatore Romano's reply was as devastating as an atomic bomb. Undiscouraged, the Communists merely began sniping from another quarter. Now it appears that the 32 new cardinals named by the Holy Father will spread "reactionary" policies throughout the world. "Reactionary," of course, in a generic term for everything Stalin doesn't like, such as Cardinal Spellman's forthright pronouncements whenever Christian principles are attacked, or Cardinal Griffin's outspoken opposition to the Yalta agreements regarding Poland. And here I am reminded of Hilaire Belloc's classic essay on the subject, written in 1939: "This war will have been won or lost insofar as Poland is resurrected. The test of victory is Poland." All the world knows what has actually happened to this great country. To use very strong language, it has been raped by Russia, but, please God, the underground of Poland, as well as her sons and daughters all over the world, will fight to the bitter end for their country's resurrection.

PLAN WORLD REVOLUTION

The Communists plan a world revolution. They know exactly what they want, and they will ride any bandwagon—or subway, for that matter—that will take them closer to their goal. They even give aid to the nations they hope eventually to overthrow—temporary aid, that is—if they feel they are advancing the ultimate cause. For example:

Until 1940, when a Federal law required the registration of alien-affiliated organizations, American Communists got their orders directly from the Comintern in Moscow. Did the Communists register when the law was passed? Not they. Piously they severed their Moscow connections, and a little later Stalin ostensibly dissolved the Communist Internationale itself. Had Uncle Joe reformed? Not a bit of it, as we shall see. He was at war then and needed all the help he could get from non-Communist nations. He wasn't offending anybody at the moment. He gave up the form, but retained the substance, of the Internationale and he did get help as we well know. Meanwhile, the Communists in the United States were models of patriotic propriety as they helped to win the war. But when the Soviet was no longer in danger the motive for cooperation was gone, too. With it the American Communist policy of sweetness and light disappeared completely.

Now, note the next act in the drama: On July 28, a little more than 2 months after VE-day. delegates of the American Communist movement officially and unanimously washed their hands of the Communist Political Association, which had been the instrument of their patriotic fervor during the war. Earl Browder, who had been its leader, was deposed and cast into exterior darkness. Who replaced him? None other than William Z. Foster, who had been the most consistent and vociferous opponent of cooperation. At the July meeting the Communists also outlined their postwar program. They determined to take advantage of economic disturbances, and to revive their penetration into important positions in the American labor movement, as well as their agitation among the Negroes and the unemployed. Finally, they will intensify their efforts to establish Russia in the American mind as the modern economic and political Utopia.

This preview of the Communist aims that I have given you is a matter of public record. How do you like the prospect? Is the war over, or is it merely entering a different phase? It seems to me that at last we have a real second front, but the front is here at home. And the enemy is fully as dangerous as the ones we have just defeated on the battle fields. The objective is the same. Communism would destroy the American—and Christian—philosophy upon which our unique institutions are based. It would destroy the dignity that God gave man.

DR. CRONIN QUOTED

Now lest you think my indictment is too strong, let me quote for you briefly certain excerpts from a recent address by Dr. Cronin, assistant director of the social action department of the National Catholic Welfare Conference:

"Communists have infiltrated deeply into the Federal Government departments * * * and have penetrated influential Federal posts where the policies of the departments are shaped."

Outlining his view of the reputed Russian aggression program, Dr. Cronin charged its aims were "to destroy the British Empire; to overrun continental Europe, including France, where communism already is strong, and Spain to Gibraltar; and to infiltrate in South America." He expressed the belief that it was the Russian program which was the basis for the proposal of the Anglo-American alliance by Winston Churchill in his recent address. A strong stand by Government now, Dr. Cronin stated, might force

Russia to change its plans and thus to safeguard Christian civilization in Europe. Best informed opinion is that the Soviet has not made its plans irrevocably but simply is exploiting an appeasement policy by her allies. Firm action now, through diplomatic and economic pressure, might save us from the terrors of another war. Now is the time to stop aggression. Tomorrow may be too late.

Communism is the negation of everything we stand for as Americans and Christians, and we would be incredibly stupid to believe that there can be any compromise with it. Communism is a philosophy of anti-God. We must fight it as vigorously as it fights us. We must be as intense, as consistent, as zealous in spreading American and Christian principles as communism is in trying to destroy them. We must root out a philosophy that threatens civilization based upon the fact of God's creation of the individual human soul.

We strive for peace, and yet there is no peace, and there can be no peace in a world that has forgotten God and the moral law. I say "the world" and sadly I include the United States because our Nation cannot be exculpated. We would do well not to point an accusing finger at any other country because we have been equally remiss—more so, if it be true that to whom much is given much is expected in return. With a thoroughness and an enthusiasm worthy of a better purpose, too many of us have put God out of our schools, out of our Government, out of our homes, and out of our hearts. Too many are content with mere lip service to the Christian principles that to our founding fathers were not only a way of life, but the only why of life.

THE ANSWER: COUNTERATTACK

Now I know that it is easy enough to say, "Things are in a bad way. There's grave danger ahead." What you and I want to know is, "What can we do about it?"

The answer is: Counterattack. The best defense is a good offense based on a sound idea of what we are "for" as an alternative to what we are "against." In this connection may I remind you that the average neopagan is much more forceful in explaining the aims of his particular misbegotten ideology than many of us are in explaining the philosophy by which we live? When truth is attacked, too many of us are willing to stand smugly by, secure in the knowledge that "Truth is mighty and shall prevail"—to which a cynic might add, "Small thanks to us." Truth can prevail a great deal sooner, and it will not be attacked with impunity, if it is militantly protected by those whom the truth keeps free.

You Notre Dame men with the veterans as leaders, can, if you will, begin an active campaign against any and every influence that threatens a government built upon the truth that man is endowed by his Creator with certain unalienable rights. First, study these movements with a view to negating them. Secondly, map a plan of action locally, and then move into the national sphere, through your organization, and also as individuals when you leave the university to begin your life's work elsewhere. Thirdly, be positive rather than negative. That is, I repeat, know what you are for as well as what you are against.

Leadership is expected of all Notre Dame men. Many persons, it is true, have a strange notion of leadership, and as a result define the term too narrowly. We are not all expected to be leaders in the somewhat theatrical sense in which the world is commonly used—nor should we try to be. But each of us can, and as a duty should, make the most of the talents and opportunities that, by God's grace, are ours as we go about our daily tasks.

LEADERSHIP IS EXPECTED

There is a reason that leadership is expected of Notre Dame men. I said at the outset that Notre Dame is a firm believer in tradition. The educational tradition upon which this school was founded more than 100 years ago bridges 20 centuries. It began when the Apostles first went forth to teach all nations. It includes the founding of the great European universities of the thirteenth century which saw the rise of the schoolmen and the development of scholasticism. The heritage was brought across the sea by the missionary teachers who transplanted Old World culture—Catholic culture—to the Western Hemisphere. Born to this tradition, Notre Dame remembers that knowledge of God is the beginning of wisdom.

Accordingly, enter into the spiritual program of the campus as real soldiers of Christ. A golden opportunity awaits you. Take advantage of daily Mass and frequent Holy Communion in order that you may prepare yourselves not only for the spiritual combat that confronts all of us, but also for any other challenge that may await you in the years ahead. Notre Dame men stood out as heroes during the recent war, because they had girded themselves for the supreme test of the zero hour. Notre Dame men should likewise be heroes in peace by leading God-fearing lives, supported and strengthened by God's grace and sacraments. For if God is with you, no man can defeat you. Such is the tradition of the true Notre Dame man.

That tradition is now yours, and as the years pass you will grow to know it better and to love it more and more. But it is not enough merely to know. You must be articulate as well, because you cannot intelligently defend what you are unable to define. Much of what is evil in the world is there because vast numbers of people do not know the basic truths you know and take for granted. Part of your task, therefore, is to see that what you know becomes more and more widely known to others.

By right thinking and acting—that is, by word and example—you can become copartners in a crusade to bring the world back to the Christian principles it has so tragically abandoned. We dare not ignore the challenge when so much is at stake. This is the time for action that is positive rather than negative in combating a movement that would destroy the family, the home, the church, and our country itself. The philosophy of anti-God is the enemy from within. But with faith in God, and God in government, we can rout any man-made ideology that would first weaken and then destroy our American heritage. For America is our country to have and to hold. And eternal vigilance, as always, is still the price of liberty.

EXTENSION OF REMARKS

Mr. FARRINGTON asked and was given permission to extend his remarks in two instances in the RECORD, in one to include an address by himself on citizenship and race, and in the other to include a resolution relating to statehood for Hawaii.

Mr. HESELTON asked and was given permission to extend his remarks in the RECORD and include a letter from a constituent.

Mr. HAND (at the request of Mr. BYRNES of Wisconsin) was given permission to extend his remarks in the RECORD.

Mr. JENSEN asked and was given permission to extend his remarks in the RECORD.

PERMISSION TO ADDRESS THE HOUSE

Mr. JENSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

[Mr. JENSEN addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. CRAWFORD asked and was given permission to extend his remarks in the RECORD in two instances, in one to include a statement on "What the British Loan and Trade Agreement Means to You," which was handed to him this day by Justice Roberts, and a brief excerpt from testimony before the Banking and Currency Committee on the British loan, and in the second instance to include a statement by Arthur A. Ballantyne on the right to strike.

Mr. PITTENGER (at the request of Mr. MICHENER) was given permission to extend his remarks in the RECORD and include an editorial.

Mrs. LUCE (at the request of Mr. MICHENER) was given permission to extend her remarks in three instances in the RECORD and include an editorial in each instance.

PERMISSION TO ADDRESS THE HOUSE

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

[Mr. MICHENER addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. McDONOUGH asked and was given permission to extend his remarks in the RECORD and include an editorial from the Saturday Evening Post.

THE HOUSING SITUATION

Mr. SABATH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SABATH. Mr. Speaker, a few moments ago the gentleman from Massachusetts [Mr. MARTIN] called attention to the housing situation, and to the large number of permits issued. I agree that too many permits have been granted, and that some homes have been started but unfortunately not completed because it is impossible to obtain lumber, the black marketeers in lumber extorting thousands of dollars to get a few truckloads.

These black-market lumber operators are selling and delivering large quantities of lumber for all kinds of industrial purposes in return for premiums which I call tremendous bribes.

Contractors and builders cannot proceed with construction. But, under the energetic leadership of the new Housing Expediter, Mr. Wilson Wyatt, who is sincerely trying to remedy the evil, I hope

the Government will go after the racketeers and put a stop to the black market so that lumber will be available, and homes will actually be built and not just talked about.

The SPEAKER. The time of the gentleman from Illinois has expired.

PERMISSION TO ADDRESS THE HOUSE

Mr. COFFEE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

[Mr. COFFEE addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. SPARKMAN asked and was given permission to extend his remarks in the RECORD and include a poem entitled "The Vanquished Speak."

Mr. HOFFMAN asked and was given permission to extend his remarks in the RECORD.

Mr. RANKIN. Mr. Speaker, on yesterday, under the auspices of an auxiliary of the American Legion, a tree was planted on the front lawn of the Capitol, and dirt was placed around it from every State in the Union. I was called upon to represent the President and to make the acceptance speech. I ask unanimous consent to insert my feeble remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

BLACK MARKET IN THE GOVERNMENT

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, if something went wrong in heaven or in hell, the gentleman from Illinois [Mr. SABATH], chairman of the Rules Committee, who took a little vacation the other day when the committee wanted to hold a meeting to get a rule on the Case bill, would certainly lay it onto some industrialist, some manufacturer, some good patriotic American. When he squawks about the black market in lumber he knows very well that no one except the Administrator of the OPA, who has held down the price, is to blame. He knows very well that the greatest black-market operator in this country is the administration, which has a whale of a black market in corn, wheat, and sugar.

The SPEAKER. The time of the gentleman from Michigan has expired.

LABOR LEGISLATION

Mr. PATTERSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PATTERSON. Mr. Speaker, I regret very much to have missed my vote on H. R. 6578 and H. R. 4908. If I had been here, I would have voted against both these pieces of antilabor legislation. As it is, I had a live pair against both, to register my conviction that this legislation is a blow against labor's right to collective bargaining. I flew across the continent in order to vote against the Case bill but my plane was 5 hours late, which got me here just a few minutes after the final vote on this legislation.

My pair against this bill, like my pair against the emergency antistrike legislation, is against reactionary, hasty, and patently unconstitutional legislation which strikes a blow, not only at labor's right to organize but at the fundamental civil rights of all citizens, and at the essence of our American democracy.

The most urgent task of those who have consistently fought for the Roosevelt program of social progress and domestic security, is to prevent the passage of such legislation that strikes at the very heart of this program, and would turn us back 50 years.

This is a time that calls for statesmanship and cool judgment. The action of the House of Representatives last Saturday, was more reminiscent of lynch law, than of representative government. On neither piece of legislation were the House or Senate Labor Committees consulted. On the emergency antistrike bill, the Members of the House had no opportunity to study and weigh the effects of this legislation. There was complete disregard of the prime necessity of informed discussion.

This is not the legislative process of our representative government. All this legislation is being pushed under strain and impulsiveness which is unbecoming to a deliberative body.

I feel certain that in calmer hours, with cooler heads, this type of legislation will be repudiated by the good sense of the American people and their representatives in the Congress.

LOOK WHO'S TALKING—HENRY THE "MORGUE"

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include some crazy excerpts from Morgenthau's address night before last.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Speaker, anybody who refers to Henry Morgenthau ought to open up with that old familiar refrain: "Hark From the Tomb a Doleful Sound."

He stuck his long nose into the radio the other night and in the most vicious manner attacked President Truman and the Members of Congress who went along with him in the great crisis that confronted this country on last Saturday.

President Truman has received more than 14,000 telegrams up to last night with reference to his speech of last Saturday, and of that number more than 13,000 were in commendation of his courageous, patriotic stand.

Mr. Morgenthau said that the foreign relations of the Truman administration have deteriorated.

The facts are that President Truman never did anything more wholesome for the country than getting rid of Morgenthau. It was about 12 years late it is true, but it was one of the most popular and salutary things the President ever did.

Mr. Morgenthau is kicking because Mr. Truman and his administration have turned down his vicious, atheistic policy of vengeance, and substituted therefor the American policy of Christian justice in our international affairs.

The following editorial from today's Washington Daily News expresses the views of a vast majority of the American people:

LOOK WHO'S TALKING

Henry Morgenthau, Jr., whose services as Secretary of the Treasury were dispensed with as quickly as President Truman could get around to it, is taking to the radio waves these days. He's telling the people that the Truman administration is a big flop.

Among his broad indictments is the charge that Mr. Truman's decisions of the last year are responsible for present inflationary conditions. Just think that one over. And consider who's talking

In his 11½ years of red-ink stewardship of United States Treasury, Henry Jr. spent and borrowed more money than all the preceding Secretaries. He added more than $225,000,000,000 to the public debt. He was too little and too late with a war-tax program. His weak fiscal policy, swelling the supply of spending money at a time of less and less goods to buy, more than any other thing, caused the rise in prices and living costs, through the war and since.

Second contributing factor was the failure to stabilize wages and prices at the beginning of the war. And do you remember whose was the loudest voice raised before Congress against stabilizing wages? Who said prices could be frozen without freezing wages? None other than Henry Jr., displaying that lack of economic understanding which characterized his whole tenure as the Nation's chief fiscal officer.

Mr. Truman has made some mistakes. But one thing he did was certainly no mistake: He picked another Secretary of the Treasury.

To which Americans will respond almost unanimously: "Amen!"

COMITY OF THE TWO HOUSES OF CONGRESS

Mr. BIEMILLER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BIEMILLER. On page 5811 of the RECORD for May 27 the following statements appear:

Mr. TAFT. I have been informed that in the House of Representatives the advocates of the Case bill desire to have a rule to present directly to the House the amendments adopted by the Senate. * * *

As to the effort made by those who desire to obtain a rule in the House, the chairman of the House Rules Committee has disappeared and is refusing to call a meeting, I understand, of the House Rules Committee. The result is that no action can be taken in the House for a period of 10 days, under the rules of the House. In other words, apparently the authorities in control of the House, the administration, are deliberately stalling the Case bill in order that the bill pending in the Senate may go first to the President, and he may consider and sign the bill, and so he may be more free to veto the Case bill if he desires to do so.

I raise the inquiry, Mr. Speaker, as to whether such utterances are not in violation of the standing legislative rules of the Congress of the United States and disruptive of the comity which should exist between the two Houses?

The SPEAKER. The Chair is ready to make a statement.

Ever since the present occupant of the chair has held that position he has sustained the point of order each and every time it has been made when there was any reflection on a Member of the other body that might disturb the comity of the two bodies, and has even taken it upon himself on various occasions voluntarily to call the attention of Members to Jefferson's Manual, upon which we base our rules and upon which the comity of the Houses has been preserved so long.

In Cannon's Precedents, volume VIII, section 2519, we find the following:

It is not in order in debate to criticize the action of Members of the Senate in connection with their legislative duties. Members may not in debate reflect upon the actions or speeches of Senators or upon the proceedings in the Senate.

This question has been raised many times in connection with actions of individual Members of the House. The rule, I believe, is rigid and the decisions have followed along that line. One inquiry was made of one Speaker as to whether it was proper to speak of a Senator or actions of the Senate if the remarks were not critical. The then Speaker held:

The rule is that a Member of the House cannot discuss a Senator at all, not even complimenting him, because if you do compliment him somebody might jump up and say that he was the grandest rascal in the country and you would then have on your hands a debate of a very acrimonious nature.

The Chair at that time went on to say, and this is the rule that the present occupant of the chair has consistently followed and will:

The Chair is firm and he believes that the House will remain firm to our adherence to the rules of sportsmanship and comity as laid down in Jefferson's Manual.

The House of Representatives, if the Chair can control the situation, will live up to that rule of comity now and hereafter. That is the statement the Chair desires to make.

Mr. MARTIN of Massachusetts. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MARTIN of Massachusetts. Mr. Speaker, the statement referred to was made in the other body, therefore is not before the House at all?

The SPEAKER. The Chair cannot rule on that and the Chair made no reference to a statement made in another body. He was very careful about that.

LET US PROCEED PROMPTLY AND THOROUGHLY ON STUDY AND REPORT ON LABOR MANAGEMENT

Mr. DOYLE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DOYLE. Mr. Speaker, I rise at this time to sincerely and emphatically urge that the purposes of the resolution setting up a special committee to study, survey, and report back on the problem of labor-management relationships—which resolution we promptly passed after the President's railway legislation shall be given effective effort at once. Six months is not at all too long in which to do this imperative job thoroughly. Noticing, as I do, that some Members of Congress are quoted as saying that they consider the Case bill as permanent legislation—and being mindful of the many duties that Members of the House have, I feel certain that the resolution was supported in good faith and that it will be executed in good faith. Anything less than this will be lacking in doing that which is no less imperative because the railroad and coal strikes are settled. For this resolution was filed several weeks before those strikes were either initiated or settled. The function of its purposes becomes no less appropriate or helpful in the next several months. The hysteria, the uncertainty, the unhappiness, the insecurity, the instability occasioned by the status of the present legislation in the field of labor and management can be lessened materially by a conscientious, unbiased, unprejudiced study and report to this Congress. The people of the Nation expect this because we passed this resolution. As a Member of the House I expect this because I supported the resolution. The present status has no place when there is any room for improvement or for further understanding and for establishment of legislation which sounds more in mutual understanding and good will than does that which presently exists. Let us seek and find whatever light may be had in this area so important to national economy. I respectfully urge the utmost cooperation and coordination of all concerned that Congress and the Nation might have the earliest possible benefit of a most sincere and comprehensive study, survey, and report as intended by the text of the resolution itself.

EXTENSION OF REMARKS

Mr. JOHNSON of California asked and was given permission to extend his remarks in the RECORD in three instances, in one to include a short article, in another to include a statement he made before the Ways and Means Committee, and in the last one to include an editorial.

Mr. JUDD asked and was given permission to extend his remarks in the RECORD in two instances, in each to include certain excerpts.

ADJOURNMENT OVER

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CALL OF BILLS ON THE PRIVATE CALENDAR

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that it be in order on Monday next after call of bills on the Consent Calendar to call the bills on the Private Calendar that would otherwise be taken up on Tuesday.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. RANKIN. Mr. Speaker, reserving the right to object, we have some legislation that is probably more important than the Private Calendar. Would the gentleman mind withholding that Private Calendar request and let it go over to another time?

Mr. McCORMACK. The Private Calendar comes up on Tuesday and there is no debate on these bills.

Mr. RANKIN. How long will it take?

Mr. McCORMACK. It will not take long, because there is no reservation of objection.

Mr. RANKIN. I expect to bring up the veterans' insurance bill under suspension of the rules on Monday.

Mr. McCORMACK. I have no knowledge of that.

Mr. RANKIN. Well, I served notice the other day.

Mr. McCORMACK. Of course, serving notice is not all that is required.

The SPEAKER. The Chair would like to speak to the gentleman from Mississippi about that because another arrangement has been made that there would be no controversial legislation come up on Monday, Tuesday, or Wednesday.

Mr. RANKIN. Mr. Speaker, I spoke to the Speaker about this proposition.

The SPEAKER. Ten days ago.

Mr. RANKIN. I thought it was understood that if we did not call up this bill on last Monday I would be recognized for that purpose on next Monday.

The SPEAKER. The Chair was not positive in his statement. The Chair advised the gentleman he would look into it. The Chair will be glad to discuss it with the gentleman.

Mr. RANKIN. Mr. Speaker, I understand we are going to take up the river and harbor bill as soon as that is over.

Mr. McCORMACK. I understand a rule has not been reported on that.

Mr. RANKIN. Let us have an understanding about that. I understood a rule was to be reported today.

Mr. McCORMACK. All I can advise the gentleman is that the rule has not been reported. I am prepared to program it for next week, either Monday or Tuesday.

Mr. RANKIN. I see the chairman of the Rules Committee on his feet. Let us find out when that rule is going to be filed or reported.

Mr. SABATH. Mr. Speaker, I may say to the gentlemen from Massachusetts and Mississippi that a rule has been reported but the committee has requested that it not be filed until the committee can agree on a date on which it should be filed.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Georgia.

Mr. COX. The gentleman is in error about that statement. That was not to be filed until the latter part of the instant week.

Mr. RANKIN. That is my understanding.

Mr. COX. In other words, we were given to understand that it could not be considered during the present week, and the instruction of the Committee on Rules was to withhold filing until such time to make certain that there would be no effort to take it up during the present week.

Mr. SABATH. Mr. Speaker, if the gentleman will yield, may I say this. I regret to say that the gentleman from Georgia is somewhat in error. My understanding was that the rule was to be reported but not filed until next week. I think the day even was set as Wednesday. But I am ready, Mr. Speaker, to call a meeting of the committee and ask them to authorize me to file it tomorrow.

Mr. COX. The calling of the committee is not something necessarily to be done to carry out the instructions of the committee at the time action is taken. The chairman is privileged under the understanding he had to file the resolution at the present moment.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Michigan.

Mr. MICHENER. As I understand the rule was ordered to be reported, but it was suggested to the chairman that it be not filed until the time of its consideration was determined upon.

Mr. McCORMACK. Well, we have three different stories now. I think we ought to take the House into confidence and get the truth.

Mr. MICHENER. I voted for the rule, and the chairman was authorized to report it as above stated.

Mr. RANKIN. Let me say to the gentleman from Michigan that the majority leader informed me that he was ready to program it for Monday.

Mr. McCORMACK. Either Monday or Tuesday.

Mr. RANKIN. And it was my understanding that the Committee on Rules authorized the chairman to report that rule the latter part of this week. I would like to know where we are and where we are headed.

Mr. MICHENER. I think I can pretty near tell the gentleman. As I understood, there were some Members who were very much in favor of the bill, but who could not be here on certain dates.

Mr. RANKIN. From now on there will always be somebody out who is interested in bills before the House. I think the rule ought to be filed today, if the statement of the gentleman from Georgia [Mr. COX] is correct, so that we might know how we are going to proceed.

Mr. McCORMACK. Let me advise the gentleman from Mississippi and the House that I have made a promise to put this bill on for either Monday or Tuesday of next week. I am going to keep my promise. That bill is going to go on either one of those two days whether or not the rule is reported in the House, and if the rule is not reported it is not my fault. I am keeping my promise.

Mr. SABATH. I voted for the rule. I am in favor of considering the bill; but the instructions or request of the members of my committee, whose decisions I have never willfully transgressed, was that I withhold the filing until next week. I am ready to file it today or tomorrow or at any time; but I do not wish to be criticized by the members of my own committee who requested me to hold up the filing of the reports on the rules for both the rivers and harbors bill and the Reed bill. I am going to try to contact some of the members of the committee, and if agreeable with them I shall file it today. Otherwise I shall be obliged to hold it until next week.

Mr. McCORMACK. All I want to say is this: If the gentleman has an inside agreement, I respect and admire him for sticking to what he understands the agreement is, because agreements are made to be kept. But I know nothing about that agreement. All I know is that the rule was reported out. The next time I hope the committee will not report the rule out but will keep it until later, and then report it out when they can.

Mr. RANKIN. It was understood, and I got my information from members of the Rules Committee, that the rule had been voted out and would be reported the latter part of this week, and that the bill would be taken up for general debate on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

EXTENSION OF REMARKS

Mr. RABAUT (at the request of Mr. McCORMACK) was given permission to extend his remarks in the RECORD and include an address by Mr. William A. M. Burden, Assistant Secretary of Commerce.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and include three addresses, one of them by General Bradley, delivered at a luncheon given to General Bradley by the B'nai B'rith a few weeks ago. No one of these addresses exceeds the limit, but the three of them together will exceed two pages of the RECORD. I ask that they be printed notwithstanding that fact.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MURDOCK asked and was given permission to extend his remarks in the RECORD and include an address made by General Bradley on Memorial Day.

Mr. JOHNSON of Oklahoma asked and was given permission to extend his remarks in the RECORD on various subjects and include an editorial.

Mr. WASIELEWSKI asked and was given permission to extend his remarks in the RECORD and include an editorial.

Mr. CASE of South Dakota asked and was given permission to extend his remarks in the RECORD.

STUDY OF LABOR-INDUSTRY RELATIONS

Mrs. BOLTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mrs. BOLTON. Mr. Speaker, in giving consideration to House Concurrent Resolution 148, I want to make a very special request of the Speaker of the House that he give more than usual consideration to the selection of the seven members who will be appointed from this body to sit on that committee. The country very much needs to know that Congress is going seriously into the study of labor-industry relations. So I would urge upon you, Mr. Speaker, if I may do so without seeming to intrude, what I have already said in my discussion of the resolution, namely, that in your choice of individuals for this far-reaching and momentous work you give new hope both to this body and to the country at large by making your appointments on a basis of qualification for the job rather than by virtue of seniority.

What results from House Concurrent Resolution 148 will depend largely upon the personnel chosen to do this work. It is with this in mind, Mr. Speaker—and I wish I might say the same with equal force to the President of the other body—that I urge you to part with tradition and to choose from the membership those upon whom we can count to do a selfless and consecrated job.

EXTENSION OF REMARKS

Mr. HAYS (at the request of Mr. LUTHER A. JOHNSON) was given permission to extend his remarks in the RECORD and include two letters.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Gatling, its enrolling clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 4510. An act granting the consent and approval of the Congress to an interstate compact between Colorado and New Mexico with respect to the waters of Costilla Creek.

The message also announced that the President pro tempore has appointed Mr. BARKLEY and Mr. BREWSTER members of the joint select committee on the part of the Senate, as provided for in the act of August 5, 1939, entitled "An act to provide for the disposition of certain records of the United States Government," for the

disposition of executive papers in the following departments and agencies:

1. Department of Agriculture.
2. Department of the Interior.
3. Department of the Treasury.
4. Federal Works Agency.
5. National Archives.
6. Office of Price Administration.
7. Petroleum Administration for War.
8. Selective Service System.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 67. Concurrent resolution to extend the time for filing the report, together with the powers and functions of the Joint Committee to Investigate the Pearl Harbor Attack.

The message also announced that the President pro tempore has appointed Mr. BARKLEY and Mr. BREWSTER members of the Joint Select Committee on the part of the Senate, as provided for in the act of August 5, 1939, entitled "An act to provide for the disposition of certain records of the United States Government," for the disposition of executive papers in the following departments and agency:

1. Department of Agriculture.
2. Department of the Interior.
3. Department of the Navy.
4. Department of the Treasury.
5. Department of War.
6. National Wage Stabilization Board.

EXTENDING LIFE OF PEARL HARBOR COMMITTEE

Mr. COOPER. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate Concurrent Resolution 67.

The Clerk read the resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That the time for filing the report of the Joint Committee to Investigate the Pearl Harbor Attack be, and it is hereby, extended to July 10, 1946, and that the power and functions of the said committee be, and the same are hereby extended to said date.

The SPEAKER pro tempore (Mr. SPARKMAN). Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ALASKAN INTERNATIONAL HIGHWAY COMMISSION

Mr. SABATH. Mr. Speaker, I call up House Resolution 636, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 2871) to create a commission to be known as the Alaskan International Highway Commission. That after general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

RULE FOR ALASKA INTERNATIONAL HIGHWAY COMMISSION BILL

Mr. SABATH. Mr. Speaker, I do not think there is a great deal of opposition to the rule so I will be brief. Nevertheless, I ask unanimous consent that after I have explained the rule, I may proceed out of order.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SABATH. Mr. Speaker, this resolution makes in order a bill reported unanimously by the Committee on Foreign Affairs. It creates a new Alaskan International Highway Commission to be composed of two Members of the Congress of the United States and five citizens of the United States to take up the question of survey and construction of a highway to connect the Pacific Northwest of the United States with the Dominion of Canada and Alaska. An investigation was made some years ago. A former Member of this body, now a Member of the other body, Senator WARREN G. MAGNUSON, has devoted much time to this matter. A great deal of information has been obtained, but not enough. Consequently, when he appeared before the Committee on Rules, he thought the resolution to create such a Commission should be delayed. That delay was granted him, and since that time the gentleman from Montana [Mr. MANSFIELD], who has been very active in bringing this to the attention of the House and getting it up for action, has had the matter up. I think we are all agreed so that there is now unanimous agreement as to the pending measure.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I yield to the gentleman.

Mr. MARTIN of Massachusetts. I would like to ask the gentleman what is the need for this particular investigation? I thought we had a highway to Alaska which was built during the war.

Mr. SABATH. There was, but, as the gentleman, the senior Senator from Washington and our former colleague in the House explained before our committee, though a thorough investigation was made, additional information is required for an extension of the highway which the people of that section believe will be helpful and beneficial.

Mr. MARTIN of Massachusetts. Is this to be a new highway or an improvement on the old highway?

Mr. MANSFIELD of Montana. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I yield.

Mr. MANSFIELD of Montana. The purpose of this, may I say to the distinguished minority leader, is to create a commission to investigate the need for a highway or highways going through the Canadain Provinces of British Columbia, Saskatchewan, Alberta, the Yukon Territory, and connecting with Alaska. This will take into consideration the needs which have arisen since the war and give consideration to any and all possible routes, and recommendations are to be made back this time to the Congress within a year.

Mr. MARTIN of Massachusetts. Are we going to scrap that other highway that we spent $175,000,000 on?

Mr. MANSFIELD of Montana. No; that highway has already gone back to the Canadian Government. It went back to the Canadian Government on May 1 or April 1. I do not recall the exact date.

Mr. LUTHER A. JOHNSON. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I yield.

Mr. LUTHER A. JOHNSON. The bill does not authorize any construction of highways but merely provides for a survey to determine the feasibility of a highway and make a report back.

Mr. MARTIN of Massachusetts. I appreciate that. I wondered why if we had one highway we would need a second highway and why do we have to spend money for this investigation?

Mr. LUTHER A. JOHNSON. This covers a different section.

Mr. MANSFIELD of Montana. This takes in the whole territory.

Mr. MARTIN of Massachusetts. Are we going to have a half dozen highways running to Alaska?

Mr. MANSFIELD of Montana. No; this Commission will cooperate with a similar Canadian commission for the purpose of making recommendations. Of course, the gentleman knows there has been a great deal of activity in the North in recent months, and the House is also aware of the fact that we do have to open up Alaska, which is American territory.

Mr. MARTIN of Massachusetts. I thought we had done that with the road on which we spent $175,000,000 to build.

Mr. MANSFIELD of Montana. No, that was a temporary wartime road.

Mr. MARTIN of Massachusetts. Well, that was not the impression that the country got when the road was built.

Mr. MANSFIELD of Montana. It was a road built where it was because of the wartime emergency. That is a good road, and it is perfectly usable all year around. There is every reason in the world why we should investigate every possibility and have a report come back to both Houses of Congress with a well-thought-out program.

Mr. MARTIN of Massachusetts. It is not proposed to give this road away after we have built it?

Mr. MANSFIELD of Montana. Not at all.

Mr. SABATH. After the splendid explanation on the part of the gentleman from Montana [Mr. MANSFIELD] and the acting chairman of the Committee on Foreign Affairs, the gentleman from Texas [Mr. LUTHER A. JOHNSON], I feel that the gentleman from Massachusetts [Mr. MARTIN] and others are satisfied with the aim of this resolution.

IN ANSWER TO UNWARRANTED CRITICISMS

Now, Mr. Speaker, under the permission given me to speak out of order, I wish to take just a few minutes to answer the unwarranted statements made

on the floor to the effect that I had intentionally and deliberately absented myself or had disappeared, statements made by the gentleman from Michigan [Mr. HOFFMAN], by the gentleman from Mississippi [Mr. RANKIN], by the gentleman from Virginia [Mr. SMITH], and, as has been pointed out here by the gentleman from Wisconsin [Mr. BIEMILLER], by the Senator from Ohio [Mr. TAFT] in the other body.

Mr. Speaker, I stood right behind the gentleman from Virginia [Mr. SMITH], who had theretofore opposed the District of Columbia penal institutions bill, when he announced his withdrawal of his objections to the bill. It was then about 1:30 o'clock. The bill then came under consideration; and while it was being taken up, with several other Members, I seized the time for a quick luncheon. There was a call of the House and I answered the roll call here about 2 o'clock. Having plenty of work to do, I then went to my office and remained there until about 3 o'clock, when I was told that the gentleman from Virginia, Judge SMITH, had telephoned to one of my stenographers, and had informed him about 2 o'clock that he wanted a meeting of the Committee on Rules at 2:15 on a bill that had just come from the other House.

PROCEDURE UNUSUAL

Well, that in itself was rather unusual, in view of the fact that the other body had had that bill for 3 months. I felt the House was entitled to have at least a day or two to familiarize itself with the Senate amendments to the bill. I was also informed that some Members, having been informed there was to be a meeting of the committee, appeared in the committee room, although I had not called any such meeting, feeling that it would be manifestly unfair to consider the granting of a rule for immediate consideration of a bill within a few minutes of the time it was received from the other side.

Even had I been in the committee room at that time, Mr. Speaker, I should not have called the meeting in such haste on legislation of great moment and far-reaching consequences, and especially for the purpose of granting a rule for immediate consideration of the bill in defiance of all orderly procedure and the traditions of this great House. The Members of the House certainly deserved an opportunity to study the harsh aims of the bill, destructive of organized labor and its legitimate activities and rights.

UNWARRANTED STATEMENTS MADE

Nevertheless, statements have been made by these extremely anxious anti-labor legislators that I planned to withhold action on a rule for 10 days. Those statements also were unwarranted, unjustified, and uncalled for. No one has been more attentive than I have been. I have been here continuously since Congress convened for the present session. I was not even able to go home during the short recess, which served only as a brief breathing spell in which to catch up with the multitudinous duties it is my lot to be obliged to attend to. In that connection, I admit that I was not on the floor Monday when the gentleman from Michigan [Mr. HOFFMAN] stated that I had "disappeared" or "could not be found." I was not on the floor when he spoke because I have never felt that I could derive any useful knowledge or information from anything he might say, and I had important matters demanding my attention in my office.

I am fully aware of the anxiety of the gentleman from Michigan [Mr. HOFFMAN], of the gentleman from Mississippi [Mr. RANKIN], and of the gentleman from Virginia [Mr. SMITH], to force action on any legislation that would tend to weaken or destroy organized labor. Yet the Committee on Rules has accomplished its work and is far ahead of the House. I have here a list of 12 rules that are now outstanding, rules for bills the House has not yet been able to act on, and proof of my continuous activities.

TWO RULES HELD OVER BY COMMITTEE REQUEST

I have been requested to hold two rules, for the river and harbor bill and for the Reed Railway Reorganization bill, over until next week. I regret that I must insist the gentleman from Georgia [Mr. COX], is mistaken when he states that that was not the decision of the committee. I was asked not to file the reports on these rules until next week because a number of Members appeared before the Committee on Rules in opposition to some of the provisions in the bill this rule will make in order. Some of those Members are from Mr. SMITH'S State, Virginia; some are from West Virginia; some are from other States. I am not going to defy the action of the Rules Committee by filing it today unless I obtain consent of a majority of Members.

I hope, Mr. Speaker, I have made my position clear as to why I am holding this rule—not because I am opposed to giving the House a chance to consider the bill, for I know that many Members from many States have projects in the bill in which they are extremely—I say extremely—interested, and who believe that favorable action on those projects may aid them in their primary contests.

COMMITTEE ON UN-AMERICAN PROPAGANDA ACTIVITIES SHOULD INVESTIGATE KU KLUX KLAN AND OTHER SUBVERSIVE ACTIVITIES

Now, Mr. Speaker, I take the opportunity to call attention of the House to the action of the Governor of Georgia, the Honorable Ellis Arnall, and of the United States collector of internal revenue in initiating legal proceedings against the Ku Klux Klan. I read of this in last night's and this morning's newspapers. The following article from the New York Times is perhaps the most complete account, since it lists each alleged violation of statute, and gives details of the $685,000 Federal tax lien filed against the Klan:

GEORGIA ORDERS ACTION TO REVOKE CHARTER OF KLAN—FEDERAL LIEN ALSO PUT ON FILE TO COLLECT INCOME TAXES DATING BACK TO 1921—ARNALL REPORTS THREATS—GOVERNOR WARNS OF A SPECIAL SESSION IF NEEDED TO ENACT "DEHOODING" MEASURES

ATLANTA, GA., May 30.—Gov. Ellis Arnall today ordered the State's legal department to bring action to revoke the Georgia charter of the Ku Klux Klan.

At the same time, the United States Collector of Internal Revenue in Atlanta filed a Federal tax lien against "Ku Klux Klan, Inc.," in Fulton County (Atlanta) Superior Court for $685,305 allegedly due the Government in income taxes for the years 1921 through 1924 and for 1946.

Governor Arnall's directive instructed Attorney General Eugene Cook to bring quo warranto proceedings against the Klan to do away with its charter. The Governor asserted that if efforts through the courts were unsuccessful he might call an extraordinary session of the legislature to enact laws to "dehood" the Klan "and prohibit activities which the general assembly might determine to be detrimental to the public good."

TELLS OF PHONE THREATS

The governor said he had received numerous anonymous phone calls during the last 2 weeks.

"They say they are going to get me," he said. "I don't know what for. These anonymous callers tell me that the Klan is not accustomed to having public officials interfere with its activities in Georgia."

Governor Arnall also ordered the attorney general to seek the assistance of the Federal Department of Justice, suggesting that FBI agents may have already assembled information that would help Georgia in its efforts to outlaw the Klan.

Soon after the Governor's directive had been issued Attorney General Cook said that the entire legal staff of the State law department would work with the Georgia Bureau of Investigation in a thorough probe of Klan activities.

Mr. Cook appointed Assistant Attorney General Daniel Duke to head the inquiry for the law department. The attorney general said quo warranto proceedings would be filed as soon as evidence was sufficient to justify the filing of such a suit.

Governor Arnall's directive to the attorney general listed six charges which he said could be brought against the Klan to show the hooded order had violated its charter. The directive stated in part:

"I am officially directing you to bring quo warranto proceedings against the Ku Klux Klan.

"My information is that the Knights of the Ku Klux Klan, Inc., is incorporated in Fulton County, Ga., with authority to function throughout the United States as a patriotic, secret, social benevolent order. * * * Purely benevolent and eleemosynary, and there shall be no capital stock or profit or gain to the members thereof.

"It is my further information that on June 4, 1944, the Ku Klux Klan suspended its corporate activities, but that on March 21, 1946, the Klan filed with the secretary of the State of Georgia a certificate of corporate registration for the Knights of Ku Klux Klan, Inc., paying the required fee covering corporate activities for 1941–46, inclusive. It seems that the charter of the Ku Klux Klan, Inc., can be revoked on a number of grounds, among others, the following:

"1. Violation of its nonprofit charter. The Klan has been found to have been operating for profit by the United States Treasury Department and was assessed some $700,000 in taxes by the United States Government for the period 1915–41.

"2. Violation of its nonpolitical corporate charter. The Klan has been and is engaged in political activities. It is a well-known fact that its present chief political occupation is the gubernatorial contest in this State. The evidence and photostatic documentations can be secured.

"3. Misrepresentation by the Klan of its purposes upon incorporation in 1915 and reincorporation in 1935, for it has exceeded its corporate powers in a number of ways.

"4. The Klan has been and is engaged in unlawful activities. These activities are

aimed at the destruction of civil liberties as guaranteed by the State and Federal Constitutions. Accordingly, the Klan is not entitled to the protective cloak of incorporation and the privileges thereof, which said protection and privileges are available for lawful activities only.

"5. The Klan has violated the criminal laws of this State. Accordingly, its charter can be revoked. There is abundant evidence of such illegal activities available.

"6. The Klan is not a bona fide fraternal organization but exists primarily for the purpose of arousing, fostering, promoting, and effectuating prejudice, hatred, and intolerance through the concerted action of its members.

"This is not a purpose for which a Georgia corporation may be organized or for which it may exist.

"I am sending a copy of this communication to Maj. William E. Spence of the Georgia Bureau of Investigation, with the request that his department assist you in securing evidence to use in a quo warranto suit against the Klan.

"I also request that you confer with the Attorney General of the United States about this action. I would not be surprised if the FBI does have agents to join the Klan to obtain information as to its activities. I am sure that should the Department of Justice have such information it would be afforded to you for your use.

"If action in the courts is unavailing it may be necessary to convoke the general assembly in extraordinary session to dehood the Klan and prohibit activities which the general assembly might determine to be detrimental to the public good."

KLAN LEADER MAKES REPLY

ATLANTA, GA., May 30.—Dr. Samuel Green, grand dragon of the Klan here, said today he would welcome any investigation and that he would extend the State "the same full cooperation that I offered the Federal Government" when the House Wood-Rankin Committee on un-American Affairs was reported ready to investigate the Klan in Georgia.

CONGRESSIONAL INVESTIGATION IS NEEDED

In view of this dispatch in a reputable newspaper, I wonder if the gentleman from Mississippi will bring about a thorough investigation of the conditions which brought about this action on the part of the Governor of Georgia, and which justified the Treasury Department in imposing a lien against Ku Klux Klan, Inc., for unpaid Federal taxes?

If I am not mistaken, the gentleman has stated, and committee's counsel has stated, that there was no evidence of contemporary Ku Klux Klan activities in Georgia or elsewhere. In view of these newspaper stories, the picture article in Life, and many other public sources of information, will the gentleman from Mississippi still maintain that there has been no cross burning or other terrorism in Georgia, in Florida, in Tennessee, in California, and in other States where unscrupulous leaders have gone beyond all limits of toleration in their violations of decency and of our Constitution?

MEMBERS MULCTED IN FEES

For, Mr. Speaker, I want it understood that many good men are forced by unprincipled leaders to join the Klan, as was evidenced by thorough investigations in the past; they are mulcted of large initiation fees and assessments, hoodwinked not only into subscribing to un-American principles but into purchase of uniforms and insignia at outrageous prices, and given nothing in return but the doubtful thrill of engaging in unlawful orgies of hatred and violence in a coward's mask, while the money finds its way into the private coffers of the high leaders who are willing to sell their souls and their country's soul for cash.

Much the same charges can be leveled at the Black Shirts, the Brown Shirts, the Silver Shirts, and other organizations catering to the basest of human emotions in order to extract hard-earned dollars which could have been better given to charity or the church, enriching the promoters of these campaigns of hatred and bigotry who have proved themselves too avaricious even to pay taxes on their ill-gotten profits, obtained, I am satisfied, by false representations and false pretenses, and have thus laid themselves open to Federal prosecution as tax dodgers when they could not be reached by any other statutes.

It is my most fervent hope that the country will rid itself of all such organizations and will refuse to deviate in the least degree from the democratic way of life assured by our Constitution and envisioned by the founding fathers under the influence of the unscrupulous leaders of any sect preaching and selling hatred.

KU KLUX KLAN IS NOT THE ONLY UN-AMERICAN ORGANIZATION TO BE INVESTIGATED

On May 17, Mr. Speaker, 2 weeks ago, when, in unison with others, the gentleman from Mississippi urged upon us an appropriation of $75,000 for the Committee on Un-American Activities, I stated in opposing the resolution that I would gladly vote 10 times that amount for the committee if it would investigate the real subversive, un-American, and seditious or treasonable movements of this country, without fear or favor, and I gave to the House the names of just a few I considered worthy of attention from the committee. I named, of course, the Ku Klux Klan, for the Klan has been busy for many months, as everyone else knew; I mentioned the Nazi dues-paying party members whose names were obtained by the United States Army and published by the Kilgore subcommitte of the Senate Committee on Military Affairs; I mentioned also the phony pro-German relief organizations seeking to use the natural and God-given generosity of the American people to reenact the propaganda campaign run by George Sylvester Vierick after the First World War; and I named the National Economic Council, the American Action Committee, and the Spanish Falange. I said then, Mr. Speaker, and I repeat, that those are only a few of the dangerous movements active now in the United States.

MASQUERADE IN FALSE NAMES

I do not wish to be understood, Mr. Speaker, as saying that every member of these and similar organizations is consciously un-American or knows that he is participating in a dangerous revolutionary activity; but, going back to what has been done in the past by the leaders of such organizations, I am convinced it is absolutely necessary to bring their activities to light, and, if they have violated the statutes, to get rid of them by due process of law or by pitiless publicity. Many of them have high-sounding names, masquerading in the false clothing of patriotic or religious titles; but they advocate the Nazi ideologies, the Fascist forms of government.

Oh, yes, Mr. Speaker, the gentleman from Mississippi [Mr. RANKIN] and the gentleman from Michigan [Mr. HOFFMAN] to whom everything appears red, keep up an insistent clamor. They seem to feel there is no danger from any source but communism, and everything is communistic of which they disapprove. I hold no brief for communism, Mr. Speaker; but I beg and plead for accuracy, for an end to indiscriminate smearing and Red-baiting, for equal treatment of all. Investigate Communists and Communist activities; bring everything to light. But at the same time investigate the still more dangerous activities of the termites of fascism and nazism, devouring the strong foundations of our democracy in the dark, unseen, unfelt, unknown.

REAL DANGER COMES FROM NAZIS

The gentleman from Michigan [Mr. HOFFMAN] took occasion to pay his compliments to me today on the floor; his gibe was unworthy of my notice or comment. But, Mr. Speaker, I say to him and to all others: I honestly believe there is less danger to America and our free institutions from the handful of progressives, and even from the New Dealers, so hated and feared by these timorous gentlemen of little faith in our way of life, than from those hidden Nazi-Fascist forces whose real aim is to destroy the American form of government and the American way of life.

On last Monday the gentleman from Mississippi read into the record a brief list of alleged "Communist-front organizations" to which A. F. Whitney had lent his name. That list included American League for Peace and Democracy, American Friends of Spanish Democracy, American League Against War and Fascism, Friends of Abraham Lincoln Brigade, League of American Writers. Of course, to him any labor leader is, per se, a Red; but if these organizations are communistic, why does not the gentleman from Mississippi investigate them?

Mr. RANKIN. Mr. Speaker, will the gentleman yield? They have been investigated and we have a report on them from the Dies committee.

FURNISHED G. L. K. SMITH WITH FORUM

Mr. SABATH. I know the report the gentleman has. It reminds me of the time Mr. Dies and his committee could find no wrong-doing on the part of William Dudley Pelley, who was subsequently indicted in company with George Sylvester Vierick, the convicted Nazi propagandist, for seditious conspiracy. Pelley was found white as a lily by the Dies committee, notwithstanding it was known and had been proved he was an agent of the Nazis, from whom he received vast sums to be spent in creating discord and disunion in the United States, and to help cripple us in the coming war.

Oh, yes, Mr. Speaker, the Dies committee called Mr. Pelley and gave him a shining coat of whitewash; and now the gentleman from Mississippi has called Gerald L. K. Smith before his committee,

and gave him a public forum from which to speak and spread his un-American doctrines of racial and religion hatred and of state authoritarianism. But have they actually investigated his un-American activities, the sources of his funds, how he disburses them? Indeed they have not; and he continues to publish his hate sheets and his articles, to organize money-making subsidiaries to reap dirty profits from the sale of hatred and falsehood and bigotry and poisoned literature.

HOUSE WILL DEMAND KLAN PROBE

I hope indeed, Mr. Speaker, the gentleman will begin a thorough investigation of all movements that threaten the American way of life, regardless of their names or aims, and let the chips fall where they may; but let the same treatment be meted out to all. In the light of the action of the Governor of Georgia, Mr. Speaker, and of the United States Government, I think the House will demand that the Ku Klux Klan and all other such subversive and violent movements be thoroughly investigated, and that there shall be no whitewashing nor favoritism nor persecution. Why, Mr. Speaker, I voted a few days ago for an unprecedented and oppressive antilabor bill which, of course, the gentleman favored, because I thought the emergency justified the action; but that does not mean that I must criticize and persecute and denounce all who disagreed with my vote.

I would not feel justified in assailing and attacking all my critics, or any of my critics, as the gentleman assailed and attacked and denounced, a few minutes ago, the former Secretary of the Treasury, Mr. Henry Morgenthau, Jr., recognized by the people of the United States as one of the greatest of all Secretaries of the Treasury and as an outstanding American who has served his country truly and well and with high distinction.

FORMER SECRETARY MORGENTHAU DEFENDED

But the gentleman from Mississippi said that Mr. Morgenthau "had to stick his nose into it." Well, I do not know how long a nose he has, or whether his nose is longer than that of the gentleman from Mississippi. I know the gentleman from Mississippi has a good nose; that I do know. Of course, I fully understand the innuendo that is at all times in the company of the gentleman from Mississippi; it is not subtle. By saying that Mr. Morgenthau, an honored and honorable citizen, "had to stick his nose in" the gentleman seeks to emphasize that the object of his attack is, or might be, of Jewish descent, which the gentleman deems to be derogatory, regardless of any man's proved loyalty, patriotism, or Americanism.

Oh, Mr. Speaker, with his ability, with his years of activity here, I have been hopeful——

(Here the proceedings were interrupted and the succeeding matter subsequently stricken from the RECORD.)

The SPEAKER pro tempore. The gentleman will proceed in order.

PLEA FOR THOROUGH INVESTIGATION

Mr. SABATH. The gentleman did not permit me to conclude the complimentary remarks I was making about him, and asked that my remarks be taken down, but subsequently withdrew his request. When he interrupted me I had started to say that the gentleman has ability and years of experience. I regret the interjection, for at that time I was in splendid humor, and I would have said even more complimentary things, no matter with what difficulty, just in the hope the gentleman would take into consideration my request, nay, my plea, for a thorough, unbiased, and judiciously conducted investigation of all un-American, subversive, and dangerous organizations, movements, or activities.

From time to time I have hoped, sometimes I have even prayed—though I did not expect that to help much in this instance—that the gentleman would eventually desist from what not only I but many, many others regard as his intemperate and unfair attacks, and take a more charitable and more Christian attitude. I had hoped that he would recall that he was elected as a Democrat from a Democratic congressional district in a Democratic State. I had hoped, but without hope, that he would not again, and again, and again, lend himself to the Republican manipulations and machinations. Because he has tremendous influence and following on the Republican side, I feel that his outbursts are not intended to be conducive to the best interests of the Democratic Party.

REPUBLICANS FOLLOW HIM TO HURT DEMOCRATS ONLY

And though Republicans follow him, as he follows them, it is not, I know, because they believe in what he says or honor him, but because of the injury they hope the dissensions will cause to democracy.

Those attacks he so frequently makes against me personally do not affect me. In fact, were it not for my deep and lifelong interest in the weal of democracy they would be welcome, because the people I have the honor to represent do not give great consideration or esteem to the fulminations of the gentleman from Mississippi. Though disappointed in my hopes he would return to the fold of democracy, his taunts do not depress me or affect me; I am only mindful of the harm he may be doing to the real cause of democracy—a party whose record proves it is the party of the people and for the people.

Mr. RANKIN. Does the gentleman approve those vicious attacks by Mr. Morgenthau against President Truman and against the Members of this Congress? Does he approve those insulting attacks made on the President and the Congress?

IN DEFENSE OF PRESIDENT

Mr. SABATH. I had not yielded to the gentleman from Mississippi; but let that pass. Since he has interjected his remarks, let me say to him that I neither heard Mr. Morgenthau nor have I seen the text of his remarks in the newspapers. If he said anything disrespectful about the President, then I disagree with him, because I believe the President is sincere, a well-meaning American who has the best interests of America at heart.

Mr. RANKIN. Would the gentleman mind my reading Morgenthau's vicious attack on him?

Mr. SABATH. The gentleman will have a little time later on.

Mr. RANKIN. I cannot get time now.

Mr. SABATH. If it will not take too much time; however, I am willing to put it in the RECORD and I will answer it myself. I have answered some of those who have attacked the President. I believe the President meant well. Perhaps he has gone too far. In fact, I feel that he has gone too far.

EMERGENCY WAS ACUTE

But again I make allowances—as I do in every case. The President was under terrific strain; the country was in a panic of fear; even organized labor felt that for their own best interests some drastic action had to be taken to stop the paralyzing rail and coal strikes—the most disruptive that could be inflicted on the Nation.

I recall that even our most beloved and departed President, in whom all labor had implicit confidence, recommended somewhat similar action while the country was at war. But stoppage of our railways, stoppage of our industries for lack of coal, was even more destructive here at home, even more detrimental to our fight on inflation and for orderly reconversion, than the war we fought across the oceans.

Furthermore, we are still at war.

WE ARE STILL AT WAR

We are at war, de jure and de facto. Though the guns are stilled, no peace proclamation has been promulgated; but those are only words.

In deepest reality, we are engaged in war against inflation, against starvation, against misery and want.

And here, on the home front, we are at war with one another.

With reckless disregard for the safety of our country, the welfare of our people, and their own ultimate advantage, organized big business, industry, and its leaders, dominated from Wall Street, most heartless and cynical and vicious financial center in the world, are conducting the most vicious war in our history against the very existence of organized labor, trying to divide the American people in order to conquer, just as the Fascists are still at war, trying to divide the Allies, striving, in the light and in the dark, to split the United Nations and set country against country.

I hope fervently neither will succeed, and that tranquillity, a just and lasting peace, and world prosperity will be ours; I hope we shall not be forced, while millions of wounds are not yet healed, millions of broken lives still unmended, into another war to satisfy the greed and lust for power and conquest of the Fascist-minded.

Mr. Speaker, I now yield 30 minutes to the gentleman from Michigan [Mr. MICHENER].

Mr. MICHENER. Mr. Speaker, all this talk has nothing to do with what is before the House. Our distinguished chairman is versatile as well as mentally ambulatory this morning. His remarks

range all the way from the hooded order of the Ku Klux Klan in some parts of the country, to accusations that he was trying to dodge the process server so far as a committee meeting was concerned. Then to make it peppery, comparison was made as to the length of individuals' noses. I can see that all this is entertaining if you have nothing else to do, but I think we had better get back to the business of the hour.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. In connection with the gentleman's observation, I was wondering if, when he gets through, he would ask me what the program is for next week.

Mr. MICHENER. Yes; I will take the time right now and ask the distinguished majority leader what the program for next week is. That is more germane than anything we have had up to date.

Mr. McCORMACK. I asked that because the gentleman who has the floor is the acting minority leader, and since I have arranged the program I should like to announce it to the House as soon as possible. I appreciate the gentleman's interrupting his remarks to ask me what the program is.

On Monday the Consent Calendar and the Private Calendar will be called. There will be one suspension, on the bill (H. R. 6371) to amend certain provisions of the National Service Life Insurance Act of 1940. If the second bill on the program for today is not disposed of today, then, of course, that will follow the suspension on Monday. Then, if any time remains on Monday, and on Tuesday, the rivers and harbors bill, about which we had such a pleasant colloquy a little earlier, will be in order.

There is an understanding between the distinguished gentleman from Massachusetts [Mr. MARTIN] and myself, subject to the approval of the House by unanimous consent, of course, that if any roll calls take place they will not take place before Thursday.

Wednesday is Calendar Wednesday, and I understand it is desired that the calendar of committees be called.

On Thursday and Friday there will be in order the census bill (H. R. 5857) to provide for the collection and publication of statistical information by the Bureau of the Census.

On Friday, definitely assigned for that day without regard to what the legislative situation might be, is the terminal leave bill, H. R. 4051. That will be the first order of business on Friday.

I reserve the right in announcing this program to place other legislation on the program that may be more or less of a noncontroversial nature. Particularly, on Thursday, if there is an opportunity to put in some other bill, although I know of none now, that will be done. However, that is the program for next week.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I yield.

Mr. RANKIN. I was out of the Chamber when the gentleman made his statement. Did you say that the veterans' insurance bill would come up under a suspension of the rules?

Mr. McCORMACK. Yes, I did.

Mr. RANKIN. But that if a roll call is demanded, the roll call would be carried over until Thursday?

Mr. McCORMACK. I said that if there were any roll calls at all, they would go over until the following Thursday.

Mr. RANKIN. What about the rivers and harbors bill?

Mr. McCORMACK. I am hopeful that the debate on that will be started on Monday and then go over until Tuesday.

Mr. SABATH. Mr. Speaker, will the gentleman yield? I do not desire to delay one minute with reference to the rivers and harbors bill. I am acting under instructions, but on Tuesday there is an election in Chicago, and some of the Members would like to be there and, in fact, have already left, so can it not be arranged that the vote will be taken on Wednesday on the rivers and harbors bill?

Mr. RANKIN. If the rule is filed today so that it can come up for debate on Monday or Tuesday, the roll call can be postponed.

Mr. SABATH. If the majority of the Members will agree to it, I will file it.

Mr. McCORMACK. I think we can all understand and the Members can draw their own inference as to the reason for the position taken by the gentleman from Illinois.

Might I suggest that any roll call will take place on Thursday if the understanding is carried out.

Mr. MICHENER. That is if there is to be a roll call on a controversial matter, but a point of order of no quorum may be mad

Mr. McCORMACK. Of course, if there is no quorum, we have no control over that. I thank the gentleman for giving me the opportunity to announce the program.

Mr. MICHENER. To get back to the business before the House, the rule makes in order the consideration of the bill H. R. 2871, the purpose of which is to set up a commission of eight members to study the Alaskan highway proposition. That is all there is to it except the section which authorizes the appropriation of $50,000 to make the study. So far as the present highway is concerned, about which the gentleman from Massachusetts [Mr. MARTIN] inquired, that was a war highway. It was built by the Federal Government in Canada and paid for by our Government. It costs approximately $175,000,000 or $176,000,000. In accordance with the terms under which the road was built, it was to revert to the Canadian Government when the war was over. I understand it has reverted to the Canadian Government. We have no interest whatever in that highway today. If that is true, then perhaps this commission might be a good thing to see if we cannot in some way salvage some of our loss.

Mr. COLE of Missouri. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I yield for a question.

Mr. COLE of Missouri. I understand also that the American Public is now excluded from using that highway since it has gone back to Canada.

Mr. MICHENER. The gentleman can discuss that matter thoroughly with Members who know more about it than I do. All I know is that our country built the highway and paid for it, and that, according to the terms of the contract, it was to be given to the Canadian Government when the war was over. That has been accomplished. We have no interest in it or control over it, as I am advised by those who presumably would know.

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I yield for a question.

Mr. WHITTINGTON. There is no occasion for guessing about that because there is a report filed by the committee which investigated it.

The disposition of that highway is determined by agreements and treaties between the United States and Canada. I think it is a mistake to say that that highway is not available to the public and will not be available to the public if we desire to use it.

Mr. MICHENER. If the gentleman from Mississippi makes that statement I will give much weight to it, because the gentleman is not loose with his talk, and he is careful in ascertaining the facts always.

Mr. WHITTINGTON. I would say that is a matter of record, because the committee submitted a report after the Congress authorized the investigation.

Mr. COLE of Missouri. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I yield.

Mr. COLE of Missouri. I have just been informed that the highway is open to the public, but that those who travel it must take their own gasoline, because gasoline is not available along the road. So my previous statement was probably too broad. If I am in error I stand corrected.

Mr. MICHENER. I like that kind of debate. When a Member makes a statement momentarily which may not be exactly correct, and then when the fact is made known, I like the Member who gets up squarely and says, "Possibly I was wrong." If we would all do that I think we would get along a great deal better.

Mr. Speaker, I yield the remainder of my time to the gentleman from Iowa [Mr. CUNNINGHAM], a member of the Roads Committee who has gone over this whole proposition, who has visited the site, and who I think knows about the facts.

The SPEAKER. The gentleman from Iowa is recognized for 20 minutes.

Mr. CUNNINGHAM. Mr. Speaker, in 1945 this House passed a resolution authorizing and directing the Roads Committee of the House to investigate the Alcan Highway as well as the Latin-American Highway.

As a member of the Roads Committee, I was privileged to go to Alaska and I spent approximately 4 days going over the Alcan Highway in August of last year.

First, this highway starts at Dawson Creek in Canada, which, according to the highway engineers, is mile zero, and

extends to Fairbanks, Alaska, a distance of 1,529 miles.

Mr. MANSFIELD of Montana. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield.

Mr. MANSFIELD of Montana. Would the gentleman mind using the pointer and pointing out those places on the map?

Mr. CUNNINGHAM. This is not my map, and so I am not familiar with it, but I am glad it is here.

The road starts at Dawson Creek and extends up through Fort Nelson to Fairbanks, Alaska. The boundary line between Canada and the United States is shown here. From Dawson Creek to Edmonton is a distance of 402 miles. That is one of the bad links in the highway that has not been completed. It is more or less of a trail, or it was last year. It can be negotiated in good weather, but in bad weather you cannot get from Edmonton to Dawson Creek to start over the highway, without further work being done on that 400 miles between Dawson Creek and Edmonton.

From Edmonton down to the border, to the Montana line, there is a very good road that our people could travel. There is a little break there that would take some work to connect it up.

Of these 1,529 miles more than three-quarters of it is in Canada, and about 300 miles of it, as I recall, is in Alaska.

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield.

Mr. WHITTINGTON. In connection with reaching it from Montana, it is also fair to say it can be reached by highways going through the Dakotas?

Mr. CUNNINGHAM. Yes; through other points. I was coming to that.

In these 1,529 miles from Dawson Creek to Fairbanks, it is a two-lane rock, sand, and gravel highway approximately 5½ or 6 feet in depth all the way. It is a good highway. It is passable all 365 days in the year right now, with certain exceptions which I will endeavor to explain. Some parts of the highway are better than others. I was over what I was told is the best part of it and I also went over the worst part of it. I could drive my car very comfortably over all of it every day in the year unless the weather was so cold that you just could not go. Some parts of the highway are located so far north that in certain months of the year, in fact most of the year, it would be just about too cold to drive over and exist. But when the weather is warm enough it is a good, usable highway.

First, there were two Alcan highways built. The first one was known as the tote road; the second one is the present highway. About three-quarters of the present highway is built on top of the original tote road. It was the evening of the first day that I was going over the highway. I was in the front seat of the car with Colonel Chevez, who was in command of maintenance. He kept pointing out to me as we drove along: "There you can see where the old road went; here you can see where the old road went." I thought he was talking about a road that had been built during the gold rush many years ago, or by the Indians.

Finally, I asked: "When was that old road built?"

He said: "In the summer of 1943."

I said: "Who built it?"

He said: "The United States Army engineers."

Then I asked for an explanation and I found that it was necessary to build what they call the tote road in order to get in machinery and equipment and the men to build the main road, to get supplies, to get the lumber and the material to build the housing accommodations or, rather, the shacks and the maintenance camps in order to quarter the men up there, during the winter in particular. In other words, there is nothing along the site of the Alcan Highway that will sustain human life under present conditions; so the United States Army or Government had to transport all of their building equipment. They have had to haul coal for great distances to heat some of the barracks, particularly where the barracks were away from any timber. This tote road even had to be used to bring in sawmills to send out into the hills and into the Territory in order to cut timber to complete the main highway.

There was a lot of criticism that our committee has received about trucks, tractors, and equipment rolling off the highway during the time it was being constructed, and that it was abandoned and not brought back on the highway. We investigated that question for over half a day and found that it was true that there were instances where trucks and pieces of heavy road-building machinery went off the highway and were not brought back. But when you go up there and see the terrain you see how it was impossible to get the stuff back on the highway and why it had to be abandoned. For example, there was one place where if a truck rolled off the highway it would go down 3,000 feet over rock and rough terrain. There were other places on the highway where it might not go 10 feet, but that was in what is known as muskeg, and until you see muskeg and have a little experience with it you cannot appreciate it; but if a piece of road-building equipment were to get off the highway and into this muskeg there would be only one possible way to get it back and that would be to lift it straight up and swing it around. To be able to get that truck up and swing it around they would have to build a solid bed in the muskeg. So if it went off into the muskeg it just had to be left. It would cost less to buy and bring in new equipment than it would to salvage the one that went off the highway. But I do not want to take too much time on this. I want to get back to the 1,529 miles making the entire Alcan Highway.

Of the 1,529 miles there are about 40 that will have to be relocated. The figure might vary some. It would not be less than 25 or more than 50, but about that much of the present highway will have to be relocated. This is due to an error in judgment on the part of the men building the highway. When our engineers were up there it was summertime when the streams were dry. There was one place along the highway where a stream was only a few feet in width in the summertime with rock and gravel and pebbles extending for half a mile on each side of the stream. The engineers built the highway right across this gravel bed with a small bridge across the stream, and they insisted, even though the Indian guides and the natives told them not to build a highway there but to go up on the hogback which would have meant extending the road 40 or 50 miles, and go around. But the engineers were in a hurry and said it was too far, that this was the shortest way, that it was a good roadbed. So they built the road there and crossed the stream with a bridge. Winter came with its snows and spring with its thaws, and that 4- or 5-foot wide stream became 2 miles wide, and not only took out the bridge but took out 2 miles of highway with it. So the Indians and guides were right. In order to correct that the present colonel in charge of maintenance, or the one who was there last August, agreed that they would have to relocate perhaps 40 or 50 miles of the 1,529 miles of the highway over another route that will be above the danger of being washed out.

There were other places where they had wooden bridges that were washed out. They have now been supplanted by iron and steel structures and rebuilt in such way that they will not be washed out.

Another thing, we found in that terrifically cold and rugged climate that the streams freeze from the bottom up. They freeze solid. This fact was not taken into consideration. When they built some of these bridges the water coming down kept freezing on top and the bridge itself was encased in a cake of ice. The ice went out naturally when the spring thaws came and it took the bridge with it.

There is another problem that is unsolvable, and the only unsolvable problem we found on the Alcan Highway. That is alluvian slides. Bear in mind that a goodly portion of the Alcan Highway is above the timber line—that is, there is no timber, there is no vegetation, not even moss at some places. The highway has to be located between the foot of the mountain and in one particular instance along Destruction Bay the edge of a lake. There is no more distance between where the mountain starts up and the edge of the lake than the width of this room we are sitting in. In that area they located the highway between the edge of the lake and the foot of the mountain, with no vegetation on the mountain whatever. At certain times there would be slides called alluvian slides of muck, dirt, rock, and so forth, which would start to slide like an avalanche and nothing could stop it. We witnessed one of those slides in Canadian territory. It had come down and it covered all the way from the foot of the mountain to the edge of the lake as wide as the width of this room or probably greater, more than one-eighth of a mile in length and 50 feet deep. They had tractors and bulldozers attempting to dig it out. It would take several weeks to clear up the debris as the result of that slide, and no telling when the next slide would come. There is no solution to that problem unless you tear away the mountain or put a tunnel through it. The

engineer in charge did solve it to an extent by putting in a ferry at one place, which would work during the summer months when the ferry could operate, and during the winter months the trucks could cross on the ice, but there is a period in the fall and spring when it could not be operated and there would be no way of getting around one of these slides if it should come.

Now, I want to talk about the rugged terrain and the conditions that one has to consider in regard to this highway. I noticed a truck with a steam boiler on it with rubber hoses running from the truck to the foot of telegraph poles for a certain distance along the highway. We inquired what they were doing. It gets so cold in the winter time that it freezes underneath these poles and keeps on freezing until it becomes solid ice and before spring comes the pole is pushed up to the top of the ground. Then they come along with this steam apparatus, run the steam down below the telegraph pole, which melts the ice and the pole settles back in place. About 25 percent of the telegraph poles along the highway have to be worked over every summer on that account.

We found that this 1,529 miles of highway cost just under $100,000 per mile, which included both roads.

We also found we have not very clear agreements with the Canadian Government in regard to the future. The statements that have already been made on the floor of the House, I am sure, are erroneous because there is an understanding with the Canadian Government to work out agreements for the future. I saw the agreement. I was not supposed to see it. I am going to tell you it is the only agreement there was. I am not going to tell you the details of it any more than it was very short. It did provide, among other things, that the United States Government would not be permitted to maintain or keep up the highway for two years after the end of the war unless the Canadian Government consented to it. We operated and maintained it during the month of August last year and, as I understand it, we are yet.

The highway is usable all the way and all of the year, but, as has already been stated on the floor this afternoon, there would be no use of a tourist or anyone in this country starting over that highway today unless he is able to carry with him sufficient food, sufficient gasoline, sufficient shelter—you need tents for shelter at night, although at some places there are shelter houses—he would have to carry an extra supply of tires and probably some necessary machinery and equipment to repair his car, because there is not a single tourist camp or home, garage, or gasoline station on the highway except one about 15 miles out of Fairbanks, which was there before the highway was built. Except for the maintenance camps that were operated by the road builders themselves and the Army engineers in charge of building the highway, there is nothing on the highway. One of the reasons there is nothing is that last year the then Secretary of the Interior, Mr. Ickes, had refused to open up the right-of-way to permit people to go in and build tourist camps, gasoline stations, and so forth. That rule may have been changed by the Department of the Interior recently; I do not know. But I want to say this also, that the people who live in Fairbanks are not anxious to have it made into a fine highway to get thousands upon thousands of tourists to Fairbanks, because they would not know what to do with them when they got there. Fairbanks normally has a population of about 3,500, and they would just not know what to do with them. They could not accommodate them after they got there. The country is too rugged. It is too dangerous up there to have people stay out in the open. They would like to have people come from the United States, but they do not want to have them come faster than they can take care of them.

Mr. PHILLIPS. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from California.

Mr. PHILLIPS. The gentleman has twice said that the road is passable 365 days of the year. I was wondering about snow and ice. What is done about keeping the road clear?

Mr. CUNNINGHAM. They have snow plows and shovels to take care of that, but that is not as much of a problem up there as one might think. It is more the severity of the winter, the cold. They are not troubled with very deep snows anywhere along the highway, as I recall, and I inquired about that very thing.

Mr. JENSEN. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield to my colleague the distinguished gentleman from Iowa [Mr. JENSEN].

Mr. JENSEN. I have listened with great interest to the very able explanation of the operation of the Alcan Highway, and I know that everyone is happy to know how the gentleman feels about it. I would like, also, to know if the gentleman is advised, or if I am advised properly, that the Haines cut-off from Skagway, which is in our territory in lower Alaska, from Juneau to Whitehorse, has also been condemned for use by the Canadian Government?

Mr. CUNNINGHAM. No. As I understand, it has not, I will say to the gentleman from Iowa. I drove over the Haines cut-off down to Skagway. It was then not open to the public. They opened it so that we could go over it at that particular time. But I also understand that they may open it, or intend to open it, in the future. It may be open now. It will only take a little repair work to put it in usable condition.

Mr. JENSEN. I was told a few days ago by very good authority that the road is closed at the present time.

Mr. CUNNINGHAM. It may be closed yet. It was closed when we went over it.

Mr. JENSEN. This was only last week.

Mr. CUNNINGHAM. I will say to the gentleman from Iowa that the engineer in charge of maintenance, Colonel Chevez, had no idea when it would be opened.

Mr. JENSEN. I was informed by this gentleman from Alaska that the only way possible to get from lower Alaska, that is, in the Juneau territory, is either by water or plane to the upper part of Alaska and then to the mainland of Alaska.

Mr. CUNNINGHAM. It may be, because it is not open. But all they need to do is to open it. The gentleman must remember that he was there at an earlier time than I was. There is no highway from Skagway to Haines, a distance of about 17 miles, and in order to get a connection between Skagway and Haines to get up to the main highway there will have to be a portion of road built, and it will be quite expensive and necessitate considerable blasting to get it built.

Mr. ROBSION of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. Did the gentleman go by car or truck over the entire distance of approximately 1,500 miles?

Mr. CUNNINGHAM. No; I went over just about half of it. I was on it about 4 days.

Mr. ROBSION of Kentucky. What is the estimated or actual cost of keeping this highway in repair?

Mr. CUNNINGHAM. There were different estimates.

Mr. ROBSION of Kentucky. I mean, annually.

Mr. CUNNINGHAM. The largest estimate made was that it would cost about $100,000 a year for maintenance. However, the gentleman in whose car I was riding, the man in charge of maintenance at the present time, is from the State of Georgia. His name is Colonel Chevez. He seemed to be in love with the Alcan Highway and to understand it. He claims that he can do it, if they will allow him to do it his way, for $50,000 a year or less. However, I am inclined to think that both these estimates are probably low. It is more apt to cost more than $100,000. Of course, he took into consideration that before that would start, about 40 miles of highway would have to be relocated.

Mr. ROBSION of Kentucky. I think the gentleman stated it would cost approximately $100,000 per year for maintenance.

Mr. CUNNINGHAM. The gentleman is correct and it cost a little under $100,000 a mile to build the highway.

The SPEAKER pro tempore. The time of the gentleman from Iowa has expired.

Mr. SABATH. Mr. Speaker, I yield 4 minutes to the gentleman from Iowa.

Mr. ROBSION of Kentucky. Would the new, proposed route be longer or shorter?

Mr. CUNNINGHAM. I do not think there is any new, proposed route.

Mr. ROBSION of Kentucky. The proposed location.

Mr. CUNNINGHAM. That is in Canada. I cannot tell the gentleman exactly where it is, but it is probably along in here. They would just simply have to relocate it a distance of maybe half a mile from where it is to get it away from the low land and up on higher ground. That would be rebuilding a portion only of the same highway, about 40 miles of the 1,529.

Mr. ROBSION of Kentucky. The gentleman says there is no habitation or industry or activity along there?

Mr. CUNNINGHAM. A person could not exist there unless he were able to go out and kill some wild game.

Mr. ROBSION of Kentucky. What is the purpose of having this commission appointed?

Mr. CUNNINGHAM. That is why I wanted the time to give this information. This bill authorizes an appropriation of $50,000. We have an investment there of around $150,000,000 or $160,000,000 in that highway. It might be of some value to us. If we should have another war in the future we might need the highway very badly. It was completed so that they could get equipment and planes up to Fairbanks just about the time of the end of the war. It was not completed soon enough to be of much value in this war but had the war continued another year it would have been of inestimable value to the United States.

Mr. ROBSION of Kentucky. How long would it take to make the trip with equipment, and so forth

Mr. CUNNINGHAM. Fifteen hundred and twenty-nine miles? It would take 5 or 6 days.

Mr. MANSFIELD of Montana. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Montana.

Mr. MANSFIELD of Montana. I think the gentleman from Iowa is entitled to a vote of thanks for the splendid and simple explanation he has given us of the Alaska Highway. This explanation is based on his first-hand knowledge. I am especially glad that he is bringing out the fact that this road is an all-year, all-weather road. It is true that one would expect more snow in that particular part of the continent but, as a matter of fact, there is so little snow that you can make the journey over that road on any particular day in the year. This road is important, and so are other roads which might be used to open up Alaska, as the gentleman has pointed out, not only from the viewpoint of defense, but also from the viewpoint of the economic development of the great American Territory of Alaska.

There is just one thing that has to be considered, as I see it, by this Congress. We have this initial investment. Certainly it is worth $50,000 to go ahead and decide what we are going to do and get our understandings confirmed with the Canadian Government, which I think are in a very immature state. That is one of the hardest criticisms I can level at those who had charge of building this highway, that they did not sew up these agreements when they should have and when Canada was in such a position that she would have had to give us a good deal, something more definite than we have. That is the worst criticism I found of the whole proposition. The highway itself is not a bad highway.

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Mississippi.

Mr. WHITTINGTON. When we think about other highways up there it is well enough to keep in mind, as the gentleman has indicated and emphasized, that the United States has probably built better bridges or as good bridges along this highway as there are anywhere in the country.

Mr. CUNNINGHAM. Yes; and may I add that the best part of the Alcan Highway is that part in the Territory of Alaska, which was all built by Iowa road builders and Iowa boys.

Mr. HINSHAW. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from California.

Mr. HINSHAW. I think the gentleman should add up the mileage, the 1,529, the 400 miles from the end of the road down to Edmonton, then the thousand miles from Edmonton to Great Falls, Mont., before he even gets into the United States, all of which totals pretty close to 3,000 miles between Fairbanks and Great Falls.

Mr. CUNNINGHAM. The gentleman is not quite correct. It is 800 miles from Dawson Creek to the United States border. You are getting down into the United States on the basis of your figures. Great Falls, Mont., is some distance south of the border, otherwise the gentleman's figures are substantially correct.

Mr. HINSHAW. If the gentleman would state the correct figures as to the mileage and condition of the road——

Mr. CUNNINGHAM. I did state them, but the gentleman was not on the floor when I started to speak. It is about 402 miles from Dawson Creek to Edmonton and another 400 miles, possibly a little more to the border of Montana.

Mr. HINSHAW. I was on the floor but did not hear the gentleman.

The SPEAKER pro tempore. The time of the gentleman from Iowa has again expired.

Mr. SABATH. Mr. Speaker, in view of the splendid information which the gentleman from Iowa has given to the House and knowing that the membership will vote for the rule as well as for the bill, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. SPARKMAN). The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. LUTHER A. JOHNSON. Mr. Speaker, since I understand there is no opposition to the bill on which the rule has just been adopted, I ask unanimous consent that the bill, H. R. 2871, to create a commission to be known as the Alaskan International Highway Commission, be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States, within 90 days from the passage of this act, shall appoint, and he is hereby empowered to appoint, a commission to be known as the Alaskan International Highway Commission, to be composed of five members, one a citizen of the Territory of Alaska, one a Member of Congress of the United States, and three citizens of the United States of America; said Commissioners to be appointed for a 2-year term and to serve without salary or other compensation. Said Commission shall be authorized by the President to cooperate and communicate directly with any similar agency which may be appointed in the Dominion of Canada in a study for the survey, location, and construction of a highway to connect the Pacific Northwest part of continental United States with British Columbia, Alberta, Saskatchewan, and the Yukon Territory in the Dominion of Canada, and the Territory of Alaska. Said Commission may cooperate with any such agency in the Dominion of Canada, in the study of specifications, estimates, and plans for the financing of the construction and maintenance of said road. Said Commission shall, within 2 years after their appointment, report to the President of the United States the extent and results of their activities and of any conferences, relative to such highway, and the President of the United States shall transmit said report to the Congress of the United States.

With the following committee amendments:

Page 1, line 7, strike out "five" and insert "eight."

Page 1, line 8, strike out "one a Member" and insert "two Members."

Page 1, line 9, strike out "three" and insert "five."

Page 2, line 1, strike out "2-year" and insert "1-year."

Page 2, line 3, after the word "compensation", insert "except necessary travel and subsistence expenses while traveling on business of the Commission, and for clerk hire and other expenses."

Page 2, line 17, strike out "2 years" and insert "1 year."

The committee amendments were agreed to.

Committee amendment: Page 2, line 23, insert a new section, as follows:

"SEC. 2. An appropriation not in excess of $50,000 is hereby authorized to carry out the purposes of this act."

Mr. BARRETT of Wyoming. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I take this time to make a few inquiries in respect to this resolution. At the outset let me say that I am very much in favor of this bill, but I should like to get a few points cleared up. As I understand, the construction of this road has cost around $150,000,000.

Mr. MANSFIELD of Montana. Mr. Speaker, will the gentleman yield?

Mr. BARRETT of Wyoming. I am glad to yield to the gentleman.

Mr. MANSFIELD of Montana. The cost of the road was slightly in excess of $100,000,000.

Mr. BARRETT of Wyoming. Will the gentleman tell me if it was paid for entirely by the United States?

Mr. MANSFIELD of Montana. Yes, the money was put up by the American Government because of the emergency which existed at that time. We had to get supplies to Alaska in a hurry. The safety of the entire North American Continent was threatened to a far greater extent than the people of America realize even at the present time.

Mr. JENSEN. Mr. Speaker, will the gentleman yield?

Mr. BARRETT of Wyoming. I yield to my colleague from Iowa.

Mr. JENSEN. The gentleman from Iowa [Mr. CUNNINGHAM] has just stated

that the road cost approximately $100,000 per mile and that there were 1,529 miles. So it would be in excess of $150,000,000.

Mr. MANSFIELD of Montana. I think he was using approximate figures, but I think the figure is under $150,000,000. How much I do not know. I think the gentleman from Iowa [Mr. CUNNINGHAM] did state it was slightly in excess of $100,000,000.

Mr. BARRETT of Wyoming. Now, there is one other point I would like to have cleared up. Assuming that this road is maintained on an all-year basis, will the Dominion of Canada use the road to any great extent or will it be primarily a connecting road between the States and Alaska?

Mr. MANSFIELD of Montana. Mr. Speaker, will the gentleman yield?

Mr. BARRETT of Wyoming. I yield to my colleague.

Mr. MANSFIELD of Montana. This road is maintained from now on at Canada's expense, and has been turned back to the Government. The road itself is open to American civilian traffic to Alaska, but as the gentleman from Iowa [Mr. CUNNINGHAM] has pointed out, there are no hotels, no gas stations, no eating places, or any other facilities which will take care of those people. They can go up there. The Canadian Government will permit them to, but they do so in their own judgment, and as far as maintenance of the road is concerned, it is now in the hands of the Canadian Government itself.

Mr. BARRETT of Wyoming. The question, then, is whether or not this country will join with Canada in the maintenance of the road in the postwar period. Is that not right?

Mr. MANSFIELD of Montana. Not exactly. The purpose of the Commission to be created by this bill is to look into the possibility of the road or roads between this country and Alaska, that possibility to be considered jointly by the American Commission and a similar Canadian Commission, and then recommendations are to be made, which will be brought back to both Houses of Congress for consideration and full-dress debate on the entire question.

Mr. BARRETT of Wyoming. I thank the gentleman.

Mr. MUNDT. Mr. Speaker, will the gentleman yield?

Mr. BARRETT of Wyoming. I yield to the distinguished gentleman from South Dakota.

Mr. MUNDT. I just wanted to emphasize what the gentleman from Montana stated—that this resolution upon passage does not commit the Congress in any sense to any road or roads. It commits us to study the feasibility and desirability of the roads; and if the Commission decides to recommend construction, we then have an opportunity to act upon a concrete project.

Mr. MANSFIELD of Montana. The gentleman is correct.

Mr. BARRETT of Wyoming. I thank the gentleman for his contribution.

Mr. MUNDT. I would like to add one other thing because it is a matter of interest. When we were interrogating General Eisenhower the other day on an entirely different matter, there came up the discussion of the desirability of maintaining close contact between all the Republics of the Western Hemisphere and with Canada and with Alaska. Our alert colleague the gentleman from Montana [Mr. MANSFIELD] referred to this piece of legislation and his hope that there would be additional highways connecting Alaska, the United States, and Canada. General Eisenhower said, "You cannot build too many highways connecting that area to suit the War Department."

Mr. BARRETT of Wyoming. I thank the gentleman for his additional observation.

There is one other point I want to get clear. As I understand, this road is an all-year highway. However, the question is whether or not the weather is so severe on some points of the highway that you could not travel, regardless of the fact that the road is open. I should like to know how many months of the year the weather will be such that people could travel over the road.

Mr. MANSFIELD of Montana. Mr. Speaker, will the gentleman yield?

Mr. BARRETT of Wyoming. I yield.

Mr. MANSFIELD of Montana. People from this country can travel over that road 12 months of the year. The reason why in certain instances it is difficult to travel on the road is because of the lack of facilities, and as those facilities are created along the road there will be no day in the entire year, unless the circumstance is extraordinary, that you will not be able to drive your car from any point in the United States to Fairbanks, Alaska.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. BARRETT of Wyoming. I yield to the gentleman from the great State of Iowa.

Mr. CUNNINGHAM. I think the gentleman from Montana is correct insofar as the bed of the road is concerned, but I would say that 7 or 8 or 9 months of the year no individual of the United States would want to try to go over it because he would almost freeze to death and freeze his car.

Mr. BARRETT of Wyoming. I thank the gentleman.

The SPEAKER pro tempore. The time of the gentleman from Wyoming has expired.

Mr. LUTHER A. JOHNSON. Mr. Speaker, I think many of the questions propounded by the gentleman from Wyoming will be answered by this Commission that is to be created by this bill.

As was so well said by the gentleman from South Dakota [Mr. MUNDT], this bill merely creates a commission known as the Alaskan International Highway Commission, to be composed of eight members from the United States. It is to confer with a like commission appointed by the Dominion of Canada in order to make a study for the survey, location, and construction of a highway to connect the Pacific Northwest part of continental United States with British Columbia, Alberta, and Yukon Territory, and so forth. That Commission will make a study of all these various problems and report back. There is no commitment made on our part as to what action we will take. It is for Congress to take whatever action it wishes after it receives the report of the Commission.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. LUTHER A. JOHNSON. I yield.

Mr. CUNNINGHAM. I am glad the gentleman from Texas referred to the relocation of the highway. There is much interest in Seattle, I believe, and that part of the country to abandon the highway as it now is and to have it connect up by way of Seattle, Spokane, and go up along the western part of British Columbia. They have facts and figures which they claim show it will save money in the long run to locate it there. There is another group which favors relocating it way to the east of where it now is. These are matters that should be determined by this Commission.

Mr. LUTHER A. JOHNSON. That is the reason I say it is necessary to have this Commission to determine these questions.

I shall not consume any more time. The bill comes before the House with the unanimous report of the committee. I do, however, want to ask that the gentleman from Montana [Mr. MANSFIELD], a member of the Committee on Foreign Affairs, and who is the author of the bill, tell us about it, and I yield to him at this time for further explanation of the bill.

Mr. HINSHAW. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HINSHAW. Is the bill open to amendment or just subject to debate?

The SPEAKER pro tempore. The bill is open to amendment. The pending question is the final committee amendment.

Mr. HINSHAW. I wish to know how the gentleman from Texas can yield to the gentleman from Montana.

Mr. LUTHER A. JOHNSON. I have the floor and yielded to him.

The SPEAKER pro tempore. The gentleman from Texas is speaking under the 5-minute rule. He can yield only within his 5 minutes.

Mr. MANSFIELD of Montana. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, there has been a great deal of intelligent, worth-while discussion on the proposition of a road to connect this country with the American Territory of Alaska. I think it is highly significant and I think that this measure now before us is in certain respects one of the most important measures that will come before Congress in a long time.

The trend of events in Europe, the Middle East, and China underscore our defense needs. In this respect, President Truman's proposal for an Inter-American Military Cooperation Act, to put teeth in the Chapultepec agreement, should be hastened.

In addition, nothing is more important in our foreign military relations than continued development of the United States-Canadian joint defense system which started in 1940. It is not a formal military alliance, it does not interfere with our commitments to Latin America

or Canada's relations with Britain, or with either's obligation to the United Nations. Its sole purpose is to strengthen the defense of the upper parts of the North American Continent where the United States and Canada have an equal life and death stake.

It is now axiomatic that any major surprise attack on us would be by air. The only short air routes are from the north, the northeast, and the northwest. Alaska, Canada, and Iceland are the key spots. Adequate defense by either the United States or Canada is impossible without close cooperation. That integration should cover not only bases, but also weather stations, Arctic equipment, intelligence, joint planning, roads and airfields, and, the whole range of security for the common northern frontier.

With these and other factors in mind, I have introduced H. R. 2871, a bill to create an Alaskan International Highway Commission, to be authorized by the United States and to cooperate and communicate directly with a similar agency which may be appointed in the Dominion of Canada in a study or the survey, location, and construction of a highway, or highways, to connect the Pacific Northwest part of the continental United States with British Columbia, Alberta, Saskatchewan, and the Yukon Territory in the Dominion of Canada and the Territory of Alaska.

To me, Canada and the United States are inextricably bound together because of the march of world events and to my way of thinking, our future does lie more to the north, by way of Alaska and over the polar ice cap, than either to the East over the Atlantic or the West over the Pacific. The recent flight of a group of B-29's from the Alaskan Wing of the American Air Transport Command; the Operation Musk Ox recently conducted jointly by the two Governments 500 miles north of Churchill; and the recently completed "Operation Frostbite" along the coast of Labrador, are to me indications of a manifestation by the two governments of their recognition of the importance of the Arctic and the sub-Arctic. These moves certainly were not planned without proper thought and due consideration and it is my firm belief that it will be to the best interest of our two countries to have in each an Alaskan International Highway Commission which could get together, study the problem of ground, and incidentally, air transportation, and make recommendations regarding what should be done in the interest of opening up Alaska and also in the interest of planning our northern defenses.

It seems to me that this measure covers one of the most important questions facing the United States at the present time and because of the economic and strategic considerations, I am hopeful that something definite can be done about this at the earliest possible moment.

General Eisenhower, in his speech at Honolulu on April 29, 1946, said that the Army sent observers on the Canadian land and air maneuvers last winter known as Operation Musk Ox because tremendous strides in air power rendered the northern approach to the United States vulnerable. He further states:

> With progress in air equipment, no one can say the polar paths to the continent are not as important as any other.

Furthermore, according to an INS dispatch in the Washington Times-Herald, Lt. Gen. Ira C. Baker predicted on March 29, 1946, that the next war would begin with an air attack on the United States across the short cut over the North Polar wastes. He further stated:

> We must expect that any enemy will attack us over the great circle routes from the north because they are the shortest distances between the nations of the Old World and the New, between America and Europe and Asia. Those routes are quite feasible for present day military aviation. There is not the slightest reason to think he will choose any other avenue of attack.

Because of the war, the development of the plane; the creation of the atom bomb, we have only recently begun to reorient our thinking concerning the northern part of this hemisphere. It is, in many respects, a new thought for many of us but circumstances are such that we cannot afford to lag behind. Geography and climate formerly our first line of defense, have now, like the oceans, been overcome by the plane, the rocket, and atomic fission. A completely new concept and technique of defense now becomes a necessity.

Whose job is it? Allow me to quote from the article Partners Against Attack, by Leslie Roberts, which appeared in the Saturday Evening Post for April 27, 1946, and which I commend to all of you:

> Whose job is it? The doctrine of sovereignty says it is Canada's but 12,000,000 people, most of whom live in a narrow corridor strung along the American border, obviously cannot defend an area greater than that of the United States. Nor, if the term "Good neighbor" means anything, can Uncle Sam march into the Dominion and build fortifications without Canada's consent. The obvious answer is complete integration, not merely of policy but of the armed forces of the two countries as to weapons, ammunition, matériel and military formations.
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> The existing United States-Canada defense relationship, an agreement under which each undertakes to go to the aid of the other in time of need, is implemented by a permanent joint defense board which is without power to defend anybody from anything and is purely consultative. In fairness it must be pointed out that neither agreement nor board came into existence until Canada had become involved in war with Germany in 1939. The board cannot be held responsible for the improvizations of World War II, but to continue its present title and status tends to lull the public into a sense of false security. If the time of need should be today or even after present postwar plans have had an opportunity to jell, an agressor's onslaught on North America would not be met by a joint defense force, but by two distinct military entities not merely incapable of meshing with each other but not even carrying interchangeable weapons.
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> In the war just ended, hastily improvised measures were set in motion overnight. The Yanks rushed the Alaska Highway across 1,671 miles of Canadian tundra to defend and supply Alaska and the Aleutians. They thrust the Canol pipe line across the mountains from the oil wells of the Mackenzie to tidewater and moved a refinery holus-bolus from Texas to process Canadian crudes. Hundreds of millions of American tax dollars were spent on a pipe of insufficient diameter for commercial operation, even if oil refined at seaboard could be shipped south to compete in the Pacific-coast market, thus precluding peacetime operation by either Government or private interests. Today Canol is rusting and both Uncle Sam and Canada apparently have given up, even for strategic purposes, an enterprise that was poorly planned, because its planners were hag-ridden by time. Last fall the base area at the wells was cluttered with United States Army jeeps, bulldozers, and all manner of equipment, jettisoned because the cost of shipping it out of the country would far exceed its market value.
>
> Men of long Far North experience insist that pipe line and highway should have been parts of one over-all plan. The highway, they say, should have followed the water-level line of the Mackenzie Valley, over a slightly longer but easier route, instead of short-cutting into the mountains farther south. This would have brought the road past the oil wells, simplifying establishment of gas and oil depots around the country. Perhaps yes. Perhaps no. The point is that nobody had time to plan and that the result was a nine-figure blunder.
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> Meanwhile, Canada built chains of outside airports on the great-circle routes, east and west, not all of which were properly sited for traffic, weather, or defense. The Canadian taxpayer is footing the bill for these and other superfluous trimmings.
>
> Nevertheless, the combined trial-and-error effort secured the door against the Japanese in the nick of time, making possible the movement of large forces to the vital zone and establishing lines of communication, without which they could not have stayed in the country. Sheer luck saved North America from becoming the scene of some of the war's bloodiest fighting, with no guaranty that the enemy would not penetrate the continent in depth and establish air bases from which to strike at the industrial heart of the United States. Certainly it would have been no trick to knock out the uranium mines at Great Bear Lake and destroy our only major domestic source of atomic energy.
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> Professional soldiers still quiver when they talk about the Aleutians campaign. Yet their own military censorship withheld from the people of Alaska the news that the Japs were on Kiska, although Radio Tokyo reported progress to them every day. By devices which ran the full gamut of hush-hush, military activities on the fringes of North America were played down, with the result that they have never been regarded as more than a local show by the public—a point of view the military, for obvious reasons, have made no attempt to correct. All this is forgotten now. Uncle Sam has tidied up and gone home. Canol is derelict. Canada has taken over the highway, and debate goes on in the Dominion as to what, if any, useful purpose it can serve. National sovereignty has taken over again.
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> Grave concern for North America's greatly increased vulnerability comes through the words of professional fighting men on the highest levels, among whom the conviction is unanimous that in the event of another war happening within the next half century, North America will be its cockpit. Typical were the observations made by Admiral G. C. Jones, Canada's Chief of Naval Staff, a few days before his recent death of a heart attack.
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> "Allied victory in World War II," Jones said, "was made possible by the terrific delivery power of American industry, without which we'd have had few convoys to escort, no invasion of Europe, and no kicking the Nazis out of Russia. If an aggressor ever runs amuck again, you can bet he will shoot the works at the industrial centers of the

United States—Pittsburgh, Detroit, and all the rest. His quick shot for a knock-out is almost sure to come over the top of the world, no matter where he starts from. You can see where that puts Canada. Right in the nutcracker. What price Uncle Sam's security when that happens?"

Mr. Speaker, I feel that it is necessary to bring about the closest possible military and economic alinement between this country, Alaska, and Canada. This is a question which we cannot avoid nor will it wait to suit our convenience. Close collaboration between the two countries is an absolute need, because of the importance of the Arctic and sub-Arctic areas. Canada and Alaska can easily become our first lines of defense and the time to think about this is now—not tomorrow or next week.

The SPEAKER pro tempore. The time of the gentleman from Montana has expired.

Mr. MURDOCK. Mr. Speaker, I ask unanimous consent that the gentleman may have three additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. MANSFIELD of Montana. I yield to the gentleman from Illinois.

Mr. SABATH. In view of the intelligent statement made by the gentleman, I want to ask him whether all this is necessary, due to the fact that Russia unloaded Alaska onto us, and whether in view of that we must prepare and Canada must prepare against Russia because it unloaded this worthless land, Alaska, on the United States?

Mr. MANSFIELD of Montana. No, but the gentleman will recall that Gen. Billy Mitchell said in 1935 that the most important area in the world from the viewpoint of air power is Alaska itself.

Mr. SABATH. Yes, but the military gentlemen at that time did not agree with General Mitchell on the things that he recommended and that he believed in, which subsequently were proven to be right.

Mr. MANSFIELD of Montana. That is true.

Mr. SABATH. Are these gentlemen wrong again?

Mr. MANSFIELD of Montana. I think they are right this time.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

Mr. MANSFIELD of Montana. I yield to the gentleman from Arizona.

Mr. MURDOCK. Before asking the gentleman a question, I would like to make this statement. Alaska was at one time regarded as "Seward's Folly." Regardless of what it may be from a strategic point of view in our national defense, is it not true that Alaska today is the jewel casket of the North American Continent?

Mr. MANSFIELD of Montana. Absolutely and in more ways than one, and as far as its economic potentialities are concerned the surface has not yet been touched.

Mr. MURDOCK. The question I wanted to ask was this: Does most of the highway as shown on the map lie east or west of the continental backbone?

Mr. MANSFIELD of Montana. East. But as far as this Commission is concerned, it is to look into the possibility of a highway or highways in any of these provinces and the Yukon territory connecting Canada with the United States.

Mr. MURDOCK. I congratulate the gentleman on his splendid statement.

Mr. MANSFIELD of Montana. I thank the gentleman.

Mr. HINSHAW. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HINSHAW: Page 2, line 1, after "America", insert "at least three of whom shall be qualified civil engineers of recognized professional standing."

Mr. HINSHAW. Mr. Speaker, I have great respect for the Committee on Foreign Affairs when it comes to dealing with foreign affairs of our country, but when it comes to dealing with highway matters I think those matters should be referred to another committee than the Committee on Foreign Affairs, namely, the Committee on Roads. Certainly the Committee on Roads is qualified to act on such a resolution and to give consideration to the necessities of the case. That committee has already made a serious investigation and study of this subject.

In the first place, you have a commission set up in this bill of eight members—one a citizen of the Territory of Alaska, two Members of Congress, and five citizens of the United States of America. There is no qualification for these citizens whatsoever. Certainly there is no qualification on a Member of Congress except that he shall have been elected to the Congress, and there are no qualifications on the other six that are supposed to be appointed.

What is the purpose of the resolution? It is to authorize "a study for the survey, location, and construction of a highway to connect the Pacific Northwest part of continental United States with British Columbia, Alberta, Saskatchewan, and the Yukon Territory, in the Dominion of Canada, and the Territory of Alaska." For goodness sake, if they hope to find out even a part of what they want to find out with $50,000 and without the employment of professional people in this effort, why I must be crazy. I am just a civil engineer myself, and know a little bit about the highway business, and I want to tell you that, if this bill passes as is, the proposed report will be absolutely useless to the Congress of the United States or any other agency of the Government.

Mr. MANSFIELD of Montana. Mr. Speaker, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from Montana.

Mr. MANSFIELD of Montana. The gentleman recalls, of course, that a bill similar to this has already passed through two or three previous Congresses.

Mr. HINSHAW. It does not matter whether it passed a half a dozen Congresses.

Mr. MANSFIELD of Montana. One of the reasons cited in the measure that two Members of Congress be designated is that they could report back to their respective Houses on just what was done.

Mr. HINSHAW. But how in the world will they find out anything of real value without some professional people attached to this program? It will take at least a million dollars to make these surveys and make this decision.

Mr. MANSFIELD of Montana. Then, too, we have the Bureau of Public Roads in this country.

Mr. HINSHAW. Yes, but you have no provision in this bill for authority of the Commission to call on any agency of the United States as any other similar investigation would be conducted.

Mr. MANSFIELD of Montana. Does the gentleman not think that the Commission would have that authority?

Mr. HINSHAW. No. They do not have that authority without the authority written into the law. If you want to write something out, go ahead and get some of the language contained in previous authorization bills of this sort and insert it. But, there is no authority in this bill whatsoever for calling on any agency of the Government to assist in making the survey. If you want a real, honest-to-goodness survey, either call on the Bureau of Public Roads or the Corps of Engineers of the United States Army. Either one of those agencies is perfectly competent to make this survey, and all Congress needs to do is to authorize either to proceed to make it. There is no necessity for any individual Member of Congress to be involved or any general citizen of the United States. It seems to me that while this resolution is good in intent, and I am glad that it has been introduced, still it is the wrong resolution to bring before the House for adoption. There is no necessity for this resolution in the language contained here, but there is the desirability of authorizing the proper department of Government to make this investigation, and I would be in favor of it.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from Iowa.

Mr. CUNNINGHAM. It has been stated on the floor, not officially, but in conversation in the last half hour, that word has come that the portion of the highway located in Canada is now closed to the use of the citizens of the United States, and that the closing of the highway is by order of the Canadian Government. Does the gentleman wish to comment on that?

Mr. HINSHAW. Unfortunately, I cannot answer that question. I did not know this bill was coming on the floor until just now. I flew over the Alcan Highway in 1945 from Edmonton to Fairbanks and saw it from the air. At that time much of it was under water, and that was in August, incidentally. A number of bridges were washed out. I will say to the gentleman, and I know he knows this from his experience in actually traveling over the highway in 1946, that anyone who travels over it does so at his great peril because, as he says, there are no hotels or hostels of any kind, there are no gas stations, there are no eating places; there is nothing.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to proceed for five additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HINSHAW. Those institutions will never be built on the Alcan Highway until such time as it is proven that they would be supported by a populace traveling up there 2,500 miles from the United States border to Fairbanks, Alaska. It would take a very careful survey, an economic survey as well as an engineering survey, to figure out whether that would be an economic thing to do for any citizens of the United States. As the gentleman has pointed out, it would take at least 5 days to cover the 1,529 miles of the Alcan Highway itself. Then there is an additional 800 miles, concerning which I questioned the gentleman a moment ago, before you get to Great Falls, Mont., certainly, if not the border of the United States. That is not a direct route, it covers the angular section lines as it approaches the north. It turns at right angles as it goes down, instead of cutting a diagonal course.

Mr. CUNNINGHAM. I also understand that before the highway could be of any satisfaction to a tourist from the United States they will have to have garages and shops to repair cars.

Mr. HINSHAW. They will have to have all of the necessary facilities, not only garages and shops but spare parts for all the different kinds of automobiles that will travel on the highway. If anybody is fool enough to make that trip for pleasure, I want to meet him after he gets back. The best way to get to Alaska is by boat or by air, and even when you get there there are practically no roads to anywhere. I have been there.

Mr. MANSFIELD of Montana. Mr. Speaker, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from Montana.

Mr. MANSFIELD of Montana. May I say to the gentleman in response to the question raised by the gentleman from Iowa that within the past month two families have traveled from the State of Washington and the State of Montana over the road into Fairbanks; furthermore, that the road itself is not closed to civilian traffic. The only draw-back, as has been brought out in the course of this debate, is that the facilities are not there to take care of the ordinary tourists.

Mr. CUNNINGHAM. If the gentleman will yield, did the people the gentleman from Montana refers to, go by way of Dawson Creek and Fort Nelson or by way of Skagway and over the Haines cut-off?

Mr. MANSFIELD of Montana. Dawson Creek and Fort Nelson; over the Alaska Highway.

Mr. HINSHAW. I reiterate that I have great sympathy with the interest of the House and with the gentleman from Montana in finding out whether or not this project is going to be an economic one for the United States to carry out, but I should like to say that this bill is wholly inadequate. It is wrongly directed in personnel, and the funds appropriated are entirely inadequate for the purpose. If what you want to do is make the proper investigation, you can authorize the Bureau of Roads or the Corps of Engineers to do it and give them an appropriation which will enable them to carry on that survey. I think the Bureau of Roads probably could do it as well as anybody else. It is not to be a military venture, but they must make an economic as well as an engineering survey of the proposition.

Mr. GALLAGHER. Mr. Speaker, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from Minnesota.

Mr. GALLAGHER. Take it as an economic survey. We have spent in wartime as a war necessity on the Alcan Highway $122,000,000. Does not the gentleman think we ought to have a survey of a road that would make a connection between the Alcan Highway and Alaska?

Mr. HINSHAW. I have just been saying that I think we ought to have the survey but this is the wrong bill for that purpose. I think you ought to authorize a specific agency of the Government to make that survey and not try to make that very important survey with a lot of miscellaneous citizens of the United States including two Members of Congress. All that it will be is a junket, and they will never find out anything at all.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. MANSFIELD of Montana. Mr. speaker, I ask unanimous consent that the gentleman be permitted to proceed for one additional minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. MANSFIELD of Montana. The gentleman has stated that since this calls for the appointment of two Members of Congress on this Commission, all they would be doing would be going on a junket. I think the gentleman is absolutely incorrect and is making a statement that will not hold water because the purpose of providing for two Members of Congress to be appointed to this Commission is that for the first time Members of Congress can come back and report to their respective Houses just what has been recommended and what is hoped to be accomplished.

Mr. HINSHAW. Mr. Speaker, may I say that the Committee on Roads of the House of Representatives is just as competent as any two Members of the Congress, particularly if they have one or two engineers on the committee. The Committee on Roads can receive any report from the Department of Roads of the Bureau of Agriculture, study same and transmit a report to the House of Representatives without bothering to appoint two Members of the Congress on a Commission.

Mr. KEE. Mr. Speaker, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman.

Mr. KEE. I think the gentleman misunderstands the purpose of this resolution.

Mr. HINSHAW. I am sure I do not misunderstand it. But on the other hand, I have a very definite understanding of it.

Mr. KEE. If the gentleman will read the language of the bill, he will understand the purpose.

Mr. HINSHAW. I have read it, and it is very clear.

Mr. KEE. It was never intended by the committee in reporting this resolution out, and the wording of the resolution does not say, that it is proposed to make a survey.

Mr. HINSHAW. It says, "study of specifications, estimates, and plans for the financing and construction and maintenance of said road."

The SPEAKER pro tempore. The time of the gentleman from California has again expired.

Mr. KEE. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for two additional minutes.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. KEE. The bill directs a study for a survey if you will read the language of the resolution.

Mr. HINSHAW. I have read that part earlier in my remarks.

Mr. KEE. We understand, and it was so stated in committee, that the War Department and the former American-Canadian Highway Commission, the Alcan Highway Commission, and several other bodies already had a tremendous quantity of information with reference to the location of this road. It is the purpose of this bill that the information be gathered together.

Mr. HINSHAW. Will the gentleman tell me where anybody on this Commission is supposed to be qualified to make such a study? I do not think anybody is qualified according to the way this bill is written.

Mr. KEE. The surveys are available.

Mr. HINSHAW. I have offered an amendment here. If you want to adopt this resolution, please put in that at least three members of it shall be qualified civil engineers. They are the people whose business it is to engage in such studies. You have not provided any compensation for anyone here, yet you expect a commission of eight members to study this thing for a year. The Members of Congress, of course, may be compensated, but what about the other people? If you are going to have people serving for nothing for a year, you will have to find somebody who has plenty of money and plenty of time to spend. I suggest that the commission be compensated and that the Members of Congress be left out of it. It should be made certain that the members are qualified civil engineers and economists. The only way to do is to vote down this resolution and then bring in another resolution properly drafted.

The SPEAKER. The time of the gentleman from California has again expired.

Mr. LUTHER A. JOHNSON. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, the gentleman from California seems to assume a considerable knowledge with reference to the assignment of legislation of this kind. I take it that his first objection is that it did not go to the Committee on Roads instead of to the Committee on Foreign Affairs. If this were a road to be constructed wholly in the United States, then the gentleman would be correct, but the highway to be constructed is to be located in the United States and also in Canada, and would not, therefore, be under the jurisdiction wholly of our Government. The bill, if you will notice the primary feature, provides that this commission which is to be appointed is authorized to cooperate with a like commission appointed by Canada. This highway, being partly in Alaska, which is American territory, and partly in Canada—it is going to be necessary, if the highway is to be a success both in construction and maintenance, to have the cooperation of the two Governments. This bill is not to build or construct or survey, but is simply to initiate the question of setting in motion the machinery by which such can be done. I do not see any reason why you want to put three civil engineers on the commission. The commissioners are not to be paid but are to serve without compensation. The testimony before the committee indicated that the Army Engineers have a very large quantity of information on this that would be available to the commission. If the commission does not have sufficient authority they can ask for further powers and for further extensions. If you are going to have civil engineers, I do not think they will work gratuitously. I do not think you can find three outstanding engineers who are going to give of their time in making the actual survey without compensation. The commission named here receives no compensation. The commission would be authorized to employ such engineers or other employees as they deemed necessary, and to avail themselves of the records of the Army engineers and the Public Roads Administration.

Mr. VORYS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. LUTHER A. JOHNSON. I yield to the gentleman from Ohio, certainly.

Mr. VORYS of Ohio. There are certain diplomatic questions involved here which through delicacy, we have not examined, but would it not be a good idea, following the gentleman's amendment, to provide for three diplomats? Also, since there are legal questions involved, I feel there should be three lawyers on the commission. As a matter of fact, as far as considering the problem that is before this commission is concerned, one kind of advice we are sure to get is engineering advice. One sort of limitation that is not needed is to require that any of these members be engineers, unless the President should decide to put on one or two. Is that not correct?

Mr. LUTHER A. JOHNSON. The gentleman is exactly correct.

Mr. Speaker, I ask for a vote on the amendment.

Mr. HENDRICKS. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD.

The SPEAKER pro tempore (Mr. SPARKMAN). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. KEEFE. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I have listened to all the arguments with reference to this resolution. I shall not address myself to the question as to whether the resolution should have been reported from the Committee on Roads or the Committee on Foreign Affairs. I can readily understand, from listening to the arguments, that the objective is to give some consideration to a proposal for the establishment of a commission that may ultimately be of aid and assistance in determining the possibility of the construction of another road through the lands of a foreign nation, to wit, the Dominion of Canada. If the road is to be built it must be built in Canada and not in the United States. That is true, is it not?

Mr. LUTHER A. JOHNSON. Part of it is in Alaska and part in Canada.

Mr. KEEFE. The largest portion of it is in Canada?

Mr. LUTHER A. JOHNSON. That is true.

Mr. KEEFE. Now, do I understand the gentleman to say that plans have already been made for the construction of a highway through Canada to connect up with Alaska, other than the Alcan Highway?

Mr. LUTHER A. JOHNSON. No; I did not say that. I said in the survey of that road, surveys and estimates were made by the War Department.

Mr. KEEFE. If I read this resolution correctly, it says:

> The Commission shall be authorized by the President to cooperate and communicate directly with any similar agency which may be appointed in the Dominion of Canada in a study for the survey, location, and construction of a highway to connect the Pacific Northwest part of continental United States with British Columbia—

And so forth. Then further on it says:

> This Commission may cooperate with any such agency in the Dominion of Canada, in the study of specifications, estimates, and plans for the financing of the construction and maintenance of said road.

Now, it seems to me that one of two things must be apparent. Either this Commission is going to cooperate with a similar Canadian Commission and study the whole problem of the probable location of a new road, the question of surveys, the question of estimates, the question of cost of construction, and all of that sort of thing, or that work has already been done and the Commission will just have authority to review estimates, proposals, and surveys that have already been made. I would like to ask the sponsor of this resolution which is correct.

Mr. MANSFIELD of Montana. I would say to the gentleman from Wisconsin that from a reading of the measure itself the statement can be made as he has already made it, that only a road is in question. As a matter of fact, my idea was a road or roads.

Mr. KEEFE. The gentleman's resolution reads "The construction and maintenance of said road." Now, what road is the gentleman referring to?

Mr. MANSFIELD of Montana. No road in particular, I may say to the gentleman from Wisconsin.

Mr. KEEFE. May I ask the gentleman so the time will not run: Has there been a survey of a road or roads other than the Alcan Highway already made by anybody?

Mr. MANSFIELD of Montana. Oh, yes; surveys have been made of roads in British Columbia.

Mr. KEEFE. By whom?

Mr. MANSFIELD of Montana. On the part of the Provincial Government. The only joint survey to my knowledge is the so-called Alcan Highway, partly in the United States, almost entirely in the Dominion of Canada.

Mr. KEEFE. Then, if this commission is to function, it seems to me there is a great deal of merit in what the gentleman from California says. If we have not already made the study of alternate highways and specifications and do not have available necessary plans and so on, then this commission if it is going to succeed certainly must be in position to have those plans and specifications for alternate proposals in order that they may have something to report to this Congress.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

Mr. KEEFE. Mr. Speaker, I ask unanimous consent to proceed for five additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. MANSFIELD of Montana. But may I say to the gentleman that this commission if created would certainly avail itself of the engineers and the Public Roads Service and the Army Corps of Engineers.

Mr. KEEFE. May I say to the gentleman that I am in complete accord with the statement made by the gentleman from California. This resolution as it has been drawn does not provide for the utilization of the services either of the engineers of the Public Roads Administration or the Corps of Army Engineers; and without such authority contained in this resolution I question very seriously, in fact I am certain that this commission could not avail itself of or utilize the services either of the Corps of Engineers or of the Public Roads Administration. It seems to me, therefore, what the gentleman is in effect doing is setting up a commission asking for an appropriation of $50,000 for the purpose of starting out on a sort of fishing expedition which will require you to come to this Congress from time to time with interim reports and finally wind up by having to ask the Congress for a large sum of money in order to get these surveys made and in order to study the specifications and the programs, or else you are not going to accomplish anything worth while under this resolution. I for

one on the disclosure that has been made and the justification and arguments that have been presented cannot vote for a resolution so indefinite as this resolution is and which on its very face does not purpose to do the thing which the sponsor says he intends to do by the resolution.

Mr. MANSFIELD of Montana. It was brought out in the Foreign Affairs Committee that 1 year would be time enough for this commission to make its report, at which time definite recommendations would be made to the Congress of the United States.

Mr. KEEFE. Make what kind of report?

Mr. MANSFIELD of Montana. A report based on the need of what road or roads should connect this country with the American Territory of Alaska, and that you have to go through a foreign country to connect them.

Mr. KEEFE. Then it seems to me that what the gentleman is asking for is a commission to make an investigation as to whether or not there is necessity for a road to connect continental United States with the Territory of Alaska through the Dominion of Canada. Has the gentleman any question in his mind that such a question could be answered by him right now affirmatively?

Does the gentleman think a commission is needed to spend a year to get the answer to that question?

Is it not true that what the gentleman is really seeking to do is actually not to determine the necessity for a road—that is apparent—but he is seeking to establish where that road can best be constructed, how it can be constructed, and what arrangements can be made without asking our neighbor to the north to cooperate in the construction of that road?

Mr. MANSFIELD of Montana. The gentleman is correct.

Mr. KEEFE. That is an engineering problem, it seems to me; and I believe the gentleman's resolution would be impotent and valueless as it is now drawn. I hope the House will send this resolution back to the committee in order that it may be amended so as to provide for the utilization of the services of the engineers of the Public Roads Administration and of the engineers of the United States Engineering Corps. Then bring in a resolution here that will give the Congress the facts and the truth, not try to cover it up with a little idea of a $50,000 appropriation that you know will be utterly inadequate and insufficient to perform the task that the gentleman from Montana says he now has in mind.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

Mr. MANSFIELD of Montana. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for two additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. MANSFIELD of Montana. Insofar as this appropriation is concerned, I offered this bill without any appropriation at all. The appropriation was put in here, after extensive conversations in the Committee on Foreign Affairs, at the expressed will of the entire membership of that committee. If they could do a job with nothing before with a commission which was then in existence, they certainly can do a job with $50,000 now, giving consideration to all the areas to be considered.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. KEEFE. I yield to the gentleman from Georgia.

Mr. COX. This resolution was reported by the Rules Committee in spite of the fact that I am satisfied there were not more than two members of the committee who believed it had the slightest merit whatever.

Mr. KEEFE. That is an astounding statement to me.

Mr. COX. The whole question has been exhaustively explored by the Magnuson committee. Senator MAGNUSON came before the committee and frankly, with no desire to embarrass the author of the present resolution, made a candid statement, an open statement. I venture the assertion that if the membership of this House would examine his statement, there would not be 5 percent of them voting for this resolution. The resolution is completely and absolutely, in the light of Senator MAGNUSON'S testimony, without merit, and the adoption of it will mean a feeble duplication of a job that has already been done. It will entail an unjustifiable expense on the Government. That is a frank, honest statement. In spite of the statement I have made, I went along with the committee in response to the urge that the resolution be let out as a compliment to its author.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

Mr. KEEFE. Mr. Speaker, I ask unanimous consent to proceed for three additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. COX. The resolution cannot be justified upon any ground that will appeal to the reason of reasonable men. I challenge the Membership of this House to read the Magnuson testimony, then vote on this resolution.

Mr. KEEFE. May I say to the gentleman I am rather astounded by his statement and I am in admiration of his frankness in making the statement before the Membership of the House. I cannot come to any other conclusion, after hearing all of the arguments that have been presented on this resolution. I want to support matters of this character when I can reasonably do so, but after listening to the debate and the justification for this resolution that has been given by its proponents, as a Member of this House I cannot vote an expenditure of $50,000 or any other sum to provide funds for a feeble, impotent, so-called investigation that will resolve nothing and can resolve nothing under the terms of the resolution itself. When they seek to justify it on the ground that the engineering and other services are to be provided by other agencies of Government, a well established rule in legislative procedure indicates the contrary and that you cannot make use of those services without the Congress directing it and authorizing it in the resolution.

I think the gentleman from California should be complimented for raising this question in the effective manner that he has. I suggest to the gentleman from Montana that he ought to ask to have this resolution withdrawn and have it put in proper form and then bring it back to the House so that it will carry out the intent and purpose which he has in mind.

Mr. MANSFIELD of Montana. Mr. Speaker, will the gentleman yield?

Mr. KEEFE. I yield to the gentleman from Montana.

Mr. MANSFIELD of Montana. In response to what the gentleman from Georgia has said, he did not bring to the attention of the House that if this was not needed, why did Senator MAGNUSON introduce a measure which included only the Canadian Province of British Columbia in this session of the Congress? If it was needed by him earlier in the session it is needed by this body now to include all of the territory which we are trying to consider.

Mr. KEEFE. Is there any showing that a similar commission has been established in the Dominion of Canada?

Mr. MANSFIELD of Montana. They would have to have something to debate.

Mr. KEEFE. Is there any showing that they have taken any action on this nod?

Mr. MANSFIELD of Montana. They have taken over the Alaskan Highway.

Mr. KEEFE. That does not answer my question.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

Mr. D'EWART. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, the people of the Northwest have exerted their best efforts for many years to promote the establishment of land communications with Alaska, and we hope that this legislation will be enacted so that planning and studies may go ahead at once to the end that routes constructed during the war will not be permitted to deteriorate.

During the war we made a long step toward the realization of our ambitions for a road to Alaska. The Alaska Highway was constructed at a cost of more than $100,000,000 from Dawson Creek, British Columbia, to Fairbanks, and proved to be of great value as a supply route. Its peacetime value with the proper development will be even greater, and, with so good a start, it is important that the United States and Canada waste no time in devising plans for its maintenance, completion, and extension to our borders.

During the war, Great Falls, Mont., with its two large air bases became the most important continental terminal for air travel to Alaska, Soviet Russia, and after the construction of the road most of the land convoys set out from Great Falls for their journey north. We in Montana became increasingly aware of our proximity to and relationship with

Alaska, and aware also of the fact that maximum development of the strategic and economic resources of our area and of Alaska depend upon the integration and full utilization of all possible methods of communication—by land, sea, and air.

The present road is 1,860 miles long, graded and graveled, and needing only an oiled surface to make it comparable with the 24-foot highways of our Federal system. It passes through some of the most beautiful country of the continent, opening for the first time vast areas of great mineral, timber, and agricultural resources.

Following the road telephone and telegraph lines have been constructed, which have provided the first telephone communication with Alaska and are of inestimable value as a link between the Territory and the States. Numerous repeater systems are scattered along the highway, and the road is vitally necessary if this line is to be serviced and maintained.

The road also connects several airports of great strategic value along the shortest air route between this country and Asia. It was in this role that it was particularly important during the war. Many hundreds of fighter, bomber, and transport airplanes were flown from Great Falls to Alaska, both for loan to our Russian allies and for the use of our armed forces. These planes followed the routes pioneered by the Air Transport Command, and trucks operating on the road brought the supplies necessary for the operation of the air bases. Eight additional emergency landing strips are found near the highway, and the value of this short air route to Alaska and the Orient would be materially lessened if the road is not maintained so that the bases may be supplied.

The day when tourists may use the road is still far in the future, but it is being used today by people whose business requires travel to and from Alaska. Each week the Great Falls and Fairbanks newspapers report the arrival of travelers who have, with the necessary equipment, made the trip.

It is, then, plain that we have a large investment in the road that has been constructed, and that its maintenance is required for both economic and strategic reasons. Additional construction is needed to connect the present Dawson Creek terminus with the United States border, and arrangements should be made as soon as possible to provide additional facilities for travelers. This will be the work of the Commission we hope to establish, and it is work of great value to all of the people of Alaska, Canada, and the United States.

The SPEAKER pro tempore. The time of the gentleman from Montana has expired.

Mr. VORYS of Ohio. Mr. Speaker, I ask unanimous consent that the gentleman be permitted to proceed for three additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. D'EWART. Mr. Speaker, it is my sincere hope that the amendment will be adopted and that this bill will be approved by the House this afternon because of the need for the development, the construction, and the completion of the rest of this highway so that we may serve not only our own interests but those of Alaska that are of an economic and strategic value.

Mr. VORYS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. D'EWART. I yield to the gentleman from Ohio.

Mr. VORYS of Ohio. I know the gentleman and the good people of Montana have given great study to this whole matter. Is it the gentleman's opinion that more engineers are needed on the commission that is to get some action on this proposition, or is it not the gentleman's view that what is needed is a commission to attempt to get action where we have a lot of expert information lying around, but nothing happens?

Mr. D'EWART. I think we have the expert information in sufficient quantities. What is needed now is interpretation and the presentation of that information to the Congress so that we may proceed with our plans.

Mr. HINSHAW. Mr. Speaker, will the gentleman yield?

Mr. D'EWART. I yield to the gentleman from California.

Mr. HINSHAW. The gentleman admits that this is an engineering problem in many of its aspects, does he not?

Mr. D'EWART. That is true.

Mr. HINSHAW. Does the gentleman see any reason why engineers should not be caused to be on the Commission that is going to be established?

Mr. D'EWART. There is no reason why they should not be, neither is there any reason for the purposes of this Commission that they should be engineers.

Mr. HINSHAW. I have great respect for the gentleman, I want him to know that, but he must realize that an engineering problem can be solved only by one who is trained in such problems, just as a lawyer can solve a legal problem, or a scientist of some other kind can solve a scientific problem. An engineering problem is an engineering problem, and engineers should be engaged to solve it.

Mr. SMITH of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. D'EWART. I yield to the gentleman from Wisconsin.

Mr. SMITH of Wisconsin. Is it not a fact that this engineering information is available now?

Mr. D'EWART. It is available.

Mr. REED of New York. Mr. Speaker, will the gentleman yield?

Mr. D'EWART. I yield to the gentleman from New York.

Mr. REED of New York. Is the gentleman familiar with the character of the construction of this highway?

Mr. D'EWART. I have not been over the highway.

Mr. REED of New York. The reason I asked that question is this. I am rather concerned to know whether it was built for just a temporary purpose or whether what has been done there was done to make a permanent road.

Mr. D'EWART. It is a permanent road completed with gravel, but it is not yet oiled.

Mr. REED of New York. I know something about what happens to a highway where you have heavy frosts, where the land freezes to a great depth, if water does get into it. I was wondering just how permanent this highway would be so far as the construction is concerned.

The SPEAKER. The time of the gentleman has expired.

Mr. LUTHER A. JOHNSON. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for one additional minute.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. LUTHER A. JOHNSON. Mr. Speaker, will the gentleman yield for a question?

Mr. D'EWART. I yield.

Mr. LUTHER A. JOHNSON. As I understand, the amendment offered by the gentleman from California provides for three engineers to be members of the Commission. The engineering problem is a problem that the Commission will not determine, one which those serving under them will determine. I think the commission to be created already has the authority to call upon existing agencies. But I will say if this amendment is voted down, as I think it should be, I have in mind to offer an amendment which will directly and specifically authorize this Commission to avail themselves of the information now possessed by the Army engineers, and the Bureau of Public Roads, and having them furnish that information rather than have engineers as members of the Commission. Does the gentleman think that that will solve the problem better than to have three engineers who would receive no compensation and who would not want to work in an official capacity without compensation?

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. LUTHER A. JOHNSON. Mr. Speaker, I ask unanimous consent that debate on this amendment and all amendments thereto close in 15 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ANGELL. Mr. Speaker, I move to strike out the last four words.

Mr. Speaker, I am taking the floor to speak on this subject by reason of the fact that I am the ranking minority member on the Committee on Territories which as you know has jurisdiction over Alaska. I have been over the entire length of this highway, not only on the ground, but in the air, from Whitehorse on the south to its terminus. I have also traveled over the route from Whitehorse to Fairbanks. I have gathered quite a bit of information about the terrain and the actual conditions that exist on the ground and also the purposes sought to be accomplished by this bill. I am in full accord with the objectives. There are two objectives encompassed in the resolution. One is the matter of our foreign policy with respect to it from a national defense standpoint, which I presume would be the major objective of those who are sponsoring it because it comes from the Committee on Foreign Affairs. The other is the question of a

highway connecting Alaska with continental United States for the economic development of our Territory of Alaska which is a great national asset. I strongly urge such a course. However, from my experience in going over the existing highway, I am inclined to believe that for purposes of the development of Alaska as an economic asset, this road, at least in the near future, is not going to be of much value to the United States. It is not properly located for the best civilian uses. It traverses a wild, uninhabited terrain. There is very little land suitable for agriculture contiguous to it. All you will find just a few miles from its southern terminus north until you come to its northern end is, as I say, wild, uninhabited territory where there are few if any permanent residents over its entire length; hardly a trapper. There is very little commercial timber. It is all small low-growth timber in the main. There are certain places where there are some timber of commercial value. There is very little mining development at the present time along the highway. But even if there were possibilities for agriculture and mineral development or for timber, it is all outside the United States. Not a single foot of it is in the United States. It is all foreign territory. We do not have control over a single foot of that highway under the agreement which was entered into with Canada. At the time we planned to construct it, we entered into an agreement that shortly after the termination of the war we would surrender all our right, title, and interest in the highway and all the improvements we made, which I understand we have done.

Now, the question is what, if anything, we could do in order to try to salvage $100,000,000 or $150,000,000 which we have expended in that project. Personally, I do not think we have got one single dollar to salvage in the project, because by reason of our agreement we have not a dollar in it now. It belongs to Canada. It is a new project from now on. If we are going to maintain that highway for 1,529 miles through the wilderness that would take it all the way to Fairbanks it would require an immense amount of money annually to keep it in condition, as it traverses muskeg swamps, mountainous hillsides, and lands permanently frozen which subjects it to heavy winter damage. Climatic conditions will keep the road out of use for any extensive civilian travel some 8 months of each year. Snow, ice, and extremely low temperatures render it useless for tourist travel during this time. Furthermore there are no habitations or facilities for tourist accommodations along its entire length and only subsidies could construct and maintain them. If we are going to do that as an arm of our military government in the event we might be attacked from the north, we must expend year after year literally hundreds of thousands of dollars to keep the road in condition to be effectively utilized. With a much smaller expenditure we could restore it for use quickly in the event we are attacked at some future time and want to use the highway for military purposes. It has already been graded; it is cut through the woods and the large timber has been taken off, the streams have been bridged with permanent structures in most instances and we could put it in condition to be used again for a fraction of what it has cost us. So I think from the standpoint either of military protection or as an economic investment in the development of Alaska, it is ill-advised at this time to add more money to the huge outlay already made on the project.

But for another reason I think it is ill-advised. There is a great deal of controversy as to where the road should be located. There was originally. Several different locations were considered and surveyed; at least three. Probably more than three. Finally the military authorities made an arbitrary decision based on war necessities and put the road where it is, against the advice of a great many other groups.

Mr. Speaker, owing to lack of time, I will be unable to discuss the other routes which were proposed for the construction of this link highway connecting the United States with Alaska. However, we have already completed the Haines cutoff, which has been discussed by previous speakers, which gives a much more serviceable approach to Alaska from the inside passage. It is true it does not give a complete land access to Alaska. However, there is another route which runs near the coast and through an inhabited area which is subject to further improvement and which could be maintained with much greater success than the existing road through the wild regions of Canada. Our own highway engineers of the Department of Public Roads have had much to do with the location and construction of this highway and the Corps of Army Engineers are also fully conversant with it and had the responsibility of constructing it. There seems to be no valid reason why we should go elsewhere to seek information and advice as to this problem. While I am, as I have said, in full accord with a program of determining what our future course should be, I feel that under this resolution we are making the wrong approach.

The SPEAKER pro tempore. The time of the gentleman from Oregon has expired.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. O'HARA] is recognized for 5 minutes.

Mr. O'HARA. Mr. Speaker, it so happens that about 2 years ago the gentleman from California [Mr. HINSHAW] and myself were members of the Bulwinkle committee which substantially flew over the entire length of the Alcan Highway. I remember well on the trip we discussed with some of the Army people and also some of the people living in Alaska, the practicability of the maintenance of the Alcan Highway. I wonder if the gentleman from Texas could tell me what it cost to build the Alcan Highway.

Mr. LUTHER A. JOHNSON. I do not have the exact figures.

Mr. O'HARA. I have heard various estimates up to $225,000,000 or $250,000,000.

Mr. LUTHER A. JOHNSON. I have heard such estimates but I do not know.

Mr. O'HARA. I wonder if the gentleman could also tell me what the cost of maintenance of that highway has been thus far, upon the United States?

Mr. LUTHER A. JOHNSON. That question was discussed a little earlier this afternoon by some of the Members who are familiar with it. It was estimated, as I understand, at $100,000 a year. Somebody thought it might be down as low as $50,000 a year. The gentleman from Iowa [Mr. CUNNINGHAM] and some of the other Members discussed that proposition.

Mr. O'HARA. I would like to say that whoever made that estimate was very conservative, because this highway is constructed through the wilderness of Canada and Alaska for hundreds of miles. It is constructed in parts over muskegs. If any of you know anything about muskeg you know it is a bottomless water, earth, and sand formation, and they have to build what are called corduroy roads or a type of floating roadway. As you go up the Alcan Highway from Edmonton to Fairbanks there are several glacier formations which melt in the summer sun and which, with other precipitations during the warm season, cause flooding and serious wash-out problems at a number of points along this highway. This, of course, involves heavy expense in maintenance. In the winter season of heavy snows you can well imagine that snow removal is a continuous and expensive maintenance cost. The bridges are washed out at times and have to be replaced. This muskeg condition, of course, is a semifluid condition and it can be maintained only at great expense.

I am extremely sympathetic to the author of this bill, the gentleman from Montana [Mr. MANSFIELD] and have a great deal of affection for him, but I do think if you are going to have a fundamentally sound condition that the amendment proposed by the gentleman from California ought to be adopted.

Mr. HALE. Mr. Speaker, will the gentleman yield?

Mr. O'HARA. I yield.

Mr. HALE. How much traffic is there over this highway under peacetime conditions?

Mr. O'HARA. I would say to the gentleman that it would be very little. When we were up there we were informed that the Canadian Government would take no responsibility for the maintenance of this highway in Canada.

Furthermore, when it was constructed, as has been brought out by the gentleman who just preceded me, they own the highway. That is natural, as it is constructed through part of their territory. There may be some possible need for some sort of highway but, as the gentleman from Oregon said, when you come down to the practicability of it either as to the benefit from a defense standpoint or the economic practicability of it in peacetime, it is a serious question whether the tremendous expenditure of money necessary for upkeep can be justified.

Mr. HINSHAW. Mr. Speaker, will the gentleman yield?

Mr. O'HARA. I yield.

Mr. HINSHAW. I think the House ought to realize that the total mileage

of this road from the United States clear up to Alaska is about 2,500 miles, which is the air-line distance clear across the United States from Washington to San Francisco. It is no short road, and if anybody thinks they can maintain a road of that length under weather conditions such as they have in that part of the country for $100,000 per year they are plumb crazy.

Mr. O'HARA. The gentleman from Maine asked how much traffic there would be on this highway in peacetime. My observation would be that if I were traveling on that highway I would want to have a boat with me, I would want to have an automobile mechanic with me; and I would want to have a couple of barrels of gasoline and oil; a couple of weeks' supply of provisions, and everything from mosquito netting to fur-lined clothing and blankets. The Alcan trip would, under most favorable conditions, be only for hardy, vigorous souls, well equipped and in good physical condition.

The SPEAKER pro tempore. The time of the gentleman from Minnesota has expired.

The gentleman from Wisconsin [Mr. SMITH] is recognized.

Mr. SMITH of Wisconsin. Mr. Speaker, it seems to me that the gentleman from California is unduly concerned about the engineering aspects of this proposed job. Engineering studies of this highway have already been made. All this information is available.

The statement has been made that this bill does not provide how the Commission to be set up under it could avail themselves of this information. It is inconceivable to me that any Government agency will refuse to cooperate with the Commission. So it seems to me this information would be available. I agree with the gentleman from California that it is an engineering project and certain engineers are going to be called in to confer on it.

The principal point I want to make, Mr. Speaker, is that the time to study this project is now. I am for this bill for the reason that I am firmly convinced that it is in the interest of national defense. It seems to me this is not a job for 1 year but perhaps 20, and we are not going to get very far with a $50,000 appropriation. We have got to go into all phases of the problem before we can determine what our action should be and we ought not to take the position that we will wait until the next war comes upon us. If there is any Territory that we own that needs to be protected it seems to me it is Alaska. We should begin now to study what we need rather than wait until an emergency confronts us.

Mr. HINSHAW. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Wisconsin. I yield.

Mr. HINSHAW. If the amendment I have offered is put in the bill it would provide for men who are capable of evaluating the engineering information, and if the gentleman from Texas offers an amendment permitting the use of the facilities of the Public Roads Division and the Board of Army Engineers then we may have a bill which will result in something being accomplished. The present bill will accomplish nothing.

Mr. SMITH of Wisconsin. I am assuming that that will actually occur. This is an engineering project and engineers are going to be consulted. It would be ridiculous to consider the project other than in that way.

Mr. VORYS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Wisconsin. I yield to the gentleman from Ohio.

Mr. VORYS of Ohio. Some of the gentlemen who are demanding that engineers be on this commission are gentlemen who voted for the Pearl Harbor investigating committee to investigate a purely military matter without any generals or admirals on the committee at all. Does the gentleman feel that the Pearl Harbor investigation will therefore be a failure because we did not have military experts on that committee?

Mr. SMITH of Wisconsin. Mr. Speaker, this bill as presented to the House should be passed because it is in the interest of our national defense.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired. All time has expired.

The question is on the amendment offered by the gentleman from California [Mr. HINSHAW].

The question was taken; and on a division (demanded by Mr. HINSHAW) there were—ayes 13, noes 33.

So the amendment was rejected.

Mr. KEE. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KEE: On page 2, line 16, after the word "road" strike out the period and insert the following: "and may call upon the office of Chief of United States Army Engineers or Public Roads Administration and any other department or agency of the Government to make available for its use all maps, reports, data and surveys in respect to said road now in possession of said departments."

Mr. KEE. Mr. Speaker, I believe this commission would have that authority without this amendment anyway, but in order to satisfy the demands of the gentlemen who have spoken upon this question, I have offered this amendment.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from West Virginia.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. HINSHAW. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HINSHAW. Mr. Speaker, I am opposed to the bill.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HINSHAW moves to recommit the bill to the Committee on Roads.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Chair being in doubt, the House divided, and there were—ayes 18, noes 34.

Mr. HINSHAW. Mr. Speaker, I object to the vote on the ground a quorum is not present.

The SPEAKER pro tempore. The Chair will count.

Mr. HINSHAW. Mr. Speaker, I withhold for a moment the objection to the vote on the ground a quorum is not present.

Mr. LUTHER A. JOHNSON. Mr. Speaker, by reason of the agreement had with reference to a roll call, I ask unanimous consent that further action on the pending bill be dispensed with at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SPECIAL ORDER GRANTED

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that today, following any special orders heretofore entered, I may be permitted to address the House for 30 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

EXTENSION OF REMARKS

Mr. KELLEY of Pennsylvania asked and was given permission to extend his remarks in the RECORD and include a communication from the American Veterans of World War II.

Mr. SPRINGER asked and was given permission to extend his remarks in the RECORD and include a poem.

Mr. SMITH of Wisconsin asked and was given permission to extend his remarks in the RECORD and include a newspaper article.

YUMA PROJECT AND BOULDER DAM

Mr. MANSFIELD of Texas. Mr. Speaker, I ask unanimous consent for the immediate consideration of H. R. 5674, a bill to amend the laws authorizing the performance of necessary protection work between the Yuma project and Boulder Dam by the Bureau of Reclamation.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the provision of the act entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved January 21, 1927 (44 Stat. 1010, 1021), amended by the act entitled "An act to authorize defraying cost of necessary work between the Yuma project and Boulder Dam," approved July 1, 1940 (54 Stat. 708), is hereby further amended to read as follows:

"That for the purpose of controlling the floods, improving navigation, and regulating the flow of the Colorado River, there is hereby authorized to be appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, for the fiscal year ending June 30, 1928, and annually thereafter, such sums as may be necessary, to be spent by the Bureau of Reclamation under the direction of the Secretary of the Interior, to defray the cost of (a) operating and maintaining the Colorado River front work and levee system in Arizona, Nevada, and California; (b) constructing, improving, extending, operating, and maintaining protection and drainage works and systems along the Colorado River; (c) controlling said river, and improving, modifying, straightening, and rectifying the channel thereof; and (d) conducting investigations and studies in connection therewith: *Provided*, That the expenditure of moneys for any of the foregoing purposes shall not be deemed a recognition of any obligation or liability whatsoever on the part of the United States: *Provided further*, That, within the discretion of the Secretary of the Interior, local communities to be benefited by works constructed pursuant to this act may be required to provide, without cost to the United States, necessary rights-of-way and maintenance of the completed works and assurance, satisfactory to him, of payment of valid claims arising out of damage caused to persons or property by reason of the construction, operation, or maintenance of any such works: *Provided further*, That any moneys received by the United States as reimbursement in accordance with contracts heretofore entered into under the authority of the act of December 21, 1928 (45 Stat. 1057), as amended, and ratified by the act of August 30, 1935 (49 Stat. 1028, 1039), for expenditures made under the authority of this paragraph, shall be covered into the Treasury as miscellaneous receipts. In connection with operations conducted under this paragraph, the Secretary of the Interior shall have the same authority with respect to (a) the acquisition, exchange and disposition of lands, interests in lands, water rights and other property, and the relocation thereof; (b) the utilization of lands owned or acquired by the United States; (c) construction and supply contracts; (d) the performance of necessary or proper acts; and (e) the making of necessary or proper rules and regulations, which he has in connection with projects under the Federal reclamation laws, act of June 17, 1902 (32 Stat. 388), and acts amendatory thereof or supplementary thereto. Nothing contained in this paragraph shall be deemed to amend, repeal, or otherwise affect the provisions contained in the First Deficiency Appropriation Act, 1944, under the caption 'Department of the Interior, Bureau of Reclamation—Colorado River front work and levee system' (58 Stat. 150, 157)."

Mr. MANSFIELD of Texas. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, this bill was requested by the Secretary of the Interior. It is really a reclamation matter, but it is an amendment to an old rivers and harbors act and was referred to the Committee on Rivers and Harbors. It does not involve any money. The cost has already been authorized many years ago, but the authorization is impractical. The old act provided that they could use $100,000 a year and no more, and unless this bill is passed, nearly all of this money will be wasted. It is a reclamation project below Boulder Dam where a serious condition has been brought about, and it requires about $1,300,000 to complete the work of dredging a new channel through there and throwing up some embankments.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. MANSFIELD of Texas. I yield to the gentleman from Massachusetts.

Mr. MARTIN of Massachusetts. By spending this million dollars now, the Government will save money over a long period of time?

Mr. MANSFIELD of Texas. Absolutely. The $100,000 will nearly all go to waste unless this is done.

I yield to the gentleman from California [Mr. PHILLIPS], in whose district this project is.

Mr. PHILLIPS. The gentleman from Texas has explained the situation. It is a matter of protection for the communities and eventually is a saving of money to the Government.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

Mr. MANSFIELD of Texas. I yield to the gentleman from Arizona. I will state that the gentleman from Arizona is chairman of the Committee on Reclamation and is familiar with this project.

Mr. MURDOCK. Mr. Speaker, I am quite familiar with this project. I am acquainted with the bill and heartily approve it. I hope that it will be passed unanimously, as the need for this work is very pressing. This modified authorization will not only expedite the work but will save money and render the work more effective.

Mr. Speaker, by way of further explanation to the brief statement made by Chairman MANSFIELD, let me say that the need of this corrective work along the lower Colorado River below Boulder Dam has grown in size and urgency. Since the first authorization was passed Boulder Dam has been constructed, Parker Dam has been built, Headgate Rock Dam has been put in, the Imperial diversion dam has been completed, and work is now going forward on the Davis Dam. All of this construction has had great and varied influence upon the Colorado River below Lake Mead. These various constructions have all been done by the Bureau of Reclamation—except the Headgate Rock Dam—and this bill merely continues and enlarges the earlier authorization, so that the Bureau of Reclamation can do the protective work along the river made necessary by the great engineering works just mentioned.

On the whole, the big storage dams, which I have just enumerated, do regulate the flow of the river and control it to a certain degree, but there are such vast stretches of river between these dams that it often behaves strangely and becomes unmanageable between the dams. It is to correct these changes and to protect property along the river that we are calling on the Bureau of Reclamation in this bill to do and we are authorizing funds with which to do it. Dykes and levees are needed in certain places for the protection of property. At Needles, Calif., there is the most urgent need of channel rectification for the protection of residential property and also for protection of the property of the Santa Fe Railroad which crosses the river at that place.

As another illustration, I may point to the weir in the Colorado River a few miles above Blythe, Calif. This weir was recently placed there as a temporary construction to aid the Palo Verde irrigation district in California to get its water supply from the river for its irrigation purposes. This was a wartime measure to aid in the production of food so urgently needed at that time and even yet. However, the benefits resulting from that weir are in part counterbalanced by damages which are resulting and are likely to result further to adjacent lands because of the weir's presence in the river. Now, these adjacent lands which are being damaged and stand likely to be greatly damaged by the existence of the weir are Government-owned lands, mostly in an Indian reservation. Is it possible to get water for irrigation there without resultant damage? The Government will want to further the cause of irrigation without damaging its own lands and must find some engineeringly feasible way to do so. This is but one of the engineering problems toward which this bill offers a solution.

Further down the river in the neighborhood of the Imperial diversion dam and the old Laguna Dam, the river needs to be treated and controlled. In some places it has deserted its former channel and meandered over too wide a territory. In other places its channel has become choked with salt cedar or tamarist or other vegetation growth to such an extent as to constitute a flood hazard. Some formerly good farm land has been damaged because this thing has been allowed to develop. This authorization empowers the Bureau of Reclamation to do corrective work and authorizes suitable expenditures therefor and generally aims to harness completely the wild and turbulent Colorado River in its lower reaches.

This Colorado River has tremendous possibilities for multiple-purpose benefits. It is not a large river as volumes are compared. For that reason every drop of water in it must be managed and be put to the greatest possible use. To do this we must rob it of its possibilities for harm and improve its every possibility for good. This bill should be passed by unanimous consent.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

By unanimous consent, House Resolution 584 was laid on the table.

EXTENSION OF REMARKS

Mr. ROWAN asked and was given permission to extend his remarks in the RECORD and include a copy of a citation accompanying the award of a Medal for Merit to Thomas E. Wilson, of Chicago, by the President of the United States.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Louisiana [Mr. BROOKS] is recognized for 20 minutes.

NATIONAL CEMETERY PROGRAM

Mr. BROOKS. Mr. Speaker, yesterday was Memorial Day. All over the world Americans met and went to national cemeteries to pay meet and fitting

homage to our dead. This, then, is a most fitting time and place to talk to you today about the national cemetery bill. The bill, S. 524, passed the Senate many months ago, and has received the approval of the House Military Affairs Committee without a dissenting vote. The Rules Committee has given a rule on the bill, and it now awaits only the House approval and the signature of the President to become law. It is a good bill—a badly needed measure—and it should be immediately approved by this body.

When the war ended, it found our dead interred all over the earth. For the most part they were buried in small cemeteries, quickly put together and always marked with little white crosses. GI's who fell in Europe were buried in the British Isles, France, Belgium, Italy, Germany, Switzerland, and many other countries. Those who fell in the Pacific theater were buried in many areas in the China-Burma-India theater, in China itself, in Japan, and in hundreds of little islands which dot the Pacific Ocean from Hawaii to Australia and to Africa. For the most part, they were buried where they fell. Hardly a small piece of land in the Southwest Pacific Ocean remains which has not been ensanguined by the life's blood of American soldiers and sailors, and identified by their hallowed remains. Hawaii, Midway, Guadacanal, New Guinea, Tarawa, Saipan, Philippines, and Okinawa are some of the best known of them.

They are buried in 356 cemeteries which belt the earth. They are buried under the Arctic snows and in the torrid belt of the Equator. They are buried in Europe, Asia, Africa, Australia, and in both of the Americas. The legendary boast of the smug Britisher may be paraphrased in melancholy language, "The sun never sets upon the American flag at half mast."

Our contribution to world freedom was 328,000 American dead, buried on foreign soil. Of this number, it is estimated that 75,000 will not come back. Their bodies cannot be found. They will be permanently listed as "missing in action." The bodies will be carefully removed from most of the 358 cemeteries in almost every country on earth, and will be assembled in permanent cemeteries set up on a long-range program of perpetual upkeep. Of course, the next of kin will be asked as to the final disposition of the boy. "Do you want him buried overseas? Do you want him brought home?" This will be done, of course, at Government expense. Some will want them finally buried in private family cemeteries, but others will want them buried by the Government which they served so well, at public expense, and receive their final resting place under the flag for which they gave their lives.

After the First World War, Mr. Speaker, 61 percent of the overseas dead were brought back at the request of the next of kin. Forty-nine percent are buried largely in France, and the largest of these American overseas cemeteries is in the Meuse-Argonne. We have some 14,000 dead buried there. But the feeling was, at that time, that our dead were being buried in lands in the North Temperate Zone, which is suitable for easy maintenance, and in lands which are favored with fairly stable governments, such as France. The War Department believes that our people will want the flag-draped caskets brought home this time. They do not want them to lie now and forever in the torrid, uninviting lands of the Pacific, Africa, Italy, or even in France and Britain. The Department estimates, after studying some 75,000 letters from next of kin, that 5 percent of the families will want them brought back. This means that 310,000 to 315,000 will be brought home—and we must have an appropriate place in which to bury them.

Of course, many of the families will want the remains to be placed in the family and church cemeteries. Many of them will feel that it is more appropriate to finally inter them in national cemeteries appropriately placed in each State in the Nation. Again, the War Department figures, based upon a hundred thousand or more requests already made, are that one out of six will want burial to be made in national cemeteries. Of course, this percentage may change. If the national cemetery is close by, as Arlington is to Washington, the percentage will, naturally, rise; and if the national cemetery is situated in some remote part of the country, the percentage will drop sharply. Each family wants its GI buried close to the home he loved. This will mean, roughly, some 50,000 to 55,000 overseas dead must be cared for in our national cemeteries.

Then, Mr. Speaker, there are the thousands upon thousands of veterans, who now inhabit our hospitals, suffering of maladies directly traceable to service. There are the additional hundreds of thousands, and even millions of veterans, who carry a disability, which is either service-connected or not service-connected. Experience has shown us that a larger percentage of those dying in veterans' hospitals are buried in national cemeteries than from other veteran groups. But, whether death occurs from a wound or injury traceable to service or not, the next of kin of a veteran is entitled to have the body placed in a national cemetery. Under the law, the wife and the minor children may, likewise, be buried in the national cemetery with the veteran.

So, Mr. Speaker, we find ourselves in this condition. The Nation has 20,000,000 living veterans; and, under the policy which this country adopted years ago, we must, of necessity, have a national cemetery program to care for the responsibility which is ahead.

Of course, some national cemeteries are already in existence. There are 80 of them—78 in the United States, 1 in Alaska, and 1 in Mexico City. Of this number 37 are in the Southern States and 12 are in the so-called border States. They are, largely, Civil War cemeteries and, for the most part, are located near some battlefield, camp, hospital, or a prisoner-of-war camp. They are, therefore, not well located, and for many years they have been considered by the public largely closed for new burials. Twenty States have no national cemeteries at the present time. They are Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Delaware, Ohio, Michigan, Wisconsin, North Dakota, South Dakota, Idaho, Washington, Oregon, Nevada, Utah, Wyoming, Colorado, and Arizona. The nearest national cemetery to the New England States is located at Long Island, New York. With the exceptions of the national cemeteries at San Antonio—Fort Sam Houston—Tex., El Paso—Fort Bliss—Tex., and Arlington, Va., the Southern States have not accessible, suitable, or desirable cemeteries.

Because of this unfortunate situation the family of a veteran must often elect to have the remains of a loved one buried from 500 to 1,000 miles away from home. If such is done, the expense to the family may well be above $100 to $500 in travel alone, and for each visit to the grave the additional long travel expense is incurred. Then, too, the thought that the veteran is being buried many miles from home, family, friends, and associates has often compelled the next of kin to seek recourse to the use of the nearby private cemetery.

This bill provides, at the discretion of the Secretary of War, national cemeteries may be built as needed in each State of the Union. They shall be located so as to be accessible to the greatest number of persons. When the program is completed 31,000,000 people will be found living at the very site of some cemetery; 62,000,000 will be living within 50 miles of some cemetery; and 125,000,000 people will be living within 100 miles. This means that the Nation, for practical purposes, will be within a radius of 100 miles of a national cemetery.

It has been urged that, instead of the national cemetery program, the Government give to the next of kin, for a cemetery plot, and, I suppose, for maintenance, the sum of $300 at the death of the veteran. Such a proposal will mean the beginning of a most extensive program. With 20,000,000 living veterans, it will mean a cost of from three to four billion dollars; and, yet, it will not give sufficient money to furnish an appropriate cemetery plot to properly take care of the men who had served their Nation during the hour of peril. On the other hand, the national cemetery program means an initial cost of $123,000,000 to the Government—and a far more satisfactory program.

A national cemetery is a patriotic shrine. I think it becomes this Nation to have at least one in each State. It is a nearby burial ground which belongs to America. It may or may not be surrounded by a solid stone wall; but it is a sheltered and cloistered place upon which rests, like a summer cloud, the halo of patriotism and self-sacrifice. In each one—the white crosses row on row, all are placed in perfect military precision, equidistant from the other. Each grave is the same in size and shape, and has identical markers. This is the decree of the War Department, which gives to each one of America's sons a democracy in death that is often denied him in life. Above it all, stands at halfmast, a silent

sentinel of vigil and constancy—the American flag.

Yesterday was Memorial Day. On each succeeding Memorial Day I hope this Government will have at least one national cemetery in each State of this Union. I hope that when the unidentified American dead are brought back home, the War Department will assign to each State its quota of unknown dead; and that, in recognition of the universality of the American Army and Navy, proper and just distribution will be made of them in the 48 States. Under this program, the Department hopes to build in each cemetery a little shrine on the pattern of the shrine of the Unknown Soldier at Arlington, but not as expensive. Under this program, one unknown dead of this last World War will be placed reverently and tenderly in a tomb, upon which is the same inscription as at Arlington: "Here lies in honored dead an American soldier known but to God."

As Memorial Day after Memorial Day rolls by in endless succession, I hope that our patriotic organizations, formed by veterans and dedicated to the work and memory of veterans, will, yearly, repair to these hallowed places and dedicate themselves anew to the unfinished work which they, whose bodies lie in soft dirt in sheltered seclusion, so nobly began. I hope this will become an annual pilgrimage in each State. I hope it will be a day of reverence and a saturnalia of sainted memories.

SPECIAL ORDER GRANTED

Mr. MAHON. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes today following the special orders heretofore entered.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Under the previous order of the House the gentleman from Utah [Mr. ROBINSON] is recognized for 20 minutes.

THE GENEVA STEEL PLANT, PROVO, UTAH

Mr. ROBINSON of Utah. Mr. Speaker, the largest steel plant erected during the war by our Government, the Geneva steel plant, is located in my district and 9 miles from my home town of Provo, Utah. Recently this plant was sold by the War Assets Administration to the United States Steel Corp., subject, however, to the approval of the Attorney General of the United States as to the legality of the sale.

In view of statements made several days ago by my good friend and colleague from Colorado, Judge CHENOWETH, I think this whole transaction should be thoroughly understood by the Congress and by the public, because I feel sure that there are certain facts with reference to this matter that Judge CHENOWETH did not fully understand or appreciate.

This plant was built by the Defense Plant Corporation for the purpose of supplying steel plates and structural steel which were to be used in the construction of ships largely on the Pacific coast. The Defense Plant Corporation secured the services of the United States Steel Corp. in the planning and entire construction of this plant. This corporation, without additional cost, loaned for this work its engineers, technicians, administrators, and in fact any members of its organization which would in any way further the progress of the building of this steel plant. As a result, one of the most modern and up-to-date steel plants in the world was finally constructed, and during the war steel plates were furnished that were used in the defense of our country. While this plant was built primarily as a defense measure, it was also considered by officials who had charge of this work that the plant should be built at a place and in a manner that would make it of serviceable use in the economy of the country during peacetimes.

Shortly after VJ-day the Defense Plant Corporation initiated, informal conferences with various parties they hoped might be interested in acquiring the Geneva steel plant, among them the United Steel Corp. and the Colorado Fuel & Iron Co. Congress at that time had not yet approved the policy developed by the Surplus Property Administration, governing the disposal of large steel plants; therefore, negotiations could be no more than exploratory. However, following congressional approval of the surplus property policy it was decided to call for sealed bids for the purchase or lease of the Geneva steel plant; all interested parties were furnished forms and invited to submit proposals, and the sale was widely advertised in newspapers and in other ways, and complete information about bidding went to all who disclosed any interest, among others, to the Colorado Fuel & Iron and the United States Steel.

It was publicly announced on bidding forms that sealed bids would be received until March 1, on which day they would be publicly opened. The steel strike and other economic upsets intervened, and in the interest of all, and to give all bidders a longer time to work out proposals, the opening date was advanced to April 1. The strike and upset continuing, and at the specific request of several prospective bidders, Colorado Fuel & Iron among them, a further postponement was ordered, and May 1 became the final and fixed day for opening bids. All bidders had equal opportunity; all had the same notice of postponements; all had ample time to develop their proposals.

Bids were opened publicly by the War Assets Administration on the 1st of May and most bidders were represented, the Colorado Fuel & Iron along with the others. Each bid was read as opened, and in the case of the Colorado Fuel & Iron its representatives were given opportunity to submit oral explanatory statements regarding their bid.

In view of this procedure I am unable to understand the language of the gentleman from Colorado when he says:

> The Colorado Fuel & Iron Corp. had requested the War Assets Corporation to postpone action until another bid could be submitted. As I understand, the first bid was rather hastily drawn. The company had decided to submit another bid which no doubt would be much closer to the bid of the United States Steel Corp. While officials of the Colorado Fuel & Iron Corp. were still negotiating with the War Assets Corporation, last Thursday, I believe it was the Board, suddenly and without advance notice, acted on the bids and awarded the plant to the United States Steel Corp.

My colleague is laboring under a misapprehension. The War Assets Administration did not, on May 23, "suddenly and without advance notice" act on the bids then before them. They had made public announcement 10 days before that on May 23 they would consider and probably act on the analysis of all bids that had been received. This fact was given to the public. Therefore, the action taken on that day was not sudden; it was without notice, but was wholly according to announced program. Furthermore, my colleague errs in saying the Colorado Fuel & Iron was negotiating with the War Assets Administration on the morning of May 23, the day of the award. The War Assets Administration, at that stage of the proceedings, was negotiating with no bidder. It had before it all bids submitted May 1; all supporting data that had been submitted, and on those bids and that data it evaluated each of the bids, and concluded that the proposal of the United States Steel Corp. should be accepted, and forthwith accepted it. They simultaneously found and announced, for reasons given, that the bid of the Colorado Fuel & Iron was not as good a bid as that of the United States Steel. Their opinion was based on the bids submitted May 1, the only bids they could properly consider.

I agree with the gentleman from Colorado that there were only two bids submitted that were of such a nature that they should have been accepted: first, the United States Steel and, second, the Colorado Fuel & Iron. Let us then make an examination of these two bids. A careful analysis of these bids is set forth in Senate Subcommittee Print No. 8. This is an analysis made by the War Assets Administration, and, therefore, is made after experts have given the subject very careful and analytical consideration. I quote from this report as follows:

BID OF COLORADO FUEL & IRON CORP., DENVER, COLO.

1. Conditions of bid: Bid is for lease of plant for terms of 15 to 25 years, with option to purchase; Government to provide $47,935,000 for additional facilities, pay cost and expense of taxes and insurance, operate the plant at its own expense under an interim contract until above additional facilities are installed (a period of 18 months to 2 years); bidder to provide $25,000,000 working capital through sale of stock to public and to pay a rental of $2 for each ton of finished steel products produced and delivered (after above additional facilities are installed) or approximately $1,500,00 per year on 70 percent operations:

2. Evaluation of bid: Bid provides no commitment for amortizing cost of or paying interest to Government on $47,935,000 for the additional facilities or to pay a fair annual rental of 9 percent per year (5 percent for depreciation plus 4 percent for interest) on the economic value of existing plant (determined by U. S. Steel to be $40,000,000 from its standpoint); to fully meet the requirements of above amortization, interest, and rental, would require at least $2,500,000 per

year for amortization of and interest on above $47,935,000, for new facilities plus $3,600,000 for rental of existing facilities or a total full requirement of approximately $6,100,000 per year; the above net rentals to meet this requirement will probably not average $1,000,000 per year (after allowing for payment by Government of taxes and insurance and other possible expenses); in fact, such rentals will not be adequate to pay the interest of 4 percent per year amounting to $1,917,400 on the above $47,935,000 for new facilities, and no funds will be available for the amortization of this $47,935,000 or for rentals on the above economic value of existing facilities. This bid does not provide an adequate return to Government and is not as favorable as the United States Steel bid.

BID OF UNITED STATES STEEL CORP.

In explanation of the United States Steel bid the War Assets Administration in its report gives the following explanation or analysis of the United States Steel bid:

The bid of United States Steel meets the following applicable objectives of the Surplus Property Act:

(a) It will assure the most effective use of the Geneva steel plant for war purposes and common defense. The bid of United States Steel proposes to preserve for future emergencies, the original facilities of the Geneva steel plant in good state of repair for a period of not less than 5 years.

(b) It will stimulate full employment including employment of war veterans. Employment will be provided at the Geneva steel plant proper, the Geneva coal mine, the quarry, and at the proposed new cold reduction facilities at Pittsburg, Calif., for approximately 5,000 persons when the Geneva steel plant rate of production is 600,000 tons of rolled-steel products annually.

(c) It will facilitate the transition of the Geneva steel plant from wartime to peacetime production.

(g) It will encourage and foster postwar employment opportunities not only in the Geneva steel plant but also in steel-consuming industries in the West.

(o) It will promote production, employment of labor, and utilization of the productive capacity and the natural resources (especially iron ore and coal) and the agricultural resources (through steel used in agricultural machinery) of the country.

(p) It will foster the development in the West of new independent enterprise. The production of steel at the Geneva steel plant should serve to develop additional consuming markets for steel products in the territory naturally served by the plant, particularly in this postwar period when many companies are reported to be considering the location of additional steel-consuming facilities. One of the most important factors from the standpoint of consumers of steel is to have an assured source of supply. The operation of the Geneva steel plant as a part of the integrated operations of United States Steel should tend to foster the location of steel-consuming manufacturing plants in the Western States.

(t) It will obtain for the Government, as nearly as possible, a fair value of the Geneva steel plant upon its disposal, as provided in the statement on pricing of plants, shown in part III, section (c), of the report to Congress by the Surplus Property Administration under date of October 8, 1945, on disposal of Government iron and steel plants and facilities.

OTHER ADVANTAGES TO GOVERNMENT PROVIDED BY BID OF UNITED STATES STEEL

In addition to meeting applicable objectives of the Surplus Property Act set forth in above section (7) of this memorandum of the bid of United States Steel provides the following additional advantages to the Government:

(a) Disposal to private industry: It provides immediate disposal, final and complete, from Government to private industry, of all land, buildings, and equipment included under Plancor No. 301, in an "as is" condition. It also provides for similar disposal of all inventories on hand.

(b) Assurance of future operations: It offers the highest possible degree of assurance for the continued and perpetual operation of the plant.

(c) End of Government expenditures: It ends all future financial responsibility of the Government for the Geneva steel plant. Furthermore, the Government will not be required to furnish any funds or financing for maintaining the excess facilities of the Geneva plant, its conversion expenses, making changes to existing facilities, or for making numerous and expensive changes which will prove necessary in the operation of the plant over an extended period.

(d) Working capital: It provides that United States Steel will furnish the working capital for the future operation of the plant.

(e) Additional facilities: The bid obligates United States Steel to spend $18,600,000 of its own funds for additional facilities at the Geneva plant, including facilities or the annual production of 386,000 tons of hot-rolled coils. The United States Steel, in its bid, further proposes to spend an additional $25,000,000 out of its own funds for a cold reduction mill having an annual production of 325,000 tons of cold reduced sheets and tin plate to utilize the above 386,000 tons of hot-rolled coils.

The United States Steel, in explanation of its bid, contemplates further expenditures out of its own funds for installations and changes at the Geneva steel plant in the future to meet changing market conditions or operating practices.

(f) Sound organization.—The bid provides assurance that the operations of the Geneva steel plant will be soundly handled by qualified men of long standing and experience in the steel industry.

The United States Steel designed, constructed, operated, and is now maintaining, and, incident to such maintenance, is operating in a small way, the Geneva steel plant. This experience with the plant and the highly creditable performance during the period of such experience is of distinct advantage in the consideration of an award of the Geneva steel plant.

The Columbia Steel Co., the subsidiary of United States Steel which would probably operate the Geneva plant, should the award be made to the United States Steel, has sold steel products on the entire west coast for many years and has experienced executive, operating, and sales personnel, well qualified to operate the Geneva steel plant and to sell its products. Furthermore, it can draw on the over-all personnel of United States Steel for any additional personnel that may be needed.

(g) Pricing policy at Geneva plant: The bid provides that for all products produced at the Geneva steel plant and sold to the public on the basing-point method of selling, a basing point will be established at Geneva, Utah. This policy involves the sale of products produced at Geneva to customers at the lowest price consistent with a reasonable return to the United States Steel.

The gentleman from Colorado complained that the operation of the Geneva plant by the United States Steel Corp. would provide new competition for old-established concerns like the Colorado Fuel & Iron Corp. In other words, his complaint is that by the entering of the United States Steel into this particular western field it would be a new competitor for the Colorado Fuel & Iron. It is my understanding that the Colorado Fuel & Iron Corp. has confined its operations largely to the manufacturing of steel rails. Approximately 70 percent of its output is steel rails. It also manufactures nails and a negligible amount of structural steel, but this is not a major factor. The Colorado Fuel & Iron is not equipped to make plate and has had no experience in the making of steel plate. Therefore, instead of being competitive the two plants would complement each other.

The main contention of the gentleman from Colorado seems to be that the United States Steel does not fulfill the requirements of the Surplus Property Act, dut to the fact that the United States Steel has a monopoly in this particular field. It would seem that this argument is untenable from the gentleman's own statement. It would be more true to say that these two plants, if separately operated and controlled, would complement each other in the Rocky Mountain and western region because the Colorado Fuel & Iron has not manufactured steel plates and the Geneva is built for the manufacture of steel plates.

We should also keep in mind that the mere fact that the Colorado Fuel & Iron is a Colorado organization does not make it a western organization. The stock of this corporation, as I understand it, is owned and controlled by Wall Street. It is no more a local organization or a western organization than the United States Steel Corp. For years it was controlled by the Rockefeller interests, and now it is controlled by certain interests on Wall Street.

I thoroughly agree that money should not be the only consideration for the sale of this important facility. There are many other factors. The whole economy of the West is largely dependent upon the future of the Geneva plant. It seems, however, that the United States Steel through its bid has proposed an integrated program which will keep this mill in operation during peacetime. And it will also serve it for war purposes in case of another war. Geneva, to be successful, needs to have a very substantial percentage of the available business of the Pacific Coast for cold-reduced sheet and tin plate. United States Steel now has a large percentage of this sheet and tin plate business on the coast which it has built up over a long period of years and which it will try to maintain, the source of supply being the United States Steel's existing mills on the Pacific Coast and its mills at Chicago, Pittsburgh, and Birmingham. If Geneva is not acquired by United States Steel, the hot rolled coils for the operation of the new cold reduction mill of Columbia Steel Co., at Pittsburg, Calif., will probably be shipped, largely by water via the Warrior River and the Panama Canal, from United States Steel's subsidiary at Birmingham, Ala.

Of the total estimated post-war demand in the seven far-Western States for finished steel products of all kinds, Columbia Steel Co. estimates that it and the other United States Steel subsidiaries will furnish from 35 to 40 percent, which is approximately the same share in the far western market for steel products which United States Steel had prior to the war. If United States Steel acquires Geneva, steel products will be produced there for shipment and sale on the Pacific coast, which are now produced and shipped to the far West from other mills of United States Steel.

I feel sure that a careful examination of the two bids, taking into consideration every possibility, will convince anyone that the United States Steel bid is by far the best bid. I think the gentleman from Colorado admits this. However, he seems to take the position that the bid should be reopened and the Colorado Fuel & Iron given another chance now that it has been able to determine just what the United States Steel bid it. This, of course, is a very unusual request, and a procedure which I am sure you will all agree could not be followed if a sale was to be made. In Colorado Fuel & Iron were permitted to submit additional bids, then, of course, in fairness to all the other bidders they should have the same privilege. If this were done, then when any sale has been made, some bidder could make the same complaint. Therefore, it would be impossible for the Government to dispose of the tremendous amount of war surplus it now has on hand.

The gentleman also raises the question that the United States Steel, through the acquisition of the Geneva plant, would become a monopoly in violation of the Sherman Antitrust Act. This, of course, under the law as passed by Congress, is a problem to be determined by the Attorney General. However, it would seem that a mere statement of the facts in connection with this matter is conclusive proof that under this act the acquisition of Geneva by the United States Steel would not constitute a monopoly.

As of January 1, 1946, United States Steel had 31.4 percent of the country's total steel-making capacity—including in United States Steel's figure the capacity of Government-owned facilities under lease, but excluding Geneva. United States Steel then had 28,813,200 tons of annual steel-making capacity out of a total of 91,890,560 for the whole United States, including Geneva. If the ingot capacity of Geneva—1,283,400 tons—were added, the total steel-making capacity of United States Steel would be 30,096,600 tons, or 32.8 percent of the Nation's total steel-making capacity.

On July 1, 1941, prior to the entry of the United States into World War II, United States Steel's total steel-making capacity was 30,108,900 tons per year, or 34.9 percent of the total steel capacity of the United States, then amounting to 86,148,700 tons. During the past year, United States Steel sold to a competitor a steel mill in the East having an annual steel producing capacity nearly equal to Geneva. Other steel-making facilities of United States Steel have been retired since July 1, 1941, thus accounting for the reduction in its total capacity since that date.

In 1920, the United States Supreme Court found, after a litigation of some years' duration, that United States Steel was not a monopoly in violation of the antitrust laws. At the time this antitrust suit was commenced by the Government in 1911, United States Steel had 50.2 percent of the total annual steel-making capacity of the United States. At the time of the decision by the United States Supreme Court in 1920, this share was 40.2 percent. Today it is 31.4 percent, as above stated. In 1907, United States Steel's share in the total steel-making capacity of the Nation had reached a high of 51.8 percent.

In relative steel-making capacity, United States Steel today has a much smaller share of the Nation's total capacity—31.4 percent—than it had at its organization in 1901—43.9 percent—or at the time the Government unsuccessfully attempted to establish that it was a trust in violation of the antitrust laws—50.2 percent.

From letters and telegrams received from various sections of the West, I am sure that a large majority of the people of this country are enthusiastic in supporting the sale of this property to the United States Steel. And from a personal knowledge that I have of the conditions in Utah, I think it is true to say that the feeling is practically unanimous in this State that the bid of the United States Steel Corp. should be accepted.

Mr. CHENOWETH. Mr. Speaker, will the gentleman yield?

Mr. ROBINSON of Utah. I yield to the gentleman from Colorado.

Mr. CHENOWETH. I am sure that the gentleman wants to be absolutely fair with the Colorado Fuel & Iron Corp.

Mr. ROBINSON of Utah. I certainly do.

Mr. CHENOWETH. I am sure he is not antagonistic to this company in any way.

Mr. ROBINSON of Utah. That is true.

Mr. CHENOWETH. Is the gentleman aware of the fact that representatives of the Colorado Fuel & Iron Corp. went to a member of the War Assets Administration Board within an hour before the sale of the Geneva plant was announced and were assured nothing would be done for perhaps a couple of weeks, during which time they would have an opportunity to submit the information to which he refers? That is exactly what happened. I do not know whether the gentleman is aware of that.

Mr. ROBINSON of Utah. At what time was that, on May 1?

Mr. CHENOWETH. I am talking about what happened subsequent to May 1; I am talking about the time when this plant was actually sold to the United States Steel Corp., and not to the time when the bids were opened.

Mr. ROBINSON of Utah. In other words, then, after May 23 when the bids were finally analyzed and it was decided to give the bid to the United States Steel Corp.? Was it at that time?

Mr. CHENOWETH. On May 23, within an hour before the Board voted to sell to United States Steel.

Mr. ROBINSON of Utah. On May 23?

Mr. CHENOWETH. Yes. They were led to believe it would be a couple of weeks before any action would be taken. They had stated they wanted to revise the bid submitted on May 1. They had other information and they wanted the Board to have all of the facts. They were advised by a member of the Board they would have an opportunity to do so. Before they had time to reach their hotel they were informed the Board had acted and accepted the bid of the United States Steel Corp.

Mr. ROBINSON of Utah. That was on May 23?

Mr. CHENOWETH. Yes; not the date of the opening of the bids. I know nothing about what took place at that time.

Mr. ROBINSON of Utah. I am glad to have that explanation by the gentleman because I could not understand why such a statement would be made.

Mr. CHENOWETH. That is right. That is exactly what happened. While they were still negotiating, they held a conference with a member of the board within an hour before the announcement was made.

Mr. ROBINSON of Utah. I think my colleague is laboring under a misapprehension. They made a public announcement 10 days before that, on May 23, they would publicly act on the analysis of all bids that had been received. This information was given to the public, so therefore the action taken on that day was not sudden. It was without notice, but was wholly according to the announced program.

Mr. CHENOWETH. Mr. Speaker, will the gentleman yield further?

Mr. ROBINSON of Utah. I yield.

Mr. CHENOWETH. Two representatives of the Colorado Fuel & Iron Corp., one a member of the board and the other a high official of the company, were assured by a member of the Board of the War Assets Administration, as I stated, within an hour before the Board publicly announced the sale of this plant to the United States Steel Corp., that no immediate action was contemplated, and they would have plenty of time to submit additional details; that the Board was going to consider the matter fully; that it would probably be a matter of a week or two, during which time they could discuss the situation with the Board again and further explain their bid.

Mr. ROBINSON of Utah. But there is nothing in the gentleman's statement that would lead them to believe, or anyone else to believe, that they would have a right to submit another bid. This was after the bids had been opened and while the bids were being considered by the War Assets Administration.

Mr. CHENOWETH. I am not so sure that another bid was discussed at the conference that I refer to on May 23. It may have been, and I rather think it was; I am not positive of that. But the War Assets Administration did have knowledge that the C. F. & I. officials wanted to discuss the situation further and present additional information. Without giving them that opportunity the Board went ahead and awarded the plant to the United States Steel Corp.,

knowing that the Colorado Fuel & Iron Co., the old established steel company in that area, as the gentleman knows, operating since 1872, was interested in this plant, and certainly intended to make every effort to obtain the same.

Mr. ROBINSON of Utah. To get the gentleman straight on the record, the bids were opened May 1.

Mr. CHENOWETH. That is correct.

Mr. ROBINSON of Utah. They were sealed bids. Then the War Assets Administration took from May 1 until May 23 to analyze those bids. They announced to the public about 10 days before May 23 that they had set the date May 23 to submit their report to the Board, and that the Board would act on the report on May 23. I think those are the facts.

Mr. CHENOWETH. Is it the gentleman's understanding that they said they would act on that report on May 23?

Mr. ROBINSON of Utah. Yes.

Mr. CHENOWETH. Or just consider it? The steel section was to submit a report on May 23, as I understand it.

Mr. ROBINSON of Utah. The steel section submitted a report on May 23.

Mr. CHENOWETH. But I did not understand that the Board was to act on it immediately, and neither did the officials of the Colorado Fuel & Iron Corp.

Mr. ROBINSON of Utah. No; but that it would be submitted. Of course, anything that the Colorado Fuel & Iron Corp. may have done between those dates I believe would be immaterial, anyhow, because their bid was already in.

Mr. CHENOWETH. I just want to make this observation, if the gentleman will permit, that there was apparently some circumstance which impelled the Board to act rather precipitously and to announce the sale to the United States Steel Corp. on May 23.

Mr. ROBINSON of Utah. If I may be permitted to say, I think the circumstance that would cause them to do that was the fact that the bids were so far apart that the United States Steel bid was so much better than any other bid and so much better than the Colorado Fuel & Iron Corp. bid that they did not see any reason why they should continue the matter any further. Is that not possibly the reason?

Mr. CHENOWETH. I think that is not exactly correct. I do not deny that the bid of the United States Steel Corp. was perhaps more advantageous to the Government from a financial viewpoint than the bid of the Colorado Fuel & Iron Co. However, we must remember that here is a $200,000,000 plant constructed entirely with Government funds being sold in an area where it will be in competition with the Colorado Fuel & Iron Co. I think there are many more important elements to be considered besides the actual monetary return to the Government. That is what I tried to point out in my remarks on the floor Monday.

Mr. ROBINSON of Utah. I agree with the gentleman.

Mr. CHENOWETH. I am trying to clear up the gentleman as to the statement I made concerning this precipitous action, and I contend that the facts bear out the statement that I made, and that on May 23 the Board did rather suddenly and without notice to the Colorado Fuel & Iron Co. announce the sale of the Geneva plant to United States Steel.

Mr. ROBINSON of Utah. The point I cannot understand is why the Board should announce notice of anything other than make a decision.

Mr. CHENOWETH. The officials had been assured by a member of the Board that they would not do so.

Mr. ROBINSON of Utah. What difference did it make?

Mr. CHENOWETH. It made this difference, that the Colorado Fuel & Iron Corp. did not have the opportunity to submit more information and details concerning their bid, after being assured this opportunity would be given them.

Mr. ROBINSON of Utah. Their bid was in writing and was thoroughly understood. There was nothing about their bid that anyone could misunderstand.

Mr. CHENOWETH. I think the gentleman in his statement said the Board had requested further information.

Mr. ROBINSON of Utah. No.

Mr. CHENOWETH. Or wanted to give them the opportunity to submit additional information.

Mr. ROBINSON of Utah. When the bids were opened, the Colorado Fuel & Iron bid was read and oral statements were made if they wanted to make them, to explain the bid but the Colorado Fuel & Iron Corp. bid was perfectly clear. I say that there was nothing that they could add to their bid.

Mr. CHENOWETH. I do not mean to be critical of the Board, I might state, as to the action they took, except that I think they were a little hasty, and there must have been some influence which was responsible for their unexpected action on May 23.

Mr. ROBINSON of Utah. I cannot see why they were hasty when the bids were opened on May 1 and they took to May 23 to decide which was the best bid.

Mr. CHENOWETH. Then, why within a half hour before they announced the sale should one member of the Board assure the Colorado Fuel & Iron officials that it would not be announced that day?

Mr. ROBINSON of Utah. I cannot understand that, either.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. ROBINSON of Utah. I yield to the gentleman from California.

Mr. MILLER of California. I think there are more things of interest to the West generally than would go to the difference of opinion that might exist as to how the bids were opened or the minutiae of that section of it. Personally, I was very much in favor of Mr. Kaiser getting Geneva, but it did not turn out that he could swing Geneva. On the other hand, I am very anxious to see the Geneva plant as it now stands in operation. We use a great amount of tin plate in the West. About 80 percent of that roll is used west of the Rocky Mountains. As a result of this sale to United States Steel, they will now roll the great majority of that tin plate in Pittsburg, Calif., rather than in Pittsburgh, Pa., which means the bringing of a basic industry to the West that will offer employment to a lot of the new people we have out there. They have already made plans for spending $25,000,000 at Pittsburg, Calif., to put in these sheet-rolling mills. It is an entirely new phase of industry coming to the west coast to take care, again, of one of our basic industries on the west coast, in both Colorado and California. Utah and the rest of the West where cans are used will benefit by this, in my estimation. It is the beginning, perhaps, of bringing down the cost of cans and steel because, as I see it, within the near future, due to competition in the manufacture of this basic product now, we will eventually get away from the so-called Pittsburgh, Pa., base on steel plate and set up our own bases for steel on the Pacific coast.

Mr. ROBINSON of Utah. I am glad to have the gentleman's statement. I understand that this facility at Pittsburg is in the gentleman's district.

Mr. MILLER of California. It is in Pittsburg, Calif. We hope to see it the steel center of the West. It is spelled exactly like the other Pittsburgh, only we drop off the "h."

Mr. CHENOWETH. Of course, the Pittsburgh of the West is now located at Pueblo, Colo., and has been for a large number of years.

Mr. MILLER of California. We will accept that.

Mr. CHENOWETH. I wonder if the gentleman from Utah would not agree with me that the States of Utah and Colorado would prefer to see the steel center of the West remain at least in one of the two States, either in Colorado or Utah, instead of being moved to California.

Mr. ROBINSON of Utah. I would prefer to see the center of the steel industry remain at Geneva, Utah.

Mr. CHENOWETH. The gentleman from California has just stated here what is going to happen, that United States Steel intends to ship the steel plate to California, where it will be converted into steel products, which will then be shipped back to the Rocky Mountain States which are now being served so satisfactorily by the Colorado Fuel & Iron Corp. What we are trying to do is to have the Colorado Fuel & Iron Corp. take over the Geneva plant and continue to manufacture steel products there and at Pueblo, Colo.

Mr. ROBINSON of Utah. The only shipment that will be made will be of cold-rolled steel coils, and those will be made into tin plate.

Mr. CHENOWETH. I might state that I think it is going to be to the advantage of the gentleman's great State of Utah to have the Colorado Fuel & Iron Corp. in there rather than the United States Steel Corp.

Mr. ROBINSON of Utah. I am glad to have the gentleman state that, but I assure him I cannot agree with him. I disagree there.

The SPEAKER pro tempore (Mr. BROOKS). Under previous order of the House, the gentleman from California [Mr. HOLIFIELD] is recognized for 30 minutes.

WILL LABOR ASSUME THE RESPONSIBILITIES OF ORGANIZATIONAL MATURITY?

Mr. HOLIFIELD. Mr. Speaker, the division of profits between capital and labor has been and will continue to be one of the major problems in a competitive capitalistic form of economy such as we have in the United States. An inevitable difference of opinion has always existed as to the relative share of profits between owner and worker because a division in favor of either must of necessity be to the disadvantage of the other.

I believe it is a true statement to say that in determining the percentage of division of profits, the preponderant advantage has been with the owner of property rather than the worker. The development of law throughout the centuries has favored property rights rather than human rights. It has been only since the beginning of the industrial revolution that a gradual development of protective labor laws has been evident. The progress of human labor rights has been slow and hard won. The difficulties that have faced labor have been tremendous. Let us consider some of those difficulties:

(a) The financial strength to endure periods of idleness was in most instances on the side of the owner. The desperate poverty of the individual worker made employment imperative for existence.

(b) The bulk of the laws and the attitudes of the courts and enforcement officers were on the side of the owners.

(c) The ownership of the newspapers, magazines, and in modern times the radio networks was on the side of the owners. Influence of public opinion therefore in favor of the owners' interests was a natural result.

(d) The factor of a constant surplus of labor—pool of unemployed—was an economic factor within labor's own ranks, which militated against labor's independence and strength of action, much as a cancer saps the strength of the human body.

(e) The workers were unorganized and therefore as individuals could not overcome the combined strength of finance, law, and propagandized public opinion, factors dominated by the owners.

In the face of such an array of strength it is no wonder that the history of labor is one of oppression and exploitation. While there have always been benevolent employers, it is safe to say that this class was very small and even their benevolent intentions were too often curtailed by the oppressive, exploiting customs of their contemporaries.

Labor has long realized that their great source of strength lay in collective action. The first attempts along this line were the formation of skilled craftsmen into guilds representing the separate skills, such as masons, carpenters, metalworkers, and so forth. These European guilds were the forerunners of our modern trade-unions. Their economic strength was limited, but beneficial to their limited membership in many ways. The great bulk of laborers, however, were never included in the membership or benefits of the guilds. As the industrial revolution began to develop throughout the world, the pattern of individual self-sufficiency in obtaining the meager necessities of life, began to change. Handicrafts began to disappear and industrial plants with many employees evolved. The laborers in these plants exchanged their comparative agricultural self-sufficiency for specialized industrial work. In the exchange they lost a certain independence and became dependent on continued industrial employment for the necessities of life.

During this period of industrial development the aristrocacy of labor, the skilled craftsmen, maintained and developed the craft unions which had their origin in the guilds of the Middle Ages. These craft unions of skilled artisans amalgamated in 1881 into the American Federation of Labor. They included skilled arts or trades, such as carpenters, machinists, painters, masons, metal crafts, transportation trades, and so forth. The great mass of unskilled or semiskilled labor was not included in the craft trade-unions of the AFL and, therefore, outside of the protection of organization strength. This great mass of American labor was a lower caste without benefit of organization and, therefore, without protection in their struggle for better wages, shorter hours, and better working conditions. Here we note that through the indifference and lack of vision on the part of the leaders of the AFL, millions of workers—common laborers and semiskilled operators of the mass-production machines of industry—were without the area of protection and benefit of trade-unions.

This condition could not remain long unchallenged; independent unions began to form in the mass-production industries of rubber, steel, textiles, automobiles, and so forth, and in 1935–37 the Congress of Industrial Organizations was formed. At long last the unskilled and semiskilled worker had combined for protection and benefits.

The American Federation of Labor, the Congress of Industrial Organizations, and the Railroad Brotherhoods are the three great labor organizations in the United States today. Their combined membership is estimated to total 15,000,000 members. Broken down, this total is divided approximately as follows: AFL, 7,000,000; CIO, 6,000,000; Railroad Brotherhoods and other independent unions, approximately 2,000,000.

The growth of trade-union membership has not been without "tears, sweat, and blood," as Winston Churchill would say. It has not been without continuous opposition from the owner-capitalist group. On the contrary the growth of trades-union membership has been fought for during every year of its existence. The factors of resistance I noted before, finance, legislation, court attitudes, manipulation of public opinion, and economic boycott have all been used to prevent labor from gaining a larger share of the profits of industry. That fight continues today, although on a more equal plane than in years gone by. The trades unions today are better organized, better financed, and more powerful politically than they were in the past. Their legal rights are better established, strengthened by the passage of the Norris-LaGuardia Act and the National Labor Relations Act, and many other minor or supporting laws which give them legal rights. It might be of value to explain briefly these three laws mentioned, as they are the foundation upon which the edifice of labor is built. The foes of labor are fighting more vigorously than ever before to remove from the statute books these laws. Unless labor uses their newly achieved strength judiciously, these laws will be repealed or emasculated.

First, the National Labor Relations Act, passed July 5, 1935. This law, commonly called the Wagner Act, for the first time established the legal right of employees to form or join labor organizations and to bargain collectively through representatives of their own choosing with their employers. This law prescribed certain strikebreaking, union busting, coercive practices of employers as illegal, and provided penalties for such violations. The law also set up investigative and judicial review boards to facilitate the enforcement of the law.

The Norris-LaGuardia Act passed in 1932. This law prohibited the use of court injunctions against unions or strikers picketing establishments where labor disputes existed. The use of court injunctions against unions and strikers were most powerful weapons in the hands of unscrupulous employers, unfriendly judges, and antagonistic police officials. The Norris-LaGuardia Act gave labor organizations Federal protection against prosecution by antagonistic local court and enforcement officials.

We can readily see the importance and value of these laws to labor. Many Congressmen, including myself, have fought to protect labor against the repeal of these laws. However, we realize that the labor laws now on the statute books are neither complete nor perfect. The field of labor legislation has not been circumscribed as of the present date. There is urgent need for additional legislation to clarify existing law, correct abuses which are possible by both employer and employee under present law, and to cover areas where absence of law now provides a no-man's land in labor-owner relationship. The conflict in this no-man's land area frequently results in unfair practices on the part of both labor and owner and usually injures the bystanding public.

Many of the areas of labor-owner relations rest upon voluntary conciliation, voluntary agreement to mediate or arbitrate, voluntary continuance of operation by owners, and voluntary resumption of work by striking labor. So long as representatives of employer-employee participate in volunteer negotiations and reach joint agreements the voluntary system works, but when either or both representatives refuse to enter or abide by voluntary negotiation and agreements, a stalemate legally is reached. In such a stalemate everyone loses. The owner loses his profits, the worker loses his wages, and the public loses the products or services. The length of such stalemate depends on the economic endurance of either or both

of the contestants. The public patiently awaits the resumption of normal business procedures in the majority of these disputes. However, a new and growing impatience on the part of the public and their legislative representatives is becoming evident because in certain fields these stalemates between labor and owner threaten a break-down of our national economy. Let us consider a few of the factors involved in the development of national stalemates which paralyze Nation-wide production of services. This development is a product of two principal factors evolved during the last two or three decades.

(a) The development in industry of gigantic, Nation-wide monopolistic or semimonopolistic corporations, whose products or services are necessary to the Nation's economic existence.

(b) The development in the labor field of gigantic, Nation-wide monopolistic or semimonopolistic labor organizations, whose services in production and distribution of the necessities of life are necessary for the Nation's economic existence.

Obviously the above condition only applies in a limited field of basic key industries. I believe most of us agree that Government services, transportation, communications, coal, and probably steel and oil come within this category. These industries are Nation-wide in their scope, their services or products are basic necessities of life in our technological civilization, the labor in these industries are powerfully organized and centrally controlled. A stalemate in labor-owner relations and a cessation of any of these critical services can paralyze the whole Nation. Such a paralysis is unendurable by the general public and highly dangerous to our democratic form of government. No government can remain sovereign unless it maintains civil order and protects the vital interests of its people against such a catastrophe as a general break-down of its economic life.

THE GENERAL STRIKE IN FRANCE IN 1910 PRECEDED THE FALL OF THE FRENCH GOVERNMENT

In my opinion, labor should cooperate in constructive legislation to protect their own best interests and the people of this great democracy against this evident hazard. Legislation will be passed to solve this problem, with or without labor's cooperation. The American people and their legislative representatives will not stand idly by and allow economic anarchy to occur, regardless of the individual merit of the issues involved in a particular owner-labor controversy.

The right to strike is not an absolute right without qualification, limitation, or moral responsibility. In fields of national necessity such as those mentioned, the national interest is vital and paramount over the differences that may exist in labor-owner stalemates. A break-down or cessation of services in these fields automatically threatens the lives and welfare of millions of our people.

Unless government prevents the catastrophe of what amounts to a general strike, it stands convicted of its own impotence and weakness. A general strike in vital industries is against the general welfare of the Nation and cannot be permitted. It would be the preview to the fall of government or to violent emergency action in which the civil liberties of the citizen might well be lost. It would provide an excuse for a Fascist coup that could easily change our democracy into a military dictatorship. I so sincerely believe this hazard exists that I stand ready to vote for proper legislation to prevent general strikes in critical industries which have been taken over by the Government. Unless a legislative solution is found that labor and owner can live under, I believe the only remaining alternative is Government ownership of critical, necessary, Nation-wide industries.

This threat of a general strike in a necessary national industry has been hanging over the heads of the American people since VJ-day. John L. Lewis spurned President Roosevelt's request for continued operation of the coal mines during the dark years of our recent war. Regardless of the merits of his cause, in my opinion, he was unpatriotic in refusing to place his own demands second to the Nation's war needs. In the recent strike he refused peaceful negotiation on the issues involved until the operators granted one of the issues. Again I say, this was not collective bargaining. General Motors was guilty of the same tactics during the automobile strike. Both were arbitrary and refused the Government's efforts to obtain a voluntary compromise agreement. The attempt on the part of the Railway Mediation Board and the President's compromise offer all failed to prevent the recent strike of the railroad trainmen and engineers. Mr. Whitney and Mr. Johnston, by their action, repudiated the Railway Labor Act which has functioned in the settlement of railway labor disputes for 20 years.

By their arrogant refusal to settle their dispute in this critical national transportation industry in a peaceful manner, they demonstrated the need for additional legislation in this field. With the Nation's trains standing idle and a resumption of the coal strike due in 24 hours, the efficacy of Government was challenged. The President has been harshly criticized for his action, but if he had failed to act and the rail and coal strike in all its force had struck the Nation, would he not have been criticized more bitterly? It is true that while the President was addressing the joint session of Congress, a note was handed him which informed him the rail strike had been settled. But the national problem still remained—the coal strike was pending; other nationally paralyzing strikes were in the offing. The bitter remarks of Mr. Whitney plainly indicated that his capitulation and acceptance of the terms he had previously spurned was because of President Truman's appeal to Congress.

What would John L. Lewis have done if Truman had not taken vigorous action? Would he have continued his arbitrary demands, refused to terminate the coal strike as he did shortly after Truman's speech to Congress?

In the meantime, with these critical questions before our Nation, what was the duty of Congress? Were we, the representatives of the people, to sit idly by and see the Government helpless? Were we to gamble on the future whims and condescending concessions of Lewis, Whitney, and Johnston?

As a Member of Congress with the sworn duty to represent the best interests of all the people, it was my responsibility to vote for or against the President's request for emergency legislation. Time was short because of the impending coal strike crisis. The parliamentary situation was as follows: The House had voted to suspend the usual rules and consider the President's bill, H. R. 6578, without amendments and with only 40 minutes debate.

We did not see the text of the bill until 40 minutes before time to vote. In the few minutes that intervened before the vote, the Members read the bill and listened to the few brief remarks for and against.

The liberal Congressmen did not like certain sections of the bill, such as the draft of workers into the Army. On the other hand, the reactionary Congressmen did not like section 9 which gave the Government all net profits of the industry during the period of Government operation, and the section giving the Government power to settle the dispute on its own terms and force the industry owners to accept such settlement.

It was the collective judgment of over 100 liberal prolabor Congressmen that the bill should be passed and sent to the Senate for additional debate and opportunity to amend or delete the Army draft section and any other objectionable section of the legislation.

In such event the legislation would come back to the House for further consideration and for acceptance or rejection.

In the meantime, the Senate passed the far more dangerous Case bill. It must be remembered that the President's bill, H. R. 6578, was strictly temporary legislation—war duration plus 6 months. That it applied only to industries which could be classified as nationally essential, obviously only a very few industries could be so classified. It also penalized employers as well as employees for violation.

The Case bill was far more drastic in that it was permanent legislation and applicable to all industry disputes. It contained many additional provisions such as, destruction of the Wagner Act, nullification of the Norris-LaGuardia Act, provided additional grounds for suits against unions, and broadened the meaning of words used in labor legislation such as commerce, extortion, robbery, and so forth. Under these definitions punitive action could be taken against union organizers, dues collectors, union treasurers and officials and so forth. In other words, the Case bill would completely erase the gains of labor by nullifying the basic laws which give labor its strength. The Case bill also sets up compulsory arbitration boards and outlaws jurisdictional disputes and secondary boycotts. It, therefore, takes away practically all right of labor to strike.

If the President's emergency legislation, improved by Senate deletion of

some of its objectionable features, becomes a law it will in my opinion, enable the President to veto the Case bill and obtain enough support to sustain his veto. If the President's emergency legislation is not passed, it is my opinion the President's probable veto of the Case bill will not be sustained.

Labor has consistently refused to advance any legislation designed to correct its admitted abuses, or to fill areas where legislation is needed to establish procedures in labor-management relations which the public interest deserves and demands.

In my opinion, labor has been shortsighted. It has failed to mature in social vision and responsibility, commensurate with its numerical and economic strength and its political power. Labor has thereby put its legislative friends on the spot, time after time. We who sincerely believe in labor's cause, find ourselves engaged in defensive tactics due to the obstinance of labor in not proposing corrective and constructive legislation in line with modern problems and critical public opinion.

Labor became powerful through the passage of laws such as the Norris-LaGuardia Act and the National Labor Relations Act. These laws were passed because public opinion recognized the moral justice in labor's struggle. Having attained this power, labor must accept the responsibilities commensurate with its strength. Labor must realize that unless it uses its power moderately and in harmony with the Nation's welfare, it will lose by legislation and antagonistic public opinion, its power and legal rights.

As a proven friend of labor, I sound this note of warning: It is not yet too late to build a backfire against reaction. It is not too late to recapture the confidence of those who constitute public opinion, confidence in the moral justice of labor's fight. Dilatory tactics and irresponsible acts will hasten the victory of reactionary forces.

EXTENSION OF REMARKS

Mr. ELLSWORTH asked and was given permission to extend his remarks in the RECORD and include a letter.

Mr. HOLIFIELD asked and was given permission to extend his remarks in the RECORD and include an article.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Texas [Mr. MAHON] is recognized for 10 minutes.

THE RAILROAD STRIKE

Mr. MAHON. Mr. Speaker, the majority of the American people have been greatly encouraged by the quick action of the House of Representatives in passing legislation to stop the paralyzing railroad strike. Certainly my mail from Texas indicates widespread approval of the course taken. Let it be said for the record that within 2 hours after the President addressed the joint session of Congress the bill requested by him was approved by the House.

The railroad unions are made up of the very highest type of American citizens. They did a superb job during the war—a very wonderful job. The union organizations were 18 to 2 against the strike. It was principally the stubborness of one man, Mr. A. F. Whitney, that produced the disastrous situation. A country that cannot protect itself against utter chaos is in a bad shape. I am convinced that the quick action of the House gave hope and encouragement to a great majority of the American people.

The American people have been kicked around by such tyrants as John L. Lewis until their patience is threadbare. People generally do not have time and opportunity to read the CONGRESSIONAL RECORD and they cannot understand why more effective action was not taken against racketeers in industry and labor months ago.

The fact is that before the war, during the war, and since the war, the House of Representatives passed legislation to meet the situation but the legislation has usually died in the Senate. However, the Senate has now passed the Case bill which was approved months ago by the House and the bill has gone to the White House.

Those of us who voted for the bill to stop Mr. Whitney's paralyzing railroad strike have been threatened by Mr. Whitney, and he has also insulted the American people. In commenting on those of us who voted for the bill, Mr. Whitney, according to the Associated Press, said:

> My board of directors already has authorized me to spend $2,500,000 to defeat the Members of Congress who have voted for the shackling labor legislation Mr. Truman has proposed. We mean to defeat every Member of Congress who voted for that bill.

The CIO continues to breathe out threats against those of us in Congress who have defied their demands. This unrighteous effort to intimidate the public and blacklist Members of Congress is a slap at democracy itself.

What we desperately need in America today is government in the public interest—not government by pressure groups who threaten legislators and insult the intelligence and patriotism of the people. Minority groups are entitled to be heard in America and they are entitled to a fair deal, but they are not entitled to run roughshod over the majority. Yet good wages for labor and the maintenance of the proper rights of labor organizations are in the public interest. As for myself, I am not sympathetic with the viewpoint of those who would oppress the laboring people of this country and deny them their legitimate rights. It is a question of protecting the public interest with due consideration for the just rights of those who toil.

There are some of us who have seen this crisis approaching for years. We saw it approaching before Pearl Harbor and we tried to do something about it. Unfortunately for the Nation we were in the minority.

On December 3, 1941, 4 days before Pearl Harbor in speaking on the floor in behalf of a bill to help correct the situation, I said the following:

> The people of this Nation are aroused as they have seldom been aroused before. I am confident that at least 99 percent of the people of the district which I have the honor to represent want action. As early as April 3 this year I arose in the House and urged action by the President and the Congress against strikes and hold-ups in national-defense production.
>
> Those of us who have been pleading for action for months are glad that at long last we have a chance to vote the will of the American people. There can be no doubt as to what the will of the American people is. They want legislation sufficiently drastic to stop strikes in national-defense industries. As far as I am concerned, they ought to have had it long ago, and they are going to get it now. Effective action today will mean much to the cause of unity and national defense.

Those words were spoken in 1941. But the legislation advocated then did not become the law—though the bill advocated was approved by the House.

Here is a brief history of the situation: On June 7, 1940, the House passed a bill to revise the National Labor Relations Act by a roll-call vote of 258 to 129. It went to the Senate Committee on Education and Labor and died there. On December 3, 1941—4 days before Pearl Harbor—the House again passed a bill for this purpose by a vote of 253 to 136. This bill also went to the Senate Committee on Education and Labor and died there. On February 7, 1946, the House again passed a bill which is commonly referred to as the Case bill. That bill passed the House by a vote of 258 to 155. It also went to the Senate Committee on Education and Labor and remained there until it was passed by the Senate and sent to the White House a few days ago. I am among those in the House who voted for each of these bills.

Mr. Speaker, there is no perfect answer to all the problems which beset our country. But one thing is sure—this Nation cannot safely go forward without the adoption of a more clear-cut and workable labor-industry policy—a policy which will safeguard the best interest of the American people.

The SPEAKER pro tempore (Mr. BROOKS). The time of the gentleman from Texas has expired.

Mr. MAHON. Mr. Speaker, in connection with my remarks, I ask unanimous consent to insert certain excerpts from the CONGRESSIONAL RECORD and to revise my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ENROLLED BILL SIGNED

Mr. ROGERS of New York, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 4908. An act to provide additional facilities for the mediation of labor disputes, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. ROGERS of New York, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 4908. An act to provide additional facilities for the mediation of labor disputes, and for other purposes.

ADJOURNMENT

Mr. COOPER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 54 minutes p. m.), under its previous order, the House adjourned until Monday, June 3, 1946, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON THE JUDICIARY

There will be a hearing before Subcommittee No. 4 of the Committee on the Judiciary on Monday, June 3, 1946, on House Resolution 430, to authorize the Committee on the Judiciary to conduct an investigation of the disposition of the case against certain individuals charged by the Federal Bureau of Investigation with espionage and possession of confidential Government documents.

The meeting will begin at 10 a. m. and will be held in the Judiciary Committee room, 346 House Office Building.

COMMITTEE ON EXPENDITURES IN THE EXECUTIVE DEPARTMENTS

The Committee on Expenditures in the Executive Departments will hold hearings on the President's Reorganization Plans Nos. 1, 2, and 3 beginning at 10 a. m. on Tuesday, June 4, through Friday, June 7.

COMMITTEE ON PATENTS

The Committee on Patents will begin hearings Tuesday, June 4, 1946, at 10 a. m. in the Patents Committee room, 416 House Office Building, on the following bills:

H. R. 3964 (HARTLEY): A bill to declare the national policy regarding the test for determining invention.

H. R. 5841 (BOYKIN): A bill fixing the date of the termination of World War II, for special purposes.

H. R. 5940 (LANHAM): A bill to make Government-owned patents freely available for use by citizens of the United States, its Territories and possessions.

These hearings will be continued on succeeding days until concluded or until this notice is superseded.

COMMITTEE ON THE JUDICIARY

On Thursday, June 6, 1946, Subcommittee No. 2 of the Committee on the Judiciary will continue hearings on the bill (H. R. 6301) to supplement existing laws against unlawful restraints and monopolies, and for other purposes. The hearings will begin at 10 a. m. and will be held in the Judiciary Committee room, 346 House Office Building.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1357. A letter from the President, United States Civil Service Commission, transmitting a draft of a proposed bill to amend section 6 of the Civil Service Retirement Act of May 29, 1930, as amended; to the Committee on the Civil Service.

1358. A letter from the Acting Secretary of the Treasury, transmitting a draft of a proposed bill to amend section 327 of the Communications Act of 1934 to permit the use of Coast Guard radio stations for commercial messages; to the Committee on Interstate and Foreign Commerce.

1359. A communication from the President of the United States, transmitting deficiency estimates of appropriation in the amount of $46,635.55, and a supplemental estimate of appropriation for the fiscal year 1947 in the amount of $105,240, in all, $151,875.55, for the District of Columbia (H. Doc. No. 630); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PETERSON of Florida: Committee on the Public Lands. S. 1273. A bill to provide for the acquisition by exchange of non-Federal property within the Glacier National Park; without amendment (Rept. No. 2191). Referred to the Committee of the Whole House on the State of the Union.

Mr. PETERSON of Florida: Committee on the Public Lands. S. 1857. A bill to authorize the availability for certain necessary administrative expenses of appropriations for the Department of the Interior; without amendment (Rept. No. 2192). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROCKWELL: Committee on the Public Lands. H. R. 5840. A bill to authorize an exchange of land in Eagle County, Colo.; without amendment (Rept. No. 2193). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAY: Committee on Military Affairs. S. 1963. An act to authorize additional permanent professors of the United States Military Academy; without amendment (Rept. No. 2195). Referred to the Committee of the Whole House on the State of the Union.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2196. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PITTENGER: Committee on Claims. H. R. 228. A bill for the relief of Robert June; without amendment (Rept. No. 2187). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 3399. A bill for the relief of Philibert L. Bergeron and Mrs. Alfred Quist; with amendment (Rept. No. 2188). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 4353. A bill for the relief of Amy Mary Richter; with amendment (Rept. No. 2189). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 5872. A bill for the relief of Mr. and Mrs. Walter Keaton; without amendment (Rept. No. 2190). Referred to the Committee of the Whole House.

Mr. BARRETT of Wyoming: Committee on the Public Lands. H. R. 5676. A bill to quiet title and possession with respect to certain real estate in Converse County, Wyo.; with amendment (Rept. No. 2194). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLOOM:

H. R. 6627. A bill for the acquisition of buildings and grounds in foreign countries for the use of the Government of the United States of America; to the Committee on Foreign Affairs.

By Mr. LEMKE:

H. R. 6628. A bill to prohibit Members of Congress and Federal judges from serving the United States in any other capacity; to the Committee on the Judiciary.

By Mr. PETERSON of Florida:

H. R. 6629. A bill to provide basic authority for the performance of certain functions and activities of the National Park Service; to the Committee on the Public Lands.

By Mr. PITTENGER:

H. R. 6630. A bill to safeguard and consolidate certain areas of exceptional public interest within the Superior National Forest, Minn., and for other purposes; to the Committee on Agriculture.

By Mr. SASSCER:

H. R. 6631. A bill providing for certain deposits in the civil-service retirement fund by the barber, cobbler, and tailor shops and by the midshipmen's store at the United States Naval Academy on behalf of certain of their employees, and for other purposes; to the Committee on the Civil Service.

By Mr. BELL:

H. R. 6632. A bill to provide military assistance to the Republic of the Philippines in establishing and maintaining national security and to form a basis for participation by that Government in such defensive military operations as the future may require; to the Committee on Foreign Affairs.

H. R. 6633. A bill to provide for the return of certain securities to the Philippine Commonwealth Government; to the Committee on Insular Affairs.

By Mr. CRAVENS:

H. R. 6634. A bill to authorize an appropriation to Mount Ida, Ark., for sewer construction purposes; to the Committee on Rivers and Harbors.

By Mr. HARLESS of Arizona:

H. R. 6635. A bill to amend the laws authorizing the performance of necessary protection work between the Yuma project and Boulder Dam by the Bureau of Reclamation; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOREN:

H. R. 6636. A bill for the relief of Dr. T. F. Harrison; to the Committee on Claims.

By Mr. HART:

H. R. 6637. A bill for the relief of Mrs. Mildred Aprea; to the Committee on Claims.

H. R. 6638. A bill for the relief of the legal guardian of Venus Sarkisian; to the Committee on Claims.

By Mr. HARTLEY:

H. R. 6639. A bill for the relief of Anthony Pecoraro; to the Committee on Claims.

By Mr. JENNINGS:

H. R. 6640. A bill for the relief of O. Briscoe Rutherford; to the Committee on Claims.

By Mr. McGEHEE:

H. R. 6641. A bill confirming the claim of B. Raines to certain lands in the State of Mississippi, county of Warren; to the Committee on the Public Lands.

H. R. 6642. A bill for the relief of certain postmasters; to the Committee on Claims.

By Mr. NORRELL:

H. R. 6643. A bill for the relief of the Cypress Creek drainage district of the State of Arkansas; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1924. By Mr. COLE of Missouri: Petition of the International Union of United Brewery, Flour, Cereal, and Soft Drink Workers of America, Locals No. 93 and 116, of St. Joseph, Mo., protesting present and future restrictions on the quantity of grains available for the manufacture of beer; to the Committee on Agriculture.

1925. By Mr. STEFAN: Petition of Farmers Union, Local No. 319, Saunders County, Nebr.; to the Committee on Banking and Currency.

1926. By the SPEAKER: Petition of Lodge 402, International Association of Machinists, petitioning consideration of their resolution with reference to endorsement of House bill 4051; to the Committee on Military Affairs.

1927. Also, petition of 250 citizens of Wayne, Pa., and vicinity, petitioning consideration of their resolution with reference to request for legislation calling for the establishment by law of certain fundamental principles deemed essential to the health and well-being of our country; to the Committee on the Judiciary.

1928. Also, petition of director, Sixth Annual Model Congress, petitioning consideration of their resolution with reference to various legislation; to the Committee on Education.

SENATE

SATURDAY, JUNE 1, 1946

(Legislative day of Tuesday, March 5, 1946)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. Bernard Braskamp, D. D., pastor of the Gunton-Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

Most merciful and gracious God, whose thoughts concerning us are those of love and peace, grant that every thought and purpose of our own minds may be brought into a glad and willing obedience to Thy divine will.

We pray that our hearts may be impervious to the spirit of personal aggrandizement, but we may seek one another's welfare and bear one another's burdens, and so fulfill the law of Christ.

Show us how we may find a just and righteous solution to all the problems of human relationships. Grant that capital and labor, employer and employee, and men everywhere, of whatever creed, class, country, or color, may stand on the high plateau of brotherhood and patriotism and of loyalty to God and human rights.

We pray that at the eventide of each day we may have a conscience that is peaceful and a heart that is happy and worthy to receive Thy benediction and be crowned with the diadem of Thy praise, "Well done, thou good and faithful servant."

Hear us in the name of the Christ. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, May 31, 1946, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. HILL. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hatch	O'Daniel
Andrews	Hawkes	O'Mahoney
Austin	Hayden	Overton
Ball	Hickenlooper	Pepper
Barkley	Hill	Reed
Brewster	Hoey	Revercomb
Briggs	Huffman	Robertson
Brooks	Johnson, Colo.	Russell
Burch	Johnston, S. C.	Saltonstall
Bushfield	Kilgore	Shipstead
Butler	Knowland	Smith
Capehart	La Follette	Stanfill
Capper	Lucas	Stewart
Connally	McCarran	Taft
Cordon	McClellan	Thomas, Okla.
Donnell	McFarland	Thomas, Utah
Downey	McKellar	Tunnell
Eastland	McMahon	Vandenberg
Ellender	Magnuson	Wagner
Ferguson	Maybank	Walsh
Fulbright	Millikin	Wheeler
George	Mitchell	Wherry
Gerry	Moore	White
Green	Morse	Wiley
Guffey	Murdock	Willis
Gurney	Murray	Wilson
Hart	Myers	

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Alabama [Mr. BANKHEAD] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senators from Idaho [Mr. GOSSETT and Mr. TAYLOR] are absent by leave of the Senate.

The Senators from Maryland [Mr. RADCLIFFE and Mr. TYDINGS] have been excused from attendance in the Senate today in order to be present at the graduation ceremonies at Washington College, Chestertown, Md., where a degree is to be conferred upon the President of the United States.

The Senator from Virginia [Mr. BYRD], the Senator from New Mexico [Mr. CHAVEZ], and the Senator from New York [Mr. MEAD] are detained on public business.

Mr. WHERRY. The Senator from New Hampshire [Mr. BRIDGES] is necessarily absent.

The Senator from North Dakota [Mr. LANGER] is necessarily absent.

The Senator from New Hampshire [Mr. TOBEY] is absent on official business.

The Senator from North Dakota [Mr. YOUNG] is absent by leave of the Senate.

The Senator from Delaware [Mr. BUCK] is necessarily absent.

The PRESIDENT pro tempore. Eighty Senators having answered to their names, a quorum is present.

LEAVES OF ABSENCE

Mr. THOMAS of Utah. Mr. President, because of long-standing speaking appointments, I ask unanimous consent to be excused from the Senate this afternoon and Monday.

The PRESIDENT pro tempore. Without objection, the request is granted.

Mr. GUFFEY. Mr. President, I ask permission to be absent from the Senate, beginning at 2 o'clock next Monday afternoon, for the remainder of that day, and for all day Tuesday.

The PRESIDENT pro tempore. Without objection, the request is granted.

Mr. SALTONSTALL. Mr. President, I ask permission to be absent from the Senate from the hour of 1:15 today for the remainder of the afternoon.

The PRESIDENT pro tempore. Without objection, the request is granted.

Mr. HAWKES. Mr. President, I ask unanimous consent to be absent from the Senate on Monday next.

The PRESIDENT pro tempore. Without objection, leave is granted.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on May 31, 1946, he presented to the President of the United States the enrolled bill (S. 7) to improve the administration of justice by prescribing fair administrative procedure.

NOTICE OF PUBLICATION OF HEARINGS HELD BY THE SENATE SPECIAL COMMITTEE INVESTIGATING PETROLEUM RESOURCES

Mr. O'MAHONEY. Mr. President, the fourth and fifth series of the hearings recently held by the Special Committee Investigating Petroleum Resources, entitled, respectively, "Petroleum Requirements—Postwar" and "War Emergency Pipe-Line Systems and Other Petroleum Facilities," are now available at the United States Government Printing Office, Washington, D. C., for those desiring copies.

Among the subjects mentioned in Petroleum Requirements—Postwar are the following: (a) Supply and Demand in Foreign Areas; (b) Forecast of Future Requirements in the United States; (c) Exploration, Development, and Conservation of Present Petroleum Reserves; and (d) Compilations and Graphs of the Petroleum Industry Growth and Accomplishments. The Superintendent of Documents has advised me that this book, containing 119 pages, may be purchased at 25 cents per copy.

The booklet entitled "War Emergency Pipe-Line Systems and Other Petroleum Facilities," containing a synopsis of petroleum deliveries by war emergency pipe lines, including tanker, tank car, pipe line, and barge; also giving suggestions for the postwar disposal of Government-owned pipe lines, refineries, and tankers, by the industry, as well as Government representatives, and various interested groups, such as the railroads, coal associations, and labor organizations, may be obtained at $1 per copy. This book contains 431 pages, in addition to numerous maps and charts.

REPORT OF BOARD OF ACTUARIES OF THE CIVIL SERVICE RETIREMENT AND DISABILITY FUND (S. DOC. NO. 197)

The PRESIDENT pro tempore laid before the Senate a letter from the president of the United States Civil Service Commission, transmitting, pursuant to law, the Twenty-fifth Annual Report of

the Board of Actuaries of the Civil Service Retirement and Disability Fund for the fiscal year ended June 30, 1945, which, with the accompanying report, was referred to the Committee on Civil Service and ordered to be printed.

PETITIONS

Petitions, etc., were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A concurrent resolution of the Legislature of the State of Louisiana, favoring the enactment of legislation providing that honorably discharged veterans of World War II may receive a price preference in the purchase of surplus war materials over all competition on a set formula; to the Committee on Military Affairs.

(See concurrent resolution printed in full when presented by Mr. ELLENDER on May 31, 1946, p. 5958, CONGRESSIONAL RECORD.)

A resolution adopted by the Association of Higher Education of West Virginia, Glenville, W. Va., favoring the enactment of legislation to exempt from Federal income taxes all retirement allowances, from whatever source, to the amount of $1,440 per annum; to the Committee on Finance.

A resolution adopted by the ninth regional district of the national office of Machine Dealers' Association, representing the States of Oklahoma, Kansas, and Missouri, in convention assembled at Oklahoma City, Okla., favoring the enactment of legislation to curb strikes; order to lie on the table.

A petition of sundry members of the armed forces stationed at Atsugi Army Air Base, Honshu, Japan, relating to the extension of the Selective Training and Service Act; ordered to lie on the table.

The petition of Eduardo Salazar, Paco, Manila, P. I., relating to his claim against the Government; to the Committee on Military Affairs.

DEVELOPMENT AND CONTROL OF ATOMIC ENERGY—PETITION

Mr. CAPPER. Mr. President, I ask unanimous consent to present for appropriate reference and to have printed in the RECORD, without the signatures attached, a petition signed by members and friends of the First Pilgrim Congregational Church, Kansas City, Kans., praying for the enactment of the so-called McMahon bill, S. 1717, for the development and control of atomic energy.

There being no objection, the petition was received, ordered to lie on the table, and to be printed in the RECORD without the signatures attached, as follows:

Attention Senator CAPPER:

We, the undersigned members and friends of the First Pilgrim Congregational Church of Kansas City, Kans., believing that in the atomic age in which we live the only security is to be found in an understanding that casts out suspicion, in love that casts out fear, and that it is now "one world or none," respectfully submit the following recommendation:

We recommend that support be given the McMahon bill now pending in Congress, which provides for civilian control of atomic energy, in order that the citizens of these United States may know the facts concerning its dangers and its infinite possibilities for good. We further recommend the support of this bill without any crippling amendments. And further, because the possession and use of atomic energy is world-wide in its implications, we urge that an international control commission be set up with power to prohibit its uses for purposes of war and destruction.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

(Mr. AIKEN introduced Senate bill (S. 2279) to amend the Mustering-Out Payment Act of 1944 so as to remove the time limitation on the filing of applications for benefits by persons who were discharged or released from active duty before the effective date of such act, which was referred to the Committee on Military Affairs, and appears under a separate heading.)

(Mr. JOHNSTON of South Carolina introduced Senate bill 2280, to amend the Federal Farm Mortgage Corporation Act to provide a secondary market for farm loans made under the Servicemen's Readjustment Act of 1944, as amended, and for other purposes, which was referred to the Committee on Banking and Currency, and appears under a separate heading.)

By Mr. SHIPSTEAD:

S. 2281. A bill authorizing the issuance of a patent in fee to Francis E. L. Chase, Sr.; and

S. 2282. A bill to safeguard and consolidate certain areas of exceptional public interest within the Superior National Forest, Minn., and for other purposes; to the Committee on Public Lands and Surveys.

REMOVAL OF LIMITATION ON APPLICATION FOR MUSTERING-OUT PAY

Mr. AIKEN. Mr. President, under the present law any member of the armed forces entitled to mustering-out payment who shall have been discharged or relieved from active service under honorable conditions before the effective date of the Mustering-Out Payment Act—February 3, 1944—must make application therefor within 2 years of the effective date. The final date on which applications could be accepted was February 3, 1946.

There are many cases where men discharged or relieved from active service prior to the enactment of this act are unaware of the existence of this act, and undoubtedly there are many who assume the act does not affect them since they were discharged prior to its passage. The War Department office handling mustering-out matters says that they are still receiving applications for the $60 allowed to veterans of World War I, as there was no limitation on applying for that payment.

I ask unanimous consent to introduce for appropriate reference a bill which would amend the Mustering-Out Payment Act by removing the 2-year limitation, so that those who were discharged before February 3, 1944, may make application for payment.

There being no objection, the bill (S. 2279) to amend the Mustering-Out Payment Act of 1944 so as to remove the time limitation on the filing of applications for benefits by persons who were discharged or released from active duty before the effective date of such act was received, read twice by its title, and referred to the Committee on Military Affairs.

SECONDARY MARKET FOR FARM LOANS

Mr. JOHNSTON of South Carolina. Mr. President, I ask unanimous consent to introduce and have referred to the appropriate committee a bill to amend the Federal Farm Mortgage Corporation Act to provide a secondary market for farm loans made under the provisions of the Servicemen's Readjustment Act of 1944—Public Law 346, Seventy-eighth Congress—as amended.

The Servicemen's Readjustment Act, or so-called GI bill of rights, now provides for the guaranty or insurance by the Veterans' Administration of loans made to veterans for the purchase, repair, alteration, construction, or improvement of real and personal property to be used in farming or for operating capital. Correspondence which I have received from many of the smaller banks and other local lenders and from veterans' organizations indicates, however, that some of these responsible lenders may find themselves unable to make such loans in the volume needed by veterans in their local communities, unless the lending agencies have a dependable secondary market where they can sell loans already made, in order to obtain funds with which to make additional loans. A readily available secondary market such as would be provided by the passage of this bill would enable the smaller lending institutions in the agricultural areas to serve the veterans in their own home community. This will further implement the GI bill of rights by permitting the veteran to do business with his own home-town banker whom he knows personally and by whom he is known.

Recently I made a similar recommendation to Mr. George E. Allen, one of the Directors of the Reconstruction Finance Corporation, suggesting therein that he provide a market for veterans' home loans which are guaranteed by the Veterans' Administration. He immediately devised an arrangement which was agreeable to Gen. Omar N. Bradley, Administrator of Veterans' Affairs, under which The RFC Mortgage Company, a wholly owned affiliate of the RFC, will provide the secondary market for these home loans which are guaranteed or insured under the Servicemen's Readjustment Act. No additional legislation was required for authorization of that program.

Those of us who have studied this present proposal, however, feel that transactions of this character for agricultural purposes should be made by some governmental farm lending agency. Thus, this bill, which I propose as a simple amendment to the Federal Farm Mortgage Corporation Act, would establish such a secondary market by authorizing the FFMC to purchase such loans from approved lenders.

The Federal Farm Mortgage Corporation appears to be the appropriate agency to provide this market for farm mortgages. The Corporation is wholly owned by the United States, and operates as part of the Farm Credit System. It is managed by a board of three directors, consisting of the Governor of the Farm Credit Administration, the Land Bank Commissioner, and the Secretary of the Treasury or an officer of the Treasury designated by him. The Corporation was created by the Federal Farm Mortgage Corporation Act, ap-

proved January 31, 1943 (12 U. S. C. 1020) to aid in stabilizing the Federal land bank system. The Corporation's existing functions are principally to provide funds for and service Land Bank Commissioner loans made under section 32 of the Emergency Farm Mortgage Act of 1933, as amended (12 U. S. C. 1016), and to provide a source of loan funds for the Federal land banks, when needed, through the purchase of farm loan bonds issued by the banks or loans to the banks.

The Corporation, in all probability, will not require any additional appropriations of Federal funds to enable it to purchase these GI-insured farm loans. The Corporation has available to it capital funds of $200,000,000 and, with the approval of the Secretary of the Treasury, it may issue bonds guaranteed by the United States up to $2,000,000,000 outstanding at any one time.

For the information of the Senate, I may say that at the present time they are collecting on the loans, and have the money, and have no one to whom they may lend it. But if they are afforded this device they will be able to help out the GI's and at the same time help out themselves.

A secondary market for such loans appears to be needed to provide local lenders with the funds required to make farm loans to veterans. The Federal Farm Mortgage Corporation, by reason of its knowledge and experience in the farm-loan field, its place in the Farm Credit System, and the availability to it of adequate resources, appears to be the proper agency to provide this secondary market.

There being no objection, the bill (S. 2280) to amend the Federal Farm Mortgage Corporation Act to provide a secondary market for farm loans made under the Servicemen's Readjustment Act of 1944, as amended, and for other purposes, was received, read twice by its title, and referred to the Committee on Banking and Currency.

EXTENSION OF SELECTIVE TRAINING AND SERVICE ACT—AMENDMENTS

Mr. THOMAS of Utah (by request) submitted two amendments intended to be proposed to the bill (S. 2057) to extend the Selective Training and Service Act of 1940, as amended, until May 15, 1947, and for other purposes, which were ordered to lie on the table and to be printed.

AWARD OF MEDAL OF MERIT TO THOMAS E. WILSON

Mr. BROOKS. On Wednesday, May 22, Mr. Thomas E. Wilson, the head of Wilson Packing Co., of Chicago, was awarded the Medal of Merit by the Government of the United States for exceptionally meritorious conduct in the performance of outstanding services to the United States.

Thomas E. Wilson has contributed, I suppose, as much as any man in America to the development of the character and the ability of the young men and women on the farms of this country. He is known quite widely as the father of the 4-H Clubs.

When war came, out of his wealth of experience as a packer, he realized the necessity for saving fats. He organized civilian salvage of fats. Since Pearl Harbor, more than 500,000,000 pounds of fat have been salvaged, and the city of Chicago, in which he lives and where he was the head of this particular activity, has contributed by collecting more per capita than any other large city in America.

Mr. President, I ask that the citation accompanying the awarding of the medal be printed at this point in the RECORD as a part of my remarks.

There being no objection, the citation was ordered to be printed in the RECORD, as follows:

Thomas E. Wilson, for exceptionally meritorious conduct in the performance of outstanding services to the United States.

A few days after December 7, 1941, recognizing the critical shortage of fats vitally needed in the manufacture of medicine, munitions, soaps, and other items which would result in the loss of importation of vegetable fats from the Philippines and Dutch East Indies, Mr. Wilson, with characteristic foresight and vigorous resourcefulness, conceived and, as Assistant Coordinator of Civilian Defense, pioneered in the organization of a fat-salvage program for the metropolitan area of the city of Chicago under which collections were commenced January 19, 1942. The success of the fat-salvage program in the Chicago area under Mr. Wilson's leadership demonstrated that such a program could be followed with success in metropolitan centers throughout the country, and the War Production Board, with the advice and assistance of Mr. Wilson, and with the approval of the Departments of Agriculture, War, and Navy, sponsored a national fat-salvage program which was begun in July 1942. With the cooperation of the American housewife, related industries, and the press and radio, many millions of pounds of vitally needed fats were collected. Under the Department of Agriculture the fat-salvage program is still being conducted to help meet the continued need of fats during the reconversion period. Mr. Wilson's selflessness, devotion to his country, and his energetic leadership in the fat-salvage program have immeasurably contributed to the welfare and the security of the United States during the period of emergency, and the habits of thrift thereby engendered will substantially contribute to the national economy for years to come.

THE LIFE STORY OF JOSEPH MEDILL PATTERSON

[Mr. BROOKS asked and obtained leave to have printed in the RECORD the life story of Capt. Joseph Medill Patterson, as printed in the Chicago Tribune, which appears in the Appendix.]

INDEPENDENT BUSINESSMEN LOOK AT COOPERATIVES—SPEECH BY GREY DRESIE

[Mr. CAPPER asked and obtained leave to have printed in the RECORD a speech entitled "The Independent Businessmen Look at Cooperatives," delivered by Grey Dresie, executive secretary, Kansas Independent Businessmen's Association, in answer to a radio address by Representative VOORHIS of California, which appears in the Appendix.]

AGAINST THE WHOLE PEOPLE—EDITORIAL FROM THE OREGONIAN

[Mr. CORDON asked and obtained leave to have printed in the RECORD an editorial entitled "Against the Whole People" from the Oregonian, Portland, Oreg., of Wednesday, May 22, 1946, which appears in the Appendix.]

PROPOSED AMENDMENT OF PRICE CONTROL ACT

Mr. WILLIS. Mr. President, yesterday I sent to the desk an amendment to the bill proposing to amend the Price Control Act, and did not make any introductory remarks. I should like to take 2 or 3 minutes to explain what the proposed amendment provides for. I should also like to have unanimous consent to have the amendment printed in the RECORD at this point in my remarks.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. WILLIS to the bill (S. 2028) to amend the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, and for other purposes, viz: At the proper place in the bill insert the following new section:

"SEC. —. (a) The Office of Price Administration and all of its functions, except those transferred by this section, are hereby abolished.

"(b) All functions of the Office of Price Administration and the Price Administrator relating to food commodities are hereby transferred to and shall be exercised by the Secretary of Agriculture.

"(c) All functions of the Office of Price Administration and the Price Administrator relating to rents and building materials are hereby transferred to and shall be exercised by the Civilian Production Administrator.

"(d) Such of the records, property (including office equipment) and unexpended balances of appropriations as have been used or available for use by the Office of Price Administration and the Price Administrator in the exercise of the functions transferred by this section and as may be determined and specified by the President shall be transferred to and available for use by the Secretary of Agriculture and the Civilian Production Administrator, respectively, in the exercise of the functions transferred to them by this section.

"(e) All regulations, policies, determinations, authorizations, requirements, designations, and other actions of the Price Administrator, made, prescribed, or performed in the exercise of the functions transferred by this section and before the transfer of such functions under this section shall, except to the extent rescinded, modified, superseded, or made inapplicable by the Secretary of Agriculture or the Civilian Production Administrator, have the same effect as if such transfer had not been made; but functions vested in the Price Administrator by any such regulation, policy, determination, authorization, requirement, designation, or other action shall, insofar as they are to be exercised after the transfer, be considered as vested in the Secretary of Agriculture or the Civilian Production Administrator, as the case may be."

Mr. WILLIS. Mr. President, the Office of Price Control appears to be in the hands of individuals who do not understand the fundamental principles of practical production and distribution of goods. Their policies are threatening a break-down of our American economy, and we will not have an adequate supply of needed goods under an administration like that which has been in force. Therefore, I have offered in the Senate to the bill proposing to amend the Price Control Act, an amendment which would, after July 1, 1946, place the control of food in the Department of Agriculture,

and the control of rents and building materials in the Office of Civilian Production Administration. The Office of Price Control would be abolished on July 1, under the provisions of the amendment.

Mr. President, we will not have prosperity in this country until we establish freedom in production and distribution. The planned economy has been given too long a trial, and has proved to be an expensive failure. Let us get down to production quickly as an indispensable remedy for inflation.

Since February the OPA's principal effect in most areas has been to push 80 percent of the beef and lumber business into the black market, so the real price levels are not OPA prices at all, but the regularly quoted prevailing black-market prices. Business is done on that level. Beef is butchered behind the barn, under the oak tree, over the hill. The hides are buried. The valuable byproducts for vitamins and medicines and fertilizer are all wasted. For that waste the American public pays. A free market would save them, and reduce the price of steaks. This is merely one evidence of the operation of the Office of Price Administration.

I further assert, Mr. President, that the Office of Price Administration is violating the law in its expenditure of huge sums of the taxpayers' money for carrying on false propaganda designed to set up Mr. Bowles as the indispensable man.

I ask unanimous consent to have printed in the RECORD a report upon the cost of food products which was published in the Washington Post.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

A Washington housewife would pay today at least $18 for the same bundle of groceries she could buy in 1939 for less than $11, the Republican Congressional Food Study Committee reported yesterday.

If she shopped at a higher-priced, so-called class 1 store she would pay $26.20 for the same groceries, the report said.

Representative JENKINS (Republican, Ohio), chairman of the study group, made the report public. He said the price survey was made to refute OPA claims that it had held the line on food prices during the war.

The comparative price figures represented the theoretical purchase of 73 food items. In April 1939 the total cost of the items based on chain-store price lists at the time was $10.94.

Today the minimum purchase price for the same bundle would be $18.06—or an increase of more than 60 percent, the report said.

This percentage increase was higher than indicated by Bureau of Labor Statistics figures. A spokesman said the Bureau of Labor Statistics food index, based on 61 market items, showed a 51-percent increase from August 1939 to April 1946 in Washington. He said their figures did not compare April 1939 with April this year, but that the August 1939 prices were somewhat lower than those of April 1939.

JENKINS' study emphasized that the 73-item total of $18.06 was the lowest price for the least expensive brand of each food item found in Washington chain markets. Many of the prices are below OPA ceilings.

Far higher legal prices for the same commodities are charged in individual or class 1 stores. At actual selling prices in these stores, the 73 items now cost the housewife a minimum of $26.20—an increase of approximately 140 percent over 1939.

In 1939 Washington stores were running full-page ads begging housewives to buy butter at 23 cents a pound, sliced bacon at 24 cents a pound, sugar-cured ham at 23 cents a pound, and big red winesap apples at 6 cents a pound.

The survey showed the price on these items has nearly doubled under OPA and they are now practically unobtainable at any price. Bureau of Labor Statistics average-price figures in Washington for 1939 showed butter then selling at 31 cents, bacon 32 cents, and sliced ham, 50 cents.

DEVELOPMENT AND CONTROL OF ATOMIC ENERGY

Mr. BARKLEY. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside, without prejudice, and that the Senate proceed to the consideration of Calendar No. 1251, Senate bill 1717, a bill for the development and control of atomic energy.

The PRESIDENT pro tempore. The clerk will state the bill by title.

The CHIEF CLERK. A bill (S. 1717) for the development and control of atomic energy.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Kentucky?

Mr. GURNEY. Mr. President, I should like to ask the majority leader if it is completely understood that the selective-service bill, Senate bill 2057, is laid aside only temporarily for this afternoon.

The PRESIDENT pro tempore. That is the request.

Mr. BARKLEY. That is the fact. I will say to the Senate that we hope to dispose of the atomic-energy bill and also the agricultural appropriation bill today, and then recess until Monday at which time the consideration of the selective-service bill will be resumed.

Mr. GURNEY. I thank the Senator.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Kentucky?

There being no objection, the Senate proceeded to consider the bill (S. 1717) for the development and control of atomic energy, which had been reported from the Special Committee on Atomic Energy, with an amendment, to strike out all after the enacting clause and to insert:

DECLARATION OF POLICY

SECTION 1. (a) Findings and declaration: Research and experimentation in the field of nuclear chain reaction have attained the stage at which the release of atomic energy on a large scale is practical. The significance of the atomic bomb for military purposes is evident. The effect of the use of atomic energy for civilian purposes upon the social, economic, and political structures of today cannot now be determined. It is a field in which unknown factors are involved. Therefore any legislation will necessarily be subject to revision from time to time. It is reasonable to anticipate, however, that tapping this new source of energy will cause profound changes in our present way of life. Accordingly it is hereby declared to be the policy of the people of the United States that, subject at all times to the paramount objective of assuring the common defense and security, the development and utilization of atomic energy shall, so far as practicable, be directed toward improving the public welfare, increasing the standard of living, strengthening free competition in private enterprise, and promoting world peace.

(b) Purpose of act: It is the purpose of this act to effectuate the policies set out in section 1 (a) by providing, among others, for the following major programs relating to atomic energy:

(1) A program of assisting and fostering private research and development to encourage maximum scientific progress;

(2) A program for the control of scientific and technical information which will permit the dissemination of such information to encourage scientific progress, and for the sharing on a reciprocal basis of information concerning the practical industrial application of atomic energy as soon as effective and enforceable safeguards against its use for destructive purposes can be devised;

(3) A program of federally conducted research and development to assure the Government of adequate scientific and technical accomplishment;

(4) A program for Government control of the production, ownership, and use of fissionable material to assure the common defense and security and to insure the broadest possible exploitation of the field; and

(5) A program of administration which will be consistent with the foregoing policies and with international arrangements made by the United States, and which will enable the Congress to be currently informed so as to take further legislative action as may hereafter be appropriate.

ORGANIZATION

SEC. 2. (a) Atomic Energy Commission:

(1) There is hereby established an Atomic Energy Commission (herein called the Commission), which shall be composed of five members. Three members shall constitute a quorum of the Commission. The President shall designate one member as Chairman of the Commission.

(2) Members of the Commission shall be appointed by the President, by and with the advice and consent of the Senate. In submitting any nomination to the Senate, the President shall set forth the experience and the qualifications of the nominee. The term of office of each member of the Commission taking office prior to the expiration of 2 years after the date of enactment of this act shall expire upon the expiration of such 2 years. The term of office of each member of the Commission taking office after the expiration of 2 years from the date of enactment of this act shall be 5 years, except that (A) the term of office of the members first taking office after the expiration of 2 years from the date of enactment of this act shall expire, as designated by the President at the time of appointment, one at the end of 3 years, one at the end of 4 years, one at the end of 5 years, one at the end of 6 years, and one at the end of 7 years, after the date of enactment of this act; and (B) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. Any member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. Each member, except the Chairman, shall receive compensation at the rate of $15,000 per annum; and the Chairman shall receive compensation at the rate of $17,500 per annum. No member of the Commission shall engage in any other business, vocation, or employment than that of serving as a member of the Commission.

(3) The principal office of the Commission shall be in the District of Columbia, but the Commission or any duly authorized representative may exercise any or all of its powers in any place. The Commission shall hold such meetings, conduct such hearings, and

receive such reports as may be necessary to enable it to carry out the provisions of this act.

(4) There are hereby established within the Commission—

(A) a General Manager, who shall discharge such of the administrative and executive functions of the Commission as the Commission may direct. The General Manager shall be appointed by the President by and with the advice and consent of the Senate, and shall receive compensation at the rate of $15,000 per annum. The Commission may make recommendations to the President with respect to the appointment or removal of the General Manager.

(B) a Division of Research, a Division of Production, a Division of Engineering, and a Division of Military Application. Each division shall be under the direction of a Director who shall be appointed by the Commission, and shall receive compensation at the rate of $14,000 per annum. The Commission shall require each such division to exercise such of the Commission's powers under this act as the Commission may determine, except that the authority granted under section 3 (a) of this act shall not be exercised by the Division of Research.

(b) General Advisory Committee: There shall be a General Advisory Committee to advise the Commission on scientific and technical matters relating to materials, production, and research and development, to be composed of nine members, who shall be appointed from civilian life by the President. Each member shall hold office for a term of 6 years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term; and (2) the terms of office of the members first taking office after the date of the enactment of this act shall expire, as designated by the President at the time of appointment, three at the end of 2 years, three at the end of 4 years, and three at the end of 6 years, after the date of the enactment of this act. The Committee shall designate one of its own members as Chairman. The Committee shall meet at least four times in every calendar year. The members of the Committee shall receive a per diem compensation of $50 for each day spent in meetings or conferences, and all members shall receive their necessary traveling or other expenses while engaged in the work of the Committee.

(c) Military Liaison Committee: There shall be a Military Liaison Committee consisting of representatives of the Departments of War and Navy, detailed or assigned thereto, without additional compensation, by the Secretaries of War and Navy in such number as they may determine. The Commission shall advise and consult with the Committee on all atomic energy matters which the Committee deems to relate to military applications, including the development, manufacture, use, and storage of bombs, the allocation of fissionable material for military research, and the control of information relating to the manufacture or utilization of atomic weapons. The Commission shall keep the Committee fully informed of all such matters before it and the Committee shall keep the Commission fully informed of all atomic energy activities of the War and Navy Departments. The Committee shall have authority to make written recommendations to the Commission on matters relating to military applications from time to time as it may deem appropriate. If the Committee at any time concludes that any action, proposed action, or failure to act of the Commission on such matters is adverse to the responsibilities of the Department of War or Navy, derived from the Constitution, laws, and treaties, the Committee may refer such action, proposed action, or failure to act to the Secretaries of War and Navy. If either Secretary concurs, he may refer the matter to the President, whose decision shall be final.

RESEARCH

SEC. 3. (a) Research assistance: The Commission is directed to exercise its powers in such manner as to insure the continued conduct of research and development activities in the fields specified below by private or public institutions or persons and to assist in the acquisition of an ever-expanding fund of theoretical and practical knowledge in such fields. To this end the Commission is authorized and directed to make arrangements (including contracts, agreements, grants-in-aid, and loans) for the conduct of research and development activities relating to—

(1) nuclear processes;

(2) the theory and production of atomic energy, including processes, materials, and devices related to such production;

(3) utilization of fissionable and radioactive materials for medical, biological, health, or military purposes;

(4) utilization of fissionable and radioactive materials and processes entailed in the production of such materials for all other purposes, including industrial uses; and

(5) the protection of health during research and production activities.

The Commission may make such arrangements without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing that advertising is not reasonably practicable, and may make partial and advance payments under such arrangements, and may make available for use in connection therewith such of its equipment and facilities as it may deem desirable. Such arrangements shall contain such provisions to protect health, to minimize danger from explosion and other hazards to life or property, and to require the reporting and to permit the inspection of work performed thereunder, as the Commission may determine; but shall not contain any provisions or conditions which prevent the dissemination of scientific or technical information, except to the extent such dissemination is prohibited by law.

(b) Research by the Commission: The Commission is authorized and directed to conduct, through its own facilities, activities, and studies of the types specified in subsection (a) above.

PRODUCTION OF FISSIONABLE MATERIAL

SEC. 4. (a) Definition: As used in this act, the term "produce," when used in relation to fissionable material, means to manufacture, produce, or refine fissionable material, as distinguished from source materials as defined in section 5 (b) (1), or to separate fissionable material from other substances in which such material may be contained or to produce new fissionable material.

(b) Prohibition: It shall be unlawful for any person to own any facilities for the production of fissionable material or for any person to produce fissionable material, except to the extent authorized by subsection (c).

(c) Ownership and operation of production facilities:

(1) Ownership of production facilities: The Commission shall be the exclusive owner of all facilities for the production of fissionable material other than facilities which (A) are useful in the conduct of research and development activities in the fields specified in section 3, and (B) do not, in the opinion of the Commission, have a potential production rate adequate to enable the operator of such facilities to produce within a reasonable period of time a sufficient quantity of fissionable material to produce an atomic bomb or any other atomic weapon.

(2) Operation of the Commission's production facilities: The Commission is authorized and directed to produce or to provide for the production of fissionable material in its own facilities. To the extent deemed necessary, the Commission is authorized to make, or to continue in effect, contracts with persons obligating them to produce fissionable material in facilities owned by the Commission. The Commission is also authorized to enter into research and development contracts authorizing the contractor to produce fissionable material in facilities owned by the Commission to the extent that the production of such fissionable material may be incident to the conduct of research and development activities under such contracts. Any contract entered into under this section shall contain provisions (A) prohibiting the contractor with the Commission from subcontracting any part of the work he is obligated to perform under the contract, and (B) obligating the contractor to make such reports to the Commission as it may deem appropriate with respect to his activities under the contract, to submit to frequent inspection by employees of the Commission of all such activities, and to comply with all safety and security regulations which may be prescribed by the Commission. Any contract made under the provisions of this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing that advertising is not reasonably practicable, and partial and advance payments may be made under such contracts. The President shall determine at least once each year the quantities of fissionable material to be produced under this paragraph.

(3) Operation of other production facilities: Fissionable material may be produced in the conduct of research and development activities in facilities which, under paragraph (1) above, are not required to be owned by the Commission.

(d) Irradiation of materials: For the purpose of increasing the supply of radioactive materials, the Commission is authorized to expose materials of any kind to the radiation incident to the processes of producing or utilizing fissionable material.

CONTROL OF MATERIALS

SEC. 5. (a) Fissionable materials:

(1) Definition: As used in this act, the term "fissionable material" means plutonium, uranium enriched in the isotope 235, any other material which the Commission determines to be capable of releasing substantial quantities of energy through nuclear chain reaction of the material, or any material artificially enriched by any of the foregoing; but does not include source materials, as defined in section 5 (b) (1).

(2) Government ownership of all fissionable material: All right, title, and interest within or under the jurisdiction of the United States, in or to any fissionable material, now or hereafter produced, shall be the property of the Commission, and shall be deemed to be vested in the Commission by virtue of this act. Any person owning any interest in any fissionable material at the time of the enactment of this act, or owning any interest in any material at the time when such material is hereafter determined to be a fissionable material, or who lawfully produces any fissionable material incident to privately financed research or development activities, shall be paid just compensation therefor. The Commission may, by action consistent with the provisions of paragraph (4) below, authorize any such person

to retain possession of such fissionable material, but no person shall have any title in or to any fissionable material.

(3) Prohibition: It shall be unlawful for any person, after 60 days from the effective date of this act to (A) possess or transfer any fissionable material, except as authorized by the Commission, or (B) export from or import into the United States any fissionable material, or (C) directly or indirectly engage in the production of any fissionable material outside of the United States.

(4) Distribution of fissionable material: Without prejudice to its continued ownership thereof, the Commission is authorized to distribute fissionable material, with or without charge, to applicants requesting such material (A) for the conduct of research or development activities either independently or under contract or other arrangement with the Commission, (B) for use in medical therapy, or (C) for use pursuant to a license issued under the authority of section 7. Such material shall be distributed in such quantities and on such terms that no applicant will be enabled to obtain an amount sufficient to construct a bomb or other military weapon. The Commission is directed to distribute sufficient fissionable material to permit the conduct of widespread independent research and development activity, to the maximum extent practicable. In determining the quantities of fissionable material to be distributed, the Commission shall make such provisions for its own needs and for the conservation of fissionable material as it may determine to be necessary in the national interest for the future development of atomic energy. The Commission shall not distribute any material to any applicant, and shall recall any distributed material from any applicant, who is not equipped to observe or who fails to observe such safety standards to protect health and to minimize danger from explosion or other hazard to life or property as may be established by the Commission, or who uses such material in violation of law or regulation of the Commission or in a manner other than as disclosed in the application therefor.

(5) The Commission is authorized to purchase or otherwise acquire any fissionable material or any interest therein outside the United States, or any interest in facilities for the production of fissionable material, or in real property on which such facilities are located, without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing that advertising is not reasonably practicable, and partial and advance payments may be made under contracts for such purposes. The Commission is further authorized to take, requisition, or condemn, or otherwise acquire any interest in such facilities or real property, and just compensation shall be made therefor.

(b) Source materials:

(1) Definition: As used in this act, the term "source material" means uranium, thorium, or any other material which is determined by the Commission, with the approval of the President, to be peculiarly essential to the production of fissionable materials; but includes ores only if they contain one or more of the foregoing materials in such concentration as the Commission may by regulation determine from time to time.

(2) License for transfers required: Unless authorized by a license issued by the Commission, no person may transfer or deliver and no person may receive possession of or title to any source material after removal from its place of deposit in nature, except that licenses shall not be required for quantities of source materials which, in the opinion of the Commission, are unimportant.

(3) Issuance of licenses: The Commission shall establish such standards for the issuance, refusal, or revocation of licenses as it may deem necessary to assure adequate source materials for production, research, or development activities pursuant to this act or to prevent the use of such materials in a manner inconsistent with the national welfare. Licenses shall be issued in accordance with such procedures as the Commission may by regulation establish.

(4) Reporting: The Commission is authorized to issue such regulations or orders requiring reports of ownership, possession, extraction, refining, shipment, or other handling of source materials as it may deem necessary, except that such reports shall not be required with respect to (A) any source material prior to removal from its place of deposit in nature, or (B) quantities of source materials which in the opinion of the Commission are unimportant or the reporting of which will discourage independent prospecting for new deposits.

(5) Acquisition: The Commission is authorized and directed to purchase, take, requisition, condemn, or otherwise acquire, supplies of source materials or any interest in real property containing deposits of source materials to the extent it deems necessary to effectuate the provisions of this act. Any purchase made under this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing that advertising is not reasonably practicable and partial, and advance payments may be made thereunder. The Commission may establish guaranteed prices for all source materials delivered to it within a specified time. Just compensation shall be made for any property taken, requisitioned, or condemned under this paragraph.

(6) Exploration: The Commission is authorized to conduct and enter into contracts for the conduct of exploratory operations, investigations, and inspections to determine the location, extent, mode of occurrence, use, or conditions of deposits or supplies of source materials, making just compensation for any damage or injury occasioned thereby. Such exploratory operations may be conducted only with the consent of the owner, but such investigations and inspections may be conducted with or without such consent.

(7) Public lands: All uranium, thorium, and all other materials determined pursuant to paragraph (1) of this subsection to be peculiarly essential to the production of fissionable material, contained, in whatever concentration, in deposits in the public lands are hereby reserved for the use of the United States; except that with respect to any location, entry, or settlement made prior to the date of enactment of this act no reservation shall be deemed to have been made, if such reservation would deprive any person of any existing or inchoate rights or privileges to which he would otherwise be entitled or would otherwise enjoy. The Secretary of the Interior shall cause to be inserted in every patent, conveyance, lease, permit, or other authorization hereafter granted to use the public lands or their mineral resources, under any of which there might result the extraction of any materials so reserved, a reservation to the United States of all such materials, whether or not of commercial value, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same, making just compensation for any damage or injury occasioned thereby. Any lands so patented, conveyed, leased, or otherwise disposed of may be used, and any rights under any such permit or authorization may be exercised, as if no reservation of such materials had been made under this subsection; except that, when such use results in the extraction of any such material from the land in quantities which may not be transferred or delivered without a license under this subsection, such material shall be the property of the Commission and the Commission may require delivery of such material to it by any possessor thereof after such material has been separated as such from the ores in which it was contained. If the Commission requires the delivery of such material to it, it shall pay to the person mining or extracting the same, or to such other person as the Commission determines to be entitled thereto, such sums, including profits, as the Commission deems fair and reasonable for the discovery, mining, development, production, extraction, and other services performed with respect to such material prior to such delivery, but such payment shall not include any amount on account of the value of such material before removal from its place of deposit in nature. If the Commission does not require delivery of such material to it, the reservation made pursuant to this paragraph shall be of no further force or effect.

(c) Byproduct materials:

(1) Definition: As used in this act, the term "byproduct material" means any radioactive material (except fissionable material) yielded in or made radioactive by exposure to the radiation incident to the processes of producing or utilizing fissionable material.

(2) Distribution: The Commission is authorized to distribute, with or without charge, byproduct materials to applicants seeking such materials for research or development activity, medical therapy, industrial uses, or such other useful applications as may be developed. In distributing such materials, the Commission shall give preference to applicants proposing to use such materials in the conduct of research and development activity or medical therapy. The Commission shall not distribute any byproduct materials to any applicant, and shall recall any distributed materials from any applicant, who is not equipped to observe or who fails to observe such safety standards to protect health as may be established by the Commission or who uses such materials in violation of law or regulation of the Commission or in a manner other than as disclosed in the application therefor.

(d) General provisions:

(1) The Commission shall not distribute any fissionable or source material to any person for a use which is not under or within the jurisdiction of the United States or to any foreign government.

(2) The Commission shall establish by regulation a procedure by which any person who is dissatisfied with the distribution or refusal to distribute to him, or the recall from him, of any fissionable or byproduct materials or with the issuance, refusal, or revocation of a license to him for the transfer or receipt of source materials may obtain a review of such determination by a board of appeal consisting of three members appointed by the Commission. The Commission may in its discretion review and revise any decision of such board of appeal.

MILITARY APPLICATIONS OF ATOMIC ENERGY

SEC. 6. (a) Authority: The Commission is authorized to—

(1) conduct experiments and do research and development work in the military application of atomic energy; and

(2) engage in the production of atomic bombs, atomic-bomb parts, or other military weapons utilizing fissionable materials; except that such activities shall be carried on only to the extent that the express consent and direction of the President of the United States has been obtained, which consent and

direction shall be obtained at least once each year.

The President from time to time may direct the Commission to deliver such quantities of weapons to the armed forces for such use as he deems necessary in the interest of national defense.

(b) Prohibition: It shall be unlawful for any person to manufacture or produce any device or equipment designed to utilize fissionable material as a military weapon except as may be (1) incident to research and development activities or (2) authorized by the Commission. Nothing in this subsection shall be deemed to modify the provisions of section 4 of this act.

UTILIZATION OF ATOMIC ENERGY

SEC. 7. (a) License required: It shall be unlawful, except as provided in sections 5 (a) (4) (A) or (B) or 6 (a), for any person to manufacture any equipment or device utilizing fissionable material or atomic energy or to utilize fissionable material or atomic energy with or without such equipment or device, except under and in accordance with a license issued by the Commission authorizing such manufacture or utilization. No license may permit any such activity if fissionable material is produced incident to such activity except as provided in sections 3 and 4. Nothing in this section shall be deemed to require a license for the conduct of research or development activities relating to the manufacture of such equipment or devices or the utilization of fissionable material or atomic energy, or for the manufacture or use in accordance with such promedical therapy.

(b) Report to Congress: Whenever in its opinion any industrial, commercial, or other nonmilitary use of fissionable material or atomic energy has been sufficiently developed to be of practical value, the Commission shall prepare a report to the President stating all the facts with respect to such use, the Commission's estimate of the social, political, economic, and international effects of such use and the Commission's recommendations for necessary or desirable supplemental legislation. The President shall then transmit this report to the Congress together with his recommendations. No license for any manufacture or use shall be issued by the Commission under this section until after (1) a report with respect to such manufacture or use has been filed with the Congress; and (2) a period of 90 days in which the Congress was in session has elapsed after the report has been so filed. In computing such period of 90 days, there shall be excluded the days on which either House is not in session because of an adjournment of more than 3 days.

(c) Issuance of licenses: After such 90-day period, unless hereafter prohibited by law, the Commission may license such manufacture or use in accordance with such procedures and subject to such conditions as it may by regulation establish to effectuate the provisions of this act. The Commission is authorized and directed to issue licenses on a nonexclusive basis and to supply to the extent available appropriate quantities of fissionable material to be consumed; (2) who proposed activities will serve some useful purpose proportionate to the quantities of fissionable material to be consumed; (2) who are equipped to observe such safety standards to protect health and to minimize danger from explosion or other hazard to life or property as the Commission may establish; and (3) who agree to make available to the Commission such technical information and data concerning their activities pursuant to such licenses as the Commission may determine necessary to encourage similar activities by as many licensees as possible. Each such license shall be issued for a specified period, not to exceed 1 year, shall be revocable at any time by the Commission in accordance with such procedures as the Commission may establish, and may be renewed upon the expiration of such period. Where activities under any license might serve to maintain or to foster the growth of monopoly, restraint of trade, unlawful competition, or other trade position inimical to the entry of new, freely competitive enterprises in the field, the Commission is authorized and directed to refuse to issue such license or to establish such conditions to prevent these results as the Commission, in consultation with the Attorney General, may determine. The Commission shall report promptly to the Attorney General any information it may have with respect to any utilization of fissionable material or atomic energy which appears to have these results. No license may be given to any person for activities which are not under or within the jurisdiction of the United States or to any foreign government.

(d) Byproduct power: If energy which may be utilized is produced in the production of fissionable material, such energy may be used by the Commission, transferred to other Government agencies, or sold to public or private utilities under contracts providing for reasonable resale prices.

INTERNATIONAL ARRANGEMENTS

SEC. 8. (a) Definition: As used in this act, the term "international arrangement" shall mean any treaty approved by the Senate or international agreement approved by the Congress, during the time such treaty or agreement is in full force and effect.

(b) Effect of international arrangements: Any provision of this act or any action of the Commission to the extent that it conflicts with the provisions of any international arrangement made after the date of enactment of this act shall be deemed to be of no further force or effect.

(c) Policies contained in international arrangements: In the performance of its functions under this act, the Commission shall give maximum effect to the policies contained in any such international arrangement.

PROPERTY OF THE COMMISSION

SEC. 9. (a) The President shall direct the transfer to the Commission of all interests owned by the United States or any Government agency in the following property:

(1) All fissionable material; all atomic weapons and parts thereof; all facilities, equipment, and materials for the processing, production, or utilization of fissionable material or atomic energy; and all contracts, technical information of any kind, and the source thereof (including data, drawings, specifications, patents, patent applications, and other sources) relating to the processing, production, or utilization of fissionable material or atomic energy; all processes and agreements, leases, patents, applications for patents, inventions and discoveries (whether patented or unpatented), and other rights of any kind concerning any such items;

(2) All facilities, equipment, and materials, devoted primarily to atomic energy research and development; and

(3) Such other property owned by or in the custody or control of the Manhattan Engineer District or other Government agencies as the President may determine.

(b) In order to render financial assistance to those States and localities in which the activities of the Commission are carried on and in which the Commission has acquired property previously subject to State and local taxation, the Commission is authorized to make payments to State and local governments in lieu of property taxes. Such payments may be in the amounts, at the times, and upon the terms the Commission deems appropriate, but the Commission shall be guided by the policy of not making payments in excess of the taxes which would have been payable for such property in the condition in which it was acquired, except in cases where special burdens have been cast upon the State or local government by activities of the Commission, the Manhattan Engineer District, or their agents. In any such case, any benefit accruing to the State or local government by reason of such activities shall be considered in determining the amount of the payment. The Commission, and the property, activities, and income of the Commission, are hereby expressly exempted from taxation in any manner or form by any State, county, municipality, or any subdivision thereof.

CONTROL OF INFORMATION

SEC. 10. (a) Policy: It shall be the policy of the Commission to control the dissemination of restricted data in such a manner as to assure the common defense and security. Consistent with such policy, the Commission shall be guided by the following principles:

(1) That information with respect to the use of atomic energy for industrial purposes should be shared with other nations on a reciprocal basis as soon as the Congress declares by joint resolution that effective and enforceable international safeguards against the use of such energy for destructive purposes have been established; and

(2) That the dissemination of scientific and technical information relating to atomic energy should be permitted and encouraged so as to provide that free interchange of ideas and criticisms which is essential to scientific progress.

(b) Dissemination: The Commission is authorized and directed to establish such information services, publications, libraries, and other registers of available information as it may deem necessary or desirable to provide for the dissemination of information in accordance with subsection (a).

(c) Restrictions:

(1) The term "restricted data" as used in this section means all data concerning the manufacture or utilization of atomic weapons, the production of fissionable material, or the use of fissionable material in the production of power, but shall not include any data which the Commission from time to time determines may be published without adversely affecting the common defense and security.

(2) Whoever, lawfully or unlawfully, having possession of, access to, control over, or being entrusted with, any document, writing, sketch, photograph, plan, model, instrument, appliance, note or information involving or incorporating restricted data—

(A) communicates, transmits, or discloses the same to any individual or person, or attempts or conspires to do any of the foregoing, with intent to injure the United States or with intent to secure an advantage to any foreign nation, upon conviction thereof, shall be punished by a fine of not more than $20,000 or imprisonment for not more than 20 years, or both;

(B) communicates, transmits, or discloses the same to any individual or person, or attempts or conspires to do any of the foregoing, with reason to believe such data will be utilized to injure the United States or to secure an advantage to any foreign nation, shall, upon conviction, be punished by a fine of not more than $10,000 or imprisonment for not more than 10 years, or both.

(3) Whoever, with intent to injure the United States or with intent to secure an advantage to any foreign nation, acquires or attempts or conspires to acquire any document, writing, sketch, photograph, plan, model, instrument, appliance, note or information involving or incorporating restricted data shall, upon conviction thereof, be punished by a fine of not more than $20,000 or imprisonment for not more than 20 years, or both.

(4) Whoever, with intent to injure the United States or with intent to secure an advantage to any foreign nation, removes,

conceals, tampers with, alters, mutilates, or destroys any document, writing, sketch, photograph, plan, model, instrument, appliance, or note involving or incorporating restricted data and used by any individual or person in connection with the production of fissionable material, or research or development relating to atomic energy, conducted by the United States, or financed in whole or in part by Federal funds, or conducted with the aid of fissionable material, shall be punished by a fine of not more than $20,000 or imprisonment for not more than 20 years or both.

(5) No person shall be prosecuted for any violation under this section unless and until the Attorney General of the United States has advised and consulted with the Commission with respect to such prosecution.

(6) This section shall not exclude the applicable provisions of any other laws, except that no Government agency shall take any action under such other laws inconsistent with the provisions of this section.

(d) Inspections, records, and reports: The Commission is—

(1) Authorized by regulation or order to require such reports and the keeping of such records with respect to, and to provide for such inspections of, activities and studies of types specified in section 3, and of activities under licenses issued pursuant to section 7 as the Commission may determine;

(2) authorized and directed by regulation or order to require regular reports and records with respect to, and to provide for frequent inspections of, the production of fissionable material in the conduct of research and development activities.

PATENTS AND INVENTIONS

SEC. 11. (a) Production and military utilization:

(1) No patent shall hereafter be granted for any invention or discovery which is useful solely in the production of fissionable material or in the utilization of fissionable material or atomic energy for a military weapon. Any patent granted for any such invention or discovery is hereby revoked, and just compensation shall be made therefor.

(2) No patent hereafter granted shall confer any rights with respect to any invention or discovery to the extent that such invention or discovery is used in the production of fissionable material or in the utilization of fissionable material or atomic energy for a military weapon. Any rights conferred by any patent heretofore granted for any invention or discovery are hereby revoked to the extent that such invention or discovery is so used, and just compensation shall be made therefor.

(3) Any person who has made or hereafter makes any invention or discovery useful in the production of fissionable material or in the utilization of fissionable material or atomic energy for a military weapon shall file with the Commission a report containing a complete description thereof, unless such invention or discovery is described in an application for a patent filed in the Patent Office by such person within the time required for the filing of such report. The report covering any such invention or discovery shall be filed on or before whichever of the following is the latest: (A) The sixtieth day after the date of enactment of this act; (B) the sixtieth day after the completion of such invention or discovery; or (C) the sixtieth day after such person first discovers or first has reason to believe that such invention or discovery is useful in such production or utilization.

(b) Use of inventions for research: No patent hereafter granted shall confer any rights with respect to any invention or discovery to the extent that such invention or discovery is used in the conduct of research or development activities in the fields specified in section 3. Any rights conferred by any patent heretofore granted for any invention or discovery are hereby revoked to the extent that such invention or discovery is so used, and just compensation shall be made therefor.

(c) Nonmilitary utilization:

(1) It shall be the duty of the Commission to declare any patent to be affected with the public interest if (A) the invention or discovery covered by the patent utilizes or is essential in the utilization of fissionable material or atomic energy; and (B) the licensing of such invention or discovery under the subsection is necessary to effectuate the policies and purposes of this act.

(2) Whenever any patent has been declared, pursuant to paragraph (1), to be affected with the public interest—

(A) The Commission is hereby licensed to use the invention or discovery covered by such patent in performing any of its powers under this act; and

(B) Any person to whom a license has been issued under section 7 is hereby licensed to use the invention or discovery covered by such patent to the extent such invention or discovery is used by him in carrying on the activities authorized by his license under section 7.

The owner of the patent shall be entitled to a reasonable royalty fee for any use of an invention or discovery licensed by this subsection. Such royalty fee may be agreed upon by such owner and the licensee, or in the absence of such agreement shall be determined by the Commission.

(3) No court shall have jurisdiction or power to stay, restrain, or otherwise enjoin the use of any invention or discovery by a licensee, to the extent that such use is licensed by paragraph (2) above, on the ground of infringement of any patent. If in any action for infringement against such licensee the court shall determine that the defendant is exercising such license, the measure of damages shall be the royalty fee determined pursuant to this section, together with such costs, interest, and reasonable attorney's fees as may be fixed by the court. If no royalty fee has been determined, the court shall stay the proceeding until the royalty fee is determined pursuant to this section. If any such licensee shall fail to pay such royalty fee, the patentee may bring an action in any court of competent jurisdiction for such royalty fees, together with such costs, interest, and reasonable attorney's fees as may be fixed by the court.

(d) Acquisition of patents: The Commission is authorized to purchase, or to take, requisition, or condemn, and make just compensation for, (1) any invention or discovery which is useful in the production of fissionable material or in the utilization of fissionable material or atomic energy for a military weapon, or which utilizes or is essential in the utilization of fissionable material or atomic energy, or (2) any patent or patent application covering any such invention or discovery. The Commissioner of Patents shall notify the Commission of all applications for patents heretofore or hereafter filed which in his opinion disclose such inventions or discoveries and shall provide the Commission access to all such applications.

(e) Compensation awards and royalties:

(1) Patent Compensation Board: The Commission shall designate a Patent Compensation Board, consisting of two or more employees of the Commission, to consider applications under this subsection.

(2) Eligibility:

(A) Any owner of a patent licensed under subsection (c) (2) or any licensee thereunder may make application to the Commission for the determination of a reasonable royalty fee in accordance with such procedures as it by regulation may establish.

(B) Any person seeking to obtain the just compensation provided in subsections (a), (b), or (d) shall make application therefor to the Commission in accordance with such procedures as it may by regulation establish.

(C) Any person making any invention or discovery useful in the production of fissionable material or in the utilization of fissionable material or atomic energy for a military weapon who is not entitled to compensation therefor under subsection (a) and who has complied with subsection (a) (3) above may make application to the Commission for, and the Commission may grant, an award.

(D) Any person making application under this subsection shall have the right to be represented by counsel.

(3) Standards:

(A) In determining such reasonable royalty fee, the Commission shall take into consideration any defense, general or special, that might be pleaded by a defendant in an action for infringement, the extent to which, if any, such patent was developed through federally financed research, the degree of utility, novelty, and importance of the invention or discovery, and may consider the cost to the owner of the patent of developing such invention or discovery or acquiring such patent.

(B) In determining what constitutes just compensation under subsection (a), (b), or (d) above, the Commission shall take into account the considerations set forth in paragraph (A) above, and the actual use of such invention or discovery, and may determine that such compensation be paid in periodic payments or in a lump sum.

(C) In determining the amount of any award under paragraph (2) (C) of this subsection, the Commission shall take into account the considerations set forth in paragraph (A) above, and the actual use of such invention or discovery. Awards so made may be paid by the Commission in periodic payments or in a lump sum.

(4) Judicial review: Any person aggrieved by any determination of the Commission of an award or of a reasonable royalty fee may obtain a review of such determination in the Court of Appeals for the District of Columbia by filing in such court, within 30 days after notice of such determination, a written petition praying that such determination be set aside. A copy of such petition shall be forthwith served upon the Commission and thereupon the Commission shall file with the court a certified transcript of the entire record in the proceeding, including the findings and conclusions upon which the determination was based. Upon the filing of such transcript the court shall have exclusive jurisdiction upon the record certified to it to affirm the determination in its entirety or set it aside and remand it to the Commission for further proceedings. The findings of the Commission as to the facts, if supported by substantial evidence, shall be conclusive. The court's judgment shall be final, subject, however, to review by the Supreme Court of the United States upon writ of certiorari on petition therefor under section 240 of the Judicial Code (U. S. C., title 28, sec. 347), by the Commission or any party to the court proceeding.

GENERAL AUTHORITY

SEC. 12. (a) In the performance of its functions the Commission is authorized to—

(1) establish advisory boards to advise with and make recommendations to the Commission on legislation, policies, administration, research, and other matters;

(2) establish by regulation or order such standards and instructions to govern the possession and use of fissionable and by-product materials as the Commission may deem necessary or desirable to protect health or to minimize danger from explosions and other hazards to life or property;

(3) make such studies and investigations, obtain such information, and hold such hearings as the Commission may deem necessary or proper to assist it in exercising any authority provided in this act, or in the

administration or enforcement of this act, or any regulations or orders issued thereunder. For such purposes the Commission is authorized to administer oaths and affirmations, and by subpena to require any person to appear and testify, or to appear and produce documents, or both, at any designated place. No person shall be excused from complying with any requirements under this paragraph because of his privilege against self-incrimination, but the immunity provisions of the Compulsory Testimony Act of February 11, 1893 (U. S. C., title 49, sec. 46), shall apply with respect to any individual who specifically claims such privilege. Witnesses subpenaed under this subsection shall be paid the same fees and mileage as are paid witnesses in the district courts of the United States;

(4) appoint and fix the compensation of such officers and employees as may be necessary to carry out the functions of the Commission. Such officers and employees shall be appointed in accordance with the civil-service laws and their compensation fixed in accordance with the Classification Act of 1923, as amended, except that to the extent the Commission deems such action necessary to the discharge of its responsibilities, personnel may be employed and their compensation fixed without regard to such laws. Attorneys appointed under this paragraph may appear for and represent the Commission in any case in any court. The Commission shall make adequate provision for administrative review of any determination to dismiss any employee;

(5) acquire such materials, property, equipment, and facilities, establish or construct such buildings and facilities, and modify such buildings and facilities from time to time as it may deem necessary, and construct, acquire, provide, or arrange for such facilities and services (at project sites where such facilities and services are not available) for the housing, health, safety, welfare, and recreation of personnel employed by the Commission as it may deem necessary;

(6) with the consent of the agency concerned, utilize or employ the services or personnel of any Government agency or any State or local government, or voluntary or uncompensated personnel, to perform such functions on its behalf as may appear desirable;

(7) acquire, purchase, lease, and hold real and personal property as agent of and on behalf of the United States, and to sell, lease, grant, and dispose of such real and personal property as provided in this act;

(8) contract for the expenditure of funds for the purposes specified in section 10 (b) without regard to the provisions of section 87 of the act of January 12, 1895 (28 Stat. 622), and section 11 of the act of March 1, 1919 (40 Stat. 1270; U. S. C., title 44, sec. 111); and

(9) without regard to the provisions of the Surplus Property Act of 1944 or any other law; make such disposition as it may deem desirable of (A) radioactive materials, and (B) any other property the special disposition of which is, in the opinion of the Commission, in the interest of the national security.

(b) Security: The President may, in advance, exempt any specific action of the Commission in a particular matter from the provisions of law relating to contracts whenever he determines that such action is essential in the interest of the common defense and security.

COMPENSATION FOR PRIVATE PROPERTY ACQUIRED

SEC. 13. (a) The United States shall make just compensation for any property or interests therein taken or requisitioned pursuant to sections 5 and 11. The Commission shall determine such compensation. If the compensation so determined is unsatisfactory to the person entitled thereto, such person shall be paid 50 percent of the amount so determined, and shall be entitled to sue the United States in the Court of Claims or in any district court of the United States in the manner provided by sections 24 (20) and 145 of the Judicial Code to recover such further sum as added to said 50 percent will make up such amount as will be just compensation.

(b) In the exercise of the right of eminent domain and condemnation, proceedings may be instituted under the act of August 1, 1888 (U. S. C., title 40, sec. 257), or any other applicable Federal statute. Upon or after the filing of the condemnation petition, immediate possession may be taken and the property may be occupied, used, and improved for the purposes of this act, notwithstanding any other law. Real property acquired by purchase, donation, or other means of transfer may also be occupied, used, and improved for the purposes of this act, prior to approval of title by the Attorney General.

JOINT COMMITTEE ON ATOMIC ENERGY

SEC. 14. (a) There is hereby established a Joint Committee on Atomic Energy to be composed of nine Members of the Senate to be appointed by the President of the Senate, and nine Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. In each instance not more than five members shall be members of the same political party.

(b) The joint committee shall make continuing studies of the activities of the Atomic Energy Commission and of problems relating to the development, use, and control of atomic energy. The Commission shall keep the joint committee fully and currently informed with respect to the Commission's activities. All bills, resolutions, and other matters in the Senate or the House of Representatives relating primarily to the Commission or to the development, use, or control of atomic energy shall be referred to the joint committee. The members of the joint committee who are Members of the Senate shall from time to time report to the Senate, and the members of the joint committee who are Members of the House of Representatives shall from time to time report to the House, by bill or otherwise, their recommendations with respect to matters within the jurisdiction of their respective Houses which are (1) referred to the joint committee or (2) otherwise within the jurisdiction of the joint committee.

(c) Vacancies in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner as in the case of the original selection. The joint committee shall select a chairman and a vice chairman from among its members.

(d) The joint committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such places and times, to require, by subpena or otherwise, the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The provisions of sections 102 to 104, inclusive, of the Revised Statutes shall apply in case of any failure of any witness to comply with a subpena or to testify when summoned under authority of this section.

(e) The joint committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and clerical and stenographic assistants as it deems necessary and advisable, but the compensation so fixed shall not exceed the compensation prescribed under the Classification Act of 1923, as amended, for comparable duties. The committee is authorized to utilize the services, information, facilities, and personnel of the departments and establishments of the Government.

ENFORCEMENT

SEC. 15. (a) Whoever willfully violates, attempts to violate, or conspires to violate, any provision of sections 4 (b), 5 (a) (3), or 6 (b) shall, upon conviction thereof, be punished by a fine of not more than $10,000 or by imprisonment for not more than 5 years, or both, except that whoever commits such an offense with intent to injure the United States or with intent to secure an advantage to any foreign nation shall, upon conviction thereof, be punished by a fine of not more than $20,000 or by imprisonment for not more than 20 years, or both.

(b) Whoever willfully violates, attempts to violate, or conspires to violate, any provision of this act other than those specified in subsection (a) and other than section 10 (c), or of any regulation or order prescribed or issued under sections 5 (b) (4), 10 (d), or 12 (a) (2), shall, upon conviction thereof, be punished by a fine of not more than $5,000 or by imprisonment for not more than 2 years, or both, except that whoever commits such an offense with intent to injure the United States or with intent to secure an advantage to any foreign nation shall, upon conviction thereof, be punished by a fine of not more than $20,000 or by imprisonment for not more than 20 years, or both.

(c) Whenever in the judgment of the Commission any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this act, or any regulation or order issued thereunder, it may make application to the appropriate court for an order enjoining such acts or practices, or for an order enforcing compliance with such provision, and upon a showing by the Commission that such person has engaged or is about to engage in any such acts or practices a permanent or temporary injunction, restraining order, or other order shall be granted without bond.

(d) In case of failure or refusal to obey a subpena served upon any person pursuant to section 12 (a) (3), the district court for any district in which such person is found or resides or transacts business, upon application by the Commission, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, or both, in accordance with the subpena; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

REPORTS

SEC. 16. The Commission shall submit to the Congress, in January and July of each year, a report concerning the activities of the Commission. The Commission shall include in such report, and shall at such other times as it deems desirable submit to the Congress, such recommendations for additional legislation as the Commission deems necessary or desirable.

DEFINITIONS

SEC. 17. As used in this act—

(a) The term "atomic energy" shall include all forms of energy liberated in the transmutation of atomic species.

(b) The term "Government agency" means any executive department, commission, independent establishment, corporation wholly or partly owned by the United States which is an instrumentality of the United States, board, bureau, division, service, office, officer, authority, administration, or other establishment, in the executive branch of the Government.

(c) The term "person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, the United States or any

agency thereof, any government other than the United States, any political subdivision of any such government, and any legal successor, representative, agent, or agency of the foregoing, or other entity, but shall not include the Commission or officers or employees of the Commission in the exercise of duly authorized functions.

(d) The term "United States", when used in a geographical sense, includes all Territories and possessions of the United States.

(e) The term "research and development" means theoretical analysis, exploration, and experimentation, and the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes.

APPROPRIATIONS

SEC. 18. (a) There are hereby authorized to be appropriated such sums as may be necessary and appropriate to carry out the provisions and purposes of this act. The acts appropriating such sums may appropriate specified portions thereof to be accounted for upon the certification of the Commission only. Funds appropriated to the Commission shall, if obligated by contract during the fiscal year for which appropriated, remain available for expenditure for 4 years following the expiration of the fiscal year for which appropriated. After such 4-year period, the unexpended balances of appropriations shall be carried to the surplus fund and covered into the Treasury.

(b) Such part as the President may determine of the unexpended balances of appropriations, allocations, or other funds available for expenditure in connection with the Manhattan Engineer District are hereby transferred to the Commission and shall be available for expenditure for the purpose of carrying out the provisions of this act.

SEPARABILITY OF PROVISIONS

SEC. 19. If any provisions of this act, or the application of such provision to any person or circumstances, is held invalid, the remainder of this act or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SHORT TITLE

SEC. 20. This act may be cited as the "Atomic Energy Act of 1946."

Mr. McMAHON. Mr. President, I rise to propose to the Senate that it adopt Senate bill 1717, as amended and reported by the Special Committee on Atomic Energy. The bill provides for the development and control of atomic energy. Your committee, constituted at the end of last October, has engaged in more than 5 months of continuous study of a problem which challenged the complete attention, the intelligence, and the earnestness of the committee members. I wish to pay tribute to the members of the committee who worked morning and afternoon on this subject, which was entirely new to them when they commenced, as it was to me, and who pored over every detail of the bill. I am happy to tell the Senate that after this 5 months of work, in which there was not even for 1 moment a scintilla of partisanship, the committee has agreed on every word, and every line, and every clause of the bill.

I have said, Mr. President, that it is a challenging subject. It is complicated. Atomic energy can make or destroy America. So, I should like to speak for a few moments about the result of the committee's endeavors and about the bill as it finally shapes up before us.

It was soon concluded that there could be no private production of fissionable material within the boundaries of the United States. It was concluded that national safety and national welfare demanded that all facilities producing fissionable material, of which atomic bombs are composed, should be under the sole management and control of the Government. We also concluded that it was necessary at this time to impose certain security restraints in regard to this subject.

Those security restraints will be found written into the bill. This was one of the most difficult subjects with which we had to deal, because we realized that if we were to progress, as we must progress in this science, the maximum amount of freedom had to be allowed to scientists. At the same time, it was appreciated that during the pending state of the world's affairs it was absolutely necessary that we impose some restrictive clauses. We discovered that the espionage act as it was written would not do, so S. 1717 was written so as to strengthen the provisions of the Espionage Act and thus cover the subject.

I should like to take a few moments to refer to the patent features of the bill. Obviously if all production of fissionable material is to be under Government control and management there is no field for private patents on the production of such material. However, the bill provides that anyone who makes such an invention shall be properly compensated. It is provided that there shall be no patents on the invention of atomic weapons. Obviously, this is a wise provision of the bill; but compensation is provided for the discovery.

Mr. President, what is the treatment that we have given to inventions of what might be termed atomic-energy devices? In such cases the bill provides that patents shall be issued by the Patent Office, but a license must be secured from the Commission, which I shall describe later in my remarks. After the application for the license is made to the Atomic Energy Commission, under the terms of the bill the Commission must submit to the Congress a complete study of the economic, social, and international consequences of the issuance of such license, and the Congress shall have 90 days in which to enact any legislation which it feels may be necessary in the premises. That is a distinct departure from our usual way of doing things; but we must remember that atomic energy makes its own rules. It is sui generis. After the Congress has 90 days in which to act and either acts or does not act, the Commission, as the case may be, may issue a license to the patentee to use the atomic-energy device.

I should like to describe the administrative organization of the Commission. The Commission is composed of five members, to be appointed by the President, with the advice and consent of the Senate, the chairman to be paid $17,500 a year and the members $15,000 a year. This is the over-all policymaking commission.

Under this Commission, provision is made for a military liaison committee composed of members of the armed forces, to be appointed, respectively, by the Secretary of War and the Secretary of the Navy, to advise and consult with the Commission on military matters relating to atomic energy. This committee has the right, if it so desires, to appeal to the Secretary of War and the Secretary of the Navy on any matters pertaining to military affairs and the way they are being handled by the Atomic Energy Commission.

The bill further provides for a technical advisory committee, to be appointed by the President, which shall meet four times a year, and which shall be on a part-time basis, to advise and consult with the Commission on scientific and technical matters relating to materials, production, research, and development.

Finally, the bill provides for the establishment of a new standing committee——

Mr. DOWNEY. Mr. President, will the Senator yield?

Mr. McMAHON. I yield.

Mr. DOWNEY. Is the technical advisory committee which the Senator has mentioned to be composed of scientists and technicians?

Mr. McMAHON. The Senator is correct. The bill also provides for a new standing committee, to be composed of nine Members of the Senate and nine Members of the House of Representatives, who will act in all respects as the agent of the Congress for the purpose of keeping in congressional touch with the developments of atomic energy and the actions of the Commission.

The bill makes provision for free mining. We have not attempted to take over all the uranium in the United States. We have provided the Commission with the power to condemn and pay just compensation for any uranium supplies which it is unable to buy in the open market. We believed that it was important and necessary to see to it that the independent mining system which now exists in the United States should not be disturbed any more than was absolutely imperative for the security of our country. We have tried to provide for free science and free research, because we realized that unless we left men's minds free to research, invent, and discover in this field we would be doing a disservice not only to nuclear physics, but to science as a whole.

Mr. President, there are two kinds of security. One kind comes from locking the doors, pulling down the shades, watching the files, and seeing that this man does not talk with that man—compartmentalization, as it is called in Army circles. Then there is the kind of security which I call security by achievement; in other words, security which will come from a more speedy, more complete, and more efficient way of producing atomic energy.

Security by achievement cannot be realized if we try to encompass by stringent security rules the minds and intellects of our scientists. So we have left our scientists free to think and free to produce. We have had to impose some restrictions which perhaps we might

wish we did not have to impose. Yet, Mr. President, until there can be international control of atomic energy we could not do otherwise than see to it that any possible enemy of our country should not receive information which, in the absence of safeguards and controls, might be used for aggression against us.

Mr. TUNNELL. Mr. President, will the Senator yield?

Mr. McMAHON. I yield.

Mr. TUNNELL. I should like to ask the Senator what the license which the Commission grants authorizes to be done?

Mr. McMAHON. I assume that the Senator is asking me about the license in connection with an atomic-energy device.

Mr. TUNNELL. That is correct.

Mr. McMAHON. Under such a license the owner of the invention may proceed to manufacture, further develop, and use the device.

For instance, let us assume that there was an atomic-energy device which was capable of being placed in a locomotive and hauling a train from Washington to New York. Let us assume that the Pennsylvania Railroad was the licensee. The Senator will appreciate, as was so well said by the Senator from Michigan during the conduct of our deliberations, that if we were to wake up some morning and were to read in the Washington newspapers a story that that development had come about overnight, without the proper amount of planning and forethought, it might precipitate the economy of the country into chaos.

Mr. TUNNELL. Then, as I understand the Senator, in order to manufacture devices for the use of atomic energy, it will be necessary, will it not, to have a license from the Commission?

Mr. McMAHON. The Senator is exactly correct.

Mr. TUNNELL. Very well.

Mr. McMAHON. I reiterate that the Commission cannot grant a license until it reports to the Congress on the basis of a thorough and complete study of what the Commission believes will be the economic, social, political, and international consequences of the use of the device.

Mr. TUNNELL. The Commission, then, will report to Congress in the case of each device?

Mr. McMAHON. Exactly so.

Mr. TUNNELL. I thank the Senator.

Mr. THOMAS of Utah. Mr. President, will the Senator yield to me, to permit me to ask a question at this point?

The PRESIDING OFFICER (Mr. JOHNSTON of South Carolina in the chair). Does the Senator from Connecticut yield to the Senator from Utah?

Mr. McMAHON. I yield.

Mr. THOMAS of Utah. That does not mean, does it, that Congress would put a lid upon progress or upon improvement? No provision is made or method prescribed which would require the showing of economic necessity for the use of a lighter metal than steel, for instance, or something of that sort which might affect the steel industry, just as the use of stronger energy might affect industries which are now using energy of another kind? It does not mean that Congress would be the judge and would weigh the problem of a proposed change, and would, therefore, be found in a position to renounce progress or to keep it static? It merely means that all the people will know what is happening. Is not that the idea?

Mr. McMAHON. There will be no disposition, I am sure, to restrict the use of atomic energy in our industrial life. We have tried to write the bill with the idea in mind of promoting the further invention, the further discovery, and the further use of atomic energy. All we have tried to do is to set up certain safeguards against throwing atomic energy into our economy in such a haphazard way or such an overnight way as to cause consternation, chaos, and even, perhaps, the destruction of our economy.

Let me say to the Senator from Utah, suppose there was no such provision as the one contained in the bill; suppose a license were to be granted, upon application, to the Pennsylvania Railroad, and suppose that railroad proceeded to use it. What would happen? Certainly the coal mines would immediately decrease their production. Perhaps hundreds of thousands of miners would be thrown out of work. The railroad itself, inasmuch as it secures a large income from the transportation of coal, might be seriously affected. As the Senator knows, the securities of the railroad companies are owned in large part by the insurance companies of the United States. Such a change might undermine the values of all such stocks and securities held by the insurance companies; their present values might be reduced 80 percent, so that overnight we would have economic chaos.

I wish to emphasize to the Senate that the committee wrestled long and seriously with this problem just as it did with every other problem involved. Every facet was examined. Every argument was met. So, the bill as reported by the committee is the unified conclusion of the 11 Senators who spent 5 months on this bill.

Mr. HUFFMAN. Mr. President, will the Senator yield?

Mr. McMAHON. I yield.

Mr. HUFFMAN. Then the purpose, as the committee conceives it, is to bring about evolution in the use of atomic energy in our industrial life, rather than to bring about revolution by a sudden substitution of atomic energy for our existing forms of energy. Is that correct?

Mr. McMAHON. We went to school to the scientists, as I am sure Senators will realize, and we talked with just about everyone whom we thought could help us with this problem. I say to the Senator that I have great faith in the future of atomic energy, industrially as well as medicinally; indeed in those respects it is here today. Let us consider an example of perhaps lesser importance: As an aid, for instance, in the discovery of new oil wells, it has been used recently. However, after all, we now have an economy which is built upon water power and upon coal and upon an integration of our natural resources as they are today. If overnight a cessation of one of those great industries were to occur, we might lose the benefits of atomic energy because of the very destruction of the base of our Government, which is economic stability.

Mr. HUFFMAN. Yes. And if we were to be plunged into the use of atomic energy overnight, it would, in the Senator's opinion, would it not, completely wreck our present economic system?

Mr. McMAHON. I can say to the Senator that it is my conviction that if what I cited in the example to the Senator from Delaware were to occur, without any previous planning with respect to how to provide for the employment of the men who would be thrown out of work by even the one use which I then suggested, we would be playing with fire.

Mr. HUFFMAN. I thank the Senator.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. McMAHON. I yield.

Mr. HATCH. I have been reading the provisions relating to public lands, as found on page 43 of the bill. I should like to have a little information about the provisions, if the Senator is able to give it to me. I observe in subsection (7), on page 43, a provision that all fissionable materials in the public lands "are hereby reserved for the use of the United States."

First, I observe that there is a provision that all fissionable material is reserved to the United States—that is to say, such material which is in the public lands of the United States. Then there follows an exception.

Mr. McMAHON. Yes.

Mr. HATCH. That exception is in the language—

> Except that with respect to any location, entry, or settlement made prior to the date of enactment of this act no reservation shall be deemed to have been made, if such reservation would deprive any person of any existing or inchoate rights or privileges to which he would otherwise be entitled or would otherwise enjoy.

Mr. McMAHON. If a man takes out a patent on a piece of public land and spends the necessary $100 a year in order to perfect his right, he has title to the uranium which may be mined until he separates it from its place in Nature. When he separates it from its place in Nature he must receive a license from the Commission before he may dispose of or remove the material.

Frankly, there is only this difference between the Senator from New Mexico, who after the passage of the bill takes a patent on a piece of land, and myself, if I have heretofore obtained in the State of Colorado, let us say, a patent on a piece of land containing this material: In the Senator's case, when he goes to the Secretary of the Interior he will have placed in his patent a reservation to the title of all the uranium, thorium, and all the materials which are later determined by the Commission to be capable of producing atomic energy, whereas the Senator from Connecticut, who had previously acquired his patent, will have the title, but will be unable to sell any of the source materials to anybody except the Commission when he takes them from their place in Nature.

Mr. HATCH. Suppose that subsequent to the general release to the public

of the discovery and uses of atomic energy, numbers of persons have gone into the Western States and have merely filed mining claims on lands which proved later to be capable of producing sufficient material of the kind to which the Senator has referred. They have no patent now, but they do have the right which was acquired by the filing of the claim in the first instance. They have done nothing from that time to the present date, but all the fissionable material in all those lands——

Mr. McMAHON. The source material.

Mr. HATCH. The source material belongs, under this bill, to those individuals.

Mr. McMAHON. It may seem that the right is worth money, but allow me to point out that the minute the individual digs the source material from the ground and separates it from its place in nature, he has only one customer, namely, the Commission which is created under this bill. He must receive a license before he may move that source material from above the ground, where he has separated it from its place in nature, to the smelting mill.

Mr. HATCH. I am sure that a license would not be denied arbitrarily. He would receive the license and he would sell to the Commission.

Mr. McMAHON. He would receive just compensation as provided under the bill.

Mr. HATCH. There is another clause in the same section which causes me to question the meaning of it. Suppose the Commission did not wish to buy material.

Mr. McMAHON. That situation is provided for in the last sentence of the paragraph. The language there is:

> If the Commission does not require delivery of such material to it, the reservation made pursuant to this paragraph shall be of no further force or effect.

Mr. HATCH. Under those circumstances, the individual would have a complete right to sell or otherwise dispose of his material?

Mr. McMAHON. Yes.

Mr. HATCH. Is that what the committee wants to accomplish?

Mr. McMAHON. Yes; because if the Commission should ever take the position that it did not want any specific amount of thorium or uranium, the Senator may be assured that it would be of such concentration that it would not be feasible to use it for the production of fissionable material.

Mr. HATCH. Then, there is no absolute reservation to the United States. It is subject to the will of the Commission.

Mr. McMAHON. The reservation which is made by the Secretary of the Interior is in favor of the Government—in this case, the Commission. The Commission has the right to purchase every single ounce of the material at a fair and just price. If the Commission should decide that it did not want to buy the material, theoretically the miner would have the right to sell it to someone else. Such right, I believe the Senator from New Mexico will agree with me, is illusory and is worth nothing. If the Commission does not buy the source material, the man who separates it from the ground does not, under the terms of the bill, have any right to export it. Under this bill, the exportation of source material would be a crime punishable by imprisonment. What will the miner do with it? Will he go to the labor of digging it and bringing it above the ground if he may not export it or sell it to the Commission? The result will be that the material will remain in its place in nature.

I can conceive of the Commission saying to the Senator from New Mexico and to the Senator from Connecticut, who may be working a deposit in the State of New Mexico, for example, "We do not want to buy it. For the purposes of conservation we do not want to touch it. We shall refuse you a license to remove your uranium." Very well; since we may not export it or sell it to the Commission, would the Senator from New Mexico proceed to dig the uranium and thorium out of the ground?

Mr. HATCH. Perhaps he would not, but I am trying to understand what the bill means, and I am already convinced that there is not a complete reservation of title to the United States Government in the Government-owned lands.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. McMAHON. I yield.

Mr. JOHNSON of Colorado. One further difficulty which the Senator from Connecticut has not mentioned lies in the fact that uranium ore is a complex material. In our area of the country, at least, it is usually found with vanadium. There are times when it is very necessary to have vanadium production. If the restrictions which the Senator from New Mexico is insisting upon are to be placed in the bill, not only would the production of uranium be stopped but also the production of any of the ores which are found with it, such as vanadium. That would be a very serious matter. The vanadium industry in the States of Arizona, New Mexico, Colorado, and Utah—the only States in the United States which meet together at four corners—is very important. The area formed by the joining of the four States holds deposits of vanadium and uranium. Vanadium is highly desirable in the steel industry. If there is to be an absolute restriction to the removal of uranium from its natural place in the earth, the production of vanadium will be brought to an end.

Mr. McMAHON. I thank the Senator.

Mr. HATCH. I have not insisted on any restrictions whatever, I may say to the Senator from Colorado. I am trying to find out what the bill means. However, I repeat that an absolute reservation has not been made to the United States. A reservation has been made which may or may not be effective on the commission. That may be a wise course to follow, but that is the effect of the language, as I read it.

Mr. HICKENLOOPER. Mr. President, will the Senator yield to me?

Mr. McMAHON. I yield to the Senator from Iowa.

Mr. HICKENLOOPER. I may suggest to the Senator from New Mexico that this matter was very thoroughly studied by the members of the committee from the Western States. First, the object was to give the United States a preemptive right in the material itself, reserving the greatest possible freedom for private exploration and mining development. In other words, we discussed the fact that if we were to insist upon too many restrictions it would perhaps discourage, if not put an end to, mining development and exploration.

It will be noticed that in paragraph (5) on page 42, under the heading "Acquisition," the Commission is directed—the bill uses the word "directed"—to purchase uranium that is discovered on already patented property or property in which rights have already been acquired. In paragraph (7), on page 43, referring to public lands, there is first a preemption of such material; in other words it is reserved primarily in place for the Government of the United States subject to the Government through this Commission, being able, if it is of no value to the Government, to divest itself eventually of uranium that might be a drug on the market at some time in the future. It was an attempt, first, as I understand—and I wish to be corrected by the chairman of the committee if my statement is not correct—to reserve uranium in any public lands for the undisputed use, control, and acquisition by the Government, and the right of the Government to fix just compensation for its separation from other ores, so that it would not necessarily disturb the discovery and production of other metals. Consequently—and this is, perhaps, rather important—it allows the Government at some time in the future to divest itself and to get out from under the responsibility of buying, if, as, and when, it may not be desirable on the part of the Government to do so. That time may never come, but I can assure the Senator from New Mexico that a very great deal of thought was devoted to this question by the two Senators from Colorado, who are vitally interested in the mining industry, and I believe they are both satisfied with this provision.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. McMAHON. I yield.

Mr. HATCH. Did the committee have any witnesses from the Bureau of Mines of the Department of the Interior?

Mr. McMAHON. Yes, we did. I do not recollect whether they came from the Bureau of Mines, but I remember talking with the Solicitor, Mr. Gardner, about these provisions. The Department made no objection to them. The only suggestion they made was that if this bill was to be long delayed, they would like to see put in operation the general bill which the Senator reported some days ago and which is on the calendar. The then Secretary of the Interior, Mr. Ickes, also appeared and testified. I do not recollect that his testimony went into detail as to the treatment of the public lands, but I do remember the subject was referred to in the testimony. I know of no objection, by the Secretary of the Interior.

Mr. HATCH. The general bill?

Mr. McMAHON. Yes, that is correct.

Mr. HATCH. That is the present Secretary of the Interior?

Mr. McMAHON. Yes, Mr. Krug.

Mr. HATCH. The Senator is aware, is he not, that under Executive order all these lands are withdrawn from any development or exploration?

Mr. McMAHON. That is true.

Mr. HATCH. It was considered so important at that time that they were absolutely withdrawn.

Mr. McMAHON. That is correct.

Mr. HATCH. And they have been withdrawn by another Executive order which I think was issued later, because it was deemed that the first one was not sufficient, and it was thought that they should be withdrawn prior to the Congress enacting the provisions contained in this bill.

Mr. McMAHON. That is why the particular provision is in the bill.

Mr. HATCH. There are involved monopoly practices, and the absolute control of western lands, as against those who have gone out and secured prior rights. I did not want to raise any question about it, but I did want to point out what I think may happen under the bill. The Senator and his committee have probably given consideration to the matter, but there still is perhaps a private monopoly created by the bill.

Mr. McMAHON. Let me give the Senator the other side of the picture. Upon the sources of these materials may well rest the very security of this Nation. We must, as the committee sees it, make any effort to encourage the independent prospector to go out and develop. That is the basis of the committee's action.

I learned, I may say parenthetically to the Senator, many lessons in mining law from the Senators from Colorado, who are on the committee, and I learned much about the way independent prospectors carry on their operations. So we weighed this problem from every angle, and decided it was better to encourage the independent prospector to find and discover other deposits and to see to it that when they were discovered the commission would be the only buyer of them at a price fixed by the commission.

I might add that in the case of the public lands, where uranium and thorium are dug out of the earth, the Senator will see that there is no compensation to be paid for the mineral per se, but only to reimburse for the discovery and the digging of it and the necessary work involved in getting it out of the ground.

Mr. CORDON. Mr. President——

Mr. McMAHON. I yield to the Senator from Oregon.

Mr. CORDON. I do not quite understand how exploration would be encouraged under the terms of paragraph 7, on pages 43 and 44, in view of the fact that the Commission is given the power of determining, first, that it will purchase source materials, or, second, that it will not. In other words, a prospector is faced with a contingency that, no matter what the discovery, he cannot do anything with it.

Mr. McMAHON. That may be a correct conclusion, but before the prospector goes out, there is no question but that the Commission will have a standing offer for so much uranium at such and such a price, so that the prospector will go out looking for and digging uranium with that offer in mind. We certainly cannot force the Commission, leaving them without discretion to purchase all the uranium that may be offered to them, because that might result in moving the material from its place in nature, where maybe it ought to be kept for the time being, and only so much taken out as is necessary for the proper development of this science.

Mr. CORDON. Mr. President, will the Senator further yield?

Mr. McMAHON. I yield.

Mr. CORDON. Would it be the Senator's view, then, if the Commission desires the source materials and advertised that it was in the market for the materials, that that holding out on the part of the Commission would represent any liability on the part of the Government to purchase in case the prospector, relying upon that statement, had expended his time and money and made a discovery and produced the source materials.

Mr. McMAHON. I think that if the Commission posted a price of "X" dollars a ton for uranium and while that price was posted the Senator were to go out and dig a ton of uranium, certainly the ethics of the situation, if nothing else, would require the Commission to take over the ton of uranium.

Let us assume that after the Senator has dug his ton of uranium the Commission says, "Now, Brother CORDON, that is all we want. If you dig any more you will have to store it on top of the ground." Then the Senator would go ahead and dig at his own risk.

Mr. CORDON. The question, if I may call the Senator's attention to it again, was, in the Senator's opinion, is there any legal obligation upon the Commission to purchase, if it has held itself out as being prepared to purchase, and has, as the Senator suggested, placed its purchase price or offer price on the ore? The Senator says that on the ground of ethics there may be an obligation, but it has been my experience that the Government of the United States may desire that its people be ethical, but it does not always follow suit.

Mr. HART. Mr. President——

The PRESIDING OFFICER (Mr. HUFFMAN in the chair). Does the Senator from Connecticut yield to his colleague?

Mr. McMAHON. I yield.

Mr. HART. Mr. President, I think it should be said that it is not so simple as to be merely a question of ore that contains only uranium. Uranium ores are always complex. Vanadium is almost always found in the same ore, and up to the time when we began to use uranium, the ore was picked over for the extraction of vanadium and uranium went out on the dump. Mining development should and will go on even if the uranium is not used.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. McMAHON. I yield.

Mr. JOHNSON of Colorado. The uranium deposits in the United States are very limited. As a matter of fact, the only uranium ores we have discovered so far are very low grade, with only a trace of uranium. We wanted to be certain, in writing this section on public lands, that under the theory that there might be uranium in complex ores, the Government might restrict all ores in the United States, simply under the theory that there was a trace of uranium. So we had to protect the mining laws, as well as protect the Government in the acquisition of uranium ores. It is not so simple a problem as one might think. If we put in our law an absolute prohibition with respect to the mining of uranium ores, we are going to stop the mining of all ores, and, of course, that would be a very great disadvantage to the country, and to the West particularly.

Mr. McMAHON. I thank the Senator.

Mr. HATCH. If the Senator will yield, to some extent that did happen when the withdrawal order of the President was issued. We stopped much prospecting in the Western States. My point was simply to see, if possible, if the Government was protected. I am wondering whether it has not been proposed by an international authority that all ores should be somewhat controlled by that authority.

Mr. McMAHON. The bill provides for outright ownership of the material itself.

Mr. HATCH. Wherever it may be located?

Mr. McMAHON. That is correct. I might say to the Senator that there is a provision in the bill that any arrangement made internationally on this subject shall take precedence over any provision in the bill.

Mr. HATCH. I thank the Senator for his explanation.

Mr. JOHNSON of Colorado. Will the Senator yield further?

Mr. McMAHON. I yield.

Mr. JOHNSON of Colorado. I should like to call attention to the fact that once this source material is removed from its natural place in the earth the bill provides for an absolute confiscation of it. That is, if the Commission wants to confiscate it, it takes it over at its own price. But the thing we wanted to be careful about was placing a prohibition against its development while it was in place, for fear of doing violence to other metals and other resources, and to the development of our whole mining area. That is the thing we had to guard against. But the committee did not hesitate, and this bill provides that when the source material has been removed from its natural place in the earth it shall go to the United States Government. It goes to the Commission directly, and at the Commission's own figures and own price.

Mr. HATCH. I would not quite agree with that statement if it were not for the last sentence that was used, that if the Commission does not desire the material, then the reservation is no longer effective. That would leave it wide open to sale, export, or anything else, if it were not for the other provisions of the bill, which I assume, from what the Senator from Connecticut said, do prohibit sales and export.

Mr. McMAHON. That is true. Not only is the export of source material prohibited, but the export of fissionable material is also prohibited. We also in the amendment prohibit the export of

any important component part of any device to produce fissionable material.

I may say, Mr. President, that there are one or two industries in the United States which use thorium today, though not in very great quantities. I talked with the president of one of these companies recently. It interested me very much to discover what a wide market there still was for gas mantles, and there is some thorium used for that purpose.

Let us assume that the Senator from New Mexico owns a claim and produces a ton of thorium. He offers it to the Commission, and the Commission says, "We have enough thorium, but we will let you sell it to the X Manufacturing Co., which in turn has to get a license for that purpose.

Mr. President, I think I have pretty well gone through the bill.

Mr. CORDON. Mr. President, will the Senator from Connecticut yield?

Mr. McMAHON. I yield.

Mr. CORDON. I thought the Senator was going through the bill section by section. I have a couple of questions to ask, if I may.

Mr. McMAHON. I yield.

Mr. CORDON. I note on page 58 of the bill this provision:

> It shall be the duty of the Commission to declare any patent to be affected with the public interest if—

Then certain conditions are set out. Does the Senator take the view that it is within the power of the legislative body of the United States by statute to determine what is or is not affected with public interest? Is not that purely and solely within the province of the courts?

Mr. McMAHON. No; I think not. If the Senator will turn to the policies and purposes of the proposed Act, as set out at the beginning of the bill, he will find, I think, a very cogent statement of the policies and purposes of the proposed act contained on pages 26, 27, and 28.

The Commission would be bound, in exercising its power under the section to which the Senator has referred, to turn to the policies and purposes set forth in the bill. What are those policies and purposes? I read from the bill:

> (b) Purpose of act: It is the purpose of this act to effectuate the policies set out in section 1 (a) by providing, among others, for the following major programs relating to atomic energy:
>
> (1) A program of assisting and fostering private research and development to encourage maximum scientific progress;
>
> (2) A program for the control of scientific and technical information which will permit the dissemination of such information to encourage scientific progress, and for the sharing on a reciprocal basis of information concerning the practical industrial application of atomic energy as soon as effective and enforceable safeguards against its use for destructive purposes can be devised;
>
> (3) A program of federally conducted research and development to assure the Government of adequate scientific and technical accomplishment;
>
> (4) A program for Government control of the production, ownership, and use of fissionable material to assure the common defense and security and to insure the broadest possible exploitation of the field.

Mr. CORDON. The point I make is that in the last analysis, if it comes down to a purely legal question of the power of the Government to control these patents by license or otherwise, the decision as to whether this activity, or the rights under the patents, as the case may be, are affected with public interest, would rest in the court, and the court would not be bound by any legislative declaration.

Mr. McMAHON. I think not. I do not agree with the Senator. I think when the Commission is authorized to declare a patent affected with the public interest, it would of course only do so provided the patent used atomic energy, and provided it used fissionable material, and before it granted a license to use the invention it would first have to come to the Congress with a thoroughgoing report on the whole subject.

Mr. CORDON. Will the Senator further yield?

Mr. McMAHON. I yield.

Mr. CORDON. The question is going to arise, I think, sooner or later, and I want to call attention to the decision of the Supreme Court, I believe, in the AAA case, in which Congress attempted to regulate agriculture, and the Supreme Court found that the act was unconstitutional because agriculture was not affected with public interest, even though the Legislature had attempted to say that it was.

Mr. McMAHON. I will say to my good friend from Oregon that, with all due deference to him, I would attempt to draw from the Butler case, frequently referred to as the AAA case, no analogies which would govern the interpretation of this subject, which has within its being the power to destroy us or make for a better world in the future.

Mr. CORDON. I have no doubt that that determination will be made by the Court, but the point is that I think it is up to the Court to make it.

Mr. McMAHON. I tried to emphasize to the Senate when I started that the committee became convinced that this subject wrote its own rules. It writes them out of the compulsion of logic. It writes them out of the sheer necessity that is inherent in this tremendous force. I say to the Senator that included in this bill are some things which the committee accepted only reluctantly, because I would be less than frank with the Senate if I did not emphasize that in some respects we have departed from our former method of handling public questions. I say to the Senator that logic compels our conclusion.

Mr. MILLIKIN. Mr. President, will the Senator yield to me?

Mr. McMAHON. I yield.

Mr. MILLIKIN. I should like to emphasize further the thought that the distinguished Senator from Connecticut has just expressed. This bill is full of provisions which I would not subscribe to in any other connection. I could not possibly regard what has been done here as a precedent in any other direction. I think it would be useful for the RECORD to have the distinguished chairman of the committee say that that was the sense of the committee, and that it was thoroughly understood in the committee that these extraordinary measures shall not be considered as a precedent for other legislation.

Mr. McMAHON. I stated, as the Senator from Colorado knows, my opinion during the deliberations of the committee exactly to the effect just stated by the Senator from Colorado. I think it is all bound up in the thought that logic compelled and necessity required that we should do what we have done in respect to mining, in respect to patents, in respect to the question of Government ownership of the production facilities of fissionable material, and in the requirements that no one shall be permitted to have at his disposal material which might constitute a private army or the force of a private navy. It was the realization that this material contained within itself that from which great blessings might flow, but also, unhappily, unless we handle it correctly and unless it is internationally controlled, unless we get effective—and I emphasize "effective"—methods of control of atomic energy, I say to the Senators that I for one will feel most discouraged as to our future. It is because we realized all that, that we decided that it had to be treated as we have treated it.

Mr. CORDON. Sui generis.

Mr. McMAHON. Sui generis, as I previously stated to the Senate today.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. McMAHON. I yield.

Mr. MURDOCK. Realizing that the distinguished Senators from Colorado, as I understand, have both participated in the consideration and framing of the bill in committee, and due to the fact that I have not had time to give it extensive study, I ask what is the effect of the bill on the status of a prospector who goes out and locates a lode claim, or a placer claim for that matter, prior to patent or prior to the issuance of a license or permit of any kind by the Department of the Interior? What effect does it have on the status of the ordinary prospector who goes forth looking for ore of any kind?

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. McMAHON. I shall be glad to refer that question to one of the mining experts on the committee, the other being the senior Senator from Colorado [Mr. JOHNSON].

Mr. MURDOCK. Realizing that we had two such experts I wanted their opinion on this question.

Mr. MILLIKIN. I think my distinguished colleague the senior Senator from Colorado will agree that we were both very meticulous to see that if a man has a valid mining claim, if he has made a valid location, the reservation shall not apply as against him.

Mr. MURDOCK. As I understand the Senator, if the location of the claim has been perfected before the effective date of this act, then the Senator says any locator in that situation is fully protected by the provisions of the bill. But having in mind the prospector who does not have a perfected location on the effective date of this act, but has one

after its enactment, after it becomes effective, what is the effect of the bill on his activities as a prospector and a locator on a valid lode claim or placer claim after the effective date of the act?

Mr. MILLIKIN. I should say that if he does not have those vested and inchoate rights which a locator on the public domain acquires from making a valid location and doing the things subsequently required by law—if he is not in that status, if he has not reached that status—he continues to have his exploratory rights, but if he should find fissionable material, then it would be subject to the reservation which applies to the public domain which has not been validly entered for mining purposes.

Mr. MURDOCK. If the Senator will indulge me for a further question or two, let us assume, as has been suggested by the distinguished Senator from Connecticut [Mr. HART], that uranium is found in complex ores. Let us assume that the prospector, after the effective date of this act, discovers a ledge or a lode of lead ore. The large percentage of commercial value is in lead, but his assay shows at least some values in uranium or other fissionable material. What does that mean so far as the locator of the claim is concerned?

Mr. MILLIKIN. Has he made a valid location?

Mr. MURDOCK. We will assume that after the effective date of the act he makes a valid location. He has perfected the location, so far as it can be perfected, but it still is a location, and has not proceeded to patent. In the extraction of his ores from the lode, he finds that among other values it has some values in fissionable materials.

Mr. MILLIKIN. Under the case stated, it is my judgment that the uranium part of his ore would belong to the United States Government, but that that would not prevent him from exploring and developing the other ores.

Mr. MURDOCK. Of course, the mine locator is not in a position to separate the fissionable material from other material. Will he be interfered with at all in his regular processes or procedure of shipping the ore to the smelter and handling it as he handled it prior to the enactment of the law?

Mr. MILLIKIN. In my judgment some regulatory power would have to be exercised to see that such a situation did not arise. The Commission proposed to be established would prescribe certain rules and standards regarding the protection and handling of source materials. It seems to me that the Department of the Interior, on its part, could make rules which would not hinder the prospector, but would allow him to develop those things which were not fissionable; and that between the two bodies it would be possible to enable him to mine complex ores, and at the same time not allow fissionable materials to get out of control.

Mr. MURDOCK. In the opinion of the distinguished Senator from Colorado, is there anything in the proposed legislation which would discourage prospecting for ores on public lands?

Mr. MILLIKIN. I will say to the distinguished Senator that we tried scrupulously to accomplish what we had to accomplish in this bill, and at the same time encourage prospecting, because we all realize that we want to obtain fissionable materials, and that the only way we can get them is to encourage prospecting. We received many suggestions which would have locked up this whole thing in the public domain; wherever there was a suggestion of a fissionable material, it would at once become locked up and taken away, removed from the opportunity of the prospector. But we all decided that since we want fissionable materials we should encourage the production of such materials. That is one of the reasons why we were so careful to exempt the rights of a man who has a valid location. We felt that so far as we could draw an analogy there should be preserved the same kind of freedom in the prospector to find the fissionable ores as we want to preserve in the scientist to develop fissionable ores.

Mr. MURDOCK. I thank the distinguished Senator for his answer. Coming from him, it is a sufficient assurance to me as to the rights of the prospector. I think I realize as keenly as does anyone else that in the mining, production, and treatment of fissionable materials there is a problem. I heartily approve what the Senator from Connecticut has said, but I thoroughly agree with the Senator from Colorado that we want to encourage the discovery and location of fissionable materials. I believe that we can repose full confidence in the American prospector. He will be just as anxious and just as willing as any other part of our population to cooperate in safeguarding this material.

I thank the Senator.

Mr. MILLIKIN. I should like to ask my distinguished colleague the Senator from Colorado [Mr. JOHNSON] if he is in accord with the expressions which I have made.

Mr. JOHNSON of Colorado. Yes; I am in full accord with them. Any claims which are located prior to the enactment are not in any way interfered with, as is shown in the language which appears on page 43, paragraph (7), beginning in line 10 after the semicolon:

> Except that with respect to any location, entry, or settlement made prior to the date of enactment of this act no reservation shall be deemed to have been made, if such reservation would deprive any person of any existing or inchoate rights or privileges to which he would otherwise be entitled or would otherwise enjoy.

That takes care of the man who already has a claim or title to a claim. The next sentence is:

> The Secretary of the Interior shall cause to be inserted in every patent, conveyance, lease, permit, or other authorization hereafter granted to use the public lands or their mineral resources, under any of which there might result the extraction of any materials so reserved, a reservation to the United States of all such materials, whether or not of commercial value, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same, making just compensation for any damage or injury occasioned thereby.

The reservation in that second sentence goes only to the fissionable material. If there is a trace, the Government could control that trace. If there is a considerable quantity, the control extends to the considerable quantity. If the owner of the claim should not wish to mine the fissionable material, if he should adopt a dog-in-the-manger attitude and refuse to mine it, then under this provision the United States Government could go in and mine the fissionable material and pay him for such damage as it might cause to his holdings.

I completely agree with the statement of my colleague.

Mr. McMAHON. I thank the Senator.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. McMAHON. I yield to the Senator from Oregon.

Mr. CORDON. First, let me compliment the members of the committee on a magnificent job in a field of substantially original research. I have run through the bill, and while I realize that no cursory attention to it could put one in possession of even an outline of the amount of research, study, and application necessary before this bill could be drafted, I do recognize that it is a magnificent piece of work.

Mr. McMAHON. I thank the Senator on my own behalf and on behalf of the other members of the committee.

Mr. CORDON. Even so, may I be critical again for a moment?

On page 61, continuing on page 62, are provisions in connection with the power to take patent rights. I find there standards for determining fair compensation. It has always been my understanding of the law that that is solely the judicial province, and that standards may not be established by the legislative body. I should like to have the view of the chairman on that question.

Mr. McMAHON. I regret to say that I cannot agree with the Senator's contention that the legislative body has not the right to establish standards for fair compensation. In this bill we have tried to establish fair and just standards in every case in which we provide for the taking of private property, and standards which can be wisely administered.

Mr. CORDON. Please understand that I have no criticism of the standards which have been established, or of the good faith and intention of the committee in establishing them; but that question arose in my mind, and I desired to have the Senator's view on it. I thank the Senator.

Mr. McMAHON. I thank the Senator from Oregon.

Mr. HICKENLOOPER. Mr. President, will the Senator yield to me?

Mr. McMAHON. I yield.

Mr. HICKENLOOPER. May I suggest to the Senator from Oregon that on page 62 there is provided an ample judicial review for anyone who is aggrieved by the application of the standard rule by the Commission?

Mr. McMAHON. Mr. President, there are only two more matters which I wish to refer to briefly, because time goes apace and, under the agreement, for this all-important matter we have only 2

hours in which to conclude its consideration.

I wish to refer, first, to the fact that in the bill we have made ample provision for the promotion of research, because, as I have previously indicated, we realized that unless we have progress in this field, we shall certainly drop back into a second-place position. So, under section 3 of the bill the Commission is directed to exercise its powers in such manner as to continue the conduct of research and development activities. Under the bill the Commission is empowered to conduct its own research operations. I call attention to the fact that the Commission is also authorized and directed to make arrangements, including contracts, agreements, grants-in-aid, and loans, for the conduct of research and development activities relating to atomic energy.

I desire to refer briefly to the fact that in section 6 of the bill we have carefully considered the subject of military applications of atomic energy, and under that section we provide for the complete monopoly of production of atomic weapons within the proposed Commission. That does not mean that the Navy and the Army will not have a right to conduct research in the field of atomic energy and atomic weapons. That does not mean that any citizen may not, independently of Government or of grants in aid of the Army or the Navy, proceed to use his inventive genius for the purpose of bringing about an improvement in the science.

Mr. President, I wish further to call attention to the fact that your committee realized that what we were writing was in a new field—a field in which there had been no experience. So we wisely, I think, concluded to write into the bill a recognition of that fact. If Senators will examine the bill, they will see that we specifically declare that we are writing interim legislation. I certainly would not be one who would believe that this bill may not have to be amended within a short period of time, because, although I think the committee has labored wisely and well, I think it would be impossible for any group of Senators to sit down and try to write a bill which would be a permanent blueprint in this new science.

Mr. President, it is my sincere conviction that this bill deserves the immediate and favorable action of the Senate. It is in every sense a nonpartisan bill. The subject was of too great importance to receive anything but consideration from the point of view of the national interest. It was approved, as I have indicated, after months of study and preparation, by men of both parties whose only concern was the best interests of our country and the people who compose it. That was the anvil on which every action was hammered out. That was the criterion by which every word was judged.

The bill comes to the Senate with unanimous committee approval. No section, no paragraph, no word was adopted except by unanimous consent. The achievement of unanimity on every phase of a subject so complex and so vital merits the approbation of Senators.

I believe it is an enlightened, forward-looking, common-sense bill, based on the realities of the world in which we live, the peculiarities of atomic energy, and the fundamental principles of our Government. It is a bill based on careful study and extended consideration. Aware of their unique responsibility as builders of the atomic age, the committee members labored long and arduously to forge in the fires of democratic action the finest instrument they could devise in the discharge of their grave assignment.

Mr. President, it strikes me that right here is an appropriate time to express again my profound sense of appreciation of the support and consideration shown by members of the committee to its chairman.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. McMAHON. I yield.

Mr. VANDENBERG. The Senator is very kind in his comments in respect to the members of the committee.

I should like to say at this point in the RECORD that I am sure the committee reciprocates the chairman's feelings. One of the amazing things about this report upon this highly technical and involved subject is the fact that it is unanimous. That does not mean that there have not been the sharpest differences in the course of the consideration during the last 5 months. On the contrary, there have been almost bitter differences in the committee in the course of the evolution of the final product.

I wish to say that in my 18 years of service in the Senate and in my service on many committees, I have never known a committee which more zealously and faithfully and loyally undertook its task than this one, nor a committee which more earnestly explored every avenue of its responsibilities. For that net result the chairman of the committee himself is entitled to a very large share of credit. I wish the RECORD to show that, despite all the interim differences, the net report is not only unanimous on paper, but it is unanimous in fact and in spirit. I think that is a great compliment to the chairman, and I present him with this orchid.

Mr. President, I should like to have the RECORD show, in this connection, what the membership of the committee was. It was headed by the Senator from Connecticut [Mr. McMAHON], and the other members were the Senator from Georgia [Mr. RUSSELL], the Senator from Virginia [Mr. BYRD], the Senator from Colorado [Mr. JOHNSON], the Senator from Maryland [Mr. TYDINGS], the Senator from Texas [Mr. CONNALLY], the Senator from Vermont [Mr. AUSTIN], the Senator from Colorado [Mr. MILLIKIN], the Senator from Iowa [Mr. HICKENLOOPER], the Senator from Connecticut [Mr. HART], and the senior Senator from Michigan [Mr. VANDENBERG].

Mr. President, my time is running out and I do not intend to prolong the debate, but I wish to add before taking my seat that not only were there tremendous differences within the committee but also in the scientific world, as well as differences between the scientific world and the congressional viewpoint. Those differences often flamed during the course of the 5 months into what sometimes promised to be almost a fatal difficulty. But there again we reached unanimity of conclusion at the end of our consideration, and I think the scientific world approves the proposed legislation as completely as does the committee. I merely make that statement inasmuch as the Senate, on a matter of this utterly technical character, must necessarily accept the judgment of its committee, and must act substantially on the basis of confidence and faith in the committee's work, although in this instance confidence and faith are justified.

I express only the prayer and hope that the success which we have had in thus meeting the domestic problem may soon be paralleled in the larger area where, under the auspices of the United Nations, we must find an international formula for the international control of atomic energy on a basis which will effectively prohibit the use of atomic energy for destructive purposes anywhere in the world, and which will dependably police such situation against anyone who exercises bad faith. Except as we can move from this unanimous action to the larger unanimous action in the world itself, we shall hereafter confront the kind of destruction which may involve a war which will last minutes instead of months, and in which the first casualty list will be the last.

Mr. McMAHON. Mr. President, I am very grateful to the Senator from Michigan for his most generous remarks. I appreciate them very much.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. McMAHON. I yield to the Senator from Colorado.

Mr. JOHNSON of Colorado. I wish to concur in the eloquent remarks of the Senator from Michigan, and the statement of the Senator from Connecticut, the very able chairman of the Special Committee on Atomic Energy.

While we are passing out compliments I do not believe that we should overlook our very efficient staff consisting of Dr. Condon, of the Bureau of Standards; James Newman, our counsel; Christopher Boland, the staff director; and other persons who were certainly faithful, and efficient. We had differences of opinion even with them, but all those differences were resolved. One difference of opinion—the Senator from Michigan hinted at it—was between the scientists and the Army. Our committee was able even to resolve that difference to the entire satisfaction, I think, of the scientists and of our highest military authorities. So, in our committee, Mr. President, we have really been doing some resolving.

Mr. McMAHON. If we could only get the Senate to resolve the bill, we would be entirely satisfied. I thank the Senator from Colorado.

Mr. WHERRY. Mr. President, I have not been on the floor during all the debate concerning the pending measure, and during the time when orchids were being handed out, but I should like to

add my appreciation to the services of the members of the committee and its staff. At the same time, I should like to bring them all back to the realities of the bill.

Has there been any statement made with reference to international arrangements?

Mr. McMAHON. Yes.

Mr. WHERRY. Is there any limitation which is to be placed upon the authority in respect to whatever arrangements may be made by the Commission, and are those arrangements to be referred back to the United States Senate in the form of a treaty to be ratified by the Senate?

Mr. McMAHON. Of course, we must appreciate that this bill deals with atomic energy within our own country. It is the business of the executive department, under the Constitution, to conduct negotiations looking to international arrangements. As the Senator knows, a very eminent and distinguished American, Mr. Bernard Baruch, was appointed by the President and confirmed by the Senate as our delegate to the United Nations Committee which will try to reach an agreement on this subject. When that agreement is reached—and may God be willing that it shall be reached—it will have to come back to the Senate for ratification.

I may say further that the Special Committee on Atomic Energy has kept in constant touch with the State Department and with Mr. Baruch. Next week the committee will confer with Mr. Baruch for the purpose of discussing his conclusions with regard to the exact course which should be pursued in the coming negotiations.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. McMAHON. I yield.

Mr. VANDENBERG. I should like to make one further answer to the Senator from Nebraska. The point which I wish to make is an utterly fundamental one and has been, so far as the Senator from Michigan is concerned, ever since the bomb was dropped upon Hiroshima.

The United Nations Atomic Energy Committee has been set up under the action of the General Assembly of the United Nations. During the course of that action the record was clearly and distinctly made that every nation reserves to itself, by its own constitutional process, the approval of the ultimate recommendations of the committee.

When Mr. Baruch was appointed as the American member of the United Nations Atomic Energy Committee, and before he was confirmed by the Senate, I sent him a questionnaire in order to be perfectly sure that there could be no doubt with reference to the subject. One of the questions was the one which has been asked by the Senator from Nebraska this afternoon, and Mr. Baruch's categorical reply was that the Senate of the United States must pass upon the ultimate treaty which will contain the ultimate arrangements for the international control of atomic energy and, I hope, for the outlawry of its use for destructive purposes.

Mr. WHERRY. I thank the distinguished Senator from Michigan, and also the distinguished Senator from Connecticut for their statements relative to the question which I propounded. I feel that they have cleared up satisfactorily the point which I had in mind.

Mr. McMAHON. Mr. President, when the opportunity came to present this very necessary bill to the Senate we found that we had only 2 hours in which to do so. I had prepared and was ready to deliver a very extensive and minute analysis of each section of the bill. The committee report was filed with the Senate on April 19. It has been widely distributed to newspaper editors and to the public. I believe the subject has been so well discussed in the public press, and the proceedings of the committee have been so thoroughly understood, that it is not necessary for me longer to trespass upon the time of the Senate by making a more detailed explanation.

I ask unanimous consent, however, to have printed in the RECORD at the close of debate as a part of my remarks the explanation which I had intended to make, had more time been available.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(The explanation appears in the RECORD at the conclusion of the debate on the bill.)

Mr. McMAHON. Mr. President, I close my remarks by saying that I hope that we may, with all possible speed, conclude consideration of this bill. It is my opinion that consideration of the matter has already been delayed too long. I should have been delighted if the Commission, which is provided for in the bill, had been appointed a month ago so that it could have been in conference with Mr. Baruch and with the State Department in aiding and helping in the project of preparing a proposal for the international control of atomic energy. When the bill has been passed we shall have taken a historic step in a solution of one of the greatest problems which ever challenged the mind of man. I hope it will be found the committee has done its work well, and I trust that Senators can see their way clear to vote for the bill.

Mr. SMITH. Mr. President, will the Senator yield for a question before he takes his seat?

Mr. McMAHON. Will not the Senator permit me to offer several committee amendments to the amendment now pending? They provide for prohibition of the export of the component parts of atomic energy production devices. I call up the amendments.

The PRESIDING OFFICER. The amendments will be stated.

The CHIEF CLERK. On page 37, after line 19, it is proposed to insert the following new subsection:

(e) Manufacture of production facilities: Unless authorized by a license issued by the Commission, no person may manufacture, produce, transfer, or acquire any facilities for the production of fissionable material. Licenses shall be issued in accordance with such procedures as the Commission may by regulation establish and shall be issued in accordance with such standards and upon such conditions as will restrict the production and distribution of such facilities to effectuate the policies and purposes of this act. Nothing in this section shall be deemed to require a license for such manufacture, production, transfer, or acquisition incident to or for the conduct of research or development activities in the United States of the types specified in section 3, or to prohibit the Commission from manufacturing or producing such facilities for its own use.

On page 47, strike out lines 4 through 10, and in lieu thereof insert the following:

(b) Prohibition: It shall be unlawful for any person to manufacture, produce, transfer, or acquire any equipment or device utilizing fissionable material or atomic energy as a military weapon, except as may be authorized by the Commission. Nothing in this subsection shall be deemed to modify the provisions of section 4 of this act, or to prohibit research activities in respect of military weapons, or to permit the export of any such equipment or device.

On page 47, line 14, after the word "manufacture" insert "produce, or export."

On page 47, line 19, after the word "manufacture", insert "production, export."

On page 48, line 13, after the word "manufacture", insert "production, export."

On page 48, line 15, after the word "manufacture", insert "production, export."

On page 48, line 23, after the word "manufacture", insert "production, export."

On page 56, lines 5 and 6, strike out "as the Commission may determine" and in lieu thereof insert "as may be necessary to effectuate the purposes of this act."

On page 66, after line 5, insert the following new subsection:

(c) Advisory committees: The members of the General Advisory Committee established pursuant to section 2 (b) and the members of advisory boards established pursuant to subsection (a) (1) of this section may serve as such without regard to the provisions of sections 109 and 113 of the Criminal Code (18 U. S. C., secs. 198 and 203) or section 19 (e) of the Contract Settlement Act of 1944, except insofar as such sections may prohibit any such member from receiving compensation in respect of any particular matter which directly involves the Commission or in which the Commission is directly interested.

On page 69, line 13, after "4 (b)", insert "4 (e)."

On page 71, strike out lines 13 and 14, and in lieu thereof insert the following:

(a) The term "atomic energy" shall be construed to mean all forms of energy released in the course of or as a result of nuclear fission or nuclear transformation.

On page 72, after line 15, insert the following new paragraphs:

(f) The term "equipment or device utilizing fissionable material or atomic energy" shall be construed to mean any equipment or device capable of making use of fissionable material or peculiarly adapted for making use of atomic energy and any important component part especially designed for such equipment or devices, as determined by the Commission.

(g) The term "facilities for the production of fissionable material" shall be construed to mean any equipment or device capable of such production and any important component part especially designed for such equipment or devices, as determined by the Commission.

The PRESIDING OFFICER. The question is on agreeing to the amendments proposed by the Senator from Connecticut on behalf of the committee to the committee amendment now pending.

The amendments to the amendment were agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the amendment of the committee as amended.

Mr. O'MAHONEY. Mr. President, I regret very much to rise to ask a question at this moment. Perhaps it has already been covered, but I observe the provision with respect to public lands on page 43. I am wondering whether the committee is of the opinion that the language appearing there is sufficiently broad to prevent any person, corporation, or association which may have had anything to do with the atomic project during the war, and which may have acquired, or sought to acquire, locations or rights, inchoate or otherwise, upon the public domain, from perfecting such claims, would such claims be barred by the provision referred to?

The PRESIDING OFFICER. The Chair will take the liberty of stating that the Senator from New Mexico [Mr. HATCH] asked the same question of the Senator from Connecticut.

Mr. McMAHON. They would not be barred.

Mr. O'MAHONEY. Such claims would not be barred?

Mr. McMAHON. They would not be barred.

Mr. O'MAHONEY. I believe that such claims should be barred, and I shall endeavor to write an amendment which I should like to present for consideration. I think it is rather difficult to conceive that the Senate would be willing to pass a bill which would permit any corporation, association, or individual who participated in the Manhattan project, or any other project, to take advantage of such participation to assert rights upon the public domain.

Mr. McMAHON. Perhaps I did not understand the Senator's question. Let us assume that the Vanadium Corp. of America were digging uranium on the public lands for the purpose of sale to the Manhattan project. Is that the situation the Senator has in mind.

Mr. O'MAHONEY. I have no reference to any corporation at all.

Mr. McMAHON. I understand that; I am merely using that as an illustration because the Vanadium Corp. was a supplier of the Manhattan project.

If the Senator will read carefully the provision written to take care of the public lands, he will find that if there is a perfected claim the owner of such claim can proceed to prospect it and mine it, but when he has separated the uranium from its place in nature, then he must get a license from the Commission to move it, and he must sell it to the Commission. I might say to the Senator that all that he is compensated for is the digging, the exploring, the taking of it out of the ground.

Mr. O'MAHONEY. No compensation is allowed for the value of the material itself?

Mr. McMAHON. To those who go down to the Interior Department today, after the passage of the pending bill and file a perfecting claim, no compensation will be paid for the material itself. In the case of those who have perfected claims on the public lands, the Commission would be empowered to make compensation for the material itself.

Mr. O'MAHONEY. Mr. President, I am talking about a specific class of claimants, namely, claimants who might possibly, for the purpose of acquiring private rights have utilized their access to secret information, and their access to a development which was made possible by the appropriation of billions of dollars of public funds. I cannot believe that the committee would leave the door open to such a raid upon the public domain and upon the Public Treasury. Not that it may have happened; I have no reason to believe that it ever did happen, but certainly the door should not be left open.

Mr. JOHNSON of Colorado. Mr. President, will the Senator from Connecticut yield?

Mr. McMAHON. I yield.

Mr. JOHNSON of Colorado. The Senator will discover, if he reads carefully the provisions of the bill, that the Government itself has a complete monopoly of all fissionable materials.

Mr. McMAHON. All source materials, as well as of fissionable materials.

Mr. JOHNSON of Colorado. All source materials. Of course, we could not do violence, and did not care to do violence, to anyone who had a claim on the public domain, but he cannot market, really, any of this material. There is only one market, and he has to take the price that is offered him by the United States Government.

Mr. O'MAHONEY. I submit that the Senator does not concentrate his attention upon the point I am asking. I have no desire to deprive a person who in good faith made a location upon the public domain of the right to complete the location, provided such a person was not in privity with the atomic project. I think any person who was in privity with the atomic project should not be entitled to any benefit whatsoever.

My thought is, Mr. President, that there should be added at the appropriate place an amendment which would read something like this:

Provided, however, That no person, corporation, partnership, or association which had any part, directly or indirectly, in the development of the atomic bomb project, may benefit by any location upon the public domain taken after such person took part in the project.

Mr. JOHNSON of Colorado. Mr. President, the amendment which the Senator proposes is not necessary at all because there has been no occasion of that kind. No corporation or person, up to the present moment, has made one red cent out of the mining of uranium ore.

Mr. O'MAHONEY. I am not talking about what may have been done in the past; I am talking about what may be done in the future. I know that the air was full of rumors of efforts upon the part of some who were in privity with the project to obtain rights upon the public domain. Whether there is any basis for those rumors, I know not, but certainly the amendment which I now suggest would harm no person who was in good faith. It would deprive no bona fide locator of any right, and it certainly would not be disadvantageous to the Government.

I suggest that the committee accept the amendment and take it to conference, so that the matter may be surveyed.

Mr. JOHNSON of Colorado. Will the Senator yield to me for a moment?

Mr. McMAHON. I yield.

Mr. JOHNSON of Colorado. The holder of such a claim as the Senator described cannot make any profit out of it. He has to sell all the source material to the Government at the Government's price.

Mr. O'MAHONEY. What of it?

Mr. JOHNSON of Colorado. Who is going to make any "killing" on that kind of a proposition? It simply is not within the provisions of the bill for anyone to make a profit.

Mr. O'MAHONEY. Mr. President, all I know about the bill is what I have read in the report, at which I just glanced, and in the print which which appears before us, on page 43, I find this language:

All uranium, thorium, and all other materials determined pursuant to paragraph (1) of this subsection to be peculiarly essential to the production of fissionable material, contained, in whatever concentration, in deposits in the public lands are hereby reserved for the use of the United States; except that with respect to any location, entry, or settlement made prior to the date of enactment of this act no reservation shall be deemed to have been made—

Mr. JOHNSON of Colorado. "If."

Mr. O'MAHONEY. Mr. President, I think, perhaps, rather than by the proposed amendment I dictated while extemporaneously talking about the matter, the idea I have in mind would be much better by striking out the words "prior to the date of enactment of this act", and substituting in lieu thereof "prior to the date of the beginning of any Government experimentations for the development of the atomic bomb."

Mr. JOHNSON of Colorado. The Senator did not finish the sentence he was reading.

Mr. O'MAHONEY. Very well, I shall finish it.

Mr. JOHNSON of Colorado. Beginning with the word "if" in line 13, I wish the Senator would proceed.

Mr. O'MAHONEY. I read:

Shall be deemed to have been made, if such reservation would deprive any person of any existing or inchoate rights or privileges to which he would otherwise be entitled or would otherwise enjoy.

In other words, at any time from now on until the bill is signed a right may be asserted, and by this language it is protected, no matter by whom the right is claimed. It may be made by any person who participated in the atomic-bomb project. Certainly, Mr. President, it is not the intention of the committee to grant such a wide-open opportunity for the exploitation of the public domain. I certainly hope the amendment which I

have suggested will be accepted by the committee and taken to conference.

Mr. JOHNSON of Colorado. I wish the Senator would proceed and read at the bottom of page 43, beginning with the word "any"; I wish he would read that language in connection with the language which he has just read.

Mr. O'MAHONEY. Very well.

The Secretary of the Interior—

Mr. JOHNSON of Colorado. No; begin with the word "any", at the bottom of page 43, in line 25.

Mr. O'MAHONEY. Let me read the prior sentence so we may all understand the connection.

Mr. JOHNSON of Colorado. Very well.

Mr. O'MAHONEY:

The Secretary of the Interior shall cause to be inserted in every patent, conveyance, lease, permit, or other authorization hereafter granted to use the public lands or their mineral resources, under any of which there might result the extraction of any materials so reserved, a reservation to the United States of all such materials, whether or not of commercial value, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same, making just compensation for any damage or injury occasioned thereby.

Mr. President, the reading of that sentence to my mind only increases the confusion and proves emphatically the necessity for writing into the bill such an amendment as I suggest.

Mr. JOHNSON of Colorado. The last sentence the Senator read pertains to land which will be filed upon after the passage of this measure.

Mr. O'MAHONEY. Not at all. It does not say that. It merely says "in every patent, conveyance, lease, permit, or other authorization hereafter granted."

Mr. JOHNSON of Colorado. Yes; "hereafter granted."

Mr. O'MAHONEY. Certainly. But the rights which have accrued by allocation heretofore are exempted from that provision, or else there is no meaning in language. By this language a lawsuit is being created.

Mr. JOHNSON of Colorado. Will the Senator proceed and read the rest of the paragraph, beginning with the word "any."

Mr. O'MAHONEY. What I am unable to understand, Mr. President, is why the Senator resists a perfectly simple amendment that can cause no trouble to any person who has acted in good faith. All in the world I want to do is to close the door to a possible wrong, and certainly no member of the committee can take the position that it is the desire of the committee to permit any person who had any part whatsoever in this tremendous public expenditure for the development of fissionable materials to assert and maintain any claim upon the public domain to deposits of such materials.

Mr. JOHNSON of Colorado. While I have no objection to the Senator's amendment, I do not think it is at all necessary. I do not think it will add anything to the monopoly which the Government already possesses of the source materials, and the only fear I have of his amendment is that it may complicate other matters.

Mr. O'MAHONEY. I can see no possibility of it complicating anybody or anything, because all it does it to say that a person who was in privity with this great project shall not gain any advantage thereby. That is a fundamental principle of ethical conduct. If the amendment which I have hastily drafted—I do not want to ask the Senate to delay consideration of the bill—is not sufficient, or if it is too much, it can be perfected in conference. The bill has to go to the House. Now let it go out of the Senate with a clear implication that we do not want to open the door to abuses.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. McMAHON. I yield to the Senator from Colorado.

Mr. MILLIKIN. If I understand the purport of the distinguished Senator's suggested amendment, it might put the Congress in the position of retroactively destroying the rights which the Senator knows a man who has made a valid location comes into even against the United States Government. If there is a fraudulent location, no matter by whom made, then the law has many remedies for vacating such a location. If the location is not fraudulent I know of no way whereby we can retroactively exclude a man from those rights which he gets even against the United States Government if he has made a valid location and has done the other things required by law to be done.

Mr. O'MAHONEY. Of course the Senator is quite correct. I have no desire to block any such person, but I do have a desire to say in language that cannot be misunderstood that any person who benefited by the tremendous expenditure of public funds, by the activities of scientists which were carried on in a patriotic effort to defend the Nation, shall be in a position to make a claim after he acquired secret Government information. It seems to me outrageous, Mr. President, that such a possibility should be encouraged.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. McMAHON. I yield.

Mr. MILLIKIN. I most respectfully suggest that, it seems to me, if a valid location has been made we cannot upset it by retroactively declaring that because a man has been engaged in atomic energy work his location, because of that fact, retroactively has become fraudulent. I earnestly suggest to the distinguished Senator from Wyoming, who is so well acquainted with our western mining law, that that is something which would not be warranted.

Mr. O'MAHONEY. Mr. President, the Government of the United States made an appropriation and placed it under the highly secret custody of the President of the United States to be expended for the purpose of smashing the atom and developing the atom bomb so as to protect the very life of the Nation. That having been done, the scientists of the Nation, and of the world in some instances, were brought into an organization to search the country for deposits of fissionable material. Now shall we say that the mining law, which was intended to protect prospectors upon the public domain, shall be so interpreted as to permit those who were brought into this project by the Government of the United States in defense of its life to assert title to the public domain?

Mr. President, it seems to me that the question answers itself. I hope the committee will accept the amendment which I originally suggested, and take it to conference. Let us consider this question. Let us put the flashlight of public opinion on it. I cannot understand why the amendment should be resisted. If no wrong has been done, no one will be injured. If no advantage has been taken of the Government and of the private and secret knowledge, no one will be harmed. The amendment which I suggest has only one purpose. It is to protect the public domain of the United States from exploitation by those who, having participated in this project, may have attempted to go out upon the public domain and acquire rights.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. McMAHON. I yield.

Mr. MILLIKIN. I should like to suggest to the distinguished Senator from Wyoming that there has been no secret about the growing value of fissionable materials. In Colorado the humble man who has taken up a claim and developed such materials has been able to sell them for the first time and obtain money for them. He proceeds on his own expectations that a certain ore will be profitable if he can find it, and he locates his claims accordingly. I do not know of any facts which would sustain the fear of the distinguished Senator from Wyoming. What I am afraid of is this: I do not believe that we can now say that anyone who has made a valid location under the existing standards at the time he made it can be deprived of the location because he may have had inside information that such a location, if he could find the ore, might be valuable. I appeal to the Senator's wide experience in such matters, and suggest that we would be doing something that is not sound.

Mr. O'MAHONEY. The Senator has answered himself. I say without any reservation whatsoever that no person having inside information—to use the phrase of the Senator from Colorado—should be permitted to profit by such inside information, since he secured it as the result of the appropriation of billions of dollars from the Treasury of the United States.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. McMAHON. I yield.

Mr. MILLIKIN. Every mining prospector in Colorado who has produced fissionable material has benefited through the expenditure of Government money for fissionable materials, and they have all acted on the expectation of profit.

Mr. HICKENLOOPER. Mr. President, will the Senator yield?

Mr. McMAHON. I yield.

Mr. HICKENLOOPER. I further suggest to the Senator from Colorado that most of them acted as employees, in one capacity or another, of the Manhattan project. Prospectors were prospecting

for these materials all over the West, financed, in many instances, as I understand, by the Manhattan project itself. We would deprive those men of their livelihood.

If the Senator will further yield, I should like to suggest another phase. Are we to say to the atomic scientist, in a hastily drawn amendment applying to this particular subject, that as a professor in a university in years to come he may not use the information which he gained in the laboratory? Are we to say to the engineer who worked on the Manhattan project or the Hanford project, "You may not, as an employee of private industry, use the engineering techniques which were developed at Government expense, and which form a part of your knowledge and capabilities"? Are we to say to persons who heretofore have validly, and without fraud, as suggested by the Senator from Colorado, located properties in connection with their business, in which some uranium may be found, "We are going to enact a retroactive statute destroying existing legitimate property rights"? I do not believe we can, unless we want to go into the brain of the scientist and deal with the handiwork of the engineer and say to him, "You may not use any of your engineering training or any of the education you have obtained in the Manhattan project, simply because you have obtained that information at Government expense and as a part of the war effort."

I believe that a broad principle is involved, which we should consider very carefully. I am convinced that under the terms of the bill the ownership of this metal and the control over the metal is so reserved in the Government that I do not see how in the world any company or individual could make a really worthwhile profit from the discovery or transfer of uranium.

Mr. McMAHON. I may say to the Senator from Wyoming that I am no more anxious than he is, or than anyone else is, that anyone should profit at the expense of the Government of the United States by taking undue advantage of a holding of public land. However, I invite the Senator's attention to the fact that if X corporation, which has been supplying uranium to the Manhattan project, extended its claims on the public lands for the purpose of obtaining more uranium to sell to the Government, it would not profit to any appreciable or measurable extent, because the Senator will see in section 5, on page 42, that the Commission sets the price. The Commission is the sole effective possible buyer. If X company were not to take the price set by the only purchaser in America, the Government, which price would be based on the work of getting the material out of the ground, it would not be able to profit very greatly under the situation which the Senator has described.

Mr. O'MAHONEY. Why permit the person who had inside information to acquire the title?

What the Senator from Iowa has said in attempting to compare the situation which I have described with that of a scientist is utterly without basis. Of course there is no analogy whatever. I use again the phrase used by the junior Senator from Colorado—"inside information." I suggest that if the language which has been reported by the committee is intended to mean what the junior Senator from Colorado says it ought to mean, this is the way it ought to read:

Except that with respect to any location, entry, or settlement, made prior to the date of enactment of this act no reservation shall be deemed to have been made, if such reservation would deprive any person, whether or not he was acting as an agent of the Government of the United States, whether or not he had inside information derived from an appropriation made by the Congress of the United States, of any existing or inchoate rights or privileges which he may have asserted after he became associated with the atomic project.

The absurdity of such a position is so apparent that I am utterly unable to understand why the members of the committee resist the suggested amendment.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. McMAHON. I yield.

Mr. JOHNSON of Colorado. I should like to ask the Senator from Wyoming if he has a proviso which he wishes to insert after the word "enjoy" in line 15. Would he state his amendment in the form of a proviso, and what would the language of the proviso be?

Mr. O'MAHONEY. As I stated to the Senator, I dictated a suggested amendment on the floor. Perhaps the official reporter who took down the amendment will come back and reread it. I would insert it precisely at that point.

Mr. JOHNSON of Colorado. I am sure that the committee would not resist such a proviso.

Mr. O'MAHONEY. It would be inserted on page 43, line 15, after the word "enjoy."

Mr. McMAHON. Would it not be possible to repeat, after the word "enjoy" language similar to that which appears in line 18, on page 44? It would then read:

If such reservation would deprive any person of any existing or inchoate rights or privileges to which he would otherwise be entitled or would otherwise enjoy: *Provided, however,* That no payment made for source materials, as defined in this act, shall include any amount on account of the value of such material before removal from its place of deposit in nature.

Mr. O'MAHONEY. The Senator suggests an amendment which does not deal with the point I have in mind. At that point in the bill it would not cover the defect to which I am referring.

I invite the attention of the committee to the fact that at the beginning of subparagraph (7) on page 43 there is an express and complete declaration of a reservation to the United States of all fissionable deposits. That is followed by an exception. The deposits which are covered by the exception are not reserved to the United States. My only suggestion is that there be withdrawn from that exception all claims and locations of whatever kind or character which might be made by those who were in privity with the atomic-bomb project.

Mr. McMAHON. What is the Senator's specific suggestion?

Mr. O'MAHONEY. I have sent to the official reporters for the language which I dictated. It has not come back.

Mr. McMAHON. I myself see no objection to it. However, I wish to emphasize to the Senator the fact——

Mr. O'MAHONEY. I know that in this bill the committee has exercised every care to protect the rights of the Government. I have the highest admiration for the committee and for the great work it has done.

Mr. McMAHON. I thank the Senator very much; but I am not now engaged in distributing orchids either to myself or to any other members of the committee. I merely wish to point out to the Senator that the so-called chance for great profit which is at the heart and root of what the Senator is pointing out is illusory.

Mr. O'MAHONEY. There is nothing illusory about it, if I may reply to the Senator, because what we are doing here is granting away a title to the public domain. The law which is proposed here may be amended next year. It may be changed in many particulars. The limitations upon profit may be withdrawn. But the title will still be given away.

The official reporters have now furnished a copy of the suggested amendment which I stated. It would be to add, in line 15, on page 43, after the word "enjoy" the following proviso:

Provided, however, That no person, corporation, partnership, or association which had any part, directly or indirectly, in the development of the atomic bomb project may benefit by any location, entry, or settlement upon the public domain made after such person, corporation, partnership, or association took part in such project.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. McMAHON. I yield.

Mr. CORDON. I should like to inquire of the Senator from Wyoming, if I may, whether he believes that the Government of the United States can, by statute, take property rights created by a valid and subsisting mining location on the public domain?

Mr. O'MAHONEY. Mr. President, I do not believe that a mining location made under the circumstances which I have described would be a valid mining claim which should be supported. Therefore the suggestion of this amendment is to eliminate law suits. Let us close the door. Let us take this amendment to conference, as I have said over and over again.

The point I make, Mr. President, is simply that where the people of the United States have spent billions of dollars of public money subscribed by the people of the United States who bought the bonds and paid the taxes to develop this program and to develop this project, and where by reason of that expenditure they sent their agents out upon the public domain—I say "their agents"; they are the agents of the people of the United States—then I say that as to those agents, those possessors of inside information, as the Senator from Colorado has so aptly termed them, nothing we write into this bill should undertake

to protect them in obtaining title to the public domain.

Mr. McMAHON. Mr. President, let me say to the Senator that there is no member of the committee who wants any unfair advantage to accrue to anyone who took part in the Manhattan project. Neither do we want any unfair penalties to be applied.

The argument the Senator makes which appeals most to me is that he has offered a suggestion which he believes is necessary to safeguard the public interest. Perhaps the suggestion is a good one; perhaps it is not. Personally, I should like to study it further. I should be quite willing, personally, to accept the amendment, so that we can study it further and talk it over with the Senator when we get into conference on the bill.

Mr. O'MAHONEY. That is precisely what I am suggesting.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. McMAHON. I yield.

Mr. MILLIKIN. I should like to make my position a little clearer. I am in accord with every ethical sentiment the Senator from Wyoming has expressed.

Mr. O'MAHONEY. I am sure of that.

Mr. MILLIKIN. I would no more go in the face of those sentiments than either of us would go in the face of the Ten Commandments.

My point is simply that we cannot retroactively attach the quality of fraud to something that was not fraudulent. If at the time of the location of a claim, locating it by inside information, under the circumstances described by the Senator, was fraudulent, then the claim is fraudulent without our saying anything about it. If it was not fraudulent, there is nothing we can say about it now that would make it fraudulent then.

Mr. O'MAHONEY. Mr. President, I will say to the Senator from Colorado that in the history of the development of the West, many a claim jumper paid for taking advantage of inside information by dangling at the end of a rope or standing before a pistol in the hands of an outraged principal.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. McMAHON. I yield.

Mr. GURNEY. At the time when the Senate temporarily laid aside the selective-service bill, which had been made the unfinished business for consideration today, there was something of an agreement that consideration of the atomic-energy bill would take only a certain length of time. That time has passed, I may say, and we still have to consider today the agricultural appropriations bill.

So I suggest now that it might be proper to set aside temporarily the pending bill, when those who are most interested could get together on an amendment which they could later, after consideration of the agricultural appropriation bill is concluded, submit for the concurrence of the entire Senate. I make that suggestion in good faith, because the original agreement was, I am sure, entered into in good faith by all of us.

Mr. McMAHON. I say to the Senator from South Dakota that I think we are fairly near a final vote on the bill; I believe it will take only a few minutes more.

If the Senator from Colorado will concur in the suggestion I made to the Senator from Wyoming, I think we could adopt it.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. McMAHON. I yield.

Mr. MILLIKIN. I think it is of the utmost importance, almost of vital importance, that this bill pass the Senate promptly and go to the House of Representatives and be passed by the House of Representatives and become the law. I understand, and I do not think we should violate the agreement which permitted the Senate to consider this bill at this time. It is my opinion that if we do not pass the bill on this occasion we probably shall not pass it prior to the summer recess of Congress.

So, merely to get it out of the way, and although I am in complete disagreement with the theory of the Senator from Wyoming, but not with the ethics involved, I am willing to accept the proviso in the hope that the conference will eliminate the amendment, so that we may not have a new crop of litigation, which we hope to avoid by this bill.

Mr. McMAHON. I thank the Senator.

Mr. MURDOCK. Mr. President, will the Senator yield to me?

Mr. McMAHON. I yield.

Mr. MURDOCK. I think the matter is too important to pass over hurriedly. In my opinion, the Senate of the United States simply should not, for the sake of expediency, adopt an amendment which would be retroactive as to vested rights.

I agree largely with what the Senator from Wyoming has said; but when rights are vested under any law of the United States, as they have been vested, according to the statement of the Senator from Wyoming, then how can we, as the Senator from Colorado has well pointed out, by statute do anything about them? I am a little surprised that any Senator would ask, for the sake of expediency or anything else, that the Senate put its stamp of approval upon that type of legislation.

Mr. McMAHON. Mr. President, I should like to answer the Senator from Utah, if I may, with the permission of the proponent of the amendment, by saying that if the theory of the Senator from Wyoming is correct, namely, that as a result of the acquisition of inside information persons went out on the public lands and filed claims for future use and for future development I do not think that with regard to the legalities of the situation we are doing any violence to the laws based on ethics as to the amount of profit which such a proponent of a claim may have.

Mr. MURDOCK. Mr. President, I will say to the Senator that we may have a perfect right, so far as fissionable material is concerned, to reach out and take it when it becomes personal property of the miner who has located the claim. But if we take the position today that we can retroactively destroy a vested title or a vested possessory right merely for the sake of expediency, then we can do it on any occasion for the sake of expediency. Mr. President, I simply do not believe the Senate of the United States should engage in that type of legislation, regardless of ethics or anything else.

Mr. FERGUSON and other Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Connecticut yield; and, if so, to whom?

Mr. McMAHON. I yield first to the Senator from Michigan.

Mr. FERGUSON. Mr. President, it appears to me that we should take a little more time and should devote a little more attention to the problem now before the Senate; namely, this amendment. I agree wholeheartedly that if any person, corporation, partnership, or association by fraud has acquired land or property rights in our public domain, we have the power, under this amendment, to take those rights from him. If one has committed a fraud upon the Government by entering upon the public domain and obtaining rights, he should not be entitled to them. If he has, however, at the time he acquired his rights obtained them legally under the law, we should not attempt to take them away without due process of law. We cannot by the adoption of this amendment take away such rights legally acquired merely because the person who acquired them was an employee. To do so would be taking private property without just compensation in violation of the fifth amendment of the Constitution which provides, in part, "nor shall private property be taken for public use, without just compensation."

This bill could not take away legally vested rights without just compensation, and what is just compensation is a judicial and not a legislative question.

Mr. McMAHON. Mr. President, I am sorry that I cannot yield any further time to the Senator. I am working under a limitation of time.

Mr. HATCH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HATCH. Was a unanimous consent reached limiting the time of speakers?

The PRESIDING OFFICER. No such unanimous-consent agreement has been reached.

Mr. McMAHON. There was, however, a statement on behalf of the senior Senator from Michigan and myself to the majority leader, and to the Senator from South Dakota, and the Senator from Georgia, to the effect that we believed we would be able to conclude action on the bill within 2 hours. I ask unanimous consent that we have until 3 o'clock to discuss further the matter and see if we cannot come to a conclusion.

Mr. RUSSELL. Mr. President, I am willing to withhold any demand for the regular order until 3 o'clock, but if we cannot reach a vote on the bill by then, I shall demand the regular order so that I may be in position to move that the Senate take up and consider the agricultural appropriation bill.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. McMAHON. I yield.

Mr. JOHNSON of Colorado. Mr. President, I have tried to consider the amendment offered by the Senator from Wyoming [Mr. O'MAHONEY] within the few minutes at my disposal. I see no harm in the amendment, because there simply is no such case as he describes. He is trying to cover what is only a theory. Therefore, I see no harm in accepting the amendment and allowing it to go to conference. I agree wholeheartedly with what my colleague has said, and with what has been said by the Senator from Michigan. But inasmuch as the amendment is entirely harmless, I see no reason why it should not be agreed to.

The PRESIDING OFFICER. Will the Senator from Connecticut state whether or not the committee accepts the amendment which has been offered by the Senator from Wyoming [Mr. O'MAHONEY]?

Mr. McMAHON. We accept the amendment.

Mr. O'MAHONEY. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wyoming [Mr. O'MAHONEY].

The amendment was agreed to.

(The explanation of Senate bill 1717, for the development and control of atomic energy, submitted by Mr. McMAHON, and ordered to be printed in the RECORD at the close of the debate on the bill, is as follows:)

Mr. President, in delivering my remarks on the pending bill, I would appreciate being permitted to proceed without interruption until I conclude. I ask this because the bill under discussion deals with a subject which is not only new but extremely technical and difficult. In addition, the bill is so much of one piece that the significance of its various parts may be apparent only in the light of the whole and, therefore, can be explained clearly if I am permitted to describe the whole bill, without stopping to answer questions. If the Senators have any questions when I get through, I shall be glad to answer them to the best of my ability.

THE PROBLEM

Mr. President, on August 6, 1945, a single American plane flew over Hiroshima, in Japan, and dropped a single American-made bomb. That bomb destroyed the city, knocked Japan out of the war, and served notice on the world that science had at last harnessed "the basic power of the universe" and made available to man the giant force of atomic energy—for good or for evil. In war it had given us the most fearful of weapons. In peace it might bring us greater freedom than we had dared dream of before—greater freedom from toil, from hunger, and from disease.

In the blinding flash of that bomb men saw the birth of a new era in the history of civilization. When the smoke and the dust had settled over the rubble men discerned in the red sky above the ruins the shape of a huge question mark: What can be done to control this powerful giant of the split personality?

Today, almost a year later, this problem is still with us. In the light of its importance, all other problems seem insignificant, for on our answer depends not only whether we go on living, but more importantly, whether or not we have any civilization to hand down to our children and our children's children.

It is now, in the infancy of the atomic age, that the form of the future will be shaped. It is now, before the atomic fire grows too hot, that we can make the mold and pour the steel which will harden into set patterns of thought and behavior. It is now while the age of atomic power stretches before us, like an undeveloped continent, that we can still set our compass by the light of human intelligence and decide in which directions humanity will travel.

Although the problem of controlling the use of atomic energy is one which fronts the whole world, it is particularly an American problem for we wrought it and we were the first to use it. The responsibility may be great, but thank God that responsibility is ours and not that of our recent military adversaries.

In the light of that responsibility this body established a special committee, sent it out to study the problem, and instructed it to return with some answers. That committee is now reporting back. It has studied the problems and it is providing the best answer it is capable of giving. It is unanimously recommending the immediate passage of S. 1717, as amended in committee.

COMMITTEE WORK

Mr. President, your committee did not take its task lightly. Impressed with the gravity and the magnitude of the job to be done, it labored long and arduously at the task assigned to it by the Senate.

In acquiring a background of information and in the consideration of legislation, the committee met in almost daily session from November 27, 1945, through April 11, 1946. It listened to well over a million words of testimony in open and executive sessions from more than 100 witnesses. In conformity with the democratic process, it also gave consideration to points of view expressed by citizens and their organizations in more than 70,000 letters, telegrams, petitions, and resolutions which were addressed directly to the committee, in addition to those sent to its individual members.

Instead of beginning its work with consideration of specific legislation, the committee held public hearings of a general nature in order to acquire the scientific background and the basic technical facts necessary to an understanding of the problems involved. In a procedure which has been described as "unique in the history of Congress," committee members literally went to school to the only people who knew the answers—the men who had split the atom, released atomic energy and made the atomic bomb—the scientists. Perhaps never in the history of education have pupils gone to school to a more distinguished and more cooperative faculty, for the men of science had looked upon their handiwork, they were filled with fear, and they wanted us to understand why.

As they taught us what they knew, as they revealed to us what they had done, their fear communicated itself to us, too. "There are men living," we were told by Dr. Edward U. Condon, Director of the National Bureau of Standards and scientific adviser to the committee, "who know how to make a single bomb as destructive as 1,000,000 10-ton blockbusters. One such bomb, dropped on Washington or any other major city, may be expected to destroy its buildings utterly and wipe out its population."

In consideration of such testimony, and the testimony of scientific and military experts who had carefully measured what was left of the atomized cities of Japan, we would have been less than human had we failed to extend our imaginations from Hiroshima to Hartford, from Nagasaki to New York.

Nor could we find any comfort in the knowledge that the monopoly we now hold in the production of atomic weapons is precarious and certain to be short-lived. But most alarming of all was the conviction brought home to us by the scientists, and confirmed by our military witnesses, that there is no real military defense against the atomic bomb, nor is any defense in sight.

Having bombs of our own may give us the satisfaction of knowing that if some other nation wipes out our cities, we can wipe out theirs. That may be a grim sort of satisfaction, but it is not security.

The words of the great blind poet of Paradise Lost became meaningful for us:

"What if the breath that kindled those grim fires,
Awaked, should blow them into sevenfold rage,
And plunge us in the flames?"

Mr. President, when there is no military defense against a military weapon, then men must look elsewhere for their safety. The more we studied the problem the more it became obvious that our true security must rest on a much broader foundation than purely military might.

To be secure we need economic and industrial strength.

To be secure we need scientific advancement and achievement.

To be secure we need a people strong, healthy, and prosperous in the enjoyment of the fruits of such achievement.

To be secure we need a people whose patriotic fiber is fortified through constant reinforcement of their traditional forms of civilian government and their free institutions.

To be secure we need an international control strong enough and effective enough to keep war out of the world, entirely.

As the mass of evidence accumulated before the committee, it became apparent to us that our need for security in this dangerous age of atomic weapons, and our desire as a people to share in the benefits which atomic energy might bring to our daily lives, were not antithetic but, on the contrary, were collateral.

Our desire to put the powerful giant of atomic energy to work for the common good grew more and more impatient with the realization that we now have in our hands keys to health and plenty in a world that is rife with disease and starvation. How could we stop our ears to the cries of agony all around us, knowing that every day of delay in deciding what to do about the uses of atomic energy is a needless prolongation of human suffering in our own land and across the face of the earth? Last year one of every nine of all the men and women who died in the United States, died of cancer. This terrible scourge takes a toll year by year far in excess of the worst of our military casualties. In 1943, we had five times as many deaths from cancer as from combat. Yet the scientists tell us that radioactive iodine can be used to treat thyroid cancer, that radioactive strontium can treat bone tumors and that phosphorus made radioactive is a specific for leukemia.

We know that the availability of cheap radioactive materials makes them a promising research tool in fields of medicine, biology, chemistry, metallurgy, botany, and other sciences, as well as in industrial applications of these sciences.

The scientists assured us, too, that radioactivity can be used, in conjunction with detecting instruments, to map underground oil pools, to speed industrial analysis of metals in steel plants or refineries, to replace expensive X-ray apparatus in the analysis or testing of large metal pieces, to trace a specific molecule through a chemical reaction, to investigate the complex structure and properties of organic chemicals, to discover how therapeutic drugs work, to study plant growth and photosynthesis, to follow a liquid through a maze of pipes, to trace the

course of underground water, and in a host of other applications.

The possibilities of this new energy as a source of power are tremendous. The heat released from time to time during the operations at Hanford, Wash., raised perceptibly the temperature of the Columbia River. What could this kind of energy, properly harnessed, do for us in our daily lives, in the heating and lighting of our cities, in running engines and turbines? What could it do, this energy-releasing uranium, this portable, packaged source of power, if it were introduced in those rich and remote regions of the earth now far removed from sources of power? The possibilities are almost beyond imagination, but the scientists assured our committee, they will certainly come to pass within our own lifetimes if free development in atomic energy is able to continue.

Knowing all this health and wealth and happiness for our people is at our fingertips, I ask you, Mr. President, how could we do otherwise than apply ourselves with vigor and determination to the devising of the controls which will release this flood of God-given goodness to a world in dire need?

It was indeed fortunate in the framing of such controls through the writing of this bill, that the means to greatest national security coincided so largely with the desire of the committee to foster and promote research and development for the benefit of all the people. The scientific advancement which will give us these benefits, will also make us strong and secure.

In this day and age the thing which will bring us the greatest measure of security is to give our scientists the green light. To have them move forward, advancing the endless frontiers of science, developing new sources of power, and new ways of using power. To help them in every possible way to keep for America the lead we now have in the race for knowledge, which is the only real source of power and the only real guarantee of freedom. For today, as in the time of our Lord, the road to freedom is illuminated by the words: "And ye shall know the truth and the truth shall make you free." Today, more than ever, security is something dynamic.

In the final analysis, however, we can have complete and perfect security only in a world without war. And such a world can be brought about only through international cooperation and control among nations determined to preserve the peace.

Mr. President, as long ago as September 6, 1945, only 1 month after the bomb fell on Hiroshima, I publicly urged international control over atomic weapons. And I have found no reason since then for changing my mind. This bill, which you are being urged to enact into law, was specifically written to give maximum effect to policies agreed to by the United States and formulated by international agreement for the control of atomic energy.

Just what forms such international agreements should take it is not the function of this bill to determine, for it is confined entirely to domestic controls. However, to avoid any future conflict between domestic and international controls the bill provides for future changes and makes agreements automatically become void.

The committee's studies made it apparent that domestic legislation would have to be provided which did three things:

First. Give the country the greatest security.

Secondly, make available to the people the benefits of atomic science and its applications.

And, thirdly, promote and facilitate international cooperation for the control of atomic energy.

Mr. President, it is my sincere conviction that S. 1717, as amended and as unanimously approved by the committee, accomplishes the job which needs to be done. It does this, in the opinion of the committee, in the most efficient, most effective, and most far-sighted manner possible.

I would now like to examine the bill in the light of these objectives.

I turn first to a consideration of the powers granted the organization set up in this bill. Throughout my consideration I beg the Senators never for a moment to forget that these legal powers are being granted to equip a strong organization for controlling a physical power that can remake or destroy the world.

POWER TO CONTROL

This bill takes strong measures to protect us against a great menace. First of all, it prohibits any private ownership of the explosive material in an atomic bomb, the so-called "fissionable" material. It absolutely prohibits export of such material and prohibits its import by private persons. It prohibits private ownership of facilities producing this material. It prohibits private patents on production processes or on military devices using atomic energy. It prohibits unauthorized dissemination of information regarding production processes or regarding uses of atomic energy that have military importance. The production and ownership of this explosive material is to rest exclusively in the Atomic Energy Commission established in this bill. The Commission is to hold all patents on production processes and on military devices, paying just compensation to inventors and patent owners. The Commission alone is permitted to release information from the restricted category set up in the bill and to permit its free dissemination.

In approving this bill our committee agreed unanimously on the powers granted. They are the minimum powers necessary to protect this Nation, this city, this building itself against an atomic bomb manufactured within our own borders, or from the misuse of information or material in our possession.

Is there anyone among you who will contend that the times are now so propitious, the world so well-intentioned, and America so supremely secure that we can permit any Tom, Dick, or Harry to play ball with the stuff annihilation is made of? When a push button may destroy a city can we afford to leave such buttons in private hands? If not, then we cannot allow private persons to own the facilities for producing fissionable material.

Would you allow anyone to own the rights to an atomic weapon now?

This bill prevents anyone from holding patents on the explosive material in atomic weapons.

Would you spread before the world the blueprints of the atomic bomb now?

This bill keeps military information secret until its release can no longer injure our national security.

Furthermore, by providing that only the Atomic Energy Commission shall own and operate the plants producing fissionable material and atomic bombs, the bill insures that current production processes are known intimately only by Government workers or by the employees of firms under direct Government contract.

Even if these provisions occasioned financial loss to many private persons, even if their enforcement required the confiscation of extensive properties, mortal danger would still provide the grim necessity for their enactment. In fact, however, these provisions simply extend powers already held by the Government and they continue a legal situation which already exists.

Atomic energy was developed by the people's money, $2,500,000,000 of it. The Government now owns all fissionable materials and the plants where these materials are made. The Government guards those plants and the technical information about them, as secrets of national importance. To maintain these rights of ownership and the essentials of these secrecy provisions under the Atomic Energy Commission does violence to no one. It is not merely a step toward the conversion of our atomic energy installations to peaceful purposes; it is a necessary measure to insure their continued development and operation for all purposes.

The contention which I made at the outset of this speech, that this bill provides first of all for the security of this Nation, would be a mere bundle of hollow words if these provisions were any less strong or less comprehensive. These provisions for a Government monopoly over the information, the patents and the productive facilities required for making fissionable material and over the material itself, the patent provisions and those controlling information, are inseparable from one another. They are made to support and reinforce one another. Together they constitute our only immediate defense.

If anyone should say to me, "Such controls are extensive," I will agree with him. But if he should say to me, "Such controls are more extensive than necessary," then I will be forced to conclude that he has not realized, or has forgotten, the power of the atomic bomb. And I would want to paste up on the inside of his brow, where his mind could always see it, the sobering slogan: "Remember Hiroshima!" And to this I would add that the atomic bomb of Hiroshima is but a model T version. The scientists who made the bomb testified before our committee that the atomic bomb of the future may be a thousand times more powerful, may kill or maim everyone within 5 miles of where it strikes, and may affect every building within 40 miles. So far as we know now, such a bomb has not yet been built, but the scientists tell us it is perfectly feasible.

I have said that S. 1717 provides, first of all, for the national security. I have shown how the bill contains the controls necessary to avert immediate and sudden catastrophe. But the committee in approving S. 1717 was not so short-sighted as to think that we can achieve security by stagnation. A Government monopoly protects us only from dangers within our own borders. But any nation in time can learn our secrets—if not from us, then from that same book of Nature from which we learned them. We can be secure only by everlasting progress. This bill provides the means for the continuous development of atomic energy in all its aspects and applications.

The Atomic Energy Commission, as organized in the bill, is perhaps, first of all, a production agency. It is the agency empowered to produce materials releasing atomic energy and to make them into military weapons, if needed. There is nothing unusual in this assignment of duties. In time of peace, and for the most part in wartime too, the task of production is a civilian job. Production has never been a military function, and it is not a job for which military men are well equipped. The Atomic Energy Commission will in this bill bear roughly the same relation to the Army and Navy's procurement programs that any private industry—the steel, or the automotive industry, for instance—has always borne. It will receive orders for fissionable material and for atomic weapons from the Commander in Chief of the armed forces, the President; it will fill those orders; it will deliver on those orders as authorized by the President.

Like any good production agency, the Commission is also charged in its other divisions with research and development; it can devise new techniques of production; it can assist the armed forces in devising new weapons. Production and research in production, military work and research on military weapons

are activities of the organization which complement and strengthen one another. The bill establishes a Division of Military Applications in which military research is to be carried on, but nothing in this bill prevents any other person or agency in the United States from developing new designs for atomic weapons. The Atomic Energy Commission is expressly directed, under section 3 of this bill, to encourage such research by grants of money and loans of facilities and equipment. The only restrictions on military work apply to the manufacture of atomic weapons and to the use and manufacture of atomic explosives.

FREEDOM OF RESEARCH

Mr. President, if our national security depended merely upon our progress in the military arts, if this bill could stand or fall on how well it protects and promotes this progress, if simple military strength had been all our committee was concerned with, our task would have been simple indeed and we would have reported a bill back to you months ago. For surely nothing that makes for military strength is lacking from the provisions I have been discussing.

But the fact is—and I cannot repeat it too often—this bill is not a good bill because of the precautions it takes, because of the controls it establishes, because of the limitations it places on free development of atomic energy. This bill is a good bill because of the freedom it allows and because of the encouragements it gives to this development. Let me read from section 1 of the bill:

"Accordingly, it is hereby declared to be the policy of the people of the United States that, subject at all times to the paramount objectives of assuring the common defense and security, the development and utilization of atomic energy shall, so far as practicable, be directed toward improving the public welfare, increasing the standard of living, strengthening free competition in private enterprise, and promoting world peace.

"(b) Purpose of act: It is the purpose of this act to effectuate the policies set out in section 1 (a) by providing, among others, for the following major programs relating to atomic energy:

"(1) A program of assisting and fostering private research and development to encourage maximum scientific progress;

"(2) A program for the control of scientific and technical information which will permit the dissemination of such information to encourage scientific progress, and for the sharing on a reciprocal basis of information concerning the practical industrial application of atomic energy as soon as effective and enforceable safeguards against its use for destructive purposes can be devised;

"(3) A program of federally conducted research and development to assure the Government of adequate scientific and technical accomplishment."

There follow the other programs of the bill directed toward assuring the national security through atomic-energy control. Throughout the bill, provision is made for independent work by private individuals and for encouragement of this work by the Commission. Let me mention a few sections where these features are most obvious.

Along with the organization's own research conducted under its division of research, the bill provides in section 3 for assistance of all sorts to the research of other Government agencies, of private academic institutions and industrial establishments. The Atomic Energy Commission is authorized and directed to give financial assistance and loans of equipment and facilities for such research. In the distriubution of fissionable material under section 5, it is to give priority to applicants requiring this material in research.

DISSEMINATION OF INFORMATION

Providing a program for the control of scientific and technical information was one of the most difficult of the problems which came before the committee. We were faced with a dilemma: To provide, on the one hand, for our immediate military security, and, on the other hand, for the freedom necessary for scientific research and development on which our long-range national security depends.

It became apparent in the early stages of our work that existing legislation was inadequate to protect those secrets which all agreed should be safeguarded. Under the Espionage Act, an agent may be prosecuted for the transmittal of secret documents, but the transmittal of "information" as such is not limited by that act. Thus, according to the Attorney General's office, a foreign agent could receive or transmit top-secret information concerning the atomic bomb and not suffer any consequences.

Because of the immediacy of the problem and the changing nature of the types of information to be safeguarded, amending the Espionage Act was not the answer. Neither was it to be found in trying to draw, by legislation, a distinction between "basic scientific information" and "related technical information." It would be possible to empower the Commission to issue regulations on what information can and cannot be freely disseminated, but there were objections to this method; constitutional guaranties of free speech and press might be endangered; the Commission would be empowered to act arbitrarily and capriciously and a heavy burden would be placed on everyone to become familiar with all the changing regulations of the Commission.

How, then, could the problem be solved? The committee became convinced that customary legislative devices could not suffice and only after much hard work was the solution evolved which would obviate all the difficulties I have mentioned.

Section 10 of the bill establishes certain categories of information which are designated as restricted data. Briefly, one who transmits or receives restricted data with intent to injure the United States or intent to give advantage to a foreign power will be subject to a penalty of not more than 20 years' imprisonment, $20,000 fine, or both. One who transmits such information with reason to believe that his action will have such a consequence is subject to a penalty of not more than 10 years' imprisonment, $10,000 fine, or both.

The Commission is empowered to withdraw, from time to time, any data which may be published without adversely affecting the common defense and security. Thus, the outside limits of the crime have been affirmatively established, placing everyone on notice as to what kinds of information are classified. It will then be a simple matter to find out whether any particular piece of information has been withdrawn from the restricted category. The Commission's withdrawal power can only reduce—it cannot enlarge—the scope of the crime.

Section 10 also establishes the Commission as the top authority in the Government with reference to what will or will not remain as restricted data, except in any case where a decision of the Commission concerning information is appealed by the Military Liaison Committee through the Secretary of War or Secretary of the Navy to the President.

Section 10 satisfies the needs of both military security and scientific progress and is consequently acceptable to military men and scientists alike.

FREE MINING PRIVILEGES

In section 5 of the bill, provision is made for the control of source materials, the uranium ores from which the fissionable material is made. This material is at the foundation of all atomic energy production. A supply of this material is indispensable to the Atomic Energy Commission's production program. To keep track of our supplies of this material and to prevent their export or diversion into unauthorized channels, S. 1717 requires that all transfers of source material be licensed by the Commission. To assure an adequate supply of source material for the Commission's production program, the bill enables the Commission to acquire stocks of this material or lands containing deposits of this material by purchase or through exercise of the right of eminent domain. Title to source materials on public lands is reserved to the Commission and the Commission is authorized to make investigations to determine the existence of deposits of this material on private property but is not authorized to explore on private property without the owner's consent. Thus far the bill goes—and no farther. There is no substantial interference in this bill with the rights of private mining interests. It is not the intent of the committee to authorize the Commission to engage in mining operations in competition with private mining activity unless such operations are necessary to insure to the Commission a supply of source materials adequate for carrying out its duties and responsibilities under the provisions of the bill. There is no discouragement to the individual private prospector who, as Senator MILLIKIN has reminded us, goes out with nothing else but "beans, bacon, and independence" and on whom the real burden of discovery of our mineral deposits has always rested.

FREEDOM OF INVENTION

There is a third great area in the development of atomic energy which this bill keeps free. This is the development of devices using atomic energy for peaceful purposes. There is no restriction in this bill on private invention.

Patent rights are preserved for invention and discoveries that will bring into our daily lives the wonderful benefits that atomic energy promises. Certain limitations are put on these patent rights, it is true. In particular, it is provided that the Congress shall have the opportunity to legislate before any economically revolutionary device is put on the market. This is only a sensible, necessary provision to protect our economic system against sudden upheaval. It is only a recognition of the revolutionary possibilities of atomic energy and the need to retain in times of sudden change the firm hand of congressional control.

It is provided, too, that where the patent monopoly of any device using fissionable material would be inimical to the purposes of this bill, the Atomic Energy Commission may make the device available by licenses to the general public, with payment of royalties to the patent owner. This provision constitutes no restriction on the operation of our system of private enterprise under free competition. It is necessary indeed to prevent monopoly and to promote free competition. It is necessary to make generally available, for example, devices using fissionable material in hospitals for the cure of cancer. Surely if one believes in the purposes of this act, he can raise no objections to patent provisions that are expressly designed to effectuate those purposes. The important thing to remember is that this bill provides incentives to inventors in the form of financial rewards and wherever possible in the form of traditional patent rights. This bill puts no damper on that private inventive genius which has helped to make our country powerful and rich and which is one source of our future security and wealth.

Mr. President, I have taken considerable time in expounding the philosophy behind this bill—showing what it seeks to do and why. But I have as yet said nothing about the means to accomplish its aims—the instrument for doing the job. That instrument is the organization which this bill would bring into being. This organization is not only the most efficient and effective instrument for doing the job to be done—it is, in fact, part and parcel of the objectives of the bill. The committee, after months of study, could find no other way to protect national security, foster scientific advancement for a prosperous economy and promote international cooperation for control of atomic energy while at the same time preserving and strengthening our traditional forms and institutions of government.

Let me begin my explanation of this organizational structure by going at once to the very heart of it—the Atomic Energy Commission.

THE COMMISSION

To accomplish objectives as broad as these, in a field of human activity as new and complicated as atomic energy, to handle powers as extensive as required is a task demanding the full-time attention of wise, experienced and independent men. The committee, seeing the problem in this light, rejected all proposals for an Atomic Energy Commission which might become a conglomeration of part-time representatives of special groups. To make policies affecting our lives, our safety, and the whole shape and substance of our future demands constant attention to the whole problem of atomic energy in our society. This is no job for part-time executives or a single administrator, either in the Army or outside it, no matter how long may have been his practical engineering experience; how brilliant his recent success, or how complete his understanding of our atomic energy development in all its scientific, technological and administrative detail.

S. 1717 would give the principal responsibility for the control and development of atomic energy to a Commission of five civilians of unquestionable caliber appointed by the President, with the advice and consent of the Senate and responsible to the President and the Congress. These men would devote their complete time and attention to the responsibilities of their high position. They would serve at salaries comparable to those on the highest level of government. As a special precaution, it is provided that the President shall submit to the Senate the qualifications of nominees for these positions at the time that their names are submitted for confirmation.

This bill, in short, considers the making of American atomic policy more than a problem in science, in military technology, or in production techniques; it considers it primarily as a problem in statesmanship.

Under the Commissioners, the bill sets up an organization with two main purposes: the efficient execution of the Commission's policies and programs and the proper participation of other groups, military and scientific, that have legitimate interests and responsibility in the atomic energy field.

I would like now to explain these two aspects of the organization structure. They are fundamental in understanding how this bill provides for our national security without retarding unnecessarily the peaceful economic progress of the country or endangering our chances for a lasting peace.

GENERAL MANAGER

It is essential that the organization subordinate to the Commission be able to operate efficiently. It should operate, as any other organization in business or Government operates, under the administrative direction of one man, who has some independence and power in his office and is responsible for the faithful execution of policies. S. 1717 provides for a General Manager to be appointed by the President to carry out the plans and policies laid down by the Atomic Energy Commission.

This General Manager, it is expected, will have the same administrative authority over the plant, equipment, and employees of the organization that the head of any old-line Government department has where efficient administration is the administrator's real job.

FOUR DIVISIONS

The framework of the four divisions subordinate to the General Manager can be judged only in relation to the powers which the organization is to exercise and the problems it is expected to meet. These four divisions are Production, Engineering, Research, and Military Applications.

The Division of Production will carry out production programs—the running of plants and the provision of raw materials for this work.

Problems in the construction of new plants or redesign of existing plants or engineering problems related to industrial uses of atomic energy will come under the supervision of expert engineers of all kinds in the Division of Engineering. This work was set up in a separate division as the result of testimony in committee hearings on the experience of the Manhattan district project and the many unusual and difficult engineering problems involved.

The research programs of the organization itself are placed under the Division of Research, but this Division is given no power over private research and no responsibility for extending the many aids to private research provided for under the bill. These responsibilities are left with the Commission.

The military applications of atomic energy are set up in a Division of Military Applications. This Division is to carry on the development work on atomic weapons which the organization is directed to undertake, though not to the exclusion of the armed forces or of any person or agency.

These divisions were set up in the bill after a thorough study of the duties and anticipated problems of the organizations. They are designed to make the organization operate efficiently both in its immediate job of production and control and in its long-range task of developing both military and peacetime applications of atomic energy. They reflect clearly the intention of the bill to provide for both the military security and the peaceful progress of the United States.

I now turn to the other aspect of the organization's structure: The provisions for participation by skilled scientists and technicians and by the armed forces.

ADVISORY COMMITTEE

A General Advisory Committee is set up to be composed of nine civilians appointed by the President. They are to meet at least four times a year to advise and consult with the Commission on scientific and technical matters. There can be no doubt that this Committee will make it possible for scientists to participate in this work as a matter of right and will make it impossible for the Commission to go astray in its policies because of lack of scientific information.

MILITARY LIAISON

The Military Liaison Board is the principal avenue for military participation in the organization. This Board, to be composed of Army and Navy representatives appointed by their department heads, is given power beyond the mere advisory power granted to the General Advisory Committee. The Commission is to advise and consult with the Military Liaison Committee on all matters relating to military applications of atomic energy. On any matter which the Committee believes relates to military applications it has the right to protest to the heads of the Departments of War and Navy. Upon their discretion these Department heads may carry the protest to the President for final decision.

Surely no fairer or more proper method could be devised for enabling the armed forces to guard its legitimate interests in the work of the Commission. Furthermore this bill permits the armed forces to carry on research on atomic weapons. Subject to the Commission's right to set up safety regulations and to its powers over the actual materials that release atomic energy, research on, but not the manufacture of, atomic weapons is left free and open to all. There is nothing in the bill to hinder the Army's and Navy's military research programs. The Military Liaison Committee is, however, limited strictly to matters of military applications of atomic energy. Lacking the dignity of Presidential appointment, it will at all times be subordinate to the civilian Commission on matters of general policy.

ORGANIZATION SUMMARY

Here then, Mr. President, is the outline of the organization that is to direct this most difficult and critical activity. It provides for an organization equipped to continue whatever production and engage in whatever military research the immediate security of this country requires, while advancing, at the same time, the scientific and technological work on which the long-run security and economic welfare of this country depend.

Mr. President, this is a strong organizational mechanism. It is designed for a heavy load and for difficult operations. It is designed to bear large powers and to work quickly and efficiently in complex and untried fields.

CONGRESSIONAL PARTICIPATION

Mr. President, this bill is written for changing and difficult times. Its main purpose is to strengthen our national security, and one of the ways in which it does this is by reinforcing our traditional institutions of government. It is in line with our traditions that the Congress should play a large part in such an enterprise as this bill contemplates. Nothing could be so necessary as that the Congress should have the means of watching over this new and powerful organization, to assist it with new laws when new laws are required, to assess its operations and alter its powers and structure when necessary, to be ready to adapt it continuously to changing circumstances.

Because of its importance, I have purposely left until now all discussion of the role of Congress in the operation of the atomic energy organization set up by this bill. Section 14 provides for the establishment of a joint congressional committee of 18 members. Nine Members of the Senate are to be appointed by the President of the Senate, and 9 Members of the House are to be appointed by the Speaker of the House of Representatives. In both cases no more than 5 of the committeemen are to be members of the same political party.

This joint committee is to make continuing studies of the activities of the Commission and of problems relating to the development, use, and control of atomic energy. All bills, resolutions, and other matters in the Senate or the House of Representatives relating to the Commission or to atomic energy are to be referred to this joint committee, which is to report back to Congress, by bill or otherwise, from time to time.

There is another provision in the bill for congressional action which I want to mention here. This is the provision in section 7 for congressional control of the licensing of atomic energy devices. It provides the means for a carefully planned and well-considered introduction of this new energy in its civilian uses into our economic system. Before any new use of atomic energy is permitted, the Atomic Energy Commission is to

report to the Congress the probable effects of such an innovation on our economy and on our international position.

After making such a report the Commission must wait 90 days during which the Congress is in session before authorizing the innovation by licensing its manufacture or use. This provision looks into the future, to the time when new uses of atomic energy may make obsolete whole industries and create serious technological unemployment. The bill provides for the free development of industrial uses of atomic energy under private enterprise, with private patents, and a licensing system to prevent the evils of monopoly. But it provides that first the Congress shall be apprised of the full effects of such development and shall have the opportunity, either to let it move along freely or to guide it where its progress threatens to cause sudden hardship or widespread economic shock and suffering. Through these provisions, this bill preserves the prerogatives and the powers of the Congress and provides the means for their wise and effective employment.

Mr. President, I have told you about the powers contained in this bill. I have explained the organization which this bill sets up and I have described how, in the preservation of our traditional forms, provision is made for the active participation of the Congress in the development and control of atomic energy.

Now, there is just one more point I would like to make and I will touch on it only briefly because of the length of my remarks. I want to point out that this bill looks hopefully forward to the day when, through international agreement, or by other means, the magnificent power of atomic energy can be used solely to bring prosperity and progress to the people of a peaceful world.

The bill on the one hand, creates a favorable atmosphere for the achievement of international control, but on the other hand in no way compromises our supreme objective, the defense of the Nation. The bill opens the way for collaboration with other nations on a reciprocal basic, and yet provides complete safeguards for the security of the Militry Establishment. It is expressly stated in the bill that international arrangements approved by the Senate or by Congress will supersede the provisions of this act in case of conflict and furthermore, the Commission is directed to give maximum effect to the policies contained in any such international arrangements.

Mr. President, the development and control of atomic energy is an enormous and complicated endeavor. It has many parts; it can take many shapes; it can affect our lives in many ways—indeed, it can make or destroy us. If we can consider this whole bill in relation to the whole activity it covers, its real spirit and its true wisdom will become clear. This bill provides for free mining, free invention, free science, free industrial research. Even if this bill had been drafted only to provide this Nation with the means of waging war, it would have been a foolish and near-sighted bill if it had failed to provide for these freedoms. Freedom is the source of our strength. And in fact freedom is more than this, it is a precious possession in itself and the source of our wealth and happiness.

At the same time that this bill gives these freedoms it takes the necessary police measures over atomic energy for our troubled and dangerous present. With these police measures, the bill provides us with the means of retaining our immediate military strength and of continuously increasing it as long as the unfortunate necessity for it shall remain.

With all this power of control and develpment, the organization established in this bill is set within the traditional forms of that government we so cherish and we so hope to preserve. The atomic-energy organization is responsible to the courts and to the Congress, not merely in theory but in actual practice, through specific provisions of this bill. The bill is written not only for the world of power politics which we must soon outgrow but it aids that growth by encouraging international agreements and by creating the atmosphere of peaceful cooperation in which such agreements can be formed and successfully executed.

Looking at the problem as coolly as a man can, and keeping in mind all its aspects and possibilities, I can conceive of no other combination of powers and duties and no other structure of organization, no other provisions for contingencies that could be better fitted to this complicated and difficult subject.

Mr. President, it is my sincere conviction that S. 1717 deserves the immediate and favorable action of the Senators.

It is in every sense of the word a nonpartisan bill. The subject was of too great importance to receive anything but considerations of national interest. It was approved, after months of study and preparation, by men of both parties whose only concern was the best interest of our country and the people who compose it. That was the anvil on which every section was hammered out. That was the criterion by which every word was judged.

It is a bill which comes to you with unanimous committee approval. No section, no paragraph, no word was adopted except by unanimous consent. The achievement of unanimity on every phase of a subject so complex and so vital merits the Senators' approbation.

It is an enlightened, forward-looking, common-sense bill based on the realities of the world we live in, the peculiarities of atomic energy and the fundamental principles of our Government.

It is a bill based on careful study and extended consideration. Aware of their unique responsibility as molders of the atomic age, the committee members labored long and arduously to forge in the fires of democratic action the finest instrument they could devise in the discharge of their grave assignment. Mr. President, it strikes me that right here is a good time to do something I have wanted to do for a long time—and that is, to pay public tribute to the devotion, the energy and the zeal with which the members of the committee tackled their job. It required from each one of them many hours of painstaking work in a field new to all of us. Without their selfless application to the complex problems before us, we might still be floundering around in the uncharted seas of atomic energy legislation.

Mr. President, S. 1717 is a single bill. It is a unified structure. Certain provisions are so closely connected with others that amendments to one section might destroy or damage several other sections. Each provision is a necessary strand in the closely knit fabric of the bill as a whole.

Mr. President, it is now within the province of this body to say "Yes" or "No" to this bill—but not to this bill alone. The principles which underlie United States legislation on atomic energy must serve as the foundation stone for the mansion of tomorrow. They are principles which will undoubtedly guide the framing of legislation in many countries. We are faced with a responsibility of immense gravity. In His infinite wisdom, the Almighty God had placed it in the power of the Senators to be architects of the future. That task will require from the men of Government in this Congress wisdom, imagination, and courage to equal the wisdom, imagination, and courage displayed by the men of sciences in giving us atomic power.

Mr. President, now, if ever, time is of the essence, for humanity stands today at the cross roads of history. We hold in trust a power that is capable of unraveling the very fabric of our civilization or of development as a mighty force for human welfare. The "force from which the sun draws its powers" is at the beck and call of man. Shall this force be used for good or for evil? For construction or destruction? For life or death? The Senators must say.

Mr. President, the only power on earth greater than atomic power is the power in the brain of man. I have supreme faith that through the exercise of that power we will refuse to be the engineers of our own destruction. Instead, God willing, we will put the giant of atomic energy to work building a nobler country in a finer world for the benefit of all the people.

The PRESIDING OFFICER. The question now recurs on agreeing to the committee amendment as amended.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S. 1717) was ordered to be engrossed for a third reading, read the third time, and passed.

AGRICULTURAL DEPARTMENT APPROPRIATIONS, 1947

Mr. RUSSELL. Mr. President, I move that the Senate proceed to consider House bill 5605, the Agricultural Department appropriation bill for 1947.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Georgia.

Mr. GURNEY. Mr. President, reserving the right to object, it is conceded, is it not, that it is the intention of the Senator from Georgia to conclude consideration of the bill this afternoon, and that on Monday next we shall proceed with the regular order of business?

Mr. RUSSELL. I do not expect that consideration of the bill will require more than a few minutes. I know of no controversial points with regard to the bill which would prevent disposing of it so that we may be able to adjourn by 4 o'clock.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Georgia.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 5605) making appropriation for the Department of Agriculture for the fiscal year ending June 30, 1947, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. RUSSELL. Mr. President, I ask unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments be first considered.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will proceed to state the committee amendments.

The first amendment of the Committee on Appropriations was, under the heading "Department of Agriculture—Office of the Secretary—Salaries and expenses," on page 3, line 20, after the word "same", to strike out the colon and the following additional proviso: "*Provided further,* That no part of the funds

appropriated by this act shall be used for the payment of the compensation of any officer or employee who authorizes or causes to be authorized the operation and administration of more than one warehouse inspection service under the jurisdiction of the Secretary, and appropriations and funds available for such services shall be transferred and consolidated and expended and accounted for as a single fund."

The amendment was agreed to.

The next amendment was, under the heading "Office of Information—Printing and binding," on page 7, line 22, after the word "provided", to strike out "$1,294,000" and insert "$1,325,000."

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Agricultural Economics," on page 10, line 16, after the word "exceed", to strike out "$1,988,589" and insert "$2,121,589."

The amendment was agreed to.

The next amendment was, on page 11, line 7, after the word "trends", to strike out "$1,923,457" and insert "$2,173,457"; and, on page 12, line 1, after the word "authorizations", to strike out "*Provided further*, That no part of the funds herein appropriated or made available to the Bureau of Agricultural Economics shall be used for State and county land-use planning, or for the maintenance of regional offices, or for conducting social surveys" and to insert "*Provided further*, That no part of the funds herein appropriated or made available to the Bureau of Agricultural Economics shall be used for State and county land-use planning, for conducting cultural surveys, or for the maintenance of more than one professional worker in the respective regional offices, and that all work done by the Bureau in the States shall be done in cooperation with or on the approval of the respective land-grant colleges."

Mr. RUSSELL. Mr. President, on behalf of the committee, I send forward an amendment to the amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In the committee amendment on page 12, line 7, after the word "Economics," it is proposed to insert "under the heading 'Economic investigations'," and on the same page, in line 11, after the word "States", it is proposed to insert "out of funds appropriated or made available for 'Economic investigations'."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Georgia to the committee amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The next amendment of the committee will be stated.

The next amendment was, on page 12, line 21, after "951–957)", to strike out "$2,037,000" and insert "$2,132,000."

The amendment was agreed to.

The next amendment was, under the heading "Agricultural Research Administration—Office of Administrator," page 15, line 23, after the figures "$20,000", to insert "to be immediately available."

The amendment was agreed to.

The next amendment was, under the subhead "Office of Experiment Stations—Payments to States, Hawaii, Alaska, and Puerto Rico," on page 18, line 19, after the name "Territory of Alaska", to strike out "$27,500" and insert "$37,500"; in line 20, after the words "for Alaska", to strike out "$42,500" and insert "$52,500"; and in line 24, after the name "Puerto Rico", to strike out "$7,206,208" and insert "$7,216,208."

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Animal Industry—Salaries and expenses," on page 20, line 16, after the word "hatcheries", to strike out "$928,400" and insert "$965,900."

Mr. HAYDEN. Mr. President, I send forward an amendment to the committee amendment, and ask that it be read.

The PRESIDING OFFICER. The amendment offered by the Senator from Arizona will be stated.

The CHIEF CLERK. In the committee amendment, on page 20, line 16, after the figure "$965,900", it is proposed to strike out the period, substitute a comma, and insert the following: "including not to exceed $20,000 for construction of three or more buildings at the Southwest Poultry Experiment Station, Glendale, Ariz."

Mr. HAYDEN. Mr. President, that amendment is necessary, and I hope that it will be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arizona to the committee amendment.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment of the committee.

The next amendment was, on page 20, line 19, after the word "products", to strike out "$855,000" and insert "$917,986"; and in line 20, after the word "including", to insert "not to exceed $30,000 for construction of a building to be used in conducting investigations of pneumoencephalitis in poultry and."

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Dairy Industry," on page 24, line 10, after the word "exceed", to strike out "$474,032" and insert "$520,320"; and in line 20, after the word "butter", to strike out "$956,012" and insert "$1,011,000."

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Plant Industry, Soils, and Agricultural Engineering—Salaries and expenses," on page 25, line 18, after the word "crops", to strike out "including not to exceed $26,800 for investigation in the blackroot disease of sugar beets, $2,364,500" and insert "$2,590,800."

The amendment was agreed to.

The next amendment was, on page 26, line 8, after the word "plants", to strike out "$1,991,000" and insert "$2,136,400."

Mr. MYERS. Mr. President, I send forward an amendment to the committee amendment and ask that it be read.

The PRESIDING OFFICER. The amendment offered by the Senator from Pennsylvania will be stated.

The CHIEF CLERK. In the committee amendment, on page 26, line 8, it is proposed to strike out "$2,136,400" and insert in lieu thereof "$2,151,400."

Mr. WHERRY. Mr. President, may we have an explanation of the amendment?

Mr. MYERS. Mr. President, if this amendment should be agreed to, I shall also propose that, on page 26, line 6, after the word "fruit", the word "mushrooms" be inserted.

Mr. President, I think that half the mushroom industry is located in Pennsylvania, but mushrooms are grown commercially in at least 40 of the 48 States of the Union.

With expansion of the domestic industry following World War I, many cultural problems developed. Lack of knowledge of controls for diseases affecting mushrooms caused heavy losses to farmers. The United States Department of Agriculture appropriation in 1927 provided funds for work on disease study, as well as for insect study. The disease study, pursued in the Bureau of Plant Industry, continued without interruption until 1943, when the investigator was transferred to other work. Since this time, under war conditions, the item was dropped from the Budget. The industry was advised that no request was made by Plant Industry in the 1947 Budget because departmental estimates were made up before VJ-day.

With industry expansion, diseases are an increasing problem, causing both economic and food loss to the grower and the public. The Department investigations have resulted in practical controls of one common disease, "bubbles," or mycogone. However, no controls have been found for several other diseases attacking the growing crop, such as verticillium spot, truffle disease, flock, and verdigris.

At Beltsville there is an experimental mushroom house which, through disuse, needs some repairs and equipment. The $15,000 requested should do this and reinstate adequate research, the findings from which would be of great value to the American mushroom farmer.

Although the bill provides certain funds for insect studies, it provides no funds for disease studies, and that is why I am asking that the committee amendment be increased by $15,000.

The PRESIDING OFFICER. Does the Senator ask unanimous consent that the word "mushrooms" be inserted in line 6 after the word "fruit"?

Mr. MYERS. I do.

Mr. RUSSELL. Mr. President, would that have the effect of amending the text of the bill?

The PRESIDING OFFICER. It is only in connection with the increase of $15,000 in the appropriation.

Mr. RUSSELL. Mr. President, I regret very much to be compelled to oppose the request. The subcommittee went into this matter and conducted hearings on

it. This is an appropriation which a gentleman who is at the head of the mushroom producers and canners of the United States presented to us, but we had absolutely no evidence from the Department that there was any disease that was doing any damage to the mushroom industry at this time.

We did have presented to us evidence to the effect that there were some insects attacking mushrooms, and under the appropriation for the Bureau of Entomology and Plant Quarantine there is an appropriation for research dealing with that phase of the mushroom industry. There was nothing from the Department to show that there was any necessity whatever for this appropriation. I do not feel that we can justify it.

Mr. AIKEN. Mr. President, what amount is allowed for study of insect pests affecting mushrooms?

Mr. RUSSELL. The full amount of the budget estimate was $6,500.

Mr. AIKEN. And they are asking for $15,000?

Mr. RUSSELL. That is for different work altogether. The Department saw the necessity for work on the insects which were attacking the mushrooms, but not for any disease study. From this gentleman who represented the association we obtained no evidence whatever that there was any disease of the mushroom plants.

Mr. AIKEN. My experience with mushrooms is very limited. I spent 50 cents for a brick of spawn when I was about 10 years old, and I never got the 50 cents out of it, and I never learned to like mushrooms very well. But I realize that during the war particularly mushrooms have played an important part in the diet of the American people, and their use has increased tremendously. So I had in mind to support the amendment of the Senator from Pennsylvania. However, if provision is made in another part of the bill for study of insect control, and $6,500 is allowed, but $15,000 is required, I wondered if the Senator from Pennsylvania would ask for an increase. If it is needed, I think it should be provided.

Mr. RUSSELL. Mr. President, our committee certainly has never been charged with being penurious in making appropriations for important research work affecting any farm crop in the United States. I feel sure that, if the committee had thought that this appropriation for study of mushroom diseases had been warranted, the subcommittee would have approved it.

I wish to explain to the Senator from Vermont that the appropriation carried in the bill, and that suggested by the Senator from Pennsylvania, are for wholly different purposes. The appropriation provided is for work in connection with insects which attack the mushroom plant, whereas the Senator from Pennsylvania is requesting an appropriation for study of diseases of the mushroom plant. There are two different divisions in the Department of Agriculture, one dealing with insects and one with plant diseases. Provision is made, and I think the Senator from Pennsylvania will admit that adequate provision is made, for insect study, but he is seeking additional funds for another division of the Bureau of Plant Industry to do some work in connection with diseases of mushrooms.

Mr. MYERS. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield.

Mr. MYERS. Such funds have been provided in the past, and there were provisions in the Budget estimates for 1927 to 1943 for study of diseases. But the item was eliminated due to the war. The investigator was transferred to some other work, and therefore the item was eliminated.

When the industry approached the department, the department replied that their estimates were made up before VJ-day. That was the only reason given for failure to reinstate this item, which had been in the appropriation bills for many years.

Mr. President, this is not a new request, but, as the Senator from Georgia has said, there are two entirely different items. The industry believes that the disease study is much more important to them than the insect study. The provisions of the bill for insect study not only refer to this industry, but refer to many other industries.

Mr. RUSSELL. That is true.

Mr. MYERS. And many other kinds of studies. We are asking only that there again be provided money for studies which had been proceeding for many years. They were discontinued only because of the war.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

On a divison, the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment of the committee.

The next amendment was, on page 26, line 11, after the word "control", to strike out "$291,200" and insert "$371,500."

Mr. BARKLEY. Mr. President, I have no particular interest in this amendment, but I wish to make an inquiry of the Senator from Georgia.

I have received a number of communications from farmers and farm organizations urging an appropriation in the bill for investigating and developing foreign markets for agricultural products. It seems that the bill contains no item for that purpose, and I am afraid that the matter was brought to the attention of the committee and the Members of the Senate after the hearings had been concluded by the Senate committee. What is the situation with reference to that?

Mr. RUSSELL. Mr. President, the matter was brought to the attention of the committee, as I recall, by the Farm Bureau Federation. They requested that an appropriation be made for that purpose. The committee did not feel that an appropriation of that nature could be justified at this time, when there is such a tremendous shortage of all farm commodities. There is a shortage over the whole world, and in this country we are being called upon now to reduce our consumption of foods in order that we may ship foods abroad. At a time when there is a normal export trade of farm commodities, other than through UNRRA, and through the emergency agencies, we did not feel that the appropriation was justified.

Mr. BARKLEY. Undoubtedly what the Senator says is accurate as to edible products, but there are some farm products as to which it would be very desirable and might become necessary to develop foreign markets, for instance, tobacco, and other products which are not involved in the food situation.

Mr. RUSSELL. So far as I know, there is no question about markets for tobacco today, or for any other agricultural commodity produced in this country. There may be some specialty crops or perishable commodities for which we might find markets abroad, but, generally speaking, there is such a world shortage of all agricultural commodities, of food and others, that there is no question of markets.

Mr. BARKLEY. I think the Farm Bureau Federation, looking forward to the time when there might not be that bulge in the market for products, whether edible or otherwise, felt that it was worth while to undertake to develop and survey the question of foreign markets for these products. I realize the situation now, and the difficulty the committee would have in considering the matter brought to its attention rather late in the consideration of the bill. I should like to have the Senator from Georgia give thought to that problem hereafter, so that in the event it turns out to be necessary that we undertake to develop foreign markets for our own agricultural products, whether edible or otherwise, consideration will be given to the question.

Mr. RUSSELL. I can assure the Senator that if there is ever again a time when we have a surplus in this country for which there is no demand the Appropriations Committee will be more than glad to do anything it can to provide for the finding of outlets. This matter was presented in the most attractive light to me because it was presented as being necessary to find world markets for cotton. When the witnesses looked at the Senator who was presiding over the committee they emphasized the subject of cotton perhaps more than they did that of tobacco, because the Senator from Kentucky was not a member of the committee. I am heartily in favor of doing anything within the power of our Government to find new markets for American farm commodities, but, at a time when we are calling upon our farmers to strain every energy to produce sufficient food and fiber to keep the people of the world from being absolutely naked or from starving to death, we did not feel it necessary to make appropriation of one-quarter of a million dollars for this purpose. When conditions again become normal I feel that an appropriation for such a purpose would be justified, but I do not feel that it is justified at this time.

Mr. BARKLEY. I thank the Senator for his statement.

Mr. REED. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. REED. I wish to add a statement to that made by the Senator from Georgia. The minority members of the committee designated one member as a key member for each one of the 10 appropriation bills. I was designated as the key minority member on the agricultural appropriation bill, and have worked in the closest harmony with the Senator from Georgia. The Senator from Georgia comes from a section which produces one of the two principal export crops of the country, which is cotton. I come from that section which produces the other most important export commodity under normal circumstances, which is wheat. The Senate may be certain that the Senator from Georgia, who presided so ably over the subcommittee considering the bill, and the Senator from Kansas, who was the key member of the minority, representing a great wheat-producing State, both are sympathetic with finding markets wherever they may be in the world for export surpluses when we have any such surpluses. I agree with the Senator from Georgia that there is no use in spending money at this time for that purpose.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. McKELLAR. I want to say that I fully endorse all that the Senator from Georgia and the Senator from Kansas have so well said about this appropriation at this time. However, in the future at any time when it is necessary for us to go into that subject, I assure the Senator from Kentucky and those who are interested in the matter that our committee bill will do everything we can to see to it that we shall have foreign markets as well as a home market.

Mr. RUSSELL. In years past, as the distinguished chairman of the Appropriations Committee knows, that committee has made available millions of dollars not only to keep investigators abroad seeking to find markets, but to pay subsidies on the export of wheat and cotton. I am most sympathetic to the policy, but at this time it seemed to be rather a useless appropriation of money for the purpose of finding new places to give away food when such a great shortage of food now exists in our own country.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 26, in line 11.

The amendment was agreed to.

The PRESIDING OFFICER. The next committee amendment will be stated.

The next amendment was, on page 22, after the word "management", to strike out "$1,255,000" and insert "$1,455,000."

The amendment was agreed to.

The next amendment was, on page 27, line 7, after the word "products", to strike out "$524,000" and insert "$632,140."

The amendment was agreed to.

The next amendment was, on page 27, line 14, after the word "council", to strike out "$61,000" and insert "$76,000."

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Entomology and Plant Quarantine—Salaries and expenses," on page 28, line 13, after the word "exceed", where it occurs the second time, to strike out "$625,560" and insert "$627,560."

The amendment was agreed to.

The next amendment was, on page 29, line 6, after the word "application", to strike out "$2,620,900" and insert "$2,761,500."

The amendment was agreed to.

The next amendment was, on page 29, line 24, after "(7 U. S. C. 166)", to strike out "$2,791,000" and insert "$3,245,000."

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Agricultural and Industrial Chemistry—Salaries and expenses," on page 32, line 25, before the word "for", to strike out "and"; and on page 33, line 2, after the word "investigations", to insert "and for conducting investigations on the extraction and processing of rubber from guayule and other plants, vines, shrubs, or trees possessing natural rubber growing or capable of being grown within the continental limits of the United States, including not to exceed $12,000 for the procurement of services, by contract or otherwise, for the production of guayule or other rubber-bearing plants; the transfer to the Bureau of Agricultural and Industrial Chemistry, without compensation therefor, of real property (located in the vicinity of Salinas, Calif., including approximately 250 acres of land now in guayule production) and personal property, valued at not exceeding a total of $260,000, acquired for and heretofore used in connection with the emergency rubber project; and there shall be included in the next annual Budget a statement in detail of the amount and value of the property so transferred"; and in line 18, after the amendment just above stated, to strike out "$431,900" and insert "$611,500."

The amendment was agreed to.

The next amendment was, under the heading "White pine blister rust control," on page 35, line 3, after the word "elsewhere", to strike out "$5,500,000" and insert "$6,500,000"; and in line 11, after the word "and", to strike out "$2,254,111" and insert "$3,254,111."

The amendment was agreed to.

The next amendment was, under the heading "Forest Service—Salaries and expenses," on page 35, line 21, after the word "exceed", to strike out "$977,710" and insert "$1,064,410"; and on page 37, line 8, after the name "Washington", to insert a colon and the following proviso: "*Provided*, That not to exceed $50,000 of the appropriation for 'National forest protection and management,' and not to exceed $50,000 of the appropriation for 'Forest fire cooperation' may be transferred to the appropriation 'Printing and binding, Department of Agriculture,' for forest fire prevention posters and related printed material."

The amendment was agreed to.

The next amendment was, on page 39, at the beginning in line 10, to strike out "$20,386,000" and insert "$24,165,000."

The amendment was agreed to.

Mr. MURDOCK. Mr. President, in connection with the amendment on page 39, in line 10, I ask unanimous consent to have printed at this point in the RECORD a brief statement made by me before the subcommittee, to be found at pages 322 and 323 of the hearings.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF HON. ABE MURDOCK, A UNITED STATES SENATOR FROM THE STATE OF UTAH

URGES INCREASE IN APPROPRIATION FOR RESEEDING OF FOREST LANDS

Senator MURDOCK. Last year I appeared before this committee and urged an increase in the Forest Service appropriation item so as to provide for actually reseeding range lands. Last year we were asking for $250,000—got $100,000. This year I am here again asking—yes, pleading—for enough money to get this work under way, on a scale that will bring tangible benefits both to the range and the livestock industry. The bill, as reported out by the House committee, allows only $100,000. The Forest Service assures me they can spend effectively an increase of $500,000 on this work this coming fiscal year. Therefore I am urging an increase of $500,000 in the appropriation for national forest protection and management, specifically to increase the item on page 37, line 18, from $20,386,000 to $20,886,000.

I wish the committee members could see with their own eyes what I have seen in my home State of Utah in the way of increased forage production through range reseeding. If they could I am sure there would no longer be any doubt about providing the needed funds just as fast as they could be effectively expended.

RESEEDING WILL AVOID NECESSITY FOR REDUCTIONS IN GRAZING CAPACITY

If the committee members realized what many range users are up against in the way of drastic adjustments in numbers of stock on the range, I am sure they would go all out to provide a program of constructive rehabilitation. I know personally, as do the other western Members of Congress, of the great and widespread interest in reseeding. I heard it time and again from the stockmen themselves during western hearings of the Public Lands Committee last year. Right now we are receiving many letters and resolutions protesting the action of the Forest Service in reducing permitted numbers of livestock. These resolutions point out, and the Forest Service agrees, that many of the reductions could be avoided if funds were available to increase grazing capacity of the range through reseeding.

To be sure, many of our depleted ranges can be restored by nature if we remove all grazing and wait while nature goes about the task in her own way. Her way, as everyone knows, is long and laborious. In some areas it will require decades to do the job if nature is left to her own devices, and even then the results will fall far short of what could be accomplished through artificial means.

REDUCING LIVESTOCK USE IS UNCONSTRUCTIVE APPROACH TO PROBLEM

This idea of reducing livestock use and waiting for nature is what I regard as a most unconstructive approach to the problem. Moreover, I regard it as extreme short-sightedness on the part of the Government when it fails to go ahead and build up these ranges, because the practicability of doing it has already been demonstrated beyond any doubt.

Crested wheatgrass pastures at Benmore gave grazing capacity of 1½ acres per cow-month as compared with 10 acres per cow-month on unseeded range. Four hundred and thirteen cattle over 6 months old gained

193.4 pounds for 64.7 days or 2.99 pounds per day from late April to early June. One hundred and seven calves with their mothers made additional and similar gains—151.8 pounds per head. In the vicinity are 12,000 acres suitable for reseeding. If 7,000 acres were reseeded it would carry all of the 1,100 cattle owned in the community for 4 months and give overgrazed native range a chance to recuperate.

Last fall on the Manti Forest 1,200 acres of rough and brushy lands that would have been very difficult to seed by hand and impossible by drills were seeded in 17 hours by airplane, at a cost of $2.75 per acre.

VALUE OF RESEEDING PROGRAM

I know personally of some areas that required 15 acres to support a cow for 1 month before reseeding—after reseeding, 1 to 2 acres would support a cow for the same period. I have personally visited many of the reseeding experiments in Utah and have seen the results of carefully planned and intelligently carried out tests in range reseeding. Therefore I am satisfied that the Forest Service knows what it is talking about when it says that it would be a good investment to reseed 4,000,000 acres of national-forest range land in the Western States.

The PRESIDING OFFICER. The next committee amendment will be stated.

The next amendment was, on page 40, line 4, after "581f–581i)", to insert a comma and "including the construction and maintenance of improvements."

The amendment was agreed to.

The next amendment was, on page 40, line 11, after the word "elsewhere", to strike out "$2,330,000" and insert "$2,630,000."

The amendment was agreed to.

Mr. MYERS. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a statement which I made before the committee, and which appears beginning at page 504 of the committee hearings.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF HON. FRANCIS J. MYERS, UNITED STATES SENATOR FROM THE STATE OF PENNSYLVANIA

Senator RUSSELL. We will hear Senator MYERS at this time.

PROPOSED AMENDMENT TO PROVIDE FUNDS FOR RESEARCH CENTER IN DELAWARE RIVER BASIN

Senator MYERS. I am here today on behalf of my proposed amendment to the agriculture appropriation bill, H. R. 5605, for an increase of $75,000 in the item for forest research on page 38, line 19. The purpose of the amendment is to provide adequate funds for the establishment and maintenance of an experimental forest and forest research center in the Delaware River Basin.

The need for this work was called to the attention of the House Subcommittee on Appropriations by my colleagues, Congressman Walter and Congressman Flood.

NO PROVISION IN HOUSE BILL

From an examination of the House Appropriations Subcommittee report, I discovered that an increase was granted by the committee for the establishment of a series of experimental forests. But among the list of new stations as given on page 985 of the hearings before the House committee, I found that nothing is provided for the northeastern section of the United States and, of course, nothing for work in the Delaware River Basin.

This was a great surprise to me because I was under the impression that local interests in the Delaware River Basin felt that they had clearly established with the United States Forest Service the need for an experimental forest-research center in that area.

INCLUDED IN 5-YEAR PROGRAM

It is my understanding that the Department, in complying with a request by the House committee for a comprehensive forest-and-range-research program, submitted a 5-year plan setting forth a list of recommended locations for the establishment of research centers where various studies would be advantageous. This recommendation called for an increase in the total appropriation of approximately $1,000,000 for the first year of the program.

However, the House committee approved an increase of only $750,000 to provide for the expansion of existing stations and for the establishment of 16 new experimental centers where specific locations had been selected on the basis of preliminary examinations.

Senator RUSSELL. Do I understand that this project was embraced within that 5-year program but left out by the House?

If the House had appropriated the entire amount would that have taken care of the Delaware River Basin?

Senator MYERS. Undoubtedly, because, as I understand it, the Department intended to use the $250,000 included in its recommendation, but not appropriated by the House committee, for the installation of additional stations during the first year in areas where locations had not been definitely decided upon.

The Delaware River Basin was one such area in question since the variety and complexity of the problems requiring technical study in that area did not permit the selection of an exact station location without further examination.

NEED OVERLOOKED BY HOUSE

Inasmuch as Department officials have assured me that the program is virtually needed in the Delaware River Basin, and because I am under the impression that the House Appropriations Subcommittee unwittingly overlooked the needs of the Delaware River Basin, I consider it highly desirable and proper to request further consideration of the matter by this committee.

You gentlemen, undoubtedly, are familiar with this tremendously important interstate watershed. Portions of the States of Pennsylvania, New York, New Jersey, and Delaware comprise this region. These States, by legislative action, have delegated the responsibility of planning for the development of the resources of that basin to a joint governmental agency known as the Interstate Commission on the Delaware River Basin, or, more popularly, as Incodel.

Incodel and the people of the Delaware River watershed feel that proper consideration has not been given in the past to research and to investigation of measures for the control and management of soil and forests; that these matters are closely related to programs for the development, utilization, and conservation of the waters of the Delaware River region.

It has learned enough about the results of watershed studies elsewhere in the United States to appreciate the need for this type of work in the Delaware River Basin in order that a fully comprehensive plan for the control and conservation of the natural resources of this tremendously valuable interstate river system may be developed.

PROBLEMS INVOLVED

I am in full accord with the program which the Forest Service has established in maintaining experimental centers at which such regional problems are being intensively studied. But I believe that no such experimental forest located in any region of the United States involves problems of greater importance than those existing in the Delaware Basin.

Our problems are so large, the need for high quality water so imperative, the necessity for establishing stream flow regulatory measures so pressing that I feel an experimental forest should be established in the Delaware River watershed without further delay.

I am confident that I can assure you that full cooperation will be forthcoming at all times from the States and local governmental agencies, from the schools and research centers, and from the landowners and the people of the Delaware River region.

We are in need of the station now because it will take some time for results to become available, and we need these results at the earliest possible date.

AMOUNT OF APPROPRIATION REQUIRED

I am suggesting that this experimental forest be started with a modest sum of $75,000. This, in our judgment, will be adequate to begin the work and to carry it forward the first year on a modest scale.

I very much hope, Mr. Chairman, that you and members of the committee can give heed to this request, in which I am joined by my colleagues from the four States in the Delaware Basin. I understand that those other Senators will either appear before the committee or send statements.

Now Congressman WALTER, of Pennsylvania, will speak.

Senator RUSSELL. I know he has been very active in behalf of that work.

The PRESIDING OFFICER. The next committee amendment will be stated.

The next amendment was, on page 40, line 15, after the word "elsewhere", to strike out "$1,385,000" and insert "$1,635,000."

Mr. RUSSELL. Mr. President, I have an amendment I wish to offer to the committee amendment at that point.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. In the committee amendment, on page 40, in line 15, it is proposed to strike out the period at the end of the line and to insert a comma and the following: "of which at least $10,000 shall be expended for research in the utilization of waste woods."

The PRESIDING OFFICER. The question is on agreeing to the amendment to the committee amendment.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent that a very brief statement which I made before the subcommittee, which appears on page 566 of the hearings, may be inserted in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF HON. ROBERT M. LA FOLLETTE, JR., A UNITED STATES SENATOR FROM THE STATE OF WISCONSIN

FOREST SERVICE—NATIONAL FOREST PROTECTION AND MANAGEMENT—RESTORATION REQUESTED OF FUNDS FOR RECREATIONAL FACILITIES

Senator RUSSELL. We will hear now from Senator LA FOLLETTE.

Senator LA FOLLETTE. Mr. Chairman, I was not able to be here yesterday morning.

I would like the record to show that I want to associate myself with a statement

made by Senator CORDON and others with regard to the recreational facilities.

Senator RUSSELL. Senator CORDON explained that.

Senator LA FOLLETTE. I do not know whether he included me. I intended to be in the group.

Senator RUSSELL. Yes. He mentioned you.

FOREST PRODUCTS—INCREASE PROPOSED TO PROVIDE ADDITIONAL UNITS IN ROCKY MOUNTAIN AND IN LAKE STATES AREAS

Senator LA FOLLETTE. Gentlemen, coming to the "Forest production" item, I am here to recommend an increase of $525,000.

Senator WILLIS. Is that above the Budget?

Senator LA FOLLETTE. The Budget did not recommend it, but it would be in order under the McNary Act, if the committee looks on it with favor.

AMOUNT FOR ADDITIONAL UNITS

One hundred and fifty thousand dollars of that would be for the purpose of establishing two more units and strengthening the existing units of the laboratories which are located in different parts of the United States.

As the committee knows, there are now seven stations—one at Missoula, Mont.; Portland, Oreg.; Berkeley, Calif.; New Orleans, La.; Asheville, N. C.; Columbus, Ohio; and Philadelphia, Pa.

And this $150,000 out of the $525,000 would be for the purpose of establishing two more units: one in the Rocky Mountain area and one in the Lake States area.

The purpose of these units, as the committee knows, is twofold: First, to get the results of the Laboratory's activities into actual practice, to disseminate that information, and to get the benefit of that research into operation. Secondly, to act as a receiving station for the problems of the industry which are then worked on in the Laboratory.

AMOUNT FOR UTILIZATION SERVICE

The balance of the amount, about $375,000 is for the continuation and expansion of the chemical utilization and waste utilization, and improved wood uses, including the adoption and promulgation of very important research which the Laboratory did, as this committee knows, during the war, not only with regular funds but with funds which were furnished by the various war agencies who referred their wood problems and wood-utilization and chemical-utilization problems to the Laboratory.

I feel that this is really worthy of the committee's serious consideration in connection with a balanced forest program which the Congress asked the Forest Service to prepare as a plan of forest research.

The 5-year plan, as submitted this year, calls for a step-up in research work in forest production, forest and range management, and the forest-resources investigations, including the forest survey.

ENDORSEMENT OF COORDINATED FOREST RESEARCH PROGRAM

The House bill provides for an $800,000 increase for forest and range management, and more than $800,000 for forest-resources investigation. All of which I am in hearty accord with.

But it seems to me that to have the program properly balanced, this field of utilization of waste materials and new uses of the byproducts of all activities in these two other fields should be stepped up along with it in order that we may have a balanced and economically sound program.

I want to thank the committee very much for giving me this opportunity to appear here.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The next amendment was, under the subhead "Acquisition of lands for national forests," on page 43, line 6, after the figures "$10,000", to insert "Ozark and Ouachita National Forests, Arkansas, act of March 5, 1940, Public Law 427, $250,000"; and in line 13, after the words "in all", to strike out "$142,000" and insert "$392,000."

The amendment was agreed to.

The next amendment was, under the heading "Forest roads and trails," on page 43, line 20, before the word "for", to strike out "$12,500,000" and insert "$23,000,000"; on page 44, line 5, after the words "in all", to strike out "$26,214,222" and insert "$36,714,222"; in line 6, after the word "exceed", to strike out "$99,804" and insert "$120,000."

The amendment was agreed to.

The next amendment was, on page 44, in line 18, after the word "Secretary", insert a colon and the following additional proviso: *"Provided further,* That in obligating or expending funds herein contained for 'Forest roads and trails' the provisions of Revised Statute 355, as amended, shall not be applicable to easements or rights-of-way for forest roads and trails constructed under the provision of this section, where the cost of any such easement or right-of-way acquired under a single instrument of conveyance and the estimated cost of the improvements to be constructed thereon does not exceed $40,000."

Mr. BARKLEY. Mr. President, I have a letter from the Attorney General with respect to that amendment which I have shown the Senator from Georgia, and also the Senator from Arizona [Mr. HAYDEN], in which the Attorney General calls attention to the fact that this amendment makes a change in the law with respect to the titles and investigation of titles, and so forth, in regard to roads and trails into forests, and so forth. I should like to ask either or both Senators with respect to that matter because the Attorney General feels that the change ought not to be made.

Mr. RUSSELL. The Senator from Arizona is the expert of the committee on all matters pertaining to forest roads and trails, and I yield to him.

Mr. HAYDEN. Mr. President, representations were made to the committee that, in view of the veterans' housing program, the greatest shortage of material was in lumber, and that the greatest possible source of obtaining lumber was in the national forests. In order to get at the lumber, it is necessary to build truck roads and trails. Under the law—and it is a very proper law—if the Government of the United States acquires a lot somewhere on which to construct a public building, it is not only necessary to take into consideration when examining the title to the lot the value of the land itself but also the value of the building which is to be erected on the lot because the two items represent the total Government investment. The law now provides, and the ordinary procedure is, that if the cost amounts to more than $2,500 the title to that tract of land must be passed upon by the Attorney General. That is the general law. When we come to examine the statute we find in one place in it a reference to various roads and trails which would indicate that it was not the intention to have it apply to forest roads and trails, but in another place—it is quite a rambling sort of statute—the law might be construed the other way.

Our difficulty is that when a minor road of this kind is being built to extend into the forest so as to get timber quickly, if we have to wait 2 or 3 months to have a title cleared in the Attorney General's Office it means just that much delay and impedes the program. So we decided that for this appropriation only—because it reads "obligating or expending funds herein contained"—where the cost of the right-of-way and the cost of the road itself do not amount to more than $40,000, the provisions of the Revised Statutes shall not apply. The purpose is to expedite the housing program. It was the thing to do this year. I am thoroughly in accord with the views of the Attorney General that ordinarily, when there is ample time and his office can get around to it, the other procedure should be followed. Usually 2 or 3 months are required to clear one of these titles. The emergency requires this action in connection with this bill, for this year only.

Mr. BARKLEY. In the Emergency Veterans Housing Act we provided that the Expediter might expend not to exceed $15,000,000 in building access roads to obtain lumber. I understand that that amount has been appropriated independently, so that that $15,000,000 would be available for the building program.

Mr. HAYDEN. It does not make any difference whether it is expended under that act or any other.

Mr. BARKLEY. If that program were carried on by the Housing Expediter, and the $15,000,000 were expended for access highways, would this provision apply to that expenditure, so that the obtaining of titles and the clearing of titles would be expedited?

Mr. HAYDEN. Yes; because the money would be transferred by the Housing Expediter to the Department of Agriculture for expenditure under these provisions.

Mr. BARKLEY. I appreciate the statement of the Senator from Georgia and the Senator from Arizona. I ask unanimous consent to have printed in the RECORD at this point the Attorney General's letter.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 24, 1946.

Hon. ALBEN W. BARKLEY,
United States Senate,
Washington, D. C.

MY DEAR SENATOR: I take the liberty of calling to your attention an amendment made by the Senate Committee on Appropriations in reporting the agriculture appropriation bill (H. R. 5605). This amendment (see sec. 1, pp. 44 and 45 of H. R. 5605, Calendar No. 1359) provides "that in obligating or expending funds * * * for 'Forest roads and trails' the provisions of Revised Statute 355, as amended, shall not be applicable to easements or rights-of-way for forest

roads and trails constructed under the provision of this section, where the cost of any such easement or right-of-way acquired under a single instrument of conveyance and the estimated cost of the improvements to be constructed thereon does not exceed $40,000."

The adoption of this amendment would result, I believe, in an unwarranted deviation from a manifestly sound practice. Section 355 of the Revised Statutes now provides in effect for the approval of title by the Attorney General to easements and rights-of-way for forest purposes where the acquisition, together with the costs of any improvement, exceeds $2,500. The increase in this amount to $40,000, as proposed by the amendment, would have the effect of eliminating the requirement of the opinion of the Attorney General as to practically all acquisitions for which appropriations are made in the bill for easements and rights-of-way for forest purposes.

Under section 355 of the Revised Statutes, as amended (40 U. S. C. 255), and the provisions of the joint resolution of September 11, 1841 (5 Stat. 468), the duty of examining the validity of titles to lands and interests in land acquired by the Government has for more than a century been vested in the Attorney General with respect to the vast majority of acquisitions. The President has only recently, with respect to legislation which would place this function as to certain particular acquisitions elsewhere, expressed the view that the approval of land titles is properly the function and responsibility of the Attorney General.

Whether the function of determining the validity of title to the property covered by the amendment should be taken from the Department of Justice ought not to be considered, I believe, without regard to the function of conducting condemnation proceedings. Both functions, with minor exceptions, are now and for many years have been performed by this Department, and there is nothing in the bill which would indicate that condemnation proceedings to acquire the easements or rights-of-way contemplated in the bill would not be conducted by this Department. One of the most valuable lessons learned during this long-continued practice is the close relationship of the two activities. Examination of titles is necessary in performing both of them. Persons engaged in the one type of work are used in the other. Indeed, as far as the field attorneys are concerned, the same attorney frequently is in charge of both the condemnation work and the title work involved in purchases. There can be no question that the maintenance in one department of the Government of title attorneys and in another of condemnation attorneys will result in duplication, additional expense, and less efficient administration.

Another substantial advantage of the long-standing policy of examination of titles in the Department of Justice has been that the agency of the Government acquiring land or interests in land has the independent checking of the title by a disinterested agency. While some relaxation of this proces has occurred during the war period, I raise the question whether in ordinary times when more care and attention can be given, it is not a wise policy that this practice be continued.

For the foregoing reasons, I recommend that this amendment be stricken from the bill.

I have been advised by the Director of the Bureau of the Budget that there is no objection to the submission of this report.

With kind personal regards,

Sincerely yours,

TOM CLARK,
Attorney General.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, on page 44, beginning in line 18.

The amendment was agreed to.

The next amendment was, under the heading "Soil Conservation Service," on page 47, line 23, after the word "information", to strike out "$37,800,000" and insert "$40,800,000."

The amendment was agreed to.

Mr. BUTLER. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a brief statement which I have prepared with reference to this particular item.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

EARTH-MOVING EQUIPMENT FOR SOIL CONSERVATION SERVICE

Mr. President, I want to take just a few moments of the Senate's time to call attention to a very worth-while provision of the pending agriculture appropriation bill for 1947. I refer to the increase of $3,000,000 in the appropriation for the Soil Conservation Service, to be used for purchase of surplus tractors, graders, and other equipment sold by War Assets Administration.

This increase, I might explain, will not in fact require payment of one single penny out of the Treasury. In effect, it will be a sort of loan, the money to be turned over to the Soil Conservation Service, paid by the Service to the War Assets Administration for the equipment, then returned by the War Assets Administration to the Treasury.

The purpose of this provision is to enable the Soil Conservation Service to secure machinery and equipment with which to carry on its work and repair the damages to our soil. Most Senators are, I am sure, familiar with the importance of the work of this Service, and they know as well as I do what a fine job has been done even under the handicaps of war. But now we must permit them to recover the ground we have lost during the war and rebuild what damage we can before it becomes irreparable. It has been estimated that two-thirds of our soil has suffered to at least some degree from erosion. The soil is our greatest asset; we must preserve it.

Last fall the senior Senator from Tennessee introduced a bill, later passed by the Senate, which would have permitted the Secretary of Agriculture to requisition such surplus equipment from the disposal agency without transfer of funds. Unfortunately it does not appear likely that the other House will ever take action on that measure.

The provision to which I have referred will achieve the same result as that bill. It will appropriate $4,000,000 to enable the Soil Conservation Service to buy the equipment. Such equipment will then be distributed around to the various soil-conservation districts for their use.

When hearings were held on this bill by the Senate Appropriations Subcommittee, I appeared before the subcommittee and requested an appropriation of $5,000,000 for this item. The committee has recommended $4,000,000, and I am satisfied with that.

The Senate will uphold the committee's recommendation on this item, I feel sure. I would like to make a special plea, however, that when this bill gets to conference our conferees will point out the urgency of this money to the House conferees and will insist that the House Members yield to us and accept the will of the Senate. After all, both Houses have voted to approve the principle of making such equipment available to the Soil Conservation Service. I believe that there is no item in the entire bill which is of greater practical importance to the farmer than this provision which will enable him to rebuild his soil and repair the exhaustion and erosion resulting from wartime production.

The PRESIDING OFFICER. The clerk will state the next amendment.

The next amendment was, under the heading "Production and Marketing Administration—Conservation and use of agricultural land resources," on page 49, line 18, after the word "periodicals", to strike out "$257,500,000" and insert "$259,246,000"; in line 23, after the words "in all", to strike out "$300,000,000" and insert "$301,746,000"; on page 50, line 9, after the words "in all", to strike out "$312,500,000" and insert "$314,246,000"; in line 10, after the word "exceed", to strike out "$26,942,888" and insert "$28,699,598"; and on page 52, line 18, after the word "farmer", to insert "(or the person entitled to payment in case of death, disappearance, or incompetency of the farmer under regulations issued pursuant to section 385 of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C., 1940 ed., 1385))."

The amendment was agreed to.

The next amendment was, under the subhead "Sugar Act," on page 53, line 22, after the numerals "1948", to strike out the colon and the following proviso: *"Provided, however,* That none of the funds appropriated under this head shall be used for payments in amounts in excess of those determined by the Secretary to be necessary to provide returns to producers equivalent to those contemplated under the 1946 support payment programs approved by the Stabilization Administrator."

The amendment was agreed to.

The next amendment was, under the subhead "Exportation and domestic consumption of agricultural commodities," on page 54, line 19, after the word "exceeding", to strike out "$50,000,000" and insert "$75,000,000."

Mr. RUSSELL. Mr. President, since the committee took action on the appropriation in line 18, on page 54, for the school-lunch program, Congress has enacted permanent legislation on that subject. I wish, therefore, to propose a modification of the language to make the permanent legislation applicable to the administration of this fund.

The PRESIDING OFFICER. The amendment offered by the Senator from Georgia [Mr. RUSSELL] to the committee amendment will be stated.

The CHIEF CLERK. On page 54, after line 18, it is proposed to strike out the remainder of the paragraph, down to the period, and insert in lieu thereof the following: *"Provided,* That not exceeding $75,000,000 of the funds appropriated by and pursuant to such section 32 may also be used during the fiscal year 1947, without regard to the 25-percent limitation contained in said section 32, to carry out the purposes and provisions of the National School Lunch Act, Seventy-ninth Congress, second session, such amount to be exclusive of funds expended in accordance with the last sentence of section 9 of the National School Lunch Act."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the subhead "Marketing services," on page 56, line 25, after the word "exceed", to strike out "$2,394,764" and insert "$2,434,764."

The amendment was agreed to.

The next amendment was, on page 57, line 11, after the word "products", to strike out "$1,291,000" and insert "$1,320,972."

The amendment was agreed to.

The next amendment was, on page 58, line 19, after the name "District of Columbia", to strike out "$1,901,500" and insert "$2,251,500, of which not to exceed $350,000 may be expended for the wage stabilization program conducted during the fiscal year 1946 under the appropriation 'Salaries and expenses, War Food Administration,' and, in the absence of other governing statute, the provisions of law applicable to such program during the fiscal year 1946 are continued during the fiscal year 1947"; and on page 59, line 11, after the word "orders", to insert the following additional proviso: *"Provided further*, That no part of this appropriation shall be used for agricultural wage stabilization with respect to any commodity unless a majority of the producers of such commodity within the area affected participating in a referendum or meeting held for that purpose request the intervention of the Secretary."

The amendment was agreed to.

The next amendment was, on page 60, line 3, after "(7 U. S. C. 516)", to strike out "$1,119,000" and insert "$1,319,000."

The amendment was agreed to.

The next amendment was, under the heading "Loans, grants, and rural rehabilitation," on page 63, line 2, after the word "amended", to strike out "$24,000,000" and insert "$24,600,000."

The amendment was agreed to.

The next amendment was, on page 64, line 11, after the word "exceed", to strike out "$57,500,000" and insert "$82,500,000."

The amendment was agreed to.

The next amendment was, on page 65, line 16, after "or (3)", to strike out "the making of loans to any individual farmer in excess of a total outstanding obligation of $2,500 for all such loans" and insert "the making of loans to any individual farmer in excess of $2,500."

Mr. AIKEN. Mr. President, may I ask if the committee gave consideration to the raising of the limit?

Mr. RUSSELL. There was no request that it be raised. The authorities of the Farm Security Administration stated that if we struck out the House language, which limited the total outstanding obligation of any farmer to $2,500, and inserted the language of existing law, they could operate in the Rocky Mountain States. That was the only area really affected by this legislation. The committee's action restored the language as it is in the existing law, for the current year. They have been able to operate very successfully under that provision, all over the country.

Mr. AIKEN. Would this wording permit them to make a total loan amounting to more than $2,500?

Mr. RUSSELL. Yes. In some of the Rocky Mountain States the loans average between $4,000 and $5,000. There is a difference in the requirements of farmers in different areas. In the Southeast the average loan is about $650 or $700. However, in the cattle-growing sections it requires between $8,000 and $10,000 to obtain a sufficient herd to carry on farming operations and rehabilitate the farm.

Mr. AIKEN. In the dairy sections a loan of $2,500 would get a farmer into debt just enough so that he could never get out. It would not enable him to get enough stock to make it possible for him to repay the debt. In many cases a loan of $2,500 would not give much aid.

Mr. RUSSELL. The language which the committee is submitting to the Senate is identical with the language in the present law, and the officials of the administration testified that they could operate under it.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. WHERRY. Is there a limitation at present on the amount of money which can be loaned to any applicant under the Federal Security Administration? Is there such a limitation in the present law?

Mr. RUSSELL. Yes; there is a total limitation of $5,000 in the amount that any one applicant can owe at any one time.

Mr. WHERRY. Is there not a different limitation in the Rocky Mountain region?

Mr. RUSSELL. The average loan in the Rocky Mountain area is between $4,000 and $5,000, whereas in some areas it is between $600 and $700.

Mr. WHERRY. Is there not some provision for a greater indebtedness in the cattle business, so that those in the cattle-raising districts can operate?

Mr. RUSSELL. Yes. There has been no difficulty in the administration of the loans. The Senators from Nevada, Wyoming, Colorado, and Idaho all requested that this language be restored to the bill, as has been recommended by the committee.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 65, beginning in line 16.

The amendment was agreed to.

The next amendment was, under the heading "Farm tenancy," on page 67, line 15, after the words "per annum", to strike out "and no loan, excepting those to eligible veterans, shall be made in an amount greater than 25 percent above the census value of the average farm unit of 30 acres and more in the county or parish where the purchase is made, as determined by the 1940 farm census."

The amendment was agreed to.

The next amendment was, under the heading "Water facilities, arid and semiarid areas," on page 68, line 23, after "(590z–5)", to strike out "$1,500,000" and insert "$2,000,000."

The amendment was agreed to.

The next amendment was, under the heading "Rural Electrification Administration," on page 69, line 15, after the word "reports", to strike out "$4,500,000" and insert "$5,000,000"; and in the same line, after the amendment just stated, to strike out the colon and the following proviso: *"Provided*, That no part of the funds herein provided for the Rural Electrification Administration shall be used for the processing or approval of any loan, the application for which does not stipulate (1) that the borrower shall, in awarding contracts under such loan, award such contracts to the lowest financially responsible and qualified bidder in each case, as determined by the Administrator of the Rural Electrification Administration, (2) that the borrower shall open and consider all bids submitted, and (3) that such stipulation shall be made a part of the loan agreement covering such loan."

The amendment was agreed to.

The next amendment was, under the heading "Farm Credit Administration—Salaries and expenses," on page 71, line 14, after the words "in all", to strike out "$544,000" and insert "$584,000."

The amendment was agreed to.

The next amendment was, under the heading "General provisions," on page 74, line 19, after the word "Budget", to insert "plus 12 additional such vehicles for work in connection with experimental forests and ranges."

The amendment was agreed to.

The next amendment was, on page 75, after line 18, to strike out section 5, as follows:

SEC. 5. No part of any appropriation contained in this act shall be used to pay the salary or wages of any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That such administrative or supervisory employees of the Department as may be designated for the purpose by the Secretary are hereby authorized to administer the oaths to persons making affidavits required by this section, and they shall charge no fee for so doing: *Provided further*, That any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation contained in this act shall be guilty of a felony and, upon conviction, shall be fined not more than $1,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That nothing in this section shall be construed to require an affidavit from any person employed for less than 60 days for sudden emergency work involving the loss of human life or destruction of property, and payment of salary or wages may be made to such persons from applicable appropriations for services rendered in such emergency without execution of the affidavit contemplated by this section.

And in lieu thereof to insert:

SEC. 5. No part of any appropriation contained in this act shall be used to pay the salary or wages of any person who is a member of an organization of Government employees that asserts the right to strike

against the Government of the United States, or who advocates, or is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit is not a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or that such person does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That such administrative or supervisory employees of the Department as may be designated for the purpose by the Secretary are hereby authorized to administer the oaths to persons making affidavits required by this section, and they shall charge no fee for so doing: *Provided further*, That any person who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation contained in this act shall be guilty of a felony and, upon conviction, shall be fined not more than $1,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That nothing in this section shall be construed to require an affidavit from any person employed for less than 60 days for sudden emergency work involving the loss of human life or destruction of property, and payment of salary or wages may be made to such persons from applicable appropriations for services rendered in such emergency without execution of the affidavit contemplated by this section.

The amendment was agreed to.

The PRESIDING OFFICER. That completes the committee amendments.

Mr. RUSSELL. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Georgia will be stated.

The CHIEF CLERK. On page 78, after line 14, it is proposed to insert a new section, as follows:

Section 14 (a) of the Federal Employees' Pay Act of 1946 shall not apply to employment of personnel required to do the work authorized by those appropriations for which increased funds are provided by this act.

The amendment was agreed to.

Mr. CONNALLY. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. Beginning on page 22, in line 8, it is proposed to strike out the amount "$1,125,000" and insert in lieu thereof "$1,200,000" and the following: "of which not to exceed $75,000 shall be available for the establishment on Swan Island of an international animal quarantine station (including the acquisition of sites by lease or otherwise), in cooperation with other American Republics and with breeders' organizations and similar organizations and individuals within the United States."

Mr. CONNALLY. Mr. President, this amendment is offered in connection with the sanitary work of the Bureau of Animal Industry. It seems there is an island just off the coast of Cuba, called Swan Island, a barren island which belongs to the United States. The cattle interests in my State have particularly advised me that an international quarantine station should be located on that island in order to protect the United States from the shipment into this country of cattle with the hoof-and-mouth disease. As Senators know, the hoof-and-mouth disease is rampant in a number of South American countries, including Argentina and possibly Brazil, Uruguay, and other countries. The cattlemen of the United States are very apprehensive that shipment into the United States of cattle with the hoof-and-mouth disease would be most harmful to our herds of cattle.

So the amendment provides for an item of $75,000 to be available for the establishment of an international animal quarantine station on Swan Island.

Mr. President, I ask unanimous consent to have printed in the RECORD in connection with my remarks—not as my remarks, but as a statement of facts accompanying my remarks—the paper which I herewith submit.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

REASONS FOR THE ESTABLISHMENT OF AN INTERNATIONAL ANIMAL QUARANTINE STATION ON SWAN ISLAND

SUMMARY

North America is now free of certain destructive livestock diseases, and must be kept so. Present statutes and regulations do not permit the movement of breeding stock from certain countries into the United States.

Importation of new breeding strains of livestock are being asked for by a number of different livestock groups.

Importation of livestock from diseased areas into neighboring countries to the south are threatening our security. Freedom from endemic disease in these countries is imperative as such freedom blankets the United States from infection.

These countries are willing to cooperate in the use of a quarantine station if under United States supervision. Swan Island is a desirable place for the establishment of such quarantine facilities.

Two facts have vividly presented the need of such a station in order to protect the United States livestock industry. These are:

(a) The recent entry into Mexico, under inadequate quarantine safeguards, and under conditions that jeopardize the existing sanitary convention, of two shipments totaling well over 400 head of Brazilian cattle. These animals originated in a country presently under United States exclusion laws because of the existence of foot-and-mouth disease and so present a tremendous hazard to the American livestock industry should they be the means of implanting that most contagious disease so near our own borders.

(b) The freer movement of people and their animals throughout Mexico and Central America with the rapid improvement of a trunk transportation system throughout the area. This means a more rapid advance of any disease that becomes endemic.

The continued freedom of our country from foot-and-mouth disease and other destructive animal diseases is recognized to be of the utmost importance to our livestock interests. In preventing its introduction, we are fortunate in that all other countries of North America, Central America, and the West Indies also are free from the disease. Should foot-and-mouth disease become established in any one of them, it almost certainly would result in the infection reaching our coasts or borders in a relatively short time. Thus, our neighbors constitute a protective zone so long as they remain free of disease and do not become foci of infection.

There is growing interest in the introduction of new, quality blood for the improvement of livestock, both in the countries to the south and in the United States. So far as this country is concerned, the importation of domestic ruminants or swine from countries where it has been determined that foot-and-mouth disease exists is prohibited by law (46,689 approved June 17, 1940). Unfortunately, throughout Central America there are no veterinary resources adequate to exercise control over livestock health or combat disease such as are available in the United States. Up to the present the United States Government, through its representatives, have encouraged these people to avoid importations from regions where destructive diseases exist. However, the demand for breeding animals now has increased to the point that such importations will be inevitable despite the dangers involved. In order that the growing interest in the neighboring countries of Mexico, Central America, and the West Indies in the importation of breeding stock may be met, and because of the vital interest to the United States industry in the continued freedom from destructive diseases in the countries now constituting a "blanket of protection," some satisfactory international quarantine facilities must be provided outside continental waters.

Unless such a station is provided in offshore waters, thus complying with the above-mentioned statute, and for the common use of all the above-mentioned governments, the livestock industry of the United States will continue to be placed in jeopardy each time imports are made by our neighbors to the south. It is known that many such importations from countries where foot-and-mouth disease is enzootic have been made during the last 10 years into Mexico, Guatemala, and El Salvador. It is also known that the ministries of agriculture of the Central American Republics are favorable to the idea of common use of such facilities providing they are under United States supervision.

Swan Island, in the northwest Caribbean Sea, located at about 17.5° north and 84° west, presents good possibility for the installation of such facilities. This island is a United States possession and presently contains permanent Weather Bureau installations. Erecting a quarantine station on Swan Island has the chief advantage that it is approximately 150 miles from the nearest land, and thus is completely isolated from the standpoint of quarantine, and so complies with existing laws. Being a United States possession, the station can be operated wholly under the care and with the vigilance given similar installations on the United States mainland. It has the further advantages that it is reasonably close to trade channels and is also a reasonably convenient point for all the countries concerned.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Texas [Mr. CONNALLY].

Mr. RUSSELL. Mr. President, I realize the very great interest of the Senator from Texas in this item; and a number of cattle growers have discussed it with me. However, the matter did not come before the committee in time for the committee to have hearings on it or to go into it. In my opinion, this amendment is clearly legislation. Under rule XVI, I feel constrained to make the point of

order that the amendment proposes legislation on an appropriation bill.

Mr. CONNALLY. Mr. President, I should like to discuss the point of order. I regret very much that the Senator from Georgia feels that it is his duty to make the point of order. It would be very helpful if he would permit the amendment to be taken to conference; and if the House of Representatives objected, then he could let the amendment go out of the bill.

This matter has come to my attention only recently. Had I known of the situation and of the availability of this island, I certainly should have gone before the committee and made the proper representations. The amendment is a preventive measure, and it may save the United States many millions of dollars hereafter, because my recollection is that we have expended a great many million dollars in suppressing various diseases among cattle, such as anthrax and the hoof-and-mouth disease.

I am not sure that the point of order is good, Mr. President. The amendment is in the nature of a limitation. It is true that it would increase the appropriation, but an increase in an appropriation is not necessarily legislation on an appropriation bill.

The PRESIDING OFFICER. The amendment, for one thing, would increase an appropriation contained in the bill. The Chair is of the opinion that the point of order is well taken under rule XVI, paragraph 1.

Mr. CONNALLY. Very well.

Mr. RUSSELL. Mr. President, I regret to be compelled to make the point of order, but I think it is very clear that the chairmen of committees are under instructions to object to proposals to add legislation to an appropriation bill. The amendment clearly is legislation, because it directs the use of the island referred to for the purposes suggested.

The PRESIDING OFFICER. The point of order is well taken.

If there be no further amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The PRESIDING OFFICER. The bill having been read a third time, the question is, Shall it pass?

The bill, H. R. 5605, was passed.

Mr. RUSSELL. Mr. President, I move that the Senate insist upon its amendments, request a conference thereon with the House of Representatives, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Chair appointed Mr. RUSSELL, Mr. HAYDEN, Mr. TYDINGS, Mr. BANKHEAD, Mr. THOMAS of Oklahoma, Mr. GURNEY, Mr. BROOKS, and Mr. REED conferees on the part of the Senate.

Mr. MAYBANK. Mr. President, I ask unanimous consent to have printed in the RECORD, following the passage of the bill, a short statement which was delivered before the subcommittee by Mr. McArthur, who represented the soil-conservation districts throughout the United States. Mr. McArthur is chairman of various soil-conservation districts.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF E. C. MCARTHUR

SOIL CONSERVATION SERVICE—SOIL CONSERVATION OPERATIONS—PURCHASE OF EARTH-MOVING EQUIPMENT FROM SURPLUS WAR PROPERTY

Mr. MCARTHUR. Mr. Chairman and gentlemen, in order to conserve time I have prepared a short statement here to cover the matter which I wish to take up with you this morning.

With your permission, I will be glad to read it.

Mr. Chairman and members of the committee, I am appearing before you in the interest of soil-conservation districts and the conservation of the agricultural soil and water resources of our Nation. I am appearing as chairman of the governing body of the Broad River Soil Conservation District in South Carolina, as chairman of the board of directors of the South Carolina Association of Soil Conservation District Supervisors, and as temporary chairman of governing officials of soil-conservation districts in 47 States throughout our country.

As you know, these soil-conservation districts are governmental subdivisions or public instrumentalities organized and managed, under State law, by local farmers and ranchers to carry on soil- and water-conservation work for the public good. Each district is governed by a board of five local farmers selected locally by land-owners and operators. The districts help farmers and ranchers plan and apply conservation practices that fit their lands and suit their needs. For carrying on their work, the districts may obtain assistance from any local, State, or national public agency and from private sources. The soil-conservation districts represent true democracy. They get conservation on the land in the public good.

NUMBER OF SOIL-CONSERVATION DISTRICTS

Since 1937, or just 9 years ago, farmers and ranchers have established 1,521 soil-conservaton districts in 46 States. It is possible now for districts to be organized in all 48 States and in Puerto Rico. The districts already organized include over 830,000,000 acres. That is nearly 4,000,000 farms, or about two-thirds of the farms in the Nation. The districts continue to be organized at the rate of between 15 and 20 each month.

URGENT NEED FOR LOAN OR GRANT OF HEAVY EQUIPMENT TO DISTRICTS

The point I want to discuss concerns the appropriation to the Soil Conservation Service for assisting our soil-conservation districts. The Soil Conservation Service is the principal agency assisting the districts. It makes available to the districts the services of trained soil and water conservationists, and a limited amount of field equipment and conservation materials. This assistance has been highly satisfactory in every way, except that the districts need more of it. Especially at this time the districts need more heavy field equipment like tractors, bulldozers, draglines, carry-alls, land levelers, and the like. This is equipment that farmers and ranchers generally do not have and which they cannot afford to buy for their regular farming operations. Yet this kind of equipment is needed to get the conservation job done. And we must have conservation in order that our Nation may produce and continue to produce the food, clothing, and housing materials needed.

The soil-conservation-district governing bodies believe strongly in private enterprise. We believe that landowners and operators should, and desire to, do as much of the conservation work as they can with their own equipment used in regular farm and ranch operations. We think that with their own equipment the farmers can do about one-third of all the conservation work that requires machinery. Then we think that arrangements should be made for contractors and custom-equipment operators to do as much of the conservation job as they can do at prices fair to them and to the farmers. We believe this will represent about one-third of the total.

I might add that many districts already have developed arrangements whereby contractors are doing conservation work. Such work offers opportunity to many returning veterans, and the districts are trying to see to it that the best use is made of these opportunities.

In addition, though, the soil-conservation districts need some equipment under their own control. They need it in order to establish fair prices and to set standards of performance for district work. They also need their own machinery so they can do the small or scattered jobs throughout the districts in which contractors are not interested but which require special equipment.

DISTRICTS WILL ASSUME THE OPERATING COSTS ON EQUIPMENT

We are not asking you to meet the operating costs of the district equipment.

We are just asking you to lend or grant the necessary equipment to the districts.

The districts will operate it and meet the operating costs through charges to farmers and ranchers for its use. Many of the districts already are experienced in operating such equipment. The Soil Conservaton Service likewise is experienced in placing it where it is most needed and will be used to best advantage. The Service has already made available to the districts the small amount of equipment that it has had.

I believe that perhaps we soil-conservation-district governing bodies in our enthusiasm may have been somewhat responsible for delay in legislation—like the Poage or McKellar bills—for lending and granting surplus military equipment to districts. Some of us wrote Members of Congress expressing the equipment needs of our districts. In some cases we may have overstated what the districts are in position to put immediately into wise use. Possibly that created a doubt in the minds of some Members of Congress as to the practicability of such a program. But the fact remains that we still need the equipment, and anything that can be done to expedite getting it to the districts will be most helpful.

I understand that the House of Representatives has passed the appropriation for the Soil Conservation Service with an item of $1,000,000 to be used in obtaining surplus equipment for lending or granting to soil conservation districts. I commend that action. The $1,000,000 however will not come anywhere near meeting the districts' needs.

In my own State of South Carolina, for instance, the 21 soil conservation districts already organized and covering the entire State could easily use 7 or 8 draglines—to say nothing of tractors and bulldozers. I feel sure the draglines would cost around $100,000 or one-tenth of the total amount now carried in the appropriation bill.

INCREASED APPROPRIATION RECOMMENDED FOR PURCHASE OF SURPLUS GOVERNMENT EQUIPMENT

I urge this committee to increase the appropriation for the Soil Conservation Service for lending and granting equipment to soil conservation districts to $5,000,000. I assure you that if you make this amount of equipment available to our districts, they will make effective use of it in the public good.

I thank you.

Senator RUSSELL. The committee has always been very much interested in this work

of these soil conservancy districts, Mr. McArthur. Senator Maybank in particular has been very much interested in it.

The Senate endeavored to pass a bill dealing with the subject, but it got stalled in the House, as you are aware. I believe you referred to the McKellar bill.

Mr. MCARTHUR. Well, sir; we think one reason for that is the fact that some of the governing bodies in the districts in different sections of the country wrote into Congress and estimated their needs as such enormous amounts that it would be impracticable.

Senator MAYBANK. Do you have anything more to say on that?

NATION-WIDE INTEREST IN SOIL CONSERVATION WORK

Mr. MCARTHUR. I would like to make this statement: This soil conservation district movement has swept and is sweeping the country like wildfire. Farmers like it because it gives them an opportunity to participate in solving their own problems. They like it because it means better living conditions for them and their families.

Civic groups like it because it gives them an opportunity to render service to the communities.

Businessmen and bankers and industrialists like it because it means stabilization for them in their effort.

It is very popular, and as I stated in this statement, the districts now being organized are at the rate of 15 or 20 a month in States that have just recently passed enabling acts authorizing setting up of districts.

Senator RUSSELL. It is estimated there will be 1,580 in the whole Nation by the 1st of July.

Mr. MCARTHUR. We have got one-thousand-five-hundred-and-some now.

SUPERVISORS RECEIVE NO COMPENSATION

Senator MAYBANK. There is only one thought I would like to bring out for the record, since Mr. McArthur talked about the 4,000,000 members.

What money is paid to the supervisors?

Mr. MCARTHUR. So far as I know, none of these governing bodies receive a cent of compensation.

Senator MAYBANK. I would like to also ask: For instance, you yourself, you came up here. Are there any funds to pay expenses at all?

Mr. MCARTHUR. No provisions for paying expenses except my own.

Senator MAYBANK. It is all done by the farmers?

Mr. MCARTHUR. Yes, sir.

Senator MAYBANK. And there is no profit?

Mr. MCARTHUR. No profit.

Senator MAYBANK. Thank you, sir.

Senator HAYDEN. I think you have made a very interesting statement.

Mr. MCARTHUR. Thank you, sir.

Senator HAYDEN. It conforms exactly with the information I have from my own State in the West.

Mr. MCARTHUR. Well, I thank you, gentlemen.

Senator RUSSELL. We are glad to have you here, Mr. McArthur.

Mr. PEPPER subsequently said: Mr. President, I wish to say just a word in order that the record may not be void of any protest on my part at the adoption of section 5 of the agricultural appropriation bill which the Senate passed this afternoon.

I realize that with the present temper of the Senate, and the provision of section 5 to which I shall refer having been inserted by the Committee on Appropriations, it is useless to make any actual fight to remove it, but I wish to call attention to the language contained in the following provision:

No part of any appropriation contained in this act shall be used to pay the salary or wages of any person who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States.

Mr. President, that part of the section—not the other part, which condemns those who would overthrow the Government of the United States by force or violence—the first part of that section which I have read I deem to be a violation of the civil right of the citizen of this country who works for the Government to bargain collectively with the Government of the United States, and to exert all the other privileges which pertain to an employee who is also a citizen of this country.

To make every man and woman who work for the United States Government sign affidavits, as a condition precedent to drawing their wages or salaries, that they do not belong to such an organization as asserts the right to strike against the Government of the United States, and their receipt of any wages or salary upon the possibility of being prosecuted for a felony, as is later provided in the section, is in my opinion an affront to the citizenry of this country who happen to be employed by the Federal Government. I think it is an unfair deprivation of their rights as citizens, and I regret to see an extension of such legislation in an appropriation bill. We saw three men pilloried here, for being liberal in principle, in an appropriation statute passed by Congress, stricken down because of the expression of their own civil right to think and to enjoy the rights of free speech.

I regret very much to see the antilabor antipathy directed to the employees of the United States Government, and now incorporated where of all places it should not be, in an appropriation bill, which is used as a vehicle for legislation of this character.

If Congress wants to legislate on that subject, I think it should legislate directly, rather than try to put the legislation in an appropriation bill.

As I said, Mr. President, the policy is being made by others, but I do not want the bill to pass the Senate without a protest being in the RECORD against that particular provision.

JOINT MEMORIAL SERVICES FOR THE LATE PRESIDENT FRANKLIN DELANO ROOSEVELT

The PRESIDING OFFICER (Mr. HUFFMAN in the chair) laid before the Senate House Concurrent Resolution 152, which was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That Monday, the 1st day of July 1946, be set aside as the day upon which there shall be held a joint session of the Senate and the House of Representatives for appropriate exercises in commemoration of the life, character, and public service of the late Franklin D. Roosevelt, former President of the United States.

That a joint committee, to consist of three Senators and five Members of the House of Representatives, to be appointed by the President pro tempore of the Senate and the Speaker of the House of Representatives, respectively, shall be named, with full power to make all arrangements and publish a suitable program for the joint session of Congress herein authorized, and to issue the invitations hereinafter mentioned.

That invitations shall be extended to the President of the United States, the members of the Cabinet, the Chief Justice and Associate Justices of the Supreme Court of the United States, and such other invitations shall be issued as to the said committee shall seem best.

That all expenses incurred by the committee in the execution of the provisions of this resolution shall be paid, one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives.

Mr. BARKLEY. I move that the Senate concur in the House concurrent resolution.

The motion was agreed to.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. If there be no reports of committees, the clerk will state the nominations on the calendar.

DEPARTMENT OF STATE—NOMINATION PASSED OVER

The Chief Clerk read the nomination of Charles Fahy, of New Mexico, to be legal adviser of the Department of State.

Mr. BARKLEY. Mr. President, that nomination and the one following, which have been passed over for several days at the request in each case of a Member of the Senate who is not now present, will have to be passed over again. I wish to state, however, that I am not willing that the nominations remain on the calendar indefinitely without action being taken with regard to them, and I hope that next week we can take action and dispose of them.

The PRESIDING OFFICER. The nomination of Charles Fahy, of New Mexico, to be legal adviser of the Department of State, and the nomination of Charles Ulrick Bay, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Norway, will be passed over.

The clerk will state the remaining nominations under the foreign service.

FOREIGN SERVICE

The Chief Clerk proceeded to read sundry nominations in the foreign service.

Mr. BARKLEY. I ask that the nominations be confirmed en bloc, and that the President be notified forthwith.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc and, without objection, the President will be notified forthwith.

That completes the nominations on the calendar.

CONVENTION WITH GREAT BRITAIN AND NORTHERN IRELAND WITH RESPECT TO TAXES ON INCOME

Mr. CONNALLY. Mr. President, I ask unanimous consent for the present consideration of Executive D, a convention with Great Britain and Northern Ireland with respect to taxes on estates of deceased persons.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the Convention, Executive D, Seventy-ninth Congress, first session, a convention between the United States of America and the United Kingdom of Great Britain and Northern Ireland, for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, signed at Washington on April 16, 1945, which was read the second time.

(The convention was printed in the CONGRESSIONAL RECORD, vol. 91, pt. III, p. 3853, Apr. 26, 1945, at the time the injunction of secrecy was removed.)

Mr. TAFT. Mr. President, without questioning the competence of the Committee on Foreign Relations, it occurs to me that possibly the Committee on Finance should have something to say about this matter.

Mr. CONNALLY. The Senator from Georgia [Mr. GEORGE], chairman of the Finance Committee, was chairman of the Subcommittee of the Committee on Foreign Relations which considered this convention. It came under the scrutiny of the chairman and other members of the Finance Committee, and was originally reported by the committee, and later recommitted for further screening.

Mr. TAFT. Who were the members of the subcommittee?

Mr. CONNALLY. I do not know, other than the Senator from Georgia [Mr. GEORGE]. He was the chairman.

Mr. TAFT. Did he recommend favorable action to be taken on the treaty?

Mr. CONNALLY. Yes.

Mr. TAFT. I have no objection, Mr. President.

Mr. WHERRY. Mr. President, reserving the right to object, I ask the Senator from Texas if the Senator from West Virginia [Mr. REVERCOMB] has consulted with him about this convention.

Mr. CONNALLY. I do not know. I have been available for some time, however.

Mr. WHERRY. I understand that the Senator from West Virginia has asked that consideration of one or two of these matters go over, and I was wondering if this was one of them.

Mr. CONNALLY. I am sure that the convention was given very careful consideration.

Mr. TAFT. I have been handed a copy of Executive D which seems to be something entirely different from the Executive D which is on the calendar. It was reported yesterday.

Mr. CONNALLY. Oh, no; this Executive D was reported on the 10th of May.

I may say to the Senator that one of the items which caused Executive D to be recommitted to the committee was the claim which had been made by representatives of the moving-picture industry, including actors, that they were being taxed both in the United States and in the United Kingdom, and that it amounted to double taxation. The convention was recommitted to the committee, and the part about which there had been complaint was rectified. The Senator from Wisconsin [Mr. LA FOLLETTE] is present and he can give assurances to the Senator from Ohio that the convention is in proper shape.

Mr. LA FOLLETTE. Mr. President, insofar as the treaty which has to do with the United Kingdom is concerned, I may say that there was vigorous protest registered on behalf of the actors and motion-picture producers. I do not have a copy of the treaty before me. However, there was one section of it which the actors and motion-picture producers felt discriminated against them. Therefore, the treaties were returned to the committee for further consideration. The procedure which was worked out was to not change the treaties in any respect. We were assured by representatives of the Treasury Department and of the State Department that they had drawn up a protocol which, as I understand, was to have been signed and submitted to the British Parliament with the recommendation on the part of the British Government that it be approved by the Parliament. It will also have to be approved—I am referring now to the protocol—by the Senate after the British Parliament has acted upon it. It is anticipated that since the Government of the United Kingdom has agreed to it there will be no difficulty about a favorable action on their part being taken with regard to the protocol.

Mr. TAFT. The Senator feels, does he, that the treaty does not give any special advantage to the residents of Great Britain?

Mr. LA FOLLETTE. I believe that since we have worked out what we believe will be a procedure to rectify the discrimination which the actors and motion-picture producers contended they were laboring under, and if the protocols are acted upon subsequent to our ratification of the treaty, the situation of the motion-picture people will have been corrected.

While I am on my feet I wish to make a general statement for the RECORD concerning these tax treaties. The procedure which has usually been followed, and which was followed in this case, is to have the State Department, in conjunction with the Treasury Department, draw up tax treaties. Like all other treaties, the drafting and negotiating of them are carried on in secret. They are then submitted to the Senate for ratification. We are always in the position of either having to take the treaties as we receive them or risk delay or, perhaps, rejection if we amend them.

The particular matter which we have just been discussing is a case in point. I believe that the procedure which has been worked out for this particular treaty—the protocol procedure which I have described—will rectify the situation in this particular case. But, as a member of the Committee on Finance and as a member of the Committee on Foreign Relations, I should like to emphasize the statement made in the original report from the Committee on Foreign Relations—that some other procedure should be found in the drafting of tax treaties whereby the Congress will be apprised of what is contemplated and will be advised of what is intended to be incorporated in such treaties, so that we will not be confronted with such situations as we have discovered, not only in connection with this treaty but in connection with other tax treaties which have been drafted.

My own view is that the staff of the Joint Committee on Internal Revenue Taxation should be drawn into these negotiations, so that the members of the Joint Committee on Internal Revenue Taxation will be privy to the matters which are being negotiated, and the drafts of the treaties as they are being made. Thus, we will not be in the position of being confronted with faits accompli when tax treaties are drawn. I think we have a right to make a special differentiation between the methods used when tax treaties are drawn and those employed when other treaties are drawn because the matter of taxation is so peculiarly a responsibility, first of all, of the House of Representatives, where all tax legislation must originate, and, secondly, the Senate, which must also act upon tax matters.

Mr. TAFT. Mr. President, will the Senator from Wisconsin yield?

Mr. LA FOLLETTE. I yield.

Mr. TAFT. The Senator knows the Finance Committee gives very careful consideration to every detail of a tax bill, it works it all out, then a treaty comes along and the provisions are changed without any consideration by the Committee on Finance itself. It happens in this case that the distinguished chairman of the Committee on Finance is a member of the Committee on Foreign Relations, and has worked on this treaty, and I am willing to take his judgment on it. But in a case, for instance, like that of the reduction in the withholding tax at the source from 30 percent to 15 percent, in the case of dividends moving from the United States to the United Kingdom, with a good deal of care and study we fixed on 30 percent as the rate on dividends going to citizens who are nonresidents of the United States. That is changed, and very properly so, probably, to avoid a duplication of taxation. But it seems to me that the Committee on Finance, through the Joint Committee on Internal Revenue Taxation, should give some consideration to the questions in advance.

Mr. LA FOLLETTE. I appreciate the Senator's reenforcement of what I have said, because so far as I am concerned, I serve notice now that I shall not be restrained in my opposition to any future treaties which are submitted which deal with tax problems, unless the Joint Committee on Internal Revenue Taxation and its staff are taken into the proceedings at a time when we can have something to say about the policies which are to be adopted, because obviously a treaty overrides any law which we may have on the subject.

Mr. CONNALLY. Mr. President, will the Senator from Wisconsin yield?

Mr. LA FOLLETTE. I am glad to yield to the distinguished chairman of the Committee on Foreign Relations.

Mr. CONNALLY. I am in hearty agreement with the Senator from Wisconsin in the statement that the Joint Committee on Internal Revenue Taxation, which has been established by the two Houses of Congress to look after tax matters, should be consulted prior to the final negotiations of these treaties.

To explain to the Senator from Ohio my course in the matter, as chairman of the Committee on Foreign Relations I appointed the Senator from Georgia [Mr. GEORGE] chairman of the subcommittee, because of the fact that he was chairman of the Committee on Finance, and would give attention to this particular treaty.

Mr. TAFT. Mr. President, will the Senator from Wisconsin yield?

Mr. LA FOLLETTE. I yield.

Mr. TAFT. That is the reason why I am not objecting to the treaty, but I still think that the Committee on Finance, which writes tax bills, should pass on modifications of them made by treaty.

Mr. LA FOLLETTE. The point is that although the Senator from Texas did appoint the Senator from Georgia, who is chairman of the Committee on Finance, and one or two other Senators who are members of the Committee on Finance, the situation with which we are confronted is that this treaty has been signed, sealed, and delivered, to the Senate for ratification, and we have either to take the risk of rejecting the treaty or delaying its ratification, or swallowing the bitter with the sweet. Therefore I believe that we are justified in urging upon both the State Department and the Treasury Department that the Joint Committee on Internal Revenue Taxation and its staff be drawn into these negotiations from the beginning, so that we may have an opportunity to have something to say about the policies which are to be worked out in connection with these negotiations at a time when our judgment may have some bearing on the outcome.

The PRESIDING OFFICER. The convention is before the Senate as in Committee of the Whole, and open to amendment. If there be no amendment to be proposed, the convention will be reported to the Senate.

The convention was reported to the Senate without amendment.

The PRESIDING OFFICER. The resolution of ratification will be read.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive D, Seventy-ninth Congress, first session, a convention between the United States of America and the United Kingdom of Great Britain and Northern Ireland, for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, signed at Washington on April 16, 1945.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution of ratification is agreed to, and the convention is ratified.

CONVENTION WITH GREAT BRITAIN AND NORTHERN IRELAND WITH RESPECT TO TAXES ON ESTATES OF DECEASED PERSONS

Mr. CONNALLY. Mr. President, I move that the Senate proceed to the consideration of Executive E, which relates to the same subject covered by the treaty the Senate has just ratified, except that it deals only with estate taxes. The other dealt with income taxes.

The PRESIDING OFFICER. The question is on the motion of the Senator from Texas.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the convention, Executive E, Seventy-ninth Congress, first session, a convention between the United States of America and the United Kingdom of Great Britain and Northern Ireland, for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on the estates of deceased persons, signed at Washington on April 16, 1945, which was read the second time.

(The convention was printed in the CONGRESSIONAL RECORD, vol. 91, pt. 3, p. 3854, Apr. 26, 1945, at the time the injunction of secrecy was removed.)

The PRESIDING OFFICER. The convention is before the Senate as in Committee of the Whole, and open to amendment. If there be no amendment to be proposed, the convention will be reported to the Senate.

The convention was reported to the Senate without amendment.

The PRESIDING OFFICER. The resolution of ratification will be read.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive E, Seventy-ninth Congress, first session, a convention between the United States of America and the United Kingdom of Great Britain and Northern Ireland, for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on the estates of deceased persons, signed at Washington on April 16, 1945.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution of ratification is agreed to, and the convention is ratified.

ACQUISITION OF SITES AND CONSTRUCTION OF BUILDINGS BY THE FEDERAL WORKS ADMINISTRATOR

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the Senate return to legislative session, so I may ask that the Senate consider a bill which in some of its aspects is urgent legislation.

The PRESIDING OFFICER. Without objection, the Senate will resume the consideration of legislative business.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside so I may make a request for consideration of the bill.

The PRESIDING OFFICER. Without objection, the unfinished business will be temporarily laid aside.

Mr. FULBRIGHT. I wish to inquire of the Senator from Nebraska [Mr. WHERRY]—and I notice that the Senator from Ohio [Mr. TAFT] is present, and both Senators are members of the Committee on Public Buildings and Grounds—if there is any objection to the taking up of House bill 5407 which I discussed with the Senator from Nebraska yesterday. I also discussed the subject with the Senator from West Virginia [Mr. REVERCOMB].

Mr. WHERRY. Mr. President, I agreed yesterday that I would join with the Senator from Arkansas in supporting the legislation contained in the bill to which he has referred. It really is emergency legislation, and I feel it should be passed promptly. The only thing is that an agreement was made that the Senate take a recess, and I should like to have the Senate take a recess.

Mr. FULBRIGHT. I do not want to press the matter. I simply inquired if the Senator had any objection to taking up the bill.

Mr. WHERRY. I shall not object to the taking up of this one bill, but I wish to say that if request is made for consideration of any other bill this afternoon I shall object. That is not all, Mr. President. As we come closer to the end of the session more such requests will be made. I do not believe in having bills brought up for consideration at the last moment when many Senators have left the Chamber and a sufficient number are not present properly and intelligently to discuss the provisions of the bills brought up. I shall not object to consideration of this measure, because, as I told the Senator, I favor it, and I think it should be passed; but from now on I shall ask that bills be considered at the proper time, and not be brought in when many Senators have left the Chamber.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent for the present consideration of Calendar No. 1199, House bill 5407.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (H. R. 5407) to grant to the Federal Works Administrator certain powers with respect to site acquisition, building construction, purchase of buildings, and other matters.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. FERGUSON. I should like to have an explanation of the bill.

Mr. FULBRIGHT. I will say that the bill is of routine character. The part of the bill which is of an emergency nature relates to buildings, one in Kansas City and one in Boston, which the Government has contracted to purchase, and the expiration dates of the contracts are rapidly approaching. The Government is already occupying the buildings in question under lease. The evidence before the committee was very clear that it was highly advantageous to the Government to buy the buildings if it could purchase them. Those are the two principal items which require early action.

There are in the bill some minor items. One, for example, is the disposition of a

building in the District of Columbia which was bequeathed to the United States and it cannot be disposed of without the passage of this legislation. Another item is that of a small piece of land in the Barge Office in New York City, which the Authority must secure in order to complete a tunnel. Another item is the authorization to proceed to complete a heating plant in the District of Columbia. The bill contains a miscellaneous group of items of a routine nature which must be acted on in order that the Government may proceed with its program. I may say that there was a unanimous report of the committee. The Senator from Nebraska [Mr. WHERRY], the Senator from West Virginia [Mr. REVERCOMB], and the Senator from Ohio [Mr. TAFT] are members of the committee and voted to report the bill favorably. The bill was carefully considered.

Mr. FERGUSON. Mr. President, I wish to make another inquiry. Has the money been appropriated to acquire these sites?

Mr. FULBRIGHT. Yes; the money has been appropriated. This bill would provide authority to use the money.

Mr. WHERRY. I should like to say for the RECORD that I attended the hearings, and I agree entirely with what the distinguished Senator from Arkansas has said. I believe the bill should be passed, because it is necessary to obtain the site and buildings provided in it.

Mr. FULBRIGHT. If the bill is not passed quickly the Government will lose the advantage of the contracts it entered into sometime ago, and the time limit on them is rapidly approaching.

The PRESIDING OFFICER. Is there objection to the present consdieration of the bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 5407) to grant to the Federal Works Administrator certain powers with respect to site acquisition, building construction, purchase of buildings, and other matters which had been reported from the Committee on Public Buildings and Grounds, with amendments.

The first amendment was, on page 1, line 9, after "California", to strike out "to purchase and remodel buildings" and to insert "to purchase buildings either unencumbered or subject to existing leases where in his determination it is advantageous to do so and to remodel the same."

The amendment was agreed to.

The next amendment was, on page 2, line 8, after the word "and", to strike out "said sum is hereby authorized to be appropriated for such purposes" and to insert "the unobligated balances of appropriations heretofore made for the construction of projects outside the District of Columbia are hereby made available for this purpose."

The amendment was agreed to.

The next amendment was, on page 2, line 16, after the figure "$2,000,000", to strike out the comma and the words "and said sum is hereby authorized to be appropriated for said purpose" and to insert "Funds for this purpose are hereby made available from the unobligated balances of appropriations heretofore made for the construction of buildings outside the District of Columbia."

The amendment was agreed to.

The next amendment was, in section 7, on page 6, line 8, after the word "apply", to insert "to communications systems for handling messages of a confidential or secret nature, or."

The amendment was agreed to.

The next amendment was, on page 6, line 12, after the word "operated", to insert "or occupied."

The amendment was agreed to.

The next amendment was, on page 6, line 14, to strike out section 8, as follows:

SEC. 8. The Commissioner of Public Buildings shall have exclusive authority in all buildings operated by the Public Building Administration to enter into contracts, upon such terms and conditions as he may find to be in the public interest and without securing competitive bids, for food services in buildings designed to include such facilities or where such services are subsequently found to be necessary to establish rules and regulations for the operation thereof; and to make all sanitary inspections in connection therewith.

The amendment was agreed to.

The next amendment was to change the remaining section numbers.

The amendment was agreed to.

The PRESIDING OFFICER. That completes the committee amendments. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H. R. 5407) was read the third time and passed.

Mr. FULBRIGHT. I move that the Senate insist upon its amendments, request a conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ANDREWS, Mr. FULBRIGHT, and Mr. TAFT conferees on the part of the Senate.

RECESS TO MONDAY

Mr. CONNALLY. I move that the Senate take a recess until Monday next, at 12 o'clock noon.

The motion was agreed to; and (at 4 o'clock and 18 minutes p. m.) the Senate took a recess until Monday, June 3, 1946, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 1 (legislative day of March 5), 1946:

FOREIGN SERVICE

TO BE FOREIGN-SERVICE OFFICERS, UNCLASSIFIED, VICE CONSULS OF CAREER, AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA

Oscar V. Armstrong
W. Wendell Blancke
William N. Dale
Alfred le S. Jenkins
Curtis F. Jones
Francis E. Meloy, Jr.
Alexander L. Peaslee
Howard A. Reed
Stephen A. Rynas
Frederick D. Sharp 3d
Albert W. Sherer, Jr.
Levi P. Smith, Jr.
Gerald Stryker
Richard M. Tynan
Stanley B. Wolff

SENATE

MONDAY, JUNE 3, 1946

(Legislative day of Tuesday, March 5, 1946)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

O God, who only art our refuge and our strength, to the altar of Thy forgiving mercy we come with starved souls, hungering after Thee. As leap the spires of Thy glory, how low fly the thoughts of our desires, their wings too often brushing the very ground. In the sanctuary of Thy riches how foolish and futile seem the things for which we strive with panting breath; we are of the earth earthy. Lead us now, we beseech Thee, beyond the wonder of the morning to the gates which lead to peace and power. We ask it in the name of that strong and stainless One who without shame and in triumph wore the garment of our afflictions and limitations and who looks at us and through us in these troubled days with eyes majestic and with a smile that bids us hope. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Saturday, June 1, 1946, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

SAUNDERS MEMORIAL HOSPITAL—VETO MESSAGE (S. DOC. NO. 198)

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States, which was read by the legislative clerk, as follows:

To the United States Senate:

I return herewith, without my approval, the bill (S. 1932) to confer jurisdiction upon the United States District Court for the Eastern District of South Carolina to hear, determine, and render judgment upon the claim of the board of trustees of the Saunders Memorial Hospital.

It appears that in 1942 the Army Air Forces desired to construct a hospital at the Army air base at Florence, S. C., Dr. John D. Smyser, who was the medical director and superintendent of Saunders Memorial Hospital located in that city, offered to lease the hospital to the United States.

A series of negotiations took place between Dr. Smyser and representatives of the War Department, which resulted in the execution by Dr. Smyser of an option to lease the Saunders Memorial Hospital to the United States for the duration of the war and 6 months thereafter, subject to a right of termination by the Government at any time upon 30 days' notice.

The War Department later reached the conclusion that it would be less expensive to construct a new hospital than to acquire and rehabilitate the Saunders Memorial Hospital, and declined to take up the option or to enter into a lease. No contract either to lease or purchase the premises was ever entered into by the Government.

It is asserted that in the meantime Dr. Smyser had made arrangements to turn over the hospital to the United States and had discontinued certain activities in the institution.

The bill under consideration, in addition to conferring jurisdiction on the United States District Court for the Eastern District of South Carolina and waiving the statute of limitations, also waives the provision of the option requiring written notice on the part of the United States of its intention to exercise the option and contains a specific statement to the effect that Army officials notified the claimant that the Army had exercised its option.

While I would interpose no objection to the enactment of legislation which would merely waive the immunity of the Government to suit in tort and the defense of the statute of limitations, the bill under consideration goes much further than that. It waives substantive defenses of the Government, and, also, in effect, makes findings of fact concerning which there is conflicting evidence.

The fact that the hospital authorities made premature preparations on the assumption that a lease would be entered into does not create either a legal or moral obligation on the part of the Government to confer on the hospital the right to bring suit against the United States on assumptions of fact which are not supported by the evidence or by the actual events.

In view of the foregoing circumstances, I am constrained to withhold my approval from the bill.

HARRY S. TRUMAN.

THE WHITE HOUSE, *May 31, 1946.*

Mr. JOHNSTON of South Carolina. Mr. President, I think there must be some mistake in connection with the veto of this bill, for I talked with the President himself about it and he told me to call the attention of those interested that he was going to sign the bill. Therefore, I do not know whether to ask that the bill be referred to the committee until after I have taken the subject up further with the President to see just what happened. There must have been some mistake somewhere. I wish to make that statement for the RECORD.

The PRESIDENT pro tempore. Does the Senator desire that the message and bill lie on the table for the present?

Mr. JOHNSTON of South Carolina. I should like to have that action taken.

The PRESIDENT pro tempore. Without objection, the message and bill will lie on the table and be printed.

LEO STUHR—VETO MESSAGE (S. DOC. NO. 199)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying bill, referred to the Committee on Claims and ordered to be printed:

To the United States Senate:

I return herewith, without my approval, S. 1604, entitled "An act for the relief of Leo Stuhr."

This bill authorizes and directs the Secretary of the Treasury to pay to Leo Stuhr, of Grand Island, Nebr., the sum of $149.57, in full satisfaction of his claim against the United States for payment under the Commodity Credit Corporation's offer to make dairy production payments. Payments allegedly earned during the period from April 1, 1945, to and including June 30, 1945, are involved. This bill directs the Secretary of the Treasury to make the payment notwithstanding section 243.5 of the Commodity Credit Corporation offer to make dairy production payments, which specifically provides for a definite limitation of time in which claims for such payment, and evidence in support of such claims, must be submitted.

Administrative regulations were in effect to provide for payment in those meritorious cases where, due to causes beyond the farmer's control, the application for payment was not submitted within the prescribed time. These regulations are most lenient. The producer in this case failed to present any evidence tending to show that his failure to submit his application for payment within prescribed time limits was caused by the result of causes beyond his control.

The county AAA committee composed of his farmer neighbors has disapproved his claim and denied his appeal, after a review of all evidence submitted.

The Congress has imposed limitations upon the amounts which the Commodity Credit Corporation may expend on various subsidy programs. If the Corporation is to maintain effective controls over the total amount of such expenditures, it is necessary that claims be filed promptly during the operation of each program, in order that proper adjustments can be made therein before the funds are exhausted. Should an exception be made in this case, it would be mandatory that the terms of the offer be disregarded with respect to any and all producers who might at any date present claims against the Government of the United States, thereby creating a potential liability against the Treasury of millions of dollars.

I must emphasize my belief that the field of special legislation of this nature must not be opened to relieve individual citizens from the consequences of their failure, without cause, to file their claims within the period necessarily fixed by administrative regulation.

HARRY S. TRUMAN.

THE WHITE HOUSE, *May 31, 1946.*

SETTLEMENT OF INDUSTRIAL DISPUTES AFFECTING THE NATIONAL ECONOMY—APPOINTMENT OF CONFEREES

The PRESIDENT pro tempore. The Chair appoints the Senator from Kentucky [Mr. BARKLEY], the Senator from Colorado [Mr. JOHNSON], the Senator from Tennessee [Mr. STEWART], the Senator from Maine [Mr. WHITE], and the Senator from Vermont [Mr. AUSTIN], as conferees on the part of the Senate on the bill (H. R. 6578) to provide on a temporary basis during the present period of emergency, for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace.

USE OF COAST GUARD RADIO STATIONS FOR COMMERCIAL MESSAGES

The PRESIDENT pro tempore laid before the Senate a letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to amend section 327 of the Communications Act of 1934 to permit the use of Coast Guard radio stations for commercial messages, which, with the accompanying paper, was referred to the Committee on Interstate Commerce.

PETITIONS

Petitions, etc., were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A petition of sundry members of the armed forces stationed at Yokohama, Japan, relating to the extension of the Selective Training and Service Act; ordered to lie on the table.

A letter from JOSEPH R. FARRINGTON, Delegate from Hawaii, transmitting radiograms from sundry representatives of labor unions affiliated with the American Federation of Labor, praying that hearings be held on the bill (H. R. 6578) to provide on a temporary basis during the present period of emergency, for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace; ordered to lie on the table.

ABOLITION OF OFFICE OF PRICE ADMINISTRATION

Mr. REED. Mr. President, I ask unanimous consent to present for appropriate reference and to have printed in the RECORD a resolution adopted by the annual convention of the Kansas Grain, Feed and Seed Dealers Association, at Wichita, Kans., May 20, 1946, regarding the feelings of the represented industries toward the OPA and interference by other Government agencies.

There being no objection, the resolution was received, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

Whereas the grain trade has been laboring under many burdensome Government regulations which the industry accepted as war measures; and

Whereas we consider that the shooting war is now over: Therefore be it

Resolved, That in order to get back to the principles of free enterprise on which this country was founded and progressed to the highest standard of living the world has ever known, that OPA be abolished with its expiration June 30, 1946, and not be renewed, and all other Government agencies restricting free industry be likewise abolished; be it further

Resolved, That copies of this resolution be sent to all Kansas Senators and Congressmen.

O. E. CASE, *Secretary.*

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WALSH, from the Committee on Naval Affairs:

S. 1547. A bill to provide for the disposition of vessels, trophies, relics, and material of

historical interest by the Secretary of the Navy, and for other purposes; with an amendment (Rept. No. 1406).

By Mr. LUCAS, from the Committee To Audit and Control the Contingent Expenses of the Senate:

S. Res. 268. Resolution increasing the limit of expenditures for hearings before the Committee on Commerce; without amendment.

PERSONS EMPLOYED BY COMMITTEES WHO ARE NOT FULL-TIME SENATE OR COMMITTEE EMPLOYEES

The PRESIDENT pro tempore laid before the Senate reports for the month of May 1946, from the chairmen of certain committees, in response to Senate Resolution 319 (78th Cong.), relative to persons employed by committees who are not full-time employees of the Senate or any committee thereof, which were ordered to lie on the table and to be printed in the RECORD, as follows:

UNITED STATES SENATE,
COMMITTEE ON MILITARY AFFAIRS,
SUBCOMMITTEE ON SURPLUS PROPERTY,
May 27, 1946.

Hon. KENNETH MCKELLAR,
President, United States Senate,
Washington, D. C.

DEAR MR. PRESIDENT: Pursuant to Senate Resolution 319, Seventy-eighth Congress, I am transmitting herewith a list of employees of the Surplus Property Subcommittee (S. Res. 129) of the Senate Military Affairs Committee who are not full-time employees of the Senate. Included with this list is the name and address of each such employee, the name and address of the department or agency paying the salary of such employee, and the annual rate of compensation. In accordance with Senate Resolutions 77, 201, and 210, the department or agency so listed will be reimbursed by the subcommittee in the amount of the salaries paid to such employees.

Respectfully yours,
JOSEPH C. O'MAHONEY,
Chairman, Surplus Property Subcommittee.

Name of individual	Address	Name and address of department or organization by whom paid	Annual rate of compensation
Hilda Hamilton	705 18th Street, NW., Washington, D. C.	Reconstruction Finance Corporation, Washington, D. C.	$2,890

UNITED STATES SENATE,
SPECIAL COMMITTEE TO STUDY
PROBLEMS OF AMERICAN SMALL BUSINESS,
JUNE 1, 1946.

Mr. LESLIE L. BIFFLE,
Secretary of the Senate,
United States Capitol,
Washington, D. C.

DEAR MR. BIFFLE: I transmit herewith the list of employees of the Senate Small Business Committee who are not full-time employees of the Senate. The Senate Small Business Committee, however, is reimbursing the agencies who have loaned these employees.

Sincerely yours,
JAMES E. MURRAY, *Chairman.*

SPECIAL COMMITTEE TO STUDY AND SURVEY PROBLEMS OF SMALL-BUSINESS ENTERPRISES

To the Senate: JUNE 1, 1946.

The above-mentioned committee hereby submits the following report showing the names of persons employed by the committee who are not full-time employees of the Senate or of the committee for the month of May 1946, in compliance with the terms of Senate Resolution 319, agreed to August 23, 1944:

Name of individual	Address	Name and address of department or organization by whom paid	Annual rate of compensation
F. Preston Forbes	502 Four Mile Rd., Alexandria, Va.	Commerce Department, Washington, D. C.	$7,175.00
Stella J. Groeper	1127 Branch Ave. SE., Washington, D. C.	Reconstruction Finance Corporation, Washington, D. C.	3,710.00
L. Evelyn Spicer	2515 Wisconsin Ave. NW., Washington, D. C.	do	3,380.00
Margie L. Strubel	4632 12th St. NE., Washington, D. C.	do	2,600.40

JAMES E. MURRAY, *Chairman.*

COMMITTEE ON APPROPRIATIONS

JUNE 1, 1946.

To the Senate:

The above-mentioned committee hereby submits the following report showing the name of a person employed by the committee who is not a full-time employee of the Senate or of the committee for the month of May 1946, in compliance with the terms of Senate Resolution 319, agreed to August 23, 1944:

Name of individual	Address	Name and address of department or organization by whom paid	Annual rate of compensation
Mrs. Mamie L. Mizen	1434 Saratoga Ave.	District of Columbia government	$3,970

KENNETH MCKELLAR, *Chairman.*

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ROBERTSON:

S. 2283 A bill to reimburse certain Navy personnel and former Navy personnel for money lost or stolen while they were on duty at the United States Naval Training Station, Farragut, Idaho; to the Committee on Claims.

By Mr. BALL:

S. 2284. A bill for the relief of William B. Buol; and

S. 2285. A bill for the relief of Nicholas Malitch; to the Committee on Immigration.

(Mr. ANDREWS introduced Senate bill 2286, to amend the act entitled "An act for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital," approved May 29, 1930, which was referred to the Committee on Public Buildings and Grounds, and appears under a separate heading.)

By Mr. THOMAS of Oklahoma:

S. 2287. A bill to provide for the continuance in certain cases of disability compensation and waiver of premiums and disability payments under United States Government Life Insurance policies; to the Committee on Finance.

By Mr. PEPPER:

S. 2288. A bill to permit public shooting on national wildlife refuges, and for other purposes; to the Committee on Agriculture and Forestry.

(Mr. O'DANIEL introduced S. J. Res. 165, requesting the President to issue a proclamation designating the second Sunday in June of each year as Father's Day, was referred to the Committee on the Judiciary, and appears under a separate heading.)

DEVELOPMENT OF GEORGE WASHINGTON MEMORIAL PARKWAY

Mr. ANDREWS. Mr. President, I ask unanimous consent to introduce for appropriate reference a bill recommended by the National Capital Park and Planning Commission of which Maj. Gen. U. S. Grant, 3d, is chairman. I request that the bill, together with a letter from General Grant to the President of the Senate giving detailed information as to the whole project and the proposed plan for meeting the expense of its construction be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, the bill will be received and appropriately referred, and the bill and letter will be printed in the RECORD.

The bill (S. 2286) to amend an act for the acquisition, establishment and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital, approved May 29, 1930, was read twice by its title, referred to the Committee on Public Buildings and Grounds, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That the act entitled "An act for the acquisition, establishment and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital," Public, No. 284, Seventy-first Congress, approved May 29, 1930, is hereby amended as follows:

By striking from section 1 (a) the following language: "*Provided further*, That no money shall be expended by the United States for the construction of said highway on the Maryland side of the Potomac, except as part of the Federal-aid highway program."

By striking from the next proviso of section 1 (a) the following language: "and the construction of said roads."

By striking from section 1 (b) the following language: "The United States is not to share in the cost of construction of roads in the areas mentioned in this paragraph, except if and as Federal-aid highways."

The letter presented by Mr. ANDREWS is as follows:

NATIONAL CAPITAL PARK AND PLANNING COMMISSION,
Washington, D. C., May 9, 1946.

The honorable the PRESIDENT OF THE SENATE,
Washington, D. C.

SIR: There is enclosed a proposed bill to amend the George Washington Memorial Parkway Act approved May 29, 1930 (46 Stat. 482).

Section 1 (a) of this act authorizes the extension of the George Washington Memorial Parkway on the Virginia and Maryland shores of the Potomac River to Great Falls and provides for the construction of a free bridge at or near Great Falls. The George Washington Memorial Parkway includes the existing Mount Vernon Memorial Highway. Title to the lands so acquired vests in the United States.

Under previous parkway appropriations made to the National Park Service of the Department of the Interior, which has jurisdiction over the George Washington Memorial Parkway, that Service has expended something over a million dollars extending the Mount Vernon Memorial Highway on the Virginia side from Columbia Island to Key Bridge, and has also constructed an additional span to Key Bridge to permit the parkway to pass under that bridge, all from Federal parkway funds.

But as to the parkway on the Maryland side, the act provided that "no money shall be expended by the United States for the construction of said highway—from Fort Washington to Great Falls—on the Maryland side of the Potomac except as part of the Federal-aid highway program." This provision makes a very unfortunate and unjust discrimination against the State of Maryland. On the Virginia side the parkway roads have been built and will continue to be built wholly from Federal funds, whereas under the above quoted provision all such roads built on the Maryland side will have to be built from joint State and Federal funds.

The right-of-way for the George Washington Memorial Parkway on the Maryland side has been or is being acquired from the District line to the Great Falls at a total cost to date of approximately $678,000, of which Maryland and private contributors have paid one-half. Approximately 1,637 acres have been or are now being acquired on the Maryland side, and all of the right-of-way necessary to construct the George Washington Memorial Parkway on the Maryland side from Cabin John to Great Falls will be available for the construction of that portion on the Maryland side as a postwar project. It is very important, therefore, that this law be amended by striking out the above-quoted provision so that this parkway road from the District line to a point above Great Falls be constructed as one of the early postwar projects.

Section 1 (b) provides for the acquisition of lands in the Maryland metropolitan area, including the Anacostia River Valley and its tributaries, in a cooperative arrangement between the National Capital Park and Planning Commission and the Maryland-National Capital Park and Planning Commission. This section contained the following proviso: "The United States is not to share in the cost of construction of roads in the areas mentioned in this paragraph, except if and as Federal-aid highways."

One of the principal postwar projects of the Federal Government is the construction of a parkway road from Washington to the far side of Fort Meade and there to connect with a continuation of that parkway to Baltimore. Part of the parkway will pass through lands in the Anacostia River Valley which have already been acquired under the provisions of section 1 (b). It is necessary to eliminate this proviso in order that the parkway can be constructed through these lands.

Appreciating your referring this proposed legislation to the appropriate committee of the Senate, I remain,

Very truly yours,
U. S. GRANT, 3D,
Major General, United States Army,
Chairman.

FATHER'S DAY

Mr. O'DANIEL. Mr. President, some 35 years ago, while a patient in the Santa Rosa Hospital at San Antonio, Mrs. R. B. Loggins, of West Columbia, Tex., who had become interested in the matter, wrote a number of articles in reference to a special day of the year honoring fathers. The San Antonio Express, of San Antonio, Tex., published these articles. A beginning was made with the observance of Father's Day at several places and it has now spread over the entire United States.

The original idea was to make the first Sunday in May Father's Day. Later this was changed to the second Sunday in June, which is now generally observed as Father's Day. In a number of States the governor of the State officially designates that day as a special day honoring fathers.

Mrs. Loggins was one of the most active of the group whose labors resulted in the establishment of Father's Day, and I desire to pay tribute to her and to the idea on which she has worked for a number of years. This movement has now become so generally known and so widespread in observance that I believe it would be eminently fitting at this time for the day to be recognized nationally.

I ask unanimous consent to introduce a joint resolution authorizing and requesting the President to issue a proclamation designating the second Sunday in June of each year as Father's Day, reading as follows:

Resolved, etc., That the President is authorized and requested to issue a proclamation designating the second Sunday in June of each year as Father's Day, and calling upon officials of the Government to display the flag of the United States on all Government buildings on that day, and inviting the people of the United States to observe the day with appropriate ceremonies.

I request that it be referred to the appropriate committee for consideration.

There being no objection, the joint resolution (S. J. Res. 165) requesting the President to issue a proclamation designating the second Sunday in June of each year as Father's Day was received, read twice by its title, and referred to the Committee on the Judiciary.

HOUSE BILL REFERRED

The bill (H. R. 5674) to amend the laws authorizing the performance of necessary protection work between the Yuma project and Boulder Dam by the Bureau of Reclamation was read twice by its titled and referred to the Committee on Commerce.

AUDIT OF APPROPRIATIONS FOR MARITIME COMMISSION AND WAR SHIPPING ADMINISTRATION

Mr. AIKEN. Mr. President, on October 29, 1942, and many times since, I have called the attention of the Senate to the unconscionable conditions existing in the United States Maritime Commission and War Shipping Board, as indicated by the many reports which the Comptroller General has submitted to the Congress.

The reports of the Comptroller General, beginning with June 29, 1942, indicate gross negligence, wastefulness, collusion, and inefficiency in handling the affairs of the Maritime Commission and the War Shipping Administration.

On January 23, 1946, there was inserted in the CONGRESSIONAL RECORD, by Representative WIGGLESWORTH, of Massachusetts, a report by the Comptroller General on the financial affairs of the Maritime Commission and War Shipping Administration up to June 30, 1943.

This report indicates that up to that time there had been a total of $8,007,163,990.60 of funds improperly accounted for by these two agencies of government.

I believe that President Truman has been aware of conditions existing in the Maritime Commission for a long time.

This belief is amply borne out by the fact that he failed to reappoint one member of the old Commission and two others

resigned undoubtedly with the wholehearted approval of the White House.

After these three members of the old Commission, which has been constantly under fire by the Comptroller General's office, had resigned or were removed, the new Commission, consisting of Ray McKeough, John Carmody, and Capt. Edward Macauley, made much progress toward putting the Commission on an efficient and honest basis. Some inefficient and dishonest employees have been removed.

The courageous action of these three men was taken in the face of strong opposition from those who had participated in or condoned the looting of the United States Treasury by certain unscrupulous interests with which the old Commission had apparently cooperated.

If these three men had remained in control of the Commission and the War Shipping Board, I have no doubt but that they would have performed a thorough housecleaning.

However, Captain Macauley resigned because of illness. As a matter of fact, it had been made plain to him by men close to the seat of government that his resignation was desired. However, he resisted any efforts to remove him, but finally resigned of his own free will because of ill health.

Today, a new Chairman of the Commission, Vice Adm. William Ward Smith, is being sworn into office.

I do not question his integrity or his ability. In fact, I know little about him. I do question the appropriateness of placing one of the colleagues of the two vice admirals who were, to all appearances, removed from office in a position where in he may find it necessary officially to report that his former associates of equal naval rank with himself did not merit the trust imposed in them.

I would say frankly to the new Chairman of the Maritime Commission—and I say this without knowing whether or not he has any knowledge of the findings and charges of the Comptroller General of the United States, that more than $8,000,000,000 of taxpayers' money was improperly accounted for by his former colleagues; that in accepting this position he is placing himself in what may be a most embarrassing situation.

Unfortunately, certain reports of the Comptroller General to the Congress also indicate the possibility of collusion between the Maritime Commission and the Navy in the misspending of public funds.

Therefore, Mr. President, realizing the embarrassment which the new Chairman of the Maritime Commission may encounter, I ask unanimous consent to submit for appropriate reference a resolution providing for the appointment of a special committee of this body which is authorized to investigate fully the affairs of the Maritime Commission and the War Shipping Administration and the many charges which have been made against these two agencies by the Comptroller General of the United States.

A thorough investigation by an impartial and competent committee of the Senate will reveal that those unscrupulous business interests which in the last few years have succeeded in looting the United States Treasury of what will undoubtedly amount to several billion dollars are still attempting to control the affairs of the Commission and may succeed in doing so unless prevented by the Congress.

There is still an opportunity to recover what may amount to several hundred million dollars of United States taxpayers' money if such a committee as I propose is authorized to make a thorough and prompt investigation.

Failure of the Congress to interest itself in the Comptroller General's charges that billions of dollars of taxpayers' money have been improperly accounted for cannot help but increase the fears now held by many that an unscrupulous element of big business has nothing to fear from the Congress.

I earnestly hope that this body will allay such fears by promptly authorizing the investigation called for in the resolution.

I understand that a similar demand for an investigation of Maritime Commission and War Shipping Administration affairs is being made in the House by Representative RICHARD WIGGLESWORTH, of Massachusetts, who has worked unceasingly in the public interest.

There being no objection, the resolution (S. Res. 276), submitted by Mr. AIKEN, was received and referred to the Committee on Commerce, as follows:

Whereas the Congress of the United States owes a definite obligation to the American people to insist that all appropriated money shall be properly accounted for; and

Whereas the Comptroller General of the United States has reported to the Congress, in an audit of and findings pertaining to the financial operations of the Maritime Commission and the War Shipping Administration up to June 30, 1943, which audit and findings are found in the CONGRESSIONAL RECORD of January 23, 1946, pages 290–299 inclusive, that a total of $8,007,163,990.60 of the money appropriated for the use of these Governmental agencies has not been properly accounted for; and

Whereas no action or consideration of this failure on the part of the Maritime Commission or the War Shipping Administration to properly account for this sum of $8,007,163,990.60 has been taken by any standing committee or either House of Congress; and

Whereas it is imperative that the Congress ascertain the accuracy or the inaccuracy of this charge that the sum of $8,007,163,990.60 has not been properly accounted for by these governmental agencies: Therefore be it

Resolved, That a special committee of seven Members of the Senate, to be appointed by the President pro tempore of the Senate is hereby authorized and directed to make a full and complete study and investigation with respect to the expenditure of, and accounting for, (1) all money appropriated for and expended by the Maritime Commission and the War Shipping Administration and (2) all money received by such agencies from other Federal agencies and from other sources. Such study and investigation shall be made with a view to the determination of the facts as to whether or not the Maritime Commission and the War Shipping Administration have properly and adequately safeguarded the interests of the United States in the expenditure of, and accounting for, such money in connection with the acquisition of vessels, the charter hire or chartering of vessels, the placing of insurance and the payment of insurance losses, the allowance and payment of agency fees and other fees and emoluments, and with respect to all other matters relating to the expenditure of, and accounting for, such money which the committee may deem it appropriate to study and investigate. The committee shall report to the Senate, not later than 6 months after the adoption of this resolution, the results of its study and investigation, together with such recommendations as it deems desirable.

For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate in the Seventy-ninth Congress, to employ such experts, and such clerical, stenographic, and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures, as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per 100 words. The expenses of the committee, which shall not exceed $50,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

FUNERAL EXPENSES OF THE LATE SENATOR CARTER GLASS

Mr. BYRD submitted the following resolution (S. Res. 277), which was referred to the Committee To Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the President pro tempore in arranging for and attending the funeral of Hon. Carter Glass, late a Senator from the State of Virginia, on vouchers to be approved by the Committee To Audit and Control the Contingent Expenses of the Senate.

Mr. LUCAS subsequently said: Mr. President, from the Committee To Audit and Control the Contingent Expenses of the Senate, I ask unanimous consent to report favorably without amendment Senate Resolution 277, submitted early today by the Senator from Virginia [Mr. BYRD], which deals with the funeral expenses of the late Honorable Carter Glass, and I request consent for its consideration.

There being no objection, the resolution (S. Res. 277) was considered, and agreed to.

SENATOR SHIPSTEAD'S VOTING RECORD ON VETERANS' LEGISLATION, 1923–46

Mr. SHIPSTEAD. Mr. President, my voting record on veterans' legislation from 1923 to 1946 has been incorporated in a statement prepared by the Senate Library. I ask that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Senator Henrik Shipstead's Voting Record on Veterans' Legislation, 1923–46

Congress	Session	Year	Page	Bill	Vote	Subject
68th	1st	1923–24	1972	H. R. 7959	Yea	Adjusted compensation for ex-servicemen.
			8871	H. R. 7959	do	Ibid. Passage over President's veto.
			5333	S. 5	do	Increase pension for service in Civil War, Mexican War, and War of 1812.
			8422	S. 5	do	Ibid. Passage over President's veto.
			7855	S. 2257	do	To extend, for 5 years after discharge, time for showing neuropsychiatric disease.
68th	2d	1924–25	4240	S. 33	do	Retirement of disabled emergency officers of World War I.
69th	1st	1925–26	12037	H. R. 12175	Yea	Hospitalization of disabled servicemen.
			12089	H. R. 12175	Nay	To allow unpaid premiums to be renewed by deducting 5 percent interest annually from "face of policy."
			7435	H. R. 8132	Yea	Granting pensions for service in war with Spain.
69th	2d	1926–27	4333	H. R. 16886	(Not voting)	Authorizing Veterans' Bureau to make loans to ex-servicemen.
			4336	H. R. 16886		
			4547	H. R. 16886	Yea	Ibid. Vote on passage of bill.
70th	1st	1927–28	9674	S. 777	do	Disabled emergency officers of World War, retirement. Passage over veto.
71st	2d	1929–30	11496	H. R. 10381	do	Bill to amend World War Veterans' Act.
			12194	H. R. 13174	Nay	Bill to amend World War Veterans' Act, World War I. Raise amount of disability compensation.
			12196	H. R. 13174	Yea	Bill to amend World War Veterans Act, World War I, to provide that willful misconduct resulting in veneral disease will not preclude disability allowance.
			12198	H. R. 13174	do	Bill to amend World War Veterans Act, World War I.
			12198	H. R. 13174	do	Passage of bill.
71st	2d	1929–30	12418	H. R. 13174	do	Bill to amend World War Veterans Act, World War I. Conference report.
71st	3d	1930–31	5386	H. R. 1704	do	Adjusted certificates, increase loan basis.
			6230	H. R. 1704	do	Ibid. Passage over President's veto.
72d	1st	1931–32	13274	H. R. 7726	do	Ibid. Immediate payment of face value of adjusted-service certificates.
			12173		do	Motion to strike out title VII of legislative appropriation bill relative to adjustment of veterans' benefits which would reduce compensation.
73d	1st	1933	4816	H. R. 5389		Veterans: Compensation or pension for service-connected disabilities—amendments:
			4816	H. R. 5389	Nay	1. Reduction not to exceed 15 percent.
			4832	H. R. 5389	do	2. Reduction not to exceed 25 percent.
			6014	H. R. 5389	Yea	3. Reduction not to exceed 25 percent.
73d	2d	1934	3308	H. R. 6663	do	Ex-servicemen, amendment relative to benefits.
			5400	H. R. 6663	Nay	Ibid. Motion to concur in House amendment.
			3066	H. R. 6663	Yea	Veterans' claims, restoring veterans' benefits.
			3304	H. R. 6663	Nay	Immediate payment of veterans' bonus.
			3214	H. R. 6663	Yea	War with Spain, amendment to independent offices appropriation bill to limit reductions of pensions to veterans of.
74th	1st	1935	8066	H. R. 3896	Yea	Adjusted-service certificate, payment of.
			6862	H. R. 3896	do	Ibid. Amendment.
			7052	H. R. 3896	do	Ibid.
			7068	H. R. 3896	do	Passage of bill.
74th	2d	1936	670	H. R. 9870	do	Adjusted-service certificates, payment of.
			700	H. R. 9870	do	Ibid. Amendment.
			703	H. R. 9870	do	Passage of bill.
			1015	H. R. 9870	do	Passage over veto of President.
78th	2d	1944	3081	S. 1767	do	Relief of returning veterans of World War II (GI bill of rights).
79th	2d	1946	3430	H. R. 4761	Nay	Vote on amendment to cut subsidy from $600,000,000 to $400,000,000 in Veterans' Emergency Housing Act.
			3353	H. R. 4761	do	Veterans' Emergency Housing Act amendment to strike out permission relative to guarantee by RFC for prefabricated houses.
79th	2d	1946	3354	H. R. 4761	do	Ibid. Strike out $600,000,000 in subsidies for production of materials.
			3406	H. R. 4761	Yea	Ibid. Strike out provisions for price ceilings on existing homes and unimproved land.
			3420	H. R. 4761	do	Ibid. Provide for outright grant to veterans desiring to purchase homes.
			3433	H. R. 4761	do	Ibid. Passage of bill creating Housing Expediter and to prevent speculation and excessive prices sale of housing.

Prepared by Senate Library, May 31, 1946.

ADDRESS BY SENATOR MEAD AT ACADEMIC CONVOCATION OF ADELPHI COLLEGE, NEW YORK

[Mr. MEAD asked and obtained leave to have printed in the RECORD an address delivered by him on June 1, 1946, at the academic convocation of Adelphi College, Garden City, Long Island, N. Y., celebrating the fiftieth anniversary of the chartering of the college, which appears in the Appendix.]

THE PRESIDENT'S LABOR BILL—EDITORIAL FROM THE WASHINGTON TEAMSTER

[Mr. MAGNUSON asked and obtained leave to have printed in the RECORD an editorial entitled "This is a time for cool heads, sober judgment," published in the Washington Teamster of Seattle, Wash., May 31, 1946, which appears in the Appendix.]

RULES AND REGULATIONS FOR RADIO STATION LICENSEES WITH REGARD TO PROGRAMING—ADDRESS BY HON. THURMAN ARNOLD

[Mr. MITCHELL asked and obtained leave to have printed in the RECORD a radio address on the subject of rules and regulations for radio-station licensees with regard to programing, delivered by Judge Thurman Arnold on June 1, 1946, which appears in the Appendix.]

EXTENSION OF SELECTIVE TRAINING AND SERVICE ACT OF 1940

The Senate resumed consideration of the bill (S. 2057) to extend the Selective Training and Service Act of 1940, as amended, until May 15, 1947, and for other purposes.

Mr. GURNEY. Mr. President, inasmuch as the Congress has passed and the President has signed a new bill affecting the selective service, namely, one which increased the minimum age and decreased the maximum age of those selected under the selective service and training act, an amendment is necessary so as to make Senate bill 2057 in line with the recommendations of the committee. So I send to the desk an amendment and ask that it be read, and I offer the amendment at this time.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 1, between lines 6 and 7, it is proposed to insert the following:

SEC. 2. (a) So much of the first sentence of section 3 (a) of the Selective Training and Service Act of 1940, as amended, as precedes the first proviso is hereby amended to read as follows:

"SEC. 3. (a) Except as otherwise provided in this act, every male citizen of the United States, and every other male person residing in the United States, who is between the ages of 18 and 45 at the time fixed for his registration, shall be liable for training and service in the land or naval forces of the United States."

On page 1, line 7, delete "SEC. 2." and insert in lieu thereof "(b)."

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from South Dakota.

Mr. BARKLEY. Mr. President——

Mr. GURNEY. I yield to the Senator from Kentucky.

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hayden	O'Mahoney
Andrews	Hickenlooper	Overton
Austin	Hoey	Pepper
Ball	Huffman	Radcliffe
Barkley	Johnson, Colo.	Reed
Briggs	Johnston, S. C.	Revercomb
Brooks	Kilgore	Robertson
Buck	Knowland	Russell
Bushfield	La Follette	Saltonstall
Byrd	Langer	Shipstead
Capehart	Lucas	Smith
Connally	McCarran	Stanfill
Cordon	McClellan	Stewart
Donnell	McFarland	Taft
Downey	McKellar	Thomas, Okla.
Eastland	McMahon	Tunnell
Ellender	Magnuson	Tydings
Ferguson	Maybank	Vandenberg
Fulbright	Mead	Wagner
George	Millikin	Walsh
Gerry	Mitchell	Wheeler
Green	Moore	Wherry
Guffey	Murdock	White
Gurney	Murray	Wiley
Hart	O'Daniel	Wilson

Mr. BARKLEY. I announce that the Senator from North Carolina [Mr.

BAILEY], and the Senator from Alabama [Mr. BANKHEAD], are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], the Senators from Idaho [Mr. GOSSETT and Mr. TAYLOR], and the Senator from Utah [Mr. THOMAS] are absent by leave of the Senate.

The Senator from Virginia [Mr. BURCH], the Senators from New Mexico [Mr. CHAVEZ and Mr. HATCH], the Senator from Alabama [Mr. HILL], and the Senator from Pennsylvania [Mr. MYERS] are detained on public business.

Mr. WHERRY. The Senator from Maine [Mr. BREWSTER], the Senator from New Hampshire [Mr. BRIDGES], the Senator from Nebraska [Mr. BUTLER], the Senator from Kansas [Mr. CAPPER], the Senator from Oregon [Mr. MORSE], and the Senator from Indiana [Mr. WILLIS] are necessarily absent.

The Senator from New Jersey [Mr. HAWKES] and the Senator from North Dakota [Mr. YOUNG] are absent by leave of the Senate.

The Senator from New Hampshire [Mr. TOBEY] is absent on official business.

The PRESIDENT pro tempore. Seventy-five Senators having answered to their names, a quorum is present.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. AUSTIN. I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks an address entitled "Peace Forces," delivered by me at the Second Annual Commencement of the School of Advanced International Studies, Foreign Service Educational Foundation, on June 1. I offer it for printing at this place in the RECORD because in that address I discussed the peace forces which are within the United States, but which have world-wide scope, and which are within the special function of the Congress of the United States. Among such peace forces are those involved in the extension of the Selective Training and Service Act of 1940. Therefore I believe that the address may be of interest to my colleagues and perhaps to others.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

PEACE FORCES

I speak to you about peace forces that are within the United States, but which have world-wide scope, because you have had training in this school of advanced international studies for development and employment of such forces.

The special knowledge you have acquired relating to affairs among nations, and the improvement of relations toward ultimate pacific settlements of controversies among them, especially qualifies you to give impetus to these forces.

I speak of policies and activities of the departments of Government, especially the executive, legislative, and military departments, and the laws that seem so difficult to enact, but which are so vital to the actual power, and the appearance of power, essential for leadership by this country.

A condition precedent to enactment of these laws by Congress is well informed public opinion, in which you will participate, and in which you ought to lead.

Graphically stated, the measures that are indispensable to the efficiency of our negotiations for the definitive treaties of peace, for the firm and effective establishment of the United States, and for the negotiation and ratification of the treaty among the American Republics, to be founded on the Act of Chapultepec, include the following:

I. APPROPRIATIONS SUFFICIENT TO IMPLEMENT THE STATE DEPARTMENT'S NEW PROGRAM OF INFORMATION AND CULTURE

These appropriations, now pending in Congress, are in danger. The activity is an old one for many of the great treaty powers, but it is practically a new one for us. It involves the transmission of news by radio, press, and motion pictures. Its objective is to give to the world a true day to day picture of the standards by which we live. This is a peace force of high value because no nation can excel our record for nonaggression, and for the encouragement of self-determination and independent sovereignty by smaller nations.

Moreover, this Nation has been the leading exponent of the capitalistic system of economy and of free institutions of government. By a true disclosure of what this Republican type of government has done to uplift the standard of living of the inhabitants of this great continent, we may lead other people to have faith that the pursuit of similar political philosophies might result in attainment of the higher level to which all peoples aspire. This is an element for peace because disparity in the possession of the good things of life is a cause of unrest.

Our way of life, our standards of living, are known to many people, but they are not known to many other people, among whom there is circulated propaganda to discredit the capitalistic system of economy and the republican form of government. Speeches of our statesmen are garbled in their reports, important events are not mentioned, or are given little significance, knowledge of our altruism is barred, our benevolence to them is misrepresented.

A specimen of distortion of facts about the United States is found in the following wireless to the New York Times, dated May 29:

"RUSSIAN ACCUSES UNITED STATES OF EXPANDING

"LONDON, May 29.—Certain circles in the United States 'are out for expansion in all seas and are eagerly preaching undivided American domination of the world', said a Soviet woman commentator, Ata Beiskaya, in a broadcast over the Moscow radio in English today.

"'We know, of course, that during the war the United States occupied bases in the Pacific and Atlantic and on the Mediterranean coast,' she declared.

"'No one denies that in wartime the establishment of naval and aircraft bases was dictated by military necessity.

"'But the war is over and still American troops have not been withdrawn from these temporarily established bases. What it boils down to is that the United States is trying to keep these vantage points for good.'"

"Moscow, May 29.—A Tass dispatch reporting arrival of a United States military delegation in Copenhagen, Denmark, was carried by the newspaper Pravda today under the headline 'Americans endeavoring to maintain military bases in Greenland.'"

An example of petition to Congress representing public opinion is the following telegram from leaders of thought:

NEW YORK, N. Y., *May 24, 1946.*

Hon. WARREN R. AUSTIN,
Senate Office Building,
Washington, D. C.:

Another unfortunate manifestation of American withdrawal from her world responsibilities since the end of the war is the action of the House Appropriations Committee in cutting almost by half the budget for the State Department's overseas information and cultural program.

It seems inconceivable that we have so soon forgotten the tragic cost to us of our failure to promote an adequate understanding before the war of American policies of American objectives and, indeed, of the American people themselves. The popular conception abroad of America and Americans was as warped as it was harmful. Little wonder that Germany had such fertile ground in which to plant its idea seeds against the American people. Little wonder that so many millions had to be spent by us during the war in counteracting the effect of enemy propaganda against us.

The people of Europe today are hungry for information about America. They are receptive and responsive to a constructive program that can give them a better understanding of the American people and their foreign policy.

Such being the case we find the House Appropriations Committee recommendation that the State Department budget be cut from $19,000,000 to $10,000,000, a deplorable and potentially harmful action. At a time when we should be recognizing our opportunities and our obligations, we are apparently defaulting on both. It is to be hoped that the cut will be restored in full by the Senate Appropriations Committee.

Norman Cousins, Jonathan Daniels, George Fielding Eliot, Mark Ethridge, Thomas K. Finletter, Ralph McGill, Harry Emerson Fosdick, Owen J. Roberts.

Therefore, one of the peace forces to which we ought to give vitality is this agency of information and culture which would furnish the evidence to all countries penetrated by radio and other means of communication the true character of the American Nation. The most probative evidence of this is the chronicle of daily life broadcast as news.

II. THE ENACTMENT OF SUITABLE STATUTES TO PREVENT STRIKES AGAINST THE GOVERNMENT, AND COMBINATIONS EITHER OF CAPITAL OR OF LABOR, THAT EMPLOY STARVATION OF PEOPLE AS A MEANS OF ATTAINING OBJECTIVES IN LABOR DISPUTES

Our Government ought to be able to go into its own sanctuaries for the exercise of its sovereignty and protection of its citizens under the law. It should not be denied access, as it now is, to its courts in labor disputes that threaten the health or safety of our people, or the sovereignty of our Government.

What does this have to do with foreign relations? I answer that it directly impinges upon our status and our attitude in the family of nations. Its practical impact occurred with respect to our shipments of coal to France. At the time this strike suddenly stopped all shipments of coal Europe was receiving 500,000 tons per week from us. The stoppage informed nations who are in negotiations with us that a great weakness existed in our Government; that our Government had barred itself access to its our courts in labor disputes; that by virtue of that a counterbalancing tyranny had arisen, a tyranny that defied Government in its effort to maintain the health and safety of the people.

The obvious effect of depriving our neighbors of the shipments of coal went far beyond physical inconvenience. It gave cause for derision of us by countries with an opposite ideology who have been declaring through their information and cultural systems for the past 10 years that republican government and capitalistic economy are failures.

Definitely, the answer is that strikes against the Government weaken our prestige and influence in our relations in the United Nations Conferences, in the consultive system with

the American Republics, and in our efforts to expedite the making of the peace treaties in Europe.

III. REDUCTION OF TRADE BARRIERS, SUCH AS SUBSIDIES, TARIFFS, EMBARGOES, EXCHANGE POOLS AND BLOCS, BILATERAL TREATIES AND INTERREGIONAL PREFERENCES

You will find exercise of your special knowledge in society's consideration of the immediate problems relating to payment of our enormous debt, and conversion from war conditions to our customary circumstances.

I believe that we have to take an advanced position as a people—one that has an immediate sales resistance, but, upon careful deliberation fully recommends itself. That is, we should gradually modify, or repeal, laws, executive orders, and regulations which were required for the conduct of war, but which are hostile to a long range commercial policy, and are a hindrance to production and employment.

This comprehends, as you at once recognize, the problem of what to do with OPA. This is a live problem, upon which your thought, expressed freely, will help to form public opinion. I think you ought to guide that opinion, so far as you can, in the direction of timing such changes as would have an effect upon the relations of employer and employee, producer and consumer, distributor and carrier, so that they shall be as rapid as possible without too great inflation. I cannot conceive of the change being made without inflation. It is one of the hazards of our national life, and it ought to be kept within control. This policy bears directly upon our international relations because it will help to determine the economic soundness and vigor of the United States.

Therefore, it is one of the peace forces.

It is a part of the effort to pay our war debt expeditiously and to foster an expanding economy at home and abroad. It also has for its purpose the leveling off of peaks and depths of fluctuation in the prosperity or poverty of nations by working toward a better balance of production and consumption, and toward wider distribution of the good things of life.

Currently, also, we should be developing a strong popular backing for an economic arrangement—a treaty or treaties, if necessary—by which the trade barriers, which have amounted to economic warfare in the past, will be reduced, and reciprocal procedures in international trade promoted. By these means, more free access to the natural resources of the world would be given all nations and an opportunity afforded to the greatest possible number of consumers to raise the level of their living.

I regard this positive economic campaign as one of the most effective peace forces operating against the attack of totalitarianism upon the Western Hemisphere.

I have a deep feeling that we could not long stay at peace if a bitter conflict should develop between totalitarianism and free institutions.

For these reasons, this peace force seems to me to be a very important one.

IV. LAWS AND ADMINISTRATIVE MEASURES PROMOTING ACTIVITIES OF THE FOOD AND AGRICULTURE ORGANIZATION, THE INTERNATIONAL LABOR ORGANIZATION, THE INTER-AMERICAN COMMITTEE ON SOCIAL AND ECONOMIC PROBLEMS, AND THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS

I cannot do more than name these forces in the scope of a commencement address, but I could not omit them from mention because of their place in the over-all mobilization for peace.

I call to your attention the fact that in all of these organizations there is activity at the present time of conspicious character, and all of them are striving for such relations among the nations with respect to their specific purposes, that each country may be aided only so far as necessary to get it upon its feet following the devastation of war, and enable it to provide its own means of living and progress.

These organizations open up vistas of thought of leadership in technical skills and information, as well as afford access to materials of which these countries are in short supply.

V. AN IMPORTANT PEACE FORCE CONSISTS OF AID AND RELIEF IN THE FORM OF MONEY, CREDITS, FOOD, COAL, AND OTHER COMMODITIES

Peace is placed in jeopardy by the threat of famine or other conditions due to greatly inferior advantages of one or more nations. The prevalence of peace in the world is dependent upon the happiness and welfare of the whole family of nations.

The foregoing categories relate to a real change in our national attitude and represent progress away from extreme nationalism toward an expanding activity in the world. The attainment of social and economic objectives should raise the standard of living of all peoples and remove some of the causes of war.

There is another category of items which bear directly upon the authority of the voice of the United States of America in negotiations of all kinds, for in the present state of civilization, power is the element which persuades nations at conference with each other regarding short- or long-term arrangements.

This brings us to the vitally important legislation upon which Congress has yet to decide:

The extension of the Selective Training and Service Act.

Universal military training.

Unification of the armed forces.

Control of atomic energy and the secrets relating to nuclear fission, until there have been set up and put into effective operation in the United Nations safeguards against the use of such energy for destructive purposes.

Your firm convictions, effectively voiced to your neighbors, that these difficult and controversial statutes ought to be passed promptly, would promote the type of peace force that is needed. The lack of this peace force was felt by our negotiators and delegates in London, and New York and Paris.

What consternation must Russia have felt on witnessing her greatest ally bowing in subservience to an isolationist minority? She could draw no other conclusion than that the United States could be expected to fail in the occupation of Germany, Italy, Austria, Japan, and China, and that she could not carry out her express obligations under the United Nations Charter.

People who have suffered military aggression and the devastation of modern war have little faith in promises without works. Representations without apparent power to make them good have little persuasiveness.

After her desperate exposure to German aggression during the last 30 years, in which she was ravaged and looted in two wars, Russia is security-conscious. The conduct of the United States being inconsistent with the Charter of the United Nations, Russia is interested in buffer states for her security.

Moreover, the disintegration of our military efficiency following the brave promises made at Potsdam naturally raised a serious question in German minds whether to follow the leadership of Russia, which maintained its power, or America, which reduced it.

During the 12 months since we listened to that really great commencement oration by Acting Secretary of State Grew, entitled "The Responsibility of Power," we have observed the disintegration of our military power in the occupation of the enemy territory.

When Mr. Grew addressed us a year ago, this Nation possessed the most exalted leadership that any nation in all history had attained. The magnificence of its power gave its voice wings that swept round the world, uplifting the aspirations and hopes of mankind.

But, by our ineptitude, and our surrender to fatigue, we have, in 12 short months, fallen from these heights, apparently unmindful that the victory is not attained, and that it cannot be attained in any such state of lassitude and weakness.

It seems that to you there is no greater challenge than to sound the trumpet to rally again the stamina of this Nation around the standard of security and peace, and advance to the goal of such organizations for pacific determination of controversies, for the complete outlawry of the use of mass destructive weapons for any purpose whatever, for the maintenance of only those military forces which can prevent a situation developing into aggression.

I have for years called such forces peace forces because they so greatly resemble the peace officers of the common law whose primary duty is prevention of disturbance of the peace, but who also have a part in remedies for injury.

For this purpose there is no need of mass destructive weapons; for this purpose there is no need of armies and fleets and air wings great enough to wage war.

We must stay in the fight until the enemy is pacified completely—until he is qualified to join with us in the United Nations as a member in good faith. Cooperation for a peace must prevail by virtue of its intrinsic character—its new relationships to all the countries and governments of the earth.

It seems to me that the experience of 12 months carries a lesson of great persuasiveness. It is that the United States has the greatest responsibility of all the governments which have met in the conferences for peace treaties, hemispheric unity, and universal world organization. This responsibility is a result of the morals by which we are held, by the kind of life that we live, and the effect in happiness and wealth of many kinds which we enjoy above the people of any other part of the globe.

Therefore, we ought, forthwith, to pass the several statutes for restoration of the military effectiveness of the United States.

I congratulate you upon your graduation from the School of Advanced International Studies, and wish for you the opportunity of full exercise of your natural and acquired knowledge and skill in this critical hour of the world. No class graduating from such an institution of learning as this could have a higher challenge than that which is your commencement gift.

Mr. GURNEY. Mr. President, I realize that the bill now before the Senate is a very vital measure. I know that the whole country has been considering it for months. We have now reached the point where, in my opinion, we must speed up legislative action on this measure, for we are approaching the deadline of July 1, when the entire Selective Service Act will expire unless new legislation is agreed to by both Houses of Congress and signed by the President.

Briefly to place before the Senate the critical position of our armed forces at the moment, and particularly the Army, let me say that in the best judgment of national headquarters a total of only 12,000 men will come in by way of selective service during the month of May. I have complete figures for the first 3 weeks in May. I have not been able to obtain the exact figures for the last week.

In addition, I point out that, of the 12,000, most of them already appear in the figures which I shall shortly give, representing total volunteers during the

month of May. We must realize that these men come into the Army and are immediately given an opportunity to volunteer for a specific length of time, the minimum being 18 months, in accordance with the bill which Congress passed last fall. They may also volunteer for a 2-year period or a 3-year period. Volunteers and inductees for the first 3 weeks in May total 32,750. We must add to that number some of those who remained in the Army as inductees; but certainly the total number of volunteers for the month of May will not reach a figure larger than 43,000. The figure of 43,000 for the month of May tells us absolutely that we are not getting the volunteers necessary to maintain the strength of the Army, as everyone knows it is to be on July 1, namely, 1,550,000, reduced progressively during the next 12 months to 1,070,000 on July 1, 1947. I may say that I have word from the War Department to the effect that on July 1st it will meet the figure of 1,550,000. It may be off a few thousand; nevertheless it will meet, on the line, the promise made to the Congress and to the country.

Mr. VANDENBERG and Mr. MAYBANK addressed the chair.

The PRESIDENT pro tempore. Does the Senator from South Dakota yield; and, if so, to whom?

Mr. GURNEY. I shall be glad to yield in a moment.

Volunteers for the month of May are estimated to reach the number of approximately 43,000. Going backward a little, in the month of April the number was 63,000; in March 73,000; in February 93,000; in January 113,000; in December 131,000; in November 184,000. That shows that we are reaching a low point in connection with volunteers, and that something must be done about it.

I now yield to the Senator from Michigan.

Mr. VANDENBERG. I wish to ask the Senator one question regarding the assumptions upon which the size of the Army contemplated in this bill is based. I notice, for example, that the fifth assumption, as stated in the report of the committee, is that we shall be relieved of occupation responsibilities in Austria and Italy by conclusion of peace treaties affecting those countries. I ask the able Senator whether the failure to conclude peace treaties respecting Austria and Italy will require a revision of the figures upward?

Mr. GURNEY. It certainly will. The senior Senator from Michigan knows that situation much better than I, and he knows that if we cannot conclude peace treaties, our occupation forces in Germany and other places cannot be reduced, or come home as soon as we thought might be possible, even when the Military Affairs Committee reported the bill. In my opinion, the situation which we face at the moment is much more critical than it was on April 11, when the Committee on Military Affairs approved Senate bill 2057.

Mr. VANDENBERG. If the other assumptions upon which the size of the Army is based confront as much jeopardy as does the fifth assumption——

Mr. GURNEY. We all know that the jeopardy on April 11 was even greater than we at that time thought possible, because on April 11 the committee felt that Congress would surely renew selective service in one form or another, and would not exclude from the reservoir of manpower, the 18- and 19-year olds, who constitute the only reservoir from which we can expect to maintain our armed strength at anywhere near the requirements on which that assumption was based. The House has since made the minimum age 20 and the maximum 29.

Mr. VANDENBERG. I was about to observe that if the fifth assumption is typical of the others, certainly the total armed forces contemplated in this measure represent not only a minimum, but a very dangerous minimum.

Mr. GURNEY. The Senator is correct.

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. MAYBANK. The Senator mentioned the fact that the Army expected to meet its reduction. I wonder if the Senator intends, at a later time, to speak of the Navy and Marine Corps reductions, or wheher he has any word from the Navy and Marine Corps as to their attitude and as to how this measure will affect them indirectly.

Mr. GURNEY. I may say to the Senator that all branches of the armed forces have definitely stated their full belief in the necessity for enacting this legislation. I shall be glad to answer particularly questions as soon as I have concluded my basic argument.

Mr. MAYBANK. My point is this: The Senator has stated that the Army intended to meet the reduced figures. If the Army should meet the reduced figures and, as was so ably explained by the Senator, the number of volunteers has fallen off to such an extent, does not that mean that many of those who have served long and faithfully in the Army overseas, and many of those who are fathers who have been absent from their families for many years, will not have the opportunity to return as early as they had been led by the Army to believe they would return if this measure had passed?

Mr. GURNEY. The Senator is entirely correct.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. GURNEY. I yield to the Senator from Georgia.

Mr. GEORGE. I should like to have the able Senator give us, if he can do so, the actual number of men in the Army, the Navy, and the Marine Corps at this time.

Mr. GURNEY. As to the number in the Army at the moment, I should make a rough guess of 1,700,000. I shall try to get the exact figures soon. As I previously stated, I am advised that the Army will meet the figure 1,550,000 on July 1.

In the bill recommended by the committee the maximum strength of the Army is fully set forth, and the corresponding figure is set forth for the Navy, as Senators will note if they look at page 2 of the bill reported by the committee.

Mr. GEORGE. I understand what is proposed to be the strength of the Army on July 1, 1946, and then on July 1 of the following year; but I was anxious to know just what number of men are now in the armed forces.

Mr. GURNEY. I shall obtain those figures for the Senator, and shall get them exactly, and shall report them as soon as I am able to.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. GURNEY. I would ask that I first be permitted to present my basic argument on the bill, and then I shall be glad to yield.

Mr. REVERCOMB. I wished to answer the question just asked by the Senator from Georgia.

Mr. GURNEY. If the Senator has the information requested, I shall be glad to have him furnish it.

Mr. REVERCOMB. This information was given me last week, by the War Department. The total strength of the Army as of May 1, 1946, was 2,091,404 men. The estimated strength as of May 20, 1946, was 1,960,000 men.

Mr. GURNEY. Mr. President, the figures just given by the Senator from West Virginia are, of course, a few weeks old. I shall try to obtain figures which are more nearly up to date.

Mr. BROOKS. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. BROOKS. When the Senator obtains for us the figures as to the strength of the Army today will he be able to get the figures for the strength of the Army on VE-day and the relative strength of officers and enlisted men on the same date? We constantly hear that the enlisted men are getting out of the Army, but that the officers are staying in it. When we go into the matter of continuing the draft I think we should know the relative strength of officers versus enlisted men at the present time and when they were actually counted.

Mr. GURNEY. I shall be glad to obtain that information, and I shall offer it a little later.

Mr. President, I have been receiving, of course, some letters from various States of the Union, possibly from all of them, and I have been receiving a few letters from my own State of South Dakota. For the information of the Senate I believe I can outline my feelings regarding the necessity for the proposed legislation by reading a reply which I sent only last Friday to a constituent in my own State. It reads as follows:

MAY 31, 1946.

I have read your thought-provoking letter containing sharp criticism of the United States Army with considerable interest. Your letter induces me to make several broad observations which I think should be pointed out.

First of all, the Army has just concluded a magnificent victory over adversaries who had all the advantages at the start of the conflict. This has been done with a minimum loss of life.

I think we must also face the fact that there are still thousands of men in the Army and Navy who served during wartime when they were asked to risk their lives. These men cannot be released so that they may rejoin their families unless replacements are forthcoming. These replacements can only come from the 18- and 19-year-old group, as it is the only untapped reservoir of men left.

Let me interpolate here to say that the Director of Selective Service in my State advised on about May 1 that there were available for induction only 427 men in the category of those approved by the House of Representatives. I wish to point out the figures for a few other States:

California, only 9,000; New York State—we would think there would be more there—2,198; New York City, 2,500. The total for the entire United States available for induction in the age group authorized in the joint resolution which was approved on May 14 was 71,860.

Mr. VANDENBERG. Mr. President, does the Senator have the Michigan figure there?

Mr. GURNEY. Yes; for Michigan the figure is 3,087.

For Minnesota it is 1,921.

Mr. President, I ask unanimous consent to have the entire list inserted at this point in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Estimated number of registrants 20 through 29 years of age available for induction as reported in a national survey made Apr. 16, 1946 [1]

State:	Number
Alabama	500
Arizona	400
Arkansas	425
California	9,000
Colorado	300
Connecticut	105
Delaware	100
District of Columbia	800
Florida	1,238
Georgia	1,500
Idaho	150
Illinois	8,516
Indiana	200
Iowa	2,100
Kansas	352
Kentucky	476
Louisiana	1,340
Maine	100
Maryland	510
Massachusetts	130
Michigan	3,087
Minnesota	1,921
Mississippi	2,204
Missouri	2,000
Montana	450
Nebraska	300
Nevada	0
New Hampshire	60
New Jersey	1,850
New Mexico	268
New York State	2,198
New York City	2,500
North Carolina	535
North Dakota	320
Ohio	3,500
Oklahoma	2,398
Oregon	1,000
Pennsylvania	3,500
Rhode Island	226
South Carolina	1,707
South Dakota	427
Tennessee	400
Texas	3,000
Utah	300
Vermont	382
Virginia	3,100
Washington	1,200
West Virginia	600
Wisconsin	1,450
Wyoming	35
Total	71,860

[1] Approximately 50 percent of these registrants would be found physically and mentally unacceptable for military service.

Mr. GURNEY. I now return to the letter which I had commenced to read:

It is also necessary that we maintain a strong army and navy so that we can fulfill our international responsibilities. I think it is more than coincidence that the Paris Peace Conference failed almost simultaneously with House emasculation of the selective-service law.

There is no question but what there is a certain amount of immorality in the Army. There are immoral men in every walk of civil life, and it would be strange indeed if the pattern of moral conceptions were any different in the Army. I have always felt that a boy's moral behavior was the responsibility first of his home, second of his church, and third of his school. Boys of 18 who have had the proper influence from these institutions will not fall into evil ways as the result of Army service.

I have introduced a bill in the Senate calling for extension of selective service in essentially its wartime form. It does not alter the minimum wage of 18 for inductees, but it does exempt fathers, and limits the period of service to 18 months. If this legislation is passed, it will enable young men to enter college when they are 19½ years old and continue uninterruptedly. This, I am sure, would result in less dislocation than if they were allowed to enter at 18 with the prospect of military service hovering over them after 2 years.

Thank you again for your very interesting letter.

Sincerely yours,

CHAN GURNEY.

Mr. President, the case for extension of the Selective Service Act must rest finally on the fundamental proposition that it is necessary in the national interest. We have the assurance of the President, Secretary Byrnes, Secretaries Patterson and Forrestal, General Eisenhower, and Admiral Nimitz, and of the Military Committees of both Houses of Congress that it is necessary.

We can agree with General Eisenhower also that—

Any gamble with the peace and security of the United States at this time is a gamble with the peace and security of the world.

I do not believe that anyone wants to take that gamble.

It seems to me that there are two overpowering reasons for extending the Selective Service Act at this time, as urged by those with whom rests the responsibility for protecting the peace we have won. These reasons are:

First. It is necessary in the opinion of men whose judgment we can trust to extend the act at this time to make certain that we can raise and maintain an Army of the minimum size required to do the job assigned it.

Second. It is necessary to strengthen the hand of the President and Secretary of State in their handling of our foreign relations.

There should be no partisanship and no politics in an issue so vital to the national security as this. We are all Americans. We may have our family fights on domestic issues. But when it comes to war or to the making of peace or to the broad fundamentals of foreign policy, we have always found it possible as a people to rise above partisanship and do what we thought right in the national interest. I am satisfied that we shall do this now.

The way to get peace in a world still suffering from the shocking aftermath of war is not suddenly to throw down our arms while others remained armed. We know now that we have demobilized too fast since hostilities ceased. We yielded too readily to a natural desire to have our sons brought home as rapidly as ships could carry them. In doing so we have literally wrecked the Army that won the war. This has occurred in the short space of less than a year.

When I say "we" did this, I mean all of us. We were all at fault. Not a single responsible voice was raised in any quarter to protest in time against this debacle. Now that the damage has been done it is our job as Americans to repair it and supply the men necessary to rebuild the Army and to put it again on a solid footing.

MANPOWER RESERVOIR EMPTY

No one likes to draft 18-year-old boys for military service in war or peace; but when we reach the point where our manpower resources are exhausted except for 18-year-olds, there is nothing else to do. We are told, in effect, that the manpower reservoir, once filled to overflowing by selective service, has so dried up that except for the 18- and 19-year-olds there are only 50,000 or 60,000 I–A's who can be called into the Army. These 50,000 or 60,000 men are the left-overs after the list has been combed and recombed for physically fit men not clearly entitled to deferment. We are told that every other man in this remaining pool of I–A's above 19 years of age has been repeatedly rejected as physically unfit, or is indispensable on the farm, or holds a key position in industry or science, or has dependents whom he must support, or is unavailable for other good and sufficient reasons.

What then could the Army do if we were to end the induction of 18- and 19-year-olds, or declare a moratorium on inductions, or otherwise render ineffective the law by nullifying amendments? The answer is very simple. The Army could retain combat veterans in the service. It could call others back to service. It could refuse to release fathers, and compel inductees now in the Army to serve longer than 18 months. On that basis it would be easy enough to guarantee the existence of an Army of the size required.

But the Army is not proposing and does not intend to do any of these things. We are committed to a policy of releasing fathers, discharging all combat veterans as soon as they can be brought home, and limiting the service of all inductees to 18 months. We shall stand on that policy. It is a sound policy.

PAY INCREASE ASSURED

The House of Representatives has approved increased pay for men and officers. The Senate committee recommends raising the pay of enlisted men to make the military service more attractive. A little later on, possibly this afternoon, when we reach the stage of discussing the rates of pay in the Army and the Navy, I shall have a suggestion to make. With the passage of one of the pay bills now before Congress, the Army plans to launch an even more intensified recruiting drive then the one now in

progress. The purpose of this drive will be to obtain an all-volunteer Army. Everyone wants only a volunteer Army and Navy. There is no argument on that score. Everyone knows that in time of peace a volunteer Army and Navy is better than a draft Army and Navy. Everyone believes further that for policing occupied countries, men of mature years are better than younger men.

But suppose in the application of the present policy governing discharges, and in spite of pay increases and the recruiting drive now planned, the Army still finds itself short of a sufficient number of men to fill its ranks. What then?

Suppose further that we fail to extend the Selective Service Act, or so restrict it as to make it relatively ineffective as a means of bringing men into the Army, thus advertising to the world the fact that we are taking the gamble of which General Eisenhower spoke. What then?

Could we in that event escape responsibility for what might happen as a result of our refusal to underwrite the national security and back up our foreign policy by the passage of this bill? I think not.

WORLD NOT YET AT PEACE

Civil war rages in the Far East.

Small nations are fearful for their own national security.

Hundreds of millions of human beings in Germany, Italy, and the Balkans, in India and China, are dying day by day like flies or are threatened with starvation. Other millions are rioting or fighting for what little food there is.

The forces of violence released by war are still on the march in many parts of the world. Pestilence and famine are everywhere. Great armies remain under arms for no reason associated with peaceful purposes or the requirements of peace.

Far from being at peace, we are confronted with a world containing more explosive elements than at the time World War II started. It would be literally easier to go to war now than then.

It is our responsibility as a nation to do our utmost to preserve what little peace there is, to prevent an outbreak of another war, and to try through the UN and otherwise to build a permanent peace.

So much for the background against which we are asked to consider this measure.

STATISTICS CONFUSING, REQUIREMENT CLEAR

Other speakers will, no doubt, discuss the various provisions of the House bill, as well as restrictive amendments which may be offered in the Senate. For the present I shall confine myself to the bill as reported favorably to the Senate from the Committee on Military Affairs. In doing so, I shall confine myself also to what I regard as the basic facts. I shall attempt to explain the significance of this measure as it is understood by those of us who support it.

It may be admitted that the various estimates and statistics dealing with manpower resources and requirements are confusing. Some of them are conflicting. It is possible, by using some of the figures and ignoring others, to make out a case for almost anything—for extension, for repeal, for any one of a dozen proposals tending to hamstring Selective Service and the War and Navy Departments, and raising a question as to our good faith as well as the Army's ability to carry out its mission.

If we do our duty, we shall sweep all confusion aside and stick to the clear and simple requirements of the situation in which we find ourselves. We shall remember that it is not a question of extending selective service for a few weeks in order to force into the Army large numbers who may or may not be required to make up a deficit 18 months or 2 years from now.

We shall recognize that it is a question of guaranteeing that the Army will be able from month to month to maintain that strength which all have agreed to be necessary to the national security.

We shall extend the Selective Service Act for 1 year, from May 15, and we shall not restrict the operations of the Selective Service System in any way.

In doing so, we can be certain that a wholly volunteer Army will be raised if possible, and that not one man will be inducted unless he is actually needed. We can be certain that not one will be inducted if there is a volunteer to take his place. The President and the most responsible men of the Army and the Navy uphold this policy.

If, on the other hand, we fail in our duty, and there are no men available through selective service to meet an emergency, we can be doubly certain that we alone will be responsible for the consequences, whatever they may be.

WHAT THE BILL WOULD DO

Now, as to the bill before us. What would it do?

First, let us see what it would do, and then what it would not do; for, in considering this problem, I think we should take note of some of the misrepresentations injected into public discussions of the subject, as well as of the provisions of the bill itself.

Five things would be accomplished by extension of the Selective Service and Training Act as proposed by the Committee on Military Affairs.

First. It would assure us of an Army of 1,070,000 men on July 1, 1947, following monthly reduction from a total of 1,550,000 on July 1, 1946.

Second. It would make it possible to maintain the interim postwar Army at 1,070,000 until we can determine the size of the permanent military force required ultimately to serve peacetime needs and fulfill our obligation to the United Nations organization.

Third. If accompanied by a pay increase as recommended by the Military Affairs Committee and the War and Navy Departments, it would stimulate volunteer enlistments to the point where relatively few inductions would be necessary, thus holding out the hope of an all-volunteer Army and Navy for the immediate postwar period and beyond.

Fourth. It would make it possible to cut to 18 months the period of service for all inductees as well as those who wish to volunteer for a short enlistment.

Fifth. It would permit the release or exemption from service of all fathers, and speed the return to civil life of many men now in the Army who would become eligible for discharge under the 18 months' limitation on service.

That is what it would do.

The legislation itself fixes the size of the Army and limits the service of inductees to 18 months.

Experience proves that the law operates to stimulate volunteer enlistments.

WHAT THE BILL WOULD NOT DO

On the other side of the picture, there are certain things the legislation would not do. These are:

First. It would not take needed farm workers from rural areas during the harvest season or work-year unless they could be spared, with necessary replacements in sight.

Second. It would not take high school or college students who had actually entered on their school work for the year until the end of the school year.

Third. It would not "irrevocably foist conscription on the country," or "militarize the United States," or "lead to war," or bring about any of the other evils predicted by radicals and pacifists and propagandists in their efforts to defeat extension. On the contrary, it would give us an Army which, together with our trained reserves, would constitute almost the only hope of peace, security, and freedom from foreign dangers and domination during the next few years.

It is to be hoped that extension of the Selective Service and Training Act will be accompanied by an increase in service pay. Such an increase would supply an additional incentive to voluntary enlistments. We want a 100 percent volunteer Army in peacetime if we can get one. This is one way to help get it.

WHY IT IS NECESSARY

Why is it necessary to extend the Selective Service Act? Why cannot the Army get a sufficient number of volunteers to meet its requirements without drafting anyone, especially if the pay of the armed forces is to be increased?

There is a simple, all-inclusive answer to these questions. The answer is that we do not know and can only guess at the number of volunteers the armed forces may expect to get in the next year or two, either with or without the Selective Service Act on the books and with or without a pay increase.

All the figures which have been cited either in support or in opposition for extension are, after all, only guesses. That is all they can be. But there are some facts that we know.

We know that the rate of enlistments is declining about 20,000 a month.

We know that enlistments are stimulated by the knowledge that men of draft age are liable for military service. We know that without the Selective Service Act we cannot guarantee an Army of 1,070,000 from midyear of 1947 on.

We know that unless the act is extended the number of those volunteering for military service will be substantially less than if the act is extended.

Estimates of the shortage in manpower which would be faced without selective service range all the way from 170,000 to 400,000 as of January 1, 1948. The whole point of this conflict in estimates, based on separate studies by different authorities, is that no one can say definitely what the shortage will be. It cannot even be said with complete certainty that there will be a shortage, especially if the pay of the armed forces is to be increased.

We know that all the factors and all the studies and all the experience of our armed forces point to the probability, if not the certainty, of a shortage which in less than 2 years might wreck the Army, defeat our national purposes, and threaten the security of the Nation unless Selective Service is extended by Congress.

Mr. AIKEN. Mr. President——

Mr. GURNEY. I yield to the Senator from Vermont.

Mr. AIKEN. I notice the Senator intends to propose several amendments to the pending bill and those amendments have to do with the pay of the men in the different services. Are the proposed pay increases on a percentage basis, and about what do they amount to on a percentage basis?

Mr. GURNEY. There are about 11 proposals for increases in the rate of pay for men in the armed forces. I intend to go into that matter fully as soon as we reach it. But the Committee on Military Affairs recommended a 30-percent increase for privates and privates first class in the Army, and a decreasing percentage of increase for the higher ranks of enlisted men. The committee did not recommend an increase in the pay rates of officers. After the Senate Military Affairs Committee considered the bill and made their recommendations the House of Representatives passed a bill increasing the pay of privates 50 percent, from $50 to $75.

Mr. AIKEN. Is that a separate bill?

Mr. GURNEY. That is a separate bill, and is now on the desks of Senators. The House also recommended an increase of 20 percent in the pay of junior officers and 10 percent in the pay of officers above the junior grade. I hope to reach the pay section of this bill a little later this afternoon or tomorrow.

Mr. AIKEN. If the Senator intends to go into it in more detail, I shall not ask him to go into it now.

Mr. GURNEY. I will have placed on the desk of each Senator a complete schedule of the proposals which have been made, 11 in all.

WHY AN ARMY OF THIS SIZE?

Why do we need an Army of 1,550,000 on July 1, 1946, and 1,070,000 on July 1, 1947? What will we do with it?

The answer to these questions is short and simple: Our Nation and the world at large are in a period of transition from war to peace. In this interval the Army has been given certain tasks. Other tasks lie ahead. These tasks together call for a minimum force of the size indicated. These are General Eisenhower's estimates. They are supported by staff studies. Secretary Patterson has accepted the estimates. They will govern the size of the Army until it is possible to say what size Army will be required in peacetime, following the discharge of our wartime obligations.

WHAT ARE THE ARMY'S PRESENT TASKS?

In the main they are:

First. Occupation of former enemy territory.

Second. Training of new recruits and replacements for men now in the service.

Third. Maintenance of communications and of Army installations in the United States.

Fourth. Manning of overseas Army bases, particularly air bases.

Fifth. Maintenance of adequate intelligence and research organizations, that the United States may be prepared to meet any dangers which may arise in the future.

Sixth. Protection of American territory against attack.

Seventh. Support of the UN as a contribution to world peace.

This outline of Army tasks is based on certain assumptions. These assumptions are (a) that peaceful occupation of Japan and Germany will continue for some years, (b) that peace treaties will soon be signed.

The Senator from Michigan [Mr. VANDENBERG] and I had a little conversation back and forth at the start of my remarks, which indicated to me that possibly peace treaties will not soon be signed.

The other assumptions are (c) that our allies will share the responsibility for occupation, both before and after the signing of peace treaties, (d) that we shall continue to use prisoners of war and people of other countries to perform overseas duties under American direction, (e) that surplus property on hand at the end of hostilities will be disposed of promptly and in orderly fashion, and (f) that the UN will prove an enduring and effective instrumentality for peace.

No one who is acquainted with the magnitude of the job given the Army will question its size. With the sole exception of France, the Army now planned is smaller than those of any of our allies. Russia alone has announced plans for an army three times the size of ours. Thus, we are not planning an Army which threatens the security of any other nation. In no sense would it approach the force required for war. The proposed American Army, cut to 1,070,000 men by July 1, 1947, would be an interim army required for the transition job to be done between war and peace. It would be held at that figure until the world shakes down to what we hope will prove a peaceful basis.

It is the present plan to use 400,000 of the 1,070,000 men in the Air Forces. The remaining 670,000 would be in ground and service forces. These two forces would be scattered from Alaska to Panama, and in Europe and across the Pacific. On the basis of geography alone, the estimate of requirements is low. Approximately half of the Army would be on duty outside continental United States. The other half will be required for training and other duties in the United States.

USE OF THE ARMY OVERSEAS

Much has been made of the circumstance that the United States now maintains military forces in many countries throughout the world where we never had troops before. This is misleading. The facts are:

First. Most of these troops in these countries were employed there only temporarily, while the "fighting war" was on. They are being pulled out and brought home as rapidly as we can close up our wartime bases.

Second. American forces still to be found in most foreign countries number only a few hundred or a few thousand at most. They are not being kept on foreign soil for any purpose other than to protect or dispose of surplus property or clean up other wartime jobs before coming home, or they are there for the necessary service of supply and to maintain the line of communication of our occupation forces.

Third. It is not the policy of the United States to keep military forces in any country which, in addition, does not welcome their presence.

While the war was in progress we sent troops to India and Burma to help open the back door to China. We sent them to help train the Chinese armies. They were sent to Africa, Italy, France, and Germany to fight. We sent them to England for training. We sent them to countries of the Near East to build and operate a supply line to Russia. We sent them to Australia both for training and to protect that country. We sent them to build up and maintain air bases all around the world to keep our lines of communication open.

Now, except for occupation forces, practically all of them are coming home, or are home. We are even closing up air bases in South America, Cuba and temporary bases in the Caribbean.

The whole world knows that the United States is peacefully disposed. It knows that we want to be good neighbors and that we will go as far as any other nation to preserve the peace of the world. The United States has committed itself to a policy of peace and to the support of the UN as an instrumentality of peace.

The first postwar elections in Japan, held this month under American supervision, were wholly peaceful. Germany likewise is being encouraged to elect her own local officials. The small American force which remains in China is not only a stabilizing political influence, but is assisting in the evacuation of Japanese troops and nationals. The United States has assumed an important responsibility in helping restore independence and self-government in Korea. It will be necessary to maintain a relatively small force in the Philippines, where Japanese guerrillas are still fighting in the mountains, until an adequate force of Philippine Scouts can be raised and trained to take their place.

Aside from these overseas activities, we must give thought to the security of our country, both internally and externally. It will always be necessary also to maintain Army and Navy bases in Panama and the Caribbean.

There is nothing in any of these facts, any of these plans, or in any Army estimates to justify the conclusion that the United States is being militarized or that it is a threat to any other nation, or that the War Department is asking for an extension of the Selective Service Act in preparation for another war, or that we are "undermining UN by unilateral action to rearm."

Exactly the reverse is true. We are demobilizing, not remobilizing. A positive need of Selective Service is to allow the continuance of an orderly reduction in Army strength.

It is the policy of the War Department to recruit and maintain the future Army from volunteers, to the extent that this is possible. Secretary Patterson and General Eisenhower have both said they would prefer to get the entire strength of the Army in this manner. But until it can be demonstrated that it is possible to raise a volunteer Army of the required size—and I think it is now demonstrated that we cannot get it—it will be necessary to keep the Selective Service Act another year. They are convinced that the force recommended is the absolute minimum required for the job immediately ahead.

If in the coming year the world should settle down to peaceful pursuits and normal relationships, and if Congress should approve a pay increase for the Army and Navy, and if this in turn should increase the rate of volunteer enlistments to the point required to maintain the Army at 1,070,000, it should not be necessary to extend selective service beyond May 15, 1947.

But these are intangibles. They are the expression of a hope.

Right now we are faced with facts, and must deal with them, realistically. The facts call for extension of selective service now.

The Army needs young men for training. It needs bright, quick, active, enthusiastic men. This is an age of technology. No army in the world is so highly mechanized as the American Army, and mechanization is only beginning.

Rockets, jet propulsion, pilotless planes, the achievements of science—these are the weapons of the future. In the hands of a Nation like ours, they are the safeguards of the future.

This is the age of air as well as the age of science. Where can our young men get mass training in these fields except in the Army and Navy? It is an opportunity for them as well as the salvation of the country.

SELECTIVE SERVICE A LIFE PRESERVER

At this stage of our history the Selective Service Act is like a life preserver on a ship sailing uncharted seas. We may not need it, but if we do, we shall need it desperately. We cannot afford to take the chance of throwing it overboard because some think the sea looks smooth today.

All statistics aside, this is what the issues comes down to in its final analysis.

We play safe if we extend the act as proposed. We gamble with disaster if we do not.

To restrict the age limits as was done in the House is to punch holes in the life preserver, to rip its cover, and then hope it will keep us afloat.

Do opponents of extension want to so cripple the Air Force that planes cannot fly because there are no trained mechanics to service them?

Do they want to so weaken our occupation forces as to permit militarism again to rear its head in Germany and Japan?

What shall it profit us to play politics with the national security now if to do so may plunge us into another war?

Regardless of all other considerations, we must avoid another war if possible. We must, if we can, avoid sending our young men again into battle in our lifetime. We have been plunged into two world wars within 25 years, each more destructive than any of its predecessors. World War II lasted twice as long as World War I.

We were unprepared for World War I and only half prepared for World War II. God forbid that there should be a World War III.

But, for the sake of our young men—for the sake of these young men whom we are proposing to train now as soldiers of peace—let us be strong and let us be prepared, so that we can say to all the world: The United States wants peace, but not because it is weak.

Mr. TUNNELL. Mr. President——

The PRESIDING OFFICER (Mr. JOHNSTON of South Carolina in the chair). Does the Senator from South Dakota yield to the Senator from Delaware?

Mr. GURNEY. I yield.

Mr. TUNNELL. I wish to ask the Senator a question in order to understand clearly what is meant by certain language. I believe I understand its meaning, but I wish to ask a question concerning language on page 2, in subsection (b) of section 3, as follows:

> Each man inducted prior to October 1, 1946, under the provisions of subsection (a) who shall have completed a period of training and service under this act of 18 months or more.

Does that mean at the time he is inducted?

Mr. GURNEY. No; it means that on October 1, 1946, which is about 4 months from now, if he has at that time put in 18 months of service he will be discharged absolutely.

Mr. TUNNELL. When his total service amounts to 18 months?

Mr. GURNEY. That is correct.

Mr. TUNNELL. What I am trying to find out is whether if he lacks a little of having served 18 months he would be inducted, and if he does not lack any he would not be inducted?

Mr. GURNEY. The date October 1 is about 4 months from now. Suppose a man in the armed forces, whether it be the Army, the Navy, or the Marine Corps, has had 13 months of service as of now. He knows that as soon as this bill is passed he will be wearing civilian clothes on October 1, provided under the authority granted in this measure he applies for discharge 30 or 60 days prior to October 1.

Mr. TUNNELL. I think the Senator knows what I have in mind. The language is "who shall have completed a period of training." I was wondering whether some words might be added to clarify the language, so that it would provide that the total of his service both before and after his selection under this act should amount to 18 months.

Mr. GURNEY. The Committee on Military Affairs wanted to be sure that he spent only 18 months from the time he first put on his uniform, so the committee included the word "training." The words "active service" mean that all that period would be included. So the meaning is that he shall have 18 months with the uniform on.

Mr. MAYBANK. Mr. President, I shall speak for only a very short time on the pending measure.

Mr. OVERTON. Mr. President, before the Senator begins his statement, will he yield to me so I may ask a question of the Senator from South Dakota?

Mr. MAYBANK. I am glad to yield to the Senator from Louisiana.

Mr. OVERTON. On page 4, line 10, we find this language:

> Except pursuant to a requisition by the land or naval forces for persons in needed medical professional and specialists categories.

Should not a comma be inserted after the word "medical"? There are three categories named, are there not—medical, professional, and specialists?

Mr. GURNEY. Yes; I believe a comma should be placed after the word "medical," and I thank the Senator for suggesting it.

Mr. OVERTON. I should like to offer an amendment to that effect.

Mr. GURNEY. There is an amendment pending at the moment, I will say to the Senator. We can consider technical changes after the pending amendment is disposed of. I shall be glad to follow through and see that the suggestion made by the Senator is carried out.

Mr. OVERTON. I thank the Senator from South Dakota.

Mr. MAYBANK. Mr. President, I wish to take this opportunity to commend the distinguished Senator from South Dakota for his very clear statement regarding the necessity for the extension of the draft, which many of us who are members of the Senate Military Affairs Committee — certainly I myself — believe should have been done long ago.

Addressing myself to the bill for a few moments, I should like to make a short statement in connection with a proposed amendment to Senate bill 2057—a statement in support of an increase in retirement pay. I want it distinctly understood that the proposed increase in retirement pay applies only to those who are now retired, and has nothing whatsoever to do with the many retirement bills which are now before a subcommittee of the Senate Military Affairs Committee, of which I am chairman. I may say that the various bills which are before our committee have been studied, one short hearing has been held on them, and at the request of the officers of the National Guard, Reserve officers, the American Legion, Veterans of Foreign Wars, and other organizations, we have delayed the hearings on the permanent retirement program until perhaps a meeting of minds could be had between

the Secretary of War, General Eisenhower, General Collins, and those representing the various patriotic organizations, as well as the Reserve officers and the National Guard. It is my information received from Generals Reckord and Evans, who represent the National Guard and Reserve officers, that the meetings so far have been quite satisfactory and that they hope they will be able to work out something so that we might go fully into the many bills now before our committee.

Mr. President, the proposed amendment to Senate bill 2057 would extend the increases in pay provided therein to personnel heretofore retired. Retired officers and enlisted men and personnel in receipt of retirement pay should be included in any measure providing increases in active-duty pay. The amount of retired pay received by retired personnel is measured by active-duty pay, and the higher costs of living which make pay increases necessary affect retired personnel to the same extent as those on active duty. Due to increased living costs, the purchasing power of retirement benefits, based on a pay scale in effect at the time of retirement, have definitely decreased, and, therefore, such benefits originally granted by the Congress have in fact been lowered. To provide increased benefits for personnel hereafter retired, and to deny the same benefits for those heretofore retired, would result in a discrimination as between groups who have rendered equally meritorious service in the armed forces and who deserve equal treatment.

The Congress has heretofore increased retired pay when it provided increases in active-duty pay. When the active-duty pay of personnel of the armed forces was increased by the Pay Readjustment Act of 1942, those increases were made applicable to the retired pay of personnel who were retired prior to the date of enactment of that act. In view of that precedent it would be only just and equitable to make the increases provided by the proposed amendment applicable to the retired pay of personnel who were retired prior to the date of its enactment.

Consideration must also be given to the fact that the majority of those who would benefit by the proposed amendment to S. 2057 are not officers of the Regular Army but are officers of the civilian components who became physically disabled during the war and who are now receiving retirement pay. There are approximately 22,000 non-Regular officers who became physically disabled during the war and who are being paid retirement pay by the Veterans' Administration. There are only approximately 5,000 Regular Army officers on the retired list and about 15,000 enlisted men of the Regular Army who have been retired.

Mr. President, I wished to make that statement so that it would be distinctly understood that these increases apply not only to the 5,000 Regular officers, but to the 15,000 enlisted men who are on retirement, as well as the non-Regular officers who were disabled in World War II.

I see the distinguished Senator from Colorado [Mr. JOHNSON] present in the Chamber. I had the opportunity of talking with him the other day about a bill in connection with the increases which many Senators, including myself, believe should be made also under the GI bill of rights, upon the same theory of the decreasing purchasing value of the dollar. It is my hope that the Congress, before it recesses, will adjust many discriminations in the GI bill of rights, and perhaps afford additional funds to those who served at lower pay during the war and who are now trying to obtain an education. The distinguished Senator from Colorado advises me that within the next few weeks he expects to hold hearings on this all-important matter before a subcommittee of the Committee on Finance.

Mr. JOHNSON of Colorado. Within the next few days, I may say to the Senator, not the next few weeks.

Mr. MAYBANK. I thank the Senator for the correction. I spoke to him last week.

I sincerely hope that under the able leadership of the Senator from Colorado the boys who served so faithfully in the war, and who are now at college, or engaged in farming or other industries, will be better provided for under the GI Act. At this time I do not intend to offer an amendment which I had intended to offer, because I believe a hearing should be held. I know that the distinguished Senator from Colorado will see that a hearing is held within the next few days, so that those now attending school may receive sufficient funds, considering the devalued dollar, to continue their education, because it must be remembered that those who are in the situation which has been described served on the basis of lower pay.

Mr. President, I had another amendment to the bill which I do not intend to call up at this time, for the reason that, in my opinion, there has been such a long and unnecessary delay in the passage of the pending legislation as in my judgment seriously to impair the prestige of the United States and of our armed forces, which at this time are so necessary to our Commander in Chief, the President, and to the State Department. So I shall forego offering the amendment, with the hope that we may complete consideration of this bill within the next few days.

Mr. President, through some of my acquaintances in the Marine Corps, I have learned that there was left out of the original bill a certain provision which I think should be included in it, and which the Senator from South Dakota has accepted, and which is written into the bill. I should like to explain it.

The pay of members of the Marine Corps Band is not governed by the provisions of the Pay Readjustment Act of 1942, but is fixed by section 11 of the act of March 4, 1925. Therefore, unless the provisions of the act of March 4, 1925, are amended, these persons will receive no increases in pay. I am advised by many of my friends in the Marine Corps that they have received no benefit since 1925.

Section 8 (c) of the Gurney amendment of April 19 amends section 11 of the act of March 4, 1925, so as to provide increases in pay for members of the Marine Corps Band in accordance with the increases in pay which are authorized by the amendment for other personnel of the armed forces. Such increases for members of the Marine Corps Band are as follows:

Grade	Present pay	Proposed pay	Percentage of increase
Leader	$200	$220	10
Second leader	200	220	10
Principal musician	150	180	20
First-class musician	125	150	20
Second-class musician	100	120	20
Third-class musician	85	102	20

In conclusion, I wish to say that I hope, trust, and pray, that the time is not far distant when this measure will be passed by the Senate, sent to the House, agreed to there, and become law, for the purpose of maintaining the prestige of the United States in these troublous times. As the Senator from Michigan [Mr. VANDENBERG] so ably pointed out earlier today in a question which he asked the Senator from South Dakota, this is the very minimum that we can afford to have for our Army.

While the Navy and the Marine Corps are made up of volunteers, nevertheless they likewise suffer. The number of volunteers has fallen off during the time when this proposed law has been in abeyance. I feel, as do most other Senators, and as the Senator from South Dakota so ably pointed out, that we want a volunteer Army. The generals, the admirals, the Secretary of War, the Secretary of the Navy, and all of us want a volunteer Army. It is my hope that with these pay increases, and with this bill upon the statute books, perhaps it may not be necessary to draft so many of our citizens. But without the enactment of this bill I am deeply fearful of our national prestige. Unless the Congress acts wisely and quickly, I fear that those who are not so friendly toward us may be encouraged in the direction of further expansion of political ideology on the Continent, perhaps looking forward to another war, in which event the more than 300,000 who died in this war, and the more than 1,000,000 who are in hospitals, many of whom will never recover, will be done a great disservice.

If the Army is to be maintained at a level of approximately one and a half million, the Navy at a level of approximately 600,000, and the Marine Corps at a level of approximately 100,000, the only way those levels can be reached and held is by new enlistments, so that those who have served long and faithfully through the hard, dark days of war may be released to return to their homes and enjoy the benefits of education, and so that fathers may be returned to their families.

Those who enter the service under the terms of this bill will know that they are to serve for only 18 months. Those who have been in the service for a period of 18 months will be released. Mr. President, there were many who went into the service not for 18 months, but for years. This morning I talked with a man who had been gone for six long years. He was one of the first to be called when the National Guard was called out in 1940.

So in justice to those who have served, and in a spirit of democratic fairness, I

hope the Congress will see the wisdom of enacting this legislation so that the true and the tried, the worthy and the faithful, who have labored long and hard under the stress and strain of battle, and who have been absent from their education and their families, may return home, and those who have not performed the arduous tasks and duties of military service may either volunteer or, if necessary, be selected, although I hope that it will not be necessary to select them.

Mr. SMITH. Mr. President, as a member of the Committee on Military Affairs I wish to make my position clear in support of the pending legislation.

The extension of the Selective Service Act of 1940 presents the specific question as to whether we should discontinue the compulsory draft on July 1 when the present unsatisfactory extension expires, or whether the world unrest is such that we must consider the reenactment of draft legislation that will call for maintaining a substantial military force until world conditions are more settled. We must bear in mind that if we reenact a selective service act beyond July 1, next, we will be asking our young men, as they become 18 years of age, at least to stand by to be ready for military or naval service for their country if they should be called to fill the induction quotas.

Mr. President, in opening my remarks I wish to pay a special tribute to the distinguished Senator from South Dakota [Mr. GURNEY], who has made such an excellent presentation today of the case for the extension of the Selective Service Act. I particularly commend him for the splendid work he did while the bill was under consideration by the committee, and in getting together the facts, thus making possible the orderly presentation of the case before the Senate.

Let me also point out in opening my remarks that the question of the immediate reenactment of the Selective Service Act for a limited, fixed time has nothing to do with the broader question of universal military training. I think we should get that fact clearly in our minds before we begin the discussion. A policy of universal military training is a totally different subject, and I recognize that there is a wide divergence of views as to the wisdom of adopting such a policy. In order not to confuse the debate here on the floor of the Senate, I wish to put to one side at this time the subject of universal military training, and I shall focus my attention on what the immediate issue is. The immediate issue, briefly stated, is whether we should carry on for a relatively short, but definite, time our selective service policy as set forth in the present Selective Service Act and in Senate bill S. 2057—the so-called Gurney bill.

In the minds of most of our people the war is over, and I am deeply sympathetic with the writers of the hundreds of letters I have received who urge that we discontinue calling our boys into military service. All of us would like to let them return to their studies and to the preparation for their life work, without asking them to go abroad, even for a limited period of time, to serve in our armed forces. I feel that the argument is sound that there may be many who would like to volunteer for military service, and that those who do volunteer actually make better soldiers than those who are compelled to go into the service. I am in entire accord with those who argue that a volunteer Army and a volunteer Navy are far preferable to any form of conscription. At our hearings, the Secretary of War, the Secretary of the Navy, and our military and naval officers all agreed on the desirability of our having a volunteer Army at the earliest possible date. But the question whether we should have a volunteer or a conscript Army is not the issue before us at this time. The present question is what we need under the existing circumstances.

In connection with this debate, I think there is a further point that should also be disposed of. There are no Americans of my acquaintance who have any imperialistic ambitions for the United States, or who feel there is any area in the world that we should be interested in taking under our jurisdiction. We are very definitely not a militaristic nation. We seek no conquest, and as a people we are wedded to the paths of peace and good will toward our neighbors. I do not think the issue of imperialistic militarism is involved in the present discussion.

Why, then, should we even consider continuation of the Selective Service Act? Let me briefly review the situation in which the United States finds itself at the close of the most terrible war of all history. We have found rather definitely, after the experiences of World Wars I and II, that we as a people cannot live alone. Time and space have been annihilated; and the conquest of the air, coupled with the discovery and dreadful possibilities of the atomic bomb, make us realize that, whether we desire it or not, we have very definite responsibilities to cooperate in preserving the peace of the world. I wish to emphasize very clearly, Mr. President, that I look upon this measure as an indication of our cooperation with the world to preserve the peace, not to strengthen ourselves for war with other countries.

I am one of those who have insisted, ever since I have been in the United States Senate, that our country should take every successive step that we were called upon to take to assist in the future preservation of the peace. I approved the Dumbarton Oaks blueprints which pointed the way to San Francisco. I favored the efforts of the administration in developing our international relationships even before the war was over; I favored the extension of the reciprocal trade treaties, which seemed to me to open up opportunity for international trade which would be another milestone on the road to peace; I favored the Bretton Woods monetary plan for the same reason, and of course I favored with enthusiasm the United Nations Charter written at San Francisco. I shall continue to favor all programs properly set up for working with the other nations of the world in this postwar development. I supported UNRRA. I am supporting the President in his appeal to relieve the famine situation. I supported Mr. Hoover in his trip abroad to save the starving peoples. I am supporting the Economic and Social Committee of the United Nations and, of course, the present efforts of the Security Council to preserve the peace. And I recently voted to approve the British loan.

I have recited these different international activities in order to give the setting of the stage for the participation by our country in the international complexities that lie immediately ahead of us. With VE-day, we assumed very definite responsibilities on the Continent of Europe, looking to the rehabilitation of the countries that had been shattered by the war, and their postwar recovery. This includes especially what might be called the humane operations, such as the feeding of the peoples and their economic recovery. Let me emphasize that in our thinking. This is all a part of the humane aid to people who are suffering from famine, and an aid to their economic recovery. Any program, however, even if it be only humane and unwarlike, requires law and order; and law and order during these troubled times require the use of force legitimately administered. Since VJ-day we have had similar responsibilities throughout the Far East, and especially in Japan and China; and on top of these particular law-and-order jobs which we have had to assume, as a conquering nation—which jobs, let me emphasize again, are primarily humane jobs to save the very existence of human beings—we have assumed a large responsibility for the successful development of the UN. Under the UN we are called upon to accept our quota of military and naval contingents in order to do our share in the future preservation of the peace of the world. And certainly the recent experience in Paris only emphasizes the need of a strong, firm America. In my judgment, Mr. President, not only is this action of ours in extending the Selective Service Act not in opposition to the UN but it is the one thing which we are called upon to do to strengthen the UN and to make it practical and effective.

In light of these responsibilities, which I think we are all agreed we should have assumed, how large a military and naval force are we called upon to have available in the period that lies immediately ahead? In answer to this question, the Secretaries of War and Navy, and our Chief of Staff, General Eisenhower, after making a careful survey of the world situation, and acting in line with the policies laid down by our Department of State—and Mr. Byrnes appeared before us when we were having the hearings and stated what our international policies were—advised us during the hearings that the minimum requirements for our Army on July 1, 1946, will be 1,550,000 men, including officers.

One year later, on July 1, 1947, General Eisenhower estimates that our Army will need 1,070,000 men—a reduction of approximately 500,000 men during the year. Corresponding figures show that on July 1, 1947, the Navy will need 558,000 men and the Marine Corps will need 108,000 men.

In order that we might get away as quickly as possible from the necessity of continuing the drafting of our citizens

for military service, some months ago we established a system of voluntary enlistments in order to determine whether we could obtain our personnel needs through volunteers.

I have received a great many letters asking, in effect, "Why don't we have a voluntary system? Why draft the boys?" I wish to point out that we did establish a voluntary system and did our best to obtain men through the voluntary route. That program was, at first, successful beyond expectation, and I think if we could rely on the volunteer system to meet the minimum needs which I have already outlined, everyone would agree that the selective service policy should not be continued. We must bear in mind, however, that we have made a binding commitment to those in our armed forces who have been serving abroad since the ending of hostilities that they will be brought home as rapidly as they can be replaced. This presents immediately the replacement problem if we are adequately to meet these responsibilities which we have assumed and which, as I said above, include our very special responsibility to the UN. And it begins to be clear that we cannot meet our needs by volunteers alone.

I have had some interesting correspondence in connection with this subject. At first I received letters from parents who did not want the 18-year-old boys inducted. Now I received letters from parents asking why we do not continue the Selective Service Act so that their boys who have been abroad for many months or even years can be brought back home.

The best judgment that the majority of our members on the Military Affairs Committee has been able to arrive at from the evidence placed before them is that while there may be a possibility of our military and naval needs being filled by voluntary enlistments, the risk to be taken in not continuing a selective service policy is too great in light of our minimum commitments. We came to the conclusion, therefore, that the policy should be reenacted both as a stimulant to voluntary enlistments, and also as a necessary refuge in the event we do not get enough men by the volunteer route. Let me emphasize here that the reenactment of the Selective Service Act will not increase the size of our Army one man over the figures already determined by General Eisenhower and his staff. Nor will men registered under the Selective Service Act be inducted if the necessary replacements can be furnished by voluntary enlistments. The extension of the act, therefore, can be looked upon as an insurance rather than in any way an expansion of our military policy. If we can get men by the volunteer route, the men who are now being registered will not be inducted into service unless they are absolutely needed.

In order that there might be no misunderstanding as to what our policy is, we have written into the act, as reported by the committee, and now under consideration, a limitation on the size of our Army on July 1, 1946 and July 1, 1947, with a provision for a decrease month by month during the coming year. We have further provided that the monthly requisitions under the Selective Service Act shall not exceed the number of men required after consideration of the actual number of voluntary enlistments for the 3 months preceding that in which the requisition is made. We afforded every protection against inducting new men who are registered unless our voluntary systems fail.

The real question of difficulty that has been presented to me in considering the reenactment of our Selective Service Act has been this problem of the 18-year-olds. On first consideration of this issue my immediate instinct was to take men of more mature years and give the younger boys a chance, at least, to get their higher education under way before being called to serve their country. I am aware of the force of the argument that though the younger boys are not so well qualified for the obvious police duty they will be called upon to perform as are men of more mature years. If it were possible to exempt these younger boys I would want to do so. I have received literally thousands of letters from parents urging that these youngsters be exempted.

The problem which we face, however, is one of real practical difficulty. For the past few years we have been calling the 18-year-old class as fast as it matured, and all the young men of that age have been carefully considered, and the maximum numbers from year to year have been inducted into the service. Many of these young men have now matured and many have served their full reasonable quota of time in the Army and Navy. We must consider those who have served and think in terms of the necessary replacements in order to do justice to all our GI boys. The fact of the matter is that there is no other reservoir to draw on than the maturing 18-year-olders if we are to meet the obligations which we have assumed.

The answer to my problem has been given to me by these boys themselves. As long ago as April 5 I was asked to meet with a carefully selected group of high-school boys in my State who were meeting at our State capital in Trenton in connection with what we call our boy legislature. Every year in New Jersey a selected group of our high-school students are chosen by their fellows to act as a model legislature in studying the processes of legislating and the responsibilities of citizenship. In being asked to address this group it seemed that the most appropriate subject I could discuss with them was this subject of the reenactment of the Selective Service Act. I frankly presented to them the pros and cons of the situation and asked them just as frankly for expressions of their views. I had the most amazing response. I received from those boys the most warmhearted expressions of enthusiasm in expecting and wanting to do their share in meeting the responsibilities of our country at this time. It was a most heartening experience, and I felt that I would be on sound ground in asking them to cooperate with their Government in meeting this pressing need.

I may add, Mr. President, that in my own personal case this means a great deal to me. I have a grandson who will be 18 years of age on the second day of next July. If the effective date of this act is extended he will be one of those called. I asked him how he felt about it. He and I are very close and he calls me his pal. He said, "Pal, the only thing to do is to vote for the extension of this act. I want to serve and other boys in my school want to serve. We all want to meet whatever responsibilities we are confronted with at this time. If the 18-year-olds were called a year ago, we want to be called when our time comes."

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. JOHNSON of Colorado. I presume the Senator, in his very persausive speech to those youngsters, pointed out to them that the greatest service they could render their country in its defense would be to provide themselves with the very best education they can obtain; that the defense of the Nation does not depend entirely on foot soldiers, but upon science and work in the laboratories as well.

I presume that the Senator also pointed out to those boys that this Nation of 140 million people, with all its wealth, has deteriorated to the point where it must depend on the high-school youngsters to defend its welfare. I presume that the Senator pointed out to the boys all those facts.

Mr. SMITH. The Senator from Colorado is correct. I pointed out those facts to the boys because at one time it was my privilege to be a member of the faculty of Princeton University. I was a member there for several years and I have been urging upon the representatives of Selective Service the exemption of promising young scientific groups, because their greatest service would be performed by remaining in the university and giving to their country of their scientific knowledge. I also pointed out that the number inducted into the service would be relatively small. I advised them to remain in their schools wherever they could do so and qualify for service among the scientific groups and others requiring special training.

Mr. JOHNSON of Colorado. I should like to inquire further if the Senator pointed out to those young men that in all other categories of service, civil service and everything else, our country is able to get all the employees it needs by paying wages commensurate with the services required; that cities of New Jersey get all the policemen and firemen they require merely because they are willing to pay adequate compensation for such services; that the only reason why we have any difficulty getting international police, or soldiers in the Army, is because this great and powerful and rich Nation of ours refuses to pay the price of such services, and has to resort to drafting, merely to save a few paltry dollars to all the people of this country. I wonder if the Senator emphasized that fact.

Mr. SMITH. I did not emphasize it quite as eloquently as has the distinguished Senator from Colorado, but I am still of the opinion that we have to think the matter through carefully, because I

am not convinced in my own mind that the mere offering of larger salaries will result in our getting all the men we need. If so, we will get them because the program which is being advocated here, and which will be presented by the distinguished Senator from South Dakota more fully with regard to increases of pay, is aimed at getting the maximum number of volunteers we can secure. If we can get our men by the voluntary route, we will not need to take boys by the draft. It was explained that we intended to increase the salaries, and to get as many as we could by the volunteer route. My point in talking to these boys was that, having done all we could to get them by the volunteer route, if there was still a deficiency, then by the extension of the Selective Service Act there would be opportunity to give expression to their wholehearted purpose to see to it that the United States take its position of leadership, and bring about the cooperation of all the peoples of the world to preserve the peace. That was what caught their imagination, and that is what catches the imagination of all young men of 18, to take all the preparation they can get, and then to be assigned to the occupation in which they will be most helpful to their country.

Mr. JOHNSON of Colorado. If the Senator will yield further, I am sure of the patriotism of our youngsters. There can be no question about it. Whether their judgment is sound as to whether they should prefer military service, or international police service, to books, and to laboratories, and to science—whether their judgment is mature on that point I have some question.

Before the day is over I hope the Senator from New Jersey will have an opportunity to vote for an amendment to the pending measure which will increase the pay schedules of the privates, the volunteers we need so desperately in the Army, an amendment which will be offered by the senior Senator from Wisconsin [Mr. LA FOLLETTE] and myself, to increase the pay of these privates 50 percent. I sincerely hope that Senators who are saying, and who keep repeating on this floor, that we have done everything we can do to get volunteers, and that we have met with nothing but failure, will go along with us in this proposal, and see if we cannot get the volunteers, if we are willing to pay what the service is worth.

Mr. SMITH. Certainly I am agreed that we must work out our pay schedules in a way to make the service as attractive as possible, and give full compensation for the services rendered. I understand that there are a number of different proposals relating to the pay schedules. We will have to choose between them, and I am open to the arguments concerning them. There are some who think the pay particularly of the men in the lower brackets should be raised, and some think the Army should be made a career by providing higher pay for the officers. I think there is legitimate difference of opinion, and I am convinced the Senate will work out a program for giving inducement to men to volunteer, and make the Army a worth-while career.

I thank the Senator very much for his observation, because I think it helps bring out some of the questions we had before us, and some of the questions the Senate will have to decide in extending the Selective Service Act.

In light of the situation which exists, and in light of the magnificent expression from the chosen representatives of this group in my own State, I have come to the conclusion that we are not only justified in asking this group to respond, but that we will have their enthusiastic support.

I say that recognizing, as the Senator from Colorado has said, that being young men, and not having had wide experience, perhaps, they should not be given credit for the same judgment as more mature men, but they do have the enthusiasm of youth, and a willingness to serve, and I feel we can trust these 18-year-old boys if they are called upon to serve.

As a matter of fact, all these youngsters will not be inducted. It is estimated that, taking the country as a whole, approximately 1,200,000 become 18 years of age each year, and as our demands will probably not exceed 150,000, something less than 15 percent will be called upon actually to serve. For this reason, in response to questions from parents and boys themselves as to whether they should continue their studies irrespective of the possibility of their being called in the draft, I have advised them all to continue their studies. I was supported in this position at the hearings before our committee. I asked the specific question of both Secretary Patterson and General Eisenhower as to what their advice would be to young men in this position, and both of them said they would give the same advice that I had given; namely, that these boys should go ahead with their plans, but simply be prepared to answer the call if the call came to them personally.

I may say, in line with the policy which I understand is the policy of the War Department, to exempt from active military service those who show scientific talent, that many of these boys will be told that their best service will be in the laboratories in some of our institutions of learning, where they can render better service to the country than if they actually went into the military camps.

In the course of the hearings before the Military Affairs Committee, we decided that the term of the men to be called under the Selective Service Act should be limited to 18 months, so that even if called and asked to serve, their education would be interfered with as little as possible. Furthermore, we decided that there should be a fixed date for termination of the act, and this date in the bill has been fixed as May 15, 1947. This will make it necessary for us to consider 1 year hence what policy should be adopted at that time in light of the then existing world situation.

I emphasize that so that no one will get the impression that we are adopting a continuing selective service plan. We are merely taking the situation as we find it, and extending the act for the period that seems to be necessary to meet our immediate responsibilities.

These policies are all embodied in the bill under discussion, and in addition thereto we have added a provision covering increase of pay, to the end that voluntary enlistments may be more attractive. This we hope will reduce the number of draftees actually inducted into the service.

In my recent exchange with the Senator from Colorado, I pointed out that there were a number of different plans for pay increases which will be discussed later in connection with the final passage of the bill, and of course I am wholeheartedly in favor of pay adjustments so that this service can be made one of the most dignified and one of the most fairly paid services of the Government.

I wish to assure my colleagues in the Senate, and my constituents in my own State of New Jersey, that this vitally important matter of national policy has been given the most careful study by every member of our committee. There have been disagreements in the committee on various questions, but I have never had an experience that was so stimulating to me as to find every member of the committee interested in discovering the right answer to our problem.

We have reviewed in detail all the estimates of our military and naval authorities and others as to the actual needs for manpower. We have all favored the extension of the benefits of Army life in order to attract volunteers. I have felt it important, in thus explaining my position, to make it clear to those who are primarily affected—both the young men who may be drafted and their parents—the reason why we are taking this important step. I hope this approach to the matter will be understood by those who have written me on the subject, and who obviously are somewhat confused as to what the real issues are. Let me repeat, in recommending the extension of the act for this limited period we are not in any way endorsing or establishing a policy of universal military training.

It was with real reluctance that I personally came to the conclusion that the act must be extended. This was a particularly hard decision for me, because for some years, as I have said, I was connected with Princeton University, and, therefore, one of my primary interests has been the education of our younger generation. It is difficult for me to endorse a national policy which calls upon our young men, just at the moment when they are about to enter on their more advanced studies, to accept responsibility to be on call to help our country meet its international obligations. But I have come to the conclusion that our country and our international responsibilities are the primary considerations.

To me the issue has become clear-cut and very challenging. It is whether we will or will not take a definite stand for the all-out support of the United Nations organization and the effectiveness of the Security Council. The world at this moment is looking toward the United States to see whether we are serious in our announced intention to cooperate to preserve the peace of the world. We have demobilized our Army so rapidly that the question arises whether we will

have the necessary strength to take care of our obvious commitments.

Members of this distinguished body are about to go abroad again with the Secretary of State to participate in the drafting of the peace settlements, and I can imagine nothing more important than for the Secretary of State, the Senator from Michigan [Mr. VANDENBERG], and the Senator from Texas [Mr. CONNALLY] to go to those conferences with the assurance that we in the Congress of the United States are prepared to give them the firm support they need for carrying out our policies.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. JOHNSON of Colorado. Does the Senator from New Jersey believe that any Member of the Senate or of the Congress as a whole will not stand back of the flag of the United States with full force and effect, with all our treasure and all our manpower? Does the Senator think that anyone needs any further assurance of our determination to stand back of the Stars and Stripes come what may?

Mr. SMITH. Of course not. I agree with the implications of the Senator's question; but it is my very strong feeling that the reenactment of the Selective Service Act at this time will give to the world an assurance that we are all united, that we are not divided, that we are going ahead, that we are going to support the United Nations organization and our commitments to it. That is what I mean. It is not any reflection on us. It is merely my feeling that we can show a united front and that we are going to support the Secretary of State with this concrete evidence of our united support.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield further?

Mr. SMITH. I yield.

Mr. JOHNSON of Colorado. Does the Senator know of any request coming from the United Nations as to what they may expect or want from the United States in the way of military strength?

Mr. SMITH. No; I do not think we have had a definite indication as yet, but the reenactment of the Draft Act will indicate that we are prepared to do whatever we are asked to do in their behalf. I understand from talking with officials of the Government that this program would seem to be adequate to take care of whatever our commitments may be to the United Nations.

The whole world is in a state of confusion. Millions of people are faced with starvation from famine. Law and order cannot be maintained without an adequate police force. Our problem is carefully to appraise our responsibilities and then determine what force will be necessary to meet those responsibilities if we are not to let the UN down. The extension of the draft is in no sense a call to arms for militaristic purposes or for expanding our power throughout the world. It is merely an insurance that we will be able to contribute the minimum force estimated to be necessary to preserve law and order during the transition from war to peace.

In my judgment, Mr. President, America has a great chance for leadership, but to maintain that leadership we must be prepared to make the necessary sacrifices that the reenactment of the Selective Service Act entails for the moment. We in the Congress are about to ask our young people to serve their country in fulfilling its present international obligations. Our young people are justified in doing this as the country which they are about to serve is not only worth their serving and worth preserving, but it is the hope of mankind throughout the world.

Mr. GURNEY. Mr. President, while I was on my feet a while ago I received an inquiry from the Senator from Illinois [Mr. BROOKS] concerning the strength of the Army at three different dates, on VE-day, 1945, on VJ-day, 1945, and the strength of the Army now. The Senator also asked for information respecting the number of officers and the number of enlisted men, the two categories to be stated separately. It is impossible for me to obtain the figure as to the number of men on the exact VE- and VJ-days, but I do have the figures for May 31, 1945, August 31, 1945, and May 20, 1946. I should like to have the information printed in the RECORD at this point in accordance with the request made by the Senator from Illinois.

Mr. BROOKS. Will the Senator be kind enough to read the figures for the information of the Senate now?

Mr. GURNEY. I am very glad to read the figures.

On May 31, 1945, approximately 11 percent of the armed strength of the Army consisted of officers. The figures were: Officers, 892,000; enlisted men, 7,399,000; total strength of the Army, 8,291,000.

August 31, 1945, approximately 11 percent of the armed strength was made up of officers, the number being 885,000 officers, and 7,125,000 enlisted men; total strength, 8,010,000 men and officers.

On May 20, 1946, the latest date for which I could secure the figures, the officer strength was approximately 13 percent. Officers 250,000; enlisted men, 1,710,000; total strength of the Army, 1,960,000.

I will say to the Senator from Illinois that I hope to be able to give him what the actual officer strength will be as compared with the enlisted men in the Army on July 1, 1946.

Mr. President, it is evident that no other Senator at the moment is prepared to continue the discussion.

Mr. JOHNSON of Colorado. If the Senator states that the discussion is concluded, he is mistaken.

Mr. GURNEY. No; I did not say that. I was about to remark that it was apparent that there was no Senator presently prepared to discuss the bill. Quite a number of Senators are out of town, but will return tomorrow. I am informed that there has been a general understanding there will be no vote of consequence on the bill today, and relying on that understanding some Senators have left town. If no other Senator is prepared to ask for the floor to discuss the bill, or if there are no questions to be asked at the moment, I suggest that the Senate might recess until 12 o'clock noon tomorrow.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. TYDINGS. The Senator has anticipated my question, namely, Would the remainder of the day be taken up with the discussion of the bill or would we take up something else? I suppose the Senator has conferred with the Democratic leader.

Mr. GURNEY. Yes; and I understand he is compelled to leave town very shortly.

Mr. TYDINGS. I was about to say that we can all put in a very profitable afternoon in our own offices.

Mr. GURNEY. I am sure we can. I am, therefore, prepared to move that the Senate——

Mr. SALTONSTALL. Mr. President, will the Senator yield to me for a moment?

Mr. GURNEY. I yield.

Mr. SALTONSTALL. I should like to ask the Senator from Maryland [Mr. TYDINGS], who is acting as the majority leader at the moment, and who is also a member of the District of Columbia Committee, if it would be agreeable that I call up for consideration at this time, under a unanimous-consent agreement, two bills affecting the District of Columbia, which it is very necessary to have passed before July 1.

Mr. TYDINGS. Mr. President, will the Senator name them, so we can see which bills he has in mind?

Mr. SALTONSTALL. I will do so in a moment.

Mr. GURNEY. Mr. President, I may say that if the unfinished business is temporarily laid aside it must be done by unanimous consent, with the agreement that we will return to consideration of Senate bill 2057 at noon tomorrow. Otherwise, I would be compelled to object.

Mr. TYDINGS. That would be the understanding.

AMENDMENT OF DISTRICT ALLEY DWELLING ACT

Mr. SALTONSTALL. Mr. President, I have just discussed with the Senator from Maryland the two bills, Calendar No. 1400, Senate bill 2218, and Calendar No. 1401, Senate bill 5718. The title of Senate bill 2218 is to amend the District of Columbia Alley Dwelling Act, approved June 12, 1934, as amended. My reason, Mr. President, for asking to call up that bill out of order, and asking unanimous consent for immediate action upon it is it has to do with the so-called slum clearance act of the District of Columbia, which will expire on June 30 of this year. The bill would extend the act for 1 year. If the act is not extended all the various alley dwellers will have to move out of their alley dwellings. The Senate has passed the so-called slum clearance bill, but the House has not as yet acted upon it. The House has acted upon this bill, and it is necessary for the Senate to act upon it. For that reason I ask unanimous consent for the present consideration of the bill.

The PRESIDING OFFICER (Mr. BRIGGS in the chair). Is there objection to the request of the Senator from Massachusetts?

Mr. GURNEY. Mr. President, I have no objection to the bill being called up

at this time, provided consideration and action on the measure can be had during today's session. On that condition I am willing to agree to the request.

Mr. SALTONSTALL. Mr. President, I do not understand that there will be any debate of any kind on either of the measures which I seek to have considered.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (S. 2218) to amend the District of Columbia Alley Dwelling Act, approved June 12, 1934, as amended.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 2218) to amend the District of Columbia Alley Dwelling Act, approved June 12, 1934, as amended, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 4 (b) of the act known as the District of Columbia Alley Dwelling Act, approved June 12, 1934, as amended, be further amended to read as follows:

"(b) On and after July 1, 1947, it shall be unlawful to use or occupy any alley building or structure as a dwelling in the District of Columbia."

SEC. 2. That section 6 of such act, as amended, be further amended by striking "1946" and inserting in lieu thereof "1947."

LIQUIDATION OF WASHINGTON RAILWAY & ELECTRIC CO.

Mr. SALTONSTALL. Mr. President, I ask unanimous consent for the present consideration of House bill 5718, Calendar No. 1401, a bill to facilitate the liquidation of Washington Railway & Electric Co.

This bill has passed the House. It carries out the principle of liquidation of holding companies. The Washington Railway & Electric Co. is a holding company which holds the assets of the Potomac Electric Power Co. and one of the street railroad companies in the city. It has no other assets. The bill has the approval of the Securities and Exchange Commission. I understand also that the Public Utilities Commission of the District of Columbia approves it. So far as I know, there is no objection whatever to the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts?

There being no objection, the bill (H. R. 5718) to facilitate the liquidation of Washington Railway & Electric Co. was considered, ordered to a third reading, read the third time, and passed.

LEGISLATIVE PROGRAM

Mr. BARKLEY. Mr. President, I do not like to see the Senate take a recess at this hour. I wonder if we could not, after a quorum call, have a call of the calendar for the consideration of uncontested bills. The calendar is quite heavy, and I see no reason why the Senate could not dispose of quite a number of bills by laying aside the unfinished business, if the Senator from South Dakota is not prepared to go forward with it at the moment.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. REVERCOMB. I hope the able majority leader will not ask for a call of the calendar at this time. Many of us have not had an opportunity to study the calendar. When we have an opportunity to study it, the call of the calendar proceeds much faster. But to call it without giving opportunity for consideration of the bills may require us to object when in fact there is no real cause for objection. If the majority leader would give us time—even a day's notice—on a call of the calendar, it could be expedited to a much greater extent than when it is called up suddenly in this way.

Mr. BARKLEY. I appreciate the suggestion of the Senator; but it would help the situation if we did nothing but pass claims bills.

Mr. REVERCOMB. That would be fine; but some of us would be placed in the position of having to object when, upon a review of the bill, possibly we would not wish to object. A day's notice would give us an opportunity to review those bills.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. BARKLEY. There are 12 or 15 pages of bills on the calendar. It seems like a waste of time to take a recess at this hour, when we could dispose of perhaps hundreds of such bills, to which there would be no objection.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. GURNEY. I wish to let the majority leader know that I am perfectly willing to proceed with the consideration of the selective service bill. We have reached the point where I know that some Senators are out of the city, and others who are vitally interested in the bill are leaving the city. They expect to return tomorrow.

Mr. BARKLEY. I think that is true. It is fair to say that there was a general feeling that there would be no vote today on the bill.

Mr. GURNEY. That is correct.

Mr. BARKLEY. It was felt that, as usually happens, there would be a day or so of general discussion, and that we would not reach a vote on the bill or on any of the amendments until tomorrow. For that reason, I myself did not feel like urging that we attempt to drive the bill to a vote today, or even attempt to vote on controversial amendments.

Mr. GURNEY. As I understand, the Senator predicates his request for a call of the calendar on the understanding that we shall return to Senate bill 2057 tomorrow.

Mr. BARKLEY. Yes. It would still be the unfinished business and would be automatically resumed when the calendar was finished, or when we resume our session tomorrow.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. REVERCOMB. Let me suggest to the able majority leader that we proceed to call the claims bills at this time, and that he give us a day's notice on the other bills which are on the calendar. I have a duty to give study to some of these bills, and I do not wish to make objection merely because I am not familiar with the contents of a bill. Let me suggest that only the claims bills be called.

Mr. BARKLEY. There is no special harm in making an objection if any Senator is not ready to take up a bill. Always there are bills on the calendar which cannot be taken up at a particular call of the calendar. They must go over and be considered separately. I believe, however, that the great majority of the bills on the calendar could be considered and disposed of on the call.

Mr. REVERCOMB. I know that is true so far as the claims bills are concerned. Will the Senator from Kentucky limit his request to the claims bills?

Mr. BARKLEY. There may be some other bills which could be passed on the call of the calendar. If any Senator wishes to object on the ground that he has not familiarized himself with a bill, there will be no harm in that. It calls for no criticism.

Mr. REVERCOMB. I may say that certain other Senators and I have been charged with the duty, as members of the minority, of considering bills before a call of the calendar, so that Senators may be advised of their contents. That cannot be done when the calendar is called without notice. It places us in the position of objecting when perhaps otherwise we would not object.

Mr. BARKLEY. I have no way of knowing when any Senator has gone through the calendar on his own, or as a representative of other Senators. It is not always possible to give a day's notice, or 2 days' notice. During the past few weeks we could not have given notice that we intended to take up the calendar. We found no time when we could take it up. We now have a breathing spell of 2 or 3 hours, in which time we might dispose of a large number of bills.

Mr. REVERCOMB. For the same reason that we have not taken up the calendar, because of our day and night sessions, none of us, so far as I know, has been able to study these bills.

Mr. BARKLEY. Mr. President, I ask unanimous consent that the Senate proceed to the call of the calendar insofar as bills representing claims against the Government, to which there is no objection, are concerned.

Mr. BYRD. Mr. President, would the Senator include in his request Calendar No. 1285, Senate bill 1760, a bill to reduce the debt limit from $300,000,000,000 to $275,000,000,000? The bill has the approval of the Secretary of the Treasury, and has been unanimously reported by the Committee on Finance. It must go to the House for concurrence.

Mr. BARKLEY. The difficulty about including that bill in my present request is that there may be other bills which Senators might like to have included. I am satisfied that there would be no objection to the consideration of that bill separately. My request involves only bills dealing with claims against the Government.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

DECREASE IN DEBT LIMIT OF THE UNITED STATES

Mr. BYRD. Mr. President, I ask unanimous consent for the present consideration of Senate bill 1760, Calendar No. 1285, which provides for the reduction of the debt limit from $300,000,000,000 to $275,000,000,000. The bill has the approval of the Secretary of the Treasury. As the Senate knows, the debt limit of $300,000,000,000 was established on April 3, 1945, when we anticipated a much longer war than occurred.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (S. 1760) to decrease the debt limit of the United States from $300,000,000,000 to $275,000,000,000.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia?

Mr. TAFT. Mr. President, I think it ought to be stated with respect to this measure that if today or on the 1st of July the Secretary of the Treasury applies to the debt the cash in the Treasury over and above what is required for a normal balance, the debt will be about $265,000,000,000. So as a matter of fact, even with the proposed debt limit, there would be a margin of approximately $10,000,000,000, if I correctly recall, which could be used to pay a deficit. So we are not imposing any very strict rein on the deficit-spending policy of the Government; but we are indicating that there is some limit to it. I think it is highly desirable to reduce the debt limit as proposed in the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia?

There being no objection, the Senate proceeded to consider the bill (S. 1760) to decrease the debt limit of the United States from $300,000,000,000 to $275,000,000,000, which had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

That section 21 of the Second Liberty Bond Act, as amended, is hereby amended to read as follows:

"SEC. 21. The face amount of obligations issued under authority of this act, and the face amount of obligations guaranteed as to principal and interest by the United States (except such guaranteed obligations as may be held by the Secretary of the Treasury), shall not exceed in the aggregate $275,000,000,000 outstanding at any one time. The current redemption value of any obligation issued on a discount basis which is redeemable prior to maturity at the option of the holder thereof shall be considered, for the purposes of this section, to be the face amount of such obligation."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PRODUCTION OF SUGARS AND SIRUPS IN ALCOHOL PLANTS

Mr. GEORGE. Mr. President, I ask unanimous consent for the present consideration of Senate Joint Resolution 162, Calendar No. 1385. In connection with the request, I should like to make a brief explanation. The joint resolution merely extends the existing law for a period of 7 months in order to take care of surplus potatoes and other farm products, largely in the West. It has been recommended by the Treasury Department. There is no objection from any source. It has the unanimous approval of the Senate Committee on Finance. Inasmuch as the law must be extended at a very early date if it is to accomplish anything, I ask unanimous consent for the present consideration of the joint resolution.

The PRESIDING OFFICER. The joint resolution will be read by title for the information of the Senate.

The CHIEF CLERK. A joint resolution (S. J. Res. 162) extending for 7 months the period of time during which alcohol plants are permitted to produce sugars or sirups simultaneously with the production of alcohol.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia?

There being no objection, the joint resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That section 3126 (a) of the Internal Revenue Code (relating to emergency production of sugars and sirups in industrial alcohol plants) is amended by striking out "July 1, 1946," and inserting in lieu thereof "February 1, 1947."

ACQUISITION OF SITES AND CONSTRUCTION OF BUILDINGS BY THE FEDERAL WORKS ADMINISTRATOR

Mr. CORDON. Mr. President——

Mr. WHITE. Mr. President, unanimous consent was requested to proceed with claims bills on the calendar, and consent was given with that understanding. I think we had better observe the understanding. I shall object to the consideration of any other than claims bills as they are called on the calendar.

Mr. CORDON. Mr. President, I hope the minority leader will not object to the request which I am about to make, after he hears the explanation.

On Saturday evening last, after the completion of the legislative session and the opening of the executive session, by unanimous consent the Senator from Arkansas [Mr. FULBRIGHT] called up House bill 5407, a bill to grant to the Federal Works Administrator certain powers with respect to site acquisition, building construction, purchase of buildings, and other matters. I had understood, Mr. President, that no bills would be called up for consideration by unanimous consent, other than the two bills which we understood would come up for consideration and which were considered and passed; and I had left the Chamber after the Senate had gone into executive session, and I was not in the Chamber when that bill was called up.

I had prepared an amendment to that bill. It is an amendment which I am advised by the Government authorities is needed if the Federal Works Administrator is to have the power to exchange a Federal site in the city of Portland, Oreg., for some other site for the purpose of the construction of a new Federal building. I had prepared such an amendment to offer to the bill.

I have discussed the matter with the Senator from Arkansas and the Senator from Florida, and I understand there will be no objection to my request for the reconsideration of the bill, for the purpose of adding this amendment.

Mr. President, I now ask unanimous consent that the votes by which House bill 5407 was passed on Saturday be reconsidered, for the purpose I have just mentioned.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon? The Chair hears none; and, without objection, the votes by which the amendments to the bill were ordered to be engrossed and the bill was read the third time and passed are reconsidered, and the bill is now before the Senate.

Mr. CORDON. Mr. President, I offer the amendment to which I have referred, and I send it to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 9, after line 2, it is proposed to insert:

SEC. 12. The Federal Works Administrator is authorized to convey, upon such terms as he shall deem to be in the public interest, that parcel of land, together with the improvements thereon, described as "All of block 172, city of Portland, in the city of Portland, county of Multnomah, State of Oregon," in exchange for any lands in such city which, in his determination, are more suitable for use as a site for the erection of a new Federal building.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon.

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H. R. 5407) was read the third time and passed.

The PRESIDING OFFICER. Without objection, the action formerly taken by the Senate with respect to the appointment of conferees will stand, and the same conferees will be reappointed, namely, the Senator from Florida [Mr. ANDREWS], the Senator from Arkansas [Mr. FULBRIGHT], and the Senator from Ohio [Mr. TAFT].

Mr. CORDON. Mr. President, I desire to express to the Senator from Arkansas and the Senator from Florida my appreciation for their courtesy.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5605) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1947, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. TARVER, Mr. CANNON of Missouri, Mr. SHEPPARD, Mr. WHITTEN, Mr. DIRKSEN,

Mr. PLUMLEY, and Mr. H. CARL ANDERSEN were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H. R. 5674) to amend the laws authorizing the performance of necessary protection work between the Yuma project and Boulder Dam by the Bureau of Reclamation, in which it requested the concurrence of the Senate.

ORDER OF BUSINESS

Mr. LUCAS. Mr. President, will the Senator from Maine indulge me to ask unanimous consent that the Senate proceed to consider several small bills?

Mr. WHITE. Mr. President, I say to the Senator from Illinois that I have no defense against the assaults of other Senators. I have announced that during this call of the calendar I shall object to the consideration of any bills except claims bills, and I must persist in that attitude. I regret to inform the Senator from Illinois that I must object.

Mr. LUCAS. I thought the Senator just permitted one bill to be considered.

Mr. WHITE. That bill was reconsidered for the purpose of considering an amendment, after the bill had been passed on last Saturday.

Mr. LUCAS. Mr. President, the Commerce Committee needs some additional funds, and I am interested in having it obtain them. However, I suppose the matter can wait.

Mr. TAFT. Mr. President, I suggest that even for the purpose of the call of the calendar on claims bills a quorum should be present. It seems to me that most Senators have believed that the Senate would consider only the draft bill this afternoon. So it seems to me that even if we are merely to consider the claims bills on the calendar a quorum should be present.

The PRESIDING OFFICER. Does the Senator suggest the absence of a quorum?

Mr. TAFT. I do, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hayden	O'Mahoney
Andrews	Hickenlooper	Overton
Austin	Hoey	Pepper
Ball	Huffman	Radcliffe
Barkley	Johnson, Colo.	Reed
Briggs	Johnston, S. C.	Revercomb
Brooks	Kilgore	Robertson
Buck	Knowland	Russell
Bushfield	La Follette	Saltonstall
Byrd	Langer	Shipstead
Capehart	Lucas	Smith
Connally	McCarran	Stanfill
Cordon	McClellan	Stewart
Donnell	McFarland	Taft
Downey	McKellar	Thomas, Okla.
Eastland	McMahon	Tunnell
Ellender	Magnuson	Tydings
Ferguson	Maybank	Vandenberg
Fulbright	Mead	Wagner
George	Millikin	Walsh
Gerry	Mitchell	Wheeler
Green	Moore	Wherry
Guffey	Murdock	White
Gurney	Murray	Wiley
Hart	O'Daniel	Wilson

The PRESIDING OFFICER (Mr. TUNNELL in the chair). Seventy-five Senators have answered to their names. A quorum is present.

Mr. MAYBANK. Mr. President, I realize that it is necessary, at times, for Senators to be absent from the city. I very well realize, also, that we are confronted with proposed legislation of the most important character that has come before the Senate for a long time, and that we have dilly-dallied with it since last September. I now understand that further consideration of it is to be postponed until tomorrow. As one Member of this body, I should like to know the reason why we cannot proceed with the consideration of the unfinished business at this time. Unfortunately, I was in my office attending to business at the beginning of the roll call, and I should like to know the reason for not continuing consideration at this time of the bill extending the Selective Training and Service Act. Whether we are for the bill or against it, we owe it to the world to act upon it. We owe it to the Secretary of State, to the Secretary of War, the Secretary of the Navy, the generals, admirals, and others who are charged with the protection of the Nation. I should like to know why we are now to postpone further consideration of the bill, the contents of which have been before the Congress since the President called us back into special session, following VJ-day.

The PRESIDING OFFICER. The present occupant of the chair was in the Chamber when it was agreed to postpone consideration of the bill, but was not in the chair.

Mr. MAYBANK. I may say to the present occupant of the chair that I also have been present in the Chamber most of the day.

The PRESIDING OFFICER. Very well; then the Senator knows the procedure which was suggested.

Mr. MAYBANK. I understand that, Mr. President, but it does not satisfy some of us. I should like to know from the Senator from South Dakota [Mr. GURNEY] why we do not proceed with the consideration of the draft-extension bill.

Mr. GURNEY. Mr. President——

Mr. WHITE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WHITE. Have we not now agreed by unanimous consent to proceed with the call of the calendar?

The PRESIDING OFFICER. Such a request was made and agreed to.

Mr. MAYBANK. I understand that, but I should like to know the reason why Senate bill 2057 was laid aside.

Mr. GURNEY. Mr. President, if I may be allowed to answer the Senator, I will say that I was informed that word had been given out that no vote on the bill or any amendments to it would be had this afternoon, and that many Senators had left town. After a conversation with the majority leader on the floor a few minutes ago it was decided that it would be wise at the present time temporarily to lay aside further consideration of the selective-service bill until tomorrow. Otherwise, I am sure the Senator from South Carolina understands the reasons as well as I do.

Mr. MAYBANK. I understand the reasons as well as does the Senator from South Dakota.

Mr. WHITE. Mr. President, I make the point of order that we should proceed with the call of the calendar, inasmuch as the unanimous-consent agreement to do so has already been entered into.

Mr. MAYBANK. With that statement, Mr. President, I thoroughly agree, and when the calendar is called I shall have more to say.

The PRESIDING OFFICER. The clerk will proceed with the call of the calendar, beginning with Order of Business 1203, House bill 1037.

CONFERRING JURISDICTION UPON UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF FLORIDA

The bill (H. R. 1037) to confer jurisdiction upon the United States District Court, Southern District of Florida, was considered, ordered to a third reading, read the third time, and passed.

Mr. MAYBANK. Mr. President, I again say for the benefit of the American people that a few Members of the Senate who are now present would like the Senate to complete its consideration of Senate bill 2057, the so-called draft bill. I have received telegrams and letters from many men in the armed forces and others who desire consideration of and action on the bill; but, instead of doing that, we are laying it aside in order to take up the calendar.

While I have no further objection to make, I wish it to be known, in order that there may be no misunderstanding of my attitude on the part of other distinguished Members of this body, who may possibly disagree with me, that it was my understanding, as well as the understanding of the Senator from South Dakota [Mr. GURNEY], on last Saturday, when we deferred consideration of the draft extension bill in order to consider the bill on the subject of atomic energy, and the Department of Agriculture appropriation bill, the draft bill would be made the regular order of business today. While I realize that consideration of any subject before the Senate may be set aside by unanimous consent, and while it may have been my fault on last Saturday in not insisting that the Senate proceed to the consideration of the draft bill, the members of the armed services of the United States, who have served long and faithfully, are entitled to know that something will be done with this bill, so that they as well as members of their families may know what to expect in the months to come.

Moreover, Mr. President, the matter is of very great importance to young men of 18 and 19 years of age.

Mr. President, I feel very keenly about this matter. Perhaps I am unduly worried, but I hope that, inasmuch as the bill has been temporarily laid aside until tomorrow, the distinguished majority leader will keep the Senate in session not only tomorrow but tomorrow night, if necessary, in order to dispose of the bill.

The PRESIDING OFFICER. The Chair will state that unanimous consent

was granted to proceed with the call of claims bills on the calendar. The clerk will proceed with the call.

MRS. MARY M. WOLF

The bill (H. R. 1229) for the relief of Mrs. Mary M. Wolf was considered, ordered to a third reading, read the third time, and passed.

JAMES R. VAUGHAN

The bill (H. R. 3828) for the relief of James R. Vaughan was considered, ordered to a third reading, read the third time, and passed.

ESTATE OF EARLE R. WOODFALL, JR.

The bill (H. R. 4176) for the relief of the estate of Earle R. Woodfall, Jr., was considered, ordered to a third reading, read the third time, and passed.

THEODORA O. ANZURES AND OTHERS

The bill (H. R. 3751) for the relief of Mrs. Theodora O. Anzures and the legal guardian of Bernice Anzures and Andrew Anzures was considered, ordered to a third reading, read the third time, and passed.

JOHN SEFERIAN AND LAURA SEFERIAN

The bill (H. R. 216) for the relief of John Seferian and Laura Seferian was considered, ordered to a third reading, read the third time, and passed.

GEORGE LESLIE DOBSON

The bill (H. R. 4545) for the relief of George Leslie Dobson was considered, ordered to a third reading, read the third time, and passed.

COUNTY OF HAWAII, TERRITORY OF HAWAII

The bill (H. R. 4300) for the relief of the county of Hawaii, Territory of Hawaii, was announced as next in order.

Mr. REVERCOMB. Mr. President, may we have an explanation of the bill from the Senator from Louisiana?

Mr. ELLENDER. Mr. President, the Senator from Oregon [Mr. MORSE] reported the bill to the Senate in behalf of the committee. I do not see him in the Chamber at this time, and I ask that the bill be temporarily passed over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. REVERCOMB subsequently said: Mr. President, on the call of the calendar I asked that Calendar No. 1210, House bill 4300, an act for the relief of the county of Hawaii, T. H., be passed over. I have had an opportunity to examine the bill, and I now desire to withdraw my objection to it.

Mr. ELLENDER. I want to thank the Senator from West Virginia.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 4300) for the relief of the county of Hawaii, T. H., was considered, ordered to a third reading, read the third time, and passed.

M. MARTIN TURPANJIAN

The Senate proceeded to consider the bill (H. R. 3641) for the relief of M. Martin Turpanjian, which had been reported from the Committee on Claims with an amendment, on page 1, line 5, after the words "sum of," to strike out "$1,186" and insert "$2,500."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MRS. LUTHER S. SYKES

The bill (H. R. 845) for the relief of Mrs. Luther S. Sykes was considered, ordered to a third reading, read the third time, and passed.

KAY BETH BEDNAR

The bill (H. R. 3365) for the relief of Kay Beth Bednar was considered, ordered to a third reading, read the third time, and passed.

SAM DAMICO AND CLINT HAMM, OPERATING AS THE D & H GROCERY

The bill (H. R. 3523) for the relief of Sam Damico and Clint Hamm, operating as the D & H Grocery, was considered, ordered to a third reading, read the third time, and passed.

JACKSON WILLIAMS AND OTHERS

The Senate proceeded to consider the bill (H. R. 210) for the relief of Jackson Williams, Mrs. Lora Sally Williams, the legal guardian of Garry E. Williams, a minor, and the legal guardian of James Williams, a minor, which had been reported from the Committee on Claims, with an amendment on page 1, line 5, after the word "to", to strike out "Jackson" and insert "Jack."

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act for the relief of Jack Williams; Mrs. Lora Sally Williams, the legal guardian of Garry E. Williams, a minor; and the legal guardian of James Williams, a minor."

EVA D. CHAMPLIN

The bill (H. R. 4414) for the relief of Eva D. Champlin was considered, ordered to a third reading, read the third time, and passed.

ESTATE OF ROBERT LEE BLACKMON

The bill (H. R. 4833) for the relief of the estate of Robert Lee Blackmon was considered, ordered to a third reading, read the third time, and passed.

MRS. PEARL SMITH

The bill (H. R. 4854) for the relief of Mrs. Pearl Smith was considered, ordered to a third reading, read the third time, and passed.

LOUIS M. DROLET

The bill (H. R. 4836) for the relief of Louis M. Drolet was considered, ordered to a third reading, read the third time, and passed.

MARGARET LEE AND MIKE SOPKO

The bill (H. R. 4607) for the relief of Margaret Lee and Mike Sopko was considered, ordered to a third reading, read the third time, and passed.

ALBERT R. PERKINS

The bill (H. R. 4647) for the relief of Albert R. Perkins was considered, ordered to a third reading, read the third time, and passed.

DAPHNE WEBB

The bill (H. R. 2569) for the relief of Daphne Webb was considered, ordered to a third reading, read the third time, and passed.

GEORGE A. WEST

The bill (H. R. 2747) for the relief of George A. West was considered, ordered to a third reading, read the third time, and passed.

HARRY FLEISHMAN

The bill (H. R. 4800) for the relief of Harry Fleishman was considered, ordered to a third reading, read the third time, and passed.

IDA F. BRAUN

The bill (H. R. 1782) for the relief of Ida F. Braun was considered, ordered to a third reading, read the third time, and passed.

MAYER G. HANSEN

The bill (H. R. 4174) for the relief of Mayer G. Hansen was considered, ordered to a third reading, read the third time, and passed.

Mr. REVERCOMB. Calendar No. 1228, Senate bill 1979, was not called.

The PRESIDING OFFICER. That is not a claim bill.

Mr. REVERCOMB. I understand.

MRS. JENNIE BURNISON

The bill (H. R. 4074) for the relief of Mrs. Jennie Burnison was considered, ordered to a third reading, read the third time, and passed.

MRS. VANNAS H. HICKS

The bill (H. R. 3618) for the relief of Mrs. Vannas H. Hicks was considered, ordered to a third reading, read the third time, and passed.

SOUTHERN CALIFORNIA EDISON CO., LTD.

The bill (H. R. 4270) for the relief of Southern California Edison Co., Ltd., was considered, ordered to a third reading, read the third time, and passed.

GEORGE W. BAILEY

The bill (H. R. 2188) for the relief of George W. Bailey was considered, ordered to a third reading, read the third time, and passed.

NOLAN V. CURRY

The Senate proceeded to consider the bill (H. R. 4400) for the relief of Nolan V. Curry, individually, and as guardian for his minor son, Hershel Dean Curry, which had been reported from the Committee on Claims with an amendment, on page 1, line 5, after the words "appropriated, to", to strike out "Nolan V. Curry, of Hillsboro, Tex., the sum of $344.25, for hospital and medical bills incurred, and loss of earnings of his minor son, Hershel Dean Curry, occasioned by personal injuries to said Hershel Dean Curry, resulting from the negligent operation of a United States Army automobile which struck the car

in which said Hershel Dean Curry was a passenger in Fort Worth, Tex., on June 21, 1945; and to the said Nolan V. Curry, as legal guardian of his minor son, Hershel Dean Curry, for personal injuries inflicted upon the said Hershel Dean Curry, as a result of said accident, the sum of $1,000; said sums to be in full satisfaction of all claims against the United States Government arising in favor of the said Nolan V. Curry and his minor son, Hershel Dean Curry, by reason of said accident", and insert: "the legal guardian of Hershel Dean Curry, a minor, the sum of $1,000 for the personal injuries sustained by said Hershel Dean Curry as the result of an accident which occurred on January 21, 1945, on Hemphill Street in Forth Worth, Tex., involving an Army vehicle."

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act for the relief of the legal guardian of Hershel Dean Curry, a minor."

ESTATE OF BOB CLARK

The bill (H. R. 4210) for the relief of the estate of Bob Clark was considered, ordered to a third reading, read the third time, and passed.

ESTATE OF ELEANOR DORIS BARRETT

The bill (H. R. 4115) for the relief of the estate of Eleanor Doris Barrett was considered, ordered to a third reading, read the third time, and passed.

GERTRUDE McGILL

The bill (H. R. 3823) for the relief of Gertrude McGill was considered, ordered to a third reading, read the third time, and passed.

ROLLAND LEE FRANK

The Senate proceeded to consider the bill (H. R. 3100) for the relief of the legal guardian of Rolland Lee Frank, a minor, which had been reported from the Committee on Claims with an amendment, on page 1, line 5, before the name "Rolland Lee Frank", to strike out "the legal guardian of"; and after the name "Rolland Lee Frank" to strike out the words "a minor."

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act for the relief of Rolland Lee Frank."

LILLIAN JACOBS

The bill (H. R. 4537) for the relief of Lillian Jacobs was considered, ordered to a third reading, read the third time, and passed.

BEN THOMAS HAYNES, A MINOR

The bill (H. R. 2973) for the relief of Ben Thomas Haynes, a minor, was considered, ordered to a third reading, read the third time, and passed.

R. FRED BAKER AND CRYSTAL R. STRIBLING

The Senate proceeded to consider the bill (H. R. 3018) for the relief of R. Fred Baker and Crystal R. Stribling, which had been reported from the Committee on Claims with amendments, on page 1, line 5, after the words "appropriated, to", to strike out "R. Fred Baker the sum of $350 and to pay"; on line 6, after the name "Stribling," to insert "of Columbia, South Carolina"; on line 7, after the figures "$1,300.50", to strike out "both of Columbia, South Carolina"; on line 8, after the word "for", to strike out "property damage"; on line 9, after the word "injuries", to insert "sustained by her"; on line 10, after the word "expenses", to insert the word "incurred"; on line 11, after the words "result of", to strike out "a collision with an" and to insert "an accident involving an."

The amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act for the relief of Crystal R. Stribling."

WILLIAM CLYDE McKINNEY

The Senate proceeded to consider the bill (H. R. 3454) for the relief of William Clyde McKinney, which had been reported from the Committee on Claims, with an amendment, on page 1, line 5, after the words "sum of", to strike out "$5,709.64" and insert "$4,709.64."

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

VIOLET LUDOKIEWICH

The Senate proceeded to consider the bill (S. 1061) for the relief of Violet Ludokiewich, which had been reported from the Committee on Claims with amendments, on page 1, line 6, after the words "sum of", to strike out "$10,000" and insert "$3,697" and on page 2, line 3, after the date "October 20", to strike out "1943" and insert "1944", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Violet Ludokiewich, of Fairfield, Conn., the sum of $3,697, in full satisfaction of her claim against the United States for compensation for personal injuries sustained by her, and for reimbursement of hospital, medical, and other expenses incurred by her, as a result of an accident which occurred when a Coast Guard truck in which she was riding collided with a trolley car at Orange Avenue and Admiral Street, West Haven, Conn., on October 20, 1944: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GWYNN C. TRIPLETT

The bill (S. 1569) for the relief of Gwynn C. Triplett was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That notwithstanding the provisions of the Classification Act of 1923, as amended, the sum of $1,253.70 shall be credited to the disbursing officers holding the account of Gwynn C. Triplett, for compensation received by the said Triplett, as quarters allowances while serving as fire chief in the Puget Sound Navy Yard from May 1, 1942, to February 15, 1944, as follows: $549.78 to be credited to the pay account of Commander T. J. Bright, Supply Corps, United States Navy (retired), symbol 56608, for the period of May 1, 1942, through January 31, 1943; $259.28 to be credited to the pay account of Lt. (jg) B. S. Wells, Supply Corps, United States Naval Reserve, symbol 51514, for the period of February 1, 1943, through June 15, 1943; and $444.64 to be credited to the pay account of Lt. (jg) B. S. Wells, Supply Corps, United States Naval Reserve, symbol 553, for the period of June 16, 1943, through February 15, 1944, and that the said Triplett shall be relieved of any liability to the United States Government for the sum of $1,253.70 for quarters allowance paid to him from May 1, 1942, to February 15, 1944: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

JEROME DOVE

The bill (H. R. 4609) for the relief of Jerome Dove was considered, ordered to a third reading, read the third time, and passed.

FREDERIC P. L. MILLS

The Senate proceeded to consider the bill (S. 1314) for the relief of Frederic P. L. Mills, which had been reported from the Committee on Claims, with an amendment, on page 1, line 6, after the words "sum of", to strike out "$64.92" and insert "$49.92", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frederic P. L. Mills, of Deerfield, Mass., the sum of $49.92, in full satisfaction of his claim against the United States for compensation for property damage caused by unidentified soldiers of the First Army breaking into his house in Pepperell, Mass., during the evening of September 2, 1941: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a

misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AERONAUTICAL TRAINING CENTER, INC.

The Senate proceeded to consider the bill (S. 1132) for the relief of Aeronautical Training Center, Inc., which had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of", strike out "$12,829.93" and insert "$1,978", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Aeronautical Training Center, Inc., of Hollywood, Calif., the sum of $1,978, in full satisfaction of its claims against the United States for compensation for damages which it sustained and for reimbursement for expenses which it incurred as a result of being forced by the Army Air Forces to move its facilities from Kern County Airport, Calif., to Imperial County Airport, Calif., on January 3, 1943: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH E. BENNETT

The Senate proceeded to consider the bill (H. R. 2091) for the relief of Joseph E. Bennett, which had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and to insert:

That jurisdiction is hereby conferred upon the Court of Claims of the United States to hear, determine, and render judgment upon the claim, or claims, of Joseph E. Bennett, doing business as Joseph E. Bennett Co., Boston, Mass., for any losses sustained under contract (DAW 175-eng-22, dated September 5, 1941), in the construction of certain temporary buildings at the airport at Presque Isle, Maine: *Provided*, That such action may be brought in the Court of Claims within 1 year of the date of approval of this act, with right of appellate review as in other cases.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to confer jurisdiction upon the Court of Claims of the United States to hear, determine, and render judgment upon the claim, or claims, of Joseph E. Bennett, doing business as Joseph E. Bennett Co."

ZEPHYR AIRCRAFT CORP.

The bill (H. R. 3094) conferring jurisdiction upon the Court of Claims of the United States to consider and render judgment on the claim of the Zephyr Aircraft Corp. against the United States was announced as next in order.

Mr. CORDON. Mr. President, I should like to have an explanation of the bill.

Mr. REVERCOMB. This, I understand, is not a claim bill.

The PRESIDING OFFICER. It is reported from the Committee on Claims.

Mr. REVERCOMB. It is a bill conferring jurisdiction upon the Court of Claims of the United States to consider and render judgment on a claim of the Zephyr Aircraft Corp. against the United States, and is not a bill allowing a claim against the Government. I ask that the bill go over.

The PRESIDING OFFICER. The bill will go over, under objection.

Mr. REVERCOMB subsequently said: Mr. President, a few moments ago I asked to have go over Calendar No. 1256, House bill 3094, which came from the Committee on Claims, and which conferred jurisdiction on the Court of Claims to determine a claim of the Zephyr Aircraft Corp. against the United States. A bill just passed was one of the same nature. I withdraw my objection.

There being no objection, the Senate proceeded to consider the bill (H. R. 3094) conferring jurisdiction upon the Court of Claims of the United States to consider and render judgment on the claim of the Zephyr Aircraft Corp. against the United States, which had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

That jurisdiction is hereby conferred upon the Court of Claims of the United States to hear, determine, and render judgment on the claim of the Zephyr Aircraft Corp., as successor to the Lenert Aircraft Corp., against the United States for compensation for damage, injury, and losses suffered by the said Lenert Aircraft Corp. because of the refusal by officials of the War Department to make a contract with the said Lenert Aircraft Corp. in compliance with section 10 of the act of July 2, 1926 (44 Stat. 784), pursuant to a design competition for the procurement of primary training planes, which was projected by circular proposal 39-635, dated March 11, 1939.

SEC. 2. In the determination of such claim, the United States shall be held liable for damages, and for any acts committed by any of its officers or employees, to the same extent as if the United States were a private person.

SEC. 3. Suit upon this claim may be instituted at any time within 1 year after the passage of this act, notwithstanding the lapse of time, laches, the form and content of protest, and supporting papers thereof. Proceedings upon the determination of such claim and appeals from the payment of any judgment thereon shall be in the same manner as in the case of claims over which the court has jurisdiction under section 145 of the Judicial Code as amended.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ESTATE OF SYBEL SPENCE

The Senate proceeded to consider the bill (S. 933) for the relief of the estate of Sybel Spence, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, before the words "in full", to strike out "$10,000" and insert "$5,000", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of Sybel Spence, the sum of $5,000, in full satisfaction of the claim of such estate for compensation for the death of the said Sybel Spence as a result of personal injuries sustained by her when she was struck by a United States mail truck in Seattle, Wash., on October 7, 1944: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MR. AND MRS. GLEN ROTHENBERGER

The bill (H. R. 3556) for the relief of Mr. and Mrs. Glen Rothenberger was considered, ordered to a third reading, read the third time, and passed.

ESTATE OF VEDAL B. BROOKS

The bill (H. R. 4237) for the relief of the estate of Vedal B. Brooks, deceased, was considered, ordered to a third reading, read the third time, and passed.

MARY A. WALLIS

The bill (H. R. 3506) for the relief of Mary A. Wallis was considered, ordered to a third reading, read the third time, and passed.

PIOMBO BROS. & CO.

The bill (H. R. 4141) for the relief of Piombo Bros. & Co. was considered, ordered to a third reading, read the third time, and passed.

FUNDADOR NIEVES DEL VALLE

The bill (H. R. 4244) for the relief of Fundador Nieves del Valle was considered, ordered to a third reading, read the third time, and passed.

STANLEY B. REEVES

The bill (H. R. 4832) for the relief of Stanley B. Reeves was considered, ordered to a third reading, read the third time, and passed.

MRS. EDNA B. LEBLANC

The bill (H. R. 4670) for the relief of Mrs. Edna B. LeBlanc was considered, ordered to a third reading, read the third time, and passed.

SAWTOOTH CO.

The bill (H. R. 4777) for the relief of the Sawtooth Co. was considered, ordered to a third reading, read the third time, and passed.

MRS. THERESA EBRECHT

The bill (H. R. 4977) for the relief of Mrs. Theresa Ebrecht was considered, ordered to a third reading, read the third time, and passed.

ESTATE OF CHARLES M. OVERCASH, DECEASED

The bill (H. R. 3822) for the relief of the estate of Charles M. Overcash, deceased, was considered, ordered to a third reading, read the third time, and passed.

DR. JOHN A. LOGAN

The bill (H. R. 3378) for the relief of Dr. John A. Logan was considered, ordered to a third reading, read the third time, and passed.

JOHN BAKELAAR

The bill (H. R. 4405) for the relief of John Bakelaar was considered, ordered to a third reading, read the third time, and passed.

JOHN M. SHIPP

The bill (H. R. 4723) for the relief of John M. Shipp was considered, ordered to a third reading, read the third time, and passed.

ESTATE OF OBALDINO FRANCIS DIAS

The bill (H. R. 5049) for the relief of the estate of Obaldino Francis Dias was considered, ordered to a third reading, read the third time, and passed.

JOHN B. CLAUSEN

The bill (H. R. 4633) for the relief of John B. Clausen was considered, ordered to a third reading, read the third time, and passed.

CLEO D. JOHNSON

The bill (H. R. 4904) for the relief of Cleo D. Johnson was considered, ordered to a third reading, read the third time, and passed.

ERNST V. BRENDER

The bill (H. R. 4885) for the relief of Ernst V. Brender was considered, ordered to a third reading, was read the third time, and passed.

BEN V. KING

The bill (H. R. 5307) for the relief of Ben V. King was considered, ordered to a third reading, read the third time, and passed.

JAMES B. McCARTY

The bill (H. R. 3270) for the relief of James B. McCarty was considered, ordered to a third reading, read the third time, and passed.

Mr. REVERCOMB. How about Calendar No. 1295?

The PRESIDING OFFICER. That is a bill reported by the Committee on Indian Affairs.

IVOR E. NICHOLAS

The Senate proceeded to consider the bill (S. 1748) conferring jurisdiction upon the United States District Court for the Western District of Washington to hear, determine, and render judgment upon the claim of Ivor E. Nicholas, which had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and to insert the following:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ivor E. Nicholas, of Tukwila, Wash., the sum of $4,000, in full settlement of all claims of said Ivor E. Nicholas against the United States for personal injuries and loss of earnings sustained by him as a result of an accident involving a United States Army vehicle which occurred at the intersection of Primary Highway No. 5 and Secondary Highway No. 1-L, near Renton, Wash., on March 5, 1943: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent therof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Ivor E. Nicholas."

MRS. MERLA KOPERSKI

The bill (H. R. 3340) for the relief of Mrs. Merla Koperski was considered, ordered to a third reading, read the third time, and passed.

ESTATE OF MRS. SUFRONIA ANDRUS

The bill (S. 1683) for the relief of the estate of Mrs. Sufronia Andrus was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to the estate of Mrs. Sufronia Andrus, deceased, of New Orleans, La., the sum of $5,000, in full settlement of all claims against the United States on account of the death of the said Mrs. Sufronia Andrus, who was killed on July 10, 1945, when struck by a United States Navy vehicle on Tulane Avenue and South Lopez Street, New Orleans, La.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

MAURICE C. RITTER

The bill (H. R. 3702) for the relief of Maurice C. Ritter was considered, ordered to a third reading, read the third time, and passed.

PERSHING W. RIDGEWAY

The bill (H. R. 3676) for the relief of Pershing W. Ridgeway was considered, ordered to a third reading, read the third time, and passed.

ACCHILLE GUILLORY

The bill (H. R. 2665) for the relief of Acchille Guillory was considered, ordered to a third reading, read the third time, and passed.

SAM DISHONG

The bill (H. R. 3228) for the relief of Sam Dishong was considered, ordered to a third reading, read the third time, and passed.

MRS. CATHERINE FORTUNATO

The bill (H. R. 4976) for the relief of Mrs. Catherine Fortunato was considered, ordered to a third reading, read the third time, and passed.

WILLIAM F. SCHMELTZ

The bill (H. R. 2576) for the relief of William F. Schmeltz was considered, ordered to a third reading, read the third time, and passed.

OLA L. WRIGHT

The bill (H. R. 4352) for the relief of Ola L. Wright was considered, ordered to a third reading, read the third time, and passed.

LONIE M. TROTTER

The bill (H. R. 3125) for the relief of Lonie M. Trotter was considered, ordered to a third reading, read the third time, and passed.

WILLIAM H. W. KOMP

The bill (H. R. 1394) for the relief of William H. W. Komp was considered, ordered to a third reading, read the third time, and passed.

R. H. WHITE TRANSFER & STORAGE CO., OF NASHVILLE, TENN.

The bill (H. R. 1852) for the relief of R. H. White Transfer & Storage Co., of Nashville, Tenn., was considered, ordered to a third reading, read the third time, and passed.

ROBERT J. CRAMER

The Senate proceeded to consider the bill (H. R. 1538) for the relief of Robert J. Cramer, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of", to strike out "$5,122.22" and insert "$3,051.61."

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

VERTIE BEA LOGGINS

The bill (H. R. 4491) for the relief of Vertie Bea Loggins was considered, ordered to a third reading, read the third time, and passed.

GLADYS HASTINGS

The bill (H. R. 4640) for the relief of Gladys Hastings was considered, ordered to a third reading, read the third time, and passed.

LYNDEN T. MONTGOMERY

The bill (H. R. 3770) for the relief of Lynden T. Montgomery was considered, ordered to a third reading, read the third time, and passed.

MRS. GUSSIE FELDMAN

The bill (H. R. 4757) for the relief of Mrs. Gussie Feldman was considered, ordered to a third reading, read the third time, and passed.

C. C. VEST

The bill (H. R. 4750) for the relief of C. C. Vest was considered, ordered to a third reading, read the third time, and passed.

MABEL M. FISCHER

The Senate proceeded to consider the bill (H. R. 3781) for the relief of Mabel M. Fischer, which had been reported

from the Committee on Claims with amendments, on page 1, line 6, after the name "Fischer", to insert "and to Nora M. Steinmetz, widow of Frank L. Steinmetz, each"; in line 9, after the words "death of", to strike out "her husband" and insert "their husbands"; and in line 10, after the name "Fischer", to insert "and Frank L. Steinmetz."

The amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act for the relief of Mabel M. Fischer and Nora M. Steinmetz."

ANDRE DACHARRY

The Senate proceeded to consider the bill (H. R. 2192) for the relief of Andre Dacharry, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of", to strike out "$14,923.44" and insert "$7,923.44."

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

SYLVIA WAGNER

The bill (H. R. 5525) for the relief of Sylvia Wagner was considered, ordered to a third reading, read the third time, and passed.

IRVING W. LEARNED

The bill (H. R. 4915) for the relief of Irving W. Learned was considered, ordered to a third reading, read the third time, and passed.

NINA E. SCHMIDT

The bill (H. R. 4905) for the relief of Nina E. Schmidt was considered, ordered to a third reading, read the third time, and passed.

GEORGE H. BUXTON, JR.

The bill (H. R. 4416) for the relief of George H. Buxton, Jr., was considered, ordered to a third reading, read the third time, and passed.

EARL D. MASSEY AND OTHERS

The bill (H. R. 3726) for the relief of Earl D. Massey, Marvin Marshall, and Fred C. Mitchell was considered, ordered to a third reading, read the third time, and passed.

DOROTHY MORGAN

The bill (H. R. 4016) for the relief of Dorothy Morgan was considered, ordered to a third reading, read the third time, and passed.

H. H. HOOD

The bill (H. R. 2337) for the relief of H. H. Hood was considered, ordered to a third reading, read the third time, and passed.

JOHN G. JOHNSON

The bill (H. R. 2579) for the relief of John G. Johnson was considered, ordered to a third reading, read the third time, and passed.

WILLIAM J. SIMPSON

The Senate proceeded to consider the bill (S. 1051) for the relief of William J. Simpson, which had been reported from the Committee on Claims with amendments, on page 1, line 6, after the words "sum of", to strike out "$6,424" and insert "$5,424, and to John R. Rogers, Sr., of Frederica, Del., the sum of "$8,285.47"; in line 8, before the word "claims," to strike out "his" and insert "their"; in line 9, after the words "sustained by", to strike out "him" and insert "them"; in line 10, after the words "incurred by," to strike out "him" and insert "them"; and on page 2, line 1, after the word "which", to strike out "he was" and insert "they were," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William J. Simpson, of Milford, Del., the sum of $5,424, and to John R. Rogers, Sr., of Frederica, Del., the sum of $8,285.47, in full satisfaction of their claims against the United States for compensation for personal injuries sustained by them, and for reimbursement of medical, hospital, and other expenses incurred by them, as a result of an accident which occurred when the automobile in which they were riding collided with a United States Army vehicle, on the Ocean Highway between Rehoboth Beach and Indian River Inlet, Del., on November 11, 1942: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Amend the title so as to read: "A bill for the relief of William J. Simpson and John R. Rogers, Sr."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. MORRIS

The Senate proceeded to consider the bill (S. 2015) for the relief of William H. Morris, which had been reported from the Committee on Claims, with amendments on page 2, line 6, after "SEC. 2.", to strike out "There is hereby authorized to be appropriated the sum of $186.67 to be paid by the Secretary of the Treasury" and insert "That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated"; and in line 11, after the name "Morris" to insert "the sum of $186.67", so as to make the bill read:

Be it enacted, etc., That William H. Morris formerly employed by the Federal Public Housing Authority as the housing manager of the Safe Haven housing project (Alaska-50076) at Anchorage, Alaska, is hereby relieved of pecuniary responsibility for the loss of $258, with interest thereon, public funds for which he was accountable and which were stolen, without his fault, from the Safe Haven housing project office some time between the close of business on December 2, 1944, and the opening of business on December 4, 1944. The Comptroller General is hereby authorized and directed to remove from the records of his office any indebtedness which may have been raised against Mr. Morris by the afore-mentioned theft.

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William H. Morris the sum of $186.67 in reimbursement for the amount deducted from Mr. Morris' salary as a result of the afore-mentioned theft: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. MILDRED L. BUPP

The bill (H. R. 5111) for the relief of Mrs. Mildred L. Bupp was considered, ordered to a third reading, read the third time, and passed.

ESTATE OF CHARLES W. STEWART

The bill (H. R. 3968) for the relief of the estate of Charles W. Stewart was considered, ordered to a third reading, read the third time, and passed.

AMA L. NORMAND AND THE ESTATE OF CURTIS JOSEPH GASPARD, DECEASED

The bill (H. R. 3599) for the relief of Ama L. Normand and the estate of Curtis Joseph Gaspard, deceased, was considered, ordered to a third reading, read the third time, and passed.

ANNA BLANCHARD AND OTHERS

The bill (H. R. 4338) for the relief of Anna Blanchard and others was considered, ordered to a third reading, read the third time, and passed.

ELIZABETH JONES HANSEL

The bill (H. R. 3355) for the relief of Elizabeth Jones Hansel was considered, ordered to a third reading, read the third time, and passed.

JOSEPH E. ALARIE

The bill (H. R. 2248) for the relief of Joseph E. Alarie was considered, ordered to a third reading, read the third time, and passed.

JAMES J. BARRETT, JR.

The bill (H. R. 3177) for the relief of James J. Barrett, Jr., was considered, ordered to a third reading, read the third time, and passed.

MORRIS FINE

The bill (H. R. 1299) for the relief of Morris Fine was considered, ordered to a third reading, read the third time, and passed.

HENRY R. BUTLER

The bill (H. R. 1072) for the relief of Henry R. Butler was considered, ordered to a third reading, read the third time and passed.

MRS. ALICE BREON

The bill (H. R. 2926) for the relief of Mrs. Alice Breon was considered, ordered to a third reading, read the third time, and passed.

CITY OF SAN DIEGO, TEX.

The bill (H. R. 4418) for the relief of the city of San Diego, Tex., was considered, ordered to a third reading, read the third time, and passed.

EDWARD A. HOLLIS, SR.

The bill (H. R. 4047) for the relief of Edward A. Hollis, Sr., was considered, ordered to a third reading, read the third time, and passed.

MRS. LESSIE L. BRYANT AND MISS JIMMIE ALEXANDER

The bill (H. R. 2242) for the relief of Mrs. Lessie L. Bryant and Miss Jimmie Alexander was considered, ordered to a third reading, read the third time, and passed.

LEGAL GUARDIAN OF DOUGLAS CHARLES McRAE, A MINOR

The bill (H. R. 781) for the relief of the legal guardian of Douglas Charles McRae, a minor, was considered, ordered to a third reading, read the third time, and passed.

MARION CONTRACTING CO.

The bill (H. R. 208) for the relief of Marion Contracting Co. was considered, ordered to a third reading, read the third time, and passed.

O. T. NELSON AND WIFE, CLARA NELSON

The bill (H. R. 1238) for the relief of O. T. Nelson and wife, Clara Nelson, was considered, ordered to a third reading, read the third time, and passed.

FATHER PETER B. DUFFEE

The bill (H. R. 1238) for the relief of Father Peter B. Duffee was considered, ordered to a third reading, read the third time, and passed.

C. LEROY PHILLIPS

The bill (H. R. 4639) for the relief of C. LeRoy Phillips was considered, ordered to a third reading, read the third time, and passed.

CARLTON G. JERRY

The bill (H. R. 4172) for the relief of Carlton G. Jerry was considered, ordered to a third reading, read the third time, and passed.

DEPENDENTS OF CECIL M. FOXWORTH, DECEASED

The bill (H. R. 5212) for the relief of the dependents of Cecil M. Foxworth, deceased, was considered, ordered to a third reading, read the third time, and passed.

MARY G. PAUL

The bill (H. R. 6245) for the relief of Mary G. Paul was considered, ordered to a third reading, read the third time, and passed.

ESTATE OF CARMEN AURORA DE LA FLOR, DECEASED

The bill (H. R. 6334) for the relief of the estate of Carmen Aurora de la Flor, deceased, was considered, ordered to a third reading, read the third time, and passed.

YAKUTAT COOPERATIVE MARKET

The bill (H. R. 6010) for the relief of the Yakutat Cooperative Market was considered, ordered to a third reading, read the third time, and passed.

HENRIETTA SILK

The bill (H. R. 238) for the relief of Henrietta Silk was considered, ordered to a third reading, read the third time, and passed.

DR. HARRY BURSTEIN AND OTHERS

Mr. LUCAS. Mr. President, I believe Calendar No. 1395, House bill 6011, was missed by the clerk. Was any action taken on that bill?

The PRESIDING OFFICER. The Chair will state to the Senator that a similar Senate bill, S. 2042, Calendar No. 1217, was passed when reached on the calendar.

Mr. LUCAS. I ask that the vote by which Senate bill 2042 was passed be reconsidered, and that the House bill be substituted for the Senate bill, and passed.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the vote by which the Senate bill was passed will be reconsidered. Is there objection to the present consideration of the House bill?

There being no objection, the bill (H. R. 6011), for the relief of Dr. Harry Burstein, Madeline Borvick, and Mrs. Clara Kaufman Truly (formerly Miss Clara M. Kaufman), was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 2042 will be indefinitely postponed.

BRIG. GEN. CARL H. SEALS

The bill (S. 1912) for the relief of Brig. Gen. Carl H. Seals was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Brig. Gen. Carl H. Seals, of Laurel, Md., the sum of $1,550.47, in full satisfaction of his claim against the United States for the difference between (1) the amount he was actually allowed as compensation for the value of the personal property which he lost as a result of the invasion of the Philippine Islands by the Japanese in December 1941, and (2) the amount which the War Department has now determined should have been allowed to the said Brig. Gen. Carl H. Seals as compensation for the value of such property: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

HAROLD H. RHODES

The bill (S. 661) for the relief of Harold H. Rhodes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That Harold H. Rhodes is hereby relieved of all liability for the payment of transportation expenses incurred by him in traveling from Lisbon, Portugal, to Washington, D. C., in January 1944 while in the employ of the Foreign Economic Administration; and the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Harold H. Rhodes (1) a sum equal to the aggregate of the amounts deducted or withheld from his subsequent pay or allowances by reason of the disallowance by the Comptroller General of such transportation expenses, and (2) the sum of $219.62, in full satisfaction of his claim against the United States for payment of per diem allowance for subsistence expenses incurred for the period from December 10, 1943, to January 9, 1944, while traveling on official business as an employee of the Foreign Economic Administration: *Provided*, That no part of the amounts appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

ARLIS EARL TEEKELL, A MINOR

The Senate proceeded to consider the bill (S. 1852) for the relief of Arlis Earl Teekell, a minor, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of", to strike out "$7,500" and insert "$3,000", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of Arlis Earl Teekell, a minor, of Hineston, La., the sum of $3,000, in full satisfaction of all claims against the United States for compensation for personal injuries sustained on February 19, 1944, by the said Arlis Earl Teekell, and the subsequent aggravation of such injuries which led to the loss of his left eye, as a result of the explosion of a .30-caliber blank cartridge which had come into his possession through the negligence of United States military personnel who, while engaged in training maneuvers, left a quantity of such cartridges on a public road in the vicinity of the home of the said Arlis Earl Teekell: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "An act for the relief of the legal guardian of Arlis Earl Teekell."

SEVERO APOLUNA DINSON AND OTHERS

The bill (H. R. 4298) for the relief of Severo Apoluna Dinson and Candilaria Dinson, and the legal guardian of Laura Dinson and the legal guardian of Teresita Dinson, was considered, ordered to a third reading, read the third time, and passed.

OWEN YOUNG

The bill (H. R. 3525) for the relief of Owen Young was considered, ordered to a third reading, read the third time, and passed.

PHILIP NAOPE KAILI AND SUSIE KAILI

The bill (H. R. 4301) for the relief of Philip Naope Kaili and Susie Kaili, was considered, ordered to a third reading, read the third time, and passed.

AHTO WALTER AND OTHERS

The Senate proceeded to consider the bill (H. R. 3967) for the relief of Ahto Walter, Lucy Walter, and the legal guardian of Teddy Walter, a minor, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of", to strike out "$3,200" and insert "$2,630.55."

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time and passed.

WILLIE HINES

The Senate proceeded to consider the bill (H. R. 2544) for the relief of Willie Hines, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of", to strike out "$1,514.48" and to insert "$909.08."

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

CHARLES B. BORELL

The bill (H. R. 4716) for the relief of Charles B. Borell was considered, ordered to a third reading, read the third time, and passed.

MICHAEL O. MELLO AND CHRISTIAN O. MELLO

The bill (H. R. 2246) for the relief of Michael O. Mello and Christian O. Mello was considered, ordered to a third reading, read the third time, and passed.

JOHNNIE V. NATIONS

The bill (H. R. 4142) for the relief of Johnnie V. Nations was considered, ordered to a third reading, read the third time, and passed.

FREDERICK UHRMAN

The Senate proceeded to consider the bill (S. 1773) for the relief of Frederick Uhrman, which had been reported from the Committee on Claims, with an amendment, on page 1, line 5, after the name "Frederick", to strike out "Uhrman" and insert "Uhrmann", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frederick Uhrmann, of Norwood, Mass., the sum of $1,000, in full satisfaction of his claim against the United States for compensation for personal injuries sustained by him, as a result of an accident which occurred when the automobile which he was driving was struck by a United States Army vehicle, on Dollar Lane, in Milton, Mass., on August 14, 1945: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Frederick Uhrmann."

The PRESIDING OFFICER. That completes the claims bills on the calendar.

Mr. MAGNUSON. Mr. President, I wish to ask the Senator from Louisiana [Mr. ELLENDER] a question. The claims bills on the calendar having been considered and passed, does the Claims Committee intend, during the present session, to report further bills, or does the Senator consider that by the action just taken the claims bills are wound up for the present session?

Mr. ELLENDER. Oh, no, indeed. The committee expects to meet again on Wednesday, and on succeeding Wednesdays thereafter until the calendar is cleared.

Mr. WHITE. Mr. President, has the call of the calendar under the unanimous-consent agreement been concluded?

The PRESIDING OFFICER. It has been concluded.

REFINANCING OF NIAGARA FALLS BRIDGE

Mr. MEAD. Mr. President, I should like to have the attention of the distinguished minority leader. I ask unanimous consent for the present consideration of House Joint Resolution 340, which I tried to have considered last Friday evening, but which was objected to. I wish to inform the minority leader that the objection has been withdrawn. The bill deals with the refinancing of bridge bonds. I ask unanimous consent for the present consideration of the bill.

Mr. WHITE. Mr. President, the Senator from New York spoke to me about this bill a day or two ago—I do not remember the exact date—and at that time I had no objection to it, but I understood that the senior Senator from Vermont objected to it. Am I to understand now that the Senator from Vermont has withdrawn his objection?

Mr. MEAD. I am informed that the Senator from Texas [Mr. CONNALLY], who reported the bill, has discussed the matter with the Senator from Vermont and that the Senator from Vermont has withdrawn his objection.

Mr. WHITE. If the Senator from Vermont has withdrawn his objection, I have no objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution (H. J. Res. 340) to amend the joint resolution creating the Niagara Falls Bridge Commission was considered, ordered to a third reading, read the third time, and passed.

PAYMENT OF CERTAIN EXPENSES IN CONNECTION WITH PROSECUTION OF UTE INDIAN CLAIMS

Mr. O'MAHONEY. Mr. President, on May 8 the Committee on Indian Affairs unanimously reported House bill 4567. It is now Calendar No. 1342. It is a bill to amend the act entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment on any and all claims which the Ute Indians, or any tribe, or any band thereof, may have against the United States, and for other purposes," approved June 28, 1938 (52 Stat. 1209).

The bill, which was unanimously approved by the Committee on Indian Affairs, does not alter the original act, except to the extent that it authorizes the Indians to spend some of their own funds to prepare the evidence for the case. It does not include any lawyers' fees. Two weeks ago I consulted the leadership on both sides, and was about to obtain unanimous consent to act on the bill when I noticed that the Senators from Utah [Mr. THOMAS and Mr. MURDOCK] were not present. I did not desire to take action in their absence. Since that time I have consulted the Senators from Utah. They have no objection, and I ask unanimous consent for the present consideration of the bill.

Mr. LUCAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LUCAS. Did the Senate pass on this question?

Mr. O'MAHONEY. No; the Senate has never passed on it.

Mr. TAFT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TAFT. What is the order of business before the Senate?

The PRESIDING OFFICER. Under the unanimous-consent agreement, the calendar has been called and completed.

Mr. TAFT. And we now return to the draft bill, do we not?

The PRESIDING OFFICER. The Senator is correct.

Mr. TAFT. So any request for the consideration of a bill should include a request for unanimous consent to set aside the unfinished business temporarily.

Mr. MAYBANK. Mr. President, I suggest the absence of a quorum.

Mr. O'MAHONEY. Mr. President, I hope the Senator will withdraw the suggestion for just a moment.

Mr. MAYBANK. Unless there is unanimous consent——

Mr. O'MAHONEY. I was asking unanimous consent, if the Senator will pardon me. Will he withhold his suggestion of the absence of a quorum for a moment?

Mr. MAYBANK. Yes; but there are some other questions to be brought up in that connection.

Mr. O'MAHONEY. I stated what the nature of the bill was. I then asked unanimous consent—or intended to do so—that the unfinished business be temporarily laid aside so that this bill might

be considered. It is a matter of no general importance, but is of great importance to the Indians who are affected. I hope that unanimous consent will be granted.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming?

There being no objection, the bill (H. R. 4567) to amend the act entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment on any and all claims which the Ute Indians, or any tribe, or any band thereof may have against the United States and for other purposes," approved June 28, 1938 (52 Stat. 1209) was considered, ordered to a third reading, read the third time, and passed.

LOAN OF EQUIPMENT FOR USE OF NATIONAL PATRIOTIC ORGANIZATIONS

Mr. GURNEY. Mr. President, on last Tuesday the Senate Committee on Military Affairs considered a bill passed by the House of Representatives. I am sure that every Senator would wish to have the bill passed now. I ask unanimous consent from the Committee on Military Affairs to report favorably, with amendments, House bill 6343, to authorize the Secretary of War to lend War Department equipment for use at the Twenty-eighth Annual National Convention of the American Legion, and submit a report (No. 1407) thereon.

The PRESIDING OFFICER. Without objection, the report will be received.

Mr. GURNEY. The bill passed the House of Representatives on May 20 of this year. It would authorize the Secretary of War to lend to the National American Legion Convention unoccupied barracks, cots, blankets, pillows, mattresses, bed sacks, and so forth, for the purpose of the national convention. At the moment I cannot state where the national convention will be held. At any rate, the authorities of the Legion must make arrangements far in advance.

In considering the House bill, the committee felt that the House bill should be amended, because the American Legion, the Veterans of Foreign Wars, and other national patriotic organizations are holding State conventions, and they are meeting the same sort of difficulties which the national convention of the American Legion is encountering. Housing is short, and they cannot take care of the people who come to even the State conventions. Therefore on last Tuesday the committee ordered the bill favorably reported with an amendment designed to take care of State conventions of all national patriotic organizations. The bill has not been reported heretofore for the reason that the legislative counsel was drafting the particular language.

I ask unanimous consent at this time that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of House bill 6343 in the amended form as reported by the Committee on Military Affairs. I may say that the bill is not on the calendar.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill, H. R. 6343, to authorize the Secretary of War to lend War Department equipment for use at the Twenty-eighth Annual National Convention of the American Legion.

Mr. WHITE. Mr. President, is this bill on the calendar?

The PRESIDING OFFICER. It is not. It has just been reported.

Mr. GURNEY. Mr. President, I hope the Senator from Maine will withhold his objection. The bill has passed the House. As reported by the Committee on Military Affairs, it would provide such assistance for all national patriotic veterans organizations. I am sure there can be no objection to the bill.

Mr. WHITE. In my experience I have seen many bills come from the House of which I did not approve. If there is any special or particular reason for passing the bill at this time, that is one thing.

Mr. GURNEY. There is a special reason. Many State conventions are being held in the middle of June, and the bill must go back to the House for concurrence in the amendment of the Committee on Military Affairs. In order to be of any use to some of these conventions it ought to be passed immediately. Therefore, I hope there will be no objection to its immediate consideration.

Mr. AIKEN. Mr. President, may I ask the Senator from South Dakota a question?

Mr. GURNEY. I yield.

Mr. AIKEN. Does the bill apply to other service organizations as well?

Mr. GURNEY. It applies to all national patriotic veterans organizations. The amendment reported by the committee is so written.

Mr. AIKEN. I understood that it applied to only one.

Mr. GURNEY. No.

Mr. AIKEN. So long as it applies to all, I have no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Dakota?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of War is authorized to lend, at his discretion and under conditions which he may prescribe, to any recognized national veterans' organization such cots, blankets, pillows, mattresses, bed sacks, unoccupied barracks of the Army, and other available articles or equipment under his jurisdiction as may be needed by such veterans' organization for use at any of its National or State conventions.

SEC. 2. Such property may be delivered upon such terms and at such time prior to any such convention as may be agreed upon by the Secretary of War and the representatives of such veterans' organization, except that no expense shall be incurred by the United States in the delivery and return of any such property.

SEC. 3. The Secretary of War shall take from each veterans' organization to which property is lent pursuant to the provisions of this act, a good and sufficient bond for the return of such property in good condition.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act authorizing the Secretary of War to lend certain property of the War Department to national veterans' organizations for use at State and National conventions."

FEDERAL ASSISTANCE TO STATES IN MATTERS RELATING TO SOCIAL PROTECTION

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent for the immediate consideration of Senate bill 1779, Calendar No. 1198. The bill was introduced by the Senator from Florida [Mr. PEPPER], the senior Senator from Georgia [Mr. GEORGE], the Senator from Ohio [Mr. TAFT], and myself. It proposes to authorize the continuance of the very effective and useful work which was done by the Federal Security Agency in connection with cooperative efforts on the part of States and lesser subdivisions of government in the suppression of prostitution and the mitigation of sex delinquencies.

The bill has been unanimously reported from the Committee on Education and Labor. My plea in asking for its consideration at this time is that unless it has an opportunity to pass the Senate and go to the House for consideration, we may not have the opportunity to give it consideration before the Appropriations Committee in connection with the matter of appropriations, and the work which has been so effective during the war will cease.

I may say that the functions of the Federal Security Administrator are restricted by the bill to giving assistance solely by means of technical and professional advisory services, and the collection and publication of information. His activities, therefore, would continue to be entirely of an advisory and consultative nature. Further safeguarding the rights of the States is the provision in section 1, that no assistance would be rendered to the political subdivisions of the States except through or at the request of the appropriate State officials.

The testimony shows that unfortunately, since the cessation of hostilities, there has been a rise in the incidence of venereal diseases and in sex delinquency cases. Senators who recall the experience after World War I will remember that while quite effective action was taken by both the armed forces and the civilian arm of the Government, that work was abandoned when hostilities ceased, and a very sharp rise in the venereal-disease rate was indicated, and eventuated. I think we should not repeat that mistake.

In view of the urgency of the situation, I hope that Senators will not interpose objections.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wisconsin

Mr. WHITE. Mr. President, reserving the right to object, I think we recognize that this is a most important piece of legislation. It is rather more important now than it would be in ordinary circumstances for us to consider and act

upon it. The presentation of the Senator from Wisconsin is most persuasive. In view of his assurance that the bill comes here with the unanimous approval of the committee to which it was referred, I think we should pass it, and I offer no objection.

Mr. LA FOLLETTE. I appreciate the statement of the Senator.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wisconsin?

Mr. HICKENLOOPER. Mr. President, I should like to ask the Senator from Wisconsin why it is that this very meritorious service is placed under the Federal Security Administrator, and why it is not under the Public Health Service.

Mr. LA FOLLETTE. That is because during the war this work was carried on under the Federal Security Agency, and all the contacts with the communities and the States and the county governments have been made through the Federal Security Agency. Of course, as the Senator knows, the desire is to continue that service in operation in order to try to prevent the tragic experience following the First World War.

Mr. HICKENLOOPER. Mr. President, if the Senator will further yield to me, let me say I realize that it was under the Federal Security Administrator, but I also have the impression that the Federal Security Administrator is attempting to corral, if I may say so, all these various services and bring them under his particular agency. Not only do I see no reason for that, but it seems to me the public-health work would best be served if the head of the Public Health Service were placed in the position of primary responsibility for the things he is peculiarly and professionally equipped to handle, rather than to be a subordinate of this social agency in government.

Mr. LA FOLLETTE. The Surgeon General, who is the head of the Public Health Service, is administering the so-called La Follette-Bulwinkle Act, which provides for cooperation between the Public Health Service and the State and local communities in the actual treatment and control of venereal disease.

The purpose of this bill is to carry on the work, which meets with the approval of the Surgeon General, and it is somewhat ancillary to the treatment and prevention of the disease by the mobilization of the law-enforcement agencies and the elements in the communities which can be mobilized in the suppression of prostitution and in the checking of sex delinquency.

Mr. TAFT. Mr. President, will the Senator yield to me?

Mr. LA FOLLETTE. I yield.

Mr. TAFT. I wish to point out that the Public Health Service is today under the Federal Security Administrator.

Mr. HICKENLOOPER. I realize that, and that is what I do not like.

Mr. TAFT. If there were a proper rearrangement of all public health services, I think this matter would properly go into a health department. But today there is none. So it does not make much difference whether it is under one or under the other of the agencies mentioned. The Federal Security Administrator is in close touch with the Director of the Public Health Service, inasmuch as the Public Health Service is a part of his agency.

Mr. HICKENLOOPER. Mr. President, let me say that I shall not object, if the Senator from Wisconsin is apprehensive that I might.

Mr. LA FOLLETTE. I really was a little apprehensive about that, and I appreciate the relief the Senator has now afforded me.

Mr. HICKENLOOPER. But I wish to register my protest against the constant encroachment of the Federal Security Agency into various collateral branches of the social and political field in the United States, and especially into specialized fields, and the gathering of all these agencies under a social security director.

Although I say to the Senator that I shall not object to this bill at this time, because I think the service should be continued, nevertheless I do object to the theory, and I hope we can begin to establish such things as this one which are in the public health field under the surgeon general and the Public Health Service, so that they will have primary responsibility and so that the primary policies relative to such matters can be made by them, acting independently of other agencies. I hope we can begin to do that soon.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. TAFT. The Senator from Iowa may well bring out those points in connection with the discussion of the last reorganization plan submitted by the President, and also in connection with consideration of the President's recommendation for a Department of Health, Security, and Welfare. When those matters are considered, I fully agree with the Senator that all matters pertaining to health should be concentrated and should be given practically an autonomous administration, under a health officer.

However, I do not think this particular matter will effect that settlement, which will have to be reached during the next few months.

Mr. HICKENLOOPER. I do not object to this measure. But we have a specialized job to do in this connection, and apparently we are continuing the present method as a permanent arrangement, under the broad social fields under the Federal Security Administrator. I think that policy should not be continued or enlarged.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. MAGNUSON. I understand that this service will continue in an advisory and statistical capacity, rather than in the capacity it had during the war. Let me ask the Senator a question. Suppose a State or a community does not wish to have the benefit of the service. What will happen then?

Mr. LA FOLLETTE. The bill provides that no service may be rendered unless the appropriate State agency requests it. Unless the service is requested, it cannot be furnished by the Federal Security Administrator.

Mr. MAGNUSON. What would happen in this case? Suppose there is in the area a Federal establishment where there are a number of young men, such as an Army camp; and suppose the local enforcement authorities do not, or the head of the local government in the area does not, request any aid or any of the advisory services which this organization would be prepared to render. In that event would those in charge of this service still have authority to act?

Mr. LA FOLLETTE. Around military establishments, of course, such matters are handled under the May bill, which we renewed just prior to its expiration.

Mr. MAGNUSON. This measure would apply to other areas within the State which request the service; would it?

Mr. LA FOLLETTE. That is correct.

Mr. MAGNUSON. I thank the Senator.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 1779) to authorize the Federal Security Administrator to assist the States in matters relating to social protection, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Federal Security Administrator, through such officers or employees or units of the Federal Security Agency as he may designate, is authorized, by means of technical and professional advisory services and the collection and publication of information, to assist the several States and, through or at the request of appropriate State officials of the respective States, their political subdivisions, and to assist nongovernmental organization (a) to develop and carry out, particularly in areas where such measures are of importance to military or naval personnel, measures designed to prevent prostitution, eliminate conditions contributing to sex delinquency, and provide services for the rehabilitation of sex delinquents; and (b) to foster cooperation in communities among law enforcement, welfare, and other public and private activities for the purpose of preventing prostitution, eliminating conditions contributing to sex delinquency, and providing services for the rehabilitation of sex delinquents.

SEC. 2. The Federal Security Administrator is authorized to appoint such advisory committees, and to call such conferences, of representatives of Federal departments and agencies, and of interested professions and organizations, public and private, as may be necessary to carry out the purposes of this act. Members of any such committee while attending meetings or conferences or while otherwise serving in carrying out the purposes of this act, and persons attending any such conference, shall be entitled, while so serving away from their places of residence, to actual and necessary traveling expenses and, unless they are officers or employees of the United States, to $10 per day in lieu of subsistence expenses.

SEC. 3. Nothing contained in this act shall be construed as limiting or impairing the authority or responsibility of any department or agency of the Government under any other act.

SEC. 4. As used in this act, the term "State" includes the District of Columbia and Territories and possessions of the United States.

SEC. 5. For the purpose of carrying out the provisions of this act, there is hereby au-

thorized to be appropriated for the fiscal year ending June 30, 1947, the sum of $700,000; and there are hereby authorized to be appropriated for each fiscal year thereafter such sums as may be necessary for carrying out such provisions.

ORDER OF BUSINESS

Mr. OVERTON. Mr. President, there are on the calendar five or six bridge bills in stereotyped form, which have been reported unanimously by the Commerce Committee. Three of them are Senate bills and three of them are House bills. They are calendar Nos. 1379, 1380, 1381, 1382, 1383, and 1384, being respectively, House bills 5387, 5357, and 5187, and Senate bills 1984, 1922, and 1983. I ask unanimous consent for their immediate consideration.

The PRESIDING OFFICER. Does the Senator request unanimous consent for the consideration of all of them at one time?

Mr. OVERTON. I see no objection to that. I think the Senate can do anything by unanimous consent.

The PRESIDING OFFICER. The Chair believes that the more orderly procedure would be to consider the bills one at a time.

Mr. HICKENLOOPER. Mr. President, I understand that the Senator from Louisiana has requested unanimous consent for that purpose.

Mr. OVERTON. I did.

Mr. HICKENLOOPER. Reserving the right to object, let me inquire whether all the bills are bridge bills.

Mr. OVERTON. They are.

Mr. HICKENLOOPER. Do they have to do with interstate bridges?

Mr. OVERTON. They do.

Mr. HICKENLOOPER. Then, I ask the indulgence of the Senator until I can at least have a moment or two to check the provisions of the bills.

Mr. OVERTON. Very well, Mr. President, I withdraw the request.

Mr. HICKENLOOPER. I may not object, I say to the Senator.

Mr. OVERTON. Of course. But I understand that other Senators wish to have the floor, so I believe I had better withdraw the request for the time being.

Mr. PEPPER. Mr. President, I ask unanimous consent for the immediate consideration of House bill 4512, Calendar No. 1378, and I should like to explain the nature of the bill.

Mr. CORDON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CORDON. Quite a number of unanimous-consent requests are being made, and I wonder if all of them come under the original unanimous-consent agreement by which the unfinished business was temporarily laid aside, with the understanding that the Senate would return to its consideration at the beginning of the session tomorrow. Unless that is the case, I must object to the consideration of other bills.

Mr. PEPPER. Mr. President, will the Senator permit me to make an explanation?

Mr. CORDON. I should like to have my inquiry answered by the Chair. I have no objection to the bill.

Mr. PEPPER. I wish to state the nature of the bill.

Mr. CORDON. Mr. President, will the Chair state the situation, in response to my inquiry?

The PRESIDING OFFICER. All the bills which have been passed since the call of the calendar for the consideration of claims bills was concluded have been passed by unanimous consent. Any business transacted by unanimous consent does not interfere with the status of the unfinished business.

Mr. CORDON. Very well. Then, Mr. President, I must insist that every request hereafter made be made on the basis of a unanimous agreement that that be the case.

The PRESIDING OFFICER. All bills which have been passed since the conclusion of the call of the calendar have been handled on that basis.

Mr. WHITE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WHITE. As I understand the situation, the unanimous-consent agreement related only to claims bills on the calendar; and when the call of those bills ended, that ended the unanimous-consent agreement.

Now a number of requests are being made to bring forward bills on the calendar which are not of the claims type. Three Senators who now are within my sight have made explanations to me about certain bills. So far as I am personally concerned, I shall not object to their consideration; but I feel that unless I start to object to such requests, we might as well go on with the entire calendar, because that is what it will amount to.

However, as I stated, I shall consent to the request of the three or four Senators who already have spoken to me. But thereafter I shall object.

Mr. PEPPER. Mr. President, the Senator is very kind——

Mr. REVERCOMB. Mr. President, I object to the request for present consideration of the bill.

Mr. PEPPER. Mr. President, will the Senator from West Virginia withdraw his objection and let me make an explanation, and then let him exercise his judgment?

Mr. REVERCOMB. Let me say to the Senator that I know the purpose of the bill. The purpose is good. But the bill is 14 pages long. Many Senators have left the floor, and have done so in the belief—and justifiably so—that the Senate would not take up any measures except claims bills.

So, under the circumstances, I object to the request for present consideration of the bill, inasmuch as many Senators are now absent from the Chamber.

Mr. PEPPER. Mr. President, I wish the Senator would permit me to make an explanation of the bill before he makes objection, because the bill has been carefully considered by the Senator from Ohio, by the Committee on Education and Labor, and has been unanimously recommended by the committee. The War Department and the Veterans' Administration are earnestly urging the passage of the bill. It deals with psychiatric cases which are piling up by the hundreds of thousands, and the authorities handling them do not have sufficient personnel to deal with them.

Mr. REVERCOMB. Mr. President, for the reasons stated, I cannot withdraw my objection to the consideration of this bill at the present time.

The PRESIDING OFFICER. Objection is heard. The bill will be passed over.

ADDITIONAL FOREIGN SERVICE OFFICERS IN THE CLASSIFIED GRADES

Mr. GREEN. Mr. President, I ask unanimous consent that the Senate consider calendar No. 1317, House bill 5244, to authorize the appointment of additional foreign service officers in the classified grades. The bill was unanimously reported to the Senate by the Committee on Foreign Relations, and the Secretary of State has urged that prompt action be taken on the bill.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (H. R. 5244) to authorize the appointment of additional foreign-service officers in the classified grades.

Mr. REVERCOMB. Mr. President, reserving the right to object, may we have an explanation of the purpose of the bill?

Mr. GREEN. I shall be glad to make a brief summary of it.

The bill authorizes the President, by and with the advice of the Senate, to appoint not to exceed 250 persons to positions as Foreign Service officers. Each appointment shall be by commission to a classified grade, and shall be in addition to all other appointments of Foreign Service officers.

An effort is being made to reorganize to some extent the Foreign Service, and plans for that purpose are well under way in the State Department. But pending a general bill on the subject, which will come before the Senate before long, the State Department is very anxious to proceed at once with the appointment of the Foreign Service officers contemplated by the bill. The restrictions on their appointment and their qualifications have been carefully explained by the State Department. They have been considered and, to some extent, modified by the Foreign Relations Committee. The bill has been on the calendar for about a month. I hope that no delay will be encountered in considering and passing it.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 5244) to authorize the appointment of additional Foreign Service officers in the classified grades, which had been reported from the Committee on Foreign Relations with amendments.

The first amendment of the Committee on Foreign Relations was, on page 1, line 6, after the words "position as", to strike out "foreign service" and insert "Foreign Service"; on the same page, at

the beginning of line 9, to strike out "foreign service" and insert "Foreign Service"; on page 2, at the beginning of line 3, to strike out "foreign service" and insert "Foreign Service"; on the same page, in line 5, after the words "any such", to strike out "foreign service" and insert "Foreign Service"; and on the same page, in line 9, after the words "as a", to strike out "foreign service" and insert "Foreign Service."

The amendment was agreed to.

Mr. GREEN. Mr. President, this amendment would merely capitalize the words "Foreign Service."

The PRESIDING OFFICER. The next committee amendment will be stated.

The next amendment was on page 2, in line 7, after the word "he" to insert "or she"; on the same page in line 10, after the word "unless", to insert "he or she—"; in line 11, after "(a)", to strike out "he"; and in line 13, after "b)", to strike out "he."

The amendment was agreed to.

The next amendment was on page 2, in line 18, after "or (2)", to insert "in the merchant marine as such service is defined by section 1 of the act of June 23, 1943 (57 Stat. 162; 50 U. S. C. 1471), or (3)"; in line 23, after the words "of the" to insert "legislative, executive, or judicial branches of the"; in line 24, after "United States," to insert "Government"; on page 3, at the beginning of line 3, to strike out "them" and insert "him or her"; in the same line, after "as a" to strike out "foreign service" and insert "Foreign Service"; in line 5 after "(c)" to strike out "he"; in line 7, after "as a" to strike out "foreign service" and insert "Foreign Service"; and in line 10, after "(d)" to strike out "he."

The amendment was agreed to.

The next amendment was on page 3, after line 14, to strike out:

SEC. 5. Each employee who has been designated as vice consul, not of career, by the Secretary of State shall, upon completion of 15 years of service in that capacity, be appointed as foreign-service officer without examination, at a salary not lower than the employee received at the time of such appointment: *Provided*, That during the next two succeeding fiscal years not less than 40 of such employees shall be so transferred during each fiscal year: *Provided further*, That thereafter such employees as become eligible for transfer in pursuance hereof, shall be so transferred.

The amendment was agreed to.

The next amendment was, on page 4, line 1, after "SEC.", to strike out "6" and insert "5."

The amendment was agreed to.

The next amendment was on page 4, line 9, after the name "Department of State", to strike out "or their duly authorized representatives"; and in line 10, after the word "employees", to insert "of the Department of State."

The amendment was agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill (H. R. 5244) was read the third time and passed.

The title was amended so as to read: "An act to authorize the appointment of additional Foreign Service officers in the classified grades."

SALARIES OF OFFICERS AND MEMBERS OF METROPOLITAN POLICE FORCE

Mr. HOEY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1004, House bill 5060, relating to the salaries of officers and members of the Metropolitan Police force.

When the bill was called up 2 or 3 months ago the Senator from Virginia made objection to the Senate considering it at that time until he had an opportunity to examine the bill. He has since examined it and has withdrawn any objection which he may have had to it. The bill has been unanimously reported by the Committee on the District of Columbia. I have spoken to the majority leader and to the minority leader, and understand that no objection will be made to the present consideration of the bill.

The PRESIDING OFFICER. The bill will be stated by its title for the information of the Senate.

The CHIEF CLERK. A bill (H. R. 5060) to amend section 1 of the act entitled "An act to fix the salaries of officers and members of the Metropolitan Police force, the United States Park Police force, and the Fire Department of the District of Columbia," approved May 27, 1924.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 5060) which had been reported from the Committee on the District of Columbia with an amendment on page 2, line 20, to strike out:

SEC. 2. This act shall be effective as of the effective date of said act of May 27, 1924.

And insert:

SEC. 2. This act shall be effective as to officers and members of the Metropolitan Police force of the District of Columbia as of the effective date of said act of May 27, 1924, and shall be effective as to officers and members of the United States Park Police force upon its enactment.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

COOPERATION OF STATES IN ESTABLISHING AND MAINTAINING SAFE WORKING CONDITIONS

Mr. JOHNSTON of South Carolina. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1233, Senate bill 1271.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (S. 1271) to provide for cooperation with State agencies administering labor laws in establishing and maintaining safe and proper working conditions in industry and in the preparation, promulgation, and enforcement of regulations to control industrial health hazards.

Mr. JOHNSTON of South Carolina. Mr. President, that bill was reported unanimously by the Committee on Education and Labor. It meets all the objections which were made in the hearings held by the committee. All labor commissioners from whom I have heard are in favor of the bill.

Mr. WHITE. Mr. President, this bill is apparently of substantial importance, and I must object to its consideration at the present time.

The PRESIDING OFFICER. Objection is heard. The bill will be passed over.

AUTHORIZATION TO CHARGE TOLLS OVER SAN FRANCISCO-OAKLAND BAY BRIDGE

Mr. KNOWLAND. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1386, House bill 3565. I have already spoken to the acting majority leader and to the minority leader with regard to the bill. It was unanimously reported by the Committee on Commerce, and relates only to the San Francisco-Oakland Bay Bridge.

The PRESIDING OFFICER. The bill will be read by title for the information of the Senate.

The CHIEF CLERK. A bill (H. R. 3565) to authorize the charging of tolls for the passage or transit of Government traffic over the San Francisco-Oakland Bay Bridge.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

Mr. TAFT. Mr. President, will the Senator explain the bill?

Mr. KNOWLAND. Mr. President, the bill provides for the charging of tolls over the San Francisco-Oakland Bay Bridge. Provisions relating to the Golden Gate Bridge similar to those contained in this bill were passed in the Seventy-eighth Congress. The bill provides for the exemption from tolls in connection with Government travel on official business. However, under the present arrangement Army and Navy personnel not on Government business are allowed to travel over the bridge free of charge. The officials in California who have charge of the matter are earnestly requesting the passage of the bill which contains regulations similar to those which are now applicable to the Golden Gate Bridge.

I may say for the benefit of the Senate that the War Department objected to the passage of the bill on the occasion when the bill was before the House of Representatives. However, the House passed the bill.

The Senate Committee on Commerce considered the objections, and unanimously reported the bill to the Senate.

Mr. JOHNSTON of South Carolina. The bill was passed by the House of Representatives even over the objections of the War Department?

Mr. KNOWLAND. Yes.

Mr. JOHNSTON of South Carolina. Mr. President, I object to the present consideration of the bill.

The PRESIDING OFFICER. Objection is heard.

Mr. JOHNSTON of South Carolina subsequently said: Mr. President, I wish to withdraw my objection to the consideration of Calendar No. 1386, House bill 3565.

Mr. LUCAS. I move that the Senate stand in recess——

Mr. KNOWLAND. Mr. President, I wonder if the acting majority leader will not withhold his motion temporarily. I made a unanimous-consent request earlier which was objected to.

Mr. LUCAS. I withhold it.

Mr. KNOWLAND. The objection which was previously made has been withdrawn.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments, on page 2, line 2, before the words "and naval personnel", to insert the words "Coast Guard"; and on line 10, after the word "military" and the comma, to insert the words "Coast Guard."

The amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

FREE HIGHWAY BRIDGE ACROSS THE MONONGAHELA RIVER

Mr. HICKENLOOPER. Mr. President, a few minutes ago I objected to calling up certain bridge bills beginning with Calendar No. 1379. I now withdraw my objection.

Mr. OVERTON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House bill 5387, Calendar No. 1379.

Mr. WHITE. Mr. President, I feel that I must object to any further unanimous-consent requests except with regard to the resolutions which will be submitted by the Senator from Illinois with respect to more or less formal matters. With reference to all other unanimous-consent requests, I shall object, and I give notice now to that effect.

Mr. OVERTON. Mr. President, the bill to which I have referred, as well as several other bills of a similar character, are merely perfunctory stereotyped bridge bills.

Mr. WHITE. Mr. President, it is hard to draw a line between what is perfunctory and what is substantial. I must object to any further unanimous consent request except, as I say, with regard to the resolutions which the Senator from Illinois desires to submit.

Mr. OVERTON. Mr. President, I was the first one to make a unanimous-consent request with reference to this bill, and the request was temporarily withdrawn until the Senator from Iowa could look into the matter. I did not think that the Senator from Maine would raise any objections.

The PRESIDING OFFICER. Objection has been made.

Mr. OVERTON. Mr. President, I object to the consideration of any further bills.

APPROPRIATIONS FOR EXPENSES OF THE COMMITTEE ON COMMERCE

Mr. LUCAS. Mr. President, I wish to report favorably from the Committee To Audit and Control the Contingent Expenses of the Senate a resolution originally submitted by the Senator from Florida [Mr. PEPPER] for the Senator from North Carolina [Mr. BAILEY] for the Committee on Commerce. I am informed by the committee, which is one of the standing committees of the Senate, that the committee is out of money. They need an additional $5,000 to carry on the work of the committee. I ask unanimous consent, out of order, for the immediate consideration of the resolution.

Mr. JOHNSTON of South Carolina. I object.

The PRESIDING OFFICER. The resolution will be stated by title.

Mr. REVERCOMB. Mr. President, objection has been made.

The PRESIDING OFFICER. Objection has been heard.

Mr. LUCAS. If the Senate Committee on Commerce cannot get an appropriation, the Senator from Illinois will not report further resolutions.

SILVER

Mr. MURDOCK. Mr. President, different committees of Congress have held hearings on what has been represented to be a dire need on the part of silver fabricators for silver. I have tried to expedite a procedure and means of getting silver into the hands of these fabricators, by way of a bill I have introduced. I had hoped this afternoon to ask unanimous consent for the consideration of a compromise measure, but due to the fact that the distinguished minority leader has served notice that he would object to any further unanimous-consent requests, of course it would be futile, I suppose, for me to ask at this time for consideration of the bill.

I have in my hand a concise statement published by the Bulletin of the National Association of Purchasing Agents pointing out certain facts with reference to the production of silver throughout the world. I ask unanimous consent, out of order, to have this statement included at this point in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Is there objection?

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

POSTWAR PROBLEMS IN COMMODITIES—SILVER: $1.29 NOW, OR $3 LATER; WHICH WILL YOU HAVE?

Silver is a commodity that at one time rocked the political life of this country. No basic economic problems were settled by political slogans and torchlight parades and, now, the subject is up again for solution with the added new complication that the metal has, in the meantime, become a highly important industrial material.

In the days when William Jennings Bryan high lighted the silver question, we were producing an annual average of 160,000,000 ounces of silver and exporting nearly all we produced at around 50 cents an ounce. Today, the situation is drastically changed. In the 5-year period, 1940 to 1944, we produced an average of only 55,000,000 ounces annually and consumed 90,000,000 ounces annually for industrial purposes alone. We are now a heavy importer of silver metal, and our industrial consumption has been steadily increasing until it has reached 120,000,000 ounces, equal to almost half the total world production in the year before the war.

The proposed increase in the price of silver from 71.11 cents an ounce to 90 cents an ounce was labeled by one economist as an extension of the sordid tale of subsidies. But silver is no ordinary raw material. Its price has never been subject to the ordinary law of supply and demand. It is a basic metal of coinage, and its value is so entangled with the financial economy of all civilized countries that it would be a grave error if it were again made the subject of domestic bipartisan politics.

INDUSTRIAL USE

The largest industrial use of silver is in the production of motion picture and photographic film, which requires about 20 million ounces. Some of this silver can be recovered from old film and from the chemicals, but much is lost. The importance of silver brazing metals and hard silver solders has been increasing, and the silver used for these purposes is largely unrecoverable. Another increasing use is in electrical contacts for electronic and electrical apparatus. Engine bearings have also been taking an increasing amount, and there has been a growing use of silver-clad metals for chemical equipment and of fine sheet and wire for electrical instruments.

But, in the face of a growing industrial use of silver, the metal still remains distinctive in that it is a precious metal highly valued in the arts for jewelry and plate. As a coinage metal, silver today is exactly what it was 1,900 years ago when Pliny wrote: "We are about to speak of the metals which are the standards of value of things." Only two metals meet the three requirements of intrinsic value as mediums of price exchange for setting the standards of value of things. These two are gold and silver. First, any metal used for standard coinage must have a real asset value such as for valued jewelry and ornamentation. Second, it must be a highly resistant metal capable of lasting through the ages. Third, it must be universally obtainable but universally scarce. Platinum fills the first two requirements but not the third. Silver is regularly mined in more than 70 countries and is available in practically every area of the world. It is universally obtainable but universally scarce. As nearly as can be estimated the ratio of silver mined to gold mined has remained constant for 25 centuries at about 20 to 1.

Five centuries before the Christian Era, the Greeks set the value of silver as one-sixteenth that of gold, and that value remained practically unchanged until the nineteenth century when the actual financial standing of the then four great nations, Britain, Germany, France, and the United States made their paper money unquestionably redeemable without the necessity for the second coinage metal standard. But, since the nineteenth century, two of those countries have lost their financial standing and the world has become flooded with paper money. The recent pitiable attempts to stabilize, by agreement, the French franc at 119 to the dollar when 300 could be bought for a dollar is an indication of the futility of the regulation of money by law when not backed by the metals of intrinsic value.

MEDIUM OF EXCHANGE

The greatest use for silver throughout the ages has been as a metal for the arts. But, in this generation, much of the plate and jewelry of Europe and Asia has been melted down and the silver sold. The argument of economists that we collected most of the silver of the world and caused a chaotic depression in India and China because of the Silver Purchase Act of 1934 is merely diagnosing a disease by viewing the pimples on the

face. Actually, the tide turned during World War I, and our net exports of silver began to drop precipitately until we had already become increasingly a silver importing Nation by 1931. The fact is that the silver standard countries of Asia needed food and goods desperately, and the United States became the only great country where they could exchange their silver for goods.

India, which Devadas Gandhi, the editor of the Hindustan Times, has called one vast slum, has had to sell off its silver on the same terms that any slum dweller sells off his assets when he is in dire need. But, it was not because our Government raised the price; it was because no other nation had the moral courage to raise the price and maintain it. Had the price of silver been maintained on an international basis, India and China would have been able to get more food and goods for their silver. During 1932 and 1933, before the passage of the Silver Purchase Act, poverty-ridden India was selling its silver in New York as low as 24.3 cents an ounce. After the passage of the act the price averaged 47.9 cents in 1934 and 64.3 cents in 1935. That our Government created the depression, seems without foundation. What is more to the point is that, when the governments of India and China did not join in the monetary stabilization process, their own governments and their own bankers collected the silver from their own slum-dwelling people at the current low sacrifice price and sold it to us at a 50 percent profit. In those countries, the rich became richer and the poor became poorer. The workers of those countries were ignorant of the advanced value of silver and they were not in a position to hold out for high prices.

The involved and clouded statements given cut from the Bretton Woods Conference could only indicate that there was little understanding of the technical changes in the position of silver since the nineteenth century. On the other hand, industrial buyers of silver seem to overlook the fact that silver is not a material subject to ordinary competitive buying. When a manufacturer buys silver, he does not own the metal in the same sense that he owns other industrial materials and, when he sells it to another, it can only be on the understanding that it is on lease-tenure only and must be delivered over to the Government if called for. Under the law of June 19, 1934, the President is empowered when necessary to "require the delivery to the United States mints of any or of all silver by whomever owned or possessed." This act was merely setting to statutory law in the United States a principle of common law of all western nations. On many occasions, in times of war, this right of governments had been invoked in Europe and in several Latin-American countries.

WHAT IS TRUE PRICE?

What is the true price of silver? Under the law of November 1, 1893, the Government is ordered "to coin both gold and silver into money of intrinsic and exchangeable value, such equality to be secured through international agreement." The Government is also ordered to "maintain at all times the equal power of every dollar coined or issued by the United States." While the production ratio of silver to gold is about 20 to 1, there has always been a heavy loss ratio of silver, and the 16 to 1 valuation has been considered as more realistic than 20 to 1. If we are now to consider a greater industrial use loss, which did not occur in the nineteenth century, a truer present value ratio might be 12 to 1. Thus, we have the basis for the argument of those who felt that the price of silver should have been raised in 1934 instead of raising the price of gold. The difficulty at that time was that no other nation would join in the price stabilization, and we were nearer to monopoly in gold than in silver. With gold at $20 an ounce there are those who believe that the true value of silver is $1.66 an ounce. If gold is maintained at $35, the ratio of 12 to 1 would mean a price of $2.91 an ounce.

The weight of the dollar is set by law of February 28, 1878, and equals 412.5 grains of standard silver, or 371.25 grains of fine silver. The present Treasury price of silver is 71.11 cents an ounce of 480 grains. That means that the present intrinsic value of the dollar is about 55 cents, and its credit, or paper, value is 45 cents higher than its intrinsic value. To give an intrinsic value of $1 to the silver dollar would require that the price of silver be raised to $1.2929 per ounce. But it is not as simple as that, because the Government is not buying all the silver, and the open-market price has usually been below 50 cents an ounce. Up to the time of the French Revolution and the Napoleonic Wars, international trading was done on a weight basis, and the silver coins of all nations were taken indiscriminately and their value set by weighing. The American dollar was based on the famous Spanish "piece of eight," or eight reales, and was later given eight grains less weight than the piece of eight to compensate for the then increasing value of silver.

By laws of February 12, 1873, and March 14, 1900, the standard unit of value in the United States is the dollar of 23.22 grains of fine gold. Gold was then worth $20 an ounce, but today it is worth $35 an ounce. The minted eagles thus now have an intrinsic value of $17.50 instead of the stamped face value of $10, and consequently the Government will not permit them to be issued. Therefore, the silver coins constitute the only real money at the present time (nickels, cents, pennies, etc., are "tokens" of little more than credit value). Under the law of 1893 we are supposed to have coin of both gold and silver "of intrinsic and exchangeable value," but, with gold at $35 and silver at $1.29 an ounce, the ratio would be 25 to 1, and, at the present legal price of silver, the ratio is 49 to 1. At the open-market world price of silver, the ratio is about 70 to 1 and the dollar has an intrinsic value of about 38 cents.

METAL COINAGE STANDARDS

Prosperity and stabilized trade can never be reestablished in the world until we return to international units of real value. There never was sufficient gold in the world to serve as a single monetary standard. Today, with an international trade vastly greater than it was in medieval times, the amount of gold is even less adequate. The price system completely depends upon metallic coinage standards. No nation in the history of the world has ever been able to abolish the price system for long. Even the Communists know that. Hitting at the ideas of the Fabians and the Technocrats to abolish the legally fixed metallic price units, Paul Blanchard, the Socialist writer said: "It would require such an alteration in the habits and thought of the common worker that no Socialist movement would think of it as a practical possibility."

Yet, what has happened on an increasing scale since World War I is that many countries of the world have abandoned all metallic units of value. As few as 10 countries of the world, controlling the production of at least 90 percent of the silver, could correct the deplorable situation immediately, but the leadership seems to be lacking. These countries are: United States, Canada, Mexico, Bolivia, Peru, Argentina, South Africa, Australia, Spain, and Belgium (Belgian Congo). Congress has commanded by law that our Government take such leadership "through international agreement," but there has been no indication that our representatives on international councils have fully understood the problem.

We and Canada have been the most generous nations in history in giving goods to needy nations, but we have never seemed to sense that while we have been feeding and clothing these international slum dwellers gratuitously we have been taking away from them at poverty sell-out prices the only real thing of intrinsic value that they have. Bolivia, for example, a great producer of silver, is a desperately poor country. Cicero, one of the greatest of lawyers, wrote this principle of trade: "No one should act so as to take advantage of lack of knowledge of another." Cicero was a pagan. He would not be in accord with the present international silver dealings of the above-named great Christian nations.

PRICE PROBLEMS AHEAD

While it appears to the casual thinker that raising the price of silver constitutes a subsidy to the western miners, the more realistic viewpoint is that keeping the world price down is merely subsidizing the buyers of luxury plate and the industrial users, enabling the latter to use this valuable material at low prices in applications where it is permanently lost and unrecoverable. When the industrial countries again resume high production of manufactured goods it is not unlikely that the demand for silver for industrial uses will exceed total world production, and by that time, if not corrected sooner, the world coinage problem will be so acute that all governments will be obliged to conscript silver. If this happens, we can look for more drastic laws and higher prices than any ever before dreamed of.

GEORGE STUART BRADY.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER (Mr. TUNNELL in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. WALSH, from the Committee on Naval Affairs:

Sundry appointments in the Navy.

By Mr. McKELLAR, from the Committee on Post Offices and Post Roads:

Sundry postmasters.

RECESS

Mr. LUCAS. Mr. President, as in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 5 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, June 4, 1946, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate June 3 (legislative day of March 5), 1946:

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY OF THE UNITED STATES

TO QUARTERMASTER CORPS

Lt. Col. Edward Harris Barr, Field Artillery (temporary colonel), with rank from August 4, 1944.

Maj. Raymond Miller Barton, Cavalry (temporary colonel), with rank from June 12, 1942.

Maj. Robert Albert Howard, Jr., Infantry (temporary colonel), with rank from June 9, 1945.

Capt. Thad Adolphus Broom, Infantry (temporary colonel), with rank from June 12, 1940.

Capt. Roland Arthur Elliott, Jr., Infantry (temporary colonel), with rank from June 13, 1943.

First Lt. James Terry Craig, Infantry (temporary lieutenant colonel), with rank from June 14, 1941.

TO FINANCE DEPARTMENT

Lt. Col. John Raikes Vance, Infantry (temporary colonel), with rank from December 11, 1942.

TO CORPS OF ENGINEERS

First Lt. Michael Frank Aliotta, Coast Artillery Corps (temporary captain), with rank from June 11, 1944.

First Lt. Oscar Marion Brumfiel, Coast Artillery Corps (temporary major), with rank from July 1, 1943.

First. Lt. Robert Walter Fritz, Coast Artillery Corps (temporary captain), with rank from May 29, 1945.

First Lt. LeMoyne Francis Michels, Coast Artillery Corps (temporary major), with rank from June 11, 1944.

Second Lt. Carroll Hamilton Wood, Field Artillery (temporary captain), with rank from December 1, 1944.

TO ORDNANCE DEPARTMENT

Maj. Holger Nelson Toftoy, Coast Artillery Corps (temporary colonel), with rank from June 12, 1943.

First Lt. Charles Thomas Clagett, Infantry (temporary lieutenant colonel), with rank from June 12, 1940.

First Lt. James Paul Hamill, Coast Artillery Corps (temporary major), with rank from October 5, 1945.

First Lt. Roger Stevens Neumeister, Quartermaster Corps (temporary major), with rank from June 11, 1944.

TO CHEMICAL WARFARE SERVICE

First Lt. Harold Harley Haaland, Coast Artillery Corps (temporary major), with rank from October 5, 1945.

TO CAVALRY

Second Lt. Milton Henry DeVault, Infantry, with rank from June 5, 1945.

TO FIELD ARTILLERY

Second Lt. John Tyler Elliott, Chemical Warfare Service (temporary captain), with rank from June 6, 1944.

Second Lt. Robin Schofield Kendall, Coast Artillery Corps (temporary first lieutenant), with rank from June 6, 1944.

TO INFANTRY

First Lt. Carlyle Philip Woelfer, Coast Artillery Corps (temporary captain), with rank from October 5, 1945.

Second Lt. William Benjamin Tuttle, Jr., Coast Artillery Corps (temporary first lieutenant), with rank from June 6, 1944.

TO AIR CORPS

First Lt. William Noel Snouffer, Signal Corps (temporary lieutenant colonel), with rank from June 12, 1940.

PROMOTIONS IN THE REGULAR ARMY OF THE UNITED STATES

(Those officers whose names are preceded by the symbol (×) are subject to examination required by law. All others have been examined and found qualified for promotion.)

To be lieutenant colonel with rank from June 6, 1946

×Maj. Robert Boyd Williams, Air Corps (temporary major general).

To be lieutenant colonels with rank from June 12, 1946

×Maj. Glenn Hunter Palmer, Signal Corps (temporary colonel).

Maj. Kenner Fisher Hertford, Corps of Engineers (temporary colonel).

Maj. Steven Livesey Conner, Ordnance Department (temporary colonel).

×Maj. Miles Reber, Corps of Engineers (temporary brigadier general).

×Maj. John Rutherford Noyes, Corps of Engineers (temporary colonel).

×Maj. Lyle Rosenberg, Corps of Engineers (temporary colonel).

×Maj. William Newton Leaf, Corps of Engineers (temporary colonel).

×Maj. David Morris Dunne, Corps of Engineers (temporary colonel).

×Maj. Frank McAdams Albrecht, Corps of Engineers (temporary colonel).

×Maj. Theodore Morrison Osborne, Corps of Engineers (temporary brigadier general).

Maj. Robert Farnsworth Hallock, Field Artillery (temporary colonel).

×Maj. Stuart Alfred Beckley, Field Artillery (temporary colonel).

Maj. Harold David Kehm, Field Artillery (temporary colonel).

Maj. John Wesley Warren, Air Corps (temporary colonel).

Maj. Einar Bernard Gjelsteen, Field Artillery (temporary colonel).

Maj. William Elgie Carraway, Infantry (temporary colonel).

×Maj. John Mark Pesek, Infantry (temporary colonel).

×Maj. Herbert Bronson Enderton, Field Artillery (temporary colonel).

Maj. John Battle Horton, Field Artillery (temporary colonel).

×Maj. Joseph Leander Hardin, Field Artillery (temporary lieutenant colonel).

Maj. Carter Bowie Magruder, Field Artillery (temporary major general).

Maj. William Joseph D'Espinosa, Ordnance Department (temporary colonel).

×Maj. Wilbur Ray Pierce, Field Artillery (temporary colonel).

Maj. Donald Henry Galloway, Cavalry (temporary colonel).

Maj. Howard William Serig, Signal Corps (temporary colonel).

Maj. Patrick Weston Timberlake, Air Corps (temporary brigadier general).

Maj. Clyde Kenneth Rich, Air Corps (temporary colonel).

Maj. David Larr, Field Artillery (temporary colonel).

Maj. Laurence Carbee Craigie, Air Corps (temporary brigadier general).

×Maj. Philip Roy Dwyer, Infantry (temporary colonel).

×Maj. Allen Lloyd Keyes, Field Artillery (temporary colonel).

Maj. Damon Mott Gunn, Judge Advocate General's Department (temporary colonel).

Maj. Charles Metz Seebach, Adjutant General's Department (temporary colonel).

×Maj. Harry McKenzie Roper, Field Artillery (temporary colonel).

Maj. James Henry Workman, Field Artillery (temporary colonel).

×Maj. Charles Wesley Gettys, Coast Artillery Corps (temporary colonel).

×Maj. Henry James Pitt Harding, Infantry (temporary colonel).

Maj. William Shepard Biddle, Cavalry (temporary colonel).

×Maj. George Francis Heaney, Jr., Coast Artillery Corps (temporary colonel).

×Maj. John Humphrey Evans, Infantry (temporary colonel).

Maj. William Remsburgh Grove, Jr., Field Artillery (temporary colonel).

Maj. George Lewis Dewey, Infantry (temporary lieutenant colonel).

Maj. James Frederick Torrence, Jr., Infantry (temporary colonel).

Maj. Douglass Gordon Pamplin, Coast Artillery Corps (temporary colonel).

Maj. Charles White Lawrence, Air Corps (temporary brigadier general).

×Maj. Michael Buckley, Jr., Field Artillery (temporary colonel).

×Maj. Benjamin Stern, Signal Corps (temporary colonel).

Maj. Wallace Evan Whitson, Air Corps (temporary colonel).

Maj. Rex Eugene Chandler, Field Artillery (temporary colonel).

Maj. Russell J. Minty, Air Corps (temporary colonel).

Maj. Sheffield Edwards, Field Artillery (temporary colonel).

Maj. Raymond Stone, Jr., Adjutant General's Department (temporary colonel).

×Maj. John Joseph Binns, Field Artillery (temporary colonel).

Maj. Walter Burnside, Cavalry (temporary colonel).

×Maj. James Francis Joseph Early, Air Corps (temporary colonel).

Maj. Howard John Vandersluis, Coast Artillery Corps (temporary colonel).

Maj. Richard Briggs Evans, Cavalry (temporary colonel).

Maj. Alden Rudyard Crawford, Air Corps (temporary brigadier general).

×Maj. Rochester Flower McEldowney, Field Artillery (temporary colonel).

Maj. Thomas Merritt Lowe, Air Corps (temporary brigadier general).

×Maj. Kevin O'Shea, Cavalry (temporary colonel).

×Maj. Louis William Haskell, Field Artillery (temporary colonel).

Maj. David Myron Schlatter, Air Corps (temporary major general).

Maj. Charles Trovilla Myers, Air Corps (temporary brigadier general).

×Maj. Eugene Ware Ridings, Infantry (temporary colonel).

×Maj. Charles Woodford Cowles, Field Artillery (temporary colonel).

×Maj. Kenneth Eugene Webber, Finance Department (temporary colonel).

Maj. Alexander Davidson Reid, Infantry (temporary colonel).

Maj. Leslie Page Holcomb, Air Corps (temporary colonel).

×Maj. Charles Vinson Bromley, Jr., Cavalry (temporary colonel).

Maj. John William Harmony, Infantry (temporary colonel).

×Maj. Philip Harrison Enslow, Field Artillery (temporary colonel).

Maj. Ernest Byron Thompson, Coast Artillery Corps (temporary colonel).

Maj. Elwyn Donald Post, Infantry (temporary colonel).

Maj. Franklin Kress Gurley, Coast Artillery Corps (temporary lieutenant colonel).

×Maj. Wilfrid Henry Hardy, Air Corps (temporary colonel).

Maj. Joseph Smith, Air Corps (temporary brigadier general).

×Maj. Kenneth Shearer Sweany, Field Artillery (temporary colonel).

Maj. Joseph Harold Hicks, Air Corps (temporary lieutenant colonel).

×Maj. Guy Haines Stubbs, Coast Artillery Corps (temporary colonel).

×Maj. Ralph Christian Bing, Infantry (temporary colonel).

×Maj. Clinton John Harrold, Quartermaster Corps (temporary colonel).

×Maj. Russell Emerson Bates, Coast Artillery Corps (temporary colonel).

Maj. Earl Shuman Gruver, Ordnance Department (temporary colonel).

×Maj. William Augustus Davis Thomas, Field Artillery (temporary lieutenant colonel).

Maj. Eugene Lynch Harrison, Cavalry (temporary brigadier general).

Maj. Bernard Aye Torney, Field Artillery (temporary lieutenant colonel).

×Maj. Valentine Roy Smith, Field Artillery (temporary colonel).

Maj. James Boyce Carroll, Coast Artillery Corps (temporary colonel).

Maj. John Ellsworth Adkins, Jr., Field Artillery (temporary colonel).

×Maj. Cecil Ward Nist, Infantry (temporary colonel).

Maj. Robert Chaffee Oliver, Air Corps (temporary brigadier general).

Maj. James Eugene Bernard McInerney, Ordnance Department (temporary colonel).
×Maj. Francis Arthur Garrecht, Jr., Field Artillery (temporary colonel).
×Maj. Frank Dorn, Field Artillery (temporary colonel).
×Maj. Charles Edward Woodruff, Jr., Infantry (temporary lieutenant colonel).
×Maj. Donald McLean, Coast Artillery Corps (temporary colonel).
×Maj. Stuart Lee Cowles, Field Artillery (temporary colonel).
×John Maurice Weikert, Air Corps (temporary brigadier general).
×Maj. Warren Alfred Robinson, Infantry (temporary colonel).
Major. John Hensel Pitzer, Coast Artillery Corps (temporary colonel).
×Maj. Dean Stanley Ellerthorpe, Coast Artillery Corps (temporary colonel).
Maj. George Conrad Mergens, Infantry (temporary colonel).
×Maj. Horton Vail White, Infantry (temporary colonel).
Maj. James Edward Bowen, Jr., Infantry (temporary colonel).
×Maj. Austin Curtis Cunkle, Infantry (temporary colonel).
Maj. Francis Townsend Dodd, Field Artillery (temporary colonel).
Maj. Charles Carlton Cavender, Infantry (temporary colonel).
Maj. George Stanley Smith, Field Artillery (temporary colonel).
×Maj. William Campbell Lucas, Field Artillery (temporary colonel).
×Maj. Harvey Keene Palmer, Jr., Field Artillery (temporary lieutenant colonel).
×Maj. Wendell Gunner Johnson, Infantry (temporary colonel).
Maj. Paul Kenneth Porch, Infantry (temporary colonel).
Maj. John George Salsman, Air Corps (temporary colonel).
×Maj. Temple Graves Holland, Infantry (temporary colonel).
×Maj. Alejandro D. Garcia, Philippine Scouts.
×Maj. Paul Cyril Serff, Infantry (temporary colonel).
Maj. Lawrence Leroy Skinner, Quartermaster Corps (temporary colonel).
×Maj. Edward Forstall Adams, Infantry (temporary colonel).
Maj. Thomas Sherman Timberman, Infantry (temporary brigadier general).
×Maj. Robert Herman Krueger, Coast Artillery Corps (temporary colonel).
Maj. Santiago Garcia Guevara, Philippine Scouts.
Maj. Donald Cameron Tredennick, Coast Artillery Corps (temporary colonel).
Maj. James Jewett Carnes, Infantry (temporary colonel).
×Maj. Joseph Winfield Boone, Infantry (temporary colonel).
Maj. Hugh Chauncey Johnson, Infantry (temporary colonel).
×Maj. James Michael Fitzmaurice, Air Corps (temporary brigadier general).
Maj. John Owen Colonna, Corps of Engineers (temporary colonel).
Maj. Charles Calvin Higgins, Infantry (temporary colonel).
×Maj. George Craig Stewart, Infantry (temporary colonel).
×Maj. Louis Peter Leone, Infantry (temporary colonel).
Maj. Robert Leroy Dulaney, Infantry (temporary colonel).
Maj. James Clarke Carter, Finance Department (temporary colonel).
Maj. Robert McKee Smith, Ordnance Department (temporary colonel).
×Maj. Hoyt Sanford Vandenberg, Air Corps (temporary lieutenant general).
×Maj. Henry Granville Fisher, Infantry (temporary lientenant colonel).
×Maj. Ralph Mundon Neal, Cavalry (temporary lieutenant colonel).
×Maj. Stewart Warren Towle, Jr., Air Corps (temporary colonel).
×Maj. Edwin Britain Howard, Infantry (temporary colonel).
Maj. John Paul Evans, Infantry (temporary colonel).
Maj. William Harold Schaffer, Infantry (temporary colonel).
×Maj. Allen Dwight Raymond, Jr., Infantry (temporary lieutenant colonel).
×Maj. Walter Cornelius White, Air Corps (temporary colonel).
Maj. Glen Clifford Jamison, Air Corps (temporary brigadier general).
×Maj. Roy Madison Foster, Quartermaster Corps (temporary lieutenant colonel).

To be lieutenant colonel with rank from June 13, 1946

Maj. Jose Emilio Olivares, Philippine Scouts.

To be majors with rank from June 13, 1946

Capt. Horace Fennell Sykes, Jr., Corps of Engineers (temporary colonel).
×Capt. Raymond Leslie Hill, Corps of Engineers (temporary colonel).
Capt. Frank Lee Blue, Jr., Corps of Engineers (temporary lieutenant colonel).
Capt. George Arthur Lincoln, Corps of Engineers (temporary brigadier general).
Capt. Kenneth David Nichols, Corps of Engineers (temporary brigadier general).
Capt. Don Zabriskie Zimmerman, Air Corps (temporary colonel).
×Capt. Ernest Ward Carr, Corps of Engineers (temporary colonel).
×Capt. James Adolph Ostrand, Jr., Corps of Engineers (temporary colonel).
Capt. Charles Theodore Tench, Corps of Engineers (temporary colonel).
Capt. Frank Hartman Forney, Corps of Engineers (temporary colonel).
Capt. Frederick Rodgers Dent, Jr., Air Corps (temporary colonel).
Capt. Harold Huntley Bassett, Air Corps (temporary colonel).
Capt. Paul Williams Thompson, Corps of Engineers (temporary brigadier general).
Capt. Howard Moore, Air Corps (temporary colonel).
×Capt. John Floyd McCartney, Judge Advocate General's Department (temporary colonel).
Capt. Alvin Galt Viney, Corps of Engineers (temporary colonel).
Capt. Walter King Wilson, Jr., Corps of Engineers (temporary colonel).
×Capt. Bruce Douglas Rindlaub, Corps of Engineers (temporary colonel).
×Capt. Herbert Milwit, Corps of Engineers (temporary colonel).
Capt. Ward Terry Abbott, Corps of Engineers (temporary colonel).
×Capt. Benjamin Richard Wimer, Corps of Engineers (temporary colonel).
×Capt. John Lloyd Person, Corps of Engineers (temporary colonel).
Capt. Harry Gage Montgomery, Jr., Air Corps (temporary colonel).
×Capt. Thomas Atkins Adcock, Corps of Engineers (temporary colonel).
×Capt. Thomas Jahn Sands, Field Artillery (temporary colonel).
×Capt. John Stein Walker, Ordnance Department (temporary colonel).
Capt. James Burt Evans, Field Artillery (temporary lieutenant colonel).
Capt. Frederic Henry Chaffee, Field Artillery (temporary colonel).
Capt. Roger James Browne, Air Corps (temporary colonel).
Capt. Joseph Jennings Ladd, Air Corps (temporary colonel).
Capt. Richard David Wentworth, Field Artillery (temporary colonel).
Capt. Robert George Henry Meyer, Signal Corps (temporary colonel).
Capt. Wiliam Jonathan Thompson, Field Artillery (temporary colonel).
Capt. James Percy Hannigan, Field Artillery (temporary lieutenant colonel).
×Capt. DeVere Parker Armstrong, Field Artillery (temporary colonel).
Capt. Merle Russell Thompson, Coast Artillery Corps (temporary colonel).
Capt. Douglas Golding Dwyre, Field Artillery (temporary colonel).
Capt. Clayton Earl Hughes, Air Corps (temporary colonel).
Capt. Franklin Pierce Miller, Field Artillery (temporary colonel).
Capt. Dominick Joseph Calidonna, Signal Corps (temporary lieutenant colonel).
Capt. David Ferdinand Brown, Field Artillery (temporary lieutenant colonel).
×Capt. Thomas Ludwell Bryan, Jr., Air Corps (temporary colonel).
Capt. Philip Henry Draper, Jr., Field Artillery (temporary colonel).
×Capt. Richard Lee Scott, Finance Department (temporary colonel).
Capt. Paul Elias, Coast Artillery Corps (temporary colonel).
Capt. Paul William Shumate, Ordnance Department (temporary lieutenant colonel).
×Capt. Harold Quiskie Huglin, Air Corps (temporary brigadier general).
Capt. William Lewis Bell, Jr., Ordnance Department (temporary colonel).
Capt. James Theodore Barber, Coast Artillery Corps (temporary lieutenant colonel).
Capt. Andrew Samuels, Jr., Coast Artillery Corps (temporary colonel).
Capt. Lawrence McIlroy Guyer, Air Corps (temporary colonel).
×Capt. Harold George Hayes, Signal Corps (temporary colonel).
Capt. Joseph Horridge, Ordnance Department (temporary colonel).
Capt. Carl Henry Jark, Field Artillery (temporary colonel).
×Capt. Donald Philip Graul, Signal Corps (temporary colonel).
×Capt. Charles Blake McClelland, Cavalry (temporary colonel).
Capt. Robert Emzy Chandler, Judge Advocate General's Department (temporary colonel).
Capt. Edwin Hugh John Carns, Cavalry (temporary colonel).
Capt. Charles Sommers, Air Corps (temporary colonel).
Capt. Joseph Milton Colby, Ordnance Department (temporary colonel).
Capt. Roy Eugene Hattan, Field Artillery (temporary lieutenant colonel).
×Capt. John James LaPage, Cavalry (temporary lieutenant colonel).
×Capt. Wayland Henry Parr, Coast Artillery Corps (temporary lieutenant colonel).
Capt. John Elliot Theimer, Field Artillery (temporary colonel).
×Capt. William Price Connally, Jr., Judge Advocate General's Department (temporary colonel).
×Capt. John Coleman Horton, Air Corps (temporary colonel).
Capt. Dale Raymond French, Field Artillery (temporary lieutenant colonel).
Capt. Walter Elmer Kraus, Field Artillery (temporary lieutenant colonel).
×Capt. Marshall Stanley Roth, Air Corps (temporary colonel).
Capt. David Mural Perkins, Field Artillery (temporary lieutenant colonel).
×Capt. Rudolph Fink, Air Corps (temporary colonel).
Capt. Ralph Robert Mace, Field Artillery (temporary colonel).
Capt. William Lewis McCulla, Ordnance Department (temporary colonel).
Capt. Norman Edwin Poinier, Field Artillery (temporary colonel).
×Capt. Laurance Hilliard Brownlee, Coast Artillery Corps (temporary lieutenant colonel).
×Capt. John David Francis Phillips, Field Artillery (temporary lieutenant colonel).
Capt. Sidney Andrew Ofsthun, Air Corps (temporary colonel).
Capt. George Richard Carey, Coast Artillery Corps (temporary colonel).

×Capt. William Evens Hall, Air Corps (temporary brigadier general).
×Capt. Frederic Harrison Smith, Jr., Air Corps (temporary brigadier general).
Capt. Donald John Keirn, Air Corps (temporary colonel).
×Capt. Luster Azil Vickrey, Field Artillery (temporary lieutenant colonel).
×Capt. Airel Burr Cooper, Signal Corps (temporary colonel).
Capt. William Miller Vestal, Coast Artillery Corps (temporary colonel).
×Capt. Myles Wilkenson Brewster, Field Artillery (temporary colonel).
Capt. Dwight Bahney Schannep, Air Corps (temporary colonel).
Capt. George Waite Coolidge, Cavalry (temporary colonel).
×Capt. James Franklin Brooke, Jr., Signal Corps (temporary lieutenant colonel).
×Capt. Kenneth Johnson Woodbury, Coast Artillery Corps (temporary lieutenant colonel).
Capt. Daniel Norman Sundt, Field Artillery (temporary lieutenant colonel).
×Capt. James Lee Beynon, Field Artillery (temporary colonel).
×Capt. William Tremlett Kirn, Field Artillery (temporary lieutenant colonel).
Capt. William Hopkins Greear, Cavalry (temporary colonel).
×Capt. Harold Stevens Whiteley, Field Artillery (temporary lieutenant colonel).
Capt. John Jackson O'Hara, Jr., Air Corps (temporary colonel).
Capt. James Gordon Harding, Field Artillery (temporary lieutenant colonel).
×Capt. Chandler Prather Robbins, Jr., Cavalry (temporary colonel).
×Capt. Emery Scott Wetzel, Air Corps (temporary brigadier general).
×Capt. Frank M. Steadman, Quartermaster Corps (temporary lieutenant colonel).
Capt. William Lafayette Fagg, Infantry (temporary colonel).
Capt. Jacob George Reynolds, Coast Artillery Corps (temporary lieutenant colonel).
Capt. William Darwin Hamlin, Signal Corps (temporary colonel).
Capt. Francis Emmons Fellows, Field Artillery (temporary lieutenant colonel).
×Capt. Thomas West Hammond, Jr., Adjutant General's Department (temporary colonel).
Capt. Henry Ray McKenzie, Quartermaster Corps (temporary colonel).
×Capt. Edmund Chauncey Rockefeller Lasher, Quartermaster Corps (temporary colonel).
Capt. Paul Donal Harkins, Cavalry (temporary colonel).
Capt. Thomas Fowler Taylor, Cavalry (temporary colonel).
Capt. Edward Jamet McNally, Cavalry (temporary colonel).
Capt. Eric Hilmer Frithiof Svensson, Jr., Cavalry (temporary colonel).
×Capt. Donald Alexander Poorman, Infantry (temporary colonel).
×Capt. William Milstead Talbot, Signal Corps (temporary colonel).
Capt. George Elial Bush, Infantry (temporary colonel).
Capt. William Carson Bullock, Field Artillery (temporary colonel).
×Capt. Calvin Luther Partin, Coast Artillery Corps (temporary colonel).
×Capt. Robert William Ward, Infantry (temporary colonel).
×Capt. Frank Dow Merrill, Cavalry (temporary major general).
Capt. Louis Mortimer deLisle deRiemer, Field Artillery (temporary lieutenant colonel).
Capt. George Eldridge Keeler, Jr., Coast Artillery Corps (temporary colonel).
Capt. Hugh Warner Stevenson, Cavalry (temporary colonel).
×Capt. Robert Loomis Anderson, Coast Artillery Corps (temporary colonel).
Capt. Joseph Reisner Ranck, Quartermaster Corps (temporary lieutenant colonel).

Capt. Edward Blackburn Hempstead, Coast Artillery Corps (temporary lieutenant colonel).
×Capt. Robert Gordon Crandall, Field Artillery (temporary lieutenant colonel).
Capt. Donald Manzanato Schorr, Cavalry (temporary lieutenant colonel).
Capt. Kai Eduard Rasmussen, Coast Artillery Corps (temporary colonel).
Capt. John Wesley Hammond, Infantry (temporary colonel).
×Capt. Laurence Neville Buck, Infantry (temporary colonel).
Capt. Paul Wyatt Caraway, Infantry (temporary colonel).
Capt. William Fulton McKee, Air Corps (temporary brigadier general).
Capt. Elmer Elsworth Kirkpatrick, Jr., Corps of Engineers (temporary colonel).
Capt. William Gilmer Bowyer, Air Corps (temporary colonel).
Capt. Edgar Thomas Conley, Jr., Infantry (temporary colonel).
Capt. Ezekiel Wimberly Napier, Air Corps (temporary colonel).
Capt. Paul William Steinbeck, Field Artillery (temporary colonel).
Capt. Charles Clarke White Allan, Cavalry (temporary colonel).
Capt. Harlan Robinson Statham, Infantry (temporary colonel).
Capt. James Bernard Quill, Cavalry (temporary colonel).
×Capt. William Kerr Ghormley, Quartermaster Corps (temporary colonel).
Capt. Robert Little Cook, Infantry (temporary colonel).
Capt. James Maurice Gavin, Infantry (temporary major general).
Capt. Fred Winchester Sladen, Jr., Infantry (temporary colonel).
Capt. Ralph Nisley Woods, Infantry (temporary lieutenant colonel).
Capt. Russell Lowell Vittrup, Infantry (temporary colonel).
×Capt. John Drury Cone, Infantry (temporary lieutenant colonel).
Capt. Lester Skene Bork, Infantry (temporary colonel).
×Capt. Ralph Bishop Strader, Chemical Warfare Service (temporary colonel).
Capt. Ernest Fred Heidland, Coast Artillery Corps (temporary colonel).
×Capt. Ralph Van Strauss, Infantry (temporary lieutenant colonel).
Capt. Charles Greene Calloway, Quartermaster Corps (temporary colonel).
Capt. William Hastings Francis, Coast Artillery Corps (temporary lieutenant colonel).
Capt. Thomas Benton McDonald, Air Corps (temporary brigadier general).
Capt. Charles Theodore Arnett, Air Corps (temporary colonel).
Capt. Louis Anderson Hammack, Infantry (temporary colonel).
×Capt. Daniel William Quinn, 3d Infantry (temporary lieutenant colonel).
Capt. John Russell Seward, Coast Artillery Corps (temporary colonel).
Capt. Melie John Coutlee, Air Corps (temporary colonel).
×Capt. Thomas Jefferson DuBose, Air Corps (temporary colonel).
Capt. Daniel Campbell Doubleday, Air Corps (temporary colonel).
×Capt. Harlan Clyde Parks, Coast Artillery Corps (temporary colonel).
×Capt. Paul Lamar Freeman, Jr., Infantry (temporary colonel).
×Capt. Marshall Stubbs, Chemical Warfare Service (temporary colonel).
×Capt. Joseph Allen McNerney, Ordnance Department (temporary colonel).
Capt. Clarence Renshaw, Corps of Engineers (temporary colonel).
Capt. Charles Newton Hunter, Infantry (temporary colonel).
Capt. Jerald Worden McCoy, Air Corps (temporary colonel).
Capt. Logan Clarke, Field Artillery (temporary lieutenant colonel).

Capt. Randolph Bolling Hubard, Field Artillery (temporary lieutenant colonel).
×Captain George Edward Lynch, Field Artillery (temporary colonel).
Capt. Hugh Mackintosh, Quartermaster Corps (temporary colonel).
×Capt. William Erwin Maulsby, Jr., Infantry (temporary colonel).
Capt. Carl Bascombe Herndon, Infantry (temporary colonel).
Capt. Charles Guthrie Rau, Infantry (temporary colonel).
Capt. Pearl Harvey Robey, Air Corps (temporary colonel).
×Capt. Charles Glendon Williamson, Air Corps (temporary colonel).
Captain James Julius Winn, Field Artillery (temporary lieutenant colonel).
Capt. Wesley Carlton Wilson, Infantry (temporary colonel).
Capt. John Lyford Hornor, Jr., Quartermaster Corps (temporary colonel).
Capt. Daniel Fulbright Walker, Field Artillery (temporary lieutenant colonel).
Capt. Nelson Marquis Lynde, Jr., Infantry (temporary colonel).
Capt. Charles Dudley Wiegand, Infantry (temporary lieutenant colonel).
×Capt. Charles Howard Treat, Infantry (temporary colonel).
Capt. John Francis Regis Seitz, Infantry (temporary colonel).
×Capt. Bruce Easley, Jr., Adjutant General's Department (temporary colonel).
Capt. Edgar Wright, Jr., Infantry (temporary lieutenant colonel).
Capt. Edward Edgecombe Cruise, Infantry (temporary lieutenant colonel).
×Capt. Brendan McKay Greeley, Cavalry (temporary colonel).
Capt. Ralph Copeland Cooper, Field Artillery (temporary colonel).
×Capt. Everett Clifton Hayden, Quartermaster Corps (temporary lieutenant colonel).
×Capt. David Haytor Buchanan, Infantry (temporary colonel).
Capt. Stanley Walker Jones, Judge Advocate General's Department (temporary colonel).
Capt. Ronald John Pierce, Infantry (temporary lieutenant colonel).
×Capt. James Joseph Fitzgibbons, Infantry (temporary lieutenant colonel).
×Capt. Robert Henry Chard, Infantry (temporary colonel).
Capt. Herbert John VanderHeide, Infantry (temporary colonel).
Capt. Luke Bruce Graham, Finance Department (temporary colonel).
Capt. James Oliver Stephenson, Infantry (temporary lieutenant colonel).
×Capt. George Mulick Reilly, Infantry (temporary lieutenant colonel).
Capt. Charles Randolph Kutz, Infantry (temporary colonel).
Capt. Normando Antonio Costello, Infantry (temporary colonel).
Capt. Phineas Kimball Morrill, Jr., Air Corps (temporary colonel).
Capt. Philip William Merrill, Infantry (temporary lieutenant colonel).
×Capt. Thomas Richard Lynch, Air Corps (temporary colonel).
×Capt. Samuel Fayette Silver, Quartermaster Corps (temporary lieutenant colonel).
×Capt. Charles Freeman Kearney, Quartermaster Corps (temporary colonel).
×Capt. Julian Broster Lindsey, Infantry (temporary colonel).
×Capt. Robert Lawrence Love, Infantry (temporary lieutenant colonel).
Capt. Thomas Norfleet Griffin, Infantry (temporary lieutenant colonel).
×Capt. George Frederick Conner, Quartermaster Corps (temporary lieutenant colonel).
Capt. Clebert Leon Hail, Infantry (temporary lieutenant colonel).
×Capt. Samuel Edwin Mays, Infantry (temporary colonel).
Capt. George Van Millett, Jr., Infantry (temporary colonel).

×Capt. Edwin Michael VanBibber, Infantry (temporary colonel).
×Capt. Whitside Miller, Cavalry (temporary major).

To be captains with rank from June 12, 1946

First Lt. Oliver Garfield Haywood, Jr., Corps of Engineers (temporary colonel).
First Lt. Charles Henry Waters, Corps of Engineers (temporary lieutenant colonel).
×First Lt. Ralph Dickson King, Corps of Engineers (temporary colonel).
First Lt. Raymond John Harvey, Corps of Engineers (temporary lieutenant colonel).
First Lt. Bruce Palmer, Jr., Infantry (temporary colonel).
First Lt. William Reeves Shuler, Corps of Engineers (temporary colonel).
First Lt. Roy Dean McCarty, Corps of Engineers (temporary colonel).
×First Lt. John Herbert Kerkering, Corps of Engineers (temporary colonel).
×First Lt. Cecil Edward Combs, Air Corps (temporary colonel).
×First Lt. Pierre Victor Kieffer, Jr., Corps of Engineers (temporary lieutenant colonel).
First Lt. Karl Theodore Klock, Jr., Corps of Engineers (temporary lieutenant colonel).
First Lt. Arthur Milton Jacoby, Corps of Engineers (temporary lieutenant colonel).
×First Lt. Charles Barnard Stewart, Air Corps (temporary colonel).
First Lieutenant Dwight Oliver Monteith, Air Corps (temporary colonel).
×First Lt. Walter Alexander Faiks, Corps of Engineers (temporary lieutenant colonel).
First Lt. George Ervan White, Jr., Corps of Engineers (temporary colonel).
×First Lt. Carroll Keleher Bagby, Corps of Engineers (temporary lieutenant colonel).
First Lt. Gilbert Meding Dorland, Corps of Engineers (temporary colonel).
×First Lt. Thomas Jay Hayes, 3d, Corps of Engineers (temporary colonel).
First Lt. Gordon Henry Holterman, Coast Artillery Corps (temporary lieutenant colonel).
First Lt. George Alexander Finley, Corps of Engineers (temporary colonel).
×First Lt. William Mellard Connor, Jr., Field Artillery (temporary lieutenant colonel).
×First Lt. Henry Jacob Katz, Ordnance Department (temporary lieutenant colonel).
×First Lt. Wright Hiatt, Corps of Engineers (temporary colonel).
First Lt. Arthur Kramer, Coast Artillery Corps (temporary lieutenant colonel).
First Lt. Howard Allen Morris, Corps of Engineers (temporary colonel).
First Lt. Stephen Elliott Smith, Corps of Engineers (temporary colonel).
First Lt. Edgar Hall Thompson, Jr., Coast Artillery Corps (temporary lieutenant colonel).
First Lt. William David Milne, Corps of Engineers (temporary colonel).
First Lt. Benjamin Oliver Davis, Jr., Air Corps (temporary colonel).
×First Lt. James Benjamin Lampert, Corps of Engineers (temporary lieutenant colonel).
×First Lt. Gerald Hermann Duin, Field Artillery (temporary lieutenant colonel).
First Lt. Reginald Joseph Beauregard Page, Corps of Engineers (temporary lieutenant colonel).
First Lt. Lawrence Edward Laurion, Corps of Engineers (temporary lieutenant colonel).
First Lt. Walter Bernard Bess, Signal Corps (temporary colonel).
First Lt. Clarence Albert Cozart, Coast Artillery Corps (temporary lieutenant colonel).
×First Lt. Andrew Davis Chaffin, Jr., Corps of Engineers (temporary colonel).
×First Lt. William Nott Beard, Corps of Engineers (temporary colonel).
First Lt. John Edward Kelly, Infantry (temporary lieutenant colonel).
First Lt. Stephen Walsh Holderness, Cavalry (temporary lieutenant colonel).
First Lt. James Emmett Goodwin, Field Artillery (temporary lieutenant colonel).
×First Lt. Paul Francis Oswald, Field Artillery (temporary lieutenant colonel).
First Lt. Gordon Harrison Austin, Air Corps (temporary colonel).
×First Lt. Cecil Eldon Spann, Jr., Coast Artillery Corps (temporary lieutenant colonel).
First Lt. Foster LeRoy Furphy, Ordnance Department (temporary colonel).
First Lt. Jay Dean Rutledge, Jr., Air Corps (temporary colonel).
×First Lt. Warren Smith Blair, Coast Artillery Corps (temporary major).
×First Lt. Robert Frederick Frost, Signal Corps (temporary colonel).
First Lt. Howard Pinkney Persons, Jr., Coast Artillery Corps (temporary lieutenant colonel).
First Lt. Adam Stephen Buynoski, Coast Artillery Corps (temporary lieutenant colonel).
×First Lt. John Daniel McElheny, Corps of Engineers (temporary colonel).
×First Lt. Kenneth Einar Madsen, Corps of Engineers (temporary colonel).
First Lt. Eugene Roberts Patterson, Signal Corps (temporary major).
First Lt. Edwin Van Valkenburg Sutherland, Infantry (temporary lieutenant colonel).
First Lt. Thea Lewis Lipscomb, Field Artillery (temporary lieutenant colonel).
×First Lt. Robert Dean Gapen, Air Corps (temporary colonel).
×First Lt. Oren Swain, Coast Artillery Corps (temporary lieutenant colonel).
×First Lt. David McCoach 3d, Corps of Engineers (temporary colonel).
×First Lt. Robert Henry Kessler, Coast Artillery Corps (temporary lieutenant colonel).
×First Lt. Harry Edgard Mikkelsen, Ordnance Department (temporary lieutenant colonel).
First Lt. William Henry Kinard, Jr., Coast Artillery Corps (temporary lieutenant colonel).
×First Lt. Eugene Everett Lockhart, Coast Artillery Corps (temporary lieutenant colonel).
First Lt. Maxwell Morrison Kallman, Coast Artillery Corps (temporary lieutenant colonel).
×First Lt. Howell Marion Estes, Jr., Air Corps (temporary colonel).
First Lt. Ralph Richard Ganns, Field Artillery (temporary lieutenant colonel).
First Lt. Everett George Hahney, Field Artillery (temporary lieutenant colonel).
First Lt. Clifford Frederick Cordes, Jr., Coast Artillery Corps (temporary lieutenant colonel).
First Lt. Robert Matthew Burnett, Field Artillery (temporary lieutenant colonel).
×First Lt. John Knox Arnold, Jr., Air Corps (temporary colonel).
First Lt. Clinton Dermott Vincent, Air Corps (temporary brigadier general).
First Lt. David Woodrow Hiester, Field Artillery (temporary lieutenant colonel).
×First Lt. Charles Dudley Hartman, Jr., Field Artillery (temporary lieutenant colonel).
First Lt. Selwyn Dyson Smith, Jr., Field Artillery (temporary lieutenant colonel).
First Lt. Raymond Lemuel Cato, Field Artillery (temporary lieutenant colonel).
First Lt. John Walter Romlein, Coast Artillery Corps (temporary lieutenant colonel).
First Lt. William Aldrich Davis, Ordnance Department (temporary colonel).
First Lt. William Charles Hay, Infantry (temporary colonel).
First Lt. Edward Alexander Grove, Field Artillery (temporary lieutenant colonel).
First Lt. Jospeh Barry Yost, Infantry (temporary lieutenant colonel).
First Lt. Richard Henry Carmichael, Air Corps (temporary colonel).
×First Lt. Robert Bruce Partridge, Field Artillery (temporary lieutenant colonel).
×First Lt. Edward Worthington Williams, Cavalry (temporary lieutenant colonel).
First Lt. Frank Walter Gillespie, Air Corps (temporary colonel).
First Lt. James Rutland Gunn, Jr., Air Corps (temporary colonel).
×First Lt. Wilmer Charles Landry, Quartermaster Corps (temporary lieutenant colonel).
×First Lt. Hervey Bennett Whipple, Coast Artillery Corps (temporary colonel).
First Lt. Nicholas Tate Perkins, Air Corps (temporary colonel).
First Lt. Eldred George Robbins, Jr., Ordnance Department (temporary lieutenant colonel).
×First Lt. Napoleon Robertson Duell, Ordnance Department (temporary colonel).
×First Lt. Howard McCrum Snyder, Jr., Infantry (temporary colonel).
First Lt. Orville Newton Stokes, Field Artillery (temporary colonel).
First Lt. James Edward Landrum, Jr., Infantry (temporary lieutenant colonel).
First Lt. John Davis Torrey, Jr., Field Artillery (temporary lieutenant colonel).
First Lt. Albert Patton Clark, Jr., Air Corps (temporary colonel).
×First Lt. William Raymond Prince, Cavalry (temporary lieutenant colonel).
First Lt. Donald Gilbert Grothaus, Field Artillery (temporary colonel).
×First Lt. Ned Taylor Norris, Cavalry (temporary lieutenant colonel).
First Lt. William Childs Westmoreland, Field Artillery (temporary colonel).
First Lt. John Earl Barlow, Field Artillery (temporary lieutenant colonel).
First Lt. John Richard Kelly, Air Corps (temporary colonel).
×First Lt. Kenneth Francis Dawalt, Field Artillery (temporary lieutenant colonel).
First Lt. Norman Calvert Spencer, Jr., Air Corps (temporary colonel).
×First Lt. Benjamin Merritt Warfield, Coast Artillery Corps (temporary lieutenant colonel).
First Lt. Frederick Reynolds Terrell, Air Corps (temporary colonel).
First Lt. Leonard Copeland Shea, Cavalry (temporary lieutenant colonel).
×First Lt. Charles Bernard Tyler, Jr., Field Artillery (temporary colonel).
First Lt. Frederick Bell, Air Corps (temporary colonel).
First Lt. Harold Roy Low, Quartermaster Corps (temporary lieutenant colonel).
×First Lt. Frederick Charles Bothwell, Jr., Field Artillery (temporary colonel).
First Lt. Beverley Evans Powell, Field Artillery (temporary colonel).
First Lt. Donald Read Bodine, Signal Corps (temporary colonel).
×First Lt. Charles Milton McCorkle, Air Corps (temporary colonel).
First Lt. Earl Franklin Holton, Infantry (temporary lieutenant colonel).
×First Lt. Ridgway Pancoast Smith, Jr., Infantry (temporary lieutenant colonel).
×First Lt. Robert Hall Safford, Field Artillery (temporary lieutenant colonel).
×First Lt. Edward Clare Dunn, Cavalry (temporary lieutenant colonel).
First Lt. Chester Victor Clifton, Jr., Field Artillery (temporary lieutenant colonel).
×First Lt. William Denton Cairnes, Air Corps (temporary colonel).
×First Lt. John Godfrey Brimmer, Field Artillery (temporary lieutenant colonel).
×First Lt. William Hamilton Jordan, Coast Artillery Corps (temporary lieutenant colonel).
First Lt. Wilbur Maben Griffith, Field Artillery (temporary colonel).
First Lt. Langdon Andrew Jackson, Jr., Infantry (temporary lieutenant colonel).
×First Lt. Wilfred Henry Tetley, Signal Corps (temporary colonel).
First Lt. Joshua Asher Finkel, Ordnance Department (temporary lieutenant colonel).
First Lt. James Walter Twaddell, Jr., Air Corps (temporary colonel).
First Lt. William Russell Grohs, Air Corps (temporary colonel).
First Lt. Henry David Lind, Coast Artillery Corps (temporary lieutenant colonel).

First Lt. Donald Paul Christensen, Cavalry (temporary lieutenant colonel).
×First Lt. Clarence Edward Gooding, Infantry (temporary lieutenant colonel).
First Lt. Carl LaVerne Rickenbaugh, Cavalry (temporary lieutenant colonel).
×First Lt. William Swinton Steele, Air Corps (temporary colonel).
×First Lt. John Milton Bartella, Air Corps (temporary colonel).
First Lt. Loyd Kenneth Pepple, Ordnance Department (temporary colonel).
First Lt. William Charles Haneke, Finance Department (temporary colonel).
First Lt. James Tillman Willis, Infantry (temporary lieutenant colonel).
×First Lt. Karl William Schwering, Quartermaster Corps (temporary lieutenant colonel).
First Lt. Claude Lee Crawford, Infantry (temporary lieutenant colonel).
First Lt. Robert George Fergusson, Infantry (temporary colonel).
First Lt. Robert Edward McCabe, Cavalry (temporary lieutenant colonel).
First Lt. John Joseph Jakle, Infantry (temporary lieutenant colonel).
First Lt. Clinton Utterback True, Air Corps (temporary colonel).
First Lt. Turner Clifton Rogers, Air Corps (temporary colonel).
First Lt. Robert Walter Breaks, Chemical Warfare Service (temporary lieutenant colonel).
×First Lt. William Loud Longley, Infantry (temporary lieutenant colonel).
×First Lt. Louis Frederick de Lesdernier, Infantry (temporary major).
×First Lt. Frederick Harold Gaston, Jr., Cavalry (temporary lieutenant colonel).
First Lt. Roy Wheaton Cole, Jr., Cavalry (temporary colonel).
×First Lt. James Rainier Weaver, Infantry (temporary lieutenant colonel).
First Lt. George Paul Champion, Air Corps (temporary colonel).
×First Lt. John Arnold Heintges, Infantry (temporary colonel).
First Lt. John Harold Daly, Field Artillery (temporary colonel).
First Lt. Robert James Quinn, Jr., Cavalry (temporary lieutenant colonel).
First Lt. Edward Daniel Mohlere, Ordnance Department (temporary lieutenant colonel).
First Lt. William Francis Meany, Ordnance Department (temporary colonel).
First Lt. Peter Woods Garland, Jr., Infantry (temporary lieutenant colonel).
First Lt. Ned Butler Broyles, Infantry (temporary lieutenant colonel).
First Lt. Randolph Charles Dickens, Infantry (temporary lieutenant colonel).
First Lt. Elmer Willford Grubbs, Infantry (temporary lieutenant colonel).
First Lt. Fred Livingood Walker, Jr., Infantry (temporary lieutenant colonel).
First Lt. George Weldon Childs, Infantry (temporary lieutenant colonel).
First Lt. John Henry Chiles, Infantry (temporary colonel).
First Lt. Creighton Williams Abrams, Jr., Cavalry (temporary colonel).
First Lt. Edwin Gregory Beggs, Quartermaster Corps (temporary lieutenant colonel).
First Lt. William Thomas Ryder, Infantry (temporary colonel).
First Lt. William Edward Sievers, Finance Department (temporary colonel).
×First Lt. Hilwert Schuyler Streeter, Cavalry (temporary lieutenant colonel).
×First Lt. Russel Victor Dolmar Janzan, Cavalry (temporary lieutenant colonel).
×First Lt. Alfred William Hess, Infantry (temporary lieutenant colonel).
×First Lt. James Latham Crandell, Jr., Infantry (temporary colonel).
×First Lt. Thomas Worthington Cooke, Ordnance Department (temporary colonel).
×First Lt. William Garnett Lee, Jr., Air Corps (temporary colonel).
×First Lt. McPherson LeMoyne, Cavalry (temporary lieutenant colonel).
×First Lt. Laurence John Ellert, Coast Artillery Corps (temporary lieutenant colonel).
First Lt. Richard Wilkins Ripple, Infantry (temporary lieutenant colonel).
First Lt. Robert Emmett O'Brien, Jr., Cavalry (temporary lieutenant colonel).
First Lt. Philip Sheffield Greene, Infantry (temporary lieutenant colonel).
×First Lt. Thurman Wesley Morris, Ordnance Department (temporary colonel).
First Lt. Albert Burnton Turner, Jr., Cavalry (temporary lieutenant colonel).
First Lt. Clyde Lafayette Layne, Infantry (temporary lieutenant colonel).
First Lt. Jesse Cyrus Drain, Jr., Infantry (temporary lieutenant colonel).
×First Lt. John Marvin Williams, Infantry (temporary lieutenant colonel).
First Lt. David Henry Brown, Infantry (temporary major).
First Lt. Carl Theodor Goldenberg, Air Corps (temporary lieutenant colonel).
First Lt. Warren Newcomb Wildrick, Ordnance Department (temporary colonel).
First Lt. Austin Glenwood Fisher, Infantry (temporary lieutenant colonel).
×First Lt. Charles Lee Simpson, Infantry (temporary lieutenant colonel).
×First Lt. Allen Leeds Peck, Infantry (temporary lieutenant colonel).
×First Lt. John Hersey Michaelis, Infantry (temporary colonel).
×First Lt. Franklin Rogers Sibert, Infantry (temporary lieutenant colonel).
×First Lt. James Michael Illig, Quartermaster Corps (temporary colonel).
×First Lt. Henry Kreitzer Benson, Jr., Infantry (temporary lieutenant colonel).
First Lt. John Proctor Stone, Infantry (temporary lieutenant colonel).
First Lt. Von Roy Shores, Jr., Air Corps (temporary colonel).
First Lt. William Ellerbe Covington, Jr., Air Corps (temporary colonel).
×First Lt. Robert Francis Curran, Infantry (temporary lieutenant colonel).
First Lt. Charles Burnham Milliken, Finance Department (temporary colonel).
First Lt. Allen Clinton Miller 2d, Infantry (temporary lieutenant colonel).
×First Lt. James Renwick Hughes, Infantry (temporary lieutenant colonel).
First Lt. Howard Franklin McManus, Infantry (temporary colonel).
×First Lt. Robert John Trout, Finance Department (temporary lieutenant colonel).
×First Lt. Raymon Horace Tiffany, Quartermaster Corps (temporary lieutenant colonel).
×First Lt. John Rigden Van Dickson, Ordnance Department (temporary colonel).
First Lt. John Roland Singletary, Jr., Infantry (temporary lieutenant colonel).
First Lt. William Barret Sullivan, Infantry (temporary major).
First Lt. Glenn Austin Sikes, Infantry (temporary lieutenant colonel).
First Lt. Godfrey Arthur Fowler, Infantry (temporary captain).
First Lt. Clark Lewis Hosmer, Air Corps (temporary lieutenant colonel).
First Lt. Donald Wallace Noake, Infantry (temporary lieutenant colonel).
First Lt. William Wesley Jones, Air Corps (temporary colonel).
First Lt. David Lincoln Edwards, Infantry (temporary lieutenant colonel).
First Lt. Benjamin Otto Turnage, Jr., Infantry (temporary colonel).
First Lt. Thomas James Lawlor, Infantry (temporary lieutenant colonel).
×First Lt. William Pelham Yarborough, Infantry (temporary colonel).
×First Lt. Aloysius Elliott McCormick, Jr., Infantry (temporary lieutenant colonel).
First Lt. Joseph James Nazzaro, Air Corps (temporary colonel).
First Lt. Frank Edward Shea, Infantry (temporary lieutenant colonel).
×First Lt. Charles Billingslea, Infantry (temporary colonel).
First Lt. Benjamin Franklin Evans, Jr., Infantry (temporary lieutenant colonel).
×First Lt. James Billy Leer, Infantry (temporary lieutenant colonel).
First Lt. Edmund Whritner Miles, Ordnance Department (temporary colonel).
First Lt. William Levere Kimball, Air Corps (temporary colonel).
×First Lt. Robert Sears Blodgett, Ordnance Department (temporary colonel).
First Lt. Henry Andrew Mucci, Infantry (temporary colonel).
First Lt. John Matthew Lynch, Infantry (temporary lieutenant colonel).
First Lt. Charles Manly Pack, Infantry (temporary lieutenant colonel).
×First Lt. Ernest Samuel Holmes, Jr., Air Corps (temporary colonel).
First Lt. Thomas Ryall Davis, Infantry (temporary lieutenant colonel).
First Lt. Wallace Conrad Barrett, Air Corps (temporary colonel).
First Lt. Theodore Janof, Quartermaster Corps (temporary colonel).
×First Lt. Frank Pattillo Norman, Jr., Infantry (temporary lieutenant colonel).
×First Lt. Conrad Francis Necrason, Air Corps (temporary colonel).
First Lt. Victor Hermann Wagner, Signal Corps (temporary colonel).

To be first lieutenants with rank from June 1, 1946

Second Lt. Thomas Kilbury Oliver, Air Corps (temporary captain).
Second Lt. Jesse LeRoy Fishback, Corps of Engineers (temporary major).
Second Lt. Richard Tilgham Hemsley, 3d, Air Corps (temporary captain).
Second Lt. Edward Stanley Ott, Jr., Field Artillery (temporary captain).
Second Lt. Wallace Clifton Magathan, Jr., Field Artillery (temporary captain).
Second Lt. John Francis Buyers, Corps of Engineers (temporary first lieutenant).
Second Lt. Arthur William Holderness, Jr., Air Corps (temporary major).
Second Lt. Walker Jamar, Jr., Corps of Engineers (temporary captain).
×Second Lt. Gabriel Alexander Ivan, Infantry (temporary captain).
Second Lt. Richard Francis Shaefer, Air Corps (temporary major).
Second Lt. Bernard William Rogers, Infantry (temporary captain).
Second Lt. Alan Walter Jones, Jr., Infantry (temporary captain).
×Second Lt. John Joseph Kelly, Jr., Corps of Engineers (temporary captain).
Second Lt. Harold Ferguson Knowles, Air Corps (temporary first lieutenant).
×Second Lt. David Smith Chamberlain, Corps of Engineers (temporary major).
Second Lt. Richard Hemmig Meyer, Corps of Engineers (temporary first lieutenant).
Second Lt. Richard Curry McAdam, Air Corps (temporary captain).
Second Lt. Stanley Carter Pace, Air Corps (temporary major).
Second Lt. Richard Henry Reitmann, Corps of Engineers (temporary captain).
×Second Lt. Frank William Rhea, Corps of Engineers (temporary captain).
Second Lt. Donald John Mehrtens, Corps of Engineers (temporary captain).
Second Lt. Robert Edward Mathe, Corps of Engineers (temporary major).
Second Lt. Samuel Williams Pinnell, Corps of Engineers (temporary captain).
Second Lt. Bernard Nathaniel Wiener, Corps of Engineers (temporary captain).
×Second Lt. Robert William Newman, Corps of Engineers (temporary captain).
Second Lt. Ralph Meloy Scott, Air Corps (temporary captain).
Second Lieutenant David Baldwin Conard, Corps of Engineers (temporary major).
Second Lt. Francis John Dirkes, Corps of Engineers (temporary captain).

Second Lt. Fank Bertram Smith, Corps of Engineers (temporary captain).
Second Lt. J. Duane Wethe, Air Corps (temporary captain).
×Second Lt. Charles Myers Jones, Jr., Infantry (temporary captain).
×Second Lt. James Allen Betts, Corps of Engineers (temporary captain).
Second Lt. James Franklin Deatherage, Corps of Engineers (temporary captain).
Second Lt. William Daniel Falck, Corps of Engineers (temporary first lieutenant).
Second Lt. Douglas Lipp Deal, Air Corps (temporary captain).
×Second Lt. Gordon Albert Schraeder, Corps of Engineers (temporary captain).
Second Lt. John Jacob Neuer, Air Corps (temporary major).
×Second Lt. Roger Hilsman, Jr., Infantry (temporary captain).
Second Lt. James Franklin Greene, Jr., Infantry (temporary captain).
Second Lt. Roland Alfred Brandt, Corps of Engineers (temporary captain).
×Second Lt. Ranald Otis Whitaker, Corps of Engineers (temporary first lieutenant).
×Second Lt. Albert John Bowley, Air Corps (temporary captain).
×Second Lt. Frank McCoy McMullen, Air Corps (temporary captain).
×Second Lt. William Mitchel Glasgow, Jr., Corps of Engineers (temporary major).
Second Lt. Ernest Arthur Buzalski, Corps of Engineers (temporary captain).
×Second Lt. Charles Allan Wilson, Jr., Coast Artillery Corps (temporary captain).
×Second Lt. Bobbie Allen Griffin, Field Artillery (temporary captain).
Second Lt. James Vincent Christy, Infantry (temporary captain).
×Second Lt. John Seymoure Chandler, Jr., Air Corps (temporary major).
Second Lt. Henry Romanek, Corps of Engineers (temporary captain).
Second Lt. Norman Erland Pehrson, Corps of Engineers (temporary captain).
Second Lt. Warren Rogers, Corps of Engineers (temporary captain).
Second Lt. Harold Robert Parfitt, Corps of Engineers (temporary captain).
Second Lt. Clare Francis Farley, Corps of Engineers (temporary captain).
×Second Lt. Walter James Hutchin, Corps of Engineers (temporary captain).
×Second Lt. Jonathan Sawyer Vordermark, Field Artillery (temporary captain).
Second Lt. Robert Emmet Burrows, Jr., Corps of Engineers (temporary first lieutenant).
Second Lt. William Wintle Martin, Air Corps (temporary captain).
Second Lt. Lowell Blair Smith, Air Corps (temporary major).
Second Lt. James Howard Watkins, Air Corps (temporary captain).
Second Lt. Richard Bocock Willis, Jr., Air Corps (temporary captain).
Second Lt. Clyde Tener Earnest, Corps of Engineers (temporary captain).
Second Lt. Robert Ernest Plett, Field Artillery (temporary captain).
Second Lt. Jack Henderson Whitson, Air Corps (temporary captain).
×Second Lt. Edward Francis McCabe, Corps of Engineers (temporary captain).
Second Lt. Robert Maxwell Hancock, Jr., Air Corps (temporary captain).
Second Lt. Albert Raymond Shiely, Jr., Air Corps (temporary first lieutenant).
Second Lt. William Hill McKenzie 3d, Corps of Engineers (temporary major).
×Second Lt. Lorres Charles Thomas, Corps of Engineers (temporary captain).
Second Lt. Richard Concklin Snyder, Air Corps (temporary captain).
×Second Lt. Robert John Barickman, Field Artillery (temporary captain).
Second Lt. Frank James Harrold, Jr., Air Corps (temporary captain).
Second Lt. Arthur Thurston Surkamp, Corps of Engineers (temporary captain).
Second Lt. Hiram Garrett Fuller, Corps of Engineers (temporary first lieutenant).
Second Lt. John Calvin Bell, Jr., Corps of Engineers (temporary captain).
Second Lt. LeVerne Edwin Blount, Field Artillery (temporary captain).
Second Lt. William Joseph Kilpatrick, Jr., Air Corps (temporary major).
Second Lt. Howard Beverly Coffman, Jr., Corps of Engineers (temporary captain).
×Second Lt. Thomas Matkins Johnston, Corps of Engineers (temporary captain).
Second Lt. Lloyd Zuppann, Jr., Air Corps (temporary captain).
Second Lt. Charles Sumner Reed, Jr., Corps of Engineers (temporary captain).
Second Lt. Lawrence Middleton Watson, Air Corps (temporary captain).
Second Lt. Milton Ernst Steinbring, Corps of Engineers (temporary captain).
Second Lt. Bruce Carlton Koch, Corps of Engineers (temporary major).
Second Lt. Burrowes Goldthwaite Stevens, Jr., Infantry (temporary captain).
Second Lt. Richard Donald Sullivan, Air Corps (temporary captain).
Second Lt. Harvey Haroldson Latson, Jr., Air Corps (temporary major).
Second Lt. George Howard Ingham, Air Corps (temporary major).
Second Lieutenant Kenneth Bates Smith, Air Corps (temporary first lieutenant).
Second Lt. Edwin Milton Rhoads, Cavalry (temporary captain).
Second Lt. Kenneth Trevor Sawyer, Corps of Engineers (temporary major).
Second Lt. Charles William Carson, Jr., Air Corps (temporary captain).
×Second Lt. Stanley Marcell Staszak, Cavalry (temporary captain).
Second Lt. James Cleveland Miller, Jr., Infantry (temporary captain).
Second Lt. Richard Henry Parker, Air Corps (temporary first lieutenant).
×Second Lt. Anthony Raymond Durante, Air Corps (temporary captain).
×Second Lt. Reginald Bifield Cocroft, Jr., Field Artillery (temporary first lieutenant).
Second Lt. Francis Earle Rundell 2d, Air Corps (temporary captain).
×Second Lt. Lucius Featherstone Wright, Jr., Field Artillery (temporary captain).
×Second Lt. Joseph Vincent Chaufty, Corps of Engineers (temporary major).
Second Lt. Franklin Woody Taylor, Air Corps (temporary captain).
Second Lt. Ralph Jamison Teetor, Jr., Air Corps (temporary captain).
Second Lt. Paul Gregory Atkinson, Jr., Air Corps (temporary major).
Second Lt. Thomas William Essen, Corps of Engineers (temporary first lieutenant).
Second Lt. Lansford Franklin Kengle, Jr., Corps of Engineers (temporary captain).
Second Lt. William Edward Naylor, Jr., Air Corps (temporary captain).
×Second Lt. John Blair Beach, Infantry (temporary first lieutenant).
Second Lt. George Gordon Cantlay, Jr., Infantry (temporary captain).
Second Lt. Robert Bruce McDowell, Corps of Engineers (temporary captain).
Second Lt. William Fredrick Roos, Corps of Engineers (temporary captain).
×Second Lt. Crawford Young, Corps of Engineers (temporary captain).
Second Lt. Ronan Calistus Grady, Jr., Infantry (temporary captain).
Second Lt. William Paul DeBrocke, Infantry (temporary first lieutenant).
Second Lt. James Harper Walker, Air Corps (temporary captain).
Second Lt. Christopher Henry Munch, Air Corps (temporary first lieutenant).
Second Lt. Donald Calhoun Spiece, Field Artillery (temporary captain).
Second Lt. Fred Beaver Proctor, Corps of Engineers (temporary captain).
×Second Lt. Richard Ray Coursey, Jr., Air Corps (temporary major).
Second Lt. John Woodland Morris, Corps of Engineers (temporary captain).
×Second Lt. Glenn Paul Ingwersen, Corps of Engineers (temporary captain).
Second Lt. Jonas LeMoyne Blank, Air Corps (temporary major).
Second Lt. Ullin Lee Hudson, Air Corps (temporary captain).
Second Lt. Fred Willard Herres, Jr., Infantry (temporary captain).
Second Lt. James Alfred Bower, Air Corps (temporary captain).
Second Lt. William James Greenwalt, Infantry (temporary captain).
Second Lt. Andrew Boreske, Jr., Air Corps (temporary captain).
Second Lt. Duane Paul Tenney, Corps of Engineers (temporary captain).
Second Lt. James Moulton Keck, Air Corps (temporary major).
Second Lt. Leslie Boone Hardy, Field Artillery (temporary captain).
×Second Lt. Milton Keith Pigg, Corps of Engineers (temporary first lieutenant).
Second Lt. Clare Thompson Ireland, Jr., Air Corps (temporary major).
×Second Lt. Leon Sembach, Field Artillery (temporary captain).
Second Lt. Charles Skillman Waller, Air Corps (temporary captain).
Second Lt. Edward Burr 2d, Field Artillery (temporary captain).
×Second Lt. Vincent Augustus Gaudiani, Jr., Air Corps (temporary major).
×Second Lt. William Clarence Moore, Air Corps (temporary captain).
Second Lt. George Edward Newman, Infantry (temporary captain).
Second Lt. Del Sullivan Perkins, Infantry (temporary captain).
Second Lt. Arthur William Van Schoick, Jr., Infantry (temporary captain).
×Second Lt. William David Lutz, Field Artillery (temporary captain).
×Second Lt. Eduardo Miguel Soler, Coast Artillery Corps (temporary captain).
Second Lt. George Louis Alexander, Field Artillery (temporary first lieutenant).
Second Lt. George Robert Moe, Infantry (temporary captain).
Second Lt. Henry Merritt Fletcher, Jr., Air Corps (temporary captain).
Second Lt. Clarence Richard Westfall, Infantry (temporary first lieutenant).
Second Lt. William Oliver Peak 3d, Infantry (temporary captain).
Second Lt. Robert William Hoffman, Air Corps (temporary major).
Second Lt. Jammie Mendal Philpott, Air Corps (temporary captain).
×Second Lt. Henry John Schroeder, Jr., Field Artillery (temporary captain).
×Second Lt. Gordon Lord Smith, Field Artillery (temporary captain).
Second Lt. Clifford Charles Cornell, Jr., Air Corps (temporary captain).
Second Lt. Hubert Edward Tansey, Infantry (temporary first lieutenant).
×Second Lt. Robert W. Clark, Coast Artillery Corps (temporary captain).
Second Lt. Charles Wendell Dickinson, Coast Artillery Corps (temporary first lieutenant).
Second Lt. Joseph Wentworth Hartman, Corps of Engineers (temporary captain).
Second Lt. Roger Ray, Infantry (temporary captain).
Second Lt. David Emanuel Galas, Air Corps (temporary captain).
Second Lt. Clarke Tileston Baldwin, Jr., Cavalry (temporary captain).
Second Lt. Kenneth Edgar Freed, Field Artillery (temporary first lieutenant).
Second Lt. Richard Cameron Orphan, Infantry (temporary first lieutenant).
Second Lt. John Taylor deCamp, Jr., Coast Artillery Corps (temporary captain).
×Second Lt. Robert John MacMullin, Air Corps (temporary captain).
×Second Lt. Page Spencer Jackson, Coast Artillery Corps (temporary captain).

Second Lt. LeRoy George Russell, Air Corps (temporary major).
×Second Lt. William Francis Malone, Field Artillery (temporary first lieutenant).
×Second Lt. Charles William Milmore, Coast Artillery Corps (temporary captain).
Second Lt. Robin Olds, Air Corps (temporary major).
×Second Lt. Robert Louis McCanna, Infantry (temporary captain).
Second Lt. Allen Mitchell Burdett, Jr., Infantry (temporary captain).
Second Lt. Jack Coleman Winn, Jr., Field Artillery (temporary captain).
Second Lt. Quellen Denis Boller, Coast Artillery Corps (temporary captain).
Second Lt. Thomas McAdoo Love, Air Corps (temporary first lieutenant).
×Second Lt. Robert Daspit Dwan, Cavalry (temporary captain).
Second Lt. Herman Turner Hunt, Jr., Cavalry (temporary first lieutenant).
Second Lt. Donald Alburtus Detwiler, Air Corps (temporary first lieutenant).
×Second Lt. Hanford Nichols Lockwood 3d, Field Artillery (temporary first lieutenant).
Second Lt. Ned Schramm, Jr., Air Corps (temporary captain).
Second Lt. James Norris Lothrop, Jr., Field Artillery (temporary first lieutenant).
×Second Lt. Charles Leonard Crane, Jr., Field Artillery (temporary captain).
Second Lt. George William Thompson, Jr., Field Artillery (temporary captain).
Second Lt. Louis Konrad Nesselbush, Air Corps (temporary captain).
Second Lt. John Stanley Brady, Cavalry (temporary first lieutenant).
×Second Lt. Warren Tanner Whittemore, Air Corps (temporary captain).
Second Lt. Alaxander Russell Bolling, Jr., Infantry (temporary captain).
Second Lt. Roger Leon Conarty, Infantry (temporary captain).
×Second Lt. Warren Leigh Taylor, Cavalry (temporary captain).
Second Lt. William Harold Brabson, Jr., Field Artillery (temporary captain).
Second Lt. Felix Andrew Kalinski, Air Corps (temporary major).
Second Lt. Gordon Winthrop Barrett, Jr., Air Corps (temporary captain).
×Second Lt. Weston Fisher Maughan, Air Corps (temporary first lieutenant).
Second Lt. Benjamin Buckles Cassiday, Jr., Air Corps (temporary major).
Second Lt. Robert Hansen Campbell, Field Artillery (temporary first lieutenant).
Second Lt. Michael Zubon, Air Corps (temporary captain).
Second Lt. Harold Warren Gingrich, Signal Corps (temporary captain).
Second Lt. John Buchanan Bond, Coast Artillery Corps (temporary first lieutenant).
×Second Lt. Walter George Mitchell, Jr., Field Artillery (temporary first lieutenant).
Second Lt. John Walter Collins 3d, Infantry (temporary captain).
Second Lt. William Paul Brierty, Air Corps (temporary captain).
Second Lt. Robert Douglas Danforth, Cavalry (temporary first lieutenant).
Second Lt. Phillips Eastman, Jr., Air Corps (temporary first lieutenant).
Second Lt. Robert Hanna, Infantry (temporary first lieutenant).
×Second Lt. George Thomas Campbell, Jr., Coast Artillery Corps (temporary captain).
Second Lt. Harry Ludwick Heintzelman 3d, Air Corps (temporary captain).
Second Lt. Ernest Collier Price, Air Corps (temporary first lieutenant).
Second Lt. Lewis Frazer Webster, Air Corps (temporary captain).
Second Lt. Laurent Dupre Pavy, Coast Artillery Corps (temporary captain).
Second Lt. Robert James Davenport, Infantry (temporary captain).
×Second Lt. Thomas McGahey Elgin, Coast Artillery Corps (temporary first lieutenant).
×Second Lt. Albert Caswell Metts, Jr., Infantry (temporary captain).
Second Lt. William James Greene, Air Corps (temporary captain).
×Second Lt. Richard Williams Stoddard, Air Corps (temporary major).
×Second Lt. Francis Wingate Saul, Field Artillery (temporary captain).
×Second Lt. Jeptha Charles Tanksley, Infantry (temporary first lieutenant).
Second Lt. Oliver Boone Bucher, Jr., Air Corps (temporary captain).
Second Lt. Richard Vincent Wheeler, Air Corps (temporary captain).
Second Lt. Joseph Hipolito Huau, Jr., Air Corps (temporary captain).
Second Lt. Richard David McCord, Air Corps (temporary captain).
Second Lt. James Alexander Brice, Field Artillery (temporary first lieutenant).
×Second Lt. Ivan Willard York, Jr., Field Artillery (temporary captain).
Second Lt. Franklin Wood, Coast Artillery Corps (temporary captain).
×Second Lt. Stephen Oliver Brown, Field Artillery (temporary captain).
×Second Lt. Garland Cuzorte Black, Jr., Infantry (temporary first lieutenant).
×Second Lt. Earl Oren Olmstead, Jr., Air Corps (temporary major).
Second Lt. Jack Talmadge Davis, Air Corps (temporary captain).
Second Lt. John McArthur Davis, Air Corps (temporary captain).
Second Lt. Robert Milton Holmes, Coast Artillery Corps (temporary captain).
Second Lt. Daniel Francis Shea, Air Corps (temporary captain).
Second Lt. Roger Clawson Ball, Air Corps (temporary captain).
Second Lt. Vernon Richard Turner, Air Corps (temporary major).
×Second Lt. Cullen Albert Brannon, Jr., Air Corps (temporary major).
Second Lt. John Henry Cochran, Jr., Field Artillery (temporary captain).
Second Lt. Richard Marshall Winfield, Jr., Field Artillery (temporary captain).
Second Lt. Walter Neal Burnette, Jr., Air Corps (temporary captain).
Second Lt. Bernard Thomas Lewis, Infantry (temporary first lieutenant).
Second Lt. William Michael Calnan, Infantry (temporary captain).
Second Lt. Arthur Henry Rasper, Jr., Infantry (temporary captain).
Second Lt. Ralph Kilbreth Jones, Field Artillery (temporary major).
×Second Lt. Arnold Robert Tucker, Jr., Infantry (temporary first lieutenant).
Second Lt. Stephen Ellison Gordy, Field Artillery (temporary captain).
Second Lt. Ralph Julian Hill, Field Artillery (temporary first lieutenant).
Second Lt. Freeman Wate Bowley, Jr., Air Corps (temporary captain).
Second Lt. David Duncan Munro 3d, Air Corps (temporary captain).
×Second Lt. Marston Thorn Westbrook, Air Corps (temporary captain).
×Second Lt. Norbert Joseph Oswald, Air Corps (temporary captain).
Second Lt. Teague Gray Harris, Jr., Air Corps (temporary captain).
Second Lt. Hamlet Robinson Carter, Jr., Filde Artillery (temporary captain).
×Second Lt. William Jasper Brake, Air Corps (temporary captain).
Second Lt. Jack Conrad Novak, Air Corps (temporary captain).
Second Lt. William Johnson Ray, Infantry (temporary captain).
Second Lt. William Clyde Linton, Jr., Coast Artillery Corps (temporary captain).
×Second Lt. Robert Daniel Sonstelie, Infantry (temporary captain).
×Second Lt. James Richard Darden, Infantry (temporary captain).
Second Lt. Henry Leon Hogan 3d, Air Corps (temporary captain).
×Second Lt. Ernest Thorpe Cragg, Air Corps (temporary major).
Second Lt. Daniel Bernard Cullinane, Jr., Infantry (temporary first lieutenant).
Second Lt. James Thomas Fitz-Gerald, Jr., Air Corps (temporary captain).
×Second Lt. William Glenn Watson, Air Corps (temporary first lieutenant).
×Second Lt. Gayle Eugene Madison, Air Corps (temporary captain).
Second Lt. John Buchanan Stockton, Infantry (temporary captain).
Second Lt. James Herschell Nash, Coast Artillery Corps (temporary first lieutenant).
Second Lt. Robert Herman Clark, Air Corps (temporary captain).
×Second Lt. Robert Lee Rooker, Field Artillery (temporary captain).
Second Lt. Leo Cooper Brooks, Air Corps (temporary major).
Second Lt. Lindsey McDonald Silvester, Air Corps (temporary captain).
Second Lt. Thomas Kelly Tannler, Infantry (temporary first lieutenant).
Second Lt. John Porter Lucas, Jr., Field Artillery (temporary captain).
Second Lt. Edward Hanson Connor 3d, Air Corps (temporary captain).
×Second Lt. Maurice Langhorne Martin, Air Corps (temporary lieutenant colonel).
×Second Lt. Heber Cowan Brill, Infantry (temporary captain).
Second Lt. Alfred Dale Hagen, Air Corps (temporary first lieutenant).
×Second Lt. Seth Roderick Frear, Infantry (temporary captain).
×Second Lt. Hubert Smith, Jr., Air Corps (temporary captain).
×Second Lt. Stanley Livingston Wilson, Jr., Coast Artillery Corps (temporary captain).
Second Lt. Alvin Ernest Orlian, Infantry (temporary captain).
Second Lt. John Wills Moses, Field Artillery (temporary captain).
×Second Lt. Caleb Allen Cole, Infantry (temporary captain).
Second Lt. James Rival Pugh, Jr., Air Corps (temporary captain).
×Second Lt. Norman Lewis Williams, Infantry (temporary first lieutenant).
×Second Lt. George Gordon Bugg, Infantry (temporary first lieutenant).
Second Lt. James Keith Glendening, Infantry (temporary captain).
×Second Lt. William Joseph Spahr, Infantry (temporary captain).
×Second Lt. Frank Williams Jones, Jr., Infantry (temporary captain).
×Second Lt. Mayo Jack Elliott, Infantry (temporary first lieutenant).
Second Lt. Edward Joseph Rumpf, Coast Artillery Corps (temporary captain).
×Second Lt. Ernest Hinds, Air Corps (temporary first lieutenant).
Second Lt. Walter Rae Beckett, Jr., Air Corps (temporary major).
Second Lt. John Klotz Brier, Infantry (temporary captain).
Second Lt. Raymond Carlton Blatt, Jr., Field Artillery (temporary first lieutenant).
×Second Lt. Archelaus Lewis Hamblen, Jr., Infantry (temporary captain).
Second Lt. Mike Bedwell Davis, Signal Corps (temporary captain).
Second Lt. Edward Joseph Walsh, Jr., Air Corps (temporary captain).
Second Lt. Alston Law Brown, Air Corps (temporary captain).
×Second Lt. William Patrick Hunt, Jr., Infantry (temporary first lieutenant).
Second Lt. Nicholson Parker, Field Artillery (temporary captain).
×Second Lt. LeRoy Waring Wilson, Jr., Field Artillery (temporary captain).
Second Lt. Keith Albert Whitaker, Air Corps (temporary captain).
Second Lt. Frank Putnam Ball, Air Corps (temporary captain).

×Second Lt. Harold Halsey Dunwoody, Infantry (temporary captain).
Second Lt. Clarence Walter Richmond, Jr., Infantry (temporary first lieutenant).
Second Lt. Samuel Wright Jenkins, Infantry (temporary first lieutenant).
×Second Lt. Robert Dugald McClure, Air Corps (temporary captain).
Second Lt. Karl Everett Wolf, Infantry (temporary captain).
×Second Lt. Waldo Franklin Potter, Air Corps (temporary captain).
×Second Lt. George Betts, Coast Artillery Corps (temporary captain).
×Second Lt. Peter John Ryan, Signal Corps (temporary major).
Second Lt. Harold William Woodson, Air Corps (temporary captain).
Second Lt. Harold Robert Aaron, Infantry (temporary captain).
Second Lt. James Webster Cain, Infantry (temporary first lieutenant).
Secondt Lt. Charles De Puckett, Infantry (temporary captain).
Second Lt. Earle Albie Johnson, Jr., Infantry (temporary captain).
×Second Lt. David Marston Chase, Infantry (temporary captain).
×Second Lt. Leo Victor Hayes, Coast Artillery Corps (temporary captain).
×Second Lt. Harry Langdon Reeder, Jr., Infantry (temporary first lieutenant).
Second Lt. William Joseph Daner, Air Corps (temporary captain).
Second Lt. Herschel DeMent Hughes, Air Corps (temporary captain).
Second Lt. Paul Leonard Steinle, Air Corps (temporary captain).
Second Lt. Ralph Junior Hallenbeck, Air Corps (temporary captain).
Second Lt. John Roger Kullman, Air Corps (temporary captain).
×Second Lt. Eaton Arthur Gorelangton, Air Corps (temporary first lieutenant).
Second Lt. John William Rawlings, Jr., Air Corps (temporary captain).
Second Lt. John Patrick Schatz, Signal Corps (temporary captain).
×Second Lt. William Earnest Pulos, Field Artillery (temporary captain).
Second Lt. Douglas Francis Parham, Coast Artillery Corps (temporary first lieutenant).
Second Lt. James Donald Kidder, Infantry (temporary captain).
×Second Lt. Edmond Harvey Curcuru, Coast Artillery Corps (temporary first lieutenant).
×Second Lt. Edward Jerome Hertel, Air Corps (temporary captain).
×Second Lt. Thomas Terrell Jackson, Air Corps (temporary captain).
×Second Lt. John Hiley Cobb, Jr., Infantry (temporary first lieutenant).
Second Lt. Jack Kenneth McGregor, Air Corps (temporary first lieutenant).
Second Lt. James Walter Phillips, Field Artillery (temporary captain).
×Second Lt. John Bell Hudson, Air Corps (temporary major).
Second Lt. Arthur Joseph Lacouture, Jr., Coast Artillery Corps (temporary captain).
Second Lt. Ronald Dennis Cullen, Air Corps (temporary captain).
Second Lt. James Harvey Short, Infantry (temporary captain).
×Second Lt. Russell Lowell Maughan, Jr., Air Corps (temporary captain).
Second Lt. John Charles Piebes, Air Corps (temporary first lieutenant).
Second Lt. Thomas Archer Beckett, Air Corps (temporary captain).
Second Lt. Mark Mayo Boatner 3d, Infantry (temporary captain).
Second Lt. Phil Roy Phelps, Jr., Infantry (temporary first lieutenant).
Second Lt. William Bradford Dudley, Air Corps (temporary captain).
Second Lt. Dale Fletcher McGee, Jr., Infantry (temporary major).
Second Lt. William Wayne Snavely, Air Corps (temporary major).
×Second Lt. Reading Wilkinson, Jr., Coast Artillery Corps (temporary captain).
×Second Lt. Paul James Reinhalter, Field Artillery (temporary captain).
×Second Lt. Thomas Huntington Brown, Air Corps (temporary captain).
×Second Lt. Preston Warham Easley, Air Corps (temporary captain).
×Second Lt. Charles Edward Benson, Coast Artillery Corps (temporary first lieutenant).
Second Lt. William Fontaine Scott, Air Corps (temporary captain).
Second Lt. Edmund Augustus Wright, Jr., Air Corps (temporary captain).
Second Lt. Robert Duncan MacGregor Randall, Air Corps (temporary captain).
×Second Lt. Wendell Grant VanAuken, Jr., Coast Artillery Corps (temporary captain).
×Second Lt. Albert Sidney Johnston Tucker, Jr., Air Corps (temporary captain).
×Second Lt. Harold Alexander Neill, Coast Artillery Corps (temporary captain).
×Second Lt. Harold Sears Head, Infantry (temporary captain).
Second Lt. Tom Bond Foulk, Jr., Air Corps (temporary captain).
Second Lt. Roule Cole Mozingo, Infantry (temporary captain).
Second Lt. Junior Craig Teller, Air Corps (temporary captain).
Second Lt. William Lawrence Bibby, Infantry (temporary captain).
×Second Lt. Austin James Canning, Jr., Field Artillery (temporary captain).
×Second Lt. Millard Othello Anderson, Air Corps (temporary captain).
×Second Lt. Louis Sterling Francisco, Coast Artillery Corps (temporary first lieutenant).
Second Lt. Jack Patrick Loughman, Field Artillery (temporary captain).
Second Lt. Edward Anthony Kreml, Coast Artillery Corps (temporary first lieutenant).
×Second Lt. William Worthington Cover, Field Artillery (temporary first lieutenant).
Second Lt. Paul Joseph Hurley, Air Corps (temporary major).
Second Lt. Harold Jacob Saine, Infantry (temporary captain).
Second Lt. Warren Robert Hecker, Infantry (temporary captain).
Second Lt. Albert Carl Hegenberger, Air Corps (temporary first lieutenant).
Second Lt. Joseph William Weyrick, First Artillery (temporary first lieutenant).
Second Lt. Edward Burke Burdett, Air Corps (temporary captain).
Second Lt. Edward Wellage Cutler, Air Corps (temporary captain).
×Second Lt. Joseph Harry Eastmead, Infantry (temporary first lieutenant).
Second Lt. John Russell Lloyd, Jr., Field Artillery (temporary first lieutenant).
Second Lt. Dale Sidney Sweat, Air Corps (temporary captain).
×Second Lt. Marvin Edward Childs, Air Corps (temporary major).
Second Lt. Fletcher Read Veach, Jr., Infantry (temporary first lieutenant).
Second Lt. Edgar Jesse Fredericks, Infantry (temporary captain).
×Second Lt. Robert Galbreath Gadd, Coast Artillery Corps (temporary first lieutenant).
Second Lt. Edward Ryan Cleary, Infantry (temporary captain).
Second Lt. Henry Grady Morgan, Jr., Infantry (temporary first lieutenant).
Second Lt. Joseph Henry Rosness, Air Corps (temporary major).
Second Lt. Luther Walker Hough, Jr., Air Corps (temporary major).
Second Lt. John Bowler Hull, Infantry (temporary captain).
×Second Lt. Donald Joseph Jalbert, Coast Artillery Corps (temporary captain).
×Second Lt. William Cleveland Deekle, Jr., Infantry (temporary captain).
Second Lt. Howard Tilghman Wicket, Jr., Coast Artillery Corps (temporary captain).
Second Lt. David Gibbon Schwartz, Air Corps (temporary captain).
×Second Lt. James Douglas Langstaff, Jr., Coast Artillery Corps (temporary first lieutenant).
Second Lt. Thomas Eugene McCabe, Air Corps (temporary captain).
Second Lt. Robert Hamilton Mattox, Jr., Coast Artillery Corps (temporary captain).
Second Lt. Quintus C. Atkinson 5th, Infantry (temporary first lieutenant).
Second Lt. Stephen Huntting Sherrill, Jr., Air Corps (temporary captain).
Second Lt. Heston Charles Cole, Air Corps (temporary captain).
Second Lt. John Henry Nelson, Infantry (temporary first lieutenant).
Second Lt. Max Verne Talbot, Jr., Coast Artillery Corps (temporary first lieutenant).
×Second Lt. Marion Scott Street, Air Corps (temporary captain).
Second Lt. Russell Faux Scott, Jr., Coast Artillery Corps (temporary captain).
×Second Lt. Thorpe Coalson Grice, Coast Artillery Corps (temporary captain).
×Second Lt. Sidney Katz, Coast Artillery Corps (temporary first lieutenant).
Second Lt. Edward Joseph Geaney, Jr., Infantry (temporary captain).
Second Lt. Bethell Edrington, Jr., Infantry (temporary captain).
Second Lt. Bernard Joseph Dyla, Coast Artillery Corps (temporary captain).
Second Lt. Ralph Edgar Young, Coast Artillery Corps (temporary captain).
Second Lt. Norman Jay Keefer, Jr., Air Corps (temporary first lieutenant).
Second Lt. William Holmes Tomlinson, Coast Artillery Corps (temporary captain).
×Second Lt. Charles Spieth, Jr., Air Corps (temporary captain).
×Second Lt. Zaccheus Camp Richardson, Air Corps (temporary captain).
Second Lt. Norman Horace Frisbie, Air Corps (temporary captain).
Second Lt. Gordon Hall Steele, Jr., Air Corps (temporary captain).
×Second Lt. Louis Blanton Umlauf, Jr., Coast Artillery Corps (temporary captain).
Second Lt. William John Welsh, Jr., Infantry (temporary captain).
Second Lt. Edmund Francis O'Connor, Air Corps (temporary captain).
Second Lt. Basil Dennis Spalding, Jr., Coast Artillery Corps (temporary first lieutenant).
Second Lt. Stewart Shepherd Giffin, Jr., Coast Artillery Corps (temporary first lieutenant).
×Second Lt. Edward Fondren Shaifer, Jr., Coast Artillery Corps (temporary first lieutenant).
×Second Lt. Walter Leo Roe, Coast Artillery Corps (temporary captain).
×Second Lt. Alton Martin Shipstead, Coast Artilley Corps (temporary first lieutenant).
Second Lt. Edward Julius Renth, Jr., Air Corps (temporary captain).
Second Lt. Joseph Francis Boyle, Coast Artillery Corps (temporary first lieutenant).
Second Lt. James Kuykendall Wade, Coast Artillery Corps (temporary captain).
Second Lt. Thomas Simons Garrett 3d, Air Corps (temporary captain).
Second Lt. Richard Hugh Houser, Air Corps (temporary captain).
×Second Lt. Anthony Henry Richard, Jr., Air Corps (temporary first lieutenant).
×Second Lt. Albert Murray Ellis, Coast Artillery Corps (temporary first lieutenant).
Second Lt. Allen Wyant Gullion, Jr., Air Corps (temporary captain).
Second Lt. Jack Teague, Field Artillery (temporary captain).
Second Lt. Donald Salmon Dargue, Air Corps (temporary captain).
Second Lt. Eber Eugene Simpson, Air Corps (temporary captain).
×Second Lt. Charles Richard Abel, Coast Artillery Corps (temporary first lieutenant).
Second Lt. William Bruce Arnold, Coast Artillery Corps (temporary captain).

Second Lieutenant Paul Joseph Curtin, Coast Artillery Corps (temporary captain).

×Second Lt. James Francis Keenan, Coast Artillery Corps (temporary captain).

Second Lt. Robert Alvin Hersberger, Air Corps (temporary captain).

To be first lieutenant with rank from June 3, 1946

Second Lt. Edgar Knowles Parks, Jr., Air Corps (temporary major).

To be first lieutenant with rank from June 11, 1946

×Second Lt. Bruce Wilds Postlethwaite Edgerton, Air Corps (temporary first lieutenant).

To be first lieutenant with rank from June 17, 1946

Second Lt. Frank Peter Breitenbach, Coast Artillery Corps (temporary captain).

PROMOTIONS IN THE REGULAR ARMY OF THE UNITED STATES

MEDICAL CORPS

To be majors

Capt. Albert Alfred Biederman, Medical Corps (temporary colonel), with rank from June 14, 1946, subject to examination required by law.

Capt. Thomas William Mattingly, Medical Corps (temporary colonel), with rank from June 17, 1946, subject to examination required by law.

Capt. William Fred Patient, Medical Corps (temporary colonel), with rank from June 18, 1946.

Capt. William Hugh Latimer Westbrook, Jr., Medical Corps (temporary lieutenant colonel), with rank from June 18, 1946, subject to examination required by law.

Capt. Alfred August Grebe, Medical Corps (temporary colonel), with rank from June 19, 1946.

Capt. Joseph Frank Peters, Medical Corps (temporary lieutenant colonel), with rank from June 20, 1946.

Capt. Donald Davis Flickinger, Medical Corps (temporary colonel), with rank from June 24, 1946, subject to examination required by law.

Capt. Albert Marion Richmond, Medical Corps (temporary lieutenant colonel), with rank from June 26, 1946, subject to examination required by law.

Capt. Edward Morris DeYoung, Medical Corps (temporary colonel), with rank from June 27, 1946, subject to examination required by law.

To be captains

First Lt. William Ward Currence, Medical Corps (temporary major), with rank from June 3, 1946.

First Lt. William Beverly Virgin, Medical Corps (temporary captain), with rank from June 3, 1946.

First Lt. Stanleigh Erler, Medical Corps (temporary captain), with rank from June 24, 1946.

First Lt. John Francis Pfeffer, Medical Corps (temporary captain), with rank from June 27, 1946.

First Lt. Jules John McNerney, Medical Corps, with rank from June 29, 1946, subject to examination required by law.

First Lt. Charles Aloysius Furey, Jr., Medical Corps (temporary major), with rank from June 30, 1946, subject to examination required by law.

First Lt. Richard Coffman Shrum, Medical Corps (temporary major), with rank from June 30, 1946, subject to examination required by law.

DENTAL CORPS

To be colonel

Lt. Col. John Charles Burr, Dental Corps, with rank from June 5, 1946.

To be lieutenant colonel

Maj. Arthur Letcher Irons, Dental Corps (temporary lieutenant colonel), with rank from June 22, 1946, subject to examination required by law.

To be major

Capt. Arthur Nicholas Kracht, Dental Corps (temporary major), with rank from June 18, 1946.

PHARMACY CORPS

To be major

Capt. Wilfred Arthur Emond, Pharmacy Corps (temporary lieutenant colonel), with rank from June 18, 1946.

To be captain

First Lt. Elliott Powell Rigsby, Pharmacy Corps (temporary major), with rank from June 3, 1946, subject to examination required by law.

IN THE NAVY

Midshipman Robert N. Barker to be an ensign in the Navy from the 5th day of June 1946 in lieu of appointment as an assistant paymaster in the Navy with the rank of ensign as previously nominated and confirmed.

Midshipman Raymond W. Sitz to be an assistant paymaster in the Navy with the rank of ensign from the 5th day of June 1946, in lieu of appointment as a second lieutenant in the Marine Corps as previously nominated and confirmed.

Midshipman Robert H. Wilson to be a second lieutenant in the Marine Corps from the 5th day of June 1946, in lieu of appointment as an ensign in the Navy as previously nominated and confirmed.

IN THE MARINE CORPS

The following-named midshipman to be a second lieutenant in the Marine Corps from the 5th day of June 1946:

William T. Sweetman

IN THE MARINE CORPS

The following-named officers for appointment in the United States Marine Corps in the ranks hereinafter stated:

The following-named officer to be a captain:

Robert C. Walton

The following-named officers to be first lieutenants:

William C. Capehart
Robert A. Harvey
Walter R. Lytz

The following-named officers to be second lieutenants:

Frank J. Ervin	Robert S. Wilson
Jack A. Witherspoon	Thomas S. Witherspoon
Lee M. Alford, Jr.	Arthur H. Auvil
Frederick W. Barnes	Edward J. Baum
Benson A. Bowditch	William E. Brandon
Richard J. Buckley	Marshall S. Campbell
Robert A. Byrne	Nathaniel H. Carver
Louis F. Capalbo	DeWitt S. Cheney
Horace W. Card, Jr.	Ralph L. Cormany
Merritt E. Chesnut	Jack M. Daly
Gildo S. Codispoti	James C. Flack
Willis L. Fairbanks	Edward L. Fossum
Neal J. Griffith	James R. Fury
Charles H. Horn	Dene T. Harp
Alfred H. Hughes	Thomas R. Hickey, Jr.
Louis R. Largey	Cloyd V. Hines
James F. Lawrence, Jr.	Warren G. Hopkins
Howard M. Lee	Edgar J. Jenkins
Robert E. Lorigan	Elmer A. Krieg
Junius M. Lowder, Jr.	Kenneth C. Langness
Charles L. McIndoe	Joseph E. Loprete
Richard Morton	Joseph W. Luker
John N. Petosis	Donald S. McClellan
Gilbert N. Powell	Robert C. Messman
Robert C. Rann	William T. Miller
Warren H. Simpson	Harry F. Painter
Elmer L. Starr	Walter L. Persac
John R. Stevens	Stephen Shervais
Ralph L. Widner	Richard M. Taylor
Robert L. Toombs, Jr.	Harry Hunter, Jr.
Milton C. Cargill, Jr.	Robert King, Jr.
James K. Dant	Joseph F. Kirby, Jr.
Richard H. Griebel	Lenhrew E. Lovette
Clyde M. Hardy	William G. Lowndes
James M. Hayes	Willis Lutz
Norman W. Hicks	James H. Magill
Curtis A. James, Jr.	Hugh L. Marsh
John B. Jeremiah	John B. Mason
Charles "P" Kidd	Lyle S. McCabe
William F. Koehnlein	John McCabe
Winslow E. Lewis	Alfred F. McCaleb, Jr.
Delmar W. Maddox	John J. McShane
Gordon E. Nelson	Otis E. Millenbine
William J. Noonan	Donald C. Mitchell
Jacob M. Pearce, Jr.	Lawrence E. Mock, Jr.
Lester F. Reid	Edgar A. Monroe
Billy H. Snyder	Cornelius T. Montgomery, Jr.
Edmund Valdes	Gene "W" Morrison
Paul A. Vnencak	Roger A. Morris
Marvin D. Volkert	Robert J. Morrison
John A. Waters	George E. Mouzakis
Wilbur H. Youngman, Jr.	Thomas H. Nichols, Jr.
Christian C. Lee	Donald A. Panska
Allan H. Ringblom	William C. Parker, Jr.
Harry F. Schwethelm	Burton S. Pearsall
Tillman E. Bishop	Armando R. Petrino
Neal "A" Boortz	John E. Purvis
Frank T. Boyd	Gordon R. Reier
Gerald Brown	Raymond J. Rightmyer, Jr.
Neely D. Butler, Jr.	Max H. Rosecrans
Wiley E. Haverty	Marvin R. Russell
Frederick "E" Hughes	Robert Sabot
Charles W. Korf	Clifford G. Schmillen
Robert H. Mitchell	Albert C. Schoner
John E. Palmer	Allen R. Semb
Wilbur G. Patton	Clifford E. Severson
Donald M. Peterson	William Shanks, Jr.
Michael T. Savino	Larry D. Slattery
Thomas J. Saxon, Jr.	Edward D. Smith
Summerfield M. Taylor, Jr.	Laurence J. Stien
Marshall R. Tutton	James F. Thomas
Robert W. Wilson	Thomas B. Trammell
Eugene H. Winchester	Walter W. Vatcher
Elmer Amundson	Frederick A. Vernon
Walter M. Atherton	Edgar C. Vernon
Deane M. Barnett	Burks A. Via
LeRoy C. Barton	Herbert R. Waltz
Gilbert K. Baumgart	Raymond F. Webb
Richard W. Benton	Donald B. Welsh
Vernon W. Bruce	Myron P. Wieczorek
Donald M. Bloomer	Dean Wilker
Robert L. Bolt	Richard A. Winters, Jr.
Charles A. Broudy	Robert J. Wright
Charles S. Brown	Neil F. Defenbaugh
Robert B. Clay	John E. Dornbach
Richard W. Cline	Harold L. Haley
Bertram "E" Cook, Jr.	Gordon K. Jackson
Carl Coon	Danny "W" Johnson
Charles H. Coppedge	Benhard Kemper
Leo J. Corboy, Jr.	Joseph W. Krewer
John D. Cotton	Robert A. Longstaff
George M. Dauphine	Ernest R. Olson
George L. Davis, Jr.	Donald R. Oseid
Oliver R. Davis	Martin T. Wagenhofer.
John DeCloud	"J" "E" Wellman
William E. Deeds	Marshall R. Breedlove
Joseph B. DeHaven	John P. Wilbern
Raymond E. Demers	Anthony A. Akstin
Rex C. Denny, Jr.	Jack N. Arbolino
Eugene W. Derrickson	William E. Baugh
Everett J. Dickerman	Joe P. Cain
Robert E. Dunk	John A. Conway
Joseph Egan	Joseph A. Donovan
Austin C. Fitzgerald	John V. Downs
James W. Ferris	John K. Hogan
Donald H. Foss	Milton A. Hull
Edward J. Geishecker	Thomas J. Matthews
Donald M. Gibson	Paul M. Smith
Daniel P. Githens, Jr.	Bernard G. Thobe
Charles E. Gocke, Jr.	Bennett W. Alford
Nolan A. Green	James W. Bateman
William L. Hall	Patrick D. Boyle
Howard W. Hambleton	Wilbur J. Buss
Harold W. Hawkins	Robert W. Hamilton
William R. Hodgson	States R. Jones, Jr.

William A. Kerr	Eugene W. Geniesse, Jr.
Edward L. Lewis, Jr.	John M. Jagoda
John H. Maher	Kenneth M. Nix
William T. Phillips	Thomas W. Pearson
Mark A. Rainer, Jr.	Arthur L. Sherbondy
Marshall Salvaggio	William M. Sigler, Jr.
Elmo J. Stingley	William L. Walker
Robert B. Allen	Ross H. Beatty
Robert W. Calvert	Dorsie H. Booker, Jr.
Michael P. Carroll	Allen B. Clark
Robert L. Davis	Franklin R. Chambers
Roswell S. Frichette, Jr.	John A. Daskalakis
Daniel J. Griffith, Jr.	Jack N. Dillard
Robert G. Parrish	John P. Errett
Harold L. Parsons	George D. Gillians
Arthur J. Poillon	Harold F. Haupt
Linus F. Pottebaum	Robert H. Moore
Lester D. Sperry	Charles W. Noah
John B. Wenger	Herman Nolte
Edward L. Barker	John E. Rich
Grover R. Betzer	Leo R. Ryan
James J. Larkin	Robert F. Young, Jr.
Daniel C. Smith	Richard W. Batdorff
Vincent J. Smith	Thomas M. Coles
Harry A. Stahlstrom	Loren D. Everton
Russell A. Andres	Roy R. Hewitt
Donald L. Boudreaux	Norman R. Nickerson
James T. Cotton	Charles D. Garber
Richard J. Fellingham	Theodore J. Horner
Norman L. Hamm	Robert L. Milling
Philip J. Keleher	Clyde S. Stewart
James W. Nelson	James R. Turner
Leland C. Ritter	Gerald C. Armstrong
Brett E. Roueche	William H. Bortz, Jr.
James W. Smith	Byron M. Burbage
Oran L. Stephenson, Jr.	John Callahan
John H. Barclay	William C. Carlson
Nathaniel Morgenthal	Robert H. Cook
George A. Rickert	Otis W. S. Corman
Jackson C. Turnacliff	Keith W. Costello
Richard R. Bucher	Lawrence R. Denham
John A. Creamer	William L. Devinney
John T. Fey	James G. Fox
Lawrence L. Graham	Donald J. Hallameyer
Charles H. Greene, Jr.	Welsie T. Howton, Jr.
Hubert J. Hamlin	John R. Hyneman
Robert W. Hengesbach	James K. Johnson
David H. Lewis	Chester M. Lupushansky
Paul F. McLellan	Kenneth L. Mann
Carl A. Nielsen	Eugene W. Nelson
Eugene J. Robinson	Russell G. Patterson, Jr.
John C. Shelnutt	John L. Read
William C. Stoll, Jr.	Walter L. Redmond
Paul C. Trammell	David S. Reid III
George G. Abadie	John E. Shields
Richard N. Aufmann	Roscoe R. St. John
Gilbert D. Bradley	Patrick J. Dayson
George H. Cearley, Jr.	Donald E. Gillespie
James O. Clouser	John L. Hamilton, Jr.
Maurice A. David	Frank H. Horn
John K. Diveny	Arthur F. Shupe
Donald T. Doxey	George M. Smith
Aldor B. Elmquist	Thomas B. Wadsworth
Edward S. Fris	

HOUSE OF REPRESENTATIVES

MONDAY, JUNE 3, 1946

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, who transcendest all our thoughts, how blest are they who know the help of Thy presence and feel the comfort of Thy nearness. Amid strenuous duties with their conflicting elements and profound problems, we pray for strong and ever-growing faith, for strength of guidance, and for stoutness of heart, that we may touch human life and stimulate it to be industrious and useful. In the face of every task, give us that vision above discipline which ever sounds the note of the sublimity of a high moral endeavor. We beseech Thee to give us passionate wills to remove the causes of injustice and unrest and all that hinders the development of good will. May we ever worship Thee in the beauty of holiness, and therein find our abiding peace.

"Spirit of Life, in this new dawn,
Give us the faith that follows on,
Letting Thine all-pervading power
Fulfill the dream of this high hour.

"Spirit Creative, give us light,
Lifting the raveled mists of night;
Touch Thou our dust with spirit hand
And make us souls that understand."

In Christ's holy name we pray. Amen.

The Journal of the proceedings of Friday, May 31, 1946, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 152. Concurrent resolution providing for a joint session of Congress for the purpose of holding appropriate exercises in commemoration of the life, character, and public services of the late Franklin D. Roosevelt, former President of the United States.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1717. An act for the development and control of atomic energy.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 5605. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1947, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. RUSSELL, Mr. HAYDEN, Mr. TYDINGS, Mr. BANKHEAD, Mr. THOMAS of Oklahoma, Mr. GURNEY, Mr. BROOKS, and Mr. REED to be the conferees on the part of the Senate.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 6578. An act to provide on a temporary basis during the present period of emergency for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BARKLEY, Mr. JOHNSON of Colorado, Mr. STEWART, Mr. WHITE, and Mr. AUSTIN to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 3543) entitled "An act for the relief of the legal guardian of James Thompson, a minor," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ELLENDER, Mr. HUFFMAN, and Mr. WHERRY to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the House of the following titles:

H. R. 874. An act for the relief of L. Wilmoth Hodges;

H. R. 941. An act for the relief of Mrs. C. A. Lee, administratrix of the estate of Ross Lee, deceased;

H. R. 2223. An act for the relief of Catherine Bode; and

H. R. 3808. An act for the relief of the estate of William N. Therriault and Millicent Therriault.

SWEARING IN OF MEMBER

Mr. BULWINKLE. Mr. Speaker, I ask unanimous consent that Miss ELIZA JANE PRATT, Congresswoman-elect from North Carolina, be sworn in at this time. Her certificate of election will arrive during this week.

The SPEAKER. There is no contest?

Mr. BULWINKLE. There is no contest, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Miss ELIZA JANE PRATT appeared at the bar of the House and took the oath of office.

EXTENSION OF REMARKS

Mr. GRANT of Alabama asked and was given permission to extend his remarks in the RECORD and include a letter addressed to the President of the United States.

Mr. MANSFIELD of Texas asked and was given permission to extend his remarks in the RECORD and include an editorial from the Houston Post.

CATHERINE BODE

Mr. McGEHEE submitted a conference report and statement on the bill (H. R. 2223) for the relief of Catherine Bode.

L. WILMOTH HODGES

Mr. McGEHEE submitted a conference report and statement on the bill (H. R. 874) for the relief of L. Wilmoth Hodges.

ESTATE OF WILLIAM N. THERRIAULT AND MILLICENT THERRIAULT

Mr. McGEHEE submitted a conference report and statement on the bill (H. R. 3808) for the relief of the estate of William N. Therriault and Millicent Therriault.

MRS. C. A. LEE

Mr. McGEHEE submitted a conference report and statement on the bill (H. R. 941) for the relief of Mrs. C. A. Lee, administratrix of the estate of Ross Lee, deceased.

PERMISSION TO ADDRESS THE HOUSE

Mr. McGEHEE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

[Mr. McGEHEE addressed the House. His remarks appear in the Appendix.]

SPECIAL ORDER GRANTED

Mr. COOPER. Mr. Speaker, I ask unanimous consent that on tomorrow, at the conclusion of the legislative program of the day and following any special orders heretofore entered, I may be permitted to address the House for 30 minutes on the sesquicentennial celebration on the admission of Tennessee into the Union.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

EXTENSION OF REMARKS

Mr. LYLE asked and was given permission to extend his remarks in the RECORD and include a letter concerning the extension of the draft.

Mr. MORRISON asked and was given permission to extend his remarks in the RECORD in three instances, to include in one a radio address he delivered over Station WWDC recently, in one an editorial from the Evening Star, and in the other an address delivered by Maj. Gen. G. B. Erskine at the graduation exercises of Louisiana State University.

Mr. CELLER asked and was given permission to extend his remarks in the RECORD.

Mr. DAVIS asked and was given permission to extend his remarks in the RECORD and include an address delivered by the mayor of Memphis on Memorial Day.

Mr. VOORHIS of California asked and was given permission to extend his remarks in the RECORD in three instances, to include in one a telegram, in one an editorial, and in one a statement.

ATTLEE'S CONDUCT IS DISHONORABLE

Mr. CELLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Speaker, over a month has passed since the publication of the report of the Anglo-American Committee of Inquiry on Palestine which recommended that 100,000 Jews be admitted into Palestine immediately. Nothing has been done. The British are cowardly stalling and offer the fictitious excuse of Arab peril. The Jews are not afraid of the Arabs. They can defend themselves unaided. They need neither the American GI nor the British Tommy. Meanwhile, the question might well be asked: "What is the United States doing?" President Truman accepted the recommendation of the immediate admission of the Jews. It was his original request. Meanwhile, the displaced and stateless Jews in the camps in Europe are coming to the end of their rope. Disturbances between these Jews and anti-Semitic Nazis still roaming about freely are daily occurrences. Attlee hedges and says that illegal armies must first be disbanded before these Jews are admitted. Thus, he wants to hold these unfortunate persons as hostage. His conduct is most dishonorable.

He defaults like all other premiers, be they Tory or Labour complexion. Thus, we have a continuation of betrayal since the Balfour declaration was first issued in 1917. It is time for President Truman to crack down on Britain and demand forthright the immediate admission into Palestine of 100,000 Jews.

THE CASE BILL

Mr. RYTER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. RYTER. Mr. Speaker, since the passage of the Case bill and the anti-labor provisions of the Senate amendments, it is interesting, and in a sense amusing, to read the editorials in some newspapers, and the articles of most of the commentators, in their frantic efforts to high-pressure President Truman into signing this bill.

Every article I have read has been written by a commentator who has always opposed President Roosevelt, and they are now opposing President Truman. Practically every editorial I have read appears in a newspaper that is Republican. We must remember that at least 85 percent of the newspapers of the country bitterly opposed President Roosevelt, as well as the vast majority of commentators, and they are also opposed to President Truman. No matter what President Truman may do, he cannot please them. They will oppose him.

If he signs this bill, they will then undertake to show the harmful effect it will have for him with labor. They are already doing this.

If he does not sign it, and I hope he will not, they will take the other side and point out the harm to him politically from other sources.

The bill contains bad, repressive labor provisions. That is what should determine the President's action—not what this or that group will think.

I am sure that President Truman is well aware of the constant opposition of most of the newspapers and commentators, and in this case they are "trying to kill him with kindness."

ATOMIC BOMB CONTROL

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. FEIGHAN. Mr. Speaker, I am well aware that the House has agreed to have no roll calls on any controversial matters until Thursday. However, I should like to suggest that at this time the House take up without even a single day's delay S. 1717. I make this suggestion because it seems to me that at this stage such legislation is no longer controversial. Amended S. 1717 authorizes the establishment of a five-man civilian committee for the domestic control of atomic energy. The entire Nation will, I am sure, applaud this action of the Senate because it has become increasingly apparent that delay in deciding who should control this marvelous new force has handicapped progress in its development. We cannot afford to postpone consideration for even 4 days.

The first meeting of the United Nations for the control of atomic energy will be convened on June 14. At that time Mr. Bernard Baruch, American delegate, will presumably present American proposals for the international control of this force so potent either for good or evil. It seems to me, Mr. Speaker, that our policy for the domestic control of this force should be determined at once so that Mr. Baruch will have time to work into his brief the salient features of our domestic policy.

Therefore, Mr. Speaker, I urge that the House complete action on the domestic control of atomic energy by taking under immediate consideration S. 1717.

LABOR LEGISLATION

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, in my judgment the issue which the country faced when President Truman addressed the House a week ago Saturday will not down unless it be met. It has to be met by legislation which will be courageous and it also must be met by legislation which will be just. One amendment which the Senate adopted makes the legislation unjust and ought to be resisted by the House in all its vigor, and that is the amendment that provides in effect that although it may have been management that failed to agree to reasonable terms and was therefore primarily responsible for the Government seizure nonetheless while labor is required to stay on the job during the national emergency, whatever profits accrue should be returned to the coffers of industry. The bill as passed by the House did not provide for that. It provided just the opposite, namely that while the industry was in Government hands no profit should accrue to any private party. The Senate provision would give management no incentive to avoid the necessity of this admittedly drastic legislation being used. The fundamental principle of the legislation should be such as to do equity between the parties and so as to make the use of extraordinary powers unnecessary by placing every incentive behind an agreement between them. Therefore I hope this amendment of the Senate will not be agreed to by the House.

EXTENSION OF REMARKS

Mr. PATMAN asked and was given permission to extend his remarks in the RECORD.

Mr. BAILEY asked and was given permission to extend his remarks in the RECORD and include a speech delivered by the Honorable Louis A. Johnson, past commander of the American Legion, as a part of the Memorial Day services.

Mr. COFFEE asked and was given permission to extend his remarks in the RECORD in three instances and include excerpts from newspapers and magazine articles.

Mr. LEMKE asked and was given permission to extend his remarks in the RECORD and include a few excerpts from letters.

Mr. WOODRUFF asked and was given permission to extend his remarks in the RECORD and include three articles by Mark Foote, and further to extend his remarks and include an article by John O'Donnell.

PERMISSION TO ADDRESS THE HOUSE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

[Mr. PATMAN addressed the House. His remarks appear in the Appendix.]

Mr. WOODRUFF. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include an editorial from the Washington Daily News.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

[Mr. WOODRUFF addressed the House. His remarks appear in the Appendix.]

RIVER AND HARBOR BILL

Mr. SABATH, from the Committee on Rules, reported the following privileged resolution (H. Res. 646, Rept. No. 2201) which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 6407) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed 4 hours to be equally divided and controled by the chairman and the ranking minority member of the Committee on Rivers and Harbors, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same back to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

MARITIME STRIKE AND TREASON

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Speaker, by all means the naturalization papers of Harry Bridges, the west coast Communist, ought to be repealed, and he should be deported at once; and he and Joe Curran, the east coast Communist, should both be arrested and sent to jail.

If I am any judge, they are perpetrating treason against the United States of America. In this morning's paper they are calling upon unions throughout the world to join in a world-wide movement against the United States Government, if it attempts to operate the ships to carry on the maritime service of this Nation.

I am tired of these Pravda attacks on President Truman for his attempts to carry on as President of the United States, in the American way.

It is about time we cleaned house and fumigated and shipped a boatload of Communists back to Europe every week.

The SPEAKER. The time of the gentleman from Mississippi has expired.

EXTENSION OF REMARKS

Mr. REED of New York asked and was given permission to extend his remarks in the RECORD in three instances and to include an article in each instance.

WHERE ARE YOU GOING TO GET THE MONEY?

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, with the $275,000,000,000 debt and going in the red at the rate of a billion dollars a month this year; with a loan granted to France, as I understand, by the Export-Import Bank of $1,300,000,000; and next week they are talking about bringing in a bill to give Great Britain $4,400,000,000; and with conditions in this country as they are today, I am going to ask you again Where are you going to get the money? There is one thing this Congress must do, and that is to look after America, or you are not going to have any America to look after. It is about time we woke up to that fact. If you have any regard for our own welfare and safety, it is important that you look after our own salvation and welfare before you get us so embroiled in debt and in commitments to other nations that we become so weak that we are unable to aid and assist our own country get on its feet. I am not an alarmist; I am only trying to be practical and sensible. I warn you Members of the House of Representatives to think of our own people. They need attention.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

EXTENSION OF REMARKS

Mrs. ROGERS of Massachusetts asked and was given permission to extend her remarks and include two speeches made at the three hundredth anniversary of the incorporation of the town of Andover, one a speech made by Secretary of the Navy Forrestal and the other a speech made by herself.

Mr. CLEVENGER asked and was given permission to extend his remarks in the RECORD and include four telegrams exchanged with the Secretary of Labor.

SHORTAGE OF FARM IMPLEMENTS AND MACHINERY

Mr. CLEVENGER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CLEVENGER. Mr. Speaker, for many, many months strikes and labor stoppages in the manufacture of farm implements have seriously handicapped America at a time when it is trying to feed itself and the world. At the present time, in my own State of Ohio, there is a great shortage of baling wire and the crop of hay threatens to spoil. This lack of farm implements and farm machinery to implement the shortage of manpower on our farms is something that should receive the earnest consideration of the Government at this time.

EXTENSION OF REMARKS

Mr. VURSELL asked and was given permission to extend his remarks in the RECORD and include an article.

Mr. WIGGLESWORTH asked and was given permission to extend his remarks in the RECORD and include an article.

WAR SHIPPING ADMINISTRATION AND MARITIME COMMISSION

Mr. WIGGLESWORTH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. WIGGLESWORTH. Mr. Speaker, I take this time merely to state that I am today introducing a resolution calling for an investigation by a select committee of the financial operations of the War Shipping Administration and the United States Maritime Commission.

I have pointed out time after time on the floor of this House the apparent shortcomings of the two agencies in this connection.

On January 23, 1946, I inserted in the CONGRESSIONAL RECORD two audits prepared by the Comptroller General of the United States, one referring to the War Shipping Administration and the other referring to the Maritime Commission, both covering the period up to and including June 30, 1943.

These audits show among other things for the War Shipping Administration 28 classes of major errors of omission and commission and 3 classes of objectionable operational practices. They show among other things for the Maritime Commission 19 classes of major errors of omission and commission and 14 classes of objectionable operational practices.

They include 33 specific recommendations with a view to putting the financial houses of the two agencies in order.

They indicate that over $8,000,000,000 of the people's money have been spent and not properly accounted for.

No action having been taken by the President, the Attorney General, or the appropriate legislative committee of the Congress, in the face of the most damning indictment of any Federal department or agency in my entire experience of 18 years as a Member of this House, the obligation to appoint a select committee appears clear.

The appointment of this committee will permit a thoroughgoing investigation of the financial operations of both agencies.

It is the people's money. The people are entitled to the facts. Those charged with responsibility are entitled to a hearing.

GOLDEN JUBILEE—FIFTIETH ANNIVERSARY OF FOUNDING OF AUTOMOTIVE INDUSTRY

Mr. DONDERO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DONDERO. Mr. Speaker, last week in the city of Detroit, Mich., there occurred a very notable event—the celebration of the fiftieth anniversary of the founding of the automotive industry in this country. That is an industry which has revolutionized transportation, an industry that has contributed much to the progress and happiness of mankind, an industry that has provided employment for millions of our people and millions of people throughout the world. It was most fitting that this celebration should be held while some of the pioneers, the founders of that industry, are still living. Humanity owes much to those men who had the courage, vision, and determination to enter an unknown field, risking all they had and bringing forth a safe, convenient, and comfortable mode of transportation. It was indeed a rare privilege and a distinct honor to be present with some of those renowned and famous men last Friday in Detroit, among whom were Henry Ford, R. E. Olds, Mr. Nash, Frank Duryea, Mr. Holly, Mr. King, General Knudsen, and others.

LEAVE OF ABSENCE

Mr. KEEFE. Mr. Speaker, I ask unanimous consent that leave of absence be granted my colleague from Minnesota, Mr. H. CARL ANDERSEN, for 10 days, on account of official business.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

EXTENSION OF REMARKS

Mr. MURRAY of Wisconsin asked and was given permission to revise and extend his remarks in the RECORD in two instances and to include an editorial and a newspaper article.

Mr. D'EWART asked and was given permission to extend his remarks in the Appendix of the RECORD and include a letter from the Livestock Sanitary Board of Montana.

Mrs. LUCE (at the request of Mr. MARTIN of Massachusetts) was granted permission to extend her remarks in the RECORD and include four editorials.

Mr. TRAYNOR asked and was given permission to extend his remarks in the Appendix of the RECORD and include a newspaper article.

Mrs. BOLTON. Mr. Speaker, in view of the overwhelming comment and opinion reflected in my mail upon further necessity for the restudy of existing and pending legislation, I ask unanimous consent to extend my remarks and include one of those letters in the Appendix of the RECORD.

The SPEAKER. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mr. RANKIN. Mr. Speaker, today is Confederate Memorial Day, the anniversary of the birth of Jefferson Davis. I ask unanimous consent to extend my remarks in the RECORD and include an address which I made at Arlington a few years ago on that subject.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and include three speeches, one by General Bradley. I asked this permission last week and I have been informed that the cost is $150. I ask unanimous consent that the extension may be granted, notwithstanding the additional cost, to include these speeches.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

LEAVE OF ABSENCE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent that between now and the 18th of this month I may be permitted to be absent if I deem it necessary in order to advise my people as to the selection of a Representative for the next 2 years.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

THEODORE ROOSEVELT NATIONAL PARK

The Clerk called the bill (H. R. 4435) to establish the Theodore Roosevelt National Park; to erect a monument in memory of Theodore Roosevelt in the village of Medora, N. Dak., and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PETERSON of Georgia. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. LEMKE. Mr. Speaker, will the gentleman reserve that for a moment?

Mr. PETERSON of Georgia. Yes; I will.

Mr. LEMKE. This bill has been on the calendar a number of times, and I see no reason why people outside of my State should object to this simple little bill. It has the unanimous approval of the committee, after full hearings.

Mr. PETERSON of Georgia. I would like to state that several have indicated a desire to make further study of the bill.

Mr. LEMKE. It has been considered four or five times, and both of the committees have not objected. I am sure the gentleman does not want to stop the people of North Dakota having their way if they want this little monument. Will the gentleman withdraw his request?

Mr. PETERSON of Georgia. I would like to very much but under the circumstances I must insist, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

RAILROAD ORGANIZATIONS

The Clerk called the bill (H. R. 5924) to enable debtor railroad corporations, whose properties during a period of 7 years have provided sufficient earnings to pay fixed charges, to effect a readjustment of their financial structure without further proceedings under section 77 of the Bankruptcy Act, as amended.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CASE of South Dakota. Mr. Speaker, reserving the right to object, I understand that the purpose of this bill is to preserve the rights of the stockholders and with that purpose I am in full sympathy. Within the past week, however, it has been brought to my attention that some of the language in the bill might have an undesirable effect in the transcontinental service offered through operation of the Denver & Rio Grande Western and the Burlington Railroads. I have not had an opportunity to look into this matter and would like to do so. In view of the question that has been raised I ask unanimous consent that the bill be passed over today without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

RELIEVING LIABILITY FOR ACTS DONE OR OMITTED UNDER SELECTIVE-SERVICE REGULATIONS

The Clerk called the bill (H. R. 6035) to provide that there shall be no liability for acts done or omitted in accordance with regulations of the Director of Selective Service and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That no liability to any person under the Selective Training and Service Act of 1940, as amended, or under any contract heretofore or hereafter made, or otherwise, shall be predicated in any case on any act heretofore or hereafter done or omitted in good faith in accord with any regulation, order, ruling, or administrative interpretation issued by the Director of Selective Service or by any other authorized person within the Selective Service System, or in

accord with the decision of any duly constituted judicial authority, or the decision of any arbitrator or board of arbitration insofar as it binds a particular employer, notwithstanding that such regulation, order, ruling, interpretation, or decision may, after such act or omission, be amended, rescinded, or reversed, or otherwise nullified.

SEC. 2. Any existing law in conflict herewith is hereby modified to the extent of such conflict.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

By unanimous consent House Resolution 627 was laid on the table.

EXTENDING BENEFITS OF ACT OF MAY 24, 1928, TO OFFICERS DISCHARGED FROM THE ARMY UNDER THE PROVISIONS OF THE ACT OF JUNE 30, 1922

The Clerk called the bill (H. R. 2325) to extend the benefits of the Emergency Officers' Retirement Act of May 24, 1928, to officers honorably discharged from the Army under Public, No. 259, Sixty-seventh Congress, June 30, 1922.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the benefits of the act of May 24, 1928 (Public, No. 506, 70th Cong.), subject to the limitations contained in section 10 of the act of March 20, 1933 (Public, No. 2, 73d Cong.), as now or may hereafter be amended, are hereby extended to officers honorably separated from the service under Public, No. 259, Sixty-seventh Congress, if application for such benefits is filed with the Administrator of Veterans' Affairs within 12 months after the passage of this act: *Provided*, That the benefits under this act shall take effect from the date of application, if approved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GRANTING ENLISTED PERSONNEL TERMINAL-LEAVE PAY

The Clerk called the bill (H. R. 4051) to grant to enlisted personnel of the armed forces certain benefits in lieu of accumulated leave.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

ENLISTMENT IN COAST GUARD FOR DUTY AT LIFEBOAT STATIONS

The Clerk called the bill (H. R. 6219) to authorize the Commandant of the United States Coast Guard to accept enlistments of certain individuals for duty at lifeboat stations during the year 1946.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDING THE NATIONAL SERVICE LIFE INSURANCE ACT OF 1940, AS AMENDED

The Clerk called the bill (H. R. 6371) to amend certain provisions of the National Service Life Insurance Act of 1940, as amended, and for other purposes.

Mr. RANKIN. Mr. Speaker, this bill is coming up under a suspension of the rules in a few minutes. I ask unanimous consent that the bill may go over until it is called up under suspension.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

BEAR RIVER WATER COMPACT

The Clerk called the bill (H. R. 4701) granting the consent of Congress to the States of Utah, Idaho, and Wyoming to negotiate and enter into a compact for the division of the waters of the Bear River and its tributaries.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Mr. Speaker, reserving the right to object, this bill grants the consent of Congress to certain States to negotiate and enter into a compact for the division of certain waters and contemplates the creation of a commission of a committee of which at least one person shall be appointed by the President of the United States.

The committee has adopted an amendment requiring that the particular individual be a representative of the Interior Department. I raise the question, therefore, as to the necessity of section 2, which authorizes the expenses and salary of the individual who is to be appointed by the President.

Mr. BARRETT of Wyoming. Mr. Speaker, will the gentleman yield?

Mr. COLE of New York. I yield.

Mr. BARRETT of Wyoming. The point raised by the gentleman is the matter of the expense of the commissioner appointed by the President.

Mr. COLE of New York. That is correct.

Mr. BARRETT of Wyoming. The gentleman knows, of course, that the commissioner appointed by the President will be in the employ of the Department of the Interior, but he will have some expenses in connection with the matter as a representative of the United States. I assume that is the only item involved. That is the usual provision in all these bills, I understand.

Mr. COLE of New York. At the time the bill was introduced section 2 was necessary, but as amended by the committee, which requires that he be appointed from the Interior Department, I wonder if section 2 is still necessary. If it is the gentleman's opinion it is essential in order to pay the expenses of this individual, I will raise no further objection. I simply wanted to call it to his attention and to the attention of the committee.

Mr. BARRETT of Wyoming. I doubt if it actually makes much difference whether section 2 is in the bill or not. The only item involved is the matter of the expenses of the commissioner and in either event it will be paid out of the Treasury.

Mr. COLE of New York. Any one who is an employe of a Federal department and who is assigned to any particular work certainly will be covered for any expenses which he incurs in performing that work. It seems unnecessary to have special authority to pay the expenses of this one individual.

Mr. ROBERTSON of Utah. Mr. Speaker, I believe this matter is of sufficient importance to ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT

The Clerk called the bill (H. R. 6459) to extend the period within which the Secretary of Agriculture may carry out the purposes of the Soil Conservation and Domestic Allotment Act by making payments to agricultural producers.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. KEAN. Mr. Speaker, reserving the right to object, I notice this bill was originally passed in 1936 to give opportunity for legislative bodies to take action. "A reasonable opportunity for legislative action" is the language stated in the bill. That was passed first in 1936 and it has been extended four or five times. I would like to ask how long "a reasonable opportunity" is? Ten years have gone by now.

Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

EASEMENT FOR HIGHWAY PURPOSES TO COMMONWEALTH OF PENNSYLVANIA

The Clerk called the bill (H. R. 5907) authorizing the Administrator of Veterans' Affairs to grant an easement for highway purposes to the Commonwealth of Pennsylvania, in certain lands in the reservation of the Veterans' Administration hospital, Lebanon County, Pa.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That for the purpose of relocating a part of the Lebanon-Buffalo Springs Road, Route No. 38016, the Administrator of Veterans' Affairs is authorized and directed to grant an easement to the Commonwealth of Pennsylvania for highway purposes in certain lands in the reservation of the Veterans' Administration hospital in Lebanon County, Pa., described as follows:

All that part of a strip of land 60 feet wide extending 30 feet either way from the following-described centerline and lying within the boundaries of the Veterans' Administration property: Beginning at a point in the center of existing road, Route No. 38016, at station one hundred and eight plus seventy-five; thence north seventeen degrees forty-two minutes west to station one hundred and eleven plus three and eighty-one one-hundredths; thence on a curve to the right, having a radius of nine hundred and fifty-five and thirty-seven one-hundredths feet to station one hundred and thirteen plus forty-

nine and ninety-two one-hundredths; thence north two degrees fifty-six minutes west to station one hundred and twenty-four plus forty-one and ninety-four one-hundredths; thence on a curve to the left, having a radius of seven hundred and sixteen and seventy-eight one-hundredths feet to station one hundred and thirty plus four and twenty-three one-hundredths; thence north forty-seven degrees fifty-five minutes west to station one hundred and thirty-four plus forty-six and forty-three one-hundredths; thence on a curve to the right, having a radius of two thousand eight hundred and sixty-four and ninety-three one-hundredths feet to station one hundred and thirty-six plus forty-two and twenty-six one-hundredths; thence north forty-four degrees west to a point in center of existing road, Route No. 38016, at station one hundred and thirty-seven plus fifty. The above-described right-of-way is in accordance with the road plan of the Commonwealth of Pennsylvania, Department of Highways, Route No. 38016, section numbered 1, dated September 11, 1945.

The grant of the foregoing easement shall be conditioned upon the vacation, abandonment, and extinguishment within a reasonable time of the presently existing easement in that strip of land described as follows:

All that part of the right-of-way of the existing Lebanon-Buffalo Springs Road lying within or bounded by the Veterans' Administration reservation, Lebanon County, Pa., and lying between the following-described points: Station one hundred eight plus seventy-five and station one hundred thirty-seven plus fifty, in accordance with the road plan of the Commonwealth of Pennsylvania, Department of Highways, Route No. 38016, section numbered 1, dated September 11, 1945, except that portion south of station one hundred thirteen plus twenty-five and that portion north of station one hundred thirty-five plus twenty-five which will be used for the new road as shown on the aforesaid road plan.

The easement herein authorized to be granted shall be limited to the period of time the aforesaid lands are required and actually used for highway purposes, and when no longer so required and used, all interests herein authorized to be conveyed in said lands shall cease and determine.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDMENT TO SECTION 100 OF THE SERVICEMEN'S READJUSTMENT ACT OF 1944

The Clerk called the bill (H. R. 6069) to amend section 100 of the Servicemen's Readjustment Act of 1944.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 100 of the Servicemen's Readjustment Act of 1944, as amended (38 U. S. C. 693), is amended by adding an additional paragraph thereto so that the section will read as follows:

"SEC. 100. The Veterans' Administration is hereby declared to be an essential war agency and entitled to priority equal to the highest granted any department or agency of the Government in personnel, service, space, equipment, supplies, and material under any laws, Executive orders, and regulations pertaining to priorities. The Administrator is authorized, for the purpose of extending benefits to veterans and dependents, and to the extent he deems necessary, to procure the necessary space for administrative, clinical, medical, and out-patient treatment purposes by lease, purchase, or construction of buildings, or by condemnation or declaration of taking, pursuant to existing statutes.

"Until June 30, 1947, the Administrator is authorized to enter into leases or renewals of leases of property for any of the purposes specified in this section for periods not exceeding 5 years. The provisions of the act of June 30, 1932 (47 Stat. 412), as amended by section 15 of the act of March 3, 1933 (47 Stat. 1517; 40 U. S. C. 278a), the provisions of section 3679 of the Revised Statutes, as amended by the act of March 3, 1905 (33 Stat. 1257), and the act of February 27, 1906 (34 Stat. 48; 31 U. S. C. 665); and the provisions of section 3732 of the Revised Statutes (41 U. S. C. 11) shall not apply to any lease entered into by the Administrator under the authority of this section. Nothing in this section shall be construed to diminish, or in any way limit any right, power, or authority granted to the Administrator under any other law."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ASSOCIATE MEMBERS OF THE BOARD OF VETERANS' APPEALS

The Clerk called the bill (H. R. 6153) to remove the existing limitation on the number of associate members of the Board of Veterans' Appeals in the Veterans' Administration.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That part of paragraph I preceding subparagraph (a) of part II of veterans' regulation No. 2 (a), as amended (38 U. S. C., ch. 12 note), is amended to read as follows:

"I. There is hereby created in the Veterans' Administration a Board of Veterans' Appeals under the administrative control and supervision of a chairman directly responsible to the administrator of veterans' affairs. The board shall be composed of a chairman, a vice chairman, such number of associate members as may be found necessary, and such other professional, administrative, clerical, and stenographic personnel as are necessary in conducting hearings and considering and disposing of appeals properly before such board in accordance with the instructions herein provided. Members of the board, including the chairman and the vice chairman, shall be appointed by the Administrator of Veterans' Affairs with the approval of the President."

With the following committee amendment:

Page 2, line 3, after the word "necessary" insert "not to exceed 50."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROTECTING SCENIC VALUES ALONG CATALINA HIGHWAY, ARIZONA

The Clerk called the bill (S. 913) to protect scenic values along and tributary to the Catalina Highway within the Coronado National Forest, Ariz.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That hereafter mining locations made under mining laws of the United States within the following-described lands within the Coronado National Forest, Pima County, Ariz.: Sections 25, 26, 35, and 36, and the east half of section 34, township 11 south, range 15 east; sections 30, 31, 32, and 33, and the west half of section 29, township 11 south, range 16 east; sections 1, 2, and 3, township 12 south, range 15 east; sections 3, 4, 5, 6, 7, 8, 9, 10, 15, and 16, the west half of section 11, the west half of section 14, and the northwest quarter of section 23, township 12 south, range 16 east, Gila and Salt River base and meridian, shall confer on the locator the right to occupy and use so much of the surface of the land covered by the location as may be reasonably necessary to carry on prospecting, mining, and beneficiation of ores including the taking of mineral deposits and timber required by or in the mining and ore-reducing operations, and no permit shall be required or charge made for such use or occupancy: *Provided, however*, That the cutting and removal of timber, except where clearing is necessary in connection with mining operations or to provide space for buildings or structures used in connection with mining operations, shall be conducted in accordance with the rules for timber cutting on adjoining national-forest land, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining and prospecting shall be allowed except under the national-forest rules and regulations, nor shall the locator prevent or obstruct other occupancy of the surface or use of surface resources under authority of national-forest regulations, or permits issued thereunder, if such occupancy or use is not in conflict with mineral development.

SEC. 2. That hereafter all patents issued under the United States mining laws affecting lands within the above-described area shall convey title to the mineral deposits within the claim, together with the right to cut and remove so much of the mature timber therefrom as may be needed in extracting and removing and beneficiation of the mineral deposits, if the timber is cut under sound principles of forest management as defined by the national-forest rules and regulations, but each patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed except under the rules and regulations of the Department of Agriculture.

SEC. 3. That valid mining claims within the said lands, existing on the date of the enactment of this act, and thereafter maintained in compliance with the law under which they were initiated and the laws of the State of Arizona, may be perfected under this act, or under the laws under which they were initiated, as the claimant may desire.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TRANSFER OF CERTAIN PROPERTY IN WARD COUNTY, N. DAK.

The Clerk called the bill (S. 1336) to transfer certain real and personal property in Ward County, N. Dak., to the State of North Dakota acting by and through the Industrial Commission of North Dakota.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. KEAN. Mr. Speaker, reserving the right to object, will someone inform me how much this project has cost the Federal Government so far?

Mr. Speaker, in the absence of an explanation at this time, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

NAVY AND MARINE CORPS PERSONNEL

The Clerk called the bill (S. 1605) to reimburse certain Navy and Marine Corps personnel and former Navy and Marine Corps personnel for personal property lost or damaged as the result of fires which occurred at various Navy and Marine Corps shore activities.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum or sums, amounting in the aggregate not to exceed $7,263.87, as may be required by the Secretary of the Navy to reimburse, under such regulations as he may prescribe, certain Navy and Marine Corps personnel and former Navy and Marine Corps personnel for the value of personal property lost or damaged as the result of fires occurring in a Quonset hut at naval operating base, Navy 151, on January 9, 1945; in barracks at United States naval air facility, Hitchcock, Tex., on May 22, 1945; in Quonset hut 38, Patsu four-one, on February 3, 1945; in building 215, Marine Corps air depot, Miramar, San Diego, Calif., on March 15, 1945; in Quonset hut at naval air station, Attu, Alaska, on January 29, 1945; in barracks at naval air station, Key West, Fla., on January 1, 1945; in barracks at Manna Group, American Samoa Islands, on July 19, 1944; in Quonset hut 5, Tolosa, Leyte, P. I., on March 19, 1945, at officers' quarters 4 at United States Naval Mobile Hospital 9, on January 2, 1944; at Harrowbeer Airport, Plymouth England, in January 1945; at officers' quarters OSS, Para-Military School, Chrea, Algiers, on June 2, 1944; at officer quarters I, naval air facility, Navy 129, on March 3, 1945; at Dewey unit ships-service building, naval training center, Sampson, N. Y., on January 15, 1945: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SANTA ROSA ISLAND NATIONAL MONUMENT

The Clerk called the bill (H. R. 4486) to abolish the Santa Rosa Island National Monument and to provide for the conveyance to Escambia County, State of Florida, of that portion of Santa Rosa Island which is under the jurisdiction of the Department of the Interior.

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That the Santa Rosa Island National Monument, Florida, is hereby abolished, and the Secretary of the Interior is authorized and directed to donate and convey Escambia County, State of Florida, all the right, title, and interest of the United States in and to that portion of Santa Rosa Island, Florida, which is under the jurisdiction of the Department of the Interior.

Mr. SIKES. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SIKES: On line 9, after the word "Interior," strike out the period, insert a comma, and add the following: "to be retained by the said Escambia County and to be used by it for such purposes as it shall deem to be in the public interest or to be leased by it from time to time in whole or in part or parts to such persons and for such purposes as it shall deem to be in the public interest and upon such terms and conditions as it shall fix and always to be subject to regulation by said county whether leased or not leased, but never to be otherwise disposed of or conveyed by it, provided nothing herein shall prevent the said county from conveying said property back to the Federal Government or to the State of Florida or any agency thereof."

Mr. COLE of New York. Mr. Speaker, unless the gentleman will explain his amendment I shall rise in opposition to the amendment for the purpose of inquiring why such a provision is necessary.

Mr. SIKES. I shall be glad to explain the amendment. The reasons for it are twofold: Since the bill was written and unanimously approved by the committee, we found on record an old lease which contains the proviso that if at any time Escambia County would have the right to sell that property, that an option is granted to certain persons to purchase part of the island for a sum far below the value of the island, and this amendment is intended, first, to make it impossible for the property to be sold under that old option which may still be binding, and next, the amendment is offered to assure that the property will be kept for public purposes only, and the control of the island at all times will either be under Escambia County or the Federal Government or the State of Florida.

Mr. COLE of New York. What steps will be necessary for the control of this land to be returned to the jurisdiction of the Federal Government?

Mr. SIKES. It would be necessary for the county to convey it back to the Federal Government.

Mr. COLE of New York. Does the gentleman's amendment operate as an acceptance in advance on the part of the Federal Government of the return of this land at any future time when Escambia County may determine that it no longer wants it?

Mr. SIKES. I am not sure I understand the gentleman's question.

Mr. COLE of New York. I am not certain that I can ask the question intelligently because I only heard the gentleman's amendment read by the Clerk. But I am curious to know what effect the gentleman's amendment will have upon the possible return of this land to the Federal Government. Under what conditions, and what obligations might the Federal Government incur in case of the return of the land?

Mr. SIKES. As I understand the amendment, it places no obligations on the Federal Government in the event the county were to return the land to the Federal Government. I do not anticipate any such possibility, because Escambia County gave this land to the Federal Government in 1938 without cost to the Federal Government on the promise that the land would be developed as a recreational area by the Department of the Interior. That has not been done, and that is the reason that the land is now being given back to Escambia County. I do not anticipate that it will be returned to the Federal Government, but there is that possibility. It carries no obligation to the Federal Government.

Mr. COLE of New York. That is the heart of the question. Does the gentleman's amendment carry with it any obligation on the part of the Federal Government to accept this land in case the county desires to return it?

Mr. SIKES. It does not.

Mr. LECOMPTE. Mr. Speaker, will the gentleman yield?

Mr. COLE of New York. I yield to the gentleman from Iowa.

Mr. LECOMPTE. This is the bill that was before the Committee on Public Lands sometime ago, when we discussed the necessity for an amendment. At that time it did not appear that an amendment of this character was needed. Is that correct?

Mr. SIKES. That is correct.

Mr. LECOMPTE. The purpose of the gentleman's amendment is to protect the rights of the individuals so that this land will not be exploited and placed in the hands of private individuals for real-estate development.

Mr. SIKES. That is correct.

Mr. LECOMPTE. It will be preserved for the good of the public.

Mr. SIKES. That is correct.

Mr. LECOMPTE. The Federal Government is not using this land now on this island?

Mr. SIKES. Nor does it have any plans to develop it or use it.

Mr. LECOMPTE. This bill simply vests title to the land in the county which formerly had deeded it to the Federal Government?

Mr. SIKES. That is correct.

Mr. LECOMPTE. I thank the gentleman.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Florida.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SALE OF SURPLUS VESSELS SUITABLE FOR FISHING

The Clerk called the bill (H. R. 5552) relating to the sale by the United States of surplus vessels suitable for tuna fishing.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That vessels which are determined to be surplus property under the Surplus Property Act of 1944, as amended, and which are suitable for use as tuna-fishing vessels shall not be disposed of until offered for sale by the United States Maritime Commission (hereinafter referred to as the "Commission") in accordance with the provisions of this act.

SEC. 2. (a) As used in this act the term "former owners" means former owners of tuna-fishing vessels purchased or requisitioned by the United States who on or before the date of the enactment of this act have not been notified that their vessels may be returned to them under the provisions of the act entitled "An act to authorize the return to private ownership of certain vessels formerly used or suitable for use in the fisheries or industries related thereto," approved

April 29, 1943, as amended (U. S. C., 1940 ed., Supp. IV, title 50, App., sec. 1301).

(b) Former owners shall be given notice by the Commission, in such manner (which may include publication) as it may prescribe, that vessels suitable for use as tuna-fishing vessels are to be disposed of by the United States and shall be entitled to purchase such vessels at private sale within a reasonable time after such notice. Such reasonable time shall be specified in the notice but may be extended by the Commission when it appears to it that an extension is necessary or appropriate to facilitate the sale of any vessel or vessels under this act.

SEC. 3. (a) Sales of vessels to former owners under this act shall be upon such terms and conditions as the Commission deems proper.

(b) Any vessels suitable for use as tuna-fishing vessels not disposed of by the Commission as provided in this act shall be disposed of as otherwise provided by law.

With the following committee amendments:

Page 1, line 5, strike out "tuna-fishing" and insert "fishing."

Page 2, line 1, strike out "tuna-fishing" and insert "fishing."

Page 2, line 12, strike out "tuna-fishing" and insert "fishing."

Page 2, line 23, strike out "tuna-fishing" and insert "fishing."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill relating to the sale by the United States of surplus vessels suitable for fishing."

A motion to reconsider was laid on the table.

UNIVERSITY OF ALASKA

The Clerk called the bill (H. R. 6486) to authorize an appropriation for the establishment of a geophysical institute as the University of Alaska.

There being no objection, the Clerk read the bill, as follows:

Whereas the need for a geophysical station in this country, dedicated to the maintenance of geophysical research concerning the Arctic regions, is recognized; and

Whereas the University of Alaska has been performing geophysical research in cooperation with the Department of War, the Department of the Navy, the Federal Communications Commission, the United States Coast and Geodetic Survey, the United States Weather Bureau, and other agencies since 1941; and

Whereas said research has produced results not only of direct military application in the war emergency but also of value as a contribution to scientific knowledge; and

Whereas there is a necessity for indefinite continuation of geophysical research in the Arctic in the postwar period; and

Whereas geophysical exploration can lead to increases in supplies and reserves of important minerals and can furnish information of direct value both for military and nonmilitary projects; and

Whereas the University of Alaska, because of its unique location and the work it has accomplished in the past, is a logical site for a permanent geophysical research station: Now, therefore,

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, not to exceed the sum of $975,000 for the construction and establishment of a geophysical institute at the University of Alaska, College, Alaska: *Provided*, That not to exceed 20 percent of the funds herein authorized shall be expended for construction of housing accommodations to be used by the personnel carrying out the program: *Provided further*, That, subject to the then existing security regulations, the facilities of the institute shall be extended, without charge, to the duly qualified and authorized representatives of the Federal departments engaged in geophysical research who shall have priority in the use of the housing accommodations constructed as a part of said geophysical institute: *Provided further*, That in the discretion of the director the facilities of the institute may be extended, without charge, to the duly qualified and authorized representatives of nonprofit scientific societies engaged in geophysical research: *Provided further*, That in the discretion of the director said facilities may be used by others engaged in geophysical research, under such terms and conditions as said director may specify: *Provided further*, That all funds derived from the operation of said geophysical institute shall be used in geophysical research: *And provided further*, That no portion of the funds herein authorized shall be expended for maintenance of the buildings constructed, it being an express condition of this grant that the University of Alaska undertake to furnish heat, light, water, electric power, and custodial service, and to staff the institute with (1) a director, whose appointment by the regents of the university upon the recommendation of the president of the university shall be with the approval of the president of the National Academy of Sciences; (2) a librarian; and (3) a secretary.

SEC. 2. All buildings and equipment constructed or acquired with funds herein authorized shall, upon the establishment of the institute, become the property of the University of Alaska.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

U. S. S. *NEVADA* AND U. S. S. *WYOMING*

The Clerk called the bill (S. 1802) to provide for the delivery of custody of certain articles of historic interest from the U. S. S. *Nevada* and the U. S. S. *Wyoming* to the State of Nevada and the State of Wyoming, respectively.

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized and directed to deliver to the custody of the Governor of Nevada for use as a display in the Nevada State Museum the name plate, the ship's bell, the silver service, and the magnesium chest of the U. S. S. *Nevada*.

SEC. 2. The Secretary of the Navy is hereby authorized and directed to deliver to the custody of the Governor of Wyoming for exhibition, educational purposes, and use by the University of Wyoming the name plate, the ship's bell, and the silver service of the U. S. S. *Wyoming*.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROMOTION OF PERSONNEL OF NAVY, MARINE CORPS, AND COAST GUARD WHO WERE PRISONERS OF WAR

The Clerk called the bill (S. 1805) to authorize the promotion of personnel of the Navy, Marine Corps, and Coast Guard who were prisoners of war.

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That for all purposes of this act the term "prisoner of war" shall include each officer and nurse and enlisted person of the Navy, Marine Corps, and Coast Guard, and of the Reserve components thereof, whether living or deceased, who, by reason of his or her capture by an enemy, escape or evasion from an enemy, or, because of his or her being in an internee status, is, was, or may be separated from the jurisdiction of the United States at any time after December 7, 1941, and prior to August 16, 1945.

SEC. 2. Prisoners of war shall be promoted in accordance with regulations prescribed by the President. Promotions of prisoners of war may be made without regard for the needs of the service.

SEC. 3. Any increases of pay and allowances to which prisoners of war may become or have become entitled by reason of promotion pursuant to section 2 of this act or otherwise shall be held and considered to have accrued retroactively to the credit of and to be payable to the prisoners of war beginning on the date prescribed by the President in each case. Each appointment or entry in service records issued or made under this act shall indicate the effective date thereof for purposes of pay and allowances.

SEC. 4. Nothing within this act shall be construed as preventing the promotion of any person pursuant to other provisions of law, as reducing the pay or allowances to which any person may be entitled under other provisions of law, or as authorizing the promotion of officers to ranks above those of captain in the Navy or Coast Guard or colonel in the Marine Corps.

SEC. 5. Each enlisted person and nurse not entitled to a subsistence allowance at the time he or she became a prisoner of war shall be credited with a subsistence allowance at the rate of 70 cents per day during such period as he or she was a prisoner of war and not otherwise entitled to be credited with a subsistence allowance.

SEC. 6. Within the scope of the authority granted by this act, the determination by the President, or by such person as he may designate, of the date of termination of a prisoner of war status in any case shall be final and conclusive.

SEC. 7. All prisoners of war who subsequent to their return to the jurisdiction of the United States shall have been discharged, released to inactive duty, or retired shall be entitled to receive the benefits of this act, and the accounts of all deceased prisoners of war shall be credited with such increases in pay and allowances to which entitled by virtue of retroactive promotions, advancements, or appointments herein authorized.

SEC. 8. The appropriations for pay and allowances of personnel of the services concerned currently available at the time payment is made shall be available for the payment of all sums which accrue by reason of the retroactive provisions of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NAVAL ACADEMY

The Clerk called the bill (S. 1854) to establish the civilian position of Academic Dean of the Postgraduate School of the Naval Academy and compensation therefor.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the civilian position of Academic Dean of the Postgraduate School

of the Naval Academy is hereby established. The Secretary of the Navy, upon the recommendation of the Postgraduate School Council, which shall consist of the Superintendent, Deputy Superintendent, and the Directors of the Technical, Administrative and Professional Divisions of the Postgraduate School, shall appoint an academic dean to serve for periods of not in excess of 5 years. The Secretary of the Navy is hereby authorized to pay as compensation to such dean not more than $12,000 annually from appropriations made for operation of the Naval Academy and postgraduate school, and said dean shall be considered as a member of the civilian teaching staff of the postgraduate school of the Naval Academy insofar as provisions of law regarding retirement are concerned.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REPEAL OF SECTION 1548, REVISED STATUTES (34 U. S. C. 592)

The Clerk called the bill (S. 1862) to repeal section 1548, Revised Statutes (34 U. S. C. 592).

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 1548, Revised Statutes (34 U. S. C. 592), which provides "The Secretary of the Navy shall cause each commissioned or warrant officer of the Navy, on his entry into the service, be furnished with a copy of the regulations and general orders of the Navy Department then in force, and thereafter with a copy of all such as may be issued," is hereby repealed.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CORPS OF CIVIL ENGINEERS OF THE UNITED STATES NAVY

The Clerk called the bill (S. 1872) to provide for the rank of original appointments in the Corps of Civil Engineers of the United States Navy, and for other purposes.

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That hereafter, original appointments as officers in the Corps of Civil Engineers of the United States Navy shall be in the grade of assistant civil engineer with rank of ensign or of lieutenant (junior grade) in accordance with such regulations as the Secretary of the Navy may prescribe.

SEC. 2. The second paragraph under the heading "Fuel and transportation" in chapter 180, Thirty-ninth Statutes at Large, 1168, which is the first paragraph on page 1184, is hereby repealed.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PAYMENT OF ADDITIONAL UNIFORM GRATUITY

The Clerk called the bill (S. 1959) to authorize additional uniform gratuity to reserve officers commission from the status of aviation cadets.

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That section 11 of the Naval Aviation Cadet Act of 1942, as amended (57 Stat. 573; 34 U. S. C. 850j), is hereby amended by striking out the period at the end of said section and adding the following: ": *Provided further*, That officers commissioned pursuant to this act or to the Naval Aviation Reserve Act of 1939 (53 Stat. 819) shall be entitled to the additional uniform gratuity in the amount of $50 in like manner and under the same circumstances as is provided in section 302 of the Naval Reserve Act of 1938 (52 Stat. 1180; 34 U. S. C. 855a)."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FORT MORGAN, ALA.

The Clerk called the bill (H. R. 4433) to provide for the conveyance to the State of Alabama for use as a public park of the military reservation known as Fort Morgan.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, subject to condition hereinafter specified, the Secretary of the Navy is authorized and directed to donate and convey to the State of Alabama all the right, title, and interest of the United States in and to the military reservation known as Fort Morgan, situated in Baldwin County, Ala., containing 408$^{93}/_{100}$ acres, more or less, and shown on map No. 6559–110, entitled "Fort Morgan, Alt., Reservation Map," dated June 1914, revised to February 7, 1936, on file in the office of the Quartermaster General, Washington, D. C. (A. G. 600.93 (2–18–36)). The conveyance executed by the Secretary of the Navy shall contain the express condition that if the State of Alabama shall at any time cease to use such property as a public park for public recreation, or shall alienate or attempt to alienate such property, title thereto shall revert to the United States.

With the following committee amendment:

Page 2, line 10, insert "The said conveyance shall also contain the further express condition that at any time during any future national emergency the Navy or War Department may reoccupy the property, such occupancy to be without cost to the United States."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

UNITED STATES NAVAL ACADEMY

The Clerk called the bill (H. R. 5640) to reestablish the status of funds of the midshipmen's store, barber shop, cobbler shop, and tailor shop at the United States Naval Academy, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 1 of Public Law 238, Seventy-ninth Congress, approved December 3, 1945; section 1 of Public Law 273, Seventy-ninth Congress, approved December 28, 1945; and section 1 of Public Law 274, Seventy-ninth Congress, approved December 28, 1945, are hereby repealed.

SEC. 2. All funds collected from the operations of the midshipmen's store, including the Naval Academy dairy, barber shop, cobbler shop, and tailor shop at the United States Naval Academy, shall continue to be deposited in the Treasury of the United States as heretofore, and shall be available for such expenditures as the superintendent of the United States Naval Academy shall deem necessary in the interest, health, comfort, and education of midshipmen and for all expenses of the operations of the midshipmen's store, including the Naval Academy dairy, barber shop, cobbler shop, and tailor ship: *Provided*, That the superintendent of the United States Naval Academy shall make an accounting to the Bureau of Supplies and Accounts quarterly for all receipts and expenditures of moneys collected and expended in accordance with this authority: *And provided further*, That nothing contained in the act approved December 3, 1945 (Public Law 238, 79th Cong.) shall apply to employees of the Naval Academy dairy.

SEC. 3. This act shall be effective from December 3, 1945.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PUBLIC LAW 347, SEVENTY-NINTH CONGRESS

The Clerk called the joint resolution (H. J. Res. 347) to correct a technical error in the act approved April 18, 1946 (Public Law 347, 79th Cong., 2d sess.).

There being no objection, the Clerk read the joint resolution, as follows:

Resolved, etc., That subsection (c) of section 6 of the act approved April 18, 1946 (Public Law 347, 79th Cong., 2d sess.), is hereby amended by striking out the figure "2" wherever it occurs therein after the word "section" and substituting in lieu thereof the figure "5", so that as thus amended the said subsection will read as follows:

"(c) Each officer above the grade of commissioned warrant officer whose commission is so revoked and who (1) at the time of his appointment under subsection (a) of section 5 held permanent status as a commissioned warrant officer may be reappointed by the President to such permanent status without examination, with the lineal position and other rights and benefits to which he would have been entitled had his service subsequent to reappointment under such subsection (a) been rendered in such permanent status, or (2) at the time of his appointment under subsection (a) of section 5 held permanent status as a warrant or petty officer, may be appointed by the President without examination to permanent commissioned warrant or warrant grade with the same lineal position and other rights and benefits which he would have had or normally would have attained in due course had he not been appointed pursuant to subsection (a) of section 5, or (3) at the time of his appointment under subsection (a) of section 5 held permanent status as a petty officer may be reenlisted as a chief petty officer (permanent appointment) and shall be entitled to the same rights and benefits to which he would have been entitled or normally would have attained in due course had he not been appointed pursuant to subsection (a) or section 5."

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. MADDEN. Mr. Speaker, that concludes the call of the bills eligible for consideration today on the Consent Calendar.

VETERANS OF FOREIGN WARS CONVENTION AT BOSTON, MASS.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6463) to provide for making certain War Department articles and equipment available for use at the convention of Veterans of

Foreign Wars to be held at Boston, Mass., in September 1946.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object is this resolution similar to the one passed last week with refernce to the American Legion?

Mr. McCORMACK. It is an identical resolution.

Mr. KEAN. Mr. Speaker, reserving the right to object, I have no objection to the bill, but I understand from the statement by the Speaker a considerable while ago that legislation which was on the Consent Calendar and not eligible for consideration would not be brought up.

The SPEAKER. The Chair made the statement that unless Members cleared with the committee of objectors, he would recognize Members to call up bills. The Chair assumes that the gentleman from Massachusetts has done that.

Mr. KEAN. No one has cleared with me.

Mr. McCORMACK. Mr. Speaker, I withdraw the request momentarily.

ADMINISTRATIVE EXPENSES IN GOVERNMENT DEPARTMENTS

Mr. MANASCO. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 6533) to authorize certain administrative expenses in the Government service and for other purposes. I might say that I have spoken to the gentleman from New York [Mr. COLE] about this, but I did not speak to the other gentlemen as I did not know of the announcement made by the Speaker until a moment ago.

Mr. KEAN. Mr. Speaker, reserving the right to object, this is a long complicated bill and I have not been able to read it. If the gentleman could defer this for a little while, I would like to have a chance to look over the bill.

Mr. MANASCO. Mr. Speaker, I withdraw the request.

BEAR RIVER

Mr. BARRETT of Wyoming. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 4701) granting the consent of Congress to the States of Utah, Idaho, and Wyoming to negotiate and enter into a compact for the division of the waters of the Bear River and its tributaries.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby given to the States of Utah, Idaho, and Wyoming to negotiate and enter into a compact providing for an equitable division and apportionment among the said States of the waters of the Bear River upon condition that one suitable person who shall be appointed by the President of the United States, shall participate in said negotiations as the representative of the United States and shall make report to Congress of the proceedings and of any compact entered into: *Provided*, That any such compact shall not be binding or obligatory upon any of the parties thereto unless and until the same shall have been ratified by the legislature of each of said States and approved by the Congress of the United States.

SEC. 2. There is hereby authorized to be appropriated a sufficient sum to pay the salary and expenses of the representative of the United States appointed hereunder: *Provided further*, That such representative, if otherwise employed by the United States, while so employed shall not receive additional salary in the appointment hereunder.

With the following committee amendment:

Page 1, line 8, after the word "person", insert "from the Department of the Interior."

The committee amendment was agreed to.

Mr. COLE of New York. Mr. Speaker, this is the bill about which I raised a question when it was called on the Consent Calendar. After consultation with and approval of the Members interested, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLE of New York: On page 2, line 9, strike out section 2.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONVENTION OF VETERANS OF FOREIGN WARS

Mr. McCORMACK. Mr. Speaker, having conferred with the objectors on both sides and being very pleasantly received, I renew my unanimous-consent request in relation to H. R. 6463, to provide for making certain War Department articles and equipment available for use at the convention of the Veterans of Foreign Wars to be held in Boston, Mass., in September 1946.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. BROOKS. Mr. Speaker, reserving the right to object, this is a very good bill.

Mr. Speaker, this bill is in line with other bills passed before the last war permitting the use of Army tents and other equipment for national Veterans of Foreign Wars encampments. The equipment is returned to the Government after the encampment is held. It is badly needed equipment and serves a real purpose in providing for these great national conventions to which come hundreds of thousands of veterans of all of our foreign wars. The holding of such encampments helps to organize veteran thought and certainly helps to mold veteran opinion. They serve a most laudable patriotic purpose, and, of course, we should extend this small courtesy to a great organization which has existed over the years, serving America and the things for which she stands.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to lend to the Veterans of Foreign Wars, for use at the convention of that organization which is to be held at Boston, Mass., in September 1946, such cots, blankets, pillowcases, sheets, vehicles, and other available articles and equipment, under the jurisdiction of the Department of War, as may be needed for the comfort and convenience of the members of such organization attending such convention: *Provided*, That no expense shall be caused the United States Government by the delivery and return of said property, the same to be delivered at such time prior to the holding of the said convention as may be agreed upon by the Secretary of War and the Veterans of Foreign Wars through its national convention committee: *Provided further*, That the Secretary of War before delivering said property shall take from the Veterans of Foreign Wars a good and sufficient bond for the safe return of said property in good order and condition, and the whole without expense to the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INTER-AMERICAN TRADE EXPOSITION

Mr. LANHAM. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Joint Resolution 327, to permit articles imported from foreign countries for the purpose of exhibition at the Inter-American Trade Exposition, Fort Worth, Tex., to be admitted without payment of tariff, and for other purposes.

The Clerk read the resolution, as follows:

Be it enacted, etc., That all articles which shall be imported from foreign countries for the purpose of exhibition at the Inter-American Trade Exposition, an international exposition, to be held at Fort Worth, Tex., from October 6, to 12, 1946, inclusive, by the Texas Pan-American Association, a corporation, or for use in constructing, installing, or maintaining foreign buildings or exhibits at the said exhibition, upon which articles there shall be a tariff or customs duty, shall be admitted without payment of such tariff, customs duty, fees, or charges under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during or within 3 months after the close of the said exposition to sell within the area of the exposition any articles provided for herein, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles, when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry hereunder for consumption or entry under the general tariff law: *Provided further*, That imported articles provided for herein shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but no additional duty shall be assessed because such articles were not sufficiently marked when imported into the United States: *Provided further*, That at any time during or within 3 months after the close of the exposition, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, whereupon any duties on such article shall be remitted: *Provided further*, That articles which

have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at the said exposition under such regulations as the Secretary of the Treasury shall prescribe: *And provided further,* That the Texas Pan-American Association, a corporation, shall be deemed, for customs purposes only to be the sole consignee of all merchandise imported under the provisions of this Act, and that the actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for, articles imported under the provisions of this Act, shall be reimbursed by the Texas Pan-American Association, a corporation, to the Government of the United States under regulations to be prescribed by the Secretary of the Treasury, and that receipts from such reimbursements shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524, Tariff Act of 1930, as amended (U. S. C., 1940 edition, title 19, sec. 1524).

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the resolution?

Mr. LANHAM. Mr. Speaker, this is the customary resolution in cases of this character.

There is to be held in Fort Worth, Tex., in October, an inter-American trade exposition, restricted to the countries of the Western Hemisphere. The Central and South American countries and Mexico are participating in it, and from the standpoint of the good-neighbor policy it should prove most helpful in stimulating trade relationships in the Western Hemisphere.

The resolution simply provides that the exhibits that are sent in by Mexico and the Central and South American countries may be brought in without tariff charges. That is customary in cases of this character.

Mr. MARTIN of Massachusetts. And there are no sales to be made in this country?

Mr. LANHAM. They are to enter merely as exhibits. Any subsequent disposal of them must be under regulations prescribed by the Treasury Department, and any expense to which the Government may be put will be reimbursed. It is so provided in this resolution.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CERTAIN ADMINISTRATIVE EXPENSES IN THE GOVERNMENT SERVICE

Mr. MANASCO. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 6533) to authorize certain administrative expenses in the Government service, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That (a) under such regulations as the President may prescribe, any civilian officer or employee of the Government who, in the interest of the Government, is transferred from one official station to another, including transfer from one department to another, for permanent duty, shall, except as otherwise provided herein, when authorized, in the order directing the travel, by such subordinate official or officials of the department concerned as the head thereof may designate for the purpose, be allowed and paid from Government funds the expenses of travel of himself and the expenses of transportation of his immediate family (or a commutation thereof in accordance with the act of February 14, 1931) and the expenses of transportation, packing, crating, temporary storage, drayage, and unpacking of his household goods and personal effects (not to exceed 5,000 pounds if uncrated or 6,250 pounds if crated or the equivalent thereof when transportation charges are based on cubic measurement): *Provided,* That advances of funds may be made to the officer or employee in accordance with said regulations under the same safeguards as are required under the Subsistence Expense Act of 1926 (5 U. S. C. 828): *Provided further,* That the allowances herein authorized shall not be applicable to civilian employees of the War Department and their dependents when transferred under the provisions of section 3 of the act of June 5, 1942 (50 U. S. C. 763), nor to officers and employees of the Foreign Service, Department of State: *Provided further,* That no part of such expenses (including those of officers and employees of the Foreign Service, Department of State) shall be allowed or paid from Government funds where the transfer is made primarily for the convenience or benefit of the officer or employee or at his request: *Provided further,* That in case of transfer from one department to another such expenses shall be payable from the funds of the department to which the officer or employee is transferred.

(b) In lieu of the payment of actual expenses of transportation, packing, crating, temporary storage, drayage, and unpacking of household goods and personal effects, in the case of such transfers between points in continental United States, reimbursement shall be made to the officer or employee on a commuted basis (not to exceed the amount which would be allowable for the authorized weight allowance) at such rates per 100 pounds as may be fixed by zones in regulations prescribed by the President.

(c) Funds available for travel expenses of civilian officers and employees shall also be available for the expenses of the transportation of their immediate families, and funds available for the transportation of things shall also be available for the transportation of household goods and effects, as authorized by this act.

SEC. 2. The act of October 10, 1940 (5 U. S. C. 73c–1), relating to allowances for the transportation of household goods, section 5 of the act of March 4, 1923, as amended (19 U. S. C. 48), relating to traveling and subsistence expenses of customs officers and employees, the first sentence of sections 645 (a) of the Tariff Act of 1930 (19 U. S. C. 1645 (a)), relating to traveling and subsistence expenses of the families of such officers and employees, and other acts relating to allowances to civilian officers and employees in the executive branch of the Government (except those mentioned in the second proviso clause of section 1 (a) of this act) on transfer from one official station to another for permanent duty, are hereby repealed.

SEC. 3. The act of February 14, 1931 (5 U. S. C. 73a), as amended, is further amended to read as follows:

"Civilian officers or employees or others rendering service to the Government shall, under regulations prescribed by the President, and unless otherwise provided in the appropriation concerned or other law, and whenever such mode of transportation is authorized or approved as more advantageous to the Government, be paid in lieu of actual expenses of transportation not to exceed 2 cents per mile for the use of privately owned motorcycles or 5 cents per mile for the use of privately owned automobiles or airplanes when engaged in necessary travel on official trips from their designated posts of duty or places of service, or 2 cents per mile for the use of privately owned motorcycles or 4 cents per mile for the use of privately owned automobiles when used on official business wholly within the limits of their official stations or places of service. In addition to the mileage allowances provided for in this section, there may be allowed reimbursement for the actual cost of ferry fares and bridge, road, and tunnel tolls."

SEC. 4. Until June 30, 1948, when authorized in an appropriation or other act, appropriations available for travel expenses shall be available for the payment, without regard to the rates authorized by the Subsistence Expense Act of 1926, as amended (5 U. S. C. 821–833), of per diem allowances in lieu of subsistence expenses to civilian officers and employees of departments while traveling on official business outside continental United States and away from their designated posts of duty: *Provided,* That the amount of such allowances shall be determined by the head of the department concerned or by such subordinates as he may designate for the purpose, but shall in no case exceed the maximum established by regulations prescribed by the President for the locality in which the travel is performed.

SEC. 5. Persons in the Government service employed intermittently as consultants or experts and receiving compensation on a per diem when actually employed basis may be allowed travel expenses while away from their homes or regular places of business, including per diem in lieu of subsistence while at place of such employment, in accordance with the Standardized Government Travel Regulations, Subsistence Expense Act of 1926, as amended (5 U. S. C. 821–833), and the act of February 14, 1931, as amended by this act, and persons serving without compensation or at $1 per annum may be allowed, while away from their homes or regular places of business, transportation in accordance with said regulations and said act of February 14, 1931, as so amended, and not to exceed $10 per diem in lieu of subsistence en route and at place of such service or employment unless a higher rate is specifically provided in an appropriation or other act.

SEC. 6. Section 10 of the act of March 3, 1933 (5 U. S. C. 73b), is hereby amended to read as follows:

"SEC. 10. Whenever by or under authority of law actual expenses for transportation may be allowed, such allowances shall not exceed the lowest first-class rate by the transportation facility used in such transportation unless it is certified, in accordance with regulations prescribed by the President, that lowest first-class accommodations are not available or that use of a compartment or such other accommodations as may be authorized or approved by the head of the agency concerned or such subordinates as he may designate, is required for purposes of security."

SEC. 7. Appropriations for the departments shall be available, in accordance with regulations prescribed by the President, for expenses of travel of new appointees, expenses

of transportation of their immediate families and expenses of transportation of thir household goods and personal effects from places of actual residence at time of appointment to places of employment outside continental United States, and for such expenses on return of employees from their posts of duty outside continental United States to the places of their actual residence at time of assignment to duty outside the United States: *Provided,* That such expenses shall not be allowed new appointees unless and until the person selected for appointment shall agree in writing to remain in the Government service for the 12 months following his appointment, unless separated for reasons beyond his control. In case of a violation of such agreement any moneys expended by the United States on account of such travel and transportation shall be considered as a debt due by the individual concerned to the United States. This section shall not apply to appropriations for the Foreign Service, State Department.

SEC. 8. In purchasing motor-propelled or animal-drawn vehicles or tractors, or road, agricultural, manufacturing, or laboratory equipment, or boats, or parts, accessories, tires, or equipment thereof, or any other article or item the exchange of which is authorized by law, the head of any department or his duly authorized representative may exchange or sell similar items and apply the exchange allowances or proceeds of sales in such cases in whole or in part payment therefor: *Provided,* That any transaction carried out under the authority of this section shall be evidenced in writing.

SEC 9. (a) Section 3709 of the Revised Statutes of the United States is hereby amended to read as follows:

"Unless otherwise provided in the appropriation concerned or other law, purchases and contracts for supplies or services for the Government may be made or entered into only after advertising a sufficient time previously for proposals, except (1) when the amount involved in any one case does not exceed $100, (2) when the public exigencies require the immediate delivery of the articles or performance of the service, (3) when only one source of supply is available and the Government purchasing or contracting officer shall so certify, or (4) when the services are to be performed by the contractor in person, under Government supervision, and paid for on a time basis. Except as authorized by section 29 of the Surplus Property Act of 1944 (50 U. S. C. App. 1638), or unless otherwise authorized by law, sales and contracts of sale by the Government shall be governed by the requirements of this section for advertising, except when the reasonable value involved in any one case does not exceed $100."

(b) Exemptions from section 3709, Revised Statutes, in other law in amounts of $100 or less are hereby repealed.

SEC. 10. Whenever a department is authorized by law to hold hearings and to subpena witnesses for appearance at said hearings, witnesses summoned to and attending such hearings shall be entitled to the same fees and mileage, or expenses in the case of Government officers and employees, as provided by law for witnesses attending in the United States courts.

SEC. 11. The first sentence of section 3648 of the Revised Statutes (31 U. S. C. 529) is hereby amended to read as follows:

"No advance of public money shall be made in any case unless authorized by the appropriation concerned or other law."

SEC. 12. The head of any department may delegate to subordinate officials (1) the power vested in him by other law to take final action on matters pertaining to the employment, direction, and general administration of personnel under his department; (2) the authority vested in him by section 3683 of the Revised Statutes (31 U. S. C. 675) to direct the purchase of articles from contingent funds; and (3) the authority vested in him by section 3828, Revised Statutes (44 U. S. C. 324), to authorize the publication of advertisements, notices, or proposals.

SEC. 13. Appropriations available for the procurement of supplies and material or equipment shall be available for the purchase and maintenance of special clothing and equipment for the protection of personnel in the performance of their assigned tasks.

SEC. 14. The head of each department is authorized, under such rules and regulations as the President may prescribe, to pay cash awards to civilian officers and employees (or to their estates) who make meritorious suggestions which will result in improvement or economy in the operations of his department and which have been adopted for use: *Provided,* That no award shall be paid to any officer or employee for any suggestion which represents a part of the normal requirements of the duties of his position. With the exception of the War and Navy Departments, the amount of any one award shall not exceed $1,000 and the total of cash awards paid during any fiscal year in any department shall not exceed $25,000. Payments may be made from the apppropriation for the activity primarily benefiting or may be distributed among appropriations for activities benefiting as the head of the department determines. A cash award shall be in addition to the regular compensation of the recipient and the acceptance of such cash award shall constitute an agreement that the use by the United States of the suggestion for which the award is made shall not form the basis of a further claim of any nature upon the United States by him, his heirs or assigns.

Effective July 1, 1946, all other acts or parts of acts in conflict with the provisions of this section are hereby repealed.

SEC. 15. The head of any department, when authorized in an appropriation or other act, may procure the temporary (not in excess of 1 year) or intermittent services of experts or consultants or organizations thereof, including stenographic reporting services, by contract, and in such cases such service shall be without regard to the civil-service and classification laws (but at rates not in excess of the per diem equivalent of the highest rate payable under the Classification Act, unless other rates are specifically provided in the appropriation or other law) and, except in the case of stenographic reporting by organizations, without regard to section 3709, Revised Statutes, as amended by this act.

SEC. 16. (a) Section 5 of the act of July 16, 1914 (5 U. S. C. 78), is amended to read as follows:

"SEC. 5. (a) Unless specifically authorized by the appropriation concerned or other law, no appropriation shall be expended to purchase or hire passenger motor vehicles for any branch of the Government other than those for the use of the President of the United States, the secretaries to the President, or the heads of the executive departments enumerated in 5 U. S. C. 1.

"(b) Excepting appropriations for the Military and Naval Establishment, no appropriation shall be available for the purchase, maintenance, or operation of any aircraft unless specific authority for the purchase, maintenance, or operation thereof has been or is provided in such appropriation.

"(c) Unless otherwise specifically provided, no appropriation available for any department shall be expended—

"(1) to purchase any passenger motor vehicle (exclusive of busses, ambulances, and station wagons), at a cost, completely equipped for operation, and including the value of any vehicle exchanged, in excess of the maximum price therefor, if any, established pursuant to law by a Government agency and in no event more than such amount as may be specified in an appropriation or other act, which shall be in addition to the amount required for transportation;

"(2) for the maintenance, operation, and repair of any Government-owned passenger motor vehicle or aircraft not used exclusively for official purposes; and 'official purposes' shall not include the transportation of officers and employees between their domiciles and places of employment, except in cases of medical officers on out-patient medical service and except in cases of officers and employees engaged in field work the character of whose duties makes such transportation necessary and then only as to such latter cases when the same is approved by the head of the department concerned. Any officer or employee of the Government who willfully uses or authorizes the use of any Government-owned passenger motor vehicle or aircraft, or of any passenger motor vehicle or aircraft leased by the Government, for other than official purposes or otherwise violates the provisions of this subsection shall be suspended from duty by the head of the department concerned, without compensation, for not less than 1 month, and shall be suspended for a longer period or summarily removed from office if circumstances warrant. The limitations of this subsection (c) (2) shall not apply to any motor vehicles or aircraft for official use of the President, the heads of the executive departments enumerated in 5 U. S. C. 1, ambassadors, ministers, chargés d'affaires, and other principal diplomatic and consular officials.

"(d) In the budgets for the fiscal year 1948 and subsequent fiscal years there shall be submitted in detail estimates for such necessary appropriations as are intended to be used for purchase or hire of passenger motor vehicles or for purchase, maintenance, or operation of aircraft, specifying the sums required, the public purposes for which said conveyances are intended, the number of currently owned conveyances to be continued in use, and the officials or employees by whom all of such conveyances are to be used.

"(e) The acquisition of aircraft or passenger motor vehicles by any agency by transfer from another department of the Government shall be considered as a purchase within the meaning hereof."

(b) The second paragraph of section 3 of the act of March 18, 1904 (33 Stat. 142; 5 U. S. C. 77), is hereby repealed.

Section 4 of the act of February 3, 1905 (33 Stat. 687; 5 U. S. C. 77), is hereby amended to read as follows:

"All motor vehicles acquired and used for official purposes of the departmental service in the District of Columbia shall have conspicuously imprinted thereon at all times the full name of the executive department or other branch of the public service to which the same belong and in the service of which the same are used."

SEC. 17. (a) The following statutes or parts of statutes are hereby repealed:

Section 1779 of the Revised Statutes (5 U. S. C. 102) reading as follows:

"No executive officer, other than the heads of departments, shall apply more than $30, annually, out of the contingent fund under his control, to pay for newspapers, pamphlets, periodicals, or other books or prints not necessary for the business of his office";

The act of January 21, 1881 (44 U. S. C. 323);

Section 3 of the Act of March 15, 1898 (31 U. S. C. 678).

(b) That portion of the act of July 31, 1876 (44 U. S. C. 321; 19 Stat. 105), reading as follows: "and in no case of advertisement for contracts for the public service shall the same be published in any newspaper published and printed in the District of Columbia unless the supplies or labor covered by such advertisement are to be furnished or performed in said District of Columbia" is

hereby amended by adding at the end thereof "or in the adjoining counties of Maryland or Virginia."

(c) That portion of the act of June 23, 1906 (3 U. S. C. 43) reading as follows: "not exceeding $25,000 per annum" is hereby amended to read, "not exceeding $40,000 per annum".

SEC. 18. The word "department" as used in this act shall be construed to include independent establishments, other agencies, wholly owned Government corporations (the transactions of which corporations shall be subject to the authorizations and limitations of this act, except that sec. 9 shall apply to their administrative transactions only), and the government of the District of Columbia. The words "continental United States" as used herein shall be construed to mean the 48 States and the District of Columbia. The word "government" shall be construed to include the government of the District of Columbia. The word "appropriation" shall be construed as including funds made available by legislation under section 104 of the Government Corporation Control Act, approved December 6, 1945.

SEC. 19. Sections 1, 3, 4, 5, 7, 14, and 15 of this act shall not apply to persons whose pay and allowances are established by the Pay Readjustment Act of 1942.

SEC. 20. Sections 1 and 2 of this act shall become effective on the first day of the third calendar month following the enactment hereof.

With the following committee amendments:

On page 11, line 25, after the word "Establishment" add the letter "s", making it read "Establishments."

On page 13, line 7, after the word "this", strike out "subsection" and insert "paragraph."

Page 13, line 12, after the word "this", strike out "subsection (c) (2)" and insert the word "paragraph."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL SERVICE LIFE INSURANCE ACT OF 1940

Mr. RANKIN. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 6371) to amend certain provisions of the National Service Life Insurance Act of 1940, as amended, and for other purposes, as amended.

The Clerk read as follows:

Be it enacted, etc., That section 601 (f) of the National Service Life Insurance Act of 1940 is hereby amended effective as of October 8, 1940, to read as follows:

"(f) The terms 'parent', 'father', and 'mother' include a father, mother, father through adoption, mother through adoption, persons who have stood in loco parentis to a member of the military or naval forces at any time prior to entry into active service for a period of not less than 1 year, and a stepparent, if designated as beneficiary by the insured: *Provided*, That the provisions of this section shall not be construed as requiring the discontinuance of any award heretofore made for any period prior to the 1st day of the 3d calendar month following receipt of claim by or on behalf of a person brought within the permitted class of beneficiaries by this enactment, or as requiring duplicate payments of benefits in any case."

SEC. 2. Section 602 (c) of the National Service Life Insurance Act of 1940 is hereby amended effective as of October 8, 1940, to read as follows:

"(c) (1) Any person upon reenlistment or reentrance into or reemployment in active service and before discharge or resignation therefrom and any person in the active service upon discharge to accept a commission and before resignation therefrom, shall be granted such insurance upon application therefor in writing (made within 120 days following such reenlistment, reentrance, reemployment, or discharge to accept a commission), and upon payment of premiums and evidence satisfactory to the Administrator showing such person to be in good health at the time of such application.

"(2) All other persons who have had active service between October 8, 1940, and September 2, 1945, both dates inclusive, shall be granted such insurance upon application therefor in writing and upon payment or authorization for deduction of premiums and evidence satisfactory to the Administrator showing such person to be in good health at the time of such application: *Provided*, That in no event shall the Administrator deny the existence of good health as used in this or any other section of this act because of disability or disabilities resulting from or aggravated by such active military or naval service and less than total in degree if application for insurance is made prior to January 1, 1950, but when the requirement of proof of good health shall be waived by virtue of this proviso, premiums shall be credited directly to the national service life-insurance appropriation and any payment of benefits shall be made directly from the national service life insurance appropriation.

"(3) Any person in the active service between October 8, 1940, and September 2, 1945, both dates inclusive, who, while in such service, made application in writing for insurance while performing full military or naval duty, which application was denied solely on account of his condition of health and the applicant thereafter continued to perform full military or naval duty, and shall have incurred a total and permanent disability in line of duty or died in line of duty, shall be deemed to have applied for and to have been granted such insurance which shall be deemed to have been continued in force to the date of this enactment: *Provided*, That in any case in which such person has died prior to the date of this enactment the premiums due from the date of such application to the date of death or such disability shall be deducted from the proceeds of this insurance: *Provided further*, That the amount of this insurance, when added to any other insurance in force under the War Risk Insurance Act, the World War Veterans' Act, 1924, as amended, or this act, will not in the aggregate exceed $10,000. Any premiums collected under this subsection shall be credited directly to the national service life-insurance appropriation and any payment of benefits on insurance granted under this subsection shall be made directly from the national service life-insurance appropriation."

SEC. 3. Section 602 (d) (2) of the National Service Life Insurance Act of 1940 is hereby amended effective as of October 8, 1940, to read as follows:

"(2) Any person in the active service on or after October 8, 1940, who, while in such service and before April 20, 1942, or within 120 days after entrance into active service and prior to September 3, 1945, dies or has died, in line of duty (including death resulting from disease or injury incurred in line of duty), without having in force at the time of such death insurance under the War Risk Insurance Act, as amended, the World War Veterans' Act, 1924, as amended, of this act, in the aggregate amount of at least $10,000, shall be deemed to have applied for and to have been granted insurance as of the date of entry into active service or October 8, 1940, whichever is later, in the sum of $10,000 payable as provided in section 602 (h), except that payments hereunder shall be made only to the following beneficiaries and in the order named—

"(A) to the widow or widower of the insured, if living and while unremarried;

"(B) if no widow or widower entitled thereto, to the child or children of the insured, if living, in equal shares;

"(C) if no widow or widower entitled thereto, or child, to the mother or father, if living, in equal shares:

Provided, That if such person serving as a flying cadet or aviation student, Navy or Army, between October 8, 1940, and June 3, 1941, the date of approval of Public Law No. 97 and Public Law No. 99, Seventy-seventh Congress, died as the result of an aviation accident incurred in line of duty while in such active service, such person shall be deemed to have applied for and to have been granted an aggregate amount of insurance of not less than $10,000. Any additional insurance granted by virtue of this proviso shall be payable in the manner provided by this section."

SEC. 4. Section 602 (d) (3) of the National Service Life Insurance Act of 1940 is hereby amended effective as of October 8, 1940, to read as follows:

"(3) (A) Any person in the active service who on or after October 8, 1940, and prior to April 20, 1942, or within 120 days after entrance into active service, and prior to September 3, 1945, becomes or has become totally disabled as a result of injury or disease incurred in line of duty and such disability continues without interruption for a period of 6 months or until death intervening prior to the end of such 6 months' period without having in force at time of incurrence of such disability at least $10,000 insurance issued under the War Risk Insurance Act, as amended, or the World War Veterans' Act, 1924, as amended, or this act, shall be deemed to have applied for and to have been granted, effective as of the commencement of such total disability national service life insurance in an amount which together with any such insurance then in force shall aggregate $10,000 and such gratuitous insurance shall continue in force without payment of premiums until 6 months after the insured ceases to be totally disabled or until 1 year after the date of enactment of this amendatory act, whichever is the earlier date: *Provided*, That such protection shall cease and terminate unless within such period such disabled person shall make application in writing for continuance of all or any part of such insurance and shall submit evidence satisfactory to the Administrator of entitlement to waiver of premiums under section 602 (n) of this act or tender the premiums thereafter becoming due: *Provided further*, That waiver of premiums under section 602 (n) shall not be denied under this subsection on the ground that total disability commenced prior to the effective date of such insurance: *And provided further*, That anyone who applied for and was issued insurance after becoming totally disabled, and but for such application would be entitled to insurance hereunder, shall have the right, upon application within the time and in the manner as above limited, to elect to surrender insurance applied for and to be issued insurance hereunder, or if such insurance shall have lapsed without election, such person shall be considered subject in all respects to the provisions of this subsection, as hereby amended, but policies issued hereunder shall be effective from date of surrender or lapse of policy previously issued.

"(B) Any person in the active service who on or after December 7, 1941, and prior to April 20, 1942, has been or shall be captured, besieged, or otherwise isolated by the forces of any enemy of the United States for a period of at least 30 consecutive days and extending beyond April 19, 1942, and at the

time of such capture, siege, or isolation by the enemy did not have in force insurance in the aggregate amount of at least $10,000 under the War Risk Insurance Act, as amended, the World War Veterans' Act, as amended, or this act, shall be deemed to have applied for and to have been granted, effective as of the date of such capture, siege, or isolation, national service life insurance in an amount which together with any such insurance then in force shall aggregate $10,000 of insurance, and such insurance shall remain in force and premiums on such insurance shall be waived during the period while such person remains so captured, besieged, or isolated, and for 6 months thereafter: *Provided*, That such protection shall cease and terminate at the end of such period of 6 months unless within such period such person shall make application in writing for the continuance of all or any part of such insurance and shall submit evidence satisfactory to the Administrator of entitlement to waiver of premiums under section 602 (n) of this act, or tender the premiums thereafter becoming due."

SEC. 5. Section 602 (d) (5) of the National Service Life Insurance Act of 1940 is hereby amended effective as of October 8, 1940, to read as follows:

"(5) If any person deemed to have been issued insurance under subsection (3) (A) or (B) hereof die without filing application and within the time limited therefor, death-insurance benefits shall be payable in the manner and to the persons as stated in subsection (2): *Provided*, That no application for insurance payments under subsection (2) or (3), as hereby amended, shall be valid unless filed in the Veterans' Administration within 5 years after the date of death of the insured and the relationship of the applicant, where required as a basis for such claim, shall be proved as of date of death of insured: *And provided further*, That persons shown to have been mentally or legally incompetent at the time the right to apply for continuation of insurance or for death benefits expires may make such application at any time within 1 year after the removal of such disability."

SEC. 6. Section 602 (f) of the National Service Life Insurance Act of 1940 is hereby amended to read as follows:

"(f) Such insurance shall be issued upon the 5-year level premium term plan, with the privilege of conversion as of the date when any premium becomes or has become due, or exchange as of the date of the original policy, upon payment of the difference in reserve, at any time after such policy has been in effect for 1 year and within the term period, to policies of insurance upon the following plans: Ordinary life, 20-payment life, 30-payment life, 20-year endowment, endowment at age 60, and endowment at age 65: *Provided*, That conversion to an endowment plan may not be made while the insured is totally disabled. All level premium term policies shall cease and terminate at the expiration of the term period. Provisions for cash, loan, paid-up, and extended values, dividends from gains and savings, refund of unearned premiums, and such other provisions as may be found to be reasonable and practicable may be provided for in the policy of insurance or from time to time by regulations promulgated by the Administrator."

SEC. 7. Section 602 (g) of the National Service Life Insurance Act of 1940, as amended, is hereby amended by substituting a colon for the period at the end thereof and adding the following: "*Provided*, That the provisions of this subsection as to the restricted permitted class of beneficiaries shall not apply to any national service life-insurance policy maturing on or after the effective date of this act."

SEC. 8. That paragraphs (1) and (2) of subsection (h) of section 602 of the National Service Life Insurance Act of 1940, as amended, are hereby amended to read as follows:

"(1) If the beneficiary to whom payment is first made is under 30 years of age at the time of maturity, in 240 equal monthly installments: *Provided*, That the Administrator, under regulations to be promulgated by him, may include a provision in the insurance contract authorizing the insured or the beneficiary to elect in lieu of this mode of payment, a refund life income in monthly installments certain, including a last installment of such reduced amount as may be necessary, shall equal the face value of the contract, less any indebtedness, with such payments continuing throughout the lifetime of such beneficiary: *Provided further*, That in any case in which insurance benefit payments were commenced prior to September 30, 1944, the present beneficiary shall have the right to elect to receive a refund life income, as provided in such optional settlement, payable in monthly installments adjusted as of the date of the maturity of such policy, credit being allowed for payments heretofore made under the present mode of payment; and that the right of election herein provided shall terminate 1 year from the date of the passage of this act, notice of which shall be sent by registered mail to each such beneficiary at his or her last known address within 30 days after the passage of this act.

"(2) If the beneficiary to whom payment is first made is 30 or more years of age at the time of maturity, in equal monthly installments for 120 months certain, with such payments continuing during the remaining lifetime of such beneficiary: *Provided*, That the Administrator, under regulations to be promulgated by him, may include a provision in the insurance contract authorizing the insured or the beneficiary to elect, in lieu of this mode of payment, a refund life income in monthly installments payable for such period certain as may be required in order that the sum of the installments certain, including a last installment of such reduced amount as may be necessary, shall equal the face value of the contract, less any indebtedness, with such payments continuing throughout the lifetime of such beneficiary: *Provided further*, That such optional settlement shall not be available in any case in which such settlement would result in payments of installments over a shorter period than 120 months: *Provided further*, That in any case in which insurance benefit payments were commenced prior to September 30, 1944, the present beneficiary shall have the right to elect to receive a refund life income, as provided in such optional settlement, payable in monthly installments adjusted as of the date of the maturity of such policy, credit being allowed for payments heretofore made under the present mode of payment; and that the right of election herein provided shall terminate 1 year from the date of the passage of this act, notice of which shall be sent by registered mail to each such beneficiary at his or her last known address within 30 days after the passage of this act."

SEC. 9. Section 602 (m) of the National Service Life Insurance Act of 1940 is hereby amended, effective as of October 8, 1940, to read as follows:

"(m) (1) The Administrator shall, by regulations, prescribe the time and method of payment of the premiums on such insurance, but payments of premiums in advance shall not be required for periods of more than 1 month each, and may at the election of the insured be deducted from his active-service pay or be otherwise made: *Provided*, That an amount equal to the first premium due under a national service life-insurance policy may be advanced from current appropriations for active service pay to any person in the active service in the Army, Navy, Marine Corps, or Coast Guard, which amount shall constitute a lien upon any service or other pay accruing to the person for whom such advance was made and shall be collected therefrom if not otherwise paid: *Provided further*, That no disbursing or certifying officer shall be responsible for any loss incurred by reason of the advance herein authorized: *And provided further*, That any amount so advanced in excess of available service or other pay shall constitute a lien on the policy within the provisions of section 5, Public Law No. 866, Seventy-sixth Congress, approved October 17, 1940.

"(2) When deduction of premium from service pay has been authorized in writing by the insured, such insurance shall not lapse so long as the insured remains in active service, notwithstanding the fact that authorized premium deductions were discontinued because—

"(A) the insured was discharged to accept a commission; or

"(B) the insured was absent without leave, if restored to active duty; or

"(C) the insured was sentenced by court martial, if he was restored to active duty, or was required to engage in combat, or was killed in combat: *Provided*, That any premiums paid for insurance continued under this subsection shall be credited directly to the national service life-insurance appropriation and any payment of benefits under this subsection shall be made directly from the national service life-insurance appropriation."

SEC. 10. Section 602 of the National Service Life Insurance Act of 1940, as amended, is hereby amended by adding at the end thereof the following new subsections:

"(t) Except as to insurance matured prior to the date of this amendatory act, the policy shall contain the following optional modes of settlement:

"(1) In one sum.

"(2) In equal monthly installments of from 36 to 240 in number, in multiples of 12.

"(3) In equal monthly installments for 120 months certain with such payments continuing during the remaining lifetime of the first beneficiary.

"(4) As a refund life income in monthly installments payable for such period certain as may be required in order that the sum of the installments certain, including a last installment of such reduced amount as may be necessary, shall equal the face value of the contract, less any indebtedness, with such payments continuing throughout the lifetime of the first beneficiary: *Provided*, That such optional settlement shall not be available in any case in which such settlement would result in payments of installments over a shorter period than 120 months.

Unless the insured elects some other mode of settlement, the insurance shall be payable to the designated beneficiary or beneficiaries in 36 equal monthly installments. The first beneficiary may elect to receive payment under any option which provides for payment over a longer period of time than the option elected by the insured, or if no option be designated by the insured, in excess of 36 months. If the option selected requires payment to any one beneficiary of monthly installments of less than $10, the amount payable to such beneficiary shall be paid under option 2 in such maximum number of monthly installments as are a multiple of 12 as well provide a monthly installment of not less than $10. If the present value of the amount payable at the time any person initially becomes entitled to payment thereof is not sufficient to pay at least 12 monthly installments of not less than $10 each, such amount shall be payable in one sum. Options (3) and (4) shall not be available if any firm, corporation, legal entity (including the estate of the insured), or trustee is beneficiary, or in any case in which

an endowment contract matures by reason of the completion of the endowment period.

"(u) Except as otherwise provided, this amendatory act shall not be applicable to insurance heretofore matured. The provisions of subsections (h), (i), (j), and (k) of section 602 of the National Service Life Insurance Act of 1940, as amended, shall not be applicable to any insurance which matures on or after the date this amendatory act becomes effective. As to hereafter matured insurance, in any case in which the beneficiary is entitled to a lump-sum settlement but elects some other mode of settlement and dies before receiving all the benefits due and payable under such mode of settlement, the present value of the remaining unpaid amount shall be payable to the estate of the beneficiary; if no person is designated beneficiary by the insured, or if the designated beneficiary does not survive the insured, or if a designated beneficiary not entitled to choose a lump-sum settlement survives the insured, and dies before receiving all the benefits due and payable, the commuted value of the insurance remaining unpaid shall be paid in one sum to the estate of the insured: *Provided*, That in no event shall there be any payment to the estate of the insured or of the beneficiary of any sums which, if paid, would escheat.

"(v) (1) The Administrator is hereby authorized and directed, upon application by the insured and proof of good health satisfactory to the Administrator and payment of such extra premium as the Administrator shall prescribe, to include in any national service life-insurance policy on the life of the insured provisions whereby an insured who is shown by evidence satisfactory to the Administrator to have become totally disabled for a period of six consecutive months or more commencing after the date of such application and before attaining the age of 60 and while the payment of any premium is not in default, shall be paid monthly disability benefits from the first day of the seventh consecutive month of and during the continuance of such total disability of $5 for each $1,000 of such insurance in effect when such benefits become payable: *Provided*, That in any case in which the applicant while not totally disabled and prior to January 1, 1948, furnishes proof satisfactory to the Administrator that his inability to furnish proof of good health is the result of an actually service-incurred injury or disability, the requirement of proof of good health shall be waived, but in such case the extra premium for disability coverage paid by any such insured shall be credited directly to the national service life-insurance appropriation and any disability payments made to such insured shall be made directly from the national service life-insurance appropriation: *Provided further*, That policies containing additional provisions for the payment of disability benefits may be separately classified for the purpose of dividend distribution from otherwise similar policies not containing such benefit.

"(v) (2) Whenever benefits under the total-disability provision authorized by section 602 (v) (1) hereof become, or have become, payable because of total disability of the insured as a result of disease or injury traceable to the extra hazard of the military or naval service, as such hazard may be determined by the Administrator of Veterans' Affairs, the liability shall be borne by the United States, and the Administrator is hereby authorized and directed to transfer from the national service life-insurance appropriation to the national service life-insurance fund from time to time any amounts which become, or have become, payable to the insured on account of such total disability, and to transfer from the national service life-insurance fund to the national service life-insurance appropriation the amount of the reserve held on account of the total-disability benefit. When a person receiving such payments on account of total disability recovers from such disability, and is then entitled to continue protection under the total-disability provision, the Administrator is hereby authorized and directed to transfer to the national service life-insurance fund a sum sufficient to set up the then required reserve on such total-disability benefit."

SEC. 11. Section 602 of the National Service Life Insurance Act of 1940, as amended, is hereby amended by adding the following new subsections:

"(w) Subject to the provisions of section 612 of the National Service Life Insurance Act of 1940, as amended, all contracts or policies of insurance heretofore or hereafter issued, reinstated, or converted shall be incontestable from the date of issue, reinstatement, or conversion except for fraud, nonpayment of premium, or on the ground that the applicant was not a member of the military or naval forces of the United States.

"(x) When an optional mode of settlement of insurance heretofore or hereafter matured is available to a beneficiary who is a minor or incompetent, such option may be exercised by his fiduciary, person qualified under Public Law 373, Seventy-second Congress, February 25, 1933 (47 Stat. 907; 25 U. S. C. 14), or person recognized by the Administrator as having custody of the person or the estate of such beneficiary, and the obligation of the United States under the insurance contract shall be fully satisfied by payment of benefits in accordance with the mode of settlement so selected.

"(y) (1) Any level premium term insurance which has lapsed may be reinstated within the term upon written application, payment of two monthly premiums, and evidence satisfactory to the Administrator that the applicant, subject to the provisions of the first proviso of section 602 (c), supra, is in good health.

"(2) Any level premium term insurance which has lapsed may be reinstated within the term upon written application, made within 6 months after the date of such lapse or within 6 months after the date of enactment of this amendatory act, whichever is the later, and payment of two monthly premiums, provided such applicant is in as good health on the date of application and tender of premiums as he was on the due date of the premium in default and furnishes evidence thereof satisfactory to the Administrator: *Provided*, That when the insured makes inquiry prior to the expiration of the grace period disclosing a clear intent to continue insurance protection, an additional reasonable period not exceeding 60 days may be granted for payment of premiums due, without the requirement of a comparative health statement, but the premiums in any such case must be paid during the lifetime of the insured."

SEC. 12 Section 602 of the National Service Life Insurance Act of 1940, as amended, is hereby amended effective as of October 8, 1940, by adding the following new subsection:

"(z) Without prejudice to any other cause of disability, the permanent loss of the use of both feet, of both hands, or of both eyes, or of one foot and one hand, or of one foot and one eye, or of one hand, and one eye, or the loss of hearing of both ears, or the organic loss of speech, shall be deemed total disability for insurance purposes."

SEC. 13. Section 607 (b) of the National Service Life Insurance Act of 1940, as amended, is hereby amended effective as of October 8, 1940, by inserting after the sentence thereof the following: "Where life contingencies are involved in the calculation of the value of such benefits of insurance heretofore or hereafter matured, the calculation of such liability or liabilities shall be based upon such mortality table or tables as the Administrator may prescribe with interest at the rate of 3 percent per annum."

SEC. 14. Section 608 of the National Service Life Insurance Act of 1940, as amended, is hereby amended effective as of October 8, 1940, to read as follows:

"SEC. 608. The Administrator, subject to the general direction of the President, shall administer, execute, and enforce the provisions of this act, shall have power to make such rules and regulations, not inconsistent with the provisions of this act, as are necessary or appropriate to carry out its purposes, and shall decide all questions arising hereunder. All officers and employees of the Veterans' Administration shall perform such duties in connection with the administration of this act as may be assigned to them by the Administrator. All official acts performed by such officers and employees designated therefor by the Administrator shall have the same force and effect as though performed by the Administrator. Except in the event of suit as provided in section 617 hereof, or other appropriate court proceedings, all decisions rendered by the Administrator under the provisions of this Act, or regulations properly issued pursuant thereto, shall be final and conclusive on all questions of law or fact, and no other official of the United States, except a judge or judges of United States courts, shall have jurisdiction to review any such decisions."

SEC. 15. Section 616 of the National Service Life Insurance Act of 1940, as amended, is hereby amended by substituting a colon for the period at the end thereof and adding the following: "*Provided*, That assignments of all or any part of the beneficiary's interest may be made by a designated beneficiary to a widow, widower, child, father, mother, grandfather, grandmother, brother, or sister of the insured, when the designated contingent beneficiary, if any, joins the beneficiary in the assignment, and if the assignment is delivered to the Veterans' Administration before any payments of the insurance shall have been made to the beneficiary: *Provided further*, That an interest in an annuity, when assigned, shall be payable in equal monthly installments in such multiples of 12 as are not more than 240 in number, nor less than the number of installments certain under such annuity."

SEC. 16. Section 617 of the National Service Life Insurance Act of 1940, as amended, is hereby amended effective as of October 8, 1940, to read as follows:

"SEC. 617. In the event of disagreement as to any claim arising under this act, suit may be brought in the same manner and subject to the same conditions and limitations as are applicable to the United States Government (converted) insurance under the provisions of sections 19 and 500 of the World War Veterans' Act, 1924, as amended: *Provided*, That in any suit involving a claim for waiver of premiums on account of total disability, or payment of benefits on account of total disability, the cause shall be tried to the United States district court having jurisdiction of the subject matter without a jury and the file or files of the Veterans' Administration pertaining to the claim shall constitute the only competent evidence in such cause, except that if in a preliminary proceeding prior to trial it is shown by the plaintiff to the satisfaction of the court that relevant and material evidence is available from any person whose statement has not been submitted to the Veterans' Administration prior to denial of the claim the court shall stay all proceedings in the suit until such time as the statement is submitted and reviewed by the Veterans' Administration, and upon final consideration by the court it shall be the duty of the court to cause a written opinion to be filed in the cause, setting forth the specific findings of the court of the facts therein and the conclusions of the court upon all questions of law involved in the case, and to render judgment thereon."

SEC. 17. The World War Veterans' Act, 1924, as amended, is hereby amended by adding thereto a new section 313, to read as follows:

"SEC. 313. Whenever benefits under the total disability provision authorized by section 311 become, or have become, payable because of total disability of the insured as a result of disease or injury traceable to the extra hazard of the military or naval service, as such hazard may be determined by the Administrator of Veterans' Affairs, the liability shall be borne by the United States, and the Administrator is hereby authorized and directed to transfer from the military and naval insurance appropriation to the United States Government life insurance fund from time to time any amounts which become or have become payable to the insured on account of such total disability, and to transfer from the United States Government life insurance fund to the military and naval insurance appropriation the amount of the reserve held on account of the total disability benefit. When a person receiving such payments on account of total disability recovers from such disability, and is then entitled to continued protection under the total disability provision, the Administrator is hereby auhorized and directed to transfer to the United States Government life insurance fund a sum sufficient to set up the then required reserve on such total disability benefit."

The SPEAKER. Is a second demanded?

Mrs. ROGERS of Massachusetts. Mr. Speaker, I demand a second.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER. The gentleman from Mississippi [Mr. RANKIN] is recognized for 20 minutes, and the gentlewoman from Massachusetts [Mrs ROGERS] is recognized for 20 minutes.

(Mr. RANKIN asked and was given permission to revise and extend his remarks and include certain letters, and excerpts from certain publications.)

Mr. RANKIN. Mr. Speaker, this measure should pass without a dissenting vote. The Committee on World War Veterans' Legislation, of which I am chairman, has been working on this measure for a long time. I appointed a subcommittee who also put in weeks of study and hearings in order to try to correct the injustices in the present law.

You probably noticed in the press this morning an attack on me and on the Committee on World War Veterans' Legislation, by a man who calls himself Gen. H. C. Holdridge, retired.

I desire to give you a little information about this man. He was retired because of mental disability, and has been running wild ever since.

The record shows that he entered the United States Military Academy on June 14, 1913, not as Herbert C. Holdridge, but as Herbert C. Heitke. He had his name changed from Herbert C. Heitke to Herbert C. Holdridge by authority of the War Department, on August 24, 1915, as you will see from the biographical register of the Academy. I have a photostat copy of that page of the register before me now. As I said, he was retired for mental disability, or as the record expresses it "psychoneurosis."

My services to the veterans of this country are well known. No man in either House of Congress has fostered and put through more legislation for the benefit of our disabled servicemen and their widows and orphans than I have.

You remember, I told you that if we got into this war, I was going to see to it that the base pay of the men in the armed forces was raised to $50 a month. I carried out that promise. If you will remember, the Senate tried to compromise and place the base pay at $42 a month; and I refused to accept the offer and put through my amendment here to raise the base pay of the men in the rank and file of the armed forces to $50 a month; for the first time in history.

As I said, we have been working for weeks, yes months, trying to straighten out the veterans' insurance law; and to correct the injustices that were written into it in the manner which I shall describe as we go along.

We have other bills now before the committee to provide additional benefits for the disabled veterans and their widows and orphans which I hope to get reported and passed before the end of the session.

But, Mr. Speaker, I resent, as every other decent law-abiding patriotic American resents, the underhanded pernicious attempts to malign and misrepresent me, or the committee of which I am chairman, by a gang of Communists, or near Communists, in New York, or elsewhere.

Now, Mr. Speaker, getting back to the bill before the House, I want to explain how the veterans' insurance law got in its present condition.

Several years ago there was a bright scheme concocted to bypass the veterans' committee, and at the other end of the Capitol an insurance bill was placed as a rider on a tax bill that came from the Committee on Ways and Means, and, therefore, the Committee on World War Veterans' Legislation could not touch it. As a result they emasculated the insurance law so badly that it became necessary for us to bring out this bill to correct those injustices.

Mr. VOORHIS of California. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield.

Mr. VOORHIS of California. Does this bill provide insurance against permanent and total disability?

Mr. RANKIN. Yes.

Mr. VOORHIS of California. Is that in section 4 of the bill?

Mr. RANKIN. I believe it is in section 8.

Mr. VOORHIS of California. Such a provision applied in World War I, but up to date it has not applied to World War II. Is that correct?

Mr. RANKIN. The gentleman is right; the rider to which I referred is responsible for that situation.

Mr. VOORHIS of California. I hope this bill will correct that situation.

Mr. RANKIN. That is one of the things we have been complaining about; they left out that salutary provision and we have placed it back in this bill.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Kentucky.

Mr. MAY. The instance to which the gentleman referred about what happened at the other end of the Capitol in putting it on as a rider to another bill illustrates very clearly that when you bypass the legislative committee that has given long study to and is familiar with these matters you generally make a mistake.

Mr. RANKIN. That is right.

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield.

Mr. CASE of South Dakota. This bill deals with the national life insurance statutes. A situation has come to my attention and I wonder if this bill does anything to correct it. A flyer took out some life insurance, naming his wife as beneficiary. I am not sure whether he designated any contingent beneficiary or not. In any event, it has been ruled that in case the wife should die the balance of the insurance would be payable to the mother. But after the flyer died a child was born. We are advised that under the present law should the mother die before the insurance is all paid out the child would be without insurance.

Does this bill authorize either recognition of the child as a contingent beneficiary or the payment of the insurance in a lump sum so the mother could thereby protect the child?

Mr. RANKIN. It is authorized herein to be paid in a lump sum.

Mr. CASE of South Dakota. If the mother wanted to assure protection of the child she could draw the full insurance at this time, invest it and protect the child?

Mr. RANKIN. Yes.

This bill has for its purpose the placing of national service life insurance on a peacetime basis. It contains recommendations of the Veterans' Administration, which cleared through the Bureau of the Budget, and certain others which received careful study by the committee, with the view of removing some outstanding injustices resulting from the present law.

The detailed testimony furnished by the American Legion, Veterans of Foreign Wars, and the Disabled American Veterans, together with that of the Veterans' Administration, was thoroughly considered in subcommittee and in executive sessions of the committee.

Mr. Speaker, let me say that I appointed a subcommittee that put in weeks studying this proposal. It reported back to the full committee. We went over the matter thoroughly in executive session and worked out the very best bill we could. This bill may not be perfect, but it is a great improvement over the present law.

Mr. BAILEY. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from West Virginia.

Mr. BAILEY. Will the gentleman from Mississippi be kind enough to inform the House whether this legislation has the approval of the Veterans' Administration?

Mr. RANKIN. Yes; it has. I may say to the gentleman from West Virginia it also has the approval of the American Legion, the Veterans of Foreign Wars, and the Disabled American Veterans, the three great veterans' organizations that have been recognized by the Congress of the United States—as well as the Purple Heart.

Mr. GALLAGHER. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. For a question.

Mr. GALLAGHER. My question is this: I did not want this bill to come up today. I would like to have offered an amendment. In the matter of three deaths in a family and they are getting it on a monthly basis, I believe that one of them should be allowed to take the insurance in full in order to build a home, for instance.

Mr. RANKIN. I may say to the gentleman from Minnesota that I think he will find that proposition taken care of very well in this bill. Probably we should take more time to discuss it, because this is a very important measure. However, when you read the bill the Members who are interested in veterans' affairs will find that the question has been well taken care of as well as could be expected.

Section 1 of the bill would authorize payment of national service life insurance to a stepparent when designated as beneficiary. Under existing law, the stepparent is within the permitted class only when it is shown that such stepparent stood in loco parentis for at least 1 year prior to the insured's entry into active service.

Section 2 of the bill would authorize all persons in active service between October 8, 1940, and September 2, 1945, to apply for national service life insurance at any time upon the showing of good health. Those unable to show the existence of good health because of disability incurred in active service may apply for insurance at any time prior to January 1, 1950, if less than totally disabled. This section also provides that any person in active service who applied for insurance in writing between October 8, 1940, and September 2, 1945, and whose application was denied on account of his condition of health, and who thereafter continued to perform full military or naval duty and thereafter became permanently and totally disabled in line of duty or died in line of duty shall be deemed to have been granted such insurance, which continued in force to the date of death or the date of enactment of this bill. Payments of insurance in such cases, and in all other cases in which insurance is granted under the bill without payment of premiums or to those not in good health, will be made from the national service life insurance appropriation, so that in no case will the liberalization provided under the bill deplete the national service life insurance fund, which is maintained for the benefit of all policyholders.

Section 3 of the bill would increase the gratuitous insurance granted under section 602 (d) (2) of the National Service Life Insurance Act of 1940, as amended, from $5,000 to $10,000. This section would authorize payment of insurance to parents if there is no widow or child, regardless of dependency. Under existing law, parents may not receive gratuitous insurance unless dependent at the date of death of the insured; and natural parents may not be paid benefits if some other person last stood in relationship of parent to the insured. Section 3 would also grant gratuitous insurance to those who died in line of duty prior to September 3, 1945, and within 120 days after entry into service. A somewhat similar provision, granting automatic insurance protection for 120 days, was included in the original War Risk Insurance Act for the benefit of World War I veterans.

Section 4 of the bill would amend section 602 (d) (3) (A), as amended, to increase gratuitous insurance previously granted from $5,000 to $10,000 and to include veterans who become totally disabled as a result of injury or disease incurred in line of duty within 120 days after entry into service, and prior to September 3, 1945. This section also increases from $5,000 to $10,000 the gratuitous insurance granted under 602 (d) (3) (B) to those captured, besieged, or isolated by the enemy.

Section 5 of the bill amends section 602 (d) (5) of the National Service Life Insurance Act of 1940 to remove the requirements that dependency and relationship of an applicant for gratuitous insurance benefits must be shown by evidence satisfactory to the Administrator, as presently required. Under the bill, parents may sue, if denied benefits, and have their claims determined by the court. Under existing law, there is no right of review of an administrative decision.

Section 6 of the bill authorizes issue of insurance on 20-year endowment, endowment at age 60, and endowment at age 65 plans, in addition to the plans of insurance previously authorized.

Section 7 of the bill provides that there shall be no restricted class of beneficiaries as to any national service life insurance which matures after the enactment of the bill. Under the provisions of this section, any person or legal entity may be designated as a beneficiary of national service life insurance. Under existing law only a spouse, child, parent, brother, or sister can be named as beneficiary.

Section 8 of the bill would authorize the present beneficiary of any national service life insurance to elect to receive a refund life income in lieu of the present mode of payment, regardless of date when payments commenced. Public Law 452, Seventy-eighth Congress, approved September 30, 1944, authorized a refund life income mode of settlement, but provided that it would not be available in any case in which payments had commenced prior to that date.

Section 9 of the bill provides that when deductions of premiums from active service pay have been authorized in writing by the insured, the insurance shall not lapse so long as the insured remains in active service; notwithstanding the fact that authorized premium deductions were discontinued (a) because the insured was discharged to accept a commission; (b) was absent without leave, if restored to active duty; or (c) was sentenced by court martial, if he was restored to active duty, or was required to engage in combat or was killed in combat. Under existing law, if premium deductions were discontinued (sometimes without the knowledge of the insured), insurance lapsed and was not in force at the time of death.

Section 10 of the bill adds several new subsections to section 602 of the National Service Life Insurance Act of 1940, as amended. Subsection (t) provides four modes of payments: First, lump-sum payments; second, payment in equal monthly installments of from 36 to 240; third, payment as an annuity for 120 months certain, with payments continuing throughout the lifetime of the first beneficiary; and, fourth, payments as a refund life income in monthly installments for such periods as will equal the face value of the contract, with payments continuing throughout the life of the first beneficiary. Where the amount of insurance is insufficient to pay at least $10 a month for 1 year, insurance will be paid in a lump sum. Under exisiting law lump-sum payments are not authorized.

Subsection (u) provides that certain subsections of section 602 shall not be applicable to insurance matured after the enactment of the bill; and that the remainder of any insurance not paid to the beneficiary shall be paid to the estate of the insured, except that if the beneficiary could have claimed a lump-sum payment, but chose to be paid in installments, the amount remaining after the beneficiary's death will be paid to the estate of the beneficiary. Under existing law, if there is no person within the permitted class of beneficiaries above specified living to receive payments of insurance, no payments are made.

Subsection (v) (1) authorizes and directs the Administrator to issue insurance protection against total disability which continues for six or more consecutive months. An extra premium will be charged for total-disability protection and the benefit payable in case of total disability will be $5 for each $1,000 of such insurance. Those partially disabled from service-connected disability may apply for total-disability protection at any time prior to January 1, 1948.

Subsection (v) (2) provides that the national service life-insurance appropriation will bear the cost of payment of benefits when disability is traceable to the extra hazards of military or naval service. The National Service Life Insurance Act does not now contain any provision for disability protection.

Section 11 adds new subsections to section 602 of the National Service Life Insurance Act of 1940, as amended. Subsection (w) provides that national service life insurance heretofore or hereafter issued shall be incontestable from date of issue, reinstatement, or conversion except for fraud, nonpayment of premium, or on the ground that the applicant was not a member of the military or naval forces of the United States. Under existing law, the Government can contest the validity of insurance on any ground.

Subsection (x) provides that the guardian of a minor or an incompetent person who is a beneficiary may select any optional mode of settlement available to the minor or incompetent. Guardians are under the jurisdiction of State courts, and in the absence of statutory authority, it is doubtful whether under existing law State courts would hold that a guardian has the right to bind a minor or incompetent by an election.

Subsection (y) (1) authorizes reinstatement of level premium term insurance upon payment of two monthly premiums and evidence satisfactory to the Administrator showing that the insured is in good health, or partially disabled only from service-connected disability.

Subsection (y) (2) provides that level premium term insurance may be reinstated within 6 months after the lapse or 6 months after the date of enactment of the bill, whichever is later, upon payment of two monthly premiums, if the applicant is in as good health on the date of application as he was on the due date of the premium in default and furnishes evidence thereof satisfactory to the Administrator. This subsection also provides that insurance protection will continue not exceeding 60 days if the insured indicates a clear intent to continue his insurance prior to the expiration of the grace period.

Section 12 of the bill provides that without prejudice to any other cause of disability, the permanent loss of use of both feet or both hands or both eyes, or of one foot and one hand, or of one foot and one eye, or of one hand and one eye, or the loss of hearing of both ears, or the organic loss of speech shall be deemed total disability. The Supreme Court has held that such disabilities do not necessarily result in total disability.

Section 13 of the bill amends section 607 (b) of the National Service Life Insurance Act of 1940, as amended, to authorize calculations of values of life contingencies and liabilities thereunder to be based upon such mortality table or tables as the Administrator may prescribe, with interest at the rate of 3 percent. Experience has demonstrated that the American Experience Tables of Mortality are inadequate for calculations of liability involving payment of life annuities.

Section 14 of the bill amends section 608 of the National Service Life Insurance Act to eliminate the finality of the decisions of the Administrator upon insurance matters, and to authorize reviews by United States district courts in conformity with the provisions of section 617 of the act which is also amended by the bill.

Section 15 of the bill authorizes the assignment of insurance by a designated beneficiary to certain specified relatives of the insured.

Section 16 of the bill amends section 617 of the National Service Life Insurance Act to authorize suit in the United States district courts in the event of a disagreement as to a claim involving waiver of premiums or payments of benefits for total disability. Suit will be tried by the court without a jury, and the files of the Veterans' Administration will constitute the only competent evidence. If additional evidence is available and material, court proceedings may be stayed until such evidence is considered by the Veterans' Administration. At the conclusion of the trial, the court will file a written opinion, setting forth its specific findings of facts and conclusions of law, and render judgment thereon.

Section 17 of the bill does not relate to national service life insurance. This section adds a new section 313 to the World War Veterans' Act of 1924. It provides that when payments for total disability under United States Government life insurance are payable because of total disability traceable to the extra hazards of military or naval service, such liability shall be paid from the military and naval insurance appropriation. Under existing law, many persons who entered the service during World War II were carrying United States Government life insurance. Under the existing law, payment of benefits made because of total disability resulting from injury or disease incurred in active service must be paid from the United States Government life-insurance fund. Permanent total disability benefits paid to the same individual are charged against the appropriation. Under the bill, both types of disability will be charged against the appropriation.

Mr. Speaker, this bill is not perfect, but it is a great improvement over the present law, and will be of untold benefit to hundreds of thousands of our veterans of World War II and their dependents.

I trust it will pass by a unanimous vote.

I reserve the balance of my time.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the provisions of this bill are as follows:

Enlarges permitted class of beneficiaries retroactively to include a designated stepparent.

Fixes ending date of World War II service as September 2, 1945, for insurance purposes.

Permits waiver, before January 1, 1950, of good-health requirement in all sections of National Service Life Insurance Act for partial service incurred or aggravated disability.

Allows any person with active World War II service to obtain national service life insurance at any time on showing of good health.

Grants insurance retroactively to those whose applications were denied for health reasons in war service, though they continued to do full duty, if they incurred permanent and total disability or died in line of duty.

Grants automatic insurance retroactively against death and total disability during first 120 days of war service.

Increases automatic insurance protection from $5,000 to $10,000.

Eliminates dependency requirement for parents in automatic insurance settlements.

Authorizes endowment policies as additional available plans.

Grants insured the right prospectively to designate beneficiary of his choice.

Retroactively prevents lapse of insurance during active service if authorization was given for premium deduction from pay.

Adds additional optional settlements, including lump sum. Very many veterans have begged for this provision, as have Members of Congress.

Provides for payment of unpaid balance of insurance proceeds to estate of insured generally. Payment to a beneficiary's estate will only be made if a beneficiary dies when receiving installment payments elected in lieu of a lump-sum settlement.

Includes a total-disability provision prospectively, with extra premium charge, upon application before age 60 and proof of good health, which will allow those who want this protection $5 per $1,000 insurance monthly disability payment, effective the first day of the seventh month after six consecutive months of total disability. Such disability payments will not decrease life-insurance settlements.

Extends reinstatement privileges in level premium term contracts, heretofore covered solely by regulations.

Specifies certain statutory total disabilities, such as double amputees, those who have not the use of their limbs, and the spinal-cord cases, paraplegics, and other cases.

Eliminates finality of Administrator's decisions on premium waivers.

Permits other appropriate court proceedings as well as suits following denial of insurance claims by the Administrator.

Mr. Speaker, I am very much distressed that this bill legislates against jury trials for veterans in these insurance cases. A civilian can have a jury trial, but under the provisions of this bill a veteran cannot.

I believe the Senate will change this provision of the bill, otherwise I should make a very bitter fight against it, because the veteran should always be entitled to a jury trial, in my opinion. I fought in the committee to have the veteran given his right to a jury trial. The gentleman from Ohio, Judge RAMEY, was greatly interested to see justice done the veteran in this respect.

The bill permits assignments by the beneficiary to a limited class of persons.

This bill should have passed a good many years ago. A grave injustice was done to World War II veterans. I am very glad it is now being considered. The insurance bill now in force is not as helpful to World War II veterans as that passed for World War I.

Mr. Speaker, I yield 5 minutes to the gentleman from Iowa [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, as has already been stated by the chairman of the committee and the gentlewoman from Massachusetts [Mrs. ROGERS], this bill—H. R. 6371—will give to the veteran the same kind of insurance, approximately, that he would buy in a commercial policy from any old-line company. Briefly, the changes are as follows:

At present under the National Service Life Insurance Act the veteran is not entitled to designate that the insurance upon his death be paid in a lump sum.

The maximum that could be paid under a $10,000 policy is about $59 per month to his beneficiary, and that would extend over a period of 20 years on a $10,000 policy. He can designate a smaller payment, but not a larger one. This bill will permit him to designate the payment of the entire $10,000, or whatever amount of insurance he has, in one lump sum to the named beneficiary in the policy. The reason for this is that when he converts his insurance he will be paying a larger premium than he paid during the time of his active service, and since he is paying for this insurance it is his own and he should be permitted to do with it as he pleases.

Mr. ROBSION of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. Does this cover all of the insurance policies that have been issued to veterans?

Mr. CUNNINGHAM. Yes; when they are converted.

Mr. ROBSION of Kentucky But they must be converted?

Mr. CUNNINGHAM. That is right.

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. Does the beneficiary also have the opportunity as to the form of payment?

Mr. CUNNINGHAM. Yes; in one way. The beneficiary can change the method of payment downward but not upward. If the insured, for instance, designated that the beneficiary be paid in monthly installments of $59.50 per month or any other optional plan, the beneficiary can elect to take any smaller monthly payment but cannot elect to take any lump sum or larger sums than the insured designated.

Mr. PITTENGER. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Minnesota.

Mr. PITTENGER. I am interested in this bill because there is a case in the office now where a young man wrote his folks in August, as I recall, that he had taken out $9,000 additional insurance, and they never heard any more about it. He was killed in action some time in October 1942. As I read this bill, there is nothing that takes care of that type of case.

Mr. CUNNINGHAM. Yes, I believe there is. I think that is very clearly covered.

Mr. PITTENGER. You have covered it up until April 2, 1942, but here is a case where, very clearly, if he did what he said he did, either his company clerk did not send in the application or it was lost with other records, maybe when a boat was sunk. As I read this bill, I do not see that this type of case is covered.

Mr. CUNNINGHAM. I think the gentleman will find that it is covered. We endeavored to cover that very thing. I was just coming to it.

Mr. RANKIN. If the gentleman will yield—if he died within 120 days of his entry into the service, he is taken care of under this bill.

Mr. PITTENGER. I brought up that point with the legal staff and they pointed out that he had been in service a year, we will say, more than 120 days, so that section confused me. They have satisfied me that the way that section is drafted April 2, 1942, is a time limit or a dead line, and you have cases after that that you do not cover in this bill.

Mr. CUNNINGHAM. The 120 days after that time. If within the period up to April 2, 1942, or within 120 days thereafter, or after the time he went into the service, he applied for insurance, he would be covered; or if he did not apply, he would be covered.

The SPEAKER pro tempore. The time of the gentleman from Iowa has expired.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I yield two additional minutes to the gentleman.

Mr. CUNNINGHAM. Further answering the gentleman from Minnesota, suppose he applied for insurance either within 120 days or after the 120-day period, but through error his application did not get in—perhaps because some clerk made a mistake—he would be covered under the provisions of this bill or at least that is the way we intended to have it.

Mr. PITTENGER. May I say to the gentleman I am for this bill as far as it goes. But in the case to which I have referred, there is no record of his application being filed or sent into the Department here in Washington.

Mr. CUNNINGHAM. And the man is dead?

Mr. PITTENGER. He is dead. The only evidence we have is a letter in his own handwriting mailed on August 5, and the envelope that the folks back home received on August 14. Then along in September, I have forgotten the exact date, he was killed in action in Algiers. He only had $1,000 insurance. The best information I can get is that your bill does not cover that casualty at all because there is no record. That is what I am trying to say. We have no way of proving this outside of his own letter.

Mr. CUNNINGHAM. I yield to the gentleman from California.

Mr. PHILLIPS. I would like to know what happens to insurance policies, the holder of which has already died. That is, can they now change the form of payment under this bill?

Mr. CUNNINGHAM. No, they cannot, except under certain conditions. At least, they cannot increase the amount of payment.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Arizona.

Mr. MURDOCK. We have been told that the chief veterans' organizations have approved the bill. Have the new organizations of veterans of World War II expressed themselves regarding it?

Mr. CUNNINGHAM. The American Legion approved the bill in substance as well as the Veterans of Foreign Wars and the Purple Heart and the DAV. I cannot answer as to the other organizations. They are not entirely in accord with all of the provisions of it. Some of the provisions of the bill go further than they expected.

The SPEAKER pro tempore. The time of the gentleman from Iowa has again expired.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I yield myself a half minute to say that certainly we ought to pass legislation that will take care of cases such as the gentleman from Minnesota [Mr. PITTENGER] mentioned.

Mr. RANKIN. Mr. Speaker, I yield 5 minutes to the gentleman from Oklahoma [Mr. STIGLER].

Mr. POAGE. Mr. Speaker, will the gentleman yield?

Mr. STIGLER. I yield.

Mr. POAGE. I did not get quite clearly what the effect of this bill would be on claims that have already arisen where there was an authorization to deduct from the soldier's pay and the soldier was killed or otherwise died? Does this bill provide for making that mere authorization of deduction sufficient evidence of the existence of the insurance?

Mr. STIGLER. Where there was a formal application made?

Mr. POAGE. That is right.

Mr. STIGLER. Yes, that is my understanding in such a case where a formal application was made.

Mr. POAGE. There have been cases where for some reason or another, even though the deduction was authorized, the payment was not made, and when the veteran died, his parents or wife found that the insurance was not in effect. As I understand it, this takes care of such cases?

Mr. STIGLER. I may say to the gentleman from Texas when the subcommittee of which I happen to be a member had all of these bills under consideration, we had extensive hearings and that subject was discussed. We endeavored by this bill to take care of the situation which the gentleman describes.

Mr. POAGE. I thank the gentleman.

Mr. RANKIN. Mr. Speaker, if the gentleman will yield, may I say to the gentleman from Texas [Mr. POAGE] that where it was authorized to be deducted from his pay, whether it was deducted or not, this bill will take care of it.

Mr. STIGLER. As has been stated on the floor, this bill before being reported was given considerable study by a subcommittee of the World War Veterans Committee. I happen to be a member of that subcommittee. We spent many days in an exhaustive study of the various bills before the World War Veterans Committee, on insurance.

In my judgment, this bill does many of the things which heretofore should have been done by the Congress. Boiled down, this bill briefly does this: It permits lump-sum payments of insurance to the beneficiary. Heretofore that has not been done. In other words, the only way a beneficiary could receive the money would be in 240 monthly installments at the rate of $57.50 per month. This bill permits lump-sum payment to the beneficiary.

Another benefit which this bill gives which is not granted at this time is to give the insured the right to name any beneficiary he so desires. Currently the

law limits beneficiaries to wives, children, parents, brothers, and sisters. Under the provisions of this bill it permits the right to name any beneficiary.

Another change is the total disability clause. The new measure provides, upon payment of an extra premium, the veteran who becomes totally disabled is entitled to monthly cash benefits. However, the disability must last at least 6 months. In the seventh month the veteran draws $5 a month for each $1,000 of insurance. Those payments would not affect the face value of the policy or any other compensation or pension being received by the veteran.

Then, there is the feature that deals with lapsed policies, automatic coverage by certain servicemen whose insurance lapsed while they were in the service, because of administrative difficulties. That covers the very thing which the gentleman from Texas [Mr. POAGE] mentioned a few minutes ago. At least, we endeavored to cover that.

As was brought out a moment ago it covers the GI who, perhaps went a. w. o. l., lost his insurance without realizing it; enlisted men who had become commissioned officers had forgotten about their insurance. So all of those things are taken care of in this measure.

Another important feature in this bill is the automatic retroactive coverage for servicemen who applied for insurance but were turned down, and yet stayed in active duty and were killed or totally disabled. The provisions of this bill would benefit a considerable number of veterans.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RANKIN. Mr. Speaker, I yield the gentleman two additional minutes.

Mr. STIGLER. The bill also provides how a policy may be reconverted upon the soldier's separation from the service. More flexible provisions are given in this bill than have heretofore been given.

Under the present set-up, when a veteran becomes a civilian and he wants to turn his war-type insurance into civilian-type insurance, he is permitted only three methods of conversion: First, ordinary life; 30-year life; and 20-year life. Under this expanded and liberalized program we also include a 20-year endowment plan, endowment at the age of 60, and endowment at the age of 65.

Mr. NORBLAD. Mr. Speaker, will the gentleman yield?

Mr. STIGLER. I yield.

Mr. NORBLAD. What about those who have already converted their insurance, such as in my own case? Can I take out one of these plans now?

Mr. STIGLER. Yes, it is my understanding the privilege is given to those who have already converted.

Mr. JOHNSON of California. Mr. Speaker, will the gentleman yield?

Mr. STIGLER. I yield.

Mr. JOHNSON of California. Who lays down the policy as to the loaning of money on the policy? Here is what I am thinking of: When the Government borrows money it pays about 2 percent or less, but when a man goes to borrow money on an insurance policy, which is really his money, he pays 6 percent.

The SPEAKER pro tempore. The time of the gentleman from Oklahoma has expired.

Mr. RANKIN. Mr. Speaker, I yield the gentleman two additional minutes.

Mr. JOHNSON of California. Does the Administrator have the right to fix the rate of interest that the veteran pays on loans on his policy?

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. STIGLER. I yield.

Mr. RANKIN. That comes up in a separate bill.

Mr. STIGLER. That is not covered by this measure, I may say to the gentleman from California.

In conclusion, Mr. Speaker, may I urge the enactment of this measure? As I said in the beginning, this bill has received the very best efforts of both the subcommittee and the full committee. It deserves your support.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I yield 3½ minutes to the gentleman from New York [Mr. KEARNEY].

Mr. KEARNEY. Mr. Speaker, the work of the subcommittee on the redrafting of H. R. 6371 has already been stated. Many suggestions came to our subcommittee which, as stated by the gentleman from Oklahoma, could not be included in this bill but will have to be introduced as separate legislation to cover those particular cases.

I read in this morning's Times-Herald a statement, I believe, from a General Holdridge, who represents a veterans' organization comprising veterans of World War II, in which he attacks the World War Veterans' Committee of the House, taking them to task for what he states is the emasculation of the National Service Life Insurance Act. I would advise General Holdridge that it might be well for him to read the bill, for instead of being an emasculation of the provisions of the National Life Insurance Act its terms and provisions are strengthened and made more liberal by this pending legislation, and the thousands and thosands of GI's who have already dropped their insurance will now be able to reinstate with only the minimum of premium payment.

I am in hopes that several of the matters that were considered by the subcommittee and voted down may be brought to the attention of the conferees after this bill has passed both Houses.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. KEARNEY. I shall be pleased to yield to the gentleman from Mississippi.

Mr. RANKIN. They will also probably add thousands of men who were killed within the first 120 days of their services. They will be taken care of under this bill. Otherwise their dependents would receive no insurance at all, if the bill does not pass.

Mr. KEARNEY. That is absolutely correct; and I want to call all veterans' attention to that feature of the bill.

Mr. RANKIN. Mr. Speaker, will the gentleman yield further?

Mr. KEARNEY. I yield.

Mr. RANKIN. This General Holdridge, who started out as "Heitke," is the head of what he calls the Veterans' League. This outfit seems to be made up of a conglomeration of misfits. One does not even have to be a veteran to belong to it.

Mr. KEARNEY. I do not know anything about the general's background, but I do say that when he attacks the committee of the House which is most vitally interested in veterans' problems and has reported a bill such as H. R. 6371, then, in my opinion, he should read the bill before he speaks.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. RANKIN. Mr. Speaker, I yield the gentleman one additional minute. I should like to ask him a question.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. KEARNEY. I yield.

Mrs. ROGERS of Massachusetts. I know the gentleman was very anxious to have written into this bill, as was the gentleman from New York [Mr. KEARNEY], the provision which would pay the permanently disabled veteran, such as double amputees, paraplegics, and other cases, $5 a month per thousand of insurance and then at their death not to be taken from the value of the policy. Those cases noted already are total and permanent. I hope very much the Senate will put that in the bill. The committee did not adopt it. It was proposed by the American Legion, the DAV's, and Veterans of Foreign Wars. I know it covers the cases of veterans who are in good health if they apply before they are 60 and pay higher premiums. Then when they become totally and permanently disabled, they are given that advantage. But the cases I have mentioned are not included.

Mr. RANKIN. That is in the bill now.

Mr. KEARNEY. As I understand that is in the bill now.

Mr. RANKIN. Yes; that total and permanent provision is in the bill now.

Let me say to the gentleman from New York [Mr. KEARNEY], who worked very diligently on this bill as a member of the subcommittee, as well as in the full committee, that this man Holdridge, who, as I said, was discharged from the Army as a neuropsychiatric, is doing the veterans of this country immeasurable harm by the propaganda he is spreading.

Mrs. ROGERS of Massachusetts. Mr. Speaker, the provision I would like to have had in the bill is that the premium should not be increased in order that they may receive their $5 on a thousand-dollar insurance.

Mr. Speaker, I yield the balance of the time on this side to the gentleman from Kansas [Mr. SCRIVNER].

Mr. SCRIVNER. Mr. Speaker, changes in the National Service Life Insurance Act of greatest interest incorporated in H. R. 6371 are:

First. Increase in the amount of automatic insurance for those taken prisoner early in the war, and those not insured if death came within the first 120 days of service, from $5,000 to $10,000, and eliminates necessity of dependency of parents to receive benefit payments. This action was taken inasmuch as it was shown that the average insurance coverage was $9,275. Hence it was fair

to assume these men, given opportunity, would have applied for $10,000.

Second. Men on limited service who had been denied insurance because of the state of their health are declared to have had their applications approved if they were transferred to full duty and then died in line of duty.

Third. Increases the types of policies to which veterans may convert, so they may now obtain ordinary life, 20-pay life, 30-pay life, 20-year endowment, endowment at 60, or endowment at 65.

Fourth. Enlarges the list of beneficiaries eligible upon conversion.

Fifth. Changes the plans of payment upon conversion so that veteran may ask for a lump-sum payment to beneficiary.

Sixth. Provides for total disability benefits under converted policies upon payment of extra premiums to be fixed by Administrator determined upon actuarial basis.

Seventh. Grants beneficiaries of those who died prior to September 30, 1944, the right to make election, within a year, to take advantage of an optional method of payment which will assure benefit payments of at least the face value of the policy carried by the serviceman.

Mr. Speaker, these changes correct some existing inequities and injustices, and bring the World War II insurance more nearly in line with that carried by veterans of World War I.

Mr. Speaker, despite what some may say or the thoughts that have been expressed here, this bill corrects many injustices and many inequities that have heretofore existed. It brings the insurance into that category of things wanted by ex-servicemen and is one of the finest things the ex-servicemen can hold on to as a result of their service. I would advocate that all of them hold this insurance, then convert whenever it is possible for them to do so.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

Mr. SCRIVNER. I yield to the gentleman from Arizona.

Mr. MURDOCK. Many ex-servicemen have let their insurance drop. Is there ample provision whereby they can be reinstated?

Mr. SCRIVNER. They can be reinstated within 5 years upon a showing that they are in as good health now as when the policy dropped, and also upon the payment of certain premiums.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. SCRIVNER. I yield to the gentleman from Indiana.

Mr. SPRINGER. This bill, which the gentleman and his committee has worked on so diligently, liberalizes the insurance provisions for the veterans very materially?

Mr. SCRIVNER. It is a very material liberalization, yes.

Mr. CARNAHAN. Mr. Speaker, will the gentleman yield?

Mr. SCRIVNER. I yield to the gentleman from Missouri.

Mr. CARNAHAN. The automatic insurance provision does not apply to persons after they have been in the service 120 days?

Mr. SCRIVNER. The automatic insurance provision is primarily for those who were taken prisoner prior to 1942 and those who died prior to their first 120 days of service.

The SPEAKER. The time of the gentleman from Kansas has expired.

Mr. RANKIN. Mr. Speaker, I yield the gentleman one additional minute.

Now will the gentleman yield?

Mr. SCRIVNER. I yield to the gentleman from Mississippi.

Mr. RANKIN. Answering the distinguished gentleman from Indiana [Mr. SPRINGER], a former commander of the American Legion of that State, if every serviceman could read and understand this bill, in my opinion, 99 percent of them would approve it.

Mr. SCRIVNER. The gentleman is absolutely correct.

Mr. DE LACY. Mr. Speaker, will the gentleman yield?

Mr. SCRIVNER. I yield to the gentleman from Washington.

Mr. DE LACY. Now the GI has only 6 months to convert his insurance to a private company and it often costs him so much to do that that he has to drop it. Does this bill have any bearing on that?

Mr. SCRIVNER. This bill has nothing to do with private companies at all.

Mr. CUNNINGHAM. Mr. Speaker, if the gentleman will yield, he has 5 years to convert, does he not?

Mr. SCRIVNER. The gentleman from Washington said, "convert to a private company." This has nothing whatsoever to do with private companies.

Mr. CUNNINGHAM. We have nothing to say whether he ever converts to a private company or not.

Mr. SCRIVNER. He cannot convert this national service life insurance to a private company.

Mr. CUNNINGHAM. We are trying to give the veteran the advantage of a very low Government rate.

Mr. SCRIVNER. At a lower rate, and he has 5 years in which to convert.

Mr. THOMASON. Mr. Speaker, will the gentleman yield?

Mr. SCRIVNER. I yield to the gentleman from Texas.

Mr. THOMASON. Do the lump-sum provisions in this bill inure to the benefit of a totally and permanently disabled veteran the same as it would to a widow of a deceased veteran?

Mr. SCRIVNER. Not unless he takes out a converted policy and becomes totally disabled after he converts his policy.

Mr. RANKIN. Mr. Speaker, we have no more requests for time. This measure should pass by all means. I hope there will not be a dissenting vote.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days to extend their remarks in the RECORD on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

EXTENSION OF REMARKS

Mr. WHITTEN asked and was given permission to extend his remarks in the RECORD and include an address he delivered before the United Daughters of the Confederacy.

PRIVATE CALENDAR

The SPEAKER. The Clerk will call the first individual bill on the Private Calendar.

MRS. LULA WILSON NEVERS

The Clerk called the bill (H. R. 975) for the relief of Mrs. Lula Wilson Nevers.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Lula Wilson Nevers, of Mount Pleasant, Iowa, the sum of $20,298.67, in full settlement of all claims against the United States as the result of renting one Link-Belt crawler crane under equipment rental agreement No. 75, to the Iowa ordnance plant and Kansas ordnance plant of the War Department, said agreement entered into April 29, 1941: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 6, strike out "$20,298.67" and insert "$10,100.43."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WESTERN UNION TELEGRAPH CO.

The Clerk called the bill (H. R. 4917) for the relief of the Western Union Telegraph Co.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Western Union Telegraph Co., a corporation organized under the laws of the State of New York and having its office at 60 Hudson Street, New York, N. Y., the sum of $2,463.43, in full satisfaction of its claims for telegraphic services rendered to the Federal Public Housing Authority during the month of December 1942, payment for such services having been refused by the Comptroller General because the original bill and the original messages attached thereto substantiating said bill having been lost the bill cannot be substantiated in the manner required by the General Accounting Office: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with such claim and it shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated by this act in excess of

10 percent thereof on account of services rendered in connection with such claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 9, strike out "its claim" and insert "all claims against the United States."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

H. H. ASHBROOK AND OTHERS

The Clerk called the bill (S. 769) for the relief of H. H. Ashbrook and others.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to H. H. Ashbrook, the sum of $2,311.97; to Jens C. Petersen, the sum of $1,299; to George Laucomer, the sum of $968.66; to Walker M. Lee, the sum of $882.27; to E. C. Douglass, the sum of $700; and to William Ledingham, Jr., the sum of $104, in full satisfaction of their claims against the United States for compensation for property damage sustained by them as a result of range fires caused by training operations of the United States Army Air Forces near the Sioux County bomber range, in Sioux County, Nebr., for claims arising on account of damages sustained prior to October 1944; to C. R. Watson, the sum of $692.20, and to Charles R. Laucomer, the sum of $3,639.25, in full satisfaction of their claims against the United States for compensation for property damage sustained by them as a result of range fires caused by training operations of the United States Army Air Forces near the Sioux County bomber range, in Sioux County, Nebr., for claims arising on account of damages sustained during the years 1943 and 1944; and to Kilpatrick Bros. Co., a Nebraska corporation, having its principal office at Beatrice, Nebr., owning and operating a grazing range in Sioux County, Nebr., the sum of $2,044.09, in full satisfaction of its claims against the United States for compensation for property damage sustained by it as a result of range fires caused in the year 1943, by training operations of the United States Army Air Forces in Sioux County, Nebr. Acceptance of the benefits hereby provided shall not be regarded as covering damages sustained by said Kilpatrick Bros. Co. as a result of range fires caused in the year 1944 and subsequent years by training operations of the United States Army Air Forces, at or in connection with the Sioux County bomber range in Sioux County, Nebr. Such claims now existing and such claims as may hereafter arise in favor of said Kilpatrick Bros. Co. shall in nowise be prejudiced by this act: *Provided*, That no part of the amounts appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JASPER A. MEALER

The Clerk called the bill (H. R. 5053) for the relief of the estate of Jasper A. Mealer.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of money in the Treasury not otherwise appropriated, to the estate of Jasper A. Mealer, deceased, the sum of $18,200, in full settlement of all claims against the United States on account of the death of Jasper A. Mealer on December 14, 1944, when he was struck by a P–38 Army airplane of the United States Army, near College Park, Ga.: *Provided*, That no part of the amount appropriated in this Act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on acount of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 6, strike out "$18,200" and insert "$5,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

KARL E. BOND

The Clerk called the bill (H. R. 783) for the relief of Karl E. Bond.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Karl E. Bond, Shiprock, N. Mex., the sum of $10,000. The payment of such sum shall be in full settlement of all claims against the United States on account of personal injuries sustained by the said Karl E. Bond on May 26, 1943, as the result of an explosion in the basement of his home caused by leakage of gas from an Indian Service pipe line running from wells at Rattlesnake, N. Mex., to the Indian Service power plant at the Indian agency, Shiprock, N. Mex.

With the following committee amendments:

Page 1, line 6, strike out "$10,000" and insert "$7,500."

Page 1, line 8, after the word "sustained" insert "and all expenses incident thereto."

At the end of the bill insert *"Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

W. P. RICHARDSON

The Clerk called the bill (S. 470) to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim or claims of W. P. Richardson, as successor and assignee of W. P. Richardson & Co., of Tampa, Fla.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claims of the United States to hear, determine, and render judgment upon the claim, or claims, of W. P. Richardson, as successor and assignee of W. P. Richardson & Co., of Tampa, Fla., a partnership, composed of W. P. Richardson, George W. Hessler, and L. C. Park, for any losses and damages sustained under the terms of a contract entered into with the United States Shipping Board Emergency Fleet Corporation involving a housing development at or near South Jacksonville, Fla., on or about July 8, 1918, by reason of certain housing needs during World War I.

SEC. 2. Suit upon such claim may be instituted at any time within 1 year after the date of enactment of this act, notwithstanding the lapse of time or any statute of limitations. Proceedings for the determination of such claim, and appeals from any payment of any judgment thereon, shall be in the same manner as in the case of claims over which such court has jurisdiction under section 145 of the Judicial Code, as amended.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILLIAM W. WILLETT, JR.

The Clerk called the bill (H. R. 797) for the relief of William W. Willett, Jr.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William W. Willett, Jr., 4303 Kathland Avenue, Baltimore, Md., the sum of $3,060, in full settlement of all claims against the United States for property damage sustained by reason of the loss by fire of certain property located at Old Cedar Point, Morgantown, Md., which was caused by the dropping of a parachute flare, dropped from a plane owned by the United States Government and operating from the naval proving ground at Dahlgren, Va.

With the following committee amendment:

At the end of the bill insert the following: *"Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CECIL ATKINSON

The Clerk called the bill (H. R. 1258) for the relief of Cecil Atkinson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Cecil Atkinson, Imperial County, Calif., the sum of $10,298.69. The payment of such sum shall be in full settlement of all claims of the said Cecil Atkinson against the United States for personal injuries sustained as the result of an accident which occurred on November 14, 1943, when a United States Army truck crashed into the car upon which the said Cecil Atkinson was working alongside State Highway 187 near Holtville, Calif.

With the following committee amendment:

Page 1, line 6, after "the sum of" strike out the remainder of the bill and insert the following: "$3,547.69, in full settlement of all claims against the United States for personal injuries sustained by him and by his minor son, Dwight Atkinson, age 6 years, for medical and hospital expenses incurred by the said Cecil Atkinson for himself and his said minor son, and for loss of earnings incurred by the said Cecil Atkinson, as a result of an accident involving an Army truck which occurred on November 14, 1943, on State Highway No. 187, near Holtville, Calif.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COX BROS.

The Clerk called the bill (H. R. 1469) for the relief of Cox Bros.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Cox Bros., Yakima, Wash., the sum of $7,375. Such sum represents the loss sustained by the said Cox Bros., under War Department contract W. 6105 qm-209, dated December 10, 1940, for the rental, for grading purposes at Fort Lewis, Wash., of two D-8 Caterpillar tractors with Letourneau scrapers. Under the terms of such contract, such equipment was subject to purchase by the Government, the price to be determined by the initial sale price specified by the bidder. Through a misunderstanding of the items which should have been included in determining, for the purposes of the contract, the amount of the initial sale price, the initial sale price quoted by the said Cox Bros. was $7,375 less than it should have been. The Government exercised its option and purchased such equipment on the basis of the initial sale price specified in the bid.

With the following committee amendments:

Page 1, line 6, after "$7,375", strike out the period and "Such sum represents the loss sustained by the said Cox Bros." and insert in lieu thereof a comma and "in full settlement of all claims against the United States for losses sustained."

At the end of the bill insert the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GAYLON DHUE

The Clerk called the bill (H. R. 2489) for the relief of Gaylon Dhue.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Gaylon Dhue, the sum of $3,000, in full settlement of all claims against the Government for injuries and property damage sustained by said Gaylon Dhue, whose car was struck by a United States Army truck in Chester, Pa., operated by Private Floyd Bradford, Headquarters Battery, Seventy-seventh Regiment Coast Artillery.

With the following committee amendments:

Page 1, line 5, strike out "Dhue" and insert "Dhu, of Chester, Pennsylvania."

Line 6, strike out "$3,000" and insert "$2,000."

Line 7, strike out "Government" and insert "United States."

Line 9, strike out "Dhue" and insert "Dhu."

At the end of the bill insert the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Gaylon Dhu."

A motion to reconsider was laid on the table.

CHATHAM M. TOWERS

The Clerk called the bill (H. R. 3455) for the relief of Chatham M. Towers.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, to Chatham M. Towers, former Collector of Taxes of the District of Columbia, out of any money in the Treasury not otherwise appropriated, the sum of $4,237.65; to reimburse the said Chatham M. Towers for salary withheld and applied, amounting to $249.28; retirement annuities withheld and applied, amounting to $1,488.37; and the sum of $2,500 paid by the said Chatham M. Towers, on account of a shortage arising in the accounts of the said Chatham M. Towers during his service as Collector of Taxes for the District of Columbia, and which, upon investigation, have been shown to have resulted from peculations of agent officers who were not exclusively responsible to the said Chatham M. Towers during his tenure as Collector of Taxes: *Provided*, That the total sum directed to be paid pursuant to this act shall be paid from the revenues of the District of Columbia.

With the following committee amendment:

At the end of the bill insert the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

J. B. McCRARY CO., INC.

The Clerk called the bill (H. R. 3494) for the relief of J. B. McCrary Co., Inc., and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to certify for payment to the J. B. McCrary Co., Inc., out of any moneys in the Treasury not otherwise appropriated, the sum of $75,829 as loss sustained by said company in the performance of fixed-price contract No. Ha (Ga. 9131) OPH 105, dated January 28, 1943, for the construction of the Warner Robins housing project near Atlanta, Ga., and which loss was sustained through acts of the United States.

With the following committee amendments:

Page 1, line 3, strike out all after the enacting clause down to and including "loss" in line 7, and insert the following: "That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $75,829.16 to J. B. McCrary Co., Inc., of Atlanta, Ga., in full settlement of all claims against the United States for losses."

At the end of the bill insert the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NORTHERN LUMBER & MILLWORK CO., SPOKANE, WASH.

The Clerk called the bill (H. R. 3508) for the relief of the Northern Lumber & Millwork Co., of Spokane, Wash.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Spokane Merchants' Association, of Spokane, Wash., as assignee for the benefit of creditors of the Northern Lumber & Millwork Co., of Spokane, Wash., the sum of $7,216.45. Such sum represents reimbursement for loss sustained by such company in connection with furnishing lumber to the Defense Plant Corporation, through its agents, the H. K. Ferguson Co., general contractors, pursuant to a purchase order issued on or about December 7, 1942: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 8, after "$7,216.45" strike out the period and "Such sum represents" and insert a comma and "in full settlement of all claims against the United States, as."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LAURA SPINNICHIA

The Clerk called the bill (H. R. 6051) for the relief of Laura Spinnichia.

The SPEAKER pro tempore (Mr. BULWINKLE). Is there objection to the present consideration of the bill?

Mr. SPRINGER and Mr. McGREGOR objected, and, under the rule, the bill was recommitted to the Committee on Claims.

SAM BECHTOLD

The Clerk called the bill (S. 1286) for the relief of Sam Bechtold.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Sam Bechtold, of Saint Ignatius, Mont., the sum of $6,239.40, in full satisfaction of his claim against the United States for compensation for personal injuries sustained by him, on November 27, 1944, when escaped prisoners from the northwestern branch, United States disciplinary barracks, Fort Missoula, Mont., assaulted him and stole his automobile, and for reimbursement of medical, hospital, and other expenses incurred by him as a result of such injuries and theft: *Provided*, That no part of the amount appropriated in this Act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HATHEWAY PATTERSON CORP.

The Clerk called the bill (H. R. 1331) for the relief of the Hatheway Patterson Corp.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Hatheway Patterson Corp., Jersey City, N. J., the sum of $10,000. The payment of such sum shall be in full settlement of all claims of the said Hatheway Patterson Corp. against the United States for property damage resulting from the taking on November 15, 1942, by the United States of a temporary building owned by such corporation within the area of Port Newark Army Air Base, N. J.

With the following committee amendments:

Page 1, line 6, strike out "$10,000" and insert "$7,500."

At the end of the bill insert the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JENNIE OLSEN ANDERSEN

The Clerk called the bill (H. R. 1614) for the relief of Jennie Olson Andersen, widow, and Arthur Andrew Andersen, infant son, of Carl Edward Andersen.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jennie Olsen Andersen, of Brooklyn, N. Y., the sum of $50,000. The payment of such sum shall be in full settlement of all claims against the United States for damages sustained by the widow and next of kin of Carl Edward Andersen as the result of the accidental death of the said Carl Edward Andersen on December 3, 1943, in the building at 213 Washington Street, Newark, N. J., which building was occupied by and under the supervision of Public Buildings Administration, Office of Dependency Benefits, as the result of the negligent operation of an elevator in the said building by an employee of the Public Buildings Administration: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 6, strike out "$50,000" and insert in lieu thereof "$5,000."

Page 1, line 8, after the word "for", strike out the bill down to and including the word "Administration" in line 5, page 2, and insert in lieu thereof "the death of her husband, Carl Edward Andersen, sustained as the result of an accident of an elevator on December 3, 1943, in the building at 213 Washington Street, Newark, N. J., which was occupied by and under the control and supervision of the Public Buildings Administration, Office of Dependency Benefits."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Jennie Olsen Andersen."

A motion to reconsider was laid on the table.

SUSAN S. WISEMAN

The Clerk called the bill (H. R. 2287) for the relief of Susan S. Wiseman.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Susan S. Wiseman, the sum of $4,925.50, in full settlement of all claims against the United States for personal injuries, medical, hospital, and other expenses, and losses sustained by her as a result of a Navy ambulance striking the automobile in which she was riding at the intersection of Thirtieth Street and Figueroa Street in the city of Los Angeles, Calif., on December 23, 1943: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed $1,000.

With the following committee amendment:

Page 1, line 6, strike out "$4,925.50" and insert "$1,525.50."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JUAN CALCAÑO

The Clerk called the bill (H. R. 2772) for the relief of Juan Calcaño.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Juan Calcaño, Loíza, P. R., the sum of $5,000. The payment of such sum will be in full settlement of all claims of the said Juan Calcaño against the United States on account of personal injuries sustained by him as the result of an accident on October 1, 1941, when the United States Army truck in which he was riding in line of duty as a member of the insular police slipped from Road No. 44 connecting Canóvanas and Loíza Aldea, P. R., and struck a tree: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding.

Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. McGREGOR. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McGREGOR: On page 1, line 6, strike out "$5,000" and insert "$3,000."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

POULTRY PRODUCERS OF CENTRAL CALIFORNIA

The Clerk called the bill (H. R. 3484) for the relief of the Poultry Producers of Central California.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,860 net, to the Poultry Producers of Central California, in full satisfaction of their claim against the United States for the net unpaid balance due them under contract No. N 220–66500, dated January 2, 1942, entered into by the Poultry Producers of Central California with the United States Government through the Navy Department for furnishing and delivering 600,000 dozen of eggs to the naval supply depot, Oakland, Calif. Said claim arising from an oral change of orders regarding dates for the delivery of eggs when war requirements demanded immediate shipment of eggs contracted for storage purposes and delivery on dates covered in contract conflicted with available shipping facilities requiring emergency oral adjustment of delivery dates in the interest of the Government requirements: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, the the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, was passed, and a motion to reconsider was laid on the table.

DIMPLE BENOIT

The Clerk called the bill (H. R. 3672) for the relief of Dimple Benoit.

There being no objection the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $16,000 to Dimple Benoit, in full settlement of all her claims against the United States for personal injuries inflicted on the said Dimple Benoit, on December 24, 1943, resulting in a compound fracture of her skull over the right eye, a badly broken right leg, consisting of an extensive comminuted fracture of right femur middle and lower third, multiple laceration, left hand and fingers thereof, cut on left eyelid and cut on right side of face from cheek bone to chin, badly bruised knee and numerous other bodily bruises and cuts, as a result of which she suffered great physical pain and mental anguish, was compelled to expend large sums of money for ambulance, hospital bills, doctor bills, medicine and nurse hire, and lost much valuable time and income, and as a result of which she is permanently injured and her capacity for work and labor is greatly and permanently impaired, and for the loss of her Chevrolet coupe of the value of $1,000. Said Dimple Benoit sustained said injuries and losses while she was riding in her Chevrolet coupe on and along Highway 70, north from Knoxville, Tenn., to Nashville, Tenn., on December 24, 1943, at a point 5 or 6 miles west of Cookeville, Tenn., when, while her said Chevrolet coupe was being driven in a careful and lawful manner on its side of said highway, a large Army truck was suddenly run from the dense woods which lay along each side of said highway at said point directly across said highway in front of the automobile in which Dimple Benoit was then riding. The driver of said automobile in which Dimple Benoit was riding made every effort to avoid being struck by said Government truck but was unable to avoid the collision, as a result of which Dimple Benoit was injured as hereinbefore set out and her car was destroyed. The Army truck which ran in front of and struck the Benoit car was an Army GMC 2½-ton capacity, No. USA–4156955, and was being operated and run by soldiers of the United States Army in the line of their duty on an Army maneuver: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, strike out "$16,000" and insert "$8,000."

Page 1, line 6, after the second comma, insert the words "of Clinton, Tenn."

Page 1, line 8, strike out the remainder of line 8, after the word "personal", all of lines 9 and 10, and, on page 2, strike out the entire page, and lines 1 to 7, on page 3, insert "injuries, hospital and medical expenses and loss of earnings, and property damage sustained as the result of an accident involving a United States Army vehicle on United States Highway No. 70N, near Baxter, Tenn., on December 24, 1943."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FRED W. GRANT

The Clerk called the bill (H. R. 3827) for the relief of Fred W. Grant.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Fred W. Grant, San Leandro, Calif., the sum of $15,513.87. The payment of such sum shall be in full settlement of all claims of the said Fred W. Grant against the United States on account of personal injuries sustained by him on April 13, 1944, when he was struck at the intersection of Spear and Mission Streets, San Francisco, Calif., by a United States Army truck: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 6, strike out "$15,513.87" and insert "$7,432.12."

Page 1, line 9, after the comma, insert "medical and hospital expenses actually incurred, and loss of earnings."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JESÚS LASSALLE

The Clerk called the bill (H. R. 4247) for the relief of Jesús Lassalle.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 to Jesús Lassalle whose 5-year-old daughter Edith M. Lassalle was fatally injured on June 20, 1944, when struck in Aguadilla, Puerto Rico, by a United States automobile. The payment of such sum shall be in full settlement of all claims against the United States on account of such accident: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 5, after "Lassalle" strike out the remainder of the line and all of lines 6, 7, 8, 9, and 10, and insert "and his wife, Mrs. America Bonet Medina, in full settlement of all claims against the United States on account of the death of their minor daughter, Edith M. Lassalle, who died as a result of personal injuries sustained when she was struck by a United States Army automobile on June 20, 1944, in Aguadilla, P. R."

The committee amendment was agreed to.

Mr. SPRINGER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SPRINGER: Line 5, page 1, strike out "$5,000" and insert "$2,035."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ALBERTO LÓPEZ RAMOS

The Clerk called the bill (H. R. 4357) for relief of the estate of the late Alberto López Ramos.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not

otherwise appropriated, the sum of $5,000 to the estate of the late Alberto López Ramos, who was fatally injured on November 17, 1941, when struck in Camuy, P. R., by a United States Army vehicle. The payment of such sum shall be in full settlement of all claims against the United States on account of such accident: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, strike out "$5,000" and insert in lieu thereof "$2,000."

Page 1, line 6, after the name "Ramos," strike out the bill down to and including the word "accident" on page 1, line 10. Insert in lieu thereof "of Puerto Rico, in full settlement of all claims against the United States for the death of the said Alberto Lopez Ramos, sustained as the result of an accident involving a United States Army vehicle on Highway No. 2, between Camuy and Quebradilla, P. R., on November 17, 1941."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROSELLA J. MASTERS

The Clerk called the bill (H. R. 4458) for the relief of Rosella J. Masters.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Rosella J. Masters, of Peoria, Ill., the sum of $250, in full settlement of all claims against the United States. Such sum represents reimbursement for the loss sustained by said person for unused accumulated leave while in the employ of the War Department: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FRANCIS T. LILLIE AND LOIS E. LILLIE

The Clerk called the bill (H. R. 4466) for the relief of Francis T. Lillie and Lois E. Lillie.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Francis T. Lillie and Lois E. Lillie, the sum of $2,868.71, in full settlement of all claims against the Government and the United States arising from personal injuries and property damages caused by the negligent operation of an Army truck which collided with a passenger automobile owned by Francis T. Lillie while being driven and operated by Alfred Lillie, who was returning from Richmond, Va., to Washington, D. C., by Federal Highway 301 on June 7, 1941: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 6, stike out "$2,868.71" and insert in lieu thereof "$383.71."

Page 1, line 7, strike out the remainder of the line after the word "against" and all of lines 8 and 9 and insert "the United States for medical and hospital expenses and property damage sustained as the result of an accident involving an."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BEN W. SCHUBERT

The Clerk called the bill (H. R. 4576) for the relief of Ben W. Schubert.

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

EXTENSION OF REMARKS

Mr. NORRELL asked and was given permission to extend his remarks in the RECORD and include a baccalaureate address delivered at West Point by the chaplain on yesterday.

Mr. RANDOLPH asked and was given permission to extend his remarks in the RECORD and include a statement issued on behalf of the gentleman from Illinois [Mr. DIRKSEN], the gentleman from Nebraska [Mr. MILLER], and himself in reference to pending legislation for Federal aid to education.

Mr. KOPPLEMANN asked and was given permission to extend his remarks in the RECORD and include a speech he made.

FRED A. GOTTLIEB

The Clerk called the bill (H. R. 4943) for the relief of Fred A. Gottlieb.

Mr. McGREGOR and Mr. SPRINGER objected, and the bill, under the rule, was recommitted to the Committee on Claims.

STEPHEN LISAY

The Clerk called the bill (H. R. 5228) for the relief of Stephen Lisay.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Stephen Lisay, of New London, Conn., the sum of $5,000, in full settlement of all claims against the United States for personal injuries sustained as the result of a collision between a truck and a bus belonging to the United States Maritime Service and operated by an employee of the Maritime Service, on August 16, 1945, said $5,000 to compensate for hospital and medical expenses and loss of earnings sustained as a result of said injury: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 6, strike out "$5,000" and insert "$2,000."

Page 1, line 8, after the word "personal", strike out the balance of line 8, all of lines 9 and 10, and on page 2, lines 1, 2, and 3 down to and including the word "injury" and insert "injuries, hospital, and medical expenses, and loss of earnings sustained as the result of an accident involving a United States Maritime Service vehicle on August 16, 1945, in New London, Conn."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. MARY FRANCOLINE AND MRS. ROSE WALLACE

The Clerk called the bill (H. R. 5324) for the relief of Mrs. Mary Francoline and Mrs. Rose Wallace.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Mary Francoline, Hartford, Conn., the sum of $13,915.10, and to Mrs. Rose Wallace, Hartford, Conn., the sum of $447.60. The payment of such sums shall be in full settlement of all claims against the United States on account of personal injuries and damage to property sustained by the said Mrs. Mary Francoline and Mrs. Rose Wallace when they were struck on December 17, 1944, while walking on the sidewalk of Franklin Avenue, Hartford, Conn., by a United States mail track: *Provided*, That no part of either of the sums appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with the claim settled by the payment of such sum, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 6, strike out "$13,915.10" and insert "$7,500."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NEWTON WILLIAM LOWERY

The Clerk called the bill (H. R. 5510) for the relief of Newton William Lowery.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Newton William Lowery, High Point, N. C., the sum of $630. The payment of such sum shall be in full settlement of the claim of the said Newton William Lowery against the United States for loss of earnings resulting from personal injuries received by the said Newton William Lowery in a collision between a vehicle operated by him and a United States Army vehicle on July 8, 1945, on the Water Works Road leading to Virginia Beach, Va.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

F. B. SWEAT

The Clerk called the bill (H. R. 5541) for the relief of F. B. Sweat.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $310.25, to F. B. Sweat, Jacksonville, Fla., in full settlement of all claims against the United States for property damage sustained as the result of an accident involving a Civilian Conservation Corps vehicle of the War Department on Highway No. 68, Jacksonville, Fla., on September 20, 1941: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MALCOLM K. BURKE

The Clerk called the bill (S. 1106) for the relief of Malcolm K. Burke.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That notwithstanding the provisions of section 1441, Revised Statutes, should Malcolm K. Burke enlist in or be inducted into the United States Navy or United States Naval Reserve, and thereafter, in the judgment of the President, establish his fitness to perform the duties of a naval officer, the President is hereby authorized in his discretion to appoint the said Malcolm K. Burke to the grade of ensign in the United States Naval Reserve and to issue to him a temporary appointment in the grade of lieutenant (junior grade), with the dates of rank, in both his permanent and temporary status, held by him on August 30, 1944: *Provided*, That nothing herein shall be construed to entitle the said Malcolm K. Burke to any back pay, allowances, or other emoluments by reason of the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMERICAN RADIATOR & STANDARD SANITARY CORP.

The Clerk called the bill (S. 1871) to authorize the conveyance of a parcel of land at the naval supply depot, Bayonne, N. J., to the American Radiator & Standard Sanitary Corp.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to convey to the American Radiator & Standard Sanitary Corp., for use in expanding its industrial plant facilities at Bayonne, N. J., upon such terms and conditions as he may prescribe, all right, title, and interest of the United States of America in and to a parcel of filled-in land at the naval supply depot, Bayonne, N. J., containing 0.885 of an acre, more or less, metes and bounds description of which is on file in the Navy Department.

SEC. 2. The consideration to be paid for the parcel described in section 1 shall not be less than the cost of the said parcel to the United States of America.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PHILIP NIEKUM, JR.

The Clerk called the bill (S. 1978) to authorize the restoration of Philip Niekum, Jr., to the active list of the United States Navy with appropriate rank and restoration of pay and allowances.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States is hereby authorized to appoint Philip Niekum, Jr., now an officer on the retired list of the United States Navy, an officer on the active list of the line of the United States Navy in the permanent grade of lieutenant commander and in the grade of captain for temporary service pursuant to the act of July 24, 1941 (55 Stat. 603), as amended. Upon such appointments Philip Niekum, Jr., shall have the same precedence on the active list in his permanent and temporary status that he would have had if he had been promoted on said active list to the permanent grade of lieutenant commander with date of rank from July 1, 1940, and had been appointed on December 15, 1942, and August 30, 1944, to the grades of commander and captain, respectively, for temporary service pursuant to the act of July 24, 1941, as amended.

SEC. 2. The Secretary of the Navy is hereby authorized and directed to pay to Philip Niekum, Jr., upon his appointments pursuant to section 1 hereof, out of the appropriation "Pay and subsistence of naval personnel," the full amount of active-duty pay and allowances which would have been paid to him if he had been promoted and appointed with the precedence described in section 1 hereof less the amount of pay and allowances actually paid to him for service since July 1, 1940.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARJORIE SEE

The Clerk called the bill (H. R. 5595) for the relief of Marjorie See.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the immigration laws, Marjorie See shall not be subject to sections 3 and 19 of the Immigration Act of February 5, 1917, as amended (39 Stat. 878, 889; 8 U. S. C. 136, 155).

With the following committee amendments:

Strike out all after the enacting clause and substitute the following: "That notwithstanding the provisions of the tenth category of section 3 of the Immigration Act of 1917 (8 U. S. C. 136 (e)), Marjorie See, the wife of a citizen of the United States who served honorably in the armed forces of the United States during World War II, may be admitted to the United States for permanent residence under the act approved December 28, 1945 (Public Law 271, 79th Cong.), if she is found otherwise admissible under the provisions of the immigration laws."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. MARY BELK

The Clerk called the bill (H. R. 3359) for the relief of Mrs. Mary Belk.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Mary Belk, Lakedale, Cumberland County, N. C., the sum of $5,000. The payment of such sum shall be in full settlement of all claims of the said Mrs. Mary Belk against the United States on account of the death of her minor son, Ralph Ceburn Belk, who died as a result of being struck by a United States Army plane attempting to make an emergency landing on a highway on November 28, 1943, said Ralph Ceburn Belk being there lawfully engaged in delivering newspapers: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 6, strike out "$5,000" and insert "$3,500."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILLIAM A. PIXLEY

The Clerk called the bill (H. R. 3623) for the relief of William A. Pixley.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That there shall be paid out of the Treasury of the United States to William A. Pixley, Los Angeles, Calif., the sum

of $140.75. Such sum represents the value of a camera which the said William A. Pixley checked with the Capitol Police at the House door of the Capitol on October 10, 1941, and which was either lost or stolen while in their custody.

With the following committee amendment.

Line 3, strike out all after the enacting clause, and insert in lieu thereof: "That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $154.35 to William A. Pixley, of Los Angeles, Calif., in full settlement of all claims against the United States for the cost of a camera which was checked with the Capitol Police at the door of the House of Representatives, on October 10, 1941, and which was lost or stolen while in their custody: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILLIAM E. ROBERTSON ET AL.

The Clerk called the bill (H. R. 4479) for the relief of William E. Robertson and Estelle Robertson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William E. Robertson, of Minneapolis, Minn., the sum of $5,000, in full satisfaction of his claim against the United States for property losses, and personal injuries and expenses; and to Estelle Robertson, the sum of $750, in full satisfaction of her claim against the United States for personal injuries and expenses incurred as the result of an accident involving an Army truck operated by the United States Army, which Army truck collided with an automobile owned and operated by William E. Robertson in which Estelle Robertson was riding, at the intersection of East Twenty-sixth Street and First Avenue South in the city of Minneapolis, Minn., on Saturday, May 20, 1944: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 6, strike out "$5,000" and insert "$500."

Page 1, line 9, strike out "$750" and insert "$200."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ESTATES OF KATHERINE DELORES BOOTH AND AGNES JANE TRUE

The Clerk called the bill (H. R. 4834) for the relief of the estate of Katherine Delores Booth.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of Katherine Delores Booth, the sum of $15,061, in full settlement of all claims against the United States for personal injuries and death of Katherine Delores Booth as the result of being struck by a United States Army truck in Salt Lake City, Utah, on September 8, 1944: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 6, after the words "sum of", strike out the bill down to the colon, in line 10, page 1. Insert in lieu thereof "$3,000, and to pay the estate of Agnes Jane True the sum of $3,000, in full settlement of all claims against the United States for the deaths of the said Katherine Delores Booth and Agnes Jane True, sustained as the result of being struck by a United States Army truck in Salt Lake City, Utah, on September 8, 1944."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the estates of Katherine Delores Booth and Agnes Jane True."

A motion to reconsider was laid on the table.

WALTER R. NEWCOMB ET AL.

The Clerk called the bill (H. R. 4862) for the relief of Walter R. Newcomb, Sr.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Walter R. Newcomb, Sr., whose address is route 4, Woodward, Okla., a farmer by occupation, for and on account of injuries sustained by his two sons, namely, Corbin A. Newcomb of the age of 11 years, and Walter R. Newcomb, Jr., of the age of 15 years, and medical and hospital expenses incurred because of such injuries in the aggregate sum of $2,291; $791 representing doctors' bills, nursing, and hospitalization, and $1,500 for permanent injuries to Walter R. Newcomb, Jr., who suffered a 20 percent permanent disability from burns received as hereinafter more particularly set out:

The payment of such sums would be in full settlement of all claims of the said Walter Newcomb, Sr., against the United States on account of the damages to his two sons hereinbefore mentioned, which was caused by the carelessness and negligence of the United States Army in the operation of its air field known as the Woodward Army Air Field located near Woodward, Okla. Pertinent facts pertaining thereto are as follows: On October 30, 1943, Corbin A. Newcomb, a minor of the age of 11 years, and Walter R. Newcomb, Jr., a minor of the age of 15 years, children of Walter R. Newcomb, Sr., were walking in an easterly direction along the road connecting the Woodward Army Air Field with Highway No. 15 when they came upon a red object, later identified as a spot charge from a practice bomb which had fallen from a truck operated by the United States Army going to the Woodward Army Air Field. This red object was picked up by the boys and carried to their home, where they attempted to take the lid off and, as a result of which, the lid spewed off and the object ignited, badly burning Corbin A. Newcomb and Walter R. Newcomb, Jr.

As a result of this explosion, Walter R. Newcomb, Jr., suffered a 20 percent permanent disability from burns. Doctors' bills, nursing, and hospitalization bills were paid out and expended by their father, claimant herein, for and on their behalf in the sum of $791, which together with the permanent injuries sustained by Walter R. Newcomb, Jr., results in a claim in the total aggregate sum of $2,291.

It is the contention of the claimant that the Government was guilty of negligence in permitting a dangerous instrumentality to be left upon the public highway and that the injuries to the two Newcomb children was the proximate result of such negligence.

With the following committee amendment:

Page 1, line 5, after the word "Senior," strike out the remainder of the bill and insert in lieu thereof "of Woodward, Okla., the sum of $791.30; to the legal guardian of Corbin A. Newcomb, a minor, the sum of $500; to the legal guardian of Walter R. Newcomb, Jr., a minor, the sum of $999.70, in full settlement of all claims against the United States for personal injuries sustained by the two minor boys, and hospital and medical expenses incurred for the treatment and hospitalization of the boys by Walter R. Newcomb, Sr., sustained as a result of the explosion of a spotting charge assembly on October 30, 1943, which spotting charge assembly was found on the said day beside a public highway near the Woodward Army Air Field, Woodward, Okla.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Walter R. Newcomb, Sr., Corbin A. Newcomb, and Walter R. Newcomb, Jr."

A motion to reconsider was laid on the table.

GUSTAV F. DOSCHER

The Clerk called the bill (H. R. 4888) for the relief of Gustav F. Doscher.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized

and directed to pay, out of any money in the Treasury not otherwise appropriated, to Gustav F. Doscher, of Charleston, S. C., in full settlement of all claims against the United States for property damage sustained as the result of accident involving a United States Army truck crashing into his fence and building at 126 Rutledge Avenue, Charleston, S. C., on December 31, 1943: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 6, after the name "Carolina," insert "the sum of $172.94."

Page 1, line 8, after the words "result of" insert "an".

Page 1, line 9, strike out "126 Rutledge Avenue" and insert in lieu thereof "140 Fishburne Street."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ARCHIBALD J. ALCORN

The Clerk called the bill (H. R. 4919) for the relief of Archibald J. Alcorn.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Archibald J. Alcorn, of Chicago, Ill., the sum of $6,360.51. Payment of such sum shall be in full settlement of all claims against the United States for personal injuries, medical and hospital expenses, loss of earnings, and property damage, sustained as the result of an accident involving a United States Army truck at Clark Street and Touhy Avenue, in Chicago, Ill.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent shall be paid or delivered to or received by any agent or agents, attorney, or attorneys, on account of services rendered in connection with said claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ESTATE OF DRURY LEE JORDAN

The Clerk called the bill (H. R. 5026) for the relief of the estate of Drury Lee Jordan.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legally qualified representative of the estate of Drury Lee Jordan, deceased, of Lacassas, Tenn., the sum of $10,000, in full settlement of all claims against the United States on account of the death of the said Drury Lee Jordan who was instantly killed on October 11, 1943, when struck by a United States scout car on Valley View Road, Lacassas, Tenn.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 7, strike out "$10,000" and insert in lieu thereof "$2,597.50."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

STONE & COOPER COAL CO., INC.

The Clerk called the bill (H. R. 5243) for the relief of Stone & Cooper Coal Co., Inc.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McGREGOR and Mr. SMITH of Wisconsin objected and, under the rule, the bill was recommitted to the Committee on Claims.

MRS. LUCY T. HARRIS

The Clerk called the bill (H. R. 5284) for the relief of Mrs. Lucy T. Harris.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized to pay, from any funds not otherwise appropriated, the sum of $3,000 to Mrs. Lucy T. Harris, Lascassas, Tenn., for the loss of a barn and contents by fire caused by military personnel during the Tennessee maneuvers. Such sums shall be in full settlement of all claims against the United States: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 5, strike out the word "for" and all of lines 6 to 8, inclusive, and insert the following: "in full settlement of all claims against the United States for property damage sustained as the result of a fire caused by military personnel during the Tennessee maneuvers, on November 18, 1943."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ORAN EDMUND RANDALL RUMRILL

The Clerk called the bill (H. R. 4525) for the relief of Oran Edmund Randall Rumrill.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers or sailors, Oran Edmund Randall Rumrill, who enlisted in the United States Navy February 15, 1916, as an apprentice seaman (No. 1166762) shall hereafter be held and considered to have been honorably discharged from the naval service of the United States on October 26, 1918: *Provided*, That no compensation, pay, pension, or other benefit shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILLIAM LEON DE CARBONEL

The Clerk called the bill (H. R. 4863) to establish the date of acceptance of a commission as lieutenant (junior grade), United States Naval Reserve, by William Leon de Carbonel to be June 1, 1941, and the date of reporting for active duty to be December 9, 1941, and for other purposes.

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That William Leon de Carbonel shall for all purposes be considered to have accepted appointment as a lieutenant (junior grade), United States Naval Reserve, on June 1, 1941, to have entered upon active duty as a lieutenant (junior grade), United States Naval Reserve, on December 9, 1941, and to have continued to serve on active duty until released therefrom by competent orders.

SEC. 2. The President of the United States is hereby authorized to appoint William Leon de Carbonel a lieutenant in the United States Naval Reserve, as of September 30, 1944, for temporary service, in accordance with the provisions of the act of July 24, 1941 (55 Stat. 603), as amended, such appointment to be effective for all purposes from September 30, 1944.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILL O'BRIEN ET AL.

The Clerk called the bill (H. R. 2785) for the relief of Will O'Brien, Mrs. Bessie O'Brien, and Jane O'Brien.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $32,371.81 to Will O'Brien; to pay the sum of $1,088.28 to Mrs. Bessie O'Brien; to pay the sum of $2,590.55 to Jane O'Brien; all of Berkeley, Calif., in full settlement of all claims against the United States for personal injuries, property damage, medical and hospital expenses, and loss of earnings sustained as a result of a collision by the car in which they were riding and a United States Army jeep, on Highway No. 40, near Sacramento, Calif., on September 9, 1943: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed

guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, strike out "$32,371.81" and insert "$6,645.89."

Page 1, line 6, strike out "$1,088.28" and insert "$838.28."

Page 1, line 8, after the word "to", insert "the legal guardian of."

Page 2, line 4, strike out "jeep" and insert "reconnaissance car."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Will O'Brien, Mrs. Bessie O'Brien, and the legal guardian of Jane O'Brien."

A motion to reconsider was laid on the table.

MRS. HATTIE MAIN BABCOCK ET AL.

The Clerk called the bill (H. R. 3401) for the relief of Mrs. Hattie Main Babcock, Chester N. Main, and Mr. and Mrs. Earl Norman.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Hattie Main Babcock and Chester N. Main, of Westerly, R. I., the sum of $7,000, and to pay the sum of $4,093.95 to Mr. and Mrs. Earl Norman, of Stonington, Conn., in full settlement of all claims against the United States for real property and personal property damage sustained as the result of a crash of a United States Navy airplane to property located on Flanders Road, Stonington, Conn., on June 28, 1944: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 7, strike out "$7,000" and insert "$5,532."

Page 1, line 7, strike out "$4,093.95" and insert "$4,224.95."

Page 2, line 1, strike out "real property and personal property damage" and insert "property damage and loss of rents of Mrs. Hattie Babcock, Chester N. Main, and for personal injuries, medical and hospital expenses, and property damage of Mr. and Mrs. Earl Norman."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. MINNIE JENKINS WARD

The Clerk called the bill (H. R. 4673) for the relief of Mrs. Minnie Jenkins Ward.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Minnie Jenkins Ward, of Birmingham, Ala., the sum of $10,000, in full settlement of all claims against the United States for personal injuries, medical, hospital, and other expenses incurred as the result of being tripped by a venetian blind cord and caused to fall at the Five Pointe substation of the Birmingham post office in Birmingham, on May 2, 1945: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 6, strike out "$10,000" and insert "$2,500."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOAN ESTHER HEDIN

The Clerk called the bill (H. R. 4996) for the relief of Joan Esther Hedin.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Joan Esther Hedin, of Renton, Wash., the sum of $1,000 to be granted according to the laws of Washington State, in full satisfaction of all claims against the United States for personal injuries, disfigurement, medical expenses, and dental expenses incurred resulting from a collision on October 26, 1943, in which the Issaquah School District bus, in which Joan Esther Hedin was riding, collided with a United States Army truck on United States Highway No. 10, near Issaquah, Wash.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, after the word "to" insert "the legal guardian of."

Page 1, line 7, strike out "to be granted according to the laws of Washington State."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the legal guardian of Joan Esther Hedin, a minor."

A motion to reconsider was laid on the table.

CHARLES F. BARRETT

The Clerk called the bill (H. R. 5349) for the relief of Charles F. Barrett.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles F. Barrett, of Williamson, W. Va., the sum of $945. The payment of such sum shall be in full settlement of all claims of the said Charles F. Barrett against the United States on account of damage to certain real and personal property of claimant, situated in Mingo County, W. Va., which damage was occasioned on or about the 4th day of March 1945 by the breaking down of a mine-sealing installation theretofore constructed by the Works Progress Administration, an agency of the United States Government, and by reason whereof a volume of water, impounded by the installation, was precipitated upon and over the said property with resultant damage thereto: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 6, strike out "$945" and insert "$595."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHARLES BOOKER

The Clerk called the bill (H. R. 5351) for the relief of Charles Booker.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,000 to Charles Booker, of Victoria, Tex., in full settlement of all claims against the United States for personal injuries and loss of earnings as the result of an accident involving a United States Army Air Forces truck near Cuero, Tex., on or about August 4, 1945: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MAE MAXINE STONE

The Clerk called the bill (H. R. 5538) for the relief of Mae Maxine Stone.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized

and directed to pay out of any money in the Treasury not otherwise appropriated, to Mae Maxine Stone, the sum of $1,870 in full settlement of all claims against the United States on account of loss in wages arising from collision of claimant's automobile with an Army truck in Camp Claiborne, Rapides Parish, State of Louisiana, on January 6, 1945: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANDREW M. HALVORSON

The Clerk called the bill (H. R. 5539) for the relief of Andrew M. Halvorson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Andrew M. Halvorson the sum of $905.84, in full settlement of all claims against the United States for time lost from work, sustained on April 16, 1945, as a result of an accident while walking along the sidewalk in front of pier 17, San Francisco, when he was injured by barrels falling from an Army-operated fork-lift truck which was apparently negligently overloaded with barrels: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, strike out "Halvorson" and insert in lieu thereof "Halvorsen."

Page 1, line 7, after the word "for", strike out the bill down to the "colon", on page 2, line 1. Insert in lieu thereof "personal injuries and loss of earnings sustained by him as a result of an accident which occurred on April 16, 1945, when he was struck by two metal barrels which fell from an Army-operated fork-lift truck while he was walking along the sidewalk in front of pier 17, San Francisco, Calif."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Andrew M. Halvorsen."

A motion to reconsider was laid on the table.

FRANCES FITZGERALD

The Clerk called the bill (H. R. 5739) for the relief of Frances Fitzgerald.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frances Fitzgerald, of San Francisco, Calif., $438.35, in full settlement of all claims against the United States for personal injuries, medical, and other expenses, sustained when an Army vehicle collided with an automobile she was riding in at the intersection of Army and Church Streets, at 9:30 antemeridian, on December 7, 1945: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

POSTMASTERS

The Clerk read the bill (H. R. 5792) for the relief of certain postmasters.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General is authorized and directed to pay from the appropriation for "Clerks, first- and second-class post offices" for the fiscal year 1946, to the postmaster at Cincinnati, Ohio, the sum of $35.33, and the postmaster at Staten Island, N. Y., the sum of $15.07, the respective amounts representing disallowances by the Comptroller General of overpayments of compensation, subsequently balanced from personal funds of the postmasters, to certain temporary substitute postal employees by reason of instructions given the postmasters by the Post Office Department to the effect that the 10 percent differential for night work authorized by the act of May 24, 1928, as amended (39 U. S. C. 828), should be computed upon the regular rate plus the 10 percent increase in compensation authorized to be paid substitutes by the act of December 22, 1942 (56 Stat. 1068), the provisions of which were retroactive to December 1, 1942, and the Comptroller General having ruled subsequent to the issuance of such instructions that the 10 percent increase authorized by the act of December 22, 1942, was applicable only to the base rate and not to the night-work differential.

SEC. 2. That the Postmaster General and the General Accounting Office are authorized and directed to credit the account of the postmaster at Minneapolis, Minn., in the sum of $167.38, and the account of the postmaster at Pittsburgh, Pa., in the sum of $63.51, the respective amounts representing overpayments of compensation to certain temporary substitute postal employees by reason of instructions given the postmaster by the Post Office Department to the effect that the 10 percent differential for night work authorized by the act of May 24, 1928, as amended (39 U. S. C. 828), should be computed upon the regular rate plus the 10 percent increase in compensation authorized to be paid substitutes by the act of December 22, 1942 (56 Stat. 1068), the provisions of which were retroactive to December 1, 1942, and the Comptroller General having ruled subsequent to the issuance of such instructions that the 10 percent increase authorized by the act of December 22, 1942, was applicable only to the base rate and not to the night-work differential.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ETTA YOAKAM

The Clerk called the bill (H. R. 5806) for the relief of Etta Yoakam.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Etta Yoakam, Long Beach, Calif., the sum of $3,115. The payment of such sum shall be in full settlement of all claims of the said Etta Yoakam against the United States on account of personal injuries sustained by her, March 14, 1942, when she was struck by an Army vehicle at the intersection of Cedar Avenue and West Fourth Street, Long Beach, Calif: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 6, strike out "$3,115" and insert "$2,827.06."

Page 1, line 9, at the beginning of the line, insert "and loss of earnings."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELSIE ELMHORST

The Clerk called the bill (H. R. 5878) for the relief of Elsie Elmhorst.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Elsie Elmhorst, of Honolulu, T. H., the sum of $569.58. The payment of such sum shall be in full settlement of all claims of the said Elsie Elmhorst against the United States on account of property damage and medical expenses sustained as the result of an accident in which her automobile in which she was riding was struck by an Army vehicle driven by personnel of the United States Army on the Pali Road near Honolulu on June 10, 1945: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FRANCES KRZYS

The Clerk called the bill (H. R. 5884) for the relief of Frances Krzys.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $556.35, to Frances Krzys, of Thompsonville, Conn., in full settlement of all claims against the United States for damages sustained to an automobile owned by her as a result of an accident involving an Army vehicle, which accident occurred on State Street in the city of Springfield, Mass., on January 26, 1944.

With the following committee amendment:

At the end of the bill insert "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BENICIA ARSENAL, CALIF.

The Clerk called the bill (S. 1776) to authorize the exchange of certain lands at the Benicia Arsenal, Calif.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized under such terms and conditions as he may prescribe, to convey to the Southern Pacific Railroad Co. for right-of-way purposes a perpetual easement over, across, and upon a portion of the Benicia Arsenal, Calif., comprising 1.88 acres of land, more or less, and that in exchange therefor the United States of America accept all right, title, and interest of the Southern Pacific Railroad Co. in 19 acres of land, more or less, situate in the same vicinity.

With the following committee amendments:

Page 1, line 8, strike out "1.88" and insert "2.10."

Page 2, line 1, strike out all of line 1 after the word "accept", all of lines 2 and 3 and the word "vicinity" on line 4, and insert "a perpetual easement for right-of-way purposes for roadways, trackage, drainage ditches, and similar purposes over, across, and upon 19 acres of land owned by the Southern Pacific Railroad Co., situated in the same vicinity."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROBERT JUNE

The Clerk called the bill (H. R. 228) for the relief of Robert June.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. McGREGOR and Mr. SPRINGER objected, and, under the rule the bill was recommitted to the Committee on Claims.

PHILIBERT L. BERGERON AND MRS. ALFRED QUIST

The Clerk called the bill (H. R. 3399) for the relief of Philibert L. Bergerson and Mrs. Alfred Quist.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Philibert L. Bergeron, of Groton, Conn., the sum of $2,175.77; to pay the sum of $1,346.47 to Mrs. Alfred Quist, of Springfield, Mass., in full settlement of all claims against the United States for real property and personal property damage sustained as the result of a crash of a United States Navy airplane at 60 Chicago Avenue, Groton, Conn., on October 19, 1944: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 6, strike out "$2,175.77" and insert "$385.75."

Page 1, line 7, strike out "Mrs." and, after the word "Quist", insert "and his wife, Astrid Quist."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Philibert L. Bergeron, Alfred Quist, and Astrid Quist."

A motion to reconsider was laid on the table.

AMY MARY RICHTER

The Clerk called the bill (H. R. 4353) for the relief of Amy Mary Richter.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Amy Mary Richter, formerly of New York City, now residing at Miami, Fla., the sum of $10,000, in full settlement of all claims against the United States for personal injuries sustained by the said Amy Mary Richter as a result of an accident caused by the condition of the ladies' room at 210 West Eighteenth Street, New York, N. Y., while said Amy Mary Richter was on duty as a volunteer worker for the Aircraft Warning Service of the Interceptor Command (headquarters, New York Fighter Wing, post-office box 58, station O, New York 11, N. Y.): *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 7, strike out "$10,000" and insert "$5,000."

Page 1, line 9, after the word "Richter", insert "on or about April 2, 1942."

Page 2, line 3, strike out the remainder of line 3 after the word "the", all of lines 4 and 5 down to and including the word "York", on line 6, and insert "Regional Signal Office, New York Region, First Inteceptor Command."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MR. AND MRS. WALTER KEATON

The Clerk called the bill (H. R. 5872) for the relief of Mr. and Mrs. Walter Keaton.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $10,000, to Mr. and Mrs. Walter Keaton, of Dixon, Mo., in full settlement of all claims against the United States on account of property damage, the death and burial expenses of one minor child, personal injuries, medical and hospital expenses, and loss of earnings, resulting from an accident between the car in which Mr. and Mrs. Keaton and their five minor children were riding and an Army truck, which occurred on Highway No. 28, about 2 miles north of Dixon, Mo., on September 22, 1945: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CERTAIN REAL ESTATE IN CONVERSE COUNTY, WYO.

The Clerk called the bill (H. R. 5676) to quiet title and possession with respect to certain real estate in Converse County, Wyo.

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That the Attorney General is authorized and directed to donate and convey by quit claim deed to Harry A. Gillespie and Lena J. Gillespie all the right, title, and interest of the United States of America in and to the following-described real estate situate in the county of Converse and State of Wyoming: The east half of the west half; west half of the east half of section 20, township 33 north, range 69 west, of the sixth principal meridian, Wyoming, being the land described in a deed erroneously issued which purported to convey and warrant such real estate to the United States of America, such deed being executed on May 11, 1945, by the said Harry A. Gillespie and Lena J. Gillespie,

and recorded in the office of the County Clerk of Converse County, Wyo., in book 205 of deeds, page 91.

With the following committee amendment:

Page 1, strike out lines 3 to 6 ending with the word "America" and insert "That the United States of America by this act releases, remises, and forever quitclaims to Harry A. Gillespie and Lena J. Gillespie all its right, title, and interest."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. MADDEN. Mr. Speaker, this completes the call of the Private Calendar.

EXTENSION OF REMARKS

Mr. WASIELEWSKI asked and was given permission to extend his remarks in the RECORD in three instances and include newspaper articles.

Mr. MADDEN asked and was given permission to extend his remarks in the RECORD and include an editorial.

Mr. LANDIS (at the request of Mr. SPRINGER) was given permission to extend his remarks in the RECORD and include a radio address delivered by himself.

SPECIAL ORDER GRANTED

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent that today, following any special orders heretofore entered, I may be permitted to address the House for 4 minutes.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

DEPARTMENT OF AGRICULTURE APPROPRIATION BILL, FISCAL YEAR 1947

Mr. TARVER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 5605) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1947, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate, and that conferees may be appointed on the part of the House.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. TARVER, CANNON of Missouri, SHEPPARD, WHITTEN, DIRKSEN, PLUMLEY, and CARL H. ANDERSEN.

The SPEAKER. Under previous order of the House, the gentleman from Nebraska [Mr. BUFFETT] is recognized for 45 minutes.

THE PUBLIC CREDIT

Mr. BUFFETT. Mr. Speaker, in the recent rail strike, the country had a sobering demonstration how crisis results from haphazard administration optimism. A Pollyanna policy by the executive branch ended in transport paralysis.

That consequence was almost a unilateral executive failure. But the continued strain on the public credit of the United States is a condition in which Congress is equally involved.

The debt now on the backs of the American people was saddled there by this administration. But Congress voted the money, and Congress has the power to prevent this financial situation from getting further out of hand.

For if that load becomes unbearable, the exciting events of the rail strike will look like a Sunday-school picnic by comparison.

I will not attempt to detail the political and trade factors that seem to make the British loan deal impractical and unwise. Another time I may discuss how this scheme itself endangers peace—how it could easily bring on another general war, because of the shot-in-the-arm it would give to an out-of-date, but still pugnacious, British imperialism.

Instead, my remarks now might be titled, "If You Favor the British Loan Deal, Don't Ever Complain About Inflation."

OUR DESIRES OR BRITISH DEMANDS ARE FALSE YARDSTICKS

Mr. Speaker, our aid to Great Britain and other nations now cannot be determined either on the basis of our desire to be helpful or their demands for aid. Instead, it can only be soundly based upon the ability and the willingness of our people to risk their resources for such purposes—after being saddled with Lease-Lend, Export-Import Bank, UNRRA, Bretton Woods, military occupation, and other external liabilities.

In 1929 the private credit system of America was overstrained as a result of loaning abroad and speculation at home. The resulting crack-up seared the lives of millions of our people and brought the world to its knees.

In the years since 1930 we have been steadily depleting our public credit. That process has been going on a long time and no vital harm seemed visible, despite the warnings that have been sounded many times.

But with the impact of war the inflationary strain became so serious that severe regimentation of the people was introduced. Hostilities have ended, but this regimentation has continued. It has endeavored to postpone the inflationary consequences of reckless spending. The effort is not succeeding too well.

SAFEGUARDING OF PUBLIC CREDIT IS ALL-IMPORTANT

Members of Congress have many duties. None transcend in importance protection of the public purse and the safeguarding of the public credit. Certainly the task of Congress is to foresee dangerous effects and avoid them. In that capacity the House should turn down the proposed British loan deal.

For passage of this scheme would have two immeasurably dangerous consequences. First, it would constitute a foolhardy strain on the confidence of the American people in the management of the United States Treasury. Second, and most important, it would destroy all effective restraints on spending schemes at home.

Mr. Speaker, you cannot wait until your house is on fire to buy fire insurance. Neither can a government wait until the public credit breaks down before it stops reckless spending and huge loans. In the case of a house such stupidity is a costly blunder. In the case of a nation such stupidity comes close to treachery.

This administration has strained our public credit further than any administration or any nation in history. To my knowledge no nation has ever before had an unbalanced budget for 16 consecutive years. Always the break-down of confidence and collapse occurred in a shorter period.

We have used our resources more efficiently than any nation in history. But that fact does not justify unlimited drains on those resources, without the people being fully informed of the dangers to our own solvency, and their express consent being secured for such risky ventures. In the case of this loan, the administration has been irresponsible on both counts.

WARNINGS HAVE GONE UNHEEDED

Mr. Speaker, this administration has been repeatedly warned by our ablest economists that it is moving us toward the deep financial waters from which there is no return other than through repudiation in one form or another. The fact that disaster has not yet occurred does not nullify the validity of the warnings.

An administration that continues gigantic inflationary acts in the face of trustworthy warnings cannot plead either innocence or ignorance when catstrophe occurs.

Moreover, stubborn disregard of such warnings could indicate that the administration was knowingly moving toward such a crisis. That conclusion would be a harsh judgment. But failures followed by crises here seem too frequent to be attributed entirely to stupidity.

Whether the storm signals are ignored or deliberately flouted, Congress must call a halt. Otherwise, Congress will share the blame for the smash-up ultimately resulting from this reckless course.

THE PEOPLES' PROTESTS ARE IGNORED

History tells us that when nations start down the primrose path of reckless spending they seldom turn back until disaster hits. But I have faith in the American people. I believe right now the people, by their actions, are trying desperately to tell this Congress to turn back.

Without understanding the technical aspects, the people sense the folly of the present gigantic inflationary outlays. Strikes and other social disturbances reflect both their protests and their excited efforts to protect themselves. Farmers withhold crops and workers strike for the same reason. Each is frantically registering his opposition to inflationary hand-outs abroad. Each is trying to protect himself from the Government's headlong spending course.

If the British loan deal goes through, that action may blast the last dikes that protect our solvency. That danger is the hidden price of this loan in terms of our domestic affairs.

OUR PRESENT LIABILITIES ARE ENORMOUS

Mr. Speaker, no one discussion can encompass this whole picture. But I will try to summarize two aspects of it. First, I will try to present a simple view of our present debt that will visualize its colossal size. Secondly, I will point out salient facts about the political effect of this loan on Congress and on our sacred liabilities which resulted from the war.

The administration has resorted to many deceptive moves in its effort to cover up the deterioration of our finances. I will not take the time of the House now to expose the humbug in most of these manipulations—like the claim that the debt was being reduced—a circumstance that resulted from an overborrowing last December—that unnecessarily cost the taxpayers upward of a hundred million dollars.

No member or group of citizens can offset the unlimited propaganda of the Administration. But the Administration cannot explain away the cold arithmetic of our present situation.

DEBT IS OVER BILLION DOLLARS FOR EACH CONGRESSIONAL DISTRICT

Here is a method that each Member of Congress can use to get a true measure of our existing debt burdens. The total debt of the United States today, public and private, is approximately $441,000,000,000.

That debt load is more than a billion dollars for every congressional district in the United States. On the basis of its number of Representatives, Alabama would carry the interest and principal reduction burden of a $9,000,000,000 debt. On the same basis, Arkansas would need enough productive assets to carry the burden of a $7,000,000,000 debt.

Obviously, the wealth of the Nation is not divided according to congressional districts. But this method of division should make it possible for Members to visualize the existing financial burdens upon our people—burdens so heavy no Congress has had the courage to levy to meet them in 16 years.

So much for the existing debts. Now let us consider the effect of this loan deal on efforts to balance the Budget, and to make good our promises to our veterans.

LOAN DEAL APPROVAL WOULD UNLEASH INFLATIONARY DEMANDS

If this loan is approved no majority of Congress could then stand against the political pressures for subsidies, bonuses, and other pork-barrel grabs that will come in the days ahead. Not if Britain is voted this hand-out—with the public debt 270 billions and the Treasury already in the red for 16 straight years.

Members of Congress would find it politically impossible to turn back raids at home that would shortly exhaust either the Treasury or the public confidence on which Treasury solvency rests.

A few days ago, I received a letter from the chairman of a veterans' organization. Among other queries, he propounded this question:

> If this administration can give Britain over $4,000,000,000 with this country $270,000,000,000 in debt, and an unbalanced budget for 16 years, where can you stop these hand-outs, especially to us veterans, short of bankruptcy?

HOUSING SUBSIDIES PORTRAYED PRESSURE TACTICS

The reality of this threat has been demonstrated in this House. A few weeks ago a so-called veterans' housing bill was up for consideration. A gigantic subsidy was proposed. The House, which had voted against inflationary subsidies even in wartime, turned it down by almost a 2-to-1 vote.

While the bill was in the Senate, the pressure groups went to work. By radio appeals and other tactics, tremendous pressure was applied on Congress. "Vote for veterans' housing subsidies or find yourself a fox hole" was typical of the ugly barrage that hit Congress.

What happened?

The House, which collectively has the cold chills run up and down its back when it thinks about the voting power of 20,000,000 veterans and their families, made a somersault. The vote was reversed by 187 to 158. A $400,000,000 subsidy fund was handed to a bureaucrat without building experience or training, and economic fascism captured that industry—only temporarily, we hope.

The thinking citizen, veteran or nonveteran, will be warned by this episode. It can turn out to be the first lap of a fast drive toward both bankruptcy and fascism, if the brakes are not applied now on foreign hand-outs.

VETERANS WANT AN HONEST DOLLAR

Most veterans want a solvent nation for themselves and their children. But, if they see this land being stripped of its resources for foreign imperialisms, they may scramble to empty the Treasury in self-defense. And under such circumstances, who should censure them?

The blame will lie with those in this administration and this Congress who have allowed foreign nations to refinance themselves from our Treasury, before we have even calculated our obligations to our war victims.

No one knows what those obligations will total. But perhaps here is a clue. The total number in our armed services during the Spanish-American War was 296,991. On March 31, 1946, almost 50 years later, there were 195,969 on the pension rolls for that war. For every three in uniform, there were two persons receiving pensions 50 years later.

On that basis, we could expect roughly 10,000,000 on the pension and compensation rolls from World War II by 1995. On March 31 of this year, World War II pensions had already reached 1,546,771. Will the claims of these Americans be paid in honest dollars? Do not such claims have priority over foreign loans?

WHAT INFLATION WOULD DO TO VETERANS' CLAIMS

One thing is certain. If this administration continues to inflate by foreign loans and reckless spending, these claims will be partially or totally repudiated. Like a check against a busted bank, the veteran's claim would become of doubtful value. Like the Atlantic Charter, the GI bill too could hit the ashcan—unless a halt is called now.

My mind vividly recalls Martin Niemoeller's account of the fate of his war veteran pension in Germany during their great inflation. Niemoeller reports in his autobiography:

> The questions of means of livelihood had become serious by the end of February 1922, and because of the continual fall in the purchasing value of money it now became acute. We had good friends and relatives in the country, but we had to have money to obtain supplies even from there, and my pension was definitely inadequate for us to live on, try as we would.
>
> I accordingly began my last term seeking a purchaser for the only object of real value we possessed, an old Luther Bible of 1545–46, printed by Hans Lufft in Wittenberg. Thank God, we were unable to find a purchaser at anything like our price at that time.
>
> * * * The inflation suddenly increased so alarmingly that it was impossible to keep pace with it. * * * My wife had to pick the gold lace off all my old uniforms, which I had piously preserved; I took it to a jeweler who melted the gold down and bought it. That enabled us to go on for a couple of days. Then my chronometer had to go * * * and the proceeds kept us for a fortnight.

Is the Niemoeller illustration farfetched? For 16 years we have been using the same deficit financing that ruined Germany. We are regimented in peacetime allegedly to prevent existing inflation from swamping us. How desperate must our situation become before this Congress will say "No" to foreign demands?

The proponents of this loan admit that it is somewhat inflationary. That admission is like a doctor telling a patient that he has a little cancer. But, let us accept for argument's sake the questionable assumption that the physical inflation resulting from this deal would be small. Far more significant are the psychological inflationary aspects of this proposal. This danger must be measured by today's social and economic conditions. On that basis, if any prudence or sense of caution remains in this body, this deal will be turned down.

VOTE ON BRITISH LOAN A TEST OF MEMBERS' POSITION ON INFLATION

Mr. Speaker, no Congressman who votes for the so-called British loan scheme should ever complain about inflation, because this loan is inflation.

No Congressman who votes for this loan should ever go to his people and tell them that he did everything he could to prevent inflation.

No Congressman who votes for this loan should ever tell the widow, orphan, or wounded veteran of his district that he did everything possible to keep their pension checks at full value.

No Congressman who votes for this loan should tell his people that he is doing everything possible to end OPA and other economic regimentation, because this scheme will prolong such shackles.

No Congressman who votes for this loan should ever tell his old folks who live on modest pensions or annuities, or workers on low fixed salaries, that he has done his utmost to protect their buying power.

No Congressman who votes for this loan should tell his people that he is making an all-out fight for lower taxes and economy, because this loan opens

wide the spending floodgates at home and abroad.

No Congressman who votes for this loan should tell the holders of war bonds that he has done everything possible to protect their savings.

And, finally, Mr. Speaker, no Congressman who votes for this loan should ever tell his children that he has done everything in his power to protect the sound money heritage that should be their birthright—for this scheme would open the dikes for unlimited drains on the public purse—raids that could only end in inflation and collapse of the public credit.

"HONEST DOLLAR" IS A HERITAGE WE SHOULD HOLD IN TRUST

Mr. Speaker, one paramount objective prompted me to seek election to Congress. It was to be where I could have a part in the task of keeping this Nation sound financially, so that every American could remain free and able to work for honest dollars that buy him the things he needs and for dollars that retain their value for those who are frugal and thrifty. That sound-money heritage does not belong to this generation to play with or squander. It was entrusted to us as custodians to be preserved for our children and generations yet unborn.

Mr. Speaker, I repeat: The horrible consequences of major inflation would make the exciting events of the past few days seem puny by comparison.

I want to make my position abundantly clear.

If the House approves the British loan now, with our own finances in unmeasured disorder, by that action the Congress will probably have joined with the Executive in blasting an irreparable breach in our remaining defenses against uncontrollable inflation.

I am not unaware that tremendous pressure has been applied to the House membership to approve this deal. I have perceived the ugly outline of administration pressure on Democratic Members, and I know how special interests have attempted to influence Republican Members.

I want the record to show the warning was sounded. I want the record to show that the membership of this body was vigorously informed of the potential perils involved in the British loan deal.

I want the RECORD to show that I have done everything I can as one Member, both by my vote and my voice, to prevent the disaster of inflation and bankruptcy.

"Ye can discern the face of the sky; but can ye not discern the signs of the times?"

The SPEAKER. Under previous order of the House, the gentlewoman from Massachusetts [Mrs. ROGERS] is recognized for 4 minutes.

MOTOR EQUIPMENT FOR SERIOUSLY DISABLED VETERANS

Mrs. ROGERS of Massachusetts. Mr. Speaker, I have received the following letter from Mr. Lewis G. Hines, national legislative representative of the American Federation of Labor:

AMERICAN FEDERATION OF LABOR,
Washington, D. C., May 23, 1946.

Hon. EDITH NOURSE ROGERS,
House Office Building,
Washington, D. C.

MY DEAR MRS. ROGERS: The American Federation of Labor is interested in H. R. 6304, introduced by you in the early part of this month, and it is our intention to give every support to this proposed legislation.

I am anxious to have an opportunity to appear before the Committee on World War Veterans' Legislation when hearings are to be held, and I would appreciate information concerning the time, or any arrangements that you may be able to make to have me appear on behalf of the American Federation of Labor.

Any assistance that we can give you in connection with this matter will be gladly rendered.

Sincerely yours,

LEWIS G. HINES,
National Legislative Representative,
American Federation of Labor.

The CIO has strongly endorsed the bill. Millions of persons are backing the principle of automobiles for amputees and paraplegics. Four veterans' organizations have endorsed the bills.

H. R. 6304 is to authorize the furnishing of motor equipment to seriously disabled veterans, and for other purposes. It provides in addition to prosthetic appliances this:

The Administrator of Veterans' Affairs is hereby authorized to furnish a suitably equipped automobile costing not to exceed $1,500 to any veteran having any service-connected disability due to loss, or loss of use, of one or more limbs.

It also provides for training and so forth and so on.

Mr. Speaker, the gentleman from Pennsylvania [Mr. KELLEY] introduced a companion bill to this one. The gentleman from New York [Mr. MARCANTONIO] has a bill which would provide for the giving of automobiles to men who have lost a limb or the use of a limb. The gentleman from New Jersey [Mr. HAND] introduced a bill which would give an automobile to the paraplegics, but I feel very sure he would have no objection to having the bill embrace amputees as well. The gentleman from New York [Mr. KEARNEY] has introduced a bill similar to H. R. 6304. Several other Members have also introduced bills for the purpose of giving amputees and paraplegics, men who have lost the use of their limbs, automobiles in order that they may get about and thereby earn a livelihood.

The other day there was a meeting of the Prosthetic Appliance Committee, of which I am a member, and of which the chairman is Col. Robert F. Allen. The committee endorsed the general proposition of giving an automobile to those who have lost a leg in order that they may have mobility as a degree of rehabilitation and a method of getting about, just as the men are given artificial limbs and other prosthetic appliances. Tomorrow the chairman of the committee has promised the amputees a hearing.

The amputees and the paraplegics, Mr. Speaker, asked me to introduce H. R. 6304. I know the paraplegics and amputees who appear before the committee will be very much pleased if Members of Congress also appear, because it is a very vital, very necessary matter to them. It is an emergency measure, Mr. Speaker.

The SPEAKER. The time of the gentlewoman from Massachusetts has expired.

ADJOURNMENT

Mr. SAVAGE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 38 minutes p. m.) the House adjourned until tomorrow, Tuesday, June 4, 1946, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON EXPENDITURES IN THE EXECUTIVE DEPARTMENTS

The Committee on Expenditures in the Executive Departments will hold hearings on the President's reorganization plans Nos. 1, 2, and 3 beginning at 10 a. m. on Tuesday, June 4, through Friday, June 7.

COMMITTEE ON PATENTS

The Committee on Patents will begin hearings Tuesday, June 4, 1946, at 10 a. m. in the Patents Committee room, 416 House Office Building, on the following bills:

H. R. 3964 (HARTLEY): A bill to declare the national policy regarding the test for determining invention.

H. R. 5841 (BOYKIN): A bill fixing the date of the termination of World War II, for special purposes.

H. R. 5940 (LANHAM): A bill to make Government-owned patents freely available for use by citizens of the United States, its Territories and possessions.

These hearings will be continued on succeeding days until concluded or until this notice is superseded.

COMMITTEE ON THE JUDICIARY

On Thursday, June 6, 1946, Subcommittee No. 2 of the Committee on the Judiciary will continue hearings on the bill (H. R. 6301) to supplement existing laws against unlawful restraints and monopolies, and for other purposes. The hearings will begin at 10 a. m. and will be held in the Judiciary Committee room, 346 House Office Building.

EXECUTIVE COMMUNICATIONS, ETC.

1360. Under clause 2 of rule XXIV, a letter from the Secretary of Commerce, transmitting a draft of proposed legislation to enable the Coast and Geodetic Survey to carry on more efficiently the functions and duties required by organic and other laws, was taken from the Speaker's table and referred to the Committee on the Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. SABATH: Committee on Rules. House Resolution 646. Resolution providing for the consideration of H. R. 6407, a bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; without amendment (Rept. No. 2201). Referred to the House Calendar.

Mr. McMILLAN of South Carolina: Committee on the District of Columbia. H. R. 4410. A bill to amend the act entitled "An act to authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases," approved August 11, 1939; with amendment (Rept. No. 2202). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND:

H. R. 6644. A bill to increase the efficiency of the Coast and Geodetic Survey; to the Committee on the Merchant Marine and Fisheries.

By Mr. BLAND (by request):

H. R. 6645. A bill to provide for the creation, organization, administration, and maintenance of a Merchant Marine Reserve; to the Committee on the Merchant Marine and Fisheries.

By Mr. BLOOM:

H. R. 6646. A bill to establish the office of Under Secretary of State for Economic Affairs; to the Committee on Foreign Affairs.

By Mr. DONDERO:

H. R. 6647. A bill to amend the Fair Labor Standards Act of 1938 so as to provide a further exemption from maximum-hour provisions; to the Committee on Labor.

By Mr. JACKSON:

H. R. 6648. A bill to extend to certain veterans the veterans'-preference provisions relating to Federal employment; to the Committee on the Civil Service.

By Mr. CRAVENS:

H. R. 6649. A bill granting certain lands to the State of Arkansas and for other purposes; to the Committee on the Public Lands.

By Mr. BREHM:

H. R. 6650. A bill to grant an increase of pensions to certain widows of veterans of the war with Spain; to the Committee on Pensions.

By Mr. EARTHMAN:

H. R. 6651. A bill to provide for the payment by the United States of persons assuming the duties of postmaster at fourth-class offices during the absence of postmasters at such offices; to the Committee on the Post Office and Post Roads.

By Mr. McMILLAN of South Carolina:

H. R. 6652. A bill to permit members of the State Guards to retain uniforms and articles of clothing issued under the authority of the Secretary of War; to the Committee on Military Affairs.

By Mr. HAVENNER:

H. Res. 647. Resolution to provide for a survey to determine a site for a Federal penal or correctional institution to supplant the Federal penitentiary on Alcatraz Island; to the Committee on the Judiciary.

By Mr. WIGGLESWORTH:

H. Res. 648. Resolution for the appointment of a special committee to investigate the financial operations of the Maritime Commission and the War Shipping Administration; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and and severally referred as follows:

By Mr. BARTLETT:

H. R. 6653. A bill for the relief of Harry Snyder; to the Committee on Claims.

H. R. 6654. A bill for the relief of Eugene Tetinek, Samuel T. Wesley, Jack B. Kontchak, Lloyd Ahvakana, Isaac Kisserak, Tim Gologergon, Hoover Koonalook, and George Luke; to the Committee on Claims.

H. R. 6655. A bill for the relief of Charles R. Biederman, Frederick Terrel, and William Huttula; to the Committee on Claims.

By Mr. BLOOM:

H. R. 6656. A bill for the relief of the legal guardian of Mary Margaret Grant, a minor; to the Committee on Claims.

By Mr. HART:

H. R. 6657. A bill for the relief of Ben Grunstein; to the Committee on Claims.

By Mr. HAVENNER:

H. R. 6658. A bill for the relief of Benzo Okada; to the Committee on Immigration and Naturalization.

By Mr. JACKSON:

H. R. 6659. A bill for the relief of Charles G. Meyers; to the Committee on Claims.

By Mrs. MANKIN:

H. R. 6660. A bill for the relief of the estate of Chester S. Wright, Jr., deceased; to the Committee on Claims.

H. R. 6661. A bill for the relief of Mrs. Pearl Cole; to the Committee on Claims.

By Mr. MORRISON:

H. R. 6662. A bill for the relief of Marion N. Harper; to the Committee on Claims.

H. R. 6663. A bill for the relief of Chester C. Churchwell; to the Committee on Claims.

By Mr. OUTLAND:

H. R. 6664. A bill for the relief of the estate of James Henry Vande Weg; to the Committee on Claims.

By Mr. PLOESER:

H. R. 6665. A bill for the relief of Mose Altman; to the Committee on Claims.

H. R. 6666. A bill for the relief of Mrs. Dorothy Jane Steffen; to the Committee on Claims.

By Mr. RIVERS:

H. R. 6667. A bill for the relief of Joe G. McInerney; to the Committee on the Merchant Marine and Fisheries.

SENATE

TUESDAY, JUNE 4, 1946

(Legislative day of Tuesday, March 5, 1946)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Our Father God, in whose peace our restless spirits are quieted, the fierce storms sweeping across our world have left us weary with watching; these testing times have found out our every weakness. While the tempest still is high, we turn to the infinite calm of Thy changeless love that we may find inner sustenance, wells of living water springing up, courage in battling for truth and serenity under strain. Give us a readiness for the austere disciplines of self-control, so that our minds and bodies may be the channels for kindling thoughts and soaring ideals and power to match great needs with great deeds. We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, June 3, 1946, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

FERRIS RUGGLES—VETO MESSAGE
(S. DOC. NO. 200)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying bill, referred to the Committee on Claims and ordered to be printed:

To the United States Senate:

I return herewith, without my approval, S. 1563, "An act for the relief of Ferris Ruggles."

This bill would compensate Ferris Ruggles in the amount of $2,167.78 for property damage and loss of earnings sustained and expenses incurred by him as a result of an accident involving an Army vehicle.

It appears that on April 18, 1944, at about 7:15 p. m., an Army carry-all operated by a woman employee of the War Department on official business, was proceeding west on U. S. Highway No. 60 in Texas at a speed of approximately 30 miles an hour and approaching the entrance to the English Air Field, about 6 miles east of Amarillo, Tex. It was still light and the three-lane highway was dry. A tractor with semitrailer attached, owned by Ferris A. Ruggles and Frank T. Smith, a copartnership doing business as the Fergas Co., and operated by their employee, J. H. Wheeler, acting within the scope of his employment, was also proceeding west on the same highway at an undetermined speed behind the Army vehicle. The semitrailer was carrying 2,815 gallons of gasoline. As the Army carry-all neared the entrance to the English Air Field, situated on the south side of Highway No. 60, the driver thereof moved the carry-all into the center traffic lane and reduced her speed, preparatory to executing a left turn into the driveway to the airfield. Then, without giving any hand signal, she began to turn left just as the driver of the civilian vehicle, who sounded no warning with his horn, moved into the extreme left traffic lane and attempted to pass to the left of the Army vehicle. When the driver of the civilian vehicle saw that the Army carry-all was turning to the left he continued to move his vehicle to the left until it was entirely off the pavement on the south side of the highway. At the same time the Army driver swerved her vehicle to the right in an attempt to avoid a collision. Notwithstanding such movements the two

vehicles sideswiped and the civilian truck and trailer went out of control, struck a culvert, and overturned in the ditch on the south side of the road. The civilian tractor and trailer were extensively damaged, the entire load of gasoline was lost, and Mr. Wheeler sustained personal injuries.

While the driver of the Army vehicle was negligent in failing to indicate by a proper hand signal her intention to make a left turn and in failing to ascertain whether such a turn could be executed in safety, the driver of the civilian tractor was also negligent in attempting to pass to the left of the Army vehicle without indicating such intention by sounding his horn, particularly when the position of the Army vehicle in the center lane of a three-lane highway near the point where a road turned off to the left to the English Air Field, and the reduction in the speed of the Army vehicle should have suggested to him the probability that it was about to turn to the left. Furthermore, the driver of the civilian vehicle, in view of the combined weight and length of the tractor and trailer and the inflammable cargo carried in the trailer, was under a duty to exercise more than ordinary care in handling such vehicle, and it was negligence on his part to persist in his attempt to pass the Army vehicle when he saw, or should have seen, that he could not do so in safety. That the driver of the civilian vehicle was negligent in this respect is also indicated by the fact that the civilian vehicle skidded 200 feet before it came to a stop.

Since the driver of the civilian vehicle was acting within the scope of his employment at the time of the accident and his negligence is therefore imputed to his employer, Mr. Ruggles, there is no justifiable basis for a claim by the latter against the United States on account of the property damage sustained and losses incurred as a result of this accident.

I am, therefore, constrained to withhold my approval from the bill.

HARRY S. TRUMAN.

THE WHITE HOUSE, *June 4, 1946.*

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following communications and letters, which were referred as indicated:

INCREASE IN LIMITATION ON APPROPRIATION FOR DEPARTMENT OF JUSTICE (S. DOC. NO. 201)

A communication from the President of the United States, transmitting a request for an increase in a limitation on an appropriation for the Department of Justice, fiscal year 1947, in the form of an amendment to the Budget for that fiscal year (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

AMENDMENT OF PUBLIC HEALTH SERVICE ACT RELATING TO PERSONNEL AND ADMINISTRATION

A letter from the Acting Administrator of the Federal Security Agency, transmitting a draft of proposed legislation to amend the Public Health Service Act in regard to certain matters of personnel and administration, and for other purposes (with an accompanying paper); to the Committee on Finance.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Archivist of the United States, transmitting, pursuant to law, a list of papers and documents in the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The PRESIDENT pro tempore appointed Mr. BARKLEY and Mr. BREWSTER members of the committee on the part of the Senate.

RESTRICTIONS ON GRAINS AVAILABLE FOR MANUFACTURE OF BEER—MEMORIAL

Mr. LA FOLLETTE. Mr. President, I have received from Mr. Mel Greenthal, secretary-treasurer of the Wisconsin State Council of Brewery and Soft Drink Workers, a memorial signed by a hundred thousand persons remonstrating against present and future restrictions on the quantity of grains available for the manufacture of beer. I ask unanimous consent that Mr. Greenthal's letter may be printed in the RECORD at this point, together with the heading of the petitions. The memorials are so bulky that I have not brought them to the floor, but I will see that they are delivered to the appropriate committee.

The PRESIDENT pro tempore. Without objection, the request of the Senator from Wisconsin is granted and the letter and petitions will be referred to the Committee on Agriculture and Forestry.

The letter and the heading of the memorials were ordered to be printed in the RECORD, as follows:

WISCONSIN STATE COUNCIL OF BREWERY AND SOFT DRINK WORKERS,
Milwaukee, Wis., June 3, 1946.

Hon. ROBERT M. LA FOLLETTE, Jr.,
United States Senator for Wisconsin,
Washington, D. C.

DEAR SENATOR LA FOLLETTE: Under separate cover I am sending you petitions with 100,000 signatures, protesting present and future restrictions on the quantity of grains available for the manufacture of beer. A sample of these petitions is enclosed. Please see that they are recorded in the CONGRESSIONAL RECORD and send me a copy of same. I am also writing to all other Wisconsin legislators in Washington, D. C., advising them that I have sent these petitions to you.

I should also like to have you notify Secretary of Agriculture Anderson of the receipt of these petitions, or present them to him—whichever you deem advisable.

Your cooperation in this matter will be deeply appreciated by the 100,000 people who signed these petitions. From time to time you will be receiving more of these signed petitions, all of which I would appreciate having handled in the same manner.

With best wishes and kindest regards,

Very sincerely yours,

MEL GREENTHAL,
Secretary-Treasurer.

A PETITION PROTESTING PRESENT AND FUTURE RESTRICTIONS ON THE QUANTITY OF GRAINS AVAILABLE FOR THE MANUFACTURE OF BEER—"THE BEVERAGE OF MODERATION"

(Sponsored by Wisconsin State Council of Brewery and Soft Drink Workers)

Whereas the 30-percent reduction in the amount of grains for use in the manufacture of beer has brought about an acute shortage in the "beverage of moderation," thus depriving many Americans of their right to enjoy it;

Whereas this reduction has already created hardships to workers in brewing and its allied industries through unemployment, in many cases recently returned veterans, who have been laid off as a direct result of present grain restrictions;

Whereas barley, the principal grain used in the manufacture of beer, is used but little for human food, and thus could be of small consequence in alleviating the suffering of starving peoples abroad;

Whereas the protein content of barley is much higher after the grain has been spent in the brewing process than when used whole, and the byproduct of malt houses goes into livestock and chicken feeds; thus creating no waste whatsoever;

Whereas the decrease in Federal and State revenues from beer means higher income and property taxes;

Whereas our servicemen fought and bled for the democratic American way of life, which certainly includes the right and privilege to enjoy the refreshment of a glass of beer;

Whereas any further restrictions would aggravate the hardships placed upon thousands of brewery and allied workers and their families through added unemployment, would still further increase taxes, and would cause even more severe shortages of the "beverage of moderation," thus depriving Americans, still more, of wholesome enjoyment and refreshment;

Therefore, we, the undersigned citizens of the United States, protest against the present 30-percent reduction in grains available for the manufacture of beer, and protest any further restrictions which may be under consideration now, or at any future time, and hereby request our Senators and Representatives to vote for the elimination of present restrictions, and against any additional restrictions at any time. We further respectfully request that this petition be referred to the proper committees and listed in the CONGRESSIONAL RECORD.

EXTENSION OF THE DRAFT ACT—PETITIONS

Mr. VANDENBERG. Mr. President, I have received a large number of letters from men in the service, all of the same general character, seeking the extension of the Draft Act in adequate form. I ask that one of these letters, representing all of them, be printed in the RECORD at this point and appropriately referred.

There being no objection, the letter was ordered to lie on the table and to be printed in the RECORD, as follows:

Hon. ARTHUR H. VANDENBERG,
Senator from Michigan:

We, as draftees in the service and relatives and friends of these men in service, have tried to look at the recent actions on the part of Congress with an impartial viewpoint. Yet, regardless of what attitude we have taken, the same facts result, and they are not favorable to Congress.

We see men more interested in their individual chances for reelection this coming fall than they are in the preservation of peace and the equal distribution of justice to all elements in the United States.

Our commitments to the United Nations have been saddled largely on the Army. The Army has pointed out that to accomplish these objectives a certain number of men will be required, and Congress has approved of this number. We do not need to be military strategists to see that these figures are important.

None of us want to be in the Army. But we consider it the duty of every American, when it is necessary, to sacrifice for his country.

Secretary of War Robert P. Patterson has announced that the Army intended to release men with 18 months' service if replacements

were available. He can make no clearer statement nor make provisions for what will happen after July 1 until he knows what Congress is going to do. It was this practice of inconsistency that resulted in mass GI protests last January. However, this time it is not the War Department that is to blame.

Congress has now decided that we must serve longer so that the 18- to 20-year-olds not in the Army shall not be required to serve at all. It would interest us to know how many inductees there are now in service between the ages of 18 and 20 who still have to serve from 6 months to a year longer.

The apparent injustice of congressional action becomes quite real to us when we recall that not quite a year ago these same Congressmen were working on the present recruiting program.

This program provides for 18-month enlistments directly from civilian life and 1-year enlistments for anyone with 6 months of service. These 1-year and 18-month enlistments will be up shortly. Are draftees to be kept in service longer than Regular Army men?

The price one must pay for the natural desire of civilian soldiers to become civilians again seems dear.

This is not our endorsement of permanent compulsory military training. It is only our endorsement of the continuance of the United States as a contributor to world peace and an equitable distribution of the responsibility toward that end among all Americans.

Therefore, we are asking you, as our representatives; we are telling you as our public servants, to vote for the extension of the draft in its wartime emergency form.

Each of us believes that our Senators and Representatives know of the importance of the Army to world peace. But we are tragically disappointed that, realizing these things, they have stooped to political ambiguity in an election year.

Tech. Sgt. DON MCNEIL.

DETROIT, MICH.

PROPOSED CONTINUATION OF PRICE CONTROLS

Mr. CAPPER. Mr. President, I have received a statement from the American Farm Bureau Federation with respect to the bill to continue price controls. I fully endorse the program suggested and ask that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

AMERICAN FARM BUREAU FEDERATION,
Washington, D. C., June 3, 1946.

The board of directors of the American Farm Bureau Federation, at its meeting in Chicago on May 31, 1946, adopted the following resolution relating to pending legislation to continue price controls:

"The American Farm Bureau Federation was one of the first organizations representing a large segment of our society that insisted upon the control of inflation and has constantly supported legislation for this purpose. We have insisted that price control when necessary must apply equitably to all segments of our economy, including agriculture, labor, manufacturers, distributors, and all others. Notwithstanding farmers' insistence on these policies, the administration has bowed to the demands of labor and other groups for inflationary increases in their price and wage levels. This failure to hold the line has undermined price control as a method of controlling inflation. OPA's unrealistic administration has restricted production so much that it has in itself become a major inflationary factor. The only hope now is to correct the basic causes of inflation, including revision of Federal tax, monetary, and credit policies.

"The American Farm Bureau Federation insists that a definite schedule for the complete removal of consumer subsidies on agricultural commodities not later than December 31, 1946, must be enacted and price ceilings adjusted correspondingly. We further insist that provision be made for prompt elimination of price ceilings on any commodity or items whenever the current supply of such commodity or item is reasonably in line with current requirements and a definite schedule providing for this should be included in the law. Unless these provisions are included we will not support the extension of the Price Control Act.

"We further recommend that the authority for establishing, removing, and reestablishing price ceilings on agricultural commodities and determining adjustments necessary in order to obtain adequate production be transferred to the Secretary of Agriculture. We also suggest that an independent decontrol board be established with final power to decide when supplies of nonagricultural products are in sufficient supply to warrant removal of controls.

"We are sure that there are many agricultural commodities which are either in sufficient supply or in which black-market operations are so excessive that it is apparent that OPA's efforts have totally broken down to the extent that consumers are receiving little benefit from the price ceilings, and on which price control should be terminated immediately. We would support the specific exemption of these commodities in legislation proposed to Congress."

I hope these recommendations will meet with your approval.

Sincerely yours.

EDW. A. O'NEAL,
President.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LA FOLLETTE, from the Committee on Finance:

S. 706. A bill to amend Veterans Regulation No. 9 (a), as amended, so as to increase the limit of amounts payable thereunder in connection with the funeral and burial of deceased veterans; without amendment (Rept. No. 1408);

S. 2100. A bill to remove the limitations on the amount of death compensation or pension payable to widows and children of certain deceased veterans; without amendment (Rept. No. 1409); and

S. 2235. A bill to provide a system of relief for veterans, and dependents of veterans, who served during World War II in the organized military forces of the Government of the Commonwealth of the Philippines while such forces were in the service of the armed forces of the United States pursuant to the military order of July 26, 1941, of the President of the United States, and for other purposes; without amendment (Rept. No. 1419).

By Mr. THOMAS of Utah, from the Committee on Military Affairs:

S. 2200. A bill to amend the act approved July 3, 1943, entitled "An act to provide for the settlement of claims for damage to or loss or destruction of property or personal injury or death caused by military personnel or civilian employees, or otherwise incident to activities, of the War Department or of the Army; without amendment (Rept. No. 1410).

By Mr. O'MAHONEY:

From the Committee on Indian Affairs:

S. 1235. A bill to authorize the use of the funds of any tribe of Indians for insurance premiums; without amendment (Rept. No. 1411); and

H. R. 1095. A bill for the relief of the Indians of the Fort Berthold Reservation in North Dakota; without amendment (Rept. No. 1413).

From the Committee on Military Affairs:

S. 1672. A bill to authorize the transfer to the Department of the Interior of surplus lands and property of Federal agencies on reclamation projects; with amendments (Rept. No. 1412).

From the Committee on the Judiciary:

H. R. 5716. A bill to amend the Second War Powers Act, 1942, as amended; without amendment (Rept. No. 1414).

By Mr. JOHNSON of Colorado, from the Committee on Finance:

S. 1578. A bill to clarify the terms "compensation" and "pension" under laws administered by the Veterans' Administration; with an amendment (Rept. No. 1415);

S. 1915. A bill to provide for designation of the United States Veterans' Administration hospital at Fargo, N. Dak., as the Clarence Theodore Hoverson Memorial Hospital; without amendment (Rept. No. 1416);

H. R. 5149. A bill to govern the effective dates of ratings and awards under the Veterans' Administration revised schedule for rating disabilities, 1945, and for other purposes; without amendment (Rept. No. 1417); and

H. R. 5626. A bill to authorize the Veterans' Administration to appoint and employ retired officers without affecting their retired status, and for other purposes; without amendment (Rept. No. 1418).

By Mr. TYDINGS, from the Committee on Territories and Insular Affairs:

S. 2210. A bill to provide for the return of certain securities to the Philippine Commonwealth Government; without amendment (Rept. No. 1420).

PERSONS EMPLOYED BY COMMITTEES WHO ARE NOT FULL-TIME SENATE OR COMMITTEE EMPLOYEES

The PRESIDENT pro tempore laid before the Senate a report for the month of May 1946, from the chairman of a certain committee, in response to Senate Resolution 319 (78th Cong.), relative to persons employed by committees who are not full-time employees of the Senate or any committee thereof, which was ordered to lie on the table and to be printed in the RECORD, as follows:

PUBLIC LANDS AND SURVEYS

JUNE 3, 1946.

To the Senate:

The above-mentioned committee hereby submits the following report showing the names of persons employed by the committee who are not full-time employees of the Senate or of the committee for the month of May, in compliance with the terms of Senate Resolution 319, agreed to August 23, 1944 (see attached memorandum):

CARL A. HATCH,
Chairman.

By STEWART A. HATCH,
Clerk.

JUNE 3, 1946.

To: Senator CARL A. HATCH, chairman, Senate Committee on Public Lands and Surveys.

From: Senator PAT MCCARRAN, chairman, Subcommittee To Investigate the Administration and Use of Public Lands.

The following persons have been assigned to the above subcommittee by the Department of Agriculture to assist with its work:

E. S. Haskell, senior administrative officer, Forest Service, CAF–12; basic salary, $5,000 per annum.

Elizabeth Heckman, clerk, CAF–5, basic salary, $2,000 per annum.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

(Mr. ELLENDER introduced Senate bill 2289, to extend, for one additional year, the provisions of the Sugar Act of 1937, as amended, and the taxes with respect to sugar, which was referred to the Committee on Finance and appears under a separate heading.)

By Mr. LA FOLLETTE:

S. 2290. A bill to authorize the furnishing of motor equipment to seriously disabled veterans, and for other purposes; to the Committee on Finance.

By Mr. WALSH:

S. 2291. A bill to authorize the Secretary of the Navy to transfer a vessel to the American Antarctic Association, Inc.;

S. 2292. A bill for the relief of the Miami Herald, the Key West Citizen, and the Miami Daily News; and

S. 2293. A bill for the relief of Robert John Townsend; to the Committee on Naval Affairs.

By Mr. KILGORE:

S. 2294. A bill to provide for requiring compliance with safety regulations in coal mines; to the Committee on Mines and Mining.

By Mr. WHEELER:

S. 2295. A bill authorizing the issuance of a patent in fee to Mrs. A. Marigeau; to the Committee on Indian Affairs.

EXTENSION OF SUGAR ACT OF 1937

Mr. ELLENDER. Mr. President, I ask unanimous consent to introduce for appropriate reference a bill to extend for one additional year the provisions of the Sugar Act of 1937, as amended, and the taxes with respect to sugar.

For more than 100 years, the sugar industry of Louisiana has sought and received the protection and encouragement of the Federal Government. The foundation of this protective policy has been that in times of emergency sugar produced at home would constitute a basic supply for the American consumer. Never before has this claim for a protective tariff, or protective quotas, been so fully justified as has been the case during World War II, and continuing during the postwar emergency of extreme shortage of sugar in the United States market.

At the beginning of the war, in spite of production limitations and acreage curtailments, the producers of sugar in the mainland beet area and the mainland cane area were able to furnish the more substantial part of the total supply of sugar available to the American consumer. In 1942, sugar produced on the mainland was used in every State of the Union, and this supply made it possible to have a reasonable ration unit for sugar in the United States.

The record of production in the mainland cane area, and especially in the State of Louisiana, has constituted a fine contribution to the welfare of the American consumer during the war emergency, which is not yet over from the standpoint of sugar shortage.

The following production figures for the mainland cane area are reported by the Crop Reporting Board of the Bureau of Agricultural Economics, United States Department of Agriculture:

Year:	*Short tons, raw value*
1936	437,000
1937	462,000
1938	583,000
1939	504,000
1940	332,000
1941	419,000
1942	460,000
1943	498,000
1944	437,000
1945	482,000

It has been a source of disappointment to the senior Senator from Louisiana [Mr. OVERTON] and to me, as I am sure it is to the two Senators from Florida, that the bill proposed by the Senator from Wyoming [Mr. O'MAHONEY], Senate bill 2249, fails to take into account the record of the mainland cane area in proposing changes within the quota structure of the Sugar Act.

Although a series of meetings have been held by representatives of the beet-sugar-producing States and the cane-refining States, representatives of the mainland cane area have not been brought into consultation, and no attention was given to their record. There was nothing sacred about the original ratio of quotas as established in the Sugar Act of 1934, and that ratio was changed in the Sugar Act of 1937. Likewise, the very limited term of the Sugar Act suggests that Congress has wanted to take into consideration from time to time the record of ability to produce and to distribute in the United States sugar market. Otherwise there would have been no reason for restricting the term of the Sugar Act to 3 years or less, in each instance where the act has been amended and extended.

The bill that I am introducing simply extends the Sugar Act for another year. It is to be hoped that due regard will be given to the mainland cane area if and when the question of quotas is considered by the Congress. I will be much disappointed if the quota of the mainland cane area is not increased by at least 150,000 tons of sugar. It is necessary that mainland sugar production be stimulated to the end that production be increased to a minimum of 36 percent of our consumption requirements.

There being no objection, the bill (S. 2829) to extend, for one additional year, the provisions of the Sugar Act of 1937, as amended, and the taxes with respect to sugar, introduced by Mr. ELLENDER, was received, read twice by its title, and referred to the Committee on Finance.

TITLES TO LANDS BENEATH TIDEWATERS AND NAVIGABLE WATERS—AMENDMENTS

Mr. O'MAHONEY submitted amendments intended to be proposed by him to the joint resolution (H. J. Res. 225) to quiet the titles of the respective States, and others, to lands beneath tidewaters and lands beneath navigable waters within the boundaries of such States and to prevent further clouding of such titles, which were ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

On page 3, line 14, after the word "line" insert the word "lawfully"; and at the end of the bill add the following new paragraph:

"Nothing in this resolution shall be deemed to prejudice or adversely affect any rights the United States may have in and to the subsoil and sea bed of or the resources in the continental shelf lying oceanward from the area described in the first clause (1) of the preceding paragraph."

REORGANIZATION OF CONGRESS—EDITORIAL FROM BUFFALO EVENING NEWS

[Mr. MEAD asked and obtained leave to have printed in the RECORD an editorial entitled "Let Congress Reorganize Itself," published in the Buffalo Evening News of June 1, 1946, which appears in the Appendix.]

IS RUSSIA PREPARING FOR WAR?—ARTICLE BY EDDY GILMORE

[Mr. PEPPER asked and obtained leave to have printed in the RECORD an article entitled "Five Years in Russia Convince Gilmore Reds Want No War," written by Eddy Gilmore and published in the Washington Evening Star of June 3, 1946, which appears in the Appendix.]

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 470. An act to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim or claims of W. P. Richardson, as successor and assignee of W. P. Richardson & Co., of Tampa, Fla.;

S. 769. An act for the relief of H. H. Ashbrook, and others;

S. 913. An act to protect scenic values along and tributary to the Catalina Highway within the Coronado National Forest, Ariz.;

S. 1106. An act for the relief of Malcolm K. Burke;

S. 1286. An act for the relief of Sam Bechtold;

S. 1605. An act to reimburse certain Navy and Marine Corps personnel and former Navy and Marine Corps personnel for personal property lost or damaged as the result of fires which occurred at various Navy and Marine Corps shore activities;

S. 1802. An act to provide for the delivery of custody of certain articles of historic interest from the U. S. S. *Nevada* and the U. S. S. *Wyoming* to the State of Nevada and the State of Wyoming, respectively;

S. 1805. An act to authorize the promotion of personnel of the Navy, Marine Corps, and Coast Guard who were prisoners of war;

S. 1854. An act to establish the civilian position of Academic Dean of the Postgraduate School of the Naval Academy and compensation therefor;

S. 1862. An act to repeal section 1548 Revised Statutes (34 U. S. C. 592);

S. 1871. An act to authorize the conveyance of a parcel of land at the naval supply depot, Bayonne, N. J., to the American Radiator & Standard Sanitary Corp.;

S. 1872. An act to provide for the rank of original appointments in the Corps of Civil Engineers of the United States Navy, and for other purposes;

S. 1959. An act to authorize the payment of additional uniform gratuity to Reserve officers commissioned from the status of aviation cadets; and

S. 1978. An act to authorize the restoration of Philip Niekum, Jr., to the active list of the United States Navy with appropriate rank and restoration of pay and allowances.

The message also announced that the House had passed the bill (S. 1776) to authorize the exchange of certain land at the Benicia Arsenal, Calif., with

amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 783. An act for the relief of Karl E. Bond;

H. R. 797. An act for the relief of William W. Willett, Jr.;

H. R. 975. An act for the relief of Mrs. Lula Wilson Nevers;

H. R. 1258. An act for the relief of Cecil Atkinson;

H. R. 1331. An act for the relief of the Hatheway Patterson Corp.;

H. R. 1469. An act for the relief of Cox Bros.;

H. R. 1614. An act for the relief of Jennie Olsen Andersen;

H. R. 2287. An act for the relief of Susan S. Wiseman;

H. R. 2325. An act to extend the benefits of the Emergency Officers' Retirement Act of May 24, 1928, to officers honorably discharged from the Army under Public, No. 259, Sixty-seventh Congress, June 30, 1922;

H. R. 2489. An act for the relief of Gaylon Dhu;

H. R. 2772. An act for the relief of Juan Calcano;

H. R. 2785. An act for the relief of Will O'Brien, Mrs. Bessie O'Brien, and the legal guardian of Jane O'Brien;

H. R. 3359. An act for the relief of Mrs. Mary Belk;

H. R. 3399. An act for the relief of Philibert L. Bergeron, Alfred Quist, and Astrid Quist;

H. R. 3401. An act for the relief of Mrs. Hattie Main Babcock, Chester N. Main, and Mr. and Mrs. Earl Norman;

H. R. 3455. An act for the relief of Chatham M. Towers;

H. R. 3484. An act for the relief of the Poultry Producers of Central California;

H. R. 3494. An act for the relief of the J. B. McCrary Co., Inc., and for other purposes;

H. R. 3508. An act for the relief of the Northern Lumber & Millwork Co., of Spokane, Wash.;

H. R. 3623. An act for the relief of William A. Pixley;

H. R. 3672. An act for the relief of Dimple Benoit;

H. R. 3827. An act for the relief of Fred W. Grant;

H. R. 4247. An act for the relief of Jesus Lassalle and Mrs. America Bonet Medina;

H. R. 4353. An act for the relief of Amy Mary Richter;

H. R. 4357. An act for the relief of the estate of the late Alberto Lopez Ramos;

H. R. 4433. An act to provide for the conveyance to the State of Alabama for use as a public park of the military reservation known as Fort Morgan;

H. R. 4458. An act for the relief of Rosella J. Masters;

H. R. 4466. An act for the relief of Francis T. Lillie and Lois E. Lillie;

H. R. 4479. An act for the relief of William E. Robertson and Estelle Robertson;

H. R. 4486. An act to abolish the Santa Rosa Island National Monument and to provide for the conveyance to Escambia County, State of Florida, of that portion of Santa Rosa Island which is under the jurisdiction of the Department of the Interior;

H. R. 4525. An act for the relief of Oran Edmund Randall Rumrill;

H. R. 4673. An act for the relief of Mrs. Minnie Jenkins Ward;

H. R. 4701. An act granting the consent of Congress to the States of Utah, Idaho, and Wyoming to negotiate and enter into a compact for the division of the waters of the Bear River and its tributaries;

H. R. 4834. An act for the relief of the estates of Katherine Delores Booth and Agnes Jane True;

H. R. 4862. An act for the relief of Walter R. Newcomb, Sr., Corbin A. Newcomb, and Walter R. Newcomb, Jr.;

H. R. 4863. An act to establish the date of acceptance of a commission as lieutenant (junior grade), United States Naval Reserve, by William Leon de Carbonel to be June 1, 1941, and the date of reporting for active duty to be December 9, 1941, and for other purposes;

H. R. 4888. An act for the relief of Gustav F. Doscher;

H. R. 4917. An act for the relief of the Western Union Telegraph Co.;

H. R. 4919. An act for the relief or Archibald J. Alcorn;

H. R. 4996. An act for the relief of the legal guardian of Joan Esther Hedin, a minor;

H. R. 5026. An act for the relief of the estate of Drury Lee Jordan;

H. R. 5053. An act for the relief of the estate of Jasper A. Mealer;

H. R. 5228. An act for the relief of Stephen Lisay;

H. R. 5284. An act for the relief of Mrs. Lucy T. Harris;

H. R. 5324. An act for the relief of Mrs. Mary Francoline and Mrs. Rose Wallace;

H. R. 5349. An act for the relief of Charles F. Barrett;

H. R. 5351. An act for the relief of Charles Booker;

H. R. 5510. An act for the relief of Newton William Lowery;

H. R. 5538. An act for the relief of Mae Maxine Stone;

H. R. 5539. An act for the relief of Andrew M. Halvorsen;

H. R. 5541. An act for the relief of F. B. Sweat;

H. R. 5552. An act relating to the sale by the United States of surplus vessels suitable for fishing;

H. R. 5595. An act for the relief of Marjorie See;

H. R. 5640. An act to reestablish the status of funds of the midshipmen's store, barber shop, cobbler shop, and tailor shop at the United States Naval Academy, and for other purposes;

H. R. 5676. An act to quiet title and possession with respect to certain real estate in Converse County, Wyo;

H. R. 5739. An act for the relief of Frances Fitzgerald;

H. R. 5792. An act for the relief of certain postmasters;

H. R. 5806. An act for the relief of Etta Yoakam;

H. R. 5872. An act for the relief of Mr. and Mrs. Walter Keaton;

H. R. 5878. An act for the relief of Elsie Elmhorst;

H. R. 5884. An act for the relief of Frances Krzys;

H. R. 5907. An act to authorize the Administrator of Veterans' Affairs to grant an easement for highway purposes to the Commonwealth of Pennsylvania, in certain lands in the reservation of the Veterans' Administration hospital, Lebanon County, Pa., and for other purposes;

H. R. 6035. An act to provide that there shall be no liability for acts done or omitted in accordance with regulations of the Director of Selective Service, and for other purposes;

H. R. 6069. An act to amend section 100 of the Servicemen's Readjustment Act of 1944;

H. R. 6153. An act to remove the existing limitation on the number of associate members of the Board of Veterans' Appeals in the Veterans' Administration;

H. R. 6371. An act to amend certain provisions of the National Service Life Insurance Act of 1940, as amended, and for other purposes;

H. R. 6463. An act to provide for making certain War Department articles and equipment available for use at the convention of the Veterans of Foreign Wars to be held in Boston, Mass., in September 1946;

H. R. 6486. An act to authorize an appropriation for the establishment of a geophysical institute at the University of Alaska;

H. R. 6533. An act to authorize certain administrative expenses in the Government service, and for other purposes;

H. J. Res. 327. Joint resolution to permit articles imported from foreign countries for the purpose of exhibition at the Inter-American Trade Exposition, Fort Worth, Tex., to be admitted without payment of tariff, and for other purposes; and

H. J. Res. 347. Joint resolution to correct a technical error in the act approved April 18, 1946 (Public Law 347, 79th Cong., 2d sess.).

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H. R. 4510) granting the consent and approval of Congress to an interstate compact between Colorado and New Mexico with respect to the waters of Costilla Creek and it was signed by the President pro tempore.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred, as indicated:

H. R. 783. An act for the relief of Karl E. Bond;

H. R. 797. An act for the relief of William W. Willett, Jr.;

H. R. 975. An act for the relief of Mrs. Lula Wilson Nevers;

H. R. 1258. An act for the relief of Cecil Atkinson;

H. R. 1331. An act for the relief of the Hatheway Patterson Corp.;

H. R. 1469. An act for the relief of Cox Bros.;

H. R. 1614. An act for the relief of Jennie Olsen Andersen;

H. R. 2287. An act for the relief of Susan S. Wiseman;

H. R. 2489. An act for the relief of Gaylon Dhu;

H. R. 2772. An act for the relief of Juan Calcano;

H. R. 2785. An act for the relief of Will O'Brien, Mrs. Bessie O'Brien, and the legal guardian of Jane O'Brien;

H. R. 3359. An act for the relief of Mrs. Mary Belk;

H. R. 3399. An act for the relief of Philibert L. Bergeron, Alfred Quist, and Astrid Quist;

H. R. 3401. An act for the relief of Mrs. Hattie Main Babcock, Chester N. Main, and Mr. and Mrs. Earl Norman;

H. R. 3455. An act for the relief of Chatham M. Towers;

H. R. 3484. An act for the relief of the Poultry Producers of Central California;

H. R. 3494. An act for the relief of the J. B. McCrary Co., Inc., and for other purposes;

H. R. 3508. An act for the relief of the Northern Lumber & Millwork Co., of Spokane, Wash.;

H. R. 3623. An act for the relief of William A. Pixley;

H. R. 3672. An act for the relief of Dimple Benoit;

H. R. 3827. An act for the relief of Fred W. Grant;

H. R. 4247. An act for the relief of Jesus Lassalle and Mrs. America Bonet Medina;

H. R. 4353. An act for the relief of Amy Mary Richter;

H. R. 4357. An act for the relief of the estate of the late Alberto Lopez Ramos;

H. R. 4458. An act for the relief of Rosella J. Masters;

H. R. 4466. An act for the relief of Francis T. Lillie and Lois E. Lillie;

H. R. 4479. An act for the relief of William E. Robertson and Estelle Robertson;

H. R. 4673. An act for the relief of Mrs. Minnie Jenkins Ward;

H. R. 4834. An act for the relief of the estates of Katherine Delores Booth and Agnes Jane True;

H. R. 4862. An act for the relief of Walter R. Newcomb, Sr., Corbin A. Newcomb, and Walter R. Newcomb, Jr.;

H. R. 4888. An act for the relief of Gustav F. Doscher;

H. R. 4917. An act for the relief of the Western Union Telegraph Co.;

H. R. 4919. An act for the relief of Archibald J. Alcorn;

H. R. 4996. An act for the relief of the legal guardian of Joan Esther Hedin, a minor;

H. R. 5026. An act for the relief of the estate of Drury Lee Jordan;

H. R. 5053. An act for the relief of the estate of Jasper A. Mealer;

H. R. 5228. An act for the relief of Stephen Lisay;

H. R. 5284. An act for the relief of Mrs. Lucy T. Harris;

H. R. 5324. An act for the relief of Mrs. Mary Francoline and Mrs. Rose Wallace;

H. R. 5349. An act for the relief of Charles F. Barrett;

H. R. 5351. An act for the relief of Charles Booker;

H. R. 5510. An act for the relief of Newton William Lowery;

H. R. 5538. An act for the relief of Mae Maxine Stone;

H. R. 5539. An act for the relief of Andrew M. Halvorsen;

H. R. 5541. An act for the relief of F. B. Sweat;

H. R. 5739. An act for the relief of Frances Fitzgerald;

H. R. 5792. An act for the relief of certain postmasters;

H R. 5806. An act for the relief of Etta Yoakam;

H. R. 5872. An act for the relief of Mr. and Mrs. Walter Keaton;

H. R. 5878. An act for the relief of Elsie Elmhorst; and

H. R. 5884. An act for the relief of Frances Krzys; to the Committee on Claims.

H. R. 2325. An act to extend the benefits of the Emergency Officers' Retirement Act of May 24, 1928, to officers honorably discharged from the Army under Public, No. 259, Sixty-seventh Congress, June 30, 1922;

H. R. 5552. An act relating to the sale by the United States of surplus vessels suitable for fishing;

H. R. 6035. An act to provide that there shall be no liability for acts done or omitted in accordance with regulations of the Director of Selective Service, and for other purposes; and

H. R. 6463. An act to provide for making certain War Department articles and equipment available for use at the convention of the Veterans of Foreign Wars to be held in Boston, Mass., in September 1946; to the Committee on Military Affairs.

H. R. 4433. An act to provide for the conveyance to the State of Alabama for use as a public park of the military reservation known as Fort Morgan;

H. R. 4525. An act for the relief of Oran Edmund Randall Rumrill;

H. R. 4863. An act to establish the date of acceptance of a commission as lieutenant (junior grade), United States Naval Reserve, by William Leon de Carbonel to be June 1, 1941, and the date of reporting for active duty to be December 9, 1941, and for other purposes;

H. R. 5640. An act to reestablish the status of funds of the midshipmen's store, barber shop, cobbler shop, and tailor shop at the United States Naval Academy, and for other purposes; and

H. J. Res. 347. Joint resolution to correct a technical error in the act approved April 18, 1946 (Public Law 347, 79th Cong., 2d sess.); to the Committee on Naval Affairs.

H. R. 4486. An act to abolish the Santa Rosa Island National Monument and to provide for the conveyance to Escambia County, State of Florida, of that portion of Santa Rosa Island which is under the jurisdiction of the Department of the Interior; and

H. R. 5676. An act to quiet title and possession with respect to certain real estate in Converse County, Wyo.; to the Committee on Public Lands and Surveys.

H. R. 4701. An act granting the consent of Congress to the States of Utah, Idaho, and Wyoming to negotiate and enter into a compact for the division of the waters of the Bear River and its tributaries; to the Committee on Irrigation and Reclamation.

H. R. 5595. An act for the relief of Marjorie See; to the Committee on Immigration.

H. R. 5907. An act to authorize the Administrator of Veterans' Affairs to grant an easement for highway purposes to the Commonwealth of Pennsylvania in certain lands in the reservation of the Veterans' Administration hospital, Lebanon County, Pa., and for other purposes;

H. R. 6069. An act to amend section 100 of the Servicemen's Readjustment Act of 1944;

H. R. 6153. An act to remove the existing limitation on the number of associate members of the Board of Veterans' Appeals in the Veterans' Administration;

H. R. 6371. An act to amend certain provisions of the National Service Life Insurance Act of 1940, as amended, and for other purposes; and

H. J. Res. 327. Joint resolution to permit articles imported from foreign countries for the purpose of exhibition at the Inter-American Trade Exposition, Fort Worth, Tex., to be admitted without payment of tariff, and for other purposes; to the Committee on Finance.

H. R. 6486. An act to authorize an appropriation for the establishment of a geophysical institute at the University of Alaska; to the Committee on Territories and Insular Affairs.

H. R. 6533. An act to authorize certain administrative expenses in the Government service, and for other purposes; to the Committee on Expenditures in the Executive Departments.

EXTENSION OF SELECTIVE TRAINING AND SERVICE ACT OF 1940

The Senate resumed consideration of the bill (S. 2057) to extend the Selective Training and Service Act of 1940, as amended, until May 15, 1947, and for other purposes.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from South Dakota [Mr. GURNEY].

Mr. WHERRY. Mr. President, I send to the desk an amendment I intend to offer at the proper time. I ask that the amendment be read and printed and lie on the table.

There being no objection, the amendment was received, ordered to be printed, and to lie on the table, as follows:

On page 4, line 4, strike out the quotation marks.

On page 4, between lines 4 and 5, insert the following new paragraph:

"(5) No individual shall be inducted without his consent for training and service under this act, if he has served on active duty in the land or naval forces of the United States after September 16, 1940, and was discharged or released from active service under honorable conditions. Any such individual who was inducted without his consent after being so discharged or released and is serving on active duty when this paragraph becomes effective shall, upon his request after August 1, 1946, be relieved from his period of training and service under this act."

At the end of the bill insert the following new section:

"SEC. —. Hereafter no individual who has been transferred to a reserve component of the land or naval forces of the United States pursuant to the provisions of section 3 (c) of the Selective Training and Service Act of 1940, as amended, shall be ordered to active duty for a longer period than 15 days in any one calendar year without his consent."

Mr. GURNEY. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hawkes	O'Mahoney
Andrews	Hayden	Overton
Austin	Hickenlooper	Pepper
Ball	Hill	Radcliffe
Barkley	Hoey	Reed
Bridges	Huffman	Revercomb
Briggs	Johnson, Colo.	Robertson
Brooks	Johnston, S. C.	Russell
Buck	Kilgore	Saltonstall
Burch	Knowland	Shipstead
Bushfield	La Follette	Smith
Butler	Langer	Stanfill
Byrd	Lucas	Stewart
Capehart	McCarran	Taft
Capper	McClellan	Thomas, Okla.
Connally	McFarland	Thomas, Utah
Cordon	McKellar	Tobey
Downey	Magnuson	Tunnell
Eastland	Maybank	Tydings
Ellender	Mead	Vandenberg
Ferguson	Millikin	Wagner
Fulbright	Mitchell	Walsh
George	Moore	Wheeler
Gerry	Morse	Wherry
Green	Murdock	White
Gurney	Murray	Wiley
Hart	O'Daniel	Wilson

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Alabama [Mr. BANKHEAD] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], the Senators from Idaho [Mr. GOSSETT and Mr. TAYLOR], and the Senator from Pennsylvania [Mr. GUFFEY] are absent by leave of the Senate.

The Senators from New Mexico [Mr. CHAVEZ and Mr. HATCH], the Senator from Connecticut [Mr. MCMAHON], and the Senator from Pennsylvania [Mr. MYERS] are detained on public business.

Mr. WHERRY. The Senator from Maine [Mr. BREWSTER] and the Senator from Indiana [Mr. WILLIS] are necessarily absent.

The Senator from North Dakota [Mr. YOUNG] is absent by leave of the Senate.

The Senator from Missouri [Mr. DONNELL] is detained on official business.

The PRESIDENT pro tempore. Eighty-one Senators having answered to their names, a quorum is present.

JEWISH CONTRIBUTIONS TO AMERICAN ARMED SERVICES

Mr. WILEY. Mr. President, America has been shocked by the vicious outpouring of intolerance which has followed the end of World War II, a war for liberty and freedom of all peoples. This intolerance has been directed against the

traditional victims—American minority groups, such as the foreign born, the Catholic, the Jew, and the Negro.

Every American-thinking American deplores and will fight this evil of bigotry, racial and religious hatred, and persecution, whether it be under the title of Ku Klux Klanism or any phony, high-sounding title. Every American-thinking American knows that each human has a right to be considered on his own individual merit rather than on the basis of what the color of his skin is, which church he attends, or where his ancestors originated.

Mr. President, one of the groups which is the victim of this outpouring of hatred has been the some 5,000,000 Americans of Jewish faith. Yet these Americans, like their coreligionists throughout American history, yield to no group in their patriotism, in their magnificent war record, in their wholesome contributions to science, literature, the professions, industry, and commerce.

Yes, on the field of battle, the Americans of Jewish faith have more than proved their stalwart Americanism. In the war just concluded they contributed the equivalent of 37 divisions to our armed forces, or some 550,000 men and women.

Nearly 7,500 Jews are already known to have died in the service of their beloved land. Authentic records show that some 23,000 fell as casualties. Almost 17,500 Jewish men and women have already received citations of valor and merit.

Mr. President, years ago in the darkest days of the war I pointed out that there was in the Middle East a considerable reservoir of Jewish manpower which was ready, willing, and eager to bear arms in the service of the United Nations against their terrible persecutor who exterminated 6,000,000 of their brethren. Yes, this Jewish manpower was eager to fight and, if need be, die, preferably under their own flag, but in any case in the cause of world freedom. Unfortunately, the policies of the British Empire were such that this reservoir of manpower was not fully utilized.

America, however, gratefully accepted the contributions of her Jewish sons and daughters in the armed services, and, as a result, they have made the magnificent record which I should now like to cite.

The Jewish Welfare Board has prepared a leaflet entitled "These Are the Facts," which reflects Jewish contributions to American victory. I ask unanimous consent that the text of this leaflet be reprinted in the RECORD.

May it serve as an answer to the bigots and hatemongers in our midst who would vilify our fellow Americans of Jewish faith and any other minority.

There being no objection, the leaflet was ordered to be printed in the RECORD, as follows:

THESE ARE THE FACTS—AS OF JANUARY 1, 1946

(This is the fourth issue of These Are the Facts, bringing the figures up to January 1, 1946. This leaflet has been prepared in response to numerous requests for a few salient facts concerning Jewish participation in the armed forces of the United States in World War II.)

(Bureau of War Records, National Jewish Welfare Board, New York, N. Y.)

CASUALTIES

(Returns on casualties are not yet complete)

Nearly 7,500 Jews are already known to have died in service, 6,000 in combat. The total number of all casualties, thus far definitely authenticated, is 23,401.

550,000 IN SERVICE

Studies by the Bureau of War Records indicate that 550,000 men and women of Jewish faith have served in the armed forces of the United States in the course of World War II, or, in military terms, the equivalent of 37 divisions. Population studies completed in 20 representative American cities demonstrated that the percentage of Jews in uniform was equal to, and in a number of cases was higher than, the ratio of Jews to the general population.

DENTISTS IN SERVICE

Thirty percent of the Jewish dentists in the New York metropolitan area saw service in the military forces of the United States, according to a study made by the JWB Bureau of War Records.

CONTRIBUTION

Thousands of Jewish families have given three or more members to the service.

Nineteen such families have contributed six members each.

Thirteen more families have contributed seven members each.

Four other families have contributed eight members each.

RANK

Twenty-one men of Jewish faith have attained senior rank in our armed forces in World War II. Seventeen were generals: 6 major generals and 11 brigadier generals; 4 were admirals or commodores: 1 vice admiral, 2 rear admirals, and 1 commodore.

SACRIFICES

There are known to be at least 46 Jewish families in the country in which two members have given their lives for the United States. One family lost three sons in service.

PHYSICIANS IN UNIFORM

More than one-third of all Jewish physicians of the United States were in uniform. A survey covering all of New York State, eastern New Jersey, and 22 medium-sized communities all over the country revealed that about 60 percent of all Jewish physicians, under 45, in those areas, were in our armed forces.

CITATIONS, DECORATIONS, AND AWARDS

(Returns on awards are not yet complete)

Close to 17,500 Jewish men and women in uniform have already received citations for valor and merit, many of them posthumously. These men and women hold an aggregate of 33,446 awards. The number of men receiving the 4 highest awards were: 1 Congressional Medal of Honor; 64 Distinguished Service Crosses; 27 Navy Crosses; 34 Distinguished Service Medals.

In addition, Jewish men and women were the recipients of the following awards: 160 Legions of Merit; 1,115 Silver Stars; 1,656 Distinguished Flying Crosses; 162 Soldier's Medals; 29 Navy and Marine Corps medals; 3,114 Bronze Star Medals; 10,810 Air Medals; 11,765 Purple Hearts.

BRANCHES OF SERVICE

Jewish men and women served in every type of military activity—on the ground, in the air, on and under the sea.

Statistics on over 60,000 men, compiled by war record committees in 181 cities and towns, showed that 80 percent were in the Army, 17 percent were in the Navy, 2 percent in the Marine Corps, and 1 percent in the Coast Guard.

Of those in the Army, one-sixth were in the Infantry, one-twelfth were in other ground force units, nearly 3 out of 10 were in the Air Force, and of these almost one-fourth were flying personnel.

"In common with all who fought and died for victory, the Jewish men and women of the armed forces were motivated by unity of purpose and animated by faith in the American way of life. The best monument to their memory would be the kind of world to justify their faith and their sacrifice." (President Harry S. Truman.)

"The sacrifices of war drew no line of color or race or creed. That spirit of brotherhood must continue and be extended. Our armed strength and the world organization which we are striving to build will be ineffective for peace, if here at home and in our foreign relations we permit prejudices and hates to warp our attitudes. Prejudice and hate, the weapons the totalitarian gangsters used in their conspiracy to subvert the world, must be eliminated if we are to rebuild it. The National Jewish Welfare Board and the other members of the United Service Organization proved that the spirit of brotherhood was one of the ingredients of victory. We must never forget it is an essential ingredient in an enduring peace." (Secretary of War Robert P. Patterson.)

THE CASE LABOR BILL

Mr. MOORE. Mr. President, the Case labor bill is generally said to be in grave danger of a Presidential veto. There is so much loose comment on the radio, in the press, and particularly in official publications of certain labor organizations and by certain labor bosses that the bill was a death blow to organized labor, a step backward to the Dark Ages, and destroyed all constructive labor legislation, that it appears important to point out that such comments are designedly building up a false and erroneous impression as to the effect of the law. The purpose of this sort of inspired propaganda, of course, is to bring undue political pressure upon the President. There is no attempt to discuss the merits of the law, but, on the contrary, the howling campaign avoids such discussion.

The fact is there is nothing in the law that possibly can be called antilabor.

The Senate amendment prohibiting coercion or violence to restrain the movement of goods in interstate commerce was adopted by a vote of 59 to 22. Does the President care to say, by a veto, that he favors coercion and violence as employed on numerous occasions by various labor organizations? What weight can be given to a labor organization or a labor boss who would resist this provision of law?

The amendment prohibiting secondary boycotts or combinations between employers and employees to fix prices, allocate customers, or restrict production, distribution or competition, was adopted 53 to 19. Would the President, by his veto, desire to say that he favored secondary boycotts and combinations of employers and employees to fix prices, restrict production, distribution, and competition?

The amendment providing for fact-finding commissions with respect to labor disputes involving public utilities was adopted 59 to 19. The President recommended a similar provision with respect to all labor disputes. Would he now, by a veto, desire to say that he was opposed to such procedure with respect to labor disputes involving public utilities?

The amendment defining supervisory employees to exclude employees who are, in fact, a part of management, from collective bargaining under the Labor Act, was adopted 48 to 30. The purpose is to prevent management from sitting on both sides of the table in the settlement of labor disputes. Does the President, by his veto, care to say that he favors such possible domination of labor organizations by management in collective-bargaining negotiations?

The amendment providing that when the Mediation Board offers its services in the settlement of a labor dispute, no strike shall be called for 60 days pending negotiations was adopted 54 to 26. Does the President wish to say that he opposes such strike delay pending negotiations for settlement of labor disputes? Does he wish to infer that he believes paralyzing and devastating strikes should be inaugurated prior to the exhausting of such reasonable administrative processes?

The amendment making labor contracts enforceable as to all parties in the Federal Court was adopted 50 to 28. Does the President, by his veto, care to say he favors no legal restraint on the repudiation of labor contracts? Does the President care to say that he would deny aggrieved parties to a labor agreement the same legal remedies available with respect to all other contracts?

The amendment providing welfare funds may be created and maintained by employers or employees separately or jointly, subject to certain conditions and regulations, was adopted 47 to 30. Does the President, by his veto, wish to say that he is opposed to the establishment of such welfare funds?

The legislation, as amended, was passed by the substantial majority of 49 to 29. It was concurred in by the House by a vote of 230 to 106, or more than 2 to 1. The vote clearly reflects the sentiment of the people and the earnest desire of the Congress to bring about more equitable and workable labor laws. There is nothing antilabor in any provision of the legislation. A Presidential veto can only be construed by the people as an irresponsible jockeying for political position at a most critical time.

I hope the President will not yield to certain labor bosses who do not want peaceful labor relations, because only in times of labor unrest can their power continue to grow. I hope the President will not yield to certain political advisers who are afraid of the political power of these so-called labor bosses. If the President does veto this legislation, I hope the Congress will exercise its constitutional right to enact the legislation notwithstanding the veto. If we should fail to do so, we would shirk a great public responsibility. Our failure would be another invitation to the labor racketeers to continue the highhanded and ruthless methods by which they have acquired domination and control of government, and have so seriously impaired our economy, that it will take years to repair the damage.

INCREASE OF LIMIT OF EXPENDITURES FOR HEARINGS BEFORE COMMITTEE ON COMMERCE

Mr. LUCAS. Mr. President, Senate Resolution 268 was favorably reported yesterday from the Committee To Audit and Control the Contingent Expenses of the Senate, and is now on the calendar, Calendar No. 1434. I ask unanimous consent for its present consideration.

Mr. WHITE. Mr. President, will the Senator state the nature of the resolution?

Mr. LUCAS. I may say to the able minority leader that the resolution comes from the Committee on Commerce, a standing committee of the Senate, requesting an additional $5,000 to carry on the work of that committee.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 268) submitted by Mr. PEPPER (for Mr. BAILEY) on May 7, 1946, was considered and agreed to, as follows:

Resolved, That the Committee on Commerce, authorized by Senate Resolution 9, agreed to January 6, 1945, to send for persons, books, and papers; to administer oaths; and to employ a stenographer, at a cost not exceeding 25 cents per hundred words, to report such hearings as may be had on any subject referred to said committee, hereby is authorized to expend from the contingent fund of the Senate, for the same purposes, during the Seventy-ninth Congress, $5,000 in addition to the amount of $5,000 heretofore authorized.

INVESTIGATION WITH RESPECT TO PETROLEUM RESOURCES—LIMIT OF EXPENDITURES

Mr. LUCAS. Mr. President, some time ago the Senate created a special committee to investigate the petroleum resources of the country in relation to the national welfare. The distinguished Senator from Wyoming [Mr. O'MAHONEY] is chairman of that special committee. He is now requesting an additional $7,500 for the purposes of completing the investigation and making his final report.

I ask unanimous consent, from the Committee To Audit and Control the Contingent Expenses of the Senate, to report favorably, with an amendment, Senate Resolution 261, and I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. Without objection, the report will be received. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution (S. Res. 261) submitted by Mr. O'MAHONEY on April 19, 1946, which had been reported from the Committee To Audit and Control the Contingent Expenses of the Senate with an amendment, at the end of the resolution, to strike out "$10,000" and insert in lieu thereof "$7,500", so as to make the resolution read:

Resolved, That the limit of expenditures under Senate Resolution 253, Seventy-eighth Congress, second session, agreed to March 13, 1944, and Senate Resolution 36, Seventy-ninth Congress, first session, agreed to January 19, 1945 (relating to an investigation with respect to petroleum resources in relation to the national welfare) is hereby increased by $7,500.

The amendment was agreed to.

The resolution as amended was agreed to.

ORJA L. SUTLIFF

Mr. LUCAS. Mr. President, I ask unanimous consent, from the Committee To Audit and Control the Contingent Expenses of the Senate, to report favorably, without amendment, Senate Resolution 270, and I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. Without objection, the report will be received.

Mr. LUCAS. Mr. President, this resolution deals with the payment from the contingent fund of $840.34, to Orja L. Sutliff for services rendered in the office of the Senator from Florida [Mr. ANDREWS] while Mr. Sutliff was on terminal military leave from September 10 to October 31, 1945. I ask unanimous consent for the present consideration of the resolution.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 270), submitted by Mr. ANDREWS on May 20, 1946, was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Orja L. Sutliff for services rendered in the office of Senator CHARLES O. ANDREWS while on terminal military leave from September 10 to October 31, 1945, in accordance with the provisions of Public Law No. 226, Seventy-ninth Congress, approved November 21, 1945, $840.34.

MEMORIAL OAK ON CAPITOL GROUNDS

Mr. O'DANIEL. Mr. President, I rise to pay my respects to Mrs. Grover C. Johnson, of Wichita Falls, Tex. She is the mother of 18-year-old Staff Sgt. Grover J. Johnson, Jr., who served as a combat soldier and participated in the Normandy landing as a member of a field artillery unit in the First Army. Realizing how fortunate she was to get her boy back, her sympathy went out to other mothers whose boys and girls did not return. She conceived the idea that a living memorial should be established to all Americans who gave their lives for freedom and democracy in World War II. She believed this living memorial should be in the form of a tree, planted on the Capitol Grounds at Washington, D. C., and nourished by soil from each of the States and Territories whence these patriots came, and which they loved so much.

She communicated this idea to me and it received my hearty approval. I consulted with Mr. David Lynn, Architect of the Capitol, and we worked out a plan for making her idea a reality.

Working through her American Legion Auxiliary Unit No. 120, Mrs. Johnson sought the cooperation of the Governors of our States, and they all responded by writing her their hearty approval of the

plan and sending parcels of the soil of their respective States.

On last Thursday, Memorial Day, at sunset the dedicatory ceremony took place at the base of a newly planted white oak tree in the east oval of the Capitol Grounds here in Washington.

Capt. Gail T. Judd was master of ceremonies. The national guard of honor for the District of Columbia of the Veterans of Foreign Wars attended in full military regalia. The presentation of colors consisted of flags from each of our 48 States and 4 Territories, presented by young ladies representing the various States and Territories. Rev. Patrick Fitzgibbons gave the invocation.

I was invited to make the dedicatory address. I ask unanimous consent to have the address printed in the RECORD at this point as a part of my remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

On this Memorial Day, 1946, we are assembled here on the Capitol Grounds of our Nation at sunset to dedicate this living memorial to all of our heroic American patriots of War War II, who gave their lives in last full measure of their devotion to a just cause so that we as free men and women might carry on in the traditional American way of life. For making secure to us this priceless privilege we owe to them a never-ending obligation. This solemn ceremony signifies our acceptance of that obligation. The determination with which we unceasingly carry out our obligation will determine the future of this land we love. The sacred soil from each of our 48 sovereign States and 4 Territories from whence sprung these defenders of democracy is here mingled into a united soil to nourish this living memorial to our united heroes who fought and died for a united cause. The sturdy white oak tree has been selected to symbolize this living memorial to those sturdy men and women whose memory we revere today. It is fitting and proper for us to remember that only God can make a tree. It is also fitting and proper for us to remember that only God can provide a fitting haven for the departed souls of those who laid down their lives to make secure our right to worship and serve Him. And it is highly fitting and proper for us to remember that only God can save this Nation. In this dark hour of confusion and chaos may we all dedicate ourselves as His willing workers to serve as unselfishly and unstintingly as did those whose sacred memory we today honor, to the end that freedom and democracy may not perish from this earth, and that those who have made the supreme sacrifice shall not have died in vain.

Mr. O'DANIEL. Following my address, Mrs. Grover C. Johnson, on behalf of the American Legion Auxiliaries, delivered an address. I ask unanimous consent that this address be printed in the RECORD at this point as a part of my remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

The American Legion Auxiliary of Texas and other auxiliary units cooperating in making this memorial event possible are most grateful to Senator O'Daniel, to Mr. David Lynn, to Captain Judd, and the guard of honor of Washington, D. C., to the commanding general of the District of Columbia, for this lovely 70-piece United States Army Band, directed by Chief Warrant Officer Hugh J. Curry, and to the 48 State governors and 4 possessions who sent the good earth from those places our heroic dead and living loved the most.

We have met here on sacred ground. We cannot consecrate or hallow this ground where this tree will grow because our gallant sons and daughters have consecrated it far above our power to add to or detract.

Every boy and girl who went forth to defeat the enemy believed that out of those dark days there would come light. Darkness could not long triumph over light nor a lasting victory be given to evil. Peace did finally come, but so many are not here to know about it.

We are told that this is the first time in the Nation's history that a tree has been planted on the Capitol Grounds in an all-States soil.

As these representative girls place the sacred soil about the roots of this tree, it will be as one mother wrote: "The very earth they loved better than life itself because they died fighting for it."

With that thought in mind, we turn to John 15: 13: "Greater love hath no man than this, that a man lay down his life for his friends."

It is the sincere hope of the American Legion Auxiliary that this memorial tree will take root in this soil from the 52 localities and grow and flourish as have the States from whence came the soil; that it will be a symbol of the binding force of democracy that holds together this great Nation.

Mr. O'DANIEL. Official greetings were given by Mrs. Pearl Dyche for the American Legion Auxiliary of Washington, D. C.

Then followed the official roll call. As each name was called, the young ladies, carrying their State flags, marched by the tree and deposited the soil from their respective States and Territories.

As special representative for the President of the United States, Hon. JOHN E. RANKIN, Representative from the State of Mississippi and chairman of the House of Representatives Veterans' Committee, accepted the tree on behalf of the President.

I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks the address delivered by the gentleman from Mississippi, Representative RANKIN.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Mr. RANKIN. Mr. Chairman, ladies and gentlemen, on behalf of the President of the United States I desire to accept this token of your patriotism in the form of this living oak which you have just planted, nurtured by soil from each one of the 48 States as well as from the Territories and insular possessions.

It is an all-American tree, and the soil which you have placed at its roots is all-American soil. It will be a symbol of the love and gratitude of all the American people for this, the greatest Government the world has ever known.

The representative of the American Legion Auxiliary which sponsored this magnanimous gesture has called attention to the fact that it is dedicated to our fallen heroes and watered, as it were, by the tears of their sorrowing loved ones.

In accepting it on the part of the President, as well as on the part of the Congress of the United States, I should like to dedicate it also to the future generations of Americans.

This Government is the hope of civilization today and will be, no doubt, for generations to come. When our children gather beneath the shadow of this umbrageous manifestation of your gratitude, to look upon the dome of yonder Capitol and contemplate the blessings of this great Republic, may they behold a Government more powerful than the Athens of Pericles or the Rome of Augustus, more splendid than the France of Louis, or the England of Queen Elizabeth, more beneficent than anything pictured in the wildest utopian dream, and as enduring as the eternal hills, as she goes down to the future leading the way in the onward march of modern progress toward a greater era of peace, happiness, progress, and prosperity for all mankind.

American institutions can never fail as long as they are supported by the patriotism and devotion of those glorious men who have offered up their lives in her cause, and by the undying devotion of the untold millions of men, women, and children whose love for their country this tree will symbolize.

This Government is here to stay, and, as Chief Justice Marshall once said, to endure throughout the ages. Those alien enemies that now attempt to undermine and destroy it will find their efforts no more effective in the long run than that of the tiny termites that gnaw at the base of Washington's Monument have on the destiny of the Father of our Country.

As this tree grows and spreads its branches and points its towering pinnacle heavenward, America will grow in power, in strength, and in influence throughout the world.

If I might borrow from the lips of a great English poet a verse dedicated to the British Empire, revise it and appropriate it to my own country, I would say:

"All our past acclaims our future; Jefferson's
voice and Washington's hand,
Marshall's faith and Franklin's trust in this
our chosen and chainless land,
Bear us witness: come the world against her,
America yet shall stand!"

Mr. O'DANIEL. The 70-piece United States Army Band, directed by Chief Warrant Officer Hugh J. Curry, played the national anthem, which was followed by a moment of silent prayer. Master Sgt. Charles W. Barnes then played Taps, after which there was a retirement of the colors.

The following young ladies represented their States, Territories, and the District of Columbia. I ask unanimous consent to have the list printed in the RECORD at this point as a part of my remarks.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Alabama, Miss Olivia Prowell; Arizona, Miss Penny Peck; Arkansas, Miss Lucile Trotter; California, Miss Christie Miles; Colorado, Miss Barba Cannon; Connecticut, Miss Ann King; Florida, Miss Jeanne Marsh; Georgia, Miss Mcdena McDowell; Idaho, Miss Jane Brown; Illinois, Miss Clair McAlister; Indiana, Miss Joan Smith; Iowa, Miss Mary Ann Wilson; Kansas, Miss Jane Perrin; Kentucky, Miss Mary Ann Kirkpatrick; Louisiana, Miss Florence LaCont; Maine, Miss Claire Cochran; Maryland, Miss Helen Dunkelberger; Massachusetts, Miss Janice Torngren; Michigan, Miss Marie Hood; Minnesota, Miss Gwyn Gage; Mississippi, Miss Nell Stokley; Missouri, Miss Wanda Pollock; Montana, Miss Betty McFarlane; Nebraska, Miss Marion Schmidt; Nevada, Miss Barbara McFarland; New Hampshire, Miss Elizabeth Savage; New Jersey, Miss Mary Brummer; New Mexico, Miss Dorothy Belmore; New York, Miss Priscilla Kramer; North Carolina, Miss Jane Moss; North Dakota, Miss Mary Ann Perkins; Ohio, Miss Louise Marshall; Oklahoma, Miss Joan Johnson; Oregon, Miss Patricia Jane Ellsworth; Pennsylvania, Miss Jo Anne Morehouse; South Carolina, Katherine Kitchens; Rhode Island, Miss Adrienne Crafton; South Dakota, Miss Dakota Mullen; Tennessee, Miss Betty

Ann Stewart; Texas, Miss Evelyn Wilson; Utah, Miss Diane Walter; Vermont, Miss Lola Pierotti; Virginia, Miss Ethel Sale; Washington, Miss Elizabeth Johnston; West Virginia, Miss Betty Blair; Wisconsin, Miss Mary McFarlane; Wyoming, Miss Mary Ann Coffman; Alaska, Miss Doris Ann Bartlett; Hawaii, Miss Virginia Wilson; Puerto Rico, Miss Sonia Pereyo; Virgin Islands, Miss Barbara Cochran; District of Columbia, Miss Shirley Akers.

EXTENSION OF SELECTIVE TRAINING AND SERVICE ACT OF 1940

The Senate resumed consideration of the bill (S. 2057) to extend the Selective Training and Service Act of 1940, as amended, until May 15, 1947, and for other purposes.

Mr. GURNEY obtained the floor.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. GURNEY. I have been trying for some time to get the floor. Will the Senator take very long?

Mr. MAGNUSON. I wish to submit a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. MAGNUSON. I ask whether or not the bill before the Senate is open to amendment?

The PRESIDENT pro tempore. Not at the present time. There is pending an amendment offered by the Senator from South Dakota [Mr. GURNEY].

Mr. MAGNUSON. Mr. President, a further parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. MAGNUSON. When that amendment is disposed of, will the bill then be open to amendment?

The PRESIDENT pro tempore. The bill will then be open to further amendment.

Mr. MAGNUSON. Is the amendment of the Senator from South Dakota the only question pending before the Senate?

The PRESIDENT pro tempore. It is.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. BARKLEY. I merely wish to express the hope that the Senate will be willing to remain in session today until this bill is disposed of. I doubt whether it will be necessary to have an evening session; but if it is necessary I hope Senators will not complain at an evening session. At the moment it seems that we may complete consideration of the bill before that becomes necessary, but I hope Senators will make such arrangements as are necessary if an evening session is required.

Mr. MAGNUSON. Mr. President, a further parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. MAGNUSON. I should like to ascertain whether, if the amendment of the Senator from South Dakota is adopted, further amendments to the bill will be in order.

The PRESIDENT pro tempore. The bill will be open to further amendment.

Mr. MAGNUSON. Out of order, Mr. President, then, I should like to present an amendment and have it printed.

The PRESIDENT pro tempore. Without objection, the amendment will be received, printed, and lie on the table.

Mr. GURNEY. Mr. President, in my remarks on yesterday I gave my reasons for believing that the bill reported by the committee should be enacted. At that time I made some remarks regarding the number of volunteers and the number of inductees who have come into the Army during the past year or so. I now offer for the RECORD a complete list, by months, of the volunteers who have come into the Army, beginning with September 1945. The list shows how many enlisted for 1 year, how many enlisted for 18 months, how many enlisted for 2 years, and how many enlisted for 3 years; and it gives the total for each month and the total up to May 21, 1946.

Let me repeat now that enlistments in April 1946 were short 85,000; and when we receive the complete figures for the month of May they will be found to be short 40,000. That makes a total shortage of 125,000.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. GURNEY. I shall yield in a moment. First, I wish to complete this statement for the RECORD.

Mr. President, I find from the War Department that through the next 12 months after July 1, 1946, they will have 410,000 men in order that they may, first, discharge all the fathers and, second, comply with the provisions of the committee-recommended bill, namely, that all those with 18 months' service be discharged, and then make up for the attrition which will occur because of the discharge of those who have served 2 years or more. The 410,000 I have mentioned are needed in order to bring the Army to a strength of 1,070,000 men on July 1, 1947.

Mr. President, I offer for the RECORD this tabulation of volunteers, which was prepared for me by the War Department.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

How enlistments are running

[The table below shows the flow of volunteers into the Army by month and term of service. In addition there is shown the number of men inducted each month by Selective Service]

Term of service	September	October	November	December	January	February	March	April	May 1-21 [1]	Total
1 year	.....	8,460	58,776	41,929	21,256	11,291	8,443	6,567	3,921	160,643
18 months	.....	5,156	29,210	28,457	31,084	36,305	29,203	27,346	10,579	197,340
2 years	.....	313	1,307	1,206	2,374	1,579	1,314	1,024	585	9,702
3 years	12,093	50,843	95,547	59,392	58,740	43,906	34,539	28,930	17,665	401,655
Total	12,093	64,772	184,840	130,984	113,454	93,081	73,499	63,867	32,750	769,340
Inductees	.....	37,133	34,107	21,527	34,494	30,780	48,597	43,636	[2] 12,000	[2] 251,395

[1] Note that this is for 3-week period.
[2] Estimated.

Mr. STANFILL. Mr. President, will the Senator yield for a question?

Mr. GURNEY. I yield.

Mr. STANFILL. What was the total number of volunteers?

Mr. GURNEY. That question has to be answered by saying, first, that most of the inductees, after they enter the service by way of induction, enlist for a specific length of time, in accordance with the bill which Congress passed last fall. In other words, 250,274 men were inducted, beginning in October of last year, with 37,000 in that month, 34,000 in November, and approximately the same number down through the month of April just passed, making a total, as I have said, of approximately 250,000 inductees.

Of course, after the inductees enter the service, approximately 80 percent enlist for the minimum-service period of 18 months. So we find that 197,000 have enlisted for 18 months during the last 7¾ months. One hundred and sixty thousand who had been in the Army for more than 6 months enlisted for 1 year, 9,700 enlisted for 2 years, and 401,655 enlisted for 3 years, making a total enlistment since September of last year of 769,340.

In order to bring the figure up to date, let me say that during the past few months the enlistments have been as follows:

November, 184,000; December, 130,000; January, 113,000; February, 93,000; March, 73,000; April, 63,000; and when we get the figures for May it is estimated that they will reveal that there were no more than 43,000 for the month of May.

Does that answer the Senator's question?

Mr. STANFILL. I think it does. Will the Senator state again the total?

Mr. GURNEY. The total is 769,000.

Mr. STANFILL. I thank the Senator.

Mr. JOHNSON of Colorado. Mr. President, as of what date was that figure?

Mr. GURNEY. Up to May 21, 1946, beginning with the month of September 1945, after VJ-day.

Mr. President, the pending question is an amendment which has committee approval. It is to bring the age down to 18 years and to reinstate the figures provided in the House bill up to May 15, 1945. Adoption of the amendment is necessary because of the passage on May 14, 1946, of Senate Joint Resolution 159, which is Public Law 379, which is the 6-week extension measure, as we know it. The last paragraph of it reads as follows:

SEC. 3. (a) Except as otherwise provided in this act—

The act approved on May 14—

every male citizen of the United States, and every other male person residing in the United States, who is between the ages of 20 and 30, at the time fixed for his registration, or who attains the age of 20 after having been required to register pursuant to section 2 of this act, shall be liable for training and service in the land or naval forces of the United States.

Because of the enactment of that act on May 14, which was subsequent to the committee report on Senate bill 2057 on April 11, adoption of the pending amendment is necessary in order to bring the

age limits to what they were heretofore—namely, 18 to 45—in the original Selective Service Act.

Mr. STANFILL. Mr. President, I desire to speak on this amendment.

I had intended to offer an amendment to the bill reported by the Committee on Military Affairs, so as to make the bill conform to House bill 6064, passed by the House of Representatives, by inserting immediately following line 15, on page 2 of Senate bill 2057, the following:

SEC. 3. (a) Except as otherwise provided in this act, every male citizen of the United States, and every other male person residing in the United States, who is between the ages of 20 and 30, at the time fixed for his registration, or who attains the age of 20 after having been required to register pursuant to section 2 of this act, shall be liable for training and service in the land or naval forces of the United States.

But upon a careful study I have concluded that by the terms of Senate Joint Resolution 159, as amended by the House of Representatives, extending the Selective Service Act until July 1, 1946, 18- and 19-year-old boys are now exempted from the law. Is that the understanding of the Senator from South Dakota?

Mr. GURNEY. I am glad to say that it is not only my understanding, but it is the law, as approved on May 14, 1946, Public Law 379. It specifically provides that only those who are between the ages of 20 and 30 can be drafted.

Mr. STANFILL. I thank the Senator.

Mr. President, yesterday the Senator from South Dakota offered to the pending bill an amendment which provides as follows:

SEC. 3. (a) Except as otherwise provided in this act, every male citizen of the United States, and every other male person residing in the United States, who is between the ages of 18 and 45 at the time fixed for his registration, shall be liable for training and service in the land or naval forces of the United States.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. STANFILL. I yield.

Mr. REVERCOMB. I desire to propound a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. REVERCOMB. If the amendment which has been offered by the Senator from South Dakota is adopted, would it preclude the offering of an amendment as a substitute for the bill, which would be in absolute opposition to the amendment now pending?

The PRESIDENT pro tempore. Such an amendment can be offered when no other amendment is pending, of course. But a perfecting amendment would take precedence.

Mr. REVERCOMB. The pending amendment is simply a perfecting amendment to the bill; and its adoption would not preclude the offering of an amendment which would strike out the entire text and change the whole bill, as I understand.

Mr. STANFILL. Mr. President, it is my judgment that the amendment offered by the distinguished Senator from South Dakota [Mr. GURNEY] should be rejected by the Senate.

I have consistently supported the foreign policy of our Government in every vote I have cast in this body, and in offering the amendment I had intended to propose I cannot be accused of being an isolationist. If I thought it were necessary, in order to secure the Army our officers tell us we shall need, I would vote for the inclusion of the teen-age boys in the draft, but I do not believe it is necessary at this time to draft 18- and 19-year-old boys.

Article I, section 8, of our Constitution provides, in part:

The Congress shall have the power * * * to raise and support armies, * * * to provide and maintain a Navy.

Thus, it is up to us. We must not dodge our responsibility, and I will be the last to try to dodge mine. We must meet the question squarely and bravely. But does this mean that we must draft our teen-age boys—boys who will be subject to the terrible conditions which we are told prevail under the drastic court-martial procedure of the military; boys who are still babes, who never had a fling in life, but who are normal and natural individuals who will, in their mischievous ways, become involved in minor trouble, but, under military authority, will be tried like hardened criminals and, if the future is like the past, will be given jail sentences which will ruin their entire lives? To draft these boys would, of course, be the easiest solution to our problem of raising a peacetime Army, but it is not the best solution, nor is it the right solution.

We fought World War I without teen-age boys. It was perhaps necessary to use them in World War II because of the emergency, because of which there was the battle incentive to keep up their morale, but it is not necessary now. We do not use boys in our police force at home. Why send them for police work in Germany and Japan? General Eisenhower said before a congressional committee on April 8:

Frankly, if you can solve this problem without the 18-year-olds, I'm for it.

We have long-term commitments for the peace. That is not a job for drafted boys, but for volunteers, or, at least, for mature men. The first thing to do is to make the voluntary enlistment as attractive as possible. That should have been done long ago. But instead of encouraging volunteers, it seems as though the Army has deliberately tried to discourage them. Only recently the passing grade of volunteers was raised from 59 to 70, or a raise of 11 points. If a grade of 59 was sufficient for the boys who fought all through the war, why is it not good enough for the boys whom the Army wants in its peacetime forces?

The teen-age boys of today are no more "mothers' boys" than are their older brothers. But an extreme emergency justifies extreme measures which none of us care to perpetuate in peacetime. We will call even upon children to help put out a raging fire, but we do not advocate their being regular members of the fire department.

There can be no doubt that the Nation has already lost much in the matter of the development of future leadership, professionally and otherwise, by the compulsory interruption of the normal developmental and educational processes of our older youth and younger adults. This was a necessary emergency in the war period, but it should not be continued one minute longer than absolutely necessary, if our democracy is to prepare for a peaceful future.

The plunge into full adulthood can better be made than under the tutelage of the typical Army sergeant. Too many of our youth have already had that kind of introduction into adult life, and we shall pay a heavy penalty for the necessity which brought it about.

This does not mean that those of us who call for a different method of approach to this problem do not feel the need for a strong America, and one ready to accept its full responsibility to police the world and work for peace on an international level; far from it, but let us realize that the real secret of future peace lies in learning the ways of international cooperation. During the interim period let us seek for a better way of training a strong American than through complete military control of our youth.

The evidence before the Senate committee shows that a major reason why educators oppose compulsory military training in peacetime is that it would do tremendous injury to our boys. The 18-year-old boy is at a very crucial and impressionable age. Habits and attitudes learned at that age are likely to hold on for a long time. The 18-year-old boy needs the most stabilizing, wholesome, constructive environment possible. In such an environment he develops strength in every way.

In his own home or in a good college the boy has every chance to develop in an all-round way. His education is related to his own life purposes and needs. He has the strengthening support of parents, teachers, relatives, neighbors, friends, churches, young people's clubs, and organizations. He is in an environment which is designed to bring out the noblest and best in him.

In a peacetime Army or Navy camp a boy would have none of those wholesome and stabilizing influences. He would not be an individual of dignity and importance; he would be a recruit, a boot, a "Private Hargrove" without the maturity, sense of humor, or sense of duty which the real Hargrove had.

There is a diametric contrast between conscript service in peacetime and conscript service in time of war. The GI's now in the Army had a splendid morale as long as the enemies of the country stood before them; but now that the enemies are defeated, their morale has degenerated to a sullen resentment against the Army which holds them as unwilling prisoners. Service in the armed forces is an ennobling experience when freemen are fighting the enemies of their country. But compulsory service of teen-age boys in the Army when the Nation is at peace is not conducive to patriotism, morale, or the building of character.

It has been claimed that compulsory military training would improve the health of our boys. I think that there are two ways in which some of them would be improved in health. Those who

do not have enough to eat at home would be well fed; those too poor or too careless to receive medical care and dental care would have examinations and treatment. How much better it would be, however, to provide adequate lunches for all children at all ages in school. How much better it would be to provide in the schools, and even for preschool children, complete dental and physical examinations every year and follow-up treatment to remove deficiencies among our school children. How much better to provide adequate physical and health education and recreation for all children under competent physical-training experts and health educators. With only a small part of the cost of the proposed training there could be a health program for all children which would produce 20 times as much improvement in the Nation's health.

To take all able-bodied boys at 18 or when they finish high school would be a fatal disruption of the education of the great majority of those who would like to go to college. There has been a great deal of loose thinking on this point. Military men who do not know the facts have been naive enough to say that these boys would go on to college or technical schools anyway after their training. That is simply not true. We have ample facts on this point.

If a boy graduates from high school at 18 he is more than twice as likely to go to college as if he were 19 at graduation. Even of boys who go to college at age 18, about one-third drop out when they become 19. There is a still greater dropout at age 20, and very few are still in college at 21 or 22. These facts would still be largely unchanged if all boys were required to go to Army camp at 18 or upon high-school graduation. A much smaller number of them would go to college, and the damage to them and to the Nation would be immense.

Persons not familiar with the facts seem to think that all the boys who would have gone to college during this war will now go after they are discharged. That is a seriously mistaken idea, even though the Government is offering tremendous financial inducements for them to pursue their college educations. Of the boys of college age in our present Army and Navy I would guess that not more than two-thirds as many of them will go to college as would have done so if they had not been in the service. A more likely guess would be one-half, even with GI benefits to stimulate them.

A tremendous number of boys and girls who should go to college cannot go now because of their economic inability. It would be a very constructive act for the Federal Government to provide competitive scholarships to encourage a greater number of boys and girls to go to college, and not adopt a program which would cut the number down even further.

The most absurd claim that has been advanced for military training is that it would improve citizenship. Citizenship in a democracy requires individual self-control, not blind obedience to an authority of force. If young boys were required to fulfill 1 year of training under the undemocratic caste system of the Regular Army and Navy, I will guarantee that crime and irresponsible acts of citizenship will increase tremendously among them after they are released from the artificial and undemocratic control of the military.

We need to strengthen our democratic attitudes, our loyalties to our Nation, and the sense of moral responsibility among our boys. The schools, churches, and colleges are doing a magnificent job of this on the whole. Not many of our criminals come from among college-trained people, or even from among our high-school graduates. But a year of training under military control in a program organized to teach force and killing will undo much of the good which we have been able to accomplish.

I know of no situation more obstructive of learning than the typical military atmosphere. The experience of educators with the training programs of the Army has revealed several fundamental disadvantages in matters of training and education. One of the essential principles of learning is the willingness of the student to learn the Regular Army attitude reverses this principle. Educators know that learning takes place more effectively in a democratic atmosphere in which there is a relationship of mutual respect and human equality between teacher and learner. Our Army and Navy still cling to the Prussian concepts of a military caste and artificial class distinctions between officers and men, especially, in the treatment of recruits. The typical Regular Army attitude is one of fixed ideas and closed-mindedness which is the direct opposite of the learning attitude. As one well-known American is quoted as having said, "The Army never learns, it merely covers up."

For men to work side by side, fight shoulder to shoulder, and face death together in a war for their Nation and their freedom is an experience which frequently strengthens their character and makes them better citizens. But we should never assume that these values would be inherent in a system of conscript training under military authority in time of peace. The two experiences are utterly different, and the injury which a year of compulsory military training in time of peace would do to our younger boys is a major reason against the adoption of such a policy.

One of the very real dangers which we face in American life is the militarization of our youth. That was the way fascism got its start, both in Germany and in Japan. We are eager to see our younger lads raised with a freedom that will not be limited by the cut-and-dried processes of Army discipline. They need self-discipline, to be sure, but the kind the Army gives hinders the development of such discipline rather than helps it. Especially do both parents and educators feel the great urgency to have our boys delivered from the form of slavery and tyranny over their ideas and habits that Army life inevitably brings.

Notwithstanding the raising of the passing grade from 59 to 70, the Army's records show that up to April 30 there were 736,000 volunteers. I am now told by the distinguished Senator from South Dakota that the number up to May 21 was 769,000 and that these volunteers were enlisting at a rate of approximately 50,000 a month. Eight months remain in this year, including May, for which we do not have the figures, but at the rate of 50,000 a month we will have an additional 400,000 volunteers, which will make a total of 1,136,000 volunteers by December 31, 1946. It is true the Army says it wants 1,550,000 men as of July 1. But does it not already have them? And at the rate it is receiving volunteers it will have more volunteers by January 1 than it says it will need on July 1, 1947, because the figure it sets up for that date is only 1,070,000 men.

Besides all this, is it not to be assumed that there will be some hundreds of thousands of men taken in the draft who are 20 years of age and over? Where are all the men between the ages of 20 and 30 or 35 years who were deferred from the draft during the war because of the need for their services in war plants?

Of the men deferred other than IV–F's between 20 and 30 years of age, we find 1,183,000 men who are registered and subject to draft. The age groups are as follows:

20 years old	81,000
21 years old	65,000
22 through 25 years old	252,000
26 through 29 years old	785,000

Out of this reservoir of 1,183,000 men, not counting IV–F's, together with the volunteers already in the service and joining every day, can there be any question that the Army quota of 1,550,000 men are available without taking the 18-year-old and 19-year-old boys?

I have prepared, from information given me this morning by the office of General Hershey, a table showing the number of registrants, the number in service or demobilized from service, the number of IV–F's, the number of agricultural deferments, the number of industrial and other deferments, and those available for service. I desire to have the table appear in the RECORD at this point as a part of my remarks, and ask unanimous consent that that be done.

The PRESIDING OFFICER (Mr. BURCH in the chair). Without objection, it is so ordered.

The table is as follows:

	20-year-olds	21-year-olds	22-through-25-year-olds	26-through-29-year-olds	Total
Total registrants	1,093,000	1,091,000	4,876,000	4,604,000	11,664,000
In service or demobilized from service	785,000	801,000	3,814,000	2,736,000	8,136,000
IV–F's	227,000	225,000	810,000	1,083,000	2,345,000
Agricultural deferments	27,000	27,000	84,000	237,000	375,000
Industrial deferments	12,000	10,000	35,000	318,000	375,000
Other deferments (ministers, conscientious objectors, aliens)	10,000	9,000	88,000	46,000	153,000
Available for service	32,000	19,000	45,000	184,000	280,000
Estimated nonfathers acceptable for service (part of 32,000)	9,000	5,000	8,000	14,000	36,000

Mr. STANFILL. Moreover, it is undisputed, I believe, that if the Congress will increase the pay of the men in the armed forces to an amount which is adequate, and which I sincerely hope will be done, volunteering will increase very materially.

In the hearings before the committee of the Senate the distinguished Senator from West Virginia [Mr. REVERCOMB] asked General Eisenhower:

You have expressed yourself as in favor of a pay increase for men in the service? It certainly will induce greater volunteering.

General Eisenhower replied:

I should think so; I do not see how it could help but do so.

The bill passed by the House set the minimum age at 20. I believe this to be the sounder policy. Teen-age boys are too immature to meet the problems with which the army of occupation is confronted. They do themselves and this country no good. General Eisenhower has said they do not make good guards. Neither do they make good occupants of draft camps in this country.

In both Europe and Asia they are faced with appalling moral hazards—hazards which have resulted in an incidence of as many as 427 cases per thousand of venereal disease in Germany, according to General McNarney.

They are not much better off in this country, where no adequate safeguards have been taken to protect them against taverns and low dives which especially prey on the teen-age soldier, and where they will have the example of beer in their post exchanges set before them, notwithstanding State laws protect other minors who are not in the Army against such exploitation.

Mr. President, my attention has been called to an article which first appeared, as I understand, in the Des Moines (Iowa) Register, but which was reprinted in the Christian Advocate, a Methodist newspaper published in Nashville, Tenn. The article is entitled "Navy Sex Laxity in Japan." At this point I ask unanimous consent of the Senate to insert the article in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The article is as follows:

NAVY SEX LAXITY IN JAPAN

(By Chaplain Lawrence L. Lacour, member of Iowa-Des Moines Conference)

Since a large percentage of the Navy are reserves, many of them under 20, and since we chaplains are entrusted with the moral and spiritual welfare of these men, we believe the American public should be informed when conditions and policies exist that jeopardize the morality and faith of our servicemen.

As a policy of venereal-disease control, the Navy is permitting unrestricted access, by all men on liberty in the Yokusuka area, to houses of prostitution where the venereal incidence among the prostitutes is considered 100 percent. The control is the prophylaxis administered by naval corpsmen on duty in the house.

Since September 11, liberty parties have been permitted ashore in this area. Our ship was the first to be granted liberty, and, as we are tied up in the navy yard, I have been able to observe the situation from the beginning. On September 2, the medical officer in charge of venereal control told me that it would be his policy to supervise the places of prostitution by examining the prostitutes, by segregating those infected, by insisting on cleanliness within the houses, and by establishing adequate numbers of prophylactic stations throughout town.

When liberty parties went ashore men gathered the impression that the medical department had eliminated all immediate danger. Military police and naval corpsmen informed the men in the lines in front of the houses that everything was medically inspected. As a result many enlisted men and officers had sexual contact without using any prophylaxis.

Prior to sending men ashore some ships ran training films on venereal disease, and announced that a high percentage of venereal disease could be expected in Japan. On other ships, the commands refused to discourage promiscuity, and gave no warning about expected venereal incidence.

On September 14 it was disclosed that out of a typical group of prostitutes 51 out of 60 had syphilis, were not being treated, that there would be no further examinations, and that no policy of treatment or segregation would be followed.

Coincidental with Archbishop Spellman's visit here, by September 16 all red-light districts were declared out of bounds. A group of us chaplains inspected the restricted area after a week of suppression. We found that although the method was not totally effective, the number of offenders that got into the restricted area was small.

It was not so easy to suppress the freelance prostitutes and the smaller houses in the unrestricted area, but there was little open violation. A man intent on sexual contact could find it, but he had to exert considerable effort and run the risk of arrest. Men were treated as usual at prophylactic stations.

At the meeting of the fleet medical officers, on September 26, it was proposed that one large "house" be opened, that it be operated with the understanding that all the women were diseased, and that a voluntary system of prophylaxis be available by placing a Navy operated treatment station within the house. Although some medical officers and two chaplains in attendance protested, it was stated by the senior medical officer that this was to be the policy.

Subsequently the chaplains of the fleet met and submitted to the Flag a memorandum that represented the unanimous opinion of the group. The action of the chaplains was ignored, and Sunday, October 7, the Yosuura house was opened to enlisted men, with "geisha houses" permitted to accept the patronage of chiefs and officers.

Although the number of men on liberty next day was considerably under normal because of rain, I observed, in company with four chaplains and the officer of the day of the military police, a line of enlisted men four abreast almost a block long, waiting their turn at the Yosuura house. MP's kept the lines orderly, and permitted only as many as could be served to enter at a time. As men were admitted into the lobby, they would select a prostitute (113 on duty that day, according to one of the Japanese attendants), pay the 10 yen to the Japanese operator, and then go with the girl to her room. We inspected several of these rooms and found them reasonably clean.

When the men returned they were registered and administered prophylaxis by Navy corpsmen. Although approximately 20 men could be treated at a time, there was a line waiting. True, many of the men were the type one might expect to patronize such a place, but the bulk of the customers were younger men. The open accessibility of prostitutes in this place has been a factor contributing to the first sex experience of some of my men.

The prostitutes were dirty, highly painted, clothed in gaudy rayon pajamas, some of them with open sores on their faces and feet. Few of them looked intelligent and their appeal could not compare with the lowest street walker in the States.

When one considers the rate of disease, that there are some forms of venereal disease in the Orient that do not respond to treatment, that some of the prostitutes have been exposed to leprosy, that in the evenings these same girls are patronized by Japanese men, it is hard to see any intelligence behind the Navy's policy. Present plans call for the opening of other houses similar to the one just described.

On the basis of these facts, it is contended that:

1. The Navy's policy of unrestricted sexual opportunities with diseased women is no solution for the problem of venereal-disease control.

2. American people should insist that the Navy immediately adopt a policy of rigid suppression in regard to prostitution. (In the light of Japanese culture, an order to Japanese civilian police making it illegal for Japanese women to cohabit with any American personnel would greatly increase the effectiveness of such a measure here.)

3. The Navy, which completely ignored moral implications in the present situation, be charged to consider the moral aspects of policies governing personnel.

4. The people who loan their sons to the Government demand moral protection or refuse to supply the personnel for our armed forces.

5. Although many naval officers are gentlemen, others by example and advice have encouraged immorality among our men.

6. The Navy's unlimited sale of beer, which has contributed to moral delinquency and numerous street incidents, be discontinued. And that throughout the Navy, soft drinks be made just as available as beer whenever beverages are provided by the Navy.

7. An organization that has demonstrated such brilliant strategy in defeating the Japanese military, not permit our men to become the victims of Japanese prostitutes in the final round.

Mr. STANFILL. Mr. President, I sincerely believe that the Army can obtain all the men it needs, all the men it says it needs, without drafting 18-year-old and 19-year-old boys. For that reason I shall vote against the amendment which has been offered by the distinguished Senator from South Dakota.

Mr. CAPPER. Mr. President, I believe I can state my position on the pending bill briefly and clearly.

I am opposed to military conscription in peacetime.

I am opposed to the use of conscripts in our armies of occupation.

I am particularly opposed to the use of boys in their teens for police duty in the forces of occupation; I might add that, so far as I am concerned, the more quickly our occupation forces are returned from foreign soil, the better I shall feel about the future.

Mr. President, I will admit the discrimination shown in drafting teen-agers in 1945 and 1946, the early months of 1946, and requiring them to serve the prescribed time, but not drafting those who become of draft age in later months of 1946 and 1947. But if we based our decisions on that ground, we never would end conscription, because there always would be that discrimination when conscription ended.

I am aware that the measure which is now before the Senate does not provide

for military conscription as a permanent policy, but calls only for an extension of the Conscription Act, technically, the Selective Service Act, for another year. But I regard it as the opening wedge for permanent peacetime conscription. The same men and the same forces that are backing this extension also are backing the enactment of permanent conscription.

For that reason, I propose to make a few brief remarks in regard to military conscription as a permanent policy.

From the purely materialistic view of winning wars, peacetime conscription has not been noticeably successful. Among modern nations, Napoleon was the first European ruler to adopt it systematically on a nation-wide scale. He won victories for a while; then lost at Waterloo.

However, the defeat at Waterloo was not the severest blow France received. The drain of her young men into the army bled France white. France never recovered from Napoleon's wars of conquest, made possible by military conscription.

In the last two World Wars, France, Italy, Germany, Russia, Japan, and most of the nations of central and eastern Europe relied upon conscription to build up their standing armies, and also to control the minds and the thinking of their peoples, through military indoctrination courses.

Neither the United States nor Great Britain has relied in the past upon peacetime military conscription for its military strength. The United States and Great Britain are the only major nations which emerged victorious from both World Wars. Historically, I cannot see the case for military conscription as an assurance of victory.

However, I do not intend to get into an extended discussion of military conscription, as such, today, except to reiterate that I am opposed to it in principle, and on the ground that it would in the long run weaken, rather than strengthen, our national defense.

What we have to deal with at the present time is the problem of providing the occupation forces abroad to carry out commitments which we are informed the United States has made.

The mission of the armies of occupation is not to fight battles, but to preserve the peace and bring order out of the chaos that is the aftermath of war. That is not a warrior's job. It is a policeman's job, an administrative task.

The courage, the ardor, the recklessness, the hardihood of youth, the willingness to take long chances with dash and abandon that are characteristic of youth, are not the qualities really required for successful administration, police work, and education. Rather, the need is for patience, understanding of how to handle people, coolness, balanced judgment, and experience in getting things done through the exercise of these qualities, rather than in undermining the morale of the enemy by killing, wounding, frightening, and destroying.

The armies of occupation—I am taking it for granted that we have no intention of occupying and ruling the countries and peoples we overcame in World War II—have the mission of encouraging the defeated people to reconstruct their lives along peaceful lines; to reconstruct their shattered cities and factories and transportation systems; to reconstitute themselves as civilians. The objective is to preserve order while this reconstruction is going on; not to fight the enemy, but to aid him in becoming a friendly force in a peaceful world.

Now, such a task as this not only is monotonous for boys in their teens; it is decidedly enervating, and likely to be soul-destroying. Moreover, they are not fitted for this work, excepting those who by instinct take to police and control work, and those probably would volunteer for such service.

I say these teen-age boys, valuable as they are as fighting soldiers when the preservation of the Nation is at stake, are entirely too young and inexperienced for service in armies of occupation. General Eisenhower, my information is, stated this fact in one sentence at the Senate committee hearings: "For occupational duty in foreign lands, I do not believe the 18-year-old boy is as good as the 25-year-old," he is quoted as saying. "Frankly, if you can find a way of solving this without the 18-year-olds I am for it," he said.

Incidentally, I hate to think of what will be the effect of military conscription on the farm youth of the country. Farm life tends to strengthen the initiative and independent thinking of the individual. Military life leads to dependence upon superior authority for weighing factors and making decision; it develops the habit of taking orders and carrying them out blindly.

Furthermore—and this applies to the present and to the immediate future, the months covered by the proposed draft-extension bill—I think Fred Bailey, an official of the National Grange, stated this phase of the situation succinctly and accurately when he said:

> Congress should make up its mind definitely now whether it wants the young men from the farms to police the world or feed the world. * * * We have today on the farms the shortest labor force that we have had at any time during the past 5 years.

I say it would be better by far to put young men to work—those that are not in school—in the production and processing and transportation of food, so as to make more food available for export, for relief, and rehabilitation purposes than to draft men to police starving people.

What I have just stated applies to the draft of men of more mature years, as well as to the teen-agers.

I think, also, it is very bad public policy to have young fathers in the Army in peacetime, excepting those who elect to lead that life. It is bad for the fathers, bad for the mothers, very bad for the children. They should be released at the earliest possible moment.

I am perfectly aware of the argument that if the draft is extended, and includes all young men over 18, this will make possible earlier release of fathers from the Army. But I refuse to admit that extension of the Draft Act is the only way to allow the release of fathers from military service, now that the war is over.

Congress is going to increase the pay of enlisted men in the Army. Other inducements are and will be offered to make the service attractive to those who might prefer life in the Army; and many men would embrace Army life if the United States would do what is done by others who want to get men to work for them, namely, offer pay and conditions which put their occupations in competition with other occupations.

In other words, Mr. President, I am opposed to military conscription in peacetime; I am opposed to the extension of the Draft Act in peacetime even for one more year; but I will support any reasonable program and appropriation necessary to get the requisite number of men through voluntary enlistments.

In conclusion, Mr. President, I ask unanimous consent to have placed in the RECORD, as a part of my remarks, an excerpt from an article by Lt. Col. Roscoe S. Conkling, entitled "The Case Against Compulsory Peacetime Military Training." I placed this in the RECORD a little more than a year ago, but consider it pertinent to the subject under discussion, and worth printing again at this time.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CASE AGAINST COMPULSORY PEACETIME MILITARY TRAINING

(Colonel Conkling is eminently qualified to write on this subject. In World War I he was the organizer and first director of the draft in New York City. In that war he also served as a lieutenant colonel in the Judge Advocate General's Department, and was one of General Crowder's executive officers at national draft headquarters. He is a former deputy attorney general of the State of New York. He was recommissioned major and later lieutenant colonel, in July 1942, to become a member of the Presidential Appeal Board. He served in that capacity at the National Selective Service headquarters in Washington, D. C., until January 25, 1945, when he returned to inactive status at his own request.)

WHY THE REGULAR ARMY AND NAVY URGES IT

The proponents of peacetime compulsory military training among high officers of the Regular Army and Navy are unquestionably well-meaning and loyal Americans. But the human trait of self-interest permeating their advocacy of the project cannot be gainsaid; consequently the value of their advice is decreased, its importance diluted. The greater the number of soldiers and sailors, the greater the number of officers; and with the increase in officer personnel the higher soars the rank of the regular officer with its increased pay and importance. With the expansion of our Army to 10,000,000, or thereabout, regular captains and lieutenants have been promoted to brigadier generals; majors, lieutenant colonels, and colonels to major generals, lieutenant generals, and generals. Reduce that army to 1,000,000 or less and, with exceptions here and there, generals again become colonels, lieutenant colonels, and majors. Their pay is decreased, their

authority contracted, and their social positions receive a jolting set-back. Is it any wonder that with the ending of hostilities and the demobilization of our armed forces to relatively small peacetime limitations these presently high-ranking regular officers should avidly grasp at any plan which would continue their high pay and place, or at least demote them as slightly as possible? The reduction of base pay, together with longevity accumulations, and incidentals, aggregating six, eight, ten, twelve, or more thousand dollars annually, to base pay of $333 a month for a colonel, $300 for a lieutenant colonel, $250 for a major, and correspondingly reduced "incidentals," cannot be thrust out of mind, however conscientious the effort. The demotion of naval officers likewise takes place, although perhaps not quite so severely, with the reduction of the naval arm from war to peacetime strength. Consequently, the urging of the Regular Establishments of the Army and Navy for compulsory peacetime military training should be viewed in the light of their officers' self-interest when the country is weighing this tremendous project so novel to America. It would, indeed, be wise if Regular Army and Navy officers refrained entirely or were prohibited from joining in any way in the promotion of this general proposition, except upon request of Congress. Certainly all efforts in which they are now directly and indirectly indulging to effect legislation favoring it should cease at once. They cannot possibly forget their self-interest, for subconscious of it they must be, however sincere their desire for the Nation's welfare.

TEN MILLION SOLDIERS' AND SAILORS' LIPS ARE SEALED

Recently revised Army regulations provide that "except as authorized by the War Department, efforts by any person in the active service of the United States * * * to procure or oppose or in any manner influence legislation affecting the Army * * * are forbidden."

In other words, if the Army, which today is in truth the War Department, will permit it, a commissioned or noncommissioned officer or a private may speak out publicly in opposition to peacetime compulsory military training. If it will not authorize free discussion, the lips of every man and woman of the 10,000,000 or more comprising the United States armed forces are sealed. Yet the Secretaries of War and Navy and their assistants, members of the General Staff, and other high ranking officers are free to promote and propagandize at will, often at Government expense, for the enactment of this proposed law. And it is a peacetime not wartime measure affecting, after their demobilization, perhaps disastrously for many years to come, the lives and living as well as the purses of our citizen soldiery now held incommunicado, their children, and kin; while most of those, themselves so vocal but enforcing the silence of their opposition, will be the enriched beneficiaries of the legislation they so desperately sponsor. There can be little doubt as to the War Department's attitude if authorization to oppose is sought by any serviceman. As a matter of fact this writer, through channels, sought of his commanding general, in writing, not approval or endorsement of his opposition to compulsory military training, but merely his superior's formal expression that he had no objection to such being publicly set forth. It is known that his application was received and discussed with other staff officers, but it was not forwarded to the War Department for its authorization and probably found its way into the wastebasket—for nothing has been heard of it since.

If American doctrine and tradition are not to be completely destroyed, we should continue to keep the military out of the lawmaking which orders our peacetime living.[1] Such has been our way since the founding of the Republic and such has been demonstrated to be the way to keep the United States of America the leading, most beloved nation on earth; and this notwithstanding when forced into war, but only then, it becomes the most feared. When called upon, its hosts of civilian soldiery sweep their enemies before them, establish peace, and at once return to their peacetime pursuits, despising war and warmaking.

WHY RESERVE AND SPECIALIST OFFICERS APPROVE IT

At first signs of gathering war clouds over America the War and Navy Departments began their hurried enlargement of administrative personnel, and thousands of civilians have been commissioned. These officers have been so rapidly promoted, often almost automatically every 6 months, that throughout all the service commands and especially within the military district of Washington, we now have a mighty host of generals, colonels, lieutenant colonels, and majors; naval captains, commanders, lieutenant commanders, and lieutenants. Many never see front-line or even field-training service at home, although some spend a few weeks taking an indoctrination course which is usually more or less a useless procedure, for upon its completion they promptly return to their desks in the Navy Department and in such sections of the Army as the Quartermaster's, Finance, Adjutant General's, Air Force, Provost Marshal General's, Judge Advocate General's, Selective Service (National and State), etc. They make up the greater part of the officers seen in uniform-weary centers such as our large cities and especially in Washington itself. And, incidentally, observing the unusually large number of newly made administrative Army and Navy officers appearing on the streets of the Nation's Capital, and elsewhere, one wonders why so many of this multitude holding commissioned rank and performing office duties are and have been from the beginning of their service well within the younger brackets of the draft ages. Certainly a great majority, when first commissioned, were and probably are now between the ages of 21 and 31, or 35 at most, while not so fortunate men between 35 and 45 with dependent families and settled and important home-community interests have been inducted into the armed services in droves.

Great numbers of these young men hold ordinary office jobs, mostly of a clerical nature, and have been recruited from every vocation and from every section of the country: real-estate agents and insurance men, salesmen and customer's men from stock and bond houses, bank clerks, haberdashery, textile, footwear, and other salesmen, lawyers and Government clerks. Numerous indeed are young Federal employees from the various Government departments who were on the ground when draft agitation began in Congress and knew the ropes as to the securing of commissions, or how to locate and get the desirable assignments for the duration if they had already, since the last war, been endowed with the status of Reserve officers.

For these Army and Navy officers the armed services are indeed glamorous and lucrative. It is probably true that the majority of them receive a far greater net income than their civilian jobs ever afforded in fact or in contemplation. Coupled with this is the exhilaration of receiving a military salute from every private, noncommissioned, and lower-ranking officer of all arms of the services they happen to pass on the highway, constantly reminding them and confirming their satisfaction at knowing they are labeled and recognized as superior by so many of their fellow men. Of course, they live in comfort, far from the dreaded battlefields. That is militarism; one side of it, the easy side. And it is among this grouping of our unarmed forces that the prospect of universal military service is so attractive and so worth insisting upon for the good of the Nation, and, incidentally, for the possibility that they themselves will be retained in a new military structure and avoid going back home, minus the striking and labeling uniform, to work at the prosaic old job where superiority must be demonstrated by merit and in free fields open to all competitors.

The desk officers of the Army and Navy, Regular, specialist, and Reserve, know full well compulsory universal military training will necessitate a huge personnel of high rank to maintain a peacetime Army and Navy of a million or more boys, added to the enlarged Army and Navy we shall undoubtedly maintain for many years after this war. And therein lies their chance of retention in their present high pay and place jobs or, at worst, possibly a mild demotion.

ARMY AND NAVY PROPONENTS TAKING ADVANTAGE OF WAR FERVOR

Probably the unfairest aspect of the effort to force compulsory military training upon us is the strategy of its proponents: somehow to get legislation for it quickly passed while we are in the midst of war enthusiasm—or hysteria, when everyone is working hard for victory, and countless numbers are worrying about their loved ones or suffering from the bereavements of war. They know that at the conclusion of hostilities the millions of actual fighting men won't want to listen to agitation for more soldiering. Their first thought will be to forget their harrowing experiences and be freemen again, not uniformed robots to be told where and when and what, 24 hours a day. That unquestionably will be the attitude of those who come back to us whole in body and sound of mind. Of the others—"Well, always thinking or talking about it will do no good. That was yesterday, last month, last year. Thank God it's over." Those of us who experienced the aftermath of World War I are entirely familiar with that point of view of returning fighting men. War stories will be rejected without demur by book and periodical publishers. Motion pictures with war plots or even short war scenes will become taboo. Consequently, after the hysteria of actual warfare has subsided compulsory peacetime military training legislation can receive Nation-wide and thoughtful consideration by our civilian population with both sides of the proposition fully developed. Informed and free opponents of it will be available who can testify from knowledge and experience as to the horrors and uselessness of peacetime and fanatical youth militarization among our enemies, from which we may judge its inevitable results if forced upon the boyhood of the United States. At least we shall not be rushed pell-mell into this monstrous de-Americanizing project by the one-sided, opposition-crushing, and self-interested campaigning of a comparatively few

[1] President Wilson on July 8, 1918, at the beginning of the great American offensive of World War I at Belleau Wood and Chateau Thierry, sharply reminded the American people: "A very fundamental principle of our institutions is that the military power is subordinate to the civil"; that the armed forces of the country must be instruments of the civilian authority which determines the Nation's policies, and that this was the idea of the framers of the Constitution he sought to perpetuate.

high rankers of the Army and Navy, aided by well-financed civilian groups such as those who profit fabulously by the sale of military products; uniforms and other prescribed wearing apparel, quartermaster's supplies, constantly obsolescing air, sea, and ground vehicles, armaments, etc.; and aided also by that hidden and ruthless alien movement—call it what you will—the leadership of which has not yet been identified, but which is spreading its tentacles throughout the land and seeks to strangle our tried and revered American ways and manner of free, peaceful, and prosperous living.

America fights, how well our enemies twice within a quarter of a century and to their sorrow have learned, when it has to, or is dragged into war. But it is not a warrior nation and certainly, in its normal life, frowns dourly upon grandiose militaristic activity, yet its doctrines and traditions have proved the most successful of all the nations of history.

THE SELF-INTERESTED PROPAGANDA AGENCIES EARLY AT WORK

It would be interesting to know how many heads or groups in various sections of the War and Navy Departments, with or without the sanction or encouragement of the Secretaries or their assistants, with or without the support of certain members of the General Staff, or, indeed, with or without the nod of the President himself, have long been busily engaged in developing plans and propaganda for the introduction of legislation now; for a law requiring a year or more of compulsory military training of American boys between 18, 19, and 20 years old, to be begun as demobilization of our returning fighting forces gets under way.

Publicity was not only discouraged but darkly frowned upon within one Washington military department while several nonfighting colonels, naval captains, and commanders who, although charged with urgent duties pertaining to the daily progress of this war, spent most of their time during a recent period conferring, discussing, and drafting legislation for compulsory military training, and by no process of reasoning could this activity be regarded as within their jurisdiction or line of duty. The project actually had been under consideration since May 1943—perhaps even before then. These Regular, Specialist, and Reserve Army and Navy officers worked diligently during July and August of 1944 in order to have something definite and in print to submit to one of the Army's most publicized nonfighting major generals upon his return from a tour of the country, during which he sponsored, cautiously, in public speeches, the compulsory military training idea. Whether this was by direction of his superiors or on his own initiative is not known. But, previous to his departure, he had quietly charged this selected few of his staff with the preparation of a bill to be made ready for quick presentation to Congress. Incidentally, this "lawmaking" body undoubtedly entertained no other idea in their completed proposals than that this major general should be named the Director of Universal Military Training. And the most enthusiastic of his legally unauthorized bill-drafting coterie were no doubt convinced that they would continue with him indefinitely in supervising the compulsory military training of our youngsters long after World War II armies had been disbanded and their components were back at their jobs making a living—and figuring out how to pay the taxes staring at them from the future, in addition to paying a tremendous price for the militarizing of their teenaged sons. The estimate of annual cost for the training of these youngsters arrived at by the major general's "planners" was from one to one and one-half billion dollars per million trainees; about $1,000 to $1,500 "a head."

Who directs this attempted transportation of old-world peacetime military servitude to free America; this revival and modernization of medievalism? It undoubtedly does not spring from the minds and hearts of even a substantial number of our national legislators. While at least two bills pertaining to it were introduced in the Seventy-eighth Congress, they were permitted to slumber undisturbed for months. The subject was "too hot at the moment" is reported to have been observed by some Congressmen before the November elections. Shortly after the election recess a special committee of the House was appointed and announced it would begin hearings on compulsory military training within a few days. A flood of church, labor, and other opposition appeared. The militarists' demand for haste was somewhat offset temporarily and the House committee chairman, the day after Thanksgiving, decided that the committee would be unable to complete hearings in 1944; that the measure would have to go over for consideration by the new Congress convening in January 1945. Representative WADSWORTH and a few others, when not urging complete regimentation of all Americans via national service legislation, discourse in patriotic banalities on the "mental, physical, and civic" value of the militarization of our youth. But the legislators of the outgoing Congress generally appeared to be occupied with more important items having to do with the welfare of the Nation at war, not peacetime militarization of its boyhood.

A poll of Fortune magazine last July purported to indicate public favor for peacetime drafting of boys as they become 18 years of age. Who inspired this poll at that time or how much thoughtful opinion is involved is, of course, problematical. Concurrently with the issue of Fortune the Director of Selective Service, before the Commerce and Industry Association in New York City, adroitly turning to the importance of "conditioning and training youth for the future national defense" following a discussion of the rejection of registrants in draft operations in this and World War I, remarked that so long as "Selective Service has custody of the greatest inventory of manpower America has ever made" it must collaborate in every possible way to insure that "by training and rehabilitation more men can assume the entire burden of citizenship." A dainty morsel tossed out to test its palatability.

A few weeks later Colonel McDermott, director of selective service for New York City, appeared before the microphone and urged adoption of military peacetime training in a public radio debate. A prominent minister of one of the city's churches opposed him. This draft official's stereotyped theme was "national security, national health and welfare" and inculcation of the democratic spirit by "its powerful influence in breaking down and eliminating racial, religious, and class barriers and prejudices." His exhortations followed the usual pattern which seems to have been designed especially for the proponents of youth training in their stealthy but ever bolder advocacy of militarizing the Nation. Then, in a heroic effort to tell us why we should at once undertake this form of un-Americanism, he delivered himself of this novel and profound thought: "History and the frailties of human nature have taught us that war may come again."

Following this broadcast debate by the director of selective service for New York City, the New York Herald Tribune published a Washington correspondent's story telling us that "selective service officials, planning for any postwar compulsory military training system which might result from pending legislation, were disclosed to favor administration of such a program by a joint Army-Navy board * * * and if Congress does choose to give control of universal service to such a board, Maj. Gen. Lewis B. Hershey, the draft director, and some of his present staff might want to stay on, selective-service officials said."

The gently persuasive emanations of high-ranking selective-service officers, however, made no noticeable impression upon the country at large; bolder urging became necessary. On September 26 the Director of Selective Service abandoned his dulcet and generalized approvals of the measure and boldly told the Buffalo Chamber of Commerce he was "heartily in favor of peacetime military training," and dangling the scarecrow "defense" before his audience, warned:

"Today's warfare has changed in a manner that the risk of unpreparedness is tantamount to courting disaster. Our national growth requires manpower and armament in adequate numbers and quality to protect it from sudden aggression. * * * Relief from this training should be permitted only in cases where extreme physical or mental conditions exist."

In other words every American boy who can walk without crutches or is not a congenital imbecile, must leave his job or school and go to military training camp for a year or more when he becomes 18 or 19 years old; irrespective of whether he is the sole or partial support and comfort of a widowed mother or a physically or mentally incapacitated father, or necessary to aid in feeding and clothing younger brothers and sisters and thus help keep intact an American family unit; irrespective of whether he is needed on the typically American little farm which produces our food and which his father and mother have worked drudging years to develop, irrespective of breaking into the required hours of apprenticeship he's been building to become a journeyman machinist, plumber, carpenter, tinsmith, or other tradesman; irrespective of interfering with his preparation for law, medicine, engineering, dentisty—and this is not in war but in peacetime. Thus the Director of Selective Service put officially and squarely before his Buffalo listeners the idealistic proposals of the militarist minded of America who are urging to the utmost universal compulsory military training—for the good of America, or in their own personal interest?

Mr. CAPPER. Mr. President, I also ask unanimous consent to have printed in the RECORD, as a part of my remarks, a letter to me from Elizabeth A. Smart, president of the National Woman's Christian Temperance Union, and a statement from the WCTU, stating their opposition to extension of the Draft Act, and particularly to conscription of boys under 20 years of age.

There being no objection, the letter and statement were ordered to be printed in the RECORD, as follows:

NATIONAL WOMAN'S CHRISTIAN TEMPERANCE UNION,
Washington, D. C., June 1, 1946.

DEAR SENATOR CAPPER: The Senate bill to extend the draft (S. 2057) is on the calendar for action Monday, June 3. May we be permitted very respectfully to present a few facts regarding it for your consideration.

This bill continues the draft age at 18.

The bill recently passed, extending the draft to July 1, set the minimum age at 20. We believe this to be the sounder policy. Teen-age boys are too immature to meet the problems with which the Army of occupation is confronted. They do themselves and this country no good. General Eisenhower has said they do not make good guards. Neither do they make good occupants of draft camps in this country.

In both Europe and Asia they are faced with appalling moral hazards, hazards which have resulted in an incidence of as much as

427 cases per thousand of venereal disease in Germany, according to General McNarney. The situation in Japan is described in the enclosed article by Chaplain LaCour. They are not much better off in this country, where no adequate safeguards have been taken to protect them against taverns and low dives which especially prey on the soldier, and where they will have the example of beer in their post exchanges set before them, although State laws protect minors against such exploitation.

In spite of all the clamor of propaganda with which the press is being filled by Army and administration influence, please remember that the Gallup poll showed a 60-percent public approval of the 20-year minimum age limit, and only 33 percent opposed.

The Army will, by its own figures, have not a deficit, but a surplus, over the 1,070,000 men required by July 1, 1947, with plenty of replacements to release all fathers by September 1946, and all draftees by February 1947. They will not be replaced any sooner by continuing the draft. I enclose breakdown of figures.

Enlistments are still coming in at 50,000 or more a month in spite of an apparent decrease caused by the Army raising requirements from 59 to 70, March 1, causing the rejection of 3 out of 7, instead of 1 out of 7. The 50,000 is the number being accepted.

May we not most respectfully, but most earnestly urge you to vote for a 20-year minimum age limit. And a draft holiday.

Very respectfully,

NATIONAL WOMAN'S CHRISTIAN TEMPERANCE UNION,
By ELIZABETH A. SMART.

STATEMENT OF NATIONAL WOMAN'S CHRISTIAN TEMPERANCE UNION

The National Woman's Christian Temperance Union at its last convention adopted the following statement on legislation:

We oppose:

* * * * *

2. Peacetime conscription of men, women, or youth.

There is a fundamental reason for our opposition. While the Constitution of the United States gives Congress the power to raise and support armies, this gift of power is distinctly limited by the further proviso that "no appropriation of money to that use shall be for a longer term than 2 years," and while it provides in article II of the amendments that "A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed."

It further provides that (art. III):

"No soldier shall, in time of peace, be quartered in any house without the consent of the owner."

And it expressly reserves to the States the appointment of the officers and the authority of training the militia (art. I, sec. 8, No. 16).

It is contrary to the custom and spirit of American life and the American Constitution to maintain armies of conscripted soldiers except in the dire emergency of war. That Constitution was drafted and our American custom was originated by men who had learned from bitter experience the dangers of government-impressed armies in the enslavement of peoples, and who were determined to safeguard this country against that danger.

We do not believe that that danger is past today. In fact, from the recent experiences of those Axis Nations whom we have just defeated, we believe it is greater than ever.

The traditions laid down by our ancestors have been proved in the crucible of time and found sound. It is not accidental that today the United States of America is one of the two greatest nations on earth nor that as the arsenal of democracy we were the chief factor in the winning of World War II.

It is human and natural for those in charge of the armed services to see in compulsion the necessary ingredient for the success of their defense program. Men in the armed services think in terms of force. Yet, even those gentlemen say they would prefer a volunteer army. There would appear to be considerable evidence that compulsion as a means of producing men for the services is about running out. A statement given out to the Associated Press by selective service on April 1 estimates that they will probably be unable to fill an increased April demand for 125,000 men. Contrast this with the 652,099 men already raised by voluntary enlistment as of March 21, although the Army testified some time ago that they would be unable to get 300,000 by voluntary methods by July 1 of this year.

It appears that there is no dispute that the 1,550,000 men will on hand as required as of July 1, 1946. The Army only says that it fears a shortage of some 170,000 men as of July 1, 1947, if their estimates as to the number of men procurable by voluntary methods without the draft are correct. In view of the fact that their estimates were off 50 percent, or 300,000 men, on the number they could procure by voluntary enlistment by July 1, 1946, it is not unreasonable to suppose they may have underestimated by at least 170,000 men as of July 1, 1947.

* * * * *

Since the above statement, we have the figure of 747,899 men who have enlisted as of May 14. Members of the General Staff testified before Senate Military Affairs Committee in January that they would release all but 120,000 fathers on the basis of expected enlistments of 650,000 by July 1. Since they have enlistments of 747,899 by May 14, with enlistments coming in at the rate of 11,000 weekly, they will have enough enlistments additional to the 650,000 to take care of the 120,000 fathers who could have been released with an enlisted total of 650,000.

With more than 1,550,000 as of July 1, 1946, and enlistments running more than 50 percent over their original estimate of 300,000, and somewhere in the neighborhood of 164,000 ahead of the estimate of 650,000, it would appear very likely that instead of being 170,000 short by July 1, 1947, of the 1,070,000 men required, the Army will have a surplus on that date.

Mr. REVERCOMB. Mr. President, the amendment which is the pending question, I understand does not in fact change the purpose of the bill introduced by the Senator from South Dakota. It is a clarifying amendment, under which all persons between certain ages are made subject to draft and will be drafted into service during the next year.

Mr. GURNEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from South Dakota?

Mr. REVERCOMB. I yield.

Mr. GURNEY. The Senator from West Virginia has referred to the bill as one introduced by the Senator from South Dakota. Let me say to the Senator that this is a committee-approved bill. I am reporting it for the committee.

Mr. REVERCOMB. That is correct. I referred to it as the Senator's bill only because he is reporting it for the committee.

Mr. President, I will at the proper time offer an amendment as a substitute for the whole bill now pending. The substitute will provide for suspending the drafting of all persons of all ages. I take the view that it is not necessary to draft anyone. I have not at any time drawn any distinction as to ages. Some have believed that individuals of certain ages should be drafted and individuals of certain other ages should be exempt. I have not subscribed to that idea at all. I expect to point out to the Senate at the proper time that there is no necessity for continuation of the draft at this particular time, and that the Congress itself should determine when drafting should be resumed. Drafting should be resumed only upon order of the Congress.

I may say that the amendment which I shall offer will extend the Selective Service Act; that when boys come to the age of 18 they will be obliged to register and will be subject to call when the Congress says there is sufficient reason to call up more men.

My substitute amendment is based upon the idea of obtaining a volunteer force. At the proper time I expect to point out to the Senate facts and figures to show that there is today no necessity to continue the induction of men. There is necessity for the extension of the selective-service law because of the other features of that law.

Therefore, Mr. President, I shall have to vote against the amendment of the Senator from South Dakota for the reason that it does draft persons into the Army and does not suspend the draft. In due time, when I can properly offer the substitute amendment, which is printed and is on the desks of Senators, I shall speak to that proposition. In the meantime, the question being presented upon the amendment of the Senator from South Dakota, I find that I must vote against it, as it is in conflict with the amendment which I shall later offer.

Mr. GURNEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hawkes	Overton
Andrews	Hayden	Pepper
Austin	Hickenlooper	Radcliffe
Ball	Hill	Reed
Barkley	Hoey	Revercomb
Bridges	Huffman	Robertson
Briggs	Johnson, Colo.	Russell
Brooks	Johnston, S. C.	Saltonstall
Buck	Kilgore	Shipstead
Burch	Knowland	Smith
Bushfield	La Follette	Stanfill
Butler	Langer	Stewart
Byrd	Lucas	Taft
Capehart	McCarran	Thomas, Okla.
Capper	McClellan	Thomas, Utah
Connally	McFarland	Tobey
Cordon	McKellar	Tunnell
Donnell	Magnuson	Tydings
Downey	Maybank	Vandenberg
Eastland	Mead	Wagner
Ellender	Millikin	Walsh
Ferguson	Mitchell	Wheeler
Fulbright	Moore	Wherry
George	Morse	White
Gerry	Murdock	Wiley
Green	Murray	Wilson
Gurney	O'Daniel	
Hart	O'Mahoney	

The PRESIDING OFFICER. Eighty-two Senators have answered to their names. A quorum is present.

Mr. JOHNSON of Colorado. Mr. President, I desire to speak briefly on the bill

generally—not on any particular amendment. I have several amendments on my desk which I expect to offer later, but I wish to say a few words about the bill.

As is usually the case, the bill as it came from the committee was the result of a compromise. The committee worked diligently upon the bill, and there was a sharp division of opinion within the committee. It was contended by one group in the committee that we could depend entirely upon volunteers. Another group looked pessimistically at the statistics pertaining to volunteers and felt that we would be taking a grave chance if we were to depend altogether upon volunteers. Those two differing opinions were worked into the bill which is now before the Senate.

I think I should state my position on the question of the draft. It is not a position which I have assumed today. It is a position which I assumed many months ago, and which I have worked hard in the committee, as members of the committee will testify, to have enacted into the law of the land.

For a long time I have contended that if the draft were extended from May 15 to July 1, in full force and effect, just as it operated previous to May 15, the draft could be entirely dispensed with after July 1.

I based my opinion and reached that conclusion on the basis of simple arithmetic—addition and subtraction. Approximately 200,000 men could have been inducted into the military service between the dates of May 15 and July 1, and those 200,000 men would have formed a cushion so that the country could very safely have depended upon the volunteer system from July 1 on. At least, that is my contention.

The Senate will recall that while we were debating the British loan the deadline of midnight May 14 approached, and that the Senator from Colorado introduced a Senate joint resolution on the floor of the Senate, which extended the draft until July 1, or for a period of 6 weeks. That extension provided for the draft as it was previous to May 15, and made no exceptions.

However, after the Senate agreed to it by unanimous vote, it went to the House, and the House struck from it the provision drafting all teen-age boys. Of course, that had the effect of making it practically inoperative insofar as bringing men into the service was concerned. It merely extended the machinery. It is estimated by the Selective Service System that from May 15 to May 31 it would bring approximately 2,000 draftees into the service, and the estimate is that for the entire month of June it will bring in approximately 10,000 men. That would make a total of 12,000, as against a total potential, had the bill been enacted and in full force, of 200,000, or, perhaps, a number somewhat less than that. Of course, that situation throws the mathematics of the matter entirely out of line. Because of that fact, the Senator from Colorado made an effort to work out a compromise bill for the extension of the draft which would do the least violence to the volunteer system.

I wish to call the attention of the Senate to the amendment which the Senator from Colorado offered in the committee, and which the committee very graciously and generously accepted. The majority sentiment in the committee was against the position of the Senator from Colorado, but the committee did agree to that amendment. It was the best compromise which supported my point of view that I could get from the committee, and I think it is a very effective measure. I understand that the Senator from West Virginia stated a moment ago that he will offer an amendment to extend the draft for 1 year, but to make it ineffective and inoperative insofar as the induction of men is concerned.

Mr. REVERCOMB. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. BRIGGS in the chair). Does the Senator from Colorado yield to the Senator from West Virginia?

Mr. JOHNSON of Colorado. I yield.

Mr. REVERCOMB. The Senator realizes, of course, that the purpose of extending the Selective Service Act is, first, to save to the veterans the rights they have as to priority of employment, and, second, to take care of the situation in respect to the law which deals with the seizure of industries which are closed because of strikes. Another reason for extending the Selective Service Act and for stopping inductions is—and when the Senator says my amendment would make it ineffective, I trust he will bear this in mind—that an extension of the Selective Service Act, under the plan which I shall submit to the Senate, would have boys continue to register when they become 18 years of age; the selective-service machinery would be kept intact, and if the Congress found that the national necessity called for it, the Congress could immediately enact provision for inductions and could bring about an inducted army again, if it were found that the volunteer method would not work.

I may say that I wish to have a volunteer Army. We are moving fast toward having one. But we shall never get one by having an Army partly made up of volunteers and partly made up of inducted men.

So when the Senator says my amendment would make it ineffective, I disagree with him.

Mr. JOHNSON of Colorado. The Senator misunderstood me. I said it would make inductions inoperative. That statement is correct.

I am glad the Senator from West Virginia has stated his position and has advanced the arguments on behalf of his amendment, which are clearly sound. The points he has made are well taken. I merely said that under his amendment the induction of men would be inoperative.

Mr. President, at this point I wish to call attention to my amendment, which I think would do exactly the same thing the amendment of the Senator from West Virginia would do. My amendment is already incorporated in the bill. I refer now to section 2 of the Senate bill 2057, which reads as follows:

SEC. 2. The fourth proviso of the second sentence of section 3 (a) of the Selective Training and Service Act of 1940, as amended, is amended to read as follows: *"Provided further*, That on July 1, 1946, the number of men in active training or service in the Army shall not exceed 1,550,000, and that this number shall be reduced consistently month by month so that the Army's strength shall be 1,070,000 on July 1, 1947."

Then the bill makes a provision with respect to the Navy, and then it makes the following further provision:

And provided further, That the monthly requisitions on the President under this act by the Secretary of War and the Secretary of the Navy shall not exceed the number of men required after consideration of the actual number of voluntary enlistments during the 3 months preceding that month in which the requisition is made. The men inducted into the land or naval forces for training and service under this act shall be assigned to camps or units of such forces.

That language simply means that we are writing into the law a limitation on the size of the Army as of July 1, 1946, and as of July 1, 1947, and we are making a graduated reduction, which amounts to 40,000 a month, from the figures of 1946 to the total of 1947. Under this provision the Army will be reduced 40,000 a month, and no one will be inducted if we obtain a sufficient number of volunteers. I have confidence that there will be plenty of volunteers, and especially do I have such confidence if the Senate wisely adopts the wage schedule measure which the Senator from Wisconsin and the Senator from Colorado will give the Senate an opportunity to vote on very shortly. If we increase the pay, especially the pay of the men in the fifth, sixth, and seventh grades, I think there will be plenty of volunteers. I have absolute confidence that there will be.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. VANDENBERG. I should like very much to believe that the Senator's optimism is justified, because I totally prefer a volunteer Army in peacetime. But let me ask the Senator the question which troubles me: What would he do if it developed that his optimism were unjustified and that there were not sufficient volunteers to supply the minimum indispensable quota. Then what would the Senator do?

Mr. JOHNSON of Colorado. Then, under the provisions of the bill, what the Senator would do would be to induct, through the draft, through selective service, the necessary numbers that would be required.

Mr. VANDENBERG. Is not that what the pending bill provides?

Mr. JOHNSON of Colorado. That is what the pending bill provides. I am speaking in behalf of the pending bill.

Mr. VANDENBERG. Very well, I beg the Senator's pardon; I thought he was presenting an amendment.

Mr. JOHNSON of Colorado. Mr. President, the Senator from Colorado cannot be very persuasive if that sort of an understanding has come about. I am saying now that section 2 of this bill does precisely what the amendment which will be offered by the Senator from West Virginia would do, except that if our optimism is found not to be well based, if the volunteers do not come in, if we are unable to obtain sufficient vol-

unteers, then the draft will be used, under section 2 of this bill. That is the difference between the proposal of the Senator from West Virginia and the language of the bill.

I do not believe that the pessimism concerning the volunteer Army is supported by the facts. I believe that we have done very well so far in developing a volunteer Army, the largest volunteer Army, as I understand, this Nation has ever had. I recall that last October the War Department, including all its generals, as well as the Secretary of War, estimated that the total number of volunteers whom we could obtain between October 1945 and July 1, 1946, was 300,000. The total now is estimated to be 800,000. The Senator from South Dakota stated a moment ago that it is, as I recall, 769,000.

Mr. GURNEY. That is correct; 769,000.

Mr. JOHNSON of Colorado. As of May 15.

Mr. GURNEY. May 21.

Mr. JOHNSON of Colorado. May 21. The 800,000 mark will not be missed very far. I presume the number will just about reach 800,000. We must remember that the total about which we are talking, namely, 1,550,000, includes also officers.

Mr. GURNEY. Mr. President, the Senator must bear in mind, however, that of the 769,000 whom we now class as volunteers, many came into the Army originally through selective service.

Mr. JOHNSON of Colorado. That is correct.

Mr. GURNEY. After they were sworn in they then volunteered.

Mr. JOHNSON of Colorado. Yes.

Mr. GURNEY. It is conservatively estimated that of the 197,000 who enlisted for 18 months, 18 percent came in through selective service.

Mr. JOHNSON of Colorado. Yes; but many had had no service in the Army before they enlisted for the 3-year terms.

Mr. GURNEY. No; these are men who enlisted for 18 months; and not 3 years.

Mr. JOHNSON of Colorado. Oh, I see. Less than 5 percent came into the service for 18 months. That is a very small group. The greater number of men comprise those who enlisted for 3 years and 1 year.

Mr. GURNEY. Up to May 21, starting with September of last year, there were 160,643 1-year men; 197,340 18-month men, 9,702 2-year men, and 401,655 3-year men. Of course, some of the 3-year men came in through selective service. Some of them had already seen service, liked the Army, and wanted to continue to serve in it. But out of the 197,000 18-month men, approximately 80 percent, came into the Army through selective service. The correct grand total would be 767,700.

Mr. JOHNSON of Colorado. I misunderstood the Senator. I am sorry. That makes a difference.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. REVERCOMB. Mr. President, we know that the men who have enlisted for 3 years represent 53 percent of the enlistees, or of the figure of 769,340.

Mr. JOHNSON of Colorado. Yes, that is what the War Department told us.

Mr. REVERCOMB. I believe that approximately 27 percent enlisted for 18 months, and approximately 23 percent or 24 percent enlisted for a year. Allow me to point out to the Senator that those men who enlisted for a year already had had 8 months of service in the Army, or they would not have enlisted for a year.

Mr. JOHNSON of Colorado. That is correct.

Mr. REVERCOMB. So the only ones who enlisted under any pressure of the draft are those who have enlisted for 18 months. Is that not correct? A man would not enlist for 3 years under the pressure of the draft when he could enlist for 18 months.

Mr. JOHNSON of Colorado. No, but he might enlist for a year in order to have a definite date of discharge.

Mr. REVERCOMB. He has already served for 6 months, and he is already in the Army.

Mr. JOHNSON of Colorado. Yes.

Mr. REVERCOMB. He has not enlisted because of any fear of being drafted into the Army.

Mr. JOHNSON of Colorado. No; but he might volunteer because desiring a definite date of separation. The Senator is correct in his reference to 3-year men, and I believe also in reference to the 2-year men. I believe the men who volunteered for 2 years did so because of the attitude, "Well, we will wait until the end of 2 years. Then maybe we will continue." They are Army-career men. The men who volunteered for 18 months and 1-year may have done so in order to have a definite date of separation.

Mr. REVERCOMB. I am very much impressed by the statement of the able Senator from South Dakota that approximately 80 percent of the 18-month men had not had previous military service. I understand it to be an estimate.

Mr. JOHNSON of Colorado. Yes. I think it should be said with respect to that statement that the condition is not an unusual one, and I am not surprised at it. Eighty percent of the men who volunteered have had military service, and they like it and want more of it, so they volunteered for more of it. Twenty percent of them, however, came from civilian ranks. I do not see that that proves anything with regard to the volunteer system. I think it proves that the volunteer system is working very well. The basis for the volunteer system is its appeal to men who love the Army, who wish to make the Army their career. If 80 percent of them have had military service and like the Army, it is a fine thing, and it is a compliment to the Army. It proves nothing against the volunteer system, but instead supports it.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. GURNEY. I wish again to make a brief reference to the men coming into the Army from selective service. A total of 250,000 men came in since October of last year. That was about 8 months ago. It has been figured out that most of those men immediately upon coming into the Army through the selective service enlisted. In other words, they volunteered for enlistment.

Mr. JOHNSON of Colorado. What are the 250,000? I wish the Senator would identify them. I do not know what he is talking about.

Mr. GURNEY. That is the number of men who came in through selective service during the past 8 months.

Mr. JOHNSON of Colorado. During the past 8 months?

Mr. GURNEY. That is correct. The point I wish to make is that as soon as they came in through selective service they then volunteered for 18 months of service so that they might have a definite date of discharge in front of them. The other point I wish to make is that those who had been in the Army for 6 months had the privilege of enlisting for 1 year so that they could have a definite date of discharge.

Those who enlisted for 1 year under the law passed last October will have to start getting out of the Army 2 or 3 months in advance of their discharge date. In other words, if they are in Japan they should start home 60 days in advance, and possibly from Germany 6 weeks or perhaps 60 days. So in November of this year we know that the Army will have to discharge 58,000 men. Consequently the Army has to get ready; it has to have replacements in order to start the 58,000 back. They will have to start them back in the latter part of September or the early part of October.

Mr. JOHNSON of Colorado. There is one way they can take care of 40,000, and that is by the reduction of the Army. That will take care of 40,000, leaving 18,000.

Mr. GURNEY. That is correct; but 1-year enlistments are definitely terminating, starting this fall—September and October. I merely wanted to call that to the Senator's attention.

Mr. JOHNSON of Colorado. That, of course, is correct. There is no argument about that.

I wish to say, furthermore, with respect to our pessimism about the volunteer system that during the month of May, up until May 21, the first 3 weeks in May, 33,000 men volunteered. It is estimated that during the last 10 days of May 10,000 more will have come in. So they are entering in goodly numbers. I do not know the number who will enlist during June.

Mr. KNOWLAND. Mr. President——

The PRESIDING OFFICER (Mr. ELLENDER in the chair). Does the Senator from Colorado yield to the Senator from California?

Mr. JOHNSON of Colorado. I yield.

Mr. KNOWLAND. I should like to ask my distinguished colleague from Colorado whether, during the period of time the bill was under consideration by the Committee on Military Affairs, consideration was given to the fact that the Army would not reinduct the men who had already had prior military service. I had prepared an amendment which I had hoped would be accepted, and I still hope it will be accepted by the Senator in charge of the bill on the floor

of the Senate. It provides that on page 2, lines 18 to 25, be stricken out, and on page 3, lines 1 through 5, and that there be inserted in lieu thereof the following:

(a) Each man heretofore or hereafter inducted under the provisions of subsection (a) shall, unless sooner discharged, serve for a training and service period of 18 months, less the aggregate period of time he may have served on active duty in the armed forces of the United States, including service as a cadet at the Military Academy and services of midshipmen at the Naval Academy.

Mr. JOHNSON of Colorado. That is one matter to which the committee did not give attention. However, I am told that the Senator from Nebraska [Mr. WHERRY] has offered today an amendment to take care of that point, and I have also prepared one. My amendment has been prepared through the legislative council, and the attorney of Selective Service, Colonel Renfro. While it differs slightly from the amendment which has been offered or will be offered by the Senator from California, its objective is exactly the same.

Mr. KNOWLAND. I may say to the distinguished Senator from Colorado that so far as I am concerned there is no pride of authorship in the amendment. So long as the job is done, I do not care whose amendment does it, but I think the point should be covered, so the men who have had service will not be reinducted into the Army.

Mr. JOHNSON of Colorado. I agree completely with the Senator; and there is no pride of authorship with respect to my amendment. As a matter of fact, I am not the author if it, I did not write one word of it. The attorneys in the legislative counsel's office wrote it, and it was submitted to the attorney for Selective Service, Colonel Renfro, who is a very able man, in whom I have great confidence as to his ability and in every other way. He went over the amendment and offered some suggestions, and the net result is the amendment which I intend to offer on the point raised by the Senator from California. I presume that those who have worked on the amendment have considered the whole problem and the way it should be solved.

Mr. President, I desire to give the Senate a break-down of the military manpower for the Army on July 1, 1946, and July 1, 1947.

I think that in order to understand this whole problem we should set out a balance and make an analysis of what the Army will consist on each of these dates. I have tried to be very careful, I have tried to be very conservative, in the figures I have prepared. Quite naturally, the figures pertaining to July 1, 1947, must, by their very nature, be to some extent speculative.

Let us consider the July 1, 1946, figures. I should be very happy to have any Senator criticize the figures, and point out, if he can, where any error exists.

First, the required strength is 1,550,000 men. Congress did not set that figure; that is an estimate the War Department itself determined. That is the estimate of the required strength as set forth by the War Department. Congress had nothing whatever to do with the figure, and I am presuming that it is correct. My own private opinion is that perhaps it could be cut to some extent; but I am not suggesting that other than to indicate that that is my private opinion.

My reason for the statement is that I find that in Alaska there are more soldiers now than there were a year ago, that there are more in the Caribbean than there were a year ago, that there are more in other places than there were a year ago, and I doubt the necessity of the number stated; but I do not intend to argue that point. We accept the Army's own figures as to their own requirements as being 1,550,000, and we have written that number into the bill. That is the first time it has ever been written into proposed legislation. In this bill that figure is written.

According to the Army themselves, they say they will need 150,000 officers. I point out to Senators that these 150,000 officers are all volunteers. As a matter of fact, if it were left to the officers themselves to say whether they wanted to be in the Army, the Army could have twice that number. They could easily have 300,000 officers.

The next item is the WAC's. On July 1 there will be 19,000 Wacs in the Army, and all of them are volunteers. None of them were drafted. They are not subject to draft.

The next item is the Philippine Scouts. Congress, as we know, has provided for the enlistment of 50,000 Philippine Scouts. Congress is going to pay all the expenses of these scouts. They are not given the rights of the GI bill as are our volunteers, our soldiers, our enlisted men, our inductees, our draftees, but we do pay the bill, and pay it on a peso-for-dollar basis. That is, we pay to a Philippine Scout the same number of pesos we pay dollars to an American soldier.

Mr. AUSTIN. Mr. President, will the Senator from Colorado yield?

Mr. JOHNSON of Colorado. I yield.

Mr. AUSTIN. So that it will be on the record, I merely wish to bring out the fact that the 50,000 Philippine Scouts do not increase the size of the Army, but furnish the replacements for citizens of the United States who return home. There is merely an exchange of men. Those who live in the Philippines will take the places of our soldiers who have gone there and want to return home.

Mr. JOHNSON of Colorado. That is correct. However, they are included in the total of 1,550,000. The Philippine Scouts on July 1 will number 6,000.

Then we come to the draftees. The drafted men in the service with less than 6 months' service number 110,000; with less than 12 months but more than 6 months, 190,000; with less than 18 months but more than 12 months, 275,000; which makes a total of 575,000 men.

I call attention to the fact that during the time the younger men were taken into the service, we inducted through the Selective Service 1,075,415 men. As the Senator from South Dakota has pointed out, many of those men have volunteered, so we have to deduct their number from the number of drafted men, and include them with the volunteers. Out of the 1,075,415 men we drafted only 575,000. I want to call the attention of the Congress and the country to the fact that on July 1, 1946, there will not be 1 man in the service with 2 years of service. There will be very few men in the service, that is, who do not want to remain in the service. There will be very few men in the service with less than 2 years and more than 18 months of service. Most of the drafted men, to the total of 575,000, will have had 18 months of service or less.

We come now to the volunteers. The number of 3-year volunteers is 420,015. The number of 2-year volunteers is 10,989. The number of 18-month volunteers is 211,666. The number of 1-year volunteers is 164,275, making a total of 806,945. The normal attrition, which I have only estimated, is 6,945, which leaves a total of 800,000.

Of course, if the estimate of volunteers of 800,000 is too high, the estimated number of the drafted men would have to be adjusted accordingly and adjusted upward. If the estimated number of volunteers of 800,000 is too low, the figure for drafted men would have to be reduced.

Mr. SALTONSTALL. Mr. President——

The PRESIDING OFFICER (Mr. MAGNUSON in the chair). Does the Senator from Colorado yield to the Senator from Massachusetts?

Mr. JOHNSON of Colorado. I yield.

Mr. SALTONSTALL. I wish to ask the Senator a question. I understood the Senator from Colorado to say that the total figure for volunteers, namely, 800,000, might be slightly larger than the actual number who would volunteer or slightly smaller, as of July 1, 1946. Is not the figure of 806,945 a very accurate figure?

Mr. JOHNSON of Colorado. Yes; that is a very accurate figure. It is a little over 1 month for which the estimate is made; that is, 10 days in May and 30 days in June, or a total of 40 days. For that period the number is estimated. The remainder of the figures come from actual War Department figures.

Mr. SALTONSTALL. So the whole of the first column under July 1, 1946, contains really very accurate figures.

Mr. JOHNSON of Colorado. Yes. The figures under July 1, 1946, must be very accurate, because they are the War Department's own figures, and I have great confidence that the figures are accurate.

I now call the attention of Senators to the next column. Of course, some of these figures must be based on estimates. The required strength, as of July 1, 1947, is 1,070,000. The number of officers which the Air Force and the Army expect to have is 133,794. With respect to WAC's, they want, and no doubt can get, 10 times the number they have set forth in the table, but they have placed the limit as of now at 5,000.

With respect to Philippine Scouts, it is estimated 50,000 will be obtained.

Mr. HART. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. HART. I understand that the recruiting of the Philippine Scouts has been extremely slow, although the law covering them has been in effect for some time.

Will the Senator elaborate upon his assurance from the War Department that the total number will be 50,000 a year hence?

Mr. JOHNSON of Colorado. As I said, that is only an estimate. I have made every effort to ascertain whether that estimate was too high or too low. I conferred with the new President of the Philippines, Roxas, when he was here in respect to the matter. I have talked with the High Commissioner, Paul McNutt, and I have talked with officers in our own War Department with regard to that number. All of them think that the total number of 50,000 will be recruited.

The reason the recruiting of the Philippine Scouts has proceeded so slowly is due to the fact that even though the Congress passed a bill which authorized the War Department to recruit Philippine Scouts on a peso-per-dollar, or on a dollar-per-peso basis, the War Department did not recruit them on that basis. The War Department tried to recruit them on the old 21-peso-a-month basis. The War Department tried to save a few dollars for our badly damaged Treasury. It simply resulted in no recruits. Congress has clarified its own statute to some extent. The Appropriations Committee has had conversations with the War Department on this point, and the War Department is now determined to proceed and recruit the Philippine Scouts on the peso-dollar basis. I presume that when we increase the pay of our own soldiers, as I hope we will in a few minutes from now, we will also raise the pay of the Philippine Scouts, because they are paid on the peso-dollar basis in proportion as our soldiers are paid. So I have great confidence that the 50,000 Philippine Scouts will be recruited, and that confidence is based on the confidence displayed to me by persons who ought to know.

The next item is the drafted men with less than 18 months of service on July 1, 1947, the number being 86,384. That is a very small number indeed. Again, that number will have to be adjusted according to the number of those who volunteer. If the number of those who volunteer is greater than I have estimated, the number of drafted men will decrease. If the volunteers do not measure up to my estimate, then the item there with respect to drafted men will have to be increased.

Mr. HART. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. HART. The Senator has already answered the question I was about to ask. I was about to remind the Senator from Colorado what the Senator from South Dakota said concerning the 80 percent figure he gave a few minutes ago. In other words, that of the men drafted to date, approximately 250,000, or 80 percent had volunteered.

Mr. JOHNSON of Colorado. No; the Senator from South Dakota did not say that. The Senator from South Dakota said that 80 percent of the men who volunteered had been drafted. He did not say that 80 percent of the men who were drafted had volunteered. There is a great difference in that respect.

Mr. GURNEY. Mr. President, will the Senator yield so I may make the matter clear?

Mr. JOHNSON of Colorado. Yes; I am glad to yield.

Mr. GURNEY. In the 8 months just past, on June 1, 197,340 men had enlisted for 18 months.

Mr. JOHNSON of Colorado. Did they volunteer?

Mr. GURNEY. It is estimated conservatively that 80 percent of the 197,000 came into the Army in the first place through selective service. After they were in they decided that they only wanted to serve 18 months, rather than to take their chance on serving 12 months or 24 months or 30 months. So they exercised the option we gave them in the law passed last fall whereby they could enlist for a specified length of time, 18 months.

Mr. JOHNSON of Colorado. Yes; but, of course, the Senator's conclusions are his own as to why they did it or why they did not do it. The point I make is that not 80 percent of men who are inducted into selective service are volunteers but 80 percent of those who volunteered came in through selective service, which is a vastly different thing.

The total figure, as of July 1, 1947, is 1,155,327. Then I subtract the normal attrition of 85,000. I have no way of knowing whether that is a sufficient number for attrition. I presume it is. It may be far too small. If it is too small and the number of men who volunteer is smaller than the number estimated, of course, the number of men who would be drafted would be greater. But that is the virtue of section 2 of the pending bill. That adjustment can be made without any difficulty whatsoever. If the number of volunteers falls, more men can be inducted through the draft. If the number of volunteers justifies the optimistic estimate of the Senator from Colorado and other Senators who are also optimistic upon that point, then the number of men drafted declines. It seems to me that it is a very well-worked-out balance between the two ideas, those of the volunteer optimists and the volunteer pessimists. The volunteer pessimists say we cannot get the men. The optimists say we can. How are we going to settle that question? It seems to me that the Military Affairs Committee worked that settlement out as well as it could be worked out by adopting the provisions of section 2 of the Gurney bill.

Mr. HILL. Mr. President——

The PRESIDING OFFICER (Mr. BURCH in the chair). Does the Senator from Colorado yield to the Senator from Alabama?

Mr. JOHNSON of Colorado. I yield.

Mr. HILL. That section insures the armed forces the number of men they must have in order to perform their tasks and to meet their commitments, and yet at the same time it provides for obtaining every possible man by the voluntary enlistment method. Is that not true?

Mr. JOHNSON of Colorado. Yes, that is true. It has been said to me that under that kind of provision the War Department is not going to try to obtain volunteers, because they will say "We can get them either way. We do not have to have volunteers." I heard from General Eisenhower's own lips that he wanted a volunteer army. I did not hear General MacArthur say it, but I was told that General MacArthur said the same thing. I heard all the other generals say, as the Senator from Alabama has heard them say, that they wanted a volunteer Army. So I simply cannot feel that the Army is not going to try to secure an army of volunteers. I think the Army is going to have as few drafted men as it possibly can.

Mr. President, we have heard a great deal in this debate, and read a great deal in the press, about the so-called disintegration of the Army. Of course, if an army is reduced from 8,000,000 down to 1,500,000, there must be some disintegration. That cannot be avoided. But I do not think there is any one, either in the Congress or anywhere else—aside from some of the folks in the Pentagon building—who would say that we must have an Army even approximating 8,000,000 men. So there has been a disintegration of the Army, if that is the right name for it.

However, in connection with that fact, I am reminded that 8 months ago the members of the Senate Committee on Military Affairs and members of the subcommittee on military matters of the Appropriations Committee were invited to listen to a chart talk by General Arnold. Many Senators will recall the talk which General Arnold gave us as to the part the Air Forces were going to play in the national defense, the bases which we would require, the airports which we would need, and everything else, complete down to the last man. He told us how many men he would need. He had it all figured out. The blueprints were complete, and they met with my hearty approval, because I am very enthusiastic about the Air Force defense of this country. I believe that that is the modern defense. I will not say that it is the only defense, but it is the most important defense the country can have. So I was highly pleased with General Arnold's presentation of the Air Force plan.

But what has become of that plan? We anticipated that the Army would come to the Congress with a plan, but it has not done so. The Navy worked out its plans at about the same time. It told us the number of ships it would need, the total number of men it would require, and presented a plan to the Congress. It was a good plan. It was approved in part, at least. I understand that the House Appropriations Committee has reduced the appropriations of the Navy to some extent; but the Navy made its plan for the defense of the Nation and brought it to Congress. Evidently it is working toward the completion of that plan. But for some reason or other the Army has not come to us with a plan for the defense of the country, or for the size of the Army.

As I recall, the Air Forces stated that they would need 400,000 men. I know, as every other Senator must know, that the Army would not have a particle of difficulty in getting all the men it could use in the Air Forces. All it would have to do would be to tell the truth about the

Air Forces, and how valuable it is for young men to learn aeronautical mechanics, including the flying of ships. It would get twice as many volunteers as it could use, because that sort of thing appeals to the young men of America. So I know that if the Air Forces tried to get volunteers to fill their needs they would have no difficulty whatever in doing so.

The Navy has had no difficulty in filling all its needs. The Navy has told the Selective Service that after June 1—a few days ago—it will not require any more drafted men. It can get along entirely with volunteers. The Navy is an attractive service to young men. A man has an opportunity, if he goes into the Navy, to learn almost any trade that will prove useful to him. His pay is advanced as he goes along. So the Navy is able to get along without drafting any men. I am sure that the Air Forces could get along without drafting any men.

That leaves only the Ground Forces of the Army. I refuse to believe that all the talk about disintegration is as serious as might be supposed. I have too much confidence in General Eisenhower, General Devers, General Spaatz, and the other military leaders to believe that they would sit around and let the Army completely disintegrate.

Of course, we are not ready for war at the moment. The more experienced men have dropped out and returned to civilian work. The reason why we are anxious to have the Congress adopt the pay increase is so that able men will find it advantageous to make military service a career. We must have career men. The situation is not like that which obtained in the days of George Washington, when all a man had to do to be ready for war was to put a musket over his shoulder. Today soldiers must be technicians. They must be men experienced in the use of fighting machinery and apparatus.

The other day a few Senators had the privilege of seeing the jet-propelled plane—an uncanny thing. It reminded me, as it darted about in the air, of a swallow darting here and there and going in any direction it wanted to go almost instantaneously. I examined one of those ships. I found that it had mounted in its nose eight .50-caliber machine guns, each of which would shoot 250 times. When we see a speedy instrument of war such as that, which can fly faster than sound, we are greatly impressed. We hear the sound over here when the ship is over there. With a weapon such as that, with its armament so arranged that all the pilot has to do is to point his ship toward the enemy and step on a button to create devastation, we can understand something more about the need of the Army for trained men in the future.

That is why I am so hopeful, Mr. President, that the pay schedule amendment which we intend to offer will be adopted by the Senate. As I say, we shall not be taking any undue chance. If it does not work, if it does not bring in volunteers—and I am sure it will bring them in—then, of course, we shall have to resort to the draft.

Mr. President, that completes my statement on the bill. I ask that the table to which I have been referring be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Military manpower balance sheet for Army

JULY 1, 1946—REQUIRED STRENGTH 1,550,000

Assets:	
Officers	150,000
Wacs	19,000
Philippine Scouts	6,000
Drafted men:	
Less than 6 months service	110,000
Less than 12 months but more than 6 months	190,000
Less than 18 months but more than 12 months	275,000
Total, drafted	575,000
Volunteers:	
3 years	420,015
2 years	10,989
18 months	211,666
1 year	164,275
Total	806,945
Less normal attrition	6,945
Total, volunteers	800,000
Grand total	1,550,000

JULY 1, 1947—REQUIRED STRENGTH 1,070,000

Assets:	
Officers	[1] 133,794
Wacs	[1] 5,000
Philippine Scouts	[2] 50,000
Drafted men with less than 18 months service	[3] 86,384
Volunteers	[4] 1,106,694
Less 1-year and 18-month enlistments which expire	226,545
Total volunteers still in service	880,149
Total	1,155,327
Less normal attrition	85,327
Grand total	1,070,000

[1] Letter from War Department.
[2] Pp. 128, 129, 260, Senate hearings.
[3] Approximately one-half of those drafted between Jan. 1 and June 30, 1946.
[4] Actual enlistments plus War Department estimates which are extremely pessimistic and doubtless 50 percent too low.

Mr. PEPPER. Mr. President, I wish to say a few words about a matter which is now pending before the Security Council of the United Nations. It is a question to which I addressed myself some time ago when it was earlier before the Security Council, and when there was fear that the Security Council might not assume jurisdiction of the subject. I refer to the government of Franco in Spain. I expressed in the Senate the earnest hope—and I thought I expressed the hope of democratic-minded people all over the world—that the United Nations would take jurisdiction over the Franco government and would determine, by a fair inquiry, whether or not the government of Franco Spain constituted a threat to the peace of the world. Perhaps it was never more pertinent for us to talk about peace than when we are considering raising an army which may be needed to wage war or to protect the security of the Nation.

As we all know, the Security Council did take jurisdiction over the question whether or not the government of Franco in Spain constituted a threat to the peace of the world. After reading the press reports day by day, I do not believe it can be claimed that the principal credit for that action of the Security Council should go to the United States and Great Britain. I am rather of the opinion that the principal credit for the initiation of that inquiry will be awarded by historians to other nations of the world—for example, Poland, France, Brazil, and other nations.

A subcommittee of the Security Council, consisting of five members, was appointed to conduct this investigation and make this inquiry. The subcommittee has made its report. It has advised the Security Council—so we are informed by the press—that in its opinion the government of Franco in Spain is a potential threat to world peace, and it has recommended that action be taken, if I read the dispatches aright, leading to some kind of break between the members of the United Nations and the government of Franco Spain. But, Mr. President, the subcommittee added a recommendation of a procedural character which I lament most exceedingly. That was the recommendation, not that the Security Council should act, but that the whole matter should be referred to the General Assembly when it shall meet in September.

Mr. President, the United Nations, from the day of its inception, has been on trial before world opinion. What is of essential importance is that the United Nations establish character in the opinion of mankind. In my opinion, if it had neglected to take jurisdiction over the Franco question and government, the United Nations would have lost public confidence throughout the world to a dangerous degree, which I believe would have jeopardized the future usefulness of that organization, upon which we so much pin our hopes for world peace. But, exhibiting a courage which is highly commendable, and following a course which has inspired new confidence in its essential character, the subcommittee which was appointed fearlessly made its inquiry about the character of the Franco government as a threat to the peace of the world.

As I have stated, the subcommittee has reported back to the Security Council and given to the Council and to the world its findings of fact, to the effect that the government of Franco is a potential threat to the peace of mankind.

Mr. President, there was nothing surprising to most of us in the fact that such should be the finding of the subcommittee if it made an honest inquiry. According to the public press, the American delegation and the British delegation to the Security Council discouraged an inquiry about the character of the Franco government in Spain, notwithstanding the fact that the United States State Department had issued a white paper on the subject. I read on the floor of the Senate many excerpts from that State Department

white paper which told of the criminality of that government in its aid to the Axis during the war, and not only told the sad story of how the government of Franco Spain had been in league with Hitler and Mussolini, but told how German submarines had been given refuge and sanctuary in Spanish waters and had been fitted out by Spanish aid to go out into the Atlantic and send to a watery grave the boys from the United Nations who were fighting a war for democracy in the world.

So, Mr. President, as I have said, we are not surprised that this subcommittee has made such a finding and recommendation to the Security Council. But now that the matter is before the Security Council, by the report of its own duly appointed subcommittee, and now that that subcommittee has made its findings of fact that the Franco government was allied with Hitler and Mussolini during the war, that it did give aid to Hitler and Mussolini in the prosecution of the war, and that it did give sanctuary to German submarines and aided them in the vicious tasks they were carrying out on the seas, and, furthermore, now that it has been established that the Franco government gave immeasurable economic aid and afforded a base for spy activities, and so forth, for the Axis during the war, why is the matter now to be referred to the General Assembly when it meets in September of this year? We know that the executive arm of the United Nations is the Security Council, and it is charged primarily with keeping world peace. Mr. President, if the Security Council refers this matter to the General Assembly, it will indicate either that it has no confidence in its own subcommittee or that it is deliberately continuing to temporize with a moral challenge to the integrity of the United Nations organization as an instrument for keeping world peace and furthering democracy in the world.

So, Mr. President, at this time, while the Senate is debating the proposal to extend the Selective Service Act, we see that the answer to the question whether we shall have to call our boys into combat will depend to a large degree upon the situation in the world and whether threats to peace are stifled and strangled before they become an open menace to the safety and security of the world. So, when we are speaking of the peace and when we have so recently honored our beloved dead who gave their all for peace, I think it is time to give a moral challenge to the Security Council of the United Nations to be worthy of the high responsibility it bears to keep the peace of the world, and to strike down and weed out the potential menaces and threats to the peace on the part of those who have fought against us in the gaining of the victory and the keeping of the peace. I particularly urge that the Security Council act, and act now, in the way it deems best, upon the findings of fact made by its own subcommittee.

[Manifestations of applause in the galleries.]

Mr. AUSTIN obtained the floor.

Mr. CONNALLY. Mr. President, I rise to a point of order. The occupants of the galleries are not supposed to cheer or applaud or indulge in demonstrations of any kind. They are here by the grace of the Senate. I hope the Chair will instruct the police and the doorkeepers that if such demonstrations occur again the occupants of the galleries will be expelled from the galleries. This is not a town meeting or the back end of a domino joint, and I hope we shall not have a recurrence of the incident.

The PRESIDING OFFICER. The doorkeepers will take notice and will maintain order in the galleries.

Mr. GURNEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Hawkes	Overton
Andrews	Hayden	Pepper
Austin	Hickenlooper	Radcliffe
Ball	Hill	Reed
Barkley	Hoey	Revercomb
Bridges	Huffman	Robertson
Briggs	Johnson, Colo.	Russell
Brooks	Johnston, S. C.	Saltonstall
Buck	Kilgore	Shipstead
Burch	Knowland	Smith
Bushfield	La Follette	Stanfill
Butler	Langer	Stewart
Byrd	Lucas	Taft
Capehart	McCarran	Thomas, Okla.
Capper	McClellan	Thomas, Utah
Connally	McFarland	Tobey
Cordon	McKellar	Tunnell
Donnell	Magnuson	Tydings
Downey	Maybank	Vandenberg
Eastland	Mead	Wagner
Ellender	Millikin	Walsh
Ferguson	Mitchell	Wheeler
Fulbright	Moore	Wherry
George	Morse	White
Gerry	Murdock	Wiley
Green	Murray	Wilson
Gurney	O'Daniel	
Hart	O'Mahoney	

The PRESIDING OFFICER. Eighty-two Senators having answered to their names, a quorum is present.

Mr. AUSTIN. Mr. President, the Senate is nearly unanimously in favor of directing its legislation toward a peace that will prevail for a long time. Some time ago, by a vote of 85 to 5, it adopted the Connally amendment which recognized the necessity of a general international organization for peace. Last December, by a vote of 89 to 2, it ratified the treaty setting up such an organization. The essential idea of that organization is that specific methods should be provided for settling controversies among nations. But, in order to give it virility and make it effective, there is a provision in the covenant for the use of all kinds of peace forces which may be necessary, according to the situation, condition, or threatened aggression. A direct obligation was subscribed to by a vote of 89 to 2 to provide armed forces to be used by such organization to prevent war, and to attain that great objective for which we all strive, namely, that of preventing our young men, the brothers of those who are yet overseas, from being compelled to engage in a war more bloody than any which the world has ever seen.

We did not commit ourselves as a bluff. We were not fooling or trying to fool the world about our attitude. We were expressing our determination at a time when we had the stamina to employ all the peace forces which might be necessary in order to prevent war. Such forces need not be enormous. At least our policy, which has been the historic policy of a republican form of government, is to have as relatively small a force of ground troops, air troops, and navy, as we can safely maintain. Behind them we want a militia consisting of all men in the country between certain age limits who are well trained, and ready to join the colors not after a protracted period of training, but then and there whenever danger may arise.

In connection with this effort which we are given an opportunity to exert, I assert that there is no piece of proposed legislation so effective and so necessary as the bill which is before the Senate at this time. In the past 12 months we have seen our armed forces almost completely dissipated. As this debate has proceeded we have learned of numbers which sound like a substantial army. But, in all probability, we do not have a single division which is as competent as it was 12 months ago, and sufficiently equipped to perform the maximum of service, or able to appear to perform such service in gaining the objective of the prevention of war.

Mr. President, what do we have on this continent to contribute to the United Nations in the event we are called upon immediately to furnish an effective force? The wings of our air force are not effective because of the lack of certain specialists among the ground troops who are essential in order to maintain the planes and keep them in flying condition. We have magnificently trained pilots, and plenty of them, but because of the peculiar method which we followed after VJ-day in returning our men to their homes we stripped what was really our front-line defense of the men who are necessary in order to make effective our air forces.

As we undertake to negotiate at New York in the meetings of the United Nations, we expose to the people who represent the great treaty powers, as well as the smaller ones, a nation which has stripped itself of the only sanction which is effective in a great controversial negotiation among nations. We have reduced ourselves to a condition of weakness which renders much less effective the great men whom we send to those meetings to participate in the negotiations.

What I have said about the United Nations is also true with reference to our efforts in connection with definitive negotiations concerning peace treaties. We are so weak that we excite in the minds of other great nations the question whether we are going to carry out our given word. We raise doubt as to whether we are going to carry out that number one promise which we made at Potsdam, namely, to occupy the enemy territory—not merely to furnish a vacation or a picnic to our troops who are there at the present time, but to occupy effectively that area and to cooperate with our allies who were responsible with us for the victory, in a manner and for such length of time as may be necessary to completely pacify the enemy and reduce him to a condition where he cannot rise up against and start another war in which the brothers of American boys

who are now overseas, or their children, will have to offer their lives.

Mr. President, is this not a number one obligation? Do we repudiate it now or do we intend to carry it out with the same vigor and stamina which we exercised when we adopted the United Nations covenant?

In that covenant there is a recognition of the propriety of the nations who actually fought the war and won the battle entering into arrangements such as those made at Potsdam, and the Senate of the United States has bound itself to that obligation. Are we going to fail? No, Mr. President, I do not believe we are going to fail. But certainly we are doing something that is very dangerous, that is, we are giving the impression that we are going to fail, and we are exciting in the minds of certain countries fear, and causing them to take an attitude of unilateral security, to surround themselves with buffer states, so that if that which appears to be should turn out to be so, they will have protected their security.

Mr. President, the following purports to be a sentence taken from the May Day address of Generalissimo Stalin:

> It is necessary to be constantly vigilant to protect, as the apple of one's eye, the armed forces and defensive power of our country.

I take that from the New York Times of May 5, 1946.

In the negotiations for the definitive peace treaties I perceive among the difficulties encountered a fear that the United States of America is going to repeat the performances in which it has engaged heretofore, and turn its back upon the rest of the world, turn its sight inward, increase its nationalism, decrease its interest in international affairs, and fail to provide the peace forces which are necessary for security if we are going to trust to a general international organization for security, instead of to the old method of extreme nationalism and power politics.

In other words, the extension of the Selective Service and Training Act meets two very important objectives. First, and above all, it meets the objective of assuring all the world that the United States is going to carry out its commitments fully, and that the United States can be depended upon. Second, it meets the objective of strengthening the United Nations and contributing to it as a great leader, probably the greatest leader in all the world, by assuring that organization that the United States of America is ready and will continue to be ready to contribute all the peace forces necessary to supplant and remove war in the determination of controversies among nations, and to remove the necessity for unilateral action by any single country.

In the meantime, as a subsidiary characteristic of this extension, we actually do protect our own homeland. During the period, which may be long, in which the United Nations is developing and becoming a truly effective organization for security and peace, we will, by the extension of the Draft Act, enable our Government and our people to maintain the kind of military forces and the number and strength thereof necessary to garrison protective bases in the islands along our coasts, to guard strategic spots such as the Panama Canal and Alaska, and to safeguard our security here at home.

Not all men who would be drafted or who would volunteer into the armed services would be carrying guns. Many thousands of them would perform other services of a civilian character in order to maintain the efficiency of the armed services, and not the least of these is the duty of training. If we carry out the policy, which as a great leader in the world we have declared, we will have a well-trained militia, and we will have to afford the necessary men for its training, not for 6 months, but for years, thus affording the appearance of miiltary strength, and also the actual effectiveness that would meet any aggression, from whatever source it might come.

Therefore, Mr. President, the cause is very great. In my opinion, if we withdrew from the Government of the United States this support, we might just as well quit in our endeavors to establish an effective and strong United Nations, and we might as well make up our minds to accept what other great treaty powers who maintain their vigor will let us have in the negotiations for definitive peace treaties.

If it be a postulate that the United States by these great majorities has shown that it intends to do whatever is necessary in order to attain the peace which shall prevail, we only have to consider questions relating to details, for all of us would be in favor of an extension of the National Service Act.

The question then arises, based on the experience of 6 years, what is the fact with respect to depending upon the volunteer system only in order to maintain our military status? There can be no controversy over that. One look at the graph, the descending scale of volunteers ever since we passed an act to stimulate the volunteer method, is sufficient to close the argument on the proposition that we simply cannot depend on the volunteer system alone. We tried it. We wrote it into the Selective Training and Service Act. I think few are conscious now that the Selective Training and Service Act in its original form, and as it exists today, contains this reference to the training method. I read only a part of section 3:

> The President is authorized from time to time, whether or not a state of war exists, to select and induct into the land and naval forces of the United States for training and service, in the manner provided in this act, such number of men as in his judgment is required for such forces in the national interest: *Provided*, That within the limits of the quota determined under section 4 (b) for the subdivision in which he resides, any person, regardless of race or color, between the ages of 18 and 36, shall be afforded an opportunity to volunteer for induction into the land or naval forces of the United States for the training and service prescribed in subsection (b).

Mr. JOHNSON of Colorado. Mr. President——

The PRESIDING OFFICER (Mr. HOEY in the chair). Does the Senator from Vermont yield to the Senator from Colorado?

Mr. AUSTIN. Let me finish the reading, and then I shall yield.

We have to consider that also in connection with section 4 (a), which in part provides:

> The selection of men for training and service under section 3—

From which I have just read—

> (other than those who are voluntarily inducted pursuant to this act) shall be made in an impartial manner.

Then I read from subsection (b), which relates to quotas:

> Quotas of men to be inducted for training and service under this act shall be determined for each State, Territory, and the District of Columbia, and the subdivisions thereof * * *. After such quotas are fixed, credits shall be given in filling such quotas for residents of such subdivisions who subsequently become members of such forces. * * * All computations under this subsection shall be made in accordance with such rules and regulations as the President may prescribe.

Thus, Mr. President, from the very beginning the volunteer system has been permitted, until it was closed by an order of the Chief Executive, the Commander in Chief, and those who volunteered were taken into account in filling the quotas in the subdivisions in which they resided. So, in actual practice, from the very beginning we were counting volunteers and subtracting the sum of them from the total call for the area in which they lived.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. JOHNSON of Colorado. I am glad the Senator in the minutes following my first efforts to interrupt him, stated that the volunteer system was in effect until the President by regulation stopped it.

Mr. AUSTIN. That is correct.

Mr. JOHNSON of Colorado. I think that occurred early in 1942. The Navy was compelled to take its men through the draft when they could get all the men they wanted through the volunteer system.

Mr. AUSTIN. That is perfectly true. Then subsequently a new chapter was written in the story of volunteers. On October 6, 1945, there was passed by the Congress an act to stimulate volunteer enlistment in the Regular Military and Naval Establishments of the United States. Remember that the Selective Training and Service Act dealt with the Army of the United States, and that the men taken under that act went into the Army of the United States. The act to which I have last referred relates to the Regular Army, the Regular Establishment, and provides inducements attractive to young men who might wish to make miiltary life a career. That went into effect. It was effective, as can be seen by the enormous jump in enlistments shown by this graph which reveals that a total of 185,000 volunteered into the Regular Army as a direct and immediate result of that act.

But Mr. President, that did not answer the call. Even with that tremendous upsurge of interest we were short of men, and the call from Selective Service, in addition, was 50,000 other men. With all this enlistment and all this induction there was a deficit of 14,000 men. There were inducted only 36,000. Thir-

ty-six thousand from fifty thousand leaves fourteen thousand deficit.

Mr. JOHNSON of Colorado rose.

Mr. AUSTIN. Does the Senator wish to have me yield to him at this point?

Mr. JOHNSON of Colorado. I wish the Senator would yield to me at this point. As I recall, the 50,000 estimate was made by the President following VJ-day and was made before the 185,000 men volunteered. My recollection is that the President placed a limit on inductions through the draft of 50,000 following VJ-day. So it is hardly correct, it seems to me, to say that the 50,000 was in addition to the 185,000.

Mr. AUSTIN. It was, though.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. GURNEY. As I understand, the Selective Service was asked to furnish the Army 50,000 each month starting with November 1945. The call remained at 50,000 each month until April, when the call was raised to 125,000. The increased number was provided to take care of the shortages which had accrued in previous months. Then when the call was made for 125,000, there came in in April 1946 only 43,636.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield to me further on that point?

Mr. AUSTIN. I yield.

Mr. JOHNSON of Colorado. The Senator from South Dakota, of course, is correct when he says that Selective Service called upon its draft boards for the number of men he mentioned. But I am talking about the President's limitation on Selective Service of 50,000 following VJ-day. The Senator from South Dakota says that Selective Service asked for 125,000 for the month of April.

Mr. AUSTIN. No; not Selective Service.

Mr. JOHNSON of Colorado. Yes; the Selective Service asked for 125,000 for the month of April. They did that expecting that the draft would expire May 15. As General Hershey and others connected with Selective Service testified, they expected that they could bring in 75,000 IV–F's, and 75,000 IV–F's plus the 50,000 they hoped to get through the ordinary methods of Selective Service made the total of 125,000. There was no particular shortage as of the month of April. Of course, they could probably have used 200,000 or 300,000 during the month of April, but nothing happened in the month of April that made a requirement above the requirements of other months. It was simply the fact that Selective Service might pass out of the picture on May 15, so they wanted to get all the men they could, and they figured that they might get as many as 75,000 as the result of a resurvey of men who had been deferred and classified as IV–F's.

Mr. AUSTIN. Mr. President, the Senator from Colorado is nearly correct, and the point of difference is a technical one, but I think it ought to be noted in the RECORD, and that is that it is not Selective Service that makes the call. It is the Commander in Chief through the Secretary of War. He makes the call on Selective Service, and Selective Service inducts the men.

Mr. JOHNSON of Colorado. Yes; that, of course, is correct, except that I was talking about the call which the National Selective Service makes upon the various draft boards throughout the country.

Mr. AUSTIN. Yes; that is the subsidiary call.

Mr. JOHNSON of Colorado. That is correct. That is what I was talking about.

Mr. AUSTIN. The record I have in my hand, and which I know to be authentic, shows that there was a deficit notwithstanding they opened up and reclassified IV–F's and expected to get an additional pool from that source. Whereas the call was for 125,000 men, all they were able to induct was 42,000, and they had a deficit of 83,000. The progressive decline in the volunteer enlistments into the Army is very significant and very marked. The deficit goes down the scale in months, as follows: November, 14,000; December, 29,000; January, 18,000; February, 20,000; March, 20,000; April, 83,000; and in the first 3 weeks in May the deficit was 30,000.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. AUSTIN. Yes; but I should like to state my thoughts in coherent order if possible.

Mr. LANGER. According to the figures given by the distinguished Senator from South Dakota there was a decline, for the month of May, of 10,000.

Mr. AUSTIN. I do not know to what the distinguished Senator from North Dakota refers. I am using figures which I have obtained within a day from the military department.

Mr. LANGER. I am using the figures given us earlier today by the distinguished Senator from South Dakota.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. GURNEY. It was thought that volunteers would total 50,000 for the month of May; and that the call of Selective Service would be also 50,000, making a total of 100,000 men who were wanted. We have to estimate for the last week in May. We have actually gotten in the first 3 weeks of May, 32,000 volunteers. The number expected was 43,000 volunteers for the whole month of May. Then we have gotten through selective service 12,000. So, we will have a shortage of 45,000 in the month of May.

Mr. AUSTIN. The difference between the figures I gave and those which the distinguished Senator from South Dakota has given is that I am dealing with the first 3 weeks in May and not with the estimated figures for the whole month.

Mr. GURNEY. That is correct.

Mr. JOHNSON of Colorado. If the Senator from Vermont will yield once more to me to suggest one more point, I shall not bother him any further.

Mr. AUSTIN. I yield.

Mr. JOHNSON of Colorado. One reason for the decline in the number of men drafted was the many deferments given by the draft boards to high-school students and to other students in the year 1946. I am wholeheartedly in favor of that policy. I am glad the boards made those deferments. I think it was very wise, and I am in full accord with that policy. But it does explain why more men were not inducted into the Army in the various months in 1946. They were being deferred in rather wholesale lots by selective service.

Mr. AUSTIN. Mr. President, the point is that the call was not filled. Even though the call was fixed at only 50,000, it was not filled. What is the inference? The inference is that men do not volunteer even though there was the pressure behind them of a Selective Service System, and even though there was the inducement of better conditions, a shorter period of liability, and the right to choose the branch of the service they desired to enter. Notwithstanding these things the volunteer plan was inadequate, and that is the whole point of this history. If we are to be guided by the lamp of experience we must be guided away from the phantom of relying wholly upon the volunteer system. This is not a new thought. Throughout the history of the selective-service experience we have been confronted with the identical claim which is made here today. It has persisted all the time. It is a species of wishful thinking.

I have in my hand the original minority report on the selective-service bill, dated August 5, 1940. Does not this have a familiar ring?

> A 1-year voluntary enlistment will provide more men for such training than can now be cared for with existing military equipment.
>
> Voluntary enlistment should be given a thorough trial before any Hitlerized method of peacetime conscription with its far-reaching implication of militarism and imperialism is adopted as a permanent policy in America. After a thorough and fair trial, if the voluntary enlistment plan fails in part or in whole, then before it is too late the minority will gladly support conscription, but not before.

That is a fair representation of the position which is taken today. I do not question the sincerity of those who take it. All I claim is that it has less probative force today than it had then, 6 years ago, because of our experience with it. In my judgment, as reasonable men we should be guided by experience. I am not against the idea of adequate inducements such as the distinguished Senator from Colorado wishes to have added to the pending legislation, in the form of money inducements. I rather favor the idea. As a matter of fact, the sooner our military department, in all its various services, is put upon a high level, paid properly, and made more efficient than it is today, the sooner we can feel that we are carrying out our pledge and that we are making good on the effort of all mankind to obtain a condition in which we shall not have to resort to war any more, and in which our forces will be peace forces, not designed to wage war, but designed to prevent or arrest war. I hope the day may come when we can have such forces so organized, and have reduction of armaments carried out so effectively that

there will not be a single mass destructive weapon in all the world, and when the United Nations will have control over such peace forces as are necessary to prevent aggression by force of one country upon another. For that purpose of peace, if mass destructive weapons are outlawed, a well-trained militia behind a small Army, a small Navy, and a small Air Force will be sufficient.

We look forward to that day; but in the meantime we must live. In the meantime we must so govern ourselves that we shall not expose the world to war by our own weakness and inefficiency. In other words, in the meantime we must maintain forces of such size and quality, and we must retain such military secrets, as will come very near to assuring us that our beloved United States of America will not be subject to aggression. If we can go further and attain the objective of protecting the Western Hemisphere in the meantime, I should be very glad to see that done. The world is in such confusion that it is not certain that we may not be confronted by aggression in various places. Then, if it should occur in the Western Hemisphere, we as a Congress would have failed in our duty to our people if we had not maintained up to date, and all the time, a well-trained militia and an effective armed force.

How bad this situation is from the nonprofessional point of view is eloquently reflected in an editorial in the New York Times of May 29. I read this, Mr. President, because it is very impressive:

RESULTS OF A GAMBLE

When General Eisenhower made his vain plea to Congress in April for an extension of selective service he warned that if the act was not extended it would be a gamble with Army manpower needs and therefore a gamble with national security. How right he was on the first point—and the second automatically follows—is shown in a survey of selective-service boards made by this newspaper. The survey of 41 States, the District of Columbia, and Puerto Rico, Hawaii, and Alaska shows many States running as much as 90 percent behind quotas, enlistments sharply declining—even before the crippling of the act by the House and passage of only a stopgap 45-day extension to July 1—and reduction of the pool of available qualified men to 36,000.

I digress to say that in his basic address the distinguished Senator from South Dakota [Mr. GURNEY] referred to that pool as approximately 70,000. I believe he said 72,000. In any event it was approximately 70,000. But, Mr. President, he was speaking of all the men above the age of 20 and below the age of 30. Our experience has shown that we cannot count more than 50 percent, because of the rejections, deferments, and all the other reasonable causes for not bringing such men into the armed services.

I resume the reading of the editorial:

With the House reported ready to vote down any extension of selective service at all after July 1—even the inadequate version now in force—it is a gloomy future that faces our military forces, charged with the duty of guaranteeing this Nation's security and carrying out our commitments of occupation and maintenance of bases. The most optimistic estimate is that by July 1, 1947, our Army will be 110,000 men short of quota—

That should be January 1, Mr. President, 6 months earlier than this. I shall read it "January 1" because I have verified it and know that it is correct—

and by January 1, 1948, it will be 165,000 below minimum requirements.

The distinguished Senator from Michigan [Mr. VANDENBERG] has alluded to this phase of the danger confronting us.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. TYDINGS. In order that I may follow the Senator, I understand that what he is assuming is based upon the premise that there will be no inductees at all, and that we shall rely exclusively upon the volunteer system.

Mr. AUSTIN. That is correct.

I resume the reading of the editorial:

These estimates are based on the possibility of 30,000 enlistments a month, which must be rightly viewed—as they were by one Army spokesman—as extremely optimistic. Even during the first 2 weeks of May, while the original Selective Service Act still was in force, enlistments declined markedly. Since May 15 this trend has been accelerated. "Volunteers dwindling" was one report; "fall off sharply to nothing," said another; "sharp drop in May when revised law was passed," reported Selective Service headquarters in Louisiana. Those are typical of all but four States.

This is "off the board," Mr. President. This is the testimony of someone outside the military department, outside the political department of Government—outside the Government entirely.

The facts that this survey discloses cannot be dismissed as statistical mumbo-jumbo. The survey was neither inspired, dictated or controlled by anyone connected with the Army; the information was gathered largely from civilian board officials, men who have devoted themselves to an unpleasant, irksome task for many years because they saw it was something that had to be done. They have no reason to give misleading information just to save a few jobs for generals. That is one of the grossly unfair charges that was made against the Army itself when it attempted to point out the necessity for a continuance of selective service if it was to have the men it needed to carry out the missions assigned it by the very Congress that now refuses it the means.

It is a real crisis that faces the Army—one that cannot be met, our survey indicates, by wishful congressional thinking on enlistments. It is a crisis, too, where the responsibility is single and conclusive. It lies squarely on Congress. It seems evident that failure of Congress to act before July 1, or for it to act adversely, will not even be a gamble with the future; it will be a clear repudiation of responsibility. Is that an issue on which Congress wishes to go to the American people in November?

Mr. President, I have faith in Congress. I do not believe that Congress is going to the people with that issue.

We have had to consider the matter of extension of the draft under very adverse circumstances, for we were crowded for time and were overwhelmed with other great problems relating to attainment of the objective of peace. The extension of the draft act has been postponed and put off and caught in a jam, and hasty legislation has been enacted. So now we are very near the dead line because, after we act, our conduct will have to be reviewed and surveyed by the other branch of Congress, and then, perhaps, there will be a conference, and in it the views of the conferees may differ so strongly that again we shall be in grave danger of facing a dead line and being compelled to agree upon something less effective than what we could have if we could act deliberately and if we were not overwhelmed by circumstances which have been adverse to a thorough consideration of this subject by us.

The immediate matter before the Senate relates to the most important difference between the House of Representatives and the Senate. We are now considering the amendment relating to the age brackets. It is the amendment proposed by the Senator from South Dakota [Mr. GURNEY]. I shall read it at this point, beginning with the text of the amendment. This is the way the bill will read if we adopt the amendment:

SEC. 3. (a) Except as otherwise provided in this act, every male citizen of the United States, and every other male person residing in the United States, who is between the ages of 18 and 45 at the time fixed for his registration, shall be liable for training and service in the land or naval forces of the United States.

Some have asked, "Why is it necessary to adopt that language?" The answer is that by virtue of the hasty legislation which we enacted as a stopgap, today the law fixes the age group as between 20 and 30 years, and in that group there are not a sufficient number of men who can qualify for service to come anywhere near meeting the necessities of the minimum requirements.

So, Mr. President, I think there are many and grave reasons for adopting this amendment and the other perfecting amendments which I understand will be offered, and then for passing the bill without change with respect to the age group as specified in the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from South Dakota [Mr. GURNEY].

Mr. LANGER obtained the floor.

Mr. SMITH. Mr. President, will the Senator yield to me, to permit me to ask a question of the Senator from Vermont?

The PRESIDING OFFICER (Mr. MCCLELLAN in the chair). Does the Senator from North Dakota yield to the Senator from New Jersey?

Mr. LANGER. I yield.

Mr. SMITH. I wish to ask the distinguished Senator from Vermont if he cares to give me an answer to a question which has been put to me many times. People have asked me, "With the United Nations organization, why do we need this large Army? Is it not an evidence of a lack of confidence in the United Nations organization?" My reply has been that it is an evidence of our confidence in the United Nations organization and our intention to carry out our obligations under the United Nations organization. I should like to know what the Senator's view is regarding that matter.

Mr. AUSTIN. I agree with the Senator from New Jersey. We contemplate

that before the United Nations organization can be set up and put into effective operation there will be a period during which we shall have to maintain a different type of service than that which we shall have to maintain thereafter, after the enemy has been pacified and has qualified to become a member of the United Nations, acting together with us, cooperating with us for peace. Think of the number of soldiers we shall not need then, the soldiers we shall remove from Europe—from Italy, from Austria, from Germany, and from other places. That will likewise be true in respect to Japan and China and other areas here and there in the Pacific basin. The change will be very great, after we have made the definitive peace treaties and have pacified the enemy and have established the United Nations organization upon an effective footing and, above all, if it could be done, after we have abolished and completely outlawed the use of mass-destructive weapons of all kinds.

Mr. SMITH. Mr. President, if the Senator will further yield, I should like to ask one more question. The Senator from Vermont will agree, I assume, that by taking this action now to extend the Selective Service Act in this transition period from war to peace we are in no way establishing a policy of a draft Army, an Army by way of conscription.

Mr. AUSTIN. Oh, no, by no means. I agree with the Senator.

Mr. HILL. Mr. President, will the Senator from North Dakota yield to me, to permit me to ask a question of the Senator from Vermont?

Mr. LANGER. I yield.

Mr. HILL. I ask the Senator from Vermont whether the best answer to that is that we are still at war; we have not made a single peace treaty.

Mr. AUSTIN. That is correct and that is the best answer.

Mr. LANGER. Mr. President, a few days ago I received a letter from one of the great organizations of America, the National Woman's Christian Temperance Union. Their letter reads as follows:

NATIONAL WOMAN'S CHRISTIAN TEMPERANCE UNION,
Washington, D. C., May 14, 1946.

DEAR SENATOR: The Army has 736,000 volunteers as of April 30. All of these are in for at least a year; 80 percent of them for at least 18 months.

The Army says it needs 1,070,000 as of July 1, 1947. Subtract 736,590 from this figure and you get only 333,410 men required to reach that figure. 73,000 men enlisted during March under the new requirements stepped up from 59 to 70. 25,000 men per month would fill the required number.

Will you please object when the draft bill comes up today and vote against consideration on such a motion?

Very respectfully,
ELIZABETH A. SMART.

Mr. President, I ask unanimous consent that the table which was inserted in the RECORD earlier today at the request of the distinguished Senator from South Dakota [Mr. GURNEY], also be inserted at this point in the RECORD, following the letter I have just read, inasmuch as it verifies what is stated in the letter.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

How enlistments are running

[The table below shows the flow of volunteers into the Army by month and term of service. In addition there is shown the number of men inducted each month by Selective Service]

Term of service	September	October	November	December	January	February	March	April	May 1-21 [1]	Total
1 year	----------	8,460	58,776	41,929	21,256	11,291	8,443	6,567	3,921	160,643
18 months	----------	5,156	29,210	28,457	31,084	36,305	29,203	27,346	10,579	197,340
2 years	----------	313	1,307	1,206	2,374	1,579	1,314	1,024	585	9,702
3 years	12,093	50,843	95,547	59,392	58,740	43,906	34,539	28,930	17,665	401,655
Total	12,093	64,772	184,840	130,984	113,454	93,081	73,499	63,867	32,750	769,340
Inductees	----------	37,133	34,107	21,527	34,494	30,780	48,597	43,636	[2] 12,000	[2] 251,395

[1] Note that this is for 3-week period.
[2] Estimated.

Mr. LANGER. Mr. President, in recent weeks the American people have been treated to many fine phrases and high-sounding words concerning America's future role in international affairs.

On May 12, President Truman stated:

I doubt whether there is in this troubled world today, when nations are divided by jealousy and suspicion, a single problem that could not be solved if approached in the spirit of the Sermon on the Mount. * * * Ignorance and its handmaidens, prejudice, intolerance, suspicion of our fellowmen, breed dictators. And they breed wars.

On May 20, Secretary Byrnes reported to the American people concerning America's objective in the postwar world. Mr. Byrnes asserted that—

Our problems are serious, but I am not discouraged. Our offensive to secure peace has only begun. We are determined to work for political and economic peace in Europe, in the Near East, and in the rest of the world. We shall work for it in the peace conferences and in the councils of the United Nations. The objective of our offensive is not territory or reparations for the United States. The objective is peace—not a peace founded upon vengeance or greed, but a just peace, the only peace that can endure.

On May 21 the distinguished senior Senator from Michigan wholeheartedly supported these declarations of policy, and added his own interpretation by saying:

It is a policy which now substitutes justice for vengeance in these formulas of peace, which now insists upon ethnic recognitions that no longer traffic in the lives and destinies of helpless peoples, and which spurns expansionism as a plague upon tomorrow's peace and security. It is a policy which invites all of our partners in the war—instead of a closed corporation of big powers—to have a proper voice in the making of the treaties and the writing of the peace which result from the common victories which we all helped win. It is a policy which wants a people's peace.

But, Mr. President, the most amazing part of this sudden outbreak of noble declarations of policy and purpose is found in the following words of the senior Senator from Michigan. It is simply astounding to find him saying in his report to the Senate that—

The Council was a complete success in developing, at last, and in disclosing a positive, constructive, peace-seeking, bipartisan foreign policy for the United States. It is based at last upon the moralities of the Atlantic and the San Francisco Charters. Yet it is based equally upon the practical necessities required for Europe's rehabilitation.

Where did this "positive, constructive, peace-seeking, bipartisan foreign policy for the United States" come from, Mr. President? Certainly it did not come from any understanding on the part of the American people of the terrible tragedies which have been committed in their name. The American people do not yet even begin to comprehend the terrible consequences of the criminal blunders of American statesmanship during the past two decades. As a matter of fact, they have had no way of knowing the truth.

On Monday, February 4, the Progressive carried a story by Oswald Garrison Villard titled "The Shame of the American Press," one paragraph of which explains very simply the reason why this new bipartisan foreign policy could not possibly have originated with the American people. Mr. Villard begins his article by saying:

The record of the American press during World War II and in the half year which has followed the end of hostilities is replete with sordid distortions of the truth. It is a record of shameful suppression, of too easy acquiescence in censorship, of apologizing and covering up for the mistakes of the military, of fanning hatreds against whole peoples even when the war was over, and of miserable incompetence and inadequacy in reporting the occupation of conquered countries and the struggle for freedom in colonial areas.

It is interesting to note, Mr. President, that in the February issue of the Review of World Affairs published in London, there is a startling parallel drawn between the suppression and distortion of the news in the United States and in England. According to this Review:

When one compares the real situation in Britain and abroad with the average political speech, one is, indeed, almost staggered. The gap between reality and declamation is almost incredibly wide. * * *

Power now lies in the control of publicity, the ownership of newspapers, periodicals, radio stations, film-making concerns, and the movies. Candidates for statesmanship have failed to grasp this. They have left these professions to others. Consequently they find themselves powerless. Power lies with those who control the press, the movies, and the radio. They are the ones who rule. Until the best elements in the State penetrate and gain predominant influence in the various branches of publicity business, Britain will not be well-ruled. So long as power lies in publicity, a speech in Parliament may be heard by 40 or 50 Members of the House of Commons, perhaps 5,000 people will read it in Hansard. A brief and often garbled version may appear in the press at the discretion of a subeditor.

A war correspondent's story from Germany may be read by 10,000,000 people. The next morning what he says may be untrue, mischievous, or rubbishy, but it makes no difference. If it is well headlined, and cleverly presented, millions will accept it as a fact.

Mr. President, certainly this new bipartisan foreign policy which has suddenly emerged in our midst is not derived from the United States Senate. For many years now, Congress has been abused, evaded, ignored, and bludgeoned with the propaganda weapons manufactured by the bureaucracies and executive agencies of this administration until it is almost completely ignorant of the secret commitments, of the political betrayals, and of the basic policies of the very Government of which it is a part. And I challenge any Member of this Senate body to assert that he is sufficiently well informed of the commitments this Government has made and of the crucial issues that are at stake to warrant his blind acceptance of this alleged new bipartisan foreign policy that will bind all future parties and administrations in this Government.

Certainly, Mr. President, this new bipartisan foreign policy, well-intentioned and honorable as it may confess to be, could not possibly have derived from, and does not bear the least relation to the terrifying, criminal betrayals which are already in the record. The truth is that this administration, together with the leaders of the major victor powers, have betrayed every promise and every principle that has been made since the war began—principles upon which alone peace could endure.

Mr. President, do you remember those fine, high-sounding and noble principles for which allegedly we fought? Do you remember the Atlantic Charter? Never have humanity's hopes been raised so high or dashed so low. I am not referring now merely to the fact that Mr. Churchill repudiated the charter on his return to England. I am not referring to the fact that the late President tore those principles into little scraps of scribbled paper. I am not referring to the fact that Russia has never accepted the principles of the Atlantic Charter, all the propaganda to the contrary notwithstanding, since on September 24, 1941, when Ivan Maisky, the Soviet Ambassador to England, expressed Russia's adherence to the charter, he did so only after reading a long list of Russian reservations which constituted the Soviet Union's unique Atlantic and Pacific charter.

I am referring to the secret memorandum drawn up by Sumner Welles aboard the battleship *Augusta* on August 11, 1941, in which the late President made secret commitments to Great Britain, and laid the foundation for this United Nations Charter. Mr. Welles describes the late President's mind in the matter of international cooperation at that time by stating:

> He himself would not be in favor of the creation of a new Assembly of the League of Nations, at least until after a period of time had transpired and during which an international police force composed of the United States and Great Britain had had an opportunity of functioning.

Mr. President, do you remember Pearl Harbor and the alleged treacherous attack? Secretary Stimson's diary now plainly reveals that this administration not only was waiting to be surprised, but, according to Secretary Stimson, on November 25, 1941, Mr. Roosevelt and his war cabinet joined to discuss:

> How we should maneuver them [the Japanese] into the position of firing the first shot without allowing too much danger to ourselves.

From that time on, this administration has repudiated and betrayed every principle and purpose the realization of which alone might have promised peace. How can men ever build peace on the foundations of the moral anarchy which the following sordid series of transactions has unleashed across the world?

Mr. President, do you remember the Moscow Conference which was heralded as a major triumph of American diplomacy, in which the Big Four had committed themselves to carry forward their alleged unity of purpose in the war on into the peace?

Do you remember Cairo and the Cairo Declaration which promised: "That in due course Korea shall be free and independent?"

In August 1945, the Sunday Observer of London revealed that long before Yalta and long after Cairo, President Roosevelt had concluded a secret agreement with Stalin on the Far East which not only betrayed Korea, but China as well. The late President agreed to the restoration of the Chinese Eastern Railway to the Soviet Union, the uniting of Outer and Inner Mongolia, the creation of a similar state in Manchuria, the annulment of the Portsmouth Treaty of 1905, and the giving of the Sakhalien and Kurile Isles to Russia.

No one yet knows when the present political and economic absurdities, which have cut Korea in two at the thirty-eighth parallel, and which constitute a partition of the Orient by turning over the heartland of Asia to Russia, was ever agreed upon.

I ask Senators to recall the Declaration of Iran, of December 1, 1943, in which the Big Three stated they were:

> At one with the Government of Iran in their desire for the maintenance of the independence, sovereignty and territorial integrity of Iran.

On the same day, the Big Three signed a solemn declaration at Tehran, in which they stated that—

> Emerging from these cordial conferences we look with confidence to the day when all peoples of the world may live free lives untouched by tyranny and according to their varying desires and their consciences.

Remember Tehran, another of these alleged diplomatic triumphs? On February 5, 1946, Mr. C. L. Sulzberger revealed in a dispatch from Marseilles to the New York Times that the division of Europe into two conflicting spheres of influence had not only been discussed at Tehran, but had been formally solemnized in a secret agreement between the British and the Soviets early in the spring of 1944.

Mr. President, do you remember the Crimea Conference, at which the Washington Post said the late President suffered a relapse? Not a single agreement that was reached at Yalta has been kept. What were those agreements? The liberalizing of the Moscow-spawned governments in Poland, Rumania, Czechoslovakia, Yugoslavia, Bulgaria, and Hungary was promised, yet the record shows not one of those promises has been kept.

Yalta will live long in the annals of infamy. The secret betrayals conjured up in an oriental fortress in the Crimea betrayed the very fundamentals of human decency and justice. Russia was given the green light to loot and rape Manchuria; China was cut in two and forced to grant to Russia all that she had fought Japan 10 years to regain. The Kurile Islands, which constitute a dagger pointed at the heart of the Asiatic coast and Alaska, was turned over to become a Russian fortress. The fraudulent veto formula agreed upon at Yalta made a mockery of all pretentions to democratic principles.

It was at Yalta that the late President agreed to the inhuman doctrine of forced repatriation of millions and the revival of human slavery.

At Potsdam the British and American representatives found the Russians already operating on the theory that slave labor had been sanctioned at Yalta. President Truman and former Prime Minister Churchill, recognizing a fait accompli when they saw one, and unwilling or unable to protest, agreed to Russia's use of slave labor as part of the infamous Big Three plans for the domination and enslavement of the human race as their rightful spoils of war.

Do we remember Potsdam? Here the representatives of the three great victor powers put their formal stamp of approval on alleged plans for peace which have already set in motion a human catastrophe and hunger calamity unknown to the civilized world. The Morgenthau plan for Germany is dragging what remains of western civilization down into the muck and mire of a new dark age of unadulterated deviltry and degradation.

Of one thing we can be sure, Mr. President, when the American people come to the full realization of what these sordid betrayals of principle have done to America's prestige, security, and way of life, they will rise up in their wrath and repudiate all those who have brought this curse upon them.

The trouble is, Mr. President, that all these recent well-intentioned restatements of American policy, and this "new bipartisan foreign policy" bear no relation whatsoever to the terrifying realities of our international life. Today, 1 year after the war has ended, there is no peace. Instead, the most thoughtful men and women in America, including our false prophets of intervention and our former champions of the internationalism displayed at Dumbarton Oaks and San Francisco, stand aghast at the world calamity with which they are now confronted.

Dorothy Thompson now charges the framers of the United Nations organization, the framers of the postwar world, with having betrayed the peace. Writing in the Ladies Home Journal of February 1946, Miss Thompson cried out:

> Gentleman, speak no more to the mothers about your peace and its "enforcement." Your peace seems almost more terrible to us than was the war. For beyond the war

we saw the rainbow of peace, but beyond your peace we see the lightning flashes heralding the thunders of war. Speak to us, gentlemen, of law; speak to us of liberty; speak to us of justice; speak to us of humanity; speak to us of truth.

Mr. Walter Lippmann now warns us that every statesman in Europe is thinking and acting in preparation for a new war between Britain and Russia which will involve all the other nations.

Justice Robert H. Jackson upon his return from the Nuremburg trials told the New York Herald Tribune Forum that there is "nothing that can honestly be called peace" in Europe. Justice Jackson went on to say:

Military engagements have ceased but the underlying conflicts which set Europe fighting are not solved.

The Washington Post of March 10, 1946, editorialized that:

We are faced today, however, with a condition, not a theory. The condition is not that Britain and Russia are preparing for war, but that Russia will not make peace. What our angel of peace is afraid of is, bluntly, Russian aggression. Only Russia has the might and the dynamism and the posture (her armies in Europe are all poised for battle) to break the peace.

Mr. John Foster Dulles now admits that even the Council of the United Nations is being used for personal gain at the expense of the peace by its participating members, and warns that as the new peace is taking shape, "its form is not a pleasing one, it resembles much the pattern of the past."

Mr. A. T. Steele, one of our ablest American correspondents, has cabled the following warning that:

We are losing the peace in southern Asia and losing it fast * * * sensitive observers are shocked at finding how persistent is the old-fashioned colonial mentality among some white liberators.

On May 22 Mr. Sumner Welles issued the following warning:

From Cairo to Tokyo, the eastern world is seething. All constituted authority, whether alien or national, has been gravely weakened during the past 7 years. The economic dislocations resulting from the war, culminating with the present famine, intensify the trend toward mass unrest, toward revolt, and toward eventual anarchy.

Certainly, Mr. President, this new bipartisan foreign policy bears no relation to the policies we have been pursuing across the world. Not only is there no peace, but the policies this Government has been pursuing are so contradictory, so self-defeating and so war breeding that, as the New York Herald Tribune of March 22 stated in its editorial:

The only possible conclusion is that the American State Department is afflicted with an acute form of schizophrenia.

The policies now being pursued by this Government are so contradictory that the whole world is afraid of the United States, even of its best intentions.

Again I say, Mr. President, that when the American people fully understand the tragic consequences of what our policies up to this moment have done to the world, they will repudiate all those who have brought such a catastrophe upon us. There has been so much said about America's new obligations in international affairs, and such a terrible misrepresentation of what actually is happening to America in the process of meeting those obligations, that I cannot permit another moment to go by without challenging again the false doctrine and the false philosophy which is destroying America both from without and from within.

It would be frightening to discover, Mr. President, that this new bipartisan foreign policy, which was conjured out of the air of a Paris peace conference, is based on the same false doctrines and left in the hands of the same men who have brought us to this crisis. We have been told on every hand that the advent of the atomic bomb and the development of new scientific techniques of destruction have destroyed all the old concepts of security, military alliances, international relations, political and economic and social structures.

But I submit, Mr. President, that the simple basic human dignities and decencies, the respect for the liberties and rights of others, the desire to uphold the freedom and liberties which alone make life worth living, will be listed among the dreadful casualties of civilization if we permit this fearmongering to frighten us into a complete abandonment and betrayal of what remains of the American love of liberty and way of life.

Until our foreign policies, our dealings with other people, and our external relations with all the other nations of the world, are firmly rerooted and reestablished in traditional American concepts and practices, America as we have known it is doomed. I make no apology, Mr. President, for taking just a few moments to talk about America's future in relation to the present world tragedy we have brought upon ourselves.

In the first place, the American people cannot be made to realize too soon what the criminal betrayals of this war mean to America.

The commitments made at Moscow, Tehran, Yalta, and Potsdam have torn the world in two. The new world of internationalism, which was promised the American people as a reward for their sacrifice and suffering, is gone. That world required the genuine and voluntary cooperation of the major victors of this war in all economic, political, financial, and military problems of the world. That world required the voluntary and sovereign participation of a score or more nations which have now been swallowed up in the spheres of influence parceled out to each other by the Big Three. That world required the immediate supplanting of tyrannical and revolutionary regimes with the stable elements within each society which would have the power and could be depended upon to enter into negotiations and contracts as genuine representatives of the peoples and the nations involved.

That world required the reincorporation of the vanquished peoples into the economic, social, and political structure of the family of nations on a just and equitable basis.

Instead, Mr. President, the world has been torn in two. The system of sovereign independent nation states upon which all our international law of the past 400 years has been founded, has been destroyed. Russia stands today behind an iron curtain that stretches around half the world, including the Eurasian Continent. Russia has been left in control of the minority populations and the vast majority of the natural resources of both Europe and Asia.

What this means to America has now become perfectly obvious. America has been left with a condition which, even in peacetime, amounts to the underwriting and supporting of two bankrupt imperial possessions in western Europe and eastern Asia.

International law is gone, and in its place is a bitter struggle between ancient imperial rivals who are substituting bitter and vicious ideological penetration techniques and slogans in the place of justice.

The small independent sovereign states have been rescued from one tyranny and handed over as puppets to another.

International free trade, based on the free-enterprise system, is now confronted with a closed door, slave labor, state-controlled trade monopoly which is determined to continue to use the products both of agriculture and industry as a major political weapon.

In the Far East both China and Japan have become the breeding grounds of the new war. In Japan, Russia is bitterly antagonistic to our repudiation of communism both at home and abroad and to what amounts to our complete exclusion of Russian participation in the rehabilitation in Japan.

In China this administration, knowing full well the basic designs and intentions of Moscow and its Chinese Communist puppets, still is trying to force General Marshall to place the kiss of death on the Nationalist government in Chungking.

In Korea there is no neutral meeting ground for either Russia or America; there is only what amounts to a no-man's land between the two zones policed by military forces.

Nowhere in all the Far East is there a bridge remaining between Russia and the western democracies.

In Germany conditions have reached the point where, because of the criminal Morgenthau plan, Germany is now being carved up into what amounts to four nationalist military weapons, each directed against the other. From General McNarney down our Government officials now know that the insanities of the Potsdam Declaration, which incorporated the Morgenthau directives for the destruction of the German-speaking peoples, has become a vicious boomerang. What does all this mean to America? It means not only that we have been committed to underwrite the most savage policies of revenge, of destruction, of mass deportations, of slave labor, and deliberate mass starvation of millions of the helpless and the innocent; it also means that we have agreed to continue these present monstrosities at the expense of our own way of life.

I am quite convinced that those who have been clamoring loudest for the surrender of our traditional liberties, for the destruction of our economic, industrial,

and social system, and for the complete subordination of those principles and practices which have made America the greatest nation on earth, have themselves been ignorant of what they were seeking to destroy.

Let us recall for just a moment that America was derived from the remnants of four ancient empires—the British, the French, the Dutch, and the Russian. From its inception, America was dedicated as a sanctuary and refuge for the politically and spiritually oppressed who came to our shores that mankind might have a new birth of freedom under God. America has been something unique in human history. It was founded on the belief that the external relations of a nation ought always to reflect the internal economic, social, and political structure and concerns of the people.

It is this fact that gives a completely new significance to the words and wisdom of our founding fathers. Why did George Washington state in his Farewell Address—

> Observe good faith and justice toward all nations. Cultivate peace and harmony with all. In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded; and that in place of them just and amicable feelings toward all should be cultivated. The Nation, which indulges toward another an habitual hatred, or an habitual fondness, is in some degree a slave. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable, when accidental or trifling occasions of dispute occur. Hence frequent collisions, obstinate envenomed and bloody contests.

Why was it that Thomas Jefferson admonished the American people that we must ever follow the course of—

> Equal and exact justice to all men, of whatever state or persuasion, religious or political * * * peace, commerce, and honest friendship with all nations * * * entangling alliances with none * * * the support of the State governments in all their rights, as the most competent administrations for our domestic concerns, and the surest bulwarks against antirepublican tendencies * * * the preservation of the General Government in its whole constitutional vigor, as the sheet anchor of our peace at home, and safety abroad.

These warnings take on a wholly new significance in the light of our present international policy. George Washington and Thomas Jefferson believed that no democracy could exist which placed external conflict above progressive internal development. In other words, the earliest American statesmen sought to build a democratic society which, free from the constant curse and threats of external dangers, would have the time and the security to permit debate, deliberation, and experimentation with the development of a full and free economic, social, and political system. It was this vision in the minds of our early statesmen that gave America the chance to develop inwardly the highest standard of living and the maximum in human freedom of any nation on earth.

It was for this sole purpose that these men warned against entangling alliances, favoritism in our relations toward other nations, and the involvement of America in the tragic struggle for empire which has destroyed every other nation that has attempted it.

Such a new bipartisan foreign policy, if continued, will permanently destroy this basic American concept and reimpose here at home the regimentation and bureaucratic controls which will strangle our social, economic, and political freedom from within.

As matters now stand we are well on the way toward that fate. We now have what amounts to two permanently bankrupt imperial possessions which can only survive as our economic, financial, political, and military wards.

Why does the President want permanent peacetime military conscription for the first time in our history? The reason is perfectly obvious. We can never maintain our so-called military commitments to supply armies of occupation in the conquered countries to man the far-flung outposts of new security bases we are demanding, police the world, and provide for our own security without destroying our traditional American way of life.

What about the permanent deficit economies which are now turning to us for support? In spite of all the world banks and world funds which were to stabilize currencies, and the economies of nations, and open up the channels of new trade, we are now in the process of accepting as a permanent American policy an international financial pump-priming scheme in which the Government goes into the business of loaning the American taxpayers' money for what is now admitted to be a purely political purpose.

What about our reciprocal trade agreements? On the basis of the present American policy of the destruction of 25 percent of the world's productive capacity of steel and basic machine tools and laboratory equipment which is represented in the plans for dismantling German and Japanese industry, and with Russia's closed door trade policy around half the world, the other nations left outside the Russian sphere, including England, not only will be competing bitterly for the products of American industry; but, if we are not permanently to finance their deficit economies, we must lower our own standards of living to permit them a larger part of the American market to compensate for the world market we have destroyed. Even then a rigid system of priorities must be imposed to guarantee the American people those goods with which to meet their own essential needs.

Mr. President, if any Senator has a friend in Mexico today all he has to do is to telegraph to him or speak to him on the telephone and he will find from his friend in Mexico that the newspapers of Mexico are filled with advertisements offering for sale automobiles of every kind and character. Russia is exporting them to Mexico for sale, and so is England. They have taken over the field that General Motors, Chrysler, Ford and some of our other automobile manufacturing concerns formerly occupied. One need only go downtown in the city of Washington to some of the stores where candies are for sale, such as Lifesavers, and one will find on picking up a small package of Lifesavers the words printed on the package, "Made in Mexico", or "Made in the Argentine." That, Mr. President, is the result of the policy we have been pursuing.

Finally, what about food? On the basis of our present international policies we have already created the most terrifying hunger catastrophe in history. Nearly half the human race faces starvation. Millions have already starved and are continuing to starve. America can never meet the food commitments that have been made without reimposing and maintaining rationing in a stricter form by seizing food at its source here at home.

That is why LaGuardia is quoted in the newspapers as saying, "We are going to North Dakota and seize the wheat there," even though, Mr. President, the farmer in North Dakota may need the wheat for replanting in case of a drought, even though the farmer may need the wheat for seed so he and his family can exist. That is the result of the foreign policy of the United States. LaGuardia says, "We are going to seize the wheat in North Dakota."

If this is the kind of a new foreign policy which is to guide America's steps into the future, it is a repudiation of every principle and practice America has stood for throughout her history and it will lead us to our destruction.

If the distinguished senior Senator from Michigan really believes that he has discovered a new "bipartisan foreign policy" which will preserve America from such a fate—and I congratulate the Senator from Michigan if he has discovered it, because I believe he is sincere—which will serve to prevent the transformation of the United Nations organization into an Anglo-American alliance against Russia and which will prevent the outbreak of an atomic war, I wonder if he would not heartily endorse the following concurrent resolution as a necessary means of acquainting Congress and the country with the crucial issues now confronting us, the settlement of which are going to mean life or death to America and to civilization.

The concurrent resolution which I submit, Mr. President, is as follows:

> Whereas the House vote on draft extension expresses an overwhelming opposition throughout the country in all parties to sending boys to police the world; and
>
> Whereas a conscript army made up mainly of boys is admitted by General Eisenhower to be inferior to a volunteer army, for purposes of occupation of former enemy countries; and
>
> Whereas commitments and obligations are being made by our Government for vast outlays of the taxpayers' money in bases throughout the world which will require garrisons of American youth into the indefinite future; and
>
> Whereas the American people have throughout our history opposed imperialism, whether our own or foreign; and
>
> Whereas conflicting reports are constantly being made by the executive departments and bureaus as to conditions in Europe, understanding of which is essential to intelligent legislation on the part of the Congress; and
>
> Whereas a general peace conference has been proposed by our State Department in the near future to conclude settlements, on the justice and stability of which the future

peace of the United States will depend: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That a committee be appointed from both Houses of Congress composed of two members each from the Committees of Foreign Relations, Military Affairs, Naval Affairs, Judiciary, Appropriations, and Education and Labor from the Senate and the corresponding committees from the House, to go to Europe with the aid of the American military government and report back to both Houses not later than July 1 on European conditions that bear upon American policies with respect to loans, credits, food, military occupations, and the basis of a just and lasting peace.

The PRESIDING OFFICER. Without objection, the concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 68) submitted by Mr. LANGER, was referred to the Committee on Foreign Relations.

Mr. LANGER. Mr. President, I was one of the two Senators who voted against the United Nations. On that occasion, in the 3- or 4-minute speech which I made, I stated that the United Nations would never be a success with the veto power as a part of it. I say, Mr. President, that history has borne me out.

For the reasons which I now state, I oppose the pending bill. I am opposed to the draft. When it comes to the drafting of human beings, I say that the war is over.

Mr. LA FOLLETTE obtained the floor.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. REVERCOMB. On behalf of the Senator from Iowa [Mr. WILSON], the Senator from Nebraska [Mr. WHERRY], and myself, I wish to offer an amendment in the nature of a substitute for the pending bill. I do not know whether it is in order at this time, until we dispose of the pending amendment.

The PRESIDING OFFICER. It is not in order at this time, because there is pending an amendment offered by the Senator from South Dakota [Mr. GURNEY].

Mr. REVERCOMB. I will offer the amendment when the pending amendment is disposed of.

I thank the Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, I desire to set forth briefly my views and conclusions concerning the pending legislation to extend the Selective Service Act. I want to address myself squarely to the facts and issues as I see them.

There has been too much loose talk on this subject. Some intellectual sophisticates have made false and malicious statements that Members of Congress have their eyes exclusively on future elections—that they know draft extension is necessary but lack sufficient courage to vote their convictions. Administration spokesmen, too, have added to the confusion. Apparently now we are being subjected to a campaign to convince those in service and their relatives that many of those now in the armed services cannot be released unless and until Congress grants this draft extension.

I do not accuse the War Department or anyone else of purposely confusing the facts and issues involved in this legislation, but I do say that the sequence of events has created a serious confusion in the mind of the general public. However, if someone had deliberately set out to confuse the public and thereby engender a natural fear that draft extension was the only safe course, it could not have been done more effectively. In a situation analogous to the confusion that accompanied the demobilization plans—and the much-revised draft standards, too—the War Department and other administration officials have presented so many different stories and so many different sets of figures that a thoroughly confused public does not know what to believe.

Fortunately, the issues involved in this legislation are indeed simple and straight-forward compared with the complex matters of public policy that the Senate has had under consideration during the past weeks. Basically, the Congress has only to make a factual determination of the military needs, balance that off against the best estimates of available manpower by voluntary recruiting, and then make a finding concerning the necessity of extending compulsory military service. It is just that simple. It is a decision that can and should be reached on the basis of facts—but the Congress must have all the facts, not made-to-order arguments or facts.

I am not a member of the Committee on Military Affairs, but from my examination of the testimony before the Committees on Military Affairs of the Senate and the House, I have come to the conclusion that the clear-cut opinions of those testifying in behalf of draft extension are not backed up by clear-cut evidence. The most favorable evaluation of the supporting data is to judge them inconclusive. The War Department's own estimates, when carefully analyzed, can be used to present an entirely different case than the one which it has attempted to make before the two committees of the Congress.

First of all, before delving into the various facts and figures, I want to pose the question, What is the basic philosophy behind this bill? Is it intended as a temporary measure to bridge a gap in our military manpower needs? Or is it the opening wedge by the military to establish permanent peacetime conscription in the United States?

I am singularly impressed by the fact that the original request by those who wanted to extend the draft was that the extension be continued for an indefinite period. General Hershey persisted in urging an indefinite extension before the Senate Military Affairs Committee, when other spokesmen were willing to take less. Even more damaging and better illustrative of the basic philosophy behind this bill are the data submitted to the committee by General Textor.

For the benefit of those who did not hear or read this testimony, it should be stated that General Textor made a special manpower study, by and with the consent of the Secretary of War, but independent of the official estimates. His study made a very convenient situation for administration spokesmen, who could choose the favorable facts from each without trying to reconcile the two.

General Textor did not make the admission that it was War Department thinking that the draft should be extended indefinitely, but his methods of forecasting did that for him. By the General's formulas, we face a steep decline in the size of a volunteer army that can be maintained. By his formulas, there seems to be no hope whatsoever for a tapering-off of compulsory service. In fact, the need by his formulas becomes greater for more and more conscripts.

From the methods employed in the other War Department estimates, it is not possible to make similar analysis, but it is significant to my mind that these estimates, too, admit of no temporary crisis that will be met by a temporary extension of selective service.

The point I am trying to make is this: If the War Department is right in its estimates and philosophy concerning the need for selective service, then the Congress and the country should know right now that the arguments made for this extension of the draft can be made again for a permanent peacetime draft. If it is not a temporary program, then, one way or the other, Congress should be laying the groundwork now for a peacetime program—not a postponement of the issue for a year, and a postponement of all the uncertainties that hang over those of draft age.

Personally, I am not willing to admit that we cannot have an adequate and successful army by voluntary enlistments. I do not concur in the pessimistic outlook of the War Department or their proposed easy way to raise and maintain an army.

If we are ever going to get rid of the military hang-over of war, now is the time to cut loose from conscription and begin to build a voluntary army for the future security and protection of the United States, as well as for the replacement of those now in the service.

One of the primary arguments made in behalf of this bill is the argument that a strong army is necessary if we are to assume our proper role in world affairs. Then the immediate assumption is made that a voluntary army cannot be strong enough or, secondly, that it would be a psychological weakness to begin to prepare for peace while there are any war clouds on the horizon. These are good superficial arguments, but anyone who stops to reflect for a few minutes will agree that our national strength in manpower for any emergency in the near future does not lie in the few additional conscripts, to be made up largely of teen-agers, whom we could train in the next year. Our national strength and manpower reservoir for any emergency needs in the near future are the trained millions who have just come out of actual combat in this war. If we pass up the opportunity now to make the transition to a peacetime army while we have this reservoir, we shall be jeopardizing our security sometime in the future, if and when we make the transition without this reservoir of strength to fall back on in case of a real national emergency.

I take little stock, Mr. President, in the argument that we can bluff the other nations of the world by the utilization of the method of extending the draft. We shall not fool anyone by trying to play a psychological international poker game.

To get back to the first assumption, namely, that a volunteer army cannot be strong, I wish to emphasize, in the first place, that even the military leaders of our Nation will admit that, man for man, a volunteer army is better than a conscript army. The question then arises, How many men can we get by voluntary recruitment, and how far short is that of our needs? Let us examine the estimates of the War Department.

I may say that in many years in the Senate, I have seen many estimates come in from the Government departments. As might be expected, many of the estimates have later proved to be very much in error. I am not critical of this situation, because usually a good guess is better than nothing at all. But this experience does make me skeptical of leaning too heavily on any estimates that may be subject to a large margin of error. That is precisely the situation that confronts us with regard to the War Department estimates in connection with this question.

A year ago the Army estimated that no more than 300,000 enlistments could be had by July 1, 1946. Actually, the enlistments will be about 800,000. Missing the mark by 500,000 men is not very close estimating. Of course, it is true that the 300,000 estimate was made before the liberal recruiting act was passed. But if that substantial increase can be attributed to the recruiting act, then a policy just slightly more generous can bring us more men than we need. And this figure of 800,000 does not include 150,000 officers, most of whom are serving voluntarily.

What is the magnitude of the predicted gap between enlistments and required strength a year from now, on July 1, 1947? The War Department has two figures: General Paul's shortage figure of 165,000 men, and General Textor's shortage figure of 51,000. To be brought up to date with the stop-gap extension of the draft, both of these estimates would have to be reduced by the number of persons drafted between May 15 and July 1 of this year.

Mr. President, if we compare the size of these figures with the Army's margin of error in their last year's estimates, we have good reason to wonder why anyone can attach any great significance to these anticipated shortages. And we can go much further than that if we wish to get into further refinements. We can show, for example, that these figures fail to include 50,000 Philippine Scouts. We can show how the anticipated shortages could easily be made up by making the Army more attractive.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. REVERCOMB. I am very much interested in the Senator's mention of 50,000 Philippine Scouts, who have been authorized to be raised for service as occupation forces in the Pacific area. Does the Senator know why that number should not be increased, because vastly more than 50,000 Philippine Scouts served in the recent war?

Mr. LA FOLLETTE. I think the Senator has made a very interesting point.

In this connection it is interesting to note that the Selective Service System last year had a budget of about $49,000,000, and that did not include all the costs, because General Hershey testified that he also had about 500 men in uniform, the average rank of which was "somewhere between major and lieutenant colonel." If this $49,000,000 were divided among the maximum estimated shortage, it could supply an enlistment bonus of $300 to each such man. My own personal opinion is that a much smaller inducement than that could bring in more than enough, whether it be in the form of increased pay or any other form of inducement.

All sorts of dire predictions were made about the probable decline in enlistments after the passage of the stop-gap legislation on May 15. Yet, if the figures quoted in the press are correct, there has been only a very minor drop in enlistments, and present levels are still substantially above all previous and recent estimates of the War Department.

Those in favor of the draft extension have been citing enlistment figures showing that the rate of enlistment has dropped from 185,000 men last November to 43,000 in May. The plain fact is that the Army could not use and does not want men in the numbers that were enlisting last November as a permanent army. With the November rate of enlistments, we could maintain an Army of three or four million men, depending on the terms of enlistment. Furthermore, the Army has consistently underestimated enlistments. Even in the recent months, which are alleged to be such a disappointment, look at the Army's estimates and the actual enlistments: For April the Army's estimate was 56,000; the actual figure was 63,000. For May the Army's estimate was 39,000; the actual figure was 43,000.

Even this allegedly low level is substantially above what the Army concedes is necessary to reach its requirements in the next year or more. What are the Army's estimates based on? They are based on a minimum enlistment in 1947 of 12,500 men a month.

The fact is that even back in 1937 we were getting about half that many, with the totally negative approach and emphasis existing at that time in regard to enlistment. There is absolutely no reason in my judgment, why we cannot maintain the enlistment rate figure somewhere between 12,500, which the Army says is too low, and 43,000, which is more than ample if sustained.

Several other factors should be taken into consideration. I have no evidence to prove it; but from my casual observations, personally, of both newspaper advertisements and radio programs, I wish to say that it appears to me that the Army has not been conducting as vigorous or as widespread a campaign for enlistments, during recent months, as it was conducting during the past fall and early winter.

Furthermore, it should be noted that both the intelligence and physical standards for the Army have been changed in recent months. Physical standards have been relaxed, while intelligence standards have been raised 10 points. It is my understanding that draftees do not have to pass the intelligence test for induction into the Army, whereas volunteers must. Figures cited in the hearings by General Paul were that about 10 percent of the volunteers in March were rejected for their inability to meet the increased intelligence standard.

On the other side of the picture—that of requirements—I should like to make the observation that all of the estimates on deficits are based on a magical requirements figure of 1,070,000 men on July 1, 1947, which is, after all, merely another estimate that may be widely in error.

As presently broken down by the War Department, that figure contemplates a disposition of about one-half of those overseas, and the remainder in the United States and en route. I have seen no justification whatsoever of the contention that such large numbers should be in training or stationed in this country.

In fact, at no time in the hearings on this bill was there any discussion as to how this figure was set, or how it might be affected by changing international events. Certainly it must be tied in with our over-all foreign policy, but we have been given no inkling in the hearings how this would be affected quantitatively by any of various contingencies.

It should be recalled that the figures on occupational requirements have undergone very drastic revision within a few months time. The Army started out with an estimated requirement of 1,950,000 men for July 1, 1946. A few months later this estimate was twice revised and brought down to 1,550,000.

Again, this emphasizes the point which I tried to make before. Here we have a revision on the estimated requirements amounting to 400,000 men. Previously, we revised the error in the estimates of enlistments by 500,000 men. If that is as close as the Army can come in its estimates of requirements and availables, it is wholly unreasonable to attach undue significance to any alleged deficiencies by voluntary recruitments which, by comparison, are very small. One of the basic laws of statistics is the fact that an estimate is worthless if the probable margin of error of the estimate is substantially greater than the estimate itself.

Let us look at the present size and composition of our Army. On July 1, there will be about 800,000 volunteer enlisted men and 150,000 officers. That is a total of 950,000 men—and not counting a single draftee. The War Department estimates that a year from now that total will have dropped to 819,000, again excluding all draftees. A large part of that decline would be the release of 50,000 officers to bring the Army into better balance.

In other words, at the present time our volunteer strength is almost up to the level which the Army seeks to attain 1 year from now. And it is the Army's position that we cannot maintain that volunteer strength, that the situation

will steadily deteriorate. In other words, it is not a question of attaining a given goal of voluntary enlistments. We have practically done that already. It is a question of maintaining that size against the effects of attrition and completion of enlistment terms.

In any way we look at it, we cannot change the basic proposition that we are making a choice here and now as to whether or not we are going to have permanent conscription. To have to use conscription to attain a given-sized army is one thing; to have to use conscription to maintain a given size is quite another thing and can only imply the continued and indefinite use of compulsion.

If we ever hope to get back to a voluntary army, now is the time to break away from the draft. There is absolutely no reason why we cannot have an army of any reasonable size, provided we are willing to increase the pay of men in the service and increase the respectability and economic opportunities offered by military service so that it may compete in those respects with other lines of work and with the professions. I wish to say, Mr. President, that we should pay for this service what it is worth. Why should we not? Why should we expect to obtain men for police service overseas at a lower rate of pay than we are willing to pay men who are in the police service of the municipalities of this country? Why should we expect to obtain men for overseas police duties at a rate of pay which is less than we are now paying for farm labor on most of our farms? I think the reluctance to pay for service in the armed forces what it is worth is a carry-over from the time when we had a small standing army and when we were not utilizing the highly mechanized and technical devices of war which are now necessary in connection with the maintenance of a modern army.

Mr. President, what is the outlook for the draftees in the Army who are anxious to get out? We now have about 600,000 draftees. Let me make it very clear that I believe that the Army should be required to discharge those who have had 18 months of service, and those who are fathers, if they wish to get out.

I have already pointed out that from a purely statistical standpoint we could release all our draftees now, and still have an Army approximately the size of the contemplated peacetime Army. Of course, from a practical standpoint, there must be a satisfactory transition because an army is an organizational unit, not composed merely of numbers that can be shifted freely from job to job. Furthermore, there may be some transitional needs—some war wind-up jobs to be done in the coming year.

According to General Textor's estimates, we can release all those who have had 18 months or more of service and incur an additional deficit of only 170,000 men. In other words, we will be able to release during the year July 1, 1946, to July 1, 1947, 570,000 of the 600,000 inducted men now in service. The other 400,000 men to be released are already included in the estimate, having served more than 24 months.

The remaining 30,000 will not have served 18 months a year from now. These statistics clearly point out that the additional manpower burden of releasing those who have served only 18 months is relatively small compared with the immediate job ahead of releasing the large bulk of draftees who have or will have served longer than that by July 1, 1947.

It is grossly misleading to say that we must have draftees to replace those men. By the Army's own estimates, about 500,000 of those Army jobs must be eliminated in order that the Army may get down to its peacetime size. The only effect whatsoever that the immediate releases can have is to accelerate slightly the demobilization schedule within the next year. It will have no effect on our planned ultimate peacetime strength.

No estimates were given in the hearings concerning the number of fathers who might be affected by a policy allowing their release.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. WHITE. Is it the Senator's understanding that the bill in its present form authorizes the drafting and induction of men who have already served in the Army and have been released?

Mr. LA FOLLETTE. I am apprehensive that it does.

Mr. JOHNSON of Colorado. Mr. President, if the Senator will yield to me, I may say that the bill in its present form provided for that very thing. However, the senior Senator from Colorado, the Senator from California [Mr. KNOWLAND], and the Senator from Nebraska [Mr. WHERRY] have been working out an amendment which will cure that situation. It will be offered before the bill is finally acted upon.

Mr. LA FOLLETTE. Of course, many fathers would also be affected by the 18 months' provision, and this figure, whatever it may be, cannot be added simply to the other estimates, because there would be too much duplication. I think it is safe to say, however, that because of the policy in recent months of deferring fathers, the number with very short service who would be released would be in all probability very small.

The hue and cry which the War Department raised on these issues make me recall the same hue and cry which was raised when excuses were being given about demobilization problems. It appears to me that the only way the country can be assured we now have a satisfactory transition to a peacetime army is for the Congress to give a clear mandate to the War Department to follow certain explicit rules.

It has been estimated by General Textor before the House Military Affairs Committee that a 10-percent increase in base pay would result in an estimated 30-percent increase in volunteers. A more substantial increase than that might actually bring us to the point where we could set our standards for the Army much higher than they are at present. There is no reason whatsoever why the Army should be required to accept the dregs of the employment market rather than compete on equal terms with other prospective employers.

I have joined with the able senior Senator from Colorado in having an amendment drafted which proposes to raise the age in the first four categories to the same figure which was adopted by the House, and I very much hope that when the proper time comes that amendment will be agreed to, because I am convinced that if it shall be, we will have as a result of voluntary enlistments all the men we need, not only for security but to provide adequate replacements.

Mr. President, I think in this country that is a much sounder program than the one which is proposed by the pending amendment, to draft, in time of peace, teen-agers, many of whom, at least one-half of whom, will be sent overseas to foreign countries for police duty. I say that the United States has not reached the point when it must rely on its teen-agers because it is unwilling to pay adequately for the service the Nation requires.

Senators may say what they please about the effect they think this will have upon the youth of the land, but I advance it as my sober and deliberate conclusion that taking teen-agers, giving them a brief period of training, and then sending them abroad for police duties in foreign countries, where they will be away from the environment of their schools, their homes, and their country, can have nothing but a demoralizing effect upon them.

I heard a Senator say a few days ago that he thought that at 18 a man's character and his habits had been established. I submit that is not the experience of all of us. We know that is not true. I say this policy also involves the interruption of the education of thousands upon thousands of these youths. We sacrificed that educational opportunity for them during the war because we had to do it as a matter of necessity, but we do not have to do it now, and it will be a tragic mistake to the future security of the Nation if we do it now, because we have already drained off, as the result of our wartime draft policy, those recruitments in the field of science which the recent developments of applied science have demonstrated are the avenue to national security.

Now it is being proposed that we continue that policy for another year, preventing these youths from going on to higher education. I submit that in the end it will serve no good purpose so far as the security of the United States is concerned, and individually the experience cannot be good for young men of the ages between 18 and 21.

Mr. President, I shall perhaps have something more to say on this subject when the question of pay comes up, but I cannot support the pending amendment for the reasons which I have given.

CONFIRMATION OF ARMY NOMINATIONS

Mr. THOMAS of Utah. Mr. President, as in executive session, I should like to report a series of nominations for promotions and transfers in the Army, and I ask unanimous consent that the nominations be confirmed at this time. I make the request so as to save something like three or four hundred dollars in printing costs. I assure all Senators that

this has been done before, and that there are nothing but routine nominations on the list.

Mr. WHITE. Are they merely routine promotions and transfers?

Mr. THOMAS of Utah. They are promotions and transfers in the lower grades.

Mr. REVERCOMB. Are any general officers involved?

Mr. THOMAS of Utah. No; no general officers are involved, none higher than lieutenant colonels and majors.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Utah? The Chair hears none, and, without objection the nominations are confirmed.

EXCHANGE OF CERTAIN LAND AT THE BENICIA ARSENAL, CALIF.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1776) to authorize the exchange of certain land at the Benicia Arsenal, Calif., which were, on page 1, line 8, to strike out "one and eighty-eight one-hundredths" and insert "two and ten one-hundredths", and on the same page, line 10, to strike out all after "accept" over to and including "vicinity" in line 2 of page 2 and insert "a perpetual easement for right-of-way purposes for roadways, trackage, drainage ditches, and similar purposes over, across, and upon nineteen acres of land owned by the Southern Pacific Railroad Company, situated in the same vicinity."

Mr. THOMAS of Utah. Mr. President, I move that the Senate concur in the amendments of the House.

Mr. WHITE. Will the Senator give us a brief explanation of what the bill is?

Mr. THOMAS of Utah. The bill provides for the transfer of certain property to the Southern Pacific Railway Co. for right-of-way, for purposes of perpetual easement across and upon a portion of the Benicia Arsenal in California. It is a routine request.

Mr. WHITE. The motion is to concur in the House amendments?

Mr. THOMAS of Utah. The motion is to concur in the House amendments, which are merely corrective in character and have to do with a more exact description of the property concerned.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah.

The motion was agreed to.

CIRCUMSTANCES SURROUNDING SETTLEMENT OF RAILROAD STRIKE

Mr. MORSE. Mr. President, I rise not to make a speech, but to offer a resolution which speaks for itself. It is my answer to the question as to who is telling the truth in regard to what happened in the settlement of the railroad strike on last Saturday, May 25. I think such a resolution as I now offer is called for. It will supply the answer to the charges which have been made. I am ready to prove my charge that the President did not fulfill his clear obligations to the public when he made his speech on Saturday, May 25, 1946, in that he did not inform them that there was no danger of a railroad strike after 4 p. m., and that fact was well known by his advisers before noon on Saturday. The resolution reads:

Resolved, That the Senate of the United States request its Committee on Education and Labor to conduct an investigation forthwith of the events of Saturday, May 25, and prior thereto leading up to the settlement of the railroad strike, said investigation to include an investigation of all charges that the administration knew or should have known several hours before the President's speech that the strike would not continue after 4 p. m. Further, That said investigation include the examination by the order of the committee of not only the representatives of the brotherhoods but also of the President's advisers and such Members of the Congress as well as others who can offer testimony and evidence based on their knowledge of the surrounding facts and circumstances or events that occurred on Saturday, May 25 and prior thereto in relation to the railroad strike. Further that all testimony shall be taken by the committee from witnesses under oath.

There being no objection, the resolution (S. Res. 278) was received and referred to the Committee on Education and Labor.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Swanson, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the President pro tempore:

S. 470. An act to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim or claims of W. P. Richardson, as successor and asignee of W. P. Richardson & Co., of Tampa, Fla.;

S. 769. An act for the relief of H. H. Ashbrook, and others;

S. 913. An act to protect scenic values along and tributary to the Catalina Highway within the Coronado National Forest, Ariz.;

S. 1106. An act for the relief of Malcolm K. Burke;

S. 1286. An act for the relief of Sam Bechtold;

S. 1605. An act to reimburse certain Navy and Marine Corps personnel and former Navy and Marine Corps personnel for personal property lost or damaged as the result of fires which occurred at various Navy and Marine Corps shore activities;

S. 1802. An act to provide for the delivery of custody of certain articles of historic interest from the U. S. S. *Nevada* and the U. S. S. *Wyoming* to the State of Nevada and the State of Wyoming, respectively;

S. 1805. An act to authorize the promotion of personnel of the Navy, Marine Corps, and Coast Guard who were prisoners of war;

S. 1854. An act to establish the civilian position of academic dean of the Postgraduate School of the Naval Academy and compensation therefor;

S. 1862. An act to repeal section 1548 Revised Statutes (34 U. S. C. 592);

S. 1871. An act to authorize the conveyance of a parcel of land at the naval supply depot, Bayonne, N. J., to the American Radiator & Standard Sanitary Corp.;

S. 1959. An act to authorize the payment of additional uniform gratuity to Reserve officers commissioned from the status of aviation cadets; and

S. 1978. An act to authorize the restoration of Philip Niekum, Jr., to the active list of the United State Navy with appropriate rank and restoration of pay and allowances; and

H. J. Res. 340. Joint resolution to amend the joint resolution creating the Niagara Falls Bridge Commission.

EXTENSION OF SELECTIVE TRAINING AND SERVICE ACT OF 1940

The Senate resumed consideration of the bill (S. 2057) to extend the Selective Training and Service Act of 1940, as amended, until May 15, 1947, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Dakota [Mr. GURNEY] on page 1, after line 6.

Mr. GURNEY. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hart	Murray
Andrews	Hawkes	O'Daniel
Austin	Hayden	O'Mahoney
Ball	Hickenlooper	Overton
Barkley	Hill	Pepper
Bridges	Hoey	Radcliffe
Briggs	Huffman	Reed
Brooks	Johnson, Colo.	Revercomb
Buck	Johnston, S. C.	Robertson
Burch	Kilgore	Russell
Bushfield	Knowland	Saltonstall
Butler	La Follette	Shipstead
Byrd	Langer	Smith
Capehart	Lucas	Stanfill
Capper	McCarran	Stewart
Connally	McClellan	Taft
Cordon	McFarland	Thomas, Utah
Donnell	McKellar	Tobey
Downey	McMahon	Tunnell
Eastland	Magnuson	Tydings
Ellender	Maybank	Vandenberg
Ferguson	Mead	Wagner
Fulbright	Millikin	Walsh
George	Mitchell	Wheeler
Gerry	Moore	White
Green	Morse	Wiley
Gurney	Murdock	Wilson

The PRESIDING OFFICER. Eighty-one Senators having answered to their names, a quorum is present.

Mr. GURNEY. Mr. President, there have been some inquiries made as to the purpose of the pending amendment; so, briefly, I desire to say that the amendment seeks to restore the minimum age limit provided in the original draft law, making it 18 years. The 6 weeks' extension, as agreed to on May 14, limited induction to the ages between 20 and 29. Therefore, it is necessary to present this amendment at this time in order to restore the minimum age to 18 years.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the gentleman from South Dakota. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BARKLEY. This is the yea-and-nay vote on the Gurney amendment?

The PRESIDING OFFICER. This is the yea-and-nay vote on the amendment.

The legislative clerk proceeded to call the roll.

Mr. BUTLER (when his name was called). I have a pair with the senior Senator from Alabama [Mr. BANKHEAD].

Not knowing how he would vote on this question, I transfer that pair to the senior Senator from Indiana [Mr. WILLIS] who, if present, would vote as I shall vote. I am, therefore, free to vote. I vote "nay."

The roll call was concluded.

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Alabama [Mr. BANKHEAD] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], the Senators from Idaho [Mr. GOSSETT and Mr. TAYLOR], and the Senator from Pennsylvania [Mr. GUFFEY] are absent by leave of the Senate.

The Senators from New Mexico [Mr. CHAVEZ and Mr. HATCH] and the Senator from Pennsylvania [Mr. MYERS] are detained on public business.

The Senator from Oklahoma [Mr. THOMAS] is unavoidably detained.

I also announce that on this question the Senator from North Carolina [Mr. BAILEY] is paired with the Senator from Nebraska [Mr. WHERRY]. If present and voting, the Senator from North Carolina would vote "yea" and the Senator from Nebraska would vote "nay."

I announce further that on this question the Senator from New Mexico [Mr. HATCH] is paired with the Senator from Mississippi [Mr. BILBO]. If present and voting, the Senator from New Mexico would vote "yea" and the Senator from Mississippi would vote "nay."

I also announce that if present and voting, the Senators from Pennsylvania [Mr. GUFFEY and Mr. MYERS] would vote "yea."

Mr. WHITE. The Senator from Maine [Mr. BREWSTER] is necessarily absent.

The Senator from Indiana [Mr. WILLIS] is necessarily absent. If present, he would vote "nay."

The Senator from North Dakota [Mr. YOUNG] is absent by leave of the Senate.

The Senator from Nebraska [Mr. WHERRY] is unavoidably detained. He has a pair on this question with the Senator from North Carolina [Mr. BAILEY]. If present, the Senator from Nebraska would vote "nay" and the Senator from North Carolina would vote "yea."

The result was announced—yeas 53, nays 26, as follows:

YEAS—53

Austin	Gurney	Murdock
Ball	Hart	O'Mahoney
Barkley	Hawkes	Overton
Bridges	Hayden	Pepper
Briggs	Hickenlooper	Radcliffe
Buck	Hill	Reed
Byrd	Huffman	Robertson
Capehart	Kilgore	Russell
Connally	Knowland	Saltonstall
Cordon	Lucas	Smith
Donnell	McFarland	Thomas, Utah
Downey	McKellar	Tobey
Eastland	McMahon	Tydings
Ellender	Magnuson	Vandenberg
Ferguson	Maybank	Wagner
Fulbright	Mead	White
Gerry	Mitchell	Wiley
Green	Morse	

NAYS—26

Aiken	Johnson, Colo.	Shipstead
Andrews	Johnston, S. C.	Stanfill
Brooks	La Follette	Stewart
Burch	Langer	Taft
Bushfield	McCarran	Tunnell
Butler	McClellan	Walsh
Capper	Millikin	Wheeler
George	Moore	Wilson
Hoey	O'Daniel	

NOT VOTING—17

Bailey	Gossett	Taylor
Bankhead	Guffey	Thomas, Okla.
Bilbo	Hatch	Wherry
Brewster	Murray	Willis
Carville	Myers	Young
Chavez	Revercomb	

So Mr. GURNEY's amendment was agreed to, as follows:

On page 1, between lines 6 and 7, insert the following:

"SEC. 2. (a) So much of the first sentence of section 3 (a) of the Selective Training and Service Act of 1940, as amended, as precedes the first proviso is hereby amended to read as follows:

"'SEC. 3 (a) Except as otherwise provided in this act, every male citizen of the United States, and every other male person residing in the United States, who is between the ages of 18 and 45 at the time fixed for his registration, shall be liable for training and service in the land or naval forces of the United States.'"

On page 1, line 7, delete "SEC. 2." and insert in lieu thereof "(b)."

Mr. GURNEY. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from South Dakota will be stated.

The CHIEF CLERK. On page 3, beginning with line 8, it is proposed to strike out all down to and including line 22, on page 3, and insert in lieu thereof the following:

SEC. 5. (a) Section 5 (e) (3) of such act, as amended, is hereby amended to read as follows:

"(3) After May 14, 1946, no individual who has a child or children dependent upon him for support, or with whom he maintains a bona fide family relationship in their home, shall be inducted without his consent for training and service under this act. As used in this paragraph the term 'child' includes a child legally adopted, a stepchild, a foster child, and a person who is supported in good faith by the individual in a relationship similar to that of a parent and child but such term does not include any person 18 years of age or over unless such person is physically or mentally handicapped."

(b) Section 5 (e) of such act, as amended, is hereby amended by adding at the end thereof the following new paragraph:

Mr. GURNEY. Mr. President, this is merely a perfecting amendment. This amendment merely revises the provisions of the amendment by the House of Representatives to Senate Joint Resolution 159 concerning the induction of fathers so as to preclude the induction of fathers only who have a child or children dependent upon them for support or with whom they maintain a bona fide family relationship in their homes. The amendment to Senate Joint Resolution 159, as passed by the House of Representatives, would prohibit the induction of all fathers regardless of whether their child or children are dependent upon them for support or whether they maintain a bona fide relationship in their homes with such child or children.

Of course, elsewhere in the bill fathers are prohibited from being inducted, and all fathers in the Army and Navy will be discharged immediately.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from South Dakota.

The amendment was agreed to.

Mr. GURNEY. Mr. President, I offer another amendment which I send to the desk and ask to have stated. It is merely a perfecting amendment.

The PRESIDING OFFICER. The amendment offered by the Senator from South Dakota will be stated.

The CHIEF CLERK. On page 4, line 16, it is proposed to delete the word "proviso" and insert in lieu thereof the words "and fifth provisos."

Mr. GURNEY. Mr. President, this amendment is merely designed to correct an omission which was inadvertently made.

The PRESIDING OFFICER. Without objection, the amendment offered by the Senator from South Dakota is agreed to.

The bill is open to further amendment.

Mr. GURNEY. Mr. President, I now offer the amendment which I send to the desk and ask to have stated, relating to the rates of pay. The amendment is dated April 19.

The PRESIDING OFFICER. The amendment offered by the Senator from South Dakota will be stated.

The CHIEF CLERK. On page 5, beginning with line 4, it is proposed to strike out all down to and including line 20 on page 5, and to insert in lieu thereof the following:

SEC. 8. (a) The first paragraph of section 9 of the Pay Readjustment Act of 1942, as amended, is hereby amended to read as follows:

"The monthly base pay of enlisted men of the Army, Navy, Marine Corps, and Coast Guard shall be as follows: Enlisted men of the first grade, $165; enlisted men of the second grade, $135; enlisted men of the third grade, $115; enlisted men of the fourth grade, $94; enlisted men of the fifth grade, $82; enlisted men of the sixth grade, $70; and enlisted men of the seventh grade, $65. Chief petty officers under acting appointment shall be included in the first grade at a monthly base pay of $150."

(b) The third paragraph of section 9 of the Pay Readjustment Act of 1942, as amended, is hereby amended to read as follows:

"Every enlisted man paid under the provisions of this section shall receive an increase of 5 percent of the base pay of his grade for each 3 years of service up to 30 years. Such service shall be active Federal service in any of the services mentioned in the title of this act or reserve components thereof; service in the active National Guard of the several States, Territories, and the District of Columbia; and service in the Enlisted Reserve Corps of the Army, the Officers' Reserve Corps of the Army, the Naval Reserve, the Marine Corps Reserve, and the Coast Guard Reserve: *Provided*, That retired enlisted men heretofore or hereafter retired with credit for 30 years' service in the Army, Navy, or Marine Corps and who served beyond the continental limits of the United States between 1898 and 1912, such service having been computed under previous laws as double time toward retirement, shall be entitled to receive the maximum retired pay now provided for the grade in which retired."

(c) Section 11 of the act of March 4, 1925 (43 Stat. 1274; 34 U. S. C. 701), is hereby amended to read as follows:

"SEC. 11. That the band of the United States Marine Corps shall consist of one leader whose pay and allowances shall be those of a captain in the Marine Corps; one second leader whose pay shall be $220 per month and who shall have the allowances of a sergeant major; ten principal musicians whose pay shall be $180 per month; 25 first-class musicians whose pay shall be $150 per month; 20 second-class musicians whose pay shall be

$120 per month; and 10 third-class musicians whose pay shall be $102 per month; such musicians of the band to have the allowances of a sergeant: *Provided*, That the second leader and musicians of the band shall receive the same increases for length of service and the same enlistment allowance or gratuity for reenlisting as is now or may hereafter be provided for other enlisted men of the Marine Corps: *Provided further*, That the pay authorized herein shall apply in computing the pay of former members of the band now on the retired list and who have been retired since June 30, 1922: *Provided further*, That in the event of promotion of the second leader or a musician of the band, to leader of the band, all service as such second leader, or as such musician of the band, or both, shall be counted in computing longevity increase in pay: *And provided further*, That hereafter during concert tours approved by the President, members of the Marine Band shall suffer no loss of allowances."

SEC. 9. (a) The second and third paragraphs of section 8 of the Pay Readjustment Act of 1942, as amended, are hereby amended to read as follows:

"First mates and assistant engineers of the Army Mine Planter Service shall receive base pay at the rate of $2,340 per annum and shall be entitled to the money allowances for subsistence and for rental of quarters as established by sections 5 and 6 of this act for officers receiving the pay of the first period.

"Chief warrant officers of the Army except masters and chief engineers in the Army Mine Planter Service, and commissioned warrant officers with less than 10 years of commissioned service, of the Navy, Marine Corps, and Coast Guard, shall receive base pay at the rate of $2,520 per annum and shall be entitled to the money allowances for subsistence and for rental of quarters as established by sections 5 and 6 of this act for officers receiving the pay for the second period: *Provided*, That a commissioned warrant officer or chief warrant officer promoted from the grade of warrant officer or warrant officer (junior grade) shall suffer no reduction of pay by reason of such promotion: *Provided further*, That nothing herein contained shall be held to affect the authority of the Secretary of War to designate permanent or temporary chief warrant officers of the Army to receive the base pay and allowances of the third and fourth pay periods as provided in section 3 of the act approved August 21, 1941 (Public Law 230, 77th Cong.)."

(b) The seventh paragraph of section 8 of the Pay Readjustment Act of 1942, as amended, is hereby amended to read as follows:

"When the total pay and allowances authorized by this section for any person shall exceed the rate of $550 per month, the amount of the allowances to which such person is entitled shall be reduced by the amount above $550."

SEC. 10. The first paragraph of section 7 of the Pay Readjustment Act of 1942, as amended, is hereby amended to read as follows:

"The annual base pay of a brigadier general of the Army or the Marine Corps, rear admiral (lower half) of the Navy, the Coast Guard, or the Coast and Geodetic Survey, the Assistant Commandant of the Coast Guard, the Engineer in Chief of the Coast Guard, commodore of the Navy, an Assistant Director of the Coast and Geodetic Survey, and an assistant to the Surgeon General of the Public Health Service, shall be $6,600; and the annual base pay of a major general of the Army or the Marine Corps and of a rear admiral (upper half) of the Navy, the Coast Guard, or the Coast and Geodetic Survey or the Surgeon General of the Public Health Service shall be $8,800. Every such officer shall be entitled to the money allowances for subsistence and for rental of quarters authorized in sections 5 and 6 of this act for officers receiving the pay of the sixth period."

SEC. 11. The second paragraph of section 1 of the Pay Readjustment Act of 1942, as amended, is hereby amended to read as follows:

"The first period, $2,160; the second period, $2,400; the third period, $2,640; the fourth period, $3,300; the fifth period, $3,850; and the sixth period, $4,400."

SEC. 12. The increases in pay specified in this act shall be applicable to the active duty, retired, retirement, or retainer pay of all persons whose pay is governed by, or by reference to, those sections of the Pay Readjustment Act of 1942, as amended, which are amended by this act.

SEC. 13. The increases in pay provided by this act shall become effective on the first day of the second calendar month following its enactment, and no increase in pay for any period prior thereto shall accrue by reason of the enactment of this act.

Mr. MAYBANK. Mr. President, I discussed in a general way this amendment yesterday. I merely rise to ask for the yeas and nays on the amendment.

Mr. GURNEY. Mr. President, I think the amendment will require some explanation. Will the Senator withhold his request for a moment?

Mr. MAYBANK. Will the distinguished Senator from South Dakota permit me to make the request when he has finished his explanation?

Mr. GURNEY. I shall be glad to do so.

Mr. JOHNSON of Colorado. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Colorado?

Mr. GURNEY. Not just yet.

Mr. President, I wish to perfect my amendment. This amendment is the one dated April 19, copies of which are on the desks of Senators. It has to do with the pay raise of enlisted men and officers.

On page 6 of the amendment, in line 22, it is provided that these rates of pay shall become effective on the first day of the second calendar month following enactment of the bill. I am advised by the finance officers of both the Army and the Navy that they can make it effective on the first day of the first calendar month following enactment of the bill. So I ask permission to perfect my amendment by changing the word "second" in line 22 on page 6, to "first."

The PRESIDING OFFICER. Unanimous consent is not necessary. The Senator has a right to modify his amendment and the amendment is modified accordingly.

Mr. GURNEY. I should like to make one further change in the amendment which I have offered.

Mr. JOHNSON of Colorado. Mr. President, I did not understand the first change which the Senator made.

Mr. GURNEY. The change provides that the pay raise shall become effective on the first day of the first calendar month following enactment, not on the first day of the second calendar month. The change occurs in line 22, on page 6, of the amendment dated April 19.

On page 6, line 14, is found the language "the third period, $2,640." That applies to the pay of a captain, and to the pay of the corresponding grade in the Navy. It has been thought advisable that the amount should be increased from $2,640 to $2,760, giving a captain a 15-percent raise, while a lieutenant receives 20 percent, and all grades above captain receive 10 percent. Therefore I ask permission to change the amendment in line 14, on page 6 of the amendment, so as to read "the third period, $2,760."

The PRESIDING OFFICER. The Senator has a right to modify his amendment, and the amendment is modified accordingly.

Mr. GURNEY. Mr. President, I invite the attention of Senators to the large schedule, copies of which I have had passed around. The committee-approved bill, Senate bill 2057 as it appears on the desks of Senators, the original bill approved by the committee, would cost a total of $275,000,000. That is the increase in pay for the next fiscal year, as recommended in the first place by the committee. That is to be found at the foot of column 2. It will be noticed, by going to the top, where the figures for enlistments in the seventh grade are shown—in other words, for privates—that a 30-percent increase is provided. That is the amount recommended by the committee.

Then, coming down the list, we find that privates first class will receive a 30-percent increase, corporals a 24-percent increase, sergeants a 20-percent increase, and the higher grades of sergeants will receive 12½ percent, 3 percent, nothing, and 2 percent.

After the committee had approved these figures and had reported these rates of pay, the House acted on their bill, known as House bill 6084. The House of Representatives approved not only increases in pay for the enlisted men but also increases in pay for the officers; namely, for second lieutenants, in the Army, and for officers of comparable grade in the Navy, a 20-percent increase; for captains in the Army, and the corresponding Navy rank of full lieutenant, 10 percent.

Therefore, I believe it would be best for the Senate to consider the rates of pay already agreed to by the House of Representatives, and then make the rates of pay for privates, corporals, and sergeants the proper size, and increasing to the figure $180 a month, as noted in column 5, for second lieutenants. There should be proper spacing between the pay of sergeants and the pay of lieutenants. In other words, there should not be too much of a jump between the pay for each grade.

Therefore, in column 5, I have started with the figure approved by the committee, namely, $65 for privates, and then I give the same percentage of increase for privates first class. So it reads as follows: Sixty-five dollars for privates, $70 for privates first class—I think almost all enlisted men reach the grade of private first class after 4 months in the service; then $82 for corporals, $94 for sergeants, $115 for staff sergeants, $135 for technical sergeants, $150 for acting chief petty officers; and for master sergeants and chief petty officers $165, leaving a $15 difference between the pay of a master sergeant and the pay of a second lieutenant.

We have gone carefully through the figures for the pay of chief petty officers in the Army and Navy and the Marine

Corps and warrant officers, and in column 5 we have included all of them in the list, properly spaced, I believe, up to the point where we reach the pay of captains in the Army and officers of comparable rank in the Navy, and we made that figure $220.

Without that 10-percent increase in pay for Army captains, the amendment presently before the Senate provides for an increase of $474,000,000 for the next fiscal year. It is to be remembered that that is not the full amount of pay for those in the Army and the Navy; it is simply the increase.

It has been thought that an increase of $474,000,000 is a considerable increase. It is considerably less than the House figure, which appears in column 6. As the Senate knows, the House began with a figure of $75 a month for the pay for a private. The largest part of the increase comes from the increases in the pay of those in the lower grades of the enlisted service, because there are more of them. The House bill would require a total increase of $632,000,000.

So we have the original Senate Military Affairs Committee recommendation of an increase of $275,000,000, which is at the low end of the scale, and then we have the House figure, at the top of the scale, of $632,000,000. My recommendation, and the amendment presently before the Senate, is for an increase of $474,000,000. At least the major part of that increase will go to the enlisted men; $378,000,000 will go to the enlisted men, in the way of an increase. Ninety-six million dollars will go to the officers.

Other amendments were offered prior to the time when the bill was taken up on the floor of the Senate, and since that time other amendments have been offered, both today and yesterday. I do not know what the cost of their provisions would be, but I do know the actual increases in cost which would be required for every amendment which was submitted prior to the taking up of this measure last Saturday.

So, Mr. President, I am convinced that we shall have a real rate of pay to offer to the enlisted men, and a nice increase for the officers—in short, a change that will be satisfactory all around.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. GURNEY. I am glad to yield to the Senator from Texas.

Mr. CONNALLY. Are the rates of pay for officers and enlisted men, as provided in the measure before us, to be permanent, or are they to apply for only a temporary period?

Mr. GURNEY. They would be permanent, until Congress might agree to look into the matter further.

Mr. CONNALLY. Oh, yes—until Congress repeals this measure.

Mr. GURNEY. That is correct.

Mr. CONNALLY. So the Senator proposes to raise the pay of everyone in the Army.

Mr. GURNEY. That is correct.

Mr. CONNALLY. Is there any provision for compulsory allotments to families, to those at home? Such allotments should be provided for in the bill.

Mr. GURNEY. We are discharging all the fathers.

Mr. CONNALLY. I care not whether the allotments are made in the case of fathers or in other cases. Regardless of that, the families of the men should be sent at least half of the pay provided by this measure, because, if the men are going to receive any real benefit from the increased pay, that is one thing, but if they are going to throw it away, that is something else. The Senator knows what they do in foreign countries. I have seen them. I say to the Senator that I regret very much that a temporary limit is not placed on the pay provision, because these rates of pay are even higher than the wartime rates.

Mr. GURNEY. That is correct.

Let me say that I am in complete agreement with the thoughts of the Senator from Texas.

Mr. CONNALLY. Then I hope the Senator will let those thoughts actuate him into offering an amendment to limit the increases to January 1, 1948, or to January 1, 1949, if he wishes to make it that. But for God's sake do not sacrifice the system, merely for the purpose of making service in the Army the most attractive job in the country.

Mr. GURNEY. To provide for the length of time for which the increases in the rate of pay should last would not affect the principle.

Mr. CONNALLY. Now is a good time to start.

Mr. GURNEY. Mr. President, if the Senator from Texas will offer an amendment——

Mr. CONNALLY. Mr. President, the Senate has a Committee on Military Affairs. I do not try to run its business. It seems to me that some member of that committee should offer the amendments. I am an Army man; I believe in the Army, and all that; but everyone knows that the Army of the United States and the Senate of the United States are among the most extravagant branches of the Government service; they spend money like water, all over the world. I have seen a good deal of that.

I hope the Senator will not consider my remarks as at all unfriendly or caustic, but I mean them.

Mr. JOHNSON of Colorado rose.

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Colorado?

Mr. GURNEY. I yield.

Mr. JOHNSON of Colorado. Mr. President, I am waiting to obtain the floor. As soon as the Senator from South Dakota concludes, I shall ofier a substitute for the amendment the Senator has offered.

Mr. GURNEY. Mr. President, I wish to take a little more time to make a complete presentation of my amendment, and then I shall be glad to yield the floor.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. WHEELER. I should like to ask the Senator a question. Why should we increase the pay of brigadier generals, lieutenant generals, admirals, and so on? The pending measure would increase their pay and would place it on a higher level than even that of the pay which the Members of the Senate receive. In addition, officers receive numerous allowances; in many instances they are furnished the houses in which they live, and they receive various other allowances. I think it would be a mistake to increase the salaries of the officers of the higher ranks.

Mr. GURNEY. Mr. President, in answer to the point made by the Senator from Montana, let me say that our committee reported Senate bill 2057 with the salaries which appear in column 2 of the tabulation, and it will be noted that the committee did not recommend an increase in pay for officers.

Mr. WHEELER. However, I notice that the Senator's amendment, as I understand it, does provide for an increase in the pay of officers.

Mr. GURNEY. That is correct; and the Senate has a perfect right to vote down my amendment.

Mr. WHEELER. I understand that, and that is the way I intend to vote, insofar as the proposal to increase the pay of these officers is concerned.

I am in favor of increasing the wages of the enlisted men.

Mr. GURNEY. My justification for offering, in my amendment, a proposal for 10 percent and 20 percent increases in the pay of officers, is the fact that the House of Representatives passed the bill granting such increases in pay for officers. Speaking personally, not speaking for the committee, I say that I believe the officers are entitled to the proposed increases. That is why I have included the House figures in the amendment which is now before the Senate.

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. MAYBANK. Mr. President, a parliamentary inquiry. Is it in order for me to request the yeas and nays at this time?

The PRESIDING OFFICER. Not unless the Senator from South Dakota yields for that purpose.

Mr. MAYBANK. Will the Senator from South Dakota permit me to ask for the yeas and nays?

Mr. GURNEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GURNEY. Is it in order to ask for the yeas and nays before all substitutes for, or amendments to my amendment, have been offered and acted upon?

The PRESIDING OFFICER. The ordering of the yeas and nays would not affect the offer of any further amendment.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. GURNEY. I may say to the Senator from South Carolina that I have been informed by the Presiding Officer that the ordering of the yeas and nays would not affect the offer of further amendments, or substitutes for my amendment, and therefore I yield to the Senator from South Carolina for the purpose which he stated.

Mr. JOHNSON of Colorado. Mr. President, if the yeas and nays are ordered on the pending amendment, will

that also apply to a vote on the substitute to the bill which the Senator from Colorado will offer as soon as he obtains the floor?

The PRESIDING OFFICER. No. It will apply only to the amendment which has just been offered by the Senator from South Dakota.

Mr. JOHNSON of Colorado. What would happen to the order for the yeas and nays if the substitute offered by the Senator from Colorado should be adopted? What would then be done about the yeas and nays? It seems to me that the Senator from South Carolina should wait until the substitute to which I have referred has been submitted to the Senate.

Mr. MAYBANK. Mr. President, as I understand, my request for the yeas and nays on the Gurney amendment would, if granted, not affect any other amendment to the bill. I had amendments of my own which I withdrew yesterday. Therefore, I ask for the yeas and nays on the Gurney amendment, an amendment which was agreed to by several members of the committee.

The PRESIDING OFFICER. Ordering of the yeas and nays would not prevent the Senator from Colorado from offering a substitute and asking for the yeas and nays on it.

Mr. MAYBANK. Of course not.

Mr. REED. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. REED. The Senator from Kansas is somewhat confused with regard to the status of the pending bill, and the amendment now being discussed by the Senator from South Dakota. Usually, a bill comes to the floor of the Senate as a committee bill. I have understood that the bill now being discussed by the Senator from South Dakota is a committee bill.

The PRESIDING OFFICER. It is a committee bill.

Mr. REED. I have now gathered from the last remarks of the Senator from South Dakota that he has offered an amendment. It has not been stated, and I do not clearly understand whether it has the approval of the committee, or whether it is an amendment which the Senator offers on behalf of his individual self.

The PRESIDING OFFICER. It has the approval of the committee.

Mr. GURNEY. Mr. President, I shall be glad to advise the Senator from Kansas as soon as we have had Senate action on the request of the Senator from South Carolina.

Mr. MAYBANK. Mr. President, I ask for the yeas and nays.

Mr. AIKEN. Mr. President, the yeas and nays have been requested with reference to what question?

The PRESIDING OFFICER. On the question of the amendment of the Senator from South Dakota. Is the demand for the yeas and nays sufficiently seconded? The yeas and nays are ordered and the clerk will call the roll.

Mr. MAYBANK. No; I only ask that the yeas and nays be had at the conclusion of the debate on the amendment of the Senator from South Dakota.

The PRESIDING OFFICER. The amendment is subject to further debate.

Mr. GURNEY. Mr. President, I am glad to reply to the Senator from Kansas who seems to be somewhat confused at this time by my amendment.

Senate bill 2057 was reported to the Senate on April 11. On April 19, about a week after our committee had acted, the House committee and the House itself approved a pay increase for enlisted men in the Army which was much larger than was recommended by our committee. There was also included a pay raise of 20 percent for the junior officers and 10 percent for the officers above the rank of lieutenant. Consequently, in order to get the Senate and the House together so that a bill could be presented to the Senate which would be sufficiently attractive from a pay standpoint to induce the enlistment of volunteers, a group of members of the Military Affairs Committee, with the help of both the Army and the Navy, worked out a new schedule which seemed to fit together the action of the other House and the Senate committee, and, as I have already stated, made the proper spacing between the grades of the enlisted men in both the Army and the Navy, and made proper spacing between the pay of enlisted men and officers.

Does that explanation satisfy the Senator from Kansas?

Mr. REED. Mr. President, the Senator from Kansas is struggling to get the matter clear in his mind. It is rather confusing to bring to the floor a bill which is supposed to be a committee bill, and then have the Senator in charge of the bill discuss an amendment to the bill without informing the Senate whether the amendment which he proposes has received the approval of the committee and, therefore, may be considered to be a committee amendment.

Mr. GURNEY. No, Mr. President; when I offered the amendment I stated that it was my personal amendment. I then explained what the committee had done in the first place, as shown in column 2 of the sheet lying before Senators. I then explained quite fully what the other House had done, and that is shown in column 6. My amendment would raise the pay, and the total cost is shown in column 5. The only purpose is to get the House action and the action of the Military Affairs Committee dovetailed together so that there may be presented to the Senate what is considered by several members of the committee and representatives of the Army and Navy to be a proper solution of the problem relating to the pay schedule.

Mr. REED. Mr. President, again I inquire whether the amendment which we are now discussing has or has not had the approval of the Military Affairs Committee?

Mr. GURNEY. The pending amendment has not received the approval of the Senate Military Affairs Committee, except in column 5, with regard to the top figure on the page of $65. That figure is the same as the one approved by the committee as it will be found in column 2. Sixty-five dollars is the same for a private, $70 is the same for a private first class, $82 is the same for a corporal, $94 is the same for a sergeant, and there is a small difference with regard to staff sergeants, and on up.

Mr. REED. Mr. President, naturally, according to the procedure which is generally observed in the Senate, committee amendments are considered first. I would not understand that an amendment offered by the Senator from South Dakota, even though he is in charge of the bill, would have any different status so far as the bill is concerned than that of an amendment offered by any other Senator. Therefore, that is probably what has confused the Senator from Kansas who has been trying to keep track of this somewhat involved matter. We apparently are not following the usual procedure by which we consider and dispose of the committee amendments, and then take up amendments which may be offered on behalf of any Members of the Senate, whether by the Senator from South Dakota or a Senator from any other State.

Mr. GURNEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GURNEY. Was the amendment which I have offered in order?

The PRESIDING OFFICER. The Senator from South Dakota offered an amendment as a substitute for the committee amendment, did he not?

Mr. GURNEY. Yes.

The PRESIDING OFFICER. The amendment was to strike out sections 8 and 9 and substitute other language. The amendment is in order.

Mr. REVERCOMB. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. REVERCOMB. I believe I heard the Chair announce that the amendment was offered as a substitute for the committee amendment. It is not a committee amendment. The amendment offered by the Senator from South Dakota would be an amendment to Senate bill 2057.

The PRESIDING OFFICER. There are no committee amendments. The Chair should not have used the words committee amendment. The amendment of the Senator from South Dakota, as modified, is to strike out sections 8 and 9 and substitute other language.

Mr. AUSTIN. Mr. President, there is an amendment which the committee instructed me to offer, but it has not been printed.

Mr. REVERCOMB. I wish to have it clear that there is no committee amendment.

The PRESIDING OFFICER. The Chair inadvertently referred to the language of the bill as a committee amendment.

Mr. REVERCOMB. Then the parliamentary situation is, as I understand it, that the Senator from South Dakota has offered on his own behalf an amendment, and that it is now the pending amendment.

The PRESIDING OFFICER. The Senator from West Virginia has made a correct statement.

Mr. GURNEY. Mr. President, I yield to the Senator from Colorado.

Mr. JOHNSON of Colorado. I should like to say to the Senator from Kansas [Mr. REED], if the Senator from South Dakota will permit, that when the committee was considering the bill we had 4 or 5 versions of pay schedules before us, and it was agreed in the committee that the bill would be reported to the Senate, but that all members of the committee would be free to offer amendments to section 8, the pay schedule section of the bill. That is why so many versions are being offered.

Mr. GURNEY. I thank the Senator from Colorado, because I know the committee did report, and there are on the desk, other pay schedules than the one suggested by me. For instance, the so-called Revercomb amendment is printed in column 7. There is an original schedule proposed by both the Army and the Navy, which appears in column 8. The proposal of the Senator from South Carolina [Mr. MAYBANK] is listed in column 9. Then there are 2 from the House, in columns 10 and 11.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. VANDENBERG. Do we ever have the benefit of recommendations from the Bureau of the Budget on schedules of this nature?

Mr. GURNEY. There has been no report from the Bureau of the Budget on any of the pay schedules, so far as I know.

Mr. VANDENBERG. Is there any definite recommendation from the War Department and the Navy Department?

Mr. GURNEY. Yes; that appears in column 8, with a total cost of $549,000,000. My proposal adds up to less than that, being a total of $474,000,000.

Mr. VANDENBERG. Did I understand the Senator to say that his proposal had been written in conjunction with consultations with the services?

Mr. GURNEY. With both services. Both the War and Navy Departments approve these schedules, and say they are properly spaced, and if we start with a certain figure for a private the correct amount is given to other enlisted men, officers, and field officers in accordance with their responsibilities.

Mr. VANDENBERG. I should like to ask the Senator one other question. As I understand the committee bill itself, the total increase is $275,000,000. Is that correct?

Mr. GURNEY. That is correct, as shown in column 2.

Mr. VANDENBERG. The Senator's proposal is $474,000,000, as shown in column 5. Is that correct?

Mr. GURNEY. Yes.

Mr. VANDENBERG. Yet both of them have the same increases at the enlistment level. Is that correct?

Mr. GURNEY. That is correct.

Mr. VANDENBERG. If the purpose of the increase primarily is to encourage enlistments, why is it necessary, then, to go beyond the figure recommended by the committee, inasmuch as that would establish precisely the same enlistment incentive?

Mr. GURNEY. It would not quite do that, because when a man enters the Army, if he knows he will be rewarded with a higher rate of pay as he advances in rank, he might like to make the Army a career. But basically there is no more incentive in the amendment now pending than there was in the committee-approved bill, as shown in column 2, because they both provide $65 for initial enlistment. Does that answer the Senator's question?

Mr. VANDENBERG. Yes; but I do not think it quite explains why it is necessary for us to go beyond $275,000,000 at the moment, inasmuch as our present primary purpose is enlistment incentive.

Mr. GURNEY. The Senator is correct, and that was the reason why I recommended the original amount in column 2, which totaled $275,000,000.

The Senator must take into consideration the fact, however, that the House of Representatives started at a much higher figure, giving the private a 50-percent increase, while we recommend only 30 percent, and they also increase the pay of officers.

Mr. VANDENBERG. I understand that, but the Senate conferees will collide with the House on that subject. Perhaps that is an additional reason for clinging to the lower figure at the take-off, so far as the Senate is concerned.

Mr. GURNEY. Therefore, I recommended an initial rate for privates of $65, which is the same figure the committee approved in the first place.

Mr. VANDENBERG. But the Senator's total recommendation is $474,000,000, compared with $275,000,000.

Mr. GURNEY. It is considerably more. I will say to the Senator from Michigan that a great portion of the $474,000,000 is because of the House action adding $96,000,000 of increase in officers' pay.

Mr. VANDENBERG. That is the precise point I make. I understand the purpose of the bill is enlistment incentive, but there is precisely the same enlistment incentive in the first four grades, which are entry grades, under the $275,000,000 budget, as there is under the $474,000,000 budget. So I find myself again puzzled as to why, at least, in the Senate's initial action, we should undertake to extend the original action of the committee on the $275,000,000 proposal.

Mr. GURNEY. I can say to the Senator that I believe he is entirely justified in his statement, because it is my belief that an inductee or volunteer in 18 months of service will probably not reach a grade higher than that of sergeant or staff sergeant, the pay of which, under the committee bill would be, respectively, $94 and $106 a month. The only justification is to get the House and Senate committee figures more nearly together.

Mr. VANDENBERG. That is the function of a conference, and not the function of initial consideration on the floor.

Mr. WHEELER. Mr. President, will the Senator from South Dakota yield?

Mr. GURNEY. I yield to the Senator from Montana.

Mr. WHEELER. I wish to call attention to the fact that what the Army and the Navy did was to recommend a 20 percent increase all down the line, and for the higher officers $800 a month. The Gurney amendment recommends for the enlistees the same the committee recommended, but it adds 10 percent to the pay of the higher officers.

I agree entirely with what the Senator from Michigan has said. I think we can justify an increase for the enlisted men, but I do not think we can go before the country at this time and advocate that the admirals and the generals, who are drawing good salaries at present, should get an increase of 10 percent or 20 percent, or any other increase. As I understand, the purpose is to get men to enlist in the Army and Navy. We do not need to pay an admiral 10 percent more in order to get him to enlist in the Navy.

Mr. GURNEY. Again I answer the Senator from Montana, by saying that this proposal incorporates the House action, so far as officers' pay is concerned. Then I call attention to the fact that for junior grade officers, $180 a month is not very much, in view of present living costs.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. GURNEY. I yield to the Senator from West Virginia.

Mr. REVERCOMB. I think the Senator from Michigan has put his finger upon the very heart of this situation. The whole purpose of any kind of raise at this time is to induce enlistments, to invite enlistments. Therefore it seems to me that the scale of pay contained in the bill reported from the committee, as well as the scale of pay contained in the substitute which I shall offer shortly, being the same, is a real basis which meets the reason for raising pay. There is no reason for raising the pay of officers.

Mr. MEAD. Mr. President, if the Senator will yield, I am confused, but I presume there are excellent reasons for the different proposals before us. Is it true that the amendment at the desk is the proposal the Senator from South Dakota has been authorized by the committee to recommend?

Mr. GURNEY. No. I am afraid the Senator was not in the Chamber when I explained that twice, and I shall be glad to explain it again.

The committee recommendation is shown in column 2 in the sheet before the Senator, indicating an increase of pay only for the enlisted men. After the committee approved that rate of pay on April 11, on April 19 the House passed a pay increase, as shown in column 6.

In the first place, I felt that the House increase was too much. They start with a private at $75 a month. Our committee started a private at $65, being a 30-percent increase. But the House also felt that officers, especially the junior-grade officers, were not receiving enough, and they increased their pay 20 percent.

Consequently, the amendment before the Senate now represents my personal ideas, worked out with the Army and Navy, and they now concur with me in offering this suggestion to the Senate.

Mr. MEAD. Therefore, if the Senator's original amendment, endorsed by the committee, were presented, and received the approval of the Senate, it would then

go to conference in conjunction with the measure which passed the House?

Mr. GURNEY. If my amendment shall be defeated, we will, of course, immediately return to the figures as shown in column 2, and then we will go into conference between the House and the Senate, with the House bill as shown in column 6, and the Senate bill as shown in column 2.

Mr. MEAD. Is the amendment the committee authorized shown in column 2?

Mr. GURNEY. I believe that the House figure, a total of $632,000,000, is a little out of line, and not necessary, and we do have to watch the Treasury a little. In saying to the people of the United States, "We are offering a rate of pay for volunteers that is attractive," we recommend not only an initial rate of pay which provides for $65 as a proper inducement to get men to stay in the Army and advance in grade, but absolutely increases their monthly wage rate.

Mr. MEAD. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. MEAD. If, for instance, the Senate adopted the amendment approved by the committee, the total cost of which is $275,000,000—is that correct?

Mr. GURNEY. That is the total increase over present pay rates.

Mr. MEAD. Then the bill would go to conference, and the conferees would decide between the two increases, $275,000,000 and $632,000,000?

Mr. GURNEY. Yes.

Mr. VANDENBERG. Mr. President, I think probably we will begin with the Gurney basis. When the conferees start with the Gurney basis they will probably wind up in the stratosphere.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. BARKLEY. Aside from what may or may not be done in conference, it strikes me that we ought to do what seems to be wise here insofar as the Senate is concerned. I understand that the change in the proposed pay of officers, for one thing, was induced by the desire to keep the relative pay somewhat in harmony with what it has been heretofore. But aside from that, it is the hope, I suppose, of the Congress and of the Army and the Navy that inductees or enlistees will not be satisfied simply to serve for a year and a half, or whatever the period may be, at $65, or some little increase up to $70 or $82 or $90, but that they might have an inducement to remain in the Army and thereby work up to a position where they might occupy an important officer status, and that the increased pay is not so much for the present officers, although they may be entitled to it, as it is an inducement for a man to work his way up from the ranks into the higher categories.

Mr. GURNEY. It applies not only to the Army, but is an inducement for the young men of the United States to make the Army and the Navy a career.

Mr. BARKLEY. Yes; and with the expectation that they will not always be satisfied to be privates.

Mr. GURNEY. And with the hope that they will not simply enlist for 18 months, but that they will enlist for 3 years.

Mr. BARKLEY. I understand that the $474,000,000 increase which is proposed now is about midway between the $275,000,000 and the $632,000,000 increase; the $275,000,000 being as originally recommended in Senate bill 2057, and the $632,000,000 being carried in House bill 6084, which has already passed the House.

Mr. GURNEY. Yes; which has already passed the House.

Mr. BARKLEY. So that if we adopt the $275,000,000 increase, and the matter went to conference, and the House bill provided a $632,000,000 increase, we might arrive at somewhere near the $474,000,000 increase that is now contained in the proposed amendment, as shown in column 5.

Mr. GURNEY. I agree that the Senator has made a fair statement.

Mr. BARKLEY. And that we might as well do it here in the Senate as wait to do it in conference.

Mr. GURNEY. That is my belief.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. SALTONSTALL. I should like to ask the Senator a question. Is it not true that there has been no increase in officers' pay since 1922?

Mr. GURNEY. No; I do not believe that is quite correct.

Mr. JOHNSON of Colorado. Since 1942.

Mr. SALTONSTALL. Since 1942? Has the increase in pay of junior officers and all up the line been of a permanent character?

Mr. GURNEY. Yes. Prior to that time lieutenants were receiving $1,500 a year.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. OVERTON. Does the record show in about what length of time a man who enlists as a private may expect to become a captain or a first lieutenant or a second lieutenant?

Mr. GURNEY. During the war, the Senator knows—

Mr. OVERTON. I am speaking about the present time.

Mr. GURNEY. In peacetime there is the same opportunity to go to officers' candidate school as in wartime. It may, however, take the private quite a while to arrive at that point.

Mr. OVERTON. A statement about that was made in one of the hearings, but I have forgotten what it was. The Senator is correct; it will take a long, long time before a private can hope to be a captain. I do not think a captain's salary would be any inducement to enlistment as a private.

Mr. GURNEY. That is correct. But the higher grades of sergeant, such as technical sergeant or master sergeant, or chief petty officer or the higher grades in the Navy, are very attractive positions, because in addition to the salary the men receive rations and clothing and what not.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. GURNEY. I yield

Mr. SALTONSTALL. A second lieutenant's pay under Senate bill 2057 is $150, without any rations. A master sergeant's pay is $140 under the provisions of the bill. Are there or are there not various inducements that go with the master sergeant's pay that would make it actually higher than the second lieutenant's pay?

Mr. GURNEY. There are, and I was coming to the point of putting the allowances in the RECORD and of explaining what the allowances are, such as rations, quarters, and what not.

Mr. SALTONSTALL. What we are very anxious to do at the present time, in addition to providing inducements for the privates and the corporals and the sergeants to remain in the Army is to make, particularly the Navy, a career for younger officers. Is that not true?

Mr. GURNEY. That is true, and I thank the Senator for his statement.

Mr. President, I believe we should have in the RECORD at this point a complete statement of the pay and allowances provided for enlisted men in addition to base pay. Of course base pay is shown in the schedule. I ask that a statement of pay and allowances provided for enlisted men in addition to base pay may be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PAY AND ALLOWANCES PROVIDED FOR ENLISTED MEN IN ADDITION TO BASE PAY

I. PAY

(a) Longevity pay: 5 percent additional pay, computed on base pay for current grade, for each 3 years' prior service, up to a total of 50 percent additional pay.

(b) Overseas pay: 20 percent additional pay, computed on base pay (including flying pay, if received), for current grade, while serving outside the continental United States or in Alaska. (Provisions authorizing this additional pay were made permanent legislation by the Armed Forces Voluntary Recruitment Act.)

(c) Flying, parachute, and glider pay:

Flying: 50 percent additional pay, computed on base pay for current grade, while on flying status.

Parachute: 50 percent additional pay, while rated as active parachutist.

Glider: 50 percent additional pay, computed on base pay for current grade not to exceed an increase of $50 per month, while on glider status. (These additional-pay provisions are mutually exclusive.)

(d) Combat and expert infantryman pay: $10 per month for combat infantryman and $5 per month for expert infantryman, in addition to base pay, while entitled to wear the combat or the expert infantryman badge. (These provisions are temporary and expire 6 months after the end of the war.)

(e) Medical Corps men pay: $10 per month additional pay, while entitled to wear the medical badge. (This legislation is temporary and expires 6 months after the end of the war.)

(f) Decoration pay: $2 per month additional pay for holders of the Medal of Honor, DSC, DSM, DFC, or the Soldier's Medal.

II. ALLOWANCES

(a) Enlistment allowance: An amount computed at the rate of $50 for each year of prior continuous service, provided such service did not terminate more than 90 days before reenlistment.

(b) Mustering-out pay: $100 for enlisted men with less than 60 days' service; $200 for

those with more than 60 days' service within the United States; or $300 for those with more than 60 days' service, if service was performed outside of the United States. These amounts are payable upon discharge—$100 at time of discharge and the balance, if any, in monthly installments.

(c) Allowance for quarters and dependents or family allowance for dependents:

(1) Persons in the first three grades may choose between:

(a) allowance for quarters for dependents (not to exceed $5 per day); or

(b) family allowance for dependents: $50 per month for wife, $80 per month for wife and child, $20 per month for each additional child, etc.

There is deducted from the pay of the soldier choosing family allowance for dependents not less than $22 a month, the exact amount of such deduction varying with the type and number of dependents.

(2) Persons in grades below the first three grades receive only the family allowance for dependents above described. (Payments under the Servicemen's Dependents Allowance Act may be made only for the duration plus 6 months.)

(d) Quarters and subsistence allowance: First three grades (master sergeants, technical sergeants, and staff sergeants), not furnished quarters and subsistence for themselves in kind, receive an allowance for quarters and subsistence not to exceed $5 a day.

(e) Discharge travel allowance: On final separation from the service a soldier receives an allowance computed at the rate of 5 cents per mile between the place of discharge and the place where he entered the service.

(f) Furlough travel allowance: When granted a reenlistment furlough, a soldier receives an allowance in advance and computed at the rate of 5 cents per mile from place of reenlistment to soldier's home or other place designated by him, and return; excluding sea travel, which is provided in kind.

Mr. GURNEY. Mr. President, I also wish to bring to the attention of the Senate the latest estimate of what it cost the Government to keep an enlisted man in the Army. I have here a statement of over-all monthly cost to the Government of maintaining an average enlisted man in 1945. This does not include quarters such as would be provided for men in civilian life. Food, $20. Clothes, $20. Medical and dental care, $3. Pay and allowances, average—includes base, longevity, foreign service, hazardous duty, family allowances—$115.

Making a total of $158 per month, without including quarters, and without taking any credit for whatever it may cost the Government to house the average soldier per month.

The average monthly take-home pay under present rates, not after this amendment or any other amendment is included in the bill—the average take-home pay per month is $70 for enlisted men.

Mr. President, I hope the amendment will be adopted.

Mr. JOHNSON of Colorado. Mr. President, on behalf of the Senator from Wisconsin [Mr. LA FOLLETTE] and myself, I offer an amendment as a substitute for the amendment offered by the Senator from South Dakota. The substitute will read as section 8 reads in the committee measure, except that on page 5, line 11, "$100" is substituted for "$94"; in line 12, "$82" will be stricken and "$90" will be inserted in lieu thereof; in the same line "$80" will be substituted for the "$70"; and in line 13, "$75" will be substituted for "$65."

Then after line 15 of the bill we propose to insert:

(b) Section 11 of the act of March 4, 1925 (43 Stat. 1274; 34 U. S. C. 701), is hereby amended to read as follows:

"SEC. 11. That the band of the United States Marine Corps shall consist of one leader whose pay and allowances shall be those of a captain in the Marine Corps; one second leader whose pay shall be $220 per month and who shall have the allowances of a sergeant major; 10 principal musicians whose pay shall shall be $180 per month; 25 first-class musicians whose pay shall be $150 per month; 20 second-class musicians whose pay shall be $120 per month; and 10 third-class musicians whose pay shall be $102 per month; such musicians of the band to have the allowances of a sergeant: *Provided,* That the second leader and musicians of the band shall receive the same increases for length of service and the same enlistment allowance or gratuity for reenlisting as is now or may hereafter be provided for other enlisted men of the Marine Corps: *Provided further,* That the pay authorized herein shall apply in computing the pay of former members of the band now on the retired list and who have been retired since June 30, 1922: *Provided further,* That in the event of promotion of the second leader, or a musician of the band, to leader of the band, all service as such second leader, or as such musician of the band, or both, shall be counted in computing longevity increase in pay: *And provided further,* That hereafter during concert tours approved by the President, members of the Marine Band shall suffer no loss of allowances."

That is done to correct an injustice that was done in the pay bill for 1942, in which the United States Marine Corps was left out.

Mr. President, I want to correct one misstatement that was made in the colloquy a moment ago between the Senator from Kentucky and the Senator from South Dakota. The companion House bill to Senate bill 2057 contains no pay provision whatsoever. The pay provision in the House bill appears in another bill entirely, which is H. R. 6084.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. LA FOLLETTE. As I understand, the reason why this situation now confronts the Senate from a parliamentary standpoint is that unless the House amends the Senate bill it will not be in conference. There is nothing going to conference as the result of the action which the Senate is now taking. In other words, the Senate proposes to send to the House the Senate bill, unless it is contemplated that the House bill will be taken up and all after the enacting clause stricken out and the bill we have now been working on substituted for it.

Mr. JOHNSON of Colorado. Yes; that is contemplated. And the bill that will be used for that purpose will not be H. R. 6084; it will be H. R. 6064, which has no salary provision in it whatsoever.

Mr. LA FOLLETTE. And therefore there would be nothing in conference except the Senate action on this subject?

Mr. JOHNSON of Colorado. That is correct.

Mr. LA FOLLETTE. On the pay schedule.

Mr. JOHNSON of Colorado. That is correct.

I desire to say a few words about the amendment I have just offered. We are considering a bill which is designed to get more men into the Army through volunteer enlistments. Of course, the folks in the Pentagon Building seized upon this as a grand opportunity to increase the pay of officers. We have no difficulty in obtaining plenty of volunteer officers. We now have 250,000 of them. The Army says that on July 1, 1946, it will reduce the number to 150,000. It has 100,000 officers that it will have to dispense with between now and the 1st of July. It is a well-known fact that we can get twice as many, and probably three times as many, officers in the Army as we need.

Mr. WALSH. The same is true in the Navy. There are many more applicants for permanent commissions in the Navy than there are places available.

Mr. JOHNSON of Colorado. I thank the Senator for mentioning that fact. Of course, these pay proposals apply to the Army, the Navy, and all the other services in a uniform manner.

The committee reported a bill which provided for an increase in pay for enlisted men, but no increase in pay for officers. The amendment which has been perfected by the Senator from Wisconsin [Mr. LA FOLLETTE] and myself followed that general design. We increased the pay of the last four grades in the enlisted service, and we left the officers entirely alone.

Mr. President, I ask for the yeas and nays on the substitute amendment which I have offered.

The PRESIDING OFFICER. Will the Senator from Colorado please send his amendment to the desk?

Mr. LA FOLLETTE. Mr. President, I tried to follow the amendment as the Senator read it. As I understand, column 6 shows the House action on the pay question, which I again emphasize, under the contemplated parliamentary procedure, will not be in conference. The bill to which this amendment will be attached is the draft-extension bill, which does not contain any House action on pay. So the Senate must assume the responsibility, in this connection, of taking the only action that will be in conference on this question.

Let me ask the Senator from Colorado if he will explain for my benefit what the effect of the amendment is, taking column 6 as a guide.

Mr. JOHNSON of Colorado. Taking column 6 as a guide, for the seventh grade, that is, private in the Army or apprentice seaman in the Navy, under the perfected amendment which we have just offered the pay would be the same as in column 6, namely, $75, or a 50-percent increase. For the sixth grade, private first class, or seaman second class in the Navy, the pay would be $80, or a 48-percent increase. For the fifth grade, corporal in the Army or seaman first class in the Navy, the pay would be $90. For the fourth grade, sergeant in the Army or class 1 petty officer in the Navy, the pay would be $100. Other than that, the amendment is identical with column 2, or Senate bill 2057.

Mr. LA FOLLETTE. In other words, as I understand, the pending amendment would adopt the House schedule of pay as it passed the House in House bill 6084, down to the fourth grade. Is that correct?

Mr. JOHNSON of Colorado. That is correct.

Mr. LA FOLLETTE. And beyond that the Senator's amendment would have the effect of adopting the recommendations of the Senate Committee on Military Affairs in the grades above that. So the issue clearly presented in the amendment offered by the Senator from South Dakota [Mr. GURNEY] and the amendment which the Senator from Colorado [Mr. JOHNSON] has offered on his behalf and mine, would be to increase the incentive for enlistments in the first four grades, and then to adopt the Senate Military Affairs Committee figures beyond those grades. So there is no proposal in our substitute for an increase in the pay of officer personnel.

Mr. VANDENBERG. Can the Senator give me the total figure of increased cost?

Mr. LA FOLLETTE. I would have to ask the Senator from Colorado. Can the Senator from Colorado, from his knowledge of this question, give us the difference between the total increase which would result from his modified amendment and the increase resulting from the recommendation of the committee?

Mr. JOHNSON of Colorado. The only information I can give is that the pay of officers——

Mr. GURNEY. Mr. President, if the Senator will yield, I can give him the figure.

Mr. JOHNSON of Colorado. I shall be glad to have it.

Mr. LA FOLLETTE. I yield to the Senator from South Dakota.

Mr. GURNEY. As I understand, the Senator from Colorado does not include in his amendment an increase for officers. Is that correct?

Mr. JOHNSON of Colorado. That is correct.

Mr. GURNEY. The Senator has the same figures in his amendment for enlisted men as the House has already adopted. So, deducting $96,000,000 from column 6, the increase under the Senator's amendment would be $536,000,000. Is that correct?

Mr. JOHNSON of Colorado. It would not be quite that much. It would be considerably less than that. It would be about $350,000,000.

Mr. GURNEY. The Senator's figures are the same as those passed by the House, for enlisted men.

Mr. JOHNSON of Colorado. No; that is not correct. They are not the same as those passed by the House—only for the seventh, sixth, fifth, and fourth grades.

Mr. LA FOLLETTE. I am convinced that the increase would not be as much as has been stated, because the pending amendment does not follow the House action beyond the fourth grade.

Mr. JOHNSON of Colorado. The cost of the amendment which we have offered would be about $350,000,000, as against $474,000,000 in the case of the amendment offered by the Senator from South Dakota.

Mr. VANDENBERG. Mr. President, is the Senator reasonably confident of that figure?

Mr. JOHNSON of Colorado. No; it is pretty much of an estimate, I will say to the Senator. I have not checked the figures, but I presume that they are approximately correct. I do not believe the increase could possibly be more than $350,000,000. I think more than likely it would be $325,000,000.

Mr. GURNEY. Mr. President, looking at the amendment dated May 29, offered by the Senator from Colorado and the Senator from Wisconsin, I ask the Senator from Wisconsin if this is the amendment which is now pending?

Mr. LA FOLLETTE. That is not the pending amendment, because the Senator from Colorado and I have modified the amendment, so that we pick up from the House rates only the first four grades.

Mr. GURNEY. Can the Senator tell me what the figures would be for the third, second, and first grades?

Mr. LA FOLLETTE. They would follow the action of the Senate Committee on Military Affairs.

Mr. GURNEY. I see. I thank the Senator.

Mr. HILL. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield to the Senator from Alabama.

Mr. HILL. In other words, the pending amendment picks up the rates in the House bill for the first four grades. Then it takes the rates in the Senate bill for the fifth grade and the sixth grade. In the Senate bill there is no increase in the seventh grade. The increase in the eighth grade in the pending amendment is the rate in the Senate bill. From there on, there are no increases. Is that correct?

Mr. LA FOLLETTE. As I understand, the Senator has stated it in reverse.

Mr. HILL. Yes.

Mr. LA FOLLETTE. The pending amendment adopts the House rates for the seventh, sixth, fifth, and fourth grades.

Mr. HILL. The Senator is exactly correct.

Mr. LA FOLLETTE. Then, beginning with the third grade, the amendment does not change the Senate committee's recommendations. So we have a clear-cut issue here as between a substantial increase in the first four grades to stimulate voluntary enlistments, and the adoption of the Senate committee's recommendations for slight increases in the fourth, third, and second grades, and in the first grade, or the grade of master sergeant, with no increases beyond that point.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. WALSH. Am I correct in stating that the pending amendment offered by the Senator from Wisconsin and the Senator from Colorado gives the highest increase to the four lower grades of any amendment proposed?

Mr. LA FOLLETTE. That is correct.

Mr. WALSH. So that it is the most generous one to those enlisting in the lower ranks of the Army, the Navy, and the Marine Corps.

Mr. LA FOLLETTE. Mr. President, I think we ought to face squarely the fact that unless we expect to continue indefinitely to utilize the draft as a means of maintaining our armed forces, and unless we are to continue—as it is proposed to do for 1 year in this bill—to rely indefinitely on the teen-agers for the main source of our manpower pool for the armed forces, we should take this step to raise the pay and make it somewhat commensurate with the service which we expect to be performed.

The able Senator from Vermont [Mr. AUSTIN] pointed out that one of the effects of the demobilization has been, for example, to take from the Air Corps ground forces the necessary skilled personnel to maintain our air forces in a position to keep their planes in order. Wherever we turn in a modern army we need men of skill and experience; and if they do not have it when they first enter the service, they should have an opportunity, as they do in the Navy, to obtain it and to make a career of the service. To me it is shocking to suggest that we must rely indefinitely upon the teen-agers as our main source of manpower. A country of the size of the United States, a country which has such an enormous capacity for the production of wealth, should be willing to make payments commensurate with the service which the men who go into the armed forces are expected to render.

I am convinced that if the Senate will go this far with this matter, we should be able to obtain the men we need. We shall relieve the drain on the teen-agers; and all the testimony of the military experts is to the effect that they prefer volunteers to draftees. So I believe this is a very important test, because, unless we take this step, as I pointed out earlier in the day, we shall be confronted with the same situation when another year rolls around.

With the reliance which every country must now place upon the continuation of education and the development of scientists and technicians, I assert that we should at least be willing to spend the amount of money necessary to reduce to the absolute minimum the drain upon the teen-agers and the interruption of their education. It is simply preposterous to say that we cannot afford an increase of $350,000,000 annually for this purpose.

So, Mr. President, I certainly hope that this amendment will prevail and that we shall thus have a fair chance to test whether the volunteer system can furnish all the men needed for replacements and all the men needed to maintain an armed force which is adequate to protect the security of this Nation and to discharge its international responsibilities.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. VANDENBERG. Do I correctly understand, then, that the amendment for which the Senator speaks, while costing, over all, less than the proposal submitted by the Senator from South Dakota [Mr. GURNEY], provides not only a greater incentive at the enlistment level,

but also the highest incentive which is being proposed?

Mr. LA FOLLETTE. That is correct. In other words, it would require a lesser amount of money than would be required by the amendment offered by the Senator from South Dakota, but it would concentrate the money in the form of payments to men in the grades in which it is most essential to provide an inducement for voluntary enlistment on the part of men who have the training and experience needed to enable them to perform the difficult job of policing and overseas duty.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. MORSE. I simply wish to say to the Senator from Wisconsin that I desire to associate myself with the remarks he has just made in his able speech. I think the Senator will recall that many, many months ago when an army bill was under consideration the junior Senator from Oregon was the first Member of the Senate to propose that the pay of members of the armed forces be increased so as to provide sufficient inducement for a volunteer army as quickly as possibly. At that time I made a proposal in the form of an amendment, which was voted down by the Senate, suggesting that a blanket increase be made in the pay of all personnel at that time, with the understanding, however, that it should be considered only as a tentative step pending the making of the type of investigation which I think is represented by the report set forth by the Military Affairs Committee and also by this Johnson-La Follette amendment.

I think it is of the utmost importance that we proceed to adopt this amendment to raise the pay of the enlisted personnel. It is necessary in fairness to the men in the Army whom we are asking to perform police service for us. They should receive pay which bears some relationship to the service they render. After all, the type of service required in the Army has become highly specialized and very much in the nature of police service, civil government service, and technical work. The taxpayers of the country should be willing to pay decent wages for the services rendered. Hence I am very happy to associate myself with the remarks of the Senator from Wisconsin and I urge that this amendment which supports the Army pay principle which I urged many months ago be adopted.

Mr. LA FOLLETTE. Mr. President, I appreciate the remarks of the able Senator from Oregon.

Mr. AUSTIN. Mr. President——

Mr. LA FOLLETTE. I yield to the Senator from Vermont.

Mr. AUSTIN. I should like to have the opinion of the able Senator from Wisconsin about a certain matter. Let us assume that we adopt the pending amendment which is offered as a substitute for the Gurney amendment, and thereby write into the bill the four top items in column 6 and the four next succeeding items in column 2, but no pay increases anywhere else.

Mr. LA FOLLETTE. That is the effect of the pending amendment.

Mr. AUSTIN. Very well.

Now let us assume that we pass the bill with that amendment in it, and thereupon substitute the entire bill for the substance of the House measure. The question is this: Would not all these items be in conference as a result of substituting our bill for the contents of the House bill?

Mr. LA FOLLETTE. It is not my understanding that that would be the effect of the action which is contemplated, because, as I understand the situation, once the Senate bill is perfected, it is proposed to take the House measure extending the draft and strike out all after the enacting clause and substitute the amended Senate bill. Since the House acted in a separate measure with regard to pay, namely, House bill 6084, that measure would not pass the Senate, and therefore it would not be in conference.

So the Senate would be adopting what would ultimately be the final action, except, of course, the House would be in a position, if it so desired, to offer as a compromise for the pay schedules in the first eight categories, pay schedules of a lesser amount than those adopted by the Senate. But there would be no possibility that anything in excess of what the Senate provided with regard to pay would come from conference.

Mr. AUSTIN. Will the Senator yield for a further question?

Mr. LA FOLLETTE. I am glad to yield.

Mr. AUSTIN. Assuming that the House refused to accept the Senate version of their bill when it came to them, that in effect would deny this amendment; would it not? So if the matter went to conference, the question in regard to this amendment would be whether to accept or reject this item. Is that the situation?

Mr. LA FOLLETTE. No. The House conferees would be in a position, if they desired to do so, to urge the Senate conferees to accept a lesser rate of pay than had been incorporated in the bill by the action of the Senate.

Mr. AUSTIN. I see.

Mr. LA FOLLETTE. But the ceiling would be the Senate's action, because in the bill which went to conference with the House there would be nothing dealing with the pay of either noncommissioned or commissioned personnel, other than enlisted personnel.

Mr. AUSTIN. And whatever changes were proposed would have to be initiated by the House?

Mr. LA FOLLETTE. That is correct. I feel quite certain that since we have adopted the House schedule in the first four categories, it would be very likely that they would be inclined to accept it, although, of course, I have no way of knowing that.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. OVERTON. I should like to remind the Senate of the ruling of Vice President Garner, when he was in the chair, when the Senate struck out everything in a House bill after the enacting clause. It was the ruling of the Vice President then in the chair, and the ruling was afterwards reaffirmed, that the whole subject matter was then in conference, and that the conferees could write an entirely new bill.

In that event, there will be no ceiling in connection with the present matter.

Mr. LA FOLLETTE. Mr. President, in the first place, let me say to the Senator from Louisiana that, with all due respect to Vice President Garner, I have always questioned the broad scope of that ruling. I would agree with the Senator that if the Senate committee's action were to be attached to the bill dealing with pay schedules, which the House passed, that would be different. But that is not the case. We are simply proposing ultimately to strike out all after the enacting clause in the House measure extending the draft, and to insert the Senate bill. In the House measure, the House did not incorporate any amendments with regard to pay.

So it seemed to me that, under those circumstances, nothing except the first eight categories would be in conference.

I am not so familiar with the House rules but it would seem to me that in all probability that would be the result. I may be in error about it, but that is my best judgment.

Mr. OVERTON. It is my recollection that under the ruling of Vice President Garner—and it stands today; it never has been overruled—the whole matter would be in conference and that the conferees could write an entirely new bill. In that event, the conferees could increase the pay as much as they desired and as much as the two Houses would agree to do.

Mr. LA FOLLETTE. I know that that ruling went a long way; but it would seem to me that in this particular instance the Senate ceilings would be likely to be the ultimate. However, I may be wrong about that.

Mr. OVERTON. I hope they will be the ultimate.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield to the Senator from New Jersey.

Mr. HAWKES. I thank the Senator from Wisconsin. I wish to ask several questions. I may say that the Senator's amendment appeals to me very strongly. I believe that the basic reason for taking the proposed action to increase pay is to provide an incentive for enlistment, and that can best be done by providing increases in the first four grades. I say that because I realize that the men in the first four grades of enlisted men are the ones who will relieve the necessity of drafting the teen-age group.

Did the Senator from Wisconsin and the Senator from Colorado give that matter careful thought? Would it not be wise to include all the enlisted grades and not leave out the fourth-grade sergeant, the third-grade staff sergeant, the technical sergeant, the chief petty officer, and the master sergeant?

Mr. LA FOLLETTE. Mr. President, I may say that if that were done we would run into the difficulties in the break between the top grade of the noncommissioned officer, and the first grade of the commissioned officer. In the Navy that

would apply, of course, to the warrant officer. Moreover, even with this hybrid amendment, dealing with the first four categories of the Johnson-La Follette amendment and the next four categories of the committee bill, we still leave a differential between each grade. It should also be borne in mind that as men rise in these grades their allowances and other considerations, as pointed out by the Senator from South Dakota, become a more important factor. So I believe, taking everything into consideration, that this amendment would provide a reasonably smooth pay schedule, advancing step by step.

Mr. HAWKES. I thank the Senator for his explanation. I note that there is still a differential all the way along the line. I presume there are some other perquisites and considerations which go along with the upper enlisted grades but do not go with the first four grades on the list. Am I correct?

Mr. LA FOLLETTE. I believe that is true.

Mr. HAWKES. I wish to propound to the Senator from Wisconsin another question which I think is very important. The House bill carried a total increase of $632,000,000 a year, and we have been told that $96,000,000 for officers will be deducted from that amount under the so-called Johnson-La Follette amendment. However, deducting that $96,000,000 would not bring the figure down anywhere near $325,000,000, the estimate of the Senator from Colorado.

Mr. LA FOLLETTE. The difference is to be accounted for by the fact that the estimate in the House schedule includes all the increases in the second and third grades. So it is necessary to deduct from the $96,000,000 the difference between the cost of the Senate committee's recommendations concerning the second four categories of enlisted personnel and the House recommendations.

Mr. HAWKES. I realize that. But what I want to know is this: Is it the Senator's firm conviction that the total increase under the amendment he has offered will be not to exceed $350,000,000 or $375,000,000 at the most?

Mr. LA FOLLETTE. I am relying principally on the Senator from Colorado for the estimate, and he said that in his judgment $350,000,000 was the maximum.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. HAWKES. Mr. President, I am not quite through.

Mr. GURNEY. I think I can answer the Senator's question.

Mr. LA FOLLETTE. I yield to the Senator from South Dakota.

Mr. GURNEY. Mr. President, I have had a hurried check made by the men who made up the schedule, and their best estimate, leaving out, as the Senator's amendment does, the increases for the warrant officers as well as other officers, is that the total cost will be $425,000,000.

Mr. LA FOLLETTE. Mr. President, the Senator referred to leaving out the increases for the warrant officers. However, we have also adopted the Senate committee's recommendation with regard to the third grade; the second grade, first-class petty officer and chief petty officer; and first grade, master sergeant and chief petty officer.

Mr. GURNEY. My answer would be based on the assumption that the Senator's amendment would raise wages only for enlisted men.

Mr. LA FOLLETTE. We cannot wave aside the savings under the pending amendment which result from adopting the Senate committee's last four categories.

Mr. GURNEY. We have taken into consideration $106 for the third grade; $118 for the second grade, $126 for the chief petty officer, and $140 for the first grade. The best estimates which have been hurriedly made, indicate that the greater number of men are in the seventh grade at $75 and the total cost under the Senator's amendment would be $425,000,000. That is the best information which I have been able to obtain.

Mr. LA FOLLETTE. I am glad to receive those figures, if they are accurate, and I point out that they are still substantially under the figures of the Senator's amendment.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. HAWKES. I thank the Senator for yielding to me, and I thank the Senator from South Dakota for giving us the information which he just furnished. I am inclined to believe that we will find the figures of the Senator from South Dakota more nearly correct.

I wish to propound the following question to the Senator from Wisconsin: Does he believe, after giving this matter long and serious thought, that it is likely to render unnecessary the drafting into the service of teen-age men?

Mr. LA FOLLETTE. Mr. President, I can only say that I believe this amendment is sufficiently substantial in its provision for an increase in pay in the first four categories to have the effect of tremendously reducing the drain on the teen-age manpower quota. No man can say whether it will go far enough to prevent any drafting of teen-agers. But it is my firm conviction that if the Army will take this proposed pay schedule and really put on a campaign to obtain enlistments for the foreign service they will come very close to relieving the teen-age manpower pool of any drain whatever.

Mr. HAWKES. I believe that to be a fact, and that is why I like the amendment. I think it is worth considerable to this country to avoid in every possible way the drafting of teen-age men.

Mr. LA FOLLETTE. I agree with the Senator. The greatest part of the cost under this amendment would go into those categories which will make it possible to obtain the maximum number of men through voluntary enlistments.

Mr. HAWKES. That is why I like the amendment in its present form of making enlistments attractive where it will relieve to the maximum the pressure for teen-agers.

Mr. BROOKS. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. BROOKS. I am in thorough accord with the amendment of the Senator from Wisconsin, and I associate myself with his views. The sooner we can have a completely volunteer army, the better off the country will be. We need an intelligent volunteer army, and we need men who will remain in the service and carry into their work their early training. Thereby we would have a much better army than would be obtained by taking into the service boys of 18 years of age and then letting them out of the service at the end of 18 months of service. It is in the lowest grades that we want enlistments.

I shall not object later on to increasing the pay of officers, but at this moment the record will show that it is the higher ranking officers who are not leaving the service. It is the enlisted men who are needed very badly. When the time arrives I shall be glad to vote to increase the pay of officers. But at the present time my concern is to obtain the volunteer enlistment of men in the lowest grades, and it is in those grades that I think the greatest increases in compensation should be made.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. FERGUSON. I wish to speak briefly about the amendment. If the Senate desires that the country shall have a volunteer army, and is sincere in that desire, we should agree to the amendment. I believe it will solve the problem of obtaining a volunteer army. My mail clearly indicates that many of the officers desire to remain in the service. We have a surplus of officers, but not of men. I have some trouble in voting to take under the draft 18- and 19-year-old boys. But I have felt that if we should adopt an amendment such as the one now pending, we would eliminate one of our difficulties. Under the emergency of today it is our duty to endeavor to obtain a volunteer army in order to solve the problem of the proper defense of America.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. JOHNSON of Colorado. Suppose we have an army of 1,000,000 enlisted men. If we could give each one of those men a monthly increase of $25, that would be $300 a year for each man. With 1,000,000 men, the yearly cost would be $300,000,000. Therefore I think the estimate of the Senator from South Dakota is not correct. We increase the pay of the enlisted personnel only in the seventh grade, to the extent of $25 a month. In the next three grades the increase is less than $25 a month, and in the last three grades, there is no increase whatever.

So it would seem to me that the estimate which was made a while ago, that the outside cost of this proposal submitted by the Senator from Wisconsin and me would be $350,000,000, is a very generous and conservative estimate.

Mr. LA FOLLETTE. Mr. President, I would also like to say that the estimates which have been furnished to the Senator from South Dakota in any event are less than those for the proposal which he made, and under this amendment the increased cost is concentrated in the

categories where we need the men if we are to save the teen-agers as much as we possibly can from having their education interrupted and from being sent abroad to do police duty, which the Army feels, as I think all the testimony in the record shows, are not so well qualified to discharge as men who are older and have better judgment.

Mr. FULBRIGHT. Mr. President, will the Senator from Wisconsin yield?

Mr. LA FOLLETTE. I yield.

Mr. FULBRIGHT. I am not informed at all concerning many of the questions involved in the compensation matter. The amendment refers to base pay. Will the Senator indicate about what a master sergeant gets in addition to the $140?

Mr. LA FOLLETTE. The Senator from South Dakota had a mimeographed statement which he put into the RECORD a little while ago. I do not have it before me, but I know it includes quarters allowances and clothing allowances under certain circumstances. I yield to the Senator from South Dakota on that point.

Mr. GURNEY. I shall be glad to answer the Senator as well as I can.

The first three grades of sergeants have allowances for quarters.

Mr. FULBRIGHT. What does that mean? Does that mean for his family, or just for himself?

Mr. GURNEY. The statement I have says:

1. Persons in the first three grades may choose between—

(a) Allowance for quarters for dependents (not to exceed $5 per day); or

(b) Family allowance for dependents; $50 per month for wife; $80 per month for wife and child; $20 per month for each additional child; etc.

There is deducted from the pay of the soldier choosing family allowance for dependents not less than $22 a month, the exact amount of such deduction varying with the type and number of dependents.

2. Persons in grades below the first three grades receive only the family allowance for dependents above described.

In addition to that—

First three grades (master sergeants, technical sergeants, and staff sergeants), not furnished quarters and subsistence for themselves in kind, receive an allowance for quarters and subsistence not to exceed $5 a day.

Mr. FULBRIGHT. One hundred and fifty dollars a month?

Mr. GURNEY. Yes.

Mr. FULBRIGHT. Would that be in addition to the $140?

Mr. LA FOLLETTE. That is correct.

Mr. FULBRIGHT. In addition to that, does he also get the benefits we have given to other soldiers, in the way of insurance, and other things of that sort? Has that been calculated in estimating what it is worth per month?

Mr. GURNEY. So far as I know, he receives the same allowances all enlisted men receive. All enlisted men have life insurance, hospital benefits, such things like that. Those in the first three grades receive allowances for quarters and subsistence for dependents.

Mr. FULBRIGHT. Would it be fair to say that all those things together would amount, roughly, to $300 a month—the allowances, the base pay, and the insurance? Would that be an approximate figure, in the Senator's opinion?

Mr. GURNEY. I would rather not make a firm answer on that, but it would seem so, with the $5 a day maximum. Of course, that is the maximum.

Mr. FULBRIGHT. In addition, there is the value, for example, of insurance, a $10,000 insurance policy at the reduced rates, and the ability to purchase things at the PX, and all that. I am merely making a rough estimate as to how attractive life in the Army is, and I was wondering whether the Senator thinks $300 a month is a fair estimate.

Mr. GURNEY. I do not believe I can give an answer, but I do say that all enlisted men and officers have a right to buy at the PX or the commissary.

Mr. FULBRIGHT. What I am trying to get at is whether enlistment in the Army would be attractive to the average fellow who works on the farm or in business.

Mr. GURNEY. I believe that even at the rates of pay which are now received, the men in the top three grades have a very fine, attractive proposition, because their pay increases 5 percent each 3 years when they reenlist.

Mr. FULBRIGHT. I do not know why the Senator is reluctant to commit himself on that detail, but someone from the committee, or the clerk, should have an estimate or average of what it is worth.

Mr. GURNEY. I am sorry I cannot give the Senator the average. If there is any member of the committee who can give a statement on that point, I should be glad to have him do it.

Mr. KNOWLAND. Mr. President, will the Senator from Wisconsin yield to me?

Mr. LA FOLLETTE. I yield.

Mr. KNOWLAND. I wish to join the distinguished Senator from Wisconsin and his colleague, the Senator from Colorado. I think the amendment they have proposed is constructive. Frankly, as one who has had some experience in occupation duties, I do not see why we should expect men doing that kind of police work not to have reasonable compensation for doing it, and I do not think the pay schedule which the Senators have proposed is by any means too high for that type of work. I feel that it will encourage enlistments. If it does not encourage enlistments, through the action of the Senate which I supported today, we still have the pool going down to the 18-year-old men, but the amendment, if agreed to, may furnish a pay schedule sufficiently attractive to get a volunteer Army, which I think the Committee on Military Affairs would think more desirable, if it could be done.

Mr. BARKLEY. Mr. President, will the Senator from Wisconsin yield?

Mr. LA FOLLETTE. I yield.

Mr. BARKLEY. I wish to see if I understand what it is we are to vote on. if I understand, the Senator's amendment starts in at $75 and goes up to $80, $90, and $100.

Mr. LA FOLLETTE. That is correct.

Mr. BARKLEY. Then it drops back, after that, to the original figure in column 3, in the table we have been furnished.

Mr. LA FOLLETTE. Column 2.

Mr. BARKLEY. Column 3 is the same.

Mr. LA FOLLETTE. Column 2 is the committee bill.

Mr. BARKLEY. But the original Gurney amendment——

Mr. LA FOLLETTE. We are not considering the original Gurney amendment.

Mr. BARKLEY. I know, but it is the same figure—$106 and $140. So that the amendment reduces the staff sergeant and second class petty officer from $115 to $106, and the technical sergeant and first class petty officer from $135 to $118, the chief petty officer from $150 to $126, and the master sergeant from $165 to $140.

Mr. LA FOLLETTE. We are not reducing them from what they are getting now.

Mr. BARKLEY. But they are being reduced as compared with the pending Gurney amendment.

Mr. LA FOLLETTE. That is correct.

Mr. BARKLEY. Beyond that, no increase at all is provided.

Mr. LA FOLLETTE. No. We add the first four categories, from $75 to $100, to the Senate Military Affairs Committee proposal, and then accept their recommendations in all other categories.

Mr. BARKLEY. Does that mean that the officers beyond warrant officers, as proposed either in the committee bill or in the Gurney amendment, get an increase, or do they not?

Mr. LA FOLLETTE. Beyond warrant officers, there are no increases in the pending substitute for the Gurney amendment. I wish to say to the Senator that I agree with the statement made by the Senator from Illinois, there may come a time when we will have to increase the pay of enlisted men in the higher grades, and officers, but at the moment our problem is to make as good an effort as we can make to get volunteers in the service instead of draftees, because we know the draft is going to fall heaviest upon the teen-age group, if it has to be exercised. At the moment I do not know about other Senators, but my correspondence is filled with mail from officers who are complaining because they are being eliminated from the Army, and at this moment it does not seem to me to be urgent to consider that, although I do not wish to be placed in the position of being unsympathetic with any showing which may be made subsequently.

In connection with the bill, which is largely for the purpose of extending the draft, it seems to me we are justified in taking this amount of money and putting it into the categories where we have the most hope, if the Army will enthusiastically carry on a campaign, that we may get the necessary forces as a result of volunteers, instead of drafting the teen-agers.

I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. GURNEY. Mr. President, I think, perhaps, I should say a few more words. I do not believe we are treating the sergeants, the career men of the Army, fairly. The top three grades are the men who make the Army, and comparable

grades in the Navy are the men who make the Navy.

I am definitely in favor of giving a small increase to all officers. That is my personal feeling, and not a committee recommendation, and I do not want in any way to leave the impression that it is a committee recommendation. But the sergeants in the Army, and comparable officers in the Navy, are actually the backbone of the armed forces. We must have career men in the forces, and if we should adopt the substitute, we would not be making proper spacing between the several grades in the enlisted categories for the responsibility each of the men in these groups has thrown on his shoulders.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. GURNEY. I am glad to yield.

Mr. JOHNSON of Colorado. I should like to ask the Senator if it is not true that the sergeants for whom he speaks—and for whom I have much consideration, too—in foreign service get 20 percent increase in their pay over the base pay, plus the longevity pay?

Mr. GURNEY. That is entirely correct, and the private gets 20 percent increase for overseas duty.

Mr. President, it is my belief that we should take care of all enlisted men in direct ratio to the responsibility placed upon them. Everything is thrown out of gear when we do otherwise. There must be an incentive each time for a man to try to advance from private to corporal, and then to sergeant, and on up. Unless there is the proper spacing the high morale in the Army is not high.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. OVERTON. I should like to ask the honorable Senator from South Dakota whether the Committee on Military Affairs in considering the pay of generals and admirals and the higher officers of the Army and the Navy gave any consideration to the flight pay?

Mr. GURNEY. Yes, the committee did. Nothing was done in committee respecting changing the pay of the officers; so the question of flight pay did not come up.

Mr. OVERTON. Why did it not come up? I think the whole thing originated in an effort on the part of some of us on the Appropirations Committee to reduce the flight pay of the admirals and the generals. We had some controversy about it, and finally the Committee on Appropriations requested that the Army and the Navy submit a program, and the program they submitted was that all flight pay be retained.

Mr. GURNEY. The program, as I understand it, was that the percentage for extrahazardous flight and submarine tours of duty and what not should remain just as it is now, and that all officers and enlisted men receive a flat increase of 20 percent.

Mr. OVERTON. Exactly.

Mr. GURNEY. I should be glad to have the Senator from Louisiana direct a question on that phase of the matter to the chairman of the Military Affairs Committee. I yield to him for that purpose.

Mr. THOMAS of Utah. I think the Senator from South Dakota has stated the proposition correctly.

Mr. OVERTON. The Committee on Appropriations was advised that this was a matter upon which the Committee on Appropriations should not act, but that one of the standing legislative committees should consider it. We had the matter up in connection with the rescission bill, and I thought that was a good opportunity to act upon it, because the rescission bill related both to the War Department and the Navy Department. But the conclusion was reached, I think by a majority of 9 to 8 on the part of the Senate Committee on Appropriations, that a request should be made of the War Department and the Navy Department to make a study of the whole subject matter and make a recommendation by a certain time, I think it was as of January of this year.

Mr. GURNEY. They did make the recommendation, I may say to the Senator from Louisiana, and the Military Affairs Committee appointed a subcommittee to consider the matter. I understand the Senator from Wyoming [Mr. O'MAHONEY] wants to make a statement on flight pay and other extrahazardous pay. If he were on the floor I am sure he would be answering the Senator at this moment as to the reason for not taking any action in the subcommittee of the Committee on Military Affairs.

Mr. OVERTON. I merely wanted to know whether the Military Affairs Committee made any inquiry into the subject matter of flight pay, and whether they ascertained, for instance, what I think was rather conclusively shown before the Senate Committee on Appropriations, that a number of generals and admirals, many of whom sit in swivel chairs in offices, get flight pay of $4,000 a year extra by taking a 4-hour flight during a whole month. The privilege is very much abused, and I was hopeful that the Military Affairs Committee had made diligent inquiry into the whole subject matter. I should like to know if the committee did so. May I ask the chairman if the committee made such an inquiry?

Mr. THOMAS of Utah. In connection with the unification bill a study is made of such matters both on the part of the Army and the Navy, and if that bill ever becomes law these things would be reported back to us. The differential between the flight pay and other pay will undoubtedly be changed as time goes on. Flight was not contemplated in the beginning; it was quite unusual but it is becoming more commonplace all the time. Adjustments will have to be made in the light of the circumstances of the Army and the Navy.

Mr. OVERTON. I should like to know when an adjustment will be made. The matter has been brought up before the Appropriations Committee for some 4 or 5 years without the slightest success. Each time we have been told it is a matter for the Military Affairs Committee to handle and for the Naval Affairs Committee to handle. Yet there has never been any adjustment of the flight pay.

The other day I read in the New York Times an article which stated that four officers of the War Department were killed in a flight by reason of their plane coming in contact with a building in Newark, N. J. I think there were five or six officers in the plane. They were on that flight, in the language of the reporter of the New York Times, curiously enough, in order to get their additional flight pay which is 50 percent over and above their salaries.

I want to know when this huge 50-percent increase in the salaries of many admirals and generals and other high officers is going to be adjusted by either the Naval Affairs Committee or the Military Affairs Committee. I was told that this matter would be brought up in this bill and would be handled in this bill. But I see no action taken by the Military Affairs Committee, and I doubt if any very serious inquiry was made into the matter.

Mr. GURNEY. Of course this bill is only a bill to extend selective service, and the reason the pay schedule came into it was because we wanted the country to know that both the Senate and the House were really trying to put an incentive into the bill for volunteers so we would not have to draft so many boys. Consequently we did not go into the extrahazardous duties of either the Army or the Navy. Personally I am trying only to present the bill on selective service, so I am not prepared to answer the Senator with respect to flight pay.

Mr. OVERTON. The able Senator stated that before he offered his amendment he had consulted with the War Department and the Navy Department. I am quite sure that he consulted with the generals and the admirals, and not with subordinates, with privates and sergeants and the officers of very inferior rank. Am I correct in that surmise?

Mr. GURNEY. The armed forces made a recommendation of 20-percent increase straight through for all officers and all enlisted men. We have now changed the recommendations, not only in my amendment, but in the amendment which is now being offered as a substitute, so that they do not conform at all with what was recommended by the armed forces.

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. MAYBANK. Mr. President, I wish to commend the distinguished Senator from South Dakota for the remarks he has just made in connection with his amendment, and his excellent suggestions made to my good friend the distinguished Senator from Louisiana. We have threshed that matter out in the Appropriations Committee, and we will probably discuss it again.

The parliamentary situation being what it is, I wonder if the Senator from South Dakota would have objection to my asking unanimous consent to withdraw my request for the yeas and nays upon the Gurney amendment, because the amendment now pending before the Senate is a substitute for the Gurney amendment.

Mr. GURNEY. I will answer the Senator by saying that I believe the yeas and nays have already been ordered on the pending substitute offered by the Senator from Colorado [Mr. JOHNSON]

and the Senator from Wisconsin [Mr. LA FOLLETTE]. So as soon as I conclude my statement, and I shall be through in 30 seconds or so, if the Senate will allow me to proceed, then a vote will be taken on the substitute. The Senator's request to withdraw his request for the yeas and nays on my amendment would be in full force and effect provided the substitute amendment is not agreed to.

Mr. MAYBANK. Yes; but I ask the Senator at this time, in view of the parliamentary situation, if he would have any objection to my withdrawing my request for the yeas and nays, after the vote is had on the substitute offered by the Senator from Colorado and the Senator from Wisconsin.

Mr. GURNEY. I shall be glad to have the Senator do whatever he wishes.

Mr. MAYBANK. Mr. President, I ask unanimous consent to withdraw my request for the yeas and nays on the Gurney amendment.

Mr. OVERTON. Why not have a yea-and-nay vote on it?

Mr. MAYBANK. Because my judgment is that the first yea-and-nay vote, being the vote on the Johnson-La Follette substitute, will settle the question. Why have two votes? We will have a yea-and-nay vote now on the substitute.

Mr. OVERTON. Does the Senator ask to withdraw his request for the yeas and nays on the substitute?

Mr. MAYBANK. No, no; I ask to withdraw my request for the yeas on the original amendment; that is, on the Gurney amendment.

Mr. President, I ask unanimous consent to withdraw my request for the yeas and nays.

The PRESIDING OFFICER. Is there objection?

Mr. WHERRY. Mr. President, reserving the right to object, I will say that I do not understand the request, and I ask that it be stated.

Mr. GURNEY. The Senator from South Carolina is asking for unanimous consent to withdraw the request made by him for the yeas and nays on my amendment.

Mr. WHERRY. Upon the amendment of the Senator from South Dakota or the substitute for it which is now pending?

The PRESIDING OFFICER. The Chair will state that the request of the Senator from South Carolina is to withdraw his request for the yeas and nays on the Gurney amendment only; not on the substitute amendment. Is there objection to that request? The Chair hears none, and the order for the yeas and nays on the Gurney amendment is vacated.

Mr. GURNEY. Mr. President, I do not want the Senate to vote under misinformation or what I believe is misinformation. The substitute offered by the Senator from Colorado and the Senator from Wisconsin has been thrown at us without our having time actually to figure out what it would cost in the way of an increase in appropriations in the next fiscal year. A little while ago, in debate with the Senator from Colorado, I made the statement that I figured that the increase would be $425,000,000. Since then a finance officer has telephoned me that the Johnson-La Follette amendment would cost between $450,000,000 and $465,000,000, making the figures approximately the same as those shown in column 5, or my amendment. So I base my objection to the substitute on the fact that it does not make the proper spacing and does not give enough credit to the master sergeants who train the men in the lower grades as they come into the Army.

I hope that the substitute will not be adopted for another reason, and that is that I do not believe we should increase the initial pay of anyone coming into the Army more than 30 percent. The substitute would increase the pay 50 percent. That is quite a jump to take. There is no termination date when the increased pay will end. Of course, there is no termination date in the committee bill; but I feel that a 30-percent increase is a fine incentive, and that it will be sufficiently attractive so that we will get all the men we would get even though we were to raise the pay to a higher figure than is proposed in the substitute.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. REVERCOMB. Is the amendment of the able Senator the one dated April 19, with several sections in it?

Mr. GURNEY. That is correct.

Mr. REVERCOMB. It includes an increase in the pay of members of the United States Marine Band.

Mr. GURNEY. That is correct.

Mr. REVERCOMB. If the Senator would leave out the provision for increase in the pay of members of the band and band leaders, making it retroactive to June 30, 1922, would not the cost be a great deal less? Naturally it would.

Mr. GURNEY. What would cost less?

Mr. REVERCOMB. The whole cost of the increase would be less if we were to deal only with the enlisted personnel and leave out the part about retroactive pay for band leaders and other officers.

Mr. GURNEY. That is correct. They are left out of the substitute.

Mr. REVERCOMB. As I understand the substitute offered by the Senator from Colorado and the Senator from Wisconsin, it deals only with the seventh, sixth, and fifth grades, and has nothing to say about retroactive pay for band leaders.

Mr. GURNEY. That is correct.

Mr. President, I hope the substitute will not be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Colorado [Mr. JOHNSON] for himself and Mr. LA FOLLETTE in the nature of a substitute for the modified amendment offered by the Senator from South Dakota [Mr. GURNEY]. On this question the yeas and nays have been ordered.

The amendment will be printed in the RECORD at this point.

The amendment is as follows:

On page 5, after line 3, to strike out section 8 and insert in lieu thereof the following:

"SEC. 8. The first paragraph of section 9 of the Pay Readjustment Act of 1942, as amended, is hereby amended to read as follows:

" 'The monthly base pay of enlisted men of the Army, Navy, Marine Corps, and Coast Guard shall be as follows: Enlisted men of the first grade, $140; enlisted men of the second grade, $118; enlisted men of the third grade, $106; enlisted men of the fourth grade, $100; enlisted men of the fifth grade, $90; enlisted men of the sixth grade, $80; and enlisted men of the seventh grade, $75. Chief petty officers under acting appointment shall be included in the first grade at a monthly base pay of $132.'

"Section 11 of the act of March 4, 1925 (43 Stat. 1274; 34 U. S. C. 701), is hereby amended to read as follows:

" 'SEC. 11. That the band of the United States Marine Corps shall consist of one leader whose pay and allowances shall be those of a captain in the Marine Corps; one second leader whose pay shall be $220 per month and who shall have the allowances of a sergeant major; 10 principal musicians whose pay shall be $180 per month; 25 first-class musicians whose pay shall be $150 per month; 20 second-class musicians whose pay shall be $120 per month; and 10 third-class musicians whose pay shall be $102 per month; such musicians of the band to have the allowances of a sergeant: *Provided*, That the second leader and musicians of the band shall receive the same increases for length of service and the same enlistment allowance or gratuity for reenlisting as is now or may hereafter be provided for other enlisted men of the Marine Corps: *Provided further*, That the pay authorized herein shall apply in computing the pay of former members of the band now on the retired list and who have been retired since June 30, 1922: *Provided further*, That in the event of promotion of the second leader, or a musician of the band, to leader of the band, all service as such second leader, or as such musician of the band, or both, shall be counted in computing longevity increase in pay: *And provided further*, That hereafter during concert tours approved by the President, members of the Marine Band shall suffer no loss of allowances.' "

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll.

Mr. BUTLER. I have a pair with the senior Senator from Alabama [Mr. BANKHEAD]. I transfer that pair to the senior Senator from Ohio [Mr. TAFT], who is unavoidably absent, and who, if present and voting, would vote as I am about to vote. Being free to vote, I vote "yea."

Mr. THOMAS of Utah. I have a general pair with the Senator from New Hampshire [Mr. BRIDGES], who is unavoidably detained. Not knowing how he would vote, I transfer that pair to the Senator from Florida [Mr. ANDREWS]. I am therefore at liberty to vote. I vote "nay."

Mr. WAGNER. I have a general pair with the Senator from Kansas [Mr. REED], who is unavoidably detained. Not knowing how he would vote, I transfer that pair of the Senator from Pennsylvania [Mr. GUFFEY], who, if present and voting, would vote as I intend to vote. Being, therefore, free to vote, I vote "yea."

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Alabama [Mr. BANKHEAD] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], the Senators from Idaho [Mr. GOSSETT and Mr. TAYLOR], and the Senator from Pennsylvania [Mr. GUFFEY] are absent by leave of the Senate.

The Senators from New Mexico [Mr. CHAVEZ and Mr. HATCH] and the Senator from Pennsylvania [Mr. MYERS] are detained on public business.

The Senator from Florida [Mr. ANDREWS], the Senator from California [Mr. DOWNEY], the Senator from Rhode Island [Mr. GERRY], the Senator from Montana [Mr. MURRAY], and the Senator from Oklahoma [Mr. THOMAS] are unavoidably detained.

The Senator from Florida [Mr. PEPPER] is unavoidably detained by reason of his participation in a radio broadcast in the Senate Radio Gallery on the subject of the national health program.

I announce further that if present and voting, the Senator from North Carolina [Mr. BAILEY], the Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], the Senators from New Mexico [Mr. CHAVEZ and Mr. HATCH], the Senators from Idaho [Mr. GOSSETT and Mr. TAYLOR], the Senator from Pennsylvania [Mr. MYERS], the Senator from Montana [Mr. MURRAY], and the Senator from Florida [Mr. PEPPER] would vote "yea."

Mr. WHERRY. The Senator from Maine [Mr. BREWSTER] and the Senator from Indiana [Mr. WILLIS] are necessarily absent.

The Senator from North Dakota [Mr. YOUNG] is absent by leave of the Senate.

The Senator from New Hampshire [Mr. BRIDGES] is unavoidably detained. He has a general pair with the Senator from Utah [Mr. THOMAS]. That pair and its transfer have heretofore been announced.

The Senator from Kansas [Mr. REED] is unavoidably detained. He has a general pair with the Senator from New York [Mr. WAGNER]. That pair and its transfer have heretofore been announced.

The Senator from Ohio [Mr. TAFT] is unavoidably detained. If present, he would vote "yea."

The Senator from South Dakota [Mr. BUSHFIELD] is unavoidably detained.

The result was announced—yeas 67, nays 4, as follows:

YEAS—67

Aiken	Hill	O'Daniel
Austin	Hoey	O'Mahoney
Barkley	Huffman	Overton
Briggs	Johnson, Colo.	Radcliffe
Brooks	Johnston, S. C.	Revercomb
Buck	Kilgore	Robertson
Burch	Knowland	Russell
Butler	La Follette	Saltonstall
Byrd	Langer	Shipstead
Capehart	Lucas	Smith
Capper	McCarran	Stewart
Connally	McClellan	Tunnell
Cordon	McFarland	Tydings
Donnell	McKellar	Vandenberg
Eastland	McMahon	Wagner
Ellender	Magnuson	Walsh
Ferguson	Maybank	Wheeler
Fulbright	Mead	Wherry
George	Millikin	White
Green	Mitchell	Wiley
Hawkes	Moore	Wilson
Hayden	Morse	
Hickenlooper	Murdock	

NAYS—4

Ball	Hart	Thomas, Utah
Gurney		

NOT VOTING—25

Andrews	Brewster	Chavez
Bailey	Bridges	Downey
Bankhead	Bushfield	Gerry
Bilbo	Carville	Gossett
Guffey	Reed	Tobey
Hatch	Stanfill	Willis
Murray	Taft	Young
Myers	Taylor	
Pepper	Thomas, Okla.	

So the amendment offered by Mr. JOHNSON of Colorado for himself and Mr. LA FOLLETTE in the nature of a substitute for the modified amendment offered by Mr. GURNEY was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Dakota [Mr. GURNEY] as amended.

The amendment as amended was agreed to.

Mr. AUSTIN. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. At the end of the bill it is proposed to insert the following new section:

Hereafter the retired or retirement pay of any person whose name is borne on the emergency officers' retired list of the Army, Navy, Marine Corps, or Coast Guard of the United States and who is entitled to receive retired or retirement pay shall, in lieu of being computed upon the basis of the pay to which he was entitled at the time of his discharge from his commissioned service, be computed upon the basis of the rate provided in the Pay Readjustment Act of 1942, as amended by this act, for an officer of corresponding grade who is credited with the same number of years of service for longevity purposes as the number with which such person is credited.

Mr. AUSTIN. Mr. President, this is a committee amendment. The committee unanimously adopted the amendment and requested me to present it to the Senate. It is a very simple matter of adjusting a discrimination between the pay of retired emergency officers of the First World War and the pay of retired emergency officers of the Second World War. The officers of the Second World War are retired on the basis of the 1942 pay table. The officers of the First World War are retired on the basis of the 1922 pay table. The facts are simply as follows:

Retirement pay for disabled emergency officers of World War I was provided for by Public Law No. 506, Seventieth Congress. Under this law an emergency officer shown to be 30 percent permanently disabled as a result of a disease or injury resulting directly from war service was placed on the retired list.

The Economy Act of 1933 resulted in removal from the rolls practically all officers other than those whose disabilities were incurred in combat. Some were restored by subsequent legislation.

The number now receiving emergency officers' retirement pay because of disability incurred in line of duty during World War I service is under 2,500 and most of these are combat cases.

Ninety-two percent, or more than 2,300 now on the rolls, are junior officers—second lieutenants, first lieutenants, and captains.

The average age of retired emergency officers of World War I is 59.

The proposed increases for this group would cost approximately $650,000 for the first year. This amount will rapidly decrease because of the high death rate of this group.

I have another statement relating to this matter, and I think it clarifies it further: On July 30, 1945, there were 2,550 emergency officers on the retired list created by Public Law No. 506, Seventieth Congress. The records of the Veterans' Administration show officers in the various grades or ranks as follows:

Colonels	6
Lieutenant colonels and commanders	27
Majors and lieutenant commanders	155
Captains and lieutenants (senior grade)	640
First lieutenants and lieutenants (junior grade)	991
Second lieutenants and ensigns	731

The average age of these officers is now 59, and the average monthly rate of pay June 30, 1945, was $137.26.

Records of the Veterans' Administration show that on February 28, 1946, the number entitled to retirement pay had been reduced to 2,505 by deaths. Of those now on the retired list only 2,453 were actually receiving retirement pay February 28, 1946.

The average monthly pay of World War II AUS officers retired because of disability is $163.75 as compared with the average of $137.28 for World War I emergency officers.

There is the story in a nutshell. The discrimination between the identical type of officers in the two world wars is as follows: $163.75 is paid to such officers who served in the Second World War, and $137.28 is paid to such officers who served in the First World War.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. CORDON. The amendment provides, in substance, for the doing of simple justice as between veterans of the two wars; is that correct?

Mr. AUSTIN. It is. I thank the Senator from Oregon. The amendment provides the nearest to justice that we can do at this time.

Mr. RUSSELL. Mr. President, did the Senator indicate the amount it probably would cost to bring about such an equalization?

Mr. AUSTIN. Yes; I stated it exactly. It would be $650,000 for the first year, and it is expected that that amount will rapidly decrease because of the high death rate of the officers in that group.

Mr. President, I shall take only a moment further. I ask unanimous consent to have printed at this point in the RECORD a portion of a letter written to the Senator from Utah [Mr. THOMAS], chairman of the Committee on Military Affairs. It bears on this subject.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

FEBRUARY 28, 1946.

HON. ELBERT D. THOMAS,
Chairman, Committee on Military Affairs, United States Senate, Washington, D. C.

MY DEAR SENATOR THOMAS: The purpose of this letter is to request an amendment to the Pay Readjustment Act of 1942 to place all officers receiving retirement pay on an equal footing.

Section 1, Public Law No. 506, Seventieth Congress, which provides for retirement benefits for emergency officers disabled in line of duty in active service during World War I, reads in part as follows:

"That all persons who have served as officers of the Army, Navy, or Marine Corps of the United States during the World War, other than as officers of the Regular Army, Navy, or Marine Corps who during such service have incurred physical disability in line of duty, and who have been, or may hereafter, within 1 year, be rated in accordance with law at not less than 30 percent permanent disability by the United States Veterans' Bureau for disability resulting directly from such war service, shall, from date of receipt of application by the Director of the United States Veterans' Bureau, be placed upon, and thereafter continued on, separate retired lists hereby created as part of the Army, Navy, and Marine Corps of the United States, to be known as the emergency officers' retired list of the Army, Navy, and Marine Corps of the United States, respectively, with the rank held by them when discharged from their commissioned service, and shall be entitled to the same privileges as are now or may hereafter be provided for by law or regulations for officers of the Regular Army, Navy, or Marine Corps who have been retired for physical disability incurred in line of duty, and shall be entitled to all hospitalization privileges and medical treatment as are now or may hereafter be authorized by the United States Veterans' Bureau, and shall receive from date of receipt of their application retired pay at the rate of 75 percent of the pay to which they were entitled at the time of their discharge from their commissioned service, except pay under the act of May 16, 1920."

The purpose of this law was to place emergency officers who were disabled in line of duty in active war service on an equality with retired officers of the regular services. The language underscored in the above quotation was used because the laws pertaining to officers of the regular services in effect at that time provided that retirement pay should be at the rate of 75 percent of the active-duty pay.

As already pointed out it was the intent of Congress to place disabled officers of the emergency forces on an equal pay status with officers of the regular service when disabled in line of duty. It was also intended that any subsequent legislative enactments decreasing or increasing retirement pay of Regular officers should be applicable to emergency officers. It was not intended that the pay authorized by Public Law No. 506, Seventieth Congress, should be stationary.

In this connection attention is called to section 106, Public Law No. 212, Seventy-second Congress, and section 1, title II, Public Law No. 2, Seventy-third Congress, reducing the retired pay of officers of the Army, Navy, Marine Corps, etc. Emergency officers' retirement pay was reduced under these laws to the same extent as that of the Regular officers. Such reduction was based on the theory that Congress intended that all officers should be on a complete parity with respect to pay. The propriety of the reduction of emergency officers' retirement pay was never questioned notwithstanding that the law under which these officers are paid states that they shall receive retired pay at the rate of 75 percent of the pay to which they were entitled at the time of their discharge from commissioned service.

However, when the pay of officers in the first pay period was increased by the Pay Readjustment Act of 1942, emergency officers receiving retirement pay under the provisions of Public Law No. 506, Seventieth Congress, were held not to be eligible for this increase. This ruling was in direct conflict with the position taken when emergency officers' retirement pay was reduced under the 1932 and 1933 laws and was based on a belief that the rate of pay for these officers was fixed by law and could not be changed.

Mr. AUSTIN. Next I ask unanimous consent to have printed in the RECORD at this point the retirement pay tables which are included in the books I now submit. I should like to have them copied into the RECORD. They show the retirement pay under the 1922 statute and the retirement pay under the 1942 statute.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

Pay of retired officers

PAY OF OFFICERS RETIRED ON AND AFTER JULY 1, 1922 (ACT JUNE 10, 1922)

Grade	Pay period	Annual base pay	Monthly rates										
			Initial monthly pay under conditions stated	Over 3 years' service	Over 6 years' service	Over 9 years' service	Over 12 years' service	Over 15 years' service	Over 18 years' service	Over 21 years' service	Over 24 years' service	Over 27 years' service	Over 30 years' service
General of the Armies of the United States	------	$13,500.00	*$1,125.00	*$1,125.00	*$1,125.00	*$1,125.00	*$1,125.00	*$1,125.00	*$1,125.00	*$1,125.00	*$1,125.00	*$1,125.00	*$1,125.00
Lieutenant general [a]	------	8,250.00	687.50	687.50	687.50	687.50	687.50	687.50	687.50	687.50	687.50	687.50	687.50
Major general	------	6,000.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00
Brigadier general	------	4,500.00	375.00	375.00	375.00	375.00	375.00	375.00	375.00	375.00	375.00	375.00	375.00
Colonel:													
Over 26 years' service	6	3,000.00	350.00	----------	----------	----------	----------	----------	----------	----------	----------	362.50	375.00
First appointment above captain	6	3,000.00	250.00	262.50	275.00	287.50	300.00	312.50	325.00	337.50	350.00	362.50	375.00
Appointed under sec. 24, act June 4, 1920	6	3,000.00	250.00	262.50	275.00	287.50	300.00	312.50	325.00	337.50	350.00	362.50	375.00
Less than 26 years' service	5	2,625.00	218.75	229.69	240.62	251.56	262.50	273.43	284.37	295.31	306.25	----------	----------
Lieutenant colonel:													
Over 30 years' service	6	3,000.00	359.37	----------	----------	----------	----------	----------	----------	----------	----------	----------	359.37
Over 20, less than 30 years	5	2,625.00	284.37	----------	----------	----------	----------	----------	----------	295.31	306.25	317.19	----------
First appointment above captain	5	2,625.00	218.75	229.69	240.62	251.56	262.50	273.43	284.37	295.31	306.25	317.19	----------
Appointed under sec. 24, act June 4, 1920	5	2,625.00	218.75	229.69	240.62	251.56	262.50	273.43	284.37	295.31	306.25	317.19	----------
Less than 20 years' service	4	2,250.00	187.50	196.87	206.25	215.62	225.00	234.37	243.75	----------	----------	----------	----------
Major:													
Over 23 years' service	5	2,625.00	295.31	----------	----------	----------	----------	----------	----------	----------	306.25	317.19	328.12
Over 14, less than 23 years	4	2,250.00	225.00	----------	----------	----------	----------	234.37	243.75	253.12	----------	----------	----------
First appointment above second lieutenant	4	2,250.00	187.50	196.87	206.25	215.62	225.00	234.37	243.75	253.12	----------	----------	----------
Appointed to Regular Army to fill vacancies created by increase of commissioned personnel thereof in 1920. (act May 23, 1928.)	4	2,250.00	187.50	196.87	206.25	215.62	225.00	234.37	243.75	253.12	----------	----------	----------
Less than 14 years' service	3	1,800.00	150.00	157.50	165.00	172.50	180.00	----------	----------	----------	----------	----------	----------
Captain:													
Over 17 years' service	4	2,250.00	234.37	----------	----------	----------	----------	----------	243.75	253.12	262.50	271.87	281.25
Over 7, less than 17 years	3	1,800.00	165.00	----------	----------	172.50	180.00	187.50	195.00	202.50	210.00	217.50	225.00
First appointment above second lieutenant	3	1,800.00	150.00	157.50	165.00	172.50	180.00	187.50	----------	----------	----------	----------	----------
Present rank July 1, 1920, or earlier	3	1,800.00	150.00	157.50	165.00	172.50	180.00	187.50	----------	----------	----------	----------	----------
Less than 7 years' service	2	1,500.00	125.00	131.25	137.50	----------	----------	----------	----------	----------	----------	----------	----------
First lieutenant:													
Over 10 years' service	3	1,800.00	172.50	----------	----------	----------	180.00	187.50	195.00	202.50	210.00	217.50	225.00
Over 3, less than 10 years	2	1,500.00	131.25	131.25	137.50	143.75	----------	----------	----------	----------	----------	----------	----------
First appointment above second lieutenant	2	1,500.00	125.00	131.25	137.50	143.75	----------	----------	----------	----------	----------	----------	----------
Less than 3 years' service	1	1,125.00	93.75	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------
Second lieutenant:													
Over 5 years' service	2	1,500.00	131.25	----------	137.50	143.75	150.00	156.25	162.50	168.75	175.00	181.25	187.50
Less than 5 years' service	1	1,125.00	93.75	98.44	----------	----------	----------	----------	----------	----------	----------	----------	----------

*Entitled also to commutation of quarters, heat, and light, $8,000. See 4 Comp. Gen. 317; prescribed by the President pursuant to act Sept. 3, 1919 (41 Stat. 283; 10 U.S.C. 671a; M. L., 1929, sec. 1372).

[a] R. S. 1261. (See Dec. Comp. Gen. A-28422 dated Sept. 16, 1929.)

Pay of retired officers, effective June 1, 1942, under act June 16, 1942

Grade	Pay period	Annual base pay	Monthly rates: Initial monthly pay under conditions stated	Over 3 years' service	Over 6 years' service	Over 9 years' service	Over 12 years' service	Over 15 years' service	Over 18 years' service	Over 21 years' service	Over 24 years' service	Over 27 years' service	Over 30 years' service
General of the Armies of the United States	------	$13,500.00	[1] $1,125.00	[1] $1,125.00	[1] $1,125.00	[1] $1,125.00	[1] $1,125.00	[1] $1,125.00	[1] $1,125.00	[1] $1,125.00	[1] $1,125.00	[1] $1,125.00	[1] $1,125.00
General of the Army	------	6,000.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00
Lieutenant general	------	6,000.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00
Major general	------	6,000.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00
Brigadier general	------	4,500.00	375.00	375.00	375.00	375.00	375.00	375.00	375.00	375.00	375.00	375.00	375.00
Colonel	6	3,000.00	250.00	262.50	275.00	287.50	300.00	312.50	325.00	337.50	350.00	362.50	375.00
Lieutenant colonel:													
Over 30 years' service	6	3,000.00	375.00	------	------	------	------	------	------	------	------	------	375.00
Less than 30 years' service	5	2,625.00	218.75	229.69	240.62	251.56	262.50	273.43	284.37	295.31	306.25	317.19	------
Major:													
Over 23 years' service	5	2,625.00	295.31	------	------	------	------	------	------	------	306.25	317.19	328.12
Less than 23 years' service	4	2,250.00	187.50	196.87	206.25	215.62	225.00	234.37	243.75	253.12	------	------	------
Captain:													
Over 17 years' service	4	2,250.00	234.37	------	------	------	------	------	243.75	253.12	262.50	271.87	281.25
Less than 17 years' service	3	1,800.00	150.00	157.50	165.00	172.50	180.00	187.50	------	------	------	------	------
First lieutenant:													
Over 10 years' service	3	1,800.00	172.50	------	------	------	180.00	187.50	195.00	202.50	210.00	217.50	225.00
Less than 10 years' service	2	1,500.00	125.00	131.25	137.50	143.75	------	------	------	------	------	------	------
Second lieutenant:													
Over 5 years' service	2	1,500.00	131.25	------	137.50	143.75	150.00	156.25	162.50	168.75	175.00	181.25	187.50
Less than 5 years' service	1	1,350.00	112.50	118.12	------	------	------	------	------	------	------	------	------

[1] Entitled also to commutations of quarters, heat, and light, $8,000. (See 4 Comp. Gen. 317.)

NOTES

1. No increase for longevity for periods not on active duty after retirement unless retired for wounds received in battle. (See act 2 Mar. 1903 (32 Stat. 932; 10 U. S. C. 686; M. L. 1939, sec. 1383a).)

2. Any person originally appointed under the provisions of this act at an age greater than 45 years shall, when retired, receive retired pay at the rate of 4 per centum of active pay for each complete year of commissioned service in the United States Army, the total to be not more than 75 per centum: *Provided*, That any officer so appointed, who has been or may hereafter be retired in accordance with law on account of physical disability incident to the service, shall receive, from the date of such retirement, retired pay at the rate of 75 per centum of his active pay at the time of such retirement. (See sec. 24, act 3 June 1916 (39 Stat. 182), as amended by sec. 24, act 4 June 1920 (41 Stat. 771), act 19 May 1926 (44 Stat. 564; 10 U. S. C. 971a; M. L. 1939, sec. 1385).)

In the computation of the retired pay of officers heretofore or hereafter retired with pay at the rate of 2½, 3, or 4 per centum of the active duty pay received by them at the time of retirement multiplied by the number of years of service for which entitled to credit in the computation of their pay on the active list, not to exceed a total of 75 per centum of said active duty pay, active duty performed by such retired officers subsequent to the date of their retirement shall be counted for the purpose of computing percentage rates and increases with respect to their retired pay. The increases shall be at the rate of 2½, 3, or 4 per centum for each year of active duty and a fractional year of six months or more shall be considered a full year in computing the number of years: *Provided*, That the increased retired pay of such retired officers shall in no case exceed 75 per centum of the active duty pay as authorized by existing law. (See sec. 15, act 16 June 1942 (56 Stat. 367; 37 U. S. C. 115; M. L. 1939, Sup. II, sec. 1371c-15).)

Retired officers are entitled to credit for active duty performed since retirement in computing the longevity increments and pay periods of their retired pay. The resulting increases in retired pay accrue only from 26 May 1928. (See act 26 May 1928 (45 Stat. 774; 37 U. S. C. 26; M. L. 1939, sec. 1513).)

3. The retired pay of any officer heretofore retired under the provisions of sec. 24b, National Defense Act, 3 June 1916, as amended, who served in any capacity, as a member of the military or naval forces of the United States prior to 12 Nov. 1918, shall be 75 per centum of his active-duty pay: *Provided*, That no back pay, allowances, or other emoluments shall be held to accrue for any period prior to 1 June 1942, as a result of the enactment of this paragraph.

The retired pay of any officer who served in any capacity as a member of the military or naval forces of the United States prior to 12 Nov. 1918, hereafter retired under any provision of law, shall, unless such officer is entitled to retired pay of a higher grade, be 75 per centum of his active-duty pay at the time of his retirement. (See sec. 15, act 16 June 1942 (56 Stat. 367; 37 U. S. C. 115; M. L. 1939, Sup. II, sec. 1371c-15).)

4. That hereafter the retired pay of officers who were retired on or before 30 June 1922, shall not be less than that provided for the officers of equal rank and length of service retired subsequent to that date: *Provided*, That nothing in this act shall operate to reduce the pay of any officer now on the retired list. (See act 8 May 1926 (44 Stat. 417.) See also sec. 15, act 16 June 1942 (56 Stat. 367; 37 U. S. C. 115; M. L. 1939, Sup. II, sec. 1371c-15).)

5. Retired officers shall, when on active duty, receive full pay and allowances of the grade or rank in which they serve on such active duty, and when on active-duty status, shall have the same pay and allowance rights while on leave of absence or sick as officers on the active list, and, if death occurs when on active-duty status, while on leave of absence or sick, their dependents shall not thereby be deprived of the benefits provided in the act approved 17 Dec. 1919, as amended. (See sec. 15, act 16 June 1942 (56 Stat. 367; 37 U. S. C. 115; M. L. 1939, Sup. II, sec. 1371-c-15).)

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Vermont [Mr. AUSTIN].

The amendment was agreed to.

Mr. GURNEY. Mr. President, in adopting the substitute offered by the Senator from Colorado and the Senator from Wisconsin, the Senate has made it necessary now to request unanimous consent that the sections of the bill be renumbered consecutively and kept in proper order. I now ask unanimous consent that that be done.

The PRESIDING OFFICER. Is there objection? The Chair hears none. Without objection, it is so ordered.

Mr. GURNEY. Mr. President, it is also necessary that an additional section, a new section, be added. It is exactly the same as the one appearing on page 6 of my amendment, numbered section 12. I shall read it for the information of the Senate:

The increases in pay specified in this act shall be applicable to the active duty, retired, retirement, or retainer pay of all persons whose pay is governed by, or by reference to, those sections of the Pay Readjustment Act of 1942, as amended, which are amended by this act.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Dakota.

The amendment was agreed to.

Mr. GURNEY. Mr. President, I have a further amendment to offer. The bill presently provides on page 5—it is now numbered section 9—that the increases in pay shall become effective on the first day of the second calendar month following its enactment. I move that that section be changed, so that it will read:

The increases in pay provided by this act shall become effective on the first day of the first calendar month following its enactment, and no increase in pay for any period prior thereto shall accrue by reason of the enactment of this act.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from South Dakota.

The amendment was agreed to.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. KNOWLAND. If the Senator will permit me to do so, I should like to ask the Senator from Colorado [Mr. JOHNSON] whether he is now going to offer the amendment we were discussing earlier in the day, which would prevent the redrafting of men who have already served in the Army.

Mr. JOHNSON of Colorado. Yes, Mr. President; I should like to call up that amendment, when the Senator from South Dakota yields the floor to me.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. JOHNSON of Colorado. Mr. President, I send the amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 4, in line 4, it is proposed to strike out the quotation marks.

On page 4, between lines 4 and 5, it is proposed to insert the following new paragraph:

(5) No individual shall be inducted without his consent for training and service under this act, if he has served on active duty in the land or naval forces of the United States outside the continental limits of the United States or in Alaska; or if he has served on active duty in the land or naval forces of the United States for a period of at least 6 months after September 16, 1940 (excluding the time that any such individual so served while pursuing a course of

instruction in a university, college, or other similar institution of learning). The provisions of this paragraph shall cease to be effective during any period after January 1, 1946, when the Congress or the President shall declare that the national interest is imperiled.

Mr. JOHNSON of Colorado. Mr. President, the amendment itself is explanatory. All it does is to prohibit the drafting of veterans who have an honorable discharge. If they have served on foreign soil they may not be redrafted. If they have served in this country for less than a certain number of months, or their time has been spent entirely in school and they have not received 6 months of boot training, they may be drafted.

Mr. WHERRY. Mr. President, inasmuch as I had sent to the desk an amendment which is practically the same as the one which has been offered by the Senator from Colorado, I shall not call it up. I ask to join with the Senator in the amendment which he has offered.

Mr. JOHNSON of Colorado. I invited the Senator from Nebraska to join with the Senator from Colorado, inasmuch as he had an amendment on the same subject. The amendment which has now been read had the approval of not only the Selective Service attorneys but the legislative counsel attorneys. They worked out the details of the amendment.

Mr. WHERRY. If the Senator will further yield to me, I wish to ask him only one question.

Mr. JOHNSON of Colorado. I yield if I have the floor.

The PRESIDING OFFICER. The Senator from Colorado has the floor.

Mr. WHERRY. Is there any appreciable number of men who did not serve outside the continental United States who would be in any way affected by this amendment? A distinction is made in the amendment between those who serve outside the continental United States and those who serve within. My understanding is that those who did not serve outside the continental United States would be required to serve 6 months or more, but could not be reinducted. Is there an appreciable number of those who did not serve 6 months and who, of course, did not serve outside the continental United States?

Mr. JOHNSON of Colorado. I believe there are very few of those men. However, we know that 1,500 men were sent to dental school at the cost of the Government and that they did not serve in that field. The Army needs them badly as technicians. They were given their education free of charge. The difference between the Senator's bill and the amendment which is now before the Senate, is that those 1,500 dentists may be used.

Mr. WHERRY. They can be reinducted and brought back into the service. That is the point I wished to get into the RECORD. I feel that some objection may be raised later on. I believe that if the Senator would continue with his remarks a little further, probably he would develop the fact that if the men could not be reinducted into the service, those who are now in would probably have to remain in the service longer than otherwise.

Mr. JOHNSON of Colorado. Yes. They served in school for a period during the war in order to acquire skill in their profession. The Army now needs them.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Colorado [Mr. JOHNSON].

The amendment was agreed to.

Mr. TUNNELL. Mr. President, I was on my feet before the Chair put the question to the Senate. I wanted to ask a question of the Senator from Colorado.

Mr. JOHNSON of Colorado. I shall be glad to try to answer the question.

Mr. TUNNELL. How many months would a man be required to serve under the amendment in order to be exempt from being reinducted?

Mr. JOHNSON of Colorado. One day in overseas service.

Mr. TUNNELL. And on this side, 6 months?

Mr. JOHNSON of Colorado. Yes.

Mr. MAGNUSON. Mr. President, I send forward an amendment which I ask to have read.

The PRESIDING OFFICER. The amendment offered by the Senator from Washington will be stated.

The CHIEF CLERK. At the proper place in the bill it is proposed to insert the following:

Renumber sections (e), items (1) and (2), as section (e), items (2) and (3) and insert new subsection (e) (1), as follows:

"Full-time students in graduate or undergraduate studies in scientific and engineering schools and others engaged in the teaching of science and engineering subjects, and all men engaged as professional personnel in scientific or engineering activities and all men engaged as essential technicians in scientific research and development shall be required to register but, upon certification under appropriate regulations prescribed by the President, shall be deferred from training and service so long as they are so engaged."

Line 4 of present subsection (e) (1), change "those men" to "those other men."

Mr. MAGNUSON. Mr. President, I do not wish to detain unnecessarily the Senate at this hour, but I think this amendment is very vital. Probably it is not so immediate in its importance with regard to our present commitments, but it is vital to the welfare of the Nation.

If we are to continue even for a limited period of time the drafting of men into the military service, it is obvious that we should not interfere with the training of our scientific and technological students who will be the basis of the future scientific development in this country.

Mr. President, this amendment is not designed to exempt any person from serving in the defense of our country. As a matter of fact, the amendment would take a certain small class of persons out from under the draft and place them in a position where they could give more of their time and knowledge to the national defense than if they were placed in some other category. It is obvious to all of us that since the war some of the men in the laboratories have proved to be of more value in our future defense than perhaps 500 or 1,000 men marching up and down a parade field.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. LUCAS. Does the Senator's amendment define the term "scientist"?

Mr. MAGNUSON. I may say to the Senator from Illinois that I appreciate how difficult it is to define the term "scientist." However, I believe that I have a solution of the difficulty. The Senator will notice that in the amendment all men engaged in technical or highly scientific studies, or engaged in teaching highly technical or engineering subjects, "shall be required to register but, upon certification under appropriate regulations prescribed by the President, shall be deferred from training."

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. MAYBANK. Are not such men deferred at the present time?

Mr. MAGNUSON. If technically they are deferred, in practice it has not so worked out.

Mr. MAYBANK. Does not the Selective Service have a right to defer scientists?

Mr. MAGNUSON. I presume the draft boards have the right to exercise considerable authority in deferring any man, but the practice has been, however, without a legislative mandate, not to defer so-called highly scientific students. The proof of the pudding has been in the fact that there is a shortage of scientists and students who are studying in that field, to an extent which is truly alarming. I wish to quote so eminent an authority as Dr. Vannevar Bush in his famous report to President Roosevelt in 1945.

Mr. MAYBANK. But the Senator realizes, does he not, that all the men who worked in connection with scientific projects were deferred.

Mr. MAGNUSON. As a matter of fact, men who, for a period during the war, actually worked in the Hanford and Oak Ridge bomb plants in connection with the development of the atomic bomb, shortly after the war ended were drafted into the Army without any credit being given to them for what they had already done.

Mr. MAYBANK. Were the scientists drafted?

Mr. MAGNUSON. Yes.

I was about to quote Dr. Bush. In his report to President Roosevelt in 1945, he said, among other things:

The deficit of science and technology students who, but for the war, would have received bachelor's degrees is about 150,000. It is estimated that the deficit of those obtaining advanced degrees in these fields will amount in 1955 to about 17,000, for it takes at least 6 years from college entry to achieve a doctor's degree or its equivalent in science or engineering. The real ceiling on our productivity of new scientific knowledge and its application in the war against disease, and the development of new products and new industries, is the number of trained scientists available.

The training of a scientist is a long and expensive process. Studies clearly show that

there are talented individuals in every part of the population, but with few exceptions those without the means of buying higher education go without it. If ability and not the circumstance of family fortune determines who shall receive higher education in science, then we shall be assured of constantly improving quality at every level of scientific activity. The Government should provide a reasonable number of undergraduate scholarships and graduate fellowships in order to develop scientific talent in American youth. The plans should be designed to attract into science only that proportion of youthful talent appropriate to the needs of science in relation to the other needs of the Nation for high abilities.

Including those in uniform: The most immediate prospect of making up the deficit in scientific personnel is to develop the scientific talent in the generation now in uniform. Even if we should start now to train the current crop of high-school graduates, none would complete graduate studies before 1951. The armed services should comb their records for men who prior to or during the war have given evidence of talent for science, and make prompt arrangements, consistent with current discharge plans, for ordering those who remain in uniform, as soon as militarily possible, to duty at institutions here and overseas where they can continue their scientific education. Moreover, the services should see that those who study overseas have the benefit of the latest scientific information resulting from research during the war.

Mr. MAYBANK. The Senator from Washington understands, of course, that I do not question his knowledge of the situation. Under the selective draft law I had assumed that local boards were given full authority to defer the induction of men in the class to which the Senator has referred, if they wished to exercise such authority.

Mr. MAGNUSON. That may be correct. I do not know how to interpret the actions of some of the local draft boards. I have a report, which was submitted in the hearings conducted on the scientific research foundation bill, in which the Secretary of War himself, in answer to questions, suggested that this be done, and told us at the time that he was going to write General Hershey and ask that it be done. As a matter of fact, it has not been done, and I think it is time, because of the importance of the matter, that we make it a definite provision in the pending bill. It involves a small number of men, men who may be more vital to the future of our country, than all the men we draft into the Army in the next year. We are the only country in the world which drafted its scientific personnel during the war. For example, Russia not only exempts them from military service, but sets them up in a special status in the Russian economy.

We are far behind the rest of the world in basic science. We lead the world, of course, in applied science, but there is a great shortage of scientists, and if we continue to draft men who would be going into the higher specialized studies, I think we will regret it in the future, so far as the national defense is concerned. As I said before, one of these men studying in a laboratory might be worth more to us than great numbers who might be drafted to march up and down a parade field under the pending bill.

Mr. TUNNELL. Mr. President, I wish to corroborate what the Senator from Washington has said. In my State several hundred scientists received no consideration during the war so far as deferment was concerned. I think it is a distinct set-back to the war effort when we refuse to recognize them as subject to deferment.

Mr. MAGNUSON. I think the Senator.

Mr. LUCAS. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I yield.

Mr. LUCAS. I should like to ask the Senator whether under the amendment the President would be permitted to set up the type or kind of classification which would include some scientists and exclude other scientists?

Mr. MAGNUSON. Yes; that is the very purpose of the amendment. It is rather a standard practice in this country for colleges to recognize certain studies as scientific studies. I know that to the lay mind there is sometimes a distinction as to what is science and what is not science. I do not think the President, under the amendment, would say that a man studying what has come to be known as social science would be exempt, or that a man studying sociology would be exempt. Some have called law a science. But what we are talking about, and what the President and those in the scientific world absolutely know is our intention, is the highly technical scientist, the expert in chemistry, biology, and all such sciences, with which we will have to fight a future war, and must develop for the defense of the Nation.

Mr. LUCAS. I wanted to have the RECORD clear that the amendment does not include all scientists, and that the President of the United States, under the amendment, would have the discretionary power to make the classification he would feel necessary to carry on the type of work which the amendment contemplates.

Mr. MAGNUSON. The Senator is correct, and probably the President of the United States himself would take the advice of the military as to what type of men they wanted deferred so that they might devote their time to a particular scientific research for the national defense.

Mr. LUCAS. In other words, it would be difficult to spell it out in an amendment?

Mr. MAGNUSON. That is correct.

Mr. GREEN. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. GREEN. I have heard the amendment read only once, and I should like to have the language read which the Senator says give the President the power to determine what is science.

Mr. HILL. I have the amendment here. Would the Senator like to have me read it?

Mr. MAGNUSON. Yes.

Mr. HILL. The amendment reads:

Renumber sections (e), items (1) and (2), as section (e), items (2) and (3) and insert new subsection (e) (1), as follows:

"Full-time students in graduate or undergraduate studies in scientific and engineering schools and others engaged in the teaching of science and engineering subjects, and all men engaged as professional personnel in scientific or engineering activities and all men engaged as essential technicians in scientific research and development shall be required to register but upon certification under appropriate regulations prescribed by the President, shall be deferred from training and service so long as they are so engaged."

Mr. GREEN. I should like to ask the distinguished Senator from Washington whether that does give the President power to determine what is science. They all must register, and he is to provide regulations. That does not give him the power to determine whether they come within the scope of the amendment.

Mr. MAGNUSON. Of course, the regulations would prescribe what studies would be considered as being the realm of science.

Mr. GREEN. In the way it reads, it gives the President the power to make regulations of that kind. All the men have to register, and he is to determine whether they shall be called, but it does not say he can distinguish between different men.

Mr. MAGNUSON. I assure the Senator that it was the intention of the Senator from Washington to confer that power upon the President by the wording used. The wording was worked over by many of us, and we decided this was the appropriate wording to take care of the situation.

Mr. GREEN. I am merely questioning whether it is capable of that construction.

Mr. MAGNUSON. I should be glad to add to the amendment.

Mr. GREEN. Suppose, for instance, Christian Scientists should say, "We are scientists, and we have to register now. The President has no discretion as to whether we are exempt or not."

Mr. MAGNUSON. The President could prescribe appropriate regulations.

Mr. GREEN. Regulations as to what?

Mr. MAGNUSON. The regulations would say that men who were engaged in scientific studies on this, that, or the other, in scientific fields, should be exempt.

Mr. GREEN. Read the language again. I do not know that it requires that.

Mr. MAGNUSON. He would not so certify, otherwise.

Mr. HILL. Has the Senator conferred with the Selective Service about the amendment?

Mr. MAGNUSON. I understand that the Office of Scientific Research and Development conferred with the Selective Service, and the amendment was drawn up by them, in cooperation with me.

Mr. HILL. Did the Senator say the Office of Scientific Research and Development?

Mr. MAGNUSON. Yes; what we call the OSRD.

Mr. HILL. Does the Senator know whether that office has conferred with the War and Navy Departments?

Mr. MAGNUSON. I do not know whether they conferred with the War and Navy Departments, but I know that Secretary Patterson in testimony before the subcommittee of the Committee on Commerce and the Committee on Military Affairs, when we were discussing the

National Scientific Research Foundation, testified on the subject. Both Secretary Patterson and Navy Secretary Forrestal endorsed the same suggestion that is made in the amendment.

Mr. HILL. Did the Senator say that in their testimony both the Secretary of War and the Secretary of the Navy indicated they thought this should be done?

Mr. MAGNUSON. Yes.

Mr. HILL. Did they think it should be done by amendment to the law, or did they say it could already be done?

Mr. MAGNUSON. As I recall, the Secretary of the Navy was very emphatic about it. The Secretary of War thought it should be done, and he said he was going to write a letter to General Hershey recommending that it be done.

Mr. President, this is too serious a matter to be allowed to be neglected. I imagine every Senator has received letters pointing out certain cases where very valuable scientific men have been taken in the draft into the Army or Navy, men who might well be doing more for the defense of their country in the positions they held, rather than going out and shouldering guns.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. HAWKES. I wish to say that from my point of view the amendment should make it clear whom it is exempting. As the Senator from South Carolina said a few moments ago, the selective-service boards have the power to defer chemists or scientific men who are needed in the fields in which they have qualified themselves; but such persons have to go and make proof, and sometimes it is extremely difficult. I have known cases where the draft has taken men away from important posts in a factory producing war materials, and it has taken 3 or 4 months to get them back, and it has been a very difficult thing to accomplish. Nearly every college president with whom I have come in contact is very much in favor of having scientific people exempted, up to the point where the exemption is not abused.

I have not seen the Senator's amendment, I have only heard it read, but I can conceive of it being a haven for many persons who want to escape duty under the Selective Service. On the other hand, I see a very great necessity for preserving the necessary scientific men for use in the war plants and laboratories.

Mr. MAGNUSON. I might say to the Senator from New Jersey that I have in my files, although I have not brought them here, letters from probably 90 percent of the known scientists of this country, men such as Dr. Bush, Dr. Compton, Dr. Oppenheimer, Dr. Bowman, of Johns Hopkins, and probably 85 percent of the men at the head of great universities with scientific departments, asking that some action such as this be taken, because otherwise they are afraid for the future defense of our country.

Great Britain and Russia have made much greater strides than we have in the development of basic science since the war began, because they treated the scientists differently from the way in which we have treated them.

We know how reluctant the draft board in a small town is to say, "We are going to take Johnny Jones and let Jimmie Smith stay here because Jimmie Smith says he is going to the university and study chemistry." It is difficult for the draft boards to act properly and uniformly without some definite policy.

Mr. HAWKES. I agree with the Senator from Washington. Does he feel that his amendment as presented does not open the door to abuse? That is the important thing.

Mr. MAGNUSON. The only abuse to which it could be open would be to have the President of the United States designate studies or teachers instructing in the universities in things which were not scientific. I do not think he would. I think there are certain basic ranges, certain basic paths, in which all universities and all scientists have said, "This is what we call pure science."

Mr. HAWKES. The Senator realizes, I am sure, that the only point I have in mind is that when one class is exempted, other classes will consider themselves to be similarly essential and that they should be exempted. I am very much in favor, however, of the principle involved in the Senator's amendment.

Mr. GREEN. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. GREEN. I have read the amendment carefully and I think the ambiguity depends upon the placing in it of the words "upon certification," because it does not say what should be certified. If those words were stricken, and the language then would be "shall be required to register but, under appropriate regulation prescribed by the President, shall be deferred," I think the amendment would be clarified.

Mr. MAGNUSON. The Senator from Rhode Island suggests that the words "upon certification" be stricken out, so the amendment would then read "shall be required to register but, under appropriate regulations prescribed by the President, shall be deferred from training."

Mr. GREEN. Yes.

Mr. MAGNUSON. I would be glad to accept that amendment, and I ask unanimous consent that the two words be stricken from the amendment.

The PRESIDING OFFICER. Unanimous consent is unnecessary. The Senator has a right to modify his amendment. The amendment is modified accordingly.

Mr. MAGNUSON. Mr. President, I do not want to take much more of the time of the Senate. This matter may not seem to some to be so very important insofar as our immediate commitments are concerned with respect to our armed forces in our own country and throughout the world; but I think in the future the adoption of such an amendment will pay great dividends from the standpoint of both the military and civilian development of science. I hope the Senate will be far-sighted enough in this matter to do what all other great nations in the world have done, so that we may not only keep up with the rest of the world but make sure that America is ahead of the world in the matter of basic scientific development.

Mr. AUSTIN. Mr. President, I believe that by the adoption of this amendment, by undertaking to create a group with special privileges over all other groups in the United States, we would be advancing backward. There is a principle that governs the matter of deferments, and it is one that is the result of much experience through other wars as well as the last war. In the Selective Training and Service Act we find this principle carried throughout:

> No * * * deferment shall be made of individuals by occupational groups or of groups of individuals in any plant or institution.

Everyone must have his claim considered on its own merits and singly. We have taken care of any individual scientist who has been needed for the public health or safety or interest. The existing law gives the President ample power to make regulations for deferment of all such scientists. We do not need any special attention from this very powerful lobby group in connection with an extension of the Draft Act.

Mr. President, in my 15 years of experience in the Senate I have never encountered such a tremendous propaganda outfit as the group of professors who are undoubtedly behind this amendment. Throughout our consideration of the atomic energy measure we were constantly under their fire and under their pressure, and we have before us to be considered at some time, perhaps—I hope it will not come up during the present session—a concrete proposal which they desire to have written into law, which would nationalize the entire subject of science and start the destruction of private patent law and private initiative.

Mr. President, I ask to have inserted in the RECORD at this point in my remarks sections 5 (e) and (f) of the Selective Training and Service Act to show and have the RECORD carry the fact that there is ample provision for deferment of scientists if they come within the general rule that they are necessary, that they ought to be deferred in order to maintain national health, safety, or interest. I also want this considered as bearing upon the subject of students, for there has already been provided and there is in the existing law an opportunity for students in colleges who were caught by age during the college course, to complete their year and be deferred for that purpose. With that statement I conclude. I hope the amendment will not be adopted.

There being no objection, the matter referred to was ordered to be printed in the RECORD as follows:

> (e) The President is authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service under this act in the land and naval forces of the United States of those men whose employment in industry, agriculture, or other occupations or employment, or whose activity in other endeavors, is found in accordance with section 10 (a) (2) to be necessary to the maintenance of the

national health, safety, or interest. The President is also authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service under this act in the land and naval forces of the United States (1) of those men in a status with respect to persons dependent upon them for support which renders their deferment advisable, and (2) of those men found to be physically, mentally, or morally deficient or defective. No deferment from such training and service shall be made in the case of any individual except upon the basis of the status of such individual, and no such deferment shall be made of individuals by occupational groups or of groups of individuals in any plant or institution.

(f) Any person who, during the year 1940, entered upon attendance for the academic year 1940–41—

(1) at any college or university which grants a degree in arts or science, to pursue a course of instruction satisfactory completion of which is prescribed by such college or university as a prerequisite to either of such degrees; or

(2) at any university described in paragraph (1), to pursue a course of instruction to the pursuit of which a degree in arts or science is prescribed by such university as a prerequisite;

and who, while pursuing such course of instruction at such college or university, is selected for training and service under this act prior to the end of such academic year, or prior to July 1, 1941, whichever occurs first, shall, upon his request, be deferred from induction into the land or naval forces for such training and service until the end of such academic year, but in no event later than July 1, 1941.

Mr. HILL. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. HILL. Is it not true that ever since we passed the Selective Training and Service Act of 1940 different groups, honest and sincere though they be, have been knocking on the door of Congress trying to get special deferment for members of their own group?

Mr. AUSTIN. That has been true.

Mr. HILL. We have been confronted with the question of trying to hold the line as against each one of these groups seeking some preferment or preference for itself or for its members. Congress has steadfastly withstood that pressure and steadfastly held the line. If we open the door now to permit this group to come in, there will be tremendous pressure from the other groups to let them come in. Is that not true?

Mr. AUSTIN. That is true.

Mr. HILL. As the Senator said, in writing the Selective Training and Service Act, Congress put in it the provisions to which the Senator has just referred, under which the President, if he sees fit, can defer scientific men, and can defer others of other groups. Is that not true?

Mr. AUSTIN. That is so. Professional men, doctors, dentists.

Mr. HILL. Yes; doctors and dentists. The Senator, I am sure, will corroborate the statement that men have been deferred who belong to those professions, and others have been deferred who belong to other professions.

Mr. AUSTIN. Yes.

Mr. HILL. Men were deferred during the very midst of the war under the provisions to which the Senator referred. Is that not true?

Mr. AUSTIN. Yes. As a matter of fact, in all the instances that I can recall an effort has been made in the committee toward bringing about this deferment, but we were not caught, as we are tonight, with an amendment offered on the floor for the first time which runs absolutely in the face of the policy of the Selective Training and Service Act.

Mr. HILL. I thank the Senator.

Mr. MAGNUSON. Mr. President, the statement made by the Senator from Vermont deserves a brief answer. I do not know what one would call the fine, patriotic scientists of America for believing so sincerely that the welfare and the future of this country might be impaired because we lag behind other countries in scientific development. One may call them propagandists, one may call them by any other name. The truth of the matter is that regardless of whether this authority existed or not, during the war scientists were not exempted, and that if we continue the draft in peacetime they will not be exempted, and America will fall behind. The truth of the matter is also that without scientific development we probably would not have won the war, and without it surely we cannot win any future war, regardless of how many men we place in the armed forces and march up and down the field and train with guns. These scientific men believe this provision is vital. They are eminent Americans. Surely they may have some differences of opinion.

The Senator from Alabama spoke of their knocking on the door of Congress. The Senate has exempted agricultural workers because it thought the country needed them for the maintenance of our food supply. I assert, Mr. President, that for the defense of the country we need scientists more than we have ever needed any other group of individuals. If we think we can fight a future war to defend America without full scientific development then we are not only moving backward, I will say to the Senator from Vermont, but we are being most shortsighted in respect to what is needed for the defense of our country.

Mr. McMAHON. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. McMAHON. Is the Senator aware of the fact that we took young technicians and young engineers out of Navy testing stations and put them into the Army? Is the Senator aware that the senior technicians told the members of the Senate that such action hopelessly crippled their work? I will say to the Senate that we will win the next war with brains and not with brawn, and unless we keep abreast of scientific developments and unless we use our seed-corn as it should be used, instead of marching these young men up and down the parade grounds with guns in their hands and in close formation, then I fear for the result if we should be so unfortunate as to have another war.

Mr. MAGNUSON. The Senator from Connecticut is correct. Instances of that kind that I know of have been repeated in connection with various atomic bomb plants. Mr. President, I should like to read what the Secretary of War said about this matter in the hearing on the National Research Foundation bill. The Secretary spoke in answer to a question asked by the Senator from Arkansas [Mr. FULBRIGHT]:

Secretary PATTERSON. I have had many talks with Dr. Bush upon this point. I am in favor of deferring men who have been partially trained, at any rate, in scientific research, who are promising in that field—I am in favor of deferment of them so that they can continue their research work, largely of a post-graduate character, in pure or applied research and development of a scientific character; that is, as of the present.

The testimony of the Secretary of the Navy is of similar import. I appreciate that many people are knocking on the doors of Congress and trying to be exempted. The Senate and the House have exempted many classes of people. Amendments have been proposed by many groups. This amendment is not exempting anyone from serving in the defense of his country. I say the amendment is taking these men out of the Army itself and placing them where they are going to be of 10 times more value for the defense of the country than if they are drafted, which is the very purpose of the pending bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Washington [Mr. MAGNUSON]. [Putting the question.] The Chair is in doubt.

Mr. MAGNUSON. Mr. President, I ask for a division.

On a division, the amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. JOHNSON of Colorado. Mr. President, I have an amendment which I should like to ask the able Senator from South Dakota to take to conference. It provides for the transfer of the function of the Selective Service pertaining to the priority of employment to Veterans' Employment Service of the United States Employment Service. I ask him to take it to conference for the reason that under date of May 16, in a message from the President of the United States to the Congress in respect to Reorganization Plan No. 3 of 1946, there appears the following language:

There is hereby transferred to the United States Employment Service so much of the functions of the Selective Service System and of the Director of Selective Service under section 8 (g) of the Selective Training and Service Act of 1940 (54 Stat. 890, ch. 720) as relates to aiding persons who have satisfactorily completed any period of active duty or of training and service under the said act in securing positions other than the positions held by them prior to said period.

The difficulty with the President's transfer is that under the limitation of his powers with respect to organization he cannot go beyond the expiration date. If this law should not be reenacted for any reason—and we are facing a dead line of July 1—of course the power which he transferred would die with the present bill. This is the reason why I should like to take it to conference and see whether or not it is advisable to enact the provision which I shall send to the desk.

Mr. GURNEY. Mr. President, the Senator realizes, of course, that the reemployment question is a very large subject. I hope he will not ask us to go into it this evening. Personally, I think the committee very definitely decided to leave the reemployment service of veterans where it is today, with the selective service system. Personally I should like to see it stay where it is, because all the draft board members in every county in the United States are operating very satisfactorily at the moment. They are having no trouble with the reemployment of veterans. I should like to see the service remain where it is. If the selective service law were reenacted on July 1, I am sure that it would be best to leave the service where it is, with the local boards and the national headquarters.

Mr. JOHNSON of Colorado. The difficulty to which I wish to invite the Senator's attention is that the President has transferred it out of Selective Service. While he may transfer the function so long as it is active, if it should expire under the Selective Service and Training Act, then, of course, his transfer would be invalid. It is a function which ought to continue, because these rights are being given to all the men who are being drafted at the present time.

Mr. GURNEY. If the Senator remembers, of course the committee considered that question, and we decided to leave it where it is.

Mr. JOHNSON of Colorado. We did not consider the President's transfer. The President has transferred this function, and has changed the whole complexion of the thing. All I am asking is that the Senator take the amendment to conference. If he finds that there is no merit in it, of course, it can be thrown out, and I shall have no complaint. But I think it is a matter which we ought to take to conference, because it is very evident, as I understand, that the President's transfer has considerably confused the whole question.

Mr. GURNEY. Inasmuch as we are not going to be able to finish consideration of the bill this evening because of the substitute presently to be offered, I think it would be better if we were to consider the matter of reemployment tomorrow, when possibly a greater number of Senators will be present. I wonder whether the Senator will withhold the amendment and offer it tomorrow.

Mr. JOHNSON of Colorado. That is satisfactory, except that I wish to place in the RECORD at this time a copy of my amendment, a copy of the transfer order of the President, part IX of Reorganization Plan No. 3 of 1946; also the limitations on the powers of the President with respect to reorganization, being section 5, paragraph (a), subparagraphs 3 and 4, of the Reorganization Act of 1945; also section 8 of the Selective Training and Service Act.

I also ask that there be printed in the RECORD an article appearing in Selective Service, a newspaper dedicated to selective service. The article is entitled "Million Future Veterans Face Job Rights Loss."

The PRESIDING OFFICER (Mr. TUNNELL in the chair). Is there objection to the request of the Senator from Colorado?

There being no objection, the matters referred to were ordered to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. JOHNSON of Colorado to the bill (S. 2057) to extend the Selective Training and Service Act of 1940, as amended, until May 15, 1947, and for other purposes, viz: Beginning on page 4, line 13, strike out all down to and including line 3, on page 5, and insert in lieu thereof the following:

"SEC. 7. (a) Section 16 (b) of such act, as amended, is amended to read as follows:

"'(b) All of the provisions of this act, except the provisions of section 3 (c), 3 (d), and 8, and the fourth proviso of the second sentence of section 3 (a), shall become inoperative and cease to apply on and after May 15, 1947, or on such earlier date as may be specified in a concurrent resolution of the two Houses of Congress for that purpose, except as to offenses committed prior to such date.'

"(b) Effective July 1, 1946, the functions of the Personnel Division (created pursuant to section 8 (g) of the Selective Training and Service Act of 1940) of the Selective Service System are transferred to the Veterans' Employment Service of the United States Employment Service. The President is authorized to transfer to the Veterans' Employment Service any of the personnel, records, property, and balances of appropriations which have been utilized or available for use in the administration of the functions transferred by this section.

"(c) Effective July 1, 1946, section 600 (a) of the Servicemen's Readjustment Act of 1944, as amended (relating to the membership of the Veterans' Placement Service Board), is amended by striking cut "the Director of the National Selective Service System" and inserting in lieu thereof "the President of the Civil Service Commission.'"

[From Selective Training and Service Act]

SEC. 8. (a) Any person inducted into the land or naval forces under this act for training and service, who, in the judgment of those in authority over him, satisfactorily completes his period of training and service under section 3 (b) shall be entitled to a certificate to that effect upon the completion of such period of training and service, which shall include a record of any special proficiency or merit attained. In addition, each such person who is inducted into the land or naval forces under this act for training and service shall be given a physical examination at the beginning of such training and service and a medical statement showing any physical defects noted upon such examination; and upon the completion of his period of training and service under section 3 (b), each such person shall be given another physical examination and shall be given a medical statement showing any injuries, illnesses, or disabilities suffered by him during such period of training and service.

(b) In the case of any such person who, in order to perform such training and service, has left or leaves a position, other than a temporary position, in the employ of any employer and who (1) receives such certificate, (2) is still qualified to perform the duties of such position, and (3) makes application for reemployment within 40 days after he is relieved from such training and service—

(A) if such position was in the employ of the United States Government, its Territories or possessions, or the District of Columbia, such person shall be restored to such position or to a position of like seniority, status, and pay;

(B) if such position was in the employ of a private employer, such employer shall restore such person to such position or to a position of like seniority, status, and pay unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so;

(C) if such position was in the employ of any State or political subdivision thereof, it is hereby declared to be the sense of the Congress that such person should be restored to such position or to a position of like seniority, status, and pay.

(c) Any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (b) shall be considered as having been on furlough or leave of absence during his period of training and service in the land or naval forces, shall be so restored without loss of seniority, shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such person was inducted into such forces, and shall not be discharged from such position without cause within 1 year after such restoration.

(d) Section 3 (c) of the joint resolution entitled "Joint resolution to strengthen the common defense and to authorize the President to order members and units of reserve components and retired personnel of the Regular Army into active military service," approved August 27, 1940, is amended to read, as follows:

"(c) Any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (b) shall be considered as having been on furlough or leave of absence during his period of active military service, shall be so restored without loss of seniority, shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such person was ordered into such service, and shall not be discharged from such position without cause within 1 year after such restoration."

(e) In case any private employer fails or refuses to comply with the provisions of subsection (b) or subsection (c), the district court of the United States for the district in which such private employer maintains a place of business shall have power, upon the filing of a motion, petition, or other appropriate pleading by the person entitled to the benefits of such provisions, to specifically require such employer to comply with such provisions, and, as an incident thereto, to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful action. The court shall order a speedy hearing in any such case and shall advance it on the calendar. Upon application to the United States district attorney or comparable official for the district in which such private employer maintains a place of business, by any person claiming to be entitled to the benefits of such provisions, such United States district attorney or official, if reasonably satisfied that the person so applying is entitled to such benefits, shall appear and act as attorney for such person in the amicable adjustment of the claim or in the filing of any motion, petition, or other appropriate pleading and the prosecution thereof to specifically require such employer to comply with such provisions: *Provided*, That no fees or court costs shall be taxed against the person so applying for such benefits.

(f) Section 3 (d) of the joint resolution entitled "Joint resolution to strengthen the common defense and to authorize the President to order members and units of Reserve components and retired personnel of the Regular Army into active military service," approved August 27, 1940, is amended by inserting before the period at the end of the

first sentence the following: "and, as an incident thereto, to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful action."

(g) The Director of Selective Service herein provided for shall establish a Personnel Division with adequate facilities to render aid in the replacement in their former positions of, or in securing positions for, members of the reserve components of the land and naval forces of the United States who have satisfactorily completed any period of active duty, and persons who have satisfactorily completed any period of their training and service under this act.

(h) Any person inducted into the land or naval forces for training and service under this act shall, during the period of such training and service, be permitted to vote in person or by absentee ballot in any general, special, or primary election occurring in the State of which he is a resident, whether he is within or outside of such State at the time of such election, if under the laws of such State he is entitled so to vote in such election; but nothing in this subsection shall be construed to require granting to any such person a leave of absence for longer than 1 day in order to permit him to vote in person in any such election.

(i) It is the expressed policy of the Congress that whenever a vacancy is caused in the employment rolls of any business or industry by reason of induction into the service of the United States of an employee pursuant to the provisions of this act such vacancy shall not be filled by any person who is a member of the Communist Party or the German-American Bund.

[From Reorganization Plan No. 3 of 1946]

PART IX. UNITED STATES EMPLOYMENT SERVICE

SEC. 901. Placement functions under Selective Training and Service Act of 1940: There is hereby transferred to the United States Employment Service so much of the functions of the Selective Service System and of the Director of Selective Service under section 8 (g) of the Selective Training and Service Act of 1940 (54 Stat. 890, ch. 720) as relates to aiding persons who have satisfactorily completed any period of active duty or of training and service under the said act in securing positions other than the positions held by them prior to said period.

[From Reorganization Act of 1945]

LIMITATIONS ON POWERS WITH RESPECT TO REORGANIZATIONS

SEC. 5. (a) No reorganization plan shall provide for, and no reorganization under this act shall have the effect of—

* * * * *

(3) Continuing any agency beyond the period authorized by law for its existence or beyond the time when it would have terminated if the reorganization had not been made; or

(4) Continuing any function beyond the period authorized by law for its exercise, or beyond the time when it would have terminated if the reorganization had not been made, or beyond the time when the agency in which it was vested before the reorganization would have terminated if the reorganization had not been made; or

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[From Selective Service magazine of April-May 1946]

MILLION FUTURE VETERANS FACE JOB-RIGHTS LOSS

A million or more of the men inducted into the armed forces by next July 1 face the loss of the reemployment rights guaranteed to them by the Selective Service Act if that law is not extended beyond that date or other provision made to protect them.

It is estimated that 5,000,000 of the approximately 15,000,000 men who entered the armed forces during World War II were entitled to reinstatement to their old jobs under the Selective Training and Service Act of 1940, as amended. Of this number possibly as many as 4,000,000 veterans with reinstatement rights will have been separated from the armed forces by July 1. Thus, approximately 1,000,000 men still in service on July 1 will lose their reemployment rights under the Selective Service Act if the act is allowed to expire on that date.

The provisions of the Selective Service Act guaranteeing reemployment rights to men inducted into the armed forces expire on July 1 and unless these rights are extended, there would be no existing statute protecting the reemployment rights of men inducted under the act who were still in the armed forces on that date.

DISCHARGEES ALSO JEOPARDIZED

Even the reemployment rights of veterans who already have been discharged would be jeopardized by the expiration of the act.

While it is the opinion of National Headquarters, Selective Service System, that the reemployment rights of the veterans who already have been restored to their old jobs under the act would not be extinguished, this is not free from doubt. Moreover, the reemployment rights of discharged veterans who have not yet been restored to their former positions would be in grave doubt.

Even where their reemployment rights are not lost by the expiration of the act, veterans might find that the means of enforcing such rights were considerably diminished.

MANY BENEFITS IMPERILED

Under the law as it now stands, discharged veterans whose rights have been violated may file suit in the Federal district court and may have the United States district attorney act as their attorney without any cost to the veteran, and with the assurance that the case will be advanced on the court calendar for a speedy hearing. Should these provisions expire, veterans who are able to bring their cases within the jurisdiction of the Federal courts probably would lose the benefit of representation by the United States district attorney, the right to have their cases advanced on the court calendar, and would become subject to court costs.

Mr. REVERCOMB. Mr. President, I now call up an amendment in the nature of a substitute, offered on behalf of the Senator from Iowa [Mr. WILSON], the Senator from Nebraska [Mr. WHERRY], and myself, and send it to the desk. I ask that it be read by the clerk.

Mr. GURNEY. Mr. President, in the RECORD in order to save time, I ask unanimous consent that the reading of it be dispensed with and that it be printed.

The PRESIDING OFFICER. Is there objection?

Mr. REVERCOMB. I object. I do not ask that it be read at this time, but I ask that it be read at the proper time.

Mr. BARKLEY. I see no objection to having it printed in the RECORD. It can still be read tomorrow.

Mr. REVERCOMB. I shall be very glad to have it printed in the RECORD as of today.

The PRESIDING OFFICER. Without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

Amendment (in the nature of a substitute) intended to be proposed by Mr. REVERCOMB (for himself, Mr. WILSON, and Mr. WHERRY) to the bill (S. 2057) to extend the Selective Training and Service Act of 1940, as amended, until May 15, 1947, and for other purposes, viz: Strike out all after the enacting clause and insert the following:

"That section 16 (b) of the Selective Training and Service Act of 1940, as amended, is amended by striking out 'July 1, 1946' and inserting in lieu thereof 'May 15, 1947': *Provided*, That no individual shall be inducted for training and service under such act unless the Congress by law declares that national security requires that inductions be resumed.

"SEC. 2. (a) There shall be discharged from or relieved from active duty in the military and naval forces of the United States, as rapidly as discharge facilities will permit, every member of such forces, or any component part of either, who applies therefor and who has on the date of enactment of this act one or more children to whom he bears, or would maintain, but for his service, a bona fide family relationship in his home: *Provided, however*, That the provisions of this section shall not apply to anyone who has volunteered for service in the Army or the Navy.

"(b) Section 3 (b) of the Selective Training and Service Act of 1940, as amended, is amended to read as follows:

"'(b) Each man heretofore inducted under the provisions of subsection (a) who shall have served for a training and service period of at least 18 months shall be discharged upon his written application for discharge, as rapidly as discharge facilities will permit: *Provided*, That the foregoing provision shall not apply to any person who has voluntarily enlisted for a longer period of service.'

"SEC. 3. This act shall not be deemed to affect the existing program of the Army and Navy for the discharge of men in the service on other grounds and for other reasons not named in this act, but shall be construed as an additional ground and reason in the demobilization and discharge of servicemen from the Army and the Navy.

"SEC. 4. Any person discharged under the provisions of this act shall be given and granted an honorable discharge, unless for cause found to be not entitled to honorable discharge.

"SEC. 5. The fourth proviso of the second sentence of section 3 (a) of the Selective Training and Service Act of 1940, as amended, is amended to read as follows: *Provided further*, That on July 1, 1946, the number of men in active training or service in the Army shall not exceed 1,550,000, and that this number shall be reduced consistently month by month so that the Army's strength shall be 1,070,000 on July 1, 1947: *And provided further*, That on July 1, 1947, the number of men in active training or service in the Navy shall be 558,000 and in the Marine Corps 108,000."

"SEC. 6. (a) The first paragraph of section 9 of the Pay Readjustment Act of 1942, as amended, is hereby amended to read as follows:

"'The monthly base pay of enlisted men of the Army, Navy, Marine Corps, and Coast Guard shall be as follows: Enlisted men of the first grade, $140; enlisted men of the second grade, $118; enlisted men of the third grade, $106; enlisted men of the fourth grade, $94; enlisted men of the fifth grade, $82; enlisted men of the sixth grade, $70; and enlisted men of the seventh grade, $65. Chief petty officers under acting appointment shall be included in the first grade at a monthly base pay of $132.'

"(b) The provisions of subsection (a) of this section shall become effective on the first day of the second calendar month following its enactment, and no increase in pay for any period prior thereto shall accrue by reason of the enactment of this act."

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kentucky.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

Mr. REVERCOMB. Mr. President, I understand that tomorrow we will proceed with the amendment which has just been made the order of business. I ask at this time that I be recognized to speak upon this amendment tomorrow.

Mr. MAYBANK. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Hayden	Overton
Austin	Hickenlooper	Pepper
Ball	Hill	Radcliffe
Barkley	Hoey	Reed
Bridges	Huffman	Revercomb
Briggs	Johnson, Colo.	Robertson
Brooks	Johnston, S. C.	Russell
Burch	Kilgore	Saltonstall
Bushfield	Knowland	Shipstead
Butler	La Follette	Smith
Byrd	Langer	Stanfill
Capehart	Lucas	Stewart
Capper	McCarran	Taft
Connally	McClellan	Thomas, Utah
Cordon	McFarland	Tobey
Donnell	McKellar	Tunnell
Downey	McMahon	Tydings
Eastland	Magnuson	Vandenberg
Ellender	Maybank	Wagner
Ferguson	Mead	Walsh
Fulbright	Millikin	Wheeler
George	Mitchell	Wherry
Gerry	Moore	White
Green	Morse	Wiley
Gurney	Murdock	Wilson
Hart	O'Daniel	
Hawkes	O'Mahoney	

The PRESIDING OFFICER. Seventy-nine Senators have answered to their names. A quorum is present.

Mr. MAYBANK. Mr. President, I move that the Senate resume the consideration of legislative business.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Carolina.

Mr. BARKLEY. Mr. President, it will take only a minute and a half or so to dispose of the business on the Executive Calendar. When that is done, if the Senate wishes to return to legislative session, that may be done. But I see no point in returning to legislative session at this time, when the business on the Executive Calendar will not take more than a minute or two.

Mr. MAYBANK. Very well, Mr. President; I withhold my motion.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. TUNNELL in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, and withdrawing a nomination, which were referred to the appropriate committees.

(For nominations, and withdrawal of a nomination, this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. THOMAS of Utah, from the Committee on Military Affairs:

Brig. Gen. Harry Hawkins Vaughan (lieutenant colonel, Field Artillery Reserve), Army of the United States, to be major general.

By Mr. BARKLEY, from the Committee on Banking and Currency:

Raymond Michael Foley, of Michigan, to be Federal Housing Administrator in the National Housing Agency for a term of 4 years from June 30, 1946 (reappointment).

By Mr. McKELLAR, from the Committee on Post Offices and Post Roads:

Samuel J. Leach, to be postmaster at Hersey, Mich.

By Mr. WALSH, from the Committee on Naval Affairs:

Rear Adm. Robert B. Carney, United States Navy, to be a vice admiral in the Navy, for temporary service;

Midshipman William T. Sweetman, to be a second lieutenant in the Marine Corps from the 5th day of June 1946;

Midshipman Robert N. Barker to be an ensign in the Navy from the 5th day of June 1946, in lieu of appointment as an assistant paymaster in the Navy with the rank of ensign as previously nominated and confirmed;

Midshipman Raymond W. Sitz to be an assistant paymaster in the Navy with the rank of ensign from the 5th day of June 1946, in lieu of appointment as a second lieutenant in the Marine Corps as previously nominated and confirmed;

Midshipman Robert H. Wilson to be a second lieutenant in the Marine Corps from the 5th day of June 1946, in lieu of appointment as an ensign in the Navy as previously nominated and confirmed; and

Sundry naval aviators of the Marine Corps Reserve to be second lieutenants in the Regular Marine Corps.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the Calendar.

DEPARTMENT OF STATE NOMINATION PASSED OVER

The legislative clerk read the nomination of Charles Fahy, of New Mexico, to be legal adviser of the Department of State.

Mr. BARKLEY. Mr. President, two nominations have been passed over for several days, upon request, one being the nomination of Mr. Bay, to be ambassador to Norway. The nominations were passed over because the Senator from North Dakota desired to make some remarks relative to it. He has assured me that if it goes over one more time he will say what he has to say about it when the Senate holds another executive session.

Therefore, I ask unanimous consent that the two nominations be passed over again.

The PRESIDING OFFICER. Without objection, the two nominations previously passed over will be passed over again.

The clerk will state the remaining nominations on the calendar.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. BARKLEY. I ask unanimous consent that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the postmaster nominations are confirmed en bloc.

THE NAVY

The legislative clerk proceeded to read sundry nominations in the Navy.

Mr. BARKLEY. I ask unanimous consent that the nominations in the Navy be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the Navy nominations are confirmed en bloc.

Mr. BARKLEY. I also ask unanimous consent that the President be notified forthwith of all nominations confirmed, including those confirmed earlier in the day.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith of all confirmations on this day.

RESUMPTION OF LEGISLATIVE SESSION

Mr. BARKLEY. Mr. President, I now move that the Senate resume the consideration of legislative business.

The PRESIDING OFFICER. Without objection——

Mr. MAYBANK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The motion is not debatable, and the Senator from Kentucky has not yielded for that purpose.

Mr. MAYBANK. I withdraw the suggestion.

Mr. BARKLEY. Mr. President, I merely wish to make a statement. Earlier in the day I requested the Senate to be prepared to have an evening session, in the hope that we might dispose of the draft measure today. As the day wore on and as the evening wore on, it became doubtful, and it is now doubtful, whether we could dispose of the bill without remaining here later than most Members seem to desire to remain. The Senator from West Virginia has offered a substitute, upon which he has advised me he intends to speak at length, and no doubt that will call for addresses on the part of other Senators. It occurred to me that we might not be able to finish consideration of the bill until 12 or 1 o'clock.

In the meantime, many Senators have come to my desk and have urged that I not attempt to keep the Senate in session until such an hour as that. Acting upon that suggestion, I advised various Senators that I would not undertake to do so, and that as soon as the Senate disposed of everything except the Revercomb amendment, as far as we could see, I would move that the Senate take a recess.

Based upon that suggestion, some Senators have left the Chamber, with the understanding that there would be no vote.

I did not know that it was the desire of some Senators to remain here very much longer, until I had suggested that the Senate take a recess, whereupon various Senators have come to me and have protested rather vigorously and have rather resented the fact that I suggested that the Senate take a recess.

Mr. President, the Senate can do as it pleases about the matter. If it wishes to stay here longer, it is at liberty to do so. However, inasmuch as I stated that I would move that the Senate take a recess, I feel compelled to make a motion to take a recess, and I do make that motion.

Mr. TYDINGS. Mr. President, will the Senator withhold his motion for a moment?

Mr. BARKLEY. I have the floor; but I withhold the motion, and I yield to the Senator from Maryland.

Mr. TYDINGS. Mr. President, I feel that the majority leader is at all times very considerate of the wishes of the Senate; and what I am about to say, I feel sure, will in no sense be taken to be a criticism of his performance of his very arduous duties, which he discharges so well.

Let me point out, however, that the information was rather widespread that the Senate would stay in session tonight and would dispose of the draft bill. A number of us arranged our evenings accordingly, and, for that matter, rearranged our schedules for the following day, which is tomorrow, realizing that the business of the Senate came first. After we have rearranged our evenings—and many other Senators found themselves in the same circumstances—we now find that the Senate is meeting until 8:30, and that now it is proposed that we do not have an evening session, after all.

I did not know we were going to take a recess at this time. The word which reached me was that the Senate would stay in session until this bill was disposed of tonight, if possible. It was only 8:30 when the plans apparently were changed. I knew nothing of that. I could have accommodated myself very easily to such a change in plans, but I did not know of it.

My point is that when we have received word that we are to have an evening session and when we have accordingly rearranged our schedules, we should have an evening session; or if we are not to have an evening session, we should not start with one. I say that with no criticism of anyone.

Mr. BARKLEY. I understand that.

Mr. TYDINGS. But inasmuch as many Senators, to my personal knowledge, have stayed here, I think we should go through with it and should have an evening session.

Mr. BARKLEY. I would not say that we have not had an evening session. The session has not been as late as sessions which we have previously held. But the Senator from South Dakota, who is in charge of the pending bill, and who has assumed the burden of having the bill favorably considered by the Senate, is one of those who suggested to me that the Senate recess and not take up the Revercomb proposal until tomorrow. As I have already said, it is entirely within the province of the Senate to do as it pleases. I have also rearranged my evening, but I do not feel that because of that fact I must remain here all night. However, I am willing to do so. If the Senate wishes to remain in session, I am perfectly willing to remain.

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. MAYBANK. I am not interested in rearranging my evening. I would be interested in rearranging my morning. However, I do not quite understand why, merely because some Senator suggests at 10 minutes to 9 in the evening that we take a recess, after we have been here 2 hours following the beginning of the evening, we should not continue in session and accomplish something. I well appreciate that through the able leadership of the Senator from Kentucky [Mr. BARKLEY] we have accomplished much today. I am not unmindful of that fact. But I cannot understand why, at 10 minutes to 9, we must recess until tomorrow.

The PRESIDING OFFICER. The Chair will state that the pending motion is to resume legislative business, and the motion is not debatable.

Mr. BARKLEY. I myself had asked that the Senate resume legislative business, and I thought that the request had been favorably acted upon.

The PRESIDING OFFICER. The Chair was trying to make an announcement with reference to the request of the Senator from South Carolina. When the Senator from Kentucky made a motion to recess, the Senate was still in executive session.

Mr. BARKLEY. I move that the Senate proceed to the consideration of legislative business.

The motion was agreed to, and the Senate proceeded to the consideration of legislative business.

EXTENSION OF SELECTIVE TRAINING AND SERVICE ACT OF 1940

The Senate resumed consideration of the bill (S. 2057) to extend the Selective Training and Service Act of 1940, as amended, until May 15, 1947, and for other purposes.

Mr. REVERCOMB. Mr. President, in view of the statements which have been made, and in view of the fact that I had the floor at the end of the legislative session, I wish to make a statement.

This matter was brought to my attention not upon my suggestion, but upon the suggestion of others who were leading the fight for the pending bill. The unfair thing about it is that after word went out that a recess would be taken, Senators left the Chamber. I know of one Senator who left who expects to speak upon the amendment which has been offered. It would be very unfair to him if we were now to proceed, after an understanding of the kind——

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. REVERCOMB. In a moment I will yield. If we proceed further and deprive the Senator to whom I refer of his right to discuss the amendment, it will be very unfair to him. We have always relied on the assurances of the majority leader, and, so far as I am concerned, we shall continue to do so.

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. REVERCOMB. Mr. President, I move that the Senate now recess.

Mr. MAYBANK. Will the Senator yield?

Mr. REVERCOMB. I have made a motion, Mr. President, that the Senate now take a recess.

Mr. MAYBANK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hoey	O'Mahoney
Austin	Johnson, Colo.	Pepper
Barkley	Johnston, S. C.	Radcliffe
Briggs	Kilgore	Reed
Brooks	Knowland	Revercomb
Burch	La Follette	Robertson
Bushfield	Langer	Russell
Byrd	McCarran	Saltonstall
Connally	McClellan	Stanfill
Donnell	McFarland	Stewart
Ferguson	McKellar	Taft
Fulbright	McMahon	Tobey
Green	Magnuson	Tunnell
Gurney	Maybank	Tydings
Hart	Millikin	Wagner
Hawkes	Mitchell	Walsh
Hayden	Moore	White
Hickenlooper	Morse	Wiley
Hill	O'Daniel	Wilson

The PRESIDING OFFICER. Fifty-seven Senators have answered to their names. A quorum is present.

The question is on the motion of the Senator from West Virginia that the Senate now take a recess.

Mr. MAYBANK. Mr. President, on this question I ask for the yeas and nays.

Mr. REVERCOMB. Mr. President, without prejudice to the rights of any other Senator to make a similar motion, if he cares to do so, I withdraw my motion that the Senate take a recess.

Mr. MAYBANK. Mr. President, I merely want to say to my good friend the Senator from West Virginia that when I asked him on this floor to yield to me he would not do so. I regret very much his refusal.

Mr. REVERCOMB. Mr. President, I thought I yielded at the end of my statement.

Mr. MAYBANK. The Senator did not yield, and it necessitated my suggesting the absence of a quorum. I merely desire to correct his statement that I would be one to cut off free debate in the Senate, and if there is any question about the statement having been made, I should like to have the official reporter read my remarks.

Mr. REVERCOMB. Mr. President, I would not for a moment make any statement which would reflect on the Senator from South Carolina. I said that if we did not take a recess at this time, but continued in session, it would be unfair to Senators who have already left the Chamber and wish to speak upon the pending amendment.

Mr. MAYBANK. Mr. President, I was going to suggest to the Senator from West Virginia that if any arrangement for a time tomorrow when those who have had to leave tonight could be heard, I should be the first one to join in such an arrangement. I was rather sorry that I did not have a chance to make these remarks until it became necessary, under the rules, for me to call a quorum. Otherwise I would not have done so.

Mr. President, the pending question is on the motion that the Senate take a recess, is it not?

The PRESIDING OFFICER. The motion to recess has been withdrawn.

Mr. GURNEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GURNEY. What is the pending question?

The PRESIDING OFFICER. The pending question is on agreeing to the perfecting amendment offered by the Senator from Colorado [Mr. JOHNSON].

Mr. JOHNSON of Colorado. Mr. President, I renew my request to the able Senator in charge of the bill that he take my amendment to conference in order that the amendment may be considered, because I feel strongly, and my feeling is concurred in by the legislative counsel of the Senate, that the President's order transferring the priority employment features of the Selective Service and Training Act to another service has confused the situation considerably. My amendment would straighten it out. If my amendment has no merit, when it goes to conference he will have no difficulty in having it thrown out; but I do think it would be a matter of wisdom to have it in conference, at least, and see whether or not it should be kept in the bill or left out of the bill.

Mr. REVERCOMB. A parliamentary inquiry.

Mr. GURNEY. Mr. President, as I said before, if we were going to finish consideration of the bill tonight, I would be glad to comply with the Senator's request. If the Senate is to recess until tomorrow, I hope the Senator will withhold the amendment so that other Senators who are not here tonight may consider it, and we can vote on it very quickly tomorrow. If we are to recess tonight and not complete the bill, I hope the Senator will continue to withhold the amendment.

Mr. JOHNSON of Colorado. My understanding was that we were going to complete the bill, and that is why I renewed my request.

Mr. GURNEY. If the Senator will withhold it until we find out whether the Senate is to recess, I shall be very grateful.

Mr. BARKLEY. Mr. President, I do not wish to reiterate what I said awhile ago with reference to whether the Senate shall recess or not. One of the reasons why I was impelled to suggest that a recess be taken was that the Senator from South Dakota, in charge of the bill, suggested, when the Senator from Colorado offered his amendment, that in all likelihood we could not finish the bill tonight, and asked him that it go over until tomorrow when we could resume consideration of the amendment, and that was agreeable to the Senator from Colorado, and, as I understood, he withdrew the amendment. Whereupon the Senator from West Virginia secured the floor and offered a substitute.

I always try to cooperate with a Senator who has the responsibility of conducting legislation through the Senate, and when the Senator from South Dakota suggested to me, before the colloquy between him and the Senator from Colorado, that we could not finish the bill tonight, and that the Senator from West Virginia had a substitute which would require 2 or 3 hours, and the Senator from West Virginia confirmed that, it occurred to me that we might as well recess, and I so stated. I still am of that opinion, and regardless of what the Senate wishes to do about it, I feel impelled to make a motion that the Senate now recess until 11 o'clock a. m. tomorrow.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kentucky.

Mr. STEWART. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The motion is not debatable.

Mr. STEWART. I do not want to debate the motion. I want to suggest the absence of a quorum.

Mr. BARKLEY. Mr. President, a parliamentary inquiry. Has any business been transacted since the last call?

Mr. STEWART. If there has not been any business transacted I should like to know what one would call it.

Mr. BARKLEY. There has been a good deal of talk.

The PRESIDING OFFICER. No business has been transacted. The question is on the motion of the Senator from Kentucky that the Senate take a recess until 11 a. m. tomorrow.

Mr. TYDINGS. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll, and called the name of Mr. AIKEN, who voted in the affirmative.

Mr. STEWART. What became of my suggestion of the absence of a quorum?

The PRESIDING OFFICER. No business has been transacted since the last quorum call.

Mr. MAYBANK. A call for the yeas and nays is business.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. STEWART. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STEWART. I should like to know what constitutes business.

The PRESIDING OFFICER. To argue that out might take a good deal of time. The clerk will call the roll.

The legislative clerk resumed and concluded calling the roll.

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Alabama [Mr. BANKHEAD] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], the Senators from Idaho [Mr. GOSSETT and Mr. TAYLOR], and the Senator from Pennsylvania [Mr. GUFFEY] are absent by leave of the Senate.

The Senators from New Mexico [Mr. CHAVEZ and Mr. HATCH] and the Senator from Pennsylvania [Mr. MYERS] are detained on public business.

The Senator from Florida [Mr. ANDREWS], the Senator from California [Mr. DOWNEY], the Senator from Louisiana [Mr. ELLENDER], the Senator from Georgia [Mr. GEORGE], the Senator from Rhode Island [Mr. GERRY], the Senator from Ohio [Mr. HUFFMAN], the Senator from Illinois [Mr. LUCAS], the Senator from Tennessee [Mr. MCKELLAR], the Senator from New York [Mr. MEAD], the Senator from Montana [Mr. MURRAY], the Senator from Oklahoma [Mr. THOMAS], and the Senator from Utah [Mr. THOMAS] are unavoidably detained.

The result was announced—yeas 45, nays 17, as follows:

YEAS—45

Aiken	Hickenlooper	Murdock
Austin	Hill	O'Daniel
Barkley	Hoey	Overton
Briggs	Johnson, Colo.	Radcliffe
Brooks	Kilgore	Revercomb
Burch	La Follette	Shipstead
Bushfield	Langer	Taft
Connally	McCarran	Tobey
Donnell	McClellan	Tunnell
Eastland	McFarland	Wagner
Ferguson	McMahon	Walsh
Gurney	Magnuson	Wheeler
Hart	Millikin	White
Hawkes	Mitchell	Wiley
Hayden	Moore	Wilson

NAYS—17

Ball	Maybank	Saltonstall
Byrd	Morse	Smith
Fulbright	O'Mahoney	Stanfill
Green	Pepper	Stewart
Johnston, S. C.	Reed	Tydings
Knowland	Russell	

NOT VOTING—34

Andrews	Cordon	Murray
Bailey	Downey	Myers
Bankhead	Ellender	Robertson
Bilbo	George	Taylor
Brewster	Gerry	Thomas, Okla.
Bridges	Gossett	Thomas, Utah
Buck	Guffey	Vandenberg
Butler	Hatch	Wherry
Capehart	Huffman	Willis
Capper	Lucas	Young
Carville	McKellar	
Chavez	Mead	

So the motion was agreed to; and (at 9 o'clock and 15 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, June 5, 1946, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate June 4 (legislative day of March 5), 1946:

UNITED STATES MARSHALS

Robert L. Ailworth, of Virginia, to be United States marshal for the eastern district of Virginia. (Mr. Ailworth is now serving in this office under an appointment which expired May 6, 1946.)

John White Stuart, of Virginia, to be United States marshal for the western district of Virginia. (Mr. Stuart is now serving in this office under an appointment which expired May 6, 1946.)

William Holroyd McGinnis, of West Virginia, to be United States marshal for the southern district of West Virginia. (Mr. McGinnis is now serving in this office under an appointment which expired May 12, 1945.)

The following-named persons to be postmasters:

POSTMASTERS

ARKANSAS

Allie Marie Lanier, Joiner, Ark., in place of H. B. Carlock, resigned.

Otho Norris, Poughkeepsie, Ark. Office became Presidential July 1, 1945.

CALIFORNIA

Ella M. Cain, Bridgeport, Calif., in place of D. A. Vogt, resigned.

COLORADO

Earl A. Riggs, Gilcrest, Colo. Office became Presidential July 1, 1945.

FLORIDA

Glenn J. Liles, Bonita Springs, Fla. Office became Presidential July 1, 1943.

Margaret E. Livingston, Holt, Fla. Office became Presidential July 1, 1945.

GEORGIA

Clarence E. Hope, Homer, Ga., in place of G. J. Hope, retired.

LOUISIANA

Verlie Bollinger, Alco, La., in place of W. Z. Lewis, resigned.

MICHIGAN

Chauncey E. Brown, Eben Junction, Mich. Office became Presidential July 1, 1945.

Georgia Hinkle, Montgomery, Mich., in place of E. E. Derr, resigned.

Emery Massie, Quinnesec, Mich. Office became Presidential July 1, 1943.

NORTH CAROLINA

Frank A. Smith, Jacksonville, N. C., in place of R. C. Warlick, deceased.

Hazel P. Strickland, Stedman, N. C., in place of N. C. Strickland, retired.

OHIO

Alta G. Chambers, Kimbolton, Ohio. Office became Presidential July 1, 1944.

James W. King, Martinsville, Ohio. Office became Presidential July 1, 1943.

OREGON

Madge L. Herron, Shevlin, Oreg., in place of L. M. Gumbert, resigned.

PENNSYLVANIA

Florence E. Chamberlin, Hallstead, Pa., in place of L. M. Tierney, deceased.

Daniel S. Graeff, Hershey, Pa., in place of T. H. Black. Incumbent's commission expired June 23, 1942.

Nelle I. York, Mount Braddock, Pa., in place of O. C. York, deceased.

Grant W. McElhatten, Oil City, Pa., in place of J. F. Hahn, removed.

Martin E. Byers, Saegerstown, Pa., in place of E. B. Luce, resigned.

SOUTH CAROLINA

Wilbur E. Williams, Wagener, S. C., in place of W. E. Williams, term expired.

TENNESSEE

James E. Meador, Dixon Springs, Tenn. Office became Presidential July 1, 1945.

Gilmer S. Brimm, Riddleton, Tenn. Office became Presidential July 1, 1945.

WISCONSIN

Oscar W. Lindall, Cushing, Wis., in place of C. J. Askov, retired.

Edna Aschinger, Tigerton, Wis., in place of A. B. Roemer, transferred.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 4 (legislative day of March 5), 1946:

IN THE ARMY

APPOINTMENTS BY TRANSFER, IN THE REGULAR ARMY OF THE UNITED STATES

To Quartermaster Corps

Lt. Col. Edward Harris Barr, with rank from August 4, 1944.

Maj. Raymond Miller Barton, with rank from June 12, 1942.

Maj. Robert Albert Howard, Jr., with rank from June 9, 1945.

Capt. Thad Adolphus Broom, with rank from June 12, 1940.

Capt. Roland Arthur Elliott, Jr., with rank from June 13, 1943.

First Lt. James Terry Craig, with rank from June 14, 1941.

To Finance Department

Lt. Col. John Raikes Vance, with rank from December 11, 1942.

To Corps of Engineers

First Lt. Michael Frank Aliotta, with rank from June 11, 1944.

First Lt. Oscar Marion Brumfiel, with rank from July 1, 1943.

First Lt. Robert Walter Fritz, with rank from May 29, 1945.

First Lt. LeMoyne Francis Michels, with rank from June 11, 1944.

Second Lt. Carroll Hamilton Wood, with rank from December 1, 1944.

To Ordnance Department

Maj. Holger Nelson Toftoy, with rank from June 12, 1943.

First Lt. Charles Thomas Clagett, with rank from June 12, 1940.

First Lt. James Paul Hamill, with rank from October 5, 1945.

First Lt. Roger Stevens Neumeister, with rank from June 11, 1944.

To Chemical Warfare Service

First Lt. Harold Harley Haaland, with rank from October 5, 1945.

To Cavalry

Second Lt. Milton Henry DeVault, with rank from June 5, 1945.

To Field Artillery

Second Lt. John Tyler Elliott, with rank from June 6, 1944.

Second Lt. Robin Schofield Kendall, with rank from June 6, 1944.

To Infantry

First Lt. Carlyle Philip Woelfer, with rank from October 5, 1945.

Second Lt. William Benjamin Tuttle, Jr., with rank from June 6, 1944.

To Air Corps

First Lt. William Noel Snouffer, with rank from June 12, 1940.

PROMOTIONS IN THE REGULAR ARMY OF THE UNITED STATES

The nominations of Robert Boyd Williams and other officers for promotion in the Regular Army of the United States which were received by the Senate and referred to the Committee on Military Affairs on Monday, June 3, 1946, and which appear in full in the Senate Proceedings of the CONGRESSIONAL RECORD for that date under the caption "Nominations," beginning with the name of Robert Boyd Williams on page 6145 and ending with the name of Elliott Powell Rigsby on page 6153.

IN THE NAVY

APPOINTMENTS IN THE NAVY

To be ensigns

William P. Ferguson
William L. Landreth
Charles F. Weiss

To be assistant paymasters with the rank of lieutenant (junior grade)

William J. Bush
James H. Elsom

To be assistant paymasters with the rank of ensign

Thomas C. Cain, Jr.
William C. Croft
Joseph A. Fernald
John W. Hirst
Frank H. McDonald

POSTMASTERS

COLORADO

Gladys Robinson, Fort Garland.

ILLINOIS

Robert J. Beck, Cornell.

IOWA

Florence H. Whittenburg, Dickens.
Cyrus C. Peterson, Randall.

KENTUCKY

Edna P. Leger, Baxter.
John S. Mahan, Princeton.

MAINE

Nelida Arsenault, Mexico.

MICHIGAN

Mildred E. Bobb, Genesee.
Marion W. Carter, Glennie.
Verner M. Godell, Watton.

MISSISSIPPI

Beulah M. Weilenman, Stoneville.

MONTANA

Henry J. Latsch, Fort Harrison.

NEW JERSEY

George B. Seals, Whitehouse.

NORTH DAKOTA

Gladys V. Bachmeier, Selfridge.

OHIO

E. Alice Rushton, Kingsville.

WASHINGTON

Lola C. Fisher, Richmond Beach.
John W. Weaver, Rochester.
Arloene Marchant, Seaview.

WITHDRAWAL

Executive nomination withdrawn from the Senate June 4 (legislative day of March 5), 1946:

POSTMASTER

Harvey D. Kemper to be postmaster at Caledonia, in the State of Wisconsin.

HOUSE OF REPRESENTATIVES

TUESDAY, JUNE 4, 1946

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Redeemer, do Thou guide and direct us even when we choose to walk alone. Lonely souls are comforted that Thy love springs from Thy compassion rather than from our merits. Behold, O God, the things that matter for our beloved country—sacrifice, unselfishness, and genuine patriotism. With this vision before us, crown us with a might transcending weakness, with a hope that reaches far beyond pain and sorrow, and with a determination that waits for the unveiling of all misunderstandings. Be Thou the power within ourselves, that we may contribute to the abiding realities of a great Nation. Keep us free, dear Lord, and teach us that the best we can do for Thee is to live uprightly and do justly, fearless in the defense of that which is right and in condemnation of the wrong. In the name of the great Teacher we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H. R. 208. An act for the relief of the Marion Contracting Co.;

H. R. 216. An act for the relief of John Seferian and Laura Seferian;

H. R. 238. An act for the relief of Henrietta Silk;

H. R. 781. An act for the relief of the legal guardian of Douglas Charles McRae, a minor;

H. R. 845. An act for the relief of Mrs. Luther S. Sykes;

H. R. 1037. An act to confer jurisdiction upon the United States District Court, Southern District of Florida;

H. R. 1072. An act for the relief of Henry R. Butler;

H. R. 1229. An act for the relief of Mrs. Mary M. Wolf;

H. R. 1238. An act for the relief of Father Peter B. Duffee;

H. R. 1299. An act for the relief of Morris Fine;

H. R. 1394. An act for the relief of William H. W. Komp;

H. R. 1782. And act for the relief of Ida F. Braun, Alice Braun Menges, and Carl J. Braun, individually and as executors of the estate of Hedwig W. Braun, deceased, and as legatees and beneficiaries of the will of Hedwig W. Braun, deceased, and as the sole parties in interest by succession under the last will and testament of Hedwig W. Braun, deceased, and under the last will and testament of Herman W. Braun, deceased;

H. R. 1852. An act for the relief of R. H. White Transfer & Storage Co., of Nashville, Tenn.;

H. R. 2188. An act for the relief of George W. Bailey;

H. R. 2242. An act for the relief of Mrs. Lessie L. Bryant and Miss Jimmie Alexander;

H. R. 2246. An act for the relief of the estate of Michael O. Mello, and Christian O. Mello;

H. R. 2248. An act for the relief of Joseph E. Alarie;

H. R. 2337. An act for the relief of H. H. Hood;

H. R. 2569. An act for the relief of Daphne Webb;

H. R. 2576. An act for the relief of William F. Schmeltz;

H. R. 2579. An act for the relief of John G. Johnson;

H. R. 2665. An act for the relief of Achille Guillory and Olivia Guillory;

H. R. 2747. An act for the relief of George A. West;

H. R. 2926. An act for the relief of Mrs. Alice Breon;

H. R. 2973. An act for the relief of Ben Thomas Haynes, a minor;

H. R. 3125. An act for the relief of Lovie M. Trotter;

H. R. 3177. An act for the relief of James J. Barrett, Jr.;

H. R. 3228. An act for the relief of Sam Dishong;

H. R. 3270. An act for the relief of James B. McCarty;

H. R. 3340. An act for the relief of Mrs. Merla Koperski;

H. R. 3355. An act for the relief of Elisabeth Jones Hansel;

H. R. 3365. An act for the relief of Kay Beth Bednar;

H. R. 3378. An act for the relief of Dr. John A. Logan;

H. R. 3506. An act for the relief of Mary A. Wallis;

H. R. 3523. An act for the relief of Sam Damico and Clint Hamm, operating as the D & H Grocery;

H. R. 3525. An act for the relief of Owen Young;

H. R. 3556. An act for the relief of Mr. and Mrs. Glen Rothenberger;

H. R. 3599. An act for the relief of Ama L. Normand and the estate of Curtis Joseph Gaspard, deceased;

H. R. 3618. An act for the relief of Mrs. Vannas H. Hicks;

H. R. 3676. An act for the relief of Pershing W. Ridgeway;

H. R. 3702. An act for the relief of Maurice C. Ritter;

H. R. 3726. An act for the relief of Earl D. Massey, Marvin Marshall, and Fred C. Mitchell;

H. R. 3751. An act for the relief of Mrs. Theodora O. Anzures and the legal guardian of Bernice Anzures and Andrew Anzures;

H. R. 3770. An act for the relief of Lyndon T. Montgomery;

H. R. 3822. An act for the relief of the estate of Charles M. Overcash, deceased;

H. R. 3823. An act for the relief of Gertrude McGill;

H. R. 3828. An act for the relief of James R. Vaughan;

H. R. 3968. An act for the relief of the estate of Charles W. Stewart;

H. R. 4016. An act for the relief of Dorothy Morgan;

H. R. 4047. An act for the relief of Edward A. Hollis, Sr.;

H. R. 4074. An act for the relief of Mrs. Jennie Burnison;

H. R. 4115. An act for the relief of the estate of Eleanor Doris Barrett;

H. R. 4141. An act for the relief of Piombo Bros. & Co.;

H. R. 4142. An act for the relief of Johnnie V. Nations;

H. R. 4172. An act for the relief of Carlton G. Jerry;

H. R. 4174. An act for the relief of Mayer G. Hansen;

H. R. 4176. An act for the relief of the estate of Earle R. Woodfall, Jr., deceased;

H. R. 4210. An act for the relief of the estate of Bob Clark and the estate of George D. Croft;

H. R. 4237. An act for the relief of the estate of Vedal B. Brooks, deceased; Mrs. Katherine I. Brooks; and the legal guardian of Sally Brooks, a minor;

H. R. 4244. An act for the relief of Fundador Nieves del Valle;

H. R. 4270. An act for the relief of Southern California Edison Co., Ltd.;

H. R. 4298. An act for the relief of Severo Apoluna Dinson and Candilaria Dinson, and the legal guardian of Laura Dinson and the legal guardian of Teresita Dinson;

H. R. 4300. An act for the relief of the county of Hawaii, T. H.;

H. R. 4301. An act for the relief of Philip Naope Kaili and Susie Kaili;

H. R. 4338. An act for the relief of Anna Blanchard and others;

H. R. 4352. An act for the relief of Ola L. Wright, Mrs. Margaret Wright, and the legal guardian of Betty Bea Wright, a minor;

H. R. 4405. An act for the relief of John Bakelaar;

H. R. 4414. An act for the relief of Eva D. Champlin, Robert H. Howell, Emily Howell, and Stella Ward;

H. R. 4416. An act for the relief of George H. Buxton, Jr.;

H. R. 4418. An act for the relief of the city of San Diego, Tex.;

H. R. 4491. An act for the relief of Vertie Bea Loggins;

H. R. 4527. An act for the relief of O. T. Nelson and wife, Clara Nelson;

H. R. 4537. An act for the relief of Lillian Jacobs;

H. R. 4545. An act for the relief of George Leslie Dobson;

H. R. 4567. An act to amend the act entitled "An act conferring jurisdiction upon the United States Court of Claims to hear, examine, adjudicate, and render judgment on any and all claims which the Ute Indians, or any tribe, or band thereof, may have against the United States, and for other purposes," approved June 28, 1938;

H. R. 4607. An act for the relief of Margaret Lee and Mike Sopko;

H. R. 4609. An act for the relief of Jerome Dove;

H. R. 4633. An act for the relief of John B. Clausen;

H. R. 4639. An act for the relief of C. LeRoy Phillips;

H. R. 4640. An act for the relief of Gladys Hastings;

H. R. 4647. An act for the relief of Albert R. Perkins;

H. R. 4670. An act for the relief of Mrs. Edna B. LeBlanc;

H. R. 4716. An act for the relief of Charles B. Borell;

H. R. 4723. An act for the relief of John M. Shipp;

H. R. 4750. An act for the relief of C. C. Vest;

H. R. 4757. An act for the relief of Mrs. Gussie Feldman;

H. R. 4777. An act for the relief of the Sawtooth Co.;

H. R. 4800. An act for the relief of Harry Fleishman;

H. R. 4832. An act for the relief of Stanley B. Reeves and Mrs. Stanley B. Reeves;

H. R. 4833. An act for the relief of the estate of Robert Lee Blackmon;

H. R. 4836. An act for the relief of Louis M. Drolet;

H. R. 4854. An act for the relief of Mrs. Pearl Smith;

H. R. 4885. An act for the relief of Ernst V. Brendier;

H. R. 4904. An act for the relief of Cleo D. Johnson and Mr. and Mrs. Jack B. Cherry;

H. R. 4905. An act for the relief of Nina E. Schmidt;

H. R. 4915. An act for the relief of Irving W. Learned;

H. R. 4976. An act for the relief of Mrs. Catherine Fortunato;

H. R. 4977. An act for the relief of Mrs. Theresa Ebrecht;

H. R. 5049. An act for the relief of the estate of Obaldino Francis Dias;

H. R. 5111. An act for the relief of Mrs. Mildred L. Bupp;

H. R. 5212. An act for the relief of the dependents of Cecil M. Foxworth, deceased;

H. R. 5307. An act for the relief of Ben V. King;

H. R. 5525. An act for the relief of Sylvia Wagner;

H. R. 5718. An act to facilitate the liquidation of Washington Railway & Electric Co.;

H. R. 6010. An act for the relief of the Yakutat Cooperative Market;

H. R. 6011. An act for the relief of Doctor Harry Burstein, Madeline Borvick, and Mrs. Clara Kaufman Truly (formerly Miss Clara M. Kaufman);

H. R. 6245. An act for the relief of Mary G. Paul;

H. R. 6334. An act for the relief of the estate of Carmen Aurora de la Flor, deceased; and

H. J. Res. 340. Joint resolution to amend the joint resolution creating the Niagara Falls Bridge Commission.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 661. An act for the relief of Harold H. Rhodes;

S. 933. An act for the relief of the estate of Sybel Spence;

S. 1051. An act for the relief of William J. Simpson and John R. Rogers, Sr.;

S. 1061. An act for the relief of Violet Ludojiewich;

S. 1132. An act for the relief of Aeronautical Training Center, Inc.;

S. 1314. An act for the relief of Frederic P. L. Mills;

S. 1569. An act for the relief of Gwynn C. Triplett, and for other purposes;

S. 1683. An act for the relief of the estate of Mrs. Sufronia Andrus;

S. 1743. An act for the relief of Ivor E. Nicholas;

S. 1760. An act to decrease the debt limit of the United States from $300,000,000,000 to $275,000,000,000;

S. 1773. An act for the relief of Frederick Uhrmann;

S. 1779. An act to authorize the Federal Security Administration to assist the States in matters relating to social protection, and for other purposes;

S. 1852. An act for the relief of the legal guardian of Arlis Earl Teekell;

S. 1912. An act for the relief of Brig. Gen. Carl H. Seals;

S. 2015. An act for the relief of William H. Morris;

S. 2218. An act to amend the District of Columbia Alley Dwelling Act, approved June 12, 1934, as amended; and

S. J. Res. 162. Joint resolution extending for 7 months the period of time during which alcohol plants are permitted to produce sugars or sirups simultaneously with the production of alcohol.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 210. An act for the relief of Jackson Williams; Mrs. Lora Sally Williams, the legal guardian of Garry E. Williams, a minor, and the legal guardian of James Williams, a minor;

H. R. 1538. An act for the relief of Robert J. Cramer;

H. R. 2091. An act for the relief of Joseph E. Bennett;

H. R. 2192. An act for the relief of Andre Dacharry;

H. R. 2544. An act for the relief of Willie Hines;

H. R. 3018. An act for the relief of R. Fred Baker and Crystal R. Stribling;

H. R. 3094. An act conferring jurisdiction upon the Court of Claims of the United States to consider and render judgment on the claim of the Zephyr Aircraft Corp. against the United States;

H. R. 3100. An act for the relief of the legal guardian of Rolland Lee Frank, a minor;

H. R. 3454. An act for the relief of William Clyde McKinney;

H. R. 3565. An act to authorize the charging of tolls for the passage or transit of Government traffic over the San Francisco-Oakland Bay Bridge;

H. R. 3641. An act for the relief of M. Martin Turpanjian;

H. R. 3781. An act for the relief of Mabel M. Fischer;

H. R. 3967. An act for the relief of Ahto Walter, Lucy Walter, and the legal guardian of Teddy Walter, a minor;

H. R. 4400. An act for the relief of Nolan V. Curry, individually, and as guardian for his minor son, Hershel Dean Curry;

H. R. 5060. An act to amend section 1 of the act entitled "An act to fix the salaries of officers and members of the Metropolitan Police force, the United States Park Police force, and the Fire Department of the District of Columbia," approved May 27, 1924;

H. R. 5244. An act to authorize the appointment of additional foreign-service officers in the classified grades; and

H. R. 6343. An act to authorize the Secretary of War to lend War Department equipment for use at the twenty-eighth annual national convention of the American Legion.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 5407. An act to grant to the Federal Works Administrator certain powers with respect to site acquisition, building construction, purchase of buildings, and other matters.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ANDREWS, Mr. FULBRIGHT, and Mr. TAFT to be the conferees on the part of the Senate.

PERMISSION TO ADDRESS THE HOUSE

Mr. McGEHEE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

[Mr. McGEHEE addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. LANE asked and was given permission to extend his remarks in the RECORD in three instances, in one to include a poem that appeared in the Boston Post, in another to include an editorial that appeared in the Times-Herald, and in the third to include an address he delivered on Memorial Day.

SPECIAL ORDER GRANTED

Mr. LANE. Mr. Speaker, I ask unanimous consent that, after disposition of business on the Speaker's desk and at the conclusion of any special orders heretofore entered for today, I may be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent that on today, after disposition of matters on the Speaker's desk and at the conclusion of any special orders heretofore entered, I may be permitted to address the House for one-half hour.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

EXTENSION OF REMARKS

Mr. KINZER asked and was given permission to extend his remarks in the RECORD and include an editorial appearing in the Philadelphia Inquirer, Sunday, June 2.

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an editorial appearing in the New York Times, this morning which should be of interest to the country, the President, and the Congress, entitled "No Help From Mr. Murray."

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. STEVENSON asked and was given permission to extend his remarks in the RECORD and include a statement by George A. Martiny, of Baraboo, Wis., before the Wisconsin Members of Congress on behalf of the farm implement dealers of Wisconsin.

SPECIAL ORDER GRANTED

Mr. VURSELL. Mr. Speaker, I ask unanimous consent that on Friday next, at the conclusion of the legislative program of the day and following any special orders heretofore entered, I may be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

WASHINGTON BUREAUCRATS

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. REED of New York. Mr. Speaker, I want to call to the attention of the House what I consider to be a very serious situation so far as this Government of ours is concerned. I had always supposed that this Government was the result of the sovereign will of a sovereign people. We have now developed a situation here where this seems to be a Government of the bureaucrats, by the bureaucrats, and for the bureaucrats. It is getting to be so now that a citizen cannot even get a bureaucrat to answer the telephone. He is always in a meeting or he has gone to lunch. He refuses to call back even when he has an opportunity to do so on matters of great concern to industry and to labor, both. I have been going through that experience, and I am getting tired of it, and I think that this House, if it has any spine left, ought to put these men in their places. I refer to the OPA in particular.

DANGER OF COMMUNISTS IN GOVERNMENT

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Speaker, Thomas Jefferson once said that the danger to this Government was its being destroyed by the courts.

We seem to have arrived at that point when the Supreme Court of the United States undertakes to legislate for the American people and to put back onto the pay roll men whom Congress refused to appropriate for because of their subversive activities. On the same page of the morning paper giving a report of that decision in the same paper, we find it stated that thousands of Communist "fellow travelers" became Navy officers in the Navy during the war, and some had access to secret documents that were vital to our national defense.

If we cannot keep Communists off the pay roll and keep them from nosing into the affairs of the Army and the Navy, to gather secret information and planning to wreck this country, then we are in a bad way indeed.

The SPEAKER. The time of the gentleman from Mississippi has expired.

LABOR LEGISLATION

Mr. HEALY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HEALY. Mr. Speaker, in view of the fact that for the past several months, in fact, ever since the war ended, our country has been troubled by various labor disputes, many of which have been quite serious, I am of the opinion that this Congress should give some very serious thought and consideration to legislation which might in some way prevent these problems from developing to the critical point. I realize that no one wants strikes, least of all those who go on strike. Strikes are costly to labor, industry, and the public. It seems to me that our Government has a greater responsibility in these problems than it has thus far exhibited.

In recent months we have seen our Government move in on disputes after they had reached the critical stage. Is there any reason why we should not set up a permanent division in the Department of Labor to anticipate these problems? Why cannot we have a permanent and continuous division in the Department of Labor which will determine the facts in advance, make them available to labor and management and thereby implement or expedite the processes of collective bargaining?

For the past month or more I have been giving this subject considerable study, and to that end I have today introduced a bill which I believe will go a long way toward the prevention of labor disputes.

I hope that the congressional committee to be set up to study labor-management problems will give serious consideration to the plan proposed in my bill.

LABOR LEGISLATION

Mr. ROBERTSON of Virginia. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. ROBERTSON of Virginia. Mr. Speaker, the press and radio commentators who expressed surprise at the courageous position taken by our distinguished President on the subject of strikes against the public interest when he addressed the joint session of the Congress on Saturday, May 25, 1946, and are now speculating on what he will do with respect to the Case bill, evidently are unmindful of the official motto of the President's home State of Missouri:

Salus populi suprema lex esto—Let the welfare of the people be the supreme law.

DODD, WATSON, AND LOVETT CASE

Mr. CELLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Speaker, I say to the gentleman from Mississippi that the power to oust and dismiss Government employees in the executive branch is an executive function, and that function cannot be exercised except after trial and a hearing. Ouster is not a congressional, legislative function. Jefferson denounced the concentration of executive powers as well as law-making powers in the Congress.

The Supreme Court yesterday declared unconstitutional the action of this House, which sought to punish and purge William E. Dodd, Jr., Goodwin B. Watson, and Robert Morss Lovett, all admirable employees of the United States, because of their liberalism. At the behest of the Dies committee this House cut out their salaries in an appropriation bill by use of a rider. I congratulate those who voted with me against the witch hunt by bill of attainder. We are now vindicated by the Supreme Court.

Jefferson also said:

An elective despotism was not the government we fought for.

EXTENSION OF REMARKS

Mr. DOMENGEAUX asked and was given permission to extend his remarks in the RECORD.

Mr. MANSFIELD of Montana asked and was given permission to extend his remarks in the RECORD, and further to extend his remarks and include an editorial.

Mr. CHIPERFIELD asked and was given permission to extend his remarks in the RECORD and include a resolution.

Mr. ADAMS asked and was given permission to extend his remarks in the RECORD and include a letter.

Mr. AUGUST H. ANDRESEN asked and was given permission to extend his remarks in the RECORD and include a pronouncement by the Secretary of Agriculture.

Mr. HILL asked and was given permission to extend his remarks in the RECORD and include excerpts from a broadcast by Fulton Lewis, Jr.

Mr. RICH. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and include a statement made by Carl H. Wilken, an economist, giving his reasons why he is against the British loan. I hope the Members of Congress will read it because it is something that might aid and assist in stopping that loan from being granted in this country and thus taking us over the brink.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include a column by Joseph and Stewart Alsop called Pandora's Box.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

[Mr. VOORHIS of California addressed the House. His remarks appear in the Appendix.]

RIVERS AND HARBORS BILL

Mr. SABATH. Mr. Speaker, I call up House Resolution 646 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 6407) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed 4 hours to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Rivers and Harbors, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same back to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that the bill be printed at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The bill is as follows:

H. R. 6407

A bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes

Be it enacted, etc. That the following works of improvement of rivers, harbors, and other waterways are hereby adopted and authorized to be prosecuted under the direction of the Secretary of War and supervision of the Chief of Engineers, in accordance with the plans and subject to the conditions recommended by the Chief of Engineers in the respective reports hereinafter designated: *Provided*, That penstocks or other similar facilities adapted to possible future use in the development of hydroelectric power shall be installed in any dam herein authorized when approved by the Secretary of War upon the recommendation of the Chief of Engineers and of the Federal Power Commission, and such recommendations shall be based upon consideration of the proper utilization and conservation in the public interest of the resources of the region:

Portland Harbor, Maine; House Document No. 510, Seventy-ninth Congress;

Fall River Harbor, Mass.; in accordance with the report of the Chief of Engineers dated April 15, 1946;

Wickford Harbor, R. I.; Senate Document No. 141, Seventy-ninth Congress;

New Haven Harbor, Conn.; House Document No. 517, Seventy-ninth Congress;

Bridgeport Harbor, Conn; in accordance with the report of the Chief of Engineers dated April 26, 1946;

Stamford Harbor, Conn; in accordance with the report of the Chief of Engineers dated May 3, 1946;

Barnegat Inlet, N. J.; House Document No. 358, Seventy-ninth Congress;

Absecon Inlet, N. J.; House Document No. 504, Seventy-ninth Congress;

Delaware River, vicinity of Biles Creek, Pa.; in accordance with the report of the Chief of Engineers dated April 8, 1946;

Schuylkill River, Pa.; House Document No. 529, Seventy-ninth Congress; and in accordance with the report of the Chief of Engineers dated May 7, 1946;

New Jersey Intracoastal Waterway; pending fulfillment of the conditions of local cooperation for this project as authorized by the River and Harbor Act of March 2, 1945, appropriations heretofore or hereafter made for maintenance and improvement of rivers and harbors may be used for a period of not to exceed 5 years for maintenance of the canal from Cape May Harbor to Delaware Bay constructed as an emergency wartime

project with Navy Department funds, including the cost of maintaining the temporary railroad and seashore highway bridges over said canal;

Middle River and Dark Head Creek, Md.; maintenance work in accordance with the report on file in the Office, Chief of Engineers;

Mattaponi River, Va.; House Document No. 766, Seventy-eighth Congress;

Newport News Creek, Va.; House Document No. 559, Seventy-ninth Congress;

Norfolk Harbor, Va.; House Document No. 563, Seventy-ninth Congress;

Savannah Harbor, Ga.; in accordance with the report of the Chief of Engineers dated April 1, 1946;

St. Johns River, Fla., Jacksonville to Lake Harney; in accordance with the report of the Chief of Engineers dated April 10, 1946;

Hollywood Harbor (Port Everglades), Fla.; House Document No. 768, Seventy-eighth Congress;

Withlacoochee River, Fla.; House Document No. 293, Seventy-ninth Congress;

Apalachicola, Chattahoochee, and Flint Rivers, Ga. and Fla.; in accordance with the report of the Board of Engineers for Rivers and Harbors dated April 29, 1946, on file in the Office, Chief of Engineers;

Tombigbee and Tennessee Rivers, Ala. and Miss.; House Document No. 486, Seventy-ninth Congress;

Mississippi River, Baton Rouge to the Gulf of Mexico; barge channel through Devils Swamp, La.; in accordance with the report of the Chief of Engineers dated May 7, 1946;

Plaquemine-Morgan City Route, Intracoastal Waterway, La.; in accordance with the report of the Chief of Engineers dated April 25, 1946;

Franklin Canal, La.; in accordance with the report of the Chief of Engineers dated April 8, 1946;

Mermentau River and tributaries, and Gulf Intracoastal Waterway and connecting waters, Louisiana; in accordance with the report of the Chief of Engineers dated April 16, 1946;

Lake Charles Deep Water Channel and Calcasieu River and Pass, La.; in accordance with the report of the Chief of Engineers dated March 18, 1946;

Red River below Fulton, Ark.; in accordance with the report of the Chief of Engineers dated April 19, 1946: *Provided*, That the improvement herein authorized between Shreveport and the mouth, shall when completed be named the Overton-Red River waterway in honor of Senator JOHN H. OVERTON, of Louisiana;

Arkansas River and tributaries, Arkansas and Oklahoma: The multiple-purpose plan recommended in the report of the Chief of Engineers dated September 20, 1945, and letter of the Chief of Engineers dated March 19, 1946, is approved, and for initiation and partial accomplishment of said plan there is hereby authorized to be appropriated the sum of $55,000,000;

Sabine River, Adams Bayou, Tex.; in accordance with the report of the Chief of Engineers dated April 11, 1946;

Sabine-Neches Waterway, Tex.; House Document No. 571, Seventy-ninth Congress;

Trinity River, Tex., below Liberty; in accordance with the report of the Chief of Engineers dated April 18, 1946;

Mill Creek, tributary of Brazos River, Tex.; in accordance with the report of the Board of Engineers for Rivers and Harbors dated February 18, 1946, on file in the Office, Chief of Engineers.

Gulf Intracoastal Waterway in vicinity of Aransas Pass, Tex.; in accordance with the report of the Chief of Engineers dated April 29, 1946;

Brazos Island Harbor and Gulf Intracoastal Waterway at Port Isabel, Tex.; in accordance with the report of the Chief of Engineers dated April 19, 1946;

Mississippi River seepage, Iowa, Minnesota, and Wisconsin; House Document No. 515, Seventy-ninth Congress;

Mississippi River at Lansing, Iowa; in accordance with the report of the Chief of Engineers dated April 24, 1946;

Mississippi River at Wabasha, Minn.; House Document No. 514, Seventy-ninth Congress;

Mississippi River at Lake Pepin, Minn.; House Document No. 511, Seventy-ninth Congress;

Mississippi River at Hastings, Minn.; in accordance with the report of the Chief of Engineers dated April 8, 1946;

Big Sioux River, S. Dak.; House Document No. 561, Seventy-ninth Congress;

Cumberland River and tributaries, Tennessee and Kentucky; in accordance with the report of the Board of Engineers for Rivers and Harbors dated February 18, 1946, on file in the Office, Chief of Engineers;

Big Sandy River, Tug and Levisa Forks, Va., W. Va., and Ky.; in accordance with the report of the Chief of Engineers dated April 24, 1946;

Illinois River at Peoria, Ill.; in accordance with the report of the Board of Engineers for Rivers and Harbors dated April 29, 1946, on file in the Office, Chief of Engineers;

Illinois Waterway and Grand Calumet River, Ind. and Ill.; in accordance with the report of the Chief of Engineers dated April 15, 1946;

Chicago River, North Branch of, Ill.; House Document No. 767, Seventy-eighth Congress;

Great Lakes Connecting Channels, Mich.; in accordance with the report of the Chief of Engineers dated February 20, 1946;

Cleveland Harbor, Ohio; in accordance with the report of the Chief of Engineers dated January 10, 1946;

Fairport Harbor, Ohio; in accordance with the report of the Board of Engineers for Rivers and Harbors dated February 18, 1946, on file in the Office, Chief of Engineers;

San Diego River and Mission Bay, San Diego County, Calif.; in accordance with the report of the Chief of Engineers dated May 8, 1946;

Napa River, Calif.; House Document No. 397, Seventy-ninth Congress;

Sacramento River, Calif.; Senate Document No. 142, Seventy-ninth Congress;

Coos Bay, Oreg.; in accordance with the report of the Chief of Engineers dated April 22, 1946;

Columbia River at Astoria, Oreg.; in accordance with the report of the Chief of Engineers dated April 24, 1946;

Columbia River between Vancouver, Wash., and The Dalles, Oreg.; in accordance with the report of the Board of Engineers for Rivers and Harbors dated April 29, 1946, on file in the Office, Chief of Engineers;

Columbia River at The Dalles, Oreg.; Senate Document No. 89, Seventy-ninth Congress;

Columbia River at Foster Creek, Wash.; in accordance with the report of the Chief of Engineers dated April 9, 1946;

Honolulu Harbor, Territory of Hawaii; in accordance with the report of the Board of Engineers for Rivers and Harbors dated April 30, 1946, on file in the Office, Chief of Engineers.

SEC. 2. The project for the Lavon Reservoir on East Fork of Trinity River, Tex., authorized in the River and Harbor Act of March 2, 1945, in accordance with House Document No. 533, Seventy-eighth Congress, is hereby modified to provide for conservation storage as may be determined warranted by the Secretary of War upon the recommendations of the Chief of Engineers.

SEC. 3. That authority is hereby granted to the Port of Siuslaw, a municipal corporation organized under the laws of the State of Oregon, to construct, maintain, and operate at points suitable to the interests of navigation, dams or dikes for preventing the flow of the waters of the Siuslaw River into Duncan Slough in Lane County, Oreg.

Work shall not be commenced on such dams or dikes until the plans therefor, including plans for all accessory works, are submitted to and approved by the Chief of Engineers, United States Army, and the Secretary of War, who may impose such conditions and stipulations as they deem necessary to protect the interests of the United States.

The authority granted by this section shall terminate if the actual construction of the dams or dikes hereby authorized is not commenced within 1 year and completed within 3 years from the date of the passage of this act.

The right to alter, amend, or repeal this section is hereby expressly reserved.

SEC. 4. The Secretary of War may assign two retired engineer officers of the Army, with their consent, to active duty—one as resident or senior member of the Board of Engineers for Rivers and Harbors organized pursuant to the provisions of section 3 of the River and Harbor Act of June 13, 1902, as amended, and one as resident or senior member of the Beach Erosion Board organized pursuant to the provisions of section 2 of the River and Harbor Act of July 3, 1930: *Provided*, That such assignment shall not be made for a period extending beyond 4 years from the date of retirement.

SEC. 5. That there may be established in the Office of the Chief of Engineers a position to be filled by an engineer with not less than 15 years' actual experience in the classified civil service on river and harbor or flood-control work of the Corps of Engineers; the salary for which shall be fixed, from time to time, by the Secretary of War upon the recommendation of the Chief of Engineers at not to exceed $12,000.

SEC. 6. The Secretary of War is hereby authorized and directed to cause preliminary examinations and surveys to be made at the following-named localities, the cost thereof to be paid from appropriations heretofore or hereafter made for such purposes: *Provided*, That no preliminary examination, survey, project, or estimate for new works other than those designated in this or some prior act or joint resolution shall be made: *Provided further*, That after the regular or formal reports made as required by law on any examination, survey, project, or work under way or proposed are submitted no supplemental or additional report or estimate shall be made unless authorized by law: *Provided further*, That the Government shall not be deemed to have entered upon any project for the improvement of any waterway or harbor mentioned in this act until the project for the proposed work shall have been adopted by law: *Provided further*, That reports of surveys on beach erosion and shore protection shall include an estimate of the public interests involved, and such plan of improvement as is found justified, together with the equitable distribution of costs in each case: *And provided further*, That this section shall not be construed to interfere with the performance of any duties vested in the Federal Power Commission under existing law:

Lynn Harbor, Mass.

Cuttyhunk Harbor, Mass.

Newport Harbor, R. I.

Dutch Island Harbor, R. I.

Cove Harbor and Cove Pond, Conn.

Patchogue River, Conn.

Connecticut River, Conn.

Harbor at Pine Orchard, Branford, Conn.

Greenwich Cove, Conn.

Sag Harbor, N. Y.

East Basin of Mamaroneck Harbor, N. Y.

Mohawk and Hudson Rivers, N. Y., with a view to the elimination of the water chestnut.

Rondout Harbor, N. Y.

Cold Spring Inlet (Cape May Harbor), N. J., with a view to shore protection.

Delaware River between Philadelphia, Pa., and Trenton, N. J.

Delaware River, Pa., N. J., and Delaware, Philadelphia to the sea.

Pennypack Creek, a tributary of the Delaware River, located in Philadelphia, Pa., with a view to providing facilities for light-draft navigation.

North East River, Cecil County, Md., from Church Point to Stony Run.

Harbor at Betterton, Md.

Little Creek, Kent Island, Queen Annes County, Md.

Tedious Creek, Dorchester County, Md., with a view to establishing such jetties as may be necessary.

Insley's Cove, Fox Creek, Dorchester County, Md.

Anchorage at Lowe's Wharf, Talbot County, Md.

St. Michaels, Talbot County, Md.

Johnsons Creek, a branch of the Wicomico River, in Somerset County, Md.

Lake Placid, Shore Acres, Anne Arundel County, Md.

Hull Creek, Va.

Harpers Creek, Mathews County, Va., and the channel connecting said creek with Mobjack Bay.

Aberdeen Creek, Gloucester County, Va.

Harkers Point Basin, at Harkers Island, Carteret County, N. C.

Cross-Rock Channel between Wallace Channel and Sheep Island Slue, via Casey Island, Pamlico Sound, N. C.

Carolina Beach, N. C.

Cape Fear River at and below Wilmington, N. C.

Holden Beach, Brunswick County, N. C.

Intracoastal waterway, with a view to constructing a boat basin at or near Ocean Drive Beach, S. C.

Julington Creek, Fla.

Little Pottsburg Creek, Fla.

Rice Creek, Putnam County, Fla.

Sabastian Inlet, Fla.

West Palm Beach Canal, Hillsboro Canal, New River Canal, and Miami Canal, for the purpose of raising the water table in the area of Lake Okeechobee, Fla.

Boca Raton Inlet, Fla., including connection with the Intracoastal Waterway.

Channel and harbor at Everglades, Fla.

Canal from the Apalachicola River, near Wewahitchka, Fla., to East Bay, Fla.

St. George Sound at East Point, Fla.

East Point, Apalachicola Bay, Fla.

Apalachicola Bay, Fla., with a view to constructing a yacht basin.

West Gap, St. George Island, Fla.

Waterway from St. Mary DeGalvez Bay, across Santa Rosa Peninsula, to Sound Bay, Fla.

Choctawhatchee River, Alabama and Florida.

Sioux Bayou and connecting waterways, Miss.

Bayou Segnette, La.

Turtle Cove, Tex.

Arkansas River, from Little Rock, Ark., to Mississippi River via Grand Prairie.

Mississippi River at West Memphis, Tenn., with a view to the construction of a harbor.

Lake Taneycomo, Mo.

Lake De Pue in Bureau County, Ill., and its connecting channels to the Illinois River.

Wisconsin River, Wis.

Lake Superior shore line from Middle Island Point south to the mouth of Carp River, with a view to providing a harbor for light-draft vessels.

Black River, Port Huron, Mich.

Charlevoix Harbor, Mich.: The South Arm, with a view to the construction of a breakwater at or near East Jordan.

Leland Harbor, Mich., with a view to shore protection.

Millecoquin River, Mich., and the adjacent waters of Lake Michigan.

Grand Traverse Bay on Lake Michigan and adjacent waters, with a view to the establishment of a suitable lock system to permit the passage of boats between Grand Traverse Bay and Torch Lake and other lakes in Antrim County, Mich.

West Fork of White River, Ind.

Fairport Harbor, Ohio, with a view to shore protection.

Muskingum River, Ohio.

Irondequoit Bay, N. Y.

Great Salt Lake, at or near Garfield, Utah, with a view to providing a harbor for light-draft vessels.

The coast of northern California from Point Pinos to the northern boundary of the State, including the San Francisco Bay area, with a view to the establishment of harbors for light-draft vessels.

Harbor at Camp Pendleton, Calif., with a view to shore protection.

Harbor at Anaheim Bay, Calif., with a view to shore protection.

Harbor at Port Hueneme, Calif., with a view to shore protection.

Drift Creek, Oreg.

Duwamish waterway, Oregon.

Deception Pass, Skagit Bay, Wash.

Shilshole Bay, Ballard Locks, Seattle, Wash.

Olympia Harbor, Wash.

Harbor at Hydaburg, Alaska.

Harbor at Angoon, Alaska.

Channel to connect Oliver Inlet and Seymour Canal, Alaska.

Tenakee Harbor, Alaska.

Harbor at Pelican, Alaska.

Harbor at Gustavus, Alaska.

Hilo Harbor, Hawaii, including consideration to a seawall to protect against tidal waves and excessive high tides.

Kawaihae Harbor, Hawaii.

Mr. SABATH. Mr. Speaker, later I shall yield the usual 30 minutes to my colleague, the gentleman from Illinois [Mr. ALLEN].

I presume it will be a great surprise to most of the Members present that we should have before us a rule making in order the river and harbor bill in which so many Members are so vitally interested. It is an open rule which will give you gentlemen an opportunity to strike out, if it is your will, some of the provisions, and amend or insert a few others which have been omitted by that great committee. How they were omitted, I do not know. I cannot account for it because I was not at the meeting nor am I a member of the committee. I am only going by what I see in the report and by the statements that have been made to me. The rule provides for 4 hours general debate. I hope during that time all Members who have the interest of the Nation at heart will give careful consideration and study to the provisions and large authorizations that this bill calls for.

I myself, Mr. Speaker, have been enthusiastic for water transportation all my life, even before I came to Congress. I have aided and assisted in bringing about the great Illinois waterway, the canal that cost my city over $230,000,000 to connect the Great Lakes with the Gulf of Mexico and the heart of the South. Consequently, no one can charge me with being unduly friendly to railroads. I never have shown any inclination during all these years to work for the railroads. In fact, I have called attention to many things the railroads were guilty of, and to special privileges they obtained through action of this House in years gone by, and even lately, which I thought they were not entitled to. I fully appreciate that the railroads have tried in every way in the past to destroy the waterways because through the waterways we have been able to obtain cheaper transportation which was beneficial to many sections of our country. Consequently, I have been for all legitimate authorizations and appropriations for our rivers and harbors. This bill comes to us today notwithstanding the fact that only a few months ago we passed a bill authorizing the appropriation of $381,000,000. At that time I stated, Mr. Speaker, that I felt many of the projects included in that bill should be delayed and that all our energies and abilities should be devoted to constructing homes for servicemen who are homeless. I felt that not only the material but the labor which was available should be utilized for that purpose. Of this authorization of $381,000,000, I understand very little work has been actually started.

BILL SHOULD WAIT ON HOUSING

Therefore, I was under the impression that this bill should wait, but so many outstanding friends of mine are vitally interested in some of the projects I could not refuse to give hearings and report the bill. I will say to those friends of mine—some of them are not such great friends, I will admit—I have voted favorably to report the bill because I always believe the House should have an opportunity to pass upon any legislation that any legislative committee of Congress agrees upon and reports. Therefore I have not withheld consideration on any bill that has been reported by any legislative committee. Of course, there are some bills that have been reported by committees which have been pending before the Rules Committee for months, which I have felt should be submitted to the House. But unfortunately that has been impossible. Some gentlemen are for some of these bills. For instance the FEPC bill; but I have never been able to get a majority of the members at one time to vote a rule on that bill. That is a bill that has been demanded, I am satisfied, by a vast majority of the American people.

OPPOSITION TO REPORTING FEPC BILL SHOULD NOW CEASE

Unfortunately, it is the very gentlemen who have the greatest authorizations in this bill, and who were in the gravest doubt as to whether or not I would report this rule, who are opposed to the fair employment practices bill. Now, in view of the liberal position we who support the FEPC bill have shown toward the rivers and harbors bill, we are bound to feel that you who will benefit so largely from this bill should withdraw your opposition to the FEPC bill that has been smothering in the Rules Committee, and not through any fault of mine, for over a year.

So today, of course, I am here urging the adoption of the rule that will make the rivers and harbors bill in order. I only hope that the many outstandingly large authorizations contained herein will be carefully considered in passing on the bill.

Mr. Speaker, it is not easy to learn all the details of the many bills on which rules are granted, and I am only trying to do my part in familiarizing the House with some of the provisions of this bill.

I know many of the Members have a tremendous interest in this bill and in some of the projects. I do not blame them, because they feel it will do them a great deal of good in their districts. But, of course, although I am always ready and willing to aid any deserving Member, whether he is on one side or the other of this aisle, when it comes to voting millions upon millions of the taxpayers' money, I must hesitate whether it would be the right thing for me to do to comply with the wishes of some of these splendid friends of mine, when I feel that the projects they are advocating are unnecessary, unjustifiable, unwarranted, and some have been many times defeated in the House in years gone by.

ENGINEERS ARE FREE SPENDERS

I know this will not make many additional friends for me right here, but I feel it is my duty to call attention to what the bill contains.

Mr. JOHNSON of California. Mr. Speaker, will the gentleman yield for a question?

Mr. SABATH. Yes; I yield to the gentleman from California.

Mr. JOHNSON of California. Is it not a fact that every project in this bill has been studied and recommended by the Board of Engineers, including engineering and financial features? In other words that there will be sufficient savings by this water transportation to justify the governmental expenditure? And that will redound to the welfare of the consumer.

Mr. SABATH. I may say to the gentleman that I am familiar with reports of the engineers in years gone by, and I know they have recommended the unnecessary expenditure of billions of dollars. I think the most reckless spenders we have are on the Board of Engineers. They are outstanding men, but they do love to and they know how to spend money. I have frequently called attention to the unnecessary expenditures recommended by that board.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. SABATH. Yes; I yield to the gentleman from Mississippi.

Mr. RANKIN. Let me say to the gentleman from Illinois that it is my opinion, based on experiences with the Board of Army Engineers over a long term of years, that they are the most conversative men connected with this Government. When they examine a project thoroughly and recommend it, it is always on the most conservative basis. I cannot agree that they are extravagant.

Mr. SABATH. I may say to the gentleman from Mississippi that I have been here nearly twice as long as he. I know the gentleman is in close touch with the Board of Engineers and the engineering personnel especially of late; I am not. I never asked them for any favor or any political consideration unless I called their attention to what I believed was a necessary expenditure. I admit now that I do not know whether these engineers on rivers and harbors projects have anything to do with the military engineers or war engineers. The chairman of the Committee on Military Affairs is here, the gentleman from Kentucky [Mr. MAY], and I am sure he can inform me. Have we a separate board of engineers for rivers and harbors projects? Or is it the same board of engineers that constructed the many camps and buildings and expensive plants during the war? Is it one and the same board or are there separate boards?

Mr. RANKIN. Mr. Speaker, will the gentleman yield right there?

Mr. SABATH. I yield.

Mr. RANKIN. For years we have had this question of the Calumet project on the Illinois River. The Board of Army Engineers, after a thorough investigation, brought in their recommendation. Members of the committee investigated it from every angle. As far as I am concerned, I am thoroughly convinced that the figures of the Board of Army Engineers are extremely conservative and will prove to be so in the years to come.

WILL MAINTAIN OWN POSITION

Mr. SABATH. I am grateful to the gentleman for calling my attention to some provisions for the Calumet Canal in the Calumet section in Illinois. That has been urged and demanded for many years and frequently has been opposed by the railroads. I fully appreciate that, but it does not matter to me. If I think there are other projects in the bill not deserving of support and that should not be appropriated for, I shall call attention to them and vote against them even though that project in Illinois should be defeated thereby; I still will maintain my position and oppose any unnecessary expenditures that I feel in my heart should not be voted.

Mr. MAY rose.

Mr. SABATH. I have asked the chairman of the Committee on Military Affairs a question and I hope he will enlighten me, for he is well informed on these matters.

Mr. MAY. I did not clearly understand what the question was.

Mr. SABATH. Are the engineers on rivers and harbors also connected with the regular military or war engineers on the engineering board or are they separate?

Mr. MAY. Some 2 or 3 years ago the War Department requested that all construction work be placed under the Corps of Engineers. In the War Department there is the Corps of Engineers, which is a separate organization. Within the Corps of Engineers there is a board of review. When every one of these projects are studied by the engineers, and investigated and thoroughly looked into, and reported on, they are then submitted to a board of review that holds extensive hearings on all of them. All of the important projects in this bill, so far as I know, have been considered in that way. Then the matter comes to the great Committee on Rivers and Harbors.

Mr. SABATH. The same method was pursued on construction during the war, was it not?

Mr. MAY. Different engineers considered that matter.

Mr. SABATH. That is one board, is it not?

Mr. JOHNSON of California. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I yield to the gentleman from California.

Mr. JOHNSON of California. There is a Board of Engineers for Rivers and Harbors. That is the Board that passes on river and harbor projects. Construction is done by a different group of men.

Mr. SABATH. I know, but the approval is by that one board that has various divisions within its jurisdiction.

Mr. JOHNSON of California. They only pass on river and harbor projects—that is, the Board of Army Engineers. The ones that construct buildings and things are a different group.

Mr. SABATH. They are also under that one organization.

Mr. JOHNSON of California. They are under the top head, the Chief of Engineers.

Mr. SABATH. Yes. That is just what I was trying to bring out. I want to call attention to the fact that during the war many times they construced plants costing the Government millions upon millions of dollars, many of these out in the sticks, far removed from obtainable transportation or labor. The engineers knew better. The result was we were obliged to build roads, sewers and sidewalks and provide transportation; we were obliged to spend perhaps a half-billion dollars for homes for these men in the rural sections where they built those plants. It was my opinion at that time that after the war, if these plants had been built close to a populated section where labor is obtainable, they could be disposed of by the Government without great loss.

SIX PROJECTS HAVE HUGE AUTHORIZATIONS

Unfortunately, with the exception of a rubber plant costing $105,000,000 and another, costing $80,000,000, the construction of which I helped to stop, the engineers had their way. I wonder whether the same situation now prevails on some of these projects in the pending bill.

Mr. Speaker, we have in this bill six projects in which some of my friends are interested and to which I am in honor bound to call the attention of the House; several of them have been defeated by the House before on more than one occasion. These, Mr. Speaker, are the projects I mean:

APALACHICOLA, CHATTAHOOCHEE, AND FLINT RIVERS IN GEORGIA AND FLORIDA

The estimated increased first cost to the United States is estimated at $73,361,000. This is in addition to the millions already authorized on which work has not yet started. See pages 19–20 of report for details.

WATERWAY CONNECTING THE TOMBIGBEE AND TENNESSEE RIVERS IN ALABAMA, MISSISSIPPI, AND TENNESSEE

The estimated first cost to the United States is $116,941,000, plus an estimated cost to local interests of $3,341,000. See pages 21–22 of report for details.

RED RIVER AND TRIBUTARIES IN LOUISIANA, ARKANSAS, OKLAHOMA, AND TEXAS

Estimated first cost to the United States, $42,000,000. This is for the proposed provision of a navigable waterway from the Mississippi to Shreveport, La., only, and makes no reference to plans

for other improvements on the 1,200-mile course of the Red River. See pages 27–28 of the report for details.

ARKANSAS RIVER AND TRIBUTARIES IN ARKANSAS AND OKLAHOMA

Estimated first cost to the United States, exclusive of cost of projects previously approved, $435,000,000. See pages 29–30 of committee report for details.

CUMBERLAND RIVER AND TRIBUTARIES IN KENTUCKY AND TENNESSEE

Estimated first cost to the United States, $230,000,000. This is the estimated total cost although only the $20,730,000 proposed to be spent for the canal is tabulated in the chart of projects on page 4 of the report. See pages 40–41 of report for details.

BIG SANDY RIVER AND TUG AND LEVISA FORKS IN KENTUCKY, WEST VIRGINIA, AND VIRGINIA

Estimated first cost to the United States, $82,300,000. See pages 41–42 of committee report for details.

WILL FINALLY REACH $460,000,000

I draw your attention particularly to the Cumberland River project, which it is proposed to start off with an authorization for only $20,000,000 in an overall plan the engineers think will cost about $230,000,000; knowing the great economists on the Board of Engineers, I am satisfied that before this great and comprehensive project is completed it will reach $460,000,000, on the basis of past performances.

Now, Mr. Speaker, if these gentlemen so vitally interested in this bill because you may have some little item among these authorizations, if you feel that these five or six projects that will, before they are ever completed and fully in use cost a billion dollars, are worth it and want to vote for it, the responsibility will be yours and not mine.

SHOULD GO OVER TO THE NEXT SESSION

I feel that for the time being, in view of the tremendous expenditures that are still with us due to the war, and in view of the fact that we need all the material and all of the labor for the construction of homes for veterans who have no place to live, this matter should be delayed until the next session when we will be in a better position to appropriate this money than today.

Of course, Mr. Speaker, I fully appreciate that due to the economy that is being pressed just now by the administration, we are gradually reducing our indebtedness. I hope that we will continue to reduce it. We should, because the commerce of the Nation is prosperous, notwithstanding those few strikes that annoyed us here for a little while.

UNRRA EXPENDITURES ARE BREAD CAST ON WATERS

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I yield to the gentleman from Mississippi.

Mr. RANKIN. The small amount that this bill carries is a mere bagatelle compared with the amount we are spending on UNRRA. This is UNRRA. It is for the American people who have to live here and pay the taxes in years to come.

Mr. SABATH. I could expect that from the gentleman from Mississippi, but I say to him, though I have no connection with UNRRA in any way, I believe that the money we spend to save the starving men, women, and children of Europe and Asia will come back to us tenfold in the years to come, like bread cast upon the waters, as it is told in the parable of Christ in the Bible. But perhaps the gentleman does not believe in Christian charity; perhaps he would not say, "Do unto others as ye would be done by."

Mr. RANKIN. What about the foreign loans that we are asked to make to every government in the world?

Mr. SABATH. Oh, I know about those. I will say to the gentleman from Mississippi that I tried my utmost to see that those old loans would be repaid, but they were not. Not only were they not repaid when we tried to collect them, but we were called, and especially by that great nation of Europe that now seeks to obtain the loan, a nation of shylocks. I feel even now that we should be extremely careful before we make additional big loans to any of those nations, and I do not mean, thereby, only Great Britain; I mean all of them, including Russia. We should be extremely careful before we make these big loans.

But what I want to say to you is this: It is my honest opinion that the money we are expending to feed the starving people of Europe will be of great ultimate benefit to our Nation once again we will have demonstrated to the world that we believe in humanity; that we believe in aiding those that need our assistance and, forgetting ourselves, will rise to save those starving millions abroad. I cannot and do not feel that the money is wasted or unnecessarily expended.

Mr. KEEFE. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I yield to the gentleman from Wisconsin.

Mr. KEEFE. I have listened with great interest to the gentleman's remarks. I wonder if he would be kind enough to tell us, for the information of those who are concerned about this bill, whether he favors the passage of this bill or whether he is opposed to it, or are there certain specific items that he opposes. I have not been able to learn from the gentleman's remarks up to date whether he is for this bill or against it.

Mr. SABATH. I know that the gentleman is very intelligent, and I hope that he will, at least to some degree, appreciate what I am aiming to bring to the House.

OPPOSED TO SIX VAST PROJECTS

I have already enumerated and called attention to six of those projects. I know that the gentleman, with his ability, experience, and knowledge, will not require a long time to familiarize himself with them. Nevertheless, for his benefit, and for the benefit of the House, I shall repeat here what I already have said:

APALACHICOLA, CHATTAHOOCHEE, AND FLINT RIVERS IN GEORGIA AND FLORIDA

The estimated increased first cost to the United States is estimated at $73,361,000. This is in addition to the millions already authorized on which work has not yet started. See pages 19–20 of report for details.

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Estimated first cost to the United States, $82,300,000. See pages 41–42 of committee report for details.

Mr. KEEFE. Is the gentleman opposed to them?

Mr. SABATH. Yes; I am opposed to these provisions.

Mr. KEEFE. The gentleman is not opposed to the whole bill?

Mr. SABATH. I have never been able to get from the gentleman whether he is in favor of a bill until it has been finally voted on.

Mr. KEEFE. I can tell the gentleman right now that I am against this bill, and I want to know where he stands.

Mr. SABATH. Is the gentleman against the bill?

Mr. KEEFE. Exactly.

Mr. SABATH. I am against these provisions, and if they are in the bill I shall vote against it.

Mr. KEEFE. Then we know where the gentleman stands.

Mr. SABATH. The gentleman from Wisconsin as a rule knows where I stand. I do not believe it is necessary for me to explain how and where I stand on anything. I do not hide my views. The trouble with me, my friends tell me, is that I am too blunt in expressing my viewpoints on many things. They say it would be better if I would withhold sometimes some of the strong expressions I use. But I am built that way, and after all these years I cannot change myself. I believe in justice and I believe in fair play and in stating the truth even if it hurts. I believe the Members should have the right to pass upon these provisions and upon the bill. I am opposed to some of these provisions and if they are eliminated I shall vote for the bill, but if they all remain in the bill I shall be obliged to vote against it.

With that, having by my remarks made a few additional friends among the gentlemen who are vitally interested in some of the projects, I will conclude.

Mr. Speaker, I now yield 30 minutes to the gentleman from Illinois [Mr. ALLEN].

Mr. ALLEN of Illinois. Mr. Speaker, this resolution makes in order the consideration of the bill (H. R. 6407) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Although several Members on this side of the aisle are objecting and intend to object to some of the items in the bill, I have not learned of anyone who opposes this rule.

Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Because of the district I represent, I have always felt favorable to river and harbor bills. I think, however, there are one or two items in this bill that I would hesitate to vote for today. You might think I could do that because there is nothing in this bill particularly for the benefit of my district and that I might feel free to oppose a little.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. GIFFORD. I yield.

Mr. RANKIN. We had that same condition prevail here one time when the Cape Cod Canal was up and I went along with the gentleman from Massachusetts and voted for that provision.

Mr. GIFFORD. Yes; and finally the majority went along also.

Mr. RANKIN. That is right.

Mr. GIFFORD. I might refer to that. Looking back over 20 years ago, I came to Congress with a sort of millstone around my neck. I had to have the Government buy that canal.

Mr. RANKIN. Mr. Speaker, will the gentleman yield for a suggestion?

Mr. GIFFORD. I yield.

Mr. RANKIN. The gentleman from Massachusetts and the others who discussed that proposition convinced me that it was a worthy project and that it would not only save distance in transportation but would protect the traffic from storms at sea. I have watched it for all these years and I have not yet come to regret having gone along with the gentleman from Massachusetts.

Mr. GIFFORD. Certainly. I have never regretted it. My conscience was clear on urging it. My heart was in it. I thoroughly believed in it. I have no apology, although I was expected to get that bill through, and it was a heavy burden that I carried to accomplish it. Some of you are smiling, inasmuch as you remember the bitter debate on this floor over that proposition. Many accusations were hurled at me which I would like to forget. But, in speaking of the five or six hundred million dollars involved here, I want to remind the House that I have spoken seldom lately of the grave danger of our huge public debt. We have so many intellectual gladiators who have come to Congress lately that I have felt somewhat overpowered. But there is a suggestion that I wish to stress rather emphatically. I have met with few such surprises in my life. I have said heretofore that the country could not stand a debt of more than $40,000,000,000. I have heard the gentleman from Pennsylvania, BOB RICH, constantly and vociferously ask, "Where are we going to get the money?" I want to tell him where we are going to get the money. We are to get it where we have been getting it. Contemplate the last loan oversubscribed by $10,000,000,000. Everyone who bought a bond knew that he or she would be taxed themselves in order to get their money back. If today the country was to need more money to meet appropriations, even the gentleman from Pennsylvania, BOB RICH, would buy liberally of Government bonds, knowing that he would be taxed fully in order to get his own money back. "Where are we going to get the money?" It is now seemingly fully apparent. As long as the psychology of our people remains as it is—patriotic, and believing that the Treasury will always redeem its bonds even by taxing the purchasers themselves—we will apparently get the money. I have always been fearful of this condition, and am now even more so. I was brought up as a Yankee and had a difficult training in economics. I cannot believe that this sort of financing can go on indefinitely. I cannot believe that we can live so very long on borrowed money, unless it is invested in a way to bring a return sufficient to liquidate the debt. Heaven only knows what we will now leave for posterity. Seemingly that does not worry some of us, or does it? We never seem to do anything for posterity unless at the same moment it affects ourselves favorably.

Mr. PITTENGER. Mr. Speaker, will the gentleman yield?

Mr. GIFFORD. I yield.

Mr. PITTENGER. I would like to make an observation.

Mr. GIFFORD. With reference to the St. Lawrence Canal? Are you about to put me in the position of saying whether I favor that canal?

Mr. PITTENGER. No; I am going to say to my distinguished colleague that my admiration for him is unbounded when he supports a rule for projects in other districts and none in his own because he has arrived at a point where he typifies the very highest type of leadership and statesmanship on the floor of the House

Mr. GIFFORD. That is wonderful, but I have no desire for leadership. In these hectic days it is difficult to lead myself through dangerous channels. I was simply saying that because there was nothing in this bill for my district—some might suggest that I could oppose certain items. But because of my great admiration and respect for the gentleman from Texas I am compelled to say that if he approves a matter it must have been thoroughly considered, and I would hesitate to vote against it. I rose at this particular moment because I have suppressed myself of late in commenting on our financial situation. I do not wish to be found lacking in words of caution. I wanted the gentleman from Pennsylvania, BOB RICH, and others to know that they need not keep on asking, "Where are we going to get the money?" It seems to have been amply proven that the supply is inexhaustible. It comes, and probably will continue to come, from your own pockets. It is a marvel of economics that you will keep loaning money that you pay back yourself. The real query is "How long will you continue to do it?"

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. ALLEN of Illinois. Mr. Speaker, I yield such time as he may desire to the gentleman from Michigan [Mr. DONDERO].

SPECIAL ORDER GRANTED

Mr. DONDERO. Mr. Speaker, I ask unanimous consent that on Friday next, after the legislative business of the day and any other special orders, I may address the House for 30 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

RIVER AND HARBOR BILL

Mr. ALLEN of Illinois. Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Mr. Speaker, this measure is vitally necessary for our internal development. It was studied very, very carefully by the Committee on Rivers and Harbors and reported, I believe, unanimously.

The charge has been made that the Army engineers are wasteful, and attention has been called to some construction work which they did during the war. I am not familiar with all that construction, but, after all, we did win the war and we won it with the loss of fewer men than most of us feared.

But I rise to defend the Army engineers who reported these projects. General Wheeler was the resident engineer here many years ago. He is now Chief. There is no more able man connected with this Government, and I dare say not a more conscientious or conservative one.

The resident member of the Board is Colonel Feringa, and I am here to say to you now that no man who comes before a congressional committee comes nearer answering every question that is propounded to him than Colonel Feringa. I believe he is one of the ablest men I have ever met. He went over all these projects carefully, and gave the most conservative reports.

Two years ago we had the river and harbor bill under consideration. There is one project in this bill that my distinguished friend the gentleman from Michigan [Mr. DONDERO] pointed out had some defects in it. I refer to the Tennessee-Tombigbee inland waterway. Those defects have been corrected. Frankly, I will say to my friend from Michigan, after carefully going over it with the Army engineers and with the Committee on Rivers and Harbors, I think the gentleman from Michigan [Mr. DONDERO], was correct at that time. Those deficiencies have been corrected; and I do not believe there will be any opposition to it.

You will find that the provisions of this bill are to aid the American people

in the development of their great inland waterway transportation system. The money will all come back, not only in the reduction of transportation rates, but it will also come back in the increased valuation of the entire country. Here is a table showing the saving in the cost of transportation for up-bound traffic, by way of the Tombigbee slackwater route. These savings apply to all traffic going up the Mississippi to St. Louis or to St. Paul or Minneapolis; all traffic going up the Missouri to Kansas City, Omaha, or Sioux City; all traffic going up the Ohio to any point up to Pittsburgh, Pa., or on the Illinois up to Chicago, or up the Tennessee to Knoxville:

Possible average savings in line-haul costs for through traffic via proposed Tombigbee-Tennessee waterway as an alternate route for upstream movement of existing traffic on the lower Mississippi River based on an average tow composed of 8 barges (mixed sizes) carrying 3,500 tons of freight

From—	To—	Via Mississippi, per ton	Via Mississippi, per tow	Via Tombigbee-Tennessee, per ton	Via Tombigbee-Tennessee, per tow	Average savings per ton	Average savings per tow
Houston, Tex	Cairo	$2.34	$8,190	$1.94	$6,790	$0.40	$1,400
	Paducah	2.42	8,470	1.88	6,580	.54	1,890
	T-T Junction	2.74	9,590	1.60	5,600	1.14	3,990
New Orleans, La	Cairo	2.02	7,070	1.32	4,620	.70	2,450
	Paducah	2.10	7,350	1.26	4,410	.84	2,940
	T-T Junction	2.42	8,470	.99	3,465	1.43	5,005
Mobile, Ala	Cairo	2.39	8,365	.95	3,325	1.44	5,040
	Paducah	2.47	8,645	.89	3,115	1.58	5,530
	T-T Junction	2.79	9,765	.62	2,170	2.17	7,595
Port Birmingham, Ala	Cairo	2.96	10,360	.95	3,325	2.01	7,035
	Paducah	3.04	10,640	.89	3,115	2.15	7,525
	T-T Junction	3.36	11,760	.62	2,170	2.74	9,590
Demopolis, Ala	Cairo	2.68	9,380	.67	2,345	2.01	7,035
	Paducah	2.76	9,660	.61	2,135	2.15	7,525
	T-T Junction	3.08	10,780	.34	1,190	2.74	9,590
Columbus, Miss	Cairo	2.83	9,905	.51	1,785	2.32	8,120
	Paducah	2.91	10,185	.45	1,575	2.46	8,610
	T-T Junction	3.23	11,305	.17	595	3.06	10,710
Aberdeen, Miss	Cairo	2.88	10,080	.46	1,610	2.42	8,470
	Paducah	2.96	10,360	.40	1,400	2.56	8,960
	T-T Junction	3.28	11,480	.13	455	3.15	11,025
Fulton, Miss	Cairo	2.93	10,255	.41	1,435	2.52	8,820
	Paducah	3.01	10,535	.35	1,225	2.66	9,310
	T-T Junction	3.33	11,655	.08	280	3.25	11,375

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. VORYS].

Mr. VORYS of Ohio. Mr. Speaker, I am not a member of this committee but I have had occasion to examine one of the projects, and if it is typical of the rest then this whole bill should be recommitted or defeated.

I am talking about this Big Sandy River, Tug and Levisa Forks project. It is proposed to spend $83,000,000, and to spend $4,000,000 a year from then on to provide channels through a series of about 10 dams in a creek that a good sized mosquito could walk over in dry weather. It is proposed to pump water uphill about 8 months of the year to pour it into the creek so that there will be enough water to make these barges go.

This project is in the district of a very popular and respected Member of this House. Perhaps that is the reason why the Board of Army Engineers, after turning it down 23 times, has at last approved it.

I object to this project on its own complete lack of merit, but in addition to that, this project is a distinct detriment to my district. The Norfolk & Western and the Chesapeake & Ohio Railroads serve this district to take out coal at the present time. They pass through my district, which is hundreds of miles from there. A great many million tons of coal go that way on up to the Great Lakes.

If this project goes through it is estimated that 2,500 railroaders will be thrown out of work, 300 of them in my district—that is, if it is anywhere near as efficient and successful as its proponents claim. I think it will be neither efficient nor successful, and I think it will be uneconomical, but the better it works the more it injuries my district.

The proposal is that we spend $83,000,000, and some engineers say it will cost $100,000,000, to dam and canalize these two creeks in a district where the testimony was that while it was rich in natural resources yet it stood highest in the United States in numbers on relief during the depression. One of the natural resources this district lacks is initiative to solve its own problems and help itself, instead of running to the Federal Government.

My district was faced with some postwar transportation problems last fall. Here is the way we went about solving them: We floated a bond issue. The city and the county went together and voted $25,000,000 to carry out the work necessary to solve these transportation problems. My district will benefit by it, the whole country, whoever travels on ships through my district, will benefit by the changes we will make, the bridges we will construct, the streets and improvements we will put in; the whole country will benefit by the employment and purchasing power my district creates by carrying out these improvements in this postwar period.

I suggest that if this Big Sandy project is anywhere near as good as its proponents claim that they do what my district did and raise the money themselves, bond themselves to pay for it instead of asking my district to pay a share, and in addition, to lose taxes and upwards of three-quarters of a million dollars of payrolls out of my district and cause 300 railroad workers, taxpayers, and home owners, to lose their jobs in Columbus, Ohio. And, remember, Ohio pays about 4 to 1 for everything she gets out of any Federal project.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. ALLEN of Illinois. Mr. Speaker, I yield the gentleman one additional minute.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. VORYS of Ohio. I yield.

Mr. RICH. The gentleman spoke about this project in which they would pump water uphill in order to float boats on the stream and make it navigable.

Mr. VORYS of Ohio. That is right.

Mr. RICH. The gentleman also said that in this district a great many people had been on relief. Does not the gentleman think that possibly they are trying to put this through so those people will have jobs? They will get them to pump the water into those canals and in that way they will all have jobs in that particular district. That sounds a good bit like the New Deal proposals we have had in the last 8 or 10 years.

Mr. VORYS of Ohio. It was the proponents of this proposition who told how many they had on relief and how much the Government had to spend for relief in that area. They said that therefore the Government might well pour a lot more money in so they would get the benefit from this transportation and that maybe their relief rolls would be less next time and maybe the benefit would trickle down through the rest of the country. But if this pumping proposition is sound here then there is hardly any place in the United States where we cannot dig a canal and pump water to it. I hope the project will be defeated.

The SPEAKER. The time of the gentleman from Ohio has again expired.

Mr. ALLEN of Illinois. Mr. Speaker, I yield such time as he may desire to the gentleman from Florida [Mr. SIKES].

Mr. SIKES. Mr. Speaker, I strongly urge the adoption of the rule and the passage of H. R. 6407 to authorize the construction of additional river and harbor developments and to provide for surveys of other worthwhile projects.

There are many factors which, in my opinion, justify river and harbor developments. For instance, the partially completed status of our intracoastal waters and of our harbor developments along the Gulf coast was very keenly felt during the war. Necessary oil shipments were delayed a great deal as a result of the fact that improved waterways were not available. We had to complete the essential construction of these waterways after the emergency was thrust upon us. I do not think we should take chances on another situation of this sort. I think we should determine to complete the development and improvement of all justifiable waterway projects as quickly as possible.

Public opinion to the contrary notwithstanding, we in this country have been laggard in the development and utilization of waterways. A few national projects have been rather intensely developed, but there are hundreds of other desirable projects which have been passed over and which I am confident will play

an important part in commerce and industry of the areas in which they are located. Transportation is an essential part of trade and commerce and water transportation is always an important factor.

Water transportation has always proved a stimulus to trade and an incentive to the development of an area, and a source of jobs for people who want them. Other forms of transportation almost invariably benefit instead of being harmed by the presence of water transportation.

This has been particularly borne out by the oil industry in my State. Oil terminals first began to come into northwest Florida during the late twenties and early thirties and there were very few surfaced highways at that time. It could be assumed that when there were good roads water transportation of all products would be crowded out. Instead of that, the oil terminals have continued to come in along every bay and bayou where they can be reached by trucks and over good roads. Water transportation has stimulated shipping and marketing of these petroleum products. Water transportation is a natural means for conveyance of pulpwood and timber. These are low-cost products which must be shipped as economically as possible. Through water transportation new areas are opened for commercial enterprises. Through it recreational facilities are advanced and improved. The sea-food industry has always shown that it is stimulated and improved by adequate harbor and waterway facilities. Public safety is an item of very great importance and one in which the condition of waterways very definitely enters. Loss of life and loss of shipping are shown by authentic records to have occurred along the coast of northwest Florida on far too many occasions as a result of lack of adequate harbor facilities.

There are many proposed developments which, I am convinced, can be fully justified by the known quantities of shipping which are awaiting transportation into the harbors and along the waterways, to and from the mines, fields and factories of the Nation. The real development of any port depends upon its back country, and there are many potentially important ports in this country which have not been able to take advantage of the natural resources of their back country because they have no direct water connections with that area. Rail and highway shipments have kept these ports alive, but a strong and substantial development of many of these ports will follow the opening of water arteries to the back country for which they are the natural outlet.

There is another factor involved and that is postwar work projects. There is no escaping the fact that we in this country shall in time find it necessary to devise sound public work projects. Through projects such as these which are proposed, we shall not only be adding to the national defense, which I hope we never again will neglect, but we shall also be strengthening the economy of regions which are admirably fitted to take advantage of water transportation. We shall at the same time be providing work for our people on projects which are highly desirable and which will prove beneficial to the entire area throughout the years to come.

H. R. 6407 carries a number of items directly affecting my district. These are not random projects, selected for political consideration. They were carefully studied and thoroughly analyzed. Each is deserving.

In particular, however, do I want to touch on one project. It is the proposed authorization for a deeper waterway and for hydroelectric dams along the great Apalachicola and its tributary rivers, the Chattahoochee and the Flint. There are few waterways in the Nation which hold greater promise for development today. It will open to intracoastal and ocean shipping the rich farming and manufacturing areas of Georgia and Alabama, and timber-growing areas of Florida which now are closed to water transportation. I urge that it be expedited in every way possible.

The new authorization for $73,000,000 will supplement the present authorization which calls for an expenditure of $6,500,000, and will provide for a deeper waterway and for hydroelectric dams. Work has already started on the existing project under an appropriation of $1,010,000. This is work of a preliminary nature which can be incorporated into new authorization.

Detailed information on the project follows:

Existing project: By the River and Harbor Act of March 2, 1945, Congress approved a general plan for development of the Apalachicola, Chattahoochee, and Flint Rivers. It provides for ultimately securing by means of these improvements, with dredging, cut-off, and contraction works, channels 9 feet deep and 100 feet wide from the mouth of Apalachicola River to Columbus, 7 feet deep and 100 feet wide in Flint River from its mouth to Bainbridge and 5 feet deep and 100 feet wide, thence to Albany. For initiation and partial accomplishment of the plan Congress also by the act of March 2, 1945, provided for construction of the Fort Benning and junction locks and dams of the general plan, supplemented by dredging and contraction works to provide a navigable depth of 6 feet at Columbus and to Bainbridge at an estimated cost for new work of $6,500,000. An appropriation of $1,010,000 has been made to begin work on the improvements authorized by the act of 1945.

Recommended plan for further improvement: That the approved general plan for the Apalachicola, Chattahoochee, and Flint Rivers system be modified to include improvements now proposed in lieu of corresponding works in the presently approved plan. That for the initiation and accomplishment of the plan now recommended, the existing project be modified to provide for in lieu of the initial improvement authorized by the River and Harbor Act approved March 3, 1945:

(a) Construction of a lock and dam at the junction site with upper pool at elevation 77 and a hydroelectric power plant with 27,000 kilowatts of installed capacity.

(b) Construction of a lock and dam at the Upper Columbia site with upper pool at elevation 165 and a hydroelectric power plant with installed capacity of 88,800 kilowatts.

(c) Construction of a lock and dam at the Fort Benning site with upper pool at elevation 190 and without a plant for the generation of hydroelectric power.

(d) Construction of Buford Reservoir on Chattahoochee River, at mile 348.5, with a hydroelectric power plant having an installed capacity of 28,900 kilowatts. This reservoir will also provide flood control, assure an adequate supply of water for municipal and industrial purposes in the Atlanta metropolitan area, and supply water for navigation.

(e) Dredging and channel work on Apalachicola and Chattahoochee Rivers in conjunction with the above improvements.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 5 minutes to the gentleman from Kentucky [Mr. MAY].

Mr. MAY. Mr. Speaker, I am for this rule and I am for this bill; but my purpose at this time is to answer the argument and some of the reckless statements made by my good friend the gentleman from Columbus, Ohio. A lot of misstatements have been cast at the Big Sandy project. To begin with, the Big Sandy project has been surveyed many times. Some 20 or 25 years ago they built some low dams in the lower reaches of the river. Those dams were built where they did not get the water to the storehouse of supply. The coal, the timber, and the resources that will be developed by this river when it is made navigable lie upstream, above the forks of the river, and it so happens that there are more than 2,000 square miles of territory between the two branches of the river that is utterly without transportation facilities. Two railroads have bottled it up. When another railroad, the Baltimore & Ohio, surveyed a line through this bottled-up area of 2,000 square miles and started to develop it, the Chesapeake & Ohio Railway Co. bought them out, and with it they bought two branch lines the B. & O. had already built, one of them 30 miles long and the other 25 miles long.

Mr. Speaker, I have walked over every foot of those tracks. This is the worst monopoly, the worst railroad hold-up in the whole of the United States. There are 300,000 people living within that area who have been denied equal treatment by their Government, and out of those 300,000 men, women, and children there came to the armed forces in the recent war 35,000 young heroes, many of whom died on foreign fields in order to protect the investment of these railroads that are now fighting the very existence of a great people who have been neglected for 40 years.

Something was said about pumping water. I do not know how many feet, miles, or yards the gentleman said the water was to be pumped, but he left a false impression here that they were pumping it from the Ohio River up into this river. That same statement was

made before the committee, when, as a matter of fact, what they did was the wise thing that prudent engineers would do, and that is to put pumps in some of these dams so they could bypass the water from one lock into another for transportation by steamers.

They talk about this being a dry-land river. Why there are 12 to 15 feet of water there in ordinary times. I have ridden up and down that river on steamboats for 30 long years, even before the railroads came there. They plied the stream and operated barges, six of them at a time, with a Chesapeake & Ohio towboat, owned and operated by the Chesapeake & Ohio Railway Co. Yet there is no water there.

Mr. Speaker, this project has been justified on one-way traffic alone. That means the engineers have said it must have only coal and no other products coming out of the river, with nothing going back. If it took 25 or 30 steamers prior to the railroad era to get goods and merchandise to the people in that great valley, what do you suppose they will bring back when it is made navigable and opened up as a part of the great waterways system of the United States—the people's highway, not the monopoly of a couple of railroads.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. SABATH. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution. The resolution was agreed to.

A motion to reconsider was laid on the table.

ADJUSTMENT OF CERTAIN CLAIMS AGAINST THE UNITED STATES

Mr. CLARK, from the Committee on Rules, reported the following privileged resolution (H. Res. 649, Rept. No. 2205), which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 181) to provide for the adjustment of certain tort claims against the United States and to confer jurisdiction in respect thereto on the district courts of the United States, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed 2 hours to be equally divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same back to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

EXTENSION OF REMARKS

Mr. FARRINGTON asked and was given permission to extend his remarks in the RECORD and include an address by the former Secretary of the Interior, Harold L. Ickes, before the Institute of Ethnic Affairs.

Mr. BOREN asked and was given permission to extend his remarks in the RECORD.

Mr. WOODRUFF asked and was given permission to extend his remarks in the RECORD and include therein two articles on communism by Mark Foote.

L. WILMOTH HODGES

Mr. McGEHEE. Mr. Speaker, I call up the conference report on the bill (H. R. 874) for the relief of L. Wilmoth Hodges.

The Clerk read the title of the bill.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 874) for the relief of L. Wilmoth Hodges, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same.

DAN R. MCGEHEE,
JOHN JENNINGS, Jr.,
Managers on the Part of the House.

ALLEN J. ELLENDER,
JAMES O. EASTLAND,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 874) for the relief of L. Wilmoth Hodges, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report:

The bill as passed the House appropriated the sum of $9,641.75 to L. Wilmoth Hodges, of Dresden, Tenn., in full settlement of all claims against the United States for personal injuries, medical and hospital expenses, property damage, and loss of earnings sustained as the result of an accident involving an Army plane crashing near Halls, Tenn., on May 31, 1943.

The Senate reduced the sum to $7,141.75, and at the conference the House conferees agreed to concur in the Senate amendment.

DAN. R. MCGEHEE,
JOHN JENNINGS, Jr.,
Managers on the Part of the House.

The conference report was agreed to.

A motion to reconsider was laid on the table.

MRS. C. A. LEE

Mr. McGEHEE. Mr. Speaker, I call up the conference report on the bill (H. R. 941) for the relief of Mrs. C. A. Lee.

The Clerk read the title of the bill.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 941) for the relief of Mrs. C. A. Lee, administratrix of the estate of Ross Lee, deceased, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recedes from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the sum inserted by the Senate amendment insert "$3,500"; and agree to the same.

DAN R. MCGEHEE,
JOHN JENNINGS, Jr.,
Managers on the Part of the House.

KENNETH S. WHERRY,
ALLEN J. ELLENDER,
JAMES O. EASTLAND,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 941) for the relief of Mrs. C. A. Lee, administratrix of the estate of Ross Lee, deceased, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

The bill as passed the House appropriated the sum of $5,500 to Mrs. C. A. Lee, administratrix of the estate of Ross Lee, deceased, of Ivy, Tenn., in full settlement of all claims against the United States for the death of her son, Ross Lee, and expenses incident thereto sustained as the result of an accident involving a United States Civilian Conservation Corps truck near Ivy, Tenn., on October 9, 1937.

The Senate reduced the sum to $2,500, and at the conference a compromise of $3,500 was agreed upon.

DAN R. MCGEHEE,
JOHN JENNINGS, Jr.,
Managers on the Part of the House.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CATHERINE BODE

Mr. McGEHEE. Mr. Speaker, I call up the conference report on the bill (H. R. 2223) for the relief of Catherine Bode.

The Clerk read the title of the bill.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2223) for the relief of Catherine Bode, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same.

DAN R. MCGEHEE,
W. A. PITTENGER,
Managers on the Part of the House.

JAMES O. EASTLAND,
ALEXANDER WILEY,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2223) for the relief of Catherine Bode, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report:

The bill as passed the House appropriated the sum of $500 to Catherine Bode in full settlement of all claims against the United States for personal injuries sustained as the result of an accident involving a United States Coast Guard truck in New Orleans, La., June 6, 1944.

The Senate reduced the sum to $250, and at the conference the House conferees agreed to concur in the Senate amendment.

DAN R. McGEHEE,
W. A. PITTENGER,
Managers on the Part of the House.

The conference report was agreed to.

A motion to reconsider was laid on the table.

WILLIAM N. THERRIAULT AND MILLICENT THERRIAULT

Mr. McGEHEE. Mr. Speaker, I call up the conference report on the bill (H. R. 3808) for the relief of the estate of William N. Therriault and Millicent Therriault.

The Clerk read the title of the bill.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3808) for the relief of William N. Therriault and Millicent Therriault, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the sum inserted by the Senate amendment insert "$7,500"; and agree to the same.

DAN R. McGEHEE,
E. H. HEDRICK,
Managers on the Part of the House.

ALLEN J. ELLENDER,
GEO. A. WILSON,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3808) for the relief of the estate of William N. Therriault and Millicent Therriault, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report:

The bill as passed the House appropriated the sum of $11,425 to the estate of William N. Therriault and Millicent Therriault, of Fall River, Mass., in full settlement of all claims against the United States for the deaths of the said William N. Therriault and Millicent Therriault, sustained as the result of being struck by a United States Post Office vehicle, on Union Street near Columbia Street in Fall River, Mass., on October 1, 1943.

The Senate reduced the sum to $6,500, and at the conference the sum of $7,500 was agreed upon.

DAN R. McGEHEE,
E. H. HEDRICK,
Managers on the Part of the House.

The conference report was agreed to.

A motion to reconsider was laid on the table.

ROLLAND LEE FRANK

Mr. McGEHEE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 3100) for the relief of the legal guardian of Rolland Lee Frank, a minor, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 5, strike out "the legal guardian of."

Page 1, line 6, strike out "a minor,".

Amend the title so as to read: "An act for the relief of Rolland Lee Frank."

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

RIVER AND HARBOR BILL

Mr. MANSFIELD of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 6407) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 6407, with Mr. LUTHER A. JOHNSON in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. MANSFIELD of Texas. Mr. Chairman, as is generally known, we have refrained from reporting rivers and harbors bills during the time of the war. One bill was put through early last year which was reported in 1944 and passed in 1944, but went dead in conference on account of a certain provision in it pertaining to a reclamation project in California which the Senate would not agree to. That same bill was revived and brought up and passed in March of last year.

The bill before us now is for some 56 projects that have been reported by the engineers since that time. Four of them authorize maintenance work only. Some of them are on surveys ordered a number of years ago. Some of them have been under consideration by the engineers for several years, all of them, in fact, for a considerable length of time, for thorough investigation.

The bill carries a total of approximately $600,000,000. The larger projects are in the main works to extend over a long period of time, probably 8 or 10 years or more, depending on what future Congresses may want to do in making appropriations.

Several Members have announced their intention of opposing certain projects in the bill. That of course, is all right. Every project is voted on separately. They are not considered en bloc, but each project is considered separately and voted on separately. If a majority of the House wants to knock any project out of the bill they can do it if they have the votes. That is all there is to it.

There is no use taking up any time now.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. MANSFIELD of Texas. I yield to the gentleman from Mississippi.

Mr. RANKIN. As far as I am concerned, and I think I express the view of the majority of the members of the committee, when I say that we are willing to take up just as little time in general debate as possible, and then go ahead with the consideration of the bill under the 5-minute rule and dispose of it.

Mr. MANSFIELD of Texas. Of course, projects that are controversial can have all the debate that is necessary for their consideration.

Mr. RANKIN. Is that satisfactory to the gentleman from Michigan?

Mr. DONDERO. It is entirely satisfactory to me.

Mr. RANKIN. We can finish the bill in a couple of hours.

Mr. MANSFIELD of Texas. I do not wish to take any further time now, Mr. Chairman.

Mr. DONDERO. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, it has been my great privilege to serve as a member of the Committee on Rivers and Harbors for the last 14 years. Like every other member of that committee, I am proud of my membership on that body. It does a great work and a very important work.

Through all the years I have been here I have always supported rivers and harbors bills, because I believe in water transportation. I think the inland water transportation of this country has rendered valuable service to the welfare and progress of the country. I say that coming from the Great Lakes Region, where nearly a quarter of all the waterborne commerce of this Nation moves on the waves of the fresh water seas, therefore my interest in water transportation is more than ordinary and casual.

Only on occasion, when I thought the Army engineers became overenthusiastic in the items used to justify a project and in the formulas they adopted for arriving at their conclusions, have I offered protest and objection. But, like the gentleman from Mississippi [Mr. RANKIN], I desire to pay my tribute of respect and high regard for the Corps of Army Engineers. It is one agency of this Government which has rendered invaluable service to the Nation through the years. However, they are human like the rest of us and, therefore, not infallible. The fact that I believe they do become overenthusiastic for a project in no way is to be interpreted as an expression on my part of a want of confidence in those men who do their work through the years, having in mind only what they think is for the best interests of the United States of America. General Wheeler and Colonel Feringa, who now appear before the Committee on Rivers and Harbors for that agency, are men of the highest caliber. I have the utmost faith in them. This bill comes to the floor of the House without unanimous agreement of all the Members. If one project is taken out of this bill, I am going to vote for the entire bill.

Mr. PETERSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield.

Mr. PETERSON of Georgia. I believe the gentleman will agree that the committee was of unanimous opinion on every project that was put in, with the possible exception of one.

Mr. DONDERO. That is correct.

Mr. ENGEL of Michigan. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield to the gentleman from Michigan.

Mr. ENGEL of Michigan. I notice from your report, which I just had a chance to look over, that the total cost is approximately $600,000,000. How accurate are those figures? We have found in the Committee on Appropriations time and again where the actual costs are two, three, and four times what the Army engineers estimated the costs would be. For instance, the project at Osceola, Mo., came before us with an estimate of $28,500,000, and the actual cost was $65,000,000. The Hoards Creek project in Texas was estimated at $468,000 and actually cost $2,200,000. I inserted in the RECORD last winter a statement giving the complete authorizations of all the river-and-harbor and flood-control and irrigation-and-reclamation projects. The actual cost would run over $7,000,000,000. I wonder just where we stand on this thing. Just how accurate are these statements?

Mr. DONDERO. The figures were given to the committee by the Army engineers and are based mainly on 1945 prices as nearly as they could obtain them before the bill was presented to the House.

Mr. ENGEL of Michigan. The difficulty, I think, is that the Army engineers are given a certain amount of money for planning and they spread that money so thin that the estimates cease to be estimates and are actually only guesses, because time and again these estimates have been way too low and very seldom have they been over the amount of the actual cost.

Mr. VORYS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield.

Mr. VORYS of Ohio. The distinguished chairman said all these projects were unanimously adopted with the possible exception of one. Is it not a fact, as was stated before the Committee on Rules, that the Big Sandy project was adopted by a vote of 7 to 5 with 2 present not voting out of a total committee of 25?

Mr. DONDERO. That is correct. A good many members were absent.

Mr. RANKIN. That was the only project there was any controversy about.

Mr. DONDERO. That is the only project on which there was any serious controversy.

Mr. Chairman, I want to say to the Committee at this time that I could sincerely wish that this project to which I object was in some other area of the United States rather than in the area and district of our good and noble friend, the gentleman from Kentucky, Hon. ANDREW J. MAY, whom we all love and respect for his great ability and contribution to the welfare of the country as chairman of the Committee on Military Affairs during the recent war. But it so happens that it is there, and being there, we cannot escape it.

This bill contains 58 projects. The total is about $600,000,000. There is a great dispute as to the actual cost of the Big Sandy project. The engineers gave it at $82,000,000, but when you add to it the carrying charges, including interest, during construction it brings the cost up to $87,000,000. The committee, during the hearings, was given a figure as high as $122,000,000.

The Big Sandy is not a new project by any means. It has been under consideration since 1871. There is some dispute as to the number of reports that have been made. I have referred it to our very efficient and able clerk of the committee, Mr. McGann, who has been with us for some 43 or 44 years. He thinks there were only 14 reports made instead of 24. I am willing to accept his statement in that regard. But may I say that I rise to the defense of the engineers in regard to that. I do not want anybody to say that the engineers could be wrong 13 times and be right once, that once being on this occasion. I think they were right in not adopting this project in the previous reports. I think this time they haye made a mistake. I think they became overenthusiastic in their desire to adopt this project, and for that reason I want to point out what I think are the defects in it.

The Tug Fork forms the boundary between the States of West Virginia and Kentucky. The length of the canalization of the Tug Fork and the Levisa Fork of the Big Sandy River is about 191 miles. It is a long distance. They propose to build dams in order to make this river navigable for just one commodity. That commodity is coal. There is no dispute about that. But in order to do so one of the weaknesses is the proposal to build, at the expense of nearly $2,000,000, pumping stations on this river to pump water uphill so that coal barges may float downhill. There is coal in this area. That is admitted. But I want to point out that the Army engineers are overenthusiastic in estimating that 8,000,000 tons of coal would move on the Big Sandy from this area, when you consider that the Kanawha River, only 60 miles away, which also flows into the Ohio, a straighter river, a deeper river, a wider river, in a better coal section, at the very peak of coal movement only transported 3,100,000 tons of coal and that was during a war year. The people in that area, even though they had the advantage of water transportation, suffered about the same amount of depression effects in 1930 and 1931 as did those in the Big Sandy. It is claimed they suffered more because they did not have water transportation, but the facts do not bear that out. That being true, I think that argument can be ruled out.

The method used by the Army engineers in figuring the amount of saving is faulty in this respect: They have to move 8,000,000 tons of coal over this river at a saving of 80 cents a ton in order to justify this project economically. Here are the facts: They can move coal today out of the Big Sandy River to barges on the Ohio River at 62 cents per ton.

It is claimed that if this river was canalized so that coal could be shipped all the way by water instead of by water and rail as at present that they could do it for 33 cents a ton, or a saving of 29 cents per ton, being the difference between the 62 cents it now costs and the 33 cents they claim it will cost with the river canalized.

Where does the other 51 cents a ton come from to make up the 80 cents per ton claimed as savings? Here is where the Army engineers, I think, are at fault and mistaken: They claim and use as a credit the amount of savings on the shipment of coal from the Ohio River to destination whether it be on the Ohio, the Mississippi, or the Illinois Rivers. Those river systems are there now; and it is not logical nor reasonable to take credit for the movement of coal on river systems already in operation.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. Certainly.

Mr. MAY. I wish to ask the gentleman this question: If it is good business practice for a trunk line railroad to establish and build branch lines to get freight for its main line, is it not likewise good practice for the inland waterways system to reach out and get new projects that will connect with the Ohio River as in this case and provide additional traffic to be carried on that project also built by the Government?

Mr. DONDERO. That might be true, but it does not justify the engineers in taking credit for the shipment of coal on river systems already constructed. That is where the engineers and I differ; and I take sharp issue with them for taking such credit to justify this project economically. I can justify their taking 33 cents a ton from the 62 and claiming a 29-cent saving, but not 80 cents.

Mr. MAY. Mr. Chairman, will the gentleman yield further?

Mr. DONDERO. I yield.

Mr. MAY. Does the gentleman give any credit by reason of the fact that coal coming out of this river would ultimately go up the Mississippi River all the way to the Twin Cities and that there is a saving of $2.53 per ton between the rail rate and the water rate to the Twin Cities?

Mr. DONDERO. I insist, however, that those river systems are already there. As a matter of fact it was shown before our committee that coal moves from the mine to destination not by the water rate but by the rail rate to the consumer.

Mr. JENNINGS. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield.

Mr. JENNINGS. Is the coal that it is proposed be boated over this canal-improved waterway which would result if this expenditure was made now being transported over railroads that are already in existence?

Mr. DONDERO. Certainly; nearly all of it.

Mr. JENNINGS. In the first instance, if the canal were there it would have to come from the mines in railroad cars.

Mr. DONDERO. It would, because all the mines are not located near the two branches of this river. You would still have to have railroads. No claim is

made that they do not have adequate transportation now. Two railroads traverse this area and cross and recross the branches of this river and go back into the country where these mines produce the coal.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. Yes; I yield once more.

Mr. MAY. I am sure my friend would not wish to make any misstatement about this matter. He is correct as far as he knows; but I believe that having lived there and been in and out, as I have, spending 71 years in that country, I probably know more about it than the gentleman from Michigan.

There are no loading facilities on this river at the Ohio where they can dump coal into barges; there are no loading facilities on the river at all. The railroads go back 30 miles into the country and get the coal down to the rivers.

Mr. DONDERO. The railroads are there, however, to bring the coal out, and even if this river were canalized the railroads would have to be there to bring the coal from the mine to the river.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. DONDERO. Mr. Chairman, I yield myself five additional minutes.

It might be of some interest to the committee to know that last year there was mined in this country 702,000,000 tons of coal. Of that amount, 535,000,000 tons moved by rail; 139,000,000 tons moved by water; and 28,000,000 tons moved by truck, tramway, and so forth. I cite that only to show that regardless of what the committee does with this project the majority of the coal of this country must move by rail, either from the mines to destination or from the mines to water transportation.

We had witnesses before the committee and the question was asked who were opposed to this project. Members of the Rivers and Harbors Committee? No. But the governors of two States, West Virginia, and Virginia, and even the Governor of Kentucky in writing a letter endorsing this project said he approved it reluctantly. Who else is opposed to it? The United Mine Workers are opposed to it, the American Federation of Labor is opposed to it, and we had telegrams from 41 labor unions in this area, all opposed to it.

Why are they opposed to this project? Because they cannot see the economic justification for it or the spending of that much money on a project that is not necessary.

Mr. JENNINGS. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield to the gentleman from Tennessee.

Mr. JENNINGS. There is one feature there that intrigues me and that is it is proposed to pump water upstream in order to get it into a dam which means the pumping of water to that dam through mechanical means up into the reservoir. Is that a fact?

Mr. DONDERO. That is correct .

Mr. JENNINGS. Is that what is sought to be done?

Mr. DONDERO. Yes. That item in the engineers report is about $2,000,000.

Mr. JENNINGS. You have to do a lot of pumping before you have any water in the stream?

Mr. DONDERO. Yes; and it would not be open 12 months in the year. I think the testimony of the engineers showed it would be open only 10 months in the year.

Mr. JENNINGS. What about the operators, these men who want to mine coal and sell it at a profit, which involves a method of transportation? What is their attitude on this project?

Mr. DONDERO. Very few operators are in favor of this project. There are a few mines in the interior called truck mines which mined not much coal during the recent war period and they are in favor of this project, but not the large operators. I think one was, and he was located in the immediate vicinity of one of the forks of the river.

Mr. VORYS of Ohio. Will the gentleman tell us how many Members appeared in opposition to this project?

Mr. DONDERO. There were 13 Members of Congress who appeared in opposition to this project.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. DONDERO. Mr. Chairman, I yield myself two additional minutes.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield to the gentleman from Mississippi.

Mr. RANKIN. The members of the committee are willing to take the proposition up under the 5-minute rule. That is where the argument will be at any rate. We will forego all this general debate if that is satisfactory to the gentleman from Michigan.

Mr. DONDERO. I have no objection to that.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield to the gentleman from Minnesota.

Mr. JUDD. If there was so much opposition to this project, why did the committee include it, may I ask?

Mr. DONDERO. It was included.

Mr. JUDD. I am merely asking for information. If there was so much opposition, why was it included by the committee?

Mr. DONDERO. The majority voted for it in the committee. I opposed it.

Mr. JUDD. The committee was divided?

Mr. DONDERO. The committee was divided, yes.

Mr. KEEFE. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield to the gentleman from Wisconsin.

Mr. KEEFE. The gentleman has indicated opposition to this measure. Can the gentleman indicate where the support came from, in the face of this opposition, which caused the project to be reported by the committee. Who is supporting it?

Mr. DONDERO. Any project that the gentleman from Kentucky is for constitutes formidable influence in favor of it. The Army engineers, of course, made their report in favor of the project.

Mr. MAY. Mr. Chairman, will the gentleman yield to me long enough to answer the gentleman's question?

Mr. DONDERO. Certainly.

Mr. MAY. I would like to take my time and say that 72 citizens of the Big Sandy Valley appeared here at the Hearings before the Rivers and Harbors Committee. They appeared at the hearings before the Board of Engineers. In addition to that there is a membership of 74,000 citizens of the Big Sandy Valley on record who are sponsoring this thing. It is not only sponsored by them, but a vast majority of the United Mine Workers are sponsoring it, notwithstanding the fact that 44 local unions sent telegrams to the committee. They were inspired to do that by a certain dictator in the coal industry. It is also sponsored by great river improvement associations, and they are supporting the project: National Rivers and Harbors Congress, Mississippi Valley Association, Ohio Valley Improvement Association, Upper Mississippi Waterways Association, Red River Valley Association, Upper Missouri Valley Association, and numerous others.

Mr. DONDERO. The financial condition of our country is becoming critical. A solvent nation is indispensable to our welfare and prosperity. Let us not adopt a project that is neither essential nor justified economically. Here is an opportunity to save a hundred million dollars.

Mr. MANSFIELD of Texas. Mr. Chairman, I yield such time as he may desire to the gentleman from Washington [Mr. JACKSON].

Mr. JACKSON. Mr. Chairman, the Foster Creek project, which appears on page 8, line 17 of the pending omnibus bill, H. R. 6704, is one of the most worthwhile projects included in this bill. The project is located 545 miles above the mouth of the Columbia River, 200 miles below the international boundary line, and 51 miles below the existing Grand Coulee Dam.

The report of the Foster Creek project was submitted pursuant to the authority adopted by the resolution of the House Rivers and Harbors Committee, adopted March 24, 1942. The project has been favorably reported by the Chief of Engineers and the Board of Engineers for Rivers and Harbors. It was reported and recommended as a practicable and feasible project and as a part of the comprehensive development of the Columbia River. The power output from this project will make it reimbursable in the same sense and in the same proportions that the Bonneville plant on the lower river is reimbursable.

LEGISLATIVE HISTORY

The first authorization applying to the Columbia River was included in the River and Harbor Act of 1925, which was then known as Public Law 585 of the Sixty-eighth Congress, approved March 3, 1925. The 1925 act directed the Secretary of War through the Chief of Engineers to prepare and submit an estimate covering the cost of surveys and investigations of all navigable streams and tributaries where power development appeared to be feasible. The purpose of the 1925 enactment was to outline general plans

for the multipurpose improvement of all feasible streams, including navigation, flood control, irrigation, and the economical development of water power.

The following year the Secretary of War, on April 12, 1926, submitted his report pursuant to the 1925 authorization, which was printed as House Document 308, first session, Sixty-ninth Congress. Following the 308 Report, the River and Harbor Act of 1927 directed the Secretary of War through the Chief of Engineers to make the necessary investigations and surveys in accordance with the recommendations of the 308 Report.

As a result of this authorization, the Chief of Engineers prepared the requisite surveys, examinations, and investigations, to the extent that a general plan was formulated for the most effective multipurpose improvement of the Columbia River. This final report, covering all the objects of the previous legislation was submitted to the Congress on March 29, 1932, and was published as House Document 103, first session of Seventy-third Congress. The 103 Report is one of the most practical, capable, and comprehensive documents that has yet appeared covering an over-all river development. This report forcibly brought out the fact that the Columbia River and its tributaries had the potentiality of being developed into the greatest and lowest cost hydroelectric power development on the North American Continent. This 103 Report was so thorough that it was taken for the foundation of the Bonneville and Grand Coulee projects, when allotments were made by President Roosevelt in 1933, pursuant to the NRA Act of that year.

This 103 Report laid the foundation for the ultimate development of the Columbia River and cited the benefits that could be derived by a step-by-step development.

The 103 Report further outlined a comprehensive plan for the ultimate construction of 10 dams on the main channel at the following plant sites located between the international boundary and tide water: Grand Coulee, Foster Creek, Chelan, Rocky Reach, Rock Island Rapids, Priest Rapids, Umatilla Rapids, John Day Rapids, The Dalles, and Bonneville. The last four of these cited projects are located in the boundary waters between the States of Oregon and Washington. The remaining six projects were all located in the State of Washington. In the 103 Report, the Chief of Engineers pointed out the outstanding and economical advantages of these proposals. Grand Coulee and Bonneville have been built by Federal agencies, and the Rock Island site has been developed by private interests. Umatilla, now known as McNary Dam, was authorized by the River and Harbor Act of March 2, 1945, and the Foster Creek project is now included in the pending bill.

THE 103 REPORT

I have spent a good deal of time analyzing all of these 10 projects on the basis of facts included in the 103 Report. Such an analysis demonstrates beyond question the superior advantage of Foster Creek as a low-cost, self-liquidating project. Following the 1933 Public Works allotments for Grand Coulee and Bonneville came the Parker Dam decision of the United States Supreme Court, originating from a controversial development on the Colorado River of the Southwest. The Parker Dam case resulted from a controversy between the States of California and Arizona. It went to the Supreme Court for final decision. In this decision the Court held that constitutionally such dams must be covered by congressional authorization. Growing out of this decision, the Rivers and Harbors Committee then reported out and Congress adopted the authorizing act of 1935, covering Grand Coulee and Bonneville. Then in 1937 this committee originated the legislation since designated as the Bonneville Project Act. The wise provisions of this 1937 act have resulted in great industrial and economical developments in the Pacific Northwest.

It was fortunate for the country that these previous authorizations were able to make good our national-defense deficiencies in the field of electrometallurgical and electrochemical processes. These remarkable war contributions were further made possible by the wise provisions, applying to actual and potential markets. As a result of this policy new heavy industry came to the Columbia Basin. The recent leases by the War Assets Administration show plainly that this industrial capacity will remain in the Columbia Basin because of the existence of large quantities of low-cost hydroelectric power.

It was the vision in these early enactments which made the production of the tools of victory possible, as it was evident, at the outset of the late war, that this country was ill-prepared to fight a modern war because of lack of certain modern industrial plant capacities. During the war period, six large aluminum plants were located in the Pacific Northwest. From the reports prepared by the Reconstruction Finance Corporation, it has been shown that the light metal produced from the Columbia River power was the lowest cost metal accessible to the Government during the war period. The savings to the Treasury resulting from the utilization of Columbia River power amounted to values in excess of the cost of the two present operating projects.

Four of these six aluminum plants are owned by the Federal Government and have been leased to two privately owned companies. Cost of power is the most important element in the over-all cost of light-metal production. It has been stated and substantiated many times that a difference of one mill per kilowatt hour in the cost of power results in a price saving which is equivalent to one cent per pound in the cost of the finished metal. Naturally, if we are to hold our own nationally in the light-metal industry, we must turn to low-cost power. Our own future defense requirements are also such that we must continue to develop all our low-cost potential power. Steam power cannot be used in such processing because of its high cost. The best steam power available would cost approximately two and one-half times the power cost that can be derived from the Foster Creek project. Furthermore, the cost of steam power is certain to increase during the postwar period, which will further work toward the advantage of low-cost hydroelectric power.

ATOMIC ENERGY

I do not propose at this time to cover a field which is entirely reserved for the best experts, but nevertheless we hear a good deal about the future potentialities of atomic energy. It has been 50 years since the French scientist Becquerel discovered the issuance of atomic rays from uranium ores. Regardless of the pro's and con's that have appeared in the press, atomic energy can now be considered a reality. The Hanford plant located on the Columbia River below Foster Creek has scientifically demonstrated the existence of atomic energy. The Hanford plant has been and is now actually producing atomic energy, but it should be borne in mind that this energy was made possible by the existence of low-cost hydropower from Bonneville and Grand Coulee. The Hanford plant was located in the State of Washington and on the Columbia, because of the availability of low-cost, dependable, continuous hydropower, and secondly because of the existence of large volumes of pure, cooled water. The elevation of the water temperatures in the Columbia below the Hanford plant demonstrates the existence of atomic energy, but the basic ingredient of such energy comes from the low-cost hydropower. Therefore, as a layman, it is easy to see that the future production of atomic energy will require large quantities of low-cost hydropower. Atomic energy will also have a large field for medical application. Therefore, our future prospectus must be wholly focused on creating sources of low-cost hydropower.

LOAD SITUATION

During the war, the War Production Board ordered all northwestern private and public power facilities to be interconnected and pooled. The operation of this pool resulted in certain facts and figures, which were available to the investigators. These checks demonstrated that in the period between 1950 and 1953, the in-sight market would catch up with all regional existing and authorized power installations. There are also other defense projects appearing on the horizon which are more or less in the hush-hush stage. Unless Foster Creek is authorized, these load figures show that power-plant capacity will not be available for such forthcoming future defense loads. The defense situation is now similar to the situation existing during the last 3 or 4 years applying to the atomic-bomb set-ups. I have been advised that defense projects now under consideration would take an estimated 1,000,000 horsepower. From the load studies available, it is evident that such capacity does not now exist nor is in sight to handle such projected load without the Foster Creek authorization. The predictions made before VJ-day have not materialized. The actual load growth,

both in the Northwest and throughout the country, have greatly exceeded past estimates.

THE PROJECT

The Foster Creek project included in this bill is an essential part of the ultimate comprehensive plan for the Columbia River development. It has been recommended after an extensive report submitted by the Chief of Engineers.

The project now before us calls for the construction of the concrete gravity dam about 220 feet high and with an ultimate plant installation capable of being rated at about 950,000 kilowatts, divided between 15 generating units. The initial installation contemplated in the Army report covers three units amounting to 192,000 kilowatts. The cited benefits derived from this construction are such that this project can be considered as a reimbursable project.

The economic life of the States included in the Columbia Basin was formerly based upon the production and export of their basic raw materials. However, the modern processing of such raw materials has become an important factor in the economical development of the river. The potentialities for light metal and alloy plants are large. Such plants are heavy consumers of electric power and are being located in the Pacific Northwest because of the region's ample and low-cost power supply. It is this development as well as the natural load growth of the area which will produce the active factors leading to the full absorption of this power.

If a power shortage beyond 1950 is to be averted, the Foster Creek project in this bill should be approved.

Mr. DONDERO. Mr. Chairman, I yield such time as he may desire to the gentleman from West Virginia [Mr. ELLIS].

Mr. ELLIS. Mr. Chairman, in discussing this bill, H. R. 6407, I will direct my remarks specifically at this moment to the canalization of the Big Sandy River. No doubt the same argument would be applicable to many items in the measure, but as time has not permitted a thorough study of the hearings, I am not in a position to give detailed information regarding all the projects. No doubt some of the proposals are essential.

There are one or two pertient facts in connection with the Big Sandy project which I wish to emphasize.

This project through the years has been rejected by the Board of United States Engineers on 23 occasions on the basis of the impracticable physical aspects of the river and being economically unsound. Further, there is a provision in the engineers' estimate for some $2,000,000 to provide for pumping water from the Ohio River up to the headwaters in order to have sufficient water supplied to operate the canal, inasmuch as the Big Sandy Basin does not supply sufficient water.

Thirty-five organizations, such as railroad and mine labor unions, chambers of commerce, city councils, county courts—representing the territory affected by this canal—have expressed opposition.

Mr. Chairman, in order to give a proper background to my interest in the project, I would like to inform the committee that this river borders the congressional district which I have the honor of representing for approximately 50 miles.

My home town of Huntington, W. Va., a city of 85,000 inhabitants, where I have lived for the past 50 years, is within 5 miles of the confluence of the Big Sandy and the Ohio Rivers. About 150,000 of the population of my congressional district live within 25 miles of the river in question. Consequently, my deep interest in that section of the country is well understood.

It is not my purpose today to discuss the physical aspects of the river or the economic value of the project; that will be done when the bill is read. However, I may say now that after some study I find the arguments by the proponents on these two phases of the problem to be unimpressive.

The inaccessibility of coal deposits or the inadequacy of transportation is not one of our problems today and is not likely to be for many years to come. I would like to remind you that this entire region is adequately served by the C. & O. and the N. & W. Railroads. My primary interest in railroads as such is in their economic contribution to the general welfare. However, I am deeply interested in the welfare of the 6,000 railroad employees, men and women, who reside in my district. In projects of this nature—tax free and constructed with public money and of questionable economic value the railroader is placed in the unhappy position of being taxed to assist in paying the bill for a system which will deprive his group of income.

I would like to bring to the attention of the committee a feature which has manifested itself in mail received, evidently from persons primarily interested in the work afforded by public spending. It is a matter of common knowledge that we are in need of 5,000,000 housing units at this time. The need of building construction in commercial and industrial reconversion and expansion is almost beyond calculation, consequently, it is reasonable to assume that labor of all the building trades, and all the building-material manufacturers, will be fully employed in civilian construction for the next 8 or 10 years. These facts should be carefully considered in decisions affecting all Federal construction. In my opinion, it would be very unfortunate if the Government would go into the labor and material markets, where a definite shortage exists in both fields, and compete with private enterprise, except only in cases which are imperative beyond question and necessary to proper functioning of the Federal establishment.

I am in favor of the improvement and development of our waterways when it contributes to the public good and the expenditure is compatible with Federal income.

In opposing projects of this nature at this time, I could well use the words of Bernard Baruch and Jesse H. Jones in their respective statements opposing the British loan. The opinion of these gentlemen on fiscal matters is respected not only in this country but throughout the world. In essence, they have stated that it is time that we halt public spending and take an accounting of ourselves, and that bringing the Federal Budget into balance and terminating deficit spending are absolutely necessary now to preserve the financial integrity of our country.

We cannot afford to continue printing and spending money indiscriminately. Every time we spend an additional billion of borrowed money we reduce the buying power of our dollar, and if we go on spending and lending and giving and losing, without regard to how we are going to pay back the money that we have borrowed from our people, it will not be long until our dollar will be as depreciated as the currency of other countries that have overspent. Deficit spending is a definite contribution to inflationary processes. It increases buying power and demands for materials and labor in a market which is now unable to supply normal requirements. These things, along with foreign loans, are accelerating the inflation spiral, which means cheap money.

This Congress has a special obligation to maintain the purchasing power of our money; to maintain the value of the money in our bonds. Deficit spending has taken us in the opposite direction. If these spending policies are continued by the Congress, we are placing farther away into the distant future the day when a veteran can buy a home—the day when our people can have the things they need and should have at a fair price.

There are a few questions every veteran—yes, every citizen—has a right to ask this Congress. Has this country, since the end of the war, been brought to a satisfactory peacetime level? Have the things we need for comfortable living been made available at prices we can afford? Has the Government maintained the purchasing power of the dollar? The answer, obviously, is, "No."

We are going to be asked these questions and as for my part, I want the record to show my position.

Our national debt today is approaching $300,000,000,000 and is in excess of $2,000 for every man, woman, and child in the United States. It is time that we stop and think where we are going, that we take stock of our resources, of our earning capacity, of how we are going to service our existing debt before we try to increase it by continued spending.

There is one fact we should constantly keep before us. The major portion, if not the entire burden, of our huge national debt, the burden of all Federal spending, wasteful or otherwise, falls upon the backs of the men and women who work with their hands. All labor in industry—on the farm, in the mines, in the forests—in the final analysis pays the bill. All the debt juggling and all the high-sounding phrases will not change the picture one iota if we are to remain a solvent Nation. Consequently, I find myself in opposition to projects of this nature, particularly at this time.

Mr. MAY. Mr. Chairman, I would like to have it understood that when we get to the 5-minute rule and the Big Sandy River project comes up, that there will be no desire on the part of anybody to limit the time for debate so that we can really discuss it.

Mr. RANKIN. I think the gentleman can get all the time he wants under the 5-minute rule.

Mr. MAY. All right. With that understanding I am satisfied.

Mr. DONDERO. Mr. Chairman, I yield such time as he may desire to the gentleman from Indiana [Mr. SPRINGER].

Mr. SPRINGER. Mr. Chairman, I rise to make some observations respecting the pending measure, H. R. 6407, which is the bill presented by the Committee on Rivers and Harbors. After a careful scrutiny of the bill itself and the report, and having had access to the hearings, I am constrained to make objection to certain provisions contained in this measure. This measure calls for projects which will cost the taxpayers of this country the huge sum of $599,445,070. In the face of our frightful indebtedness following the war—which now aggregates approximately the stupendous sum of $280,000,000,000—we are not in any position to continue to spend with reckless abandon the hard-earned money of the taxpayers. We have made much progress in the past without any of these proposals either being presented, or put into effect—and we can certainly make progress in the future without them. We have the problem of drawing up our belts, and putting on the brakes, and stopping the ruthless and in many cases the unnecessary expenditure of money for things that can be put off or entirely abandoned. We have just read that the Secretary of State has authorized, or made, a loan to France in a huge sum—and no one can contemplate what the conditions of that loan may be, and no one can contemplate what security, if any, was presented for such a loan. And, in the face of these provisions contained in this bill, calling for almost $600,000,000, we find that Great Britain now wants a loan, and that we will soon be called upon to pass upon that request in the House. The Senate has already taken action upon this highly important measure. And, that is not all—because Russia, Turkey, and other European nations also are very eager to secure loans from our country. No one can now contemplate the huge amount these requested loans will aggregate—and the kind or type of security, if any, that will be offered therefor. When we recognize the fact that these countries now seeking loans from our country are in much better financial condition than we are, and that in large measure they will want the proposed loans eventually to constitute a gift to their country, we are appalled to find that this administration, and those in power, continue to spend the resources of the Nation, and the hard-earned money of the taxpayers, for needless things.

Mr. Chairman, I wish to refer especially to one of the proposed projects contained in this bill, and that project is the Big Sandy River, Tug, and Levisa Forks, Va. and Ky. I also refer, in passing, to the Tombigbee and Tennessee Rivers project, which is of very doubtful necessity—and from the study I have made of this proposal this project should not be approved.

However, I wish to direct attention to the Big Sandy River project, the estimated cost of which will be to our Government in the sum of $82,300,000. That is the initial cost. This project has been rejected by the Army engineers upon several previous occasions. Now, and to the utter surprise of the Members, it again appears in this bill. This so-called river runs to the north and empties into the Ohio River. However, this river does not have a year around flow of water, and it is proposed to dredge it, make it navigable, and then feed it with water, running it up hill to a reservoir, and from the reservoir permit the water to flow into the bed of this so-called river in an artificial manner to increase the flow of water, both in wet and dry seasons, in order to make this river navigable. I wonder what the cost will be to maintain this project in the future? While it has been represented that this project will be self-liquidating, I would like to ask those in charge of this bill what project, or projects, under this administration have been liquidated? If there are any, I would like to know what they are.

Mr. Chairman, this is merely one of the projects contained in this measure to which I make reference. This is merely another "spending" bill, with doubtful necessity, and very doubtful results—and with the cost of maintenance which is entirely speculative, but which has been estimated to be at least $2,000,000 annually throughout the future years. I merely mentioned the Tombigbee River project, and I merely mention another, which is very doubtful, and that is the Arkansas River project which is also contained in this bill.

Mr. Chairman, the President has stated that it is his desire to balance the budget. The people of this Nation are demanding that the budget be balanced. It is my desire that the budget be balanced. Pray tell me, if you can, how the budget can be balanced in the face of measures of this character, where huge amounts of money are proposed to be spent for unnecessary and questionable enterprises such as we have presented in this measure?

I fear for the future of our Nation, and I fear for the future of our people. I question, Mr. Chairman, where we are going, and I wonder what our goal will be? Unless there is a change of pace—unless things which are nonessential are eliminated—unless this administration desists from spending the money and the substance of our people for needless things—then we cannot balance the budget, and we will be forced, in the future, to walk the gang-plank of disaster and utter bankruptcy. I am certain you, who propose this spending program, are in complete agreement with me upon the aforesaid statement. Just as certain will disaster come to all of us, if this plan of ruthless spending is continued.

Mr. DONDERO. Mr. Chairman, I yield such time as he may desire to the gentleman from California [Mr. JOHNSON].

Mr. JOHNSON of California. Mr. Chairman, I rise to speak briefly regarding the advantages of water transportation. Since the inception of our Government it has been the policy to develop streams by widening, straightening, and deepening them and thus encourage the use of water transportation. For many decades the Corps of Army Engineers have studied the possibilities of various streams, with a view to their utilization in carrying freight and passengers. The Army engineers have been interested from the standpoint of national defense and especially from the standpoint of the saving in transportation charges in the movement of goods and supplies used by our people. We as a Nation are blessed with a wonderful system of waterways, and we should use them to their fullest extent.

The cost of water transportation as compared to other forms of transportation has been made the subject of study by the Interstate Commerce Commission. A recent such study occurred prior to August 1944. At that time there was filed a report of a study made by the ICC which was developed by its Bureau of Transport Economics and Statistics. The study concerned the relative costs of transportation of petroleum by railroads, by pipe lines, by barges, and by tankers.

I quote from a table inserted in the report which indicates the cost in cents per ton-mile of moving petroleum by the various types of transportation. This table is as follows:

Carrier	Commodity	Cost [1]
Class I railroads	Gasoline	0.811410
Pipe lines	do	.156168
Barge [2]	do	.073816
Tanker [3]	do	.045896

[1] Operating expenses and depreciation.
[2] New Orleans, La., to Cincinnati, Ohio.
[3] Port Arthur, Tex., to New York, N. Y.

This graphically shows the great advantage which shippers receive from the use of water transportation facilities. You can readily appreciate, with the millions of tons of the numerous products shipped by water transportation, the tremendous saving in the cost of these various articles which our people enjoy.

Another interesting factor which should be brought out is the principle that when ships call at inland ports they receive the same rate, from that port to any other intercoastal port, as the port which is on the ocean. To apply it specifically, in the case of Sacramento, where we have a proposed project included in the present bill, goods shipped from Sacramento by boat to Philadelphia, for instance, would receive the same rate as if the goods were shipped from San Francisco. In this manner by having developed inland waterways, we can bring the ships close to the producing centers. The resulting saving in carrying the products by rail or truck to the shipside is tremendous. For instance,

within the area of 100 miles from Sacramento, Calif., are a great many things—canned goods, lumber, various types of stone and building materials—which can be transported to Sacramento at a much lower rate than they could be transported to San Francisco. The saving in the carrying charges to shipside would go to the benefit of the consumers of these products. As pointed out, the rate from Sacramento to any port on the Pacific or the Atlantic would be the same as the rate from the ports on and around San Francisco Bay. This principle was laid down in the case entitled *Sun-Maid Raisin Growers Assn.* v. *Blue Star Line, Ltd., et al.* (2 U. S. M. C. 31).

The Sacramento project which is included in the present bill will fill a great need for the great Sacramento Valley. It is the commercial center of this valley already rather highly developed but whose potential is far greater. This great area in shipping its products to the east coast or to foreign countries will be served by the port of Sacramento when it is completed. I sincerely trust that the bill as presented by the Rivers and Harbors Committee will receive the approval of this Congress. In addition to the amounts authorized to be expended by the United States Government, local interests must provide vast sums of money toward the cost of these projects. These local costs are for rights-of-way, spoil areas, terminal facilities, belt-line railroads, and so forth. It is a two-way partnership in a sense, the National Government investing its money and the State or particular locality contributing its share toward the development of the project which will serve not only the immediate area, but will be of great benefit to shippers in all parts of the country and the world who may want and need our products.

Mr. DONDERO. Mr. Chairman, I yield such time as he may desire to the gentleman from Oregon [Mr. ANGELL].

Mr. ANGELL. Mr. Chairman, the bill now under consideration, H. R. 6407, known as the omnibus rivers and harbors bill, authorizes the construction, repair, and preservation of a number of public works on rivers and habors thoroughout the Nation. As a member of the committee, I was present during most, if not all, of the hearings on these various projects. With the exception of a few projects, as far as I can ascertain, there is no opposition to the bill. All of the projects have been carefully surveyed, examined, and approved by the Board of Army Engineers and have been justified. I want particularly to call attention to a project in the Pacific Northwest which is of considerable importance to my congressional district. The northern boundary of my district is the Columbia River, which is the second largest river in the United States and provides water for navigation, reclamation, and hydroelectric power. It serves as the outlet for the whole interior of the Northwest, which includes eastern Oregon, eastern Washington, parts of Idaho and Montana. The Board of Army Engineers a number of years ago provided for a long-range over-all program for the improvement of the river, which program was heretofore adopted by the Congress, and a series of public works in carrying forward that program have already been constructed, including the Bonneville Dam and the Grand Coulee project. Both of these have proved of great benefit in providing hydroelectric power for the production of aluminum needed in the war just closed.

In this bill there is a project for the improvement of the Columbia River from Vancouver, Wash., to The Dalles, Oreg., and, as shown by the reports of the Army engineers and the evidence submitted to the committee at the hearings:

The section of Columbia River under consideration extends from Vancouver, Wash., river mile 106, easterly along the Oregon-Washington boundary to The Dalles, Oreg., river mile 189. In this reach are the following towns with their locations above the mouth of the river: Bonneville, Oreg., mile 146; Hood River, Oreg., mile 170; Bingen, Wash., mile 171; and Lyle, Wash., mile 181.

The improvement for Columbia River between Vancouver, Wash., and Bonneville, Oreg., authorized by Congress provides for a channel 27 feet deep and 300 feet wide between the Interstate Bridge at Vancouver and Bonneville. The project is 84 percent complete. The project also includes the improvement of the lower entrance to the Bonneville ship canal immediately below Bonneville Dam, and construction of a turning basin in the vicinity of Camas and Washougal, Wash.

The improvement for Columbia River at Bonneville, Oreg., authorized by Congress provides for a dam, power plant, and a lock for navigation. The pool provides, for a distance of 45 miles above the dam, a navigable channel with a depth of 27 feet except for a short distance at the Cascades, mile 148.5, where the depth along a suitable alinement for a ship channel is 22 feet. The single-lift lock is 500 feet long, 76 feet wide, and has a controlling depth of 24.2 feet over the lower miter sill at low water. The vertical lift is 66 feet.

Commerce on Columbia River between Vancouver and The Dalles for the 10-year period, 1935–44, inclusive, fluctuated between a low of 661,600 tons in 1937 and a high of 2,450,700 tons in 1941. The commerce in 1944 was 2,068,000 tons and consisted principally of petroleum products, paper and pulp carried in barges, and rafted logs. The potential commerce available above Bonneville lock is estimated at 6,082,000 tons per year of which 2,000,000 tons are grain, 900,000 tons are petroleum products, 1,900,000 tons are mineral products, and 1,282,000 tons are miscellaneous products.

The area commercially tributary to Columbia River above Vancouver, Wash., embraces 230,000 square miles in Montana, Idaho, Washington, and Oregon, and has a population of 1,415,000. The principal cities are: Spokane, Wash.; Butte, Mont.; Great Falls, Mont.; Yakima, Wash.; and Boise, Idaho. The principal agricultural product is wheat, of which about 75 percent goes largely to world markets. There are many fertile valleys devoted to the production of vegetables, hay, and livestock. Extensive forests support sawmillls, box factories, and pulp and paper mills. In the area are 672 sawmills, of which 27 have a capacity each of 100,000 feet board measure per 8-hour shift. Mineral resources extracted in volume include copper, zinc, lead, antimony, and the precious metals. Nonmetallic resources which have been commercially developed include limestone, phosphate, petroleum, natural gas, magnesite, dolomite, diatomite, building stone, and clays.

Local interests request completion of the Vancouver-Bonneville ship channel, a channel 10 feet deep and 300 feet wide in the upper entrance into Oregon slough, improvement in the vicinity of the entrances to Bonneville lock, provision of a barge lock at Bonneville, removal of Boat Rock near mile 146, channel rectification through Cascade Rapids, removal of a submerged rock near mile 167, relocation of the barge channel near mile 177, harbor development at Hood River, Oreg., and harbor development in the Underwood-Bingen-Lyle area.

The Board of Engineers for Rivers and Harbors recommends modification of the existing projects for Columbia River between Vancouver, Wash., and The Dalles, Oreg., to provide:

(a) For a channel 27 feet deep at adopted low water and 300 feet wide between Vancouver, Wash., and The Dalles, Oreg.

(b) For a channel 10 feet deep at low water and 300 feet wide at the upstream entrance to Oregon Slough, Oreg.

(c) For a boat basin at Hood River, Oreg., 500 feet by 1,300 feet and 10 feet deep at normal Bonneville pool level, with a connecting channel of the same depth to deep water, and a protecting breakwater on the easterly side.

(d) For a barge channel to the water front at Bingen, Wash., 10 feet deep at normal Bonneville pool level, 200 feet wide and approximately 1 mile long; and for an access channel 7 feet deep at normal Bonneville pool level, 100 feet wide and approximately 1,000 feet long, to a natural mooring basin for small boats near the east end of the channel.

The improvements are recommended subject to the following conditions:

For the boat basin at Hood River; provided local interests furnish free of cost to the United States all necessary rights-of-way and agree to maintain depths in the basin, and to construct, operate, and maintain necessary mooring facilities and a public wharf available to all on equal terms, at an estimated cost of $35,000;

And for the improvement at Bingen; provided local interests furnish free of cost to the United States all rights-of-way, agree to maintain depths in the mooring basin, and to construct, operate, and maintain necessary mooring facilities in the basin and a public wharf adjacent to the barge channel available to all on equal terms at an estimated cost to local interests of $125,000.

Cost to United States

	For new work	For maintenance
27-foot channel to The Dalles	$1,176,000	$5,000
10-foot channel at Oregon Slough	6,000	1,500
Boat basin at Hood River	98,000	2,000
Barge channel at Bingen	101,500	5,000
Total costs	1,381,500	13,500

Improvements for the 27-foot channel between Bonneville and The Dalles are justified in the interest of safety and convenience of established navigation and are considered essential to full and complete use of the Vancouver-Bonneville ship channel and Bonneville ship lock, which have involved Federal expenditures of about $9,500,000. Without these improvements the use of the channel by deep-draft vessels would be severely restricted, if not completely discouraged. While evaluation of benefits that would result from the proposed channel improvements is impracticable, it appears that the proposed improvements are the minimum that will be required to make ship navigation practical, and therefore to make effectual the improvement at and below Bonneville.

No estimate of benefits has been made for the improvement at Oregon Slough. The improvement is justified for the convenience and safety of established navigation.

The evaluated annual benefits estimated to accrue from the improvement at Hood River is estimated at $39,670. The total carrying charges are $6,234. The ratio of costs to benefits is 1 to 6.4.

For the barge channel improvements at Bingen the annual benefits have been evaluated at $43,971. The total carrying charges for this project are $9,391. The ratio of costs to benefits is 1 to 4.7.

Mr. Chairman, I urge approval of this bill, including the project to which I have referred as well as the other projects for improvements in the Pacific Northwest.

Mr. MANSFIELD of Texas. Mr. Chairman, I yield such time as he may desire to the gentleman from West Virginia [Mr. BAILEY].

Mr. BAILEY. Mr. Chairman, I am opposed to this Big Sandy project because the experience of water-borne coal traffic on the Kanawha River in West Virginia—only 60 miles to the north of the Big Sandy—demonstrates that it will be a flagrant waste of the taxpayers' money.

The channel of the Kanawha was deepened in 1937 to 9 feet—the same depth as that of the proposed canal—and yet since then the largest amount of coal that has moved out-bound over it into the Ohio River was the 3,100,000 tons of 1942; and even this amount declined in 1944 to 2,222,000 tons.

The coals of the territory served by the Kanawha are of substantially the same character as those in the Big Sandy Valley, suitable for use for both metallurgical and byproducts purposes.

As the Kanawha is a broad, comparatively straight river on which water transportation costs are much less than those on the Big Sandy, it is incredible that the narrow, crooked canal can produce anything like as much coal tonnage as the Kanawha, so that it seems too obvious for argument that the tonnage dreams of proponents will not materialize.

As a matter of fact, the great bulk of the Kanawha's maximum 3,100,000 tons was "captive" tonnage; that is, produced and consumed by the same companies, and consisted of shipments for only a few companies. The commercial tonnage on the Kanawha is at present probably not as much as 1,000,000 tons a year.

Proponents' claim is that 8,300,000 tons of coal will be shipped annually over the canal, about half being to markets on the upper Mississippi, and yet in no year since the Kanawha was deepened has as much as 30,000 tons of its coal been transported up the Mississippi.

The Army engineers estimate the cost of this project at $82,300,000. With interest during construction the Federal investment would be over $87,000,000. The annual carrying charges would be $4,190,000. They justify the project on the theory that the 8,300,000 tons of coal will move into the Ohio for transportation to destinations on it and other waterways at an annual savings in freight rates of about 80 cents per ton, all of which the engineers appropriate to the canal, notwithstanding that only 29 cents of the 80 cents saving is earned on it, and the remaining 51 cents occurring on the other waterways.

But even conceding that it is proper to attribute to the canal the entire savings of 80 cents per ton, 5,237,500 tons—$4,190,000 annual carrying charges divided by 80 cents per ton—would have to ship annually over the canal to make it break even or produce enough savings to meet its annual carrying charges.

In view of the Kanawha's maximum, it is fantastic to believe that this canal will ship enough to break even. Hence, there will be a deficit.

To my mind, the history of coal transportation on the Kanawha is a complete and irrefutable answer to the claim of proponents. As least it demonstrates that the project is at best a precarious one, and I cannot agree that public funds should be risked in so doubtful a venture.

The precariousness of the project is further attested by the fact that at the public hearing before the board of engineers a large number of experienced river pilots from Pittsburgh, Huntington, and elsewhere—the men who must actually steer the tows around these narrow and crooked streams, men who had never before opposed a waterway project—testified that the project was impractical and would not work. While I do not doubt that, given enough money, the Army engineers can construct the canal, their ideas of its workability represent theory. The men who actually pilot the tows and know what is required represent practice and convince me that the project is not practical. I therefore cannot assent to the expenditure.

Mr. DONDERO. Mr. Chairman, I yield such time as he may desire to the gentleman from Oregon [Mr. NORBLAD].

Mr. NORBLAD. Mr. Chairman, I rise to explain to the House the particular provision of this act which authorizes the construction and maintenance of a mooring basin at Astoria, Oreg. The cost of this project is in the sum of $1,044,000, and I assure you that if approved this will be money well spent.

My home is in Astoria, and having resided there all my life, I am particularly familiar with local conditions giving rise to this proposal. Fishing is our principal industry, and its growth in recent years is worthy of comment. In 1940 landings of sea-food products at Astoria totaled 19,000 tons, while in 1944 it had increased to 34,000 tons. In this latter year the landings at Astoria were greater than those at Seattle, Wash. There is no question but what Astoria has become the major fishing port of the Pacific Northwest and will continue to hold that position.

This recent growth has been the result of a number of factors including particularly the development of the bottom fisheries, the vitamin-potent shark liver industry and particularly the establishment of the tuna fisheries. This latter industry is comparatively new to the Pacific Northwest but since its inception some seven or eight years ago, it has grown from a small fishery until today it is one of our largest. The value of the tuna catch in 1940 was $1,400,000 and by 1944 had risen to well over $10,000,000.

As a result of this remarkable growth in our fishing industry we find that there is no proper mooring basin to care for these vessels. It is true that we have a mooring for a few of the smaller craft but its absolute maximum capacity is 400 boats and it is unable to take care of the larger fishing boats which are now operating in and out of the Columbia River. As a result, many boat owners and operators are compelled to expose their craft to damage from ground swells, storm, and wind and wave action and collision. Nine hundred of these larger vessels, which at present have no adequate mooring facilities, operated in and out of the river during the year of 1944 and though I do not have more recent figures available, I would safely estimate that this number increased in 1945 and will continue to increase during the current year.

These vessels furnish to the owners their means of livelihood. It is their investment in their business, just the same as the investment of you gentlemen who may own a store, a garage, or other business operation. It is unfair for these owners and operators to be required to hazard their life savings during the time that they are in port. The annual damage to our fishing fleet while at Astoria is estimated at $40,000. That estimate is made by the United States engineers, and is not my own figure. At the time the hearings were held before the Rivers and Harbors Committee on this proposed basin, Col. P. A. Feringa, of the United States engineers estimated that

the annual benefits would total $155,000, which would consist of $40,000 from elimination of damage to boats, $3,000 from elimination of lost time and expenses, $100,000 from increased catch of fish, and $12,000 from certain intangible benefits such as increased property values, increase in the size of the fishing fleet, and similar matters. Certainly an expenditure of $1,000,000 by the Federal Government to alleviate this situation cannot be considered as a waste of the taxpayers' money. It is, in my opinion, an expenditure that will be very beneficial. This is one Federal project from which we will derive a substantial return.

There are other matters which I could mention, such as the benefit which will be received by the pleasure boats and yachting associations who will have the opportunity of using this basin, but I believe I have covered the general subject with sufficient thoroughness, and in any event, it is my primary purpose to ask for protection for those who make their living from the sea rather than those who use our waters just for the purpose of pleasure. Their interests are secondary.

I hope that this project will receive the unanimous endorsement of this House.

Mr. MANSFIELD of Texas. Mr. Chairman, I yield such time as he may desire to the gentleman from Louisiana [Mr. BROOKS].

Mr. BROOKS. Mr. Chairman, I rise to speak today in reference to the Red River lateral canal project. This project will mean the construction of a canal closely paralleling Red River to the west from a point 3 miles below the city of Shreveport to a point below the junction of Black River with Red. The canal will be built to utilize certain natural bayous, swamp areas, and channels as far as possible. To be more specific, it will fully utilize the natural channel of Bayou Pierre from Shreveport south, Cane River from Natchitoches south, Bayou Boeuf swamp area, Chatlin Lake Canal and Bayou Choctaw from Alexandria south to the point of junction with the Red River. It will have a minimum channel 100 feet wide by 9 feet in depth. Nine locks placed at strategic points provide for a total lift of 150 feet from the mouth of the canal to its terminal below the city of Shreveport. A connection to the Red River lateral canal with Jefferson, Tex., by way of Twelve Mile Bayou and Cypress Bayou, is also a part of the over-all project. The project, however, presented to you calls for water navigation by way of a lateral canal along the west side of Red River in the valley from Shreveport to the mouth of the river. It is expected to cost $43,000,000.

Mr. Chairman, I present here to the House of Representatives a program for the utilization of the water resources of the Red River Valley. As has repeatedly been said, water from 32 of our States is collected together and drained into the Gulf of Mexico through my native State of Louisiana. This represents a territory so vast that it is hard for our minds to contemplate water from so much territory being funneled through one State of the Union. For centuries these waters have been considered by us in Louisiana as obstacles to development and to commerce. The rivers upon whose backs are borne the waters of these 32 States have through the years presented serious problems to roadbuilding and generally to all communications. Our State has spent literally hundreds of millions of dollars in building bridges across the rivers which carry the waters of the interior portions of the United States to the Gulf, raising the roadbeds, constructing culverts and drainage facilities to maintain these roads and bridges after they have been built. The fact that the State of Louisiana does drain the water from the Appalachian Mountains on the east to the Rocky Mountains on the west and Canada to the Gulf of Mexico has meant in the past a tremendous financial burden upon our people, not only for flood control but because of the difficulties and obstacles presented to trade, commerce, and communication.

Now, Mr. Chairman, by this project we propose to take that which has in the past been a scourge and a menace to our people and make it useful for development and for our civilization. The Red River Valley Canal project will do just this thing. In the southwest part of this country there is a veritable empire awaiting development. It needs cheap, dependable transportation and this project will give us what we need. The project will serve for navigation purposes a great area in east Texas, south Arkansas, and southeast Oklahoma, as well as of Louisiana. It will make possible the shipping of raw materials such as petroleum products, natural gas products, cotton, lumber, and generally all agricultural products from the heart of the Red River Valley by boat to many parts of the United States. It will give direct water connections from Pittsburgh, Chicago, St. Louis, Corpus Christi, and Pensacola to all points along the Red River from Shreveport south. It will give to our inland waterway system tremendous additional development with water connections to remote points in the Nation.

For those of you who are not entirely familiar with Red River, I wish to say that it is, roughly, 1,300 miles in length. It arises somewhere near Canyon City, Tex., which is within a few miles of the New Mexico boundary line. Actually, waters from the State of New Mexico drain by way of the Red River. It flows in an easterly direction entirely across the great State of Texas, forming the boundary line for a large portion of the way between Oklahoma and Texas. It flows through southwest Arkansas and into northwest Louisiana, from thence it flows in a southeasterly direction to its confluence with the Atchafalaya and Mississippi Rivers, just above Angola, La. It is one of the great rivers of the world, draining as it does 91,000 square miles of territory, which is 75 percent rural at the present time. The 1940 figures show something less than 3,000,000 people live in the Valley and the principal occupations are the growing of grain, cotton, hay, oats, potatoes, and sugarcane. Industrially, however, we are large producers of petroleum, salt, cement, iron, and fertilizer. The Valley needs cheap transportation very badly and this cheap transportation will mean a great deal to the people who live in the entire Valley as well as to practically every other section of the Nation.

In spite of the fact that Red River is one of the large rivers of the world, its development to date has been sadly neglected. It has received rather desultory attention from the viewpoint of flood control and no consideration by Congress for navigation purposes. Other great rivers and bodies of water with far less possibilities have been developed and yet this great stream of almost continental proportions still stands sadly in need of attention.

From a national defense viewpoint, this project is vital. You who live along the Atlantic seaboard do not have to tax your minds to think back to a time just recently when through the exigencies of war petroleum products had to be rationed in this area. At one time, as you recall, gasoline was so scarce that an embargo was placed upon the sale of all gasoline for all purposes save those vitally essential to maintain our transportation system along the Atlantic coast. This was due to the fact that the tankers which normally bring petroleum products to the eastern seaboard could not operate against the German submarine menace and therefore petroleum products had to be transported overland. Huge pipe lines costing millions of dollars were constructed and had to be maintained for this purpose. The development of this waterway means that raw materials needed most for the prosecution of war may be transported from the point of origin to many parts of the Nation without leaving the sheltered confines of the Nation. This lateral canal project is located within a few miles of the world's largest oil field in east Texas, within a very few miles of numerous oil and gas fields in a most prolific producing section of the Nation and will be located in the heart of the lumber producing area of the Southwest. Many minerals likewise are being produced in this area and all of these raw materials which require cheap means of transportation are badly needed by the Nation at many points. The benefits, therefore, to be derived from the project will be felt more or less by every section of the Nation and the building of the project will go far to complete our system of inland waterways.

The largest city in the whole valley area is my home city of Shreveport, La., having a population of about 115,000 people. Other large cities are Texarkana and Alexandria. Natchitoches, the oldest city in the Louisiana Purchase and one of the oldest in the United States, is located in this area, and many other places of varying size and with different industries are located in the valley and in the neighboring hill land on each side of it. To the people who live in and adjacent to this valley this project means the consummation of a dream of almost 100 years. It means the consummation of their continued efforts of the last 20 years. It means communication with the waterways of the Nation and the world and, of course, means tremendous de-

velopment in the Southwest. As we pass from the period of great activity due to the World War and its immediate post-war effects, the country will be looking for new regions in which to house and provide for its rapidly growing population. Workmen will be looking for jobs and young men with ambition will be looking for industry, and this project presents an opportunity which the Nation cannot afford to overlook. The increased activity in this section of the Southwest will aid in taking up unemployment slack when such a problem develops and in providing prosperous agricultural and industrial employment for the continually increasing population of the Nation.

Over a period of many years the Army engineers have been working upon this matter. They first found the return of navigation on Red River itself was not feasible because of the soft, shifting banks and the swift current. After more work, they found that a project following the lateral waterways was feasible and that it is amply economically justified. In fact, an ample amount of cargo for the waterways has already been pledged to maintain economic justification, and after many years of study and planning the Army engineers say the project should be built.

In this connection I wish to call your attention to an analysis of the economic advantages of the project as indicated by the chart on page 20 of the hearings. According to this chart, the total annual savings from this project are $3,500,000 per annum. These savings will increase from year to year, according to conservative estimates, and by the year 1980, judging by past growth and development, the total savings will reach $8,313,000 per annum. The agricultural benefits are not overlooked in these savings and I think they have been too conservatively estimated. Likewise, over a period of years the agricultural benefits have been kept at the same figure rather than increasing these benefits which I think also is entirely too conservative. At any rate the minimum benefit of almost $3,500,000 per annum will steadily increase year by year as the canal increases in use and importance.

As the iron-ore deposits of other sections of the country are exhausted, the huge deposits in 21 counties in east Texas will be called upon to take the place of the exhausted deposits. This ore development has just been begun in the last few years and promises to increase in importance from year to year. To make such an industry available in this section of the Southwest, cheap means of moving heavy masses of iron deposits are almost indispensable. Those of us who know this section of the land therefore expect a new industry of tremendous proportions to develop.

CONCLUSION

At one time in the history of this country the Red River was used extensively for navigation. The very fact that the city of Shreveport, the largest city of the Red River Valley, bears its present name is indicative of commerce on this river. Before the Civil War days and during the Civil War the Red River itself was used as an artery for commerce. Boats plied up and down this stream carrying merchandise to points more or less regularly visited in the loading and discharge of cargo. The river then was the principal, in fact, the one means of commerce. During the Civil War days ships were built as high up on Red River as Shreveport, La. Cargoes were taken down Red River to the Mississippi for transshipment to Virginia and other points of the South in support of the Confederate cause. In fact, this was one of the important objects of the campaign of General Grant against Vicksburg. By capturing this important fortress on the Mississippi River, water shipments down the Red River as well as commerce by land was more or less completely stopped and the Confederacy was cut in two parts, thereby placing between two portions of the Confederate States an almost insurmountable obstacle.

In the Red River campaign during the Civil War, the Union Army marched along the western bank of Red River from Alexandria north toward the city of Shreveport. General Banks supported his troops with a fleet of gunboats which ascended Red River, protecting the flank of his armies and providing support and communications for his supplies. Naturally, the people of Red River Valley look for a return of navigation. The felling of forest areas, tilling of the soil, and other indications of progress have the effect of eroding the soft banks of Red River and causing it to change and shift its channel. The engineers have recommended, rather than attempt to restore navigation on the river itself, to use the available channels which are located on the west side of the river, more or less paralleling it.

The CHAIRMAN. The Clerk will read the bill for amendment by sections instead of by paragraphs.

Mr. KEEFE. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. KEEFE. Mr. Chairman, in view of the fact that it was announced that there would be 4 hours of general debate on this bill, and it being very important that the membership do now know that that has been practically waived and that there will be no general debate other than what has already taken place thus far, and that the bill is now being read, I suggest the absence of a quorum in order that the Members may understand that the bill is being read. It is quite unfair to the membership to take it up under those circumstances.

The CHAIRMAN. Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 139]

Almond	Bennet, N. Y.	Buck
Andersen, H. Carl	Bennett, Mo.	Buckley
Anderson, Calif.	Bishop	Bulwinkle
Baldwin, Md.	Bonner	Bunker
Baldwin, N. Y.	Boren	Campbell
Barden	Bradley, Mich.	Canfield
Barrett, Pa.	Brehm	Cannon, Fla.
Bell	Brown, Ohio	Cannon, Mo.
	Brumbaugh	Case, N. J.
Chapman	Hébert	Ramey
Chenoweth	Hedrick	Reece, Tenn.
Clason	Heffernan	Rees, Kans.
Cochran	Hoffman	Rizley
Colmer	Holifield	Roe, Md.
Corbett	Holmes, Mass.	Rogers, N. Y.
Courtney	Hook	Rowan
Curley	Izac	Sadowski
Curtis	Jarman	Schwabe, Mo.
Daughton, Va.	Johnson, Ind.	Schwabe, Okla.
Davis	Jones	Shafer
Dawson	Kean	Sheppard
Delaney, John J.	Kefauver	Short
	Kelley, Pa.	Simpson, Ill.
Dingell	Keogh	Simpson, Pa.
Dolliver	Kilburn	Slaughter
Domengeaux	Kilday	Smith, Ohio
Douglas, Calif.	King	Somers, N. Y.
Durham	LaFollette	Sparkman
Dworshak	Latham	Starkey
Earthman	Lea	Stefan
Eaton	Link	Stewart
Eberharter	Luce	Sumner, Ill.
Elliott	Ludlow	Sumners, Tex.
Ellis	McConnell	Sundstrom
Elsaesser	McCormack	Talbot
Elston	McCowen	Thomas, N. J.
Engle, Calif.	McKenzie	Thomas, Tex.
Ervin	Mahon	Tolan
Fernandez	Maloney	Torrens
Fuller	Mankin	Towe
Fulton	Marcantonio	Trimble
Gamble	Martin, Iowa	Vinson
Gavin	Mathews	Vursell
Gearhart	Merrow	Wadsworth
Gerlach	Morrison	Weaver
Gibson	Mundt	Weichel
Gordon	Murphy	Welch
Gorski	Norton	White
Gossett	O'Toole	Wilson
Granger	Patrick	Winstead
Hall, Leonard W.	Peterson, Fla.	Winter
	Pfeifer	Wolfenden, Pa.
Hancock	Ploeser	Wolverton, N. J.
Hand	Powell	Wood
Harness, Ind.	Price, Ill.	Woodhouse
Hart	Priest	Worley
Hartley	Rabaut	
Havenner	Rabin	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. LUTHER A. JOHNSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill H. R. 6407, and finding itself without a quorum, he had directed the roll to be called, when 258 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The SPEAKER. The Committee will resume its sitting.

The CHAIRMAN. If there are no other requests for time, the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the following works of improvement of rivers, harbors, and other waterways are hereby adopted and authorized to be prosecuted under the direction of the Secretary of War and supervision of the Chief of Engineers, in accordance with the plans and subject to the conditions recommended by the Chief of Engineers in the respective reports hereinafter designated: *Provided,* That penstocks or other similar facilities adapted to possible future use in the development of hydroelectric power shall be installed in any dam herein authorized when approved by the Secretary of War upon the recommendation of the Chief of Engineers and of the Federal Power Commission, and such recommendations shall be based upon consideration of the proper utilization and conservation in the public interest of the resources of the region:

Portland Harbor, Maine; House Document No. 519, Seventy-ninth Congress;

Fall River Harbor, Mass.; in accordance with the report of the Chief of Engineers dated April 15, 1946;

Wickford Harbor, R. I.; Senate Document No. 141, Seventy-ninth Congress;

New Haven Harbor, Conn.; House Document No. 517, Seventy-ninth Congress;

Bridgeport Harbor, Conn.; in accordance with the report of the Chief of Engineers dated April 26, 1946;

Stamford Harbor, Conn.; in accordance with the report of the Chief of Engineers dated May 3, 1946;

Barnegat Inlet, N. J.: House Document No. 358, Seventy-ninth Congress;

Absecon Inlet, N. J.; House Document No. 504, Seventy-ninth Congress;

Delaware River, vicinity of Biles Creek, Pa.; in accordance with the report of the Chief of Engineers dated April 8, 1946:

Schuylkill River, Pa.; House Document No. 529, Seventy-ninth Congress; and in accordance with the report of the Chief of Engineers dated May 7, 1946;

New Jersey Intracoastal Waterway; pending fulfillment of the conditions of local cooperation for this project as authorized by the River and Harbor Act of March 2, 1945, appropriations heretofore or hereafter made for maintenance and improvement of rivers and harbors may be used for a period of not to exceed 5 years for maintenance of the canal from Cape May Harbor to Delaware Bay constructed as an emergency wartime project with Navy Department funds, including the cost of maintaining the temporary railroad and seashore highway bridges over said canal;

Middle River and Dark Head Creek, Md.; maintenance work in accordance with the report on file in the Office, Chief of Engineers;

Mattaponi River, Va.; House Document No. 766, Seventy-eighth Congress;

Newport News Creek, Va.; House Document No. 559, Seventy-ninth Congress;

Norfolk Harbor, Va.; House Document No. 563, Seventy-ninth Congress;

Savannah Harbor, Ga.; in accordance with the report of the Chief of Engineers dated April 1, 1946;

St. Johns River, Fla., Jacksonville to Lake Harney; in accordance with the report of the Chief of Engineers dated April 10, 1946;

Hollywood Harbor (Port Everglades), Fla.; House Document No. 768, Seventy-eighth Congress;

Withlacoochee River, Fla.; House Document No. 293, Seventy-ninth Congress;

Apalachicola, Chattahoochee and Flint Rivers, Georgia and Florida; in accordance with the report of the Board of Engineers for Rivers and Harbors dated April 29, 1946, on file in the Office, Chief of Engineers;

Tombigbee and Tennessee Rivers, Alabama and Mississippi; House Document No. 486, Seventy-ninth Congress;

Mississippi River, Baton Rouge to the Gulf of Mexico, barge channel through Devils Swamp, La.; in accordance with the report of the Chief of Engineers dated May 7, 1946;

Plaquemine-Morgan City route, Intracoastal Waterway, La.; in accordance with the report of the Chief of Engineers dated April 25, 1946;

Franklin Canal, La.; in accordance with the report of the Chief of Engineers dated April 8, 1946;

Mermentau River and tributaries, and Gulf Intracoastal Waterway and connecting waters, Louisiana; in accordance with the report of the Chief of Engineers dated April 16, 1946;

Lake Charles Deep Water Channel and Calcasieu River and Pass, La.; in accordance with the report of the Chief of Engineers dated March 18, 1946;

Red River below Fulton, Ark.; in accordance with the report of the Chief of Engineers dated April 19, 1946: *Provided*, That the improvement herein authorized between Shreveport and the mouth shall, when completed, be named the Overton-Red River Waterway in honor of Senator JOHN H. OVERTON, of Louisiana;

Arkansas River and tributaries, Arkansas and Oklahoma: The multiple-purpose plan recommended in the report of the Chief of Engineers dated September 20, 1945, and letter of the Chief of Engineers dated March 19, 1946, is approved, and for initiation and partial accomplishment of said plan there is hereby authorized to be appropriated the sum of $55,000,000;

Sabine River, Adams Bayou, Tex.; in accordance with the report of the Chief of Engineers dated April 11, 1946;

Sabine-Neches Waterway, Tex.; House Document No. 571, Seventy-ninth Congress;

Trinity River, Tex., below Liberty; in accordance with the report of the Chief of Engineers dated April 18, 1946;

Mill Creek, tributary of Brazos River, Tex.; in accordance with the report of the Board of Engineers for Rivers and Harbors dated February 18, 1946, on file in the Office, Chief of Engineers;

Gulf Intracoastal Waterway in vicinity of Aransas Pass, Tex.; in accordance with the report of the Chief of Engineers dated April 29, 1946;

Brazos Island Harbor and Gulf Intracoastal Waterway at Port Isabel, Tex.; in accordance with the report of the Chief of Engineers dated April 19, 1946;

Mississippi River Seepage, Iowa, Minn., and Wis.: House Document No. 515, Seventy-ninth Congress;

Mississippi River at Lansing, Iowa; in accordance with the report of the Chief of Engineers dated April 24, 1946;

Mississippi River at Wabasha, Minn.; House Document No. 514, Seventy-ninth Congress;

Mississippi River at Lake Pepin, Minn.; House Document No. 511, Seventy-ninth Congress;

Mississippi River at Hastings, Minn.; in accordance with the report of the Chief of Engineers dated April 8, 1946;

Big Sioux River, S. Dak.; House Document No. 561, Seventy-ninth Congress;

Cumberland River and tributaries, Tennessee and Kentucky; in accordance with the report of the Board of Engineers for Rivers and Harbors dated February 18, 1946, on file in the Office, Chief of Engineers;

Big Sandy River, Tug and Levisa Forks, Va., W. Va., and Ky.; in accordance with the report of the Chief of Engineers dated April 24, 1946;

Illinois River at Peoria, Ill.; in accordance with the report of the Board of Engineers for Rivers and Harbors dated April 29, 1946, on file in the Office, Chief of Engineers;

Illinois waterway and Grand Calumet River, Ind. and Ill.; in accordance with the report of the Chief of Engineers dated April 15, 1946;

Chicago River, North Branch of, Ill.; House Document No. 767, Seventy-eighth Congress;

Great Lakes connecting channels, Michigan; in accordance with the report of the Chief of Engineers dated February 20, 1946;

Cleveland Harbor, Ohio; in accordance with the report of the Chief of Engineers dated January 10, 1946;

Fairport Harbor, Ohio; in accordance with the report of the Board of Engineers for Rivers and Harbors dated February 18, 1946, on file in the Office, Chief of Engineers;

San Diego River and Mission Bay, San Diego County, Calif.; in accordance with the report of the Chief of Engineers dated May 8, 1946;

Napa River, Calif.; House Document No. 397, Seventy-ninth Congress;

Sacramento River, Calif.; Senate Document No. 142, Seventy-ninth Congress;

Coos Bay, Oreg.; in accordance with the report of the Chief of Engineers dated April 22, 1946;

Columbia River at Astoria, Oreg.; in accordance with the report of the Chief of Engineers dated April 24, 1946;

Columbia River between Vancouver, Wash., and The Dalles, Oreg.; in accordance with the report of the Board of Engineers for Rivers and Harbors dated April 29, 1946, on file in the Office, Chief of Engineers;

Columbia River at The Dalles, Oreg.; Senate Document No. 89, Seventy-ninth Congress;

Columbia River at Foster Creek, Wash.; in accordance with the report of the Chief of Engineers dated April 9, 1946;

Honolulu Harbor, T. H.; in accordance with the report of the Board of Engineers for Rivers and Harbors dated April 30, 1946, on file in the Office, Chief of Engineers.

Mr. PETERSON of Georgia (interrupting reading of the bill). Mr. Chairman, I ask unanimous consent that further reading of the bill be dispensed with, that the bill be printed in the RECORD at this point and that it be open for amendment to any portion of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

Mr. RANKIN. Mr. Chairman, reserving the right to object, that means we will take up the bill for amendment by sections?

Mr. PETERSON of Georgia. Yes.

Mr. TABER. Mr. Chairman, I object.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the first section of the bill.

Mr. MANSFIELD of Texas. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. MANSFIELD of Texas: Page 2, line 9, after "Massachusetts;" strike out "in accordance with the report of the Chief of Engineers dated April 15, 1946;" and insert "House Document No. 628, Seventy-ninth Congress."

The committee amendment was agreed to.

Mr. MANSFIELD of Texas. Mr. Chairman, I offer a further committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. MANSFIELD of Texas: Page 4, line 21, after "Louisiana;" strike out "in accordance with the report of the Chief of Engineers dated April 8, 1946;" and insert "Senate Document No. 189, Seventy-ninth Congress."

The committee amendment was agreed to.

Mr. MANSFIELD of Texas. Mr. Chairman, I offer a further committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. MANSFIELD of Texas: Page 5, line 4, after "Louisiana;" strike out "in accordance with the report of the Chief of Engineers dated March 18, 1946;" and insert "Senate Document No. 190, Seventy-ninth Congress."

The committee amendment was agreed to.

Mr. MANSFIELD of Texas. Mr. Chairman, I offer a further committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. MANSFIELD of Texas: Page 5, line 19, after "Texas;", strike out "in accordance with the report of the Chief of Engineers dated April 11, 1946;" and insert "House Document No. 626, Seventy-ninth Congress."

The committee amendment was agreed to.

Mr. MANSFIELD of Texas. Mr. Chairman, I offer a further committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. MANSFIELD of Texas: Page 6, line 9, after "Texas;" strike out "in accordance with the report of the Chief of Engineers dated April 19, 1946;" and insert "House Document No. 627, Seventy-ninth Congress."

The committee amendment was agreed to.

Mr. MANSFIELD of Texas. Mr. Chairman, I offer a further committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. MANSFIELD of Texas: Page 6, line 14, after "Iowa;", strike out "in accordance with the report of the Chief of Engineers dated April 24, 1946;", and insert "Senate Document No. 192, Seventy-ninth Congress."

The committee amendment was agreed to.

Mr. MANSFIELD of Texas. Mr. Chairman, I offer a further committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. MANSFIELD of Texas: Page 6, line 20, after "Minnesota;", strike out "in accordance with the report of the Chief of Engineers dated April 8, 1946;" and insert "House Document No. 599, Seventy-ninth Congress."

The committee amendment was agreed to.

Mr. MANSFIELD of Texas. Mr. Chairman, I offer a further committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. MANSFIELD of Texas: Page 7, line 19, after "Ohio;", strike out "in accordance with the report of the Chief of Engineers dated January 10, 1946;" and insert "House Document No. 629, Seventy-ninth Congress."

The committee amendment was agreed to.

Mr. MANSFIELD of Texas. Mr. Chairman, we have no further committee amendments to section 1. I may say that the reason for offering these amendments is that at the time the bill was drafted the documents had not been prepared and printed at the Government Printing Office, and they came in later. Following our usual course, we have made these corrections.

Mr. DONDERO. Mr. Chairman, I have an amendment at the Clerk's desk which I intend to offer, but because of some confusion that has been created by the decision to cut short the 4 hours of general debate, one or two Members have been denied their right to speak briefly on the bill. I trust there will be no objection if those Members exercise that right now, before I offer my amendment.

ST. LAWRENCE SEAWAY PROJECT

Mr. PITTENGER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I was going to take time to address the Committee while we were on general debate, but was asked not to do so because I would be given an opportunity at this time. I thank the chairman of the committee, the gentleman from Texas [Mr. MANSFIELD], and the distinguished gentleman from Michigan [Mr. DONDERO] for their courtesy in recognizing that right and privilege because so many Members have asked me here this afternoon whether the St. Lawrence seaway and power project was included in this bill. It was with profound regret that I had to tell them it was not included in this bill. Then they asked me a much more important question, for the clarity of the CONGRESSIONAL RECORD and of the public and the people of the United States. That question was, "Why was the St. Lawrence project not included here, and why do you not put it in this bill?" The answer is that for 17 months this legislation has been pending in Congress. When I have discussed this matter with people who are supposed to control things, at least so far as procedure is concerned, they have said that the objection to the St. Lawrence seaway and power project would be that this ought to come in the shape of a treaty. They have said that the matter logically ought to be decided in another body, and that until the other body acted and until it correctly decided that this project should be in the shape of a joint resolution of the House and Senate, or in the shape of a bill, the measure would not be taken up on the floor of the House of Representatives. We are hoping that it will soon be decided at the proper place—because the time is long since overdue—that this is an agreement, and that this project should be considered in the form of a bill. As soon as that question is settled, I assure my colleagues that I will press for consideration of the St. Lawrence seaway and power project. Most of you folks have read my remarks which were on your desks yesterday. If I had permission under the rules, I would extend them at this point, because everything I said about the St. Lawrence seaway and power project in that little letter which I wrote to you is true. This project should be in this bill. I am hopeful that those who are opposed to it and who are using the excuse that it is something that ought to be in a treaty will get rid of their objections and dispose of them in a proper way without further delay, 17 months having gone by. When that is done, those Members who believe in this sort of legislation which will add to the wealth of the country will have an opportunity to add the St. Lawrence seaway and power project to the projects contained in this splendid bill which has been engineered by that pioneer of river and harbor development from the State of Texas, Judge MANSFIELD.

Mr. TABER. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, this bill comes before us authorizing $601,725,070. It says "less included authority, $2,280,000." There are enormous projects involved. There is the Apalachicola project and Flint River, Ga. and Fla., $73,361,000. There is the Tombigbee River project, $116,941,000. There is the Red River and tributaries, $42,000,000.

The Arkansas River, $55,000,000; the Cumberland River, tributaries, Kentucky and Tennessee, $20,000,000; the Big Sandy River, $82,300,000; the Columbia River, $71,000,000.

Now, it seems to me with the enormous quantities of projects we have already authorized that we should go a little bit slow in these enormous authorizations. The Treasury is in such shape that it is necessary to have enormous taxes. Taxes are not going to be met except by a severe drain upon our public. I believe we ought to move a little slower and that we ought not to go so fast with these enormous authorizations. There may be some emergency projects of small amount that would justify coming in here at this time, but how we can justify $600,000,000 right now, I cannot follow.

The CHAIRMAN. The time of the gentleman from New York [Mr. TABER] has expired.

Mr. DONDERO. Mr. Chairman, one of the Members who had been promised 15 minutes depended upon the 4 hours' general debate and was absent from the Chamber when we concluded to begin reading the bill. I trust there will be no objection to using the 15 minutes at this time. I refer to the gentleman from Pennsylvania [Mr. GROSS].

Mr. MANSFIELD of Texas. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania may have 15 minutes at this time.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GROSS. Mr. Chairman, there is trouble on the labor front. Some call it a revolution. At any rate, we cannot be influential throughout the world until we set our own house in order. The crying need of the moment is leadership. The administration cannot dodge the issue any longer. The headlines in the newspapers are shocking. One could weep as he reads them. In this revolution labor leaders or racketeers are becoming more defiant daily. All through it one can see the red hand of communism. Pope Pius is warning the world against it. Listen to a few of the headlines:

Pope assails the Reds.
CIO is charged with being in Red plot.
AFL promises to break maritime strike.
Eight hundred bakers strike in Kansas City.
Hudson tube strikers picketing Pennsylvania Railroad.
Striking miners in holiday mood.
Coal talks at standstill while mines remain idle.
Seventy-five strikers rout crew from their ship.
One thousand and seven hundred strike notices on file in Labor Department.
Ford motor plants to remain idle.
Petrillo may bar music network and cripple radio industry.
Palestine group pleads with Petrillo.

This is the James Caesar Petrillo whose wings we thought we clipped a few months ago. This is the Caesar whose take was $26,000,000 in 6 years. This is the Caesar who refused to let an Army and Navy band play at a soldiers' memorial service. The same gangster who refused to let the Wacs sing for the benefit of crippled children, and is now defying the Supreme Court. The same Caesar who would not let a minister's wife play the organ at the DAR convention in Chicago.

How long will it take the Government to realize that monopoly in labor is more disastrous than monopoly in industry?

The only Nation-wide union we should tolerate is the union of the 48 States in the interest of all the people; and this is essential. Ordinary jobs in my district are now being sold as high as $150 each. In Chicago, I am told, window washers pay $700 for their jobs. This tells where the huge funds come from with which these racketeers now threaten the Government. No one ever denied a man the right to work except these racketeers. The threatened maritime strike scheduled for June 15 promises to be one of our major problems.

The Communist Internationale meets in Moscow on June 16. Comrade Browder is over there now. Harry Bridges, the man who was convicted of all sorts of crimes during a period of 21 years, at the same time being ordered by the courts to be deported, was finally given his citizenship, in order that his political influence might be used, will also be there; or at any rate will recommend to the Internationale that they support the maritime strike.

When the FBI admits that there are now 1,700 Russian agents operating in this country, why does not the administration give the FBI the "go" sign in order that they might be rounded up?

Certainly we have sown the wind and we are reaping the whirlwind.

Listen to this editorial from the Philadelphia Inquirer of June 2, entitled "We Are Reaping the Whirlwind":

Look well at the photograph here reproduced and think about its meaning.

It is a startling, symbolic commentary on the break-down of constitutional government in this strike-ridden Nation after 13 years of the New Deal and the election of the late Franklin Delano Roosevelt to four terms as President.

This picture shows A. F. Whitney, head of the Trainmen's Brotherhood, left, and Alvanley Johnston, leader of the Engineers' Brotherhood, leaving the office of Secretary of State James F. Byrnes shortly before the collapse, on May 25, of the shocking railroad strike which for 2 days had paralyzed American industry and commerce and rendered democratic processes null and void.

Why had these two rail union moguls been conferring with, of all people, the Secretary of State?

Why hadn't their discussions at this critical hour been carried on with Secretary of Labor Schwellenbach rather than with the titular director of our foreign policy?

The answer should be obvious: There wasn't anybody else. Their visit to Byrnes was typical of the utter confusion in government which had come about with the advent of the New Deal. Orderly procedures had broken down long ago.

This is the same Jimmy Byrnes, of course, who, as Associate Justice of the Supreme Court, had the dubious distinction 4 years ago of delivering a majority opinion holding a New York City Teamsters Union exempt from prosecution under the Federal anti-racketeering law.

And at the peak of the rail crisis there was nobody in the executive department but the politically astute Byrnes who was competent enough or commanded sufficient respect to step into the breach with even a faint prospect of restoring peace.

Why? Because the executive department, no less than the legislative and judicial branches of the Government, had for years been completely dominated and dictated to by one man, Mr. Roosevelt.

Let us review briefly the grim record of the downfall of our hard-won, tripartite Government which has produced strike conditions close to anarchy.

From almost the moment the New Deal came into power in 1933 President Roosevelt began bombarding Congress with demands for "must" legislation—and never mind its constitutionality.

Orders for grants of power, for multi-billion-dollar appropriations and for discriminatory laws came thick and fast from the White House.

It isn't surprising that within a short time Congress forgot how to act on its own initiative, forgot that the Constitution gave it co-equal power with the Executive and, as a matter of course, came to look to the White House for "You must do this" or "You must not do that."

Thus were passed, with the blessing of the New Deal President, the dictatorial NRA and AAA, the Guffey coal-control bill, the notoriously lopsided and unfair Wagner Labor Act; and the way was cleared—while the White House kept up a running fire on business leaders as "Princes of Privilege" and "Lord Macaulays"—for the emergency of such labor potentates as John L. Lewis, Joe Curran, Petrillo, Whitney, Johnston, and other unionized challengers of Government authority.

In much the same way that he sapped the spirit and independence of the Congress, President Roosevelt undermined and weakened the Federal courts.

His proposal in early 1937 to pack the Supreme Court with, in effect, jurists sympathetic with New Deal aims, shocked the Nation. The project was stormily rejected by Congress, but, through deaths and resignations, Mr. Roosevelt eventually was able to name eight new Supreme Court Justices—including Byrnes, who later resigned—thus virtually remaking the Court to fit his own ideas.

There followed, one after the other, high court rulings upholding the New Deal's preferences and prejudices.

Union pressure groups quickly learned that they were viewed by the Supreme Court majority as outside the laws regulating business and industry. They became so strong that their insistent demands harmed, rather than helped, the broader interests of the great army of loyal, industrious union members who treasure the right to work as well as the right to strike.

From them, naturally, rose arrogant leaders who not only thought themselves greater than the Government but were actually able to seize the Nation by the throat while the Government stood helplessly by.

So, with the executive, legislative, and judicial functioning of its Government crippled by New Deal bungling, the United States has rocketed from one strike crisis to another, while industrial production lagged and inflation perils soared, and while the world stood aghast at the sight of this once powerful Nation floundering in the economic doldrums.

Many centuries ago it was written—Hosea 8:7—"For they have sown the wind, and they shall reap the whirlwind."

Today the harassed people of the United States are reaping the catastrophic whirlwind which the New Dealers sowed.

Is it any wonder that it's hard to gaze at that symbolic picture of Whitney and Johnston without feeling bitter?

No, it isn't! And it's no wonder that millions of thoughtful Americans now look eagerly forward to the day when, as voters at the polls, they will have the good old American privilege of kicking the New Dealers, their heirs, their apologists and their Communist appendages from places of power in this great Republic.

Mr. Chairman, I yield back the balance of my time.

Mr. DONDERO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DONDERO: Page 7, strike out all of lines 4, 5, and 6.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes in support of his amendment.

Mr. DONDERO. Mr. Chairman, I will not take the full 5 minutes because I have already made a statement on this project.

The question was asked earlier in the debate on the bill: Who is in favor of the Big Sandy River project? I made a statement in opposition to show that nearly every operator in the Big Sandy area except one was opposed to this project. The labor unions are opposed to it. The United Mine Workers are opposed to it. The American Federation of Labor is opposed to it; and, in addition to that, let me say that old engineers of 40 years' experience, in testifying before our committee, believe that the Army engineers, in making their report, were too conservative in fixing the amount of the cost; that instead of the cost being $82,000,000 with carrying charges of $4,000,000, making it $86,000,000 or $87,000,000, that it would be nearer $122,000,000. I call attention to the statement of Mr. Bain at page 386 of the hearings. He said that he had been an active Army engineer for 39 years. He stated that the reports submitted by the Board of Engineers very much underestimate the cost of this project. He said that whereas the Army engineers figured it at $87,000,000 he got $122,000,000. Certainly the judgment of an Army engineer of 39 years' experience is entitled to some weight.

In addition to that, I find in the hearings a statement made by a board of three engineers to the effect that they had examined this project in all of its details and they feel that the matter is entirely unjustified.

The gentleman from Kentucky [Mr. MAY] said that the operators were in favor of this project. I desire to quote to the House the statement of Tom Raney, who is a member of the international executive board of the United Mine Workers of America. Here is what he had to say about these operators, and I quote from page 250 of the hearings on this project:

These operators who mine coal up and down the Big Sandy are not here—

Meaning before the Committee on Rivers and Harbors—

and they have not been here, to my knowledge, at any time before any of the boards of Army engineers in support of this project because, as I say, they realize that they would derive very little material value so far as this project of canalizing the river is concerned.

That is the statement of the United Mine Workers of America regarding the cost of this project and who it would benefit and who it would not benefit.

Mr. Chairman, we are dealing with just one commodity, and that commodity is coal. No one can take the floor of this House and say there is not adequate transportation for the movement of coal out of the area of the Big Sandy River.

ADEQUATE RAIL FACILITIES ARE AVAILABLE

The whole question and controversy is one of freight rate. That has been admitted by certain people who are interested in this project. The railroads are there and in order to get a lower freight rate in some sections this project has been advanced to force a lower rate through water transportation. But in order to accomplish this we have a project suggested here which in my judgment cannot be justified economically.

I want to repeat once more in my short time that, in my opinion, it is a mistake to take credit for the transportation of coal on rivers already in existence. You can save 51 cents a ton on the movement of coal on rivers already in existence without spending a dime on the Big Sandy River. There is no logic in taking 51 cents as a credit on every ton of coal moving on existing waterways in order to justify this project. Unless you do that this project is not economically justified. It would cost the taxpayers millions of dollars every year due to the fact the cost would be more than the savings to the people. I hope therefore that the committee will adopt my amendment to strike out the Big Sandy River project.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. MAY. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Michigan [Mr. DONDERO] and ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. MAY. Mr. Chairman, I would like to make a preliminary explanation of my very great interest in this project. To begin with, as you know, I have been a Member of this House for 16 years, and notwithstanding the high position I hold so far as the War Department is concerned, I have never asked for nor received the approval of a single military project in my entire district until this one. This is the first and only one that the War Department has recommended, outside of one flood-control dam now under construction.

Mr. Chairman, this project was authorized by a resolution of the House of Representatives, reported by the Rivers and Harbors Committee in 1940. Furthermore, I am appearing here on behalf of legitimate competition, on behalf of a great people who have been denied this opportunity for a half century. This project has been vilified and the claim has been made that there is no water in the stream. This is refuted by the fact that I know personally and can testify under oath if it were required that this great river at one time afforded water ample for the transportation of boats and barges in large number. I do not suppose that God Almighty has changed the terrain of that country since they used to ply that river and I am assuming that the engineers are correct when they tell you that the same drainage area is there yet and that the same drainage area will supply all of the water necessary to this waterway when it is made navigable.

There are, however, some pertinent things that I would like to call your attention to. This river begins back in the States of Virginia and West Virginia and runs north to Catlettsburg, Ky., and Kenova, W. Va., where it enters the Ohio River. This [pointing to map] is the Tug Fork of Big Sandy. This is the Levisa. Back in the old days before the railroads obstructed the stream and took away the traffic from the boats this river was navigable to this point here [illustrating on the map], 8 miles above the city of Pikeville, or a distance of 135 miles from Catlettsburg, Ky. Back yonder, some 40 years ago, this area of 2,000 square miles, where there is estimated by the Department of the Interior—the Geological Survey—to be 25,000,000,000 tons of minable and merchantable coal, has no railroad facilities at all. It is bottled up—surrounded up here by railroads on the opposite sides of the river from this area. The Baltimore & Ohio Railroad Co. at one time served the area up this side of the river and through this territory to this point up in here. They built two branch lines—one on Shelby Creek, 30 miles long, and one on Beaver Creek, 25 miles long. When they were ready to build their main line the Chesapeake & Ohio Railway Co. bought them out and stopped the construction of any railroad facilities at all for this great area. Unless these rivers are improved, this area, with 20,000,000,000 tons of the finest coal in the world, will never be developed, and they will never be able to mine the coal. There are 10 miles along each fork now where the railroad runs that is not mined, except in a few instances. Most of the mines that the railroads operate are 30 miles away from the river on both forks.

The result of it all is that I take the flat-footed stand if it is common sense and good business for a railroad company to build a branch line to provide feeder routes to its main line that the same thing ought to apply and is true particularly with reference to the inland waterways of the United States. Here is your great Ohio River-Mississippi River water system running from Pittsburgh to Cairo and from there to New Orleans. It is the only river project between Pittsburgh and New Orleans south of the Ohio River that has not been made navigable, and it is the only place where it has been proven that there are more supplies than can be hauled out of it even by both the river and the railroads.

Now we have this situation. We have 20,000,000,000 tons of coal, and the engineers, in order to be safe, never considered a single item of transportation of commerce except coal. They never considered a single incoming product of any kind, and they justify the project on one-way shipment of products on one-way traffic, when there are millions and millions of board feet of lumber standing on those great mountains in that great area; in other words, in my congressional district there is only 15 percent of the land in the entire area that is cleared and in cultivation. Eighty-five percent of it is in standing timber. Eighty-five percent of it was in standing timber, and that was never mentioned or considered by these engineers in making this estimate. Farm products and livestock were in the old days usual articles of commerce on this river.

They have criticized this project by saying it was going to compete with the railroads. There is more coal there than the railroads will haul in a hundred years without ever going toward the river, and the mining operations of which I have told you are back on the creeks, 30 miles away from the river. All along the river are sites to which they could bring this coal from this inland area here out to the river, and transport it down the Ohio River to the Mississippi River, and up and down the Mississippi River from the Twin Cities to New Orleans.

Mr. PITTENGER. Mr. Chairman, will the gentleman yield?

Mr. MAY. I yield to the gentleman from Minnesota.

Mr. PITTENGER. There was testimony before the committee that this project would be of direct benefit to all of the Midwestern States that border on the upper Mississippi.

Mr. MAY. That is true, and it was not denied or refuted.

The only opposition to this project is the opposition that has been promoted by the railroads. I challenge the opponents of this amendment to name a single water project anywhere in the whole waterway system that has not been opposed by the railroads when it affected them in the slightest.

The Big Sandy project has widespread support, notably the Big Sandy Valley itself, and not only there but throughout the Mississippi Valley as well. It has been carefully studied and approved by the United States Board of Engineers, who estimate its economic ratio to be 1 to 1.6. This is the third highest rating of any river-improvement project contained in this bill.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. CHELF. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to proceed for five additional minutes. This means a great deal to him, and I would appreciate the Members giving him this consideration.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. MAY. I thank my colleague.

All the great river-improvement associations approve and are supporting the project, the National Rivers and Harbors Congress, the Mississippi Valley Association, the Ohio Valley Improvement Association, the Upper Mississippi Waterway Association, the Red River Valley Association, and the Upper Missouri Valley Association.

Chambers of commerce and civic bodies extending from New Orleans to the Twin Cities and up the Missouri to Omaha, Nebr., in addition to those of the Big Sandy Valley, have sent resolutions and telegrams of approval and support to the United States Board of Engineers and to the Rivers and Harbors Committee of Congress and to their Representatives and Senators.

Its widespread benefits extend not only to the communities of the Big Sandy Valley but in greater degree to the communities of the midcontinent area, where coals of the byproduct and coking type are not now available at a transportation cost essential to the support of diversified metallurgical industry.

The savings to these communities vary between $1 per ton at Cincinnati and $2.33 a ton at Minneapolis in the North, and $2 at Shreveport, La., on the Red River in the South.

In the Big Sandy Valley, itself, it will not only enable the mines to operate during periods of depression but it will create great industrial growth in the Valley based on such raw materials in addition to coal as petroleum, natural gas, salt brines, iron ore, limestone, and ceramic clays, of which there is a great abundance, as well as timber, that I mentioned a while ago, by the billions of board feet.

Its coal reserves are almost unlimited; they are in fact unlimited. The United States Geological Survey report, made after 5 years of surveying, core drilling, and testing, states on the very first page that there are 8,000,000,000 tons of minable coal that may be mined by drift mines, which means without going into any shaft mines, in Pike County alone. Then there are the great counties of Floyd, Johnson, and Martin, below that on the river, that are not included. That includes this great area between the two forks. There are over twenty-five or thirty billion tons of coal to be mined.

Mr. PITTENGER. Mr. Chairman, will the gentleman yield?

Mr. MAY. I yield.

Mr. PITTENGER. I got the impression after listening to the testimony as a member of the committee that some folks who had coal in some other locality might be jealous of the coal in this locality, and that that might have something to do with the opposition. Does the gentleman care to comment on that?

Mr. MAY. That does have something to do with the opposition.

Mr. SHERIDAN. Mr. Chairman, will the gentleman yield?

Mr. MAY. I yield.

Mr. SHERIDAN. Is it not true that this project has been rejected 25 or 30 times by the Army Engineers?

Mr. MAY. No, it has not been rejected. It was not recommended to be constructed until this time. What happened was that these surveys that were made way back yonder in years gone by were made before the upper Mississippi River and those areas of the midcontinent area of the inland waterways system were improved. The result is that the opening of these waterways in the midcontinent area has created a market for this coal that did not theretofore exist. Furthermore, the Congress authorized the expenditure of $400,000 by the engineers to determine the feasibility of this. After that survey and study by the Corps of Engineers and by the area engineer, it was approved all the way up from start to finish. I would love to go through this other material which I have here but I do not have the time. I want to give you the benefit at this time of some personal information that ought to be interesting to you. This matter was heard three times by the Corps of Engineers in the field at which attendance of the railroads was had and the opposition of the railroads was heard. Down here in Washington last year when a hearing was had they complained they had not had a fair chance, and Clifton A. Woodrum, of Virginia, my good friend and able member of that great delegation, was there representing the railroads. He agreed with me and they agreed with me that if I would consent that the Board of Engineers might go back to Williamson, W. Va., and hold another hearing they would never appear in opposition to this project if it was approved by the Board. Notwithstanding that agreement and the Board's approval, they are here now.

The CHAIRMAN. The time of the gentleman from Kentucky has again expired.

Mr. COLE of Missouri. Mr. Chairman, I ask unanimous consent that the gentleman from Kentucky may proceed for another 5 minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. MANSFIELD of Texas. Mr. Chairman, will the gentleman yield?

Mr. MAY. I yield.

Mr. MANSFIELD of Texas. I understand that there have been 14 surveys ordered on this river.

Mr. MAY. Yes.

Mr. MANSFIELD of Texas. And they have not all been unfavorable, but that was during a period of 72 years, which is not unusual. We have many similar cases.

Mr. MAY. That is a very correct statement of the situation. As I have already stated, most of those surveys were made even before the railroad came up there and before there was any development of any mine in that field. That is another reason why this survey now approved and supported by the engineers ought to be approved and this project authorized. I would like to make a further statement to my colleagues, not one of whom personally I know does not feel kindly toward me.

Mr. MANSFIELD of Texas. Mr. Chairman, will the gentleman yield?

Mr. MAY. I yield.

Mr. MANSFIELD of Texas. In regard to the protests of the labor unions, I notice that 19 of them come from Hazard, Ky., alone.

Mr. MAY. That is on another river, across the mountains on the L. & N. Railroad.

Mr. MANSFIELD of Texas. The population of Hazard is 7,397, and they have only gained 376 in the last 10-year period.

Mr. MAY. That is right.

Mr. MANSFIELD of Texas. How many labor unions do they have in that little town?

Mr. MAY. They have but one. It is a railroad labor union that did not protest against this enterprise. There is no miner's union in it. There are 114 unions in my district. I visit with them. I know them. Two of their leaders appeared here and testified for this project. One of them was a Baptist preacher. The only man who testified against it was a fellow who has said that he had been fighting me in politics for the last 5 years. He was an international board member, representing John L. Lewis. He is the man that testified for the miners. He brought a nephew by marriage of mine, who was a coal miner. What did he prove by him? He proved by him that what he had said to the committee about having an opportunity to know what the miners thought about the thing was correct. In other words, he brought along a witness to corroborate him, to prove that his testimony was correct. The other witnesses we had did not bring witnesses to support them.

Now, what I say to you in this: This is simply a fight between two railroads against the masses of the people of the Great Sandy Valley. I do not believe this House of Representatives wants to take a stand against the masses of the people, 54,000 of whom have signed petitions and sent letters in support of this project because it is meritorious. It is self-liquidating. It will pay its own way out. If I did not honestly believe it, I would not be sponsoring it.

I hope you will defeat the amendment.

Mr. VORYS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. MAY. I yield.

Mr. VORYS of Ohio. The gentleman said 54,000 people against two railroads. It is going to be 140,000,000 people that these 54,000 are asking to pay for it, is it not?

Mr. MAY. I will say to the gentleman from Ohio that he has proposed that my people up there take over the Big Sandy River and improve it. That is the first time I ever heard it proposed that any local community be required to put navigation facilities in a navigable river in the inland waterways system of America. If they can do it over in Ohio, where this coal passes through their town, 250 miles away, it is all right with me. But my people are poor and are not able to build waterways for themselves.

Mr. CHELF. Mr. Chairman, will the gentleman yield?

Mr. MAY. I yield.

Mr. CHELF. As I understand, this thing is self-liquidating and in time will not cost the Government anything?

Mr. MAY. That is what the engineers testified, and I take their judgment in preference to my own judgment, although I have known this country and this project for years and years.

Mr. SHERIDAN. Mr. Chairman, will the gentleman yield?

Mr. MAY. I yield.

Mr. SHERIDAN. It will cost the Government $600,000 maintenance?

Mr. MAY. Six hundred thousand dollars is included in the cost. Those pumps that they talk about costing $6,250 a year to operate are in the dams to hike the water over the dikes. There is no such thing as a powerhouse at all for that purpose. They are installed in the dams where they are constructed, just as they are in the Kanawha River in the dams.

Now, let me say this. Take the south side of the Ohio River. This is the one and only project within an area of a

thousand miles that has not been improved. I hope the committee will defeat the amendment proposed by the distinguished gentleman from Michigan.

The CHAIRMAN. The time of the gentleman from Kentucky has again expired.

Mr. ROBERTSON of Virginia. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the amendment offered by the distinguished gentleman from Michigan [Mr. DONDERO]. As he called to your attention, the Army engineers for 24 years have been considering what is involved in this Big Sandy project, and only this year did they recommend it.

In 1933 the Army engineers said:

> The physical characteristics of the river and its forks are unfavorable to the development of a modern waterway, and it is not believed that the improvement as proposed would attract sufficient traffic to justify its very high cost.

Look at this stream, if you please. Not a river on whose broad bosom the commerce of the Nation would move, but a streak of forked lightning which makes a complete turn on the Levisa every 3.1 miles and on the Tug every 2.8 miles. You meet yourself coming around in those mountains every 2 or 3 miles. Some of these 800- or 900-foot barges could not make the turns, so the pilots say.

The estimate of this $30,000,000 cost was made on the basis of costs of 1940 and you know what present costs are. It will be over $100,000,000. The operating deficit will be not less than $2,000,000 a year.

The coal that is produced there moves to market now by two splendid railroads, the Norfolk & Western and the C. & O. Everybody in Virginia, the coal companies and the citizens of Virginia are opposed to this; the citizens of West Virginia are opposed to it; and a majority of the coal producers in the Big Sandy Valley itself are opposed to it. The leader of the mine unions preceded me at the hearings. He said he spoke for a majority of the coal miners and that the coal miners themselves were opposed to it. And yet we hear two railroads condemned because they have the temerity to say, "We are operating on private capital, not public funds. We would hate to pay additional taxes to create a money-losing bargeway for the purpose of taking money away from us."

I tell you, Mr. Chairman, this project cannot from any standpoint be justified. It cannot move the coal that they claim it will move, which would be over 8,000,000 tons a year. Its cost would be excessive. The tortuous movement of those barges would be so slow if they could make those complete circles at all that the movement would be impractical. You have got to install a $2,000,000 pumping station and pump water from the Ohio River to get water enough up there under any circumstances to move it.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. ROBERTSON of Virginia. I will have to yield, of course. I hate to oppose anything my distinguished friend wants.

Mr. MAY. If this river is nonnavigable and not susceptible of being made navigable, and if it will not carry any coal to amount to anything, as the gentleman states, how is it going to hurt the railroads the gentleman speaks of?

Mr. ROBERTSON of Virginia. It can be made navigable in a way. You know the Bible says: "The heavens declare the glory of God"; but these Army engineers think they can make the firmament show forth their handiwork. They can go in there and spend enough to move some coal. But, Mr. Chairman, who is going to put the landings in? As far as I know only one company is interested in putting any landings in. The largest coal company supporting this project is not doing so for the purpose of moving coal, for the mine is perhaps 75 miles away from the river, but they want the canal as a squeeze play on the railroads to get the railroads to reduce their rates on coal.

As far as moving coal up the Mississippi, to the Northwest, it would be frozen solid in the upper reaches for 4 months and nullify any movement in that direction on the lower system.

I dislike very much to oppose this project if it is going to help the gentleman from Kentucky in any way. I hope he will be reelected with the biggest majority he ever got.

Mr. MAY. Just a minute; I want the gentleman to understand that this is not a political project.

Mr. ROBERTSON of Virginia. Oh, no.

Mr. MAY. I was elected long before this project ever was suggested and even before the days of Roosevelt.

Mr. ROBERTSON of Virginia. But at least I should have the privilege of expressing my personal interest and the interest my people feel in seeing the distinguished gentleman from Kentucky continue his illustrious service in this body. But do not ask us in Virginia to give up our competitive situation, do not expect the people of West Virginia to give up their competitive situation to support the expenditure of over $100,000,000 of public funds on this project.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. MANSFIELD of Texas. Mr. Chairman, I ask unanimous consent that the gentleman from Virginia may proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MANSFIELD of Texas. Mr. Chairman, will the gentleman yield?

Mr. ROBERTSON of Virginia. I yield.

Mr. MANSFIELD of Texas. I do this simply for the purpose of keeping the record straight, for I have no interest in this project and was not even at the hearings. If the gentleman will look at page 1183 of part 1, volume 2, of the Annual Report for 1944, he will find that there have been eight projects adopted by Congress on this river. Eight of these surveys have been favorable. The statement that everything had been unfavorable is erroneous.

Mr. ROBERTSON of Virginia. If I may correct my statement, I will say this, that for 24 years there has been a movement for a major development there of this kind. This is the first time in 24 years that the engineers thought they would be justified in going into this bigger investment for this attempted movement of coal.

Mr. MANSFIELD of Texas. And this is the first survey that has ever been ordered for the entire stream, I think the gentleman will find.

Mr. ROBERTSON of Virginia. They never thought that the stream had the water, the contours, or anything else which would justify a development of this kind.

Mr. RANDOLPH. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, I have a very fond affection for my colleague, the gentleman from Kentucky [Mr. MAY]. I am sure he knows that. As an individual I would support him, but as an individual proposing a project in which I do not believe, I must oppose that project rather than the individual offering it when addressing my colleagues this afternoon.

I would remind the membership present that there is not a single Representative from the State of West Virginia, Republican or Democrat, who is not in vigorous opposition to this proposal. The five Democratic Members signed a joint statement which was presented to the Committee on Rivers and Harbors. The Republican Member, Mr. ELLIS, filed a statement in his own behalf. Some of the West Virginia Democratic Members, including myself, also filed individual statements. In other words, the six West Virginia Members of the House are united in opposition to the proposal which is included in the legislation now under consideration.

I would remind you also, since we are asking who is for it and who is against it, that the very distinguished Governor of the State of West Virginia has issued a public statement, factual in nature, not colored in any degree, against the proposal made by our colleague from Kentucky. We find that several Members of Congress from the neighboring State of Virginia have also joined in the unanimous opposition of the Members from West Virginia to this project.

Mr. COLE of Missouri. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from Missouri.

Mr. COLE of Missouri. May I say that the evidence before our committee was also that the Governor of Virginia is opposed to this project.

Mr. RANDOLPH. Suffice it to say, as the gentleman has indicated, the Members of Congress and other officials from the States involved in the proposal have not come here hastily today expressing opposition to the subject matter, but have given it very, very careful attention. Thousands from Kentucky, Virginia, and West Virginia are opposed to the plan. I think I should say for myself, speaking as an individual, that there are many projects that ordinarily in peacetime I would support, or, at least, I would not oppose. Such was my record

prior to World War II. Then under the impact of that conflict I resolved many times my differences with appropriations for fear opposition would be construed in the opinion of others as having delayed or thwarted, in some degree, the necessary funds for the prosecution of the war. But I promised myself I would painstakingly look into each and every request for an appropriation which came before the Congress of the United States after victory had been won. The record will show that I have been in opposition to many recent proposals which have been made on this floor. I was one of the 14 Members who on roll call voted against the completion of 14 ships for the Navy of the United States. I am not saying I was right or wrong, but, in my opinion, the ship-construction expenditures which had been made were no reason for further wasteful costs being made which I thought were absolutely unnecessary and heaped higher and higher the burdensome debt on the American people.

When we had the Commerce Department appropriation bill before us there were amendments offered to do away with the manufactures or business census. I joined in the attempted elimination of those expenditures, because although I believe in normal times they have some merit, that now as we go into a dangerous period of reconversion and into a troubled time when we trust we will get America back on its economic feet, we should eliminate these ill-advised expenditures of the Federal Government.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from Kentucky.

Mr. MAY. Will the gentleman admit that before we ever got into the war he voted for an $800,000,000 expenditure to improve the Tennessee River?

Mr. RANDOLPH. The gentleman would admit, if he had the time to check the record, and as he further indicated here, that he had voted for many peacetime appropriations. I also opposed others. I cannot take the time to itemize them; I do not think it is necessary, but I do know that I am in opposition to this project as are the Members from all the congressional districts of West Virginia, and many, many other States.

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. DONDERO. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from Minnesota.

Mr. JUDD. Will the gentleman advise us whether there are other reasons in the gentleman's own mind or in the minds of others opposing this project than the saving of money?

Mr. RANDOLPH. Yes. I think we feel that the project will not do what it is proposed that it will accomplish, and I desire to discuss the extravagant claims being made by those favoring the canalization project.

Mr. JUDD. I wondered if there were people from West Virginia and Virginia who had other reasons than financial or practical reasons for the construction of this project that caused them to oppose it so vigorously.

Mr. RANDOLPH. I do know the proposal will not hold water.

Mr. JUDD. Would it reflect measurably on the economy of West Virginia and the coal-mining interests and the railroads in those two States?

Mr. RANDOLPH. The coal-mining industry is not for the project; business interests and the laboring men, through their representatives, are not for the project.

Mr. Chairman, tonnage estimates have been made by the proponents of the Big Sandy Canal. The Army district engineer, in his report, stated that there would be an annual movement of 15,000,000 tons of coal over this waterway. The Army Board of Engineers reduced the estimate of yearly traffic to 8,300,000 tons of coal. Both of these estimates are exaggerated in my belief.

Even assuming the Board is justified in crediting the canal with the entire transportation savings which might be effected from point of origin to destination, at least 5,237,500 tons of coal must move on the canal annually—$4,190,000 annually carrying charges divided by transportation savings of 80 cents per ton—in order for it to break even. There are many sound practical reasons why there will not be a yearly movement of enough coal to justify the canal.

There is not enough minable coal located close to the proposed canal to produce a yearly movement of the 5,200,000 tons required to justify the project. No one denies that there are large reserves of coal in the Big Sandy Valley, but the great bulk of that coal is located so far from the canal that it could not be placed on the canal with any prospect of profit. Moreover, most of the coal which is close enough to the canal to use it profitably is not minable. It is in thin seams and generally of poor quality.

It has been stated that there are great reserves of coal in the Big Sandy area not served by rail transportation and which would be opened by this canal. That is absolutely incorrect.

Mr. MAY. Mr. Chairman, if the gentleman will yield further, is the gentleman aware of the fact that 10 years before this matter became an issue, the United States Geological Survey made a survey of this area and found that there were billions of tons of coal there along this river; more than 2,500,000,000 tons within 10 miles on each side, without regard to this area inside.

Mr. RANDOLPH. I have so stated. There are great reserves in this section. I have also declared that the seams are thin, and that is an actual fact; there is no denying that. The Norfolk & Western and Chesapeake & Ohio railroads run by the proposed waterway its entire distance. These two railways have spent millions of dollars developing transportation facilities for this territory and will no doubt continue. They serve the area on both sides of the proposed canal. Many bridges have been built across the stream to reach coal deposits located some distance from their main lines. These railroads have built these bridges and branch lines, and they will continue to make needed facilities available.

I have stood in the well of this House on many occasions for years and I have opposed the railroads when I felt it was necessary to construct a system of airports to further develop our great country.

I shall no doubt do it again, because I believe we need the best possible transportation arteries all over America—the land routes, the water routes, the rail routes, and the sky routes—but here I turn my attention to the validity of the service which has been given by the railroads in question in this territory. These two railroads, as I have said, have spent millions of dollars developing the transportation facilities for this territory and will no doubt continue to do so.

It should be realized that a railroad is a much more flexible transportation agency than a canal. A canal can only serve coal deposits which are located close to it, whereas a railroad can build branch lines to the place where the coal is mined. There are no sections of the Big Sandy area which will not have rail transportation when they need it. As a matter of fact, the railroads now crisscross this valley with branch lines in all directions. Within the past year they have built over 40 miles of branch lines in this territory at a cost of many millions of dollars.

Another reason why the canal will not develop an annual traffic of 8,300,000 tons of coal, or even enough to permit it to break even, is that a large majority of the coal producers themselves do not want it. For example, the Big Sandy Elkhorn Coal Producers Association, whose members produce in excess of 80 percent of the productive capacity of all existing mines that could possibly be served by the Levisa Fork of the canal, is on record against the proposal, and yet we are told that over 4,000,000 tons of coal will be shipped by water from the Levisa Fork. In view of the fact that not a single coal producer on the Levisa Fork has appeared in support of this project, it is incredible that they will ship 4,000,000 tons over it each year.

The situation is much the same on the Tug Fork. Of the many coal producers in that area only one operator favors it. In truth only one other coal producer has stated that he will use the canal, but he does not have a mine within 75 miles of the canal. It cannot be assumed that this operator will ship his coal by rail to the head of navigation on this waterway when he has failed for many years to ship coal by rail to the Ohio River for water transportation. It is also significant that not a single consumer has testified at any of the hearings which have been held on this project in favor of it.

The fact that so many coal operators are opposed to this canal is abundant proof that they are satisfied with the transportation afforded by the railroads in the area. They know that the rail rates which they now have permit them to compete on equitable terms in all important coal markets. They know that

these rail rates are fixed by the Interstate Commerce Commission and that if they are unfair or unreasonable the Commission will correct them. The proponents of this project have not and cannot deny that the two great railroads in this area do furnish adequate transportation. There is now a surplus of transportation in this area by reason of expansion of rail facilities to meet war demands.

Mr. MAY. Mr. Chairman, will the gentleman yield further?

Mr. RANDOLPH. I yield.

Mr. MAY. Was the gentleman ever up the Big Sandy Valley?

Mr. RANDOLPH. I have been, yes; many, many times.

Mr. MAY. Has the gentleman seen the mines 30 miles away from the river?

Mr. RANDOLPH. I have seen the mines in that section.

Another conclusive reason why this canal will not handle enough coal to justify it economically is actual navigation experience on the Kanawha River, which is about 60 miles north of the Big Sandy. It is a big, broad, and relatively straighter river than the Big Sandy and has had a 9-foot channel since 1937. The Kanawha flows through coal fields with vast reserves of coal which are of substantially the same quality as that in the Big Sandy Valley. Yet in the 8 years since it was deepened to a 9-foot stage the maximum coal tonange moving in any one year from it into the Ohio River was 3,100,000 tons in 1942. Its tonnage declined in 1943 and 1944. If that great river has been unable to develop a traffic of more than 3,100,000 tons, is it not incredible to assume that this small crooked canal will handle 2½ times the Kanawha's maximum?

The Kanawha also affords a helpful yardstick in determining whether the proponents' estimates as to the probable markets for Big Sandy coal are reliable. The proponents tell us that if the canal is constructed, over 4,000,000 tons of Big Sandy coal will move by water to western and northwestern markets. They say that those markets are in dire need of Big Sandy coal. Why, we may ask, do not they get it from the Kanawha? Its coal is just as good and the Kanawha has the capacity to handle it. But what does the record show? In no year since the Kanawha was deepened to a 9-foot channel has as much as 30,000 tons of its coal been transported up the Mississippi to markets to which the proponents claim more than 4,000,000 tons of Big Sandy coal will move. It is ridiculous to assume that movement of Big Sandy coal up the Mississippi will be 133 times greater than its maximum traffic in Kanawha River coal.

I submit, therefore, that there is no justification for this proposed waterway. The canal is not needed. The Big Sandy Valley now has adequate transportation facilities. If this canal is constructed it will provide an additional duplicating transportation facility in an area which already has surplus transportation. This duplicating facility will be provided and maintained by the taxpayers. Creation of duplicating transportation agencies of this kind is directly contrary to the established policy of Congress as declared in the Transportation Act of 1940.

Finally, considering that our national debt is now more than $275,000,000,000, this is no time to spend large sums of public funds on unneeded projects. This project would be a luxury which we cannot afford. If the national debt is ever to be curtailed, if taxes are ever to be reduced, useless spending of this sort must stop. This project is nothing more than an attempt to provide competition with private enterprise at the taxpayers' expense. Mr. Chairman, as I said, I have voted several times, since the war has concluded, against what I feel are unwarranted appropriations before Congress, and in this instance I again register my opposition by voice and vote, against a needless expenditure.

Mr. FLANNAGAN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, due to my high regard for the gentleman from Kentucky I hate to oppose the canalization of the Big Sandy, because I know he has labored long and hard in his efforts to convince the Congress that the project is feasible. I know a good deal about this territory. I think I know it from one end to the other. Knowing this territory as I do, I tell you this project is impractical. There is no earthly economic justification for it. This territory is being served today and has been served for years by two of the leading railroads of this country.

Let us take a common-sense approach to this problem. America produces more coal than we can consume in normal times. The coal industry has been on the rocks off and on over the years. It has its periods of prosperity, seemingly when we are at war. When this war is over and things level down there will be hundreds, yes, thousands of coal mines closed in the United States. This being true it borders on foolishness to come with a proposition to spend about $100,000,000 to furnish additional coal-hauling facilities in a territory that has ample transportation facilities—and whose money do we propose to spend? Not the coal operators' money, the money of those who will reap the benefits, but the people's money, to provide facilities to transport coal in a territory that is today being served by two or our leading railroads. Such a proposition simply does not add up and make sense.

It may be true in the lower regions of this river you can provide water transportation, but at the head of the Big Sandy next to the Virginia line in the late fall you can walk across the shoals, mind you, anywhere along the river. In my opinion there is not enough water in the river to justify canalization.

I want also to call your attention to another fact: We have a coal field in Virginia adjacent to the Kentucky coal field. Last year it produced over 10,000,000 tons of coal, some million and a half or two million tons being in competition with Big Sandy coal. Now you are coming and asking the Government to subsidize the Big Sandy coal operator over in Kentucky, thus giving him an advantage over the Virginia operator, which will result in closing down the Virginia mines or in reducing the tonnage of the Virginia mines.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. FLANNAGAN. I yield.

Mr. MAY. The gentleman means to admit then that this waterway would be a success or else it would not affect his coal mines that are way over in Virginia, clear away from it? And they do not touch either river, do they?

Mr. FLANNAGAN. Our coal is in direct competition with your Big Sandy coal.

Mr. MAY. That is the reason you are against it.

Mr. FLANNAGAN. Yes, I am against this proposition, and one reason I am against it is because it places a differential against the Virginia operators.

Mr. MAY. Does the gentleman know that the largest operator in the State of Virginia is sponsoring this program and is for this waterway, which operator ships more coal than any five companies?

Mr. FLANNAGAN. No; I do not know it.

Mr. MAY. It is the Pocahontas Fuel Co.

Mr. FLANNAGAN. I do not know it and no one else knows it.

Mr. MAY. It is the Pocahontas Fuel Co.

Mr. FLANNAGAN. The Pocahontas Fuel Corp. operates some 100 miles or more from this proposed canal.

Mr. MAY. They appeared as witnesses.

Mr. FLANNAGAN. They may have appeared as witnesses. Part of their mines are over on the West Virginia side, and they have 10- or 11-foot coal. The Lord gave them a differential over every coal mine in America.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANSFIELD of Texas. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. FLANNAGAN. I yield.

Mr. DONDERO. I think it might be interesting for the Committee to know that out of 558,000,000 tons of bituminous coal loaded at the mines for shipment by rail or water in 1944, 94.4 percent moved by rail and 5.6 percent moved by water.

Mr. FLANNAGAN. I think that is true. I call the attention of the Committee to this fact: that the railroads consume 25 percent of our coal. When you reduce railroad consumption of coal, you are throwing out of employment not only the railroad workers but the coal miners. You are creating unemployment all through that section except in a little territory running from Paintsville down to the mouth of the Big Sandy River.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. FLANNAGAN. I yield.

Mr. MAY. Does the gentleman mean to say it would not take coal miners to

mine coal that will be shipped by water just as it takes coal miners to mine coal to be shipped by the railroads?

Mr. FLANNAGAN. I mean this: When you shift from rail transportation to water transportation you reduce the consumption of coal because 25 percent of the coal mined in America goes into railroad fuel. When you reduce railroad consumption of coal you create unemployment among the railroad workers and you create unemployment among the coal miners. You are asking the Government to come in here and do that very thing if you pass this piece of legislation.

Mr. MANSFIELD of Texas. Mr. Chairman, will the gentleman yield?

Mr. FLANNAGAN. I yield.

Mr. MANSFIELD of Texas. My information is that coal from your territory goes East, mostly to Norfolk; at least 90 percent of it; and that you supply New England with about 16,000,000 tons a year. If this project is adopted it will not send coal in that direction but in the opposite direction. Then, how could it compete with your coal mines?

Mr. FLANNAGAN. As I told the gentleman, the Virginia miners are in competition with the Big Sandy mines. Today we ship around a million and a half or two million tons of coal to the Mid West and western markets in direct competition with Big Sandy coal. As this legislation would give the Big Sandy operator a considerable advantage in reducing his transportation cost, you are putting out of operation many of the mines in my district and the Government is stepping in and doing it. Otherwise you cannot put them out of business, because they have a better coal, a thicker coal, and the analysis is better. But I want to drive home this point: Our coal mines have been overdeveloped. Hundreds of them, yes, thousands of them will be forced out of business when things level off. Now you are asking the Government to come in and subsidize a business, to further increase the production of that business when you know and everyone else who is familiar with the coal business knows that just as soon as we level off there is going to be a great reduction of coal production in America.

I hope it will be the pleasure of this Committee to support the amendment that has been offered.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. FLANNAGAN. I yield.

Mr. MAY. Does the gentleman deny that there is coal enough in West Virginia and Kentucky to supply all the railroads that are now there?

Mr. FLANNAGAN. Oh, yes; there is plenty.

Mr. MAY. And the waterway, too?

Mr. FLANNAGAN. There is enough coal along the Big Sandy, the Tug Fork, and the Levisa Fork, right along the railroad, to keep the wheels of industry in America running for years and years to come. We do not need any further mode of transportation in that section. Transportation facilities have been built there by private industry and it is not right for the Government to come in and ruin their investments.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BULWINKLE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I ask unanimous consent to speak for 2 minutes out of order, and to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BULWINKLE. Mr. Chairman, one of the great inventions of the present time was used or operated here in the Capitol today. It was a notable historic occasion. From the old Supreme Court room, now the Law Library, on the first floor of the Capitol, the first radio facsimile message was sent. That message was sent from this room to a moving train on the Baltimore & Ohio Railroad.

The message was what Miss Margaret Truman had written. She said:

The first message sent from this room by Morse, the inventor of the telegraph, 102 years ago, takes on increased significance as I now repeat by radio facsimile the same message: "What hath God wrought."

Mr. BAILEY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I desire, at this time, to register my support of the amendment to the pending rivers and harbors bill offered by the distinguished gentleman from Michigan.

As a matter of keeping the record straight, I desire to remind the committee that I appeared before the Rivers and Harbors Committee, where hearings were being held on the Big Sandy River improvement, and filed a joint statement in opposition to this project signed by myself and four other Members of the West Virginia delegation in Congress. I am advised that the sixth Member of our State delegation also filed a statement opposing it.

At this time, Mr. Chairman, I desire to read into the RECORD the joint statement of opposition in the form in which it was presented to the committee at the hearings:

To the Chairman and Members of the House of Representatives Committee on Rivers and Harbors:

GENTLEMEN: We, the undersigned Members of the West Virginia delegation in the House of Representatives, with leave of your committee, file the following statement for the record of your hearing on the project for the canalization of the Big Sandy River, Levisa Fork, and Tug Fork, in the States of Kentucky and West Virginia:

1. We feel it would be wasteful of the time of your committee to present an argumentative statement which, of necessity, must be but a repetition of what has been, and will be, fully covered by both oral and written evidence at this hearing.

2. We are familiar with the section of West Virginia to be affected by the project above mentioned and are familiar with the people, their industries, and their interests in that section. We are likewise familiar with the evidence and argument advanced in support and in opposition to the proposed project. Upon the whole case, we are thoroughly convinced that the project for the canalization of the streams above mentioned is unsound, uneconomic, and unjustified.

3. Therefore, as Representatives of our respective congressional districts, we are collectively and individually opposed to the said project and to its construction, in whole or in part, by the United States Government.

I might add, Mr. Chairman, that I appeared before the House Rules Committee for the purpose of protesting the issuance of a rule on H. R. 6407. I regret that due to the press of other business the committee did not hear me at that time.

I want to register my continued opposition to the inclusion of the Big Sandy River project in the pending authorization. I base my opposition mainly on the fact that the project is opposed by the vast majority of business organization and labor union in southern West Virginia and on the further fact that there are other similar projects in West Virginia that did not fare so well at the hands of the engineers whose duty it is to recommend these project to the Congress for consideration.

Soon after entering Congress, early in 1945, I asked, by proper resolution, for a survey to determine the possibility and advisability of an extension of the present navigation facilities on the West Fork River in central West Virginia, a branch of the Monongahela River. I have before me an adverse report from the Corps of Engineers largely on the ground that the project could not be justified economically.

My contention is that the Monongahela project would supply a far greater volume of transportation at a far less cost than could the Sandy River project and would not have entailed the costly maintenance item attached to the Big Sandy project with its intricate and involved plan of pumping water upstream for reuse because the streams to be canalized do not of themselves have sufficient natural supply of water to operate the locking system.

There is so much other river and flood control work needed in West Virginia that I must protest the expenditure of from eighty to one hundred million dollars on a project that has so little justification. I trust the committee will see to it that what money we have to expend will be spent to better advantage, and that the recommendation of the gentleman from Michigan will prevail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. DONDERO].

The question was taken; and on a division (demanded by Mr. DONDERO) there were—ayes 85, noes 50.

Mr. MAY. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. MAY and Mr. DONDERO.

The Committee again divided; and the tellers reported that there were—ayes 88, noes 52.

So the amendment was agreed to.

Mr. VOORHIS of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VOORHIS of California: Page 1, line 9, after the colon, insert the following: "*Provided*, That it is hereby declared to be the policy of Congress that the time for initiating any project shall be determined by (1) the degree of essentiality of such project to the efficient func-

tioning of the economy of the United States or the affected section; (2) the availability of the supply of required materials both in total amount and with relation to the need for such materials for home construction or other purposes; and (3) the amount of unemployment existing in the construction industry or related lines of work and the consequent degree of need for increasing employment opportunities for such workers; and it is further declared to be the policy of Congress to delay the initiation of projects not clearly necessary to the functioning of the economy of the United States until such time as there is a clear sufficiency of supply of materials and need for additional employment in the construction industry; and to these ends requests by the Chief of Engineers for appropriation of funds for construction shall include specific justification in accordance with this proviso."

Mr. RANKIN. Mr. Chairman, I reserve a point of order against the amendment.

Mr. VOORHIS of California. Mr. Chairman, the amendment simply sets out the policy of Congress with respect to the initiation of these projects and is in accordance with the principle that ought to govern public works under all circumstances. That principle is briefly this, that executing those public works which in and of themselves are absolutely and immediately necessary to the functioning of a part of our economy, the time for those works to be carried on is at a time when there is need for expansion of the industries that they will affect.

At the present time we have a situation where there is a severe shortage of certain types of material for home construction and for other purposes. It is not, therefore, the right time for the Congress or the Government or anybody else to embark upon a public works program just for the sake of having a public works program. If there are certain projects that have to be built to prevent disaster or for some similar reason, that is another matter, and my amendment covers that.

In the next place, it is altogether possible, unless we are wiser than I am afraid we are going to be, that within the next few years we are going to have unemployment on a serious scale in this country in the construction industry and in some other industries. The time that these projects ought to be initiated and pressed in large volume would be at a time when they are important from a point of view of increasing employment.

Mr. ZIMMERMAN. Mr. Chairman, will the gentleman yield?

Mr. VOORHIS of California. I yield to the gentleman from Missouri.

Mr. ZIMMERMAN. Is it not a fact that the Corps of Army Engineers now select projects according to their essentiality and the necessity for doing that work, and they put first things first when they start construction of projects?

Mr. VOORHIS of California. I think that is true.

Mr. ZIMMERMAN. I do not see the necessity for declaring that to be a part of the policy of the Government when it is already a policy of the Government.

Mr. VOORHIS of California. I think that one point is part of the policy, but the other two parts of the amendment I do not think necessarily are a part of the existing policy, and I believe they should be. The time is liable to come when the gentleman who is now addressing the committee is going to be appealing for a program to be initiated in order to prevent depression, to prevent a decline in employment, and to prevent a decline in the demand for goods in this country. I want this program to contribute as much as possible to that stabilization of employment and activity in the construction industry which I believe to be one of the essential parts of any sound program in a democratic Nation.

Mr. ZIMMERMAN. Would the gentleman put the matter of unemployment in a certain locality ahead of the dire would not ,not if it was a project that would mean so much to the national welfare?

Mr. VOORHIS of California. No, I would not, not if it was a project that was greatly needed from that point of view, and my amendment so states.

The practical effect of my amendment will simply be this, that when the Corps of Engineers comes before the Committee on Appropriations to ask for appropriations they will have to justfy their requests for appropriations not alone on the basis of the desirability of the project, they will also have to show that the materials to be used in this project are not desperately needed for housing people in that same area, and they will have to show the facts, at least, as to whether or not any degree of unemployment is existent at the time.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. JUDD. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for an additional 3 minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. Does the gentleman from Mississippi withdraw his point of order?

Mr. RANKIN. Yes, I withdraw the point of order.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. VOORHIS of California. I yield.

Mr. JUDD. Will the gentleman state who would be the determiner as to the essentiality and degree of unemployment and the availability of materials, and so forth—the Economic Stabilization Director or the Appropriations Committee of Congress, or who?

Mr. VOORHIS of California. Ultimately, the Committee on Appropriations of the Congress, and after that, the Congress as a whole would determine it. So far as the facts that would be presented in the matter, I would hope that they could come from the agency that was created by the Congress in connection with the so-called full employment bill. I would hope that agency might present the facts upon which the Corps of Engineers would base their requests to the Committee on Appropriations.

Mr. JUDD. That is what I think.

Mr. VOORHIS of California. But ultimately the decision would rest right here where it has always rested, and the Congress could do what it wanted to do. My amendment will only say these facts have to be taken into account.

Mr. JUDD. The ultimate decision would be here, but the immediate decision in presenting the project would be in one of these agencies having to do with the general economic welfare and stabilization?

Mr. VOORHIS of California. The factual basis for it would lie there.

Mr. JUDD. Yes.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. VOORHIS of California. I yield to the gentleman from Michigan.

Mr. DONDERO. Does the gentleman from California contend that his amendment should be permanent legislation?

Mr. VOORHIS of California. Yes; I do.

Mr. DONDERO. Do you not think that the Corps of Army Engineers is a better judge as to the essentiality of a project than any other agency because they deal solely with such problems?

Mr. VOORHIS of California. I have not questioned that, and my amendment does not question it. My amendment simply sets up two additional matters to be considered in connection with this thing and it only says where there is not a great need for a project, then on the question as to whether or not it will be initiated in a situation where we already have a shortage of material and a shortage of labor in this field, we shall take those facts into consideration, and perhaps wait until such time as we do need to expand employment or until such time as you do have an adequate supply of materials to do the work. It just seems to me that is nothing more nor less than common sense to take those facts into consideration.

Mr. DONDERO. However, the imperativeness of a project may not depend upon a shortage of material or labor.

Mr. VOORHIS of California. All right, if a project is imperative, it must be built, of course, and my amendment will not affect that at all.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. MANSFIELD of Texas. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for two more minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. MANSFIELD of Texas. Does the gentleman realize that by putting such a proposition into the general law it may cause the wasting of millions and hundreds of millions of dollars? During the depression we carried on a lot of work solely for the purpose of creating employment. I have seen thousands and hundreds of thousands of dollars spent in my State that absolutely went to waste in hiring men to cut weeds along the highways and things like that and then the first rain would bring the weeds up again inside of 2 weeks.

Mr. VOORHIS of California. May I answer the chairman of the committee in this way—by saying that my amendment precisely is calculated to avoid that very circumstance by delaying where we can do so, good projects and important projects such as many of the projects I am sure the gentleman has included

in his bill, so that we can rely upon such projects as these to meet an unemployment situation instead of having to rely upon the kind of project that the gentleman has mentioned. That is exactly what I am trying to do.

Mr. MANSFIELD of Texas. If you want to furnish employment, do it along some other lines. These matters should be determined entirely separately and distinctly from that proposition. Employment is not a part of the usefulness of the project.

Mr. VOORHIS of California. I respect the gentleman from Texas very much, as the gentleman well knows. I had the honor one time of serving on his committee. But on that point I must disagree with him. I think it ought to be considered. I think if we are ever going to have a truly great hope of maintaining a steady level of prosperity in this country we must take into account the proper timing of worth-while public works. Otherwise, when we get a period of unemployment we will be thrown back on the kind of thing WPA sometimes did. It is to avoid that that I have offered this amendment. I leave it to the judgment of the House what they want to do with it.

Mr. THOM. Mr. Chairman, will the gentleman yield?

Mr. VOORHIS of California. I yield.

Mr. THOM. Is it not a fact that your amendment carries out the policy intended in the Stabilization Act that we passed some time ago, for full employment?

Mr VOORHIS of California. I believe it does. That is exactly what I am trying to do.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RANKIN. Mr. Chairman, I rise in opposition to the amendment.

The amendment is too involved. It would supersede the regular agencies of the Government and would bring about more embarrassment than it could possibly do good.

I hope the amendment is rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. VOORHIS].

The amendment was rejected.

Mr. BARRETT of Wyoming. Mr. Chairman, I offer an amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BARRETT of Wyoming: On page 2, line 6, after the semicolon insert "*Provided*, That the provisions of section 1 of the River and Harbor Act, approved March 2, 1945 (Public, No. 14, 79th Cong., 1st sess), shall govern with respect to projects herein authorized; and all the procedures therein set forth with respect to plans, proposals, or reports for works of improvement for navigation or flood control and for irrigation and purposes incidental thereto, shall apply as if herein set forth in full."

Mr. BARRETT of Wyoming. Mr. Chairman, at the outset let me say that I have spoken to the chairman of this committee, the gentleman from Texas [Mr. MANSFIELD], as well as the ranking minority member the gentleman from Michigan [Mr. DONDERO], and I understand they have no objection to this amendment. I might say that the policy of Congress with respect to the development of water resources was fully set forth in both the Flood Control Act of 1944 and the River and Harbor Act of 1945. In both of these acts the differences between the Corps of Engineers and the Bureau of Reclamation with references to these matters were completely and satisfactorily composed and the rights and interests of the several States in determining the development of the watersheds with their borders were recognized in order to protect the Western States in the beneficial consumptive use of their waters. I offered the amendment so that there may be no doubt whatsoever that the same policy applies to the projects in this bill.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. BARRETT of Wyoming. I yield.

Mr. RANKIN. As I understand from the chairman and the ranking minority member, there is no objection to the amendment

Mr. DONDERO. There is no objection.

Mr. BARRETT of Wyoming. I thank the gentleman and I hope the amendment will be adopted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming [Mr. BARRETT].

The amendment was agreed to.

Mr. MONRONEY. Mr. Chairman, I offer an amendment which is at the desk.

The Clerk read as follows:

Amendment offered by Mr. MONRONEY: On page 5, line 12, strike out all of lines 12 to 18, inclusive.

Mr. MONRONEY. Mr. Chairman, I ask unanimous consent to proceed for an additional 5 minutes and to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. MONRONEY. Mr. Chairman, I rise at this time to ask the indulgence of Congress in trying to save the sum of $435,000,000 on a navigation project, the location of the channels and dams for which has not been satisfactorily agreed upon, even by the Army engineers.

FIFTY-FIVE MILLION DOLLARS MISLEADING

This bill, if you will read it carefully, seems to provide only $55,000,000 for the construction of the Eufaula Dam on an Arkansas River tributary.

If that were all that was involved in this paragraph I would not be here asking the Congress to strike this section of the bill.

But if you will read it carefully you will find that the Congress commits itself to the approval of the report of the Army engineers involving $435,000,000 for a brand new project, not understood by one-tenth of the people of Oklahoma where most of the dams and reservoirs are located. Certainly, this questionable navigation project is not economical or feasible at this time under present engineering.

WOULD PAVE CHANNEL

I am familiar with the Oklahoma part of this project and I would say very easily that nine out of ten citizens of Oklahoma would say they were willing to appropriate money to pave the channel of the Arkansas River but not to try and canalize it.

There has already been appropriated $179,967,000 for authorized flood control projects within this region for which I have voted and which will in effect give us a power pool of 204,400 kilowatts.

This navigation project as authorized will step up the power slightly, but most of this charge of $435,000,000 is for the navigation channel to be extended about 535 miles over some of the driest land in the Middle West that you have ever seen.

I do not believe the Government at this time should or could logically put up this kind of a pledge that we will without further study, approve in toto this mammoth dream that has been fostered for several years by some of the local enthusiasts but which up until a recent time had not received the tiniest sprinkle of a blessing by the Army engineers.

But now we are asked to take without adequate study, without having had this before the Congress for a decent explanation, we are supposed to take the Army engineers' report and approve this $435,000,000 canalization of this river.

I wish to read briefly just how enthusiastic the Army engineers are on this. Paragraph 33 on page 17 of the Army engineers' letter of September 11, 1945, the first time it had ever received the slightest nod of approval, states:

The need for flood control measures in the basin is not questioned. It is believed that the flood control features of the plan are justified and should be authorized for construction to supplement the existing and presently authorized work.

Now listen to this next paragraph:

However, the Board is not convinced that the benefits to be derived from the navigation project warrants its construction at the present time.

ENGINEERS SAY DEFER

That is signed John J. Kingman, brigadier general, United States Army, senior member of the Board.

A further quotation from paragraph 23:

All navigation features are recommended to be deferred until there is more definite assurance that the benefits will justify the expenditures.

And yet in this bill before us today we approve in these lines that I have moved to strike out the multiple purpose that was mentioned under such a weak approval by the engineers under date of September 20, 1945, which I have just read. Approval of the project will commit the Congress for the full plan and for initiation and partial accomplishment of said plan there is hereby authorized to be appropriated the sum of $55,000,000.

COMMITS CONGRESS TO FOUR HUNDRED AND THIRTY-FIVE MILLIONS

So Congress is going to find itself committed not to $55,000,000, but it is going to find itself committed to $435,000,000 of additional expenditures. Congress will do this without even satisfactory recommendations by the Army en-

gineers themselves that the construction work on navigation on this 535-mile ditch is feasible or practicable or economical at this time.

Now let us look at the benefits they claim will be derived by the canalization clear from the Mississippi River up almost to Tulsa, Okla.

ONE-FIFTH TO FLOOD CONTROL

They claim $19,000,000 in benefits to navigation; electric power, $5,500,000; flood control, less than $1,000,000. Yet we are asked to authorize a four-hundred-and-thirty-five-million-dollar-odd navigation project under the guise mainly of flood control in which the Army engineers report less than $1,000,000 worth of annual benefits from that establishment.

Let us look at the navigation features for one moment: 9,000,000 tons of freight, it is estimated, will move on this channel per year. By far and by all odds the greatest portion will be petroleum and petroleum byproducts. Mr. Chairman, pipe lines are still useful in carrying petroleum and petroleum byproducts, and I do know that the Big Inch pipe lines, the big one and the little one, have been closed down and filled with salt water, if you please, simply to provide rail hauls and perhaps water hauls for the petroleum products from the midcontinent area.

By inaction of the Congress, we deliberately leave idle and to distintegrate a great system for moving petroleum and refined products to the big markets of the East and waste untold millions of Government funds through this idleness. And still, on the other hand, we will authorize and approve the expenditures of additional hundreds of millions of dollars to put in a water route, the principle traffic on which will be to take this same oil and refined products to the eastern markets.

Mr. PETERSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. MONRONEY. I yield to the gentleman from Georgia.

Mr. PETERSON of Georgia. May I ask the gentleman if he appeared before the Rivers and Harbors Committee when this project was being considered by that committee?

Mr. MONRONEY. I thank the gentleman for that question. I was unavoidably called home for a very personal matter and could not be here at that time.

Mr. PETERSON of Georgia. May I ask the gentleman if he made any representations to the committee in writing or otherwise of his opposition to this project at the time it was being considered?

Mr. MONRONEY. No; I did not. I was out home on a matter that was very important to me and I could not possibly be here at that time. I read about the action of the committee in the papers. However, I believe the committee was fairly familiar with my interest in this matter because it had been before the Oklahoma delegation a long time. I do not believe that this project has any degree of support aside from two or three Oklahoma Members.

HOW ABOUT ECONOMY

Mr. Chairman, we have to face facts. I get telegrams and you get telegrams by the bushel every month saying that we must balance the Budget, we must cut out unnecessary expenditures. The Appropriations Committee has worked endlessly trying to pare a few hundred thousands of dollars from the regular operating expenses of the Government.

We can never hope by the wildest stretch of imagination to acquire any degree of economy if we are going to swallow hook, line, and sinker such projects as this. It is placed before us in shotgun fashion in the brief period of time we had to study this project. Most of the other projects in this river and harbor bill have been before the Congress a number of times. They have had numerous reports from the Engineering Corps. The engineering plans are settled.

Only today I heard from one of the proponents of this plan that by doing away with one dam and putting in another we will save twenty-five or fifty million dollars.

YEAR'S STUDY NECESSARY

Mr. Chairman, would not another year's study to find out where we can eliminate these twenty-five and fifty million dollars of excess expenditures be better? In other words, let us stop, look, and listen, then be sure that we have an engineering plan that holds water.

I am not trying to stand up here and say that perhaps eventually we should not canalize this river. However, the first blessing ever given by the Army engineers to this project is dated September 15, 1945. I asked the Army engineers last fall for this report. What was the answer? "Sir, we can let you see it, but it will be on a confidential basis because this report is only for the governors of the respective States."

I have waited until this good hour to get the engineering data and facts from the Army engineers. It was released in the States by the Governors. I have waited all this time and up to about 4 hours ago was unable to get even the hearings.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. MONRONEY. I yield to the gentleman from Michigan.

Mr. DONDERO. This project was a controversial matter before our committee when it came in. May I say to the gentleman that even without this project in the bill, and if the bill passes in its present form without the Arkansas River project, we will have projects on the shelf totaling better than $1,000,000,000. If we appropriate $50,000,000 a year, as we have in the past, we will have projects enough in advance for the next 20 years. This matter could very well be laid aside for a year in order to take another look at it.

Mr. MONRONEY. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. MONRONEY. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. MONRONEY. Mr. Chairman, there are proposed 27 dams and locks to make this 530-mile channel navigable.

THREE DAMS FOR SILT

Bear in mind that three of these big dams, costing eighty-eight millions, that are going to fill up the fertile valleys of Oklahoma are primarily for silt control, according to the testimony which I have only this afternoon had a chance to read because it was not available before that time.

They are admitted by the Army engineers to be principally for silt control, and it is admitted that they will fill up in between 40 and 50 years and be virtually useless at that time. Here the bill would authorize $14,000,000 for a silt-control dam at Blackton, $20,000,000 for a silt-control dam at Taft, and $54,000,000 for a silt-control and hydroelectric dam at Eufaula, Okla.

Mr. Chairman, under the present condition of the United States Treasury it is time to measure these dollars carefully, and, make no mistake about it, we here are not only authorizing a $55,000,000 incumbrance on the Federal Treasury, but because by the language of this bill itself we approve the report of the Army engineers for the multiple-purpose program, the ultimate cost of which will be $435,000,000.

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

Mr. PETERSON of Georgia. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, in view of the fact that I was serving as chairman of the Committee on Rivers and Harbors at the time, due to the absence of our distinguished chairman, may I attempt briefly to tell the Committee what the situation was?

We held hearings for 2 days on this project. There was quite a number of witnesses present. Public notice had been given several weeks in advance that this project was set at that particular time, and this notice had been inserted in the CONGRESSIONAL RECORD some month or so before the hearings were held. As I say, their were quite a number of witnesses who appeared; a number of Members of Congress from both Arkansas and Oklahoma as well as the Governors of Arkansas and Oklahoma, and all of them were heartily in favor of the project. There was opposition by some of the railroads, but insofar as I know there was no opposition on the part of any Member of Congress or any public official. There were several Members of Congress who were deeply interested and two of the governors of the States directly affected. It is true that this project does endorse the entire Arkansas River development project, but if you will read this item it very clearly and specifically authorizes only $55,000,000. The engineers were interrogated very closely about this. It was understood that this $55,000,000 would go primarily for a flood-control project in the

upper reaches of the river; that it was entirely economically justified within itself and that the $55,000,000 would stand entirely on its own feet if no other portion of the river program was ever authorized, and it would be absolutely impossible for any further action to be taken until the engineers again come before the Committee on Rivers and Harbors and ask for additional authorizations.

If you will read the report, we had quite a discussion of the lower reaches of the Arkansas River, and there was some controversy over the route that should be followed in the lower portions of the river, and there is in this same bill a resolution providing for a further study of the entire Arkansas River, so that that study is still going on.

The adoption of this item in no way binds the Congress to spend any more money than the authorization of $55,000,000.

Mr. STIGLER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in answer to my distinguished colleague, the gentleman from Oklahoma [Mr. MONRONEY], I dare say there are more than just two or three members of the Oklahoma delegation in favor of this particular item appearing in the bill. At the time the hearings were held on this measure by the House Rivers and Harbors Committee on May 8 and 9, 1946 as has been brought out, two Governors were present: Governor Ben Laney of Arkansas and Governor Robert S. Kerr of Oklahoma. Both made statements in favor of this item. Members of the Oklahoma Resource and Planning Board were present, as well as members of the Arkansas committee for Arkansas River Development. In all there were 145 people came up from these States in favor of the development of the Arkansas River Basin.

The Honorable Newt R. Graham, of Tulsa, of the Arkansas-Oklahoma Interstate Water Resources Committee made an exhaustive statement before the Committee in favor of this item. I wish members of this committee could have heard his testimony. In my judgment he made out an irrefutable case.

I would like to point out also that during the hearings only one person, if I remember correctly, appeared in opposition to this particular item and that was a representative of the Association of American Railroads.

May I point out further that the Arkansas River is the only important tributary of the Mississippi River that has not been developed for navigation. Many millions of dollars have been spent on the Missouri, the Ohio, the Tennessee, and other rivers.

This item has features other than navigation. Among them is flood control. I well remember that in May 1943 we had one of the most devastating floods along the Arkansas that I ever witnessed. It was the greatest flood of record and occurred between Muskogee, Okla., and Morriston, Ark. One million four hundred and forty-eight thousand four hundred acres of land were inundated. The total damage was estimated at $13,130,300; and a total of 26 lives were lost. The Arkansas River borders my congressional district on the north in some counties, and I think I know it pretty well. I have seen the havoc it has wrought, the damage it has done, the amount of money it has cost our people, to say nothing of the misery it has caused. Mr. Chairman, I want to see these elements removed.

It was pointed out a moment ago by my distinguished colleague, the gentleman from Oklahoma [Mr. MONRONEY] that sufficient time has not been given by the Army engineers to study the development of this plan. I call your attention to the fact that the first act was passed by the Congress many, many years ago authorizing a survey. An Arkansas River Basin board was appointed by the district engineer, southwest division who at that time happened to be Colonel Reybold, later general, who became Chief Engineer. On September 15, 1945, General Reybold, who as Chief of Engineers, made his report on the development of the Arkansas River Basin. After discussing the various parts of the multiple program he had this to say about navigation:

> In view of the foregoing, I recommend improvement of the Arkansas River and tributaries to provide a navigable depth of 9 feet from the Mississippi River to Catoosa, Okla., by canalization of the Arkansas and Verdigris Rivers and the construction of Blackburn, Mannford, Taft, Oologah, Markham Ferry, Fort Gibson, Webbers Falls, Tenkiller Ferry, Eufaula, Short Mountain, Ozark, and Dardanelle Reservoirs for navigation, flood control, power development, and other purposes, substantially in accordance with the plans of the Arkansas River Survey Board, and with such modifications as in the discretion of the Secretary of War and the Chief of Engineers may be desirable.

Thus you can see what General Reybold thinks about this project. The people who have given this matter great study are in unanimity of thought. I do not believe General Reybold would risk the great reputation he has made as Chief Engineer in recommending the development of the Arkansas River Basin, including navigation, if he did not wholeheartedly believe it feasible.

I do not know whether or not the members of the committee have had sufficient time to study it, but the States of Arkansas and Oklahoma prepared a pictorial study of the development of the Arkansas River Basin. It is most persuasive and gives much valuable information. It shows why we should begin the development of the Arkansis River Basin at this time. It shows the amount of money that would be returned to Oklahoma and Arkansas if this investment were made.

Mr. Chairman, we are only asking for an item of $55,000,000 to begin the development of the Arkansas River. Most of this money will be spent in my district, but our whole State will benefit. I trust the amendment of the gentleman from Oklahoma will be voted down.

Mr. HAYS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am very glad that the gentleman from Oklahoma [Mr. STIGLER] has pointed out that Gen. Eugene Reybold, who knows the Arkansas River Valley perhaps better than any living man, disagrees with the statement of the War Department official referred to by my good friend the gentleman from Oklahoma [Mr. MONRONEY], because General Reybold's statement is very clear and convincing that the navigation features of this proposal are justified on the basis of the potential traffic along that great stream.

The Arkansas River flows for 160 miles through my district. It is the chief topographical feature of that district, in which 300,000 people live.

My first interest, I confess, is in flood control, because I have seen in one flood alone one-tenth of all the cultivated acreage of the valley washed away.

In 1943 I went through the valley with the Secretary of Agriculture following that disastrous flood. We found holes in the fields in which you could put this Capitol Building. Our people have suffered greatly through the years as a result of these recurring floods which constitute one of our great national problems.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I am glad to yield to my friend from Arkansas.

Mr. HARRIS. Can the gentleman advise the Committee approximately how much damage was caused in dollars by the one flood or the two successive floods in 1943?

Mr. HAYS. I am sorry I do not have it right at hand but I will supply those figures.

Mr. HARRIS. It adds up to the millions of dollars, does it not?

Mr. HAYS. Yes. Of course, the House voted a flood relief and loan program at once of $20,000,000.

Mr. HARRIS. That is the point I wanted to make.

Mr. STIGLER. Mr Chairman, will the gentleman yield?

Mr. HAYS. I yield.

Mr. STIGLER. May I point out that in this May 1943 flood there was 1,448,400 acres of land inundated and 636,300 acres were along the main stem. The total amount of damage was estimated at $31,130,300, including $19,341,000 along the main stem, and a total of 26 lives were lost.

Mr. HAYS. I thank the gentleman for the figures and for reminding the Committee that there has been a loss of human life as a result of the floods. So much for the flood-control features. I wish to point out, however, that the $55,000,000 authorization, in this bill, is for the Eufaula Dam, which is a multiple-purpose dam but chiefly a flood-control project.

With reference to the matter of navigation, I doubt if in the United States there is an area with greater potentialities for the production of materials that move by water transportation. I refer to cotton, coal, lumber, bauxite, petroleum products, lead, and zinc. In the vast area of the Arkansas Valley in the great Southwest, Oklahoma, Arkansas, and parts of Kansas and Missouri, there is no waterway development whatever. From the mouth of the Missouri River to lower Louisiana on the western side of

the Mississippi not a single major waterway development has been provided.

I am glad that the committee limited the authorization. I think it is wise to procede conservatively. If the bill provided for a total authorization of $436,000,000 there might be some force to the argument of the gentleman from Oklahoma [Mr. MONRONEY]. But we are proposing to act with due regard to costs and surely the House cannot refuse to give initial relief to the people of our area who have been neglected for so many years. A graphic story was presented to the committee with reference to the region's mineral reserves, of bauxite, for example, which amounts to 31,000,000 tons of ore. The reserves of lead and zinc in the northwestern part of Arkansas and southwestern part of Missouri and the tremendous coal deposits justify this proposal as a navigation program. The Rivers and Harbors Committee was obviously impressed by the merits of this proposal and I trust that the amendment to delete it will be voted down.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. TABER. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Ninety-four Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 140]

Almond	Elliott	Ludlow
Andersen, H. Carl	Ellis	McConnell
Anderson, Calif.	Elston	McCowen
Andrews, N. Y.	Engle, Calif.	McKenzie
Bailey	Ervin	McMillen, Ill.
Baldwin, Md.	Fallon	Mahon
Baldwin, N. Y.	Fellows	Mankin
Barden	Fenton	Martin, Iowa
Barrett, Pa.	Fernandez	Mathews
Bates, Mass.	Fuller	Merrow
Bennet, N. Y.	Fulton	Mundt
Bennett, Mo.	Gamble	Murphy
Bishop	Gavin	Norton
Bloom	Gearhart	O'Toole
Bonner	Gerlach	Outland
Bradley, Mich.	Gibson	Patrick
Brown, Ohio	Gillespie	Peterson, Fla.
Brumbaugh	Gordon	Pfeifer
Buckley	Gorski	Ploeser
Buffett	Gossett	Poage
Bunker	Graham	Powell
Campbell	Granger	Rabaut
Canfield	Hall, Leonard W.	Rabin
Cannon, Fla.	Hand	Rains
Carlson	Harness, Ind.	Rayfiel
Case, N. J.	Hart	Reece, Tenn.
Celler	Hartley	Rees, Kans.
Chapman	Havenner	Rizley
Chenoweth	Hedrick	Robinson, Utah
Chiperfield	Heffernan	Roe, Md.
Clason	Hinshaw	Roe, N. Y.
Clements	Hoffman	Rogers, N. Y.
Cochran	Holifield	Rowan
Colmer	Holmes, Mass.	Sabath
Corbett	Hook	Sadowski
Courtney	Hope	Schwabe, Mo.
Cunningham	Izac	Schwabe, Okla.
Curley	Jackson	Shafer
Daughton, Va.	Jarman	Sharp
Davis	Johnson, Ind.	Sheppard
Dawson	Jones	Sheridan
Delaney, James J.	Kean	Short
Delaney, John J.	Kefauver	Simpson, Ill.
Dingell	Kelley, Pa.	Slaughter
Dolliver	Keogh	Smith, Ohio
Douglas, Calif.	Kilburn	Smith, Va.
Drewry	Kilday	Somers, N. Y.
Durham	King	Sparkman
Dworshak	LaFollette	Starkey
Eaton	Latham	Stefan
Eberharter	Lea	Stewart
	Link	Sumner, Ill.
	Luce	Sumners, Tex.
		Sundstrom
Talbot	Vinson	Winstead
Thomas, N. J.	Vorys, Ohio	Winter
Thomason	Wadsworth	Wolfenden, Pa.
Tolan	Weaver	Wolverton, N. J.
Torrens	Weichel	Wood
Towe	Welch	Woodhouse
Traynor	White	Worley
Trimble	Wilson	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. LUTHER A. JOHNSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill H. R. 6407, and finding itself without a quorum, he had directed the roll to be called, when 248 Members responded to their names, a quorum; and he submitted herewith the names of the absentees to be spread upon the Journal.

The SPEAKER. The Committee will resume its sitting.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of H. R. 6407, with Mr. LUTHER A. JOHNSON in the chair.

Mr. MANSFIELD of Texas. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I ask unanimous consent to speak for 10 minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. MANSFIELD of Texas. Mr. Chairman, I was not present at the time of the hearings. For a number of years—I do not know how many, 8 or 10 years—I have had bills referred to the committee of which I am chairman for an Arkansas Valley Authority similar to the TVA. I also had them for the Missouri River for a Missouri River Authority. Personally I have not favored those authorities because I like to keep everything under the command of Congress and of the Army engineers. I do not like these separate organizations for every river and every project that is put up. I have done more, perhaps, than any other person in the United States to keep these projects from coming before the Congress and being acted upon. In the last Congress, on the Missouri River, in lieu of the Missouri River Authority which many people were trying to get, we adopted what is known as the Pick plan under the Committee on Flood Control. It plans the whole Missouri Basin and provides for hundreds of millions of dollars of improvements hereafter to be adopted and put through by the Congress if they want to. That is what is done in this bill on this river. I will give you the basis of this.

It was provided in the act of 1925 that the War Department engineers and the Federal Power Commission submit an estimate of the cost of surveying such rivers whereon power development appeared feasible and practicable, with a view to the formulation of general plans for the most effective improvement of such streams for the purposes of navigation, and the prosecution of such improvements in combination with the most efficient development of the potential water power, the control of floods, and means of irrigation.

John McDuffy, now Federal judge at Mobile, wrote this provision. It was placed in the bill. Mr. Dempsey was chairman of the committee at that time, and I was a member of the committee. Mr. McDuffy, with General Taylor, Chief of Engineers, prepared this language. After that surveys were ordered in the act of 1927. We have spent between ten and twelve million dollars on these surveys all over the United States. This review of this survey is known as 308 Report, which designation comes from House Document No. 308 of the Sixty-ninth Congress, which was submitted in response to the provision in the 1925 act. Several hundred reports have been made under this 308 document.

This provides for flood control. This Eufaula Dam is the only one authorized in this bill, but the entire project as shown on this map is approved; so, if Congress hereafter in its discretion and judgment should want to carry out these other parts of the plan, it can do so. They fit in the plan for the improvement of the entire stream, so that it will be uniform throughout.

Most of the dams have already been authorized in the Flood Control Acts of last year and the year before. The Eufaula Dam is the only one that is authorized in this bill. It is the main one on the whole stream. It will cost $55,000,000 under present estimates of cost. The stream provides for navigation from Catoosa, right near the city of Tulsa, to the mouth. Of course Tulsa is in favor of it. There is very little to be done on much of this stream. These dams make the navigation, but down on the lower section there are a number of dams. It is exclusively irrigation and navigation on that section which connects with the Mississippi River farther below.

The Arkansas River is about the third best river in the United States for power. The Columbia is the best; the Tennessee River is second; and the Arkansas ranks about third. Of course, the St. Lawrence River, which is an international stream, has tremendous power—more than any other river on the continent, perhaps.

This has been agitated for power for a great many years.

The oil production in this part of Oklahoma around Tulsa is tremendous, yet they have transportation only by pipe lines to certain places, and the big companies own the pipe lines. The little independents are at a disadvantage in getting their oil to market. With this river navigable they could, of course, run their barges all over the central part of the United States, for it connects with the Mississippi River, and up and down the coast. No oil would go to the coast, of course, except for export. The trade would be in the upper regions of the Mississippi, Missouri, Ohio, and Illinois Rivers.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. MANSFIELD of Texas. I yield to the gentleman from Mississippi.

Mr. RANKIN. It was brought out before the committee that the water power going to waste on this river amounted to more than 2,200,000,000 kilowatt-hours of electricity. The State of Arkansas uses only 1,300,000,000 kilowatts, the State of Oklahoma 1,700,000,000. There are approximately 400,000

farmers in that area who have no electricity in their homes. All that was brought out before the committee as a justification for the beginning of this development.

Mr. MANSFIELD of Texas. I notice the power is 2,212,000,000 kilowatt-hours.

Mr. RANKIN. Yes. Mr. Chairman, will the gentleman yield further for a suggestion?

Mr. MANSFIELD of Texas. I yield.

Mr. RANKIN. It was brought out before the committee that if this development were started the power that is not needed in that area at the present time would be used to electrify the farm homes throughout that whole section of the country.

Mr. MANSFIELD of Texas. Yes; I thank the gentleman from Mississippi.

On the lower section of this river, I am informed, are to be found more than 90 percent of the bauxite deposits of the United States. Bauxite, as you know, is the raw material from which aluminum is made.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CRAVENS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I regret very much to find myself in such sharp disagreement with my colleague the gentleman from Oklahoma [Mr. MONRONEY] over a matter which I believe is of great and vital benefit not only to his part of the country but to mine as well. I especially regret that he is proceeding, perhaps, on a misapprehension as to the study this plan has received. From what he said one would gather the impression that this thing was just dreamed up last year and that there had been no study made of it; that we who support it did not know what we were talking about, did not know what it would accomplish, did not know what it would do; but the record will show that this matter has been under consideration for years, and years, and years; that it has been surveyed; that it has been reviewed, reviewed, and reviewed again, and studied and restudied. If there is any error in the engineers' report, it is on the side of being too conservative about determining the benefits to be derived from this project.

In the hearings before the committee, item after item of benefits which would go toward justifying this construction as set forth in this bill were shown to have been omitted. But even with those items omitted this project is still justified from an economic standpoint under the formula adopted by the Army engineers—a formula used on all other projects throughout the United States.

This project, of course, will help our part of the country; there is no question about that; but when this project is completed in 10 or 12 years, or whatever time it is going to take to complete it, this project is going to help you, and you, and you in the great industrial part of the United States to get your products in to us. We will ship our products that you need to you, and in return we will take the products that you manufacture and which we need.

As I say, Mr. Chairman, this has received study. It has been studied and restudied and is perfectly justified by all the facts and records as shown by the Army engineers.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. CRAVENS. I yield.

Mr. JUDD. If this project is not approved, is it likely to come before us again as an AVA—an Arkansas Valley Authority, comparable to the TVA?

Mr. MANSFIELD of Texas. That bill is pending before our committee now.

Mr. CRAVENS. That is right. I think this is a preferable plan to that. If we have to indulge in another study, we will have to start all over again and it would take another 20 years before we can determine whether anything is going to be built down in that part of the country or not.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. CRAVENS. I yield to the gentleman from Arkansas.

Mr. HARRIS. Is it not a fact that under the present system of operation down there the Southwest Power Administration has been set up as the organization to handle the power that comes from the dams in this area?

Mr. CRAVENS. That is my understanding.

Mr. Chairman, I live in that part of the country. I hope nothing I say will be taken as at all critical of the gentleman from Oklahoma [Mr. MONRONEY]. However, we have two great cities in the State of Oklahoma—Oklahoma City and Tulsa. There are those two great cities there and in spite of all you can do there is a feeling of jealousy or rivalry as between those two metropolises in the State of Oklahoma. I did not have anything to do with locating the Arkansas River or either one of those cities, but it so happens that the navigation proposals involved in this project are a little closer to Tulsa than they are to Oklahoma City, and the gentleman from Oklahoma [Mr. MONRONEY] is from Oklahoma City.

Mr. MONRONEY. Mr. Chairman, will the gentleman yield?

Mr. CRAVENS. In just a minute.

Mr. MONRONEY. There is also Fort Smith, Ark., in the gentleman's district.

Mr. CRAVENS. Mr. Chairman, if I were in the position of the gentleman from Oklahoma [Mr. MONRONEY] I probably would take the same attitude he is.

Mr. Chairman, that is the situation. The Governor of Oklahoma, the Governor of Arkansas, and everybody else is for this except Oklahoma City.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. NORRELL. Mr. Chairman, I regret that my very good friend, the able gentleman from Oklahoma [Mr. MONRONEY] has offered the pending amendment, because I am under the impression that the citizens of Oklahoma are as much interested in this project as the citizens of Arkansas. This Congress, by proper resolutions, ordered the Chief of Engineers to make a comprehensive survey and report on the Arkansas River. This investigation was made, public hearings held both in Oklahoma and Arkansas, and, according to orders from this Congress, the reports were made on September 20, 1945, and March 19, 1946. The Chief of Engineers approved the construction of a dam in Oklahoma and the navigation of the Arkansas River, along the natural channel, to the Mississippi River. The Committee on Rivers and Harbors conducted further hearings and a large number of witnesses appeared and testified, including the Governors of Arkansas and Oklahoma. The Rivers and Harbors Committee of the House has approved the project and recommended its adoption by the Congress.

The construction of the project making the Arkansas River navigable would greatly benefit my section of the State both because of navigation and because of protection to land and levee improvements from caving banks.

The Arkansas River watershed contains a population of about 3,748,000. The principal crops are cotton, corn, rice, and hay. Industries include the processing of agricultural products and the manufacture of brick, tile, cement, furniture, and lumber products. The principal mineral resources are petroleum, lead, zinc, bauxite—producing in our area of Arkansas about 98 percent of the domestic supply. We have the world's largest alumina plant and a very important aluminum plant. We have lots of coal as has been mentioned.

It is necessarily a long-range program, something that cannot be done shortly, but it constitutes a completed program on which we can build through the years.

I hope the amendment may be defeated and that the House will approve the reports of the Chief of Engineers.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. MONRONEY].

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 42, noes 99.

So the amendment was rejected.

Mr. DONDERO. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, it is quite obvious that we cannot finish this bill tonight with any degree of certainty before 7 o'clock. It has come to my attention that other amendments are going to be offered to strike certain provisions from this bill. Because of an understanding between the two parties that there will be no roll-call vote until next Thursday, I hope that the majority side will ask that the Committee do now rise.

Mr. PETERSON of Georgia. Mr. Chairman, if the gentleman will yield, I was wondering if we could not run on a little while and possibly dispose of all of the amendments.

Mr. DONDERO. I do not think it can be done.

The CHAIRMAN. The Chair will state that there is only one other amendment pending in regard to section 1.

Mr. DONDERO. I have been informed in the last few minutes that there will be an amendment offered on this side to strike out the Tombigbee item. That will take some time. I hope the Committee will see fit to rise rather than to

continue debate because we cannot have a vote anyway.

Mr. MANSFIELD of Texas. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. LUTHER A. JOHNSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H. R. 6407) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, had come to no resolution thereon.

SPECIAL ORDER GRANTED

Mr. STIGLER. Mr. Speaker, I ask unanimous consent that on Thursday next, at the conclusion of the legislative program of the day and following any special orders heretofore entered, I may be permitted to address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent that on tomorrow, at the conclusion of the legislative program of the day and following any orders heretofore entered, I may be permitted to address the House for 30 minutes. In the event of an unexpected adjournment, I ask unanimous consent to extend my remarks in the Appendix of the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. MANSFIELD of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANSFIELD of Texas. Mr. Speaker, this bill will not come up now until Thursday, as I understand.

The SPEAKER. Not before Thursday.

EXTENSION OF REMARKS

Mr. LYNDON B. JOHNSON asked and was given permission to extend his remarks in the RECORD and include an address prepared for the graduation exercises of Johnson City High School.

Mr. COFFEE (at the request of Mr. SAVAGE) was given permission to extend his remarks in the RECORD and include a statement.

Mr. WICKERSHAM asked and was given permission to extend his remarks in the RECORD and include a letter.

Mr. GATHINGS asked and was given permission to extend his remarks in the RECORD in two instances, to include in one an editorial appearing in the Standard Times, New Bedford, Mass., and in the other a radio address delivered by him over Station WINX.

Mr. RANDOLPH (at the request of Mr. PRIEST) was given permission to extend his remarks in the RECORD and include a speech by the Acting Chairman of the Civil Aeronautics Board.

SPECIAL ORDER GRANTED

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent that tomorrow, following any special orders heretofore entered, I may be permitted to address the House for 5 minutes, and in the event of an unexpected adjournment tomorrow I ask that that time be granted me for the next day.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER. Under previous order of the House, the gentleman from Tennessee [Mr. COOPER] is recognized for 30 minutes.

TENNESSEE

Mr. COOPER. Mr. Speaker, I had hoped to address the House on Saturday, June 1, but as the House was not in session on that date, and due to the important legislative program, this is the first opportunity I have had, so I am asking your indulgence at this time.

On June 1, those of us from Tennessee celebrated our one hundred and fiftieth anniversary of statehood. As a token of the deep affection I hold for our historic and richly favored State—a feeling that I share with 3,000,000 other Tennesseans—I wish to present at this time certain pertinent data relative to Tennessee's admission into the Union, and to recall some of the glorious part played by the Volunteer State in our Nation's history.

In doing so, I am proud to honor the memory of the great men and women of our past, and I rejoice with those who, today, enjoy the wonderful heritage they handed down to us.

The exploits and adventures that marked the settlement of our State provide a background more varied and thrilling than the Indian stories of James Fenimore Cooper. The casual reader of Tennessee history has slight conception of the difficulties with which the frontier families were forced to contend. Toil and hardship and danger were the lot of these hardy pioneers. In carving new homes out of the wilderness they braved the elements, overcame incredible privations, and time and again fought off the ruthless attacks of cruel and embittered tribes of Indians.

The motive of these early settlers was neither conquest nor glory, but a simple and natural desire to improve their conditions. They were men of ambition and high spirits, and having heard the stories of the fertility of the western country across the mountains, they were willing to brave dangers and endure hardships to see and possess it and to build an empire of their own.

We sometimes wonder as we read how a guard stood with cocked rifle while a brother stooped to drink at a spring; but this is no exaggeration. We have heard our grandparents recall the stories of their pioneer grandmothers in the Tennessee country—how one, typical of these courageous women, sat in the field and held a baby in her lap, guarding with a rifle while her husband followed the plow. We wonder at the possibility of existence so far removed from centers of supply, and we marvel at their sagacity and prudence. When their commissary stores were low and powder was scarce, these sturdy folks never wanted for an alternative—they survived on little, shot less, and shot better.

The first white men to enter Tennessee were the Spaniards under De Soto in 1541. The French came in 1673 under Father Marquette. Neither followed up their discoveries with a settlement. The first settlers in the Tennessee country were the Scotch-Irish. Between 1700 and 1730, 20,000 came to America, and finding the best land along the seacoast already taken up, during the next few decades they pushed across the Appalachian Mountains and established homes. They came to stay—and stayed.

As early as 1690 a trader from Virginia visted in east Tennessee, and in 1748 Dr. Thomas Walker, of Virginia, led a group of hunters down the Holston River, discovering Cumberland Gap. About this time Daniel Boone was attracted to the Western Country and as late as the year 1916, a great beech tree stood in the valley of Boone Creek, which bore the words, "D Boon cilled a bar on this tree in year 1760." His spelling was poor but his trigger finger was perfect.

Hunting parties had advertised the wilderness to the settlers of the Colonies, and by the spring of 1771, there were four separate settlements in Tennessee.

One of these was the Watauga settlement. It was here that the first written constitution ever adopted by American freemen was written in 1772. This historic document was inspired by John Sevier and James Robertson, two of Tennessee's pioneer great. It was not until 1775, 3 years later, that the celebrated Mecklenburg resolutions were passed, the substance, if not the language, of which was embodied in the Declaration of Independence.

This historic pioneering in democratic self-government followed a survey of Indian boundaries in 1771 by the British Government and the Colony of Virginia, which revealed that only one of the four Tennessee settlements was on land legally belonging to the white people. The other three groups of settlers were living on land belonging to the Cherokee Indians. To rectify the situation, the settlers pooled their resources and leased the land from the Cherokees for a period of 10 years for a thousand dollars. However, by April of 1772, the red men had forgotten their trade and were ready for the war path against the 70 or 80 families in the district. The impending struggle impressed upon the settlements the need for organization.

Even before this, however, the leaders of the communities had spoken of organizing a government. Many of the people had held public offices east of the mountains and here they realized the need for protection by law and order. Also, they were alarmed by the influx of outlaws from the eastern colonies. The pioneers were law-abiding people, but without a government they had no legal process for maintaining peace and harmony. So they decided that since they could not expect help from either Virginia or North

Carolina, they must take steps to protect themselves.

Thus, for defense against attack, and to protect themselves with the benefit of government, James Robertson called a meeting of the settlers, and in May 1772 the Watauga Compact was drawn up.

The readiness with which Sevier and Robertson, Henderson and Campbell, and the other stalwart leaders of that day drew up articles of government by compact is simply amazing and it would seem that they had, not only inborn knowledge of self-government, but an innate love for it. This Watauga Compact was formed while the other States were still colonies of Great Britain, and yet they embodied the broadest principles of self-government, extending even to the limit of unrestricted suffrage.

The pioneer government of the Watauga people proved a success. Their courts settled questions of debt; wills were made and recorded; deeds for land were given up and filed; marriage licenses were issued; and criminals were punished.

But in the meantime, there was trouble between the Colonies and Great Britain, and the Watauga Association was yet young when the first gun of the Revolution was fired. The settlers were far removed from the scenes of the conflict, but when Cameron, the British Indian agent, promised the settlers full protection if they would remain loyal to the king, they met in a solemn convention and voted to stand firm for the Americans.

Following the example of the Colonies east of the mountains, they selected a committee of public safety and reorganized their government as "Washington District," the first political division to be named for the Commander in Chief of the American Armies. Faced with the danger of an Indian attack in 1776, they appealed to North Carolina and were annexed by that State. The next year North Carolina created Washington County, which included practically all of present-day Tennessee. Thus the Watauga Association came to an end.

North Carolina was so involved with her affairs east of the mountains that she neglected the settlers in Washington County and left them largely to their own resources. But Tennesseans were volunteers even at that early day and they volunteered, not only to join in the fight for American independence, but what is still more remarkable, despite their hard lot, they volunteered to stand their part of the expense for carrying on the war with England.

When Britain's Colonel Ferguson threatened, in 1780, to cross the mountains and lay waste their country and hang their leaders, the challenge was promptly accepted. The settlers met at Sycamore Shoals on September 26, 1780, under the leadership of John Sevier. Every able-bodied man was there, ready for the march and eager for the fray. But it was necessary to guard the settlements against the Indians, and, therefore, only half the force could be spared. So eager was every man to join in the expedition that it became necessary to resort to a very unusual expedient; that is, to institute a draft—to determine, not who should go to battle, but who should stay at home.

The ensuing victory won by Sevier, Shelby, and Campbell, with their band of backwoods patriots, at Kings Mountain was not an accidental triumph over a surprised and inexperienced force, but it was against trained troops under a seasoned British general.

Kings Mountain has been considered by many as the turning point of the Revolution. Certainly a grave crisis was safely passed. The major credit for that achievement belongs to the sturdy, God-fearing, straight-shooting pioneers of the Tennessee country.

About 35 years later, the sons of these same heroes, led by our Andrew Jackson, had to prove to the British again that they still could shoot, and still could out-fight the veteran troops of European wars. General Jackson's signal victory over Pakenham at New Orleans insured respect for America abroad and made the powers of the world recognize our rights and respect our courage.

By 1779 some of the settlers thought that the population was becoming too dense for comfort, as houses crowded up to within 2 miles of one another in some instances. So about 200 of them banded together under the leadership of James Robertson and set out for a place on the Cumberland River which later became the city of Nashville.

At the same time, another group, under John Donaldson, set out in a fleet of river flatboats to meet Robertson at the appointed place on the Cumberland River. Most of the men went overland with Robertson, leaving their wives and children to take the easier trip by water. But this proved to be the most hazardous trip in all Tennessee history.

Their struggles with hostile Indians—with the rapids at Muscle Shoals—the flooded rivers—the outbreak of smallpox—and the coldest winter on record, before or since, defy all description. But most of them lived to join the Robertson party in April 1780.

The new settlement promptly organized a government known as the Cumberland Compact, which was independent of North Carolina and the national authority. Five years later the inhabitants of the nearby settlement at Clarksville entered into a similar compact of government. And in 1785 the State of Franklin, a confederation of Tennessee settlements, began to function as a state and continued for about 4 years. That state was also independent of the State of North Carolina. So, no other people in any part of the American West, prior to the admission of their States into the Union, had such tutelage and experience in self-government as had those of the Tennessee country.

By an act of Congress, May 26, 1790, provisions were made for a temporary government of the territory south of the Ohio River, which included Tennessee. The people of the Tennessee country organized its territorial legislature and elected James White as their first delegate.

White presented his credentials to the House of Representatives on November 11, 1794, during the second session of the Third Congress. The question was raised and discussed at length as to whether he should be seated in the House or in the Senate. There was no specific provision in the Constitution for delegates, and the Ordnance of 1787 did not specify the body in which he should have a seat.

During the course of the debate, Representative Swift, of Connecticut, said:

> This person is sui generis. He is a new kind of character unknown to the Constitution. If the Constitution knows anything about him, then take him; if not, reject him.

Finally the matter came to a decision and by a vote of 42 to 32 it was determined that he be admitted to a seat in the House, with the right of debating but not of voting. Thus, Tennessee set the precedent for the seating of delegates.

It is the desire to commemorate Tennessee's admission into the Union that, in the main, inspired our Sesquicentennial Celebration. The story of her admission is a story of neglect, delays, disappointments, and injustice, and the early struggle for sovereignty in Tennessee is unequaled in our national annals. It is the view of some authorities that Tennessee was never willingly and gracefully admitted into the Union. She forced her way into it.

Two States, Vermont and Kentucky, had already been admitted into the Union by acts of Congress in 1791. Neither had been a territory of the general Government, and since Tennessee was the first territory to apply for admission—the first to be raised from the status of a territory to that of a State—there was lacking any precedent whatsoever as to the proper mode of procedure. Once again Tennessee broke the trail.

Sectional rivalry, the East against the South in a struggle for balance of power, figured in the admission of Vermont and Kentucky, but when Tennessee came knocking at the door of Congress for admission, the political climate was altogether different. Rival political parties, the Republicans and the Federalists, had developed. Jefferson, finding that President Washington was leaning more to his rival, Hamilton, and his followers in the Cabinet, resigned as Secretary of State at the beginning of the year 1794. This engendered intense bitterness on the part of the Federalists in the East and throughout the Union. The people of the Tennessee country were known to favor Jefferson and they had to confront opposition based on political, as well as sectional, considerations. But, they did what they had been accustomed to do—prayed some and guarded the powder horn.

Tennessee's legislature met on March 1, 1796, and upon retirement of William Blount as Governor of the territory, elected John Sevier Governor of the State. However, Congress did not admit Tennessee to the Union until June 1, of that year. It will be seen, therefore, that before our people achieved statehood, they already had a governor in office and, furthermore, Andrew Jackson was in Philadelphia waiting to take his seat as the new State's first Representative in Congress.

Her census entitled her to two Representatives, but in the compromise of ad-

mission, she had to come into the Union with one Member of the House. William Blount and William Cocke were the first Senators. After the final passage of the bill for admission by both Houses of Congress on May 31, 1796, George Washington promptly approved it on the following day, thus attaching his signature the last time for the admission of a State into the Union. And to show how narrowly Tennessee's admission escaped further delay, the fact need only be mentioned that the United States Senate adjourned sine die at 5 o'clock, June 1, 1796! I might add here, that Tennessee's admission into the Union was used as a precedent for all other territories.

The last part of Tennessee to be settled, of course, was the west Tennessee region awarded to the United States in the peace treaty with England in 1783—following the Revolutionary War.

This land, between the Tennessee and Mississippi Rivers, was fair to see and desirable to possess, so by the time North Carolina finally ceded her territory west of the mountains to the Nation in 1784, a land office had already been opened at Hillsboro, N. C., and had been doing business for almost a year.

Entry warrants were sold—for not more than 5,000 acres of unimproved land—at the price of 10 pounds for every 100 acres. Provisions were made for the location and survey of the entries and a surveyor was elected by the North Carolina Legislature for the "western district," and his headquarters were opened at Nashville. Deputies were selected from the settlements and they all set out in June 1785.

At the mouth of a small river in the "western district" flowing toward the Mississippi from the east they killed a buck deer, with horns of a peculiar shape, which suggested the name "Forked Deer" to the party, and the stream has been so called ever since. It is the same river upon which my home town of Dyersburg is located.

The party traveled back up the Forked Deer River until they reached the first bluff, and here, upon a large leaning sycamore, Henry Rutherford, the surveyor and leader of the group, cut his initials and a large key. This established what is still known as Key Corner, in Lauderdale County, and was the beginning corner of four surveys—all of which were in what is now the congressional district I have the honor to represent. These surveys continued until the year 1791.

But all of this land lay in the Chickasaw country and the title of these resolute Indians hovered like a pall over the region, and until it should be removed the North Carolinian claimants dared not enter "to have and to hold," and that was the one thing essential to make their titles merchantable or their lands of practical use. So, for this reason, and others, the lands in the far-away region were to lie dormant, for all practical purposes, for more than a generation after entry.

Memorable in the years 1811–12, nature wrote history on the face of the earth in west Tennessee. Beginning December 16, 1811, with recurrences for more than a year, earthquakes occurred which have never since been equaled in that area. As the region of occurrence was unsettled, there was but a small loss of life. The quake caused the ground to rise and fall in a wavelike manner—like the water of a pond ruffled by a strong wind.

Great waves on the Mississippi caused the current to turn upstream. High banks caved into the whirling waters and whole islands disappeared. It is thought that it was the shock occurring on February 7, 1812, that created the great subsidence which formed Reelfoot Lake. The subsidence carried into the lake bed the channels of Bayou de Chien and Reelfoot River, which streams flow into the lake today.

At the junction of the Bayou de Chien and Reelfoot River stood a sycamore, many feet in diameter, marked as a corner-tree, at the corner of one of the old North Carolina grants of 1783–86. These grants figured prominently in litigation a century after the earthquake in the Reelfoot Lake cases in the Supreme Court of Tennessee. The disappearance of many other landmarks made by surveyors before the earthquake caused much difficulty through the years.

This lake lies in the congressional district which I have the honor to represent and is visited every year by thousands of fishermen and hunters during the duck season.

After the earth had settled down again in west Tennessee, the people began to clamor for a removal of the Indian title so they could move in and settle on their claims which had been laid out so many years before. Finally, the Government took a hand and Andrew Jackson was appointed commissioner to arrange for and negotiate a treaty with the Chickasaws in Tennessee. In 1818, after trials and tribulations, the Jackson Purchase was made and the land, in what is now known as west Tennessee, was turned over by the Indians to the white people.

The Legislature of Tennessee, following the ratification of the Chickasaw Treaty, January 1818, provided authority for organized government in the district, and Hardin County was the first to be formed in west Tennessee. Other new counties followed quickly. In less than 2 years 2,500 people had moved in. Immigration was encouraged and facilitated by official surveys of lands in the district, and a distinct rush was on.

In 1825, a Knoxville newspaper noted that wagons, carts, and carriages passing to the West through that town amounted to from four to five thousand annually. In 1827, a correspondent from Buncombe County, N. C., stated that—

> During the last 4 months the flow of emigration through Asheville has surpassed anything of the kind the writer has ever witnessed. It is not uncommon to see 8, 10, or 15 wagons and carts passing in a single day * * * wending their way to the West.

One Methodist presiding elder reported in 1820 that at least 500 members in his district had removed to the Jackson Purchase.

A covered wagon was the vehicle customarily used, and at night groups would gather by a campfire, sited near a spring. The slaves walked to drive and attend the livestock, only a few of which cumbered the march. The memory of the descendant of an early pioneer family from South Carolina preserves the tradition of the journey from that State to Haywood County, in the congressional district which I represent, in the fall of 1836. Shadrach Rice and his two brothers, Thomas and John, with their families, traveled in barouches, and their 150 slaves walked or rode in covered wagons. En route, scarlet fever broke out in the party and John's wife and two of the children of Shadrach were lost by death. When west Tennessee was reached, they had to cut logs and float their vehicles across some of the unbridged rivers. By 1836 most of the counties in the Jackson Purchase had been formed and local government was in full force.

As soldiers of the Revolution, of Jackson's campaigns against the Creeks, and against the British at New Orleans, the settlers brought with them a spirit of independence and a democracy that was no theory. These qualities were transmitted to the sons and daughters who, in later years, gave devoted service to their State and Nation. It was the declaration of war with Mexico which evoked the volunteering of so many Tennesseeans that a number of regiments offering service had to be declined. This won the title of "The Volunteer State" for Tennessee. In the Civil War some of the counties of west Tennessee sent more soldiers into the ranks of the Confederate States army than they had voters.

It has been my purpose to try to bring out the high points in the early organization of our State, and I can mention only a few of the outstanding leaders. In Statuary Hall, Andrew Jackson and John Sevier have been wisely selected as our State's contribution and their statues in bronze—two of the finest works of art in the Hall—will be a constant reminder of the ability and individuality of the founders of Tennessee.

From the time of her admission as a State, on June 1, 1796, to the present time, Tennessee has elected 45 individuals to the United States Senate, and 223 to the House of Representatives. Time does not permit a recounting of lives, even of the most prominent, of our Representatives in Congress.

Every school child is familiar with the dramatic experiences of Andrew Jackson. We all recall the romantic life of Sam Houston—Representative in Congress and then Governor of Tennessee; later commander in chief of the Texas army and then President of the Republic; and, finally, Senator to the United States Congress from the State of Texas and, last of all, Governor of Texas.

It was our three Tennessee Presidents, Jackson, Polk, and Johnson, together with Sam Houston, whose leadership was responsible for much of the expansion of the United States. When Andrew Jackson marched into Florida and seized Pensacola, the Monroe administration bought Florida from Spain. Sam Houston was the central figure in creating the Republic of Texas, and due largely to

his diplomacy, it became a State. Milton Brown, of Tennessee, was the author of the annexation resolution. James K. Polk acquired the vast territory south of Oregon and west of the Rocky Mountains from which six of our great Western States have been carved. The administration of Andrew Johnson acquired the Territory of Alaska.

Another Tennessean who has added much color to our State, and to Texas as well, is David Crockett. He came to Congress to represent my district 100 years before me and served three terms. But in 1835, because of his break with Andrew Jackson, he was defeated. The disappointment rankled in his breast and it was then that he is accredited with having said that Tennessee could go to hell and he would go to Texas. He joined the Texas forces in the spring of 1836 and was killed with that immortal group of 140 men who fought at the Alamo.

Some called the trouble of 1861 rebellion, others called it secession. In the eastern part of the State they remembered Andrew Jackson and cried, "The Federal Union—it must be preserved." We of the western side joined with those of the middle section by saying, "But the State; the thing our fathers builded which is nearest us—the State." And so we were divided—neighbor against neighbor.

Tennessee as ever played her full part in this sad war. She furnished 115,000 soldiers to the southern cause and 34,000 for the preservation of the Union, and the battles most decisive in their results, and the bloodiest, were fought upon her soil. One of our Civil War great was Nathan Bedford Forrest, who, with his cavalry brigades of west Tennessee, won deathless renown by strategy, dash, and the ability to "git thar fust with the most men." Out of the backwash of the so-called peace stood Andrew Johnson, President, and from a State which was not even allowed to vote for him, doing battle for the constitutional principles of the Federal Government.

But we rose from our ashes and had bound up our wounds in time to rally again when the cry of war sounded. The war we had with Spain did not last long, but the gunboat *Nashville,* commanded by a Tennessean, managed to fire the first shot on April 22, 1898.

The next time we were to hear the cry of war it was far more serious, but blood ran true and the Volunteer State tradition held, and our men set foot on foreign soil to defend the freedom their fathers revered. The Thirtieth Division, composed of volunteer companies from the Carolinas and Tennessee, had its part in that mighty conflict, and on September 29, 1918, went through the Hindenburg line, and the thing that could not happen had happened.

And if I may add a personal note here, permit me to say, with humble pride, that I had the honor and privilege of being a member of the One Hundred and Nineteenth Infantry of the Thirtieth Division when it drove through to that memorable victory.

Anything that I might say about Alvin York would be an anticlimax. What he did was incredible. He, too, is a figure of the centuries.

And now, on our one hundred and fiftieth anniversary of statehood, again we find ourselves welcoming home our boys—and this time girls as well—who went from pursuits of peace to the danger of battle that we might continue to enjoy our heritage of freedom.

Our Tennesseans followed the flag under arms as members of every organization engaged in World War II. Their exploits of valor and heroism added new luster to the pages of history and will cause their fame to forever shine like stars in the firmament of history, ever beckoning mankind to higher and nobler goals. And whatever is written by future historians, you may be sure that the stories will endure forever of those fighting men from Tennessee whose stark courage, fortified by the traditions of a grand old fighting State, carried them to the heights of heroism for which the Congressional Medal of Honor alone is reserved. Their deeds, with those of Sevier and Jackson, Crockett and Houston, and Forrest and York, are perpetually enshrined in our remembrance.

No story of Tennessee's great could be complete, of course, without a tribute to our beloved statesman and friend, Cordell Hull—a former Member of this House and of the Senate, and our great wartime Secretary of State. In his life and illustrious career are exemplified the noblest attributes of the people who, over a span of a century and a half, have built our great State. We also take great pride in the fact that our great Speaker the gentleman from Texas, Hon. SAM RAYBURN, is a native Tennessean.

And so, with 150 years of glorious history behind us, we of Tennessee are proud, indeed, on this sesquicentennial occasion, to pay solemn tribute to the zeal and wisdom of our forefathers in bringing us into the fellowship of this, the greatest Union in the world.

We are proud to be Tennesseans and to be Americans.

The SPEAKER. Under previous order of the House, the gentleman from Massachusetts [Mr. LANE] is recognized for 20 minutes.

THE PROGRESS OF THE EDUCATIONAL SYSTEM OF THE PAROCHIAL SCHOOLS IN THE ARCHDIOCESE OF BOSTON

Mr. LANE. Mr. Speaker, I received not long ago a copy of the Thirty-second Annual Report of the Diocesan Superintendent of Schools of the Archdiocese of Boston, summarizing the activities and accomplishments of the parochial schools of the archdiocese for the year from June 1944 to June 1945 The report, printed in booklet form, is modest, informal, and factual in content. It presents, in the words of Most Rev. Archbishop Richard J. Cushing:

> A very gratifying account of the present status of our schools and of the progress made in our educational program during the past 6 years.

But, because of the modesty of its design and the factual tone it preserves, the layman, like myself, is apt not to observe that it is, in fact, a striking tribute to countless people, living and dead, and a worthy testimonial to a present culmination of achievement which by that very fact proclaims great promise for the future. Consequently though I am not in any way qualified to do justice to the theme, I feel compelled to highlight, as it were, certain aspects of this report, drawing light from the past to illuminate the present. My intent is not ambitious, nor can it be, but it is sincere and motivated by a desire to make due public recognition of achievement. It must be remembered however that any and all individuals we might single out to praise actually find sufficient reward in the very fact of achievement or, more accurately, in the very effort itself, which is simultaneously a duty. And this is all the more true of those who work ever anonymously, but never less gloriously because of that fact.

The greatest tribute to the growth of the parochial schools in the Boston diocese and to the men and women, principally religious, who fostered that growth, would, of course, be an historical account from the first efforts in the last century to the present. That tribute is contained in part in the recently published and monumental History of the Archdiocese of Boston, printed in three volumes and written by Lord, Sexton, and Harrington at the express wish of the late Cardinal O'Connell. Here, as I say, I can only highlight, and that but inadequately, the limited knowledge I have of the past, contrasted with the report to which I refer.

Essentially the growth of the parochial schools from the isolated, ill-regarded first effort in 1820 to the splendid, diocesan-wide system of the present, has been due largely to the vision and zeal of individual pastors, and to the like vision and zeal of their bishops. We need but realize that the Catholic people, in the main, had no freedom, no rights, in the English colonies until the acceptance of the Constitution in 1787 to realize the overpowering restrictions imposed on their first efforts. We need but recall that when Bishop Cheverus assumed charge of the new See in Boston in 1810 there were only 720 Catholics, but 3 churches and no schools in New England, to realize the progress that has been made. Or we can recall that the first academy for girls in the diocese of Boston fostered by the courageous initiative of the Ursuline Sisters was burned to the ground by a bigoted mob in 1834 in the heat of the Know Nothing Movement to illuminate the fact that now, not much more than a century later, there are 200 schools with 3,284 teachers and more than 100,000 pupils. And, I repeat, this extraordinary growth, made in spite of extreme difficulties, is basically due to the zealous vision of individual pastors, ever encouraged by their bishops. Their efforts were directed by the third plenary council of Baltimore, which made the establishment of the parochial schools, as far as it might be prudently possible, imperative.

But, as the distinctive mark and very purpose of the Catholic school is qualitative, the enumeration of numerical growth is merely an adjunct to the account of the true accomplishments of the parochial system of Boston. Marvelous in itself, though but supplementary, is the record of the growth of facilities, of modern school buildings, the product of

constant and heroic effort to parallel and keep pace with the growing demand and current needs. As aptly stated in the History of Catholic Education in the United States, one of the most striking social phenomena in the contemporary United States is the magnificent virility of Catholic education, supported by the generosity of a people who already bear a share of the cost of public education. And in this connection it is pertinent to point out that such support during the first great expansion in the last century came from people who in the great majority were merely laborers whose income was meager, whose social influence was nil and who had no influence in public affairs. And it is well to remember that to this day the people who support these schools also contribute in full to the support of public education. Finally in commenting on the growth of facilities, it should be noted that, though wartime restrictions made it impossible to erect new buildings, many buildings were purchased and remodeled to meet the needs which were rather increased than diminished during the war.

We can best effect a transition from consideration of size and quantity to an awareness of qualitative increase by turning our attention to the teachers, past and present. It is gratifying to note that the Ursuline Sisters who were driven out by the burning of their school in 1834 have recently returned to the archdiocese to open an academy for girls in September of this year. During the last century the greatest obstacle to a more rapid growth of parochial schools was the lack of teachers. This deficit was gradually overcome by great missionary zeal accompanied for a time by political troubles in Europe which brought religious teachers to this country in increasing numbers. Witness now the fact that during the school year 1944–45 there were 38 religious communities, 33 of women and 5 of men, engaged in teaching in the Catholic schools of the archdiocese. It must be remembered that each community is not only specifically designed and thoroughly trained for teaching, but consists of men and women devoted to teaching by a divine vocation. And this devotion is remarkably attested to in the annual report by a brief record of the opportunities for professional and academic improvement utilized by these teachers, in extension school studies in the college conducted by their own communities and in higher studies, notably at Boston College in-town and graduate schools. The brief reference to the Diocesan Teachers Institute suggests a broad and worthy program of educational instruction and encouragement. It is of these teachers that Pope Pius XI spoke in his encyclical on the Christian Education of Youth, when he said:

> Our Catholic institutions, whatever their grade in the education and scientific world, have no need of apology * * *

And when he referred to—

> the founders of so many social and charitable institutions, of vast numbers of saintly educators, men and women, who have perpetuated and multiplied their life work by leaving after them prolific institutions of Christian education, in aid of families and for the inestimable advantage of nations.

And closely linked with these pedagogical advances is the continued development of the seminaries and community houses necessary to the lifeblood of the teaching system. The new Motherhood of the Sisters of Jesus Crucified and the Sorrowful Mother was dedicated in Brockton in September 1945. During the period of reference in the annual report, six new seminaries were opened in the archdiocese. The splendid, fertile growth of trained and devoted teachers promises not only to be perpetuated, but constantly enlarged.

Most instructive in the report is the clear indication of ever-improving coordination and unification of the parochial schools. The growth of the system has been, as I have intimated, from the bottom up, from local schools through parochial to diocesan control. The corresponding growth in administrative functioning has manifestly reaped benefits. This is particularly evident in the work of the superintendent, whose original concern was with teachers and their qualifications and has grown through the function of supervisor and inspector to a responsibility that presently includes four distinct functions: one, organization and administration; two, supervisory control, now principally delegated; three, educational leadership; four, public representation. The benefices of this growth are manifest not alone in the annual reports, but in the publication of a school directory, the cultivation of the work of community supervisors, and in the established program of studies for the high schools of the archdiocese, which has blessed the diocesan work with greater uniformity. Finally, courses of study, both for the secondary and elementary schools have been or are being completed. The product of this progressive endeavor will be of inestimable value, as must be apparent.

Another recent advance which merits attention and praise is the increase in the number of central high schools. While the parochial schools sprang from the best motives and have been the very foundation of contemporary development, they, by their nature, were limited. They served the purpose of the days in which they flourished, but in present days too often suffer from the lack of adequate curriculum, library, laboratory, and other facilities. Present needs have led to the growth of central high schools which depend on no parish, are systematically supported, and are organized as an integral part of the diocesan school system. As a beneficial result we now witness greater recognition and encouragement of the diverse talents of youth, an increased number of students, a more thorough and balanced educational training, and a greater participation of students in academic and athletic competitions on a diocesan and even national scale. We see evidence of this in the safety education program of the schools, in the health education program, public speaking and debating contests, athletic leagues, band competition—yes, even spelling contests. In this connection I am proud to report that a girl student in the Sacred Heart School, a parish school in my native city of Lawrence, Miss Doris LeTourneau recently won second prize in the national finals of the oratorical contest sponsored by the American Legion, after having won local, State, and regional contests in competition with students from not only parochial but also all public secondary schools. This fine achievement illustrates that the parochial high schools continue to form an essential and admirable part of the diocesan system. The report speaks of the prospective opening of a vocational school for boys under the Salesian Fathers in Boston.

I cannot encompass in my remarks mention of the numerous other activities and programs now prospering to the benefit of the people. And much less can I hope even to suggest the heroic effort, devoted persistence and glorious objectives of the men and women who have brought this system of schools to its present perfection. But I hope that I have, by these brief references, given some slight estimate of the ever-vital response to the dictum of Christ which has ever been repeated and cherished by the Catholic Church: "Going therefore teach ye all nations," a dictum which, needless to say, has been the guiding purpose of all this growth, just as His Spirit ever guides the lives of the people who have accomplished this work. For the growing sense of the necessity for religion which their work manifests has not been retarded, but rather renewed by the realization that no religious training by the schools leads inevitably to religious indifferentism.

And I would like to add the reminder that the loyalty of the Catholic school and its teachers to the Nation is a matter of obligation in the teaching of their church. The words of Pope Pius XI are again pertinent:

> It pertains to the state, in view of the common good, to promote in various ways the education and instruction of youth. For the state, more than any other society, is provided with the means put at its disposal for the needs of all, and it is only right that it use these means to the advantage of those who have contributed them. Over and above the state can exact and take measures to secure that all its citizens have the necessary knowledge of their civic and political duties, and a certain degree of physical, intellectual and moral culture which, considering the conditions of our lives, is really necessary for the common good.

And he also states:

> The mission of education regards before all, above all, primarily the church and the family, and this by natural and divine law, and that therefore it cannot be slighted, cannot be evaded, cannot be supplanted.

And finally because his words are so applicable to the growth of the school system of the Archdiocese of Boston, I quote the words of Bishop Peterson in the preface to A History of Catholic Education in the United States:

> The history of this movement is enlightening and encouraging. It reflects the church's overflowing vitality which nourishes her children with the life to which she owes her being and her growth. It reveals her adaptability to the progress of our growing Nation wherein she has so well responded to the yearnings of a free people for better educational opportunity. From her treasures she enriched our land with the new as

well as the old. Accepting the challenge of a perilous denial of a place in education of religion, she gave it the place which long and large experience made clear that it should have, at the same time contributing most helpfully to pedagogical progress.

The SPEAKER. Under previous order of the House, the gentleman from Massachusetts [Mr. PHILBIN] is recognized for 30 minutes.

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include certain excerpts, documents, and newspaper articles.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

VETERANS' REHABILITATION

Mr. PHILBIN. Mr. Speaker, Massachusetts has given an estimated 550,000 of her sons to our armed forces, according to the best available figures as of April 1, 1946. Of this number, 437,682 have been returned to civilian life as of May 1, 1946, State selective-service officials reveal. It can be readily seen that many Massachusetts families are still facing bewildering problems either with regard to the service of their sons, husbands, and fathers in the armed forces or their release to resume their normal way of life.

This résumé, therefore, will attempt to outline, as concisely as possible, the basic provisions of the various governmental aids and benefits already extended to our servicemen, discharged veterans, and their families. These include monthly family allowances, emergency aid for servicemen and their families made available through the Army Emergency Relief, Navy Relief, and Red Cross home service, maternity and child-care assistance through the State department of health, national service life insurance, veterans' compensation, the GI bill with its educational, loan, and hospitalization provisions, the Vocational Rehabilitation Act and related matters which affect veterans of World War II and their families. Most of the text in part 1 of this handbook is the same used in my handbook issued 2 years ago, but it has been thoroughly revised and brought up to date.

At the outset, I would like to treat of a subject that has received far too little publicity, the Emergency Maternity and Infant Care Act, legislation provided by Congress.

EMIC PLAN

Financed by Federal grants, free maternity care for wives of men in military service, and free medical and nursing care for their babies are now provided through the Massachusetts State Department of Health. The director of the division of child hygiene is in charge.

The emergency maternity and infant care program, or EMIC plan, as it is called, provides for prenatal care for the wife of a serviceman by a qualified doctor of her own selection at her home or at the doctor's office. At childbirth, whether the wife of the man in service stays at home or goes to a hospital, she and her baby can receive free medical and nursing care. Complete maternity care is provided, including a physical examination 6 weeks after the baby is born. In addition, the baby is entitled to receive free medical care during the first year of his life.

If the doctor does not have the necessary application forms, write the Massachusetts Department of Public Health, 73 Tremont Street, Boston, asking that a form be sent to you.

APPLY EARLY

It is important that wives apply for EMIC funds in early pregnancy. The State department of health will not approve payment of the doctor, hospital, or any service bill before the application is made. In case of emergency it is advisable that the doctor in the case make application for you within 48 hours after the service is rendered, since no bills for hospital or medical service will be paid under the EMIC program if this is not done.

CARE PROVIDED

The charges for this medical, hospital, and surgical assistance are paid through the division of child hygiene, Massachusetts Department of Public Health, directly to the hospital and the doctor and nurse. No money is given the wife.

A minimum stay of 10 days in the hospital after childbirth is arranged for the mother, if facilities permit. Hospital care may be authorized in any hospital, including Army and Navy hospitals, where maternity and pediatric services have been approved by the State department of health. Therefore, it is imperative that the prospective mother ascertain whether or not the local hospital has been approved by the State under the EMIC program.

FAMILY ALLOWANCES—AN EXPLANATION OF THE INCREASED VETERANS' DEPENDENTS ALLOWANCE ACT

Congress sometime ago voted an increase in allowances to be paid to veterans' dependents. Since there is considerable confusion as to how these payments are made and who is eligible, this may help clarify some of the problems of the dependents of veterans.

Broadly any dependent of a man or woman in the service who is being paid $138 a month or less is eligible to receive a dependent's allotment or allowance from the Government. This act applies only to men and women in the service whose base pay is $138 a month or less. These servicemen who get more than $138 a month come under another system. The act provides for a monthly allotment as follows:

Class A dependents: A wife, $50; a wife and child, $80; each additional child, $20. A divorced wife, $42; a divorced wife with one child, $72; each additional child in custody of a divorced wife, $20. In case of alimony, a wife separated or divorced from a serviceman will receive no more than the amount fixed in a court order or decree. If the divorce or separation order does not call for alimony or separate maintenance, she will not receive any allotment.

Class B dependents, or where the dependency on the serviceman is less than 50 percent: A parent, $37; two parents, $37; a parent and any number of brothers and sisters, $37; two parents and any number of brothers and sisters, $37. It is important to make mention that Class B dependents are classified as such because they are only partially dependent upon the service men or women for support. In other words, if the dependents are dependent upon men or women in the service, 50 percent or less, they come under class B. Only $37 is given in such cases and applicants have to prove that they are dependent upon the enlisted man or woman for support.

B–1 DEPENDENTS

Class B–1 dependents, or where the dependency on the serviceman is 50 percent or more: One parent, $50; one parent and one brother or sister, $68; one parent and each additional brother or sister, $50 plus $11 for each brother or sister; two parents, $68; two parents and one brother or sister, $79; two parents and each additional brother or sister, $68 plus $11 for each brother or sister; a brother or sister but no parents, $52; each additional brother or sister without parents, $11.

Here also it is necessary for the applicant to prove 50 percent or more dependency. If the proof given is not sufficient, the dependent automatically comes under class B and gets much less. Thus, the dividing line, above or below 50 percent dependency, has an important bearing as to the amount of the allotment.

In the event the enlisted man fails for some reason or other to make application, any class A dependent can make application instead. These forms may be obtained from the War or Navy Department or you may obtain an application by merely writing your Congressman or Senator, who will be pleased to forward one to you and assist in every possible way. The Army requires that its regular application form be filled out, while the Navy simply requires a letter giving the name of the applicant's wife and children, date of birth, and service address of the enlisted man.

If the serviceman does not wish to make application for class B or B–1 dependents, no other person can apply. These allotments are granted and continued only at the will of the man or woman in the service. They cannot be forced to make application. However, whenever an enlisted man fails to make such application and the dependents are reasonably sure that he will approve it, they may make the application themselves.

The permission of the enlisted man then will be obtained by the service, and, if he gives permission, the allotment will be approved and payments started.

Thus, it can be seen that only class A dependents can obtain allotments without the consent of the serviceman. All other dependents require his approval.

HARDSHIP DISCHARGES

With the end of hostilities, the War and Navy Departments have considerably liberalized their regulations regarding dependency or hardship discharges from the service. At my request, both the Army and Navy have furnished me with official memoranda dealing with

such discharges. The outline of Army policy follows:

Under the present policy of the War Department discharges from the military service on account of dependency will be granted only when the evidence submitted clearly indicates that the discharge of the soldier is necessary to provide care or support for a member of his family. Application for such discharge must be made by the soldier himself and forwarded through his commanding officer to the commander empowered to take final action thereon, without reference to the War Department. The evidence required is as follows:

1. Affidavits from the soldier's dependents and at least two disinterested persons showing that the enlisted man's presence at home is necessary for the support or care of members of his family; that the necessity therefor is extreme and that this condition has arisen due to death or disability occurring in the enlisted man's family since his entrance into service.

2. If dependency is due to death of a member of the soldier's family occurring after his entrance into service, a certificate of death should be furnished. If dependency is due to disability of a member of the soldier's family occurring after his enlistment or induction, a physician's certificate should be furnished showing, specifically, when such disability occurred and the nature thereof.

If the soldier, whose discharge on account of dependent family is desired, is serving outside the continental limits of the United States, the necessary evidence indicated above may be forwarded to the Adjutant General, Washington 25, D. C. If the evidence indicates that the soldier's discharge should be effected, steps will be taken to that end.

Hon. PHILIP J. PHILBIN,
House of Representatives:

The attached list of questions and answers prepared by the American Red Cross may be helpful to you in dealing with inquiries from your constituents on the subject of dependency discharges from the United States Army.

THE AMERICAN NATIONAL RED CROSS.

FACTS ABOUT AMERICAN RED CROSS SERVICES

DEPENDENCY DISCHARGES FROM UNITED STATES ARMY

Question. What is the present policy regarding dependency discharges?

Answer. According to the War Department release of November 16, 1945, "Discharge of enlisted personnel on account of dependency or hardship has been liberalized and, under the present War Department policy, will, upon request, be granted, regardless of point scores or age, if the evidence submitted clearly indicates that the soldier's discharge will materially affect the care or support of the individual's family, and will alleviate extreme and undue hardship."

Question. What steps should a family take when discharge because of dependency or hardship is needed?

Answer. 1. If the man is stationed in the United States he must make his own application to his commanding officer. A family is expected to prepare a communication to the man stating the situation at home and asking that he request discharge. Affidavits, statements, or recommendations from individuals in the community should be obtained and sent to the serviceman to attach to his application.

2. If the man is overseas, he may make application to his commanding officer following the above procedure; or a family may send a request directly to the Office of The Adjutant General, War Department, Washington 25, D. C. Such a request should be supported by at least two affidavits from disinterested persons and certificates of death or disability should be included if either factor is involved.

Question. Does the Red Cross chapter forward the affidavits and statements?

Answer. No. The request together with the affidavits and statements should be sent directly to the serviceman or to the Office of The Adjutant General by a member of the family or by someone acting for the dependents.

Question. How can Red Cross chapters help families when discharge is needed?

Answer. If the dependents have been unable to obtain the necessary affidavits and statements through their own efforts, the local Red Cross chapter will help to obtain them. No Red Cross report is required.

Question. When do military authorities request Red Cross reports?

Answer. Red Cross reports verifying the need for dependency discharge are not furnished routinely but only at the request of commanding officers for specific supplemental information needed in making the decision.

Question. Can a Red Cross chapter recommend that the application for discharge be approved or disapproved?

Answer. No. Red Cross submits only factual reports under circumstances outlined above. It makes no recommendations.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
Washington, D. C.

Hon. PHILIP J. PHILBIN,
House of Representatives:

There is furnished herewith as a matter of interest the following instructions which were recently issued by the War Department to set forth a liberalized policy in dealing with cases of discharge based on hardship for personnel of the Army.

"WAR DEPARTMENT
"THE ADJUTANT GENERAL'S OFFICE
"Washington 25, D. C.

"Subject: Discharge of enlisted men.

"To: Commanding Generals: Army Ground Forces, Army Air Forces, All Service Commands, Military District of Washington; commanders of all theaters, defense commands, departments, and base commands; directors of staff divisions, ASF; chiefs of technical services.

"1. It is believed that the cessation of hostilities may be expected to increase markedly the number of applications for discharge based upon the enlisted man's importance to national health, safety, or interest, or on account of dependency.

"2. The following will govern the processing of applications for discharge of enlisted personnel for national health, safety, or interest:

"(a) The individual submitting the request for discharge will be required to include with the request all substantiating information necessary. Cases not substantiated will be disapproved.

"(b) Applications for discharge based upon the enlisted man's importance to national health, safety, or interest will be scrutinized closely and considered carefully to determine which are based on the national welfare and which are based on the personal desires and interests of the individuals concerned. With many soldiers returning to civil life, it is believed that few men will merit discharge to further the national health, safety, or interest. It is desired that the policy outlined in this subparagraph be applied in considering the cases of enlisted women of the Women's Army Corps who apply for discharge under the provisions of paragraph 3*e*, AR 615-365.

"(c) The decision in each case will be made by the appropriate discharge authority on the basis of the facts presented in the application. Reference will not be made to any other agency for further information or recommendation. Cases not clearly based on national welfare will be disapproved.

"3. It is desired that discharges based upon dependency or undue hardship be liberalized. Accordingly, pending changes to section III, AR 615-362, the processing of applications for discharge under the provisions thereof will be in accordance with the following:

"(a) While it is not intended that discharge from the service be granted for other than valid reasons, the pressing need for manpower which so closely restricted the granting of such discharges during active operations is no longer applicable.

"(b) Consistent with the policy stated in paragraph 25, AR 615-362, discharge is authorized in instances of undue hardship not involving actual dependency when the discharge of an individual will materially affect the care or support of the individual's family and will alleviate extreme and undue hardship.

"(c) When the information contained in application for such discharge is insufficient to warrant an approval of the request but is of sufficient merit to indicate that upon further investigation or collaboration consideration by the discharge authority may be favorable, the application will be returned with a clear statement of the additional information required.

"(d) A brief of the application for discharge on account of dependency may be referred to the American National Red Cross as provided in section II, WD Circular 207, 1945.

"4. WD letter (AGMP-M 220.8 (8 June 45) PE-A-SPGAG), 10 July 1945, is rescinded.

"By order of the Secretary of War:

"EDWARD F. WITSELL,
"Major General, Acting The Adjutant General.

"WILTON B. PERSONS,
"Major General, GSC, Chief, Legislative and Liaison Division."

NAVY DISCHARGES

It will be noted that the Navy requires the enlisted man to initiate action for dependency discharge, whether he is at sea or stationed on shore duty. The Navy dependency discharge procedure follows:

Enlisted personnel may submit official requests to the Chief of Naval Personnel for discharge via their commanding officers because of the urgent dependency upon them of a member of their family for financial assistance or care, and information is available to them at their station of duty as to the proper procedure to follow. During the existence of a state of war and the urgent need for personnel in the Navy, requests for release or discharge will be disapproved, except in dependency cases of extreme urgency.

Requests must be submitted officially via the commanding officers concerned and must be accompanied by at least two affidavits as to the necessity for discharge or release, one of which must be from the dependent concerned. The request should contain the following information:

(a) Reasons in full.

(b) Complete home address of dependent and of the applicant.

(c) Names and addresses of persons familiar with conditions at the applicant's home.

(d) Statement as to marital status and date of marriage.

(e) Financial obligations, amounts and modes of contribution to dependents.

A commanding officer receiving a request for dependency discharge interviews the individual and forwards the request to the Chief of Naval Personnel for final decision.

EMERGENCY FURLOUGHS

Oftentimes, there arises some emergency in the family when the presence of the enlisted man is needed at home. The following official War Department

memorandum outlines the procedure to be followed in such cases:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
Washington, D. C.

Subject: Return of soldiers to the United States for emergency reasons.

Hon. PHILIP J. PHILBIN,
House of Representatives.

The War Department on September 14, 1945, announced in section XIV, War Department Circular No. 277, a new policy governing the return of soldiers to the United States for emergency reasons. For your information there is quoted below the provisions of that section:

"XIV. RETURN OF SOLDIERS TO UNITED STATES FOR EMERGENCY REASONS

"1. All cases of emergency conditions for which return, reassignment, or extension of leave, furlough, or temporary duty in the United States by oversea personnel is desired will be investigated and verified by the American Red Cross.

"2. Individuals who request return of military personnel to the United States for emergency reasons will be directed to present the facts to the local chapter of the American Red Cross for investigation and appropriate action. The local chapter of the American Red Cross will investigate and verify the facts and in cases warranting consideration forward report to National Headquarters, American Red Cross, who will forward a report to The Adjutant General for necessary action.

"3. The Adjutant General will—

"a. Review these cases and make final determination as to whether the individual should be returned to the United States.

"b. Make determination of mode of travel to be used in approved cases.

"c. Direct the theater commander to return individuals by such transportation as is deemed appropriate in approved cases and inform The Adjutant General of estimated time of arrival (e. t. a.) in the United States.

"d. Notify the American Red Cross of final action taken and estimated time of arrival in United States.

"4. Personnel temporarily in the United States from an oversea theater may request additional leave, furlough, temporary duty, or reassigment in cases of emergency. Such personnel will—

"a. Make the facts known to a local chapter of the American Red Cross which will investigate the circumstances and forward a report to National Headquarters, American Red Cross, who will forward the report to The Adjutant General.

"b. Forward application for additional leave, furlough, temporary duty, or reassignment in the United States to The Adjutant General. Application may be by letter or telegram and will contain in addition to a summary of the circumstances prompting the requests the following, whichever is applicable: A copy of the order directing the individual to report for return shipment to the oversea theater; the number of the reception station group of which the individual is a member or a statement that the applicant is on individual travel orders; expiration date of leave, furlough, or temporary duty; and statement that a Red Cross investigation and report has been or is being made and forwarded.

"5. The Adjutant General will—

"a. Review the application and approve or disapprove the application based upon the information furnished.

"b. Notify the American Red Cross and the applicant of action taken.

"c. Notify the station, reception station, or port of embarkation concerned, and the theater commander, of action, taken in approved cases."

WILTON B. PERSONS,
Major General, GSC,
Chief, Legislative and Liaison Division.

The official Navy policy regarding emergency leave follows:

The granting of leave is the prerogative of a man's commanding officer, and all requests must be directed to that officer since he is best situated to determine whether a man's services can be spared, or if transportation can be arranged. In emergency situations the Bureau will forward information to commanding officers, but will not adjudicate requests for leave.

OVERSEAS TRAVEL

Of interest to the wives of servicemen still serving overseas is the following recent news release issued by the War Department, the full text of which has been given me:

DEPENDENTS MAY JOIN MILITARY PERSONNEL IN ALL OVERSEAS THEATERS

The War Department announced today that dependents will be permitted to join military personnel in all overseas theaters subject to the ability of overseas theaters to provide adequate housing, subsistence, and medical care for such dependents.

No expenditures of War Department appropriated funds for construction of housing for dependents will be authorized in occupied areas.

The War Department emphasized that when overseas commanders indicate that they are prepared to receive dependents, their travel to overseas areas will commence without delay. Dependents previously have been authorized to travel to the Bahamas, the Panama Canal Zone, and islands of the Antilles, Brazil, Bermuda, Newfoundland, Alaska, Aleutian Islands, Hawaii, and the Marianas.

As stated by the European theater recently, it is planned that travel of dependents to Europe will commence subsequent to April 1, 1946. The movement of dependents to the Philippines, Japan, Korea, and Ryukyus will commence subsequent to May 1.

Applications of servicemen for their dependents to join them in overseas theaters will be based on the following priorities:

(1) First priority will be given to military personnel and War Department civilian employees who indicate their willingness to remain at their overseas station for a period of 2 years from the date of submission of application.

(2) Second priority will be given to those who indicate a similar willingness to remain at their overseas station for a lesser period than 2 years from the date of submission of application. Such period, however, must be at least 1 year.

Within these two priorities, relative priority will be established based upon longest cumulative overseas service since December 7, 1941. Under this system rank will not be a factor. Transportation at Government expense is authorized by law for dependents of officers, enlisted men of the first three grades (master, first, technical, and staff sergeants) and certain civilian employees.

Dependents are advised not to write to the War Department requesting transportation to overseas theaters. In all cases, the soldier overseas will be informed when he may apply for such transportation by the theater commander, who alone will act upon these applications within the priority system established by the War Department.

EMERGENCY ASSISTANCE

There sometimes arise cases of extreme hardship involving dependents of servicemen. In some cases, even the men and women in the service have found themselves in destitute circumstances at one time or another. Many dependents, and even members of the armed forces themselves, are not fully acquainted with the two emergency agencies set up for the express purpose of helping such persons in need.

These two agencies have branches all over the country. They are the Army Emergency Relief Fund, whose functions have recently been assigned to the Red Cross, and the Navy Relief Society.

ARMY RELIEF FUND

Any member of the armed forces in the Army can appeal to the Army Relief Fund at the special offices set up in each Army camp in the United States and overseas or through the Red Cross, if he is not at camp, for needed immediate financial assistance, and he will receive courteous and willing assistance at all times. The fund is open to all dependents of men and women in the Army. Should anyone know of any destitute dependent at home or any destitute member of the Army, advise him to get in touch at once with the Army Emergency Relief Fund direct or through the local Red Cross office.

Another agency is the Navy Relief Society. Any dependent of a man or woman in our naval forces can appeal to this agency for urgent financial assistance. Any member of our naval forces in destitute circumstances can appeal to this agency and his needs will be taken care of. Should you know of anyone in our naval forces in dire circumstances, advise him to take up his case with the Navy Relief Society. To get immediate action from the Navy Relief Society, it is advisable to take up the case through the local chapter of the American Red Cross. The Red Cross is in a position to expedite matters, but in the event that it is not possible for the dependents of the enlisted man in the United States Navy or the man himself, in destitute circumstances, to get in touch with the Red Cross, an appeal can be made to the Boston branch of the Navy Relief Society Auxiliary, Bank Building, Thompson Square, Charlestown, where prompt and courteous assistance will be given.

ONLY FOR SERVICEMEN

These two agencies were set up to take care of the urgent critical cases of men in service who are in need of immediate financial assistance. This service is available only to men actually in the armed forces and is not available to servicemen who have been discharged. Likewise, the service is available only to dependents of men in our armed forces, and not to dependents of a discharged soldier or sailor.

Another agency that gives aid to the dependents of servicemen is the home service of the American Red Cross, and this is available through the chapter located in your town or the nearest community. The Home Service gives financial assistance to dependents of servicemen during the period from the time of filing of the soldier's or sailor's application for a family allotment and the receipt of such allotment. There is no specific sum granted for all cases. The amount will depend on the extent of the dependents' needs at the moment.

OTHER ASSISTANCE

The Red Cross will not supplement the dependents' allotment once the checks start coming from the Government, tak-

ing the position that the increased allowances are ample to take care of the immediate needs of the families of servicemen.

The home service is also equipped to give financial assistance to dependents of servicemen for special and unusual needs, such as operations, and so forth, when such assistance is not available from community welfare services.

FOR DISCHARGED VET, TOO

There is also this special fact to note about the home service of the Red Cross, as compared to the assistance from the Army Emergency Relief Fund and the Navy Relief Society; this financial assistance is also available to the discharged veteran, especially the disabled, during the interval of the filing of his claim for veterans' compensation and the adjudication of his claim by the Veterans' Administration, a period extending anywhere from 3 to 8 months.

Where supplemental aid, not given by the Red Cross, is needed, Army servicemen or their families should ask the local Red Cross to channel their request to northeastern headquarters, American Red Cross, 300 Fourth Avenue, New York, N. Y., where a liaison officer of the Army Emergency Relief is stationed, or write or wire me at Washington.

DEATH PENSIONS

There is not a town in Massachusetts which has not felt the heavy burden of war through the loss of native sons on some distant battlefield. It is, therefore, appropriate that our people be informed as to just what dependents and next of kin are entitled to as a result of the loss of a son, a daughter, a husband, or a father. Basically there are four money benefits, as follows:

First. A 6-month gratuity payment: This payment is automatically paid to a wife of a deceased veteran; or if there is no wife, it is automatically paid to the surviving orphan child or children.

This 6-month gratuity is not automatically paid to parents or brothers or sisters. The man or woman in the service must designate beforehand that the parents or brothers or sisters receive the 6-month gratuity payment.

The following is an official ruling from the War Department regarding the nonpayment of the death gratuity pay to parents of deceased servicemen when the former were not previously designated to receive such pay:

ARMY SERVICE FORCES,
FINANCE OFFICE, UNITED STATES ARMY,
Washington, D. C.

Hon. PHILIP J. PHILBIN,
House of Representatives,
Washington, D. C.

DEAR SIR: Receipt is acknowledged of your communication of April 3 relative to payment of the 6 months' gratuity to certain beneficiaries.

In reply you are advised that the act of December 17, 1919, as amended and supplemented, provides for an amount equal to 6 months' pay to be paid first to a widow; if there be no widow, to a child; if there be neither widow nor child, to a previously designated dependent relative. This amount is paid in a lump sum in the form of a gratuity and is not salary or money which was due the officer or enlisted man, but is in the nature of a gift by the Government.

In view of the above-mentioned statutes, if the deceased officer or enlisted man is survived by a widow or child, the War Department is without legal authority to make payment of the gratuity to any other person, regardless of who the deceased may have designated.

This office appreciates your interest in this matter, and I assure you of its fullest cooperation.

Very respectfully yours,
W. M. DIXON,
Colonel, Finance Department,
Finance Officer.

The amount of the payment depends on the rank of the soldier. This payment is made in addition to insurance and is payable even if the soldier has no insurance.

Second. Monthly insurance payments: This insurance is not paid in a lump sum. It is paid on a monthly basis, depending on the age of the beneficiary. The older the beneficiary, the higher the monthly payment.

An analysis of H. R. 6371, liberalizing certain provisions of the National Service Life Insurance Act, appears in part 2 of this handbook. Certain provisions apply to the beneficiaries of these policies.

A pension is paid automatically to a wife and children. All children under 18 are eligible and children up to 21 are eligible if they are in school at the time of death. If the child marries before 18 or 21, he or she is not eligible for this pension.

Parents who have been dependent upon the soldier can get a pension at the same time his wife and children are receiving a pension. The amounts of the monthly pension are:

One parent, $45 a month. Two parents, $25 each. A widow under 50 gets $50. In addition, she receives $15 per month for the first child up to 10 years of age. She also receives $13 per month for each child between 10 and 18 and this continues up to 21 years of age if the child is in school.

Widows and children, but not dependent parents, of veterans who had service-connected disability but whose death resulted from causes other than a disease or injury incurred in service in line of duty while the United States is engaged in war may be entitled to pension at the rates below:

	Per month
Widow but no child	$35
Widow with 1 child (with $5 for each additional child)	45
No widow but 1 child	18
No widow but 2 children (equally divided)	27
No widow but 3 children (equally divided)	36

(With $4 for each additional child.)

Pension of this kind is not payable to a widow without child, or to a child, whose annual income exceeds $1,000, or to a widow with child or children whose annual income exceeds $2,500. Veterans' Administration Form No. 534 should be used in filing a claim for this type of death pension.

It is important to note that a widow, a child, or parent receives the insurance payments, if a policy has been taken out by the enlisted man, in addition to getting a pension. Both may be collected, the pension and the insurance.

BACK PAY

Arrears of pay is a possibility sometimes overlooked.

There is always a chance the veteran had back pay due to him at the time of death. For instance, if the casualty occurred on the 27th day of the month, the veteran had 27 days' pay coming to him. If the casualty occurred on the 15th day of the month, 15 days' pay is due, and so on.

Also, when soldiers were at the front, there is always the possibility that they may have missed several pay days. All this back pay is paid directly to the next of kin. Inquiries should always be made about possible arrears of pay so it can be collected by those entitled to it.

To summarize, I advise that you make careful note of these four payments due the dependents of deceased service men or women:

First. Six-month gratuity payment.
Second. Insurance.
Third. A pension.
Fourth. Arrears of pay.

In the event there should be any difficulty in getting these payments from the Government, it might be advisable to write me at Washington.

In event the deceased veteran had an insured status with the Federal Social Security Board, by reason of previous civilian employment, death benefits may be payable to next of kin. Application should be made to the local office of the Social Security Board, the State unemployment compensation agency, or public welfare departments.

Inquiries as to the personal effects left by one dying in service must be addressed to the appropriate service department:

Army: Commanding Officer, Army Effects Bureau, Quartermaster Corps, Kansas City, Mo.

Navy: Navy Department, Welfare Division, Casualty and Allotment Section, Arlington Annex, Arlington, Va.

Marine Corps: Marine Corps Headquarters, Attention Casualty Section, Washington, D. C.

Coast Guard: Coast Guard Headquarters, Attention Casualty Section, Washington, D. C.

Following is a news story from the Spencer Leader:

VET FLAGS AVAILABLE AT POST OFFICES

WASHINGTON, D. C.—The Spencer and Leicester, Mass., post offices have been designated by the Veterans' Administration as an official depository and issue point for American flags available to the next of kin of American soldiers who have died overseas, Congressman PHILIP J. PHILBIN, of the Third Massachusetts District, announced today. Special application forms are available at the post office, and applicants should present proof of death in applying for the flag, which is supplied free of cost, such as the copy of the death message received by the parent or next of kin from War or Navy Department.

PHILBIN recently introduced a bill, numbered H. R. 1657, to provide such flags to parents of deceased veterans of this war in cases when flags had already been given the widow. At the present time the Veterans' Administration is distributing the flags to the next of kin only.

In addition to the Spencer and Leicester post offices, the post offices in the following towns were also designated: Palmer, Maynard, Uxbridge, Winchendon, Ware, Marlboro, Hudson, Gardner, Leominster, Clinton, Southbridge, Webster, Fitchburg, Milford, and Worcester. The flags are also obtainable at the Veterans' Administration facilities at Bedford, Northampton, Rutland Heights, and West Roxbury.

Many inquiries have come to me from the bereaved next of kin of our gallant servicemen who have made the supreme sacrifice concerning the return of the bodies of our war dead from overseas. Following is the text of the official War Department news release dealing with this matter:

WAR DEPARTMENT READY WITH PROGRAM FOR RETURN AND FINAL BURIAL OF WORLD WAR II DEAD

With passage by Congress and the approval by the President of the bill authorizing the return and final burial of all personnel of the armed forces who died overseas since September 3, 1939, the date of the limited national emergency, the War Department announced that all next of kin will be asked to state their wishes about disposition of the remains. The program will be carried out by the office of the Quartermaster General. The first remains will be returned by late fall. Next of kin may express their desires within the following options:

1. The remains may be interred in a permanent American military cemetery overseas. The establishment of permanent American military cemeteries overseas in the European area and the Philippine area is contemplated, should the number of requests justify their establishment.

2. The remains may be returned to the United States for final interment in a national cemetery. This is restricted to burial of remains of members of the armed forces only. When this option is desired, the remains will be transported to the continental United States and interred in the national cemetery selected by the next of kin.

3. The remains may be returned to the United States, or any possession or territory thereof, for interment by next of kin in a private cemetery. Shipment will be made to the city or town designated by the next of kin.

4. The remains may be returned to a foreign country, the homeland of the deceased, for interment by next of kin in a private cemetery. Shipment to a foreign country is dependent upon the ability of the United States Government to obtain entry therein. If entry can be obtained, shipment will be made to city or town designated by next of kin.

The wishes of Army next of kin will be sought by the Quartermaster General, and the Navy will send out the inquiry to next of kin of Navy, Marine, and Coast Guard deceased.

The cost of return and final burial is estimated to be between $195,000,000 and $215,000,000. Congress requires that the task be completed within 5 years but Maj. Gen. T. B. Larkin, the Quartermaster General, anticipates that it can be completed in much less time. All costs of burial overseas in an American military cemetery or in a national cemetery in the United States will be paid by the Government. If burial is in a private cemetery in the United States, the Government will pay up to $50 of the interment expense upon application to the Office of the Quartermaster General.

Caskets to be manufactured are to be of seamless steel construction and hermetically sealed. As soon as the casket industry reaches peak production the War Department expects to receive 25,000 caskets each month.

Graves registration and complete verification of all records is now in progress both in overseas theaters and in the Office of the Quartermaster General in Washington. In each theater there is an American graves registration command, and until overseas theaters are abolished, graves registration is a responsibility of theater commanders. When a theater is closed, graves registration responsibility then will pass directly to the Quartermaster General, who has been designated as Chief of the American Graves Registration Service.

Return of remains will be progressive which means that information on the final disposition of remains will be sought from next of kin only as the record of each cemetery is completely verified. Therefore, inquiries to next of kin will be mailed only as verification by cemeteries in different parts of the world is accomplished, which may mean that the next of kin of different deceased, who may live adjacent to each other may receive inquiries at widely separated times. The War Department states this should not be a matter of concern, as all legal next of kin of deceased whose remains have been recovered and identified will be asked to state their wishes. The first inquiries will be mailed within a few weeks.

It is pointed out that final disposition obviously involves only those remains which have been recovered and are buried either in temporary military cemeteries overseas or in isolated graves. Many thousands of military personnel were buried at sea or lost at sea when ships sank. Others were lost in beach landings and their bodies never recovered. Many fliers died in plane crashes over enemy territory and no trace of their bodies has been found but search for their graves is still going on and will continue, the War Department states. It is estimated that of the 328,000 reported dead of World War II there are approximately 75,000 whose bodies were not recoverable.

The War Department will make frequent announcements regarding all activities relating to return or burial overseas, so next of kin may be readily informed by all news media of successive steps in the program for returning the Nation's honored dead of World War II.

Sometime ago, I brought attention to pending legislation before the House Military Affairs Committee, of which I am a member, dealing with the establishment of national cemeteries throughout the country.

A pertinent press excerpt follows but I wish to point out that legislation to establish new national cemeteries in Massachusetts is still pending in the House, the Senate bill having passed some time ago:

[From the Worcester Telegram of October 13, 1945]

STATE TO HAVE VET CEMETERIES—BOSTON, SPRINGFIELD ARE POSSIBLE SITES

WASHINGTON, October 13.—Legislation providing for the establishment of two national cemeteries in Massachusetts—one in Greater Boston and one in Springfield at a total estimated cost of $3,724,548—will come before a special subcommittee of the Military Affairs Committee for hearing next week.

Representative PHILIP J. PHILBIN (Democrat, Massachusetts), said the hearings on legislation to provide for establishment of 79 new national cemeteries throughout the country would begin Monday.

VETERANS ELIGIBLE

The office of the Quartermaster General, PHILBIN said in a statement, has reported favorably on the two Massachusetts plots, where veterans of the Spanish-American War, World War I and World War II, their wives and widows would be eligible for burial.

Declaring that many of the families of servicemen who have died will prefer interment in family plots, PHILBIN said that the War Department contemplates the return of the overseas dead of World War II and that the nearest of kin would be contacted concerning their desires as to burial.

SITES NOT DETERMINED

Selection of the cemetery sites in Massachusetts (exact locations have not been determined) were based on their accessibility from various sections of the State and the report of the War Department stated that "it is to be assumed that burials from Worcester and its immediate vicinity would be distributed in both cemeteries dependent upon the selection by the descendant or his family."

There are other benefits arranged by the Federal Government for the serviceman and his family which have been discussed in this handbook.

Other servicemen's benefits I might mention include protection against eviction of servicemen's dependents for nonpayment of rent under the Soldiers' and Sailors' Relief Act. Under this law, evictions for rentals not exceeding $80 a month may be made only on court order and many be stayed for 3 months by the court.

In addition, stays of judgments, attachments, garnishees, in the discretion of the courts, on actions against men during their service or within 90 days thereafter, may be granted. Further information concerning these legal protections is available at the local courthouse or soldiers' relief agent in your town.

The wife and dependent children of officers, warrant officers, and enlisted personnel on active duty, and other dependent members of the family when residing with such persons may be admitted to Army hospitals, if they require hospital treatment or isolation, when suitable accommodations are available for their care, provided they are not legally dependent upon an individual not in the military service.

Application in each case will be made to the commanding officer of the hospital, with evidence satisfactory to the commanding officer, showing the relationship, dependency, residence, and the nature of the illness and need for hospital treatment. Dependents of military personnel should not undertake travel to a military hospital without first ascertaining whether and when accommodations will be available. Information as to the location of the nearest Army hospital may be secured from the Army personal affairs officer at any post, camp, station, or by writing to the nearest service command headquarters.

Hospitalization of dependents of naval and Marine Corps personnel on active duty will be furnished at any naval hospital, but only for acute medical and surgical conditions, exclusive of nervous, mental, or contagious diseases, or those requiring domiciliary care. Dental treatment will be administered only in connection with in-patient hospital care, and does not include dental prosthesis or orthodontia. Information as to the nearest Navy hospital may be secured by writing to the civil readjustment officer

at the nearest naval district headquarters.

Any disabled dependent of a veteran who may be made employable may secure, through the State rehabilitation agency, special training and other services necessary to prepare him for a job. Application should be made to the State board for vocational education or other State rehabilitation agency.

The civil-service rule that not more than two members of a family, living in the same house, may hold a Federal civil-service position does not apply in the case of a person entitled to veteran preference.

The wives of veterans with service-connected disabilities are entitled to consideration for preference, and if such preference is granted the wives are entitled to the same 10-point preference as is extended to the disabled husband.

The unmarried widows of honorably separated veterans who served on active duty in any branch of the armed forces of the United States during any war or in any campaign or expedition for which a campaign badge has been authorized are entitled to 10-point "widow" preference.

Many inquiries have come to me about the reassignment of overseas Army personnel to posts of duty in the United States as a result of the death of a brother or other member of the immediate family in the war. The Stars and Stripes, Pacific edition, in its issue of March 17, 1946, printed the following United Press news story:

ARMY WILL REASSIGN MEN WITH WAR-DEAD IN FAMILY

WASHINGTON.—The Army has decided to permit the return from overseas assignments of all soldiers who lost a brother or some other member of their immediate family in the war, it has been revealed.

In a letter to Representative PHILIP J. PHILBIN (Democrat, Massachusetts), Maj. Gen. E. F. Witsell, The Adjutant General, said that the Army has adopted a new policy of stationing such soldiers permanently within the United States and, if possible, near their home.

Previously only the last remaining son in a family was returned to the United States.

Witsell told PHILBIN that soldiers eligible for such home assignments must make written requests for them.

In view of the many requests reaching me for further information regarding this Army policy, I have prepared the following memorandum:

EXCERPT FROM LETTER DATED MARCH 7, 1946, FROM MAJ. GEN. EDWARD F. WITSELL, THE ADJUTANT GENERAL, WAR DEPARTMENT, WASHINGTON, D. C., TO REPRESENTATIVE PHILIP J. PHILBIN, THIRD MASSACHUSETTS DISTRICT

The recently revised War Department nonhazardous-duty assignment policy provides that when one or more members of an immediate family (father, mother, children) have, as a result of hazards incident to their service in the armed forces since December 7, 1941, been killed; died as a result of wounds, accident or disease; or are in a missing-in-action status, the remaining member or members of the immediate family who are in the Army will, upon application, be permanently assigned within the continental limits of the United States. Such personnel who are serving overseas will, upon application, be returned to the United States for permanent assignment.

Insofar as is practicable and the needs of the service will permit, every effort will be made to assign personnel eligible for permanent continental United States assignment under the provisions of this policy, to duties at military installation in the vicinity of their homes.

The above policy does not apply to enlisted men who are members of the Regular Army serving under an unexpired enlistment contracted after February 27, 1946, or serving under an enlistment contracted prior to February 27, 1946, except where, at the time of his enlistment, the enlisted man was entitled to zone of interior assignment as a sole surviving son.

Assignment under the policy will be made only when requested in writing, by the person eligible for such assignment, through channels to commanders exercising discharge authority.

The recent change in Army policy climaxes a fight of mine for about 2 years to see to it that deserving recognition be given by the armed services to the families of deceased servicemen, with sons still in the service, for the great and irreparable losses they sustained. Some of the press comment with regard to my efforts follows:

[From the Boston Post of January 7, 1945]

PHILBIN IN ATTACK ON WAR CHIEFS—HITS RULING IN CASES WHERE TWO SONS DIE IN ACTION

WASHINGTON, January 7.—Representative PHILIP J. PHILBIN, of Massachusetts, said today the War Department had refused to accede to his request that all remaining servicemen in families that have lost two sons in action be given nonhazardous duties.

PHILBIN said that, as a result of the War Department's reply, he would introduce legislation "to cover this situation" at an early date. At present, only the sole survivor of a family is relieved of combat duty.

BLASTS ATTITUDE

He termed the Department's attitude as "calloused, heartless, and brutal."

He quoted the letter of reply as saying: "The War Department cannot extend the present policy to include the automatic return or retention in the United States of the remaining sons as it would involve such huge numbers of personnel that the success of our combat operations would be seriously delayed or even made impossible. However, the War Department has and will continue to give sympathetic consideration to those cases not covered by the above policy in which extreme hardship may or has resulted to the family concerned."

"MERCILESS RULING"

"There is no warrant for such a merciless ruling," PHILBIN declared, "and I will not only continue my protests, but propose to introduce legislation which will require the War and Navy Departments and other branches of the service to return all the sons of families who have two sons killed in action to nonhazardous stations."

The current War Department policy, the reply said, was to retain in or return to the United States "a remaining son engaged in hazardous duty overseas in the case of a sole surviving son when two or more sons have already been killed, died as a result of wounds, accident, or disease, are missing in action, or are prisoners of war."

[From the Boston Post of January 23, 1945]

PHILBIN FILES CASUALTY BILL—AID TO FAMILIES LOSING TWO OR MORE SONS

WASHINGTON, January 23.—Legislation to protect families who have lost two or more members in war service was introduced today by Representative PHILBIN, of Massachusetts.

Under the proposal, members of such families who are still in service would be assigned to nonhazardous posts of duty in the continental United States for the war's duration.

[From the Boston Post of April 29, 1945]

PHILBIN GLAD CHANGE MADE—WAR SACRIFICE OF MANY FAMILIES RECOGNIZED

WASHINGTON, April 28.—Congressman PHILIP J. PHILBIN, of the Third Massachusetts District, today expressed gratification that the War and Navy Departments had taken official cognizance of the great sacrifices made by families who had lost two or more sons in action by assigning remaining family members in the service to nonhazardous posts of duty. In the opening days of this session of Congress, PHILBIN introduced a bill, H. R. 1697, to have these servicemen returned to the continental United States, the measure meeting with the opposition of the War Department on the grounds that it "would be impossible to correlate the data in millions of individual files in order to determine which service personnel are members of the same family."

PHILBIN said:

"Because I had been pressing for action on H. R. 1697, introduced by me some time ago, which provided for assignment to nonhazardous duty in the continental United States of all members of the land and naval forces who have had two or more members of their immediate families killed in action or in a missing status for more than a year, I was very much pleased by the recent joint announcement of the War and Navy Departments that relief of this nature will be given.

"It was very disappointing to me to note a communication of the War Department to the House Military Affairs Committee, dated March 28, recommending unfavorable action on my bill so that this speedy change in viewpoint comes with decided gratification.

"Of course, there is no question whatever about the justice of that part of this announcement which has come to my notice. I have not yet had the opportunity to read the entire directive, but I hope it will bring assurance to the bereaved families, two of whose sons have made the supreme sacrifice in this war, that their remaining sons will be safeguarded by the Government.

"If, in my opinion, the issuance of this new directive adequately meets these conditions, I will not press for action on my pending bill."

WRITE FOR OTHER DATA

It is exceedingly difficult to write at length and explain in full detail all benefits available to veterans and their families of this and previous wars.

These articles comprise a handbook of information for servicemen and their families in a general summary of the rights and benefits of veterans of World War II under existing legislation.

I hope the information contained herein will, in the main, point the way of guidance and effective action by which veterans and their families may move to avail themselves of current legislative measures in their behalf. If anyone has special questions or special problems, I suggest you write to me personally, 420 Old House Office Building, Washington 25, D. C.

Part 2 of this résumé deals with a general summary of the rights and benefits of veterans of World War II and is designed to give discharged servicemen, in as compact form as possible, the essentials of the various aids and assistance granted by the Federal Government to

insure the early rehabilitation of our returning veterans.

The Congress has enacted a score of new benefits that were not available to the men discharged from service after World War I. Such provisions as job preference, insured loans, and educational benefits were written into law especially for the returning veterans of World War II. At the time of the passage of the original GI bill in the House, I declared that the legislation was not perfect, a prediction that was borne out by later events, so much so that an amended GI bill was voted by the Congress in December of 1945.

As I have stated in the past, our efforts in the Congress should be directed to provide for all the needs of our returning veterans—to reestablish them in constructive civilian life so that the future of the country may be molded by men and women whose sacrifices have been recognized by a grateful nation. Briefly, then, is described herewith exactly what the over-all governmental program is with regard to the rehabilitation of veterans. Of direct concern are the three major laws enacted for the sole benefit of veterans of this war—the Selective Service Act itself with its job-protection benefits; Public Law 346, as amended, better known as the GI bill, with its sweeping and far-reaching educational and loan benefits; and Public Law 16, which deals specifically with the rehabilitation of our disabled veterans.

In addition, there are previous veterans' laws affecting World War II servicemen, such as those granting hospitalization and pension benefits. It is important to note that the amended GI bill repeals that portion of the law which provided that any financial benefits received under the act would be deducted from any future bonus authorized.

While the information herein is taken principally from official Government sources, I must point out that it is continually subject to legislative and administrative changes of which I will be pleased to render advice and assistance upon request.

FEDERAL EMPLOYMENT

I think practically all of us feel that employment preferences should extend to veterans, whether disabled or not, by both public and private employers. As a matter of public conscience, over 11,000,000 of our young men and women cannot be taken from their normal pursuits and asked to make every kind of sacrifice and then be cast aside to shift for themselves, deprived of previous jobs and new opportunities upon their return to civilian life.

FEDERAL PLEDGE

The Selective Training and Service Act specifies that persons who have left positions in the Federal service and have entered the armed forces shall be restored to the positions they left, or to like positions of seniority, status, and pay. This is the obligation of every appointing officer of any Federal agency and there is no question that attempts are being made to carry out this obligation as conscientiously and honestly as possible.

The act specifies that the veteran who formerly worked for the Government has a right to return to his old position or to a position with similar seniority, status, and pay if he is still qualified to perform the duties of such position. This provision could be interpreted by some Federal officials that the Federal Government, as an employer, is under no obligation to a former employee who becomes disabled and who is unable to perform the duties of his former position.

NEW TRAINING

This means that in many instances disabled veterans will have to be trained to do things which they have never done before. Fortunately, this training will be provided by several agencies, for instance, the Veterans' Administration through its vocational rehabilitation program, which is already functioning here in Massachusetts, the Federal Security Agency, the Army, the Navy, and the United States Employment Service. All these are by law required to see to it that the disabled veteran is given some type of special training to utilize his skills and background in the best possible manner so that the veteran may take up his peacetime way of living without serious disruption. Other enabling laws will doubtless simplify and coordinate these efforts.

The veteran with service-connected disability or the veteran in receipt of pension, disability retirement benefits, or compensation under public laws administered by the Veterans' Administration, the War or Navy Departments, receives an additional 10 points on his examination ratings. A five-point preference is allowed to the veteran who is not disabled subject to his meeting the period-of-service requirements. The veteran with a service-connected disability will be given top-of-the-list preference in most examinations. This preference will place his name above all other names on the civil-service list, except for professional or scientific positions paying over $3,000 per year. If the veteran is entitled to a five-point preference, his name will be put on the list ahead of the nonveteran having the same grade.

REAL SERVICE

There is no question but what our disabled veterans will be able to take over many positions in the Federal Government without interfering with the status of faithful and efficient regular employees.

Armed with factual information obtained by various surveys, the United State Civil Service Commission is in a position to render real service to all former Government employees who have been disabled as a result of their war service. The Government is working with the handicapped veteran in finding jobs which can be filled by persons with the abilities and faculties which he possesses, even though he may be regarded at the same time by the Veterans' Administration as a physically handicapped person. There is no question but that the handicapped veteran is given preferential treatment once it has been demonstrated that as a result of special training he can do the job required.

WHAT OF OTHERS?

What of the disabled veteran who, prior to his entrance into the service, did not work for the Government? As an indication of official policy, I quote United States Civil Service Commissioner Arthur S. Flemming:

> They should be given preference in the filling of these positions. * * *
>
> We will present to appointing officers disabled veterans who have the faculties and abilities needed to perform particular jobs, irrespective of any other physical handicaps which they may have. Appointing officers who pass over veterans must now submit in writing their reasons for so doing.

It is evident that in pursuance of long-established congressional politics our administrative practices are being shaped to accord to returning veterans, especially the disabled, decisive preferences and widespread employment opportunities for training and placement.

VA EMPLOYMENT

Many veterans have expressed a desire to obtain employment with the Veterans' Administration. The following letter outlines the current hiring policy in effect for all Veterans' Administration activities:

VETERANS' ADMINISTRATION,
Boston, Mass.

Hon. PHILIP J. PHILBIN,
House of Representatives,
Washington, D. C.

MY DEAR CONGRESSMAN PHILBIN: In order that your office may be in a position to properly advise your constituents relative to the possibility of appointment to a position in this branch, reference is herewith made to Veterans' Administration Central Office Circular No. 14 dated January 17, 1946, subject, Procedure for Processing Indefinite Temporary Appointments Under Authority Delegated by Civil Service Commission Letter Dated December 13, 1945.

In delegating authority to process indefinite temporary appointments, the Civil Service Commission delegates full responsibility to the Veterans' Administration for determining the qualifications of applicants for specific positions in accordance with Civil Service Commission standards. All persons applying to this branch for a position will be required to take the examination and be rated exactly as they were required to do when the Commission was certifying eligibles to this branch.

The order of preference in the selection of candidates for appointment to positions in this branch under Civil Service Commission authority letter December 13, 1945, is—

(a) Disabled veterans.
(b) Veterans.
(c) Displaced Federal workers.
(d) All others.

Every means of obtaining candidates under categories (a), (b), and (c) will be exhausted before approving appointments of persons in category (d).

It is felt that the presentation of the existing policy with regard to effecting appointments will naturally aid your office in advising your constituents with regard to appointment in this branch.

Cordially,

FRANK J. KEYES,
Director of Personnel.

PENSION BENEFITS

Since the founding of the Republic, the United States has paid out approximately thirty-five billions in direct benefits to veterans and their families, including those of World War II. This is

ample proof that a grateful Nation has ever been mindful of the sacrifices made by her sons and daughters in defense of our country.

One theory underlying all laws concerning disability resulting from service in the present war is that the Government is under a duty to do everything humanly possible to enable our disabled men to become once again useful and self-supporting members of the community. Disability must have occurred or have been aggravated in line of duty in order to warrant a pension or vocational training, but hospital treatment and domiciliary care in soldiers' homes may be given for disability not due to war service.

To be eligible for non-service-connected disability pension, a veteran must have a discharge or release from active service under conditions other than dishonorable and have had active wartime service for a period of 90 days or more, or if period of service was less than 90 days, have been discharged for disability incurred in the service in line of duty; if single, annual income must not exceed $1,000; if married or having dependent minor children, annual income must not exceed $2,500; disability or disabilities must be permanently and totally disabling; disability or disabilities must not be due to veteran's own willful misconduct.

Pension for permanent and total non-service-connected disability is $50 per month. The pension rate is increased to $60 monthly following 10 years of continuous permanent total disability or on reaching the age of 65 years. Apply the same as for a service-connected disability, except application should be made on Veterans' Administration form 526B.

Whenever a claim for pension, compensation, or other benefit has been denied by the Veterans' Administration, appeal may be made to the Administrator of Veterans' Affairs. Veterans' Administration Form No. P–9 should be used. The appeal must be taken within 1 year from the date of the mailing of the notice of the initial decision.

DISABILITY PAYMENTS

These disability payments run from $11.50 a month for a 10 percent disability to $115 a month for total disability. The current average rate of disability for World War II is 40 percent, which means payments of $46 a month. Sums as high as $265 a month may be paid for certain specific disabilities of an unusual or particularly burdensome character.

VOCATIONAL TRAINING

If the disability is characterized by a vocational handicap, the veteran is entitled to receive vocational rehabilitation or training from the Veterans' Administration for a period of 4 years or more, the latter with approval of the Veterans' Administration, if he requires and demands it. All expenses of this training are paid, including books, tuition, or other equipment.

In addition, disabled veterans receive a monthly subsistence allowance of $65, without dependents; or $90 with dependents, plus whatever pension they are entitled to by law. The minimum total amount such veterans receive is set at $105 per month, without dependents; and $115, with a dependent, plus $10 for the first child, $7 for each additional child and $15 for any dependent parent. If the veteran would otherwise receive less than these minimum amounts his allowance is raised to equal the minimum during the period of training and for 2 months thereafter.

EDUCATIONAL BENEFITS

Under the GI bill of rights, broad educational opportunities are available to qualified veterans for completing their education or for obtaining refresher courses at Government expense. The veteran must initiate his course not later than 4 years after either the date of his discharge or the termination of the war, whichever is the later, and no such education or training will be given beyond 9 years after the termination of the war.

Any eligible veteran may receive 1 year of education or training, plus additional education—up to a maximum of 4 years—for total length of active service. He need not have been under 25 years when he entered service, nor need he show that his education was interrupted by war service, two limitations which appeared in the original GI bill. Courses are no longer limited to a cost of $500 for an ordinary school year. Short intensive courses may be undertaken and the additional cost prorated against the period of eligibility to which the veteran is entitled at the rate of $500 per school year. No such short course may cost more than $500.

A veteran is eligible for the GI bill education or training:

First. If he served in the active military or naval service of the United States, on or after September 16, 1940, and prior to the termination of World War II; and

Second. He has been discharged or released from service under conditions other than dishonorable; and

Third. He served 90 days or more, exclusive of any period he was assigned for a course of education or training under the Army specialized training program or the Navy college training program, which course was a continuation of his civilian course and was pursued to completion, or the time he was assigned as a cadet or midshipman at one of the service academies, or, if less than 90 days, that he shall have been discharged or released from active service by reason of an actual service-incurred injury or disability. The qualifying period of service need not all be within the period September 16, 1940, to the end of the war, but may include service extending into or beyond such period.

A veteran who qualifies under the GI bill, and has a service-connected pensionable disability and is otherwise eligible for vocational rehabilitation training under Public, No. 16, Seventy-eighth Congress, approved March 24, 1943, as amended, may elect either benefit, or may be provided an approved combination of such courses. A veteran who has a pensionable disability should apply for vocational rehabilitation training on Form 1900.

Application for educational benefits may be made to any field office of the Veterans' Administration or through the university, school, or college where the veteran desires to enroll.

A veteran receives $65 per month as a living allowance if without dependents while in attendance at the educational institution, or $90 if he has dependents, except that veterans employed in full-time work not a part of the course of education or training are not entitled to any subsistence. Periods of leave or vacation cannot exceed 30 days each year for continuous payment.

VOCATIONAL REHABILITATION

Basic provisions of the vocational rehabilitation program, authorized under Public Law 16, Seventy-eighth Congress, require veterans eligible for vocational training to meet the four following standards:

First. The veteran must have been in active military service after September 15, 1940, and during World War II;

Second. The veteran must have been discharged or separated from active service under conditions other than dishonorable;

Third. The veteran must have a disability incurred in or aggravated by such service for which pension is payable under laws administered by the Veterans' Administration or would be but for the receipt of retirement pay;

Fourth. The veteran must be in need of vocational rehabilitation to overcome the handicap of such disability.

The purpose of vocational rehabilitation is to restore to employability which has been lost by virtue of a handicap due to a disability incurred in or aggravated by service.

Recognized and accredited colleges, universities, and other educational institutions are being utilized to provide institutional training and well-established business enterprises to afford training-on-the-job. The institution selected is dependent upon the employment objective of the veteran. Training-on-the-job is provided in the veteran's home community whenever possible. Institutional training is generally provided near the veteran's residence. Tuition, books, supplies, and other incidentals are furnished in institutional training, and equipment and supplies required are provided in training-on-the-job.

The selection of an occupation in which rehabilitation will be effected is based upon consideration of the individual veteran's education, vocational experience, abilities, personal desires, and present disability, and contemplates that the vocational training to be provided will supply the necessary occupational information and develop the proper skills to afford the disabled person a well-rounded knowledge of and the ability to perform all the skills, job operations, and work tasks which are essential to meeting employment requirements in the chosen occupation.

APPRENTICE TRAINING

Apprentice training, being a type of training on the job, is prescribed by the Veterans' Administration for eligible veterans under the provisions of Public Law 16, Seventy-eighth Congress, when such training is suitable and feasible.

Applications for apprentice training are governed by the following:

First. Veteran must show aptitude for a skilled trade.

Second. High school graduates are usually preferred.

Third. An age limit of from 18 to 24 years is usually imposed. However, returning veterans are generally considered to be the same age as they were when they entered military service. For example, a veteran entering military service at 23 years of age and serving 3 years would be eligible under this principle to enter an apprenticeship in which the maximum age for apprentice is 24.

Fourth. A veteran with the desired aptitude will qualify so long as he is physically able to perform the work in a skilled trade. Those with physical disabilities are being employed as apprentices in many trades where the work is suited to them.

Fifth. Veterans who meet the required qualifications are being given preference in the selection of applicants for apprentice training.

Veterans who are not eligible for vocational rehabilitation by the Veterans' Administration because they do not have a pensionable service-connected disability based upon World War II service or do not otherwise meet the eligibility requirements may be eligible for education or training under the GI bill or be entitled to vocational rehabilitation as a disabled individual or a war-disabled civilian under a Federal-State plan for vocational rehabilitation.

GI LOANS

Various types of loans are available under the provisions of the Servicemen's Readjustment Act—GI bill of rights—for the purchase or construction of homes, for purchase of farms and farm equipment, and for purchase of business and business property. The amended GI bill was liberalized so that loans may be made for all ordinary farming purposes, for any normal business enterprise, and so that existing indebtedness in default may be refinanced in connection with all types of eligible loans.

To qualify for any of these loans, a veteran must comply with the following rules and conditions:

First. Service must have been on or after September 16, 1940, and prior to the termination of World War II.

Second. Must have been separated from the service under conditions other than dishonorable.

Third. Must have had active service of at least 90 days, or have been separated by reason of a service-connected disability.

Fourth. Must apply within 2 years after separation or 2 years after the end of the war, whichever is later—but not later than 5 years after the end of the war.

The amount of the guaranty cannot exceed $2,000, irrespective of the total amount of the loan, with the exception of real estate loans. Where the loan is a first loan, the guaranty cannot exceed 50 percent of the loan on loans of $4,000 or less. On loans over $4,000, the guaranty limit of $2,000 applies.

The veteran now has up to 10 years after the official end of the war in which to make application for a guaranteed loan.

Any loan on real estate is guaranteed up to a maximum guaranty of $4,000 of the loan, under the amended GI bill, as compared with a $2,000 limit under previous law. The Government guaranty remains 50 percent of the total loan up to the maximum amount. The business loan guaranty limit remains at $2,000, or 50 percent. Real-estate loans may be amortized over a period up to 25 years, and farm realty loans up to 40 years. Maturity on nonreal estate loans may not exceed 10 years. Proceeds of a loan may be used to purchase a lot in connection with home construction.

The phraseology of the old GI bill was changed from "reasonable normal value" to "reasonable value," in the amended bill, in connection with appraisals of property upon which a guaranteed loan is sought.

Two or more veterans may apply together for a loan, in which case the guaranty can be up to $2,000 for each veteran, provided the total guaranty does not exceed 50 percent of the total amount of the loan.

A veteran can have more than one guaranteed loan at the same time, provided the total amount guaranteed for all loans does not exceed $2,000.

To apply for guaranty of a loan for the purchase of a home, farm, or business property pursuant to the Servicemen's Readjustment Act, the veteran should first consult the person or concern from whom he expects to borrow the money. Potential lenders will have available necessary application forms and desired information. If such information is not readily available, consult the nearest representative of the Veterans' Administration.

Loans under the amended GI bill are now made by any lending agency which is subject to examination and supervision by a Government agency. Restrictions of certain Federal laws have been removed. A loan becomes automatically guaranteed if the lending agency and the veteran close the deal, the terms being in accord with the provisions of the act. The only other requirement is that the cost does not exceed the appraisal made by a VA designated appraiser. Loans made by individual lenders—not falling in the class of approved institutions—must obtain prior approval by VA in order for the loan to be guaranteed.

READJUSTMENT ALLOWANCES

Under certain conditions of eligibility, money payment of readjustment allowances are available to former members of the armed forces in World War II, to assist them to become established in gainful civilian occupations. Unemployed veterans who register with an office of the United States Employment Service are entitled to a readjustment allowance of $20 per week while unemployed. An eligible veteran may receive such payments up to a maximum of 1 year, depending on length of service. Self-employed veterans with net earnings of less than $100 per month may receive an allowance amounting to the difference between net earnings and $100 in any month, up to a maximum of 1 year, also depending on length of service.

To claim readjustment allowances, a veteran should apply at a local office of the State unemployment compensation agency or of the United States Employment Service.

The information contained in the following letter may help to clarify certain points in connection with eligibility of veterans for unemployment compensation whose employment has been interrupted because of a labor dispute or a strike.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C.

Mr. ———.

DEAR MR. ———: For your information, the Veterans' Administration has recently ruled that a veteran deprived of work because of a strike by fellow employees is not entitled to jobless pay under the Servicemen's Readjustment Act of 1944 (GI bill). The case in question was similar to yours in that the veteran was not a member of the union.

The Administration upheld the Michigan State Unemployment Compensation Commission in ruling that the veteran stood to benefit if a wage increase was granted and therefore "is directly interested in the strike," to quote the text of VA ruling.

There is legislation pending before the House Committee on World War Veterans' Legislation to correct this situation, and I will be pleased to keep your recommendations in mind when and if it is reported to the full House for consideration.

If I can be additionally helpful to you in any way, please do not hesitate to write me.

With every good wish, I am,

Sincerely yours,

PHILIP J. PHILBIN.

HOSPITALIZATION

The Veterans' Administration provides hospitalization for any veteran of any war who was discharged under conditions other than dishonorable. Veterans with service-connected disabilities are given preference. Veterans with non-service-connected disabilities are eligible if a hospital bed is available and the veteran makes a sworn statement that he is unable to defray expense of treatment.

To apply for hospitalization, a veteran should complete the face of form P–10 fully; have a physician complete the medical certificate on the reverse thereof; and forward the form to the nearest hospital or regional office of the Veterans' Administration. Examinations to determine need for hospitalization will be made by the Veterans' Administration at any hospital or regional office without cost to the veteran. In an emergency, service-connected or non-service-connected, have the veteran examined immediately by a local physician who should phone the nearest Veterans' Administration facility, state the nature of the case, and obtain prior approval for admission.

Reimbursement may be made for medical treatment of a service-connected condition obtained without prior authorization from the Veterans' Administration when there is a medical emergency,

Government facilities were not feasibly available, or delay would be hazardous.

A veteran who is so disabled as to be unable to earn a living and is without adequate means of support may be admitted for domiciliary—home—care to a facility of the Veterans' Administration providing such accommodations. Transportation is furnished only on original admission. Apply to any office of the Veterans' Administration.

Artificial limbs and prosthetic appliances may be supplied or repaired under prescribed provisions as a necessary part of hospital treatment or domiciliary care. Out-patient treatment, including prosthetic appliances, is provided only for disease or injury that is service-connected. Apply at nearest Veterans' Administration facility.

The determination as to whether veterans are entitled to a nurse, aide, or attendant is made by the Veterans' Administration. Provisions include:

First. Inability to dress or undress himself;

Second. Necessity to frequently readjust special prosthetic or orthopedic appliances requiring special skill;

Third. Inability to feed himself;

Fourth. Inability to attend to the functions of elimination;

Fifth. Incapacity—physical or mental—to protect himself from the hazards incident to his daily environment;

Sixth. Total blindness;

Seventh. Complete helplessness, including being bedridden.

Not necessarily qualifying for these services are:

First. Being bedridden simply because of physicians' orders, and not because of helplessness.

Second. Semi-invalidism in which veteran is able to be out of bed part of the time.

Veterans whose disabilities are service-connected may in addition to hospitalization and domiciliary care receive outpatient medical, surgical, and dental services for service-connected illness or injuries. Treatment may be given at a Veterans' Administration Facility or Regional Office or be authorized to be given by a physician or dentist in the veteran's place of residence. Request for the treatment should be addressed to the nearest field office of the Veterans' Administration, using Veterans' Administration Form 2827, revised.

Persons adjudged in need of and authorized to report for out-patient medical, surgical, or dental services may be furnished transportation and necessary meal and lodging requests.

The Veterans' Administration has a continuing program of expansion of its hospital facilities. The Congress has appropriated funds for the building of new hospitals and additions to existing hospitals.

Until such time as the building program is completed, Massachusetts veterans will be interested in the home-town medical-care program, of which the Milford News treats as follows in an editorial appearing in the April 16, 1946, issue:

VETERANS MAY GET HOME TOWN CARE

Disabled and sick war veterans from the Milford area will be pleased with the announcement of Congressman PHILIP J. PHILBIN, of Clinton, that pending negotiations between the Veterans' Administration and the Massachusetts Medical Service to provide home-town medical care for Massachusetts veterans have nearly been completed, and that the Milford hospital is one of nearly 150 institutions, all affiliated with the Blue Cross, which has been approved by the board of directors of the Massachusetts Hospital Service, Inc., for the hospitalization of veterans with service-connected disabilities.

According to Congressman PHILBIN, who has been especially active in promoting the welfare of veterans, the local hospital service program will go into effect as soon as negotiations for the local physican care service have been completed. VA officials state that the program will operate much like that which is available from the Blue Cross organization throughout the State.

For the treatment or care of a service-connected disability, a veteran will go to any doctor or hospital participating in the program and the Blue Cross will be authorized by the VA to make payment for care if the case is covered by the contract between the VA and the Massachusetts Medical Service and the Massachusetts Hospital Service. The VA will, in turn, reimburse the organization for the actual costs of providing service to the veteran. No profits are permitted under similar contracts now in effect in several other States.

The program would provide for hospital care for veterans with service-connected disabilities in emergency cases. Nonemergency cases will first have to obtain clearance from the Veterans' Administration at the State level before being admitted into the hospital. Such clearance will be given only when space if not available in Veterans' Administration hospitals.

Veterans desiring treatment from their own physicians must also obtain prior clearance from the Veterans' Administration. If the veteran resides within a reasonable distance from a Veterans' Administration hospital, giving out-patient service, he will continue to be treated by VA physicians.

Those veterans desiring treatment by a physician not participating in the Massachusetts Medical Service plan are not restricted in their choice of treatment. All the physician in question has to do, is render a bill to the Veterans' Administration direct within 5 days after treating the veteran.

In part as the result of criticism of the Veterans' Administration program as a whole, which I severely criticized in a speech on the floor of the House on March 7, 1945, when I introduced a resolution to investigate the entire veterans' rehabilitation program, the Congress passed legislation to create a Department of Medicine and Surgery in the Veterans' Administration, raise the pay of doctors, and insure a well-rounded medical program of the highest type for our returning veterans.

The following exchange of correspondence between General Hawley and myself is indicative of the new spirit prevailing in the Veterans' Administration so far as the medical needs of our veterans are concerned:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C.

Maj. Gen. PAUL R. HAWLEY,
Acting Medical Director, Veterans' Administration, Washington, D. C.

DEAR GENERAL HAWLEY: With the rapid demobilization of Army and Navy Medical Corps enlisted personnel, I am wondering whether the Veterans' Administration has given thought as to the feasibility of attracting some of these young men to the veterans' hospitals through some long-range program to include good starting salaries, working conditions, and promotions.

You are undoubtedly familiar with the excellent work done during the war, and still being done, by these young men, not only in the wards but also in the way handling much of the paper work involved in most medical cases.

It would appear that such a program has definite possibilities, and undoubtedly your personnel people must be giving it serious consideration. I would appreciate very much, therefore, having your extended comments concerning the possibilities.

With thanks and usual good wishes, I am,

Sincerely yours,

PHILIP J. PHILBIN.

VETERANS' ADMINISTRATION,
Washington, D. C.

Hon. PHILIP J. PHILBIN,
House of Representatives, Washington, D. C.

MY DEAR MR. PHILBIN: The Veterans' Administration has made efforts to obtain enlisted men trained in the medical service of the Army and Navy. We have not met with much success for the following reasons:

(a) The starting salaries as attendants are prescribed in Public, No. 293, of the Seventy-ninth Congress, and are between $1,500 and $1,600 per annum. This is not very attractive for competent young men.

(b) From 3 years of observation of the splendidly trained enlisted men in the medical service of the Army, I have found that the really well-trained men, who were competent to take much of the work from the doctors, were men of intelligence who had no inclination to follow the same kind of work in civilian life. Many of these men will study medicine. Others will enter other professions or business. It was very unusual to find a thoroughly well-trained Medical Department soldier who had not had a relatively good education. There were a few exceptions, but most of these men had some college training or were about to enter college when the war began.

I concur thoroughly with your ideas on this subject. We shall, as soon as possible, start courses of training for hospital attendants and other professional techniques in cur hospitals.

Thank you very much for your interest in the matter.

Sincerely yours,

PAUL R. HAWLEY,
Major General, AUS, Acting Chief Medical Director.

On December 6, 1943, in a speech on the floor of the House, I proposed that the Veterans' Administration establish small, secluded rest homes for the rehabilitation of shell-shocked veterans. The speech was reprinted in full throughout the country, and I am greatly indebted to the press, and especially the Hearst newspapers, for their wholehearted cooperation in publicizing this proposal.

Recently the Veterans' Administration announced that "sheltered workshop" colonies would be established and I look forward to the date when this plan becomes an actual reality. I feel it will do much to speed the recovery of mentally ill veterans. The Stars and Stripes carried the following item in its May 23, 1946, issue:

CLOSED WORKSHOP COLONIES PLANNED FOR DISABLED VETS

A "sheltered workshop" colonies plan for mentally disabled veterans is being considered by the Veterans' Administration.

It would help rehabilitate chronic mental cases, and free beds in overcrowded veterans' hospitals.

Dr. Paul R. Hawley, Veterans' Administration Medical Director, explained the proposal would need congressional approval, but the Veterans' Administration will establish an experimental colony of 100 patients. Hawley said it had been tried out successfully with a small group of mental patients from a State institution. The Veterans' Administration wants to try it out on a larger scale.

The colonies of physically or mentally disabled veterans would earn money by doing piecework for industry inside the colony.

On December 6, 1943, I addressed the House, as follows:

Mr. PHILBIN. Mr. Speaker, Congress has been desirous of making every possible provision for the rehabilitation of our veterans. In this the Veterans' Bureau has already also made substantial and effective contributions.

In my opinion, the institutional veterans' hospital is not the proper place to treat curable mental cases. I believe their problems will be largely for the ministrations of the psychiatrist and the neurologist. The Government ought to establish institutions in appropriate places throughout the country removed as far as practicable from the congestion, the noise, and confusion of the city, preferably in some quiet country district where these boys can forget the horrors and cruelties of war and be treated scientifically and rehabilitated. These institutions should not even be known as hospitals but as rest homes or retreats. They should have as few of the characteristics of medical institutions as possible. There should be many smaller such places rather than a lesser number of large ones. The dominating idea should be to give the disabled veterans a sense of privacy, normal living, and separation from the aspects of routine hospitalization that is difficult, if not impossible, in a regular regional or State government institution.

Rest, good food, wholesome surroundings, fresh air, and scientific psychiatric treatment and every other care that may be necessary will undoubtedly salvage thousands and thousands of these cases and restore them to useful civilian pursuits. Best of all, it will lift the curtain of fear, doubt, and uncertainty overshadowing their minds. It will revive self-confidence and the will to live a fruitful, normal life.

For these reasons it is the absolute duty of Congress—and the job should be tackled at once—to insure the establishment of an adequate number of rest homes so that such facilities may be ready as the need grows. From now on these mentally upset boys will be returning to this country in larger numbers. The routine, impersonal environment of the large hospital is probably the worst place in the world for these boys. Each individual problem of the mind is different, and each requires special and highly competent treatment and care in a homelike environment of privacy and relaxation. Effective psychological therapy is impossible unless the environment, the treatment, and the skill and experience of the psychiatrist are appropriately combined.

I urge upon the Veterans' Bureau the importance of establishing such rest centers at the very earliest date and serve notice that unless this policy is adopted and followed within a reasonable time I propose to introduce appropriate legislation in Congress looking to these ends.

Over half the wounded in this war will be psychiatric cases. With the right kind of treatment and care, many of these can be redeemed. It is surely the solemn obligation of Congress to overlook no type of facility or treatment which holds promise of the restoration and speedy rehabilitation of these fine young men who have been so unfortunately and disastrously afflicted in the service of their country. That is a primary claim upon our affections, our gratitude, and our national purse.

GOVERNMENT INSURANCE

Veterans should be counseled and advised to retain their national service life insurance—Government insurance. It is the cheapest and best life insurance obtainable. The fact that a man is discharged from the armed forces does not terminate this insurance, provided he continues the premium payments.

Since the original insurance policy is a temporary, or term, policy, it must be converted before the expiration of the 8-year-term period to one of the standard forms of policy to remain in force as permanent insurance. Facts to remember:

First. Originally issued on the 5-year level-premium plan, the law has been amended to extend the term to 8 years, when the policy expires unless converted.

Second. At any time after it is in force for 1 year, but before the expiration of the 8-year-term period, it should be converted into ordinary life, 20-payment life, or 30-payment life policies.

Third. First premium payment after discharge is usually payable during the first month after discharge.

Fourth. Always show policy number when making payment.

Fifth. If policy number is not known, payment should be accompanied by a letter giving name, serial number, rank, organization, and date of birth of the insured.

Sixth. Arrangements can be made to make payments on a quarterly, semiannual, or annual basis on approval of the Veterans' Administration.

Seventh. Until conversion from term plan, the premium will remain the same after discharge as the amount deducted from pay while in the service.

Eighth. Reduction may be made in the amount of insurance on application to the Veterans' Administration, provided the amount continued is in multiples of $500 and not less than $1,000. Premiums will be reduced accordingly.

Ninth. Change in beneficiary after discharge may be made by application to the Veterans' Administration.

Insurance which has lapsed may be reinstated by the veteran, either within 6 months after date of separation from active service or within 3 months after date of lapse, whichever is later, by payment of only two monthly premiums without interest on 5-year level-premium term insurance—payment of all monthly premiums in arrears with 5-percent interest required for converted plans of insurance—and by filing statement showing that he is in as good health as he was on the date of lapse. After expiration of the two periods stated above, the veteran must be in good health and furnish satisfactory evidence thereof in the form of a complete report of physical examination. This examination may be obtained free of charge through the Veterans' Administration.

If a veteran becomes totally disabled, first, after the date of his application for insurance; second, while his insurance is in force under premium-paying conditions; and, third, before his sixtieth birthday, and such disability continues for six consecutive months or more, he may, upon application, have the premiums waived during such disability and his insurance will remain in force without further payment of premiums so long as he remains so disabled. To become eligible for this waiver, proof of such continuous total disability for 6 months or more must be submitted to the Veterans' Administration. The veteran should continue to pay premiums regularly as they become due until he receives notice from the Veterans' Administration of entitlement to waiver of premiums. Any premiums paid to cover a period during which the waiver is effective will be refunded.

Checks, drafts, or money orders for premium payments on Government insurance should be made payable to the Treasurer of the United States and sent to: Collections Subdivision, Veterans' Administration, Branch Office No. 1, 55 Tremont Street, Boston, Mass.

At the time of publication of this handbook the House Committee on World War Veterans' Legislation reported a bill, for early action by the full House, to liberalize certain provisions of the National Life Insurance Act. An analysis of the major changes provided by the bill follows:

First. Arrangement of an endowment plan providing for lump-sum payment after 20 years at the age of 60, or at age 65 for less than 20 years.

Second. Permitting the serviceman to name any beneficiary he chooses instead of only his wife, child, father, mother, brother, or sister.

Third. Payment of the insurance to the veteran's estate after all the permitted classes of beneficiaries have died first, instead of making no payment at all as under the present law.

Fourth. Allowing the veteran to choose whether he wants payment made in a lump sum or by installments instead of installments only.

Fifth. A provision permits the beneficiary to assign his interest in payments to someone else if he so wishes.

Sixth. In any case where there is less than permanent and total disability, permit reinstatement of lapsed insurance without a health statement any time up to January 1, 1950, instead of January 1, 1947.

Seventh. Permit payment by installments or lump sum during the lifetime of any veteran who is suffering from permanent and total disability.

Eighth. Include disability insurance at a small additional charge.

Ninth. Keep insurance in force without payment of premiums if a veteran suffers permanent and total disability for six successive months or more.

Tenth. Provide, retroactively, that all men were automatically covered by insurance during the first 120 days of service.

I am very much pleased that we have been able to obtain a review of the National Service Life Insurance Act because at the time of my proposal for an investigation of the veterans rehabilitation program, I entered into a running controversy with officials of the Veterans' Administration over the denial of

such insurance benefits to some 20,000 servicemen, some of whom were overseas in front-line trenches. Some of the press comment follows:

[From the Philadelphia Record of April 3, 1945]

VETS' INSURANCE BILL PROPOSED
(Record's Washington Bureau)

WASHINGTON, April 2.—Legislation to correct the indefensible injustice being done thousands of American fighting men who have been denied low-cost life insurance will soon be presented to Congress, Representative PHILIP J. PHILBIN, Democrat, Massachusetts, announced today.

The Philbin measure will provide for a waiver of physical requirements for Government life insurance issued to men who have served overseas.

RECORD STORY WAS SPUR

PHILBIN said he decided to present the measure after reading a story published in the Philadelphia Record yesterday pointing out that many front-line veterans and Navy personnel at sea are being refused Government insurance because they are poor risks. It was pointed out that situation arose partly because servicemen neglected to take out life insurance when they had the opportunity. The present law states physical examination is not required if the policy is applied for within 120 days after induction.

"It is stated on apparently good authority that some 600,000 fighting men have failed to secure insurance for various reasons, and it is said that the Veterans' Administration statistics bear this out," PHILBIN said.

"It is truly indefensible that any boy risking life and limb for his country should be denied insurance coverage because of some legal technicality when he has served under fire and has been rated physically fit by the armed services," PHILBIN continued.

AN IRONICAL PARADOX

The Massachusetts Congressman called the thought of a young man fighting for his country and yet being branded a poor health risk an ironical paradox.

"This situation must be corrected at once," he said. "I am preparing a bill for introduction after the congressional recess providing for a waiver of physical requirements. This measure, if enacted, will make it quite clear what the intent of Congress is."

Alexander Griffin, Philadelphia radio commentator, is credited with bringing the situation to light.

[From the Washington Times-Herald of April 4, 1945]

THOUSANDS GOING OVERSEAS ARE REFUSED UNITED STATES INSURANCE

Nearly 20,000 American soldiers and sailors, passed as physically fit for overseas service, have been barred as poor health risks from the benefits of Government insurance, Representative PHILBIN (Democrat), of Massachusetts, revealed yesterday.

This "ironical paradox," said PHILBIN, demands corrective legislation in order that all men sent overseas and their beneficiaries may have full insurance rights. He said he was preparing a remedial bill for presentation after the Easter recess.

The situation apparently has arisen, he said, because the Army and Navy are shipping men abroad from the Quartermaster Corps and other divisions where physical standards are not as high as for infantry, air corps, and other fighting units.

Every inducted man is entitled to insurance without a physical examination if he applies for it within 120 days after entering the service. The 19,070 men who did not take advantage of this right, waited until they were about to be shipped overseas and then applied for insurance.

They were rejected as poor risks although not entitled to a medical discharge and were passed as qualified for behind-the-lines duty abroad.

[From the Boston Post of April 4, 1945]

GOOD ENOUGH TO FIGHT

If, as Congressman PHILBIN, of Clinton, states, there are thousands of men in the armed service who are unable to get Government insurance because they did not apply for it within a specified time, the condition certainly should be remedied. According to the Congressman many have applied but were turned down in the physical examination because they were not considered a good risk. It would seem that if a man is able to fight his physical condition is not too bad.

[From Stars and Stripes of April 19, 1945]

SIX HUNDRED THOUSAND WITHOUT LIFE INSURANCE—BAY STATE SOLON SAYS THOUSANDS IN WAR THEATERS CANNOT GET COVERAGE

Representative PHILIP J. PHILBIN, of Massachusetts, asserted recently that approximately 600,000 servicemen overseas are reported not to have Government life-insurance policies, 20,000 of these because of their physical condition.

PHILBIN said he would introduce legislation to prohibit rejection of their applications for insurance, and added:

"It is entirely indefensible that any body who is risking life and limb fighting for his country should be denied insurance coverage * * * especially when he has served under fire and has been rated physically fit for duty."

PHILBIN said that while servicemen automatically are eligible for insurance at the time of their induction, they must take another physical examination if they decide later to take a policy. Their physical condition may have changed in the meantime.

IRONICAL PARADOX

"The thought of a young man who is in an active theater of war being branded a poor health risk is an ironical paradox," Congressman PHILBIN'S statement continued. "Any boy fit to fight for his country is worthy of being protected in all his insurance rights, as are his beneficiaries.

"If the present law operates so as to bring about this unfair result, it must be corrected at once."

H. W. Breining, Assistant Administrator of the Veterans' Administration, told a reporter in reply to PHILBIN'S statement that servicemen have 4 months in which to take out insurance without a physical examination.

GETS LATER EXAMINATION

If the serviceman does not buy insurance within this time, and later decides he wishes to, he may do so by passing an examination. If no medical officer is present, Breining added, a statement from a man's commanding officer saying the applicant is in good health will suffice.

"I think it should be made plain that this is mutual insurance," Breining said. "The Government merely is the trustee. The more poor risks we take in, the more the insurance will cost those who already have subscribed."

[From Stars and Stripes of April 19, 1945]

GI INSURANCE PROBE IS BEGUN—COMBAT SOLDIERS ABROAD PROTEST VETS ADMINISTRATION RULING ON GRANTING POLICIES

A half page of GI squawks on the insurance muddle in a recent issue of Yank, the Army weekly, reverberated in Congress last week as the House Veterans' Committee promised a prompt investigation, and Representative PHILBIN, of Massachusetts, readied an amendment to the Insurance Act for introduction next week.

Simultaneously Brig. Gen. Frank T. Hines, Veterans' Administrator, denied that 600,000 overseas servicemen had been refused Government life insurance.

ADMITS 20,000 REJECTIONS

He admitted, however, that nearly 20,000 servicemen out of 16,984,263 applicants have been rejected, mainly for failure to meet health requirements. Of these, most were turned down because of syphilis, a Veterans' Administration spokesman revealed, despite their cure by the new quick method.

Expressing indignation at the ruling, a committee member exclaimed: "The Army says a man is well after the quick-cure and puts him back in combat, so why should the Government refuse to insure him."

Yank's beef arose from the Veterans' Administration ruling that all servicemen must submit to rigid physical examinations before receiving or increasing Government insurance policies unless they apply within the first 120 days after enlisting.

COMBAT SOLDIERS PROTEST

In combat areas soldiers protested, their chances of getting or increasing insurance are almost nonexistent, whereas in this country the process is fairly simple.

Denying the charges, a spokesman estimated that only about a thousand overseas men have been turned down.

"We do not know that a man is positively cured after the new syphilis treatment," he explained. "Consequently we deny him insurance for at least 2 years to be on the safe side.

"After the war these policies will be converted into mutual insurance, and we consider it unfair to penalize the healthy men by making them carry the policies of the poor risks."

Snorting at this reasoning, PHILBIN said the amount of money involved in service insurance is so astronomical that such a small group could scarcely affect the total.

MUSTERING-OUT PAY

The Mustering-Out Payment Act of 1944 provides for a mustering-out payment to each member of the armed forces who shall have been engaged in active service in World War II and who is discharged or released from active service under honorable conditions on or after December 7, 1941 with certain exceptions, under the following conditions and methods of payment:

First. Persons who have performed active service for 60 days or more and have served outside the continental limits of the United States or in Alaska, shall receive $300.

Second. Persons who have performed active service for 60 days or more but have served no part thereof outside the continental limits of the United States or in Alaska, shall receive $200.

Third. Persons who have performed active service for less than 60 days shall receive $100.

Legislation is pending in the Congress to provide mustering-out pay to those veterans who were discharged under the 38-year-old regulation to accept employment in essential war industries which, of course, I am urging and supporting.

DISCHARGE REVIEW

Unless a veteran has been discharged or dismissed from service by reason of the sentence of a general court martial he can request a review of his case if he

feels he did not receive full consideration in the type of discharge given. The request must be made within 15 years from time of discharge, or within 15 years of the date of the GI bill, whichever be the later. In case of death, a veteran's wife, next of kin, or legal representative can ask for the review.

Application for review may be made in writing to the service from which discharge was received, as follows:

Army: The Adjutant General, War Department, Washington 25, D. C.

Navy, Marine Corps, and Coast Guard: Secretary of the Navy Board of Review, Discharges and Dismissals, Navy Department, Washington 25, D. C.

A veteran who has lost his certificate of discharge may obtain an application for a certificate in lieu of discharge by writing:

Army: The Adjutant General, War Department, Washington 25, D. C.

Navy: Records Division, Bureau of Personnel, Washington 25, D. C.

Marine Corps: Commandant of the Marine Corps, Enlisted Performance Branch, Headquarters Marine Corps, Washington 25, D. C.

Coast Guard: Commandant, United States Coast Guard, Washington 25, D. C.

SURPLUS PRIORITIES

In connection with the distribution of Government surplus goods to our returning veterans, I am including, as part of my remarks, excerpts from the Boston Post and Worcester Gazette dealing with my efforts to obtain revision of the Surplus Property Administration regulations so that veterans could obtain some of these goods on a priority status, as was the original intent of Congress:

[From the Worcester Evening Gazette of March 29, 1946]

PHILBIN DECRIES BRUSH-OFF OF VETS ON SURPLUS GOODS

WASHINGTON, D. C., March 29.—Congress must put a stop to the "shameful vexations, disappointments, run-arounds, and brush-offs war veterans are getting when they attempt to secure surplus property," Representative PHILIP J. PHILBIN, of Clinton, told the House of Representatives today.

In his speech, Representative PHILBIN called attention to an article appearing last Sunday in the Worcester Sunday Telegram, a personal account of an attempt to buy a German motorcycle from the surplus property depot at Davisville, R. I. He inserted the article in the CONGRESSIONAL RECORD.

"This article ought to be read by every Member of the House," he said, "because it indicates the confusion and dissatisfaction existing among our veterans, as well as businesemen, regarding the surplus-property program of the Government."

Representative PHILBIN charged that unless improvement is shown in the surplus-property disposal program, it will be the duty of Congress to act.

The story to which Representative PHILBIN referred appeared on page 1 of the third section of the Sunday Telegram, and was written by a member of the Telegram staff, a veteran, who attempted to buy a used German motorcycle.

He said he went to the Smaller War Plants Corporation office here for certification, then reported to the main gate at Davisville, R. I., the day the sale was advertised. He said there was no description of the motorcycle given.

At the main gate he was sent to gate 1, where he was told he would have to get a pass at gate 40, a mile away. At gate 40, he and 13 other men were kept waiting while attendants lunched. Two of the men who had not been to Gate 1, were sent there before passes would be issued. The others were given passes and sent back to Gate 1 to wait for a bus. They waited over an hour. The bus driver who came was inexperienced and toured them to places they did not care to see.

The reporter said the motorcycle he finally found was a souvenir taken away from a soldier. It had a bullet hole through it and all the wiring, including the magneto, was gone.

There were trucks without wheels, doors, and even motors. Headlights were rare, and most tires were flat. Many trucks were over 25 years old.

A paratrooper wanted a truck body he saw there, and was told he would have to apply at Fort Devens, 85 miles away. Officials said his name and others who might want the body, would be placed in a hat and one would be drawn. The winner would be notified 3 weeks later.

The reporter asked another would-be buyer how one picked up and paid for a vehicle if he was notified he had won the lottery.

"Oh," the veteran replied, "none of us have ever gotten as far as that."

[From the Boston Post of October 5, 1945]

WOULD AID VETERANS ON SURPLUS—CONGRESSMAN PHILBIN ASKS OSP TO REVISE GI RULINGS

WASHINGTON, October 4.—Congressman PHILIP J. PHILBIN, of the Third Massachusetts District, today questioned the feasibility of recent action taken by the Office of Surplus Property to hold special sales of surplus vehicles for veterans at Fort Devens during a period extending from October 2 through October 12. The special sale at Fort Devens resulted in a throng of some 2,000 veterans to bid on available equipment on the first day, only to find that the sale had been canceled because a listing of ceiling prices was not available until closing time of the day's sale.

NUMEROUS REQUESTS

Officials of the Office of Surplus Property here advised PHILBIN that the 10-day freeze for purchasers other than veterans had been placed into effect in order to handle at one time the increasing number of requests from veterans for surplus automotive equipment. Besides Fort Devens, these special sales are being held at Fort Meade, Md., Reading, Pa., and Richmond, Va. Requests from veterans for surplus automotive equipment are being handled on a priority basis through the Smaller War Plants Corporation, governmental agency designated as purchasing agents for the veterans under current surplus property disposal regulations whereby Federal, State, and municipal governments have an 18-day priority to purchase goods before they are sold to dealers for ultimate disposal to the public through regular trade channels.

According to PHILBIN, many veterans were disappointed in not being able to obtain equipment even with the 18-day priority because in many instances, because of red tape and inordinate delay, the equipment chosen by the veterans, after inspection, had been sold because the 18-day priority period had elapsed.

PLAN NEW POLICY

Because of this it was decided to freeze sales to all but veterans for 10 days. The Office of Surplus Property now plans to set up a new policy after the special 10-day sale for veterans whereby Smaller War Plants Corporation can request the Office of Surplus Property to place aside a certain number of vehicles, and other surplus goods, especially for veterans and small businessmen, which will be held during an indefinite period for prospective purchasers with SWPC priorities, PHILBIN was told.

"These special sales have only resulted in much confusion and hardship for the veterans, many of whom have traveled long distances," said PHILBIN. "The Office of Surplus Property could have simply advanced the date of its new policy or made arrangements with the veterans to hold the equipment desired until the final purchase was made, even though the 18-day period had elapsed."

PHILBIN also said he was seeking a more liberal interpretation of the Surplus Property Act on the part of officials of the Office of Surplus Property. Veterans, desiring surplus equipment, can only purchase surplus goods through SWPC when it can be shown the equipment will be used in his own business. "This automatically bars a veteran working for someone else from purchasing a surplus automobile which he may need to get back and forth to work," PHILBIN stated. "I should think that if the veteran can show the equipment he desires is necessary to his livelihood, he is entitled to priority rights in purchasing it as surplus."

[From the Boston Post of October 4, 1945]

VETS IRED BY HIGH PRICES FOR TRUCKS—SAY DEALERS GETTING "CREAM OF CROP" AT REDUCED RATES—SALE MOVES SLOWLY ALONG AT FORT DEVENS—VETS' GROUPS DEMAND PROBE OF BUNGLING AND CONFUSION

FORT DEVENS, October 3.—Out of a welter of bungling, confusion, threatened congressional intercession, and complaints over the Office of Surplus Supplies' sale of Army trucks here, where 2,000 servicemen waited all yesterday in vain to buy them, the startling charge came tonight that veterans are being charged exorbitant prices for dilapidated machines while dealers get the "cream of the crop" at preferred rates.

Today dispirited veterans who were drenched in yesterday's rains while awaiting price lists for the surplus trucks they hoped to buy for a start in the civilian business world, stood shivering in suddenly lowering temperatures while sales dragged tediously at the pace of but 100 a day.

And while veterans' organizations were telegraphing the Massachusetts delegation in Washington, indignantly demanding investigation of the muddled truck sale, Congressman PHILIP J. PHILBIN of Clinton, at the capital instigated an official Office of Surplus Property inquiry, discharged servicemen here to buy trucks protested at the high prices asked for low rate vehicles.

The Veterans of Foreign Wars was the first to announce action, with telegrams to Massachusetts' Senators and Representatives in Congress, demanding investigation and correction of gross injustice. And in a prepared statement for publication, James F. Reynolds, senior vice commander of the VFW, Department of Massachusetts, said last night:

"The Department of Massachusetts Veterans of Foreign Wars strongly protest methods used in sale of surplus trucks to discharged veterans at Fort Devens, when on October 2 over 2000 veterans arrived at Fort Devens with all necessary requirements to purchase trucks as advertised by the Department of Commerce and Smaller War Plants only to find that the price lists were not available."

FALL DOWN ON JOB

From Washington came word of Congressman PHILBIN'S intercession in the matter. At his request, advices said, officials of the Office of Surplus Property have asked Myron D. Smith, acting regional director for New England at Boston, to teletype a full report concerning the agency's failure to hold a sale of surplus Army vehicles Tuesday as previously scheduled.

SALE FINALLY STARTS

Congressman PHILBIN was further quoted as declaring he would ask the House of

Representatives to inquire into the Devens mess, if he is not completely satisfied with the Office of Surplus Property report.

"This shameful red tape and bungling with the affairs of our veterans is indefensible and must be corrected speedily," he said.

The truck sale finally got started this morning after a period which gave every indication of being almost a repetition of yesterday's performance when some 2,000 former GI's were forced to wait for more than 8 hours, only to have to go home without a truck—or even a promise.

[From the Boston American of October 4, 1945]

ARMY CAR-SALE PROBE LOOMS

Congressman PHILIP J. PHILBIN, of Clinton, announced today that he was preparing to ask a congressional investigation into charges of bungling and discrimination in the Fort Devens sale of surplus Army trucks to veterans.

The sale resumed today at Devens amid mounting protests by veterans, spearheaded by the charge of James F. Reynolds, senior vice commander of the Veterans of Foreign Wars, that discharged soldiers were being permitted to buy mostly "junk," while vehicles in better condition were saved for large-lot sales to dealers.

Reynolds said the VFW convention in Chicago would act in the matter today, and added that strong protests had been sent to the entire Massachusetts congressional delegation by the VFW here.

Philbin said he had ordered the New England office of the Office of Surplus Property to make a complete report to Washington on the Devens sale.

"Shameful red tape and bungling with the affairs of our veterans is indefensible and must be corrected speedily," he said.

The 10-day sale of surplus trucks and beach wagons was supposed to start at Devens at 9 a. m. Tuesday, under the auspices of the Smaller War Plants Corporation, but owing to lack of an official price list it was held up for hours.

In the meantime some 3,000 veterans, coming from all New England States and as far away as Detroit, were forced to wait in the cold rain only to learn when the sale actually did start they couldn't be reached until the next day.

In view of the many complaints like the above, Congress revised the Surplus Property Act in May 1946, and herewith are the latest regulations, as promulgated by the War Assets Administration, in dealing with this matter:

Amendment of the Surplus Property Act provides for setting aside for sale to veterans of World War II exclusively, either for personal or for business use, selected items in heaviest demand and in short supply. It also advances to a general priority second only to that of Federal agencies veterans' former preference in the purchase of any goods for use in establishing their own small enterprises.

Existing procedures generally will continue to govern certification. Applicants must furnish proof of honorable release from service and a description of the property sought.

Veterans holding appropriate certificates may purchase items on the set-aside list for their own personal use as well as for use in a small business or agricultural or professional enterprise. Certificates already on file which include items placed on the set-aside list will be honored whenever such items are available. However, since all items on the set-aside list are in critically short supply, applicants will generally be limited to a single unit.

Certification for personal use will be limited to items on the set-aside list. Such certification will not be made for items previously certified for use in a small business, professional or agricultural enterprise. However, the restriction against more than one certification may be modified to permit additional certification for items not previously requested which are on the set-aside list. For example, a veteran already certified for a tractor finds typewriters in the set-aside list and wants to buy one. He may be certified additionally for a typewriter.

Application for any item on the set-aside list will be accepted, even though the applications already on hand exceed many times the available supply. Certification offices have been instructed to inform applicants fully regarding the ratio between the approximate number of applicants and remaining stocks of the item requested.

Whenever any item on the set-aside list becomes available, offerings will be made to the holders of personal-use certificates in the same proportion as their total number bears to the total number of certificates on file for small business or agricultural or professional enterprise.

For example: There are 30 trucks available. The regional office has 100 old certificates and 10 personal-use certificates on file, or a proportion of 1 to 10. Notification will be sent to the three applicants for personal use whose certificates bear the oldest dates, and the 27 applicants for nonpersonal use whose certificates bear the oldest dates.

If a veteran holding a personal-use certificate does not exercise his priority upon notification that the property requested is available, he does not lose his place in the chronological file, but will be notified a second and a third time, after which his certificate will be placed in an inactive file.

Veterans will be notified by mail or by local public notice where and when they can buy items for which they have been certified. Notice will concern availability of the item requested, location, opportunity for inspection, prices, lot sizes, etc. There will be no need for veterans to call in person to check the progress of their applications.

Veterans' interest has been largely confined to a relatively few classes of goods in the consumer category. As supplies of these goods are and will continue to be low, the effect on the volume of flow will be limited. Veterans will get a somewhat larger supply of set-aside items because they will now be able to purchase them to the exclusion of all other buyers. A larger share of items in the general inventory will go to them because their priority will now exceed that of State and local governments and tax-supported institutions, small business, and all other priority or preferred buyers except the Federal Government itself. But it must be borne in mind that this legislation does not increase basic supply and that there will never be enough of some items to fill more than a fraction of demand.

Certification on a new form must be obtained for purchases for personal use. These and all other certifications should be applied for at the nearest of the WAA certifying offices, as follows:

Boston 8: 1 Court Street.
Springfield 3: 1200 Main Street.
Lowell: 8 Merrimac Street.
Worcester 8: 340 Main Street.

MAY 1946—100 PERCENT SET-ASIDE LIST FOR VETERANS

AUTOMOTIVE VEHICLES

Passenger cars (used), passenger cars (new).
Trucks: Jeeps; all types, 2½ tons or less.
Motorcycles, scooters.
Trailers: Bomb trucks, all trailers.

TRACTORS

D4 and R4 Caterpillar, 36–45 DBHP (or equal).
D7 Caterpillar, 61–90 DBHP (or equal).
D8 Caterpillar, 91–140 DBHP (or equal).
TD9 International, 36–45 DBHP (or equal).
TD14 International, 46–60 DBHP (or equal).
TD6 International, 46–60 DBHP (or equal).

CONSTRUCTION, MINING, AND EXCAVATING MACHINERY

Tractor-type scrapers, air compressors, batching plants, crushing and screening plants, ditching machines, cranes, shovels, and draglines.

AGRICULTURAL MACHINERY

Land levelers, plows.

MEDICAL, SURGICAL, AND DENTAL APPARATUS AND EQUIPMENT

Major operating tables, operating lamps, field X-ray units, diathermy machines, dental units, dental chairs, dental cabinets.
Typewriters.

The foregoing list is subject to change by the War Assets Administration as circumstances require.

Let me emphasize that the above list is changing continually as a result of depletions and some additions.

One of the accomplishments of which I am proud and grateful for is the establishment of an itinerant contact service by the Veterans' Administration in many of the communities in my district. The Third District was the first to receive such service from the Veterans' Administration after my intercessions over a period of several months.

In addition, Fitchburg was the first city of its size to be favorably considered for a full-time Veterans' Administration contact unit office, the office being established a full year ahead of others established in other Massachusetts communities larger than Fitchburg.

In August of 1944 I saw the need for a contact unit in Fitchburg to care for the needs of returning veterans in northern Worcester County. On November 4, 1944, the Leominster Enterprise carried the following news item:

[From the Leominster Enterprise November 4, 1944]

CONTACT UNIT OFFICER IS AUTHORIZED—MEETS STEP SOUGHT BY VETERAN GROUP

CLINTON, November 4.—Congressman PHILIP J. PHILBIN last night announced that the Veterans' Administration at Washington has authorized the establishment of a contact unit at Fitchburg, similar o that opened this week in Worcester.

PHILBIN first took up the matter with General Hines, of the Veterans' Administration, in Washington in late August at the request of the Leominster Veterans' Council, pointing out that a district office of this agency in Fitchburg would be helpful to veterans residing in the northern part of Worcester County. The Clinton Congressman was later advised that no office was contemplated for Fitchburg because it was felt that the contact representative, assigned to the United States veterans' facility at Rutland Heights, some 17 miles from Fitchburg, would be able to maintain the necessary contacts in Fitchburg and nearby communities.

In further communications with General Hines, PHILBIN said that public transportation facilities to Rutland were not satisfactory and asked that a survey of the veteran needs in that section be made. This survey has just been recently completed and PHILBIN late today received the following letter from General Hines, Veterans' Administrator at Washington:

"Reference is made to your various communications concerning the establishment of an office of the Veterans' Administration at Fitchburg, Mass.

"I am pleased to advise that under date of November 1, 1944, the manager of the Veterans' Administration, West Roxbury, Mass., was authorized to establish as soon as possible a contact unit at Fitchburg, to consist of a contact representative and a clerk-stenographer.

"Permit me to thank you for your interest in the welfare of the veterans of your community."

There was some delay in the actual opening of the Fitchburg office because of the difficulty in obtaining the necessary office equipment from the Veterans' Administration. The office opened on February 20, 1945, at 280 Main Street, Fitchburg, as indicated by the following letter from Herbert L. McDonough, contact representative:

VETERANS' ADMINISTRATION,
Fitchburg, Mass., February 20, 1945.

Hon. PHILIP J. PHILBIN,
House of Representatives,
Washington, D. C.

MY DEAR MR. PHILBIN: The Veterans' Administration Contact Office of Fitchburg officially opened today.

I know that the veterans of World War II as well as veterans of other wars and the various service and civic organizations of this area are deeply grateful to you for your efforts in establishing this branch contact unit.

Respectfully yours,
HERBERT MCDONOUGH,
Contact Representative.

The need for such a contact unit at Fitchburg was fully justified, as can be readily seen in the following news account in the Worcester Gazette containing certain statisitcs relating to veterans' transactions at the contact unit, the item appearing a few days short of 1 year of my original announcement concerning the establishment of the Fitchburg office:

[From the Worcester Gazette of November 2, 1945]

FITCHBURG VETERANS' BUREAU BUSY

FITCHBURG, November 2.—Since the inauguration of a veterans' bureau here 8 months ago, more than 3,800 personal and outside contacts regarding veterans' problems have been made, affecting soldiers and former soldiers in north Worcester County.

Through the local coordinator, Herbert L. McDonough, a statistical report regarding the Fitchburg office, located in the Park Building in Depot Square, was released today by Brig. Gen. William J. Blake, of Boston, manager of the Veterans' Administration in this district.

The summary of activities which are increasing daily through the greater margin of soldiers being released shows that education or training under the GI bill of rights affected 231 persons. Some of the other figures follow: Rehabilitation for vocational handicapped veterans, 112; claims for disability pensions, 150; claims for widow's pensions, 58; applications for hospitalization, 30; appeals from decision on disability pension, 8; informal appeals and requests for examination, 37; flags issued, 11; abstract copies of discharges, 276; claims for dependent parents, 38; claims for burial allowance, 11; and insurance conversion, 173.

Personal veteran contacts through the Fitchburg office totaled 3,497 and outside contacts were 347 for a grand total of 3,844 since the opening of the office, February 19, 1945. Other forms of business conducted by the local representative, Mr. McDonough, included information on disability claims, notarized documents, affidavits, birth, marriage and divorce and death certificates, doctors' statements, etc., as submitted for evidence in supporting claims.

With the success of the Fitchburg office, I sought to bring a similar service, on a smaller scale, to other communities in my district. I found the answer in the establishment of an itinerant contact service for some of the larger cities and towns in the third district. Here is a news account which appeared on the first page of the Worcester Gazette on December 12, 1945:

[From the Worcester Gazette of December 12, 1945]

PHILBIN URGES SERVICE FOR VETS

WASHINGTON, December 12.—Eleven communities in Third Congressional District of Massachusetts have been recommended for establishment of an itinerant Veterans' Administration contact service, Representative PHILIP J. PHILBIN, Democrat, of Clinton, Mass., announced today. The service will provide for two visits a week to the communities by a representative of the Veterans' Administration in order to assist returning veterans and their families with the filing of claims and render such other help as might be necessary. The recommended places are Palmer, Ware, Marlboro, Gardner, Leominster, Barre, Milford, Northbridge, Spencer, Webster, Southbridge, and Clinton.

Brig. Gen. William J. Blake, head of the Boston office of the Veterans' Administration, made the recommendations to the central office in Washington, which is expected to announce formal approval of the service as soon as the personnel office has decided upon the number of additional contact representatives necessary to get the program under way.

At the outset, the service provides for two weekly visits, but this will be increased as rapidly as requirements for such contact service indicate.

If it is determined that 70 percent of a contact representative's time is required in any of the communities, then a recommendation will be made by Blake for a full-time contact service in the area.

PHILBIN said he was asking the Washington office of the Veterans' Administration to expedite action on the central Massachusetts recommendation so that the service could be established as soon as possible in order to provide needed assistance to the increasing number of returning veterans.

On the same date, the Leominster Enterprise carried the following as its lead news story:

[From the Leominster Enterprise of December 12, 1945]

FAVORS SERVICE PLAN FOR AIDING VETERANS IN CITY—CONGRESSMAN PHILBIN REVEALS STEP FOR THIS CITY—VETERANS' ADMINISTRATION CONTACT RECOMMENDED FOR ADOPTION IN DISTRICT

Leominster is one of 12 communities in the Third Congressional District to be recommended for the establishment of an itinerant Veterans' Administration contact service, Representative PHILIP J. PHILBIN said today.

The itinerant service will provide for two visits a week to Leominster by a representative of the Veterans' Administration in order to assist returning veterans and their families with the filing of claims and render such other help as might be necessary.

Other communities recommended for this special service include Palmer, Ware, Marlboro, Gardner, Clinton, Barre, Milford, Northbridge, Spencer, Webster, and Southbridge.

RECOMMENDATION

Brig. Gen. William J. Blake, head of the Boston office of the Veterans' Administration, made the recommendations to the central office in Washington, which is expected to announce formal approval of the service as soon as the personnel office has decided upon the number of additional contact representatives necessary to get the program under way.

At the outset, the itinerant service provides for two weekly visits to Leominster and this will be increased as rapidly as the requirements for such contact service indicate, PHILBIN reported. It is determined that 70 percent of a contact representative's time is required in any of the communities. Then a recommendation will be made by General Blake for a full-time contact service in the area.

Congressman PHILBIN said he was asking the Washington office of the Veterans' Administration to expedite action on the Leominster recommendation so that the itinerant service could be established as soon as possible in order to provide needed assistance to the increasing number of Leominster returning veterans.

In April of this year the itinerant contact service began to serve many of our returning veterans. The following is an account of the establishment of the service in Marlboro, as treated by the Marlboro Enterprise:

[From the Marlboro Enterprise of April 4, 1946]

VETS' REPRESENTATIVE AT CITY HALL 2 DAYS WEEKLY—ITINERANT CONTACT SERVICE AVAILABLE RED CROSS ROOMS—WALTER C. TISDELL HERE EVERY WEDNESDAY, FRIDAY AFTERNOONS; ARRANGEMENTS MADE BY CONGRESSMAN PHILBIN

MARLBORO.—Walter C. Tisdell, contact representative from the Worcester area office of the Veterans' Administration, will be available every Wednesday and Friday at the Red Cross rooms in City Hall to give special assistance and information to local veterans. This information was revealed by Congressman PHILIP J. PHILBIN.

Local veterans will now be able to take up their individual problems with Mr. Tisdell, who is in a position to render expert assistance for the filing of claims for the various benefits available from the Veterans' Administration. PHILBIN said he was particularly pleased with the establishment of the local itinerant contact service, which he had urged sometime ago.

"It brings a representative of the Veterans' Administration right to the home community of the veteran, thus making it unnecessary for him to travel long distances in order to press his personal case," he said. "Should the need develop in Marlboro for the establishment of a full-time contact service to be operated on a daily schedule, I will press the Veterans' Administration to provide such service."

TO INCREASE VISITS

At the outset, PHILBIN reported, the itinerant contact service provides for two weekly visits and this will be increased as rapidly as the requirements for such contact service indicate. If it is determined that 70 percent of a contact representative's time is required in the community, then a recommendation will be made to the Boston office of the Veterans' Administration for a full-time contact service in the area.

PHILBIN announced in December that Marlboro had been recommended for the establishment of an itinerant contact service, but encountered some delay in the opening of the local office while the request was pending in the central office of the Veterans' Administration in Washington.

In mid-January, Brig. Gen. William J. Blake, of the Boston Veterans' Administration office, was authorized to establish the service throughout Massachusetts, and among those communities designated in the Third District were Marlboro, Palmer, Ware, Barre, Northbridge, Southbridge, Webster, Gardner, Leominster, Clinton, Spence, and Milford.

Actual establishment of the itinerant contact service was made following the comple-

tion of special training courses held by the Veterans' Administration for contact representatives.

Mr. Tisdell said that in the event any veteran finds it impossible to appear at the designated days, he will answer their questions and problems by mail if they send them to him at the city hall.

I have prepared the following chart listing those Third District communities where itinerant contact service has been established, but it is subject to revision from time to time because of changing conditions:

Springfield area office, 1200 Main Street. Palmer: Thorndike Street School, corner Park and Thorndike Streets, Monday and Thursday, Arthur A. Keefe, contact representative. Ware: Town Hall, Tuesday and Friday, Arthur A. Keefe, contact representative.

Worcester area office, 9 Walnut Street. Marlboro: City Hall, Wednesday and Friday, Walter Tisdell, contact representative. Barre: Town Hall, Friday, William Stone, contact representative. Northbridge: Memorial Building, Whitinsville, Tuesday and Thursday, James McNamara, contact representative. Southbridge: Town Hall, Wednesday and Friday, Torkom Boyajian, contact representative. Webster: Town Hall, Tuesday and Thursday, Torkom Boyajian, contact representative. South Barre: Barre Wool Combing Co., Thursday, William Stone, contact representative. Milford: Town Hall, Tuesday and Thursday, William Quirk, contact representative. Spencer: Memorial Town Hall, Monday and Thursday, Charles H. Lawrence, Jr., contact representative. Hudson: Town Hall, Monday, Walter Tisdell, contact representative.

Fitchburg area office, 280 Main Street. Gardner: City Hall, Tuesday and Thursday, Herbert McDonough or Philip J. Haverty, contact representative. Leominster: City Hall, Wednesday and Friday, Herbert McDonough or Philip J. Haverty, contact representative. Clinton: Town Hall, Tuesday and Thursday, Herbert McDonough or Philip J. Haverty, contact representative.

Employment advice and assistance: United States Employment Service; office nearest you.

Educational advice: Vocational Guidance Center, Clark University, Worcester; Veterans Service Department, 58 Front Street, Worcester; Veterans' Administration, 280 Main Street, Fitchburg; 9 Walnut Street, Worcester; 1200 Main Street, Springfield; 17 Tremont Street, Boston. (Also see listing of communities with itinerant VA contact service.)

Apprentice training: United States Employment Service, Veterans' Administration (see addresses above).

On-the-job training (same as above).

Getting a Government job: United States Civil Service Commission, Federal Building, Boston; State Civil Service Commission, State House, Boston.

(Until examinations are given, provisional hiring for Federal employment is being done by the individual Government agency.)

Compensation claims: Veterans' Administration (see list above). Community Service Center, American Red Cross, claim division, home community.

Medical care: Veterans' Administration; West Roxbury, general medical; Bedford, Rutland Heights, Northampton, specialized care.

(The Veterans' Administration also plans to take over Cushing General Hospital at Framingham, perhaps after January 1, 1947. It will be utilized as a general medical and surgical center.)

Legal aid: Personal Affairs Division, United States Army, First Service Command, Boston; Massachusetts Bar Association, 53 State Street, Boston; community service center—in some instances.

GI bill loan information: Veterans' Administration. (See list above.) Community service center; savings banks for home loans; commercial banks for business loans; Reconstruction Finance Corporation (business loans), 10 Post Office Square, Boston; Farm Security Agency (farm loans), agent, Postoffice Building, Worcester.

Hospitalization: Veterans' Administration. (See listing, Medical care.) Regional Veterans' Administration office, 17 Court Street, Boston.

Government insurance: Veterans' Administration, branch office No. 1, 55 Tremont Street, Boston; 17 Tremont Street, Boston. (Information also available from other Veterans' Administration offices listed previously.)

Surplus property: War Assets Administration, 340 Main Street, Worcester; 1 Court Street, Boston; 600 Washington Street, Boston; 8 Merrimac Street, Lowell; 1200 Main Street, Springfield; Office of Small Business, United States Department of Commerce, George J. Grebenstein, director, 340 Main Street, Worcester.

Aid to veterans' dependents: American Red Cross, local chapter; Army Emergency Relief, Navy Relief Society (veterans in service only); local welfare department.

Tax information: Internal Revenue Service, Postoffice Building, Worcester.

Readjustment allowances (unemployment compensation): Massachusetts Division of Employment Security (State employment office nearest your home).

Financial assistance: Local welfare department; American Red Cross, local chapter; home service (chiefly to disabled veterans awaiting determination of disability pension claim).

Vocational training: Community veterans' service center; Veterans' Administration. (See listing above.)

Personal problems: American Red Cross, home service, local chapter; community veterans' service center. (Your Congressman can often be helpful in connection with matters pertaining to the Federal Government. Write me at either 420 House Office Building, Washington 25, D. C., or 7 High Street, Clinton, Mass.)

Veterans' homes: Mayor's offices, Fitchburg, Gardner, Leominster, Marlboro, various boards of selectmen (for temporary reconverted FPHA veterans' dwelling units and other accommodations.)

Business advice: Office of Small Business, United States Department of Commerce, 340 Main Street, Worcester; Civilian Production Administration, Industrial Assistance Section, 40 Broad Street, Boston; Community Veterans' Service Center.

Returning to your old job: Apply to your last civilian employer within 90 days after discharge. If not reinstated, take up matter for clarification with local draft board.

Agricultural advice: General Land Office, United States Department of the Interior, Washington 25, D. C.; United States Department of Agriculture, Washington 25, D. C.; Massachusetts State College, Amherst, Mass.; Massachusetts State Department of Agriculture, Boston.

Since first assuming office in the Congress, I have given much thought to the expansion of Veterans' Administration hospital facilities in the central Massachusetts area. The Third District presently has the Rutland Heights VA tuberculosis hospital within its confines, but the establishment of a general medical and surgical hospital has always been one of my objectives. My files will bear ample proof of my repeated efforts to prevail upon the Board of Federal Hospitalization and the Veterans' Administration to establish such facilities for veterans in central Massachusetts.

It is therefore particularly pleasing to me that the excellent facilities at Cushing General Hospital will soon be made available for the treatment and care of the veterans from this section of the State. In this connection, I include as part of my remarks the following sequence of recent events in connection with the future utilization of Cushing General Hospital at Framingham:

[From the Worcester Telegram of November 3, 1945]

VETERANS MAY USE THREE ARMY HOSPITALS

WASHINGTON, November 3.—Lovell General Hospital at Fort Devens, Camp Edwards General Hospital, and Cushing General Hospital at Framingham, Mass., may be declared surplus by the Army next year, Congressman PHILIP J. PHILBIN (Democrat, Massachusetts) said tonight.

According to information from the Office of the Surgeon General and the Army Service Forces, the Veterans' Administration would have first preference in taking over these facilities, PHILBIN said in a statement, adding:

"I hope that an early decision is reached on the possible surplus hospitals in Massachusetts, in order that the available equipment may be turned over to the Veterans' Administration in operating condition."

This decision would result in the continued employment of the large civilian staff organizations now on duty at these installations, he said.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., December 31, 1945.

Maj. Gen. PAUL R. HAWLEY,
Acting The Surgeon General,
Veterans' Administration,
Washington, D. C.

DEAR GENERAL HAWLEY: Under date of November 11, 1943, General Hines wrote me in connection with the Veterans' Administration hospital program:

"The present authorized building program will raise this total (some 84,000 beds) to 100,000 beds, and it reasonably may be anticipated that immediate postwar needs may be met by Army and Navy facilities of a type suitable for care of veterans."

In material placed in the CONGRESSIONAL RECORD in connection with the House investigation of the veterans' rehabilitation program and from testimony of Veterans' Administration witnesses before the House Committee on World War Veterans' Legislation, it was also brought out that great reliance was being placed on Army and Navy hospital facilities to meet the immediate postwar hospital load.

Apparently, with the change in Administrators, a new policy has been evolved in that few, if any, surplus Army and Navy facilities of a permanent construction are to be utilized. I would appreciate it, therefore, if you would send me an outline of the steps taken by the Veterans' Administration to meet the growing need for hospital space, other than by the proposed action to deny space to non-service-connected cases, the greater portion of which, at the moment, apparently must be World War I cases.

With thanks and usual good wishes, I am,

Sincerely yours,

PHILIP J. PHILBIN.

FRAMINGHAM POST, No. 929,
VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Framingham, Mass., January 7, 1946.

Congressman PHILBIN,
Washington, D. C.

DEAR SIR: At a regular meeting of Post No. 929, Veterans of Foreign Wars, on January 4, it was voted the Post go on record as instructing our Senators and Representatives to use all their influence to have the Cushing General Hospital equipped to conform with the

laws of the State, so that the hospital can be turned over to the Veterans' Administration for use by the veterans of this district.

Very truly yours,

FRANCIS J. ARNOLD,
Adjutant.

JANUARY 9, 1946.

FRANCIS J. ARNOLD,
Adjutant, Framingham Post, No. 929, Veterans of Foreign Wars, Framingham, Mass.

DEAR ADJUTANT ARNOLD: Some time ago, I received information from the War Department to the effect that Cushing General Hospital at Framingham would be declared surplus in 1946. At that time, I urged the Veterans' Administration to give consideration to the Cushing facilities so that the hospital could be obtained with its present civilian staff, thus doing away with the necessity of recruiting trained personnel at some later date. As you probably know, personnel shortages are currently handicapping the Veterans' Administration hospital program, or so state Veterans' Administration officials in explaining certain discrepancies in the medical program which have come to public notice.

With the change in Administrators of Veterans' Affairs, there has been apparently a change in the policy to utilize surplus Army hospitals of a semipermanent, fireproof brick construction of the Cushing type. Since General Hines previously felt surplus Army facilities could be utilized to ease the Veterans' Administration bed shortage, I have asked General Bradley for an elaboration of the current policy.

When I have this information at hand, I will be pleased indeed to renew my efforts in connection with the availability of Cushing General Hospital as a Veterans' Administration hospital to serve the central Massachusetts area.

With every good wish, I am,

Sincerely yours,

PHILIP J. PHILBIN.

VETERANS' ADMINISTRATION,
Washington, D. C., January 12, 1946.

Hon. PHILIP J. PHILBIN,
House of Representatives,
Washington, D. C.

MY DEAR MR. PHILBIN: I have your letter of December 31, 1945, inquiring as to the steps being taken by the Veterans' Administration to meet the growing need for hospitalization for veterans and as to our general policies in this connection.

As you probably know, it is our policy to place our larger hospitals in proximity to medical centers where the part-time services of outstanding physicians and specialists available at these centers may be utilized by the hospitals. This arrangement, we hope, will make the medical care provided veterans equal to the best provided in the country.

We hope, also, through improvement and design of these buildings, to make for such efficient operation that a decrease in operating cost would result.

We have given very careful consideration to the possibilities of utilizing available service hospitals and have analyzed each from the standpoint of its location with regard to veterans to be served, its proximity to medical centers, and its suitability to conversion to temporary or permanent use for veterans' hospitals.

Many of these hospitals have been found to be located in isolated sections so far removed from medical centers as to make the utilization of part-time consultants and specialists impossible. This isolation would result in a permanent impairment of the quality of medical care available at the hospital, would make the hospital ineccessible to patients, and would further complicate the acquisition and retention of staff. Many of these hospitals consist of one-story buildings widely dispersed over large areas. Such dispersion would greatly increase the number of employees required and would still further deplete our already limited staff.

As you probably know, the greatest handicap to our expanding hospital program is our acute shortage of professional personnel. We have taken over four Army general hospitals and are giving consideration to the acquisition of additional hospitals, contingent upon our ability to provide the necessary staff. In several instances the faculties of medical schools have agreed to provide the staff necessary for the operation of such hospitals. Under Public Law 293, Seventy-ninth Congress, establishing a department of medicine and surgery in the Veterans' Administration, it is hoped that additional staff will become available to us. In such event, we shall consider the utilization of additional Army and Navy hospitals.

To meet the present needs, pending the acquisition of additional professional staff and the construction of authorized hospitals, we are negotiating with the War and Navy Departments for the utilization, on a contract basis, of 20,000 hospital beds in their installations. In addition, we are working out an arrangement with the American Hospital Association for the utilization of 20,000 beds in the 3,400 hospitals represented by that organization.

Very truly yours,

PAUL R. HAWLEY,
Major General, AUS, Acting Chief Medical Director.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 17, 1946.

Maj. Gen. PAUL R. HAWLEY,
Acting Chief Medical Director,
Veterans' Administration,
Washington, D. C.

DEAR GENERAL HAWLEY: Thank you for your letter of January 12 concerning the Veterans' Administration hospital program.

I note that you plan to acquire additional Army general hospitals and would appreciate it if you would let me know what your studies disclose concerning the facilities available at Cushing General Hospital, Framingham, Mass.

Information from War Department sources indicates that Cushing will be declared surplus in 1946.

With thanks and usual good wishes, I am,

Sincerely yours,

PHILIP J. PHILBIN.

VETERANS' ADMINISTRATION,
Washington, D. C., January 25, 1946.

Hon. PHILIP J. PHILBIN,
House of Representatives,
Washington, D. C.

MY DEAR MR. PHILBIN: I have your letter of January 17, 1946, inquiring as to our plans for the Cushing General Hospital, Framingham, Mass.

We plan to request this hospital from the Army and to utilize it as a 1,000-bed general medical and surgical hospital. It is our understanding that this installation will not be declared surplus by the Army until the latter part of this calendar year.

Very truly yours,

PAUL R. HAWLEY,
Major General, AUS, Acting Chief Medical Director.

[From the Worcester Telegram of February 2, 1946]

VETS' AGENCY WANTS CUSHING GENERAL

WASHINGTON, February 2.—The Veterans' Administration plans to acquire Cushing General Hospital at Framingham, Mass., from the Army, Representative PHILBIN (Democrat, of Massachusetts) was advised today.

He said he had received the following letter from Maj. Gen. Paul R. Hawley, Acting Surgeon General of the Veterans' Administration:

"We plan to request Cushing General Hospital from the Army and to utilize it as a 1,000-bed general medical and surgical hospital. It is our understanding this institution will not be declared surplus by the Army until the latter part of this calendar year."

FEBRUARY 2, 1946.

FRANCIS J. ARNOLD,
Adjutant, Framingham Post, No. 929, VFW, Framingham, Mass.

DEAR ADJUTANT ARNOLD: General Hawley, of the Veterans' Administration, today advised me that he plans to request Cushing General Hospital from the Army and to utilize it as a 1,000-bed general medical and surgical hospital.

According to current information, Cushing General Hospital will not be declared surplus by the Army until the latter part of this year.

Hoping this information will be helpful to you, and with usual good wishes to you and your membership, I am,

Sincerely yours,

PHILIP J. PHILBIN.

FRAMINGHAM POST, NO. 929,
VETERANS OF FOREIGN WARS OF
THE UNITED STATES,
Framingham, Mass., February 8, 1946.

Representative PHILIP J. PHILBIN,
Washington, D. C.

DEAR MR. PHILBIN: Post No. 929, VFW, of Framingham, thank you for the letters that we received from you regarding the Cushing General Hospital.

It makes the members of our post feel that we have some on-the-job Representatives that are willing to aid us when it is necessary.

Thanking you for the favor, I remain,

Yours in comradeship,

FRANCIS J. ARNOLD,
Adjutant.

Also, as part of my remarks, I include a recent exchange of correspondence relating to the concentration of all Veterans' Administration activities in the Boston area in a central downtown building, for which objective I will continue to work and fight.

COMMONWEALTH OF MASSACHUSETTS,
SUPERIOR COURT, CIVIL BUSINESS,
Boston, December 12, 1945.

Hon. PHILIP J. PHILBIN,
House of Representatives,
Washington, D. C.

DEAR CONGRESSMAN: Some time ago, I wrote to you on the urgency of having erected in the city of Boston a centrally located administrative building to care for the needs of the returning veterans. The forecast made at that time in relation to the number of veterans who would be future applicants for compensation and other services is now found to be much too modest. The rapidly mounting number of veterans requiring assistance makes it imperative that the governmental agencies whose duty it is to serve them be assembled in one building which will be adequate and convenient.

Now that the Veterans' Administration is divided into 13 regional districts, 1 of which is Boston, why is it not constructive planning to erect in each of these regional districts a new Veterans' Administration building? The whole criticism through the years since World War I has been that there has never been proper space to intelligently transact the problems of the veterans. The Government has been "penny wise and pound foolish" in this particular matter and has spent hundreds of thousands of dollars for big rents instead of facing the realization that the work of the Veterans' Administration will be constantly increasing

through the years and that a new building to house all the facilities under one roof in each of the regional districts would be of tremendous advantage in the efficient functioning of veterans' affairs.

With traditional generosity, the American people are sending, not millions—but billions—of American dollars to help the people of Europe rehabilitate themselves and, for good measure, we are giving them a breathing space of 5 years on interest payments. If we can afford to do this, we can afford to take care of the needs of our veterans adequately.

In Boston the veterans' facilities are all over town; in the Federal Building, the Houghton & Dutton Building, at 17 Court Street, and in the hospital at the Dedham line of West Roxbury. This is still the situation after 2 years of constant friction and repeated promises to house all the facilities under one roof—and after 20,000 Massachusetts citizens had signed petitions to have a new Veterans' Administration building erected in Boston. These petitions were sent some months ago to Gen. Omar N. Bradley.

It is time for some intelligent action on this problem and I earnestly ask your support.

Sincerely yours,

THOMAS DORGAN,
Clerk.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 15, 1946.

Hon. THOMAS DORGAN,
Clerk, the Superior Court,
Boston, Mass.

DEAR THOMAS: Enclosed please find self-explanatory letter from the Veterans' Administration, outlining what the situation is in connection with a possible new building for the Veterans' Administration in the Boston area.

The $12,000,000 building to which Colonel Ijams refers is part of the Public Buildings Administration's postwar program. Hearings on these various projects have been held up by the House Public Buildings and Grounds Committee.

Should the program be approved in full or in part by the House and Senate, it will then be necessary for the Public Buildings Administration to obtain the necessary appropriations from the Congress.

As you can see, the proposed new building for Boston is still subject to many contingencies with actual construction a matter of the far distant future.

With usual good wishes, I am

Sincerely yours,

PHILIP J. PHILBIN.

VETERANS' ADMINISTRATION,
Washington, D. C., January 11, 1946.

Hon. PHILIP J. PHILBIN,
House of Representatives,
Washington, D. C.

MY DEAR MR. PHILBIN: Your letter of December 17, 1945, to the Administrator, attaching letter of December 12 which you received from Mr. Thomas Dorgan, clerk of Superior Court, Boston, relative to the construction of a new Veterans' Administration building in Boston, has been referred to me for reply.

Mr. Dorgan's thoughts, relative to the construction of a new Veterans' Administration building in Boston, are appreciated and would certainly represent an ideal housing situation for the Veterans' Administration. Public Buildings Administration, however, have in their program a large new Federal building for Boston to cost in excess of $12,000,000, and it is anticipated the regional office eventually will be located in this building. It is not known when this program will be completed, and with this in mind we have acquired space at 17 Court Street for our regional office.

Mr. Dorgan mentions separate locations maintained by us for our hospital, regional office, area office, and branch office activities. It has been found advisable and is an established policy of the Veterans' Administration to keep administrative activities separate from purely hospital activities.

In regard to the branch office which we maintain in the Houghton & Dutton Building in Boston, this is a coordinating policy and supervisory office for the entire New England area and is not maintained for direct contact by veterans. Therefore, the advisability of maintaining such supervisory and coordinating activities in the same building with the regional office, which furnished direct services, such as veteran contact on matters of claims, rehabilitation, and vocational guidance, insurance matters, outpatient clinic facilities, and so forth, has not been considered advisable, and we have made a practice of keeping these activities separated.

The area office in Boston was established as a temporary emergency measure and is now located in the Federal Building. We established seven of these area offices throughout the country for the immediate handling of the claims of soldiers released from the Army for disability. When conditions permit, these area offices will be deactivated.

Very truly yours,

GEORGE E. IJAMS,
Assistant Administrator.

What lies ahead for our veterans?

The Congress is cognizant of their changing needs, and, as time goes on, appropriate legislation will be passed to meet these conditions.

As I see it, at the moment, there is need for a change in the pension rates. These have fallen far behind the rise in the cost of living. While Congress has already voted an increase of 15 percent in pension rates during World War II, we must remember that pensions are still being paid on schedules written in 1925 and 1933. There is legislation pending in the Congress to increase these rates, and there is every expectation that the measure will be passed before the Seventy-ninth Congress comes to an end.

Under the present law, a veteran applying for treatment in a Veterans' Administration hospital for a non-service-connected disability must sign a statement to the effect that he cannot afford treatment at a private hospital. This is known as the pauper's oath and has been a bone of sore contention for some time past. Legislation now pending provides for treatment of veterans whose disabilities are not due to war service if facilities are available, without the necessity of signing any statements. Veterans who are in financial difficulties are to be given preference over those veterans able to pay where facilities are available, except in emergency cases. The pending legislation also would provide for the admission into Veterans' Administration hospitals of veterans who are able to pay for their care as paid patients. Presently some veterans desire the specialized care and treatment available at various Veterans' Administration hospitals but hesitate to apply with the fear they will be branded as charity patients.

The present law regarding the hospitalization states that single veterans who are collecting pensions for disabilities must bear a reduction in their pensions while they remain in Veterans' Administration hospitals. The provision does not apply to married veterans. Thus, two veterans, with the same disabilities, may find themselves in the same hospital ward. One may be drawing a pension of $20 per month while in the hospital, while the married veteran, with the same disability rating, may be drawing up to $115 per month while hospitalized.

This situation has come in for a large share of criticism, especially on the part of tubercular patients. Often it has meant that the veteran leaves the hospital without the benefit of the full treatment. A proposal now pending in the Congress would give single veterans adequate pension money to serve personal needs if they stay in Veterans' Administration hospitals until the physicians treating them pronounce them eligible for discharge from the hospital.

TERMINAL LEAVE PAY BILL

Officers of the armed forces under existing laws and regulations receive terminal leave pay which entitles them to compensation subsequent to the end of their service, but there is no similar provision for enlisted men.

It has been urged that enlisted men receive mustering-out pay, but it should be recognized that officers up to the grade of captain also receive mustering-out pay.

In order to resolve the inequities of this situation I strongly supported a bill to provide for terminal-leave pay for enlisted men and, in part as a result of my efforts as a member of the Military Affairs Committee, this measure is now pending in the House, and we may hope for its early enactment in some form.

SPECIAL AUTOMOBILES FOR AMPUTEES AND PARALYZED VETERANS

If you could walk through the wards of Walter Reed Hospital in Washington, where amputees and paralyzed veterans are treated and hospitalized, as I have, and see these boys who have given so much for their country and for democracy I promise you you would not emerge from that visit with dry eyes.

There is, in my opinion, as I have stated on the floor of the House, no reason why we should not do our utmost to accord amputees, paralyzed veterans, and other boys similarly handicapped fullest possible consideration.

With this thought in mind, I am giving my vigorous support to measures now pending in the House to furnish each of these amputees and paralyzed veterans with a suitable automobile at Government expense so that they may be able to get much-needed recreation and the enjoyment of driving in the open air and country. Of course, their automobiles can be provided with special equipment enabling them to operate the vehicles themselves, and I think this will certainly be one solid contribution we can make to the happiness of these boys. I confidently expect favorable action on this bill because I can conceive of no real objection to it.

These are but a few of the immediately needed changes to improve the veterans'

rehabilitation program as a whole. As has been proved in the past the subject of veterans' benefits will be a vital topic of legislation for many years to come. I am now working on over-all plans to perfect and modernize many aspects of the veterans' program.

Recent hearings on the reorganization of the Congress showed that several congressional committees deal with legislation pertaining to veterans. In the Senate there is no regular veterans' committee, such legislation being referred to a subcommittee of the Senate Finance Committee. It might well be that the Congress should give serious consideration to coordinating the activities of these various committees, as I have previously urged, by establishing a Joint Committee on Veterans' Affairs. We have been able to do that in connection with tax matters, but when the establishment of a Joint Committee on Internal Revenue Taxation was first proposed there was much opposition not only in the Congress but from the press and general public. Yet the Joint Tax Committee has demonstrated its value to both bodies time and time again since its establishment.

The Army, Navy, Agriculture, Insular Affairs, and even the Indians, have appropriate committees functioning in both the House and Senate. Surely we can do as much for our veterans, because the legislative requirements of veterans is becoming one of the biggest phases of governmental activity as time goes on. Within the next few years this program will be increased at a rapid pace. Let us hope that we will not face at that time the same situation that bogged down the Veterans' Administration in a maze of deadwood and red tape.

To avert this the establishment of a Joint Committee on Veterans' Affairs now might well avert chaos in the not too far distant future. Membership on such a committee would be one of the highest honors in the House and Senate. It would attract men of the highest caliber in both Houses. It would have the benefit of the experience and integrity of men now serving on the various committees dealing with veterans' matters and would also attract new blood, men with fresh viewpoints and solid experience gained in other activities of the House and Senate.

I, for one, will work for this objective. I think we will hear more about a Joint Committee on Veterans' Affairs in the months to come.

Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following comments from newspaper articles and other sources with reference to veterans:

[From the Marlboro (Mass.) Enterprise]

PHILBIN INFORMED ON ROTARY POLICY FOR TROOPS ABROAD—FIRST CONTINGENT OF MEN FROM SOUTHWEST PACIFIC AREA EXPECTED TO BE HOME SOMETIME NEXT MONTH

WASHINGTON, D. C.—In response to his inquiry concerning the troop rotation policy soon to be placed into effect in the Southwest Pacific theater of operations Congressman PHILIP J. PHILBIN, Democrat, of the Third District, which includes Marlboro, has been assured by Maj. Gen. James A. Ulio, The Adjutant General of the War Department, that the shortage of shipping space to place this policy into effect was being alleviated and it is expected that the first contingent of troops from that area will begin to arrive in the continental United States during April 1944.

The Massachusetts Representative held several discussions with officials of the War Department relative to troop rotation plans for boys in the Southwest Pacific, shortly after the Army announced plans for furloughing troops from other battle areas, including the African and Alaskan theaters of operations. The discussions were partially prompted by correspondence Congressman PHILBIN received from anxious parents in this section since many families from this area have boys who were among the first to leave the continental United States for action in the Southwest Pacific.

PHILBIN released the following letter from General Ulio, confirming previous talks he had had with War Department officials:

"I refer to your recent letter concerning the return of enlisted personnel, now on foreign service, to a station within the continental limits of the United States.

"The War Department does not question the desirability of rotating troops who have been on foreign service for a considerable length of time, and has had the matter under continuous study since the inception of the war. Until recently lack of shipping space has been the main obstacle in the return of personnel from overseas duty. This shortage of shipping has now been partially alleviated and there is a policy for the South Pacific theater now being prepared, and it is hoped that shipping facilities will sufficiently improve by April 1944 to enable the return of a certain number of men from this theater.

"Emphasis is placed on the rotation of units and individuals from combat duty to rest areas and to areas of healthier climates in all overseas theaters in order to alleviate the stress of combat and the effects of severe climatic conditions and it must be appreciated that the actual number of men returned to the United States must depend upon the amount of shipping which can be made available, since the maintenance of full combat effectiveness of our troops overseas must always receive first consideration."

War Department officials told PHILBIN that the selection of enlisted personnel to be returned to the United States under this policy rested entirely with the commanding general of the particular theater of operations in which the man was stationed. The selection would be determined upon the basis of length of service and the type of duty of the enlisted man.

PHILBIN also revealed that the War Department has two methods of repatriation of enlisted personnel serving overseas—"rotation" and "return." The rotation policy applies to men released by the theater commanders after replacements of the same military skills are furnished to him. The return policy covers personnel sent home for hospitalization, discharge, and, in the case of officers, because it is desired to use their skills in special assignments. In the latter case, no specific replacement is sent from the United States.

Personnel chosen under the rotation policy are to be given leave or furlough on arrival in the United States sufficient for them to spend 3 weeks at the place of choice. They are then to be reassigned to duty in the United States before return to a foreign area unless military requirements make reembarkment necessary.

More than 200,000 troops, exclusive of sick and wounded, have been returned to the United States, War Department officials told PHILBIN, since the beginning of the war. Some of these were "rotated" personnel, others "returned" personnel. To date, the minimum period for rotation has been set as 18 months for service in the north African area and 2 years in the Alaskan and Caribbean commands. Regulations for eligibility in other theaters, including the Southwest Pacific, are now being formulated, and it is expected that 18 months of service will be one of the requirements.

PHILBIN stressed the fact that availability of shipping for the transportation of rotational replacements is one of the main factors in controlling the number of eligible men who can be sent to the United States under the rotation policy. Military exigencies and the personnel situation in the theater of operations are other factors.

[From the Worcester (Mass.) Telegram of December 3, 1943]

SOLDIERS' DISCHARGE PAPERS MUST OMIT AILMENT DETAILS

WASHINGTON, December 3.—Disabled veterans of this war who have protested to New England Congressmen that their discharge certificates revealed the diagnosis of their ailment were advised today that such disclosures violated Army regulations and should be eliminated.

Maj. Gen. J. A. Ulio, Adjutant General, told Representative PHILBIN (Democrat, Massachusetts) to advise veterans who complained to the Congressman to return their certificates to the War Department for "any correction that may be warranted."

The veterans, PHILBIN said, considered such information harmful to their future, and General Ulio cited this regulation:

"The diagnosis of a disability will not be shown on the discharge certificate as the cause of discharge."

The Adjutant General in a letter also explained procedure for filing claims for pensions by enlisted men discharged from the Army by reason of physical disability.

"Army regulations provide that when an enlisted man is to be discharged on certificate of disability for discharge, and regardless of line of duty, he will be afforded an opportunity to file a claim for pension on Veterans' Administration Form No. 56," said General Ulio.

"If the soldier does not desire to file such a claim, the regulations prescribe that he sign a statement to that effect.

"The signing of such a statement does not prevent him from filing a claim at any time in the future."

PHILBIN also announced today that in response to requests from residents of Milbury and Milford, he had obtained from the Solid Fuels Administration inventory adjustments which would entitle them to more anthracite coal.

[From the Boston American of December 8, 1943]

WASHINGTON, December 8.—Speedy passage in the House by Monday of "just and generous" legislation providing cash benefits for honorably discharged veterans was predicted today by one of its chief supporters, Representative JOSEPH W. MARTIN, of Massachusetts, Republican minority leader.

Equally rapid approval in the Senate also was anticipated by the Bay State Congressman. MARTIN made his prediction as members of the House Committee on Military Affairs met in executive session to draft a bill which will be acceptable to all persons interested in the welfare of former servicemen.

PHILBIN GIVEN CREDIT

Great credit for the swift action by the committee went to Representative PHILIP J. PHILBIN, of Massachusetts, who had scoffed at statements that a quorum could not be mustered.

Both MARTIN and PHILBIN seemed certain that the bill would be reported out of committee without delay, perhaps even today. They stressed that members are familiar with

what veterans need and that the only argument appears to be over the size of the cash payment.

CITES PRESSING NEED

Congressman PHILBIN, himself a member of the Military Affairs Committee, summed up the feelings of the great majority of Members of the House when he said:

"We can no longer tolerate a situation where our discharged veterans are being cast aside, unprovided for, and permitted to go in want and suffering. We must give practical effect by immediate legislation to our oft-repeated slogan: 'Nothing is too good for them.'

"That there is pressing need for Congress to take this action is becoming increasingly apparent. Day after day reports are brought to my attention of boys being mustered out of the service, oftentimes in poor health, sometimes with unfortunate mental afflictions, and sent to their homes without even so much as an escort.

"This condition must be remedied at once. The American people will no longer tolerate carelessness or neglect of our gallant war heroes. We've had a great deal of talk about heroism and sacrifice. Now is the time for Congress to show that it appreciates the outstanding deeds of these young men and that it is prepared to provide every possible measure of compensation, support, hospitalization, care, and treatment that a grateful people can give.

"I think that the Boston Record-American and Sunday Advertiser, and other Hearst papers throughout the United States, are to be highly commended for their efforts in endeavoring to adjust these intolerable conditions."

[From the Boston Post of June 26, 1943]

SIMPLE JUSTICE

The bill to be introduced in Congress within the next few days by Representative PHILBIN, of Massachusetts, safeguarding the status on civil-service lists of men and women now in the armed services, deserves careful consideration.

It proposes authorizing the Civil Service Commission to revise its regulation so that at the close of the war prompt consideration will be given to those on the lists whose names have been reached while they are serving their country.

This would seem but the simplest of justice. Were these young men and women who have passed their examinations and secured eligibility on civil-service lists still at home, they would automatically secure the positions to which their preparation entitles them. They should not be be penalized for serving their country in time of war.

[From the Gardner News of October 19, 1943]

DEPENDENCY-ALLOWANCES BILL TERMED "INADEQUATE"—CONGRESSMAN PHILBIN BREAKS SHARPLY WITH HOUSE MILITARY AFFAIRS COMMITTEE ON MEASURE TO AID SERVICEMEN'S FAMILIES

WASHINGTON, October 20.—Breaking sharply with the House Military Affairs Committee, of which he is a member, Congressman PHILIP J. PHILBIN (Democrat, of Clinton, Mass.) today branded the dependency-allowances bill, recently favorably reported by the committee and now pending in the House, as absolutely inadequate as a means of furnishing proper support and maintenance for the wives and children of members of the armed services.

Representative PHILBIN stated that in his opinion, while he regretted very much to differ with his colleagues on the Military Affairs Committee, he could not conscientiously support an allowance bill which he did not believe adequately dealt with the needs of dependents of servicemen.

"The rates provided in this measure as reported are substantially below those provided by the Senate," said PHILBIN, "and do not provide allowances for the wives and dependents of servicemen that I deem essential for their welfare while their husbands and fathers are away from home and to which I believe they are entitled."

Referring to the great disparity between the pay of enlisted men and workers in war industry, PHILBIN asserted that our service boys and their families have been denied the privilege of participating in the benefits of high wartime wages.

SAVING MONEY

The Clinton Congressman rejected support of the House measure merely on the grounds of economy. "I am for economy," said PHILBIN. "I am for economy as strongly as any man in this House, I am for eliminating every nonessential, unimportant, duplicating bureau and agency in the Federal Government, of which there are legion. But I am not persuaded that we ought as a nation lay down the policy of saving money at the expense of the wives and babies of the boys who are offering their very lives on the altar of American patriotism. There are other ways of saving money that are not at the expense of these already distressed groups who have to worry continuously about the safety and ultimate fate of their beloved husbands and fathers.

"If we are sincere about our desire for economy, we can reduce the cost of government. We can eliminate unnecessary and meddlesome bureaus. We can tackle and curtail the grandiose programs of world-wide relief, world-wide reform, and world-wide largesse, which have cost and are costing us unmeasured, unimaginable, and undisclosed billions, as well as depriving our people needlessly and indiscriminately of many of the necessities of life.

"The last thing I am willing to do as a Member of this body is to be niggardly and penurious with the wives and children of our heroic servicemen."

Admitting the grounds for variance because of the difference in standards of living, PHILBIN said:

"In some cases, increased allowances may seem more than required for particular communities—I will not dispute that—but if Congress is to err in this matter, I prefer it should err on the side of giving too much rather than too little to the families and children of those who are sacrificing their careers and their lives to win this war and preserve our own democratic institutions. We cannot in justice adapt these allowances to our lowest standards. We must be liberal and generous beyond any doubt or question."

KEEP FAMILIES TOGETHER

"To keep the American family from disintegration is certainly not the least of our objectives in this legislation. The allowances proposed by some of the amendments to be offered, particularly the Sadowski amendment, which I am disposed to support, will enable the wives of servicemen to be free to provide care and supervision of their young children and thus keep families together under proper parental controls while fathers are in the service of our country.

"For the most part, the higher allowances which I am urging will relieve the necessity of any wife of an enlisted man leaving her family to supplement the family income by working in outside employment whether this work is in defense plants or elsewhere."

Pointing to the fact that the Military Affairs Committee had ample evidence before it indicating the insufficiency of the rates provided for by the pending bill, PHILBIN said: "Moreover the increases I advocate are consistent with estimates furnished the committee by statistical experts of the United States Department of Labor as being necessary and essential to minimum healthful, comfortable, and decent standards of living and are the very least we should, in conscience, provide for the dear ones of our global heroes.

"We have heard much talk about the gratitude and appreciation the people feel because of the sacrifices of our boys and because of the great unpayable debt we owe them. Let no decent American have any doubt about that debt."

NOTHING TOO GOOD

"On every hand we hear the phrase, 'Nothing is too good for them.' Let this Congress practically demonstrate some living, actual, and tangible evidence of that oft-expressed sentiment of gratitude and appreciation, which surely is shared by all of us, by voting in a true spirit of generosity, justice, and patriotism for genuinely adequate and liberal allowances.

"If this Congress can authorize more than $1,000,000,000 a month for lend-lease bounties, gratuities, subsidies, and gifts to foreign peoples, it can provide at least $1,000,000,000 a year to nourish, care for, and adequately maintain and support at decent American standards of living, the wives and children of the gallant boys who are fighting to save the country."

Congressman PHILBIN first voted for the Sadowski substitute which contained the highest rates proposed. When this was defeated he then voted for the Clason amendment fixing the rates the same as the Senate bill and finally voted for the adoption of the bill as amended at final passing.

[From the Boston Post of January 7, 1945]

RAPS ARMY HOSPITALS' EQUIPMENT—CONGRESSMAN PHILBIN URGES FACILITIES BE MODERNIZED

WASHINGTON, January 6.—Pointing to disclosures in a recent report on Army hospitals that these installations in Massachusetts lacked ventilating and air-conditioning equipment, Congressman PHILIP J. PHILBIN, of the Third Massachusetts District, today urged the War Department to modernize certain Army hospital facilities in the New England region.

LACK OF UNIFORMITY

The report was issued by the House Military Affairs Committee, of which PHILBIN is a member, following the recent inspection of 89 Army hospitals located throughout the country. Hospitals visited in Massachusetts included the Station Hospital at Camp Myles Standish, Waltham General Hospital at Waltham (formerly known as the Boston Area General Hospital), the Army Service Forces Hospital at Camp Edwards, Lowell General Hospital at Fort Devens, and the Cushing General Hospital at Framingham. No facilities of the Veterans' Administration were visited since they do not come under the jurisdiction of the War Department.

PHILBIN revealed that there was a lack of uniformity in the installation of ventilating and air-conditioning equipment in all Army hospitals, which was especially true for the New England area because the War Department has not authorized the use of this equipment for this section of the country.

"In determining whether or not air conditioning is necessary," PHILBIN said, "the War Department pursued technical procedures not well adapted to the extremes of New England weather. The results are unfortunate."

SOME IMPROVEMENTS PLANNED

The investigators' reports revealed that the Waltham General Hospital lacks forced ventilation and air-cooling equipment, although it is planned to install air-cooling equipment in the operating and X-ray rooms. The Lovell General Hospital has no air-cooling system in any part of the hospital nor are there any ventilating exhaust fans, the committee report stated. However, fans for the entire hospital and air-cooling equipment for the operating and X-ray rooms have been

recommended and approved, presumably for installation before the summer months.

PHILBIN noted that it is also planned to install ventilating fans in all wards and air-cooling equipment in the operating and X-ray rooms at Cushing General Hospital, which has neither forced ventilation nor air-cooling equipment at this time. The hospitals at Camp Edwards and Camp Myles Standish do not have this equipment and the report does not state whether installation is contemplated even for the operating rooms.

"I think the War Department should make a thorough survey of its hospitals in the New England area with the view of installing air-cooling equipment," PHILBIN said. "This study should take into consideration conditions and weather factors found only in this section of the country. It would be most unwise on the part of Army officials to have a duplication of the unfortunate situation which was found by committee investigators in another section of the country when lack of air-conditioning resulted in unnecessary suffering for patients encased in plaster casts, which was intensified in hot weather."

RAPS MYLES STANDISH HOSPITAL

The station hospital at Camp Myles Standish came in for the major criticism of the committee's investigators, the report stating that the "condition of the hospital buildings is not good." The flooring "is in deplorable condition for a hospital," according to the report, which recommended that linoleum or some other floor covering be installed. The investigators found "no evidence of a maintenance crew throughout the inspection tour" and "no shortage of manpower." Most of the force of 43 Wacs, 315 enlisted men, and 67 civilians were off duty when the investigators visited the hospital on a Saturday afternoon, the report stated.

PHILBIN concluded: "I thought the general public ought to know just what is being done and what is not being done to provide adequate hospitals with modernized equipment and pleasant conditions for our returning wounded heroes. Undoubtedly, existing facilities must be extended and I am already working to secure additional hospital space. I want to assure the families of these gallant boys who are hospitalized that some of us in Congress are watching all these Government institutions closely and will insist upon highest standards in all respects."

[From the Worcester Telegram of February 2, 1945]

AIR-CONDITIONING DUE FOR ARMY HOSPITALS

WASHINGTON, February 2.—Congressman PHILIP J. PHILBIN, of the Third Massachusetts District, today announced that air-conditioning and ventilating equipment will be installed by the War Department in the surgical suites, X-ray clinics, and recovery wards of Army hospitals in the Boston area.

The announcement followed by a few weeks PHILBIN'S request to the Department for the installation of such equipment in the New England area. Hospitals to be benefited include Cushing General Hospital in Framingham, Lovell General Hospital at Fort Devens, and the Waltham Regional Hospital, formerly known as the Boston Area General Hospital.

[From the Washington Star of February 2, 1945]

ARMY PLANNING PROMPT RETURN OF LIBERATED LUZON PRISONERS

An Army plan for prompt return to the United States of the newly liberated American prisoners in the Philippines today was reported by Representative PHILBIN, Democrat, of Massachusetts.

Those liberated by General MacArthur's forces on Bataan will be brought home "as soon as possible," Mr. PHILBIN said.

"I was informed some of these men are already being prepared for return, and that others will be brought back as soon as it can be arranged," Mr. PHILBIN told a reporter. "Only those required to remain for medical treatment will have to stay there."

Mr. PHILBIN also said the War Department told him families of the men can send a 25-word message to them via Army press wireless. To do this, he said, the families should send the liberated prisoner's name and serial number to the Adjutant General of the Army here with the message. Only one message will be allowed from a family.

Messages, from immediate members of families only, should be addressed as follows: "The Adjutant General, attention Casualty Branch, Room 3050 Munitions Building, Washington, D. C."

In a news conference, Acting Secretary of War Patterson said the Army has "a primary concern in rescuing all the American and Filipino soldiers who may have been left in prisoner camps in the Philippines."

He said these "are the men who stood up gallantly against the Japanese in the hardest days of the war," and that "everything possible will be done for their relief and rehabilitation."

The Army, in answer to reports that some of the rescued men want to return to battle against the Japanese, said there was nothing that would prevent that.

Mr. Patterson was asked if promotions for the released prisoners is contemplated and he replied, "I don't think that problem has been considered yet."

MILFORD VETERANS COUNCIL,
Milford, Mass., April 7, 1945.

Congressman PHILIP J. PHILBIN,
Third District, Massachusetts,
Washington, D. C.

DEAR CONGRESSMAN PHILBIN: At a regular meeting of the Milford Veterans Council held on March 26, the following resolution was adopted:

"That the Milford Veterans Council endorse the recent activities of Congressman PHILIP J. PHILBIN in his investigation of activities in the veterans hospitals. The council also commends all of his past activities in the interests of all Worcester County veterans."

A copy of the minutes of this meeting and the resolution as adopted was printed in the Milford Daily News on March 28, 1945.

Sincerely yours,

CHARLES F. MCGOWAY,
Commander.
GEORGE U. LARKIN,
Secretary.

SPEECH OF CONGRESSMAN PHILIP J. PHILBIN, ON A NATION-WIDE BROADCAST OVER THE BLUE NETWORK, SUNDAY, MAY 20, 1945

The care and rehabilitation of our beloved servicemen and veterans is one of our greatest problems. Whenever a worthy member of the armed forces, in or out of the service, is being neglected, maltreated, or abused, or whenever he is being denied, for any reason, his maximum entitlements under the law, then it becomes the province and duty of the American Congress to move quickly to correct such a situation. In pressing as I have, for a thorough, impartial investigation of all veterans' matters, I had very much in mind that we should move with utmost vigor to eliminate waste, burdensome delay, failures, or omissions in any part of the program, wherever they are found to exist, by providing at the earliest possible moment for effective administrative coordination of all the rights, facilities, advantages, and entitlements of the veteran from top to bottom. In my opinion, the entire rehabilitation program needs a thorough overhauling and the country is anxiously looking to Congress to act.

Undoubtedly some corrective measures may be taken at once. Hospital facilities can be extended, medical and nursing services enlarged, claims of all kinds settled more expeditiously, and many other beneficial changes can be made in existing machinery.

Above all, the Government must provide an efficiently functioning, well-coordinated system which will insure to every one of our beloved veterans prompt attention, solicitous care, expert advice, adequate compensation, education, job and business opportunities, and everything else that may be necessary to restore him to full health and permit him to embark upon a useful career in life. For us to do less will be to ignore our most solemn obligations to those who have offered their all for the salvation of our democracy and our free institutions.

[From the Winthrop Transcript of July 5, 1945]

THE TREATMENT OF OUR WOUNDED VETERANS

Recently a round-table discussion was held which produced some shocking and revealing statements about the treatment received in some of our hospitals caring for wounded veterans. In this forum were Congresswoman EDITH NOURSE ROGERS and Congressman PHILBIN, of Clinton, two Members of Congress, who have for years fought for proper treatment of veterans from World War I and the present war. They told us that in our hospitals the caliber of the medical staff, nurses, and other attendants in some cases was considerably below par.

Congress, they claim, is willing to make sufficient appropriations to give every wounded soldier and sailor the best of care, but until some of those in charge of Veterans' Administration simplify their methods and take action to see that we have the proper number of beds in veterans' hospitals and that only the best physicians and surgeons are employed and the personnel operating these hospitals is well paid and thoroughly efficient, conditions will not change.

We hear a lot of talk about how much we owe those who have served on the fighting fronts, and it is unthinkable that these men and women with maimed bodies are receiving anything but the finest of care. Every good American, man or woman, should have the interest of these wounded veterans at heart. They can and would be given the finest kind of care if everyone would write a letter to their Representative and Senators demanding that these men be properly treated. No obligation on each citizen is more pressing or important than that of writing these letters. An influx of thousands of letters pouring in to the Representatives and Senators will secure prompt action. Won't you write these letters at once. Our Representative in this district is THOMAS J. LANE. Our Senators are DAVID I. WALSH and LEVERETT SALTONSTALL. Please don't let another day go by until these three letters are written. Don't wait for the other fellow to do it, do it yourself. It is imperative that you act at once. Never let it be said that you turned your back on these veterans returning to this country with maimed bodies.

Even though Gen. Omar Bradley is assuming charge of the Veterans' Administration, and changes for the better will undoubtedly be made, your letters are needed. We must not forget that these boys offered their bodies that we might scourge the world of two gangster nations, and please remember that more and more boys are returning daily from the Pacific and more and more will be coming as long as the Pacific war continues. Public opinion, and that means you, can work miracles. Let us hope that this appeal will be answered and that Winthrop will do its share to remedy a shocking condition.

[From the Boston Herald of July 15, 1945]

VETS BUREAU CHANGES SEEN—REPRESENTATIVE PHILBIN HEARS OF DECENTRALIZING PLANS

WASHINGTON, July 14.—Representative PHILIP J. PHILBIN, Democrat, of Clinton, Mass., said today he had been informed that

the Veterans' Administration was considering decentralizing some of its activities, particularly the functions of its insurance program.

Officials of the Federal Public Administration had made visits to Worcester, Mass., recently to look over possible sites for a New England regional office of the insurance agency of the Veterans' Administration, he said.

"Decentralization will do much to relieve the load of this over-burdened agency, weighed down through the years by unwieldy regulations and paced to a peacetime tempo," PHILBIN said. "Should the Veterans' Administration carry out its proposal to establish an office for its insurance program in Worcester for the express purpose of serving New England, this move will undoubtedly do much to speed the final adjudication of claims filed from this area. In fact, the Veterans' Administration should carry the proposal one step further by establishing similar offices in other sections of the country."

During a recent investigation of the Veterans' Administration by a standing committee of the House, PHILBIN said many of the Administration's functions, particularly the settlement of insurance and death pension claims, were bound up with red tape, and the agency was running far behind in the prompt adjudication of cases of World War II veterans. The centralization of the agency's operations in its office at Washington occasioned much of the delay, he said.

PHILBIN said he had been informed by Harold W. Breining, Assistant Veterans' Administrator in charge of insurance and finance activities, that the decentralization program was still in an exploratory stage.

[From the Boston Post of September 24, 1945]

WORCESTER NOT TO GET VET OFFICE—PHILBIN INFORMED NO INSURANCE QUARTERS PLANNED NOW

WASHINGTON, September 23.—The Veterans' Administration does not contemplate opening an insurance office in Worcester, Mass., at this time, Congressman PHILIP J. PHILBIN, of the Third Massachusetts District, has been advised by Gen. Omar N. Bradley, Administrator of Veterans' Affairs. A survey of possible locations in Worcester for the establishment of a regional office of the Veterans' Administration to handle New England insurance claims was made some time ago by the Federal Public Buildings Administration at the request of the Veterans' Administration.

SEEK OFFICE SPACE

At the same time, PHILBIN made public information he had received from Brig. Gen. William J. Blake, head of the Boston regional office of the Veterans' Administration, indicating that the Veterans' Administration had been seeking office space of 5,000 square feet or more in an up-to-date office building in Worcester for the past several months in order to expand its district office, now located in the post-office building.

One suitable location had been found, PHILBIN said, and a lease prepared. However, the deal could not be completed when a new lessee offered better terms to the owners of the building.

PHILBIN released the partial text of a memorandum furnished him by General Blake concerning the expansion of Veterans' Administration activities in the Worcester area, as follows:

TELLS OF GUIDANCE CENTER

"You may rest assured that no group, agency, or individual desires to have proper quarters for the activities of the Veterans' Administration in Worcester more than I do. It is the desire of the Administration to bring the service to the veterans, and it is the intent of the Administration to do so.

"You will be interested to know that the plans for the establishment of the vocational guidance center in Clark University have advanced to the contract stage, and it is sincerely hoped this center will be functioning in the near future. With this center operating, this station will assign representatives of the Vocational Rehabilitation and Educational Division to Worcester. Advice and counsel will be rendered, and the supervision of the training programs carried out, even though under adverse conditions.

"Our contact representative, Mr. Stone, is one of our most valued employees, and as soon as additional contact representatives are adequately trained—and they are now undergoing intensive training—the contact force in Worcester will be increased.

"The situation as to full-time medical officers has not as yet improved. This possibly is one of the most discouraging phases of our work. Whether, with the release of additional personnel of the armed forces, we may be able to secure the necessary qualified personnel, only time can answer. However, in Worcester we do have a part-time physician and a number of designated examiners."

WILL PRESS REQUEST

"Please rest assured that all possible efforts are being made to render adequate service not only in Worcester but throughout the area under the jurisdiction of this station."

PHILBIN said:

"While it is disappointing to learn from General Bradley that the Veterans' Administration is not presently contemplating locating its regional office in Worcester, I am gratified with General Blake's assurances that adequate services would be furnished the veterans of Worcester and surrounding towns which embrace my district.

"I am very much impressed with the wholehearted tenor of his report to me and know he is doing his best to provide these vital services.

"Now that General Bradley has announced adoption of some of the sweeping changes I have advocated in the Veterans' Administration, I will continue to press my previous request that Worcester be considered for the location of insurance or other decentralized offices of the Veterans' Administration."

[From the Washington (D. C.) Sunday Star of September 23, 1945]

TROOPS IN ARABIA TO BE USED AS LABOR UNITS, SOLDIER WRITES

Representative PHILBIN, Democrat, of Massachusetts, last night released a letter he said was written by an American soldier to his family in which the soldier declared American troops were to be used as labor battalions to build an airport at Dhahran, Saudi Arabia, for private interests.

Mr. PHILBIN did not identify the writer.

Working along with the soldiers, the letter said, will be American civilians being paid $350 to $700 a month, and Italian civilians from Tripoli and Eritrea at $75 to $150 a month.

Some of the soldiers, according to the letter, have been overseas from 28 to 35 months.

Mr. PHILBIN said he was awaiting a report from Secretary of War Patterson on the War Department's policy in connection with the use of Army personnel as labor units.

The text of the letter, as released by Mr. PHILBIN:

"The airfield at Dhahran, Saudi Arabia, is to be built by the Construction Division, Africa-Middle East Theater, United States Army. The Construction Division is a section of Cairo headquarters.

"The men who will work on this airfield will consist of from 30 to 50 American civilians with salaries ranging from $350 to $700 per month; 400 to 500 Italian civilians from Tripoli and Eritrea who will be paid from $75 to $150 per month and about 75 to 100 American soldiers. At least we thought we were soldiers in the American Army until this deal came up; now we're not so sure.

"Most of the soldiers have been overseas from 28 to 35 months, but since they have served in rear areas with little chance for medals or battle stars, only a small percentage have the 80 points necessary for discharge. At the present time the only men who are being returned to the States from this theater are those who are eligible for discharge.

"Some men with 28 months overseas have as little as 60 points and there's no telling when they'll get home.

"There may be some excuse for the airfield being built under Army supervision, but it should be done with civilian labor.

"We just got a report from Cairo that men with 80 points, or who are 35 years old, will be offered a chance to go to Arabia as civilians, but men with less than 80 points, or who are less than 35 years old, will have to go as soldiers.

"In a lot of cases there will be two men doing exactly the same kind of work: one will be making $500 or $600 a month and the other fellow will be making $60 or $79 or $93 a month."

[From the Worcester (Mass.) Telegram of October 5, 1945]

ARMY SAYS PHILBIN IS "MISINFORMED" ON ARABIA AIRPORT—OFFICER REPLIES TO CHARGE SOLDIERS USED ON PRIVATE PROJECT

CAIRO, October 4.—An airport being built at Dhahran, Saudi Arabia, is a "military measure," Lt. Col. George P. Welch, public relations officer for the Africa and Middle East theater, said today in replying to an American soldier's assertion that United States troops were being used to build the airport for private interests.

The charge was made by an unidentified soldier in a letter released by Representative PHILIP J. PHILBIN, Democrat, Massachusetts, and published in Stars and Stripes' Middle East edition. Writing in the Army newspaper, Welch said:

TO REPLACE SOLDIERS

"Only a few enlisted men are being initially used, and they will be replaced at an early date by key civilians."

Declaring an agreement with Saudi Arabia to build the airport was made prior to the close of the war with Japan "as a military measure" and "had full approval of both the War and State Departments," the public relations officer said the airport had future value "as a strategic base."

Construction will be done by Army engineers, using civilian labor, he wrote, and "qualified and eligible enlisted men who desire discharge and employment may be employed as civilians."

The officer said the Massachusetts Congressman had been "misinformed" about the construction, since the field "is in no sense of the word considered a private airdrome."

American oil companies, he added, "have a great interest and investment now in Saudi Arabia which should be protected at all times by good will and friendly relations."

[From the Washington News of November 9, 1945]

GI'S SWEAT AT DAY LABOR TO BUILD ARABIAN AIRPORT

(By Marshall McNeil)

The War Department is continuing construction of a $6,000,000 airport in Saudi Arabia, just off the Persian Gulf coast, because the State Department says it is in the national interest.

Army personnel, as well as Americans, native and Italian workers, are building the

field. At least two Congressmen have had complaints from GI's on this job.

An agreement with Saudi Arabia covering our postwar use of the airfield is still being negotiated, the State Department said. We had a wartime agreement about it, but its terms are top secret.

Two American companies—Standard of California and the Texas Co.—hold a vast oil concession in Saudi Arabia, regarded by some experts as one of the richest in the world.

Representative PHILBIN (Democrat, Massachusetts) charged today that the field is destined to be turned over to the Government of Saudi Arabia, according to an agreement drawn up by the State Department and that Government.

GI COMPLAINT

He said the GI who complained to him reported some soldiers working on the project had been overseas for 28 to 35 months.

He released a memorandum from a general staff officer which said, in part:

"We are, of course, making the maximum effort to civilianize this project." Local civilians and American professional men were being engaged, it was said, so no more American units would have to be sent overseas for the job. Some still were needed to stay here in a supervisory capacity.

Answering the complaint that the civilian workers are being paid better than soldiers, the memo said it should be borne in mind that soldiers receive large added compensation in the form of food, clothing, shelter, post exchange supplies, and medical care.

Representative PHILBIN said: "Keeping these boys in Arabia as common laborers is indefensible, and I am asking the War Department to bring them back home at once, and make other provisions * * * for completing that airport."

Among other things, the GI who wrote Representative PHILBIN said:

"It is strange that the Army should require an airfield in the desert, only 3 miles from the Arabian-American Oil Co. The runways are being laid only 400 yards from the location, where now lies a runway built and used chiefly by the oil company plane, a C-47 chartered by the company from the Army and flown by an Army crew."

PROJECT DROPPED

Our Government suggested about 2 years ago that we finance a $100,000,000-plus pipe line from the producing area of the concession, held in the name of the Arabian-American Oil Co., to the Mediterranean, perhaps to Haifa.

The concessionaires agreed, but other oil companies and some Congressmen protested so loudly the project, as a Government venture, was dropped. It created a stir in London. Some think the proposal led to the signing of the Anglo-American oil agreement, which pledges both countries to respect such concessions.

Within the last few months Arabian-American has organized a subsidiary especially to build the pipe line, presumably with its own private funds.

Maj. Gen. T. M. Robins, of Army Engineers, recently told the House Appropriations Committee about the airport, located at Dhahran.

DOUBTS ARISE

"Before the war ended," General Robins said, "the War Department had undertaken the construction of an airport at Dhahran. * * * Now that the war has ended, some doubt arose in the War Department as to whether the airfield should be completed.

"However, the State Department felt completion was essential to the national interest and requested the War Department to continue construction pending a decision from the President. The President has now approved continuation of the construction by the War Department."

[From the Worcester Telegram of November 9, 1945]

ARABIA TO GET AIRPORT BEING BUILT BY UNITED STATES ARMY—STATE DEPARTMENT OFFICIAL CONFIRMS PHILBIN REPORT—SITE NEAR AMERICAN-ARABIAN OIL

WASHINGTON, November 8.—Representative PHILBIN, Democrat, Massachusetts, said tonight that an airport being built by the United States Army at Dhahran, Saudi Arabia, "is destined to be turned over to the Government of Saudi Arabia."

PHILBIN has made public two letters from American soldiers he did not identify, protesting because they were assigned to work on the project, which he termed "quasi-private."

The Massachusetts Representative said tonight that the airfield was being built at a cost of $6,000,000 by soldier labor battalions, American civilians, Italians, and native labor under "an agreement drawn up by the State Department" with Saudi Arabia.

LITTLE WAR VALUE NOW

He said he had information indicating the airport had "little, if any, military value, with the end of the war."

A State Department official told a reporter tonight the negotiations for the airport were undertaken by the State-War-Navy Coordinating Committee about 2 years after the United States Joint Chiefs of Staff had called the project a military necessity. The official said the State Department entered the picture only to carry out the necessary negotiations with King Ibn-Saud.

He said the airport would be on the direct Great Circle route from Cairo, Egypt, to Karachi, India, and that it was designed to replace an airport used during the war at Abadan in southern Iran. The official said the Dhahran airport will be near the great American-Arabian oil fields with their colony of about 2,000 Americans. He added that it will cost only about $4,000,000.

ASSURE OF CONCESSION

Under the agreement with Ibn-Saud, the United States will retain control of the airport for "a considerable length of time," and is assured of attractive concessions after that period, he said.

As to American soldiers working on the project, the State Department spokesman said: "Exactly the same point system that applies all over the world is in effect there, and as soon as soldiers pile up the required number of points, they go home."

The official said there were only 87 enlisted men now stationed at the airport and that all of them would be sent home by the first of the year. One of the soldiers had written that the number was between 75 and 100. Any implication that the airport was being built only because of the proximity of the American-Arabian Oil Co. was unjust, the official said.

"That was only an indirect factor because the oil company would never need as big an airport as that," he said.

GI'S BUILDING ARABIAN AIRPORT

WASHINGTON, D. C., November 8.—Representative PHILIP J. PHILBIN, Democrat, of Clinton, Mass., today revealed that a $6,000,000 airport being constructed at Dhahran, Saudi Arabia, by the Army, with the use of soldier labor battalions, aided by Italian and native labor, is destined to be turned over to the Government of Saudi Arabia, according to an agreement drawn up by the State Department and that Government.

PHILBIN some time ago released the text of a GI letter, in which it was charged that some soldiers working on the project had been overseas from 28 to 35 months. He said today, so far as he knew, these men were still helping to construct the airfield. PHILBIN also released a portion of a memorandum furnished him by the office of the Chief of Staff, which states:

"We are, of course, making the maximum effort to civilianize this project. Local civilians, American professional men, and Italian civilians are being engaged in work with the airfields in order to obviate the necessity of sending any more American units overseas than absolutely necessary. Unfortunately, the presence of certain provisional construction detachments is necessary in a supervisory capacity to insure satisfactory progress of the projects in question."

PHILBIN referred to an AP report from Cairo, which quotes Lt. Col. George P. Welch, public relations officer for the Africa and Middle East theater, to the effect that the Dhahran airport was being built as a "military measure" and had "future value as a strategic base."

PHILBIN stated that recent testimony of Army officials before the House Appropriations Committee indicated that with the end of the war, some doubt arose in the War Department as to the feasibility of completing the project. The State Department, however, requested that the War Department continue with the project.

PHILBIN stated that information reaching him from the State Department indicated that the construction of the airport had little, if any, military value with the end of the war. In fact, these officials stated that the construction of the airfield would have ceased at the end of hostilities if it were being built for wartime purposes.

PHILBIN questioned the type of agreement that was made with Saudi Arabia, especially referring to the lack of any clause that would provide for the cancellation of the project with the end of the war.

PHILBIN stated that the original letter from the GI, turned over to him by the soldier's family, was dated September 5 and it appeared that the actual construction of the project had not begun. "Ample time had elapsed since the end of the war to provide for the cancellation of this project, if it were purely a military one and if the agreement had a clause to provide for such cancellation with the end of hostilities," he said.

In releasing the text of a letter from another GI now working on the airfield, PHILBIN said:

"I need not add much to this letter, which shows the pathetic situation of some of our war heroes who have more than enough points to come home but still are retained to perform slavish labor on an apparently quasi private project on the burning sands of Arabia. I hope that Colonel Welch, who previously spoke with such cocksure certainty in this matter, is better informed concerning War Department policy as to his other duties than he proved to be in this instance.

"I think that keeping these boys in Arabia as common laborers after the war is over is indefensible, and I am asking the War Department to bring them back home at once and make other provisions, if they deem it necessary, for completing that airport, which after all, seems to be ultimately destined not to enhance our military security but for the benefit of private interests."

The text of the GI letter follows:

"After reading the article in the Middle East issue of the Stars and Stripes, dated October 5, by Lt. Col. George P. Welch, of the public relations office, I would like to make an attempt to explain the other side of the story.

"Sometime in August of this year a number of GI's learned that they were to leave their camp near Cairo, where they were stationed, awaiting shipment home. Another group of men were boarding planes for a flight to Saudi Arabia to start on a project to build an airfield for the Arabian Government.

"The fact that a good number of them had dreams of going home, and the additional fact that many of them had spent more than 2 years overseas, outraged them to such an extent that in spite of their good soldier training they unitedly wrote to American newspapers, kinfolk, and friends in the hope that any or all of them might intercede in their behalf to the end that they be saved from the outrage.

"The question of whether or not this airfield project was purely for the Arabian Government was not raised by the GI's. A good soldier does not pry into the affairs of politics while in the Army; at least, so they have been trained. However, this question was raised by some of the newspapers contacted on their behalf.

"Pursuant to this investigation by persons on behalf of these GI's, there appeared a published article in the Middle East issue of the Stars and Stripes, written by a United States Army officer, Lt. Col. George P. Welch, of the public relations office, AMET, who was very indignant over the publicity given this project. Then followed the evasive reply, and likewise a very poor and distorted attempt to show justification for sending the GI's to Arabia to do hard labor alongside of American civilians who elected to come here, not from sheer patriotic ambitions, but for the same reason that the Italian civilians came, namely, the good old American dollar.

"The GI's who had the effrontery (in the opinion of the lieutenant colonel) to write home and complain to their people and friends about this action, are required to work a 48-hour week alongside of their Italian brothers, who incidentally earn more than twice the pay of their former enemy, the American soldier.

"In my opinion, this misunderstanding between the GI's and the lieutenant colonel might have been avoided, had the lieutenant colonel, in line of duty, made a trip down here and explained to the ill-advised GI's the true story behind this project. But, of course, this would involve a tiresome, hot trip to the desert, moreover the accommodations here are not any too good, for instance: the living quarters are tents; the shower room just a plain shed, with water heated by the sun; the beds are canvas cots; no laundry facilities; the mess hall a bombay tent; food is dehydrated; flies by the million; and sand in your shoes and bed, and no place for a public-relations colonel. Granted, this would be quite a change from living conditions in Cairo. Hence, it is much simpler for the said lieutenant colonel to make an unprovoked attack on the poor, ignorant GI's and let it go at that.

"We would like to hear more about this from the lieutenant colonel and this controversy might furnish us with some good I and E materials, for we here, have nothing else to occupy our minds. We, without a chaplain, without a chapel; without our Sabbath, for we do not observe the Sunday, but rather the Arabian Sabbath, which is Friday. We do not fly our flag, for which so many died; and which the fortunate who lived so proudly defended; and yet the lieutenant colonel pulls a red herring on the sands of Arabia and says that this is an American Army project. Yes, only in the sense that the poor GI's in fear of courts martial tolerate this ballyhoo.

"It is strange that the Army would require an airfield in the desert only 3 miles from the Arabian-American Oil Co. The runways are being laid only 400 yards from the location, where now lies a runway built and used chiefly by the oil-company plane, a C-47 chartered by the company from the Army and flown by an Army crew.

"In closing I desire to make this observation. I don't think that when Congress passed the draft law, that they contemplated this kind of life for the American boy they ordered away from his home and country, and sent to defend our land against oppression and fight for freedom. The young American who went in defense of his home did not anticipate that after the war was won he would be sent into foreign lands to serve in labor battalions working alongside our former enemies; live like an Arab, by his law, and his religion, and perhaps wear his garb. The irony of the whole thing is, not knowing when this will end and not being able to do a thing about it. I wonder if this will disillusion some American mother who thinks that her boy is down here enjoying Arabian nights as described in books of fiction when she reads these facts.

"Will you please pardon the slight delay in this letter reaching you? It will first have to go to the oil company post office and through their APO and then to Bahrein Island. From there it will be sent to you for we don't have a post office on this base."

[From the Worcester Telegram of November 15, 1945]

PHILBIN FILES BILL TO GIVE INCOME TAX RELIEF TO SOLDIERS

WASHINGTON, November 14.—Representative PHILIP J. PHILBIN, Democrat, Massachusetts, introduced a bill to relieve members of the armed forces of certain tax liability on earned income.

PHILBIN'S bill contains a provision to extend tax credits to those whose tax bills have been fully paid in order to work no discriminations.

The bill would be applicable only to earned income and would not affect income from other sources in the nature of unearned increment. The credit features of the measure would apply to all tax returns filed 1 year after discharge.

"A large number of our boys left their jobs and went to war without having the opportunity to clear up their debts or to stabilize their personal business and financial status," PHILBIN said. "When these boys return it will be very helpful not to face old tax liabilities carried over from previous years by the Government."

NOVEMBER 25, 1945.

DEAR REPRESENTATIVE PHILBIN: In the November 17 issue of the Army Times newspaper I read of the fine work you initiated in having the Government take GI labor off of an Arabian airport so that it might be possible for them to return home.

Right at the moment six other men and myself are in a predicament that seems certain of being a rather hopeless one if some action is not instituted soon.

It is in the hope that you, Mr. PHILBIN, may be able to, if at all possible, aid us in getting the necessary action, that I'm writing this letter.

Many fellows in somewhat similar circumstances have received favorable results in writing to their Representatives, so, being a resident of Massachusetts all my life, I thought that this would be in order at this time.

Here's our problem, sir:

We are seven enlisted men, now stationed with the One Thousand Eight Hundred and Sixty-sixth Service Unit, Prisoner of War Camp, at the Fort Worth Quartermaster Depot, Fort Worth, Tex. On November 2, 1945, we were transferred here from the Second Infantry Division where we had been considered surplus because of having point scores of 50 or more. Many others in our old outfit also wound up in other service units of this command also.

We were told that our status was to be a temporary one, and that our stay here would be about 2 to 3 weeks at the most, at which time we would be discharged from the Army.

Meanwhile, I've received letters from those other fellows with 50 to 59 points and they have already been discharged. Every day on the streets of Fort Worth we meet others from the Second Division within the 50-point bracket that are on their way home, discharged.

Any attempt on our part to learn when this particular unit intends to release us is met with both vague and indifferent replies. I personally questioned our detachment commander, Major Parker, and he replied that our duty status was a permanent one, and we were a long way off from being discharged. Other officers give us the same run-around on any questions of this nature.

Not long ago newspapers and radio announced that 50 pointers were eligible in November if their records contained the following qualifications:

(a) Combat service in the European theater.

(b) To have been a member of a division scheduled for redeployment to the Pacific and then canceled.

(c) To have an Army service rating score of 50 to 59.

(d) To be holding a job considered a surplus one.

All of the above, any and all of the seven men concerned can easily comply with.

We are at present assigned to the guarding of 415 German prisoners of war. The detachment here at Fort Worth totals 30 enlisted men and 2 officers, over twice the actual number required. We lay around doing nothing, getting nowhere, and it is certainly an expensive loafing job for the Government, for all of us are noncoms of the first three grades or married men with large allotments.

I personally draw $110.80 per month and at present am acting in the capacity of first sergeant for the detachment, a position which requires, at the most, 10 minutes of my time each day.

All of us have good jobs or trades to return to, and it certainly would be a benefit to reconversion rather than a problem if we were released now.

The whole deal smells badly, for all other separation centers in the command are handling large numbers of men for discharge except the one which we will go to.

We'd all "sorta" planned on being home for Thanksgiving, but it never materialized. Now Christmas is just around the corner; and we're no nearer to knowing if we'll get out in December or in 1948. For most of us this will be the fourth or fifth Christmas in the Army, and we can assure you there are better places to spend such holidays than in an Army camp.

I'm the oldest and only son in the family, have a mother that's been a cripple, confined to either the bed or a chair for over 15 years, and it would certainly be a relief if I were to be released before Christmas. I live in Malden, Mass., where my folks own a home and I conducted a sign-advertising shop before my induction. There are other Massachusetts men concerned in this same situation here too, sir.

To make the situation worse and harder to take, this unit is releasing regularly men who have practically no service, no combat time at all, for reasons called "extreme nervousness" or because their temperament or moods are not up to Army standards. This is really a joke, for these so-called nervous wrecks certainly snap back to normalcy when duty hours cease. Many are married and living normal lives here off the post in the city of Fort Worth. It seems to me that it's again the case of knowing the right people, for if they can be classified as nervous wrecks, never having been even scared by so much as a boat whistle, let alone ever having been near or have heard the whine of a German 88 breeze in too close for comfort, then we seven men certainly should take our place at the top of the nervous list, for we've been where nervousness has been really justified.

It all boils down to the fact that either you've got to know someone to get out or the fact that with the war over and the Army strength being cut away down, many of these officers who can't bear to relinquish their soft, high-paying jobs to return to their old soda-fountain, shoe-clerk jobs or errand-boy positions, are apparently attempting to prolong their life of luxury by making their commands seem still vital, and retain men that certainly can't ever be considered essential in their present capacities.

All the above facts you without a doubt know existed, but the seven men here would be forever indebted and grateful to you, sir, if you institute action in our favor to speed our discharges.

Hoping, sir, to hear from you on the matter still, and hoping that the Philbin and the Riley families will be 100 percent represented in Massachusetts by Christmas.

Very truly yours,

Staff Sgt. JOHN W. RILEY, xxx-xx-xxxx,
One Thousand Eight Hundred and Sixty-sixth Service Unit, POW Camp, Fort Worth, Tex.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., December 7, 1945.

Staff Sgt. JOHN W. RILEY, xxx-xx-xx...
One Thousand Eight Hundred and Sixty-sixth Service Unit, POW Camp, Fort Worth, Tex.

DEAR SERGEANT RILEY: I am endeavoring to help clarify the release status of yourself and other former members of the Second Infantry Division and hope for early favorable results.

With usual good wishes, I am,

PHILIP J. PHILBIN.

(Via Western Union)

WASHINGTON, D. C., *December 7, 1945.*

COMMANDING GENERAL,
Eighth Service Command,
Santa Fe Building, Dallas, Tex.:

Understand several members of the One Thousand Eight Hundred and Sixty-sixth Service Unit, Prisoner of War Camp, Fort Worth Quartermaster Department, Fort Worth, Tex., formerly attached to Second Infantry Division, were told their status would be temporary in view of discharge of other Second Infantry personnel with similar sufficient point scores. They have now been told, I am informed, that their duty status is permanent, and I would appreciate it if you would look into situation to see they are accorded same discharge privileges given their comrades of the Second Infantry Division. Thanks.

Congressman PHILIP J. PHILBIN.

DECEMBER 15, 1945.

Mr. JOHN W. RILEY,
Malden, Mass.

DEAR MR. RILEY: I was very much pleased that we were able to have favorable action expedited on your discharge from the service.

General Walker, of the Eighth Service Command, has also sent me assurances that all former Second Infantry Division personnel attached to the One Thousand Eight Hundred and Sixty-sixth Service Unit would be discharged by December 16.

This report was sent me under date of December 10, following my intercessions in behalf of yourself and comrades.

With usual good wishes, I am,

Sincerely yours,

PHILIP J. PHILBIN.

DECEMBER 19, 1945.

DEAR REPRESENTATIVE PHILBIN: On November 23 I wrote you asking if it were possible for me to get your aid in getting action on a discharge from the Army. At that time I related how I had sufficient points and service but that some elements still made my probable return to civilian status very doubtful.

On December 7 I received an answer to my letter and you mentioned hope for early results on an attempt to clarify our release status. Then, on December 11, myself, and the other six men concerned, received notice that suddenly we were to report to the separation center at Camp Wolters, Tex.

On December 14, all seven of us walked out of the clutches of Army life. So tonight, back here in snow-bound Massachusetts, I hope this letter will in a small way help show the gratitude that we seven men feel on being discharged. We had all but given up every hope of being back with our families at Christmas but it did turn out that way, so in closing, again let me express the thanks and gratitude that I'm sure all seven of us feel toward any measures you may have taken toward making our discharges possible.

May you continue your fine work, and with every good wish for a very Merry Christmas and the finest New Year ever, I am

Very truly yours,

JOHN W. RILEY.

MALDEN, MASS.

[From the Worcester Gazette of January 24, 1946]

PHILBIN DEMANDS RELEASE OF 30 VETERANS IN CBI AREA

WASHINGTON, January 24.—A Massachusetts soldier, along with 30 others all eligible for discharge, has been held for 8 months in the China-Burma-India theater as witnesses in a court-martial case, Representative PHILIP J. PHILBIN, Democrat, of Clinton, told the House today.

The Congressman said he had requested the Army to correct the situation.

Representative PHILBIN related how the veteran from the district, a high-point soldier, received his going-home orders in the CBI theater in the middle of last June. The soldier, according to a letter received by the Representative, was on his way to a port of embarkation when a radio order froze all personnel of his group.

Reason for the freeze, said Representative PHILBIN, was so that an investigation could be conducted on reports the soldiers had purchased more "trinkets and gems from the natives than permitted under Army and Navy regulations."

The Congressman said his probe into the case uncovered the fact the soldier who was to be tried by court-martial is here in the United States on a 30-day furlough while the witnesses against him are still cooling their heels deep in the Orient.

"This is an outstanding example of inefficiency in the demobilization program," said Representative PHILBIN. He would not reveal the name of the soldier who wrote him.

[From the Boston Post of April 14, 1946]

PHILBIN SEEKING HOME TOWN VET HOSPITALIZATION—PLAN WOULD LET MEN USE THEIR LOCAL HOSPITALS

WASHINGTON, April 13.—Congressman PHILIP J. PHILBIN, of the Third Massachusetts District, today announced that home-town medical care for Massachusetts veterans may be soon made available in their own communities. Negotiations between the Massachusetts Medical Service, which has been designated by the Massachusetts Medical Society to carry out negotiations, and the Veterans' Administration have nearly been completed, according to information reaching PHILBIN.

WORK WITH BLUE CROSS

The board of directors of the Massachusetts Hospital Service, Inc., which handles the Blue Cross hospital plan in Massachusetts, already has approved the plan for providing home town care in local affiliated hospitals. Nearly 150 hospitals, located in all parts of the State, are affiliated with the Blue Cross, and the new service will result in the addition of a substantial number of hospital beds made available to Massachusetts veterans, outside regular Veterans' Administration hospitals.

"The progress we are making in providing selective care and treatment for our veterans is gratifying, but there is vast work ahead," said PHILBIN. "I am very grateful to the Massachusetts Medical Society for its wholehearted cooperation in this vital matter. As a result of the adoption of present plans, we are moving toward the very desirable situation in which veterans may be treated by doctors of their own choice in hospitals of their own choice within reasonable limits. I will continue to press for perfecting regulations."

BIG HELP TO VETS

The local hospital service program will go into effect as soon as negotiations for the local physician care service have been completed, PHILBIN said. The new services, when placed in operation, will permit veterans with service-connected disabilities to receive treatment and care from local doctors and hospitals, instead of going to Veterans' Administration hospitals, which might be distant from their home communities.

The program will operate much like that which is available from the Blue Cross organization throughout the State, PHILBIN was advised by Veterans' Administration officials.

For the treatment or care of a service-connected disability, a veteran will go to any doctor or hospital participating in the program and the Blue Cross will be authorized by the Veterans' Administration to make payment for care if the case is covered by the contract between the Veterans' Administration and the Massachusetts Medical Service and the Massachusetts Hospital Service.

A NO-PROFIT PLAN

The Veterans' Administration will in turn reimburse the organizations for the actual costs of providing service to the veteran. Veterans' Administration officials emphasized that no profits are permitted under the contracts now in effect in several other States where agreements, similar to that contemplated for Massachusetts, have been entered into.

The Veterans' Administration told PHILBIN that the program would provide for hospital care for veterans with service-connected disabilities in emergency cases. Nonemergency cases will first have to obtain clearance from the Veterans' Administration at the State level before being admitted into the hospital. Such clearance will be given only when space is not available in Veterans' Administration hospitals, PHILBIN was advised.

MUST CLEAR VETERANS' ADMINISTRATION FIRST

Veterans desiring treatment from their own physicians must also obtain prior clearance from the Veterans' Administration. If the veteran resides within a reasonable distance from a Veterans' Administration hospital, giving out-patient service, as is the case with the Veterans' Administration hospital at West Roxbury, he will continue to be treated by Veterans' Administration physicians. Those veterans desiring treatment by a physician not participating in the Massachusetts Medical Service plan are not restricted in their choice of treatment. All the physician in question has to do, PHILBIN was told, is render a bill to the Veterans' Administration direct in 5 days after treating the veteran.

Space does not permit me to elaborate further my very many efforts in behalf of our beloved servicemen and their families. I am proud and honored indeed to have been given the privilege of serving them and will continue my devoted interest and loyal support to the end that this Government which they gave so

much to sustain will graciously and efficiently accord them fullest measure of solicitude.

Mr. Speaker, I ask unanimous consent to have printed in the Appendix of the RECORD certain articles from the press, dealing with the investigation of the veterans' rehabilitation program.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. JACKSON, for an indefinite period, to attend the International Maritime Conference, Seattle, as a delegate representing the United States Government.

To Mr. RAMEY (at the request of Mr. MCGREGOR), for Wednesday, June 5, on account of official business.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 661. An act for the relief of Harold H. Rhodes; to the Committee on Claims.

S. 933. An act for the relief of the estate of Sybel Spence; to the Committee on Claims.

S. 1051. An act for the relief of William J. Simpson and John H. Rogers, Sr.; to the Committee on Claims.

S. 1061. An act for the relief of Violet Ludokiewich; to the Committee on Claims.

S. 1132. An act for the relief of Aeronautical Training Center, Inc.; to the Committee on Claims.

S. 1314. An act for the relief of Frederic P. L. Mills; to the Committee on Claims.

S. 1569. An act for the relief of Gwynn C. Triplett, and for other purposes; to the Committee on Claims.

S. 1683. An act for the relief of the estate of Mrs. Sufronia Andus; to the Committee on Claims.

S. 1748. An act for the relief of Ivor E. Nicholas; to the Committee on Claims.

S. 1773. An act for the relief of Frederick Uhrmann; to the Committee on Claims.

S. 1779. An act to authorize the Federal Security Administration to assist the States in matters relating to social protection, and for other purposes; to the Committee on the Judiciary.

S. 1852. An act for the relief of the legal guardian of Arlis Earl Teekell; to the Committee on Claims.

S. 1912. An act for the relief of Brig. Gen. Carl H. Seals; to the Committee on Claims.

S. 2015. An act for the relief of William H. Morris; to the Committee on Claims.

S. 2218. An act to amend the District of Columbia Alley Dwelling Act, approved June 12, 1934, as amended; to the Committee on the District of Columbia.

S. J. Res. 162. Joint resolution extending for 7 months the period of time during which alcohol plants are permitted to produce sugars or sirups simultaneously with the production of alcohol; to the Committee on Ways and Means.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. ROGERS of New York, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 4510. An act granting the consent and approval of Congress to an interstate compact between Colorado and New Mexico with respect to the waters of Costilla Creek; and

H. J. Res. 340. Joint resolution to amend the joint resolution creating the Niagara Falls Bridge Commission.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 470. An act to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim or claims of W. P. Richardson, as successor and assignee of W. P. Richardson & Co., of Tampa, Fla.;

S. 769. An act for the relief of H. H. Ashbrook and others;

S. 913. An act to protect scenic values along and tributary to the Catalina Highway within the Coronado National Forest, Ariz.;

S. 1106. An act for the relief of Malcolm K. Burke;

S. 1286. An act for the relief of Sam Bechtold;

S. 1605. An act to reimburse certain Navy and Marine Corps personnel and former Navy and Marine Corps personnel for personal property lost or damaged as the result of fires which occurred at various Navy and Marine Corps shore activities;

S. 1802. An act to provide for the delivery of custody of certain articles of historic interest from the U. S. S. *Nevada* and the U. S. S. *Wyoming* to the State of Nevada and the State of Wyoming, respectively;

S. 1805. An act to authorize the promotion of personnel of the Navy, Marine Corps, and Coast Guard who were prisoners of war;

S. 1854. An act to establish the civilian position of Academic Dean of the Postgraduate School of the Naval Academy and compensation therefor;

S. 1862. An act to repeal section 1548 Revised Statutes (34 U. S. C. 592);

S. 1871. An act to authorize the conveyance of a parcel of land at the naval supply depot, Bayonne, N. J., to the American Radiator and Standard Sanitary Corp.;

S. 1959. An act to authorize the payment of additional uniform gratuity to reserve officers commissioned from the status of aviation cadets; and

S. 1978. An act to authorize the restoration of Philip Niekum, Jr., to the active list of the United States Navy with appropriate rank and restoration of pay and allowances.

ADJOURNMENT

Mr. GORE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 42 minutes p. m.) the House adjourned until tomorrow, Wednesday, June 5, 1946, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON THE JUDICIARY

On Thursday, June 6, 1946, Subcommittee No. 2 of the Committee on the Judiciary will continue hearings on the bill (H. R. 6301) to supplement existing laws against unlawful restraint and monopolies, and for other purposes. The hearings will begin at 10 a. m. and will be held in the Judiciary committee room, 346 House Office Building.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1361. A letter from the Acting Administrator, Federal Security Agency, transmitting a draft of a proposed bill to amend the Public Health Service Act in regard to certain matters of personnel and administration, and for other purposes; to the Committee on Interstate and Foreign Commerce.

1362. A letter from the Archivist of the United States, transmitting report on records proposed for disposal by various Government agencies; to the Committee on the Disposition of Executive Papers.

1363. A letter from the Acting Secretary of the Navy, transmitting a draft of a proposed bill to authorize the Secretary of the Navy to transfer a vessel to the American Antarctic Association, Inc.; to the Committee on Naval Affairs.

1364. A communication from the President of the United States, transmitting supplemental estimates of appropriation for the fiscal year 1947 in the amount of $1,540,800, for the Department of State (H. Doc. No. 631); to the Committee on Appropriations and ordered to be printed.

1365. A communication from the President of the United States, transmitting supplemental estimates of appropriation for the fiscal year 1947 in the amount of $66,000,000, for the Philippine War Damage Commission and the Department of State (H. Doc. No. 632); to the Committee on Appropriations and ordered to be printed.

1366. A communication from the President of the United States, transmitting a draft of a proposed provision pertaining to an existing appropriation for the fiscal year 1947 for the Department of Commerce (H. Doc. No. 633); to the Committee on Appropriations and ordered to be printed.

1367. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated April 18, 1946, submitting a report, together with accompanying papers and an illustration, on a review of reports on Trinity River and tributaries, Texas, with a view to determining if it is advisable to change the course of the proposed channel from the Houston Ship Channel to Liberty, requested by a resolution of the Committee on Rivers and Harbors, House of Representatives, adopted on February 16, 1944 (H. Doc. No. 634); to the Committee on Rivers and Harbors and ordered to be printed, with an illustration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RANKIN: Committee on World War Veterans' Legislation. H. R. 571. A bill to increase deceased war veterans' burial allowances to $150; without amendment (Rept. No. 2204). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLARK: Committee on Rules. House Resolution 649. Resolution providing for the consideration of H. R. 181, a bill to provide for the adjustment of certain tort claims against the United States and to confer jurisdiction in respect thereto on the district courts of the United States, and for other purposes; without amendment (Rept. No. 2205). Referred to the House Calendar.

Mr. STIGLER: Committee on Indian Affairs. S. 438. An act authorizing the Secretary of the Interior to partition certain lands in Cleveland County, Okla., and for other

purposes; without amendment (Rept. No. 2206). Referred to the Committee of the Whole House.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers, House Report No. 2207. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2208. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. STIGLER: Committee on Indian Affairs. S. 1043. An act to set aside certain lands in Oklahoma in trust for the Indians of the Kiowa, Comanche, and Apache Indian Reservation; without amendment (Rept. No. 2209). Referred to the Committee of the Whole House on the State of the Union.

Mr. JACKSON: Committee on Indian Affairs. H. R. 4983. A bill to provide for adjustments in connection with the Crow irrigation project, Crow Indian Reservation, Mont.; with amendments (Rept. No. 2210). Referred to the Committee of the Whole House on the State of the Union.

Mr. JACKSON: Committee on Indian Affairs. H. R. 6195. A bill to amend section 1 of the act of June 4, 1920 (41 Stat. 751), entitled "An act to provide for the allotment of lands of the Crow Tribe for the distribution of tribal funds, and for other purposes," as amended by the act of May 26, 1926 (44 Stat. 658); without amendment (Rept. No. 2211). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LESINSKI: Committee on Immigration and Naturalization. H. R. 6403. A bill for the relief of Mrs. Amelia Shidzee Nagamine Toneman; with amendment (Rept. No. 2203). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HEALY:

H. R. 6668. A bill to provide additional facilities for the prevention of labor disputes, and for other purposes; to the Committee on Labor.

By Mr. RANKIN:

H. R. 6669. A bill to provide for apportionment of a veteran's pension, compensation, or retirement pay during hospitalization, institutional or domiciliary care, and for other purposes; to the Committee on World War Veterans' Legislation.

By Mr. CELLER:

H. R. 6670. A bill to amend title II of the Social Security Act, as amended, by giving insurance benefits under the Federal old-age and survivors insurance provisions of that act to survivors of veterans of World War II, and for other purposes; to the Committee on Ways and Means.

By Mr. DOMENGEAUX:

H. R. 6671. A bill to extend, for one additional year, the provisions of the Sugar Act of 1937, as amended, and the taxes with respect to sugar; to the Committee on Agriculture.

By Mr. CELLER:

H. R. 6672. A bill to promote the progress of science and the useful arts, to secure the national defense, to advance the national health and welfare, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RANDOLPH:

H. R. 6673. A bill to amend section 6 of the Civil Service Retirement Act of May 29, 1930, as amended; to the Committee on the Civil Service.

By Mr. BOREN:

H. R. 6674. A bill to insure the proper hospital care to members of the armed forces; to the Committee on Military Affairs.

By Mr. ROE of New York:

H. R. 6675. A bill to provide for certificate of meritorious award to State guards; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BALDWIN of New York:

H. R. 6676. A bill for the relief of John Babjak and others; to the Committee on Claims.

By Mr. HERTER:

H. R. 6677. A bill for the relief of Edward J. Haddigan and John F. Haddigan; to the Committee on Claims.

By Mr. PATMAN:

H. R. 6678. A bill for the relief of Mrs. Gertrude Wooten; to the Committee on Claims.

By Mr. SHERIDAN:

H. R. 6679. A bill for the relief of Louis Schmidhamer; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1929. By Mr. HANCOCK: Petition of Miss Bessie M. Hubbs and other residents of Onondaga County, N. Y., urging legislation to prevent the use of grain in the manufacture of alcoholic beverages; to the Committee on Agriculture.

1930. By the SPEAKER: Petition of the governors' conference, petitioning consideration of their resolution with reference to request for extension of selective service and adoption of compulsory military training and service program; to the Committee on Military Affairs.

1931. By Mr. ARNOLD: Petition of members of the Home Culture Extension Club, Laclede, Mo., petitioning consideration of their resolution with reference to the sugar shortage; to the Committee To Investigate Supplies and Shortages of Food.

SENATE

WEDNESDAY, JUNE 5, 1946

(Legislative day of Tuesday, March 5, 1946)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Eternal God our Father, in the stillness of prayer, as the loud poundings of the builders cease, always we are conscious of a persistent knocking at our heart's door and of a tender, pleading voice, which steals into the emptiness of our self-content, calling: "If any man will open the door, I will come in." Solemnize us with the knowledge that only our hand can open the door that keeps Thee out of our lives which, without Thee, are but vanity and vexation of spirit. If Thou comest dressed drably as duty, may we earn at the last Thy "well done." If Thou comest in the white garments of truth, may we not fail to follow the road though rough and steep. As we fare forth in Thy fear, prosper us this day in our work; so may we fulfill our daily tasks with honor and integrity, walking ever in the ways of Thy commandments. In the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. MAYBANK, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, June 4, 1946, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

CALL OF THE ROLL

Mr. MAYBANK. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hayden	O'Mahoney
Andrews	Hickenlooper	Overton
Austin	Hill	Pepper
Ball	Hoey	Reed
Barkley	Huffman	Revercomb
Bridges	Johnson, Colo.	Robertson
Briggs	Johnston, S. C.	Russell
Brooks	Kilgore	Saltonstall
Buck	Knowland	Shipstead
Burch	La Follette	Smith
Bushfield	Langer	Stanfill
Butler	Lucas	Stewart
Capehart	McCarran	Taft
Capper	McClellan	Thomas, Okla.
Connally	McFarland	Thomas, Utah
Cordon	McKellar	Tobey
Donnell	McMahon	Tunnell
Downey	Magnuson	Tydings
Eastland	Maybank	Vandenberg
Ellender	Mead	Wagner
Ferguson	Millikin	Walsh
Fulbright	Mitchell	Wheeler
George	Moore	Wherry
Green	Morse	White
Guffey	Murdock	Wiley
Gurney	Murray	Wilson
Hart	Myers	
Hawkes	O'Daniel	

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Alabama [Mr. BANKHEAD] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senators from Idaho [Mr. GOSSETT and Mr. TAYLOR] are absent by leave of the Senate.

The Senator from Rhode Island [Mr. GERRY] is necessarily absent.

The Senator from Virginia [Mr. BYRD], the Senators from New Mexico [Mr. CHAVEZ and Mr. HATCH], and the Senator from Maryland [Mr. RADCLIFFE] are detained on public business.

Mr. WHERRY. The Senator from Maine [Mr. BREWSTER] and the Senator from Indiana [Mr. WILLIS] are necessarily absent.

The Senator from North Dakota [Mr. YOUNG] is absent by leave of the Senate.

The PRESIDENT pro tempore. Eighty-two Senators having answered to their names, a quorum is present.

JOINT SESSION OF CONGRESS COMMEMORATING THE LIFE, CHARACTER, AND PUBLIC SERVICES OF THE LATE PRESIDENT ROOSEVELT

The PRESIDENT pro tempore. House Concurrent Resolution 152, providing for a joint session of the Congress on Monday, July 1, 1946, for the purpose of holding appropriate exercises in commemoration of the life, character, and public services of the late Franklin D. Roosevelt, President of the United States, has been duly adopted by both Houses. Under the terms of that resolution, the President of the Senate is directed to appoint a committee representing the Senate. On that committee the Chair appoints the Senator from Georgia [Mr. RUSSELL], the Senator from Illinois [Mr. LUCAS], and the Senator from California [Mr. KNOWLAND].

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A petition signed by sundry members of the Washington (D. C.) Committee for Americans of Japanese Ancestry, praying for the enactment of the bill (S. 2127) to create an Evacuation Claims Commission under the general supervision of the Secretary of the Interior, and to provide for the powers, duties, and functions thereof, and for other purposes, which was referred to the Committee on the Judiciary.

By Mr. CAPPER:

A petition of sundry citizens of Sacred Heart, Minn., praying for the enactment of Senate bill 599, to prohibit the advertising of alcoholic beverages in periodicals, newspapers, and motion pictures, and over the radio; to the Committee on Interstate Commerce.

PRESERVATION OF AMERICAN LIBERTIES AND INSTITUTIONS

Mr. CAPPER. Mr. President, I have received a very interesting statement from the American War Dads, Winfield (Kans.) Chapter, No. 71, the membership of which includes many of the best citizens of Kansas. I ask unanimous consent to have this statement printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

AMERICAN WAR DADS,
WINFIELD CHAPTER, No. 71,
Winfield, Kans., May 24, 1946.

Hon. ARTHUR CAPPER,
United States Senator,
Washington, D. C.

DEAR SENATOR: We address you as the representatives of a few of the unorganized millions of American citizens, the truly "forgotten" men and women of our country, whose only "special" interest is the preservation of our American liberties, institutions, and way of life.

We are not opposed to necessary restrictions and regulations devised for real emergencies, but we are unalterably opposed to government by directives emanating from a nonelected and irresponsible bureaucratic system whose only achievement has been confusion worse confounded.

Our sons and daughters have fought another world war, and on foreign soil, not to promote regimentation and dictatorship within our own country, but to keep from its shores the evils of all foreign isms and crackpot ideologies, and preserve to us, themselves and their children, our priceless American heritage.

We affirm our faith and allegiance to the Constitution of the United States and to the principle of the sovereignty of man that it guarantees. We affirm our faith in our old-fashioned system of government by law, under which this Nation has grown and prospered, and not in government by man, under which foreign nations have perished. We affirm our faith in our American ideologies and in the fitness of the American people to govern themselves.

We look to you, as our duly elected representative, to exert your every effort to preserve to us and to our children the American principle of "government of, by, and for the people," and in its ever meaning and complete integrity.

Yours for good old-fashioned American government,

Winfield Chapter, No. 71, American War Dads: W. E. Broadie, President; H. H. Hanalen, Secretary; H. C. Wind, O. F. Brane, P. F. Weinrich, W. V. Hilderbran, C. H. Benson, G. L. Jarvis, Executive Board.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. TYDINGS, from the Committee on Territories and Insular Affairs:

H. J. Res. 360. Joint resolution to provide for United States participation in the Philippine independence ceremonies on July 4, 1946; with amendments (Rept. No. 1421).

By Mr. JOHNSON of Colorado, from the Committee on Finance:

S. 2018. A bill to facilitate the decentralization of the Veterans' Administration; without amendment (Rept. No. 1422);

S. 2099. A bill to authorize the Administrator of Veterans' Affairs to accept gifts, devises, and bequests in behalf of the general post fund for the use of veterans and for the sale and conveyance of any such property under certain circumstances and the covering of the proceeds thereof into the post fund, and for other purposes; without amendment (Rept. No. 1423);

H. R. 5907. A bill to authorize the Administrator of Veterans' Affairs to grant an easement for highway purposes to the Commonwealth of Pennsylvania, in certain lands in the reservation of the Veterans' Administration hospital, Lebanon County, Pa., and for other purposes; without amendment (Rept. No. 1424);

H. R. 6069. A bill to amend section 100 of the Servicemen's Readjustment Act of 1944; without amendment (Rept. No. 1425); and

H. R. 6153. A bill to remove the existing limitation on the number of associate members of the Board of Veterans' Appeals in the Veterans' Administration; without amendment (Rept. No. 1426).

REPORTS ON DISPOSITION OF EXECUTIVE PAPERS

Mr. BARKLEY, from the Joint Select Committee on the Disposition of Executive Papers, to which were referred for examination and recommendation two lists of records transmitted to the Senate by the Archivist of the United States that appeared to have no permanent value or historical interest, submitted reports thereon pursuant to law.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON of Colorado:

S. 2296. A bill for the relief of Ira W. Baldwin; to the Committee on Military Affairs.

S. 2297. A bill for the relief of Mrs. Joan Nabi Velasquez; to the Committee on Immigration.

S. 2298. A bill granting a pension to the dependent parents of Frank A. Guadagnoli; to the Committee on Pensions.

S. 2299. A bill for the relief of the estate of Lee Jones Cardy; and

S. 2300. A bill for the relief of Horst Specialty Manufacturing Co.; to the Committee on Claims.

By Mr. REVERCOMB:

S. 2301. A bill for the relief of Rev. John C. Young; to the Committee on Claims.

ORGANIZATION OF CONGRESS

Mr. LA FOLLETTE submitted amendments intended to be proposed by him to the bill (S. 2177) to provide for increased efficiency in the legislative branch of the Government, which were ordered to lie on the table and to be printed.

SPECIAL ASSISTANT TO COMMITTEE ON EDUCATION AND LABOR

Mr. MURRAY submitted the following resolution (S. Res. 279), which was referred to the Committee To Audit and Control the Contingent Expenses of the Senate:

Resolved, That Senate Resolution 243, Seventy-ninth Congress, agreed to April 1, 1946, authorizing the Committee on Education and Labor to employ a special assistant to be paid from the contingent fund of the Senate at the rate of $5,640 per annum, hereby is continued in full force and effect until June 30, 1947.

LABOR-MANAGEMENT LEGISLATION—ADDRESS BY SENATOR CAPPER

[Mr. CAPPER asked and obtained leave to have printed in the RECORD a radio address on the subject of the recently passed labor-management bills, delivered by him on June 2, 1946, which appears in the Appendix.]

CONTINUANCE OF THE SELECTIVE SERVICE ACT—ARTICLE BY GOULD LINCOLN

[Mr. SALTONSTALL asked and obtained leave to have printed in the RECORD an article on the subject of continuance of the Selective Service Act, by Gould Lincoln, published under the headline "The Political Mill," in the Washington Evening Star of June 5, 1946, which appears in the Appendix.]

RECORD OF SENATOR PEPPER—STATEMENT OF TAMPA JOINT ADVISORY BOARD OF THE CIGAR MAKERS INTERNATIONAL UNION

[Mr. PEPPER asked and obtained leave to have printed in the RECORD a statement by the Tampa Joint Advisory Board of the Cigar Makers International Union (AFL) in support of his record, which appears in the Appendix.]

RUSSIA RANKS STALIN GREATEST AMONG HER HISTORICAL LEADERS—ARTICLE BY EDDY GILMORE

[Mr. PEPPER asked and obtained leave to have printed in the RECORD an article entitled "Russia Ranks Stalin Greatest Among Her Historical Leaders," written by Eddy Gilmore and published in the Washington Evening Star of June 5, 1946, which appears in the Appendix.]

EXTENSION OF SELECTIVE TRAINING AND SERVICE ACT OF 1940

The Senate resumed consideration of the bill (S. 2057) to extend the Selective Training and Service Act of 1940, as amended, until May 15, 1947, and for other purposes.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Colorado [Mr. JOHNSON].

Mr. REVERCOMB. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. REVERCOMB. I understood the question was on the amendment offered by the Senator from West Virginia on behalf of himself, the Senator from Iowa [Mr. WILSON], and the Senator from Nebraska [Mr. WHERRY].

The PRESIDENT pro tempore. A perfecting amendment takes precedence over a substitute amendment.

Mr. REVERCOMB. A further parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. REVERCOMB. Will the amendment which I mentioned be the next order of business?

The PRESIDENT pro tempore. It will be, unless some other perfecting amendment is offered.

Mr. JOHNSON of Colorado. Mr. President, I renew my request that my amendment may be adopted so that it may be taken to conference, but I want to modify it before it is acted upon.

The PRESIDENT pro tempore. The Senator has the right to modify his amendment.

Mr. GURNEY. I desire to obtain some information concerning the amendment. I wonder if the Senator would withhold pressing for action on it for half an hour or so.

Mr. JOHNSON of Colorado. Yes. I will be glad to, if I may have unanimous consent to offer my amendment, after I shall have modified it, and thereby not prejudice action by the Senator from West Virginia with respect to his substitute amendment; but before final action is taken on the Senator's substitute amendment I want to offer my perfected amendment and have action taken on it.

The PRESIDENT pro tempore. The Senator has that right under the rule.

Mr. GURNEY. Will the Senator from West Virginia proceed with a discussion of his amendment, and, when the Senator from Colorado has modified his amendment, permit him to offer his modified amendment?

Mr. REVERCOMB. Of course, I should not like to have a break in the continuity of the discussion of my amendment, but I will not hold up the consideration of the amendment of the Senator from Colorado.

Mr. JOHNSON of Colorado. I thank the Senator from West Virginia.

The PRESIDENT pro tempore. The Senator from Colorado can offer his modified amendment at the conclusion of the remarks of the Senator from West Virginia.

The question now is on the amendment in the nature of a substitute for the bill offered by the Senator from West Virginia [Mr. REVERCOMB], offered on behalf of himself, the Senator from Iowa [Mr. WILSON], and the Senator from Nebraska [Mr. WHERRY]. The Senator from West Virginia is recognized.

Mr. REVERCOMB. Mr. President, the pending question is upon an amendment which is in the nature of a substitute, and which has been proposed on behalf of the Senator from Iowa [Mr. WILSON], the Senator from Nebraska [Mr. WHERRY], and myself. At this point in my remarks I ask that the amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

Strike out all after the enacting clause and insert the following:

"That section 16 (b) of the Selective Training and Service Act of 1940, as amended, is amended by striking out 'July 1, 1946' and inserting in lieu thereof 'May 15, 1947': *Provided*, That no individual shall be inducted for training and service under such act unless the Congress by law declares that national security requires that inductions be resumed.

"SEC. 2. (a) There shall be discharged from or relieved from active duty in the military and naval forces of the United States, as rapidly as discharge facilities will permit, every member of such forces, or any component part of either, who applies therefor and who has on the date of enactment of this act one or more children to whom he bears, or would maintain, but for his service, a bona fide family relationship in his home: *Provided, however*, That the provisions of this section shall not apply to anyone who has volunteered for service in the Army or the Navy.

"(b) Section 3 (b) of the Selective Training and Service Act of 1940, as amended, is amended to read as follows:

"'(b) Each man heretofore inducted under the provisions of subsection (a) who shall have served for a training and service period of at least 18 months shall be discharged upon his written application for discharge, as rapidly as discharge facilities will permit: *Provided*, That the foregoing provision shall not apply to any person who has voluntarily enlisted for a longer period of service.'

"SEC. 3. This act shall not be deemed to affect the existing program of the Army and Navy for the discharge of men in the service on other grounds and for other reasons not named in this act, but shall be construed as an additional ground and reason in the demobilization and discharge of servicemen from the Army and the Navy.

"SEC. 4. Any person discharged under the provisions of this act shall be given and granted an honorable discharge, unless for cause found to be not entitled to honorable discharge.

"SEC. 5. The fourth proviso of the second sentence of section 3 (a) of the Selective Training and Service Act of 1940, as amended, is amended to read as follows: '*Provided further*, That on July 1, 1946, the number of men in active training or service in the Army shall not exceed 1,550,000, and that this number shall be reduced consistently month by month so that the Army's strength shall be 1,070,000 on July 1, 1947: *And provided further*, That on July 1, 1947 the number of men in active training or service in the Navy shall be 558,000 and in the Marine Corps 108,000.'

"SEC. 6. (a) The first paragraph of section 9 of the Pay Readjustment Act of 1942, as amended, is hereby amended to read as follows:

"'The monthly base pay of enlisted men of the Army, Navy, Marine Corps, and Coast Guard shall be as follows: Enlisted men of the first grade, $140; enlisted men of the second grade, $118; enlisted men of the third grade, $106; enlisted men of the fourth grade, $94; enlisted men of the fifth grade, $82; enlisted men of the sixth grade, $70; and enlisted men of the seventh grade, $65. Chief petty officers under acting appointment shall be included in the first grade at a monthly base pay of $132.'

"(b) The provisions of subsection (a) of this section shall become effective on the first day of the second calendar month following its enactment, and no increase in pay for any period prior thereto shall accrue by reason of the enactment of this act."

Mr. REVERCOMB. Mr. President, so that we may understand just what is in the amendment which is offered and how it differs from the bill reported by the Military Affairs Committee, I want to explain briefly the amendment, section by section. The first section of the amendment extends the Selective Training and Service Act of 1940, as amended, to May 15, 1947. It provides, however, that no individual shall be inducted for training and service under the act unless Congress by law declares that the national security requires that inductions be resumed. That simply means that the Selective Service Act in all its parts and in all its force would be extended until May 15, 1947, but there would be no further inductions or enforced service under the act until the Congress so orders. In other words, that part of the law which deals with the priority in employment, with preference in employment of veterans, will be kept in force; that part of the law, section 9, which deals with the right of the President to seize properties under certain circumstances will be kept alive; but, Mr. President, no person will be inducted into the service under the act until Congress says that the national security requires it.

That position is taken upon the ground that further inductions are not necessary to the maintenance of the size of the force needed, and are not necessary for the return of men who have already seen service abroad. Later I shall discuss figures and facts to sustain that position.

The second section of the proposed amendment would relieve from active military duty in the Army and Navy, as rapidly as discharge facilities will permit, fathers who are now serving in the armed forces. I need not discuss that point at present, because later I shall go into that subject.

It is provided, in the latter part of the second section, that every man heretofore inducted under the provisions of the act who has had training and service of 18 months shall, upon his written application, be discharged. I expect to show, from figures furnished by the War Department itself, that every man in the service today who has had 18 months of service can be released, and the Army and Navy maintained at the proper level. That statement, of course, both as to the release of fathers and the release of men with 18 months of service, does not apply to volunteers.

Section 3 provides that the foregoing sections shall not be deemed to affect the existing program of demobilization, but shall be in addition thereto. They are directions of the Congress to the Army and Navy to bring about the discharge of fathers and men with 18 months of service. Under section 4 such men shall be granted honorable discharges unless, for cause shown, they are not entitled thereto.

Section 5 fixes the limit of the number of men to serve in the armed forces. It fixes the Army, as of July 1, 1946, at not to exceed 1,550,000. That is the number requested by the Army. It is the exact

number fixed in the bill to which the amendment is offered, so the amendment in the nature of a substitute includes that paragraph, because the substitute, if adopted, would take the place of the whole bill. The figure fixed for the Army is the Army's own figure. It has not been questioned. Furthermore, it has not been delved into. The Army asked for it, and it was granted. In order that there may be no question about the size of the Army, those of us responsible for offering the substitute have taken the figure of the Army itself, 1,550,000 men as of July 1 this year. As of July 1, 1947, the number of men in the Army is to be 1,070,000. That, again, is a figure requested by the Army itself. So there can be no debate on the question of the size of the Army. As to the Navy, the amendment provides that on July 1, 1947, the number of men in active training or service in the Navy shall be 558,000; and in the Marine Corps 108,000. Those are the figures requested by those particular branches of the service, and are the same figures as those contained in the bill reported by the able Senator from South Dakota [Mr. GURNEY] on behalf of the Military Affairs Committee.

Section 6 deals with the pay of enlisted men in the Army, the Navy, the Marine Corps, and the Coast Guard. At this time I wish to modify the amendment.

The PRESIDENT pro tempore. The Senator has the right to modify his amendment.

Mr. REVERCOMB. I wish to modify section 6 (a) of the substitute by including as a part of it the pay schedule which was adopted by the Senate yesterday, so that there will be no difference in the base pay of members of the armed forces, as provided in the bill and as provided in the substitute.

That, in essence, is the sum and substance of the amendment.

First. It extends the Selective Training and Service Act until May 15, 1947, but stops inductions until Congress orders further inductions.

Second. It releases fathers from service.

Third. It releases from service men who have had 18 months of training and service in the Army or Navy.

Fourth. It fixes the size of the Army and Navy at the very figures requested by them.

Lastly, it raises the pay of enlisted men, in accordance with the schedule adopted by the Senate, starting in the lowest bracket with a base pay of $75, representing an increase from $50. That is done for the purpose of carrying through the plan to stimulate voluntary enlistments.

Let me say at the beginning of my remarks that I have advocated, and still advocate, a strong armed force—not only an adequate force, but a strong force. I, with others, have urged and insisted that the military and naval forces be placed upon a voluntary basis. Great success has been met under that plan. The Senate will recall that on October 6, 1945, the bill which was passed providing for voluntary enlistments became the law. I understand that the Navy is filling all its needs with volunteers. The number of Army volunteers has been built up to such a point as to constitute a substantial part of our Army, and there is definite promise that shortly we shall have an Army based solely upon volunteering.

There are those in this country—and no doubt some in Congress—who believe in impressed military service. They believe in conscription. They believe that the young men of the country should be taken in time of peace as well as in war, and impressed into the military branches. The Army believes in that policy, say what it will as to its desire for volunteers. To me the conclusion is inescapable that the Army leaders believe in the draft, because under such a system they can select the men they want to place in the service. They want the very best men they can get. Men in the Army are interested, first, in their corps. They feel that the first duty of a citizen, from their viewpoint, is in the armed service. All the other aspects of national life are subservient to that end. That is a natural feeling.

There is no sounder proof of what I say on this subject than the quiet, unobtrusive order which was issued by the General Staff of the Army on March 8 of this year, raising the passing grade in the mental qualification test from 59 to 70. In other words, when a volunteer is taken into the Army, instead of passing at a grade of 59, he must pass with a grade of 70.

What was the result? The result was that many men who wanted to volunteer were prevented from volunteering. We fought a war on the basis of a passing grade of 59. Men who passed with such a grade were first-rate fighting men. Yet when we are creating a peacetime Army we find the passing grade raised from 59 to 70.

The Army wants the pick of the land. It does not want to consult the individual American citizen as to whether or not he wishes to serve. They themselves are going to say, "We want you, and you must come in, if you can make a grade of 70 on the test."

Mr. President, as I have said, prior to the draft, the soldiers who volunteered into the Army of the United States were accepted if they could make a mark of 59. That was the passing mark, and on that basis we had a good Army, although a small one, and on that basis we fought the war. But now in peacetime the passing mark has been raised to 70. That indicates that the Army itself wants to conduct the draft in such a way that it can select men and pick men, regardless of whether in this free country they wish to serve. That situation does not go to the question of the defenses of America. No one wants those defenses more strongly manned than I do. But it does point out very clearly the attitude of the Army that, first and above everything else in America and its national life, the men are to be selected for military service on the basis of the Army's plan.

Mr. President, I wish to read from the hearings in regard to that point, when it was called to the attention of the representatives of the Army. At the hearing before the Committee on Military Affairs on April 8, 1946, the following occurred when General Eisenhower was being questioned:

Senator REVERCOMB. General, while we are on the question of a voluntary Army and Navy, particularly the Army, in which I am very much interested, in the voluntary force—and you have definitely expressed the view that you would rather have a volunteer Army——

General EISENHOWER. That is correct.

Senator REVERCOMB. I believe we had total enlistments up to March 21 of 652,000?

General EISENHOWER. That is approximately correct.

Senator REVERCOMB. That is the last figure we have. Now, I have been informed, and I want to clarify, that a test is given, has been given for those brought into the Army, either by draft or through enlistment, known as the Army competency test.

General EISENHOWER. That is correct.

General Paul interposed to say that the name of it was "general classification."

Then General Eisenhower said:

Army general classification test.

Then the following occurred:

Senator REVERCOMB. And up until a short time ago the passing mark was 59; is that correct?

General EISENHOWER. That is correct, sir; something like that. It has been raised 10 points.

Senator REVERCOMB. It was raised about a month ago to 70?

General EISENHOWER. It was raised 10 points.

Senator REVERCOMB. To 69? Would you rather I addressed these questions to General Paul?

General EISENHOWER. For these exact statistics; yes.

Senator REVERCOMB. May I do so at this time, Mr. Chairman?

The CHAIRMAN. Yes.

Then I proceeded to question General Paul, and the questions and answers which I shall read now will show what was done with respect to raising the passing mark for the general classification test:

Senator REVERCOMB. General Paul, the classification test has been given throughout the war, hasn't it?

General PAUL. Yes, sir.

Senator REVERCOMB. And the passing mark was 59?

General PAUL. That is correct.

Senator REVERCOMB. About 1 month ago it was raised to 69?

General PAUL. That is correct.

Senator REVERCOMB. And that was raised while we were in this program of taking in volunteers?

General PAUL. Also correct.

Mr. President, I am advised that it is not correct that the passing mark has been changed to 69. It is 70; it has been raised from 59 to 70.

I then asked:

Will not the raising of that passing mark definitely prevent a certain number of men from volunteering who desire to volunteer into the armed services?

The following strange reply was made:

We hope it will.

Then this occurred:

Senator REVERCOMB. It was done for that purpose?

General PAUL. Yes, sir. We are getting more of the lower grade men than we can use in the Army.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. REVERCOMB. I yield.

Mr. FERGUSON. Was the passing mark for the test raised in the same way for the men who were taken in under the draft?

Mr. REVERCOMB. I do not know; I cannot answer that question. I am advised that that test was not given to the men who entered the service under the draft. Whether that is correct, I do not know. I hope I can be advised about it before this debate is over. But I know that volunteers were taken in at first on the basis of a passing mark of 59. Men were taken in on that basis all during the war. The men who fought the war were admitted on that basis. But after March 8, after volunteering had increased to such an extent, the Army raised the passing mark to 70, and General Paul has said that it was raised to stop some of them from coming in.

Mr. FERGUSON. Mr. President, will the Senator further yield?

Mr. REVERCOMB. I yield.

Mr. FERGUSON. Can the Senator explain what the difference would be between a mark of 59 and a mark of 70 on the test, and what percentage of volunteers would be kept out by the change in the passing mark, and whether the present test is a much more difficult one?

Mr. REVERCOMB. It is a mental test. The men are asked certain questions to test their mental aptitude. Under the former standard, those who got a mark of 59 on the test were accepted. But now a passing mark of 70 is required.

I cannot say what number would be kept out under the new requirement, except I am informed that at one camp it eliminated a substantial number of the men who went there to volunteer. I do know that volunteering dropped off from approximately 20,000 a week to 14,000 a week immediately after the issuance of the new order.

Mr. FERGUSON. Mr. President, will the Senator further yield?

Mr. REVERCOMB. I yield.

Mr. FERGUSON. Will the Senator from West Virginia permit the Senator from South Dakota to place in the RECORD at this point, if he has the information, a statement regarding whether the changed passing-mark requirement applies to those who are drafted, as well as to those who volunteer, and what the new passing-mark requirement really means in respect to the enlistment program?

Mr. REVERCOMB. I shall be very glad to have the Senator do so.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. REVERCOMB. I yield for that purpose.

Mr. GURNEY. Mr. President, for the information of the Senate, let me say that I hold in my hand the examination given by the War Department, as alluded to by the Senator from West Virginia. In this examination there are 50 questions. A great number of the questions—17 of them, in fact—are based on pictures or drawings of piles of blocks, which run in number from 4 to possibly 30 in a pile. In order to obtain a passing mark the men have to count the number of blocks and circle the figure that indicates the correct answer, under the picture of the blocks.

As I have said, there are 50 questions. In order to pass and obtain a grade of 70, the men have to answer only 15 of the questions correctly.

I do not know that it is possible to have the entire examination printed in the RECORD, because it is not customary to print pictures or illustrations in the CONGRESSIONAL RECORD. However, I may say that the questions leave no doubt that anyone with even a third-grade, fourth-grade, or fifth-grade education would have no difficulty in answering correctly more than 15 of the questions.

As a matter of fact, Mr. President, I believe it will be proper to request unanimous consent that the examination, except the illustrations, be printed in the RECORD, including all the other questions which relate to grammar and many other subjects. I so request at this time.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

CLASSIFICATION TEST R1—WAR DEPARTMENT, THE ADJUTANT GENERAL'S OFFICE

Name_____
Date_____
Induction station_____
Score_____

PRACTICE QUESTIONS

You have 15 minutes to do the practice questions and the test.

This is a test of your knowledge of words and your ability to think accurately and quickly.

There are three different kinds of exercises. Some are easy and others are difficult. No one is expected to get them all right.

After each question or exercise are four answers. You are to select the one you think is correct and draw a circle around it.

Here are examples of the three different kinds of questions you will be asked.

1. To chase is to follow raise carry sit.

Only one of the four words is correct. The correct word is "follow," so a circle has been drawn around it.

Here is an example for you to do.

2. To reply is to make do answer come.

Decide which of the four words is correct and draw a circle around it.

You should have drawn a circle around the word "answer."

3. How many are 6 cans of tobacco and 7 cans of tobacco? 15 17 13 11.

Add 6 and 7 together and you get 13 for the answer. One of the four answers is 13 so a circle has been drawn around it.

Now do the next problem.

4. Three men caught 81 fish. If each man took one-third of the catch, how many fish would each man have? 17 21 23 27.

Divide 81 by 3 to find the number of fish each man has; find that number among the four answers and draw a circle around it.

You should have drawn a circle around 27.

Another kind of question is to count the number of boxes in a drawing. In each drawing the boxes are all of the same size and shape. The question is, "How many boxes are there?" Count all the boxes including those that are hidden. Here are examples.

5. How many boxes? 2 3 5 4.

There are 4 boxes in the drawing so the number 4 is circled.

Do the next problem yourself.

6. How many boxes? 6 7 8 5.

Count the number of boxes and circle the right answer. You should have circled the number 8.

Here are some more questions. There are four answers after each question. Find the right one and draw a circle around it. Go right ahead. Work quickly but accurately.

1. Violent means most nearly modern dead fierce better.

2. A decoration means most nearly debt desire condition ornament.

3. Punctual means late tardy prompt slow.

4. Some rounds of ammunition were divided equally among 7 men. Each man received 6 rounds. How many rounds of ammunition were divided? 19 37 42 49.

5. Mr. Williams took out an $3,000 life insurance policy. The rate was $25 per $1,000. What was the annual premium on this policy? $280 $290 $200 $210.

6. Six men went on a trip by automobile. The total expense was $13.44, which was shared equally. How much was each man's share of the total expense? $2.24 $2.56 $2.92 $3.24.

7. How many boxes? 1 4 11 15 16.

8. How many boxes? 18 24 19 27.

9. How many boxes? 20 19 21 15.

10. Indecision means most nearly doubt courage fancy assertion.

11. Dilapidated means most nearly ruined finished retained carved.

12. To drill is to bore wash line mail.

13. A man bought 5½ pounds of meat at 10 cents per pound. How much did the meat cost? 15½ cents 55 cents 52 cents 4½ cents.

14. Tom spends 45 cents a day for lunch. Fred spends 38 cents a day for lunch. How much more does Tom spend than Fred for lunches in a working week of 5 days? 15 cents 22 cents 29 cents 35 cents.

15. A man attended target practice 9 times. He scored 189 in all. What was his average score for each time? 18 21 24 27.

16. How many boxes? 15 9 18 12.

17. How many boxes? 16 26 40 32.

18. How many boxes? 10 8 15 12.

19. Age means most nearly person school bread time.

20. To contradict is to deny admit reveal suspect.

21. To spurt is to talk reduce live gush.

22. At the rate of 9 miles in 15 minutes, how far will a tank go in an hour? 6 miles 24 miles 36 miles 135 miles.

23. A baseball team wishes to buy uniforms for its members. The total cost of the uniforms will be $52 but there is only $25 in the treasury. The nine regulars of the team decide to share the balance of the expense equally. How much will each man have to pay? $1 $1.75 $2.25 $3.

24. Brown had 9 packages of cigarettes and 4 cans of tobacco. Evans had 7 packages of cigarettes. How many packages of cigarettes did they have together? 20 18 14 16.

25. How many boxes? 15 13 12 10.

26. How many boxes? 22 16 27 24.

27. How many boxes? 20 10 16 12.

28. To plod is to hurry hang teach toil.

29. Premature means most nearly late steep productive early.

30. A query is a school narrative question purse.

31. A property was assessed at $7,000. The tax rate was $6 per $100. How much was the tax on the property? $355 $405 $420 $500.

32. Mr. Jackson has $2,000 invested at interest of 3 percent. How much interest does this investment earn him in a year? $60 $50 $40 $30.

33. An officer in the Army is paid $4,140 a year. How much is his salary per month? $345 $295 $255 $385.

34. How many boxes? 7 9 6 10.

35. How many boxes? 10 13 9 14.

36. How many boxes? 25 30 50 42.

37. A neigh is the cry of a sheep goat donkey horse.

38. To convey is to leave carry credit direct.

39. An aperture is an ending opening oracle exercise.

40. The scale on a road map reads 1 inch equals 22 miles. How many miles apart are two towns that are 3½ inches apart on the map? 55 66 77 88.

41. Mr. Wilson has one-fifth of his money in a savings account. The amount of his savings account is $20. What is the total amount of Mr. Wilson's money? $20 $50 $80 $100.

42. How much money must be invested at 4 percent interest in order to earn $5 interest per year? $125 $130 $135 $140.

43. How many boxes? 17 22 18 21.

44. How many boxes? 9 12 10 13.

45. How many boxes? 14 16 17 15.

46. Concurrent means most nearly rebellious simultaneous capable conscientious.

47. Spontaneous means voluntary unwilling rigid ridiculous.

48. You know the mileage reading at the beginning and at the end of a trip. How would you find out the length of the trip? Add subtract divide multiply.

49. A man has 4 yards of twine. How many packages can he wrap if he uses four-fifths of a yard for each package? 3 4 5 6.

50. At 5 a. m. the thermometer stood at 7° below zero. At noon it stood at 10° above zero. How many degrees has the temparature risen in the 7 hours? 3° 10° 17° 24°.

Mr. GURNEY. I hand the questionnaire to the Senator from West Virginia. He may examine it question by question and observe how simple are the questions. I am sure he will agree with me that to answer correctly only 15 answers out of the 50 would be a comparatively easy matter.

Mr. REVERCOMB. Mr. President, the point I make is that the same qualifying test was given to men during World War II when they were being taken into the armed forces in order to face the enemy and fight the battles of our country. On the basis of the same test, a passing mark of 59 admitted a man into the Army. Now, when there is no fighting to be done, and when the test of a man's mentality is to be ascertained, he is to be required to come into the Army on a passing grade of 70. Men who attained a grade of 110 on the same test during the war were admitted to officers' training school, and there is not a great margin between 70 and 110. So the point system has been raised with regard to admitting men into the Army during peacetime. The passing grade now is 70. The military wants picked men. It does not want volunteers when it precludes them by raising the point system.

Mr. GURNEY. I believe that if all of the questions were answered correctly the grade would be 162; 59 is equal to about a fourth-grade education, and 70 is equal to about a fifth-grade education.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. REVERCOMB. I yield.

Mr. SALTONSTALL. I have some figures before me which came from authentic sources. They show that in February 1946, 36 percent of the enlistments were in the fourth group, and that 9 percent of the enlistments were in the fifth or last group, or a total of 45 percent, as opposed to wartime, when 27 percent of the enlistments were in the fourth group and 5 percent were in the fifth group. Now, with a reduced Army and increased specialists with airplane training, and with tanks and all the modern equipment of an army, it seems to me that it would be dangerous not to have the Army increase its tests if we are going to reduce the numbers in the Army and give them increased individual responsibilities.

Mr. REVERCOMB. There would be great force in the Senator's argument if the entire Army were made up of airplanes and special equipment. But the Senator knows that we still have foot soldiers, and that the size of the Army is to be based on the idea of it being necessary to guard surplus goods, and that thousands of men in the Army today are used as guards. If the men could fight the war on the basis of a passing mark of 59, they could be taken into the service as peacetime soldiers on the same basis. General Paul said that the purpose of raising the passing grade was to keep men out of the Army.

Mr. President, it is inescapable that the War Department wants to select and therefore to have selective-service maintained, and it will have ready the same arguments to put forward a year from now. The Army wants to pick and select its men. That is a very natural position for the Army to take. It is proud of its corps. It wants to pick the top of the citizenship—a very natural policy on its part. But the question arises, Mr. President, Is the Congress of the United States, which has the duty of fixing national policy in all its phases, going to surrender completely to the ideas of the Army? The Army looks at only one phase of national life. We, as Members of the Congress, must look at every aspect of national life. We will consider the needs of the Army from the standpoint of enabling it to maintain its strength, but we will not surrender completely to the right which it claims of picking the youth of the country and adopting methods of enforced service which have prevailed in Europe for a long time.

No man has higher praise for the Army than I. The personnel of the Army, from its Chief of Staff down to the private soldier, is entitled to the praise of every American citizen. It met foreign enemies and vanquished them. It protected and sustained us during the days of war. We feel deeply grateful, and we should never forget what the Army did. Surely, I would say that the Congress has not, nor have the people, failed to acknowledge their gratitude. It should be everlasting, and should be shown in a material way. But even after such acknowledgment, Mr. President, shall the Army leaders of our country be allowed to fix our national policy, or shall the Congress, upon whom the duty devolves, fix the policy of whether or not we shall continue with enforced military service?

In the main, the bill now before the Senate, as reported by the Military Affairs Committee, is substantially the Army's bill. I realize that those who will follow without question the Army's demands upon this subject, and those who so devotedly believe in enforced military service, regardless of need, are beyond the reach of any argument, and cannot be influenced by any argument which I or any other Senator may make upon the subject.

On the other hand, Mr. President, there are those who, in consonance with our ideas of freedom, feel that enforced service, unless it is needed for the protection of this country, is not the best for America. To those, I would make my argument today. It is to the people of our country and to the Members of the Senate that I would respectively present my amendment in the form of a substitute, with confidence in the belief that it will lead them to the conclusion that further enforced service in the Army is not at all necessary in order to return to this country the unmarried men and fathers who have had foreign service.

As I have said, we have accepted the Army's figure without question, although it has never been probed or delved into. No attempt has been made to substantiate it. Representatives of the Army came before the Military Affairs Committee and said, "We want so many men," and then stated where they wanted them, and explained the purposes for which they wanted them. Among those purposes was that of guarding surplus property. The figure which is asked for as of July 1, 1946, is 1,550,000. The figure as of July 1, 1947, a year hence, is 7,070,000. It will be noted that the top figure is for July 1, 1946, and then grades down to July 1, 1947, by approximately 500,000 less.

I point out, Mr. President, some figures of the size of the Army at this time so we will know whether or not it is necessary to continue drafting. The strength of the Army, estimated as of May 20, 1946, is 1,960,000, many of whom ought to have been released a long time ago, many of whom have had extended service. The total—and bear this figure in mind at the moment—the total volunteer enlistments to May 21, 1946, were 769,340.

Mr. President, I have before me the testimony of the Chief of Staff, the respected General Eisenhower, given before the Military Affairs Committee during its hearings on January 16, 17, and 18. On page 355 there is set forth a table showing the employment of the Army overseas as of July 1, 1946. This is the plan and these are the figures of the number of men employed—the maximum figures, the figures fixed by the Army, not the figures of anyone else, but the Army's demand, the Army's request. The number of men who are to be used overseas in all theaters as of July 1, 1946, is 794,000.

Mr. President, the Army says that it will have a volunteer force on July 1, 1946, of 950,000 men. We know that it will have that number. We know that with 769,340 volunteer enlisted men at this time plus the 150,000 officers in service, every man who has been inducted into the Army and drafted and who was overseas can be brought home and his place filled by a volunteer, because only 794,340 are needed overseas.

If the Army is going to need only 794,000 overseas in both European, Pacific, and the other areas and they will have 950,000 volunteers by July 1, 1946, there is no need for a man who is not a volunteer to be abroad on July 1, or shortly

thereafter, of this year. Those facts, those figures, are inescapable.

I know the appeal to the Senate when any committee comes forth with a bill. I know that to oppose a committee bill is an uphill task, but I invite the attention of the Senate to the actual facts and figures, figures furnished by the Army, as to whether or not the continuance of the draft can be justified. Every boy who was drafted and who is overseas today could be returned and a volunteer put in his place overseas under the figures given by the Chief of Staff himself, and there would be left in this country more than 150,000 volunteers after filling the needs of the overseas calls. Yet we talk about extending the draft. For what?

There is every reason to extend the selective-service law. In addition to the reasons already given, we are told that the international situation is such that we must remain strong; we must be ready for military calls. Mr. President, if we let the draft stay in effect without induction, every boy on becoming 18 years of age will register. He will be subject to call overnight when Congress says it is ready to call him. As described by another Senator, it will be as a loaded gun behind the door, ready to be picked up when the time of battle comes. But why induct men today of any age, when they are not needed, as plainly shown by the facts?

Now let me turn, Mr. President, to some other figures. These, too, are figures furnished by the Army. The Army has estimated that its entire personnel, both officers and enlisted men, who will be volunteers on July 1, 1946, will be 950,000. In addition to that figure, the Congress has authorized the creation of a corps known as the Philippine Scouts, of 50,000. No doubt whatsoever has been expressed that the 50,000 enlistments will be obtained.

Here is an additional interesting figure: There were inducted into the Army of the United States under the Selective Service from January 1, 1945, to May 1, 1946, 927,874 men. The total of those figures would be 1,927,874, made up of volunteers and men inducted into the Army with 18 months of service as of July 1, 1946.

I realize that we cannot figure on the whole 927,874, because, doubtless, some of those men were casualties in the war. We cannot take it wholly because some of the men who were inducted in that period enlisted for a definite period. But I may say that taking one-half of them—and certainly that is a liberal consideration toward the Army's viewpoint—there will be in the service as of July 1, 1946, 1,463,937 men who are volunteers and who have had only 18 months' experience.

There is no reason today, Mr. President, even if we disregard the figures of the Chief of Staff about those who serve abroad, why every boy who has had 18 months' service should not be on his way back home. The substitute amendment calls for the return of those men.

This proposal is not made because of any sentimental reasons or any desire to relieve men from duties which they should perform. I submit to the Senate that it is based upon the actual facts and figures of the War Department which cannot be refuted.

I call the attention of the Senate to the fact that the Army, under its own plan, as of May 20, 1946, has one-million-nine-hundred-and-some-thousand men. It wants an Army of 1,550,000 July the first, and it will have them, because it has them now. Under its plan it will have 1,070,000 men, reduced by 500,000 from that date, on July 1, 1947. Why is there a desire to continue the draft when we consider the voluntary enlistments as they are now proceeding? Mr. President, I can see no reason for it. I cannot see it sustained in the facts and the figures which are presented to us.

Ah, the Army wants it, of course. As I have pointed out, the Army wants to select the men it puts into its service. I care not how many volunteers we were getting today, and I care not how many we get a year from now, the Army will request the right to select those who serve. But are we, Mr. President, who make the policies of this country, with the knowledge we have of the facts, going to ignore every other phase of national life and follow the Army blindly?

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. REVERCOMB. I yield.

Mr. FERGUSON. I should like to ask a question along that particular line. On page 2 of Senate bill 2057, as reported, there is a provision which places the number of men in the Army on July 1 of this year as not exceeding 1,550,000.

Mr. REVERCOMB. That is in my amendment also.

Mr. FERGUSON. Then it shall be reduced consistently month by month so that the Army strength on the 1st of July 1947 shall be 1,070,000.

This is the provision to which I wish to call attention:

And provided further, That the monthly requisitions on the President under this act by the Secretary of War and the Secretary of the Navy shall not exceed the number of men required after consideration of the actual number of voluntary enlistments during the 3 months preceding that month in which the requisition is made.

If the President should follow this measure, how could the Army require men under the Selective Service Act if, under the voluntary system, it was getting a sufficient number to fill the requirements?

Mr. REVERCOMB. The law says, I point out to the able Senator, that the President shall act upon the call of the Secretary of War and the Secretary of the Navy or monthly requisitions on the President. He does not make any decision about it, the decision is made by the Secretary of War and the Secretary of the Navy. I know that if it is left up to the Army, or the War Department, to determine whether or not there shall be calls for drafts, we can be certain there will be calls for drafts.

Mr. FERGUSON. If the Senator will yield for another question, in line 10, the bill as reported says:

The Secretary of War and the Secretary of the Navy shall not exceed the number of men required after consideration of the actual number of voluntary enlistments during the 3 months preceding that month in which the requisition is made.

How can the Secretary of War and the Secretary of the Navy, under this proposal, make a greater call than is required by the law?

Mr. REVERCOMB. They will themselves determine what persons, what individuals, qualify under the voluntary enlistments. I do not want to leave that question open when I see the War Department raise the qualification from 59 to 70. I do not know when they will raise it to 100 or 110.

Mr. FERGUSON. Then, the Senator's answer to the question would be that he is of the opinion that the number of men who will be selected under voluntary enlistments will be reduced, so that there will always be a call for men under the selective service unless Congress forbids it?

Mr. REVERCOMB. I think the matter should be placed entirely in the hands of Congress. I feel it is the duty of Congress to act in this situation, since we can get the men, and require the Army to go about getting volunteers; and if they cannot get them, then let the Congress act to start inductions again. In other words, rather than say to the War Department, "We are going to let you have the say so about when you will stop selective service, and we will say nothing about it. We hand over to you the whole power and you will say when selective service and induction shall stop," I want the Congress to say, "We stop them now. Go out and get your volunteer Army. Be earnest about this, and get your volunteer force, and if you cannot do it, then we will start inductions again."

Mr. FERGUSON. Would not a fair interpretation of the bill reported by the Senate committee, if it is followed fairly and with the spirit of its language, be that the Army would not be allowed to call for men under the selective service if they were getting the volunteers?

Mr. REVERCOMB. I prefer the other method, of the Congress stopping it, and when the Congress finds they cannot get volunteers to fill the forces up to the number contained in the amendment, as well as in the bill, let inductions start again under the act of Congress.

Mr. JOHNSON of Colorado. Will the Senator from West Virginia yield?

Mr. REVERCOMB. I yield.

Mr. JOHNSON of Colorado. I share the Senator's optimism about the volunteers, as he well knows. I do not completely concur in the conclusions he states, and the conclusions which he has reached in the substitute which he has proposed for the bill. Nevertheless, I do concur with him in believing that volunteers can be obtained.

But there is one thing which should be called to the attention of the Senate and to the attention of the country. It is rather remarkable to learn the number of volunteers the armed forces have received, inasmuch as the Government of the United States is paying them to stay out of the Army. What I mean by that is that we have the employment-compensation provision now in force.

I talked with the Veterans' Administration this morning, and I was surprised to find that for the week ending May 25 the United States Treasury paid out $32,793,045 in unemployment compensation, $20 a week, which is $80 a month we are paying men not to go in the service.

Furthermore, we are paying out now $2,000,000 a week in self-employment compensation. That is, if a man on a farm or in a little business does not earn $100 a month, he is entitled to self-employment compensation. That amount has been growing, from $1,000,000 a month to more than $10,000,000 a month, and every month it is increasing. So of course the veteran who would otherwise go back into the Army, under ordinary circumstances, is being paid by the Government to stay out of the Army, paid more to stay out than he would be paid if he went back in.

Therefore I say, in view of that situation, in view of the fact that 1,639,652 men received unemployment compensation in the week ending May 25, and 40,000 received self-employment compensation in the same week, it is rather surprising that we are getting the number of volunteers we are getting.

I presume we will have to wait until the 52 weeks are up, and when that period is ended, perhaps many of the men will go back into the service. As that compensation decreases, as it is bound to do in the months ahead, I think we have every right to believe that enlistments will increase, and increase very rapidly.

Mr. REVERCOMB. I thank the Senator very much for his observation, and I agree heartily with him that we can secure the force desired by the Army through volunteering. There is no doubt about that in my mind. Since that is the Army we can obtain by volunteers, and when we already have more than 950,000 volunteers as of July 1, enough to fill every place abroad, under the very statement made by General Eisenhower himself as to the number of soldiers he needed abroad on July 1, 1946, why we should turn to the draft is beyond my comprehension. I share the views expressed by the Senator from Georgia, who said we will never get anywhere with a half-draft and a half-volunteer Army. Not until we suspend the draft, not until we try out fully the volunteer system, which has been so successful up to this point, can we do what is right in maintaining fully an army upon the volunteer basis.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. REVERCOMB. I yield.

Mr. SALTONSTALL. The distinguished Senator from Colorado gave figures respecting unemployment compensation and stated, if I heard him correctly, that at $80 a month unemployment compensation was more than a private's pay. Of course, those figures do not include keep, which I understand is estimated at approximately $5 a day or thereabouts. So really we are paying men in the Army more than we are paying those who are now under unemployment compensation, if the keep of a man, his clothes, and so forth, are included.

Mr. JOHNSON of Colorado. Will the Senator from West Virginia yield?

Mr. REVERCOMB. I yield.

Mr. JOHNSON of Colorado. The clothing, food, and so forth, a soldier receives do amount to something, but many of the unemployed veterans are in their own homes, and their lodging and their food and their upkeep does not mean very much to them. They are receiving, however, $20 cash each week, or $80 a month, which is more cash than men receive in the Army.

Mr. SALTONSTALL. I agree with the Senator on that point.

Mr. JOHNSON of Colorado. In the Army there are a great many deductions, as the Senator knows, out of the $75, or the $50, as the pay is at present. If the pending amendment is adopted, of course, it will increase the amount, but $50 is the amount of pay at present in the Army, and $80 a month is the compensation paid to keep men out of the Army.

Mr. SALTONSTALL. I agree with what the Senator has stated. I thought, however, that in order to make the statement complete the item of keep and other allowances should be added to what the Senator said.

Mr. REVERCOMB. Mr. President, I desire to point out that from the beginning the War Department has not had very great faith in the volunteer system, and I want to support that statement by the testimony of those who have testified before the Military Affairs Committee upon this subject. The testimony shows that their belief in a volunteer force was very weak. As I have said, they want a selective service of men in which they can pick them.

On September 12, 1945, just a month after the fall of Japan, it was estimated by the Secretary of War that 300,000 was the number of men who would volunteer in the Army by July 1, 1946. I refer the Senate to page 18 of the hearings had on September 12, 1945. That is the estimate which the Secretary made. Let us see what occurred. The volunteers started coming in, and then, Mr. President, on January 16, 1946, the estimate was made by General Paul, who is known as G–1, that is Chief of Personnel of the Staff of the Army, that there would be enlisted in the Army as volunteers by July 1, 1946, 650,000 men. In September the estimate was 300,000 men, and in January the estimate was 650,000 men. Then on April 3, 1946, the Secretary of War estimated that there would be 800,000 volunteers. Of course, they had to change their opinion because the volunteers were coming in. I give these figures to show that when they were estimating what would be the prospect for the future they indicated little faith in the volunteer system. They did not think much of it. They did not think it would work.

Mr. President, it has worked. Not only will there be 800,000 volunteer enlisted men in the Army on July 1, 1946, plus 150,000 officers, but I say that there will be a considerably greater number than 800,000 enlisted men, even with the slow-down in the draft which has been mentioned. So, Mr. President, with that situation, and with the continued reduction of the Army up to July 1, 1947, why must we at this time continue to induct men into the services when it is shown that the volunteer system will take care of the Army's needs?

We have had discussions here about taking care of our obligations and commitments. Of course, a complete answer to the taking care of our obligations and commitments is the fact that an Army of 1,550,000 men as of July this year and an Army of 1,070,000 men as of July next year is the figure fixed by the Army itself to take care of those commitments. Nobody questions that. We have not even delved into it. But certainly the Army is going to give the top figure it needs. It is not going to underestimate. The Army has never been guilty of that. There are a sufficient number of men to take care of any commitments, as is shown by the statements made by Army representatives before the committee.

Mr. President, what are the commitments? Apparently they are quite numerous. I was interested in a statement made by the Senator from Florida [Mr. PEPPER] a couple of days ago in which he spoke of a subcommittee's report to the United Nations Council in which the subcommittee found that the government in Spain was a threat to world peace. With all respect to that subcommittee, its report that Spain is a threat to the world peace is to me absurd. With whom is Spain going to fight? What country is Spain going to pick on? If the United Nations is going into a country, out of some feeling against its internal government, if someone who has power in the United Nations does not like the government in Spain or in some other country and is going to send troops into that country, I do not want our boys to be drafted for that purpose. I do not want to draft American boys to march into Spain to upset Spain's government. I am not interested in that. If that is one of the commitments, then I am not very much in favor of using the young men and the blood of this country to carry out such a commitment as that. I thought this Government had had enough of that policy when the State Department went into the elections in the Argentine and tried to take part in them, and received as sound a trouncing as any set of men got in their lives. I thought that certainly the Government had learned forever and severely a lesson there. We may not like what is in the government of some other country; we may not like, and I do not like personally, what is done in other governments when we view them from the outside; but we would resent very much, and certainly we should, the attempt on the part of any other government to interfere with our elections, or to interfere with us because it thought we did not have the right kind of government for our people. In fairness we ought to adopt the same attitude toward other countries. I do not want any such commitments as that upheld with the lives of American boys. Also, I do not

want to draft boys to take part in a civil war in China.

We talk about commitments. I do not know what they are, and I doubt if any Member of the Senate knows all the commitments our Government may have made; but whatever they are, so far as the armed forces are concerned, that argument is answered by the call of the Army itself. In this bill we are giving to the Army the number of men it has asked for.

We are told that one of the reasons for raising this Army is to guard surplus property abroad. Mr. President, I do not feel that we are justified in drafting men in their twenties, or men in their teens, and requiring them to withdraw from the lives they want to lead, in order to guard surplus property. We can only justify drafting them in time of war, when we are faced with an enemy and when our national security is threatened. But I do not believe that we are justified, in time of peace, in going into the civil life of the people of our country and having the Army tap young men on the shoulder and say, "You go over to Korea or somewhere else to guard surplus property." Today in those lands we are employing many civilians, and they could be used to guard surplus property, under the direction of the Army.

In connection with the subject of surplus property, recently the Senate passed a bill providing for the sale of our surplus property anywhere on the face of the earth in exchange for the currency of the country in which it is located. If that will not dispose of surplus property abroad, nothing will. If the property is to be sold, why talk about drafting men to care for surplus property abroad? I do not think it is justified.

Moreover, the Senate has passed the British loan. A great deal of surplus property is located in the British Isles. Under the terms of the British loan agreement, surplus property in the British Isles will be sold to Britain. There will not be anything there belonging to the United States to guard. So I think we should absolutely put out of the picture the idea of drafting men into the armed forces to guard surplus property. I understand that we employ approximately 400,000 civilians in Europe. I was not furnished with the figure for the Pacific, but certainly, so far as guarding surplus property abroad is concerned, a skeleton force of the American Army, with the assistance of civilian employees, could perform that service.

Mr. President, I have argued the question of the necessity of continuing the draft. I make this appeal upon the basis of facts. A great campaign has been carried on for the extension of the draft. The boys in the Army have been told that unless it is extended they cannot come home. I think that is one of the most unjustified and unfair things ever said to the men in the service. They write to me and to other Members of Congress asking that the draft be extended because they have been in the service for 2½ years, 2 years, or 18 months, and that unless the draft is extended they cannot come home. I say that it was a great wrong to tell them that. It was a mean thing to do to tell those boys such a thing because the fact is that every boy in the service who was not a volunteer can today be brought home.

In his testimony before the Committee on Military Affairs, General Eisenhower himself stated that only 794,000 men would be needed abroad in July 1946. According to the Army's own estimate, we shall have a volunteer Army of 950,000, or 150,000 more than enough to meet our commitments abroad, and we can do it through the volunteer system.

Another interesting thing in connection with the armed forces is that if we are to have 794,000 men abroad—and that is the greatest peacetime army that we have ever had on foreign shores—it is to be part of an army of 1,550,000. That means that on July 1, 1946, we shall have 756,000 men in camps in this country and marching up and down the roads. For what purpose? To have a big Army.

We are going to be entirely fair to the Army. It is entitled to fair treatment. But we can never permit the military to determine the national policies of America. I see no need for 756,000 men in camps in the United States. I accede to the judgment of the Army leaders that 794,000 men are needed abroad on July 1, 1946, to meet the demands and commitments. The Army has fixed that figure. No one has questioned it. But I point out that every place in that force can be filled by a volunteer who is in the Army today, and that the boys abroad who are inductees can be brought home. It is a definite wrong and misleading to say to them that the extension of the draft is necessary to bring them home.

Mr. President, I make this appeal to the Senate after a study of the figures which are before us. During the war I went along with the requests of the Army. I want to sustain the Army. Certainly during the war every member of the Committee on Military Affairs has done so. I want a large Navy. The Navy is meeting its requirements with volunteers. I want a strong Army, and I want it to meet its requirements with volunteers. I want the Army leaders to be earnest about raising a volunteer force. We cannot operate with a force that is half volunteer and half impressed.

I have definitely shown, by figures in the record, that there is no need for further inductions. We have offered a plan which would not wipe out the Selective Service System, but would maintain it in full force. The men who are registered will be subject to call if the Congress sees the national need for it. Under the terms of the amendment which we offer as a substitute for the bill, we will say to the world that the men of this country are registered and ready for call. In addition to those who have seen service, those who become 18 years of age will be registered, and the selective service system will still live, in full force. When the national need requires it, upon the call of the Congress, which is the only body of our Government which should act on this subject, inductions may be started again. That is a fair measure. It is sustained by the facts and figures; and I submit that it is sustained in right and reason. It is sustained unless the Government of these United States desires to have impressed service continued, because the same reasons put forward today for the extension of inductions can be put forward a year hence and perhaps 2 years hence.

So, Mr. President, I urge upon the Senate the serious consideration of the substitute measure. I hope it will be adopted. I appeal to the Senate to place our armed services upon a voluntary basis, and to end enforced and impressed service when it is no longer needed. It is no longer needed now.

Mr. SALTONSTALL. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. HUFFMAN in the chair). Does the Senator from West Virginia yield to the Senator from Massachusetts?

Mr. REVERCOMB. I yield for a question.

Mr. SALTONSTALL. Yesterday the Senate adopted an amendment which would increase quite substantially the pay of the men in the lower ranks in the Army and Navy. The idea behind the adoption of that amendment was to increase the number of volunteers.

The measure now before the Senate calls for volunteers to fill all possible places, and for inductees under the Selective Service System to be used only if it is absolutely necessary to use them. However, the world is still at war. We have many of our boys in foreign countries. We have commitments in foreign countries; we have commitments to the United Nations.

The distinguished Senator from West Virginia says, "Let us end inductions now." Mr. President, I ask the Senator whether it is not better, in his opinion, to play safe and secure for one more year, because a year from now conditions may be greatly different from those at this time, rather than at the present time to take the chance of relying completely on the volunteer system, which we hope will be sufficient. In short, is it not better to keep the induction system on the statute books as a form of additional security?

Mr. REVERCOMB. Mr. President, I say to the Senator that not only am I in favor of keeping the United States secure now and for the next year, but I am in favor of keeping the United States secure in its military forces from now on. But I think the question is entirely aside from that point. We are in agreement on having a strong force.

My point is that in order to obtain a strong force it is not necessary to draft men. It is not necessary to continue in service those who have had 18 months of service. I have tried to point that out.

The question is, Does the Senate prefer to have an impressed Army rather than one made up of volunteers who will serve for short periods?

Mr. SALTONSTALL. Mr. President, I would answer that question by saying that, of course, we want a volunteer Army, and we wish to be sure that our country is safe and that we live up to our obligations in time of war.

Mr. REVERCOMB. Let me ask the Senator a question. Does he doubt that General Eisenhower is just as much interested as we are in having the United States live up to its obligations? Certainly he is. When he puts the top

figure for the Army at 1,550,000 and when he says he wishes to have only 794,000 of our men abroad to carry out our obligations there—and that is where we have our obligations—and when under the Army's own plan as of July 1 there are volunteers to the number of 950,000, why keep abroad the ones who are not volunteers? Why not bring them back to this country? Why not let the volunteer Army take care of our obligations to others, about which the Senator from Massachusetts has spoken? I wish to have that done. I am not questioning the necessity of doing it. But I say let us use the volunteer force we have. The Army's own figures show that we can replace with a volunteer every inductee who is abroad.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. REVERCOMB. I yield.

Mr. JOHNSTON of South Carolina. According to the statement of the War Department, they have in the service at the present time over 400,000 boys more than they said they would need as of July 1, 1946. Is not that true?

Mr. REVERCOMB. Approximately so, as of May 20, 1946.

Mr. JOHNSTON of South Carolina. They are going to have to let them out mighty fast, to get down to that number. Is not that true?

Mr. REVERCOMB. Yes.

Mr. JOHNSTON of South Carolina. We have already adopted an amendment providing for a 50-percent pay boost.

Mr. REVERCOMB. That is correct.

Mr. JOHNSTON of South Carolina. The Gallup poll stated, as of May 10 of this year, that if we were to adopt a 50-percent pay boost, 23 percent of the boys who were in the service would wish to reenlist.

So if they went back into the service, that would make a force of approximately 2,000,000 boys; and over the next year, let us say, it certainly would give us more than the 1,070,000 which the Army has said it will need as of July 1, 1947. Is not that true?

Mr. REVERCOMB. That is correct. I say to the Senator that every fact brought out by the War Department itself, on the basis of the figures it presented when it reached the point of presenting us with figures, sustains the Senator's position that we can have a volunteer force without resorting to further inductions.

On the basis of the figures just referred to by the Senator from South Carolina, we know we shall have more than 1,500,000 men on July 1. And when we accept the plan that the number will be down to 1,070,000 a year thereafter, why must we continue to induct men into the service, when there is every promise of having a sufficient number of volunteers or perhaps even more volunteers than the Army will take?

Mr. HART. Mr. President, the substitute proposal which is before the Senate seems to me to be properly interpreted, in part, as calling for a reconsideration of the action which the Senate has taken in adopting the amendment providing for continuation of the draft. As the bill stands at the present time, we have adopted an amendment which provides for a very material increase in pay, on induction. That has properly been called incentive pay for volunteering. As the measure now stands, the draft provisions are held in readiness to be used in case the incentive pay provision is not effective and the volunteer system does not bring in a sufficient number of men for the Army, the Navy, the Marine Corps, and so forth.

Various degrees of optimism have been expressed as to the effect of these increases in pay. We have fairly authoritative figures to show about what the results of the volunteer system are right now, and they are not particularly encouraging. Any optimism must rest in part upon the effect of the 50-percent pay increase which now is to be offered to men upon volunteering.

Mr. President, I am unable to share very much optimism regarding the effect of that measure. The Government will be committed to pay out nearly a half billion dollars every year in this experiment. A half billion dollars is, of course, going to buy some volunteers, but I do not believe that we shall achieve great results from that very considerable yearly expenditure. I would not presume to put forward my own unsupported opinion in regard to a subject of such great importance, but it happens, Mr. President, that there is available a very considerable wealth of experience on the point. It does not show that the Government can really buy volunteers into the service in considerable numbers. That experience was gained during the years between the two wars, and previous thereto.

Almost any recruiting officer who has gained experience in that field, and who has from day to day inquired into the motives of the young men who present themselves for enlistment, reaches the conclusion that the reason men come to the recruiting station is mainly because of an urge to go somewhere, going somewhere from where they have been. It is a perfectly natural urge. It has been manifested in many ways throughout the ages. The young men do not think very much about the money part of it; in fact, they have been found to think very little about it, insofar as it relates to the immediate return which they may receive when they put on the uniform.

Whenever they can do so, and that is most of the time, the recruiting officers interview the applicants in order to ascertain what is in their minds. It has been found that the applicants do distinctly have an urge to go out from where they are. It has been repeatedly the experience that when recruiting officers are located next door to each other, a recruit who wishes to be a soldier first walks into the marine recruiting station. There may be various reasons why the marines are his first choice. But the main reason is that the applicant thinks that if he joins the marines he will go to more places than if he joins the Army. His belief, of course, is correct.

So far as the pay for the first few months is concerned—which, of course, is all that he is definitely promised—the recruit looks upon it as spending money, as cigarette money. It is quite true that many recruits think further ahead than that, and those who do look ahead and who have ambitions are usually the best of the day's group, and frequently inquire into what is ahead for them. They want to know what, if they make good in what they are about to do, they will receive afterwards beyond the $30, $40, $50, or $75 a month which they are paid when they enter the service. That means a great deal, because they are the ones who may think of service in the armed services as a profession. They will be the career men. It is from such men that eventually forms the group which really constitutes the bones, the motor nerves, and, in large part, brains of any armed organization. I refer to the officers, both commissioned and noncommissioned, and the technicians.

Mr. President, any nation which possesses, in sufficient quantity and quality, a corps of all those kinds of officers and technicians is a long distance on the road to having an efficient army. Without it, no country can have a real army, navy, or marine corps in less time than a full generation. If any nation has such a body of men it can within a comparatively short time, fill up the ranks in the lower pay grades which we are considering. With those cadres, and the consequent ability to train men when inducted, and ability to handle all the mechanisms and the various problems which constitute a rather difficult profession, we could soon have an army or a navy, even if the ranks had to be filled with recruits.

Mr. President, yesterday the Senate adopted a substitute amendment for the amendment which was offered by the Senator from South Dakota. I refer to the amendment proposed by the Senator from Colorado and by the Senator from Wisconsin. Either of the two amendments would require about the same total outlay from the Treasury, or, in other words, an amount approaching a half billion dollars. There was a basic difference between the two amendments. Under the amendment which was proposed by the Senator from South Dakota who has charge of the bill, somewhat more than 40 percent of the proposed increase, totaling a half billion dollars, was to go to the personnel of that cadre to whom I have referred, consisting of commissioned and noncommissioned officers and technicians; nearly 60 percent of the total expenditure would go to the lower-paid grades. The substitute, if adopted, will give the entire amount to the privates and lowest grades of noncommissioned officers.

In my opinion, Mr. President, the Nation would have obtained its full money's worth had it adopted the Gurney amendment, as approximately 40 percent of the money would have gone to the career officers and enlisted men of the armed forces. That would have resulted in better quality, though no change in numbers.

After all, Mr. President, career men become such and can be called such only after long training and considerable service of many years which takes them even perhaps beyond middle life. When they follow such a course they naturally expect to lead as normal lives as possible, and raise families. They necessarily must have sufficient money with which

to support their families, and achieve some degree of security for them. To that category of the personnel the Government must pay, and by paying and thereby obtaining quality, the Government gets its money's worth.

As I have already said, I myself have grave doubt that the half billion dollars which it is proposed to expend by way of increased compensation in the lower grades of the armed services year after year, will yield the returns which are looked for. I do not feel that the return in the way of building a strong Army will be anywhere near comparable to our anticipations. I do not believe that the increase under the substitute amendment will yield as much benefit as would the 40-percent increase proposed by the amendment of the Senator from South Dakota.

I am unable to support the pending substitute amendment, because I do not see my way clear to taking the chance it involves. It means a gamble. We have won the war, but we still have to win the peace; we shouldered the commitments imposed upon the Army and the Navy, and which have been in no way disputed. Indeed, as a matter of fact, it has been represented that they are minimum commitments. We will be gambling if we accept the amendment of the Senator from West Virginia. In the face of the situation which confronts us, I think the adoption of the substitute amendment would entail a step with which I am unable to go along.

Mr. GURNEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from South Dakota?

Mr. HART. I yield.

Mr. GURNEY. I desire merely to make a short observation along the lines of the Senator's talk in connection with the pay schedule. I do not need to call it to the Senator's attention, I am sure, but we must look into the future when we consider pay schedules in the Army, because, I am sure, the Senator in his position and the position he has held during his life as a member of our armed forces, knows that in peacetime, when we get away from the spendthrift period we are now in, it will be very hard to keep up the kind of armed forces we need. With the excessively high costs of maintaining the armed forces it is quite possible the Congress will be pressured to the point where it will not be able to make the appropriations necessary to maintain the number needed for our security.

When we have to pay these certainly excessively high wages as compared with what we paid heretofore in our country's history and in comparison with the wages and salaries paid the members of the armed forces of other countries, we are way above the top.

Of course I am glad to associate myself with the Senator's remarks about the necessity for taking care of the backbone of the Army and Navy, by giving the right kind of salaries to the chief petty officers and the sergeants in the Army.

Mr. HART. Mr. President, I will say to the Senator from South Dakota, since he has brought into the discussion my former life, that in those circles it is frequently said in connection with the errors which have been made by the Government, and in which the Congress often participates, that they lie in holding down appropriations during peacetimes. Then it is observed that the moment an emergency arises the lid immediately flies off, Congress takes the opposite course, and says, "Well, here is all the money you want; go ahead with it." That has repeatedly happened.

I do not suppose that the Army and the Navy have a very good reputation for economy, and I can see why they do not have. There have been many extravagances, but it is unfair for anyone to think that those who are in positions of influence and who have authority to make decisions in the armed services of the United States never pay any regard whatever to dollars. They do. In the long run they know that, after all, only about so many dollars are going to be made available to put the armed forces in a state of readiness for the common defense and they do think over the problem of what is the best way in which to spend these dollars; in other words, how will they get their money's worth—in what way will they get the most for their money.

The Senator is quite correct in saying that right now it must be true that those in military command, in high places in the armed services, are viewing the recent action of this body in adding to the bill half a billion dollars of pay which will continue year after year, as a measure which will eventually result in sacrifices in some other respects.

Mr. WHERRY obtained the floor.

Mr. JOHNSON of Colorado. Mr. President——

Mr. WHERRY. I yield to the Senator from Colorado.

Mr. JOHNSON of Colorado. Yesterday I asked the able Senator in charge of the pending bill to accept an amendment and take it to conference pertaining to the reemployment of veterans. Since yesterday Colonel Renfro, counsel for Selective Training and Service, has suggested language to perfect my amendment, which is acceptable to me, and I hope is acceptable to the Senator from South Dakota. I should like to call up that amendment now pursuant to the unanimous-consent agreement which was entered a few minutes ago, and have it acted upon.

The PRESIDING OFFICER. The clerk will read the amendment offered by the Senator from Colorado as modified.

The LEGISLATIVE CLERK. In section 7, line 21, it is proposed to delete all provisions of the section after the word "date" and insert in lieu thereof the following:

One day prior to the date of the termination of the Selective Training and Service Act of 1940, as amended, as herein or hereafter specified, all functions, responsibilities, records, and balances of appropriations which have been utilized or are available for use in the administration of the functions of the Personnel Division, established under section 8 (g) of such act, of the Selective Service System, shall be transferred to the Veterans' Employment Service of the United States Employment Service.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. GURNEY. I should like to state that with the wording of the amendment as just read I not only shall take it to conference but I sincerely hope it will be retained in conference, and I should like to associate myself, if I may, with the Senator from Colorado in offering the amendment.

Mr. JOHNSON of Colorado. I shall be very glad to have the Senator join me in this amendment. Its purpose is simply to protect the veterans' rights for employment and reemployment under the Selective Training and Service Act.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Colorado [Mr. JOHNSON] as modified.

The amendment, as modified, was agreed to.

Mr. WHERRY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WHERRY. There is no limitation on the debate, is there?

The PRESIDING OFFICER. There is no limitation on debate.

BLACK MARKET IN MEAT

Mr. WHERRY. Mr. President, in a few moments I expect to address myself to the pending business at some length, but prior to doing so I should like to call to the attention of the Senate something about the black market in meat. I do so at this particular time—and I shall take only a few moments—for the reason that some top-flight men have gone before the Committee on Banking and Currency and have requested that price ceilings again be imposed upon meat. I understand that a few days ago the Committee on Banking and Currency decided to take them off, but these men have made their defense on the theory that because of commitments made abroad it is necessary to impose price ceilings in this country, and possibly rationing.

Mr. President, 5 or 6 weeks ago on the floor of the Senate I called the attention of the Members of this body to the fact that nearly 80 percent of the meat being sold to the ultimate consumer originated and was distributed somewhere along the line through the black market. At that time the statement seemed like an exaggerated one, but because of the tremendous increase in black-market meat, the Secretary of Agriculture, Mr. Anderson, put in a new program—he called it a new control program—with the idea that it might somehow eliminate the black market. The program resolved itself into again establishing meat quotas where the animals are bought in the live markets, and he said then that if that particular program was not successful, he knew no other way except to lift the ceilings and try an uncontrolled program as to meats.

Nearly 6 weeks have elapsed, and I wish to say to the Members of the Senate that the black market in meat is becoming worse and worse. It is now approaching the proportions of a national scandal. It is costing American consumers billions of dollars, for which Mr. Bowles does not account when he testifies before the committees and claims that meat is being sold at the legitimate ceiling prices.

It is causing a meat famine in many consuming areas. I pass through the little town of Presidential Gardens every Friday morning, and see the cars lined up to get meat. Last Friday morning I think the procession was a mile in length, which is an indication that the present program is causing a meat famine in consuming areas.

This bootlegging, which has resulted in an increase of illegal slaughterers from less than 1,600 to more than 26,000, that buy the animals and kill them in every little market, noninspected, is not only a black market to the consumer, but the offal in hides, bones, and grease, and huge quantities of valuable glands and other materials, is wasted. It is a waste which has not been taken into account when the officials testified before. the committees relative to ceiling prices. The offal is the sole source of raw material for many vital pharmaceutical products. The black market is causing widespread unemployment. A large percentage of black-market meat, under Federal inspection standards, is wholly unfit for human consumption, and is a serious threat to the public health.

Mr. President, none of those facts is brought out, apparently, when Mr. Bowles appears before the committee and testifies that the only way to control prices is by Federal price control. We are out of control, 80 percent of the meat going black market, and, in addition to that, there is all this waste of the offal which we so badly need not only for chemical supplies, but for 101 other uses. It is an absolute waste, because the animals are killed in the small packing plants, or slaughterhouses, which are black market, which will not even let the people know they are killing. Therefore the offal is not sold, but is wasted.

Today, OPA price ceilings on meat are simply a pure fiction. Enforcement has completely broken down, and, in spite of everything OPA has been able to do, the black market continues to grow steadily.

I wish now to quote what Secretary Anderson testified before the Senate Committee on Banking and Currency on May 1, 1946. He gave this testimony in answer to a question propounded by the Senator from Kentucky [Mr. BARKLEY], the distinguished majority leader. This is the question asked by the Senator from Kentucky:

Senator BARKLEY. These statements that come to me all head up to the suggestion finally that the way to cure this whole situation in meat is to take off all controls and ceilings, on the theory that meat might run up for 30 days in price, but it would level off, so that there would not be any of this artificial situation. I do not know whether that is the answer or not. I am seeking the answer.

That is the end of the indirect question propounded by the Senator from Kentucky to the Secretary of Agriculture, Clinton Anderson. This is the reply of the Secretary of Agriculture:

Mr. ANDERSON. Well, Senator, if I may, I would say to you that there have been many times when I have debated with myself very seriously as to whether or not the removal of many of these controls on meat might not be a good thing in view of the surplus population of our ranches.

He means the population of cattle. By the way, there are more than 10,000,000 more cattle on the ranches and on the farms of the United States now than in any other year of the 10 years preceding 1941. So there is a surplus of cattle. The total cattle population is only about 85,000,000. More than one-half of them are beef cattle, and this surplus population is mostly out in the areas of beef cattle. That is what the Secretary means when he says, "I would say to you that there have been many times when I have debated with myself very seriously as to whether or not the removal of many of these controls on meat might not be a good thing in view of the surplus population of our ranches."

He continued:

I would say that about as far as I have been able to persuade myself to go is to regard this present period when we are trying to reestablish slaughter controls as about the last effort to see if it will work. If with slaughter controls and with the increased force that OPA is now putting on this we are not able to direct these cattle back into decent channels, if we are not able to persuade people that they have got to buy in compliance, and if we are not able to get food for the American people at decent prices, then we surely ought to try something else; and the only other "something else" is an abandonment of these controls.

That is the answer of Secretary Anderson.

Mr. President, what about this 5 or 6 weeks of control, this new control order the Secretary put into effect to correct the situation he was discussing when he answered the Senator from Kentucky nearly 5 or 6 weeks ago?

They instituted a program, but the latest program is not stopping the black market.

In fact, after 5 weeks of quotas, more and more cattle are going over the hill in the black market.

As shown by the table I have before me, for the week ending June 1, 1946, 10 national packers who, prior to OPA, handled more than three-fourths of all federally inspected cattle, slaughtered only 29,274, or 26 percent—a smaller percentage than the first week before the control order was made effective about 5 weeks ago.

Remember that these 10 nationally operated packing plants, with all the employment they had, which killed three-fourths of the cattle prior to OPA days, the first week in June slaughtered only 26 percent of the three-fourths kill they slaughtered before the war.

The following is the percentage of slaughter of 10 representative meat packers located in all parts of the Nation compared to United States federally inspected slaughter:

	1946	1945	1941
Week ending Apr. 27:			
Number of head	42,693	116,759	142,013
Percent of total federally inspected slaughter	29.4	50.8	76.4
Week ending May 4:			
Number of head	58,169	123,152	149,908
Percent of total federally inspected slaughter	35.7	52.2	75.0
Week ending May 11:			
Number of head	57,697	111,599	161,311
Percent of total federally inspected slaughter	35.2	51.0	76.0
Week ending May 18:			
Number of head	51,723	115,247	157,335
Percent of total federally inspected slaughter	32.5	48.6	72.5
Week ending May 25:			
Number of head	44,518	119,860	149,282
Percent of total federally inspected slaughter	29.5	49.1	73.2
Week ending June 1:			
Number of head	29,274	103,021	139,448
Percent of total federally inspected slaughter	26.1	49.8	73.7

So it will be seen that by the end of the first week of June, under the new control program, the cattle killed had fallen to 26.1 percent, which is less than it was at the end of the last week in April, before the control program was put into effect.

That, Mr. President, is concrete evidence—indisputable, unanswerable evidence—that the last program which Mr. Anderson was to try before he removed price controls entirely has failed, and if we are to take his recommendation and advice the only thing for the Senate Banking and Currency Committee to do is to stand by its original amendment, and remove the control of prices from meat, and I think it should also remove the control of prices from milk and dairy products.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. TAFT. The Senator from Nebraska may be interested to know that the Committee on Banking and Currency this morning on a motion to reconsider the vote by which meat and dairy products were decontrolled voted against the motion to reconsider by a vote of, I think, 10 to 7, which was a somewhat larger majority than the last time the question came up. So the Senator's advice to the committee has already been followed.

Mr. WHERRY. I thank the distinguished Senator from Ohio for his statement. I am not a member of the Banking and Currency Committee. My work has been largely upon the Small Business Committee. I think both committees have worked strenuously for many months to attempt at least to have a trial made of removal of control over meat prices. I do not see why we cannot try to decontrol one commodity and see what the result will be. I am glad to know of the favorable action of the Committee on Banking and Currency. That is the first time that committee has given us such favorable action, and I

appreciate the information given the Senate by the Senator from Ohio.

After 5 weeks of the new control order, and increased enforcement activities, practically all cattle are being sold openly at illegal bootleg prices, even on the public markets, and the OPA is wholly impotent to do anything about it. For example, on Tuesday, June 4, approximately 14,000 slaughter cattle were sold on the Chicago market. The average price paid for Choice cattle was $17.52 per hundred. That is 52 cents per hundred above the maximum price allowed in the Vinson directive, so it is over the ceiling price. On Good to Choice cattle the average price on that market reached $16.80 per hundred. That is $1.05 above the maximum ceiling price. For the commercial grades—that is, the B class of cattle—the average price was $15.48 a hundred, or $2.48 per hundred above the maximum ceiling price. That, Mr. President, is the meat which most of our people in the low-income brackets have to buy. If we figure it out by percentages we will find whether we are maintaining the ceiling which Mr. Bowles talks about. For Utility cattle—that is, the kind from which canned meats come—the average price was $13.53 per hundredweight, or $2.53 above the maximum ceiling price. The average price of all steers of all grades was $17.02 per hundredweight, or 2 cents per hundredweight above the maximum ceiling price for Choice steers.

It is not strange that legitimate slaughterers are unable to buy enough cattle to keep their plants operating a few hours per week. The bootleggers buy all of the cattle at illegal prices. For example, one of the large national packers, on June 4, notwithstanding that they were ready and willing to buy several thousand head and their buyers were actively bidding at all the following markets—and get this—out of receipts of 14,000 cattle, at Chicago were able to purchase 7; out of 9,500 at Kansas City were able to purchase only 3; out of 12,000 in Omaha were able to purchase only 135; out of 2,400 at Oklahoma City were able to purchase 18; out of 10,000 in Sioux City were able to purchase none; 57 cattle were purchased at Cedar Rapids; 28 cattle at Albert Lea; 156 cattle at Los Angeles; 26 cattle at Sioux Falls; nothing at Fargo; nothing at St. Paul; nothing at Peoria; nothing at Denver. The total buy for that day at all plants, 430 cattle.

This company, in the Chicago market, with 15 active buyers on the market, was able to purchase only 7 head out of 14,000 cattle sold.

These facts are fully known to the Office of Price Administration, the Office of Economic Stabilization, and the Department of Agriculture. It is obvious, if anything is to be done to correct this scandalous condition, the Congress is going to have to do it.

This news should be heralded around the whole country. All this is due to the pricing system. It comes about by reason of the rigid pricing system which has been put into effect in direct contradiction to the testimony of all those who are interested, all those who have the economic welfare of the country at heart. All this is having a tremendous impact upon our own economy. Think of the tremendous amount of employment in the 15 or 20 plants involved, whose employees are thrown out of work because the plants did not receive cattle for slaughter.

I hope that when the Banking and Currency Committee reports the bill dealing with the extension of OPA, as the committee will with the amendment included in it which has been mentioned by the distinguished Senator from Ohio, the Senate will take the price ceiling off of meat. Such action will permit the free flow of the 10,000,000 surplus beef cattle that are now not being fed because the feeders cannot feed them at the present price ceilings; it will permit them to flow in an orderly fashion through the markets, into the feed lots of the country and back again to the markets, and finally to the consumers' tables. If that is done, it will result in a plentiful supply of meat; the price will be reduced to the level at which it should be, because there will be maximum production. Maximum production is the only way to cure inflation and to decrease prices. Secondly, the meat will come through the legitimate markets, where Federal inspection is had. It will prevent the waste of thousands of head of cattle, the loss of tankage and the various other losses of which I have spoken. Moreover, it will bring about a more wholesome respect for law than exists today because of the widespread extent of black markets. The black market in meat is the most widespread black market in commodities that I know of. The only way to kill the black market is to remove price control from meat and have a free flow of meat through the legitimate markets.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. BRIDGES. I think the Senator from Nebraska has been making a very important contribution in the light of a great pending emergency in this country in respect to the feed situation, particularly as it affects the production of meat. I have just returned from New England, where the people are facing extreme conditions. I have been told that in some instances it has been as long as 9 weeks since stores have had 1 pound of meat for their customers. In New England we have meat lines. Now we also have bread lines. I never expected to live to see the day in America when people would be fighting for meat and for bread. I never expected to live to see the day when people would be fighting with each other, tearing each other's hair in bread lines. It is due to malmanagement, and groups of governmental departments and organizations working exactly at cross purposes with each other, and with no defined policy.

Mr. WHERRY. I thank the distinguished Senator from New Hampshire for his contribution. It emphasizes that not only is this situation true in Nebraska and other Midwestern States, but that the problem is nation-wide. The bread lines and meat lines which he mentioned have also occurred in my section of the country, where we produce meat. The results are national in scope.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. WHERRY. I yield to the Senator from North Dakota.

Mr. LANGER. Last week I was in North Dakota, in the middle of the Red River Valley. As the Senator from Nebraska knows, that section is known as the bread basket of the world. We could not obtain flour or meat. I was in the town of St. Thomas, where the American Legion was having a dinner. It could not obtain bread. That is the situation in that section of the Nation.

Mr. WHERRY. I thank the distinguished Senator from North Dakota for his contribution. It shows the widespread results of the price-fixing program.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. BRIDGES. I point out to the Senator that the situation is growing so serious that people are becoming angry and desperate as they face a vital need for meat, fat products, butter, or butter substitutes in their diets. I am also informed that for the first time druggists are now facing the impossibility of procuring needed medicines, because of the lack of cattle going through the big slaughtering plants for legitimate slaughter. Many persons who are suffering from diabetes or other major diseases today cannot obtain medicines to keep themselves alive. This is the result of the black market in meat.

Mr. WHERRY. The statement made by the distinguished Senator corroborates what I said earlier in my remarks. Operators of bootleg, mushroom, nonfederally inspected packing plants which have grown up wish to hide their black-market operations. They do not even apply for the subsidy. No attempt is made to market the offal. In fact, they must hide it or they may be caught. The remarks of the distinguished Senator from New Hampshire corroborate what I say, that in addition to the loss in price, there is a loss because of the waste of the offal, containing the glands from which the medicines referred to by the distinguished Senator must come. The shortage is becoming acute.

I have received a message from South Carolina informing me that there is likely to be a wholesale break-down of law. The people are determined to have meat, and will slaughter their own cattle if necessary. When the situation reaches such a point, it is time for the Congress of the United States to assert itself. I only hope that when the OPA bill comes before us the membership of the Senate will have enough courage to take the initiative and direct the agencies downtown to get together on a program which will provide meat at prices which the people can afford to pay, and under conditions which will permit us to obtain full value from the offal from the animals which are slaughtered in our great markets.

Mr. BRIDGES. Leadership must come from somewhere. Today all the leadership in the executive departments in Washington is a bewildered, double-dealing, confused leadership which is failing to produce any really construc-

tive program which will provide either bread for every-day use, or meat, butter, or butter substitutes, which are so badly needed by our people. When other leadership falls down completely, Congress is forced to assume leadership.

Mr. WHERRY. That is correct. I thank the distinguished Senator, and I know that he would like to have me thank the distinguished Senator from North Dakota for his contribution.

The Senator from New Hampshire has referred to the confused leadership. In my judgment that expression defines the present situation in which we find ourselves. The distinguished Senator from New Hampshire has been a Member of the Senate for many years, and has provided real leadership on this side of the aisle. I wish to say to him that when the OPA bill comes before us it will be time for Congress to assert its leadership. I shall be glad to work alongside the distinguished Senator in an effort to obtain constructive relief.

EXTENSION OF SELECTIVE TRAINING AND SERVICE ACT OF 1940

The Senate resumed consideration of the bill (S. 2057) to extend the Selective Training and Service Act of 1940, as amended, until May 15, 1947, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment offered by the Senator from West Virginia [Mr. REVERCOMB] for himself and other Senators, in the nature of a substitute for Senate bill 2057.

Mr. WHERRY. Mr. President, I now turn to the pending question.

As a cosponsor of the pending amendment, along with the Senator from West Virginia, I wish to compliment the Senator not only for the provision which has been drafted, but for his position.

Briefly, there is very little difference between the pending amendment and the committee bill, with the exception of the proposal to suspend the inductions.

I am in favor of having an Army of a size necessary to meet our needs. I wish the distinguished Senator from South Dakota [Mr. GURNEY] to know that. I have served with him on the Committee on Appropriations, and have followed his guidance. He has done a remarkable job. His judgment and ability are respected on both sides of the aisle. I dislike to disagree with the able leadership of the Senator from South Dakota; but I have a deep feeling about drafting an Army, especially in peacetime. I believe that the way to obtain an Army is through the voluntary system. I have always had that conviction.

I was impressed by the answer given by certain Senators today relative to the scale of pay which we have provided for members of the volunteer Army. They feel that after a while wages will increase, and the pay which we are proposing for those who go into the Army will not be sufficient. That is further justification for the argument that we should not induct men into the Army if they cannot live in the Army at the pay which they receive. We should increase the pay in the Army to such a level that those in the Army can live upon it.

It seems to me to be a sad commentary on our present system when those who now advocate induction say that that is the best way to raise an Army, because it would cost less than if the Army were raised on a volunteer basis. The argument is that in the future, if wages increase, the present rates of pay in the Army will not be sufficient, and therefore the only way we can assure ourselves of an Army is through the draft. It seems to me that that is a sad commentary upon the way we are discharging the debt which we owe to those who died for their country, and who volunteered for the service in order to make it a career.

Last night I was at a nearby fort. I wished to talk with some of the boys who reenlisted in the Army. I talked with a top sergeant who told me that he knew of 14 men who had been mustered out of the Army who would be only too glad to reenlist if the bill providing increased pay for volunteers were enacted. That is the best kind of evidence, because it reflects the sentiments of the boys who would like to reenlist in the Army.

Mr. President, I feel that the arguments presented by the distinguished Senator from West Virginia are unanswerable. The substitute amendment gives the Army what it asks in numbers. I wish to go along with the Army in whatever estimates it makes as to its needs.

The figures given by the distinguished Senator from West Virginia clearly show that even without provision for increased pay we are ahead of schedule so far as volunteers are concerned. I believe that no one will dispute the statement that a volunteer Army of 1,500,000 would be preferable to a conscript Army of the same size. I endorse that statement without reservation.

When the pay schedule in the so-called Johnson-La Follette amendment goes into effect, those now in the service will receive increased pay, and many boys who could not afford to go into the Army, and who, as the Senator from Colorado [Mr. JOHNSON] pointed out, accept unemployment pay rather than go into the Army, will go back into the Army. I believe that there will be no difficulty in raising an Army of sufficient size. There will be a sufficient number of volunteers to constitute an Army of 1,500,000, and we can bring back all the boys who have been inducted and who have served 18 months overseas.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. LANGER. Corroborating what the distinguished Senator has said, I invite attention to the testimony of Philip La Follette, former Governor of Wisconsin, who served under General MacArthur. He testified before the committee that the pay should be at least $100 a month for a private.

I also invite attention to the statement of former Senator Bennett Champ Clark, the first commander of the American Legion. He agreed that the pay should be at least $100 a month. In my judgment, the Johnson-La Follette amendment still leaves the pay too low.

I certainly am much pleased to see the distinguished Senator from Nebraska back up this amendment so vigorously.

Mr. WHERRY. Mr. President, I thank the Senator.

Inasmuch as the Senator from Oregon [Mr. MORSE] is also very vitally interested in this measure, I should like to say to him that if the Senate had adopted the provision he introduced nearly a year ago for an increase in pay, we probably would not find ourselves now in the situation we are in. I am satisfied that if we had taken that action, we would now find the volunteers coming into the service in numbers far ahead of the schedule. It is regrettable that some of us whose opinions were different from those of the Senator from Oregon did not support that proposal for an increase in pay. I am convinced that we need a volunteer Army, and that the way to get it is to make service in the armed forces sufficiently attractive.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. MORSE. I appreciate the Senator's kind words. I wish to say that I feel we are going a long way toward setting up a volunteer Army. I regret that I cannot find myself in complete agreement with the Senator from Nebraska on the question of how best to secure a volunteer Army, but I am in agreement with him that we should put the Army on a voluntary basis as soon as possible.

Mr. WHERRY. I thank the Senator.

Mr. President, the distinguished Senator from Virginia [Mr. BYRD] has pointed out that the people of America need to be told the truth concerning the reasons why the extension of the Selective Service System is now being demanded by the administration. He made a powerful statement. To my knowledge I think it is the first time that such a concrete and forceful statement has been made relative to the proposal to extend the draft.

The reasons why the administration now is demanding that the draft system be extended are perfectly obvious. Something terrible has happened to the highly touted wartime unity of the Big Three upon which was based every promise and every hope of peace in the postwar world. Let us remember that the Axis nations have been completely destroyed and that, in spite of all the propaganda to the contrary, the neutral nations are unable to threaten another world war.

For instance, on May 22, 1946, our own State Department finally admitted that—

> The Spanish economy in itself is totally inadequate for waging war, either offensively or defensively, against a major power.

Among the remaining non-English-speaking nations we find that their cities are devastated. I saw that at first hand. We find that their people are physically exhausted. I saw that at first hand. We find that their economies are bankrupt, I think, with one exception, and that one exception is Russia.

Mr. President, let us be perfectly frank. Russia is the major reason why the present administration, I think, is demanding an extension of the selective-service law. I can draw no other conclusion from the public utterances of the most outspoken supporters of the administration's foreign policy and the

strongest friends of Russia in America. Where once there was the optimistic hope of understanding and cooperation between Russia and the western democracies, there is now only disillusionment bordering on despair.

Maj. George Fielding Eliot now admits that—

> While we thought the war was going to bring us peace and hope, it has brought us only fear and suffering.

Mr. Harold Stassen, a world-order enthusiast, now warns us that relations among the Big Three have become so strained that we must never permit the veto power to be used by Russia "to excuse an act of aggression" or to excuse the other members of the Security Council "from enforcing the solemn obligations of the Charter." I have quoted his own words.

Mr. Averell Harriman, recently retired Ambassador to the Soviet Union, now admits his disappointment and concern over Russia's flagrant violations of her pledged word.

Secretary Henry Wallace, another world-order enthusiast, recently told the American Society for Russian Relief that Russia cannot ride roughshod over eastern Europe and get away with it.

On May 10, 1946, the Washington Post, one of our great internationalist newspapers, and up until very recently one of the strongest defenders of Russia's aggression, finally admitted in an editorial that:

> We are faced today with a condition, not a theory. The condition is not that Britain and Russia are preparing for war, but that Russia will not make peace. What our angel of peace is afraid of is, bluntly, Russian aggression. Only Russia has the might and the posture (her armies in Europe are all poised for battle) to break the peace.

These men, many of whom supported the political, secret commitments throughout the war at Moscow, Teheran, Yalta, and Potsdam, and who sold the American people the philosophy of enforcing—at any price—the peace on which the United Nation's Organization is based—and I voted for it—are now confronted with the staggering prospect of enforcing the peace, against Russia. This means that the fear of Russia is the primary reason for the extension of selective service now being demanded by the present administration.

More than one Senator has said on the floor of the Senate, "We want this for insurance." It is to be insurance against what, Mr. President? Certainly the Army that General Eisenhower is asking for will number only 1,500,000 men, and we are going to get it the volunteer way if the volunteer system is given a chance.

A second reason for the demand for extension of selective service lies in the nature of the war-breeding secret commitments this administration seeks to enforce. These political commitments have torn the world in two, and have left Russia in control of conquests that outrank the greatest conquests in history. I saw it with my own eyes. The old balance of power is gone. Any hope of restoring or reviving it, on the basis of our present policies, is sheer illusion. We have left Russia, as I have said on so many other occasions, in control of the heart lands of the economic resources of both Europe and Asia, but with a minimum of their populations. On the other hand, the United States has been left with the permanent deficit economies of what is left of the rest of the world, outside of the Russian sphere.

By the atrocious Morgenthau plan for Germany, we have set in motion the forces of our own destruction. Our highest-ranking military men, both in Britain and the United States, are now aghast at the terrifying prospect which the Morgenthau plan has drawn up for the future in Europe. I saw it, and I wish to say that I commend and endorse what some of the high-ranking military men have said about a continuance of the Morgenthau plan in Europe.

At this very moment we are parties to mass deportations, mass starvation, and a suicidal destruction of the facilities for mass production of even peacetime goods, without which not only Germany and Austria but the whole of Europe are doomed to a future of unmeasurable suffering and degradation.

Mr. President, I just came from the food conference that is being held by the Small Business Committee, and I wish to state that we are going to be called upon to scrape the bottom of the barrel, not only this year and next year, but for years to come, if the Morgenthau plan is continued in operation upon the 100,000,000 people of Central Europe upon whom it is now being pressed. There is simply no chance for them to make a living or to sustain themselves under such a system.

Mr. Walter Lippmann has now admitted, upon his recent return from Germany, that:

> No one, least of all the Russians themselves, believes that the political frontier between them and the British can be stabilized where it now is.
>
> This is the reason why every statesman in Europe has it in the back of his mind as his ultimate controlling assumption that he must act as if there were going to be a war between Britain and Russia, which will involve all the other nations.

On May 21, Gen. Joseph T. McNarney, American military governor of the American zone in Germany, according to the New York Herald Tribune—

> Painted the gloomiest picture of Germany's future since the occupation began a year ago * * * The gravest note struck at his press conference was the admission that instead of economically united Germany, as called for at Potsdam. The country may solidify permanently into separate zones.

On May 31, 1946, General Marshall delivered a grim Memorial Day speech in Nanking, China.

The speech he made on that occasion has been described as follows:

> His mission to halt the development of one of the most tragic situations in history and terminate civil strife among a people who already endured 8 years of war, is being retarded by suspicion, hate, and bitterness. The general went on to warn that China was "trembling on the verge of an even greater calamity than World War II."

On May 22, 1946, Mr. Sumner Welles, after having warned the American people that a catastrophe is in the making, continued as follows:

> From Cairo to Tokyo, the eastern world is seething. All constituted authority, whether alien or national, has been gravely weakened during the past 7 years. The economic dislocations resulting from the war, culminating with the present famine, intensify the trend toward mass unrest, toward revolt, and toward eventual anarchy.

There is no question that these brutal secret agreements do not constitute the second reason for this administration demanding the extension of selective service.

The third reason for the extension of the selective service has already been admitted by the President. He intends to use the extension of selective service as a spearhead of a movement to saddle upon the American people universal peacetime conscription for the first time in our history.

I should like to answer those who say that the pending bill is not an assurance of universal conscription in the United States. That is what the extension of the draft act really means.

Mr. President, I am convinced that America now stands at the cross roads of the future. Down one road lies the inevitability of an atomic war. Down the second road lies the chance that such a war may be averted through an all-out peace offensive.

I am further convinced that the extension of selective service and the continuation of a conscript Army by the United States will lead us down the first road to an atomic war. If we put this requested power in the hands of those who have handled such power already, and they carry out our present war-breeding commitments, it will take us down the road to an atomic war.

The continuation of selective service, and, eventually, of universal military conscription, will continue to force the Army to serve as the whipping boy of the policy makers within this administration who, up to this point, have been unwilling or unable to use any other method than force for the restoration of peace.

Mr. President, the Army does not establish our foreign policy. I heard General Eisenhower, for whom I have the greatest respect, testify that the Army is told what lands must be occupied, what the policies are, and then the Army is fitted into the pattern. Our foreign policy is made in the State Department. When an order is given to occupy certain territories the head of the Army knows the number and kind of Army personnel which will be required to occupy the territories, and upon that basis he estimates the military requirements. At this moment the Army is being used as a whipping boy for policy-making circles in this Government.

Is it not significant that the policy makers of this administration have not yet made any attempt formally to end this war, or to repudiate the war-breeding commitments which are breeding even greater confusion, conflict, and suffering with every hour that passes, or to champion the return to sane, peacetime processes such as the universal abolition of conscription, and progressive multi-

lateral disarmament? The policy makers have not yet begun to direct our resources into the staggering task of rebuilding a shattered world on the basis of peacetime reconstruction. Instead, Mr. President, this administration is exerting such pressure on the War Department as to cause a complete state of confusion in Congress and in the minds of the American people, even concerning the necessity of the extension of selective service in order to meet our military requirements of 1,500,000 men by July 1, 1946, and 1,070,000 men by July 1, 1947.

For example, the Army, in attempting to carry out this administration policy, has stated that the voluntary enlistments are caused entirely, or almost entirely, by the draft. On March 28 General Hershey told the Senate Military Affairs Commitee:

> Inasmuch as the enlistments from civilian life are almost entirely made either from persons who are liable or who are about to become liable for military service under the provisions of the Selective Service Act, I am of the opinion that termination of the act will seriously affect the recruiting program.

That, Mr. President, is the kind of propaganda that has been spread. But, according to the New York Times of March 14, 1946, Maj. Gen. Edward F. Witsell, Adjutant General of the United States Army, reveals that:

> Analysis of the figures shows that most of the men are veterans. Of those enlisted, 67.07 percent served in the Army of the United States during the war; 14.23 percent had served in the Regular Army before the war; and 18.7 percent are young men, mostly 17- and 18-year-olds. (New York Times, March 14, 1946.)

In other words, not more than about 18 percent are enlisting to avoid the draft. And if the Army's statement is correct, how does the Army explain away the fact that about 53 percent of all those who enlist volunteer for a 3-year period? If they were enlisting to escape the draft or to limit their period of service, they would have volunteered either for a 1-year or 18-month term. I invite the attention of the Members of the Senate to that fact. Of all those who enlist, 53 percent do not enlist for 18 months or a shorter period; they enlist for 3 years. If we give an increase in pay to those men we will not have trouble in developing a volunteer Army for the United States.

A second example of this kind of contradiction is contained in the following analysis of the War Department's claims concerning the rate of volunteer enlistments. The War Department has stated that its volunteer rate is declining and that it therefore needs a draft. Secretary of War Patterson, in the Senate Military Affairs Committee hearings (p. 130), spoke of the declining recruiting figures. In the House hearings Secretary Patterson, on March 21, said:

> According to our best estimates we should get an average of 30,000 volunteer enlistments per month for the last 6 months of 1946 and 20,000 volunteer enlistments per month for 1947 if the Selective Service Act is not continued.

But a member of the Military Affairs Committee of the House, Representative CHARLES CLASON, on April 13 told the House of Representatives:

> As for the number that enlisted in March, there were 73,499, and there has not been any lessening in the number of persons who were trying to enlist. In other words, just as many are going to the recruiting stations, but the Army has raised the standards from 59 to 70. I am told that before the Army raised the standards only one out of seven persons was rejected; now three out of seven persons are rejected. That accounts for the apparent falling off in enlistments.

And when the Senator from Tennessee [Mr. STEWART], in the Senate hearings—page 257—asked whether the higher test was applied to draftees as well as volunteers, General Paul stated that it had not been applied to drafted men. In other words, the same tests had not been applied to drafted men which were applied to those who wished to enlist in the Army. General Paul did not add that during April the selective service standards had been lowered in order to take men previously deferred as IV–F.

Moreover, the Senator from Utah [Mr. THOMAS], in commenting on the declining volunteer rate, said to Generals Eisenhower and Paul—page 259 of Senate hearings:

> Comparative statistics are no good if you change any of the rules in regard to the statistics. * * * If, for instance, the number is changed something like 10 percent, then it is improper to come and say there is a falling off. We know that 10 percent falling off has come about as a result of your own action.

Furthermore, as of April 30, 1946, the volunteer enlistments totaled 736,590. With 1 month yet to go, the enlistments are ahead of schedule, since the War Department expected only 800,000 by July 1, 1946. If pay increases such as have already passed the House are granted to soldiers, an even higher volunteer rate is expected.

That is the guaranty, the best guaranty there is, that we will have an Army of volunteers who want to make a career, who will make the kind of an Army the military can use to the best advantage, in place of a group of inductees, many of whom are inducted as young teen-agers, who, in my opinion, should continue at school, and if they want to make the Army a career, they should go into it as volunteers, which is the traditional American way.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. WHERRY. I yield to the Senator from North Dakota.

Mr. LANGER. I wish to compliment the Senator on making one of the greatest speeches I have heard on the Senate floor during the 5½ years I have been a Member of the Senate.

Let me say to the Senator that there is no drafting in Mexico, there is no drafting in any country of South America, there is no drafting anywhere on earth so far as I can ascertain, except in England and the United States, and possibly in Russia. There is not even drafting in Canada. I certainly compliment the Senator for bringing so forcefully to the attention of the American people that we are departing from the American way of life if we pass the bill.

Mr. WHERRY. I thank the distinguished Senator from North Dakota. I very much appreciate his remarks.

In the second place, the extension of all the wartime powers implicit in the Selective Service Act seems destined to be used as a substitute for real peace principles and actions, without which war is rapidly becoming inevitable.

As an excuse for a failure to change our present suicidal policy, the extension of these war powers into every administrative office through every area of our economy, and into every home in the land, will continue the blundering evasion of the real issues we confront, and bring to a head the conflict now brewing through a sheer refusal to take a stand one way or the other.

It will affect our country. All these commitments will affect us. If it is the draft, it means taking the boys of America. If it is a commitment to the British loan, it means that we are going to make a political gift to England, and political loans to other countries, which will mean an impact upon our economy, because the taxpayers will have to pay the loan. It is not an economic loan, it is a gift, and it will have a tremendous effect on our economy.

Take any of these commitments. Take the commitment as to food we are making today. It is significant to recall that as we make these commitments, and scrape the bottom of the barrel, it is having a tremendous effect on the economy of the United States.

One has only to recall how during the war the demand was insistently made that this power and control over life and death of the American people extended to a demand for compulsory labor bills, for the extension of the draft to include nurses, and women, and all the able-bodied men in this country. I am not willing to give these forces a new lease of life in America in time of peace.

I shall oppose the committee's proposal, but shall support, as a cosponsor, to the very best of my ability, the Revercomb amendment, which I think provides the solution to the present military needs, which I am perfectly willing to supply through the volunteer system.

Furthermore, on the basis of our present international policy, the extension of these war powers in the hands of this administration would be the last step necessary to set in motion the forces which would destroy our way of life from within.

We have already surrendered congressional power to declare war. We now have nothing to say about declaring war. We have given authority in advance to the President.

We have also surrendered the greater part of our treaty-making power. I suggest to Senators that they read the minority report by the distinguished minority leader, the Senator from Maine [Mr. WHITE], which he has already filed, having to do with the St. Lawrence waterway. Read that report, because to a great extent it shows that we have surrendered the treaty-making powers of the Congress, and now are depending upon executive agreements to control the economy and the lives of the American

people. I am not willing to extend, especially in peacetime, powers which affect the very freedom of our American life, which I came to the Senate to support and to defend.

We have already surrendered the power of Congress to negotiate reciprocal trade agreements.

We are already heading into an era of governmental international pump-priming finance.

We are over our heads in food commitments, which can never be met, unless we follow Under Secretary Acheson's advice to go take our food supplies at their source. We have already taken 25 percent of the 1946 wheat crop under that theory of "go take."

I am unwilling to sanction an extension of the present war powers implicit in the Selective Service Act which would permit the savage external commitments we have already made to transform our American way of life into a totalitarian society from within. I am not ready to go that far.

Certainly the advocates of the extension of selective service cannot defend the thesis that an Army of 1,070,000 men by July 1, 1947, will back up American diplomats or American foreign policy insofar as Russia is concerned. History already reveals that when our military strength was greatest American statesmen agreed to some of the greatest political betrayals in history.

Even for the purposes of occupation of ex-enemy countries or for policing the world the peacetime draftees which would be made available to the American Army through the extension of selective service are admittedly a greater liability than asset.

On May 5, 1946, even Brig. Gen. Julius Ocha Adler, vice president and general manager of the New York Times, wrote for the Times over his signature:

> Another fairly obvious mistake was apparent in shipping to the United States zones of occupation the newest, rawest, and youngest soldiers taken in the latter draft.
>
> "They are comparative babies," General Adler said. "The few remaining combat veterans who are still in the occupied areas—the soldiers whose ages range from, say 24 to 26 or 27 years, stated this quite bluntly. They pointed out that the new drafts from the United States were too young to make a good impression on our enemies. Natives display, more or less openly, their contempt for the teen-agers who have replaced the combat-hardened men."

I do not want the position I have taken in any way interpreted as meaning that I do not recognize the seriousness of the crisis before us, or that I am maintaining we do not need an army to deal with that crisis. I do recognize it, and I have tried to point out in clear terms what the issue in this country is. I believe we do need an army, that we need to remain strong to defend ourselves and our vital interests. I shall be glad on the floor of the Senate to support such an army, and I shall support it in the Committee on Appropriations, where the support really counts. I am in favor of giving the military any sized army it needs to do the job it has to do. But I am taking the position that, for this purpose, a volunteer army is going to be far more effective, and infinitely to be preferred, over an army of conscripted men.

Maj. Gen. J. F. C. Fuller, one of England's outstanding military experts, now tells us that the time has come when "nations may now wage a war of maximum annihilation against each other without moving a man or a machine."

As another British military analyst, Capt. B. H. Liddell Hart, has said concerning the need to abolish the principle of conscription in the future military establishments of the world:

> Why don't we learn from history?
>
> Twenty-five years spent in the study of war, a study which gradually went beyond its current technique to its well-springs, changed my earlier and conventional belief in the value of conscription. It brought me to see that the compulsory principle was fundamentally inefficient, and the conscriptive method out of date—a method that clung, like the ivy, to quantitative standards in an age when the trend of warfare was becoming increasingly qualitative. For it sustained the fetish of mere numbers at a time when skill and enthusiasm were becoming ever more necessary for the effective handling of the new weapons.
>
> Conscription does not fit the conditions of modern warfare—its specialized technical equipment, mobile operations, and fluid situations. Success increasingly depends on individual initiative, which in turn springs from a sense of personal responsibility—these senses are atrophied by compulsion. Moreover, every unwilling man is a germ carrier, spreading infection to an extent altogether disproportionate to the value of the service he is forced to contribute.

One of our own recently retired military men, Brig. Gen. H. C. Holdridge has recently stated that:

> The rigidity of the Army thinking on the problem of national security is as dangerous as the Maginot Line complex was to France. If we adopt its policy of basing national security on mass armies, we will pay stupendous sums to maintain obsolete forces, and will be purchasing a delusion of national security instead of real security.

These references present another reason why we should be apprehensive about the draft. We should not use obsolete methods in our preparation for military security. Perhaps we should give greater attention to research. I voted for the research bill, I voted for the atomic energy bill. I believe we should pursue vigorously a progressive military system to defend this country, and to guard the peace.

Mr. REVERCOMB. Mr. President, will the Senator from Nebraska yield?

Mr. WHERRY. I am glad to yield.

Mr. REVERCOMB. I was called from the floor and was unable to hear all the able Senator's address. But the point has been made in the discussion that unless inductions are continued, an Army of volunteers cannot be raised. Has the Senator dwelt upon the fact that 53 percent of the 770,000 men who have already enlisted have enlisted for 3 years?

Mr. WHERRY. Yes.

Mr. REVERCOMB. And also that a large proportion of them have enlisted for 1 year?

Mr. WHERRY. Yes.

Mr. REVERCOMB. It is certain that men who enlist for 3 years do not enlist because of the draft. Is not that so?

Mr. WHERRY. That is correct.

Mr. REVERCOMB. And certainly those who enlist for 1 year, being already in the Army and not affected by the draft, would not enlist because of the draft.

Mr. WHERRY. That is correct.

Mr. REVERCOMB. I thank the Senator.

Mr. WHERRY. I thank the distinguished Senator from West Virginia.

Mr. VANDENBERG. Mr. President, will the Senator yield for a question?

Mr. WHERRY. I am happy to yield.

Mr. VANDENBERG. The Senator's remarks pose a question which is an imponderable factor to me in this situation. He has said that he is willing that the Army and Navy be given the maximum force they say they require for national security.

Mr. WHERRY. That is correct.

Mr. VANDENBERG. Suppose it is not obtained by voluntary methods. What would the Senator do?

Mr. WHERRY. It is obtainable by voluntary methods, as was demonstrated by the invincible argument presented by the distinguished Senator from West Virginia. We have raised, or will raise, 1,500,000. That has been done without any increase in pay. I am of the opinion that we can continue to raise an army by means of volunteers, and when a crisis comes men will volunteer to defend the country.

Mr. VANDENBERG. That is not the question.

Mr. WHERRY. The question the Senator is asking me is what we would do if we do not raise the number of men needed by the voluntary system. I have been contending for 20 minutes that the assurance of a sufficiently large army lies in proper pay for the men who enlist in the Army. The figures which the distinguished Senator from West Virginia has already submitted indicate that we are to have 1,500,000 men in the Army by July 1, 1946, if we do not already have them, which General Eisenhower stated is the required number. If we need more we will obtain them through increase of pay.

Mr. VANDENBERG. If I may go back to my question——

Mr. WHERRY. I yield.

Mr. VANDENBERG. I hope the Senator from West Virginia and the Senator from Nebraska are totally correct. I infinitely prefer a volunteer army. I think it is the only kind of army in peacetime which comports with the American tradition. I agree with the Senator from Nebraska that we must provide what the Army and the Navy specify as being essential. I again ask: What happens if the Senator from Nebraska and if the Senator from West Virginia are wrong and the volunteer system does not produce it?

Mr. REVERCOMB. Mr. President, will the Senator yield to me?

Mr. WHERRY. I yield.

Mr. REVERCOMB. The figures were given to the Senate, and I regret that the able Senator from Michigan was not present earlier today when they were given. I took the figures from the testimony of General Eisenhower when he appeared before the Committee on Mili-

tary Affairs, in the hearings held on January 16, 17, and 18, 1946. The first figure, I would point out to the Senator from Michigan, has to do with the overseas employment of the Army. The Chief of Staff wants for July 1, 1946, for overseas service to meet all the requirements, all the needs abroad, 794,000 men. That, as I see it, embraces both officers and men. On July 1, 1946—and this is the Army's own estimate and figure—there will be 800,000 volunteer enlisted men and 150,000 officers, a total of 950,000. In other words, every position abroad, every call by the Army—and the Army never underestimates—can be filled with volunteers.

In addition to that it is desired that seven-hundred-some-odd-thousand men be in this country. Therefore, I have said, I remind the able Senator from Michigan, that by July 1, if we would send the volunteers abroad, every place abroad could be filled with the volunteers, and every man who is abroad under drafted service could be returned to this country for service here.

But let us go to another figure. According to the Army's own figures there will be 950,000 officers and men and volunteers in the service on July 1, 1946. That figure includes 800,000 enlisted men and 150,000 officers. I may say to the able Senator from Michigan that that figure with respect to enlisted men is in my opinion low, in view of the rate at which recruits are being enlisted today, and with respect to officers, we are advised on the floor that the figure today is closer to 250,000 than it is to 150,000.

In addition to the 950,000, taking the Army's own figure, there will be 50,000 Philippine Scouts. That is the Army's figure. There is no reason why it cannot have more, but that is the Army's figure. So that represents a total of 1,000,000 men.

There have been inducted into the armed services since the 1st of January 1945, 927,874 men who, if still in the service would have been in the service 18 months. If we may take half of that figure in order to take care of casualties and reenlistments—and I think that is certainly a very broad concession—we would have in the service today 456,598 men who have not served over 18 months. That makes a grand total of 1,456,598, which I say would be the minimum on July 1, with not more than 18 months of service, and volunteers.

The Army is asking for only 1,550,000. There is a small difference there—in fact, I would say there is no difference—but, even taking that figure, why extend the induction for a year when we are obtaining volunteers at the rate even of the last figure we have of more than 40,000 a month? I may say, further, that we are reducing the Army from July 1 on, and not increasing its numbers, at the request of the War Department.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. VANDENBERG. I thank the Senator from West Virginia for his encouraging arithmetic, but I come back to my question. As I understand this bill, there will not be a man drafted if the volunteers fill the quotas. Is that not correct?

Mr. WHERRY. That is correct.

Mr. VANDENBERG. Mr. President, if the volunteers do not fill the quota, in spite of the arithmetic of the Senator from West Virginia, I ask the Senator from Nebraska, since he agrees with me that the Army must have its quota, where does the Army get the men?

Mr. WHERRY. My answer is that we can get them by recruiting under a volunteer system.

Mr. VANDENBERG. But suppose that system does not produce them?

Mr. WHERRY. I am not going to suppose that because we have not given volunteer recruiting a fair chance.

Mr. VANDENBERG. I want to give it a fair chance.

Mr. WHERRY. Then why does the military raise the points for reenlistment from 59 to 70 and at the same time reduce the points for the drafted men so low that it even takes in IV–F's?

Mr. VANDENBERG. I would not have the remotest idea why the military does that. I would not support this bill until it textually asserted that there would be no drafting except when there is a failure of the volunteer system.

Mr. WHERRY. Let us turn it around, Mr. President. Would the Senator support the bill on the theory that we can obtain enough volunteers, but if the national security requires the drafting of men, put the draft again into operation? What is the difference?

Mr. VANDENBERG. The difference is that we would then have to wait for legislation to catch up with the deficit.

Mr. WHERRY. If there is a national emergency we will not have to wait 3 minutes.

Mr. VANDENBERG. If there is a national emergency why not anticipate it?

Mr. WHERRY. If there is a national emergency more than 1,500,000 men will be needed. Reversing the figures, I will say that I think that is a proper way to proceed. The Senator is not willing to give the recruiting of volunteers for the Army a chance.

Mr. VANDENBERG. Who does the Senator mean? The Senator is not talking about the Senator from Michigan.

Mr. WHERRY. I think I am, if I understand the Senator's remarks correctly. The Senator wants to proceed and put the draft into effect.

Mr. VANDENBERG. When?

Mr. WHERRY. Immediately.

Mr. VANDENBERG. When the volunteer system fails to produce the troops that the Senator from Nebraska says he is willing for the Army to have.

Mr. WHERRY. And that is immediately.

Mr. VANDENBERG. Does the Senator mean the volunteer system has already broken down?

Mr. WHERRY. No; the draft system would proceed immediately under the Senator's theory.

Mr. VANDENBERG. Only if the volunteer system fails.

Mr. WHERRY. And the volunteer system will only fail if we cannot get enough men through volunteering. Why not obtain a volunteer Army?

Mr. VANDENBERG. I do not know.

Mr. WHERRY. Why not give the Army a chance to recruit volunteers under this bill, and then if an emergency arises and we need more men we can immediately, under the national emergency, induct all the men we want into the Army. I will say to the Senator that if an emergency arises we will not have to have selective service. Millions of men will want to volunteer. The difference is that the volunteer system is the traditional American system, and the induction system, as the Senator from Michigan may have heard me say previously, departs from the American way. I think it leads to ultimate conscription in this country, and I am opposed to it.

Mr. VANDENBERG. Mr. President, will the Senator again yield?

Mr. WHERRY. Yes; I will be glad to yield.

Mr. VANDENBERG. I should like to come back to my question.

Mr. WHERRY. I have not answered it, apparently.

Mr. VANDENBERG. I agree with everything the Senator with such vehement eloquence says about the volunteer system. I want the volunteer system to be our exclusive reliance so long as it produces the net result. The Senator and I agree, as I understand——

Mr. WHERRY. I think so.

Mr. VANDENBERG. That the Army must have whatever the minimum essential figure is.

Mr. WHERRY. Yes.

Mr. VANDENBERG. My statement is that I want no draft made of a single man unless there is a deficit as a result of the volunteering system. That certainly is not deserting the volunteer system. I have voted for maximum pay increases in order to make volunteering as attractive as possible. I want to give the volunteer system a maximum chance. But I am unable to follow the Senator as to what his answer is to my question if, after all these inducements have been put to work, if in those circumstances, despite the expectations of the Senator from Nebraska and the Senator from West Virginia, there is still a deficit. I do not see how the deficit can be filled except by a final supplemental draft from month to month to fill the quota.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. REVERCOMB. Since the able Senator from Michigan has involved the Senator from West Virginia in his inquiry I should like to——

Mr. VANDENBERG. I am sorry; the Senator from West Virginia involved himself in the inquiry of the Senator from Michigan.

Mr. REVERCOMB. I involved myself quite at length a while ago; but in the last question I think there was reference to the Senator from West Virginia, and I appreciate the opportuntity to answer. As I see it, the answer to the able Senator's question is that, first, the facts, as I tried to place them before the Senate today, assure us that there will be a volunteer Army. The Senator asks the question, Suppose there is not? If the amendment fails to work, the Congress

can immediately start inductions again. All the machinery is established, and the personnel will be maintained.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. REVERCOMB. In a moment.

It comes down to this: Shall we leave it up to the Army to decide whether or not it wishes to continue inductions in its own way, or shall Congress decide the policy as to who shall be inducted? Let me point out to the able Senator—and I say it with all respect—that the Army wants selective service. The Army likes to select the men. The Army wants to go through the country and pick out the very best men. I do not blame the Army leaders. They want the highest class Army. They are proud of their corps, and naturally so. But is the Congress to leave in their hands the making of the rules as to who shall be inducted?

I have doubted very much that the Army has gone all-out to get volunteers. I doubt it particularly in the light of the order issued on March 8, 1946. Previous to that time, men had been taken into the Army on the basis of a passing grade of 59—not only men for a peacetime army, since the fall of Japan, but the men who fought the war, and the men who constituted the Army before we got into the war. Suddenly, on March 8, the passing grade was raised from 59 to 70. That prevented many volunteers from coming in, because they fell below the passing grade. I have been assured of that in one instance by a sergeant who is engaged in the work of obtaining volunteers.

In the light of those facts, are we, who make the policies, going to establish policies which will make possible the raising of a volunteer army, or shall we leave it in the hands of those who would rather select the highest grades and make their own policies, and naturally cut down the number of volunteers for the Army? That is the whole question. Which is the wiser course?

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. WHERRY. I should like to conclude my remarks, but I yield to the Senator from California.

Mr. KNOWLAND. I should like to ask my distinguished and able colleague from West Virginia if it is not true that under the terms of his amendment a joint resolution by Congress would be required to put the selective-service features back into operation?

Mr. REVERCOMB. That is true. It would require either a joint resolution or a bill.

Mr. KNOWLAND. In the relatively short time I have been a Member of the Senate it has been my observation that legislation does not pass immediately, as suggested by my able colleagues from West Virginia and Nebraska. How is the Senator to guard against a situation in which a filibuster might be conducted against the passage of a joint resolution to put the selective service back into operation?

Mr. REVERCOMB. I can no more think of a filibuster being conducted against a proposal to increase the size of the Army for a national emergency than I can think of a filibuster in time of a declaration of war. This Congress acted in a matter of hours on the question of a declaration of war.

Mr. HAWKES. A matter of minutes.

Mr. REVERCOMB. I am told that it acted in a matter of minutes. I cannot conceive of any such delay. So far as I know, in such crises there has been no delay, and none can be supposed.

Mr. WHERRY. Mr. President, continuing my remarks, I wish to say in further answer to the distinguished Senator from Michigan that it is my humble opinion, for whatever it may be worth, that so long as men can be inducted, recruiting of volunteers will be at a disadvantage. In my judgment, with the increased pay, the Army will have no difficulty in recruiting its forces up to a size of 1,500,000. If suppositions are to be indulged in, if we should be unable to obtain them through the volunteer system—and I think we shall—if an emergency should arise there would be no difficulty about putting the selective-service machinery back into operation, so as to obtain all the men necessary for any emergency. I am making a plea not to place extensive powers in the hands of those who favor induction. If the selective service is continued, we may continue to make commitments to enforce peace throughout the world which we otherwise might not make if we depended upon a volunteer Army.

I hope that when this amendment reaches a final vote it will be interpreted in that light. It is my opinion that in granting this power we are departing from our traditional American way of life. We are placing in the hands of individuals a new power which they will use if they know that inductions can be continued. I risk the prediction that not only will the power be exercised to draft men to make an army of 1,500,000 this year; but next year and the year following there will be a demand for extension of the selective service. So I say the time has come, if we are in an era of peace, to go to a voluntary system.

As to the number of men required, I believe that we should leave it to the judgment of the military to decide what numbers are needed to carry out certain commitments and certain recommendations from the State Department. I am perfectly willing to go along to that extent.

But I wish to tell the distinguished Senator from Michigan and other Senators that I feel that extending the draft is an entirely different procedure. It is different from anything we have ever done before. I think it would be the spearhead for conscription and for added power which might be used. The system of a volunteer army is a system which we have had traditionally in this country since its birth.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. REVERCOMB. The Senator has expressed—and I think very wisely so—some apprehension as to the implications involved in this proposal. I wonder if the able Senator has before him a bill, S. 1847, which is now on the calendar of the Senate, and which reads as follows:

Be it enacted, etc., That the act of May 19, 1926 (44 Stat. pt. 2, p. 565), as amended by the act of May 14, 1935 (49 Stat. 218), be, and hereby is, amended to read as follows:

"DETAIL OF OFFICERS AND MEN TO ASSIST FOREIGN GOVERNMENTS

"The President of the United States is authorized, upon application from foreign governments, and whenever in his discretion the public interest renders such a course advisable, to detail officers and enlisted men of the United States Army, Navy, and Marine Corps, to assist such foreign governments: *Provided*, That the officers and enlisted men so detailed are authorized to accept from the government to which detailed offices and such compensation and emoluments thereunto appertaining as may be first approved by the Secretary of War, or by the Secretary of the Navy, as the case may be: *Provided further*, That such compensation may be accepted by the United States Government for remittance to the individual if in the opinion of the Secretary of War, or of the Secretary of the Navy, as the case may be, such a course appears desirable: *Provided further*, That while so detailed such officers and enlisted men shall receive in addition to the compensation and emoluments allowed them by such governments, the pay and allowances whereto entitled in the United States Army, Navy, and Marine Corps, and shall be allowed the same credit for longevity, retirement, and for all other purposes that they would receive if they were serving with the forces of the United States: *And provided further*, That in addition to or in the absence of such compensation from such governments, the officers and enlisted men so detailed shall receive such additional compensation as may be determined by the Secretary of War, or the Secretary of the Navy, as the case may be, and approved by the President."

The present law reads as follows:

540. Detail of officers and men to assist foreign governments: The President of the United States is authorized, upon application from the foreign governments concerned, and whenever in his discretion the public interests render such a course advisable, to detail officers and enlisted men of the United States Army to assist the governments of the Republics of North America, Central America, and South America and of the Republics of Cuba, Haiti, Santo Domingo, and the Commonwealth of the Philippine Islands and, during war or a declared national emergency, the governments of such other countries as the President deems it in the interest of national defense to assist, in military matters: *Provided*, That the officers and enlisted men so detailed are authorized to accept from the government to which detailed offices and such compensation and emoluments thereunto appertaining as may be first approved by the Secretary of War: *Provided further*, That while so detailed such officers and enlisted men shall receive, in addition to the compensation and emoluments allowed them by such governments, the pay and allowances whereto entitled in the United States Army and shall be allowed the same credit for longevity, retirement, and for all other purposes that they would receive if they were serving with the forces of the United States. (As amended Oct. 1, 1942, ch. 571, 56 Stat. 763.)

I doubt the wisdom of extending the draft to permit such a thing to be done.

Mr. WHERRY. I thank the distinguished Senator.

Mr. WILSON. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. WILSON. In addition to what the Senator from West Virginia has called attention to, I invite attention to the following language from the committee report on Senate bill 1847:

2. The words "to assist other countries in military matters" contained in the present law, if construed literally and exactly, would withhold from the Chief Executive the authority to send military missions to foreign countries for purposes other than direct military assistance, such as, for example, the supervision of elections or the organization of waterways. A similar wording of section 441 (a) of title 34 leads to the same possible restriction in regard to naval missions.

That statement is from a memorandum submitted by the Secretary of State. Are we going to draft our boys to do those things? If we supervise elections, I ask the Senator from Nebraska what are we going to do if a controversy exists after we have supervised an election?

Mr. WHERRY. It will be up to us to enforce our will.

Mr. WILSON. That would not be action by Congress. The President might involve us in a war.

Mr. WHERRY. I thank the distinguished Senator from Iowa.

Mr. President, I yield the floor.

Mr. BUTLER obtained the floor.

Mr. HILL. Mr. President, will the Senator yield to me?

Mr. BUTLER. I must attend a committee meeting, and I am compelled to leave the Chamber very shortly.

Mr. HILL. I understood the distinguished Senator from West Virginia to state that the War Department favored the induction of men into the Army, rather than obtaining them by the volunteer system. I rise to challenge that statement. I should like to read to the Senate the testimony of General Eisenhower, who I suppose would be the best spokesman for the Army. If the Senator from Nebraska is in a hurry to go to a committee meeting, I will read this testimony later. However, I did not want any Senator who heard the statement of the Senator from West Virginia to leave the Chamber before I had an opportunity to challenge the statement, if I correctly understood what the Senator from West Virginia said.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. BUTLER. I yield.

Mr. REVERCOMB. My statement was that regardless of the position taken by the War Department, the actions of the War Department indicated that it wanted selective service. I do not doubt for a moment the statement of General Eisenhower that he prefers a volunteer army to a drafted army. However, the action of the Army in raising the passing grade is a qualification of that statement. General Eisenhower's statement is true, so long as he can obtain volunteers with the qualifications he desires. Of course, he would prefer a volunteer army to a drafted army, but with this qualification: They must be volunteers who pass the test with a mark set by him.

Mr. HILL. Certainly, it must be an army composed of men who are fit to do the job which the Army requires to be done. We could go through the country and obtain a great many men who have been deferred, who are physically unfit—men with ruptures and other physical disabilities. The Army cannot use many of those men. General Eisenhower does not want those men, and he ought not to be required to take them.

Mr. REVERCOMB. Let me say to the able Senator that I am not speaking of men with ruptures, or men who are physically unfit. I am speaking of physically fit men, who are now required to pass the test with a mark of 70. In time of war they were required to attain a mark of only 59. In other words, the Army is saying to the young men of this country, "You were fully qualified to face the Nation's battles in time of war. We passed you as mentally qualified then. But in time of peace you must pass a higher test of qualifications." I am not speaking of the physically unfit. They do not enter into the question. I am speaking of the mental test. That is the qualification upon the volunteer system that will break it down.

Mr. BUTLER. Mr. President——

Mr. HILL. Mr. President, inasmuch as the Senator from Nebraska has but a limited amount of time at his disposal, I shall not interrupt him.

Mr. BUTLER. Mr. President, in connection with what I shall have to say with reference to the bill now under consideration, I wish it distinctly understood that I am definitely in favor of supporting an Army, a Navy, an Air Force, and all other armed services of sufficient size to fulfill all the requirements and obligations of the United States. I believe that the few points which I shall make will answer the questions which have been passing back and forth between various Senators in the past few minutes.

Mr. President, in the debate on the proposed extension of the Selective Service Act, most of the controversy seems to center around the question of how we are to secure about 200,000 additional troops, over and above those already in sight. It is obvious that volunteers will fill almost all, if not all, of our needs. The extension of the Selective Service Act is being considered only because we shall need a comparatively small number of additional troops. The amendment I propose will meet this need.

The British Government has recently announced that it plans to disband the Polish Army units that have been serving under British command since early in the war. These units, composed of about 200,000 men, under command of the Polish General Anders, played a heroic part for the cause of freedom in Tripoli, at Cassino, in the campaigns in France and Germany, and elsewhere. They are trained combat soldiers, and it would be difficult to find better troops anywhere. Although the British Government is urging them to return to Poland, it appears likely that many will be afraid to return to their homeland under its present government.

In an effort to avoid the necessity of extending the draft, I have proposed to the Secretary of War that as many of these men as possible be taken into the service of the American Army, on either a military or a civilian basis. Secretary Patterson has refused even to seriously consider the suggestion. At this point I should like to read the letter I sent to the Secretary of War and his reply:

APRIL 2, 1946.

HON. ROBERT P. PATTERSON,
Secretary of War,
Washington, D. C.

DEAR MR. SECRETARY: My attention has been drawn to news items which indicate that Great Britain intends to disband the Polish Army, Navy, and Air Force units under her control and urge their members to return to Poland.

This seems to me to be our opportunity to secure the services of many thousands of well-trained Polish troops to replace our own boys who have been discharged. Certainly we could hardly find better troops anywhere. These Polish units proved their value in the Battle of Britain, in Africa, at Cassino, in the campaigns in Germany, and in many other places. I do not know where else we could more quickly obtain 200,000 crack troops.

Of course, those who desire to return to their homeland should be given every assistance. But probably many who will be afraid to trust the safe-conduct guaranties of the present-day quisling regime in Poland, will refuse to return to Poland. The least we owe them is a reasonable alternative, in the form of a chance to serve us, particularly when we need trained troops so badly at the present time.

I realize my suggestion involves some questions of foreign policy. I am, therefore, sending a copy to Secretary of State Byrnes, with a request for his comment.

Yours very truly,

HUGH BUTLER,
United States Senator.

Mr. Patterson answered as follows, under date of April 8, 1946:

DEAR SENATOR BUTLER: This is in reply to your letter of April 2, offering the suggestion that members of the Polish armed forces in various countries be permitted to enlist in the United States Army.

I appreciate your thoughfulness in bringing this suggestion to our attention. The War Department has, however, consistently disapproved the requests of aliens to enlist in the Regular Army and such enlistment is expressly prohibited in Army Regulations. Even though many appealing cases of this nature have been brought to our attention, we have not made exceptions to this prohibition. Such exceptions are believed to be inadvisable at this time and also contrary to the intent of the amendment of the Nationality Act of 1940, contained in the Second War Powers Act, to use enlistment in the Army as a means of authorizing entry into the United States for the purpose of becoming a citizen.

As the above policies have received careful study, it is regretted that the suggestions cannot be approved.

Sincerely yours,

ROBERT P. PATTERSON,
Secretary of War.

To make the RECORD complete, I should also like to read at this point the letter I received from Secretary of State Byrnes on this subject:

MY DEAR SENATOR BUTLER: I have received a copy of the letter you wrote on April 2, 1946, to Secretary Patterson suggesting that members of the Polish armed forces abroad, which are under the control of the British military authorities, be given the opportunity to serve in the United States Army.

You are aware, I am sure, that the British Government has not undertaken to return

these men to Poland against their will. As Foreign Secretary Bevin said in the House of Commons when arrangements to disband the Polish units were announced:

"We are extremely anxious that the Polish troops should return to their own country. As for those who feel in their conscience that they cannot do it, we cannot relieve ourselves of the responsibility for them."

The Secretary of War will undoubtedly inform you of the possibility of admitting these men into the United States Army.

Sincerely yours,

JAMES F. BYRNES.

Mr. President, the reply of the Secretary of War indicates to me that he has not given serious consideration to this proposal. My suggestion would not, of course, give these Polish troops any rights to American citizenship. Furthermore, I do not insist at all that they be enrolled on a military basis. If further study indicates that their use in a strictly military status is undesirable, then I believe consideration should be given to using them as civilian police, or in some similar capacity. Certainly if a way can be found to use them, it may make unnecessary the requested peacetime draft, which so many of our people find objectionable. The War Department should at least make a serious attempt to find some means of using them, rather than to dismiss my suggestion so summarily.

Some study of the legal situation has been made at my request by the office of the legislative counsel, and I am informed that there is now nothing in the statutes that would prohibit enlisting such men, and, further, that there is nothing that would confer any citizenship rights upon them by virtue of their enlistment. So on the basis of these facts, there is no reason why the War Department could not proceed to recruit them without further authorization by the Congress.

It has occurred to me, however, that if it should be decided to take them into our service, there is no particular reason why they should receive all the rights to which our own veterans are entitled. I, therefore, propose to submit an amendment which will cover this point. I should like to have the amendment printed in the RECORD at this point, and I ask unanimous consent to have that done.

There being no objection, the amendment intended to be proposed by Mr. BUTLER was ordered to be printed in the RECORD, as follows:

At the end of the bill, add the following section:

"SEC. —. (a) The Secretary of War is authorized to enlist not to exceed 200,000 nonresident alien men in the Army of the United States for service outside of the territorial limits of the United States. All enlistments accepted under the provisions of this subsection shall be for the duration of the existing wars and 6 months thereafter, but shall be subject to termination at any time by the Secretary of War.

"(b) The President is authorized to appoint, under the joint resolution of September 22, 1941, as amended, for temporary service in the Army of the United States, such number of company grade commissioned officers as may be required to provide commissioned-officer personnel of company grades for the military units to which the men enlisted under subsection (a) may be assigned. All appointments under the provisions of this section shall be made without term, shall be terminable at any time by the President, and may be made without regard to the citizenship of the persons appointed.

"(c) Notwithstanding any other provision of law, the Secretary of War is authorized to prescribe by regulations the pay and allowances of whatever nature and kind to which the men enlisted or appointed under the provisions of this section shall be entitled. The pay and allowances so prescribed shall not exceed or be of other classes than those authorized by law for personnel of corresponding grades in the Regular Army.

"(d) Of the provisions of law of the United States conferring rights, privileges, or benefits upon any person by reason of the service of such person or any other person in the armed forces of the United States or any component thereof, only those conferring rights, privileges, or benefits upon persons during the time they are on active duty and those listed below shall be deemed to apply to persons for service pursuant to an enlistment or appointment under the provisions of this section:

"(1) The provisions of the act of March 9, 1928 (45 Stat. 251), as amended, relating to funeral expenses;

"(2) Provisions of law authorizing the payment of travel allowances upon discharge or relief from active duty;

"(3) The provisions of the act of December 17, 1919 (41 Stat. 367), as amended, authorizing the payment of a death gratuity equal to 6 months' active duty pay to the dependents of military personnel whose death occurs while on active duty;

"(4) The provisions of the Mustering-Out Payment Act of 1944 (Public Law No. 225, 78th Cong.), except that for the purpose of computing such payments all service shall be compensated for on the same basis as service wholly performed within the United States; and

"(5) The provisions of laws administered by the Veterans' Administration providing for the payment of pensions on account of service-connected disability or death:

Provided further, That the provisions of the National Service Life Insurance Act of 1940, as amended, shall not apply to persons who serve in the Army of the United States under the provisions of this section.

"(e) The Secretary of War is authorized to prescribe such regulations as may be necessary to enable him to carry out the provisions of this section."

Mr. BUTLER. Mr. President, let me take just a few minutes to explain the effect of my amendment. All that it really does is to provide appropriate legislation governing the terms of enlistment, if decision should be made to make use of the services of these men. By that, I mean that they would not receive the benefits of the GI bill of rights, the national service life insurance, pensions, or hospitalization, except for service-connected disability, and so forth. The language of the amendment follows as closely as possible that contained in the amendment offered by the Senator from Arizona [Mr. HAYDEN]. That amendment covered the rights of persons in the Philippine Scouts who are to serve us in the way that I now propose for the Polish troops. The Senator from Arizona did such a careful and thorough piece of work in delineating what rights should accrue to alien troops in our employ that it seemed unnecessary for me to study that whole issue again. So in my proposed amendment I have simply followed his thought in the matter.

In that connection let me mention the fact that in the Voluntary Recruitment Act that we passed last winter we adopted an amendment, also sponsored by the distinguished Senator from Arizona [Mr. HAYDEN], which furnishes an exact precedent for my proposal. At that time we decided to recruit 50,000 Filipinos for occupation duty in Japan, and that measure was enthusiastically agreed to by this body as a means of avoiding the drafting of an additional 50,000 American boys. The proposal I have just presented deserves consideration for exactly the same reasons that prompted us to adopt the policy of recruiting Filipinos.

It should be pointed out that this amendment is purely permissive, not mandatory. It merely authorizes; it does not authorize and direct. There may be some substantial reasons why we should not use the services of these troops, although I have not heard any, and the Secretary of War gives no reasons in this letter to me. But, even so, the amendment will not require him to adopt this proposal if, after due consideration, he should decide against it. It does give him clear-cut authority to proceed with the proposal, in case there is any doubt of his authority under present legislation; and it does provide appropriate legislation governing their pay, allowances, and rights. It is contemplated that the men recruited under the terms of this amendment would receive substantially the same pay, allowances, and other benefits that Filipino troops in our service receive.

I expect to call up the amendment at the proper time.

Before a vote is taken I should at least like to remind Senators of these facts: The draft will expire within a short time. Many of us do not want to vote to extend the draft during peacetime. On the other hand we cannot forget the commitments we have undertaken abroad. I believe we are under obligation to provide the Army with the men it says it needs, or else to prove that it does not need them. My proposal at least provides the Secretary of War with an opportunity to secure those men if, after reconsideration, he cannot find any valid excuse to refuse to take them. If, however, the Secretary of War will not take 200,000 crack troops into the service of the Army, even when they are handed to him on a silver platter, I shall be driven to the reluctant conclusion that the Army does not want additional men unless it can draft them.

Mr. WILEY. Mr. President, the gloomy pictures presented to our people in reference to the consequence of our getting into war are more than realized. Even the rabid interventionists do not feel well about the inability of the Allies to get together. There is no world harmony. World War II has not made for peace and justice. At least, it does not appear so on the horizon.

While Pearl Harbor interrupted the discussion between the interventionist and the noninterventionist, the answer as to who was right will have to await the verdict of history. Why? Because in many ways, the world has turned a corner since then. Because of invention and the ingenuity of man, the world has

grown much smaller. Every nation is just around the corner from every other nation.

With the advent of atomic energy, the rocket plane and other inventions—and there are many more on the way—the old methods in war of defense and offense have gone out the window. We need men with prescience, men with vision, as exemplified by "Billy" Mitchell. He was crucified for his foresight.

In this unsettled world, the Nation's first line of defense and offense is in its statesmen—men who comprehend the world picture, and who understand the way of nations; men who will not forget the lessons of history, and who realize that "an ounce of prevention is worth a pound of cure." That statement applies to statecraft as well as to medicine, business, and every other channel of life.

Applying it to the international situation, it means definitely seeking to understand fully the other fellow's viewpoint, calling a spade a spade, and doing everything that is necessary in order to smooth out misunderstandings among the nations.

If human nature is pretty much the same now as it was before Pearl Harbor—and I believe it is—our second line of defense and offense is in our armed forces, backed up by the brains and energy of America. However, those armed forces must be adequate to meet the pattern of today, whatever that pattern may be.

That is why we are discussing today the extension of the Selective Service Act. I presume that from now on when men are inducted into the service, the training which they will receive will be entirely different from the training they received prior to Pearl Harbor. Of course, the men who are to be inducted into the service of their country are entitled to every consideration. But if the situation is as I have already stated, it is the primary purpose of the Selective Service to see to it that our second line of defense and offense is adequate. Every male owes his country, if need be, military service. We know that if we were now to except the teen-agers from the service it would mean that those who are in the service would undoubtedly be held for an extended length of time. Many Senators are receiving telegrams from overseas containing the words "love and kisses." Those telegrams indicate quite clearly the situation with which we are confronted.

I presume that here again we have the same issue which confronted us in connection with the labor bills—the issue which has been neglected time and time again—namely, that public interest is dominant and must be served. We neglected the issue for a long time. In the pending bill we must give consideration to the dominant importance of public interest.

At first I was in doubt about voting for the Johnson-La Follette amendment which provided an increase of 50 percent in pay to the privates. The theory was that men would be induced to enlist because of the higher rate of compensation and therefore would relieve others from being drafted. Undoubtedly it will work that way. But it will also work to create a standing Army instead of a citizens' force trained like the Swiss and ready at a moment's notice at the call of country. I voted for the amendment only because, of course, at the present time we have millions of trained men who have been discharged from the Army, who in emergency would respond to a call. And there is another reason, namely, that I am hoping that under the United Nations organization we shall, in time, get this world of ours in a more understanding, cooperative, and peaceful mood. However, we shall see what we shall see.

In the meanwhile, the two lines of defense to which I have referred must get into action. Are our statesmen doing all that is necessary in bringing about understanding and harmony, and are our trained personnel in the armed forces adequately meeting the new pattern today? They must all get into action.

Mr. HILL. Mr. President, I do not wish to delay unnecessarily the business of the Senate. I realize that the Senate voted very decisively yesterday in favor of the Gurney amendment, and that it did not march up the hill yesterday only to turn around and march down the hill today. I realize that the Senate will reject the amendment of the Senator from West Virginia.

A few minutes ago I challenged the statement of the Senator from West Virginia with reference to what is alleged to be the desire of the War Department to take inductees under Selective Service rather than to depend on volunteer enlistments. I referred to the statement of General Eisenhower. I feel that he, better than any other man, can speak for the Army of the United States. I merely wish to read a few brief extracts from the testimony of General Eisenhower before the Senate Committee on Military Affairs on the date of April 8, 1946. At that time he testified in behalf of the pending bill. General Eisenhower said:

> The first, retention of selective service, is the only way our Nation can assure itself and the rest of the world that we shall not falter in our obligations; that we are not going to gamble with the commitments we make.

The general stated further:

> The Secretary of State appeared before this committee and outlined what the world situation was and how important he thought military strength was in these areas and at home. I feel there is no need of protesting again and again that the Army did not set up those jobs. We merely have to perform them.

In other words, the Army is required merely to carry out the policies and do the jobs set for it by the State Department, the Executive, and the Congress of the United States.

The general continued:

> Those commitments made at Potsdam and other places were all made in good faith. The point that concerns us is this: If you go below the strength actually needed to perform them you are very likely to run into trouble.
>
> In other words, you are asking for it. If you have trouble incited by hunger or other motives, in Japan and in Germany, and if you haven't enough people to solve the problem, then you are in grave trouble, and we will have to use many more men than if we can keep the peace in the first instance.
>
> I believe I told this committee in the closed hearing how seriously General MacArthur looks upon this problem.
>
> Now, the Selective Service Act does assure us of the necessary men to solve the problem. And again I say I would be more than happy to see the language of the extension so worded that we could not take in a single man over and above the estimates we have already given to the Congress.

We carried out the suggestion of General Eisenhower, and we have written it into the bill.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. REVERCOMB. I should like to invite the Senator's attention to the testimony which General Eisenhower gave on January 16, 17, 18, and 19, 1946, before a subcommittee of the Committee on Military Affairs, in which he gave figures and estimates with reference to the number of men needed abroad in all theaters of action. The testimony appears on page 355 of the hearings.

Mr. HILL. Mr. President, I do not wish to be discourteous to the Senator. The Senator has been over that matter and has submitted figures.

I have not read anything here about figures, and I hope the Senator will let me continue in my own way, and then when I am through, if he wants to return to the figures, he may do so. I do not wish to delay the Senate by going over the figures.

Mr. REVERCOMB. May I give one figure?

Mr. HILL. Yes.

Mr. REVERCOMB. The total number of men asked by General Eisenhower, in all theaters abroad, was 794,000.

Mr. HILL. That may be true; the Senator may be entirely correct. We have accepted the over-all figures of General Eisenhower and the War Department, and written them into the bill, and the Senator from West Virginia accepted the same figures, because the Senator from West Virginia wrote the same figures into his amendment, which is now pending. The fact is that is one place where I find sharp disagreement with the Senator from West Virginia. He accepts the figures as to the needs of the Army as declared by General Eisenhower and for the Navy as declared by Secretary Forrestal and other spokesmen for the Navy; but accepting those figures, the Senator from West Virginia in his amendment would deny an opportunity to make sure that these needs are met.

Mr. REVERCOMB. Will the Senator yield?

Mr. HILL. I yield.

Mr. REVERCOMB. In reply may I say that I do not take the position that the adoption of the amendment would create such a situation that the figures of the Army and Navy would not be met. I tried to point out this morning that the figures of the War Department—unproved, undelved into, accepted by the Committee on Military Affairs, of which I am a member and the able Senator

from Alabama is a member, accepted as given—can be met without extension of the draft.

Mr. HILL. The Senator, I know, is honest, and he is sincere. He thinks these needs can be met without extending the draft. I hope the Senator is right about it. No one would be happier to see these needs met by the volunteer system than the Senator from Alabama. But I am not willing to gamble in this matter. I am not going to take any chances. I am going to make sure that the machinery is provided whereby these needs can and will be met.

General Eisenhower continues:

Now, there has been much discussion about the numbers of men we need. That, likewise, we have calculated not only on the job, but also taking every favorable outlook we could in order to keep the figure down to the lowest possible number of men.

In other words, General Eisenhower says they have looked at the situation in the most favorable light, and looking at it in the most favorable light, they have kept their needs down in terms of the lowest possible number of men. He continues:

Anyone can see the logic of occupying forces being composed entirely of volunteers if you can possibly get them. There is no one that I know of either in or out of the Army that would rather have selective-service men than volunteers.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. REVERCOMB. The statement made there as I understand it, is that the general looks forward to the day, or desires the situation, when the occupation troops will be volunteers. He has fixed the sum total of occupation troops, as of July 1 of this year, at 794,000, and today we have more than that many volunteers, and as of July 1 of officers and men, we will have 950,000.

Mr. HILL. That may be true, but because we have 794,000 volunteers today does not mean at all that all the 794,000 volunteers are trained or prepared or ready to go and take their places in the occupying forces. That figure does not mean anything. It may mean that some of these men, although they are trained and prepared, are much more important in the work they are doing here at home than if we sent them across the seas somewhere. We have to organize the Army, not in terms of numbers or figures, but to have the right men in the right places at the right time.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. HILL. I do not wish to be discourteous, but I desire to get through, because I am anxious that a vote be taken.

The truth is, I will say to my distinguished friend, the Senate of the United States is going to answer this question, and it can answer it better and much more effectively than either the Senator from West Virginia or the Senator from Alabama, and I wish to get to the answer.

Mr. REVERCOMB. I merely wanted the Senator to yield at this point because he has raised a question, and I wanted to clarify the issue.

I may say that the number of volunteers is not 794,000, as the able Senator has stated. As of July, according to the Army's own estimate of the officers and men, it will be 950,000.

Mr. HILL. I took the 794,000 from the Senator from West Virginia, and I now accept his 950,000.

Mr. REVERCOMB. 794,000 is the number required according to General Eisenhower.

Mr. HILL. General Eisenhower continues:

What we are talking about is not gambling with commitments that we have made.

We have presented before the committee our entire record of enlistments and many questions have been raised about the accuracy of the War Department's estimates on voluntary enlistments.

Then he adds:

Our own War Department staff studies present a better estimate, a rosier picture, on this than either of the two studies that were made outside of the staff processes.

In other words, the War Department takes a broader outlook, a rosier outlook, as to the number of volunteers we will be able to get, than two other studies which have been made on this very subject.

The Senator from Wyoming [Mr. O'MAHONEY] asked General Eisenhower this question:

Your testimony and that of the Secretary of War is in agreement upon this point, that you would much prefer the volunteer to the inductee, and that you do not want to take the young men if you can get away from it?

General EISENHOWER. That is absolutely true.

Mr. President, this will appeal to the Senator from New Jersey [Mr. HAWKES] because he is a distinguished businessman, and knows what training and experience mean. General Eisenhower illustrated as follows:

In the Air Forces we have many specialties for which it takes over a year to train a man and in other services there are likewise many which require a long time for training.

You have to find other places in which to put your year and year-and-a-half man, because before you have him trained in those specialties, you have to discharge him.

Senator O'MAHONEY. The Secretary recommended very positively to this committee an increase of incentive for enlistment by increasing the pay.

General EISENHOWER. Yes, sir.

Senator O'MAHONEY. That, apparently, is a War Department policy.

Would there be any objection to the War Department making a suggestion to the committee for inclusion in any bill that may be passed provisions for increased incentive to stimulate enlistments?

General EISENHOWER. No, Senator; the Secretary of War has emphasized that very much. He is very strongly in favor of it. The only reason I haven't talked about it much is that I am talking about the military job I have to do, sir, and I can't tell any more than anyone else what this unknown factor of the 20-percent pay increase will make in our recruiting. I believe in it.

Of course, as the Senate knows, we have gone higher than the 20 percent. We have endeavored to go clear on to the maximum, so far as providing an incentive for enlistment is concerned, through increased pay to be given the men who enlist.

Mr. President, I shall not detain the Senate further. We have a very simple question before us. The bill as reported by the Senate Committee on Military Affairs, and now pending before the Senate, provides pay incentives such as we wrote into the bill last evening in an effort to do all we could, certainly from the standpoint of pay, to get as many men as possible to enlist. The bill provides that if we can get a sufficient number of volunteers, not a single man will be drafted, and that there shall be induction for service only if, when and where the required needs cannot be met by the volunteer system.

On the other hand, the amendment of the Senator from West Virginia, so far as the induction of men into the military service is concerned would absolutely kill the selective service. It would put an end to selective service so far as any induction of men is concerned. In order for there to be any further inductions, if the amendment of the Senator from West Virginia should be agreed to by the Senate and become the law, the Congress of the United States would have to start all over again and write new legislation.

I hope both Houses of Congress will shortly adjourn, not to be in session again until the third day of January next year. The question is whether before adjourning we will make provision whereby if a sufficient number of men cannot be secured by volunteering it will be possible by induction into the armed forces to meet the needs which no man questions and no man disputes. The question is whether we will put ourselves in a position whereby the Army can fulfill its task and we can meet our commitments, or whether we will go home and gamble, take a chance on the security of our country and on the peace of the world.

Mr. REVERCOMB. Mr. President, I intend my remarks to be very brief. Some points were brought out by the able Senator from Alabama to which I should like to reply. He has quoted some testimony respecting the War Department taking a rosy view of enlistments. I call attention to the testimony to show how rosy has been the view of the War Department respecting enlistments. On September 12, 1945, the Secretary of War stated that the War Department's estimate of enlistments by July 1, 1946, was 300,000, when as a matter of fact by May 1, 1946, the enlistments were 769,340. Was that a very rosy view?

In January of this year General Paul, Chief of Personnel, G–1, on the General Staff, estimated, in this very year of 1946, that the enlistments by July 1 of this year would be 650,000. Yet up to May there have been enlistments of 769,340. Was that a very rosy view of enlistments?

Mr. President, when representatives of the War Department have testified upon this question their view has certainly been very conservative throughout, and not very rosy.

I know that General Eisenhower stated before the committee, and the statement was made in my presence, that he preferred a volunteer army. That statement has never been denied. Of course, he wants a volunteer army. But he wants that army on a selective basis, and, in view of the action taken by the War

Department, I cannot help but feel that, if we leave the selective service as it is today, the Army is going to follow the course already indicated by the order of March 8 in raising their standard to select those they want, and, as General Paul said was intended to be done, to stop some volunteers from coming into the Army.

The Senator from Alabama said the adoption of our amendment would put an end to selective service. I am sure the Senator desires to be corrected with respect to that statement. It would not put an end to selective service. It would keep intact the whole selective-service machinery and the whole selective-service personnel. It would simply stop induction until the further order of the Congress. That is the duty of the Congress. The Congress has a responsibility which it should assume, and which it should not shift to some other department or to the executive side of our Government.

As to Congress adjourning and going home for the year, let me say that if any situation should arise which would require more men in the armed forces, I care not what that situation might be, certainly Congress would reconvene. It could never be so derelict in its duty to the people of the country that upon a few hours' notice it would not reconvene in Washington to meet any situation that might arise.

So, Mr. President, the whole question here is whether Congress shall assume its duty of fixing the policy with respect to the number of men and how the men should be taken into the armed forces, or whether it shall leave that policy open to administration by the War Department.

Mr. GEORGE. Mr. President, before the vote is taken I wish to make a statement. Yesterday I voted against the amendment offered by the distinguished Senator from South Dakota [Mr. GURNEY] bringing back into the selective service the so-called teen-agers, that is, men from 18 to 20 years of age. When the war was on I voted for the Selective Service Act which enabled the Government to utilize the services of these men of 18 and 19 years. But it seems to me to be altogether a different matter in peacetime and when we are selecting a peacetime Army, which is largely an army for barrack-room duty, whatever anyone may say about it.

As a matter of conscience, Mr. President, for myself, with no purpose to critcize anyone else, I could not vote and did not vote to bring into this peacetime Army men of 18 and 19 years of age.

The pending substitute amendment is an altogether different matter, as I see it. It covers men of all ages, that is, from 18 to 65, or 45, as the case may be, originally covered under the Selective Service Act, but it simply suspends the induction until there is affirmative action taken by the Congress. I do not believe that it would be wise to legislate in that manner at this time, because, much as I regret to see it, the Army has depended not wholly on a volunteer system since the ending of the war in Germany more than a year ago. I think the Army should have gone back to the theory and concept of a volunteer army as America has always known it, especially in peacetime, and I do not believe it is possible to mix the two systems, the one compulsory and the other voluntary. It will not work well and it cannot work well.

In the committee report on the pending bill I am struck with the statement that:

> Both the Army and the Navy want their forces to be made up of volunteers. They desire to have the personnel of the postwar Army and the postwar Navy composed entirely of volunteers, if possible. The people of the country at large wholeheartedly favor the volunteer system for the armed forces.

I myself subscribe to those sentiments, Mr. President. I believe wholeheartedly in a volunteer Army for all peacetime services, for all peacetime activities.

Since I voted against the amendment to include the 18- and 19-year-old young men in the Army, I wish to make a statement because I am not prepared to vote for the substitute amendment. I think the adoption of that amendment would be definitely unwise at this time, because it would serve notice upon other countries which seem to be more or less critical or hypercritical of almost everything that occurs here, that we were ready to abandon our traditional system of raising an effective Army if it were necessary to do so.

In connection with that statement, Mr. President, I wish to make another statement. I am not at all impressed by the statement made in very high places in the Government that the strength of our voice in international affairs, in world affairs, depends upon the strength of our Army and of our Navy. That has never been true of America, and it ought not now to be true, and if it is true it is a pitiable confession that we are not living up to our responsibilities as a nation.

The strength of our voice in international affairs has always depended upon our devotion to right and to justice and upon our willingness to defend what we regarded as the essential and fundamental principles which should guide all nations in their dealings with other nations. Throughout our history we have tried to subscribe to something like what Edmund Burke referred to when he spoke of that justice and sense of justice which is a standing policy of every civilized state.

Mr. President, I do not think the force and power of America depend entirely upon an Army or a Navy. They depend upon the willingness of the American people to support their deeper convictions by bringing into being an Army and a Navy when those principles are at stake. But it is a matter, as I think—although I may be "a voice crying in the wilderness"—of some concern when from high quarters in our Government we are constantly reminded that if we do not have a powerful Army and a powerful Navy we will have no voice in the affairs of this earth.

I do not subscribe to that doctrine, and I never shall. In voting against this substitute proposal I wish it definitely understood that I do not believe that 18- and 19-year-old boys should be conscripted for barrackroom duties throughout the world. I do not think it is necessary. But I do think that it would be decidedly unwise to continue upon the statute books the Selective Service Act, with a suspension of inductions under that act, if it be necessary to resort to it. I express the wish and the hope that those in charge of our armed forces, from the commander in chief down, will go back to the volunteer system of raising armies and forces for our various services, because it has been effective in the past except when we were actually facing war or in the midst of war, and it will be effective again. It will be far more effective than the constant hue and cry that we must maintain a tremendous military force upon the backs of the American people to police the world.

The American taxpayer—and by that I mean the American worker, because after all he is a taxpayer— will not for long relish the idea of doing police duty throughout the earth when he finds out how far that kind of activity is going to reduce his standards of living. Fortunately America has largely consisted of a great middle class. By that I mean the workers, the farmers, and the white-collar people about whom we have heard so much recently. People of immense wealth have constituted a mere fringe at the top; and, fortunately for us, those of extreme poverty have constituted no large part of our population. Our population has been made up largely of middle-class people—the worker, the farmer, the white-collar man, the professional man, and the teacher. Two wars in one generation have placed upon the backs of those people a tremendous burden. After a while they will be heard when they see how substantially the American standard of living is going to be lowered by constant police duty all over the earth, perchance on the theory that if we have a large Army we shall have a heavy voice in world affairs.

So, Mr. President, while I was pleased to vote against the amendment which brought the 18-year-old and 19-year-old boys back under the draft, I am equally clear in my conviction that I should vote against the pending proposal for a continuation of the draft, with those same men in it, but suspended so far as inductions are concerned until some emergency may arise.

Mr. President, I am very well aware of the doctrine which prevails in many parts of the world today. It is not very dissimilar to the old doctrine that might makes right. But we went to war against that doctrine. The Nazis were short-lived, and Japan was a short-lived nation when she openly avowed that faith. The strength of America has always been in its devotion to justice and right, in its devotion to fundamental principles, with a firm reliance upon our people themselves to respond in every great emergency to whatever the emergency called for in the way of manpower or military force.

Mr. GURNEY. Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a letter which I have received from J. W. Studebaker, Commissioner

of Education, as to the percentage of high-school graduates entering and being graduated from college, and the percentage of the total population with college training. I ask that it be printed in the RECORD so that it may be available to the conferees.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEDERAL SECURITY AGENCY,
UNITED STATES OFFICE OF EDUCATION,
Washington, D. C., May 22, 1946.

Hon. CHAN GURNEY,
United States Senate,
Washington, D. C.

DEAR MR. GURNEY: This is in reply to your recent telephone inquiry concerning the percent of high-school graduates entering and being graduated from college, and the percent of the total population with college training.

In 1942, 16.5 percent of the high-school graduates of 1938 were graduated from college—19.8 percent of the men and 13.7 percent of the women. Of the high-school graduates in 1939, 35.2 percent entered college—44.7 percent of the men and 26.8 percent of the women.

Data taken from the 1940 United States Census show that college graduates constitute 2.9 percent of the entire population, and that 7.1 percent of the population had some college training. When we consider, however, that many persons enumerated in the census are too young to have attained the college level, a comparison of the number of college-trained persons with the population 20 years of age and over seems more pertinent. On this basis 10.8 percent had some college training and 4.4 percent were college graduates.

We are pleased to furnish you with these data and hope that they will serve your purpose.

Cordially,

J. W. STUDEBAKER,
Commissioner.

Mr. GURNEY. Mr. President, if no other Senator wishes to speak at the moment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hawkes	Overton
Andrews	Hayden	Pepper
Austin	Hickenlooper	Reed
Ball	Hill	Revercomb
Barkley	Hoey	Robertson
Bridges	Huffman	Russell
Briggs	Johnson, Colo.	Saltonstall
Brooks	Johnston, S. C.	Shipstead
Buck	Knowland	Smith
Burch	La Follette	Stanfill
Bushfield	Langer	Stewart
Butler	Lucas	Taft
Capehart	McCarran	Thomas, Okla.
Capper	McClellan	Thomas, Utah
Connally	McFarland	Tobey
Cordon	McKellar	Tunnell
Donnell	McMahon	Tydings
Downey	Magnuson	Vandenberg
Eastland	Maybank	Wagner
Ellender	Mead	Walsh
Ferguson	Millikin	Wheeler
Fulbright	Mitchell	Wherry
George	Moore	White
Green	Murdock	Wiley
Guffey	Myers	Wilson
Gurney	O'Daniel	
Hart	O'Mahoney	

The PRESIDING OFFICER. Seventy-nine Senators have answered to their names. A quorum is present.

The question is on agreeing to the modified amendment offered by the Senator from West Virginia [Mr. REVERCOMB], for himself and other Senators, in the nature of a substitute for the bill.

The amendment proposed by Mr. REVERCOMB, as modified, is as follows:

Strike out all after the enacting clause and insert the following:

"That section 16 (b) of the Selective Training and Service Act of 1940, as amended, is amended by striking out 'July 1, 1946' and inserting in lieu thereof 'May 15, 1947': *Provided*, That no individual shall be inducted for training and service under such act unless the Congress by law declares that national security requires that inductions be resumed.

"SEC. 2. (a) There shall be discharged from or relieved from active duty in the military and naval forces of the United States, as rapidly as discharge facilities will permit, every member of such forces, or any component part of either, who applies therefor and who has on the date of enactment of this act one or more children to whom he bears, or would maintain, but for his service, a bona fide family relationship in his home: *Provided, however*, That the provisions of this section shall not apply to anyone who has volunteered for service in the Army or the Navy.

"(b) Section 3 (b) of the Selective Training and Service Act of 1940, as amended, is amended to read as follows:

"'(b) Each man heretofore inducted under the provisions of subsection (a) who shall have served for a training and service period of at least 18 months shall be discharged upon his written application for discharge, as rapidly as discharge facilities will permit: *Provided*, That the foregoing provision shall not apply to any person who has voluntarily enlisted for a longer period of service.'

"SEC. 3. This act shall not be deemed to affect the existing program of the Army and Navy for the discharge of men in the service on other grounds, and for other reasons not named in this act, but shall be construed as an additional ground and reason in the demobilization and discharge of servicemen from the Army and the Navy.

"SEC. 4. Any person discharged under the provisions of this act shall be given and granted an honorable discharge, unless for cause found to be not entitled to honorable discharge.

"SEC. 5. The fourth proviso of the second sentence of section 3 (a) of the Selective Training and Service Act of 1940, as amended, is amended to read as follows: *Provided further*, That on July 1, 1946, the number of men in active training or service in the Army shall not exceed 1,550,000, and that this number shall be reduced consistently month by month so that the Army's strength shall be 1,070,000 on July 1, 1947: *And provided further*, That on July 1, 1947, the number of men in active training or service in the Navy shall be 558,000 and in the Marine Corps 108,000.

"SEC. 6. (a) The first paragraph of section 9 of the Pay Readjustment Act of 1942, as amended, is hereby amended to read as follows:

"'The monthly base pay of enlisted men of the Army, Navy, Marine Corps, and Coast Guard shall be as follows: Enlisted men of the first grade, $140; enlisted men of the second grade, $118; enlisted men of the third grade, $106; enlisted men of the fourth grade, $100; enlisted men of the fifth grade, $90; enlisted men of the sixth grade, $80; and enlisted men of the seventh grade, $75. Chief petty officers under acting appointment shall be included in the first grade at a monthly base pay of $132.'

"(b) The provisions of subsection (a) of this section shall become effective on the first day of the first calendar month following its enactment, and no increase in pay for any period prior thereto shall accrue by reason of the enactment of this act.

"SEC. 7. Section 11 of the act of March 4, 1925 (43 Stat. 1274; 34 U. S. C. 701), is hereby amended to read as follows:

"'SEC. 11. That the band of the United States Marine Corps shall consist of one leader whose pay and allowances shall be those of a captain in the Marine Corps; one second leader whose pay shall be $220 per month and who shall have the allowances of a sergeant major; 10 principal musicians whose pay shall be $180 per month; 25 first-class musicians whose pay shall be $150 per month; 20 second-class musicians whose pay shall be $120 per month; and 10 third-class musicians whose pay shall be $102 per month; such musicians of the band to have the allowances of a sergeant: *Provided*, That the second leader and musicians of the band shall receive the same increases for length of service and the same enlistment allowance or gratuity for reenlisting as is now or may hereafter be provided for other enlisted men of the Marine Corps: *Provided further*, That the pay authorized herein shall apply in computing the pay of former members of the band now on the retired list and who have been retired since June 30, 1922: *Provided further*, That in the event of promotion of the second leader, or a musician of the band, to leader of the band, all service as such second leader, or as such musician of the band, or both, shall be counted in computing longevity increase in pay: *And provided further*, That hereafter during concert tours approved by the President, members of the Marine Band shall suffer no loss of allowances.'"

Mr. REVERCOMB. Mr. President, on this question I ask for the yeas and nays.

The yeas and nays were ordered; and the legislative clerk proceeded to call the roll, and Mr. AIKEN voted in the negative when his name was called.

Mr. WHERRY. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. WHERRY. The Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. GURNEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GURNEY. As I understand, we are voting on the Revercomb amendment as modified, and I understand that a vote "yea" will be in favor of adopting the amendment, and a vote "nay" will be against adoption of the amendment. Is that correct?

The PRESIDING OFFICER. That is correct. The vote is being taken on the Revercomb amendment, as modified.

The clerk will resume the call of the roll.

The legislative clerk resumed calling the roll.

Mr. BUTLER (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD]. Not knowing how he would vote, I withhold my vote.

Mr. WILSON (when his name was called). On this vote I have a pair with the junior Senator from Oregon [Mr. MORSE], who is detained on public business. If he were present he would vote "nay." If I were permitted to vote, I should vote "yea."

The roll call was concluded.

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Alabama [Mr. BANKHEAD] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senators from Idaho [Mr. GOSSETT and Mr. TAYLOR] are absent by leave of the Senate.

The Senator from Rhode Island [Mr. GERRY] is necessarily absent.

The Senator from Virginia [Mr. BYRD], the Senators from New Mexico [Mr. CHAVEZ and Mr. HATCH], and the Senator from Maryland [Mr. RADCLIFFE] are detained on public business.

The Senator from West Virginia [Mr. KILGORE] and the Senator from Montana [Mr. MURRAY] are unavoidably detained.

I also announce that if present and voting, the Senator from North Carolina [Mr. BAILEY], the Senator from New Mexico [Mr. HATCH], the Senator from West Virginia [Mr. KILGORE], and the Senator from Maryland [Mr. RADCLIFFE] would vote "nay."

Mr. WHERRY. The Senator from Maine [Mr. BREWSTER] and the Senator from Indiana [Mr. WILLIS] are necessarily absent.

The Senator from North Dakota [Mr. YOUNG] is absent by leave of the Senate.

The result was announced—yeas 14, nays 63, as follows:

YEAS—14

Brooks	Moore	Taft
Bushfield	Revercomb	Walsh
Capper	Shipstead	Wheeler
La Follette	Stanfill	Wherry
Langer	Stewart	

NAYS—63

Aiken	Gurney	Mitchell
Andrews	Hart	Murdock
Austin	Hawkes	Myers
Ball	Hayden	O'Daniel
Barkley	Hickenlooper	O'Mahoney
Bridges	Hill	Overton
Briggs	Hoey	Pepper
Buck	Huffman	Reed
Burch	Johnson, Colo.	Robertson
Capehart	Johnston, S. C.	Russell
Connally	Knowland	Saltonstall
Cordon	Lucas	Smith
Donnell	McCarran	Thomas, Okla.
Downey	McClellan	Thomas, Utah
Eastland	McFarland	Tobey
Ellender	McKellar	Tunnell
Ferguson	McMahon	Tydings
Fulbright	Magnuson	Vandenberg
George	Maybank	Wagner
Green	Mead	White
Guffey	Millikin	Wiley

NOT VOTING—19

Bailey	Chavez	Radcliffe
Bankhead	Gerry	Taylor
Bilbo	Gossett	Willis
Brewster	Hatch	Wilson
Butler	Kilgore	Young
Byrd	Morse	
Carville	Murray	

So Mr. REVERCOMB's amendment, as modified, was rejected.

NOMINATION OF SENATOR WARREN R. AUSTIN TO BE REPRESENTATIVE OF THE UNITED STATES TO THE UNITED NATIONS AND UNITED STATES REPRESENTATIVE IN THE SECURITY COUNCIL

Mr. AIKEN. Mr. President, a few minutes ago I was advised of the appointment of my distinguished colleague, the Senator from Vermont, WARREN R. AUSTIN, to be the representative of the United States of America to the United Nations, with the rank and status of ambassador extraordinary and plenipotentiary, and the representative of the United States of America in the Security Council of the United Nations.

Mr. President, I am no hand at making eulogies; but if I possessed such talent, I should certainly exercise it at this time. We in Vermont have known for many, many years of the ability of WARREN R. AUSTIN. He has represented us in this body for more than 15 years, and during that time the Congress and the entire country have come to recognize his value and worth as a public servant.

We are particularly proud that he has been appointed to this high office at this time. We know that he will be a credit to Vermont, to New England, and to the entire United States, and that through his work and influence the world will be brought nearer to that welcome day when peace shall reign among all nations.

I know that all Members of this body regret that we shall not have the opportunity of working further with him in the Senate, but we do appreciate his appointment to this, one of the most important offices in the world today. While Vermont will sustain a great loss in not having him represent her longer in the Senate, yet Vermont's loss is not only our national gain, but the gain of all nations as well. In behalf of the people of my State, and for myself, I wish publicly to congratulate our colleague, WARREN AUSTIN, on his appointment.

Mr. TOBEY. Mr. President, I rise to second the remarks of the Senator from Vermont [Mr. AIKEN] with reference to the great honor which has come to our colleague and friend, WARREN AUSTIN, in the appointment which he has received at the hands of the President of the United States.

New Hampshire adjoins Vermont. The only thing that divides us is H_2O in the form of the Connecticut River. We have much in common.

Mr. President, I have watched WARREN AUSTIN grow in the United States Senate. No man could be better fitted for the grave responsibilities which have been placed upon his shoulders than is WARREN AUSTIN. He has a passion for bringing order out of chaos in a troubled world. So I say with GEORGE AIKEN, congratulations to WARREN AUSTIN and his good wife, who has been his life's helpmate. Congratulations to the Senate, to the people of the entire country, and particularly to the people of the State of Vermont.

Mr. VANDENBERG. Mr. President, I believe the President of the United States has exercised rare judgment in his choice of a representative of the United States to the Security Council. I heartily applaud the selection of Senator AUSTIN to this desperately important responsibility in this critical hour, although I deeply regret his retirement from the Senate.

Senator AUSTIN has been loyal to the true spirit of the United Nations. He has been intimately related to the development of that great institution for international peace and security. He will faithfully sustain its objectives. I particularly like his designation because he has always emphasized his belief in the fact that the cardinal power of the United Nations lies in its use of pacific authority rather than the ultimate use of force, even though he recognizes the necessity of the final alternative of force if there be no other alternative to choose.

Mr. President, I know that the Senator from Vermont will leave the Senate with the best wishes of all his colleagues. I know that he will be a credit to his country, to the best welfare of which he will continue, as he always has, to be loyal. I congratulate him, and I congratulate America and the work of the United Nations.

Mr. SMITH. Mr. President, I rise to join in the comments which have been made relative to this appointment of our distinguished friend, the Senator from Vermont. I admit that my feelings are torn by this great honor because it will be hard for us to lose him from this distinguished body of which he has been so distinguished a Member. However, at this tragic time, and in the serious crisis through which we are passing, no person of better qualifications could have been chosen by the President of the United States to represent this country in the Security Council of the United Nations.

I wish to add my word of deep appreciation for the appointment which the President has made of a distinguished Member of our body to represent the United States on the Security Council of the United Nations.

Mr. CONNALLY. Mr. President, as chairman of the Committee on Foreign Relations, I wish to say that Senator AUSTIN has been a distinguished member of that committee for a number of years.

In the development of the United Nations Charter, the Senator was one of its early supporters. He did not wait to be argued with or convinced of the need for the Charter. He was already convinced of the utility of international cooperation in behalf of all the people.

I regard it as a fortunate circumstance that he has found himself able to accept the high responsibility which the President has placed upon him. It will give him an opportunity to render great service to the world and, in particular, honor and service to the people of the United States. I wish for him a successful career. I know that all of his efforts will be devoted to securing world peace, world security, and world harmony and cooperation. I regret, of course, that he will leave the Senate and the committee over which I have had the honor to preside for several years. I wish him the best of good things in the future. In the discharge of his duties as a member of the committee, he has brought to the aid of his colleagues his great legal knowledge and a wide public outlook. I congratulate him and wish him well in his future career.

Mr. WALSH. Mr. President, I desire to be counted with my colleagues in extending heartiest congratulations to Senator AUSTIN for the distinguished honor which has come to him, and the opportunity it will afford him to render a type of public service which will be perhaps more important than any which

he has had the opportunity of rendering up to the present moment.

Senator AUSTIN has been an outstanding Member of this body. Few, if any, could have matched his industry, his ability, his sense of justice, and his application to the senatorial duties which have devolved upon him. He has made an outstanding record as a Senator from New England, and we are all proud of him, regardless of party affiliations. I am sure that with his training and background, his experience, his learning, and his ability, he will give a magnificent account of himself in the high office to which he has been called.

Senator AUSTIN, on behalf of my colleague and the people of Massachusetts, your neighboring people, I extend heartiest congratulations and best wishes for a most successful and honorable career in the new duties to which you have been called.

Mr. WHITE. Mr. President, when I think of the political history of the State of Vermont, four names crowd themselves to my mind. I speak of them without disparagement of other distinguished men who have served that State in the Nation's Capital, and brought distinction to themselves and to their constituents.

During the days of the Civil War, Judge Jacob Collamer, of Vermont, represented that State in this body. He was said at that time to be the finest lawyer in the Senate of the United States. He served as a United States Senator, as a Member of the National House of Representatives, and was Postmaster General in the Cabinet of the President of the United States.

Mr. President, another name occurs to me, that of Justin S. Morrill, of Vermont, He served in the National House of Representatives, and in this body. His services in both Houses extended over a span of more than 43 years, one of the longest, if not the longest, spans of continuous service in the two Houses of Congress in the history of our Nation. He was the author of the Tariff Act of 1861 known as the Morrill Act.

Another great name given to the Nation by the State of Vermont was that of George F. Edmunds. He served in the National House of Representatives and in the Senate of the United States. He was, for a time, President pro tempore of this body. He served on the electoral commission and heard the disputed election case of 1876.

Those were three great names.

Mr. President, the fourth name deserving to stand along with the ones I have mentioned is that of our colleague, WARREN AUSTIN. He is learned in the law, and a seeker always of the truth. By his eminent service, his industry, and his rare ability, he has contributed to the clarification of many important issues. He has also rendered to his State and Nation highly important service.

Mr. President, I congratulate him for the appointment which has come to him. I wish for him every good thing in his new field, but I cannot refrain from expressing deepest personal regret in the real sense of loss which comes to us during these trying days in his departure from the Senate of the United States.

Mr. O'MAHONEY. Mr. President, I cannot refrain from adding another word of tribute to the character of WARREN AUSTIN. I can think of no person better fitted for the grave and arduous duties which he is about to assume than is he.

For more than 12 years I have had the opportunity of serving with Senator AUSTIN on several committees of the Senate. I have never known him to falter in any issue that was presented.

The task to which he goes is great, but if character and ability and courage and real Americanism can accomplish the task, Senator AUSTIN will succeed.

Mr. THOMAS of Utah. Mr. President, it would not be right for me, as chairman of the Committee on Military Affairs, to keep my seat at such a time as this. Senator AUSTIN and I have served on this committee together for 14 years, and have stood shoulder to shoulder more than once in supporting measures which have become exceedingly constructive legislation in the evolution of our country.

We have served together on the Committee on Foreign Relations for some time, and worked side by side in handling what now has become recognized international law of a positive sort.

If I should try to describe Senator AUSTIN as a statesman, I would say that from every standpoint his actions and his work would be connected with the word "constructive." If there ever was a constructive statesman in the United States, a man of foresight and understanding, and the ability to put his foresight and understanding into workable language, Senator AUSTIN is that man.

At this time what we need in international relations is a man who has faith in the ability of the people of the world to use reason and law in place of force. In order to bring that about, constructive statesmanship of the first order is needed. I am sure that the President of the United States has made no mistake in his appointment.

Mr. BARKLEY. Mr. President, in 1792 there was a friendly rivalry between Vermont and Kentucky as to which should become the fourteenth State of the Union. By a considerable amount of brain work and some foot work Vermont nosed out Kentucky, as Assault nosed out Lord Boswell in a recent horse race. Since then there has never been any rivalry between the two States except a friendly rivalry, but there has always been a very affectionate association between Vermont and the State of Kentucky.

I am sure that no one here regrets more deeply than do I the loss of the service of Senator AUSTIN as a Member of this body. He has been and is one of the most industrious, fair, sound, level-headed men on either side of the senatorial middle aisle, and he possesses a high degree of thorough understanding of the ethics of public service, not only here, but in any other capacity in which he might serve the American people.

The President could not have made a wiser choice or selected a man whose service would add greater dignity to or confidence in the United Nations than in the appointment of Senator AUSTIN.

I have no right to assume who his successor in the Senate may be when the time comes for the selection, but I would hope, and I am sure I am not guilty of any impropriety in expressing the hope, that whoever his successor may be, he may approach the high standard of moral and intellectual service, with all the courage and all the inner consciousness of rectitude, which have characterized the services of Senator AUSTIN.

I join the other Members of the Senate in congratulating him, and I join them in regretting his departure from this body.

Mr. HILL. Mr. President, I wish to join in the tributes which have been paid to our friend, WARREN AUSTIN. For the past 8 years it has been my good fortune to sit with him as a member of the Senate Committee on Military Affairs. Since 1940 continuously through the war, and up to this date, that committee has had before it many momentous, far-reaching questions. WARREN AUSTIN has always been at his post of duty in the committee, contributing his great ability, his fine understanding, and his unyielding devotion.

He has indeed, Mr. President, been a towering figure of strength in the committee and in its work. He has made many contributions to the work of the committee, to the work of the Senate, to the work of the Congress, in the fighting and in the winning of the war.

I, for one, shall sorely miss him, his wise counsel, and his fine, lofty spirit of service. I rejoice that our country is to be represented on the United Nations Council by such a man. I congratulate him, I congratulate the country, I congratulate the United Nations.

Mr. WILEY. Mr. President, WARREN AUSTIN, our friend and associate, a man of high character, ability, and great experience, has been called by the President to represent this Nation on the Security Council. He will bring to the Council vision and understanding. His background as lawyer, businessman, Senator, student of international affairs and law, especially qualify him for this great position.

Mr. President, the Senate will not seem the same to me after our associate has departed for the Security Council. For a number of years now I have sat to his immediate right in the Senate.

I remember when I came to the Senate about 7½ years ago and first met him. I had heard a great deal about WARREN AUSTIN. I found him friendly, congenial, a man who always had his feet on the ground, and never mentally unpoised. While we did not always vote alike, he has always been considerate and helpful. All through the years as I sat here I found him cooperative, kindly, and, what is more, he always gave me a sense of strength. So, Mr. President, I think he will be a source of strength to the Security Council.

A few nights ago, when it was announced in the newspapers that Mr. Stettinius had resigned, I sat back in my chair and thought over who might take his place, and immediately the name of WARREN AUSTIN came to my mind. Now he has been appointed. He knows history. He knows people. He has "what it takes" for the performance of his duties in this high office.

Mr. President, I am happy for Senator AUSTIN, because this appointment presents great challenges and I know he will prove adequate. I believe he will strengthen the Security Council by being the representative of this Government on it, and at this time, when the world is in the chaotic condition in which it finds itself, men of Vermont character are needed. Vermont is the old Granite State. We need men who have convictions, men who have judgment, and men who stand by their judgment. Such a man is WARREN AUSTIN.

I congratulate the United Nations, Mr. President, for having the services of this man.

Mr. AUSTIN. Mr. President and my generous colleagues, I accept your remarkable friendship, and I reciprocate the sentiments which you have so lavishly expressed to me. It would be trite for me to attempt to express in words my gratitude to you, and I need not say that it tears my heartstrings to leave the Senate of the United States. There are at least 95 golden threads which will always be pulling me toward the very dear friends with whom I have had the honor to associate in this great deliberative body.

I need not say that my life is enriched by these expressions from you of your confidence in me, and as this opportunity comes to me to serve further a cause to which I have been entirely devoted, you give me strength. I am sure you increase whatever power I may have by way of persuasion, or leadership perhaps, to help in the attainment of such a condition in the world that peace will prevail because of the interest of all the great and small nations of the earth in seeing to it that never again shall war be employed as a means of determining international controversies and disputes.

Mr. President, I realize the responsibility I am assuming; I have some idea of the difficulties that are about to confront me; but I assure you that I go with such determination to work for the cause and such will to throw everything I have and that God may give me in the future into that cause that I fear it not. When my associates, companions, and friends come to me and say, "Awful glad that you have this appointment if you want it," I say, "I want it." It is like a divine dispensation that I should have at this time in my life and experience the opportunity to serve my country and serve mankind in this special way.

EXTENSION OF SELECTIVE TRAINING AND SERVICE ACT OF 1940

The Senate resumed consideration of the bill (S. 2057) to extend the Selective Training and Service Act of 1940, as amended, until May 15, 1947, and for other purposes.

The PRESIDENT pro tempore. The bill is open to further amendment.

Mr. GURNEY. Mr. President, I believe it was the intention of the Senator from Nebraska [Mr. BUTLER] to offer an amendment. I do not see him on the floor. I am told he has withdrawn the amendment.

Therefore, Mr. President, I ask unanimous consent that the Senate proceed to consideration of House bill 6064 and that the Senate bill, as it is now perfected, be substituted for it, and that the House bill be passed in that form.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H. R. 6064) to extend the Selective Training and Service Act of 1940, as amended, and for other purposes.

Mr. GURNEY. I ask unanimous consent that all after the enacting clause of the House bill be stricken out and that the language of the Senate bill as perfected be substituted therefor.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the House language will be stricken, and the Senate language substituted therefor.

The question is on the engrossment of the amendment, and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. GURNEY. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. BUTLER (when his name was called). On this vote I have a pair with the senior Senator from Alabama [Mr. BANKHEAD]. Not knowing how he would vote on this question, I withhold my vote.

Mr. BURCH (when Mr. BYRD's name was called). The senior Senator from Virginia [Mr. BYRD] is detained on official public business. If present he would vote "yea." He has a pair on this question with the Senator from Mississippi [Mr. BILBO], who, if present, would vote "nay."

The roll call was concluded.

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Alabama [Mr. BANKHEAD] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senators from Idaho [Mr. GOSSETT and Mr. TAYLOR] are absent by leave of the Senate.

The Senator from Rhode Island [Mr. GERRY] is necessarily absent.

The Senator from Virginia [Mr. BYRD], the Senators from New Mexico [Mr. CHAVEZ and Mr. HATCH], and the Senator from Maryland [Mr. RADCLIFFE] are detained on public business.

The Senator from West Virginia [Mr. KILGORE] and the Senator from Montana [Mr. MURRAY] are unavoidably detained.

I also announce that if present and voting, the Senator from North Carolina [Mr. BAILEY], the Senator from Nevada [Mr. CARVILLE], the Senator from Rhode Island [Mr. GERRY], the Senator from New Mexico [Mr. HATCH], the Senator from West Virginia [Mr. KILGORE], and the Senator from Maryland [Mr. RADCLIFFE] would vote "yea."

Mr. WHERRY. The Senator from Maine [Mr. BREWSTER] is necessarily absent.

The Senator from North Dakota [Mr. YOUNG] is absent by leave of the Senate.

The Senator from Kentucky [Mr. STANFILL] is unavoidably detained. If present he would vote "yea."

The Senator from Indiana [Mr. WILLIS], who would vote "nay," is paired on this question with the Senator from Oregon [Mr. MORSE], who would vote "yea."

The result was announced—yeas 68, nays 9, as follows:

YEAS—68

Aiken	Gurney	Murdock
Andrews	Hart	Myers
Austin	Hawkes	O'Daniel
Ball	Hayden	O'Mahoney
Barkley	Hickenlooper	Overton
Bridges	Hill	Pepper
Briggs	Hoey	Reed
Brooks	Huffman	Robertson
Buck	Johnson, Colo.	Russell
Burch	Johnston, S. C.	Saltonstall
Bushfield	Knowland	Smith
Capehart	La Follette	Taft
Connally	Lucas	Thomas, Utah
Cordon	McCarran	Tobey
Donnell	McClellan	Tunnell
Downey	McFarland	Tydings
Eastland	McKellar	Vandenberg
Ellender	McMahon	Wagner
Ferguson	Magnuson	Wheeler
Fulbright	Maybank	White
George	Mead	Wiley
Green	Millikin	Wilson
Guffey	Mitchell	

NAYS—9

Capper	Revercomb	Thomas, Okla.
Langer	Shipstead	Walsh
Moore	Stewart	Wherry

NOT VOTING—19

Bailey	Chavez	Radcliffe
Bankhead	Gerry	Stanfill
Bilbo	Gossett	Taylor
Brewster	Hatch	Willis
Butler	Kilgore	Young
Byrd	Morse	
Carville	Murray	

So the bill (H. R. 6064) was passed.

Mr. GURNEY. Mr. President, as one member of the Committee on Military Affairs which reported this bill to the Senate, and speaking for all its members, I wish to say that we appreciate the support given the measure, and we thank the members of the Senate for that support.

I now ask unanimous consent that House bill 6064 be printed, showing the Senate amendment.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GURNEY. I move that the Senate insist upon its amendment, request a conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. THOMAS of Utah, Mr. JOHNSON of Colorado, Mr. HILL, Mr. DOWNEY, Mr. AUSTIN, Mr. BRIDGES, and Mr. GURNEY conferees on the part of the Senate.

The PRESIDENT pro tempore. Without objection, Senate bill 2057 will be indefinitely postponed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its reading clerks, announced that the House had severally agreed to the amendment of the Senate to the following bills of the House:

H. R. 1538. An act for the relief of Robert J. Cramer;

H. R. 3094. An act conferring jurisdiction upon the Court of Claims of the United

States to consider and render judgment on the claim of the Zephyr Aircraft Corp. against the United States;

H. R. 3641. An act for the relief of M. Martin Turpanjian;

H. R. 3967. An act for the relief of Ahto Walter, Lucy Walter, and the legal guardian of Teddy Walter, a minor; and

H. R. 4400. An act for the relief of Nolan V. Curry, individually, and as guardian of his minor son, Hershel Dean Curry.

The message also announced that the House had severally agreed to the amendments of the Senate to the following bills of the House:

H. R. 210. An act for the relief of Jackson Williams, Mrs. Lora Sally Williams, the legal guardian of Garry E. Williams, a minor, and the legal guardian of James Williams, a minor;

H. R. 3018. An act for the relief of R. Fred Baker and Crystal R. Stribling;

H. R. 3100. An act for the relief of the legal guardian of Rolland Lee Frank, a minor;

H. R. 3781. An act for the relief of Mabel M. Fischer; and

H. R. 5407. An act to grant the Federal Works Administrator certain powers with respect to site acquisition, building construction, purchase of buildings, and other matters.

The message further announced that the House had severally agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the following bills of the House:

H. R. 874. An act for the relief of L. Wilmoth Hodges;

H. R. 941. An act for the relief of Mrs. C. A. Lee, administratrix of the estate of Ross Lee, deceased;

H. R. 2223. An act for the relief of Catherine Bode; and

H. R. 3808. An act for the relief of the estate of William N. Therriault and Millicent Therriault.

LEAVES OF ABSENCE

Mr. LANGER. Mr. President, I ask unanimous consent to be excused from the Senate until the 26th of June.

The PRESIDENT pro tempore. Without objection, leave is granted.

Mr. HART. Mr. President, I ask unanimous consent to be absent from the Senate for the remainder of the sessions this week.

The PRESIDENT pro tempore. Without objection, leave is granted.

Mr. SALTONSTALL. Mr. President, I ask unanimous consent to be absent from the session of the Senate tomorrow.

The PRESIDENT pro tempore. Without objection, leave is granted.

Mr. SHIPSTEAD. Mr. President, I ask unanimous consent for permission to be absent from the Senate for 10 days.

The PRESIDENT pro tempore. Without objection, leave is granted.

Mr. TOBEY. Mr. President, I ask unanimous consent to be absent from the Senate on official business from Friday until next Wednesday.

The PRESIDENT pro tempore. Without objection, leave is granted.

ORGANIZATION OF CONGRESS

Mr. LA FOLLETTE. Mr. President, I move that the Senate proceed to the consideration of Senate bill 2177, Calendar No. 1427.

The PRESIDENT pro tempore. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (S. 2177) to provide for increased efficiency in the legislative branch of the Government.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Wisconsin.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Special Committee on the Organization of Congress, with amendments.

Mr. LA FOLLETTE. Mr. President, the bill which is now the unfinished business of the Senate is the end product of more than a year of study, hearings, and deliberations conducted by the Joint Committee on the Organization of Congress created pursuant to House Concurrent Resolution 18. The committee was created in response to a widespread congressional and public belief that a grave constitutional crisis exists in which the fate of representative government itself is at stake.

Public affairs are now handled by a host of administrative agencies headed by nonelected officials, with only casual oversight by Congress.

The committee held 39 public hearings and 4 executive sessions between March 13 and June 29, 1945. The testimony of 102 witnesses was taken, 45 of whom were Members of the Congress. In addition, 37 Members and many interested private citizens submitted written statements. A review of all the testimony received reveals a wide area of agreement among the witnesses with respect both to the conditions which handicap Congress in the efficient performance of its proper functions and with respect to appropriate remedies for those defects.

The joint committee submitted its report on March 4, 1946. On May 13 I introduced Senate bill 2177, which was referred to the Special Committee on the Organization of Congress, created by a special resolution of the Senate to consider the recommendations of the joint committee. The measure to all intents and purposes, and with a few very minor exceptions, incorporates the recommendations contained in the report of the joint committee to which I have referred.

One group of proposals contained in the measure deals with the strengthening of the policy-making functions of the Congress. Because of the volume and the specialized character of the work with which both branches of the Congress must now deal, we have logically delegated to the standing committees of the Senate the initial work of policy making in connection with those measures. Those committees have had a long, distinguished, and useful history since the Senate was first organized. There have been several major and minor reorganizations of the congressional committee system through the years, as new problems have arisen and old problems have disappeared. The system, however, has not been revamped to meet modern conditions, since 1921.

It is my opinion and that of all members of the joint committee, as well as the special committee, that the time has come when we must make a thoroughgoing reorganization of the committee structure of the Senate. I have served in this body for more than 20 years. I have seen the growth in complexity of our problems, both domestic and foreign, until today we find ourselves confronted with a tidal wave of intricate and difficult problems affecting both foreign and domestic issues, which makes it impossible under our present multiplicity of committees, with overlapping jurisdictions, and the multiplicity of service by Senators upon those committees, to discharge our enormous tasks adequately under present circumstances.

Today there are more than twice as many committees in the Senate as there are principal divisions of public policy. Responsibility for legislative action is scattered among 33 standing committees. Under the present system, as I see it, there is no way to coordinate the activities of those 33 committees.

To remedy this situation the pending measure proposes to simplify the committee structure and, insofar as practical, to correlate it with the departments and agencies of the Federal Government. It has not been possible, I should state very frankly, to secure a complete coordination of the 16 standing committees which are proposed in this measure with the departments of government; but insofar as that has been practicable, a sincere effort has been made in that direction.

Senators will find on page 3 of the report a list of the committees proposed in this measure, together with the committees which are proposed to be abolished and absorbed by the 16 new reorganized committees. I shall name them for the RECORD. The 16 new committees are Agriculture and Forestry, Appropriations, Armed Services, Banking and Currency, Civil Service, District of Columbia, Expenditures in Executive Departments, Finance, Foreign Relations, Interstate and Foreign Commerce, Judiciary, Labor and Public Welfare, Public Lands, Public Works, Rules and Administration, and Veterans' Affairs.

Mr. President, I think every Senator realizes that the burden of committee work upon Senators is especially onerous in this body. At present the combined membership of all the standing committees in the Senate is 481, and of the 11 major committees is 220.

In addition, there are now 10 special committees of the Senate with a total membership of 87. Altogether the 96 Members of this body occupy 568 seats on its standing and special committees, or an average of 6 committee places for each Senator.

In the House of Representatives, as Senators will recall, there are several exclusive committees, so-called; and according to practice, a Member of the House of Representatives serving on an exclusive committee may not serve on any other major committee of the House of Representatives.

But today in the Senate no Senator serves on less than three committees. In fact, 1 Senator sits on 10 committees,

and many serve on 7, 8, or 9. In short, under our present structure the burden of committee work has become almost unbearable.

I do not say this in any sense of criticism, but I am sure that many other Senators have had the same experience I have had in finding it impossible to attend all the sessions of all the committees upon which we serve. Hardly a day goes by in any week that I do not find on my desk two or three or sometimes four notices of committee meetings, all being held at the same time on the same day. Obviously, under such circumstances it is impossible for Senators to attend all their committee meetings and to follow through on the consideration of legislative measures before the committees in such a way as would be desirable not only from the standpoint of the Members of the Senate themselves, but also from the standpoint of the work and service which they could render to the Senate, to their constituencies, and to the country. If we simplify the committee system and make it possible for them to give more continuous and exclusive attention to the committees upon which they serve, this condition will be corrected.

Mr. President, in this measure we have proposed for the first time in the history of the rules of the Senate to define the jurisdiction of the reorganized committees. Under the practice of the Senate, the jurisdiction of committees has grown up in part as a result of their names and in part because of the general field of legislation which they normally would cover. Committees have also acquired jurisdiction simply because they have had the power to initiate a particular piece of legislation, especially in a new field. As a result of this practice, the jurisdictional lines between our committees are confused not only because they overlap, but also because of the practice of having jurisdiction attach to a particular committee if by chance it may have considered original legislation in some new field. Through the years, as the activities of the Federal Government have grown in scope and complexity, the result has been, naturally, to complicate an already complicated situation insofar as jurisdictional conflicts between the present committees are concerned.

It is in the hope of simplifying that situation and, insofar as possible, of anticipating and avoiding future conflicts of jurisdiction that we have attempted in this measure to spell out the jurisdiction of the standing committees which we propose. After many years of observation and after several years of intensive study, I am convinced that the reorganization of the committee structure of the Senate is the keystone of the arch of improving the efficiency of this body in discharging its tremendous legislative responsibilities in the modern world.

Having proposed the best plan we could find after long study, and assuming the reorganization of the committees, we then propose to improve the staff facilities of the committees in order to enable them better to discharge their responsibility in the field of their jurisdiction. For that purpose, the measure provides for the appointment to each committee of four experts in its subject-matter field. The bill recommends that the experts, when appointed, shall be certified as well qualified for their work and shall have tenure of office on good behavior and satisfactory performance of their duties. Furthermore, Mr. President, we propose that the Appropriations Committee shall have four staff experts for each one of its standing subcommittees, because of the enormous work load they carry.

Having proposed to strengthen the staff facilities available to the committees, the measure also proposes to increase the staff and the services of the Legislative Reference Service of the Library of Congress, in order that it may provide additional aid to the committees when they are in periods of peak operation and activity, as well as to provide increased research facilities and service to the individual members of the House and Senate.

In order to help relieve the Members of Congress of the tremendously increased load which has come upon them as a result of the broadened activities of the Federal Government, we are also proposing in this measure, Mr. President, the appointment in the office of each Senator and each Member of the House of Representatives of a high-caliber administrative assistant to perform nonlegislative duties and departmental work, insofar as possible, of the Members of the Congress, and to give them, therefore, more time for the study and consideration of national legislation.

Senate bill 2177 also provides for improving the policy-determining machinery of the Congress by regularizing committee procedure as regards hearings, meetings, and records. It would expedite the reporting and would clarify the understanding of measures submitted to the Senate from committees. We define the powers of committees and we deny to the committees permission to sit while the Senate or House is in session, except by special permission, with the exception of the Committee on Rules, of the House of Representatives.

We also propose to strengthen the rule insofar as conference committees are concerned, in an effort to confine them to matters in disagreement between the two Houses, and we propose the outlawing of legislative riders on appropriation bills.

With a view to crystallizing the determination of party policy on major issues and to strengthen party government as an offset to organized pressure groups, we provide in this measure for the establishment of majority and minority policy committees in each House of Congress. Each of these four policy committees would be chosen at the beginning of each new Congress by the respective majority and minority conferences of the two Houses. They would consist of seven members each.

It has been evident to all those interested in and concerned about efficient Government, that because of the separation of powers in our Constitution the gap between the executive and the legislative arms of the Government has been growing and widening throughout the years. The Joint Committee on the Organization of Congress, and the special Senate committee, recognized this situation and made a proposal contained in the pending measure which we believe will go a long way toward bridging the gap between the legislative and executive arms of the Government. We are proposing the creation of a Joint Legislative-Executive Council to consist of the majority policy committees in both Houses, and of the President and members of his Cabinet, or such of them as he may wish to designate to serve on the Joint Legislative-Executive Council.

I am convinced, Mr. President, that if this proposal becomes law and is put into effect, it will go far in helping to mitigate the periodic deadlocks which occur between the Executive and the Congress, and which have caused dangerous crises in the conduct of the Federal Government. I believe that such a council would tend to strengthen coordination and cooperation between the two branches. Naturally no institutional procedure can be found to bridge the gap to which I refer unless there is a willingness and good will on both sides of it. But in recent years we have seen that much may be accomplished by even an informal arrangement which brings together the executive branch of the Government and the policy-making committees of the Senate. I refer, of course, to the experience of the subcommittee of the Senate Committee on Foreign Relations which met initially at the invitation of former Secretary of State Hull to consider the Dumbarton Oaks proposal.

Not only the Senators who served on that subcommittee, but, I believe, all other Senators have full knowledge of the important function that cooperative relationship between the Secretary of State and the Foreign Relations Committee performed in helping to work out initially the proposal which was submitted at Dumbarton Oaks and subsequently in the almost unanimous ratification of the United Nations Charter. I am happy to say that that informal cooperation, if I may term it such, progressed further as a result of the action of the Secretary of State in taking the distinguished Senator from Texas, the chairman of the Foreign Relations Committee [Mr. CONNALLY], and the distinguished Senator from Michigan [Mr. VANDENBERG], of the same committee, with him to Paris as his advisers at the Paris meeting of the Council of Foreign Ministers; and he will take them with him again when the Council reconvenes on the 15th of the present month.

Mr. President, what I envision in a joint legislative-executive council is the opportunity for coordination and collaboration in many of the fields of domestic as well as foreign policy. Not that the policy committees would be drawn into the administration of the law, which is an executive responsibility, but consultation with the congressional policy committees by the Executive and his Cabinet during the formulative stage of legislation would make for more harmonious relations.

We likewise suggest that in connection with matters of foreign policy and other issues of high national importance, the minority policy committees might be drawn in for consultation by the joint legislative-executive council.

Mr. President, I suggest to the majority leader that perhaps, in view of the late session of the Senate last evening, we should recess now. Tomorrow I shall attempt to summarize the other principal provisions of the bill. I wonder if the Senator from Kentucky believes that we could meet at 11 o'clock tomorrow?

Mr. BARKLEY. Yes; definitely.

Mr. LA FOLLETTE. I would appreciate it very much if the Senate would meet at that time.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. HAYDEN in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable report of a nomination was submitted:

By Mr. CONNALLY, from the Committee on Foreign Relations:

Harry J. Anslinger, of Pennsylvania, to be the United States representative in the Commission on Narcotic Drugs of the Economic and Social Council of the United Nations.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

NOMINATION PASSED OVER—DEPARTMENT OF STATE

The legislative clerk read the nomination of Charles Fahy to be legal adviser of the Department of State.

Mr. BARKLEY. Mr. President, the nomination will have to be passed over once more on account of the absence of the Senator who is interested in it. I hope to dispose of it without unnecessary delay.

FOREIGN SERVICE

The legislative clerk read the nomination of Charles Ulrick Bay to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Norway.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

NATIONAL HOUSING AGENCY

The legislative clerk read the nomination of Raymond Michael Foley to be Federal Housing Administrator in the National Housing Agency.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTER

The legislative clerk read the nomination of Samuel J. Leach to be postmaster at Hersey, Mich.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

THE ARMY

The legislative clerk read the nomination of Harry Hawkins Vaughan to be major general.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

THE NAVY

The legislative clerk proceeded to read sundry nominations in the Navy.

Mr. BARKLEY. I ask unanimous consent that the Navy nominations be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the Navy nominations are confirmed en bloc.

THE MARINE CORPS

The legislative clerk proceeded to read sundry nominations in the Marine Corps.

Mr. BARKLEY. I ask unanimous consent that the Marine Corps nominations be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

That completes the Executive Calendar.

Mr. BARKLEY. Mr. President, I ask unanimous consent that the President be notified at once of all confirmations of today.

The PRESIDING OFFICER. Without objection, the President will be forthwith notified.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 11 o'clock a. m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 59 minutes p. m.) the Senate took a recess until tomorrow, Thursday, June 6, 1946, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate June 5 (legislative day of March 5), 1946:

PUBLIC HEALTH SERVICE

The following-named candidates for promotion in the Regular Corps of the United States Public Health Service:

Joseph E. Unsworth, assistant dental surgeon, to be senior assistant dental surgeon, effective January 3, 1946.

Carl E. Johnson, assistant dental surgeon, to be senior assistant dental surgeon.

IN THE NAVY

Midshipman Arthur H. Barlow to be an assistant paymaster in the Navy with the rank of ensign, from the 5th day of June 1946.

COAST AND GEODETIC SURVEY

The following-named employees of the Coast and Geodetic Survey to the positions indicated:

To be hydrographic and geodetic engineer with rank of commander in the Coast and Geodetic Survey, from the dates indicated:

Casper M. Durgin, June 1, 1946.

William D. Patterson, July 1, 1946.

To be hydrographic and geodetic engineer with rank of lieutenant commander in the Coast and Geodetic Survey, from the dates indicated:

Clarence A. Burmister, April 1, 1946.
Percy L. Bernstein, June 1, 1946.
James D. Thurmond, July 1, 1946.

To be junior hydrographic and geodetic engineer with rank of lieutenant (junior grade) in the the Coast and Geodetic Survey, from the dates indicated.

A. Gordon Anderson, December 24, 1945.
John O. Boyer, December 24, 1945.
Wilbert M. Hellman, December 24, 1945.
Gerald L. Short, January 18, 1946.
John O. Phillips, January 18, 1946.
Robert D. Singel, February 11, 1946.
John E. Schultz, April 7, 1946.
Edwin A. Dorner, April 7, 1946.
Robert C. Darling, June 10, 1946.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 5 (legislative day of March 5), 1946:

FOREIGN SERVICE

Charles Ulrick Bay to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Norway.

NATIONAL HOUSING AGENCY

Raymond Michael Foley to be Federal Housing Administrator in the National Housing Agency for a term of 4 years from June 30, 1946.

IN THE ARMY

TEMPORARY APPOINTMENT IN THE ARMY OF THE UNITED STATES

Harry Hawkins Vaughan to be a major general.

IN THE NAVY

APPOINTMENTS IN THE NAVY

Robert B. Carney to be vice admiral, for temporary service.

Robert N. Barker to be ensign from June 5, 1946, in lieu of appointment as an assistant paymaster in the Navy with the rank of ensign as previously nominated and confirmed.

Raymond W. Sitz to be assistant paymaster with the rank of ensign from June 5, 1946, in lieu of appointment as a second lieutenant in the Marine Corps as previously nominated and confirmed.

IN THE MARINE CORPS

TO BE SECOND LIEUTENANTS

Robert H. Wilson	Richard B. Cropley
William T. Sweetman	Donald J. Gehri
Gilbert Percy	Edward R. Agnew, Jr.
Judson C. Richardson, Jr.	Thomas J. Bardon
	Charles L. Schroeder
Thomas D. Stockwell, Jr.	John N. Snapper
	Byron C. Allison

POSTMASTER

MICHIGAN

Samuel J. Leach, Hersey.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JUNE 5, 1946

The House met at 12 o'clock noon.

Rev. Bernard Braskamp, D. D., pastor of the Gunton-Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

O Thou eternal God, who art man's unfailing friend, may we now be lifted by the mighty tides of Thy spirit into the glad assurance that Thou art willing and able to supply our many needs.

We are bringing unto Thee our sins and shortcomings, our failures and follies, our perils and perplexities, and all the dark and confused areas of our lives, praying that our minds and hearts may be purged and empowered for the tasks and responsibilities of this new day.

Grant that we may meet each challenging experience with strength of soul and release from all tension. May discouragement, despair, and defeatism be supplanted by determination, courage, and hope. Give us joy and peace in believing that the prospects for the final triumph of truth and righteousness are as radiant and glorious as the promises of the Lord God Omnipotent.

Hear us in Christ's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 1776. An act to authorize the exchange of certain land at the Benicia Arsenal, Calif.

The message also announced that the President pro tempore has appointed Mr. BARKLEY and Mr. BREWSTER members of the joint select committee on the part of the Senate, as provided for in the act of August 5, 1939, entitled "An act to provide for the disposition of certain records of the United States Government," for the disposition of executive papers in the following Departments and Agencies:

1. Department of Agriculture.
2. Department of the Navy.
3. Department of War.
4. Federal Communications Commission.
5. General Accounting Office.
6. National Advisory Committee for Aeronautics.
7. Petroleum Administration for War.
8. United States Railroad Retirement Board.

CHAIRMAN OF COMMITTEE ON THE POST OFFICE AND POST ROADS

Mr. DINGELL. Mr. Speaker, I submit a privileged resolution (H. Res. 650) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That GEORGE D. O'BRIEN of the State of Michigan, be and he is hereby, elected chairman of the standing committee of the House of Representatives on the Post Office and Post Roads.

The resolution was agreed to.

EXTENSION OF REMARKS

Mr. PLUMLEY (at the request of Mr. MARTIN of Massachusetts) was granted permission to extend his remarks in the RECORD and include an editorial.

Mr. DINGELL asked and was given permission to extend his remarks in the RECORD and include a statement made before the Senate Committee on Labor and Education by Harry Reuther, president, UAW-CIO.

Mr. COOPER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a very able address delivered by my distinguished colleague from Tennessee [Mr. DAVIS] on last Saturday at the ceremony held in the Library of Congress on the one hundred and fiftieth anniversary of the admission of the State of Tennessee to the Union.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

ARMY MEDICAL LIBRARY

Mrs. BOLTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mrs. BOLTON. Mr. Speaker, on June 3 the New York Times carried an article relative to the plans announced by Maj. Gen. Norman T. Kirk, the Surgeon General of the Army, calling for a new Army Medical Research and Graduate Training Center. These plans include an Institute of Pathology, a School of Global Medicine, and a special general hospital of 1,000 beds to receive men with rare maladies where these can be studied and cures possibly found. Both military and civilian specialists will treat these patients.

The Army Institute of Pathology serves not only the Army but the Veterans' Administration and other Government agencies, as well as the civilian medical world as does the extraordinarily fine medical museum of the Institute of Pathology. Increasing its capacity will add much to all these services.

The Army Medical Library is the finest in the world, and I have been one of those who have joined with the Army medical man in anxiety over an adequate home for these wonderful books. Nothing must be allowed to prevent the consummation of this plan for its security.

It is with the greatest enthusiasm that I welcome the announcement, and hope that this Congress will recognize the far-reaching benefits that will accrue from such a center and take steps to bring it into being.

INCREASED PENSIONS TO CERTAIN MEMBERS OF THE REGULAR ARMY, NAVY, MARINE CORPS, AND COAST GUARD

Mr. KELLEY of Pennsylvania. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3908) to provide increased pensions to members of the Regular Army, Navy, Marine Corps, and Coast Guard who become disabled by reason of their service therein during other than a period of war.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. McGREGOR. Mr. Speaker, reserving the right to object, I just want to compliment our chairman for bringing out this bill. I think it is a grand bill and we should all go along with it.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. KELLEY]?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That paragraph II of part II of Veterans' Regulation No. 1 (a), as amended, is amended to read as follows:

"II. For the purposes of part II, paragraph I (a) hereof, if the disability results from injury or disease—

"(a) If and while the disability is rated 10 percent the monthly pension shall be $10.35.

"(b) If and while the disability is rated 20 percent the monthly pension shall be $20.70.

"(c) If and while the disability is rated 30 percent the monthly pension shall be $31.05.

"(d) If and while the disability is rated 40 percent the monthly pension shall be $41.40.

"(e) If and while the disability is rated 50 percent the monthly pension shall be $51.75.

"(f) If and while the disability is rated 60 percent the monthly pension shall be $62.10.

"(g) If and while the disability is rated 70 percent the monthly pension shall be $72.45.

"(h) If and while the disability is rated 80 percent the monthly pension shall be $82.80.

"(i) If and while the disability is rated 90 percent the monthly pension shall be $93.15.

"(j) If and while the disability is rated as total the monthly pension shall be $103.50.

"(k) If the disabled person, as the result of service-incurred disability, has suffered the anatomical loss or loss of use of one foot, or one hand, or blindness of one eye, having only light perception, the rate of pension provided in part II, paragraph II, subparagraphs (a) to (j), shall be increased by $31.50 per month; and in the event of anatomical loss or loss of use of one foot, or one hand, or blindness of one eye, having only light perception, in addition to the requirement for any of the rates specified in subparagraphs (l) to (n), inclusive, of part II, paragraph II, as herein amended, the rate of pension shall be increased by $31.50 per month for each such loss or loss of use but in no event to exceed $270 per month.

"(l) If the disabled person, as the result of service-incurred disability, has suffered the anatomical loss, or loss of use of both hands, or both feet, or of one hand and one foot, or is blind in both eyes, with 5/200 visual acuity or less, or is permanently bedridden or so helpless as to be in need of regular aid and attendance, the monthly pension shall be $180.

"(m) If the disabled person, as the result of service-incurred disability, has suffered the anatomical loss or loss of use of two extremities at a level, or with complications, preventing natural elbow or knee action with prosthesis in place, or has suffered blindness in both eyes, rendering him so helpless as to be in need of regular aid and attendance, the monthly pension shall be $211.50.

"(n) If the disabled person, as the result of service-incurred disability, has suffered the anatomical loss of two extremities so near the shoulder or hip as to prevent the use of a prosthetic appliance or has suffered the anatomical loss of both eyes, the monthly pension shall be $238.50.

"(o) If the disabled person, as the result of service-incurred disability, has suffered disability under conditions which would entitle him to two or more of the rates provided in one or more of the subparagraphs (l) to (n), inclusive, of part II, paragraph II, of this regulation, no condition being considered twice in the determination, or has suffered total deafness in combination with total blindness with 5/200 visual acuity or less, the monthly pension shall be $270.

"(p) In the event the disabled person's service-incurred disabilities exceed the requirements for any of the rates prescribed herein, the Administrator, in his discretion, may allow the next higher rate or an intermediate rate, but in no event in excess of $270."

SEC. 2. The increased rates provided by this act shall be effective from the first day of the first month following the passage of this act, and shall be deemed to include the 15 percent increase in the rate of compensation or pension payable for service-incurred disability under Public Law 469, Seventy-eighth Congress, December 7, 1944.

With the following committee amendment:

On page 4, line 17, strike out "first month" and insert "second month."

PURPOSES OF THE LEGISLATION

Mr. KELLEY of Pennsylvania. The general purposes of the legislation is to liberalize the now existing benefits payable to peacetime veterans for service-connected disabilities. At the present time, peacetime veterans are receiving approximately 75 percent of the monthly rates now being paid to war veterans for similar service-connected disabilities. The present peacetime pension rates range from $8.62 per month for a 10-percent disability to $86.25 per month for total disability and up to $225 per month for specific disabilities. War veterans receive $11.50 per month for a 10-percent disability and $115 per month for total disability and up to $300 per month for specific disabilities. The bill under consideration would increase the pension rates of peacetime veterans from $8.62 per month to $10.35 per month for a 10-percent disability and from $86.25 per month for total disability to $103.50 per month and up to $270 per month for specific disabilities. Your commitee is of the opinion that the 90-percent ratio is equitable in light of all the facts presented to the committee.

COST OF THE LEGISLATION

The Veterans' Administration has estimated that this bill would affect approximately 38,800 peacetime veterans at a minimum cost of $3,445,000 for the first year.

EXPLANATION OF THE AMENDMENT

The amendment on page 4, line 15, of the bill provides that the effective date be on the first day of the "second month" following the enactment instead of the first day of the "first month." General Bradley advised the committee at the hearing on May 7 that if the bill were enacted late in the month, the Veterans' Administration would find it impractical to effectuate the increases as promptly or as efficiently as would be the case if the effective date were fixed as the first day of the second month following the passage of the act. General Bradley suggested this amendment and your committee agreed with him.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. BIEMILLER asked and was given permission to extend his remarks in the RECORD and include a speech by Hon. Thurman Arnold.

REV. HARVEY H. SPRINGER

Mr. KLEIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include a copy of a letter and a copy of a telegram.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KLEIN. Mr. Speaker, on May 13 on the floor of the House I decried the fact that one Harvey Springer was to testify before the Committee on Un-American Activities. As I stated at that time, he was a supporter of Gerald B. Winrod, one of the defendants in the sedition trial, and Gerald L. K. Smith. It has been called to my attention that Torrey M. Johnson, president of Youth for Christ, has written to Mr. Springer as follows:

FEBRUARY 4, 1946.

Rev. HARVEY H. SPRINGER,
Englewood, Colo.

DEAR MR. SPRINGER: I am enclosing for your information a copy of a telegram which we sent to the press last July.

Youth For Christ is 100 percent a religious organization and strictly nonpolitical. We want nothing whatever to do with you, Gerald Winrod, Gerald L. K. Smith, Kenneth Goff, or any men of your character.

We resent your intrusion upon a purely spiritual work with your political axes, and other things which you have to grind.

We have repudiated you—we do now repudiate you—and we will forever repudiate men of your character and conduct.

Most sincerely yours,
TORREY M. JOHNSON,
President.

The telegram referred to follows:

WINONA LAKE, IND., *July 27, 1945.*

It has come to our attention that a so-called American Youth for Christ under the wing of Gerald L. K. Smith and headed by a Carl Mote has been formed.

We want to inform you that Youth for Christ International, an organization now headed by Dr. Torrey Johnson, of Chicago, newly elected president, whose convention has just closed at Winona Lake, Ind., has never had and does not now have and will not have anything to do with any organization headed by Gerald L. K. Smith or any other figure who uses religion to help grind his political axes. We have always felt that religion and politics do not mix.

We have had no relationship whatsoever to Gerald L. K. Smith or any other pseudo political groups and do not intend to have any in the future.

Yours respectfully,
EXECUTIVE COMMITTEE,
YOUTH FOR CHRIST INTERNATIONAL.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Mr. THOM. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. THOM. Mr. Speaker, as a member of the Banking and Currency Committee, which reported out the bill creating the International Bank for Reconstruction and Development, I wish to express gratification with the choice of Mr. Eugene Meyer, of Washington, as head of the new institution.

His broad background of financial experience, and his long service in various Government capacities, together with his independent mind, fit him preeminently for this assignment.

He is one of a too limited class of Americans who, having achieved a financial competency, is willing to enter the public service, and be exposed to the criticism and, oftentimes, abuse that in a democratic society comes down on the head of a public official.

At his age, it would be natural for him to choose the easier path of a private citizen, but, instead, he demonstrates that he is willing to give the last precious years of his life to the service of free government, which has given the opportunity to him for success in so many fields.

EXTENSION OF REMARKS

Mr. ROBERTSON of Virginia asked and was given permission to extend his remarks in the RECORD and include an article which appeared in last month's issue of the National Grange Monthly entitled "On the Industrial Front."

Mr. HART asked and was given permission to extend his remarks in the Appendix of the RECORD and include an address delivered in Jersey City by Mr. Joseph F. Stack, commander in chief of the Veterans of Foreign Wars.

Mr. PRICE of Illinois asked and was given permission to extend his remarks in the RECORD and include an address by Maj. Gen. Glenn A. Edgerton before the National Association of Purchasing Agents in Chicago on May 29.

GOV. EARL WARREN, OF CALIFORNIA, REPUBLICAN "WHITE HOPE" FOR 1948

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. JOHNSON of California. Mr. Speaker, it is my great pleasure to announce that my most distinguished constituent, Gov. Earl Warren, yesterday probably captured both nominations for the governorship of California. This feat, thought impossible, makes him the No. 1 man for the Republican nomination for President in 1948.

Why did Governor Warren so captivate the electorate that the voters in both parties picked him as their candidate? Briefly, here are the reasons: He was an excellent governor; he did not play partisan politics in putting over his program; he is absolutely honest and will carry out his promises; he has courage; and finally he has that human touch that makes people have confidence in him.

He was opposed by a strong man, Attorney General Kenny. Kenny was the darling of the ultraliberals and was considered a great vote getter. He sought to belittle Governor Warren, but every attack proved to be a boost for the Governor and an endorsement of the program he carried out. The people knew their Governor and his record.

They had such confidence in him that yesterday they assured his reelection by making him the nominee of both parties.

Not since 1914, when Hiram Johnson was reelected, has California reelected a governor.

THE BRITISH LOAN

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, each Member of this Congress owes $2,000 on the $275,000,000,000 public debt. Each Member has about 300,000 people in his district and each one of those constituents owes $2,000. That means that each congressional district owes $600,000,000 of the debt. Now they are asked to give $30 more each to make this loan a gift to Great Britain. How many of your constituents want to do it? Ask them. That means that you are going to burden your own people with $9,000,000 more debt in each congressional district. What do you think your people are going to say when you obligate them for an additional sum of $9,000,000 as a gift? Now, remember, this is not going to be paid back, because in this proposal to make this loan you are canceling what we lent them, or furnished them under lend-lease. You thought we were going to get it back, but we are going to cancel it just as I said would happen. The proposed loan will be a gift, we all know that, so let us admit it without fooling our people. It may mean our downfall financially. We cannot afford to take such chances. We should prohibit the State Department and Treasury Department from entering into such agreements for and on behalf of our people. This is bureaucratic government of the first magnitude and of the gravest consequences to our national welfare.

Congress, you will wreck America unless you defeat this gift. I ask you where are you going to get the money? Spend your money in America helping the American people to get the things they need. Americans need all the help you can give them.

CHESTER BOWLES AND HIS GANG SHOULD QUIT

Mr. JENKINS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. JENKINS. Mr. Speaker, Chester Bowles and his gang should quit. Last night over the radio he gave a perfect example of one whose sins had found him out. Slashing out in every direction in an attempt to defend himself he surpassed any of his previous efforts to distort the facts and to deceive the American people.

Claiming that he had prevented inflation by holding the line, he at the same time decried the fact that burning inflation was raging everywhere in the country.

Maintaining that his policies as to price control were wise and proper, he admitted that he had been compelled to increase prices of many commodities.

Acknowledging that he and his gang were losing their fight, he sought to rally the veterans to his aid by artful misrepresentation. He would have them believe that Congress was waging a terrific fight to abandon rent control. He must have known that this is not true. He failed to tell them how many new houses he and those of his viewpoint have ready for occupancy by veterans.

If the theories and practices of Chester Bowles and Paul Porter have been successful and should be continued, pray tell me why the whole country cannot get bread, butter, and meat—the three most necessary commodities.

Never before have I heard any bureaucrat abuse the Senate of the United States with the arrogance which he displayed last night. He is not an elected official of the Government and should not assume to abuse those who have been elected by the people of their respective sovereign States to represent them in matters of legislation.

Chester Bowles has become badly inflated. He should be deflated by Congress and his resignation demanded.

NOLAN V. CURRY

Mr. McGEHEE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 4400) for the relief of Nolan V. Curry, individually, and as guardian for his minor son, Hershel Dean Curry, with Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 5, strike out all after "to" over to and including "accident" in line 8 on page 2 and insert "the legal guardian of Hershel Dean Curry, a minor, the sum of $1,000 for the personal injuries sustained by said Hershel Dean Curry as the result of an accident which occurred on January 21, 1945, on Hemphill Street in Fort Worth, Tex., involving an Army vehicle."

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Senate amendment was concurred in.

The title was amended so as to read: "An act for the relief of the legal guardian of Hershel Dean Curry, a minor."

A motion to reconsider was laid on the table.

MABEL M. FISCHER

Mr. McGEHEE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 3781) for the relief of Mabel M. Fischer, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 6, after "Fischer," insert "and to Nora M. Steinmetz, widow of Frank L. Steinmetz, each."

Page 1, line 8, strike out "her husband" and insert "their husbands."

Page 1, line 8, after "Fischer" insert "and Frank L. Steinmetz."

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Senate amendments were concurred in.

The title was amended so as to read: "An act for the relief of Mabel M. Fischer and Nora M. Steinmetz."

A motion to reconsider was laid on the table.

M. MARTIN TURPANJIAN

Mr. McGEHEE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 3641) for the relief of M. Martin Turpanjian, with Senate amendment thereto, and agree to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 5, strike out "$1,186" and insert "$2,500."

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

JACK WILLIAMS AND MRS. LORA SALLY WILLIAMS

Mr. McGEHEE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 210) for the relief of Jack Williams and Mrs. Lora Sally Williams, with Senate amendment thereto and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Page 1, line 5, strike out "Jackson" and insert "Jack."

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Senate amendment was concurred in.

The title was amended so as to read: "An act for the relief of Jack Williams; Mrs. Lora Sally Williams, the legal guardian of Garry E. Williams, a minor, and the legal guardian of James Williams, a minor."

A motion to reconsider was laid on the table.

ROBERT J. CRAMER

Mr. McGEHEE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 1538) for the relief of Robert J. Cramer, with Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 6, strike out "$5,122.22" and insert "$3,051.61."

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

AHTO WALTER ET AL.

Mr. McGEHEE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 3967), for the relief of Ahto Walter, Lucy Walter, and Teddy Walter, with Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Page 1, line 6, strike out "$3,200" and insert "$2,630.55."

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

R. FRED BAKER AND CRYSTAL R. STRIBLING

Mr. McGEHEE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 3018) for the relief of R. Fred Baker and Crystal R. Stribling, with Senate amendments thereto and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 5, strike out "R. Fred Baker the sum of $350 and to pay."

Page 1, line 6, after "Stribling", insert ", of Columbia, S. C."

Page 1, lines 6 and 7, strike out "both of Columbia, S. C."

Page 1, line 8, strike out "property damage."

Page 1, line 9, after "injuries", insert "sustained by her."

Page 1, line 9, after "expenses", insert "incurred."

Page 1, line 10, strike out "a collision with an" and insert "an accident involving an."

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Senate amendments were concurred in.

The title was amended so as to read: "An act for the relief of Crystal R. Stribling."

A motion to reconsider was laid on the table.

ZEPHYR AIRCRAFT CORP.

Mr. McGEHEE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 3094) conferring jurisdiction upon the Court of Claims of the United States to consider and render judgment on the claim of the Zephyr Aircraft Corp. against the United States, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Strike out all after the enacting clause and insert "That jurisdiction is hereby conferred upon the Court of Claims of the United States to hear, determine, and render judgment on the claim of the Zephyr Aircraft Corp., as successor to the Lenert Aircraft Corp., against the United States for compensation for damage, injury, and losses suffered by the said Lenert Aircraft Corp., because of the refusal by officials of the War Department to make a contract with the said Lenert Aircraft Corp. in compliance with section 10 of the act of July 2, 1926 (44 Stat. 784), pursuant to a design competition for the procurement of primary training planes, which was projected by circular proposal 39-635, dated March 11, 1939.

"SEC. 2. In the determination of such claim, the United States shall be held liable for damages, and for any act committed by any of its officers or employees, to the same extent as if the United States were a private person.

"SEC. 3. Suit upon this claim may be instituted at any time within 1 year after the passage of this act, notwithstanding the lapse of time, laches, the form and content of protest, and supporting papers thereof. Proceedings upon the determination of such claim and appeals from the payment of any judgment thereon, shall be in the same manner as in the case of claims over which the court has jurisdiction under section 145 of the Judicial Code, as amended."

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

JOSEPH E. BENNETT

Mr. McGEHEE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 2091) for the relief of Joseph E. Bennett, with a Senate amendment thereto, disagree to the Senate amendment, and ask for a conference with the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi? [After a pause.] The Chair hears none, and appoints the following conferees: Mr. McGEHEE, Mr. HEDRICK, and Mr. JENNINGS.

ANDRE DACHARRY

Mr. McGEHEE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 2192) for the relief of Andre Dacharry, with a Senate amendment thereto, disagree to the Senate amendment, and ask for a conference with the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi? [After a pause.] The Chair hears none and appoints the following conferees: Mr. McGEHEE, Mr. JENNINGS, and Mr. COMBS.

FEDERAL WORKS ADMINISTRATOR

Mr. LANHAM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 5407) to grant to the Federal Works Administrator certain powers with respect to site acquisition, building construction, purchase of buildings, and other matters, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, lines 9 and 10, strike out "to purchase and remodel buildings", and insert "to purchase buildings either unencumbered or subject to existing leases where in his determination it is advantageous to do so and to remodel the same."

Page 2, strike out lines 5 and 6, and insert "the unobligated balances of appropriations heretofore made for the construction of projects outside the District of Columbia are hereby made available for this purpose."

Page 2, strike out all after "$2,000,000" down to and including "purpose." in line 10, and insert "Funds for this purpose are hereby made available from the unobligated balances of appropriations heretofore made for the construction of buildings outside the District of Columbia."

Page 5, line 22, after "apply" insert "to communications systems for handling messages of a confidential or secret nature, or."

Page 5, line 24, after "operated" insert "or occupied."

Page 6, strike out lines 3 to 11, inclusive.

Page 6, line 12, strike out "9" and insert "8."

Page 6, line 22, strike out "10" and insert "9."

Page 7, line 11, strike out "11" and insert "10."

Page 7, line 22, strike out "12" and insert "11."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. RICH. Reserving the right to object, will the gentleman explain the Senate amendments? Is the committee satisfied with the Senate amendments?

Mr. LANHAM. Yes; insofar as this request for agreement is concerned. This is a bill which was passed unanimously by the House. The Senate struck out one provision of the bill and improved the language of one or two other provisions. The only new provision in it is with reference to exchanging one site for another out in the district represented by the gentleman from Oregon [Mr. ANGELL].

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. GATHINGS asked and was given permission to extend his remarks in the RECORD, and further to extend his remarks and include an editorial from the Indianapolis Star.

Mr. JENSEN asked and was given permission to extend his remarks in the RECORD and include an editorial from the Woodbine Twiner about John McKinney, national champion speller.

Mr. FARRINGTON. Mr. Speaker, on yesterday I was given permission to include in the Appendix of the RECORD a speech by the former Secretary of the

Interior. I am informed by the Public Printer that this will exceed two pages of the RECORD and will cost $140, but I ask that it be printed notwithstanding that fact.

The SPEAKER. Without objection, notwithstanding the cost, the extension may be made.

There was no objection.

Mr. NEELY. Mr. Speaker, I ask unanimous consent to have printed in the RECORD an article by Dr. F. S. Hammett, urging legislation in behalf of governmental aid to the war against cancer, which appeared in the Provincetown (Mass.) Advocate on the 29th of May.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

COMMITTEE ON ACCOUNTS

Mr. BOYKIN. Mr. Speaker, by direction of the Committee on Accounts, I offer a resolution and ask for its immediate consideration.

Mr. MARCANTONIO. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. MARCANTONIO. This is Calendar Wednesday, Mr. Speaker. I submit that the only business before the House that may be considered is the call of committees.

The SPEAKER. The point of order is sustained. However, the Chair desires first to make an announcement.

EXERCISES IN COMMEMORATION OF THE LIFE, CHARACTER, AND PUBLIC SERVICE OF THE LATE FRANKLIN D. ROOSEVELT

The SPEAKER. Pursuant to the provisions of House Concurrent Resolution 152, Seventy-ninth Congress, the Chair appoints as members of the joint committee to make arrangements for the joint session to be held on Monday, July 1, 1946, for appropriate exercises in commemoration of the life, character, and public service of the late Franklin D. Roosevelt, the following Members on the part of the House: Mr. BULWINKLE, Mr. WALTER, Mrs. DOUGLAS of Illinois, Mrs. ROGERS of Massachusetts, and Mr. LEFEVRE.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. HALE (at the request of Mr. HERTER) for June 6 and 7, to attend a meeting of the governing board of Bowdoin College whereof he is a member.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1717. An act for the development and control of atomic energy; to the Committee on Military Affairs.

BILL AND A JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ROGERS of New York, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill and a joint resolution of the House of the following titles:

H. R. 4510. An act granting the consent and approval of Congress to an interstate compact between Colorado and New Mexico with respect to the waters of Costilla Creek; and

H. J. Res. 340. Joint resolution to amend the joint resolution creating the Niagara Falls Bridge Commission.

MOTION TO ADJOURN

Mr. RICHARDS. Mr. Speaker, I move that the House do now adjourn.

Mr. MARCANTONIO and Mr. BIEMILLER demanded the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The question is on the motion.

The question was taken; and there were—yeas 103, nays 199, not voting 128, as follows:

[Roll No. 141]

YEAS—103

Abernethy	Gathings	O'Hara
Allen, La.	Gifford	Pace
Almond	Gore	Patman
Andrews, Ala.	Gossett	Peterson, Fla.
Barden	Grant, Ala.	Peterson, Ga.
Bates, Ky.	Gregory	Pickett
Beckworth	Hare	Poage
Bell	Harris	Pratt
Bland	Hays	Price, Fla.
Bonner	Hébert	Priest
Boykin	Hendricks	Rains
Brooks	Hobbs	Rankin
Brown, Ga.	Jarman	Richards
Bryson	Jennings	Riley
Bulwinkle	Johnson, Ill.	Rivers
Camp	Johnson,	Robertson, Va.
Cannon, Fla.	Luther A.	Rockwell
Cannon, Mo.	Johnson,	Roe, Md.
Chelf	Lyndon B.	Rogers, Fla.
Clark	Kerr	Russell
Cooley	Kilburn	Short
Cooper	Lanham	Sikes
Cox	Larcade	Smith, Va.
Cravens	Lyle	Stockman
Crawford	McGehee	Tarver
Davis	McKenzie	Thomas, Tex.
Domengeaux	McMillan, S. C.	Thomason
Doughton, N. C.	Maloney	Trimble
Drewry	Manasco	Weaver
Earthman	Mansfield, Tex.	West
Eaton	May	Whitten
Fisher	Mills	Whittington
Flannagan	Morrison	Wickersham
Folger	Murray, Tenn.	Worley
Gary	Norrell	Zimmerman

NAYS—199

Adams	Clippinger	Gillette
Allen, Ill.	Coffee	Gillie
Andresen,	Cole, Kans.	Goodwin
August H.	Cole, Mo.	Gorski
Andrews, N. Y.	Cole, N. Y.	Graham
Angell	Corbett	Granahan
Arends	Crosser	Grant, Ind.
Arnold	Curtis	Green
Auchincloss	D'Alesandro	Griffiths
Baldwin, N. Y.	De Lacy	Gross
Barrett, Pa.	Delaney,	Gwinn, N. Y.
Barrett, Wyo.	James J.	Gwynne, Iowa
Bates, Mass.	Delaney,	Hale
Bender	John J.	Hall,
Bennet, N. Y.	D'Ewart	Edwin Arthur
Biemiller	Dingell	Hand
Blackney	Dondero	Harless, Ariz.
Bloom	Douglas, Ill.	Harness, Ind.
Bolton	Doyle	Hart
Boren	Eberharter	Havenner
Bradley, Mich.	Elston	Healy
Bradley, Pa.	Engel, Mich.	Henry
Brehm	Fallon	Herter
Buck	Feighan	Heselton
Buffett	Fenton	Hess
Butler	Flood	Hill
Byrnes, Wis.	Fogarty	Hinshaw
Carlson	Forand	Hoch
Carnahan	Gallagher	Hoeven
Case, S. Dak.	Gamble	Holmes, Mass.
Celler	Gavin	Holmes, Wash.
Chiperfield	Geelan	Hope
Church	Gerlach	Horan
Clevenger	Gillespie	Howell
Huber	Madden	Rodgers, Pa.
Hull	Mansfield,	Rogers, Mass.
Jenkins	Mont.	Rogers, N. Y.
Jensen	Marcantonio	Rooney
Johnson, Calif.	Martin, Mass.	Rowan
Johnson, Okla.	Mason	Ryter
Jonkman	Mathews	Sabath
Judd	Michener	Sadowski
Kearney	Miller, Calif.	Savage
Kee	Miller, Nebr.	Scrivner
Keefe	Monroney	Simpson, Pa.
Kelley, Pa.	Morgan	Smith, Maine
Kelly, Ill.	Murdock	Smith, Wis.
Kinzer	Murray, Wis.	Somers, N. Y.
Kirwan	Neely	Springer
Klein	Norblad	Starkey
Knutson	O'Brien, Ill.	Stigler
Kopplemann	O'Brien, Mich.	Sullivan
Kunkel	O'Konski	Taber
Landis	Outland	Talbot
Lane	Philbin	Talle
Latham	Phillips	Thom
LeCompte	Pittenger	Tibbott
LeFevre	Powell	Traynor
Lemke	Price, Ill.	Voorhis, Calif.
Lesinski	Quinn, N. Y.	Walter
Lewis	Rabin	Wasielewski
Link	Ramey	Weichel
Lynch	Randolph	Wigglesworth
McConnell	Rayfiel	Wilson
McCowen	Reed, N. Y.	Wolcott
McDonough	Resa	Wolverton, N. J.
McGregor	Rich	Woodhouse
McMillen, Ill.	Robsion, Ky.	Woodruff

NOT VOTING—128

Andersen,	Gardner	Plumley
H. Carl	Gearhart	Rabaut
Anderson, Calif.	Gibson	Reece, Tenn.
Bailey	Gordon	Reed, Ill.
Baldwin, Md.	Granger	Rees, Kans.
Barry	Hagen	Rizley
Beall	Hall,	Robertson,
Bennett, Mo.	Leonard W.	N. Dak.
Bishop	Halleck	Robinson, Utah
Brown, Ohio	Hancock	Roe, N. Y.
Brumbaugh	Hartley	Sasscer
Buckley	Hedrick	Schwabe, Mo.
Bunker	Heffernan	Schwabe, Okla.
Byrne, N. Y.	Hoffman	Shafer
Campbell	Holifield	Sharp
Canfield	Hook	Sheppard
Case, N. J.	Izac	Sheridan
Chapman	Jackson	Simpson, Ill.
Chenoweth	Johnson, Ind.	Slaughter
Clason	Jones	Smith, Ohio
Clements	Kean	Sparkman
Cochran	Kefauver	Spence
Colmer	Keogh	Stefan
Combs	Kilday	Stevenson
Courtney	King	Stewart
Cunningham	LaFollette	Sumner, Ill.
Curley	Lea	Sumners, Tex.
Daughton, Va.	Luce	Sundstrom
Dawson	Ludlow	Taylor
Dirksen	McCormack	Thomas, N. J.
Dolliver	McGlinchey	Tolan
Douglas, Calif.	Mahon	Torrens
Durham	Mankin	Towe
Dworshak	Martin, Iowa	Vinson
Elliott	Merrow	Vorys, Ohio
Ellis	Mundt	Vursell
Ellsworth	Murphy	Wadsworth
Elsaesser	Norton	Welch
Engle, Calif.	O'Neal	White
Ervin	O'Toole	Winstead
Fellows	Patrick	Winter
Fernandez	Patterson	Wolfenden, Pa.
Fuller	Pfeifer	Wood
Fulton	Ploeser	

So the motion was rejected.

The Clerk announced the following pairs:

General pairs until further notice:

Mr. Keogh with Mr. Taylor.
Mr. Sheppard with Mr. Ploeser.
Mr. McGlinchey with Mr. Wadsworth.
Mr. King with Mr. Schwabe of Missouri.
Mr. Pfeifer with Mr. Jones.
Mr. Byrne of New York with Mr. Hoffman.
Mr. Rabaut with Mr. Schwabe of Oklahoma.
Mr. Cochran with Mr. Halleck.
Mr. Sheridan with Mr. Vorys of Ohio.
Mr. Colmer with Mr. Shafer.
Mr. O'Toole with Mr. Fuller.
Mr. Gordon with Mr. Elsaesser.
Mr. Sparkman with Mr. Stefan.
Mrs. Douglas of California with Mr. Fellows.

Mr. Patterson with Mr. Ellsworth.
Mr. Tolan with Mr. Stevenson.
Mr. Heffernan with Mr. Dworshak.
Mr. Torrens with Mr. Brown of Ohio.
Mr. Holifield with Mr. Dirksen.
Mr. Vinson with Mr. H. Carl Andersen.
Mr. Hook with Mr. Dolliver.
Mr. McCormack with Mr. Anderson of California.
Mr. Izac with Mr. Bennett of Missouri.
Mr. Wood with Mr. Hartley.
Mr. Jackson with Mr. Beall.
Mr. Roe of New York with Mr. Reed of Illinois.
Mr. Slaughter with Mr. Thomas of New Jersey.
Mr. Hendricks with Mr. Bishop.
Mr. Lea with Mr. Johnson of Indiana.
Mr. Bailey with Mr. Fulton.
Mr. O'Neal with Mr. Clason.
Mr. Barry with Mr. Brumbaugh.
Mr. Spence with Mr. Chenoweth.
Mr. Fernandez with Mr. Martin of Iowa.
Mr. Bunker with Mr. Plumley.
Mr. Durham with Mr. Mundt.
Mr. Elliott with Mr. Reece of Tennessee.
Mr. Combs with Mr. Simpson of Illinois.
Mr. Engle of California with Mr. Rees of Kansas.
Mr. Courtney with Mr. Smith of Ohio.
Mr. Gardner with Mr. Rizley.
Mr. Dawson with Mr. Sundstrom.
Mrs. Norton with Mr. Welch.
Mr. Daughton of Virginia with Mr. Cunningham.

Mr. CANNON of Missouri changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

ELECTION TO COMMITTEES

Mr. DOUGHTON of North Carolina. Mr. Speaker, I offer a resolution (H. Res. 651) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That ELIZA JANE PRATT of the State of North Carolina be, and she is hereby, elected a member of the following standing committees of the House of Representatives: Pensions, Territories, Flood Control.

The resolution was agreed to.

CALL OF THE HOUSE

Mr. SMITH of Virginia. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present now.

Mr. SMITH of Virginia. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 142]

Allen, Ill.	Clements	Fuller
Andersen, H. Carl	Cochran	Fulton
Anderson, Calif.	Colmer	Gardner
Baldwin, Md.	Combs	Gearhart
Bates, Ky.	Courtney	Gibson
Beall	Cox	Gordon
Bennett, Mo.	Cunningham	Granger
Bishop	Curley	Hagen
Bonner	Daughton, Va.	Hale
Boykin	Dawson	Hall, Leonard W.
Brown, Ohio	Dirksen	Halleck
Brumbaugh	Dolliver	Hartley
Buckley	Douglas, Calif.	Hedrick
Bunker	Durham	Heffernan
Campbell	Dworshak	Hobbs
Canfield	Elliott	Hoffman
Case, N. J.	Ellis	Hook
Case, S. Dak.	Ellsworth	Izac
Chapman	Elsaesser	Jackson
Chenoweth	Engle, Calif.	Jenkins
Clason	Ervin	Johnson, Ind.
	Fernandez	
Jones	Outland	Smith, Ohio
Kean	Pace	Sparkman
Kefauver	Patrick	Spence
Keogh	Patterson	Stefan
Kilday	Pfeifer	Stevenson
King	Ploeser	Stewart
LaFollette	Plumley	Sumners, Tex.
Lea	Pratt	Sundstrom
Luce	Rabaut	Taylor
Ludlow	Reece, Tenn.	Thomas, N. J.
Lyle	Rizley	Tolan
McCormack	Robertson, N. Dak.	Torrens
McGlinchey	Robinson, Utah	Towe
Mahon	Roe, N. Y.	Vinson
Mankin	Sabath	Vorys, Ohio
Martin, Iowa	Schwabe, Mo.	Vursell
May	Schwabe, Okla.	Wadsworth
Merrow	Shafer	Welch
Monroney	Sharp	White
Mundt	Sheppard	Winstead
Murphy	Sheridan	Winter
Norton	Simpson, Ill.	Wolfenden, Pa.
O'Neal	Slaughter	Wood
O'Toole		

The SPEAKER. On this roll call 260 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday.

Mr. RANKIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. Mr. Speaker, I want to know whether these bills to be called on Calendar Wednesday are to be considered in the House as in Committee of the Whole?

Mr. McGEHEE. Mr. Speaker, I make the point of order there is not a quorum present.

The SPEAKER. There has been no business transacted as yet. The Clerk will call the committees.

The CLERK. The Committee on Banking and Currency.

Mr. McGEHEE. Mr. Speaker, I make the point of order there is not a quorum present.

Mr. KEEFE. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. KEEFE. Mr. Speaker, I make the point of order that the point of order raised by the gentleman from Mississippi is purely dilatory. Under section 10, rule XVI of the House, the Chair having just announced that a quorum is present, it is obvious that the point of order made by the gentleman from Mississippi is a purely dilatory motion and should not under the rules of the House be entertained by the Speaker.

Mr. McGEHEE. Mr. Speaker, in my opinion it does not lie within the province of any Member of the House to criticize or impugn the motive of any other Member when he makes a point of order in connection with any procedure on the floor of the House. Important legislation is contemplated being taken up and I observe on the floor at present that evidently there is not a quorum present and I therefore make the point of order that a quorum is not present.

The SPEAKER. The Chair, of course, has the right under certain circumstances to hold that motions are dilatory but a point of no quorum is a question of very high privilege. The Chair will not state what he will do at other times. The gentleman makes the point of order that a quorum is not present. The Chair will count. [After counting.] One hundred and thirty-three Members are present; not a quorum.

Mr. SMITH of Virginia. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 143]

Andersen, H. Carl	Gibson	Ploeser
Anderson, Calif.	Gordon	Plumley
Andrews, N. Y.	Gossett	Poage
Arnold	Granger	Pratt
Bailey	Gregory	Rabaut
Baldwin, Md.	Hagen	Rains
Bates, Ky.	Hall, Leonard W.	Reece, Tenn.
Beall	Halleck	Richards
Bennett, Mo.	Hartley	Riley
Bishop	Hedrick	Rizley
Boykin	Heffernan	Robertson, N. Dak.
Brown, Ohio	Hendricks	Robinson, Utah
Brumbaugh	Hobbs	Roe, N. Y.
Buckley	Hoffman	Russell
Buffett	Hook	Schwabe, Mo.
Bulwinkle	Izac	Schwabe, Okla.
Bunker	Jackson	Shafer
Campbell	Jarman	Sharp
Canfield	Jennings	Sheppard
Cannon, Mo.	Johnson, Ind.	Sheridan
Case, N. J.	Johnson, Luther A.	Simpson, Ill.
Celler	Jones	Slaughter
Chapman	Kean	Smith, Ohio
Chenoweth	Kefauver	Sparkman
Clark	Keogh	Spence
Clason	Kerr	Stefan
Clements	Kilburn	Stevenson
Cochran	Kilday	Stewart
Colmer	King	Stockman
Combs	Kinzer	Sumner, Ill.
Courtney	LaFollette	Sumners, Tex.
Cox	Lanham	Sundstrom
Crawford	Lea	Taylor
Cunningham	Luce	Thomas, N. J.
Curley	Ludlow	Thomas, Tex.
Daughton, Va.	Lyle	Tolan
Dawson	McCormack	Torrens
Dirksen	McGlinchey	Towe
Dolliver	Mahon	Trimble
Douglas, Calif.	Maloney	Vinson
Drewry	Mankin	Vorys, Ohio
Durham	Martin, Iowa	Wadsworth
Dworshak	Mundt	Weaver
Elliott	Murphy	Welch
Ellis	Murray, Tenn.	West
Elsaesser	Norton	White
Engle, Calif.	O'Neil	Whittington
Ervin	O'Toole	Winstead
Fernandez	Outland	Winter
Fisher	Pace	Wolfenden, Pa.
Fuller	Patrick	Wood
Fulton	Pfeifer	Woodhouse
Gardner		Woodruff
Gearhart		

The SPEAKER. On this roll call 272 Members have answered to their names, a quorum.

Mr. RANKIN. Mr. Speaker, I move that further proceedings under the call be dispensed with.

Mr. SMITH of Virginia. Mr. Speaker, on that I ask for the yeas and nays.

The SPEAKER. Those Members desiring the yeas and nays will rise and remain standing until counted. [After counting.] Forty-five Members have risen. The Chair, in looking over the membership since the announcement that 272 had answered, notes that 45 is more than one-fifth of the Members present now.

Mr. SMITH of Virginia. Mr. Speaker, I ask for a division.

The SPEAKER. The yeas and nays are ordered.

The Clerk will call the roll.

The question was taken; and there were—yeas 286, nays 19, not voting 125, as follows:

[Roll No. 144]

YEAS—286

Abernethy	Geelan	Mathews
Adams	Gerlach	May
Allen, Ill.	Gifford	Michener
Allen, La.	Gillespie	Miller, Calif.
Almond	Gillette	Miller, Nebr.
Andresen, August H.	Gillie	Mills
	Goodwin	Monroney
Andrews, Ala.	Gore	Morgan
Angell	Gorski	Morrison
Arends	Gossett	Murdock
Auchincloss	Graham	Murray, Tenn.
Bailey	Granahan	Murray, Wis.
Barden	Grant, Ala.	Neely
Barrett, Pa.	Green	Norblad
Barrett, Wyo.	Gregory	Norrell
Barry	Griffiths	O'Brien, Ill.
Bates, Ky.	Gross	O'Brien, Mich.
Bates, Mass.	Gwinn, N. Y.	O'Hara
Beckworth	Gwynne, Iowa	O'Konski
Bell	Hagen	Outland
Bender	Hale	Pace
Biemiller	Hancock	Patman
Blackney	Hare	Patterson
Bland	Harness, Ind.	Peterson, Fla.
Bloom	Harris	Peterson, Ga.
Bolton	Hart	Philbin
Bonner	Havenner	Phillips
Boren	Hays	Pickett
Boykin	Healy	Powell
Bradley, Mich.	Hébert	Pratt
Bradley, Pa.	Hendricks	Price, Fla.
Brehm	Henry	Price, Ill.
Brooks	Herter	Priest
Brown, Ga.	Hess	Quinn, N. Y.
Bryson	Hill	Rabin
Buck	Hinshaw	Rains
Bulwinkle	Hobbs	Ramey
Byrne, N. Y.	Hoeven	Randolph
Byrnes, Wis.	Holifield	Rankin
Camp	Holmes, Mass.	Rayfiel
Cannon, Fla.	Holmes, Wash.	Reed, Ill.
Cannon, Mo.	Hope	Reed, N. Y.
Carlson	Horan	Rees, Kans.
Case, S. Dak.	Howell	Resa
Celler	Huber	Rich
Chelf	Jarman	Richards
Chiperfield	Jenkins	Riley
Church	Jennings	Robertson, Va.
Clark	Jensen	Robsion, Ky.
Clements	Johnson, Ill.	Rockwell
Clevenger	Johnson	Rodgers, Pa.
Clippinger	Luther A.	Roe, Md.
Coffee	Johnson,	Rogers, Fla.
Cole, Kans.	Lyndon B.	Rogers, Mass.
Cole, Mo.	Johnson, Okla.	Rogers, N. Y.
Cooley	Judd	Rooney
Cooper	Kearney	Rowan
Corbett	Kee	Russell
Cox	Keefe	Ryter
Cravens	Kelley, Pa.	Sabath
Crawford	Kelly, Ill.	Sadowski
Crosser	Kerr	Sasscer
Curtis	Kilburn	Savage
D'Alesandro	Kinzer	Scrivner
Davis	Kirwan	Short
De Lacy	Klein	Sikes
Delaney, James J.	Knutson	Smith, Va.
	Kopplemann	Smith, Wis.
Delaney, John J.	Kunkel	Somers, N. Y.
	Landis	Springer
D'Ewart	Lane	Starkey
Dingell	Larcade	Stigler
Domengeaux	Latham	Stockman
Dondero	LeCompte	Sullivan
Doughton, N. C.	LeFevre	Taber
Douglas, Ill.	Lemke	Talbot
Doyle	Lewis	Talle
Drewry	Link	Tarver
Earthman	Lyle	Thom
Eaton	Lynch	Thomas, Tex.
Eberharter	McConnell	Thomason
Ellsworth	McCormack	Tibbott
Elston	McCowen	Traynor
Engel, Mich.	McDonough	Trimble
Fallon	McGehee	Vursell
Feighan	McGregor	Walter
Fenton	McKenzie	Wasielewski
Fisher	McMillan, S. C.	Weaver
Flannagan	McMillen, Ill.	Weichel
Flood	Madden	West
Fogarty	Maloney	Whittington
Folger	Manasco	Wickersham
Forand	Mansfield, Mont.	Wolcott
Gallagher		Wolverton, N. J.
Gamble	Mansfield, Tex.	Woodhouse
Gary	Marcantonio	Worley
Gathings	Martin, Mass.	
Gavin	Mason	

NAYS—19

Arnold	Hand	Poage
Baldwin, N. Y.	Harless, Ariz.	Rivers
Butler	Heselton	Smith, Maine
Carnahan	Hoch	Wilson
Cole, N. Y.	Hull	
Grant, Ind.	Jonkman	
Hall, Edwin Arthur	Martin, Iowa	
	Pittenger	

NOT VOTING—125

Andersen, H. Carl	Gearhart	Rizley
	Gibson	Robertson, N. Dak.
Anderson, Calif.	Gordon	
Andrews, N. Y.	Granger	Robinson, Utah
Baldwin, Md.	Hall, Leonard W.	Roe, N. Y.
Beall		Schwabe, Mo.
Bennet, N. Y.	Halleck	Schwabe, Okla.
Bennett, Mo.	Hartley	Shafer
Bishop	Hedrick	Sharp
Brown, Ohio	Heffernan	Sheppard
Brumbaugh	Hoffman	Sheridan
Buckley	Hook	Simpson, Ill.
Buffett	Izac	Simpson, Pa.
Bunker	Jackson	Slaughter
Campbell	Johnson, Calif.	Smith, Ohio
Canfield	Johnson, Ind.	Sparkman
Case, N. J.	Jones	Spence
Chapman	Kean	Stefan
Chenoweth	Kefauver	Stevenson
Clason	Keogh	Stewart
Cochran	Kilday	Sumner, Ill.
Colmer	King	Sumners, Tex.
Combs	LaFollette	Sundstrom
Courtney	Lanham	Taylor
Cunningham	Lea	Thomas, N. J.
Curley	Lesinski	Tolan
Daughton, Va.	Luce	Torrens
Dawson	Ludlow	Towe
Dirksen	McGlinchey	Vinson
Dolliver	Mahon	Voorhis, Calif.
Douglas, Calif.	Mankin	Vorys, Ohio
Durham	Merrow	Wadsworth
Dworshak	Mundt	Welch
Elliott	Murphy	White
Ellis	Norton	Whitten
Elsaesser	O'Neal	Wigglesworth
Engle, Calif.	O'Toole	Winstead
Ervin	Patrick	Winter
Fellows	Pfeifer	Wolfenden, Pa.
Fernandez	Ploeser	Wood
Fuller	Plumley	Woodruff
Fulton	Rabaut	Zimmerman
Gardner	Reece, Tenn.	

So the motion was agreed to.

The Clerk announced the following pairs:

Additional general pairs:

Mr. Baldwin of Maryland with Mr. Campbell.

Mr. Zimmerman with Mr. Wolfenden of Pennsylvania.

Mr. Sumners of Texas with Mr. Canfield.

Mr. Buckley with Mr. Sharp.

Mr. Voorhis of California with Mr. Leonard W. Hall.

Mr. Stewart with Mr. Case of New Jersey.

Mr. Chapman with Mr. Gearhart.

Mr. Robertson of Virginia with Mr. Ellis.

Mr. Lesinski with Mr. Hancock.

Mr. Ervin with Mr. Robertson of North Dakota.

Mrs. Mankin with Mr. Kean.

Mr. Ludlow with Miss Sumner of Illinois.

Mr. Gibson with Mrs. Luce.

Mr. Mahon with Mr. Merrow.

Mr. Lanham with Mr. Towe.

Mr. Kilday with Mr. Winter.

Mr. Granger with Mr. Woodruff.

Mr. Kefauver with Mr. Buffett.

Mr. Murphy with Mr. Simpson of Pennsylvania.

Mr. BAILEY, Mr. BARRY, Mr. HUBER, Mr. LANE, Mr. ANGELL, Mr. MURRAY of Wisconsin, Mr. COFFEE, Mr. ARENDS, Mr. BENDER, Mr. CORBETT, Mr. D'EWART, Mr. BYRNES of Wisconsin, Mr. GWYNNE of Iowa, Mr. CLIPPINGER, Mr. AUCHINCLOSS, Mr. BRADLEY of Michigan, Mr. KEARNEY, Mr. CHIPERFIELD, Mr. LECOMPTE, Mr. CASE of South Dakota, Mr. REES of Kansas, and Mr. BARRETT of Wyoming changed their vote from "no" to "aye."

The result of the vote was announced as above recorded.

The doors were opened.

Mr. RIVERS. Mr. Speaker, I move that the House do now adjourn.

Mr. HERTER. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. HERTER. Mr. Speaker, the motion just made is a dilatory motion and I should like to be heard on it.

Mr. RIVERS. Mr. Speaker, it is always in order to move to adjourn.

The SPEAKER. The gentleman from Massachusetts has made a point of order and the Chair is going to hear him.

Mr. RANKIN. Mr. Speaker, I would like to be heard in opposition to the point of order.

The SPEAKER. The gentleman from Massachusetts.

Mr. HERTER. Mr. Speaker, in ruling on the point of order I realize fully that entire discretion is vested in the Chair in reaching a decision as to whether a motion is a dilatory motion or is not a dilatory motion.

Mr. RANKIN. Mr. Speaker, this is a very important question. The very able gentleman from Massachusetts is addressing the House and I think the Members ought to be here to hear him. I therefore make the point of order there is not a quorum present.

The SPEAKER. The Chair will count, and he will count all those leaving the Chamber.

Mr. MARCANTONIO. Mr. Speaker, a parliamentary inquiry. Can the Chair count those who are leaving?

Mr. RANKIN. Mr. Speaker, I made the point of order they were dilatory in not getting out sooner.

The SPEAKER (after counting). Two hundred and ten Members are present, not a quorum.

Mr. SMITH of Virginia. Mr. Speaker, I move a call of the House.

Mr. RANKIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

The SPEAKER. The question is on the motion for a call of the House.

The question was taken; and on a division (demanded by Mr. RANKIN) there were—ayes 81, noes 13.

Mr. SMITH of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. A quorum is not required in this instance.

So the motion was agreed to.

The SPEAKER. The Clerk will call the roll.

Mr. RANKIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. There is confusion as to what we are voting on. As I understand, we are voting on a motion to adjourn.

The SPEAKER. No. A call of the House has been ordered.

The Clerk will call the roll.

Mr. MARCANTONIO. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MARCANTONIO. The point of no quorum was made by the gentleman from Mississippi, was it not?

The SPEAKER. The House has ordered a call of the House. A roll call is in order, and the Clerk will call the roll.

Mr. MICHENER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MICHENER. Is this the situation, that a quorum was not present when last reported; that the doors are locked and the Sergeant at Arms is out notifying absent Members?

The SPEAKER. That is correct. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 145]

Andersen, H. Carl	Gardner	Pratt
Anderson, Calif.	Gearhart	Rabaut
Andrews, N. Y.	Gibson	Reece, Tenn.
Baldwin, Md.	Gordon	Richards
Beall	Granger	Rizley
Bennet, N. Y.	Gregory	Robinson, Utah
Bennett, Mo.	Hall, Leonard W.	Roe, N. Y.
Bishop	Halleck	Russell
Bloom	Hartley	Sabath
Bonner	Hébert	Schwabe, Mo.
Boykin	Hedrick	Schwabe, Okla.
Brown, Ohio	Heffernan	Shafer
Brumbaugh	Hobbs	Sharp
Buckley	Hoffman	Sheppard
Buffett	Hook	Sheridan
Bunker	Izac	Simpson, Ill.
Campbell	Jackson	Simpson, Pa.
Canfield	Johnson, Calif.	Slaughter
Celler	Johnson, Ind.	Smith, Ohio
Chapman	Jones	Sparkman
Chenoweth	Kean	Spence
Clason	Kefauver	Stefan
Cochran	Keogh	Stevenson
Colmer	Kerr	Stewart
Combs	Kilday	Sumner, Ill.
Courtney	King	Sumners, Tex.
Cox	Knutson	Sundstrom
Cravens	LaFollette	Tarver
Crawford	Lea	Taylor
Cunningham	Luce	Thomas, N. J.
Curley	Ludlow	Tolan
Daughton, Va.	Lynch	Torrens
Dawson	McCormack	Towe
Delaney, John J.	McGehee	Vinson
Dirksen	McGlinchey	Voorhis, Calif.
Dolliver	McMillan, S. C.	Vorys, Ohio
Douglas, Calif.	Mahon	Vursell
Durham	Mankin	Wadsworth
Dworshak	Merrow	Welch
Elliott	Mundt	White
Elsaesser	Norton	Whitten
Engle, Calif.	O'Neal	Wigglesworth
Ervin	O'Toole	Winstead
Fernandez	Patrick	Winter
Fuller	Pfeifer	Wolfenden, Pa.
Fulton	Ploeser	Wood
	Plumley	Woodhouse

The SPEAKER. On this roll call 290 Members have answered to their names, a quorum.

Mr. BARDEN. Mr. Speaker, I move that further proceedings under the roll call be dispensed with.

Mr. ABERNETHY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 284, nays 6, not voting 140, as follows:

[Roll No. 146]

YEAS—284

Abernethy	Angell	Barden
Adams	Arends	Barrett, Pa.
Allen, Ill.	Arnold	Barrett, Wyo.
Allen, La.	Auchincloss	Barry
Almond	Bailey	Bates, Ky.
Andrews, Ala.	Baldwin, N. Y.	Bates, Mass.
Beckworth	Grant, Ind.	Miller, Calif.
Bell	Green	Miller, Nebr.
Bender	Gregory	Mills
Biemiller	Griffiths	Monroney
Blackney	Gross	Morgan
Bland	Gwinn, N. Y.	Morrison
Bloom	Gwynne, Iowa	Murdock
Bolton	Hagen	Murphy
Bonner	Hale	Murray, Tenn.
Boren	Hall, Edwin Arthur	Murray, Wis.
Boykin	Hancock	Neely
Bradley, Mich.	Hare	Norblad
Bradley, Pa.	Harless, Ariz.	Norrell
Brehm	Harness, Ind.	O'Brien, Ill.
Brooks	Harris	O'Brien, Mich.
Brown, Ga.	Hart	O'Hara
Bryson	Havenner	O'Konski
Buck	Hays	Patman
Butler	Healy	Patterson
Byrnes, Wis.	Hendricks	Peterson, Fla.
Camp	Henry	Peterson, Ga.
Cannon, Fla.	Herter	Philbin
Carlson	Heselton	Phillips
Carnahan	Hess	Pickett
Case, N. J.	Hill	Powell
Case, S. Dak.	Hinshaw	Pratt
Celler	Hobbs	Price, Fla.
Chelf	Hoch	Price, Ill.
Chiperfield	Hoeven	Priest
Church	Holifield	Quinn, N. Y.
Clements	Holmes, Mass.	Rabin
Clevenger	Holmes, Wash.	Ramey
Clippinger	Hope	Randolph
Coffee	Horan	Rankin
Cole, Kans.	Howell	Rayfiel
Cole, Mo.	Huber	Reed, Ill.
Cole, N. Y.	Hull	Reed, N. Y.
Cooley	Jarman	Rees, Kans.
Cooper	Jenkins	Resa
Corbett	Jennings	Richards
Cravens	Jensen	Riley
Crosser	Johnson, Ill.	Robertson, N. Dak.
Curtis	Johnson, Lyndon B.	Robertson, Va.
D'Alesandro	Johnson, Okla.	Robsion, Ky.
Davis	Judd	Rockwell
De Lacy	Kearney	Rodgers, Pa.
Delaney, James J.	Kee	Roe, Md.
Delaney, John J.	Keefe	Rogers, Fla.
D'Ewart	Kelley, Pa.	Rogers, Mass.
Dingell	Kelly, Ill.	Rogers, N. Y.
Domengeaux	Kerr	Rooney
Dondero	Kilburn	Rowan
Doughton, N. C.	Kinzer	Ryter
Douglas, Ill.	Kirwan	Sabath
Doyle	Klein	Sadowski
Drewry	Knutson	Sasscer
Earthman	Kopplemann	Savage
Eaton	Kunkel	Scrivner
Eberharter	Landis	Short
Ellis	Lane	Smith, Maine
Elston	Lanham	Smith, Va.
Engel, Mich.	Larcade	Smith, Wis.
Fallon	LeCompte	Somers, N. Y.
Feighan	LeFevre	Spence
Fellows	Lemke	Springer
Fenton	Lesinski	Starkey
Fisher	Lewis	Stevenson
Flannagan	Link	Stockman
Flood	McConnell	Sullivan
Fogarty	McCormack	Taber
Forand	McCowen	Talle
Gallagher	McDonough	Thom
Gamble	McGregor	Thomason
Gary	McKenzie	Tibbott
Gathings	McMillan, S. C.	Traynor
Gavin	McMillen, Ill.	Vursell
Geelan	Madden	Walter
Gerlach	Maloney	Weaver
Gifford	Manasco	Welchel
Gillespie	Mansfield, Mont.	West
Gillette	Mansfield, Tex.	Whittington
Gillie	Marcantonio	Wickersham
Goodwin	Martin, Iowa	Wilson
Gore	Martin, Mass.	Wolcott
Gorski	Mason	Wolverton, N. J.
Gossett	Mathews	Woodhouse
Graham	May	Woodruff
Granahan	Michener	Worley
Grant, Ala.		Zimmerman

NAYS—6

Hand	Lyle	Poage
Jonkman	Pittenger	Rivers

NOT VOTING—140

Andersen, H. Carl	Beall	Buffett
Anderson, Calif.	Bennet, N. Y.	Bulwinkle
Andresen, August H.	Bennett, Mo.	Bunker
Andrews, N. Y.	Bishop	Byrne, N. Y.
Baldwin, Md.	Brown, Ohio	Campbell
	Brumbaugh	Canfield
	Buckley	Cannon, Mo.
Chapman	Hook	Russell
Chenoweth	Izac	Schwabe, Mo.
Clark	Jackson	Schwabe, Okla.
Clason	Johnson, Calif.	Shafer
Cochran	Johnson, Ind.	Sharp
Colmer	Johnson, Luther A.	Sheppard
Combs	Jones	Sheridan
Courtney	Kean	Sikes
Cox	Kefauver	Simpson, Ill.
Crawford	Keogh	Simpson, Pa.
Cunningham	Kilday	Slaughter
Curley	King	Smith, Ohio
Daughton, Va.	Lafollette	Sparkman
Dawson	Latham	Stefan
Dirksen	Lea	Stewart
Dolliver	Luce	Stigler
Douglas, Calif.	Ludlow	Sumner, Ill.
Durham	Lynch	Sumners, Tex.
Dworshak	McGehee	Sundstrom
Elliott	McGlinchey	Talbot
Ellsworth	Mahon	Tarver
Elsaesser	Mankin	Taylor
Engle, Calif.	Merrow	Thomas, N. J.
Ervin	Mundt	Thomas, Tex.
Fernandez	Norton	Tolan
Folger	O'Neal	Torrens
Fuller	O'Toole	Towe
Fulton	Outland	Trimble
Gardner	Pace	Vinson
Gearhart	Patrick	Voorhis, Calif.
Gibson	Pfeifer	Vorys, Ohio
Gordon	Ploeser	Wadsworth
Granger	Plumley	Wasielewski
Hall, Leonard W.	Rabaut	Welch
Halleck	Rains	White
Hartley	Reece, Tenn.	Whitten
Hébert	Rich	Wigglesworth
Hedrick	Rizley	Winstead
Heffernan	Robinson, Utah	Winter
Hoffman	Roe, N. Y.	Wolfenden, Pa.
		Wood

So the motion was agreed to.

The Clerk announced the following pairs:

Additional general pairs:

Mr. Bulwinkle with Mr. August H. Andresen.

Mr. Cannon of Missouri with Mr. Crawford.

Mr. Folger with Mr. Andrews of New York.

Mr. Hébert with Mr. Latham.

Mr. Clark with Mr. Rich.

Mr. Luther A. Johnson with Mr. Talbot.

Mr. Cox with Mr. Wigglesworth.

Mr. Sikes with Mr. Ellsworth.

Mr. Wasielewski with Mr. Hoffman.

Messrs. ABERNETHY, SMITH of Virginia, RANKIN, and WEST changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The Chair recognizes the gentleman from Massachusetts [Mr. HERTER] on a point of order.

Mr. HERTER. Mr. Speaker, as I said at the outset, it is within your discretion to rule on this point of order and there can be no appeal from your ruling; however, in making that ruling, it is obvious that you will be guided by two matters: First, by the chain of circumstances which have led to the point of order being made, and, secondly, by the precedents that have been set by your predecessors in ruling under similar circumstances.

Insofar as the first is concerned, the circumstances that have led to this particular point of order being made are obvious to every Member of this House. For the last few Wednesdays this House has done no business whatsoever. It has clearly been prevented from doing business because certain Members wished to avoid having certain matters come up here for discussion. In other words, sir, as long as the calendar contains certain pieces of legislation that have been favorably reported by your duly constituted committees but have not been

brought here under rule, they can only be brought up in this way, and as long as the Members of the House wish to avoid the calendar being reached they can delay action on those particular matters. We all know what they are.

* * * * *

Mr. RANKIN. Mr. Speaker, I demand those words be taken down.

Mr. MARTIN of Massachusetts. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MARTIN of Massachusetts. The words to be taken down are not the gentleman's words. They are words spoken by someone else years ago. How can the gentleman have those words taken down?

The SPEAKER. The Chair will be able to determine that when he sees the words taken down.

The Clerk will report the words objected to.

The Clerk reported the words objected to.

The SPEAKER. Was the gentleman from Massachusetts using his own words or was he quoting somebody?

Mr. HERTER. I was using my own words, Mr. Speaker.

The SPEAKER. The gentleman used very strong language.

Mr. RANKIN. Mr. Speaker——

The SPEAKER. The Chair has the floor for the moment. The Chair will give the gentleman from Massachusetts the opportunity to ask unanimous consent to withdraw the words objected to.

Mr. HERTER. Mr. Speaker, I ask——

Mr. RANKIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. This proposition has come up in the regular way; and I would like for the Chair to rule on it.

The SPEAKER. The gentleman from Massachusetts is attempting to withdraw the words.

Mr. RANKIN. I understand.

The SPEAKER. The Chair will state that that is the usual way to proceed; if the gentleman is convinced that the words uttered violate the rules of the House, he is allowed to withdraw them.

Mr. RANKIN. Mr. Speaker, I move that those words be stricken from the RECORD, and on that I demand recognition.

The SPEAKER. The gentleman is recognized.

Mr. HERTER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HERTER. I ask unanimous consent, Mr. Speaker, to withdraw those remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. RANKIN. Mr. Speaker, owing to the fact that it is the distinguished gentleman from Massachusetts, for whom we all have great admiration, I will withdraw my point of order.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER. The gentleman from Massachusetts may proceed.

Mr. HERTER. Mr. Speaker, the second point that I wish to emphasize is the question of precedents that have been set by your predecessors under circumstances very similar to those which we are facing here today. I am reading now direct quotations from Cannon's Precedents of the House of Representatives, volume 8, page 424:

The motion to adjourn has been ruled out when dilatory.

On January 10, 1922, following the disposition of business on the Speaker's table, Mr. Finis J. Garrett, of Tennessee, made the point of order that there was not a quorum present.

The Speaker sustained the point of order and Mr. Frank W. Mondell, of Wyoming, moved a call of the House.

A quorum having responded, Mr. Mondell moved to suspend further proceedings under the call.

On demand of Mr. Garrett, the yeas and nays were ordered on the motion to dispense with proceedings under the call, and the vote being taken, was decided in the affirmative—yeas 272, nays 56.

Mr. Garrett offered a motion that the House adjourn.

Mr. Nicholas Longworth, of Ohio, made the point of order that the motion was dilatory.

Mr. Garrett submitted that the motion to adjourn had not been previously made during the day's session.

The Speaker ruled:

"The Chair does not think the fact that it is the first time today that the motion to adjourn has been made proves that it is not dilatory. The Chair believes that it is well known to all Members of the House that when this antilynching bill has been up before, or has been imminent, there has been a deliberate attempt at obstruction led by the gentleman from Tennessee, and today on the vote just taken the gentleman from Tennessee demanded the yeas and nays on the motion to dispense with further proceedings under the call, a mere formal motion on which a record vote meant nothing. That obviously was done to kill time.

"In deciding what is dilatory the Chair thinks he should be very careful, because his decision is final; but, on the other hand, he does not think there can be any question in the minds of any of the Members of the House present that the purpose of the gentleman from Tennessee in making this motion is delay, and not the expectation or intention of accomplishing any other result by the motion. Therefore the Chair thinks that the motion is dilatory."

Mr. Speaker, I could read other quotations and other citations.

Mr. RANKIN. I wish the gentleman would.

Mr. HERTER. However, it seems to me that we have a situation that is so similar in this case that we can only appeal to you, sir, to your fairness and your good judgment, to rule that the point of order is well taken.

Mr. RANKIN. Mr. Speaker, I rise in opposition to the point of order.

The SPEAKER. The gentleman from Mississippi is recognized.

Mr. RANKIN. Mr. Speaker, with all deference to our distinguished friend from Massachusetts [Mr. HERTER] I desire to say that he is entirely wrong. No man ever presided over this House for whom I had a higher regard than Speaker Gillett.

I was here when that decision was made. I thought it was wrong then, and I think so now. The distinguished Speaker of this House [Mr. RAYBURN] was here at that time. He remembers, I am sure.

We were going through a partisan fight on what they called the antilynching bill that, to be perfectly frank with you, not 1 man out of 10 really wanted passed, but they were being prodded, just as you are being prodded now, by political pressure and agitation on the outside.

That was in January 1922, and Finis J. Garrett, one of the ablest men I have ever known, was the minority leader; and believe me, it was a minority at that time. The Republicans had a majority of 169 in this House, and any decision that Mr. Gillett might have made would have been sustained. So this question came up, in the very heat of that debate, on an issue that was just as nonsensical as this one is today. Nine out of ten of you do not want the so-called FEPC bill to come before the House. I am speaking to both you Democrats and Republicans. I am not saying that offensively, because you know I do not entertain that kind of attitude toward you.

But the FEPC bill has dynamite in it, it has poison in it. It is the most dangerous piece of communistic nonsense anybody has ever attempted to ram through the Congress of the United States.

Mr. MARCANTONIO. Mr. Speaker, I make the point of order that he is not addressing himself to the point of order.

The SPEAKER. The gentleman from Mississippi will proceed in order and discuss the point of order.

Mr. RANKIN. I was merely bringing up the background and discussing this proposition in the light of the statement of the gentleman from Massachusetts.

Addressing the Chair again, I notice that the man who is leading this fight, the gentleman from New York [Mr. MARCANTONIO], did not interfere with him, but I do not want to violate the rules of the House, of course.

Now, Mr. Speaker, suppose that ruling were correct? Are you just going to sit here and do nothing and deny a Member the right to move to adjourn?

I see my distinguished friend the gentleman from Michigan [Mr. WOODRUFF] before me. He was here at that time, and he knows they sat here until way in the night and then they finally did just what Mr. Garrett attempted to do late in the afternoon—they adjourned. For the Speaker of this House to hold that it is out of order to make a motion to adjourn the Congress when deep down in their hearts an overwhelming majority of this Congress wants to adjourn, I simply say I do not think the present Speaker would assume that responsibility.

We have a motion to adjourn. We have gone on here for 3½ hours. We are no further along than when we started. You remind me of some drunken men trying to cross the Tennessee River in a boat one night. They paddled until they wore themselves out. They looked around the next morning about an hour by sun and found that they had never untied the boat.

That is the position we are in today. We have gone on here for 3½ hours and

have not moved a peg, and you are not going to move a peg so far as this crazy FEPC bill is concerned, because even if any measure is taken up, it will be some measure from the Committee on Rivers and Harbors, or perhaps some other committee. Suppose you go ahead and consider the bill from our committee until 8 or 9 o'clock tonight and some Member gets up and moves to adjourn, and then somebody wants to hold us here until midnight to try to make us vote on something that none of us want to vote on and that is not even before the House. Then do you think the Speaker would be justified in holding that that was a dilatory motion? I submit that a motion to adjourn at this time is in order, and I hope the Chair will overrule the point of order of my distinguished friend from Massachusetts [Mr. HERTER].

Mr. RIVERS. Mr. Speaker, since I made the motion, may I be permitted to be heard?

The SPEAKER. The Chair will hear the gentleman.

Mr. RIVERS. Mr. Speaker, the gentleman from Massachusetts brought up what had transpired on previous Wednesdays. I submit that what took place on previous Wednesdays has no place in the question now involved. We are now considering what transpires on this particular Wednesday.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. I yield.

Mr. RANKIN. I call attention to the fact that when the decision was rendered to which he referred, it was not on Calendar Wednesday, but at a time when we had a bill under consideration before the House.

Mr. RIVERS. Yes; I am coming to that point.

Reading from section 783 of rule XVI, the language is as follows:

> The motion to adjourn not only has the highest precedence when a question is under debate, but with certain restrictions it has the highest privilege under all other conditions.

We have nothing under debate here. We have not even gotten to the first thing under the Calendar Wednesday rule. We have had a number of parliamentary conditions which under certain conditions I might concede are dilatory. But I submit the motion to adjourn is always in order. It is not debatable. Because somebody in the dim, distant past held that a motion to adjourn was dilatory, that is no reason for the Speaker today to perpetuate that mistake. My friend over yonder, for whom I have the greatest esteem, has hollered about precedent. Do you not know that you boys on that side of the House these days are against the Supreme Court because they have forgotten what precedent is? You should holler about precedent. Now when the Supreme Court wants to kick over the principle of stare decisis, they holler about the general welfare. Mr. Speaker, this is a clean-cut point of fairness. The House wants to adjourn, and the rules give us that right. I submit my motion is in order and it is not made for the purpose of delay. I think the Speaker in spite of his great record for fairness would be presumptuous indeed to think that I would want to be dilatory. I want to get out of here just like you want to do.

The SPEAKER. The Chair is familiar with the rulings made by Speaker Gillett to which the gentleman from Massachusetts refers. One of the greatest responsibilities any occupant of the Chair could assume would be to hold that motions are dilatory. However, that is not to say that the present occupant of the Chair will not, under certain circumstances, hold motions to be dilatory. In the weeks to come and for the remainder of this day the Chair will scrutinize very carefully motions that are made.

The Chair is going to put the motion to adjourn.

The question is on the motion offered by the gentleman from South Carolina [Mr. RIVERS].

The question was taken; and on a division (demanded by Mr. MARCANTONIO) there were—ayes 114, noes 113.

Mr. MARCANTONIO. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 102, nays 188, not voting 140, as follows:

[Roll No. 147]

YEAS—102

Abernethy	Gifford	Murray, Tenn.
Allen, La.	Gore	Norrell
Almond	Gossett	O'Hara
Andrews, Ala.	Grant, Ala.	O'Konski
Barden	Gregory	Pace
Bates, Ky.	Griffiths	Patman
Beckworth	Gwynne, Iowa	Peterson, Fla.
Bell	Hancock	Peterson, Ga.
Bland	Hare	Pickett
Boren	Harris	Poage
Boykin	Hays	Pratt
Brooks	Hobbs	Price, Fla.
Brown, Ga.	Holmes, Mass.	Priest
Bryson	Howell	Rains
Camp	Jarman	Rankin
Chelf	Jennings	Reed, Ill.
Clark	Johnson,	Richards
Clements	Luther A	Riley
Clevenger	Johnson,	Rivers
Cooley	Lyndon B.	Rockwell
Cooper	Kerr	Roe, Md.
Cox	Kilburn	Rogers, Fla.
Cravens	Lanham	Russell
Davis	Larcade	Short
Domengeaux	Lyle	Sikes
Doughton, N. C.	McGehee	Smith, Va.
Drewry	McKenzie	Stigler
Earthman	McMillan, S. C.	Stockman
Eaton	Maloney	Thomas, Tex.
Fellows	Manasco	Weaver
Fisher	Mansfield, Tex.	West
Flannagan	May	Whittington
Folger	Mills	Wickersham
Gary	Monroney	Worley
Gathings	Morrison	

NAYS—188

Adams	Carnahan	Elston
Allen, Ill.	Case, N. J.	Fallon
Andresen,	Case, S. Dak.	Feighan
August H.	Celler	Fenton
Angell	Chiperfield	Flood
Arends	Church	Fogarty
Arnold	Clippinger	Forand
Auchincloss	Coffee	Gallagher
Bailey	Cole, Kans.	Gamble
Baldwin, N. Y.	Cole, Mo.	Gavin
Barrett, Pa.	Cole, N. Y.	Geelan
Barrett, Wyo.	Corbett	Gerlach
Barry	Crosser	Gillespie
Bates, Mass.	Cunningham	Gillette
Bender	Curtis	Gillie
Bennet, N. Y.	D'Alesandro	Goodwin
Biemiller	De Lacy	Gorski
Blackney	Delaney,	Graham
Bloom	James J.	Granahan
Bolton	Delaney,	Grant, Ind.
Bradley, Mich.	John J.	Green
Bradley, Pa.	D'Ewart	Gross
Brehm	Dingell	Hagen
Buck	Douglas, Ill.	Hale
Butler	Doyle	Hand
Byrnes, Wis.	Eberharter	Harless, Ariz.
Carlson	Ellis	Harness, Ind.
Hart	Link	Rees, Kans.
Havenner	Lynch	Resa
Healy	McConnell	Robertson,
Henry	McCowen	N. Dak.
Herter	McDonough	Robsion, Ky.
Heselton	McGregor	Rodgers, Pa.
Hess	McMillen, Ill.	Rogers, Mass.
Hill	Madden	Rooney
Hinshaw	Mansfield,	Rowan
Hoch	Mont.	Ryter
Hoeven	Marcantonio	Sabath
Holifield	Martin, Iowa	Sadowski
Holmes, Wash.	Martin, Mass.	Sasscer
Hope	Mason	Savage
Horan	Mathews	Scrivner
Huber	Michener	Smith, Maine
Hull	Miller, Calif.	Smith, Wis.
Jenkins	Miller, Nebr.	Somers, N. Y.
Jensen	Morgan	Springer
Johnson, Okla.	Murdock	Starkey
Jonkman	Murphy	Stevenson
Judd	Murray, Wis.	Sullivan
Kearney	Neely	Taber
Kee	Norblad	Talle
Keefe	O'Brien, Ill.	Thom
Kelley, Pa.	O'Brien, Mich.	Thomason
Kinzer	Patterson	Tibbott
Klein	Philbin	Traynor
Kopplemann	Phillips	Voorhis, Calif.
Kunkel	Pittenger	Walter
Landis	Powell	Weichel
Lane	Price, Ill.	Wilson
Latham	Quinn, N. Y.	Wolcott
LeCompte	Rabin	Wolverton, N. J.
LeFevre	Ramey	Woodhouse
Lemke	Randolph	Woodruff
Lesinski	Rayfiel	
Lewis	Reed, N. Y.	

NOT VOTING—140

Andersen,	Gibson	Rabaut
H. Carl	Gordon	Reece, Tenn.
Anderson, Calif.	Granger	Rich
Andrews, N. Y.	Gwinn, N. Y.	Rizley
Baldwin, Md.	Hall,	Robertson, Va.
Beall	Edwin Arthur	Robinson, Utah
Bennett, Mo.	Hall,	Roe, N. Y.
Bishop	Leonard W.	Rogers, N. Y.
Bonner	Halleck	Schwabe, Mo.
Brown, Ohio	Hartley	Schwabe, Okla.
Brumbaugh	Hébert	Shafer
Buckley	Hedrick	Sharp
Buffett	Heffernan	Sheppard
Bulwinkle	Hendricks	Sheridan
Bunker	Hoffman	Simpson, Ill.
Byrne, N. Y.	Hook	Simpson, Pa.
Campbell	Izac	Slaughter
Canfield	Jackson	Smith, Ohio
Cannon, Fla.	Johnson, Calif	Sparkman
Cannon, Mo.	Johnson, Ill.	Spence
Chapman	Johnson, Ind.	Stefan
Chenoweth	Jones	Stewart
Clason	Kean	Sumner, Ill.
Cochran	Kefauver	Sumners, Tex.
Colmer	Kelly, Ill.	Sundstrom
Combs	Keogh	Talbot
Courtney	Kilday	Tarver
Crawford	King	Taylor
Curley	Kirwan	Thomas, N. J.
Daughton, Va.	Knutson	Tolan
Dawson	LaFollette	Torrens
Dirksen	Lea	Towe
Dolliver	Luce	Trimble
Dondero	Ludlow	Vinson
Douglas, Calif.	McCormack	Vorys, Ohio
Durham	McGlinchey	Vursell
Dworshak	Mahon	Wadsworth
Elliott	Mankin	Wasielewski
Ellsworth	Merrow	Welch
Elsaesser	Mundt	White
Engel, Mich.	Norton	Whitten
Engle, Calif.	O'Neal	Wigglesworth
Ervin	O'Toole	Winstead
Fernandez	Outland	Winter
Fuller	Patrick	Wolfenden, Pa.
Fulton	Pfeifer	Wood
Gardner	Ploeser	Zimmerman
Gearhart	Plumley	

So the motion to adjourn was rejected.

The Clerk announced the following pairs:

Additional general pairs:

Mr. Bonner with Mr. Dondero.

Mr. Kirwan with Mr. Engel of Michigan.

Mr. Outland with Mr. Gwinn of New York.

Mr. Rogers of New York with Mr. Johnson of Illinois.

Mr. Robinson of Utah with Mr. Knutson.

Mr. Tarver with Mr. Vursell.

Mr. GAVIN, Mr. FENTON, and Mr. RANDOLPH changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The SPEAKER. For what purpose does the gentleman from Mississippi rise.

Mr. WHITTINGTON. To propound a parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WHITTINGTON. My inquiry is this: In the event that the House were to agree to dispense with further proceedings under Calendar Wednesday, would it then be in order for the remainder of the day for the other business on the House program for the week and especially the river and harbor bill, which was under consideration when the House adjourned yesterday afternoon to be taken up immediately if so desired by the leadership, including the Speaker and the chairmen of the committees concerned?

The SPEAKER. If the House dispenses with further proceedings under Calendar Wednesday, then the House can do what it pleases.

Mr. WHITTINGTON. That was my inquiry, Mr. Speaker.

Mr. Speaker, I therefore move that the House dispense with further proceedings under Calendar Wednesday.

Mr. MARTIN of Massachusetts. Mr. Speaker, a point of order. That can only be done by unanimous consent.

Mr. MARCANTONIO. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state the point of order.

Mr. MARCANTONIO. Mr. Speaker, that motion is not in order. To dispense with Calendar Wednesday requires the unanimous consent of the House.

Mr. WHITTINGTON. Mr. Speaker, with your indulgence, may I say that I agree that to dispense with Calendar Wednesday entirely can only be done by unanimous consent, but when there has been a call, and the Committee on Banking and Currency has been called, I respectfully submit that dispensing with the remainder of the proceedings under Calendar Wednesday is in order and that the point of order does not lie.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. MARCANTONIO. I yield to the gentleman from Michigan.

Mr. MICHENER. Without reference to the current controversy, may I call the Speaker's attention to the fact that Calendar Wednesday is presumed to be the people's day; that is, all committees are called in order, and whether a bill comes up for consideration rests entirely within the control of the committee having the call, the majority leadership and the Rules Committee to the contrary notwithstanding.

Calendar Wednesday is usually dispensed with only by unanimous consent. There would be very little use for such a day if this were not the case. General legislation on other days is programed by the leadership; not so on Calendar Wednesday. It would, therefore, seem fundamental if the purposes of the rule are to be carried out, that the committees should be called in order. Were it otherwise, the majority which controls other programs could control proceedings on Calendar Wednesday.

It would seem fair to proceed with the call of committees, and that no motion to dispense with further proceedings under the Calendar Wednesday rule should be in order.

Mr. MARCANTONIO. Mr. Speaker, may I say further that the motion is not in order because the call of the calendar is mandatory. That motion cannot have preference over the call of the Calendar. The only motion that can be considered, as I understand, would be a motion to adjourn, upon which the House has just voted.

Mr. WHITTINGTON. Mr. Speaker, with your indulgence, I have no disposition to delay proceedings, but permit me to say it has been the general and practically universal practice with respect to dispensing with further proceedings under Calendar Wednesday, that that motion has frequently been made when one committee of this House has been called. I submit that to the recollection and to the judgment not only of the Speaker but to the Members of the House.

I respectfully maintain, Mr. Speaker, that the point of order does not lie.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. WHITTINGTON. If I have the floor.

Mr. RANKIN. If you will go back and search the RECORD of Calendar Wednesday proceedings, you will find that time and time again when one committee has been called, then a motion has been made to dispense with further proceedings under Calendar Wednesday, and that motion carried.

Mr. WHITTINGTON. If further proceedings are dispensed with, then the House can proceed to transact other business for the remainder of the day, including the unfinished river and harbor bill that is pending.

The SPEAKER. The Chair will state that the following was held by Speaker Gillett, who has been quoted today, as follows:

> The Speaker is constrained to recognize on Wednesdays any Member proposing a motion to dispense with further proceedings in order on that day.

The motion is in order, but it takes a two-thirds vote to pass it.

Mr. EBERHARTER. Mr. Speaker, does that motion require a two-thirds vote?

The SPEAKER. It does.

Mr. WHITTINGTON. I did not understand the Speaker's answer.

The SPEAKER. The answer was that to suspend the call of the calendar on Wednesday requires a two-thirds vote.

Mr. WHITTINGTON. Is a mere motion now to dispense with further proceedings the same as a motion to suspend the rules altogether? My motion is to simply suspend further proceedings under the call of Calendar Wednesday. I maintain there is a distinction between dispensing with the call altogether and dispensing with further proceedings under the call.

The SPEAKER. The Chair will read the rule so that there will be no misunderstanding:

> On Wednesday of each week no business shall be in order except as provided by paragraph 4 of this rule unless the House, by a two-thirds vote on motion to suspend therewith, shall otherwise determine.

The question is on the motion to dispense with further proceedings under Calendar Wednesday.

Mr. MARCANTONIO. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MARCANTONIO. Does that motion not have to be made at the very beginning of the day?

The SPEAKER. The Chair holds otherwise.

The question is on the motion to dispense with further proceedings under Calendar Wednesday.

The question was taken; and on a division (demanded by Mr. MARCANTONIO) there were—ayes 103, noes 97.

Mr. WHITTINGTON. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 107, nays 183, not voting 140, as follows:

[Roll No. 148]

YEAS—107

Abernethy	Grant, Ala.	Norrell
Allen, La.	Gregory	O'Hara
Almond	Gross	Pace
Andrews, Ala.	Gwynne, Iowa	Patman
Arnold	Hancock	Peterson, Fla.
Bates, Ky.	Hare	Peterson, Ga.
Beckworth	Harris	Pickett
Bell	Hays	Poage
Bland	Hendricks	Pratt
Boren	Hobbs	Price, Fla.
Brooks	Holmes, Mass.	Priest
Brown, Ga.	Howell	Rains
Bryson	Jarman	Rankin
Camp	Jennings	Richards
Chelf	Johnson, Ill.	Riley
Clark	Johnson, Luther A.	Rivers
Clements	Johnson, Lyndon B.	Rockwell
Cole, Mo.	Johnson, Okla.	Roe, Md.
Cole, N. Y.	Kilburn	Rogers, Fla.
Cooley	Lanham	Russell
Cooper	Larcade	Short
Cox	LeFevre	Sikes
Cravens	Lyle	Smith, Va.
Domengeaux	McGehee	Stigler
Dondero	McKenzie	Stockman
Doughton, N. C.	McMillan, S. C.	Tarver
Drewry	Maloney	Thomas, Tex.
Earthman	Manasco	Thomason
Fellows	Mansfield, Tex.	Weaver
Fisher	Mason	West
Flannagan	May	Whitten
Folger	Mills	Whittington
Gary	Monroney	Wickersham
Gathings	Morrison	Worley
Gifford	Murray, Tenn.	Zimmerman
Gore		
Gossett		

NAYS—183

Adams	Butler	Delaney, John J.
Allen, Ill.	Byrnes, Wis.	D'Ewart
Andresen, August H.	Cannon, Mo.	Dingell
Angell	Carlson	Dirksen
Arends	Carnahan	Douglas, Ill.
Auchincloss	Case, N. J.	Doyle
Baldwin, N. Y.	Case, S. Dak.	Eaton
Barrett, Pa.	Celler	Eberharter
Barry	Chiperfield	Ellis
Bates, Mass.	Church	Elston
Bender	Clevenger	Engel, Mich.
Bennet, N.Y.	Clippinger	Fallon
Biemiller	Cole, Kans.	Feighan
Blackney	Corbett	Fenton
Bloom	Crosser	Flood
Bolton	Cunningham	Fogarty
Bradley, Pa.	Curtis	Forand
Brehm	D'Alesandro	Gallagher
Buck	Delaney, James J.	Gamble

Gavin	Kelley, Pa.	Quinn, N. Y.
Geelan	Kelly, Ill.	Rabin
Gerlach	Kinzer	Ramey
Gillespie	Klein	Randolph
Gillette	Knutson	Rayfiel
Goodwin	Kopplemann	Reed, Ill.
Gordon	Kunkel	Reed, N. Y.
Gorski	Landis	Rees, Kans.
Graham	Lane	Resa
Granahan	Latham	Robertson,
Grant, Ind.	LeCompte	N. Dak.
Green	Lemke	Robsion, Ky.
Griffiths	Lesinski	Rodgers, Pa.
Hagen	Lewis	Rogers, Mass.
Hale	Link	Rooney
Hall,	McConnell	Rowan
Edwin Arthur	McCormack	Ryter
Hand	McCowen	Sabath
Harless, Ariz.	McDonough	Sadowski
Harness, Ind.	McMillen, Ill.	Sasscer
Havenner	Madden	Savage
Healy	Mansfield,	Scrivner
Henry	Mont.	Smith, Maine
Herter	Marcantonio	Smith, Wis.
Heselton	Martin, Iowa	Somers, N. Y.
Hess	Martin, Mass.	Springer
Hill	Mathews	Starkey
Hinshaw	Michener	Stevenson
Hoch	Miller, Calif.	Sullivan
Hoeven	Miller, Nebr.	Taber
Holifield	Morgan	Talbot
Holmes, Wash.	Murphy	Talle
Hope	Murray, Wis.	Thom
Horan	Neely	Tibbott
Huber	Norblad	Traynor
Hull	O'Brien, Ill.	Voorhis, Calif.
Jenkins	O'Konski	Walter
Jensen	Patterson	Weichel
Jonkman	Philbin	Wilson
Judd	Phillips	Wolcott
Kearney	Pittenger	Wolverton, N. J.
Kee	Powell	Woodhouse
Keefe	Price, Ill.	Woodruff

NOT VOTING—140

Andersen,	Fuller	Pfeifer
H. Carl	Fulton	Ploeser
Anderson, Calif.	Gardner	Plumley
Andrews, N. Y.	Gearhart	Rabaut
Bailey	Gibson	Reece, Tenn.
Baldwin, Md.	Gillie	Rich
Barden	Granger	Rizley
Barrett, Wyo.	Gwinn, N. Y.	Robertson, Va.
Beall	Hall,	Robinson, Utah
Bennett, Mo.	Leonard W.	Roe, N. Y.
Bishop	Halleck	Rogers, N. Y.
Bonner	Hart	Schwabe, Mo.
Boykin	Hartley	Schwabe, Okla.
Bradley, Mich.	Hébert	Shafer
Brown, Ohio	Hedrick	Sharp
Brumbaugh	Heffernan	Sheppard
Buckley	Hoffman	Sheridan
Buffett	Hook	Simpson, Ill.
Bulwinkle	Izac	Simpson, Pa.
Bunker	Jackson	Slaughter
Byrne, N. Y.	Johnson, Calif.	Smith, Ohio
Campbell	Johnson, Ind.	Sparkman
Canfield	Jones	Spence
Cannon, Fla.	Kean	Stefan
Chapman	Kefauver	Stewart
Chenoweth	Keogh	Sumner, Ill.
Clason	Kerr	Sumners, Tex.
Cochran	Kilday	Sundstrom
Coffee	King	Taylor
Colmer	Kirwan	Thomas, N. J.
Combs	LaFollette	Tolan
Courtney	Lea	Torrens
Crawford	Luce	Towe
Curley	Ludlow	Trimble
Daughton, Va.	Lynch	Vinson
Davis	McGlinchey	Vorys, Ohio
Dawson	McGregor	Vursell
De Lacy	Mahon	Wadsworth
Dolliver	Mankin	Wasielewski
Douglas, Calif.	Merrow	Welch
Durham	Mundt	White
Dworshak	Murdock	Wigglesworth
Elliott	Norton	Winstead
Ellsworth	O'Brien, Mich.	Winter
Elsaesser	O'Neal	Wolfenden, Pa.
Engle, Calif.	O'Toole	Wood
Ervin	Outland	
Fernandez	Patrick	

So two-thirds not having voted in favor thereof, the motion was rejected.

The Clerk announced the following pairs:

Additional general pairs:

Mr. Coffee with Mr. Barrett of Wyoming.
Mr. De Lacy with Mr. Gillie.
Mr. Hart with Mr. Bradley of Michigan.
Mr. Lynch with Mr. Kearney.
Mr. Murdock with Mr. McGregor.
Mr. Boykin with Mr. Ploeser.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will call the next committee on the calendar.

Mrs. ROGERS of Massachusetts. Mr. Speaker, would the Speaker recognize me at this time so that I might express my pleasure at the appointment of Senator WARREN AUSTIN?

The SPEAKER. The Chair does not recognize the gentlewomen from Massachusetts for that purpose.

The Clerk will call the next committee on the calendar.

The Clerk called the Committee on Coinage, Weights, and Measures.

ADJOURNMENT

Mr. WHITTINGTON. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. MARCANTONIO) the House divided and the Chair announced that the ayes were 145 and the noes were 43.

Mr. MARCANTONIO. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MARCANTONIO. Has the Committee on Coinage, Weights, and Measures been disposed of on the calendar?

The SPEAKER. It has been passed.

The motion was agreed to; accordingly (at 4 o'clock and 41 minutes p. m.) the House adjourned until tomorrow, Thursday, June 6, 1946, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON EXPENDITURES IN THE EXECUTIVE DEPARTMENTS

The Committee on Expenditures in the Executive Departments will hold hearings on the President's Reorganization Plans Nos. 1, 2, and 3 beginning at 10 a. m. on Tuesday, June 4, through Friday, June 7.

AVIATION SUBCOMMITTEE OF THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Aviation Subcommittee of the Committee on Interstate and Foreign Commerce at 10 a. m. Thursday, June 6, 1946.

Business to be considered: Public hearing on the bill (H. R. 6417) to amend the Federal Airport Act.

COMMITTEE ON THE JUDICIARY

On Thursday, June 6, 1946, Subcommittee No. 2 of the Committee on the Judiciary will continue hearings on the bill (H. R. 6301) to supplement existing laws against unlawful restraints and monopolies, and for other purposes. The hearings will begin at 10 a. m. and will be held in the Judiciary Committee room, 346 House Office Building.

On Wednesday, June 12, 1946, Subcommittee No. 1 of the Committee on the Judiciary will hold a hearing on the bill (H. R. 6143) to incorporate the Amvets, American Veterans of World War II. The meeting will be held in the Judiciary Committee room, 346 House Office Building, and will begin at 10 a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1368. A letter from the Acting Postmaster General, transmitting a draft of a proposed bill to authorize the Postmaster General to accept gifts and bequests for the benefit of the Library of the Post Office Department; to the Committee on the Post Office and Post Roads.

1369. A letter from the Acting Secretary of the Navy, transmitting a draft of a proposed bill for the relief of the Miami Herald, the Key West Citizen, and the Miami Daily News; to the Committee on Claims.

1370. A letter from the Secretary of War, transmitting a draft of a proposed bill to authorize the Secretary of War to grant to the Georgia Power Co. a 100-foot perpetual easement across Fort Benning in the State of Georgia; to the Committee on Military Affairs.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STIGLER: Committee on Claims. S. 593. An act for the relief of Warrant Officer Wayne C. Proper; without amendment (Rept. No. 2212). Referred to the Committee of the Whole House.

Mr. DOYLE: Committee on Claims. H. R. 1957. A bill for the relief of Frank Sable; with amendments (Rept. No. 2213). Referred to the Committee of the Whole House.

Mr. STIGLER: Committee on Claims. H. R. 2132. A bill for the relief of Raleigh B. Diamond; with amendments (Rept. No. 2214). Referred to the Committee of the Whole House.

Mr. DOYLE: Committee on Claims. H. R. 2319. A bill for the relief of J. B. Shropshire, Firemen's Insurance Co. of Newark, N. J., and Pacific Employers Insurance Co., of San Francisco, Calif.; with amendments (Rept. No. 2215). Referred to the Committee of the Whole House.

Mr. STIGLER: Committee on Claims: H. R. 3145. A bill for the relief of A. C. McMeans; with amendment (Rept. No. 2216). Referred to the Committee of the Whole House.

Mr. DOYLE: Committee on Claims. H. R. 3857. A bill for the relief of Warren H. Thompson and Madeline Parent; with amendments (Rept. No. 2217). Referred to the Committee of the Whole House.

Mr. COMBS: Committee on Claims. H. R. 4265. A bill for the relief of Mary Jane Sherman; with amendment (Rept. No. 2218). Referred to the Committee of the Whole House.

Mr. STIGLER: Committee on Claims. H. R. 4415. A bill for the relief of L. O. Gilliam; with amendment (Rept. No. 2219). Referred to the Committee of the Whole House.

Mr. STIGLER: Committee on Claims. H. R. 4592. A bill for the relief of the Quality Electric Co., Ltd.; with amendment (Rept. No. 2220). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 4660. A bill for the relief of Mrs. Georgia Lanser and Ensign Joseph Lanser; with amendments (Rept. No. 2221). Referred to the Committee of the Whole House.

Mr. STIGLER: Committee on Claims. H. R. 5025. A bill for the relief of Mrs. Opal Riley and Robert R. Riley; with amendments (Rept. No. 2222). Referred to the Committee of the Whole House.

Mr. STIGLER: Committee on Claims. H. R. 5279. A bill for the relief of the Dixie Margarine Co., a Tennessee corporation, of Memphis, Tenn.; with amendment (Rept. No. 2223). Referred to the Committee of the Whole House.

Mr. STIGLER: Committee on Claims. H. R. 5304. A bill for the relief of Pearson Remedy Co.; without amendment (Rept. No. 2224). Referred to the Committee of the Whole House.

Mr. JENNINGS: Committee on Claims. H. R. 5722. A bill for the relief of Charles L. Cannon; with amendment (Rept. No. 2225). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. EBERHARTER:

H. R. 6680. A bill providing for payments in lieu of taxes upon certain surplus property and the payment of taxes thereon when leased or sold to private interests by conditional sale, and authorizing the taxation and assessment thereof for State and local purposes; to the Committee on Expenditures in the Executive Departments.

By Mr. GREEN:

H. R. 6681. A bill to create United States civil service boards of appeals; to the Committee on the Civil Service.

By Mr. GWYNNE of Iowa:

H. R. 6682. A bill to amend sections 81, 82, and 83, and to repeal section 84 of chapter IX of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Louisiana, memorializing the President and the Congress of the United States to enact legislation to exempt all veterans of World War II from the payment of any Federal income taxes during their tenure of service and for 1 year subsequent to honorable discharge on net income not exceeding $2,500 per annum; to the Committee on Ways and Means.

Also, memorial of the Legislature of the Honorable Provincial Board of Camarines Sur, Philippines, memorializing the President and the Congress of the United States with reference to protest of an amendment to the Tydings-McDuffie independence law; to the Committee on Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. JAMES J. DELANEY:

H. R. 6683. A bill for the relief of Agricultural Insurance Co. and others; to the Committee on Claims.

By Mr. GORE:

H. R. 6684. A bill for the relief of Charles Edward Williams; to the Committee on Claims.

By Mr. RAMEY:

H. R. 6685. A bill for the relief of William Grimes and Catherine Grimes; to the Committee on Claims.

By Mr. SOMERS of New York:

H. R. 6686. A bill for the relief of Joseph Villar (Youssouf Tchikvaoglou); to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1932. By the SPEAKER: Petition of president, Kolawin Reading Club, Barrio Kolawin, Argaw, Cebu, P. I., petitioning consideration of their resolution with reference to request for rehabilitation of its library; to the Committee on the Library.

1933. Also, petition of T4g George E. Wuest, petitioning consideration of his resolution with reference to draft legislation and demobilization; to the Committee on Military Affairs.

1934. By Mr. LUTHER A. JOHNSON: Petition of Mrs. Josie M. Roberts, superintendent, the Methodist Hospital, San Jacinto and Rosalie Streets, Houston 4, Tex., favoring S. 191; to the Committee on Interstate and Foreign Commerce.

1935. By Mr. KEOGH: Petition of the members of the International Union of United Brewery, Flour, Cereal, and Soft Drink Workers of America, in opposition to proposed prohibition legislation; to the Committee on the Judiciary.

SENATE

THURSDAY, JUNE 6, 1946

(Legislative day of Tuesday, March 5, 1946)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Our Father God, we thank Thee for the new day bathed in the glory of June, for the dawn orchestra of birds' song, for the fragrance and tint of the tiniest flower, for the mystic beauty of lights and shadows weaving patterns of splendor across the verdant fields and templed hills. Through it all, and in the laughter and tears of our fellow pilgrims and in our own souls, tune our hearts to hear Thy voice, that we may know we are not alone. Deliver us from the folly of coming to Thee with empty words burdened with no agony of desire. So gird our lives that here, in the ministry of public affairs, we may make decisions greatly, walk on the high levels of noble purposes, and with kindling sympathies as wide as human need in all things quit us like men. In the Redeemer's blessed name. Amen.

THE JOURNAL

On request of Mr. LA FOLLETTE, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, June 5, 1946, was dispensed with, and the Journal was approved.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on June 5, 1946, he presented to the President of the United States the following enrolled bills:

S. 470. An act to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim or claims of W. P. Richardson, as successor and assignee of W. P. Richardson & Co., of Tampa, Fla.;

S. 769. An act for the relief of H. H. Ashbrook, and others;

S. 913. An act to protect scenic values along and tributary to the Catalina Highway within the Coronado National Forest, Ariz.;

S. 1106. An act for the relief of Malcolm K. Burke;

S. 1286. An act for the relief of Sam Beechtold;

S. 1605. An act to reimburse certain Navy and Marine Corps personnel and former Navy and Marine Corps personnel for personal property lost or damaged as the result of fires which occurred at various Navy and Marine Corps shore activities;

S. 1802. An act to provide for the delivery of custody of certain articles of historic interest from the U. S. S. *Nevada* and the U. S. S. *Wyoming* to the State of Nevada and the State of Wyoming, respectively;

S. 1805. An act to authorize the promotion of personnel of the Navy, Marine Corps, and Coast Guard who were prisoners of war;

S. 1854. An act to establish the civilian position of academic dean of the Postgraduate School of the Naval Academy and compensation therefor;

S. 1862. An act to repeal section 1548, Revised Statutes (34 U. S. C. 592);

S. 1871. An act to authorize the conveyance of a parcel of land at the naval supply depot, Bayonne, N. J., to the American Radiator & Standard Sanitary Corp.;

S. 1959. An act to authorize the payment of additional uniform gratuity to Reserve officers commissioned from the status of aviation cadets; and

S. 1978. An act to authorize the restoration of Philip Niekum, Jr., to the active list of the United State Navy with appropriate rank and restoration of pay and allowances.

REPRESENTATION OF CONGRESS AT MEETING OF EMPIRE PARLIAMENTARY ASSOCIATION AT BERMUDA

The PRESIDENT pro tempore. Under authority of Senate Concurrent Resolution 58, the Chair appoints the Senator from Rhode Island [Mr. GREEN], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Michigan [Mr. FERGUSON], and the Senator from Wisconsin [Mr. WILEY] as the Members of the Senate to attend the meeting of the Empire Parliamentary Association at Bermuda, beginning June 10, 1946, and designates the Senator from Rhode Island as the chairman of the delegation.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

SUSPENSION OF DEPORTATION OF ALIENS

A letter from the Attorney General, transmitting, pursuant to law, a report reciting the facts and pertinent provisions of law in the cases of 182 individuals whose deportation has been suspended for more than 6 months by the Commissioner of Immigration and Naturalization Service under the authority vested in the Attorney General, together with a statement of the reason for such suspension (with an accompanying report); to the Committee on Immigration.

GIFTS AND BEQUESTS FOR BENEFIT OF POST OFFICE DEPARTMENT LIBRARY

A letter from the Acting Postmaster General, transmitting a draft of proposed legislation to authorize the Postmaster General to accept gifts and bequests for the benefit of the library of the Post Office Department (with an accompanying paper); to the Committee on Post Offices and Post Roads.

REPORT ON CONSTRUCTION AND MAINTENANCE OF BOULDER CITY, NEV.

A letter from the Acting Secretary of the Interior, transmitting, pursuant to law, a report on the expenditures incurred and revenues received in the construction, operation, and maintenance of Boulder City, Nev. (with an accompanying report); to the Committee on Appropriations.

AUDIT REPORT OF FEDERAL DEPOSIT INSURANCE CORPORATION

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the audit of Federal Deposit Insurance Corporation for the fiscal year ended June 30, 1945 (with an accompanying report); to the Committee on Banking and Currency.

AUDIT REPORT OF FINANCIAL TRANSACTIONS OF FEDERAL CROP INSURANCE CORPORATION

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the audit of the financial transactions of the Federal Crop Insurance Corporation for the period July 1, 1941, to June 30, 1942 (with accompanying papers); to the Committee on Agriculture and Forestry.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A letter in the nature of a petition from W. E. Haymore, of Mount Airy, N. C., relating to coercive practices in radio broadcasting (with an accompanying paper); to the Committee on Interstate Commerce.

By Mr. WALSH:

Memorials of sundry citizens of the State of Massachusetts, remonstrating against present and future restrictions on the quantity of grains for the manufacture of beer; to the Committee on Agriculture and Forestry.

By Mr. OVERTON:

A concurrent resolution of the Legislature of the State of Louisiana; to the Committee on Finance.

"Senate Concurrent Resolution 3

"Concurrent resolution memorializing the Congress of the United States to enact legislation to exempt all veterans of World War II from the payment of any Federal income taxes during their tenure of service and for 1 year subsequent to honorable discharge on net income not exceeding $2,500 per annum

"Whereas the democracy of this country is owed largely to the millions of its youth who served in the armed forces during the global conflict known as World War II; and

"Whereas the sacrifices made by these gallant men and women of the United States cannot be compensated in dollars and cents and such is not expected by them; and

"Whereas their whole lives were transformed during their training and fighting without any concern being given to personal business activities, and many of them do not have the funds to defray income-tax payments due or becoming due for the period of their military service; and

"Whereas in most instances, periods of readjustment are required for these veterans to settle down to civilian routine, employment, and business transactions: Therefore be it

"Resolved by the Senate of Louisiana (the House of Representatives concurring), That the Legislature of Louisiana do respectfully request and recommend to the Congress of the United States that its membership sponsor and enact amendments to the Internal Revenue Act whereby each and every veteran of World War II shall be exempted from the payment of any Federal income taxes during their tenure of service and for 1 year subsequent to honorable discharge on net income of each not exceeding $2,500; be it further

"Resolved, That the secretary of state of the State of Louisiana be, and he is hereby, directed to send certified copies of this resolution to the President of the United States, President pro tempore of the United States Senate, Speaker of the House of Representatives, and to each member of the Louisiana delegation in the Congress of the United States.

"J. E. VERRET,
"Lieutenant Governor and President of the Senate.
"N. NORMAN BAUER,
"Speaker of the House of Representatives."

ABOLITION OF OFFICE OF PRICE ADMINISTRATION

Mr. REED. Mr. President, I ask unanimous consent to present for printing in the RECORD, as a part of my remarks, and to have properly referred, resolutions adopted by the Independent Farmers of Kansas, in meeting assembled at Clay Center, Kans., on May 25, 1946. The resolutions express the views of this organization toward the OPA and interference by other governmental agencies.

There being no objection, the resolutions were received, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

Be it resolved, That the OPA be discontinued except for a very few essential products which might otherwise get out of hand. That the Congress of the United States repeal forthwith the so-called Wagner Act, and in its stead enact legislation which will be fair alike to capital, labor, and the general public. That the AAA be repealed forthwith and that full parity prices be paid for all farm products; and be it further

Resolved, That we condemn the practice of our Government operating under the "black market" principles for which we, as individual citizens, are condemned as criminals; and be it further

Resolved, That all penalty wheat-payment money or bonds executed, or both, which the Federal Government is now holding illegally, be returned to their rightful owners at once; and be it further

Resolved, That we, living in the center of the "bread basket" of the Nation find ourselves without flour; that our meat markets are without meat, although—through OPA bungling we are furnishing meat to metropolitan "black markets" of the Nation; we find that we cannot buy clothes, machinery, or the feed required for our livelihood; therefore, be it further

Resolved, That both capital and industry assume a greater responsibility to the general public rather than to those few who might profit from increased dividends, and that our administration attempt to serve the entire people of, by, and for the citizens of the United States rather than for those groups which, in their judgment, might secure their continuance in office.

OTTO GEFFERT,
President, Independent Farmers of Kansas, Greenleaf, Kans.

LABOR LEGISLATION

Mr. BALL. Mr. President, I ask unanimous consent to present for printing in the RECORD a telegram from members of the board of directors of the American Farm Bureau Federation, Washington, D. C., and a resolution adopted by that organization in quarterly session in Chicago on May 31, 1946, relating to labor legislation.

There being no objection, the telegram and resolution were received and ordered to be printed in the RECORD, as follows:

AMERICAN FARM BUREAU FEDERATION,
Washington, D. C., May 30, 1946.

Hon. HARRY S. TRUMAN,
The President,
The White House,
Washington, D. C.:

We, the members of the Board of Directors of the American Farm Bureau Federation in session here today, wish to strongly commend you, as President of the United States, for your courageous action in upholding our Government and protecting the welfare of all the people against a paralyzing strike which threatened disaster to the entire Nation and imperiled the lives of starving peoples by cutting off food supplies. We fully support your position that the public interest must be paramount to the interest of any group, whether it be labor, management, or agriculture. For this reason, on behalf of 1,000,000 farm families who are members of our organization in 45 States, we strongly urge that you give your approval to the Case bill as passed by large majorities of both Houses of Congress.

The Case bill is not a temporary expedient, but it provides effective permanent legislation to deal with continuing problems. It is not a hastily conceived measure but it is the result of careful studies, extensive hearings, and full debate in Congress. It is equally fair to both labor and management. It does not take away any of the rightful gains of labor or deny to labor any fundamental rights. It does protect the public against strikes or lockouts during a reasonable cooling-off period during which a voluntary settlement is sought; it also protects the rights and liberties of the public against unfair, monopolistic practices, and racketeering—none of which by any stretch of the imagination can be called legitimate gains of labor.

We are confident you will not be misled by attempts to smear this bill by name calling and other misrepresentations or by threats of political reprisals. We believe the overwhelming majority of the American people favor this legislation.

Your proposed temporary measure should not be considered a substitute for the Case bill, which has just been passed by Congress. Your emergency bill applies only to plants or facilities that have been seized by the Government and this relief is only temporary in character. The Government cannot and should not seize all plants where strikes occur. That is why legislation such as the Case bill is needed now.

Furthermore, this is a continuing problem and not a temporary situation. Production of critically needed goods has been stalled by a succession of paralyzing strikes which have penalized heavily the entire American people. Their patience is exhausted. We agree that the time has come for action. We therefore appeal to you to sign the Case bill.

Edw. A. O'Neal, President; R. B. Corbett, Secretary; Warren W. Hawley, New York; George M. Putnam, New Hampshire; Herbert Voorhees, New Jersey; John M. Bailey, West Virginia; Perry Green, Ohio; R. E. Short, Arkansas; Ransome Aldrich, Mississippi; H. E. Slusher, Missouri; Frank W. White, Minnesota; Charles Shuman, Illinois; Hassil E. Schenck, Indiana; H. J. King, Wyoming; George H. Wilson, California; J. F. Porter, Tennessee; J. Walter Hammond, Texas; H. L. Wingate, Georgia; Mrs. R. C. F. Weagly, Maryland.

CHICAGO, ILL., May 31, 1946.—The board of directors of the American Farm Bureau, in

quarterly session in Chicago, today adopted the following resolution on labor legislation:

"Since the cessation of hostilities we have witnessed an ever-increasing number of industrial strife and strikes which have brought our great industrial machine almost to a standstill. It has greatly delayed reconversion, resulted in much unemployment, seriously handicapped the production and distribution of food and fiber so badly needed at home and abroad, and imperiled the lives of millions abroad faced with starvation. This deplorable situation has brought condemnation upon many labor leaders and employers by the President of the United States, Congress, and the general public.

"These paralyzing work stoppages have been carried on within the law and upheld by the courts. This demonstrates the inequities and inadequacies of the present laws. The Wagner Act requires negotiation between employers and employees. The temporary wartime Smith-Connally Act requires notices and strike ballots and authorized plant seizures and Government operation. The Railway Labor Act provides for voluntary arbitration and emergency fact-finding boards in the case of the railroads. None of these acts protects the public from disasters flowing from uncontrolled management and labor disputes or jurisdictional disputes between labor unions. Further, the Norris-LaGuardia Act prevents their control through court action by injunction.

"The Case bill would protect the public against strikes or lock-outs during a 60-day cooling-off period, during which a voluntary settlement is sought. It makes labor unions equally responsible with management in carrying out their collective bargaining agreements. It also protects the rights and liberties of the public against unfair, monopolistic practices, and racketeering—none of which by any stretch of the imagination can be called legitimate gains of labor.

"The Case bill represents a constructive forward step toward the protection of the rights of the public in labor disputes. We heartily commend Congress for passing this bill.

"Additional legislation is needed, however, to fully protect the public. The Case bill is an excellent measure as far as it goes in the settlement of labor disputes, but it stops when the going gets really tough. It provides for mediation and voluntary arbitration, but if the parties still fail to agree after 60 days, then they can renew their dispute and resort to a strike or lock-cut.

"Additional legislation should be enacted which will deny to management and labor or to rival labor unions the power to settle their disputes by strikes, lock-outs, slowdowns, and interruptions that deprive the public of food, fuel, transportation, or other vitally necessary supplies or services. The rest of us settle our disputes by law. Disputes between labor unions should likewise be settled by law where the public is thus vitally affected. In such cases the participants should, if negotiation, mediation, fact-finding, and other means have failed, be required temporarily to accept compulsory arbitration boards on which employes, employers, and the general public are given equal representation.

"The cases where the public is thus vitally affected are few in number but of the utmost importance to our national health and economy. It should not even be necessary first to have the Government seize plants and facilities and attempt to operate private industries with the military or naval forces or drafted labor in order to convert a strike against management into one against the Government. Any strike contrary to law is a strike against the Government.

"A law requiring temporarily the acceptance of compulsory arbitration should strictly penalize employers and labor leaders who conduct strikes or lock-outs or other interruptions pending compulsory arbitration or in defiance of the arbitration award. Also, such law should provide for proper use of the injunction and other equity powers of the courts. No such laws are now on the statute books.

"Additional legislation is also needed to outlaw acts of violence, threats, and other forms of intimidation in connection with labor disputes and to eliminate the closed shop, enforced membership, and compulsory check-off of dues. The right of citizens to work in jobs of their own free choice, without fear of violence, or intimidation, or coercion, is just as fundamental in a democracy as the right to cease work when dissatisfied with working conditions.

"Existing laws with respect to contributions to political campaigns and candidates by labor unions should be strengthened and the same restrictions should be applied to them and to organizations controlled by them as are applied to contributions by corporations."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GEORGE, from the Committee on Finance:

H. J. Res. 327. Joint resolution to permit articles imported from foreign countries for the purpose of exhibition at the Inter-American Trade Exposition, Fort Worth, Tex., to be admitted without payment of tariff, and for other purposes; without amendment (Rept. No. 1427).

By Mr. HUFFMAN, from the Committee on Claims:

H. R. 3010. A bill for the relief of Mrs. Marie Edens Nast, Mrs. Bessie Amann, and George R. Townsend; with an amendment (Rept. No. 1429); and

H. R. 3665. A bill for the relief of the legal guardian of William Needom Rashal, a minor; without amendment (Rept. No. 1430).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

(Mr. VANDENBERG (for himself and Mr. LA FOLLETTE) introduced Senate bill 2302, to clarify the procedure for apportionment of funds on the basis of area under the Federal Aid Act of July 11, 1916, and the Federal Highway Act of November 9, 1921, which, with an accompanying statement, was referred to the Committee on Post Offices and Post Roads, and appears under a separate heading.)

By Mr. GURNEY (by request):

S. 2303. A bill to provide for the national security of the Nation by requiring that all qualified young men undergo a period of training for the common defense; to the Committee on Military Affairs.

By Mr. WALSH:

S. 2304. A bill to provide for the training of officers for the naval service, and for other purposes; to the Committee on Naval Affairs.

By Mr. THOMAS of Oklahoma:

S. 2305. A bill to authorize the promotion of personnel of the Army who were prisoners of war; to the Committee on Military Affairs.

By Mr. THOMAS of Utah:

S. 2306. A bill to authorize the Secretary of War to grant to the Georgia Power Co. a 100-foot perpetual easement across Fort Benning in the State of Georgia; to the Committee on Military Affairs.

APPORTIONMENT OF FEDERAL-AID HIGHWAY APPROPRIATIONS

Mr. VANDENBERG. Mr. President, on behalf of the Senator from Wisconsin [Mr. LA FOLLETTE] and myself, I ask unanimous consent to introduce for appropriate reference a bill which deals with Federal-aid highway appropriations. I attach a statement explaining the measure, which I ask to have referred to the committee with the bill, and I request that the statement be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, the bill and explanatory statement will be received and appropriately referred, and the explanatory statement will be printed in the RECORD.

The bill (S. 2302) to clarify the procedure for apportionment of the funds on the basis of area under the Federal Aid Act of July 11, 1916, and the Federal Highway Act of November 9, 1921, introduced by Mr. VANDENBERG (for himself and Mr. LA FOLLETTE), was received, read twice by its title, and, with the accompanying statement, referred to the Committee on Post Offices and Post Roads.

The explanatory statement presented by Mr. VANDENBERG is as follows:

STATEMENT BY SENATOR VANDENBERG

Federal-aid highway appropriations are allocated by the Commissioner of Public Roads on the basis of the relative area of the States, among other factors. All statutes on the subject refer simply to "area," without defining the word. Since 1916 the Commissioner of Public Roads has relied upon decennial census reports for his area figures. Thus, the census report for 1940 is the basis for present allocations. But this census report contains two tables (No. 4 and No. 6). The first is entitled "Areas of the United States," and shows, for example, that the area of Michigan is 96,791 square miles. The second table is a break-down of the first and shows a land area of 57,022 square miles and an inland water area of 1,194 square miles. The second table eliminates 38,575 square miles of water area other than inland water. The Commissioner of Public Roads, in making his allocation of appropriations, although professing to take his area figures from this report, only recognizes the second table. He ignores the first table. He thus penalizes Michigan by removing about 40 percent of its true area from the basis of his allocation of Federal-aid highway funds.

In a long correspondence on this subject with the Commissioner of Public Roads, he presents no justification for thus picking out a part of the census report, and for thus ignoring the primary mileage table which the census report itself describes as the "Areas of the United States," except that it has been standard practice since 1916. But he recognizes a legitimate controversy, in the premises, and says he "would be glad if the Congress would clarify it by specific legislative directive." That is the purpose of the bill which I have introduced in association with Senator LA FOLLETTE, of Wisconsin.

It is a significant fact that the General Land Office of the Department of the Interior bases its area figures on this same decennial census report, but that it recognizes the primary table (No. 4), and thus assigns an area of 96,791 square miles to Michigan. It is not denied anywhere that this is Michigan's actual area—except in the allocations of the Commissioner of Public Roads.

It is a further significant fact that in its latest legislation on this general question of Federal-aid allocations on an area basis, Congress said in the Federal Airport Act, approved May 13, 1946, that the term "area" shall include both land and water.

It is beside the point to argue that water areas have no relationship to good roads. The area factor was not originally put into the highway allocation formula because of

its relationship to the land upon which highways are constructed. It was put in, as spelled out in the original Act of July 11, 1916, as an equalizing factor to produce a fair distribution of these Federal-aid funds as between the States. This equalizing factor fails its essential objective when the total area of States, as certified by the United States census reports, is ignored.

I have used Michigan as an example because it suffers the greatest penalty under this practice. We are penalized to the extent of 38,575 square miles of our true area. Some of the other States suffer the following penalties: Wisconsin, 10,062 square miles; New York, 4,376 square miles; Ohio, 3,457 square miles; Washington, 2,397 square miles; Minnesota, 2,212 square miles; and so forth. Other States with unrecognized water areas are Alabama, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Jersey, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, and Virginia. This total unrecognized water area is 74,364 square miles. But more than 50 percent of it is in Michigan. Wisconsin is the second greatest sufferer to the tune of about 15 percent of the total.

The bill which I have introduced, in association with Senator LA FOLLETTE, seeks to correct this injustice on the same basis employed in the Federal Airport Act of May 13, 1946. It proposes to recognize the true area of the States as reported by each decennial census.

ORGANIZATION OF CONGRESS—AMENDMENT

Mr. LA FOLLETTE submitted an amendment intended to be proposed by him to the bill (S. 2177) to provide for increased efficiency in the legislative branch of the Government, which was ordered to lie on the table and to be printed.

EXTENSION OF EMERGENCY PRICE CONTROL AND STABILIZATION ACTS OF 1942—AMENDMENT

Mr. TAFT submitted an amendment intended to be proposed by him to the bill (H. R. 6042) to amend the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, and for other purposes, which was ordered to lie on the table and to be printed.

REINTEGRATION OF VETERANS INTO CIVILIAN ROLES—ADDRESS BY MAJ. GEN. GRAVES B. ERSKINE

[Mr. JOHNSON of Colorado asked and obtained leave to have printed in the RECORD an address relating to reintegration of veterans into civilian roles, delivered by Maj. Gen. Graves B. Erskine, USMC, Administrator of Retraining and Reemployment Administration, U. S. Department of Labor, on June 3, 1946, which appears in the Appendix.]

ADELPHIA COLLEGE ADDRESS BY DR. PAUL DAWSON EDDY AND CITATIONS OF HONORARY DEGREES

[Mr. MEAD asked and obtained leave to have printed in the RECORD an address delivered by Dr. Paul Dawson Eddy at the academic convocation of Adelphia College, Garden City, Long Island, on June 1, 1946, and citations of honorary degrees, which appear in the Appendix.]

SERVICE TO HOSPITALIZED VETERANS BY BENEVOLENT PROTECTIVE ORDER OF ELKS

[Mr. OVERTON asked and obtained leave to have printed in the RECORD a letter dated May 24, 1946, addressed by T. F. Moore, M. D., manager, Veterans' Administration, Alexandria, La., to the exalted ruler, Elks Lodge No. 546, which appears in the Appendix.]

EDDY GILMORE'S REPORTS ON RUSSIA—EDITORIAL FROM THE MONTGOMERY ADVERTISER

[Mr. PEPPER asked and obtained leave to have printed in the RECORD an editorial entitled "Alabama Welcomes a Great Son," published in the Montgomery Advertiser of June 5, 1946, which appears in the Appendix.]

ATOMIC RESEARCH IN RUSSIA—ARTICLE BY EDDY GILMORE

[Mr. PEPPER asked and obtained leave to have printed in the RECORD an article entitled "Russia Giving Much of Energy to Atom Research, Gilmore Says," written by Eddy Gilmore and published in the Evening Star of June 6, 1946, which appears in the Appendix.]

APPLICATION OF ANTITRUST LAWS TO NEWS-GATHERING ORGANIZATIONS—EDITORIAL COMMENT

[Mr. KNOWLAND asked and obtained leave to have printed in the RECORD an editorial entitled "Task for Congress," published in the San Diego Tribune-Sun of May 16, 1946, and an editorial entitled "Not a Public Utility," published in the San Diego Union of May 18, 1946, which appear in the Appendix.]

THE BATTLE OF SAVO ISLAND

Mr. BROOKS. Mr. President, on August 9, 1942, just off Savo Island, occurred one of the first defeats of our Navy. We lost 3 cruisers, 76 officers, and 876 enlisted men. I have never felt that the real story of that battle was adequately told. I have had correspondence with the Secretary of the Navy in which he has given an explanation. In the concluding paragraph of a letter which I received from him, dated June 3, 1946, he said:

> I am in agreement with you that a satisfactory report of the Savo Island defeat should be made to the American public. Such a report is in the process of preparation in the Navy Department at the present time.

Mr. President, I ask unanimous consent that the correspondence to which I have referred be printed in the RECORD at this point as a part of my remarks.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

APRIL 11, 1946.

Hon. JAMES FORRESTAL,
Secretary of the Navy,
Washington, D. C.

DEAR MR. SECRETARY: According to reports, our naval defeat at Savo Island on August 9, 1942, was one of the worst defeats of the war.

So far as I know, no disciplinary action was ever taken against those who were responsible for this terrific loss of life as well as the destruction of four cruisers.

Current information is that Vice Adm. Alexander Charles Crutchley was in immediate command of this force and that he was not present at the time nor had he designated anyone to act in his stead during his absence.

I wish you would give me a report as to the number of lives lost in this engagement as well as whether or not any disciplinary action was taken against those responsible, and if not, why not.

If there was no disciplinary action taken, it seems to stand out in bold contrast to the action taken against Capt. Charles B. McVay III, in connection with the loss of the *Indianapolis* and its crew.

Yours sincerely,

C. WAYLAND BROOKS.

THE SECRETARY OF THE NAVY,
Washington, May 13, 1946.

Hon. C. WAYLAND BROOKS,
United States Senate.

DEAR SENATOR BROOKS: I am pleased to acknowledge your letter of April 11, 1946, requesting information and statistics on the Battle of Savo Island.

This naval action took place off Savo Island near Guadalcanal in the Solomon group on the night of August 8–9, 1942. The forces involved included a screening force of American cruisers and destroyers and one Australian cruiser, all under the immediate command of Rear Adm. V. Crutchley, V. C., D. S. C., R. N., and a Japanese cruiser task force. During the course of the battle 3 American cruisers were sunk and 76 officers and 876 enlisted men lost their lives. This loss of life does not include that of the crew of H. M. A. S. *Canberra*.

The entire action was made the subject of an exhaustive investigation, the purpose of which was first, to determine exactly what caused the defeat, and second, to determine whether or not any responsible officers involved in the planning and execution of the operation were culpably inefficient. The conclusions reached were largely of a detailed technical and professional nature, but the theme of the personal performance of duty was that no incident had come to light, either directly or by hearsay, which reflected upon the conduct under fire of any officer or enlisted man. The commander in chief, United States Fleet, in his endorsement to the then Secretary of the Navy of the brief of the investigation, corroborated the opinion expressed therein that in no instance was there evidence of culpable negligence or inefficiency, although censure of the immediate tactical judgment of one ship's captain was indicated.

The overwhelming strategical advantage of almost complete surprise attained by the enemy forces was the strongest factor in their favor. The technical deficiencies which manifested themselves in this action were the subject of immediate remedial action and were in a large measure responsible for the training which later made our fleet the most powerful and effective naval force afloat. The strategic plan which was the background for the entire action was predicated upon the current amphibious operations. The naval action was a local engagement incident to a major operation which had as its objective the capture and occupation of enemy-held territory in the Guadalcanal-Tulagi area. All of these operations were under the constant pressure of time and the threat of enemy air, surface, and submarine attacks.

It was exceedingly difficult to reconstruct all the conditions of such an emergency as they may reasonably have influenced an officer who had to make an instant decision, but it is considered that the conclusions reached in this investigation and supported by all of our most competent naval leaders were factual, and that no disciplinary action was required. The full details of the battle and the losses suffered were released to the public shortly thereafter, and Vice Admiral Horne, United States Navy, testified before the Senate Naval Affairs Committee in the premises.

Despite the valuable wartime lessons learned from the Battle of Savo Island, it is regretted that they had to be paralleled by so many costly tragedies.

Sincerely yours,

JAMES FORRESTAL.

MAY 17, 1946.

Hon. JAMES FORRESTAL,
Secretary of the Navy,
Washington, D. C.

DEAR MR. SECRETARY: Thank you very much for your letter of May 13 in reply to my letter

of April 11 in reference to the naval defeat at Savo Island on August 9, 1942.

In my letter to you I said: "Current information is that Vice Adm. Alexander Charles Crutchley was in immediate command of this force and that he was not present at the time nor had he designated anyone to act in his stead during his absence." I wish you would tell me if Vice Admiral Crutchley was in immediate command of this force and whether or not he was present at the time, as well as whether or not he designated anyone to act in his stead during his absence.

If anyone was designated, I would like to know further who that officer was and if any action was taken against that officer such as was taken against Capt. Charles B. McVay III, in connection with the loss of the *Indianapolis* and its crew.

If Admiral Crutchley did not designate anyone to be in command during his absence, was any such similar disciplinary action considered or taken against him for failure to do so?

Considering the large number of American lives lost, it certainly seems to me that there should be a satisfactory statement and report for the American people in connection with this naval disaster.

Yours sincerely,

C. WAYLAND BROOKS.

THE SECRETARY OF THE NAVY,
Washington, June 3, 1946.

Hon. C. WAYLAND BROOKS,
United States Senate.

DEAR SENATOR BROOKS: I am pleased to acknowledge your letter of May 17 requesting further information on the Battle of Savo Island.

In my letter to you of May 13 I stated that the screening force involved in this action was under the immediate command of Rear Admiral Crutchley, V. C., D. S. C., Royal Navy. That force was under the over-all command of Rear Adm. R. K. Turner, United States Navy, then commander Amphibious Forces, Pacific.

Before dark on the night of August 8–9, 1942, the screening ships under Admiral Crutchley were divided into three main parts with the senior officer in each part in charge of his respective group. The northern group consisting of the cruisers *Vincennes, Quincy,* and *Astoria* and accompanying destroyers was under the command of Captain Riefkohl, United States Navy. The southern group consisting of the cruisers *Australia, Canberra,* and *Chicago* and accompanying destroyers was under the command of Rear Admiral Crutchley, who, as previously indicated, also had the over-all screening force command. The third group consisting of the cruisers *San Juan* and *Hobart,* and two destroyers, under the command of Rear Admiral Scott, United States Navy, was covering the eastern approaches to the area and did not participate in the action. All groups were operating in accordance with instructions issued by Admiral Crutchley for disposition and operations in the disembarkation area of Guadalcanal. At about 9 p. m. that evening Admiral Crutchley in H. M. A. S. *Australia* left the formation in obedience to orders from Admiral Turner for the purpose of conferring with the latter in the screened transport area. Upon the departure of the *Australia,* Admiral Crutchley directed Capt. H. D. Bode, United States Navy (now deceased), to take charge of the remainder of the southern group.

The conference mentioned above of amphibious force and screening force commanders was called to determine a course of action in view of the departure of carrier-borne search and fighter patrols and the possibility of a surface attack on the transport area. The distance which the *Australia* traveled to carry Admiral Crutchley to this meeting did not preclude his maintaining over-all command of his screening groups. In view of this and the short time remaining until daylight, the *Australia* was ordered, on completion of the conference, to patrol immediately outside the transport area. It was approximately one quarter of an hour after the *Australia* had taken this station that the Japanese achieved their surprise and commenced the attack. The melee which then ensued was concluded with its devastating results in less than three quarters of an hour, and, as you may readily understand, it was not feasible for the *Australia* to rejoin her group at any time during the confused period of the action.

In connection with the foregoing I have declassified Fleet Admiral King's letter to the Secretary of the Navy of September 14, 1943, which heretofore has been classified as secret, in order that you may have the additional information it contains. His official comments, I believe, will give you a clear conception of the underlying reasons for our naval defeat in the Savo Island engagement. I quote directly from the letter in question:

"Granting that the immediate cause of our losses was the surprise attack, the question is whether or not any officer should be held accountable for failing to anticipate it. Considering that this was the first battle experience for most of the ships participating in the operation and for most of the flag officers involved, and that consequently it was the first time that most of them had been in the position of 'kill or be killed,' the answer to that specific question, in my judgment, must be in the negative. They simply had not learned how and when to stay on the alert.

"The strategic situation preceding the operation was such as to require execution of the operation on a date which made the planning and mounting matters of the greatest urgency. The planning and to a lesser degree the exercise of command reflect the urgency with which the operation was undertaken, and, in that respect, fell short of the usual standards. The fact that the operation was not well executed may have been due in part to lack of experience.

"The deficiencies which manifested themselves in this action, with particular reference to communications and the condition of readiness, together with erroneous conceptions of how to conduct this type of operation, have long since been corrected. Furthermore, adequate administrative action has been taken with respect to those individuals whose performance of duty did not measure up to expectations.

"For the foregoing reasons, and because I see nothing to be gained thereby, I contemplate no further action, but I deem it appropriate and necessary to record my approval of the decisions and conduct of Rear Adm. R. K. Turner, United States Navy, and Rear Adm. V. Crutchley, Royal Navy. In my judgment, those two officers were in no way inefficient, much less at fault, in executing their parts of the operation. Both found themselves in awkward positions and both did their best with the means at their disposal."

From the above it will be apparent that the situations pertaining to the Savo Island Battle and the loss of the *Indianapolis* are not comparable. The reason for the specific action taken in the case of Captain McVay thus is evident.

I am in agreement with you that a satisfactory report of the Savo Island defeat should be made to the American public. Such a report is in the process of preparation in the Navy Department at the present time.

Sincerely yours,

JAMES FORRESTAL.

MILITARY CENSORSHIP

Mr. PEPPER. Mr. President, I have received from the managing editor of the GI newspaper published in Manila a cablegram which raises a very serious question which I want Senators to hear. Then I shall deliver the cablegram to the Secretary of War, and enlist his personal attention to the matter. The cablegram, which is addressed to me, is dated May 31, and reads as follows:

Following statement issued by Daily Pacifican staff in defense of War Department orders for free press. We believe this is a matter for Congress. We are confident our decision in submitting this to you will bring quick and effective congressional action. Statement follows:

Because we are no longer able to keep faith with our readers we, the staff members of the Daily Pacifican, have requested that we be transferred from duty with this publication unless corrective action is taken. Growing pressure from Army authorities in this theater has shorn this newspaper of its right to report freely and fully the news. Under such circumstances we feel that we no longer desire to be associated with the publication.

As soldiers, we obey orders, but as newspapermen we cannot willingly be a part of a plan that twists, omits, varies, and deceptively presents the news. To be an accessory to this plan is to fail in an obligation to thousands of GI's who receive the Pacifican as their only newspaper.

The Army command here, which has embarked on a policy of censoring the Pacifican according to personal whim and prejudice, has banned cartoons, suppressed news stories, restricted and devitalized the letters to the editor column mailbag, and controlled the display of information. Not even dispatches from the Associated Press and United Press have been exempt from these arbitrary policies. Soldiers in this area are being deprived of the complete and impartial news coverage which the War Department has directed they should have. For weeks we have opposed this increasing domination over the news columns and have attempted to dispel it, but without success.

It is our hope that our action in asking to be removed unless corrective measures are taken may result in some steps that will reinstate the Pacifican to the status of a free and honest newspaper. Following are specific examples of the type of censorship to which we have been subjected. We have been forbidden to publish news items concerning internal political problems of the Philippines, even though such news was carried by regular news services and broadcast over the armed forces' radio station here, and even though such news was contained in public statements by General MacArthur.

Written orders have been issued banning the publication of matter critical of Government officials and agencies. Reliable news stories pertaining to demobilization, both those written by staff members and those received from accredited news-gathering agencies, have been killed. Cartoons pertaining to demobilization have been stricken. The cartoon artist has been told to omit satire from his cartoons and not to draw cartoons pertaining to relationship between officers and enlisted men. Close censorship has been exerted over the mailbag and instructions have been given us to bar letters of critical or controversial nature. Temperate expressions of GI opinion have been persistently deleted. Letters, many of them requesting that author's name be held in confidence, have been taken from the office and kept overnight without our consent. Attempts have been made to introduce material showing prejudice, bad taste, and poor judgment into the columns of this paper. As an example, a colonel advocated that our cartoonist rather than drawing pictures of "puny-looking officers" that he go out and find his humor at a "nigger baseball game."

These acts violate not only our integrity as newspapermen and our responsibility to our fellow soldiers, but also the directives of the War Department. War Department, Circular 103, states that "permitting the newspaper to become a mouthpiece of the Army, the theater, or any other command or of any individual or group should be avoided." The circular states that the newspaper will be run according to the best standards and ethics of the American press.

These principles are being violated and the Pacifican is being guided into the channels of becoming a house organ or publicity sheet. It is our sincere opinion that Army authorities here have become supersensitive regarding the complete reporting of the news and have therefore sought to maintain morale and support for themselves by controlling information. This is not the theory set forth by the War Department for making the American soldier the best-informed soldier in the world. To aid in this mishandling of news is to participate in an injustice to every soldier that depends on this publication to bring him the news.

We therefore request that unless War Department regulations are enforced as regards this newspaper and unless it is freed from the grip of unwarranted censorship that we be relieved of our duties on the Pacifican.

For the staff:

Corp. DONALD LAWDER,
Managing Editor.

Mr. President, I wanted the Senate to know of this cablegram, since the senders asked congressional consideration of the subject. I am going to take the liberty of putting the message into the hands of the Secretary of War personally, and ask that he give his personal attention to it, and to see to it that the integrity of all the staff members of this newspaper is not impaired by any improper effort at censorship or control by Army authorities.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 2091) for the relief of Joseph E. Bennett; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MCGEHEE, Mr. HEDRICK, and Mr. JENNINGS were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 2192) for the relief of Andre Dacharry; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MCGEHEE, Mr. JENNINGS, and Mr. COMBS were appointed managers on the part of the House at the conference.

The message further announced that the House had passed a bill (H. R. 3908) to provide increased pensions to members of the Regular Army, Navy, Marine Corps, and Coast Guard who become disabled by reason of their service therein during other than a period of war, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 1776. An act to authorize the exchange of certain land at the Benicia Arsenal, Calif.;

S. 1872. An act to provide for the rank of original appointments in the Corps of Civil Engineers of the United States Navy, and for other purposes;

H. R. 208. An act for the relief of the Marion Contracting Co.;

H. R. 216. An act for the relief of John Seferian and Laura Seferian;

H. R. 238. An act for the relief of Henrietta Silk;

H. R. 781. An act for the relief of the legal guardian of Douglas Charles McRae, a minor;

H. R. 845. An act for the relief of Mrs. Luther S. Sykes;

H. R. 874. An act for the relief of L. Wilmoth Hodges;

H. R. 941. An act for the relief of Mrs. C. A. Lee, administratrix of the estate of Ross Lee, deceased;

H. R. 1037. An act to confer jurisdiction upon the United States District Court, Southern District of Florida;

H. R. 1072. An act for the relief of Henry R. Butler;

H. R. 1229. An act for the relief of Mrs. Mary M. Wolf;

H. R. 1238. An act for the relief of Father Peter B. Duffee;

H. R. 1299. An act for the relief of Morris Fine;

H. R. 1394. An act for the relief of William H. W. Komp;

H. R. 1782. An act for the relief of Ida F. Braun, Alice Braun Menges, and Carl J. Braun, individually and as executors of the estate of Hedwig W. Braun, deceased, and as legatees and beneficiaries of the will of Hedwig W. Braun, deceased, and as the sole parties in interest by succession under the last will and testament of Hedwig W. Braun, deceased, and under the last will and testament of Herman W. Braun, deceased;

H. R. 1852. An act for the relief of R. H. White Transfer & Storage Co., of Nashville, Tenn.;

H. R. 2188. An act for the relief of George W. Bailey;

H. R. 2223. An act for the relief of Catherine Bode;

H. R. 2242. An act for the relief of Mrs. Lessie L. Bryant and Miss Jimmie Alexander;

H. R. 2246. An act for the relief of the estate of Michael O. Mello and Christian O. Mello;

H. R. 2248. An act for the relief of Joseph E. Alarie;

H. R. 2337. An act for the relief of H. H. Hood;

H. R. 2569. An act for the relief of Daphne Webb;

H. R. 2576. An act for the relief of William F. Schmeltz;

H. R. 2579. An act for the relief of John G. Johnson;

H. R. 2665. An act for the relief of Achille Guillory and Olivia Guillory;

H. R. 2747. An act for the relief of George A. West;

H. R. 2926. An act for the relief of Mrs. Alice Breon;

H. R. 2973. An act for the relief of Ben Thomas Haynes, a minor;

H. R. 3100. An act for the relief of Rolland Lee Frank;

H. R. 3125. An act for the relief of Lovie M. Trotter;

H. R. 3177. An act for the relief of James J. Barrett, Jr.;

H. R. 3228. An act for the relief of Sam Dishong;

H. R. 3270. An act for the relief of James B. McCarty;

H. R. 3340. An act for the relief of Mrs. Merla Koperski;

H. R. 3355. An act for the relief of Elisabeth Jones Hansel;

H. R. 3365. An act for the relief of Kay Beth Bednar;

H. R. 3378. An act for the relief of Dr. John A. Logan;

H. R. 3506. An act for the relief of Mary A. Wallis;

H. R. 3523. An act for the relief of Sam Damico and Clint Hamm, operating as the D & H Grocery;

H. R. 3525. An act for the relief of Owen Young;

H. R. 3556. An act for the relief of Mr. and Mrs. Glen Rothenberger;

H. R. 3599. An act for the relief of Ama L. Normand and the estate of Curtis Joseph Gaspard, deceased;

H. R. 3618. An act for the relief of Mrs. Vannas H. Hicks;

H. R. 3676. An act for the relief of Pershing W. Ridgeway;

H. R. 3702. An act for the relief of Maurice C. Ritter;

H. R. 3726. An act for the relief of Earl D. Massey, Marvin Marshall, and Fred C. Mitchell;

H. R. 3751. An act for the relief of Mrs. Theodora O. Anzures and the legal guardian of Bernice Anzures and Andrew Anzures;

H. R. 3770. An act for the relief of Lyndon T. Montgomery;

H. R. 3808. An act for the relief of the estate of William N. Therriault and Millicent Therriault;

H. R. 3822. An act for the relief of the estate of Charles M. Overcash, deceased;

H. R. 3823. An act for the relief of Gertrude McGill;

H. R. 3828. An act for the relief of James R. Vaughan;

H. R. 3968. An act for the relief of the estate of Charles W. Stewart;

H. R. 4016. An act for the relief of Dorothy Morgan;

H. R. 4047. An act for the relief of Edward A. Hollis, Sr.;

H. R. 4074. An act for the relief of Mrs. Jennie Burnison;

H. R. 4115. An act for the relief of the estate of Eleanor Doris Barrett;

H. R. 4141. An act for the relief of Piombo Bros. & Co.;

H. R. 4142. An act for the relief of Johnnie V. Nations;

H. R. 4172. An act for the relief of Carlton G. Jerry;

H. R. 4174. An act for the relief of Mayer G. Hansen;

H. R. 4176. An act for the relief of the estate of Earle R. Woodfall, Jr., deceased;

H. R. 4210. An act for the relief of the estate of Bob Clark and the estate of George D. Croft;

H. R. 4237. An act for the relief of the estate of Vedal B. Brooks, deceased; Mrs. Katherine I. Brooks, and the legal guardian of Sally Brooks, a minor;

H. R. 4244. An act for the relief of Fundador Nieves del Valle;

H. R. 4270. An act for the relief of Southern California Edison Co., Ltd.;

H. R. 4298. An act for the relief of Severo Apoluna Dinson and Candilaria Dinson, and the legal guardian of Laura Dinson and the legal guardian of Teresita Dinson;

H. R. 4300. An act for the relief of the county of Hawaii, T. H.;

H. R. 4301. An act for the relief of Philip Naope Kaili and Susie Kaili;

H. R. 4338. An act for the relief of Anna Blanchard and others;

H. R. 4352. An act for the relief of Ola L. Wright, Mrs. Margaret Wright, and the legal guardian of Betty Bea Wright, a minor;

H. R. 4405. An act for the relief of John Bakelaar;

H. R. 4414. An act for the relief of Eva D. Champlin, Robert H. Howell, Emily Howell, and Stella Ward;

H. R. 4416. An act for the relief of George H. Buxton, Jr.;

H. R. 4418. An act for the relief of the city of San Diego, Tex.;

H. R. 4491. An act for the relief of Vertie Bea Loggins;

H. R. 4527. An act for the relief of O. T. Nelson and wife, Clara Nelson;

H. R. 4537. An act for the relief of Lillian Jacobs;

H. R. 4545. An act for the relief of George Leslie Dobson;

H. R. 4567. An act to amend the act entitled "An act conferring jurisdiction upon the United States Court of Claims to hear, examine, adjudicate, and render judgment on any and all claims which the Ute Indians, or any tribe, or band thereof, may have against the United States, and for other purposes," approved June 28, 1938;

H. R. 4607. An act for the relief of Margaret Lee and Mike Sopko;

H. R. 4609. An act for the relief of Jerome Dove;

H. R. 4633. An act for the relief of John B. Clausen;

H. R. 4639. An act for the relief of C. LeRoy Phillips;

H. R. 4640. An act for the relief of Gladys Hastings;

H. R. 4647. An act for the relief of Albert R. Perkins;

H. R. 4670. An act for the relief of Mrs. Edna B. LeBlanc;

H. R. 4716. An act for the relief of Charles B. Borell;

H. R. 4723. An act for the relief of John M. Shipp;

H. R. 4750. An act for the relief of C. C. Vest;

H. R. 4757. An act for the relief of Mrs. Gussie Feldman;

H. R. 4777. An act for the relief of the Sawtooth Co.;

H. R. 4800. An act for the relief of Harry Fleishman;

H. R. 4832. An act for the relief of Stanley B. Reeves and Mrs. Stanley B. Reeves;

H. R. 4833. An act for the relief of the estate of Robert Lee Blackmon;

H. R. 4836. An act for the relief of Louis M. Drolet;

H. R. 4854. An act for the relief of Mrs. Pearl Smith;

H. R. 4885. An act for the relief of Ernst V. Brendler;

H. R. 4904. An act for the relief of Cleo D. Johnson and Mr. and Mrs. Jack B. Cherry;

H. R. 4905. An act for the relief of Nina E. Schmidt;

H. R. 4915. An act for the relief of Irving W. Learned;

H. R. 4976. An act for the relief of Mrs. Catherine Fortunato;

H. R. 4977. An act for the relief of Mrs. Theresa Ebrecht;

H. R. 5049. An act for the relief of the estate of Obaldino Francis Dias;

H. R. 5111. An act for the relief of Mrs. Mildred L. Bupp;

H. R. 5212. An act for the relief of the dependents of Cecil M. Foxworth, deceased;

H. R. 5307. An act for the relief of Ben V. King;

H. R. 5525. An act for the relief of Sylvia Wagner;

H. R. 5718. An act to facilitate the liquidation of Washington Railway & Electric Co.;

H. R. 6010. An act for the relief of the Yakutat Cooperative Market;

H. R. 6011. An act for the relief of Dr. Harry Burstein, Madeline Borvick, and Mrs. Clara Kaufman Truly (formerly Miss Clara M. Kaufman);

H. R. 6245. An act for the relief of Mary G. Paul; and

H. R. 6334. An act for the relief of the estate of Carmen Aurora de la Flor, deceased.

ORGANIZATION OF CONGRESS

The Senate resumed the consideration of the bill (S. 2177) to provide for increased efficiency in the legislative branch of the Government.

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum without losing the floor.

The PRESIDENT pro tempore. The Senator will be recognized after the quorum call. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Guffey	Myers
Andrews	Gurney	O'Daniel
Austin	Hawkes	Overton
Ball	Hayden	Pepper
Barkley	Hickenlooper	Reed
Bridges	Hill	Revercomb
Briggs	Hoey	Robertson
Brooks	Huffman	Russell
Buck	Johnson, Colo.	Smith
Burch	Johnston, S. C.	Stanfill
Bushfield	Kilgore	Stewart
Butler	Knowland	Taft
Capehart	La Follette	Thomas, Okla.
Capper	Lucas	Thomas, Utah
Connally	McCarran	Tobey
Cordon	McClellan	Tunnell
Donnell	McKellar	Vandenberg
Downey	McMahon	Wagner
Eastland	Magnuson	Walsh
Ferguson	Mead	Wheeler
Fulbright	Millikin	Wherry
George	Mitchell	White
Gerry	Moore	Wiley
Green	Murdock	Wilson

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Alabama [Mr. BANKHEAD] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senators from Idaho [Mr. GOSSETT and Mr. TAYLOR] are absent by leave of the Senate.

The Senator from South Carolina [Mr. MAYBANK] and the Senators from Maryland [Mr. RADCLIFFE and Mr. TYDINGS] are necessarily absent.

The Senator from Virginia [Mr. BYRD], the Senators from New Mexico [Mr. CHAVEZ and Mr. HATCH], the Senator from Louisiana [Mr. ELLENDER], the Senator from Montana [Mr. MURRAY], and the Senator from Wyoming [Mr. O'MAHONEY] are detained on public business.

The Senator from Arizona [Mr. MCFARLAND] is absent on official business.

Mr. WHERRY. The Senator from Maine [Mr. BREWSTER], the Senator from Oregon [Mr. MORSE], and the Senator from Indiana [Mr. WILLIS] are necessarily absent.

The Senator from Connecticut [Mr. HART], the Senator from North Dakota [Mr. LANGER], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from Minnesota [Mr. SHIPSTEAD], and the Senator from North Dakota [Mr. YOUNG] are absent by leave of the Senate.

The PRESIDENT pro tempore. Seventy-two Senators having answered to their names, a quorum is present.

Mr. LA FOLLETTE. Mr. President, when the Senate recessed last night I had just concluded a discussion of the joint legislative-executive council provision of the pending measure. I now wish to emphasize that the purpose of that council is to help bridge the gap between the legislative and executive arms of the Federal Government and to bring about greater cooperation and coordination on legislative policy and matters of high policy.

Now I wish to discuss one of the other recommendations in the bill which I consider to be of kindred importance. I refer to the provisions designed to strengthen congressional oversight of the execution of the laws by the executive branch of the Government.

Let me make it clear at the outset that there is no intention to invade the purely and strictly administrative functions of the executive branch. However, as all Senators know, because of the complexity of our modern society it has become necessary for the Congress to delegate to the various departments and agencies of the Government powers for making rules and regulations in order that they may carry out in detail the intent of Congress as provided in the enabling legislation.

To this end this measure proposes that the reorganized committees of the Senate shall be charged with the responsibility of the oversight of the various agencies and departments of government which come within their jurisdiction insofar as legislative policy is concerned. For that purpose we grant to all committees the power of subpena, and we are proposing, as I mentioned yesterday, that they be given staffs of four experts in their respective fields of legislative jurisdiction. I believe that this provision, if enacted, will have a very salutary effect in making certain that the particular delegations of legislative power made necessary, as I say, by the complexity of our modern society, will be carried out in conformity with the intent of Congress.

Secondly, I believe that this arrangement will result in the standing committees of the Senate becoming more familiar than they are today with the problems confronting the executive department in carrying out the will and intent of Congress. In what might be described as the lower echelon of public policy, I believe it will have a similar effect in helping to bring the executive and legislative arms of the Government into a more harmonious relationship in carrying out the laws enacted by the Congress.

Because of this requirement, the bill bans the creation of any more special committees. Let me say that, in making this recommendation, there is no intention, either directly or indirectly, to reflect in any manner upon the excellent work which has been done by many of the special committees of the Senate. Nevertheless, I am sure that all Senators appreciate that if this work is done by the standing committees, it is a much more efficient way of transacting business, because no matter how well the select or special committee may do its work, whatever legislative recommendations flow from the studies or investigations made by select or special committees must in the end be referred to the standing committees of the Senate. Often, because there is no cross-reference between the standing committee in a particular province of legislation and a select committee created for a special purpose, it becomes necessary for the standing committee, to some extent at least, to replow the ground which has been gone over by the select committee or the special committee.

Furthermore, the work of select or special committees is of necessity sporadic. They are created for a special purpose, with a special objective in mind, for a certain field of investigation or study. When that need has passed they tend ultimately to be abandoned, and for that reason their effectiveness is sporadic in character; whereas, if it now becomes the responsibility, as we propose, of the standing committees of the Senate to carry on this very important oversight function, we feel that it will result in a much more continuous surveillance of the executive agencies and departments of government.

Mr. SMITH. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. SMITH. Does that mean that the present special committees would be abolished, and their functions turned over to the regular standing committees?

Mr. LA FOLLETTE. The measure proposes to ban their creation in the future. It is my understanding of the language as it now stands that existing committees which may be continued beyond the end of this Congress would be permitted, if they were given additional funds and authority, to conclude their work. But the creation of such committees in the future is banned by the measure as it stands.

Mr. SMITH. I thank the Senator.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I am glad to yield to the Senator from Maine. I wish at this time to express my deep appreciation to the Senator from Maine and all other Senators and Representatives who were on the joint committee or the special committee, for the great amount of time and effort which they have given to the work of those two committees.

Mr. WHITE. Mr. President, let me express my satisfaction that I interrupted the Senator at this point, in view of what he has said.

I wished to refer to the question of special committees and the proper functions of our standing legislative committees. I think I am stating the fact accurately when I say that, in the case of most of our special committees, they have no legislative authority whatsoever, but are investigatory in character and in some instances are permitted to make recommendations, and that is all. That does not relieve the standing committees of the Senate of the obligation of study and of reaching conclusions. In a sense, it involves a duplication of effort. Does not the Senator believe that to be so?

Mr. LA FOLLETTE. Yes, I do. I think the Senator has helped to emphasize a very important aspect of this particular recommendation of the joint committee which is now contained in the pending measure.

Mr. HILL. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I am glad to yield.

Mr. HILL. Anent what the Senator from Maine has said, I think there are many very wise, constructive, and fine features in this reorganization bill; but I doubt if there is any feature that commends itself more than this very feature involving the abolition of special committees. As the Senator from Maine knows and has stated, the creation of special committees has meant a great deal of dispersion of effort, and much duplication and waste of time and effort on the part of Senators. The regular legislative committees alone can report proposed legislation to cure ills or defects which may exist; and yet we find numerous special committees taking numberless hours of the time of Members of this body to investigate, investigate, investigate, though they have no power to report remedial or other measures.

The Senator and his committee certainly have pointed out a most important and needed reform, in my opinion, in connection with the work and procedure of this body, namely, to do away with the special committees, and to impose responsibility and the authority directly on the regular legislative committees.

Mr. LA FOLLETTE. I thank the able Senator from Alabama for his comment.

I should like to reemphasize the fact that the proposal to give each one of the reorganized committees a staff of four persons who would be experts in their special province of legislative jurisdiction, will, if adopted, also give the committees what most of them have never had before, namely, a continuing staff which, as time goes by, will become increasingly valuable to the committees in the discharge of their particular functions.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield to the able Senator from Missouri.

Mr. DONNELL. Will the Senator be kind enough to state what his committee has in mind with respect to the following situation: Suppose an entirely unexpected subject were to arise, one which, generally speaking, would not be considered as comprehended within the provinces of the committees established by the rule—as, for illustration, the matter of atomic energy or something else which came up ab initio, something we never had thought of. What is the Senator's idea, please, as to the committee to which such a subject of unexpected nature should be assigned?

Mr. LA FOLLETTE. So far as atomic energy is concerned, the measure which recently passed the Senate creates a standing joint committee in that province of legislative jurisdiction. I believe that if the Senator from Missouri will search the jurisdictional definitions which are contained in the report and in the bill, he will see that only in very rare instances would it be found that one of the standing committees would not have sufficiently broad jurisdiction to serve the purpose of making an investigation or study in a particular field. But if such a situation should ever arise, the remedy would be for the Senate to suspend the rule and to permit the creation of a special committee. I submit, if the matter were of such transcendent importance that it would be impossible to find a standing Senate committee with the competence or the jurisdiction to deal with it, there would be no difficulty in obtaining the necessary votes to suspend the rule.

But I wish to say to the Senator that, having observed the Senate for many years, it is my feeling that unless we impose a firm and definite ban against the creation of special committees, we shall have them cropping up all the time in the future. Although, as I have said, they have rendered great service in particular instances, it is not the logical or efficient way in which to carry on committee work.

Mr. DONNELL. Mr. President, will the Senator yield for a further inquiry?

Mr. LA FOLLETTE. I am delighted to yield.

Mr. DONNELL. I can well appreciate, having had far less experience than the Senator from Wisconsin has had, the pertinence of the point he has made. The point which was in my mind was whether there was adequate provision to take care of a very unexpected situation. Of course, I appreciate that the matter of atomic energy has already been covered. However, I was referring to that matter only as an illustration; it is easily possible that some other entirely unexpected situation which we cannot at this time foresee might arise within the next few years.

I may add that the committee which has reported the pending bill, of which the distinguished Senator from Wisconsin is chairman, is a special committee. Although I am not in any sense opposing the principle, nevertheless I think the Senator's own committee illustrates the fact that under some circumstances, at any rate, a special committee can render distinguished and valuable services to the Congress.

Mr. LA FOLLETTE. Mr. President, I appreciate the Senator's comment. But let me say that the reason why it was necessary to create a special committee to study the pending measure was in order to escape from the archaic committee situation which we are trying to remedy. I think the Senate will find that if it will go along with the recommendations regarding committee reorganization, that situation will disappear in the future.

Mr. DONNELL. Mr. President, will the Senator further yield?

Mr. LA FOLLETTE. I yield.

Mr. DONNELL. Let me say that the thought I have just expressed, namely, that the pending measure is the work of a special committee, is not original with me; another Senator suggested it. I think it appropriate to state at this time that the special committee of which the distinguished Senator is the chairman has performed, and it is generally so recognized, a very great and valuable service.

Mr. LA FOLLETTE. I thank the Senator. I was merely trying to make it clear that I was not disparaging the work which has been done by special or select committees in the past. But I believe that the idea of having special regulatory and study functions combined with the work of the standing committees will ultimately result in a much more efficient handling of any studies which may be made as a result of investigations which may be conducted.

Mr. MAGNUSON rose.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield first to the Senator from Washington, who rose first; and then I shall be glad to yield to the Senator from Florida.

Mr. MAGNUSON. Mr. President, I was simply going to suggest that in case a special situation arises, one such as to call for the creation of a special committee, the Congress could always create one.

Mr. LA FOLLETTE. Yes; I have suggested that the rule could be suspended in that case. I feel sure that if anything so vital or important as atomic energy is in store for us in the future, some subject which might not find a place in the proposed reorganized committee structure, there would be no difficulty in obtaining the votes to suspend the rule and create a special committee.

Mr. MAGNUSON. The point is that the likelihood for the necessity of creating such a committee, such as has arisen in the past, would be greatly minimized, and we would not be likely to need such special committees.

Mr. LA FOLLETTE. Exactly. That is what I tried to point out.

Now I yield to the Senator from Florida.

Mr. PEPPER. Mr. President, I have been very much interested in the explanation which has been given by the distinguished chairman of the committee about a staff for each of the standing committees. I am interested in learning whether, in the opinion of the able Senator from Wisconsin, such staffs would aid Senators in bringing their constituents into contact with persons who might review administrative action which they might consider detrimental in some way. For example, suppose a constituent from the State of a Senator were to come to Washington and were to complain that a Federal agency was so administering a certain law as to cause a detrimental or unfair effect upon that person or upon a group of people or the industry of which they were a part. Then, instead of the Senator's perhaps having to act personally as a lawyer or an advocate for that group with the administrative agency, would it not be possible, although it might not be what the Senator would always wish to do, if there were such a staff of a committee, for the Senator to lay the matter before that trained personnel which would have a congressional viewpoint and a knowledge of the congressional intent? Is it not probable that such a staff could be of great assistance to the Senator in helping his constituents obtain from the administrative agency the kind of consideration which the Senator would feel they were entitled to have, without requiring the Senator to go to the agency and spend an hour or two or perhaps a day in trying to present the matter himself?

Mr. LA FOLLETTE. Mr. President, it would be my view that that particular type of activity would fall very much more on the administrative assistant which the bill proposes to provide for each Member of Congress. The pending measure provides that the experts of standing committees shall be assigned only to committee work in order that they may serve the majority and minority members of committees specifically in their committee fields. However, I feel certain that the familiarity which these staffs would have and would acquire with experience would certainly be available in some phases to Senators who found themselves in a particular difficulty of the nature which the Senator from Florida has described.

Mr. PEPPER. I am quite aware of the provision in the bill, as recommended by our committee, for executive assistants to the Members of Congress, which I think is one of the most valuable recommendations of the committee. However, the case I had in mind would be one in which the administrative agency was administering a law in a way which a Senator felt was contrary to the congressional intent. No one would be better acquainted with what was the congressional intent in the enactment of the law than the staff of the standing committee which had proposed and recommended the legislation. So, in a case of that kind, the Senator or his administrative assistant could bring the matter to the attention of the committee staff, and if they agreed that the administrative agency was administering the act contrary to the congressional intent, the staff could call someone in the administrative agency and say, "This matter has been brought to our attention and we are inclined to agree with the persons who have directed our attention to the subject that the way in which you have been administering the act is not in accordance with what was the congressional intent when the act was passed." If they proceeded contrary to congressional intent, we would have an informed staff which could bring to the committee's attention the fact that the administration of the law was not in accordance with the legislative intent.

Mr. LA FOLLETTE. Mr. President, I certainly agree with the Senator from Florida that any administrative procedure which rises to the level of being on its face a violation of the intent of Congress, would come within the province of both the standing committees and their staffs. I would anticipate that in the future those staffs would constantly be keeping the members of the committees and the chairmen informed whenever they felt an agency or a department was issuing rules or regulations, or making interpretations of those already issued, which contravened the intent of Congress when the legislation was passed.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. DONNELL. Along the line of the inquiry which I made a few minutes ago, I invite the Senator's attention to the fact that the banning of the establishment of a special or select committee is set forth, as I understand, not in a rule but in section 126 of the pending bill. If I am correct, would not that provision preclude the Senate from subsequently setting aside the section and providing for the creation of a special committee, inasmuch as this is to be a section of the statute and is not the creation of a mere rule.

Mr. LA FOLLETTE. The Senator will find, if he will look on pages 4 and 5 of the bill, that we have expressly reserved to each House of Congress the right to amend its rules. That is why I suggest to the Senator that if a question arises which requires study and investigation, and a proper standing committee for that purpose does not exist and should be created, it can be done in either body by suspending the rules. We utilized this same method in the executive reorganization bill which was passed. I invite the Senator's attention to the language of section 101 of Senate bill 2177, which reads as follows:

> SEC. 101. The following sections of this title are enacted by the Congress:
>
> (a) As an exercise of the rule-making power of the Senate and House of Representatives, respectively, and as such they shall be considered as part of the rules—

And so forth. So I do not share the apprehension of the Senator on that score. I have been over the matter with the legislative counsel, who made a very thorough study and investigation of it at the time the executive reorganization bill was under consideration.

Mr. DONNELL. Mr. President, if I may have the Senator's ear for one further question, as I read the provision on page 5 of the bill, there is a full recognition of the constitutional right of either House to change its rules. The point which I make, however, is that section 126 of the bill is not the creation of a rule but the creation of a law. The mere power to change rules would not, it would seem to me, give the Senate the right to set aside a specific statutory provision that—

> No bill or resolution, and no amendment to any bill or resolution, to establish or to continue a special or select committee, including a joint committee, shall be received or considered in either the Senate or the House of Representatives.

Mr. LA FOLLETTE. Mr. President, I cannot agree with the Senator's interpretation.

Mr. DONNELL. I understand the Senator's idea to be that section 126, by the provision of section 101, is merely one of the rules of the Senate?

Mr. LA FOLLETTE. Certainly; because it is a part of that title, and section 101 expressly states the fact to be that these sections are included as a part of the rules of the respective Houses of Congress, and merely preserve the right to each of them jointly to suspend or change any rule.

Mr. DONNELL. I thank the Senator.

Mr. LA FOLLETTE. I appreciate the Senator's inquiry because it helps to bring out the facts and terms of the measure.

Mr. President, in the last analysis the Congress is the center of political gravity under the Constitution, because it reflects and expresses the popular will in the making of national policy.

In recent years in particular, and to a growing extent, the true attitude of public opinion has too often been distorted

and obscured by pressures of special-interest groups. Every Senator and Representative has been on the receiving end of this type of public pressure. Organized campaigns of one kind and another are daily reflected in the telegrams, letters, and other communications which are received in the office of every Senator and every Representative. Therefore, your committee has come to the conclusion that the time has arrived when the Congress must take action, not in any way, shape, or manner to contravene or to reduce the right of petition which is guaranteed to the citizens of this Republic by the Constitution, but in order that there may be a public record of the activity of these pressure groups. We have recommended, therefore, and there is contained in this measure, a provision for the registration of persons using their influence upon the Congress.

I wish to speak very briefly about this matter. I wish first to tell what the bill does not do. First of all, title III does not curtail the right of free speech or freedom of the press or the right of petition.

Second. It has no application to the publishers of newspapers, magazines, or other publications, acting in the regular course of business.

Third. It has no application to persons who appear openly and frankly before the committees of Congress and engage in no other activities to influence legislation.

Fourth. It does not require any reports of any persons or organizations now required to report under the provisions of the present Corrupt Practices Act.

Fifth. It does not apply in any manner to persons who appear voluntarily before committees of Congress without compensation.

Sixth. It does not apply to organizations formed for other purposes whose efforts to influence legislation are merely incidental to the purposes for which they were formed.

On the other hand, the title applies chiefly to three distinct classes of so-called lobbyists:

First. Those who do not visit the Capitol, but initiate propaganda from all over the country in the form of letters and telegrams, many of which have been based entirely upon misapprehensions or misinformation as to the facts.

I am sure every Senator has had the same experience I have had on occasion of writing to persons who have responded to this type of suggestion, sending them a copy of the proposed legislation, and asking them for their comments. After they have read the measure, it is discovered that the telegram or letter was written perfectly innocently by the citizen or the organization without proper information as to the true legislative intent of the measure then pending.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. WHITE. Of course, it is everlastingly true that, unless Members of the Senate and the House of Representatives are able to know who is appealing to them, they never are able properly to evaluate what is said to them or what is written to them. It is absolutely essential, if we are to give the proper weight to whatever comes to our ears or our desks, that we shall know who are the people and what is the interest of the people who are making their representations to us.

Mr. HILL. Mr. President, will the Senator from Wisconsin yield?

Mr. LA FOLLETTE. I yield to the Senator from Alabama.

Mr. HILL. In that connection is it not true that some 10 years ago the Senate realized the need for legislation of this character when it passed a bill introduced by my former distinguished colleague, now Mr. Justice Black of the Supreme Court, seeking the very thing which the bill now pending would do? Is not that correct?

Mr. LA FOLLETTE. That is correct, I will say to the Senator from Alabama. I might emphasize that this class of persons or organizations will not be required under the title to cease or curtail their activities in any respect, but merely to disclose the sources of their collections and the methods in which they are disbursed.

Second. The second class of so-called lobbyists at whom this bill is aimed are those who are employed to come to the Capitol under the false impression that they exert some powerful influence over Members of Congress. These individuals spend their time in Washington, presumably exerting some mysterious influence with respect to legislation in which their employers are interested, but carefully conceal from Members of Congress whom they happen to contact the purpose of their presence. I have no way of knowing how many persons in this category are living in luxury; but I have no doubt they have ofttimes sold Senators and Members of the House down the river to their clients on the ground that they have seen them and have secured their approval of whatever it was they were interested in, when often they may not have even contacted the Senator or Members of the House.

The title in no wise prohibits or curtails their activities. It is no threat to their present manner of livelihood. It merely requires that they shall register and disclose the source and purpose of their employment and the amount of their compensation.

Third. There is a third class of entirely honest——

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield to the Senator from Colorado.

Mr. JOHNSON of Colorado. Suppose they hire an attorney. Is the attorney going to be restricted?

Mr. LA FOLLETTE. I am just coming to that category.

Third. There is a third class of entirely honest and respectable representatives of business, professional, and philanthropic organizations who come to Washington openly and frankly to express their views for or against legislation, many of whom serve a useful and perfectly legitimate purpose in expressing the views and interpretations of their employers with respect to legislation which concerns them. They will likewise be required to register and state their compensation and the sources of their employment.

Mr. President, this measure, in conformity with the recommendations of the Joint Committee, contains a second set of provisions designed to strengthen Congress in the performance of its appropriating function for the administrative establishment. Hitherto the efforts of Congress to compel compliance with the laws making specific appropriations have been too often frustrated. Congress has permitted transfers between appropriations, authorized the unlimited use of departmental receipts, and set up credit corporations with separate budgets. The executive has mingled appropriations, brought forward and backward unexpended and anticipated balances, incurred coercive deficiencies, and otherwise escaped the rigors of congressional control of the purse strings.

To correct these conditions, at least in part, S. 2177 provides for several improvements in the legislative phase of the budget process. It would provide for open hearings on appropriation bills and require all such bills to be fully and carefully considered by the entire Appropriations Committees of both Houses. It would allow members time to study the committee hearings and reports on appropriation bills before their floor consideration. It would provide each appropriation subcommittee with a staff of four qualified specialists in its particular expenditure province with a view to making a more thorough scrutiny of departmental estimates and to serve both the majority and minority members of appropriation subcommittees.

The bill would also forbid the reappropriation of unobligated balances except for continuing public works, which were estimated at $12,300,000,000 for the fiscal year 1946; prevent transfers between appropriations; and take steps toward limiting permanent appropriations, which amounted to $5,600,000,000 in the fiscal year 1946.

Although Congress is charged by the Constitution with the power of the purse, there now is no correlation between income and outgo. Control of the spending power is divided between the Senate and the House of Representatives, and within each House between its revenue and appropriating committees. Taxes levied and appropriations made by many separate committees. The right hand does not know what the left hand is doing.

To strengthen fiscal control, S. 2177 provides for the adoption of annual Federal Budget totals by joint action of the revenue and appropriating committees of both Houses. If total expenditures recommended by the appropriating committees for the coming fiscal year exceed total Federal income as estimated by the revenue-raising committees, Congress would be required by record vote to authorize creation of additional Federal debt in the amount of the excess.

I wish to emphasize, Mr. President, that this provision does not prevent Congress from exceeding the congressional budget, but it does provide that in cases

where that is to be done the Congress must go on record for the creation of an increase in public debt necessary to carry out the particular project or appropriation. If it appears midway through the fiscal year that total appropriations are going to exceed the total approved budget figure, the President shall by proclamation reduce them by a uniform percentage (except for certain fixed charges), so as to bring total expenditures within the limit previously set. These limitations, of course, would not apply during a wartime emergency.

Mr. President, I now come to the efforts which have been made in the pending measure to save the time of Members of the House and the Senate in order that they may devote more of their time to the responsibilities with which they are charged as Members of the Congress under the Constitution. Today we are overburdened with many local and private matters which divert our attention from national policies, and which I think we should not have to consider. One of these functions is acting as a common council for the District of Columbia.

When the bill was introduced, it contained a title to provide for a charter commission to be set up in the District of Columbia looking to the ultimate elimination of this common council function of the Congress. However, while the bill was in committee, a measure designed for the same end, introduced by the senior Senator from Nevada [Mr. McCARRAN], was reported from his committee, and is now on the calendar. The Senator from Nevada informed the chairman of the committee reporting the pending measure, and other members of it, that he felt, in view of that action, that his measure should have the right-of-way in this field, and we have acquiesced. So the bill as reported strikes that title from the measure.

I have already discussed the administrative assistant provision, which I believe is going to have a great effect in relieving Members of the House and Senate of many departmental chores, which I personally do not resent, I welcome them. I think that, with the long, continuous sessions which we now have, matters which are brought to our attention by our constituents concerning the manner in which measures which we have passed are operating in the field, are of invaluable assistance to Members of Congress. But certainly a large part of that responsibility could be passed on to the administrative assistant, at least in the initial stages of the efforts of constituents, either in person or by correspondence, to have their problems properly presented to officials of sufficient power in the agencies of Government to deal with them.

Mr. FULBRIGHT. Mr. President——

The PRESIDING OFFICER (Mr. JOHNSTON of South Carolina in the chair). Does the Senator from Wisconsin yield to the Senator from Arkansas?

Mr. LA FOLLETTE. I yield.

Mr. FULBRIGHT. Is it not a fact that it is not because Senators do not want to do these chores, as the Senator calls them, but they have to make a choice between them and their duties here on the floor of a legislative nature which cannot be delegated? That is the real justification for the provision, is it not?

Mr. LA FOLLETTE. That is the justification for it. But the point I was trying to make—and I think perhaps I did not make myself very clear—was that I do not believe this provision would mean that the constituents would get less service. I think it would mean they would get more service, and I think at the same time, by keeping an assistant in the Senator's or Representative's office, he will always be available to assist in these matters. So that we are not attempting, in other words, to shove this load off onto someone else, and to disregard our responsibility in that respect. But we are seeking better to equip ourselves to discharge our responsibility, and in the process to free us so that we may have more time in doing the job for which we were elected to the Senate or the House, as the case may be.

Mr. FULBRIGHT. That is exactly my idea.

Mr. LA FOLLETTE. I thank the Senator for giving me a chance to restate the point, because I hope I did a better job the second time.

Furthermore, Mr. President, we are providing in the bill for the creation of a stenographic pool. We are the only branch of the Federal Government, unless it be the Supreme Court of the United States and the judiciary, which does not have this modern facility of a clerical or stenographic pool, and I think that most businesses of any size utilize it. The choice is between building up a stenographic staff in Members' offices too large for all seasons of the year, or having it too small and overburdened at the time when the peak loads occur, and having a stenographic pool, with fewer stenographers in each office, that can be drawn upon to help carry the peak loads of correspondence and telegrams with which we are now deluged.

Mr. WILEY. Mr. President, will my colleague yield?

Mr. LA FOLLETTE. I yield to my colleague.

Mr. WILEY. I ask the Senator to recur to section 204, which he has just discussed; that is, the administrative assistant provision. I am one of those who feel the imperative need of increasing the efficiency of our offices. However, this section as it reads is mandatory, that the assistant shall receive compensation at the rate of $8,000 a year.

I wish to have the Senator's reaction to this idea: Whether it would not be preferable to place that $8,000 at the discretion of each Senator. I was just talking with the Senator from New Jersey [Mr. SMITH] about this matter, and I think he feels somewhat as I do. After all, it is volume of work that troubles all of us, as suggested by the Senator from Arkansas, a tremendous volume of work. If we could get two assistants and apportion out the work which we have to handle, it seems to me that would be preferable to this provision, which makes it mandatory that we pay one man $8,000. If we had that sum at our disposal we might, with what was remaining in our appropriation, have two men. We would not be limited to paying one man $8,000.

Mr. LA FOLLETTE. I appreciate my colleague's inquiry. The joint committee, and the special committee, gave careful consideration to that situation, and we finally came to the conclusion that what was needed was a top-flight man or woman. Therefore we fixed on $8,000 as a definite amount to be paid to such an assistant, so that there could be no question about securing in every Senator's office and every Representative's office a high type of administrative assistant.

Senators will recognize, of course, that this position comes over and above their present allotment of money for the purposes of clerical and secretarial staff, so that there is no interference with any adjustments made in that lump sum. But we felt that, if we simply came forward with the suggestion to increase the total amount available in each office, and to add to the lump sum which is now available to Senators, we would not accomplish the objective which the committee believes should be accomplished, namly, the placing in every Senator's or Representative's office of a top-flight person to perform administrative assistance work. Each Senator or Representative would be permitted, as at present, to utilize his existing funds under the present appropriation statute which permits him to pay such salaries as he desires to pay, with one exception, that there is a ceiling so far as population of States is concerned.

We are also suggesting, Mr. President, although we are not making it mandatory, that experimental modification of the present meeting schedules should be undertaken by staggering committee meetings and chamber sessions on alternate days so as to prevent conflict, so far as possible, between committee meetings and sessions of the Senate, in the hope and expectation of enabling Senators to give more time to the sessions of the Senate and more consecutive time to their committee work.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. PEPPER. Did not the Senator from Wisconsin observe that, when we recently had night sessions, we had larger attendance generally and a better concentration upon the subjects of debate than we usually have in day sessions?

Mr. LA FOLLETTE. I think that is largely due to two factors. First, that committees are not in session at that time, and, secondly, that the office staffs have usually departed and there is no opportunity for attention to correspondence, and there are no callers in the offices. But I really believe that, if we experimented as recommended here, we might find that we had taken a long step forward in greater efficiency and better attendance at both the sessions of the Senate and on committee meetings.

Mr. PEPPER. Will the Senator yield once more on that subject?

Mr. LA FOLLETTE. I yield.

Mr. PEPPER. Would it not be also worthy of being considered that not only should we have certain days devoted exclusively to committee meetings and special days devoted to sessions of the Senate, but that possibly we might interrupt a morning session which, say, begins at 10 o'clock, with a recess for an hour for lunch, and thus not leave a Senator speaking on the floor concerning public business to practically an empty Chamber? I merely ask the Senator if such a suggestion as that might not, in his opinion, be worthy of consideration?

Mr. LA FOLLETTE. I think it might.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. WHITE. I take it that the prime purpose of the recommendation to which the Senator has just now alluded is that there shall be continuity of session and of study both in committee, and later, on what has been reported to the Senate, in the Senate itself, and in such continuity we will hope to find vastly improved efficiency?

Mr. LA FOLLETTE. The Senator has stated it much better than I could.

Mr. President, I neglected to mention, in connection with strengthening of the budget and fiscal control of Congress, that as a further check upon the financial operations of government and its care in handling public funds, the bill authorizes and directs the Comptroller General to make an administrative management analysis of each agency in the executive branch, including Government corporations. Such analysis, with those made by the Bureau of the Budget, will furnish Congress with a double check upon the economy and efficiency of administrative management. Reports on such analyses are to be submitted to the Committees on Expenditures in the Executive Departments, the Appropriations Committees, the legislative committees having jurisdiction over legislation relating to the operations of the respective agencies, and each of the majority and minority policy committees.

I also want to mention, Mr. President, the fact that we are proposing in this measure to relieve the Congress of another time-consuming chore, namely, the passage of legislation providing for the payment of private claims against the Government. It is in title IV of the pending bill.

This title waives, with certain limitations, governmental immunity to suit in tort and permits suits on tort claims to be brought against the United States. It is complementary to the provision in title I banning private bills and resolutions in Congress, leaving claimants to their remedy under this title.

In addition, the title extends the existing authority of heads of Government departments to adjust tort claims. Under existing law such authority is restricted to claims for property loss and damage not exceeding $1,000. This title would extend it to cases of personal injury or death, but retains the maximum limitation of $1,000.

The title applies to claims accruing on and after January 1, 1945, thus going back for one full session of Congress, and together with the provision in section 121 (ante) permitting bills and resolutions to be considered covering claims accruing between January 1, 1939, and December 31, 1944, will in effect permit an 8-year period for disposing of past claims.

Obviously the purpose of these provisions is not to cut off claimants who might have proper claims to present to the Government. It will permit them to press their claims as I have described. But some cut-off date had to be made if the act was to be effective at all, and we felt that we had been generous in our provisions in that respect.

Mr. President, there are many details which I shall not go into in my opening statement, but I do want to mention the fact that the special committee has reported the measure in conformity with the recommendation of the joint committee so as to provide that beginning January 1, 1947, the salary of Members of Congress shall be raised from $10,000 to $15,000 a year. The present salary of $10,000 a year has been in effect since 1925. Impartial studies of the cost of living show that, on the average, it costs more to be a Member of Congress than the position pays. I am not responsible for that statement, Mr. President, but an independent study of this situation was made and the report to that effect made public.

The measure also contains a retirement provision permitting Members of Congress to join the Federal retirement system on a contributory basis. To be eligible for retirement pay Members would be required to deposit 6 percent of their basic salary, to have served at least 6 years in Congress, and have attained the age of 62. Those with at least 5 years of service could be retired for disability and receive an annuity. The annuity would amount to 2½ percent of a Member's average basic salary multiplied by the number of years of his legislative service, but no annuity could exceed three-fourths of the salary received at the time of separation from the service.

All other Federal employees may now participate in the Federal retirement system, but Members of Congress are the forgotten men of social security. I say that in all seriousness. We have a great social-security program for the citizens of this country. Nearly every corporation has a retirement plan for its executives. The Federal Government has a retirement plan for its employees; and I think the time has come when Congress should face this issue and have the courage to permit Members of Congress to enter the retirement system on a basis which takes into consideration the type of service which they render.

Senators who are interested in studying this question further will find it discussed on page 36 of the report. Also, on page 40, will be found a table showing sample lengths of service, ages, and various contributions. This information will be helpful in explaining the provisions of the bill.

Title V of the bill provides for a general bridge act, which would relieve Congress from cranking up the legislative machinery in order to grant to a railroad or corporation the right to build a bridge across a navigable stream. We now have a general form for bridge bills. We always accept the recommendation of the War and Navy Departments. I see no reason why this time-consuming and costly procedure should be any longer carried on by the Congress; and we have recommended that the Congress relieve itself of this responsibility by passing a general bridge act.

On page 9 of the report Senators will find a summary of the costs of Senate bill 2177. The entire estimated increase in the cost of the legislative arm of the Government is $12,281,235. I submit, Mr. President, that this is a modest price to pay for increased efficiency in the legislative branch of the Government. Even with this modest increase the total cost of the legislative branch of the Government, if every portion of this bill were enacted, would be $6,000,000 less than the 1947 Budget estimate submitted in January by the President for the office of the Administrator of Civil Aeronautics. I had to search through the Budget to find an agency or department whose budget came within gunshot of comparing with the small cost of the legislative branch of the Government. I finally found one which had a small enough appropriation to be comparable. That agency proposes to spend in 1947 $6,000,000 more than the total cost to the taxpayers of the United States if this measure were enacted into law.

I do not wish to make any exaggerated statements about the situation which I think confronts the Congress of the United States; but I have given this question a great deal of study for many years. I have given it intensive study as Chairman of the Joint Committee on the Organization of the Congress, and in the process of drafting the measure to carry out that committee's recommendations.

Literally, Mr. President, in this postwar world a tidal wave of complex, difficult, and intricate problems is threatening to engulf the legislative arm of the Government and ultimately to submerge it. These problems are not only on the domestic front, but on the foreign front as well. Congress has been subjected to much criticism because it has not passed upon the entire legislative program of the President; but I submit that under our present archaic organization it is impossible for Congress to transact the business which it has become imperative that it handle and dispose of at each session.

I gravely fear the consequences should we fail to seize this opportunity for the first time in our history thoroughly to reorganize the legislative arm of the Government and to give it, in this modern age, the tools and machinery which are essential to the efficient transaction of its business. The result might be tragic for our representative form of Government. Those who have studied the history of the fall of democratic governments abroad in recent years know that one of the contributing factors to their disintegration and ultimate overthrow was the fact that the legislative branches of those governments failed to transact the public business, failed to carry out the will of the people.

So I weigh my words when I say that I think the ultimate fate of democracy

is bound up in this first step forward in the reorganization and modernization of our National Legislature. The effect of failure to take this first step may be very unfortunate. Every Senator knows in his heart that there is a conflict in the world today between two divergent ideologies. As I look into the future I am convinced that the survival of democracy and the representative form of government will be determined by the outcome of this conflict of ideologies. The fate of democracy will depend upon whether we make the legislative arm of the Government efficient and responsive to the will of the people.

So, Mr. President, I submit this measure in all sincerity and earnestness. It is not a perfect bill. I do not claim too much for it, even if every line and sentence of it were enacted. But I do say that it is a great constructive step forward, and I submit it to my colleagues with the confidence that they will receive it, consider it, and pass judgment on it in the spirit in which the joint and special committees have worked for more than a year.

Mr. MEAD. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. MEAD. I should like to ask the Senator from Wisconsin whether, during the discussions in the committee of which he is chairman, the question of special committees was considered, and whether the committee has made any recommendation as to the future of special committees, either from the standpoint of a permanent joint committee to do the work of the special committees, or of a special Senate committee to absorb the work of the special committees which we now have or may have in the future.

Let me say to the able Senator that I wish to commend him for the splendid report he has submitted to the Senate and for the able manner in which he has presented his views. I am in agreement with him in regard to most of the provisions of his bill.

We usually have quite a number of special committees. Although I am a member of several special committees, I am not concerned with continuing to be a member of them. I feel that all of them should be terminated.

I believe, however, that if we are to maintain the vigor and the strength of the Congress, if we are to see to it that congressional policies are carried out, and are not thwarted or nullified, there might in the future be instances when a special committee with a proper staff would be needed to investigate an executive agency of the Government which might be thwarting the will of the Congress, or might have the task of carrying on a great project such as the TVA or the atomic-energy project. There might be need for committees of that type in the future to conduct investigation of the executive agencies as well as for the standing committees which the able Senator proposes to have set up.

Mr. LA FOLLETTE. Mr. President, I answered that question in part before the Senator from New York entered the Chamber. The bill provides for the banning of special committees in the future. The concept of the committee which reported the bill is that the reorganized standing committees of the Senate are to be charged with the oversight and surveillance of the executive agencies and departments. We propose to give them staffs to help them carry on that work. So we feel that the need for special committees will be very greatly minimized.

Furthermore, without derogation of a single accomplishment of the special committees, it was the judgment of the Joint Committee and the Special Committee on the Organization of Congress that it is more efficient, wherever possible, to have such studies and investigations made by the standing legislative committees. Inasmuch as in the end those committees will have to act upon any legislative recommendations, they would be privy to the entire study from its inception, and some of its members would be experts in the particular field.

Secondly, in the pending measure, we have provided for joint committee action by the corresponding committees of the House and Senate. If the House sees fit to carry out in part or in full the recommendations of the joint committee, there would be fairly close parallelism between the House and Senate committees.

Mr. MEAD. Then, again, of course, it would always be possible for any Congress, if it so decided, to establish an additional committee, to staff it with investigators, and to assign it the duty of performing a special task at some time in the future.

Mr. LA FOLLETTE. It could be done, I will say to the Senator from New York, by suspending the rule, but not otherwise. It is our contention, however, that the reorganized standing committees with their special staffs will be able to handle such tasks satisfactorily and to discharge such responsibilities.

If the Senator will look at our definitions of the jurisdictions of the new committees, which begin at page 12 of the report, he will find a proper committee to carry out almost any investigation of which he can conceive.

However, if in the future some very extraordinary matter arises, such as the control of atomic energy, as to which it might be felt that there was a need for the creation of such a committee, or if we were, unfortunately, to be engaged in a war, I have no doubt that a matter of such transcendent importance would cause a sufficient number of Senators to vote to suspend the rule.

But if we do not ban special committees, it is my firm conviction that we shall not move in the direction of their elimination.

Mr. MEAD. Mr. President, let me say to the able Senator that there are unusual occasions in which the appointment of a special committee is essential, for the reason that the task to be performed is one which no particular standing committee could cover in its entirety.

The Senator mentioned the case of the Special Committee to Investigate the National Defense Program. As the Senator well remembers, after the first World War, the Congress created approximately 100 special committees to investigate the war effort. They covered phases of the war which ordinarily would have been assigned to the Military Affairs Committee or the Naval Affairs Committee or to some other standing committee.

In connection with the conduct of the recent war we created just one committee. We set it up before the war actually started, and it went along with the developments of the war effort, and, because of its over-all job, it made correctional recommendations which could not have been made by any standing committee.

I can see, however, that it will be very helpful to eliminate the special committees, provided we strengthen the standing committees and give them sufficient personnel to enable them to maintain the health and the vigor of the legislative branch of the Government and to prevent the nullification of its policies by the executive agencies of the Government which from time to time have been known to drift in that direction.

Therefore, Mr. President, I think the report the Senator has submitted merits the most serious consideration of the Senate and I think the portion of it which we are now discussing is exceptionally meritorious. But I believe that in the future a special committee to investigate a particular problem could be very helpful.

Mr. LA FOLLETTE. Mr. President, I may say to the Senator from New York that if such an occasion ever arises, I believe it should be of sufficient importance and magnitude to command a two-thirds vote of the Senate or the House, as the case might be, to suspend the rule.

Mr. MEAD. And I am certain that that approval would be granted under those circumstances.

Mr. LA FOLLETTE. Certainly.

Mr. FULBRIGHT. Mr. President——

Mr. LA FOLLETTE. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. Before the debate gets too far away from the subject which has just been under discussion, I merely wish to say that I do not think the Senator has overstated the case at all, particularly in the latter part of his statement. I think this question is a most important one. I particularly wish to compliment the Senator on what I regard as a magnificent piece of work, to which I know he has devoted much time in the last year. I have been particularly anxious to have this report placed before the Senate, and I certainly hope the bill will be passed.

Mr. LA FOLLETTE. Mr. President, I very much appreciate what the Senator from Arkansas has said, and I wish him to know that his moral support of the committee during its work has been a very great inspiration.

Mr. FULBRIGHT. Mr. President, I really believe there is no more important matter for the Congress to consider because the efficient handling of all these problems is of great importance to our procedure.

Mr. HILL. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. HILL. With reference to the observation which has just been made by the Senator from New York, let me say that the pending bill gives to the Committee on Expenditures in the Executive Departments a more important status than it has had, and arms it with facilities for its work that it has not had in the past. I can well conceive that the Committee on Expenditures in the Executive Departments, having jurisdiction over budget and accounting measures, might well function with reference to many of the problems and many of the questions which the Senator from New York no doubt has in mind.

I believe the bill will give to that committee a jurisdiction and a responsibility and an emphasis which it certainly has not had in the past, and will make it a committee which will look into many matters and will cover many subjects which it has not been able to handle in the past. By virtue of handling them, it will eliminate the need we have had in the past for some of the special committees.

Mr. LA FOLLETTE. I believe so. I also believe that the provisions which we propose in connection with the activities of the Comptroller General, and the reports coming to that committee, will develop a close liaison between the Committee on Expenditures in the Executive Departments and the Comptroller General.

I did not quite complete my answer to the Senator from New York. On page 10, under subparagraph (C) we have charged the Committee on Expenditures in the Executive Departments with the responsibility of evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government.

Mr. GEORGE. Mr. President, if the Senator from Wisconsin will yield, I should like to ask him a number of questions. I shall not attempt to ask all the questions which I have in my mind at this time, but I should like to ask a few of them.

Mr. LA FOLLETTE. I am very happy to yield to the Senator and will answer the questions if I am able to do so.

Mr. GEORGE. I notice that the office personnel of the individual Member of the Senate, or of the House of Representatives, is to remain under the control of the Senator or the House Member.

Mr. LA FOLLETTE. That is correct.

Mr. GEORGE. The situation in that respect is to remain as it is at the present time.

Mr. LA FOLLETTE. Yes.

Mr. GEORGE. I also notice, if I am reading the bill correctly, that all the special assistants who are to be furnished to a committee, are to be appointed by the director of personnel, that neither the chairman of the committee nor the committee itself has anything to do with the selection of the experts who will serve the committee.

Mr. LA FOLLETTE. The appointments are to be made by the chairman on the basis of merit, qualification, and the recommendations of the director of personnel. That official will not make the appointments, however.

Mr. GEORGE. But the personnel is not to be appointed without the recommendation of the director of personnel. Therefore, I think it is equivalent to saying that the director of personnel will have control of the appointments. In other words, the appointments are to be taken entirely out of the hands of an important committee, or its authority or power to select its majority and minority staff aids, or the expert personnel which may advise the committee and keep it informed with regard to legislative matters.

Mr. LA FOLLETTE. We are not interfering with the clerical service of the chairmen. We tried to work out a compromise between the situation in which the personnel would be solely the patronage of the chairman of the committee, so to speak, and a situation in which they would be forced on the committee. The way we envision the operation of the plan is that, first of all, the director of personnel will be selected by the majority and minority leaders of the Senate and of the House of Representatives. We felt that in placing such responsibility upon them we would obtain a man who was qualified in personnel matters, who would be nonpartisan, and would devote his efforts to providing the proper type of personnel for the service of the Congress.

Mr. GEORGE. I am not questioning the motive; I am trying to ascertain the facts.

Mr. LA FOLLETTE. The way we expect the plan to operate is this: There would be recommended to the committees by the director of personnel a list of names of persons from which such selections would be made. I have little fear that any official in that position would try to force upon the committees of the Congress persons who would not be satisfactory to and compatible with the chairman and the members of the committee.

I may say further that we have provided that during the interval between the enactment of the measure and the appointment of the director of personnel the power will reside in the chairmen of the committees to make selections of the members of their staffs. It was felt by several members of the committee that the staffs of the standing committees would serve on good behavior and would not change with the chairmen of the committees, but would remain as a permanent staff so long as they rendered good service. If the chairman should select the staff, and if there was a change in the chairmanship—as often happens—and the staffs were to move with the Senator or the Representative from committee to committee, this would interfere with the process of building up experience in the particular line of work in which we hope they will engage.

Mr. GEORGE. I merely wish to ascertain the facts. As I understand, a Senator, for example, could appoint only his immediate office personnel. If he were a member of a committee, or the chairman of a committee, he would necessarily have nothing whatever to do with the selection of the expert personnel who would be employed at very high salaries, salaries which would be comparable to the salaries now being paid to Senators and to Representatives. But the selection would be made through a director of personnel.

Mr. LA FOLLETTE. I cannot quite agree with the Senator that that is the way the plan would work.

Mr. GEORGE. I ask the Senator if the person to whom I have referred would not be given the power which I have described. I know how the plan will work. When the director of personnel has been given power, he will exercise it. He, of course, would also appoint all other ordinary officers connected with the Senate and the Capitol Building.

Mr. LA FOLLETTE. Mr. President, if I may, I should like to make it very clear——

Mr. GEORGE. I am merely trying to find out what sort of a man is being built up as a personnel director.

Mr. LA FOLLETTE. I wish to give the Senator the facts in connection with the point which he has raised. The bill does not propose that the director of personnel shall have the power which the Senator has stated. The bill proposes that he shall have the power to make a study and classification of the personnel of the so-called housekeeping departments of Congress, and submit a plan to the Congress for its approval. The reason the committee made such provision was this: When it explored the subject it found that there is a great discrepancy between the salaries being paid employees of the Congress doing similar types of work. The committee could not go into the details of the matter, but it felt that if a personnel director were selected who would make a study of the subject and then submit his plan, the Congress would have the power either to accept, amend, or reject the recommendations of the personnel director.

Mr. GEORGE. I am not complaining particularly. I am trying to find out what kind of a strong man we are building up as a personnel director. My opinion is that very steadily he will reach the point where he will overshadow both Houses of Congress.

Mr. LA FOLLETTE. I wish to make it clear to the Senator that, so far as the personnel is concerned, with the exception of the staffs of these committees, the director of personnel will not have any power unless and until Congress grants it to him through its approval of the plan for classification and tenure which he will submit to the Congress.

Mr. GEORGE. I wish to ask the Senator from Wisconsin a further question with reference to the suability of the Government in cases of tort involving $1,000 or more, excluding certain types of cases. I do not know how far the committee went into that subject, but I should like to inquire of the Senator if he received a report in connection with that matter from the Department of Justice or from the Treasury Department. It seems to me that the Government will become involved in literally numberless suits over the United States in all areas where plaintiffs live. I am speaking of suits involving $1,000 or more, because I understand that they

would be submitted to the agency head having jurisdiction. But as to the provision for a suit against the Government itself, I should like to know if the Attorney General or anyone in the judicial side of the Government submitted any special recommendation concerning the subject.

Mr. LA FOLLETTE. No, there was no special recommendation submitted. There is a similar bill pending on the House Calendar, and the Senator will find on page 30 of the report a history of the legislative consideration of this subject matter.

Mr. GEORGE. It is a matter that I have often thought about but I have always hesitated to give the unlimited power of suit against the Federal Government, even with a restriction on the types or causes of action on which suit may be brought, because I think I know exactly what will happen. There will be more of such cases than there were suits in connection with the insurance claims of veterans of World War I when the courts were literally clogged with litigation of that character.

Now I wish to ask the Senator about a matter which I think is far more vital than the ones to which I have been calling attention, although I think they are important.

Mr. LA FOLLETTE. Mr. President, may I make a brief comment on the tort matter before we leave it?

Mr. GEORGE. Certainly.

Mr. LA FOLLETTE. The Senator will probably recall that a bill was passed on this subject in the Seventieth Congress, and was given a pocket veto by President Coolidge.

Mr. GEORGE. Yes, I recall. I think President Coolidge very wisely vetoed it. I must say that for him now, because, once the bars are let down to permit tort actions against the Federal Government, without any permission of the Congress, I am afraid the gate will be opened so wide that great difficulty will ensue.

Mr. LA FOLLETTE. It is my understanding that President Coolidge failed to sign the bill because it included the Comptroller General as the counsel for the Government instead of the Attorney General.

Mr. GEORGE. I wish to make this observation about the heads of agencies settling claims up to $1,000. I do not know how much experience my distinguished friend from Wisconsin has had in presenting claims or in following through claims which are now subject to adjustment by heads of Government agencies. They universally rule against the citizen or the claimant. A claimant who goes to the head of a department with a claim up to $1,000, unless he has an almost bombproof claim, has not very much chance of securing a fair adjustment, though he may obtain some kind of an adjustment. I am concerned however, not so much with respect to the $1,000 claims, as to which I realize the necessity of Congress being relieved from having them come here in the form of special bills, but with respect to tort actions for amounts ranging above $1,000, which the bill authorizes.

Mr. LA FOLLETTE. I may say to the Senator that the terms of the bill would permit a claimant either to secure a settlement through administrative act or to sue.

Mr. GEORGE. Yes; and the claimant would sue in a great many cases, so many cases in fact that the courts would hardly be able to function. We had a clear illustration of that in suits on total disability cases under the insurance policies which were issued after World War I, so much so that the Attorney General and the Federal courts throughout the country were disturbed and worried about it.

Now I wish to ask the Senator about the jurisdiction of some of the committees, and I am going to ask particularly about the committee of which I happen to be chairman, namely, the Finance Committee. That committee is to be limited to 13 members. It is difficult to see how the committee can function with 13, but I presume it can. It is given jurisdiction of revenue measures generally. The Senator knows, of course, that that committee has no power to originate revenue measures; it can consider only those that come over from the other House.

Then it is given jurisdiction of the bonded debt of the United States, which is a negligible matter under any circumstances.

It is also given jurisdiction of the deposit of public moneys, which is handled as a routine matter in the Treasury Department by the officials there who have jurisdiction.

Then the Finance Committee is given jurisdiction of customs, collection districts, and ports of entry and delivery. It is difficult to say just what that can mean, except jurisdiction over the appointment of customs officers and other officers of that kind, because elsewhere in the bill the Coast Guard, and so forth are placed under other committees.

Then the Committee on Finance is given jurisdiction of reciprocal trade agreements. I presume that means all tariffs and general revenue measures as well as specific reciprocal trade agreements.

It is further given jurisdiction of the transportation of dutiable goods and revenue measures relating to the insular possessions.

So, the committee as it exists at the present time would be stripped of such matters as vocational rehabilitation of veterans, national social security, railroad retirement, United States employment compensation, as well as all matters pertaining to monetary grants and monetary claims of the veterans themselves.

The point that I am making is this: I have been a member or chairman of the Finance Committee for a long while, and if I were leaving the committee tomorrow, I would say that what is being done by this bill is to separate completely the committee that is charged with the responsibility of taxing from any possible say-so over the vast expenditures which may be proposed by any Member of the Congress and which are handled by the Congress. In other words, the bill would separate the committee that has the direct responsibility of raising the money by taxes from any actual intimate relation or control or even the opportunity to influence the expenditure of money.

I wish also to call the Senator's attention to the fact that these same subject matters, in part at least, particularly social security and related matters, are within the jurisdiction of the Committee on Ways and Means of the House of Representatives, and it would hardly be within my imagination that that committee would relinquish that authority and that power. So, the bill would result in conferences being held between other Senate committees and the Ways and Means Committee of the House on matters which always have been in conference between the Finance Committee and the Ways and Means Committee.

The Senator has called my attention to the fact that an estimate of receipts and expenditures is to be made at the beginning of each session of the Congress or within a specified time, and that the chairman of the Finance Committee is a member of the estimating committee. The estimating committee's recommendations, after all, may be overcome by a simple majority vote on the floor of the Senate or on the floor of the House. I do not think it would afford any control over the expenditures of funds.

Important as it is to streamline the Congress, it is also important that our expenditures during the years of the immediate future be kept within bounds, and that there be some possibility of the Budget being balanced.

The Finance Committee has been of very great service in preventing a great many things which were desired, of course, by certain groups in the country. But it has done so because it had the consciousness that it could not afford to bankrupt the Government of the United States by levying taxes necessary to take care of requested expenditures.

If the provision relating to the duties and responsibilities vested in the Finance Committee of the Senate were enacted, that committee might as well be abolished, except in the event of a general tax bill coming over from the House of Representatives, which matter is in the control of the other body and not in the control of the Senate.

I merely desired to bring these matters to the attention of the Senate. There are other features of the bill which I have not had opportunity to read. I express the hope that there will be no undue pressure to reach a vote on the bill until the Senate as well as the House of Representatives may have an opportunity to see what is in it and to evaluate it.

Mr. LA FOLLETTE. Mr. President, I am sorry the Senator does not see any effective results to come from the budgetary proposals which we have made in the bill. It was the belief of the committee that it had made the first constructive effort to bring about some relationship between the expenditures authorized by the Congress and the revenues which would be raised by the Congress. At the present time there is no such relationship between the appropriating committees of the Congress and its revenue-raising committees.

It is true that, insofar as the Finance Committee of the Senate or the Ways and Means Committee of the House has jurisdiction over certain phases of expenditures in the legislative field, it can to that extent bring the consideration of revenues and expenditures into some sort of relationship. But there are many committees in both Houses which bring in bills to authorize expenditures for one purpose or another, and we sincerely believed that we were charging the Ways and Means Committee and the Finance Committee, and the two appropriations committees of the House and Senate, with one of the largest and most important responsibilities contained in the whole proposal.

If these four committees meet at the beginning of every session and adopt an estimate of revenue receipts and a proposed budget of expenditures, we then would make it necessary that a record vote be had, whenever that budget is to be exceeded in any respect, so that those who support the proposal would have to assume the responsibility of going on record as in favor of increasing the public debt thereby. I do not share the Senator's feeling that this procedure will not have a very deterring effect upon legislation which proposes to exceed the Budget.

Today we authorize the appropriation of moneys, and then we make the appropriations. True, we have the executive budget, with its estimates for the various agencies and departments, and its estimates of the probable deficit. But there is no responsibility fixed upon Members of the House and Senate at any time during the whole course of a session of Congress to take action which will force them in the public eye to justify a measure which exceeds the congressional Budget on the ground that it is of sufficient importance that the public debt is to be increased specifically by that amount. Let me say that many of the witnesses before the committee who were concerned with this problem felt that this would be a very efficacious measure in helping to bring expenditures into balance with the revenues.

Secondly, there is the provision that the President, later in the fiscal year, if he finds that the estimates of revenues have not come up to expectation, or that the appropriations are going to exceed the Budget adopted by the Congress, shall make a pro rata reduction of expenditures in order to bring the congressional Budget back into balance.

Mr. JOHNSON of Colorado. Will the Senator yield?

Mr. LA FOLLETTE. I should like to finish my response to the Senator from Georgia, if I may.

Mr. JOHNSON of Colorado. Very well.

Mr. LA FOLLETTE. The committee recommended the creation of a committee on veterans' affairs. For a number of years I have served on the subcommittee of the Committee on Finance which handles veterans' affairs. I am proud of my service on that subcommittee. But, in looking into the future, the joint committee and the special committee both felt that the great volume of legislative proposals which will inevitably flow from our participation in the recent war will create a problem of sufficient magnitude to warrant the creation of a committee charged solely with the responsibility of handling veterans' affairs.

So far as the social-security recommendation is concerned, I wish to be entirely frank and say that that is a matter upon which men will differ. It is a very close question. The committee decided it in favor of trying to maintain the effort to have the committee structure of the Congress correlated, insofar as practicable, with the agencies of the Government for which they have legislative jurisdiction and responsibility. We felt that oversight of the activities of those agencies would be more effective if the committees were placed in a position where they were the principal committees, so far as the agencies were concerned. It was for that reason that the committee recommended that social security be transferred to the new committee on labor and public welfare. I say very frankly that there is still doubt in my mind as to whether the committee made the correct decision because we do have to separate the taxing features from the general legislation with regard to administration and benefits.

Now I shall be glad to yield to the Senator from Colorado.

Mr. JOHNSON of Colorado. The question I have reference to relates to page 11, line 5, subdivision 2 of the bill. In listing the subjects which are to be handled by the Committee on Finance, I notice the bill includes "The bonded debt of the United States." My question is this: Is the committee referring to the debt limit, or is it referring to such a bill as we had before us a few days ago, providing for what was known as the British loan? The British loan contemplated a bonded debt as one of its parts. Would paragraph 2 in line 5 contemplate such a bill as that providing for the British loan, or would it only contemplate debt limitation bills?

Mr. LA FOLLETTE. It only contemplates debt limitation bills. The foreign loans under our recommendation in this measure would go to the Committee on Foreign Relations because our foreign loan policy has a direct and important bearing upon our foreign policy. The committee of the Senate having jurisdiction over foreign policy should also have jurisdiction over our foreign loans in order that, insofar as possible, they might be coordinated, integrated, and made to work together.

Mr. JOHNSON of Colorado. What about domestic loan bills, such as Liberty Loan bills?

Mr. LA FOLLETTE. They would go to the Finance Committee.

Mr. JOHNSON of Colorado. But not under paragraph 2?

Mr. LA FOLLETTE. That affects the bonded debt of the United States.

Mr. JOHNSON of Colorado. The British loan proposal was based on the Second Liberty Loan Act, I believe.

Mr. LA FOLLETTE. The only reason such a proposal would not come under this provision, I will say to the able Senator from Colorado, is as he will see if he will turn to the provision dealing with foreign relations, is that the Committee on Foreign Relations is specifically given jurisdiction over foreign loans.

Mr. JOHNSON of Colorado. Then paragraph 2 has a limitation?

Mr. LA FOLLETTE. It is limited by the specific designation of foreign loans as one of the provinces of jurisdiction of the Foreign Relations Committee.

Mr. JOHNSON of Colorado. It seems to me there is a conflict between the two sections.

Mr. LA FOLLETTE. I do not think there is any conflict, because certainly the general subject matter, as contained in the listing under the Finance Committee, would be limited by the specific reference of proposals dealing with foreign relations to the Committee on Foreign Relations.

Mr. JOHNSON of Colorado. But the British loan proposal based its loan provisions upon, I think, the Second Liberty Loan Act; they were based on one of the Liberty Loan Acts.

Mr. LA FOLLETTE. But that was incidental to the purpose of granting a foreign loan to Great Britain. It is my firm conviction that, if these definitions had then been in the rules of the Senate, under their terms the British loan proposal or legislation would have gone to the Foreign Relations Committee.

I should like also to call the Senator's attention to page 31 of the bill, section 129, which provides:

SEC. 129. In any case in which a controversy arises as to the jurisdiction of any standing committee with respect to any proposed legislation, the question of jurisdiction shall be decided by the presiding officer of the Senate or the House of Representatives, as the case may be, without debate, in favor of that committee which has jurisdiction over the subject matter which predominates in such proposed legislation; but such decision shall be subject to an appeal.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. TAFT. What is the reason for including section 123 on page 26? Why is it not better to leave to every Congress the termination or adjournment of its own session rather than to require an adjournment at the end of June and then require a reconvening in October? Is there any reason for that?

Mr. LA FOLLETTE. Yes. We think there is a reason for it. We gave a great deal of thought to that subject. It is our belief that the present tendency of Congress is not properly to distribute its work load over the year because we remain in almost continuous session. We are constantly meeting early in the session, when, as everyone knows, the bills and measures have to be developed. But for several months after the initial legislative machinery has been set in action there is a tendency for the Senate not to sit in session as much as it might. And then when we get down toward the end of the fiscal year we are confronted with a tremendous backlog of legislation such as is jammed up here now awaiting action by the Congress.

It was our feeling that, if the Congress confronted definite adjournment dates, there would be pressure upon both Houses to regularize their work so as to

get the job done before the permanent adjournment time arrived. Secondly, we felt that with the multiplicity of issues with which Congress is now confronted and will be into the indefinite future, there ought to be a definite period of recess so that Members of both House and Senate could return to their constituencies, renew their contacts with the people, ascertain how the vast Federal machine is operating in their States and localities, and thus keep alive that contact between the constituents and the Members of the House or Senate which is essential to truly representative government.

Mr. TAFT. Mr. President, will the Senator again yield?

Mr. LA FOLLETTE. I yield.

Mr. TAFT. It occurs to me that, in the first place, the moment we fix a definite date for adjournment the congestion about which the Senator refers becomes infinitely greater. The possibility of filibuster against the definite adjournment date increases; the effectiveness of the filibuster increases; and it seems to me that we are in far better shape if no definite date is fixed for adjournment.

In the second place, while this is merely a matter of personal feeling, I would far rather stay here until the 1st of August or the 15th of August, and not come back in the fall. My own view of the kind of schedule the Congress ought to have is an indefinite session beginning the 1st of January until we get through for the year, and then an adjournment which will permit us to remain at home in the fall. In the first place, every other year there is an election, so that it is very difficult to keep Senators here in October. In the second place, it seems to me if we are going to have any contact with our constituents it almost must take place in the autumn because a good many people are away during the summer season.

Furthermore, I think it will be found that Members of Congress themselves are likely to take a summer vacation away from their States between the proposed date of adjournment in June and the 1st of October. It seems to me to be an unnecessary provision, one which does not necessarily increase the efficiency of Congress. I would think the adjournment date might be something Congress itself could decide. Of course, we have been in continuous session, but that, I think, is because of the war. I know the majority leader thinks it possible, and I hope we may adjourn by the 15th of July sine die until the 1st of next January. Such a procedure would be prevented by the provisions of section 123.

Mr. LA FOLLETTE. That is correct, and it is a proposal upon which men are going to differ. But I simply wanted the Senator to know the reasons which led the committee to make this recommendation, and I sum them up again by saying that we feel it would be a spur upon Congress to regularize the transaction of its business and to assure at least a definite and specific period when Members of the House and Senate could return to their States and their districts. I believe this is a very important part of the efficient and proper functioning of a representative system of government. I think it is unfortunate when Members of Congress are compelled by continuous sessions to remain so out of touch with their constituents. I am not speaking of this in any political sense, but in the sense of their being in a position properly to represent the States or the districts they have been chosen to represent. I know what the contemplated program is. When it eventuates I shall be very much surprised, even though a sine die adjournment is taken, if we are not called back by some emergency or other before next January. However, I shall be very happy if I prove to be wrong in that apprehension.

Mr. TAFT. Mr. President, I very highly commend the work of the committee headed by the distinguished Senator from Wisconsin. I thoroughly approve of the bill and intend to vote for it. I believe that we must begin on a complete reorganization of Congress if Congress is to operate efficiently under modern conditions. I may disagree with one or two provisions. No Members of Congress having intimate contact with the matters which are related here can possibly agree on every detail, and I think it is perfectly proper to offer amendments on any such details. However, I feel very strongly that the bill as a whole is an important step forward, and I certainly intend to vote for it.

Mr. WAGNER. Mr. President, I congratulate the distinguished senior Senator from Wisconsin for the admirable presentation he has made of the pending bill. While I may have one or two suggestions to make, I shall certainly vote for it.

ADMISSION OF JEWS INTO PALESTINE

Mr. TUNNELL. Mr. President, I am deeply distressed that the necessity has arisen for Senators to speak today on the subject of the admission into Palestine of the 100,000 refugees whose migration there is such a tragic necessity.

For many years, I have been deeply concerned to find a fair and just solution of the problem of Jewish homelessness in Europe. This is a century-old condition which has been aggravated by the World War. I long ago concluded that economic, political, and social conditions throughout the world are such that only in Palestine can the homeless Jews be assured of safety and a chance as decent men and women, free of persecution and assured of the opportunity to earn an honest livelihood in fair competition with their fellow men and women. Because of this, I have long championed the proposed Jewish Commonwealth in Palestine.

As a member of the Resolutions Committee of the Democratic National Convention, I strongly supported the platform plank which committed the Democratic Party to a solution of this problem. As a member of the Senate Committee on Foreign Relations and a subcommittee thereof, I helped to report the Wagner-Taft joint resolution which was passed by Congress last December by an overwhelming vote.

In the joint resolution passed by it last December, the Congress strongly approved the splendid efforts of President Truman to have admitted into Palestine 100,000 of these homeless, helpless people. Our resolution declared that the interest shown by the President in the solution of this problem is hereby commended. Six weeks ago, the joint Anglo-American Committee of Inquiry unanimously endorsed the admission of these 100,000 people, and President Truman, as Senators all know, expressed his great joy that this had been done.

Since then, I am distressed to say, the British Government has seen fit to obstruct the immediate execution of this plan. Following publication of the report, Prime Minister Attlee gave a number of reasons as to why the 100,000 refugees should not be admitted. These alleged reasons have occasioned terrible delays, during which time many of these people could have been moved from the concentration camps of Europe and into Palestine.

If there is a sincere will to admit the 100,000 Jews to Palestine, a way will and must be found immediately, and Great Britain then should cease to obstruct their entry into Palestine.

On November 2, 1917, the following statement of policy which is known as the Balfour Declaration was issued by the British Government:

> His Majesty's Government view with favor the establishment in Palestine of a national home for the Jewish people and will use their best endeavors to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights and political status enjoyed by Jews in any other country.

This resolution was also approved by the American Congress. The spirit of the resolution was approved by President John Adams long before its passage, and after its passage by Presidents Wilson and Harding.

At this time, there is not only the fact that both Great Britain and the Government of the United States have long endorsed this plan. There is the pressing need for the admission of 100,000 homeless European Jews into Palestine, without more delays or consultations. Men, women, and children are dying while these delays are taking place. The President of the United States does not favor delays or delaying consultations.

Nowhere in the President's statement of April 30, which so warmly endorsed the admission of the 100,000 refugees, is there any mention of any consultations with Jews and Arabs such as is now proposed. The Commission itself warned against such wasteful effort and delay. The President, evidently realizing the futility of further discussion about the admission of 100,000, which would only result in intolerable delay, called for the immediate transference of the 100,000 Jews into Palestine.

There is no vagueness in President Truman's position. His is the attitude of a man who is deeply moved by human suffering.

Great Britain has the power to help alleviate this terrific suffering. If there is no intention on the part of Great Britain to permit these 100,000 Jewish people to enter Palestine, a clear-cut statement on the part of that government

should be issued at once, so that false hopes might not be aroused and promises impossible of fulfillment made. The historic connection of the Jewish people with Palestine and the eternal justice of their demand for a homeland in this land of their fathers can no longer be ignored, nor remain the subject of procrastination. If, because of its Arab interests, it cannot do justice to the Jewish people, it should surrender its mandate. It can scarcely be contended that the delaying tactics of the British Government are in accord with the splendid humanitarian objectives of the President of the United States, or of the Congress of the United States. Nor is it in accord with the desires of millions of our fellow citizens.

The time has come for these dilatory tactics to cease. Every day of delay means the additional sacrifice of lives. It is my prayer that the State Department will convey to the British Government the deep feeling which we in America have in this humanitarian attempt of a persecuted people to survive.

And now, Mr. President, I ask permission to insert in the RECORD at this point in my remarks the following papers pertaining to this subject:

First. The exact language of the unanimous recommendation of the Joint Committe of Inquiry pertaining to the immediate admission of these 100,000 refugees, and the official comment thereon by the committee.

Second. Also, I think the record should show the text of the Democratic platform plank on the subject of Palestine, approved unanimously by the same convention which nominated Mr. Roosevelt for President and our present President for Vice President.

Third. Also, the text of the Wagner-Taft joint resolution which I had the honor to help to report from the Senate Committee on Foreign Relations, which resolution was passed by the Senate by almost unanimous vote.

There being no objection, the matters referred to were ordered to be printed in the RECORD, as follows:

REFUGEE IMMIGRATION INTO PALESTINE

RECOMMENDATION

We recommend (a) that 100,000 certificates be authorized immediately for the admission into Palestine of Jews who have been the victims of Nazi and Fascist persecution; (b) that these certificates be awarded as far as possible in 1946 and that actual immigration be pushed forward as rapidly as conditions will permit.

COMMENT

The number of Jewish survivors of Nazi and Fascist persecution with whom we have to deal far exceeds 100,000; indeed, there are more than that number in Germany, Austria, and Italy alone. Although nearly a year has passed since their liberation, the majority of those in Germany and Austria are still living in assembly centers, the so-called camps, island communities in the midst of those at whose hands they suffered so much.

In their interests and in the interests of Europe, the centers should be closed and their camp life ended. Most of them have cogent reasons for wishing to leave Europe. Many are the sole survivors of their families and few have any ties binding them to the countries in which they used to live.

Since the end of hostilities, little has been done to provide for their resettlement elsewhere. Immigration laws and restrictions bar their entry to most countries and much time must pass before such laws and restrictions can be altered and effect given to the alterations. Some can go to countries where they have relatives; others may secure inclusion in certain quotas. Their number is comparatively small.

We know of no country to which the great majority can go in the immediate future other than Palestine. Furthermore that is where almost all of them want to go. There they are sure that they will receive a welcome denied them elsewhere. There they hope to enjoy peace and rebuild their lives.

We believe it is essential that they should be given an opportunity to do so at the earliest possible time. Furthermore we have the assurances of the leaders of the Jewish Agency that they will be supported and cared for.

We recommend the authorization and issue of 100,000 certificates for these reasons and because we feel that their immediate issue will have a most salutary effect upon the whole situation.

In the awarding of these certificates priority should as far as possible be given to those in the centers, and to those liberated in Germany and Austria who are no longer in the centers but remain in those countries. We do not desire that other Jewish victims who wish or will be impelled by their circumstances to leave the countries where they now are, or that those who fled from persecution before the outbreak of war, should be excluded. We appreciate that there will be difficulty in deciding questions of priority, but none the less we urge that so far as possible such a system should be adhered to, and that, in applying it, primary consideration should be given to the aged and infirm, to the very young, and also to skilled workmen whose services will be needed for many months on work rendered necessary by the large influx.

It should be made clear that no advantage in the obtaining of a certificate is to be gained by migrating from one country to another, or by entering Palestine illegally.

Receiving so large a number will be a heavy burden on Palestine. We feel sure that the authorities will shoulder it and that they will have the full cooperation of the Jewish Agency.

Difficult problems will confront those responsible for organizing and carrying out the movement. The many organizations—public and private—working in Europe will certainly render all the aid they can; we mention UNRRA especially. Cooperation by all throughout is necessary.

We are sure that the Government of the United States, which has shown such keen interest in this matter, will participate vigorously and generously with the Government of Great Britain in its fulfillment. There are many ways in which help can be given.

Those who have opposed the admission of these unfortunate people into Palestine should know that we have fully considered all that they have put before us. We hope that they will look upon the situation again; that they will appreciate the considerations which have led us to our conclusion; and that above all, if they cannot see their way to help, at least they will not make the position of these sufferers more difficult.

The declaration of the Democratic platform relative to Palestine follows:

"We favor the opening of Palestine to unrestricted Jewish immigration and colonization, and such a policy as to result in the establishment there of a free and democratic Jewish commonwealth."

Senate Joint Resolution 112

Joint resolution favoring action by the United States looking to the restoration of Palestine as a homeland for the Jewish people

Whereas the Sixty-seventh Congress of the United States on June 30, 1922, unanimously resolved "that the United States of America favors the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of Christian and all other non-Jewish communities in Palestine, and that the holy places and religious buildings and sites in Palestine shall be adequately protected"; and

Whereas the ruthless persecution of the Jewish people in Europe has clearly demonstrated the need for a Jewish homeland as a haven for the large numbers who have become homeless as a result of this persecution; and

Whereas these urgent necessities are evidenced by the President's request for the immediate right of entry of 100,000 Jewish refugees: Therefore be it

Resolved, etc., That the United States shall use its good offices to the end that the doors of Palestine shall be opened for free entry of Jews into that country, and that there shall be full opportunity for colonization, so that they may reconstitute Palestine as a free and democratic commonwealth in which all men, regardless of race or creed, shall enjoy equal rights.

Mr. TAFT. Mr. President, I wish to review briefly the actions of this Government and the British Government with regard to the admission of a hundred thousand Jewish refugees into Palestine, or the failure to admit such Jews into Palestine. I hardly need to call attention to the Balfour Declaration of November 2, 1917, pledging the support of the British Government to the establishment in Palestine of a national home for the Jewish people. Whatever else it implied, it certainly implied a home to which Jews could go without immigration restriction. A mandate for Palestine granted to the British after the World War, provided expressly that the British Government would be responsible for putting into effect the Balfour Declaration. In April 1922, Congress passed a resolution pledging the support of our Government to the same policy.

Gradually, after that, the British Government steadily restricted the immigration of Jews into Palestine. During the World War they restricted it to such an extent that practically no certificates were granted, and many Jews who might have been evacuated from enemy countries, where they subsequently died or were persecuted, were excluded from Palestine and the opportunity for life and future happiness.

In the latter part of 1945, President Truman wrote a letter to the British Prime Minister, suggesting that a hundred thousand Jews be immediately admitted into Palestine. He called attention to the terrible condition of these displaced persons, who were then and are still held in concentration camps in the occupied areas at the expense of the Allied Governments. In December 1945, this Congress adopted a concurrent resolution, commending the President for that action, and declaring that the United States should use its good offices

with the mandatory power "to the end that Palestine shall be opened for free entry of Jews into that country to the maximum of its agricultural and economic potentialities, and that there shall be full opportunity for colonization and development."

I have deliberately omitted reference to the establishment of Palestine as a democratic commonwealth or Jewish national home, which has been the subject of much debate and difference of opinion, because I wish to emphasize the immigration question. Whatever difference there has been on the commonwealth and Jewish national home problems, there has been an absolutely unanimous support for Jewish immigration into Palestine to relieve the present disgraceful situation regarding the war refugees.

In reply to President Truman's letter, the British Prime Minister suggested a joint committee, American and British, to study Palestine problems with special reference to immigration. Our Government reluctantly agreed, realizing that this would involve a serious delay. It did involve at least 3 months' delay while the concentration camps continued.

Then the committee reported and made the following definite recommendation among others:

We recommend (A) that 100,000 certificates be authorized immediately for the admission into Palestine of Jews who have been the victims of Nazi and Fascist persecution; (B) that these certificates be awarded as far as possible in 1946, and that actual immigration be pushed forward as rapidly as conditions will permit.

The committee also recommended that the restrictions on the purchase of land by the Jews be largely removed so that such land might be available for the immigrants.

One would think that upon this report both Governments would have proceeded rapidly to relieve the present situation. President Truman issued a statement on April 30 giving his strong approval to these recommendations.

That statement reads as follows:

I am very happy that the request which I made for the immediate admission of 100,000 Jews into Palestine has been unanimously endorsed by the Anglo-American committee of Inquiry. The transference of these unfortunate people should now be accomplished with the greatest dispatch. The protection and safeguarding of the holy places in Palestine sacred to Moslem, Christian, and Jew is adequately provided in the report. One of the significant features in the report is that it aims to insure complete protection to the Arab population of Palestine by guaranteeing their civil and religious rights, and by recommending measures for the constant improvement in their cultural, educational, and economic position.

I am also pleased that the committee recommends in effect the abrogation of the white paper of 1939, including existing restrictions on immigration and land acquisition to permit the further development of the Jewish national home. It is also gratifying that the report envisages the carrying out of large-scale economic development projects in Palestine which would facilitate further immigration and be of benefit to the entire population.

In addition to these immediate objectives the report deals with many other questions of long-range political policies and questions of international law which require careful study and which I will take under advisement.

But the British Government delayed again. They claimed that this action would require troops, and that the United States should furnish some part of such troops. The fact apparently is that the British have many thousands of troops in Palestine, and that no military problem whatever is involved in this particular phase of the Jewish situation and this immigration of 100,000 Jews. Then our own State Department stepped in and promoted further delay, instead of acting immediately on the recommendation of the committee and the President's statement. The State Department, after some weeks, invited parties interested to present further arguments for or against the Commission's report. Why any further argument is needed, in view of the report and the President's approval, is not clear. Obviously, the Near East Division of the State Department is not in sympathy with prompt action or with the President's position, and in spite of his position is not carrying through the policy which he has indicated.

Mr. President, every arm of our Government, and especially the State Department, should be pressing actively to secure the immediate execution of the committee's recommendation. The ultimate responsibility is on the British Government. It is said in the press that we are ready to supply the transports. The British Government should announce at once that it will execute the report of the committee and admit these unfortunate persons to a happy and proper life in Palestine.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a letter appearing in the New York Times, addressed to the Secretary of State by the joint chairman of the American Zionist Emergency Council.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

The SECRETARY OF STATE,
Department of State, Washington, D. C.

DEAR SIR: We have the honor, on behalf of the American Zionist Emergency Council, to acknowledge receipt of your letter of May 20, 1946, inviting comments or suggestions by our council with regard to the various matters discussed in the report of the Anglo-American committee of inquiry.

It will be recalled that the appointment of the Anglo-American committee of inquiry arose from the request of President Truman last September to Prime Minister Attlee for the immediate immigration into Palestine of 100,000 survivors of European Jewry. At the time of the appointment of the committee strong exception was taken by our council, in telegrams addressed to the President, copies of which were sent to the Department, to a procedure which would necessarily involve considerable delay in obtaining action on his request for the immediate transfer to Palestine of these 100,000 Jews. It was indeed no doubt in part due to the criticism very generally expressed at that time that a limitation of 120 days was placed upon the period within which the committee was expected to make its report.

The committee of inquiry completed its report in April 1946. In a statement issued April 30 the President gave his warm approval to those recommendations of the committee which concerned immediate action and conspicuously to that recommendation which confirmed his request for the admission forthwith of 100,000 Jews into Palestine. The President stated that "the transference of these unfortunate people should now be accomplished with the greatest dispatch."

It is with astonishment that we note that instead of immediate action being taken pursuant to the President's statement, several weeks were allowed to elapse, at the end of which the request is made for observations and comments. A further 30 days has been indicated as the date by which these comments or suggestions should be submitted. There is no indication as to the date within which a decision on the comments or suggestions may be expected.

LAPSE OF 10 MONTHS NOTED

It is now over 10 months since at Potsdam President Truman made his initial request to Prime Minister Attlee for the admission to Palestine of persecuted Jews from Europe. More than 8 months have passed since the President, in his letter to the Prime Minister, urged the grant of 100,000 immigration certificates for this purpose. As the President then stated "no other single matter is so important for those who have known the horrors of concentration camps for over a decade as is the future of immigration possibilities into Palestine."

The report of the Anglo-American committee of inquiry, in confirming the view of the President, has merely reaffirmed the findings of Mr. Earl G. Harrison and of numerous other official investigators. It has in this respect added nothing to facts already well known at the time of its appointment. In the circumstances further consultations and comments appear meaningless except to produce delay where immediate action is called for, and to confuse where the issue has long been altogether clear.

So far as the committee's long-term recommendations are concerned, we beg to point out that the views of the American Zionist Emergency Council were fully presented to the committee at its hearings in Washington and are a matter of record. The President himself, however, indicated the distinction to be drawn between the immediate objectives of the committee's report and the other questions of long-range political policies, and we must strongly and respectfully urge that action be taken without further postponement of any kind to implement, in accordance with the President's statement, the recommendation of the committee with regard to the immediate transference of these 100,000 survivors of Nazi persecution.

Sincerely yours,

ABBA HILLEL SILVER,
STEPHEN S. WISE,
Joint Chairmen, American Zionist Emergency Council.

Mr. WAGNER. Mr. President, one of the truly fine results of the investigation by the recent Anglo-American committee of inquiry into the conditions of Jews in Europe was the unanimous recommendation that 100,000 of these unfortunate people be admitted into Palestine immediately. This recommendation followed the magnificent initiative taken by President Truman more than 9 months ago, when he urged this very plan upon Prime Minister Attlee. Mr. Truman's recommendation was based upon a startling report made by Dean Earl Harrison, of the University of Pennsylvania Law School, whom the President had sent to Europe to investigate the

status of the homeless Jews and other unfortunate people. Subsequently the War Department appointed a distinguished jurist, Judge Simon H. Rifkind, of the United States district court in New York, to supervise relief activities in behalf of these people.

Judge Rifkind has recently returned to the United States. The information he has given me personally and his official reports on the condition of these people emphasize the urgent necessity for the relief of these tragic remnants of European Jewry—the few who remain after the slaughter of 6,000,000 by the Nazis. Judge Rifkind has reported a state of affairs in central Europe which is literally beyond human belief.

For this reason, I join the many other Senators and the multitude of men of good will in welcoming this recommendation of the committee of inquiry.

But, Mr. President, the British Government, which asked for our cooperation in launching this investigation, has not been cooperating with the United States Government in taking immediate steps to facilitate the carrying out of the committee's recommendation. I am distressed to say that Britain has been stalling by a succession of devices, consultations, conditions, and all sorts of arguments which are patently meant to insure delay and more delay. The time for delay has long since passed. Every day of delay means more deaths. What we need is action, prompt action, action to save lives.

I am sorry to say that some of our own Government officials did not pursue this matter with the forthrightness and full cooperation which might have been expected. The President has time and again reiterated his urgent desire that 100,000 among the most suffering Jewish survivors of Europe be brought to Palestine immediately, and I am certain that the Secretary of State is in full accord with the President. I also understand that our military authorities in Europe are most anxious to cooperate in the actual transportation of these people to Palestine, which can be achieved very speedily, in a few months.

But somewhere along the line there was lack of cooperation. As a result, our Government, instead of insisting on immediate action last fall, agreed to postpone the action until after an investigation was made by an entirely unnecessary Anglo-American Committee of Inquiry. After that committee finished its labors and unanimously endorsed the President's position, the State Department again accepted a procedure which would make the admission of the 100,000 subject to further consultations, although last fall the Secretary of State had made it clear that the admission of these refugees is an urgent humanitarian matter which does not change the basic situation in Palestine and, therefore, does not have to be made subject to such consultations.

A few weeks ago, the State Department issued a new statement in which no distinction whatever was made between the urgent recommendation that 100,000 Jews be admitted to Palestine now, and the long-range recommendations of the Anglo-American Committee's report, thereby departing substantially from the stand taken by President Truman, who very emphatically did make such a distinction. When attention was called to this discrepancy, the State Department, presumably under pressure, issued a new statement, awkwardly attempting to justify its position. But in view of this record, I cannot but feel most concerned about whatever future attempts will be made somewhere along the line in our Department of State again to minimize and to whittle down the import of President Truman's stand, and thus to postpone the actual entry of the 100,000 Jews into Palestine.

Mr. FERGUSON. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. TUNNELL in the chair). Does the Senator from New York yield to the Senator from Michigan?

Mr. WAGNER. I yield.

Mr. FERGUSON. On the particular point the Senator has just covered in his remarks, does not he believe that the attitude of the State Department in having a new investigation made—which the present step amounts to—will simply delay action on the problem, rather than solve it? I refer to the admission of the 100,000 Jews into Palestine.

Mr. WAGNER. I agree with the Senator. That is what I have been trying to explain.

Mr. FERGUSON. Yes. But if the present stand is maintained and if there is unanimity between the views of the President and the Secretary of State that the 100,000 Jews should be admitted to Palestine, then we should get somewhere in regard to the solution of the problem.

Mr. WAGNER. If that were done, I think the whole matter would be solved within 2 months. That is my opinion.

Mr. FERGUSON. But if another study is to be made, after the Commission has already studied the problem, there will just be delay after delay, and probably nothing at all will happen. Of course, we hope that will not be the case.

Mr. WAGNER. Of course. We think there should be no more delay.

Mr. FERGUSON. I thank the Senator.

Mr. WAGNER. Mr. President, my many years of loyal friendship with both President Truman and Secretary Byrnes give me the right to call upon them to see to it that the policy announced by the President of the United States is not sidetracked or evaded by a group of subordinate officials in Washington and abroad who may be out of sympathy with that policy.

It must be clear that our Government is in no position to foster effectively a course of policy enunciated by the President, supported by the Congress of the United States, and endorsed in the official platform of the Democratic Party, if the officials whose responsibility it is to carry out that policy do not do so wholeheartedly. Moreover, we cannot well insist that the British Government and the other foreign governments involved take seriously the pronouncements made by the President on this score, so long as these foreign governments have the feeling that these views are not even fully shared by the diplomatic officials of our Government.

I hope that the President and the Secretary of State will take the necessary steps to insure the full cooperation of all officials of this Government with the policy announced by the President. I am certain Mr. President, that if this is done, it will lead to the speedy carrying out of that policy—a matter which for reasons of elementary humanity should have been done a long time ago.

Mr. WHERRY. Mr. President, I wish to join my colleagues, the distinguished Senator from Ohio [Mr. TAFT], and the distinguished Senator from New York [Mr. WAGNER], in asking the President and the State Department to get together, if possible, on a program which will carry out the aims set forth in the Wagner-Taft resolution, and the provisions set out in the recent letter of May 17, 1946, which was sent to the President of the United States by the distinguished Senator from New York and the others who signed it. I urge with all the force at my command that the State Department or those who direct the policies under the Secretary of State come to complete agreement with the President of the United States, if possible, so that the provisions of that letter can be carried out with the least possible delay.

Certainly no one could more forcefully present the case than the distinguished Senator from New York [Mr. WAGNER] has done today. I concur in the request he has made, not only on the floor of the Senate at this time, but in other statements which have been made from time to time in the Senate in behalf of these people.

I feel that there is certainly an issue of humanity involved within the provisions set out in the letter and in the resolution which has been under consideration for a long period. I believe that time is of the essence in this matter, for the people of this race already have suffered beyond human endurance, and the pitiful remnants left in Europe today, largely confined to displaced-person camps, have no one to speak for them but those of us in the United States, upon whose shoulders fall this acute problem.

It is in their behalf, as well as on behalf of the peaceful solution of the very grave problems of the Middle East, for which I bespeak my plea today. I am asking for the immediate carrying out of a unified program in which the United States can work in harmony with Great Britain in carrying out the objectives set forth in the recent letter sent to the President of the United States by the distinguished Senator from New York [Mr. WAGNER].

Mr. PEPPER. Mr. President, I wish to speak a little later at some greater length on this matter, but at the present time I shall say several things.

When I visited Palestine last year, I became completely convinced that the argument that there is not economic room in Palestine for the 100,000 immigrants recommended by the committee, or for even a considerably larger number than that, is totally unfounded in fact.

For one thing, for a long time the Jewish agency has been carrying out a very effective program, first, to bring into

cultivation a large area of land which heretofore has not been subject to cultivation because of its being arid land. The Jewish agency is now making it subject to cultivation by irrigation. So a vast area of land is now being made tillable and available for the support of the population.

In the second place, I visited the Weisman Laboratory for experimental purposes located between Tel Aviv and Jerusalem. The gentleman who was the director of that station told me of the progress which had been made by it in making more productive land which was subject to cultivation. They have done such a marvelous job, Mr. President, that I have now been assured that a family can be supported on only 5 acres of land. Heretofore, that was not possible.

They first brought into cultivation by irrigation a large area not theretofore tillable; and secondly, by skilled methods of cultivation and by the use of machinery, they have made the land far more productive than it was in the past. Therefore, there is a great potential in the country for support of the people, where heretofore such potential did not exist.

Moreover, Mr. President, in Palestine a worth-while industrial economy is being developed. In the city of Tel Aviv I visited a great industrial exhibit and saw many contributions which had been made by the genius of the Jewish people in Palestine to the winning of the war. There were vast show cases of articles which they had made during the war in order to help win it. So, instead of the economy of Palestine being only an agricultural economy, as it formerly was, it is becoming a very important industrial economy as well.

The people who are going there as Jewish emigrants are, in many instances, people of phenomenal skill and great ingenuity. They were the kind of people who made early contributions to the development of the atomic bomb. They consisted of professors and scientists of repute in the countries in which they once lived before they were hounded out of their homelands by the unspeakable persecution of the Nazis. In seeking sanctuary in Palestine they brought with them their genius and skill.

I wish again to refer to the Weisman laboratory which I visited between Tel Aviv and Jerusalem. I was told that the men and women of genius there had, during the war, developed atabrine, the well known substitute for quinine, without any cooperation at all on the part of others who were working along the same line in other parts of the world.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. WALSH. I have been informed that it has been established by impartial authorities that Palestine can at this time sustain more than four times its present population. It is not a question of ousting the Arabs from Palestine, for there is room within historic Palestine for millions of additional settlers. Is there any doubt about Palestine being able to absorb 100,000 Jewish immigrants?

Mr. PEPPER. In my opinion, none whatever.

Mr. WALSH. I wish the Senator would inform us as to what is the present status of the situation in reference to migration there?

Mr. PEPPER. Mr. President, it seems that at the present time perhaps 1,500 immigrants a month are being admitted to Palestine under a relaxation of the prohibition contained in the British white paper. But under the recommendation of the British-American committee by which there was to be an immediate admission of 100,000 immigrants into Palestine, the situation in that respect is at a standstill because of what I assert to be a type of international politics.

Mr. WALSH. What are the real reasons for the standstill to which the Senator refers? For not carrying out the recommendation of the British-American Committee, of which there was to be an immediate admission of 100,000 immigrants to Palestine?

Mr. PEPPER. Mr. President, those reasons go deeply into the entire problem itself. I cannot escape the belief that there is involved more international politics than humanitarianism. I believe that the British Government is still not putting the recommendation of President Truman and the British-American Committee into effect because of insisting upon, as a condition of putting any part of the recommendation in effect, the assumption by the United States of joint military responsibility over the mandated territory in Palestine.

Mr. President, the British well know that the United States Government is not going to spill American blood, or risk spilling it, in order to bring about the execution of a mandate which was placed upon Great Britain, by her permission and at her request, by the League of Nations.

Mr. WALSH. Of course, the Senator is familiar with the resolution which was agreed to by the Senate on this subject some time ago. Is there anything further which the Senator could suggest being done?

Mr. PEPPER. I do not have any detailed suggestions to make, except that I believe the stronger the Members of the Senate and the Members of the House of Representatives assert their views on the subject, the stronger will be the policy of our country. I think the stronger public opinion emphasizes the necessity of saving these wretched souls, the stronger will be our national policy in that regard.

Mr. WALSH. Some of us have done what the Senator has suggested. However, we do not seem to be making much progress.

Mr. PEPPER. I regret that we have made so little progress. I regret that we do not seem to be making very much progress in the solution of many other international political questions. If we would get out of international affairs to the extent of considering more completely some of the humanitarian problems which confront the world, we would do a greater service to mankind than we have been able to do thus far.

Mr. WALSH. The Senator believes, then, that the difficulty to a large extent lies in what he has called power politics.

Mr. PEPPER. In my opinion, yes.

Mr. WALSH. I think the Senator is correct.

Mr. PEPPER. Mr. President, I thank the Senator for saying so, and I am sure that both he and I regret the necessity of saying it.

As I have already said, I believe that there is no reason for believing that Palestine cannot accommodate the wretched people who are seeking sanctuary there. They will receive assistance from Jewish agencies in Great Britain and in the United States, as well as in other parts of the world, so they will not be so dependent upon the economy of Palestine as they would be if they could not count on receiving assistance from people in the United States and in other countries who sympathize with their plight.

Mr. President, with the exception of Trans-Jordan, I visited all the Arabian countries in the Middle East. The great impediment to solving the problem is the fear that the migration of Jews to Palestine will result in a Jewish majority eventually developing over the Arab population.

Mr. President, I do not believe that question is involved in the problem of giving refuge to 100,000 emigrants, because there are 1,200,000 Arabs to about 600,000 Jews. Therefore another 100,000 Jews would not result in a Jewish majority over the present Arab population.

Moreover, Mr. President, if every Jew in Europe who wished to go to Palestine were immediately admitted into that country, I do not believe enough would migrate there to increase the present Jewish population by six or seven hundred thousand which would be necessary in order to cause a Jewish majority.

Mr. WALSH. My opinion is in accord with what the Senator says, that if the 100,000 were admitted, it would not materially change the relationship of the population.

Mr. PEPPER. It would not.

Mr. WALSH. It would take some time even for 100,000 to get there and be absorbed.

Mr. PEPPER. Certainly.

Mr. WALSH. It seems to me that the fears expressed by those who are taking the side of the Arabs are very greatly exaggerated.

Mr. PEPPER. I think so, and I shall speak again in a moment of another influence which I think is tending to excite the Arabs more.

My reason for saying that if all the Jews who wanted to go to Palestine, and were not able to go, were permitted to go, there would not be enough in the immediate future to tip the total population in favor of the Jews against the Arabs, is that some of those people will have to disengage themselves from homes where they still live, although there are pitifully few who are still permitted to live in their homes in European countries. But if they knew they could go, then they would remain a little longer to wind up their affairs, and save what they could in the way of possessions of a lifetime which they might have acquired.

So I say that in considering the 100,000 recommendation of the President, and

as recommended by the British-American committee, even in permitting all to go who presently would want to go, I do not believe there would be in the immediate future any serious threat that any large portion of the area would become Jewish.

Mr. WALSH. If they knew they could go, it would diminish to a degree their suffering, and improve their morale. While I have this opportunity, with the Senator from Florida's permission, I should like to make a few general observations similar to those I have made in the past on this subject.

Mr. President, in my opinion, there can be no genuine peace in the world without solving the Jewish problem. All the people of the world desiring peace are sad as they look out over Europe and see not only liberty-loving peoples of small nations deprived of their freedom but the uprooted Jews of Europe being herded about as if they were inhuman. They have no homes. All they seek is little indeed—a place granting them a chance to live, some hope of advancement for them and their children, and, above all, some sense of security.

They cannot go back to their old homes. They are nothing but breeding places of anti-Semitism. In my opinion, the immediate remedy is the opening of the gates of Palestine for the repatriation of these people and, further, the recognition by the United Nations of European and Palestinian Jewry as an ethnopolitical entity, whose national territory is Palestine and who consequently are entitled to establish their own commonwealth within the historic boundaries of Palestine.

Americans believe in a people's right of self-determination, and I know of no clearer example where that principle should prevail than the case of European and Palestinian Jews. Pending the establishment of their own commonwealth, every human instinct prompts the immediate admission of the 100,000 displaced Jews into Palestine.

Mr. PEPPER. Undoubtedly so. As we know, there are 100,000 or 200,000 who are in the most desperate straits. They are in the displaced persons camps, living in many cases like hunted animals, and living that way even in Germany itself.

Mr. President, I wish to ask why we let Germans, who made this war upon us and killed our sons, live in homes, in apartment houses, and in hotels, while these wretched people, whom they butchered and maimed and massacred, are required to live in concentration camps? If there are any concentration camps in Germany at all, they should be the concentration camps housing the Germans, who would have to give up their residences to the Jews, who would live in them until they could find sanctuary in Palestine, or in some other part of the world. But after this wretched group of people have been victimized and made the subject of atrocities by the Germans, to see the Jews living in concentration camps, and many of the Germans still living in great apartment houses and great homes and great hotels, although we won the war, seems to me to be an incongruous result.

I do not desire to vent any spleen or to be vindictive toward individual Germans, but when these Jews have been robbed of their property, have been driven out of their homes, have been denied the right to practice their business or their profession, when the members of their families have been slaughtered before their eyes, and when families have been broken up until they are like hunted, wretched beasts over the face of a country which was once theirs, Mr. President, I cannot believe that we will let the population which shares responsibility for those atrocities escape its responsibility. The Jews have not gotten their homes back in most of these countries, in spite of the fact that the war is over, and the people in government who persecuted them have been ousted, and new governments have come into being.

All over the Balkans and all over central Europe I found that in only a few cases have the Jews even gotten their homes or property back, because through some technicality the Government had confiscated it, then the Government sold it, then the purchaser sold it to someone else, and now, when the Jew is permitted to return home, with one or two left out of a big family, perhaps, and he goes back to get his own home, some fellow says, "No, I bought this, and you cannot get it back."

Mr. President, we know such a purchase is not bona fide, and such occupation should not be protected by the Government.

I have wondered why the United Nations have not insisted that these countries which persecuted the Jews pay them some kind of reparation for their deprivation. Why do we not include that in the reparations claims? The idea of allowing a group of people, just because they happen to be Jews, or anybody else, being victimized en masse, yet not requiring some retribution on the part of those who were guilty of the most heinous wrong that world history has ever seen. Nearly 6,000,000 Jews have been killed, not because of offenses they committed but because they were Jews. Such barbarity is a crime against mankind which should not go unpunished.

The last thing I wish to say on the subject is that, in my opinion, the mandate of Great Britain over Palestine should be revoked, and the mandate, if it is to be exercised at all, should be exercised by the United Nations—the international organization—and by no particular country, because if one country has the mandate it is going to be considered by the Arabs in the Middle East that it is simply a part of power political penetration, and if one country gets Palestine now it will have Trans-Jordan. The King of Trans-Jordan, who has been put on the throne, went to London and entered into a mutual assistance pact between the British Empire and Trans-Jordan. Anyone who is fearful about the security of the British Empire may have his fears allayed because Trans-Jordan has entered into a mutual assistance pact with Great Britain; Great Britain has Iraq; the British are still in Egypt in one way or another; they are in many countries in the Middle East; and it makes the Arabs wonder whether we are really trying to save the Jews or are really furthering the imperial interests of Great Britain. If the United Nations had the mandate, it would speak for the collective conscience and will and judgment of the decent nations of the world, and there would not be a justification for the feeling of the Arabs.

Moreover, the Arab states themselves are members of the United Nations, so they would have a voice in the administration of the area, in such a way as would give them a feeling that it was not the design of the great powers to push them out of their homeland, but only to give fair sanctuary to the Jews, whose ancient home was Palestine.

Mr. President, I hope that, somehow or other, political considerations and other obstructions to the solution of this problem will be resolved or forgotten, and that these wretched people may be able to find sanctuary in the land of their fathers—on the sacred soil of Palestine.

Mr. MEAD. Mr. President, I should like to speak briefly concerning President Truman's humanitarian efforts to locate 100,000 displaced Jews in Palestine, and I should like to indicate my approval of the very splendid comments which the Senate has listened to this afternoon from my colleagues, the senior Senator from New York [Mr. WAGNER], the junior Senator from Florida [Mr. PEPPER], and the senior Senator from Massachusetts [Mr. WALSH], among others.

Mr. President, in my opinion this problem is one of enormous moral interest to the Christian people of America. If it were left to the Christian people of this country, I think they would overwhelmingly indicate their desire that the recommendations of the Anglo-American commission and the pronouncements of the President of the United States to the effect that 100,000 displaced Jewish refugees be immediately transported, without delay, to Palestine, be carried out at once.

On a number of occasions during the nineteenth and twentieth centuries the Congress of the United States has indicated its sympathy with and has taken a firm position in behalf of persecuted peoples. We can recall the attitude of the Congress and of the country in behalf of the persecuted German democrats back in 1848. We can recall the sympathetic and positive attitude of our people in behalf of the persecuted people of Ireland when they were the victims of political tyranny and persecution. We can recall our successful attempt to rescue the Greeks at Smyrna with our own warships, and our efforts in behalf of the stricken Armenians, when their annihilation at the hands of the Turks was a possibility at that time.

Mr. President, not only have we in the past expressed our sympathy by affirmative and positive action, but on numerous occasions we have taken a firm position on the question which has been discussed here this afternoon, namely, the immigration of 100,000 Jews to Palestine. This matter was brought to the attention of the American people at the time when it was covered by the Balfour Declaration. Although we have always

felt that historically and morally and legally Palestine belongs to the Jews and that by right it should be made their homeland, the legal question which now confronts us stems from the Balfour Declaration, through which the British Nation informed the world that they believed that a commonwealth should be set up in Palestine for the Jewish people. That declaration was augmented and reenforced and legalized, as it were, by the mandate of the League of Nations, in which 54 nations, at San Remo, agreed to give Great Britain a mandate for Palestine, and by the same token Great Britain agreed to carry out the terms of that mandate.

The Balfour Declaration and the mandate itself were further strengthened and given further legal authority by a treaty between the United States and Great Britain, which received the approval of the Senate of the United States. By the terms of that treaty, Great Britain promised that the mandate would be carried out, and that there would be no change, no modification, no lessening of the authority contained in the mandate, without notification to the United States and without approval by the United States.

Mr. President, the right of the Jew to a home in Palestine has received further sanction as a result of the investigation conducted at the instance of the President of the United States by Mr. Harrison, of the University of Pennsylvania. Since that time the Anglo-American Commission, representing Great Britain and the United States, after hearing all the facts, came forth with a recommendation that 100,000 displaced Jews be admitted to Palestine—and now.

The reason for the delay in carrying out the recommendations of the Anglo-American Commission can be found in the utterances of the British Prime Minister, Mr. Attlee. Although the 6 British representatives on the Commission agreed unanimously with the 6 American representatives that no condition be attached to the location of 100,000 Jews in Palestine, nevertheless, after the report was issued, after it unanimously recommended that 100,000 displaced persons be admitted to Palestine, the Prime Minister of Great Britain applied to the recommendation a series of conditions with which all of us are familiar. By so doing, he has prevented the progress which otherwise would have been made. He has held up again, as has been the case in previous attempts, the transporting of Jewish people to Palestine. He has temporarily set aside, as it were, the carrying out of the recommendations of the Anglo-American Commission.

Mr. President, like my able colleague, the junior Senator from Florida [Mr. PEPPER], I, too, have visited Palestine. To me, it was the one great constructive effort in the Middle East. While all others seemed to be bent on death and destruction, there in Palestine was an attempt at construction and at life. It was not only the garden spot of the great Middle Eastern area, but in my judgment it was one of the finest enterprises to which man has put his hand during the last decade.

I, too, visited Tel Aviv, Mr. President, and to me it was a sort of combination of Atlantic City and Venice. It was a most beautiful city and modern in every respect. Our military personnel, together with the military personnel of our allies who were stationed in that part of the world, enjoyed Tel Aviv and its courteous and friendly atmosphere to the same extent, almost, as they would have enjoyed that of their home communities.

Mr. President, I believe that the Jews have made a constructive effort. They have set a great example for the proper development of the Middle East. They have increased the values of that community and have enriched it by adding mightily to its economy. But for the moment, we can forget all of those phases of the situation and deal briefly with the humanitarian aspects. A request has been made to admit 100,000 Jews into Palestine. The request has been approved by the Anglo-American Commission. It has been supported enthusiastically by the President of the United States. It has not been granted, unfortunately, because of the attitude of the head of the labor government of the United Kingdom.

Before the war there were 7,500,000 Jews in Europe. Today approximately only 1,500,000 of them remain. Six million of them were victims of Buchenwald, Dachau, and Belsen, of the horror chambers, of the crematories and the other iniquities and instruments of torture which were adopted by the Nazis in carrying out the philosophy of Hitler. Many who escaped those unspeakable tortures are still held in concentration camps. Although the crematories, the gallows, and the horror chambers may be gone, thousands and thousands of Jews are herded in concentration camps. Not long ago, Mr. President, when they were asked where they would like to live, or where they would like to go, a vote was taken among them, and 99 out of every 100 indicated that they wanted Palestine or death. There was no other opportunity for them. The bigotry, the intolerance, and the hatred which developed throughout the reign of torture and of terror made their liberation the liberation only of a refugee who faced death when liberated.

Mr. President, 100,000 of the Jewish people are now seeking entrance into Palestine. They languish in concentration camps. If England carries out her moral, political, and legal obligation, those 100,000 Jews can be moved to Palestine without delay.

I believe that our President made his position positive and clear on the subject. We must support him by insisting that his recommendation be carried into effect. Moreover, he must continue to insist that his recommendations and the recommendations of the Anglo-American commission be agreed to by the Government of Great Britain, and carried into effect without further delay.

Mr. HUFFMAN. Mr. President, will the Senator yield?

Mr. MEAD. I yield.

Mr. HUFFMAN. I am greatly interested in the statement which is being made by the Senator from New York, as well as in the statements which have previously been made by my colleagues who have spoken this afternoon on the subject. It is important that favorable action shall be taken in the matter as soon as possible. I hope that the Government of the United States, and the Government of Great Britain will each do its share to alleviate as soon as possible the sufferings of the persons to whom the Senator has referred. I wish to commend the Senator from New York for his remarks, and to associate myself with them.

Mr. MEAD. I commend my able colleague and appreciate the sincerity of his interest in this humanitarian question. I know that all of us applaud his efforts and appreciate his cooperation.

Mr. President, as I said in the beginning of my remarks, I believe that if this question were left to the conscience of the Christian people of America and of the rest of the world, it would be solved without delay. I believe that the recommended immigration quota would be increased to a much larger number as rapidly as those persons could be absorbed. It is my opinion that not only 100,000, not only a million, but perhaps more than that number could find homes in Palestine where, as a result of their constructive work, they would enrich the world.

I hope that the attitude of the Prime Minister of Great Britain, who is now, by reason of his power, delaying the placing into effect of this great humanitarian recommendation will change. I hope he will see the error of his way, recognize the desires of the people of the United States, and hasten to carry out to their fulfillment the recommendations of the Anglo-American Commission. I hope, Mr. President, that that course will be followed before those unfortunate people are required to carry on much longer. I fear that if they are forced to do so, many of them who are alive today will be unable to participate in the opportunity to return to Palestine, or to go there and make it their home.

Mr. President, I repeat that it is my opinion that the Jews have a moral, legal, and historical right to establish their homeland in Palestine.

Mr. GUFFEY. Mr. President, on behalf of the traditional American policy of humanity, I wish to express my strong personal support for the proposition that 100,000 displaced European Jews—survivors of the greatest massacre in history—be admitted to British-controlled Palestine.

The British tenure in Palestine is in large measure due to the valor of American arms in two World Wars. In two World Wars, the British also had the support of the Jews throughout the world.

The Balfour Declaration, which laid it down that Palestine was to be a national homeland for the Jewish people, was an American as well as a British policy.

England has never claimed that Palestine was British by right of conquest, but was scrupulous to obtain a mandate from the League of Nations and by special treaty with the United States.

There has been much stupid talk of British sacrifice for Palestine, but the fact remains that under the British mandate the priceless chemical resources of the Dead Sea became a British industrial monopoly, that Britain used

its Palestine position to block an American oil line from Arabia to the Mediterranean, and that the British strategic control of Palestine was an invaluable aid to British imperial defense in the recent war.

Complaints of the cost of maintaining order in Palestine, under these conditions, look like unwillingness to pay for value received.

In the 1930's, the British Government attempted to appease the Arabs by limiting Jewish immigration. We Americans have no part in this shady transaction.

We respect the life line of the British Empire without reverence for the pipe line of British power politics.

The Arabs tried to stab England in the back during the war, while the Jews, everywhere, aided England.

Surely time and more than enough time has passed since Dean Earl Harrison of the University of Pennsylvania Law School, upon the request of President Truman, made his survey of European Jewry, and recommended the admission of 100,000 Hitler-harried Jews to Palestine. Surely more than enough time has passed since President Truman, nearly a year ago, repeated that request to Prime Minister Attlee.

Now President Truman's policy has been endorsed by the Anglo-American committee of inquiry.

Let us be done with delay and double talk.

The American people, as recorded by the virtually unanimous joint resolution in Congress, supports Jewish aspirations in Palestine.

I say that there is no legal or moral reason—unless we admit that oil politics and power politics are superior to humanity and morality—why there should be any further opposition to the immediate admission of 100,000 oppressed European Jews to the Palestinian homeland promised them by England and America nearly 30 years ago.

Mr. JOHNSON of Colorado. Mr. President, on several occasions during the past 26 months I have spoken on the floor of the Senate and elsewhere in an effort to help relieve the tragic distress of the surviving Jews of Europe. From time to time during the official life of the so-called white paper, restricting Jewish immigration into Palestine to a pitiable 10,000 refugees a year, I showed how, as a result of the operations of this document, Hitler was enabled to exterminate in Europe more than 10,000 Jews a day, or as many persons every day as were permitted under this British white paper to find an asylum in Palestine in a year.

Hitler turned loose his dogs of revenge on these helpless people, but in so doing he had magnificent assistance from an autocratic, straightlaced British Colonial Office. Unquestionably hundreds of thousands of Jews would have been and could have been saved but for the operations of the white paper. Many of these people could have gotten out of Europe and into Palestine, but Britain said to them, in effect, "You stay right where you are and be slaughtered like rats in a trap." And that is just what occurred. They were slaughtered; they were gassed; they were exterminated, and they were put to death in the most inhuman chapters of all the world's civilization. More than 2 years ago, Senators, I observed in this Chamber that these wretched conditions constituted a "tragic reflection upon our vaunted Christian civilization."

When the war against Germany was brought to a victorious conclusion more than a year ago men of good will everywhere hoped that relief would come speedily to those persons who were the victims of mass extermination.

The maniac Hitler and his stooges did not completely wipe out these unfortunate people. After Hitler destroyed himself and his followers had surrendered, there still were a few hundreds of thousands left. He would have wiped them all out, however, had it not been for the timely arrival of General Eisenhower and his American and British troops.

When the indescribable status of the remaining Jews was disclosed President Truman took immediate steps to alleviate their sufferings. After receiving factual reports on the condition of the remaining Jews he recommended to the British Government that 100,000 of the surviving victims be transported to Palestine. His sympathetic attitude was heralded everywhere as Christian statesmanship of the highest order. The President's humanitarian gesture failed, however, to strike a responsive chord in Britain. As I said to the Senate on October 2, 1945, more than 9 months ago, "Britain immediately began a policy of evasion and political jockeying."

Despite the fact that these displaced persons had no place to go; that they were unable to renew their lives in their old homes; that their families were dead; that their possessions and professions were wiped out; that their plight, in many ways, was even worse than during the days of Hitler, the great British Government continued her policy of vacillation and delay at the expense of Jewish misery.

As she had ever since the promulgation of the Balfour declaration in 1917, Britain was making the Jews a political football, and today, more than a year after the cessation of hostilities in Europe, Britain is continuing to kick these poor people around.

When the British labor government ascertained that the force of American public opinion was so strongly behind the President's recommendation to move 100,000 refugees into Palestine, Mr. Attlee and his associates, fearful that this attitude might react adversely against passage of the British loan agreement then pending in the Senate, in an effort to sidetrack this American opinion, proposed to our State Department that the United States and Britain jointly inquire into the Palestine situation in Europe generally as it applied to homeless Jews.

Most of us realized that this was a stalling device, but all of us were hopeful that something constructive might possibly result.

One worth-while recommendation did come from this committee, and it was a unanimous recommendation. It was to the effect—and I quote the recommendation from the official report:

> First, that 100,000 certificates be authorized immediately for the admission into Palestine of Jews who have been the victims of Nazi and Fascist persecution; and
>
> Second, that the certificates be awarded as far as possible in 1946 and that actual immigration be pushed forward as rapidly as conditions will permit.

Immediately upon the promulgation of this report on April 30, the President of the United States, in a statement issued from the White House, declared that he was very happy that the request which he made for the immediate admission of 100,000 Jews in Palestine had been unanimously endorsed by the committee of inquiry.

"The transference of these unfortunate people," President Truman said, "should now be accomplished with the greatest dispatch."

Appreciating the great need for haste, and aware that the plight of these poor people becomes more tragic day by day, the President immediately instituted negotiations with Mr. Attlee's government to put into effect, without a moment's delay, the unanimous recommendation of the committee for the admission of these people into Palestine.

Secretary of State Byrnes was in Paris at the time, and Mr. Truman communicated with him to request that he discuss the matter forthwith with British Foreign Minister Bevin. This Mr. Byrnes did.

But to the great disappointment of all, Prime Minister Attlee, on the day following publication of the report, immediately set up alibis and excuses as to why these people should not be admitted.

And this, Senators, is the way the matter stands today. Britain continues to traffic in the misery of these people, and Britain continues to make them a political football.

How long, Mr. President, is the American Government going to permit Britain to continue this policy of deceit and double dealing?

How long, Mr. President, are the American Government and the American people going to permit the callousness of the British Government to the sufferings of the homeless Jews of Europe?

How long, Mr. President, are the American Government and the American people going to permit the British Government to stymie us in our efforts to relieve this tragedy?

Our patience has ceased to be a virtue. Our people are in no mood to have President Truman's recommendation and the unanimous recommendations of the joint Anglo-American Committee, as well as the overwhelming recommendation of Congress, trampled upon and ignored by the British.

Mr. President, I notice in this morning's Washington Times-Herald an article entitled "United States Pledges Aid to Jews," which states that the United States has offered to transport 100,000 Jews to Palestine and to aid in their rehousing and resettlement if the British agree to admit them.

I ask that the whole article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNITED STATES PLEDGES AID TO JEWS

The United States has offered to transport 100,000 Jews to Palestine and to aid in their rehousing and resettlement if the British agree to admit them, it was revealed authoritatively last night.

In the absence of a British request for American assistance other than that offered, the American action was interpreted as placing responsibility for the eventual fate of the 100,000 Jews squarely on Britain.

Admission of at least 100,000 of the European Jews now in Allied camps was the main recommendation of the Anglo-American Committee of Inquiry on Palestine, which reported last April. It is also American Government policy, enunciated by President Truman before the committee submitted its report.

CORRECTION OF ERROR IN ACT APPROVED APRIL 18, 1946

Mr. WALSH. Mr. President, from the Committee on Naval Affairs I ask unanimous consent to report favorably, without amendment, a joint resolution (H. J. Res. 347) to correct a technical error in the act approved April 18, 1946 (Public Law 347, 79th Cong., 2d sess.), and I submit a report (No. 1428) thereon.

The PRESIDING OFFICER. Without objection, the joint report will be received.

Mr. WALSH. The purpose of the joint resolution is to correct a technical error in the act approved April 18, 1946. This was a Navy measure, and a mistake was made in numbering the sections. The purpose of the joint resolution is to correct the section numbers in the act, so that proper references can be made to sections.

Mr. President, I ask unanimous consent for immediate consideration of the joint resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution (H. J. Res. 347) was considered, ordered to a third reading, read the third time, and passed.

THE MEAT FAMINE

Mr. WILSON. Mr. President, during the discussion of the livestock and meat situation yesterday the Senator from New Hampshire [Mr. BRIDGES] called the attention of the Senate to the fact that in New England "in some instances it has been as long as 9 weeks since stores have had 1 pound of meat for their customers." He said that in New England there are meat lines and bread lines.

Mr. President, we have a meat famine equally as bad in many consuming areas. How is this deplorable condition possible in a country with a huge surplus of livestock on ranches and farms. The Secretary of Agriculture, testifying before the House Committee on Agriculture, on April 5, 1946, said:

There need be no scarcity of meat—the cattle population is sufficient to supply all the meat we need.

Mr. SAM RAYBURN, Speaker of the House of Representatives, on the floor of the House on May 3, 1946, said:

I feel that I know that with 80,000,000 cattle in the United States there is a number and production that is sufficient.

Official Government reports show that the total meat production in the United States in 1945 is 17 percent in excess of 1941 production, over 20 percent in excess of the 1940 production and 20 percent in excess of the meat production average for the years 1935–44.

Government estimates for 1946 show a meat supply this year of 150 pounds per capita, the largest amount available to consumers since 1911 and about 20 percent more than the 1935–39 average.

Mr. President, why then do we have a meat famine with a surplus number of livestock on ranches and farms? The Senate Committee on Agriculture and Forestry has furnished us with the answer to this question. Over a period of several weeks the committee conducted exhaustive investigations of the livestock and meat situation and on May 2, 1946, filed its interim report and among other things found:

The committee is convinced that an extensive and scandalous black market in meat and livestock exists today and that the Government wartime controls that have been imposed upon the meat and slaughtering industries over a 4-year period have been in a large measure responsible for the black market.

Four years of experience with Government controls, culminating in the present scandalous situation, shows conclusively the impossibility of controlling livestock and meat prices and meat distribution through Government laws, regulations and directives, and any new or reinstated controls on the livestock and meat industry can only create greater confusion and further impede maximum production and legitimate slaughtering and distribution.

Removal of price controls and subsidies from livestock and meat will stimulate the marketing of livestock and the production of meat, drive the black-market operators out of business, save untold waste, safeguard the public health, and make a large supply of meat available to all at a competitive price which will be lower than consumers are now paying as a result of the black market and subsidies.

Mr. President, permit me specifically, to illustrate why there is a meat famine in the land of plenty. It is brought about by hundreds of involved, unworkable, and incomprehensible OPA regulations and thousands of amendments. These regulations have effectively closed the beef departments of the 1,500 legitimate meat packers who did all the business prior to OPA and have driven the meat business into the hands of the black market among the 27,000 new slaughterers. Beef is grown on the ranges in the West and South, fattened in the feed lots of the Corn Belt and prior to OPA slaughtered in the packing plants in the Corn Belt, in the main, by national packers who transported it in refrigerated cars to large consuming areas, to their branch houses and from there distributed it to retail meat dealers. Prior to OPA 10 national packers handled 75 percent of the beef produced under Federal inspection.

I have the figures for beef shipments to its branch houses by one of the large national packers, which illustrate why people are unable to buy meat. The following is the average weekly shipments of beef to branch houses for the month of May:

	Pounds
1941	5,095,506
1942	4,252,816
1943	2,112,485
1944	1,908,914
1945	862,909
1946	33,446

Thus it is seen that in May 1946 this company was able to buy only enough cattle to ship seven-tenths of 1 percent of the beef it shipped in the same period in 1941.

Mr. President, these facts have been known for many months by the Office of Price Administration, the Office of Economic Stabilization, and the Department of Agriculture. If the people are to have meat and if the black market is to be eliminated the Congress is going to have to do it.

THE DOOLITTLE REPORT ON REFORMS IN THE ARMY

Mr. BUTLER. Mr. President, as a member of the subcommittee on veterans legislation of the Senate Committee on Finance, I have taken an interest in all phases of military news and affairs in the war and postwar period.

Although I am not a member of either the Military Affairs Committee or the Naval Affairs Committee, I want to take this opportunity to commend the War Department for having set up the so-called Doolittle committee, headed by Lt. Gen. James Doolittle, to probe the relationships between officers and enlisted men. As we all know, both officers and enlisted men served with distinction on this board.

The report of this committee, I am sure, was studied by all Senators with great interest, for all of us want the millions of men who enlist in the Army to lead happier lives than were led by many who were drafted during the late war. Many of my Nebraska constituents have told me that they were subject to unjust treatment in the Army or Navy and of incidents they witnessed which proved to them that reforms were long overdue.

In my judgment, we certainly ought to urge the Army to carry out forthwith most of the reforms suggested by the Doolittle committee so that the millions of men still under arms will receive more democratic treatment and so that those in the Reserves and those millions who have been mustered out will know that the old order really does change and that a new order is going to be in effect in the armed forces.

I should like particularly to make one of the final suggestions in the Doolittle report my own, as follows:

There is a need for a new philosophy in the military order, a policy of treatment of men, especially in the ranks in terms of advanced concepts of social thinking. The present system does not permit recognition of the dignity of men. More definite protection from the arbitrary acts of superiors is essential.

I hold in my hand an editorial from the Army and Navy Bulletin of June 1, 1946, published here in Washington for members of the Reserves of all branches of the service all over the Nation. This editorial expresses clearly what I have thought were the salient points that ought to be taken up by the board and shows that the board has done its job in a commendable fashion. I ask unanimous consent that it be placed in the body of the RECORD immediately following my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE CASTE SYSTEM REPORT

One of the most remarkable documents in the annals of the War Department is the report submitted this week by the board appointed by the Secretary of War to investigate the relationships between officers and enlisted men and to make recommendations for the improvement of these relationships.

Everyone who is genuinely concerned about the wave of public resentment against the military which surged up after victory, and which now imperils the Nation's very ability to recruit soldiers and sailors voluntarily to man the armed forces, will appreciate, and will commend the board for, the statesmanship, scholarship, and dignity with which the members approached their task and formulated their recommendations. In the hands of less responsible and less capable men there was a danger that the investigation might have degenerated into a name-calling fiasco, preoccupied with trivialities. In the hands of men of less integrity the investigation might have resulted in a whitewash replete with generalities—to be promptly filed and forgotten.

Neither the War Department nor the Congress can treat with impiety, however, the studied, stoutly documented findings in the present report if the Nation hopes to continue to maintain an Army with sufficient morale to make it an effective fighting force. it is to the credit of Secretary Patterson and Chief of Staff Eisenhower that the Army already has started moving in new, and improved, directions even prior to the appearance of the report. Nothing should permit this trend to be discouraged or impeded.

The Army and Navy Bulletin has a peculiarly strong interest in this report because it has campaigned editorially—and consistently—for many of the reforms which now have the stamp of official advocacy. In its issue of April 20, 1945, the Bulletin published an editorial entitled "What To Do About the Caste System," in which it attempted to analyze pertinent factors of the controversy about officer-enlisted man relationships and to make some specific recommendations. The editorial board of this publication is flattered, and cannot resist the urge to point out the similarity between many of the steps which it advocated more than a month ago and the recommendations of the Doolittle board which were published this week.

In the text which follows, the portion in italic print consists of excerpts from the Bulletin's editorial of April 20, while the portion in bold-face type is lifted verbatim from the recommendations and statements of the report which the board has just submitted.

The Bulletin said:

"Application of two simple but rare Christian virtues—decency and fair play—to the existing military system could work wonders in eliminating grievances. Much more could be accomplished by stressing the importance of intellience and leadership."

The Doolittle report concluded that:

"There is a need for a new philosophy in the military order, a policy of treatment of men, especially in the ranks, in terms of advanced concepts of social thinking. The present system does not permit recognition of the dignity of man. More definite protection from the arbitrary acts of superiors is essential."

The Bulletin said:

"No man should be placed in command of enlisted men unless he has served as an enlisted man. If the qualities which make for leadership are indeed invested in political acquaintance, social prominence, academic superiority or physical prowess—as could only be inferred from the present method of appointment to West Point and Annapolis—then these qualities could not be dimmed by a reasonable period of enlisted service. Restrict attendance at the academies and commissions to men who prove, by their demonstrated leadership, scholarship, character, and integrity as enlisted soldiers and sailors that they are officer material in fact, not in theory and presumption.

"Only men who are currently capable of leading troops in combat or have previously demonstrated their ability to command should be commissioned as officers. Technicians, linguists, specialists, professional men—with the possible exception of doctors and dentists—should be given designations commensurate with their jobs and their responsibilities. Such men should be commissioned as officers only when they have proved, in addition to their technical or professional qualifications, their abilities to command and lead troops."

The Doolittle report recommended:

"That selection of men for positions of responsibility, up the scale, be based upon the most advanced practices found in industry, business, government, and those developed in the Army. Some of the criteria should be:

"(1) Previous military training, preferably 1 year in the enlisted ranks, exceptions to be established in cases of outstanding individuals, especially technicians, who, unless they qualify, should not be placed in command positions."

The Bulletin said:

"But eliminate off duty and rear echelon social distinctions not related to the military effort. Get some common sense into off-duty off-post military courtesy. If the salute is indeed a courtesy, as it is represented, and as it should be, then remove from it the aura of compulsion and humility with which it has been endowed by incompetent indoctrination."

The Doolittle report recommended:

"That the hand salute be abandoned off Army installations and off duty, except in occupied territories and under conditions where the procedure might be deemed necessary to properly convey military dignity to the local population, but be employed in all official greeting in the line of duty and continue to be manifest at ceremonial occasions and when the national anthem is played or the colors pass by."

The Bulletin said:

"Detach the office of the Inspector General from the War Department and charge it specifically with responsibility of scrutinizing officer-enlisted man relationships. Make it answerable only to the President, the Congress, or the Secretary of War. Inspections, either by the Inspector General or by lower echelon commanders should be unannounced, unofficial and frequent. Give every man in the armed forces genuine—as contrasted to theoretical—access to the IG."

The Doolittle report recommended:

"That the system for registering complaints be improved and that inspections be for the purpose of prevention as well as investigation. This will call for augmentation and possibly reorganization of the Inspector General's Section. The following is necessary:

"(a) Staff inspectors general must be composed of carefully selected highly competent individuals, whose experience qualifies them for such assignment.

"(b) Staff of inspectors general must be increased to the extent necessary to permit it to function properly.

"(c) Continued study must be made of abuses with the objective of eliminating the cause.

"(d) Copies of reports of inspectors general must be transmitted to the War Department outside regular command channels, in addition to normal procedures, in order to eliminate political aspects of control and to insure remedial action."

The Bulletin said:

"Fundamentally, conditions could be bettered appreciably by recognizing the fact that the qualities of leadership cannot be bestowed upon any individual by grant, commission, or edict. The principles of leadership can be taught, but the acquisition of leadership comes only when a man or group of men acknowledge to themselves that they look to another man for advice, counsel, and guidance. That rule applies whether the leader is a private first class or a chief petty officer, a general, or an admiral. Any man who has experienced military service knows that it is true."

The Doolittle report recommended:

"That steps be taken to improve leadership in the officer corps of the Army in order that the corps will merit the respect of soldiers and civilians alike. That this be accomplished by: (1) Better selection; (2) more adequate orientation and indoctrination; (3) effective training; (4) proper assignments; (5) promotion on basis of merit; (6) employment of a rigorous method of screening out of incompetents and undesirables; (7) a more effective internal policing system to prevent abuses of privileges other than those facilities and means which enable an officer to do a job effectively."

RADIO AND CHILDREN'S WELFARE

Mr. MITCHELL. Mr. President, I wish to bring to the attention of the Senate the anxious concern of thousands of mothers and fathers who find the mental and physical well-being of their children impaired by certain types of radio programs. I refer particularly to the daily radio diet of crime and "horror" stories known in the jargon of the broadcasting trade as "Who dunits." Not all of these programs are intended specifically for children, but to the youngsters they make the surest appeal.

The concern of American parents in this matter is not new. For at least a dozen years there have been numerous individual and organized protests against the blatant disregard of children's welfare. Some improvement in broadcasting practice has resulted, but hardly enough. I know that these protests continue. Civic groups and parent-teacher associations from various communities are making public appeals to radio networks and station operators to improve the content of their programs. In my own State, parents, individually and in organizations, have communicated to me their deeply felt sentiment that something must be done to prevent the exploitation of the minds and bodies of little children in the manufacture of commercial radio appeals.

A vast literature has accumulated in technical studies which tests the responses of children to different radio programs and attempts to measure the psychological effects. I will not take time to survey this literature nor to address my remarks exclusively to its find-

ings. Common sense alone should tell us that the public interest is not served by commercial ballyhoo which seeks to reach juvenile listeners by all sorts of tricky devices calculated to play upon their youthful emotions. I, for one, do not want my child to be exposed to these unwholesome stimuli. Mothers know, from ordinary observation, that meaningless radio melodramas entice their children away for long hours from healthful play outdoors, from school lessons, and from necessary household duties. Other injurious effects are evidenced in increased emotional tension and irritability, sleeplessness or bad dreams, and premature acquaintance with the sordid and delinquent aspects of social life.

Recently I requested an experienced broadcaster who owns and operates a Washington State radio station to make a survey of the number of "horror" programs currently on the air. He found that specific programs of this type released by the network totaled 26½ hours per week. The comment he made on his own finding is instructive: "While I knew that there was an overabundance of this type of program being scheduled currently, this survey is a revelation to me."

This broadcaster noted further that "soap operas," sometimes known in the trade as "cliff hangers" should "rightfully be classed along with the 'horror' programs because they, too, are designed to play highly on human emotions and are full of murders and suspense." Totaling these two types of programs, he found that 76¼ hours a week were devoted to entertainment of a sort that could be classed with the poorest examples of pulp fiction. In transmitting the results of the survey to me he wrote:

> The worst of it is, you will notice and I think you will find it true in the East as well, that most of these programs are released at a time of day to catch the children's audience and many of them are sponsored by products that have principally children's appeal. Many of them even go so far as to make premium offerings of toy pistols, detective badges, masks and that sort of thing. Many of them also offer club memberships to children for so-called junior FBI's.
>
> As a broadcaster, I am not in favor of this type of program. I feel that a radio station can devote its program time to a much higher level and accomplish good and good thinking in the minds of children rather than distort their thinking with this type of material.

To the considered and enlightened judgment of this broadcaster, it will be no answer to say that radio crime and "horror" stories are always pointed to a moral, that the wrong is always made right, and the transgressor always punished for his evil ways. The unformed minds of little children cannot be expected to digest the moral substance of this radio bill of fare. Sometimes the villain in the piece makes a more lasting impression than the hero. And whatever the moral lesson, the harmful effects are caused by crude manipulation of childish emotions. In a very real measure such "horror" programs must be held to account for the shocking spread of juvenile delinquency in America.

I am fully aware, of course, that juvenile delinquency is a complex phenomenon arising from any number of disturbances in the normal environment, not the least of which were brought on by the war. I do not maintain that the radio broadcasting industry as a whole, or even the major part of it, is culpable on this score. Yet I cannot overlook the sobering appraisal of the broadcaster referred to above, who said:

> There could be no question in my mind but what radio through the presentation of such a huge amount of programs of this type directed to children has glorified robbery and murder to the point where many of our youngsters, who have absorbed this material over a period of years, see no wrong in committing actual crime.

In 1945 there were 56,000,000 radio sets in use in 34,000,000 American homes, which heard the offerings of 924 domestic radio stations. The radio has become more commonplace to American families than automobiles, telephones, or bathtubs. It has contributed and will continue to contribute in countless ways to the improvement and enrichment of the values of living.

For the very reason, however, that radio broadcasting has become such a powerful social force and exercises such a tremendous influence on our daily lives, it behooves us to look carefully to its conduct. Too much has been made in some quarters of opinion polls which purport to show that radio is doing a better job—whatever that may be taken to mean—in the community than churches, newspapers, schools, or local governments. Glib questions are bound to receive glib answers. The publicity attending these polls should not be permitted to gloss over the fact that radio broadcasting has many undesirable features and vast room for self-improvement.

The relevant question, I submit, is not whether radio is doing a better job than the churches and schools, but whether radio is doing its own job well enough. In fact many parents maintain that the churches and schools fare so badly because the radio is undoing the good work of these other influences. If American mothers and fathers were polled for their judgment on this particular issue, I dare say that the broadcasting industry would not be so prone to congratulate itself.

The Federal Communications Commission, which is charged with administrative supervision of the radio broadcasting industry, issued a report on March 7, 1946, entitled "Public Service Responsibility of Broadcast Licensees." I note a glaring omission in that report. The Commission failed to discuss the responsibility of broadcast licensees to the children of America. In other respects the Commission's report performs a valuable service, and I commend it to the Senate for serious study. It shows that there are wide gaps between promise and performance on the part of many station operators. Zeal for commercial revenues has too often outweighed program commitments made to the public. The Commission proposes henceforth to scrutinize original applications and to measure subsequent performance in considering applications for license renewals.

This policy, it should be noted, does not represent an extension of the Commission's regulatory powers. The Commission merely has served notice that it intends to carry out a clear statutory obligation which hitherto it has neglected to perform adequately; namely, to insure that the public interest is served by broadcast licensing. I cannot understand why the Commission should be subject to criticism by some persons on the count of exceeding the law when it has now finally begun to live up to the law, unless it be that these persons hope to throw a smoke screen around present shortcomings in the broadcasting industry. We must remember that when the agency designated by the public fails to do its duty, the public welfare is in greater jeopardy than when the agency goes beyond its duty. For in the latter case, aggrieved parties can always have recourse to the courts, whereas in the former, the public is deprived of the protection which it sought to establish.

Most of the talk we hear about free radio being threatened by the commission is carried on in apparent unawareness of what the Congress has written into law and what the courts have adjudicated. Those who think it more important to sell commodities over the radio than to offer wholesome entertainment and other benefits, need to be reminded that the primary function of radio as conceived by Congress, is to serve the public, not to make money. We can readily admit that many fine programs are made available by commercial sponsorship, but we cannot allow the public interest to be dictated by the desire to sell articles of commerce. The radio spectrum is a natural resource to be exploited for public, and not private advantage. Congress has seen fit to combine the values of private enterprise and public interest by granting to station operators the use of the air waves for limited periods. These operators are trustees for the public; they must live up to the duties and responsibilities of their trust, lest their license privileges be withdrawn, and such withdrawals on the part of the public have been sanctioned by the Supreme Court. When their licenses expire, operators stand in the contemplation of the law on the same footing with new candidates for the trusteeship. No vested rights have been, or can be, acquired beyond the terms of the license.

The Federal Communications Commission, in executing the congressional mandate, must always seek to protect the public interest. In so doing, it does not claim any authority to designate the specific content of radio programs. The commission is, in fact, prohibited by law from exercising censorship. The authority of the commission is directed to the supervision of over-all program service, and this authority can be appropriately exerted at the point where broadcast licenses must be issued or renewed. Here the commission can judge the competitive offerings of private enterprise and can award the licensing privilege to those who will best serve the public interest. For the commission to do otherwise is to ignore the intent of

Congress, the plain meaning of the law, and the supporting construction given it by the courts.

I hope the commission, through its licensing authority, will do its part to impress upon station operators their responsibilities to the American public, and particularly to the little children who are the American citizens of tomorrow. I hope, too, that the Nation's radio listeners, who are the final judges, will make known to the commission, as well as to station licensees, their desires and demands for improved program service.

Radio station operators need not wait upon the Government to point the way. The more they measure up to their responsibilities, the lighter will be the tasks of Government, and the smaller will be the area of administrative supervision. Who can doubt that one of these responsibilities is to make available for their millions of children listeners, in place of so many "horror" programs, wholesome entertainment and instruction? Children's radio programs are building blocks of character and citizenship. The welfare of the Nation demands that radio build wisely and well.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 6343) to authorize the Secretary of War to lend War Department equipment for use at the twenty-eighth annual national convention of the American Legion.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 6064) to extend the Selective Training and Service Act of 1940, as amended, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MAY, Mr. THOMASON, Mr. BROOKS, Mr. SPARKMAN, Mr. ANDREWS of New York, Mr. SHORT, and Mr. ARENDS were appointed managers on the part of the House at the conference.

The message further announced that the House had passed a bill (H. R. 2871) to create a commission to be known as the Alaskan International Highway Commission, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

H. R. 210. An act for the relief of Jack Williams, Mrs. Lora Sally Williams, the legal guardian of Garry E. Williams, a minor, and the legal guardian of James Williams, a minor;

H. R. 1538. An act for the relief of Robert J. Cramer;

H. R. 3018. An act for the relief of Crystal R. Stribling;

H. R. 3094. An act conferring jurisdiction upon the Court of Claims of the United States to consider and render judgment on the claim of the Zephyr Aircraft Corp. against the United States;

H. R. 3641. An act for the relief of W. Martin Turpanjian;

H. R. 3781. An act for the relief of Mabel M. Fischer and Nora M. Steinmetz;

H. R. 3967. An act for the relief of Ahto Walter, Lucy Walter, and the legal guardian of Teddy Walter, a minor;

H. R. 4400. An act for the relief of the legal guardian of Hershel Dean Curry, a minor; and

H. R. 5407. An act to grant to the Federal Works Administrator certain powers with respect to site acquisition, building construction, purchase of buildings, and other matters.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred, as indicated:

H. R. 2871. An act to create a commission to be known as the Alaskan International Highway Commission; to the Committee on Foreign Relations.

H. R. 3908. An act to provide increased pensions to members of the Regular Army, Navy, Marine Corps, and Coast Guard who become disabled by reason of their service therein during other than a period of war; to the Committee on Pensions.

EFFORTS BY HENRY J. KAISER TO OBTAIN GOVERNMENT-OWNED STEEL PLANT IN SOUTH CHICAGO, ILL.

Mr. BRIDGES. Mr. President, Henry J. Kaiser is hot on the trail of another $93,000,000 Government-owned steel plant. He wants to lease it on his own terms and devote it to his private interests.

A month ago he declined to bid on the plant. Other experienced steel makers made official offers. Now Kaiser is endeavoring to have these bona fide proposals on the plant, located in South Chicago, Ill., thrown out, and a lease plan which will fit his individual purposes substituted. What he really desires and has suggested to the War Assets Corporation is a trick lease which will enable him to produce sheet steel in the plant, and thus help him develop his embryonic automobile and housing projects.

The plant as it now stands is not equipped to produce the sheet steel which Kaiser desires. Experienced steel men say that it would require $25,000,000 new expenditures and 2 or 3 years' work to put the plant in shape to make sheet steel for Kaiser's enterprises.

The $25,000,000 in new money, under the standard Kaiser plan, would, of course, come out of the taxpayers. In the past when he has proposed executing leases with the Government for plants requiring rehabilitations it always has been the public and not Kaiser who has put up the new cash. After that, he has been willing to pay the Government something if he earned money. Otherwise, not.

The South Chicago plant which Kaiser now wants originally was offered for sale by War Assets Corporation on April 1, 1946. Kaiser then could not decide whether he desired to bid on it or not, so he succeeded in getting the sale postponed until May 1. On April 24 he wrote a letter to the War Assets Corporation stating that the plant was unsuitable for his purposes and, therefore, he would not bid.

Three proposals were received and officially recorded by the War Assets Corporation.

Meantime, due chiefly to strikes, Kaiser, in common with other automobile manufacturers, found it difficult to get steel, so he decided that perhaps it would be smart for him to try to induce the War Assets Corporation to throw out the legitimate purchase bids received on May 1, and order new bids on a sheet steel production basis.

In an attempt to secretly wreck other bidders, Kaiser has now suggested to the War Assets Corporation that the May 1 proposals be thrown out and new ones, looking to operating the plant as a sheet steel mill exclusively, be requested. Under such a plan, Kaiser says he thinks he probably can negotiate a proposal satisfactory to the Government, but he wants to do it on a restricted lease basis.

Thus Kaiser proposes just another of his typical shoestring operations. He doubtless would put up little or none of his own money for a lease, and instead he probably would take over the present $93,000,000 taxpayer investment and have another $25,000,000 or so of public money spent for improvements to help meet the needs of his private businesses. Then, possibly, sometime, if he made a profit on his automobiles and houses, he would pay the Government something.

How Kaiser utilizes Government plants and money to forward his private promotions is shown by the use he is making of steel produced by the Government-built Fontana steel mill. This plant was built with public money and turned over to Kaiser for operation on the theory that thus the steel needs of the west coast would be best served.

Through a quarter-page advertisement recently in the Washington Post, paid for by Kaiser, we are informed that he is shipping steel east from the Fontana plant for use in manufacturing his new automobile at Willow Run, Mich.

This "help Kaiser" program certainly is not in line with either congressional or public desires. Both groups feel, and rightly, that all surplus war properties should be leased or sold to legitimate bidders without favoritism. When proposals have been submitted in good faith, as they have been in this case, they should be opened and the plant awarded to the highest bidder. If War Assets Corporation rejects the bids for the South Chicago plant merely to provide Kaiser with an opportunity to snatch some more public property and promote his speculative enterprises, I and several other Members of the Senate propose to know the reason why. It is time to stop the Kaiser grabs of land, equipment, buildings, and money. If the agencies entrusted with this surplus property will not protect taxpayer interests, then Congress will have to do it. I, for one, am ready to do my part.

COMPENSATION OF REFEREES IN BANKRUPTCY

Mr. HUFFMAN. Mr. President, I wish to address myself briefly to House bill 4160, order of business 968, being a bill to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof, and supplementary thereto.

THE PURPOSE AND NEED FOR THE BILL

There are two principal objectives to be attained by the proposed legislation. The first is the establishment of an essentially full-time system of salaried referees, supplemented where necessary by a few part-time salaried referees, in place of the present fee system.

The second is the financing of the bankruptcy court on a national self-sustaining basis.

I shall not attempt to describe in detail the evils of the fee system of compensating judicial officers which has long since been discontinued as a method of compensating Federal officials, and certainly it should not exist as a means of financing bankruptcy officials, as I rank referees in bankruptcy. Suffice it to say that the fee system has been abolished in almost every public office, State and Federal.

Under the Chandler Act, passed in 1938, the referee is the judge of the court of bankruptcy. His duties and the importance of his office were greatly increased by the enactment of the so-called relief chapters of the Bankruptcy Act designed primarily to give individuals and businesses in financial distress an opportunity to continue in business for the benefit of their creditors and themselves and thus create jobs and continue production, rather than to liquidate and distribute the assets of the debtor in every case.

These rehabilitation chapters bring before the referee many cases and cause him to come into intimate touch with the public at every level of our national economy, from the individual laborer who honestly desires an opportunity to pay his debts under the protection of the court, to the gigantic corporation seeking to reorganize its complicated capital and debt structure. It is a specialized field, and the referee, in my opinion, should be a specialist in his field. The compensation he receives should be adequate, but it should not depend upon the fees or commissions based upon the amount of money he is able to distribute to creditors through liquidation. Neither should it depend in the slightest degree upon the decisions he is required to make. While, in my opinion, the referees are usually men of the highest integrity, nevertheless, public confidence is not engendered by a system under which the referee's compensation may be affected either directly or indirectly by the conclusion which he may reach. No judicial officer should be subjected to temptations of that character.

Moreover, under the existing fee system there are in a number of districts too many referees for the efficient administration of the act. Most of these referees receive little, or no compensation whatever, while in other districts some referees have received very large and often exorbitant fees. This is particularly true in times when the volume of bankruptcy business is high. Under this bill the number of referees would be greatly reduced, and their compensation would be fixed at a regular and definite salary the same as other Federal officials. Thus the peaks and valleys of their compensation would be leveled off.

The financing of the referees' offices at present presents a most serious problem. Under the present system each referee is expected to finance his office out of the business coming in to him. The individual office has become the unit of operations. The fluctuations in the volume of business, the size of the bankrupt estates administered, and the uncertainty whether cases will or will not be forthcoming, have made it impossible to operate on a successful basis. The individual referee's office is usually too small a unit on which to base the financing of the system generally.

As a result, during the decline in the volume of bankruptcy business, 156 of the 344 referees in the country, as of July 1, 1945, or more than 45 percent of the total, were without funds on which to operate their bankruptcy offices. They have theretofore found it necessary to advance their personal funds in order to meet the official expenses of their offices. These advances range from a few dollars, to more than $12,000 in one instance. The total advancement on July 1, 1945, amounted to more than $119,000 throughout the United States.

Surely such a system cannot be justified, and the need for the legislation is critical. We should not compel referees in bankruptcy—judges of the court of bankruptcy, if you please—to continue in the uncertain manner in which they have been compelled to proceed with their overfat years and their lean years, but the whole system should be placed upon an even tenor.

On July 1, 1945, 188 referees still had in their official expense account a balance derived from charges made against those whose estates were being administered. The amounts varied according to the rules of the local courts. They totaled approximately $289,000. So that on a national basis the system really was solvent to the extent of $170,000. Thus it will be seen if it may be operated on a national basis, as here proposed, that, without hardship to the individual referees, the whole system may be made self-sustaining.

Two principal changes are made by the proposed legislation to meet these conditions. First, the charges to be made against individual estates for referees' compensation and expenses are greatly simplified so that they may be easily computed and so that the collections may be uniform throughout the country.

Second, revolving funds created from the moneys so collected are to be established in the Treasury of the United States. One is to be the referees' salary fund, from which the salaries of the referees will be paid, and the other an expense fund from which the expenses of the referees' offices, such as clerk hire, rent, stationery, and supplies, will be paid.

Appropriations from these funds for the maintenance of bankruptcy courts are to be included in the annual appropriation for the maintenance of the courts and are to be administered by the Director of the Administrative Office of the United States Courts in the same manner as funds now appropriated for other Federal courts. In this manner the administration of the Bankruptcy Court will be entrusted to those who are experienced in performing administrative functions for the Federal courts.

There has always been a fundamental conception of bankruptcy legislation that the costs of the Bankruptcy Court should be paid by the litigants in the form of filing fees or out of the assets of the estates administered. I want to emphasize that this bill makes no change in that regard. It merely places the financing of the whole system on a Nation-wide basis, and it is intended over a period of years to be self-sustaining, so that there will be no over-all cost to the Government.

Moreover, it is my opinion that it will create a much needed and wholesome respect for the referees' courts that does not now exist. These courts are important, since they are charged with the administration of a most difficult branch of exclusive Federal jurisdiction.

The history of the bill is that it was first proposed in 1939 by the then Attorney General and now Justice of the Supreme Court of the United States, Mr. Justice Frank Murphy. It was also recommended by the Assistant Attorney General, who is now Mr. Justice Jackson, and later by Assistant Attorney General Francis M. Shea.

The committee made an exhaustive study of bankruptcy administration and made two principal recommendations in its report released early in 1941. One recommended the creation of a bankruptcy division in the administrative office of the United States courts. This division was established in February 1942.

A second recommendation of the committee is embodied in the bill, namely, the elimination of the fee system of compensating referees, the financing of the referees' offices on a national basis, and the reduction of the number of referees, and putting them, as far as possible, on a full-time basis. These suggestions have been followed up and are incorporated in this measure.

This measure is also recommended by the present Attorney General of the United States, by the Judicial Conference of Senior Circuit Judges, by the National Bankruptcy Conference, the Securities and Exchange Commission, the Civil Service Commission, the National Retail Credit Association, the Commercial Law League of America, and the bankruptcy committee of the section on corporations banking and mercantile law of the American Bar Association. There are many other supporters of the bill, but suffice it to say there are no organizations that I know of which are interested in bankruptcy administration that have taken exception to the bill in the main.

Briefly, the important provisions of the bill fall into two well-defined groups, namely, those, as I have said, designed to put into effect a system of salaried referees as against the present system of fee compensation; and second, those designed to cover the expenses of their offices.

The bill also provides that a survey is to be made within 1 year after the enactment of the bill, by the Director

of the Administrative Office of the United States Courts, of all factors which would affect the number of referees and the territory which is to be covered, as well as the compensation involved. The Director is to make recommendations to the judicial councils of the several circuits, and to the Judicial Conference of the Senior Circuit Judges. The conference, in the light of the recommendations of the Director, shall determine the number of referees, full time and part time, the territories to be served, and their respective salaries. The salaries may range from $3,000 to $10,000 a year for full-time referees, and not more than $2,500 for part-time referees. The determinations of the conference shall become effective 60 days after they have been promulgated by the conference. Thus the bill itself provides for a scientific determination of the needs of this branch of the judicial system; and the putting into effect of such a system is assured.

The method of determining and fixing the salaries of persons in the judicial system is comparable to the method now in force in establishing the salaries of clerks of the United States circuit and district courts, probation officers, and court reporters. Under the supervision of the Administrative Office of the United States Courts this system has worked smoothly and efficiently, and there is every reason to believe that it will work efficiently and smoothly in the bankruptcy courts.

The extension of this system within the limits prescribed in the bill is a logical expansion of the functions and responsibilities already entrusted to the Administrative Officer. A great deal of the information necessary to make the required survey is already available in the Administrative Office, and it is believed by that department—so I am informed by Mr. Chandler, the Director—that the survey can be made within a period of 4 to 6 months, with the staff which the department already possesses.

The appointment of referees shall remain in the hands of the district judges under whom they serve. Where there is more than one district judge, the appointments are to be made by concurrence of a majority, and if no majority exists, then by the judicial council of the circuit. The term of office is extended from 2 to 6 years. At the present time the term is 2 years, but under the provisions of the bill the term of the referees would be extended to 6 years.

The proposal also provides for security of tenure. This is afforded by the provision contained in section 34 (b) that the referee shall be reappointed upon the expiration of his term unless there is cause for not reappointing him by reason of incompetency, misconduct, or neglect of duty. An additional cause for not reappointing part-time referees is that their services are no longer needed. In fact, under the terms of the bill, part-time referees could be dispensed with at any time on that basis.

Under the terms of the bill, a referee could be removed for cause, subject to the right of review and hearing before a judicial council. In addition, a part-time referee may be removed at any time, as I have said, if his services are not needed. That action would be without review.

The increase in the length of the term, together with the provisions as to reappointment and removal, practically guarantee a full-time tenure in office, so long as the services of a referee are satisfactory.

A full-time referee is prohibited from practicing law in any capacity, and may not hold any office of emolument or profit other than conciliation commissioner, or he may act as special master. A part-time referee may be a commissioner of deeds, a United States commissioner, a justice of the peace, a master in chancery, a notary public, or either a conciliation commissioner or a supervising conciliation commissioner, but he may not be both.

The fees received by either a full-time or part-time referee for services rendered as a conciliation commissioner or special master under the act are to be covered into the Treasury of the United States to the credit of the referees' salary fund, and fees earned by a part-time referee as a supervising conciliation commissioner or United States commissioner may be retained by him as additional compensation. Active part-time referees and those receiving retirement benefits will be permitted to practice law except in proceedings under the Bankruptcy Act. The conference may designate a referee to preside over an area which lies in more than one judicial district, and while this would undoubtedly be unusual, it gives the system a flexibility which it otherwise would not possess.

When the office of referee is vacant the clerk is required to notify the director of such vacancy, and if the vacancy is permanent, authorization for appointment of a new referee must be given by the Judicial Conference. It is, of course, given to the district judge, but the conference is empowered to change the number and territories of referees in the light of recommendations made by the director of the council, and ample leeway is provided for contracting or expanding the system in view of the amount of business which may be required by those provisions. Furthermore, referees may be temporarily assigned to conduct proceedings in other districts where their services are needed.

Section 40 of the present act dealing with the compensation of referees has been completely rewritten. It is proposed to place all referees on a salary basis, as I heretofore indicated, the salaries ranging from $3,000 to $10,000 a year, depending on the volume of business and the territory covered. The maximum salary for part-time referees under any circumstances, as provided in the bill, shall not exceed $2,500; and all salaries shall be payable from the referees' revolving salary fund. In no event shall the referee during his term of office receive a smaller amount of compensation than the amount fixed for him at the time he originally takes his office. Thus, a referee in giving up his private law practice is guaranteed, while he remains in that position, at least the amount originally fixed as his salary, and a redetermination of the salary may be made whenever the office becomes vacant. Salaries of part-time referees may be changed at any time, subject to the prescribed maximum.

Mr. OVERTON. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. McCLELLAN in the chair). Does the Senator from Ohio yield to the Senator from Louisiana?

Mr. HUFFMAN. I yield.

Mr. OVERTON. I invite the attention of the able Senator in charge of the bill to the language at the bottom of page 9 and the beginning of page 10, with reference to the subject matter of compensation of referees. The provision is:

> Referees shall receive as full compensation for their services salaries to be fixed by the conference, in the light of the recommendations of the councils, made after advising with the district judges of their respective circuits.

Therefore the provision is that compensation of referees shall be fixed by the conference of circuit judges, in the light of recommendations of the councils.

Mr. HUFFMAN. After a survey which takes into account the territory to be served and the volume of business to be done, the average volume of business, and so forth.

Mr. OVERTON. After advising with the district judges.

Mr. HUFFMAN. Yes.

Mr. OVERTON. So quite a number of limitations and restrictions are thrown around the compensation to be paid to the referee.

Mr. HUFFMAN. They are placed there for the purpose of making as sure as humanly possible that proper salaries will be paid, commensurate with the work which the referees will be called upon to perform.

Mr. OVERTON. I am thoroughly in accord with that provision of the bill. What I wish to invite the attention of the able Senator to is the further provision that the compensation shall be at rates not less than $3,000 for full-time referees and not more than $2,500 per annum for part-time referees. Taking into consideration all these precautions, why limit the exercise of authority by the conference? I was about to suggest—and I have an amendment which I shall propose to the bill at the proper time—that there be stricken from the bill, on page 10, line 3, the words "less than $3,000 nor", so as to read:

> at rates not more than $10,000 per annum.

A maximum limit would be fixed, but not a minimum limit.

In line 5, I would suggest striking out the numerals "$2,500" and inserting "$5,000," so that part-time referees would not receive more than $5,000. I think that would be a sufficient limitation and restriction without the other. I believe that $2,500 is probably too low a limitation for part-time referees. I was wondering whether the able Senator had given thought to that suggestion. I have had the amendment printed and on file for some time, and probably it has come to his attention.

Mr. HUFFMAN. Let me say to the able Senator from Louisiana that I have given some thought to it; and when the bill is taken up, the position of the com-

mittee in respect to that matter will be stated. I refer to the salaries of part-time referees.

I did not quite understand the Senator's suggestion with respect to the limitation on the salaries of full-time referees.

Mr. OVERTON. The limitation in the bill is on the minimum which may be paid.

Mr. HUFFMAN. Yes—"not less than $3,000 nor more than $10,000."

Mr. OVERTON. I wish to strike out the words "not less than $3,000," so as to leave entirely to the council the determination of what the minimum pay shall be.

I am not so much concerned with that as I am with the limitation on the compensation of part-time referees.

Mr. HUFFMAN. But the Senator would leave, would he not, the upper bracket for the salaries of full-time referees at $10,000?

Mr. OVERTON. Yes; that is my thought.

Mr. HUFFMAN. I thank the Senator.

Mr. OVERTON. I should like to have the able Senator from Ohio and the able chairman of the Committee on the Judiciary give some consideration to that matter.

Let me ask the Senator whether we are to vote on the bill this afternoon.

Mr. HUFFMAN. I cannot say, but at the conclusion of my remarks I propose to ask unanimous consent that the bill be taken up, out of order. At the present time, I am addressing my remarks to the subject, in advance of requesting unanimous consent; so I cannot say whether the bill will be reached today.

Mr. OVERTON. I beg the Senator's pardon. I was in attendance on the Committee on Appropriations, and I entered the Chamber only a few minutes ago.

Mr. HUFFMAN. I thank the Senator for his suggestion.

Mr. President, this bill proposes a change in the method of collecting the amounts necessary to support the referees' offices and the handling of these accounts. Some of the charges are fixed in the bill and others are to be fixed by the Director of the Administrative Office, on approval of the Conference. Provision is made for a change annually in the amount of such charges, if necessary. Also, charges for special services performed by the referees, such as certifying records, supplying transcripts, and similar services, are to be fixed by the Director and the Judicial Conference. When collected, the amounts are to be transmitted by the referee to the clerk, for deposit in the referees' expense fund in the Treasury. The referee will retain no part of such funds. Any deficit occurring is to be underwritten temporarily by the Treasury, but the Treasury is to be reimbursed from funds collected in succeeding years. As I have pointed out, inasmuch as the system throughout the United States at the present time is solvent by approximately $170,000, it is generally conceded that the entire system will be self-sustaining. The system proposed by the bill immensely simplifies the fees and charges to be made.

Under the bill, an expense fund is to be set up in the Treasury, similar in all respects to the salary fund. Out of it all overhead expenses in the referees' offices will be paid. Of course, the expense fund will be separate and distinct from the salary fund. Collections for both funds will be made at the same time, and the whole process will be changed to one of complete simplicity and uniformity throughout the country. It is proposed that each case shall bear part of the cost; and the asset cases, which generally require the most attention, will pay a larger proportionate share. The entire cost will be based on a national operation, rather than on the operations of the individual referee's office.

Annual appropriations are to be made from the two funds. Expenditures from such appropriations will be under the supervision of the Director, and such supervision will, in all respects, be similar to that now exercised over the expenses of other judicial personnel, such as expenses of clerks and probation officers in the Federal courts.

Under the present Bankruptcy Act, bankrupts pay to the clerk of the court, at the time a petition is filed $15 as the referee's fee and $10 as the clerk's fee. Investigation discloses that the $10 paid to the clerk for his bankruptcy services is greater in proportion than the amounts collected for other services. Accordingly, it is proposed that his fee be decreased to $8, and that the referee's fee, which is to be paid into the United States Treasury to the credit of the referees' salary fund, be increased to $17, leaving the total amount of these two items the same as under the present act, so that the bankrupt estate would pay no more than is paid at the present time. Fifteen dollars is also to be collected for the referees' expense fund. Under the existing statutory provisions, a bankrupt may file a petition without the payment of any filing fees in advance, if he accompanies his petition with an affidavit indicating his inability to pay. In many cases, such inability is merely temporary, and the filing fees and costs have been later collected as the administration of the estate proceeds and as assets are discovered. It seems preferable, as is done in this measure, to authorize in meritorious cases, the payment of filing fees and costs in installments, under a procedure to be prescribed by the general orders of the Supreme Court.

When the new system is inaugurated, the district judge will be required to allocate, from funds on hand in pending cases, the amounts due the referees for services rendered and expenses incurred prior to the inauguration of the new system. There will undoubtedly be transferred to the Treasury, to the credit of the referees' salary fund and the referees' expense fund, a considerable amount of money derived from filing fees and indemnity funds in pending cases which have not been fully administered, but which will have to be administered under the new act.

All referees and their employees are to be granted the benefits provided for other officers and employees in the judicial branch of the United States Government under the Civil Service Retirement Act of May 28, 1930, as amended. This will be an integral part of the system of salaried referees, and it will place them and their employees on the same retirement basis as United States attorneys, clerks of court, United States marshals, and their employees. Gross salaries are to be subject to an annual 5 percent deduction, and the same benefits will be accorded the referees and their employees as are now granted to other officers and employees in the judicial branch of the Government. Aside from payments similar to those made by the Government to other persons receiving benefits under the Civil Service Retirement Act, the retirement provisions of this bill will involve no expense to the Government.

The bill provides that a retired referee may be called upon by the district judge to perform such services as he is able and willing to undertake. The retired referee will not by such service return to a salary status. He will continue to receive only his retirement allowance; and all collections for the referee's salary fund and the expense fund are to be transferred into such funds, the same as in other cases administered by the regular referee.

The bill provides that when a vacancy occurs in the office of a referee or when the referee is absent or disqualified to act, another referee in the district may be designated by the judge, or the council may designate another referee from the circuit, or the conference may designate another referee from another circuit to act. These provisions will provide the widest possible latitude for the fullest utilization of the available referee personnel, and they are in accord with the practice of assigning Federal judges from areas where they can temporarily be spared to others that are behind in their calendars.

Salaries of referees' clerks and other assistants are to be fixed by the district of the judicial conference, after taking into consideration the qualifications for similar work in the offices of the clerks of the district courts, so that the salaries may be as nearly uniform as possible. Provision is made for unusual cases that require prompt action by the referee. In such instances, expenditures may be approved by the district judge, in the event that it is not feasible to secure the prior authorization of the director.

Authorization for the employment of clerical assistance by the referee follows similar provisions by which the clerks of the Federal courts employ their assistants upon the authorization of the director. The inclusion of these provisions will permit the referees to utilize their present skilled personnel, as well as give them a free hand in selecting and discharging their subordinates so as to make sure that they are properly controlled by those who are responsible for their acts.

The franking privilege is granted to the referees and special masters under the act for use in transmitting all official mail, including notices to creditors. Travel, lodging, and subsistence expenses of the referees and their assistants are authorized, subject to the approval of the

director. For subsistence, the referees are allowed their actual expenses subject to a maximum of $7 a day, and their assistants are allowed a per diem of $6 in lieu of subsistence, just as are most other Government employees. The director, however, may fix such lower limit for assistants as he sees fit.

Other changes provided in the bill are largely conforming changes, which are made necessary in order to facilitate administration of the act.

Mr. President, in conclusion I may say that there is an urgent need for the immediate passage of this bill. It is needed to round out the Chandler Act passed in 1938, particularly in the administration of the so-called relief chapters of the Bankruptcy Act involving municipal readjustments under chapter IX, corporate reorganizations under chapter X, arrangements under chapter XI, real estate arrangements under chapter XII, and wage-earner plans under chapter XIII. All of these are administered before the referee in bankruptcy or a special master under the act. The referee should be in a position to devote his full time and attention to the efficient and skilled administration of bankruptcy cases of all types. His is a specialized service, a necessary service, a career in itself.

This bill has the universal support of everyone interested in good bankruptcy administration. The Judicial Conference has approved the salary system. Credit organizations strongly endorse the bill because they believe it will result in more efficient and economical administration of insolvent estates and will in the end inure to their financial benefit. Their approval is more than significant, for in the last analysis it is the creditors who foot the bill.

With the return to a peacetime economy there is bound to be a return to the normal rate of financial casualties, many of whom will need the assistance and relief now afforded under the Bankruptcy Act. It is of utmost importance that the facilities required to handle those judicial functions be maintained and financed on a basis which will bring credit to the Federal judicial system.

Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to consider House bill 4160, to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Ohio?

Mr. WHITE. Mr. President, reserving the right to object, if I heard correctly the Senator's request, he has asked that the Senate proceed to consider the bill which he has been discussing. It seems to me, Mr. President, that the request should not be granted. The bill has been on the calendar for practically 4 months. It must have been reached on some call of the calendar and some Member of the Senate must have objected to its consideration. It is 25 pages in length. It deals with a highly technical and complex problem concerning judicial procedure. I submit that we should not temporarily lay aside the bill which the Senate has made the unfinished business, in order to give consideration to the bill to which the Senator from Ohio has referred. I personally know nothing about the merits of the matter, but I cannot believe it to be fair to the Senators who have been handling the reorganization bill, and who have been given assurance that they will have an opportunity to present it fully to the Senate, to have their bill temporarily laid aside for the consideration of other measures.

Mr. HUFFMAN. Mr. President, it is true that House bill 1460 has been on the calendar for some time. It was called up on a prior occasion and was objected to by, I believe, the Senator from Oregon [Mr. CORDON]. I notified him that it would be called up again. I also notified other Senators whom I knew were interested in having changes made in the bill. It is not my purpose to insist upon consideration of the bill, because I do not wish to displace the consideration of the reorganization bill. If there is any objection to my request, I shall not press it.

Mr. LA FOLLETTE. Mr. President, I have been advised that consideration of the measure will consume considerable time, and therefore I cannot agree to the unanimous-consent request to lay aside the unfinished business, because I must make all reasonable effort to proceed with the bill which is now pending before the Senate. Most of the afternoon has been consumed with a discussion of extraneous matters, however important they may be. Therefore, I shall have to object to the Senator's request, because I am advised that consideration of the bill will consume considerable time.

The PRESIDING OFFICER. Objection is heard.

Mr. McCARRAN. Mr. President, I realize that if House bill 4160 is taken up it will necessitate laying aside temporarily the unfinished business. As chairman of the Judiciary Committee I hope, however, that the bill will receive the attention of all Senators, so that at an early date we may be able to take it up when more Senators are present, consider it, and pass it. The bill has been requested by the Department of Justice, by the Judicial Conference, and by many other bodies. I hope that, in view of the fact that we cannot take up the bill this afternoon, at an early date we may be able to consider it, and in the interim Senators will, I hope, give the matter their attention so that it may be fully considered when opportunity is afforded to the Senate to take it up.

Mr. KILGORE. Mr. President, I join with the chairman of the Judiciary Committee in urging that Senators study the bill, because it proposes a complete change in the present referee system, and merits careful consideration of the Senate.

Mr. McCARRAN. Mr. President, I wish to express my sincere appreciation of the able way in which the bill has been explained by the Senator from Ohio who was assigned to handle the bill on the floor.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

ORGANIZATION OF CONGRESS

The Senate resumed consideration of the bill (S. 2177) to provide for increased efficiency in the legislative branch of the Government.

Mr. LA FOLLETTE. Mr. President, in view of the time which has elapsed since the pending measure was under discussion, if a Senator wishes to speak upon the subject I think I should suggest the absence of a quorum.

Mr. HILL. Mr. President, may I inquire of the Senator from Montana [Mr. WHEELER] whether he expects to bring before the Senate the railroad reorganization bill?

Mr. WHEELER. I desire that the Senate take up the reorganization bill. I do not believe that its consideration will require more than an hour of the Senate's time.

Mr. LA FOLLETTE. Mr. President, I wish to be as accommodating as possible, but the Senator knows that the OPA bill will be shortly before the Senate. I am very anxious to have the Senate register its will and judgment on the measure which is now the unfinished business. If I yield an hour here, an hour there, and 2 hours later on, I know full well what will happen to the pending measure. It will be pushed aside for the OPA bill. Therefore I cannot give my consent to the present consideration of other measures. I believe that we should have a quorum call, and then consume at least a brief preiod of time in the discussion and consideration of the pending measure.

Mr. GEORGE. Mr. President, I do not wish to delay consideration of the pending bill. I give notice, however, that I shall be compelled to offer certain amendments to the bill. While I shall not debate them at very great length, I give notice that I shall offer them. I express the hope that so important a bill as is the pending measure will not be submitted to anything like a final vote at any time during this afternoon.

Mr. LA FOLLETTE. I assure the Senator from Georgia that I had no such anticipation. I was merely replying to Senators who were urging me to lay the measure aside for other bills, and also noting the fact—and this is said without any complaint, because I know the matters under discussion have been very important—that we met at 11 o'clock this morning and very little of the time since then has been given to a consideration or discussion of the pending bill. I may say to the Senator from Georgia that I think many Senators may wish to propose amendments.

Mr. GEORGE. I merely wanted to ask, since I have not had opportunity even to read the bill consecutively until today, that I be permitted to offer an amendment on page 11, one on page 15, and perhaps one on the following page, without prejudice. If someone else should offer an amendment and one should be adopted and a section agreed to, I might

be precluded, and I want the night to go over the bill.

Mr. LA FOLLETTE. Certainly; I think the Senator should have that time. All I would suggest to the Senator is that there are one or two committee amendments to which I think there will be absolutely no objection, and I thought perhaps we might dispose of those. I had hoped that perhaps if there were other Senators who might have questions to ask, a quorum would be called and there might be some further discussion of the bill before we recessed for the day.

Mr. GEORGE. That is quite agreeable to me, if it is understood that any committee amendment agreed to would not preclude the offering of another amendment if I decided to offer one.

Mr. LA FOLLETTE. If there were any way to prevent that—and I do not think there is—it certainly would be the furthest from my thought to attempt to preclude any Senator from offering any amendment he might desire to offer to the bill.

As I stated in my opening remarks, I do not pretend that the pending measure is perfect. There are many provisions incorporated in the bill by the committee with which other Senators who consider the same subject may not agree, but the bill is the best the committee could do, with its combined effort, to bring something before the Senate to cover this very important field.

Of course, the Senator from Georgia will be at liberty, as will every other Senator, to offer any amendment he may desire to offer, but I should like to get back to the bill for a little while longer today.

Mr. GEORGE. I have no objection to that.

Mr. LA FOLLETTE. I should like to have the Senate dispose of the committee amendments, to which I do not believe there will be any objection. My point in suggesting the absence of a quorum was in the hope that other Senators might come into the Chamber and some questions might be asked and further discussion of the bill had, thus helping to get along with it.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. McCLELLAN in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hill	Overton
Andrews	Hoey	Pepper
Austin	Huffman	Reed
Ball	Johnson, Colo.	Robertson
Barkley	Kilgore	Russell
Capehart	Knowland	Smith
Capper	La Follette	Stanfill
Connally	Lucas	Stewart
Cordon	McCarran	Thomas, Okla.
Donnell	McClellan	Thomas, Utah
Eastland	McKellar	Tobey
Ferguson	McMahon	Tunnell
George	Magnuson	Vandenberg
Gerry	Mead	Walsh
Green	Millikin	Wheeler
Guffey	Mitchell	White
Hawkes	Moore	Wiley
Hayden	Murdock	
Hickenlooper	Myers	

The PRESIDING OFFICER (Mr. EASTLAND in the chair). Fifty-five Senators having answered to their names, a quorum is present.

Mr. DONNELL. Mr. President, referring to the bill, S. 2177, I understood the Senator from Wisconsin to indicate that it was his desire that there be a quorum call in order that Senators might have the opportunity to discuss, at least for a time this afternoon, what may occur to them with respect to that bill. There is one matter to which I should like to address myself, and upon which I should like to ask the view of the distinguished Senator from Wisconsin.

Mr. President, I have great difficulty in understanding how the subject of rules for either respective House of Congress is a matter on which the two Houses have any power to enact legislation. To illustrate my point, the bill provides in section 102 that rule XXV of the Standing Rules of the Senate is amended to read as therein set forth.

Again, on page 21, rule XVI, of the Standing Rules of the Senate, is proposed to be amended to read as set forth.

It must be recalled that this is a bill which, by its very provisions, constitutes an enactment by the Senate and the House of Representatives of the United States of America in Congress assembled. Therefore, this bill, if we shall adopt it in the Senate, will not become effective until the House of Representatives shall have passed upon the bill.

It is obvious, as I see it, from the portions of the bill to which I have referred, that the bill undertakes to amend certain specific rules of the Standing Rules of the Senate. The question I have in my mind is whether or not this is at all a matter for legislation, or whether it is a matter solely for determination, as to the Senate, by the Senate itself, and as to the House, by the House itself. I should like to address myself briefly to that proposition.

As I have indicated, the bill calls for action not by one House, but by both Houses of Congress. I take it we would all agree that Congress itself, as an entity, has only such power as is conferred upon it by the Constitution of the United States. I quote from the case of *Dorr* v. *United States* (195 U. S. 138, at p. 140):

> It may be regarded as settled that the Constitution of the United States is the only source of power authorizing action by any branch of the Federal Government.

I need not remind the Senate of the fact that in the Constitution many powers are conferred upon Congress as such. I refer particularly to the long list of powers set forth in section 8 of article I of the Constitution. I refer likewise to the contents of article IV and article V of the Constitution, which confer powers upon Congress. I am not unmindful, likewise, of the fact that powers need not be conferred specifically upon Congress, but may be conferred by necessary implication. But I undertake to say that the doubt which arises in my mind comes from the fact that the determination of rules for each respective House of Congress has not been vested, either directly or by necessary implication, by any portion of the Constitution, in Congress itself.

Someone may ask, Where does the power reside to make rules for the respective Houses of Congress? The ultimate authority for the adoption of rules for each branch of Congress is recognized in the bill itself, because section 101 provides as follows:

> The following sections of this title are enacted by the Congress:
>
> (a) As an exercise of the rule-making power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply.

In other words, I take it that it is recognized by this language—particularly because of the use of the word "respectively"—that each House has the right to determine its own rules. But I need not rely, nor need the Senate rely, upon the wording of this bill, for the Constitution is very clear upon the question as to where resides the rule-making power. I refer to section 5 of article I of the Constitution, which, unlike section 8, which refers to the powers of Congress, is directed to the powers of the respective Houses. I find that section 5 of article I prescribes that—

> Each House shall be the judge of the elections, returns, and qualifications of its own Members—

And so forth. Likewise, I find that section 5 prescribes that—

> Each House shall keep a journal of its proceedings, and from time to time publish the same—

I find that there is a prohibition in section 5, to the effect that—

> Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than 3 days, nor to any other place than that in which the two Houses shall be sitting.

I find also in section 5 this language:

> Each House may determine the rules of its proceedings—

I may say that this particular clause in section 5 is followed by the further words:

> punish its Members for disorderly behavior, and, with the concurrence of two-thirds, expel a Member.

It is obvious, as I see it, that this section of the Constitution of the United States vests in each House, respectively, the power to determine its own rules; and the fact that each House does have that power obviously excludes the other House of Congress from the power to participate in the making of such rules.

In the case of *United States* v. *Ballin* (144 U. S. 1, at p. 5), I find this language:

> The Constitution empowers each House to determine its rules of proceedings. It may not by its rules ignore constitutional restraints or violate fundamental rights, and there should be a reasonable relation between the mode or method of proceeding established by the rule and the result which is sought to be obtained. But within these limitations all matters of method are open to the determination of the House, and it is no impeachment of the rule to say that some other way would be better, more accurate, or even more just.

So, Mr. President, I submit, first, that Congress as such—the two Houses of

Congress—has only those powers conferred upon it by the Constitution. Second, that the Constitution does not confer upon the two Houses the power of making rules for the respective Houses of the Congress. Third, that specifically in the Constitution of the United States it is stated that each House may determine the rules of its proceedings.

Yet, Mr. President, what have we in this bill? The bill, by the very fact that it is a bill to be enacted by both Houses of Congress, obviously will require action not only by the one House, but by both. We find that in the bill are set forth the illustrative rules which I have mentioned, namely, rule XXV and rule XVI, which are specifically proposed to be amended. So we find, Mr. President, that even though the Senate should devote weeks of labor to the passage of this bill and should undertake thereby to adopt those amendments to its rules, they could not go into effect until after the House of Representatives had determined whether or not it was agreeable to it that the Senate adopt those two amendments to the rules of the Senate.

I submit, Mr. President, that no such result was ever contemplated by the framers of the Constitution of the United States. I submit further that this being a bill, it obviously cannot go into effect until it shall not only have been passed by both Houses of Congress, but shall have received the approval of the President of the United States; or, should he veto the bill, until it shall have been passed by the constitutional majority in each House of the Congress. So we find that if the bill shall be enacted it not only requires, in order to amend the rules of the Senate, that there shall be approval by the House of Representatives of the United States, but that the executive branch of the Government, the President of the United States, shall himself pass upon the question as to whether the rules which the Senate desires to adopt may be adopted by it.

Mr. President, I do not at all intend to imply that the Senate could not, independently of this bill, adopt whatever rules it might deem proper within the limitations indicated in the language which I have read from the case of United States versus Ballin. The point which is disturbing me and upon which I should like to have the judgment of the distinguished Senator from Wisconsin, who has devoted so much thought to this measure, is this: I should like to have his answer as to whether or not there is any power in the Constitution of the United States by which the Senate is authorized to surrender to the other branch of Congress, and ultimately to share with the President of the United States the framing of the rules of the United States Senate.

To my mind, with all due deference to the distinguished chairman of the committee, for whom I have the greatest respect, the proper way and the constitutional method by which a rule should be adopted by the Senate would be to have the rule brought before the Senate by appropriate resolution, and to have the Senate pass upon the adoption of the rule. To my mind, it is no answer to the proposition which I have presented, that there might be some difficulty in securing the adoption of a rule in this manner. I am not quite certain from the reading of the rules whether it would be necessary to submit to a committee the question of a proposed amendment to the rules. I know that rule XL of the Senate provides as follows:

> No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order except on 1 day's notice in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof. Any rule may be suspended without notice by the unanimous consent of the Senate, except as otherwise provided in clause I, rule XII.

It may be, Mr. President, that notwithstanding what would seem to be the rather broad language of the rule which refers to amendments—and again I call attention to the fact that the two illustrations which I used from Senate bill 2177 are stated therein as amendments—possibly it would be necessary to refer a series of amendments, such as the ones set forth in the bill, to an appropriate committee or committees of the Senate. It may be that such reference would be accompanied or followed by some delay, some difficulty, some lack of practical advantage, such as would be possessed by the proposed legislative method.

But I take it that it is true today, as it was when the Supreme Court said it in the Ballin case, that "to say that some other way would be better, more accurate, or even more just" does not alter the proposition that under the Constitution of the United States the Senate itself has the power to prescribe the rules of its proceedings.

Mr. President, I may be in error in these views. I have attempted to outline them upon a rather hasty consideration of the matter. I am fully aware, I think, at least to some extent, of the difficulties which might face the chairman of the committee, who has so valiantly labored in this matter, if the matter were presented to the Senate in the way I have indicated.

But I desire to have him tell the Senate, if he will, the basis on which he thinks the rules of the Senate are the proper subject of a legislative measure which would require the approval of both Houses of the Congress and, ultimately, signature by another branch of the Government, to wit, the executive department, the President of the United States. I know that all of us will be pleased to hear from the Senator from Wisconsin with respect to this question.

Mr. LA FOLLETTE. Mr. President, I hesitate very much to endeavor to argue the Constitution of the United States with the able Senator from Missouri. However, I wish to say that I see nothing in the procedure or the method employed in this bill which in anywise contravenes the Constitution.

First of all, I should like to point out that the section of the Constitution to which the Senator has referred, provides that—

> Each House may determine the rules of its proceedings, punish its Members—

And so forth. Nothing in that provision requires that the two Houses adopt their rules separately from each other, or prohibits cooperation between the two Houses, whenever they may desire to have procedures which are joint in nature.

I should also like to call the Senator's attention to the fact that many of the rules governing printing are contained in statutes, and broad power has been delegated to the Joint Committee on Printing to carry out the provisions of those statutes.

Frankly, I find it difficult to conceive of any surrender of its rule-making power which the Senate will make if it enacts the pending measure. It is true that the bill contains provisions which apply exclusively to the Senate, and that in the due course of the legislative process, if the bill is passed by the Senate, it will go to the House of Representatives for consideration. But no power would thereby be surrendered to the House of Representatives to modify the sections which pertain to the Senate rules, and the Senate would still retain the right to reject any attempt by the House, if it were to make such an attempt, to invade that field. As a matter of fact, I feel very certain that the House of Representatives would not do that, because of the comity which has always existed between the two Houses; and it was in keeping with that rule of comity that the special committee left out from the purview of this measure the joint committee's recommendations with regard to House committees or rules which apply solely to the House, because we assumed that that was the sole right and prerogative of the House.

In the third place, let me say that the Senator from Missouri seems to feel that by passing this bill the Senate would in some way be surrendering to the Executive its rule-making power. I cannot follow the Senator's logic in that respect, because when this bill is passed by the Senate and is passed by the House and goes to the White House, the only power the President will have will be either to sign it or to veto it. If he signs it, he will not have interfered with the rule-making power of either the Senate or the House of Representatives. If he vetoes the measure, he will not have accomplished a single change in the rules of either House.

So I fail to follow the Senator's reasoning that in providing for changes in the rules, either House will have surrendered its rule-making power to the other, or that jointly they will have surrendered it to the President, simply because, in order for this measure to become law, the President has the power, under the Constitution, either to sign it or to reject it.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. VANDENBERG. I have just been handed the Manual of Rules and Practices of the House of Representatives, and I find the following statement which seems to have a substantial bearing on that point. I read from page 21:

> The two Houses of Congress adopted in the early years of the Government joint rules to govern their procedure in matters requiring concurrent action, but in 1876 these joint rules were abrogated.

In other words, I judge from that notation that for the first 85 years of the history of our Government there was joint action establishing joint rules in respect to some of the actions of the House of Representatives and the Senate.

Mr. LA FOLLETTE. Mr. President, it is my understanding that such joint rules existed until approximately 1870, and they were certainly adopted at a time when there were in Congress many persons who were familiar with the drafting of the Constitution. So far as I know, no question was ever raised that any violation of the Constitution was involved in the action of the two bodies in acting together.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. FERGUSON. I merely wish to bring up one point which I think answers the Senator from Missouri, namely, that by the provisions of the bill the Senate does not purport to surrender any of its rights under the Constitution. I read from page 5, in line 6:

(b) With full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

In other words, the Senate, having full power over its own rules, reserves that power unto itself, even though it agrees to the provisions of this measure.

I think we must analyze the pending measure as a whole. It has four parts, really. We deal with three at the present time, but it is anticipated that finally there will be a fourth.

First, we have the Senate rules. At present, we do not even purport to put the House rules in the measure. But we have the Senate rules. Then we have joint rules which can be adopted by concurrent resolution. But by retaining full power and authority over the rule-making function and by including the provision I have read from page 5, we do not surrender anything. We merely say that, with this full power, we wish to put the rules of the Senate, the rules of the House, the joint rules of the House and Senate, and certain legislation into one package which we wish to become the law, and therefore we realize that we can change it without the consent of the President or with the consent of the President, if we so desire. But by permitting the President to sign the bill, we are not surrendering any right which we have. Neither are we passing an unconstitutional measure, in the sense that the Supreme Court could rule that the President has no power to sign such a measure. In other words, when we pass it, we carry out the mandate of the Constitution that the Senate approve its own rules. The House, by passing the bill, will approve its own rules. When both the House and the Senate pass the bill, they will approve the joint rules.

So I do not think we shall be doing violence to or violating the Constitution when we take action in the manner proposed, because in the measure we recognize that we have the power, and we are exercising it. The mere fact that we are allowing someone else to pass on the matter does not do violence to the Constitution.

Mr. LA FOLLETTE. Mr. President, I fully agree with the two Senators from Michigan. Let me say that the day after this bill becomes law, every rule pertaining to the Senate could be changed or modified by a majority of the Senate. The House could take similar action in respect to its rules.

I really think it is a superabundance of caution to put into the measure the reservation which has been referred to, because I do not think anything can derogate the right of either House to change its rules at any time a majority of either House desires to do so.

Let me call attention for a moment to the provision on page 34. Perhaps it is a minor matter, but it serves to illustrate the point. That provision reads as follows:

RECORDS OF CONGRESS

SEC. 132. (a) The Secretary of the Senate and the Clerk of the House of Representatives are authorized and directed, acting jointly, to obtain at the close of each Congress all of the noncurrent records of the Congress and of each committee thereof and transfer them to the National Archives for preservation.

Let us assume that that provision is on the statute books. Let us assume that the first time it was tried, either the Secretary of the Senate or the Clerk of the House of Representatives, as the case might be, went to the chairmen of the respective Rules Committees and said, "We find it is too onerous a job, and we do not think it is working out very well." If the House Rules Committee or the membership of the House agreed, they could modify the rule without the consent of the Senate—or in the case of the Senate, without the consent of the House, as the case might be. So I cannot see that anything is surrendered to anyone. I cannot see how we are violating the Constitution inasmuch as we are not surrendering the rule-making power of the House or of the Senate to anyone, not even to the President of the United States, because the only thing which he could do which would in any way contravene the action of the House in connection with this legislation would be to veto it, in which case he would not have effected the locus of the power to change the rules of either House of Congress.

Mr. WHITE. Mr. President, it seems to me that we are being asked not to trust the Constitution. The Constitution provides that we may make our own rules. It does not provide how we shall make them, nor limit them. We make them. I assume that the Constitution gives us authority to make the rules while acting alone, or in concurrence with, or by the approval of the other body. I am not disturbed at all about the constitutional question which has been raised.

Mr. LA FOLLETTE. I thank the Senator from Maine for his statement. I appreciate the fact that the Senator from Missouri [Mr. DONNELL] has raised the point in order that we may all have an opportunity to express our view on his very important question.

Mr. DONNELL. Mr. President, when the Senator has completed his discussion on this point I should like very briefly to make mention of two or three other matters which I think should be presented to the Senate.

Mr. LA FOLLETTE. I have concluded what I had to say on the question which the Senator asked me.

Mr. DONNELL. I wish to say, Mr. President, that I very greatly appreciate the contribution which has been made by the four Senators who addressed themselves to this matter, namely, the Senator from Wisconsin [Mr. LA FOLLETTE], the senior Senator from Michigan [Mr. VANDENBERG], the junior Senator from Michigan [Mr. FERGUSON], and the senior Senator from Maine [Mr. WHITE].

With respect to certain of the matters presented by those Senators, I wish to make a few suggestions. In the first place, the Senator from Wisconsin pointed out that section 5, article I of the Constitution, does not use the mandatory language, "Each House shall determine the rules of its proceedings," but uses only the language, "Each House may determine the rules of its proceedings."

Mr. President, as I see it, and as I have tried to submit it to the Senate, the power of Congress itself does not extend beyond that which is conferred upon it. Regardless of whether the words "may determine", as they are used in section 5 of article I of the Constitution are mandatory or merely directory, the fact remains that the portions of the Constitution which confer power upon the Congress do not, it seems to me, either expressly or impliedly, confer a power upon the Congress to make separately the rules for the two Houses.

Furthermore, Mr. President, I submit that the only provision pertaining to the rule-making power in the Constitution, as I recall it, is that which I have quoted, which implies that it is an exclusive provision, and certainly if one House has the power to make its own rules, the other House does not have the power to impinge or infringe upon the power of the first House to make those rules.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. JOHNSON of Colorado. As I understand the situation, the two Houses could pass legislation with reference to rules, but they could not prevent, for example, the House of Representatives from changing such rules. It seems to me that the question is an academic one. Suppose the two Houses of Congress should pass the pending bill, or any other bill providing for the making of rules for the two Houses, and suppose further that either one of the two Houses did not like the rules which had been made, what would prevent it, under the permission section of the Constitution, from changing the rule back to the form in which it wanted it to be?

Mr. DONNELL. Mr. President, I think the Senator is quite correct in indicating that there is nothing to prevent either House from changing immediately the rules which have been adopted. The

proposition to which I addressed myself is that Congress has no power to make rules unless we can find such power in the Constitution. The question I raised was, Where, if at all, is this power to be found within the Congress?

Mr. President, with respect to the citation mentioned by the senior Senator from Michigan, from page 21 of the House Rules, I must say that I have not seen it. But, as I understood the Senator, I observed from his reading this afternoon that the citation referred to joint rules. I undertake to assert, Mr. President, that there may be a very decided difference between joint rules and separate rules for each House. Indeed, the provision that each House may determine the rules of its proceedings does not specifically mention joint rules at all. It may be held, Mr. President, that under the broad legislative powers, particularly the general powers to make rules which will be necessary and proper in carrying into execution the powers previously vested in section 8, article I, of the Constitution, there may be some power to make joint rules, though there is no power given to the two Houses of Congress to make rules for each of its separate bodies.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. FERGUSON. Does not the Senator believe that when each House has the right to make its own rules it has the right and authority to participate in making joint rules? When each House consents to those rules they become the rules for the House to which they apply, and therefore the power to make them is included in the section which permits the two Houses to make rules for themselves. The mere fact that they may desire to join in the making of a rule does not in any way act, in my opinion, as an interference with the clause giving them power to make their own rules. We can deny the right to the two Houses to join in fixing the rules, or we can allow them to make rules separately. I cannot see that the provision of the Constitution to which the Senator has referred is done violence in any way.

Mr. DONNELL. Mr. President, I appreciate the Senator's views, and I may say that he may be entirely correct. I can see the debatability of the proposition.

With regard to the point presented by the junior Senator from Michigan [Mr. FERGUSON], and also by the Senator from Wisconsin [Mr. LA FOLLETTE], that Senate bill 2177 does not surrender any rights because of the reservation contained in it giving to either House the right to change the rules, I submit that by the passage of this bill the Senate itself does not determine the rules of its proceedings. The Senate itself is giving to the other House of Congress the right, certainly for a period of time necessary for that House to consider the rule, to determine whether or not it will join with the Senate in the rule which the Senate has expressed itself to be in favor of. In other words, while the Constitution provides that each House may determine the rules of its proceedings, I submit that, by the passage of the pending bill, we would not thereby determine our proceedings, because we would be sending the bill to the other House which would have within its power the right to amend, if it deemed proper or desirable, the rule which the Senate had determined to be proper for the Senate.

Mr. President, I greatly appreciate the courtesy of the Senate in listening to the presentation which I have made. I can very well see the other side of the argument, and it may well be that the Senators who have taken that side are correct in their views. My position, however, is that the matter should be presented to the Senate for its consideration.

Mr. VANDENBERG. Mr. President, I wish to ask the Senator a question with reference to section 126 of the bill which reads:

> No bill or resolution, and no amendment to any bill or resolution, to establish or to continue a special or select committee, including a joint committee, shall be received or considered in either the Senate or the House of Representatives.

My first question to the Senator is this: If that were the present law, would it have been impossible for the Senate to have set up, for example, a special committee to deal with the subject of atomic energy?

Mr. LA FOLLETTE. Yes; except as the Senate has suspended the rules for that purpose. While the Senator was at lunch today at the White House, I discussed this matter with other persons. It does not, of course, affect any joint committees which may now be in existence, such as, for example, the Joint Committee on Internal Revenue Taxation. It would not affect the Joint Committee on Atomic Energy. However, if we were confronted today with this rule, and the subject of atomic energy suddenly loomed on the horizon, and it was felt to be necessary to create a select or a special committee of either the Senate or of the other House, or a joint committee of both Houses to consider that highly important subject, it would be necessary for the Senate and the House, if the committee were to be a joint committee, to suspend their rules or, if the committee were to be a special committee of either House, it would be necessary for the House concerned to suspend its rules.

Mr. VANDENBERG. In other words, the purpose of section 126 is to frown, so far as it can, upon that method of approach to legislation?

Mr. LA FOLLETTE. The committee came to the conclusion that if we could reorganize the committees, and staff them adequately, it would be in the interest of orderly and efficient legislative procedure to have the standing committees or subcommittees thereof conduct studies and investigations, because, after all, if legislation is to flow from these activities, normally the select or joint committees do not have legislative power, and it is often necessary for the standing committee to thrash over much of the straw and the wheat that has been thrashed over by a special or select joint committee, as the case may be.

However, I express it as my opinion, for whatever it may be worth, that at any time when a matter of great consequence, such as atomic energy was when it first became a subject for consideration, and still is, for that matter, I have no doubt that the Senate and the House would suspend the rules to meet a situation of that kind.

The reason why we have drawn this tight ban is that we know full well, from long experience, that unless there is a ban, to obviate which very extraordinary action such as suspending the rules is required, we will not check the tendency to appoint select committees of both the House and Senate, and joint select committees, of which we now have a considerable number in both Houses, and I anticipate that as time goes on, unless the action here proposed is taken, they will multiply in geometric progression.

Mr. VANDENBERG. I can understand the purpose the Senator and his committee had in mind. Among other purposes, I assume, it is in line with the purpose to limit and concentrate the service which individual Senators themselves give to the problems assigned to their responsibility. On the other hand, I think this is one of the few places in the bill where I am not sure I agree with the philosophy of my able friend from Wisconsin.

Mr. LA FOLLETTE. Assuming that there eventually will be some kind of reorganization of the House committees, or even if there is not, the bill does encourage joint action by the committees of opposite number in the two Houses.

The Senator has put his finger on one aspect of the situation, and I tried to mention the other. If he will look at the committee assignments of Senators in the Directory, he will find that a great many Senators are now serving on select and special committees and joint committees. Our effort in this bill is to reduce the committee burden of Senators, so far as the multiplicity of committees is concerned, to the point where they will have sufficient time to discharge their full responsibilities to the committees upon which they serve.

I hope the Senator will give further consderation to the statement which I have made, which may not be a complete answer from his standpoint, but I think if a subject of vital importance comes up, and it is obvious that a special committee should be created, there will not be undue difficulty in having the rules of either House suspended for that purpose. But I fear that if we did not have this ban we might conceivably reorganize and reduce the Senate committees, and find our whole purpose and object defeated by a rash of select and special committees in the future, which would put us right back where we started.

Mr. VANDENBERG. Will the Senator give me the citation in the bill where joint hearings are encouraged?

Mr. LA FOLLETTE. Section 122 provides:

> The standing committees of the two Houses are authorized to hold joint hearings with respect to the subject matter within their respective jurisdictions.

Mr. VANDENBERG. I had not seen section 122. That goes a long way toward answering the thought I had in mind, for it seemed to me that in attempting to streamline the efficiency of

congressional action there were many points at which the only possible practical approach was through an elimination of needless duplication between the House and Senate of activities in respect to legislation.

I particularly had in mind the precise point which is covered by section 122. So that my distinguished friend disarms me substantially by his reference to that section. However, I would not want section 126 to be read as meaning that we do not recognize that there may be extraordinary situations, of which the best illustration at the moment is the control of atomic energy, which are better served by special and select committees, and perhaps by joint committees.

Mr. LA FOLLETTE. I grant that point, and have conceded it in the brief time we have been able to devote to the consideration of the bill today. I have conceded the point several times, but I have also contended that when an issue or a problem of similar magnitude arises, it will not be difficult to get the respective House which may be concerned, or both Houses, to suspend the rules.

Furthermore, section 122 is designed, by giving blanket authority for joint action, to eliminate the necessity for special action to bring the opposite number committees of the two Houses together, and it is our hope that that practice will grow, and, as a result, that it may save the time of witnesses and of administrative officials, and may help to bring into better coordination the relationship of legislative activities in the fields of joint committees as they may come to collaborate.

The Senator from Michigan and I have seen perhaps the best example of that in the work of the Joint Committee on Internal Revenue Taxation.

Mr. VANDENBERG. I thank the Senator for his statement, and I think our viewpoints are in substantial agreement.

I take my seat, but before I do so I should like to say to my able friend from Wisconsin that, while in his long career as a Senator he has often rendered spectacular and distinguished service, I doubt whether he has ever put the Senate and the country under greater obligation to him than in the amazingly constructive and able way in which he has led his special committee in the presentation of the legislation now proposed.

Mr. LA FOLLETTE. I wish to express my humble but heartfelt appreciation for those very kind words from my friend from Michigan.

Mr. President, I should like to make a brief statement concerning the question of the director of personnel, because I think there has been some misapprehension and perhaps some misunderstanding. Frankly, the purpose of creating this office is to secure primarily a job classification study and provisions for tenure and retirement for the employees of the housekeeping departments of the Congress.

I wish to emphasize that in the first place the director is to be chosen by the majority and minority leaders of the House and Senate. So that I, personally, and I am sure every member of the joint committee and the special committee, felt that we were placing the selection of this person in the hands of men who could be trusted to secure an individual of ability and experience in the field of personnel work, who would of necessity cooperate with the committees and with the Congress in the selection of personnel.

Secondly, I wish to point out that, so far as the four permanent staff members of each committee are concerned, prior to the creation of the office of personnel director and the selection of the director, the committees are authorized to make those appointments at the beginning of the next session of the Congress. So that they would have freedom to act on their own before the director was selected. After he is selected, the committee still retains the appointive power. But we have provided, in order to obtain continuity of service, in order to obtain the type of men and women who can render consecutive service to these committees, that they should be appointed on the recommendation of the Director of Congressional Personnel.

So far as all the other employees who would be affected by the creation of that office are concerned, let me emphasize that all that the Director of Congressional Personnel is authorized to do after he is appointed, as the result of agreement between the majority and minority leaders of both Houses, is to make a study and to submit recommendations to the Congress, which it may reject in their entirety, or which it may modify as suits the desires of the majority of either or both Houses of the Congress.

I wanted to make that statement because I think there is apprehension, and misapprehension, on the part of some of the present employees of both the House and Senate in this regard. As a matter of fact, so far as I am personally concerned, one of the things I hope will come out of the creation of a Director of Congressional Personnel and a study of the job classification is that some of the grave injustices which now exist, and which the committee unearthed in its study of this problem, as between the employees of the House and the Senate and as between the employees of the Senate and the House, will be remedied. I wanted to emphasize that point briefly.

Mr. OVERTON. Mr. President, will the Senator yield on that point?

Mr. LA FOLLETTE. I yield.

Mr. OVERTON. The secretary of a Senator who is chairman of a committee becomes, as it were, ipso facto clerk of that committee to a very large extent, does he not?

Mr. LA FOLLETTE. There are two analogies that I have in mind in our present situation. One is the staff of the Committee on Appropriations. The changing of the chairman of that committee does not bring about a change in the personnel of the permanent staff. The same thing is true of the staff of the Joint Committee on Internal Revenue Taxation. Ordinarily and with the exception of one or two committees in the Senate, the staff of the committee moves around with the chairman. We want to get away from that. I mean, for instance, if Senator A becomes chairman of a certain committee his staff becomes the staff of that committee. If a vacancy occurs in the chairmanship of some other committee which Senator A prefers to the chairmanship which he now occupies, he moves over to the second committee and takes the staff with him, and the incoming chairman brings his staff in to serve the committee of which he assumes the chairmanship.

Mr. OVERTON. What does the Senator include in the word "staff"?

Mr. LA FOLLETTE. Four experts in the field of the legislative province of the reorganized committee, as well as several clerks who are to serve the staff. I mean by that stenographers.

Mr. OVERTON. The word "staff" does not embrace the clerks of the committee?

Mr. LA FOLLETTE. No; it does not embrace the force of the chairman of the committee. One analogy we have now is the Finance Committee. There has been a provision in the legislative appropriation bill for many years that the majority should have a certain staff and that the minority should have one expert.

Mr. OVERTON. There is nothing in this bill, is there, that in any way affects the clerks employed in a Senator's office?

Mr. LA FOLLETTE. No.

Mr. OVERTON. Not even when the Senator becomes chairman of a committee and his clerks are carried in the appropriation bill as clerks of the committee of which he is chairman?

Mr. LA FOLLETTE. The chairmen of committees would be in the same position as a Senator who did not have a chairmanship. He would have his staff separate from these four.

Mr. OVERTON. I think I follow the Senator. I thank him.

Mr. LA FOLLETTE. The Senator has certainly seen the very marvelous work done by what we might call to all intents and purposes the permanent staff of the Senate Appropriations Committee. That is what we are seeking to create for all the reorganized committees; and, so far as the Appropriations Committee is concerned, we are proposing to give each standing subcommittee of the Appropriations Committee four experts, to increase their present staff in order to take care of the enormous loads, and also to permit them to have continuous oversight into the manner in which the appropriations they have authorized are being expended.

Mr. OVERTON. Are the staff members now carried on the pay roll of the chairman of the committee?

Mr. LA FOLLETTE. Of the Appropriations Committee?

Mr. OVERTON. Of the Appropriations Committee and of the Finance Committee? Are they the two committees that have staffs of experts?

Mr. LA FOLLETTE. With respect to the staff of the Finance Committee, I have forgotten what the majority has, but the minority has one person who may be selected as the staff or research assistant. But the Joint Committee on Internal Revenue Taxation, of course, has its own independent staff which would not be affected by this bill. I was

simply citing the Appropriations Committee as being an example of what we are trying to do. We are trying to extend that principle and that service to the reorganized committees, but, of course, we are not giving them as many as we give to the Appropriations Committee because we recognize that that committee has the heaviest legislative load of any committee.

Mr. OVERTON. Who now selects the staff members? Does the chairman of the committee?

Mr. LA FOLLETTE. Of the Committee on Appropriations?

Mr. OVERTON. Yes; or any other committee which has staff members.

Mr. LA FOLLETTE. The only committee on which I am now serving that has any persons who might be called staff is the Finance Committee, and the chairman makes the appointments now, but has always accorded the minority of the committee the right to select the person who serves the minority.

Mr. OVERTON. While I am a member of the Appropriations Committee, I do not know what the plan of appointment is in the Appropriations Committee. I know they are very efficient men, and they have been with the committee for a good many years.

Mr. LA FOLLETTE. I am not a member of the Appropriations Committee, as the Senator knows, but I assume that the appointment is probably made by the chairman of the committee. I am not sure, however, but that certain of the staff of the committee may be carried under the language "so long as held by the present occupant," as we have done in a number of cases, and, therefore, may have some statutory standing. But under this proposal the committee itself would make the appointment, on the certification and recommendation of the director of personnel.

Mr. OVERTON. The bill provides that—

> No person shall be appointed to any office or position on the staff of any committee of the Senate or the House of Representatives except upon recommendation of the Director and certification by him that such person is qualified for such office or position.

Therefore, no one could be appointed unless he had the certificate of the Director as to his qualifications.

Mr. LA FOLLETTE. That is a provision which is to be contained in the plan which the Director submits. That is not to be adopted now. Beginning with subsection (d) of section 201, the Director is to prepare a plan for a modern personnel system for all employees of the Senate and the House of Representatives. In subsection (e) are set forth the things which the plan must contain; but that is subject to approval, amendment, change, or rejection by the House and Senate when he submits his plan. The only place he is given any power in this bill, if and when he is selected by the four members representing the House and Senate, is in that provision by which he is to have the power to make recommendations for the committee's staff, the four men about whom we have been talking. Before he is selected the committee itself has that power.

Mr. OVERTON. I thank the Senator.

Mr. LA FOLLETTE. Mr. President, some criticism has been made with respect to the provision for the adoption of a congressional budget. The date of April 15 has been fixed as the final date not later than which this budget should be adopted. It has been pointed out that the Joint Committee on the Economic Report, created in the full employment or maximum employment bill—whichever one may choose to call it—is required to report not later than May 1, and therefore some persons have expressed apprehension that the budget might be adopted prior to the time that committee had made its report. As I understand the legislative history of that measure, although I did not serve on the committee which considered it, when it was first introduced it provided that the report should be made on the 1st of March. As it came from the committee it was the 1st of April. As it came from the conference it was the 1st of May. So, in order to relieve any apprehension that that report will not be in in time to be considered by the four committees which are to recommend this budget to the Congress, I wish to submit an amendment which would amend the Employment Act of 1946 by providing that the Joint Committee on the Economic Report shall make its report on March 15 instead of May 1. I ask that the amendment be printed and lie on the table.

The PRESIDING OFFICER (Mr. HUFFMAN in the chair). Without objection, the amendment will be received, printed, and lie on the table.

Mr. LA FOLLETTE. Mr. President, I should like to dispose of the committee amendments, to which I think there is no objection.

The PRESIDING OFFICER. The clerk will proceed to state the committee amendments.

The first amendment of the Special Committee on the Organization of Congress was, in section 102, on page 8, after line 13, to strike out:

> 10. Bureau of Standards, including standardization of weights and measures and the metric system.

The amendment was agreed to.

The next amendment was, in section 102, on page 13, line 6, after the word "signals", to insert "life-saving equipment", so as to read:

> 10. Measures relating to the regulation of common carriers by water and to the inspection of merchant-marine vessels, lights and signals, life-saving equipment, and fire protection on such vessels.

The amendment was agreed to.

The next amendment was, in section 102, on page 13, after line 18, to insert

> 18. Bureau of Standards including standardization of weights and measures and the metric system.

The amendment was agreed to.

The next amendment was, in section 102, on page 14, line 20, after the name "United States", to strike out "other than private for damages", so as to read:

> 17. Measures relating to claims against the United States.

The amendment was agreed to.

The next amendment was, in section 102, on page 14, after line 20, to insert:

> 18. Interstate compacts generally.

The amendment was agreed to.

The next amendment was, in section 102, on page 24, after line 14, to strike out:

PRINTING

SEC. 104. Paragraphs 1 and 2 of rule XXIX of the Standing Rules of the Senate are amended by striking out the words "Committee on Printing" and inserting in lieu thereof the words "Committee on Rules and Administration."

RULES

SEC. 105. (a) Paragraph 2 of rule XXXIV of the Standing Rules of the Senate is amended by striking out "Committee on Rules" and inserting in lieu thereof "Committee on Rules and Administration."

(b) The second paragraph of rule XV of the Standing Rules of the Senate is hereby repealed.

The amendment was agreed to.

The next amendment was, in section 124, on page 27, line 19, after the word "committee," to strike out "proceedings" and insert "action", so as to read:

> (c) Each such committee shall keep a complete record of all committee action. Such record shall include the attendance of members at committee sessions and a record of the votes on any question on which a record vote is demanded. Such record votes shall be printed in the CONGRESSIONAL RECORD.

The amendment was agreed to.

The next amendment was, in section 125, on page 29, after the word "committee", to insert "during any Congress", so as to read:

COMMITTEE POWERS

SEC. 125. (a) Each standing committee of the Senate and of the House of Representatives, including any subcommittee of any such committee, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of their respective Houses (except that the provisions of this subsection shall not be applicable to committees of the House of Representatives during any period in which the House of Representatives is in adjournment sine die), to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to take such testimony and to make such expenditures (not in excess of $10,000 for each committee during any Congress) as it deems advisable. Each such committee may make investigations into any matter within its jurisdiction, may report such hearings as may be had by it, and may employ stenographic assistance at a cost not exceeding 25 cents per hundred words. The expenses of the committee shall be paid from the contingent fund of the Senate or the House, as the case may be, upon vouchers approved by the chairman.

The amendment was agreed to.

The next amendment was, in section 129, on page 31, line 23, after the word "each", to insert "regular", so as to read:

ESTIMATES OF RECEIPTS AND EXPENDITURES

SEC. 130. (a) The Committee on Ways and Means and the Committee on Appropriations of the House of Representatives, and the Committee on Finance and the Committee on Appropriations of the Senate, are authorized and directed to meet jointly at the beginning of each regular session of Congress

and after study and consultation report to their respective Houses the estimated overall Federal receipts and expenditures for the ensuing fiscal year. Such report shall be made within 60 days after the opening of the session or by April 15, whichever first occurs.

The amendment was agreed to.

The next amendment was, in section 201, on page 36, after line 5, to strike out:

(2) make a complete study of overlapping and duplicating services within the legislative establishment and prepare a plan for the establishment under unified management of (A) a central disbursing and auditing office (including provision for standardization of committee travel and per diem allowances); (B) a central document room; (C) a central mailing room; (D) a central post office; and (E) a central service management for all the Capitol buildings and grounds.

And insert:

(2) make a complete study of overlapping and duplicating services within the legislative establishment and prepare a plan for the establishment under efficient management of (A) the disbursing and auditing offices (including provision for standardization of committee travel and per diem allowances); (B) the document rooms; (C) the mailing rooms; (D) the post offices; and (E) service, facilities for all the Capitol buildings and grounds, including police, janitors, and guides.

The amendment was agreed to.

The next amendment was, on page 38, after line 15, to strike out:

SEC. 203. (a) Effective January 1, 1947, the annual salaries of the elected officers of the Senate and the House of Representatives (not including the Presiding Officers of the two Houses) shall be increased by 50 percent.

And insert:

SEC. 203. (a) Effective January 1, 1947, the annual basic compensation of the elected officers of the Senate and the House of Representatives (not including the Presiding Officers of the two Houses) shall be increased by 50 percent; and the provisions of section 501 of the Federal Employees Pay Act of 1945, as amended by section 5 of the Federal Employees Pay Act of 1946, shall not be applicable to the compensation of said elected officers.

The amendment was agreed to.

The next amendment was on page 47, line 7, in the heading, to strike out "Expenditure analysis" and insert "Administrative management analyses", so as to read:

Administrative management analyses by Comptroller General.

The amendment was agreed to.

The next amendment was, in section 211, on page 47, line 10, after the word "an", to strike out "expenditure" and insert "administrative management"; and in line 14, after the word "been", to strike out "carelessly or extravagantly" and insert "economically and efficiently", so as to read:

SEC. 211. The Comptroller General is authorized and directed to make an administrative management analysis of each agency in the executive branch of the Government (including Government corporations), which, in the opinion of the Comptroller General, will enable Congress to determine whether public funds have been economically and efficiently administered and expended. Reports on such analyses shall be submitted by the Comptroller General, from time to time, to the Committees on Expenditures in the Executive Departments, to the Appropriations Committees, to the legislative committees having jurisdiction over legislation relating to the operations of the respective agencies, and to each of the majority and minority policy committees, of the two Houses.

The amendment was agreed to.

The next amendment was, under the heading "Part 3—Provisions relating to Capitol and policy committees," on page 49, line 22, in the heading, to strike out "House and Senate Chambers" and insert "caucus rooms and restaurants," so as to read:

Remodeling of caucus rooms and restaurants.

The amendment was agreed to.

The next amendment was, in section 241, on page 50, line 1, after the word "remodeling", to strike out "(a) of the Chambers of the two Houses of Congress so as to provide improved acoustics, better lighting, and adequate gallery facilities; (b)" and insert "(a)"; and on page 50, line 7, after the word "and", to strike out "(c)" and insert "(b)", so as to read:

SEC. 241. The Architect of the Capitol is authorized and directed to prepare plans and submit them to Congress at the earliest practicable date for the remodeling (a) of the caucus rooms in the Senate and House Office Buildings to provide improved acoustics and seating facilities and for the presentation of motion-picture or other visual displays on matters of national interest; and (b) of the Senate and House restaurants to provide for more convenient dining facilities.

The amendment was agreed to.

Mr. HILL. Mr. President, what was the reason for striking out "House and Senate Chambers"? Are they taken care of in some other legislation?

Mr. LA FOLLETTE. Between the time the bill was written and the time it was reported, that work had been authorized, or inadvertently—I cannot remember which—we were not advised when we drafted the bill, and before it was introduced, that that work had been authorized. It is authorized; and if we ever get out of here long enough I hope something will be done about it.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The next amendment was, in section 247, on page 53, after the numerals "205", to insert "(a), (b), and", so as to read:

EFFECTIVE DATE

SEC. 247. This title shall take effect on the date of its enactment; except that sections 205 (a), (b), and (c), 222, 223, 224, and 243 shall take effect on the day on which the Eightieth Congress convenes.

The amendment was agreed to.

The next amendment was, in section 423, on page 70, line 18, after the words "date of", to strike out "approval of this title" and insert "enactment of this act", so as to read:

SEC. 423. From and after the date of enactment of this act, the authority of any Federal agency to sue and be sued in its own name shall not be construed to authorize suits against such Federal agency on claims which are cognizable under part 3 of this title, and the remedies provided by this title in such cases shall be exclusive.

The amendment was agreed to.

The next amendment was, in section 424, on page 71, line 9, after the word "accruing", to strike out "after the date of approval of this title" and insert "on and after January 1, 1945", so as to read:

SEC. 424. (a) All provisions of law authorizing any Federal agency to consider, ascertain, adjust, or determine claims on account of damage to or loss of property, or on account of personal injury or death, caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, are hereby repealed in respect of claims cognizable under part 2 of this title and accruing on and after January 1, 1945, including, but without limitation, the provisions granting such authorization now contained in the following laws.

The amendment was agreed to.

The next amendment was, on page 84, after line 10, to strike out:

TITLE VII. SELF-GOVERNMENT FOR THE DISTRICT OF COLUMBIA

CHARTER COMMISSION

SEC. 701. There is hereby established a District of Columbia Charter Commission (hereinafter referred to as the "Commission") to be composed of five members appointed by the President, by and with the advice and consent of the Senate. No person shall be eligible for appointment as a member of the Commission unless he shall have been a resident of the District of Columbia for a period of at least 5 years next preceding the date of his appointment. The President shall designate one of the members as Chairman of the Commission. A vacancy in the Commission shall not affect the power of the remaining members to execute the functions of the Commission. Members of the Commission shall be paid compensation at the rate of $25 for each day engaged in the business of the Commission. The Commission shall have the power to employ and fix the compensation of such clerks and other employees, to accept such voluntary and uncompensated services, and to make expenditures as may be necessary for carrying out the provisions of this title.

PREPARATION OF CHARTER

SEC. 702. The Commission is authorized and directed to prepare a proposed charter for the District of Columbia designed to provide a form of municipal government not inconsistent with the provisions of article 1, section 8, clause 17, of the Constitution of the United States which will, in its opinion, best serve the needs and requirements of the District of Columbia. The Commission is authorized and directed to receive and consider suggestions as to the substance and form of such proposed charter submitted to it by or on behalf of any resident or group of residents of the District of Columbia or by or on behalf of any citizens' association or civic organization composed of residents of the District of Columbia.

CHARTER REFERENDUM

SEC. 703. When the Commission shall have completed the proposed charter, which shall in no event be later than 6 months after the date of enactment of this act, the Commission is authorized and directed to provide for holding an election as hereinafter provided for the purpose of affording to residents of the District of Columbia an opportunity to vote at a popular referendum upon acceptance of the charter. Such election shall be held on a date, to be designated by the Commission, which shall not be less than 9 months or more than 12 months after the date of enactment of this act.

VOTING PLACES

SEC. 704. At least 30 days prior to the date fixed for the election, the Commission shall by order designate the voting place for each

election precinct, which place shall be selected with a view to the convenience of the voters in such precinct, and shall select the necessary election officials for each election precinct. Such order shall also state the day and date of the election, the hours during which places of voting will be open, and such other information as the Commission deems desirable.

BALLOT AND CONDUCT OF ELECTION

SEC. 705. The Commission shall prepare a suitable ballot for such election, and instructions for voting to be distributed with such ballots. Such instructions shall contain a digest of the proposed charter and such other data as the Commission deems appropriate. The Commission shall direct and instruct all election officials in their duties, and shall make rules and regulations for the printing and distributing of ballots and instructions, the conduct of elections, the canvass of votes, the delivery of returns, and such other rules and regulations as may be necessary to carry out the purposes of this title.

ELECTION BOOTHS

SEC. 706. The Commission shall provide suitable election booths, ballot boxes, and other equipment or materials necessary to carry out the provisions of this title.

ELIGIBILITY TO VOTE

SEC. 707. All citizens of the United States 21 years of age and over who claim no place of legal residence for voting purposes outside the District of Columbia, and who either (1) pay income or real or personal property taxes in the District of Columbia, or (2) have resided within the District of Columbia continuously for 5 years next preceding the date of their registration as provided in section 708, shall be qualified to vote at the election provided for by this section: *Provided*, That no person shall be eligible to vote (1) whose name is not on the official register provided for in section 708; (2) who has been convicted of an electoral crime or a felony, unless pardoned; (3) who is living on public charity or who is an inmate of a public charitable institution; or (4) who is an inmate of a public or private institution for the insane, or who has been judicially declared insane.

OFFICIAL REGISTER

SEC. 708. The Commission shall, not later than 8 months after the date of enactment of this act, provide for the establishing of an official register, and for the registration of persons possessing the qualifications prescribed in section 707, who desire to vote in the election herein provided. Facilities for such registration shall be provided by the Commission at not less than 12 conveniently located places in the District of Columbia, and detailed instructions for registration shall be published by the Commission. Such official register shall be closed 30 days prior to the date fixed for such election, and no registration shall thereafter be permitted. For the purposes of this title the Commission shall divide the District of Columbia into numbered voting precincts, conveniently located, each of which shall be composed of compact, contiguous territory. Prior to the date fixed for the election, the Commission shall provide the election officials in each precinct with a list of the registered voters qualified to vote therein.

TABULATION OF VOTES

SEC. 709. As soon as all returns from such election are received the Commission shall tabulate such returns, and shall transmit the results thereof to the Congress. No charter proposed pursuant to this title shall have any force or effect unless enacted into law by the Congress.

PENALTIES

SEC. 710. Any person who knowingly misrepresents himself to be qualified to vote under the provisions of section 707, and who thereupon votes or offers to vote in the election provided for by this title; or who knowingly conceals any material fact or facts which would disqualify him as a voter in such election and who thereupon votes or offers to vote therein; or who, by any means, hinders, delays, or prevents any other person from registering for or voting at such election; or who knowingly personates and votes or attempts to vote in the name of any other person; or who votes more than once in such election; or who, being an election official, violates any duty imposed upon him as such official, or willfully conceals, withholds, alters, destroys, or delays the returns of such election, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than $500, or by imprisonment for not more than 1 year, or both.

APPROPRIATION

SEC. 711. There are hereby authorized to be appropriated such sums, not to exceed $50,000, as may be necessary to carry out the provisions of this title.

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, I offer another series of amendments on behalf of the committee, which are purely corrective and technical in character. I send them to the desk and ask that they be considered seriatim.

The PRESIDING OFFICER. The clerk will state the amendments offered by the Senator from Wisconsin.

The LEGISLATIVE CLERK. On page 18, line 5, it is proposed to strike out "maintenance" and insert in lieu thereof "construction or reconstruction, maintenance."

The amendment was agreed to.

The LEGISLATIVE CLERK. On page 19, beginning in line 12, it is proposed to strike out "Senate Office Building; Senate Wing of the Capitol" and insert in lieu thereof "administration of the Senate Office Building and of the Senate wing of the Capitol."

The amendment was agreed to.

The LEGISLATIVE CLERK. On page 38, line 3, it is proposed to strike out "Until a central disbursing office is established, the" and insert in lieu thereof "The."

The amendment was agreed to.

The LEGISLATIVE CLERK. On page 53, line 1, it is proposed to strike out "and (c)" and insert in lieu thereof "(c) and (e)."

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, I offer another series of amendments of a similar character.

The PRESIDING OFFICER. The amendments offered by the Senator from Wisconsin will be stated seriatim.

The LEGISLATIVE CLERK. On page 71, it is proposed to strike out lines 16 to 18, inclusive.

The amendment was agreed to.

The LEGISLATIVE CLERK. On page 71, lines 23 and 24, it is proposed to strike out "title 5, sec. 300 (b)" and insert in lieu thereof "title 31, sec. 224b."

The amendment was agreed to.

The LEGISLATIVE CLERK. On page 72 it is proposed to strike out lines 1 to 6 inclusive, and insert in lieu thereof the following:

"Public Law No. 112, as amended, Seventy-eighth Congress, approved July 3, 1943 (57 Stat. 372; U. S. C., title 31, secs. 223b, 223c, and 223d)."

The amendment was agreed to.

The LEGISLATIVE CLERK. On page 72, line 14, it is proposed to strike out "title 5, sec. 392" and insert in lieu thereof "title 31, sec. 224c."

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, that concludes the committee amendments which I now have.

MICHIGAN PLAN FOR MEDICAL TREATMENT OF VETERANS—ARTICLE BY BILL DAVIDSON

Mr. FERGUSON. Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks an article entitled "The Doctors Run the Show," written by Bill Davidson. The article deals with the question of medical treatment of veterans, and refers to what is known as the Michigan plan, which has been tested in Michigan and has proved quite successful. I believe that the article will be of interest to Senators. In order that I might check the accuracy of the article, I took it up with the Veterans' Administration in Washington and found that the article was accurate. I think it should be made available for all Members of the Senate, as well as the public generally. I believe that the Michigan plan will go a long way toward the solution of our problem of health. I received this article from Dr. J. Milton Robb, of Detroit, and he asked that it be made a part of the RECORD. I know that generally the doctors of Michigan approve the plan which is being used.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE DOCTORS RUN THE SHOW

(By Bill Davidson)

(The revolutionary new Michigan plan is not only giving veterans the best medical treatment in the world—it may well be the answer to free enterprise in State medicine.)

One morning in 1944, young Mr. Roe Stephens, of Detroit, woke up with an aching back. This was not the garden-variety, Army-type aching back. A few months before, Mr. Stephens, then a corporal, had tarried too long over a game of cribbage during a Jap air raid on Amchitka and was tossed high in the air by an exploding bomb. And since the said explosion had resulted in a smashed cartilage and his medical discharge from the Army, Mr. Stephens decided that morning to avail himself of the treatment which the Government provides for veterans with disabilities incurred in the service.

He contacted the Veterans' Administration. "Come out to our hospital in Dearborn," said the Veterans' Administration. "And don't be a minute later than 8 a. m. on such and such a date."

On the designated date Mr. Stephens and his aching back got up at 4 a. m., walked through the rain and took a streetcar to downtown Detroit. In downtown Detroit, he waited around until 6 a. m. and then boarded a bus which took him out to the western fringe of the city. Here, Mr. Stephens and his aching back transferred to another bus, which went to Dearborn, 12 miles from Detroit. From the point on the highway where this bus let him off, he then walked a half mile through the mud and the rain to the hospital. He was treated at 11 a. m., and the back felt fine. But by the time he had returned home over the same

route, it was hurting like mad again. Mr. Stephens and his aching back thereupon went to a private physician and swore off all further medical dealings with the Veterans' Administration.

Recently, however, Mr. Stephens did have occasion to deal with the Veterans' Administration again. And this time a remarkable change had taken place. Mr. Stephens simply wrote to the local office of the VA, saying, in effect, "That back is aching again." The VA, after checking his claim, sent authorization to the Michigan Medical Service, which in turn sent Mr. Stephens its own treatment form. Mr. Stephens took this authorization to his own family doctor in his own neighborhood. And that's all there was to it. Mr. Stephens got his back treated in an hour or so, and the doctor got paid the following week.

All this was not done with tricks, mirrors or publicity men. It was the result of a revolutionary new plan which Gen. Omar Bradley first tried out in Michigan and now is extending to Kansas, New Jersey, California, North Carolina and, eventually, in slightly varied form, will extend to all the other States.

The plan is considered revolutionary by admirers of the pre-Bradley Veterans' Administration because (a) it eliminates miles of red tape, (b) it does away with hundreds of possible patronage jobs, (c) it makes veterans' medicine indistinguishable from civilian medicine and (d) it works. The opponents of the plan can complain about socialized medicine and the taxpayers' money, but the fact remains that every single one of the tens of thousands of veterans' cases that have backlogged in Michigan since the end of the war will be cleared up by June of this year.

The Michigan plan, as it is called, is the essence of simplicity. The Veterans' Administration merely signs a contract with the doctors of each State to give treatment to any veteran who has a service-connected illness or injury, at a standard table of fees set up by the doctors themselves. If, as in the case of Michigan, the doctors are already organized into a State medical service, the VA deals with this agency. If, as in the case of Kansas, there is no State medical service the VA signs its contract directly with the State's medical society.

This means that instead of trekking to a jammed veterans' hospital or going to a second-rate VA-designated physician, the veteran now can get the best available treatment from a physician of his own choice—just as if he were paying for it. It also means that the medical profession is no longer standing on the side lines sneering at the mistakes made by veterans' medicine. It now is veterans' medicine. The responsibility suddenly has been dumped onto the shoulders of the Nation's doctors, and, as Dr. Granville L. Jones of the Monmouth County (N. J.), Medical Society put it, "If we can't handle that responsibility, we ought to quit."

A MEDICAL CORPS CURMUDGEON

The man primarily responsible for the new system is the Acting Chief Medical Director of the VA, Maj. Gen. Paul R. Hawley. Pudgy bespectacled, 56-year-old Hawley is to Omar Bradley what Harold Ickes was to Franklin Delano Roosevelt. He is the picturesque, free-swinging curmudgeon of the Veterans' Administration. He even looks like Ickes. And he has set what is probably a new Washington record with the number of people he has thrown out of his office.

He has evicted politicians who wanted medical patronage for their districts, people who demanded that the graduates of the two first-class Negro medical colleges be excluded from practicing in veterans' hospitals, and representatives of John Stelle, national commander of the American Legion, who wanted to admit en masse to VA practice graduates from a little class C Illinois medical school.

No battle, however, was so tough as the one Hawley faced when he first announced the Michigan plan. From all over the country rumblings arose from doctors. Typical of the way Hawley handled these rumblings was his address before the Rhode Island State Medical Society on February 4, 1946. Hawley said, "Insofar as medical care of the veteran is concerned, I'm going to give the veteran the best medical care in the world—or else. The medical profession must support this program and help me give this to the veteran—or else. And in the case of the medical profession, the 'or else' is state medicine."

When Hawley uttered those two dreaded words, the doctors sat there in stunned silence. Then the veterans' curmudgeon continued. "And in turn," he said, "I pledge myself neither to abandon the veteran to selfish interests, nor to betray the profession of medicine in an effort to build an empire of Federal medicine."

That was just what the doctors had been waiting months for someone to say. There was a split second of further silence. Then they nearly tore the house down with their applause. They made so much noise in fact that the hotel manager rushed in, believing a salesmen's convention had got mixed up with the usually staid doctors.

Actually, what Hawley's Michigan plan did was to provide the doctors with a straw for which they had been clutching ever since President Truman came out with his plan for national health insurance. To many doctors, the pending Wagner-Murray-Dingell bill, proposing Government-sponsored medical care for everyone, is a class A technicolor nightmare, with box-office appeal.

Call it state medicine, socialized medicine, or Federal medicine—still it held out promises to the underprivileged which the doctors couldn't match. For months they had been trying to come up with an alternative plan to keep free enterprise in medicine. All of the alternatives looked anemic compared with the technicolor nightmare.

Then suddenly Hawley's Michigan plan was thrown before them. At first many of the doctors considered this socialized medicine, too—with a sugar coating. Some of them still do. But gradually it dawned on most of them that it isn't. They realized, in fact, that in civilian form the Michigan plan can do all the things for the underprivileged that the President's proposals promised to do, with the doctors themselves retaining control. That had been their chief fear—giving up control to government. Besides, in the Michigan plan the sacred principle of physician-patient relationship remained unsullied.

The doctors rushed to get aboard the Hawley band wagon. "This," said John W. Castellucci, of the Michigan Medical Service, "is the compromise between free enterprise and state medicine." Representatives of the Kansas, California, New Jersey, Massachusetts, New York, Ohio, North Carolina, West Virginia, Illinois, Wisconsin, Colorado, Minnesota, Washington, and Pennsylvania medical societies rushed to Washington to confer with Hawley and his director of auxiliary service, Col. J. C. Harding.

Finally, on February 16, 1946, the great bulwark itself was stormed. The board of trustees of the American Medical Association announced in Chicago that its official alternative to the Wagner-Murray-Dingell bill is a "country-wide system of voluntary sickness-insurance protection to be operated on a nonprofit basis by local medical groups." That, translated, is the civilian version of the Michigan plan.

According to this civilian version, which has been in operation since 1940, unmarried people in Michigan earning less than $2,000 a year can pay a small sum every month to cover hospital or surgical or medical fees (or all three) in the event of illness. Married people earning less than $2,500 get the same protection for themselves and their children for a slightly higher fee. Whenever they wish they can be treated by any doctor enrolled in the Michigan Medical Service (most of them are), and if they require hospitalization they are admitted to any of the hospitals in the Michigan Hospital Service (nearly 100 percent of the nonprofit hospitals in the State).

MICHIGAN'S PLAN IN OPERATION

The Michigan Medical Service and the Michigan Hospital Service, both strictly nonprofit organizations run by the doctors and the hospitals themselves and supervised by the State government, then pay the doctors and the hospitals for each service rendered to each patient, according to a fixed standard of fees. The Michigan plan will provide for the government to stake people who can't afford to pay at all, and allows the doctors to collect extra fees from patients earning more than the $2,000 or $2,500 maximum income. More than 875,000 Michigan residents are enrolled in the medical service and 1,250,000 in the hospital service.

The veterans, of course, pay nothing at all. The Government pays the doctors according to the fixed fees already set up by the Michigan Medical Service and the Michigan Hospital Service. These agencies handle all the administration, supervise their doctors, guarantee a high and honest standard of medicine and soon will even undertake to absorb laboratory and druggist prescription fees for the veteran.

At the end of the month, the Michigan Medical Service and the Michigan Hospital Service merely send a lump-sum bill to the Veterans' Administration for all the money they have paid out to doctors, hospitals, etc. The Veterans' Administration then pays off with a single check. In the States like Kansas, where there is no State medical service, the Kansas State Medical Society handles the administration and supervision of the plan, but at the end of the month, the Veterans' Administration must send a separate check for services rendered to each of the 2,500 doctors enrolled.

Hawley still has new hospitals, the shortage of psychiatrists, the rehabilitation of the seriously wounded, space, and personnel to worry about. But he is satisfied that the Michigan plan has solved the problem of treating the great majority of veterans' cases. He says, "This is the only way it can be done quickly and effectively without years of delay."

In working out the problem, Hawley had one good-sized road block to clear away.

One afternoon at the Veterans' Administration's Dearborn, Mich., office, for instance, three cases came across the desk of Lt. Col. Pattison Waters, the chief medical officer. A south Pacific veteran in Bay City had fallen from a hayloft and had broken his leg. The veteran's doctor was on the phone asking if the Veterans' Administration would authorize treatment and hospitalization. Another Pacific veteran staggered into the office of Maj. Maurice Schlussel, the out-patient officer, shivering and burning with a fresh case of malaria. Schlussel, too, was on the phone, wondering what to do.

The third case was a former sergeant in an ETO ordnance outfit who collapsed on the street in Detroit and was rushed to Harper Hospital, a civilian institution. The ex-sergeant was in terrible pain. He was bleeding internally. The hospital physicians immediately diagnosed the case as a perforated duodenal ulcer and put him on the danger list. They had to know immediately what Veterans' Administration authorization they had to operate.

These three cases point up a greatly misunderstood provision of the laws of Congress which set up the Veterans' Administration. A veteran cannot receive medical treatment under VA law unless he has an injury or illness received while he was in the service. This is called a service-connected disability.

During the between-wars period, the laws were stretched to permit nonservice-connected disabilities to occupy empty beds in veterans' hospitals. But the Michigan outpatient plan is strictly limited to service-connected disability. In order to be credited with a service-connected disability, a veteran must put in a claim, and several weeks or months later the claim is adjudicated (approved or disapproved) on the basis of the man's Army or Navy medical records.

COULDN'T GET AT THE RECORDS

The trouble with the Veterans' Administration in January was that 500,000 of these claims had backlogged—the Army's records branch was moving from North Carolina to St. Louis—and during the month's-long moving period none of these records could be made available to the VA.

General Hawley took one look at this 500,000 figure in Washington last January, and issued his now-famous Circular 26, which shook bureaucracy everywhere. This circular said, in paraphrase, "Any regional VA office is now authorized to make a tentative determination on the spot as to whether or not the vet's disability was incurred in the service. This can easily be detected in 99 cases out of 100. Then, if the veteran signs a statement that he believes his injury to be service-connected, treatment can start at once. The Government will pay for the man's treatment until the permanent adjudication of the claim is made."

Colonel Waters, in Dearborn, had just received this circular when the three cases hit him that February afternoon. In the case of the man who had fallen off the hayloft, the injury couldn't possibly have occurred while the man was in service, so authorization was denied. The boy with malaria was only out of the service 3 months, and since citizens of the rather frigid State of Michigan do not commonly walk around picking up cases of tropical malaria, the veteran must have become infected while he was in the South Pacific. Waters authorized treatment, and within an hour an ambulance had whisked the veteran away.

As for the emergency duodenal ulcer case, Waters didn't waste a minute. "An ulcer," he said to himself, "doesn't develop overnight. It takes months and even years to become perforated. It must have been there while the man was in the service and, Lord knows, one does have enough worries in the service to develop or aggravate an ulcer." He picked up the phone and the exsergeant was operated on that night. The operation saved his life.

One of the strange things about the Michigan plan is that it didn't completely originate in Michigan. In the fall of 1944, the Monmouth County (N. J.) Medical Society, one of the most progressive groups of physicians in the country, came up with an idea. During the depression in the 1930's these doctors had worked out a system whereby they took care of all people on relief in the county (Red Bank, Asbury Park, Long Branch), with the Government paying the fees and the relief recipients able to choose their own family doctor. "Why," the doctors asked, "can't we apply the same system to the returning veterans?"

A REBUFF FROM WASHINGTON

The plan, in an amended form, was adopted by the county medical society and enthusiastically endorsed by Homer Rogers, the VA's New Jersey regional manager. In June 1945 Rogers sent the plan on to Brig. Gen. Frank T. Hines, then Veterans' Administrator in Washington. It was turned down cold.

At just about the same time, Guy F. Palmer, the VA's Michigan regional manager, found himself swamped with a backlog of more than 8,000 veterans' cases and went downtown to see Dr. Stanley Insley, president of the Wayne County Medical Society. "You've got to help me out," Palmer pleaded, "otherwise the whole structure of veterans' medicine here in Michigan is going to collapse."

"This," said Insley after due thought, "is a problem for all the doctors of the State, and thank heaven we have some progressive ones." He called in Dr. R. L. Novy and Jay Ketchum, president and vice president, respectively, of the Michigan Medical Service. Ketchum, a remarkable executive, had heard about the plan of the Monmouth County Medical Society. "We have the machinery here to do the same thing on a State-wide basis," he said. He set to work, and in a few days the present Michigan plan was blueprinted and ready for Palmer to send on to General Hines in Washington.

This, too, was rejected. It came back with a footnote from one of Hines' assistants that ranks with some of history's famous last words. "We are perfectly satisfied," this official said, "with the Veterans' Administration's medical services as now given."

It was then that Generals Bradley and Hawley stepped into the picture.

One of Hawley's first official acts as medical director was to call a meeting of his Eastern regional managers in New York City. That was in September 1945. At this meeting the general wistfully mentioned how nice it would be if someone came up with a plan for the Nation's doctors to help out with the VA's out-patient backlog.

Homer Rogers, the New Jersey manager, jumped to his feet. "Why, General," he said, "the doctors of Monmouth County submitted just such a plan last June, and it was rejected—flat."

"Damn it, where is the plan?" said Hawley.

Rogers produced it, and by December 15, it was in full operation on a 90-day experimental basis.

As soon as he found out about the Monmouth County plan, Hawley began to barnstorm the country, trying to sell the Nation's doctors on the idea. At a meeting of the Council on Medical Service and Public Relations of the American Medical Association in Chicago, Hawley grew wistful again. "There are 3,070 counties in the United States, and that makes too many units for us to deal with. If we could only work out a plan on a State-wide basis."

Again a voice rang out from the floor. The voice this time belonged to Jay Ketchum, vice president of the Michigan Medical Service. "Why, General," he said, "the doctors of Michigan submitted such a plan last year and it was rejected—flat."

Hawley spun around. "What is this, a movie?" he asked.

Hawley invited the Michigan committee to Washington, and on November 19, 1945—the day President Truman proposed the technicolor nightmare, his national health-insurance plan—a rough draft of the Michigan plan had been accepted. Hawley startled the committee by insisting that everything be made as simple as possible. Then he floored them completely by clearing the legality of the plan in a matter of 2 hours. The actual contract was signed on December 27, 1945.

GOOD MEN FOR THE SPADEWORK JOB

Before the Michigan plan actually went into effect, a lot of spadework had to be done. Assigned to the task were L. Gordon Goodrich and John W. Castellucci, two young Michigan medical servicemen, fresh out of the armed forces themselves. Goodrich, an ex-naval lieutenant, had the job of lining up the doctors. This wasn't so easy when you consider that certain sections of the State had remained out of the Michigan Medical Service, charging that it was socialized medicine. Goodrich went to speak before the medical societies of the insurgent counties. Every single doctor signed up for the veterans' plan, still muttering about having nothing to do with the civilian version. Eventually they joined the civilian plan, too.

Castellucci, because he had been such an excellent medical administration man, had, of course, been put into the MP's by the Army. He had risen to the exalted rank of corporal. At Hawley's request, Castellucci took on the herculean task of simplifying the necessary forms. One of the reasons the doctors had always shied away from veterans' medicine was the complicated paper work involved. Most doctors simply do not have time to fill out 8-page forms. Castellucci took the long, involved registration blank and reduced it to a penny post card which required only the doctor's signature. He reduced all the other forms to a single page. Then he took his creations to Washington.

A colonel in the Veterans' Administration, one of Hawley's assistants, was supposed to approve the forms. When Castellucci walked in with them, the colonel casually glanced over them, yawned and said he was sorry but the forms were not acceptable. Amazed, Castellucci argued with the colonel, but the colonel was too busy to be bothered. Castellucci went to call on two other colonels. The response was the same. Finally, blazing mad, Castellucci burst into Hawley's office.

General Hawley got on the phone and ordered the three colonels into his office. "Sit down," said the general. The three colonels sat down. "You will now listen to Mr. Castellucci," said the general. The three colonels scrambled for their notebooks. "You may now explain the forms, corporal," said the general to Castellucci. The colonels listened to the ex-corporal. By the end of the day, the forms had been approved.

Details like this took up every day until February 13. On that day, a slightly historic event took place. Twenty veterans in the Detroit area received the first treatment under the Michigan plan. Among these was Ex-Pfc Harry Rademaker, Jr., who lives on Chelsea Street in Detroit's east side. At Marburg, in Germany, his left elbow had been smashed by a German rifle bullet, and he was taken prisoner and held for 26 days. He received only rudimentary medical care from a French Army doctor in a prisoner of war camp. Now the elbow was stiff and he couldn't straighten out the arm.

At 1:30 p. m. on February 13, Rademaker got into a car and drove over to the office of his old family doctor on nearby Forest Street. He sat down in the waiting room with the doctor's other patients and awaited his turn. At 2:10 p. m., the doctor called him into the consultation room.

He chatted for a few minutes just like any physician talking with an old patient. Yet the doctor seemed under a bit of strain. He spread out the new veterans' authorization form on his desk and stared at it. He had studied it before and its significance was clear to him. Here he was—an old doctor now—standing on the threshold of an entire new era of American medicine. Finally he shrugged his shoulders ever so slightly and swung back to the veteran.

"O. K., Harry," he said. "Let's have a look at that arm."

EXECUTIVE SESSION

Mr. HILL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. HUFFMAN in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. GEORGE, from the Committee on Finance:

Several candidates for promotion in the Regular Corps of the United States Public Health Service.

By Mr WALSH, from the Committee on Naval Affairs:

Midshipman Arthur H. Barlow to be an assistant paymaster in the Navy with the rank of ensign, from the 5th day of June 1946; and

Sundry officers for appointment in the United States Marine Corps.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will proceed to state the nominations on the calendar.

DEPARTMENT OF STATE—NOMINATION PASSED OVER

The legislative clerk read the nomination of Charles Fahy, of New Mexico, to be legal adviser of the Department of State, which nomination had previously been passed over.

Mr. HILL. I ask unanimous consent that the nomination be passed over.

The PRESIDING OFFICER. Without objection, the nomination is passed over.

ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS

The legislative clerk read the nomination of Harry J. Anslinger, of Pennsylvania, to be United States representative in the Commission on Narcotic Drugs of the Economic and Social Council of the United Nations.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. HILL. I ask unanimous consent that the President be notified forthwith of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

RECESS

Mr. HILL. As in legislative session, I move that the Senate stand in recess until 11 o'clock a. m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 32 minutes p. m.) the Senate took a recess until tomorrow, Friday, June 7, 1946, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received June 6 (legislative day of March 5), 1946:

SUPREME COURT OF THE UNITED STATES
TO BE CHIEF JUSTICE

Fred M. Vinson, of Kentucky, to be Chief Justice of the United States.

TREASURY DEPARTMENT

John W. Snyder, of Missouri, to be Secretary of the Treasury.

NAVY DEPARTMENT

John L. Sullivan, of New Hampshire, to be Under Secretary of the Navy.

UNITED STATES PUBLIC HEALTH SERVICE

The following-named candidates for appointment and promotion in the Regular Corps of the United States Public Health Service:

TO BE SENIOR ASSISTANT SURGEON, EFFECTIVE DATE OF OATH OF OFFICE

James A. Hunter, Jr.

TO BE ASSISTANT SANITARY ENGINEERS, EFFECTIVE DATE OF OATH OF OFFICE

Conrad P. Straub
Christian A. Hansen
Arthur H. Neill

TO BE SENIOR ASSISTANT SANITARY ENGINEERS, EFFECTIVE DATE OF OATH OF OFFICE

Russell W. Hart
Paul C. Henderson

TO BE SCIENTIST DIRECTOR, EFFECTIVE DATE OF OATH OF OFFICE

Ralph W. G. Wyckoff

SENIOR ASSISTANT SURGEONS TO BE SURGEONS

Leonard A. Scheele	Alexander G. Gilliam
Warren P. Dearing	James C. Archer

ASSISTANT SURGEONS TO BE SENIOR ASSISTANT SURGEONS

Robert L. Cannon	Louis C. Floyd
Merle Bundy	Fred W. Harb
Ira Avrin	James L. Hart
Robert J. Huebner	John W. Murray, Jr.
John K. McBane	Arthur L. Koven
Griffith E. Quinby	Leo P. Krall

SENIOR DENTAL SURGEON TO BE DENTAL DIRECTOR

Ozias Paquin, Jr.

SENIOR ASSISTANT DENTAL SURGEONS TO BE DENTAL SURGEONS

Bruce D. Forsyth	William P. Kroschel
John W. Knutson	George E. Jones
Ralph S. Lloyd	

SANITARY ENGINEERS TO BE SENIOR SANITARY ENGINEERS

Judson L. Robertson	John J. Bloomfield
Charles T. Wright	Henry A. Johnson

CONFIRMATIONS

Executive nominations confirmed by the Senate June 6 (legislative day of March 5), 1946:

ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS

Harry J. Anslinger to be United States representative in the Commission on Narcotic Drugs of the Economic and Social Council of the United Nations.

HOUSE OF REPRESENTATIVES

THURSDAY, JUNE 6, 1946

The House met at 12 o'clock noon.

Dr. Edward Hughes Pruden, pastor of the First Baptist Church, Washington, D. C., offered the following prayer:

Our Father in heaven, to Thee we turn as the source of all goodness, truth, and wisdom, seeking the leadership of Thy Holy Spirit in all our deliberations. We know that apart from Thee we can do nothing, and that without Thy blessing all our best efforts will have been expended in vain.

We would invoke Thy blessing upon our beloved country and upon all those who seek to serve her in sincerity and truth. Give strength to the arms of all those who labor for peace and good will among the nations, and hasten the day when the conception of one world shall rest secure in the universal recognition of one God and Father of all mankind.

During these days of widespread famine and destitution, deepen within us the desire and determination to share with underprivileged men everywhere the good things which we as a favored nation constantly enjoy.

This is our prayer, made in the name and for the sake of Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 6064. An act to extend the Selective Training and Service Act of 1940, as amended, and for other purposes.

The message also announced that the Senate insists upon its amendment to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. THOMAS of Utah, Mr. JOHNSON of Colorado, Mr. HILL, Mr. DOWNEY, Mr. AUSTIN, Mr. BRIDGES, and Mr. GURNEY to be the conferees on the part of the Senate.

The message also announced that, pursuant to House Concurrent Resolution 152, entitled "Concurrent resolution providing for a joint session of Congress for the purpose of holding appropriate exercises in commemoration of the life, character, and public services of the late Franklin D. Roosevelt, former President of the United States," the President pro tempore appointed as members of the committee on the part of the Senate Mr. RUSSELL, Mr. LUCAS, and Mr. KNOWLAND.

APPOINTMENT OF HON. WARREN R. AUSTIN AS UNITED STATES REPRESENTATIVE TO THE UNITED NATIONS ORGANIZATION

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. PLUMLEY. Mr. Speaker, we have all heard of the honor which has been conferred upon the distinguished senior Senator from Vermont, WARREN R. AUSTIN, in being appointed the United States representative to the United Nations and representative of the United States in the Security Council of the United Nations.

Vermont's loss of the services of WARREN AUSTIN is, nevertheless, its contribution to the world. He is the most distinguished statesman and able lawyer Vermont has had in the Senate since the days of George F. Edmunds.

Recognized the world around as an international lawyer of ability and qualifications second to none of his day and generation, he is and always has been a fearless fighter for principle, not for expediency, for the supremacy of the law as against a government of men.

Senator AUSTIN has made for himself and will always hold an honorable place, not only in the galaxy of distinguished Vermonters who have preceded him but high on the scroll in the long list of all men who over the years have ably served their States and the country in the Senate of the United States.

Vermont is proud of his record and appreciates the honor paid the State in the recognition accorded its distinguished son.

APPOINTMENT OF HON. WARREN R. AUSTIN AS UNITED STATES REPRESENTATIVE TO THE UNITED NATIONS ORGANIZATION

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, New England is proud that President Truman appointed Senator WARREN R. AUSTIN as United States representative to the United Nations. He is an ideal appointment and no man deserves it more than he. He has ability, courage, vision, and wide knowledge of international affairs. He has a special gift in drafting resolutions and treaties. I saw his work first hand at Mexico City when we served on the same committee as advisers at the Inter-American Conference. He is willing to sit down and talk things over. He is patient, tireless, and effaces himself in order to bring different persons together and win his objective. The country and the world are to be congratulated that he has consented to serve in that position. No one could better fill it than he, and I have new hope for the future of the United Nations with him as the head of the United States delegation. The United Nations must succeed; we must have a united peoples if we are to have world peace.

EXTENSION OF REMARKS

Mr. REED of New York asked and was given permission to extend his remarks in the RECORD and include a resolution.

Mr. TALBOT asked and was given permission to extend his remarks in the RECORD and include an editorial appearing in yesterday's Washington Times-Herald.

Mr. KEARNEY asked and was given permission to extend his remarks in the RECORD in two instances; to include in one an address by Maj. Gen. B. B. Miltonberger, Chief of the National Guard Bureau, and in the other an address by Brig. Gen. E. S. Bres, Office of the Chief of Staff, United States Army.

Mr. ROBERTSON of North Dakota asked and was given permission to extend his remarks in the RECORD and include a telegram addressed to the President of the United States on the subject of farm machinery.

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include excerpts from testimony presented on Tuesday before the Committee on Expenditures in the Executive Departments; a copy of Public Law 293 of the Seventy-ninth Congress, copies of House Concurrent Resolutions 151, 154, and 155, and also copies of the President's Reorganization Plans 1, 2, and 3. Mr. Speaker, I am of the opinion that this will exceed two pages of the RECORD but I ask that it be printed notwithstanding that fact.

The SPEAKER. Without objection, notwithstanding the cost, the extension may be made.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. CARLSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

[Mr. CARLSON addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. SCRIVNER asked and was given permission to extend his remarks in the RECORD and include a newspaper article relating to veterans' unemployment.

Mr. ROE of Maryland asked and was given permission to extend his remarks in the RECORD and include an address given by President Truman at Washington College, Chestertown, Md., last Saturday.

BROOKLYN SUNDAY SCHOOL UNION

Mr. KEOGH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KEOGH. Mr. Speaker, Brooklyn moves to the front today in a typically inspiring and dignified manner. We are celebrating the one hundred and seventeenth anniversary of the founding of the Brooklyn Sunday School Union. It is a legal school holiday in Brooklyn and Queens, and is marked by a unique parade in which upward of 100,000 men, women, and children of all Protestant churches and of all races will join. Bands and beautiful floats make the day festive and colorful. A holiday of peace—a proud profession of faith in God. Brooklyn's millions of citizens hail the Sunday School Union.

NATIONAL VETERANS' ORGANIZATIONS

Mr. MAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6343) to authorize the Secretary of War to lend War Department equipment for use at the Twenty-eighth Annual National Convention of the American Legion, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause, and insert:

"That the Secretary of War is authorized to lend, at his discretion and under conditions which he may prescribe, to any recognized national veterans' organization such cots, blankets, pillows, mattresses, bed sacks, unoccupied barracks of the Army, and other available articles or equipment under his jurisdiction as may be needed by such veterans' organization for use at any of its national or State conventions.

"SEC. 2. Such property may be delivered upon such terms and at such time prior to any such convention as may be agreed upon by the Secretary of War and the representatives of such veterans' organization, except that no expense shall be incurred by the United States in the delivery and return of any such property.

"SEC. 3. The Secretary of War shall take from each veterans' organization to which property is lent pursuant to the provisions of this act, a good and sufficient bond for the return of such property in good condition."

Amend the title so as to read: "An act authorizing the Secretary of War to lend certain property of the War Department to national veterans' organizations for use at State and national conventions."

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, as I understand, this Senate amendment makes this general legislation instead of applying to one particular organization?

Mr. MAY. That is right. It applies to all these organizations.

Mr. MARTIN of Massachusetts. What is meant by "recognized national veterans' organization"? How wide is that term?

Mr. MAY. That is a pretty wide expression. The question came up in the House Committee on Military Affairs this morning and we went into that subject. We thought that the provision in the bill leaving it in the discretion of the Secretary of War and under his authority to make regulations and require bonds would be adequate protection against anybody and everybody getting hold of this property.

Mr. KEARNEY. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield to the gentleman from New York.

Mr. KEARNEY. As I understand, the recognized veterans' organizations are those organizations of veterans that have been recognized by a charter issued by the Congress of the United States.

Mr. MAY. That is correct. The American Legion is, and I think the Veterans of Foreign Wars is also.

Mr. KEARNEY. The Disabled American Veterans, too.

Mr. MARTIN of Massachusetts. What I am trying to get at is how many of these organizations there are and whether this term means, as the gentleman says, only those who have been granted a charter by the Congress.

Mr. MAY. There were two questions we had under consideration. That ques-

tion was not raised in the committee, as I recall, but the question as to whether or not State organizations would be recognized, whereas we had heretofore recognized only national groups, came up for consideration and we determined from the reading of that amendment that it was still within the discretion of the Secretary of War as to whether or not he would hold any of them to be so, and he has to make regulations and require bonds for the return of the property. We thought it was safe to leave it within the discretion of the Secretary of War.

Mr. MARTIN of Massachusetts. The gentleman has left it entirely up to the War Department to determine what is a recognized national veterans' organization?

Mr. MAY. That is right. I think the bill does that.

Mr. RABAUT. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield.

Mr. RABAUT. What about the Amvets? Will they be included?

Mr. MAY. If they are a veterans' organization, they will be included.

Mr. RABAUT. Have they been recognized yet?

Mr. MAY. There has been no act passed with reference to them, so far as I know.

Mr. RABAUT. There is a bill pending.

Mr. MAY. There has been no act passed so far as I know recognizing any organization other than the regular American Legion, the Veterans of Foreign Wars, and the Disabled American Veterans. Those are the only ones for which we have passed acts heretofore. That is my recollection. But this would apply to any veterans' organization that the Secretary of War would recognize and permit them to have this material.

Mr. RABAUT. The Secretary could recognize the Amvets?

Mr. MAY. If he wanted to; yes.

Mr. BLOOM. He can recognize anyone. This is wide open. He can recognize any veterans' organization.

Mr. RICH. Mr. Speaker, reserving the right to object, it seems to me that the Congress ought to aid and assist the Secretary of War. He may get himself in a terrible lot of embarrassment with respect to the requests that he gets. It seems to me that the Congress ought to be big enough to face the issue and stipulate what organizations would be permitted to have this and thus save the Secretary of War a lot of embarrassment.

Mr. MAY. We thought it was probably just as well to have the Secretary of War be embarrassed as have the committee constantly being embarrassed. We left it to him.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. WALTER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

[Mr. WALTER addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. McKENZIE asked and was given permission to extend his remarks in the RECORD and include a speech by Mr. C. C. Sheppard before the Lumbermen's Association, and also to include an editorial from the Chicago Tribune on the same subject.

Mr. LANE asked and was given permission to extend his remarks in the RECORD and include a letter from a constituent; secondly, to extend his remarks in the RECORD and include an editorial from the Lynn Telegram.

SPECIAL ORDER GRANTED

Mr. LANE. Mr. Speaker, I ask unanimous consent that after the disposition of business on the Speaker's desk and the conclusion of special orders heretofore granted, I may address the House for 15 minutes today.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

EXTENSION OF REMARKS

Mr. TRAYNOR asked and was given permission to extend his remarks in the RECORD and include a newspaper article.

Mr. MANSFIELD of Montana asked and was given permission to extend his remarks in the RECORD and include a letter and a copy of a speech.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

Mr. BOYKIN. Mr. Speaker, by direction of the Committee on Accounts, I offer a privileged resolution (H. Res. 652) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the further expenses of conducting the study, inquiry, and investigation authorized by House Resolution 281 of the Seventy-seventh Congress, continued by House Resolution 52 of the Seventy-eighth Congress, and continued by House Resolution 38 of the Seventy-ninth Congress, incurred by the Committee on the Merchant Marine and Fisheries, not to exceed $40,000 in addition to funds heretofore made available, including expenditures for the employment of clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by the committee, signed by the chairman, and approved by the Committee on Accounts.

SEC. 2. The official committee reporters may be used at all hearings held in the District of Columbia unless otherwise officially engaged.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

[Mr. PHILBIN addressed the House. His remarks appear in the Appendix.]

Mr. POWELL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

[Mr. POWELL addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. LANDIS (at the request of Mr. SPRINGER) was granted permission to extend his remarks in the RECORD and include newspaper excerpts.

Mr. RICH asked and was given permission to extend his remarks in the RECORD and include an article from the Lock Haven (Pa.) Express of June 4, 1946, by Morris R. Frank, editor of the Railroad Workers' Journal.

Mr. PLUMLEY asked and was given permission to extend his remarks in the RECORD in two instances, and in each to include a newspaper article.

Mr. JENNINGS asked and was given permission to extend his remarks in the RECORD and include therewith an address delivered by the gentleman from Massachusetts [Mr. MARTIN].

Mr. McDONOUGH asked and was given permission to extend his remarks in the RECORD and include a letter from a constituent.

PENSION AND RETIREMENT PAY TO HOSPITALIZED VETERANS

Mr. McDONOUGH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. McDONOUGH. Mr. Speaker, some time ago I placed on the Speaker's desk discharge petition No. 30 which, if signed and brought to the House, will bring before the House H. R. 5549. That bill provides for full pension and retirement pay to hospitalized veterans. I am sure a majority of the Members of the House who have heard about this rather unusual procedure of withholding pensions and retirement pay when a man is in the hospital, agree that something should be done about it.

I ask unanimous consent to extend my remarks and include a resolution of endorsement by the Los Angeles County Board of Supervisors asking that the bill be brought before the House and some action taken. This is only one of many appeals I have had from different sources. I would appreciate the support of the House in signing the petition.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

EXTENSION OF REMARKS

Mr. WEICHEL asked and was given permission to extend his remarks in the RECORD and include a communication.

Mr. JUDD asked and was given permission to extend his remarks in the RECORD in three instances, and in each to include excerpts.

Mr. AUCHINCLOSS asked and was given permission to extend his remarks in the RECORD and include an address by Hon. Robert E. Freer, Commissioner of the Federal Trade Commission.

Mr. EARTHMAN asked and was given permission to extend his remarks in two instances, in one to include an editorial, and in the other a news item.

Mr. BRADLEY of Michigan asked and was given permission to extend his own remarks in the RECORD.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and include therein an address made yesterday at the graduation of the midshipmen at Annapolis, by Fleet Adm. Chester W. Nimitz, Chief of Naval Operations.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

THE LATE HONORABLE CHARLES H. SLOAN

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. CURTIS. Mr. Speaker, it is my sad duty to announce the death of a former Member of this House, the Honorable Charles H. Sloan. Mr. Sloan represented the old Fourth Congressional District of Nebraska from 1911 to 1919, and again from 1929 to 1931. He was a distinguished member of the Committee on Ways and Means.

He was born on May 2, 1863, at Monticello, Iowa, and died at his home in Geneva, Nebr., on June 2, 1946.

Mr. Sloan rendered distinctive service to our State and country over a long period of time. In addition to his service here, he served as a local official and a member of the State Senate. The efforts of Mr. Sloan were largely responsible for the program that has led to the eradication of cholera in hogs and tuberculosis in cattle. It was he who was responsible for Nebraska being named "The Tree Planter State." I am sorry space will not permit me to enumerate further all his outstanding achievements.

In his passing, we have lost a great citizen.

SPECIAL ORDER GRANTED

Mr. ADAMS. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes on Friday, June 21, after the legislative business of the day and special orders heretofore entered.

The SPEAKER. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

ALASKAN INTERNATIONAL HIGHWAY COMMISSION

The SPEAKER. The unfinished business is the pending motion to recommit on the bill (H. R. 2871) to create a commission to be known as the Alaskan International Highway Commission.

The Clerk read the title of the bill.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HINSHAW moves to recommit the bill to the Committee on Roads.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. TABER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently no quorum is present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll and the following Members failed to answer to their names:

[Roll No. 149]

Allen, Ill.	Ellsworth	Merrow
Allen, La.	Engle, Calif.	Monroney
Almond	Ervin	Mundt
Andersen, H. Carl	Fernandez	Murphy
Anderson, Calif.	Gallagher	Norton
Baldwin, Md.	Gardner	Patrick
Bender	Gearhart	Reece, Tenn.
Brown, Ohio	Gibson	Rizley
Brumbaugh	Granger	Robertson, Va.
Buckley	Hagen	Robinson, Utah
Celler	Hale	Roe, N. Y.
Clason	Hart	Schwabe, Mo.
Cochran	Hartley	Sheppard
Colmer	Hill	Simpson, Ill.
Combs	Hook	Slaughter
Courtney	Izac	Stefan
Crawford	Jackson	Sumner, Ill.
Curley	Johnson, Ill.	Sundstrom
Davis	Johnson, Ind.	Tolan
Dawson	Jones	Towe
De Lacy	King	Vorys, Ohio
Dolliver	Kirwan	Welch
Douglas, Calif.	Landis	White
Durham	Lea	Winstead
Dworshak	Ludlow	Winter
Elliott	Mahon	Wolfenden, Pa.
	Mankin	

The SPEAKER. On this roll call 345 Members have answered to their names; a quorum is present.

By unanimous consent, further proceedings under the call were dispensed with.

EXTENSION OF REMARKS

Mr. SHERIDAN asked and was given permission to extend his remarks in the RECORD and include a speech delivered on last Monday.

Mr. CARNAHAN asked and was given permission to extend his remarks in the RECORD and include a letter from the Rolla Book Forum.

RIVER AND HARBOR BILL

Mr. MANSFIELD of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H. R. 6407) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H. R. 6407, with Mr. LUTHER A. JOHNSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. The first section of the bill has been read and is open to amendment.

Mr. MANSFIELD of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MANSFIELD of Texas: On page 5, line 23, after the word "Liberty" strike out the words "in accordance with the report of the Chief of Engineers dated April 18, 1946" and insert "House Document No. 634, Seventy-ninth Congress."

The amendment was agreed to.

Mr. JENNINGS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JENNINGS: On page 4 strike out all of lines 11, 12, and 13.

Mr. JENNINGS. Mr. Chairman, in view of the waiving of general debate I ask unanimous consent to proceed for 10 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The CHAIRMAN. The gentleman from Tennessee is recognized for 15 minutes.

Mr. JENNINGS. Mr. Chairman, the purpose of the amendment which I have offered is to save the taxpayers of this country an initial cost of $125,000,000 an annual charge of over $5,745,000, and an annual operating cost of $811,000.

This provision of the bill purports to be for joining the waters of the Tombigbee and the Tennessee Rivers. Ordinarily, when you think of the improvement of a river you think of a river in existence. You would naturally think from the provisions of this bill that the Tombigbee River was a tributary of and a part of the Tennessee River, but that is not the fact. The Tombigbee River does not begin even as a spring branch until you go 40 miles south of the place where they propose to build a canal to drain the water out of the Pickwick Dam, a part of the Tennessee Valley Authority dam system, into a canal which is to be constructed from the Tennessee River for a distance of 40 miles down to what is referred to as the headwaters of the Tombigbee River.

The remarkable fact about that is that Mr. Lilienthal head of the Tennessee Valley Authority says in very guarded language that he hopes that they will not take so much water out of that dam as to materially decrease the production of power at Pickwick and Kentucky Dams. It is admitted that it will decrease the production of power at those dams to the extent of $100,000 a year.

Let us talk about the Tombigbee River. From Demopolis up to the point where

this connection with the Tennessee River is proposed to be made is a distance of 259 miles, and from the mouth of the Tombigbee up to the place where it originates in dry weather the average depth of this river is only 1 foot; in other words, when it is not in flood you can wade up it from its mouth to the spring branch in which it originates. I quote from the hearings:

The Tombigbee River upstream Demopolis has a controlling depth of 1 foot at low water, 5 feet at high water.

In addition to that, in order to get water from the Tennessee River to the place where the Tombigbee begins, it is proposed to build a canal, and to do that the Government will have to move 87,000,000 yards of material. To build that canal will cost over $60,000,000.

Mr. Chairman, according to the report here and the evidence in this matter the soil through which that canal is to be constructed is so porous that the Government will have to line the sides and the bottom of the canal with concrete so that it will hold water. It is one of the most fantastic propositions I have ever seen brought before this House. As I say, ordinarily, when Congress appropriates money to improve a river you begin with a river in existence. Here you build a river channel and you take water out of a TVA dam that is producing power. You do that in the teeth of this fact: Near Lenoir City we have the Fort Loudon Dam and in order to get an adequate amount of water into the Fort Loudon Dam to produce electric energy it is now proposed and this Congress has authorized the digging of a tunnel or a canal through a ridge and the building of a dam on the Little Tennessee River to divert the water of that river into the dam created by the Fort Loudon Dam. So that we are in the anomalous position of building a tunnel through one mountain, and building a dam to divert the water of one river into the Tennessee in order to get sufficient water to produce power in maximum quantities; then down stream on the same river, the Tennessee, we are digging a canal 40 miles long at a cost of $67,000,000, to drain water out of this same river to make a river out of the Tombigbee. In one instance we are building a dam and tunnel to get water into the river, and in the other we are building a canal 40 miles long to drain the water from the Pickwick Reservoir.

It reminds me of the story of the fellow out West who was not all there. He became obsessed with the idea of digging a tunnel. He applied himself diligently. He dug a tunnel 500 feet in length through a ridge. In so doing he exhausted himself. The members of the family came to him after he had dug this tunnel and said, "Now, Bill, you have one of the finest tunnels in the world, you have done a great job in building this tunnel; let's quit now, take your pick and shovel and go home." He said, "No, I am going to run this tunnel right across the valley and through the ridge on the other side of the valley."

This proposition is just as sensible as Bill's tunnel proposition.

In addition to that, the Government will be compelled to build 12 highway bridges and 7 railroad bridges across this river it proposes to create where 1 heretofore existed only in name. Remember that the 18 dams and the 18 locks on this Tombigbee, this artificial river that we are creating here to bring water out of the Tennessee, will increase the cost of the project to $125,000,000. These dams cannot produce any power. They are low dams. They are not worth anything for flood-control purposes and the evidence so shows. They are simply being built for the purpose of damming up water there to float barges up and down that river.

I asked an Army engineer about this—a fine gentleman, a very capable man. The theory now is advanced that we ought to put up the money at the expense of all the people of this country in order to enable people to ship commodities up and down the river we are proposing to create. They say it will be worth about $6,000,000 a year to those who use this new river. I asked this Army engineer, "How did you get that figure?" He said, "Well, we went to the waybills of the railroad company and other transportation companies that carry the freight in that particular region; then we went to the various manufacturing concerns, and we estimated that if all those manufactured products were carried on the river instead of by the railroad and other transportation facilities, it would mean a saving of $6,000,000 a year to the people who use the new Tombigbee."

Well, I said, "Does the Government get anything back?" Remember, it costs $811,000 a year to operate those dams and those locks; 18 of them. "Oh, no," he said, "the Government does not get anything." I said, "Do you not charge the transportation companies for raising or lowering the barges that are loaded with freight that they transport?" "Oh, no," he said, "those are all benefits that will accrue to the people who ship or that we think will ship over this canal and on this artificial river."

Now just think about the proposition for a minute and see what it means. In addition to that there is one other thing. I want to be fair about this matter. They do say that as a result of this proposal that the people down there will have fishing facilities and they can go in swimming and they can enjoy boating and camping. Well, now, I grew up in the country. The most profitable fishing that I ever did in my life was with a reed pole, and a piece of cotton string, and a fish hook weighted with a buckshot, when I used red worms for bait, and I did that fishing on the bank of Cove Creek, which has since been improved by a $40,000,000 dam, and I have not been able to catch a fish since from that creek. Maybe, I will yet succeed.

Mr. PETERSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. JENNINGS. I yield to the gentleman from Georgia.

Mr. PETERSON of Georgia. The gentleman is making a very vigorous argument in opposition to this proposition.

Mr. JENNINGS. I will tell you why I am doing it. I am making this argument because I have had hundreds of letters from taxpayers all over Tennessee asking me as a Representative in Congress to quit wasting at the bung and saving at the spigot and to balance the Budget.

Mr. PETERSON of Georgia. The question I would like to ask the gentleman is this: Did the gentleman appear before the Committee on Rivers and Harbors in opposition to this piece of legislation?

Mr. JENNINGS. No, I did not, because this matter has been repeatedly rejected, and I did not think you would bring this sort of a proposition before the whole House.

Mr. PETERSON of Georgia. Did the gentleman make any representation of any nature before the committee during the 2 days' hearings?

Mr. JENNINGS. Oh, no; that is not necessary.

Mr. PETERSON of Georgia. Does the gentleman know of any Member of Congress who appeared before the committee in opposition?

Mr. JENNINGS. I am appearing now before the Committee of the Whole House in opposition to a wasteful and unjustifiable expenditure of the people's money.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. JENNINGS. I yield to the gentleman from New York.

Mr. TABER. Is it any argument on the merits whether a proposition was discussed before the committee or not?

Mr. JENNINGS. None whatever.

Mr. TABER. That is the question that the House should decide.

Mr. JENNINGS. Of course, that is the question now before us. They talk about transportation by river. The first thing I did when I came to Congress, within 10 days after I took my seat, was to make a speech in favor of the construction of a dam, Fort Louden Dam, costing $40,000,000. That was a good project. They are making power down there; but I had an idea that we would have transportation of freight by water to and from my city of Knoxville, the upper reaches of the Mississippi River, and the Gulf of Mexico. That dam has been completed for 4 years and we have had but little traffic by water. The transportation of freight over the 9-foot channel that extends from Knoxville to the Gulf and to the upper reaches of the Mississippi is negligible.

The railroad people in my district are all against it. We are served by two great railroad systems. They employ thousands of men who reside in my district. Our bankers, with whom I have talked, are against it. The businessmen are against it. The manufacturers are against it. The coal operators are against it. The coal miners are against it. I have not had a single citizen of my district say to me that he favored this proposition. It is fantastic when you stop to think about it, digging through a ridge and constructing a canal 40 miles in length that must be lined on the sides and on the bottom with concrete to keep the water from leaking out of it.

Something was said in the hearings about the people down in Arkansas and Louisiana being able to ship rice up into my country by barge. It was suggested by my good friend the gentleman from Kentucky [Mr. ROBSION] that they can send all the rice we use up there on a mule and save all this money.

Do not let it get out of your mind that you have to build a canal first 40 miles in length, and line it with concrete, and you have to build 18 dams and 18 locks in order to make a river out of the Tombigbee with water from the Tennessee. You have to take the water out of the river where we need it to actuate the dams and electrical apparatus for the production of electric current at Pickwick Dam and at the Kentucky Dam. It is proposed to do this in the face of the fact that we are fixing to spend millions to build a tunnel and another dam to get an adequate supply of water in the Tennessee River to make these TVA dams operate at full capacity.

For these reasons and others that I have not the time to discuss, I hope the Committee of the Whole and this House will eliminate this proposal from the bill. Let us have some mercy on the taxpayers. Let us balance the budget. It is time this Congress quit spending money we do not have for things we do not need and can do without.

Mr. RANKIN. Mr. Chairman, I rise in opposition to the amendment, and I ask unanimous consent to proceed for 10 additional minutes, as did the gentleman from Tennessee.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Chairman, I am utterly surprised at the speech of the gentleman from Tennessee [Mr. JENNINGS]. I wonder if he ever saw the Tombigbee River.

Mr. JENNINGS. I hope I never see it.

Mr. RANKIN. I believe he made the most ridiculous speech I ever heard a man make on an important issue.

How any man from Tennessee can oppose this great waterway connecting the Tennessee and the Tombigbee Rivers is more than I can understand. With the exception of the TVA, this is the greatest project ever proposed, so far as Tennessee is concerned.

It will shorten the water distance between all points on the Tennessee River and the Gulf by more than 800 miles, give them a slack water route of only 481 miles from Mobile, Ala., to the Tennessee River, and save them from having to go 800 miles out of the way and fight the swift current of the Mississippi up to Cairo, then ascend the Ohio and the Tennessee to the point where this waterway would join that river at the mouth of Yellow Creek on the line between Mississippi and Tennessee. It will save the people of Tennessee untold hundreds of millions of dollars in the years to come.

I heard such speeches as his against the creation of the Tennessee Valley Authority when Senator Norris and I were struggling to create the TVA 13 years ago. If it had not been for our efforts then, in the face of just such opposition as this, the TVA would not have been created, and the people of the great TVA area would not today be enjoying the economic blessings of the greatest development of ancient or modern times.

The gentleman from Tennessee attempts to make you believe that the Tennessee Valley Authority is not in favor of this project. I cannot read you all the report, but Mr. Lilienthal, Chairman of the Board of Directors of the TVA, wrote a report to the Army engineers in which he approved this project. You will find his letter on page 56 of the Army engineers' report.

Remember now, the gentleman from Tennessee lives more than 400 miles up the Tennessee River from the junction of this project with the Tennessee. He says he never saw the Tombigbee in his life and hopes he never will. That great river has made out so far without his gazing upon it, and I feel confident it will continue to do so.

Two years ago when we had this proposition up the distinguished gentleman from Michigan [Mr. DONDERO] objected to it on three grounds. One was that it included benefits for recreation and increased value of real estate. I think he was entirely right. They had no place in a report of this kind.

He objected to it again on the ground that the report did not have the signature of the Chief of Army Engineers.

That objection has been met. He demanded a new report. That report has been made and is now before you. It is signed by General Reybold, the Chief of Army Engineers who recently retired. General Wheeler, the present chief, came before the Committee on Rivers and Harbors and gave it his unqualified and enthusiastic endorsement.

Another thing the gentleman from Michigan [Mr. DONDERO] objected to was the size of the locks. The other report provided for locks only 75 feet wide and 450 feet long. The locks on the Mississippi, the Ohio, and Illinois Rivers are 110 by 600 feet. So the gentleman from Michigan contended these locks ought to be standardized; that has been done. This report provides for locks 110 feet wide and 600 feet long. In other words, all the objection raised against this project when it was up for consideration before have been fully met.

Now let us see about the physical facts.

Remember this is not a local proposition. This project is for the benefit of all the American people, and especially the people living between the Allegheny Mountains and the Rocky Mountains in what we call the great Mississippi Valley, including the Ohio, the Missouri, and the Illinois Rivers, as well as the Cumberland and the Tennessee, and all their tributaries.

The Tombigbee River is formed by the confluence of Brown and Mackey's Creeks in northeastern Mississippi, something like 25 miles from the Tennessee River. They come together and form the Tombigbee River, which flows southward into Mobile Bay.

Some scientists say that in prehistoric times the Tennessee River flowed down the Tombigbee Valley, but that there was an upheaval of some kind that turned the Tennessee River north right at the corner of the States of Mississippi, Alabama, and Tennessee and within about 25 miles of the headwarters of the Tombigbee River. The Tennessee turns and flows north 215 miles and empties into the Ohio at Paducah, Ky., right on the Illinois line. The Tennessee River is upon a plateau about 100 feet higher where this canal would come into it than the Tombigbee 25 miles away. The Tombigbee River is legally navigable up to this confluence of Brown and Mackey's Creeks. Within my lifetime, steamboats have gone as high as Walker's Bridge right at the confluence of these creeks. The gentleman from Tennessee would have you believe there is no water in this river. Yet he tells you all the traffic that goes up to Birmingham comes up the Tombigbee to Demopolis.

By cutting this short canal to connect the Tennessee with the Tombigbee River you get rid of the bottleneck that is today paralyzing traffic on the Mississippi River and its tributaries. It will be worth more to the American people than any similar amount of money that has ever been spent on rivers and harbors. I voted for every single appropriation for the Tennessee River. I voted for every single appropriation for the Columbia River. I voted for these appropriations for the other streams. But so far as transportation is concerned, this project will mean more to the American people who have to use the great Mississippi River and its tributaries than anything else that has ever been done.

Why you would think to hear the gentleman from Tennessee talk that this was a local matter. We do not care whether the people of Knoxville use it or not. If they want to ignore it, let them do so. That is their business. But when they understand what it means to them, you will hear a different story.

But I want to show you what it means to you. The great bottleneck in our river transportation system is this swift current on the Mississippi River. You can come down all right from Pittsburgh right down the Ohio and the Mississippi. But when you start back, you have to fight a swift current that runs 6 or 7 miles an hour at times. The average barge will only travel about 5½ miles an hour in still or slack water. Therefore you will burn up your fuel and have to fight like everything to even stand still. But by constructing these locks and dams and cutting this short canal, we give you a slack water route up the Tombigbee to the Tennessee, and then you have a down stream route from there to Cairo. Let us see what that means. It is 1,768 miles from Cairo, Ill., to New Orleans, then across along the intercoastal waterway to Mobile, then up the Tombigbee River through this slack water route to the Tennessee, then downstream to Cairo. Of that 1,768 miles 1,131 of it is downstream, and the rest of it is in slack water. All the imagination of the gentleman from Tennessee [Mr. JENNINGS] could not create a situation like that. It is the greatest project of its kind that has ever been found on

the face of the earth, and the only one where you can transfer the traffic from one major watershed to another with so little expense, with so much ease, and such a tremendous saving in transportation costs and distance.

Mr. MANSFIELD of Texas. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. Yes; I yield to the gentleman from Texas, the chairman of the committee.

Mr. MANSFIELD of Texas. I call the gentleman's attention to the fact that in the last flood-control bill $200,000,000 was authorized to make the channel up the Mississippi from Baton Rouge to Cairo 12 feet deep instead of 9, and to give it 100 feet additional width, and cutting out 200 or 300 miles of the distance by cutting off bends. That will make the current more than double what it is at present.

Mr. RANKIN. Certainly. I have the figures from the Army engineers to show that that current flows sometimes at a rate of 7 or 7½ miles an hour now, and, as the chairman says, it will be more swift when these cut-offs are completed.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. I yield for a question.

Mr. MAY. What about the savings in freight charges?

Mr. RANKIN. I am coming to that in just a moment. This project is not just for the Tennessee or the Tombigbee, or for the States of Mississippi, Alabama, and Tennessee. It will probably be worth more to Michigan or to Illinois, or to Ohio, or Nebraska, or Iowa than it will to Mississippi.

The following table will show the enormous savings which this new slack-water route will provide:

Possible average savings in line-haul costs for through traffic via proposed Tombigbee-Tennessee waterway as an alternate route for upstream movement of existing traffic on the lower Mississippi River based on an average tow composed of 8 barges (mixed sizes) carrying 3,500 tons of freight

From—	To—	Via Mississippi, per ton	Via Mississippi, per tow	Via Tombigbee-Tennessee, per ton	Via Tombigbee-Tennessee, per tow	Average savings per ton	Average savings per tow
Houston, Tex	Cairo	$2.34	$8,190	$1.94	$6,790	$0.40	$1,400
	Paducah	2.42	8,470	1.88	6,580	.54	1,890
	T-T Junction	2.74	9,590	1.60	5,600	1.14	3,990
New Orleans, La	Cairo	2.02	7,070	1.32	4,620	.70	2,450
	Paducah	2.10	7,350	1.26	4,410	.84	2,940
	T-T Junction	2.42	8,470	.99	3,465	1.43	5,005
Mobile, Ala	Cairo	2.39	8,365	.95	3,325	1.44	5,040
	Paducah	2.47	8,645	.89	3,115	1.58	5,530
	T-T Junction	2.79	9,765	.62	2,170	2.17	7,595
Port Birmingham, Ala.	Cairo	2.96	10,360	.95	3,325	2.01	7,035
	Paducah	3.04	10,640	.89	3,115	2.15	7,525
	T-T Junction	3.36	11,760	.62	2,170	2.74	9,590
Demopolis, Ala	Cairo	2.68	9,380	.67	2,345	2.01	7,035
	Paducah	2.76	9,660	.61	2,135	2.15	7,525
	T-T Junction	3.08	10,780	.34	1,190	2.74	9,590
Columbus, Miss	Cairo	2.83	9,905	.51	1,785	2.32	8,120
	Paducah	2.91	10,185	.45	1,575	2.46	8,610
	T-T Junction	3.23	11,305	.17	595	3.06	10,710
Aberdeen, Miss	Cairo	2.88	10,080	.46	1,610	2.42	8,470
	Paducah	2.96	10,360	.40	1,400	2.56	8,960
	T-T Junction	3.28	11,480	.13	455	3.15	11,025
Fulton, Miss	Cairo	2.93	10,255	.41	1,435	2.52	8,820
	Paducah	3.01	10,535	.35	1,225	2.66	9,310
	T-T Junction	3.33	11,655	.08	280	3.25	11,375

A barge coming from Pittsburgh, Pa., down the Mississippi River, when it arrives at New Orleans, if it is the average size barge of 3,500 tons—that is the average on these rivers—do you know what it will save in going back? Let us see what it will save. The gentleman from Tennessee [Mr. JENNINGS] did not touch on this phase of the project. He seemed to imagine everything had to go through Knoxville. If that barge goes from New Orleans to Cairo by way of the Mississippi, it will cost $7,070 to fight that swift current back to Cairo.

But suppose it goes across the intercoastal waterway to Mobile and goes up this slack water route along the Tombigbee to the Tennessee and then goes downstream on the Tennessee to Paducah and then down the Ohio tc Cairo. Instead of costing $7,070 it will cost $4,620, a saving of $2,450. That is more than the profits a man makes on one of these barge trips. If it were going up the Ohio River, you will see from this table that it would save $2,940 going from New Orleans to Paducah, and $5,530 if it went from Mobile.

Here is the picture of a barge coming down from Pittsburgh carrying a load of 14,000 tons. To carry it back what do you suppose it would save by going through this slack water route? The saving from New Orleans to Cairo would be $9,800 on that amount. If it went to Pittsburgh, Pa., or any other place on the Ohio, the saving to Paducah, Ky., would be $11,760, I will tell the gentleman from Tennessee [Mr. JENNINGS] something he did not know. If it went from New Orleans to Knoxville, Tenn., via this Tombigbee route it would save $20,020 on 14,000 tons of freight; and if it went from Mobile to Knoxville the savings would amount to $30,380.

He is the only man I ever heard of from that section of Tennessee who is opposed to this project.

Let us suppose this traffic goes from Mobile to Cairo. A 3,500-ton vessel would save $5,040, or more than 50 percent, to carry this load back up this Tombigbee route. It would save $20,163 on the 14,000 tons you see on this barge pictured here. Why? Because to go up the Mississippi you would have to fight the swift current of that river, and sometimes that river runs faster than you can possibly run a barge on still water.

By taking this slack water route to the Tennessee, then downstream 262 miles to Cairo, you would save in going to Cairo from Mobile $20,160 on one of those large loads; and on a small one the saving would be $5,530.

There has never been such saving provided by any project in the history of this country.

Suppose it went to Paducah, Ky., and from there up to Pittsburgh, Pa., where that barge comes from. In going to Paducah, Ky., from New Orleans by coming across here along the intercoastal waterway, and going up this slack water route to the Tennessee and then downstream to Paducah that 14,000 tons would save $22,120.

Suppose it went to Knoxville, Tenn.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. RANKIN. Mr. Chairman, I ask unanimous consent to proceed for 10 additional minutes. I want to explain this project because it has not been explained.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. The gentleman from Mississippi is recognized for 10 additional minutes.

Mr. RANKIN. Suppose it went into the Tennessee River, the savings would be $30,380. Why? Because it is only 481 miles from the Tennessee River to Mobile. But if you went around the other route, clear around by Cairo, you would travel 1,131 miles, every inch upstream and none of it downstream, and none of it in slack water.

I repeat that no project in this country can furnish such savings in transportation costs and distances.

Suppose you went from Birmingham, Ala. You would go down the Warrior River to Demopolis, then up to the Tennessee, then down the Tennessee to Paducah or Cairo. What would it mean to one of these small 3,500-ton barges going from Demopolis or Birmingham—they both have to go through Demopolis, so we will just take Demopolis—going from Demopolis to Cairo it would cut the cost from $9,380 to $2,345, or a saving of $7,035 on one 3,500-ton load. That is on a small 3,500-ton barge such as you use to ship your dairy products, your wheat, your corn, your cattle, and your beef products, or manufactured products, down to our country.

But suppose it were going to Paducah. Remember this: when you get to Cairo that means that every bargeload that has to go back not only to Cairo but through Cairo to Chicago. This bargeload here [pointing to a picture] is coming out of Chicago. What does it carry? Automobiles from Michigan, 14,000 tons of them. Suppose that barge had to go back. Just getting back to Cairo, as I pointed out, it would save from Demopolis, Ala., $7,525 on every 3,500-ton load. If it was one of these large barges like that, I think the same figures will apply, and the saving would be $30,100 a load going back to Paducah, Ky., and $28,140 going to Cairo. That means every bargeload that came down

from Minneapolis or St. Paul, every bargeload that came down from Sioux City, Omaha, or Kansas City, St. Louis, or Chicago, and went back this short slack-water route through the Tombigbee to the Tennessee and downstream to Cairo would enjoy those savings.

But suppose it went up the Ohio River to Pittsburgh, Louisville, Ky., Wheeling, W. Va., or Cincinnati, Ohio. Here is the saving. On every bargeload of 3,500 tons you would save $7,525 and on 14,000 tons you would save $30,100.

Going back up the Tennessee River, from Birmingham or Demopolis to any point on the Tennessee River from Pickwick Lake to Knoxville, it would save $38,360 on 14,000 tons of freight.

Why, the gentleman from Tennessee talks about fishing in that area. There is not a word, the gentleman from Michigan will tell you, there is not a word in this report about any recreation or any improvement in land values. They talk about the highways being changed. That is done by the State.

This project simply gets rid of the bottleneck in our great waterway-transportation system and will benefit everybody in Pennsylvania, Ohio, Michigan, Wisconsin, Minnesota, Iowa, Nebraska, all those Midwestern States, on down through Missouri to the Gulf.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman for a question.

Mr. MAY. I wonder if the automobile producers in Michigan could not sell their automobiles to the southern people cheaper if this was opened than they could if they did not have this advantage?

Mr. RANKIN. We do not make automobiles down there. We would rather they ship them to us and we ship back cottonseed meal, cotton, bauxite, lumber, and other things they need, in exchange for their manufactured articles.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Michigan.

Mr. HOFFMAN. That is all right, but, of course, we cannot even get fertilizer up there.

Mr. RANKIN. Let me say to the gentleman that this is not UNRRA. This is INRA. It is for the benefit of the American people.

Mr. HOFFMAN. It is all running down there.

Mr. RANKIN. The State of Michigan will get as much benefit out of this project as will the State of Mississippi.

Mr. ROE of Maryland. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Maryland.

Mr. ROE of Maryland. How many barges use this waterway system?

Mr. RANKIN. We do not know the number. They are cut short now because of the swift current of the Mississippi River which makes it all but impossible for them to run.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Arizona.

Mr. MURDOCK. When Abraham Lincoln was a young man they used to break up the barges or sell them when they got them to the mouth of the river, or to the Port of New Orleans. Is that being done today or do they now bring them back up the rivers?

Mr. RANKIN. They take those barges down loaded and often they have to take them back empty, and even then at an enormous expense because of the swift current on the Mississippi between New Orleans and Cairo.

Mr. Chairman, the northwestern section of the country gets its oil from this area. Right where I am pointing, just a few miles from the Tombigbee, an oil well was brought in recently that produced a thousand barrels a day, the largest oil well ever brought in east of the Mississippi River. If you take that oil around and take it up the swift current of the Mississippi River it will cost many time what it would to take it from there to the Tennessee, then downstream to Paducah or Cairo.

As I stated, Mr. Chairman, this is one of the greatest projects of its kind on the face of the earth, and with the exception of the connection between the Don and the Volga Rivers in Russia it is the only place where you can transfer traffic from one major waterway to another at a reasonable cost. Even there they do not get the advantage of a slack water route for this distance, then a downstream route for several hundred miles to the great cities through which this traffic has to pass.

Mr. SAVAGE. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Washington.

Mr. SAVAGE. Is this project self-liquidating?

Mr. RANKIN. Yes. Talk about where that money will go. It will go to the taxpayers, the American people.

Mr. ROE of Maryland. Liquidated how?

Mr. RANKIN. Because it will save the people you represent on their shipping enough to take care of it and pay for it, just as I have shown you here. You take the people in Iowa and Nebraska. We do not grow wheat in our country. They ship it to us. We load the barges with cottonseed meal, with hulls, with lumber and other products that they need, or tropical fruit, to carry back. It will save, as I said, untold hundreds of millions of dollars to the people of this great section of the country throughout the years to come.

I am sorry to see the gentleman from Tennessee [Mr. JENNINGS] get off on the wrong foot, but if we had had that kind of opposition 13 years ago, when Senator Norris and I were striving to create the TVA, there probably would only be one dam on the Tennessee River now, and that would be Muscle Shoals, and you people in Knoxville, where you enjoy a reduction of from one million to two million dollars a year in your electric power bill today would be paying through the nose for your electricity.

We are asking you to give the shippers in this section of the country a chance. There is no water power developed here. As I said, this is the greatest project of its kind ever proposed in this country, and should be adopted unanimously.

I hope the amendment of the gentleman from Tennessee is voted down.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. TABER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I do not enjoy taking the floor to oppose a project in which the gentleman from Mississippi [Mr. RANKIN] is so keenly interested, but I feel that the facts should be brought out here so that the membership of the House may be familiar with them.

The Chief of Engineers in his letter of September 29, 1945, on page 125 of the hearings, said that this project would cost $116,941,000. We all know that those costs have gone up enormously since these estimates were made. That was brought out in the hearings on the last civil functions bill of the War Department Appropriations Committee in February. Unquestionably, these costs would be up to $150,000,000.

Now, what is the rest of the picture from the economic standpoint? I am assuming that the Chief of Engineers in this statement made the story as big as he could. He said, "The total computed benefits are $6,250,000. Since the estimated economic cost of the project is $5,953,000 annually, the ratio of calculated benefits to cost is 1.05 to 1." That would mean that on the most favorable picture they could grab there was $297,000 margin, but with these increased costs, instead of there being $297,000 margin it is perfectly apparent there would be $3,000,000 or $4,000,000 a year deficit from an economic standpoint. We have to think about those things when we appropriate large sums of money out of the Treasury of the United States.

It is proposed to deepen to a 9-foot channel a river which is 1 foot deep. In the words of the gentleman from Pennsylvania [Mr. RICH], where are they going to get the water?

The Tombigbee River has been with us a long time. The Honorable Sereno Payne represented the district I represent 50 years ago. I have heard him say that the Tombigbee River was with him then. It is with us now, and it has been turned down repeatedly by this Congress because they did not believe it was economically sound.

The projects in this bill involve direct authorizations of practically $600,000,000. Indirectly they involve probably $2,000,000,000, and that is conservative. Is America ever going to wake up? Is the Congress of the United States going to meet its responsibilities here in this critical situation, or is it going to fall down? Let us throw this out.

Mr. KEFAUVER. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, the district I represent is about 110 miles down the river from Knoxville, the district represented by the gentleman from Tennessee [Mr. JENNINGS].

During the time I have been in the House I have had occasion to study the feasibility and benefits of Tombigbee proposal on many occasions. I believe

that if we are to develop our national resources, that if any navigation project is worth while then certainly the Tombigbee waterway should be approved. As the gentleman from Mississippi has said, I do not know anywhere in this country where you can build a project that will bring such a great ratio of benefits as will this Tombigbee waterway.

The gentleman from New York talks about the increased cost. If you are going to decide the matter on the basis of increased cost, that same argument would apply to every project in this bill. On that basis, we might as well strike them all out. Probably it will cost some additional amount but the benefits will increase proportionately. But certainly, if we are going to follow the policy of developing our national resources, and after all, that policy has a lot to do with the great strides this country has made throughout the years, then you cannot turn down this Tombigbee waterway.

Something has been said about the attitude of the people of Tennessee. I have letters from people all over the State in favor of this project. I have a letter from the former Governor of Tennessee, Prentice Cooper, saying he thinks it would be of great benefit to the people of Tennessee. I have a letter from the Chamber of Commerce of Chattanooga, and certainly that is not one of these organizations that go out on a limb without examining the facts, which says the waterway committee has fully examined the proposal and they reach the conclusion that the Tombigbee waterway would be of great benefit to the people and the industries of my section.

Anything that would be of benefit to the industries in my section would be of benefit to the industries and people 110 miles on up the river at Knoxville. Something has been said about the present traffic on the Tennessee River. I want to call the attention of the House to the fact that the Kentucky Dam at the mouth of the Tennessee River at Cairo has only been completed recently. Until that dam was completed we could not have a 9-foot channel on the Tennessee. But even in spite of the shallow waterway, before that dam was completed, the traffic on the Tennessee River increased more than 3 times during the last few years. Barges are moving on the Tennessee River. With the building of this project, it would not only increase traffic on the Tennessee River but it would be of benefit to practically every section between the Rocky Mountains and the Allegheny Mountains in this great country of ours. Let us see what the situation is at Chattanooga which is the largest city in my district and one of the great ports of the Tennessee. If a barge were moving from Chattanooga to New Orleans, having to go to Cairo on down the Mississippi, it would be a distance of 1,370 miles. When this project is built, there will be a saving of 630 miles, or a saving of 46 percent. Six hundred and thirty miles would also be saved on barges going from Knoxville or any other point on the Tennessee River to New Orleans. Of course, if the barges were going to Mobile or some point east of New Orleans, the saving would be even greater. If we take a 3,500-ton barge going from New Orleans to Chattanooga, the cost is now $8,740. If it went by way of Mobile and up the Tombigbee, the cost would be $3,465, or a saving of $4,005 on every load going from New Orleans to Chattanooga. The same saving would be accomplished if the barge were going to Knoxville. I know there is some opposition to this project but if we hold back in the development of our natural resources because there is some selfish opposition we will never fully develop the resources of this country. This project has more value than any that I know of. I hope it is accepted.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PITTENGER. Mr. Chairman, I move to strike out the last three words.

Mr. DONDERO. Mr. Chairman, I ask for recognition.

Mr. PITTENGER. I will yield to the handsome gentleman from Michigan, a most distinguished Member of this House, in view of some remarks made the other day but not relating to this subject.

Mr. DONDERO. Mr. Chairman, I do not take the floor to oppose this project. But I do feel it is encumbent upon me to make a statement to the House in view of the fact that over the last 7 years this project was stricken out on 2 previous occasions on amendments offered by myself and sustained by the House. The reasons for offering such amendments and asking that it be stricken out have been eliminated by the report filed on this bill. I asked the Chief of Engineers when he came before our committee not very long ago if the same items that he used in justifying the Tombigbee River in the two previous bills had ever been used in a river and harbor project before, and the answer was "No." Neither have I seen them used in any project offered by the Army engineers since that time.

Mr. MANSFIELD of Texas. That is, except on flood control?

Mr. DONDERO. Yes; except in flood control. Those items were four in number.

One was national defense. Certainly that is an intangible item. I thought it was reaching into the blue sky for some reason to justify this canal.

Another was increase in land values along the canal. That would inure to the benefit of the people who owned that land and not to the people of the Nation.

A third was recreational value. Certainly that item is impossible to evaluate and is an intangible value.

Another is diversion of traffic from one river to another.

This is a new report. Since the other reports were filed on which the House acted, the locks and dams in this report have been standardized so they coordinate with the Ohio River, the Mississippi River, and the Tennessee River. A barge that could be used on any of those rivers could be used on this river. Because of the elimination of those intangible items which the Chief of Engineers would not approve, of course I am not opposing this project today.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield.

Mr. RANKIN. I call attention to the fact that since the other report was made the greatest arsenal of national defense on earth has been constructed at Oak Ridge, Tenn., up on the Tennessee River. That is where our atomic bombs are made. This project would put the great arsenal about 1,100 miles nearer the coast and give us an additional outlet to the sea.

Mr. DONDERO. That matter had escaped my attention. Since coming into the Chamber today at least 10 or 12 Members have accosted me and said they had received letters from our amiable and able friend from Kentucky [Mr. MAY] to the effect that he was going to ask for a roll-call vote on the question of the Big Sandy River which this House struck out of this bill day before yesterday. Of course, he is entirely within his rights under the parliamentary rules of the House in asking that. But I want to say to the House that if that item goes back in this bill, which would raise the bill to about $550,000,000, I would be constrained to vote against the entire bill.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I will in just a minute.

I want to say to the House that from the Appropriations Committee clerk I received figures to the extent of $2,885,000,000 worth of flood-control projects waiting for construction, to which the Flood Control Committee, since these figures were given to me, had added $986,000,000 more in flood-control projects, or a total of $3,871,000,000.

There are 436 river and harbor projects lying on the shelf waiting to be constructed, totaling $623,000,000. If we add the projects in this bill, 57 of them, without the Big Sandy, we will have nearly 500 projects lying on the shelf, calling for more than a billion dollars of river and harbor work.

The custom has been for many years for the Congress to appropriate approximately $50,000,000 a year.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. DONDERO. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DONDERO. We have been appropriating approximately $50,000,000 annually for the construction of river and harbor works. If you take this billion dollars worth of projects which will lie on the shelf with the passage of this bill, and follow that same custom, we will have enough projects to last for the next 20 years.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield to the gentleman from Kentucky.

Mr. MAY. The gentleman has stated very definitely that he is not opposing this project. I am not opposing it, because I am for it. But the gentleman

bases it upon the idea that it is too much money to spend. The gentleman will admit, will he not, that there are five projects in this bill that are larger in cost than the Big Sandy project. How does he reconcile his two positions?

Mr. DONDERO. That may be true; but let me say to the gentleman from Kentucky that the Big Sandy is the only project in this bill where you have to pump water up hill in order to float commerce down hill. I am opposed to that kind of project; I do not think it is sound.

Mr. ENGEL of Michigan. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield.

Mr. ENGEL of Michigan. When the War Department civil functions bill was before this House and under consideration in the Subcommittee on Appropriations I had the engineers place in the committee hearings a statement covering every flood-control project, every river and harbor project, and every reclamation and irrigation project they had at that time. I had them give the date of authorization, the original estimate of cost, the actual cost of those projects; and when I added on their increased cost since the date of authorization I found that the total sum needed to be appropriated to finish those projects was approximately $7,000,000. I do not see how in the world we are going to build these projects without exorbitant taxation.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield.

Mr. RANKIN. I know these will not cost anything like the sums that have been claimed. Let me say to the gentleman from Michigan—he has been very fair about these projects and very reasonable. He heard the Army engineers testify and he heard Members talk about there being 10, 12, or 15 feet of water in many stretches of the Tombigbee River from the confluence of Brown and Mackey's Creek down. That is correct, is it not?

Mr. DONDERO. That was the testimony of the engineers.

Mr. RANKIN. Another thing, Mr. Lilienthal said that the water which will come from the Tennessee River to operate the first set of locks will not be sufficient to reduce materially the power development on the Tennessee.

Mr. ROE of Maryland. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield.

Mr. ROE of Maryland. I wish to ask the gentleman from Michigan a question because I have great faith in his fairness. The statement has been made on the floor of the House that the cost to complete construction of these projects would be greatly in excess of the original estimate. By the same token would not the benefits increase in like proportion?

Mr. DONDERO. Certainly; everything rises in proportion as the standard is raised.

Mr. JENNINGS. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield.

Mr. JENNINGS. I understand the efforts being made here to leave the impression with the membership of this House that this Tombigbee River is over 1 foot average depth during dry weather. I want to read to the distiguished Member from Michigan from page 128 of the hearings before the Committee on Rivers and Harbors on this project, the following language:

> The Tombigbee River upstream from Demopolis has a controlling depth of 1 foot at low water, 5 feet at high water.

Is there anything in these hearings to contradict that flat statement as to the depth of this exaggerated spring branch?

And I want to say to the gentleman from Mississippi who addressed some remarks to me: I like him, I want him reelected. I hear, however, that it has been rumored around that if he did not get this project through it might result in his defeat. Now, I would be almost willing to vote, for $125,000,000 to keep him in the House; but that is a lot of money.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. PITTENGER. Mr. Chairman, I seek recognition on the amendment.

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. PITTENGER. I take the floor, and oppose the amendment because I am a member of the Committee on Rivers and Harbors. Reference was made by the gentleman from Michigan to the Big Sandy project. That of course is not before us now; we will come to the subject matter of the Big Sandy a little later.

I am supporting the Tombigbee project.

The matter before us now is a motion to strike this project from the bill. Those who want this project kept in the bill should vote "No." on that motion. I intend to vote "No." I have listened as a member of the Committee on Rivers and Harbors to the hearings on these river and harbor projects.

Mr. Chairman, I have listened to the testimony of Army engineers in reference to this project as well as the other projects, and I say that this is a worth-while improvement and is entitled to the support of all the Members of the House.

Let me say something about the members of the Rivers and Harbors Committee of the House. That is your committee, selected by the House to hear testimony and bring in reports, headed by the distinguished gentleman from Texas [Mr. MANSFIELD], and on the minority side by the distinguished gentleman from Michigan [Mr. DONDERO]—men of ability. Now, stand by your committee. Do not take a lot of stuff that comes in here uncorroborated, unverified, and unworthy of belief.

Mr. Chairman, something was said about cost. Do not let the cost worry you. This is one of those projects, like every other project in the bill, where you spend a dollar the American people get two dollars back in value. I am really amazed when they start to talk about cost. Here is a newspaper item I clipped the other day:

> The United States is lending $1,370,000,000 to France for reconstruction.

Then the next day comes out another newspaper article to the effect that the French Reds call the United States loan insufficient and seek a pay hike.

Let me say to you gentlemen who support these hand-outs, and I am not one of them, I predict that unless some unusual thing happens, these hand-outs are going to continue for some time. Let us do something now for the American people, before anyone insists on wasting our money across the water. But vote for this bill.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. BOYKIN. Mr. Chairman, I move to strike out the last five words.

Mr. Chairman, I only speak 1 minute a year. I have been here 10 years and I have spoken 10 minutes in all that time. I go and see my folks and my friends on the different committees and they always help and all of us usually follow our committee. We have a wonderful committee in the Rivers and Harbors Committee of the House, of which I am a member. There are no politics at all in that committee. We all just work as one big party and we have done the finest job in the world, not for my district because we have not gotten this, although I have been working for it 30 years before I came here. I have worked not only with the Democrats but with the Republicans on that committee and many other committees. The gentleman from Michigan [Mr. DONDERO] is a member of that committee, my great friend, the gentleman from Michigan [Mr. PITTENGER], the gentleman from Michigan [Mr. ENGEL], the gentleman from Pennsylvania [Mr. RODGERS], and the gentleman from Ohio [Mr. BENDER] and the entire committee. All of these gentlemen have worked over this proposition very carefully, and I mean they have. The gentleman from Michigan has fought it from every angle until the Army Engineers got it just right. This has not been gone into halfway. Over a million dollars have been spent already in making this survey.

Mr. Chairman, I want you to believe me because I know what I am talking about. I was born on the banks of the Tombigbee River. I live there now. My father before me and my grandfather lived there. I helped load vessels there 30 years ago. They say there is only 1 foot of water there, but 30 years ago I helped them load at Calvert, which is about 100 miles up this great Tombigbee River, five at one time. We had one of the very large mills located there which belonged to some Northern people. They shipped their lumber by five-mast schooner all over the world. There is no spot from Mobile to Birmingham that is not navigable.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. BOYKIN. I yield to the gentleman from Michigan.

Mr. DONDERO. I think the gentleman should tell the House that the gentleman from Alabama now owns the land on which Aaron Burr was captured.

Mr. BOYKIN. We have been working on this a long time. There are so many things that you cannot remember them all. But I may say that when

Aaron Burr killed Alexander Hamilton in 1804 we were working on this project then. He got as far as the Tombigbee River. The water was up and the river in places is 20 miles wide. There was no way for him to get across the river, it was so big and so deep, and they caught him there. He ate breakfast at my great-grandmother's house that morning.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. BOYKIN. I yield to the gentleman from Mississippi.

Mr. RANKIN. The gentleman has called attention to the fact that the project has been advocated for a long time, but the engineers found that it was not feasible until the Pickwick Dam was built which lifted the water 55 feet up into the mouth of Yellow Creek. Up to that time there was no water at the summit. Now we cut through that sand ridge and place the summit of the project in the Tennessee River where the water supply is unlimited.

Mr. HOFFMAN. If that is true, you will have all of the water running into the Great Lakes before you get through.

Mr. BOYKIN. That is what we will not do; but we could have a canal from the Tombigbee to the Great Lakes, and that is what you and the gentleman from Michigan [Mr. DONDERO] want to do, and we will help you do it. I want to tell you about this great, deep, long river. It starts in my district and finishes in my district, as well as the district represented by the gentleman from Alabama [Mr. JARMAN]. The shallowest point up through there is 7.2 feet.

If I lived in the district represented by my good friend the gentleman from Tennessee [Mr. JENNINGS] I would probably vote for him. He said that some of his folks objected to this. I had a friend who wired me from Knoxville who said that he just talked to one of John's friends, who was a great admirer of his and who was supporting him, but he said he had telegrams and telephones to the contrary. That was yesterday at 11 o'clock. I went over and told my friend about it. That was the editor of the Knoxville Journal, a man by the name of Lockspeech. He is doing a great job, and I am for Jimmy, and he should get right and set for this project.

But, Members of the House, there is no project like this any place on this earth. If there was any place on this earth except down in that southern country, it would have been developed over 100 years ago. But I want to tell you that it directly affects two-thirds of all the citizens in the United States; it absolutely indirectly affects them all. I want to tell you something else, and the gentleman from Michigan [Mr. DONDERO] knows this, as well as the gentleman from Minnesota [Mr. PITTENGER] and my good friend the gentleman from Oregon [Mr. ANGELL] from the west coast, Congressman COLE of Missouri, and our entire committee, who will vote for me on this greatest of all great river projects, and I tell you all that it is absolutely self-liquidating. And I want to tell you that my good friend the gentleman from Missouri [Mr. COLE]—Truman's own Missouri—who has been over this section, voted for it, and I want to tell you that every single, solitary member of the Committee on Rivers and Harbors voted to put this project on and voted for it unanimously, and we never had that vote before.

One more thing, if you please. I want to tell you that down at the bottom of this line, the mouth of Mobile Bay, is the Gulf of Mexico. If you put this project in, it is like taking the Gulf of Mexico and setting it up at Cairo, Ill., because with this cut-off you save 600 miles every way. I want to tell you about this also, and I have not told anybody else, but just the other day we brought in 52 oil wells on the banks of the Tombigbee River in Alabama, in my district, the first big field we ever had in Alabama. I flew down there the day the President spoke. They also found sulfur and slate along this river. There is enough ready material for building purposes locked up there, and all we ask you to do is to unlock it, and it will never cost you one single solitary thing.

Vote for this project. It is great and will mean more to our Southland, than anything you could do for us.

Mr. ENGEL of Michigan. Mr. Chairman, I move to strike out the last seven words.

Mr. Chairman, now that we have the Republicans on this side of the aisle electing the Democrats on that side, and the Democrats on that side electing the Republicans on this side, we can do business without going back to the primary elections. We have that settled.

Mr. BOYKIN. It may come to that pretty soon.

Mr. ENGEL of Michigan. Mr. Chairman, I was very much interested in what my good friend the gentleman from Mississippi [Mr. RANKIN] had to say. I have worked with him for 8½ years on the Committee on World War Veterans' Legislation. He mentioned Abraham Lincoln and the gentleman from Alabama mentioned Aaron Burr. Abraham Lincoln and Aaron Burr are both fortunate that they are not here today to pay the taxes that Congress is levying to meet these obligations.

I want to talk today about these projects, about authorizations and appropriations for flood control, rivers and harbors, and irrigation and reclamation.

Three tables of authorized flood control, rivers and harbors and irrigation reclamation projects were inserted into the RECORD by the Chief of Engineers of the United States Army at my request, when we held hearings on the War Department civil functions appropriation bill for 1947.

On April 18, 1946, in opposing the conference report on that bill I spoke at length on this subject. The record of that speech will be found on pages 3990 and 3991 of the CONGRESSIONAL RECORD. I pointed out at that time that this detailed statement showed there were 700 flood-control projects on the War Department 6-year program which, together with many more rivers and harbors and irrigation and reclamation projects, will cost in excess of $7,000,000,000.

I do not see how we can carry out that program in view of the condition the United States Treasury is in. I expressed the belief then and I still believe that the time is not so far distant when the Treasury Department will be unable to raise either by taxation or by the sale of bonds the money required to meet the appropriations made by Congress.

Now we have before us another river and harbor bill which will authorize the construction of a great many more projects which have been estimated by the War Department to cost $600,000,000. If the War Department is as inaccurate in their estimates on these projects as they have been in the past on similar projects, the cost will run more than double $600,000,000.

When I examine the records of costs furnished by the engineers of the United States Army, I lose what faith I had in their efficiency. I came before you when the last civil functions appropriation bill was under consideration and pointed out that they had estimated the cost of the Osceola project in Missouri at $28,500,000. We were later told that the project would cost $65,000,000. The engineers estimated the cost of Hoards Cheek project in Texas would cost $468,000, and it is costing $2,200,000. That has been the history of United States engineers' estimates on these propects over a period of years. There is no question about the inaccuracy of those estimates. In practically every case they are low.

There is before the Subcommittee on War Department Appropriations now a hospital project. I shall discuss it more fully when that bill comes up for consideration. They estimated this hospital to cost $11,000,000. They increased the estimate to $16,000,000 in August 1944. Now they inform us it will cost $33,000,000.

I have consistently supported appropriations for rivers and harbors, flood control, and irrigation reclamation projects.

The more projects you authorize the thinner you are going to spread the amount of money which will be available for each project so authorized. We cannot spend a billion or a billion and a half dollars a year for rivers and harbors and flood control and irrigation-reclamation projects in view of the condition of the national finances. We are confronted with a $30,000,000,000 annual budget to meet our financial obligations including the needs of the veterans and the amount required to finance our national debt.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. ENGEL of Michigan. I yield to the gentleman from Mississippi.

Mr. RANKIN. The gentleman is talking about the increase in the cost of these projects. There is one item here for the Great Lakes connecting channel in Michigan, $28,000,000. The gentleman will probably argue that that project will cost a good deal more than $28,000,000, but materials have gone up, wages have gone up, and costs of construction have gone up.

Mr. ENGEL of Michigan. Yes; I figured that in my cost records in connection with the civil functions appropriation bill. The engineers testified that the increase in costs up to last

March was 25 or 30 percent. That is true, and costs have gone up since that time. I included an increased cost of 25 or 30 percent over the original cost. The War Department subcommittee placed into the bill a provision that where the costs exceed 25 percent of the original estimate the projects should go back to the Rivers and Harbors and Flood Control Committees for further consideration. I have taken that into consideration.

Mr. PETERSON of Georgia. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes, the last 5 minutes to be reserved to the chairman of the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentlemen from Missouri [Mr. BELL], a member of the committee.

Mr. BELL. Mr. Chairman, I have watched the hearings on this Tombigbee project for a long time. As a member of the Committee on Rivers and Harbors, I am reasonably familiar with it. I am speaking as a representative from the great Middle West. But I want to say to you gentlemen who come from my section of the country that I do not know of any other little strip of river that if properly connected up will be of greater advantage to Missouri, Kansas, Nebraska, Iowa, and those States up there than this Tombigbee project. It will mean that if we want to get merchandise up from the Gulf of Mexico a good part of the way it will be coming downstream to us. Did you ever hear of anybody floating stuff up the river and yet going downstream? That is exactly what this will do for us. I do not have the time in the short time at my disposal now to go into that, but those of you who have studied this map will know that is exactly what is going to happen. It is going to mean that we will get our oil and salt and the other products from the Gulf much cheaper and easier than we have ever gotten them before. Nobody from the Middle West can afford to vote against this project. My good friend, the gentleman from Michigan, was talking about the rising costs of materials. He was questioning the estimates of the Army engineers. Why, of course, things cost more today than they did 3 years ago. If you start to build a house today, you will find out what it will cost you compared to what it would have cost you 3 years ago. We are in a period right now of a scarcity of everything. There is a scarcity of labor and a scarcity of materials. By the time we get around to actually building these projects that are provided in this bill, the costs will have gone down again. We will be constructing them in a lower labor market and a lower material market than we have today, just as 3 years from now you will be able to build a house for less money than you can build a house today.

Mr. BOYKIN. Mr. Chairman, will the gentleman yield?

Mr. BELL. I yield.

Mr. BOYKIN. Congressman BELL, is it not true that you and I sat on a committee 2 weeks ago, and I was glad to do it, and we voted to give a foreign country 600 times more than this without ever expecting to get a nickel of it back while we will get all of this money back a hundredfold. We will not get anything back from this other country and we gave it to them to fix their rivers and their roads. This is something that we are fixing for our own people that will be absolutely self-liquidating.

Mr. BELL. I am saying to the folks from the midwestern part of this country, let us vote for something that is going to bring dividends to our children and grandchildren as well as to ourselves during our lifetime. It means so much in dollars and cents. I do not know where, for the amount of money that it is going to take to build this little strip of waterway, we can get as sound a business return as this one investment will bring. So for that reason, while you may be surprised that I am speaking for it, being as far away as I am, almost a thousand miles, the gentleman from Missouri [Mr. COLE] and I, and other Members from Missouri know what it means to our part of the country. We know it means that we can ship our corn out and get a better price for it. We can get the oil in and get it at a better price and get it more quickly. It means that the manufactured products from the steel mills in Pennsylvania will come down to Missouri at less freight cost and in that way help you folks over there in Pennsylvania. It will help you people up there in Michigan if you just knew it, because down in Missouri there is St. Louis and Kansas City. Up above us is Omaha, and down below is Memphis. All of these places are going to be buying from you quantities of manufactured products in the years to come. They want farm machinery down there and we want to get it at a low transportation cost. Help us to get it.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. BELL] has expired.

Mr. KEEFE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have listened to every word of debate on this Tombigbee proposition. I have listened to all the debates ever since I have been in Congress when this situation has been before us.

I am intrigued by my very dear friend the gentleman from Alabama [Mr. BOYKIN] with the appeal which he has made for this project. The appeal dates back to the time of Aaron Burr, when this great broad river prevented Burr from escaping and permitted his capture. That is advanced as a reason why the river has plenty of water in it today and we should support it. I just wonder from the type and character of arguments that have been made how this country has been able to develop at all; in all the hundred years of the development of this great Nation how we were able to accomplish that without the Tombigbee Canal. It seems to me that the whole future of this Nation is dependent upon this one thing being completed sometime in the nebulous future. No one has told us in the hearings when they expect they will ever reach the Tombigbee in the natural course of things, and this canal can be completed. The gentleman from Michigan [Mr. DONDERO] stated there are already on the books enough projects so that it will be 20 years, without the addition of a single project, unless the Congress deviates from its practice of appropriating more than $50,000,000 a year.

I believe my good friend from Alabama, I believe my friend from Mississippi, that this is a good project. I believe there are a lot of things that are good projects. In my home it would be a wonderful thing if I could build a sun parlor and if I could build a few more bathrooms and put on a few more rooms, but I am telling you I cannot afford to do it; and if I could afford to do it, the materials would not be available for me to do it at the present time.

I want to ask you, when, in God's name is the Congress of the United States going to consider this question of our financial condition seriously? When are we going to act as the Representatives of the people, who are clamoring from one end of this country to the other, that we stop this expenditure of unnecessary public funds and balance the Federal Budget? When are we going to comply with the wishes of the President that we stop this spending of money and balance the Federal Budget?

Of what good will the Tombigbee or the Big Sandy be or anything else if the Treasury of the United States goes bankrupt and the economic situation of this country goes into a tail spin from which it cannot recover? I say to you, my friends, and I am looking at my very dear friend from Alabama [Mr. BOYKIN], whom I have loved ever since I have been in the Congress, I, as one Member of Congress, am not going to vote for a single one of these projects that we can get along without, until we are in a financial condition so that we can carry on the projects. Do not tell me that I am voting to throw money away on foreign soil; that this is not UNRRA; that this is INRRA, and all that sort of stuff. I am not going to vote for those things either. I am going to protect the solvency of the Treasury of the United States.

You say this is just an authorization; that it does not cost any money, and that it is self-liquidating. In God's name, let us put a thousand of these projects on the books, these so-called self-liquidating projects, and we will get ourselves out of debt by doing so. I never heard such character of economic philosophy expressed, that this Nation facing a staggering indebtedness that is worrying every honest person in this country, should now be saddled with another $2,000,000,000 of expenditures that this Nation can well get along without for a time.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

The gentleman from Michigan is recognized.

Mr. HOFFMAN. Mr. Chairman, if we who come from the States which carry the major portion of the tax burden do not watch our step, if we listen to the pleasant, pleasing gentlemen from the South, give heed to their pleas—and

thank God that they do not wear skirts, for if they did we of the North, the East, and the Central States would lose our shirts, our shoes, and figuratively speaking, be stripped of everything we have.

The gentleman from Mississippi [Mr. RANKIN] is always bragging about TVA and the cheap electricity the farmers are getting. The truth is that in Michigan we have more farmers who are using electricity and that at less cost, yes, 5 to 1, than they have in his home State of Mississippi. The joker is the rest of us are paying the fiddler for the music furnished by the gentleman from Mississippi. No one can criticize these gentlemen for looking after the interests of their constituents, but their energy and persistence should make us, who come from the taxpaying States, show a little interest in the protection of our folks. We should not always be paying the fiddler for the music to which they dance.

The gentlemen from the South are always telling us how these appropriations, and they have had billions of dollars, benefit their people. If they would exhibit the same desire to protect the people of the United States when one of these requests for billions of dollars for peoples and for nations across the seas, come up, they would be then performing the same service for the whole country that they now perform for their own districts, their own States.

Just why Republicans of the East, of the North, of the Central States, which carry so much of the tax burden, should vote year after year appropriations of millions upon millions of dollars for strictly local improvements in the South, is beyond my understanding.

Turn your attention for a moment to this map which they have been using; take notice of these rivers which, according to the map, flow into the area where they want to dig this canal. Notice the rivers coming all from the Northeast, from the North, from the West; they all come from taxpaying country, from industrial sections. These rivers not only carry a large volume of water but they carry the tax dollars of our farmers, of our industrialists, of the workers in our cities, and they carry them in just one direction—toward the South; and they carry them for just one purpose—to benefit the constituents of the gentlemen who have spoken so beguilingly, so pleadingly, so flatteringly, to us here today.

If you saw a recent issue of the Saturday Evening Post you learned how the South, with northern capital, millions of it tax dollars, is making steel and iron, and how the South proposes to not only produce the raw material but how it intends to turn the iron and the steel into machinery and tools. That is all very well. It is commendable. We are all glad to see the South built up, to see it become industrialized, but it does not follow that other States, other communities, other areas of the country should be taxed to bring about that happy end.

Our people built their factories, their dams, and their highways. They developed and industrialized their cities with their own money.

This project instead of being a national project, is a raid upon the Federal Treasury. No one criticizes the gentlemen for engaging in it, but there is no reason why other sections of the country should pay for the things they want or let them get away with it.

The gentlemen pride themselves upon their independence, they are proud, but I have noticed that when it comes to appropriations they are not only willing but they are anxious to get hold of the old Government cow, and while we in the North feed her and water her, house her and care for her, they milk her dry, and they not only milk her dry but they want us to furnish the electric milker to do the job, and if they prefer butter or ice cream to the raw milk we may assume they will ask us for the butter-making, refrigerating machinery.

This map, which stands just behind me, not only makes me think of the flow of the water and of the tax dollars into the South but it calls to mind the fact that while the end of the cow into which must go the food is up in our country, the milking end is down in Mississippi, Alabama, and the adjoining territory.

The gentleman from Mississippi [Mr. RANKIN] before the war was quite fond of telling us about what a wonderful general Robert E. Lee was—that he was the greatest general in all the world. On that subject I have nothing to say but I will say that if Robert E. Lee was the greatest general of all time, he held no higher place in the profession of arms than that held by the gentleman from Mississippi [Mr. RANKIN] in this business of milking Federal money into his own and adjoining districts.

The gentleman from Alabama [Mr. BOYKIN] with his pleasing ways, with his hospitality, his kidding and his alluring, seductive suggestions made to other Members of the House is not far behind. Neither had an equal in the ability to bore numerous and large holes into the Federal Treasury through which to draw off Federal funds.

The South, at Government expense, now has the water power. It has the raw materials. It is getting far more than its share of the fertilizer, though we of the Central States grow the bulk of the food, while they grow cotton. Soon, and at the expense of your constituents and of mine, they will be getting additional Federal money. They will build factories, install the necessary machinery, and industrialize their communities. That, as stated, is a fine thing for all of us, primarily for them; but for us from the taxpaying States to furnish the money for local improvements, then have them come in competition with our farmers and our industries, seems to be asking something which their pride should not permit them to ask, which our duty to protect our constituents and the Federal Treasury should not permit us to give.

I love these gentlemen from the South. I admire their courtesy. Some have enjoyed their generous southern hospitality, but I just cannot think their smiles or their praises justify the appropriation of millions of dollars for their local enterprises.

I would like to be a good fellow, to go along with my friend from Mississippi [Mr. RANKIN], with the gentleman from Alabama [Mr. BOYKIN], whom I so greatly admire, who is always, as we say in our country, "buttering us up," but I cannot do it at the expense of my constituents.

Mr. MURDOCK. Mr. Chairman, under a pro forma amendment, I wish to comment briefly on amendments to and debates on this river and harbor bill. The committee has acted on the amendment to strike out the authorization for the Tombigbee development. There is not a provision in this entire bill pertaining to my State, but nevertheless I am greatly interested in this bill as a whole, as to its specific provisions and the philosophy underlying it. I have listened for hours to the intense arguments pro and con, and I have heard Members say, in effect, that it is folly to authorize expenditures of money for such works as the Tombigbee project because of the great national debt hanging over our heads.

Some gentlemen have figured out this present huge national debt down to each individual, stating that it now amounts to $2,000 per person in the country. Furthermore, on the assumption that there are 300,000 individuals in each congressional district, on an average, that enormous debt hanging over the country is equivalent to $600,000,000 or more for each congressional district in the United States. These gentlemen warn and plead with us not to make such expenditures for the Tombigbee and the like, as this and other bills contemplate, but urge us rather to cut all such out and balance the budget. They point to the tragedy of a bankrupt nation and hint darkly of repudiation of the debt, and earnestly solicit our care for the Nation's creditors, especially the bond holders.

What is the course of wisdom? What would these gentleman have? To what extent shall we squeeze the pennies now, cut down on or eliminate such expenditures, and hold our hands because of our fear of this burdening debt? I verily believe that there is great danger in such a philosophy. I am convinced that this restrictive and shut-down argument renders a disservice to the country, jeopardizes the soundness of our economy and endangers the savings of our people, those savings represented by our bonded debt.

If we are ever to pay this debt, and if we are to service the debt, it can only be by maintaining a high national income and through an expanding national economy. It can only be by developing our natural resources to the full, which includes building a wealth-creating development which will not only repay its cost, but will be a source of private and national income through many, many years. If we take the reverse course, cut out building for the future, and resort to "taking in each other's washing for a living," we shall sink to a depth in national economy which will make the bottom of the pit of 1933 actually far above us.

I regard building highways and developing waterways—if they are properly

constructed and based on sound engineering—as a wise expenditure of Government funds. I have heard it asked, several times during debates, "Will the Tombigbee project be self-liquidating or will it be a perpetual expense to the Government?" The wisdom of building it now or at any time depends upon the answer to that question. The gentleman from Mississippi [Mr. RANKIN], maintains that in a real sense it will be self-liquidating. If that be fallacious argument, I am fooled thereby—but I do not believe it to be fallacious.

If the building of a highway or an artificial waterway to improve transportation and to cheapen the cost of transportation, can by any stretch of argument be proven to be wise—and that fact does not have to be proved to my mind, because it is self-evident—how much more wisdom, I ask is there in the use of Federal funds to build multiple-purpose dams, hydroelectric power plants, and irrigation projects which would not otherwise be built by private capital, in the development of our great resources in the West? I do maintain that such are wise expenditures at any time and more so now than ever before.

Why are these wise expenditures? Because they not only repay their cost, but they create new wealth, that is, tax-producing wealth, and to a greater degree than any other ways they furnish the means for developing more national wealth in private ownership on which base can more safely rest our bonded debt. On such new producers of wealth rests the hope of our Nation's creditors and they are a safeguard against the possibility of repudiation of that debt. The policy of investing, developing, and building I have been indicating is as far from a policy that I have heard sanctioned on this floor today as the North Pole is from the South Pole. Sam Jones once said that the road to heaven and hell is the same—it is only a matter of direction. Our Nation is on an economic highway. Whether we are heading toward prosperity or depression is a matter of direction. Which way would you have America go?

Mr. HEALY. Mr. Chairman, I feel that I must rise in protest against this rivers and harbors bill. In this measure it is proposed that we spend in excess of $600,000,000 for some 50 projects throughout the United States. While some of the projects may have merit, it has not been demonstrated that these projects are now needed, and I, for one, wish to protest against what is obviously "pork barrel" legislation.

I feel that the American taxpayer has earned relief from enormous and unwarranted Federal expenditures. The war which ended less than 1 year ago has imposed a staggering debt on the American people approaching $300,000,000,000.

Mr. Chairman, I have heard most pious talk on the balancing of the Federal Budget and the reduction of the Federal debt. I urge the Members of the House to vote against this "pork barrel" measure which most certainly will delay the time when our National Government will again be operating on a pay-as-you-go basis.

I voted for the amendment striking out the $116,000,000 authorization for the Tombigbee waterway. I intend also to vote against the Big Sandy project which will cost the taxpayers another $82,000,000. I will oppose a number of other projects in this bill, particularly those which give strong indication that they will provide yacht harbors and "other recreational opportunities." This whole measure is ill-advised and I hope it will not be passed.

Mr. Chairman, we can talk as much as we like about Government economy through consolidation of Federal agencies and reduction of personnel. It will amount to nothing if we launch on public-works projects which can well wait until construction cost and material costs again approach normal.

I urge the Members of the House to think twice before placing the Government in competition for materials and labor which are critically needed in the housing program. It will mean that veterans will continue to pay inflated costs for their homes for an indefinite period of time. It will mean that many consumer goods will remain in short supply and that high prices will continue.

Our country is today straining to reconvert to a peacetime economy. Private industry and particularly the home-building industry are now suffering under terrific handicaps due to shortages of both materials and skilled workers. In recognition of this critical situation the Federal Public Building Administration has suspended almost its entire program of urgently needed public buildings until a later date.

In my own district two new branch post-office buildings are urgently needed—one in Eagle Rock and a second in Highland Park. Plans for both buildings are practically complete and the site has already been purchased for one of them. Both of these projects had received preliminary approval before the war. Mr. Chairman, if we are not in a position to go forward with building programs long since approved, how in the name of common sense can we intelligently commit ourselves to additional projects?

Most of the projects authorized in this bill will require large quantities of critical building materials. Lumber will be used for concrete forms which could otherwise be used for housing. Steel will be used for concrete reinforcement and canal lock mechanisms when this steel is urgently needed in industry both for machinery and for the raw material to manufacture urgently needed consumer goods.

During the war we made a tremendous expansion of our industrial facilities. Many of the plants which were built for war purposes need additional machinery to convert them to peacetime production. In addition these plants need all the raw materials possible if they are to be able to meet the demand for consumer goods which has been built up through 4 years of war.

Mr. Chairman, no one denies that the one sure method of avoiding inflation is production. It is then the duty of every Member of this House to do his utmost to see that industry has the materials with which to produce. These materials must not be diverted into Government projects which can well wait until business is again on an even keel.

Since I have been in Congress I have consistently supported measures which I felt would benefit all of the American people. This river and harbor bill is a "pork barrel" measure which will be paid for out of the pockets of American taxpayers. They will not get their money's worth.

This $600,000,000 authorization will encourage inflation. It will unnecessarily retard reconversion. It will needlessly increase Federal expenditure. It is not economically sound and if undertaken now it will have an adverse effect on business, industry, and all of the American people. The budget must be balanced. For these reasons I vigorously oppose this bill.

The CHAIRMAN. The gentleman from Texas [Mr. MANSFIELD] is recognized for 5 minutes, the time reserved for the Committee to close debate.

Mr. MANSFIELD of Texas. Mr. Chairman, I do not want 5 minutes. I cannot do anything in 5 minutes.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that the gentleman from Texas may have 15 minutes. If anybody on the other side wants time to answer him, I do not think there would be objection to it.

Mr. DONDERO. Time had already been fixed. If the gentleman from Texas wants additional time, I think possibly we will consider it, but I do not believe he wants it.

Mr. RANKIN. I think he should have at least 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi that the gentleman from Texas may proceed for 10 minutes?

Mr. TABER. Mr. Chairman, I will have to object.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes to close the debate.

Mr. MANSFIELD of Texas. Mr. Chairman, I do not want the 5 minutes. I cannot do anything in 5 minutes.

The CHAIRMAN. Does any Member want to speak for the committee in the remaining 5 minutes reserved to the committee? The Chair receives no response.

The question is on the amendment offered by the gentleman from Tennessee [Mr. JENNINGS].

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 105, noes 103.

Mr. PETERSON of Georgia and Mr. RIVERS demanded tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. PETERSON of Georgia and Mr. JENNINGS.

The Committee again divided; and the tellers reported that there were—ayes 117, noes 109.

So the amendment was agreed to.

Mr. PRIEST. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the full and proper development of the Cumberland River is a matter in which I have been greatly interested for several years.

I shall support the Corps of Engineers' proposal as approved in the pending bill, H. R. 6407.

In supporting this plan, however, I feel there are certain aspects of the program that should be called to the attention of the House. I shall go into some of those details a little later.

Even a casual glance at the map of the area drained by the Tennessee and Cumberland Rivers will suffice to show the very close relationship between the two rivers.

Since the development of the Tennessee River is about complete under the multi-purpose program of the TVA, it seems to me now, as it has for some time, that the Cumberland River Valley should be brought into that program and made a part of an integrated plan for the entire area drained by the two streams.

I have introduced a bill to give TVA jurisdiction over the Cumberland River. The bill was referred to the Committee on Military Affairs.

During the war, and since the end of fighting, that committee has carried a heavy load of legislation directly related to the Army and it has not been possible to hold hearings on the Cumberland River bill.

I have been assured by the distinguished chairman of that committee, the gentleman from Kentucky [Mr MAY] that hearings will be held when it is possible after the clearance of other emergency legislation. In the meantime, I am supporting the pending bill.

It provides for a system of 12 dams on the Cumberland River and tributaries at a total cost when the program is completed of $220,000,000. The cost, exclusive of projects under construction—Wolf Creek, Center Hill, and Dale Hollow—is estimated at $111,700,000.

The Army plan, as approved in H. R. 6407, provides for the following dams on the main stream of the Cumberland River and on the tributaries indicated:

(a) Above Nashville: Wolf Creek, main stream, flood control and power, under construction; Center Hill, Caney Fork, flood control and power, under construction; Dale Hollow, Obey River, flood control and power, under construction; Old Hickory, main stream, navigation and power; Carthage, main stream, navigation and power; Celina, main stream, navigation and power.

(b) Below Nashville: Stewarts Ferry, Stone's River, flood control and power; Three Islands, Harpeth River, flood control and power; Rossview, Red River, flood control alone; Eureka, main stream, low dam, navigation only; Dover, main stream, low dam, navigation only; Cheatham, main stream, low dam, navigation only.

Report No. 2009, accompanying H. R. 6407, of the Committee on Rivers and Harbors, recommends completion of the three reservoirs under construction plus the Stewarts Ferry Reservoir as the first stage of the project. The second stage would be the canalization of the river below Nashville for navigation purposes through the construction of the three low dams at Eureka, Dover, and Cheatham, with the remaining projects being postponed as may seem advisable, the navigation-power projects above Nashville perhaps indefinitely.

In view of the priority given to the construction of Stewarts Ferry Reservoir and the low dams at the mouth of the river, it is essential that Congress be certain that these phases of the plan are sound, for there may be no opportunity to correct mistakes.

The two low dams at the mouth of the river are Eureka and Dover. Their cost is estimated at $13,100,000. They would serve no purpose but navigation. Since they would be modern and expensive structures, their construction would probably result in the permanent abandonment of any plan for utilizing the sites on the lower river for a project having value for flood control and power purposes as well as for navigation. The construction of these dams, in other words, would spoil the lower Cumberland for any superior type of multiple-purpose development.

A great multipurpose navigation, flood control, and power dam has long been projected for the lower Cumberland. This project is generally known as the lower Cumberland project. The Army recommended a lower Cumberland project in the earlier draft of this report. However, in this draft the project was to be used for navigation and power purposes only, with no consideration given to flood control. The reason assigned by the Army for dropping the plan for this high dam at the mouth of the river is the opposition of the Governor of the State.

The Army thus recognized the greater desirability of a high multipurpose dam on the lower river until confronted with political opposition, and its recommendation of the low dams is therefore admittedly not based on engineering grounds alone, but represents a political judgment.

The Army requested comments of TVA on its tentative report recommending a high dam for navigation and power purposes. One of the TVA's greatest projects, the Kentucky Dam, is located at the mouth of the Tennessee, only a few miles from the lower Cumberland River. The TVA project is operated for flood control as well as for navigation and power purposes.

Indeed, the fact that the Cumberland and Tennessee Rivers empty into the Ohio only a short distance from Cairo make both of these sites ideal from the point of view of controlling floods on the lower Mississippi, and TVA's Kentucky Dam is generally regarded as probably the most valuable single structure in the Mississippi flood control system.

Its location permits it to shut off the flow of the Tennessee at the mouth during times of flood crests and thus to take 2 or 3 feet of water off the flood peaks at Cairo. TVA, in response to the request for comment, therefore suggested that the Army investigate the question of whether the lower Cumberland project should not be developed, like the Kentucky Dam, for flood control as well as for navigation and power. TVA specifically suggested consideration of a plan for operating the lower Cumberland Dam at the same levels as the Kentucky project, which would provide for the use of the reservoir between 354 and 375 feet above mean sea level for flood-control purposes. This would have resulted in making available 1,566,000 acre-feet of flood-control storage on the lower Cumberland. Moreover, this plan would flood far less reservoir land than the high power dam the Army has eliminated.

The high power dam would have flooded 86,000 acres permanently, while the same dam if operated in part for flood control would flood only about 56,600 acres permanently, a difference of 30,000 acres, most of which could be retained in cultivation.

There is nothing in the record to suggest that the Army has given consideration to the suggestion of adding flood-control features to the multipurpose dam it had proposed. Instead, the Army completely abandoned its high-dam proposal and now proposes instead to build two low navigation dams at the mouth of the river.

It is, of course, impossible to say without a careful engineering investigation whether the alternative suggested for consideration by TVA would be the most desirable. TVA made no recommendation except that no decision should be made until the full possibility of using the site on the lower Cumberland for all three purposes of flood control, navigation, and power had been carefully weighed, and that it would be a serious mistake to proceed without weighing this possibility. However, to risk spoiling a site for all its possible benefits by proceeding with a plan of action not based upon the most careful evaluation of every alternative would certainly be shortsighted and ultimately very costly to the people of the Cumberland region and to the Federal Government.

It should be emphasized that the opposition of the Governor of Kentucky was to a project for power and navigation alone. It is by no means clear from the record that he would object to a project which provided for flood control as well. There are strong reasons why a dam which included flood control might not be objectionable to the interests in Kentucky which have opposed a dam for power and navigation.

(a) Adding flood control would, of course, greatly increase the over-all benefits. The location of a flood-control dam at the lower Cumberland site would make it possible to dispense with two flood-control dams on the tributaries, Rossview, which has an estimated cost of $6,400,000, and Three Islands, which has an estimated cost of $10,900,000. These two dams together would have only 700,000 acre-feet of flood storage, less than half the storage in the lower Cumberland project. Moreover, the lower Cumberland project would be able to control floods arising anywhere in the Cumberland basin for the benefit of the lower Ohio and Mississippi, whereas the tributary flood-control projects control only the very limited watersheds on two of the tributaries. This is not to say that these two projects might not ultimately be desirable. Their construction would not be precluded. However, as between those and the lower Cumberland project, the latter has many advantages which should be considered.

(b) It would reduce the amount of bottom land which would be taken out

of cultivation, because, with a high dam for flood control as well as power, the land between elevations 359 and 375 would not be flooded except in periods of great floods, and many thousands of acres which, under the Army's original plan, would have been permanently flooded, would be retained in cultivation.

(c) The elimination of Rossview and Three Islands would also save 10,000 acres from permanent flooding and an additional 13,000 acres from temporary flooding, a saving in land values which would undoubtedly have great weight in determining whether there would be local opposition to a high dam on the Cumberland.

The construction of a high dam at the mouth of the river would have great value also for navigation and power purposes:

(a) A high dam would provide much superior navigation on the lower river. The channel would be wider and deeper and one lockage would be eliminated.

(b) The construction of a high dam would conserve and develop the power potential of the lower Cumberland site, by far the greatest in the whole Cumberland Basin, except for the Wolf Creek project. The dependable capacity of the lower Cumberland project, when operated as a flood-control project, would be about 100,000 kilowatts, with a total annual output of about 540,000,000 kilowatt-hours. This power would help to liquidate a part of the cost of the Cumberland development and in addition would help to develop the Cumberland region industrially and otherwise.

We are discussing only the advisability of incorporating in the plan for the development of the Cumberland River a dam at the mouth which would serve for navigation, flood control, and power purposes. That dam would replace four of the dams in the Army's proposal—two navigation dams on the Cumberland—Eureka and Dover—and two flood-control projects on the tributaries—Three Islands and Rossview. The one dam would probably cost between fifty and fifty-five million dollars, somewhat less than the Army's estimated cost because the Army was going to operate the reservoir at top power level and hence contemplated a larger power installation, and because power operation would require the permanent flooding of a much greater amount of land.

The four dams which would be replaced would cost approximately $31,000,000, a difference in the order of $20,000,000. For this $20,000,000 the Government would get more than 850,000 acre-feet of additional flood-control storage—1,566,000 compared with 703,000—a half billion kilowatt-hours of energy annually, and a greatly improved navigation channel. These possibilities should surely not be dismissed without investigation. The Army engineers should be requested to make a further study and report back with their recommendations, based on an analysis of all alternatives.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. The project for the Lavon Reservoir on East Fork of Trinity River, Tex., authorized in the River and Harbor Act of March 2, 1945, in accordance with House Document No. 533, Seventy-eighth Congress, is hereby modified to provide for conservation storage as may be determined warranted by the Secretary of War upon the recommendation of the Chief of Engineers.

SEC. 3. That authority is hereby granted to the port of Siuslaw, a municipal corporation organized under the laws of the State of Oregon, to construct, maintain, and operate, at points suitable to the interests of navigation, dams or dikes for preventing the flow of the waters of the Siuslaw River into Duncan slough in Lane County, Oreg.

Work shall not be commenced on such dams or dikes until the plans therefor, including plans for all accessory works, are submitted to and approved by the Chief of Engineers, United States Army, and the Secretary of War, who may impose such conditions and stipulations as they deem necessary to protect the interests of the United States.

The authority granted by this section shall terminate if the actual construction of the dams or dikes hereby authorized is not commenced within 1 year and completed within 3 years from the date of the passage of this act.

The right to alter, amend, or repeal this section is hereby expressly reserved.

SEC. 4. The Secretary of War may assign two retired engineer officers of the Army, with their consent, to active duty; one as resident or senior member of the Board of Engineers for Rivers and Harbors organized pursuant to the provisions of section 3 of the River and Harbor Act of June 13, 1902, as amended, and one as resident or senior member of the Beach Erosion Board organized pursuant to the provisions of section 2 of the River and Harbor Act of July 3, 1930: *Provided*, That such assignment shall not be made for a period extending beyond 4 years from the date of retirement.

SEC. 5. That there may be established in the Office of the Chief of Engineers a position to be filled by an engineer with not less than 15 years' actual experience in the classified civil service on river and harbor or flood-control work of the Corps of Engineers; the salary for which shall be fixed, from time to time, by the Secretary of War upon the recommendation of the Chief of Engineers at not to exceed $12,000.

SEC. 6. The Secretary of War is hereby authorized and directed to cause preliminary examinations and surveys to be made at the following-named localities, the cost thereof to be paid from appropriations heretofore or hereafter made for such purposes: *Provided*, That no preliminary examination, survey, project, or estimate for new works other than those designated in this or some prior act or joint resolution shall be made: *Provided further*, That after the regular or formal reports made as required by law on any examination, survey, project, or work under way or proposed are submitted no supplemental or additional report or estimate shall be made unless authorized by law: *Provided further*, That the Government shall not be deemed to have entered upon any project for the improvement of any waterway or harbor mentioned in this act until the project for the proposed work shall have been adopted by law: *Provided further*, That reports of surveys on beach erosion and shore protection shall include an estimate of the public interests involved, and such plan of improvement as is found justified, together with the equitable distribution of costs in each case: *And provided further*, That this section shall not be construed to interfere with the performance of any duties vested in the Federal Power Commission under existing law:

Lynn Harbor, Mass.
Cuttyhunk Harbor, Mass.
Newport Harbor, R. I.
Dutch Island Harbor, R. I.
Cove Harbor and Cove Pond, Conn.
Patchogue River, Conn.
Connecticut River, Conn.
Harbor at Pine Orchard, Branford, Conn.
Greenwich Cove, Conn.
Sag Harbor, N. Y.
East Basin of Mamaroneck Harbor, N. Y.
Mohawk and Hudson Rivers, N. Y., with a view to the elimination of the water chestnut.
Rondout Harbor, N. Y.
Cold Spring Inlet (Cape May Harbor), N. J., with a view to shore protection.
Delaware River between Philadelphia, Pa., and Trenton, N. J.
Delaware River, Pa., N. J., and Del., Philadelphia to the sea.
Pennypack Creek, a tributary of the Delaware River located in Philadelphia, Pa., with a view to providing facilities for light-draft navigation.
North East River, Cecil County, Md., from Church Point to Stony Run.
Harbor at Betterton, Md.
Little Creek, Kent Island, Queen Annes County, Mr.
Tedious Creek, Dorchester County, Md., with a view to establishing such jetties as may be necessary.
Insley's Cove, Fox Creek, Dorchester County, Md.
Anchorage at Lowe's Wharf, Talbot County, Md.
St. Michaels, Talbot County, Md.
Johnsons Creek, a branch of the Wicomico River, in Somerset County, Md.
Lake Placid, Shore Acres, Anne Arundel County, Md.
Hull Creek, Va.
Harpers Creek, Mathews County, Va., and the channel connecting said creek with Mobjack Bay.
Aberdeen Creek, Gloucester County, Va.
Harkers Point Basin, at Harkers Island, Carteret County, N. C.
Cross-Rock Channel between Wallace Channel and Sheep Island Slue, via Casey Island, Pamlico Sound, N. C.
Carolina Beach, N. C.
Cape Fear River at and below Wilmington, N. C.
Holden Beach, Brunswick County, N. C.
Intracoastal Waterway, with a view to constructing a boat basin at or near Ocean Drive Beach, S. C.
Julington Creek, Fla.
Little Pottsburg Creek, Fla.
Rice Creek, Putnam County, Fla.
Sebastian Inlet, Fla.
West Palm Beach Canal, Hillsboro Canal, New River Canal, and Miami Canal, for the purpose of raising the water table in the area of Lake Okeechobee, Fla.
Boca Raton Inlet, Fla., including connection with the Intracoastal Waterway.
Channel and harbor at Everglades, Fla.
Canal from the Apalachicola River, near Wewahitchka, Fla., to East Bay, Fla.
Saint George Sound at East Point, Fla.
East Point, Apalachicola Bay, Fla.
Apalachicola Bay, Fla., with a view to constructing a yacht basin.
West Gap, Saint George Island, Fla.
Waterway from Saint Mary de Galvez Bay, across Santa Rosa Peninsula, to Sound Bay, Fla.
Choctawhatchee River, Alabama and Florida.
Sioux Bayou and connecting waterways, Mississippi.
Bayou Segnette, La.
Turtle Cove, Tex.
Arkansas River, from Little Rock, Ark., to Mississippi River via Grand Prairie.
Mississippi River at West Memphis, Tenn., with a view to the construction of a harbor.
Lake Taneycomo, Mo.
Lake De Pue in Bureau County, Ill., and its connecting channels to the Illinois River.
Wisconsin River, Wis.
Lake Superior shore line from Middle Island Point south to the mouth of Carp River with

a view to providing a harbor for light-draft vessels.

Black River, Port Huron, Mich.

Charlevoix Harbor, Michigan: The South Arm, with a view to the construction of a breakwater at or near East Jordan.

Leland Harbor, Mich., with a view to shore protection.

Millecoquin River, Mich., and the adjacent waters of Lake Michigan.

Grand Traverse Bay on Lake Michigan and adjacent waters, with a view to the establishment of a suitable lock system to permit the passage of boats between Grand Traverse Bay and Torch Lake and other lakes in Antrim County, Mich.

West Fork of White River, Ind.

Fairport Harbor, Ohio, with a view to shore protection.

Muskingum River, Ohio.

Irondequoit Bay, New York.

Great Salt Lake, at or near Garfield, Utah, with a view to providing a harbor for light-draft vessels.

The coast of northern California from Point Pinos to the northern boundary of the State, including the San Francisco Bay area, with a view to the establishment of harbors for light-draft vessels.

Harbor at Camp Pendleton, Calif., with a view to shore protection.

Harbor at Anaheim Bay, Calif., with a view to shore protection.

Harbor at Port Hueneme, Calif., with a view to shore protection.

Drift Creek, Oreg.

Duwamish Waterway, Oreg.

Deception Pass, Skagit Bay, Wash.

Shilshole Bay, Ballard Locks, Seattle, Wash.

Olympia Harbor, Wash.

Harbor at Hydaburg, Alaska.

Harbor at Angoon, Alaska.

Channel to connect Oliver Inlet and Seymour Canal, Alaska.

Tenakee Harbor, Alaska.

Harbor at Pelican, Alaska.

Harbor at Gustavus, Alaska.

Hilo Harbor, Hawaii, including consideration of a seawall to protect against tidal waves and excessive high tides.

Kawaihae Harbor, Hawaii.

Mr. MANSFIELD of Texas. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. MANSFIELD of Texas: Page 11, between lines 20 and 21, insert the following paragraph:

"Bullocks Point Cove, R. I."

The committee amendment was agreed to.

Mr. MANSFIELD of Texas. Mr. Chairman, I offer a further committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. MANSFIELD of Texas: Page 12, between lines 3 and 4, insert the following paragraph:

"Milburn Creek, Swift Creek, and adjacent bays and channels, New York."

The committee amendment was agreed to.

Mr. MANSFIELD of Texas. Mr. Chairman, I offer a further committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. MANSFIELD of Texas: Page 12, between lines 20 and 21, insert the following paragraphs:

"Levering Creek at Ewell, Md."

"Lakes Cove, Honga River, Dorchester County, Md."

The committee amendment was agreed to.

Mr. MANSFIELD of Texas. Mr. Chairman, I offer a further committee amendment.

Committee amendment offered by Mr. MANSFIELD of Texas: Page 13, between lines 2 and 3, insert the following paragraph:

"Patuxent River, Md., with a view to establishing a deep-water port at Benedict and a suitable navigation channel thence to Solomons Island."

The committee amendment was agreed to.

Mr. MANSFIELD of Texas. Mr. Chairman, I offer a further committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. MANSFIELD of Texas: Page 13, between lines 8 and 9, insert the following paragraphs:

"Salters Creek, Newport News, Va.

"At or near Hopewell, Va., with a view to the construction of a harbor for light-draft vessels.

"Oregon Inlet, N. C., and channel from Manteo to Oregon Inlet; particularly with a view to providing a depth of 12 feet to 15 feet through the Ocean Bar Channel, thence a channel 10 feet to 12 feet deep through the inlet to Pamplico Sound via Davis slough, Old House Channel, or other more suitable route."

The committee amendment was agreed to.

Mr. MANSFIELD of Texas. Mr. Chairman, I offer a further committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. MANSFIELD of Texas: Page 13, between lines 13 and 14 insert the following paragraph:

"Neuse and Trent Rivers, N. C."

The committee amendment was agreed to.

Mr. MANSFIELD of Texas. Mr. Chairman, I offer a further committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. MANSFIELD of Texas: Page 13, between lines 19 and 20, insert the following paragraph:

"Myrtle Beach, S. C.; with a view to establishing a harbor for light-draft vessels."

The committee amendment was agreed to.

Mr. MANSFIELD of Texas. Mr. Chairman, I offer a further committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. MANSFIELD of Texas: Page 14, lines 5, 6, and 7, strike out:

"Channel and harbor at Everglades, Fla.

"Channel from the Apalachicola River, near Wewahitchka, Fla., to East Bay, Fla."

The committee amendment was agreed to.

Mr. MANSFIELD of Texas. Mr. Chairman, I offer a further committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. MANSFIELD of Texas: Page 14, between lines 15 and 16, insert the following paragraph:

"Flint River, Ga."

The committee amendment was agreed to.

Mr. MANSFIELD of Texas. Mr. Chairman, I offer a further committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. MANSFIELD of Texas: Page 14, line 21, strike out "Tenn.," and insert "Ark."

The committee amendment was agreed to.

Mr. MANSFIELD of Texas. Mr. Chairman, I offer a further committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. MANSFIELD of Texas: Page 14, between lines 22 and 23, insert the following paragraphs:

"Hatchie River, Miss., and Tenn., in the interest of navigation and flood control."

"Harbor at Springsteel Island, Lake of the Woods, Minn."

The committee amendment was agreed to.

Mr. MANSFIELD of Texas. Mr. Chairman, I offer a further committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. MANSFIELD of Texas: Page 15, between lines 20 and 21, insert the following paragraph:

"Cattaraugus Creek, N. Y."

The committee amendment was agreed to.

Mr. MANSFIELD of Texas. Mr. Chairman, I offer a further committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. MANSFIELD of Texas: Page 16, line 10, strike out "Oreg." and insert "Wash."

The committee amendment was agreed to.

Mr. ANGELL. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. ANGELL. Mr. Chairman, I arise to urge support of the project appearing on page 8 of the bill H. R. 6407, designated as "Coos Bay, Oreg.; in accordance with the report of the Chief of Engineers dated April 22, 1946":

The port of Coos Bay, Oreg., is one of the major ports for off-shore and intercoastal shipping on the west coast between Portland and San Francisco, Calif. The proposal before the committee at this time is a recommendation by the Chief of Engineers, United States Army, for channel deepening and harbor improvements to provide for the accommodation of vessels requiring up to a 30-foot draft. The tonnage originating at the port of Coos Bay is important in the commerce of this country as well as other nations of the world. Changes brought about by wartime shipping make it imperative that the proposed improvements in the harbor be made if the port of Coos Bay is to enjoy its past volume and continue its normal growth.

The importance of the products originating at the port of Coos Bay is amply demonstrated by the shipping to and from that port during the war. Because of the fact that the present channel depth is only 24 feet, Liberty ships and other large, efficient vessels, built during the war, were unable to take on full

cargo at this point, since their draft requirements were from 28 to 30 feet when loaded. It was essential that the materials available at Coos Bay be moved, and in consequence, these large vessels were forced to travel to Coos Bay with partially filled bunkers of oil, take on as much cargo as would still permit the vessels to leave the harbor, and backtrack to another port to complete their cargoes and take on their full bunkers of oil. This was a wasteful and costly procedure, and much valuable time was lost. Approximately half of the vessels which called at Coos Bay during the later war years were compelled to do so under such circumstances.

The port of Coos Bay is located at the gateway of one of the most important lumber-producing areas in the United States. In the tributary area adjoining Coos Bay and southwestern Oregon, there is an estimated stand of prime lumber of 178,000,000,000 board feet. Located in the tributary area and the adjoining area are 60 operating sawmills, with an annual capacity of approximately 450,000,000 board feet. Savings in transportation costs alone to these mills average approximately $3 per thousand board feet. It is estimated that the annual lumber production, which would flow through the port of Coos Bay, will be 600,000,000 board feet. In view of the great timber reserves in this area, and the sustained yield cutting program, the facilities afforded by the proposed improvements will be needed and fully utilized indefinitely.

Within the tributary area to Coos Bay, there are excellent potential mineral industry developments, and well-developed fruit, vegetable, and dairy-products industries which production is principally canned or processed for shipment. These industries are expanding, and new industrial developments are in prospect at this time.

The need for the channel improvements is well justified by the Army engineers in their estimates, showing that, with the proposed improvements, the water-borne traffic at Coos Bay will increase from a prewar yearly average of 550,000 tons to a figure of 967,000 tons in the years following completion of the project. In further justification, the Army engineers show that the ratio of benefits to costs is exceedingly favorable, being 1 to 1.97. The district engineer, in his recommendations and report, estimated certain collateral benefits which would accrue to Coos Bay and the tributary area. When these collateral benefits are added to the direct benefits the ratio of cost to benefits is 1 to 2.64.

In view of the favorable ratio of benefits to cost, the great potential increase in tonnage originating out of the port of Coos Bay, the demonstrated need for the harbor improvements and channel deepening and the careful survey and recommendations of the Chief of Engineers, I feel this project is amply justified and warrants favorable action.

Mr. BROOKS. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BROOKS. Mr. Chairman, the Red River is one of the longest rivers in North America. It flows from the borders of New Mexico through Texas, Oklahoma, Arkansas, and Louisiana. It is over 1,300 miles in length and has a valley of over 93,000 square miles—a veritable empire.

The project which we have under discussion is for the improvement of Red River for navigation purposes along the lower portion of the river. Since Red River has a strong current and has shifting banks, the engineers have recommended the use of certain lateral streams located on the west side of the river and running parallel to it. The streams used are largely old passageways which at one time may have constituted the main channels of the river. As a result of this fact, a minimum amount of work is required to be done.

The channel proposed will be 9 feet deep and 100 feet wide. It will begin 3 miles below Shreveport and will continue to the lower end of Red River. It will make possible the return of navigation on Red River.

Mr. Chairman, for over 20 years the people of the Red River Valley have been working on this project. The focal point of the work has been largely around my home town, the city of Shreveport, where the businessmen and, in fact, all groups of interested persons have been working constantly on the accumulation of data and upon the development of this project. The need of navigation has been carefully estimated and the benefits from the construction of the canal to the taxpayers have been figured to the minute dimension. We have actually assembled figures and definite promises from shippers of cargoes covering over a million tons per annum which will be shipped by this canal; and this amount is only 60 percent of the real tonnage which we can depend upon to be shipped by water as soon as the project is completed.

The Army engineers in their report show an annual benefit from the construction of this canal of over $3,500,000. The Louisiana State Department of Public Works, which spent several years working on the project, estimated the annual benefits to be more than $4,500,000. This means in benefits that the entire project is self-liquidating and should be completely paid for in a period of time not exceeding 10 to 15 years.

The project is badly needed by the entire country. It means the first development of this great river for water transportation. It means the first penetration for navigation purposes of a great inland empire which remains to be developed. Such commodities as petroleum products, lumber, cotton, heavy ore products are all produced in enormous quantities in this general area. The largest oil field in the world, located in east Texas, will be served by this canal, as will, likewise, be the iron-ore lands of the Lone Star State. Great areas in south Arkansas, as well as north Louisiana, will feel the effects of this great development. The construction of the canal will make possible the movement at low freight rates of these raw materials to the great markets of the North and East where many of them will be processed. It also means a direct connection with all of the inland waterways of the Gulf and, consequently, with most other States of the Union.

I do not know of one single project which means more for the amount of money involved to the people of the United States than does the development of the lower part of Red River for navigation purposes. Mr. Chairman, I feel that the House should have an opportunity of knowing the real importance to the Nation of the Red River navigation project.

Mr. ALLEN of Louisiana. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

RED RIVER LATERAL CANAL

Mr. ALLEN of Louisiana. Mr. Chairman, the pending river and harbor bill is one of the most important bills for internal improvement ever presented to Congress. It has projects all over the Nation. I wish to discuss in particular, however, the project for the construction of the Red River lateral canal in Louisiana. This is a proposal to construct a canal along the west side of Red River from Shreveport to a point near the mouth of the river. The canal is to be 100 feet wide and 9 feet deep.

I have been working for this for years. I have presented the matter to the Board of Engineers for Rivers and Harbors on more than one occasion. It has been carefully worked out and planned by the very efficient Corps of Engineers of the War Department. They have recommended it. They agree that it is economically sound, and those gentlemen have the reputation for being conservative. If that project receives the approval of this House today and later the approval of the Senate and the President, as I hope and believe it will, the benefits to the entire State of Louisiana, and particularly all of northwest Louisiana, will be almost inestimable. In fact, this canal, when constructed, will be a distinct asset to the entire Nation.

From an industrial standpoint, it will open up that vast section of the country to manufacturing. It will make it possible for plants to locate in that area and enter into competitive manufacturing. The matter of transportation now places us at a great disadvantage. Cheaper rates make industrial opportunities. Industries go where opportunity beckons. This canal will open the opportunity. We have vast quantities of raw material in that region. It is rich in timber, oil, gas, salt, and other natural products.

From the standpoint of agriculture, the canal will fit into the picture very well indeed. The Red River Valley is undoubtedly one of the finest agricultural

regions in the whole world. We can produce nearly anything. Not only that, but it is fast becoming a livestock region, a cattle center. We have many fine purebred herds of cattle. We have the climate, the water, and the grass necessary. It is a great cotton section also. This canal will give us the rates to market our products.

The canal will also greatly assist agriculture from a drainage standpoint. It will be a distinct help to flood control also. In some parts of this area drainage is something needed. This canal will drain a large part of Avoyelles, Rapides, and Natchitoches Parishes, and there is no finer agricultural section anywhere. More of that fine land will be made available for farming and grazing. The drainage in Avoyelles Parish alone will, in time, be worth millions.

I desire to say a word as to the military angle of this canal. Here is where it will pay dividends also to the entire Nation. The Eighth Congressional District of Louisiana, which I have the honor to represent in Congress, was perhaps the largest military area in the Nation during the Second World War. We had four large Army camps in that district. We also had several airfields and perhaps the best maneuver area anywhere. We had a half million men on maneuvers down there at one time. If we should ever have another war—and God forbid that we should—this canal can and will play a very important part in our military activities. The canal will run almost through the heart of that area, and will be a tremendous military asset.

Mr. Chairman, I want to urge the approval of this bill containing this all-important Red River Valley Canal. I greatly appreciate the kind consideration given the project by the Rivers and Harbors Committee. I urge prompt passage. I urge this not only for the people whom I represent, not only for that vast area through which the canal will pass, but I urge it for the State of Louisiana, for the entire Southwest and for the Nation as a whole. It will be an asset to the State and Nation.

Mr. LARCADE. Mr. Chairman, I ask unanimous consent to extend m remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. LARCADE. Mr. Chairman, as a member of the Rivers and Harbors Committee I rise in support of the pending bill, and I urge you all to vote for this bill.

Due to the absence of our distinguished chairman the gentleman from Texas [Mr. MANSFIELD], it was necessary for our next ranking member the gentleman from Georgia, the Honorable HUGH PETERSON, to take charge of the hearings, and while most of the members made every attempt to attend all of the hearings, on account of the enormous amount of work that all of the Members of the Congress have, it has been almost impossible for all of us to be present during the entire time of the progress of the hearings.

The hearings were scheduled far in advance of the date of the beginning, and full notice was given in writing, orally, and by publication of the schedule of projects and dates of consideration, and to be certain that all of the Members of the Congress would have full notice, in addition to the public and interested parties, the notice giving the agenda of the hearings was published in the CONGRESSIONAL RECORD, and everyone was given full notice, and all who desired to appear before the committee, for or against any project, were given full and ample opportunity.

General Wheeler, the Chief of Engineers, appeared before the committee and made the opening statement which reflected his great wisdom and experience in regard to rivers and harbors and flood-control matters, and due to the fact that the Flood Control Committee was holding hearings simultaneously with the Rivers and Harbors Committee, General Wheeler was available when needed for consultation; however, it was impossible for him to be in attendance at both committees, and it was necessary for him to assign one of his top-ranking assistants to our committee in the person of General Feringa.

It is not necessary for me to tell you of the splendid work performed by General Feringa during those long and tireless hearings, as any one of the members of the committee or any of those who appeared before or observed the presentation of the many projects by General Feringa are well aware of the patient and competent and tolerant manner in which General Feringa represented the Corps of Engineers. His familiarity with each project, and his arguments and answers to all questions relating to any subject connected with the various projects was astounding, and while some of the statements and recommendations of the Corps of Engineers were challenged, General Feringa substantiated all of them to the entire satisfaction of the committee and undoubtedly to the satisfaction of the unprejudiced questioners.

Since the meetings of the committee extended well over a month and every opportunity was accorded to everyone interested to appear for or against any of the projects and due to the exhaustive consideration given every project, the testimony was of great length and statements were made before the committee by many distinguished citizens, governors of States, Members of the Senate and House, representatives of many chambers of commerce, civic clubs, labor organizations, railroads, ports, waterway districts, cities, harbor districts, public officials, departments of state, and interested citizens generally.

Mr. Chairman, I call to the attention of the Members the diversity of the projects included in this bill. I believe that there are at least 35 States directly affected in the projects submitted for your approval in this bill, and as a matter of fact it is my opinion that every State in the Union will receive some benefit from all of these projects, and aside from the economic justification, not only of the projects themselves, but I think that the wide distribution of the projects on which this authorization is sought will guarantee, over a period of time, a means of furnishing employment to thousands of returning ex-servicemen all over the country, and will insure for them employment certain if we should be unfortunate enough to have widespread unemployment in the months and years to come.

I think that we are all grateful for the assistance of our distinguished chairman the gentleman from Texas [Mr. MANSFIELD] for his great interest and work in cooperation with the Corps of Engineers in the preparation of the projects included in this bill, and we are fortunate to have him here today to guide the bill through the House for your consideration.

I also wish to acknowledge our gratitude to the gentleman from Georgia, the Honorable HUGH PETERSON, ranking member of the committee, who so punctually and patiently carried on the hearings on the projects in this bill, and his knowledge and experience was of great help to the committee, and I say that the gentleman from Georgia [Mr. PETERSON] is to be congratulated on the manner in which he handled the hearings, as well as upon the excellent and well-balanced bill presented here today.

Mr. DOYLE. Mr. Chairman, I ask unanimous consent that the gentleman from California [Mr. OUTLAND] be permitted to extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. OUTLAND. Mr. Chairman, I note that in H. R. 6407, which was discussed in the House yesterday, authority is granted for the preliminary examination of the harbor at Port Hueneme, Calif., with a view to shore protection. I am very grateful to the chairman and members of the Rivers and Harbors Committee for the inclusion of this project in the bill as the situation existing at Port Hueneme is of an emergency nature. Due to excessive beach erosion recently, immediate protective measures are necessary to safeguard the health and property of the city. Without these protective measures, the out-fall sewer of the city of Oxnard, as well as the port's disposal system, are menaced. This breakdown would constitute a far-reaching disaster. One serious storm might precipitate it. Moreover, this problem is not merely a local one, but is complicated by the very large Navy installations situated at this port. I trust that when this bill is passed all possible speed will be employed by the United States engineers on account of the emergency nature of the project.

Mr. DOYLE. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

PUBLIC WORKS ON RIVERS AND HARBORS PAY PERMANENT DIVIDENDS TO THE PEOPLE OF THE UNITED STATES

Mr. DOYLE. Mr. Chairman, it has been a real pleasure to me, as well as a source of information and satisfaction, to sit as a member of the Rivers and Harbors Committee of this House.

Industry and intent to find the best way to benefit our Nation is the governing motive in its debates and decisions.

Having traveled thousands of miles last summer with the subcommittee of this committee, to the Pacific coast, in a survey and study of beach erosion, I then saw as a freshman Congressman the keen application to duty of the older members of the committee.

This bill before us, H. R. 6407, sounds in another opportunity to wisely develop important waterways of our Nation. Evidence presented to us in our extended committee hearings clearly showed that water transportation of freight has redounded to the benefit of the people at large, by reason of lower cost transportation.

And while this bill, H. R. 6407, looks to the projected improvement of riverways and canals, rather than coast-line harbors, I believe it is only by a well-rounded development to use of our inland waterways, that our national transportation needs and deserts will be best served. Soon we will naturally be taking up the important matter of necessary development of coast harbors. The coast harbors—Atlantic and Pacific—are definitely related to inland waterway developments. The development of our great river courses will make further development of our coast-line harbors essential.

The great harbor of Long Beach, Los Angeles County, Calif., is one of these natural assets to the west coast needs. It is one of the doorways to the almost unlimited markets of the Orient. It cordially harbors the great Fifth Fleet of the United States Navy; and this Congress recently voted funds toward completing the Federal breakwater. I know that great harbor will need and deserve further assistance by Uncle Sam.

Upon returning to Washington last September from my home in Long Beach, Mrs. Doyle and I deliberately drove to and through some of the valley of the Mississippi and Missouri in order to personally observe more of its course and development than we had ever had opportunity to do before.

The records of the Corps of United States Engineers prove justification of the wise policy of Congress in heretofore having adopted a policy of development of these inland waterways and coast line harbors. As every project must first be justified as economically sound, through keen and definite study, survey, and findings by the engineers, our committee has decided advantage in its committee consideration. Thus, systematic and progressive development of our coastal ports and harbors in connection with a progressively developed inland waterway system, will result normally in paying dividends to the people of the Nation. These natural waterways form a lacework of opportunity for blessing for, and economic advancement of, the people of our Nation.

Economic transportation begets progress in population and increased population produces need for further transportation facilities by water and by rail, too.

This bill merely authorizes an intelligent beginning on projects found to be needed. We must balance our budget as soon as practical so to do; it is true. But the nonapproval of these projects now will not make the difference in the budget for this year at all events.

The necessary expansion of peoples and projects in this new era for America, in industry, commerce, agriculture, transportation—these requirements all bespeak waterway development shall now be authorized and commenced as indicated in this bill.

Mr. FEIGHAN. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. FEIGHAN. Mr. Chairman, pages 47 and 48 of the report accompanying H. R. 6407 described briefly the situation obtaining with reference to the Cleveland Harbor, and clearly shows how meritorious this project is.

May I call the attention of the Members of the House to the fact that local interests will contribute almost dollar for dollar in carrying out this much needed project. I sincerely hope that every Member of the House will support the authorization for completion of the Cleveland Harbor.

Mr. KEARNEY. Mr. Chairman, many years ago the water chestnut was brought from China and planted in Collins Lake, Scotia, N. Y. Year after year this weed grew, until in the summer of 1945 practically the entire lake was covered with the water chestnut. From Collins Lake the weed appeared in certain parts of the Mohawk River outside of Schenectady, N. Y., and later in spots in the Hudson River. It seems improbable, but this weed finally appeared in the Potomac River, and for several years the United States Army engineers have been cleaning out parts of the river to get rid of this growth, which is a menace to navigation.

After a survey of the situation at Scotia and in the Mohawk River, an appeal was made to the United States Army engineers at their Albany, N. Y., headquarters. Col. Clarence Renshaw, district engineer, who I understand had much to do with the clearance of the weed from the Potomac River, advised those interested that while the water chestnut was a menace to navigation, the eradication of the weed was purely a maintenance project, due to the fact that it would have to be cut back again and again for many years to come. For this purpose it was necessary to appropriate Federal funds to direct and conduct a preliminary examination and survey of the Mohawk and Hudson Rivers in the State of New York, with a view toward the elimination of the water chestnut. I introduced bill H. R. 5609 for this specific purpose under date of February 27, 1946, which bill was referred to the Committee on Rivers and Harbors and then incorporated in this omnibus bill H. R. 6407, now under debate, which provides for the construction, repair, and preservation of certain public works on rivers and harbors and for other purposes. Among the other purposes was provision for this project.

The situation has become so bad in the Mohawk and Hudson River areas that it is impossible for patrol boats, necessary for law enforcement, to operate because the water chestnut is so dense; it is equally bad for rowboats. The growth of this plant is a breeding spot for mosquitos and also chokes out beneficial duck food plants. Attempts have been made by the Army to use flame throwers in an effort to burn the weed, but the engineers have found that cutting was the most practical method. Unless provision is made without unnecessary delay for the task of surveying and completing the eradication of this weed, it will in the long run cost the Federal Government thousands and thousands of dollars. It is necessary speedy action be obtained and the survey conducted without delay.

Mr. HORAN. Mr. Chairman, I am pleased that the committee has seen fit to authorize the construction of Foster Creek Dam.

From a full and fair investigation of H. R. 6404 it is obvious that the record justifies the claim that the Foster Creek project from the standpoint of feasibility, self-liquidation, public benefits, and defense justification stands at the top of the list of projects included in this bill.

The Columbia River from the international boundary to its mouth has been under continuous survey and investigation since the Rivers and Harbors Act of 1925. The 103 Report of the Army engineers submitted to Congress on March 22, 1932, outlined a sound and detailed program for the development of this stretch of the Columbia River. As a result of this outstanding, classical report two of the recommended dams have been built and were in operation during the war period. Another project was authorized in the last rivers and harbors bill, namely, the Umatilla project which has now been legally named the McNary Dam. Foster Creek now before this House is another unit of the over-all program first developed in 1932.

A comparative examination of the reports and estimates submitted to Congress and based entirely on cost and benefits per dollar invested shows that the Foster Creek project will give the greatest return for the least cost of any of the 10 submitted Columbia River projects, including the two which have been built. From the standpoint of power market and return to the Treasury, no better multipurpose project has ever been submitted to Congress for authorization. This project has such outstanding merit because of the local damsite layout created by nature. These observations are not conjectural estimates. All of these facts have been fully substantiated. The late Army reports, although more in detail, fully confirm the earlier recommendations and conclusions.

The point that I now wish to stress is that the Foster Creek project will in no way become a burden to the taxpayer. The operating results of the two completed projects as well as the Bonneville Act of 1937 insures full repayment. I have for some time been deeply interested in the repayment responsibility of such projects. A year ago I asked the Secretary of the Interior to submit to Congress a complete payout report on the two completed Columbia River installations. This repayment report has been submitted to the Congress and demonstrates the full payout capability of the Bonneville and Grand Coulee projects. Load estimates have also been submitted which are conservatively in step with the payout test already submitted. Therefore, the consideration of the self-liquidating feature of the Foster Creek project must be understood.

The 1937 act also contains the necessary guaranties to cover such liquidation and to insure a step-by-step development which will be so constructed as to meet market growth and no more. This act further stipulates how all costs and accounting shall be handled and provides that the rates shall be such as to insure self-liquidation together with the provision for a recheck of rates every 5 years.

During the course of my investigation of the previous record I have been amused at the early debate references to Bonneville and Grand Coulee as "white elephants." The white elephants mentioned in the debates of 1938 and 1939 became the war work elephants of 1941–45. Our colleague the gentleman from Oklahoma, the Honorable JED JOHNSON, has well stated on this floor:

> I shudder to think where this Nation would have been in this war without the two Columbia River plants.

The contribution of these two plants to the air, atomic bomb, and munitions programs was such that it can be conservatively stated that without such contributions the war would have been prolonged with resulting greater losses of life and treasure.

Time is not available under the rules to recount these contributions except to say generally that they were heroic. The influence of these two Columbia River plants on the cost of airplane metal to the Government exceeded the entire first cost of these two power installations.

There is another point which should not be overlooked in the consideration of Foster Creek and that is its national defense justification. This I consider the most important of all justifications that can be offered. We should completely realize and consider the requirements resulting from the modern mechanization of war. As a result of this progress, if it can be called progress, low cost abundant electrical energy has become one of the most vital of war production commodities. During the recent national emergency the Bonneville and Grand Coulee Dams fortunately provided such a large source of power that the rapid developments, to meet the war needs of this country were possible. For 20 years previous to Pearl Harbor this country had not kept up with modern industrial processes. As a result in 1940 it became evident that we were not prepared to fight a modern war because of the lack of electrometallurgical and electrochemical facilities. Fortunately, the large and dependable power supply on the Columbia allowed the Nation to rapidly overcome past deficiencies and quickly provide the tools of victory. The recent war plant leases of the War Assets Administration show that the capacity used so successfully during the war will be fully used during the period of peace to meet the commercial shortages in light metal.

Atomic energy is becoming an increasingly important factor in international commerce and relations. Therefore, in this connection it must be realized that the reduction of fissionable material depends on low-cost hydroelectric power. Nowhere on this continent can such quantities of low-cost power be obtained. Future air developments are also in the offing. These air-development plants today are just as much in the hush-hush stage as the atomic bomb was in 1942. I am familiar with some of these recent programs and I can state on the best of authority, that without Foster Creek power we are not in the position to carry forward such programs. As has been repeated time and time again on this floor, the Columbia River has outstanding power potentialities. This is one of our greatest national assets. Nowhere in the United States do such development opportunities exist. By authorizing power sources in advance, this country can quickly prepare itself to meet any defense or commercial requirement.

The Foster Creek project cannot be considered as an isolated project. The water and power contributions, as well as the revenues that this project can and will produce insure the greater financial feasibilities of the lower-river plants. It will also very materially augment navigation benefits. The revenue contribution received from the Foster Creek project will further enhance the financial returns of the other river projects. Therefore, the navigation, flood, and reclamation benefits cannot and must not be considered on an isolated basis but rather from the standpoint of an integrated development.

There are three constitutional provisions which will place this project on a sound foundation. The first is the commerce clause, another is the general welfare clause, and the third is the war powers clause. This project is only one step in the responsibilities assumed by the Federal Government when the Bonneville and Grand Coulee projects were initiated and Congress in the 1937 act laid down the policy governing grid construction.

The authorization of this project will in no way interfere with the development of private initiative or enterprise. In fact, the principal power outlets of the existing system are private industrial plants. It must be remembered also that it takes from 5 to 10 years to construct such projects as Bonneville, Grand Coulee, and Foster Creek. Such construction cannot be accomplished in time to supply a power need, once an emergency has arisen. Therefore, it should be fairly stated that the obsolete arguments used in former general debates have no place in the modern scheme. Foster Creek Dam will add to the American wealth, security, and productiveness in many ways.

Mr. SPRINGER. Mr. Chairman, the so-called rivers and harbors bill, which is now before the House, is merely another pork-barrel measure, which is sapping the resources of our people and of our Nation, and it is absolutely preventing any possibility of balancing our Budget.

May I say that I am astounded at the attitude which has been taken, by some, during the consideration of this measure? Our Nation is in peril—we are standing at the threshhold of bankruptcy—but some of my good friends are willing to force a further debt upon our people, and in many instances for no good purpose, but they appear to look upon our indebtedness very lightly. Debts which are increased will, in time, destroy the power to incur indebtedness. We are approaching that day. I am greatly disturbed because of our very precarious financial condition and because of the enormous indebtedness which is being piled up against our Government, and there is apparently no thought of the future and there is very little thought of the burden which is being heaped upon our taxpayers. They have just about reached the end of the road, and this body, in very large part, appears to give but very little consideration to that frightful situation.

Mr. Chairman, these are very serious days. The people at home realize that fact, because they are burdened by the heaviest taxes of any nation, and this present measure will add to those taxes and to the burden of the people. There is not effort being made to decrease the tax burden. The sole thought, of the majority, appears to be that the indebtedness be increased with due regularity and the tax burden upon the people be increased accordingly. I will vote against this pending bill, because it is entirely wrong. I want to do all I can to protect the people of this Nation and of the district which I represent. I desire to express my views upon this measure, and to give my reasons for opposing it.

Mr. Chairman, heretofore it has been at least tacitly agreed that the Rivers and Harbors Committee would not report out any projects, in any one year, which would cost in excess of the sum of $50,000,000. That policy has been followed, I understand, in the past. But, since the frightful war in which we have been engaged is over—and when we are standing under the staggering debt of more than $280,000,000,000, which we must meet and pay—we have presented to us, in this pending measure, a program which will cost the staggering sum of approximately $600,000,000. That is in complete contravention of the understanding and agreement which has heretofore prevailed. With that staggering debt before us, and with the confusion and distress prevailing in our country, and with the uncertainty of our future

as one of our major problems, there should not be any measure of this character presented to the House at this time for the expenditure of huge sums of money, but the people should be given a chance to make some progress in this great Nation without this added burden being imposed upon them.

Mr. Chairman, we have in the Committee of the Whole House stricken out the Big Sandy River project, and we have also stricken out the Tombigbee River project. It is my understanding that an effort will be made to place both of these projects back into this measure in the House. It has been my privilege to vote against each one of these projects that have been stricken out of this bill, and I will cast my vote, and the vote of the people in my congressional district, against each and both of these projects in the House if those items are brought up for vote. And, at this point, may I say that in the event either one, or both, of these projects are restored to this bill, I will vote against the entire bill on the final vote on passage.

To clarify my position, may I say that the Tombigbee River project will cost, according to the report, the sum of $116,941,000, and it carries a maintenance cost of $811,000. Under this project a canal some 40 miles in length will have to be constructed in order to make a river and then the problem of making that artificial river navigable will be problem No. 2. We have grown and developed for more than 150 years without this construction. Now, when we are almost entirely submerged in debt, this matter is presented to us at a huge cost, and with an annual maintenance cost to the taxpayers of our Nation. This project is useless, and it is worthless—and I am unalterably opposed to it.

Further, to clarify my position upon this measure, I desire to refer to the Big Sandy River project. I have already made by position clear upon this matter during the debate on this measure; however, suffice it to say that this proposal would cost the sum of $82,300,000; that is the estimated cost; I am confident it will cost a much larger amount if it is approved. This so-called river is not navigable, it dries up during the summer, yet it is proposed to make this river navigable by a process of "artificial respiration"—by artificially running water up hill, and establishing 10 huge dams and locks, and by retaining the water in these dams, and releasing it, as needed, to provide water for navigation—and, in fact, to wash the barges and small craft downstream—to the Ohio River. Transportation is now available in this particular area, as there are two railroads already constructed and in operation in that vicinity. The annual cost of maintenance, pumping water up hill, and the cost of operation will be a vast amount if this project should be approved by the House.

Mr. Chairman, with our present financial distress upon us, with the great confusion and distress which we find on every hand, with our returned and returning veterans among us—all trying to secure a job, and they are struggling with the burden of taxes, I plead with the Members to defeat these two projects, contained in this bill, and it is my fervent hope that this entire bill will be defeated upon the final vote for passage in the House. Our people, at home, are relying upon us—we represent them—we are speaking for them—we must not breach the faith they repose in us. May I say that I, as one Member of this body, do not intend to commit any breach of the trust reposed in me by the people I represent. I will be true to the truth—I will vote against this useless and needless expenditure of the taxpayers' money. The President says he "wants to balance the budget." If measures of this character are passed by the Congress, there is no possibility of balancing the budget, but there is a probability of forcing our Nation into utter bankruptcy. The people are apprised of our frightful situation, and I am certain they resent the attitude of Congress in voting for, and passing, legislation of this character, which can well be postponed. Therefore, I shudder, today, as we scan our obligations and our future. Let us meet this threat, and let us help our people out of the slough of despond—let us defeat this proposal.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. SPARKMAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 6407) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, pursuant to House Resolution 646, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. MAY. Mr. Speaker, I ask for a separate vote on the so-called Dondero amendment relating to the Big Sandy project.

The SPEAKER. Is a separate vote demanded on any other amendment?

Mr. KEFAUVER. Mr. Speaker, I ask for a separate vote on the so-called Jennings amendment relating to the Tombigbee project.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

The SPEAKER. The Clerk will report the first amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment offered by Mr. JENNINGS: On page 4, lines 11 to 13, inclusive, strike out lines 11, 12, and 13.

Mr. DONDERO. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DONDERO. Mr. Speaker, the amendment which I offered was voted on first. Does that take precedence over the other amendments?

The SPEAKER. The so-called Jennings amendment appears first in the bill.

The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. TABER) there were—yeas 92, nays 104.

Mr. TABER. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and fifteen Members are present, not a quorum.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 164, nays 184, not voting 82, as follows:

[Roll No. 150]

YEAS—164

Adams	Gillette	Mason
Andresen, August H.	Gillie	Mathews
Andrews, N. Y.	Goodwin	Michener
Arends	Graham	Miller, Nebr.
Arnold	Granahan	Monroney
Bailey	Grant, Ind.	Morgan
Baldwin, N. Y.	Green	Neely
Barrett, Pa.	Griffiths	O'Brien, Ill.
Bates, Mass.	Gross	O'Toole
Beall	Gwinn, N. Y.	Pickett
Bennet, N. Y.	Hall, Edwin Arthur	Rabaut
Blackney	Hall, Leonard W.	Rabin
Bloom	Hancock	Ramey
Bolton	Hand	Randolph
Bradley, Pa.	Healy	Rayfiel
Brehm	Hedrick	Reed, Ill.
Buck	Heffernan	Rich
Buffett	Henry	Rizley
Bulwinkle	Herter	Robsion, Ky.
Butler	Heselton	Rockwell
Campbell	Hess	Rodgers, Pa.
Canfield	Hoch	Rogers, Mass.
Cannon, Mo.	Hoffman	Ryter
Carlson	Holmes, Mass.	Sabath
Case, N. J.	Hope	Sasscer
Case, S. Dak.	Howell	Schwabe, Okla.
Celler	Huber	Scrivner
Chenoweth	Jenkins	Shafer
Chiperfield	Jennings	Sharp
Church	Jensen	Sheridan
Clevenger	Jonkman	Simpson, Pa.
Clippinger	Kean	Smith, Maine
Cole, Kans.	Kearney	Smith, Ohio
Cole, N. Y.	Kee	Smith, Wis.
Corbett	Keefe	Somers, N. Y.
Crosser	Kilburn	Springer
D'Alesandro	Kilday	Stevenson
Dirksen	Kinzer	Sumner, Ill.
Douglas, Ill.	Klein	Taber
Eaton	Kopplemann	Talbot
Ellis	Kunkel	Talle
Elsaesser	Latham	Taylor
Elston	LeCompte	Thom
Engel, Mich.	LeFevre	Thomas, N. J.
Fallon	Lewis	Tibbott
Fellows	Luce	Towe
Fenton	McConnell	Traynor
Folger	McCowen	Wadsworth
Forand	McGregor	Wasielewski
Fuller	McMillen, Ill.	Weichel
Fulton	Madden	Wigglesworth
Gamble	Maloney	Wilson
Gavin	Martin, Iowa	Wolcott
Gerlach	Martin, Mass.	Wolverton, N. J.
Gifford		Woodruff

NAYS—184

Abernethy	Brown, Ga.	Daughton, Va.
Allen, La.	Bryson	Delaney, James J.
Almond	Bunker	Delaney, John J.
Andrews, Ala.	Byrne, N. Y.	D'Ewart
Angell	Camp	Dingell
Auchincloss	Cannon, Fla.	Domengeaux
Barden	Carnahan	Doughton, N. C.
Barrett, Wyo.	Chapman	Doyle
Barry	Chelf	Drewry
Bates, Ky.	Clark	Earthman
Beckworth	Clements	Feighan
Bell	Coffee	Fisher
Bennett, Mo.	Cole, Mo.	Flannagan
Biemiller	Combs	Flood
Bishop	Cooley	Fogarty
Bland	Cooper	Gallagher
Boren	Cox	Gary
Boykin	Cravens	Gathings
Bradley, Mich.	Cunningham	
Brooks	Curtis	

Geelan	Lemke	Quinn, N. Y.
Gibson	Link	Rains
Gillespie	Lyle	Rankin
Gordon	Lynch	Reed, N. Y.
Gore	McCormack	Rees, Kans.
Gorski	McDonough	Resa
Gossett	McGehee	Riley
Grant, Ala.	McGlinchey	Rivers
Gregory	McKenzie	Robertson,
Gwynne, Iowa.	McMillan, S. C.	N. Dak.
Hagen	Manasco	Robertson, Va.
Hare	Mankin	Roe, Md.
Harless, Ariz.	Mansfield,	Rogers, Fla.
Harris	Mont.	Rogers, N. Y.
Hart	Mansfield, Tex.	Rooney
Havenner	Marcantonio	Rowan
Hays	May	Savage
Hébert	Miller, Calif.	Short
Hendricks	Mills	Sikes
Hinshaw	Morrison	Smith, Va.
Hobbs	Murdock	Sparkman
Hoeven	Murphy	Spence
Horan	Murray, Tenn.	Starkey
Hull	Murray, Wis.	Stigler
Jarman	Norblad	Stockman
Johnson, Calif.	Norrell	Sullivan
Johnson, Ill.	O'Brien, Mich.	Sumners, Tex.
Johnson,	O'Hara	Tarver
Luther A.	O'Konski	Thomas, Tex.
Johnson,	Outland	Thomason
Lyndon B.	Pace	Torrens
Johnson, Okla.	Patterson	Trimble
Judd	Peterson, Fla.	Vursell
Kefauver	Peterson, Ga.	Walter
Kelley, Pa.	Pfeifer	Weaver
Kelly, Ill.	Philbin	West
Keogh	Phillips	Whitten
Kerr	Pittenger	Whittington
Kirwan	Plumley	Wickersham
Knutson	Poage	Wood
LaFollette	Powell	Woodhouse
Lane	Price, Fla.	Zimmerman
Lanham	Price, Ill.	
Larcade	Priest	

NOT VOTING—82

Allen, Ill.	Engle, Calif.	Patman
Andersen,	Ervin	Patrick
H. Carl	Fernandez	Ploeser
Anderson, Calif.	Gardner	Pratt
Baldwin, Md.	Gearhart	Reece, Tenn.
Bender	Granger	Richards
Bonner	Hale	Robinson, Utah
Brown, Ohio	Halleck	Roe, N. Y.
Brumbaugh	Harness, Ind.	Russell
Buckley	Hartley	Sadowski
Byrnes, Wis.	Hill	Schwabe, Mo.
Clason	Holifield	Sheppard
Cochran	Holmes, Wash.	Simpson, Ill.
Colmer	Hook	Slaughter
Courtney	Izac	Stefan
Crawford	Jackson	Stewart
Curley	Johnson, Ind.	Sundstrom
Davis	Jones	Tolan
Dawson	King	Vinson
De Lacy	Landis	Voorhis, Calif.
Dolliver	Lea	Vorys, Ohio
Dondero	Lesinski	Welch
Douglas, Calif.	Ludlow	White
Durham	Mahon	Winstead
Dworshak	Merrow	Winter
Eberharter	Mundt	Wolfenden, Pa.
Elliott	Norton	Worley
Ellsworth	O'Neal	

So the amendment was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Winter for, with Mr. Bender against.

Mr. Landis for, with Mr. Jackson against.

General pairs until further notice:

Mr. Izac with Mr. Ploeser.

Mr. O'Neal with Mr. Ellsworth.

Mr. Sheppard with Mr. Schwabe of Missouri.

Mr. Bonner with Mr. Mundt.

Mr. Slaughter with Mr. Simpson of Illinois.

Mr. Cochran with Mr. Vorys of Ohio.

Mr. Tolan with Mr. Stefan.

Mr. Colmer with Mr. Johnson of Indiana.

Mr. Vinson with Mr. Holmes of Washington.

Mr. Buckley with Mr. Jones.

Mr. Courtney with Mr. Hill.

Mr. Voorhis of California with Mr. Dolliver.

Mr. De Lacy with Mr. Harness of Indiana.

Mr. Fernandez with Mr. Crawford.

Mr. Roe of New York with Mr. Halleck.

Mr. Davis with Mr. Dondero.

Mrs. Douglas of California with Mr. Hale.

Mr. Winstead with Mr. Byrnes of Wisconsin.

Mr. Eberharter with Mr. Allen of Illinois.

Mr. Worley with Mr. Brown of Ohio.

Mr. Gardner with Mr. H. Carl Andersen.

Mr. Holifield with Mr. Hartley.

Mr. Engel of California with Mr. Anderson of California.

Mr. Lesinski with Mr. Dworshak.

Mr. King with Mr. Merrow.

Mr. Hook with Mr. Clason.

Mr. JOHN J. DELANEY, Mr. CHAPMAN, Mr. STIGLER, Mr. GOSSETT, and Mr. BIEMILLER changed their votes from "yea" to "nay."

Mrs. LUCE changed her vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The Clerk will report the next amendment on which a separate vote is demanded.

The Clerk read as follows:

Amendment offered by Mr. DONDERO: On page 7, strike out all of lines 4, 5, and 6.

Mr. MAY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MAY. Am I correct in assuming that under the parliamentary situation which prevails at this time with regard to this amendment, a vote "no" is a vote to authorize the Big Sandy project, and a vote "yes" would be a vote to discard it?

The SPEAKER. The Chair will state the gentleman is correct.

Mr. RANDOLPH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANDOLPH. A vote "aye" would be to reaffirm the action taken within the committee; is that not correct?

The SPEAKER. A vote "aye" strikes the item from the bill.

The question is on agreeing to the amendment.

Mr. DONDERO. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 205, nays 144, not voting 81, as follows:

[Roll No. 151]

YEAS—205

Adams	Buck	Dirksen
Almond	Buffett	Dondero
Andresen,	Bulwinkle	Douglas, Ill.
August H.	Butler	Drewry
Andrews, Ala.	Byrnes, Wis.	Eaton
Andrews, N. Y.	Campbell	Eberharter
Arends	Canfield	Ellis
Arnold	Cannon, Mo.	Elsaesser
Auchincloss	Carlson	Elston
Bailey	Case, N. J.	Engel, Mich.
Baldwin, N. Y.	Case, S. Dak.	Feighan
Barden	Chenoweth	Fellows
Barrett, Pa.	Chiperfield	Fenton
Barrett, Wyo.	Church	Fisher
Bates, Mass.	Clevenger	Flannagan
Beall	Clippinger	Forand
Bennet, N. Y.	Cole, Kans.	Fuller
Bennett, Mo.	Cole, Mo.	Fulton
Biemiller	Cole, N. Y.	Gamble
Bishop	Corbett	Gary
Blackney	Crosser	Gavin
Bland	Cunningham	Gerlach
Bloom	Curtis	Gifford
Bolton	D'Alesandro	Gillespie
Bradley, Mich.	Daughton, Va.	Gillette
Brehm	D'Ewart	Gillie
Goodwin	Kee	Rayfiel
Gossett	Keefe	Reed, Ill.
Graham	Kelley, Pa.	Rees, Kans.
Granahan	Keogh	Rich
Grant, Ind.	Kilburn	Rizley
Green	Kinzer	Robertson, Va.
Griffiths	Klein	Rockwell
Gross	Kunkel	Rodgers, Pa.
Gwinn, N. Y.	Lanham	Rogers, Mass.
Gwynne, Iowa.	Latham	Ryter
Hall,	LeCompte	Sasscer
Edwin Arthur	LeFevre	Schwabe, Okla.
Hall,	Lewis	Scrivner
Leonard W.	Luce	Shafer
Halleck	McConnell	Simpson, Pa.
Hancock	McCowen	Smith, Maine
Hand	McGregor	Smith, Ohio
Harness, Ind.	McMillen, Ill.	Smith, Va.
Healy	Madden	Smith, Wis.
Hedrick	Maloney	Somers, N. Y.
Henry	Mankin	Springer
Herter	Martin, Mass.	Stevenson
Heselton	Mason	Stockman
Hess	Mathews	Sumner, Ill.
Hinshaw	Michener	Taber
Hoch	Miller, Calif.	Talbot
Hoeven	Miller, Nebr.	Taylor
Hoffman	Monroney	Thom
Holmes, Mass.	Morgan	Thomas, N. J.
Holmes, Wash.	Murray, Wis.	Tibbott
Hope	Neely	Towe
Howell	Norblad	Traynor
Huber	O'Brien, Ill.	Vursell
Hull	O'Hara	Wadsworth
Jarman	O'Toole	Wasielewski
Jenkins	Phillips	Weichel
Jennings	Pickett	Wigglesworth
Jensen	Ploeser	Wilson
Johnson, Ill.	Plumley	Wolcott
Johnson, Okla.	Price, Fla.	Wolverton, N. J.
Jonkman	Rabaut	Wood
Judd	Rabin	Woodruff
Kean	Ramey	
Kearney	Randolph	

NAYS—144

Abernethy	Hare	O'Neal
Allen, La.	Harless, Ariz.	Outland
Angell	Harris	Pace
Barry	Hart	Patman
Bates, Ky.	Havenner	Patterson
Beckworth	Hays	Peterson, Fla.
Bell	Hébert	Peterson, Ga.
Boren	Heffernan	Pfeifer
Boykin	Hendricks	Philbin
Bradley, Pa.	Hobbs	Pittenger
Brooks	Holifield	Poage
Brown, Ga.	Horan	Powell
Bryson	Johnson, Calif.	Price, Ill.
Bunker	Johnson,	Priest
Byrne, N. Y.	Luther A.	Quinn, N. Y.
Camp	Johnson,	Rains
Cannon, Fla.	Lyndon B.	Rankin
Carnahan	Kefauver	Reed, N. Y.
Celler	Kelly, Ill.	Resa
Chapman	Kerr	Riley
Chelf	Kilday	Rivers
Clark	Kirwan	Robertson,
Clements	Knutson	N. Dak.
Coffee	LaFollette	Roe, Md.
Cooley	Lane	Rogers, Fla.
Cooper	Larcade	Rogers, N. Y.
Cox	Lemke	Rooney
Cravens	Link	Rowan
Delaney,	Lynch	Savage
James J.	McCormack	Short
Delaney,	McDonough	Sikes
John J.	McGehee	Sparkman
Dingell	McGlinchey	Spence
Domengeaux	McKenzie	Starkey
Doughton, N. C.	McMillan, S. C.	Stigler
Doyle	Manasco	Sullivan
Earthman	Mansfield,	Talle
Fallon	Mont.	Thomas, Tex.
Fogarty	Mansfield, Tex.	Thomason
Folger	Marcantonio	Torrens
Gallagher	Martin, Iowa	Trimble
Gathings	May	Vinson
Geelan	Mills	Voorhis, Calif.
Gibson	Morrison	Walter
Gordon	Murdock	Weaver
Gore	Murphy	West
Gorski	Murray, Tenn.	Whittington
Grant, Ala.	Norrell	Wickersham
Gregory	O'Brien, Mich.	Woodhouse
Hagen	O'Konski	Zimmerman

NOT VOTING—81

Allen, Ill.	Bonner	Combs
Andersen,	Brown, Ohio	Courtney
H. Carl	Brumbaugh	Crawford
Anderson,	Buckley	Curley
Calif.	Clason	Davis
Baldwin, Md.	Cochran	Dawson
Bender	Colmer	De Lacy

Dolliver	King	Schwabe, Mo.
Douglas, Calif.	Kopplemann	Sharp
Durham	Landis	Sheppard
Dworshak	Lea	Sheridan
Elliott	Lesinski	Simpson, Ill.
Ellsworth	Ludlow	Slaughter
Engle, Calif.	Lyle	Stefan
Ervin	Mahon	Stewart
Fernandez	Merrow	Sumners, Tex.
Flood	Mundt	Sundstrom
Gardner	Norton	Tarver
Gearheart	Patrick	Tolan
Granger	Pratt	Vorys, Ohio
Hale	Reece, Tenn.	Welch
Hartley	Richards	White
Hill	Robinson, Utah	Whitten
Hook	Robsion, Ky.	Winstead
Izac	Roe, N. Y.	Winter
Jackson	Russell	Wolfenden, Pa.
Johnson, Ind.	Sabath	Worley
Jones	Sadowski	

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Vorys of Ohio for, with Mr. Bender against.

Additional general pairs:

Mr. Izac with Mr. Ellsworth.
Mr. Sheppard with Mr. Schwabe of Missouri.
Mr. Bonner with Mr. Mundt.
Mr. Slaughter with Mr. Simpson of Illinois.
Mr. Tolan with Mr. Stefan.
Mr. Colmer with Mr. Johnson of Indiana.
Mr. Cochran with Mr. Dolliver.
Mr. Buckley with Mr. Jones.
Mr. Courtney with Mr. Hill.
Mr. De Lacy with Mr. Allen of Illinois.
Mr. Fernandez with Mr. Crawford.
Mr. Roe of New York with Mr. Hartley.
Mrs. Douglas of California with Mr. Hale.
Mr. Worley with Mr. Brown of Ohio.
Mr. Gardner with Mr. H. Carl Andersen.
Mr. Sheridan with Mr. Anderson of California.
Mr. Lesinski with Mr. Dworshak.
Mr. King with Mr. Merrow.
Mr. Hook with Mr. Clason.
Mr. Flood with Mr. Reece of Tennessee.
Mr. Sadowski with Mr. Winter.
Mr. Davis with Mr. Robsion of Kentucky.
Mr. Jackson with Mr. Landis.

Mr. POWELL changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. KEEFE. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER (after counting). Forty-three members have arisen; not a sufficient number.

The yeas and nays were refused.

The question was taken; and on a division (demanded by Mr. KEEFE) there were—ayes 208, noes 68.

So the bill was passed.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mrs. LUCE asked and was given permission to extend her remarks on three different subjects and to include excerpts together with an address she made at a dinner at which she was chairman.

Mr. WOODRUFF (at the request of Mr. MICHENER) was given permission to extend his own remarks in the RECORD in three different instances and in each to include a newspaper article.

Mr. CURTIS asked and was given permission to extend his remarks in the Appendix of the RECORD and include an article.

Mr. BUTLER asked and was given permission to extend his remarks in the RECORD and include a letter.

Mrs. ROGERS of Massachusetts asked and was given permission to extend her remarks in the RECORD and include certain statements before the World War Veterans' Committee and other material.

Mr. WASIELEWSKI asked and was given permission to extend his remarks in the RECORD in five instances and include a newspaper article.

PERMISSION TO COMMITTEE ON LABOR TO SIT DURING SESSIONS OF HOUSE

Mr. KELLEY of Pennsylvania. Mr. Speaker, I ask unanimous consent that the Committee on Labor, on tomorrow and for next week, may sit while the House is in session, during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

EXTENSION OF SELECTIVE TRAINING AND SERVICE ACT OF 1940

Mr. MAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill H. R. 6064, an act to extend the Selective Training and Service Act of 1940, as amended, and for other purposes, with Senate amendment thereto, disagree to the Senate amendment and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. MAY, THOMASON, BROOKS, SPARKMAN, ANDREWS of New York, SHORT, and ARENDS.

COLLECTION AND PUBLICATION OF STATISTICAL INFORMATION

Mr. BATES of Kentucky. Mr. Speaker, I call up House Resolution 643 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 5857) to provide for the collection and publication of statistical information by the Bureau of the Census. That after general debate, which shall be confined to the bill and continue not to exceed 1 hour to be equally divided and controlled by the chairman and the ranking minority member of the Committee on the Census, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same back to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. BATES of Kentucky. Mr. Speaker, this resolution makes in order the consideration of H. R. 5857, which is a bill to provide for the collection and publication of statistical information by the Bureau of the Census.

It is an open rule and provides for 1 hour of general debate.

I yield 30 minutes to the gentleman from Michigan [Mr. MICHENER].

Mr. MICHENER. Mr. Speaker, I yield such time as he may desire to the gentleman from Michigan [Mr. SHAFER].

Mr. SHAFER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

TEN REASONS WHY BRITISH LOAN SHOULD BE REJECTED

Mr. SHAFER. Mr. Speaker, it is altogether possible, I believe, that a Congressman could put down at least 100 good reasons why the miscalled British loan proposal should not be approved by this body. So numerous and so compelling are the reasons why we should not approve this loan that I, like most Congressmen who have thought about the question from every angle, am amazed that any such proposal even should be made at this stage of American history. Let me list just 10 good reasons which have occurred to me during the course of my study of this wholly lopsided proposal.

One. The British loan should not be made because it will promote inflation in the United States by adding to the national debt at a time when our people already are confronted with the greatest fiscal burden ever facing a nation in the history of the world.

Two. The British loan should not be made because, if it is approved by this body, most Congressmen will be voting in almost total ignorance of what are our Nation's over-all material and financial resources today. What responsible individual in this room would lend money if he were not sure that he, himself, were financially sound and able to make the loan without endangering his own resources?

Three. The British loan should not be made because, if it is approved, we will be presented with the same kind of demands for loans from France, Russia, China, and numerous other nations. These nations are waiting now to see how our Congress will act on this British loan. If the Congress passes the loan, the other nations will make requests for loans estimated at from $10,000,000,000 to $15,000,000,000.

Fourth. The British loan should not be made because, if it is approved, American taxes will have to be raised, although, as we know, the demand in this Nation today from virtually every direction is lower taxes on personal and on business income.

Fifth. The British loan should not be made because Great Britain has proved beyond a peradventure that her Government has no intention of repaying legal debts, legally approved by that Govern-

ment and by our Government. I need not go into the World War I debts to prove that Great Britain has become the same kind of welsher and moocher that other nations long since had become; but, if any proof is needed of the British capacity to borrow without repaying, I am sure that I can get a dozen history books to prove it.

Sixth. The British loan should not be made because its whole history, from its beginning until this very day, has been one of subterfuge and misrepresentation by the officers of our own Government. They know, as every Member in this room knows, that this is not a loan in any accepted or acceptable sense of the word, but that it is an outright gift and that it will never be repaid. I am not saying that I would vote for a $4,000,000,000 gift to Great Britain, but I would certainly be constrained to look more kindly on such a proposal than I would on a so-called loan, which is nothing except a camouflaged gift.

Seventh. The British loan should not be made because it will promote among the British a continuation of the erroneous and false doctrine that people—whether in America or anywhere else—can live indefinitely without working out their own salvation. If we bolster the British economy today, millions of Britishers will look upon it as a perennial duty, just as millions of our citizens falsely have been led to believe that they could get something for nothing from their Government at home.

Eighth. The British loan should not be made because a vast majority of the Amercan people, in my judgment, do not want this loan to be made, or would not want it to be made if they understood all the facts concerning it, I am sure. If the Congress agrees to this loan, it will do so only because most of the Members will decide that the people are not particularly interested in the legislation one way or another and will not hold it against those who vote for the loan in coming elections.

Ninth. The British loan should not be made because it is projected only because certain of our leaders are thinking fallaciously from the standpoint of economics. It would be bad economics—bad economics for us, bad economics in the long run for the British. Any man who tells us that we can better ourselves economically, considering all the factors today, by making any such loan—or, to be more correct, gift—is spreading a false doctrine and he knows it. If, as proponents say, the money will be used to buy American goods, then the net result is that we will be losing $4,000,000,000 worth of goods instead of just $4,000,000,000 worth of paper money. If I had to choose between losing $4,000,000,000 in money and $4,000,000,000 worth of goods, I would choose to lose the money, of course. As it is, if this Nation makes this loan, we will lose both, plus the interest on the money.

Tenth. The British loan as projected should be defeated because American citizens actually will lose on the interest alone on this money, even if, as will never come to pass, the British repay it in full with the agreed interest. This loan proposal is to the effect that we lend money to Great Britain at a rate approximately 1.62 percent interest. Yet American veterans have to pay at least 4 percent interest on the money they borrow in this country, while the Treasury Department, representing the American people, must pay from 1.5 to 2.9 percent interest on the money it borrows. The American people cannot afford to lend money on any such basis to another nation, however friendly we may be or however disposed we may be to throw away our hard-won material wealth.

As I have said, Mr. Speaker, there undoubtedly are a hundred or more reasons why this loan to Great Britain should not be made, but I shall stick to the 10 reasons I have given in my discussion. Insofar as possible, I should like to go into every angle of this loan proposal, for I feel very keenly that we in the House at last have reached the final point at which we can make a stand for fiscal solvency in this Nation. If we pass this proposal, then the floodgates figuratively will have been opened and we shall see billions upon billions of our precious peacetime production flowing out of our country and away from the millions at home who need and deserve all the good things which our industrial machine can build for years to come.

My first point was that the British loan should not be made because it will promote inflation in the United States, by adding to the national debt at a time when our people already are confronted with the greatest fiscal burden ever to face a free people. I have read and heard the arguments of those in this Nation who believe that a big national debt is a good thing and that a policy of continued deficit financing is even better, but I must say that I am still unconvinced, as I am sure the vast majority of economists and thoughtful observers are unconvinced. Continued deficit financing means continued Government control. Those political leaders who want to make over America, who want to get this Nation into such a shape that only a few thinkers or technicians in Washington can say when we shall stop or go, when and where we shall work, what we shall eat and how long we shall eat it—they love the thought of deficit financing and a big debt. But the men who believe in representative government, the men who want to see the Supreme Court and the Congress be a successful counterbalance to an overweening executive—those men fear a huge debt and hate deficit financing. They know that continued deficit financing eats away the peoples' dollars as it eats away their liberties, leaving our representative government nothing but a husk.

Ninety percent of the economists and 90 percent of all men who have an intelligence quotient of more than 120 in this Nation believe that the huge debt we have and the apparent belief of our political leaders in power in the efficacy of spending our way to economic glory mean continued high and higher prices. Any man who can look at the Federal debt of approximately $280,000,000,000 and expect the price level to fall appreciably in this Nation in the next decade is not aware either of the facts of economic life or the facts of history. That debt itself makes high prices inevitable. Making that debt larger—and we would make it larger if we approved this British loan—would increase the possibilities of higher prices. Every time the debt rises, prices rise, just as surely as day follows night, although perhaps not as immediately noticeably.

My second point is that the British loan should not be made because, if it is approved by this body, most Congressmen will be voting in almost total ignorance of our Nation's over-all material and financial resources today. Here we are, a Nation of 140,000,000 people, discussing the prospects of making a loan to a friendly nation. What man among us, if approached by a friend, would not first sit down and estimate whether or not he could afford to make the loan? I have had occasion in my life to advance $100 here and $100 there to friends and acquaintances, as the occasion arose. But, always, I have been sure that in making the loan I was not depriving my own family of the kind of life its members deserved. Several months ago, the elder statesman, Bernard Baruch, urged that this Nation make an over-all inventory of our resources and our commitments so that our citizens may know just what our condition is. We do not know whether we can afford to lend one penny or not, yet here we are today discussing whether or not we shall lend $4,000,000,000. What man among us, who, if he belonged to a club and the organization was approached about a certain project, would not say: "First, let us determine if we can afford it. It may be a good project. It may bring us great joy. It may help others. But we cannot do this thing until we know whether or not we can afford to do it."

Oh, yes, I know, Mr. Speaker, some proponents of this legislation will stand up and ridicule this argument. They will point to our enormous resources that are in the ground. Former Secretary of the Interior Ickes estimates our oil and coal resources at some dozens of trillions of dollars, or maybe it was hundreds of trillions. But our citizens cannot put a steering wheel on so many pounds of copper, so many tons of iron ore, so much limestone, and so much molybdenum, and drive it to work and back. That wealth underground has to be removed by mining. It has to be shipped to ore mills and smelters. It has to be processed in dozens of different ways. After that it has to be shipped again and refined. Then it has to be assembled. Finally, we have so many cars, or so many refrigerators, or so many irons, or so many washing machines.

A lump of iron ore is wealth at any point, yes, but it is not usable wealth until it has been made into the many thousands of diverse products we need on our farms and in our homes and factories. How much of our wealth can we afford to give away? Who knows? I know that we have enormous resources, but I know also that millions of Americans are waiting for automobiles, electric washers, milking machines, tractors, toasters, both prefabricated homes and

homes built by traditional methods, harrows, plows, and a thousand and one other needed implements. Can we afford to give away any of these things, or the semifinished materials used in making any of these things, until our own people have been satisfied? You can answer that question as you will, but as for me, I take my stand unequivocally in favor of the American consumer.

My next point is perhaps the biggest single reason why I am against this particular loan to Great Britain at this particular time. The British loan, as I have said, should not be made because, if it is approved, we will be presented with the same kind of demands for loans from France, Russia, China and numerous other nations. These nations are waiting now to see how we in the Congress act on the British loan. If we agree to this loan, the other nations will make requests for loans in amounts variously estimated at from $10,000,000,000 to $15,000,000,000.

Let me go a little deeper into this point, Mr. Speaker. Long before Lord Halifax and Lord Keynes came to this country to "negotiate" for the loan which we are now considering, newspaper articles apparently were "planted" in this country, for rumors were published from time to time about a forthcoming British loan. The amounts mentioned in these rumors ranged from $2,000,000,000 to $6,000,000,000, but the most commonly mentioned figure even in the rumor stage of this loan was $4,000,000,000. Secretary of State Will Clayton called in reporters at one point and explained what had taken place on his trip to London, during which he had begun the first part of these British-American negotiations. Clayton disclosed that Keynes and Halifax would be the leaders of the British negotiating team here.

As we know, when all the rumors had been published and so-called bargaining had been completed, the net results of all the talk were still this $4,000,000,000 loan, or gift, to be accurate in the use of words.

Now, Mr. Speaker, from the safe apparently planted rumors, published in newspapers from one end of the Nation to the other, we have learned that a $4,000,000,000 loan proposal for Russia is under consideration. This will be denied here, I know, and it will be denied by one or the other of our high administration leaders in the executive department, I suppose, but a mere denial at this point will not carry much weight with thoughtful men. Likewise, as we know, the emissary of the French Government already is here to borrow $2,500,000,000. The same type of rumors which warned us of this British loan proposal tell us of a forthcoming proposal for a loan of from $2,000,000,000 to $4,000,000,000 for Russia. Other loans are mentioned.

Mr. Speaker, if this body grants authority to the executive branch to make this loan to Britain we will be obligating ourselves almost automatically to agree to all the other fantastic proposals that will inevitably be brought before us. If we grant a loan to Britain and refuse to grant a loan to Russia we can be accused—and rightly so, from the Russian standpoint—of being partial and of wanting to see one of our wartime friends grow stronger without wanting to see another of our wartime friends grow stronger. The same arguments that are being advanced for this British loan will be advanced for the Russian loan, the China loan, the French loan, a loan to the Hottentots, or a loan to Aztecs.

It is said that we must lend the British this money because they need it.

Is it possible to find a nation on this globe that does not need more money?

It is said that we must lend the British this money because they fought in the late war heroically.

Then, of course, the Russians, the Chinese, the Indochinese, the Dutch, the Lithuanians, the Czechs, the Poles, the citizens of Borneo, the Aussies, and even the Aleuts and perhaps some Eskimos could apply for a loan and use the same valid argument.

It is said that we must lend the British this money to revive trade between our Nation and Great Britain. I was given some shaving soap from Great Britain as a gift from a friend just the other day and I am sure that it has been manufactured since the war. Trade already is reviving between this Nation and Great Britain. I read articles in various magazines and see photographs revealing that Great Britain is shipping enormous quantities of goods in export to virtually every nation under the sun. I read just the other day that British shipyards have reached the height of their productivity. Mr. Speaker, that is the way the British are going to pull out of their economic doldrums—by work and more work. That is the way we are going to pull out of our economic crisis. That is the only way the British, the Americans, or any other people are going to have plenty—by work and thrift and more work and more thrift. There is no easy way. There is no perpetual Santa Claus who has a bottomless treasury from which we, or any people forever, can pull all the good things of life. We should not lead the British, the Russians, the Chinese, the Latin Americans, or any other people to believe that we can buy the world's way back to prosperity. We should tell them firmly that the only way this old world is going to recover from the bleak horror of its own follies is through every man putting his shoulders to the wheel and pushing hard and long.

Despite all the economic double talk of "expanding markets," despite all the ballyhoo about balance of trade and credits, we must realize by now that nations and their citizens determine for themselves whether they shall live in freedom or in fear, whether they shall live in plenty or in want. Speaking of credits, foreign nations now have some $14,000,000,000 worth of assets in America, according to an Associated Press item of recent date, and yet we spend time considering how we can bolster the economies of other nations.

Mr. Speaker, my fourth point is that the British loan should not be made because, if it is approved, American taxes will have to be raised, although, as we know, the demand almost universally in this Nation today is for lower taxes.

Why do I say that taxes must be raised if we approve this loan? I am going on the theory—and I hope that it is a correct theory—that we in this Congress at last have determined that we will have no more of deficit financing and that the President himself meant what he said when he recently voiced the hope for a balanced budget in 1947. If he did mean what he said, and if we do make this and other loans, it is inevitable that taxes be raised. There is no other way that we can have both—we cannot have the pleasure of making this wild bargain and a balanced budget at the same time, unless we have higher taxes. We might—and I emphasize the might—we might be able to balance the budget in 1947 without more taxes if this loan and similar loans are not made, but in my judgment and on the basis of statistics and figures I have seen, there is not the slightest chance of both balancing the budget and making this loan under the present tax rate.

My fifth point against making a British loan, or any other commitments for loans to any nation, at this time, is based on the fact that Great Britain has proved clearly in the past 25 years that she has not paid her legal debts and has no intentions of ever paying her legal debts. As much as it pains me to bring the subject up, I cannot help but recall how, during the years preceding World War II, Uncle Sam was depicted as Uncle Shylock by clever British cartoons and how our Presidents and our Nation were lampooned unmercifully by British writers and spokesmen in those years when we insisted on getting at least a little token payment for all the World War I loans we advanced the British.

I hardly think that anyone will challenge me when I say that Great Britain has no chance, or intention, to repay this so-called loan we are being asked to approve. If there be those who will insist that the British will try to repay this miscalled loan, let me remind him that only last September, Lord Keynes declared on his arrival in this country, and I quote:

> No doubt an easy course would be for you to offer and for us to put our name to a substantial loan, on more or less commercial terms, without either party to the transaction troubling to pay too much attention to the question of the likelihood of our being able to fulfill the obligations which we were undertaking.
>
> However this may be, we shall not lend ourselves to any such soft and deceptive expedient. We are not in the mood, and we believe and hope that you are not in the mood, to repeat the experiences of last time's war debt. We would far rather do what we can to get on as best we can on any other lines which are open to us.

Sydney Campbell, financial editor of Reuther's, the British news agency, in commenting on this miscalled loan last July wrote, and I quote him:

> One thing should be made clear about the present discussions in the United States about a loan of three to five billion dollars to Britain. Britain would almost certainly refuse any such loan, however big it might be or however low the interest. They are rather mystified as to why Americans trouble to discuss the matter. A grant-in-aid would, of course, be accepted.

Is there anyone in this body so naive as to think the British ever hoped to repay this miscalled "loan"?

The New York Times, commenting on Lord Keynes' statement at the time said:

> Not only did he fear that deception would probably have a very short life, but it would be extremely short-sighted if the absence of friction and bad feeling between the two countries is one of the principal aims.

It would be amusing, if it were not so tragic, to refer to this proposal as a loan when everybody who is discussing it knows that even the British themselves admit far in advance that they cannot ever repay it.

My sixth point is that this proposal should not be O. K.'d by us now because it was conceived in subterfuge and has grown only in deception. Since it is admittedly not going to be repaid, it obviously cannot be called a loan. Yet, the administration has tried to sell it to the American people as a loan. We of the Congress should send it back to the executive branch with one little note appended to it:

> Rewrite this proposal so as to make it apparent and clear in all details that it is a straight-out gift to Great Britain and we will act on it. We will not act on it as long as deception is practiced on us and our people.

The seventh reason why I am against the British loan is that, if approved, it will promote among the British people a continuation of the erroneous and false doctrine that people—here or anywhere else—can prosper without working. For 13 years now, many Americans have been led to believe that they could get more by going on relief, or by putting their liberties into the hands of the Government, or by turning over their thought processes to some leader of this union or that association, but none of them have permanently bettered themselves by so doing. Temporarily, yes, but not permanently. Likewise, the British have now turned toward state totalitarianism as the way out of their problems. They give every evidence of continuing their trend to the so-called "left." I am for letting them go as far left as their intuition or their proclivities will take them, but I am not for using American money and American goods to prolong their journey into wonderland.

Sooner or later they will awaken and understand that the State can give them no more than private industry can give them, that only through work and work and more work, production and inventiveness and ingenuity and energy can a man or a race better itself in the long run. If we give the British this money—and it will be a gift, pure and simple—they will just hold that much harder to their economic fallacies. The day will come, this year or this decade, or next year or next decade, when the Britishers will learn, as many Americans have learned, that it is impossible to live off charity, whether that charity come from one's own government or from a foreign government. The sooner they awaken, as far as I am concerned, the better. Therefore, I will not vote to give them this money further to lull them in their false state of collective security at home.

The eighth reason why this British "loan" should not be made is because the American people, if they understood that it was a gift, pure and simple, and not a loan in any sense of that word, would be against the proposal. I personally believe that not a third of the American people actively favor this miscalled loan proposal before us now. As a matter of fact, I am convinced that most Americans, if they had to take the money out of their pockets directly, would not lend Great Britain $1, much less the approximately $28 per capita which this loan demands from the American people. Remember, a man with a family of four children is going to have to pay $140 in taxes as his share of this miscalled loan. Is there anyone here who believes the average taxpayer is going to like the idea of giving $140 to the British at a time when it takes virtually every penny the so-called common man makes to keep his family in good clothes and well fed?

The ninth reason why I am against this British loan proposal is that it would help impoverish America to a greater degree—and at a time when, so far as I can tell, we can least stand being impoverished further. We already have made a loan to Great Britain through the Reconstruction Finance Corporation. We have committed ourselves to the extent of at least $2,700,000,000 for UNRRA. We have extended the credit capacity of the Export-Import Bank to $3,500,000,000. We have committed our Nation to contribute some $5,925,000,000 to the Bretton Woods Fund and Bank. We have authorized great concessions in our export-import status through reciprocal trade agreements.

The proponents of this so-called loan say that it will make it possible for Great Britain to spend more dollars elsewhere and that these dollars eventually will flow back to American manufacturers. That is a beguiling argument, but it has no basis in reality. It looks good only on paper and it has never proved true in actuality, may never prove true. But in any case, grant that those dollars we give away do come back here and take away our manufactured goods, and who then pays for the goods? Why, we do, of course. And unless someone gives us a comparable amount of goods to make up for the goods we ship away, our Nation has suffered a net loss of all the goods shipped. It is the most ridiculous argument in the world, in my judgment. The only comparable argument, I think, would be that we should keep our factories running all day and night all year round year after year and just ship the goods away from the United States as fast as we make them. That would be simpler—and it would be the same thing as the State Department says would be done under this proposal. I do not understand how a man can keep a straight face and speak such utter absurdities as those who argue on this line speak regularly.

Then, as I have said, this so-called loan should be defeated because, even if it were paid back at the agreed rate of interest, which, of course, it will not be, the American people would lose money. Since the American Treasury has no money, or no money it can truthfully call its own, it will have to borrow this money to lend to the British. On the money it borrows, the Treasury will pay at least an average of 2.5 percent. Yet, if it collects from the British—which, of course, it never will—it will get interest back only at the rate of 1.62 percent, if they want to pay interest in this or that year.

There, Mr. Speaker, are 10 points against the British loan. I submit to the Congress and I submit to the American people that these 10 points are valid, that they are reasonable, that they are sound. Therefore, I shall vote against the miscalled British loan.

Mr. MICHENER. Mr. Speaker, we have no further requests for time.

Mr. BATES of Kentucky. Mr. Speaker, I yield 3 minutes to the gentleman from West Virginia [Mr. RANDOLPH].

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, this morning before the Committee on Expenditures in the Executive Departments during the consideration of reorganization plans sent to Congress by the President of the United States, one of the witnesses appearing in opposition against one of the proposals of the Chief Executive was George W. West. He appeared officially for the United States Chamber of Commerce and also in his capacity as president of the Federal Savings and Loan Association, of Atlanta, Ga.

During the testimony of Mr. West, the gentleman from Minnesota, Representative JUDD, asked Mr. West, and I quote:

> What is going to happen to them from the standpoint of getting housing?

He was speaking of the hundreds of thousands within this country who need better housing facilities, those in most instances who are earning low wages.

Mr. West replied in part as follows, and I quote:

> I think poor people belong in the poorhouse.

I repeat, Mr. West declared during his remarks:

> Poor people belong in the poorhouse.

I then said to Mr. West.

> You do not mean that.

And he answered:

> If I did not, I would not be saying it.

Mr. Chairman, I do not believe that type of thinking is in keeping with the viewpoint of the American people. It is no disgrace to be poor and it is tragic to conceive that we would want to send such persons "over the hill to the poorhouse." I would remind Mr. West that Psalms 41 tells us "Blessed is he that considereth the poor." Writing of the poor, in a country town, Bailey said:

> Let them not
> Be forced to grind the bones out of their arms
> For bread, but have some space to think and feel
> Like moral and immortal creatures.

I am sure that the immediate past president of the United States Chamber of Commerce, the distinguished leader, Mr. Eric Johnston, would never have made such a statement. I am also of the belief that the members of the United States Chamber would not endorse Mr. West's remarks.

The SPEAKER. The time of the gentleman from West Virginia has expired.

Mr. BATES. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

Mr. ALLEN of Louisiana. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 5857) to provide for the collection and publication of statistical information by the Bureau of the Census.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 5857, with Mr. HARRIS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. ALLEN of Louisiana. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, this bill was requested by the Bureau of the Census. Under the present law we have a census of manufactures every 2 years and we also have a census of business every 10 years. The proposal in this bill is to lump these two together and make a quinquennial census, beginning in the year 1947.

The present authority for the two censuses is contained in the act of June 18, 1929, which provides for the business census and also for the census of manufactures.

The purpose of the bill is threefold, which you will find on page 2 of the report. The first is to combine the 2-year census of manufactures and the 10-year census of business into a 5-year census. Then there is granted specific statutory authority for the monthly, quarterly, and annual surveys which have heretofore been provided under the general authority given in the organic act of February 14, 1903. Then it grants, in the third place, specific statutory authority to collect, collate, compile, and publish statistics and reports with reference to marriages, annulments, and divorces.

Mr. Chairman, it will therefore be observed that there are only two new things in the bill. In the first place, we are seeking in this bill statutory authority to do something for which the authority has been questioned heretofore. Under the act of February 14, 1903, we find this provision:

He—

Meaning the Secretary of Commerce—

shall also from time to time make such special investigations and reports as he may be required to do by the President, or by either House of Congress, or which he himself may deem necessary and urgent.

A number of times when the Committee on Appropriations brought in an item for the Bureau of the Census, it has been questioned. For years we have been making these monthly, quarterly, and annual reports, but a number of times the authority has been questioned and points of order have been made that there was no statutory authority, and the points of order sometimes have been sustained. One new thing that this bill seeks to give is specific statutory authority to make these monthly, quarterly, and annual reports, many of which have been made for years and years.

Mr. RABAUT. Mr. Chairman, will the gentleman yield?

Mr. ALLEN of Louisiana. I yield to the gentleman from Michigan.

Mr. RABAUT. The gentleman is absolutely correct. For many years we have been doing these things, and it was always a question whether or not we had the authority to do it. The gentleman is now bringing in this bill with the idea of establishing the authority by law, and I think the gentleman should be commended, as well as his committee, for bringing it before the House in order to get this matter ironed out.

Mr. ALLEN of Louisiana. I thank the gentleman from Michigan. He is the chairman of the subcommittee that handles that matter and knows what he is talking about. I am sure he has run into this very trouble a good many times.

Mr. SMITH of Ohio. Mr. Chairman, will the gentleman yield?

Mr. ALLEN of Louisiana. I yield to the gentleman from Ohio.

Mr. SMITH of Ohio. Is the House to understand that this will not add any functions or any duties whatsoever to the Bureau of the Census, and is the House to understand that this will not cost any additional money?

Mr. ALLEN of Louisiana. I am not going to say that it will not add any functions or anything of that kind. I will say that it is substantially along the line the Bureau has been operating, but there may be requests from the Bureau of the Budget and from the Bureau of the Census to make surveys that have not been made heretofore. I cannot say about that. But the bill does place certain safeguards which were worked out satisfactory to business interests who testified. Certain limitations were agreed upon by these business interests and we incorporated those limitations in the bill.

As to the cost, I am glad to tell the gentleman—and I appreciate his interest in looking out for the financial welfare of the Nation—that we are informed that this will actually reduce the cost, because when you take a census every 10 years and then take a census every 2 years, by lumping them together and taking one census every 5 years it will result in a saving of at least $1,300,000.

Mr. SMITH of Ohio. The gentleman is speaking about the census of manufactures?

Mr. ALLEN of Louisiana. That is right, and of business, too.

Mr. SMITH of Ohio. And not of population.

Mr. ALLEN of Louisiana. The census of population will have to go on just as it has been. The Constitution provides that that census has to be made every 10 years. We do not want to change that. It is functioning all right. The law of 1929, which is the present Census Act under which we take the population census, also specifies that we shall take these other censuses. We propose to take those away from the regular decennial census and make this quinquennial census, starting in the year 1947.

Mr. SMITH of Ohio. I am glad to hear the statement coming from one department that they are going to save some money for us.

Mr. ALLEN of Louisiana. That is what they tell us. The committee went into that very carefully. A good many of the members of the committee wanted to know about that, and I wanted to know about it. These are the figures. We were told that the census of manufactures is estimated to cost $24,225,000, and the census of business and distribution is estimated to cost $11,900,000, making a total of $36,125,000. They say the two can be combined and handled for $34,730,000, which will result in a saving of $1,395,000.

Mr. RABAUT. Mr. Chairman, will the gentleman yield?

Mr. ALLEN of Louisiana. I yield to the gentleman from Michigan.

Mr. RABAUT. In answer to the question of the gentleman from Ohio, may I say that the gentleman well knows that this is only the authorization for the census. It still has to come before the Committee on Appropriations to have determined the amount of money needed to put it into operation, and there the matter will be scrutinized again.

Mr. ALLEN of Louisiana. I want to say just a word as to the demand for this legislation. One of the first things we met when we had a request for it was that the members of the committee wanted to know where the demand was coming from. We received quite a demand for this legislation. That demand came from all quarters. It came from businessmen all over the Nation. It even came from people who were interested in cotton in the South. They want the information.

The question was raised as to the timeliness of this matter. Somebody suggested that we ought not to do this now, but the committee felt, and the point was made before the committee, that this is the time to do it because the veterans are coming back. Many of them are going into business and they want to know where they stand. They want to know what the score is. They are entitled to this information. We felt that we ought to bring this bill to the floor and we felt that the bill ought to prevail. I hope it does.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. ALLEN of Louisiana. Mr. Chairman, I yield myself 3 additional minutes. I said a moment ago that there were only two new questions in the bill. I have dis-

cussed the first one—the question of granting statutory authority to take the monthly, quarterly, and annual reports. The other new matter is the question of marriages, divorces, and annulments found in section 3 of the bill.

There is no statutory authority that we know of for that now. I was a little bit surprised, and I am sure you will be surprised to know there is no Federal agency that has any statutory authority to collect and collate this information for the people. It means that if you want information about marriages, divorces, and so forth, you are obliged to go to the various States. We thought it would be a good thing to let the Census Bureau have statutory authority to do this.

They can go to the States and get this information. We do not mean that they are to go out and take a census, and we do not intend for them to do that. We simply mean for them to collect and collate the information, get it from the States, and then put it in good form so that the public can have it when the public wants it. This will not cost much. It is a matter largely of writing for the information and compiling it in proper form.

Mr. Chairman, there is nothing strange about this legislation. I tell the Members that very frankly.

Mr. SAVAGE. Mr. Chairman, will the gentleman yield?

Mr. ALLEN of Louisiana. I yield to the gentleman from Washington, a most cooperative member of the committee.

Mr. SAVAGE. The gentleman spoke of the information about marriages. Did not some business people appear before us and tell us how important it was for them in planning for their business even a year ahead to know as much as possible about marriages and shifts in population, and that it would really help the veterans trying to get into new businesses in deciding where to establish themselves?

Mr. ALLEN of Louisiana. The gentleman is correct. That is because people want to know something about how many marriages there are so they can figure on furniture, baby carriages, and what have you. They want to know about that. We feel that there ought to be some central authority in this great Government to collect that information and give it to the people.

There are various agencies in the land and various concerns and private individuals who want that information. I think the bill merits your favorable consideration. It is important that we pass it now so that the Census Bureau can make its plans for 1947.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KINZER. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. FULTON].

Mr. FULTON. Mr. Chairman, I am speaking today during general debate on this bill, first, in respect to the time when we start the taking of the censuses, that is, whether the year 1947 is the right time to begin; and, secondly, on the question what is the proper interval of time between each census. From 1919 to 1939 in the United States we took a census of manufactures every 2 years. We have taken a census of business every 10 years, as well as a census of mining. The proposal in this bill is to reduce the 10-year period between the censuses on business and mining to 5 years and then to increase the interval between the censuses on manufactures from 2 years to 5 years. That means that we people in the manufacturing States, instead of getting more service under these proposed censuses, are going to get about 40 percent of the service because we only will get a manufactures census every 5 years instead of every 2 years. I intend to offer an amendment at the proper time which will read as follows:

On page 1, line 8, strike out the year "1947" and insert in lieu thereof the year "1946."

On page 1, line 8, strike out the word "fifth" and insert in lieu thereof the word "second."

This amendment would make a census every second year, beginning in 1946. The reason for this is that great changes have occurred in the geographical location of our industries during the war.

Mr. ALLEN of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. FULTON. I yield.

Mr. ALLEN of Louisiana. I am sure the gentleman will admit that if we were to do that instead of decreasing the cost, you would make the cost at least three or four times what it is now.

Mr. FULTON. May I answer the gentleman in this way, that from 1919 to 1939 we undertook those costs, and business thought it was worth while. We have had the census every 2 years for manufacturers so we are not increasing the cost. We are simply carrying out the same policy that has been carried out and which has been so satisfactory to the Secretaries of Commerce of these eastern States that have a large manufacturing population. We are continuing rather than increasing a program. I want to continue and not take a step backward because as Mr. Capt, the Director of the Census, said before the committee in the hearings, "Actually you cannot get enough information on this particular subject." In fact, we find Mr. Leslie Prince, director of the Washington office of the Department of Commerce of the State of New York, saying before the committee:

The position of the Department of Commerce of the State of New York is that 5 years is too slow for a census of this kind.

We believe that it is too important a matter, especially during this dynamic period that we are going through when business is having so rapid a transition, to wait 5 years between these censuses.

We think that it should be done on a 2-year basis.

This is not a snap judgment, this is a matter of our research men and the heads of the various branches in New York having made a study and, recognizing the tremendous value, not only to business of the country but to every individual in the United States.

Directly and indirectly they accrue a great deal of benefit from the figures brought out in a census of this nature.

Therefore our position is that it should be taken definitely on a 2-year basis.

Furthermore, we feel that 1947 is a bit too late; it should start as soon as it is possible to start it. The present period is one of such rapid change in the business life of the Nation—and I am speaking, I believe in the interest of every citizen in the United States, not only of New York—and I recommend that this business census be taken as soon as it is practicable to get a law passed and start the process. That would mean, I believe, a census taken this year but covering the figures of last year.

In addition to that I may say not only does the State administration of New York favor this but also I am advised the State administration of New Jersey and the secretary of commerce, representing the administration of the Commonwealth of Pennsylvania. In fact, the secretary of commerce of the Commonwealth of Pennsylvania has written me saying:

DEAR CONGRESSMAN FULTON: An expansion of employment in manufacturing and processing industries is of vital importance to this State.

We in the department of commerce depend upon the Bureau of Census for information that reveals the condition and trend in different areas of the Nation.

In H. R. 4781, introduced by Mr. ALLEN of Louisiana on November 23, 1945, provision is made for such a census for 1947 and thereafter at 5-year intervals.

This bill is not adequate to our needs.

We urge that you secure amendment of this bill to provide that a census of manufacturers be taken in 1946 to cover 1945 operations, and that provision be made to repeat this census at 2-year intervals.

He is speaking for 10,000,000 people in Pennsylvania, one of the biggest taxpaying States. He is also speaking for the program agreed to by the administration of the State of New York, one of the biggest taxpaying States. Pennsylvania being one of the greatest manufacturing States in this country, is very interested that we keep up to date and give our businessmen adequate information on the census of manufactures.

May I ask the gentleman from Louisiana would he be willing to have the census taken every 2 years on manufactures separately from the census of business generally and of mining?

Mr. ALLEN of Louisiana. I will say to the gentleman frankly that is the very thing we are trying to get away from. I think it would bog down the Census Bureau where it could not operate, and they are trying to get away from that now. I went into that question very carefully at length with Mr. Capt, Director of the Census. A 2-year census is going to be very unsatisfactory.

Mr. FULTON. You are answering my question for me, then, that all censuses should be on the same basis, and when you take figures on business, manufacturers, and mining, they should be done together. Therefore you should decide between a 2-year and a 5-year census completely. So that we here today should decide whether we are going to take a 2-year census, which will help business, or a 5-year census, which I maintain is too long.

Mr. ALLEN of Louisiana. The gentleman has no objection to combining the two?

Mr. FULTON. No. That is correct.

Mr. ALLEN of Louisiana. Your position is that you want it done every 2 years instead of every 5 years?

Mr. FULTON. That is correct.

Mr. ALLEN of Louisiana. That would make the expense three or four times what it is now, and would simply bog down the Census Bureau.

Mr. FULTON. I do not believe it would bog down the Census Bureau in the least. What value is a census in 1952 based upon figures obtained for the year 1947? What good will they be in 1953? If the secretaries of commerce of your biggest commercial States say that these figures will be no good, let us not waste millions of dollars getting figures that mean nothing except to put in high school libraries where nobody in business looks at them to decide current production problems. Let us have them ready for business when they are needed.

If we continue this practice of a 2-year census for the next 10 years we shall get comprehensive information of a sort collected that is necessary for business.

The greatest importance attaches to information concerning manufactures. Other economic activities—trade, construction, mining—are directly affected by these statistics. Businessmen act on them. What good is it going to do for a businessman to look back 5 years in these changing times and see what was done 5 years previously? He cannot make up his mind in these fast-moving times on information like that; he has to have figures more current. Two years is little enough to require. With modern statistical methods and computating aids not available even a few years ago the Census Bureau will not be bogged down but can adequately handle it.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. KINZER. Mr. Chairman, I yield the gentleman four additional minutes.

Mr. MATHEWS. Mr. Chairman, will the gentleman yield?

Mr. FULTON. Yes; I yield to the gentleman from New Jersey.

Mr. MATHEWS. Does not section 1 (b) provide:

> That the Director is further authorized to make such surveys and studies as are deemed necessary to furnish annual and other current data on the subjects covered by the censuses provided for in this and other Acts, including surveys covering the location and characteristics of the population.

Mr. FULTON. Of course, as the gentleman knows, those figures are mere surveys, not complete figures. They are taken by various statistical methods, by mere sampling, by the arithmetical average, by the model average, which is the average which occurs the greatest number of times; or they may be taken by proportions or percentages. In fact, if you want to take figures on that kind of sampling or selective basis you will compete with commercial agencies that are doing the same thing and doing it for nothing.

What I want to do is to give business full, complete figures they can depend on, give them figures that are collected individually and something which will enable business to make its mind up, and not as a sample or opinion by a business service to a particular group. It is readily admitted by all statisticians that that is just the way you take election polls. As you know the Literary Digest conducted election polls and you remember how wrong it was. These interim surveys can be taken because, as you know, in the census legislation that has been put before the House for many years there are no very definite limits on the ambit or the circumference of the specific fields that the director is bound to in obtaining census information. It is left largely to the discretion of the Director of the Bureau of the Census. It has always been the custom to take small interim checkings of various things for purposes that come up specifically in between censuses. It is assumed that these will be continued.

This census that we are speaking of, however, is that of business, of mining, and of manufactures; and the reason I want it complete is so that large States, and large manufacturing centers, and businessmen in those manufacturing centers can see readily how the times are changing. We can see in these manufacturing States whether our business has gone up or gone down. We can get our local, municipal, and State governments to help correct the conditions that may be developing. For example, we can find whether the coal or steel industry in Pennsylvania has changed in a 2-year period, and we do not have to wait for a 5-year period plus one extra year to see whether anything has happened in coal or steel in Pennsylvania.

In closing, may I say that this census of manufactures has proved highly successful for 20 years up until the war. It should be continued instead of completely changing at this time the census procedure on manufactures. We have had those census procedures set up for these 20 years. The only reason you do not have them now is that during the war they did not perform this service for the businessmen of the country and State and local agencies for security reasons. I therefore hope you will support my amendment.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. ALLEN of Louisiana. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. CHAPMAN] to make a very interesting announcement.

Mr. CHAPMAN. Mr. Speaker, I have asked for this minute to make a brief and what I believe will be a welcome announcement in this Chamber.

The President of the United States has just nominated an able and popular former Member of the House of Representatives, Fred M. Vinson, to be Chief Justice of the United States Supreme Court.

Mr. Vinson has had a distinguished public career. He has filled with honor and credit a number of important public posts.

However, the major portion of his public life has been spent as a Member of this body in which he served with great distinction. His nomination adds the name of another eminent Kentuckian to the roll of distinguished jurists from that State who have adorned the bench of the highest Court in this country.

He is the successor on the Court of such eminent judges from that State as Thomas Todd, Robert Trimble, and John M. Harlan, and also of several native Kentuckians who when appointed were citizens of other States. I recall that President Lincoln appointed Samuel F. Miller, of Iowa, one of the ablest jurists who ever sat on the Supreme Bench, and one whose decisions on constitutional questions rank close to those of the great Chief Justice John Marshall. Justice Miller had been first a country doctor and afterwards a country lawyer in Kentucky before moving to the State of Iowa. In more recent years two other natives of that State served with great honor on our Nation's highest tribunal in the persons of Justice McReynolds, who when appointed was a citizen of Tennessee, and Justice Brandeis, who went to the Court from Massachusetts.

This appointment will mean that two citizens of Kentucky will be members of the Supreme Court after the anticipated confirmation of the appointment of Fred Vinson. Justice Stanley Reed, born in Kentucky, was an able member of the bar of that State, where he practiced law for many years prior to being honored with an appointment as associate justice by President Roosevelt.

I believe the Members of the House will rejoice in this high honor that has been conferred upon our former colleague. I am confident that his service on that great judicial tribunal, the Supreme Court of the United States, which was established by the fathers of the Constitution as the balance wheel of constitutional government in this country, will be a distinguished service and that he will make an able judge, worthy of the high tradition of the Supreme Court. Chief Justice Vinson will be the first Kentuckian to occupy that exalted judicial position, and Kentucky is honored by this recognition of her able and illustrious son.

Mr. ALLEN of Louisiana. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia [Mr. RANDOLPH].

Mr. RANDOLPH. Mr. Chairman, I can only reinforce my colleague's words as to the esteem we hold for Judge Vinson. I concur in the sentiments expressed by the able gentleman from Kentucky [Mr. CHAPMAN] who has just spoken. We in West Virginia have felt very close, through the years, to Fred M. Vinson. Although he comes from our bordering State of Kentucky, he has visited often in West Virginia, he has relatives in our State, and we believe that part of the exhilaration of his fine spirit has been gained through close contact with the West Virginia hills and the people who dwell therein.

Mr. KINZER. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. FULLER].

Mr. FULLER. Mr. Chairman, as a member of the Census Committee I feel that we gave all the people and their representatives who wished to appear

before our committee ample hearing. At this time I want to congratulate our chairman, the gentleman from Louisiana [Mr. ALLEN] for the fine manner in which he handled these hearings. He was very gracious to everyone who appeared and gave them all of the privileges that anyone would wish in order to present their arguments for or against this proposed bill.

In conclusion, may I say that I am in favor of the bill now pending before the House.

Mr. KINZER. Mr. Chairman, I yield 4 minutes to the gentleman from Kansas [Mr. COLE].

Mr. COLE of Kansas. Mr. Chairman, the bill which is presented by the Census Committee today is different in that we believe we are now offering a measure which will save the Government an estimated $1,390,000. The proposed legislation coordinates the present census law with respect to the census of manufactures and census of business.

The proposal contains a better balanced program by placing both censuses at 5-year intervals. The present law provides for the census of manufactures each 2 years and the business census each 10 years. The suggested change, therefore, would not only coordinate these programs, but would result in considerable saving.

The one bureau of the United States Government which does not attempt to issue directives, the one bureau which does not regulate, nor attempt to tell business, both big and little, how they should operate or to advise our people how they may live is the Bureau of the Census. The Census Bureau has done a fine job collecting and collating factual information which may be obtained by small business, large business, individuals, Members of Congress, and other departments of the Government. This information is not colored or prejudiced. It is not presented with the idea of promoting a program. Therefore, I believe the Bureau of the Census should be supported and assisted in its work.

A few weeks ago in debate in the House, the question was asked whether or not there was a duplication in the work performed by the Census Bureau and that done by other departments of the Government. It is doubtful that serious duplication exists because of the Federal Reports Act, and the authority of the Bureau of the Budget to prevent such duplication.

If, however, there is a duplication of effort, then such duplication should be eliminated, not from the Census Bureau, but from the other departments performing the corresponding work. Thus we would eliminate statistics collected and dispensed by departments which may use them and color them for their own purpose. We would thus retain the one department in Government which collects and presents only the facts and which has no interest in any results to be obtained from their use. The Census Bureau is the one department of Government which helps business to help itself, and, therefore, I believe it is highly desirable that we do everything in our power to strengthen this department.

Mr. COLE of Missouri. I wonder if the gentleman can tell us whether or not this will conflict with the taking of the census of 1950; the usual 10-year census?

Mr. COLE of Kansas. The gentleman is talking about the population census?

Mr. COLE of Missouri. Yes.

Mr. COLE of Kansas. No; it will not. There will be no conflict.

Mr. KINZER. Mr. Chairman, I yield 3 minutes to the gentleman from Kansas [Mr. REES].

Mr. REES of Kansas. Mr. Chairman, the legislation dealing with improvements in the Bureau of the Census may possibly help a little in saving some money, but it is only a drop in the bucket, in my opinion, compared with the millions that could be saved if a real job were done in dealing with census information, statistics, and figures. Of course, we need a bureau of census, but we do not need a dozen different agencies gathering similar information. That is one thing. Another is the tremendous amount of information and statistics gathered at Government expense that is not worth the money to the general public.

With respect to the duplication of effort and expense, I call attention to the fact that various departments of Government gather and assemble statistics similar to that of the Bureau of the Census. For example, the Department of Agriculture has a great division of statistics and information. The Department of the Interior has a similar bureau. The same goes for other departments. Nearly everyone is familiar with the tremendous amount spent by the Department of Labor under the Bureau of Labor Statistics that has an army of experts assembling and compiling figures along similar lines as those of the Bureau of the Census. In hundreds of cases representatives of the Bureau of the Census and the Bureau of Labor Statistics gather similar information from the same persons and concerns. Businessmen are called to complete information blanks for two or three agencies almost at the same time on similar information. Even during the war period hundreds of representatives of these agencies were traveling over the country at Government expense, when the space was so much needed for more important use and when the expense could be saved and the information secured by writing a letter.

I also charge that there is not only a great deal of duplication and multiplication of effort, with a lot of extravagance, but a great deal of the information, although it may have some value, is not worth the expense it costs to the American taxpayers who are required to foot the bill. Thousands of sheets of information are mailed to newspapers and people in all parts of the country every week that are filed in the wastepaper baskets as soon as they reach their destination. Ask any newspaper man in any town in your district how much of this information is really of value to him. Of course he uses a part of it but only a very small part. Then ask the average citizen how much use he gets from all of this effort and expense. Every Member of Congress receives a lot of this material almost every day. I'll wager that 90 percent of the information goes directly to the waste basket without it ever reaching your desk.

Mr. Chairman, I do not claim that we do not need any of the information or statistics of the Census Bureau but I do claim it is overdone. Here is a small example of what I mean. In today's mail each Member received a seven page document in fine print discussion of the number of families in the United States from 1940 to 1960. The number of families for each year is estimated, also the number of marriages and the number of divorces, as well as the number of children, and so forth. Then you also have a further document giving the number of marriage licenses issued in cities of 100,000 or more for each year during the last 5 years and the estimates for the future. The document among other things, calls attention to the fact that the issuance of the license does not necessarily mean there is a marriage, so allowance must be made in computation. In another day or two you will have a document for cities of less than 100,000, then later a document for rural areas.

Tomorrow and the next week you will receive further information on other subject matter, and then in another few weeks or few months the whole process will be repeated. Of course the army of compilers and statisticians continues to grow and the expense increases proportionately. But those in charge insist the public demands all of this information in detail and more of it.

I am not opposing this particular legislation. I appreciate the time which has been given me to discuss this matter. I am sure the chairman of the committee has done a good job in bringing out this legislation, but he has not even begun to scratch the surface. Let us have legislation that will definitely take into consideration the question of taking necessary censuses, and let us get rid of a lot of the duplication and multiplication of agencies and not only save the taxpayers a lot of money, manpower, time, and energy, but save a lot of needed paper and material.

Mr. ALLEN of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. REES of Kansas. I shall be glad to yield to my distinguished chairman.

Mr. ALLEN of Louisiana. I appreciate the gentleman's comments. I think he knows that I am pretty much in accord with his views with reference to this duplication, and I will say that the committee is, too. However, it is a pretty hard thing to handle.

In 1942 we passed what is called the Federal Reports Act, under which the Bureau of the Budget is supposed to screen these requests and curtail this duplication. Getting rid of this duplication is the ideal. They say we do not have very much of it now, but I think we probably still have too much of it. However, we are doing our best. I am tremendously interested in what the gentleman has said. I wish it were possible to get rid of this duplication. Perhaps if we were to give the Bureau of the Census, which is a great, impartial fact-finding

agency of the Government, more authority, we would make a great contribution to that cause, but when we undertake to do that we step on toes, and here they come. The gentleman is probably familiar with that situation.

Mr. REES of Kansas. I know the gentleman is definitely in favor of doing what I refer to and will do the best he can. He always keeps a watchful eye on the Federal Treasury in the interest of the taxpayers. We need more men of his attitude and industry It may, after all, be a good idea to step on a few toes if it becomes necessary. I think we ought to put the gathering of statistics of all kinds in one agency, so far as can be done, and then try to find out, if we can, just how much of this information is really needed in the light of the expense to the taxpayers of this country. The taxpayers, those who foot the bills, would be amazed if they could know of the hundreds of millions of dollars that are expended for gathering, compiling, and distributing and publishing statistics by our Government agencies.

Mr. ALLEN of Louisiana. Mr. Chairman, I yield such time as he may desire to the distinguished gentleman from Texas, the Speaker of the House [Mr. RAYBURN].

Mr. RAYBURN. Mr. Chairman, I know it has already been announced in the Committee of the Whole House that the President has just sent the name of Fred M. Vinson to the Senate nominating him to be Chief Justice of the United States. The President showed rare wisdom when he chose Fred Vinson to be Secretary of the Treasury. I do not know of a job in the Government from the Presidency down that I would not fully trust Fred Vinson with. The President has again shown his rare talent for selecting men for high and important positions by selecting a man whom I consider one of the greatest patriots I have ever known; one of the ablest citizens I have ever known; and one of the greatest public servants I have ever known.

Mr. ALLEN of Louisiana. Mr. Chairman, I yield 3 minutes to the gentleman from Washington [Mr. SAVAGE].

Mr. SAVAGE. Mr. Chairman, on the point just raised by the gentleman from Kansas, I want to say the committee was also very interested in the question of duplication. We went into that question quite thoroughly with the idea that we might be able to eliminate some of it if there was much duplication. It is my opinion after listening to the hearings that there is not much duplication. I do not think it would be practical to have all of the statistics gathered by the Bureau of the Census.

Let us consider, for instance, the Department of Labor. The Department of Labor has regular establishments throughout the country from which they can get immediate information in regard to employment, employees, and so on. The Department of Labor needs statistics occasionally on very short notice, for instance, for handling strike problems and other problems having to do with changes in industry—something that the Census Bureau has nothing to do with. I do not say they could not do it. However, the Labor Bureau claims their own personnel who understand those problems are much more capable of quickly getting the specific information needed. It would mean a great deal of expense to set the Census Bureau up in order to handle such things rapidly for the Department of Labor and for the Department of Commerce and perhaps other departments. Those particular departments that are dealing with these specific problems have a system in the field so that at very little cost they can gather the information quickly. Most of the information the departments gather is for their own use and not for the public in general, like the facts gathered by the Bureau of Census. The departments use statistics gathered by the Census Bureau whenever they can. Of course, the war agencies have had some duplication because, although they have been of a temporary nature, they have had to have much more statistics than any regular bureau, especially for this war period. If they were permanent agencies, then I think the committee would have had a lot of work to do to go into all of the statistics that are gathered by war agencies, but since they are about ready to go out of existence, I do not believe it would pay to try to set up a Census Bureau to gather statistics for a temporary agency. Of course, we are all interested in seeing that there is no duplication.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. ALLEN of Louisiana. Mr. Chairman, I yield the balance of the time to the gentleman from Massachusetts [Mr. LANE].

Mr. LANE. Mr. Chairman, I ask unanimous consent to speak out of order.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

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Mr. LANE. Mr. Chairman, while our great concern was with the railroad strike, the demands of the railway employees, the effect on the national economy and life, and the multiple, all-embracing concomitant questions, and while my concern in these remarks is with a matter pertaining to the railroads, it is not with regard to the strike that I speak now. My opinions on the fundamental and immediate concern have been expressed and my attention, as that of all Members, is still devoted to the serious considerations raised.

But our greater concern has served to overshadow a matter which cannot be ignored because it involves a patent evil and an evil of such a nature that I feel compelled to express my firm objections. For I believe that corrective action can and must be taken. I have been moved to speak, and to denounce, because the matter has recently been publicly exposed in detail by the commendable action of one of the railroads, and the remarkable initiative gained by a Nation-wide plea through the medium of advertising should not be permitted to expend its corrective potentiality without practical result. And, in fact, because our attention is so focused on the railroads and our energies so absorbed, I feel that to sustain this lesser issue now might serve to carry it in the rushing wave of public attention that it may be thrown high and dry on the shore of scrutiny and, manifestly evil, be crushed under foot. For, to continue my image, this evil flourishes out of scrutiny, in depths where vision in obscured and attention cannot be focused nor energetic action be concerted and effective.

I refer to the black market in sleeping-car ticket reservations. The Chesapeake & Ohio rail lines forced this scandal out of the depths onto the surface for our scrunity in what must have been a national advertisement, for I noted copies in the daily newspapers of Washington, New York, and Boston. This public, frank and commendable action clearly exposed an evil of which I have been suspicious for some time. In fact, because I was aware of what has been going on, I had enlisted the assistance of several friends in an effort to learn more of the details and the ramifications of this scandalous practice. The exposé by the C & O has left no doubt and has pointed the need for remedial action.

I am confident that my colleagues have at one time or another run up against this black marketing of sleeping-car tickets, or have suspected it as I have. The exigencies of our duties as Representatives, involving the dual necessity of faithful attendance to our work here at the Capitol and of frequent personal contact with our constituents demand frequent travel. I make an effort to return to my district frequently for reasons that need no explanation to colleagues who recognize the necessity of supplementing, I might say compensating for, the correspondence that reaches us, by direct personal conversation with the people at home. I am fortunate that the location of my district enables me to return frequently even though the physical burden of a round-trip to Massachusetts on a week end cannot always be ignored.

But I am indignant, and have been more than once, when I have detected evidence of abusive practices in the sale and resale of reservations. Now I have never paid more than the stipulated price for a ticket, and it has been rare when I have failed eventually to obtain a reservation. But I have more than once been seriously incommoded, under circumstances which have been more than suspicious. It is not a question of privilege nor do I seek such. I know that the great volume of traffic on the railroads, particularly during the war, made it inevitable that not all requests could be immediately attended to. More than once in the past I have commended the railroads and the men that made them operate for a remarkable achievement during the war.

But when I approached the ticket window at the very first minute that sales for a future reservation were opened and learned that every single ticket had been sold, then I knew that something was rotten in reservations. This has been my experience. Forewarned by previous rebuff and knowing the exact moment when sales were first permitted for a

reservation for a month later, I appeared at the window at the very moment with my request. "How can it be," I was forced to exclaim, "how can it be that all tickets have been sold? Is not this the very moment when sales should begin, not end?" I received no adequate answer. Somewhere in the briny and unsavory deep of deception and conniving was the answer.

There is no doubt now. The pointed and graphic advertisement of the C. & O. has left no room for conjecture. I have seen no corroborative acknowledgement or assistance from the other rail lines, who cannot be unaware of what has been going on. The C. & O. must have known that its action would receive little support within the industry, because it appealed to the individual and to the press for support. Nor have I noticed any outspoken voice of the press directed against this evil, though I would be glad to hear from any newspaper or periodical which has done more than comment, which has taken up the cudgels and the cause. The initiative has been given and the line of remedial action pointed by the C. & O.

Now I am not in complete agreement with their recommendations. The C. & O. feels that only by the drastic action of a 25 percent forfeiture on tickets canceled in a reasonable time can the root of the evil be removed. This recommendation is, I believe, a realistic one in the minds of the railroad, cognizant as they are of the methods and the grip of the racket. But it is an impingement on the passengers' rights which I believe excessive. I know from my own experience that it would impose a considerable burden on me and cause no little confusion. It is necessary for me to make reservations considerable in advance, but it is not possible to predict even hours ahead whether the legislative program of this House will permit me to follow my original plan. I am forced, not infrequently, to make late cancellations and I do not feel that I am alone in this necessity. The pressure of business and the uncertainty of the moment of its completion are not the only causes of late cancellations, though considerable in themselves. But as people travel for a thousand and one reasons, for pleasure and from necessity, so do plans change abruptly by the fate that rules our day and night. A 25 percent forfeiture might eliminate the evil, but the offense to passengers would be more serious and justifiable than the C. & O. seems to think. No, it is not the solution to strike for the racketeer in a great net that would sweep in all the innocent passengers.

But the C. & O. does make proposals that are realistic if they can be effected. It proposes that block sales of sleeping-car space be stopped at once. This is the net designed to catch the shark. All space should be reserved or sold in the name of the individual who intends to use it. Tickets should be nontransferable. Hotels, travel agencies, and business houses could follow their present system, except that space would have to be reserved or sold in the name of the individual passenger. These are the recommendations; they are sound and practical.

This is a matter for the Interstate Commerce Commission to attend to and act upon, if need be, and there is no doubt that the need is present and urgent. I believe that failure to make appropriate recommendation carrying adequate weight or the failure to take action which would be effective would constitute negligence. This is, I repeat, a matter of the responsibility and jurisdiction of the ICC. I will be pleased to learn of any means the Commission has taken or will take to effect positive action. I am quite aware that the solution is not easy; that the prevalence of the practice and the clever unscrupulousness of the "sharks" make it difficult to apprehend them—more difficult to eliminate them. But proposals have been made that seem practical and promise efficacy if applied. This is not a minor matter and it is more than a question of inconvenience and expense to the traveler.

It is another vicious manifestation of the flouting of law and the disregard for ethical norms that are altogether too common in our Nation today for us to be complacent about its purity, vigor, and faith. I see in the vicious spread of the black market in this country the same inherent weakening of public and individual morality and disregard for law that was so prevalent during prohibition. I was opposed to the Volstead Act; I have always considered it not only unconstitutional but unnatural and know that the evils which attended it were consequent on its basic abuse of legislative purpose and privilege, and its consequences were severe, serious, and persisting.

But more serious and more abusive are the evils of the black market, which profiteered on the need of this Nation when it was involved in a struggle for life and for right. When sacrifices were demanded of all—when the supreme sacrifice was demanded for some who volunteered to make that sacrifice—there flourished—and it is shameful to recall—a vile and contemptible group who prospered on our need—yes—and fed on the selfishness of some of our people.

We have not escaped from our troubles now that the war is over, and we certainly have not cleared the waters of our route to peace by eliminating the sharks who feed on the works of selfishness and even dire necessity that are dropped into the depths in which they operate. I am infuriated with the thought that these racketeers can continue to practice their rotten ways. Let us have an end of it. Whether what they offer is meat, food, or a tribute they demand for an automobile, or the robbery they practice with railroad tickets, let us have an end of it. Let the railroads take heed, let the ICC apply itself, let our people demand an end of it, let the sharks take warning and be done. For this body is capable of action; let there be no douot of that.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired. All time has expired.

The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., (a) That the Director of the Bureau of the Census, hereinafter referred to as the Director and the Bureau, respectively, is authorized and directed to take, compile, and publish the censuses of manufactures, of mineral industries, and of business or distribution, including the distributive trades and service establishments, in the year 1947 and every fifth year thereafter, and each such census shall relate to the year immediately preceding the taking thereof.

(b) That the Director is further authorized to make such surveys and studies as are deemed necessary to furnish annual and other current data on the subjects covered by the censuses provided for in this and other acts, including surveys covering the location and characteristics of the population.

Mr. ALLEN of Louisiana. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose and the Speaker having resumed the chair, Mr. HARRIS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H. R. 5857) to provide for the collection and publication of statistical information by the Bureau of the Census had come to no resolution thereon.

EXTENSION OF REMARKS

Mr. RANKIN (at the request of Mr. ALLEN of Louisiana) was given permission to extend his remarks in the RECORD and include a statistical summary of Veterans' Administration activities.

The SPEAKER. Under previous order of the House, the gentleman from Oklahoma [Mr. STIGLER] is recognized for 30 minutes.

EXPAND THE VETERANS' EMPLOYMENT SERVICE NOW

Mr. STIGLER. Mr. Speaker, just a year ago I came before this great body to deliver an address on a subject of primary importance to me. Yes, a subject of first consideration to the entire Nation. At that time, we were debating a measure appropriating funds for the operation of what I consider one of the most important agencies of Government. I refer to the Veterans' Employment Service of the United States Employment Service which provides jobs for our veterans.

Today it appears to be a common practice in many of the governmental agencies to go far afield in administering the laws under which they operate. I refer particularly to the action some take in placing their own construction on laws passed by the Congress instead of following the intent of Congress. I can say with some certainty that not in my experience in Government has any agency held so strictly to the letter of the law as the Veterans' Employment Service. Congress has clearly spoken its intent and purpose in title IV of the GI bill passed in 1944. The Veterans' Employment Service has, without reservation, devoted its entire facilities to the effectuation of that title.

Until VE- and VJ-days the Veterans' Employment Service was little known,

although it had been in existence for more than a quarter of a century. As a service officer for many years for the American Legion, and more recently as a Member of Congress, I have come to know this service quite well. For the information of those Members who are not acquainted with its history, I will briefly review the development of the Veterans' Employment Service.

A veterans' employment service may be said to have originated following World War I, when personnel of the United States Employment Service were assigned to demobilization centers in the United States and abroad. Men about to be discharged were registered and, whenever possible, referred to suitable employment through State and local defense councils and welfare organizations with the United States Employment Service acting as a clearing house for exchange of information. In the 10 months from December 1918 through September 1919, 758,000 discharged servicemen filed applications for employment and work was obtained for 478,000.

In 1928, through a congressional act, a Veterans' Employment Service was established as part of the United States Employment Service of the Department of Labor, but limited funds delayed the development of an effective program.

A reorganized Veterans' Employment Service was established under the provisions of section 3 (a) of the Wagner-Peyser Act of June 6, 1933, which reads as follows:

> It shall be the province and duty of the Bureau—

That is, the United States Employment Service—

> to maintain a veterans' service to be devoted to securing employment for veterans * * * to assist in establishing and maintaining systems of public employment offices in the several States and political subdivisions thereof in which there shall be located a veterans' employment service.

With the approval of its Federal advisory council, comprised of representatives of the national veterans' organizations and of management and labor, it was decided to serve veterans through all offices operated by or affiliated with the United States Employment Service, and to appoint a veterans' employment representative in each State to supervise the employment interests of veterans. In addition, a local veterans' employment representative was designated in each office. That basic organization has continued to the present time. Each of the 1,500 permanent and approximately 2,000 itinerant offices of the United States Employment Service thus in effect has become a veterans' employment office.

On July 1, 1939, in accordance with the provisions of the President's first reorganization order, the United States Employment Service and its Veterans' Employment Service were transferred to the Social Security Board and merged with the Bureau of Unemployment Compensation to form a new Bureau of Employment Security. In December 1942, by Executive order of the President, the United States Employment Service and the Veterans' Employment Service were transferred to the War Manpower Commission as an emergency war measure.

In June 1944, Congress passed the Servicemen's Readjustment Act, commonly known as the GI bill. Title IV of that act reinforced the existing structure of the Veterans' Employment Service, and set up a Veterans' Placement Service Board, consisting of the Administrator of Veterans' Affairs, as chairman; the Director of the National Selective Service System, and the Administrator of the Federal Security Agency, or whoever may have the responsibility of administering the functions of the United States Employment Service.

VETERANS HAVE MADE GREAT CONTRIBUTIONS TO OUR COUNTRY

Perhaps I am a bit prejudiced in behalf of the veteran. If so, I certainly welcome the accusation and will defend my sentiment at any time. Our war veterans who fought so gloriously for America and American ideals have made America what it is today. First, by their great and heroic sacrifices and their services on the field of battle. Second, by their increased and intensified devotion to their country following their service in the armed forces.

Let us think for a moment of the time of our Nation's birth. The followers of Washington fought on against overwhelming odds at Saratoga, Trenton, and Valley Forge for the principles of freedom and democracy which they gained with eternal victory at Yorktown. After many years of war, when society as they knew it laid in ruins about them, what was there for them to do? Nothing except to create and build the country we all love and now know as the United States of America.

Then there were the veterans of the Civil War, whose minds rang with the words of Appomatox, Chancellorsville, Bull Run, and Gettysburg. After this war it was a sadly perplexing world that they faced with no assistance. What was there for them to do in the South? What was there for them to do in the North? The foreigners had taken the jobs; the profiteers had grown rich on their comrades' deaths. There was nothing to do, except for them to rebuild and make of this country a nation foremost among all nations—which in a single lifetime they proceeded to do.

Thirty-four years after the close of the Civil War the streets of every city, town, and village again resounded to the tread of marching feet. Our Nation was again at war. Again the people rose, fought, and mourned for the lives of men in their prime, which had been given that the honor of the Nation might remain undefiled.

More recently, within the memory of all of us, American manhood was again called to the colors and this time fought on foreign soil that our ideals might be preserved. As a doughboy, I landed with them, as did many of you. This was the war many of our leaders of a quarter of a century ago said would "end all wars." We went off with high hopes, lofty ambitions, and, yes, pounding hearts, to fight a crusade for democracy. We came home to receive the plaudits of a Nation grateful for our victory. But how long did they last? The manifestations of gratitude lasted not much longer than the last echo to the band which played as some marched down Broadway.

And so, as the history of war unfolds before us, we see our own sons and daughters marching down the main streets of America. This time they sailed into the far corners of the world to engage in mortal combat with the most ruthless enemies man has ever known. Once again the success of American arms and ingenuity has been emblazoned upon the pages of history. Once again our youths have returned to us, and amidst showers of confetti and to the strains of martial music we have rejoiced in their victories.

Once again, the applause that rang so loudly in their ears is beginning to fade away. With their uniforms in mothballs, we see the emblems of the veterans' organizations beginning to appear in millians of new lapels. Our civilian warriors have now become warrior civilians.

WHAT DO OUR VETERANS WANT?

What do they want to do? Many of them are going back to school. The campuses of America are filled to overflowing and the peak has not been reached. In this we rejoice, for the youth of the Nation must be educated if America is to remain strong. Others have returned to the jobs they left, to apply their skills and abilities to the manufacture of the many commodities which were missing from our market places during the war.

However, a great many of them are now or will be looking for either their first job or a better job than the one they left. They are the veterans about whom I am concerned. They are young and ambitious. Many of them are married, and others are making plans for the future which may not materialize until the proper job is located.

The GI bill held out a promise to these young men and women. Title IV of that law charged the Veterans' Employment Service with providing for veterans the maximum of job opportunity in the field of gainful employment. Now the Veterans' Employment Service has not failed to discharge its responsibility because of the ineffectiveness of its staff, but it has not been able to carry all the way through, due to the shortage of personnel in the field.

The present staff of the Veterans' Employment Service numbers about 300. To think that such a limited staff could even begin to discharge the responsibilities we have placed upon it is absurd. The most casual observer would become aware at once that this is a tremendous assignment.

Consider for a moment the State of Texas—an empire of almost unlimited expanse which stretches across almost one-third of our country. Over a million veterans will return to its borders. The Veterans' Employment Service has at this time four men in the State of Texas.

Take the State of New York with its untold numbers of manufacturers and employers of veterans. Here the service has a staff of 10 men to make regular contact with employers and carry out the other provisions of the law.

And so it goes with other States. There are some who say that the United States Employment Service should be able to do this job. Without any intention to cast any reflection upon that Service, and I have a very high regard for its present administration, I would like to point out some very obvious facts.

First. The staff of the USES is not paid on the same basis as other Federal employees. For example, in the State of Alabama, a USES interviewer is paid about $1,800 per year. In any other Federal agency such an employee would be paid about $3,100 for comparable work. The highest salary paid an interviewer in that State is about $2,500, compared to a maximum of about $4,500 in other agencies. Private industry, of course, pays even more in many instances. As a result, there has been an unusually high rate of turn-over among USES employees. Training of new employees is continuous.

Second. The USES has been given so many "must" assignments during the recent years that it is small wonder that there is little enthusiasm for this responsibility. Then too, these people had so much responsibility and work to do during the war that many are war-weary.

Third. USES staffs in some parts of the country have indicated an unwillingness to go all-out in service to the veteran. This is in part understandable because of a feeling of obligation to the warworker who was arbitrarily assigned to a job which is now nonexistent.

Fourth. The USES is so heavily burdened with other functions, such as claims-taking for the unemployment compensation agencies, that it is not able to properly and effectively serve the interests of the veterans. For example, not long ago, it was reported that in many States as high as 90 percent of staff time was devoted to claims-taking. How, then, could these people effectively discharge the responsibilities mandated by the GI bill?

There are many other reasons why the USES has not been able to effectively carry out this assignment. Also, one must consider the present uncertainty regarding the future status of this agency.

WHAT WILL BENEFIT THE VETERAN?

What then can be done to implement this vital program? The veteran will not accept excuses and explanations, regardless of their logic, for our failure to provide the assistance we had promised. Corrective action must be taken, and it must be taken immediately.

Shortly there will come before Congress a request for additional funds to expand the Veterans' Placement Service. Mr. Speaker, ordinarily I am very much opposed to the expansion of agencies. We have too many employees now on the Government pay roll. They should be reduced immediately. But, here, I feel that we have an obligation to perform—a pledge to keep toward our returning veterans. For that reason I favor and will vote to increase the funds which will be requested by the United States Employment Service.

I understand that for the fiscal year 1945–46 their budget is as follows:

Departmental employees—26	$88,860
Field employees—300	1,007,000
Total	1,095,860
Total appropriation including transportation, printing, binding, and other expenses	1,234,000

For the fiscal year ending 1946–47 the request will be approximately as follows:

Departmental employees—66	$241,500
Field employees—1,029	3,086,000
Total	3,327,500
Total request will include other expenses such as transportation, printing, binding	3,731,000

I understand that the Veterans' Employment Service has asked for something like 500 additional employees. I am told that it will be their day-by-day responsibility to call upon employers in search of job opportunities for veterans.

As an example of the effectiveness of this type of activity, I cite the experience of the USES office in Berkeley, Calif. That office found itself with thousands of veterans' applications in its files and no job orders. Four employees were sent out to solicit jobs one day each week, and in less than 2 weeks they had located vacancies for 126 veterans.

The city of St. Louis, Mo., became alarmed about the numbers of unemployed veterans. The local USES office had applications from many thousands of veterans and virtually no jobs to send them to. A committee was formed under the chairmanship of Col. John J. Griffin, vice president of the Industrial Bank and Trust Co. Volunteer solicitors were sent out to locate jobs for veterans. Colonel Griffin recently reported that in one office building alone, jobs were located for 100 veterans. These vacancies were listed with the local USES office for the selection and referral of qualified veterans.

Countless other success stories could be related, but from the standpoint of the veterans as a whole, they are relatively ineffective. Volunteers lose their interest and will not as a general rule continue any sustained activities of this nature. Projects undertaken by local USES offices have been temporary and cannot be made permanent because of other activities.

At the present time, our only alternative is to appropriate sufficient funds for the successful operation of the Veterans' Employment Service. And, speaking of the Veterans' Employment Service, I happen to know Perry Faulkner, Chief of that Service. He is the very soul of integrity, and I assure you that the funds we appropriate will be used most effectively. This man has devoted his life to serving the veteran. When he was appointed a little more than a year ago as Chief of this service, he brought a businessman's judgment and experience to the Government service. That alone should warrant our confidence in him. The things he has accomplished during the last year have been extremely helpful. With a mere handful of men he has developed an agency which is now ready to move forward. Given the appropriation he asks, we can rest assured that the employment interests of our veterans will be fostered and promoted. Without this appropriation, the veterans are doomed to disappointment and our promises made to them will go unfilled.

Nothing is more certain than this. The veteran will be needing greater service in let us say 5 years from now than he needs at this moment. The war will be over and in a popular sense forgotten. The veteran will be a man with an organization button in his lapel. The test of the Veterans' Employment Service will come then.

If we adequately prepare now, we may be able to serve him when he needs it most. It is not too much to say that the salvation of our industrial and social freedom depends upon the readjustment of the veteran from the soldier to the civilian with a job.

Today we see veterans returning to civilian life in increasing numbers. These veterans are not expecting and do not want charity. They do want work. It is the obligation of every American, every industry, every business to facilitate their obtaining proper employment.

I have been told that as of January 30 there were 221,000 unemployed, disabled veterans alone registered for work in USES. During that time only 6,000 disabled veterans were placed in jobs. Now there are 261,000 unemployed veterans as of April 30. During the month of April there were only 11,000 disabled veterans placed.

I also wish to point out that 16.4 percent of all registered nonveterans were placed by USES in April; 9.3 percent of all registered nondisabled veterans, and only 4.3 percent of all registered disabled veterans were placed. Now, what does this prove? To me it means a lot of work must be done, and to do this work a lot of people are needed to take care of employment problems of our veterans. We must not fail him in his time of need! Mr. Speaker, I trust the House will grant the request of the Veterans' Employment Service when its appropriation for the next fiscal year comes up for consideration.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. O'HARA, for 10 days, on account of official business.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1760. An act to decrease the debt limit of the United States from $300,000,000,000 to $275,000,000,000; to the Committee on Ways and Means.

ENROLLED BILLS SIGNED

Mr. ROGERS of New York, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 208. An act for the relief of Marion Contracting Co.;

H. R. 210. An act for the relief of Jack Williams; Mrs. Lora Sally Williams, the legal guardian of Garry E. Williams, a minor; and the legal guardian of James Williams, a minor;

H. R. 216. An act for the relief of John Seferian and Laura Seferian;

H. R. 238. An act for the relief of Henrietta Silk;

H. R. 781. An act for the relief of the legal guardian of Douglas Charles McRae, a minor;

H. R. 845. An act for the relief of Mrs. Luther S. Sykes;

H. R. 874. An act for the relief of L. Wilmoth Hodges;

H. R. 941. An act for the relief of Mrs. C. A. Lee, administratrix of the estate of Ross Lee, deceased;

H. R. 1037. An act to confer jurisdiction upon the United States District Court, Southern District of Florida.

H. R. 1072. An act for the relief of Henry R. Butler;

H. R. 1229. An act for the relief of Mrs. Mary M. Wolf;

H. R. 1238. An act for the relief of Father Peter B. Duffee;

H. R. 1299. An act for the relief of Morris Fine;

H. R. 1394. An act for the relief of William H. W. Komp;

H. R. 1538. An act for the relief of Robert J. Cramer;

H. R. 1782. An act for the relief of Ida F. Braun, Alice Braun Menges, and Carl J. Braun, individually and as executors of the estate of Hedwig W. Braun, deceased, and as legatees and beneficiaries of the will of Hedwig W. Braun, deceased, and as the sole parties in interest by succession under the last will and testament of Hedwig W. Braun, deceased, and under the last will and testament of Herman W. Braun, deceased;

H. R. 1852. An act for the relief of R. H. White Transfer & Storage Co., of Nashville, Tenn.;

H. R. 2188. An act for the relief of George W. Bailey;

H. R. 2223. An act for the relief of Catherine Bode;

H. R. 2242. An act for the relief of Mrs. Lessie L. Bryant and Miss Jimmie Alexander;

H. R. 2246. An act for the relief of the estate of Michael O. Mello, and Christian O. Mello;

H. R. 2248. An act for the relief of Joseph E. Alarie;

H. R. 2337. An act for the relief of H. H. Hood;

H. R. 2569. An act for the relief of Daphne Webb;

H. R. 2576. An act for the relief of William F. Schmeltz;

H. R. 2579. An act for the relief of John C. Johnson;

H. R. 2665. An act for the relief of Acchille Guillory and Olivia Guillory;

H. R. 2747. An act for the relief of George A. West;

H. R. 2926. An act for the relief of Mrs. Alice Breon;

H. R. 2973. An act for the relief of Ben Thomas Haynes, a minor;

H. R. 3018. An act for the relief of Crystal R. Stribling;

H. R. 3094. An act conferring jurisdiction upon the Court of Claims of the United States to consider and render judgment on the claim of the Zephyr Aircraft Corp. against the United States;

H. R. 3100. An act for the relief of Rolland Lee Frank;

H. R. 3125. An act for the relief of Lovie M. Trotter;

H. R. 3177. An act for the relief of James J. Barrett, Jr.;

H. R. 3228. An act for the relief of Sam Dishong;

H. R. 3270. An act for the relief of James B. McCarty;

H. R. 3340. An act for the relief of Mrs. Merla Koperski;

H. R. 3355. An act for the relief of Elizabeth Jones Hansel;

H. R. 3365. An act for the relief of Kay Beth Bednar;

H. R. 3378. An act for the relief of Dr. John A. Logan;

H. R. 3506. An act for the relief of Mary A. Wallis;

H. R. 3523. An act for the relief of Sam Demico and Clint Hamm, operating as the D & H Grocery;

H. R. 3525. An act for the relief of Owen Young;

H. R. 3556. An act for the relief of Mr. and Mrs. Glen Rothenberger;

H. R. 3599. An act for the relief of Ama L. Normand and the estate of Curtis Joseph Gaspard, decease ";

H. R. 3618. An act for the relief of Mrs. Vannas H. Hicks;

H. R. 3641. An act for the relief of M. Martin Turpanjian;

H. R. 3676. An act for the relief of Pershing W. Ridgeway;

H. R. 3702. An act for the relief of Maurice C. Ritter;

H .R. 3726. An act for the relief of Earl D. Massey, Marvin Marshall, and Fred C. Mitchell;

H. R. 3751. An act for the relief of Mrs. Theodore O. Anzures and the legal guardian of Bernice Anzures and Andrew Anzures;

H. R. 3770. An act for the relief of Lyndon T. Montgomery;

H. R. 3781. An act for the relief of Mabel M. Fischer and Nora M. Steinmetz;

H. R. 3808. An act for the relief of the estate of William N. Therriault and Millicent Therriault;

H. R. 3822. An act for the relief of the estate of Charles M. Overcash, deceased;

H. R. 3823. An act for the relief of Gertrude McGill;

H. R. 3828. An act for the relief of James R. Vaughan;

H. R. 3967. An act for the relief of Ahto Walter, Lucy Walter, and the legal guardian of Teddy Walter, a minor;

H. R. 3968. An act for the relief of the estate of Charles W. Stewart;

H. R. 4016. An act for the relief of Dorothy Morgan;

H. R. 4047. An act for the relief of Edward A. Hollis, Sr.;

H. R. 4074. An act for the relief of Mrs. Jennie Burnison;

H. R. 4115. An act for the relief of the estate of Eleanor Doris Barrett;

H. R. 4141. An act for the relief of Piombo Bros. & Co.;

H. R. 4142. An act for the relief of Johnnie V. Nations;

H. R. 4172. An act for the relief of Carlton G. Jerry;

H. R. 4174. An act for the relief of Mayer G. Hansen.

H. R. 4176. An act for the relief of the estate of Earle R. Woodfall, Jr., deceased.

H. R. 4210. An act for the relief of the estate of Bob Clark and the estate of George D. Croft;

H. R. 4237. An act for the relief of the estate of Vedal B. Brooks, deceased; Mrs. Katherine I. Brooks; and the legal guardian of Sally Brooks, a minor;

H. R. 4244. An act for the relief of Fundador Nieves del Valle;

H. R. 4270. An act for the relief of Southern California Edison Co., Ltd.;

H. R. 4298. An act for the relief of Severno Apoluna Dinson and Candilaria Dinson, and the legal guardian of Laura Dinson and the legal guardian of Teresita Dinson;

H. R. 4300. An act for the relief of the county of Hawaii, T. H.;

H. R. 4301. An act for the relief of Philip Naope Kaili and Susie Kaili;

H. R. 4338. An act for the relief of Anna Blanchard and others;

H. R. 4352. An act for the relief of Ola L. Wright, Mrs. Margaret Wright, and the legal guardian of Betty Bea Wright, a minor;

H. R. 4400. An act for the relief of the legal guardian of Hershel Dean Curry, a minor;

H. R. 4405. An act for the relief of John Bakelaar:

H. R. 4414. An act for the relief of Eva D. Champlin, Robert H. Howell, Emily Howell, and Stella Ward;

H. R. 4416. An act for the relief of George H. Buxton, Jr.;

H. R. 4418. An act for the relief of the city of San Diego, Tex.;

H. R. 4491. An act for the relief of Vertie Bea Loggins;

H. R. 4527. An act for the relief of O. T. Nelson, and wife, Clara Nelson;

H. R. 4537. An act for the relief of Lillian Jacobs;

H. R. 4545. An act for the relief of George Leslie Dobson;

H. R. 4567. An act to amend the act entitled "An act conferring jurisdiction upon the United States Court of Claims to hear, examine, adjudicate, and render judgment on any and all claims which the Ute Indians, or any tribe or band thereof, may have against the United States, and for other purposes," approved June 28, 1938;

H. R. 4607. An act for the relief of Margaret Lee and Mike Sopko;

H. R. 4609. An act for the relief of Jerome Dove;

H. R. 4633. An act for the relief of John B. Clausen;

H. R. 4639. An act for the relief of C. LeRoy Phillips;

H. R. 4640. An act for the relief of Gladys Hastings;

H. R. 4647. An act for the relief of Albert R. Perkins;

H. R. 4670. An act for the relief of Mrs. Edna B. LeBlanc;

H. R. 4716. An act for the relief of Charles B. Borell;

H. R. 4723. An act for the relief of John M. Shipp;

H. R. 4750. An act for the relief of C. C. Vest;

H. R. 4757. An act for the relief of Mrs. Gussie Feldman;

H. R. 4777. An act for the relief of the Sawtooth Co.;

H. R. 4800. An act for the relief of Harry Fleishman;

H. R. 4832. An act for the relief of Stanley B. Reeves and Mrs. Stanley B. Reeves;

H. R. 4833. An act for the relief of the estate of Robert Lee Blackmon;

H. R. 4836. An act for the relief of Louis M. Drolet;

H. R. 4854. An act for the relief of Mrs. Pearl Smith;

H. R. 4885. An act for the relief of Ernst V. Brender;

H. R. 4904. An act for the relief of Cleo D. Johnson and Mr. and Mrs. Jack B. Cherry;

H. R. 4905. An act for the relief of Nina E. Schmidt;

H. R. 4915. An act for the relief of Irving W. Learned;

H. R. 4976. An act for the relief of Mrs. Catherine Fortunato;

H. R. 4977. An act for the relief of Mrs. Theresa Ebrecht;

H. R. 5049. An act for the relief of the estate of Obaldino Francis Dias;

H. R. 5111. An act for the relief of Mrs. Mildred L. Bupp;

H. R. 5212. An act for the relief of the dependents of Cecil M. Foxworth, deceased;

H. R. 5307. An act for the relief of Ben V. King;

H. R. 5525. An act for the relief of Sylvia Wagner;

H. R. 5407. An act to grant to the Federal Works Administrator certain powers with respect to site acquisition, building construc-

tion, purchase of buildings, and other matters;

H. R. 5718. An act to facilitate the liquidation of Washington Railway & Electric Co.;

H. R. 6010. An act for the relief of the Yakutat Cooperative Market;

H. R. 6011. An act for the relief of Dr. Harry Burstein, Madeline Borvick, and Mrs. Clara Kaufman Truly (formerly Miss Clara M. Kaufman);

H. R. 6245. An act for the relief of Mary G. Paul; and

H. R 6334. An act for the relief of the estate of Carmen Aurora de la Flor, deceased.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1776. An act to authorize the exchange of certain land at the Benicia Arsenal, Calif.; and

S. 1872. An act to provide for the rank of original appointments in the Corps of Civil Engineers of the United States Navy, and for other purposes.

ADJOURNMENT

Mr. SPARKMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 13 minutes p. m.) the House adjourned until tomorrow, Friday, June 7, 1946, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON EXPENDITURES IN THE EXECUTIVE DEPARTMENTS

The Committee on Expenditures in the Executive Departments will hold hearings on the President's Reorganization Plans Nos. 1, 2, and 3 beginning at 10 a. m. on Tuesday, June 4, through Friday, June 7.

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

There will be a meeting of the Committee on World War Veterans' Legislation, in executive session, on Friday, June 7, 1946, at 10 a. m., in the committee room, 356 Old House Office Building, on H. R. 6340.

SELECT COMMITTEE ON CONSERVATION OF WILDLIFE RESOURCES

Beginning at 10:30 a. m. each day, the Select Committee on Conservation of Wildlife Resources will hold hearings on Monday, June 10, Tuesday, June 11, and Wednesday, June 12, in the committee room, 448 House Office Building.

The purpose of the hearings will be to receive reports from the various Federal agencies engaged in wildlife conservation activities and from State game and fish departments, to hear testimony concerning migratory bird shooting regulations for the coming season, and for other purposes.

COMMITTEE ON INVALID PENSIONS

There will be an executive session of the Committee on Invalid Pensions in room 247 House Office Building, on Tuesday, June 11, 1946, at 10:30 a. m.

The purpose of the executive session will be to review public bills pending before the committee and to determine which bills will be scheduled for hearings.

COMMITTEE ON THE JUDICIARY

On Wednesday, June 12, 1946, Subcommittee No. 1 of the Committee on the Judiciary will hold a hearing on the bill (H. R. 6143) to incorporate the Amvets, American Veterans of World War II. The meeting will be held in the Judiciary Committee room, 346 House Office Building, and will begin at 10 a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1371. A letter from the Attorney General, transmitting a report reciting the facts and pertinent provisions of law in the cases of 182 individuals whose deportation has been suspended for more than 6 months by the Commissioner of Immigration and Naturalization Service under the authority vested in the Attorney General, together with a statement of the reason for such suspension; to the Committee on Immigration and Naturalization.

1372. A letter from the Acting Secretary of the Interior, transmitting report on the expenditures incurred and revenues received in the construction, operation, and maintenance of Boulder City, together with recommendations for the allocation and adjustment of such expenditures and revenues; to the Committee on Irrigation and Reclamation.

1373. A letter from the Comptroller General of the United States, transmitting report on the audit of Federal Deposit Insurance Corporation for the fiscal year ended June 30, 1945 (H. Doc. No. 639); to the Committee on Expenditures in the Executive Departments, and ordered to be printed.

1374. A communication from the President of the United States, transmitting an amendment to the 1947 budget of the Federal Farm Mortgage Corporation, Department of Agriculture (H. Doc. No. 640); to the Committee on Appropriations and ordered to be printed.

1375. A communication from the President of the United States, transmitting the budget for the Selective Service System for the fiscal year 1947, in the amount of $37,000,000 (H. Doc. No. 641); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOYKIN: Committee on Accounts. House Resolution 652. Resolution providing for further expenses of investigation authorized by House Resolution 281 of the Seventy-seventh Congress, continued by House Resolution 52 of the Seventy-eighth Congress, and continued by House Resolution 38 of the Seventy-ninth Congress; without amendment (Rept. No. 2226). Referred to the House Calendar.

Mr. McMILLAN of South Carolina: Committee on the District of Columbia. H. R. 5970. A bill to permit the members and stockholders of charitable, educational, and religious associations incorporated in the District of Columbia to vote by proxy or by mail; without amendment (Rept. No. 2227). Referred to the House Calendar.

Mr. McMILLAN of South Carolina: Committee on the District of Columbia. H. R. 6516. A bill to increase the salaries of the Metropolitan Police, the United States Park Police, the White House Police, and the members of the Fire Department of the District of Columbia; without amendment (Rept. No. 2228). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. AUCHINCLOSS:

H. R. 6687. A bill to amend the act of May 24, 1939, to provide for the retirement of former enlisted men of the Coast Guard who have had 20 or more years of service; to the Committee on the Merchant Marine and Fisheries.

By Mr. FISHER:

H. R. 6688. A bill to amend the Nationality Act of 1940 to preserve the nationality of citizens residing abroad; to the Committee on Immigration and Naturalization.

By Mr. FLANNAGAN:

H. R. 6689. A bill to extend, for an additional year, the provisions of the Sugar Act of 1937, as amended, and the taxes with respect to sugar; to the Committee on Agriculture.

By Mr. PRICE of Florida:

H. R. 6690. A bill relating to the settlement of accounts of deceased officers and enlisted men of the Army, Navy, Marine Corps, and Coast Guard; to the Committee on Naval Affairs.

By Mr. FALLON:

H. R. 6691. A bill to excuse employees of the executive branch of the Government from work on July 5, 1946; to the Committee on the Civil Service.

By Mr. HOPE:

H. R. 6692. A bill to improve and facilitate the marketing and distribution of agricultural products; improve nutritional standards; reduce the cost of distribution and increase consumption; and to promote the scientific development of improved methods of handling, transporting, storing, distributing, and marketing agricultural products; by establishing an Agricultural Marketing Administration to conduct all research, service, and regulatory work in the field of marketing agricultural products; to the Committee on Agriculture.

By Mr. CHURCH:

H. Res. 653. Resolution providing for the appointment of a special committee of the House of Representatives to investigate the campaign expenditures of the various candidates for the House of Representatives, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FEIGHAN:

H. R. 6693. A bill for the relief of the estate of John F. Hopperton, a minor, deceased; to the Committee on Claims.

By Mr. HEALY:

H. R. 6694. A bill for the relief of Olive Irene Milloglav; to the Committee on Immigration and Naturalization.

By Mr. LESINSKI:

H. R. 6695. A bill for the relief of Dr. Stefan Wloszczewski; to the Committee on Immigration and Naturalization.

By Mr. MAY:

H. R. 6696. A bill to authorize the Secretary of War to grant to the Georgia Power Co., a 100-foot perpetual easement across Fort Benning in the State of Georgia; to the Committee on Military Affairs.

By Mr. SOMERS of New York:

H. R. 6697. A bill for the relief of Eustace A. Chandler; to the Committee on Immigration and Naturalization.

By Mr. WHITE:

H. R. 6698. A bill for the relief of the city of Coeur d'Alene, Idaho; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1936. By Mr. FORAND: Resolution of the Providence Chapter, No. 1 of the American Veterans' Committee, Inc., that pending legislation establishing a terminal-leave-pay program for present and former enlisted personnel be amended to permit disabled veterans and dependents of deceased veterans to receive their full amount of the said terminal leave concurrently with their disability or dependency grants; to the Committee on Military Affairs.

1937. By Mr. LARCADE: Resolution of the Senate of the State of Louisiana, with reference to exemption from Federal income taxes for veterans; to the Committee on Ways and Means.

1938. By the SPEAKER: Petition of the Temple Baptist Church, Los Angeles, Calif., petitioning consideration of their resolution with reference to request for shutting down all distilleries and breweries in our Nation during this global emergency and divert the grain to save human beings from starvation; to the Committee on the Judiciary.

SENATE

FRIDAY, JUNE 7, 1946

(Legislative day of Tuesday, March 5, 1946)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

God of the pure in heart, in the hush of this moment, reveal, we beseech Thee, the sacramental gifts of life that belong to our peace. Grant us vistas of the strength that waits to be added to our weakness for the great enterprise of world brotherhood committed to our hands. If the flaming ideals which lighted our way when first with a conquering zeal we faced the tangle of public problems have become dull and tarnished by disillusionment and cynicism, burnish them again that they may shine with allurement and, with their charm and hope, lead us to a fairer earth. In this high and solemn place of debate and decision, with the gaze of all the world upon us, may we walk steadfast in the simplicity of sincerity and in the humility of spirit without which no man can see God or the godlike in man. Through riches of grace in Christ Jesus our Lord. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The Chief Clerk read the following letter:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., June 7, 1946.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. CLYDE R. HOEY, a Senator from the State of North Carolina, to perform the duties of the Chair during my absence.

KENNETH MCKELLAR,
President pro tempore.

Mr. HOEY thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. HILL, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, June 6, 1946, was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. BURCH. On behalf of my colleague the senior Senator from Virginia [Mr. BYRD], I ask unanimous consent that he may be absent from the Senate on account of a death in his family.

The ACTING PRESIDENT pro tempore. Without objection, leave of absence is granted.

NOTICE OF HEARING ON NOMINATION OF FRED M. VINSON TO BE CHIEF JUSTICE OF THE UNITED STATES

Mr. MCCARRAN. Mr. President, on behalf of the Committee on the Judiciary and in accordance with the rules of the committee, I desire to give notice that a public hearing has been scheduled for Friday, June 14, 1946, at 10:30 a. m., in the Senate Judiciary Committee room, upon the nomination of Fred M. Vinson, of Kentucky, to be Chief Justice of the United States. At the indicated time and place, all persons interested in the nomination may make such representations as may be pertinent. The subcommittee consists of the Senator from Nevada [Mr. MCCARRAN], chairman; the Senator from Ohio [Mr. HUFFMAN], and the Senator from Oklahoma [Mr. MOORE].

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed a bill (H. R. 6407) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS

Mr. TYDINGS presented the following petitions and memorials, which were referred as indicated:

A memorial of sundry citizens of Baltimore, Md., remonstrating against the action taken by the State Department relating to the overthrow of the present Government of Spain; to the Committee on Foreign Relations.

A resolution adopted by the Independent Trade Association of Prince Georges County, Hyattsville, Md., favoring the enactment of legislation to prevent strikes; to the Committee on Education and Labor.

A resolution adopted by the State Council of Maryland, Junior Order of United Americans, Frederick, Md., protesting against admitting 3,900 European refugees monthly into the United States under existing quotas; to the Committee on Immigration.

A resolution adopted by the Department of Maryland, Disabled American Veterans, Cumberland, Md., favoring the enactment of legislation extending the Selective Training and Service Act; to the Committee on Military Affairs.

A memorial of sundry citizens of Maryland, remonstrating against the enactment of legislation providing peacetime military conscription; to the Committee on Military Affairs.

A resolution adopted by the Independent Trade Association of Prince Georges County, Hyattsville, Md., favoring the abolition of the Office of Price Administration; ordered to lie on the table.

A resolution adopted by the Frederick County (Md.) Pomono Grange, relating to price ceilings and subsidies on farm products; ordered to lie on the table.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MCCARRAN:

S. 2307. A bill to provide that every Saturday shall be a holiday for banks and building and loan associations in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HOEY (by request):

S. 2308. A bill to amend an act entitled "An act to regulate the height of buildings in the District of Columbia," approved June 1, 1910; to the Committee on the District of Columbia.

By Mr. WILEY:

S. 2309. A bill to authorize the furnishing of motor equipment to seriously disabled veterans, and for other purposes; to the Committee on Finance.

By Mr. MCCLELLAN:

S. 2310. A bill to further extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Friar Point, Miss., and Helena, Ark.; to the Committee on Commerce.

By Mr. MITCHELL:

S. 2311. A bill to amend section 3A of the Pay Readjustment Act of 1942, as amended, to provide for counting service in the Women's Army Auxiliary Corps for the purpose of computing the longevity pay of female military and naval personnel; to the Committee on Military Affairs.

By Mr. MEAD:

S. 2312. A bill to provide benefits for certain employees of the United States who are veterans of World War II and lost opportunity for probational civil-service appointments by reason of their service in the armed forces of the United States; to the Committee on Civil Service.

By Mr. MURDOCK:

S. 2313. A bill authorizing the Secretary of the Interior to construct the Central Utah project; to the Committee on Irrigation and Reclamation.

HOUSE BILL REFERRED

The bill (H. R. 6407) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

ORGANIZATION OF CONGRESS—AMENDMENT

Mr. MCCLELLAN submitted an amendment intended to be proposed by him to the bill (S. 2177) to provide for increased efficiency in the legislative branch of the Government, which was ordered to lie on the table and to be printed.

Mr. JOHNSON of Colorado submitted amendments intended to be proposed by him to Senate bill 2177, supra, which were ordered to lie on the table and to be printed.

COUNSEL TO COMMITTEE ON THE JUDICIARY

Mr. McCARRAN submitted the following resolution (S. Res. 280), which was referred to the Committee To Audit and Control the Contingent Expenses of the Senate:

Resolved, That until otherwise provided by law, the Committee on the Judiciary is authorized to employ a counsel for the committee, to be designated by the chairman of the committee, to be paid out of the contingent fund of the Senate at the rate of $6,500 per annum.

HEARINGS BEFORE COMMITTEE ON PUBLIC LANDS AND SURVEYS—LIMIT OF EXPENDITURES

Mr. MURDOCK submitted the following resolution (S. Res. 281), which was referred to the Committee on Public Lands and Surveys:

Resolved, That the Committee on Public Lands and Surveys, authorized by Senate Resolution 9, agreed to January 6, 1945, to send for persons, books, and papers; to administer oaths; and to employ a stenographer, at a cost not exceeding 25 cents per hundred words, to report such hearings as may be had on any subject referred to said committee, hereby is authorized to expend from the contingent fund of the Senate, for the same purposes, during the Seventy-ninth Congress, $5,000 in addition to the amount of $5,000 heretofore authorized.

THE NATIONAL HEALTH BILL—STATEMENT BY SENATOR WAGNER

[Mr. WAGNER asked and obtained leave to have printed in the RECORD a statement made by him before the Senate Committee on Education and Labor on Senate bill 1606, the national health bill, on April 2, 1946, which appears in the Appendix.]

CURRENT TRENDS IN LABOR—ADDRESS BY GILBERT H. MONTAGUE

[Mr. HAWKES asked and obtained leave to have printed in the RECORD an address entitled "Current Trends in Labor," delivered by Gilbert H. Montague, of New York, before the Springfield Public Forum, at Springfield, Mass., on March 26, 1946, which appears in the Appendix.]

SOURCES OF CRITICISM AGAINST MR. SNYDER—ARTICLE BY ARTHUR KROCK

[Mr. HILL asked and obtained leave to have printed in the RECORD an article entitled "Sources of the Barrage Against Mr. Snyder," by Arthur Krock, published in the New York Times of June 6, 1946, which appears in the Appendix.]

REPORT OF SUBCOMMITTEE OF SECURITY COUNCIL ON FRANCO SPAIN—LETTER FROM PHILIP MARSHALL BROWN

[Mr. SMITH asked and obtained leave to have printed in the RECORD a letter written to the Washington Star by Philip Marshall Brown concerning the report of the Security Council of the United Nations respecting Franco Spain, which appears in the Appendix.]

RECORD OF SENATOR WILEY ON AMERICAN LABOR POLICY

[Mr. WILEY asked and obtained leave to have printed in the RECORD his record on American labor policy during the period 1939 to 1946, which appears in the Appendix.]

DISPLACED JEWS IN GERMANY—LETTER FROM SENATOR McMAHON TO SECRETARY OF STATE BYRNES

[Mr. McMAHON asked and obtained leave to have printed in the RECORD a letter dated June 5, 1946, addressed by him to Hon. James F. Byrnes, Secretary of State, on the subject of displaced Jews in Germany, which appears in the Appendix.]

NEW PRINCIPLES IN POLITICS—EDITORIAL FROM BRIDGEPORT (CONN.) POST

[Mr. McMAHON asked and obtained leave to have printed in the RECORD an editorial entitled "New Principles in Politics," published in the Bridgeport (Conn.) Post, of May 29, 1946, which appears in the Appendix.]

ADDRESS BY SENATOR MEAD BEFORE ASSOCIATION OF FRATERNAL AND BENEVOLENT ORGANIZATIONS OF THE AMERICAN JEWISH CONGRESS

[Mr. MITCHELL asked and obtained leave to have printed in the RECORD excerpts from an address delivered by Senator MEAD at a dinner held by the Association of Fraternal and Benevolent Organizations of the American Jewish Congress, in New York City, on May 26, 1946, and also the remarks introducing him, which appears in the Appendix.]

NATIONAL AVIATION POLICY—ADDRESS BY SENATOR MITCHELL

[Mr. MEAD asked and obtained leave to have printed in the RECORD a radio address on the subject "National Aviation Policy," delivered by Senator MITCHELL on June 5, 1946, which appears in the Appendix.]

HOMES FOR VETERANS—ADDRESS BY WILSON W. WYATT

[Mr. MEAD asked and obtained leave to have printed in the RECORD an address entitled "The Challenge—Homes for Veterans," delivered by Wilson W. Wyatt, National Housing Expediter, before the Buffalo Chamber of Commerce, at Buffalo, N. Y., on June 5, 1946, which appears in the Appendix.]

CALL OF THE ROLL

Mr. HILL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hawkes	Pepper
Andrews	Hayden	Radcliffe
Austin	Hickenlooper	Reed
Ball	Hill	Revercomb
Barkley	Hoey	Robertson
Bridges	Huffman	Russell
Brooks	Johnson, Colo.	Saltonstall
Burch	Knowland	Smith
Bushfield	La Follette	Stanfill
Butler	Lucas	Stewart
Capehart	McCarran	Thomas, Okla.
Capper	McClellan	Thomas, Utah
Connally	McKellar	Tobey
Cordon	McMahon	Tunnell
Donnell	Magnuson	Tydings
Downey	Mead	Vandenberg
Ferguson	Millikin	Wagner
George	Mitchell	Walsh
Gerry	Moore	Wheeler
Green	Morse	Wherry
Guffey	Murdock	White
Gurney	O'Daniel	Wiley
Hart	Overton	Wilson

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Alabama [Mr. BANKHEAD] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senators from Idaho [Mr. GOSSETT and Mr. TAYLOR] are absent by leave of the Senate.

The Senator from South Carolina [Mr. MAYBANK] is necessarily absent.

The Senator from Missouri [Mr. BRIGGS] is absent because of a death in his family.

The Senator from South Carolina [Mr. JOHNSTON] is absent because of illness in his family.

The Senators from New Mexico [Mr. CHAVEZ and Mr. HATCH], the Senator from Mississippi [Mr. EASTLAND], the Senator from Louisiana [Mr. ELLENDER], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from West Virginia [Mr. KILGORE], the Senator from Montana [Mr. MURRAY], the Senator from Pennsylvania [Mr. MYERS], and the Senator from Wyoming [Mr. O'MAHONEY] are detained on public business.

The Senator from Arizona [Mr. McFARLAND] is absent on official business.

Mr. WHERRY. The Senator from Delaware [Mr. BUCK], the Senator from Maine [Mr. BREWSTER], the Senator from Ohio [Mr. TAFT], and the Senator from Indiana [Mr. WILLIS] are necessarily absent.

The Senator from Connecticut [Mr. HART], the Senator from North Dakota [Mr. LANGER], the Senator from Minnesota [Mr. SHIPSTEAD], and the Senator from North Dakota [Mr. YOUNG] are absent by leave of the Senate.

The ACTING PRESIDENT pro tempore. Sixty-nine Senators having answered to their names, a quorum is present.

ORGANIZATION OF CONGRESS

The Senate resumed consideration of the bill (S. 2177) to provide for increased efficiency in the legislative branch of the Government.

The ACTING PRESIDENT pro tempore. Senate bill 2177 is still before the Senate and open to amendment.

Mr. LA FOLLETTE obtained the floor.

Mr. VANDENBERG. Mr. President, will the Senator from Wisconsin yield?

Mr. LA FOLLETTE. I yield.

Mr. VANDENBERG. I desire to ask the Senator one further question regarding section 126 which we were discussing at the time of the recess last night. As I understand, it is the Senator's point of view that at any time the Senate might conclude that it was advisable to create a special committee, the Senate itself could suspend this rule which is being created by joint action, and it would not require joint action to suspend the rule?

Mr. LA FOLLETTE. Absolutely not. As I stated yesterday, the day after this bill is passed, if such an event should occur, either House could immediately abrogate every change that was made in the rules. By the same token, either House can move to suspend any one of these rules just as it can move to suspend the rules of the Senate or the House.

Mr. VANDENBERG. So that in the Senator's judgment in the operation of the new system the constitutional authority of the Senate, to which the able Senator from Missouri [Mr. DONNELL] referred yesterday, would be fully protected through the retention of the right of individual Senate action in respect to section 126?

Mr. LA FOLLETTE. Not only in respect to section 126, but with respect to every single change proposed by this bill to be made in the rules. The day after the bill becomes law every one of these

rules could be suspended by a two-thirds vote of the Senate or could be changed by a majority vote of the Senate at will.

Mr. VANDENBERG. In other words, then, section 126 is really an admonition rather than a strait-jacket.

Mr. LA FOLLETTE. It sets up the bar only to the extent that it would be necessary to obtain a two-thirds vote of the Senate to suspend the rule, because it would be possible, unless that parliamentary procedure were followed, to make a point of order under section 126 against any resolution which proposed the creation of a special or select committee of the Senate or the House, or a joint committee of the two Houses.

Mr. VANDENBERG. I thank the Senator for his statement. I think it conclusively answers any objection I could have had to section 126.

Mr. LA FOLLETTE. I thank the Senator.

Mr. President, I wish to make an appeal to my colleagues to refrain, insofar as possible, from the injection of extraneous debate or other matters not related to this bill. As I said last night, I do not contend that the bill is perfect, but it is the best job the committee could do, and I feel that we are entitled, after all these months of labor, to a determination by the Senate of its judgment concerning the provisions of this measure. Then, after the Senate shall have worked its will upon the amendments, to have a vote on the bill in its final form and ascertain whether a majority of the Senate favors or disapproves the measure. That is all I ask, Mr. President, but I ask it in all sincerity and earnestness.

Mr. REVERCOMB. Mr. President——

The PRESIDING OFFICER (Mr. TUNNELL in the chair). Does the Senator from Wisconsin yield to the Senator from West Virginia?

Mr. LA FOLLETTE. I yield.

Mr. REVERCOMB. I know full well how much work has been done on this bill, and I have nothing but the highest admiration for the Senator from Wisconsin for the result obtained. But I want to ask him to turn to page 26. In dealing with the committee staffs we find this language in section 201 (e):

> (1) No person shall be appointed to any office or position under the Senate or the House of Representatives except upon certification by the Director that such person is qualified for such office or position.
>
> (2) No person shall be appointed to any office or position on the staff of any committee of the Senate or the House of Representatives except upon recommendation of the Director and certification by him that such person is qualified for such office or position.

Does not the Senator feel that that is taking out of the hands of committees the appointment of their own staffs, with the result that we will have committees without staffs which are responsible to the committees? It seems to me if such a situation is created, we will have committee staffs utterly independent of the committees, and not helpful to the committees. The thought occurred to me that the appointment of the committee staffs and their tenure should be left entirely to the will of the committees. If a staff is really to be helpful to a particular committee it ought to be the committee's own staff, responsible and answerable to the particular committee. I am merely bringing this subject up because I wonder if the able Senator would change that provision and have the staffs appointed by the respective committees, and to hold their positions subject to the will and pleasure of the committees.

Mr. LA FOLLETTE. Mr. President, that question has been raised by other Senators. It is a very cogent and proper question. All I can say in response to the inquiry of the able Senator from West Virginia is to repeat what the committee had in mind and what it is seeking to do. The committee in adopting these sections realized that it could not do the job which I believe needs to be done so far as all the personnel in the employ of the Congress is concerned, namely, to make a job classification study to work out proper salaries and wages for services performed, and to do away with the patronage system in an effort to get the type of service which the committee believes can not flow from the patronage system.

Likewise, it was our design that we should correct what, as the committee discovered, are great injustices and inequities between salaries or wages paid for comparable types of work by the House and the Senate, respectively, which inevitably have grown up because of the manner in which these positions have been developed and provided for.

I am coming more definitely now to the Senator's inquiry, but I wanted to give the entire background of the matter.

So far as the committee staffs are concerned, I repeat that the provisions to which the Senator has referred are to be a part of a plan which the Director of Personnel, subsequent to his appointment, is to submit to another Congress, which, of course, will not be bound by the action of this one. That plan will be submitted to the Congress for its consideration, amendment, adoption, or rejection. However, we have provided that in the interim, so far as the staffs of the committees are concerned, the committees themselves shall have the power to make professional staff appointments pending the selection of the Director of Personnel by the majority and minority leaders of the two Houses. We give them the appointing power because we believe that they would select a practical man with experience, and one who knows something about the functioning of the legislative organization.

We provide that, after the appointment of the Director of Personnel, appointments to the professional staffs of the committees shall be upon his recommendations. The desire is to give those who are selected for such positions the feeling that they have tenure and security so long as they perform faithful, useful, and effective service to the committees. We wished to avoid the situation which often happens under the present arrangement. I am not critical of it, but what often happens under the present system is that when the chairmanship of a committee changes because the chairman finds that he can become the chairman of some other committee which, from his standpoint is more desirable, he moves his staff with him, and often also the records. In the case of some committees of Congress which have been established for many years it is impossible to find any continuity of records.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. One more statement, and then I shall be happy to yield.

In the third place, we felt that by giving to members of the staffs the feeling that they were appointed on a nonpartisan basis, although they are to serve the majority and minority members of the committee, we would obtain men or women who would be willing to devote their time to the service of the committee. As they devoted their time to the service of the committee they would become more useful and valuable to the committee. I am happy to say that a few committees already follow that principle. I am not a member of the Appropriations Committee, but, so far as I know, there has been very little turn-over in the staff of that committee in recent years, although there have been changes in the chairmanship. I believe that every Senator who serves on the Appropriations Committee will testify that because those men have tenure, so to speak, by the grace of the chairman, and have been able to build up experience in relation to the subcommittees which they serve, the result has been to increase their value to the members of the committee in the service which they can render. We have recognized that fact in this bill by going further and proposing that the Appropriations Committees shall have four professional staff positions for each of their standing subcommittees.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. Let me say that I have been making some effort to meet the apprehension sincerely expressed by Senators, that the Director of Personnel, despite the source of his appointment, might prove to be an individual who would be inclined to be arbitrary, and who would not wish to cooperate with the committees. He might be at loggerheads with them. I have several amendments which I wish to propose, to try to meet that criticism. I do not know that they go far enough to do so, but I will say to the Senator that it is my firm conviction that, insofar as we can obtain permanent career staffs, we shall be moving in the direction of making the staffs more serviceable and putting them in a position to render greater assistance to the committees.

Let me point out also that the committees themselves would exercise the appointing power. If the Director of Personnel went berserk the result would be a stalemate. He could not force a committee to accept anyone. Suppose he were to go berserk and say, "It is Mr. Jones for this job or no one else." If he should take that position I do not believe that he would last very long in his job. Effective action would soon be taken if we can assume—which I refuse to do—that the majority leaders of both

Houses were to select a "punk" who did not know what it was all about, and who wanted to exercise arbitrary power.

Let me also emphasize to the able Senator from West Virginia that the committee would have the power to discharge employees if they did not render faithful service. So in the last analysis the fountainhead of appointment and discharge would be the committee.

Mr. President, I should like to offer and have them considered at this point one or two amendments. If they meet with the approval of the Senate, I should like to have them adopted so that we can proceed with further discussion of the bill in the light of such amendments.

I now yield to the Senator from West Virginia.

Mr. REVERCOMB. Mr. President, will the Senator permit me to ask one or two questions?

Mr. LA FOLLETTE. I am very happy to have questions about this measure.

Mr. REVERCOMB. I think they will require very brief answers, because the questions are direct.

For what period of time would the Director of Personnel hold office?

Mr. LA FOLLETTE. He would hold office during good behavior.

Mr. REVERCOMB. In other words, he could be discharged at any time by whom?

Mr. LA FOLLETTE. He could be discharged by the appointing power.

Mr. REVERCOMB. The majority and minority leaders of both Houses?

Mr. LA FOLLETTE. Yes. If they found that they had unfortunately made a mistake, and that the man was not rendering satisfactory service, they could fire him just as easily as they hired him.

Mr. REVERCOMB. His tenure, then, would be unlimited. He would serve at the pleasure of the appointing power.

Mr. LA FOLLETTE. In the last analysis that is true, althought we have declared the principle that he should have tenure. But of course tenure does not mean the permanent freezing of a man into a job. Any man can be discharged by the appointing power, even though he has tenure, if he is not satisfactorily performing the work. In other words, we do not propose to give him any statutory rights such as those enjoyed by civil-service employees. A civil-service employee who is discharged may appeal to the Commission for a review of his case. He may demand a hearing and an opportunity to prove that he was wrongfully discharged. That right is not given in this bill to any person who holds one of these positions. However, we did express the thought that he ought to have tenure, because we feel that we ought to get the best man that these four gentlemen can find.

Mr. REVERCOMB. Subparagraph (2) on page 37 provides as follows:

> No person shall be appointed to any office or position on the staff of any committee of the Senate or the House of Representatives except upon recommendation of the Director and certification by him that such person is qualified for such office or position.

The Director holds office subject to the will of the appointing power. That places the person whom the Director appoints and certifies in the position of being responsible to the Director and not to the committee, does it not?

Mr. LA FOLLETTE. I do not agree with the Senator on that point. For instance, here is the way I think it will work, although I do not know that this is an answer to the language of the bill: The new committees will go ahead and make their staff appointments, because it will take a long time, even after the Director is selected, for him to prepare the plan he is to propose and to submit it to the Congress.

Mr. REVERCOMB. Would the committees go into effect before the Director was appointed? I refer to the new committees each of which is to have a membership of 13 Senators.

Mr. LA FOLLETTE. It is contemplated that the Director will be appointed at the next session of Congress, if the appointing power is able to make the appointment by that time. But I anticipate that there will be a hiatus between the meeting of the Congress and the appointment of the Director. It is my anticipation that most of the committees will have obtained at least a part, or perhaps all, of their staffs by that time. I do not think the Director will say, if he is the kind of man I hope these four gentlemen will select, "I do not like any of the people you have put in here, so throw all of them out." I hope he will cooperate with the committees; and I am going to propose an amendment which is designed to indicate that that is the intent of the Congress if it passes this bill.

Mr. REVERCOMB. Mr. President will the Senator yield.

Mr. LA FOLLETTE. I yield.

Mr. REVERCOMB. I believe the Senator from Wisconsin has stated that after a person has been appointed as a member of the staff of a committee, the committee can remove such person from the staff without consultation with the Director. I should like to ask this question: After a member of a staff has been appointed, upon the recommendation and certification of the director, can that member of the staff be removed by the committee without the consent of the director?

Mr. LA FOLLETTE. Absolutely.

Mr. REVERCOMB. Where is provision for that made in the bill, let me inquire.

Mr. LA FOLLETTE. That is inherent, from the fact that the committee has the appointing power.

Mr. REVERCOMB. But no provision is made about that.

Mr. LA FOLLETTE. The committee will have the removal power, just as it will be inherent insofar as the Director himself is concerned. Of course, the Senator from West Virginia is familiar with the decisions of the Supreme Court in some of the cases which have been carried up to it, namely, that the power to appoint is the power to discharge. They are concurrent powers.

I should have no objection to specifying the dismissal power, if there were a desire to have that done; but the decisions on that point are so clear that in drafting the bill we did not think it was necessary to specify it.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. BARKLEY. With reference to the appointment of the director of personnel, I assume that what the committee had in mind was to try to get that office completely out of politics or out of partisan politics, by having him selected by a group of four, who are equally divided in politics. That is a very happy ideal toward which to look, but I am not so sure that we are going to legislate politics out of Congress by the passage of this bill.

In the event the majority and minority leaders of the two Houses, who would be equally divided politically, could not agree upon anyone, assuming that someone in the group decided to be a little political, and if there were an even division with respect to the selection of anyone, what provision is made to resolve that impasse?

Mr. LA FOLLETTE. There is none, and there would be no director, under those circumstances.

Mr. BARKLEY. Then what would happen with reference to the functions of the director?

Mr. LA FOLLETTE. I simply assume that, if he is not there, he cannot function.

Mr. BARKLEY. No; he would not function. But who would function in his absence, in regard to the appointment of the Capitol force?

Mr. LA FOLLETTE. It would go on just as it is now. Let me emphasize again he is directed to submit a plan. Nothing happens until he has submitted his plan and until it has been agreed to or rejected or modified by the two Houses of Congress. The old order would continue.

Mr. BARKLEY. Would any part of the plan which he would submit include what was discussed yesterday, I believe, with reference to the employment of employees such as clerks, stenographers, and the rest of the staff of the committees? I gathered from the bill and from the discussion engaged in by the Senator from Wisconsin that the director would have a veto power in regard to all employees of committees, and that no chairman of a committee could select employees of the staff of his committee without the approval of the director.

The Senator from Wisconsin has indicated that that applies only to the permanent staff——

Mr. LA FOLLETTE. That is correct.

Mr. BARKLEY. The Senator has indicated that it applies only to the permanent staff of four or six, whatever it may be, and that so far as other employees are concerned—stenographers, clerks, messengers, and so on—they will be appointed as they are now. Is that the Senate's interpretation of the provisions of the bill?

Mr. LA FOLLETTE. No; the stenographic force will also be permanent, in the sense that the committee staff will, because two of them are to be assigned to serve the staff and two of them are to be assigned to serve the chairman.

Mr. BARKLEY. So if a Member of the Senate became the chairman of a committee by reason of promotion, under the rules governing the selection of chairmen of committees, or if there were a political change which suddenly brought in new Senators to the chairmanship of all committees, if a chairman had had an efficient stenographer in his office for a number of years and if he wished to take that stenographer with him to the committee, he would, would he not, have to have the consent of the Personnel Director in order to do so?

Mr. LA FOLLETTE. I think he would have to submit the matter to the Director for his recommendation.

Mr. BARKLEY. But as I read the language of the bill, the chairman of a committee could not appoint anyone without the approval of the Personnel Director. That may be all right; but I wish to be sure that that is what the bill provides: namely, that the chairman of a committee could not take with him to a committee a long-time, efficient, faithful stenographer, unless the Personnel Director okayed it. We might assume that he would. But he could refuse to do so, could he not?

Mr. LA FOLLETTE. Our theory is that we are separating the activities of the actual staff of the committee, in the sense of the experts and the other employees who will do nothing but committee work; in fact, we have provided in the bill that they shall not be assigned to any other work. If a stenographer is to work for the committee chairman, and solely for the work of the committee, she is a valuable committee employee and she should not be moved to the work of some other committee, with the work of which she has no information or experience. But that would not interfere, I am sure the Senator understands, with anyone who was on the staff of a Senator, whether he was a chairman or otherwise.

Mr. BARKLEY. What has happened heretofore, as we all know, is that a Senator has a certain staff of clerks in his own office. Let us assume that he is not chairman of a committee, but later he becomes a chairman. The staff he has had in his own office are automatically transferred to the committee, and they go on the roll of the committee in the Disbursing Office.

Does this bill provide that if a Senator becomes the chairman of a committee, he will continue his personal staff in the work they have been doing—to do his office work—and that another staff will be selected for the committee of which he becomes the chairman, under the provisions of this bill?

Mr. LA FOLLETTE. Assuming that the bill were in operation today, for instance, and that Senator "A" was chairman of one committee and then moved on to the chairmanship of another committee, he would leave the staff of the committee of which he was relinquishing the chairmanship, to serve the next chairman; and he would find in the staff of the new committee to which he was going, we presume, a group of persons who had been trained in that work. I am assuming that the bill had been in operation for some time. He would find in the staff of the committee to which he was going a group of persons who had been trained in the work of that committee. Of course, he would keep his own office force, just as he had had it before.

Mr. BARKLEY. Let me ask the Senator another question. The bill provides that the Director of Personnel shall reclassify all the employees coming under his jurisdiction. Take, for example, the Architect of the Capitol who now has some 800 employees, all of whom are in the classified service, as enacted by law. Would the Director of Personnel have the right to take all those employees and reclassify them? In the first place, he would have such right, if he wanted to be arbitrary, but I do not suppose that we may assume he would be arbitrary. However, we are dealing with possibilities. If the Personnel Director desired to shift entirely the employees of the Architect of the Capitol, who looks after the Capitol, the Supreme Court Building, and the Library of Congress, he would have the authority to reclassify all those employees and, I suppose, he could refuse to reappoint them or approve their reappointment. What would happen in such a case as that?

Mr. LA FOLLETTE. Yes; the Personnel Director could do what the Senator from Kentucky has said. My recollection is that the Office of the Architect of the Capitol has one group of employees who are classified for tenure and retirement. It has another group of employees who are not classified, and do not have tenure. The necessity for job classification, frankly, is caused by the fact that many different categories of individuals are employed in what I have come to call the housekeeping department, although it may be an unfortunate term. I refer to the employees who operate the physical plant, those who operate elevators, police the building, furnish janitor service, and so forth. The situation is really incredible. It is one which, like Topsy, has grown up.

I hope no Senator will call me to order, and what I am about to say will not be said in any sense of criticism of the Members of the House of Representatives, and will not refer to anything which they do when they are in their own Chamber. But, we found, for example, that janitor service is rendered in the House Office Building. Some committees have janitors and they are carried as such on the rolls. But the janitors who work in individual offices walk right by a committee room which has on its rolls a janitor, and go to the next office, leaving the job in the committee room to the person who is named as janitor to the committee. Often a person who is given the janitor's job performs clerical or messenger service for the committee and hires someone else to come in and sweep out the office, clean out the spittoons, empty waste baskets, and so forth.

Mr. BARKLEY. The use of the word "housekeeping" may lead to a misinterpretation. I remember that during the early days of the war the word "housekeeping" was used in connection with certain activities of the War Department and the Army camps, and many persons construed the term to mean the washing of dishes, the making of beds, and so forth.

Mr. LA FOLLETTE. The word "housekeeping" may be an unfortunate one to use, but I do not use it in any critical sense. Most of those on the other side of the Capitol want the situation to be corrected. It seems to me that it is necessary, first of all, to provide for a job classification in order to afford justice to the persons who are doing similar types of work and receiving different rates of pay. I do not see why persons who are doing the same kind of work should not receive equal pay.

Mr. BARKLEY. Mr. President, allow me to ask the Senator about section 130 which reads as follows:

SEC. 130. (a) The Committee on Ways and Means and the Committee on Appropriations of the House of Representatives, and the Committee on Finance and the Committee on Appropriations of the Senate are authorized and directed to meet jointly at the beginning of each regular session of Congress and after study and consultation report to their respective Houses the estimated over-all Federal receipts and expenditures for the ensuing fiscal year. Such report shall be made within 60 days after the opening of the session or by April 15, whichever first occurs.

The section continues:

(b) If the estimated expenditures exceed the estimated receipts in such report, the report shall be accompanied by a concurrent resolution, the matter after the resolving clause of which shall be substantially as follows: "That it is the sense of the Congress that the public debt shall be increased in an amount equal to the amount by which the estimated expenditures for the ensuing fiscal year exceed the estimated receipts, such amount being $."

(c) Until the concurrent resolution specified in subsection (b) has been agreed to by both Houses, no general appropriation bill appropriating money for the ensuing fiscal year shall be received or considered in either House.

(d) This section shall not be applicable in time of war or during a national emergency proclaimed by the President.

Mr. LA FOLLETTE. Mr. President, allow me to point out that a committee amendment was agreed to on page 32, in line 15 to strike out the words "received or considered" and to insert the word "passed."

Mr. BARKLEY. That is not a very material change. My attention has been called to the fact that during the hearings before the joint committee, and during the hearings before the special committee which reported the bill, neither the Treasury Department nor the Bureau of the Budget were heard in connection with this fiscal change in reference to appropriations. It seems to me, on a hasty reading, that what we are requiring is that the four committees shall immediately make a report on the estimated revenue and estimated expenditures of the Government. Before any appropriation bill has been considered and before we know how much the Appropriations Committees of both Houses will afford to the respective Houses of the Congress, and how much the Congress will appropriate, those reports must

be made. If a report should be made that the expenditures will be more than the receipts, the report must be accompanied with a resolution increasing the public debt by that amount, although later it might turn out that the Appropriations Committee could reduce the appropriations so that they would come within the estimated revenue. We would have a resolution increasing the public debt by an estimated amount, when it might not be necessary because of the Congress appropriating less money than was received. Until that report was made and the resolution was adopted, no appropriation bill could pass either House. Of course, it is a novel idea, but it is liable to run us up a blind alley.

Mr. LA FOLLETTE. Mr. President, I wish to express my appreciation to the Senator for having directed the attention of the Senate to the point which he has made. It is one of the very important recommendations contained in the bill. First of all, the resolution would not increase the statutory debt limit. The purpose here is——

Mr. BARKLEY. What debt would it increase? The statutory debt is the only one we have, is it not?

Mr. LA FOLLETTE. No. The point is that the four committees would make their estimates on the basis of receipts and appropriations. The receipts and appropriations having been determined, if it is desired by either House of the Congress, or both Houses, to have the estimated expenditures exceed the estimated receipts, the Members of the House and of the Senate will be required to go on record that they are going to borrow money in order to carry out the particular project involved.

As the Senator well knows, until some time in the 1870's or the 1880's—I think it was about that time—the tax and revenue committees of the Congress were combined.

Mr. WHITE. It was in 1867.

Mr. LA FOLLETTE. The Senator from Maine gives me the year of 1867, for which I thank him. Since then there has been no way for the committees which are responsible for appropriations, and those which are responsible for raising money in order to meet the appropriations, to get together and give any over-all consideration to the respective problems of the two committees. It is true that we have an executive budget, but the recommendation in the pending bill would be a step in the direction of strengthening, and, to some extent, recapturing the power over the purse which has been gradually, although not entirely, slipping out of the hands of the Congress.

As the Senator knows, I have often advocated expenditures for certain purposes; I was one of those who led the fight to authorize expenditures in an effort to stem the worst effects of the depression; I have been for expenditures of money in certain fields of activity; but I have felt Congress should face the fact that in so doing it was creating a deficit. The project or program which is justified and can be supported will secure this approval, so to speak, by action taken to acknowledge publicly that the program is of such importance and justification that we are going on record as recognizing that it will cause an increase in the public debt.

Mr. BARKLEY. May I ask the Senator some further questions?

Mr. LA FOLLETTE. Certainly.

Mr. BARKLEY. Section 130, to which I have just referred, is linked up with section 208, on page 45, which provides:

SEC. 208. (a) If on December 31 in any fiscal year and after the resolution specified in section 130 (b) of title I of this act has been agreed to by both Houses—

That would mean that the resolution agreed to by both houses must have been adopted within 60 days after the meeting of Congress, which, under the law is now January 3, or, if Congress did not meet on that date, then not later than April 15. So the date December 31, referred to in section 208, would be the following December nearly a year later.

If on December 31 in any fiscal year and after the resolution specified in section 130 (b) of title I of this act has been agreed to by both Houses, the President is of the opinion that the aggregate amount of expenditures for such fiscal year will exceed the receipts in an amount greater than the excess specified in such resolution, the President shall so proclaim; and on the date of such proclamation all appropriations (except permanent appropriations and appropriations for servicing the public debt, for veterans' pensions and benefits, and to trust funds) shall be reduced by a uniform percentage—

And so forth. It seems to me that that puts off the President's proclamation in regard to any additional excess for nearly a year after the Congress has passed the resolution fixing what it would regard as an excess. Is that a proper interpretation of that language?

Mr. LA FOLLETTE. The appropriations and estimates of revenue would be made for the fiscal year beginning on the 1st of July.

Mr. BARKLEY. Then the President could not take action until after the 31st of December, or on that date, and that is just 6 months after the fiscal year begins, when half the appropriations for the year would have been expended.

Mr. LA FOLLETTE. Yes; and there would remain half of the fiscal year in which to make the necessary pro rata reductions, if that should become necessary.

Mr. BARKLEY. Did the committee consider these two sections in connection with the provisions of the Employment Act of 1946, which Congress passed a few months ago, in which provision was made for a joint committee of the two Houses on the economic report, consisting of seven Members from each House, and in which they are authorized and directed—

(1) to make a continuing study of matters relating to the economic report;

(2) to study means of coordinating programs in order to further the policy of this act; and

(3) as a guide to the several committees of the Congress dealing with legislation relating to the economic report, not later than May 1 of each year (beginning with the year 1947) to file a report with the Senate and the House of Representatives containing its findings and recommendations with respect to each of the main recommendations made by the President in the economic report, and from time to time to make such other reports and recommendations to the Senate and House of Representatives as it deems advisable.

The report of the President which the joint committee is to consider deals with the question of appropriations and receipts with a view to bringing about a balanced budget.

Mr. LA FOLLETTE. We had presumed, perhaps erroneously, that the Joint Committee on the Economic Report would take cognizance of this provision, and submit its report in time for consideration. But last night, in order to correct this situation by a provision in the bill, I offered an amendment which has been printed and is lying on the table, to amend section 225 of section 5 (b) (3) of the Employment Act of 1946, by striking out "May 1" and inserting in lieu thereof "March 15."

Mr. BARKLEY. I am raising these questions——

Mr. LA FOLLETTE. I am happy to have the Senator raise them.

Mr. BARKLEY. Because this bill contains many drastic changes—and I do not use the word "drastic" in the sense of being critical because I think that the committee, and especially the Senator who has charge of the bill, have gone about this work and approached it in a very constructive way, and I am in sympathy with the general objective which the Senator and the Senate, I assume, desire to attain; but there are so many provisions hidden in the bill—not hidden intentionally but couched in the language of the bill—and it is such a large bill, of many sections and many pages, that, in my opinion, if we do not get some information about its various provisions as we go along, the Senate may be voting for something it does not understand, and the bill may contain things which they would desire to modify, if they were called to the attention of the Senate.

Mr. LA FOLLETTE. I am ready, willing, and anxious that the bill be discussed from every angle, and I hope we can continue the illuminating debate on it.

Mr. BARKLEY. I inquire if any representative of the Treasury Department or the Budget Bureau appeared before the special committee with respect to the change in the budgetary situation, as involved in section 130 and section 208? It may be that someone representing them appeared before the joint committee.

Mr. LA FOLLETTE. I did all I could. I wrote them a letter and called their attention to it, and I received an answer that they would give it consideration, but I have not yet received any further reply from them. I felt that I had gone as far as I ought.

I do not know that it has any bearing on the matter, but I should also like to say that I sent a personal letter to every Senator and sent him a copy of the report, which is very comprehensive, and urged that all Senators give the bill consideration and familiarize themselves with it, because we intended to take it up.

Mr. BARKLEY. That is true, and it is commendable. But I am speaking now of the hearings by the special committee prior to the report of the bill.

Mr. LA FOLLETTE. We did not hold any hearings because there was no request for hearings, and we thought we acted with superabundance of caution. Extended public hearings were held by the joint committee last year.

Mr. BARKLEY. Does the Senator recall whether the Treasury Department or the Budget Bureau was invited to discuss this particular feature of the bill?

Mr. LA FOLLETTE. We wrote them a letter and called their attention to it and asked for their comments, criticisms, or objections.

Mr. BARKLEY. I may find something else I want to ask the Senator about.

Mr. LA FOLLETTE. I hope the Senator will ask me any question he desires.

Mr. BARKLEY. I do not know what the answer is, but I believe we should understand this bill. It is quite complicated, at first blush at least.

Mr. THOMAS of Utah and Mr. DONNELL addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield, and, if so, to whom?

Mr. LA FOLLETTE. I yield first to the Senator from Utah, and then I shall yield to the Senator from Missouri.

Mr. THOMAS of Utah. I think it is proper to add a word or two in regard to section 130 and section 208 which the Senator from Wisconsin and the Senator from Kentucky have been discussing. The ideas expressed in an attempt to bring about a practice in accordance with the provisions of section 208 are not entirely new to the Senate as a whole. There is not an exact resemblance by any means, but there is a similarity to the ideas expressed by the special committee composed of the Senator from Maryland [Mr. TYDINGS], the former Senator from Oregon, Mr. Holman, and myself, which was appointed to consider this roundabout scheme of attempting to provide in some way so that the Congress would always know the consequences of every appropriation which it makes, consequences in relation to the public debt, consequences in relation to appropriation bills, and the consequences in relation to our projected income for a given year. There is back of the provision more than theory, because in one or two States there have been practices closely related to the idea. I thought I should say this much.

Mr. LA FOLLETTE. I thank the Senator, who is a member of both committees, for his contribution. A very similar provision is in operation, I understand, in Oklahoma, and has worked through the years very well.

I now yield to the Senator from Missouri.

Mr. DONNELL. Will the Senator be kind enough to return to the subject matter which was referred to by the Senator from West Virginia?

Mr. LA FOLLETTE. Would the Senator permit me to offer a few amendments, so that we may discuss this matter in the light of the amendments, if they meet the approval of the Senate?

Mr. DONNELL. Certainly, but will the Senator yield for an inquiry?

Mr. LA FOLLETTE. I yield.

Mr. DONNELL. I should like, if I may, to have the opportunity of asking the Senator a question along the line of the questions of the Senator from West Virginia.

Mr. LA FOLLETTE. I shall be happy to answer.

Mr. DONNELL. The Senator from West Virginia raised the question as to who would have the power of discharging the Director of Congressional Personnel. I understood the Senator from Wisconsin to reply that inherent in the power of appointment is the power of discharge, and that therefore the same appointive power which exists under the bill would have likewise the power of discharge.

Mr. LA FOLLETTE. That is my understanding. I have read one or two decisions of the Supreme Court, which seem to make that very clear.

Mr. DONNELL. That leads we to the question which I desire to ask the Senator. I understand the appointive power is vested in four individuals.

Mr. LA FOLLETTE. That is correct.

Mr. DONNELL. The two majority leaders and the two minority leaders. Does the Senator understand, therefore, that the power of discharge likewise lies in those four hands?

Mr. LA FOLLETTE. I do.

Mr. DONNELL. Does that mean, for instance, that if such a situation should arise that three of the four thought it advisable to discharge the Director of Congressional Personnel, the three could not act upon the discharge without the consent of the fourth?

Mr. LA FOLLETTE. I would not so interpret it.

Mr. DONNELL. What would be the judgment of the Senator as to the rights of the four? Would a majority have the right to discharge?

Mr. LA FOLLETTE. I do not think we would be getting into the situation we have gotten into in the United Nations Council, where a veto power rests with one nation.

Mr. DONNELL. Does the Senator therefore mean that after the Director of Congressional Personnel had been appointed one of the four leaders mentioned in section 201 would have the right to have the Director of Congressional Personnel discharged?

Mr. LA FOLLETTE. I assume there would have to be at least a majority of the four men to secure an appointment, and I would assume that it would take at least a majority to discharge the appointee.

Mr. DONNELL. Does the Senator understand that under section 201 (a) a majority of the four could appoint, or would it require the unanimous concurrence of all four leaders in order to appoint?

Mr. LA FOLLETTE. I may be wrong about it, the Senator may be right, it may require unanimity.

Mr. DONNELL. The thought I have in mind—and I should like to have the Senator consider it, if he will—is this: Would it be wholesome to legalize a situation whereby, if after a man was appointed to this highly important position, it should develop that three of the four men who appointed him regarded him as an improper person to hold the position, the three would be without power to discharge?

Mr. LA FOLLETTE. Frankly, I would say to the Senator that perhaps I have erred in the consideration of this particular problem on account of my knowledge and acquaintance with the men who have occupied these respective positions during my service in the Congress. It is inconceivable to me that those four men would not come to an agreement on the selection of a good man, and that they would not come to an agreement on his discharge if he proved to be an unfortunate selection. But I shall be very happy to provide by an amendment that, in case of his discharge, it shall be by a majority of the four.

Mr. DONNELL. Let me ask the Senator a further question along that line. As I understand the theory of section 201 (a), it requires, as I read it, the unanimous agreement of the four men in order to appoint in the first instance.

Mr. LA FOLLETTE. That is correct.

Mr. DONNELL. That, I take it, is on the theory that both the minority and the majority should have the right to an equal expression of views in the selection of the individual.

Mr. LA FOLLETTE. I think all four men would have to agree on the individual, or he would not get the job.

Mr. DONNELL. That raises this question: Suppose thereafter the individual should prove to have been an unfortunate choice, and we will say that two majority leaders, the majority leader of the House and the majority leader of the Senate, should think the man should be discharged, but the two minority leaders would not agree to that. Does the Senator think it wise that two of the four persons should have the right to retain this man in office, or should there be an amendment to the bill by which, in the event two of either the minority or the majority should deem it advisable to discharge the man, he could be discharged?

Mr. LA FOLLETTE. As I said before, I certainly would be happy to go so far as to say that a majority should have the right to discharge him, because I believe that in this particular situation there is likely to be cooperation among the four leaders of the minority and majority, respectively, of the two Houses.

At first blush the Senator's suggestion would not seem inappropriate to me, because I think we are bound to have cooperation in selecting a man for this particular job. I do not believe that there would be involved any question of patronage, however some individuals in the Congress may feel about what is called congressional patronage. I have not had any in recent years, but I enjoyed some when I served here as a Republican. I will say that it did not take long to convince me that it was absolutely of no help from a political standpoint. It was simply a continual headache, because the individuals appointed were always pestering me to improve their situation, regardless of their merit.

Mr. DONNELL. Will the Senator yield for a further question?

Mr. LA FOLLETTE. I yield.

Mr. DONNELL. If it be of importance that there shall be unanimity among the four persons in the selection of the individual, is it not of equal importance that there be unanimity as among the four with regard to his retention, so as to avoid any disharmony and disunity which might arise by reason of the fact that the man should prove unsatisfactory?

Mr. LA FOLLETTE. I thought the Senator wanted to get to the point where two of the four could get rid of the man.

Mr. DONNELL. That was the point I was getting at. In other words, the point I was making was this: If in the opinion of the Senator the bill requires unanimity of the four in order to choose the appointee, is it not advisable also to provide by an amendment to the bill, appropriately phrased, that the retention of the individual shall likewise be dependent upon unanimity, perhaps not unanimity so as to permit one man to oust the man, but should it not be true that if two of the four were of the opinion that he should not be retained, those two should have the right to have him discharged? Does the Senator agree to that?

Mr. LA FOLLETTE. I am just a little confused. I thought the Senator was in agreement that it was proper to have unanimity in the appointment, and that his objective was to create a situation where two of the four who had appointed the director could bring about his removal and the selection of another. Is that correct?

Mr. DONNELL. That is correct.

Mr. LA FOLLETTE. So far as I am concerned, I think there is going to be unanimity no matter what we write into the statute, because I believe the majority and minority leaders of both parties in both Houses will select a man of experience and high caliber.

But I am willing to go along with the Senator on an amendment to provide that, having unanimously agreed to appoint the director, if they find they have made a blunder, two of them can discharge him, and that the four men get together and find another director.

Mr. DONNELL. May I ask the Senator a further question on a different matter?

Mr. LA FOLLETTE. I shall be delighted to have the Senator do so.

Mr. DONNELL. If the Senator will be kind enough to turn to page 31, line 3, in section 128, where we find language referring to the matter of the study to be made by the Congress of the pertinent reports, data, and so forth, it is provided, as the Senator will recall:

> To assist the Congress in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the Senate and the House of Representatives shall exercise continuous surveillance of the execution by the administrative agency concerned of any laws, the subject matter of which is within the jurisdiction of such committee.

The question I should like to address to the Senator from Wisconsin is as to his conception of what the terms "surveillance" means in that section, and if I may amplify a little more fully, I think I may more adequately present to the Senator the query which I have in my mind. I observe that in the dictionary the term "surveillance" is thus defined:

> The act of watching, or the state of being watched, especially so as to control or keep under guard; a spying supervision; superintendence.

Does the Senator have in mind that it shall be the duty of each standing committee to exercise a superintendence and a control over the action of the administrative agencies, or is it the intention of the Senator merely to provide that there shall be a continuous state of watchfulness on the part of the committee?

Mr. LA FOLLETTE. We used the word in the sense of watchfulness, and I have explained how I think it will work. That is, if the standing committee is given this responsibility and mandate, and is given a staff of experts, it will be in touch with the various activities of the departments or agencies of the Government over which it has jurisdiction, and it will endeavor by cooperation, by meetings and exchange of views and gathering of information, to make certain, insofar as possible, that the agency or department, in exercising the broad delegation of legislative power which is contained in almost every act, is exercising it as was intended by Congress. The most important phrase in many acts today is: "Blank agency shall have the power to issue rules and regulations to carry out this act." We have built up volumes of administrative law which the Transport Division of the Army would be burdened to carry from one point to another.

My theory about how this will work is derived from some experience. It will work by a continuous surveillance, oversight, watchfulness of the particular standing committee and its staff over the manner in which the department or agency is exercising the broad delegation of legislative power given to it so as to make certain that the power is being exercised as was intended by the Congress.

It will have no power to tell the head of a department or agency, "We abrogate this regulation," but it will become familiar, as the process goes along from month to month and year to year, with the manner in which the department or agency is administering the power bestowed upon it. It will then be very likely, I believe, if the committee finds that the agency or department is going beyond the intent of Congress, to introduce legislation to correct the situation.

Furthermore, I think the members of the particular committee and its staff will also become very much more familiar than they are today with the problems which the executive arm of the Government confronts in carrying out broad delegations of legislative power. I have seen that work to mutual advantage in connection with one or two committees with which I am familiar.

Mr. DONNELL. Mr. President, will the Senator yield for one further inquiry?

Mr. LA FOLLETTE. Yes.

Mr. DONNELL. I am very favorably impressed with the general theory which is enunciated by the distinguished Senator. I do, however, have in mind this point: It seems to me that we clearly have in our type of Government three distinct divisions, the judicial, the executive, and the legislative. It appears to me that when the legislative has enacted legislation, the function of administering the legislation thereupon rests with the executive department of the Government. I do not deem it advisable that the legislative department shall undertake either to make itself an adjunct to the executive department or that it shall have upon itself the responsibility of seeing that there is a proper administration of the law which it has itself passed and the administration of which it has cast upon specific persons or agencies.

It appears to me that it would be very unfortunate if there should arise the inference from this section of the bill that it is intended hereafter that the standing committees of this body shall be in effect an operating branch of the Government and shall undertake to control the exercise of power by the administrative agencies. I think it would be unfortunate if the public should get the idea that they could go to various committees of the Congress and undertake to reverse the action of the specific departments or branches, although I fully agree with the thought of the Senator that it is well to observe watchfulness in order that we may make improvement, in order that we may be governed in our future appropriations, and in our future legislation.

In view of the fact, Mr. President, that the definition of the term "surveillance" is, as I have previously read it, "The act of watching, or the state of being watched, especially so as to control or keep under guard."

In view of that definition, I want to ask the Senator whether he would have any objection to the substitution, in place of the word "surveillance," of the word "watchfulness."

Mr. LA FOLLETTE. I would have no objection at all. If the Senator offers such an amendment, so far as I am able to do so I would be very happy to accept it. What would the Senator think of "general inspection and review?"

Mr. DONNELL. I would not favor the word "review." I think the term "watchfulness," which the Senator stated he would be willing to accept, would be preferable.

Mr. LA FOLLETTE. That is all right. I shall not argue with the Senator over that.

Mr. DONNELL. I thank the Senator.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. Yes.

Mr. HAWKES. I like that section very much. I do not know that I object in any way to the suggestion made by the Senator from Missouri, but to me this section means that after we pass a law the committee which is responsible for the recommendation to the Congress is going to watch the situation and see whether the law is carried into effect in accord with the intent and purpose of the Congress in enacting it.

Mr. LA FOLLETTE. That is the objective. I repeat, this is only a rule.

It does not extend any statutory power. The committees are only the creatures of the legislative bodies that create them. What has the Small Business Committee been doing, and what has the Mead committee, and the Truman committee, as it was called before that, been doing? What they have been doing all the time is making studies and ascertaining the manner in which the delegation of power to the administrative branch is being executed. I desire to make this very clear. We have reached the point where practically every measure of any great magnitude that passes Congress contains a general delegation of legislative power. I think the Congress has a right, a duty, and an obligation to the citizens of the Republic to make certain that it is privy to the manner in which such delegated power is being exercised.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. After the citizen has been injured by an abuse of such power, the business of locking the door by cutting off an appropriation is, first of all, a negative approach. It strikes down the activity instead of improving it. It likewise comes too late.

This is no statutory delegation of power to anyone. What will happen if this plan goes into operation and the committees carry out their responsibility? They will be constantly in a position to know the manner in which rules and regulations which the Congress has authorized, and which have the effect of administrative law, are being administered. If the committees find that they are not being administered as the Congress intended, the committees will have no power to tell the administrative agencies to correct or alter the regulations. However, in the light of that knowledge, if the abuse were of importance, legislation could be introduced to correct the situation.

Mr. HAWKES. Mr. President, will the Senator further yield?

Mr. LA FOLLETTE. I yield.

Mr. HAWKES. I wish to say to the Senator, first, that I believe he and his committee have done an excellent piece of work in connection with this reorganization plan. So far as I am concerned, when I first came to the Senate one thing that impressed me was that the task before Senators was utterly impossible the way the thing was being done. Any number of persons have asked me, "Was this the intention of the Congress?" I have said, "No; I do not believe it was." Then I have been asked, "Why do you not take some action to cure the situation?"

All we are saying in section 128 is that we have a duty to do more than enact a law. We have a duty to watch and see whether the law is administered the way it was intended. Is not that the sole objective? We are saying that we have more than a duty to enact a law. Congress has a duty to follow through and see whether that law is being misapplied to the detriment of the objective which we hoped to attain. If it is we should take the necessary legislative action to correct the situation.

Mr. LA FOLLETTE. Certainly. When the Congress delegates its power—and it is a legislative power—to issue rules and regulations, it provides that there shall be penalties for violations. I believe that when Congress considers the complicated character of our present economy, which is no longer an agricultural economy in which the few important regulations to be adopted may be specifically written into law; when it yields up that rule-making power and delegates it to an executive agency, it is part of the responsibility of Congress to keep informed as to whether the power is being exercised as it intended it should be.

I am just as conscious as is any other Senator of the field upon which the Congress must not transgress, and has no right to transgress. That is the field of administering and executing the laws. However, if our committees carry out this mandate; if they find that some agency or some bureaucrat is exercising power in a manner entirely unintended by Congress, I think we have the duty and the responsibility to know about it. I think we also have the obligation to exercise the power which we have, namely, to correct abuse of the law or misinterpretation of the intent of Congress.

Mr. HAWKES. May I ask the Senator from Wisconsin what was his suggestion in place of the word "watchfulness"?

Mr. LA FOLLETTE. I had suggested "inspection and review." I do not think it makes much difference. "Oversight" would be just as good a word. We certainly did not intend surveillance in the sense of an Ogpu, or some kind of spy system, with people peeping through keyholes and tapping telephone wires.

Mr. HAWKES. Let me say to the Senator from Missouri that I believe that something more than watchfulness is required. I have seen a great deal of watchfulness in the United States in the past 10 or 15 years. I believe that we require some phrase which indicates not only watchfulness, but action to correct the thing which has gone wrong.

Mr. DONNELL. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. LA FOLLETTE. I yield.

Mr. DONNELL. I should like to respond to the Senator from New Jersey.

To my mind, we are discussing something of fundamental importance. To my mind the obligation of the Congress of the United States does extend to the point of watchfulness, and to the extent of subsequent legislation which may prove necessary in order to correct abuses. But I do not believe that it is the duty of the Congress of the United States to undertake to administer the respective executive branches.

Mr. HAWKES. I agree.

Mr. DONNELL. I believe that the word "inspection" comes nearer to it than "review," but I certainly would be opposed to the use of the word "review," because to my mind that would be, in effect, placing both the privilege and the responsibility on the Congress of practically undertaking to administer the laws which it enacts.

As I see it, the Senator from New Jersey has the correct idea, namely, that it is the duty of Congress to watch, and thereafter if it shall find that there has been error, iniquity, or improper conduct, or that the law does not adequately cover the situation, it is the duty of Congress to enact proper legislation. But to my mind it would be a decided mistake to leave this section in such language as to permit anyone to understand that Congress is going to take into its hands the administration of the executive or administrative branches, upon which not only the privilege but the responsibility has been cast. I do not believe that we should relieve the various branches of responsibility.

Mr. HAWKES. Mr. President, will the Senator from Wisconsin yield to me for a moment?

Mr. LA FOLLETTE. I yield.

Mr. HAWKES. The greatest criticism that has come to me from all over the United States in regard to the Congress of the United States is that it has enacted laws, and then has permitted them to be misapplied and misinterpreted, and has not promptly taken the necessary action to correct the evil of maladministration or incorrect administration of the law. That criticism is heard all over the United States in every walk of life.

Mr. DONNELL. Mr. President, will the Senator from Wisconsin yield?

Mr. LA FOLLETTE. I yield.

Mr. DONNELL. It is very important to observe the line between legislation on the one hand and executive duties on the other hand. I can well understand and appreciate the criticism which has been made. I think it devolves upon Congress, for example, in the matter of the Office of Price Administration, to change the law whenever it shall be necessary. But I do not understand it to be the duty of any committee of either House to administer the Office of Price Administration, or to be a reviewing body which shall, in effect, take unto itself not only the privilege, but the responsibility of administering those duties.

With respect to the question of the delegation of legislative power, I have heard with much interest the remarks of the distinguished Senator from Wisconsin. To my mind it is exceedingly important to differentiate between what the Congress has the right to do and what it does not have the right to do with respect to delegation. My recollection is very clear on the proposition that the Supreme Court of the United States has held time and time again that Congress has no power to delegate its legislative authority. It has power, of course, to lay down standards. It has the right to delegate to the Interstate Commerce Commission, for illustration, the matter of regulation of rates, upon standards prescribed, and to give that organization the right to fix rates. But so far as the Congress of the United States having the right to delegate its legislative power is concerned, the Supreme Court has held time and time again, in clear and unmistakably strong language, that we have no such power.

So I take it that the Senator from Wisconsin has in mind what I have in mind, namely, that in many instances Congress has permitted the power of regulation

which, of course, is beyond the practical power of Congress. It has permitted administrative rules and regulations to be adopted.

Mr. President, it may be that we have gone too far at times, as I fear we have in some of the measures we have passed in recent months, in undertaking to delegate more legislative power than we had a right to delegate. I wish to take this opportunity, in concluding these remarks, to say that I, for one, am opposed to the idea that Congress has the power to delegate one iota of its legislative power to either the judiciary or to the executive branch of the Government.

Mr. MEAD. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. MEAD. I should like to ask the Senator from Wisconsin a few questions with reference to the duties of the director of personnel, particularly with respect to the employees of the Architect of the Capitol. We have two groups of employees who will come under the director of personnel who is to be established in accordance with the provisions of the pending bill. One of them is the group of employees not covered by the Classification Act and the Retirement Act. They may include elevator operators, employees of the police force, employees of the Senate, and employees of Senate committees. The other group comes directly under the Architect's Office. They involve about 800 employees. The work of some of these employees is of a highly technical nature. The employees are mechanics, engineers, laborers, and so forth. They are found not only here in the Capitol Building but in the power plant and in the other buildings around the Capitol.

I wonder whether there is a possibility of dividing the direction of those employees, so as to leave with the Architect of the Capitol control of the employees who now are covered by the Classification Act and by the Retirement Act and by the other provisions of law which apply generally to permanent employees.

Mr. LA FOLLETTE. I certainly would have no objection to an amendment which recognized the fact that there is such a situation with regard to certain employees of the Architect of the Capitol. It never occurred to me that the Director of Personnel, to be selected by the four majority and minority leaders, and who would be charged with the responsibility of remedying a situation which has existed for many years, would begin by tearing down what little progress we have made in that time. So if the Senator is apprehensive of that, I should be glad to accept an amendment for that purpose.

Mr. MEAD. I can appreciate the necessity for the appointment of a Director of Personnel, as provided in the bill, with respect to the personnel who are not permanent and who are not covered by the Civil Service Classification Act. It seems to me that the provision of the bill for the pooling of personnel is very laudable, and I think such personnel will well come under the direction of the Director of Personnel.

I appreciate the Senator's suggestion, and I shall prepare an amendment to apply only to the technical personnel coming directly under the Architect's office.

Mr. LA FOLLETTE. Mr. President, while we are still somewhat close to the discussion which I had with the able Senator from Missouri [Mr. DONNELL] I should be happy to offer, or to have him offer, an amendment on page 31, in line 3, to strike out the word "surveillance" and insert "watchfulness."

Mr. DONNELL. If it is agreeable to the Senator from Wisconsin, I shall be very happy to prepare such an amendment and submit it.

Mr. LA FOLLETTE. It does not need to be prepared; it can be offered now.

Mr. DONNELL. Very well; I offer it now.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 31, in line 3, after the word "continuous", it is proposed to strike out "surveillance" and insert "watchfulness."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri.

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, I should like to offer an amendment which we discussed somewhat earlier. I send it to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 32, in line 15, after the words "shall be", it is proposed to strike out "received or considered in" and insert in lieu thereof "passed by."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin.

Mr. GEORGE. Mr. President, will the Senator explain the amendment?

Mr. LA FOLLETTE. It is on page 32, and it would permit the introduction and consideration of appropriation bills at the beginning of the session.

Mr. GEORGE. I have no objection to the amendment. As I understand the matter, no appropriation bill can be passed until such a concurrent resolution has been adopted.

Mr. LA FOLLETTE. That is correct.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment was agreed to.

Mr. GEORGE. Mr. President, while we are on that subject, Mr. President, let me ask the Senator from Wisconsin whether he will accept an amendment providing for a record vote, in the provision beginning in line 12, on page 32, as follows:

Until the concurrent resolution specified in subsection (b) has been agreed to by both Houses—

And so forth.

Mr. LA FOLLETTE. I shall be glad to accept that amendment.

Mr. GEORGE. Mr. President, I move to insert in line 13, on page 32, after the words "agreed to", the words "by record vote".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Georgia.

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, I submit the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 49, after line 19, it is proposed to insert the following new section:

JOINT COMMITTEE ON THE ECONOMIC REPORT

SEC. 225. Section 5 (b) (3) (relating to the time for filing the report of the Joint Committee on the Economic Report) of the Employment Act of 1946 is amended by striking out "May 1" and inserting in lieu thereof "March 15."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment was agreed to.

Mr. BARKLEY. Mr. President, I should like to ask the Senator a question about another matter, concerning which I do not find anything in the bill. Will the Senator yield to me?

Mr. LA FOLLETTE. I yield.

Mr. BARKLEY. There are a couple of functionaries here known as the majority and minority leaders, and the same two positions exist in the other branch of Congress. They have what are known as a committee on the majority conference and a committee on the minority conference. Of course, both of those are political in a sense. They could not be otherwise.

What does this bill do with respect to the director of personnel, with regard to his appointment of those who are to work with and for and under the majority leader and minority leader, as chairmen of the respective conference on the majority and minority? I have not found anything in the bill about that. Of course, the bill would set up in each House a policy committee.

Mr. LA FOLLETTE. Yes.

Mr. BARKLEY. That is a different proposition.

Under the appropriation bill for the legislative branch of the Government, every year an appropriation is made for certain assistants to the majority and minority leaders, or to the majority conference and to the minority conference, as I believe the item is carried.

Mr. GEORGE. Mr. President, may I call the Senator's attention to the language in subsection (g) on page 37—if the Senator from Wisconsin will yield to me.

Mr. LA FOLLETTE. I yield.

Mr. GEORGE. It reads as follows:

(g) The provisions of this section shall not apply and the authority of the Director shall not extend to elected officers of the Senate or House of Representatives, or to personnel of Members' offices, or to personnel of party policy committees herein provided for.

I do not know about the reference "herein provided for," but "party policy committees" would seem to embrace what the Senator from Kentucky has in mind.

Mr. BARKLEY. No; I am afraid not.

Mr. LA FOLLETTE. On page 51, under section 244 (b), there is provided an appropriation of the sum of $30,000 for the maintenance of a staff to assist the policy committee.

Mr. BARKLEY. That is a different proposition. The policy committee, as

provided for in this bill, will consist of 7. The majority leader and the minority leader may not even be members of the policy committee. I am speaking of the conferences of the majority and the minority presided over by the respective leaders. There are certain clerks and assistants allowed to the majority leader and the minority leader as chairmen of the two conference committees provided for in the present law. I do not see anything at all in this bill referring to that matter.

Mr. WHITE. Mr. President, if the Senator will yield, I should like to make a correction. The minority conference is presided over not by the minority floor leader but by a chairman of the conference.

Mr. BARKLEY. That is a new custom. It used to be and still is the custom in the majority conference for the conference to be presided over by the majority leader. The chairman of the majority conference is automatically the majority leader. But the point is that the Senator from Maine, who as the minority leader is now allowed certain assistants who are personal to him and supposed to be loyal to his work, will not select those persons, but they will be selected by the Director of Personnel.

Mr. LA FOLLETTE. It was not the intent of the committee to interfere with the present arrangements. I ask if the following language would meet the Senator's point. On page 37, in line 25, after the word "for", I move to strike out the period, substitute a comma, and insert "or to the personnel of the majority and minority conferences."

Mr. BARKLEY. That would cure my difficulty. There is nothing else in the bill which refers to the situation.

Mr. LA FOLLETTE. No. It was the intent of the committee to take care of that situation, and we thought we had taken care of it in relation to these staffs. We discussed the service which we felt this substantial appropriation might afford, not only to the conferences, but to the majority leader and to the minority leader by affording them additional help. We certainly would not try to help them by taking something away from them.

Mr. President, I ask that the Senate act on my amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment was agreed to.

Mr. MEAD. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. MEAD. I have prepared an amendment which separates the patronage employees of the Architect of the Capitol from the permanent employees, they being, mostly, mechanical employees. The amendment would be on page 37, at the end of line 25, to strke out the period, insert a comma and the following new language:

or to the Architect of the Capitol or any employees or activities under the Architect of the Capitol, except patronage employees, and all employees other than patronage under the Architect of the Capitol shall be selected and appointed by the Architect of the Capitol on the basis of their fitness or their technical duties, and the so-called patronage system shall not extend to any position under the Architect of the Capitol not now under patronage.

Mr. LA FOLLETTE. Will the Senator from New York permit me to give his amendment some consideration?

Mr. MEAD. Very well. I shall call it up later.

Mr. LA FOLLETTE. Very well.

Mr. President, I send forward an amendment which I ask to have read.

The PRESIDING OFFICER. The amendment offered by the Senator from Wisconsin will be stated.

The CHIEF CLERK. On page 35, at the end of line 11, it is proposed to insert the following:

The Director of Congressional Personnel shall be ineligible for appointment to any office or position in the executive branch of the Government for a period of 5 years after he shall have ceased to be the Director.

Mr. LA FOLLETTE. Mr. President, I have offered the amendment in order to meet a point raised by Senators that we should make certain that the Director of Personnel will be one who will look forward to his service on the basis of his behavior, and will understand that he shall serve with the legislative branch of the Government and not ultimately with the executive branch of the Government.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, I send forward another amendment which would apply the same provision to the permanent staff of the committee.

The PRESIDING OFFICER. The amendment offered by the Senator from Wisconsin will be stated.

The CHIEF CLERK. On page 42, after line 8, it is proposed to insert the following new subsection:

(i) No individual who is employed as a professional staff member of any committee as provided in this section shall be eligible for appointment to any office or position in the executive branch of the Government for a period of 5 years after he shall have ceased to be such a member.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, I send forward to the desk another amendment which I ask to have read. I invite attention particularly of the Senator from Georgia.

The PRESIDING OFFICER. The amendment offered by the Senator from Wisconsin will be stated.

The CHIEF CLERK. On page 42, after line 8, it is proposed to insert the following new section:

(h) In recommending and certifying professional staff members to the respective committees as provided in this section, the Director of Congressional Personnel shall consult and cooperate with each committee to the fullest extent.

I do not know whether the amendment meets the criticism which has been directed toward the question of the power of the Director to recommend the personnel of the permanent committee staffs, but it is an effort to go somewhat in that direction by placing upon him a statutory mandate to cooperate with the committees. I believe the amendment would strengthen his efficiency, and at the same time afford an opportunity to relieve him of his position if he failed to carry out both the letter and the spirit of the new proposed subsection.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, the Senator from New York [Mr. MEAD] is not present in the Chamber at this time, but I have had an opportunity to examine his amendment. I should like to state that, so far as I am concerned personally, I am prepared to accept it when he offers it.

Mr. GEORGE. Mr. President, if I may have the attention of the Senator from Wisconsin, I should like to suggest an amendment which I believe the Senate could wisely insert in the bill. It will be recalled that the general scheme is to give the Director of Personnel the power to make a survey and submit certain recommendations in regard to classifications, salaries, and so forth, and that there will be certain mandatory requirements to be inserted in his recommendation. He must come to Congress for its approval. He does not come to Congress to obtain approval of the experts to the standing committees, the four experts, who are to be appointed without any further congressional control or direction. But, with reference to the appointment of committee staffs, two for the majority, or the chairman, and two for the minority, and two for general committee work, and so forth, he must come to Congress for that authority and for the approval of his general plans. In subsection (f) at the bottom of page 41 this language occurs:

(f) When the Director of Congressional Personnel submits a plan for revision of legislative pay schedules and such plan is accepted by the Congress, all provisions of law authorizing chairmen of standing committees to rearrange or change the salaries and number of committee employees are hereby repealed—

Then follows a semicolon and the words—

and the personnel of Members' offices shall not be assigned any committee work.

I suggest that it would be wise and in keeping within the inherent power of the Congress in any event to strike out the semicolon and insert on page 42, "unless otherwise directed by Congress in its resolution of approval."

Of course, Congress would have the right to disapprove the plan outright, or it would have the right to modify it, but I think it would give the Congress somewhat greater freedom of action if there were incorporated the language "unless otherwise directed by Congress in its resolution of approval."

Mr. LA FOLLETTE. Mr. President, if the Senator will yield, I think that is a very constructive suggestion, and so far as I am personally concerned, I am happy to accept it.

Mr. GEORGE. Mr. President, I offer the amendment.

The PRESIDING OFFICER. The amendment has been stated. Without objection it is agreed to.

Mr. GEORGE. Now, Mr. President, I come to the question of the jurisdiction of some of the standing committees set up by the bill. I must preface my statement by saying that I am not acting in my personal capacity, because I probably would like to be relieved of any work in the Senate, so far as that goes; but I think certain amendments to the bill on page 11, defining the subject matters that must be referred to the Committee on Finance, should be adopted in the interest of clarification. I have two or three amendments. Before discussing the one which probably might be somewhat controversial, I think that following clause 7, on line 11, there should be added a new subparagraph or a new number which would read as follows:

8. National social security.

That is a subject which the Senator from Wisconsin very properly said was well balanced in the committee's opinion, and had to be placed somewhere in any event; but, in view of our prior experience and the inevitable connection of such legislation with taxation, it seems to be desirable to put it in at this point under the Finance Committee, and eliminate it, of course, on page 15, that is, to strike out lines 14 and 15 on that page, and renumber the following subparagraphs.

Mr. LA FOLLETTE. Insofar as I am able to do so, I am glad to accept that amendment.

The PRESIDING OFFICER (Mr. BURCH in the chair). Without objection, the amendment is agreed to.

Mr. LA FOLLETTE. Then, I ask unanimous consent that the corresponding amendment which needs to be made on page 15 with regard to the jurisdiction of the new Committee on Labor and Public Welfare should be stricken out.

Mr. GEORGE. Of course, there is no objection to that, I am sure.

Mr. LA FOLLETTE. No. 11 on page 15 should be stricken out.

The PRESIDING OFFICER. Without objection the amendment suggested by the Senator from Wisconsin [Mr. LA FOLLETTE] is agreed to.

Mr. GEORGE. As a matter of precaution, I assume in a general way the subject matter to which I am about to refer is included under "Revenue measures generally, customs, collection districts," and so forth, but it is not entirely clear and it can be clarified by adding on page 11, the words:

9. Tariffs and import quotas and matters related thereto.

In fixing sugar quotas the committee necessarily has to rearrange tariffs and to deal with these matters. I think they would be covered under the general language——

Mr. LA FOLLETTE. That was the intent of the committee, but I am happy to have it clarified.

Mr. GEORGE. I thank the Senator very much, and I offer on page 11, following the amendment just adopted, the following amendment:

'9. Tariffs and import quotas and matters relating thereto.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. LA FOLLETTE. Mr. President, I think that subject is very definitely related to the general jurisdiction of the committee and there was no intent to change it.

Mr. GEORGE. I think that is so. I think it would have been included under the general language.

Mr. LA FOLLETTE. Yes; but I am glad to have it clarified.

Mr. GEORGE. Since very broad language is used in the provisions under agriculture, it seems necessary that that feature of it be cleared of doubt.

Mr. President, I come now to another matter I wish to bring to the attention of the Senate.

Mr. LA FOLLETTE. Mr. President, I inquire if the amendment last offered by the Senator from Georgia was agreed to.

The PRESIDING OFFICER. It was agreed to without objection.

Mr. GEORGE. The other matter to which I refer is the creation of the Committee on Veterans' Affairs. I wish to make a brief statement.

Mr. WHITE. On what page is that?

Mr. GEORGE. On page 20, relating to the proposed Committee on Veterans' Affairs.

That committee is to be set up as one of the 16 standing committees of the Senate, and, under the bill, all matters shall be referred to that committee which relate to veterans' measures generally; pensions of all the wars of the United States, general and special; life insurance issued by the Government on account of service in the armed forces, compensation, vocational rehabilitation, and education of veterans; veterans' hospitals, medical care and treatment of veterans; soldiers' and sailors' civil relief; and readjustment of servicemen to civil life.

Nearly all those subject matters, not quite that number but nearly all, in actual practice have been handled by the Finance Committee for a number of years, since World War I, in fact.

There is a general Committee on Pensions which deals with the pensions of other wars, and that committee has some duties to perform now, but it does not have any substantial duties outside of legislation relating to the veterans of World Wars I and II which would be given to the new Committee on Veterans' Affairs, the sixteenth standing committee, if it were approved with the jurisdiction indicated.

It will be remembered that under the bill no Senator can hold a position on more than two committees. He is strictly limited to two committees, with the two exceptions stated in the bill, one the Committee on the District of Columbia, and the other the Committee on Rules, I believe.

In view of that provision in the bill, the Committee on Finance, which has had jurisdiction of these important subjects, which inevitably involve very large expenditures of money since World War I, would be unable to have representation on this veterans' committee. I refer to myself by saying merely that, as chairman of the Senate Committee on Finance, and also as a member of the Committee on Foreign Relations, I could not hold membership on the veterans' committee, which would deal entirely with World War I and World War II veterans' affairs.

Mr. JOHNSON of Colorado. Mr. President, will the Senator from Georgia yield?

Mr. GEORGE. I yield.

Mr. JOHNSON of Colorado. For the very same reasons I would not be able to accept membership on that committee, a committee in which I am tremendously interested. As the Senator knows, I am now acting as chairman of the Subcommittee on Veterans' Legislation of the Committee on Finance. I could be a member of only two committees, and certainly I could not very well afford to give up one of my other committees for the proposed new committee.

I hope, for the reasons stated by the Senator from Georgia, that the veterans' legislation will be continued in the Committee on Finance. There is going to be a tremendous amount of veterans' legislation, as we all know, and it is going to involve sizable sums of money. The best interests of the country, the best interests of the veterans and everyone else will be served by our having a very strong committee in charge of veterans' legislation.

I have advocated in the past the creation of a special veterans' committee, but that was before we were asked to curtail the number of committees and curtail membership of Senators on committees. I had thought that the volume of veterans' legislation entitled the veterans to have a special committee, but under the provisions of the pending bill, I think it would be a very grave mistake to create a veterans' committee when we are curtailing membership on committees and curtailing the number of committees.

Mr. GEORGE. Mr. President, I fully agree with the distinguished Senator from Colorado, who, as he has said, is the chairman of the Subcommittee of the Finance Committee in charge of veterans' affairs.

I think it would be a peculiar loss if the continuity of activity, and study, and work by members of the Finance Committee in this important field were now disrupted. The distinguished Senator from Wisconsin, who is the ranking member on the minority side of the Committee on Finance, would find himself ineligible to membership on the veterans' affairs committee. In fact, no Member who has been active in the consideration of veterans' affairs on the Finance Committee during the past many years could become a member of the new committee.

For that reason, not because I wish to retain the jurisdiction, which would be a considerable burden in point of work, it seems to me it would be well not to include in the pending bill the provision

affecting the veterans of World Wars I and II.

I would say that if subsequently the bill shall be approved by this body and the House, and it is then desirable to create a separate veterans' committee—and it might be—we could set it up without the embarrassment of the provisions of the bill, and we could so provide in a very simple amendment, it seems to me, which would take care of that matter, and hold it open so that on final approval of the bill by both Houses of Congress we would be free to set up a veterans' affairs committee, but without regard to these limiting provisions.

It certainly would not be very wise for the Senate to exclude, by a law which is intended to accomplish a great deal of good in many directions, the possibility of service of some members of the Finance Committee who have been most active in the consideration of veterans' legislation over the years, and have pretty wide familiarity with that legislation.

Mr. President, I hope the Senator from Wisconsin will agree to eliminate portions of the subject matters proposed to be given to the proposed Veterans' Committee as set forth on page 20, especially in paragraph 1, and in two or three or four other paragraphs, insofar as they relate to veterans of World Wars I and II.

Mr. LA FOLLETTE. Would not the Senator be willing to take the entire list of subjects, because I do not know exactly where to put it now. We are doing away with the Pensions Committee.

Mr. GEORGE. I think I may say to the Senator that the Finance Committee could take them all. I shall be very happy to cooperate in the setting up of a special Veterans' Committee, if the bill shall finally be accepted by the House, but I would want the way open for the exercise of the very best judgment of members on the committee who have the widest familiarity with the problem.

There are some subject matters set out here, such as readjustment of servicemen to civil life, and others, which have usually been handled by the Committee on Military Affairs or the National Defense Program Committee, but we could take them all for the time being.

Mr. LA FOLLETTE. Will the Senator yield to me to make a brief statement about this matter?

Mr. GEORGE. Yes; I am glad to yield.

Mr. LA FOLLETTE. Certainly the Senator knows that, so far as I am concerned, I value and set great store by my long service on the Committee on Finance, and also by my long service on the Veterans' Subcommittee of that committee.

It was the feeling of the special committee that, because of the large number of men and women who were involved in World War II, inevitably the legislative work load in relation to their problems was bound to grow very rapidly and to become very onerous. We certainly did not intend to reflect on the Veterans' Subcommittee of the Committee on Finance, of which my very able and treasured friend, the Senator from Colorado [Mr. JOHNSON], is the chairman, and of which I am the ranking minority member. There was no intent to indicate that we had any idea that that committee had not done its best. But we did feel, looking into the immediate future, that there was going to be a tremendous increase in the work load in the field of veterans' legislation, and therefore we suggested the establishment of this committee.

It is true that, whenever there is a general reorganization of the committee structure we are confronted with certain situations in which Senators, or Members of the House, if they should decide to take any action in that direction, inevitably lose opportunity for service on some committees which their experience in the fields of jurisdiction of the committees eminently qualify them for.

The Senator has made that point very strongly here with regard to the veterans' situation, because I doubt if many, or perhaps any, of the present members of the veterans' subcommittee of the Finance Committee would find it possible or think they could give up their position on the Finance Committee to assume service in the reorganized pattern on this new committee. So, while I am firmly convinced in my own mind that in the near future we will have to set up a veterans' committee in order to relieve the Finance Committee of a tremendous burden, I am not disposed to resist this amendment at this time.

Mr. THOMAS of Utah. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. THOMAS of Utah. In the same spirit in which the Senator from Georgia [Mr. GEORGE] has spoken, and in keeping with the spirit of our special committee, since there is question about the division of labor in regard to veterans' affairs, I think it would be proper to state that if a special veterans' committee is not created, probably a division of labor in handling these matters would come quite logically after paragraph 3. In the case of vocational rehabilitation and education of veterans, we found, for example, in handling vocational work and rehabilitation work that civilian rehabilitation is in the hands of one committee and veterans' rehabilitation in the hands of another committee. That has worked to the disadvantage of the veteran himself, and it has kept many veterans from being able to embrace all the opportunities for rehabilitation which the various States offer.

When it comes to veterans' hospitals, medical care, and treatment of veterans, it seems to me that those phases could be handled very much better by the committee which is taking care of the United States public health and other hospitals, and things of that kind.

As to the item "Soldiers' and sailors' civil relief," that has been in the Military Affairs Committee, but it has to do with the treatment of veterans, and readjustment of servicemen to civil life. It is purely educational, and if we are going to do the most for the veterans it should be done in connection with all the State organizations which have been set up to take care of the civilian rehabilitation of veterans.

I shall not make a formal motion, Mr. President, because that should come either from the Senator from Georgia or the Senator from Wisconsin. But if the Committee on Veterans' Affairs is not set up, I think we could logically place the first three items, plus the first part of the fourth item, "Compensation" in the Finance Committee, and then, beginning with the remaining two parts of item 4 "Vocational rehabilitation, and education of veterans," item 5, "Veterans' hospitals, medical care, and treatment of veterans," item 6, "Soldiers' and sailors' civil relief," and item 7, "Readjustment of servicemen to civil life," assign those activities to the Committee on Labor and Public Welfare. I think such division of labor is consistent with the theory on which the various committees are established. So the Finance Committee would retain item 1, "Veterans' measures generally," item 2, "Pensions of all the wars of the United States, general and special," item 3, "Life insurance issued by the Government on account of service in the armed forces," and the first part of item 4, "Compensation."

It seems to me, Mr. President, that those items are logical to be placed with the Finance Committee, and that the other items are logically matters which belong to the new Committee on Labor and Public Welfare.

Mr. GEORGE. I may say to the Senator from Utah that I fully agree with his statement. I believe the matters embraced in lines 14 to 19, excluding "Compensation" should be placed in the Committee on Labor and Public Welfare.

Mr. LA FOLLETTE. Then, as I understand it, the amendment would be to strike out on page 20 the language beginning in line 9 through and including line 19; that the first three paragraphs, beginning in line 9 and ending in line 13 would be placed under the heading of "Committee on Finance," on pages 10 and 11——

Mr. JOHNSON of Colorado. Plus the part "Compensation" under item 4, in line 14.

Mr. LA FOLLETTE. Plus "Compensation" in line 14, under item 4; all to be placed under the Finance Committee on pages 10 and 11.

Mr. GEORGE. Following the amendment already adopted.

Mr. LA FOLLETTE. Yes; following the amendment already agreed to. Then the remainder of the paragraph, with the exception of "Compensation," which is included in the matters to go to the Finance Committee, would be transferred to the new Committee on Labor and Public Welfare, on page 14.

That amendment is very agreeable to me, Mr. President, in the light of the statement the Senator from Georgia has made. I offer the amendment, as follows:

On page 2, strike out "(p) Committee on Veterans' Affairs."

On page 11, after line 11, insert the following:

"10. Veterans' measures generally.

"11. Pensions of all the wars of the United States, general and special.

"12. Life insurance issued by the Government on account of service in the armed forces.

"13. Compensation of veterans."

On page 15, after line 24, insert the following:

"16. Vocational rehabilitation and education of veterans.

"17. Veterans' hospitals, medical care, and treatment of veterans.

"18. Soldiers' and sailors' civil relief.

"19. Readjustment of servicemen to civil life."

On page 20, strike out lines 5 to 19.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin.

The amendment was agreed to.

Mr. DONNELL. Mr. President, will the Senator from Wisconsin yield to me?

Mr. LA FOLLETTE. I yield.

Mr. DONNELL. Some time ago we were discussing the matter of the termination of office of the Director of Congressional Personnel. I have prepared an amendment which I should like most respectfully to submit to the chairman of the Special Committee on the Organization of Congress, the Senator from Wisconsin, and ask him whether it meets his approval that the bill be so amended. My amendment is on page 35, at the conclusion of line 11, to insert the following:

The term of office of the Director may be terminated at any time by any two or more of the four persons who at such time shall be the majority and minority leaders of the Senate and the House of Representatives.

Mr. LA FOLLETTE. So far as I can, Mr. President, I am happy to accept that amendment.

Mr. DONNELL. May I offer it at this time?

Mr. LA FOLLETTE. Certainly.

Mr. DONNELL. I offer the amendment at this time, and ask for its immediate consideration, Mr. President.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Missouri.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment.

Mr. LA FOLLETTE. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hawkes	Pepper
Andrews	Hayden	Radcliffe
Austin	Hickenlooper	Reed
Ball	Hill	Revercomb
Barkley	Hoey	Robertson
Bridges	Huffman	Russell
Brooks	Johnson, Colo.	Saltonstall
Burch	Knowland	Smith
Bushfield	La Follette	Stanfill
Butler	Lucas	Stewart
Capehart	McCarran	Thomas, Okla.
Capper	McClellan	Thomas, Utah
Connally	McKellar	Tobey
Cordon	McMahon	Tunnell
Donnell	Magnuson	Tydings
Downey	Mead	Vandenberg
Ferguson	Millikin	Wagner
George	Mitchell	Walsh
Gerry	Moore	Wheeler
Green	Morse	Wherry
Guffey	Murdock	White
Gurney	O'Daniel	Wiley
Hart	Overton	Wilson

The ACTING PRESIDENT pro tempore. Sixty-nine Senators having answered to their names, a quorum is present.

Mr. RADCLIFFE. Mr. President, I am informed that there is some possibility that the pending bill will reach the point of final passage today. I think the members of the committee who have prepared this measure—the Senator from Wisconsin and the other Senators on the committee—have done a big and a highly constructive job, and they are entitled to the grateful appreciation of every Member of the House and every Member of the Senate, and also of the public generally.

But I am rather appalled at the prospect that a bill of such tremendous magnitude, which would change vitally the structure of the Congress, should be passed without more consideration by us. We all know that for some time the Members of the Senate have been very closely engrossed in considering highly controversial legislation and in their other duties. We have held night sessions. Therefore, I think it is extremely doubtful whether many Members of the Senate have had an opportunity to study as carefully as should be done the provisions of this bill.

Mr. President, I do not think it would be in the cause of good administration or sound legislative procedure to permit a bill of such colossal magnitude to be passed without having it receive more consideration and deliberation. In making this statement, I wish to emphasize again that it is not meant as any reflection whatever upon the committee or upon their efforts. I know the committee has worked laboriously and zealously, and has brought forward a measure possessing many features of highly constructive value. Personally, I have had some opportunity to study the bill but I am not as familiar with it as I should be, and and I hazard the opinion that very few Members of this body really understand either the purport or range of the bill, yet it is a measure of tremendous importance.

I hope no effort will be made to secure passage of this bill at this time. I believe that a short delay in passage of the bill, a reasonable time, even a few days, would be decidedly better than to have the bill passed at this time. Such a delay would give to Members of the Senate who perhaps are not present today, or who have not already studied the measure carefully, an opportunity to study it as it should be studied.

I wish to say that I am heartily in accord with many of the general features of the bill, but I emphasize my hope that it will not be passed today. I think it is our duty to give it further study and attention. We must know that the bill has not been studied in the way that its vast importance demands. Surely a short interval for analyses and decision would do no damage and would doubtless be highly advantageous.

Mr. LA FOLLETTE. Mr. President, after the Joint Committee on the Organization of Congress was created it worked for a year. It submitted its report to the House and to the Senate on the 4th of March. I introduced this measure on the 13th of May. It was reported to the Senate on May 31, with a very adequate and comprehensive report which contains a section-by-section analysis of the bill. I took the precaution to address every Senator at his place of residence and send him a copy of the report, and I stated that I intended to have the bill taken up as soon as possible.

Furthermore, Mr. President, although the bill is long, it deals with matters with which, presumably, Senators are familiar. It deals with the operation of the institution of which they are members.

I wish to be entirely frank, Mr. President, I know that this measure will have no chance of consideration by us after the OPA bill comes before the Senate. Every other Senator knows that to be so. The debate on that bill will be a long, knock-down-and-drag-out fight over certain issues which are involved in it.

This is the one opportunity to present the bill which the committee has had and which I have had, after devoting to it more than a year of intensive time and study, in addition to carrying all of my other burdens.

I do not ask any Senator to vote for this bill if he does not approve of it. I undertook to point out yesterday, as well as today, that no piece of legislation, regardless of how long it has been under consideration by a committee, and regardless of what the committee has done with it, is perfect. I have tried to indicate that I am perfectly willing, ready, and anxious to discuss the bill completely, and consider amendments which may be offered to it. I have already accepted several amendments which I believed materially improved the bill.

I feel, Mr. President, that the committee, including the Senator from Wisconsin, are entitled to the Senate's judgment in connection with this measure, and I do not believe we have taken any Senator by surprise. I certainly do not believe that we have been unfair in any way. I believe that, if Senators will read the bill, they will be able to familiarize themselves with it very quickly, because it involves a matter of which we presumably had some working knowledge to start with.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. McKELLAR. The first time I knew about the bill was during the past few days. I have been busy in connection with other matters. The Senator has, no doubt, written me with regard to it. I do not recall having talked with him about the matter.

I wish to point out some very important provisions of the bill. Take, for example, the Appropriations Committee of the Senate. That committee consists of 24 members at the present time, and I believe it is authorized to have 25 members. If the membership of that committee were reduced to 13, the committee would not be able to do its work. It would be impossible for the members of the committee to do all the work which would be required of them, although we might have a Director General to select our staff. Let us suppose that Mr. Smith should be removed and Mr. Jones put into his place. If that were done, we would be in a great deal of trouble. Yet, the Director General, or the Director of Personnel, whatever may be his title, would have the right to remove Mr.

Smith and put in his place Mr. Jones. As I understand the bill, having read it only hastily, it would virtually turn over the Senate of the United States and all its prerogatives to the Director of Congressional Personnel. He would be the czar of the Senate. He would be the generalissimo of the Senate. He would appoint all employees of the Committee on Appropriations. For example, he would pass on the question of whether Mr. Everard Smith of the Committee on Appropriations should hold his present position, or whether Mr. Jimmie Jones should hold it. I believe that Mr. Everard Smith is one of the finest men employed by the Committee on Appropriations. I have known him for a long time, and I believe that in his field he is one of the finest and most competent men whom I have ever known.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. McKELLAR. I will yield in a moment.

The Senator from Wisconsin cannot guarantee that Mr. Smith will be retained, or that the other members of the committee staff will be retained. No, Mr. President, not at all. The Appropriations Committee will not have a word to say with regard to the selection of its employees, whether they are fitted for their positions or not fitted for them. I speak of that committee because I am very familiar with it. The same statement holds true with regard to other committees. I do not know how many members of the committee are now present in the Chamber, but the present membership of the committee is 24 and the committee is required to work every day.

Mr. BALL. Mr. President, I regret very much to differ with the chairman of the Committee on Appropriations, but during the 2 years in which I have been a member of the committee it has appeared to me that only about 13 members of the committee do approximately 95 percent of the committee's work. I would certainly include the chairman of the committee in the 13 to whom I have referred. He is one of the most diligent chairmen I have ever come in contact with. But I believe that, because of the multiplicity of committee assignments of Senators, it very frequently occurs that of a subcommittee which may consist of 8 or 9 members, actually but 3 or 4 do its work.

Mr. McKELLAR. Mr. President, I am sorry that I must differ with my good friend, the Senator from Minnesota. If there was ever a committee of the Senate which worked hard, it is the Appropriations Committee. The present 24 members must make all kinds of arrangements in order to attend the sessions of the committee and keep up its work. The committee recommends appropriations of very large sums of money, approximately $30,000,000,000 this year. I do not believe that the responsibility for passing on such vast sums, ascertaining how the money shall be used, and holding hearings which consume thousands of printed pages, should be placed upon the shoulders of 13 men. The Senator from Minnesota has given me credit for being diligent. Diligent as I am, I assert that if the present membership of the committee were to be reduced to 13, before the end of the year amendments would have to be made to this proposed law.

I disagree entirely with the Senator from Wisconsin. He is one of the finest men and one of the most learned and diligent Members of the Senate. He has adopted a very elaborate scheme. Some of the provisions of the bill are very good. But the idea of reorganizing the Senate in such a way as to allow one man to take charge of the Senate and its employees, is not at all compatible with my understanding of good legislative administration. It is my opinion, after having examined the bill, that the Director of Congressional Personnel would be the one and all powerful man in the Senate of the United States. That would not be in accordance with our Constitution. I doubt very much whether the bill is constitutional. I agree with the Senators who say that it should be debated. I have not had time to debate it. The truth of the matter is that no chairman of the Senate Appropriations Committee can possibly find time even to examine with care a bill of this character during the time in which the work of the Appropriations Committee is taking place. We should be careful about what we are doing. We should not change the whole purpose of the United States Senate.

Our founding fathers fashioned a pretty good Government. In 158 years under that constitutional Government we have risen from the lowest round of the ladder to the very topmost round. The Senate has been a part of the Government all the time, and now 158 years after we started, is the Senate itself to abdicate most of its functions, or many of its functions, and turn them over to a Director General, who will have general charge of what each and every individual Senator shall do?

Mr. President, I asked for the opinions of the Members of the Committee on Appropriations, and the only one who spoke was the Senator from Minnesota [Mr. BALL], and I thank him for rising and responding. He is a fine Senator, but I simply do not believe the committee will agree with the Senator from Minnesota. I have been on that committee for 22 years, and I know something about it and its work. I know much about it. I know as well as that I hold this report in my hand that 13 men cannot do the work of that committee. I know perfectly well that if we have someone over and above us to appoint the clerk of that committee, the assistant clerk of the committee, and various other clerks of the committee, we will not get the character of men we now have. Let me show the Senate how we have gone about assembling our force. I do not know whether Senator Glass made the appointments of the staff; they may have been made by a chairman who held the office before he did; indeed, I think it was Senator Warren, of Wyoming, who appointed practically everyone of the staff now with the committee. When Senator Glass came in as chairman, he took the committee staff as it stood. When I became chairman, I took the staff as it stood, and just as it stands today, for the reason that everyone on that staff is an expert, everyone is helpful in doing the enormous work required in connection with appropriations.

Senators who are not members of the committee simply do not know what a burden we have to carry each and every year. Therefore, it seems to me that if Senators want to cripple the Senate, if they want to cripple the work of the Committee on Appropriations and make it merely a matter of form, let them turn it over to this Director General. And no one knows who he will be. That is the way to cripple it. If Senators want to cripple the work of the Senate, that is the way to cripple it. Our Government depends on appropriations, and it is very essential that we have experts on the staff of the Committee on Appropriations, and we now do have experts, 36 of them.

There is rarely any difference between the Republican and Democratic members of the committe on matters which come before the committee. If there is any Senator now present, Democrat or Republican, who desires to take issue with that statement, I should like to have him rise and do so. There is no distinction between Democrats and Republicans insofar as the work of the committee is concerned.

We are merely trying to do the work of the Government, and to get the best men to help us administratively. We are not trying to establish some sort of record for economy by cutting down the staff of the committee. It simply cannot be done.

Mark my prediction, if this bill shall pass and become the law—which I say God forbid, in the interest of the United States Government—it will not be the law 12 months before we will be repealing it, and trying to take charge as against our super Senator, who will be in the form of a Director General.

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. ROBERTSON. The Senator stated that there are 24 members on the Committee on Appropriations. Could the Senator give us the number of subcommittees, regular subcommittees?

Mr. McKELLAR. One of the members of the committee, one of my most esteemed friends, one of the best members on the committee, the Senator from Maine [Mr. WHITE], the Republican leader, has just handed me a list of the subcommittees. We have first the Subcommittee on the Department of Agriculture, the Subcommittee on Deficiencies——

Mr. ROBERTSON. How many members are there on these subcommittees? Can the Senator tell me?

Mr. McKELLAR. I will cover merely a couple of them, so that the Senator can see.

On the Subcommittee on the Department of Agriculture are Messrs. RUSSELL—and, by the way, the Senator from Georgia [Mr. RUSSELL] is holding a conference this afternoon with the conferees of the House of Representatives—Messrs. RUSSELL, HAYDEN, TYDINGS, BANKHEAD, O'MAHONEY, MCCARRAN, CHAVEZ, MAYBANK, GURNEY, BROOKS, REED, WILLIS, and FERGUSON; and ex officio members,

Senators THOMAS of Oklahoma, WHEELER, and CAPPER.

The Subcommittee on Deficiencies consists of Messrs. MCKELLAR, Glass—this was printed before Senator Glass died—HAYDEN, TYDINGS, RUSSELL, OVERTON, THOMAS of Oklahoma, MCCARRAN, O'MAHONEY, BANKHEAD, BROOKS, BRIDGES, GURNEY, BALL, FERGUSON, and WHERRY.

I think this year we have already passed four deficiency bills, and perhaps five.

Mr. TYDINGS. We have passed four, and have one pending.

Mr. MCKELLAR. As the Senator from Maryland says, we have passed four, and have one pending, and we are going to have one more. So there are six deficiency bills. Every Senator serves on several of these subcommittees. The idea of putting that work in the hands of 13 men, to my mind, is utterly unthinkable.

Mr. TYDINGS. Will the Senator yield?

Mr. MCKELLAR. I shall yield in a moment. I shall yield first to the Senator from Wyoming, and then to the Senator from Maryland.

I wish to say first that my good friend the Senator from Wisconsin [Mr. LA FOLLETTE], one of the best Members we have in the Senate, as we all know, says that the joint committee has taken a great deal of proof about this matter. For some time the present Committee on Appropriations, just as it stands, has been de facto in charge of appropriations. Not a single one of us, so far as I know—I know I have not been—has been invited to express an opinion as to whether it was wise to reduce the number of members from 24 to 13, and have someone from the outside who perhaps may not know anything in the world about appropriations, who may not have had a minute's experience with Government appropriations, come in and say, "Let me take away the outfit you have here and install other men."

Mr. TYDINGS. Will the Senator yield?

Mr. MCKELLAR. I will yield in a moment. I want to read some of the names of members of the force the committee has working for it. Do we want to have a director who may be appointed from Tennessee, or Wyoming, or Maryland, or Maine, or Michigan, or any other State, with never a single particle of experience, have control over the Committee on Appropriations? Under the bill he might come and say to Mr. Smith, our clerk, "You are fired, and I have appointed Jim Jones to succeed you." I am talking about his power to do it, not that he will do it, because I do not know. I do not know who will be Director General of the Senate, who will be in control of all of us, and tell us what to do.

He may say, "You have to discharge Mr. Everard Smith, Mr. J. W. Rixey Smith, Mr. Cecil H. Tolbert, Mrs. Louise S. Joubert, Mrs. Jennie D. McDaniel, Mrs. Helen C. Fox, and so on. You have to discharge them all, and take these people I suggest."

He might be kind enough to come and tell me about it and say, "Why, Senator, I am giving you the best man the Chicago Board of Trade ever had in its employ, and he will tell you exactly how to make these appropriations."

The Director General might come from Miami, Fla., a hustling city, and he might say "I have gotten for you the most active man that Florida ever produced." We might get a man from Memphis who could be assigned to the committee without the Director ever discussing the matter with anyone. If this bill is passed the Director will run the Senate. We may think we are Senators, but under this bill, I may be mistaken about it, and I hope to heaven I am; but as I read the bill the Senators from the various States will become sub-Senators. The high and overruling Senator not provided for by the Constitution of the United States at all will be the man who runs the Senate. He will appoint everyone connected with it, whether fitted or unfitted for the place, whether he knows anything about the position to which he is assigned or not.

Mr. President, no man can tell us all about agriculture, even though he is a member of the board of trade. No one man can tell all about agriculture, about deficiencies, about the District of Columbia, about the independent offices—and we have myriads of them—about the Department of Labor, the legislative branch, the Navy Department, the Departments of State, Justice, and Commerce, the Judiciary, the Department of Labor, the Federal Security Administration, the Treasury and Post Office Departments, and the War Department. This man will have to know exactly whom to appoint for all these committees. He will be in charge of us, and tell us what to do. As I understand the bill, it would result in an abdication by the Senate of its constitutional duties, and would really turn them over, as a matter of fact, to a Director General.

Mr. President, I may be different from other Senators. I have been here a long time. Some people even say I have been here too long, and there may be something in what they say. I am not disputing that. I am merely saying that I have been here a long time, but if this bill is passed I practically think I ought to leave the Senate. The Director General will appoint a committee such as he wants to run the show as he sees it, not as we see it, not as the Constitution framed it to be, not as the Constitution provided it to be, not as our forefathers provided it to be, not as it has been managed so long, over a period of more than 150 years, nearly 158 years; not as it has operated in the past, but here is the great overlord who is going to take charge of the Senate. That may be the better form of government. It may be better to conduct the Government in that way. There are many people who think it would be better, and I know that my good and able friend the Senator from Wisconsin thinks so, or he would not have introduced the bill.

Mr. President, before the Senator had arranged about the matter of committees I think he should have consulted with and obtained the approval of those who serve on the committees.

Let me ask Senators present a question. I will turn first to my friend the Senator from Maryland [Mr. TYDINGS]. Does the Senator think that 13 men can do the work of the Appropriations Committee?

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. MCKELLAR. I yield.

Mr. TYDINGS. I think the Senator from Wisconsin is almost completely correct in his desire to have smaller committees and to limit the number of Senators to serve on committees. In my humble judgment and without any reflection on any other committee, the Appropriations Committee meets five times as frequently as any other committee of Congress. It is in session almost every morning and every afternoon after we reach the middle of the session, and quite often before then. Many Members are not able to come to all the Appropriations Committee meetings because they are members of other committees. In my own case I am a member of the Naval Affairs Committee which meets about twice a week. I am chairman of the Committee on Territories and Insular Affairs which meets two or three times a month, and sometimes more frequently.

I think the Senator from Wisconsin is correct in his approach to the subject. I feel, however, that the Appropriations Committee ought to have special treatment. I think it ought to have perhaps 17 or 19 or maybe 21 members. But, aside from that committee, I think the program, so far as I am familiar with it, of the Senator from Wisconsin in limiting the number of committees and limiting the personnel of the committees, is a correct approach.

The reason I think the Appropriations Committee will have to have more than 13 members is based on the following: There is no other committee of the Congress that I know of that has 10 standing subcommittees. Each one of the 10 subcommittees is virtually a whole congressional committee in itself, as any Member who serves on one knows.

Let us take the work done by the Senator from Arizona [Mr. HAYDEN]. Because of his long service I think he knows more about the Interior Department than almost any other Member of the Congress knows. He has examined into the ramifications of the bureaus and agencies. In a small committee it would be very difficult to do all that work alone.

If we had only 10 subcommittees—and we must have 10 in order to get the work done—and if we had only 13 members of the Committee on Appropriations, unless there were great duplications, we could have only about three men to a subcommittee. I do not believe such a number would be sufficient.

I was trying to catch the attention of the Senator from Tennessee to say that at the appropriate time I think it would be wise to offer an amendment to the proposal of the Senator from Wisconsin that in the case of the Appropriations Committee it should have a membership of either 17 or 19 or some larger membership than 13. I do not believe, however, that what can be said about the Appropriations Committee in general applies to the other committees. Certainly it does not apply to the Committee on Naval Affairs. I do not believe it applies

to the Committee on Military Affairs. In normal times those two committees are not hard-working committees. They have been during the war and in the aftermath of the war.

I would agree, therefore, with the Senator from Tennessee in saying that in my humble judgment the Committee on Appropriations has to have a larger membership than 13. But I think the plan of the Senator from Wisconsin is basically correct, and, so far as I know, there is no other committee in the same category with the Committee on Appropriations.

I should like to see a consolidation of committees, and I should like to see smaller committees. I should like to see the Appropriations Committee reduced as far as possible, but from my own experience on it of some 12 or 14 years, I do not believe we will serve our own interest by cutting it as low as 13. What I say about that committee is a special treatment as differentiated from the average committee of Congress.

Mr. THOMAS of Utah. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. THOMAS of Utah. In connection with the remarks made by the Senator from Maryland, I am wondering if the Senator from Maryland would not feel that anyone who is appointed to serve on the Appropriations Committee should serve only on that one major committee? All his arguments are based on the matter of time and the amount of work. If the committee is such a time-consuming committee, it seems to me it would be consistent, if the Senator's suggestion is carried to its logical conclusion, that those who are made members of the Appropriations Committee should be limited in their service to that one committee.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. TYDINGS. I think there is a great deal to be said in favor of the suggestion of the Senator from Utah. Perhaps we may have to come to the point where Members who serve on the Appropriations Committee should serve on no other committee. However, I do not believe that that necessarily has to be an ironclad rule. For example, in my opinion 2 or 3 years from now those who serve on the Military Affairs Committee or those who serve on the Naval Affairs Committee, or on a combination of the two, will not find themselves in frequent session. We must remember that during the war all committees have had to meet extraordinary problems. Consider the Banking and Currency Committee. I used to be the chairman of that committee. It had practically nothing to do back in the 1932–33 period, but about that time, when I severed my connection with it, it took over all the general policies of the Roosevelt administration, such as WPA, housing, and so on, and since then it has been one of the hard-working committees of this body.

So, answering the question of the Senator from Utah, I believe that when we decide the number of committees on which a Senator should serve, we should look at the normal operation of committees rather than the war or postwar operation, because, otherwise, we may exclude Members from committees who would have the time and the inclination to serve on more than the Appropriations Committee. However, Senators ought not to serve on five or six committees. At the present time, I am a member of five or six committees. There is one committee whose meetings I very seldom have an opportunity to attend, and there are at least two whose meetings I do not attend very often because time does not permit it. Therefore, I believe that reducing the service on committees to two or three would be conductive to an efficient dispatch of the public business.

Mr. McKELLAR. Mr. President, I am against this bill on principle. I am against it on constitutional grounds. If our forefathers had thought that the Senate of the United States ought to have a general administrator over it, to operate the Senate as he thought best, they would have so provided. That is substantially what the bill would do, in my judgment. I have not read it with the care which it deserves because I have not had the time. But as I understand, the bill provides for a superlord over the Senate.

I do not believe that we have the constitutional right to do such a thing. I do not believe that we have the moral right to do it. Under our laws and our Constitution certain obligations and duties are laid upon Senators themselves, and we cannot abdicate those duties. We cannot lay them aside and say to our constituents, "You know how that bill was passed. The Director General of the Senate simply got busy. He is all-powerful, and he forced this legislation upon us. The Senate had to pass it." To my mind that is no excuse. We are sent here to use our independent judgment about legislation, and that is all we can do.

The bill ought not to be passed at this time. My good friend the Senator from Wisconsin has stated that we would be delayed by the OPA bill, and for that reason he wants to hurry this bill through. I believe that this is the kind of bill which ought not to be hurried through. It is a revolutionary measure. It tears down all the landmarks and substitutes entirely new ones. The bill would change the whole purpose of the Senate, as I see it. It would entirely revolutionize the Senate.

It may be said that the proposed Director General would be an easy boss, and would not interfere with us very much. But who knows? Who can tell? I do not believe that we ought to take the risk. For that reason I shall vote against the bill as it now stands.

Mr. McKELLAR subsequently said: Mr. President, I ask unanimous consent to have added to my remarks a list of the members of the Committee on Appropriations, and a list of the subcommittees of the committee and their membership.

There being no objection, the lists were ordered to be printed in the RECORD, as follows:

COMMITTEE ON APPROPRIATIONS, UNITED STATES SENATE, SEVENTY-NINTH CONGRESS

Kenneth McKellar, chairman; Carl Hayden; Elmer Thomas; Millard E. Tydings; Richard B. Russell; Pat McCarran; John H. Overton; John H. Bankhead; Joseph C. O'Mahoney; Theodore Francis Green; Dennis Chavez; James M. Mead; Burnet R. Maybank; Abe Murdock; Styles Bridges; Wallace H. White, Jr.; Chan. Gurney; C. Wayland Brooks; Clyde M. Reed; Joseph H. Ball; Raymond E. Willis; Homer Ferguson; Kenneth S. Wherry; Guy Cordon.

Everard H. Smith, clerk.

The committee meets on call of the chairman.

SUBCOMMITTEES

(Ex officio committeemen's names appear in *italics*)

Department of Agriculture: Messrs. Russell, Hayden, Tydings, Bankhead, O'Mahoney, McCarran, Chavez, Maybank, Gurney, Brooks, Reed, Willis, and Ferguson.

Thomas of Oklahoma, Wheeler, and *Capper.*

Deficiencies: Messrs. McKellar, Hayden, Tydings, Russell, Overton, Thomas, McCarran, O'Mahoney, Bankhead, Brooks, Bridges, Gurney, Ball, Ferguson, and Wherry.

District of Columbia: Messrs. O'Mahoney, Overton, Thomas, Chavez, Mead, Murdock, Ball, Willis, Ferguson, Wherry, and Cordon.

Bilbo, Tydings, and *Buck.*

Independent Offices: Messrs. Russell, Green, McKellar, Bankhead, Mead, Maybank, Murdock, Bridges, White, Brooks, Reed, and Cordon.

Department of the Interior: Messrs. Hayden, McKellar, Thomas, Bankhead, O'Mahoney, Green, McCarran, Chavez, Gurney, Willis, Wherry, Ball, and Cordon.

Legislative Branch: Messrs. Tydings, Overton, Green, Chavez, Maybank, Murdock, Bridges, Reed, Ferguson, and White.

Navy Department: Messrs. Overton, Thomas, Green, Tydings, Mead, McCarran, Murdock, Bridges, Brooks, White, Ball, and Willis.

Walsh, Gerry, and *Tobey.*

Departments of State, Justice, and Commerce, and the Judiciary; Department of Labor—Federal Security: Messrs. McCarran, McKellar, Russell, Bankhead, Mead, Tydings, Murdock, White, Ball, Bridges, Wherry, and Cordon.

Also on diplomatic and consular items: Messrs. *Connally, George,* and ——.

Treasury and Post Office Departments: Messrs. McKellar, Tydings, McCarran, Hayden, Green, Maybank, White, Gurney, Reed, and Willis.

Also on Post Office items: Messrs. *Bailey, Chavez,* and *Langer.*

War Department: Messrs. Thomas, Hayden, Overton, Russell, Chavez, O'Mahoney, Maybank, Mead, Gurney, Brooks, Reed, Ferguson, Wherry, and Cordon.

Thomas of Utah, Johnson of Colorado, and *Austin.*

Also on river and habor items: Messrs. *Bailey, McClellan,* and *Vandenberg.*

PARTICIPATION BY THE UNITED STATES IN THE PHILIPPINE INDEPENDENCE CEREMONIES ON JULY 4, 1946

Mr. TYDINGS. Mr. President, I invite the attention of the Senator from Wisconsin, as well as that of the Democratic and Republican leaders, to Calendar No. 1448, House Joint Resolution 360, to provide for United States participation in the Philippine independence ceremonies on July 4, 1946. That date is less than 4 weeks away.

I understand that three members have been tentatively appointed to represent the executive branch of the Government. The House has passed the joint resolution, and I understand that when it passes the Senate the Speaker will appoint Members to represent the House.

The joint resolution authorizes the commission representing the United States to be in the Philippine Islands on July 4, when the new Commonwealth comes into being. The commission will be composed of representatives from Congress and from the executive branch of the Government.

Those who are to be designated as representatives must take a considerable number of injections and shots of various kinds in order to obtain permission to enter certain areas. I believe that six or seven different antitoxins are required. Furthermore, they must make preparation to leave here within 3 weeks or perhaps less.

There being no dispute about this matter, I wonder if the Senator from Wisconsin would be gracious enough to allow us to take up the joint resolution, without prejudice to his bill, and pass it immediately, so that those who are making plans to go to the Philippine Islands may proceed.

Mr. LA FOLLETTE. Mr. President, I have no objection if I can be assured that there will be no debate on the measure.

Mr. TYDINGS. If there is any debate whatever, the Senator from Maryland will ask that the joint resolution be immediately laid aside.

Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of House Joint Resolution 360.

The ACTING PRESIDENT pro tempore. The joint resolution will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A joint resolution (H. J. Res. 360) to provide for United States participation in the Philippine independence ceremonies on July 4, 1946.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maryland?

There being no objection, the Senate proceeded to consider the joint resolution, which had been reported from the Committee on Territories and Insular Affairs with amendments, on page 1, line 4, after the words "composed of", to strike out "nine" and insert "not more than fifteen"; in line 4, after the words "as follows", to strike out "Three" and insert "Not more than three"; in line 7, after the name "United States", to strike out "three" and insert "not more than six"; in line 9, after the word "and", to strike out "three" and insert "not more than six."

The amendments were agreed to.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

Mr. TYDINGS. I thank the Senator from Wisconsin and the Republican and Democratic leaders for cooperating.

ORGANIZATION OF CONGRESS

The Senate resumed consideration of the bill (S. 2177) to provide for increased efficiency in the legislative branch of the Government.

Mr. THOMAS of Oklahoma. Mr. President, I regret that I have not had time to give sufficient consideration to the pending bill to enable me to discuss it as I think it should be discussed. However, I wish to pay a compliment to the author of the bill on behalf of the Senate, the senior Senator from Wisconsin, ROBERT M. LA FOLLETTE, Jr., as well as to the author on behalf of the House of Representatives, the able Representative from the Fifth Oklahoma District, A. S. (MIKE) MONRONEY. The Senate author of the bill, Mr. LA FOLLETTE, is one of two Senators now present in the Chamber who were Members of this body when I came here. The Senator from Wisconsin and the Senator from Tennessee [Mr. MCKELLAR] are the only two Members of this body now present on the floor who were here when I came.

I met the Senator from Wisconsin when I was serving as a Member of the House of Representatives. During all these years I have had a very high regard for his efficiency and ability. At this time I desire to compliment him for making this study along with Mr. MONRONEY, the young and able Representative from my State. I believe they have performed a service the value of which can hardly be estimated at the present time.

Mr. President, this bill is of such importance that if Senators understood the importance of it, as I think I do, every Member of the Senate would be in his seat. If this bill becomes a law the precedents of 160 years will be set aside, as I shall show in a moment. The procedure which the Congress has developed since its inception would be changed. It would be necessary for the Congress to develop a new procedure under the basic terms of the bill.

If I correctly recall, the bill contains seven division or titles. The first title has to do with a change in the rules of the Senate. I am now serving my twentieth year in this body. I am not an expert parliamentarian. I do not know all about writing legislation. However, all that I know is what I have learned in 38 years of legislative service. I served for 13 years in the Oklahoma State Senate. I served for 4 years in the House of Representatives, and I am now in my twentieth year in this body.

Mr. President, the bill proposes to change the rules of the Senate. Time and time again amendments and changes in the rules have been proposed. How many rules have been changed in 20 years? Echo answers. If we cannot change our own rules, Mr. President, I am unwilling to have them changed by a hodgepodge of amendments in a bill, however well they may have been considered. I object to being asked to swallow them all at a single gulp.

Who knows what the proposed changes in the rules are? Only those who wrote the bill; only those who have had the time to study the bill. As I have stated, title I is a proposal to change the rules of the Senate. Perhaps they should be changed.

In these days the public generally, it seems, has concluded that nothing is right. Everything is wrong. The Constitution is wrong. All the laws upon the statute books are wrong. The Congress is wrong. The administrative branch of the Government is wrong. The Senate is wrong.

Mr. President, if I had the opportunity to invade the private office of each individual Member of the Senate, I think I could take his own files and convince a stranger that the people of his own State think he is wrong and ought not be retained in the Senate of the United States any longer. I am speaking from personal experience. But I believe that my people in Oklahoma are a fair cross-section of the people of the United States.

Everything is wrong, Mr. President. A few days ago a speech was delivered in Philadelphia, which was quoted liberally in the newspapers of the Nation. The speaker stated that everything is wrong. Congress is wrong. The Democratic Party is wrong. No good people from any of the States are being sent to Washington. The speaker singled out the State of Missouri, and said that there might be some good people in Missouri, but that so far there were no good people in Washington from Missouri. So much for the rules of the Senate.

The second title proposes to include a large number of miscellaneous provisions. Just what they are, I do not exactly know. I have had no time to find out.

To answer the question of the distinguished Senator from Tennessee as to whether a Member should serve on only one committee, I say I cannot agree to that proposal.

Mr. MCKELLAR. That point was raised by the Senator from Maryland.

Mr. THOMAS of Oklahoma. It matters not who raised it. The statement was made that, in the opinion of someone, Senators should be limited to membership on only one committee.

Mr. President, my State of Oklahoma has residing within its borders almost one-half of all the Indians in the United States. Fifty-two tribes and remnants of tribes reside in my State. We have seven general agencies in that State. We have innumerable Federal institutions in the State. As a Senator from Oklahoma, I cannot relinquish my membership upon that committee. My colleague, Senator MOORE, might be able to continue to serve on that committee. He is a member of it now. But there is daily before this Congress business of interest to the Indian tribes of my State. If we do not serve on that committee, I ask you, to whom will the Oklahoma Indians look for support and aid in connection with legislation in which they are interested and in connection with appropriations for them and in connection with administrative acts for them? The answer is, "No one."

Mr. President, I happen to be a member of the Committee on Agriculture and Forestry. My State is an agricultural

State. The southern half of Oklahoma produces cotton almost exclusively. The northern half of my State produces wheat almost exclusively. Interspersed between those two sections, corn, broomcorn, oats, alfalfa, and almost all the other agricultural crops produced in the North and South are raised. Fundamentally my State is an agricultural State. I cannot surrender my membership on the Committee on Agriculture and Forestry. Perhaps it is the most important of all Senate committees, insofar as my State is concerned. If I served on only one committee, then I could serve on only that committee.

Likewise, Mr. President, I am a member of the Appropriations Committee. Having all these interests in my State—52 tribes of Indians, each one of which receives appropriations from the Congress, and a number of Indian hospitals which look to the Congress for appropriations, and a number of Indian schools which look to the Congress for appropriations, and a number of Indian agencies which look to the Congress for appropriations; and also Federal institutions, flood control, and irrigation, I cannot relinquish my membership on the Appropriations Committee.

I have named three committees on which I feel that I should serve. Until I am forced to resign from them, I shall remain on those three committees.

Mr. President, the next title of the pending measure is "Title III—Regulation of Lobbying Act." I am not saying that lobbying should not be regulated, but the Congress has been trying for 20 years—in fact, I could even say for 24 years—to pass an antilobbying law. However, thus far no such law has been passed. I am not saying that the Congress should not pass an antilobbying act. However, none has been passed. This bill provides the adoption of a code of procedure to control lobbying.

Title IV relates to a code which would handle all claims, actions in tort, actions brought because of damages or injuries. I am not saying that that would not be beneficial. I have had no time to study this proposal, Mr. President, because I have been serving morning, afternoon, and night on the floor of the Senate and in committees. So I have had no time and no chance to study this measure as it should be studied.

Title V of the bill is a general act providing for the construction of bridges and the handling of legislation authorizing the construction of bridges.

Title VI is a provision for compensation and retirement for Members of Congress. Mr. President, for some years now the country has witnessed strikes wherein thousands of workers have been demanding higher compensation for their services. They have been striking for a change in rules, higher wages, and for welfare funds for themselves and their unions. Only a few days ago the country was tied up by a flood of strikes which affected everyone. What did the strikers want, Mr. President? They wanted more salary for their services. The matter became so acute that the President saw fit to make a radio speech over a Nation-wide hook-up one night, and the next afternoon he saw fit to come before the Congress and make a speech to a joint session of the Congress. In that speech he recommended certain legislation. On the same day that the President made his address to the joint session of Congress and made the recommendation to which I have referred, the House of Representatives, in a 2-hour session, passed the bill practically, if not entirely, without amendment. That was done in obedience to the demand of the strikers for a change of rules, higher pay, and a welfare fund. Then the bill came to the Senate. We took a little more time with it; but the Senate passed the bill promptly, granting the demands and increase in pay to the workers of the Nation.

Mr. President, in the last 2 or 3 days the Senate has been in a sit-down strike—for what purpose? To change our rules, to raise our salaries, and to vote ourselves pensions. This bill contains a provision that every Member of the Senate and every Member of the House of Representatives shall have his or her salary increased by 50 percent. The strikers did not ask for quite that much. They asked for only 18½ cents and hour increase in hourly wages. But here in the Senate we have a sit-down strike at this moment, with important legislation awaiting action. Some are demanding that we must have a change in rules, an increase in salary, and congressional pensions.

Mr. President, for almost 38 years in legislative service I have never voted to increase my own salary, either as a member of my State senate or as a Member of the House of Representatives or as a Member of this body. I am not going to spend the balance of my life explaining why I voted to increase my salary by $5,000 a year, along with others who are demanding higher incomes and privileges for themselves.

But that is not all, Mr. President. This bill provides a pension for Senators and Members of the House of Representatives. It provides for retirement benefits for Congressmen. But the Senate and the House passed a retirement bill a few years ago, and no sooner had they passed that bill than it became popularly known as the Senators' and Congressmen's Pension Act. I did not vote for that bill. I am not going to vote for this bill. I refuse to spend the balance of my life explaining why, along with the other workers, I voted to increase my salary by 50 percent and in the same act voted to place myself on retirement, if the time should come when I could no longer serve in this body.

Mr. President, so much for a general survey of this bill.

I wish to call specific attention to some of the provisions of the bill. The Senators, I fear, do not know what is in this bill. I make that statement because I do not know what is in it, and I have considered it rather carefully. Now I am going to point out some of the things that are in the bill. I am speaking now about the bill now pending before the Senate, Senate bill 2177, entitled "A bill to provide for increased efficiency in the legislative branch of the Government." On page 21, I find a limitation; and if I am mistaken about this, I wish to have the Senator from Wisconsin correct me, because I do not desire to misinterpret the bill. But as I understand rule XVI, as stated in the bill, it provides that amendments to an appropriation bill are not in order if they propose to increase the amount carried in the bill. If that is not a correct interpretation of the provision, I wish to have it pointed out. I believe that is what the provision is.

Mr. President, the House of Representatives has just passed and sent to this body the Interior Department appropriations bill. The Bureau of the Budget and the other executive agencies recommended that the Congress appropriate a certain sum of money for the Interior Department. The House of Representatives, acting through its Appropriations Committee and also acting on the floor of the House, reduced the amounts contained in the bill by approximately one-half, and sent to us the bill thus cut down to about 50 percent of the original estimates of the Bureau of the Budget.

Mr. LA FOLLETTE. Will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. LA FOLLETTE. I should like to inquire just what provision of rule XVI, to which the Senator is referring, he thinks has the effect he has stated.

Mr. THOMAS of Oklahoma. I shall read the provision:

> 1. All general appropriation bills shall be referred to the Committee on Appropriations, and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill.

Mr. LA FOLLETTE. Is that the language the Senator from Oklahoma has in mind?

Mr. THOMAS of Oklahoma. That is the language I have in mind.

Mr. LA FOLLETTE. Rule XVI has been one of the rules of the Senate ever since I have been a Member of the Senate. Because of the fact that certain changes in the rule have been recommended by the joint committee, it was felt that in connection with considering the incorporation of those changes it would be better from the standpoint of draftsmanship to restate the rule.

There is nothing in paragraph 1 of rule XVI on page 21 of the bill which is not identical with paragraph 1 of rule XVI which has been a standing rule of the Senate ever since I have been a Member of this body.

Mr. THOMAS of Oklahoma. Mr. President, if that statement is correct, I wonder why that rule has been copied into this bill.

Mr. LA FOLLETTE. For the simple reason that, as I stated to the Senator, it was felt necessary to make clear what the proposed new language would be and make it readily possible for Senators to compare it. We therefore, have rewritten Senate rule XVI in its entirety with the proposed language inserted. If the Senator will yield for a moment, I shall be glad to go through that rule with him and show him what new language has been inserted.

Mr. THOMAS of Oklahoma. Mr. President, I prefer to complete my remarks. I will adopt the suggestion of the Senator from Wisconsin that rule XVI as it is incorporated in the pending bill is substantially rule XVI of the Senate rules.

Mr. LA FOLLETTE. I said that paragraph 1 of the rule from which the Senator read is identical with paragraph 1 of Senate rule XVI.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. Yes.

Mr. McKELLAR. It is very different from paragraph 1 of rule XVI. I think it supersedes it.

Mr. LA FOLLETTE. If the Senator will examine the rules he will find that paragraph 1 of rule XVI, as it begins on page 21 and ends on page 22 of the bill, is identical with paragraph 1 of rule XVI as set forth on page 21 of the Rules and Manual of the United States Senate.

Mr. THOMAS of Oklahoma. Mr. President, I do not desire to discuss the matter at this time. I do not desire to have the discussion which I started turned aside.

Mr. LA FOLLETTE. I do not desire to turn it aside. I have merely said that the language of the two paragraphs is identical. If the Senator is interested, I will be glad to show him in paragraphs 2, 4, and 6 the changes which have actually been proposed to be made in the rule.

Mr. THOMAS of Oklahoma. Mr. President, if the rule means what I have said it means, or if it means what I think it means, and if the language limits the Senate or the Members of the Senate to such an extent that they may not increase an amount already provided in the bill, then I must say that I hold in my hand a compilation of the amendments which have been offered to the appropriation bill for the Department of the Interior in the Senate committee, amounting in length to a booklet of 295 pages, which have been found by the Committee on Appropriations to be necessary in order to get the bill into a proper condition to report it to the Senate.

Mr. LA FOLLETTE. Mr. President, the Senator did not allow me to read paragraph 1 of rule XVI. The language to which I refer reads as follows:

1. All general appropriation bills shall be referred to the Committee on Appropriations, and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate submitted in accordance with law.

The only purpose of that paragraph, which has been in the Senate rules, so far as I know, for many years, is to confine the Appropriations Committees in the increases which they make, to the authority granted by existing law, or treaty stipulation, or to carry out an authorization passed during the same session of Congress by a bill or joint resolution, or to carry out an estimate submitted by the Bureau of the Budget under the Budget law. So there is absolutely nothing which I can see in the Senator's apprehension with regard to that paragraph, because his own committee has been operating under it to my certain knowledge for the past 20 or 25 years.

Mr. THOMAS of Oklahoma. Very well, Mr. President. I accept the explanation of the distinguished Senator from Wisconsin. Again I ask, if what he has stated is the law and the rule of this body, why was it incorporated in this voluminous bill?

Mr. President, I wish to make another point on rules. On page 23 of the bill we have a rule pertaining to germaneness. In the other House there is a rule pertaining to germaneness. If an amendment is offered there which the Speaker believes is not germane to the bill under consideration, he may rule the amendment out of order.

As I read this provision, it is an attempt to establish the same kind of a rule in this body. Mr. President, many of the most important provisions of existing law have been written into House bills on this floor through amendments which could have been held by the other House not to be germane. If the Senate wants to follow the House procedure and limit its activities to strict rules of germaneness, it will have that opportunity. But the Senate has gone along pretty well during the past many years under the rules which it adopted. Nobody seriously complained about our Senate rules until this measure came along. If I understand clearly the purport of the provision, I shall not be in favor of it, and I shall not vote for a rule of this kind and character.

Mr. LA FOLLETTE. Mr. President, the language to which the Senator refers is now contained in paragraph 4 of rule XVI of the Senate rules. It has been in the rules of the Senate for 20 or 25 years. The committee of which the Senator from Oklahoma is a member has operated under it ever since he has been a member of the committee. The only new language which it is proposed to insert in paragraph 4 of rule XVI is the following:

After the semicolon in line 6, the language would be:

Nor shall any restriction on the expenditure of the funds appropriated which proposes a limitation not authorized by law be received;

Mr. THOMAS of Oklahoma. Mr. President, I am merely going through the bill very hurriedly in order to point out some of the things which I do not understand, and if I do understand them I am opposed to them on the basis of my understanding. I may be wrong, but I hope to have time to convince myself that I am wrong.

I invite attention to page 27 of the bill under the heading "Committee procedure." The procedure which we follow now is the result of 160 years of constant work of the United States Senate. The rules we have in force today are the result of the development and consideration of the vast number of Senators who have come and gone, including those who are still here. Yet, in section 124 (a) of the bill it is planned completely to change the procedure of each standing committee of the Senate. If this provision becomes law every committee would have to set aside a few days each week, or a few days each month in order to allow any person, or any Member of this body who wished to do so, to come before the certain committee and present his ideas.

Mr. LA FOLLETTE. Mr. President, the language to which the Senator refers is:

Each standing committee of the Senate and the House of Representatives shall set aside a regular period during each month to afford opportunity to Members—

That refers, obviously to Members of the Senate and the House—

who have introduced any bill or resolution to appear before the committee to explain the measure and outline the nature and character of the considerations which in their judgment support its passage.

I do not believe that language can be stretched by the widest use of the imagination to include anybody except a Member of the House or a Member of the Senate who has introduced a bill or a resolution which is pending before a committee. In my judgment and the judgment of the other Members of the committee, it would be a good practice to establish, because it would give Members who had introduced measures, and who were not members of the committee, an opportunity to appear before the committee and set forth their reasons why the bill or resolution should be considered. The provision was made a part of the report of the joint committee as the result of testimony of many members who urged that language of that kind should be adopted. I do not see anything revolutionary in it.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. McKELLAR. I have noticed that a number of the rules of the Senate have been incorporated in this bill, some of which seem to have been amended and some of which are in their original form. Those inclusions are wholly immaterial, I may say to the Senator, because on the authority of the Senate of the United States—if it still has any authority, and I believe it has—the Senate may set the language aside. Listen to this:

Each House may determine the rules of its proceedings.

I have read from the Constitution. We have determined the rules of our proceedings, and in this bill it is undertaken to establish by law that the House and the President must agree to a portion of the former rules of the Senate, or some additions to those rules, as the author of the bill feels should be done. I think the language is entirely out of place. I doubt very much whether it will stand the test of the Constitution.

Mr. LA FOLLETTE. Mr. President, I went over that at great length with the Senator from Missouri yesterday afternoon.

Let me say that the House and the Senate would amend their rules by this procedure. The bill does not yield up any power of the one House or the other

over the control of its rules, it does not yield it up to the President of the United States. As the Senator says, the day after the bill became law, either House could change its rules to suit itself.

The point I wish to make is that the incorporation of these rules into this measure came after the chairman of the special committee had a hearing before the Committee on Rules on a proposal to adopt a rule creating a select committee of the Senate to handle this bill. Following that hearing, the chairman of the committee conferred with the Senator from Virginia [Mr. BYRD]; he went over the entire report of the joint committee, set forth precisely the rule changes that were recommended therein, and he and I initialed the report of the committee, in order that there should be no misunderstanding about what the special committee intended to incorporate in this measure when it was introduced and reported to the Senate. So this is not any novel procedure, which has not had the consideration of the Committee on Rules itself, and its chairman as to a proper method of procedure. We had the matter all specified in the report of the Committee on Rules, to which the Senator from Wisconsin subscribed.

Mr. THOMAS of Oklahoma. Mr. President, I wish to read into the RECORD the first two or three lines of paragraph (a) of section 124:

> Each standing committee of the Senate and the House of Representatives shall set aside a regular period during each month to afford opportunity to Members who have introduced any bill or resolution to appear before the committee to explain the measure and outline the nature and character of the considerations which in their judgment support its passage.

I should like to ask the Senator from Wisconsin, the author of the bill, if he is not a member of the Committee on Education and Labor.

Mr. LA FOLLETTE. Yes; I serve on that committee.

Mr. THOMAS of Oklahoma. The Senator is a member of the Committee on Education and Labor, and if a bill is introduced and referred to that committee, would not the committee, under the proposed rule, at the request of the author of the bill, have to set down a date for a hearing upon the bill so that the author could explain it and advocate it?

Mr. LA FOLLETTE. If this joint rule were adopted, I think each of the standing committees of both Houses would have to set what might be known as a docket day, at which time Members of the House and the Senate, respectively, would have the right to go before the committees and have an opportunity to explain in person to the members of the committee the reasons why they felt a certain legislative proposal was of importance and should receive consideration by the committee.

I will say, Mr. President, that this provision was incorporated in the joint committee's recommendation and is in the bill because there were widespread complaints voiced in the hearings of the joint committee that in many instances Members of Congress who were not members of a committee had not had an opportunity ever to appear before the committee and have a chance to urge upon the committee the importance of their legislative proposals and express their reasons for having them considered. It is merely a mild form of attempting to prevent committees from ignoring measures introduced by Members of the respective Houses which they as individuals consider important, even going to the extent of denying them the right ever to appear before the committees and advance the reasons for the consideration of measures.

Mr. THOMAS of Oklahoma. Mr. President, reiterating that I have been a Member of the Senate a good while, I know of no case where any Member of the Senate had an important bill that was stymied indefinitely in a committee, a bill which had general approval, a bill which should have had serious consideration, if not enacted into law. Under the present practice the committees exercise some discretion over the bills which are introduced and referred to the committees. Under this provision every committee will have to set aside a docket day for the consideration of measures introduced by Senators and referred to the committee.

As an example of what I mean, I exhibit to the Senate a bill introduced during the present session of the Senate. I shall not give its number, I shall not name the author of the bill. I ask that the clerk read the bill—it is very short—in connection with my remarks, at this time.

The PRESIDING OFFICER. Without objection, the clerk will read as requested.

The Chief Clerk read as follows:

> A bill to protect the public health through the detection of certain diseases, and for other purposes
>
> *Be it enacted, etc.*, That (a) there is hereby authorized to be appropriated the sum of $3,750,000,000 or so much thereof as may be necessary to enable the Surgeon General of the Public Health Service to carry out the provisions of subsection (b).
>
> (b) The Surgeon General of the Public Health Service shall, with such equipment and facilities as may be available to him and with the cooperation of agencies and officials of the States and the municipalities and counties thereof, and of other Federal agencies, provide the means for securing a specimen of the urine of each person in the United States and the examination and analysis of such specimen. Upon making such an examination and analysis, a report of the findings shall be made to the person furnishing such specimen. If such examination and analysis discloses that such person has some disease, a report of such fact shall be made to the health authorities of the municipality or county wherein such person resides. No person shall be permitted to obtain an examination and analysis of a specimen furnished by him more often than once every 6 months.
>
> (c) The Surgeon General of the Public Health Service is authorized to make such rules and regulations as he deems necessary to carry out the provisions of this act.

Mr. LA FOLLETTE. Mr. President, will the Senator from Oklahoma yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. LA FOLLETTE. Without regard to the proposal made in the particular piece of legislation which the Senator has had read at the desk, I think any Senator or any Representative has a right to appear before a committee of which he is not a member, and is therefore at a certain disadvantage, to urge upon the consideration of the committee a measure he has introduced, not, as the Senator indicates, for the committee to take action on it, but so that he may have a chance to present to the committee the reasons why he thinks the legislation should receive consideration.

Merely because the Senator can find a proposal which is introduced and which he finds absurd is no reason why a Senator or a Representative should be denied the right which this section would give to him, of having an opportunity to appear before a committee and present the reasons why he thinks the committee should consider a measure.

Mr. THOMAS of Oklahoma. Mr. President, I do not take issue with the distinguished and able Senator from Wisconsin. The only point on which I differ from the Senator from Wisconsin is that I think committees should continue to have some discretion as to the importance and nature of the bills on which they spend their limited time.

The bill just read has been given no consideration, so far as I know. It must be important, because it proposes to appropriate $3,750,000,000 of the taxpayers' money to accomplish a desirable end. It certainly is important that a bill of such moment should have the consideration of a committee, but still I am in favor of giving the committees the continued jurisdiction and discretion.

Mr. LA FOLLETTE. All I ask is that the pending measure be considered according to what is in it. The Senator has said that it proposes to take the discretion of a committee away from it. It does not propose any such thing. What it proposes is that a committee shall set up a docket day, at which time the authors of bills and resolutions, either in the House or in the Senate, may have a chance to appear before the committee and say why they think the committee should take up a particular measure for consideration. It does not remove the discretion of the committee to determine, after it has granted the docket day to the authors of bills and resolutions, what bills and resolutions it will consider and what it will not consider.

Mr. THOMAS of Oklahoma. I accept the explanation of the author of the bill. I am only taking the opportunity to point out some of the defects, as I view them, of the proposed legislation.

I wish to call attention to title II of the bill, found on page 35, referring to miscellaneous provisions. I read:

> PART 1—STATUTORY PROVISIONS RELATING TO CONGRESSIONAL PERSONNEL
>
> OFFICE OF CONGRESSIONAL PERSONNEL
>
> SEC. 201. (a) There shall be an office to be known as the Office of Congressional Personnel, and to be under the direction of a Director of Congressional Personnel (hereinafter referred to as the "Director"), who shall be appointed by the majority and minority leaders of the Senate and the House of Representatives, acting jointly, and shall receive compensation at the rate of $10,000 a year.

Am I to understand that the leaders of the majority and the minority of the

House of Representatives are to be consulted in selecting this Director for the Senate? Is the Director to serve both the House and the Senate?

Mr. LA FOLLETTE. Yes, certainly.

Mr. THOMAS of Oklahoma. Mr. President, that is worse still. It is bad enough to have the Director General dictate with respect to patronage on the Senate side, but to provide a man with authority to dictate the patronage on the Senate side and the House side both is to me unthinkable.

Mr. LA FOLLETTE. If the Senator will yield to me, it may be unthinkable to some Senators, but the objective of this provision is to do away with the patronage system which exists in congressional employment, I so stated frankly in my opening remarks. There is no reason for any doubt being entertained as to the intent of this proposal. It is a proposal to reclassify and to put on a career basis all employees of the Congress and to eliminate the patronage system in their selection.

Mr. THOMAS of Oklahoma. Mr. President, I am not all in agreement with the Senator from Wisconsin.

Mr. LA FOLLETTE. I am not surprised at that.

Mr. THOMAS of Oklahoma. I was born a Democrat, and I have tried to be a consistent Democrat since my birth. I do not believe in this dual, hybrid class of legislation, so-called. We have had entirely too much of that in the past few years in recent administrations. Where are some of the men who served as nonpartisans in the public affairs of the Government during the past 15 years? I would not say that I am for the spoils system. But when the Democratic Party is in power I am of the opinion that the Democratic Party is entitled to have its affairs administered by the men, and women, for that matter, who are in sympathy with Democratic principles and Democratic policies. When the Republican Party comes into power, if it ever does, I want the Republican Party to assume full responsibility, to take charge of the public affairs of the Nation, insofar as it can, especially from the administrative side, and be responsible for what happens and what does not happen.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. McKELLAR. My position is like that of the Senator from Oklahoma. I think the present system works pretty well. I want to call the attention of the Senate to two shining examples of the present archaic system in force, if it might be called an archaic system by those who want to establish a new system. I want to make proffer of one example. I am almost tempted to ask the the individual I have in mind to stand up. Thirty-five or thirty-six years ago—I have forgotten just how long it was—I came to the Senate, and the distinguished gentleman in the gray clothes sitting at the clerk's desk, the man with the slightly graying hair, Mr. John C. Crockett, of Iowa, I believe, held exactly the same position as reading clerk that he holds today. I have known him intimately for those 35 or 36 years, and have never heard better reading at the desk than that done by John Crockett. I have never seen or known a more earnest man than John Crockett. I have never seen a better public-service man than John Crockett. He was brought here under a Republican administration. I do not know what his politics is, but I know that under this new system, or any other system that might be devised, we could not obtain a better man than John Crockett has been for the last 35 years.

There is another man sitting right beside him who was brought here by my old friend, Senator James P. Clarke, of Arkansas. By the way, I believe he was the handsomest man I ever saw.

Mr. BARKLEY. Who is the Senator speaking of now?

Mr. McKELLAR. I am speaking of James P. Clarke. He brought Mr. Watkins here, and Mr. Watkins has been Parliamentarian of the Senate for many years. I have known him intimately during all that time. I want to say that no body of men, no organization of any kind, have had a better parliamentarian than he is.

What I have said, Mr. President, I think would apply to almost every employee of the Senate. They are excellent men. The idea of trying to improve on the system under which men like those I have mentioned, and many others, have been selected entirely out of place.

Mr. President, I do not believe that simply because a certain system of procedure is in effect it is necessarily wrong. I am not one who believes that everything needs renovating every once in a while; that we must pull down the old barns and build new ones, if you please, even though the expression is a Biblical one. Such a thing as is now proposed was not meant by that expression. I believe that the history of our Government has demonstrated that a republican form of government under a constitution and laws such as we have had is the best form of government in the world. I care not what system is compared with it. I believe it is better than any director-general system of government in the world. I do not believe the Director-General of Russia, whether he be a czar or a generalissimo makes that form of government any better. The Government which our forefathers created enabled us in a little more than 4 years after war commenced between us and two of the greatest military nations on earth to organize an Army and send it to Germany and to Italy, to fight on the shores of our enemy. We did not fight the war on our own shores, but fought it on the soil of our enemies and won it, 3,500 miles away from our homes, at the same time that we were engaged in a war with Japan, 7,000 miles away, which we also won, and Japan was one of the greatest military powers in the world. We overcame three of the greatest military powers on earth.

I want to say to my good friend, the Senator from Wisconsin, whom I admire extravagantly, for he is a great man, a man of ability, a splendid man in every respect, that I have a very strong feeling for that Government under which we are operating now along the lines of democracy, the republican form of government. I do not want to change that form of government. I do not want a Director-General of the Senate. I do not want one-man government over this great deliberative body. I do not want one man telling us what persons we can employ in our committees, how far we can go, what part of our rules we shall have and what part of our rules the Director-General will establish for us, and in general to tell us what to do. We have done very well as Senators during our history. The Senate has done very well.

Any other government in the world would like to swap its government for a government like ours, under which we have reached so high a degree of prosperity and happiness. Why should we want to kill half of it—and I believe the scheme is to kill the other half, too, at some time—why should we want to kill half of that government through the workings of a Director General? Is it the purpose to keep up with some other governments which have officials with high-sounding titles? I never thought much of high-sounding titles. Governor and Senator are not high-sounding titles. Even the title of President is not a high-sounding one. But we have gotten along very well under our present form of government. Why should we want to change it? Why should we want a one-man government? Why should we want to abolish that form of government under which we have succeeded and become so happy and so prosperous a people?

Mr. THOMAS of Oklahoma. Mr. President, I want to join in a feeble tribute to the staff of the Senate. I know of no Senator who wants to get rid of any of our staff. No one has spoken to me in support of removing someone who is serving the Senate. In 20 years there has been only one change, except perhaps at times when chairmanships change, which naturally makes for a little readjustment. There has been only one change in 20 years of any position of consequence in the Senate. Is it the desire of someone to appoint a Director General to give these employees some kind of a civil-service test to see whether they are qualified to serve the Senate of the United States?

I want to pay a tribute also to the clerks of the Appropriations Committee, Mr. Smith and Mr. Tolbert. I exhibit to the Senate a book of 295 pages of amendments to one bill. Mr. Tolbert, assistant clerk to the Committee on Appropriations, was the clerk of the subcommittee on the Interior Department appropriation bill. He sat through and listened to all the hearings on that bill. About 2 days after the hearings were closed he had gone through the hearings and compiled this book of 295 pages of amendments. How that could be done by one man is beyond my comprehension. Not only did he prepare this book of amendments but when the committee acted upon the amendments he proceeded forthwith to prepare a committee report embracing 50 pages. Mr. President, in all my services in the Senate I have never found any mistakes made by

those clerks. Any mistakes which are made are made by Senators. They are not made by the clerks of the Appropriations Committee. I do not know when they sleep. I do not know when they eat. To me it is incomprehensible that one man or two men could take all those data and in almost one evening prepare and send to the Printing Office such an analysis. I presume that the Printing Office also will soon be under attack. It must be all wrong. Everything else is all wrong. But I cannot share in that viewpoint.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. LUCAS. Do I correctly understand that under the terms of the bill the personnel employed by the Appropriations Committee about whom the Senator is now speaking would be under the direct supervision and employment of the Director?

Mr. THOMAS of Oklahoma. I will come to that point in a very few moments, if the Senator will be patient.

Mr. McKELLAR. Mr. President——

Mr. LA FOLLETTE. Mr. President, will the Senator yield for a correction?

Mr. THOMAS of Oklahoma. My answer to the Senator from Illinois is "Yes."

The PRESIDING OFFICER. Does the Senator from Oklahoma yield, and if so, to whom?

Mr. THOMAS of Oklahoma. I yield first to the Senator from Tennessee; then I shall be glad to yield to the Senator from Wisconsin.

Mr. McKELLAR. After the closest association with the two members of the staff of the Appropriations Committee to whom the distinguished Senator has just referred, Mr. Everard H. Smith and Mr. Cecil H. Tolbert, I wish to endorse every word he has said about them.

I do not care where the Director General comes from. Even so great and so good a man as my friend, the Senator from Wisconsin could not appoint two men as well fitted for those duties as Everard Smith and Cecil Tolbert. It is impossible to find any men in this country who know as much about the details of appropriations as those two men know.

Mr. LA FOLLETTE. Mr. President——

Mr. THOMAS of Oklahoma. I yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. The Senator from Oklahoma made the statement that he did not see how one man could prepare the mimeographed analysis of one of the appropriation bills to which he referred. I invite the Senator's attention to the fact that we are proposing four professional staff members for each standing committee, including the Appropriations Committee. In addition, we are proposing to give each of the Appropriations Subcommittees four professional staff members. So, if this proposal goes through, there will be available a great many additional employees. I admit that the committee would be very fortunate if it could find as good assistants as it now has.

I have used the Appropriations Committee staff as an example of what we are seeking to do so far as the other committees are concerned. We are seeking to give them a permanent staff which will not change when the chairmanship changes, a staff which will be of real service to the committee. I wish to emphasize that if this proposal goes through the Appropriations Committee, instead of having one such assistant, would have four for each subcommittee, in addition to four for the full committee.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. McKELLAR. The Senator from Wisconsin probably has not examined the subject, because he has not conferred with me or with any other member of the Appropriations Committee——

Mr. LA FOLLETTE. Mr. President——

Mr. McKELLAR. Whom did the Senator consult on the Appropriations Committee?

Mr. LA FOLLETTE. I should like to point out that two of the ablest and most helpful members of the joint committee from the Senate were the Senator from Maine [Mr. WHITE] and the Senator from Georgia [Mr. RUSSELL], both members of the Appropriations Committee. From the House side we had Mr. DIRKSEN, of Illinois, and Mr. PLUMLEY, of Vermont, who are members of the House Appropriations Committee. The special Senate committee which reported this bill also had on it the Senator from Maine [Mr. WHITE] and the Senator from Georgia [Mr. RUSSELL]. So the Senator does not need to feel that we were flying blind, without any help from members of the Appropriations Committee who have had some experience.

Mr. McKELLAR. The Senator seems not to have asked the two Senators to whom he has referred the facts with respect to the Appropriations Committee, because if the Senator had done so he would have known that for the past 3 or 4 years—I shall furnish the exact dates for the RECORD—the Appropriations Committee has had three experts, whose names I shall place in the RECORD. They were serving the Appropriations Committee long before the Senator ever had his dream about this bill.

Mr. LA FOLLETTE. But I am proposing to give the committee a larger staff.

Mr. McKELLAR. We do not need more. Why tax the people to give us employees that we do not need? What the Senator wants is to have a Director General, instead of allowing the committees to employ persons who are competent and efficient. The men to whom I have referred are the most competent and efficient men we can find. Instead of following that plan, the Senator wishes to turn the matter over to a Director General——

Mr. LA FOLLETTE. Mr. President——

Mr. McKELLAR. He will be a generalissimo before a great while. The Director General of the Senate would select for the Appropriations Committee three other experts of his own choosing. He would select a total of 44 such experts for the Appropriations Committee. I do not know what the total would be for all the committees of the Senate. I am confining myself to the Appropriations Committee.

Mr. LA FOLLETTE. Mr. President——

Mr. McKELLAR. The three experts whom the committee has selected would probably go by the board, and three would be selected by the generalissimo, the Director General. I do not know how long it would be before he became the czar of the Senate. We might have to resurrect the old term "czar" and have a czar of the Senate who would control it as the Czar of Russia used to control all the Russians.

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. ROBERTSON. If I correctly understand the Senator from Wisconsin, the bill provides for 4 experts for the Appropriations Committee and 4 for each of the 10 subcommittees, making a total of 44 for the Appropriations Committee.

Mr. McKELLAR. Is that correct?

Mr. LA FOLLETTE. That is correct.

Mr. McKELLAR. I am sure that the Senator did not pursue the question of what was needed by the Appropriations Committee with the Senator from Georgia [Mr. RUSSELL] and the Senator from Maine [Mr. WHITE], who are two of the ablest members of our committee. He would turn over the affairs of the Appropriations Committee to a staff of 44 members selected by the generalissimo of the Senate.

Mr. LA FOLLETTE. Mr. President, will the Senator from Oklahoma yield to me?

Mr. THOMAS of Oklahoma. I yield.

Mr. LA FOLLETTE. Mr. President, the members of the Senate Committee on Appropriations who served on the Senate side of the joint committee, as well as the House Members who are members of the House Appropriations Committee, were enthusiastic about this recommendation, because they had already had experience with the existing staffs in attempting to check appropriations and expenditures by the departments. Billions of dollars are now being expended. It was their firm conviction that, if more men of similar caliber, character, and ability could be obtained, it would help immeasurably to strengthen that arm of the Federal Government—namely, the Congress—which has responsibility for the control of the purse strings. This was done only after consideration and consultation with the members of the joint committee, who are members of the House and Senate Appropriations Committees.

Mr. HILL. Mr. President, will the Senator yield so that I may ask the Senator from Wisconsin a question?

Mr. THOMAS of Oklahoma. I yield for that purpose.

Mr. HILL. As I understand, after the clerks are once appointed the Director will have no authority so far as dismissal is concerned, or so far as control over them is concerned.

Mr. LA FOLLETTE. The appointing power rests with the committees, so that they cannot be appointed unless the

committees appoint them. It is true that they are to be appointed on the recommendation of the Director of Personnel; but the committees cannot be forced to appoint anyone whom they do not wish to appoint. Furthermore, they can discharge anyone whom they do not find satisfactory, without even consulting the Director of Personnel. This is not like a civil-service law which has provision for review of dismissals, and which guarantees the right of hearing. The appointing power is absolutely unchecked, except that we provide that, with respect to the four professionals for all the regular committees, and in addition the extra professional staff members for the Appropriations Committees, they shall be appointed on the recommendation of the Director of Personnel.

Mr. HILL. The power of summary dismissal would be entirely in the hands of the committee, as I understand.

Mr. LA FOLLETTE. Absolutely; as well as the power of appointment.

Mr. HILL. Then, all control over the staff, after appointment, would be in the committee.

Mr. LA FOLLETTE. It would be in the hands of the committee. Earlier in the day there was adopted, at my suggestion, an amendment which I believe would force the Director of Personnel to cooperate with the Congress and with the committees, or be dismissed. The language provides, in effect, that it shall be his duty and obligation to cooperate with the committees in these appointments.

I also wish to emphasize once more that the Director of Personnel is to be selected by the majority and minority leaders of the House and Senate. Naturally it will be within their power to dismiss him if he gives any indication that he will not properly cooperate with the committees.

Mr. THOMAS of Oklahoma. Mr. President, in my own time I should like to submit a question to the distinguished Senator from Wisconsin.

Mr. LA FOLLETTE. I am sorry to trespass on the Senator's time.

Mr. THOMAS of Oklahoma. The majority leader of the Senate and the majority leader of the House are two Members. The minority leader of the Senate and the minority leader of the House are two Members. There would be two Democrats and two Republicans. What would happen if those four gentlemen were in disagreement?

Mr. LA FOLLETTE. A Director of Congressional Personnel would not be appointed.

Mr. THOMAS of Oklahoma. Then we would not have any expert staffs. We would have no clerks. We would have no purchasing agent and no custodian.

Mr. LA FOLLETTE. Mr. President——

Mr. THOMAS of Oklahoma. Let me read the bill——

Mr. LA FOLLETTE. Let me make this point clear. I realize that we are going over ground which has been previously covered. As the bill now stands, the only power which the Director of Personnel would have over any employees in the entire legislative branch would be the power to recommend persons to be appointed to staff and service positions. He is also directed to make a classification study and a proposal for tenure of the employees of the Congress, and he is directed to submit that to the Congress for its amendment, rejection, or adoption.

It is true that the bill does set out certain proposals which shall be in his plan, but we recognize that this Congress cannot bind another Congress, and he must come back to the Congress and submit his plan for approval or disapproval or amendment.

Mr. THOMAS of Oklahoma. Mr. President, referring to the suggestion which has been made by the Senator from Wisconsin, in one respect I am like Will Rogers: All I know is what I read in the book.

I yield now to the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I should like to have the Senator from Wisconsin point out where Congress will have authority to approve the plan. Subsection (f), on page 37, provides that—

(f) The Director shall report to the Congress at the earliest practicable date the results of his studies made pursuant to subsection (d) and plans and schedules prepared in connection therewith.

I do not see any provision which requires the Congress to take any action on it. The Director is appointed and directed to make the plan and then to report the result of his work to the Congress.

If there is in the bill any provision for the Congress to accept or reject the plan or take any other action regarding it, I have not found it.

Mr. LA FOLLETTE. Of course, Mr. President, unless the Congress acts on the plan, nothing happens to it.

Mr. McCLELLAN. The bill does not so provide.

Mr. LA FOLLETTE. An amendment to make that point crystal clear was adopted to another section of the bill. The amendment was submitted by the Senator from Georgia [Mr. GEORGE]. But it is clear, according to the committee and the draftsmen, that if we call upon someone to submit a plan, it is like asking someone to file a report. If we do not act on the report, nothing comes of it.

Mr. McCLELLAN. As I understand this bill, although I am not familiar with the amendment to which the Senator from Wisconsin has referred, the Director is to be appointed and directed to make studies and to formulate a plan.

Mr. LA FOLLETTE. That is correct.

Mr. McCLELLAN. He is to be given the power and to be constituted with the authority to formulate a plan.

Under subsection (f), which I have read, all that would amount to would be a requirement to inform the Congress of the plan he had formulated.

Mr. LA FOLLETTE. That is correct.

Mr. McCLELLAN. The bill does not reserve to Congress the right to accept or reject or modify the plan or do anything else with it.

Mr. LA FOLLETTE. It is not necessary to reserve the power to reject a plan. The fact that the plan is not acted upon rejects it.

Mr. McCLELLAN. That is like delegating to an agency of Government, or to an agency chief, the duty of formulating rules and regulations for the Government of the agency.

When we appoint the Director General, or whatever the title would be according to the bill, who is to select the personnel and to give classifications to the personnel and to make the plans, and when we constitute the Director with that authority, after he performs may take. The plan would go into effect regardless of any action the Congress may take. The plan would go into effect and the plan would be in effect, and it would have the effect of law, whenever the Director made his report.

Mr. LA FOLLETTE. Mr. President, that certainly is not the intent. That certainly is not the judgment of the draftsmen of the Legislative Counsel's Office who prepared the bill. It has never seemed to me to be necessary to spell out in so many words that, if we authorize someone to prepare a plan or a program and to submit it to the body which calls upon him to make such a report or to formulate such a plan, if that body does not act on the plan or program affirmatively or negatively, it does not go into effect.

But so far as I am concerned, I shall be happy either to propose an amendment myself or to accept any amendment which will make that matter crystal clear, because that is all that was intended, as the report of the committee will show.

Mr. McCLELLAN. Mr. President, will the Senator further yield to me?

Mr. THOMAS of Oklahoma. I wish to make progress, Mr. President, but I yield to the Senator from Arkansas.

Mr. McCLELLAN. I have only one other observation to make with respect to the Director of Personnel.

In section 205, subsection (a), on page 39, we find the following:

SEC. 205. (a) Each standing committee of the Senate and the House of Representatives (other than the Appropriations Committees) is authorized to appoint four professional staff members in addition to the clerical staffs.

I wish to have the Senator from Wisconsin especially observe the next sentence:

Such staff members shall be appointed on a permanent basis upon the recommendation and certification of the Director of Congressional Personnel.

In other words, the committee can make no selection, can make no appointment, except as it be approved by the Director of Personnel.

Mr. THOMAS of Oklahoma. Mr. President, this director-dictator program seems to be growing in momentum throughout the country. No sooner had the United Nations Organization been established than the organization thought it should have a director, and it appointed a director, a Mr. Lie.

Another international organization was created in the last few months,

namely, the Agriculture and Food Organization. No sooner had it been created than it decided that it should have a director, and it appointed as its director Sir John Orr.

Now, as has been stated upon the floor of the Senate, the United States Senate thinks that it should have someone to take charge of matters for it and to be over it. I wish to call the attention of the Senator from Illinois especially to a matter in connection with a question which was asked a while ago about the power of the Director. I read from page 35 of the bill. Listen to this:

(c) The Director shall employ and fix the compensation of such assistants, clerks, and other employees; and purchase such furniture, office equipment, books, stationery, and other supplies, as may be necessary for the proper performance of the duties of the office and as may be appropriated for by Congress.

Under that section the Director will take charge of all the property in the Capitol. If anything is to be sold, he will sell it. If anything is to be purchased, he will buy it. This bill puts the Architect of the Capitol under the jurisdiction of the Director. If I am mistaken, of course I am mistaken.

But that is not all, Mr. President. The Director is directed to do those things. The bill does not say he may do them; it says that he shall do them.

The bill provides that he shall make a plan for a modern personnel system. Mr. President, apparently we do not have a modern personnel system. If some of the statements I have read in the public press and some of the speeches I have heard upon the floor of the Senate and elsewhere are correct, we have in this country nothing that is even comparable to what I may term modernism. This bill says that we must have a modern personnel system. That must mean that the House of Representatives does not have a modern personnel system. It must mean that the Senate does not have a modern personnel system. But two Members of this body one from one side of the aisle and one from the other side of the aisle, are to meet with a like number from the House of Representatives, making two Republicans and two Democrats, altogether; and if they cannot agree upon who shall be the Director, a director cannot be appointed. Then we shall not have any man to provide a personnel system for us and we shall have no purchasing system and we shall have no one to buy books or stationery or other articles of that character.

But, Mr. President, that is not all.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. LUCAS. I wish to refer to the 44 men who are involved in connection with the Appropriations Committee.

Mr. THOMAS of Oklahoma. I shall come to that.

Mr. LUCAS. I should like to ask a question, and I hope that the Senator from Wisconsin [Mr. LA FOLLETTE] will also listen to it.

Am I to understand that the so-called Director to be appointed under this bill would have the power to say definitely who should be the 44 men who would work for the Appropriations Committee, and that the Appropriations Committee would have no veto power over the hiring of those men?

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. THOMAS of Oklahoma. I yield to the Senator from Tennessee, to permit him to answer the question asked by the Senator from Illinois.

Mr. McKELLAR. Listen to this. It cannot be misunderstood. I read now subsection (2) of section 37 of the bill:

No person—

That means no person at all—

shall be appointed to any office or position on the staff of any committee of the Senate or the House of Representatives except upon recommendation of the Director and certification by him that such person is qualified for such office or position.

The Senator asked about the 44. Those 44 and every other employee of the Appropriations Committee would have to be recommended and certified by the Director, or else such positions could not be filled. No power is granted to anyone except the Director, in that connection. I read the language of the bill, which makes the matter so plain that anyone can understand it. It is plain that that is the only way these employees can be certified.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. Mr. President, I should like to use some of my own time.

Mr. LA FOLLETTE. I do not blame the Senator for wishing to do so, but the Senator from Illinois has asked me a question.

Mr. THOMAS of Oklahoma. Yes; I yield.

Mr. LA FOLLETTE. The language the Senator from Tennessee has read relates to the items which the Director shall include in the plan when he submits it to the Congress. On page 39, in section 205 (a) we find the following:

Each standing committee of the Senate and the House of Representatives (other than the Appropriations Committees) is authorized to appoint four professional staff members in addition to the clerical staffs.

So the appointing power, I may emphasize, is in the hands of the committee and not in the hands of the Director.

Mr. McKELLAR. Why is it provided in the bill that no person shall be appointed to any office except on the certification and recommendation of the Director?

Mr. LA FOLLETTE. Mr. President, I do not wish to seem to have given an incomplete answer.

Mr. THOMAS of Oklahoma. I yield further to the Senator from Wisconsin.

Mr. LA FOLLETTE. The language in section 205 (a) continues:

Such staff members shall be appointed on a permanent basis upon the recommendation and certification of the Director of Congressional Personnel, without regard to political affiliations and solely on the basis of fitness to perform the duties of the office.

And so forth. The point I make is that the power to discharge, according to the decisions of the Supreme Court, rest with the appointing authority. Under this bill the appointing authority is the committee. So far as the permanent staffs are concerned, it is true that the committees must receive the certification and recommendation of the Director. But the Director has no control or direction over the personnel after they have been appointed. The committee may discharge, without consulting with the Director, the persons who have been appointed.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. LUCAS. I should like to propound a question in order to get the situation clear in my mind. I again refer to the 44 employees. According to one interpretation, the Director would have the power to appoint them, and now, according to the interpretation of the Senator from Wisconsin, as I understand his interpretation, the committee would have the power to appoint them in the first instance, but, nevertheless, they must be ultimately certified by the Director.

Mr. LA FOLLETTE. The Director must certify and recommend the individuals who are to be appointed to those staff positions, but he does not appoint them.

Mr. LUCAS. But he has the veto power over their appointment. In other words, if he does not certify and recommend them, they may not be appointed.

Mr. LA FOLLETTE. The Senator is correct, and if the Director certifies some person whom the committee does not wish to appoint, he could not appoint that person. Therefore, I believe it entirely proper to say that the appointing and the dismissal power rests with the committee.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. OVERTON. I believe that the Senator from Wisconsin will have to agree with me in this interpretation of these various sections. The nominating power rests solely in the Director. The committee may consider the name of no person unless he has been certified and recommended by the Director. If the Director does not nominate a person as, for example, Mr. Smith, the committee may not appoint him. He goes out the window. Furthermore, these appointments are made on a permanent basis and, therefore, the committee would not have the right to discharge them.

Mr. LA FOLLETTE. Oh, I may say to the Senator that there is nothing in that statement. Any employee of the committee who proved to be unsatisfactory to the committee could be discharged by the committee. The committee has complete plenary power. Senators are confusing this proposition with the civil-service law which guarantees certain protection and certain procedures to every employee who serves under the civil-service law. The employee may avail himself of those guaranties in order to secure a review of the action which has been taken with regard to his dismissal. No such procedure is provided for in the proposition to which the Senator has referred.

Mr. OVERTON. Very well. Let us take up one propositon at a time.

Mr. LA FOLLETTE. Yes.

Mr. OVERTON. Does the Senator agree that the Director is directed by this proposal to include in his plan the effect of the following provision:

No person shall be appointed to any office or position on the staff of any committee of the Senate or the House of Representatives except upon recommendation by the Director and certification by him that such person is qualified for such office or position.

Mr. LA FOLLETTE. Yes.

Mr. OVERTON. Then does not the Senator agree with me that the nominating power rests solely in the Director?

Mr. LA FOLLETTE. The Director is directed, so far as the plan is concerned, to incorporate such proposal as an integral part of the plan, but he is not given any authority to put it into effect unless and until both Houses of Congress have agreed to it.

Mr. OVERTON. I think we should eliminate such authorities instead of granting it. If we give to the Director such authority as that to which I have referred, we certainly adopt it and put our stamp of approval upon it. If we say in effect to the Director, "You shall include in your plan the power vested in you and in no one else to make nominations," we place our approval on such power.

Mr. LA FOLLETTE. I do not believe that one Congress can bind another, and I do not believe that there would be any commitment involved if the new Congress should accept the provision, merely because the Director is authorized and directed to include it as a part of his plan. It can be deleted, amended, or rejected.

Mr. OVERTON. Very well. That may be true. In any event, we propose that he shall do what we have indicated.

Mr. LA FOLLETTE. Yes.

Mr. OVERTON. Let us refer to the staff appointments. They are to be made on a permanent basis. Where is there any provision in the bill which supports the thought that the committee will have the power to discharge any of these staff employees?

Mr. LA FOLLETTE. All the bill does is to provide that the persons who are appointed to the professional staff positions shall not go in and out with the change of chairmanship, or change of administration, but that they shall carry on, just as many of the able and excellent employees of the Senate, who have been referred to by name and otherwise, have carried on under both Democratic and Republican administrations. However, there are many employees in the Capitol who do not have such protection. It is specifically intended that the committee which made the appointment should have the power, without consultation with any person outside the committee, to dismiss any member of the staff who does not satisfactorily serve the committee.

Mr. OVERTON. I disagre with the honorable Senator, because my understanding of the word "permanent" is that it does not mean only a day, only a week, only a year, but as long as the employee lives and is able to work.

Mr. THOMAS of Oklahoma. Mr. President, the bill was introduced in the Senate on, I believe, May 13, 1946. That was the legislative date of March 5. The bill was reported to the Senate on May 31, still on the legislative date of March 5, according to our calendar. Today is the 7th day of June. So within 8 days of time the committee saw fit to bring in amendments to this bill. Title No. 7 of the bill provided a new chapter, a new constitution, a new set of basic laws for the management and government of the District of Columbia. But the committee already, in 7 or 8 days of time, has seen fit to strike out that language.

Then on page 36 of the bill the committee has seen fit to report an amendment to strike out subdivision 2 and substitute a new provision.

Mr. President, if I can read the English language, the provision to which I have referred to is quite clear. The Congress of the United States directs the Director to make a plan and to put it into force. It will be his plan and he must enforce it. What kind of a plan will he bring forth? It will be a plan (a) having control over the disbursing and auditing officers, (b) it puts the document rooms under the control of the Director, (c) it puts the mailing rooms under the control of the Director, (d) it puts the Capitol post offices under the control of the Director, and (e) it puts service facilities for all the Capitol Buildings and Grounds, including police, janitors, and guides, under the control of the Director. What is left? Only a few positions are left which are not under the control of the Director. We select our Secretary of the Senate, our Sergeant at Arms, and a few other members of the personnel of the Senate. The Director would have no control over those persons, but every other position in the Capitol, high or low, would come under the control and domination of the Director.

Mr. President, I desire to invite the attention of the Senate to the provision which is found on page 39 of the bill. It provides that each Senator or Representative may select an assistant at a salary of $8,000 a year. I shall not take time to attack that provision. In theory it is fine. There is not a Member of the Senate who does not need someone to take from his shoulders a great deal of work which he now does.

On the same page I find a reference to committee staffs. Each standing committee, there are to be 16 of them, is to be assigned four professional staff members. Four times 16 is 64. There are to be 64 professional members of the staffs to serve the 16 committees of the Congress.

Mr. President, that is not all. The Committee on Appropriations is to have 4 experts assigned to it as a committee, and then each subcommittee is to have 4 experts assigned to it. Multiply 10 by 4 and we have 40. Then add 64 to 40, and we get 104. So there would be more of these experts than there are Members of the Senate. What are we to do with the 104 expert staff members who are to be selected to serve the committees of the Senate?

Mr. STEWART. Mr. President——

The PRESIDING OFFICER (Mr. KNOWLAND in the chair). Does the Senator from Oklahoma yield to the Senator from Tennessee?

Mr. THOMAS of Oklahoma. I yield.

Mr. STEWART. Who selects the experts?

Mr. THOMAS of Oklahoma. The Director.

Mr. STEWART. Do the Members of the Senate not have anything to do with selecting the staffs?

Mr. THOMAS of Oklahoma. The bill provides:

No person shall be appointed to any office or position on the staff of any committee of the Senate or the House of Representatives except upon recommendation of the Director and certification by him that such person is qualified for such office or position.

He passes on the qualifications of these 104 experts. The question is, who is going to pass on his qualifications?

Mr. STEWART. Suppose the iniquitous FEPC bill should be enacted. Would the Director apply the principles of FEPC to this particular bill, assuming it were enacted?

Mr. THOMAS of Oklahoma. I cannot answer that question. We will have to examine the bills pending and see what the provisions are. But I make the statement that each committee will have a staff of four experts.

Mr. STEWART. And the chairman of each committee would not, as at present, possess any authority or control at all as to who are to be selected as members of the staff of his committee?

Mr. THOMAS of Oklahoma. The Senator is correct in his implication. Let me give an illustration. I am chairman of the Committee on Agriculture and Forestry. If I should be chairman of that committee when the bill went into effect, if it were enacted, I should be provided with a staff of four experts for the Committee on Agriculture and Forestry. That is not all. As chairman of the committee I am entitled to assistants, four experts to start with, and two clerks in addition, and the minority of my committee is entitled to two clerks in addition. I suggest that the Committee on Public Buildings and Grounds begin to look around to find space and erect new buildings to take care of the new employees who will be required if this bill shall become law.

Mr. President, that is not all. Speaking of experts, I have just started. Look at page 44 of the bill. Paragraph (2) provides:

The Librarian of Congress is further authorized to appoint in the Legislative Reference Service senior specialists in the following broad fields: Agriculture; American government and public administration; American public law; conservation; education; engineering and public works; full employment; housing; industrial organization and corporation finance; international affairs; international trade and economic geography; labor; mineral economics; money and banking; price economics; social welfare; taxation and fiscal policy; transportation and communications; and veterans' affairs.

There, Mr. President, the bill gives the Librarian of Congress the power to appoint 20 more of these specialists. I am not saying that the Congress does not need them, I am not saying that the Congress could not use them. I am merely pointing out what the bill provides.

And here we were, about to pass this bill after a quorum call, and I do not think many Members of the Senate who were on the floor had any conception of what the bill embraced.

Mr. President, that is not all. Let us take the provision about the page boys who sit before us, the little fellows brought here from all parts of the United States. Their service as pages is an education for them. It is a great privilege for a boy from the country, and from places outside Washington, to be appointed and come to Washington and serve as a page of the Senate or of the House of Representatives. It is an education which could not be acquired otherwise. Many of the great men of this Republic today got their inspiration and their start in times past serving as pages of the Congress of the United States. If this bill shall be enacted they cannot come here longer, excepting as spectators, because if the bill becomes law every page who serves the Senate and every page who serves the House must be selected from the personnel of the District of Columbia.

Mr. McCLELLAN. Mr. President, how many of those serving as pages now in either House would be eligible, under the terms of the bill, to continue to serve?

Mr. THOMAS of Oklahoma. Of course, I cannot answer that question, but it could easily be ascertained.

Mr. McCLELLAN. I doubt if there are more than one or two out of the whole number.

Mr. THOMAS of Oklahoma. Mr. President, I have already taken too much of the time of the Senate on the provisions of the bill. I cannot support the bill.

Before I take my seat, I wish to place in the RECORD a motion. I now move that the provisions of the bill be subdivided, that title I, pertaining to changes in rules, be referred to the Committee on Rules of the Senate for further consideration and report.

I move that title II, Miscellaneous, be recommitted to the committee which brought the bill to the floor of the Senate. I know that committee is composed of eminent Senators, and I know they understand what the bill means. I do not agree with their interpretation of what the bill should provide. I should like to have them restudy title II with respect to the miscellaneous provisions of the bill.

I move that title III, Regulation of Lobbying Act, be referred to the Committee on the Judiciary for study and report.

I move that title IV, relating to Federal Tort Claims Act—purely a legal matter—be referred likewise to the Committee on the Judiciary.

I move that title V, General Bridge Act, be referred to the Committee on Commerce.

I move that title VI, relating to compensation and retirement pay of Members of Congress, be referred to the Committee on Civil Service for further study and report.

I submit that motion, and ask that it lie upon the table until I shall have a chance to call it up.

Mr. LA FOLLETTE. Mr. President, is the motion pending?

The PRESIDING OFFICER. The motion has been made by the Senator from Oklahoma.

Mr. BARKLEY. A motion to recommit a bill is the pending question and the pending business, I suppose, if it is in order. I assume it is in order.

Mr. LA FOLLETTE. I make the point of order, Mr. President, that the motion is not in order. I do not question the right of any Senator to move to refer the bill to any committee he desires to have it referred to, but I do not believe that a motion is in order to split a bill into its several parts and to refer those parts to standing or select committees of the Senate, because obviously there would be nothing before the committees, if the motion were agreed to.

The PRESIDING OFFICER. The Chair rules that the motion of the Senator from Oklahoma is not in order, as the precedents indicate that it is not in order to split a bill into several parts. A motion to recommit the bill as a whole would be in order, but a motion to split the bill into several parts would not be in order.

Mr. THOMAS of Oklahoma. Mr. President, I have made my comments on the bill. I do not care further to take the time of the Senate. On the final roll call I shall content myself by voting against the bill, and I shall permit other Senators to spend such time as they feel inclined in explaining their votes on the many provisions of the bill.

Mr. BARKLEY. Mr. President, I wish to pursue a little further the inquiry I made this morning in respect to sections 130 and 208, and in order that the Senator from Wisconsin may have the matter before him, I have a brief memorandum here which I shall read, and I ask him to comment on it as he may see fit.

Section 130 would provide for the adoption of annual budget totals by joint action of the revenue and appropriating committees of Congress. If estimated expenditures exceed estimated receipts the Congress would be required by concurrent resolution to authorize the creation of additional Federal debt in the amount of the excess. Until the passage of such a resolution no general appropriation bill could be considered in either House. Section 208 would provide that if it appears midway through the fiscal year that aggregate expenditures will exceed receipts by more than the congressional approved deficit the President shall so proclaim, and all appropriations (except permanent appropriations, appropriations for servicing the public debt, for veterans' pensions and benefits, and to trust funds) shall be reduced by a uniform percentage to bring the deficit within the limit previously set. The two sections would not be applicable in time of war or during a national emergency proclaimed by the President.

The need for some legislative machinery to achieve a more effective correlation between the revenues and expenditures of the Federal Government has long been recognized by both the executive and legislative branches of our Government. However, a desirable remedy for that situation would seem to have been provided in the Employment Act of 1946. That act established a Joint Committee on the Economic Report, to be composed of 14 members from the House and Senate. It is the duty of the Joint Committee to make continuing studies of matters relating to the President's Economic Report, to study means of coordinating programs in order to further the policy of the Employment Act, and to make a report to the Congress containing its findings and recommendations with respect to the recommendations made by the President in the Economic Report. In view of those new procedures designed to make fiscal policy operate most effectively in the interests of promoting maximum employment, production, and purchasing power, it would seem that the provisions in question would result in undesirable duplication with potentialities for conflict, delay, and interference with the successful prosecution of the policies embodied in the Employment Act of 1946, which was so recently endorsed by the Congress.

Despite the far-reaching effect of these two sections of S. 2177, there was no substantial discussion of these provisions at the public hearings held by the Joint Committee on the Organization of Congress, which preceded the drafting of the bill, and no public hearings held by the Senate Special Committee on the Organization of Congress during the brief time the bill was before that committee. Moreover, none of the executive agencies which would be affected by these provisions were given an opportunity to present their views on them to the committee.

Under the two sections, Congress would fix expenditures for the ensuing fiscal year far in advance of its beginning. In time of depression such a procedure might prevent the undertaking of measures designed to alleviate low levels of production and employment. The application of the uniform percentage reduction provided by section 208 might result in the disruption of various essential governmental functions.

It is felt that legislation of such sweeping character and far-reaching importance should be thoroughly discussed before enactment and that the interested agencies of the executive branch should be given an opportunity to present their views.

The Senator earlier in the day stated that the joint committee sent out letters to various executive agencies.

Mr. LA FOLLETTE. The select committee did.

Mr. BARKLEY. I did not understand that the select committee did. I did not understand that there was much of a hearing before the select committee.

Mr. LA FOLLETTE. No, Mr. President, there was no request for hearing, but the committee took the precaution of submitting the measure and proposals to various agencies and departments of the Government, including the Bureau of the Budget.

Let me say to the Senator that so far as any conflict in synchronization between the Employment Act of 1946 and this measure is concerned, we have corrected that by an amendment calling on the Joint Committee on the Economic Report to submit its report by March 15. Secondly, the main purpose of this proposal is to bring the appropriating and the revenue committees, which are responsible for raising the revenue, together. The Senator will remember that for many years they were one and the same committee in both Houses, that is, the committee which handled the appropriations also handled the revenue legislation. But since that time there has been no correlation between them, except, as I pointed out the other day, where the revenue committee in the House or the Senate may have jurisdiction over legislation which requires the

expenditure of money. This proposal is, I believe, a great step forward in trying to coordinate these two functions and also is a long step forward in the direction of helping to improve the determination of fiscal policy by the Congress.

As the Senator knows, this bill has not been introduced on the House side, and will, if it receives final determination here and is passed, go to the House, where there will be full opportunity to give further consideration to any suggestion which the Senator has put forth here. But we have remedied in part the objection, namely, the meshing of the two together, that is, the economic report and the congressional budget.

Mr. BARKLEY. I realize how difficult it is on the floor in a technical and complex budgetary adjustment, which this bill aims at, to draw an amendment that would do anything about it without going through the whole bill and seeking to correct it, if there are other provisions with reference to it, or correct existing law. At the moment I recall the fact that we have a budgetary law which requires the President at the beginning of each Congress to deliver a budget message to the Congress outlining the budget of expenditures and making a complete report concerning it. That is not interfered with, as I understand, by this bill.

Mr. LA FOLLETTE. Oh, no; and it is contemplated, of course, that the four committees would have the benefit of the Presidential budget message in their work.

Mr. BARKLEY. I cannot help but still feel that there is a gap there between the report of the revenue and appropriating committees which must be made within 60 days or not later than April 15, and the subsequent report of the President on the estimated deficiency. It seems that they ought to be brought closer together, because the President is not expected or required under the bill to make his report until December 31 in the fiscal year for which the estimates are supposed to take effect, and if he finds, after half of the fiscal year has gone by, that the deficit will be larger than that estimated by the committee, he shall report to the Congress, and thereafter all the appropriations, except the permanent ones referred to, are to be scaled down by a uniform percentage. That might result—and I make these suggestions for the Senator's comment—in a very crippling situation during the last half of a fiscal year when a department has proceeded and made expenditures on a monthly basis for 6 months, figuring on the whole year's appropriations, and then suddenly is required to scale down 10 to 15 or it might be 25 percent during the remaining 6 months. It is possible that a critical situation might arise during the later half of the fiscal year. Has the Senator given that question any thought?

Mr. LA FOLLETTE. Yes, I have since the Senator spoke to me about it. Of course, what the committee had in mind was that it would take some little time after the fiscal year had begun to determine whether receipts and expenditures were in balance.

Mr. BARKLEY. In that case the lack of balance would grow out of the fact that revenues would not be so great as was anticipated.

Mr. LA FOLLETTE. That is true.

Mr. BARKLEY. Because Congress would have already fixed the appropriations that would be effective.

Mr. LA FOLLETTE. But I should like to suggest to the Senator that we might insert the words "or before", in line 19 on page 45, after the word "on", so it would read "if on or before December 31 in any fiscal year * * *."

I think there is some justification for setting a dead line when this action should be taken, because otherwise so much of the fiscal year will have elapsed that such action would be ineffective, or if it were taken late in the fiscal year there might arise situations where such drastic pro rata reductions would have to be made as to cripple the operation of the Government. If that language helps—and I think it does to some extent—I offer the amendment on page 45, line 19, after the word "on" to insert the words "or before."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. SALTONSTALL. Mr. President, may I ask the Senator from Wisconsin a question?

Mr. LA FOLLETTE. I would be glad to yield to the Senator from Massachusetts.

Mr. SALTONSTALL. I wish to refer the Senator to page 26, the section concerning congressional recesses. In that section there is a provision that Congress must reconvene on the second Tuesday in October. If Congress reconvenes at that time in an election year it would be just 3 weeks before election time, and it would seem to me to be rather an inopportune time to reconvene.

I have two more questions respecting that section. I should like to ask them together. Then if Congress must recess each year in June, does not the same objection become valid that applied under the old system when Congress had to adjourn on March 4, a definite date, crowding the debate and perhaps the holding up of legislation that might be pending? That is the second question.

My third question on that section is this: It would permit the President of the Senate and the Speaker of the House of Representatives or the majority leader or minority leader of the Senate and the majority leader or the minority leader of the House, acting jointly, to call Congress together. If Congress is not in session, is not that too easy a method, by too few persons, to call it together again? In other words, the two minority leaders, or the majority leader and the minority leader—just those two men—could call the whole Congress together. If Congress is to be called together in a special effort, for a special emergency purpose, should it not be done by majority vote of the two branches acting concurrently?

My fourth question is, Would the Senator object to eliminating section 123 entirely? How does it add to the purposes of the bill? I should like to see the whole section eliminated.

Mr. LA FOLLETTE. I hope I can remember all the Senator's questions. First of all, as to the reasons which prompted the committee to incorporate this proposal in its original recommendations, and subsequently in the bill, there was the feeling that in the future, as in the past, in all probability with the very pressing and numerous problems with which the country will be confronted there will be necessity for the Congress to be in session a great deal of the time. We felt that, if we put in a terminal adjournment, it would tend to put some pressure on both Houses to regularize their labors and schedule their program in a manner which would lead to more consistent operation. That used to be the effect of the terminal adjournment under the Constitution. Congress had to transact its business and complete it, or else face the necessity of an extra session.

We provided for a specific recess in order to make certain that there would be an opportunity each session for Members of the House and Senate to return to their States or districts, as the case may be. They would return, not for political reasons, but because under a representative form of government we felt that Members of the House and Senate need to return to their districts in order that they may see at first hand how the governmental machine which they have helped to create is operating in their States and districts, and also to give them renewed contact with the people whom it is their responsibility to represent.

We adopted the provision for the reconvening of the Congress during the proposed recess which was in all the resolutions adopted during the war, and which seemed to work very well. I will say to the Senator that he has raised the same question that was raised yesterday by the Senator from Ohio [Mr. TAFT] as to the wisdom of this proposal. Personally, I should very much like to see the Congress experiment with it. The situation would be different from what it would be if the provision were frozen in the Constitution. True, it would be in the rules; but there would be an opportunity to extend the time, if it should become necessary to do so, by moving to suspend the rules. Of course, that would require a vote of two-thirds, which I grant is an additional problem. Nevertheless, it would afford an opportunity to extend the time if it should become necessary to do so. I feel that if the situation were vital, the chances of obtaining a two-thirds vote in the Senate, or obtaining an agreement to suspend the rules in the House, would be within the realm of probability.

Mr. SALTONSTALL. Mr. President, may I finish my question? To accomplish that purpose, might it not be helpful to eliminate the provision relative to the second session in each year in October, and provide that the Congress shall meet in one session, up to July, we will say, and then permit the session to be called together again in the manner suggested in subparagraph (c), thus eliminating the necessity of an autumn session?

Mr. LA FOLLETTE. If the suggested program does not meet with approval, I should certainly prefer to move up the

terminal adjournment and make it not longer than some time in July, and then strike out the provision for the automatic reconvening, permitting the persons named to call Congress into session if that should become necessary.

Mr. SALTONSTALL. Would the Senator accept an amendment to that effect?

Mr. LA FOLLETTE. I would have to consult with the other members of the committee. If the Senator will give me a few moments, I shall be glad to do so.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. PEPPER. In response to what the Senator from Massachusetts evidently had in mind, let me say that, as we all know, many times the Senate meets only 3 days a week. I am not complaining about that; but I believe that if we met more regularly and more frequently during the entire term when Congress was in session, it would probably be possible for us to get away sooner, and to adopt such an adjournment date as is indicated in the pending bill.

EXTENSION OF PRICE CONTROL AND STABILIZATION ACTS OF 1942

Mr. BARKLEY. Mr. President, I ask unanimous consent, from the Committee on Banking and Currency, to report favorably, with an amendment, House bill 6042, to amend the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, and for other purposes, and I submit a report, numbered 1431, thereon.

The PRESIDING OFFICER. Without objection, the report will be received and the bill will be placed on the calendar.

Mr. BARKLEY. Mr. President, I understand that minority views are to be submitted. I ask unanimous consent that members of the committee wishing to file minority views may have the privilege of doing so during any recess of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Subsequently Mr. WAGNER (for himself, Mr. DOWNEY, Mr. TAYLOR, and Mr. MITCHELL, as members of the Committee on Banking and Currency) submitted minority views on the bill (H. R. 6042) to amend the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, and for other purposes, which were ordered to be printed as part of Report No. 1431.

Mr. THOMAS of Oklahoma. Mr. President, I now have requests for between 1,300 and 1,400 copies of the bill. Probably other Senators will have at least as many requests, or perhaps more. I suggest the advisability of ordering an additional supply so that we can furnish them upon request.

Mr. BARKLEY. Mr. President, what is the usual number of copies printed?

The PRESIDING OFFICER. The Chair is informed that the usual number is 1,100 or 1,200.

Mr. BARKLEY. I ask unanimous consent that 3,000 copies of the bill and the accompanying report be printed for the use of the Senate document room.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARKLEY. Mr. President, while I am on my feet, let me say that it is the purpose to take this bill up for consideration on Monday next. I do not know how long it will take to dispose of it, but it is important that it be disposed of. In all likelihood it will have to go to conference. Therefore it is necessary that the bill be disposed of at the earliest possible date so that it may be considered in conference and go to the President well in advance of the 30th of June, which is the date of expiration.

Mr. LA FOLLETTE. Mr. President, will the Senator be willing to withhold his unanimous-consent request for a moment?

Mr. BARKLEY. I have made no unanimous-consent request in connection with consideration of the bill. I stated that it was planned to take it up on Monday. I did not ask unanimous consent to take it up.

Mr. LA FOLLETTE. I hope we can complete consideration of the pending bill tomorrow, but I trust the Senator will let us complete consideration of it on Monday if we are anywhere near the conclusion.

Mr. BARKLEY. I do not wish to shut off the pending bill.

Mr. LA FOLLETTE. That is all I can ask.

Mr. BARKLEY. I am not seeking any agreement at this time. I was merely stating for the information of Senators that we hope to take up the bill on Monday.

ORGANIZATION OF CONGRESS

The Senate resumed consideration of the bill (S. 2177) to provide for increased efficiency in the legislative branch of the Government.

Mr. MEAD. Mr. President, I offer the amendment which I send to the desk. The amendment was discussed earlier in the day.

The PRESIDING OFFICER. The amendment offered by the Senator from New York will be stated.

The LEGISLATIVE CLERK. On page 36, lines 1 and 2, it is proposed to strike out "(including employees under the Architect of the Capitol)."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York [Mr. MEAD].

The amendment was agreed to.

Mr. MEAD. Mr. President, I offer another amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from New York will be stated.

The LEGISLATIVE CLERK. On page 37, line 25, after the word "for" and before the period, it is proposed to insert a comma and add the following new language:

> On to the Architect of the Capitol or any employees or activities under the Architect of the Capitol, except patronage employees; and all employees, other than patronage, under the Architect of the Capitol shall be selected and appointed by the Architect of the Capitol on the basis of their fitness for their particular duties, and the so-called patronage system shall not be extended to any position under the Architect of the Capitol not now under patronage.

Mr. OVERTON. Mr. President, I rise to ask the Senator from New York to explain the amendment which he has proposed. As I understand, it is for the purpose of taking from the bill the Office of Architect of the Capitol. Is that correct?

Mr. MEAD. It separates the employees into two groups, the patronage and clerical forces in one group, and the technical forces in the other group, leaving under the Architect of the Capitol the technical employees, such as engineers, painters, and so forth, who are now under the Architect of the Capitol. They are covered by civil service. They are under the Classification Act. They are covered by retirement and are employed through civil-service examinations.

Mr. OVERTON. What is the present provision of the bill with respect to such technical employees?

Mr. MEAD. The amendment is exactly the same as the present law.

Mr. OVERTON. What does the bill provide?

Mr. MEAD. The bill covers them all under the Director of Personnel.

Mr. OVERTON. The Senator wishes to take those employees out from under the control of the Director of Personnel; is that true?

Mr. MEAD. Yes; and leave them under the Architect of the Capitol, where they have always been.

Mr. OVERTON. That is the first amendment.

Mr. MEAD. Yes.

Mr. OVERTON. What is the amendment just proposed?

Mr. MEAD. Both of them cover the same situation, except in different sections of the bill.

Mr. OVERTON. The Senator from New York desires to have all of them taken out; does he?

Mr. MEAD. No; we leave under the Director of Personnel all the patronage employees of the committees.

Mr. OVERTON. And all the patronage employees of the Capitol?

Mr. MEAD. And all the patronage employees of the Capitol.

Mr. OVERTON. What about the Architect of the Capitol?

Mr. MEAD. We leave under the Architect of the Capitol some 800 technical employees who now are under him and are under the Civil Service Classification Act and the Retirement Act. They include the employees at the power plant.

Mr. OVERTON. Then the employees of the Architect of the Capitol are taken out from under the provisions of the bill by the terms of this amendment; are they?

Mr. MEAD. Yes; except in the case of patronage employees. They are left under the bill and under the Director of Personnel. Therefore, the Director of Personnel will have all the elevator men and the police and the clerks and the stenographers who will be in the pool, and other employees of that type.

Mr. OVERTON. The Architect of the Capitol has nothing to do with that patronage at the present time, has he?

Mr. MEAD. He has to do with some of it. I think he has to do with the elevator men.

Mr. OVERTON. They are appointed on the recommendation of Senators.

Mr. MEAD. Yes. They would still be there, except they would be under the Director of Personnel. But I think the elevator men are on the pay roll of the Architect of the Capitol at present.

Mr. OVERTON. That may be.

Mr. MEAD. By this amendment we shall not change their status, except we shall leave them under the bill, where the committee has placed them.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. LA FOLLETTE. I think the Senator from New York inadvertently stated that they would be under the Director of Personnel. The Director of Personnel is directed to submit this schedule of job classifications and proposals for retirement and for tenure for employees who do not now have them. But that does not give him any direction over those employees.

The other point I wish to make—and I made the same statement after the Senator from New York discussed this amendment earlier in the day—is that the committee was fully aware of the fact that certain employees, in fact, a large number of the employees, of the Architect of the Capitol are now under the classification system. The committee did not think it necessary to provide that the Director of Personnel, after he is selected, who is directed to build up a similar system for other employees of the housekeeping departments of the Congress, should not tear down the only one we now have. But inasmuch as there seemed to be some apprehension that he might do so, I stated to the Senator from New York that I had no objection to stating it in the bill, because that program is already in operation.

Mr. OVERTON. In the absence of the amendment proposed by the Senator from New York, under the provisions of this bill, as unamended, who has the right to make recommendations for the appointment of electrical engineers, and so forth, under the Architect of the Capitol?

Mr. LA FOLLETTE. Under the provisions of this bill the Director of Personnel would have been in a position, if he wished to do so—which seemed inconceivable to me, until the Senator from New York raised the point that he might take such action—act to have included in his plan recommendations with regard to those employees of the Architect of the Capitol who are already classified.

Mr. OVERTON. Then am I correct or am I mistaken in assuming that the bill as presently written will give to the Director of Personnel who will propose the plan the authority to nominate the particular employees under the Architect of the Capitol?

Mr. LA FOLLETTE. No. What the Director of Personnel was authorized to do under the bill without this amendment was to include in his plan covering employees under the Architect of the Capitol, qualification standards, job classifications, tenure of employment, pay schedules, rules for promotions and pay increases, leave, retirement, and other matters pertaining thereto.

The Architect of the Capitol has most of his employees under an existing classification system, and he has some who are not under it. It never occurred to the committee or to any of us who considered the bill that, having instructed the Director of Personnel to prepare a plan to bring about these objectives, he would first start out by destroying the classification system which we now have in the Architect's office. But since there seemed to be some apprehension that he might do so, I saw no objection to accepting the amendment of the Senator from New York, although it will still leave within the power of the Director of Personnel, if the bill is passed and if he is selected, the right to make recommendations for qualification standards, job classifications, and so forth, for patronage employees of the Architect of the Capitol.

Mr. OVERTON. Mr. President, let me inquire from what page the Senator is reading.

Mr. LA FOLLETTE. I have been reading from pages 35 and 36, on which appear the provisions by which the Director is directed to prepare such a plan.

Mr. OVERTON. Very well.

Then the purpose of the amendment of the Senator from New York is to strike out the language which the Senator has just read, I assume. But I do not find it here. In what line on page 36 does it appear?

Mr. LA FOLLETTE. It begins at the bottom of page 35.

Mr. OVERTON. Oh, yes.

The purpose of the amendment of the Senator from New York, as I understand, is to strike out the words "prepare a plan for a modern personnel system"——

Mr. LA FOLLETTE. No.

Mr. OVERTON. What would his amendment strike out?

Mr. LA FOLLETTE. The effect of his amendment is to exclude from the purview of the plan which the Director of Personnel is instructed to prepare, those employees of the Architect of the Capitol who now are classified.

Mr. OVERTON. Then the amendment would strike out the language "covering qualification standards"——

Mr. LA FOLLETTE. Oh, no.

Mr. OVERTON. Mr. President, I should like to have the amendment read for the information of the Senate.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. On page 36, in line 1, it is proposed to strike out the parentheses and the words "including employees under the Architect of the Capitol."

On page 37, in line 25, after the word "for" and before the period, it is proposed to insert a comma and to add the following new language:

> Or to the Architect of the Capitol or any employees or activities under the Architect of the Capitol, except patronage employees; and all employees, other than patronage, under the Architect of the Capitol shall be selected and appointed by the Achitect of the Capitol on the basis of their fitness for their particular duties, and the so-called patronage system shall not be extended to any position under the Architect of the Capitol not now under patronage.

Mr. OVERTON. Mr. President, it seems to me that the purpose of the amendment is, first, to strike out the language "including employees under the Architect of the Capitol." Therefore, this provision on page 36 would not relate to employees under the Architect of the Capitol.

The other provision of the amendment which has just been read refers to patronage, as I understand.

Mr. LA FOLLETTE. It refers to those employees of the Architect of the Capitol who are not now under this system.

Mr. MEAD. Mr. President, if the Senator will yield to me, let me say there are four classes of employees under the Architect of the Capitol. The first class includes the regular, year-round maintenance organization employees. The second is composed of the patronage employees—117 of them. They will go under the Director of Personnel, and not under the Architect of the Capitol. The third group are the temporary or seasonal laborers and mechanics whom the Architect of the Capitol hires to do the repairs. The fourth group includes consultant architects and engineers.

Mr. OVERTON. And the Senate will have nothing at all to do with the appointment or selection of any one of those employees; is that correct?

Mr. MEAD. No; except the patronage employees. By this amendment we do not touch them.

Mr. OVERTON. But the bill does.

Mr. MEAD. Yes; the bill does. But my amendment does not change the bill in that respect.

Mr. OVERTON. I understand.

Mr. President, it seems to me that what the able Senator is doing is coming to the rescue of the Architect of the Capitol in respect to employees in certain positions.

Mr. MEAD. Yes. Congress has already set up certain specific rules for that procedure. The Civil Service Committee has covered those employees into the Civil Service System. They are under the Classification Act and they have retirement and tenure. By my amendment we wish to retain them there.

Mr. OVERTON. I thank the Senator for his explanation.

Let me say that I am not opposing the amendment. In fact, the more employees that are excepted from the provisions of the bill the better the bill will be, I think.

But I simply wished to get a clear understanding of the Senator's amendment, and I thank him very much.

Mr. MEAD. If the Senator will yield to me for a moment, let me say that there are approximately 800 annual employees, consisting principally of mechanics, engineers, laborers, charwomen, and so forth, who are under the Architect of the Capitol. They are not patronage employees. They are employed as a result of civil-service tests, and they are covered by the Classification Act and the Retirement Act. We want employees in that classification to remain

under the Architect of the Capitol, and we leave the patronage employees just where the committee placed them when it reported the bill.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

Mr. SALTONSTALL. Mr. President, I should like to ask the Senator from Wisconsin whether he has framed an amendment relating to the recessing of the Senate and House. I understand he has drawn it so as to provide for the taking of a recess at the end of July of each year. If that is so, I hope the amendment may be offered by him at this time.

Mr. LA FOLLETTE. I wonder if the Senator would be willing to allow that matter to go over until tomorrow, because I should like to have a chance to study it more thoroughly.

Mr. BARKLEY. Mr. President, will the Senator yield for a suggestion which I think he might be considering during the evening?

Mr. LA FOLLETTE. Yes.

Mr. BARKLEY. On page 35, beginning in line 21, the language reads:

(d) Subject to the provisions of subsection (e) the director shall—

(1) Prepare a plan for a modern personnel system for all employees of the Senate and House of Representatives—

And so forth. Earlier in the day the Senator stated that that language was merely to serve as a protection against the event that nothing was done with reference to the plan. If nothing happened with reference to the plan, nothing would be done. It seems to me that the language would be incomplete if left in its present form. I think the Senator would well consider an amendment on page 36, after "(including employees under the Architect of the Capitol)" to insert the words "which shall not be effective unless——"

Mr. LA FOLLETTE. Mr. President, I do not think that such an amendment is necessary even if there should be the danger which the Senator fears. I would suggest an amendment be added at the end of paragraph (f) on page 37, which reads:

(f) The Director shall report to the Congress at the earliest practicable date the results of his studies made pursuant to subsection (d) and plans and schedules prepared in connection therewith.

Mr. BARKLEY. That place in the bill would be just as appropriate as the one which I suggested. It is obvious that many Senators, in reading the provisions which should be included as a part of the plan, have interpreted them to be substantive law so that the Director may do certain things after he has submitted his plan.

Mr. LA FOLLETTE. Mr. President, if there is no other amendment pending, I should like to try to clear this matter up right now.

On page 37, at the end of line 20, I move to insert:

No such plan or schedule shall become effective unless and until approved by the Congress by law.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment was agreed to.

Mr. McCARRAN. Mr. President, I send forward an amendment which I have presented to the Senator from Wisconsin. I ask that the amendment be now considered.

The ACTING PRESIDENT pro tempore. The clerk will state the amendment offered by the Senator from Nevada.

The LEGISLATIVE CLERK. On page 51, after line 12, it is proposed to insert:

(d) Notwithstanding the provisions of subsections (b) and (c) of this section, said page or pages may elect to attend a private or parochial school of their own choice: *Provided, however,* That such private or parochial schools shall be reimbursed by the Senate and House of Representatives only in the same amount as would be paid if the page or pages were attending a public school under the provisions of paragraphs (b) and (c) of this section.

Mr. LA FOLLETTE. Mr. President, I have no objection to the amendment. I think it is a proper one.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Nevada.

The amendment was agreed to.

Mr. STEWART. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. STEWART. Did I understand correctly the Senator to say that the pending bill would be put over until Monday for further consideration at that time?

Mr. LA FOLLETTE. No; we expect to hold a session tomorrow.

Mr. STEWART. Would the Senator object to an amendment striking out entirely section 201 of the bill? That section provides for setting up the Office of Congressional Personel to be under the direction of a Director of Congressional Personnel, and so forth.

Mr. LA FOLLETTE. I should be very reluctant to see that section stricken from the bill.

Mr. STEWART. It seems to be one which is subject to a great deal of controversy.

Mr. LA FOLLETTE. I realize that there is a sharp division of opinion concerning the subject. I should be very glad to consider amendments to the section. I myself have one or two which have been drawn in an effort to allay some of the apprehension which some Senators seem to share. However, on the other hand, when we are doing all these things which will improve and benefit the situation so far as the Congress is concerned, and so far as individual members are concerned, I feel that we should also give concrete proof and evidence that we are doing all which lies within our power to make the administration of the Congress as efficient as possible, and, I may say frankly, do away with the patronage system. I contend that careful study shows, so far as the operation of the patronage system is concerned, that, with some notable exceptions, is not the way in which to obtain efficient administration of the operating departments of an organization such as the Congress of the United States.

Mr. STEWART. The Senator is anticipating me just a little. I do not object to certain features of the patronage system being eliminated. The chief objection which I have is this: The committee may not control the selection of its own staff. If we are to make it possible for one man to select the clerk of a committee, its assistants and deputy clerks, or the entire staff, we may run into considerable controversy and trouble.

Mr. LA FOLLETTE. If I thought for one moment that what the Senator has referred to could take place, inasmuch as in the last analysis, no person could be appointed unless the committee wished him to be appointed——

Mr. STEWART. No person may be appointed unless the Director General certifies to his competence, I may say.

Mr. LA FOLLETTE. That is true. It is conceivable that an impasse might eventually exist between a committee and the Director. But, may I say first of all, that the Director will be hired and fired by the majority and minority leaders of the Senate and the House of Representatives, and I do not believe they will select for that important office a person who is not familiar with personnel problems, has not had experience along that line, and is not the type of man who will cooperate.

We have already placed in the bill a section making it mandatory upon the Director to cooperate with the committee. The only thing we are seeking to do—I know this answer will not satisfy the opponents of this proposition—is to try to create a situation such as we have in the Appropriations Committee and in the Joint Committee on Internal Revenue Taxation, where the staffs have some permanency of employment, and because of their experience and tenure, as time progresses, become more valuable to their respective committees. The staffs do not move around as the chairmen of those committees are changed.

Mr. STEWART. The change to which the Senator refers does frequently occur.

Mr. LA FOLLETTE. There is a committee of which I am a member which has not had such experience. But we are trying to build on the experience which a few committees have had in connection with their career staffs. It has been conjured up this afternoon that the Director will be so drunk with his power to make certifications and recommendations, that the first thing he will do will be to say that no one connected with the able staff of the Senate Appropriations Committee is fit to serve further the committee, and will insist on recommending their replacement. It would be the duty and obligation of the majority and minority leaders of the Senate and of the House of Representatives, in whom lies the power to appoint the Director, to remove him forthwith in the event he abused his power. But we are seeking only to bring about a condition where the staffs will have a sufficient amount of security to enable the committee, first,

to obtain the best available talent for the job, and secondly, to insure that the members of the staff shall remain on the job long enough to acquire a sufficient amount of experience, and become increasingly useful to the committee as time goes by.

Mr. STEWART. I appreciate the Senator's statement and the work he has done. No doubt the system which we now use with respect to the personnel of the committees should be improved. But to place control of the committee personnel, such as experts and others, beyond the power of the committee might bring about grief. Sometimes in our zeal to correct a bad situation we select a remedy which is worse than the disease itself.

Mr. LA FOLLETTE. I recognize that what the Senator has stated may occur. Certainly I want no remedy which will be worse than the disease. But when the Senator speaks of control being placed in the hands of one man, I wish to point out that the bill requires the exercise of cooperation between the Director and the committee when selecting the original personnel of the staff. Once the staff has been selected, it is entirely within the authority of the committee to dismiss any member of the staff who does not discharge satisfactorily his responsibilities to the committee.

Mr. STEWART. I was about to ask the Senator that question. As I read the bill, the control might be so remote as not to permit that.

Mr. LA FOLLETTE. No; the Supreme Court has said over and over again that the appointing power carries with it the power of removal. I have not read all the decisions, but I am perfectly willing to spell it out in the bill if it will relieve any apprehension.

Mr. STEWART. The appointing power here would be in the hands of the majority and minority leaders of each House?

Mr. LA FOLLETTE. Of the Director, but the appointments of the staffs are to be made by the committees.

Mr. STEWART. On the certification of the Director that they are competent?

Mr. LA FOLLETTE. And they can be discharged, therefore, by the committees, because they make the appointments without any consultation with him. That is what the bill actually means. I confess that I have made some study of it myself. I have also thrashed this over backwards and forwards with the Legislative Counsel in an effort to be certain that we had it right.

Mr. STEWART. Frankly, I have tried harder than usual to be in the Chamber a good deal this week, but I have had so many interruptions that I have not heard all the debate. I have been compelled to be out of the Chamber much more than any week this year, I suppose, at a time when I particularly wanted to hear this bill discussed, because I am interested in it.

I know that the Senator from Wisconsin and other Senators on the committee have been making a study of this question for a period of 2 or 3 years, and are quite expert in their knowledge concerning the provisions of the bill and the needs and requirements in connection with such reorganization as might be thought proper. But I think I possibly occupy the position a good many other Members of the Senate do, some at least with whom I have talked, that is, I must confess that I do not know much about the bill, and I have not had opportunity to hear the debate, as I have said. Of course, tomorrow will be Saturday, and possibly many have gone away over the week end, and it would be short notice for a good many of us who do not know much about the bill if there should be an effort to pass the bill tomorrow, if that is the purpose.

Mr. LA FOLLETTE. Naturally I want the bill to come to some decision. I do not think I am being unreasonable in asking that.

Mr. STEWART. It is very seldom the Senator is unreasonable.

Mr. LA FOLLETTE. As I said before the Senator came in, I sent a personal letter to each Senator, to his residence, with a copy of the report, which contains a detailed section-by-section analysis of the bill, and urged Senators to consider it. I also gave notice I would move at the first opportunity to get the measure up. I do not know what more one could do than that.

Mr. STEWART. I received the notice at my residence on Saturday, I think it was.

Mr. LA FOLLETTE. I have also tried as best I could to answer every question that has been asked here, and to do what I could to help the Senate understand what the bill provides.

While the bill is long, with many provisions in it, it relates after all, to the institution for which most of us have worked, and I do not think it is too difficult, if Senators will give it a little attention, to see what it is we are attempting to do to make the institution more efficient, and to help Senators and Members of the House. We are not seeking to do anything other than that. Our sole ambition and objective in devoting all this time to this legislation, and in now trying to get it voted up or voted down by the Senate, is to strengthen our own institution and increase its efficiency.

Mr. MITCHELL. Mr. President——

Mr. JOHNSON of Colorado. Mr. President——

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mr. LA FOLLETTE. I yield to the Senator from Colorado.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

Mr. LA FOLLETTE. Mr. President——

Mr. JOHNSON of Colorado. The Senator from Wisconsin yielded to me, did he not?

Mr. LA FOLLETTE. I tried to, but I was removed from the floor before I had an opportunity to yield to the Senator from Colorado.

I wish to protest that, Mr. President. The rules of the Senate are here for the protection of the rights of individual Senators, and if they are abused, some day the rights of Senators in this Chamber may be impaired.

Mr. PEPPER. Mr. President, I wish to add my concurrence with what has been said by the Senator from Wisconsin.

The ACTING PRESIDENT pro tempore. Just one minute. The Chair had no disposition to undertake to remove the Senator from Wisconsin from the floor. The Chair understood that he had yielded. The Senator from Washington had been trying to get the floor for some time, and that was the reason——

Mr. LA FOLLETTE. I recognize——

The ACTING PRESIDENT pro tempore. One minute. Certainly if the Senator from Wisconsin wants to yield for a question, that is in order, and the Senator can yield to the Senator from Colorado.

Mr. LA FOLLETTE. I had just finished a sentence, and I could hear the echo of it in the Chamber when the Senator from Colorado rose. In the interim the Chair said he recognized the Senator from Washington. If I still have the floor, I yield to the Senator from Colorado for a question.

The ACTING PRESIDENT pro tempore. Just a moment. The Chair understood the Senator had finished his speech, and if that was so, he understood that he was yielding, not for a question, but the floor. The Senator from Washington had tried three times to get the floor, and therefore the Chair was about to recognize him. It is perfectly proper for the Senator to yield to the Senator from Colorado for a question.

Mr. LA FOLLETTE. I appreciate that, and I know full well that no Senator can exercise the function of the Chair in yielding the floor to another Senator. I yield for a question.

Mr. JOHNSON of Colorado. I only want the floor for a minute. I desire to ask the Senator from Wisconsin a question. I have been trying to prepare an amendment to section 205 and one to section 201. I have not gotten the amendments framed as yet, but I wanted to ask unanimous consent to offer my amendments so that they may be printed and be on the desks of Senators at the next session of the Senate.

Mr. LA FOLLETTE. The Senator can do that at any time.

Mr. JOHNSON of Colorado. I do not know that I can do that if we recess. I thought we were going to recess right away.

Mr. LA FOLLETTE. I understand the Senator from Washington desires the floor to address the Senate, and I am sorry I have delayed him.

Mr. JOHNSON of Colorado. Mr. President, I ask unanimous consent to offer an amendment to section 205 and one to section 201, and have them printed to be on the desks of Senators tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, the amendments will be received and printed, and will lie on the table.

Subsequently Mr. JOHNSON of Colorado submitted amendments intended to be proposed by him to the bill (S. 2177) to provide for increased efficiency in the legislative branch of the Government,

which were ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

Amendments intended to be proposed by Mr. JOHNSON of Colorado to the bill (S. 2177) to provide for increased efficiency in the legislative branch of the Government:

On page 37 strike out lines 6 to 10, inclusive.

On page 37, after line 25, strike out the period at the end thereof and insert a comma and the following: "or to the staff or other personnel of any committee of the Senate or House of Representatives."

On page 39, beginning with line 16, strike out down to and including "office." in line 24 and insert in lieu thereof the following:

"SEC. 205. (a) Each standing committee of the Senate and the House of Representatives (other than the Appropriations Committees) is authorized to appoint by a majority vote of the committee four professional staff members in addition to the clerical staffs on a permanent basis without regard to political affiliations and solely on the basis of fitness to perform the duties of the office. Each such committee is further authorized to discharge by a majority vote of the committee any such professional staff member as it may see fit."

On page 40, beginning with line 3, strike out down to and including "office." in line 10 and insert in lieu thereof the following:

"(b) The Committee on Appropriations of each House and each subcommittee thereof is authorized to appoint by a majority vote of the committee not more than four professional staff members in addition to the clerical staff on a permanent basis without regard to political affiliations and solely on the basis of fitness to perform the duties of the office. Such committee is further authorized to discharge by a majority vote of the committee any such professional staff member as it may see fit."

REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE THE NATIONAL DEFENSE PROGRAM (PT. 6 OF REPT. NO. 110)

Mr. MITCHELL. Mr. President, as chairman of the Subcommittee on Aircraft and Light Metals of the Special Senate Committee Investigating the National Defense Program, I have the privilege of presenting to the Senate today the committee report on aircraft.

The ACTING PRESIDENT pro tempore. The report will be received and printed.

Mr. MITCHELL. Mr. President, the Special Senate Committee Investigating the National Defense Program from its very inception has been concerned with problems involved in the production of military aircraft. The committee has held numerous hearings, both executive and public. It has visited and inspected aircraft manufacturing facilities, modification centers, military and naval air force depots, and flying fields. It has explored all major aspects of wartime aircraft policy and production. The results of our committee investigations have been submitted to the Senate in annual reports, and in several interim reports devoted exclusively to aircraft.

The report which I now submit brings up to date the activities of the committee in this field. The purpose of the report, and the investigation which preceded it, is to examine the country's position at the end of hostilities with respect to a very important phase of our national economy, namely, the use of the air as a medium for both national defense and transportation.

The report is divided into three parts. The first part reviews briefly the record of aircraft production during the war, when the phenomenal number of 300,000 aircraft was reached, far exceeding the most optimistic estimates at the beginning of the program. An appraisal is made of the successes and failures encountered in the aircraft-production program for war purposes.

The second part of the report deals with the conversion of the aircraft industry to peacetime activities. It describes the sharp contraction experienced by the aircraft industry, which was enormously expanded during the war, and some of the measures taken by the industry for peacetime adjustment. The report points out here that the absence of a clear-cut national air policy in the face of so great and rapid a contraction has caused considerable doubt and confusion as to the course the industry should follow. Failure of the Government to set such a policy probably has resulted in substantial extra costs to the taxpayers and severe damage to the national economy.

The third part of the report deals with aeronautical research and development. It is generally agreed that development of the air, for security and commerce, is only in the pioneering stages. Continued national security and a healthy, vigorous economy require special emphasis on aeronautical research and development.

The statistical data cited in the report bear testimony to the tremendous wealth and productive power of the American economy organized for the grim and bloody battles of total war. The accomplishments represented are a tribute to the genius and flexibility of American industry, labor, and Government.

Withal, costly mistakes were made, paid for in blood and treasure. The terrific striking power generated by this amazing aircraft production represented a preponderance of physical power; it did not necessarily represent a preponderance of scientific knowledge. The brief account of German aeronautical research given in this report indicates that in some phases of aviation science, at least, the Germans had the edge on us.

Mr. President, in the furtherance of aeronautical research and development it is necessary that the Government take the initiative. The costly nature of this endeavor and the fact that it goes far beyond purely commercial applications create obligations on the part of Government which must be fulfilled with special care and diligence. The committee has reviewed these obligations of Government and has made recommendations for the improvement of scientific research and development in aviation. Upon this most vital phase of aviation depend the security of the United States and the maintenance of a vigorous aircraft industry.

In submitting this report, I do not want to leave the impression that the committee has ended work in aircraft. Our interest in this subject will continue as long as the committee exists.

Mr. President, I hope Senators will be able to read the entire report and give this matter the attention it merits. At this time I would like to read the 10 major conclusions of the report:

1. Actual and projected improvements in aircraft and missiles threaten to dissipate our historic natural defenses. We must, as a matter of vital national defense, devote sufficient attention and effort to scientific research and development in aviation and adequate aircraft productive capacity.

2. We may be justly proud of our war record of mass production of aircraft. The 300,000 airplanes produced exceeded by a wide margin the most optimistic expectations.

3. Notwithstanding the miraculous achievement of the aircraft industry, there were costly errors and unnecessary waste. The greatest handicaps to the development of our aerial arm in World War II were the almost complete lack of realistic preplanning by the responsible Government officials and the delay of the industry to avail itself of outside mass production facilities by subcontracting and licensing. The services also failed to investigate and clarify many of the problems of mass production.

4. Since hostilities ended, the wartime aircraft industry has made a remarkable adjustment to the severe reduction in aircraft production and has demonstrated ingenuity in converting to peacetime aircraft production and in switching to other civilian products. However, it must be borne in mind that the airplane industry has been deflated to the approximate size it was in December 1940. It would take 2 years to rebuild the industry to its productive capacity of September 1945.

5. We have not yet developed a clear and farsighted national policy in aircraft research and development. Furthermore, we have not set a policy for the level of production of military-type aircraft and the aviation productive capacity to be maintained in stand-by condition. In the opinion of the committee, this policy should have been established prior to the drastic cuts and termination of contracts on VJ-day. Then the problems of the aircraft industry in adjusting itself and in reconversion would have been easier. Moreover, the peacetime character of the industry could have been evolved more rapidly and at less cost. Here again is an instance of too little planning done too late.

6. Military procurement during peacetime should allow for the purchase of a sufficient quantity of models to conduct experimental and service tests expeditiously and to afford manufacturers an opportunity to work out problems of production engineering, planning, and tool design.

7. Our present facilities for aeronautical research and development are inadequate. The Government should encourage, by financial assistance and otherwise, the establishment of a body of qualified research and technical personnel and the acquisition of adequate scientific research and testing equipment so as to insure that the United States will maintain a position in the science of aviation second to none.

8. The National Advisory Committee for Aeronautics has made many valuable contributions to aviation during the past 30 years. However, in the last decade that agency, as well as the armed forces, has failed to exercise vigorous leadership in the field of aeronautical research and development. Furthermore, they have been slow in initiating and conducting research and development in such important phases of aviation as jet propulsion and guided missiles.

9. The National Advisory Committee for Aeronautics should be modified and ex-

panded, in the light of our war experience. Represented in its policymaking body should be all of the principal elements of our economy interested in furthering aviation science, especially groups which give promise of assuring more aggressive leadership in scientific research and development. The committee is of the opinion that a greater voice in the affairs and policies of the National Advisory Committee for Aeronautics should be given to representatives of the various branches of the aircraft-manufacturing industry.

10. We must establish clear lines of responsibility, coordination, and relationships between the armed services and the National Advisory Committee for Aeronautics and other governmental agencies and private industry concerned with air development.

Mr. MEAD subsequently said: Mr. President, as chairman of the Special Committee To Investigate the National Defense Program, I desire to pay my compliments to the able junior Senator from the State of Washington [Mr. MITCHELL] who this afternoon submitted to the Senate the report of his subcommittee on the matter of aircraft production, development, and research. Mr. President, under the able leadership of the junior Senator from Washington and with the assistance of the senior Senator from West Virginia [Mr. KILGORE] and the junior Senator from Michigan [Mr. FERGUSON], this subcommittee held exhaustive hearings in Seattle. They visited many aircraft plants throughout the Nation. They held hearings in the city of Washington. There appeared before the subcommittee representatives of the National Advisory Committee for Aeronautics, and officers of the Army and Navy who have to do with aircraft. In my judgment, their report is a very efficient and effective one, and it deserves the serious consideration of the Senate. In my judgment it is vital for the future security of the Nation that we add emphasis, as this report does, to the aviation program. As everyone knows, in the future aviation will be more important than it ever has been in the past and it will be more effective as a weapon of warfare. We have passed from airplanes with the standard type of engine to the jet and the rocket ships. The subcommittee's report leads the way to the proper consideration of that subject.

Therefore, I desire to thank the Senator from Washington and his associates on the subcommittee for the time, the thought, the consideration, the leadership, and the direction they have given to this subject. I hope the report will stimulate interest in aviation and in the aircraft industry generally.

OPA CONTROLS ON MEAT

Mr. HICKENLOOPER. Mr. President, Paul Porter, Price Administrator, is quoted in this morning's New York Times, with reference to the amendment to the Price Control Act as recommended by the Banking and Currency Committee, as follows:

> If the measure becomes law, effective price and rent control will end.
>
> Sixty percent of the consumer's food bill would be affected by the Senate committee's provision for removal of price controls from meat, dairy products, poultry, and eggs on July 1.
>
> How high meat prices would go is anybody's guess. A 40- to 50-percent rise seems probable. Even the industry concedes a 20 percent increase.
>
> Butter, cream, milk, and cheese prices would soar. As demand shifted from meat to poultry because of higher meat prices, poultry and egg prices would join the upward procession.

Mr. President, this statement is dangerous and disturbing even though I do not believe that any of Mr. Porter's dire prophecies will happen.

What concerns me, Mr. President, is that apparently Mr. Porter is a disciple of his predecessor, Mr. Chester Bowles; that apparently he, as does Mr. Bowles, believes that if an untruth is stated often enough and loud enough the public will finally accept such statements as facts.

Apparently Mr. Porter, as does Mr. Bowles, follows the new technique by which an administrative public servant through propaganda interferes or attempts to interfere with proper legislative functions of the Congress and does this with the rankest kind of pressure tactics.

Mr. President, I am beginning to be deeply concerned about the advisability of extending the Price Control Act in any form as a result of the apparent attitude of these administrators. It seems clear to me, Mr. President, that Mr. Porter, aside from his testimony before the Senate Committee on Banking and Currency when he said on May 10 last:

> I would say that we are in the business of keeping the law of supply and demand from working. There is no question about that—

Has indicated that he has no intention of ever permitting the country to return to a free economy.

Mr. President, it is a matter of common knowledge and has been proven by the OPA that an extensive and scandalous black market in meat and livestock has existed almost since the inception of price control and that the Government wartime controls which have been imposed upon the meat and slaughtering industries, over a 4-year period have been, in a large measure, responsible for the black market.

It is also a matter of common knowledge, that in spite of everything the Office of Price Administration has been able to do, the black market has continued to grow and has almost completely taken over the meat industry.

During the past 4 months numerous livestock producers, feeders, packers, distributors, and retail dealers have testified before the House Banking and Currency Committee, the House Committee on Agriculture, the Senate Committee on Agriculture and Forestry, and the Senate Committee on Banking and Currency establishing the existence of this country-wide, scandalous, and growing black market in meat.

All of the witnesses agreed, and both Agriculture Committees found, that the only way to eliminate the black market was to remove subsidies and all ceilings and controls from livestock and meat, and that if this were done, the cost of meat to consumers would be eventually reduced and the realization from livestock to producers would be increased.

If the Office of Price Administration, and especially Mr. Paul Porter, believed that the testimony given by the livestock and meat industry was not true, or that the remedy proposed—removal of controls—was not the proper one, or that, if controls were removed prices would exceed present black-market prices, he had the opportunity and it was his duty to present contrary evidence to one or all of the four congressional committees. In fact, Mr. Porter, to my knowledge, was expressly invited by the chairman of the Senate Committee on Agriculture and Forestry to present such evidence before that committee and he failed to do so.

Mr. President, it concerns me very much that a high administrative official and public servant such as Mr. Porter would fail, or refuse, to give congressional committees the benefit of any substantial contrary evidence that he might have, and on the other hand resort to the tactics that he has used.

When Mr. Porter says, "How high meat prices would go is anybody's guess. A 40 to 50 percent rise seems probable. Even the industry concedes a 20-percent increase." He deliberately makes a statement which is contrary to the evidence and seems to express a reckless opinion without any attempt to ascertain the facts.

Mr. President, the Senate Committee on Agriculture and Forestry, under the chairmanship of the distinguished Senator from Oklahoma [Mr. THOMAS], conducted an exhaustive investigation of the livestock and meat situation. On May 2 the Senator from Oklahoma filed, on behalf of the committee, its interim report. Paragraph 11 of the committee's findings reads as follows:

> Removal of price controls and subsidies from livestock and meat will stimulate the marketing of livestock and the production of meat, drive the black-market operators out of business, save untold waste, safeguard the public health, and make a large supply of meat available to all at a competitive price which will be lower than consumers are now paying as a result of the black market and subsidies.

Mr. STEWART. Mr. President, will the Senator yield?

Mr. HICKENLOOPER. I yield.

Mr. STEWART. The Senator is quoting from a report filed by the chairman of the Committee on Agriculture of the Senate.

Mr. HICKENLOOPER. Yes.

Mr. STEWART. I happen to be a member of that committee, and of course have some familiarity with the report. The Senator may quote further at length from the report, but I will say that the report states that it was found that the cattle population in the United States—and the emphasis was placed on meat—was about 79 or 80 million.

Mr. HICKENLOOPER. It is in that neighborhood.

Mr. STEWART. Yes. Which is near the all-time high.

Mr. HICKENLOOPER. That to all intents and purposes is equal to the all-time high. The figures may vary just a little.

Mr. STEWART. And the report shows that there exist the worst sort of black

market conditions throughout the country. The report also shows, as I recall, that many of the packing houses, particularly the smaller packing houses, are not able to purchase for slaughter even 10 percent of the cattle and hogs that they had been able to purchase in times gone by.

Mr. HICKENLOOPER. I believe the report shows that.

Mr. STEWART. Does not the Senator, who comes from a great agricultural State, agree that all this indicates the presence of one of the most serious conditions this country has ever faced?

Mr. HICKENLOOPER. We are facing substantial catastrophe in the meat business unless something is done. OPA has completely and utterly failed to do anything to correct the situation or to remedy it in the least. Therefore it will be up to Congress to do the job.

Mr. STEWART. I believe it was also pointed out in that report—at least there was evidence along this line—that by reason of the black market conditions and the clandestine and unlawful slaughtering which is taking place in most cases, the result is a tremendous waste. The slaughterer who slaughters under the tree—the "tree" slaughterer, as he is called—destroys the hide of the animal, which is valuable for leather. He does so because he does not wish to be caught. He buries the hide, burns it, or destroys it in some other manner. He destroys many other portions of the carcass of the beef. I had in mind one particular portion the name of which I cannot recall at the moment, which is used for the purpose of making insulin, a drug useful in the treatment of diabetes.

Mr. HICKENLOOPER. That is correct. Insulin comes from the pancreas of the animal. I might also suggest to the Senator that the thyroid glands, from which thyroid extract is made, are also being destroyed. The pharmaceutical bank in this country is almost at the bottom of its resources. In many places its resources are exhausted because the black market which is so extensively operating does not bother with the insides of the animal, which cannot be cut up into meat which is readily salable in surreptitious channels.

Mr. STEWART. Naturally, such slaughterers fear that they may be apprehended in their operations.

Mr. HICKENLOOPER. Let me say one thing further along that line. I intend to cover it later when we have under consideration the OPA bill. Today in the black-market operations in connection with meat there is far more wastage of meat than is represented by the entire demands, purchases, desires, or goals of this country for foreign shipments to relieve the needy. In addition to the waste of pharmaceutical materials, which are more or less byproducts, meat is being wasted in the black market today.

Mr. STEWART. At a time when we are being called upon to help feed the entire world.

Mr. HICKENLOOPER. Yes; and at a time when the Secretary of Agriculture himself says that we should liquidate 8,000,000 cattle out of our normal cattle supplies.

Mr. STEWART. I am glad that the Senator pointed out the low state of resources in the so-called pharmaceutical bank. As I recall, we did not go into that question particularly at the hearings, but it was referred to.

One thing further, and then I shall not interrupt the Senator again. Incidentally, I hope that he will give consideration to the bill introduced by the Senator from Nebraska [Mr. WHERRY] and myself, which would do away entirely with OPA as an agency.

Mr. HICKENLOOPER. I will say to the Senator that with the pressure techniques and the new philosophies of the Directors of OPA and the Office of Stabilization, his bill becomes increasingly attractive to me.

Mr. STEWART. I thank the Senator. I hope that from that bill we may evolve a law which may be worth something to the people of the country. As the Senator will remember, that bill has for its purpose, after abolishing OPA entirely, placing the control of foodstuffs under the Department of Agriculture, and only such foodstuffs as are in short supply.

Mr. HICKENLOOPER. That is very sensible.

Mr. STEWART. That expression has been used so much that everyone understands what it means. We all recognize that some control should be retained over rents. The bill would also place the control of rents and building materials under the National Housing Administrator; but with respect to building material, only when it is in short supply.

Incidentally, the bill provides that none of those who had anything to do administratively with the Office of Price Administration shall be employed by either of the agencies which carry on such controls as are necessary. We want to open up down there and give them a haircut.

Mr. HICKENLOOPER. That is a very comforting safeguard. I thank the Senator. It is not my purpose to discuss the question at length or in detail tonight. I am merely trying, in a very short time, to answer what I believe to be an unfounded and unwarranted statement, in an unauthorized and improper way, by the Director of OPA. Through the newspapers he talks about things which were never brought before the committees of the Senate, even after he was invited to do so. I believe that he is under obligation to bring such matters to our attention.

Mr. STEWART. I think the Senator has put his finger on one of the most important things we have to consider, and that is the philosophy of this agency. A moment ago the Senator quoted from the testimony of the Administrator, Mr. Porter, who stated that he conceived it to be his duty to prevent the law of supply and demand from working. I believe that in that statement we have the secret and the philosophy of the whole organization. It does not want the law of supply and demand, which we have always considered to be the basis upon which we operate this country's economy, to be effective.

Mr. HICKENLOOPER. I should like to read that language again to the Senator.

Mr. STEWART. I should like to hear it, for emphasis.

Mr. HICKENLOOPER. Mr. President, this is ominous language.

Mr. STEWART. Does not the Senator believe that it shows the philosophy of the organization?

Mr. HICKENLOOPER. That is correct.

Mr. STEWART. The Senator can no doubt remember numerous individual instances of the treatment accorded to his constituents, which have been called to his attention from his great State, showing the philosophy which is behind the operations of this agency.

Mr. HICKENLOOPER. I expect to cover that subject at a later date. However, to refresh the Senator's mind, let me read this language again. I shall have something to say about it later. I was present at the committee hearing when Mr. Porter stated, in reply to a question by the junior Senator from Colorado [Mr. MILLIKIN], who is a member of that committee:

> I would say that we are in the business of keeping the law of supply and demand from working. There is no question about that.

I do not have the quotation before me, but as I recall, the Senator from Colorado replied, in substance, "I have suspected that for a long time, but this is the first time I ever got anyone in your department to admit it." That was the general colloquy at that time.

Mr. STEWART. I thank the Senator.

Mr. HICKENLOOPER. I thank the Senator from Tennessee.

On page 7 of the agricultural report of the Senator from Oklahoma [Mr. THOMAS] the committee found:

> A representative of the Department of Agriculture testified before the committee that the Department had recently completed a study for the purpose of determining what advance over ceiling price would occur if all subsidies and controls were removed from livestock and meat and the conclusion is that meat prices at retail would advance from 10 to 15 percent, representing a savings of from 5 to 10 percent of what the consumer is now paying the black market, as well as the $750,000,000 being paid out annually in subsidies on meat.

That is the solemn conclusion, based upon facts, of a standing committee of the Senate which has investigated this vital question, and I believe that its conclusion should be accorded every reasonable credence.

Mr. President, the United States Department of Agriculture, whose duty it is to concern itself with agricultural problems and prices, has, through the Bureau of Agricultural Economics, conducted exhaustive studies as to what would happen if ceilings were removed from livestock and meats. Its findings are set forth in its publication The Demand and Price Situation, March 1946, on page 10, as follows:

> Present indications are that without ceilings retail meat prices would advance 15 to 20 percent.

A later statement, published on page 6 of The Livestock and Wool Situation,

March–April 1946, confirms the previous estimate, and says:

If price ceilings on meat were removed, the average retail meat price in the second half of the year probably would be 15 to 20 percent above present reported levels, and somewhat higher than this for the better grades and more desirable cuts.

On May 15, 1946, the University of Missouri's College of Agriculture, the United States Department of Agriculture cooperating, published the Farm Outlook, a study showing what in their opinion would happen if price ceilings and subsidies were removed. I quote from this report:

Current forecasts of consumer income and meat supplies indicate that without price ceilings retail meat prices would average 15 percent higher during the latter half of the year than present retail meat price ceilings. Thus, prices would rise slightly if price ceilings and subsidies to slaughterers—which are now equivalent to 10 to 15 percent of current prices—were withdrawn after June 30.

Mr. Clinton Anderson, Secretary of Agriculture, in his testimony before the House Committee on Agriculture on April 5, 1946, stated:

The removal of ceilings will result in a temporary rise which will put into the market a great many cattle which will in time bring it down again.

Mr. Marriner Eccles, Chairman of the Federal Reserve Board, when speaking before the House Committee on Banking and Currency, on February 25, 1946, stated:

I do not think the black market is the price you would pay if you had no price control. * * * It would more likely be lower, I should think.

Finally, Mr. President, the statement that—and I am quoting from Mr. Porter's news release of this morning—"even the industry concedes a 20-percent increase" is wholly false and untrue, in view of the expressions of opinion of the able and qualified experts and institutions of the United States to whom I have referred. The position of the industry is—and Mr. Porter would know these facts if he made any effort to ascertain them—that the law of supply and demand is now and has been for many months fixing the retail price of meat. The black market has completely taken over the meat business and has been charging the public all that the public is willing to pay for its meat. Reports of reputable, competent, and independent research agencies, based on surveys from coast-to-coast and border-to-border, show that the black market is charging consumers, on the average, 20 percent above OPA retail ceiling prices. It was the testimony of the witnesses for the industry and the findings of the Senate Committee on Agriculture and Forestry that if subsidies, ceilings, and controls were removed, meat would not cost consumers any more per pound than they are now paying.

Mr. President, it does not require an economist to know that the black-market chiselers are extorting the last penny from the consumers for their meat. This is possible because OPA controls, regulations, and directives have virtually padlocked the establishments of legitimate meat packers. The business is now being conducted by a host of black marketeers who are slaughtering in woodsheds, barns, and under trees. As a result, we have a serious maldistribution of meat and, in most large consuming centers, a meat famine.

It is clear, Mr. President, that if the controls are removed and if legitimate trade channels are reopened, there will be an abundance of meat in every retail store. Surely the consumers will not pay legitimate operators as much per pound for meat in abundance as they now pay the black market for a short supply. I submit, Mr. President, that if Mr. Paul Porter does not know this, he has no business holding any responsible public office which would permit him to tinker or interfere with the national economy.

Mr. President, I desire to have printed in the RECORD, in connection with my remarks, an article which appeared in the New York Times and to which I have referred.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SENATE OPA BILL SCORED BY PORTER—HE SAYS MEASURE WOULD END RULE OF FOOD PRICES AND RESULT IN INCREASED RENTS

(By John D. Morris)

WASHINGTON, June 6.—The Senate Banking and Currency Committee's bill to extend the Office of Price Administration for another year would eliminate control of food and clothing prices, and thus prevent rents from remaining at present levels, Paul Porter, Price Administrator, said today.

"If the measure becomes law, effective price and rent control will end," he said.

The committee corrected typographical errors in the bill today and ordered it sent to the Senate, still without a formal vote reporting it out.

The measure is scheduled to reach the floor on Monday, with Senator BARKLEY, of Kentucky, making the formal committee report as the result of the decision of Chairman WAGNER, of New York, to write a minority report.

The majority leader emphasized, however, that his action was not to be regarded as an endorsement of the bill as a whole or its various provisions.

The bill was reported out as a substitute for a House-approved measure which was also highly objectionable to the Office of Price Administration. Either of them would make continued price control impossible, according to Mr. Porter and Chester Bowles, Stabilization Director. Mr. Porter stated:

"Sixty percent of the consumer's food bill would be affected by the Senate committee's provision for removal of price controls from meat, dairy products, poultry, and eggs on July 1.

"How high meat prices would go is anybody's guess. A 40- to 50-percent rise seems probable. Even the industry concedes a 20-percent increase.

"Butter, cream, milk, and cheese prices would soar. As demand shifted from meat to poultry because of higher meat prices, poultry and egg prices would join the upward procession."

Mr. Porter asserted that in the scramble for limited supplies of grain the holding of grain ceilings would become virtually impossible, with the result that cereal, bread, and baked goods ceilings would go next.

"In the face of rising prices in so large a percentage of agricultural commodities, the maintenance of stable prices for the remainder would be impossible," he asserted.

A series of committee amendments designed to aid cotton growers and traders and textile manufacturers would cause a probable increase of at least $1,250,000,000 in clothing prices during the next 6 to 9 months, even if the price of raw cotton does not rise, Mr. Porter added.

Mr. HICKENLOOPER. Mr. President, I also ask unanimous consent to have printed at the conclusion of my remarks an editorial entitled "Meat Crisis Grows," published in the Chicago Journal of Commerce of June 4.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MEAT CRISIS GROWS

The meat shortage is rapidly growing worse. Last week, according to the American Meat Institute, 10 packing companies operated at 72 percent below their normal beef production.

These companies were able to buy only 29,300 head of cattle in contrast to 103,000 head handled in the corresponding week of 1945 and to the 139,500 made into beef in the same week of 1941. If the present trend continues as it has since the OPA slaughter quota-system went into effect, says the institute, there will soon be almost no beef for customers at honest prices.

Obviously the quota system is working as poorly as the industry predicted it would when the wartime regulations were reimposed 5 weeks ago. This is true even though some farmers are reported to be holding their cattle off the market until the fate of meat price controls is decided finally by Congress.

Meanwhile, the vast and complicated system of beef distribution is breaking down. The ranges where the cattle are bred continue to operate, but the Nation's feed lots, which produce about two-thirds of the meat sold by the retail butcher, cannot operate profitably at ceiling prices. Feed-lot owners are out of business or selling cattle above ceilings to the black market. The long-established packer is able to buy only a fraction of the animals he needs and is processing only 28 percent of last year's supply. Only 28 percent of the beef reaching retail markets is under OPA's control.

Not only are legitimate trade channels threatened with irreparable damage, but the Nation's health is being imperiled by the increasing amounts of insanitary beef coming from the illegal operators who buy and sell over ceiling. Furthermore, a shortage of insulin and other pharmaceutical products has arisen because the black market does not utilize the byproducts.

The black market's waste extends to many other fields. It is responsible in part for the soap shortage. It reduces the supply of fertilizer needed to grow the bumper crops which the world requires, and it curtails the supply of leather for shoes.

If any headway were being made in combating the black market in meat, there might be some superficial justification for continuing OPA controls over the packing industry. But, on the contrary, enforcement is losing ground weekly. Only free prices will stop the waste and the harm to the distributive system.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. GEORGE, from the Committee on Finance:

Sundry candidates for appointment and promotion in the Regular Corps of the United States Public Health Service.

The ACTING PRESIDENT pro tempore. If there is no further reports of committees, the clerk will proceed to state the nominations on the calendar.

DEPARTMENT OF STATE—NOMINATION PASSED OVER

The legislative clerk read the nomination of Charles Fahy, of New Mexico, to be legal adviser of the Department of State.

Mr. BARKLEY. Mr. President, that nomination will have to be passed over again, because of the absence of a Senator who is interested in it.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is passed over.

UNITED STATES PUBLIC HEALTH SERVICE

The legislative clerk proceeded to read sundry nominations in the United States Public Health Service.

Mr. BARKLEY. I ask unanimous consent that the nominations in the Public Health Service be confirmed en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations in the Public Health Service are confirmed en bloc.

THE NAVY

The legislative clerk read the nomination of Arthur H. Barlow to be assistant paymaster in the Navy with the rank of ensign.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

THE MARINE CORPS

The legislative clerk proceeded to read sundry nominations in the Marine Corps.

Mr. BARKLEY. I ask unanimous consent that the nominations in the Marine Corps be confirmed en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations in the Marine Corps are confirmed en bloc.

Mr. BARKLEY. I also ask unanimous consent that the President be notified forthwith of all confirmations of this day.

The ACTING PRESIDENT pro tempore. Without objection, the President will be notified forthwith of all confirmations of today.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 11 o'clock a. m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 40 minutes p. m.) the Senate took a recess until tomorrow, Saturday, June 8, 1946, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate June 7 (legislative day of March 5), 1946:

DEPARTMENT OF STATE

The following-named persons to be foreign-service officers, unclassified, vice consuls of career, and secretaries in the diplomatic service of the United States of America:

Robert M. Beaudry, of Maine.
Lewis D. Brown, of New York.
Edwin D. Crowley, of Virginia.
Alexander J. Davit, of Pennsylvania.
Robert B. Hill, of Massachusetts.
Edward W. Holmes, of Massachusetts.
Edward L. Johnson, of New York.
William E. Knight 2d, of Connecticut.
Thomas W. McElhiney, of Maryland.
John Y. Millar, of New York.
James O. Morgan, of Illinois.
Edward F. Rivinus, Jr., of Pennsylvania.
Richard Sears, Jr., of Massachusetts.
Forrest Shivers, of Georgia.
Joseph A. Silberstein, of New York.
David G. Sprague, of New York.
James S. Sutterlin, of Kentucky.

DEPARTMENT OF LABOR

John W. Gibson, of Michigan, to be Assistant Secretary of Labor.

Philip Hannah, of Ohio, to be Assistant Secretary of Labor.

David A. Morse, of New Jersey, to be Assistant Secretary of Labor.

IN THE NAVY

Civil Engineer Ben Moreell to be a civil engineer in the Navy, with the rank of admiral, for temporary service.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 7 (legislative day of March 5), 1946:

UNITED STATES PUBLIC HEALTH SERVICE

PROMOTIONS IN THE REGULAR CORPS

To be senior assistant dental surgeons

Joseph E. Unsworth
Carl E. Johnson

IN THE NAVY

APPOINTMENT IN THE NAVY

Arthur H. Barlow to be an assistant paymaster in the Navy with the rank of ensign, from June 5, 1946.

IN THE MARINE CORPS

APPOINTMENTS IN THE UNITED STATES MARINE CORPS

To be captain

Robert C. Walton

To be first lieutenants

William C. Capehart
Robert A. Harvey
Walter R. Lytz

To be second lieutenants

Frank J. Ervin
Jack A. Witherspoon
Lee M. Alford, Jr.
Frederick W. Barnes
Benson A. Bowditch
Richard J. Buckley
Robert A. Byrne
Louis F. Capalbo
Horace W. Card, Jr.
Merritt E. Chesnut
Gildo S. Codispoti
Willis L. Fairbanks
Neal J. Griffith
Charles H. Horn
Alfred H. Hughes
Louis R. Largey
James F. Lawrence, Jr.
Howard M. Lee
Robert E. Lorigan
Junius M. Louder, Jr.
Charles L. McIndoe
Richard Morton
John N. Petosis
Gilbert N. Powell
Robert C. Rann
Warren H. Simpson
Elmer L. Starr
John R. Stevens
Ralph L. Widner
Robert S. Wilson
Thomas S. Witherspoon
Arthur H. Auvil
Edward J. Baum
William E. Brandon
Marshall S. Campbell
Nathaniel H. Carver
DeWitt S. Cheney
Ralph L. Cormany
Jack M. Daly
James C. Flack
Edward L. Fossum
James R. Fury
Dene T. Harp
Thomas R. Hickey, Jr.
Cloyd V. Hines.
Warren G. Hopkins
Edgar J. Jenkins
Elmer A. Krieg
Kenneth C. Langness
Joseph E. Loprete
Joseph W. Lucker
Donald S. McClellan
Robert C. Messman
William T. Miller
Harry F. Painter
Walter L. Persac
Stephen Shervais
Richard M. Taylor
Robert L. Toombs, Jr.
Milton C. Cargill, Jr.
James K. Dant
Richard H. Griebel
Clyde M. Hardy
James M. Hayes
Norman W. Hickes
Curtis A. James, Jr.
John B. Jeremiah
Charles "P" Kidd
William F. Koehnlein
Winslow E. Lewis
Delmar W. Maddox
Gordon E. Nelson
William J. Noonan
Jacob M. Pearce, Jr.
Lester F. Reid
Billy H. Snyder
Edmund Valdes
Paul A. Vnencak
Marvin D. Volkert
John A. Waters
Wilbur H. Youngman, Jr.
Christian C. Lee
Allan H. Ringblom
Harry F. Schwetheim
Tillman E. Bishop
Neal "A" Boortz
Frank T. Boyd
Gerald Brown
Neely D. Butler, Jr.
Wiley E. Haverty
Frederick "E" Hughes
Charles W. Korf
Robert H. Mitchell
John E. Palmer
Wilbur G. Patton
Donald M. Peterson
Michael T. Savino
Thomas J. Saxon, Jr.
Summerfield M. Taylor, Jr.
Marshall R. Tutton
Robert W. Wilson
Eugene H. Winchester
Elmer Amundson
Walter M. Atherton
Deane M. Barnett
LeRoy C. Barton
Gilbert K. Baumgart
Richard W. Benton
Vernon W. Bruce
Donald M. Bicomer
Robert L. Bolt
Charles A. Broudy
Charles S. Brown
Robert B. Clay
Richard W. Cline
Bertram "E" Cook, Jr.
Carl Coon
Charles H. Coppedge
Leo J. Corboy, Jr.
John D. Cotton
George M. Dauphine
George L. Davis, Jr.
Oliver R. Davis
John DeCloud
William E. Deeds
Joseph B. DeHaven
Raymond E. Demers
Rex C. Denny, Jr.
Eugene W. Derrickson
Everett J. Dickerman
Robert E. Dunk
Joseph Egan
Austin C. Fitzgerald
James W. Ferris
Donald H. Foss
Edward J. Geishecker
Donald M. Gibson
Daniel P. Githens, Jr.
Charles E. Gocke, Jr.
Nolan A. Green
William L. Hall
Howard W. Hambleton
Harold W. Hawkins
William R. Hodgson
Harry Hunter, Jr.
Robert King, Jr.
Joseph F. Kirby, Jr.
Lenhrew E. Lovette
William G. Lowndes
Willis Lutz
James H. Magill
Hugh L. Marsh
John B. Mason
Lyle S. McCabe
John McCabe
Alfred F. McCaleb, Jr.
John J. McShane
Otis E. Millenbine
Donald C. Mitchell
Lawrence E. Mock, Jr.
Edgar A. Monroe
Cornelius T. Montgomery, Jr.
Roger A. Morris
Gene "W" Morrison
Robert J. Morrison
George E. Mouzakis
Thomas H. Nichols, Jr.
Donald A. Panska
William C. Parker, Jr.
Burton S. Pearsall
Armando R. Petrino
John E. Purvis
Gordon R. Reier
Raymond J. Rightmyer, Jr.
Max H. Rosecrans
Marvin R. Russell
Robert Sabot
Clifford G. Schmillen
Albert C. Schoner
Allen R. Semb
Clifford E. Severson
William Shanks, Jr.
Larry D. Slattery
Edward D. Smith
Laurence J. Stien
James F. Thomas
Thomas B. Trammell

Walter W. Vatcher
Frederick A. Vernon
Edgar C. Vernon
Burks A. Via
Herbert R. Waltz
Raymond F. Webb
Donald B. Welsh
Myron P. Wieczorek
Dean Wilker
Richard A. Winters, Jr.
Robert J. Wright
Neil F. Defenbaugh
John E. Dornbach
Harold L. Haley
Gordon K. Jackson
Danny "W" Johnson
Benhard Kemper
Joseph W. Krewer
Robert A. Longstaff
Ernest R. Olson
Donald R. Oseid
Martin T. Wagenhoffer
"J" "E" Wellman
Marshall R. Breedlove
John P. Wilbern
Anthony A. Akstin
Jack N. Arbolino
William E. Baugh
Joe P. Cain
John A. Conway
Joseph A. Donovan
John V. Downs
John K. Hogan
Milton A. Hull
Thomas J. Matthews
Paul M. Smith
Bernard G. Thobe
Bennett W. Alford
James W. Bateman
Patrick D. Boyle
Wilbur J. Buss
Robert W. Hamilton
States R. Jones, Jr.
William A. Kerr
Edward L. Lewis, Jr.
John H. Maher
William T. Phillips
Mark A. Rainer, Jr.
Marshall Salvaggio
Elmo J. Stingley
Robert B. Allen
Robert W. Calvert
Michael P. Carroll
Robert L. Davis
Roswell S. Frichette, Jr.
Daniel J. Griffith, Jr.
Robert G. Parrish
Harold L. Parsons
Arthur J. Poillon
Linus F. Pottebaum
Lester D. Sperry
John B. Wenger
Edward L. Barker
Grover R. Betzer
James J. Larkin
Daniel C. Smith
Vincent J. Smith
Harry A. Stahlstrom
Russell A. Andres
Donald L. Boudreaux
James T. Cotton
Richard J. Fellingham
Norman L. Hamm
Philip J. Keleher
James W. Nelson
Leland C. Ritter
Brett E. Roueche
James W. Smith
Oran L. Stephenson, Jr.
John H. Barclay
Nathaniel Morgenthal
George A. Rickert
Jackson C. Turnacliff
Richard R. Bucher
John A. Creamer
John T. Fey
Lawrence L. Graham
Charles H. Greene, Jr.
Hubert J. Hamlin
Robert W. Hengesbach
David H. Lewis
Paul F. McLellan
Carl A. Nielsen
Eugene J. Robinson
John C. Shelnutt
William C. Stoll, Jr.
Paul C. Trammell
George G. Abadie
Richard N. Aufmann
Gilbert D. Bradley
George H. Cearley, Jr.
James O. Clouser
Maurice A. David
John K. Diveny
Donald T. Doxey
Aldor B. Elmquist
Edward S. Fris
Eugene W. Geniesse, Jr.
John M. Jagoda
Kenneth M. Nix
Thomas W. Pearson
Arthur L. Sherbondy
William M. Sigler, Jr.
William L. Walker
Ross H. Beatty
Dorsie H. Booker, Jr.
Allen B. Clark
Franklin R. Chambers
John A. Daskalakis
Jack N. Dillard
John P. Errett
George D. Gillians
Harold F. Haupt
Robert H. Moore
Charles W. Noah
Herman Nolte
John E. Rich
Leo R. Ryan
Robert F. Young, Jr.
Richard W. Batdorff
Thomas M. Coles
Loren D. Everton
Roy R. Hewitt
Norman R. Nickerson
Charles D. Garber
Theodore J. Horner
Robert L. Milling
Clyde S. Stewart
James R. Turner
Gerald C. Armstrong
William H. Bortz, Jr.
Byron M. Burbage
John Callahan
William C. Carlson
Robert H. Cook
Otis W. S. Corman
Keith W. Costello
Lawrence R. Denham
William L. Devinney
James G. Fox
Donald J. Hallameyer
Welsie T. Howton, Jr.
John R. Hyneman
James K. Johnson
Chester M. Lupushansky
Kenneth L. Mann
Eugene W. Nelson
Russell G. Patterson, Jr.
John L. Read
Walter L. Redmond
David S. Reid III
John E. Shields
Roscoe R. St. John
Patrick J. Dayson
Donald E. Gillespie
John L. Hamilton, Jr.
Frank H. Horn
Arthur F. Shupe
George M. Smith
Thomas B. Wadsworth

HOUSE OF REPRESENTATIVES

FRIDAY, JUNE 7, 1946

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Lord God of mercy, as we bow in this sacred stillness, hear us and forgive. As we live in Thy presence, so we live in Thy strength. In this benediction of love is a fresh reason why we should delight in Thee and acknowledge our daily blessings as Thy bountiful gifts. Heavenly Father, come with us; give us Thy guidance, that we may not indulge in intemperate speech or in pride or willfulness. O keep our whole lives in fellowship with the things above; these blessings will be a precious discipline against the day of friction and the hour of humiliation. Bless all of us with good health, and be pleased to give direction to the deliberations of this day. We pray in the name of our Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H. J. Res. 347. Joint resolution to correct a technical error in the act approved April 18, 1946 (Public Law 347, 79th Cong., 2d sess.).

The message also announced that under authority of Senate Concurrent Resolution 58, entitled "Concurrent resolution relative to representation of the Congress at a meeting of the Empire Parliamentary Association at Bermuda in June 1946," the President pro tempore of the Senate appointed Mr. GREEN, Mr. FULBRIGHT, Mr. FERGUSON, and Mr. WILEY as the Members of the Senate to attend the meeting of the Empire Parliamentary Association at Bermuda, beginning June 10, 1946, and designated Mr. GREEN as the chairman of the delegation.

SETTLEMENT OF INDUSTRIAL DISPUTES

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill H. R. 6578, an act to provide on a temporary basis during the present period of emergency for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace, with Senate amendments, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker.

Mr. MARCANTONIO. I object.

Mr. MARTIN of Massachusetts. Will the gentleman allow me to reserve the right to object?

Mr. MARCANTONIO. I withdraw the objection temporarily.

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, I would like to ask the distinguished majority leader with reference to this legislation. When this bill was before the House the President demanded the bill because, as he said, the preservation of the Government required its enactment. There were several serious strikes pending and a crisis existed. Since then the strikes have been settled. My question is this: In view of the fact that that legislation was passed without assignment to a committee, with no hearings and no opportunity for amendments, would it be possible for the conferees, if appointed, to give a hearing to the different parties that they might present their views concerning the bill?

Mr. McCORMACK. Of course, I am unable to answer that question. That would depend upon the action of the conferees of both branches. Of course, it is most unusual, as the gentleman knows, but, of course, it could be done.

Mr. MARTIN of Massachusetts. The whole action on the legislation, of course, has been unusual.

Mr. McCORMACK. Yes; that is true.

Mr. MARTIN of Massachusetts. Which would be an argument in favor of an opportunity for hearings.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield.

Mr. RANKIN. Of course the situation was unusual. These strikes are unusual. I want to ask the gentleman from Massachusetts this question: Would the inquiry of the gentleman from Massachusetts [Mr. MARTIN] also cover the maritime strike——

Mr. MARCANTONIO. Mr. Speaker, I object. I am not going to get into the maritime strike.

The SPEAKER. Objection is heard.

EXTENSION OF REMARKS

Mr. BLAND. Mr. Speaker, I ask unanimous consent to have printed in the RECORD at this point the report of the Board of Visitors to the United States Coast Guard Academy.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The matter referred to is as follows:

CONGRESSIONAL BOARD OF VISITORS TO THE UNITED STATES COAST GUARD ACADEMY, 1946

MAY 27, 1946.

The PRESIDENT OF THE SENATE.
The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

GENTLEMEN: Pursuant to the act of July 15, 1939 (Public, No. 183, 76th Cong., 1st sess.), the following Senators and Members of the House of Representatives were designated in January of this year to constitute the 1946 Board of Visitors to the United States Coast Guard Academy.

SENATORS

Hon. JOSIAH W. BAILEY, ex officio member, chairman of the Commerce Committee of the Senate.

Hon. CHARLES C. GOSSETT, appointed by Senator BAILEY.

Hon. WILLIAM F. KNOWLAND, appointed by Senator BAILEY.

Hon. JOHN L. MCCLELLAN, appointed by Senator KENNETH MCKELLAR, President pro tempore of the Senate.

REPRESENTATIVES

Hon. SCHUYLER O. BLAND, ex officio member, chairman, Merchant Marine and Fisheries Committee.

Hon. FRANK W. BOYKIN, appointed by Representative BLAND.

Hon. JAMES DOMENGEAUX, appointed by Representative BLAND.

Hon. CHRISTIAN A. HERTER, appointed by Representative BLAND.

Hon. RALPH W. GWINN, appointed by Representative SAM RAYBURN, Speaker of the House.

Hon. Mrs. CHASE G. WOODHOUSE, appointed by Representative SAM RAYBURN, Speaker of the House.

Hon. HUGH PETERSON, of Georgia, was appointed by Representative BLAND in place of Representative DOMENGEAUX, who resigned.

On May 3, 1946, the following Members left Washington, D. C., via the Pennsylvania Railroad, on the Colonial, at 9 a. m.: Hon. WILLIAM F. KNOWLAND, Hon. SCHUYLER O. BLAND, Hon. CHRISTIAN A. HERTER, and Hon. Mrs. CHASE G. WOODHOUSE. They were accompanied by Admiral J. F. Farley, Commandant of the United States Coast Guard, Commodore Ellis Reed-Hill, Capt. A. C. Richmond, and Lt. Comdr. C. W. Schuh. After arrival in New London, Conn., late in the afternoon, the Board was joined by Representative GWINN.

The visit of the Board this year marked the seventieth anniversary of the Academy as a national institution, its genesis having been the establishment of a school of prospective officers of the old Revenue Cutter Service in 1876. Originally located in New Bedford, Mass., the school was moved to Baltimore in 1900 and to New London 10 years later. The physical plant of the Academy at New London was authorized by congressional appropriation in 1929, and the buildings were completed in 1932. In 1940 the Academy was accredited by the Association of American Universities and awards the degree of bachelor of science. The facilities of the Academy were expanded in 1941 to meet the increased needs of the service. Since the Coast Guard is a military service, operating under the Treasury Department in time of peace and under the Navy Department for the duration of national emergencies, the discipline of the Academy is military in nature and the curriculum is based on marine and engineering subjects but includes also such general college subjects as languages, literature, history, government, science, and law. In view of the increased Coast Guard activities relating to the merchant marine, added emphasis has been given to maritime law and economics. The wartime demands made upon the service have required the introduction of these courses, but the Academy remains an engineering college of the highest standing. The prescribed course requires 4 years to complete.

The program previously arranged by Rear Adm. James Pine, superintendent of the Academy, was carried out and at 7:30 p. m. the cadet battalion was paraded, following which, the Board was entertained at dinner in the Officers' Club attended by the senior officers of the Academy. After dinner, service motion pictures were shown, illustrating Academy life and the carrying on of general service duties.

Saturday morning, May 4, was given over to a thorough inspection of the various departments of the Academy with demonstrations of the methods of instruction used. The entire physical plant was inspected and upon the completion of this, the party reviewed the cadet battalion at 12:15 p. m. Luncheon was then served for the board of visitors and each member was seated in the cadet mess hall with cadets from his State or district. At 2 p. m. the formal meeting of the Board was held in the Academic Board room. At 4 p. m., the band and guard rendered honors at the flagpole after which the party entrained for Washington, arriving at 11 p. m. that evening.

At the official meeting of the Board at 2 p. m. on Saturday, the Hon. WILLIAM F. KNOWLAND, Senator from California, was elected chairman following the prccedure of electing a Senator and Representative on alternate years as chairman. Commodore Reed-Hill acted as official secretary and recorder.

The Superintendent of the Academy was invited to appear before the Board and submitted his report, a copy of which is attached hereto. The Superintendent went into considerable detail explaining this report and replying to questions of the Board. Following the Superintendent, Capt. Edward B. Harp, Jr., United States Navy, the Academy chaplain, was invited to appear and discuss the need for a chapel for the Academy, which has appeared as a recommendation of several previous Boards of Visitors. The chaplain expressed to the Board the keen interest of the Cadet Corps as a body, in religious activities with which he was charged, and stated the difficulties and handicaps with which he was faced in not having a chapel on the reservation. He stressed the importance of the Academy and the work it is doing and how much a chapel and memorial building would mean to the Cadet Corps. Upon completion of their statements and the Board's discussion of the matters under consideration, the Board adopted the following recommendations:

(a) That the necessary steps be taken to acquire for the use of the United States Coast Guard Academy the properties known as the College Heights housing development.

(b) That the Superintendent and proper officers of the Academy be authorized to proceed to change the entrance gate on Mohican Avenue and to advise with the State and local authorities to eliminate the traffic hazard as far as possible.

(c) That proceedings be instituted to acquire the land necessary to build a chapel and the architectural services required.

(d) That the water-front development recommended in the report of the Board of Visitors last year is renewed:

1. That the water-front area east of the railroad tracks be bulkheaded and filled to provide additional playing fields for baseball, soccer, and football.

2. That a rigging-loft building to take care of the storage of sails and equipment of the Academy's sailing fleet be constructed on this filled area.

(e) That the boathouse on Jacobs Rock, on which construction was stopped at the beginning of the war, be completed as planned when materials are available.

(f) That a new wing to Satterlee Hall be completed to contain a lecture hall, drafting room, and additional facilities for physics and chemistry.

(g) That proceedings be instituted for the appropriation of $50,000 for an addition to McAllister Hall to accommodate a new ship's boiler.

Before adjourning from this meeting, Cadet Battalion Commander W. O. Henry was requested to appear before the Board. All officers and personnel connected with the administration of the Academy were excused from the meeting while the Board interviewed this cadet.

The Chairman of the Board expressed the feeling of the Board as having been favorably impressed by the very high standards of the Coast Guard Academy and that it is a splendid institution, and one in which the Board will take a great interest in the years ahead. The Board expressed its interest in practical methods to publicize the advantages to a young man of an education at the Coast Guard Academy and a career in the Coast Guard.

Respectfully submitted.

WILLIAM F. KNOWLAND.
SCHUYLER O. BLAND.
CHRISTIAN A. HERTER.
CHASE G. WOODHOUSE.
RALPH W. GWINN.
ELLIS REED-HILL,
Secretary.

SUPERINTENDENT'S REPORT TO THE CONGRESSIONAL BOARD OF VISITORS

NINTH ANNUAL MEETING, MAY 3–4, 1946

Since last year's meeting of the Board of Visitors on May 4 and 5, 1945, the principal occurrences have been the discontinuance of all wartime training in August 1945, the return of the Coast Guard to the Treasury Department on January 1, 1946, and the rapid demobilization of the service subsequent to these events. During the year committees acting for the Philippine, Chinese, and Indian navies visited the Academy for the purpose of studying its curriculum and methods in connection with the establishment of officers' training schools in their respective countries.

The return of the Coast Guard to the Treasury Department placed on a peacetime basis the performance of the civil functions of the service. Many of the wartime responsibilities still continue, however. Even now the Coast Guard is manning many Navy transports, DE's, and other vessels. The performance of civil functions of the Coast Guard in the fields of law enforcement and maritime safety have been made more difficult by the increased demands resulting from the expansion of transoceanic flying necessitating additional airplanes, weather patrol and station ships, increased air-sea rescue facilities and by the technical advances in communications in loran and direction-finding techniques requiring increased personnel and facilities. The service has been faced with many problems in connection with the maintenance of efficient performance of its civil functions while continuing these wartime duties and, at the same time, releasing almost 90 percent of its total personnel and redeploying a large percentage of the remaining personnel of the service. This redeployment is complicated by the fact that the service has operational responsibilities in peacetime as well as in war and in the transition period between war and peace, both responsibilities continue. The public which it serves is mindful of the difficulties of the Coast Guard's present situation. As stated in an editorial in the New York Times, April 25, 1946, "Through its long history it has earned its salt in peace. In the war it was second to no armed service in valiant performance."

The Academy faces similar problems. Although the training of reserve officers under the wartime program was discontinued immediately after the cessation of hostilities, the training of regular cadets has continued without change. Release of reserve officers and enlisted personnel in connection with demobilization has reduced the officer personnel from 138 to 65 and the enlisted personnel from 709 to 326.

Regular cadets

There are at present three classes of regular cadets. The class of 1947, due to graduate on June 5, 1946, is the last class under the 3-year war curriculum. The classes of 1948 and 1949 are on the revised 4-year curriculum (copy attached). No graduation is scheduled for 1947. Statistics for the 3 classes now under instruction are as follows:

Class 1947:	
Number entered	151
Remaining May 1	103
Resignations pending	0

Class 1948:
- Number entered 157
- Remaining May 1 74
- Resignations pending 0

Class 1949:
- Number entered 145
- Remaining May 1 113
- Resignations pending 2

Regardless of the final determination of the authorized postwar officer strength of the service, it would seem that a minimum of 150 cadets should be appointed to the Academy each year for a number of years to come. This number will probably be required to replace the increased numbers of officers who will be retired for both age and physical disability brought about by several years of war service. Examination of records for several years after the Spanish-American and World War I indicates an attrition of officers several times the normal peacetime attrition. This increase will probably be even greater following this war because of its length and the very arduous duty performed by officers of all ages and ranks. A further difficulty may be anticipated in obtaining a sufficient number of interested and qualified candidates for cadetship. The number applying this year is less than half of those who applied last year. However, it is believed that practically all of those applying this year are interested in the Coast Guard as a permanent career in peace as well as war, and not interested in the Coast Guard as just another of the four military services.

The revised 4-year curriculum referred to above, which takes into account the changed requirements resulting from the expanded functions and technical advances of the war years, has been approved. A simplification of the administrative set-up, decreasing the number of departments of instruction from 10 to 6, has also been placed in effect. Other plans have been prepared and await determination of postwar size and budget of the service before being approved.

As a result of studies which are still continuing, improved methods of selection of candidates have been put into effect. It is expected that these methods will decrease the attrition after appointment.

Another factor which will affect the number of applicants is a decrease in the advantages offered young men to attend the Coast Guard Academy as well as the other military academies relative to entry in civilian education institutions. With education at Government expense available to former GI's in civilian institutions, there is less incentive for them to apply for cadetships at one of the Government military academies under rigid military discipline and with difficult academic and physical requirements. Increased cost of uniforms, textbooks, and other items required by the cadets have decreased the very limited allowances available to them for other purchases. For the above reasons, it is believed that cadet pay should be included in any pay increase which may be given the military services.

Within the past year 97 regular cadets and 148 Reserve officer candidates have been commissioned—a total of 245 officers. During the war the Academy trained and commissioned 376 Regular cadets, 4,726 Reserve officer candidates, including 830 of the Women's Reserve, a total of 5,102 officers at the rate of about 1,700 a year.

A plan for the procurement and education of Coast Guard officers was submitted to the Commandant on January 2, 1946, by a board of which the Superintendent was chairman. This plan, which provides a basic pattern extending throughout an officer's career, has not been released by headquarters pending the establishment of a definite personnel authorization and budget for the fiscal year 1947.

No action has been taken on the recommendations made by the Board of Visitors last year with the exception of a replacement for the training ship *Danmark* which has been returned to the Danish Government after 3 years' war service at the Academy. As a replacement the former German training ship *Horst Wessel* has been allocated, renamed *Eagle*, manned by a Coast Guard crew, and is expected to sail from Bremen next month.

Recommendations

The following recommendations, which received the approval of the Board of Visitors last year, are renewed:

1. Water-front development:

(a) That the waterfront area east of the railroad tracks be bulkheaded and filled to provide additional playing fields for baseball, soccer, and football.

(b) That a rigging loft building to take care of the storage of sails and equipment of the Academy's sailing fleet be constructed on this filled area.

(c) That the boathouse on Jacob's Rock, on which construction was stopped at the beginning of the war, be completed as planned when materials are available.

2. Satterlee Hall, Science Wing: That a wing to contain a lecture hall, drafting room, and additional facilities for physics and chemistry be added to Satterlee Hall.

3. Chapel and memorial building:

(a) That a chapel and memorial building, as recommended by the Board of Visitors on three previous occasions, be constructed on lands to the south of the Academy.

(b) As the land needed for this purpose adjoins and includes the logical site for future officers' quarters it is again recommended that the land be acquired and an architectural competition be held for the whole project.

4. College Heights housing development: That the 50 double houses built by the FHA be transferred to the Academy for occupancy by officers and enlisted men attached to the Academy. Academy personnel now occupy 30 of these houses on a rental basis. Other units as they become available are filled from a waiting list.

5. Entrance gate: That the entrance gate recommended in last year's report be built in order to remedy a dangerous traffic situation.

New Recommendation

An allotment made for an addition to McAllister Hall (the engineering building) to accommodate a new ship's boiler was rescinded under the first rescission bill last year. It is recommended that funds for this project be allowed in order that the equipment, which is available and awaiting installation, may be utilized.

The Superintendent wishes to avail himself of this opportunity to thank the Board of Visitors for their interest in the Academy and for their helpful attitude toward its problems.

JAMES PINE,
Rear Admiral, USCG, Superintendent.

U. S. Coast Guard Academy, 4-year curriculum

FOURTH CLASS YEAR

Preliminary term (6 weeks):

English grammar	3– 0
Coast Guard history and administration	2– 0
Small arms	0– 2
Trigonometry	6– 0
Seamanship	0– 3
Engineering drawing	0– 3
Navigation	1– 3
Military science	0– 3
Physical education	0– 3
	12–17

Cruise (3 weeks).

First term (16 weeks):

English composition	2– 0
History and literature	4– 0
Analytic geometry and differential calculus	4– 0
Physics	3– 3
Engineering drawing and descriptive geometry	1– 3
Hygiene	1– 0
Military science	0– 3
Physical education	0– 3
	15–12

Second term (16 weeks):

Geography	2– 0
History and literature	4– 0
Calculus	4– 0
Physics	3– 3
Engineering drawing	0– 3
Navigation	1– 3
Military science	0– 3
Physical education	0– 3
	14–15

THIRD CLASS YEAR

Summer term (10 weeks): Cruise.

First term (16 weeks):

History and literature	4– 0
Calculus	3– 0
Physics	3– 3
Mechanics	3– 0
Chemistry	2– 3
Military science	0– 3
Physical education	0– 3
	15–12

Second term (16 weeks):

History and literature	4– 0
Calculus	3– 0
Physics	3– 3
Mechanics	3– 0
Chemistry	2– 3
Military science	0– 3
Physical education	0– 3
	15–12

SECOND CLASS YEAR

Summer term (6 weeks):

Navigation	2– 3
Surveying	0– 6
Aviation	3– 0
Seamanship	0– 6
Mechanisms	0– 4
Machine tool laboratory	0– 6
Physical education	0– 3
	5–28

Summer term (4 weeks): Aviation training at air stations.

First term (16 weeks):

Government and economics	4– 0
Seamanship	2– 0
Differential equations	2– 0
Electrophysics	2– 3
Strength of materials	3– 0
Heat-energy analysis	3– 0
Military science	0– 3
Physical education	0– 3
	16– 9

Second term (16 weeks):

Government and economics	4– 0
Navigation	2– 0
Electrical engineering	3– 0
Properties of materials	3– 3
Heat-energy analysis and fluid mechanics	2– 3
Military science	0– 3
Physical education	0– 3
	14–15

FIRST CLASS YEAR

Summer term (10 weeks): Cruise: April 20, 1946.

First term (16 weeks):

Law	2– 0
Naval architecture	2– 0

FIRST CLASS YEAR—continued

First term (16 weeks)—Continued

Navigation	2- 3
Power engineering (steam)	3- 3
Ordnance	2- 3
Electrical engineering	3- 3
Military science	0- 3
	14–15

Second term (16 weeks):

Law	3- 0
Ship design	1- 3
Seamanship	3- 0
Power engineering (I. C. E.)	3- 3
Gunnery and ballistics	2- 3
Maritime economics	3- 0
Military science	0- 3
	15–12

U. S. Coast Guard Academy 4-year curriculum

Year	Fourth class			Third class			Second class			First class			Semester hours	
Term	P	1	2	S	1	2	S	1	2	S	1	2		
Weeks	6	16	16	10	16	16	6	16	16	10	16	16		
English grammar and composition	3- 0	2- 0											50	
History and literature	2- 0	4- 0	4- 0		4- 0	4- 0							268	
Geography			2- 0										32	
Government and economics								4-0	4- 0				128	478
Trigonometry	6- 0												36	
Calculus		4- 0	4- 0		3- 0	3- 0							224	
Mechanics					3- 0	3- 0							96	
Differential equations								2-0					32	388
Physics		3- 3	3- 3		3- 3	3- 3							256	
Chemistry					2- 3	2- 3							96	
Electrophysics								2-3					48	400
Navigation	1- 3		1- 3				2- 3		2- 0		2- 3		142	
Surveying							0- 6						12	
Seamanship	0- 3						0- 6	2-0				3- 0	98	
Ordnance, gunnery, and ballistics	0- 2										2- 3	2- 3	100	
Maritime economics												3- 0	48	
Law											2- 0	3- 0	80	
Aviation							3- 0						18	498
Engineering drawing and descriptive geometry, and mechanisms	0- 3	1- 3	0- 3				0- 4						64	
Naval architecture and ship design											2- 0	1- 3	64	
Machine-tool laboratory							0- 6						12	
Strength and properties of materials								3-0	3- 3				112	
Heat-energy analysis								3-0	2- 3				96	
Power engineering											3- 3	3- 3	128	
Electrical engineering									3- 3		3- 3		128	602
Physical education	0- 3	0- 3	0- 3		0- 3	0- 3	0- 3	0-3	0- 3				102	
Military science	0- 3	0- 3	0- 3		0- 3	0- 3		0-3	0- 3		0- 3	0- 3	134	
Hygiene		1- 0											16	252
Total	12-17	15-12	14-15		15-12	15-12	5-28	16-9	14-15		14-15	15-12		2,618
Semester hours	18	19	19		19	19	14	19	19		19	19		

Transitional curriculum class of 1948

	Second class			First class		
	S	1	2	S	1	2
	6	16	16	10	16	16
Government			4- 0			
Mechanics		3-0				
Differential equations		3-0				
Chemistry		3-0				
Electrophysics		2-3				
Navigation	2- 3		2- 0		2- 3	
Surveying	0- 6					
Seamanship	0- 6					3- 0
Ordnance, gunnery, and ballistics				C	2- 3	2- 3
Maritime economics				R		3- 0
Law				U	2- 0	3- 0
Aviation	3- 0			I		
Mechanisms	0- 4			S		
Naval architecture and ship design				E	2- 0	1- 3
Machine-tool laboratory	0- 6					
Strength and properties of materials		2-0	3- 3			
Heat-energy analysis and fluid mechanics		3-0	2- 3			
Power engineering					3- 3	3- 3
Electrical engineering			3- 3		3- 3	
Physcial education	0- 3	0-3	0- 3			
Military science		0-3	0- 3		0- 3	0- 3
	(1)					
Total	5-28	16-9	14-15		14-15	15-12
Semester hours	14	19	19		19	19

[1] Summer term (4 weeks). Aviation training at air stations.

EXTENSION OF REMARKS

Mr. LANE asked and was given permission to extend his remarks in the RECORD and include a newspaper article.

Mr. ALMOND asked and was given permission to extend his remarks in the RECORD and include a speech delivered by him before the Rotary Club in Lynchburg, Va., on June 3.

Mr. TRAYNOR asked and was given permission to extend his remarks in the RECORD and include a newspaper article.

Mr. KEFAUVER asked and was given permission to extend his remarks in the RECORD and include an address by Mr. Wendell Burge.

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a statement by Mr. George LeSavage, of the National Restaurant Association. I am informed the cost will be $120. Notwithstanding the additional cost, I ask that the extension may be made.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McKENZIE. Mr. Speaker, on yesterday I requested and obtained permission to insert in the RECORD a speech and certain other data with reference to the lumber situation in the South. I am now informed by the Public Printer that the cost thereof will be approximately $150. Notwithstanding the additional cost, I ask unanimous consent that the matter may be inserted.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

OPA FLOOR TAX ON DAIRY PRODUCTS

Mr. MURRAY of Wisconsin. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. MURRAY of Wisconsin. Mr. Speaker, the OPA has gone haywire again. It does this so many times that it is not surprising to me that it finds itself in its present legislative difficulties. What do you suppose they are up to now? They have raised the price of dairy products. Then what? The other day they came up with a new idea, that they were in the taxing business. This is a new field for them. This may be the dying gasp of a wounded gladiator. Now they are going to have a floor tax on all the butter, cheese, and condensed milk in cooperative or private institutions that may happen to be in the United States. Does this make sense to you? Whoever voted for Mr. Bowles for anything, anytime, or anywhere? He and his outfit are getting further and further off the reservation each day.

I do not believe anyone has to be a lawyer to know that they do not have any business sticking their nose into this affair. I wish to call your attention to the situation as one more example of the fact that the rural people are always the ones the OPA is willing to discriminate against.

Why did you not hear something about this floor tax when the steel corporations obtained $5 more a ton on all steel they may happen to have had on hand? Yes, answer why.

Did the OPA come out with an Order 114 or any other order to put in effect a floor tax on automobiles when the prices have been increased time after time? The answer is "No."

Did the OPA or any of the other confusion agencies of this administration ever ask for a floor tax on shoes to be paid by the shoe stores or the shoe manufacturers when shoe prices were increased? The answer is then again, "No."

Did the OPA issue an order to put a floor tax on the meat of the packers when the meat prices have been increased? Oh, no, no. They even allowed the packers to buy hogs at 6, 7, or 8 cents per pound the winter of 1943–44. This was 50 to 60 percent of parity, and the law stated hogs had a floor of 90-percent parity under the Steagall amendment. Yes, they allowed the packer to buy this cheap pork at 50 to 60 percent of parity and to sell the meat right along with the hogs being bought at the ceiling price of 13 to 25 cents per pound at the time. Yes, a subsidy along with it.

But now the farmers' co-ops and other dairy plants have a few pounds of butter or cheese or condensed milk, and the OPA came out with a floor-tax proposal to assess these dairy manufacturers a floor tax of some 5 to 6 cents per pound on cheese and 12 cents per pound on butter, and other manufactured dairy products in comparable amounts.

Someone should be telling Mr. Bowles some of the facts of life. One of these facts is that he has not been selected to be an economic dictator; that he better read the Price Control Act and follow the law of the land; and that he does not carry anywhere near the weight he thinks he does. This proposed order is ridiculous, and the OPA better forget it while they can. Most people wish to retain the OPA. The OPA is strangling itself to death. Of late it looks like hara-kiri.

If this agency is liquidated the OPA itself must take the responsibility for liquidating itself. No one Member or no dozen Members of Congress could put this outfit in the shape it is in today. It is being discredited by issuing such silly proposals as Order 114.

This administration appears to have great power in dealing with the little fellow but no powers to deal with the big boys.

This administration could not think of any way or any law to get a peep at General Motors' books or the Steel Corp. books. They were so helpless then. They could not even see the color of the covers of the books.

But, my colleagues, when it came to a little cheese dealer by the name of Steinhart up in Shawano, Wis., they blossomed out with great powers. First they spent day after day messing around in the office of the Steinhart Cheese Co. Then, that was not enough. They subpenaed the firm's bank records. They had power and lots of it to do this, though any judge but a New Deal judge would have protected the little fellow, or at least given him a break with the big boys. I have not heard of any action against the Steinhart Cheese Co., but I feel sure the Gestapo will try to find an excuse for one.

If the people of our country wish to properly feed their children they better give some encouragement to the one group that is producing it. A good place to begin is to ask the OPA to cease issuing silly orders that are not based either on common sense, fairness, or equity, or in accordance with the law. I hope these dairy-plant operators tell Mr. Bowles, politely but emphatically, that he is ridiculously out of his field of operation.

EXTENSION OF REMARKS

Mr. LANDIS (at the request of Mr. SPRINGER) was given permission to extend his own remarks in the RECORD and include a newspaper article.

Mr. REED of New York (at the request of Mr. GILLIE) was given permission to extend his remarks in the RECORD and include a letter.

Mr. GILLIE asked and was given permission to extend his own remarks in the RECORD and include an editorial from the Fort Wayne News-Sentineal.

Mr. GIFFORD asked and was given permission to extend his remarks in the Appendix of the RECORD and include therein an article from the Chemical and Engineering News on the proposed O'Mahoney wool bill.

Mr. MASON asked and was given permission to extend his remarks in the RECORD and include an editorial from the DeKalb Daily Chronicle, a newspaper in his district.

Mr. PLOESER asked and was given permission to extend his remarks in the Appendix of the RECORD and include an article from the St. Louis Globe-Democrat.

Mr. MATHEWS asked and was given permission to extend his remarks in the RECORD and include therein a letter he received from the Executive Assistant to the Assistant Secretary of State, and Mr. MATHEWS' reply thereto.

Mr. ANDREWS of New York asked and was given permission to extend his remarks in the Appendix of the RECORD and include therein a speech made before the United Nations Security Council.

Mr. CLEVENGER asked and was given permisison to extend his remarks in the Appendix of the RECORD and include an article from the New York Journal American.

Mr. HAND asked and was given permission to extend his remarks in the Appendix of the RECORD and include an editorial.

Mr. HOLIFIELD asked and was given permission to extend his remarks in the Appendix of the RECORD.

CLOSED SEASON ON APPROPRIATIONS NEEDED

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to request of the gentleman from Illinois?

There was no objection.

Mr. ARENDS. Mr. Speaker, the proceedings on Wednesday last, calendar Wednesday, were, to say the least, very interesting. The proponents of certain legislation which they hope to get up under the call of the calendar, declare they had a worth-while day in the interest of their cause. The opponents say the same thing and seem to be satisfied with their accomplishments for the day.

Mr. Speaker, in thinking more about the whole question, I have come to this very definite conclusion—that there really is one group who had a successful day on last Wednesday and that is the taxpayer, since the proceedings and maneuvering of the day kept the House from spending any money. The way this House from day to day continues to appropriate and spend money, alarms me and it might well be a good thing for our national financial welfare if we had more calendar days in any week, including Wednesday. That would be one way to stop this spending Congress from continuously loading down the poor forgotten taxpayer.

I likewise suggest, Mr. Speaker, that the Appropriation Committee, after it once finishes its regular appropriation bills for the next fiscal year, hang a sign on the Appropriations Committee room door to read as follows: "Closed for the season. No more business will be transacted. No more deficiencies are on order." It is certain Mr. John Q. Public would welcome and cheer such an announcement.

CONTROL OF ATOMIC ENERGY

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HOLIFIELD. Mr. Speaker, the so-called McMahon bill, S. 1717, has now been reported to the House and referred to the Committee on Military Affairs.

The report of the Senate committee is now available. I hope the membership will avail themselves of this opportunity to get this report and study it, as undoubtedly this legislation will come to the floor within the next 10 days. The Senate report is a good one and its study will give the membership the information which is contained in this very important bill.

I think this atomic energy bill is the most important bill which this Congress will have to consider.

The SPEAKER. The time of the gentleman from California has expired.

EXTENSION OF REMARKS

Mr. THOMASON asked and was given permission to extend his remarks in the RECORD and include an address by Secretary of War Patterson.

Mr. DONDERO (at the request of Mr. MARTIN of Massachusetts) was given permission to extend his remarks in the RECORD and include a newspaper article.

ADJOURNMENT OVER

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ACCUMULATED LEAVE FOR ENLISTED PERSONNEL

Mr. JOHN J. DELANEY. Mr. Speaker, by direction of the Rules Committee, I call up House Resolution 631 and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for consideration of the bill (H. R. 4051) to grant to enlisted personnel of the armed forces certain benefits in lieu of accumulated leave. That after general debate, which shall be confined to the bill and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Military Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final

passage without intervening motion except one motion to recommit.

Mr. JOHN J. DELANEY. Mr. Speaker, I have no requests for time on this side so far as the rule is concerned.

I reserve the balance of my time and now yield 30 minutes to the gentleman from Illinois [Mr. ALLEN].

Mr. ALLEN of Illinois. Mr. Speaker, this resolution makes in order consideration of H. R. 4051 to grant to enlisted personnel of the armed forces certain benefits in lieu of accumulated leave. This resolution provides for 2 hours of general debate after which it is to be read under the 5-minute rule.

We have heard considerable about the caste system in the Army and Navy. As for myself, I see no good reason why an enlisted man should not, for discipline's sake, salute the uniform and rank of a commissioned officer. Neither do I see any good reason why officers should have their own places of entertainment.

However, since 1874, there has been grave discrimination as to annual leave between officers and enlisted men. This bill will rectify that unwarranted discrimination against the enlisted men.

For many years it has been the policy of the War Department to permit officers to take advantage of accumulated leave upon relief from active duty. Officers, although relieved from active duty, actually remain upon the Government pay roll for a period of time equivalent to the amount of leave which has accumulated to their credit. This bill under consideration places the enlisted man on exactly the same basis as an officer, except instead of keeping them on the pay roll after discharge from active duty it provides for a cash lump-sum payment on discharge.

This bill provides for 2½ days of furlough per month for enlisted men. In the event they do not take the 2½ days furlough each month this leave will accumulate up to 120 days and they will receive not less than 70 cents per day for each day. In the event of passage, and I know it will pass, this bill becomes effective September 8, 1939.

Mr. Speaker, I urge all to vote for this rule and for the bill itself upon final passage.

Mr. Speaker, I yield such time as he may desire to the gentleman from Indiana [Mr. WILSON].

Mr. WILSON. Mr. Speaker, I am happy to say that my record is 100 percent in favor of legislation beneficial to the veterans of World War II, as well as all other veterans. There is no way in which we can adequately compensate them for the service they have rendered to our country. Unfortunately, the enlisted men have long been discriminated against in past legislation. Not only have colonels and other officials had very special and sometimes elaborate living accommodations but they have had other special concessions. The one to which I am referring at this time, we are attempting to remedy by the passage of H. R. 4051. This bill will compensate sergeants down to buck privates, as well as other enlisted personnel for accumulated leave which has not been used by them. While officers' leave was allowed to accumulate at the rate of 30 days per year, which leave they were paid for, the enlisted man received no compensation if he did not use his leave, and it did not accumulate from year to year.

Colonels in the Army have opposed this legislation for the enlisted man and I think it very unfortunate. I also think it unfortunate that a House committee was so influenced by this high brass in the Army in their discrimination against the GI's that we were forced to band ourselves into a body and petition this committee from further consideration of this bill in order to get it brought to a vote on the House floor.

I am not ashamed of my position, in fact, I am proud that I, with several other Members, were successful in securing sufficient names on the discharge petition to force H. R. 4051 before the House of Representatives.

I shall vote for the passage of this bill and hope that parliamentary procedure on the part of the leaders of the House will permit us to pass it today. If passage is blocked in the House today, it means delay in these boys receiving this pay which they need and need so badly at this time. Delay has already cost these boys undue hardship.

Some of us are going into the Middle West over the week end on an investigation of the terrible food shortage induced by the bungling of this administration's pet bureaucrats; we may be forced to drop this very important investigation in order to come back here and vote for the terminal pay bill.

I do hope H. R. 4051 is passed today, without further delay by the administration.

Mr. ALLEN of Illinois. Mr. Speaker, I yield such time as he may desire to the gentleman from Minnesota [Mr. AUGUST H. ANDRESEN].

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I shall gladly vote for and urge a favorable vote on this bill, which provides for payment of terminal leave pay to all noncommissioned men in the armed forces. The men and women in the service, who contributed so much to the winning of the war are entitled to the same terminal leave pay policy as has been received by all commissioned officers. There should be no discrimination.

On October 23, 1945, I introduced H. R. 4467, which provides for the payment of terminal leave pay to all persons in the service who have not been compensated in such a manner. I appeared before the Subcommittee on Military Affairs urging the passage of my bill or any similar proposal. I fully recognize that the Democratic leadership might prefer a bill introduced by a member of the majority party, rather than to approve a bill introduced by me, a member of the minority. However, since my bill was not reported, I am nevertheless happy to have the opportunity of supporting this meritorious measure in the interests of doing justice to those Americans who served their country in time of war.

Mr. JOHN J. DELANEY. Mr. Speaker, I yield such time as he may desire to the gentleman from Texas [Mr. BECKWORTH].

Mr. BECKWORTH. Mr. Speaker, on December 18, 1943, I introduced a bill (H. R. 3875) to provide terminal leave for enlisted men. On January 8, 1945, I introduced H. R. 1160, a slightly modified form of my first bill. The National Legislative Committee of the American Legion endorsed my bill, H. R. 1160. Several Members of Congress and I appeared before the House Military Affairs Committee urging the passage of the terminal leave legislation. I include at this point the endorsement of the American Legion:

THE AMERICAN LEGION,
NATIONAL LEGISLATIVE COMMITTEE,
Washington, D. C., October 24, 1945.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

MY DEAR CONGRESSMAN: We are, as you know, vitally interested in your bill, H. R. 1160, which provides terminal leave to enlisted men in the same manner as is now given to officers, except that it also provides that the compensation to which the soldier is entitled shall be paid in a lump sum, which, of course, is a very good idea.

Demobilization is taking place at such a rapid rate at the present time that unless this is enacted into law quickly it is not going to benefit very many GI's.

It does not seem to me as though it is a very controversial issue and that the House Military Affairs Committee could make up its mind very readily as to how they feel about it. We shall appreciate very much if action can be had on this matter.

Sincerely yours,
JOHN THOMAS TAYLOR,
Director, National Legislative Committee.

I was one of 218 Members of the House to sign the petition—the two hundred and eighteenth signature was obtained April 17, 1946—which authorized the bringing of the legislation to the floor of the House. The CONGRESSIONAL RECORD, on pages 3945–3946, shows my name to be the only Texan or 21 Texas Members listed among the 218 signers. I shall vote for the legislation today.

For some time I have had a bill before the Congress that would give all World War veterans and widows of World War veterans pensions not less in amount than those now received by Spanish-American war veterans. I shall continue to urge in the future this legislation. Note the position of the American Legion, Department of Texas, concerning my present bill, H. R. 360. I quote from a letter written me May 19, 1945, by Mr. Harry E. Rather, department adjutant, the American Legion:

H. R. 360 is the very important legislation which sounds like the kind of legislation that you are always sponsoring, LINDLEY. We know that we can always depend on you. We are delighted that you are back in the harness and on the right side, as usual.

I quote part of a letter I received from Mr. Rather after he resigned his work with the American Legion, dated January 22, 1946:

Appreciate your every courtesy—many, many times. Your cooperation was everything that I could want and expect and I shall miss you but I know that you can be counted on being in there doing your part in every worth-while matter. We who know you are proud of you and your record.

I quote part of a letter written December 31, 1945, which I received from Mr. Joseph M. Stack, commander in chief, Veterans of Foreign Wars of the United States, Kansas City, Mo.:

I have the page from the CONGRESSIONAL RECORD reprinting your remarks and the various communications you have received in connection with your activities in behalf of veterans and their dependents, and I wish to express my appreciation for your efforts along this line.

On January 3, 1945, I introduced H. R. 361 which would make eligible a World War I or II veteran for a pension, if that veteran could not qualify for Government or private employment, the nature of which required only reasonable physical standards.

In March 1945 I introduced H. R. 2492 to permit direct sales of surplus property to veterans; many veterans have complimented my bill; in my opinion it practically would have solved the problem of making sure that veterans receive the surplus property they need. Too, I have personally sought to aid many veterans in their individual efforts to obtain surplus property items.

On June 21, 1945, I introduced H. R. 3526 which would extend the GI bill of rights to widows of veterans and the wives of certain totally and permanently disabled veterans.

On June 26, 1945, I introduced H. R. 3592; this is a bill to help, concerning housing problems for veterans. This bill, be it noted, was introduced some 6 months before the real effort to meet the veterans' housing problems got under way in the Congress. I quote from a letter written me November 27, 1945, by Mr. Harry E. Rather, department adjutant, the American Legion, Department of Texas, concerning my effort to help our veterans obtain houses:

We know that we can depend on you to do everything you possibly can on the housing situation which is most critical.

The CONGRESSIONAL RECORD will show that I was one of the Members of Congress, although we were in the minority at times, that supported every effort to provide housing for veterans.

Last year, October 1, 1945, I introduced H. R. 4219, a bill that would permit a man or woman in service to carry his immediate family with him at Government expense to the place where he was stationed, where practicable, even outside of the United States; too, I provide that the Government will furnish adequate housing for such families; this legislation will do for enlisted men that which has for a long time been done for some of our officers. I am glad to note recently that the Army and Navy are beginning to carry out this objective which I sought to attain by my bill.

As I have told and written a number of veterans who have mentioned the question of paying our veterans a bonus, I favor paying our veterans a bonus. To this end I have worked and shall continue to work diligently.

Mr. JOHN J. DELANEY. Mr. Speaker, I yield such time as he may desire to the gentleman from Massachusetts [Mr. LANE].

Mr. LANE. Mr. Speaker, this bill corrects an unfortunate discrimination which has been in effect since 1876. As a result of the law then passed, it has become the policy of the War Department to allow officers to take advantage of accumulated leave upon relief from active duty.

The officer is paid in full for any unused leave that may be coming to him. The enlisted man is not.

This bill provides specific legislative authority to remedy an unfair situation. It does not repeal or amend any provision of existing law in view of the fact that no law on the subject in question exists, at much dissatisfaction among the rank and file of our armed services, for too many years.

It has always been a mystery to me why we are so vigilant in the defense and extension of civil liberties, while taking for granted a military system which emphasizes class distinctions. Belatedly, we are coming to a realization of the fact that this is a hold-over from the days of stratified privilege which is a contradiction of democracy.

The men who fought this war had no illusions about the job they were doing. But in the doing of it they expected as much democracy to prevail as was consistent with the needs of discipline. That was not the case. On all sides the enlisted man saw artificial distinctions between himself and his officers which gave him the feeling of being a serf in uniform rather than a comrade in arms. This led to a wave of protests which has resulted in an examination of the whole military set-up. There are indications that it will be de-Prussianized and humanized.

Already it has been recommended that all men in service, regardless of rank, shall be called soldiers. Furthermore, the Hollywood wardrobe for officers will be discarded. All soldiers will wear uniforms of the same material and same style. Only the simple insignia of rank will separate the men. Of more importance, social barriers will be eliminated, and the average soldier on leave, whether from garrison duty or from the combat area, will have a chance to recover his dignity as a human personality. No longer will stuffy lines be drawn to impress him that he belongs to a lower order, not fit to associate with the military hierarchy.

Democracy is getting around to the armed forces, and it is about time. If war should ever come to us again, we shall need all the morale we can get and more. The time to establish that is now, by compensating for recent injustices, lest the cynicism of the new veterans filter down through the years to those who, some day, may have to fight as their fathers fought. Our citizen soldiers are intelligent. They can always be depended upon, as long as we, back home, deal fairly with them. They are coming home to meet enough disillusionment as it is. Let us not leave them with a brooding memory of the stupid and unreasoning inequalities which they experienced in the service. It is up to us, the Congress, by positive action, to balance this situation. By so doing, we shall win the cooperation of our veterans for the group tasks of peace instead of alienating them in bitterness. The job is not over. It never will be. We need their peacetime faith as much as their wartime courage. And the way to win it is by playing square with them.

The enlisted personnel terminal leave pay bill is a step in the right direction. There must be no distinction between officers and enlisted men with respect to accumulated leave. Even the representatives of the War and Navy Departments who appeared before the Committee on Military Affairs, could not offer any objections to this principle. But the principle must be implemented by performance.

It is gratifying to observe that the sentiment of this House is moving toward immediate approval of H. R. 4051 and the correction of a long-standing injustice to those who have served so well.

Mr. JOHN J. DELANEY. Mr. Speaker, I yield such time as he may desire to the gentleman from Massachusetts [Mr. MCCORMACK].

Mr. MCCORMACK. Mr. Speaker, I know that all the Members are proud of the appointment of one of our distinguished former Members of the House, the Honorable Fred M. Vinson, as Chief Justice of the Supreme Court of the United States. Mr. Vinson served in this body in the late twenties and from 1930 on with outstanding distinction. Those who served with him remember well the remarkable service that he rendered to the country as a Member of this House. He left this body to become a member of the United States Circuit Court of Appeals, and he left there during the war to go into the executive branch of the Government and then later to become Secretary of the Treasury, and now to become Chief Justice of the Supreme Court of the United States. We, in the House, can be particularly proud of the great record that he has made. We are always proud of the great record that any former Member makes, without regard to what side of the aisle he sits on. Whether we are Democrats or Republicans, as Members of the House we are always happy to see some Member make great contributions to our country's progress and to make great progress himself. I know I speak the sentiments of all my colleagues without regard to party in extending to him and to Mrs. Vinson our congratulations and our very best wishes.

Mr. JOHN J. DELANEY. Mr. Speaker, I yield such time as he may desire to the gentleman from Kentucky [Mr. O'NEAL].

Mr. O'NEAL. Mr. Speaker, all Kentuckians today are extremely proud of the fact that Fred M. Vinson, our former colleague, has been appointed to the position of Chief Justice of the United States Supreme Court. He will adorn that position as he has the other arduous appointments which have come to him in the line of duty.

The story of Fred M. Vinson is as typical of American democracy as that of Abraham Lincoln. His determination, his ability, and sensitiveness to the

yearnings of the humblest American have made him indispensable to those in authority.

As a legislator he was astute and loyal to the party leadership.

As a Federal executive he was wise in counsel.

As a Federal judge he was judicial with all that that implies.

As the Chief Justice, in my opinion, he will rise to great heights in devotion to that which made America strong and the land of the free. I look forward to a national recognition of the fact that Fred Vinson, of old American stock, and one who is filled with the love of Kentucky and its traditions, is a mighty fortress to throw back the attacks of unsound political theories and temporizing expedients.

I am sure that that love of country which he has shown, activated by common sense, will bring a solution and a working hypothesis for many of the ills which now assail us.

I believe he will rise to his great responsibility and leave a name in the future history of our country which will reflect great credit upon himself, Kentucky, and his country.

Mr. JOHN J. DELANEY. Mr. Speaker, I yield such time as he may desire to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS. Mr. Speaker, it has been my pleasure to know Judge Fred M. Vinson for many years. He comes from Ashland, Ky., which is just across the Ohio River from my home town of Ironton, Ohio. Being neighbors I naturally rejoiced with many people in my home town and his home town when we received notice that he was to be advanced to be the Chief Justice of the Supreme Court of the United States. Before coming to Congress I knew him as a member of the bar in his home city. He and Justice Stanley Reed and I were young lawyers together practicing in that tri-State region.

I know the esteem in which he is held in his home community and I am sure that his elevation to the highest place in the judiciary of the Nation will be received by them with joyous acclaim.

We served together in Congress for many years, and on the Ways and Means Committee, and since we lived in adjoining communities and had the same economical interests we found ourselves very frequently on the same side of many issues although we were affiliated with different political parties.

Justice Vinson is equipped by natural ability and by education and by experience to fill the high place to which he is about to be elevated. I could make a long speech with reference to my friend and former colleague but let me condense my speech into one sincere sentence and say, "I sincerely wish for him a long and happy tenure as Chief Justice of the Supreme Court of the United States."

Mr. JOHN J. DELANEY. Mr. Speaker, I yield such time as he may desire to the gentleman from Florida [Mr. HENDRICKS].

Mr. HENDRICKS. Mr. Speaker, I want to say that this bill giving the GI terminal leave pay has my wholehearted support. There is no question about the justice of the provisions of the bill, that is, unless they do not go quite far enough, and if they do not, the bill, of course, can be corrected before it is passed.

Some weeks ago when I was in my district I informed the veterans that this bill would be on the floor of the House for action on May 13 because we had petitioned the bill out of the committee. By way of explanation as to why it has not come up earlier for action, I want the veterans to know that after the discharge petition had been signed and before May 13, the Military Affairs Committee reported a bill and as a result of this report the parliamentary procedure was such that the Rules Committee had to grant a rule on the bill which the Military Affairs Committee had reported, and therefore the bill which was discharged by petition, was shunted aside. However, the important thing is we are going to pass this bill, and it is my sincere hope that the Senate will do so. I could never see any reason for the discrimination between officers and enlisted men in regard to terminal leave or accumulated leave pay.

Mr. JOHN J. DELANEY. Mr. Speaker, I yield such time as he may desire to the gentleman from Oregon [Mr. NORBLAD].

Mr. NORBLAD. Mr. Speaker, I am very much in favor of this legislation. I was an officer in the United States Army during the war and received 59 days of terminal leave, and I do not see why the enlisted men should not also receive it.

Mr. JOHN J. DELANEY. Mr. Speaker, I yield such time as he may desire to the gentleman from South Carolina [Mr. BRYSON].

Mr. BRYSON. Mr. Speaker, it is indeed a strange commentary upon the functioning of this body that the pending measure has languished for such a long period of time. It is taking the appearance of the orphan that everyone admits is lovely and desirable but no one is willing to adopt. This measure, which would give enlisted personnel of the armed forces the same leave privileges as are at present accorded to commissioned personnel, has, on the surface, at least, no enemies. Never within my memory as a Member of this body has any measure received such enthusiastic and unqualified support; never has there been such a disposition to disregard partisan outlook. But up to the present time it has all been mere lip service. The bill has been pending in one form or another for more than a year. The great congressional mystery during the past and the present session has been, "Why has not this bill been passed?"

Permit me to review briefly the history of this measure. All of us are aware of the fact that H. R. 4051 is merely one of numerous bills introduced to accomplish the same purpose; to rectify the injustice of existing military regulations respecting leave policies as applied to enlisted men of all branches of the service. Under existing regulations, a commissioned officer may receive, upon separation from the service, a lump sum payment covering all unused annual leave. Enlisted men, on the other hand, receive no such consideration. If their leave is not used, it is lost, and that is the end of it.

Mr. Speaker, this strikes me as an extremely strange situation. An officer and an enlisted man may serve in the same company in combat, each being denied the normal periods of leave or furlough. Upon separation from the service, however, the officer will collect full pay for this unused leave, while the enlisted man receives absolutely nothing; his time is merely forfeited. The injustice is obvious. In an attempt to correct this situation, I introduced in March 1945 H. R. 2454, which was followed by a number of similar measures, including the measure at present before this body, H. R. 4051, sponsored by my esteemed colleague, the gentleman from Florida. The Military Affairs Committee has stricken the original provisions of H. R. 4051 and has written its own bill containing many of the provisions of my bill, H. R. 2454.

We have heard in recent months numerous charges of discrimination and class distinction in our military service. The whole bone of contention has been that commissioned personnel receive social and monetary privileges which are denied to enlisted personnel. I presume that all Members of this body have read the report of the Doolittle committee with respect to this very situation. It is a highly illuminating report and bears directly upon the measure which we are considering at this time. Let us delude ourselves no longer. We must recognize the fact that there are basic injustices in the policies and practices of our military organizations. This measure, H. R. 4051, in its present form, strikes at the heart of one of the most flagrant of these injustices. Its enactment is imperative if we are to retain a favorable opinion of the armed forces on the part of veterans and servicemen alike. Every veterans' organization in the country has been pressing for its passage. The American Legion, the Veterans of Foreign Wars, Amvets, the American Veterans Committee, have all indicated through their spokesmen that this measure is one that is uppermost in the thinking of all veterans, whether of this or previous wars. The enactment of this legislation will do much to eliminate the cancer of discrimination which has been undermining the morale of the members of our armed forces.

Mr. Speaker, I contend that we cannot afford to delay any longer. Veterans are rapidly becoming fed up with the continual run-around they have been receiving upon their return to civilian life. They cannot obtain surplus property, they cannot find a decent place in which to live, they find the cost of living skyrocketing, and the Nation torn asunder by domestic strife. Congress has passed many generous laws for veterans but the administration of such laws has not been effective. The long burial of H. R. 4051 is merely characteristic of the lip service which we have been content to give our returned heroes in exchange for the incomparable sacrifices which they have made to preserve our Nation and our way of life. Our veterans owe us nothing; on the contrary, we owe much to those who served their country so well, who gave so much for so little.

Both as a practical matter and as a matter of fairness, action on this bill should be expedited in order that the many men currently being discharged from the services may have an opportunity to readjust and reorient themselves prior to seeking employment or reemployment.

Only those who have seen active service can fully appreciate a practical and psychological problem of "unwinding" after return to civilian life from military service. This terminal leave, which is now very properly granted to officers upon their separation from the service, should be extended immediately to enlisted men under similar conditions.

A high proportion of our servicemen never had a chance to obtain a leave or furlough. They are entitled to every cent of the money which they would receive for that time. Officers receive considerable sums of money upon discharge and that is as it should be. But, Mr. Speaker, what about the privates, the corporals, the sergeants who are denied these rights? To grant commissioned officers 120 days of terminal leave and deny it to enlisted men is a disgrace to the Nation, and a rank injustice to the men to whom our high commanders have given primary credit for winning the victory.

I say "rank injustice" advisedly, for that is just what it is. It is one of the most glaring injustices caused by the artificial social stratification which exists in our armed forces. It is inconceivable that the mere fact of rank should entitle an officer to monetary privileges beyond the advantage which he already enjoys with respect to his salary. This is grossly unjust, and I trust that we shall not hesitate to make a speedy readjustment by passing this measure.

The enlisted men have borne the brunt of this war. They have endured more and they have suffered more. They have paid the heaviest price. Surely we cannot heap penalty upon penalty, indignity upon indignity, merely for the crime of being an enlisted man. Surely no member of this assembly will willingly and intentionally deny to these heroes that which is rightfully theirs.

Already we have delayed too long. Prompt action is imperative. I shall exert every effort to press for the immediate passage of this most vital legislation. I am sure that I shall be joined in this action by all those who entertain a comparable respect for the principles of justice, fair play, and plain common sense.

The things we can do are small enough. By no stretch of the imagination can we presume to repay our servicemen for their sacrifices. But those things that lie within our power to do, we must do. That is why I urge the prompt passage of H. R. 4051, to provide for terminal leave pay to the men and women of our armed forces who have so valiantly earned it.

Mr. JOHN J. DELANEY. Mr. Speaker, I yield such time as he may desire to the gentleman from Tennessee [Mr. KEFAUVER].

Mr. KEFAUVER. Mr. Speaker, I shall vigorously support H. R. 4051 which provides terminal leave pay for enlisted personnel in the armed services. I can see no valid reason for giving officers terminal-leave pay without giving it to enlisted men. Certainly, if they stayed on duty at a time when they were entitled to leave and were denied the privilege of visits with their families and recreation, they should be paid compensation. This is only fair and just.

Arguments are made that the administrative difficulty of paying these men would be substantial. I have an idea that payments could be made without incurring as much administrative difficulty as has been suggested. Even though payment may be delayed for a short time in order to enable the records to be put in shape for making payments, I feel that we should provide now for the ultimate compensation of these valiant men and women.

Mr. JOHN J. DELANEY. Mr. Speaker, I yield such time as he may desire to the gentleman from South Dakota [Mr. CASE].

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include a letter from the War Department on the subject of the terminal leave pay bill.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

The was no objection.

Mr. CASE of South Dakota. Mr. Speaker, my activity in behalf of establishing equal terminal leave benefits as between enlisted men and officers is evidence of my support for this measure. Several months ago I took up the matter with the War Department in an effort to determine the facts and see what could be done.

And when the gentleman from Florida brought up the matter on the floor, November 5, 1945, it was my pleasure to support his interest and to call attention to some of those facts. When he filed his discharge petition to bring his bill to the floor I was one of the early signers, although customarily I do not sign discharge petitions.

They say actions speak louder than words. So I mention these things merely to evidence my support for this meritorious proposition. It will cost money; that is true, but the justice of giving equal treatment cannot be denied.

Under permission granted by the House, I include the following letter from Major General Richards, budget officer for the War Department, dated October 25, 1945, replying to my letter of inquiry of September 29, 1945. I think the data in General Richards' letter will help veterans in computing the amount of unused terminal leave due them:

WAR DEPARTMENT,
OFFICE OF THE BUDGET OFFICER,
Washington, October 25, 1945.

Hon. FRANCIS CASE,
House of Representatives,
Washington, D. C.

MY DEAR MR. CASE: Reference is made to your inquiry of September 29, 1945, relative to War Department regulations with regard to leave and furlough privileges.

Under existing law, commissioned and warrant officers are authorized leave at the rate of 30 days per year and they may accumulate not more than 4 months of unused leave. It is the general policy of the War Department to grant terminal leave up to a maximum accumulation permitted by law to officers separated from the active service upon honorable conditions.

Under existing law, there is no limitation on furloughs which may be granted enlisted personnel. However, Army regulations administratively provide that furloughs may be granted to enlisted men upon the basis of 30 days a year plus such additional brief periods as may be necessary in emergencies or to cover travel time. Such furloughs do not include passes which may not exceed 3 days in duration or delays usually authorized in connection with official travel, temporary duty, and return to station of origin. Reenlistment furloughs are for a period of 90 days or less, including travel time. Upon separation from the service, enlisted men are not granted termnial leave.

Under the Mustering-Out Payment Act of 1944 most personnel having 60 days or more of active service, and below the grade of major, will receive upon separation from the service a cash payment of $300 if the individual has served outside the continental United States, or $200 if all of his service has been performed in this country. Under present War Department policy, War Department personnel who return from overseas to reception stations in this country and are in need of recuperation, rehabilitation, or who are to be redeployed, are sent at Government expense to their homes or places selected by them for a period of 30 days plus travel time. Such time is not charged against leave or furlough.

The War Department has been requested to submit reports on H. R. 411, 1160, 2454, and 2478, Seventy-ninth Congress, bills providing for granting of terminal leave to enlisted men with pay, or lump-sum payments in lieu thereof. The War Department has considered these bills and has submitted a proposed report to the Bureau of the Budget for advice as to whether the proposals are in accord with the program of the President.

Sincerely yours,

GEORGE J. RICHARDS,
Major general, General Staff Corps,
United States Army.

Mr. JOHN J. DELANEY. Mr. Speaker, I yield such time as he may desire to the gentleman from Wisconsin [Mr. BIEMILLER].

Mr. BIEMILLER. Mr. Speaker, I support the bill for terminal leave pay for enlisted men as a simple matter of elementary justice. If officers are to have terminal leave pay, why not enlisted men as well? There is no possible reason, in justice or in common sense, why this distinction should exist. It is merely another instance of the operation of the caste system, which, with its many discriminations, lowers morale in our armed forces.

The Army caste system has not helped in building a strong volunteer army. Practically every GI gripes about it incessantly, and with reason.

The recent Doolittle report offers a real ray of hope. It behooves us in the Congress to take action, and following the recommendations of that report, reconstruct our Army on the basis of American democracy, instead of the Prussian military model which is still the basis of our Army structure today.

This bill, I trust, is the opening gun of a series of bills to make an Army career more attractive to volunteers. The Army pay raise is another measure to encourage enlistment, which I hope will clear the Congress before long.

The United States Army offers an honorable career to any man who is interested in the many activities and attractions it can offer. It is up to us to make it an even better career. As we do this, we will see so many volunteers entering the service that our occupation forces will soon be completely staffed with them.

Mr. JOHN J. DELANEY. Mr. Speaker, I yield such time as he may desire to the gentleman from Montana [Mr. MANSFIELD].

Mr. MANSFIELD of Montana. Mr. Speaker, as one who has introduced a terminal-leave bill I am more than happy that the House is now considering this measure. As an enlisted man in all three branches of the service during and after the First World War I have been unable to understand the discrepancy which has existed in giving terminal-leave pay to officers and not to enlisted men.

I sincerely hope, Mr. Speaker, that this bill will pass the House unanimously and that the Senate will consider it and pass it shortly. I have no doubt but that the President will sign this measure because it is not only meritorious but long overdue. I hope also that other inequalities in the armed services along the lines recommended by the Doolittle committee will be put into effect shortly so that a more democratic, a more capable, and a better satisfied Army will be the result. I urge the House, therefore, to vote this bill out immediately so that all enlisted personnel will receive the same treatment, on a terminal-leave-pay basis, as the officers.

Mr. JOHN J. DELANEY. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

Mr. THOMASON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 4051) to grant to enlisted personnel of the armed forces certain benefits in lieu of accumulated leave.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 4051, with Mr. THOMAS of Texas in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. THOMASON. Mr. Chairman, on account of the absence of the chairman of the Committee on Military Affairs, I have been requested by him to act as chairman today and to allot the time on this side, and also to make a few observations in support of this measure. I am for the bill because I believe in justice. The enlisted men are only asking for what the officers have already received.

The Members present, I am sure, are acquainted with the bill, which is H. R. 4051, and the title of which is "A bill to grant to enlisted personnel of the armed forces certain benefits in lieu of accumulated leave."

This bill has had careful consideration first by a subcommittee of the House Committee on Military Affairs, which later reported the bill back to the full committee, and then by the full committee, and I believe the bill comes here with the unanimous support of the committee.

I can best explain the bill in a few words by quoting a few lines from the report. If the Members will turn to page 3 of the report of the Committee on Military Affairs, they will note this language:

> Under the provisions of the act of May 8, 1874 (18 Stat. 43), as amended by the act of July 29, 1876 (19 Stat. 102; 10 U. S. C. 842), officers of the Army are entitled to 1 month's leave of absence a year without deduction of pay or allowances and may accumulate unused portions of such leave not to exceed a total of 4 months.
>
> It has long been the policy of the War Department to permit officers to take advantage of accumulated leave upon relief from active duty. As the consequence of the law and this policy, an officer, although relieved from active duty, actually remains upon the Government pay roll for a period of time equivalent to the amount of leave which has accumulated to his credit.

I call the special attention of the Members to this sentence from the report:

> There is no law on the subject of leave or furlough for enlisted personnel. As a matter of policy, the War Department has authorized enlisted personnel not to exceed 30 days' furlough annually. Because of the lack of specific legislative authority, however, unused portions of such furlough do not accumulate to the credit of the enlisted man as is the case of an officer. Consequently, there is no provision whereby an enlisted man may enjoy or be paid for unused leave upon discharge or relief from active duty.

Now comes the heart of this bill which will be discussed in some detail later by members of the subcommittee of the Committee on Military Affairs which drafted the measure.

The report reads further as follows:

> The bill under consideration, with the amendment recommended by your committee, places the enlisted man on exactly the same basis as an officer with respect to leave with the exception that it also provides for a cash lump-sum payment upon discharge. This latter provision is necessary in view of the fact that the Army of the United States already has been demobilized and a great majority of its personnel discharged. Section 1 of the bill, as amended, grants to enlisted personnel leave at the rate of 30 days per year and provides for the accumulation of unused leave not to exceed 120 days. Section 2 provides for the payment upon discharge for this accumulated leave.

That is the purpose and the objective of the bill, to try to put these enlisted men on the same equitable basis as the officers. I count it an honor to be permitted to say a word in behalf of the enlisted men who in the recent war wrote the brightest page in all our military history. I urge prompt and unanimous passage of this bill so that it can be enacted into law at the earliest possible date.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. I yield.

Mr. WHITTINGTON. Is there any difference with respect to the terminal leave for officers of World War II and World War I?

Mr. THOMASON. I am not sure at the moment if officers of World War I drew terminal leave pay, but I do not believe they did. But it is the same old law and the authority is there. It all dates back, as I quoted from the report, to the provisions of an act of May 8, 1874, under which this 1 month's leave of absence for every year of service for officers has moved along without proper regard for enlisted men. The truth is there has been unjust discrimination which must be corrected.

Mr. WHITTINGTON. The gentleman has been very helpful, but it has been argued repeatedly to us by those who are asking for terminal leave for others that this is a provision which has been made for soldiers of World War II.

Mr. THOMASON. It is the same old law, and if the War Department wanted to exercise this authority under this old act of granting leave to officers, of course, they had the authority. The trouble is, it made no provision for enlisted men.

Mr. WHITTINGTON. Did they grant it following World War I?

Mr. THOMASON. I yield to the gentleman from Louisiana [Mr. BROOKS] to answer that question.

Mr. BROOKS. Under the act of 1884 the Secretary of War was entitled, at his discretion, to accumulate the leave. But you have this big difference between World War I and World War II. In World War II you had a much longer war, so that the accumulations were much greater. In addition to that, you had a situation where the men and officers were serving in places where furloughs were not granted because there was no reason for giving them and they were away from home for 4 or 5 years. Therefore, it does make a big difference.

Mr. WHITTINGTON. That is because of the lack of having accumulated as much leave as was accumulated in World War II?

Mr. BROOKS. That is correct.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield further?

Mr. THOMASON. May I say to the gentleman if he will bear with us a few minutes, the members of the subcommittee who drafted this bill are asking for time immediately and they will be glad to answer any questions that Members may want to ask.

Mr. WHITTINGTON. I do not care to take up the gentleman's time except to ask a question with respect to the statement the gentleman has made, which has been very helpful. Under the law, with respect to the 30 days' annual leave for enlisted men, are those men allowed 30 days' furlough pay?

Mr. THOMASON. They were allowed a furlough of time if they could get it and wanted to use it, but if they did not use it, that is all there was to it. But it does not accumulate.

Mr. WHITTINGTON. It could not accumulate, and, therefore, they have not been given the privilege of, let us say, 4 months' accumulated leave?

Mr. THOMASON. That is correct.

Mr. WHITTINGTON. What is the total estimated cost of this bill?

Mr. THOMASON. That is a very difficult question to answer. There have been estimates all the way from two to six million dollars.

Mr. WHITTINGTON. What is the best estimate the committee was able to make?

Mr. THOMASON. I yield to the gentleman from Florida to answer that.

Mr. SIKES. I would like to take that up when I have more time.

Mr. THOMASON. It is a very large sum of money, and there is a very wide spread in the estimates, I will say to the gentleman.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Michigan.

Mr. HOFFMAN. There has been a great deal of talk about the difficulty in learning how much a veteran would be entitled to receive. Is there any way to avoid that?

Mr. THOMASON. I may say to the gentleman that the two big obstacles in the way of doing prompt justice in this matter are, first, the question of cost, and second, the question of administration. With several million men in different services it will require reasonable time and it will take a great many employees to determine who is entitled to this pay and how much they are entitled to receive. May I say that the authors of the bill, particularly those on the subcommittee who drafted it, expect to give you the details on that if you will bear with us for a few minutes.

Mr. HOFFMAN. I was just trying to learn something about what Members of Congress could do when these requests for information begin to come in. I suppose this includes the WACS and the WAVES.

Mr. THOMASON. Yes, it will.

Mr. HOFFMAN. We already have so many requests from veterans that we have difficulty in answering them. If each veteran who was in the service begins to write why they do not get their money or why the amount is not correct, have we any assurance that an agency will be set up here to determine those questions, so that we can give that information?

Mr. THOMASON. Yes. There will be a separate division set up in the War Department, but a great many of those individual claims will have to be based upon affidavits, because you cannot determine from the records just how much furlough time an enlisted man has taken or how much he ought to be paid. So it will probably boil down to a question of the enlisted man having to make an affidavit and furnish proper evidence in support of his claim.

Mr. HOFFMAN. There is no way of giving each one a lump sum and settling it in that way? No way of avoiding all these individual discrepancies?

Mr. THOMASON. There would be some enlisted men who took all their furlough time when others were either in combat or at certain places where they could not or did not want to take any furlough time at all. Every claim filed will have to be decided on the facts in that particular case.

Mr. PACE. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. I yield.

Mr. PACE. In view of these circumstances, does not the gentleman feel it is timely now for him to state for the record that, as anxious as we are for the enlisted men to receive this pay, they need not expect it the day after it is enacted, but it will certainly be a matter of months and perhaps longer before the payments are made?

Mr. THOMASON. I thank the gentleman for making that statement, because no member of the committee and no Member of the Congress wants to practice any deception about this, or hold out any encouragement that there will be any checks in the mail tomorrow or next month, because, in addition to the tremendous cost of carrying out this bill, it will require many thousand employees to check the records. You cannot take 12 or 14 million men who have been in the service, perhaps 10 million of them enlisted men, and go through the records in any one day or in any month. However, this is a good-faith bill and a good-faith effort on the part of all of us on the Military Affairs Committee to bring out a workable bill, and then later the War Department will work out some fair system of administration. Justice must be done these men, and I am certain that payment will be hastened as rapidly as possible.

Mr. KEARNEY. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. I yield.

Mr. KEARNEY. I think the gentleman is absolutely correct, and also that is a reason to assume that, in the payment of this terminal leave adjustment, in some cases it may take years, due to the scattering of the records all over the world, and the ultimate placing of those records in any one central office.

Mr. THOMASON. I want to be frank about this. This is going to be a very complicated matter of administration, because, as the gentleman from New York has said—and the veterans have no better friend in this House than he, and, besides, he is a veteran himself—we know that these records are scattered to every part of the world and now several millions of men have been discharged, and, in addition, their commanding officers are gone and the records are probably in Paris, Tokyo, Yokahama, or some other place. The records will have to be reassembled and evaluated and the truth arrived at, because the Government must have that. The veterans only want what they are entitled to, and, of course, the taxpayers want the claims justified. It will certainly take some time to work out the details, and there is no reason for anybody to be deceived about that.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. I yield.

Mr. JOHNSON of Oklahoma. As one of several Members of this House who introduced bills on the important subject of terminal-leave pay for enlisted men, I am especially interested in the gentleman's statement that it is going to take considerable time in order to pay all these enlisted men their terminal-leave pay the same as the officers have received.

As I understand the committee bill before us, it provides for a period of 12 months for the enlisted man to make application. I believe the original Rogers bill provided for only 3 months' time to make application. My bill, H. R. 6149, which I introduced some months ago, carried this 1 year's provision. It seems to me that we might just as well go into this with our eyes open and say that when the year is up it is the intention of Congress to extend the time so that every enlisted man will have an opportunity to file his or her application. I give notice that, so far as I am concerned, there is not going to be any limit of even a year's time beyond which these men cannot file.

Mr. THOMASON. There is a year's limitation in the bill that is now under consideration.

Mr. JOHNSON of Oklahoma. Yes; I understand that, and so stated. I congratulate the committee on extending the time. But at the end of that time Congress undoubtedly will again extend the time for making application.

Mr. THOMASON. Of course, a fair Congress is going to extend the act if it is necessary; and I might say in this connection, while there have been a lot of bills introduced and pending before the committee for a good long while, I believe every Member of the House, whether he introduced a bill on the subject or not, is personally interested in seeing that justice is done in this matter. I am actively supporting this bill, as is the entire committee. That is the reason we bring it here for debate and consideration, with the hope that the fairest and most equitable measure that can be passed under the circumstances is going to become law. I feel a great personal interest in this legislation, and the Members may be assured that I speak for all the members of the Military Affairs Committee in saying that we have worked out a fair bill, and urge its prompt enactment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Texas has consumed 15 minutes.

Mr. ANDREWS of New York. Mr. Chairman, I yield myself 5 minutes.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. ANDREWS of New York. Mr. Chairman, the provisions of this measure present certain most difficult problems, and it may not be out of the way for me to make some observations looking to the practices which to my mind have produced the situation in which we are today having to deal with this legislation.

You will recall that during the early days of the war we passed a bill which came from the Military Affairs Committee for mustering-out pay amounting in the highest figures to $300 for enlisted men. When that bill was brought from the committee and the committee supported the move, there was a great feeling at that time that the junior officers whose pay was very little different from that of the enlisted man were as badly in need of mustering-out pay as were the enlisted men, and for that reason officers in the grade of second lieutenant,

first lieutenant, and captain were included within the provisions of the Mustering-Out Pay Act, receiving up to $300 themselves. The Committee on Military Affairs reported that bill and the House passed the measure without the knowledge that the Army in accordance with an old statute would pay terminal leave to all officers who served in the Army at the conclusion of their service. That produced the situation we are in today. The enlisted men knew, they had a right to know, it was proper for them to know, that officers in the grades of second lieutenant, first lieutenant, and captain who were receiving the $300 discharge pay would also receive terminal-leave pay. They are the only ones in the category who receive both terminal leave and mustering out pay in the amount of $300. As I stated, that produced this situation. Frankly, I see no way in which it can be remedied other than by the passage of a bill of this type.

Some questions have been asked about administration of this proposal. I do not pretend to know all the details, but from what I do know it seems to me it is reasonable to expect that this will be the most terrific bookkeeping job ever attempted by the Federal Government in any of its activities, either in war or peacetime, in order to carry out the provisions of this bill. It means in effect checking the records of 10,000,000 men and women who have been in both branches of the service. It means taking their word for a great many things. Accurate statistics may not be obtainable in all instances. It will take literally thousands of employees to carry out the provisions of this act and a great length of time to do it in a decent sort of way.

Let me say something about the provisions of various bills which have been introduced. None of the provisions of the original bill on the discharge petition could have been interpreted by any agency of government to carry out what will be necessary. The bill which has been substituted with the consent of the gentleman from Florida [Mr. ROGERS] has been carefully worked out by a subcommittee under the chairmanship of the gentleman from Florida [Mr. SIKES], from whom you will hear very shortly.

The results of this bill even are unpredictable. It is safe to guess it will cost at least $3,000,000,000 and may run as high as $6,000,000,000. As I say, I see no way out of the situation but to pass a bill of some type having to do with this subject. I think it is important that everyone understand exactly what the situation is. It comes as a result of a mistake, if you want to call it that, on the part of the Military Affairs Committee, and a mistake on the part of the War Department in that there is an overlapping of the two benefits for second lieutenants, first lieutenants, and captains who receive both terminal pay and discharge pay.

Mr. Chairman, I now yield such time as he may desire to the gentleman from Michigan [Mr. MICHENER].

Mr. MICHENER. Mr. Chairman, I take this time to ask what the program next week will be.

Mr. McCORMACK. Mr. Chairman, Monday is District Day. I understand there are three bills to be called up.

After those bills are disposed of the Railroad Retirement Act will be brought up. There are 5 hours' general debate on that bill. If that is not disposed of on Monday, further consideration will be suspended.

On Tuesday the Labor Department appropriation bill will be considered.

Wednesday is set aside for Calendar Wednesday business.

On Thursday the Labor Department appropriation bill will be taken up for further consideration if not previously disposed of. The corporation appropriation bill will follow until completed. After that the Railroad Retirement Act will be taken up and disposed of, if not previously disposed of, and consideration of that bill will continue until completed. If all the time for general debate on the Railroad Retirement Act is not taken up we could dispose of it earlier, but if that does not happen, why this is the program up until Friday. We are going to meet on Saturdays from now on. On Saturday, a week from tomorrow, the national-cemetery bill will be assigned. From now on, as I see it, we have got to meet on Saturdays if we are going to adjourn somewhere around the middle of July. If the present bill is disposed of today and passed without a roll call, that is all right, but if there is to be a roll call there is a gentleman's agreement that it will go over until Tuesday, and any other roll call will go over until Tuesday. There may be some conference reports. They will always be in order as well as any veto messages, if they come in, which personally I hope.

Mr. MICHENER. Does the gentleman mean he hopes a veto message will come or that he hopes no message will come?

Mr. McCORMACK. My personal views are that I hope the veto will come.

Mr. MICHENER. May I inquire about this? I quite agree with the leader that we hold sessions and get the important work behind us.

Mr. McCORMACK. I have no knowledge of any veto message; I want to be frank.

Mr. MICHENER. Inasmuch as that is the view of the leadership, can we have any assurance that on Wednesday next we will do business rather than devote the day to roll calls?

Mr. McCORMACK. Wednesday is Calendar Wednesday. I put that down. Of course, I have no control over that, as the gentleman knows. That can only be dispensed with by unanimous consent and I have been served with notice that any unanimous consent request to dispense with Calendar Wednesday would be objected to.

Mr. MICHENER. I am not asking that it be dispensed with, but I was expressing the hope that some of those committees that have bills on the calendar will be called, and will be permitted to dispose of legislation other than that one particular bill which is causing all the trouble. If nothing is to be gained by the call of Calendar Wednesday other than roll calls, I hope the leadership can work out something so that we will not lose another day.

Mr. McCORMACK. I think that the hope of the gentleman is a very proper one to express, but I want to be perfectly frank and state that that is the situation. My friend knows that the leadership has no control over it.

Mr. MICHENER. I am very sure that is true.

Mr. McCORMACK. That is a situation that the leadership has no control over.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. THOMASON. Mr. Chairman, I yield the gentleman four additional minutes.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. The gentleman from Massachusetts referred to the possibility of considering any veto messages, should they come. Does the gentleman state that he has no information at the present time as to whether any are in the offing?

Mr. McCORMACK. I have absolutely no information. I make no predictions. I do not want any interpretation placed on anything I have said. I have no knowledge at all.

Mr. CASE of South Dakota. But if any should appear, the calendar that the gentleman has outlined would be adjusted to permit the consideration of the veto message, of course.

Mr. McCORMACK. Yes.

Mr. CASE of South Dakota. Does the gentleman expect that the membership will be given any notice in advance of the receipt of the message?

Mr. McCORMACK. I am unable to answer that question, except I think the leadership ought to take steps to protect the Members. The last day is Wednesday, as I understand. I do not want to make any expression, because I have no knowledge, and it seems to me that the Members ought to govern themselves to be here Tuesday and Wednesday.

Mr. MICHENER. I do not think the gentleman ought to be pressed for an expression if he has no knowledge about the matter. He has expressed his hopes, and we now know what they are.

Mr. McCORMACK. I have no knowledge about it.

Mr. MICHENER. My attention has been called by a Member to the fact that the 14th of June is Flag Day. Does that enter into the picture at all?

Mr. McCORMACK. I suppose that Members who so desire could make appropriate speeches on that day, but I think we ought to legislate.

Mr. MICHENER. I thank the gentleman.

Mr. RANKIN. Is that next Wednesday? We certainly want to use the American flag.

Mr. McCORMACK. June 14 this year falls on a Friday.

Mr. RANKIN. Let me say to the gentlemen on the other side who are inquiring about our fight on the FEPC that those of us who are fighting that com-

munistic legislation are not trying to embarrass any Member of Congress, but we are going to every legitimate length possible to keep it from going on the statute books. You may call it a filibuster if you want to, but we are simply walking in the path of those great men who have fought such vicious measures in the past. We are simply trying to save this country from the baneful effects of such vicious, communistic legislation as the so-called FEPC bill.

Mr. THOMASON. Mr. Chairman, I yield 10 minutes to the gentleman from Florida [Mr. SIKES].

Mr. SIKES. Mr. Chairman, since 1874 there has been on the statute books legislation which gave discretion to the Secretary of War to grant terminal leave to officers. That leave was not mandatory. It was not a statutory right of officers of the Army, but it was left within the discretion of the Secretary of War to grant terminal leave to officers if he saw fit. At a matter of policy it has been customary for officers to receive terminal leave through most of the time since that period. An officer could accumulate 2½ days leave per month to a total of 120 days, representing a 4-year maximum period of leave accumulation.

Mr. BULWINKLE. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to the gentleman from North Carolina.

Mr. BULWINKLE. May I say to the gentleman that it was not customary during World War I. No terminal leave was granted.

Mr. SIKES. Such has been my understanding. Now to get back to my discussion. Enlisted men have been commonly considered as having earned a 30-day leave each year, but this right was not protected by statute, and if not received the leave was not cumulative. No pay was allowed for the enlisted man's 30 days' leave if that leave was not granted.

A number of us here have long realized that this situation has caused a lot of dissent and a lot of dissatisfaction on the part of the enlisted men in the armed services. It is an inequality which has caused enlisted men to feel that they are being unfairly discriminated against and that they are victims of unwarranted class distinction. It is a condition which should not exist. Consequently, some of us have felt that legislation should be enacted giving enlisted men as nearly as possible the same consideration in the matter of terminal leave pay as has been shown to officers.

Approximately 20 bills on this subject were introduced and referred to the House Committee on Military Affairs, and referred by that committee to a subcommittee for hearing. It was my privilege to serve as chairman of the subcommittee. Hearings were held on this subject in December of 1945, at which appeared the sponsors of the various bills as well as representatives of the Army and of the Navy. At that time representatives of both the Army and the Navy stated that they had no objection to legislation providing terminal-leave pay for enlisted men, but they pointed to the difficulties connected with its administration and to the cost of the legislation. It was also stated by representatives of the Army and the Navy that considerable difficulty would be met with in the administration of any of the bills which had been introduced. Consequently, your subcommittee, working with representatives of the legal department of the War Department and of the Navy Department and with our own legislative counsel, drew up a bill which it is felt is administratively sound and which, if properly handled, will correct this inequality which now exists between the officer and the enlisted man. In recognition of the work done by my distinguished colleague the gentleman from Florida [Mr. ROGERS], who has been a leader in the fight to make possible terminal-leave payments to enlisted men, the bill which he introduced was used as a basis for discussion, and the bill which comes to you today—H. R. 4051—carries his name. The subcommittee proposes to strike out everything after the enacting clause and write in a new bill, the bill which the subcommittee wrote after exhaustive study, with the help of the legal representatives of the Army and Navy and our own legislative counsel. I would like to briefly discuss that bill.

Mr. DONDERO. Mr. Chairman, will the gentleman yield for a question at this point?

Mr. SIKES. I am glad to yield to the distinguished gentleman.

Mr. DONDERO. I have examined the report and I do not find any estimate of what this bill will cost the country.

Mr. SIKES. I will be glad to touch on that. I think it is something that the House is vitally interested in. It is very difficult even in the hearings to find a satisfactory estimate of the actual cost of the bill. There are so many considerations that enter into this matter and it is so difficult to determine how much leave the average enlisted man has already had and how much terminal leave he would be entitled to, that a great many estimates have been made. These range all the way from a billion and a half dollars to $8,000,000,000. It has been found that the average length of service is 28 months. Most of the enlisted men have received some furlough time. Cost of terminal leave for officers cannot properly be counted in the cost of this measure, because they receive terminal leave pay anyway. But I have here a letter from the War Department addressed to me, dated March 13, and signed by Brig. Gen. Ira Swift, of the War Department General Staff. He states, "The War Department estimates that the December 11, 1945, draft," and that is the draft which we propose for enactment today, "above-mentioned will, if enacted, result in a cost to the Government of approximately $2,000,000,000 for Army personnel." This is higher than a cost estimate previously made to the subcommittee by General Swift during the hearings, but it represents a more detailed study by the War Department.

We do not have a similar statement for the Navy personnel, but from statements made to the subcommittee from my personal investigations, but it is my belief that the cost for the Navy will be about $1,000,000,000, thus making a total cost of approximately $3,000,000,000 for this bill. This estimate is further borne out by the fact that the personnel of the Navy is approximately one-half that of the Army.

Mr. CARNAHAN. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to my friend.

Mr. CARNAHAN. Is there any estimate of the percentage of Army personnel who will receive this pay? There seems to be an opinion over the country that perhaps everyone is going to receive some pay as a result of this bill. Certainly some of them have used up all of their leave.

Mr. SIKES. Some of the men, of course, have used up all of their leave, but I think the gentleman will find that percentage is rather small and that most of the men, because of war conditions and because many of them were overseas, have not used all of their leave. A greater percentage of the members of the armed forces will have some pay coming to them under this bill.

Mr. CARNAHAN. I thank the gentleman. I am glad to have that information.

Mr. SIKES. Getting back to the discussion of the bill—we used September 8, 1939, as the effective starting date of the bill. That is the date on which the first naval reservists were called up. We set up 2½ days per month for actual time served, and provided for a maximum of 120 days terminal leave, less the actual leave that each man received. That is the basis on which the officers are given terminal leave and we are trying to make this measure correspond as nearly as possible to the regulations followed for the officers. Now let us consider section 2. Because of a number of conditions which were brought out in the hearings, it was considered desirable to make lump-sum payments upon discharge for men presently in the services. Each man receives a lump-sum payment for his terminal leave when he is discharged. That payment includes base and longevity allowance and actual monetary allowance for quarters and subsistence which the individual was receiving immediately prior to discharge.

I would like to point out that most enlisted men do not actually receive monetary allowance for quarters and subsistence. Instead of receiving a monetary allowance they are given quarters and subsistence. But, in any event, we give to every enlisted man a minimum of 70 cents per day, in addition to his base and longevity pay, which is the monetary allowance give to officers for their subsistence.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield.

Mr. JOHNSON of Oklahoma. Is that the same monetary subsistence pay that was given to officers?

Mr. SIKES. That is the same as an officer now receives.

Section 3 describes the rights of the survivors of the members of the armed forces who died before receiving their terminal-leave pay.

Mr. WADSWORTH. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to my distinguished colleague from New York.

Mr. WADSWORTH. Is it contemplated that a member of the family of the deceased shall make application?

Mr. SIKES. It is.

Mr. WADSWORTH. Would it be in the form of an affidavit?

Mr. SIKES. I believe that such would be the case, although the bill is rather flexible in permitting the Secretaries of War and Navy to issue regulations necessary for its administration.

Mr. WADSWORTH. Could the gentleman inform the Committee as to what sort of affidavit a minor child could make?

Mr. SIKES. I think the gentleman will find that this feature is fully covered a little further on in the bill. I suggest that the gentleman study section 5 (b) on page 5. I will come to that in a few minutes. If the gentleman thinks the language of the bill does not cover the point we will go into it at that time.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to my distinguished friend.

Mr. JOHNSON of California. On the matter of leave, I understand the enlisted man's leave of 72 hours does not count in this terminal leave. Will that be eliminated in this bill? In other words, if he takes a 72-hour leave, it does not count in the amount of leave considered in this bill?

Mr. SIKES. It does not count in the amount of leave to which he is entitled under this bill. That is correct. Enlisted men, at home and abroad, frequently were given 72-hour passes, but that was not charged against them as furlough time.

In section 4 we allow 1 year for a man who has already been discharged to make application for his terminal-leave pay. It was brought out in the hearings that this should provide ample time both to recipients and to the departments.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. BROOKS. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. SIKES. In section 4 (b) we make provision for men who are discharged with discharges other than honorable. In the event a man should later receive an honorable discharge, he then has a year in which to make application for his terminal-leave pay.

Section 4 (c) tells to whom the application shall be made—the Secretary of War or the Secretary of the Navy for the respective services.

Section 5 (a) states that payments due or to become due under this act shall not be assignable, shall be exempt from taxation and exempt from claims of creditors.

Section 5 (b) simplifies the legal processes and specifies method of payment to minor persons and to persons mentally disabled.

Mr. KEARNEY. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to my distinguished colleague.

Mr. KEARNEY. That is the section that, as I read it, without the necessity of appointment for instance of an administrator or a committee, that the War or Navy Department may pay direct simply upon affidavit?

Mr. SIKES. I believe the gentleman's understanding is correct.

Mr. KEARNEY. No judicial proceedings are necessary at all?

Mr. SIKES. That would be my interpretation. Now I want to discuss section 5 (c); this is something in which I think the Members of the House will be very much interested, because it touches upon the matter of records and the difficulty of administering this act. It is understood, if it is necessary for the War Department to single out and study every one of these records of service of the 12,000,000 or more enlisted men, a very great problem is going to be presented which will require thousands of personnel and a great deal of time. This problem was discussed at length, and a number of proposals were advanced. Representatives of the Army and Navy leaned toward the use of a formula, by which a specified number of days leave time would automatically accrue each month to each enlisted man. The subcommittee felt, however, that this appeared more in the light of a bonus than terminal-leave pay, and that it would be unfair to men who because of overseas service or other reasons had no furlough time while in the service. Thereupon, representatives of the services requested that in lieu of a formula, the Secretary of War and the Secretary of the Navy might be permitted to accept the men's sworn statements for the amount of furlough time which they had received. It was understood that this authority is to be used should administrative difficulties become insurmountable otherwise. I want to point out that the administrative personnel will always have recourse to the service records and can check each man's statement. You can readily see you will get into some difficulties by the use of sworn statements, but I think you will get into more difficulties by not permitting administrative difficulties to be dealt with in this way. The subcommittee considered it very thoroughly and we were of the opinion that it should be included.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to my able friend.

Mr. ABERNETHY. In the event of a serviceman who has died, of course, it would not be possible for a member of his family, who would be entitled to this terminal-leave pay, to file an affidavit.

Mr. SIKES. In that case it would be necessary for the record to be pulled and the actual days of furlough and service determined.

Mr. ABERNETHY. It will be determined, then, from the records in the Department?

Mr. SIKES. That is correct.

Mr. ABERNETHY. There will be no short-circuit route for those parties to take? They will have to wait until the record has been determined?

Mr. SIKES. No short route was suggested, and I know of none which might be adopted. I believe it possible, under the language of this bill, for the Secretary of War and the Secretary of the Navy to make regulations permitting such short circuit; but none was suggested. It was understood and agreed that the logical method would be for the record to be consulted and the actual days to be determined.

Mr. LECOMPTE. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield.

Mr. LECOMPTE. The records in every case will show just exactly the number of days a man served and how much furlough he has had, will they not?

Mr. SIKES. That is correct.

Mr. LECOMPTE. There will be no difficulty in knowing how many days a man served in this country, how many days he served overseas, and how much furlough he has had.

Mr. SIKES. The only difficulty is the enormous job of bookkeeping, the thousands of personnel needed to pull out every individual file and make the computation. The bill states that the Secretary of War or Navy may accept the sworn statement of the individual. Either department has the right to accept sworn affidavits from the men if they should get bogged down trying to compute all these claims.

Mr. LECOMPTE. Does it provide that the Secretary of War and the Secretary of the Navy shall accept wholesale affidavits of the men?

Mr. SIKES. I cannot say whether they will accept wholesale affidavits but they have the right to accept sworn statements if in their judgment it is necessary for the orderly processing of this legislation.

Mr. NORBLAD. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to my good friend.

Mr. NORBLAD. Is it not a fact that officers were paid their terminal leave upon their simple statement of what was due them?

Mr. SIKES. I think that is the fact, but it was always understood that the Department could if they wanted to, go back and look at the man's record and see if he was correct in his statement.

Mr. NORBLAD. I will say that it is a fact that they did that on the simple statement of the officer, not an affidavit. As a matter of fact that is the only difference in the bill between the officer and the enlisted man, that the enlisted man would be required to make a sworn affidavit and the officer merely a statement. That was what happened in my case.

Mr. SIKES. That is correct now. I would like to point out that section 6 provides that terminal-leave pay will not be given for any future war. The committee feels that a situation similar to the present one, where an expenditure of billions is made necessary to correct an obvious inequality in treatment of personnel, should not occur again. It seeks to safeguard this by limiting accumulated time in future wars to 30 days, and by specifying that payments will not be made in lieu of leave.

Section 7 defines the terms that are used in this legislation, and section 8 gives the title of the act.

The CHAIRMAN. The time of the gentleman from Florida has again expired.

Mr. THOMASON. Mr. Chairman, I yield the gentleman one additional minute.

Mr. SIKES. Let me summarize by stating that we have attempted to write a simple, comprehensive measure which will correct a serious inequality which we believe has been done to enlisted personnel. We believe that the proposed legislation meets every situation which will arise and that it will permit the sound, prompt administration of the problem of terminal-leave pay for enlisted men. As nearly as possible, we have placed it on the same plane as the regulations under which terminal leave is now allowed for officers. We feel that enlisted personnel are entitled to all that is granted to them under the terms of this measure.

I should like to point out that this legislation has the active support of the American Legion and of the Veterans of Foreign Wars. It has enjoyed strong support from the press throughout the Nation. Those of us who have worked to bring it to the floor are gratified at the response which it has received here, and I hope that it will pass without a dissenting vote.

Mr. DURHAM. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to my distinguished friend from North Carolina.

Mr. DURHAM. I wish to congratulate the gentleman on this bill. He has done a lot of hard work on it.

When our committee considered the estimates, does the gentleman recall the estimate given of how much had already been paid out to officers?

Mr. SIKES. An approximation of this figure is shown in the hearings. I do not have them before me at the moment.

The CHAIRMAN. The time of the gentleman from Florida has again expired.

Mr. MARTIN of Iowa. Mr. Chairman, I yield such time as he may desire to the gentleman from New Jersey [Mr. WOLVERTON].

Mr. WOLVERTON of New Jersey. Mr. Chairman, I am in favor of the adoption of the pending bill providing terminal-leave pay to enlisted personnel of the armed services.

Under existing law, officers of the Army are entiled to 1 month's leave of absence a year without deduction of pay or allowances and may accumulate unused portions of such leave not to exceed a total of 4 months.

The law providing for such payments to officers was enacted in 1874, and amended in 1876. It has been the policy of the War Department to permit officers to take advantage of accumulated leave upon discharge from active duty. Thus, an officer although relieved from active duty, actually remains upon the Government pay roll for a period of time equivalent to the amount of leave which has accumulated to his credit. There has not been nor is there now any objection to this policy. It is right and just.

However, there is no law that extends a similar right or privilege to enlisted personnel. This is neither right nor just. The enlisted man or woman should not be treated any differently than an officer in this respect. This is due to the lack of legislative authority to permit unused portion of furloughs to accumulate to the credit of the enlisted man as in the case of an officer. Consequently, there is no provision whereby an enlisted man may enjoy or be paid for unused leave upon discharge or relief from active duty.

The bill now under consideration will correct this unfair discrimination between officers and enlisted men. It extends to the enlisted man a similar privilege as now enjoyed by an officer upon his separation from service. The bill is exceedingly meritorious and is entitled to the favorable consideration of the House. I trust that it will receive the support that it is justly entitled to receive.

Mr. MARTIN of Iowa. Mr. Chairman, I yield such time as he may desire to the gentleman from Kansas [Mr. REES].

Mr. REES of Kansas. Mr. Chairman, I shall support this legislation granting terminal leave pay to enlisted personnel in our armed forces. It is the only fair and equitable thing to do, especially in view of the fact that our Government has long since approved the policy of allowing officers accumulated leave pay upon being relieved from duty. Since this Government has seen fit to continue to pay salaries of officers in the armed forces for a period of 2 or 3 months or more, in accordance with their term of service, and who received salaries all the way from $3,000 to $8,000 per year, it would seem rather small not to grant as much as $100 or $200 for enlisted men who did not have a chance for a furlough and who served for pay as low as $50 per month.

This bill will permit the enlisted man to receive pay in lieu of the leave to which he was entitled and it will be on the basis of the amount of money he received while on active duty. The bill does provide that he will receive this money as a lump-sum payment when discharged. The bill should pass and the obligation in favor of enlisted men should be fulfilled.

I realize this is an additional expense against our Government, but the Government has already approved the expenditure of millions of dollars for officers in some cases at the rate of several hundred dollars per month. These officers received good-sized salaries while they were in service. This, then, is only simple justice to which enlisted personnel are entitled.

Let me suggest, too, that the additional expenditure under this measure can easily be saved by practicing just a little economy in the departments of government. Funds expended for a few thousand unnecessary and surplus employees in our Government, would more than offset the expenditure required under this legislation. As I have already stated this is an act of justice on the part of Congress and should be approved.

Mr. MARTIN of Iowa. Mr. Chairman, I yield such time as he may require to the gentleman from South Dakota [Mr. MUNDT].

TERMINAL LEAVE PAY—A DEBT THE UNITED STATES OF AMERICA OWES THE GI

Mr. MUNDT. Mr. Chairman, as one of the early supporters of legislation to provide terminal-leave pay for our enlisted personnel, it gives me real gratification to support this legislation today with both my voice and my vote. H. R. 4051 may not be a perfect piece of legislation but it is a definite effort to make available to the enlisted personnel the opportunities for terminal-leave pay which have already been available to officers. This legislation demonstrates that Congress recognizes the debt the country owes its enlisted personnel in this regard as a result of the fact that they were denied leave in so many instances where their services were badly needed during wartime. Our enlisted men and women served cheerfully under those emergency conditions—they are now entitled to the same considerations in matters of terminal leave as have been in vogue for our officers.

I am one of those, Mr. Chairman, who believes this legislation to provide recognition of our enlisted personnel is long overdue. I was one of the Members of Congress who signed the discharge petition which forced committee action on this bill. I shall always be one of those who insists that in the benefits and privileges to be extended to our service men and women in the future it is imperative that we give equitable and equal consideration to the enlisted personnel as well as to officers.

We must never permit a military caste system to develop in this country in such a manner that one set of equities prevails for the officers and a different and less acceptable set of equities prevails for our enlisted personnel. Favorable action on this legislation now before us will help to demonstrate that Congress recognizes that the men and women of every branch and rank of our services are entitled to equal justice and similar equities.

It has been argued by some that this legislation will cost a great deal of money and that it consequently should be defeated. The first portion of that argument may be factual, Mr. Chairman, but its conclusion is certainly fallacious. It is admittedly true this legislation will cost a sizable sum, but we must remember that wars do not come cheap. Remembering this, Mr. Chairman, we must also rededicate ourselves to the proposition that this great Republic of ours cannot and should not expect the individual enlisted men to shoulder handicaps simply because to give him justice may sometimes become expensive.

The enlisted personnel is entitled to this terminal leave pay—whether it costs Uncle Sam a sizable sum of money or not. We must keep faith with those to whom we owe this obligation. A Nation which glibly tosses off the billion-dollar balances due it on lend-lease and which freely proposes to loan additional billions of uncollectible dollars to foreign countries is certainly in no position to shortchange its own soldiers and sailors or to plead poverty as an excuse for not treating its enlisted personnel with the same

consideration it has extended to its officers.

Let us pass this legislation by an overwhelming vote and let us find other places in our governmental activities where we can effect economies; surely there is a plethora of such opportunities for legitimate economy available. The common-sense mandate of putting first things first commands that we act without further delay in approving this legislation to make terminal leave pay available to our enlisted personnel. Congress has already deferred action too long on this important corrective.

We are going to need strong and sturdy military establishments for a long time to come in this uncertain and uncooperative world of ours—one way to maintain the morale and to build the strength of our security forces is to give convincing proof by our vote on this measure that Congress recognizes the rights of the Nation's enlisted personnel. Let us demonstrate that Congress proposes to make sure that a privileged officers' class with special benefits and equities does not develop in this Republic to operate discriminatory regulations against the rank and file who always have and who always will comprise the great bulk of our fighting forces. The legitimate authority which goes with position and rank is one thing but we must not permit unnecessary discriminations which are repugnant in a country dedicated to the principle that all men are created equal.

Mr. MARTIN of Iowa. Mr. Chairman, I yield such time as he may desire to the gentleman from Iowa [Mr. LECOMPTE].

Mr. LECOMPTE. Mr. Chairman, this bill appears to be both just and fair to the enlisted men in comparison with the terminal leave that officers have been given. I am heartily in favor of this bill, since it appears to be nothing more nor less than plain justice toward the enlisted men who served so valiantly for our country.

Mr. MARTIN of Iowa. Mr. Chairman, I yield such time as he may desire to the gentleman from Kansas [Mr. CARLSON].

Mr. CARLSON. Mr. Chairman, many veterans have written me urging approval of the terminal-leave pay bill.

I am glad that the House is taking final action on this legislation, which removes an inequity among the men who saw military service.

I was one of the original 218 signers of the petition recommending early action. This legislation removes a discrimination that has caused much feeling between men who served in the enlisted ranks and the officers. It is my hope that the bill will get early action in the Senate.

Mr. MARTIN of Iowa. Mr. Chairman, I yield such time as he may desire to the gentleman from North Dakota [Mr. LEMKE].

Mr. LEMKE. Mr. Chairman, I am in favor of this bill and I want to congratulate the committee on the kind of bill they have brought in here for our consideration. It can be understood and read by any ordinary person without asking a lawyer to construe it. Generally when bills are brought on this floor there are technical portions which require a great deal of study in order to understand them, but this bill happily does not require any such procedure or study.

I am for this bill not because I object to the officers having been allowed terminal leave, nor do I feel that the officers were given a present. If they have terminal leave coming they should have terminal pay. On the other hand, I feel that the greatest national defense we can look forward to is to get the enlisted men to feel that they have received a square deal, that they have been treated on an equality with the officers as far as terminal leave is concerned. For these reasons I feel that the pending bill should pass, as it will, because I realize that every Member on this floor appreciates the justice of it.

I am especially for this bill because I believe that the greatest part of our national defense consists of the human part, the men who do the fighting and the dying—the enlisted men. They are the ones that see the real hardships. They are the ones that take the full brunt not only of a battle but of living in fox holes. Their loss and suffering as a whole is greater than that of officers. This legislation has been too long neglected. It should have been passed months ago. The returning veterans were entitled to it.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. THOMASON. Mr. Chairman, I yield 10 minutes to the gentleman from Florida [Mr. ROGERS].

Mr. ROGERS of Florida. Mr. Chairman, H. R. 4051 is one bill that is just, equitable, and honest. I sometimes have a doubt in my mind as to the merit of certain legislation that comes before this House and upon which I vote, but may I tell the membership of the committee that this is one bill about which there is not one scintilla of doubt in my mind that the Congress should pass.

Why do I say that? I say that for the reason that commissioned officers do receive terminal leave, and I want to pay tribute to the commissioned officers. I hate to see certain Members of the House get up and refer to commissioned officers as brass hats. They were the men who went to the front for us when we needed them. But those men enjoy and are enjoying terminal leave. That was provided them by law in 1874, amended in 1876. This gives leave of absence to officers for a period of 30 days a year which may not be deducted from their pay and allowances. If they do not take up all of their accumulated leave when they are discharged from the service they are put on the Government pay roll for that time which they did not enjoy in leave given them by law.

What happens to the enlisted men, the men fighting in the Pacific and in Europe along with commissioned officers? When they are discharged together, where is your discrimination? The officer gets terminal leave and the corporal or the private only gets a "handshake" for a good job that he has performed. This Congress cannot countenance such a policy as that.

Now, let us get down to the cost. Some Members seem to be disturbed because this will cost $2,000,000,000, but, Mr. Chairman, when a principle is involved are we going to let money considerations swerve us away from justice, equity, and equality? No.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Florida. I yield to the gentleman from Mississippi.

Mr. ABERNETHY. Well, the cost is only about half as much as the proposed British loan, is it not?

Mr. ROGERS of Florida. Yes.

Mr. ABERNETHY. And this is a much more worthy proposition. While on my feet, I desire to congratulate the distinguished gentleman from Florida on his persistent and untiring efforts in behalf of this bill which I am glad to support.

Mr. ROGERS of Florida. I think it is much more worthy, and right here I want to say, I appreciate very much the remarks of my colleague the gentleman from Mississippi [Mr. ABERNETHY], and I want to take this opportunity to publicly thank him for his active support and the very fine work he has done on behalf of my bill, H. R. 4051, he being one of the signers of the petition to bring the bill on the floor of the House for consideration.

And, Mr. Chairman, may I take time here to thank each and every one who signed the discharge petition, and particularly express my deep appreciation to the gentleman from Georgia, M. C. TARVER, the gentleman from Oklahoma, VICTOR WICKERSHAM, the gentleman from Texas, LINDLEY BECKWORTH, the gentleman from Oklahoma, LYLE BOREN, and the gentleman from Tennessee, HAROLD EARTHMAN, who were very active in their cooperation and assistance in securing the required number of signatures on the discharge petition.

Mr. RIVERS. There is at least some security behind it, too.

Mr. ROGERS of Florida. There is no question about that. But I cannot see any objection when you consider the job that these boys have done. Do you know what this Congress did last year? In the first instance, we appropriated some $58,000,000,000 more than we used because of the fact that these boys did a good job. The first rescission bill that was passed by this Congress canceled out appropriations we had made of $52,000,000,000, and in the second rescission bill we canceled out $6,000,000,000.

Now let us consider the cost.

Mr. BUFFETT. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Florida. I yield to the gentleman from Nebraska.

Mr. BUFFETT. I wanted to inquire about the cost of this project. Is the $2,000,000,000 figure the estimate of the Bureau of the Budget or the War Department, or who made that estimate?

Mr. ROGERS of Florida. The evidence that was taken before the subcommittee contained no estimate from the Bureau

of the Budget, and what General Swift said was a mere guess. He figured it would be around $2,000,000,000. He said it was a mere guess. He figured that the enlisted man served an average of 28 months up to September 1, 1945.

Mr. BUFFETT. Is that for the Army alone or for the entire armed services?

Mr. ROGERS of Florida. He was speaking for the Army.

Mr. BUFFETT. Is there any estimate for the Navy?

Mr. ROGERS of Florida. Not so far as I know. There are no estimates here. As I say, it is a guess, because they do not know the amount of leave that has been taken.

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Florida. I yield to the gentleman from Florida.

Mr. SIKES. May I say to the gentleman, as I stated a few minutes ago, the War Department has estimated that the cost of this legislation to the War Department would be $2,000,000,000. I have that in writing. I do not have a similar statement in writing from the Navy, but the best estimate I have been able to obtain from talking with people in the Navy Department is that their cost will run slightly less than $1,000,000,000. The Bureau of the Budget made an estimate. They said that as far as they were able to determine that the total cost of this legislation would be somewhere between two and five billion dollars. But the estimates I have given you from my research indicate that the cost would be about $3,000,000,000; perhaps a little less.

Mr. WADSWORTH. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Florida. I yield to the gentleman from New York.

Mr. WADSWORTH. May I ask if those estimates include the cost of administration?

Mr. SIKES. Yes.

Mr. ROGERS of Florida. That is my understanding.

Mr. WADSWORTH. Then the cost of administration must have been fairly estimated.

Mr. ROGERS of Florida. I think so.

Mr. WADSWORTH. That is as to the number of clerical assistants. I am just asking for information.

Mr. ROGERS of Florida. That is the information I have. Irrespective of that, I do not think this Congress should fail to do the just and equitable thing by the men who have won this war because it might cost some two or three billion dollars. Because of their splendid work, as I said, we have passed rescission bills that saved this country $58,000,000,000. It is just. It is honest, and I do not think that a single Member of this Congress has any other idea than to grant terminal pay leave to the enlisted men on the same basis and terms as granted to commissioned officers. We believe in equality of treatment for services rendered.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Florida. I yield to the gentleman from Minnesota.

Mr. JUDD. Can the gentleman give us any idea as to about when these payments will start being made?

Mr. ROGERS of Florida. I presume that they will be started immediately upon the filing of the applications. They have 1 year in which to come in and to file their claims.

Mr. JUDD. Then this would be the procedure: The man would make his application, whereupon the War Department or the Navy Department would look up his record, and between the two they would set the sum to be paid.

Mr. ROGERS of Florida. That is true. This bill provides that they shall make a sworn statement, giving the number of days' leave that each has used during his term of service in the armed forces. You know that the men that went out and sacrificed their time and fought for their country, to preserve freedom and the American way of life, when they come in and make a statement, will not perjure their souls to get a few dollars of terminal-leave pay. They will make a statement that is true and one reflecting facts. There may be a few instances where discrepancies may show up, but you can trust the enlisted man, and when he makes a statement he will make a true statement to the best of his ability, and if he has not used up his unearned leave, then this Government owes it to him, and this Congress ought to see that it is paid to him.

Mr. WADSWORTH. It is my purpose in asking this question to develop further the reply that I received from the other gentleman who addressed us a moment ago on one of the problems of administration. I note, for example, on page 5, in paragraph (b) of section 5, the Secretary of War and the Secretary of the Navy may appoint a representative of a minor member of the forces or a representative of a member suffering from mental disability to act for him without the intervention of any judicial proceedings. Does the gentleman think that is a wise provision?

Mr. ROGERS of Florida. I think that is wise in that it would cost so much to appoint a guardian or go through whatever legal proceedings there might be; it would eat up everything the enlisted man had coming to him. I think that is a good provision.

Mr. WADSWORTH. I am wondering how the Secretary of War or the Secretary of the Navy can reliably appoint such persons. What will he know about them?

Mr. ROGERS of Florida. It is possible under authority of this law. We say he can do it.

Mr. WADSWORTH. If the appointment of such persons, who really are acting in the capacity of a guardian, is protected by judicial proceedings, you will see that everything is done honestly.

Mr. ROGERS of Florida. We hope there will not be any cases like that, but if there are, then I think this provision will take care of the situation.

Mr. WADSWORTH. May I pursue my question by saying that I assume some similar machinery may be employed with respect to the member of a family of a deceased soldier. The bill provides on page 4 that a surviving spouse or a child or children or, if they do not exist, the parents, may receive this pay. It is difficult for me to understand just how they would make an application in such form as to be persuasive.

Mr. ROGERS of Florida. That would be done by affidavit or by the furnishing of some proof that would convince the Army or the Navy that the person to whom they were paying the money was entitled to it.

Mr. BROOKS. If the gentleman will yield, may I say that the War Department now is authorized to pay certain claims up to $1,000 without going into court. They are handling those matters satisfactorily, and thus far, as far as I know, there has been no complaint of the way they have been handled. I assume these payments, which will largely run less than $1,000, will be handled the same way.

Mr. ROGERS of Florida. In conclusion, may I say that this bill now being discussed has the support and recommendation of the majority of the membership of this House since 218 Members signed the discharge petition, and in addition thereto has the full support and approval of the Military Affairs Committee which should insure the speedy passage of this long overdue right of the enlisted personnel of the armed forces.

Mr. MARTIN of Iowa. Mr. Chairman, I yield such time as he may desire to the gentleman from New Jersey [Mr. AUCHINCLOSS].

Mr. AUCHINCLOSS. Mr. Chairman, I am very glad that this bill has finally reached the floor and is being considered by the Congress, because it rectifies what I believe to be an injustice to the men who have borne the brunt of the fighting during the last war. This is a practical step in breaking down that caste system in the armed forces which has placed officers and men on a different level when they should be considered solely as American citizens as well as soldiers.

I never could see why an enlisted man should not receive terminal leave pay as readily as an officer. Any man who receives an honorable discharge from the armed forces is entitled also to receive all the rights and privileges which may have been accumulated during his service and there should be no distinction whatsoever.

I have heard some statements made that this measure will cost a considerable sum of money and that statement is probably correct, but if our Government is prepared to pay money to one class of soldiers why shouldn't it be ready to pay money to another class of soldiers? They both served their country; they both risked their lives; they are both entitled to recognition.

I do not want anyone to think that I am an advocate of indiscriminate spending of public funds, because I am not. It is essential that the Government's Budget be balanced without further delay if we are to avoid ruinous inflation, and the first step in balancing the Budget should be the elimination of many of the Government agencies which are sprawling all over Washington, and in many instances making it difficult for businessmen to carry on. I am not lulled to sleep or hoodwinked by the many

promises which are made by people high in the executive branch of the Government concerning the consolidation and elimination of Government agencies. Experience shows that agencies which are presumably eliminated are really merely absorbed by another department of the Government under a different name.

I believe that the American public is rapidly becoming wise to this method which has been so successfully used in the past by the New Deal administration to keep itself in office with the votes of the individuals on the public pay roll.

I hope this bill will pass unanimously, and by so doing let our veterans know that we appreciate their gallant services and that we are determined in a practical way to eliminate a caste system in our armed forces which has become scandalous.

Mr. MARTIN of Iowa. Mr. Chairman, I yield such time as he may desire to the gentleman from Pennsylvania [Mr. BRUMBAUGH].

Mr. BRUMBAUGH. Mr. Chairman, since I am included among the number of Members who have introduced bills in Congress authorizing terminal leave pay to enlisted personnel in our armed forces, I am in hearty accord with the provisions of H. R. 4051 and urge enactment of this legislation.

Returning veterans have been bitter in their denunciation of the caste system that exists in the Army and Navy and which has been a factor in lowering the morale of enlisted personnel. So pronounced has the criticism been that public attention has been focused on the subject the past several months.

One of the glaring examples of class distinction is the result of the existing policy of restricting terminal leave pay to commissioned personnel. For example, under Army regulations a leave credit of 1 month per year with full pay and allowances accrue to each officer on active duty up to a maximum of 120 days. As a result a great many officers have to their credit upon separation from service a sufficient number of days to allow them to receive as high as $1,600 for terminal leave pay depending upon whether they are single or married. In addition, recent legislation enables an officer to accept civilian employment while on terminal leave. In countless instances officers have received promotions in rank prior to separation from active service which increases the pay and allowances of terminal leave. When you realize the fact that there are thousands of officers enjoying these privileges who never left the confines of the United States during the entire period of the war it is not difficult to understand the reason why enlisted men feel they are the victims of gross discrimination.

By comparison enlisted personnel under Army regulations may be granted furloughs if such action does not interfere with the needs of the service. A furlough may be denied an enlisted man as a means of discipline. In no event, will leave accrue to the benefit of any enlisted man. When he receives his discharge it is immaterial whether he had a furlough or not, regardless of the length of service.

It is unnecessary to call attention to the vital contribution to victory of the rank and file of servicemen in World War II. Many of these unsung heroes served for years in combat areas without any opportunity for a furlough. To discharge them without compensation for furlough time while in the same breath reimbursing commissioned personnel for accrued leave is an injustice that is alien to the American sense of fair play.

We are making an effort to correct the present inequitable situation by the enactment of H. R. 4051, which will credit the men in the ranks with 2½ days for every month spent in active service and deducting any furlough time actually taken. The remainder or unused furlough time will be compensated for in the same manner that commissioned personnel is accorded terminal-leave pay.

Many of us have received letters from overseas complaining of the arrogant attitude of commissioned officers and especially in the closing days of the war and since VJ-day when replacements were sent to relieve commissioned personnel. Battle-scarred veterans protest the cockiness of many officers who never saw combat but who were sent overseas after the fighting ceased as relief officers.

It is adding insult to injury to have combat veterans realize that all officers at home or abroad enjoy the privileges of terminal-leave pay while they as enlisted men have sweated it out in battle zones for months and years without any possibility of securing a furlough.

It should not require any stretch of the imagination to reach a conclusion that terminal-leave pay for enlisted men is justified and I hope we will lose little time in giving H. R. 4051 our hearty and unanimous approval with the provision that discharged servicemen may have the period of 1 year in which to file a claim.

Mr. MARTIN of Iowa. Mr. Chairmain, I yield such time as he may desire to the gentleman from Oklahoma [Mr. RIZLEY.]

Mr. RIZLEY. Mr. Chairman, I shall, of course, support the pending bill which seeks to do equity to the enlisted men by awarding them terminal-leave pay.

Several months ago—in fact, October 29, 1945—I introduced a bill for the same purpose (H. R. 4515). It may be, as has been suggested by some, that it will involve much additional work by the War Department, in order to enable them to accurately determine the amount of terminal leave due the veterans. Be that as it may, that is not the fault of the veteran. The mistake was made when the enlisted man was not included with the officers as eligible for terminal leave.

This bill should have, and I am sure it will have, the vote of every Member of this House.

Mr. MARTIN of Iowa. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. BUCK].

Mr. BUCK. Mr. Chairman, because someone granted terminal leave to officers without giving proper consideration to the collateral consequences, we are again called upon to spend several billion dollars of the taxpayer's money; but having favored officers in that matter, plain justice demands that we do likewise for enlisted men. I approve this legislation.

Mr. MARTIN of Iowa. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. JOHNSON].

Mr. JOHNSON of California. Mr. Chairman, to me this is a very simple proposition. The Army officers received terminal-leave pay up to 120 days accumulated leave. There is some question as to whether or not that was proper, but I understand it goes back to a statute enacted back in the seventies, and undoubtedly those payments were legal, because they have been approved by the auditing branch of the Army and by the Comptroller General. This matter was first called to my attention by my son, who was an enlisted man in the Army and later became an officer. He pointed out to me that, if officers were entitled to terminal-leave pay, which they were getting upon separation from the Army, the simple justice required that enlisted men obtain the same benefits.

I want to compliment the committee that drew up this bill. It is a very complicated problem. With these millions and millions of records scattered all over the world, it is very hard to work out a plan whereby we are assured that the Government will pay to each man only what he is entitled to. After reviewing all of the bills, they finally determined that the only way to handle the matter was to allow each claimant to set out exactly what terminal leave he had accumulated during his service. In my opinion, that simple method of procedure will not be abused. These men know what leave they had. They know that the 72-hour leaves of enlisted men are not taken out of the time in computing their annual-leave allowance. I am positive that in 99 percent of the cases they will only ask for what they are rightfully entitled to have. Boiled down to its very simplest elements, this is merely a matter to prevent discrimination. There has been a great deal of criticism of the Army because of what has been called discrimination. By paying these enlisted men terminal leave, that discrimination will be avoided and eliminated.

Mr. REES of Kansas. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of California. I yield.

Mr. REES of Kansas. Can the gentleman estimate about what the average serviceman will receive under this act?

Mr. JOHNSON of California. No; I cannot. We did not get any estimates of the average. We got an estimate of the over-all amount. You can appreciate that with men continually going into the Army and continually going out it is very hard to strike an accurate average.

Mr. REES of Kansas. I thought the gentleman might have some figures on it.

Mr. JOHNSON of California. I am sorry I cannot help the gentleman.

Mr. MARTIN. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of California. I yield to the gentleman from Iowa.

Mr. MARTIN. At one point in the record one of the Army officials estimated that those in the service on September 1, 1945, had an average of 28 months' service. That is the only thing we have in the record which gives you

an indication of what the average man would receive.

Mr. DONDERO. Mr. Chairman, will the gentleman yield for a question?

Mr. JOHNSON of California. I yield to the distinguished gentleman from Michigan.

Mr. DONDERO. If the enlisted man has an average of 28 months' service, then how much will that amount to per month? It may be possible to arrive at the figures that way.

Mr. JOHNSON of California. It would be 28 times 2½, which would be 70 days that he would be entitled to. He would be entitled to 70 days' pay in addition to his regular pay on the day of his separation.

Mr. DONDERO. Can the gentleman roughly estimate what that might mean to each individual enlisted man?

Mr. JOHNSON of California. I cannot do that because there are so many different grades from private all the way up to the highest sergeant.

Mr. NORBLAD. The gentleman has failed to deduct the leave that they might have had. Therefore, it would not come to the 70 days' average based on the gentleman's figures.

Mr. JOHNSON of California. That is true. Most of the enlisted men did not have any leave overseas. The gentleman from Oregon, who is an ex-Army man and has a very fine military record, makes the point that there is deductible from the 70 days I mentioned the amount of the leave that a man had as an enlisted man. In many cases they had no leave. In some cases where they did work in the continental United States, they had the complete 30 days each year. I pointed out before that the Army does not count as deductible the 72-hour leaves which they frequently grant the enlisted men. But the over-all cost of this program will be about $3,000,000,000. I think the way to look at it is that it is simply part of the cost of war. It will eliminate that feeling of discrimination which we think was practiced on the enlisted man, by the giving of terminal leave pay to the officers.

Mr. BENNETT of Missouri. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of California. I yield.

Mr. BENNETT of Missouri. I want to compliment the gentleman from California and the Military Affairs Committee of which he is a member, for support of this bill providing terminal leave pay for the GI the same as the officer now enjoys. I introduced H. R. 4518 on October 29, 1945, to accomplish the identical purposes of the measure we have pending and which will pass the House today.

Mr. JOHNSON of California. Yes. The gentleman from Missouri [Mr. BENNETT], was one of the pioneers in the movement to get equal rights for the GI and the officer. Speaking as a veteran myself, and as a member of the Military Affairs Committee, I want to take this opportunity to state that the record of the gentleman from Missouri in Congress is not surpassed by that of any man in public or private life in service and friendship shown to the serviceman, veteran and his dependents. I am sure this fact is known and appreciated by his constituents who twice have elected him a Member of this House by majorities unprecedented in his District.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. THOMASON. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. TARVER].

Mr. TARVER. Mr. Chairman, I conceive that debate is not essential to the passage of this measure.

To accord equal treatment to enlisted personnel and officers is so just that no good argument can be advanced against it. How much it will cost is not so material as whether it is right. A nation which spent hundreds of billions to win the war can spend a couple of billions more to do justice to those who fought the war. It can do it much better than it can lend more than 4 billions additional to Great Britain.

He that taketh not care of his own is worse than an infidel.

I believe that few votes will be cast against this. The time when the assistance of Members of this House in connection with this measure was needed was when the comittee had failed to report the bill and it was necessary for the gentleman from Florida [Mr. ROGERS] to file a discharge petition in order to bring it to this floor. My name is number five on that discharge petition. I do not believe that the interests of the exservicemen require that there should be any extended debate on this proposition at this time. All that was necessary in order to secure the passage of legislation of the fairness of that which is now pending, was to be able to bring it to the floor of this House, where it now is and where it will be, of course, overwhelmingly enacted.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. TARVER] has expired.

Mr. THOMASON. Mr. Chairman, I yield 10 minute to the gentleman from Louisiana [Mr. BROOKS].

Mr. BROOKS. Mr. Chairman, in spite of the fact that the subject matter of this bill is very simple, there seems to be a great deal of misunderstanding with reference to some of the technical features of the bill. Frankly, sometimes I wonder if there is not some effort on the part of some who are going along with the bill, to feel a little overcritical about the matter of paying these people the remainder of what is still due them, and if there is not a tendency on the part of some to put obstacles there and make the administration of the measure appear insurmountable and the cost of the measure appear unsupportable so that we will not belatedly perform an act of simple justice on the floor of the House of Representatives.

The matter of furloughs and leaves in the Army is not a new matter. It is an age-old matter. It is as old as the Army itself. But before the war furloughs for enlisted men were on the basis of merit, more or less, and they were worked out under regulations so that every enlisted man would have at least a 30-day furlough each year. Under an act of 1884 officers were given the right to accumulate furloughs equal to the same amount, 30 days a year, or 2½ days a month; but this was given at the discretion of the Secretary of War.

Now, during the First World War, you did not have the same situation that you had prevailing in the Second World War. I was in the First World War and went across and stayed many months. Officers received furloughs. They were in a position, even during the course of the war, to receive furloughs, and a great many furloughs were granted. Therefore, this situation did not arise and the officers were not given terminal leave. Many of the enlisted men also received furloughs and leaves. I was an enlisted man and received leaves in the First World War. But in this World War you had an entirely different situation. In the first place, World War II was much longer in duration. In the second place, it was fought over the four corners of the globe. A man fighting down in Guadalcanal did not want a furlough. There was no place for him to go, whether he was an officer or an enlisted man. He could stay there 2 years and not want and not obtain a leave. If he had been a civil-service employee at Guadalcanal or anywhere else, his time would have accumulated for his leave and he would have had it coming to him when he left the service. But because that young man was an enlisted man in the Army and served 2 years at Guadalcanal and came back after 4 or 4½ years of service in the Pacific without any furlough having been granted to him, he is denied terminal-leave pay. On the other hand, an officer, under the same circumstances, gets his terminal leave accumulated up to 4 months. That is 120 days.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. In just a moment. As early as 1942 I introduced a resolution in this House providing for a system of demobilization which was suggested by the resolution to the Army and the Navy. In the course of the consideration of similar matters I suggeseed 90 days' terminal leave for every enlisted man going out of service as provided by my resolution. My idea then was to give him 90 days during which he could go back to his home and his family, get reestablished, set up again in business, and renew his connections so there would not be such a sudden transition from several years in service back to home and civilian life. At that time Congress chose to enact differently. We enacted the mustering-out pay bill. That bill was originally designed to cover enlisted men, but during the course of our work on that particular question the fact was developed that the second lieutenant received at that time only $1,500 a year, that is $125 a month, and some of our enlisted men were receiving practically as much, if not more in certain cases, than the second lieutenant was receiving. It seemed therefore, unfair to some who studied the matter, that the second lieutenant receiving the same amount, or perhaps less in certain cases, would not be given mustering-out pay and yet the enlisted man would receive up to $300 mustering-out pay. Congress accordingly changed the original act and

said that company grade officers should also receive the mustering-out pay up to $300 total. That then placed us in this position when we came to consider the terminal pay of enlisted men: We found, Mr. Chairman, as a matter of fact, that 80 percent of the officers were receiving mustering-out pay as well as were all enlisted men. The officers therefore were not only getting mustering-out pay, but they were getting accumulated terminal leave, and that caused an unfair discrimination against the enlisted man. Your committee therefore set to work to draft this bill and present it to you.

I served on the subcommittee under the chairmanship of the gentleman from Florida [Mr. SIKES]. We developed hearings on the matter. We reported in due course a terminal leave bill to the full committee. The gentleman from Florida [Mr. ROGERS] appeared before the committee and made his ideas known. In the meantime, the distinguished gentleman from Florida [Mr. ROGERS] filed the discharge petition on the Speaker's desk and brought this matter to the floor of the House. He has done a real service to the enlisted man. I believe a matter involving this much money should be the subject of careful thought and attention, and it has been the subject of careful thought and attention by the Military Affairs Committee of the House of Representatives. It is before you today and I think it should be passed. As I said before, it is an act of simple justice.

Some may say that the administrative features are impossible, but I say that if we lay down the same rule for the enlisted men that we do for the officers, allow the enlisted men to follow the same procedure the officers follow, then according to the testimony given us only about 3,500 people will be needed by the Army to administer the act and get the payments out in due course.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield.

Mr. CASE of South Dakota. In view of the fact that I signed the discharge petition and otherwise indicated my interest in this legislation, if now I raise a question as to the phraseology of the bill I hope my efforts will not be misjudged and I be charged with obstructing its passage.

Mr. BROOKS. I am sure the gentleman is not in any way obstructing its passage.

Mr. CASE of South Dakota. I would like, however, to raise a question in regard to payment to the surviving beneficiary in case the soldier is dead and I invite the gentleman's attention to the language on page 4, providing for payment, which reads as follows:

> To such member's surviving spouse, if any; and if such member leaves no surviving spouse, then in equal shares to such member's child or children, if any.

I raise the question whether or not that will do justice where the veteran divorces his wife, remarries and leaves children by the first wife. I have in mind a specific case of a veteran who divorced his wife, leaving two small children, both under 5 years of age. Two days later he married another girl whom he had met at an Army exchange or something of that sort. She was a hostess or something. The next day his insurance was changed to his second wife. Ten days later he was killed in an airplane crash. The result is that for something over a year those two children under 5 years of age have received nothing from their father's insurance. The insurance went entirely to the second wife. Within a short time after the husband had crashed she remarried again and she is still drawing all the money.

Mr. BROOKS. Of course, you do have those hardship cases and they are sometimes very complicated, but generally speaking, the subcommittee followed the provisions of the Allotment Act which the gentleman will admit has worked fairly well.

Mr. CASE of South Dakota. No; the Allotment Act permits a division between the second widow and dependent children. I am wondering if we should not provide that this money shall be payable in equal division as between the spouse and surviving children.

Mr. BROOKS. Under our law in Louisiana perhaps that is the way it would work out normally. On the other hand, I call attention to the fact that the Secretary of War and the Secretary of the Navy have authority to establish rules so long as they are not in contravention of the act.

Mr. CASE of South Dakota. Well, that would be a contravention of the specific provisions of the bill.

Mr. Chairman, as I stated originally, I introduced a terminal-leave resolution as far back as 1942 in this Congress. I sat with the subcommittee in the consideration of this matter, considering this bill and many other bills having a similar purpose in view. I helped perfect a subcommittee bill and offered the committee bill as my own. It was introduced by me, and I am glad to say that this bill was used to amend the bill of the gentleman from Florida [Mr. ROGERS], with his consent and is before you today. I hope it will pass unanimously.

Mr. MARTIN of Iowa. Mr. Chairman, I yield such time as he may desire to the gentleman from New York [Mr. KEARNEY].

Mr. KEARNEY. Mr. Chairman, I favor the passage of H. R. 4051 feeling as I do that, in a measure, justice is being done to men and women of the various enlisted grades.

For years—as a matter of record since the year 1874—officers of the Army have been entitled to 1 month's leave of absence a year without any deduction of his pay or allowance and with a total accumulation of such leave up to a full 4 months. This accumulated time could be and was used in many cases at the time of an officer's separation from the service. With reference to the enlisted personnel there was no law pertaining to such a matter, although it was the policy for commanding officers to give to the enlisted personnel serving within their command a 30-day furlough each year. This is not to be confused with any week-end pass granted the soldier, and which is apart from the question of any annual furlough.

During the war just ended, officers discharged were granted a 3 months' terminal leave. Now, by the passage of this bill, men and women of the various enlisted grades will be granted terminal leave—which is right and proper—and corrects any injustice heretofore existing.

I was happy to sign the discharge petition on this bill and will be pleased to cast my vote for the passage of the bill.

Mr. MARTIN of Iowa. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois [Mr. VURSELL].

Mr. VURSELL. Mr. Chairman, I favor this terminal-leave bill. I think it is an effort to do simple justice to the enlisted men along the same lines that have been afforded the officers. I realize that it will cost considerable and I realize that the national debt is very high today. I have voted, consistently with many other Members of the House for rigid economy in the conduct of the affairs of our Government and I think this is the first time that I have lent myself to the expenditure of a large amount of money that could possibly be avoided. I believe, however, that the men who went out and fought and saved this country for us are entitled to this consideration at the hands of the Congress.

I have always felt that this great, rich country of ours, if its business affairs were properly conducted by the representatives of the people in Congress and by those in the executive departments, could always afford to do justice to all our people, not only the soldiers who defend our country but by ways of pensions to the older people as well. But the thing that disturbs me is the fact that we Members of Congress who are called upon today to vote this amount of money against the Treasury of the Government so often are voted down in our attempt to economize when we are considering governmental affairs.

Let me suggest to you how we can effect some economies which we should have effected before now, and if we had we would have this money laid up now to pay these soldiers who so richly deserve it. If you of the majority will vote with us we can take a million people off the Federal pay roll and save three or four billion dollars a year. I am not alone in saying that. Senator BYRD, of the other body of Congress, has given utterance to a statement like that time and time again. I notice in the papers this morning that Henry Wallace has wasted something like $500,000 in experimenting with UNRRA in connection with the shipment of food to foreign countries. Day after day waste comes to the United States Government that could be prevented by the executive department and by the majority of the votes of this Congress.

I am willing to vote for this money today for these soldiers because I think it is justly coming to them. But I warn the Members of the House who have not been so economy minded as some of us, that it is not too late now to begin to stop the raids on the Federal Treasury. I am

reminded that next week we will be called to vote upon a $3,750,000,000 loan to Great Britain. How much we admire the great fight that they made with us during the war, however much we may sympathize with them in their postwar troubles, yet there comes a time, if we are to maintain the sovereignty of this Government, when the Members of Congress have got to tighten up on the purse strings in the interest of the people now and in the interest of the future posterity of this great Nation.

I will continue to fight to reduce the bloated Federal pay roll in an effort to save a few billions of dollars a year. Yes, I will oppose the British loan. If every day we will try to economize and cut down governmental expenses we can have the things we want for our own people, and for the soldiers who are provided for in this bill.

Mr. THOMPSON. Mr. Chairman, I yield to the gentleman from Texas [Mr. KILDAY] such time as he may desire.

Mr. KILDAY. Mr. Chairman, I am in favor of the bill granting terminal-leave pay to the enlisted men of the armed services. The passage of the bill will eliminate an inequality and discrimination which now exists between the officer and enlisted personnel. That such inequality should never have existed goes without saying. It was not the result of any legislation adopted during the period of preparation for the war recently terminated, nor during the prosecution of that war. It grew out of a law passed in 1874 and which has remained on the books since that time. That it created the condition which now exists had not evidenced itself until this Nation began the demobilization of the largest armed force ever assembled by it. Thereupon it became evident that officers secured a definite advantage over enlisted men. No one wants that condition to exist, and this bill will eliminate it and grant to enlisted personnel the same rights which officers have heretofore enjoyed and will continue to enjoy. The bill is adequate to grant justice to all of those enlisted men who were heretofore discharged without terminal-leave pay. When this bill becomes effective it will be paid to them in a lump sum and with a minimum amount of delay or red tape. Those discharged after the effective date of the act will receive that payment upon discharge, or as soon thereafter as possible.

The bill provides that after September 8, 1939, each individual who serves as an enlisted member of the armed forces of the United States shall be entitled to leave at the rate of 2½ days for each month of active service during the war-service period. Any such leave not actually received and used prior to discharge may be accumulated in an amount not to exceed 120 days, and it shall be paid in a lump sum upon discharge. In the case of persons already discharged the lump-sum payment for terminal leave shall be paid only if an application therefor is made by the person entitled to it within 1 year after the bill becomes effective. The bill also contains provisions for the payment to the proper persons of sums which would be due to members of the armed forces killed in action or who have subsequently died. There are also provisions to take care of those men whose records may not be complete so that there would be no undue difficulty in establishing the amount of terminal leave to which the person is entitled.

Mr. Chairman, this bill does justice to the great body of those who bore the brunt and the burdens of the war. It wipes out an advantage held by the officers over the enlisted men. It does justice and creates equality. It should be passed, and I am sure it will be passed without delay.

Mr. THOMASON. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. DURHAM].

Mr. DURHAM. Mr. Chairman, again we have before us evidence of what this committee has tried to do since the beginning of the emergency. The Committee on Military Affairs has tried at all times to expedite legislation that would take care of the personnel of the Army, both officers and enlisted men. In considering this legislation I think the committee has done an excellent job by taking some time and studying the matter, because we all realized that it was going to be very difficult to administer the act and it would cost quite a bit of money and probably some delay. But the committee has worked out what I consider to be a very fair bill. The enlisted men are entitled to this.

Mr. THOMASON. Mr. Chairman, I yield such time as he may desire to the gentleman from Rhode Island [Mr. FORAND].

Mr. FORAND. Mr. Chairman, common justice dictates that this bill should become law without delay. As the author of the bill, H. R. 3890, one of the several bills to provide for terminal leave pay introduced in this Congress, I did not sign the Rogers petition to bring this bill to the floor. I refrained from doing so because I realized that the Sikes subcommittee of the Military Affairs Committee was trying to work out proper language for this bill so that it would be administratively workable.

I commend the Sikes committee for a job well done and I am happy to vote for this bill because I recognize that while we can never fully repay the members of our armed forces for their war service, this will at least recompense them for the leave periods which circumstances prevented them from enjoying.

Mr. THOMASON. Mr. Chairman, I yield such time as he may desire to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, an injustice has been done the fighting men of America that will be corrected by this legislation.

It is foreign to our concept of democracy to distinguish between the services rendered by an officer and the services rendered by an enlisted man in our armed forces.

While this bill will be costly, it is nevertheless an investment in democracy and that which maintains our democracy can never be measured by dollars-and-cents value.

I want to compliment the gentleman from Florida [Mr. ROGERS] for the intelligent fight that he has conducted for the enlisted men of our armed services. He has done the rank and file of the Army and Navy a great service. He has done the people of America a great service in maintaining the first principles of democracy.

In correcting the wrong done the enlisted personnel of our armed forces by voiding the discriminatory practice of paying officers terminal leave while denying it to the rank and file is only part of the job. This bill creates an administrative problem of the first order and its enactment is only half of the job.

If we are to pay the claims that are set up under this bill with celerity and promptness, the War and Navy Departments will be obliged to employ additional clerks, auditors, and stenographers to do the job. If this Congress denies this additional personnel to the armed services, it will mock the rank and file that it seeks to serve.

To complement this legislation the War and Navy Departments should be invited to submit immediate estimates as to the cost of doing the job, and this Congress should immediately approve the findings of its committees with respect to those estimates so that the claims can be paid promptly.

Remember, Shakespeare said, "Rich gifts wax poor when givers prove unkind."

Mr. THOMASON. Mr. Chairman, I yield such time as he may desire to the gentleman from California [Mr. VOORHIS].

Mr. VOORHIS of California. Mr. Chairman, I believe the passage of this bill is no more than a matter of justice and equity. Certainly there are other duties we owe to the men who fought the war which are more important and which are not measured in dollars and cents. But here is a case where clear discrimination existed between officers and men, and this bill is needed to clear it up. As I see it we can do no less than this, and I hope the bill will pass without dissent.

Mr. THOMASON. Mr. Chairman, I yield such time as he may desire to the gentleman from Missouri [Mr. ZIMMERMAN].

Mr. ZIMMERMAN. Mr. Chairman, I want to congratulate the committee on bringing out this bill at this time. Congress, by appropriate legislation, has granted to officers of the Army and Navy terminal-leave pay which has been very helpful to them when they severed their connection with the service. Whether Congress did the proper thing when it conferred these benefits is not a matter for debate today, but the question uppermost in the minds of some of us is why were not these benefits conferred upon our enlisted men also?

To my way of thinking, there is no justification on any ground whatever for this discrimination. In my humble judgment, the enlisted men have been unduly discriminated against in the past and that the time has come to repair the injustices that have been done. This is a

good place to start and I strongly urge the passage of this legislation.

It has been and will be argued that the granting of terminal-leave pay to our GI's now will cost the Government a large sum of money at a time when the country cannot afford to pay. Our country can never pay these enlisted men for the heroic service they have rendered their country at a time of dire peril and danger. They did their job willingly, bravely, and without complaint. When the time comes to resume their place in civilian life, they should take a place on equal footing with our officers who receive these benefits. We must pay these men now at a time when they need help in reestablishing themselves in civil life. If the principle is wrong, change the law for both officers and enlisted men, but do not permit this discrimination and injustice to continue longer.

Mr. Chairman, I urge that we face the issue as legislators should and pass this bill without further delay.

Mr. THOMASON. Mr. Chairman, I yield such time as he may desire to the gentleman from Arizona [Mr. MURDOCK].

Mr. MURDOCK. Mr. Chairman, in reply to an inquiry by veterans of the second World War who wrote me concerning this very matter which we have now under consideration, I replied, "During the war I voted and moved to furnish our fighting men everything they required to achieve victory, and now that the fighting part of the war is ended, I am no less inclined to be generous in providing the Nation's defenders with all that they are justly entitled to and with what is needed to achieve a lasting victory." That statement nearly explains my attitude on this bill.

Several Members today have pointed out that enlisted men feel that officers have obtained that which is denied the enlisted men, in the question of terminal pay, and that the enlisted man is smarting under a sense of unfairness and discrimination. We are told that this bill will remedy that unfairness. As one who believes in the equality of all men under law and as one inclined to frown upon the caste system in our armed forces, I have several reasons for favoring this legislation.

Well do I remember on the 6th day of September 1940 when an amendment was offered to a bill, raising the base pay of the enlisted man from $30 per month to $50 per month, the amendment having been offered by Congressman James O'Connor, of Montana, that I was one of the Members of the House who voted for that amendment. On that occasion the amendment lost. Later, however, on May 12, 1942, the same amendment in effect was offered by the gentleman from Mississippi [Mr. RANKIN] and I voted for it, with him and a sufficient number of others so that it carried. I offer this concrete illustration as one of perhaps a hundred legislative moves on my part to deal fairly if not generously with the members of our armed forces as the Nation was entering the conflict. If I should be alert to treat enlisted men well during the war, while our country was in great danger, should I be any less alert to treat them well after the war when they have accomplished the great objective of saving this Nation? My attitude today toward our fighting men is the same as it was in the beginning, with the added gratitude to them for work well done in achieving military victory.

I have heard a few amendments suggested for this measure, and I think one worthy of special consideration is to be offered by the gentleman from New York [Mr. WADSWORTH]. I regard the gentleman from New York as not only well informed on all military matters, but especially wise in counsel. In financial matters covering such a vast host of individuals, there will undoubtedly be opportunity for wrongdoing. We must throw every safeguard around the ex-service members and their dependents and loved ones, and we must attempt to forestall any possible racket on the part of questionable representatives of the soldiers which, in all human probability, will spring up in connection with this terminal-leave pay. All representatives of the soldier or his dependents in the handling of these funds must be made duly responsible and subject to criminal punishment for any possible mishandling of such funds.

We are told that this enactment will cost a great deal of money, and nobody knows exactly how much it will cost. We have heard estimates running from two billion to five billion dollars, although, as I understand the figures pretty generally agreed upon, it is not apt to exceed $3,000,000,000 from all the services. Yes; that is a lot of money. However, that is not much compared with what we have already spent in dollars alone, to save the country. I think it depends pretty largely upon one's viewpoint and what one stresses. This payment to enlisted men may be regarded as one element in the compensation—that is, the financial compensation—to those who saved the country from a cruel enemy, bearing in mind they cannot be adequately compensated. If we think of the full meaning of that, the size of the total amount will not seem so large. All we have to do is to look back to the dark hours of the crisis when none of us could be too sure that victory would finally be ours and recall our troubled state of mind at that time, and if we do so, we will not begrudge this payment along with other payments to our Nation's defenders.

Mr. THOMASON. Mr. Chairman, I yield such time as he may desire to the gentleman from Tennessee [Mr. EARTHMAN].

Mr. EARTHMAN. Mr. Chairman, the United States of America, since the day we gained our independence as a Nation, has never been guilty of greed or unfairness in our relationship with other nations. We have, throughout our history, striven for peace and have opened our doors to the peoples of the world.

There have been occasions, however, when, as a matter of our own defense, we have been forced into war. I am thankful to say that on each of these occasions we were victorious.

On December 6, 1941, representatives of the Japanese Government were visiting our Nation's Capital, ostensibly on a peaceful mission, negotiating with our Secretary of State, the Honorable Cordell Hull, holding forth the olive branch of peace.

At that very same hour those yellow demons had daggers behind their backs, and in an unexpected moment they sunk their daggers in our hearts. This was the Sunday massacre of Pearl Harbor.

Again America, although unprepared as to men, equipment, and shipping facilities was charged with the responsibility of defending herself and her honor on a world-wide battle front.

Our flags were unfurled, the bugles were blown and with lightning rapidity the men and women of America in every walk of life answered this challenge with their lives, their material, and their efforts. Young men and women marched out from their homes by the millions to go forth to the four corners of the earth to defend their country and its freedom. They did not ask where, nor did they demand a choice of effort. They left their family firesides, their loved ones, their schools, and their communities. Their long-laid plans were blighted, their education was interrupted, their hopes of home and happiness were blasted. Many potential doctors, lawyers, scientists, technicians, preachers, teachers, merchants, engineers, and farm owners, went forth never to return to the course of their dreams. They went, not downhearted but with their heads erect, with smiles of confidence on their faces, and the gleam of determination in their eyes.

I can see them now, as they went through strenuous training, later to board ships that carried them to the blistering sands of the desert, the frozen fields of the icebound North, the steaming swamplands of the Pacific islands, and the rain-drenched equatorial regions, subjected to all the hardships ever endured by mankind. Some served on land, some on the sea, some in the air, and some plowed through the bowels of the ocean, but none faltered until victory was won.

But for the great sacrifices made by the men and women of the armed forces of our country, America today would be ruled by the iron hand of despots and tyrants. Our freedom would be lost, our wealth confiscated, and the ease and comfort of the American way of life would have been turned into hardships, slavery, and starvation.

When the war ended and our boys and girls started on their homeward journey we then realized the victory that they had won, the sacrifices that they had made, and the benefits that we had enjoyed. We must continue to remember this. There were a million casualties and one-quarter million of the finest American manhood remained on foreign lands as a part of the earth we had victoriously conquered. They are today as silent sentinels reminding us of our duties and obligations to the heroes and heroines who were spared.

That is the reason I joined with you in passing the housing bill for veterans. That is why you and I have deplored repeatedly the injustices done our veterans who have tried in vain to secure surplus property. These are some of the reasons that caused us to pass the GI bill of rights, and later amend it that it might

offer more benefits. For these reasons, I have sponsored a bill offering free franking privileges to hospitalized veterans and advocated more and better hospital facilities as well as legislation to provide treatment by local doctors and local hospitals, to be paid for by the Veterans' Administration. There are many other pieces of legislation now receiving your and my earnest consideration in behalf of veterans.

In the early fall of 1945, while there were yet twelve to fourteen million men and women in the service, I introduced a bill to increase the pay of soldiers $50 per month with all other benefits, to those who would re-enlist as volunteers on a 3-year basis, providing them with 2 years of high school or college courses with credits acceptable in tax-paid schools, or complete training in one vocation. If this bill had been enacted into law, we would now have more than 2,000,000 men serving voluntarily with adequate pay to afford a family, educational advantages, and with the proper attitude as they serve in foreign lands, that would have caused them to have become goodwill ambassadors, cementing friendly relationships with other nations. The continuation of drafting men, and especially boys in their teens, after the fighting ceased would have been absolutely unnecessary. All who served their country during World War II, with the exception of those who re-enlisted would now be at home with their families, on their jobs, or in schools. I regret very much that my bill H. R. 3909 has not become a law, but I am thankful that even though late, the Congress is about to offer financial inducements to volunteers, which in my opinion should secure enough men on a volunteer basis to quickly replace all those who should be at home now.

As a companion bill I introduced H. R. 4791, providing for the discharge of men serving in the armed forces of many classifications, who in my opinion should have been allowed to come home when the fighting ceased.

Mr. Chairman, today we are attempting to pass the Rogers bill providing for terminal-leave pay for enlisted men. As we know under a previous law the commissioned officers of our armed forces have received terminal-leave pay upon discharge. Every commissioned officer with whom I have talked shares with me the opinion that our failure in paying terminal-leave benefits to the enlisted men is a gross injustice. Even though I introduced a bill in this Congress providing terminal-leave pay for GI's and the enlisted personnel of our armed forces and appeared before a subcommittee of the Committee on Military Affairs of the House in its behalf, when I saw that the Rogers bill was gaining headway I immediately joined with the author of this bill and went before the Military Affairs Committee. I also assisted him in securing signatures when his bill was put on petition in the House. I have and will continue to exert every effort possible toward its passage. I appreciate very much the recognition of my efforts in behalf of the veterans by the gentleman from Florida [Mr. ROGERS], the author of the bill. I have received a letter which was most encouraging to me, and in order that each of you might know of its contents I want the privilege of reading it to you:

HON. HAROLD H. EARTHMAN,
Member of Congress,
Washington, D. C.

DEAR CONGRESSMAN EARTHMAN: I want to take this opportunity to thank you for the help and assistance you gave me in connection with my bill H. R. 4051, which grants Terminal-Leave Pay to the enlisted men and women of the armed forces.

You proved your genuine interest in the veteran, in spite of the fact that you were also the author of a bill which included terminal leave along with other provisions, by working tirelessly in behalf of my bill which provided only terminal leave when you saw that it appeared to have a better chance of passage than yours.

Through your efforts, along with a few of the other members, we were able to secure the required 218 signatures to the discharge petition to bring the legislation before the House for early action. Your long experience as a legislator, both State and Federal, and knowledge of parliamentary procedure contributed much in helping me along with my bill.

You were most helpful in appearing before the subcommittee of the House Committee on Military Affairs which gave us a hearing on H. R. 4051 and your testimony was most favorable in impressing the committee with the importance, the necessity, the justness and fairness of this bill to the GI Joe.

Your work and cooperation here has shown your friendship for the veteran in general and of the GI Joe in particular, and I hope that your fine work will be called to the attention of the veterans' organization in your State and district. You have shown your devotion not only by word, but by action and deed.

Again thanking you, and with kindest personal regards, I remain

Sincerely yours,

DWIGHT L. ROGERS.

I feel that there are a sufficient number in both Houses of the Congress of the United States who share with me the determination to avoid the injustices and failures in dealing with the veterans of this war that were experienced by the veterans of World War I.

My father served in the Spanish-American War and also in World War I. While only a lad of barely 18, I served as a private in the infantry in World War I. Though my duration of service was only for a few months, I was not discharged until the war was over, and I would still be in the armed services of my country had the war not been won. My son served several years in the Navy as seaman second class with 13 months in Halsey's Third Fleet aboard a destroyer amid the isles of the Pacific and Tokyo Bay, and I volunteered my services in World War II but was rejected. I did, however, travel over the eastern part of the United States for 5 years, largely at my own expense, and was accredited with selling over $12,000,000 worth of war bonds for which I was awarded a beautiful medal by my Government. My family has always answered the call when our country needed them.

I feel that my experience and my knowledge of the experience of my father and my son has engendered into my thinking the attitude that this Congress, as well as the general public have, and that we who are responsible should not falter nor hesitate to be zealous in overcoming this existing injustice done the enlisted personnel of our armed forces.

We must not forget that before our obligations to other nations and peoples, comes our responsibility to those who are responsible for our freedom.

Mr. Chairman, may I urge every Member of the House of Representatives to vote for the passage of H. R. 4051 that will provide terminal-leave pay for enlisted men as well as officers, thereby overcoming this great injustice.

Mr. THOMASON. Mr. Chairman, I yield such time as he may desire to the gentleman from Nevada [Mr. BUNKER].

Mr. BUNKER. Mr. Chairman, for many months the Military Affairs Committee of the House of Representatives has been considering a bill which provides terminal-leave pay for enlisted men. I am sure it was not the intention of the members of this important committee to delay action on the terminal-leave pay bill. However, the second session of the Seventy-ninth Congress may adjourn some time in July. Little time is left for action.

Therefore, a petition was filed on the Speaker's desk to bring the bill before Congress. I was one of those who signed the petition and aggressively worked to get other Members to sign until a sufficient number had affixed their signature to bring the bill up for final action. The bill is before us today and every indication points to its final passage.

In my judgment, this measure is long overdue. There is no justification for officers receiving terminal-leave pay and enlisted men being denied the same. Something should have been done about this during the early days of the war.

I wish to compliment the members of the committee for their careful study of and research on this important bill. Its final enactment may not mean a great deal in the terms of financial return to enlisted men, but it will go a long way toward bridging the gap that now exists between officers and enlisted men.

Terminal-leave pay for enlisted men has my unqualified support.

Mr. THOMASON. Mr. Chairman, I yield such time as he may desire to the gentleman from Missouri [Mr. CARNAHAN].

Mr. CARNAHAN. Mr. Chairman, I signed the discharge petition which brought this worthy legislation to the floor of the House for consideration where it is receiving practically unanimous support. This legislation is just, fair, and reasonable. I intend to vote for the bill and I am not unduly alarmed regarding the administrative difficulties which may be required to apply the act. I am sure the military authorities and the enlisted men concerned will arrive at equitable settlements and the money involved will not upset our national economy.

I am glad that the membership of this House so generally recognizes the justice of this proposed legislation. The overwhelming support we today give this bill is a merited recognition we give to

the enlisted men of our armed forces for a difficult task well done.

Mr. THOMASON. Mr. Chairman, I yield such time as he may desire to the gentleman from Wisconsin [Mr. WASIELEWSKI].

Mr. WASIELEWSKI. Mr. Speaker, a wrong of more than 70 years' standing is about to be corrected by Congress. In an Army reorganization bill passed in 1874 Congress delegated power to the Secretary of War to give credit for unused leave to officers of the Army at his discretion. Ultimately this rule was made to apply to all officers and for some reason or other the noncommissioned men were not taken into account. In a democracy it is important that the commissioned and noncommissioned men be given the some privileges.

Officers ready for demobilization are permitted to take terminal leave up to 120 days, figured on the basis of accumulated service leaves which were not previously used. This is fair enough. It is similar to a civilian employee getting a vacation which he was unable to take because of the press of urgent duties. While an officer is still technically in the service and getting paid he is permitted to return to his home, wear civilian clothing, and take a job. His final discharge is given him at the end of his terminal leave. Enlisted men, however, have not been given terminal leave in lieu of furloughs they were unable to take. If they did not have their leave before leaving the separation center they lost out. This situation has undoubtedly created a sore spot with the returning enlisted veterans.

The expense for doing this job now will be large and has been estimated to cost some one and one-half to five billion dollars. However, if the sum total does seem large it cannot be treated casually even in these days of colossal Federal expense for it can be argued that a single additional week of war would have cost more. It might be argued also that if our demobilization had been more orderly and less precipitate, which many observers feel might have been wiser, the additional payment to servicemen might have run far beyond the two or three billion mark. But regardless of the cost, justice should prevail. The terminal leave bill meets an obligation which must not be evaded. It is in no sense a gratuity but assures justice and equity to millions of men who have served their country in the hour of need.

Mr. THOMASON. Mr. Chairman, I yield such time as he may desire to the gentleman from Oklahoma [Mr. STIGLER].

Mr. STIGLER. Mr. Chairman, we are today considering a bill which touches the very heart of America. In comparison with some of the far-reaching legislation we have discussed during this session, this bill may appear relatively unimportant. Nothing can be further from the truth. It is of the essence of democracy. It will correct an inequity which should never have been permitted to exist. It typifies the best traditions of America.

I refer, of course, to H. R. 4051 to provide terminal-leave pay for enlisted personnel of the armed forces. As you all know, commissioned officers have for many years received this benefit in the form of cash payment at the time of their separation for their unused furlough time. In the case of many officers, this sum runs into hundreds of dollars. It is only just that they should receive it.

Consider for a moment the civilian employees of the Government. For many years they have been granted leave with pay for both vacations and illness. Through the years the vacation or annual leave has come to be recognized as an absolute right to which the civilian employee is entitled. Upon separation from the Government service, the employee is paid for the unused portion of this annual leave. I know some instances in which this payment has exceeded $2,000. It is only fair that these loyal employees who have stayed at their desks and foregone vacations for several years should be finally reimbursed.

It should not be necessary for one to justify this bill. I only cite the civilian employee as an example or precedent. If this practice is an established practice for him, it should long ago have been established for the enlisted man in a military component.

Rank and title are repugnant to America. Pomp and circumstance are foreign to us. In our Constitution, that document of principles which we have sworn to protect, defend, and obey, we have said as a Nation that there should be no titles of nobility.

Now I can speak freely for I have been both an enlisted man and a commissioned officer of the Army of the United States during time of war. I recognize quite clearly the need for rank based upon requirements for leadership. I stanchly defend the premise that the occupation of higher rank should carry with it a proportionate increase in emolument.

However, it is inconsistent with our traditions, our heritage, it is at variance with our national conscience, and it is basically unfair to say that members of the armed forces before a certain grade or rank shall be entitled to terminal-leave pay while others are denied it. Bear in mind that this question has absolutely no bearing upon rank. It is as if an arbitrary line had been drawn between the two groups, and some master mind had said that those fortunate enough to be on the one side should have retirement and those on the other should be denied. It is as senseless as our own laws restricting women's right of citizenship.

Those of us who have served in the armed forces during time of war know that the trials and hardships are not limited to either one group or the other. As a matter of fact, the enlisted man in most instances suffers more privation and hardship than the commissioned officer. In addition, he is denied many of the privileges to which the officer is traditionally entitled. He wears a less attractive uniform. His food is often inferior. His comforts are reduced to an absolute minimum. He is subject to closer supervision and greater restriction. He bears all this for love of his country.

Those of us who have engaged in combat with the enemy know that death, hunger, and danger have no respect for rank. The enemy bullets care not whom they strike—the cold steel of the bayonet and the burst of shell care neither. As grim death stalks the field of battle his scythe reaches out for enlisted man and commissioned officer alike.

The lowly private gives succor to his general; the second lieutenant binds the wounds of his corporal; and the sergeant, heedless of whining bullets, crawls out on the battlefield to pour his last drop of water into the parched lips of his fallen commander. Yes, rank is forgotten when death is at hand.

But how different it is when our civilian soldiers walk through the portals of the separation center. We at that time subject them to the rankest of discriminatory practice. The private and corporal and the sergeant—yes, the seaman and the petty officer, are brought back to the realities of rank and once again relegated to the category of those on the wrong side of the line.

This day is a day of honor to the Nation. By lifting this cloak of shame from our shield of glory, we pay tribute to the fighting man who has sacrificed so much. By our action we eulogize those fallen heroes who lie beneath little white crosses in the far expanses of the globe.

Because of our two-party system, it has been said that all American laws are, in effect, the result of compromise. That may be true in most instances, but not today. I am hopeful that there may be no dissenting votes cast. To say "No" today would be to deny the God-given equality of man. We have said that all men are created equal; as such they are entitled to equal treatment under our laws.

The Congress may act only in accord with the precepts of our Constitution. In that we all agree. By the redress of this wrong, Mr. Chairman, we reaffirm our faith.

Mr. THOMASON. Mr. Chairman, I yield such time as he may desire to the gentleman from Oklahoma [Mr. WICKERSHAM].

Mr. WICKERSHAM. Mr. Chairman, I favor this bill. Many months ago I introduced a bill to pay terminal-leave pay to enlisted men. I appeared before the committee and testified for this bill, and worked diligently to get the discharge petition signed. I sent out a number of inquiries to the people of my district to see how they stood. I received 2 replies against the bill, and 6,000 replies, which are right here on the Speaker's table, favoring this bill.

Mr. ROGERS of Florida. Will the gentleman from Oklahoma yield?

Mr. WICKERSHAM. Yes.

Mr. ROGERS of Florida. I desire to compliment the gentleman from Oklahoma [Mr. WICKERSHAM] for his untiring efforts in behalf of this measure. He worked doubly hard on the same.

Mr. MARTIN of Iowa. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. REED].

Mr. REED of New York. Mr. Chairman, I have never yet failed to support sound legislation for the benefit of the soldiers of all of our wars. I am for this bill. It is a just bill, and ought to

be enacted by the unanimous vote of this House.

Mr. MARTIN of Iowa. Mr. Chairman, I yield such time as he may desire to the gentleman from Michigan [Mr. SHAFER].

Mr. SHAFER. Mr. Chairman, I shall support the committee amendment to the pending bill. While I have great respect for the ability of the gentleman from Florida and commend him for his perseverence in bringing the terminal-leave-pay question to the floor of the House, I, as a member of the Military Affairs Committee, know of the extensive study that has been made by the committee and I know the amendment is preferable legislation.

If I had not been a member of the committee I would have attached my name to the gentleman's discharge petition. Knowing of the work that was being done to perfect terminal-leave-pay legislation, however, and convinced that it would be merely a matter of time before such legislation would be reported through regular channels I could not join the movement to discharge the committee from further consideration.

I definitely favor terminal-leave pay for enlisted men of the armed forces. I believe it is the obligation of Congress to remove the discrimination that has been practiced in granting terminal-leave pay only to officers under the old 1876 act. While the cost will be great, I feel that the GI's who fought World War II should be treated the same as officers in this respect. We owe it to them. This bill should be passed overwhelmingly.

Mr. MARTIN of Iowa. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. FULTON].

Mr. FULTON. Mr. Chairman, I am one of the members that signed the petition permiting this bill to be brought on the floor of the House because I think it is necessary to give the enlisted men full justice and I will vote for it on final passage.

Section 1 of the bill as amended grants to enlisted personnel, terminal-leave pay and provides for the accumulation of unused leave not to exceed 120 days. This simply gives them an equal break with the officers, as the officers already have these privileges under previous statutes.

I think it should be stated in debate for the RECORD so that there will be no confusion about it later that this bill speaks of leave and does not speak of what we servicemen know as liberty, which is a certain number of hours off. So when we are computing leave, it is to be computed in the ordinary way that the armed services have previously computed leave. There is nothing in this bill that makes any distinction with respect to the difference between leave and liberty, but there is a difference inherent in the language of the act.

I have an amendment which will insure fairness as to methods used in making the computations which I will offer at the proper time. I am heartily in favor of the general principles of this measure, as I think officers and enlisted men should be treated alike in every case possible. In addition to that, may I say start paying the cost of sending GI wives overseas also, the same way they send the officers' wives. Now they pay the expense of sending the officers' wives over but they make the enlisted men pay their own expenses for their wives and children to go to these occupation zones. Early in 1945 I had introduced a bill to send service wives overseas and am pleased to see that all services have voluntarily adopted this plan. I think we might file a petition and have that bill brought out on the floor and treat officers and enlisted men on an equal basis in that respect too.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MARTIN of Iowa. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. KUNKEL].

Mr. KUNKEL. Mr. Chairman, much of what I would like to say concerning this bill to grant certain benefits in lieu of accumulated leave to enlisted personnel has already been covered most ably by other Members in the preceding discussion. Hence, I will be brief.

On October 18, 1945, I introduced a bill, H. R. 4422. It was exactly similar to the one previously dropped in the hopper by the gentleman from Florida [Mr. ROGERS]. Since then I have done everything in my power to hasten action on the proposal and to bring the question up before the House for its consideration. I delayed signing the discharge petition because of the favorable report of the subcommittee of the Military Affairs Committee. It was my confident expectation that the committee, with its more complete and exhaustive knowledge of the problems involved, would improve the basic principles set out in the various bills on this subject referred to it. The committee has done this. A number of the provisions added by the Military Affairs Committee are more equitable, particularly the one setting the date from which unused accumulated leave accrues forward from December 1941 to September 1939.

This is nothing more than pure and simple justice. Certainly either all should receive these benefits or else none should receive them. Since many have had these payments made to them, we must adjust the inequity by providing for the payment on a similar basis to those to whom no payments have been made. Undoubtedly a large cost would be involved. We cannot now avoid this cost because to do so would be the perpetuation of an absolutely unfair discrimination. Personally, I feel that the officers are entitled to it. If so, then the enlisted men are equally entitled. We should remove as many distinctions as can be done from the military services. This one can be ended with mathematical precision. I cannot see how the difficulty of the administrative job required can seriously be urged as a reason for the United States of America refusing to carry out a clear-cut obligation.

Shipping over some of the other strong arguments in favor of this bill, let me call attention to just one more point. It influences me greatly. In a large percentage of cases the result of not granting accumulated unused leave benefits has been to deprive those men who underwent the most severe hardships during the war. Naturally, all should receive it. Yet in so many, many cases those men and women who were stuck out on the deserted islands of the far Pacific or elsewhere, or who were in combat zones or in active combat operations, are the ones who have accrued the largest amount of unused leave. This was in the nature of things. They could not be granted leave because of the military situation and the need for them in battle. Or they were so placed that they could not use the leave, even if it had been granted. They are particularly entitled to this relatively small payment in compensation for the leave which they were unable to receive or to use because of the extreme hazard or difficult nature of the service they were rendering our country in time of war.

I am happy to see the unanimity of approval expressed by the membership. My hope is there will be no negative votes cast.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MARTIN of Iowa. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. THOMASON].

Mr. THOMASON. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. GARY].

Mr. GARY. Mr. Speaker, I arise for the purpose of urging the passage of H. R. 4051, introduced by the gentleman from Florida [Mr. ROGERS], which is officially designated as the enlisted men's terminal-leave pay bill. The enactment of this bill will eliminate an unjust discrimination which has already too long existed between officers and enlisted personnel in the armed forces of the United States.

PRESENT LAW AND POLICY

Under the provisions of the present law, which has been in effect for more than a century, officers of the Army and Navy are entitled to 1 month's leave of absence a year without deduction of pay or allowances and may accumulate unused portions of such leave not to exceed a total of 120 days. It has long been the policy of the War and Navy Departments to permit officers to take advantage of accumulated leave upon relief from active duty. As a consequence of the law and this policy, officers leaving the service receive full pay and allowances for all leave accumulated to their credit.

There is no law on the subject of leave or furlough for enlisted personnel. As a matter of policy, the War and Navy Departments have granted enlisted personnel annual leave not to exceed 30 days, excluding travel time, in any calendar year. Because of the lack of specific legislative authority, however, unused portions of such leave do not accumulate to the credit of enlisted men as in the case of officers. Consequently, there is no provision whereby enlisted men may enjoy or be paid for unused leave upon discharge or relief from active duty.

RELIC OF THE CASTE SYSTEM

This distinction appears to be a relic of the caste system which has grown up

through the years and has recently received deserved condemnation by a military board of inquiry. There are certainly no valid reasons why the distinction should continue and there are many reasons why it should be abolished. The discrimination against enlisted men has caused widespread dissatisfaction and discontent among members of the armed forces and veterans who have been discharged from the service. It furnishes a sound basis for a legitimate GI gripe.

Officers and enlisted men fought side by side throughout the war. They faced the same dangers; experienced the same hardships; occupied the same fox holes; penetrated the same jungles; conquered the same enemy; won a common victory; and they are entitled to equal glory. The Grim Reaper made no distinction between officers and enlisted men when he wielded his scythe over the battlefields of the world. Neither should we make any distinction in granting them terminal-leave pay when they are discharged from the service after their illustrious achievements.

CIVILIAN EMPLOYEES RECEIVE TERMINAL LEAVE PAY

As a matter of fact, employees of Federal, State, and local governments, as well as employees of private institutions, receive full compensation for all accumulated leave at the time of separation from their positions. Hundreds of thousands of employees of Federal agencies during the war have been and will be paid for all such unused leave. It is inconceivable that such payments should be made to civilian employees who received lucrative salaries and enjoyed comfortable working conditions during the war and be denied members of the armed forces who, without adequate compensation, sacrificed and suffered for the cause of freedom.

PROVISIONS OF PROPOSED BILL

The bill now before the House places the enlisted man on the exact basis as an officer with respect to leave, with the exception that it also provides for a cash lump-sum payment upon discharge. This exception was written into the bill in view of the fact that the wartime Army and Navy of the United States have been demobilized and a great majority of their personnel have been discharged. The bill grants to enlisted personnel leave at the rate of 2½ days for each month of active service during the war-service period, and provides that such leave may be accumulated in an amount not to exceed 120 days. Under its terms each individual is entitled upon discharge to receive, in a lump sum, pay and allowances for each day of such accumulated leave. The pay and allowances are to be computed at the rate of the base and longevity pay and monetary allowances for quarters and subsistence which the individual was receiving immediately prior to discharge, but in each case there will be included in the lump-sum payment in addition to the base and longevity pay a monetary allowance computed at not less than 70 cents per day. If any former member of the armed forces dies after discharge and before receiving his lump-sum payment, it is payable on application therefor to his survivors.

BILL RETROACTIVE

The bill is retroactive to September 8, 1939, and applies to all enlisted personnel who have served as members of the armed forces of the United States since that date. Individuals who have been discharged prior to the date of the enactment of the bill, will be allowed 1 year after date of enactment within which to file their applications with the Secretary of War or Secretary of the Navy for the lump-sum payment to which they are entitled. In future wars or periods of national emergency, however, accumulated leave for both officers and enlisted men is limited to 30 days, and any payment in lieu thereof is prohibited.

PAYMENTS UPON SWORN STATEMENTS OF APPLICANTS

One of the chief arguments advanced against the allowance of terminal-leave pay to enlisted men is that neither the War Department nor the Navy Department have kept complete records of the leave granted enlisted personnel during the present war, and that it would, therefore, be impossible to properly administer such a bill. To meet this objection, the bill authorizes the Secretary of War and the Secretary of the Navy to accept sworn statements from applicants as a basis for payment of the amounts to which they are entitled.

PAYMENTS ENTITLED TO CERTAIN EXEMPTIONS

Payments under the act are nonassignable, exempt from taxation, exempt from claims of creditors, and are not subject to attachment, levy or seizure by or under any legal process whatever, either before or after receipt by the payee.

ENDORSED BY VETERANS' ORGANIZATIONS

This bill has the endorsement of the National, State, and local organizations of the American Legion and Auxiliary, and many Legion publications have vigorously advocated its passage. The Veterans of Foreign Wars, at its national encampment in October 1945, unanimously adopted a resolution endorsing the principle of terminal-leave pay for enlisted men and is actively supporting this measure.

CONCLUSION

As a veteran of World War I, and a member of the American Legion for many years, I have been deeply interested in legislation pertaining to war veterans. Our Nation must never forget its obligation to them and we must be especially generous in providing for the care of the disabled and the widows and orphans of those who made the supreme sacrifice. It was my privilege to sponsor several measures for the welfare of veterans during my service as a member of the General Assembly of Virginia. I consider this, however, one of the most meritorious measures which has been presented to the Congress. It will not only compensate the GI's for leave which they were unable to enjoy because of the exigencies of war, but it will balance the scales of justice between the officers and the enlisted personnel of our armed forces. Such unjust discrimination as now exists should not be longer tolerated in a democracy.

I trust, Mr. Speaker, that it will be the pleasure of the House to pass this bill by an overwhelming majority.

Mr. THOMASON. Mr. Chairman, I yield such time as he may desire to the gentleman from California [Mr. HOLIFIELD.]

Mr. HOLIFIELD. Mr. Chairman, as a member of the subcommittee that drafted this bill, of course, I am in favor of it. I feel it is a belated attempt on the part of Congress to correct a situation which has grown up over the years. Since 1884 the custom of granting terminal-leave pay to officers has obtained. In times of peace this problem does not occur as both officers and enlisted men are required to use their legitimately allowed leave. In time of war, however, the above custom, long recognized and permitted, becomes discrimnatory. The officer denied his accumulated leave applies and receives pay in lieu thereof. The enlisted man has not been granted this privilege.

It is because of this discriminatory custom, that today's bill has been brought before the House.

It is admitted that it will cost between two and three billion dollars to correct this injustice to our enlisted men. But where a moral issue is involved the cost of correction in terms of dollars is never too high. The cost in terms of the loss of national patriotism in the hearts of 12,000,000 enlisted men, with injustice rankling in their hearts would be much greater.

If we are to maintain and preserve national patriotism, it must be on the firm foundation of confidence in the inherent justice of the democratic code of fairness to all and discrimination against none.

Mr. THOMASON. Mr. Chairman, I yield such time as he may desire to the gentleman from North Carolina [Mr. FOLGER].

Mr. FOLGER. Mr. Chairman, I am very glad to observe that everyone who has spoken, and I believe everyone who has listened also, recognizes this bill as the meeting of an obligation that the United States owes to the men who are provided for in this legislation. While it may be thought that it will cost a lot of money, nobody has complained. It does not make any difference when you owe a duty what it costs you to perform your obligation or responsibility under that duty.

I am heartily in favor of this bill, and I know that everyone recognizes this obligation to our service men and will vote for it with pleasure, whatever it may cost.

The CHAIRMAN. The time of the gentleman has expired.

Mr. THOMASON. Mr. Chairman, I yield such time as she may desire to the gentlewoman from Georgia [Mrs. MANKIN].

Mrs. MANKIN. Mr. Chairman, when the discharge petition was on the Clerk's desk, I signed it, and my name is No. 12 on that petition to bring this bill to the

floor. I felt that the bill should be brought to the floor of the House.

As I understand it, this is about the first bill that received enough signatures to force it to the floor. I am glad so many Members concurred.

It seems to me that in justice and fairness we should pass this measure. If in the beginning, under the legislation that gave to the officer personnel their furlough pay, the House had included our enlisted personnel, we would not be faced today with the very difficult clerical job of going back and trying to compute the amount that each enlisted man is entitled to receive. It is not the fault of the boys that we failed to include them at that time. I think we should rectify that situation. I believe this is a fair measure, and I hope the House passes it.

Mr. THOMASON. Mr. Chairman, I yield such time as he may desire to the gentleman from Tennessee [Mr. PRIEST].

Mr. PRIEST. Mr. Chairman, I agree with the gentleman from Texas [Mr. THOMASON] and others who have spoken on the pending bill that all Members of this House desire that full justice be done to all enlisted men in this matter of terminal-leave pay.

It would have been well in my opinion if the House had adopted the proposal of the gentleman from Louisiana [Mr. BROOKS] back in 1942.

That proposal would have been far easier to administer than the provisions of the bill now before us.

But the administrative problems presented in this proposal can be met with adequate personnel. They are primarily related to the question of bookkeeping.

During the war furloughs and leave for enlisted men and officers in many instances were deferred because of the pressure of circumstances.

War Department records disclose that a high percentage of enlisted men are due terminal-leave pay if the same formula be applied to them that does apply in the case of officers.

The Committee on Military Affairs has, in my opinion, very wisely adopted the provision that will permit the Secretaries of War and Navy to accept sworn statements from enlisted men who have been discharged as to the amount of leave due them under the formula.

These statements can be checked with service records, but that authority for the Secretaries should prove a safeguard against the bogging down, administratively, of these payments because of the heavy volume of bookkeeping involved.

This bill, Mr. Chairman, should do much to bridge an undesirable gap that has existed between enlisted men and officers.

The report of the Doolittle committee and other surveys and studies impress us with the importance of remedying some of the apparent evils of what has been called the caste system in our armed forces.

I have not been one to join a chorus of sharp criticism of all officers. But I do believe, as we look to the future, we must remove some of the inequalities between the officers and the men who serve under them.

This bill is a step, and a just one, in that direction.

Mr. THOMASON. Mr. Chairman, I yield such time as he may desire to the gentleman from Texas [Mr. LYNDON B. JOHNSON].

Mr. LYNDON B. JOHNSON. Mr. Speaker, back in 1874, when conditions were not remotely comparable with today, the Congress passed a law allowing officers 30 days leave for each year of service. For nearly 70 years and through World War I this law was interpreted in one way. Then, in World War II, another interpretation bobbed up to widen the breach of discrimination between enlisted men and officers.

This brand-new interpretation allowed officers to save up their leaves until they were ready for discharge. Thus, if a man had been in service for 4 years without using his leave time he could take the full 120 days just prior to discharge. The practical effect was that an officer could draw pay for up to 120 days of service on the day he took off his uniform. This came to be called "terminal leave pay."

This curious new interpretation probably was dreamed up by some noncombatant colonel or hotel brigadier between bouts of wrestling with the review of court-martial cases. Regardless of the inspiration, terminal pay is one more black mark on the long list of discriminations against enlisted men in this purportedly democratic land of ours. The only way we can remove this discrimination is by placing the enlisted man on the same basis as the officer.

Even prior to VJ-day many of us were becoming aware of the rank injustice resulting from this departmental construction. Immediately after VJ-day agitation was begun to get to the House floor a bill to remove the discrimination. The contribution of the brass hats was to finally and reluctantly tell the committee they would offer no protest to removing the discrimination. But, they said, it would be a tremendous job. But, they deplored, it would be a tough undertaking. Finally, it became necessary for 218 Members of this House to invoke the right of petition to get the committee discharged and bring this bill before the House today. I signed that petition as the one hundred and ninetieth signature. After that petition was completed on April 17 the committee brought out this bill.

That the interpretation placed upon the law by the War Department was a gross discrimination is amply proved by the records of just two men in my district. One of them was a colonel. For this he was paid $593.33 per month while overseas. It was possible for an officer to accumulate 4 months of terminal leave. This colonel accumulated 3 months and 23 days, only 7 days short of the maximum; upon discharge he drew $2,116.49 from the Federal Treasury. And that is not hay.

Now compare this with the record of a Dime Box, Tex., boy about whom I know, because a brother works in my office. Four boys from this family were servicemen. This boy fought for four and a half years. He was wounded on Tarawa. He wears the Purple Heart, the Bronze Star, one of the few Navy Crosses awarded in the war. His regular pay as a marine sergeant was $81.90 a month, which you may compare with the $593.33 drawn by the noncombatant colonel; his terminal pay was exactly nothing, compared with the colonel's $2,116.49.

This House already has indicated overwhelmingly it will rectify this injustice today, and I hope the Senate will do likewise. Here briefly are the provisions of the bill:

First, it provides that enlisted men are entitled to 2½ days of leave for each month of service since September 8, 1939. The total number of days actually taken is deducted from the total accumulated at the rate of 2½ days per month, and the enlisted man receives upon discharge full pay and allowances for the amount of his authorized leave which was not used up.

Then it provides that the amount paid to the enlisted man upon discharge will be calculated at his full rate of pay—base, longevity, and allowances—at the time of discharge. For those enlisted men who were not receiving a subsistence allowance an additional 70 cents for each day of terminal furlough will be paid.

For enlisted men already discharged it provides that application must be made to the Secretary of War or Navy. To simplify administrative details, the enlisted man makes a sworn statement as to the amount of furlough he used while in the service. In computing this leave he does not consider 1, 2, and 3-day passes—only those furloughs on which furlough orders were written for him. The difference between the number of days' leave he had in uniform and the total number accumulated at the rate of 2½ days per month of service will be the number for which he will receive terminal pay—up to a maximum of 120 days. Of course, these sworn statements can be checked against a man's service record.

To illustrate, let us take the record of that Marine sergeant brother of one of my office assistants. Here's how he would figure his terminal pay: He served 54 months, so multiply that by 2½ for an authorized furlough time of 135 days. He has a total of 23 days furlough while in uniform. Subtracting 23 from 135 leaves 112 days (which was one day less than the noncombatant colonel got). Now, his pay was $81.70 and that is approximately $2.72 per day. The bill says to add 70 cents a day if the GI did not get subsistence, and this GI did not; he was a fighting soldier, not a hotel colonel, so he lived on field rations and slept where he could. So he adds 70 cents to his daily pay, making it $3.42. Multiply $3.42 by 112 days, and you get approximately $383.

There is still a lot of difference between the $383 for the fighting Marine and the $2,116 which the colonel received—to be exact, a difference of $1,733. But it at least removes some of the discrimination.

You can multiply this instance by the number of enlisted men to get testimony as to why this bill must be enacted into

law. This final fact about the provisions: It provides that all applications must be filed within one year from the date the law becomes effective.

Mr. THOMASON. Mr. Chairman, I yield such time as he may desire to the gentleman from Minnesota [Mr. GALLAGHER].

Mr. GALLAGHER. Mr. Chairman, I can see no reason why anyone should not be for this measure. It is right, it is democratic, it is fair.

I am not apologizing on account of the cost.

Mr. THOMASON. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. LYLE].

Mr. LYLE. Mr. Chairman, I do not share the enthusiasm of many Members of the House for this measure that we are now considering, for I fear that it will be used unconsciously, or, to say the least, sir, will result in a vehicle in which many of the just rights and claims of veterans will be ridden down.

Veterans, whether they were enlisted men or officers, cannot be paid fully in money for the services they have rendered their country. I believe that I share the common desire of all of them to see their Government meet its responsibilities in matters other than financial, in matters which are of far greater significance than the payment of dollars.

For example, sir, I cite the extension of the Selective Service Act, payment of adjusted compensation, and extension of the $1,500-income-tax exemption to cover the veteran for a period equal to the amount of time he was on active duty, as well as many other matters.

I feel most deeply that this Congress owes to those men who are still serving, to those who have served, yes, to America, a prompt extension of the Selective Service Act, for how else may we return those now in service to their homes? Many of those men were in combat. And how else may we insure the security of the costly victory we have won?

In my judgment, extension of the income-tax exemption would mean more to the veteran in substantial savings than terminal leave pay. But, of course, I grant that it would not have the political expediency of this bill.

I believe that this Congress should have considered and passed legislation for the payment of adjusted compensation, with extra pay for those who have served in combat, and the inequities existing between officers and enlisted men should have been adjusted by deductions of the amounts previously paid under terminal leave pay.

Mr. Chairman, I am not unsympathetic with this bill except that I believe it dooms the present consideration and enactment of much just legislation. Every veteran knows that he is paying this bill of billions of dollars, and he is anxious that the money be spent in an intelligent and straight-across-the-board manner.

I am gratified by the feeling that has been expressed for the servicemen by many Members on the floor today. It is more than deserved and I sincerely hope that other matters pertaining to the welfare of the veterans' future will result in the same enthusiastic response.

Mr. THOMASON. Mr. Chairman, I yield such time as he may desire to the gentleman from Illinois [Mr. PRICE].

Mr. PRICE of Illinois. Mr. Chairman, as a member of the Committee on Military Affairs I worked incessantly for approval of a measure to provide for the payment of terminal leave to GI's and former GI's who served this Nation so valiantly during the World War because I believed they are justly entitled to this consideration.

As a matter of fact many months ago I introduced a bill in the House calling for this very same legislation. Because I was so greatly interested in obtaining this remuneration to which I believe the enlisted men in all the branches of the armed forces are entitled I became one of the first signers of the discharge petition filed by the gentleman from Florida, the Honorable DWIGHT ROGERS, to force early consideration of this matter on the floor of the House. I gladly joined with the gentleman from Florida [Mr. ROGERS] to speed up action, even though I was aware that the Military Affairs Committee had already completed its hearings on the various measures which had been introduced and would soon be ready to report a bill to the House. I felt there was every reason to take a few short cuts in the interest of the veterans who were enlisted men and consequently rushed to sign the discharge petition.

This legislation will place the enlisted man on exactly the same basis as an officer with respect to leave, with the exception that it also provides for a cash lump-sum payment upon discharge. It grants to enlisted men leave at the rate of 30 days per year and provides for the accumulation of unused leave not to exceed 120 days.

It has long been the policy of the War Department to permit officers to take advantage of accumulated leave upon relief from active duty, but there has been no provision to extend the same consideration to enlisted men. In justice there should be, and this legislation will serve to authorize the War and Navy Departments to make terminal leave payments to the enlisted men.

As in H. R. 5147, the bill which I introduced, the measure we have under consideration this afternoon provides not only terminal leave for men still to be discharged, but also for the millions of veterans previously discharged.

Discrimination heretofore between enlisted men and officers in the matter of pay for terminal leave, has been one legitimate cause of dissatisfaction among GI's around the world and I am happy that the Congress is taking steps to remove this unfair distinction. I am glad we have made this start and sincerely hope we will give further attention to the important matter of improving conditions for GI's in the enlisted ranks.

Mr. THOMASON. Mr. Chairman, I yield such time as he may desire to the gentleman from Oklahoma [Mr. JOHNSON].

Mr. JOHNSON of Oklahoma. Mr. Chairman, I am, of course, supporting the pending bill to pay terminal leave to enlisted personnel of the armed forces. It is a source of satisfaction to know that practically no opposition has developed against the passage of the bill. The passage of this legislation, has for its purpose, doing a long-delayed justice to the enlisted men and women who are now serving and who have served in our armed forces.

Several speakers have commended the committee for reporting out this bill, and I desire to join in that commendation. I realize that this is a complicated question. Nevertheless, it is a matter of record that the committee did not report the bill out until after 218 Members of this House signed the petition requiring the bill be brought to the House floor for consideration. I am glad to say that I was one of the early signers of that petition.

As I indicated in my colloquy with the distinguished gentleman from Texas [Mr. THOMASON] on the floor of the House this afternoon, the pending measure closely follows H. R. 6149 introduced by me on the same subject some months ago. The provision of the committee bill, giving the enlisted man a period of 1 year to file his application, follows the exact language of my bill.

No one could possibly know what the exact amount of the cost of the bill will be, for it is not known how much of the annual leave the veterans have actually taken. But if it is a just debt we cannot quibble about that. We cannot possibly pay our gallant men and courageous women for their services during the dark days of war. Someone has suggested that the entire cost will probably not be more than half as much as the proposed British loan, which I cannot see my way to support unless drastically amended. But if we are rich enough to lend money to Britain without interest until 1951, and the principal not to be paid for 50 years, surely we are able to do this simple justice to our own enlisted men who actually went out and fought and won the greatest war of all ages.

It has been stated on the floor today that the passage of this legislation will not only help spur reenlistments in the Army, but will do much to create a better feeling between officers of our armed forces and enlisted personnel. I agree that this is true. The increased pay already voted by this House will also be helpful. And now, if the War Department will accept the findings of the Doolittle Committee and actually put their suggestions into operation by eliminating the well-known caste system, so repugnant to every enlisted man and woman who has ever worn the uniform, I have a definite feeling that both the Army and the Navy will have little difficulty securing its quota of enlisted personnel without having to resort to a peacetime draft.

Mr. PETERSON of Florida. Mr. Chairman, preceding speakers have explained in detail H. R. 4051. It is only just and fair that this bill should be passed. I am quite proud of the part that our distinguished colleagues the gentlemen from Florida, Mr. SIKES, the chairman of the subcommittee, and Mr. ROGERS, the author of this bill, have played in the draft-

ing and handling of this important legislation.

It has been my privilege to explain the matter in radio speeches on a number of occasions and the gentleman from Florida [Mr. ROGERS] joined in one of these speeches. I also signed the petition to bring the bill up. From the sentiment I have sensed on the House today it appears that it will pass overwhelmingly and I feel it should. It will correct a discrimination against the enlisted man, and the sooner we pass it the better we will feel about it.

I would like to urge my colleagues to vote for the bill and trust that we may be able to pass it by unanimous vote.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. MARTIN of Iowa. Mr. Chairman, I yield the gentleman from Texas one additional minute.

Mr. THOMASON. Mr. Chairman, I yield such time as he may desire to the gentleman from Washington [Mr. COFFEE].

Mr. COFFEE. Mr. Chairman, I congratulate the committee for its action in reporting this bill. I am very much in favor of it.

Mr. Chairman, I warmly favor the enactment of H. R. 4051. It renders belated justice to the honorably discharged GI in the matter of terminal leave. I congratulate the Military Affairs Committee on fostering and sponsoring this measure.

I have persistently been advocating that our enlisted personnel be treated equitably. I could never understand why commissioned officers were singled out for special treatment. Since there, heretofore, has been no legislative authority for vouchsafing to enlisted personnel credit for unused leave, and the same has not accumulated to his benefit, now we will place officers and men alike with respect to leave except that the bill also provides for a cash lump-sum payment upon discharge.

The enactment of this measure evidences the desire of Congress to render justice and fair play to all in the uniformed armed services.

Mr. MARTIN of Iowa. Mr. Chairman, I yield 2 minutes to the gentleman from Delaware [Mr. TRAYNOR].

Mr. TRAYNOR. Mr. Chairman, it is a great privilege for me to appear here in favor of this bill. Having served 7 years in the armed forces of this country, I think I know a little bit about the military service. I served in the Spanish-American War, 18 months in the first World War, and I volunteered for the recent war and was turned down because they thought I was too old. However, I am not too old to fight.

This is legislation that should have been brought on the floor for consideration a long time ago. I never sought a commission, in fact turned down commissions. I am a friend of the enlisted man, and I think it is about time we do something for him.

Mr. MARTIN of Iowa. Mr. Chairman, I yield such time as he may desire to the gentleman from North Dakota [Mr. ROBERTSON].

Mr. ROBERTSON of North Dakota. Mr. Chairman, I feel this bill should pass, I propose to vote for it. I signed the discharge petition; it places the enlisted man on the same basis as an officer with respect to leave.

It is but a matter of simple justice.

Mr. MARTIN of Iowa. Mr. Chairman, I yield such time as he may desire to the gentleman from Oregon [Mr. ANGELL].

Mr. ANGELL. Mr. Chairman, I am glad that we are now considering H. R. 4051 which is a bill to grant to enlisted personnel of the armed forces certain benefits in lieu of accumulated leave, sometimes referred to as terminal leave. I signed the petition to bring this bill to the floor and feel that we have delayed too long in taking it up for consideration. It should have been passed before the termination of the war. On March 1, 1946, I introduced H. R. 5642, granting to enlisted personnel of the armed forces benefits in lieu of accumulated leave, and I have been urging that steps be taken to enact legislation to accomplish this purpose since that time.

Under the present legislation and regulations, officers are entitled to, and have been receiving, terminal leave whereas the enlisted men have not. There is no sound reason why this distinction should be made. The enlisted man has to bear the brunt of the actual fighting and his financial remuneration is low, and there is no just reason why he should not receive benefits on equality with officers.

While it is true that a large sum of money will be involved with the enactment of this legislation and it will require a great deal of clerical work and bookkeeping to adjust the millions of small accounts, nevertheless that should not be a valid argument against dealing justly with the enlisted men. The following brief excerpt from the report of the Military Affairs Committee, accompanying the bill, is explanatory of its provisions:

Under the provisions of the act of May 8, 1874 (18 Stat. 43), as amended by the act of July 29, 1876 (19 Stat. 102; 10 U. S. C. 842), officers of the Army are entitled to 1 month's leave of absence a year without deduction of pay or allowances and may accumulate unused portions of such leave not to exceed a total of 4 months.

It has long been the policy of the War Department to permit officers to take advantage of accumulated leave upon relief from active duty. As the consequence of the law and this policy, an officer, although relieved from active duty, actually remains upon the Government pay roll for a period of time equivalent to the amount of leave which has accumulated to his credit.

There is no law on the subject of leave or furlough for enlisted personnel. As a matter of policy, the War Department has authorized enlisted personnel not to exceed 30 days' furlough annually. Because of the lack of specific legislative authority, however, unused portions of such furlough do not accumulate to the credit of the enlisted man as is the case of an officer. Consequently, there is no provision whereby an enlisted man may enjoy or be paid for unused leave upon discharge or relief from active duty.

The bill under consideration, with the amendment recommended by your committee, places the enlisted man on exactly the same basis as an officer with respect to leave with exception that it also provides for a cash lump-sum payment upon discharge. This latter provision is necessary in view of the fact that the Army of the United States already had been demobilized and a great majority of its personnel discharged. Section 1 of the bill, as amended, grants to enlisted personnel leave at the rate of 30 days per year and provides for the accumulation of unused leave not to exceed 120 days. Section 2 provides for the payment upon discharge for this accumulated leave.

Section 3 of the bill, as amended, makes provision for payment to the enlisted man's survivors in the case of his death after discharge but before receiving payment for accumulated leave to which he is entitled.

Sections 4 and 5 of the bill, as amended, make provisions for the administration of the act. Special attention is invited to the provision of section 5 (c) which authorizes the Secretary of War and Secretary of the Navy to accept sworn statements from applicants for the benefits provided in sections 1 and 2 as a basis for payment. This provision is deemed to be necessary in view of the fact that neither the War Department nor the Navy Department have complete records of the leave or furlough granted enlisted personnel during the present war.

Section 6 of the bill, as amended, limits accumulated leave in future wars or periods of national emergency for both officers and enlisted men to 30 days. It should be noted that this provision does not affect members of the military forces at the present time, nor officers and men of the military forces during future time of peace.

Section 7 of the bill, as amended, contains certain definitions believed to be necessary for the proper interprepation and administration of the proposed act.

Mr. Chairman, I trust that this bill will receive the unanimous vote of the House and will likewise be passed at an early date by the Senate and approved by the President so that it may become effective.

Mr. MARTIN of Iowa. Mr. Chairman, I yield 3 minutes to the gentleman from Kansas [Mr. SCRIVNER].

Mr. SCRIVNER. Mr. Chairman, at frequent intervals on and off this floor I have expressed my approval of terminal furlough pay for enlisted men as an eminently fair adjustment; however, as a matter of principle, I did not sign the petition inasmuch as I do not believe that is the way to bring about well-considered legislation.

There can be no denial that it is in some ways inflationary and with that thought in mind I would like to address one question to the chairman of the subcommittee, namely, Why was the time limitation for applications confined to a period of 1 year, for, as I view it, if it were made a longer period of time it would give these men a backlog and possibly lessen the inflationary impact of this legislation.

Mr. SIKES. Mr. Chairman, I will be glad to answer the gentleman's question. The matter of length of time in which this terminal leave pay program might be disposed of was discussed at length in the hearings. Representatives of the War and Navy Departments state that they felt a time less than 1 year would make it very difficult for them to administer the program satisfactorily and they stated also that more than 1 year would be unnecessary, since most of the people who have terminal leave pay coming would want to make application for it

immediately after they became eligible to receive such pay. They stated that to keep a separate organization in effect for a long period of time after the great bulk of the claims have been disposed of would be unnecessary and cumbersome. They felt a period of 1 year would be a satisfactory period for an organization to be in operation.

Mr. SCRIVNER. I do not intend to offer an amendment to increase the time, but it would appear to me that if the time were longer it might give these men an added backlog, inasmuch as if there is unemployment they are now protected under the unemployment provisions of the Servicemen's Readjustment Act. This would give them a backlog in case of future unforeseen difficulties.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. MARTIN of Iowa. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. SHAFER].

Mr. SHAFER. Mr. Chairman, I ask unanimous consent to speak out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SHAFER. Mr. Chairman, I see by the papers that Harold E. Stassen, the only announced candidate for the Republican nomination for President in 1948, is out in Nebraska dabbling in the Republican primary.

Every one of us can recall that a recent President of the United States tried to purge his own party. He was able to succeed in only one instance, although he tried very hard and used all the prestige and enormous power of his office to purge a number of Senators and Representatives.

But in all our American history, so far as I have been able to determine, Harold E. Stassen is the first man who ever tried to purge from a political party an elected official even before he was sure that he had the nomination.

It would seem to me and to many other political observers that if Mr. Stassen wants to be the nominee of a party, particularly the Republican Party, he ought to be making friends among the people in that party who have won elections instead of going around the country alienating people. Perhaps he ought to read Dale Carnegie's book, How To Win Friends and Influence People.

Mr. MARTIN of Iowa. Mr. Chairman, I yield such time as he may desire to the gentleman from Kentucky [Mr. ROBSION].

Mr. ROBSION of Kentucky. Mr. Chairman, I arise in support of H. R. 4051, as amended, and reported favorably by the Committee on Military Affairs of the House which grants to enlisted personnel of our armed forces certain benefits in lieu of accumulated leave.

Under the provisions of the act of May 8, 1874, as amended by the act of July 29, 1886, officers of the Army are entitled to 1 month's leave of absence a year without any deduction of pay or allowances and such officers may accumulate unused portions of such leave not to exceed a total of 4 months. In other words, each and every officer is allowed 1 month's leave for each year and he receives full pay and allowances for this month. He is permitted to accumulate leave until it amounts to as much as 4 months and for which he receives full pay and allowances. That means that if he should serve 4 years he would be entitled to 1 month's leave or for each year and if he does or does not use his leave, he would be placed on inactive duty for 4 months before his final discharge and receive pay and allowances for the 4 months just the same as if he were on active duty.

This is a privilege that has only been granted to officers. Congress has never passed any law on the subject of furlough for enlisted personnel. The War Department, under its policy, has authorized leave or furloughs for enlisted personnel not to exceed 30 days of furlough annually. The enlisted personnel differ, however, with officers in this respect. They cannot accumulate furlough as do the officers. If the enlisted personnel do not use their 30 days of furlough or any part thereof they receive no additional pay for such unused furlough or accumulated leave.

INEQUITABLE AND UNJUST

For many years enlisted personnel have pointed out that this is a discrimination against the enlisted personnel and in favor of the officers, that this policy is inequitable and unjust. The bill before us undertakes to eliminate this discrimination and to place the enlisted personnel on the same footing as officers in the way of accumulated furlough or leave and pay therefor. Under this bill any member of the enlisted personnel of our Armed Forces who failed to use all or any part of his furlough during his service in time of war on and after September 8, 1939, is entitled to receive pay for all his accumulated or unused furlough on the basis of 2½ days for each month or 30 days for each year at the time of his discharge and at the same rate of pay and allowances that he was receiving at the time of his discharge and there shall be included in his lump-sum payment, in addition to the base pay and longevity pay, a monetary allowance computed at not less than 70 cents per day. But like the officers, the enlisted personnel cannot accumulate more than 120 days.

Let us assume that he had 48 months of service. He would be entitled to 120 days of furlough. Now if he used no part of this furlough time he would receive pay and allowances on the basis of 120 days at the time of his discharge. This would be in addition to the pay and allowances due him at the time of his discharge. But if he should use 60 days of his furlough, then in that event he would receive this extra pay and allowances at the time of his discharge for no more than 60 days. If he used all of this furlough except 10 days during his war service he would receive the extra pay and allowances for no more than 10 days, or for only such portion of his unused furlough time, but in no event could he receive extra pay and allowances for more than 120 days in all.

In order to secure this extra pay and allowances for unused furlough time during his war service, if he was in the Army and has already been discharged, he must make application within 1 year from the date of the passage of this act, to the Secretary of War.

If he was in any other branch of the armed forces he must make application to the Secretary of War within 1 year from the date of the passage of this act provided, of course, he has already been discharged. In the event that there is pending a controversy of the character of his discharge, he will have a longer period in which to make the application for this accumulated furlough pay and allowances.

LET US BE JUST TO OUR OWN

During the war tens of thousands of those in our armed forces of the enlisted personnel because of emergencies constantly arising and especially in the foreign service were unable to take advantage of their 30-day furlough due them under the policy and regulations of the War Department. They were kept on active duty but received no additional compensation for this extra service and, furthermore, those of the enlisted personnel received very small compensation compared to what they could have and would have received for less arduous and much less dangerous service in civilian life and much less than those who remained at home did receive. It is true that this bill will cost the taxpayers considerable money. The people of this Nation must fully realize that wars are expensive and we should always be ready and willing to do justice as far as possible to our defenders. One American citizen is just as much obligated to render as much service as he may be able to render as another. We have been giving away with lavish hands billions to aid the people of other nations. Many people in this country are insisting that we lend billions to Great Britain and other countries when we must borrow the money in order to make these loans and which loans we are reasonably certain will never be repaid.

I feel that we must first be just to our own defenders before we are generous to other nations. It cannot be said that we have not already been very generous to our allies. We have spent more than $400,000,000,000 to help win the war and hundreds of thousands of our finest young men have given their lives and nearly a million others are broken in body, health, and mind. Let us first take care of our own.

There cannot be any extra pay or allowance for more than 30 days of accumulated furlough in any war in which the United States may be engaged after termination of the present war and 6 months thereafter, or any emergency thereafter declared by the President or the Congress.

Members of the armed forces means any member of the Army or Navy of the United States, the United States Marine Corps, the United States Coast Guard, or any of their respective components. This accumulated furlough does not apply where the enlisted person is absent from duty without leave, over stays his leave during confinement as a result of sentence by court martial or service pur-

suant to enlistment or reenlistment after June 1, 1945, in the regular military establishment or after February 1, 1945, in the regular naval establishment and serves after 6 months after the date of the termination of the present war as proclaimed by the President or by concurrent resolution by the Congress. No one can receive pay unless his discharge or release from active duty was under honorable conditions or if he accepted an appointment as an officer or to officer rank.

BENEFITS EXEMPT FROM TAXATION AND ATTACHMENT

This additional furlough pay and allowance is exempt from taxation and is also exempt from claims of creditors, including any claim of the United States and is not subject to attachment, levy or seizure by or under any legal or equitable process whatsoever either before or after receipt by the payee.

WIFE, CHILD, PARENTS

In case of death of the person entitled to receive these benefits, they shall be paid to the person entitled to receive them in the following order: First. To the wife; second, to the child; third, to the parents, if there be no wife or child.

Child includes a legitimate child, a child legally adopted, a stepchild, if such stepchild was at the time of the death of the former member of the armed forces a member of the deceased's household. It also includes an illegitimate child if a former military member of the armed forces has been judiciously ordered or decreed to contribute to such child's support or has been judiciously decreed to be the putative father of such child; or has acknowledged under oath in writing that he is the father of such child.

Parent includes a person to whom the former member of the armed forces at the time of his death stood in loco parentis for not less than 12 months prior to the date of his death. A parent also includes father, mother, grandfather, grandmother, stepfather, and stepmother, and father and mother through adoption, and persons who for a period of not less than 1 year prior to the death of the former member of the armed forces, stood in loco parentis to such former member.

Mr. MARTIN of Iowa. Mr. Chairman, I yield such time as he may desire to the gentleman from Indiana [Mr. SPRINGER].

Mr. SPRINGER. Mr. Chairman, this bill, which is called the terminal pay bill for enlisted men, is now before the House for debate and action. The measure is H. R. 4051, and I wish to state, at the very outset, that I signed the discharge petition to bring this legislation before the House for debate and vote. This measure is intended to give to the GI's the same rights with regard to terminal leave, or furlough leave, which has been extended to officers of our Army. At the present time there is no law which gives the same terminal leave, or furlough leave, to the enlisted personnel as that which is given to officers. The War Department has, as a matter of policy, granted not exceeding a 30-day furlough to the enlisted personnel annually. However, because of the absence of specific legislative authority, the unused portions of such furlough do not accumulate to the credit of the enlisted man, but the unused portion of furloughs did, under the law, accumulate in the cases of the officers. This proposed legislation is intended to give to the enlisted personnel the same rights, and the same privileges, which have been exercised, under existing law, by the officers.

Mr. Chairman, this measure will merely grant the same rights and privileges to the enlisted men which have long been enjoyed by the officers. I am in complete accord with that policy, and I am in complete accord with the provisions of this bill. This grants the equitable rights to our boys, who have participated in the late World War, regardless of whether they are enlisted men or officers. The enlisted men have done their full part—this fact is known to all. Wars cannot be won with officers alone. Our wars are either won or lost by the boys in the squad, the platoon, and the company. They are the fellows who receive and accept orders, and they are the fellows who go forward—facing the foe—the withering fire—they are the boys who face the charge and who repel the enemy. It requires both officers and enlisted men in time of war—and these, all, have done their full part in this war. They have won the victory. Now we have the opportunity to make the officers and the enlisted men equal under this bill, with respect to their terminal leave. We cannot fail to exercise our responsibilities in this regard, and we cannot respond more generously than the great service and sacrifice of our soldiers impel.

Mr. Chairman, all of us recognize that we are facing serious days in our country. Every American citizen feels the great weight of responsibility upon us. While I introduced a measure, H. R. 4849, upon this same subject—but my bill is still in committee—yet I have no particular pride in the authorship of the measure. I will give the pending bill my full support—the same as if I had presented this measure for consideration by the House. However, the bill which I introduced contains this provision in section 2, which is as follows:

SEC. 2. All enlisted personnel and noncommissioned officers shall be granted the same terminal leave which is now allowed to commissioned officers.

Therefore, I am in complete accord with the bill presently before the House. It contains the very same provision which was contained in the bill I introduced several months ago, and which is still in the Committee on Military Affairs.

Mr. Chairman, we have won the war. We now have the problem ahead of us to win the peace. We can win the peace by every American—soldiers and civilians alike—working to the end that harmony prevails in our own country, and throughout the world. I am confident every soldier, and former soldier, of the late war wants to go forward with every other American in the accomplishment of peace—and that peace must be a lasting and a permanent peace. We do not want more of war. We want a peace which will continue throughout the coming years. In this joint effort to establish peace—to concentrate upon reconversion in our own country—to face the tremendous obligations that are ahead of us—we will go forward voluntarily, marching hand in hand, to that ultimate end.

And, lastly, every American wants to do equal justice to every man who wore the uniform—and that means that we want to treat the enlisted men and the officers alike. There must be no discrimination between them. They, together, have won this late war, and they, together, with every other American will lend their aid to the winning of the peace.

Mr. MARTIN of Iowa. Mr. Chairman, I yield such time as he may desire to the gentleman from Indiana [Mr. GILLIE].

Mr. GILLIE. Mr. Chairman, I signed the petition to bring the terminal-leave bill before the House because it is needed to correct an obvious injustice, and I think it should have the full support of every Member of this body. I would like to see it approved without a dissenting vote in simple justice to the men who fought the war for us and kept the invaders from our shores.

Some objection has been raised to the cost of this bill. Various estimates have been made in this connection, but $3,000,000,000 is mentioned most frequently. I think it is most appropriate that we are considering this bill at a time when we are being asked to approve a gift of $3,750,000,000 to Great Britain. I know of no better way that we could use this money than to give it to our own American boys.

I think it also is appropriate that we are discussing this measure at a time when interest is centered on correcting the evils of our military-caste system. Congress has the opportunity today to make a concrete contribution in this direction. By extending to enlisted men the privilege that officers now have to accumulate leave and be reimbursed for it, we will be able to cut down the gulf which has too long existed between the brass hats and the GI's.

Frankly, Mr. Chairman, I believe that a matter of good faith is involved. Our boys deserve a fair deal and they are looking to their Congress to give it them. Let us end this discrimination now and forever by acting favorably, without delay, on H. R. 4051.

Mr. MARTIN of Iowa. Mr. Chairman, I yield such time as he may desire to the gentleman from Ohio [Mr. WEICHEL].

Mr. WEICHEL. Mr. Chairman, I have supported this legislation from the beginning covering terminal leave pay for enlisted men, signed the discharge petition, and I believe it should be enacted. There is no reason why the War and Navy Departments should have paid these sums to the commissioned ranks to the prejudice of the enlisted men. The enactment of this legislation is in no way a gratuity but is justly due the enlisted men for the prejudicial treatment given them by the War and Navy Departments and I believe it should be passed in both Houses without opposition and signed by the President.

Mr. MARTIN of Iowa. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. FENTON].

Mr. FENTON. Mr. Chairman, as a member of the subcommittee of the Committee on Military Affairs which had under consideration this bill, I was in favor of it. I subsequently signed the petition. I earnestly hope that the bill will be passed.

During our hearings many bills were presented to us, all having the same objectives as House bill 4051. The apparent injustice to the enlisted personnel of our armed forces has been recognized and it is my desire that it be corrected—equal treatment should be afforded all those who did so grand a job during the war and it is my hope that H. R. 4051 will be unanimously adopted.

Mr. MARTIN of Iowa. Mr. Chairman, I yield such time as he may desire to the gentleman from Ohio [Mr. McCOWEN].

Mr. McCOWEN. Mr. Chairman, I am very much in favor of this bill. I signed the petition. This bill, H. R. 4051, a bill to grant to enlisted personnel of the armed forces certain benefits in lieu of accumulated leave, has my wholehearted approval.

Officers of the armed forces of the United States are allowed to accumulate leave of absence at the rate of 2½ days per month, not to exceed 120 days, and to receive compensation for the number of days due them upon separation from the service. I know of no reason why enlisted personnel should not receive these same benefits. The needs of these men are certainly as great as those of officer personnel. The fact cannot be disputed that enlisted and officer personnel did share in performing the job that had to be done. Let them then share too in the benefits.

The War Department has been authorizing enlisted personnel not to exceed 30 days' furlough anually. Since there is no legislative authority for this unused portion of such furlough, it has not been accumulating to the credit of enlisted men as in the case of officers. Because of this fact, no provision exists by which an enlisted man may be paid for unused leave upon discharge or release from active duty. The bill under consideration, as amended, provides for a cash lump sum for payment upon discharge. This latter provision is necessary, in view of the fact that the Army of the United States has been demobilized and a great majority of its personnel has been discharged. I am pleased that this bill provides for a cash lump sum payment to those who have been discharged. There are other provisions in this bill that make it a desirable piece of legislation.

I shall not go into further detail in regard to this bill, because it seems unnecessary to do so, in view of the fact that very little, if any, opposition to it seems to exist. I hope the bill will be passed unanimously.

Mr. MARTIN of Iowa. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina [Mr. RIVERS].

RECOGNITION LONG OVERDUE

Mr. RIVERS. Mr. Chairman, this legislation is long overdue. In the great committee in which I have membership, the Committee on Naval Affairs, presided over by that outstanding leader from Georgia, Hon. CARL VINSON, we have discussed this matter time and time again. Mr. VINSON was one of the first to introduce legislation on the subject of terminal leave for personnel of the Navy. This was introduced in September 1945 and he has been untiring in his efforts to see this legislation brought before this distinguished body. He has worked without ceasing for equal opportunity and just treatment of the enlisted men in our armed forces. We knew that the Committee on Military Affairs had jurisdiction and therefore we did not try to encroach upon the jurisdiction of that splendid committee. The Military Affairs Committee today is to be congratulated for making it possible for us to vote on this legislation. I know that no one is going to vote against it. In the future there are certain factors which we will have to meet for the welfare of the servicemen. When this bill becomes law, we will not need selective service.

The world will long remember the exploits of the gallant sons of our Nation on the sea, above the sea, beneath the sea, above land and on land in the war just ended. They asked no quarter—they gave no quarter in the fight for freedom. Through sunshine and rain, through heat and through cold, they carried the banner of right so that all oppressed peoples throughout the world might be free.

These boys have returned and are returning to the Nation for which they fought. Yes, returning amidst the plaudits of a grateful people, reading their glory—and Mr. Chairman, it is glory—in the Nation's eyes. Fresh from victory unprecedented and unparalleled since manhood's flower first shed its fragrance on a new world.

Today, many of these men have been returned to their civilian pursuits. Tomorrow, many men will likewise find their places in fields of endeavor of their own choosing.

Today, the law of the land gives terminal leave pay only to officer personnel. Enlisted personnel are denied this provision of law. Mr. Chairman, this is a caste system, pure and simple, undeniable and undebatable. This is inconsistent, Mr. Speaker, with the philosophy which made this Nation great. This is inconsistent with the fundamental concept of the inscription on the Supreme Court edifice: "Equal justice under law." This is a wrong which has perpetuated itself and a wrong which has been forcibly brought to the attention of this Nation only on account of the tremendous sizes of our armed forces during the recent conflict.

No member in either branch of the Congress can plead ignorance of this existing and manifest injustice. The decision is to be made here today by each of us in our branch on whether or not we shall right this wrong. There is a proposal to invest billions in foriegn nations of the world by way of so-called loans without security. We, today, have an opportunity to invest in the men who saved our Nation. The answer will be unmistakable. The House of Representatives will this day right this wrong. Terminal leave will be granted the men who fought in the conflict. Terminal leave will be a part of the rights of the enlisted men in our postwar armed forces. I am proud, indeed, to have had a part, along with you, in this unquestionably right endeavor which will guarantee equality to all. I have discussed this matter with our distinguished majority leader, that sterling gentleman from Massachusetts, the Honorable JOHN W. McCORMACK, who has fought tirelessly to bring this legislation to the floor of the House.

Mr. MARTIN of Iowa. Mr. Chairman, I yield 1 minute to the gentleman from Mississippi [Mr. COLE].

Mr. COLE of Missouri. Mr. Chairman, when I first learned that terminal-leave pay was being paid to officers and not to enlisted men I set out to do something about it. Upon learning that my colleague the gentleman from Florida [Mr. ROGERS] had prepared and introduced this bill I supported his bill and signed the discharge petition to bring this legislation to the floor. I am wholeheartedly in favor of it. I hope it will pass without a dissenting vote.

I understand an attempt will be made to get a roll-call vote on this legislation. I have not heard anyone this afternoon voice any opposition to this bill. Of course, we would all like to be recorded as being in favor of it, but if a record vote is demanded it will delay the legislation just that much longer as I understand an agreement has been made between the majority and minority leaders that there will be no roll-call vote until next Tuesday. I should like very much to see the bill passed this afternoon and sent to the Senate in order that it may become law at the earliest possible date.

Mr. MARTIN of Iowa. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the bill we are considering today has come from a wide demand throughout the country as evidenced by the numerous letters and petitions we have all received from our constituents and from servicemen and ex-servicemen everywhere, and from their friends. The veterans of World War I, through the Legion and the VFW, have voiced their great support of this measure.

The Committee on Military Affairs acted in deference to that great demand and brought out the bill we have here under consideration. I had the privilege of serving on the subcommittee that had jurisdiction of the bill and that held the original hearings on it. We studied the bill fully and quite carefully, and at the end of our study and work on the bill the subcommittee reported the bill unanimously to the full Committee on Military Affairs, recommending its adoption. Later a petition came before the House signed by a majority of the Members of the House. The Committee on Military Affairs then took action, reporting the bill, and it was placed on the calendar for consideration.

The bill, H. R. 4051, which is officially designated as the Enlisted Men's Terminal Leave Pay Act, is one of the most important bills to come before Congress during my service in Congress. Bills

covering the matter of terminal-leave pay for enlisted men have been introduced by several Members of Congress and all of these bills were assigned to the Military Affairs Committee by the Speaker and to Subcommittee No. 8 by the chairman of the Military Affairs Committee. This subcommittee, under the chairmanship of the gentleman from Florida, Hon. ROBERT F. SIKES, has held brief hearings and many additional sessions for the study of the bills assigned to the subcommittee on this subject. Out of these studies and sessions, the subcommittee developed the bill which is before you today for consideration. This bill received the unanimous support of those members of the subcommittee who were present at the time the bill was reported back to the Committee on Military Affairs and the bill was later approved by the Committee on Military Affairs and reported to the House Calendar for your consideration.

There have been many questions raised regarding this proposed legislation, especially regarding the total cost of such legislation to the Government and also the matter of the difficulty of its administration. So far as the cost is concerned, I firmly believe that the cost must be charged up to the cost of the prosecution of World War II, and even though the cost is very high, simple justice to the enlisted men of the armed forces calls for the passage of this legislation and the payment of the pay and allowances provided therein to the enlisted men who served in the armed forces of our Nation in World War II.

ESTIMATED COST

In regard to the estimated cost of this bill, you will find on page 47 of the hearings a brief discussion of the estimated cost. In that discussion the figures given are based on 3 months' furlough for each enlisted man who served in the armed forces in World War II. This does not mean that each man would be paid 3 months' terminal-leave pay. It is only an estimate of what the cost would be if the average terminal leave were 90 days, and in that discussion you will find that the total amount of pay and allowances for terminal leaves for enlisted men would be $4,879,000,000. You will find in that discussion also the estimate that the average length of service of all enlisted men serving in the armed forces September 1, 1945, was 28 months, so by their estimate of December 1945 the estimated cost will be slightly less than the above figure. A later estimate submitted by the War Department to the chairman of the subcommittee the gentleman from Florida [Mr. SIKES] reduces the Army part from $3,330,000,000 to $2,000,000,000.

ADMINISTRATION OF PAYMENT FOR TERMINAL LEAVE

The subcommittee in drafting this legislation undertook to simplify the matter of administration in many ways. Section II provides for the flat-rate payment of 70 cents per day for the monetary allowance for quarters and subsistence for all cases where the individual was not actually receiving a different rate immediately prior to his discharge. This provision will save a tremendous amount of work in computing the allowances for most of the service men and women.

Section 5 (c) provides that the Secretary of War and the Secretary of the Navy shall make such regulations as may be necessary effectively to carry out the provisions of this act, and this section then makes a very important provision that such regulations may authorize payments under this act to be made on the basis of sworn statements of the material facts contained in certificates executed by applicants therefor. This section also provides that the decisions of the Secretary of War and the Secretary of the Navy and of the designees of each of them shall be final and not subject to review by any court or by any officer of the United States. You will note that this section does not absolve an individual ex-service man or woman from legal responsibility for any false statements sworn to; and, in my judgment, most applicants will submit their applications without such statement unless they are absolutely certain of the accuracy of their statements. These applications will then necessarily be forwarded to the War Department and Navy Department officials having jurisdiction of the records that must be examined before final determination of the amount to which the applicant is entitled. You will note from the hearings that these records are very bulky and the work of examining them will be a tremendous job. The Army records are located in St. Louis and the Navy records are located in Washington and Philadelphia. Most unfortunately, these records are neither complete nor absolutely accurate, and many questions will arise as to the exact fairness or justice of allowances computed on these records.

You will note that the Director of the Budget makes the following statement:

As I understand it, the records of the War and Navy Departments as to the amount of leave or furlough received and used by each enlisted man are quite incomplete and that the establishment and use of such records, as contemplated by the bill, would represent an undertaking of great magnitude over a long period of time.

You will note also that General Swift in discussing this matter before the subcommittee makes the following statement:

It would be more helpful if they could be made some specific sum. The amount of leave is usually determined if you specify that he shall have accrued leave at the rate of 2½ days per month, and that is the equivalent of 30 days per year for such period of time as he has been in the service, from a certain date, subject to a maximum of 120 days, or whatever factor that you gentlemen take. Then you can get from the machine record cards a figure which will show the amount of the man's service and the grade he held when discharged. Knowing that, if he accrues leave at a given rate of 2½ days per month, or whatever number of days is specified in the act, it is easy enough to determine what leave he is entitled to. Then if you are going to subtract from that the number of days' leave which he has had and, as I say, nearly every soldier has had some leave—it means that you go into a very serious thing, because you have to go back into all of this pile of records—service records I refer to—which is an interminable job.

* * * * *

If a man had had all of his leave, if you adopt a formula he would get the same benefit as the average man, but in order to determine for each and every one of these men exactly what he had, you would have to search his record—and, as I say, that is a very big job—and I believe the largeness of the job would justify the establishment of a formula. It would have the added effect of giving the men their money much more quickly, and it would prevent endless disputes and arguments about the matter.

If any amendments are offered to this bill and I suggest that full and careful consideration be given to any amendment that has for its purpose the simplification of administration to the end that our ex-service men and women be enabled to secure their terminal leave pay as quickly as possible after they submit their application.

In closing I express the hope also that the Secretary of War and Secretary of Navy in writing their regulations make the submission of application for terminal leave pay as easy and as accessible to the applicants as possible. My personal recollection of the experiences we had in collecting and submitting applications for the bonus for World War I veterans is still very real and if it had not been for the easy accessibility of the application forms and the generous contribution of time by the leaders of our ex-service organizations the job of submitting those applications would have been almost impossible. There are about three times as many veterans of World War II as there were veterans of World War I and the length of service and consequent complications as to leave earned and leave claimed during active service will call for very careful planning and very generous assistance by community leaders throughout our country if we are to get this job of paying terminal leave pay and allowances done quickly and satisfactorily.

The CHAIRMAN. All time has expired.

The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That (a) effective as of December 7, 1941, each enlisted member of the armed forces of the United States shall be considered, for the purposes of this act, as being entitled to leave at the rate of 2½ days for each month during the war-service period. Such leave, less the leave actually received and used prior to discharge or release from active duty in such armed forces, may be accumulated, and each individual entitled thereto under this act shall be entitled upon discharge or release from active duty to receive, in a lump sum, pay and allowances covering such accumulated leave.

(b) The pay and allowances referred to in subsection (a) shall be computed at the rate of the pay and allowances which the individual was receiving immediately prior to discharge or release from active duty.

(c) In the case of enlisted personnel discharged or released from active duty prior to the date of enactment of this act such lump sum payment shall be made only if application therefor is made within 90 days after the date of enactment of this act. In the case of an individual discharged or released from active duty in the Army such application shall be made to the Secretary of War,

and in the case of an individual discharged or released from active duty in any other branch of the armed forces application shall be made to the Secretary of the Navy.

(d) For purposes of the operation of this act with respect to any particular individual the term "war-service period" means the period beginning with the date of commencement of such individual's active service in the armed forces of the United States, or December 7, 1941, whichever is later, and ending 6 months after the date of the termination of hostilities in the present war, as proclaimed by the President, or the date of such individual's discharge or release from active duty, whichever is earlier.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That effective as of September 8, 1939, each individual who serves as an enlisted member of the armed forces of the United States shall be considered, for the purposes of this act, as being entitled to leave or furlough at the rate of 2½ days for each month of active service during the war-service period. Such leave or furlough, less the total leave or furlough chargeable under applicable regulations and actually received and used prior to discharge, may be accumulated in an amount not to exceed 120 days, and each individual entitled thereto under this act shall be entitled upon discharge to receive, in a lump sum, pay and allowances computed at the rate provided in section 2 for each day of such accumulated leave or furlough.

"SEC. 2. The pay and allowances referred to in the first section shall be computed at the rate of the base and longevity pay and monetary allowances for quarters and subsistence which the individual was receiving immediately prior to discharge, but in any case there shall be included in the lump-sum payment in addition to the base and longevity pay a monetary allowance computed at not less than 70 cents per day.

"SEC. 3. If any former member of the armed forces dies after discharge and before receiving such lump-sum payment it shall be payable, on application therefor, to such member's survivors as follows: To such member's surviving spouse, if any; and if such member leaves no surviving spouse, then in equal shares to such member's child or children, if any; and if such member leaves no surviving spouse or child or children, then in equal shares to such member's surviving parents, if any. If there is no such survivor no such lump-sum payment shall be payable under this act.

"SEC. 4. (a) In the case of any individual discharged prior to the date of enactment of this act, such lump-sum payment shall be made only if application therefor is made within 1 year after the date of enactment of this act.

"(b) In the case of any individual whose record is corrected to show discharge or release from active duty under honorable conditions, such lump-sum payment shall be made only if application therefor is made within 1 year after the date of enactment of this act or after the date on which such record is corrected, whichever date is the later.

"(c) In the case of an individual discharged from the Army, such application shall be made to the Secretary of War; and, in the case of an individual discharged from any other branch of the armed forces, application shall be made to the Secretary of the Navy.

"SEC. 5. (a) Lump-sum payments due or to become due under this act shall not be assignable, and any such payments shall be exempt from taxation, shall be exempt from claims of creditors, including any claim of the United States, and shall not be subject to attachment, levy, or seizure by or under any legal or equitable process whatever either before or after receipt by the payee.

"(b) The Secretary of War, the Secretary of the Navy, or such subordinate officers as they may designate, are authorized (1) to make direct payments to survivors over 17 years of age, and (2) to select a proper person or persons to whom lump-sum payments may be made for the use and benefit of a former member of the armed forces or a survivor thereof without the necessity of appointment by judicial proceedings of a legal representative of any such member or survivor when, in the opinion of such Secretary or designee, the interests of a person under 17 years of age so justify or such member or survivor is suffering from a mental disability sufficient to make direct payment not in the best interests of such member or survivor. Payments made under the provisions of this subsection shall constitute a complete discharge of the obligation of the United States under this act. The provisions of this subsection shall not apply when a legal guardian or committee has been judicially appointed for any such member or survivor, except as to any payment made prior to the receipt of notice of appointment.

"(c) The Secretary of War and the Secretary of the Navy each shall make such regulations as may be necessary effectively to carry out the provisions of this act, and such regulations may authorize payments under this act to be made on the basis of sworn statements of the material facts contained in certificates executed by applicants therefor. The decisions of the Secretary of War, of the Secretary of the Navy, and of the designees of each of them shall be final and not subject to review by any court or by any officer of the United States.

"SEC. 6. In any war in which the United States may be engaged subsequent to the termination of the present war and 6 months thereafter, or in any emergency thereafter declared by the President or by the Congress, ordinary leave shall not be allowed to accumulate for any member of the armed forces for more than 30 days, nor shall any payment be made in lieu of leave.

"SEC. 7. As used in this act the term—

"(a) 'Member of the armed forces' means any member of the Army or Navy of the United States, the United States Marine Corps, the United States Coast Guard, or any of their respective components.

"(b) 'Active service during the war-service period' in the case of any individual means all periods of active service as an enlisted member of the armed forces after September 8, 1939, except periods of (1) absence from duty without leave, (2) absence over leave, (3) confinement as the result of a sentence of a court martial, (4) service pursuant to enlistment or reenlistment after June 1, 1945, in the Regular Military Establishment or after February 1, 1945, in the Regular Naval Establishment, and (5) service after 6 months after the date of the termination of the present war as proclaimed by the President or by the Congress by concurrent resolution.

"(c) 'Discharge', except as used in section 4 (b), means (1) discharge or release from active duty under honorable conditions, or (2) appointment as an officer or to officer rank.

"(d) 'Spouse' means a lawful wife or husband.

"(e) 'Child' includes—

"(1) a legitimate child;

"(2) a child legally adopted;

"(3) a stepchild, if, at the time of death of the former member of the armed forces, such stepchild was a member of the deceased's household;

"(4) an illegitimate child, but in the case of a former male member of the armed forces only if he has been judicially ordered or decreed to contribute to such child's support; has been judicially decreed to be the putative father of such child; or has acknowledged under oath in writing that he is the father of such child; and

"(5) a person to whom the former member of the armed forces at the time of death stood in loco parentis and so stood for not less than 12 months prior to the date of death.

"(f) 'Parent' includes father and mother, grandfather and grandmother, stepfather and stepmother, father and mother through adoption, and persons who, for a period of not less than 1 year prior to the death of the former member of the armed forces, stood in loco parentis to such former member: *Provided*, That not more than two parents may receive a lump-sum payment under this act and preference shall be given to the parent or parents, not exceeding two, who actually exercised parental relationship at the time of or most nearly prior to the date of the death of the former member of the armed forces.

"SEC. 8. This act may be cited as the 'Enlisted Men's Terminal Leave Pay Act'."

Mr. THOMASON (interrupting the reading of the bill). Mr. Chairman, I am sure every Member present has read this bill. I ask unanimous consent that the further reading of the bill be dispensed with, with the understanding, of course, that amendments may be offered to any point in the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SPARKMAN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time for the purpose of saying just a few words about the bill. I did not speak on it in general debate. I was on the subcommittee that studied this bill under the chairmanship of the gentleman from Florida [Mr. SIKES], and later the gentleman from Louisiana [Mr. BROOKS] during the time that the gentleman from Florida [Mr. SIKES] was out of the city. I know something of the work that went into the preparation of this legislation and some of the complications we went into.

A good many people have at different times made remarks somewhat critical of the Committee on Military Affairs for not having reported the bill out. It was no simple matter. Our subcommittee rewrote the bill after very careful study and reported it to the full committee.

While it is true that the discharge petition was fully signed before the Committee on Military Affairs reported the bill out, I do not think that meant the committee would not have taken action because it certainly was intended to report the bill out. I think every member of the committee recognized the inequity of the practice that had been indulged in of paying terminal leave to officers and not paying it to enlisted men. I am not so sure that had this matter been before us at the time we reported the legislation providing for mustering-out pay that it would not have been taken into consideration in connection with that.

My own view is that in time of peace all of our men in the armed services are entitled to furlough and entitled to leave, but in time of war the men in our armed services are not entitled as a matter of right to have leave or furlough. They are entitled to it if the conditions are

such that they can be spared, but not as a matter of right, so that it could be accumulated. I believe it was the feeling of the committee generally that that was true. For that reason, in this bill we inserted a new section, section 6 on page 6, to provide that in any war subsequent to this war terminal leave or ordinary leave would not be allowed to accumulate for more than 30 days—so that the man would have something to draw on in the event it were possible to give him leave—but in no event would money payment be given in lieu of leave. We want to prevent this from occurring in any subsequent war or subsequent emergency. Personally, I believe that is a good provision. I think the War Department made a mistake when they started paying officers terminal leave during this war. If something was needed to help them get adjusted in civilian life, then we ought to have taken care of it by mustering-out pay.

Mr. BRYSON. Mr. Chairman, will the gentleman yield?

Mr. SPARKMAN. I yield.

Mr. BRYSON. Does that restriction or limitation apply to officers as well as men?

Mr. SPARKMAN. It applies to officers as well as men. As a matter of fact, until this bill becomes law, enlisted men do not have leave as a matter of right. The officers do have that right under that old statute and within the discretion of the Secretary of War. He has issued a regulation giving it to them. By this bill we give a certain amount of leave to the enlisted man as a matter of right so far as service in the present war is concerned. By section 6 we take it away from the enlisted men and officers alike in time of war hereafter. We recognize the inequity that has existed during this war and are doing our best by this bill to straighten it out. Then we say in effect to the War Department if we ever get into another war or another emergency, "Do not make the same mistake again." That is the situation we are up against. I think it is fair and equitable to give these men the same terminal leave that officers get. That is all this bill does.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. CASE of South Dakota. Mr. Chairman, I offer an amendment, which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. CASE of South Dakota: On page 4, lines 3 to 5, after the colon in line 3 strike out "To such member's surviving spouse, if any; and if such member leaves no surviving spouse, then in equal shares to such member's child or children, if any;" and insert "To such member's surviving spouse and children, if any, in equal shares."

Mr. CASE of South Dakota. Mr. Chairman, this is an amendment which I have discussed with several members of the committee, including the gentleman from Louisiana [Mr. BROOKS] and the gentleman from Florida [Mr. SIKES], and as far as I know it is agreeable to them.

Mr. BROOKS. Mr. Chairman, as far as I am concerned, I have no objection to it.

Mr. CASE of South Dakota. I have also submitted it to the gentleman from Iowa [Mr. MARTIN], who indicated his approval.

Mr. COLE of Missouri. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. I yield.

Mr. COLE of Missouri. There is just one point, which, it occurs to me, should be clearly established. Suppose you have both a surviving spouse and minor children. Would those children have to be paid through the office of the probate court and a guardian if you divide the money?

Mr. CASE of South Dakota. I am glad the gentleman raises that point. My answer is "No." As the gentleman is aware, in another section the bill provides that in case of children under 17, the Secretary of War may select the proper person to whom payments would be made without requiring the appointment of a legal representative. That in most cases, of course, would be the spouse. But not if she were an improper person to receive funds in behalf of the children, which is the reason for the amendment. The case I cited in my earlier colloquy with the gentleman from Louisiana was where the veteran had divorced the mother or the children and remarried. His spouse, under the definitions in the bill, would be the second woman. In such a case I would expect the Secretary to name the actual mother of the children rather than their father's second wife. In fact, it is to make that possible that I have offered the amendment.

This is in harmony with the succeeding clause in the bill, which specifically provides for dividing equally the amount payable when it falls to the veteran's parents, and thereby takes care of the situation where an estrangement exists between them. I seek to take care of those situations where an abnormal situation exists, as between the dependent minor children of a deceased veteran and the one who is the veteran's spouse at the time of his death.

Under the language of the bill without this amendment, if the veteran is remarried and has left minor children by an earlier marriage, the spouse at the time of the veteran's death would get the entire amount. The children by the earlier marriage would be out in the cold. My amendment simply insures an equal division for the spouse and each of the children as defined in the bill.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WADSWORTH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WADSWORTH: Page 6, line 2, after the period, insert "*Provided*, That no fee, commission, or charge shall be demanded or accepted by any representative of a veteran or survivor appointed in accordance with the provisions of this paragraph, and the exaction or acceptance of any such fee, commission, or charge shall be deemed a misdemeanor, punishable by a fine of not exceeding $500 or imprisonment not exceeding 6 months, or both."

Mr. WADSWORTH. Mr. Chairman, reading paragraph (b) on page 5, which authorizes the Secretary of War or the Secretary of Navy or such subordinate officers as they may designate to appoint representatives of survivors of veterans or of veterans suffering a mental disability, without any judicial proceedings, it strikes me we may be opening the door to a racket. There will be hundreds and hundreds of thousands of these cases. Many thousands of them may be cases in which a survivor or mental disability case is involved. I fear that some undesirable people will manage to get themselves appointed as agents or representatives. It is to be noted that the paragraph goes on to provide that after such a representative is appointed the money shall be given to that representative in a lump sum. I think we would better take what steps we can to prevent a racket growing up. My amendment makes it a misdemeanor, suitably punished, for any representative appointed by either the Secretary of War or the Secretary of the Navy, or by his subordinate officers under the provisions of this paragraph, to accept any fees.

Mr. NORBLAD. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I yield.

Mr. NORBLAD. Does not the gentleman feel if someone should be appointed by a court as agent or administrator, he should give an adequate bond for the funds that will pass through his hands, so that he will be accountable for it?

Mr. WADSWORTH. I did not attempt to rewrite this entire paragraph (b). I suppose it could be said that the sum paid to a representative of a survivor or a veteran suffering from a mental disability will be comparatively small. It may be only $50, or $60, or $70. But what I dread is that one of these fellows will canvass a town and get a lot of people to say, "You represent me before the War Department or the Navy Department and I will split with you."

My amendment makes that a misdemeanor.

Mr. BROOKS. Mr. Chairman, I have no objection to the amendment.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. FULTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FULTON: Page 6, line 12, after the last sentence insert "There shall be no difference under the provisions of this act or the regulations thereunder in the method of computation of the amounts payable hereunder between officers and enlisted men nor between the several branches of the armed services."

Mr. FULTON. Mr. Chairman, it will be noticed that under the provisions of this act there is no specific caution that the Secretary of War and the Secretary of the Navy must treat everyone alike, as between officers and enlisted men; and there is no separate statement that the various branches of the service, that is, the Army, the Navy, the Marine Corps, the Coast Guard, the WAC, and the WAVES should all be treated alike, and the regulations that are set up under this act by the Secretary of War and the Secretary of the Navy should be construed accordingly.

I feel it is necessary that we affirmatively and specifically say that we want that done and that if one person in the Army receives a payment somebody in the Navy cannot crab for the rest of his days: "Well, I did not get paid because the Army regulations were different from the Navy," or if somebody in the WAC gets a payment, somebody in the Coast Guard might not get it. We want the act to require that each service must have all its regulations conform to each other in the various branches of the services.

This amendment will also obtain the result that as between officers and enlisted men there can be no regulations set up for officers that do not apply to enlisted men.

Mr. Chairman, I yield back the balance of my time.

Mr. BRADLEY of Michigan. Mr. Chairman, I move to strike out the last word and ask unanimous consent to proceed out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BRADLEY of Michigan. Mr. Chairman, early in the winter of 1940, over a year before we entered the war, several Norwegian fishermen who were hiding out from the conquering Nazi hordes were amazed to see the Nazis going through a full-dress aerial-bombing rehearsal, in one of their snow-covered valleys. They noticed some strange designs had been outlined in that valley, and Nazi bombers were making periodic bombing runs over them from various angles. The Norwegians made a rough sketch of the bombing target and by some means got it into the hands of the British Intelligence. The British Intelligence was baffled as to the meaning of the target but in turn got it into the hands of an air attaché in the American Embassy in London. He immediately identified it as the great lock in Sault Ste. Marie, Mich., in my district, and our sister city of Sault Ste. Marie, Ontario.

It was obvious that the Nazis intended eventually to bomb these locks. Had they done so successfully, we might well not have won this last war. That was admittedly America's No. 1 air target, and the Germans knew it just as well as the Japanese, who had been considering the possibilities of nonstop suicide flights from Japan itself for the purpose of knocking out the locks at Sault Ste. Marie. Therefore, it became during the war the most heavily fortified spot in North America. Now I know you wonder why? The answer is simple. Ninety percent of our Nation's iron ore is mined in the Lake Superior region. Lake Superior is 18 feet above the levels of Lakes Huron and Michigan. Therefore 90 percent of the Nation's iron ore production all through the war, as it must in peacetime, had to pass through these locks at the Soo, to say nothing of millions and millions of bushels of grain from the great Midwest, and to say nothing of the thousands upon thousands of tons of coal and limestone that have to flow upward through the locks. The Soo did its part during the past war in maintaining that uninterrupted flow of vitally needed raw materials. In order to meet the demands of war they even constructed a fourth lock, named after Gen. Douglas MacArthur. I am proud of the twin Soos and all of their citizens because of their invaluable effort to our war victory. Those locks at the Soo even in peacetime—in our normal 8-month navigation season—pass more tonnage than goes through all the six other greatest series of locks and canals in the entire world in 12 months, and I include in that the Panama, Suez, Kiel, Welland, and Erie Canals. Had the Germans or the Japanese succeeded in knocking out our Soo Locks, the entire Allied war effort might well have collapsed.

Now, Sault Ste. Marie, Mich., a bustling city of 12,000 people, has a high school, and in that high school they have a choir and a swing band. Throughout the war they not only afforded much entertainment to the troops at the expanded Fort Brady Military District who were guarding the locks, but also in public appearances succeeded in selling over $300,000 worth of war bonds. Today they have stopped off in Washington en route to Atlantic City, where they have been invited to sing for 2 days before the Kiwanis International Convention.

This noon this excellent choir and swing band, under the capable direction of their instructor, Mr. Earl Thomas, had the pleasure and privilege of serenading General Eisenhower and being personally greeted by him. They rendered a concert in the Pentagon court before an audience of high-ranking Army personnel and some 20,000 War Department employees. They were most enthusiastically received, and to my knowledge theirs is the first high school group to have ever serenaded the general at The Pentagon.

This evening they are going to give a concert both at the Naval Medical Center at Bethesda and at Walter Reed General Hospital, and then later sing the Star-Spangled Banner at Griffith Stadium as the guest of Mr. Clark Griffith.

Tomorrow, Saturday morning, they have been invited to entertain the patients at Mount Alto Hospital and perform for the sound and color cameras on the hospital lawn for a full-length motion picture to be released to the Nation at a later date by the Veterans' Administration, entitled "Veterans' Administration Reports to the Nation." At 11:30 they will broadcast for 30 minutes over radio station WWDC a salute to President Truman; and on Sunday morning they will sing at the Foundry Methodist Church service.

It is a great pleasure for me to greet them here today, and I think if you will look around you will see some of them in the gallery.

Mr. THOMASON. Mr. Chairman, the subcommittee handling this bill finds nothing objectionable in the amendment; so, as far as we are concerned, it is all right for the committee to accept it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. FULTON].

The amendment was agreed to.

Mr. FOLGER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FOLGER: On page 4, line 8, after the word "any" strike out the period and insert the following: "or if none such, then to the minor brothers and sisters pro rata and in keeping with the provisions of Section 5, subsection (b) of this act."

Mr. FOLGER. Mr. Chairman, I am hopeful, if the committee will give attention to this matter, that the amendment will be accepted. I hesitated a little bit about including in the term "parents" a stepfather and stepmother, but I forego that, knowing that there are two sides to that question. But in the event there is neither a father nor mother nor a stepfather nor stepmother, but a soldier has died who is entitled to this pay for leave, if he has minor brothers and sisters that money ought to go to them. They have neither father nor mother, they have neither stepfather nor stepmother. They are minors, and I believe this provision should be included. The language is left: "If there is no such survivor no such lump sum payment shall be payable under this act."

I can conceive of small children whose brother or brothers have given their lives in the war, whose fathers and mothers are also dead. To say that they should not get the benefit of this seems to me to be an oversight.

I submit it to the gentlemen on both sides for their consideration.

Mr. BROOKS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from North Carolina.

Mr. Chairman, if we were dealing with tremendous sums of money such as there are in these large estates, I think it might be well for the Congress to go far afield and take care of distant relatives and to take care of all equities regardless of how complicated they may be; but in this instance we are dealing with small sums of money, much of which will not exceed $50 or $60, and in other cases running up to $200 or $300. In considering the matter the committee felt it should follow more or less the provisions of the Allotment Act in reference to the designation of these payments. Therefore the committee felt that we should not complicate this thing too much. Your bookkeeping expense is already going to be very heavy, and if we allow them to complicate the situation further, we may get into trouble.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. FOLGER].

The amendment was rejected.

Mr. WHITTINGTON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, notwithstanding the fact that the act of May 8, 1874, as amended by the act of July 29, 1876, providing for accumulated leave for officers, has been in force, the fact remains that the act has not been used and was not used as best we can determine from the hearings and the debate until we reached the period of the present World War II, and for the first time in war or peace officers have been given up to 4 months terminal leave in World War II. In order to prevent discrimination as between officers and enlisted men, no matter the cost of this bill, it seems there is nothing

for the Congress to do except to remove that discrimination and to provide for the payment of terminal leave for the enlisted men, inasmuch as by the regulations of the Army, under the accumulated leave system, as authorized by a law of 1884, such leave has been provided for officers.

The Army is responsible for the pay of terminal leave to officers in World War II, and under the statute of 1876, as amended by the statute of 1878, and under a law passed in 1884 for officers, the Army has provided for payment of terminal leave to officers. It is to be regretted that by statute leaves of absence were provided for officers and not provided for enlisted men. Discrimination results. The Army system is thus criticized. As matters stand, terminal leave, therefore, has been paid to officers and has not been paid to enlisted men. This discrimination should never have been made. If the Army needed legislation to prevent the discrimination, the Army should have requested it. There is nothing in the hearings and nothing in the report to show that the Army requested it. I repeat that in World War I and in previous wars, officers were not paid terminal leave. No such leave was paid them in peacetimes.

Congress provided for mustering-out pay for the first time in World War II for enlisted men. It included officers up to captain. Officers beyond captain were not included. However, officers above captain receive other benefits that would preclude them from ever asking for mustering-out pay. Eighty percent, as I understand, of all officers have received both mustering-out pay and terminal leave. The pending bill will provide that enlisted men receive terminal pay, just as all officers for the first time in World War II have received terminal pay. Moreover, as I further understand, neither terminal leave nor mustering-out pay will be paid in the future.

I repeat, therefore, that the pending bill should be passed to remove a discrimination for which the Army is responsible.

Mr. HAYS. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I merely want to comment briefly upon this bill in connection with the problem of improving the relationships between enlisted men and the commissioned personnel. I am sure that the Members of Congress have viewed with some anxiety the tensions that seem to exist at times between enlisted men and officers. We will therefore look forward with interest to the recommendations of the Secretary of War that will surely follow the submission of the report by General Doolittle and his committee.

We are proud of the democratic traditions of our Army. There was a time when colonels and some other officers were actually elected by popular vote of their units. One distinguished Governor of Arkansas, Archibald Yell, who was killed at the battle of Buena Vista in the Mexican War, had been elected colonel by a vote of his regiment. We had no problem of strained relations between officers and men through many decades of this country's history, but in the interest of discipline changes had to be made of course. No one would suggest now that all of those practices of a more democratic period in the Army be adopted; nevertheless, I am impressed by the comments of enlisted men upon the practices of certain officers which are out of line with this great military tradition. I think it is fair to say that the War Department has been undertaking through constructive measures to eliminate all of these frictions, and to the extent that legislation is necessary Congress will be prepared to act in order to equalize privileges and remove the conditions to which I have referred.

Some of the incidents in the war that have been referred to in publicity on the subject are not due to Army regulations nor to any lack of legislation, but have been due solely to a misconception by certain individual officers of their duties and obligations. Consequently, there ought to be more emphasis by the War Department upon leadership training. I understand that legislation leading to an improvement in this respect will be requested, and I anticipate that Congress will respond affirmatively. We ought also to support those who insist that promotion of officers be upon merit and not according to some inflexible seniority rule. To the extent that we have failed to support efforts to eliminate officers found to be unfit we have perhaps been derelict in our duty. These are the essential requirements, it seems to me, to improve the relationship between officers and enlisted men, greater emphasis upon training in leadership and in human relations, insistence that promotion to higher rank be upon merit, that unfit officers be eliminated, and that every exertion be made to bring in line the practices of the War and Navy Departments with the tradition of democracy.

The significance of this legislation to me is that it shows the determination of Congress to equalize privileges and not to give to those who are enjoying the rank of commissioned officers privileges not inherent in rank and denied to the men. The enlisted men can take this as a demonstration of our desire to remove all discriminations in the military life of the Nation. I have resolved some doubts regarding this bill in favor of its passage and shall vote for it because of the importance to be attached to the equalizing of leave privileges.

Mr. SHARP. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I do not see any reason why the enlisted men are not entitled to the pay for a 30-day leave in the year as long as this payment is given to the officers. The enlisted men, as a whole, are poorly paid compared to the officers; they are discriminated against, and do not get their proper place compared with their duties in the Army.

They do the same things as the officers. They fight the same enemies, sleep in the same fox holes, and their reward should be the same as the officers in case of victory and the same applies in case of defeat. We won a great victory and the glory of that victory reflects credit on the enlisted men. We are all very proud of their performance in World War I and World War II.

The CHAIRMAN. The question is on the committee amendment as amended.

The committee amendment as amended was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. THOMAS of Texas, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H. R. 4051) to grant to enlisted personnel of the armed forces certain benefits in lieu of accumulated leave, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. BROOKS. Mr. Speaker, on that I demand the yeas and nays.

Mr. McCORMACK. Mr. Speaker, in view of the fact that the gentleman has demanded the yeas and nays, and in accordance with the understanding we have, I ask unanimous consent that further consideration of this bill be postponed until Tuesday next.

Mr. PATMAN. Reserving the right to object, Mr. Speaker, I hope the gentleman will let it reach the stage where the roll is to be called. Then I am certain there would be no objection.

Mr. McCORMACK. Has it not reached that stage yet?

Mr. BROOKS. No. The question has not yet been put by the Chair.

Mr. PATMAN. Have a vote by division, and then when the vote has been announced, object to the vote on the ground that a quorum is not present.

The SPEAKER. The Chair does not want any situation to arise here that would violate the agreement made between the majority and the minority leaders and the Speaker about not having a roll call before next Tuesday.

Mr. BROOKS. Mr. Speaker, may I not demand the yeas and nays and then have the vote go over until next Tuesday?

The SPEAKER. The Chair thinks the whole proceeding should go over until then.

Is there objection to the request of the gentleman from Massachusetts?

Mr. SHAFER. I object, Mr. Speaker.

Mr. WILSON. I object, Mr. Speaker.

SUBCOMMITTEE ON APPROPRIATIONS, AGRICULTURE DEPARTMENT

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the Subcommittee on Agriculture of the Committee on Appropriations may have until midnight tonight to file a conference report.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

COMMITTEE ON FOREIGN AFFAIRS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs may have until midnight tonight to file a report on the bill H. R. 6572.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

BILLS PRESENTED TO THE PRESIDENT

Mr. ROGERS of New York, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 208. An act for the relief of Marion Contracting Co.;

H. R. 210. An act for the relief of Jack Williams; Mrs. Lora Sally Williams, the legal guardian of Garry E. Williams, a minor, and the legal guardian of James Williams, a minor;

H. R. 216. An act for the relief of John Seferian and Laura Seferian;

H. R. 238. An act for the relief of Henrietta Silk;

H. R. 781. An act for the relief of the legal guardian of Douglas Charles McRae, a minor;

H. R. 845. An act for the relief of Mrs. Luther S. Sykes;

H. R. 874. An act for the relief of L. Wilmoth Hodges;

H. R. 941. An act for the relief of Mrs. C. A. Lee, administratrix of the estate of Ross Lee, deceased;

H. R. 1037. An act to confer jurisdiction upon the United States District Court, Southern District of Florida;

H. R. 1072. An act for the relief of Henry R. Butler;

H. R. 1229. An act for the relief of Mrs. Mary M. Wolf;

H. R. 1238. An act for the relief of Father Peter B. Duffee;

H. R. 1299. An act for the relief of Morris Fine;

H. R. 1394. An act for the relief of William H. W. Komp;

H. R. 1538. An act for the relief of Robert J. Cramer;

H. R. 1782. An act for the relief of Ida F. Braun, Alice Braun Menges, and Carl J. Braun, individually and as executors of the estate of Hedwig W. Braun, deceased, and as legatees and beneficiaries of the will of Hedwig W. Braun, deceased, and as the sole parties in interest by succession under the last will and testament of Hedwig W. Braun, deceased, and under the last will and testament of Herman W. Braun, deceased;

H. R. 1852. An act for the relief of R. H. White Transfer & Storage Co., of Nashville, Tenn.;

H. R. 2188. An act for the relief of George W. Bailey;

H. R. 2223. An act for the relief of Catherine Bode;

H. R. 2242. An act for the relief of Mrs. Lessie L. Bryant and Miss Jimmie Alexander;

H. R. 2246. An act for the relief of the estate of Michael O. Mello and Christian O. Mello;

H. R. 2248. An act for the relief of Joseph E. Alarie;

H. R. 2337. An act for the relief of H. H. Hood;

H. R. 2569. An act for the relief of Daphne Webb;

H. R. 2576. An act for the relief of William F. Schmeltz;

H. R. 2579. An act for the relief of John G. Johnson;

H. R. 2665. An act for the relief of Acchille Guillory and Olivia Guillory;

H. R. 2747. An act for the relief of George A. West;

H. R. 2926. An act for the relief of Mrs. Alice Breon;

H. R. 2973. An act for the relief of Ben Thomas Haynes, a minor;

H. R. 3018. An act for the relief of Crystal R. Stribling;

H. R. 3094. An act conferring jurisdiction upon the Court of Claims of the United States to consider and render judgment on the claim of the Zephyr Aircraft Corp. against the United States;

H. R. 3100. An act for the relief of Rolland Lee Frank;

H. R. 3125. An act for the relief of Lovie M. Trotter;

H. R. 3177. An act for the relief of James J. Barrett, Jr.;

H. R. 3228. An act for the relief of Sam Dishong;

H. R. 3270. An act for the relief of James B. McCarty;

H. R. 3340. An act for the relief of Mrs. Merla Koperski;

H. R. 3355. An act for the relief of Elisabeth Jones Hansel;

H. R. 3365. An act for the relief of Kay Beth Bednar;

H. R. 3378. An act for the relief of Dr. John A. Logan;

H. R. 3506. An act for the relief of Mary A. Wallis;

H. R. 3523. An act for the relief of Sam Damico and Clint Hamm, operating as the D and H Grocery;

H. R. 3525. An act for the relief of Owen Young;

H. R. 3556. An act for the relief of Mr. and Mrs. Glen Rothenberger;

H. R. 3599. An act for the relief of Ama L. Normand and the estate of Curtis Joseph Gaspard, deceased;

H. R. 3618. An act for the relief of Mrs. Vannas H. Hicks;

H. R. 3641. An act for the relief of M. Martin Turpanjian;

H. R. 3676. An act for the relief of Pershing W. Ridgeway;

H. R. 3702. An act for the relief of Maurice C. Ritter;

H. R. 3726. An act for the relief of Earl D. Massey, Marvin Marshall, and Fred C. Mitchell;

H. R. 3751. An act for the relief of Mrs. Theodora O. Anzures and the legal guardian of Bernice Anzures and Andrew Anzures;

H. R. 3770. An act for the relief of Lyndon T. Montgomery;

H. R. 3781. An act for the relief of Mabel M. Fischer and Nora M. Steinmetz;

H. R. 3808. An act for the relief of the estate of William N. Therriault and Millicent Therriault;

H. R. 3822. An act for the relief of the estate of Charles M. Overcash, deceased;

H. R. 3823. An act for the relief of Gertrude McGill;

H. R. 3828. An act for the relief of James R. Vaughan;

H. R. 3967. An act for the relief of Ahto Walter, Lucy Walter, and the legal guardian of Teddy Walter, a minor;

H. R. 3968. An act for the relief of the estate of Charles W. Stewart;

H. R. 4016. An act for the relief of Dorothy Morgan;

H. R. 4047. An act for the relief of Edward A. Hollis, Sr.;

H. R. 4074. An act for the relief of Mrs. Jennie Burnison;

H. R. 4115. An act for the relief of the estate of Eleanor Doris Barrett;

H. R. 4141. An act for the relief of Piombo Bros. & Co.;

H. R. 4142. An act for the relief of Johnnie V. Nations;

H. R. 4172. An act for the relief of Carlton G. Jerry;

H. R. 4174. An act for the relief of Mayer G. Hansen;

H. R. 4176. An act for the relief of the estate of Earle R. Woodfall, Jr., deceased;

H. R. 4210. An act for the relief of the estate of Bob Clark and the estate of George D. Croft;

H. R. 4237. An act for the relief of the estate of Vedal B. Brooks, deceased; Mrs. Katherine I. Brooks; and the legal guardian of Sally Brooks, a minor;

H. R. 4244. An act for the relief of Fundador Nieves del Valle;

H. R. 4270. An act for the relief of Southern California Edison Co., Ltd.;

H. R. 4298. An act for the relief of Severo Apoluna Dinson and Candilaria Dinson, and the legal guardian of Laura Dinson and the legal guardian of Teresita Dinson;

H. R. 4300. An act for the relief of the county of Hawaii, Territory of Hawaii;

H. R. 4301. An act for the relief of Philip Naope Kaili and Susie Kaili;

H. R. 4338. An act for the relief of Anna Blanchard and others;

H. R. 4352. An act for the relief of Ola L. Wright, Mrs. Margaret Wright, and the legal guardian of Betty Bea Wright, a minor;

H. R. 4400. An act for the relief of the legal guardian of Hershel Dean Curry, a minor;

H. R. 4405. An act for the relief of John Bakelaar;

H. R. 4414. An act for the relief of Eva D. Champlin, Robert H. Howell, Emily Howell, and Stella Ward;

H. R 4416. An act for the relief of George H. Buxton, Jr.;

H. R. 4418. An act for the relief of the city of San Diego, Tex.;

H. R. 4491. An act for the relief of Vertie Bea Loggins;

H. R. 4527. An act for the relief of O. T. Nelson, and wife, Clara Nelson;

H. R. 4537. An act for the relief of Lillian Jacobs;

H. R. 4545. An act for the relief of George Leslie Dobson;

H. R. 4567. An act to amend the act entitled "An act conferring jurisdiction upon the United States Court of Claims to hear, examine, adjudicate, and render judgment on any and all claims which the Ute Indians, or any tribe, or band thereof, may have against the United States, and for other purposes", approved June 28, 1938;

H. R. 4607. An act for the relief of Margaret Lee and Mike Sopko;

H. R. 4609. An act for the relief of Jerome Dove;

H. R. 4633. An act for the relief of John B. Clausen;

H. R. 4639. An act for the relief of C. LeRoy Phillips;

H. R. 4640. An act for the relief of Gladys Hastings;

H. R. 4647. An act for the relief of Albert R. Perkins;

H. R. 4670. An act for the relief of Mrs. Edna B. LeBlanc;

H. R. 4716. An act for the relief of Charles B. Borell;

H. R. 4723. An act for the relief of John M. Shipp;

H. R. 4750. An act for the relief of C. C. Vest;

H. R. 4757. An act for the relief of Mrs. Gussie Feldman;

H. R 4777. An act for the relief of the Sawtooth Co.;

H. R. 4800. An act for the relief of Harry Fleishman;

H. R. 4832. An act for the relief of Stanley B. Reeves and Mrs. Stanley B. Reeves;

H. R. 4833. An act for the relief of the estate of Robert Lee Blackmon;

H. R. 4836. An act for the relief of Louis M. Drolet;

H. R. 4854. An act for the relief of Mrs. Pearl Smith;

H. R. 4885. An act for the relief of Ernst V. Brender;

H. R. 4904. An act for the relief of Cleo D. Johnson and Mr. and Mrs. Jack B. Cherry;

H. R. 4905. An act for the relief of Nina E. Schmidt;

H. R. 4915. An act for the relief of Irving W. Learned;

H. R. 4976. An act for the relief of Mrs. Catherine Fortunato;

H. R. 4977. An act for the relief of Mrs. Theresa Ebrecht;

H. R. 5049. An act for the relief of the estate of Obaldino Francis Dias;

H. R. 5111. An act for the relief of Mrs. Mildred L. Bupp;

H. R. 5212. An act for the relief of the dependents of Cecil M. Foxworth, deceased;

H. R. 5307. An act for the relief of Ben V. King;

H. R. 5407. An act to grant to the Federal Works Administrator certain powers with respect to site acquisition, building construction, purchase of buildings, and other matters;

H. R. 5525. An act for the relief of Sylvia Wagner;

H. R. 5718. An act to facilitate the liquidation of Washington Railway & Electric Co.;

H. R. 6010. An act for the relief of the Yakutat Cooperative Market;

H. R. 6011. An act for the relief of Dr. Harry Burstein, Madeline Borvick, and Mrs. Clara Kaufman Truly (formerly Miss Clara Kaufman);

H. R. 6245. An act for the relief of Mary G. Paul; and

H. R. 6334. An act for the relief of the estate of Carmen Aurora de la Flor, deceased.

ENLISTED MEN'S TERMINAL LEAVE PAY ACT

Mr. BROOKS. Mr. Speaker, I insist on the demand for the yeas and nays on the passage of the bill.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

Mr. WILSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

So the motion was agreed to; accordingly (at 3 o'clock and 2 minutes p. m.), pursuant to its previous order, the House adjourned until Monday, June 10, 1946, at 12 o'clock noon.

COMMITTEE HEARINGS

SELECT COMMITTEE ON CONSERVATION OF WILDLIFE RESOURCES

Beginning at 10:30 a. m. each day, the Select Committee on Conservation of Wildlife Resources will hold hearings on Monday, June 10, Tuesday, June 11, and Wednesday, June 12, in the committee room, 448 House Office Building.

The purpose of the hearings will be to receive reports from the various Federal agencies engaged in wildlife conservation activities and from State game and fish departments, to hear testimony concerning migratory bird shooting regulations for the coming season, and for other purposes.

COMMITTEE ON INVALID PENSIONS

There will be an executive session of the Committee on Invalid Pensions in room 247, House Office Building, on Tuesday, June 11, 1946, at 10:30 a. m.

The purpose of the executive session will be to review public bills pending before the committee and to determine which bills will be scheduled for hearings.

COMMITTEE ON THE JUDICIARY

On Wednesday, June 12, 1946, Subcommittee No. 1 of the Committee on the Judiciary will hold a hearing on the bill (H. R. 6143) to incorporate the Amvets, American Veterans of World War II. The meeting will be held in the Judiciary Committee room, 346 House Office Building, and will begin at 10 a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1376. A letter from the Comptroller General of the United States, transmitting report of audit of the transactions of the Federal Crop Insurance Corporation from July 1, 1941, to June 30, 1942; to the Committee on Agriculture.

1377. A letter from the Chairman, Reconstruction Finance Corporation, transmitting report covering its operations for the period from the organization of the Corporation on February 2, 1932, to December 31, 1945, inclusive; to the Committee on Banking and Currency.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. O'TOOLE: Committee on the Library. Senate Joint Resolution 84. Joint resolution authorizing the erection in the District of Columbia of a statue of Nathan Hale, without amendment (Rept. No. 2229). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLOOM: Committee on Foreign Affairs. H. R. 6326. A bill to contribute to the effective maintenance of international peace and security pursuant to the objectives and principles of the United Nations, to provide for military cooperation of the American states in the light of their international undertakings, and for other purposes; with amendment (Rept. No. 2230). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLAND: Committee on the Merchant Marine and Fisheries. H. R. 6263. A bill to amend the act of June 23, 1943, so as to authorize inclusion of periods of education and training in an Army Transportation Corps civilian marine school as service in the merchant marine; without amendment (Rept. No. 2231). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLAND: Committee on the Merchant Marine and Fisheries. H. R. 6488. A bill to amend the act to provide for the issuance of devices in recognition of the services of merchant sailors; without amendment (Rept. No. 2232). Referred to the Committee of the Whole House on the State of the Union.

Mr. WOOD: Committee on Un-American Activities submits report pursuant to House Resolution 5, a resolution authorizing investigation of un-American activities and propaganda; without amendment (Rept. No. 2233). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DOUGHTON of North Carolina:

H. R. 6699. A bill to decrease the amount of obligations, issued under the Second Liberty Bond Act, which may be outstanding at any one time; to the Committee on Ways and Means.

By Mr. HAND:

H. R. 6700. A bill to increase the number of authorized aviation stations operated by the Coast Guard, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. PIÑERO:

H. R. 6701. A bill to amend the Nationality Act of 1940 to preserve the nationality of citizens residing abroad; to the Committee on Immigration and Naturalization.

By Mr. SMITH of Virginia:

H. R. 6702. A bill to clarify the rights of former owners of real property to reacquire such property under the Surplus Property Act of 1944; to the Committee on Expenditures in the Executive Departments.

By Mr. BRUMBAUGH:

H. R. 6703. A bill to increase by 14 percent the rates of pension or compensation payable to former members of the armed forces and to their widows and dependents; to the Committee on World War Veterans' Legislation.

H. R. 6704. A bill to enable enlisted personnel of the Army to implement their accouterments, equipment, and clothing by the purchase from the United States of accouterments, equipment, and nondistinctive clothing; to the Committee on Military Affairs.

By Mr. HARE:

H. R. 6705. A bill to pay the States for certain losses sustained and to assist them in providing adequate facilities for public elementary and public secondary education, and for other purposes; to the Committee on Education.

By Mr. ROONEY:

H. R. 6706. A bill to authorize the furnishing of automobiles to seriously disabled veterans, and for other purposes; to the Committee on World War Veterans' Legislation.

By Mr. BRUMBAUGH:

H. R. 6707. A bill to amend the act of February 24, 1925, entitled "An act to incorporate the American War Mothers" so as to extend membership eligibility to mothers of adopted and foster children; to the Committee on the Judiciary.

By Mr. WICKERSHAM:

H. R. 6708. A bill to encourage the immediate sale of wheat and corn by providing for payments by the Government to compensate for future adjustments in price, and for other purposes; to the Committee on Banking and Currency.

H. R. 6709. A bill to assure producers who sell wheat in aid of the emergency program designed to relieve distressed areas the benefits of subsequent increases in the maximum price of wheat, and for other purposes; to the Committee on Banking and Currency.

H. R. 6710. A bill to allow the proportionate allocation of income received by producers of wheat and corn, and for other purposes; to the Committee on Ways and Means.

By Mr. FLANNAGAN:

H. J. Res. 364. Joint resolution to provide for the establishment of an international animal quarantine station on Swan Island, and to permit the entry therein of animals from any country and the subsequent importation of such animals into other parts of the United States, and for other purposes; to the Committee on Agriculture.

By Mr. VINSON:

H. Res. 654. House resolution providing for the consideration of H. R. 5520, a bill for the purpose of regulating the conditions of employment of mechanics, helpers, laborers, and all per diem employees engaged in trades and occupations at all Government naval shipyards, naval stations, arsenals, and other Government industrial establishments, within or without the continental limits of the United States, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HEFFERNAN:

H. R. 6711. A bill for the relief of Ira S. Bushey & Sons, Inc.; to the Committee on Claims.

By Mr. JACKSON:

H. R. 6712. A bill for the relief of the legal guardian of Lyle Bena, a minor; to the Committee on Claims.

By Mr. KILDAY:

H. R. 6713. A bill for the relief of Paul J. Mueller; to the Committee on Claims.

By Mrs. MANKIN:

H. R. 6714. A bill for the relief of the estate of George James Burch; to the Committee on Claims.

By Mr. McCORMACK:

H. R. 6715. A bill for the relief of Samuel W. Poorvu; to the Committee on Claims.

By Mr. SHARP:

H. R. 6716. A bill for the relief of Michael Palazotta; to the Committee on Claims.

By Mr. VINSON:

H. R. 6717. A bill to authorize the President to appoint Rear Adm. Hayne Ellis, United States Navy, retired, an admiral on the retired list of the Navy; to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1939. By Mr. HEFFERNAN: Petition of Martin J. Carney and other residents of Brooklyn, N. Y., protesting against the enactment of prohibition legislation; to the Committee on the Judiciary.

1940. By the SPEAKER: Petition of the men of the Twenty-fifth Signal Company, United States Army, petitioning consideration of their resolution with reference to the current draft law; to the Committee on Military Affairs.

1941. Also, petition of two Townsend clubs in the State of Michigan petitioning consideration of their resolution with reference to endorsement of House bills 2229 and 2230; to the Committee on Ways and Means.

1942. Also, petition of Bessie B. Hennessey and various citizens, petitioning consideration of their resolution with reference to control of atomic weapons and atomic energy; Special Committee on Control of Atomic Energy.

1943. Also, petition of Staff Sgt. Walter Wolas, petitioning consideration of his resolution with reference to request for formulation of draft legislation and demobilization; to the Committee on Military Affairs.

1944. Also, petition of the Common Council of the city of New Britain, Conn., petitioning consideration of their resolution with reference to correction of the strike situation; to the Committee on Labor.

SENATE

SATURDAY, JUNE 8, 1946

(Legislative day of Tuesday, March 5, 1946)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Almighty God, Thou only art eternal and changeless. Like infants with no language but a cry, we are but pilgrims of the night; beneath our uncertain feet is sinking sand, around us constant change, and in all things, including our mortal life, the seeds of decay sprout death. Our brief days are running out with hurrying pace as the terror of the shade closes in upon us, but at the altar of prayer faith flings open an escape into eternity, life which without Thee is mockery is flooded with meaning, our tasks are sanctified and glorified. The encircling gloom is not our home; therefore, will we not fear though the earth do change and though the mountains be shaken into the heart of the seas; though the nations rage and the kingdoms be moved, the God of hosts is with us, the God of Jacob is our refuge. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, June 7, 1946, was dispensed with, and the Journal was approved.

ORDER FOR RECESS TO 11 A. M. MONDAY

Mr. BARKLEY. Mr. President, I ask unanimous consent that when the Senate concludes its business for the day it stand in recess until 11 o'clock a. m. on Monday next.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

LEAVE OF ABSENCE

Mr. BUTLER. Mr. President, I find it necessary to be absent from the Senate a few days, and I ask unanimous consent that I may be absent from the Senate next week.

The PRESIDENT pro tempore. Is there obection? The Chair hears none, and it is so ordered.

CALL OF THE ROLL

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Green	Mitchell
Andrews	Guffey	Moore
Austin	Gurney	Murdock
Ball	Hayden	O'Daniel
Barkley	Hickenlooper	Overton
Bridges	Hill	Pepper
Brooks	Hoey	Robertson
Burch	Huffman	Russell
Bushfield	Johnson, Colo.	Saltonstall
Butler	Johnston, S. C.	Stanfill
Capehart	Knowland	Stewart
Capper	La Follette	Thomas, Okla.
Connally	Lucas	Thomas, Utah
Cordon	McCarran	Vandenberg
Donnell	McClellan	Walsh
Downey	McKellar	Wheeler
Ferguson	McMahon	Wherry
Fulbright	Maybank	White
George	Mead	Wiley
Gerry	Millikin	Wilson

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Alabama [Mr. BANKHEAD] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senators from Idaho [Mr. GOSSETT and Mr. TAYLOR] are absent by leave of the Senate.

The Senator from Virginia [Mr. BYRD] is absent by leave of the Senate because of a death in his family.

The Senator from Missouri [Mr. BRIGGS] is absent because of a death in his family.

The Senator from Maryland [Mr. TYDINGS] is necessarily absent.

The Senators from New Mexico [Mr. CHAVEZ and Mr. HATCH], the Senator from Mississippi [Mr. EASTLAND], the Senator from Louisiana [Mr. ELLENDER], the Senator from West Virginia [Mr. KILGORE], the Senator from Washington [Mr. MAGNUSON], the Senator from Montana [Mr. MURRAY], the Senator from Pennsylvania [Mr. MYERS], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Maryland [Mr. RADCLIFFE], the Senator from Delaware [Mr. TUNNELL], and the Senator from New York [Mr. WAGNER] are detained on public business.

The Senator from Arizona [Mr. McFARLAND] is absent on official business.

Mr. WHERRY. The Senator from Maine [Mr. BREWSTER], the Senator from Delaware [Mr. BUCK], the Senator from Oregon [Mr. MORSE], the Senator from Kansas [Mr. REED], the Senator from West Virginia [Mr. REVERCOMB], the Senator from New Jersey [Mr. SMITH], the Senator from Ohio [Mr. TAFT], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Indiana [Mr. WILLIS] are necessarily absent.

The Senator from Connecticut [Mr. HART], the Senator from North Dakota [Mr. LANGER], the Senator from Minnesota [Mr. SHIPSTEAD], and the Senator from North Dakota [Mr. YOUNG] are absent by leave of the Senate.

The Senator from New Jersey [Mr. HAWKES] is absent on official business.

The PRESIDENT pro tempore. Sixty Senators having answered to their names, a quorum is present.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on June 7, 1946, he presented to the President of the United States the following enrolled bills:

S. 1776. An act to authorize the exchange of certain land at the Benicia Arsenal, Calif.; and

S. 1872. An act to provide for the rank of original appointments in the Corps of Civil Engineers of the United States Navy, and for other purposes.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT OF RECONSTRUCTION FINANCE CORPORATION

A letter from the Chairman of the Reconstruction Finance Corporation, transmitting, pursuant to law, the report of that Corporation covering its operations for the period from its organization on February 2, 1932, to December 31, 1945, inclusive (with an accompanying report); to the Committee on Banking and Currency.

AMENDMENT OF CIVIL SERVICE RETIREMENT ACT OF 1930

A letter from the President of the United States Civil Service Commission, recommending the enactment of legislation to amend

section 6 of the Civil Service Retirement Act of May 29, 1930, as amended; to the Committee on Civil Service.

EXTENSION OF SELECTIVE TRAINING AND SERVICE ACT—PETITION

The PRESIDENT pro tempore laid before the Senate a petition of sundry members of the armed forces of the United States stationed in Okinawa, praying for the enactment of legislation to extend the Selective Training and Service Act, which was referred to the Committee on Military Affairs.

TIDEWATER LANDS

Mr. HICKENLOOPER. Mr. President, I ask unanimous consent to present and to have printed in the RECORD a resolution adopted by the Thirty-eighth Annual Governors' Conference at Oklahoma City, Okla., on May 29, 1946, relating to tidewater lands.

There being no objection, the resolution was received and ordered to be printed in the RECORD, as follows:

Whereas the stability of State economy, the perpetuation of State sovereignty, and the protection to countless investors, bondholders, and lessees and successors in title of the several States, necessitate immediate and effective legislative relief in quieting the titles of the several States to lands beneath tidal and navigable waters; and

Whereas the House of Representatives in September 1945 passed with but 11 dissenting votes House Joint Resolution No. 225 to accomplish this purpose: Now, therefore, be it

Resolved by the governors' conference, That the Senate of the United States be requested and urged to act favorably upon House Joint Resolution No. 225, prior to adjournment of the Seventy-ninth Congress.

OPA AND LABOR LEGISLATION—PETITION

Mr. HICKENLOOPER. Mr. President, I have received a letter from a citizen of Logan, Iowa, in connection with the OPA and labor legislation. I ask unanimous consent that it be printed in the RECORD without the signature attached.

There being no objection, the letter was ordered to be printed in the RECORD without the signature attached, as follows:

LOGAN, IOWA, *June 4, 1946.*

Senator BOURKE HICKENLOOPER,
Washington, D. C.

DEAR SIR: Am not in the habit of writing to our Members in Congress but the OPA has got me started. Wanted to build a little frame for a jig saw, but there isn't enough lumber in the yards to build a small dog house. Tuesday and Thursday no meat in the stores. Other days, get there early if you want any. Shortage of sugar, no sirup, numerous other articles of food that just "ain't." Am not complaining about the shortage of bread, people of Europe need that, but the scarcity is not due to Europe's need, but just plain bungling by the starry-eyed boys in Washington. Kill the OPA, with a few exceptions like rent, until supply meets demand and prices will go up but level off when production meets demand. The OPA is making liars and crooks out of the American people and if you want to know what it is doing to the women go in a store when a scarce article is on sale.

Carry a card in the printers' union and think unions are a good thing, but when they become rackets and means of holding up the public, am against them. Would like to see the Case bill pass as permanent legislation and the President's emergency bill, minus the draft clause and profits to the Treasury.

We have the greatest country in the world. The Lord expects us to take care of it, but we are in a bigger fight now than the war. The Midwest, South, and North, is still American, the west coast partly so, but we may have to whip the east coast and put them back in America. Success to you. Have no errands now or later for you to take on.

Yours truly.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. McKELLAR, from the Committee on Appropriations:

H. R. 5452. A bill making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1947, and for other purposes; with amendments (Rept. No. 1432); and

H. R. 6601. A bill making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1946, and for prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1946, and for other purposes; with amendments (Rept. No. 1433).

By Mr. OVERTON, from the Committee on Appropriations:

H. R. 6496. A bill making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1947, and for other purposes; with amendments (Rept. No. 1435).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WHEELER:

S. 2314. A bill to provide for the adjustment of repayment contract, cancellation of irrigation charges, and amendment of certain provisions of the act of May 10, 1926 (44 Stat. 464), and acts amendatory thereof or supplementary thereto, and for other purposes, Flathead irrigation project, Montana; to the Committee on Indian Affairs.

By Mr. McMAHON:

S. 2315. A bill for the relief of Mrs. Mary Enta Kitajima; to the Committee on Immigration.

By Mr. CAPPER:

S. 2316. A bill for the relief of Col. Frank R. Loyd; to the Committee on Claims.

By Mr. WALSH:

S. 2317. A bill to authorize the President to appoint Rear Adm. Hayne Ellis, United States Navy, retired, an admiral on the retired list of the Navy; to the Committee on Naval Affairs.

By Mr. MITCHELL:

S. 2318. A bill to amend the act of May 11, 1938, for the conservation of the fishery resources of the Columbia River, and for other purposes; to the Committee on Commerce.

By Mr. CORDON:

S. 2319. A bill for the relief of Mrs. Clara Bortner; to the Committee on Claims.

EXTENSION OF PRICE CONTROL AND STABILIZATION ACTS OF 1942—REIMBURSEMENT IN WHEAT AND CORN TRANSACTIONS—AMENDMENT

Mr. BUTLER. Mr. President, recently I introduced a bill to provide for reimbursement of 30 cents a bushel to all farmers who sold their wheat and corn before the Government started to pay a bonus of that amount to farmers who had held back their grain. Thousands of farmers who sold their grain early in the season in response to the Government's urgent request lost the advantage of this 30-cent bonus and the higher ceilings, and they feel that they were not treated fairly by the Government. They feel that they have lost because of their patriotism.

Since it appears that there may be some delay in securing passage of the bill which I have already introduced, I have prepared an amendment to the Price Control Act which would require the Secretary of Agriculture to reimburse these farmers for that loss. I ask that the amendment may be printed, so that I may present it at the proper time.

I also ask that the amendment be printed in the RECORD at this point as a part of my remarks.

The PRESIDING OFFICER (Mr. GEORGE in the chair). Without objection, the amendment will be printed and lie on the table; and, without objection, the amendment may be printed in the RECORD.

The amendment is as follows:

Amendment intended to be proposed by Mr. BUTLER to the bill (H. R. 6042) to amend the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, and for other purposes.

At the proper place, insert the following new section:

"SEC. —. (a) The Secretary of Agriculture is authorized and directed to pay, through the Commodity Credit Corporation, to any farmer, upon application and the furnishing of satisfactory proof—

"(1) a bonus of 30 cents per bushel for all corn of the 1945 crop produced and sold by him before April 19, 1946;

"(2) a bonus of 25 cents per bushel for all corn of the 1945 crop produced by him and sold after April 18, 1946, and before May 13, 1946, on which he has not received a bonus of 30 cents per bushel;

"(3) a bonus of 45 cents per bushel for all wheat of the 1945 crop produced and sold by him before April 3, 1946.

"(4) a bonus of 45 cents per bushel for all wheat of the 1945 crop produced by him and sold after April 2, 1946, and before April 19, 1946, except that such bonus shall be 30 cents per bushel in the case of any such wheat which was sold to the Commodity Credit Corporation under the emergency wheat-purchase program and with respect to which the seller elected or shall elect a date later than May 12, 1946, as the date for determination of the sales price;

"(5) a bonus of 15 cents per bushel for all wheat of the 1945 crop produced by him and sold after April 18, 1946, and before May 13, 1946, except wheat which was sold to the Commodity Credit Corporation under the emergency wheat-purchase program and with respect to which the seller elected or shall elect a date later than May 12, 1946, as the date for determination of the sales price;

"(b) The appropriation of such sums as may be necessary to carry out the provisions of this act is hereby authorized."

EXTENSION OF EMERGENCY PRICE CONTROL AND STABILIZATION ACTS OF 1942—AMENDMENTS

Mr. MOORE submitted two amendments intended to be proposed by him to the bill (H. R. 6402) to amend the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, and for other purposes, which were ordered to lie on the table and to be printed.

AMENDMENT OF SECOND WAR POWERS ACT OF 1942—AMENDMENTS

Mr. MOORE submitted two amendments intended to be proposed by him to the bill (H. R. 5716) to amend the Second War Powers Act, 1942, as amended, which were ordered to lie on the table and to be printed.

ORGANIZATION OF CONGRESS—AMENDMENTS

Mr. HILL submitted an amendment intended to be proposed by him to the bill (S. 2177) to provide for increased efficiency in the legislative branch of the Government, which was ordered to lie on the table and to be printed.

Mr. JOHNSON of Colorado submitted an amendment intended to be proposed by him to the bill (S. 2177) to provide for increased efficiency in the legislative branch of the Government, which was ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

On page 37, line 5, change the period to a semicolon and insert the following: "but no such certification shall be required with respect to incumbent employees who have been in the service of the Senate or the House of Representatives or both for a period of 10 years."

MESSAGE BY DR. HARRIS, CHAPLAIN OF THE SENATE, TO GROUPS OF MINISTERS (S. DOC. NO. 202)

Mr. DONNELL. Mr. President, I ask unanimous consent to have printed as a Senate document a message delivered by Dr. Frederick Brown Harris, Chaplain of the Senate, to groups of ministers, based on the Yale lectures on preaching by Dr. Paul Scherer.

The PRESIDENT pro tempore. Without objection, it is so ordered.

STATEMENT ON THE CASE BILL BY SENATORS BALL, BYRD, ELLENDER, HATCH, SMITH, AND TAFT

[Mr. BALL asked and obtained leave to have printed in the RECORD a statement on House bill 4908, the so-called Case bill, issued by himself, and Senators BYRD, ELLENDER, HATCH, SMITH, and TAFT, which appears in the Appendix.]

FOR A REBIRTH OF COURAGE—EDITORIAL COMMENT ON ADDRESS BY HON. JAMES A. FARLEY

[Mr. WALSH asked and obtained leave to have printed in the RECORD an editorial entitled "For a Rebirth of Courage," published in the Springfield (Mass.) Union of May 28, 1946, commenting upon an address delivered by Hon. James A. Farley in New York City, on May 21, 1946, which appears in the Appendix.]

LETTER TO THE PRESIDENT FROM PHILIP MURRAY, URGING VETO OF CASE BILL

[Mr. PEPPER asked and obtained leave to have printed in the RECORD a letter addressed to the President by Philip Murray, president of the CIO, urging a veto of the Case bill, which appears in the Appendix.]

RUSSIAN AND AMERICAN DEFINITIONS OF A FREE PRESS—ARTICLE BY EDDY GILMORE

[Mr. PEPPER asked and obtained leave to have printed in the RECORD an article entitled "Russia and United States Pages Apart on Definition of a Free Press," written by Eddy Gilmore and published in the Washington Evening Star of June 7, 1946, which appears in the Appendix.]

INDUSTRY LOOKS TO EDUCATION—ADDRESS BY PAUL G. BLAZER

[Mr. STANFILL asked and obtained leave to have printed in the RECORD an address entitled "Industry Looks to Education," delivered by Mr. Paul G. Blazer at the twenty-ninth annual meeting of the American College Public Relations Association, at Lexington, Ky., on May 8, 1946, which appears in the Appendix.]

EXTENSION OF OPA—LETTER FROM PAUL E. SHIPP

[Mr. STANFILL asked and obtained leave to have printed in the RECORD a letter dated May 21, 1946, addressed to him by Paul E. Shipp, president, the Bourbon Co., Lexington, Ky., with regard to the extension of the OPA, which appears in the Appendix.]

FOOD PLANK FOR PEACE—ESSAYS BY KENTUCKY HIGH-SCHOOL STUDENTS

[Mr. STANFILL asked and obtained leave to have printed in the RECORD two essays on the subject Food Plank for Peace, written by Kentucky high-school students, which appear in the Appendix.]

INAUGURAL ADDRESS BY WILLIAM H. HASTIE AS GOVERNOR OF THE VIRGIN ISLANDS

[Mr. MURDOCK asked and obtained leave to have printed in the RECORD the inaugural address by William H. Hastie as Governor of the Virgin Islands, with telegrams between Governor Hastie and former Governor Harwood, which appear in the Appendix.]

EMPIRE PARLIAMENTARY CONFERENCE IN BERMUDA AND TELEGRAM RESPECTING HARDWOOD PLYWOOD

Mr. WILEY. Mr. President, next week I will be absent from the Senate in order that I may attend as one of the observers in the American delegation to the Empire Parliamentary Conference, opening in Bermuda on June 10. Next week, also, the crucial OPA bill is coming up for action. I expect to return to Washington before a final vote is had on the OPA extension bill. I have a general pair with the Senator from Arkansas [Mr. FULBRIGHT].

Mr. President, I shall attend the Empire Parliamentary Conference as a member of the committee appointed by the Senate of the United States. Although I greatly regret being absent from the Senate during the next several days, I believe that the situation justifies my decision to join several of my colleagues in accepting the appointment of the Senate to attend the Conference.

I ask unanimous consent that there be printed in the RECORD the text of a statement which I am writing to the editors of Wisconsin newspapers on this matter.

Further, I ask that following this statement, there be printed in the RECORD the text of a telegram which I have just received from an important industry of my State regarding the necessity for price relief on hardwood plywood, a matter which I earnestly trust will be taken care of in the pending OPA bill.

There being no objection, the statement and the telegram were ordered to be printed in the RECORD, as follows:

OPEN LETTER TO EDITORS OF WISCONSIN DAILY NEWSPAPERS REGARDING MY ATTENDANCE AT THE EMPIRE PARLIAMENTARY CONFERENCE AT BERMUDA

JUNE 8, 1946.

I am addressing this open letter to the editors of our Wisconsin daily newspapers in order to submit to you certain facts regarding my participation in the American delegation which will observe the Empire Parliamentary Conference opening in Burmuda next Monday. As you know, the purpose of this Conference is to discuss matters of common interest to the Parliaments of the British Commonwealth of Nations.

I feel that it is necessary to submit to you this statement in view of the fact that—

(a) I will be temporarily absent from the Senate for a period of approximately 1 week;

(b) during this period OPA will begin to be considered; and

(c) you as newspaper editors are entitled to be fully acquainted with the reasons for my official actions in order that you might report same to the public.

It is only with extreme reluctance that I am absenting myself from the Senate even for such a meritorious purpose as attending this Conference as the representative of the Senate of the United States.

For 6½ years since the outbreak of the European war in September 1937 I have rigidly abstained from joining in any of the official trips away from Washington, which have been made by many of my colleagues, and, indeed, from leaving Senate sessions for more than a day or two at the very longest. I have felt it my obligation to remain continuously on hand as the Congress steered our land through the crises of 1939 to 1946.

REASONS FOR PARTICIPATION

The following facts, however, have influenced my decision to attend as an observer to this conference:

I. THE IMPORTANCE OF THE CONFERENCE

No one should underestimate the significance of the parliamentary contacts and exchange of ideas between the high British Empire delegates to the Conference. As is quite obvious, the democratic world is in a critical relationship with the collectivist world. From my presence on the Senate Foreign Relations Committee, I have had particular opportunity to note the nature of this world crisis in which the United States, the United Kingdom, and other democratic nations find themselves regarding the spread of world collectivism and with relation to the vast problems of reconstruction.

II. MY PREVIOUS EFFORTS IN THE SENATE RELATING TO THE LEGISLATION WHICH IS NOW COMING UP

As you know, the major item on the Senate agenda during next week is the crucial OPA bill. However, I humbly submit that I have been active with regard to this measure during the past several months in both the Senate Chamber and in Senate committees. I have submitted innumerable suggestions to OPA for revision of its methods and policies relating to business and agriculture, and have commented on same in the Senate and in committee. Numerous letters have been written by me to OPA and to the Office of War Mobilization and Reconversion, regarding OPA policy on such subjects as cost absorption, dairy controls, meat controls, and so forth. I have written and introduced an amendment to the OPA Act, designed to—

(a) insure reasonable and normal margins of profit to business;

(b) insure speedy decontrols as fast as same are practicable; and

(c) streamline OPA organization and procedure.

My position regarding changes in OPA is, therefore, well known. Moreover, the OPA debate is expected to continue well beyond the date of my return to the Senate from the conference.

In view of the two points above, I have felt it my obligation to accept the honor which has been tendered to me and to participate in the American delegation. As you may know, other delegates to the conference include Senators FERGUSON of Michigan, GREEN of Rhode Island, FULBRIGHT of Arkansas, and Representatives SMITH of Wisconsin and JOHNSON of Texas.

IMPORTANCE OF CONFERENCE

It is my understanding that Mr. Anthony Eden will head the United Kingdom delegation at the Conference. Moreover, Mr. Wilmott, British Minister of Supply, will be there, as will Mr. Nash, Deputy Prime Minister of New Zealand, and high representatives from Australia, the Union of South Africa, and possibly a representative of the Central Legislature of India.

The previous meeting of the Empire Parliamentary Conference was held in Ottawa, Canada, in 1943. Attending it were Senators AUSTIN and CONNALLY. American observation at the meeting was rated as of great value by the delegates and by newspaper experts and others.

Upon my return, I expect to report to the Senate and to the people of Wisconsin on my observations at the Conference.

Lastly, I am enclosing herewith a copy of Senate Concurrent Resolution 58, which authorized Congress' acceptance of the invitation to send a delegation to the Conference. Senate Concurrent Resolution 58 passed the Senate on April 1, 1946, and passed the House of Representatives on April 2, 1946.

Sincerely yours,

ALEXANDER WILEY.

MARSHFIELD, WIS., *June 7, 1946.*

Hon. ALEXANDER WILEY,
Senate Office Building,
Washington, D. C.

Unless OPA takes immediate action on hardwood plywood we are faced with complete abandonment of our plant which has operated continuously for 56 years and is the largest producer of hardwood plywood and hardwood doors in the country. We are strike bound and the union refuses to even negotiate with us until it receives another wage increase to supplement the one given by us on March 15, 1946. We cannot grant such a wage increase without WLB approval if we wish to use it for price-relief application. We are selling plywood today at December 1941 prices. Our labor cost today is more than 70 percent greater and our raw-material cost more than 75 percent greater than in 1941, it is utterly ridiculous to talk wage increases at this time without prior price relief. If OPA would face facts and treat hardwood commercial plywood as a reconversion item which in fact it is we would automatically be permitted to recover the increases in labor and raw material we have been forced to absorb in the last 5 years. To our knowledge hardwood plywood is the only important construction item related to woodworking that has not received a substantial price increase since 1941. General attitude in industry regarding present ceilings seems to be that one must either violate or liquidate. We can assure you of strong labor-union support on acknowledging facts and treating hardwood plywood as a reconversion item. Millwork received 22 percent increase May 6; softwood plywood has received several increases, the latest being for 20 percent on certain grades on April 1. Why must we be the orphans? Is our labor to be treated as substandard and our industry with contempt in defiance of true facts or is the OPA going to face facts? This is no time for protests to OPA, this is the time for action and we mean that we either get a straight 20 percent increase or that we get immediate recovery under the reconversion formula. Be assured that the American Federation of Labor is going after this hammer and tong. Who is going to head the fight on the hill?

ROBERT BEGGS RODDIS
LUMBER & VENEER CO.

Mr. WILEY. Mr. President, I respectfully ask permission to be absent from the Senate on the official duty to which I have been assigned by the Senate.

The PRESIDENT pro tempore. Without objection, permission is granted to the Senator from Wisconsin to be absent from the Senate on official duty.

ORGANIZATION OF CONGRESS

The Senate resumed consideration of the bill (S. 2177) to provide for increased efficiency in the legislative branch of the Government.

Mr. JOHNSON of Colorado. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Colorado will be stated.

The CHIEF CLERK. On page 37, it is proposed to strike out lines 6 to 10, inclusive.

On page 37, after line 25, it is proposed to strike out the period at the end thereof and insert a comma, and the following: "or to the staff or other personnel of any committee of the Senate or House of Representatives."

On page 39, beginning with line 16, it is proposed to strike out down to and including the word "office" in line 24, and insert in lieu thereof the following:

SEC. 205. (a) Each standing committee of the Senate and the House of Representatives (other than the Appropriations Committees) is authorized to appoint by a majority vote of the committee four professional staff members in addition to the clerical staffs on a permanent basis without regard to political affiliations and solely on the basis of fitness to perform the duties of the office. Each such committee is further authorized to discharge by a majority vote of the committee any such professional staff member as it may see fit.

On page 40, beginning with line 3, it is proposed to strike out down to and including the word "office" in line 10, and insert in lieu thereof the following:

(b) The Committee on Appropriations of each House and each subcommittee thereof is authorized to appoint by a majority vote of the committee not more than four professional staff members in addition to the clerical staff on a permanent basis without regard to political affiliations and solely on the basis of fitness to perform the duties of the office. Such committee is further authorized to discharge by a majority vote of the committee any such professional staff member as it may see fit.

Mr. JOHNSON of Colorado. Mr. President, the amendment which the clerk has just stated appears in the CONGRESSIONAL RECORD on page 6470. I am sorry that the printed amendment is not before the Senate at this time, but for some reason or other the copy did not come from the Printing Office.

Mr. President, it seems to me that the purpose of the amendment is quite obvious from a reading thereof. I do not believe that it requires much explanation. The purpose of the amendment is to take away the power of the Director to appoint or to veto the appointment of staff members and the assistants who are assigned to committees. The amendment leaves that authority with the majority of the committee.

Senators know how the matter is handled at the present time. The chairman of the committee usually appoints the experts and other members of the staff without consulting the other members of his committee; and the members of the staff usually owe their loyalty and allegiance to the appointing officer, who is the chairman of the committee. When, for some reason or other, the chairman changes committees and goes to some other committee, the staff members whom he has appointed usually go with him, and a new staff is acquired for the committee. That is a very bad practice. I do not say that it is universal. In many instances committees retain some of their old employees who are acquainted with the work, who have grown up with it, who are familiar with the history of the committee, and have become very expert on the particular subjects handled by the committee. I am sure that that was the purpose of the special committee when it reported the bill containing the provision for giving the Director the veto power and providing for permanent tenure of office by staff members, experts, and others who help in the work of the committee.

I do not need to tell Senators anything about the importance of good service on committees. I believe that every Senator knows the great importance of the work of committees of Congress. If a bill is well handled in committee, it takes very little time on the floor of the Senate. If a bill is poorly handled in committee, if it comes to the floor of the Senate half-baked, a long time is required to iron out the provisions, and when we are through we usually have a botched job. The committee is the place to work out the terms and provisions of the bill. If the work is not well done in committee, it makes for unfortunate legislation. All Senators understand that. They understand, too, the importance of having well-equipped office forces for the committees. Our own office forces and our own secretaries have to rely, day by day, and almost hour by hour, upon the information they obtain from the committees in order to answer properly the correspondence which comes to our offices. If they obtain the wrong information or if they get a brush-off, as they do in many instances, that does not make for good service, and it is immediately reflected in the handling of the mail in the office of the Senator.

Another thing which the present practice has developed is the allegiance which the appointed members of the staff feel they owe to the chairman of the committee. In many instances they do not feel that they owe any allegiance whatsoever to the committee members other than the chairman.

My amendment would cure that situation, because the staff members would be appointed by a majority vote of the committee and they would be discharged by a majority vote of the committee, and, of course, they would owe allegiance to the whole committee. We have several committee staffs in the Congress which are so outstanding that I know their services have won the approval of almost every Senator. I refer to the staffs of the Appropriations Committees of the two Houses and to the staff of the Ways and Means Committee of the House of Representatives and the staff of the Finance Committee of the Senate.

A Senator who desires information with respect to appropriation bills or with respect to revenue measures can obtain full and complete and accurate information and, I may add, courteous service from the members of those staffs. I have had to go to the Appropriations Committee many times, but never yet have I failed to receive right-on-the-trigger, quick information on the point on which I was seeking it. The members of the staff seem to know exactly what I want, and they can tell it to me at once. They know what the Budget estimates are and they can give me the whole history of an appropriation bill. This is the kind of service the members of the committee and the other Members of the Senate are entitled to, and that is the kind of service which I believe the members of the committee who worked out the terms of this bill had in mind when they set up the employment arrangement as they did.

But there is a valid objection to turning over the employment of the staffs to an unknown Director. We do not know how efficient or how inefficient he might be. There is valid objection, therefore, to the provisions as set forth by the committee. It is to cure those objections that I have offered these amendments, and I hope they may be adopted by the Senate. I recommend them to the committee.

Mr. LA FOLLETTE. Mr. President, I should like to say in all good spirit that I think the committee's recommendations with regard to the functions of the director of the office of congressional personnel have been blown out of all proportion to the realities of the recommendations or even the possible power which the proposed Director would have over the selection of members of the staffs of committees. The fact is, Mr. President, that it is the duty and responsibility of any personnel officer to secure the best personnel he possibly can secure to fill the jobs for which his office is responsible in making recommendations. That is true in every corporation which is efficiently managed. It is true in the large municipalities. It is true in the executive branch of the Federal Government. I wish to take this occasion to state very emphatically that the exaggerated statements which have been made about the power of the office which is proposed to be created by this bill have been almost absurd.

As I have stated many times in the course of the debate on this bill, the appointing power which we suggested for the selection of this person was to be composed of the leaders of the majority and minority parties of the House and the Senate. They would have had the power to appoint the Director of Personnel and they would have had the power to dismiss him. It seems to me it is soaring into the stratosphere of imaginative absurdity to assume that they would permit any man to stay in office if he proposed to do the things which some Senators have mentioned in this debate and have anticipated that the Director of Personnel would do or might do. They have pictured him as sitting in an office on Capitol Hill and refusing to recommend anyone who was satisfactory to any committees, and thereby bringing about an impasse in the situation and causing the very objectives for which this staff proposal was made to be defeated.

What we desired to secure, Mr. President, was some kind of tenure, some permanency of employment, for these professional staff persons, so long as they are faithful to the committees and render good service, because, as everyone knows, men and women become increasingly valuable as they have experience and gain knowledge in the particular legislative province of the committees to which they are assigned. As the Senator from Colorado has stated, some of the outstanding examples are the staffs of the House and Senate Appropriations Committees and the staff of the Joint Committee on Internal Revenue. I have stated over and over again, Mr. President, in connection with the consideration of revenue bills, that in my opinion, in view of the complexities which have come into the tax structure of the United States, it would be virtually impossible for the Finance Committee, at least, to handle revenue legislation without having the advantage of a trained staff which has had tenure and which has had experience and which, therefore, is in a position to render the highest type of service to the committee. Moreover, under the original proposal of this bill, the committees had the appointing power, and therefore they had the power to dismiss the individuals who were employed by them.

So I wish to say, in conclusion of this phase of my statement on these amendments, that I think there is exaggerated apprehension on the part of some Senators as to what would eventuate from the proposed plan for the selection and appointment of staffs, as is recommended in Senate bill 2177.

I wish to state further, Mr. President, that one of the very vital aspects of this staff problem is the creation of such a situation that the staffs will not move about with the chairmen of the committees, as chairmen change and become chairmen of new committees or other committees. All Senators have had some experience with that matter. Often after the chairman of a committee has served for some years he moves on to some other committee, and takes his staff with him. The new chairman brings in his own staff, perhaps from some other committee of which he has been chairman. The staff must familiarize itself and start anew with the committee which it is about to serve.

Mr. President, so far as I am concerned, I believe that the suggestion which has been made by the Senator from Colorado in these amendments will preserve in the main the objectives which the committee had in mind when making its original recommendation, especially with respect to the proposition that the members of the staff are to be appointed without regard to political affiliations, and solely on the basis of fitness to perform the duties which will devolve upon them. Moreover, they are to be appointed on a permanent basis and remain with the committee to which they have been appointed so long as they desire to remain there, and so long as they render faithful and efficient service to the satisfaction of the majority of the members of committee. Therefore, Mr. President, so far as I am concerned individually, I am prepared to accept the amendments of the Senator from Colorado, and I ask unanimous consent that they may be considered en bloc.

The PRESIDING OFFICER (Mr. HOEY in the chair). Without objection, the amendments will be considered en bloc.

The question is on agreeing to the amendments of the Senator from Colorado.

The amendments were agreed to.

Mr. LA FOLLETTE. Mr. President, yesterday we received a communication from the Acting Director of the Bureau of the Budget in response to a letter which had been written to him, and a copy of the pending measure which had been submitted to him. Some of his objections were reflected in the memorandum which the Senator from Kentucky called to my attention yesterday. I have had prepared a series of amendments which I believe go a considerable distance toward meeting the suggestions of the Acting Director of the Bureau of the Budget, and at the same time, in my opinion, do not in any way affect substantially the proposal which we have made for the adoption of the congressional budget. Therefore, I should like to offer a series of amendments to carry out the purpose to which I have referred. As the amendments are offered I shall explain their purpose. Mr. President, I send forward to the desk, and ask to have read, the first amendment of the series which I have prepared.

The PRESIDING OFFICER. The amendment offered by the Senator from Wisconsin will be stated.

The LEGISLATIVE CLERK. On page 46 of the bill it is proposed to strike out lines 14 to 20, inclusive, and renumber the succeeding sections.

Mr. LA FOLLETTE. Mr. President, the effect of this amendment would be to strike out section 209, which, in conformity with the recommendation of the joint committee, proposes to prohibit the transfer of funds from one appropriation account to another, or from one organization unit to another in the executive departments and executive agencies of the Government. The Acting Director of the Bureau of the Budget has pointed out that congressional action has been taken to grant to the President the right to make, within certain limits, certain shifts in appropriations. He has said:

> The vast and complicated scheme of Federal activities simply cannot be set down with exactitude by the executive arm of the President 6 months before a new fiscal year starts. Some flexibility by the transfer route ought to be introduced in the execution of the budget as adopted, always within such limits as Congress specifies.

So far as I am concerned personally, Mr. President, I feel that, after all, that is a responsibility which the Congress

must exercise in connection with making appropriations. While I believe that the purpose which the committee had in mind is commendable, it may be that the Acting Director of the Bureau of the Budget has a sound point in his contention that we should not attempt to bind in the future the appropriating committees or the Congress, but should permit them to take such action as may be proper under the circumstances without being required to repeal or set aside a mandatory prohibition with reference to the subject.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. VANDENBERG. Are there to be any general privileges of transfer other than those which are specifically identified in each appropriation bill as it is drawn?

Mr. LA FOLLETTE. So far as my recollection goes, I do not believe there are what might be called statutory provisions——

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. PEPPER. I have before me a copy of the letter from Mr. Paul H. Appleby, the Acting Director of the Bureau of the Budget. In the last paragraph of the third page of the letter the Acting Director says:

> If this section means the repeal of section 601 of the Economy Act of 1932, which authorizes the transfer of funds between agencies—

And so forth. So I would call attention to the possibility that section 601 of the Economy Act of 1932 does contain the authority about which the Senator from Michigan has inquired.

Mr. LA FOLLETTE. I believe there are a few agencies which, under the Economy Act of 1932, were granted such authority. But I think that the particular situation which the Director has in mind is in reference to those types of transfers between agencies or divisions of executive departments which the Appropriations Committees from time to time grant specifically under the authority contained in the appropriation act. Should section 209 as now contained in the bill be adopted, it would be necessary to repeal or suspend it in each instance. After all, we cannot bind a succeeding Congress in any event. This section was, perhaps, more in the nature of a recommendation that such practices should be reduced, because, of course, every member of the committee knew that in the event any succeeding Congress wanted to grant this power it could do so by either suspending or repealing this section of the bill.

Mr. VANDENBERG. The Senator does not mean, by withdrawing the section, that he condones in any sense the principle of transferring appropriations, does he?

Mr. LA FOLLETTE. I certainly do not, and I hope that, insofar as practicable, the authority will be granted with great caution, and only when Appropriations Committees are convinced that an exercise of the authority is necessary in the interest of efficient operation.

Mr. VANDENBERG. During peacetime it should be almost totally unnecessary.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. WHITE. I have so much admiration for the work which the Senator from Wisconsin has done in connection with the study which has been carried on, and in connection with the drafting of this bill and all which accompanies it, that I would hesitate a long while before departing from him in connection with any recommendation which he now makes. I cannot help expressing my profound belief that the principle which is set forth in section 209 of the bill is basically sound. I can think of nothing which would strip from the Congress and the appropriating committees more of their control over the expenditure of funds than the practice which has grown up of permitting governmental agencies to shift funds back and forth so that no one knows, as a matter of fact, until long afterward, how much money any particular agency of the Government has had, and how much any particular agency of the Government has spent. I myself would infinitely prefer the section as it is, but if the Senator from Wisconsin feels that the amendment proposed is wise, I am perfectly ready to accept his judgment.

Mr. LA FOLLETTE. I appreciate the statement made by the Senator from Maine, and I concur in everything he has said. But when confronted with the statement of the Acting Director of the Bureau of the Budget, and, of course, constantly from the beginning having known that this Congress cannot bind another, and that the day after this measure should become law, if the Appropriations Committee wanted to take action it could do so, it seemed to me that we could accept the amendment without really altering the facts of the situation.

Mr. WHITE. Mr. President, will the Senator yield again?

Mr. LA FOLLETTE. I yield.

Mr. WHITE. I think the practice has been engaged in the largest degree during the last few years. The Executive and various agencies have transferred funds back and forth, and no appropriating committee of Congress could know what was being done. I think there will be less of that in the years ahead, and that the problem is not so serious as I once regarded it.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin.

The amendment was agreed to.

Mr. LA FOLLETTE. I offer another amendment.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 31, line 24, after the word "consultation," it is proposed to insert a comma and the following words:

> Giving due consideration to the budget recommendations of the President.

Mr. LA FOLLETTE. Mr. President I had assumed that when the respective committees met for this purpose they would of course give consideration to the recommendations of the President, and of course I think they should take into consideration the President's recommendations in his annual budget message.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin.

The amendment was agreed to.

Mr. LA FOLLETTE. I offer another amendment.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 46, line 1, beginning with the word "so" it is proposed to strike out through line 10 and insert in lieu thereof the following:

> Report that fact to the Congress together with his recommendations for the appropriate revision of the revenue and appropriate legislation designed to prevent a deficit for the fiscal year in excess of that approved by the concurrent resolution of Congress, provided for in section 130 (b) of this act.

Mr. LA FOLLETTE. Mr. President, Senators will observe that the original proposal, and as previously amended, was that on or before December 31 "if the President is of the opinion that the aggregate amount of expenditures for such fiscal year will exceed the receipts in an amount greater than the excess specified in such resolution, the President shall so proclaim," and then proceed to make a pro rata reduction in appropriations to bring the situation back into balance. The Acting Director of the Budget emphasizes that situations might develop where if the President had that mandatory direction, there might be such a large reduction necessary and that if it were made on a flat pro rata basis it might cripple entirely the operation of certain agencies or divisions of the Government.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. PEPPER. I listened to Mr. Appleby's recommendation and also to the amendment offered by the able Senator, and I have just examined it. I desire to ask the Senator whether there should not also be reserved to the President in the amendment the right to recommend an amendment of the concurrent resolution of Congress allowing for an extension or increase of the public debt. As I read the amendment, the President in such situation may recommend the appropriate revision of revenue or appropriation legislation. As I understand, that would mean that the President would be limited either to recommending that the Congress cut the appropriations or that it impose additional taxes. Congress might not wish to follow the President's recommendation. If he desired to recommend a resolution authorizing a further increase in the national debt, should we deny him the power to make that kind of recommendation to Congress, if he should see fit to do so.

Mr. LA FOLLETTE. I presume the President would not be limited in any recommendation which he might make, but I should be willing to have the Senator suggest an amendment.

Mr. PEPPER. I would suggest the words "or such other appropriation as he shall see fit to recommend to Congress."

Mr. GERRY. Mr. President, will the Senator from Wisconsin yield?

Mr. LA FOLLETTE. I yield.

Mr. GERRY. That would be rather an inflationary amendment would it not, because it would do away with the bill coming from the Finance Committee which limits the amount of the public debt. Under this amendment all that it would be necessary to do would be to raise the limit of the public debt, and keep on spending.

Mr. LA FOLLETTE. The amendment would have no effect on that aspect of the situation.

Mr. GERRY. I may have misunderstood the amendment.

Mr. LA FOLLETTE. The amendment applies to the language beginning on page 45 and going down to line 10 on page 46. The only difference between the original provision and the amendment is that, instead of the President having to make a pro rata reduction, as originally proposed, in the expenditures in order to bring the budget which the Congress had adopted back into balance, he would report the facts to the Congress which originally had adopted the budget, and it would then, of course, be the responsibility of the Congress to act on the President's report if it desired to do so.

Mr. GERRY. That is one amendment; but if the amendment suggested by the Senator from Florida, were added to the bill, the possibility of inflation would be increased.

Mr. LA FOLLETTE. The point I made was that, as suggested in Mr. Appleby's memorandum, if the President has a mandatory injunction laid upon him to reduce all appropriations, a situation may develop, or may have developed prior to the time that he makes his finding, which would make it impracticable, from the standpoint of operating certain agencies and departments of the Government, for him to try to take enough out of their succeeding appropriations for the remainder of the fiscal year to put the situation back in balance. Therefore, instead of making it mandatory that he should do that, this amendment proposes that he should report the facts to the Congress, which in the first place has adopted the budget and passed the resolution.

Mr. GERRY. The Senator from Rhode Island has been very busy in a subcommittee of the Committee on Appropriations during the past week, and has not had an opportunity to study the bill, but as I understand the amendment just offered, it would very greatly increase the powers recommended by the committee originally. Is that correct?

Mr. LA FOLLETTE. It would not increase anybody's powers.

Mr. GERRY. It would increase the powers of the committee to raise or lower the debt, would it not?

Mr. LA FOLLETTE. That power is in their hands now. Any time anyone wants to introduce a bill to raise or lower the debt limit he is at liberty to do so, and if the committees report out the bill and it is passed, the debt limit goes up or down. This does not have anything to do with the statutory debt limit.

Mr. GERRY. This merely expresses an intent of Congress; that is what I am driving at. The Senator has that statement in his bill, and now he is proposing to amend it to widen it.

Mr. LA FOLLETTE. I am not amending it in any way to give anybody any power over the debt limit. Let me state what will happen if this amendment shall be agreed to. If the President finds, on or before the 31st of December in any fiscal year, that the aggregate amount of expenditures for such fiscal year will exceed the receipts in an amount greater than the excess specified in the resolution which the Congress must adopt in connection with its budget, then, instead of having, without discretion, to apply a pro rata reduction to all the departments and agencies, and every item of appropriation, in order to rectify the situation, the President will report these facts to the Congress, which originally, early in the fiscal year, had adopted the budget and the resolution, and it will be up to Congress to say what they desire to do in the premises to rectify the situation.

Mr. GERRY. Has the Senator finished his statement?

Mr. LA FOLLETTE. Yes.

Mr. GERRY. Then I wish to know now why, if the Senator is so much in favor of the amendment of the Senator from Florida, he did not write it into his bill and get action of the committee on it, and why did not the committee write it into the bill?

Mr. LA FOLLETTE. I saw no harm in the amendment proposed by the Senator from Florida, because the President has the right, under the Constitution, to make any kind of a report or recommendation to the Congress at any time. The Senator from Florida merely wanted to make that statement in this amendment, and I saw no harm in it.

Mr. GERRY. I am not arguing that, but I still do not see what the advantage of the amendment is. It expresses an opinion of Congress, does it not?

Mr. LA FOLLETTE. No; it is not designed to express any opinion of the Congress. It simply proposes that if a resolution is adopted by the Congress early in the fiscal year and it appears later on that the budget is going to be further out of balance than the resolution provided, then the President will report that fact to the Congress with his recommendations, so that Congress can take action as it sees fit to meet the situation, instead of making it mandatory for the President to take out of the suceeding months of the fiscal year a pro rata amount of every item, which the Director of the Bureau of the Budget feels might, in certain circumstances, result in the crippling of the activities of agencies and divisions of the departments.

Mr. GERRY. Of course, the Senator from Rhode Island realizes, as the Senator from Wisconsin does, that the President has that power, and, as I understand the amendment now, as explained by the Senator from Wisconsin, what it does is only to call the attention of the President to the fact that it looks as if the expenditures at a certain date were going to be more than the budget, and suggest what he should do about it. Naturally, if any President has proper advisers, and the Secretary of the Treasury is on his job, he is going to know that fact.

What the amendment provides, as I understand, is for Congress to start and make some guesses. My own feeling is that this is the job of the Director of the Budget. He must be watching the situation very closely, and naturally reporting to the Secretary of the Treasury, and, as the President has the power, as he sees fit, anyway, as we all know, and as I have already stated, to advise the Congress of his wishes, I do not see any necessity for this provision in the bill. It just refers to a meeting of both the Ways and Means Committee and the Finance Committee on a certain date. Is that correct?

Mr. LA FOLLETTE. The proposal is that the appropriating committees of the two Houses, and the revenue raising committtees of the two Houses, should meet, and should make an estimate of the expenditures and appropriations.

Mr. GERRY. It refers to a meeting between the Committees on Appropriations and the Committees on Finance and Ways and Means, and then they are to make suggestions. That is the amendment, as I understand it.

Mr. LA FOLLETTE. If the Senator will go back to section 130 (a), on page 31, he will see what these two committees are to do.

Mr. GERRY. Will the Senator give me that reference again?

Mr. LA FOLLETTE. On page 31, line 19, section 130 (a) and following.

Mr. PEPPER. Mr. President, will the Senator from Wisconsin yield?

Mr. LA FOLLETTE. I yield.

Mr. PEPPER. I do not wish to appear offensive to the Senator from Rhode Island or to any other Senators, and, if it is not necessary, I do not wish to press the amendment.

I am sure the Senator from Rhode Island misunderstood the import and intent of my suggestion. Under the amendment offered by the Senator from Wisconsin, in case it should appear that the appropriations made would exceed the expenditures expected, then there would be an anticipated deficit. When a deficit came to be anticipated, then, the way the bill is now written, without the amendment offered by the Senator from Wisconsin, it would be obligatory on the President to make a horizontal cut in the appropriations authorized, with the exception of the appropriations for veterans and perhaps in one or two other respects.

The Bureau of the Budget calls attention to the fact that in its opinion that is not a desirable provision, so the Senator from Wisconsin offers an amendment to provide that in the case of such an anticipated deficit the President shall report that fact to the Congress with his recommendations. It refers, in substance, to his recommendations as to revision of revenue measures or revision or appropriations, one or the other, but the amendment of the Senator from Wisconsin leaves the President no choice except to recommend with respect to appropriations or revenues.

I merely thought and said that it might happen that a small anticipated deficit would occur along toward the end of the fiscal year when it might be too late to get any additional revenue by the enactment of a revenue measure, and the President might feel that he could not quite absorb all the anticipated deficit by a reduction in expenditures, so the President might suggest that the Congress authorize, by joint resolution, an increase in the national debt to take care of the anticipated deficit.

Congress would not have to do it. It would be up to the Congress as to whether it wanted to observe the President's recommendation that the Congress by statute increase the authorized national debt.

As has been pointed out, I think the President has a constitutional right to make any kind of recommendation to the Congress at any time, but since in the amendment we were limiting the President's power to make recommendations, I thought we should not limit it below what I thought to be his constitutional power, anyway.

If any point is to be made about the amendment, if it is to be urged that it would obligate the Congress in any way to increase the national debt instead of raising revenue or cutting down appropriations, believing, as I do, that the President has the constitutional right, anyway, as that right has been recognized by the Senator from Wisconsin, so that the suggestion may not be misunderstood and nobody made unhappy, I withdraw it.

Mr. AUSTIN. Mr. President, will the Senator from Wisconsin yield to me?

Mr. LA FOLLETTE. I yield to the Senator from Vermont.

Mr. AUSTIN. I am about to ask to be excused from attendance upon the Senate for the remainder of the afternoon, and because there may be a vote taken during my absence I desire to make a brief statement. My position with respect to the bill was taken after studying it somewhat and before I knew of the change which has already taken place in my public life. I went to the distinguished Senator from Wisconsin and told him then, before anything had occurred with respect to me, that I favored his bill, and hoped it would be passed. I said that I believed we had arrived at a time in the progress of our Government when we must streamline some of its activities, and that such improvement in our administrative and legislative system must involve sacrifices here and there by persons. I refer for one thing to the apparent sacrifices involved in the changes of the standing committees and the abolition of special committees of the Senate.

I then told him, as I now say to you, Mr. President, that I think we ought to be willing to make the necessary sacrifices in the public interest. I would vote for the bill if I were present.

I now ask unanimous consent to be absent for the remainder of the day.

The PRESIDING OFFICER. Without objection, the request is granted.

Mr. GEORGE. Mr. President, will the Senator from Wisconsin yield?

Mr. LA FOLLETTE. I yield.

Mr. GEORGE. As I understand the amendment which has been under discussion, the actual effect of it is that, notwithstanding an estimate of expenditures and of receipts has been made at the beginning of the year, and notwithstanding the original scheme of section 208 that if the expenditures exceed the amount which had been approved by the Congress in a concurrent resolution making provision with respect to a deficit, the President would be under no obligation whatever to reduce any appropriations.

All he would have to do would be to report that fact to the Congress, and there would be no reduction. Is that not correct?

Mr. LA FOLLETTE. He would report the facts to the Congress, which had originally adopted the budget, and it would then be up to the Congress to say what appropriations were to be reduced.

Mr. GEORGE. That will not discourage spending, let me say to the Senator from Wisconsin. It will directly encourage reckless spending right along, because there will be the assurance that, however high the appropriations may run for this, that, and the other purpose during the year, all the President has to do is to say, "I find that something is going to happen, and I am merely reporting it to you," whereas under the original scheme of this section, coupled with the budgetary or estimating provision in section 130, it would become the duty of the President to reduce certain appropriations. That looked as if it promised something. But the proposed amendment takes all that away, wipes it all out, because all the President has to do is to file a simple report with whatever recommendations he may wish to submit.

Under the provisions of section 208 the President is not required to reduce all the appropriations. He is required to reduce all appropriations "except permanent appropriations and appropriations for servicing the public debt, for veterans' pensions and benefits, and to trust funds." In other words, he is required to reduce the extraordinary appropriations which had been authorized and made during the current year in excess of the estimated expenditures for any purpose for which the Congress might appropriate money. But it was not contemplated that the President would reduce any regular appropriations, any fund for the servicing of the public debt, any permanent appropriation—that is, for the regular establishments of government—nor appropriations for veterans' pensions and benefits or any trust funds, and so forth.

It seems to me that the amendment would certainly weaken the whole purpose of the bill insofar as it seeks to bring about any kind of balance of expenditures against receipts. It simply is an invitation to the Congress to do just as it pleases, notwithstanding the fact that it has had an estimate of expenditures and receipts in the beginning of the year, because if we do not observe or regard the recommendations made no consequence follows. Under the amendment the President would not reduce any appropriations; he would simply file his report with the Senate, which would be read at the desk, with such suggestions as he might wish to make respecting some other sources of revenue or some reduction in appropriations, which, if the Congress saw fit to make, of course, Congress could make anyway.

It seems to me the amendment weakens the whole theory of the so-called congressional budget regarding which I had rather substantial hope that it would at least exercise a very salutary influence on Congress. The theory was that appropriating and taxing committees should meet early in the year, and perhaps report: "We find that the total receipts of the Government will be X dollars, and that the total expenditures will be X dollars plus one," and then ask the Congress, through concurrent resolution to authorize the plus one expenditure. But the amendment would not require the President actually to do anything when, notwithstanding the recommendations made by the budgeting committees, appropriations have simply gone wild during a particular Congress. In spite of that the President would not have to reduce the appropriation for any agency, take not a dime out of the appropriation for any extraordinary agency of government such as OPA or other agency, or a particular commission which has been set up. All the President would have to do would be to make a report and let the Congress do as it sees fit. Every bit of the influence and power of section 130 would be wiped out by this amendment. It seems to me the amendment proposed by the Senator from Wisconsin merely weakens the original purpose and scheme of the bill.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. GERRY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Guffey	Moore
Andrews	Gurney	Murdock
Ball	Hayden	O'Daniel
Barkley	Hickenlooper	Overton
Bridges	Hill	Pepper
Brooks	Hoey	Robertson
Burch	Huffman	Russell
Bushfield	Johnson, Colo.	Saltonstall
Butler	Johnston, S. C.	Stanfill
Capehart	Knowland	Stewart
Capper	La Follette	Thomas, Okla.
Connally	Lucas	Thomas, Utah
Cordon	McCarran	Vandenberg
Donnell	McClellan	Walsh
Downey	McKellar	Wheeler
Ferguson	McMahon	Wherry
Fulbright	Maybank	White
George	Mead	Wiley
Gerry	Millikin	Wilson
Green	Mitchell	

The PRESIDING OFFICER. Fifty-nine Senators having answered to their names, a quorum is present.

PERMISSION TO REPORT INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. McKELLAR. Mr. President, I ask unanimous consent that the Commitee on Appropriations be permitted to report the bill (H. R. 6335) making appropriations for the Department of the Interior

for the fiscal year ending June 30, 1947, and for other purposes, whenever it is ready.

The PRESIDING OFFICER. Without objection, it is so ordered.

Subsequently Mr. HAYDEN, from the Committee on Appropriations, to which was referred House bill 6335, supra, reported it with amendments, and submitted a report (No. 1434) thereon.

ORGANIZATION OF CONGRESS

The Senate resumed consideration of the bill (S. 2177) to provide for increased efficiency in the legislative branch of the Government.

Mr. OVERTON. Mr. President, I should like to make a few remarks in connection with the pending bill.

The bill proceeds on the theory that the legislative work can be accomplished with greater facility and more quickly by reducing the number of committees. As I read the report, 19 of the standing committees are to be abolished and 16 are to remain. There is to be a reduction of more than one-half in the number of committtees. However, the volume of work to be done by the Congress will not be either increased or decreased by this measure. The volume of work will remain the same, or at least it will be dependent upon other circumstances.

In order to accomplish the purpose of transacting the business of the Senate more readily by means of a reduction of committees, it is proposed that no Senator shall be a member of more than two committees. The thought is that thereby he will have much more time to attend the meetings of the two committees than he would have if he were a member of four or five or six different committees. However, the difficulty in legislative work, as I have found in my 14 years of experience in the Senate, is not so much because of the number of committees, but it is because of the number of subcommittees. For instance, as a member of the Appropriations Committee, I am a member of four subcommittees of that committee. There are occasions when two or three subcommittees of which I am a member are meeting at the same time, and obviously it is impossible for me to attend all three subcommittee meetings.

We shall have the same volume of business, regardless of the number of committees we decide to appoint, and we shall have as many, if not more, subcommittees. We cannot very well reduce the number of subcommittees, and therein lies the conflict in the schedules for our attendance upon committee meetings. I repeat that it is not so much the number of full committees as it is the number of subcommittees that bears on this problem. The subcommittees do the bulk of the work and their reports are submitted to the full committees and are disposed of by the full committees in a comparatively short time. Hearings which involve days and days or weeks of work by a subcommittee are disposed of by the full committee sometimes in an hour or so.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. McKELLAR. As I understand the matter, the theory of thc bill is that all the work of the Appropriations Committee, for instance—I am more familiar with it, probably, than with any other—will be taken away from the committee and will be turned over to the 44 experts whom the Director General is to appoint, so that the Appropriations Committee will be virtually displaced, and the work of that committee, according to the bill, will be done by the 44 experts whom we are to have.

I do not know where we could get 44 real experts who know something about Federal expenditures. It would be very difficult to obtain 44 actual experts. We know how easy it is to get an expert when we wish to fill a position. A number of persons who might not be experts but who would be good fellows would offer themselves, and they would go into those positions.

As I understand the proposal, the purpose is to take all the work off the Appropriations Committee and the other committees. Under the provisions of the bill, they will not be able to select their own secretaries or assistant secretaries or other employees, and such selections will have to be made by the Director General. Of course, if that is done, the Appropriations Committee might as well be abolished and turned over to the 44 experts who would be appointed by the Director General. The Director General would be the real Senate of the United States, and the committees would be mere showmen of some sort or character, and they would have nothing to do. The experts would do all the work and the Director General would employ all the experts, and therefore the Senate would be turned over to the Director General.

Mr. McCLELLAN. Mr. President, the Johnson amendment will take care of that situation.

Mr. McKELLAR. Was the Johnson amendment adopted?

Mr. OVERTON. It was.

Mr. McKELLAR. Evidently it was adopted while I was absent from the Chamber, attending the committee.

Mr. President, after this bill is passed and enacted into law, I shall have more time to speak on the floor of the Senate, because to all intents and purposes there will be no Appropriations Committee. The Senate will be a mere form. Moreover, we shall have to find a place to house and to office the experts. I wish to ask the Senator from Wisconsin whether it is proposed that a new building be erected for the experts? Will there be a separate office building for all the experts of the Senate; or it is proposed that later on, inasmuch as the Senate will not have any real business to perform, because the work will be done by the Director General and his experts whom the Senate will appoint, arrangements will be made for the Senators to move out of the Senate Office Building, so as to make room for the experts and the Director General who are going to conduct the affairs of the Senate? Obviously, we shall not have very much to do. The job of Senator will be a very nice, pleasant job for the next 6 years for me, if I am fortunate enough to be renominated and reelected. If I am not, it will not matter to me personally; but, at the same time, after having had offices in the Senate Office Building for nearly 30 years, I should dislike to be moved out. Yet, at the same time, I think we should be fair to the experts, if we employ them. We ought to let the experts have a building of their own. I do not know exactly where such a building could be erected. There is a little space between the Senate Office Building and the Union Station, and it might be possible to erect a building there so as to take care of them.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. OVERTON. I yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, apparently the Senator from Tennessee is not aware of the fact that this morning the Senate adopted an amendment proposed by the Senator from Colorado [Mr. JOHNSON] which will place the authority for the employment and discharge of the proposed experts to the committees in the hands of the committees themselves, without any reference to the Director of Congressional Personnel——

Mr. McKELLAR. May I add——

Mr. LA FOLLETTE. Just a minute, please. I think the Senator from Louisiana yielded to me, and I ask that I be permitted to finish my sentence.

Mr. OVERTON. The Senator may proceed.

Mr. LA FOLLETTE. I am trying to be as patient as I can under the circumstances.

Mr. McKELLAR. I know it takes a great deal of patience to get through a bill which is as revolutionary as this one.

Mr. OVERTON. I yielded to the Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, when the committee proposed the appointment of the four experts for each subcommittee of the Committees on Appropriations, as I stated yesterday, it was predicated on the service which the present experts of those committees have rendered and the advice of four able members of the Appropriations Committees of the House and the Senate who were on the joint committee that if they were provided with additional staffs of the same caliber and efficiency, there would be a great possibility of their having better oversight of the departments and agencies which come within the purview of those subcommittees.

But because the Senator from Tennessee on yesterday indicated that he thought the number of experts proposed would be too many, in the Johnson amendment it is left entirely within the discretion of the Committee on Appropriations to determine how many experts they will appoint. The provision is that not more than four may be appointed. So the committee does not need to appoint any, if it shares the opinion of the chairman that the present staff is all that the committee can utilize to advantage.

Mr. OVERTON. Does the Johnson amendment refer only to the Committee on Appropriations?

Mr. LA FOLLETTE. No; it refers to other committees. I am merely trying to show that we are endeavoring to take care of the criticism that the bill provides for too many experts to serve the Committee on Appropriations when, as a matter of fact, we have left to that committee's discretion the determination of how many experts it may require.

Mr. OVERTON. I wish to ask several questions, and if the Senator will answer them I may be able to secure the information which I seek. I have been in a meeting of the Appropriations Committee and therefore have not been on the floor until within the past few minutes. The same statement applies to the senior Senator from Tennessee [Mr. McKELLAR] who has not been on the floor. I may point out, however, that four experts are to be assigned to each committee. That provision still remains in the bill, does it not?

Mr. LA FOLLETTE. Yes.

Mr. OVERTON. And each committee will have the right to select the experts without consulting with the Director of Personnel.

Mr. LA FOLLETTE. The Senator is correct.

Mr. OVERTON. May each committee reduce the number of experts which it has if the committee does not need all of them, or must the committee retain all four?

Mr. LA FOLLETTE. The provision in the bill is to the effect that the committee may discharge them, and I assume it will have control over the number which it may wish to employ.

Mr. OVERTON. The committee has the right to discharge any of the experts, but does not have the right to reduce their number.

Mr. LA FOLLETTE. The power, as I conceive it to be, is completely within the discretion of the committee.

Mr. OVERTON. Very well.

This bill would abolish the following standing committees: The Committee on Military Affairs, the Committee on Naval Affairs, the Committee on Post Offices and Post Roads, the Committee on Commerce, the Committee on Interoceanic Canals, the Committee on Immigration, the Committee on Patents, the Committee on Mines and Mining, the Committee on Territories and Insular Affairs, the Committee on Irrigation and Reclamation, the Committee on Indian Affairs, the Committee on Rules, the Committee to Audit and Control the Contingent Expenses of the Senate, the Committee on the Library, the Committee on Privileges and Elections, the Committee on Printing, the Committee on Claims, and the Committee on Manufactures. The work which is now being done by these regular standing committees would still have to be performed. We are asked in this bill to transfer all the work of thirty-three or thirty-four standing committees to only 16 committees.

Let us take, for example, the new Committee on Interstate and Foreign Commerce. I do not know why it is that the long title of "Interstate and Foreign Commerce" was selected. Why was not a title selected such as "Commerce Committee?" The word "commerce" is all embracing. It includes domestic commerce, foreign commerce, and commerce of every other kind, nature, and description, over which the Congress has jurisdiction. The regular standing Committee on Commerce of the Senate is a much older committee than is the Committee on Interstate Commerce. Why the Commerce Committee is to be abolished and its duties assigned to the Committee on Interstate and Foreign Committee, I cannot understand. I will pause now if the Senator from Wisconsin wishes to explain why the Commerce Committee is to be abolished rather than the Interstate Commerce Committee.

Mr. LA FOLLETTE. Mr. President, in making these recommendations it seemed to the committee that, first of all, contrary to the opinion of the able Senator from Louisiana for which I have great respect, one of our difficulties is in connection with the multiplicity of committees. I concede that, aside from certain provisions which we have made for the elimination of private claims bills, bridge bills, and so forth, the total work to be performed by the various committees will not be very greatly diminished.

Mr. OVERTON. I understand the Senator's argument, if I may interrupt him. But why is the committee to be named "Committee on Interstate and Foreign Commerce" instead of "Committee on Commerce?"

Mr. LA FOLLETTE. Because there are certain types of commerce over which the Federal Government does not have control. It does not have control over intrastate commerce.

Mr. OVERTON. Very well. But we have a Committee on Commerce. The first committee which had anything at all to do with the subject of interstate commerce and foreign commerce was the Senate Committee on Commerce. Of course, this is not to be interpreted as meaning that the Senate will take jurisdiction over intrastate commerce.

Mr. LA FOLLETTE. Mr. President, it was the plan of the committee, as I was about to say, to reduce the number of present committees, because it believed that a multiplicity of committees was one of our problems. What the committee has attempted to do, insofar as it is possible to do so, is to combine the jurisdiction of committees in such a way as to gather together related subjects.

Mr. OVERTON. Again, if I may interrupt the able Senator from Wisconsin, that is not the question. Here is an old standing committee. As I have already said, the first committee which had anything at all to do with interstate commerce and foreign commerce was the Senate Committee on Commerce. That committee is to be abolished and a new committee on interstate and foreign commerce is to be established.

Mr. LA FOLLETTE. I hope that the Senator will concede that so far, the full jurisdiction over interstate commerce and over interstate transportation has rested on the Committee on Interstate Commerce.

Mr. OVERTON. Not altogether.

Mr. LA FOLLETTE. The jurisdiction has rested largely in that committee.

Mr. OVERTON. I would not say largely. The Interstate Commerce Committee has jurisdiction over railroads, and it should retain such jurisdiction. That also applies to allied forms of transportation such as bus lines. Of late, at least during the past few years, the committee has had jurisdiction over waterborne transportation.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. WHITE. I hope that the Senator will not think that I have any hostile feelings toward the Committee on Commerce. I was once appointed assistant clerk to the Committee on Commerce and served in that capacity for a substantial length of time while my grandfather was chairman of the committee. I have the warmest of feeling and deep regard for that committee and its membership. But I think the Senator from Wisconsin gave the right answer when he said that we have two committees, namely, the Interstate Commerce Committee with a large jurisdiction, and the Committee on Commerce with relatively limited jurisdiction. The question before the joint committee was whether we should superimpose the larger on the smaller, or attach the smaller to the larger. That question motivated me, at least, in my approval of the suggestion which has been made. I believe that when we undertake to analyze the jurisdiction of these two committees we will come to the conclusion that the Committee on Interstate Commerce has a vastly wider and a very much more important jurisdiction than has the Committee on Commerce.

Mr. OVERTON. I regret that I cannot agree altogether with the Senator from Maine. Let us look at some of the matters which come within the jurisdiction of the Committee on Commerce. I shall speak of them offhand without having made a thorough analysis of them.

The Committee on Commerce has within its jurisdiction the subject of civil aeronautics. It also has within its jurisdiction the subject of the merchant marine. All those matters are to be taken from the jurisdiction of the Committee on Commerce.

Mr. WHITE. Of course——

Mr. OVERTON. I do not wish to yield until I have completed my statement, and then I shall be very glad to yield to the Senator.

The Committee on Commerce has within its jurisdiction:

Registering and licensing of vessels and small boats;

Navigation and the laws relating thereto, including pilotage;

Rules and international arrangements to prevent collisions at sea;

Merchant marine officers and seamen;

Measures relating to the regulation of common carriers by water and to the inspection of merchant marine vessels, lights and signals, life-saving equipment, and fire protection on such vessels;

Coast and Geodetic Survey;

The Coast Guard, including life-saving service, lighthouses, lightships, and ocean derelicts;

The United States Coast Guard and Merchant Marine Academies;

Weather Bureau;

Inland waterways.

Certainly jurisdiction over inland waterways is very important. There are men connected with the Senate Committee on Commerce who have devoted years to the study of the problems of the inland waterways. But that and all the other subject matters mentioned are to be taken away from the Committee on Commerce and placed under the jurisdiction of a new Interstate and Foreign Commerce Committee, which, of course, has not had jurisdiction over any of these questions.

The new committee is also to have jurisdiction of fisheries and wildlife, including research, restoration, refuges, and conservation; and

Bureau of Standards, including standardization of weights and measures, and the metric system.

The Committee on Commerce has from time immemorial exercised a very important legislative function with reference to recommending to Congress legislation on these various subject matters.

While I am on the subject let me say that is not all that is going to happen to the Committee on Commerce. The Committee on Commerce has charge of bills relating to flood control and navigation. That jurisdiction is to be taken away from the Committee on Commerce, and is to be given to the new Committee on Interstate and Foreign Commerce. A glance at the list of activities of the Interstate and Foreign Commerce Committee, as contained in the report, I think will convince Senators that this one committee will be tremendously overloaded.

Furthermore, Mr. President, it is proposed to take from the Commerce Committee its jurisdiction over flood control and rivers and harbors, and transfer it to a new Committee on Public Works. The jurisdiction of the Congress in reference to navigation and flood control stems from the constitutional provision that—

> Congress shall have power * * * to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

If any committee is to have jurisdiction over flood control and navigation it should be either the Commerce Committee or the Interstate Commerce Committee. But such jurisdiction is to be taken away from the Commerce Committee because that committee is to be entirely abolished and its jurisdiction over flood control and navigation is to be transferred to a Committee on Public Works, which will have charge of a great many other things relating to public works and many other items. I had better turn over to Public Works and see what this new committee is to do. I am simply giving these as illustrations of the arduous responsibilities which are thrust upon single committees in an attempt to cut down the number of committees.

Take the proposed new Committee on Public Works. What are they going to do? They will have charge of—

Flood control and the improvement of rivers and harbors;

Public works for the benefit of navigation, and bridges and dams—other than international bridges and dams;

Water power;

Oil and other pollution of navigable waters;

Public buildings and occupied or improved grounds of the United States generally. That is now under the jurisdiction of the Committee on Public Buildings and Grounds.

Measures relating to the purchase of sites and construction of post offices, customhouses, Federal courthouses, and Government buildings within the District of Columbia. These last-mentioned measures are now attended to by the Committee on Public Buildings and Grounds.

Measures relating to the Capitol Building and the Senate and House Office Buildings.

That is a matter which is now handled by the Committee on Public Buildings and Grounds.

Public reservations and parks within the District of Columbia, including Rock Creek Park and the Zoological Park. Such matters now come under the Committee on Public Buildings and Grounds.

Measures relating to the construction or maintenance of roads and post roads. That is extremely important legislation, and requires considerable thought and attention by the committee that has had charge of it heretofore, namely, the Committee on Post Offices and Post Roads.

Mind you, Mr. President, in order supposedly to expedite the business of the Senate, all these different duties that belong now to different standing committees of the Senate are in this bill taken up here and there, hither and thither, collected together, and then thrown pell-mell into the lap of one committee. It is said that it will expedite business. Mr. President, it will not expedite business; it will retard business. In all probability, a Senator who is a member of the Committee on Public Works will be unable to attend any other committee meetings, because he will have sufficient duties to keep him more than busy under the tremendous jurisdiction conferred on that one committee. If, for instance, because of my interest in flood control and navigation, I should want to be a member of the Committee on Public Works, I would in all probability have to give up my membership on the Committee on Appropriations, because I could not attend the meetings of both committees and the various subcommittees thereof to which I would be assigned.

Consider the number of subcommittees there would have to be in such a tremendous hodgepodge of jurisdiction conferred on one committee. All these different items of legislation assigned to a committee would require subcommittees, and the subcommittees would have meetings at various and often conflicting times, and therefore subcommittees of the expanded committees would have hearings which would be in conflict with hearings conducted by other subcommittees of the committee.

There is nothing, Mr. President, to be gained. Let me say—and I so wrote to the able Senator from Wisconsin when he addressed a letter to me asking if I had any suggestion to make with reference to the pending measure—that the present committees have grown up as a result of years of experience. They represent not our wisdom alone but the collective wisdom of all those who have gone before us. Some committees after a while fall into desuetude, and ought to be abolished. Other committees have to be created to take care of new legislation which is required under changing conditions in our country. But gradually there has been evolved this system, and it is a workable system.

It is true that the Members of the Senate are overworked. They are overworked not only on account of committee hearings but also on account of the enormous increase in their mail, the greatly increased demands made upon them by their constituents, and the overwhelming increase in the number of the agencies of the Government with which they have to consult from day to day and from hour to hour. They have to present to these executive agencies and to different departments the problems of their constituents in order to undertake to have them solved. There is no way to stop that, except by abolishing most of these agencies.

Mr. President, going back to the committee work, let us take the Committee on Public Lands, for instance. A new committee with that title is being formed; or rather, it may be said it is a renovated committee. It is an expanded committee, just as practically all the other surviving committees are expanded.

The new Committee on Public Lands is going to do all the work the present committee is presently doing. In addition, it is going to take over Territories and Insular Affairs. I am sorry the Senator from Maryland [Mr. TYDINGS], the chairman of that committee, is not present. I am quite sure that if he were he would state that the work of the committee requires a great deal of thought and attention on the part of the chairman and the members of the committee.

The new committee is also going to take over all the duties of the present Committee on Irrigation and Reclamation, which is a committee which has been growing in importance. We have had under study the reclamation of the West, the great Missouri Basin, the Columbia Basin, and the basins of other streams which flow through the West. We are undertaking to develop vast areas by processes of irrigation and reclamation. Tremendous problems are presented to us for consideration. The committee has to meet and pass upon those problems, and they will constantly be growing in importance. Yet with one sweeping gesture the Committee on Irrigation and Reclamation is to be thrown into the discard, and all its functions are to be turned over to the over-

loaded Committee on Public Lands. Where is the saving in time, where is the increase in efficiency on the part of the committee members, in such a disposition of our legislative agenda to committee work?

Then we come to the Committee on Mines and Mining. All the work done by that committee is to be turned over to the Committee on Public Lands.

Mr. President, may I ask for a quorum without losing my right to the floor? There are only a few Senators on the floor, and I ask unanimous consent that I may suggest the absence of a quorum without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Andrews	Hill	Murdock
Barkley	Hoey	O'Daniel
Bridges	Johnson, Colo.	Overton
Burch	Johnston, S. C.	Pepper
Capper	Knowland	Stanfill
Connally	La Follette	Thomas, Okla.
Donnell	McCarran	Thomas, Utah
Downey	McClellan	Vandenberg
Ferguson	McKellar	Walsh
George	McMahon	White
Guffey	Maybank	Wiley
Hayden	Millikin	Wilson

The PRESIDING OFFICER. Thirty-six Senators having answered to their names, a quorum is not present. The clerk will call the names of absent Senators.

The Chief Clerk called the names of the absent Senators, and Mr. BALL, Mr. CORDON, Mr. FULBRIGHT, Mr. GREEN, Mr. RUSSELL, and Mr. WHERRY answered to their names when called.

The PRESIDENT pro tempore. Forty-two Senators have answered to their names. There is not a quorum present.

Mr. LA FOLLETTE. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. STEWART, Mr. AIKEN, Mr. HUFFMAN, Mr. BUTLER, Mr. MOORE, Mr. GURNEY, and Mr. SALTONSTALL entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Forty-nine Senators having answered to their names, a quorum is present.

Mr. OVERTON. Mr. President, at the time the absence of a quorum was suggested I was speaking about the volume of work to be done by the new committees proposed to be established. I was taking them at random from the report of the special committee which has reported the bill. Whatever I have to say is not being said in criticism of any member of that committee, or of the Senator from Wisconsin [Mr. LA FOLLETTE], for whom I entertain the very highest regard. I believe that no Senator is more assiduous and conscientious in the performance of his work than is the Senator from Wisconsin. My only objection is that at times he becomes too enthusiastic over an idea and permits it to run away with him. He has been assigned a very responsible task in connection with this bill. He went at it with his usual vigor and enthusiasm until, I believe, instead of bringing forth a bill which would remedy the evils complained of, he has brought before us a bill which would rather increase them. I say that with all due regard to the Senator from Wisconsin. In my view it is a situation which in all probability ought to have been let alone to start with.

Selecting the proposed new committees at random, I was discussing the Committee on Public Lands. There would be assigned to it the work now performed by many of the present committees. There would be assigned to it all the work of the Committee on Public Lands and Surveys; all the work of the Committee on Territories and Insular Affairs; all the work of the Committee on Irrigation and Reclamation; all the work of the Committee on Mines and Mining——

Mr. GUFFEY. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. GUFFEY. As chairman of the Committee on Mines and Mining, let me say that that arrangement has my most hearty approval. I am a member of five committees.

Mr. OVERTON. I am very happy to know that. I do not know where the able Senator from Pennsylvania is going to land in the event he is reelected.

Mr. GUFFEY. That is a foregone conclusion.

Mr. OVERTON. But in the event of his return, and if this plan goes into effect, I do not know on what committee he will land.

Mr. GUFFEY. I shall be on only one committee, if this plan goes into effect. I hope I can be on the Committee on Labor and Public Welfare, because by serving on that committee I can do the people of my State some good.

Mr. OVERTON. Think of it, Mr. President! All the vast knowledge which the Senator from Pennsylvania has accumulated in his service on the Committee on Mines and Mining and which he can bring to bear on the work of that committee—and the Senator has been very able and assiduous in the performance of his tasks on the committee—will be lost, and the work will go into other hands. Some other Senator, who otherwise may be just as able and just as experienced as the able Senator from Pennsylvania, will have to take over that work. Then he will have to learn the subject matter and he will have to be educated in it, just as the Senator from Pennsylvania has been as he has progressed with the work of that committee, of which he has been a very efficient chairman.

Mr. GUFFEY. Mr. President, that committee is a joke, and as chairman of it, I say that knowingly. It is almost similar to the Committee on Manufactures. I have been on that committee for 12 years, and it has never had a meeting.

Mr. OVERTON. That is the committee which reported the bill dealing with the coal mines; is it not?

Mr. GUFFEY. No; the Committee on Mines and Mining reported that bill. The Committee on Manufactures did not.

Mr. OVERTON. I was referring to the Committee on Mines and Mining. Perhaps, however, I was unfortunate in the selection of the committee of which the Senator from Pennsylvania is chairman for the purpose of this discussion.

But let us consider the Committee on Indian Affairs. We always have had a separate Committee on Indian Affairs, and we should have. The Indians are the wards of the Nation, and they require particular treatment. There should be a standing committee devoted entirely to matters relating to Indian affairs. That committee is under the chairmanship of the able Senator from Wyoming [Mr. O'MAHONEY]. That committee and the chairmanship of it are to be entirely done away with, according to the plan proposed by the pending measure, and all matters relating to Indian affairs will go to the Committee on Public Lands, with a new chairman, probably not the Senator from Wyoming, and with new committee members. They will have to begin anew the study of Indian affairs. That will not be an easy task.

Mr. President, can anyone within reason, tell me—and I challenge anyone to make the statement—that we shall obtain efficiency by assigning to one committee all the duties of the present various committees? In what way would that increase efficiency?

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. PEPPER. Is not this an answer to the Senator's question: Under the proposed set-up there will be 15 committees, as I understand the matter has now been arranged, for the entire Senate. No Senator will be a member of more than two committees, except with respect to the Committee on Expenditures in Executive Departments and the Committee on the District of Columbia, I believe. Would not such an arrangement avoid the embarrassing experience which we so often have when we find that two or three committees on which we serve are to meet at the same time?

Mr. OVERTON. Mr. President, I answered that argument an hour ago in the debate.

Mr. PEPPER. I am sorry that I missed it.

Mr. OVERTON. I pointed out—and the Senator from Florida is bound to agree with me—that the conflict in respect to the meetings of committees does not arise in regard to the meetings of full committees, but in the case of subcommittee hearings and meetings. That is where the conflict arises.

For instance, I have referred to the Committee on Public Lands. When the proposed Committee on Public Lands has assigned to it all the work which now is being done by the Committee on Public Lands and Surveys, the Committee on Mines and Mining, the Committee on Territories and Insular Affairs, the Committee on Irrigation and Reclamation, and the Committee on Indian Affairs, it will have to have a large number of subcommittees to handle the work. That situation cannot be escaped. The conflict will arise in connection with the hearings and meetings of the subcommittees.

We have an illustration of that problem in the present Appropriations Committee. I am a member of four subcommittees of the Appropriations Committee. Very often two subcommittees to which I belong meet at the same time, and as a result I am forced to miss one of the meetings. Sometimes as many as three of the subcommittees to which I am assigned meet at the same time. In short, the conflicts do not arise because of the meetings of the full committees, for, as the Senator from Florida knows, days and weeks are spent in hearings on bills before a subcommittee, and when the subcommittee reports to the full committee the full committee acts upon the report sometimes within an hour or sometimes after 2 hours of discussion. In other words, the work is done, not by the full committees but by the subcommittees.

If we create a committee such as the proposed Committee on Public Lands—and I have already mentioned others—and simply throw into the lap of that one committee the work which now is being performed by various of the present standing committees, we shall have a multiplicity of subcommittees serving under that one committee.

Mr. PEPPER. Mr. President, will the Senator yield for a further question?

Mr. OVERTON. I yield.

Mr. PEPPER. Would not the Senator think, however, that it would still be an advantage to have the number of standing committees reduced, because under the present system two or three committees may meet at the same time, and no authority exists in the set-up in the Senate to reconcile or adjust the times of the meetings of those committees and to have one committee meet at one time and another committee meet at another time and another committee meet at another time so as to avoid conflict?

In the case of the subcommittees which the able Senator from Louisiana is imagining, all of them would exercise their authority under a single chairman and under a single committee, so that the chairman or the committee could require that the chairmen of the subcommittees order or arrange the times of the meetings of their subcommittees in such a way as to avoid conflict in respect to the various meetings. That would be a distinct advantage which would arise as the result of the enactment of the bill, and it would be an advantage which does not exist at the present time.

Mr. OVERTON. It simply cannot be done in the case of subcommittees. For instance, let us consider the Committee on Commerce, of which both the Senator from Florida and I are members. That committee may have before it a very important bill on merchant marine, a very important bill on rivers and harbors, a very important bill on flood control, and a very important bill with respect to census or enumeration matters, and so on down the line, and there will be considerable pressure to have the committee submit reports on all those measures. The subcommittees do the work on the bills, of course. We cannot say that one subcommittee will work for 3 weeks on one bill and will submit a report on it, and then the next subcommittee will consider another of the bills for a considerable length of time and then will submit a report on it, and then another subcommittee will take up another one of the bills and will proceed with its consideration and will finally submit a report on it. We cannot handle such matters in that way. The subcommittees must work simultaneously. No one knows that better than does the present occupant of the chair, the distinguished senior Senator from Tennessee [Mr. MCKELLAR]. He is the very able chairman of the Appropriations Committee. He knows that the subcommittees have to be working simultaneously when the appropriation bills come before the committee, and he knows that members of the various subcommittees are unable to attend meetings of all the subcommittees to which they are assigned. They have to make a selection.

So far as fixing the time for the meetings of the full committees is concerned, if that is the desire, that can be done by mere Senate resolution, and by that means it will be possible to prescribe whatever times Senators may wish to assign for the meetings of the full committees. They can be assigned to meet on some designated weekday or on the basis of some arrangement that will avoid any conflict and will give one day to one committee and another day to another committee, and so forth.

Mr. PEPPER. Mr. President, will the Senator further yield,

Mr. OVERTON. I yield.

Mr. PEPPER. That is what I was about to suggest.

Mr. OVERTON. It can be done by a simple rule. It is not necessary to pass a law in order to do it.

Mr. PEPPER. I am sure that the Senator from Louisiana, with his customary fairness, will admit that it would be vastly easier for a single committee or a single committee chairman to organize the subcommittees so that there would be no conflict among them than it would be for the Senate to do so by a Senate resolution.

Mr. OVERTON. The difficulty with the pending bill is that it will result in so many subcommittees of each one of these large committees that it will be impossible for any chairman to regulate them in such a way that no conflict will take place between the subcommittees of the committee. That is the point which I make.

Let us take, for example, the proposed new Committee on Public Works. Of what will that committee have charge? It is to have charge of flood control and improvements of rivers and harbors. As the Senator well knows, at present those matters come within the jurisdiction of the Committee on Commerce. The Committee on Public Works will have charge of all public works which may be carried on for the benefit of navigation, such as the construction of dams, channel rectifications, and all matters of that nature, including the remaining multitudinous problems which now come under the jurisdiction of the Committee on Commerce. All that work would be done by this great new Committee on Public Works. There is also the matter of creating hydroelectric energy, a subject to which the Committee on Commerce has devoted a great deal of study.

I am sorry that the Senator from Florida must absent himself from the Chamber.

Mr. PEPPER. I am sorry. I have received a long-distance telephone call from my State which I am compelled to answer.

Mr. OVERTON. I am not criticizing the Senator. I merely state that I am sorry that he must absent himself from the Chamber.

Mr. President, inasmuch as the Senator from Florida is the one who propounded some questions concerning the subject which I have been discussing, and must leave the Chamber, I shall pass to another proposed committee.

Here is one with a beautiful name—the Committee on Labor and Public Welfare. That will be a new committee. Over what will it have jurisdiction? It will have jurisdiction over all the work of the present Senate Committee on Education and Labor. It will have jurisdiction over convict labor and the entry into interstate commerce of goods made by convicts. It will take over all matters pertaining to immigration. It will take over the school-lunch programs. It will take over vocational rehabilitation. It will take over national social security. It will take over railroad labor and railroad retirement and unemployment, subjects which are now handled by the Committee on Interstate Commerce. It will take over jurisdiction of the Columbia Institution for the Deaf, Dumb, and Blind, Howard University, Freedmen's Hospital, and St. Elizabeths Hospital. It will take over the welfare of miners.

Mr. President, I believe that one of the most serious objections to the pending bill and its proposals lies in the fact that the bill would separate from their present assignments Senators who have become specialists in certain fields of legislation. The bill would take those Senators away from their moorings which have been established through years of service. Those Senators have had opportunities to consider all the problems which have been assigned to their committees, and have developed a high degree of proficiency in considering effectively any legislation which may be assigned to them. The bill would take those duties and responsibilities away from those Senators and place them with committees to be composed of different Senators and different personnel. Therefore, the members of the new committees would be called upon to consider subject matters which perhaps they had never before been called upon to consider in committee. That situation would be associated with this entire program of renovation of our committee work.

Mr. President, let me mention briefly some of the committees. The Committee on Interstate and Foreign Commerce would take jurisdiction over all interstate commerce generally, as well as all matters pertaining to interoceanic canals. The Committee on Public Lands would have jurisdiction over public lands generally, including entry, easements, and grazing thereon; irrigation and reclamation, including water supply for reclamation projects, and easements of pub-

lic lands for irrigation projects; measures relating to the care, education, and management of Indians, including the care and allotment of Indian lands and general and special measures relating to claims which are paid out of Indian funds; and it would have jurisdiction over other important matters as well.

Mr. President, I know that some of the present standing committees do not perform very much work. I happen to be chairman of the Committee on Manufactures. That committee should be abolished. However, in order to abolish it, it is not necessary to enact a law. It is not necessary to introduce a bill which would change committee memberships and shift responsibilities from Senators who have studied certain matters to other Senators who have not had an opportunity to familiarize themselves with the nature of many important items of legislation which may be referred to them. The Senator from Florida mentioned one of the problems which we should consider. He said that it will be necessary for the chairman of a committee to prepare a schedule for subcommittee hearings and subcommittee considerations of bills so that no subcommittee of the many subcommittees under his jurisdiction will conflict with any other subcommittee.

The chairman should have a general knowledge of each bill. I believe that to be the duty of the chairman of each committee. For example, I am more familiar with the work of the Committee on Commerce than I am, perhaps, with that of any other committee. Our present extremely able chairman the senior Senator from North Carolina [Mr. BAILEY], who, I regret, is at the present time unavoidably detained from the Senate, and has been for several months because of illness, familiarizes himself with every problem which comes before the Committee on Commerce, and has a fair understanding of each measure pending before that committee. However, the chairman who would be in charge of one of these large committees which it is proposed to establish would not have sufficient time to attend to all the duties which would inevitably devolve upon him.

Mr. President, it is not by piling work on one chairman that we can expedite the business of the Senate. On the contrary, if anything is to be done, perhaps additional committees should be created. I am perfectly willing to admit that some of our present standing committees have very little work to perform and should be abolished.

I mentioned one. I do not feel any hesitancy in mentioning it, because I am chairman. I refer to the Committee on Manufactures, which ought to be abolished. Some committees at times become very important, and there are other times when they subside in importance. There was a time when the Committee on Manufactures was headed by the able Senator from Wisconsin [Mr. LA FOLLETTE], and it had plenty of legislation to consider when he was chairman. His very able and esteemed father was also chairman of the Committee on Manufactures, and had plenty of work to do in that committee in his day. But gradually the referring of bills to the Committee on Manufactures ceased, so that scarcely any work at all is done by that committee. In fact, since I have been chairman there has never been a bill referred to the Committee on Manufactures. Such committees as that could be abolished, and perhaps there are other committees which should be created.

The point is that we will not expedite committee work by the creation of huge committees, and by uprooting committeemen who are steeped in certain legislation, and transferring them to other committees where they would have to consider legislation with which they had not the intense familiarity which committeemen of long standing on a committee have. So much for the committee work.

Mr. President, there are some other matters to which I wish to allude, and I have to hurry through, because I must attend a meeting of the Committee on Appropriations, which is meeting now, or will be shortly, to consider the appropriation bill for the Department of the Interior.

The pending bill not only increases the burden on the chairman of a committee but makes the work of every member of the committee more arduous, because it assigns to him bills on subjects of legislation with which he has not coped. However, it goes further than that. It undertakes to add to the burdens of different committees. I shall give an example.

On pages 30 and 31, section 128, under the title of "Legislative Oversight By Standing Committees," the bill declares:

To assist the Congress in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the Senate and the House of Representatives shall exercise continuous surveillance of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee.

Mr. President, think of the added responsibility and think of the added duties imposed on the proposed new committees. They are not merely to formulate and recommend legislation, but after a law has been enacted it will become the duty of each standing committee and its members to follow up the law and to see how it is being executed, to exercise, in the language of the bill, "continuous surveillance of the execution * * * of any laws." By whom? By the manifold administrative agencies of the executive department of our Government.

This provision continues:

And, for that purpose, shall study all pertinent reports and data submitted to the Congress by the agencies in the executive branch of the Government.

So all these agencies will come with a huge bundle and volumes of reports and lay them in the laps of the committees, and they are to take them, digest them, study them, labor over them.

Mr. President, that is not all. On pages 31 and 32, in addition to all the other work that is imposed on the Committee on Finance and the Committee on Appropriations, we find the following provision:

The Committee on Finance and the Committee on Appropriations of the Senate are authorized and directed to meet jointly at the beginning of each regular session of Congress and after study and consultation report to their respective Houses the estimated over-all Federal receipts and expenditures for the ensuing fiscal year. Such report shall be made within 60 days after the opening of the session or by April 15, whichever first occurs.

I have no doubt that is quite valuable work. It is being done, however, by other agencies of the Government rather than by the Committee on Finance and the Committee on Appropriations. They will have to spend the first 60 days each session in undertaking to make a study of all the expenditures of our Federal Government for the ensuing fiscal year, which is a monumental task in itself.

On pages 33 and 34 of the bill is a provision with reference to the Committee on Appropriations:

The Appropriations Committees of both Houses are authorized and directed to make a study of (1) existing permanent appropriations with a view to limiting the number of permanent appropriations and to recommend to their respective Houses what permanent appropriations, if any, should be discontinued.

Mr. President, that is a special study. Of course it is a meritorious study. But heaven knows the Committee on Appropriations today is overworked. It has not time to prepare the appropriation bills and also to make the thorough study that is contemplated by this provision in the bill. But it is mandatory upon the Committee on Appropriations; it will have to do it.

Mr. President, that is not all. Here is something else of which the Appropriations Committees have to make a study:

The disposition of funds resulting from the sale of Government property.

Has anyone been able to determine what has been done or is being done with the surplus property? Those in authority over the surplus property—and there are different agencies—come before our committees, and, when questioned, undertake to explain what is being done with surplus property, and we can get no satisfactory answer.

The provision is that they must make a study of—

And (2) the disposition of funds resulting from the sale of Government property or services by all departments and agencies in the executive branch of the Government with a view to recommending to their respective Houses a uniform system of control with respect to such funds.

So these committees, the Committee on Finance and the Committee on Appropriations, already overburdened, will have these superadded duties imposed upon them under the mandatory provisions of the bill.

The next objection I have to the bill is one which has been commented upon by several Senators, including the present occupant of the chair, the President pro tempore of the Senate. It relates to the portion of the bill with respect to

the Personnel Director. During my necessary absence from the Senate that provision has been modified, I understand, and possibly I may from time to time have to call on the counsel of the able Senator having the bill in charge as to what is still in the provision with reference to the Personnel Director.

On page 35, section 201, which opens the subject matter of the Personnel Director, it is declared that he shall be appointed by the majority and minority leaders of the Senate and the House of Representatives acting jointly. I interpret that to mean that there must be a unanimous agreement by all four before any one is selected. It is not by majority vote, but it requires unanimous agreement of all four leaders. Is that correct?

Mr. LA FOLLETTE. Yes; that is the way the bill stands.

Mr. OVERTON. Has that been altered?

Mr. LA FOLLETTE. No; that has not been changed.

Mr. OVERTON. If there is no unanimity of agreement in the selection of a Personnel Director, then of course all the provisions of the bill with reference to the responsible duties that devolve upon the Personnel Director will remain in abeyance until there shall be an agreement, because in case of a disagreement there is no provision for any appeal. There has to be the unanimous consent of all four leaders. It may be said that such very able and distinguished Members of the House and Senate as constitute the majority and minority leadership would not disagree. But I have found that they disagree on a great many things from time to time, and I cannot look forward with eager expectation to an always unanimous decision on a matter of such vital concern as the selection of a Personnel Director, armed as he is with the tremendous powers which are vested in him under the provisions of the bill.

The Personnel Director, however, is selected sooner or later. Then he shall prepare a plan. The bill provides:

Subject to the provisions of subsection (e)—

Subsection (e) deals with the report of the plan to the Congress. I do not know whether that provision has been modified.

Mr. LA FOLLETTE. If the Senator will yield, it was modified to this extent: That paragraph (2) on page 37 was stricken out by the Johnson amendment, and then the exception which I handed the Senator in typewritten form, which is on the desk before him, was inserted in the exception provision at the bottom of page 37, line 25.

Mr. OVERTON. Very well.

Subject to the provisions of subsection (e) the Director shall—

(1) Prepare a plan for a modern personnel system for all employees of the Senate and House of Representatives covering—

Covering what?—

covering qualification standards, job classifications, tenure of employment, pay schedules, rules for promotions and pay increases, leave, retirement, and other matters pertaining thereto.

So, all those rather important matters, which, in one form or another we as Members of the National Legislature have had under our control, pass in effect out of our control and, instead of the elected representatives of the people determining what is best for the people and for the legislative body of which they are a constituent part, and for the taxpayers of the country, these matters are to be turned over to an unknown and a supposed superexpert who has never been elected by the people, who is to be selected by four men, and who is to have jurisdiction over all these important matters.

Mr. President, I see no necessity for that. We are getting along all right.

The language is: "Covering qualification standards, job classifications," and so forth. There is talk about the little patronage which Senators enjoy here on the Hill, as though it were something very wrong, as though it were a very much abused privilege. I can speak for myself personally, Mr. President. I have under the patronage system some employees whom I am unwilling to see removed from their positions by the proposed Director General. I have one who is an older man, I shall not mention his name, but he was formerly on the police force of the District of Columbia, a very efficient, very fine, very gentlemanly officer. Some Senators may have observed him. He is at the old Vice Presidential entrance to the Senate Office Building for the greater portion of his time. I do not believe there could have been selected a better police officer on Capitol Hill than that gentleman.

I have on the elevator that carries Senators from the subway to the floor, the elevator which is for the exclusive use of the Senators, a boy, a veteran of the Marine Corps, who served his country gallantly for 2 years. He is not a Louisianian. He comes from the District of Columbia. He wanted this job. He came back from the service and married. Yesterday he was blessed with the birth of a son. I do not want any personnel director to take that young man from off that elevator where I put him. Senators may say, "He will not do so." I do not want to give anybody the power to do it.

I have at one of the Capitol doors a young man who has been here for years. He has gone up from one grade to the other. He is trained in the service. He knows how to meet the public. He knows how to handle the public. I do not want any personnel director to come to me and say, "I do not regard this man as properly qualified according to the certain standards and qualifications I am going to prescribe. So off with him. His services are no longer needed."

Furthermore, the Personnel Director goes into everything: the pay schedules, rules for promotion and pay increases, leave, retirement, and other matters pertaining thereto. Are we not capable of acting upon those things? Do we have to have a Personnel Director to tell us what to do with reference to those things? Are we to divest ourselves of all authority? When I say "all authority," I do not mean it literally, because I know the Senator from Wisconsin would say, "They are recommendations, and when the plan is submitted the Senate can kill it or amend it." But why give this man all that authority unless he is to be backed up when he submits the plan? The time to stop him is before he is given the authority to make such a plan.

Moreover the Personnel Director would proceed to—

(2) make a complete study of overlapping and duplicating services within the legislative establishment and prepare a plan for the establishment under efficient management of (A) the disbursing and auditing offices (including provision for standardization of committee travel and per diem allowances); (B) the document rooms; (C) the mailing rooms; (D) the post offices; and (E) service facilities for all the Capitol buildings and grounds, including police, janitors, and guides.

The present occupant of the chair, the able Senator from Tennessee [Mr. McKELLAR] commented at length upon that provision. I do not think I can add to what he had to say. I wish to hurry along.

I am coming now to what I consider to be a very vital matter, because it is very far reaching, and I should like to know whether there has been any modification of it. I refer to the provision on page 37, which reads as follows:

No person shall be appointed to any office or position under the Senate or the House of Representatives except upon certification by the Director that such person is qualified for such office or position.

Mr. LA FOLLETTE. There has been no change in the requirement that it should be included in the plan recommended. The next paragraph was deleted by the adoption of the Johnson amendment.

Mr. OVERTON. I understand that. The provision I read is all-embracing.

No person shall be appointed to any office or position under the Senate.

I am leaving out the House of Representatives for the time being. The House will take care of their own problem:

No person shall be appointed to any office or position under the Senate * * * except upon certification by the Director that such person is qualified for such office or position.

Does that apply to the clerks of the Senate?

Mr. LA FOLLETTE. It does not apply, if the Senator will read the exceptions in (g) at the bottom of page 37, "to elected officers of the Senate or the House of Representatives," and that subsection has been also amended to include the persons employed by the majority and minority conferences.

Mr. OVERTON. Does that exempt the entire staff that sits at the desk in front of the President pro tempore?

Mr. LA FOLLETTE. No; it does not. It only exempts those who are elected by the Senate or the House of Representatives, as the case may be.

Mr. OVERTON. Those who sit at the desk in front of us are in reality clerks.

Mr. LA FOLLETTE. The Secretary of the Senate and other elected officers are exempted.

Mr. OVERTON. Yes; but I am talking now about the Parliamentarian, the Journal clerk, the Chief Clerk, and the legislative clerk. Do they come within the jurisdiction of the Director of Congressional Personnel under this provision, or are they exempted from it?

Mr. LA FOLLETTE. They are not exempted from it, because they are not elected by the House or the Senate.

Mr. OVERTON. Exactly. I hope these employees, to whom I shall refer, will parden me for making a direct reference to them, but here we have a concrete illustration of the effect of this provision. Here are men who have been serving the Senate for years. They are certainly competent men. They are not only competent, they are wonderfully efficient. Why put it in the power of a director or anyone else except the Senate of the United States itself to have these men removed? Why do we have to go to some unknown person in the future and say to him, "Will you please retain our Journal clerk?"

We would go to him with hat in hand. Suppose I were interested in the Journal clerk and wished to have him retained. Suppose all Senators wished to have him retained. We would go to the Director of Personnel on bended knee, and he might say "No." The Senator from Wisconsin and other Senators may say that that is not going to happen. If it is not going to happen, why give him the power to do it? It is proposed to give him the power because it is expected that the day will come when he may wish to exercise that power. That will not do. The people of the United States will not be satisfied with such a reorganization of the legislative branch of the Commonwealth.

We ourselves have the responsibility. If we have a bad Journal clerk, or a bad Parliamentarian—and we have the most competent ones—I want the responsibility to rest where it belongs, and that is on the United States Senate. I do not wish to shift the responsibility which I have taken upon myself as a Member of this great body and pass it on to some person to be selected in the future by four men, estimable though they may be, or selected by the whole Senate or by the Congress of the United States, or by any other body, or by anyone else.

Who is to rule this Government? Are we to be under the dictatorship of a director, or is this Government to be ruled as the people contemplated it should be ruled, as the Constitution provides it shall be ruled, as the founding fathers contemplated it should be ruled, by the elected Representatives of the people in the House and in the Senate?

The entire provision in reference to the Personnel Director should be eliminated. Amendments which nibble a little here and a little there detract somewhat from his power in one place, and leave it intact in other places. They will not help. In the language of Hamlet, "Oh, reform it altogether." That is what ought to happen to this bill. There is bound to be a difference of opinion in the Senate. With all due respect to those who reported the bill, I say that it is glaring with difficulties, inefficiencies, and inadequacies. It is a bill which is not necessary. The system under which we are working legislatively has grown up through the years. It represents not only the wisdom of the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Arkansas [Mr. FULBRIGHT], and the Senator from Wisconsin [Mr. LA FOLLETTE], but it represents the collective wisdom of countless hundreds of Senators who have preceded us in the work of the Senate.

The same thing is true with respect to the House. Experience has shown that this is the best way to operate. It is unthinkable to have that system suddenly changed. The system has grown up slowly, by precedent after precedent in this great deliberative body. Why it should be overthrown and a brand new regime and regimentation of the Senate substituted is beyond my comprehension.

No, Mr. President; if there is anything wrong about any one committee, or if we have a committee which ought to be abolished, let us abolish it. If a new committee should be created, let us create it. If we have too large a membership on some committee, let us reduce the membership. But let us not undertake with one stroke of the pen to overthrow what the accumulated experience of years has shown to be necessary in the conduct of the business of the United States Senate.

Mr. President, I should like to discuss the bill further, and I may do so later. I have presented some of the main objections which I have to this legislation. It would not fulfill its purpose, which is to increase the efficiency of the legislative branch of the Government. It would bring untold trouble to members of the various committees, because they would be assigned to new tasks. They would be taken away from their ancient moorings and thrown almost pilotless, with new chairmen, adrift on a sea of legislation which they had never traversed before. Seventeen or eighteen chairmanships would go by the board. Chairmanships would be taken away from Senators who have conscientiously and well discharged the duties of their office. They are experienced in the legislative work of our Nation, and thoroughly familiar with the legislation which is referred to them. They must step down and try to find a convenient resting place in some new committee which has jurisdiction of a subject matter in which perchance they are more interested than in any other. They might obtain such positions, and they might not. Some of them, of course, would be chairmen of new committees, but many of them would not be. Committees can be divided or combined, but not chairmen. We cannot make 16 chairmen out of 33 chairmen. That would be a physical impossibility.

So, Mr. President, however we view this legislation, from all the various standpoints to which I have referred, I think it is a bill which ought not to receive our support.

Mr. STEWART. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

Mr. WHITE. Mr. President, will the Senator from Tennessee withhold the point of no quorum while I make a very brief statement?

Mr. STEWART. I shall be glad to do so.

Mr. WHITE. Mr. President, I wish to comment briefly on the criticisms of the Senator from Louisiana directed to the disappearance of the Commerce Committee and the transfer of some of its present functions to the proposed new Committee on Interstate and Foreign Commerce.

Mr. OVERTON. Mr. President, I am very sorry, but it is necessary for me to leave the Chamber to attend a meeting of the Appropriations Committee. I will read the Senator's remarks in the RECORD tomorrow.

Mr. WHITE. Mr. President, I wish to give assurance that the changes here proposed are not the creatures of chance. They have been arrived at on the basis of sound principles with respect to the conduct of this legislative body, and sound principles in the field of transportation.

The Committee on Commerce would be abolished, and certain of its jurisdictions would be transferred to the new Committee on Interstate and Foreign Commerce. I wish briefly to invite attention to them.

Before doing so, let me call attention to the fact that long before 1940 one of the great transportation authorities of this country undertook a study, either at the direction of the Committee on Interstate Commerce or the Interstate Commerce Commission, of the transportation systems of the country with a view to giving to the committees of Congress his best judgment as to how the varied systems of transportation—by air, rail, truck, and waterway—could be coordinated and best made to serve the interests of the entire country. The report was an effort to point out to the legislative body how, through coordination of agencies of transportation, we could bring about the greatest benefits in transportation to the people of the entire country.

In the 1940 Transportation Act the Congress accepted practically all the recommendations of Dr. Splawn, who had made this report. At the beginning of the Transportation Act of 1940 there was set out what was said to be the policy of Congress with respect to transportation and the coordination or integration of agencies of transportation. Under the heading "National transportation policy" we find the following:

> It is hereby declared to be the national transportation policy of the Congress to provide for fair and impartial regulation of all modes of transportation subject to the provisions of this act, so administered as to recognize and preserve the inherent advantages of each; * * * all to the end of developing, coordinating, and preserving a national transportation system by water, highway, and rail, as well as other means, adequate to meet the needs of the commerce of the United States, of the Postal Service, and of the national defense.

In pursuance of that general declaration of policy the Transportation Act proceeds to deal with rail, bus, motor-truck, and water transportation. One

entire title of the Transportation Act of 1940 deals with water transportation, interstate transportation, and foreign transportation by common carriers and by contract carriers. It deals with it in detail. It deals with the rates which may be charged by common carriers. It provides for the filing of schedules of rates. It provides for hearings; it provides for all the rules and regulations and specifications with respect to transportation by rail and by water—and I particularly have in mind, at this time, transportation by water—in order that we might attain this goal of the Congress, namely, a coordinated and integrated transportation service meeting the needs of the people of these United States. That was the policy of the United States, solemnly declared by the Congress in the Transportation Act of 1940.

With that as a background, let us look and see what this committee of ours has done with respect to the authority heretofore exercised by the Commerce Committee. The committee which has reported the pending measure has recommended the transfer to the Interstate and Foreign Commerce Committee of civil aeronautics matters. For all of 10 years of time there has been a controversy as to which committee of the Senate—the Commerce Committee or the Interstate Commerce Committee—should have jurisdiction over aeronautics. Certainly if we are loyal to this basic principle of obtaining a coordinated and integrated system of transportation, aeronautics ought to be assigned to the committee upon which rests the jurisdiction as to railroads and busses and motorcars and all the other modes of transportation, because today aeronautics is one of the great systems and one of the growing systems of transportation. If it is not fitted in and made a part of this developed and integrated system, then something will be missing from that system and we shall fall far short of attaining the goal which we sought to attain. So civil aeronautics matters would be transferred to the Committee on Interstate and Foreign Commerce.

Next we come to the subject of merchant marine generally. That subject matter is to be transferred, according to the pending measure. I have already pointed out that already the Commerce Committee and the Congress have approved the assignment to the Committee on Interstate Commerce of jurisdiction over interestate and foreign transportation and carriage by water and by contract carriers by water. So, by the proposed change we shall be taking away but little from the Commerce Committee, and we shall be adding to the jurisdiction of the Interstate and Foreign Commerce Committee something which will round out the jurisdiction it already has.

Next we come to the registering and licensing of vessels and small boats. I have a vague recollection that some 10 years or so ago we changed somewhat slightly the provision of law with respect to the registering of small motorboats. Motorboats had developed remarkably and were in wide use along all the coastal and intercoastal waters of the United States. By the pending measure, all the remaining authority and functions of the Committee on Commerce which it has heretofore had in respect to the subject of the registering and licensing of vessels and small boats will be transferred to the Interstate and Foreign Commerce Committee, in another effort to coordinate the means and modes of transportation.

Then we find that, by the pending measure, it is proposed that we transfer to the Committee on Interstate and Foreign Commerce jurisdiction over navigation and the laws relating thereto, including pilotage. Mr. President, if the Interstate Commerce Committee has jurisdiction over water transportation, why should not it have jurisdiction over navigation and navigation laws, including pilotage? I digress here to suggest that there is no member of the Commerce Committee who can name for me any laws on those subjects which have been passed on by the Commerce Committee of the Senate in recent years.

Then we come to the subject of rules and international arrangements to prevent collisions at sea. I happen to know something about that because I was chairman of the United States delegation which went to London in 1929 and had a small part in the formulation of the treaty which carries the international rules relating to the prevention of collisions at sea. The only authority the Commerce Committee has exercised in that field has been to give its approval to what was done at the international conference at which all the rules and regulations with respect to collisions at sea and the methods of avoiding them were determined upon. I may say that the Foreign Relations Committee of the Senate approved the treaty and recommended its ratification by the Senate.

Then we come to the subject of merchant marine officers and seamen. Hardly any legislation with respect to that subject has come from the Commerce Committee for a long period of time. The basic law with respect to seamen is the one which was written by the father of the present distinguished senior Senator from Wisconsin [Mr. LA FOLLETTE], known as the La Follette Act, which was passed in 1915. The International Convention on Safety of Life at Sea adopted in substantial part the rules and the rules of law laid down in the Seamen's Act of 1915, as I believe nothing of any serious moment has been done by the Commerce Committee in the field of such legislation since that time.

Then we come to the matter of rules and measures relating to the regulation of common carriers by water and to the inspection of merchant marine vessels, lights and signals, lifesaving equipment, and fire protection on such vessels. Practically all of those matters are also covered by the International Convention on Safety of Life at Sea: Lifeboats, the construction of ships, watertight compartments, lifesaving appliances, lifeboats, life rafts, life preservers, and so forth. All of that was dealt with in the 1929 Convention on Safety of Life at Sea, and that Convention was ratified by the Senate upon the recommendation of the Senate Foreign Relations Committee.

So, Mr. President, of these matters as to which it is proposed that jurisdiction over them shall be transferred from the Commerce Committee to the Committee on Interstate and Foreign Commerce, part of them logically have always belonged there, certainly they have belonged there since 1940, and a part of them find their justification in the international action of this country, rather than in any rules or laws written by the Commerce Committee in late years.

Now, let us consider the Coast and Geodetic Survey. The pending measure recommends the transfer of jurisdiction over that subject to the Committee on Interstate and Foreign Commerce. Mr. President, who knows of any laws which have come from the Commerce Committee in recent years, dealing with the Coast and Geodetic Survey? By passing the pending bill we shall be taking from that committee a title, but nothing of substance. The same may be said of the Coast Guard of the United States. Yes, Mr. President; the Commerce Committee has had jurisdiction over the Coast Guard; but that jurisdiction has rarely been exercised, through almost a quarter of a century of time or more. By the pending measure we shall transfer the jurisdiction, but nothing of substance at this time, to the Committee on Interstate and Foreign Commerce.

I may say the same with respect to the Weather Bureau, the Panama Canal, interoceanic canals, and the Bureau of Standards. To be sure, those subject matters have been, according to the rules or interpretations of the rules of the Senate, within the jurisdiction of the Committee on Commerce; but they have been dead letters, because practically speaking—and although I cannot say this without possibly some exceptions, nevertheless it is true as a general statement—they have been subject matters upon which no legislation has come before this body for a number of years.

Mr. President, there is justification for the proposed transfers. I said this when I began speaking and I repeat it now, because the proposed transfers tend to lodge in one single place plenary authority with respect to all these matters, and all to the utmost end of a coordinated and efficient system of transportation for the people of the United States. By the proposed transfers, no offense is intended and no real offense is done; but by making the transfers and in making these changes we shall have rendered a real public service.

Mr. President, I wish to say a few words more. I feel strongly about this piece of legislation. I think it is one of the most constructive pieces of legislation that has come before this body in the 16 years or more that I have been a Member of the Senate of the United States. I pay tribute to the work done by the Senator from Wisconsin [Mr. LA FOLLETTE]. He has served with zeal. He has served with a knowledge of the precedents and practices and rules of the Senate, a knowledge surpassed by that of no other Member of this body. He has given unstintingly of his time; and with patience and with rare ability he has brought forth this piece of legislation which has been unanimously approved by the committee named to serve with him.

Mr. President, that committee was originally authorized by the Committee on Rules of this body. That committee reported favorably the proposal to create the committee, and the Senate adopted the resolution which permitted the study to be made. When the study had been completed and there was question as to the authority of the committee to make a legislative report, the Committee on Rules again acted, and it authorized this committee to take on these legislative functions and to report legislation to the Senate of the United States.

No one has more respect for the Senate than do I. No one has been for a long period of years in closer touch with this body than I have. I recall very definitely that I sat up in the southwesterly gallery in this Chamber on the 4th of March 1889, the day when Benjamin Harrison and Levi P. Morton were sworn in as President and Vice President, respectively, of the United States; and ever since that time I have had some contacts, either by relationship, for my grandfather served in this body for many years, or because of my clerkship as the assistant clerk of the same Committee on Commerce or through my membership in the House of Representatives or through my membership in this body. I have been in close contact with the men who have come and gone here, and I know something about the traditions of this body. I know something about the respect in late years and in past years which this body has had from the American people.

I wish to say that I believe the time has come when we must assert ourselves in behalf of the dignity, the integrity, and the efficiency of the Senate of today.

Mr. President, I do not see how any person can doubt that, with the increase of burdens which has come upon us, with the great volume of mail which rolls in, with the enlarged and expanded functions and agencies of government and the creation of many new activities of government all bringing their problems to the Senate and to the other body of the Congress, we are today burdened with a volume of work with which, under our present set-up and under our present organization, we are utterly unable to cope.

Mr. President, here is an effort to improve the situation. I do not know how the proposed legislation will work out, but it represents an effort in behalf of efficiency in the Senate of the United States and in the other House as well. The opportunity is before us, and I want to see the Senate respond to it.

There comes to my mind that a certain poet once said, in effect, that opportunity is master of human destiny. I will not go so far as to agree with that statement in its entirety. Perhaps in making it, some degree of poetic license was exercised; but I assert that the opportunity is now before us. We are spending our time worrying about who shall appoint the pages of the Senate of the United States, who shall appoint those who operate the elevators of the Senate and of the House Office Buildings. We are worrying about who shall serve in this capacity and who shall serve in that capacity. Mr. President, I wonder what the people of America will think after listening to the debate in the Senate of the United States which has been devoted to trivialities during a time when the world is on fire, and when we are oppressed with problems the answers to which we do not know.

I hope that the Senate will respond to this opportunity. I have the firm conviction that if we do not pass this bill, 25 years may elapse without a serious effort again being made to reorganize this body, to streamline it, if you like that word, Mr. President, to make it more effective and efficient in dealing with the multitude of problems which come before it.

I say to Senators in all solemnity that unless we now make an effort to increase the efficiency of Senators individually, as well as the Senate as a whole, we will continue to lose our prestige with the people of the United States.

Mr. President, I assert that opportunity is now knocking. I assert that if we allow the opportunity to pass unheeded, we shall miss the great challenge which is being made at the moment to make of this great legislative body an efficient organization. We should forget the trivialities and small personal matters which are a part of the legislative machinery of the Senate. We should restore, as I think we must, the legislative branch of the Government to the place of authority, dignity, and respect which it once held in the minds of the people of the United States, but which day by day it is now forfeiting.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. WHITE. I yield.

Mr. FULBRIGHT. I wish to say that I have been greatly interested in the Senator's remarks. Because of the fact that I have been a Member of the Senate but for only a short time, I have hesitated to comment on certain practices which have been pursued by the Senate.

I should be interested in the Senator's observations with reference to debates in the Senate. In view of his long experience in connection with the great volume of work which the Senate has performed, would he not agree that there should be better attendance of Senators in the Chamber when debates are taking place with regard to important matters? Within the short time I have been a Member of the Senate, I have been greatly disappointed in the small attendance of Senators which I have observed from time to time. I believe that a small attendance of Senators in the Chamber creates very unfavorable impressions throughout the country. Does not the Senator believe that enactment of the pending bill might result in a greater attendance of Senators at sessions of the Senate?

Mr. WHITE. Mr. President, I believe that the enactment of this bill would improve the situation very greatly. I believe that in ability and character the men who now serve in the United States Senate measure up to as high a level as has ever been known in the history of this Nation. But circumstances beyond our control, unless we assert control through methods which are suggested in the pending bill, make it impossible for us to become thoroughly familiar with proposed legislation.

I confess that I sometimes come on the floor of the Senate—in fact, I do so day after day—and face legislation which I have had no adequate opportunity to study, and about which I must follow the recommendation of some other Senator who has perhaps been a member of the committee reporting the measure, or I am forced frequently to exercise snap judgment with the hope that I am guessing right.

When I was serving as a clerk 45 years ago, Senators had time to study proposed legislative measures. Allow me to illustrate.

One day I met Ted Clark, who was then secretary to Senator Lodge, of Massachusetts, and later became secretary to President Coolidge. He had with him a large brief case. I said to him, "Ted, what do you have in that brief case?" He said, "I have a speech which Senator Lodge is going to make in the Senate." He said, "I am getting ready to rewrite it for the eighth time."

That illustrates the situation as it obtained at that time. In those days a great Senator, such as Senator Lodge, with influence throughout the world, had time and took time to rewrite a speech eight times before delivering it on the floor of the Senate. We frequently stand here on the floor of the Senate and talk without having had a moment's preparation. This illustrates the difference between the Senator of today and the Senator of 45 years ago, when I was acting in Washington in the capacity of a secretary. In those days the business of the Senate moved leisurely. The Senate's time was not crowded. Sufficient time was available to Senators to attend committee meetings, study the hearings, and thoroughly study and discuss measures which later came before the Senate. I believe that we will all agree that very few of us have that time today.

Mr. FULBRIGHT. During the period to which the Senator has referred the rules and procedures of the Senate were adequate, but since then circumstances have vastly changed.

Mr. WHITE. Circumstances have changed.

Mr. FULBRIGHT. It seems to me that the fact the Senate has been a great body in the past has no application to the present, because circumstances have so changed that it does not follow at all that old procedures and old rules will result in a continuation of former efficiency.

Mr. WHITE. I recognize the changed conditions to which the Senator has referred, and I recognize the fact that new demands are being made constantly upon Senators. I presume that while I was a secretary and went to the hotel to take dictation from my grandfather, if he received as many as 15 letters in the morning's mail he thought he was being oppressed by the people of his State. During all the years I served as his secretary he did not keep a single letter which he received, and I did not keep for him a single copy of a letter which I wrote for him. That fact illustrates the leisurely pace of our legislative machinery of 45 years ago.

Now conditions in the world, and in our country in particular, have changed. The eyes and minds of the people of the United States have turned toward Washington, and we are submerged by the demands upon us. We cannot change that situation. But, we should be able to do something which will make it easier to meet the demands which are made upon us as a legislative body.

Mr. FULBRIGHT. During the years to which the Senator has referred, was criticism of the Senate as common as it is today? Were both bodies of the Congress then made the object of derision, such as is the case today? What is the cause of our present difficulties?

Mr. WHITE. It is pretty hard for me to separate cause from effect. I know what has taken place. The Congress of today is performing a volume of work which it was never designed to perform but which it cannot avoid. No Senator or Representative would suggest that he does not wish to hear from his constituents, or go to this department and that department and spend a half a day in trying to straighten out some matter for a constituent. We all express eagerness and pleasure in undertaking such tasks. But, in many instances, those duties are performed at the cost of the performance of our legislative functions. We do not have adequate opportunity to attend meetings of committees, hear, discuss, and read the hearings, and we do not have an opportunity, except at the cost of neglect of other demands which are being made upon our time, to be on the floor of the Senate and participate in debate.

I do not believe that if the proposed legislation shall be enacted it will become the immutable law of this country. It is experimental in character. It represents the best judgment of the joint committee with reference to how to proceed to solve some of the problems and improve some of the conditions which we now confront. I presume there will be a period of trial and error. Many mistakes will be disclosed. Opportunities will be afforded for improvement. As times goes on, the Congress will meet those challenges. But now this bill is before us, and I give it as my opinion, for whatever it may be worth, that it will be a tragic day for the Senate unless we pass the pending bill substantially in its present form.

Mr. FULBRIGHT. I agree with the Senator entirely.

Mr. LA FOLLETTE. Mr. President——

The PRESIDENT pro tempore. The junior Senator from Tennessee was recognized to suggest the absence of a quorum, and by unanimous consent that was interrupted while the Senator from Maine [Mr. WHITE] addressed the Senate. The Senator from Wisconsin is recognized.

Mr. STEWART. Would it not be well to make the point of no quorum before the Senator starts?

Mr. LA FOLLETTE. No; I should prefer to make my statement first, if the Senator is willing to withhold his suggestion.

Mr. STEWART. Very well.

Mr. LA FOLLETTE. Mr. President, I did not wish to interrupt the senior Senator from Louisiana [Mr. OVERTON] in his discussion of the bill, but before I start to answer him, I wish to say that I deeply appreciate what the Senator from Maine, the able minority leader, has said about the efforts which he and other members of the committee have made after more than a year of study. I feel very definitely that what he has said to the Senate is true.

I do wish to put in the RECORD a few statements in response to the criticisms which came from the Senator from Louisiana.

Mr. STEWART. Will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. STEWART. Inasmuch as the Senator from Wisconsin is about to reply to the Senator from Louisiana, does not the Senator think the Senator from Louisiana should be present?

Mr. LA FOLLETTE. I deferred to the Senator from Louisiana and did not engage in a long argument with him or try to have a colloquy with him because he informed me that he wished to go to a meeting of the Committee on Appropriations, and he left with the statement, when the Senator from Maine rose, that he was sorry he could not be present to hear the comments of the Senator from Maine because he had to go to the meeting of the Committee on Appropriations.

I assure the Senator from Tennessee that I never have made and never intend to make any statement to which any Senator could object, but I do not want the record to be left unanswered from my standpoint with respect to certain criticisms which the Senator from Louisiana made of the report of the committee and of the bill.

Mr. President, I stated in opening the debate on the bill, when it was first taken up, that I regarded the reorganization of the committee structure of the Senate as the keystone of the arch of the whole plan. The Senator from Louisiana said that no practical good would be accomplished, because there would merely be more subcommittees if we succeeded in doing away with a number of the standing committees. Of course, the joint committee, in the thorough study it made of the proposal, recognized that in reorganizing and consolidating the committees we would not reduce the work load, with the exception of eliminating what we propose to get rid of, private claims, bridge bills, and matters of that kind. It seemed clear to the committee, after careful study, that the conflict in committee meetings, as between the standing committees of the Senate, has now reached the point where every Senator, if he is frank, will have to admit that attendance on committees has shrunken to a point where most of the important business of the committees is often carried on by the utilization of proxies, and it is impossible to have continuity of attendance of Senators at hearings before committees. Thus it is necessary to go over and over the same ground, because members leave a committee to go to some other committee while a particular subject matter is threshed out and finally concluded, then they return later, and ask to have the matter gone all over again.

Our committee had no way of estimating the total number of man days lost by that process, but I venture the statement that if the system now proposed had been in effect during the present session of Congress, we would not now be in the log jam in which we now find ourselves, with so much important legislation backed up for our consideration, due solely to the loss of time caused by the repetition of testimony before committees because of the fact that Senators serving on so many committees cannot give continuous attention to any one of them.

Mr. President, the same loss of time occurs after the hearings are ended, and after committees go into executive session, because the conflict of meetings of standing committees prevents Senators, even when important legislation is being considered in committees, from giving continuous attendance. They have to keep darting back and forth between important committees which are meeting simultaneously, and as a result there is repetition of argument, there is reconsideration, there is delay, and ultimately there is the use of proxies of members who may not have heard the arguments at all.

Mr. DONNELL. Mr. President, will the Senator yield for an inquiry?

Mr. LA FOLLETTE. I yield.

Mr. DONNELL. Will the Senator be kind enough to express himself as to his observation respecting the use of proxies, the question of the wisdom of it, and the question of the wholesomeness of it?

Mr. LA FOLLETTE. I have discussed that at great length with the Senator from Missouri in the Committee on Education and Labor. I am inclined to agree with the contention of the Senator from Maine about proxies and principals. But I do not personally believe—and I am waiving now the constitutional argument—that the practice is abused of a Senator giving his proxy to another Senator, if he is fully aware of all the arguments pro and con, knows specifically what is coming up, and, therefore, wishes to register his vote. I do not substantially object to that practice, although I say it has grown to the point where it is very unfortunate even in the circumstances mentioned. It is very disheartening, and helps to reduce the morale of men who serve on committees, if a Senator is present himself and makes what he thinks is a cogent and appealing argument to his colleagues who are in attendance, and then the vote is called for, and suddenly a Member reaches into his pocket and pulls out five or six proxies and proceeds to vote them, and the Senator who has made the argument knows that the Senators whose proxies are being exercised have never heard the able argument which he feels in his heart he has made for his position on a particular matter.

I wish I did have to present to the Senate an accurate account of the senatorial man-days lost because of the multiplicity of committees upon which Sena-

tors now serve, not only because matters have to be thrashed out over and over again in the hearings but because they have to be thrashed over and over again in executive session, because Senators now are not able to be present long enough to follow any legislative measure through the process of executive consideration with any continuity.

Mr. FULBRIGHT. Mr. President, will the Senator from Wisconsin yield?

Mr. LA FOLLETTE. I yield.

Mr. FULBRIGHT. Does not that also have its result here on the Senate floor?

Mr. LA FOLLETTE. Precisely.

Mr. FULBRIGHT. And is that not why we do not have the attendance, and have a repetition here on the floor of arguments and loss of time, resulting from the same cause?

Mr. LA FOLLETTE. It certainly does result from the same cause. I have been over so much of the ground, and have thrashed over so much of the wheat and the straw concerning the pending measure, that I feel that I should not longer occupy the time of the Senate. But, for whatever it may be worth, I do not want the RECORD to appear without containing evidence that there is reason and logic and study behind the proposal unanimously recommended by the Joint Committee on Organization of the Congress, unanimously recommended by the Special Committee of the Senate on the Organization of the Congress, and contained in the pending bill.

Mr. President, I submit that it will be clear to anyone who stops long enough to think about it, and whose mind is not closed on the subject of the organization of the Senate, that, if we reduce the large number of standing committees, and make it impossible for any Senator to serve on more than two committees, thus cutting down the opportunity for them to serve on as many as they serve on now, the inevitable result—I do not say it will usher in the millenium—will be to improve the situation, because Senators will serve on only two committees, and where there are cross references of membership between two of the regular standing committees, it will be very much easier for two chairmen to coordinate the activities of their committees than is possible now, if they make any effort in that direction at all, as most of them do not, that is, to arrange the schedules and the activities of the committees upon which Senators find cross references of membership in such a manner as to bring about synchronization of their activities.

It is true that there will be subcommittees. Of course there will be if the committee structure is reorganized. But I submit that there will be very much better coordination of subcommittee activity, there will be very much better opportunity to organize the work of the subcommittees of the fewer standing committees, than there is today, when Senators serving on a multiplicity of committees, some of them serving on as many as ten committees, are constantly confronted with subcommittees of all the committees upon which they now serve. So I say, Mr. President, that it is a matter of sheer logic that if we reduce the number of Senate committees to 15, and if we reduce the number of committees upon which Senators may serve to two, and if we organize the subcommittees vertically within the new system, then it will be possible to bring some order out of the chaos which now prevails so far as the committee structure of this body is concerned until it threatens the existence of representative government in the United States.

Mr. President, I knew before we ever made any recommendation, that some Senators would look with regret upon the disappearance from the legislative scene of their most cherished committees. I knew that would happen; but I had hoped that the chaotic committee situation which prevails today had reached such a point that at least a majority of this body would understand that it was necessary to sacrifice some committees in order to bring some order out of the confusion.

Mr. President, I do not claim we have done a perfect job. It is the product of human beings, not of some omnipotent person, but I claim that there is logic and there is reason behind it, and behind it there is the thought and study and effort of men who have worked for more than a year.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield to the Senator from Florida.

Mr. PEPPER. Has not the able Senator from Wisconsin, who has done such a magnificent job in producing this proposed legislation, emphasized repeatedly that in respect to it, as in respect to most other matters in life, we cannot have our cake and eat it too? The bill gives greater consideration to Senators personally than any other legislation which has been recommended in many decades, if not in the whole history of the Senate. The bill carries a salary increase from $10,000 to $15,000 a year for each Senator. It carries a retirement system which will permit each Senator to provide for his old age or for the time when he might not be a Senator. It also provides an $8,000-a-year executive assistant in every Senator's office and in every Representative's office. It provides a stenographic pool upon which a Senator may draw for stenographic aid, instead of, as some of us are doing right now, paying as much as $2,000 a year out of our private means or pockets in order to provide clerical assistance in our offices. Committee staffs are increased. So a great deal is being done in the bill, is there not, I will ask the able Senator, for the betterment of a Senator's situation?

As the Senator has repeatedly said, if we are not willing to make some sacrifices to show that we are sincere in trying to improve the public service, it looks as though we are willing to accept the advantageous provisions of the bill but are not willing to submit to some of its other provisions which exact sacrifices from us.

Mr. LA FOLLETTE. Mr. President, I will state in response to the statement made by the Senator from Florida, that much as I realize that the present compensation of Members of Congress, which has not been increased since 1925, is inadequate, so far as I am personally concerned, unless the Senate is willing to do something to demonstrate to the country that it proposes to reorganize its structure and to make itself a more efficient body, and to put itself in a position where it can more efficiently transact the public business, I shall not favor increases of salaries or expense accounts. That is one reason I wanted it wrapped up in one package. If it has the courage to reorganize itself and make itself more efficient, I think the country would support the Congress in providing for its Members an adequate salary, or, at least, a salary upon which men and their families may live modestly and in decency, and in providing a contributory retirement system.

Mr. President, what were the principles that lay back of the committee reorganization plan proposed in this measure? Insofar as making a move in the direction of remedying the chaotic committee situation, overlapping jurisdictions and multiplicity of memberships and conflicts of meetings and the use of proxies is concerned, after having come to the conclusion that something had to be done on that subject in order to save representative Government in America, in the end what principles guided the committee in its work in trying to propose committee reorganization? First, insofar as practical to have the reorganized committees to be opposite numbers to the departments and principal agencies of the Federal Government. That could not be achieved in every instance, but it is the thread which runs through the proposed committee reorganization, in an effort to provide a continuity and breadth of relationship between the legislative committees and the departments and agencies of Government so that they might work closer together, and so that there might be committee oversight or watchfulness over the exercise of the delegated powers conferred upon them by the Congress.

The second principle was in that process to gather together in the jurisdiction of the reorganized committees the principal and related subject matters of their respective areas of jurisdiction, in order that Senators might become familiar with those subjects, in order that they might become better informed, and in order that those who did so become informed through service would bring the light of their experience and information to bear, insofar as possible, upon all matters of a similar nature. That thread runs all the way through this reorganization proposal.

The Senator from Louisiana said something about the Appropriations Committee having competing or conflicting subcommittees. I know that to be true, and I know the cause of it, as does every other Senator. It is because the House of Representatives, without any criticism of that body, finds it impossible to send most of the appropriation bills to the Senate until the end of the fiscal year approaches.

As a result a great log jam piles up in the Appropriations Committee, and in order for the committee to transact its business, its subcommittees have to work simultaneously. The chairman of the committee has reported today four or five—I am not sure of the exact number—large appropriation bills. But, Mr. President, we felt that even so far as the Appropriations Committee was concerned we could improve the situation if we reorganized the committee structure and cut down the service of Senators to two standing committees. We could improve the situation so far as the hard-worked Senators on the Appropriations Committee are concerned by giving them more time to devote to the work of the Appropriations Committee.

There has been complaint, Mr. President, that the bill does not provide a sufficient number of members for the Appropriations Committee. I wish to say that, so far as I am personally concerned, there was no magic in the number which we recommended for any committee. However, I submit that in general—perhaps not with regard to the Appropriations Committee—if we reduce the number of Senators upon committees the result will be better attendance. In the town-meeting-sized committees the tendency always is, if Senators are busy and harassed—and which one is not today—for them to think, "If I cannot get to that committee there are so many other Senators that they will surely be able to get a quorum." Today there is diffuse responsibility on most committees because of the large number of Senators who serve upon them.

I wish once more to discuss the question of oversight. The Senator from Louisiana stated that we were loading upon committees new responsibilities. Mr. President, this may be the first time that the responsibility of standing committees has ever been spelled out; but I say that it is their inherent responsibility today, and has been in the past, if they report legislation which grants to the executive branch of the Government and its agencies the power to issue rules and regulations and create administrative law, to ascertain the manner in which such delegation of legislative power is being exercised, and, so far as possible, if it is not being exercised in conformity with the intent of Congress, to recommend corrective legislation. How else can we justify committees reporting such legislation unless they discharge their responsibility to the people by seeing that steps are taken from a legislative standpoint to correct administrative abuse of delegated power, if it occurs?

The Senator from Louisiana made reference to the proposal in the bill that the appropriating and revenue committees of the Congress should meet early in the session and make an estimate of the revenue and expenses, and adopt a congressional budget, so to speak. I have served on the Committee on Finance for many years. It certainly must be clear to any Member of Congress who has served on any of the revenue-raising committees that so far as they are concerned—and they are charged with the responsibility of raising revenue to meet the expenditures—with the few exceptions of the legislative jurisdiction which they have, they have no opportunity to play any part whatsoever in the process of expenditure of money except as they are individually Members of the House or the Senate.

So I say, Mr. President, that I believe this proposal is a great step forward, and I believe that it will be of benefit in connection with whatever action may be taken by the Committee on the Economic Report provided for in the Employment Act of 1946, for it provides for committees of Congress which will have direct responsibility to consider and act upon that report, instead of the diffuse provision which exists in the law as it stands today, that it shall be brought to the attention of "the appropriate standing committees." Mr. President, truckloads of reports are filed in that manner, and action is never taken.

When we proposed to bring some order out of chaos in the employment situation in the Congress, and when we went so far as to recommend that that Service should be placed upon a merit basis, that employees should have tenure and retirement, and that there should be classification in order that the persons employed might have equal pay for equal work—in other words, when we proposed to strike down the patronage system on Capitol Hill—I knew we would encounter a great deal of opposition. But, Mr. President, I did not see, and I do not now see, how we could be justified in proposing to increase our salaries, enjoy the benefits of retirement, have an administrative assistant at $8,000 a year and provide committees with increased staffs, and at the same time perpetuate a situation so far as employment is concerned which is not only unjust to the employees themselves, but is likewise inevitably producing such a situation that great discrimination exists as between employees.

Mr. President, there is pending an amendment which I offered. I understand that the Senator from Kentucky [Mr. BARKLEY] desires to propose an alternative to that amendment.

Mr. BARKLEY. Mr. President, there has been considerable discussion about the provisions of the bill on pages 45 and 46 with reference to section 208 (a), which provides that—

> If on or before December 31 in any fiscal year and after the resolution specified in section 130 (b) of title I of this act has been agreed to by both Houses, the President is of the opinion that the aggregate amount of expenditures for such fiscal year will exceed the receipts in an amount greater than the excess specified in such resolution, the President shall so proclaim; and on the date of such proclamation all appropriations (except permanent appropriations and appropriations for serving the public debt, for veterans' pensions and benefits, and to trust funds) shall be reduced by a uniform percentage—

And so forth. I wonder whether the Senator would be willing to accept two or three amendments to the language on page 46, namely: In line 2, to strike out "all" and insert "such", and after "appropriations" to insert "as the President may specify"; in line 5, to strike out "a uniform percentage" and insert "such amounts"; and in line 6, to strike out "which" and insert "as", so as to read:

> And on the date of such proclamation such proclamation such appropriations as the President may specify * * * shall be reduced by such amounts (to be fixed by the President and included in such proclamation) as will reduce the aggregate amount of the funds appropriated for such fiscal year in an amount equal to the difference between the excess proclaimed by the President and the excess specified in such resolution.

It would allow more flexibility in the effect of the President's proclamation, and it would not require uniform reductions, but would permit such reductions as he might specify, which might not have to be uniform in all appropriations.

Mr. LA FOLLETTE. If the Senator thinks that that is a better solution than the amendment which I offered in an effort to meet the suggestion of the Bureau of the Budget, I am perfectly willing to withdraw my amendment.

Mr. BARKLEY. After discussing the question with other Senators, I feel that this probably is better.

Mr. LA FOLLETTE. I withdraw my amendment, so that the Senator may offer his.

Mr. BARKLEY. Mr. President, I offer the amendment which I have suggested.

The PRESIDENT pro tempore. The amendment offered by the Senator from Kentucky will be stated.

The CHIEF CLERK. On page 46, line 2, it is proposed to strike out "all" and insert "such"; in the same line, after "appropriations", it is proposed to insert "as the President may specify"; in line 5 it is proposed to strike out "a uniform percentage" and insert "such amounts"; and in line 6 it is proposed to strike out "which" and insert "as."

The PRESIDENT pro tempore. Does the Senator from Wisconsin accept the amendment?

Mr. LA FOLLETTE. I stated that if the Senator from Kentucky felt that that was a better way of meeting the suggestion of the Bureau of the Budget I was willing to withdraw my amendment and would support the amendment offered by the Senator from Kentucky.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Kentucky [Mr. BARKLEY].

The amendment was agreed to.

Mr. BARKLEY. I thank the Senator from Wisconsin.

Mr. JOHNSTON of South Carolina. I suggest the absence of a quorum.

Mr. LA FOLLETTE. Mr. President, will the Senator from South Carolina withhold the suggestion of the absence of a quorum so that I may submit a unanimous-consent request for printing the bill with the amendments which have been agreed to?

Mr. JOHNSTON of South Carolina. Certainly.

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent that the bill may be reprinted in such manner as to show the amendments which have thus far been agreed to.

Mr. McCLELLAN. Mr. President, does the Senator mean such amendments as shall have been agreed to at the conclusion of today's session?

Mr. LA FOLLETTE. Yes. I ask that the bill be reprinted showing the amendments which shall have been agreed to at the conclusion of today's session. I think it would be helpful to Senators.

Mr. McCLELLAN. It will be very helpful, because it has been difficult to follow all the amendments.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wisconsin? The Chair hears none, and it is so ordered.

Mr. LA FOLLETTE. Mr. President, I desire to submit another unanimous-consent request.

The PRESIDENT pro tempore. Does the Senator from South Carolina yield for that purpose?

Mr. JOHNSTON of South Carolina. I yield for that purpose.

Mr. LA FOLLETTE. I ask unanimous consent that one amendment which was adopted at my suggestion, and which had to do with certain directions to the Director of Personnel to cooperate with the committees be stricken from the bill, because it is no longer logical in view of the amendments offered by the Senator from Colorado [Mr. JOHNSON].

Mr. McCLELLAN. Mr. President, will the Senator point out where that provision is?

Mr. LA FOLLETTE. I shall have to look at the desk copy.

Mr. JOHNSTON of South Carolina. Mr. President, I hope the provision will be pointed out so that we may read it over the week end and know what we are going to vote on on Monday.

Mr. LA FOLLETTE. It is an amendment on page 42, in line 8, reading as follows:

(h) In recommending and certifying professional staff members to the respective committees as provided in this section, the Director of Congressional Personnel shall consult and cooperate with each committee to the fullest extent.

Mr. President, in view of the adoption of the Johnson amendment, the amendment I have just read no longer has any proper place in the bill. Therefore I ask unanimous consent that the vote by which the amendment was adopted be reconsidered.

The PRESIDENT pro tempore. Unanimous consent is requested that the Senate reconsider the vote by which the amendment was adopted. Without objection, the vote is reconsidered, and the amendment is before the Senate.

The question now is on agreeing to the amendment.

The amendment was rejected.

Mr. SALTONSTALL. Mr. President, will the Senator from South Carolina yield to me, to permit me to ask a question?

Mr. JOHNSTON of South Carolina. I yield for that purpose.

Mr. SALTONSTALL. I should like to ask the Senator from Wisconsin if there will be any objection to offering at this time an amendment to which I believe there is no objection. It applies to the language on page 26 of the bill regarding the recessing of Congress. The Senator has drafted the amendment.

Mr. LA FOLLETTE. It is up to the Senator from South Carolina to determine whether he will yield for that purpose.

The PRESIDENT pro tempore. The Senator from South Carolina has the floor.

Mr. SALTONSTALL. Mr. President, will the Senator from South Carolina at least yield so as to allow me to offer the amendment, to which I believe there is no objection? If he does and if there is no objection, the amendment can be adopted and printed in the bill, and that will be helpful to the Members of the Senate.

Mr. JOHNSTON of South Carolina. The Senator from South Carolina would like to have every amendment which is to be voted on printed. If not, I shall vote against the bill. That is why I wish to have the bill go over until Monday; and I think several other Senators who now are present, as well as several who are absent at this time, concur in the position I take on this matter.

Mr. SALTONSTALL. This amendment has not yet been adopted or offered. It was discussed yesterday, and was drafted during the evening. I believe it is in a form which is satisfactory to the Senator from Wisconsin, and I should like to offer it at this time.

Mr. JOHNSTON of South Carolina. I have no objection.

Mr. LA FOLLETTE. Mr. President, does the Senator have the amendment before him?

Mr. SALTONSTALL. I do.

Mr. President, I offer an amendment to section 123 (a), on page 26, and I send it to the desk and ask that it be stated.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 26, in lines 9 to 17, it is proposed to strike out all of subsection (a) of section 123, and to insert in lieu thereof the following:

(a) Except in time of war or during a national emergency proclaimed by the President, the two Houses shall adjourn not later than the last day (Sundays excepted) in the month of July in each year and shall stand adjourned sine die or until 12 o'clock meridian on the third day (Sundays excepted) after Members are notified to reassemble in accordance with subsection (c) of this section.

Mr. SALTONSTALL. Mr. President, let me state what the amendment would accomplish. In section 123 (a), on page 26, there is now a provision that the Congress shall stand adjourned from the last day of June until the second Tuesday in October. This amendment would simply strike out the reference to the second Tuesday in October and would permit the Congress to stay in session until the last of July and then adjourn sine die until the following January, unless called together for an emergency. I understand that the amendment is acceptable to the Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, I have considered this matter since the Senator from Ohio and the Senator from Massachusetts raised it. I see no substantial objection to it, and so far as I am able to do so I am willing to accept it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Massachusetts [Mr. SALTONSTALL].

Mr. McCLELLAN. Mr. President, may I ask a question of the Senator?

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Arkansas?

Mr. JOHNSTON of South Carolina. I yield for a question.

Mr. McCLELLAN. I wish to ask a question.

As I understand the amendment, it would have the Congress continue in session until the last day of July.

Mr. LA FOLLETTE. The Congress would have to adjourn not later than that. It could adjourn sooner.

Mr. McCLELLAN. That is what I understand.

Mr. LA FOLLETTE. Yes.

Mr. McCLELLAN. In other words, the amendment would move the time of adjournment from the end of June until the last day of July.

Mr. SALTONSTALL. Yes; and it would eliminate the October sessions.

Mr. McCLELLAN. Yes; unless the Congress was called back by the President.

Mr. SALTONSTALL. That is correct.

Mr. McCLELLAN. Or unless Congress was called back by the majority leadership, as provided in subsection (c).

Mr. SALTONSTALL. That is correct.

Mr. THOMAS of Utah. Mr. Presdent, let me inquire whether the amendment of the Senator from Massachusetts has been agreed to.

The PRESIDENT pro tempore. It is still pending.

The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment was agreed to.

Mr. HILL. Mr. President, will the Senator from South Carolina yield to me, to permit me to offer what I believe to be a noncontroversial amendment? I do not think it will take more than a minute to consider and adopt it.

Mr. JOHNSTON of South Carolina. I yield.

Mr. HILL. I offer the amendment which I send to the desk and ask to have stated.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 69, after line 21, it is proposed to add the following:

(e) Any claim arising from the activities of the Tennessee Valley Authority.

The PRESIDENT pro tempore. The Chair would prefer that that amendment go over until we have time to consider it thoroughly.

Mr. HILL. Certainly.

I ask that the amendment lie on the table and be printed.

Mr. BARKLEY. Mr. President, will the Senator yield to me, to permit me to present an amendment which I have submitted to the Senator from Wisconsin?

Mr. JOHNSTON of South Carolina. I yield.

Mr. BARKLEY. I hesitate to offer an amendment which would take any employees around the Capitol, especially

those who are not employees of committees, out from under the provisions of the bill; but I think we all understand that the Disbursing Office of the Senate, which is operated under the general jurisdiction of the Secretary of the Senate, is not a patronage job. We all know that Mr. Pace was Disbursing Officer for so many years that no one could count them; and when he passed away, Mr. Thompson automatically became, under the Secretary of the Senate, the Disbursing Officer. The job is not a patronage job. None of us has anything to do with it, and none of the jobs of the employees in his office are patronage jobs. None of us has anything to do with them.

The Disbursing Officer handles a very large sum of money, and he must employ persons in whom he has confidence. They do not change with the change in party control of the Congress or of the Senate, but they continue in those jobs. Mr. Pace was the Disbursing Officer here under secretaries of both parties, and I am satisfied that the same will apply to Mr. Thompson. Inasmuch as he is charged with the responsibility of handling the disbursements of the Senate, not only for the payment of the salaries of everyone, but also for the contingent fund, it seems to me that he is in a somewhat different class from policemen and elevator boys and others who are on the general patronage list.

I am extremely sympathetic with the effort to relieve Senators of the pestiferous job-seeking system to which all of us are now subject, and by which the proposed patronage is divided among Senators, so that I have the right to appoint an elevator boy and another Senator has the right to appoint a page, and so forth. None of that takes place with respect to the Disbursing Office.

Therefore, it seems to me that if there is any reason at all to remove any class or group of employees from the jurisdiction of the Director of Personnel, it is in the case of the management of the disbursing office. Consequently, much as I hate to break into the jurisdiction of that matter, I do think that the Disbursing Office should be eliminated from that jurisdiction.

Mr. JOHNSTON of South Carolina. Mr. President, all these amendments are being offered, and I think at least a quorum should be present.

Mr. BARKLEY. I do not think this amendment will occasion any controversy, and I thank the Senator from Wisconsin——

Mr. JOHNSTON of South Carolina. I do not know about that. That is a question for each Senator to decide for himself. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Andrews	Downey	Hill
Ball	Ferguson	Hoey
Barkley	Fulbright	Johnson, Colo.
Bridges	George	Johnston, S. C.
Burch	Green	La Follette
Capehart	Guffey	McClellan
Capper	Gurney	McKellar
Cordon	Hayden	McMahon
Donnell	Hickenlooper	Maybank
Millikin	Robertson	Walsh
Moore	Saltonstall	White
Murdock	Thomas, Okla.	Wiley
Overton	Thomas, Utah	Wilson
Pepper	Vandenberg	

The PRESIDENT pro tempore. Forty-one Senators having answered to their names, there is not a quorum present. The clerk will call the names of the absent Senators.

The Chief Clerk called the names of the absent Senators, and Mr. MCCARRAN and Mr. RUSSELL answered to their names when called.

The PRESIDENT pro tempore. Forty-three Senators having answered to their names, there is not a quorum present.

Mr. LA FOLLETTE. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. LA FOLLETTE. Have not the names of the absent Senators been called?

The PRESIDENT pro tempore. They have been called.

Mr. LA FOLLETTE. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. CONNALLY, Mr. HUFFMAN, Mr. KNOWLAND, Mr. MAGNUSON, Mr. STEWART, and Mr. WHERRY entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Forty-nine Senators having answered to their names, a quorum is present.

Mr. BARKLEY. Mr. President, I had offered an amendment when the point of no quorum was made.

The PRESIDENT pro tempore. The clerk will state the amendment.

The CHIEF CLERK. On page 37, line 25, it is proposed to strike out the period and insert a comma and the words "or to the management or personnel of the Senate Disbursing Office."

Mr. BARKLEY. Mr. President, I had already stated what I cared to say about the amendment. It merely exempts the Senate Disbursing Office and the personnel and management of the Disbursing Office from the provisions of the bill with reference to appointment and certification by the Director of Personnel.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Kentucky.

Mr. LA FOLLETTE. Mr. President, I cannot accept this amendment. I feel that if every group of employees in the Congress is coming in for exemption we might as well do away with our effort to bring about any reclassification or any tenure or retirement for persons in the service of the Congress.

I think the apprehension which has been expressed by Senators, and which the employees of the Capitol have been lobbying about, is entirely unfounded, because all that any Personnel Director would seek to do, if he was worth his salt, would be to provide the type of personnel which would be satisfactory for the service to be rendered. When any agency installs a personnel system it does not result in examinations, or anything of the kind.

Therefore, Mr. President, I cannot accept the amendment.

Mr. BARKLEY. Mr. President, if I may say another word about the amendment, I hesitated to offer it, as I explained when I presented it, because I am just as anxious to relieve Senators of the burden of petty appointments around the Capitol as anyone in either House could possibly be. But the Disbursing Officer of the Senate handles millions of dollars every year; he pays all the salaries of Senators and officials and employees of the Senate; he handles the contingent fund; and he has a personnel which he has built up, which is not subject to change. We have nothing to do with it. We do not recommend anyone to him, and he is not subject to our control. We did not appoint him. His office operates under the office of the Secretary of the Senate, and it has occurred to me that if there is any office under the Senate program or control where the personnel and everyone employed should be responsible to the head of the office it is the office of the man who is responsible for the handling of all the money we appropriate for the Senate end of the Capitol.

If the office were subject to patronage changes, if it were subject to change when the control of the Senate or of the administration changed, I would not have offered the amendment, but, as I have stated, the man who is now the Disbursing Officer I have known since I have been in the Senate. The man who preceded him had been Disbursing Officer for a long time, and held that office until he died.

It seems to me we are not endangering by the amendment the program which is outlined in the bill, which I support, because I am going to vote for the bill, and I hope it will be passed. There are some things in it I might change, some things in it I might prefer to have different, but we have to make a start, and we will never make a start until one House or the other passes a bill.

The bill now pending will have to go to the House of Representatives. While there was a joint committee, a bill on the subject has not even been introduced in the House, I understand. I do not think the House members of the joint committee were constituted into a special committee to handle the legislation. I do not know to what committee the bill will go in the House, but obviously the House committee, whatever it may be, will go through the bill with a fine-tooth comb, and consider every section and every subsection and every provision in it. It may hold hearings on the bill, probably should do so, but that is entirely up to the House committee. We are not going to get started, however, toward any reform in the congressional procedure or modernization, unless one House or the other passes a bill and sends it to the other House.

For these reasons I am for the bill, and shall vote for it, even with what may be regarded as its imperfections, because I think we must make a start. The country expects us to do so. The whole

country has approved our effort during the past year to bring the legislative process more up to date, and to remove from it the petty annoyances which distract all of us from our legislative duties.

The Senator from Maine a while ago made a very constructive argument in behalf of the pending legislation. He referred to some of his personal experiences back 45 years ago. If I could remember that far back I might be able to enlighten the Senate with respect to some of my experiences. In connection with what has been said concerning how the whole structure of government has changed, and what a change there has been in the problems that government must deal with, let me ask, How much time do we have for other things when we have devoted the time which is necessary for us to make a study of legislation dealing with the problems of government? How many of us in the Senate of the United States have time to engage in much general reading outside of the reports of committees and hearings before committees? We must familiarize ourselves with them. Every now and then I go down town to a book store and lay in a supply of new books, half a dozen at a time, and I take them home with me and say "I am going to read these books." I put them on my book shelf. Then I go into my library and there is a report from the committee dealing with rivers and harbors, or a report from the Committee on Commerce, or a report from the Committee on Appropriations, or from the Committee on Banking and Currency which I must read. And there is a bill that I must read. And here are the hearings before committees, volumes of them, that I must read.

Six months roll around, and I go down town again and buy a half dozen more books, and take them home, and I swear I am going to read them. But they take their places along with the other six that I bought 6 months before, and there they are. How many Senators have time for such reading? None of us has any time for it. It is regrettable, but it is the truth.

I remember the first time I went to Lexington, Ky., the home of Henry Clay. He had a magnificent home there, with 1,200 or 1,500 acres in beautiful blue grass. He had a magnificent mansion which still stands there, and it was known as Ashland. Ashland was the name of his home. I was taken out in the backyard under a grove of trees, and was shown a little depression which represented a path that Henry Clay had made with his feet as he walked back and forth during the recesses of Congress, with his arms folded behind him, preparing for the speeches which he would later make when Congress reassembled the following December, 6 months later. As I now remember that depression, which is grown over with grass in the back of the mansion, where Henry Clay walked and framed in his mind the marvelous speeches which he later made in Congress, I ask myself, how many Senators now would have the time to fold their arms behind them, march back and forth under a grove of trees, and prepare speeches which they would make in the Senate next January? It would be a wonderful thing if we could do that, but it simply cannot be done. But, Mr. President, whatever we can do to simplify our work and to relieve ourselves of some of the drudgery—and much of what we must do is drudgery—we should do so as to be able to give more attention to our larger duties in the Senate.

So, Mr. President, whatever imperfections the bill contains, whatever rough edges may be found in it, which I think can be smoothed out by consideration of them in both Houses of Congress, and by committees, and in the hope that it may be done and that the situation may be improved, I am going to vote for the bill, and I hope that we may obtain a vote upon it if not today, then early Monday, before we have to take up other legislation.

Mr. President, I wanted to make that statement while I was on my feet offering the amendment which I have offered, which exempts the disbursing office from the measure, because I do not think there is any need to put the Disbursing Office under a personnel director, for the reasons I have explained.

Mr. McCLELLAN. Mr. President——

The PRESIDING OFFICER (Mr. HOEY in the chair). Does the Senator from Kentucky yield to the Senator from Arkansas?

Mr. BARKLEY. I yield.

Mr. McCLELLAN. I am very much in sympathy with the Senator's position, particularly with respect to the disbursing office. I understand that the purpose of the legislation is to remove some of the burdens from Senators in order to enable them to give more time to matters of legislation.

Mr. BARKLEY. In other words, to try to simplify and streamline our procedure.

Mr. McCLELLAN. I should like to know what is wrong with the way the Disbursing Officer functions now. How will this legislation improve that office? What is there now about that office that can be changed in such a way as to relieve any of us from any duties we now perform, or that will promote greater efficiency in that office than as it is now conducted?

Mr. BARKLEY. I would say that that office and its conduct, and the appointment of its personnel present to us no burden, so far as we are concerned. We have nothing to do with the selection of the personnel. In answer to the Senator's question: What is wrong with the operation of the office? I do not think there is anything wrong with it. I think it is operated very efficiently.

Mr. McCLELLAN. That is just the point I want to make, if the Senator will yield further. Why are we spending time in trying to deal with such matters? Why are we spending time in trying to legislate and make changes when there is no need for certain changes, when no purpose will be served by making the changes, either by way of promoting economy or efficiency or lightening the burdens of any Senator?

Mr. BARKLEY. I think it is fair to say that in dealing with the question of personnel around the Capitol the committee were seeking to deal with all the personnel and to deal with the personnel in a uniform way. They not only were compelled to deal with the personnel at this end of the Capitol, but they were compelled to deal with it at the other end of the Capitol, where other problems exist which may be more complicated than ours. Representatives of the other branch of the Legislature appeared before the joint committee and recommended many of these changes. But the committee itself in dealing with the entire personnel I am sure did not feel that it would be consistent with itself and its report if it exempted one or more offices, notwithstanding they are efficiently operated and that there could be no visible improvement made by the changes which are carried in this bill.

I have taken the responsibility of moving to exempt the Disbursing Officer because I think he is responsible, he is under bond, he disburses a large sum of money, and he certainly ought to pick his assistants from among those whom he trusts for honesty and integrity as well as ability and efficiency. The arguments in behalf of the exemption of that service are to me cogent.

Mr. McCLELLAN. Mr. President, will the Senator again yield?

Mr. BARKLEY. I yield.

Mr. McCLELLAN. I agree with the Senator and I am supporting his amendment. It strikes me that we should not burden the legislation with a provision of this character, which includes within its scope the activities and duties of an agency which is functioning well, and concerning which there can be no complaint, and with respect to which there will be no relief afforded the Senate, or any burden removed from the Senate by the adoption of such a provision.

Mr. BARKLEY. I should like to say that, assuming we are correct, and I think we are correct in the assumption, that this particular office is operated as efficiently and economically as any office could be operated, and as efficiently as it could be operated under the provisions of the pending bill. I do not think that is an argument that all other offices, that all the other appointments and all the other personnel and the manner of their selection should be considered in the same light as the Disbursing Office.

Mr. McCLELLAN. I do not raise the question respecting others. I am supporting the Senator's amendment, which I think is quite proper.

Mr. BARKLEY. I think the committee justifiably felt that it had to deal with all alike. It is up to the House and the Senate to make such changes as they see fit.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. PEPPER. The able Senator from Kentucky has already indicated the principle, I am sure, that actuated the distinguished Senator from Wisconsin in saying that he did not feel he could acquiesce in the amendment. He felt that there should be a uniformity of policy with respect to the employees of the Senate and the House. The only change, as I recall, so far made in the Senate was

made by the amendment offered by the Senator from New York [Mr. MEAD] with respect to the employees of the Architect of the Capitol, and I understood that they were already under some kind of civil-service regulation.

Mr. BARKLEY. They are not under civil-service rule. They are under the Classification Act.

Mr. PEPPER. I call the attention of the able Senator from Kentucky to the provision on page 37, as follows:

> No person shall be appointed to any office or position under the Senate or the House of Representatives except upon certification by the Director that such person is qualified for such office or position.

Would not that provision give the latitude to the Disbursing Officer that he would need in the selection of his personnel? In other words, he would not have to take any particular individual who was certified to him, but he would be limited in his choice to those who were certified? I wonder if it would not be found that that provision would give to the Disbursing Officer the latitude that he would like to have for the approval of his own personnel.

Mr. BARKLEY. If I thought it would I would not have offered the amendment. That limits the Disbursing Officer to those certified to him by the Personnel Director.

Mr. PEPPER. He can ask for additional certifications if he is not pleased with those which are given to him.

Mr. BARKLEY. Yes. Of course it is conceivable—I do not know whether it might ever happen, and the same argument probably could be made with regard to everyone else who is certified—it is conceivable that the Personnel Director might decide that some of those, for instance, whom Mr. Thompson has in his office now are not sufficiently efficient or trustworthy, and he would not certify them. But the personnel officer is not responsible for the handling of millions of dollars in the office of the Disbursing Officer. The Disbursing Officer is responsible for that, and he is bonded for that purpose, as I understand, under the Secretary of the Senate. It seems to me that his office offers a better field for fixing that responsibility on him than any other division of the employees of either the House or the Senate. The same might apply in the House of Representatives to the Disbursing Officer of that body. The Sergeant at Arms disburses certain funds in the House, and the Clerk of the House disburses certain other funds. The House has a little different arrangement from that in the Senate.

Mr. PEPPER. Does not the Senator think that what the bill does is analogous to what is done in the administrative agencies, for example, in the Treasury? As I understand, at the present time the office of Treasurer of the United States, which certainly handles many fiscal matters, the Bureau of the Budget, the Office of Comptroller of the Currency, and other offices are on a similar basis. Their personnel must come through the civil-service system. All appointments must be made from groups approved by the Civil Service Commission. I do not see any reason in principle why the Disbursing Officer of the Senate should be in any different situation.

Mr. BARKLEY. There is probably an analogy. Employees in all the departments are under civil service. They are required to take a civil-service examination and be certified. The three highest on the list are eligible, and the appointing power may select any one of the three. Under the terms of the bill appointees are not required to take a civil-service examination or any other kind of examination. They are certified as being efficient. The Personnel Director might establish a standard of his own by which he would be guided in certifying to the Disbursing Officer clerks, deputies, and others under him who are to handle funds; but there is no requirement that he should do so. There is a requirement that all the appointees downtown shall be examined by the Civil Service Commission. They must be certified as the result of an examination. Then the appointing authority has the latitude of selecting any one of the three highest on the list.

Mr. McCLELLAN. Mr. President, will the Senator yield for one further question?

Mr. BARKLEY. I yield.

Mr. McCLELLAN. Is it the Senator's interpretation of the provisions of the bill that if it were enacted, immediately the personnel now employed by the Senate, which would come under the jurisdiction of the Personnel Director, would be subject to the classification which the Director might make, and that they could not continue to work until such time as they were certified by the Director?

Mr. BARKLEY. No; I do not so understand the bill; and I think it does not so provide. The bill provides that the Personnel Director shall report a plan to Congress. We have amended the provisions of the bill so as to provide that if that plan is never adopted by the Congress it will never become effective, and things will continue as they now are. After the bill is passed, unless the Personnel Director reports a plan to the Congress and the plan is then adopted, it does not become effective. It would have no effect upon the present methods of employment.

Mr. McCLELLAN. After the bill is enacted and becomes law the Personnel Director will really have no authority to do anything but submit a plan; and until such time as Congress adopts the plan there will be no change in the present situation. Is that correct?

Mr. LA FOLLETTE. Mr. President——

Mr. BARKLEY. I yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. There is still one section which has not been affected by that provision, and that is the section relating to the selection of the Director and the Assistant Director of the Legislative Reference Division of the Library of Congress. Those positions are filled by the Librarian of Congress, who is appointed by the President and whose nomination is confirmed by the Senate. Under this proposal to increase and improve the efficiency of that service, it was the feeling of the committee that the Director and Assistant Director of that division of the Library, designed to serve the Congress, should be appointed on the recommendation and certification of the Director of Congressional Personnel, so that that arm of the Library would really be under the jurisdiction of someone representing the Congress itself. That provision is still in the bill. I simply wished to make that clear. But otherwise, so far as all other employees are concerned, since the adoption of the Johnson amendment, the Director of Personnel would have no power except to prepare a plan and submit it for the consideration of the Congress.

Mr. McCLELLAN. Unless Congress should approve the plan, it would not be effective, and in effect we would have no Director.

Mr. LA FOLLETTE. That is correct.

Mr. CONNALLY. Mr. President, I do not care to consume more than a few moments of the time of the Senate, and I apologize to the Senate for taking any of its time. However, I did not wish to have the bill passed without placing in the RECORD very briefly some of the reasons for my attitude.

I regret very much that I cannot support the bill, although I have the highest regard for the distinguished Senator from Wisconsin, its author.

A little while ago the Senator from Kentucky [Mr. BARKLEY] made a very moving appeal on behalf of the bill. Then he said, "Wait a minute. Here are some jobs in which we must have honest men. Here are some jobs in which we must have men who are loyal. Here are some jobs in which we must have persons who are efficient. Therefore I move to exempt them."

I would like to have all of them efficient. I would like to have all of them honest. I would like to have all of them reliable. I am for the amendment of the Senator from Kentucky, because I believe that the more we exempt from the bill the greater the improvement of the bill.

Mr. President, this bill is so abhorrent to my concept of the duties and responsibilities of the Senate that I simply cannot support it. If the Senate is falling into disrepute in the country—and I believe the Senator from Kentucky stated that the country expected this bill to pass——

Mr. BARKLEY. Mr. President——

Mr. CONNALLY. The country does not know anything about the bill.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. BARKLEY. I did not say that the country expected the bill to pass. I said that the country expects us to make some improvement in the procedure of the Senate, whether through this bill or by some other means.

Mr. CONNALLY. I accept the correction of the Senator. Everyone hopes for improvement in every line. But, of course, the people of the country generally do not know what is in the bill. Even Members of the Senate are not entirely familiar with everything contained in the bill.

The point I am making is that we are discrediting ourselves before the country by telling the country that we have been operating the Senate in such a slipshod way that it must be reformed and streamlined, and we must get some people with sense to tell us what to do—some experts. I have had a great deal of contact with experts. If I am to have one around me, I should like to select him myself. If I have any in my committee, I want to know who they are.

Mr. President, the Constitution of the United States is still written in the book, whether it is very much regarded or not. I am sure that this language has been read a dozen times during the debate:

Each House may determine the rules of its proceedings, punish its Members for disorderly behavior, and, with the concurrence of two-thirds, expel a Member.

There is authority for the Senate to do whatever it wishes to do with respect to its rules. If we need to reduce the number of committees, the Senate can do it. We do not need to ask any personnel director about it. We do not need to ask the House of Representatives about it. We do not need to ask the White House about it. All we have to do is to do it ourselves. If anything is wrong with the procedure in this body, why do we not correct it?

The Senator from Kentucky tells us that the country expects us to improve things. If this is the Senator's plan for improvement, I cannot go along with it. I love to follow him because he is a great leader. He deserves great credit. He makes great speeches, but I cannot follow the Senator on this proposal unless he exempts everyone under it, as he wishes to exempt employees of the Disbursing Office. I agree with him as to the Disbursing Office.

Mr. President, in my judgment, this bill is a repudiation of our responsibility. The responsibility for the conduct of the Senate—its committees, its rules, and its distribution of authority among the committees—is our responsibility, and I will not vote to hand over that responsibility to a personnel director or any other kind of director who will come into this Chamber and tell us what we shall do and what we shall not do. As I understand, that is what the bill provides.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. LA FOLLETTE. I am sure that the Senator would not wish to make any statement about the measure which is not justified by what the committee believes to be the proposal. The Senator has been very busy getting ready for his next trip abroad——

Mr. CONNALLY. Of course, I do not know anything about the subject.

Mr. LA FOLLETTE. I do not know whether the Senator is aware that today an amendment was adopted which provides that the staffs which the bill proposes for committees of the Congress shall be taken out from under the power of the Director of Personnel to make any recommendation. That amendment would give the committees themselves the authority to select the personnel and to discharge them. So the Director of Personnel would have no authority to tell the Senate or the House of Representatives to do anything.

Mr. CONNALLY. Does the Senator regard that as an improvement on the bill?

Mr. LA FOLLETTE. No; I do not regard it as an improvement on the bill.

Mr. CONNALLY. The Senator is urging me to vote for the bill because something in the bill that was offensive has been removed.

Mr. LA FOLLETTE. No; but the Senator made a statement to the effect that we did not need any director to tell the Senate what to do. I simply wish to make it clear that as the bill now stands there is no such provision in it.

Mr. CONNALLY. The bill may not stand very long in that form, because when it goes to the House or to conference it may be changed.

Mr. President, I am protesting against the whole theory that we must hand over to someone else the power to make rules and regulations for the Senate because we have not the ability, the courage, or the sense of responsibility to do it ourselves.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. McKELLAR. I wish to follow the distinguished Senator from Wisconsin——

Mr. CONNALLY. The Senator is free to follow him. I do not propose to follow him.

Mr. McKELLAR. I shall vote against the bill, of course. But I am speaking about the explanation which he has just made. I have been wondering, after reading the bill, what there would be for the Appropriations Committee to do. Under the original scheme it was to be turned over to 44 experts chosen by the Director General——

Mr. BARKLEY. The Director of Personnel.

Mr. McKELLAR. No; I think he has a higher title than that—at any rate, the controller of the Senate, in fact, whatever name may be given him in the bill. I was wondering what would be the function of the Appropriations Committee. I thought every particle of authority and duty which it has would be taken away from the committee, according to the provisions of the bill, and would be turned over to the 44 experts and the Director General or to the 44 experts under the Director General, for all of them would be chosen by him.

But I find, and I wish to call the attention of the Senator to this point, that the special committee has been exceedingly generous in behalf of the Appropriations Committee. It has honored us so greatly that I feel that I should call the attention of the Senate to the provision on page 33, under the heading (d):

The Appropriations Committees of both Houses are authorized and directed to make a study of (1) existing permanent appropriations with a view to limiting the number of permanent appropriations and to recommend to their respective Houses what permanent appropriations, if any, should be discontinued.

Mr. President, the inclusion of that provision is a splendid job. It is true that all the committee's other powers would be taken away and the Director General and the 44 experts would see to it if the original theory of the bill were carried out, that the committee would have practically no other powers. But the committee would be given the power to look into or to study existing premanent appropriations.

According to the bill, the committee would be given another power, according to the provisions which I now read:

And (2) the disposition of funds resulting from the sale of Government property or services by all departments and agencies in the executive branch of the Government with a view to recommending to their respective Houses a uniform system of control with respect to such funds.

That would be the jurisdiction of the Appropriations Committee, if the bill as originally presented were passed.

I do not know what will be the effect of the amendment of the Senator from Colorado [Mr. JOHNSON] which has been agreed to. Even though it has been adopted, of course, it can go out in conference at any time, if the bill gets a good start.

But however that may be, what a wonderful committee the Appropriations Committee now will be, with jurisdiction over certain expenses and with the right to look into and to make an examination in respect to limiting the number of permanent appropriations. It will be a wonderful Appropriations Committee.

I was wondering what the former distinguished Senator from Wyoming, the late Senator Warren, who was chairman of that committee so long and who so honored himself and the country by his conduct of the affairs of that committee and what the late distinguished Senator Glass, of Virginia, that able and splendid man who so long looked after the affairs of the committee, and under whom the affairs of the committee and the Government were so efficiently run, would have to say about this matter.

I thank the Senator.

Mr. CONNALLY. Mr. President, I have said about all I care to say regarding this matter. I simply wish to state for the RECORD that I am against the bill. No matter how much it is amended unless all after the enacting clause is stricken out, I expect to vote against it.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. So many amendments have been offered to the bill that it has been difficult to follow them. I should like to inquire whether section 243, on page 50, particularly subsection (a) is still in the bill, or whether it has been stricken out.

The PRESIDING OFFICER. The Chair is advised that the bill has been sent to the office of the Secretary, and is not available at the moment.

Mr. LA FOLLETTE. Mr. President, let me inquire what part of the bill the Senator has in mind.

Mr. McCLELLAN. Section 243, on page 50. Is that still in the bill?

Mr. LA FOLLETTE. It is still in the bill. It has not been amended.

Mr. McCLELLAN. I move——

Mr. BARKLEY. Mr. President, there is pending an amendment which has not been voted upon.

Mr. McCLELLAN. I am sorry.

The PRESIDING OFFICER. An amendment is pending at this time.

Mr. McKELLAR. Mr. President, will the Senator from Arkansas yield to me for a moment?

Mr. McCLELLAN. I yield the floor, inasmuch as an amendment is pending.

Mr. McKELLAR. I understand that when the pending amendment is agreed to——

The PRESIDING OFFICER. The pending amendment has not yet been voted upon.

Mr. McKELLAR. I understand that when the amendment of the Senator from Kentucky is agreed to, the Senator from Kentucky proposes to move that the Senate adjourn or take a recess until Monday. If that is the case, perhaps it would suit the Senator from Arkansas just as well to offer his amendment on Monday.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. McCLELLAN. That would suit me very well. I thought the amendment of the Senator from Kentucky had been agreed to when I asked for the floor. If it is the purpose to have the Senate take a recess until Monday I shall be glad to withhold the amendments which I have.

At this time I should like to call the attention of my colleagues to an amendment which I shall propose on Monday. A copy of it is at the desk. The amendment is printed, and I invite consideration of it in the meantime.

So, Mr. President, I shall withhold offering my amendments tonight, if it is the purpose to take a recess at this time.

Mr. BARKLEY. Mr. President, I wish to make an explanation in connection with the statement made by the Senator from Tennessee. After consulting with the Senator from Wisconsin as to how long he wished to have the Senate proceed this afternoon, he indicated that it would be agreeable to him to have a recess taken at around 5 o'clock. The Senator has suggested that there is another amendment which he believes we might vote on before taking a recess. The amendment pertains to the pages.

Mr. LA FOLLETTE. That is the one which I think the Senator from Arkansas was about to offer.

Mr. McCLELLAN. Yes; I do intend to offer the amendment, and I should like to discuss it. I intend to move to strike from the bill the section with reference to the pages. I should like to discuss that matter. I do not know how long the discussion will take.

Mr. BARKLEY. Mr. President, let us first vote on the pending amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky, on page 37, in line 25. [Putting the question.]

Mr. McCLELLAN. I ask for a division.

Mr. McMAHON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McMAHON. What is the pending question?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky, on page 37, in line 25, exempting the Disbursing Office from the provisions of the bill. A division has been requested.

On a division, the amendment was rejected.

Mr. McCLELLAN. Mr. President, is any amendment now pending?

The PRESIDING OFFICER. No.

Mr. McCLELLAN. If no other amendment is to be offered at this time, I offer the following amendment: On page 50, strike out subsection (a) of section 243.

If it is the purpose of the majority leader to move that the Senate take a recess at this time, I am perfectly willing to postpone my discussion of the amendment.

Mr. BARKLEY. What is the wish of the Senator from Wisconsin?

Mr. LA FOLLETTE. Mr. President, I am perfectly willing to dispose of the amendment now, if we can do so within a reasonable time this evening. I do not believe consideration of the amendment will take very long. I believe I shall be able to make, in 5 or 6 minutes, a statement as to the reasons for incorporating the provision in the bill, and I shall do so after the Senator from Arkansas has concluded his remarks.

Mr. BARKLEY. Mr. President, let me say that after the Senator's amendment is disposed of, I shall move that the Senate take a recess until Monday. I shall make the motion; of course, I cannot say whether it will be agreed to.

Mr. McCLELLAN. Mr. President, I should like to discuss the amendment which I have offered. I do no know how long it is intended to have the Senate remain in session today, but I certainly think a quorum should be present when the amendment I have offered is voted upon. I certainly think Senators should give the amendment serious consideration.

I do not favor the provision of the bill to which my amendment relates. In fact, there are many other provisions of the bill which I do not favor. However, I wish to say at the outset that there are some provisions of the bill which I think have real merit. I shall not take time this afternoon, inasmuch as the bill will not reach a final vote today, to discuss some of the provisions of the bill which I expect to discuss before it is finally voted upon.

But I do wish to say now that the general objective of title I; namely, to try to reduce the number of committees and to try to consolidate the work of the committees, and also some of the benefits which will flow from a consolidation of committees appeal to me. I certainly am in sympathy with those general objectives. I am quite sure that the committee has undertaken, in at least that respect, to reduce the number of committees and to consolidate them and to arrange the committee work of the Senate in such a way as to try, at least, to enable Senators to give more effective consideration to the committee work and to do more effective work in connection with the proceedings of committees.

As the situation now stands, we know that very often there is conflict between the meetings of various committees. Most Senators are members of a number of committees; and when two committees on which a Senator sits are meeting at the same time, it is impossible for him to attend both meetings, however important both may be. I do not believe that a consolidation of committees would necessarily eliminate all the conflict which results from two or more committees meeting at the same time. We must bear in mind that whether we have one committee, a dozen committees, or whatever the number may be, there is a certain amount of work which must necessarily be performed in the process of getting proposed legislation ready to be brought to the floor of the Senate. By the time we place this proposal in effect and reorganize our committees so as to cover all the various jurisdictions which it will be necessary for them to have, it will be necessary to appoint many subcommittees. Whether a Senator serves on a subcommittee or on a full committee, it will make but very little difference. His time will be fully occupied and, in my opinion, there will be frequent conflicts between the meetings of subcommittees to which a Member of the Senate has been appointed.

However, Mr. President, if this bill were enacted into law it would result in various bills pertaining to certain functions of the Government being referred in accordance with the reorganization plan.

The bill contains other provisions which I shall not discuss at this time. Some of those provisions are subject to study, and would necessitate a revision of our present procedure in order to solve some of our problems in connection with the expedition of our work. I shall not refer to them by title at the present time. I may go into that matter next Monday.

Mr. President, my principal objection to the bill, and one which I have difficulty in overcoming, is with regard to title II. There may be a section here and there under that title which contains some real merit. However, I believe that the bill goes pretty far afield in undertaking even to relieve the Members of the Senate from their present burdens. In the first place, the title undertakes to delegate powers to a personnel director which will enable him to take over all jurisdiction with respect to the selection of employees of the Senate. In other words, the bill provides virtually for a one-man civil-service director who will exercise jurisdiction over the employees of the Congress. That is what the bill amounts to. By the time the plan has been formulated and the Director has completed the matter of classification and qualification as set forth in paragraph 1 of section 201 (d), which provides that he shall prepare a plan for a modern personnel system for all the employees of the Senate and House of Representatives covering qualification standards, job classifications, tenure of employment, pay schedules, rules for promotion and pay increases, leave, retirement, and other matters pertaining thereto, the Director will have

performed the duties prescribed for him under this section and will have set up what will be equivalent to a civil-service bureau for the direction and regulation of all employees of the Congress of the United States; except those who may be employed personally by Senators and Representatives, and those who have been exempted under certain amendments which have already been agreed to.

Mr. President, in connection with the pending amendment, I may say that I can see no justification whatever for the Congress passing a law requiring that all pages who serve in the Senate and in the House of Representatives shall be from the District of Columbia or from the metropolitan area of the District of Columbia. As I interpret the section which covers the matter, it precludes, disqualifies, and makes ineligible any boy to serve as a page in either House of the Congress unless he is either a resident in the metropolitan area of the District of Columbia, or his parents move to the District and he resides with them in their home. I presume that, under this section, they could temporarily maintain their residence in another State. But the section requires that no boy may serve as a page in the Senate or in the House of Representatives unless his parents live within the District and he lives with them, or unless his guardian lives within the District and he lives with his guardian, or unless he lives in an orphanage. Many boys could not qualify to live in an orphanage. Some could. But what I object to is the Congress enacting a law which, in its effect and practical application, renders ineligible any boy in the United States to serve as a page in the Senate or in the House of Representatives unless his parents move to Washington, D. C., and he lives there with them while serving as a page.

Mr. President, there should be no reason for wishing to exclude any boy from having an opportunity to serve in one or the other of the bodies of the Congress merely because he happens to live in one of the States and is not a resident of the District of Columbia. I asked the Secretary of the Senate today to check his record and give me information with reference to the number of boys who are now serving as pages. He told me that there are 21 pages now serving the Senate. Of that number the legal residence of 16 is not in the District of Columbia. In other words, they came from one or more of the several States. Only 5 of them are legal residents of the District of Columbia. The parents of some of the others may live in the District temporarily. I do not know about that.

Mr. President, there is no boy from my State who is now serving as a page in the Senate. There may be some boy from my State who is serving as a page in the House of Representatives. I am not informed with regard to that. However, there are boys who came from various States to serves as pages in both bodies of the Congress. They came seeking an opportunity to learn how their Government operates. They also sought an opportunity to attend school within the District while working as pages and receiving compensation. I do not know when I shall receive an application from some boy or the parents of some boy in my State to afford an opportunity for that boy to come to Washington and act as a page in the National Congress. I may not receive such an application for a long time. But, Mr. President, I will not cast a vote in this body for a measure which will make ineligible any boy in my State who may decide some day that he wishes to have the opportunity and the privilege of serving as a page in the United States Senate. That is why I asked a while ago what would be the effect of this legislation upon pages who are already serving. They are here now because of the patronage system. I do not think that the patronage system is entirely wrong. However, we are now being asked to say to these boys, "We will assume no further responsibility over you. We will absolve ourselves of any further responsibility over you. We will name a personnel director, and you will be required to go to him and obtain permission to serve as a page in the United States Senate."

I agree with what the senior Senator from Texas [Mr. CONNALLY] said a few moments ago. I am not one of those who want to admit that the time has come when the Senate of the United States, vested with the power that is given it under the Constitution to make its own rules and employ its own assistants, has become so impotent, or has become so involved with greater problems, that it can no longer give the necessary attention to the selection of the employees who serve it.

Mr. President, the bill absolutely places all the pages, as well as the elevator boys, under the proposed Director of Personnel. Many a boy here today is running an elevator in order to draw a little pay to sustain him while he goes to school at night. It is his only hope of getting an education. Are my colleagues ready to say they are not willing to keep that much responsibility as Senators of the United States, so that they may give some humble citizen in their States, some boy, this privilege, by reason of their right and their authority as United States Senators?

Do Senators want to delegate away their power, no longer accept their responsibility, turn it over to a personnel director to say whether boys will have opportunity to come here and work in one of these positions, so as to be able to pay their way through school?

Mr. BARKLEY. Mr. President, will the Senator from Arkansas yield?

Mr. McCLELLAN. I yield.

Mr. BARKLEY. In view of the announcement made a moment ago that the Senator would ask that a quorum be present when his amendment is voted on——

Mr. McCLELLAN. I shall want a quorum present when the amendment is voted on.

Mr. BARKLEY. And in view of the fact that I do not wish to force another quorum call this afternoon before recessing, I wondered whether the Senator would be willing to desist now so that we might recess until Monday?

Mr. McCLELLAN. Yes. I shall be very happy to. I was perfectly willing to do that before I offered the amendment.

Mr. BARKLEY. I thought we would remain in session until 5 o'clock to see if we could not dispose of the amendment.

Mr. McCLELLAN. I assume that I will be entitled to the floor when the Senate reconvenes Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. Reports of committees are in order. If there be no reports of committees, the clerk will state the nomination on the Executive Calendar.

NOMINATION PASSED OVER—DEPARTMENT OF STATE

The legislative clerk read the nomination of Charles Fahy to be legal adviser of the Department of State.

Mr. BARKLEY. Mr. President, that nomination will have to go over again.

The PRESIDING OFFICER. Without objection, the nomination will be passed over.

UNITED STATES PUBLIC HEALTH SERVICE

The legislative clerk proceeded to read sundry nominations in the Public Health Service.

Mr. BARKLEY. I ask unanimous consent that the Public Health Service nominations be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

Mr. BARKLEY. I ask unanimous consent that the President be immediately notified of all confirmations of today.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

RECESS TO MONDAY

Mr. BARKLEY. As in legislative session, under the order already made, I move that the Senate take a recess until Monday next at 11 o'clock a. m.

The motion was agreed to; and (at 5 o'clock and 4 minutes p. m.) the Senate took a recess, the recess being, under the order previously entered, until Monday, June 10, 1946, at 11 o'clock a. m.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 8 (legislative day of March 5), 1946:

UNITED STATES PUBLIC HEALTH SERVICE

APPOINTMENTS AND PROMOTIONS IN THE REGULAR CORPS

To be senior assistant surgeon, effective date of oath of office

James A. Hunter, Jr.

To be assistant sanitary engineers, effective date of oath of office

Conrad P. Straub
Arthur H. Neill
Christian A. Hansen

To be senior assistant sanitary engineers, effective date of oath of office

Russell W. Hart.
Paul C. Henderson

To be scientist director, effective date of oath of office

Ralph W. G. Wyckoff

Senior assistant surgeons to be surgeons

Leonard A. Scheele	Alexander G. Gilliam
Warren P. Dearing	James C. Archer

Assistant surgeans to be senior assistant surgeons

Robert L. Cannon	Louis C. Floyd
Merle Bundy	Fred W. Harb
Ira Avrin	James L. Hart
Robert J. Huebner	John W. Murray, Jr.
John K. McBane	Arthur L. Koven
Griffith E. Quinby	Leo P. Krall

Senior dental surgeon to be dental director

Ozias Paquin, Jr.

Senior assistant dental surgeons to be dental surgeons

Bruce D. Forsyth	Ralph S. Lloyd
John W. Knutson	William P. Kroschel
George E. Jones	

Sanitary engineers to be senior sanitary engineers

Judson L. Robertson	John J. Bloomfield
Charles T. Wright	Henry A. Johnson

SENATE

MONDAY, JUNE 10, 1946

(Legislative day of Tuesday, March 5, 1946)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Our gracious Father, as our thoughts are hushed to silence, may we find Thee moving upon our minds, higher than our highest thought, yet nearer to us than our very selves. Before the toil of a new day opens before us, we lay before Thee the meditations of our hearts. May they be acceptable in Thy sight. Bring all our desires and powers, we beseech Thee, into conformity to Thy will.

As we pray for Thy kingdom's coming to our own hearts and to the world, awake in us a holy awe of this law-abiding universe which is our home and which so inexorably moves from cause to consequence. Bend our pride to Thy control. Prepare us for the role committed to our fallible hands in this appalling day with its vast issues that concern not only our own dear land but all the continents and the islands of the sea. May our loins be girt and our lamps burning and ourselves as men who watch for their Lord's coming. In the Redeemer's name we ask it. Amen.

THE JOURNAL

On request of Mr. HILL, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Saturday, June 8, 1946, was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. WHITE. Mr. President, on behalf of the junior Senator from Vermont [Mr. AIKEN], I ask unanimous consent that he be excused from attendance upon the session of today and also the session of tomorrow.

The PRESIDENT pro tempore. Without objection, leave is granted.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on June 8, 1946, the President had approved and signed the following acts:

S. 1802. An act to provide for the delivery of custody of certain articles of historic interest from the U. S. S. *Nevada*, and the U. S. S. *Wyoming*, to the State of Nevada and the State of Wyoming, respectively;

S. 1862. An act to repeal section 1548 Revised Statutes (34 U. S. C. 592); and

S. 1872. An act to provide for the rank of original appointments in the Corps of Civil Engineers of the United States Navy, and for other purposes.

CALL OF THE ROLL

Mr. HILL. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Andrews	Hawkes	O'Daniel
Austin	Hayden	O'Mahoney
Ball	Hickenlooper	Overton
Barkley	Hill	Pepper
Bilbo	Hoey	Radcliffe
Bridges	Huffman	Reed
Brooks	Johnson, Colo.	Robertson
Burch	Johnston, S. C.	Russell
Bushfield	Kilgore	Saltonstall
Byrd	Knowland	Stanfill
Capehart	La Follette	Stewart
Capper	Lucas	Taft
Connally	McCarran	Thomas, Utah
Cordon	McClellan	Tunnell
Donnell	McKellar	Tydings
Downey	McMahon	Vandenberg
Eastland	Magnuson	Wagner
George	Maybank	Walsh
Guffey	Millikin	Wherry
Gurney	Moore	White
Hart	Murdock	Wilson
Hatch	Murray	

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Alabama [Mr. BANKHEAD] are absent because of illness.

The Senator from Nevada [Mr. CARVILLE] and the Senators from Idaho [Mr. GOSSETT and Mr. TAYLOR] are absent by leave of the Senate.

The Senator from Missouri [Mr. BRIGGS] is absent because of a death in his family.

The Senator from Rhode Island [Mr. GERRY] is necessarily absent.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from Louisiana [Mr. ELLENDER], the Senator from New York [Mr. MEAD], the Senator from Washington [Mr. MITCHELL], the Senator from Pennsylvania [Mr. MYERS], the Senator from Oklahoma [Mr. THOMAS], and the Senator from Montana [Mr. WHEELER] are detained on public business.

The Senator from Arkansas [Mr. FULBRIGHT] and the Senator from Rhode Island [Mr. GREEN] are absent on official business, attending the meeting of the Empire Parliamentary Association at Bermuda.

The Senator from Arizona [Mr. MCFARLAND] is absent on official business.

Mr. WHERRY. The Senator from Michigan [Mr. FERGUSON] and the Senator from Wisconsin [Mr. WILEY] are absent by leave of the Senate as members of the committee appointed by the United States Senate to attend the Empire Parliamentary Conference in Bermuda.

The Senator from Vermont [Mr. AIKEN], the Senator from Maine [Mr. BREWSTER], the Senator from Delaware [Mr. BUCK], the Senator from Oregon [Mr. MORSE], the Senator from West Virginia [Mr. REVERCOMB], the Senator from New Jersey [Mr. SMITH], and the Senator from Indiana [Mr. WILLIS] are necessarily absent.

The Senator from Nebraska [Mr. BUTLER], the Senator from North Dakota [Mr. LANGER], the Senator from Minnesota [Mr. SHIPSTEAD], and the Senator from North Dakota [Mr. YOUNG] are absent by leave of the Senate.

The Senator from New Hampshire [Mr. TOBEY] is absent on official business.

The PRESIDENT pro tempore. Sixty-five Senators having answered to their names, a quorum is present.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following communication and letters, which were referred as indicated:

RESCISSIONS OF PORTIONS OF WAR AND WAR-RELATED APPROPRIATIONS (H. Doc. No. 645)

A communication from the President of the United States, transmitting proposed rescissions of portions of several war and war-related appropriations available for the fiscal year 1946 (with accompanying papers); to the Committee on Appropriations and ordered to be printed.

LAWS PASSED BY MUNICIPAL COUNCILS OF ST. CROIX AND ST. THOMAS AND ST. JOHN, V. I.

A letter from the Acting Secretary of the Interior, transmitting, pursuant to law, copies of legislation passed by the Municipal Councils of St. Croix and St. Thomas and St. John, V. I. (with accompanying papers); to the Committee on Territories and Insular Affairs.

SUPPLEMENTARY REPORT ON GOVERNMENT-OWNED SYNTHETIC RUBBER PLANTS AND FACILITIES

A letter from the Administration of War Assets Administration, transmitting, pursuant to law, the first supplementary report with respect to Government-owned synthetic rubber plants and facilities (with an accompanying report); to the Committee on Military Affairs.

PETITIONS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

The petition of Chester J. Polston, of Louisville, Ky., praying for the enactment of legislation to extend the Office of Price Administration; ordered to lie on the table.

A petition of sundry members of the Third Battalion Medical Section, One Hundred and Eighty-seventh Airborne, R. C. T., San Francisco, Calif., praying for the enactment of legislation extending the Selective Training and Service Act; to the Committee on Military Affairs.

A letter in the nature of a petition, from Mrs. Edythe Griffin, of Warrenton, Fla., praying for the enactment of legislation increasing the pensions of widows of World War I

veterans from $38 to $50 a month; to the Committee on Finance.

By Mr. CAPPER:

Petitions of sundry citizens of Baltimore and Denton, Md., praying for the enactment of Senate bill 599, to prohibit the advertising of alcoholic beverages in newspapers, periodicals, and motion pictures, and over the radio; to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCARRAN from the Committee on the Judiciary:

S. 2264. A bill to amend the act providing for the appointment of court reporters; without amendment (Rept. No. 1437).

By Mr. EASTLAND, from the Committee on Immigration:

H. R. 776. A bill to authorize the naturalization of Filipinos; without amendment (Rept. No. 1439).

By Mr. RUSSELL (for Mr. FULBRIGHT), from the Committee on Immigration:

H. R. 3517. A bill to authorize the admission into the United States of persons of races indigenous to India, to make them racially eligible for naturalization, and for other purposes; without amendment (Rept. No. 1440).

By Mr. BALL, from the Committee on Immigration:

S. 2122. A bill to facilitate the admission into the United States of the alien fiancées or fiancées of members of the armed forces of the United States; without amendment (Rept. No. 1441).

LEGISLATIVE BRANCH APPROPRIATIONS, 1947—REPORT OF COMMITTEE ON APPROPRIATIONS

Mr. TYDINGS. Mr. President, from the Committee on Appropriations I ask unanimous consent to report favorably with amendments the bill (H. R. 6429) making appropriations for the legislative branch for the fiscal year ending June 30, 1947, and for other purposes, and I submit a report (No. 1436) thereon.

The PRESIDENT pro tempore. Without objection, the report will be received, and the bill will be placed on the calendar.

NOTICE OF MOTION TO SUSPEND THE RULE—AMENDMENT

Mr. TYDINGS. Mr. President, along with the bill, I submit a notice in writing to suspend the rule, which may not be necessary, but I give notice of my intention to do so as a protection in case such action is necessary.

The notice submitted by Mr. TYDINGS is as follows:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 6429) making appropriations for the legislative branch for the fiscal year ending June 30, 1947, and for other purposes, the following amendment, namely:

Page 2, beginning in line 1, insert the following:

"There shall be paid to each Senator after January 1, 1946, an expense allowance of $2,500 per annum to assist in defraying expenses related to or resulting from the discharge of his official duties, to be paid in equal monthly installments. For making such payments through June 30, 1947, $360,000, of which so much as is required to make such payments for the period from January 1, 1946, to June 30, 1946, both inclusive, shall be immediately available."

Mr. TYDINGS also submitted an amendment intended to be proposed by him to House bill 6429, the legislative appropriation bill, fiscal year 1947, which was ordered to lie on the table and to be printed.

(For the text of amendment referred to, see the foregoing notice.)

AMENDMENT OF SOCIAL SECURITY ACT RELATING TO OLD-AGE AND SURVIVORS' INSURANCE BENEFITS—REPORT OF A COMMITTEE

Mr. GEORGE. Mr. President, from the Committee on Finance, I ask unanimous consent to report favorably with amendments, all of which are clarifying, the bill (S. 2204) to amend title II of the Social Security Act, as amended, by giving insurance benefits under the Federal old-age and survivors' insurance provisions of that act to survivors of veterans of World War II, and for other purposes, and I submit a report (No. 1438) thereon.

It will be my purpose to ask for consideration of the bill, which I do not think will take much time of the Senate, at some suitable and opportune moment. The bill is to amend title II of the Social Security Act, as amended, by giving insurance benefits under the Federal old-age and survivors' insurance provisions of that act to survivors of veterans of World War II, and for other purposes.

The PRESIDENT pro tempore. Without objection, the report will be received, and the bill will be placed on the calendar.

CLARA E. WASHINGTON

Mr. LUCAS. Mr. President, from the Committee To Audit and Control the Contingent Expenses of the Senate I ask unanimous consent to report favorably without amendment Senate Resolution 189, which authorizes and directs the Secretary of the Senate to pay from the contingent fund of the Senate to Clara E. Washington, widow of Cosby F. Washington, late an employee of the Senate restaurant, a sum equal to 6 months' basic compensation, and I request its immediate consideration.

Mr. WHITE. Mr. President, there is so much confusion in the Chamber it is difficult to hear the Senator.

Mr. LUCAS. The resolution is simply to pay the widow of a deceased Senate restaurant employee a sum equal to 6 months of his basic compensation.

Mr. WHITE. I have no objection.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Illinois?

There being no objection, the resolution (S. Res. 189) submitted by Mr. RADCLIFFE on November 9, 1945, was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Clara E. Washington, widow of Cosby F. Washington, late an employee of the Senate Restaurant, a sum equal to 6 months' basic compensation at the rate he was receiving from such restaurant at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

(Mr. GEORGE introduced Senate bill S. 2320, to amend the Public Health Service Act in regard to certain matters of personnel and administration, and for other purposes, which was referred to the Committee on Finance, and appears under a separate heading.)

By Mr. MAGNUSON:

S. 2321. A bill to amend section 3469 of the Internal Revenue Code, as amended, so as to exempt from the tax imposed by such section the transportation of persons by certain aircraft not operated on established routes; to the Committee on Finance.

By Mr. HART (by request):

S. 2322. A bill for the relief of Archer F. Hallett, of New Haven, Conn., as administrator of the estate of Kenneth M. Hallett, deceased; to the Committee on Claims.

By Mr. TUNNELL (for himself, Mr. WALSH, Mr. RADCLIFFE, Mr. GUFFEY, Mr. MORSE, and Mr. BRIGGS):

S. 2323. A bill to promote maximum employment, business opportunities, and careers for veterans in a free competitive economy; to the Committee on Finance.

AMENDMENT OF PUBLIC HEALTH SERVICE ACT RELATING TO PERSONNEL AND ADMINISTRATION

Mr. GEORGE. Mr. President, I ask unanimous consent to introduce a bill, the purpose of which is to amend the Public Health Service Act in certain respects. I present with the bill an accompanying letter from the Federal Security Agency which goes into rather full explanation of the bill. I ask that the bill, together with the letter, be incorporated in the body of the RECORD at this point, and that the bill may be appropriately referred.

The PRESIDENT pro tempore. Without objection, the bill will be received and appropriately referred, and the bill and letter will be printed in the RECORD.

The bill (S. 2320) to amend the Public Health Service Act in regard to certain matters of personnel and administration, and for other purposes, introduced by Mr. GEORGE, was read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That section 2 of the Public Health Service Act (42 U. S. C., ch. 6A) is amended by inserting immediately before the word "and" at the end of paragraph (j) the words "isonipecaine and its derivatives, compounds, salts, and preparations."

SEC. 2. (a) The title of section 207 of such act is amended to read "Assignments to Certain Positions."

(b) Subsection (a) of such section is amended to read:

"(a) When necessary for the accomplishment of important temporary work the Administrator may establish special temporary positions in the Service at the grade of Assistant Surgeon General. Not more than three such positions shall exist at any one time. Any officer of the Regular or Reserve Corps in the full grade or above may be assigned to any such position by the Surgeon General, and while so assigned such officer shall have the grade of Assistant Surgeon General and shall receive the pay and allowance applicable to such grade."

(c) Such section is further amended by redesignating subsection (b) as subsection

(c), by amending the second sentence of such subsection to read "Such assignments shall not, except as provided in subsection (b), affect the pay of commissioned officers so assigned.", and by inserting after subsection (a) the following new subsection:

"(b) Any commissioned officer below the grade of director who is assigned to serve as chief of a division shall, for the duration of such assignment, have the grade of director and receive the pay and allowances applicable to such grade. Regulations of the President may prescribe the grades which shall be applicable to other specified positions; and any commissioned officer of a lower grade assigned or detailed to any such position shall, for the duration of such assignment or detail, have the grade so prescribed and receive the pay and allowances applicable to such grade."

SEC. 3. (a) The second sentence of paragraph (2) of section 208 (a) of such act is amended to read "Reserve commissions shall be for a period of not more than 5 years and may be terminated at any time, as the President may direct."

(b) Subsection (b) of section 208 of such act is amended to read:

"(b) Not more than 10 percent of the original appointments to the Regular Corps authorized to be made during any fiscal year may be made at grades above that of senior assistant but no such appointment may be made to a grade above that of director. For the purpose of this subsection the number of original appointments authorized to be made during a fiscal year shall be (1) the excess of the number of officers of the Regular Corps authorized by the appropriation act or acts for such year over the number of officers on active duty in the Regular Corps on the first day of such year, plus (2) the number of such officers, who during such fiscal year, have been or will be retired upon attainment of age 64 or have for any other reason ceased to be on active duty. In determining the number of appointments authorized by this subsection an appointment shall be deemed to be made in the fiscal year in which the nomination is transmitted by the President to the Senate. No person shall be appointed pursuant to this subsection unless he meets standards established in accordance with regulations of the President. For purposes of pay and pay period, any person appointed under the provisions of this subsection shall be considered as having had on the date of appointment service equal to that of the junior officer of the grade to which appointed, except that, if the active commissioned service in the service of any officer so appointed to the full grade exceeds that of the junior officer of such grade, such service (not exceeding 14 years) shall be credited for purposes of pay and pay period."

(c) Section 208 of such act is further amended by redesignating subsections (c), (d), (e), and (f) thereof as subsections (d), (e), (f), and (g), respectively; by changing "subsection (c)" to "subsection (d)" and changing "subsection (d)" to subsection (e)" in the subsection hereby designated as subsection (f); and by inserting after subsection (b) the following new subsection:

"(c) Commissions evidencing the appointment by the President of officers of the Regular or Reserve Corps shall be issued by the Administrator, under the seal of the Federal Security Agency."

(d) Section 208 of the Public Health Service Act is further amended by adding at the end thereof the following new subsection:

"(h) Except as may be required by regulations, renewal of the oath of office shall not be required of an officer of the Regular Corps on account of any change in grade, or of an officer on active duty in the Reserve Corps on account of appointment to the Regular Corps or to a different grade in the Reserve Corps, if the period of active service of such officer has been continuous."

SEC. 4. Subsection (h) of section 209 of such act is amended by striking out "section 208 (d)" and inserting in lieu thereof "section 208 (e)."

SEC. 5. Paragraph (1) of subsection (a) of section 210 of such act is amended by changing the comma after the word "appointment" to a semicolon and striking out the rest of such paragraph.

SEC. 6. (a) The first sentence of subsection (b) of section 211 of such act is amended to read "A commissioned officer shall be retired on the first day of the month following the month in which he attains the age of 64 years; and a commissioned officer shall be retired on the first day of a month if he has attained the age of 60 years, has completed 30 years of active service in the Service, and has filed application for retirement."

(b) Subsection (d) of section 211 of such act is amended by changing the words "for age" to "under the provisions of subsection (b)."

(c) Section 211 of such act is further amended by adding at the end thereof the following new subsection:

"(g) Retired pay pursuant to subsection (a), subsection (b), or subsection (e) shall be terminated if the officer receiving such pay is recalled to active duty, or in the case of an officer of the Reserve Corps, if he is found to have recovered from his disability. Such pay shall be suspended for any period during which an officer fails without good cause to comply with a request by the Surgeon General that he submit to a medical examination, and shall be terminated if such failure continues for 6 months."

SEC. 7. Section 212 of such act is further amended by adding at the end thereof the following new paragraph:

"(e) In the case of an officer who is or hereafter becomes entitled to full military benefits, the definition in paragraph (1) of subsection (a) shall be interpreted as of the effective date of this subsection or as of the date when such officer ceased to be on active duty, whichever date is earlier. The exclusion from full military benefits in such paragraph of the benefits of the Mustering-Out Payment Act of 1944 shall not be applicable to any such officer if he is separated from the commissioned corps of the service or is relieved from active duty therein within 3 years after the termination of the present war as proclaimed by the President."

SEC. 3. Title II of such act is further amended by adding at the end thereof the following new section:

"TRAINING OF OFFICERS

"SEC. 218. (a) Appropriations available for the pay and allowances of commissioned officers of the Service shall also be available, subject to the limitations prescribed in such appropriations, for payment of tuition, fees, and other necessary expenses incident to attendance at any educational institution by any commissioned officer of the Regular Corps while on active duty.

"(b) Any officer whose tuition and fees while attending an educational institution are paid pursuant to subsection (a) shall be required to reimburse the Service for the expenditures so made if he voluntarily leaves the Service within 2 years after the cessation of such attendance."

SEC. 9. Title III of the Public Health Service Act is amended by adding at the end thereof the following new part:

"PART H—EDUCATIONAL GRANTS

"APPROPRIATION FOR GRANTS FOR OPERATION OF SCHOOLS

"SEC. 371. There is hereby authorized to be appropriated for each fiscal year a sum sufficient to enable the Surgeon General, through grants to postgraduate schools of public health, to assist in improving the training available in the field of public health and in increasing the number of individuals adequately trained in such field. Grants from funds appropriated pursuant to this section shall be used by the schools for the establishment, maintenance, and operation of teaching staffs and the maintenance and operation of facilities (including the acquisition of equipment), and for scholarships (including maintenance) for persons contemplating work in the field of public health.

"APPROPRIATION FOR GRANTS FOR CONSTRUCTION

"SEC. 372. There are also authorized to be appropriated from time to time such sums as may be necessary to enable the Surgeon General to make grants for the construction of buildings and other facilities necessary to carry out the purposes of section 371. In recommending estimates of appropriations under this section for any fiscal year, the Surgeon General shall set forth the order and sequence of priority for individual building projects in accordance with their estimated importance or value in carrying out the purposes of section 371; but he shall set forth only such projects as are approved by the National Advisory Health Council. In the Budget the President shall set forth an estimate of expenditures and appropriations for such projects both in summary and by individual projects.

"METHOD OF MAKING GRANTS

"SEC. 373. For each fiscal year the Surgeon General shall determine the total sum from the appropriation under section 371 which shall be available for distribution among postgraduate schools of public health upon the basis of enrollment. The remainder of such appropriation shall be distributed equally among such schools. The Surgeon General, in accordance with regulations, shall determine from time to time the amount to which each school is entitled under this section, and shall certify to the Secretary of the Treasury the amounts so determined. He shall also, from time to time, certify to the Secretary of the Treasury the amounts to which a school may be entitled from appropriations under section 372. Upon receipt of any such certification, the Secretary of the Treasury shall, prior to audit or settlement by the General Accounting Office, pay in accordance with such certification.

"CONDITIONS FOR GRANTS

"SEC. 374. Grants under this part shall be made upon such conditions as may be prescribed in regulations; and may be made only to such postgraduate schools of public health as are accredited by a body or bodies approved by the Surgeon General.

"USE OF GRANT MONEY

"SEC. 375. Any money paid to a school under this part shall be used solely in carrying out the purposes specified in section 371 or section 372, as the case may be, and any money so paid which is not so used shall be repaid to the United States and deposited in the Treasury."

SEC. 10. Section 402 of such act is amended by changing the period at the end of paragraph (g) thereof to a semicolon and adding the following new paragraph:

"(h) in accordance with regulations, make grants in aid to public and other nonprofit universities, hospitals, laboratories, and other institutions for the establishment and maintenance of facilities for training persons in matters relating to the cause, prevention, and methods of diagnosis and treatment of cancer and for the conduct of cancer research, including the construction and acquisition of buildings and equipment necessary for such facilities."

The letter presented by Mr. GEORGE, from the Federal Security Agency, in explanation of the bill, is as follows:

FEDERAL SECURITY AGENCY,
Washington, June 3, 1946.

Hon. KENNETH MCKELLAR,
President of the Senate pro tempore,
Washington, D. C.

DEAR MR. PRESIDENT: I am enclosing for your consideration a legislative proposal to amend the Public Health Service Act in regard to certain matters of personnel and administration.

The Public Health Service Act (Public Law 410, 78th Cong., 42 U. S. C., ch. 6A) was enacted July 1, 1944, for the purpose of consolidating and revising the laws relating to the Public Health Service. The constructive effects of this legislation upon the administration of the greatly diversified programs of the Public Health Service have been almost incalculable. Yet, despite the extreme care and exhaustive study that went into the drafting of the act, it was impossible then to foresee clearly all of the problems, requiring amendment of that act for solution, which might and did arise. Most of these problems, though arising in connection with the Service's several efforts to regain and restore the losses suffered by civilian health programs as a result of the war, actually resolve themselves chiefly into the one basic problem of personnel.

The Government's policy throughout the war of sacrificing its long-range permanent interests in the Nation's scientific and technical potential for the sake of and in the name of more immediate war needs, however necessary it may have been, is beginning already to reflect itself in a technical labor market more highly competitive than at any time in the Nation's history. This is particularly true in the field of medicine, where throughout the war the Nation's entire educational machinery was geared to the mass production of physicians with the barest minimum of educational requirements and where the vast proportion of research facilities hitherto devoted to the country's fundamental health problems were diverted to the more restricted, but then more impelling, problems of war medicine. The net effect of this policy has been to create a medical generation which, unless aggressive corrective measures are taken, will fail the Nation in the discharge of those obligations which are essential to further health progress.

The Public Health Service will be shortsighted indeed if it fails to take into account the many implications of its expanding obligations in both national and international fields upon its own personnel policy; or if it postpones longer some definitive action looking toward the training of personnel needed in order to make any real progress on such problems as cancer, mental illness, and dental disease.

It is primarily for these broad purposes that this bill to amend the Public Health Service Act is proposed. Some of the amendments proposed in the bill seek to accomplish these purposes by directing their attack toward the inflexible and inadequate existing provisions relating to the appointment of commissioned officers of the Service. Other amendments proposed by the bill seek to accomplish these purposes by directing their attack toward the problem of training personnel.

The amended section 208 (b) seeks to aid the Service in obtaining sufficient qualified officers to carry on its activities by permitting greater flexibility in the number of original appointments authorized annually at a grade above that of the senior assistant grade.

The new section 218 and the new part H of title III of the Public Health Service Act deal with problems of training and education. The new section 218 would authorize the Service to assign a small number of the commissioned officers in the regular corps to educational institutions where training necessary to keep them abreast of advances in medical science is more readily available. The new part H of title III would clarify the procedure under which postgraduate schools of public health receive financial aid from the Federal Government. In order to assure an adequate supply of personnel well trained in the field of public health, the Service would be authorized to make grants directly to postgraduate schools of public health—schools of which there are now only a few, on which the entire country must depend for its supply of formally trained public health personnel, and which will be unable without financial assistance to train adequately a sufficient number of such personnel.

In addition to the amendments designed to accomplish the broad purposes described above, the bill would effect a number of minor, though important, modifications and corrections in the Public Health Service Act.

Section 1 of the enclosed draft amends section 2 (j) of the Public Health Service Act, which defines the term "habit-forming narcotic drug," so as to include isonipecaine (trade name, "demerol"). This is purely a technical amendment, there being no longer any doubt that isonipecaine is a habit-forming drug which should come within the purview of section 302 of the Public Health Service Act. Similar amendments have already been made in the tariff laws and other laws dealing with narcotics (Public Law 414, 78th Cong.).

The very nature of the work of the Public Health Service, and especially the peculiar character of the cooperative administrative relationships it maintains with other Federal agencies, not infrequently create obligations of unusual difficulty and complexity which, though of temporary duration, require the detail and assignment of Service personnel of unusual competence. There will be repeated instances in the future, as there have been in the past, where the importance of such temporary projects will clearly justify for the incumbent the temporary grade of Assistant Surgeon General. Section 2 (b) of the enclosed draft amends section 207 (a) of the Public Health Service Act so as to provide the degree of flexibility considered essential in this regard by authorizing the Administrator rather than the President to establish temporary positions necessary for important temporary work and by not restricting this authority to time of war or emergency, as is done under existing law. It contains, however, sufficient safeguards, through continuing at three the existing limitation on the number of such special positions which may exist at any one time and through restricting the eligible appointees to commissioned officers in the full grade or above, to ensure that appointments made under this authority will be kept well within the limits of propriety. Other provisions of the existing section 207 (a), relating to the creation of other special temporary positions and assignment of commissioned officers to them, are omitted here because that matter will now be more conveniently covered under the other provisions of the section as amended by section 2 (c) of the enclosed draft.

The new section 207 (b), included in section 2 (c) of the draft, continues the existing entitlement of commissioned officers, assigned to serve as chiefs of divisions, to the grade of director while so assigned. It also continues the President's authority to prescribe grades for specified positions as well as the provision entitling officers to such grades while assigned to such positions. The President's authority, however, will be exercised through regulations and will no longer be restricted to positions of a temporary nature; nor will the exercise of such authority be restricted to time of war or emergency.

Section 2 (c) of the draft also makes some changes in the present subsection (b) of section 207, which is to be redesignated as subsection (c), but these are purely technical changes necessitated by other changes in the section. Section 2 (a) of the draft merely changes the title of section 207 of the Public Health Service Act to make it a more accurate indication of the content of the section as amended by the enclosed draft.

Section 3 (a) of the draft amends section 208 (a) (2) of the Public Health Service Act. It is a technical amendment designed solely to clarify and simplify administrative procedure. The Public Health Service Act at present provides for termination of all Reserve Corps commissions in the discretion of the President. The amendment here proposed would authorize the President to direct that actual termination be made by an appropriate official of the Federal Security Agency or in such other manner as he may think appropriate.

Section 3 (b) of the draft amends section 208 (b) of the Public Health Service Act so as to enable the President during each fiscal year to make initial appointments to the Regular Corps of officers in grades above that of senior assistant (equivalent to captain in the Army) in numbers not to exceed ten percent of the total number of appointments authorized to be made for such year. Under present authority, which has existed since 1930, only three such appointments are permissible during any one year. In 1930 and for a considerable time thereafter the total new appointments made annually approximated only about 30 or 35 so that the 3 positions at higher grades then provided for bore substantially the same ratio to the total appointments as that now being sought through this amendment. With both the scope and volume of its work materially increasing the Public Health Service finds it quite impossible under existing limitations to recruit at the grade of senior assistant or below the number of new personnel needed who have already attained the necessary competence in the several specialized fields. The alternative in the past has been an increasing dilution of the more mature and experienced talent of the Service through spreading the limited numbers of such personnel over an increasing range of activities and then filling in with younger and less well trained people. The amendment proposed by section 3 (b) of the enclosed draft would help the Service to overcome the unfortunate results of this dilution of its more experienced and mature personnel. It contains, however, sufficient safeguards assuring appointment of qualified personnel by requiring appointees to meet standards established in accordance with regulations of the President.

Section 3 (c) of the enclosed draft amends section 208 of the Public Health Service Act by inserting a new subsection (c). This new subsection would authorize the Administrator to issue, under the seal of the Federal Security Agency, commissions evidencing the appointment of officers in the Regular or Reserve Corps by the President. This is similar to authority already given under existing law to other agencies of the Government to which commissioned officers may be appointed (see, e. g., the act of March 3, 1875, as amended, 5 U. S. C. 11). It is also authority which the Secretary of the Treasury exercised when the Public Health Service was in his department.

Section 3 (d) of the enclosed draft further amends section 208 of the Public Health Service Act by adding another new subsection (subsec. (h)) under which commissioned officers on continuous and uninterrupted active duty would not ordinarily

be required to renew their oaths of office upon change of grade. Renewal of the oath of office in such cases seems an unnecessary administrative burden. Existing law already exempts Army officers from such a requirement. This amendment makes unnecessary the provision in section 210 (a) (1) of the Public Health Service Act eliminating the requirement of renewal of oath of office in case of temporary wartime promotions. Section 5 of the enclosed draft amends that section of the act accordingly.

Section 4 is merely a technical drafting amendment necessitated by the redesignation, in section 3 (c) of the draft, of the various subsections in section 208 of the Public Health Service Act.

Section 6 (a) of the draft amends the first sentence of section 211 (b) of the Public Health Service Act. It would add to the existing compulsory retirement of commissioned officers of the Regular Corps at age 64 an optional retirement at the age of 60 years, provided they have completed 30 years of active service. This provision is in keeping with the general trend toward earlier retirement throughout both government and industry, although it is less liberal than existing provisions for the other commissioned services.

Section 6 (b) of the draft is merely a technical drafting amendment required by reason of the amendment proposed in section 6 (a).

Section 6 (c) of the draft further amends section 211 of the Public Health Service Act by the addition of a new subsection. This amendment is also of a technical nature designed merely to clarify existing authority in respect to retired pay of officers. At the present time the Service is somewhat doubtful as to the consequences of a Reserve officer's recovery from a disability for which he has been retired and for which he is receiving retired pay. The proposed new subsection would remove these doubts by providing for termination of the retired pay in case of recovery. It would also prescribe suspension of a retired officer's pay for refusal to submit without good cause to a medical examination, and for termination of the pay if the failure to submit to the medical examination continues for 6 months.

Section 7 of the enclosed draft further amends section 212 of the Public Health Service Act by the addition of a new subsection (subsec. (e)). Under the present section 212, commissioned officers of the Service are entitled, with respect to their service on detail to the Army, Navy, or Coast Guard, their service outside of the continental United States in time of war, and active service while the Public Health Service is a part of the armed forces, to the same benefits as were provided on account of active commissioned Army service on July 1, 1944, the date of enactment of the Public Health Service Act. However, there were excluded from the benefits those which are provided for specifically elsewhere in the Public Health Service Act, as well as reemployment rights for Regular officers and Reserve officers called to active duty prior to November 11, 1943. Also excluded are the benefits of the Mustering-Out Payment Act of 1944.

The amended section 212 would remove the differences between the Service and other branches of the armed forces in regard to military benefits by speaking as of the date of enactment of the enclosed draft for all officers of the Service who are on active duty on that date. For any officer not on active duty then, but who is entitled to full military benefits by reason of service while the Public Health Service is a part of the military forces or otherwise, the amended section would speak as of the date when his service ceased. The new subsection (e) would also eliminate the exclusion of mustering-out pay from the benefits available to officers entitled to full military benefits. This would seem a logical complement of the extension of full military benefits to all benefits provided for Army service as of the time of enactment of the enclosed draft. Since the Service has been made a part of the military forces of the United States under Executive Order No. 9575 (June 21, 1945, effective July 29, 1945), it seems reasonable that all benefits appertaining to military status should be made available to officers of the Public Health Service as well as to the other commissioned services.

Section 8 of the draft would add a new section to title II of the Public Health Service Act. The new section 218 would authorize the Service to provide, subject to any limitations contained, the appropriations for the pay and allowances of commissioned officers, training for commissioned officers of the Regular Corps through payment of their tuition, fees, and other expenses while attending educational institutions. In public health, as in the sciences generally, progress is a function of an almost continuous process of learning. The Service in order to discharge its functions effectively must keep abreast of the several sciences upon which its work rests.

The field of these sciences, however, is much too large to be encompassed completely by any single organization. Discoveries, new knowledge, and new techniques originate from the widest variety of sources. Accordingly, it is essential that the Service be able to take advantage of such new knowledge by keeping is own officers adequately informed not alone through in-service training, but also through sending them to the institutions where such knowledge can most readily be imparted to them.

Section 9 of the draft, which adds a new part to title III of the Public Health Service Act, is essentially a technical amendment designed to give to the Service explicit authority which has in the past been assumed to exist under the provisions of section 314 of the Public Health Service Act. Under the existing provisions the Public Health Service has in the past given money to the States for use in public health work, and part of these funds has been used to assist accredited schools of public health in providing facilities for training public health personnel for use throughout the country. On these the entire country must depend for its formally trained public health personnel.

It has been the experience of these schools that to provide one academic year of training for a postgraduate student it costs the school approximately $1,000 over and above any revenues it derives from the individual student. Some of these schools are State-owned. Others are supported through endowments. In neither case are the budgets available to them adequate to satisfy the large backlog of need for trained personnel that has accumulated during the war. Moreover, the State institutions quite properly point out the inequity of having a single State bear the extra expense of training personnel admitted from other States. Since almost 100 percent of the students of these schools go ino public service, the desirability of giving them the much needed assistance is unquestionable. The new part H of title III of the Public Health Service Act attempts not only to provide a reasonable formula for making alloments in the program as here expanded, but also to include the safeguards that are considered desirable in relation to grants for construction for carrying out this program of training. It is anticipated that the construction grants will never be large. There will, however, be instances when a small amount of aid for renovation or expansion of physical facilities will provide returns in education all out of proportion to the amounts expended.

Section 10 of the enclosed draft, which amends section 402 of the Public Health Service Act by the addition of a new subsection, is designed to aid the Public Health Service to carry out one of the stated purposes of title IV of the act, viz, "to provide training and instruction in technical matters relating to the diagnosis and treatment of cancer" (section 402 (c) of Public Law 410). Some of the needed training in cancer work can be provided through fellowships pursuant to section 402 (d). If, however, the training program is to be developed in any reasonable relation to the enormity of the need for adequately trained personnel, training facilities must be vastly expanded. At the moment they are extremely limited. All too often the highly developed pedagogical facilities have access to only a limited amount of clinical material; and even more often only limited teaching facilities exist in institutions where clinical material is abundant. To bring the many and varied needed skills and equipment together and at the same time provide care for a sufficient number of patients to serve educational and training purposes is usually beyond the financial competence of any but the exceptional institution. The proposed amendment would help remedy this unfortunate situation.

I shall appreciate it if you will be good enough to refer the enclosed draft bill to the proper committee for action.

The Bureau of the Budget raised some objections to this draft bill in its original form when submitted to that Bureau for advice as to its relationship to the program of the President. The enclosed draft bill has been revised in the light of those objections.

Sincerely yours,

MAURICE COLLINS,
Acting Administrator.

PUBLIC WORKS ON RIVERS AND HARBORS—AMENDMENT

Mr. MAYBANK (for himself and Mr. JOHNSTON of South Carolina) submitted an amendment intended to be proposed by them, jointly, to the bill (H. R. 6407) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

EXTENSION OF EMERGENCY PRICE CONTROL AND STABILIZATION ACTS OF 1942—AMENDMENTS

Mr. WHERRY (for himself and Mr. BUTLER) submitted an amendment intended to be proposed by them, jointly, to the bill (H. R. 6042) to amend the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, and for other purposes, which was ordered to lie on the table and to be printed.

Mr. MOORE submitted an amendment intended to be proposed by him to the bill (H. R. 6042) to amend the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, and for other purposes, which was ordered to lie on the table and to be printed.

PRINTING OF ADDITIONAL COPIES OF SENATE REPORT 1211 RELATING TO DEVELOPMENT AND CONTROL OF ATOMIC ENERGY

Mr. McMAHON submitted the following resolution (S. Res. 282), which was referred to the Committee on Printing:

Resolved, That there be printed 4,000 additional copies of Senate Report No. 1211, cur-

rent session, accompanying the bill (S. 1717) for the development and control of atomic energy, of which 2,000 copies shall be for the use of the Special Committee on Atomic Energy, 1,000 for the Senate document room, and 1,000 for the House document room.

PRINTING COMPILATION OF NATIONALITY ACT OF 1940 WITH AMENDMENTS

Mr. RUSSELL. Mr. President, I ask unanimous consent that a recent compilation of the Nationality Act of 1940, with amendments through March 31, 1946, may be printed as a Senate document.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ADDRESS BY SENATOR THOMAS, OF UTAH, AT MEETING OF NATIONAL COUNCIL OF AMERICAN-SOVIET FRIENDSHIP

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD an address delivered by him at a rally honoring visiting Soviet journalists under the auspices of the National Council of American-Soviet Friendship, New York City, May 29, 1946, which appears in the Appendix.]

COMMENCEMENT ADDRESS BY SENATOR THOMAS OF UTAH AT GALLAUDET COLLEGE

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD a commencement address delivered by him at the graduation exercises of Gallaudet College, Washington, D. C., June 1, 1946, which appears in the Appendix.]

ADDRESS BY SENATOR THOMAS OF UTAH BEFORE MIZARCHI ZIONIST ORGANIZATION OF AMERICA

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD an address delivered by him before the Mizarchi Zionist Organization of America at the Hotel Commodore, New York City, June 2, 1946, which appears in the Appendix.]

ADDRESS BY SENATOR THOMAS OF UTAH ON THE DRAFT BILL

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD a radio address delivered by him on the subject of the draft bill, on June 8, 1946, which appears in the Appendix.]

WHAT MAKES A SENATOR—ARTICLE BY RICHARD L. NEUBERGER

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD an article entitled "What Makes a Senator?" by Richard L. Neuberger, published in the Wisconsin Progressive of the June 1946 issue, which appears in the Appendix.]

THE OPA AND ITS PROBLEMS

[Mr. HICKENLOOPER asked and obtained leave to have printed in the RECORD an address on the OPA and its problems delivered by Chester Bowles, broadcast on June 4 over the Columbia Broadcasting System, and also addresses by Senator TAFT, Senator HICKENLOOPER, and Senator WHERRY on the same subject broadcast on June 6, 1946, over the same network, which appear in the Appendix.]

OPA RESTAURANT REGULATIONS

[Mr. HICKENLOOPER asked and obtained leave to have printed in the RECORD a letter from Bernard L. Willis of Lake City, Iowa, dealing with OPA regulations of restaurants and stores, together with application for price adjustment of Palmer's Coffee Shop, at Lake City, Iowa, and a newspaper item relating to OPA settlements, which appear in the Appendix.]

HOUSING AND ACCOMMODATION OF VETERANS AT EDUCATIONAL INSTITUTIONS

[Mr. HICKENLOOPER asked and obtained leave to have printed in the RECORD a letter addressed to him under date of June 5, 1946, by Virgil M. Hancher, together with answers to questionnaires by the National Association of State Universities, dealing with the subject of the housing and accommodations at educational institutions, which appears in the Appendix.]

SPEECH BY EDGAR CAMPBELL BEFORE LANCASTER COUNTY INDUSTRIAL UNION COUNCIL

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD a speech delivered by Edgar Campbell, candidate for Congress, Ninth Congressional District of Pennsylvania, before the Lancaster County Industrial Union Council, on May 23, 1946, which appears in the Appendix.]

MEMORIAL DAY ADDRESS BY GEORGE CUSHING

[Mr. VANDENBERG asked and obtained leave to have printed in the RECORD a Memorial Day address delivered at Brighton, Mich., on May 30, 1946, by George Cushing, news editor of Station WJR of Detroit, Mich., which appears in the Appendix.]

VINSON BACKS CONGRESS ON LAW—ARTICLE BY JOHN H. CLINE

[Mr. MCKELLAR asked and obtained leave to have printed in the RECORD an article entitled "Vinson Backs Congress on Law," by John H. Cline, published in the Washington Star of June 9, 1946, which appears in the Appendix.]

UNJUST CRITICISM STRIKES AT CONFIDENCE IN CONGRESS—ARTICLE BY REPRESENTATIVE CLARENCE CANNON

[Mr. MCKELLAR asked and obtained leave to have printed in the RECORD an article entitled "Unjust Criticism Strikes at Confidence in Congress," by Representative CLARENCE CANNON, chairman, House Appropriations Committee, published in the Washington Star of June 9, 1946, which appears in the Appendix.]

FOR A MODERN CONGRESS—EDITORIAL IN THE WASHINGTON POST

[Mr. LA FOLLETTE asked and obtained leave to have printed in the RECORD an editorial entitled "For a Modern Congress," published in the Washington Post of June 10, 1946, which appears in the Appendix.]

THE LAND-GRANT COLLEGE; A NEW CHAPTER—ADDRESS BY DAVID E. LILIENTHAL

[Mr. MURDOCK asked and obtained leave to have printed in the RECORD a commencement address entitled "The Land-Grant College: A New Chapter," delivered by David E. Lilienthal, Chairman, Tennessee Valley Authority, at Utah Agricultural College, Logan, Utah, June 8, 1946, which appears in the Appendix.]

KEEP ON KEEPING ON—POEM BY HORACE C. CARLISLE

[Mr. HILL asked and obtained leave to have printed in the RECORD a poem by Horace C. Carlisle, entitled "Keep On Keeping On," which appears in the Appendix.]

MESSAGE FROM THE HOUSE—ENROLLED BILL AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the President pro tempore:

H. R. 6343. An act authorizing the Secretary of War to lend certain property of the War Department to national veterans' organizations for use at State and national conventions; and

H. J. Res. 347. Joint resolution to correct a technical error in the act approved April 18, 1946 (Public Law 347, Seventy-ninth Congress, second session).

ORGANIZATION OF THE CONGRESS

The Senate resumed consideration of the bill (S. 2177) to provide for increased efficiency in the legislative branch of the Government.

Mr. MCCLELLAN obtained the floor.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. MCCLELLAN. I yield.

Mr. LA FOLLETTE. I should like to state that it is my hope we can continue consideration of the pending bill today, and if necessary have a session into the evening.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. MCCLELLAN. I yield.

Mr. BARKLEY. I wish to state that I join in the suggestion of the Senator from Wisconsin. I had thought we might undertake to consider the price-control bill sometime today, but I think the Senate ought to be given an opportunity to vote one way or another on the pending bill. I would not care to begin the consideration of the OPA legislation in the middle of the afternoon. Therefore, I think the Senate should devote the whole day, and if necessary go into the evening, in an effort to obtain a vote on the pending measure. I think the Senate is entitled to vote on the bill one way or another. If the Senate does not wish to adopt the bill it can vote against it, but, after all the work which has been done by the joint committee and the special committee, we ought to bring the matter to a conclusion. Therefore, so far as I am concerned, there will be no effort to bring up any other kind of legislation today.

Mr. MCCLELLAN. Mr. President, when the Senate recessed Saturday afternoon, I was discussing an amendment which I had offered to strike out subsection (a) of section 243 of the pending bill. That part of the measure to which I seriously object and to which the amendment is directed, provides that pages for the Senate and House of Representatives shall be appointed by the Director of Congressional Personnel from among boys who live at home with their parent or parents or guardian, or in orphanages in the metropolitan area of the District of Columbia. I might have moved merely to strike out the words "in the metropolitan area of the District of Columbia," if my only purpose were to protect boys from the States who might want to become pages; but I moved to strike out the entire subsection, because it provides that all the pages shall be appointed by the Director of Congressional Personnel.

Mr. President, I do not favor the creation of an office of Personnel Director for the Congress of the United States. The

theory is that if we will establish a Personnel Director to select all our employees for us, Members of Congress will be relieved of some work. From my experience I do not believe that that would be true. It would probably increase our work, instead of relieving us of any burden we now have. If we enact this law and create the position of Director of Congressional Personnel, delegating to him all the power contemplated by the bill, that will not keep our constituents from coming to us and seeking positions in Washington, or asking us to assist them in finding employment. They will not go directly to the Director of Personnel, even if the office is created. They will go first to the office of their Senator or Representative. They will ask us for the positions, just as they have always done.

We are trying to say to them, "We no longer have authority over that subject. We have established a Director of Congressional Personnel, and you must file your application with him. He will determine whether you are qualified or not. If he likes you and thinks you are qualified, and you meet the standards which he has established, probably he will give you the job."

That will not satisfy our constituents. That will not satisfy the boy who wants a position in Washington. The next thing he will say will be, "I want you to help me with the Director of Personnel. I want your endorsement. I want you to help me get this job." Today certain positions are allocated to Members of Congress. We know what they are. If application is made to us for one of them and the position is filled we can say so. If it is not filled, we can consider whether to recommend the applicant or give him the position. It is proposed to tie our hands so far as concerns our authority and our willingness to take the responsibility for doing a simple thing, namely, helping some boy or some man who wants an opportunity to work in Washington. It is sought to shift that responsibility. Instead of relieving ourselves of work we shall be stripping ourselves of authority. The appeal will still be made to us. It is proposed to establish another agency or bureau with a director to whom we must go and beg for the very thing we can do now; and he will be able to say, "No."

I do not think the time has come when as a Member of the Senate I ought to have to ask a personnel director whether I can put a boy in the position of elevator operator. I do not believe that the efficiency of our pages has broken down to such an extent that we must have one man to tell us whether a page boy is doing his duty, or whether he ought to be replaced, or whether some applicant ought to be favored with the appointment.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. JOHNSTON of South Carolina. The Senator is speaking of the pages. If this bill should become a law, could the Senator from Arkansas or any other Senator appoint a page boy in the Senate from his State?

Mr. McCLELLAN. So far as I know, at present there are no pages from my State; but if I should receive an application—and I anticipate that I shall, because some fathers and mothers have already talked with me about their boys, who would like to have the opportunity to come to Washington as pages—I would not want to deny the boys of my State that opportunity. I do not want to shirk the responsibility of helping a boy to obtain such a position. I will not vote for a bill to establish a personnel director to tell me that a worthy boy from my State cannot have the position if it is available. Other Senators may shift that responsibility if they so desire. They may set up a dictator if they wish to do so. We have enough of that already. In the departments in Washington the chiefs have the authority to employ their own personnel. If an applicant from my State or from the Senator's State desires a position in one of the departments, and we try to help him obtain it, we must write letters or go to the department and plead with some department official, and worry about it.

This provision would take away from us the one thing that is left to us. It would even apply to pages in the United States Senate. Mr. President, if a Senator is not competent to judge the qualifications of a page in the United States Senate, I question his ability to judge and weigh and vote intelligently upon the legislation and the problems facing this country.

It is said that the proposed system would relieve us of work. It would not relieve us of anything except the opportunity to take care of boys from our own States who may be deserving. Someone may say, "Surely the Personnel Director will take that into account." If this section remains in the bill he cannot take it into account unless the boy lives in Washington. I do not know why we must say that page boys must come from the metropolitan area of the District of Columbia. It does not make sense to me. I do not know from what States these boys come; but according to the information which I have obtained from the Secretary of the Senate, only 5 of the 21 are legal residents of the District of Columbia. With respect to the other 16, the parents of some now live in Washington. The parents of others do not. If this bill is enacted, the 8 or 10 boys who are now serving as pages, and whose parents do not live in Washington, or who do not have a legal guardian living in the District of Columbia, will no longer be eligible to serve. I do not think it is fair or just to the page boys. There is no justification for such a provision in the selection of page boys in the future.

This section of the bill is only one of many to which I have serious objection. In the first place, as I have indicated, I am opposed to the general idea and theory of a personnel director to handle all the employees who serve us in the Capitol.

I wish to ask a question. I have been here for 3½ years. So far as I know and so far as I have been able to ascertain, there is no inefficiency, comparatively speaking, on the part of any of the employees of the Senate. However, according to the theory of the pending measure, there is a desire to do away with the Disbursing Office, and to turn it over to the Director of Personnel.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. BYRD. I have been in the Senate for approximately 13 years, and I regard Mr. Oco Thompson as one of the most valuable and one of the most efficient officials with whom I have ever been in contact.

Mr. McCLELLAN. I thank the Senator. That has been my estimation and my appraisal of him, too, from my brief acquaintance with him and from the contacts I have had with him.

The point I am making is simply this: I am not saying that the Congress does not need some overhauling and some reorganization; but when we reorganize it, we should do so with a view to eliminating that which now is inefficient and which now is not functioning properly, and we should try to enact legislation which will make such changes as will improve the situation.

But we have before us a bill which provides a catch-all proposition of placing all Senate employees under the control or direction of a man to be selected by the majority and minority leaders of the Senate and the majority and minority leaders of the House of Representatives. If one of them makes the selection, that will be all right. But I cannot understand why it is proposed that we burden ourselves with legislation of this character in an effort to undertake to make a change in all of the agencies and all of the departments here which are doing their work efficiently now. I dare say there has been no complaint. Without complaint, in my judgment there can be no justification for the proposed change.

Suppose we pass the bill. My own opinion is that there will be just as much occasion, and probably more, at least on the part of Senators, for complaint after the bill is enacted as there has been in the past. We hear a great deal of condemnation about the so-called patronage system. I have never cared anything about patronage, and I think any Senator or Member of the House of Representatives who undertakes to depend upon patronage for his political security is simply foolish and is making a mistake. I do not think it is of that much benefit or that much value to Members of Congress. I do not wish to retain the right to select pages because of any political advantage which that right of patronage might give. Actually, I do not know that it would give any advantage at all. If a Senator appoints a page, perhaps the page's father and mother may vote for the Senator, if that is what some persons are thinking of, but I do not know that it would extend much further than that.

I do not see why I should deprive myself of the right to participate in the appointment of pages. If some boy from my State wishes to become a page in the Senate—perhaps an orphan boy or perhaps a boy of humble parentage who has no opportunity to go to school, at least to a school of the quality of the school which he would attend as a page of the Senate—I wish to have the right

to help him if I can, not for the purpose of obtaining votes myself, not for any political gain, although that is one of the points which is mentioned in referring to patronage, but I wish to help that boy by giving him an opportunity to obtain a good education, and I wish to see that the boys of my State have a right in that respect equal to that of boys who live in the District of Columbia. I see no reason for placing residents of the District of Columbia in a preferred status. A boy living in the District of Columbia can serve as a page, as the situation is today; but under the terms of the pending bill a boy living in Wisconsin or Iowa or any other State of the Union would be ineligible to serve as a page, unless his parents moved to the District of Columbia.

Mr. President, sometimes we wonder why men with great ability, men who are capable of earning in private life five times as much salary as they are paid as Senators of the United States or Members of the House of Representatives, will dedicate their lives to the service of their country and of their State here in the Senate or in the House of Representatives for the small salary which they are paid—comparatively small, I say, in proportion to the salary which their abilities would entitled them to earn in positions in private life. Mr. President, what is one of the finest compensations of serving in the Senate of the United States or in the House of Representatives? It is not the little check of about $700 which a Member of the Congress receives each month. That is not what keeps him here. It is the opportunity to serve those who need help. One of the finest compensations of service in the Congress, one which I value and cherish most, is the opportunity which service in the Congress affords the Members of Congress to help someone who is struggling to get an education or to meet some of the other problems of life. That is one of the finest compensations of service in the Congress. If that privilege is denied to those who serve here, the opportunity which Members of the Congress now have to be of service to their constituents will, to a great extent, be gone.

Mr. President, I know that a great deal of the time of Members of Congress is consumed, today, by running errands for their constituents. Entirely too much time is consumed in that way. I know that, and I know the pressure and the burden which it places upon us. Some Members of Congress have greater problems in that respect, possibly, than I do; but I know that in view of the great expansion of Government and all its ramifications which reach out into every community and every home in the Nation, our work with respect to looking after the private problems of our constituency has increased to the point that, today, it consumes a major portion of the time of every Member of Congress. That cannot be helped. To whom else can our constituents go? We may reorganize the Congress all we wish, but we shall still have that problem, unless we simply take a position of refusing to come to the assistance of our constituents or a position of refusing to offer our efforts in their behalf when they appeal to us with their problems. I make no criticism of my constituents for appealing to me about the problems they have with various agencies of the Government. To whom else can they appeal? They can write a letter to some bureau or agency in Washington, but the average humble citizen cannot come to Washington and plead his case. Often he needs an advocate at the bar of authority in order to get his claim or his problem properly presented and even in order to get fair and just consideration and to obtain the action necessary to protect his interests. Ofttimes, even in spite of all the efforts we make, we fail in the attempt to help him in that way. The Congress has established various agencies and departments, and probably rightfully so, and the Congress has given them the responsibility and authority which they exercise. Often when Members of Congress present particular problems to them, they say "No"; and yet they have been created with that power by the elected representatives of the people of this country. We have created them in that way. So our constituents appeal to us to help them with the problems which they have with the various agencies or bureaus. I assume there is no other way to proceed, in many cases. Perhaps the Congress does need reorganization in some respects, but that does not mean that the proposed system with reference to the Congress and with reference to the employees who serve us should be adopted. I am not going to place myself in the ridiculous position of saying that I can no longer be the judge of the worthiness of a boy from my State who has the ambition and the desire and probably the necessity, because of his circumstances in life, in connection with his hope to obtain an education, to become a page in the Senate. I am not going to place myself in the position of having to say to him that he cannot serve as a page here unless he can persuade his parents to move to Washington, D. C.

Mr. President, it may sound as though this is a matter of too little importance upon which to spend much time. I do not wish to consume too much time of the Senate, but this bill does not involve only a small matter. I have pointed out one instance in which I believe we have gone far afield in the purpose to reorganize the Congress in order that it may become more efficient in its operation. If, as a Senator, I thought that the conduct of the page boys who have been selected by other Senators had broken down to such an extent that we are no longer capable of judging the qualifications and merits of those boys, and that we needed an expert at a salary of $10,000 a year to promote the efficiency of Congress, I would vote for this section of the bill. However, I do not believe that any Senator, by any force of argument, eloquence, or logic, can establish the fact that the proposed arrangement will improve the efficiency or service of a single page.

I have been pleased, as I have already said, to talk with the parents of two or three boys who desired to come to Washington some day in order to be a page. The parents of those boys wanted them to have an opportunity to obtain firsthand observation and experience with reference to the functions of the Government, and at the same time be enabled to earn a small amount of compensation in order to sustain them while attending school at night and during recesses of the Congress. Mr. President, the boys who wish to come here and those who have come here are boys of the finest character. They are boys with ambition, and they are looking forward to the future. They have high hopes. I do not wish to dash away such hopes in a boy in my State by being required to say to him, in effect, "I do not want to take any steps in helping you. I have attempted to absolve myself from any responsibility with reference to you, and have provided for a personnel director to size you up and determine whether or not you should have the opportunity which you seek." Mr. President, I am not ready, and I am not willing to do that.

As I have already said, referring particularly to title II of the bill, I am opposed to the general philosophy of that title. I believe that what I have said with reference to the page boys holds substantially true with reference to the employees of all the other departments in the Congress. I see no justification whatever for the revolutionary changes which have been proposed. I predict, Mr. President, that if we pass this bill we will take a course which will not only prove embarrassing to us at times in the future, but it will increase and not relieve our present burdens. It will not help me to be a more efficient Senator, or to give more time to my senatorial duties. If the bill is enacted into law I will probably have less time to devote to my duties because I will be eternally after the Personnel Director to place this boy or that boy in some particular position. We know what the situation is at the present time. A fair allocation is made of the various positions in the Congress. When a boy is placed as an operator of an elevator, for example, he knows that he must be sufficiently proficient to operate that elevator and perform what other duties he may have in connection therewith. I dare say that we have no more difficulty now in that respect then we would have under a civil service personnel director, or whatever title we may decide to give to him.

Mr. President, while I am discussing this section of the bill, which ties into other sections of title II, I wish to refer also to some of the other provisions of the bill. I referred briefly to them last Saturday afternoon.

Over the week end I reread the bill and I read substantially the entire report of the committee which reported the bill to the Senate. As I studied the bill I came to the conclusion that, instead of the present title, namely, "A bill to provide for increased efficiency in the legislative branch of the Government," the appropriate title would be, "A bill to increase the cost of the legislative branch of the Government."

I read that part of the report in which an estimate is set forth of the cost of putting the bill into effect. It has been estimated by the committee that the cost will be between $12,000,000 and $13,000,000 a year. That is, of course, an estimate. It may be an accurate estimate, but I am inclined to the view that, instead of the cost being $12,281,235 per annum, according to the committee report, before we have completed the creation of the jobs which it is proposed to create, the cost will probably be approximately $25,000,000 a year. I am willing to agree that if, by spending that much money we could actually produce greater efficiency and afford more time to the Members of Congress to attend to legislative matters, it would probably be well to make the additional expenditure. But, in my judgment, the greatest contribution which could be made toward reorganizing the Congress so as to produce more efficiency in connection with its legislative functioning, would be to reorganize the present committees so that the Senate and the House would have corresponding committees with like jurisdiction in connection with all legislation. That is my idea of reorganizing the Congress of the United States.

I am not undertaking to say that we should have 16 committees or 25 committees in the Senate. I wish to say for the joint committee which studied the matter, that I believe they made a conscientious effort to make some progress in the right direction. I am not critical of what they have done.

I do not say that it could not have been done somewhat better; I do not know as to that; I do not say I could have done it any better; but this to me is the crux of reorganizing Congress: Set up standing committees corresponding in jurisdiction both in the House and the Senate, and then require those committees to meet in joint session for the consideration of legislation. That would expedite the work of the Congress; it would eliminate waste of time on our part and waste of time on the part of the administrative chiefs and employees who are required to come here to testify before committees.

This morning, Mr. President, I left the the Committee on Commerce of the Senate at 11 o'clock when the Senate convened. In that committee today we began hearings on the bill (H. R. 6407) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes. That bill has already passed the House. The House Committee on Flood Control held extensive hearings on the bill. I do not recall just how much time was consumed in the House hearings, but several days, at any rate. This will illustrate what I have in mind and what I have been talking about. Today we are having hearings on the same bill in the Senate Committee on Commerce. The first witness called to testify at the hearings today is the Chief of Army Engineers. He and a part of his staff are there testifying today. What they are actually doing is covering substantially the same ground which was covered possibly less than a month ago, by the Flood Control Committee of the House of Representatives on the identical measure.

So, Mr. President, much time and duplication of effort would be saved if we would reorganize committees so as to set up substantially the same number of committees of corresponding jurisdiction in the two branches of Congress, and then require joint hearings on legislation of this character. The Senate committee could make its report to the Senate and the House committee make its report to the House; they would not have to make a joint report, but the same report; and the time that would be consumed in the consideration of a given piece of legislation in committee would simply be cut in half, and the time lost, the time consumed by departmental chiefs who have to testify on the bill in the House committee and then come over to the Senate and testify here would be conserved. They would have to spend only 1 day away from their offices and duties, whereas now they are required to spend at least 2 days, and possibly more.

Mr. President, that is what I have had in mind; that is what I was looking forward to when we would consider the reorganization of Congress. There are other things that can be done and should be done, but to me that is basic, it is fundamental. If we are going to make Congress more efficient, if we are going to conserve our time, if we are going to get better coordination and cooperation between the two bodies, if we are going to do these things, Mr. President, then that, in my judgment, is the way to go about it. Further progress might be made from such an approach, but that, in my judgment, is a proper approach to it. While this bill does provide that the committees may hold joint sessions, and it is probably contemplated that some of them will hold such sessions, I know that unless they are directed to do so, it is most unlikely that such joint meetings will occur.

Mr. President, this bill also seeks to meet a lot of our problems by staffing the committees with special experts. I say with respect to that approach to our problem that, no doubt, committees should have some professional assistance, some expert assistance, and I am not opposed to that approach to the reorganization problem; in fact, I favor it; but I cannot conceive of the Appropriations Committee of the United States Senate needing or requiring 44 experts, which, as I understand, is what the pending bill provides for.

Mr. LA FOLLETTE. Mr. President, will the Senator yield there?

Mr. McCLELLAN. I am glad to yield.

Mr. LA FOLLETTE. The Johnson amendment provides that the subcommittee shall be authorized to appoint not more than four. So that now it is entirely in the hands of the committee.

Mr. McCLELLAN. That is correct, and I think to that extent the modification is helpful, but I am talking about the general approach to this problem.

Moreover, I cannot conceive that many of the other committees will need four experts at $8,000 a year to help them with their legislative work. The present committees in the past have gotten along without any experts. They have had a clerk and possibly some other clerical help. I do not say that the help afforded them has been adequate, but I do say, Mr. President, that we are going pretty far when we are granting authority for the Appropriations Committee to hire 44 experts. I know, and we all know, that when we hire experts the experts have to employ secretaries and staffs. I am not attempting to be facetious, but if this reorganization bill is carried out and the increased number of employees contemplated under the measure are hired, together with the other employees necessary to serve them this Capitol will have to be enlarged, or at least office space in the form of a new building will have to be provided very near the grounds to meet the new situation.

While I have not served on the Appropriations Committee, I am of the opinion that four or five experts would be adequate for the full committee, and certainly the subcommittees, in my judgment, would not require more than one expert. There will be so many experts connected with the Appropriations Committee that it will take a room as large as this Chamber or larger to accommodate all of them for a committee session. Take 13 members of the committee, 44 professional experts, and their clerical help and employees, and we would just about have to move out of this Chamber and turn it over to them so that they could have room to function.

I understand, of course, that the Committee on Appropriations does not have to employ 44 experts, but I do know that when the authority is granted the inclination to exercise it becomes stronger and stronger. I believe we could very well restrain ourselves a bit with respect to that number. I believe the number for the other committees for the present, at least, should be reduced to one, or not over two at the outside.

But, Mr. President, we do not stop there; but we go further. We are going so far in employing experts that we are experting the Congress to death. We go on to provide for the legislative reference service. That is all right. We should have that service, but we increase it to the point of providing experts all along the line. Then that not being enough, we provide in paragraph 2 on page 44, that—

(2) The Librarian of Congress is further authorized—

We keep going on and on and on—

to appoint in the Legislative Reference Service—

Listen to this: Not only have we those who now are in the Legislative Reference Service to look up statistics for us and give us information, but we go further in connection with the Legislative Reference Service:

The Librarian of Congress is to appoint senior specialists in the following broad fields—

Let me say that every senior specialist is going to require a staff about him. They do not do the "leg" work, so to speak. They place themselves in a supervisory capacity, and each of them

will need an assistant or two. They will have to be staffed with clerks and secretaries. That is why I am saying, Mr. President, that the estimated cost of this change as contained in the bill in my judgment is not in agreement with what the cost will ultimately be. We know that once we start these things, Congress will be most reluctant ever to repeal the law. The more employees a Government officer has, the more he wants.

The Library of Congress is to appoint senior specialists in the following broad fields. First, in Agriculture. We have a Department of Agriculture, with all the specialists needed in it, and I do not know just what a senior specialist would do over in the Library of Congress as an agricultural expert. Perhaps there is some job he could fill after we got him staffed, but in my opinion it would mean a duplication of service that is already being performed.

Then the Librarian is to appoint one on the "American Government and public administration." That is broad enough to cover anything. He is to appoint another one on "American public law." I just wonder where we differentiate between the two. It strikes me that a specialist on American government and public administration would also be a specialist on American public law. If he was not, I do not know that he could be very much of a specialist or authority on government and public administration. Where would we differentiate between them? If there is no differentiation between them, if their duties are relatively the same, why have both of them?

There is to be another on "conservation." I do not know what it is thought that will cover. I do not know whether that refers to soil conservation, or conservation of the strength and energies of Senators, just what function a conservation expert would serve, I am unable to understand.

There is to be one on "education." We have a Department of Education, full of experts, I assume. I imagine that if we get the appropriation for this we will find that if sufficient funds are provided the Librarian can hire and pay for many experts.

There is to be another on "engineering and public works." We have agencies for that work.

Mr. President, I may be wrong about it, but I cannot help feeling and believing that instead of a reorganization of Congress, and getting down to the very basis of a problem which really is burdensome to us today, we are simply asked to go far afield, to create more bureaus and more agencies, and establishing more experts, and when we get through with it, we will meet ourselves coming back.

There is to be one on "full employment." We passed what was called a full employment bill, and set up a number of experts to study full employment, and to make recommendations to the President and to the Congress. Now we are asked to do it again, to create another agency in the Library of Congress on full employment.

There is to be another on "housing." We have a housing agency, with experts in it. We are asked to set up another agency of that character in the Library of Congress.

There is to be one on "industrial organization and corporation financing." I do not know what duty that expert will perform. We have the RFC and all sorts of lending agencies, and their staffs. I do not know just what service this expert could perform.

Then there is to be another on "international affairs." We have a State Department, which should be pretty efficient. We have a splendid Foreign Affairs Committee and Foreign Relations Committee in the House and the Senate. Perhaps they need some assistance. We are going to staff them with four professional experts to begin with. Then we are asked to create this position, senior specialist in the Library of Congress, and of course he is going to have a staff to help him to do his work.

We are to have one on international trade. We have the Department of Commerce and various other agencies of the Government attending to that subject.

What we are doing in this bill, Mr. President, I am afraid—and I am not saying this to be critical of the committee—is not reorganizing Congress. We are merely expanding the Government, increasing the cost of Government, duplicating existing work and positions and authority, which will result in increased confusion instead of simplification of the work we have to do.

Mr. McMAHON. Mr. President, will the Senator from Arkansas yield?

Mr. McCLELLAN. I am glad to yield.

Mr. McMAHON. Does the Senator apply that test to title III, Regulation of Lobbying Act, found on page 56 of the reprint? Does the Senator think there is any expansion of Government contained in that section?

Mr. McCLELLAN. What is the section, and on what page is it found?

Mr. McMAHON. Page 56, title III, Regulation of Lobbying Act.

Mr. McCLELLAN. In the copy of the bill I have, page 56 has on it section 306, not section 301. Section 301 is the first section of title III.

Mr. McMAHON. That is correct.

Mr. McCLELLAN. The Senator asks me whether we are setting up there another agency of Government?

Mr. McMAHON. The Senator complained that the bill expanded Government and really did not provide for reorganization. I wanted to know whether the Senator was excepting from his description of the bill, title III, the Regulation of the Lobbying Act. In other words, has the Senator any objection to that section?

Mr. McCLELLAN. The Senator means do I have objection to the regulation of lobbying?

Mr. McMAHON. Yes.

Mr. McCLELLAN. No; I have not. If the bill does what I think it does, however, I want to say with respect to it that I do not know how we are to regulate what we call lobbying except by requiring professional lobbyists to register.

Who is a professional lobbyist? I have had in mind to ask the author of the bill some questions about this title. As the bill is drawn now, and as I read the report, I understand it might apply to an organization such as there is in my State known as the economic council, which is devoting its whole purpose to seeking the enactment of legislation to bring about reforms in government, State and Federal, looking toward economy in government. So far as I know, the organization has no other purpose. It is just an organization of volunteers of citizens from all over the State, from all classes of people who are interested in trying to effectuate economy in government.

As I understand, under the bill as it is now written the secretary of that organization could not write me a letter with respect to any pending legislation until and unless he had registered here, and set out the organization he represented, what salary he was paid, who contributed to it, in other words, be placed in the position of a lobbyist. As I read the report on the bill, that is what the bill provides.

Mr. President, I would say to the Senate that I am wondering whether the provisions of the lobbying title of the bill are intended to include such organizations as the United States Chamber of Commerce, the National Manufacturers Association, the CIO and the PAC, and the A. F. of L. Just whom do we include in it? Who and what organizations do the provisions of title 3 apply? Frankly, I should like some interpretation of it.

I should like to say, before going further, that I have not been bothered by lobbyists. So far as the Senator from Arkansas is individually concerned he has no complaint to make respecting lobbyists. I think that the professional lobbyists work where they find the field most fertile, and they have not been any problem to me, because I vote my own sentiments, and I am not very much influenced by professional lobbyists. They do not waste their time on me. I want that known. I have no complaint to make about that matter. But I do think it is well to require them to register. If we can do it by this provision in the bill or by some other means we should require that professional lobbyists who operate in Washington continuously be required to register so we will know who they are, so that Members of Congress when sitting in committees will know the lobbyists when they appear before the committees. It is perfectly all right that such lobbyists should register. I do not regard that as expanding any agency of government. I do not think we would set up a new agency for that purpose. The lobbyists would simply file reports and register with the Clerk of the House and the Secretary of the Senate.

Mr. McMAHON. Mr. President, will the Senator yield?

Mr. HOEY. Does the Senator from Arkansas yield to the Senator from Connecticut?

Mr. McCLELLAN. I yield.

Mr. McMAHON. The Senator spoke of the CIO, the PAC, the National Association of Manufacturers, the Chamber of Commerce of the United States, and other organizations. I want the RECORD to show that personally I should like to have them all come under the provisions

of the bill, together with 500 or more others that ought to come under it also.

Mr. McCLELLAN. As I have said, Mr. President, I have no objection to that. I simply want a clarification of the provision. There is one provision which says that it would not apply to those who would come under the Corrupt Practices Act. The PAC may regard itself as a political committee and therefore it would not be required under the provisions of this bill as now drawn to register.

I should like to know another thing about the provision. Does it mean that each one of the representatives of such agencies must register? Does it mean that the personal representatives of such organization must register before they are at liberty to come here to Washington and buttonhole Representatives and Senators and take up their time in their offices with respect to the enactment of any legislation or the defeat of any pending bill? I do not know. I should like to understand the provision better. I am not opposed to the provision, in fact, I favor its general purpose at least to require professional lobbyists to register and to make themselves known, and the interests they represent, and the pay they receive for their services. I am perfectly willing to see that done.

But, Mr. President, I do not want the provision to be so broad as to require that every constituent I have who happens to be identified with some organization must register before he can come up here and confer with me about legislation in which he is interested. For instance, a representative from the Farm Bureau Federation, or the Farmers' Union, or the Grange, may come up to confer with me. I meant to include those three organizations in the remarks I made a few minutes ago. I wonder if the lobbying provision applies to them, and if they would have to register. Would each individual representing the Grange or representing the other farm organizations be compelled to register before he could come to Washington and confer with me?

Mr. President, I should like to know also, after the national representatives of such organizations have registered, whether the State representatives would also have to register. I believe the head of the Farm Bureau is Mr. O'Neal, and Mr. Goss is head of the Grange, and Mr. Patten is head of the Farmers' Union. After they or their assistants have registered, I wonder if it would be necessary for the State president of any one of these organizations to register before he would be at liberty to come to Washington and confer with his Senators or his Representatives respecting legislation in which he is interested? The head of the Farm Bureau Federation in my State, the head of the Farmers' Union in my State, both have come to my office more than once to confer with me about pending legislation. They represent organizations interested in the enactment or the defeat of legislation. They come to see their Senators and their Representatives and talk to them about specific bills which they want defeated or which they want enacted or which they desire to have amended. I wonder if the lobbying title of the bill is broad enough to take in such individuals and require that they place themselves on record as being lobbyists before they can talk to their Senators or their Representatives in respect to legislation in which they are interested.

Mr. President, I have no objection whatever to requiring the registration of professional lobbyists who stay in Washington, who are paid for that purpose, who are here to look after the interests of the organizations they represent and to lobby with Congress or to try to influence Representatives and Senators in the decisions they have to make as to their vote for or against legislation. I have no objection whatever to requiring them to register. It probably would be of some service to the Congress, perhaps it would be of some benefit to the Nation as a whole that the names of such individuals may be made known, that their programs may be known, and that their efforts to wield influence may be known. In other words, the Members of Congress would then have the opportunity to know who such individuals were, whom they represent, and what motivates them in their efforts to influence us with respect to legislation.

But, Mr. President, if I correctly recall, there is in the report upon the bill comment respecting this title which deals with the writing of letters by organizations. I believe that action would be precluded under this bill. I think it is going pretty far to say that unless they are registered, individuals cannot have an organization for a purpose dealing with affairs of government and write letters and send factual information to their Senators and Representatives respecting legislation in which they are interested. I call the Senate's attention to page 27 of the report of the committee. There I find a statement by the committee as to those to whom this lobbying title will apply. After mentioning a number to whom it does not apply, the report states:

> On the other hand the title applies chiefly to three distinct classes of so-called lobbyists:
>
> First, those who do not visit the Capitol but initiate propaganda from all over the country in the form of letters and telegrams, many of which have been based entirely upon misinformation as to facts. This class of persons and organizations will be required until the title, not to cease or curtail their activities in any respect, but merely to disclose the sources of their collections and the methods in which they are disbursed.

The provision may have a wholesome purpose. I do not know whether it can be restricted to that one purpose. One of the purposes is to try to reach those who spend large sums of money for broadcasting, buying radio time, or sending out literature which usually winds up with the request, "Be sure to write your Congressman or Senator to oppose H. R. ——," or to support a certain Senate bill. There is a great deal of such activity. I doubt if there is any Senator who cannot sense the propaganda and pressure type of mail, even before he opens the envelope. It is not difficult. I know the people of my State well enough so that when I receive a letter I can usually tell from the opening sentences whether the letter was inspired by the head of some organization, or by some of the propaganda which is continually being sent out over the channels of the air by commentators and others who spend a great deal of their time criticizing the Congress and trying to bring it into disrepute. They are agitators who think they are smart enough to tell the American people how they should vote in elections, and how Members of Congress should vote. They go even further than that. They are smart enough to tell the President what he ought to do and what he ought not to do.

So I am not very much interested in that class of propaganda. It has no influence on me, and I am not greatly disturbed by it. However, I believe there should be some regulation of the professional propagandists who are always trying to agitate the people and stir them up to write their Senators and Representatives on many subjects. These professional propagandists are motivated purely from a selfish or personal standpoint, or because they are paid for their activity. Does anyone believe that they go on the air in the interest of their country? When they call upon the people to write to their Senators and Representatives, telling them that a certain bill is a vicious measure, they are like criminal lawyers. They are hired, and are serving because they are paid for it. The sooner the people of America realize that, the less influence they will have with their efforts to smear.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. CONNALLY. Does this provision apply to the man who represents a regular organization, such as a farmers' union, an REA cooperative, or something of the kind, but who extends his activities and lobbies in connection with bills which are of no direct interest to his organization? He pretends to say that his organization is for them. Would this bill reach such activity?

Mr. McCLELLAN. In its broader aspects I would say that it would. If the bill does what the report states, it certainly would reach that class of lobbyists.

Mr. CONNALLY. One of the most reprehensible practices is for a man who represents a farm organization, for example, to lobby in connection with something that has nothing to do with farm problems. He pretends that his organization is greatly interested in some legislation with respect to which his organization probably knows nothing. He is simply doing it on his own account, for reasons which I do not care to go into.

Mr. McCLELLAN. I appreciate the Senator's contribution. As I stated when I was interrogated about this title of the bill, in my own mind it needs more clarification. I am not sure just what it does. I was reading from the report of the committee. I read a statement with reference to one class which initiates propaganda from all over the country, in the form of letters and telegrams. I receive a great many of such letters and tele-

grams, which are inspired by some outside organization, or by some radio commentator who is trying to tell the Congress how to run the country. He is so smart that he knows all about it, and he ridicules Congress for everything it does and fails to do. If this provision would reach him, it would be all right with me.

But I do not wish to see enacted any so-called antilobbying legislation which would preclude any citizen of my State from getting in touch with me about any legislation, so long as he is confining his efforts to his own representatives in Congress and conferring with them about legislation in which he or the organization which he represents may be interested. I say that he is exercising a constitutional right as a citizen, a right which I do not wish to deny him. I commend the committee for making an effort to reach the evils referred to by incorporating such a provision in the bill.

I believe that the bill, with all its comprehensive objectives and purposes, ought to be broken down into five or six separate bills. The lobbying problem is something with which Congress might well deal. I hope that ultimately a bill can be enacted which will provide some regulation of professional lobbyists. As I stated a while ago, they have not given me any trouble. I am not bothered by them. I am able to sense pretty well the character of the mail which comes to me, and what has inspired it. I am able to separate the wheat from the chaff, throw the chaff into the wastebasket, and give consideration to the letters of my constituents who are actuated by motives of good citizenship, patriotism, and public spirit, and who are sufficiently interested in the affairs of their country to write to me and express their opinions. I always welcome such letters. I give them all the consideration that my time and the pressure of duties will permit.

I do not always agree with my constituents. Often I receive letters from good, conscientious citizens who differ among themselves. Frequently in replying to such letters I tell my constituents that unfortunately I cannot agree with all of them, because they do not always agree among themselves on important issues.

Mr. President, the committee report points out two other classes of lobbyists who are brought within the purview of the bill. I have already referred to the first class. The report continues:

> Second. The second class of lobbyists are those who are employed to come to the Capitol under the false impression that they exert some powerful influence over Members of Congress.

That is one of the things to which I was referring a moment ago. For example, the State president of the CIO in my State was in my office some 2 or 3 months ago, conferring with me about legislation in which he was very much interested and in which his organization was very much interested. I have no doubt that the organization paid his expenses to Washington for the purpose of having him confer with the Arkansas delegation in Congress. I wonder whether under the provisions of the pending measure, in its broad terms, it is intended to require him to register here as a public or professional lobbyist, before he will be privileged to come to Washington and confer with his Senator or his Congressman in regard to pending legislation in which he is interested or in which his organization is interested. I think to impose such a requirement would be going entirely too far. It seems to me that any constituent of mine or any constituent of any other Member of Congress should have the privilege of conferring with his Congressman or his Senator on matters of public importance and interest, without being placed in the category of being a professional lobbyist. I think a distinction should be drawn. So far as I am concerned, as I said earlier in my statement, professional lobbyists do not bother me much; I do not let them take up a great deal of my time.

I read further from the report:

> These individuals spend their time in Washington presumably exerting some mysterious influence with respect to the legislation in which their employers are interested, but carefully conceal from Members of Congress whom they happen to contact the purpose of their presence.

I cannot quite understand that reason for including them. I do not understand how they could lobby very well if they concealed the purpose of their conversation or the purpose of their presence. However that may be, if that provision applies to professional lobbyists and if it will help to expose them to the public and to bring them out into the open and to require them to make a record here of their activities, their collections, and their expenditures, so that it may be a public document and may be known to the country, then I certainly have no objection to such a requirement, and I shall gladly support legislation of that character.

I read further from the report:

> The title in no wise prohibits or curtails their activities. It merely requires that they shall register and disclose the sources and purposes of their employment and the amount of their compensation.

Just as I said a while ago, Mr. President, I should not be willing to pursue that purpose so far as to prevent the president of the Federal Farm Bureau or the president of the CIO or the president of the A. F. of L. or the president of the Farmers Union, or the secretary of the chamber of commerce, or others who fill positions similar to that in my State, from coming to Washington and conferring with their congressional delegation unless they agreed to register and to report as professional lobbyists. I do not think the legislation should go that far. I think there is no need to have it go that far. I think it is probably an abridgement of the civil rights of our citizens and our constituents, when and if the law does go that far.

The report further says:

> Third. There is a third class of entirely honest and respectable representatives of business, professional, and philanthropic organizations who come to Washington openly and frankly to express their views for or against legislation, many of whom serve a useful and perfectly legitimate purpose in expressing the views and interpretations of their employers with respect to legislation which concerns them. They will likewise be required to register and state their compensation and the sources of their employment.

Mr. President, personally I have no objection to requiring them to register, but I think an exception should be written into this measure, or into this title of it, so as to keep it from applying to a citizen who comes within that class, when he contacts the representation of his own State in the Congress. I do not think we have a right to say to any citizen of our State that, as a citizen of the State, he cannot, without becoming a criminal because of violation of this proposed law, contact his Senator or his Representative in Congress and discuss with him legislation in which he or his organization is interested, unless he registers and acknowledges himself to be a lobbyist.

Mr. President, I had not intended to discuss this title of the bill at this time. I wish it clearly understood that I am not by any means condemning the objectives of the title. I think it has a great deal of merit in it. But I should like to see some of these questionable provisions of it modified or amended in such a way as to safeguard the rights of a citizen, whether he represents an organization or whether he comes to Washington in his capacity as an individual, to contact his representatives in Congress at his pleasure and at their convenience. I do not think we should go so far as to abridge that right. I think professional lobbyists—people who are earning their livelihood as lobbyists and who are here in Washington in the performance of that duty or in pursuance of that profession—should be required to register, and I believe that full information should be spread upon the record with regard to their activities—how they are financed, by whom they are paid, and what their expenditures are.

Mr. President, before I was interrogated about the lobbying title of the bill, I was discussing paragraph (2), on page 44 of the bill, and I was referring to the various experts who are to be established as senior specialists in the Library of Congress. I was mentioning the various fields in which such senior specialists would serve, and the last one I mentioned was international affairs. Upon referring to that portion of the bill again, I find that the next field which is mentioned is international trade and economic geography. I do not know what economic geography would involve. Geography is just geography to me. I do not know that there is any economy in it except with reference to the size of the map which may be printed. But I do not know what is meant by international trade and economic geography. Of course, in connection with the field of international trade there are various agencies of the Government which already function, particularly within the Department of Commerce and the Department of State. The Department of State is clothed with authority to negotiate trade agreements. I believe in this bill we are being asked to expand the

Government by creating additional bureaus and agencies, and thereby necessitating an additional expense on the part of Government instead of increasing its efficiency.

There would also be a specialist on price economics. There is much concerning this section of the bill which I do not understand.

There would also be an expert on social welfare. We have a Social Security Administration within our Government at the present time. I do not know what need we would have of a specialist in social welfare.

There would also be a specialist in the field of taxation and fiscal policy. There is already a Joint Committee on Internal Revenue Taxation. We are now being asked to provide for an expert, and furnish him with a staff which would deal with the subject of taxation and fiscal policy. What I have already said with reference to standing committees applies in this instance. We have been asked to furnish the Finance Committee with four experts to assist in solving the technical problems associated with tax legislation.

We are also to supply an expert on the subject of transportation and communications. But, Mr. President, we have already taken care of such matters.

We would also supply an expert on the subject of veterans' affairs. Mr. President, what is there about veterans' affairs which cannot be administered by the Veterans' Administration? Under the Legislative Reference Service of the Library of Congress we would furnish an expert on the subject of veterans' affairs. How many veterans would write to that person and inquire with reference to what they must do in order to secure the adjustment of their claims or with reference to other matters of that kind? The only thing which I can see that this expert would do would be to issue a booklet of some kind on the subject, perhaps, on the GI bill of rights. But the Veterans' Administration has already provided information which would be embraced within such a book. Moreover, Mr. President, we have already established various offices throughout the Nation to which the veteran may go and talk directly with some person whom the Government has appointed to give to the veteran the assistance which he requires.

Mr. President, I again emphasize that the bill in its present form merely augments, expands, multiplies, and increases the present number of agencies and bureaus of the Government, all of which would be done at an increased cost and without resulting in any materially increased efficiency.

Mr. President, with reference to the reorganization of committees as proposed in the bill; as I have already said, I am not opposed to the plan which has been proposed. I do not say that it is the best plan which could be offered. Upon further study of it I may have some suggestions to make. I have not served in the Senate as long as some other Members of the Senate have served, and I should prefer to leave final judgment with respect to that phase of the bill to Senators who have been Members of the Senate longer than I have, and who have served on various committees longer than I have served.

So far as I know, the joint committee has done a very good job with respect to the various proposed committees which are dealt with in the bill. It may be that some functions which have been assigned to some of the committees should be assigned to other committees. But I approve of the recommendation in connection with the reduction of the present number of standing committees, and the provision that they shall meet jointly whenever it is possible and feasible to do so in connection with the study of proposed legislation. I approve of the resultant curtailment of the amount of time which it would be necessary for Members of the Congress to consume in connection with legislative matters, and that statement applies also with reference to departmental heads and their staffs. For example, there may be a hearing taking place in the other House in regard to a flood-control bill. Reporters are engaged to report the hearings before the committee, and those hearings are printed. The bill later comes to this body and is referred to a committee. Hearings are again held on the bill, and there is much duplication of work. Mr. President, there is the place to begin to reorganize the Congress.

Mr. President, instead of moving to strike out subsection (a) or section 243 on page 50 of the bill, I should prefer to move to strike out all of title 2, except certain provisions thereunder which may contain much merit. I may say that I believe the Johnson amendment which was agreed to on page 40 of the bill with reference to the manner of selecting experts for the various committees, was a decided improvement of the bill. Certainly, every committee should have the prerogative, jurisdiction, and authority to select its own employees. In carrying out the same philosophy which is contained in the Johnson amendment as adopted by the Senate, I assert that there is no need for the establishment of a personnel director. Every committee, in my judgment, should have the right to employ its own clerical staff and its own experts. The Johnson amendment would allow that to be done. I do not know what the practice has been in the past; I do not know whether it has been the prerogative of the chairman of a committee to select the entire staff of the committee. Perhaps there may be some objection to that practice. If so, it has been corrected by the Johnson amendment. Under the bill now with the Johnson amendment the selection is made by the majority of the committee. The democratic process is invoked, and the majority of the committee selects the members of its staff and discharges them whenever it sees fit to do so. That is the way it should be done. That is why I feel the way I do with reference to the pages in the United States Senate.

I believe that the adoption of this section of the bill might be interpreted throughout the country as meaning that the present system which is pursued in connection with the selection of pages has not proved to be successful, that the pages are not efficient, that there is a need for reorganizing the system which is used in connection with the employment of pages, and that some person should be employed to screen them, and determine finally that they must be residents of the metropolitan area of the District of Columbia or else they will be ineligible to serve.

Mr. President, to one section of this bill I desire to make special reference. It meets with my approval and I want to commend the committee for including it in the bill. I refer to the provision on page 26, section 122. It is in line with what I have been saying with respect to what is needed basically to reorganize the Congress so as to give it greater efficiency. Section 122 provides:

> The standing committees of the two Houses are authorized to hold joint hearings with respect to subject matter within their respective jurisdiction.

I suggest, Mr. President, that after the word "authorized" there should be inserted an amendment reading, "and directed, whenever practicable and feasible, to hold joint hearings with respect to subject matters within their respective jurisdictions."

When I offer that amendment, as I expect to do in the course of these proceedings, I hope it will be agreed to, because it is the very crux of any proposal to reorganize Congress if there is a desire to prevent duplication of effort and the wasteful expenditure of time.

There are other provisions of the bill which I expect to discuss when I offer another amendment which I have had printed and which is lying on the desk.

One of the ways to increase the efficiency of Congress and to conserve its time and to provide for greater economy and for better government, in my judgment, is, after the Congress enacts legislation, to follow through the administration of the legislation by the executive departments of the Government. We need to find some way by prescribing a formula or providing machinery, to obviate the necessity for the creation of special committees. Many special committees could be eliminated. This bill prohibits the creation of any special committees in the future. I do not know that it would be a proper solution of the question or a wise policy to enact a law absolutely prohibiting under any circumstances the creation of a special committee. I do not think, however, the provision relating to special committees has any great significance because all we would have to do would be simply to pass a resolution saying that, notwithstanding any other provision of law, there is hereby created a special committee to do this or to do that. That is all we would have to do to get around that provision of the bill. What I think is needed is to set up a joint committee of the two Houses of Congress, to serve as a continuing committee, a permanent committee, and charge it with the duty and responsibility of making such investigations as the Congress may authorize from time to time, or to investigate on complaints made to it, or to Members of Congress, which the committee feels have such

merit as to warrant an investigation, or to act on its own initiative.

To me the important thing in order to obviate the duplication which now occurs, is to have a standing joint committee to conduct investigations. We have had many instances of a House committee investigating the OPA, for instance, or some other activity of administrative agencies of the Government, and at the same time a special committee of the Senate or a subcommittee of one of the standing committees of the Senate conducting a similar investigation, making an inquiry into the same subject matter and into the same general complaints. That would be obviated, and the Congress could make some progress toward streamlining itself and avoiding the necessity for duplicating overlapping activities on the part of the two Houses, by having one joint committee do that work.

When I offer the amendment which I have sent to the desk, and which is printed and on the desks of Senators, I shall point out the duties and functions, as set forth in the bill and in the report of the committee, which are imposed upon the new Committee on Expenditures in the Executive Departments. By forming the two committees, the House committee and the Senate committee into a joint committee, for the purpose of making the investigations and studies which the pending legislation directs each committee—at least, each Senate committee—to make, this work could be done, if the committee were properly staffed with men competent to assist it, and a better surveillance could be kept over the different administrative and executive agencies of the Government.

Unless that is done, Mr. President, I do not believe that the provisions of the pending bill will solve that problem. I do not have the provision before me at the moment, but under the terms of the bill each standing committee is authorized or required in the future to follow through in the administrative departments of the Government all legislation and laws that come under the committee's jurisdiction, see to it that the laws are properly administered, and to keep informed as to the policies of the department, or branch, or agency, or bureau of the Government that is administering a law which the particular committee may have handled and may have reported. I assume the provision would apply to such laws as may previously have been enacted and which would normally have been handled by the committee in question.

Mr. President, that is all right so far as it goes, and if the committee could find time to do it, that would be of some benefit, and I think they would do it. I would not want to remove that provision from the bill. I think it ought to remain in the bill. If the committees have the time and if they will undertake such work, I think this provision of the bill would serve a good purpose.

Mr. President, one of the most important reforms we need in this Government is to make governmental agencies more responsive to the elected representatives of the people. That is one of the great problems confronting us.

I am sure every Member of the Senate has had similar experiences to some I have had. No matter how meritorious may be the complaints we have from our constituents, we know what occurs. We go down to a Government agency to present the matter, and actually we contact a youth who has been placed at the head of a division, a young man who may never have had 1 day's practical experience in the line of work of which he is put in supervision, but who has been given authority and jurisdiction, indeed the power, to tell a United States Senator that he does not know what he is talking about; that he is running that show, and he is going to make this order and make that one.

Mr. President, I am sure every Senator has had some such experience. I know it is impossible for the Senate or the Congress to retain absolute control. Some power must be delegated, but there should be a follow-up on these agencies by the Congress, with sufficient persuasion and influence to supervise their administration of the law, so that the Congress could keep advised as to whether their interpretation of the law was in accordance with the will and intent of the Congress at the time the law was passed.

We do not have that power now. The committee which I would set up would have duties along the lines of those prescribed for the committee to be set up under the bill, on expenditures in executive departments. The joint committee I would set up would be charged with continuing duties.

Mr. President, we get many complaints, some of which are justified, some of which are fully warranted, some of which are meritorious. I get some complaints, and I am sure every Senator does, asking me to investigate this or investigate that in some agency in my State. Some constituent will say, "I want an investigation made. They have done this or have done that." I cannot go down and investigate personally. I have no authority to do so. I could go and make some inquiry if I had the time, but, of course, I do not have the time, and other Senators do not. I cannot leave my office every time I receive a complaint and go and make an investigation. So, when I get such a letter, all I can do is to call up, or we write this or that bureau, and the head of the bureau makes the investigation. He sends out his own staff to investigate his own employees, and 99 times out of a hundred he comes back with some explanation sufficient to satisfy him that nothing is wrong.

I have in mind an instance to which I shall refer and which I shall discuss when the OPA measure is before the Senate. There is a case in my State in which I think there was a flagrant violation of duty on the part of a public servant. Yet the cloak of protection is thrown around him, and he is holding his job today. I have no way of investigating such things, but in this instance I happen to have this man's own letter, over his own signature, which is irrefutable, and which is sufficient, in my judgment, to indicate that he was proceeding on a policy that was contrary to every concept of the duty of a public servant.

Mr. President, it is cases like that which are brought to our attention. I am sure we get many complaints in which there is no merit whatever, but we do get complaints of such a character and nature that they should be investigated. I can write a letter, any other Senator can write a letter, and get an answer, but if we had the joint committee which I shal propose in the amendment I shall submit, if such a joint committee were created by the Congress, properly and adequately staffed as a permanent committee, when a complaint of this nature, when a dereliction of duty of this character, was brought to our attention, instead of writing the chief of the department or calling him on the telephone and having him make some sort of an investigation by his employees, while that is the only way he has of doing it, and then making a report to us, if the committee thought there was any merit in the complaint, or believed there was prima facie justification for the complaint being made, the committee could not only call in the chief and have him explain with regard to his policy in connection with matters involved in the complaint, but the joint committee could subpena any employee, or could have his chief require that employee in our State to appear before the committee and give an account and report, and give testimony with regard to his activities.

Once such a committee has been set up, and has been functioning a short time, we will not have so many of these complaints. The employees will know that the eyes of Congress are still upon them.

Ah, Mr. President, too frequently today we pass legislation and delegate powers. We have nothing to do with who is employed. We do as we are asked to do here now with reference to the employees of the Senate, give some fellow a big job, and it is his responsibility to get the employees, and he gets them. Then the Congress has lost touch, has lost contact. The only contact we have is by going and pleading and begging for something which we think is right.

The joint committee I propose is not to be a new committee. We would, in effect, be doing exactly what the bill in section 122, which I read, actually is intended to do, but does not adequately do; that is, set up one committee composed of two presently existing committees, one of the House and one of the Senate, charged with responsibility for the supervision of the efficiency and expenditures in the executive departments of the Government.

Once that committee is set up and functioning those who would place distorted interpretations upon the laws Congress passes in order to serve their own ideas of what the law is and how they want it to function could immediately be called before this committee, and there could be thrashed out the question of the interpretation of the law and the practices they are pursuing under it.

If that committee disagreed with the officials and found their practices to be wrong, if they did not desist from them upon being advised how the committee felt about it, the committee would be in position to report, and the bill would require that the committee make a report to the Congress, and any member of the committee would then be in position to stand here on the floor of the Senate and make a report about it, and indicate the attitude of the affected agency or public servant acting contrary to the will of the Congress in the interpretation of the law, and in the application of it, and in the practices being pursued in connection with that agency.

Mr. President, that will help us streamline Congress. We will not have to appoint a special committee to investigate the OPA, we will not have to appoint a special committee to investigate the sale of surplus property, we will not have to appoint a special committee to look into war contracts, and to look into this, that, or the other. There would be this joint committee to make the investigations. There would not be duplication. The committee would make its report to Congress annually, or at any time, would report on the efforts to bring about changes. If they found the law susceptible to interpretation that really violated the will of Congress, the committee could immediately report a bill to Congress to correct the evil, and recommend the necessary amendment or change in the original law so that it would no longer permit of the distorted interpretation placed upon it.

That, Mr. President, will bring about efficiency. That is the type of reorganization needed. That is what should be done by Congress. Instead of wasting our time here in trying to set up a personnel director for page boys we ought to bring more closely under the will of the Congress those who are administering our laws, so they will be more responsive to the will of the citizens of the Nation who in public affairs speak only through their elected representatives.

I want to bring the Government closer to the people, nearer to the people. I want to bring the Government back to the people. One way to take it farther from the people is to put these little page boys under a personnel director. If the staff of experts provided by the bill is set up and if several other things provided by the bill are done it will result in moving the Government farther and farther from the people themselves; it will be less and less in touch with the people; it will be farther from the reach of the people, and the people will wield less influence on government.

Mr. President, the people have no one to appeal to other than Congress. They can write to the OPA and other agencies and state their problems. I could use any other agency of government, but I make reference to OPA because it is much in the minds of the people at this time. People either want to continue OPA in some form or are against it entirely. So I use OPA simply as an illustration. The point I make is that any citizen who feels that he has been wronged by the OPA or that he has been mistreated by some of its representatives, or unjustly dealt with by reason of some of its regulations, or has been unjustly accused by it, may write in and make complaint. It is contended that those so injured can go to the courts for relief, but from my observations of the past I would say that there is very little relief such an individual can obtain in the courts.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. OVERTON. Talking about bureaucracies, has it not occurred to the Senator from Arkansas that if we were to enact this bill into law there would be established here in our legislative bodies a bureaucracy in one of its worst forms, under which we would have a director who is to recommend and practically to select the employees of the Senate, as well presumably later on of the House; that those employees will in effect be under his control and under his domination, and that as time goes on and the present membership of this body is succeeded by other members this bureaucracy will be so installed here, its members will have such a dominion over the councils of committees and of the whole legislative process, because they are going to be associated with every committee, that we are going to have a permanent bureaucracy here in our own legislative body.

Mr. McCLELLAN. That is exactly what we are doing by this bill, Mr. President. We are simply setting up, as I said the other afternoon, a super civil service without it being in civil service. The Director makes his own plans. It is said he must submit them to Congress, but I call attention to the fact that he employs whom he pleases, he employs as many as he pleases, he fixes their salaries himself. The salaries are not fixed by the Congress, but this Director fixes the salaries. Of course Congress would have to make an appropriation for the salaries. By doing the things to which I have called the attention of my colleagues today we are creating another bureaucracy, as the Senator from Louisiana has said. Apparently we do not have enough of bureaucracy in the executive departments, so we are bringing a bureaucracy here into the legislative division. If we do that, Mr. President, the Congress will simply be abdicating its responsibility to its constituents.

Mr. OVERTON. Not only that, but it will be abdicating its influence.

Mr. McCLELLAN. When Senators and Representatives lose their influence they cannot help their constituents. That is the very point I am making. I am not going to sing like a honey bee around these bureaucrats so that I may get for my constituents what they are entitled to receive. I am going to do what I think is right, and ask for justice and proper consideration. But I am not going to humiliate myself or my position or my constituency by going to some personnel director and begging for some little favors. I am not going to do that while I am a United States Senator if I can help it.

I shall try to keep this measure from becoming law in its present form. I hope we can succeed in doing that.

I do not see why the wisdom of a United States Senator or the collective wisdom of the United States Senate is not adequate for the selection of the little page boys for the Senate. Another thing, Mr. President, the matter of the selection of page boys does not take up much of the time of Senators. If a vacancy occurs a Senator selects a boy to serve as a page, and he is on that Senator's patronage, but he will never require him to do anything in the world in return. What the Senator has done is to give that boy an opportunity he may never otherwise have gotten. He will be given the opportunity for an education. The boy will be given the opportunity to satisfy his ambition to watch the United States, and the Congress function. That, Mr. President, will be an inspiration to that boy. Many pages in the past, who have served in Congress, have drawn inspiration from the deliberations of this and the other body. They have been fascinated by their experience, and have become desirous of entering the public service. They have gone back to their constituency in later years and asked them to confer upon them the honor which they have seen conferred upon Members of Congress. They have asked their constituents to repose in them confidence to represent them in the legislative halls of the State or of the Nation.

Mr. President, I recall when I was a mere boy I had the ambition to serve as a page in the legislature of my State. I did not have the opportunity for some reason to serve as a page. But also, Mr. President, from my earliest days I had a desire and ambition to some day serve in the United States Congress. My father was a farmer. I had no more opportunity afforded me than thousands upon thousands of young boys in my State whose fathers were in a situation comparative to that of my own father. My father named me for a Member of Congress. All through the years that in itself inspired in me the ambition to become a Member of Congress. When I was 8 years old I wrote a letter to that Member of Congress for whom I was named, John S. Little, from the Second Congressional District of my State, and told him of my labors for that week in the fields, told him how much cotton I had picked during that time. I received a reply from him. I still have that letter and I cherish it. He wrote me of course as he might write to any other boy and commended me for my labors and predicted that some day I might aspire to fill a high position in the Government.

Mr. President, that was an inspiration to me. Is it not an inspiration to these boys? Every one of them will say that it is. If it is, why do we wish to limit appointments to boys in the District of Columbia? Can we with good conscience vote to make ineligible a boy from Virginia, a boy from Louisiana, or a boy from Texas? I will not vote to say to a boy from Arkansas, "You may want to be a page, but the only way you can become one is to get your father and mother

to move to the District of Columbia, and then take it up with the Personnel Director to see if he will let you serve." That simply means that we would exclude boys from the States.

A Senator could not have a boy appointed unless he courted the favor of the Personnel Director. I never did like to do things that way. I like to ask for things on their merits, and if I am entitled to them, get them. That is the way I want to keep it. That is the way it is now. If the Committee on Rules assigns to me a page position for my State, I want someone in my State to have it. If a position as elevator operator is assigned to my State, if someone from my State wishes to work in Washington so as to have an opportunity to further his education, I want him to have it. He is entitled to it, just as a man from any other State is entitled to a position assigned to that State. Other Senators may vote as they please, but I will not vote to make the boys of my State ineligible for any of these opportunities that may be afforded in Washington.

We hear a great deal of talk about the patronage system. I am sure that it has been abused. But I say to Senators that there are some abuses in the civil service that outstink anything that ever occurred under the patronage system. It was said that we would be rid of the problem when Government employees were placed under civil service. It was expected that we would not be bothered with it any more. But after an employee has served for a time in the civil service he thinks he is entitled to a promotion. He wants his Senator or Representative to get him promoted to a higher grade. Perhaps he wants a transfer to some other desk, or some other city. I do not know of any way, in a democracy, by which Senators and Representatives can rid themselves of the responsibilities which go with this office.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. OVERTON. I do not see the Senator from Maine [Mr. WHITE] in the Chamber. Following up the argument made by the able Senator from Arkansas, I do not think we could find a better illustration of his argument than that afforded by the very distinguished Senator from Maine, the minority leader.

Mr. WHITE entered the Chamber.

Mr. OVERTON. The Senator from Maine made some remarks on the floor of the Senate on Saturday last, following my observations in connection with the bill. Unfortunately I had to leave the Chamber in order to attend a meeting of the Committee on Appropriations, which lasted for some time. I apologized to the Senator from Maine for leaving, and expressed my regret that I could not remain to hear what he had to say. I shall not comment at this time on what he had to say. What I am pointing out is that we could not find a better illustration of what the Senator from Arkansas is speaking about than the one afforded by the Senator from Maine, with respect to his own experience.

What was his first association in the United States Senate? He told us that he was an assistant clerk to the Senate Committee on Commerce. That is the way he began his career. He became very much interested in congressional work. In my opinion there has never been any more conscientious, painstaking, hard-working, or patriotic Senator than the Senator from Maine. He deservedly occupies a very high position in this body in his own party. He deservedly commands the respect of his colleagues and of the country generally. If it had not been that he began as an assistant clerk in the Senate Committee on Commerce in years gone by, perhaps he would not have developed the interest in congressional work which caused him to be first a Member of the House, and later a Member of this body.

That is exactly the point which the Senator from Arkansas is bringing out. A boy from the Senator's own State of Arkansas whom he would like to have appointed, and who is bright and capable, might never be appointed to an assistant clerkship or clerkship in any committee of the Senate, because, perforce, there stands in the threshold a director of personnel who may not approve of him. If there had been a director of personnel perhaps the able Senator from Maine would not in his younger days have met with the approval of the director, and he might never have had that clerkship. The magnificent and illustrious career of the Senator from Maine began in an assistant clerkship to the Senate Committee on Commerce. I know that he was a fine assistant clerk to the Senate Committee on Commerce, just as he has been a magnificent and deservedly renowned Member of this great body.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. WHITE. I ask the Senator to yield to me only long enough to permit me to bow to the Senator from Louisiana and express my thanks for the kind things he has said. He has exaggerated to some extent; nevertheless, he has spoken in kindly terms, and I am appreciative.

Mr. McCLELLAN. I join with the Senator from Louisiana in the very kind things he has said about the able and distinguished minority leader. I also join with the Senator from Louisiana in his evaluation of the merits of this proposal.

Mr. President, I feel that each Senator should ask himself this question: If a director of personnel is established to take over these page boys, and a boy from his State desires one of the positions, will the Senator refuse to go with him to see the Personnel Director and try to have him appointed? I say to my colleagues that they will spend just as much time on the problem as they do now. The only difference will be that there will be someone to say "No" to us. We shall not get rid of any burden we now carry. That is my honest judgment.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. WHITE. The Senator put a question to me. He asked me, in effect, if I would go with a Maine boy to the Director of Personnel and urge his appointment. Of course, I would, and I would go in the full expectation that a boy from Maine would be so well qualified in all respects that he would receive the certification and recommendation of the Director. If he did not measure up to the standard of qualifications, I do not believe that either he or I would expect his recommendation or appointment.

Mr. McCLELLAN. Mr. President, may I ask the Senator a question?

Mr. WHITE. I hope the Senator will not ask too many questions.

Mr. McCLELLAN. Does not the Senator feel that he is competent to judge whether or not a boy measures up to the requirements? How would the Director of Personnel know any more about a boy from Maine than would the Senator? I do not believe the Senator would admit that a personnel director would know more about that boy than would the Senator. I do not think he would have any better way of finding out.

Mr. WHITE. Mr. President, the Senator is asking questions which are somewhat embarrassing, but I am perfectly willing to answer them.

Mr. McCLELLAN. I am not directing them to the Senator from Maine primarily. I am directing them to every Member of the Senate. I think what I have said is what is involved.

Mr. WHITE. I am perfectly willing to state my attitude toward the proposal. Of course, I would want a Maine boy appointed. Of course, I would go with him to the Personnel Director and I would recommend him to the Personnel Director. But if he did not meet the standards laid down by the Director of Personnel and if he did not commend himself to the agency we are setting up to pass upon the merits of the applicants without regard to personal or political considerations, I would not think he was entitled to appointment and I would not think he was entitled to preference over someone who did meet the standards.

That is just the point. In this whole matter the Senator from Arkansas and I are moved by personal considerations, namely, our acquaintance with the boy and our acquaintance with his father and mother and with his neighbors. But that is not the basis upon which the appointment should rest. The appointment should rest upon the boy's qualifications, as the qualifications are determined and established by the appointing head. If the boy cannot meet those specifications and if he does not measure up to them, then, however much I might like to see him appointed, he simply is not entitled to that place, over another boy who does meet the qualifications.

Mr. McCLELLAN. Mr. President, the Senator's remarks suggest another question.

Mr. WHITE. Mr. President, if I am going to keep on suggesting questions, I shall sit down.

Mr. McCLELLAN. Well, I wish to make this observation: In the first place, the Senator from Maine is not going to recommend a boy whom he does not believe would meet the requirements. I will wager that since the Senator from Maine has been a Senator, he has not recommended a boy to be appointed a page if the boy has not met the necessary requirements. When we consider the entire situation, as applied to everyone in Congress, we readily admit that an exception might occur; but exceptions would occur no more often under the present system than they would under the proposed system.

Mr. EASTLAND. Mr. President, will the Senator yield for a question?

Mr. McCLELLAN. I yield.

Mr. EASTLAND. Does not the Senator from Arkansas believe that a Member of the Senate who knows a boy's background and qualifications is better able to judge whether that young man measures up to the standards than an agency or an employee we might set up could?

Mr. McCLELLAN. I say to my colleague that I do not think it is necessary to set up a personnel director to supervise the employment of elevator boys and page boys for the Senate. I think such a step would be going far afield.

Mr. EASTLAND. Does the Senator think that by virtue of setting up the civil-service system we have raised the standard of efficiency of Government employees?

Mr. McCLELLAN. I am not complaining about the civil-service system, but I will say that by establishing that system we have merely placed in Government jobs certain persons who have been able to meet certain requirements, and they hold those particular positions indefinitely, and the efficiency ratings they are given are often fixed on the basis of the likes or dislikes of their superiors. We cannot establish a standard or a formula for the measuring or for the evaluation of merit and at the same time guarantee that it will preclude the consideration of the personal and human equation. The personal and human equation enters into the matter all the time.

With reference to the page boys, I say we would do well to continue the present system. Under it everyone will be happier. There has not been any friction because of it or dissatisfaction with it, so far as I know, or any inefficiency on the part of any page boy who has been appointed under the present system. If any of us were informed that one of the page boys did not satisfactorily perform his duties, we would not keep him here. No Senator would. Yet it is proposed that we turn the whole matter over to a personnel director.

Mr. President, I have talked much longer than I intended to speak when I began my presentation of this matter. I did wish to take occasion to discuss some of the other provisions of the bill, and I have referred to some of them. But I wish to say in concluding my remarks that I hope the Senate will vote this section out of the bill. It has no place in it. This provision will not reorganize Congress, and neither will it promote the efficiency of Congress. The provisions of title II with respect to the establishment of a personnel director would, if enacted into law, result in the setting up of another bureau and the establishment of so many experts that the Congress would be "experted" to where it would not know whether it was going or coming. The result would be to create more confusion, instead of to reduce it.

I hope my colleagues will not vote to turn the page boys over to a director of personnel. I hope that both the Members of the Senate and the Members of the House of Representatives will, as individual Members of the Congress, accept in full measure the responsibilities and obligations which go with service in the Congress. I think those responsibilities embrace the duty which we owe to ourselves to pass upon the merits of those who serve us in our legislative duties. By setting up a personnel director and giving him complete authority and power in such matters, including the right to say "No" to a Senator or to a committee of Senators, or even to the whole Senate, with respect to who shall be employed, I do not believe we make progress in the interest of economy or efficiency or expedition of the business of Congress, nor do I believe such a step will serve to relieve any Senator of any work or responsibility which now rests upon him.

Mr. President, just as the Senator from Maine said a moment ago, I say that if a boy from his State wanted such a position and if he came to see the Senator about it, the Senator would go with that boy from the Senate Office Building to the Director of Personnel, and would talk with him about the matter. But if we do not establish a personnel director, all the Senator will have to do will be to pass judgment on that boy's qualifications himself. I believe that the Senator from Maine or any other Senator is just as competent to pass upon the qualifications of a page boy as would be any $10,000-a-year director who might be employed by the Congress. Yet under the proposed system, the Senator would have to go to the Personnel Director and present the boy's case, whereas under the present system if a Senator has allocated to him the right to appoint a page, all he has to do is give him the job and place his name on the pay roll.

At the present time none of the Senate pages come from Arkansas. Nevertheless, I am unwilling to vote to make the boys of my State ineligible to appointment as pages in the Senate.

I do not know whether there will be any other discussion of this amendment; but before it is voted on, I shall hope to have a quorum present and I shall ask for the yeas and nays, in order that we may record our votes on this question.

Mr. BRIDGES obtained the floor.

Mr. RUSSELL. Mr. President, will the Senator yield to me, to permit me to suggest the absence of a quorum?

Mr. BRIDGES. I yield.

Mr. RUSSELL. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Andrews	Hawkes	O'Daniel
Austin	Hayden	O'Mahoney
Ball	Hickenlooper	Overton
Barkley	Hill	Pepper
Bilbo	Hoey	Radcliffe
Bridges	Huffman	Reed
Brooks	Johnson, Colo.	Robertson
Burch	Johnston, S. C.	Russell
Bushfield	Kilgore	Saltonstall
Byrd	Knowland	Stanfill
Capehart	La Follette	Stewart
Capper	Lucas	Taft
Connally	McCarran	Thomas, Utah
Cordon	McClellan	Tunnell
Donnell	McKellar	Tydings
Downey	McMahon	Vandenberg
Eastland	Magnuson	Wagner
George	Maybank	Walsh
Guffey	Millikin	Wherry
Gurney	Moore	White
Hart	Murdock	Wilson
Hatch	Murray	

The PRESIDING OFFICER. Sixty-five Senators have answered to their names. A quorum is present.

Mr. BRIDGES. Mr. President, when our Government was founded and the Constitution was adopted there was provision made for three separate and distinct branches—the executive, the legislative, and the judicial. When they were created, they were more or less equal. But the executive branch of the Government has mushroomed into the greatest governmental bureaucracy not only this country but any other country in the world has known. The legislative branch of the Government has relatively stood still. The judicial branch has varied only insofar as the country has developed, and additional judicial divisions and district courts, appeals courts, have been made necessary as a result of increases in population and in the development of the country.

Under the leadership of the late Senator Maloney, of Connecticut, who was one of the ablest and hardest working Members of the Senate, and who realized the overworked condition of Senators and Representatives, a proposal was made to reorganize or streamline Congress. When Senator Maloney died, under the leadership of the distinguished Senator from Wisconsin [Mr. LA FOLLETTE] the Joint Committee on the Organization of Congress performed a service for which every thoughtful citizen of this country and every progressive-minded person, as well as the Members of Congress, should be most grateful.

The work of the committee has been long, arduous, and tedious. The committee has worked faithfully and hard. As a result of long and extended hearings, a report was made, and subsequently the bill which is now before the Senate was presented.

This committee, in a very general way, concentrated its study on ways and means by which the Senate and the House of Representatives could improve their organization. The war years, and this most important period of transition from a wartime economy to a peacetime economy, have increased the responsibilities of the American Congress and correspondingly the responsibilities and duties of every Senator and every Representative. Yet, to cope with our

ever-increasing national problems, which, under our system of government, must be solved by legislative decision, we have practically the same organization and the same work system that have been peculiar to Congress since the beginning of the Government.

It will not be denied, I am sure, that we can expect only a further increase of congressional responsibilities. Therefore, I believe, Mr. President, it has become increasingly evident to everyone that it is imperative that our legislative organization and our work system in Congress be so modernized as to enable it to deal adequately with the multitudinous problems now facing the Nation. National problems increased tremendously during the period of war; they have increased in the past year, and we can foresee nothing but a further increase in their number and complexity in the years and decades ahead.

Mr. President, I believe the committee, because of the various studies it made, the extended hearings it held, and the conscientious work it performed in connection with this problem, has rendered a distinct service to the country, culminating in the recommendations which the committee has submitted to the Congress and which, in the form of a bill, are now under consideration by the Senate.

Mr. President, the ever-increasing responsibilities rest not only upon the Congress as a whole, but they daily become more burdensome to the individual Members, whose time is often so divided between committee studies of issues as to make it impossible to give any single issue, whatever may be its importance, the degree of attention it merits.

Very few people, except the Members of Congress themselves, realize how involved is the situation we face. I recall very distinctly that while speaking at a meeting during the past year, a man stood up in the back of the audience and asked, "What is your position on H. R. 4943?" When I told him that I did not know what the bill was all about, he said, "Just what I thought; it is typical of the average Senator down there in Washington. You do not know what you are doing or what you are legislating upon. You do not know what the bill is about." Then I went on to try to explain to him that more than 9,000 bills were pending before the Congress, and that it was almost impossible for a Senator to be informed respecting more than the very important bills, or the bills coming before his particular committees, which might number a few hundred or perhaps a thousand or more. People have no conception of the duties the average Senator is called upon to perform.

Since I have been a Member of the Senate—and I have been here rather a brief period of time, but about 10 years—I have seen man after man in the United States Senate whom I highly respected, die from overwork. Overwork has been the primary cause of death of most of the Senators I have in mind. Senator Maloney died solely from the strain of overwork. Senator McNary, our very able floor leader, died by reason of a great accumulation of work. The same thing is true of Senator Scrugham of Nevada, Senator Thomas of Idaho, Senator Sheppard of Texas, Senator Harrison of Mississippi, and Senator Adams of Colorado. I sat with Senator Adams on the Appropriations Committee. At that time there was not a harder-working man in the Senate than Senator Adams. He literally worked himself into his grave. The same cause, overwork, has sent many other Senators and Congressmen to their deaths. Senator BANKHEAD is very seriously ill at the moment due to the strain of overwork. Yet, with the increased responsibilities placed on the shoulders of United States Senators and Representatives, we have done practically nothing to meet the situation or to relieve Senators of the too great burdens which they are trying to carry in the performance of their duties.

Today, Senators have the terrific problem of making both ends meet. A Senator receives $10,000 a year. A House Member, I may say, receives $10,000 a year plus $2,500 for expenses, an allowance which at times I have advocated on this floor should also be given to Senators, but the proposal has been killed by Members of our own body. A Senator not only has to pay the Federal income tax which every other citizen has to pay, which takes approximately one-quarter of his salary, but he must maintain two homes, one in his home State and one in Washington. He has to maintain two homes if he is to continue to represent his State in the Senate. He must travel back and forth between his State and Washington. Aside from one allowance for a round trip, he has to pay his own travel expenses. He either has to maintain a car in his home State as well as a car in Washington, or he has to get around in Washington on streetcars and by taxi, and pay for such travel out of his own pocket.

I desire to say a few words about one of the most disgusting things I have noticed in Washington. We talked about it in the Appropriations Committee today. I refer to the use of Government cars by the bureaucrats downtown. I was in Woodward & Lothrop's store the other day buying an article which I needed. While I was there, outside the store were four black Government limousines, with chauffeurs. They were not occupied by the Government officials themselves to whom the cars were assigned, but their wives or members of the family had taken the cars and were driven by Government chauffeurs on a shopping expedition.

Recently I attended a dinner in Washington which was quite widely attended. I see on the floor other Senators who were also present. It was a rainy night, and when the dinner party was over I saw Senators and their wives and Representatives and their wives running out in the rain and, getting very wet, trying to hail taxis or to get to streetcar lines. Yet more than 20 sleek black limousines, driven by Government chauffeurs, pulled up and picked up the various Government bureaucrats and took them on their way. As I said, I saw United States Senators and Representatives and their wives get sopping wet while trying to get taxis or proceeding to streetcar lines. The Senator from Iowa [Mr. HICKENLOOPER] suggests to me that I did not mention that the cars in question were Government cars. I intended, of course, to say that they were Government cars, with Government-paid chauffeurs. It will be found that not only Cabinet members and other high-ranking members of the Government have the use of Government cars, but pretty nearly every little bureaucrat in Washington has such a car, and most of them have Government-paid chauffeurs. Yet there is objection not only to giving a Senator who directly serves the people an adequate salary, but objection to granting him a simple allowance for his expense account as well.

Mr. President, I wish to call attention to the law on this subject. We are going to do something about this matter. Some years ago Congress passed a law which prohibits the use of Government cars for private use. We checked on that matter this morning in the Appropriations Committee. I have the law before me. I shall raise that point now, and I think Congress should take steps to find out why the law is not being lived up to, and just who ought to be brought to task. I read from the law:

(b) For the maintenance, operation, and repair of any Government-owned motor-propelled passenger-carrying vehicle not used exclusively for official purposes; and "official purposes" shall not include the transportation of officers and employees between their domiciles and places of employment, except in case of medical officers on out-patient medical services and except in cases of officers and employees engaged in field work the character of whose duties makes such transportation necessary.

Then the law provides:

Any officer or employee of the Government who willfully uses or authorizes the use of any Government-owned motor-propelled passenger-carrying vehicle, or of any motor-propelled passenger-carrying vehicle leased by the Government, for other than official purposes or otherwise violates the provisions of this subsection shall be suspended from duty by the head of the department or establishment concerned, without compensation, for not less than 1 month, and shall be suspended for a longer period or summarily removed from office if circumstances warrant. The limitations of this subsection (b) shall not apply to any motor vehicles for official use of the President, the heads of the executive departments, Ambassadors, Ministers, chargés d'affaires, and other principal diplomatic and consular officials.

I assume from that language that, very properly, the President and Cabinet members are exempt from the provision, but the law does not exempt the average little bureau head or division head downtown. What is going on is disgraceful. If it is necessary for the Congress to designate someone to enforce that provision of the law it should be done. I call it to the attention of the Senate now for the purpose of further indicating that Senators and Representatives are deprived of action which would help them to serve

the people while bureaucrats abuse privileges. Senators are now limited to 26 official long-distance telephone calls a month. Yet any third-class clerk in a Government department or agency can pick up the telephone and call San Francisco, Seattle, or any other distant point at any time of the day he wishes, and we assume that it is for official purposes. There is no accurate check on it. Yet an adequate provision for the American Congress is approached with timidity by the average Senator or Representative.

Neither the members of the committee, in spite of their long and conscientious study of congressional reorganization, nor other individual Members vitally concerned in this subject claim perfection for the bill which the Senate is now asked to approve. I have long been interested in congressional reorganization; and, insofar as possible, have encouraged the Members of Congress who have made this study for us. The bill which the committee has reported is much better than I expected would be possible. I am not in agreement with all the provisions of the bill; but instead of being against it all along the line, why can we not get together? If amendments are needed in order to perfect the legislation, let us offer the amendments and adopt them, and take a forward-looking step, rather than oppose the whole proposal.

There has been hope for the work of the joint committee from the beginning, largely due to the fact that those upon whom the committee first called for advice and suggestions were Members of Congress, who, of course, have the deepest recognition of the faults of their own organization. The bill representing the report has been followed on the floor of the Senate during the past 3 days by the able Senator from Wisconsin [Mr. LA FOLLETTE], who has with interest and cooperation listened very patiently to the various objections offered by his colleagues. He has already accepted a series of amendments to bring the bill into line with what the leaders of this body consider to be the most workable system. I hope that in the final discussion today Senators will continue the procedure so far followed in the debate. I believe that this is an opportunity for every Senator who believes that the Congress should be kept abreast of the times to do his bit to place Congress in a position adequately to meet the problems of the day. His opportunity to do so is today.

Instead of opposing the entire bill, as many Senators are now doing today, and have done in the past, let us get down to the meat of the proposal and see if a workable basis cannot be found. Let us pass a bill for the modernization of Congress. The committee has given freely of its time and has worked faithfully. There is not a member of the committee who is not ordinarily overworked. The committee is composed of busy Senators and Representatives. They have done their part. Now it is the job of the Senate and the House to do their part. In my judgment, their part is not to stall or oppose generally the provisions of the bill, but to endeavor to meet the problems of the day by improving it and passing a bill which will be a definite step in the right direction. If it does not work properly, let us correct it afterward, rather than oppose the whole thing now and get no legislation, which is very likely to be the situation if we fail to meet our responsibilities.

Many members of the public are critical of the American Congress; but I know of no one who can be more progressively interested or constructively critical than Members of Congress themselves. Every Senator present knows that he does not have adequate help in his office. Every Senator knows that unless he is financially independent he is unable to make both ends meet on his salary. The membership of the Senate should not be limited to millionaires, or to men who have outside income. The Senate of the United States should be a cross section of the citizenship of America. It should contain rich men, poor men, and men of modest means. We cannot have a cross section of America if Senators receive $10,000 a year and must pay a quarter of it in Federal income taxes, maintain two homes, pay their own traveling expenses, and meet all the obligations which devolve upon them, such as subscriptions for this and that, and all the other expenses they are called upon to bear. It simply cannot be done.

The pending bill offers an opportunity to remedy that condition. In the bill we are not asking the Congress to approve a salary increase by itself. What the committee is saying to the American Congress is, "Let us improve all along the line. Let us establish an adequate retirement system. Let us increase salaries; but at the same time let us make ourselves more efficient so that we can more adequately cope with the problems of the day." That is a sound reason for the legislation which we are now considering.

Let me say a word about the retirement feature of the bill. Although I believe that what the bill proposes in connection with retirement is very good, I do not think it is good enough. As I understand, there is a movement on foot in the Senate to offer an amendment to strike out the retirement provisions of the bill and substitute a much more limited scale. To my mind that would be foolish in every way. We should provide adequate retirement for Members of the Congress. We provide it for generals, admirals, captains, lieutenants, sergeants, corporals, privates, and others in the Army and Navy. We have provided it for every little civil-service employee in the Federal Government. We have provided it for the judiciary, all the way down the line. Why exclude Senators and Representatives from the benefits of retirement? I would go much further than is proposed in the bill with respect to retirement.

I believe that we should encourage young men to become Members of the American Congress. Let us assume that a man becomes a Member of the Senate or the House when he is 30 years of age, spends the most productive years of his life as a Member of Congress, and then gives up his position. I think he should be protected when he is defeated or forced to retire because of ill health, because he has given up the productive years of his life.

For example, take the Senator from Illinois [Mr. LUCAS]. He is a member of the opposition party, but he is a man for whom I have very high respect. The Senator from Illinois is a lawyer. If he had remained out of public life, during the most productive years of his life his ability would have enabled him to earn sufficient income adequately to provide for his retirement in the course of a few years. On the other hand, he is giving up a lucrative law practice and devoting the most productive years of his life to public service. When the time comes when his health fails or he is forced to retire, he will not have a great reserve built up, because he will have given the most productive years of his life to public service.

I say that the American Government can make no better investment than to provide adequate retirement for Members of Congress, instead of limiting the retirement privileges as they are limited in this bill, or trying to limit them further, as I understand is proposed by an amendment. I would make them very much more liberal. I intend to offer an amendment in that direction when the opportunity presents itself.

I have sat in committee rooms of the Senate for the past 10 years and have heard many Senators tell what is the matter with Congress and what we should do. We have an opportunity today to do something. I should like to see Senators who have been sitting in committee rooms and telling us privately what is wrong come to the forefront and help put this bill across. If it is not all it should be, let us try to make it better; if some of its provisions should be more liberal, let us liberalize them; if it needs to be corrected in other respects, let us correct it; but let us pass a bill which will do the job which we are called upon to do.

The other day the Senator from Maine [Mr. WHITE] referred to the days when he began his service in the Senate. Conditions have changed since that time. Even in the 10 years I have been a Member of the Senate I have seen the problems so increased and the burdens thrown on the shoulders of United States Senators so multiplied that it is foolish to compare the present situation even with that of a few brief years ago. The situation will not improve. It was hoped that when the war was over our burdens would be gradually lifted. However, in the post-war period our problems are greater; the burdens on our shoulders are more onerous than they were at the height of the war. Let no one think for a minute that they will become any lighter. With the concentration of authority which we have in Washington today, and with Washington becoming the nerve center of America and the world, as well as the capital of this country, the work of Congress cannot be lessened. Now is our chance to do something about it.

I do not wish to take more of the time of the Senate, but I hope that this measure will not be bypassed, and I hope that we can meet the issue fairly, and

that any objections which we may have can be ironed out.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. HAWKES. Mr. President, will the Senator yield to me for a minute, before he suggests the absence of a quorum?

Mr. BRIDGES. Certainly.

The PRESIDING OFFICER. Does the Senator withhold his suggestion of the absence of a quorum?

Mr. BRIDGES. Yes.

Mr. HAWKES. Mr. President, probably I am in as good a position as is any other Member of this body to express an opinion regarding what the Senator from New Hampshire has been saying. When I came to the Senate I realized that the burdens on Senators who were serious minded, as I believe most of them are, were very heavy. I have been connected with business affairs, and I have seen the trials and troubles of business in both good and bad times. But I have never seen a load that was heavier than the load which is placed upon every serious-minded Member of the Senate of the United States.

I say to you, Mr. President, that it may be some years before the people of the United States find it out; but as affairs are going, the load is too heavy for any normal man in the world to carry.

In regard to one matter which the Senator from New Hampshire has mentioned, I wish to say that I am very deeply in favor of some kind of proper pension or retirement system for the men who give up their lives to their country by service in the Senate and the House of Representatives. I do not expect to participate in such a pension, so I am free to make this statement. It is just plain common sense for the people of the United States to make provision for such a pension or retirement system. Inasmuch as our people are spending so many billions of dollars on governmental affairs, they should realize that insofar as their public servants who are giving their time, abilities, and services in the interest of preserving this great form of government and way of life are concerned, it is to the interest of the people of the United States and it is merely plain common sense to say that the situation the Senator from New Hampshire has mentioned should be corrected, and it should be corrected on a fair and just basis.

As I am speaking now, I am reminded that last year we went all the way back to the old workers on the Panama Canal and we voted to give to those who worked on the Canal from 1908 to 1914, as I recall, pensions equal to 60 percent of the salaries they received during the last 5 years of their work on the Panama Canal.

Mr. President, my only reason for speaking now is that it will be recalled that a few months ago I objected to a proposal to increase the salaries of the Members of Congress because I believed that was not the appropriate time to do so. However, I believe the present is the appropriate time to consider any increases and improvements now that the reorganization bill is before the Senate.

I agree with the Senator from New Hampshire that we should pass the pending bill in some form. It may be that some amendments should be made to it; in fact, I think there are some amendments which should be adopted. But we should take this step, because it is a step in the right direction. The fact that we are discussing the affairs of Senators and Representatives in Congress is no reason for considering this measure in a light any different from that in which we would consider a measure having to do with the affairs of anyone else connected with or working for any branch or agency of the Government of the United States.

Mr. BRIDGES. Mr. President, I agree with the Senator.

I venture to say that the able Senator from New Jersey reaches his office at around 9 o'clock in the morning and leaves it late at night. I have been at my office many times late in the evening and on Saturday afternoon and during the day on Sunday, but I have never been in the Senate Office Building that I did not see one or more Senators working there still later, at almost any hour of the night. I venture to say that Senators work more hours than do any other single group of people in the Nation. The objective of this bill is to save their lives, to make this country a better country, to give our country a more progressive, efficient government, to equalize the difference between the executive, the legislative, and the judicial branches of government which were set up when this country was founded. That is a sound objective to seek, and I hope we can obtain some action on it here today.

Mr. President, I suggest the absence of a quorum.

Mr. LA FOLLETTE. Mr. President, will the Senator from New Hampshire withhold his suggestion of the absence of a quorum for a moment?

Mr. BRIDGES. I withhold the suggestion.

Mr. LA FOLLETTE. I have been endeavoring to ascertain whether it will be possible to obtain a unanimous-consent agreement to bring this bill to its final disposition this afternoon. Before proposing a unanimous-consent agreement for that purpose, I should like to suggest the amendments which I am prepared to offer if that unanimous-consent agreement is entered into.

I am prepared to eliminate from the bill the references to the Congressional Personnel Director, and I am prepared to increase the membership of the Appropriations Committee from 13 to 21.

I can state the amendments which I shall offer if the unanimous-consent request is agreed to; I am now referring to the original print of the bill, which is the bill which is at the desk, and not the reprint of the bill which was made for the information of Senators, in order to show what changes had been made in the measure by way of amendment during the time it has been under consideration:

Beginning on page 35, in line 4, strike out all down to and including line 5 on page 38.

Mr. President, let me say that I shall send a copy of these amendments to the desk if it becomes necessary to do so.

On page 38, in line 7, strike out "Director" and insert "Secretary of the Senate and Clerk of the House of Representatives"; and in line 13 strike out "the" and insert "they."

On page 41, line 12, beginning with the word "Until", strike out through the word "the" in line 15, and insert in lieu thereof the word "The."

On page 41, beginning with line 20, strike out through line 2 on page 42.

On page 43, in lines 17 and 18, strike out "upon recommendation and certification of the Director of Congressional Personnel."

On page 50, beginning in line 20, strike out subsection (a) of section 243.

On page 51, in line 3, strike out "said" and insert "Congressional."

Also reletter the sections.

On page 6, in line 20, strike out the word "thirteen" and insert the words "twenty-one."

The effect of these amendments, as I stated a few months ago, will be to eliminate from the bill the creation of the office of Director of Congressional Personnel and to eliminate from title 2 any references to his duties and powers, and to make in the remaining sections of title 2 the corresponding changes which logically flow from the fact that this would be a proposal to eliminate that office from the measure.

Mr. President, I ask unanimous consent that further debate on the pending measure and all amendments and motions thereto shall be concluded at not later than 4:30 p. m. today.

The PRESIDING OFFICER (Mr. HOEY in the chair). Is there objection? Without objection, it is so ordered.

Mr. LA FOLLETTE. Just a moment, Mr. President. In order to obtain that consent I believe it would be necessary, under the rule, to have a quorum call.

The PRESIDING OFFICER. In order to obtain an agreement to limit debate on a measure it is not necessary to have a quorum present.

Mr. BARKLEY. Mr. President, I ask unanimous consent that the necessity for having a quorum call be waived.

The PRESIDING OFFICER. A request for limitation of debate does not require the presence of a quorum. The request is simply for a limitation on debate, and it is not necessary to have a quorum present in order to provide for such a limitation.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield to the Senator from Tennessee.

Mr. McKELLAR. Am I to understand that the amendments to which the Senator has referred have already been formally agreed to by the Senate?

Mr. LA FOLLETTE. No; I said that, if I could obtain the unanimous-consent agreement which I requested, I would offer the amendments.

Mr. McKELLAR. Does the Senator offer them now?

Mr. LA FOLLETTE. I would prefer first to obtain unanimous consent. Unanimous consent has not yet been granted.

Mr. McKELLAR. I thought it had been granted.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Wisconsin?

Mr. JOHNSTON of South Carolina. I object, Mr. President.

Mr. LA FOLLETTE. Mr. President, in view of the objection I have only one thing to say with reference to the amendment offered by the Senator from Arkansas.

The reason that the joint committee made its recommendation with regard to the pages of the Senate and of the House is that it felt Congress was not properly discharging its responsibilities in reference to the youths who come to Washington to serve as pages in the Senate and in the House of Representatives. I have been interested in their welfare, although I have never recommended the appointment of a boy to be a page in the Senate. I know that they are hard working and efficient youths, but I believe that too few Senators realize that many of them come to Washington on the threshold of adolescence, and are here frequently without friends, relatives, or guardians. Many of them live in boarding houses. The long hours which they are required to serve creates a very difficult problem so far as their education is concerned, and in order to comply with the requirements of the compulsory school attendance act a quasi-private school has been created and is now located in the subterranean passages of the Capitol. The head of the school, Mr. Kendall, and the teachers of the school have made the best of a very bad situation. One of the schoolrooms in the Capitol has no outside ventilation whatever. The average attendance in that one room affords only 100 cubic feet of air space to each pupil. Senators will recall that the report with reference to the horrors of the concentration camp at Buchenwald disclosed that the inmates of that horrible institution were allowed only 85 cubic feet of air space a person. At the moment, and for a number of years past, in the classroom to which I have referred the students have available only 15 more cubic feet of air space than was allowed to the Nazi victims in the concentration camp at Buchenwald.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. TYDINGS. I am very hopeful that the Senator from Wisconsin will restate his unanimous consent request, because I believe that some of us did not quite comprehend the effect of it when he made his request in the first instance.

Mr. LA FOLLETTE. I shall be very happy to restate it.

Mr. President, I ask unanimous consent that further debate on Senate bill 2177 be brought to a close by not later than 4:30 p. m. today.

Mr. BYRD. Mr. President, I have a very important amendment which I wish to offer, and I do not believe I could agree to the unanimous consent request which the Senator from Wisconsin has made. My amendment would restore that section of the bill which relates to the payment of retirement funds, and puts the matter on the same basis as that with reference to civil-service employees of the Government. As presently written, this provision would give to Members of Congress nearly twice as much in money benefits as is received by those who are employed under civil service. I would want ample time in which to discuss the matter, because I consider it to be very important.

Mr. LA FOLLETTE. Mr. President, would it be agreeable to the able Senator from Virginia if, following the amendments which I intend to offer, the disposal of which I do not believe would require more than a few minutes, we should devote the remaining time until 4:30 on the Senator's amendment?

Mr. BYRD. Is it the proposal of the Senator from Wisconsin to allow an hour and a half for the discussion of my amendment?

Mr. LA FOLLETTE. The Senator from Virginia would be allowed until 4:30 o'clock whatever time remained after the adoption of the amendments which I have indicated I shall offer. I do not believe that the consideration and disposal of my amendments would consume more than a very few minutes.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. TYDINGS. I suggest that the Senator from Wisconsin allow his unanimous-consent request to stand with reference to the amendments which he will offer, and all other amendments which may be offered with the exception of the Byrd amendment, that all of them be disposed of by 3:30 o'clock this afternoon, and the remaining time until 4:30 o'clock be divided equally between the Senator from Virginia and the Senator from Wisconsin. In that way we would all have an opportunity to offer amendments and have them disposed of.

Mr. BYRD. I believe that the amendment which I will offer could not very well be disposed of in less than an hour and a half.

Mr. BARKLEY. Mr. President, I suggest that what the Senator from Wisconsin is seeking to do is to bring to a close the debate so that we may vote on the bill today. I think that he might well extend the time which he has suggested to 5 o'clock.

Mr. LA FOLLETTE. Very well. I am willing to modify my suggestion so as to extend the time to 5 o'clock, and agree that the time remaining after my amendments have been disposed of until 5 o'clock shall be divided between the Senator from Virginia [Mr. BYRD] and myself.

Mr. BYRD. With the understanding that the time which shall actually be allowed for a discussion of the amendment may be not less than an hour and a half.

Mr. BARKLEY. I believe that there will be more than an hour and a half left after disposing of the amendments which will be offered by the Senator from Wisconsin, because it is not yet 3 o'clock and disposal of the amendments which the Senator will offer will not consume more than a very few minutes. I believe that perhaps there will be no debate on them at all.

Mr. BYRD. If any change in my amendment is to be suggested, no less than an hour and a half should be allowed in debate on the amendment before it is voted upon.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. McCLELLAN. I have an amendment which I shall wish to offer. I shall not consume very much time in discussing it. If I may be given on opportunity to offer it I will agree not to consume over 5 minutes. The amendment now lies on the desk, and, so far as I am concerned, it may be voted upon now.

The PRESIDING OFFICER. If the unanimous consent request which has been made by the Senator from Wisconsin is granted, it will not preclude the offering of further amendments.

Mr. McCLELLAN. No; but when a larger number of Senators are present I shall briefly state what my amendment proposes to do. I have already used a great deal of time of the Senate in discussing the bill, and it is not my purpose unnecessarily to delay a final vote upon it.

Mr. BARKLEY. May I suggest to the Senator from Wisconsin that if the agreement to vote at 5 o'clock is entered into, and he proceeds to offer his amendments, I believe that we can vote on them without delay? I do not believe they will occasion any debate. After they are disposed of the Senator from Arkansas could offer his amendment, and have it disposed of at least prior to 3:30 o'clock. We would then have until 5 o'clock to consider and dispose of the amendment which the Senator from Virginia has said he desires to offer.

Mr. HILL. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. HILL. I have an amendment also which I wish to offer at the proper time.

Mr. LA FOLLETTE. Mr. President, let us first get this other matter straightened out.

I ask unanimous consent that further debate on Senate bill 2177, and all the amendments and motions relating thereto, shall be concluded by 5 o'clock p. m. today; that not later than 3:30 o'clock p. m. today, the amendment which the Senator from Virginia has said he will offer will be the pending amendment, and that the control of such time as remains between that hour and the time when the amendment shall be voted upon by the Senate shall be divided equally between the Senator from Virginia and the Senator from Wisconsin.

Mr. BYRD. Mr. President, before that motion is put, I ask the Senator from Wisconsin to refer to page 43 of the bill. On page 43 it is provided that it shall be the duty of the Legislative Reference Service "to assist representatives of the press and radio in reporting on the proceedings of Congress, and for this purpose the Director of the Legislative Reference Service is authorized to assign competent persons to the press and radio galleries of the Senate and the House of Representatives, who shall make available relevant records, debates, and background data."

Mr. President, I should like to call the attention of the Senator from Wisconsin to the fact that that is in conflict with one of the Senate rules which provides that those who are employed in legislative or executive departments of the Government cannot be admitted to the press or radio galleries. I think that is a very good rule and should be preserved, that no agency of the Government should have access to the Senate galleries either the press section of it or the radio section, and thereby have an opportunity, by propaganda or otherwise, to color the news which is sent out. I should like to ask the Senator if he would accept an amendment to strike that out.

Mr. LA FOLLETTE. Mr. President, that provision is in conformity with a provision contained in the report of the joint committee, the sole purpose of it being to furnish a digest of bills and reports, and thus to facilitate the work in the press gallery. I personally think it would be a very good service.

Mr. BYRD. The Senator from Wisconsin and I myself, as chairman of the Committee on Rules, had an understanding that only certain specific rules of the Senate would be abrogated.

Mr. LA FOLLETTE. We had an agreement, as I understood, that we would not go outside of the recommendations of the report of the joint committee.

Mr. BYRD. If the Senator will recall, we had a definite list of the rules which would be changed under the bill, and it was understood that no others would be taken up.

Mr. LA FOLLETTE. If there is any question about it, Mr. President, I should certainly want absolutely to stick to the letter of my understanding with the Senator from Virginia, but I assumed that we were within the understanding in providing this paragraph to carry out the recommendation of the report of the joint committee.

Mr. BYRD. It abrogates an existing rule relating to the press gallery.

Mr. LA FOLLETTE. If the Senator feels that it is not within the purview of the report which the Rules Committee made in recommending the creation of the special committee to consider the bill, I should certainly want to eliminate it.

Mr. BYRD. I shall offer an amendment to that effect.

Mr. O'MAHONEY. Mr. President, it seems to me there is another vital reason why this provision should go out altogether. I do not think that we should provide by this bill any service which could in any sense be interpreted as an attempt to tutor the representatives of the press and the radio. We should not, it seems to me, in any circumstances undertake to control the sources of information of the press and the radio.

Mr. LA FOLLETTE. There certainly was no such intention.

Mr. O'MAHONEY. Knowing the Senator as I do, I am certain he had no such purpose, and I recommend most earnestly that he himself move to strike the provision from the bill.

Mr. LA FOLLETTE. I shall be glad to accept the amendment of the Senator from Virginia, without admitting the interpretation which the Senator from Wyoming has placed upon the intent of the joint committee in making its recommendation, because I feel it is not in conformity with the report which the committee made.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wisconsin? The Chair hears none, and, without objection, it is so ordered.

Mr. BILBO. Mr. President, was the Chair putting the request for unanimous consent for voting on the bill?

The PRESIDING OFFICER. Yes.

Mr. BILBO. I wish to object.

The PRESIDING OFFICER. It is already agreed to.

Mr. BILBO. I had expressed to the leader that I wanted to speak on the bill and I would not have time to get through before 5 o'clock.

The PRESIDING OFFICER. Debate would be in order under the unanimous-consent agreement.

Mr. LA FOLLETTE. Mr. President, I send forward the amendments I desire to offer and ask that they be stated.

The PRESIDING OFFICER. The clerk will state the amendments.

The LEGISLATIVE CLERK. Beginning on page 35, line 4, it is proposed to strike out all down to and including line 5 on page 38.

The amendment was agreed to.

The LEGISLATIVE CLERK. On page 38, line 7, it is proposed to strike out "Director" and to insert "Secretary of the Senate and Clerk of the House of Representatives"; and on line 13, to strike out "he" and insert "they."

The amendment was agreed to.

The LEGISLATIVE CLERK. On page 41, line 13, beginning with the word "Until", it is proposed to strike out through the word "the" in line 15, before the word "professional", and to insert in lieu thereof the word "The."

The amendment was agreed to.

The LEGISLATIVE CLERK. On page 41, beginning with line 20, it is proposed to strike out through line 2 on page 42.

The amendment was agreed to.

The LEGISLATIVE CLERK. On page 43, lines 17 and 18, it is proposed to strike out ", upon recommendation and certification of the director of Congressional Personnel,".

The amendment was agreed to.

The LEGISLATIVE CLERK. On page 50, beginning in line 20, it is proposed to strike out subsection (a) of section 243; and on page 51, line 3, to strike out "said" and insert "Congressional."

The amendment was agreed to.

The LEGISLATIVE CLERK. It is proposed that the subsections be relettered in conformity with the amendments just made.

The amendment was agreed to.

Mr. McCLELLAN. The Senator is now offering these amendments all together as one amendment?

Mr. LA FOLLETTE. They have been agreed to seriatim.

Mr. McCLELLAN. There is another amendment pending.

The PRESIDING OFFICER. The amendments just agreed to were those offered by the Senator from Wisconsin.

Mr. McCLELLAN. I understand, but there was already an amendment pending, and I desire to make a statement about it. The amendments which have just been agreed to incorporate the amendment I had offered to strike out certain language in the bill. The amendment has already been acted on, but my amendment was still pending.

The PRESIDING OFFICER. The clerk advises the Chair that the Senator's amendment was covered in the action taken.

Mr. McCLELLAN. I should like to have the RECORD show that in view of the action taken I withdraw the amendment I previously offered, and which was the pending business.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. LA FOLLETTE. Mr. President, on page 6, line 20, I move to strike out the word "thirteen" and insert the word "twenty-one."

The amendment was agreed to.

Mr. HILL. Mr. President, I offer an amendment and ask for its present consideration.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. HILL. For what purpose?

Mr. O'MAHONEY. To make an inquiry of the Chair.

Mr. HILL. I think it will take but a moment to dispose of my amendment.

Mr. O'MAHONEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. O'MAHONEY. What disposition has been made of the amendment on page 44, lines 21 to 25?

The PRESIDING OFFICER. Whose amendment was that?

Mr. LA FOLLETTE. Will the Senator from Alabama yield?

Mr. O'MAHONEY. I am merely seeking information.

Mr. LA FOLLETTE. I understood the Senator from Virginia to make the statement that he intended to offer an amendment to strike out the provision to which he referred.

Mr. O'MAHONEY. It has not been disposed of?

Mr. LA FOLLETTE. No; it has not.

Mr. O'MAHONEY. That is the amendment on page 44, line 21?

Mr. BYRD. That is a different amendment. The amendment to which I referred was in the middle of page 43.

Mr. O'MAHONEY. Apparently we have different prints.

Mr. HILL. If the Senator will let us dispose of my amendment, I think it will take but a moment.

Mr. O'MAHONEY. Very well.

Mr. HILL. I ask that my amendment be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 69, after line 21, it is proposed to insert the following:

(l) Any claim arising from the activities of the Tennessee Valley Authority.

Mr. HILL. Mr. President, when the Tennessee Valley Authority went into the Tennessee Valley, as we know, it took the place of private utility companies in most of the States now served

by the Tennessee Valley Authority. Of course, the people in that valley had certain rights to file claims against the private utility companies.

When we wrote the basic Tennessee Valley Authority Act, we permitted such rights to be exercised against the Tennessee Valley Authority exactly as they could have been exercised against the private utility companies. In order to make sure that the pending bill does not interfere with any rights in the Tennessee Valley, so far as the Tennessee Valley Authority is concerned, I offer this amendment, and I hope the Senator from Wisconsin will agree to accept it.

Mr. LA FOLLETTE. I have no objection to the amendment.

The PRESIDING OFFICER. Without objection, the amendment offered by the Senator from Alabama [Mr. HILL] is agreed to.

Mr. O'MAHONEY. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. O'MAHONEY. I was not on the floor on Saturday, being out of the city, and I find in a print of the bill before me—I do not know exactly how to identify it except that it is the print which contains many italicized amendments——

The PRESIDING OFFICER. Those are the amendments which have been agreed to.

Mr. O'MAHONEY. In section 205 there appears a paragraph numbered paragraph (h), which reads as follows:

No individual who is employed as a professional staff member of any committee as provided in this section shall be eligible for appointment to any office or position in the executive branch of the Government for a period of 5 years after he shall have ceased to be such a member.

My inquiry is, Has that amendment been agreed to?

The PRESIDING OFFICER. It was agreed to at the time the other amendments were adopted, and is incorporated in the bill which incorporated the amendments adopted up to that time.

Mr. O'MAHONEY. It seems to me that is a strikingly awkward and shortsighted provision, in that it means that, so far as the employees of the Senate and House are hereafter concerned, their chief source of employment after they are separated from Congress will be as lobbyists. They cannot go into the executive branch of the Government, but there is no prohibition against their serving special interests as lobbyists. It seems to me that we should not undertake to place such a restriction upon the employees of the Senate and the House, and I wonder what the source of the amendment was. It certainly was not in the committee report, was it?

Mr. LA FOLLETTE. I offered the amendment because there was apprehension expressed to me that if committee staff members were in a position where they could move from the committees to the executive branch of the Government without any restriction there might be a tendency for them not to serve the committees impartially, but to have their eyes on preferred employment in the executive branch of the Government.

I want to emphasize that the amendment does not apply to anyone except the four staff members who are to be appointed to the new committees. It was the purpose of the Senator from Wisconsin to create a situation whereby they would be beholden to the committee, and not be tempted to change their employment and to go to departments downtown. Some Senators pointed out to me privately that even in their own offices they are constantly losing employees at a time when they become most valuable to them, because the employees can find better positions in the executive branch of the Government.

Mr. O'MAHONEY. The plan of the Senator then was to create a special class of indentured public servants. This seems to me to be an invasion of elementary freedom. I can certainly understand the provision of law which prohibits officials of the executive departments practicing law before their department for a period of 2 years after they have resigned, but to prohibit an employee of the Senate or the House from seeking employment in the executive branch of the Government or having an appointment in the civil service seems to be an extraordinary legislative procedure.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. LA FOLLETTE. I will say that the whole purpose with respect to these four staff assistants to the committees is to secure persons who will serve the committees and will be in an independent position, and thus enable the committees to have the service of men and women of training and experience who will impartially evaluate the material the committees receive not only from persons interested in legislation outside the Government, but also from the executive branch of the Government. I do not see anything wrong in making that a condition of employment. If a person wants to accept employment in the executive branch of the Government he may do so; but if he becomes a member of a committee staff, I think he should be prohibited from taking employment in the executive branch of the Government for a period of time after he has severed his connection with the committee.

Mr. O'MAHONEY. Mr. President, it seems to me that the inevitable result of this provision will be to reduce the character and grade of the persons who will accept employment.

I should like to ask unanimous consent that that amendment may be reconsidered.

Mr. LA FOLLETTE. Mr. President, I could not grant unanimous consent for that purpose. Of course the Senator can move to do so. But I think it is a very sound provision. We are proposing here salaries between $6,000 and $8,000 a year, and I think we are entitled to have these persons enter this service with the idea of serving the committees of Congress, and not of using such service as a stepping stone into the executive branch of the Government. The desire here is to strengthen the Congress, not the executive branch of the Government.

Mr. O'MAHONEY. A much better way to do that, it seems to me, would be to make it a condition precedent that a person accepting such a provision should enter into a contract for a specified period instead of saying to such an employee, "After you have severed your connection with the Congress, after you have been discharged perhaps, after you have voluntarily retired, avenues of employment in the executive branch are closed to you for 5 years."

Mr. President, if the Senator from Wisconsin is unwilling to grant unanimous consent, I move that the Senate reconsider the vote by which the amendment was adopted.

The PRESIDING OFFICER. The question is on the motion of the Senator from Wyoming, that the vote by which the amendment on page 42, after line 8, was adopted be reconsidered.

The motion was rejected.

Mr. BYRD. Mr. President, I move to strike out on page 43, subsection 4, the following provision:

(4) to assist representatives of the press and radio in reporting on the proceedings of Congress, and for this purpose the Director of the Legislative Reference Service is authorized to assign competent persons to the press and radio galleries of the Senate and the House of Representatives, who shall make available relevant records, debates, and background data.

The PRESIDING OFFICER. The question is on the motion of the Senator from Virginia.

The motion was agreed to.

Mr. McCLELLAN. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 26, after line 7, it is proposed to insert the following subtitle and new sections:

Joint Committee on Administrative Practices and Efficiency.

That (a) there is hereby created a joint congressional committee, to be known as the Joint Committee on Administrative Practices and Efficiency (hereinafter referred to as the "committee.")

(b) The committee shall be composed of the Members of the Senate who are members of the Senate Committee on Expenditures in the Executive Departments and the Members of the House of Representatives who are members of the House Committee on Expenditures in the Executive Departments.

(c) No person shall continue to serve as a member of the committee after he has ceased to be a member of the Senate Committee on Expenditures in the Executive Departments or the House Committee on Expenditures in the Executive Departments, as the case may be.

(d) Vacancies in the committee shall not affect the power of the remaining members to execute the functions of the committee.

(e) The members of the committee shall serve without additional compensation for their services, but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the committee, other than expenses in connection with the meetings of the committee held in the District of Columbia during such time as the Congress is in session.

(f) The committee shall elect a chairman and vice chairman from among its members.

(g) The committee shall, without regard to the civil-service laws or the Classification Act of 1923, as amended, employ and fix the compensation of such professional, clerical, and other employees as may be necessary to carry out the duties of the committee, and all of such employees shall be appointed without regard to political affiliation and solely on the ground of fitness to perform the duties to which they may be assigned. Employees of the committee, upon the written authority of the chairman or vice chairman, shall have the right to examine the books, documents, papers, reports, or other records of any department or agency of the Government in the District of Columbia or elsewhere.

(h) No decision shall be made by the committee except upon a majority vote of the members representing each House, taken separately.

SEC. 2. (a) The committee is authorized and empowered to conduct investigations and studies into the practices, procedures, administrative processes, and efficiency of any department or agency of the Government or any corporation owned by the Government or in which the Government has a financial interest. The committee shall receive and consider complaints relating to the practices, procedures, administrative processes, and efficiency of any such department, agency, or corporation. The committee is empowered, upon complaint or upon its own initiative to make such investigations and studies under this subsection as in its judgment may be necessary to keep the Congress fully informed as to whether or not the laws of the United States are being properly and efficiently administered and as to whether or not additional legislation is necessary and appropriate to improve their administration. It shall be the duty of the committee to make such studies and investigations when directed by resolution of either House of Congress.

(b) The committee shall report to the Congress annually on or before the 15th of January, and at such other times as it deems advisable, the results of its investigations and studies and may make such recommendations as it deems advisable.

SEC. 3. The committee, or any subcommittee thereof, shall have power to hold hearings and to sit and act anywhere within or without the District of Columbia whether the Congress is in session or has adjourned or is in recess; to require by subpena or otherwise the attendance of witnesses and the production of books, papers, and documents; to administer oaths; to take testimony; to have printing and binding done; and to make such expenditures as it deems advisable within the amount appropriated therefor. Subpenas shall be issued under the signature of the chairman or vice chairman of the committee and shall be served by any person designated by them. The provisions of sections 102 to 104, inclusive, of the Revised Statutes (U. S. C., title II, secs. 192–194) shall apply in the case of any failure of any witness to comply with any subpena or to testify when summoned under authority of this section.

SEC. 4. Appropriations for the expenses of the committee shall be disbursed one-half by the Secretary of the Senate and one-half by the Clerk of the House of Representatives, upon vouchers signed by the chairman or the vice chairman.

Mr. McCLELLAN. Mr. President, the amendment is offered following section 122 of the pending bill, section 122 provides:

The standing committees of the two Houses are authorized to hold joint hearings with respect to subject matter within their respective jurisdictions.

Mr. President, the amendment is in fact a bill which was introduced in the Senate and referred to the Committee on Expenditures in the Executive Departments. The bill, after hearings, was reported favorably, and it is now on the calendar, having been reported July 25, 1945.

Mr. President, the purpose of this amendment is to strengthen the pending bill. I have already discussed some of the merits of it in my previous remarks on the bill. The reorganization would place upon the new Committee on Expenditures in the Executive Departments certain duties set forth in the report. I shall not take the time to read them. This amendment would establish a standing joint committee of the two Houses and direct it to make investigations with respect to administrative affairs, and questions relating to efficiency in the administrative branch of the Government.

Under the terms of the bill as it now stands the committees would be authorized to continue to investigate, or to exercise surveillance over the particular agencies or departments of Government coming within their jurisdiction. In the past committees could have done so, but they have not done so, and they will not do so. If the committee proposed by my amendment is established, there will be a standing joint committee of the two Houses charged with the responsibility imposed in the bill. The committee will be directed to make investigations from time to time as the occasion may arise. Such a committee would obviate the necessity of creating a special committee every time some question arises.

At the time of the hearings on my bill in July 1945, I received a report from the Library of Congress as to the number of resolutions which had been introduced up to that time in the two Houses of Congress asking for particular investigations or studies. Many of them pertained to the affairs of the executive and administrative departments of Government. I have not time to read all of them, but it required 16 pages to list the number of resolutions which had been introduced up to that time calling for such investigations. I have a subsequent report from the Library of Congress up to and including February 1, 1946. There are 13 pages more listing the resolutions calling for various kinds of studies and investigations.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. McCLELLAN. I shall be glad to yield in a moment.

This amendment would not cover every investigation which might be made; but if any question should arise which the Congress wished to investigate in any department of the Government, there would be a joint committee of the two Houses ready to act. It would obviate duplication. The committee would be empowered and directed to make the investigation. Resolutions authorizing investigations could continue to be submitted and adopted by either branch of Congress, but it would not be necessary to create special committees. There would be a standing joint committee of the two Houses to conduct the investigations.

I am now happy to yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, I am exceedingly sorry to have to rise to oppose this amendment. The recommendations contained in the bill charge the expenditures and accounts committees of the two Houses with many of the same obligations contained in the pending amendment.

Secondly, we have come to the conclusion that no one committee can possibly give oversight to the actions of the myriad agencies and departments of Government and make certain that they are keeping within the bounds of the intent of Congress in delegating power to them to issue rules and regulations which have the force of law. For that reason we have placed that responsibility on the reorganized standing committees. Likewise, the bill contains a provision permitting those committees to form joint committees with their opposite numbers in the House. It seems to me that this amendment would simply duplicate what the committee has attempted to do through the standing committeee. In my opinion it would disrupt the plan as we have conceived it. We feel that dumping this entire load upon one joint committee would simply swamp it. It would have neither the staff nor the time to handle the matters which might be submitted to it.

Mr. HICKENLOOPER. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield briefly. I wish to conclude.

Mr. HICKENLOOPER. As I understand, this amendment is substantially the same as the bill which the Senator introduced sometime ago as a separate measure.

Mr. McCLELLAN. That is correct.

Mr. HICKELOOPER. Is that the bill which was the subject of hearings before the Committee on Expenditures in the Executive Departments?

Mr. McCLELLAN. That committee has already held hearings and has reported the bill. It is now on the calendar.

Mr. HICKENLOOPER. I am in a quandary on this question. I am very much in favor of the purpose of the Senator's amendment. I was for it as an original bill. If the bill which we are considering is enacted as it now stands, there may be no need for this amendment. But if the bill is not enacted, I assure the Senator that I believe that his original bill should be enacted into law.

Mr. McCLELLAN. I appreciate the Senator's remarks.

Mr. HICKENLOOPER. I question the advisability of this amendment in the pending bill, but I am thoroughly in accord with the Senator's purpose.

Mr. McCLELLAN. I am very happy to have the Senator's sympathetic endorsement of the objectives of this amendment.

The PRESIDING OFFICER. The hour 3:30 having arrived, the so-called Byrd

amendment is in order. The Senator from Virginia [Mr. BYRD] is recognized.

Mr. MCCLELLAN. Mr. President, will the Senator from Virginia yield to me briefly?

Mr. BYRD. I yield to the Senator from Arkansas for 3 minutes.

Mr. MCCLELLAN. Mr. President, the truth is that my amendment would not detract from the pending bill. It is said that the standing committees would do the investigating; but when an investigatory resolution is adopted a committee will have to be constituted for that purpose, whereas if we had a standing joint committee, 9 out of 10 resolutions calling for investigations would be referred to that committee. It would be, as it ought to be, a continuous investigating committee to investigate conditions in the various agencies of the Government.

Mr. WHERRY. Mr. President——

Mr. BYRD. I yield to the Senator.

Mr. WHERRY. I should like to have the floor in my own right.

Mr. BYRD. I assume that the Senator from Arkansas wishes a vote on his amendment. I am glad to yield for that purpose.

The PRESIDING OFFICER. The Senator from Virginia yields for a vote on the amendment offered by the Senator from Arkansas [Mr. MCCLELLAN].

Mr. BILBO. Mr. President, may I have the floor at this time?

The PRESIDING OFFICER. The Chair will state to the Senator from Mississippi that under the unanimous consent agreement at 3:30 o'clock p. m. the amendment of the Senator from Virginia [Mr. BYRD] was to be considered. The Senator from Virginia was to have half the time and the Senator from Wisconsin [Mr. LA FOLLETTE] the remaining half, until 5 o'clock, when a vote was to be had on the bill and all amendments thereto.

The question now is on agreeing to the amendment offered by the Senator from Arkansas [Mr. MCCLELLAN].

The amendment was rejected.

Mr. WHERRY. Mr. President, will the Senator from Virginia yield to me? I should like to offer a short amendment, consideration of which will require only a minute or two.

Mr. BYRD. I am willing to yield at this time to the Senator from Nebraska. However, I think it is very important for me to reserve the remainder of my time.

Mr. WHERRY. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Nebraska will be stated.

The CHIEF CLERK. On page 29, after line 22, it is proposed to insert:

Every committee and subcommittee serving the Senate and House of Representatives shall report the name, profession, and total salary of each staff member employed by it, and shall make an accounting of funds appropriated to it and expended by it, to the Secretary of the Senate and Clerk of the House of Representatives, as the case may be, at least once every 6 months, and such information shall be published periodically in the Congressional Directory when and as the same is issued, and as Senate and House documents respectively, every 3 months.

On page 29, line 23, it is proposed to change the subsection designation from "(b) to "(c)."

Mr. WHERRY. Mr. President, this amendment would simply write into this legislation the provisions of what is known as Senate Resolution 77.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nebraska [Mr. WHERRY].

The amendment was agreed to.

Mr. BILBO. Mr. President, will the Senator yield?

Mr. BYRD. I will yield to the Senator from Mississippi, but after that I cannot yield further.

Mr. BILBO. Mr. President, I am sorry that I came in at the eleventh hour. I arrived here this morning after having been absent for more than a month. I have not had an opportunity to read the provisions of this piece of legislation or to participate in its discussion.

From what I have seen and heard, I am frank to say that I shall be compelled to vote against it. My impression has been that the Senate has been doing a fine job in handling the Nations' business, even in the Great World War, and amid all the perplexing problems which face us as the aftermath of the war.

I love the Republicans, but I do not like to surrender so many chairmanships while the Democratic Party is in power. We have 33 committees, and most of them have plenty of business to attend to. I believe that that business can be much better attended to under the present system than under a system which would undertake to consolidate so much business in the hands of 15 or 16 committees. I think that would be a mistake governmentally. It certainly would be a mistake politically.

I wish to discuss especially section 601, by which it is proposed not only to raise the salaries of Senators and Representatives to $15,000 a year, but to strike out the expense allowance of $2,500 to House Members. Of course, Mr. President, all of us can use $15,000 a year; but I think I am speaking the sentiment of the people of this country who have the $200,000,000,000 or $300,000,000,000 war debt to meet—and the debt will be larger than that after we get through paying the expenses incident to the war—when I say that this is no time to increase the salaries of the Members of the Congress.

I do not know whether Senators have figured up the cost of the proposed increase in the salaries of Members of Congress, but it amounts to $2,655,000 a year. In my limited view and in the view of the people who live in my section of the country, $2,655,000 is a considerable sum of money. When we are preaching economy and when we are face to face with the tremendous war debt and other obligations incident to the war which we must meet if we are to be faithful to those who won the war for us, I am inclined to think that this is no time to be voting salary increases for ourselves. I have been here nearly 12 years, and I have gotten along reasonably well on $10,000 a year, plus my mileage. The fact of the matter is that I have gotten fat on the job because I have been getting so much. Recently I have been in Mississippi trying to persuade the people of my State to let me have another term of 6 years as Senator, at $10,000 a year. I shall be very glad to get the job at that price, and so would my four opponents.

But seriously, Mr. President—and I am serious—I think this whole bill needs study. I think we had better turn it over to the newspapers of the country and let them analyze it for the American people, because from what I have learned about the bill—I have never read it; I wish that to be understood—there are in it a number of provisions which are not exactly American. My friend the Senator from Wyoming [Mr. O'MAHONEY] suggested a while ago that we should prevent any man or women from having an opportunity to be employed by any of the governmental agencies within 5 years after he or she had served on Capitol Hill as a member of the staff of some committee. Mr. President, that would be robbing a man of his individual liberty and his freedom.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. BILBO. I am glad to yield.

Mr. BRIDGES. One of the most vicious practices in Washington today is that of men who have served in governmental departments resigning and entering private practice and accepting large fees as a result of the knowledge they acquired in a Government department and as a result of the officials they came to know while serving in the department.

Mr. BILBO. Mr. President, I ask the Senator if he is a lawyer.

Mr. BRIDGES. I am not.

Mr. BILBO. Perhaps that explains the Senator's position, because lawyers always charge for what they know. Perhaps the Senator would not be entitled to the increased fee.

The PRESIDING OFFICER. The time of the Senator from Mississippi has expired.

Mr. BILBO. But, Mr. President, the point I make is that this is no time to pass this bill. We should put the bill over until the first of January, and should let the people have an opportunity to understand all the implications of all the monkey business that is in the bill, which, as I understand, was written at the suggestion of approximately 40 so-called experts or economists.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. Beginning with line 4 on page 81 it is proposed to strike out down through line 3 on page 84.

On page 84, line 4 it is proposed to strike out "(9)" and insert in lieu thereof "(2)."

On page 84, in line 7, it is proposed to strike out "(10)" and insert in lieu thereof "(3)."

On page 84, between lines 10 and 11, it is proposed to insert the following:

(c) Section 7 (a) of such Act, as amended, is amended by adding at the end thereof the

following new sentence: "Any Member of Congress who becomes separated from the service by reason of the expiration of the term for which he was elected or appointed shall be deemed to have been involuntarily separated from the service."

Mr. BYRD. Mr. President, the purpose of that amendment is in lieu of the more favorable provisions in the bill is to offer to any Member of Congress or to a delegate from a Territory or to the Resident Commissioner from Puerto Rico the same opportunity to participate in the retirement benefits as is now given to civil service employees.

Before I discuss the amendment more fully, I wish to say just a few words about the pending bill. The resolution which authorized the committee to make the study which has been made was presented on January 22, 1945, and it was referred to the Rules Committee, of which I am chairman. It was reported by the Rules Committee on February 8, 1945. The original resolution was introduced by the late Senator Maloney, of Connecticut. In the interim the great Senator that he was unfortunately has passed away; and the senior Senator from Wisconsin [Mr. LA FOLLETTE] has assumed the chairmanship of the special committee which has been instructed to make the report. The original resolution provided that the report should be made to the Rules Committee. Because of the fact that I was sympathetic with the general purpose of the proposed legislation, I urged the Rules Committee to authorize or to recommend to the Senate the appointment of a special committee, so that the entire matter could come before the Senate in the most expeditious way.

The original resolution, which was introduced on January 22, 1945, contained no reference whatever to increasing the salaries of Members of Congress, nor did it have any reference to allowing pensions or retirement benefits to Members of Congress. To that extent, I think the original resolution, as introduced by the late Senator Maloney, of Connecticut, has been overreached.

I may say, Mr. President, that with many of the matters and many of the recommendations made by the committee, I am in hearty accord. I think the time has come for a reorganization of the Senate, especially with respect to the numerous committees. I myself am a member of so many committees that it is practically impossible for me to attend and give the diligent attention which I should give to all the committee meetings which are being held.

I shall not delay the Senate, in the limited time which is allotted me, by indicating all the parts of the bill of which I approve. I especially approve, I may say, of the provision, which I trust has not been deleted, that Senators may not vote by proxy in committees. Let me ask the Senator from Wisconsin—for I have been away for several days—whether that provision still is in the bill.

Mr. LA FOLLETTE. The bill now provides that the reporting of bills shall take place only when a majority membership is present in the committee, and a record vote shall be had.

Mr. BYRD. I simply wish to say, Mr. President, that I am in thorough sympathy and accord with that provision of the bill.

I do not think the provision with respect to salaries should have been inserted in the bill. My feeling about salaries is this: I think there should be no larger increase in the salaries of Senators and Members of the House of Representatives than the increase which already has been given to the members of the classified service. That increase amounts to approximately 35 percent. Therefore, I would be prepared to vote for an increase of 35 percent in the salaries of Members of Congress.

Mr. President, what I have just said also applies to the retirement fund. The Members of the Congress are the ones who make the laws. Whenever the Congress of the United States votes to itself special privileges, privileges which are in excess of those of other employees of the Federal Government, I think the Congress is subjecting itself to very severe criticism. I have heard it said during the debate that democracy is on trial here, that we must make the Congress more efficient, so that it will function better. I agree with that statement. But, Mr. President, democracy is also on trial when those who serve in elective office and who have the power to vote appropriations, give to themselves benefits far in excess of those enjoyed by other employees of the Government, as they will be doing, by the pending bill, in the case of the retirement fund benefits.

Mr. President, I would not care if the difference were nominal; I would not care if it were merely a small matter. I still say in connection with matters such as retirement funds there should be no difference between the benefits granted to employees of the Civil Service and the benefits granted to Members of Congress. The Members of the House of Representatives and the Members of the Senate should use particular care and should be very diligent to see that they do not give to themselves more in any way than is given to the regular classified service employees of the Government.

Mr. President, a table has been distributed to the desk of each Senator. If Senators will refer to it they will see that by a payment of $2,674 a Senator who entered the service on January 3, 1941, and retires on January 3, 1947, under the terms of the bill will be able to receive from the Federal Treasury $1,465 a year as long as he lives after he reaches 62 years of age. That means, Mr. President, that if he enjoys the ordinary life expectancy for 15 years he will receive $1,465 annually, or a total of approximately $22,000, and for that he will have paid only $2,674.

Mr. TYDINGS. Mr. President, will the Senator yield for a question?

Mr. BYRD. I yield.

Mr. TYDINGS. In order that I may follow the Senator, am I to understand that the life expectancy table indicates that men who have reached 62 years of age will live, on the average, until they have reached 77?

Mr. BYRD. That is my understanding, from Civil Service Commission actuaries.

Mr. TYDINGS. That seems pretty high to me. I think the Senator is in error in his statement, but I do not have any figures available to support my belief. I know that the Senator does not wish to make an inaccurate statement.

Mr. BYRD. I have given the best information I have been able to obtain on the subject, and I may say it is based on Government statistics.

Mr. President, let us take a Government official earning $10,000, for example, under the same conditions. He pays the same amount and receives $822 a year after he reaches 62.

Let us go on down through the table. Take, for example, a Senator who became a Member of the Congress on January 3, 1939. He will receive $1,892 and the civil-service employee will receive only $1,035.

Let us take further, for example, a Senator who became a Member of the Congress on March 4, 1933. That Senator upon the payment of $2,674 will receive at retirement, $3,100 yearly. If he lives 15 years longer he will receive approximately $46,000, while the civil-service employee with comparable service under similar conditions will receive only $1,106 a year.

Let us take further, for example, a Senator who became a Member of Congress on March 4, 1925. He would be paid $4,673 yearly when 62 years of age, and, under the same conditions, the civil-service employee would be paid $2,322.

Those are the general differences.

Mr. President, I am not contending whatever that a pension of $3,100 for a Senator is too high, or that $3,500 or $3,800 is too high. What I am endeavoring to call to the attention of the Senate is that we must not vote ourselves greater benefits and greater privileges than are to be proportionately received by the 2,000,000 other employees of the Federal Government.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. TYDINGS. Is the Senator from Virginia familiar with the financial requirements of a man who has not been under the Civil Service Retirement Act, and who comes under it by virtue of an act of Congress, or because of other reasons? How much of the back yearly payments is he required to make up in order to get on the civil-service floor?

Mr. BYRD. He is covered in by law and does not have to pay anything in order to cover the past.

Mr. TYDINGS. That is what I mean. My recollection is that, in connection with many of the Government projects—I am thinking of the Aberdeen Proving Grounds and the Edgewood Arsenal, both of which are located near my home—when Congress has covered in some of the employees who have heretofore been out, those employees are not required to make up any back payment at all.

Mr. BYRD. That is very true, but the annuity of that employee is reduced by that much.

Mr. TYDINGS. No; I believe that while there may be some differential involved, nevertheless, that employee takes, from the time he is covered in, exactly

what he would have taken if he had come in earlier.

Mr. BYRD. He does not receive the increased annuity. A table has been prepared which covers that situation exactly.

Mr. BRIDGES. Mr. President, will the Senator yield to me?

Mr. BYRD. I yield.

Mr. BRIDGES. Would the Senator from Virginia put Members of Congress on the same basis with civil-service employees instead of putting them on the basis of the judiciary or officers of the Army and of the Navy?

Mr. BYRD. The Senator from Virginia considers the Congress of the United States on the basis of the body which makes the laws. We, as Members of the Congress, make the laws and we should not go before the people of the country and tell them, in order to secure a few hundred dollars more a year additional for each Member of the Senate and of the House of Representatives, that we have voted for ourselves a larger rate of proportionate compensation than is provided for employees of the Government who work under civil service.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. MAGNUSON. Does the Senator from Virginia believe that the Members of Congress should be placed in the same stratum or in the same echelon of Government service as judges, for example, are placed? If so, I may say that I do not see where there is any comparison between employees of that character and the average civil-service employee.

Mr. BYRD. I think there is a fair comparison to be made between the Members of Congress and those who fill the top jobs in the various departments and agencies of the Government. But the point I am endeavoring to make is this: I do not believe it is a good thing for the Congress of the United States to vote its Members larger benefits than are to be afforded to civil-service employees of the Government on the same basis.

Mr. MAGNUSON. If the provision of the bill to which the Senator from Virginia objects should become law, would the Congress thereby be giving to its Members any greater benefits than it gives to members of the judiciary who occupy the same comparable echelon of Government service?

Mr. BYRD. I cannot say with reference to the judiciary, but if we pass this provision we will give ourselves more than Cabinet officers or heads of the various agencies of government will receive. I do not believe that we are comparable to the judiciary.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. BARKLEY. I have never been sure that I was in favor of any sort of congressional retirement privileges, at least not of a financial nature. However, inasmuch as the members of the judiciary, and the high-ranking officers of the Army and of the Navy have been brought into the question, I may say that it is my understanding that none of them make any contribution to a retirement fund. Judges who are appointed for life are not required to campaign for reelection every 2 years or every 6 years. When they have once received their appointment they serve during good behavior for the remainder of their lives, or at least until the retiring age of 70 years has been reached, at full pay. Officers of the Army and of the Navy do not retire at full pay, but when they are graduated from West Point or Annapolis and receive their appointments as officers in the Army and the Navy, they become permanently associated with those services and receive promotion from time to time as earned. They do not pay out anything for the creation of a retirement fund. Through the amendment of the Senator from Virginia he would seek to put Members of Congress on the basis of civil-service employees who have lifetime jobs.

Mr. BYRD. I cannot agree with the Senator's statement in that respect. By the action which the Senate took the other day, thousands of Government employees will be dismissed from Government service.

Mr. BARKLEY. I appreciate the Senator's statement, and I may say that the Senator from Virginia is advocating the discharge of thousands more, if not millions.

Mr. BYRD. The Senator is correct.

Mr. BARKLEY. However, the theory of civil-service employment is that of life service.

Mr. BYRD. I cannot agree with that statement. Civil-service employees are retained as long as there is work for them to do.

Mr. BARKLEY. Nevertheless, those who are retained are retained permanently.

Mr. BYRD. But there is no obligation to keep them and furnish them with jobs.

Mr. BARKLEY. But if they are kept, they are kept.

Mr. BYRD. They may not be kept.

Mr. BARKLEY. Has the Senator given any consideration to the question of expenses which are necessarily incurred in conducting campaigns in an effort to be reelected as Members of Congress? If the Senator has not given consideration to that subject, does he still believe that it is proper to put Members of Congress upon the same basis as those who are appointed for life, or as long as they wish to remain in Government service until the retiring age has been reached? They are not subject to removal except for cause, or because of the lack of a job. If the Government does not need them, they are dismissed, but those who are retained in the employ of the Government are not required to put themselves to any financial outlay in order to retain their positions. I wonder if the Senator has given any thought to that subject?

Mr. BYRD. I have given thought to the subject. I would be reluctant to believe that Congress should allow its Members additional expenses merely because of the necessity of meeting financial outlays in connection with political ambition. No compulsion is exercised upon a man to become a Member of the United States Senate. No one compelled me to be a candidate for the United States Senate. I became a candidate because I wanted the honor of being a United States Senator.

Mr. BARKLEY. So far as that is concerned, I do not believe that any person has ever been compelled to become a Government employee. Whoever became a Government employee became so voluntarily.

Mr. BYRD. I would not wish the Senator to connect pensions with the question of political expenses.

Mr. BARKLEY. No; but the question does have something to do with a man's ability to support himself after a long tenure in public office and he finds it no longer possible to retain his office. Of course, I realize that men who are ambitious to become Members of Congress consider it to be an honor to be a Member of Congress. The Senator also knows that some of our very distinguished colleagues who have been either defeated for reelection to their positions, or have resigned, by reason of their long tenure as Senators and their experience, have been able to obtain jobs which paid them $25,000 or $40,000 or $50,000 a year.

Mr. BYRD. I am not advised on that, and hope the Senator from Kentucky will not take that as applying to himself.

Mr. TYDINGS. Mr. President, will the Senator from Virginia yield.

Mr. BYRD. I yield.

Mr. TYDINGS. I think if we had not departed from the Civil Service Retirement Act, all the remarks of the Senator from Virginia would be apropos, and I am not saying that they are not without great force and weight even though we have departed from it. But let me point out to the Senator that my recollection is that a judge on the Federal bench, even a circuit judge, can retire at any time for disability on three-quarters pay, that a judge in the United States judiciary can retire after a certain age at full pay, that an Army or Navy officer can retire at 60 or 62 years of age at three-quarters pay; and that none of them contributes a single cent to the retirement fund.

Mr. BYRD. Their salaries are much less than $10,000.

Mr. TYDINGS. I know all about that, and their expenses are much less, too.

Mr. BYRD. A great many of their expenses are paid.

Mr. TYDINGS. I am unwilling to write the Senate off as being less worthy than the Federal judiciary, or Army and Navy officers, for the reason that it seems to me that of all the offices within the gift of the Government, the Cabinet perhaps excepted, and perhaps the Supreme Court excepted, I rank the Senate and House of Representatives right at the top.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. MAGNUSON. There was some discussion between the Senator from Kentucky and the Senator from Virginia in reference to the permanency of civil-service employment. I think that does make a difference in these comparisons.

I wonder if the Senator would not agree with me that there is a permanency in what we call permanent civil-service employment. I suspect that the

figures would show that the involuntary retirement of so-called permanent civil-service employees would probably be much less than 10 percent of the total.

Mr. BYRD. There can be no such thing as permanent civil-service employment. It is not permanent unless the Government of the United States has a job to give to a man.

Mr. President, I have only 15 minutes left. The point the Senator from Virginia is making is that this provision gives to Senators and Representatives twice as much, in proportion to the payment they make in the retirement fund, as is paid to Cabinet members and as is paid to those in every other branch of the Government except the judiciary. It may be that the judiciary, for reasons best known to Congress, was placed in a special category. Army and Navy officers are in an entirely different situation. The high officers of the Army and Navy are not paid as much as Senators receive, and their situation is entirely different.

Mr. President, I have 12 more minutes, and I presume those opposed to the amendment will probably wish to speak next. I reserve 12 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, the joint committee and the select committee gave very careful consideration to the question of congressional retirement. I think I can say that we were not unmindful of the fact that a proposal of a retirement system for Members of the House and Senate, if it is to accomplish its objectives, must provide a sufficient amount of annuity so that Members of Congress who reach the elder-age bracket will feel that they can retire, and so that sitting Members of Congress, knowing that such a system is in operation, will be enabled to be even more independent in their actions on public questions.

I am fully aware of the situation which developed when the last action was taken in this connection, but I am convinced that the people of the United States have come to appreciate the fact that nearly every other activity in life, public or private, is now either covered by a retirement or annuity system, or soon will be. There is being made now by the Ways and Means Committee of the House of Representatives a thorough study of the proposal to broaden the social-security system so that it will include nearly all the groups which are now not covered by it. I think the people of the country recognize that nearly every important industrial concern now has a provision for the retirement of its executive personnel.

As has been pointed out, some years ago Congress extended the system of retirement to the employees of the Federal Government. We have provided retirement for members of the judiciary, whose salaries range from $10,000 to $22,500. They may retire, at any time after their appointment, on three-fourths of their salary, for disability, and after they have served 10 years they may retire at their full salary; and they are not required to make any contribution whatsoever to the retirement system. The officers and enlisted personnel of the armed forces are provided with the retirement privilege, to which they do not have to make any contribution.

We believed that the congressional retirement system should be a contributory one, but we recognized, after studying the problem, that there is no analogy between the service of Members of the House and the Senate, and the employment situation of those who are in the executive arm of the Government. Under the civil-service system, employees who pass their examinations and serve their probationary period and become permanent employees, after 6 months, may stay in that system, during good behavior, if they maintain their health, until they reach retirement age. That is not the situation confronting Members of the House and Senate. They have no guaranty at all of continuity of service. Therefore, if we should apply the ironclad contributory principle to the Members of the House and Senate, the resulting annuity benefit would not accomplish any of the objectives which would be accomplished by a sound retirement system.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. BARKLEY. I wish to call the Senator's attention to the fact that civil-service employees do not go into office and remain at static salaries. Their compensation is increased from time to time during their entire service, provided they are worthy and are entitled to be promoted. They have a classification system.

Mr. LA FOLLETTE. They have a classification act which makes them eligible for promotion at certain stated intervals of time, and is so calculated as to bring about their promotion unless their service has been unsatisfactory.

Mr. BARKLEY. Of course, that is not true with respect to Members of either branch of the Congress.

Mr. LA FOLLETTE. No. The compensation of Members of the Congress has not been increased since 1925. It is true it is proposed by this bill to increase it to $15,000, beginning with the new Congress, if the bill should become law; but I believe I am reliably informed when I say that there have been increases in the salaries and compensation of those in the Government service since 1925 which approximates the 50 percent increase in salaries proposed in the pending measure.

Mr. DOWNEY. Mr. President, will the Senator from Wisconsin yield?

Mr. LA FOLLETTE. I yield.

Mr. DOWNEY. I am sure the distinguished Senator is correct in his last statement. In 1928 a raise was given Federal employees which was diversified. It was not a regular raise, but I think it ran from 8 to as high as 20 percent, and I believe must have averaged at least 12 percent.

As the distinguished Senator from Virginia has said, in the last two pay raises we have given Federal employees about a 35-percent increase. As a matter of fact, I think their increase since 1940, because of in-grade increases and salary increases, has reached close to 40 percent.

So the increase here proposed would do nothing more than give to Members of the Congress about the same increase we have given to Federal employees.

If I may intrude further upon the time of the distinguished Senator from Wisconsin, manifestly any annuity which would be of any considerable value to Senators and Members of the House could not follow the regular annuity system applied to other Federal employees. Of course, the reason for that is very plain, namely, that Senators and Representatives average about 50 years of age when they enter on their offices, and they serve only about half the length of time other Federal employees do who are in office for any considerable period of time. Consequently, serving for comparatively short periods of time and rendering service at a rather advanced age, the regular annuity system of the Federal employees would not be of great value to them.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. BYRD. If the Senator uses the increases made in civil-service employment to make comparison, he should point out the fact that the heads of the bureaus have had no increases. If they are comparable to Senators, they have had no increases. When they reach the top, which is $10,000 a year, heads of bureaus do not receive automatic increases, so they may be in the same position as Senators during this period.

Mr. DOWNEY. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. DOWNEY. I reply to the statement of the distinguished Senator from Virginia by saying that we are steadily losing from the governmental service men at the $10,000 bracket, which is now the limit, because they can obtain substantially higher salaries in private industry. I certainly do not think that because we are unwise in doing an injustice to that particular class of public servant, we should therefore be guided in that unfortunate respect in deciding upon the retirement provision in this bill.

Mr. LA FOLLETTE. I may say also, Mr. President, that your committee considered the relationship of the recommendations which we should make with regard to the increase in compensation and the recommendations which we would make in regard to retirement. The committee was urged by some of the witnesses to recommend a very much higher salary increase than it finally recommended, and it was also urged to provide a very much more generous retirement system than it has recommended. We have endeavored, Mr. President, to be reasonable in both respects, and while maintaining the contributory principle, we have attempted in our retirement recommendations to strike a balance which will give very reasonable and modest retirement compensation, but at the same time will be sufficient to achieve the two primary objectives of a retirement system for Members of Congress. I repeat, those objectives are, first, that when they

reach the upper-age brackets they should feel that they have the opportunity to retire after years of faithful service, and, second, to give an added sense of independence to the representatives of the people in the discharge of their high responsibilities as Members of the policy-making arm of the Federal Government.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. MAGNUSON. Is it not one of the purposes of retirement systems that they be made sufficiently adequate to encourage men to retire when they reach an age when perhaps they are not quite completely physically handicapped, but when a continuation of their work involves some detriment to their efficiency? Unless the provision is made adequate and made sufficiently attractive to them there would not be the encouragement for members of the legislative body to retire when many of them probably should if they knew how they could live after they retired.

Mr. LA FOLLETTE. I agree with the Senator from Washington. I do not believe that the annuities provided for in this proposal can be attacked by anyone on the ground that they are excessive when all the considerations that surround life and service in the Congress are taken into account. Who can say that a man who has served in this body since March 4, 1913, and who makes a full back payment, should not be entitled to receive an annuity of $7,500? Who can say that a man who has served in this body since March 4, 1913, and decides to retire, and finds himself in a position where he cannot make more than the $2,674 back payment, and he receives an annuity of $6,536, is receiving an amount which is excessive in relation to the service which he has rendered to his own people and to the country?

Mr. DOWNEY. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. DOWNEY. We have a rather unique situation in the Senate in relation to the conditions we are now discussing. Men whose seniority goes back to that date have been returned many times by the people of their States to this high office, and the reason they were returned was because by their conduct here they won the confidence and the affection and the admiration of the people of their States. I have not found myself wholly in agreement on many matters with some of the more senior Members of the Senate, but the longer I have been here the better I have recognized their high ability. I know that there are distinguished Senators who in the open competitive field of the law would have been among the most distinguished lawyers this Nation has produced, and would have been capable, with a very small part of the work they have had to do and the burdens they have borne here, of earning many times the salaries which they have been content to accept as a matter of public service. They have made that sacrifice and they have made it willingly, and they do not regret it. But I would say, as a very young man in the Senate, that I feel sure the Nation would want to reward by decent annuities the fine work and the high service of these men.

Mr. LA FOLLETTE. Mr. President, I should like to say further that your committee was not unmindful of the fact, either, that it is becoming increasingly difficult, if not impossible, for men to remain in the service of the House and the Senate and of their constituencies and States in these times, especially men who do not enjoy any outside income, and who find themselves dependent on the salary that they receive. We have already seen, unfortunately, in the case of the House of Representatives, the voluntary retirement of several of its most distinguished and experienced Members who have resigned from the House, acknowledging that they were no longer able in justice to themselves and to their families to continue to serve under the compensation they receive and without any retirement benefits.

The only trouble with the amendment which the Senator from Virginia offers is that it will not accomplish the objective for which the congressional retirement system is devised. I have confidence, Mr. President, in the intelligence of the American people, and I believe that they stand ready to support the Congress in doing the courageous thing in providing a compensation which is sufficient to permit a Member of the Congress and his family to live in modest decency and comfort, to educate his children, and to discharge his family responsibilities and also in providing a retirement system which will enable those who, either because of disability or because of long service or because of the accidents of political elections, find themselves no longer Members of either the House or the Senate.

I know that it is easy to say that we are in the unfortunate position of having to pass upon our own compensation and upon our retirement system. But I say, Mr. President, that I think the time has come, if representative government in America is to be supported, when we must attract men of the highest abilities, and we must retain, insofar as the people are willing to retain them, the men who have by experience and ability become familiar with the intricate problems of government with which the Congress now has to deal.

I say very frankly that I believe the people will support us if we have the courage to meet this situation and to strengthen the personnel and the independence of the Congress of the United States.

I reserve the remainder of my time, but I shall be glad to yield it to any other Senator who wishes to oppose the pending amendment.

Mr. BARKLEY. Mr. President, I should like to have 10 minutes.

Mr. LA FOLLETTE. I yield 10 minutes to the Senator from Kentucky.

Mr. BARKLEY. Mr. President, as I stated a while ago in a colloquy with the Senator from Virginia, whose efforts at economy we all, of course, appreciate, I have never been thoroughly sold, so far as I am personally concerned, on the retirement system for Members of Congress. That attitude may have been superinduced by my reaction to the political implications involved in it, just as my action in voting against the salary increases may have been unconsciously influenced by the political repercussions.

I remember when I was in the House of Representatives, when the last increase in salaries occurred for Members of Congress. The salaries were increased from $7,500 to $10,000 a year. I voted against that salary increase. I voted against it, in part, at least, because 2 or 3 weeks before that I had voted against a general increase in the salaries of Government employees, and I was not willing to vote myself an increase when I had voted against increases for others. The newspapers in my congressional district mentioned rather favorably the fact that I had voted against that increase in salary. Some of them had editorials after this fashion: "Old BARKLEY stood by the people; he did not engage in this raid on the Treasury"; and so forth.

Congress adjourned shortly after that, and I expected to be patted on the back by everyone I saw when I got home because I had voted against the increase in the salaries of Members of Congress. I was at home for a week. I went up and down Broadway in my home city and into the stores to see my friends and visit with them. I spent an entire week there, and no one mentioned the subject. No one said a word about it. Finally an old farmer friend of mine, much older than I was, but a very dear friend who always came to town when he heard that Congress had adjourned, heard that I had returned home, and he wanted to talk about what was going on. He was a well-informed man. We stood in the shade of a brick wall for about an hour and talked about what had happened in Congress. Finally he said, "I see that you fellows in Congress increased your salaries." I replied, "Yes, Uncle Jack. They did, but I voted against it." He looked straight into my eyes for about 5 minutes, and finally he said, "You are just a damn fool." [Laughter.]

That is the only comment I ever heard in my congressional district upon the vote which I cast against increasing salaries from $7,500 to $10,000 a year.

Mr. HILL. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. HILL. I am delighted to note from the Senator's remarks that he seems to have grown wiser since that day.

Mr. BARKLEY. That little conversation taught me a lesson which has been of some value to me. Frequently we underestimate the intelligence of the American people whom we represent here, and who have honored us by membership in this body.

I happen to be one of those who date back to March 4, 1913. I suppose service in the two branches is cumulative. I came to the House of Representatives on the 4th of March 1913, on the day when Woodrow Wilson was first inaugurated President of the United States. I use my own case as an example, which I think is typical. I was a young man in the practice of law. I had served as prosecuting attorney and as judge, but had not been able to save any money. I had a hard race in my first contest for the

House of Representatives. I had a growing family to educate. The result was that it was about all I could do to get by, maintaining a home in my home city and a home in Washington. A man with children must maintain a home wherever he is, and he must educate his children, wherever he is.

As I have stated, I go back to March 4, 1913. In order to draw the amount set out in this table I would be required to pay into the retirement fund $14,747.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. BYRD. If the Senator will pardon me, he is mistaken. If he will look at the other columns he will find that if he retires on January 1, 1947, he may pay $2,674 and receive an annual pension of $6,538.

Mr. BARKLEY. That is the 5-year repayment.

Mr. BYRD. If the Senator retires on January 1, 1947, he may pay in $2,674 and receive an annual pension of $6,538. This table was prepared by the Civil Service Commission.

Mr. BARKLEY. Let me see. I do not wish to be mistaken. Column 2 is headed "Amount owed as of January 2, 1947." Coming down to March 4, 1913, the figure is $14,747.

Mr. BYRD. That is an option which the Senator would have, but he would not be compelled to exercise that option.

Mr. BARKLEY. In order to receive $7,500 a year, which is three-fourths of the present salary, I would have to pay in $14,747.

Mr. BYRD. But——

Mr. BARKLEY. However, I might choose to pay in for only 5 years.

Mr. BYRD. If the Senator should choose that plan, if he were to retire on January 1, 1947, he would pay in $2,674 and would receive $6,538 a year for as long as he lived. I pray that he will live for many years to come, and will not retire.

Mr. BARKLEY. I join in that prayer. [Laughter.]

Mr. BYRD. The Senator would draw $6,538 a year, but the head of an agency who receives $10,000 a year and pays in the same amount would receive only $3,859.

Mr. BARKLEY. I was taking the sheet column by column.

Mr. BYRD. The first column is somewhat confusing, because it represents an option which gives slightly more.

Mr. BARKLEY. I realize that.

Mr. BYRD. If the Senator will read the heading, he will see that all he has to pay is $2,674, for the last 5 years of service, and he receives $6,538 a year.

Mr. BARKLEY. I understand, but I have not yet come to the 5-year option.

Mr. BYRD. I was afraid the Senator would not get to it.

Mr. BARKLEY. However, if I wished to receive retirement income of $7,500 a year, I would have to pay into the fund $14,747, or practically $15,000. There is an option under which I could pay only for the last 5 years of service—and under this system if one does not pay at least that much into the fund he does not receive any retirement benefits. I suppose most of us would pay back $2,674 instead of $14,747, for obvious reasons. [Laughter.]

Mr. President, I realize that service in this body and in the House of Representatives constitutes a great honor. The men who sit here help to make history, and sometimes they make important history. There is nothing derogatory about the ambition of a man to serve in the Senate or the House of Representatives for a long time. When I was a young student in college and read about Webster, Clay, and Calhoun, I thought that I would rather serve in the United States Senate and attain the reputation that they enjoyed—if I could—than to be any President of the United States who was ever elected. I still believe that. I believe that to be a long-time Member of this body and render distinguished service is an honor not to be excelled by that of any other position to which the American people could elevate one of their fellow citizens.

To me it has always seemed abhorrent that those of us who are not rich should hang on to membership in this body merely for the sake of having a job. Of course we cannot afford to have a Senate composed exclusively of rich men. The same observation applies to the House of Representatives. To me it has always been abhorrent and tragic for a man to serve here with distinction and arrive at an elederly state in life when he looks upon membership in the United States Senate as a mere job, something to be held on to because he does not have sufficient means to support himself and has not been able to lay aside enough to support himself after he retires from long service in this body or in the House of Representatives. Before I would permit myself to reach the age where I was merely hanging on to my seat in the Senate because it was a job which provided me a living, rather than the greater obligation and the greater concept of duty, I would retire tomorrow, at an age when I might still be able to make money and indulge in profitable activities, and in a comparatively short time lay aside something for a rainy day.

Therefore, Mr. President, in view of these reflections of mine, I shall vote for the provisions of the bill to increase the salaries of Members of the two Houses to $15,000 a year. I am satisfied that if my old friend were yet living—which I regret to say he is not—instead of commenting upon my vote as he did 21 years ago, if he could meet me in my home town after the adjournment of Congress and we could stand on the shady side of a wall and talk about what had happened, he would approve my vote this time. If any one in my district disapproved it, I would probably never hear about it.

Mr. President, I believe that membership in this body or in the other body of Congress is of equal dignity with that of the judiciary. After 10 years' service Federal judges are retired at full pay, without having to contribute a nickel. I would not want them to do so. I would not vote to require them to do so. Judges who give up their practice and go on the bench and serve for 10 years can retire at full pay. I am not willing to say that our service here is of a dignity and importance less than that of judges; and I am not willing to say that our service here is of a dignity and importance less than that of Army and Navy officers, who can retire at the age of 64. None of them has ever been required to contribute a single dime to the fund out of which they receive their retirement pay.

Therefore, Mr. President, I shall vote against the amendment offered by the Senator from Virginia.

Mr. LA FOLLETTE. Mr. President, I yield 5 minutes to the Senator from Maine [Mr. WHITE].

Mr. WHITE. Mr. President, it is a matter of regret to me that I find myself in total disagreement with the Senator from Virginia with respect to this amendment. I believe that it is sound in practice and wise in principle to write a retirement law of this sort. I do not know how it will work in individual cases. No one would ever suspect, looking at the Senator from Kentucky [Mr. BARKLEY] and then looking at me, that I am also among the group who would have to pay the sum of almost $15,000 to obtain the benefits of retirement. When I saw those figures I stepped across the aisle and said to the Senator from Kentucky, "How am I going to take advantage of this unless you will lend me the $15,000?" The Senator from Kentucky replied that he would gladly do so if I would tell him where he could get it. [Laughter.]

Mr. BYRD. Mr. President, will the Senator yield?

Mr. WHITE. I yield.

Mr. BYRD. I think the Senator should make it clear that he could pay in $2,674 and receive $6,538 a year.

Mr. WHITE. I understand that.

Mr. BYRD. The Senator ought to state both propositions. Why there is such an alternative in the bill I do not know.

Mr. WHITE. I understand that. I shall speak of it in a moment if I do not talk too long about other things.

Mr. President, I believe in the principle of retirement. We have extended it to the entire Federal judiciary of the United States. Members of the Supreme Court and of district courts throughout the entire length and breadth of the country are the beneficiaries of a retirement system. The officers of our Army and Navy have the benefit of retirement laws. Many of our Federal civil employees have the benefit of retirement laws. Modern, liberal, and forward-looking industries have been putting into effect, and I venture to say will continue to put into effect, retirement systems for their employees.

Mr. BYRD. Mr. President, will the Senator yield to me for moment?

Mr. WHITE. I yield.

Mr. BYRD. I should like to call the Senator's attention to the fact that judges who have been retired are subject to being called back to duty, and officers of the Army and the Navy who have retired are subject to being called back to duty. But Members of Congress are not subject to being called back, unless they are reelected.

Mr. WHITE. I admit that that is true. I merely say that they are the beneficiaries of retirement systems, and I stop with that statement.

Mr. HILL. Mr. President, will the Senator yield to me?

Mr. WHITE. I yield.

Mr. HILL. Would not the Senator agree that all Members of Congress who are defeated would be delighted to be called back to the service? [Laughter.]

Mr. WHITE. Well, it may be that I shall give the people of Maine a chance to call me back to service, but with no intervening defeat. But, Mr. President, I wish to say that I am in favor of the bill because of its basic and fundamental principles. I am in favor of the retirement system which it proposes, for, as I have said, retirement systems are provided for Government employees who are under the civil-service system, for officers of the Army and the Navy, and retirement systems are provided for the employees of practically all forward-looking industrial concerns in our land.

Some fear and some criticism have been expressed because of the provision that the Members of Congress vote themselves the proposed retirement benefits. However, if we do not do so, who will? The Members of the House and the Members of the Senate have always faced the responsibility of fixing their own salaries, because under our constitutional system no one else can do so. The Members of Congress have always provided, in their judgment, for their clerical assistants and they have always provided for their railroad mileage and their stationery allowances. All that we have done because under our constitutional system no one else can do it. That burden was placed on the Members of Congress by the Constitution of the United States, and we who are the present Members of Congress are charged with the duty of fixing our own salaries and allowances.

As the Senator from Kentucky has said, he and I have voted to reduce salaries and allowances, and there is no difference in principle between doing that and voting now to increase these salaries and benefits.

The Senator from Virginia has voiced the criticism that under the proposed system the Members of the Congress would enjoy larger retirement benefits than those which many of the civil-service employees enjoy. That is true. But it is also true that we who are Members of Congress provide larger salaries for ourselves than we do for various of the civil-service employees. If the logic of what the Senator from Virginia has said were to be applied all the way through, we should either increase the pay of all civil-service employees to the level of the pay we receive, or we should reduce our pay to the amount of theirs. However, no one seriously makes such a contention.

Mr. BYRD. Mr. President, I simply wish to make it clear that the comparisons made on the chart which I have presented are based on salaries of $10,000 a year for civil-service employees.

Mr. WHITE. Mr. President, as I have said, I believe in the principle of retirement, and I hope the Byrd amendment will be defeated. I hope the bill will be passed with the provision for the retirement benefits, and I hope I shall be able to negotiate some sort of arrangement with the Senator from Kentucky under which I may enjoy the most-favored benefits of the provision.

Mr. BARKLEY. Mr. President, if I may be given a minute, I should like to say that I might make an arrangement like the one which is often mentioned as having been made between Henry Clay and Daniel Webster. There is a very old story, which is told here in Washington, that Henry Clay went downtown to a bank, to borrow $500. The requirement of the bank was that he must have someone sign the note with him. So he took the blank note which he had to sign and went out to get another signature. He met Webster, and said to him, "Mr. Webster, I want to borrow $500 at the bank, and they require another signature. Will you go on the note with me?" Webster is said to have replied, "Yes. But I need $500 myself. Let us make it $1,000."

So the two of them signed it, and each got $500 apiece for the joint note which they had signed jointly.

So, Mr. President, if the Senator from Maine can negotiate some such arrangement in Washington, I will sign his note if he will sign mine. [Laughter.]

Mr. WHITE. I thank the Senator.

Mr. LA FOLLETTE. Mr. President, I yield 5 minutes to the Senator from Georgia.

Mr. GEORGE. Mr. President, I shall not take that much time. I should like to call attention to the fact that if one were to make payments to the retirement fund for the 5 years required under the provisions of the bill, and also thereafter were to pay 6 percent of his annual salary, he would, if he were in the situation in which I find myself, for instance, pay in $2,674 and then, in my case, if I should be fortunate enough to live out the period of my present term—4 years from now—would pay, at the same rate, approximately $2,400 more, and on the basis of the proposed increased salary approximately $3,600 more. The annuity which I would be entitled to receive at that time would be in the neighborhood of $4,700.

Mr. President, it would rarely occur that a man who spent his life in this body, until he reached 70 years of age, would live long enough thereafter to draw many annuity payments. He would be very fortunate indeed if he lived to receive back the amount of money he paid in, plus his actual contributions on the basis required by this bill. Indeed, it would be more or less of a gamble if one were required to pay in $2,674, plus 6 percent upon, let us say, $15,000, assuming that the salary will be raised to that amount—or $900 a year—with the possibility of getting back only approximately $4,700, if he did not have the assurance that whatever payments he actually made would be returned to him, in any and in all events—which is true under the provisions of the bill; and it is also true that one who retired under the proposed retirement system could elect to have his wife or his dependents receive a portion of his annuity, but in that event the amount he would receive would be reduced substantially.

So when one considers that after a long period of service in this body, after a man has reached the age of 65 or 70 years he has only a fair opportunity to receive an annuity equal to the amount of his actual contributions, it is obvious that we shall not be over-generous with ourselves if we set up the proposed retirement system.

Furthermore, I should like to say that, from long experience in public life—and I have been in public life since 1906—I believe it does not matter very much what salary a man receives, because if that is all the income a Member of Congress has, all of it will be spent in connection with his office or in getting reelected to his office. In other words, the salary is not of great consequence.

I would far prefer to receive the retirement benefits provided by this bill, meager as they are, than to have a greatly increased salary, although at my time of life it probably would be better to have a sharp increase in salary. But I know that all moneys honestly received for services actually rendered in public office are consumed or absorbed in the discharge of one's duties and in the meeting of his obligations in public office. His only possible recompense, if he is a man of very limited income or if he is a poor man, is to be able to feel that he has some meager retirement benefits which he may claim at the end of his service.

I have no hesitancy in saying, Mr. President, that under this bill there would be no great inducement to me to pay in $2,674 and 6 percent annually henceforth on my salary, in return for the possibility of drawing the retirement amount which I might be able to receive if I were to retire at the end of my present term.

At the same time, I have always felt, ever since I entered service in this body, that the surest way to obtain public servants of the right character and the right quality was to give them some assurance of receiving retirement benefits at the time when their services end.

So, Mr. President, I hope the Senate will vote into law the retirement provision provided by this bill.

Mr. BYRD. Mr. President, I shall make a very brief statement, and then I shall turn over the balance of the time to the Senator from Iowa [Mr. HICKENLOOPER].

I should like to say, in answer to the statement of the Senator from Georgia [Mr. GEORGE], that under the provisions of this bill it will not be necessary to pay the $2,674 now and then pay 6 percent on the salary thereafter. The option to come under the retirement system can be exercised at any time within 6 months after any Member of the Congress takes his oath.

Mr. GEORGE. Is the Senator from Virginia willing to guarantee that I shall be living 6 months from now, or at the end of my term?

Mr. BYRD. I think I would.

Mr. GEORGE. I hope the Senator's guaranty would be good, but I would not take a chance on it. If this bill passed, I would immediately take the benefit of the retirement and I would pay in my

money, the $2,674, and would pay the 6 percent thereafter.

Mr. BYRD. Mr. President, I should like to say one other word. Comparison has been made here between the retirement proposed for Members of Congress and the retirement provided for judges and for officers of the Army and the Navy. I submit that such a comparison cannot properly be made, because a judge can be called back to public service and, likewise, retired officers of the Army and Navy can be called back for subsequent service.

Mr. President, I wish to give only two examples of how this proposal would affect those in executive agencies receiving $10,000 a year. The table which I now hold, and which I will later ask to be printed in the RECORD, has been prepared on the basis of an annual salary of $10,000 for Members of Congress and for the heads of various governmental agencies.

If a Member of Congress who was elected in 1933 retires on January 1, 1947, he will have paid $2,674, and will receive $3,100. If his life expectancy is 15 years longer, he will receive $46,000.

An official of the Government, drawing $10,000 a year, who has paid $2,674 will receive $1,606, and if his life expectancy at age 62 is 15 years longer, he will receive during that time $21,000.

If a Member of Congress were elected in 1933 and retires on January 1, 1947, and has paid in $2,674, he will receive $4,975, which, on the basis of 15 more years of life expectancy, will result in his drawing $75,000. The head of an agency who is receiving $10,000 a year will, on the same basis, receive only $37,500.

The objection to this provision is that it makes a difference between Members of Congress who appropriate the money and control the purse strings and the heads of the various agencies. I do not believe this should be. If any good reason could be advanced for doing it, then the money should be paid out of a special fund. The money should not be paid out of a fund which has been contributed to by the civil-service employees and by the Government. Seventy percent of the civil-service retirement fund is contributed by the Government.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a letter from the United States Civil Service Commission dated June 5, 1946, which confirms the statements which I have made. Included with the letter is the table which we have been discussing.

There being no objection, the letter and the table were ordered to be printed in the RECORD, as follows:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., June 5, 1946.

Hon. HARRY FLOOD BYRD,
United States Senate.

DEAR SENATOR BYRD: Reference is made to your recent telephone request that the Commission submit an analysis of that portion of Senate bill 2177 relating to retirement pay for Members of Congress.

Subsection (a) of section 602 of the bill amends section 3 (a) of the Civil Service Retirement Act of May 29, 1930, so as to include Members of Congress within the terms of the Civil Service Retirement Act. The amendment would apply to Senators and Representatives of Congress and Delegates from Alaska and Hawaii and Resident Commissioner from Puerto Rico. The exclusion of the President and Vice President as now contained in the Retirement Act would be continued.

Subsection (b) of section 602 adds a new section 3A to the Retirement Act. This section outlines the benefits which would be provided in the case of Members of Congress differing from those applicable to other members of the system.

Members of the Congress would be permitted to exercise an option to become members of the system. This option must be exercised at any time within 6 months after the date of enactment of this bill, or at any time within 6 months after last taking the oath of office as a Member of Congress. Thus, a Member could not wait until he was out of office and then elect to come under the act, nor would the act apply to former Members of Congress. Any former Member, however, who may later again become a Member of Congress will, of course, have the opportunity at that time to elect to come within the purview of the retirement law.

Members of Congress who elect to become subject to the provisions of the act would be required to contribute to the retirement fund at the rate of 6 percent of their base pay from the date of such election rather than 5 percent as is the case of other persons subject to the retirement law. Deposit for any service as a Member of Congress subsequent to the date of enactment would be required at the rate of 6 percent of base pay. Deposit for the purpose of purchasing credit for past service performed prior to the date of enactment could be made at the same rate as in the case of other persons subject to the civil-service retirement law; that is, 2½ percent for service from August 1, 1920, to June 30, 1926, 3½ percent from July 1, 1926, to June 30, 1942, and 5 percent from July 1, 1942. No deposit would be required for service rendered prior to August 1, 1920.

All contributions and deposits for service as a Member of Congress would be credited to the individual account of the Member, and if the service of the Member should terminate for any reason before eligibility for annuity attached, his contributions would be refunded with interest thereon at the rate of 4 percent compounded annually. Unless the Member of Congress was retired for disability, in which case it would be necessary that he serve a minimum of 5 years, he would not be eligible for annuity benefits unless he has completed at least 6 years of service as a Member of Congress and makes deposit for at least 5 years of his congressional service.

The annuity of a Member of Congress would, if he contributed or made deposit for all of his congressional service subsequent to July 31, 1920, be in an amount equal to 2½ percent of the average annual pay he received as a Member of Congress, multiplied by his years of service as a Member of Congress but limited to three-fourths of his average annual pay. If a Member of Congress fails to contribute or make deposit for all his years of congressional service, the years for which he did not contribute or make deposit would be included in computing his annuity, but the annuity would be reduced by an amount equal to the amount of annuity which his contributions or deposit, including interest thereon, would purchase if made.

If a Member of Congress is 62 years of age or over when he leaves office, his annuity would become payable on the first day of the month following the month in which he separates. If, however, he leaves office prior to attaining the age of 62, his annuity would not commence until the first day of the month following the month in which he attains age 62.

A Member of Congress would be privileged to elect any of the types of annuity provided for by the retirement law; that is, life annuity with return of the unexpended balance, forfeiture annuity, or a joint and survivorship annuity.

In case any Member of Congress has received a refund of contributions made by him as such Member and he later has additional service which qualifies him for annuity, he must redeposit the amount refunded to him with interest in order to receive such annuity.

Under the Retirement Act, at present, service as a Member of Congress is creditable for annuity purposes in cases where the annuitant had other subsequent governmental service which was within the purview of the act. This would be changed under the amendment so that in any case in which a person can qualify for a congressional annuity (i. e., if he has 6 years of service as a Member of Congress, any of which occurs after the date of enactment of the amendment), his service as a Member of Congress cannot be credited for the purposes of a regular annuity under the act. If, however, he has less than 6 years of service as a Member of Congress, or if all of his congressional service was performed prior to the enactment of the amendment, such service can be credited for the purposes of a regular annuity provided he has other Government service bringing him under the act. In no case can service other than service as a Member of Congress be considered in computing a congressional annuity under the amendment. There may be instances, of course, where a person has six or more years of service as a Member of Congress, thus qualifying him for an annuity under the amendment, and also has five or more years of other governmental service performed either prior to or after his congressional service, also qualifying him for an annuity under other provisions of the act. In such a case the annuity payable would be equal to the aggregate of the two annuities separately computed. It should be emphasized, however, that period of service credited for the purposes of the one computation may in no event be credited for the purposes of the other computation.

In case a Member of Congress is retired and receives an annuity, but is thereafter again elected to Congress, his annuity would be suspended during the period he holds office. He may then again elect to become a member of the system, in which event he would be required to contribute 6 percent of his basic salary, and his annuity would be recomputed with the inclusion of the additional service upon subsequent separation. If, however, he does not elect to again become a member of the system and have deductions made for this subsequent period of service, the annuity upon his separation will be resumed in the same amount, and there will be no recomputation of the annuity to allow credit for the subsequent service.

Under the present retirement system, retirement is compulsory upon attaining age 70 after completion of 15 years' service. An employee may retire at his option after attaining the age of 60 and completion of 30 years of service, or attaining the age of 62 and rendering 15 years' service. These provisions for automatic separation and optional retirement would not apply to Members of Congress.

There is inclosed herewith chart showing the annuities payable under S. 2177 and the Civil Service Retirement Act to members of Congress should their services be terminated January 2, 1947.

If further information on this subject is desired, the Commission will be pleased to furnish same upon your request.

Very sincerely yours,

HARRY B. MITCHELL,
President.

Annuities payable under S. 2177 and the Civil Service Retirement Act to Members of Congress whose services are terminated January 2, 1947, according to indicated entry date into service and whether full contributions for all prior service or only contributions for the last 5 years of service ($2,674) have been made. In the latter case the annuity shown is for indicated select ages:

Date of entry into service	Amount owed as of Jan. 2, 1947	Annuity payable if contributions are made for all prior service		Annuity payable at indicated ages if contributions are made only for the last 5 years of service ($2,674)[1]							
				62		65		70		75	
		S. 2177	Civil Service Retirement Act	S. 2177	Civil Service Retirement Act	S. 2177	Civil Service Retirement Act	S. 2177	Civil Service Retirement Act	S. 2177	Civil Service Retirement Act
Jan. 3, 1941	$3,108	$1,500	$857	$1,465	$822	$1,463	$820	$1,458	$815	$1,451	$808
Jan. 3, 1939	4,030	2,000	1,143	1,892	1,035	1,884	1,027	1,868	1,011	1,846	989
Jan. 3, 1937	5,026	2,500	1,429	2,313	1,242	2,299	1,228	2,271	1,200	2,133	1,162
Jan. 3, 1935	6,105	3,000	1,714	2,727	1,441	2,707	1,421	2,666	1,380	2,611	1,325
Mar. 4, 1933	7,168	3,458	1,964	3,100	1,606	3,074	1,580	3,020	1,526	2,949	1,455
Mar. 4, 1931	8,421	3,958	2,250	3,500	1,792	3,467	1,759	3,398	1,690	3,307	1,599
Mar. 4, 1929	9,777	4,458	2,536	3,892	1,970	3,851	1,929	3,766	1,844	3,653	1,731
Mar. 4, 1927	11,243	4,958	2,821	4,275	2,138	4,226	2,089	4,123	1,986	3,987	1,850
Mar. 4, 1925	12,525	5,458	3,107	4,673	2,322	4,616	2,265	4,498	2,147	4,341	1,990
Mar. 4, 1923	13,444	5,833	3,393	4,975	2,535	4,913	2,473	4,783	2,343	4,612	2,172
Mar. 4, 1921	14,438	6,208	3,679	5,271	2,742	5,203	2,674	5,061	2,532	4,875	2,346
Mar. 4, 1919	14,747	6,583	3,964	5,621	3,002	5,551	2,932	5,406	2,787	5,215	2,595
Mar. 4, 1917	14,747	6,958	4,250	5,996	3,288	5,926	3,218	5,781	3,073	5,590	2,882
Mar. 4, 1915	14,747	7,333	4,536	6,371	3,574	6,301	3,504	6,156	3,359	5,955	3,168
Mar. 4, 1913	14,747	7,500	4,821	6,538	3,859	6,468	3,789	6,323	3,644	6,132	3,453

[1] The paradoxical situation of employees receiving less at the older ages where full contributions have not been made for all service rendered after July 1920 is due to the fact that the full annuity is reduced by the annuity equivalent to the amount of indebtedness to the fund, which increases with age.

NOTE.—As Members of Congress receive a constant salary their contributions in relation to salary—and, therefore, annuity—would be in general appreciably higher than for other employees. This point should be understood in comparing S. 2177 with the Civil Service Retirement Act.

Mr. HICKENLOOPER. Mr. President, I feel that I must support the Byrd amendment for several reasons. In the first place, I am a member of the Civil Service Committee of the Senate and served through two lengthy and trying considerations of the task of adjusting pay schedules of Federal employees. During those two considerations we were confronted with many problems, not the least of which was the tremendous responsibility which descended upon this sovereign body of fixing in equity and fairness, without hope of recourse on their part, the salaries of subordinate officials. Such a responsibility was not an easy one to discharge.

In the first place, the overriding interest was that of the public at large. In fixing salaries of Government employees, care must be exercised or pressure groups, some of which are hostile during times of emotion and economic chaos, will lead the Congress to invade the public interest by allowing salaries of public employees and officials to become too great.

On the other hand, the responsibility of the Members of the Congress, from whom there is no appeal, demands that they shall be as equitable and fair in their treatment of subordinate employees as their duty to the public will permit. I do not say that we have done a perfect job in that regard, but I do assert that in some instances we have reduced the scale of increases in the salaries of public employees to such an extent that those employees may justifiably feel that they have been unfairly treated.

Perhaps in other instances we granted increases in salaries which were more than commensurate with the duties to be performed.

Mr. President, while I am not satisfied with many of the provisions of this bill, yet I expect to support it in its finality because it is a step in a most needed approach toward a reorganization of the administration of the National Congress.

I once said, before I had been a Member of the Senate 2 or 3 years, and had begun to think that I had acquired sufficient seniority to give me the privilege of suggesting such a thing, that I hoped sometime to have a chance to vote on a measure to reorganize the machinery of the Congress.

Mr. President, I feel that in this reorganization bill the question of retirement should not have been approached. I also believe that the question of congressional salaries should not have been approached in a bill dealing with the reorganization of the mechanics of the Congress.

The way I feel about the proposed retirement provision is this: In the first place, I believe that the dignity and responsibility of the Congress of the United States are fully equivalent to that of the Federal courts, and equal to that of the Army and of the Navy. But the pending bill does not approach the retirement benefits of those accorded members of those departments. I would say that if an equitable retirement bill were being considered, it should be considered on the basis of the equality of the superior or paramount branches of the Government. But the pending bill does not approach the subject on that basis. It is neither fish, flesh, nor fowl. It is half way between the retirement of the regular civil-service employees, who are career people, and those who, as a part of the rewards of their position, accept their employment with retirement benefits already stipulated.

I believe, therefore, that if we are going to approach the situation as a collateral matter to the reorganization of the mechanics of the Congress, we should first begin on the basis of civil-service retirement benefits, and if they are found to be good and proper, and at some later time it be the will of the Congress, we can alter or readjust the retirement benefits for Members of Congress who have given long and satisfactory service to their country.

Mr. President, there is a difference between service in the national legislative body and service in any elective office in a city or county; at least, I hope there is such a difference. If there is not, I have a misconception of the ideals of public service. I assert that no Member of this body, or any other elected official of the United States was required to seek the office which he holds. I have seen many advertisements in the newspapers which read something like this: "Having been urged by my friends to run for the office * * *." I have yet to see the man who, as a candidate for a substantial office, had to be urged very strongly by his friends to become a candidate for that office. Perhaps some of his friends said to him, "Charlie, we think you ought to run for this office," but early in the spring when the flies begin to come out of their winter hiding places, fish snap very fast when the bait is tossed to them. [Laughter.]

Mr. President, I do not make that statement in any way disparaging to the magnificent public service which has been rendered to our country during the past 150 years in the States, and in the national legislative body. But that service, Mr. President, was rendered in the main, I believe, first, by persons who had a bent for public affairs, and secondly, by those who had a desire to render public service, knowing that such service had to be compensated for to a large degree by the satisfaction they would receive in trying as best they could to present their views and those of the people whom they represented.

Mr. President, I agree that the salary which is paid a Member of the United States Congress is not too great when one considers the expenses attached to the office. I knew what the expenses were when I came to Washington as a Member of the Senate. I lived in the State of Iowa where it did not cost as much to live as it does in the city of Washington. I was told what my salary as a United States Senator would be, and what it would cost me to live in the city of Washington. I am much like the fellow who went to a judge and said he wanted to obtain a divorce from his wife. The judge said, "Why, Henry, didn't you take this woman for better or for worse?" The man replied, "Yes, Judge, but she was a lot worse than I took her for."

[Laughter.] I believe that the average man who becomes a Member of the Senate finds that situation to obtain so far as the expenses of his office are concerned. But that is beside the point.

Mr. President, Members of Congress do have a grave responsibility. We are a sovereign body. We have an unappealable control over the subordinate officials of the Government in respect to their compensation. We therefore acquire a tremendous responsibility in connection with fixing the compensation which the employees of the Government shall receive. In fixing our own emoluments, and in prescribing the benefits which may be associated with our office, we must be careful not to go beyond the bounds of propriety, fairness, and equity. In exercising our judgment in regard to that subject, we may sometimes lean over backward and deny ourselves some of the emoluments which perhaps we should have, but it would be better to do that than to do something which would result in our being accused of using the power of our office to provide for ourselves benefits which would be greater than those received by others over whom we have control and dominion.

The PRESIDING OFFICER. The hour of 5 o'clock has arrived.

Mr. BYRD. I make the point of no quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Andrews	Hawkes	Murray
Austin	Hayden	O'Daniel
Ball	Hickenlooper	O'Mahoney
Barkley	Hill	Overton
Bilbo	Hoey	Pepper
Bridges	Huffman	Radcliffe
Brooks	Johnson, Colo.	Reed
Burch	Johnston, S. C.	Robertson
Bushfield	Kilgore	Russell
Byrd	Knowland	Saltonstall
Capehart	La Follette	Stanfill
Capper	Lucas	Stewart
Connally	McCarran	Taft
Cordon	McClellan	Thomas, Utah
Donnell	McKellar	Tunnell
Downey	McMahon	Tydings
Eastland	Magnuson	Vandenberg
George	Maybank	Wagner
Guffey	Millikin	Walsh
Gurney	Moore	Wherry
Hart	Morse	White
Hatch	Murdock	

The PRESIDING OFFICER. Sixty-five Senators having answered to their names, a quorum is present.

The question is on agreeing to the amendment offered by the Senator from Virginia [Mr. BYRD].

Mr. BYRD. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Alabama [Mr. BANKHEAD] are absent because of illness.

The Senator from Nevada [Mr. CARVILLE] and the Senators from Idaho [Mr. GOSSETT and Mr. TAYLOR] are absent by leave of the Senate.

The Senator from Missouri [Mr. BRIGGS] is absent because of a death in his family.

The Senator from Rhode Island [Mr. GERRY] is necessarily absent.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from Louisiana [Mr. ELLENDER], the Senator from New York [Mr. MEAD], the Senator from Washington [Mr. MITCHELL], the Senator from Oklahoma [Mr. THOMAS], and the Senator from Montana [Mr. WHEELER] are detained on public business.

The Senator from Arizona [Mr. MCFARLAND] and the Senator from Pennsylvania [Mr. MYERS] are absent on official business.

The Senator from Arkansas [Mr. FULBRIGHT] and the Senator from Rhode Island [Mr. GREEN] are absent on official business, attending the meeting of the Empire Parliamentary Association at Bermuda.

I also announce that the Senator from Alabama [Mr. BANKHEAD] has a general pair with the Senator from Nebraska [Mr. BUTLER].

Mr. WHERRY. The Senator from Michigan [Mr. FERGUSON] and the Senator from Wisconsin [Mr. WILEY] are absent by leave of the Senate as members of the committee appointed by the United States Senate to attend the Empire Parliamentary Conference in Bermuda. If present the Senator from Michigan would vote "nay."

The Senator from Nebraska [Mr. BUTLER], who is absent by leave of the Senate, has a general pair with the Senator from Alabama [Mr. BANKHEAD].

The Senator from New Hampshire [Mr. TOBEY] is absent on official business. If present he would vote "nay."

The Senator from Iowa [Mr. WILSON] is necessarily detained. If present he would vote "nay."

The Senator from Vermont [Mr. AIKEN], the Senator from North Dakota [Mr. LANGER], the Senator from Minnesota [Mr. SHIPSTEAD], and the Senator from North Dakota [Mr. YOUNG] are absent by leave of the Senate.

The Senator from Maine [Mr. BREWSTER], the Senator from Delaware [Mr. BUCK], the Senator from West Virginia [Mr. REVERCOMB], the Senator from New Jersey [Mr. SMITH], and the Senator from Indiana [Mr. WILLIS] are necessarily absent.

The result was announced—yeas 22, nays 43, as follows:

YEAS 22

Bilbo	Johnson, Colo.	Radcliffe
Burch	Johnston, S. C.	Robertson
Byrd	Knowland	Stanfill
Capehart	McClellan	Stewart
Connally	McKellar	Vandenberg
Eastland	Millikin	Walsh
Hickenlooper	Moore	
Huffman	O'Daniel	

NAYS—43

Andrews	Hatch	O'Mahoney
Austin	Hawkes	Overton
Ball	Hayden	Pepper
Barkley	Hill	Reed
Bridges	Hoey	Russell
Brooks	Kilgore	Saltonstall
Bushfield	La Follette	Taft
Capper	Lucas	Thomas, Utah
Cordon	McCarran	Tunnell
Donnell	McMahon	Tydings
Downey	Magnuson	Wagner
George	Maybank	Wherry
Guffey	Morse	White
Gurney	Murdock	
Hart	Murray	

NOT VOTING—31

Aiken	Brewster	Butler
Bailey	Briggs	Carville
Bankhead	Buck	Chavez
Ellender	Mead	Tobey
Ferguson	Mitchell	Wheeler
Fulbright	Myers	Wiley
Gerry	Revercomb	Willis
Gossett	Shipstead	Wilson
Green	Smith	Young
Langer	Taylor	
McFarland	Thomas, Okla.	

So Mr. BYRD's amendment was rejected.

Mr. LA FOLLETTE. Mr. President, I offer an amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 79, beginning in line 18, it is proposed to strike out through line 2, on page 80.

The amendment was agreed to.

Mr. LA FOLLETTE. I offer an amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 80, line 10, after the word "repeal", it is proposed to insert a comma and the following: "effective on the day on which the Eightieth Congress convenes."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment was agreed to.

Mr. LA FOLLETTE. I send to the desk a unanimous-consent request, which I ask to have read and agreed to.

The PRESIDING OFFICER. The clerk will read.

The Chief Clerk read as follows:

Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized and directed to make all necessary clerical and technical changes, including changes in section numbers and cross references, in the engrossed bill (S. 2177) to provide for increased efficiency in the legislative branch of the Government.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and, without objection, the request is granted.

If there be no further amendments to be offered, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. MURRAY. Mr. President, I have several letters from departments of the Government relating to the bill which I send to the desk and ask to have read.

Mr. BARKLEY. Mr. President, under the unanimous-consent agreement it seems to the Chair that the request is out of order. The letters may be printed in the RECORD.

Mr. MURRAY. I ask that the letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D. C., June 10, 1946.

Hon. JAMES E. MURRAY,
United States Senate,
Washington, D. C.

MY DEAR SENATOR MURRAY: In response to your letter of June 3, I am glad to submit additional comments, in view of subsequent amendments, on sections 130 and 208 of S. 2177, which provides for increased efficiency in the legislative branch of the Government. You ask particularly whether

these provisions would have the effect of preventing flexible fiscal policy on the part of both the Congress and the Executive.

So far as section 130 is concerned, it seems entirely proper for the Congress in the spring of each year to state the sense of the Congress in respect to total Federal expenditures, revenues, and deficits.

Section 208, however, would seriously hamper the development of a flexible fiscal policy on the part of the Federal Government.

In face of changed conditions, it would give the President a mandate to reduce expenditures in place of requiring him to submit recommendations for congressional consideration on expenditures, revenues, debt, and other proposed legislation.

Sections 130 and 208 taken together would seem to cause automatic adjustments in Federal expenditures that might well produce unfavorable, rather than favorable, effects. Such a procedure, even if the President is granted more latitude in assigning the reductions, may still cripple economically and socially programs planned and under way on the basis of congressional appropriations. It must be assumed that such expenditures are desirable and needed or they would not have been authorized by the Congress originally. This subsequent reduction would likely aggravate any business decline still further. In such a case, at the very moment the President and joint committee under the Employment Act of 1946 are requesting Congress to undertake means to compensate for a business decline and mounting unemployment, the President, on the other hand, would be forced to devise a means of reducing appropriations which might be contrary to the recommendations he would make under the Employment Act.

If strictly adhered to, it would tend to nullify the very constructive provisions of the Employment Act of 1946. This act requires that the President and Joint Committee on the Economic Report constantly review current economic conditions and recommend all "practicable means" for preventing unemployment. One of these widely recognized means is flexible fiscal policy—the increasing or decreasing of expenditures and revenues by the Congress as conditions and economic needs change and without waiting for a new fiscal year or until conditions become so depressed that the President feels compelled to declare a state of national emergency.

A legal issue also arises which deserves attention. If under section 208 the President is required to cut during the latter half of a fiscal year the appropriations approved subsequent to the concurrent resolution, he must then act on the basis of a congressional resolution without having had an opportunity to exercise his constitutional power of veto.

* * * * *

If the obligation upon the President to cut expenditures should remain in the legislation, then the concurrent resolution should be changed into a joint resolution.

I hope you will call upon me at any time that I can be of further service.

Sincerely yours,

PAUL H. APPLEBY,
Acting Director.

OFFICE OF WAR MOBILIZATION
AND RECONVERSION,
Washington, D. C., June 10, 1946.

Hon. JAMES E. MURRAY,
United States Senate.

DEAR SENATOR MURRAY: You have requested my views on sections 130 and 208 of the legislative reorganization bill, S. 2177. In my opinion, these sections raise grave questions warranting the most careful consideration.

These sections represent a new method of developing and enacting executive appropriations for each fiscal year, and under certain conditions, for reducing these appropriations in the middle of the year. The procedure proposed is a drastic departure from existing techniques. In this letter I would like to outline two of the problems raised by these provisions.

Section 130 provides that the revenue (Senate Finance, House Ways and Means) and Appropriations Committees of both Houses shall meet jointly early in the calendar year to prepare an estimate of total Federal receipts and expenditures for the next fiscal year. In discharging this function these committees will largely overlap the work of the Joint Committee on the Economic Report established by the Employment Act of 1946. Not only will the functions overlap, but both groups will be engaged in examining the same subject matter at approximately the same time.

Section 208, or any similar provision which operates to reduce appropriations in the middle of the fiscal year, will seriously interfere with the orderly operations of the executive agencies. I would also anticipate that such a provision would directly result in inefficiency because of the inability of executive agencies to plan their expenditures for the full fiscal year.

No executive agency has been afforded an opportunity to be heard on these provisions of th reorganization bill. Because of the importance of these provisions to the operations of the executive branch, I believe it essential that an opportunity be afforded the various agencies to give specific illustrations of how such a provision would affect their operations, their efficiency, and their personnel.

For these reasons I am of the opinion that the enactment of these provisions without further study would be undesirable.

Sincerely yours,

JOHN W. SNYDER,
Director.

DEPARTMENT OF AGRICULTURE,
June 10, 1946.

Hon. JAMES E. MURRAY,
United States Senate.

DEAR SENATOR MURRAY: Reference is made to your request of June 4, 1946, for an expression of our views on sections 130 and 208 of S. 2177, a bill to provide for increased efficiency in the legislative branch of the Government.

Section 130 of the bill provides that by joint action the Revenue and Appropriation Committees of both Houses shall report to the Congress the estimated over-all Federal receipts and expenditures for the ensuing fiscal year, such report to be made within 60 days after the opening of each regular session or by April 15, whichever occurs first. If the report indicates that estimated expenditures exceed estimated receipts, Congress would authorize an increase in the public debts by the amount of such excess, before considering the general appropriation bills for the ensuing fiscal year. This section would not be applicable in time of war or during a national emergency proclaimed by the President.

Section 208 provides that if on December 31 in any fiscal year the President is of the opinion that the excess of expenditures over receipts will be in an amount greater than that authorized by the Congress pursuant to section 130, he shall reduce all appropriations, with certain exceptions, by a uniform percentage in an aggregate amount sufficient to reduce such excess to the amount of the excess approved by the Congress. The provisions of this section would not apply in time of war or during a national emergency proclaimed by the President.

Section 130 apparently has the objective of an over-all coordination of the revenue and appropriation processes of the Government. With this objective we are in complete agreement. It is felt, however, that the provisions of sections 130 and 208 raise some rather fundamental questions.

These sections would require the administration of certain phases of the budget and fiscal affairs of the Government by rule rather than by any criteria of necessity. Under section 208 the major consideration appears to be to balance the amount of the difference of expenditures and receipts against a predetermined amount fixed by concurrent resolution of Congress months before the needs become evident and before the amount of receipts can be determined. For example, the Employment Act of 1946 provides for not only annual reports to be submitted during the beginning of each year, but also interim reports to be submitted later in the year which may indicate substantial changes in the employment situation and the need for Government action in the public interest. The large extent to which the employment situation can change within a period of only a few months was definitely indicated by the experience which the country had in 1937 when the index of industrial production went down from 116 in January to 87 in December. Thus the Government had to take action during the last few months of the year to alleviate economic distress which could not have been anticipated accurately during the first few weeks of the year. The bill in its present form does not appear to provide sufficient flexibility for the recognition of such a situation.

The Employment Act of 1946 (Pub. Law 304, 79th Cong), provides that the President shall submit to Congress within 60 days after the beginning of each regular session an economic report and that the Congressional Joint Committee on the Economic Report shall submit its comments thereon not later than May 1 of each year. S. 2177, however, requires that the revenue and appropriation committees shall submit and report on the over-all estimates of appropriations and receipts not later than 60 days after the beginning of each regular session, or on April 15. This would mean that the joint committee, in making their study, would not have the benefit of the recommendations of the joint committee on the economic report and that, therefore, the objectives of the Employment Act might be nullified to some extent unless the concurrent resolution as provided for in section 130 (a) should be subsequently revised, if necessary, to give effect to the recommendations of the joint committee on the economic report. Moreover, if sufficient time is allowed for the studies provided for in this bill and the Employment Act, it is doubtful whether enough time would remain for the appropriation bills to be considered adequately and acted upon before the beginning of the ensuing fiscal year.

The provisions of section 208 of the bill, for the reduction of approprations on December 31, after one-half of the fiscal year has expired, could present some very difficult problems in planning work programs, budgetary control, etc. For instance, appropriation acts provide for the accomplishment of certain projects or programs which are undertaken shortly after July 1 only after considerable planning. The elimination or curtailment of such programs midway in the fiscal year would not only prevent the completion of work contemplated by the Congress in the appropriation acts, but in many instances would result in the expenditure of time and money without commensurate benefits to the Government. It is apparent that in operation one-half of the year's program would be forced to bear the entire burden of the reduction.

In this connection, it should be noted that many of the programs administered by this Department do not progress at a uniform rate throughout the year, but fluctuate with crop-growing seasons and weather conditions.

Moreover, the reduction of appropriations by a uniform percentage would fail to recognize the necessity for essential and urgently

needed appropriations, such as those for the protection of public health, public safety, and public property, for the continuance of the national policy on employment, for the control or eradication of crop or livestock pests and diseases, and for other essential activities as well as emergency and unforeseeable needs. It is conceivable that exceptions to section 208 of the bill might be made in the case of certain appropriations, thus resulting in a disproportionate reduction in those appropriations to which such exceptions did not apply. In addition, to the extent that supplemental or deficiency appropriations may be made subsequently for urgent and unforeseeable situations, the appropriations made in the annual appropriation bills might necessarily be reduced. It would seem that a more constructive method for the reduction of expenditures, when necessary, would be accomplished after a thorough review and analysis, through the regular appropriation processes, of the relative needs and purposes of each appropriation which would be affected. The provisions of this section also fail to recognize a possible need for a thorough study of revenues and receipts with the view that such action as may be required might be taken by increasing income rather than by decreasing appropriations.

The Bureau of the Budget advises that it has no objection to the submission of this report.

Sincerely yours,

N. E. DODD,
Under Secretary.

Since this report was written, the bill was amended somewhat on the floor of the Senate Saturday. Even as so amended, however, it does not meet entirely the points raised in this report. I am therefore asking Mr. Carl Sapp, of this Department, to deliver the above letter and discuss it with you.

DEPARTMENT OF COMMERCE,
June 6, 1946.

The Honorable JAMES E. MURRAY,
United States Senate,
Washington, D. C.

DEAR SENATOR MURRAY: This is in reply to your letter of June 4 asking for our views on sections 130 and 208 of the legislative reorganization bill, S. 2177.

The purposes of the Legislative Reorganization bill as a whole are thoroughly laudable and its effects in equipping the Senate and the House of Representatives to discharge their obligations are badly needed.

The purpose of sections 130 and 208 is apparently to insure more systematic over-all consideration of the Government's total program—less piecemeal legislation and especially more recognition of the fact that revenue policies and expenditure policies are closely related in their economic consequences. This also is a laudable purpose which I have urged repeatedly.

But the specific terms of these two sections seem to conflict with the well-considered provisions of the Employment Act of 1946 and furthermore it seems to me would restrict and hamper rather than encourage the development of a unified and enlightened economic program.

Section 130 calls for a joint committee report by April 15 of each year setting forth estimates of both revenue and expenditures for the next fiscal year and would prevent the consideration of any appropriation bill until both Houses had adopted a concurrent resolution with respect to the Federal debt limitation. This concurrent resolution might require weeks of debate, and thus make for hasty consideration of the revenue bills themselves.

It seems impossible for the other working committees of the two Houses to have their work in shape as early as April 15th so that the Appropriation and Finance committees of the Senate and the Appropriations and the Ways and Means committees of the House could formulate intelligent estimates. This April 15th report would either conflict with or be superseded by the May 1st report of the Joint Committee already created by the Employment Act of 1946. If the April 15th report were binding it would be because the four committees on revenue and expenditures had become de facto a supergovernment, overriding—by a simple concurrent resolution which would not require the signature of the President—the Constitutional powers of the separate chambers and constraining the responsible policy committees of each House in the discharge of their appropriate duties.

The Joint Committee on the Economic Report established by the Employment Act of 1946 was designed for the express purpose of obtaining mature and responsible consideration of the economic state of the Nation. This report will include consideration of the relation of the Federal Budget to our total national economy. Section 130 of this bill would seem to be a retrogression in that it would tend to lose sight of the inevitable major effect of Federal revenue and appropriation policies on the total economy and interfere with proper consideration of the National program by the Joint Committee on the Economic Report.

Section 208 also seems unduly restrictive in requiring the President at the end of each year to make blanket cuts according to whatever ceiling had been set by the concurrent resolution the previous April. Arbitrary action like this might well impede or even defeat the purpose of this bill itself as well as of the Employment Act of 1946. Section 209 would add to this effect. Some more rational and more workable procedure surely can be worked out to establish closer relations between the formulation of policies and programs by the Congress and their execution by the executive branch.

The underlying purpose of the legislative reorganization bill is, of course, not to prevent responsible action by the Congress and the Executive, but to strengthen our ability to take wise and enlightened and timely action. I should think sections 130 and 208 of this bill would seriously interfere with this objective—perhaps even prevent its attainment in respect to economic policies and programs.

Yet I recognize clearly that the committees on revenue and expenditures have heavy responsibilities and that a clearer relationship between revenue policies and expenditure policies is badly needed. I think, too, that it will be a very healthy thing for everybody concerned to realize more clearly what is happening to the public debt year by year. Could not these four vital committees—perhaps through their chairmen and ranking minority members—be articulated with the work of the Joint Committee on the Economic Report? If this were accomplished, then the four committees would be in a position to act promptly on the report of the joint committee after May 1 of each year and thus present their views for due and weighty consideration during the floor debates on the joint committee report.

If something along these lines can't be worked out just now, I would respectfully suggest that the picture might be clearer early in the next session after we have all had time to get the basic machinery of the Employment Act into operation. I hope it is not necessary to delay adopting the highly desirable and important features of the legislative reorganization bill which are very clear and apparently meet with almost universal welcome.

Sincerely yours,

H. A. WALLACE.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. LA FOLLETTE. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. GUFFEY. I announce that my colleague Mr. MYERS is necessarily absent on official business. If present he would vote "yea."

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Alabama [Mr. BANKHEAD] are absent because of illness.

The Senator from Nevada [Mr. CARVILLE] and the Senators from Idaho [Mr. GOSSETT and Mr. TAYLOR] are absent by leave of the Senate.

The Senator from Missouri [Mr. BRIGGS] is absent because of a death in his family.

The Senator from Rhode Island [Mr. GERRY] is necessarily absent.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from Louisiana [Mr. ELLENDER], the Senator from New York [Mr. MEAD], the Senator from Washington [Mr. MITCHELL], the Senator from Oklahoma [Mr. THOMAS], and the Senator from Montana [Mr. WHEELER] are detained on public business.

The Senator from Arizona [Mr. MCFARLAND] is absent on official business.

The Senator from Arkansas [Mr. FULBRIGHT] and the Senator from Rhode Island [Mr. GREEN] are absent on official business, attending the meeting of the Empire Parliamentary Association at Bermuda.

I also announce that the Senator from Alabama [Mr. BANKHEAD] has a general pair with the Senator from Nebraska [Mr. BUTLER].

I announce further that on this question the Senator from Arkansas [Mr. FULBRIGHT] is paired with the Senator from Oklahoma [Mr. THOMAS]. If present and voting, the Senator from Arkansas would vote "yea," and the Senator from Oklahoma would vote "nay."

I also announce that on this question the Senator from New York [Mr. MEAD] is paired with the Senator from Rhode Island [Mr. GERRY]. If present and voting, the Senator from New York would vote "yea," and the Senator from Rhode Island would vote "nay."

I announce that if present and voting, the Senator from Washington [Mr. MITCHELL] would vote "yea."

Mr. WHERRY. The Senator from Michigan [Mr. FERGUSON] and the Senator from Wisconsin [Mr. WILEY] are absent by leave of the Senate as members of the committee appointed by the United States Senate to attend the Empire Parliamentary Conference in Bermuda. If present the Senator from Michigan would vote "yea."

The Senator from Nebraska [Mr. BUTLER], who is absent by leave of the Senate, has a general pair with the Senator from Alabama [Mr. BANKHEAD].

The Senator from Vermont [Mr. AIKEN], the Senator from Maine [Mr. BREWSTER], the Senator from Delaware [Mr. BUCK], the Senator from Minnesota [Mr. SHIPSTEAD], the Senator from New Jersey [Mr. SMITH], and the Senator from New Hampshire [Mr. TOBEY] would vote "yea" if present.

The Senator from Iowa [Mr. WILSON] is unavoidably detained. If present he would vote "yea."

The Senator from North Dakota [Mr. LANGER] and the Senator from North Dakota [Mr. YOUNG] are absent by leave of the Senate.

The Senator from West Virginia [Mr. REVERCOMB] and the Senator from Indiana [Mr. WILLIS] are necessarily absent.

The result was announced—yeas 49, nays 16, as follows:

YEAS—49

Andrews	Hatch	Murdock
Austin	Hawkes	Pepper
Ball	Hayden	Radcliffe
Barkley	Hickenlooper	Reed
Bridges	Hill	Russell
Brooks	Hoey	Saltonstall
Burch	Huffman	Stanfill
Byrd	Johnson, Colo.	Taft
Capehart	Kilgore	Thomas, Utah
Capper	Knowland	Tunnell
Cordon	La Follette	Tydings
Donnell	Lucas	Vandenberg
Downey	McMahon	Wagner
George	Magnuson	Wherry
Guffey	Maybank	White
Gurney	Moore	
Hart	Morse	

NAYS—16

Bilbo	McClellan	Overton
Bushfield	McKellar	Robertson
Connally	Millikin	Stewart
Eastland	Murray	Walsh
Johnston, S. C.	O'Daniel	
McCarran	O'Mahoney	

NOT VOTING—31

Aiken	Fulbright	Smith
Bailey	Gerry	Taylor
Bankhead	Gossett	Thomas, Okla.
Brewster	Green	Tobey
Briggs	Langer	Wheeler
Buck	McFarland	Wiley
Butler	Mead	Willis
Carville	Mitchell	Wilson
Chavez	Myers	Young
Ellender	Revercomb	
Ferguson	Shipstead	

So the bill (S. 2177) was passed.

EXTENSION OF PRICE CONTROL AND STABILIZATION ACT

Mr. BARKLEY. I move that the Senate proceed to the consideration of Calendar 1458, House bill 6042, to amend the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, and for other purposes.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kentucky.

The motion was agreed to, and the Senate proceeded to consider the bill (H. R. 6042), to amend the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, and for other purposes, which had been reported from the Committee on Banking and Currency with an amendment.

Mr. BARKLEY. Mr. President, the measure providing for extension of the OPA has just been made the unfinished business of the Senate. It is my purpose to ask that the Senate convene at 11 o'clock tomorrow. We all realize that this is one of the most important pieces of legislation to come before the Senate, and all Senators are interested in it. I dare express the hope that Senators will attend as diligently as possible during the discussion of the bill and that we may, if necessary, hold evening sessions in order that we may dispose of it. I am very anxious that the bill be disposed of this week, because time is running, and the measure will have to go to conference and be acted upon in time to reach the President for his signature or such action as he sees fit to take well in advance of the 30th of June. So that there will be some time for him to consider the legislation when it reaches him, I hope we may speed up consideration without in any way interfering with deliberate consideration of the bill.

Mr. TAFT. Is the Senator willing to say definitely whether there will be a night session tomorrow night or not?

I suggest that on the first day it would be difficult to have a night session.

Mr. BARKLEY. No; I have not contemplated a night session tomorrow night, and will not ask for it. Beyond that, I think we might prepare ourselves for it.

Mr. McMAHON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. McMAHON. If we are to work every night until 11 or 12 o'clock, is it the majority leader's intention to keep us here on Saturdays too?

Mr. BARKLEY. I do not like to say in advance, but during the remainder of this session I think all Members might well prepare themselves for Saturday sessions if we are to wind up the business of the session and have an adjournment, as I hope—and as we all hope, I believe—about the middle of July. I think we can well afford to hold sessions on Saturday. If we should finish this bill, we shall have many other bills ready for consideration. Five appropriation bills are now awaiting action on the part of the Senate. There is much further legislation crowding the calendar, and there is great pressure for its consideration.

It is now nearly the middle of June. Therefore I think we may well prepare ourselves for a Saturday session each week during the remainder of this session, subject to any hiatus which may be deemed advisable when any particular Saturday arrives.

Mr. McMAHON. May we count on having Sundays off?

Mr. BARKLEY. I will say to the Senator that I will do the best I can to arrange it.

Mr. McMAHON. I shall be very grateful. I should like to have 1 day off.

Mr. BARKLEY. The Senator would not like it any better than the rest of us. But we have not had too many Saturday sessions since the 1st of January.

Now that we are hoping to reach an adjournment it seems that we might very well devote ourselves to sessions of the Senate on such Saturdays as may be necessary between now and the time of adjournment.

COLUMBIA RIVER DAMS AND FISHERIES

Mr. MAGNUSON. Mr. President, some years ago the United States Government embarked upon a program of developing the great hydroelectric resources of the Columbia River, which flows mainly in my State, and also divides the States of Oregon and Washington. Prior to the Government undertaking the development of the great Bonneville Dam and the greatest of all dams, the Grand Coulee, there had been some private development of the Columbia River. One major dam, known as the Rock Island Dam, is situated in the Washington part of the river. It is a low-level dam. Other than that, there was no other hydroelectric development.

The Columbia River furnished annually for the residents of Oregon and Washington an industry conservatively estimated at from $250,000,000 to $400,000,000 a year, depending upon the run of salmon. When the Rock Island Dam was built it was not very difficult to place salmon ladders, as we call them, to allow the salmon to go upstream into the Columbia River and its tributaries to spawn.

However, with the building of the Grand Coulee and Bonneville Dams there arose a great scientific argument as to whether or not the salmon could be moved up salmon ladders so that the run would not be seriously depleted. At any rate, we proceeded with the hydroelectric development, because the potentialities of the development of hydroelectric resources on the river and the benefits of the dams probably far outweighed the importance of the salmon industry, taking into consideration the fact that we could preserve a portion of it or a great deal of it.

Since that time there has been much argument between sportsmen and commercial river fishermen as to whether or not these dams and developments have actually depleted the salmon in the river. The truth is that there are fewer salmon in the river now than there were in previous times. That may be the result of many other causes. Surely the dams have contributed to a certain extent to the depletion of the great salmon runs in the Columbia River.

The State departments of fisheries of both Oregon and Washington have had a running controversy with the Fish and Wildlife Service, upon which rests the duty of doing what it can to preserve the fish, in cooperation with the Bureau of Reclamation and other agencies which were building the dams. That controversy has continued for many years. There are sportsmen in my section of the country who claim that the value of having fighting salmon running in the river, attracting easterners and others throughout the world to fish, represents more in dollars and cents to the potential income of the region than even the commercial fisheries. Some of them even go so far as to say that the value is greater than that of the dams. Perhaps that is farfetched, because had it not been for the Bonneville and Grand Coulee Dams on the Columbia River, providing the greatest source of hydroelectric power the world has ever known, probably some of the things which we accomplished during the war, including the atomic bomb itself, could not have been completed in the short time in which they were completed because of this power pool.

The Government has other great projects contemplated for the area, because of the ready access to power from the Columbia River. There are other sites on the river, on which we shall have the reports of engineers. One project is known as the Foster Creek Dam, which

is 56 miles riverwise below Grand Coulee. The reports of the engineers show that it could produce cheaper hydroelectric power than any other known site in the entire world. Because of great scientific developments and possibilities of great scientific research in supersonics, atomic energy, and other developments, we shall probably have need for even more power.

So the controversy has again arisen regarding what few salmon are left. The Government conducted quite an experiment in connection with the building of the Grand Coulee Dam. The Grand Coulee Dam shut off all the runs of salmon north, because the dam is so high that it was impossible to build fish ladders which would work. The Fish and Wildlife Service spent three or four million dollars in picking up salmon below Grand Coulee and below the Rock Island Dam, placing them in refrigerator cars, and taking them up new tributaries above the dams, in hope that it would be possible to change the habits of the salmon, which every 4 years for thousands of years have fought their way back over thousands of miles to the exact stream where they were born. That experiment in the 4-year cycle was conducted probably 2 years ago. It was found that salmon could be trained to make that change, because the salmon returned and went over the low dams of Bonneville and Rock Island. They turned and went up those streams. How many of them did so we do not know. Some of the salmon were found at the bottom of Grand Coulee, trying to get up the Grand Coulee Dam, and, of course, they killed themselves.

But the controversy is again in progress. I do not pose as an expert. I like to fish for salmon, and I like to see dams built. However, I have been receiving a great number of communications. I shall ask unanimous consent to place two of them in the RECORD.

One of the items consists of a letter from one of the most prominent sportsmen and conservationists in the Pacific Northwest, and I believe that he takes a very sensible attitude toward the controversy which involves two great industries. His name is Ben M. Paris. He has written me a letter on the subject, and I ask unanimous consent to have the letter printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BEN PARIS SPORTING GOODS
& RECREATION CO., INC.,
Seattle, Wash., May 16, 1946.

The Honorable WARREN G. MAGNUSON,
United States Senator,
Washington, D. C.

DEAR WARREN: Your letter of the 6th, together with copy of your reply to Pete Antoncich in regard to the McNary Dam, was received.

I'm glad to see that you're making a fight to protect the important salmon runs along the Columbia River. I suppose the conservation interests won't be strong enough to stop construction of the McNary Dam at this time, but it does seem a shame that the river can't be developed from the top down, at Foster Creek, Rocky Beach, and Priest Rapids in order, rather than from Bonneville up. I believe that ample power can be obtained from the above installations without the serious effects on the fish runs that will be created by a dam at Umatilla, and I believe that the value of the fish runs both now and in the future will exceed any benefits from transportation. But if the McNary Dam is a certainty, then nothing should be left undone to salvage everything possible from the fish runs, and these plans should be an integral part of the plans for construction of the dam before any further appropriations are made. The various Oregon and Washington fish and game departments should be a party to these plans, and not just the United States Fish and Wildlife Service, who all too frequently are overwhelmed by the prestige of the engineers or Reclamation Service, and therefore are not able or are unwilling to put forth their best in the interest of conservation.

You know what my attitude is in respect to the comparative values of commercial and sport fisheries to this State, and while we should both work together in protecting our mutual interests, our sport fishery is far more valuable to the economy of this State than is the commercial. No one yet, of national reputation and authority, has given full credit to what sport fishing for migratory salmon and steelheads means to the State of Washington, or even to the Nation as a whole. But I believe that it is one of our most valued and treasured resources, and that economically it returns many hundreds of millions of dollars to this State annually, and not just a few millions as does the commercial fishery.

Many thousands of people have moved out to Washington and remained here solely because of the excellence of its sport fishing on salmon and steelheads. Many thousands more will come and remain if the sport is maintained, because that sort of recreation is an important and determining factor in their lives and where they live. I contend that 75,000 people reside in the Puget Sound area alone, and remain here, solely because of the sport they enjoy the year around on salmon and steelheads, a sport that is accessible almost any afternoon or week end close at hand.

It is estimated these people, ranging from big executives to laborers and through all the professions, earn and spend here an average of $3,000 each year, which totals up to $225,000,000 annually, a value to the economy of this State which can be attributed directly to the sport salmon and steelhead fishing that is available. Capitalized at 4 percent, this represents a capital resource to this region with a value of nearly $6,000,000,000.

And I believe the Columbia, producing as it does much of the sport fishing in Idaho, Oregon, and other parts of Washington, approaches or equals the values claimed for Puget Sound.

And while on this subject, I think it's nothing short of a crime the way the Army engineers and irrigation and power interests and others who are equally short-sighted, are covetously eyeing the lower reaches of virtually every river flowing into Puget Sound and through western Washington for dam sites, under the guise of flood control, power, or irrigation. Any dam on the lower reaches at the sites now proposed will virtually destroy the runs of fish in those rivers, causing a loss that will exceed the benefits to be obtained one-hundred-fold—yes, one-hundred-fold. For example, the annual average flood loss proposed to be prevented by a dam on Green River, 6 miles east of Auburn, is $200,000, according to the engineers' figures. The loss that will result to this immediate locality's economy on the basis quoted above will be upward of $30,000,000 annually.

The trouble is that the engineers get some of these professional civilian consultants or touts to egg them on, and it's almost impossible to stop them, or divert them from their original plans.

But in most cases these rivers, all of them, can be controlled or harnessed by a series of dams in their upper reaches above the range of the salmon's migration, which would not seriously interfere with or deplete the runs. True, they would cost more money, but the added cost can be readily justified if the fisheries were considered and appraised at their true value from an economic viewpoint and not at the cold dollar and cent value of a pound of dead fish.

WARREN, if you put this viewpoint over in Congress, you can be the most popular man ever to go to Washington from the Pacific coast, and you'll be the greatest. What do you suppose these tens of thusands of people will think, whom the industrialists plan to lure out here, if they can find a job and with it, the finest, cleanest, and most readily accessible recreation in the world, that of sport salmon and steelhead fishing? Puget Sound and its bordering cities can really be America's Utopia, so easily. We can have industrial development plus our God-given recreational heritage, if only a little common sense is used.

Kindest regards.

Sincerely yours,

B. M. PARIS.

Mr. MAGNUSON. The other item is a résumé of this subject written by one of the great newspaper men of our State who is also a sportsman and a conservationist interested in the development of our State. His name is Gordon M. Quarnstrom, and he is editor of the Longview Daily News. He made a survey of the future of Columbia River salmon with the present dams, and taking into consideration the possibility of further dams. He goes into the subject in great detail. I believe that his statement should be a part of the RECORD. I hope that Members of the Senate as well as Members of the House who may lean toward the fishing side or the side of those interested in the construction of dams, and all those who are interested in the preservation of these great resources together with such fish and wildlife as we can preserve, will read these articles. The controversy will again be before us in connection with appropriations for fish ladders and other things.

There being no objection, the matters referred to were ordered to be printed in the RECORD, as follows:

LONGVIEW DAILY NEWS,
Longview, Wash., April 15, 1946.

WARREN G. MAGNUSON,
Senate Office Building,
Washington, D. C.

DEAR SENATOR: I am sorry to have delayed so long in sending you a copy of my article on the Columbia River dams and fisheries, but the only copy available was being used by The Fisherman, a new magazine, and I had to wait until I could track it down and have it returned to me.

I enclose it herewith.

Sincerely,

GORDON M. QUARNSTROM.

FUTURE OF COLUMBIA RIVER SALMON RUNS WORRIES CONSERVATIONISTS

(By Gordon M. Quarnstrom)

A controversy over whether the Federal Government will be able to further harness the mighty Columbia River, bringing greater hydroelectric, irrigation, and navigation developments, without destroying the quarter billion dollar salmon fisheries industry is growing in the Pacific Northwest.

The commercial fisherman contends that the Government's hope to gain added industry and other benefits from the building of a series of eight more dams does not compensate for the loss of food resources and

employment which will result from such a program.

Federal agencies and certain other persons interested in Pacific Northwest development, on the other hand, feel the fisherman's fears are unfounded. As proof they point to what they label as the successful experiment of restoring salmon and steelhead runs which had been threatened by the building of the gigantic Grand Coulee Dam. This experiment, which meant the trapping of salmon and steelhead below Grand Coulee and then starting new runs of the fish in tributaries below the dam, has been praised by Department of the Interior publicists and by a number of free lance writers.

DECLARED INADEQUATE

However, the commercial fisherman, whose very existence depends on the practicability of the program, characterizes the Grand Coulee fish transplant project as inadequate, successful only in the glowing reports of Federal press agents.

The fisherman increasingly often is making the grave charge that various news releases are giving a false picture of the Grand Coulee salmon hatchery and transplanting program.

The men who make their living from the Columbia River's once tremendous salmon runs react like a bull to a red flag whenever they read reports which tell how the stream's fisheries have been saved. And they react in similar fashion whenever they read how some agencies want to build eight more dams on the Columbia, "without damaging existing fisheries," or how various power systems, publicly or privately owned, want to erect mighty dams on the Columbia's lower tributaries.

"Another high dam on the Columbia River below the Snake River could easily eliminate the salmon as a valuable commercial resource," declares W. William Puustinen, veteran fisherman and a Columbia Basin policy consultant.

DIFFERENCE IN VIEWS

It is right at this point that the whole question of Northwest industrial development enters. There are those who look with favoring eyes on a great Pacific Northwest manufacturing empire, capitalizing on gains made in wartime and utilizing still undeveloped power resources to compete with the East in light-metals production and general industrial development. And there are those who favor a balanced Columbia River economy, with fisheries and a moderately developed industrial program, using power from facilities which would not further damage the salmon runs, teeming with forestry and agriculture to produce a lasting wealth.

The fisherman is in the balanced-economy group. And, because he is, he feels that any story which minimizes the dangers to the Columbia's fisheries is against his interests. Each story about the effectiveness of steps taken at Bonneville Dam, Grand Coulee Dam, or any other dam, is another blow below the belt, overlooked by the referee and not noticed by the spectators.

"If the writers and propagandists of the various Federal agencies would tell the whole story about what has happened to our salmon, a different approach would be taken toward public-power development and fanciful dreams of additional towering dams, linked by lakes for navigation, would be forgotten," the fisherman will assert.

GREAT FOOD RESOURCE

When Lewis and Clark first visited the Columbia River more than a century ago, they found therein the greatest food resource in the Nation. The salmon came up the river in such hordes that they took days to pass a mile-wide point on the river. The sight was incredible, millions upon millions of fish returning to their native streams to spawn and start a new generation on the return trip to the sea.

Since the turn of the century the Columbia fish population has been decreasing. A 1938 report of the Washington State Fisheries Department, dealing with the possible methods of preserving the river's salmon and steelhead, declares:

"The constant inroads of civilization have continually worked to the detriment of the fish populations. First irrigation diversions, then small hydroelectric dams on several tributaries, then more and larger irrigation diversions, overfishing by the commercial interests, increase in sport fishing, gaffing of fish on the spawning grounds and the increasing industrial and domestic pollution, bringing pressure constantly against the fish population, have decreased their former abundance. So many factors were at work in so many different ways that the public's attention was never riveted for any length of time on the decreasing value of this enormous natural asset."

STEPS WERE TAKEN

The perilous danger facing the salmon fisheries was brought sharply to the public's attention by the initial reports on the development of the Columbia River for navigation, irrigation, power, and flood-control purposes. For it was shown the reports did not provide adequate protection for the fish runs and that complete wiping out was possible.

Public opinion then forced passage in the State of Washington of an initiative restricting certain commercial fishing gear, construction of protective devices for fish at Bonneville Dam and the Puget Sound Power & Light Co. Dam at Rock Island, near Wenatchee, Wash., and the grandiose Federal plan to make up for the loss of 1,100 miles of spawning streams above Grand Coulee by the development of an artificial propagation project below the dam.

It is this Federal plan to preserve the salmon runs that riles the gill-netters and others interested in the fisheries problems, for the stories concerning it invariably are rosy-hued and encouraging.

The building of Grand Coulee Dam meant a severe blow to Columbia River fisheries, so the Federal Government was forced to take steps to help preserve the stream's valuable salmon and steelhead runs.

Briefly, what the Government did was to build three hatcheries in eastern Washington—at Leavenworth, Entiat, and Winthrop—at a cost of approximately $4,000,000. Salmon coming upriver to spawn were trapped at Rock Island, below Grand Coulee, and a portion were taken to hatchery holding ponds and the rest distributed in streams for natural spawn. The eggs were stripped from the portion held in the hatchery ponds and artificial propagation was begun in the most magnificent set of hatcheries ever built.

So far, so good. The fishermen were pleased at the interest the Government was showing, but still they remained skeptical.

"What will happen when the fish released by those hatcheries come back upriver to spawn?" the skeptics asked. "Will salmon whose past generations spawned 1,000 miles above Grand Coulee return to an artificial parent stream below the dam, or will they make their way back upriver and die beneath the dam in a great effort to get over the mighty barrier?"

There were other questions, too, as to whether the young fish would survive in the transplanted streams—whether the streams used in the transplantings could support a fish population equal to that which formerly came from the great river network above Grand Coulee.

A veritable flood of magazine articles and news releases for the past several years have given much of the Nation the idea the $4,000,000 hatchery program has been an unparalleled success, that the fish are coming back in great numbers to the streams where they were transplanted, and that the $250,000,000 Columbia River fishing industry has nothing to worry about.

Here is a 1945 example of the type of writing which riles the commercial fisherman. It is taken from an article appearing in the Saturday Evening Post, and reads:

"So it was that last season, when salmon appeared at Rock Island Dam, no traps barred them. They were allowed to pass, headed straight toward Grand Coulee. Nervously, with doubts and misgivings, but most of all with insatiable curiosity, the men who had accepted the tremendous task years earlier now watched them slowly eating up the last miles of river. Their actions would soon tell whether money, time, and enormous effort had been wisely spent or paid out in graft to a wise and smirking Mother Nature.

"There had been blueback salmon among those artificially spawned fingerlings. Would they turn off into the Wenatchee and Okanogan Rivers, which had their sources in the lakes necessary to the natural environment habits of this species? Would the regal chinooks rush headlong to their deaths beneath the mammoth man-made falls which is Grand Coulee?

"The salmon soon gave their own answers. As the mouth of each artificial parent stream was reached groups of fish swung obediently into it. Bluebacks turned into their lake-fed rivers. Chinooks passed their tests like seniors parading after diplomas. No single salmon attempted to pass on toward the seething white water at the foot of towering Grand Coulee. Dr. Ira Gabrielson's experts had gambled a lot of Government money and a lot of fish and they had hit the jack-pot.

"The remainder of the fish," the article continued, "will undoubtedly return as obediently during the next 4 years. This will mean that the entire salmon population which formerly spawned above Grand Coulee has been saved from extinction. To salmon men, it will mean the salvage of a considerable portion of a huge industry. To the average American it will mean continuation of a full stock of salmon on grocery shelves."

When the fishermen read that particular article, they yelled loud and long. So loud and so long, in fact, that many persons who otherwise had taken things for granted began visiting the Federal hatcheries which supposedly had accomplished the miracle.

What they found was something quite different.

The Leavenworth, Winthrop, and Entiat hatcheries had turned out only a comparative handful of fish from eggs taken in 1944 from salmon coming back up the Columbia. If the return of salmon had been great in 1944, there should have been plenty of eggs available for a big hatchery output. Embarrassed hatchery employees tried best to give satisfying answers as to why only 11 of the 70 Leavenworth hatchery rearing ponds were in use on July 16, 1945, for instance. Their best excuse, the fact that low water at the Dryden power diversion some miles downstream in the Wenatchee River did not allow the salmon to get past, brought from the investigators the reply that immediate steps should have been taken to trap the fish which could not get past the diversion, so that the eggs could have been taken. As it was, the salmon which did come up the Wenatchee spawned at the diversion point in a place which may not be suitable for spawning at the time that generation of fish comes back in 1948.

In 1944, the Entiat hatchery was able to trap only 35 Chinook salmon, getting a mere 17,000 eggs. The run proved better this year, but the Entiat always had had a good run of salmon in the years before Grand Coulee, so there should have been fish coming back, Grand Coulee or no Grand Coulee. The Entiat hatchery on July 17, 1945, had only 50,000 Chinook fingerlings, 104,000 silver salmon from the State hatchery on the Lewis River, Wash., and 25,000 steelhead fry. Most of the rearing ponds were dry. Using

eggs from Leavenworth, the hatchery produced 1,213,000 fish in 1944.

The Winthrop hatchery that same day had on hand a mere 67,000 blueback salmon and 40,500 silver salmon fry but had released 90,000 bluebacks the previous May. Of the 32 ponds, a fraction were used for rearing fish. Some had water in them but were used as swimming pools.

A few miles away from the Federal hatcheries is the Washington State game department's Chelan hatchery. On hand July 17, 1945, were 840,000 rainbow trout, 200,000 cutthroat trout, and 50,000 Montana graylings, all in 9 small ponds. During 1944 the hatchery had released 660,000 rainbow fingerlings, 300,000 cutthroat fry, 300,000 rainbow fry, and 5,500,000 silver trout fry, for a total of 6,780,000. (The silver trout fry are easily raised and quickly released, however, so do not present the same rearing problem as do the other trout or the salmon.)

Also nearby is the Yakima State game department hatchery, which the same day was holding 400,000 rainbow fry and which had plans to release in 1945 a total of 853,000 rainbow fry, 1,500,000 silver trout fry, 350,000 rainbow fingerlings, and 260,000 rainbow fry. The hatchery has 10 ponds.

The figures merely emphasized the fact the Federal hatcheries were nearly devoid of fish as compared with the nearby State hatcheries.

A comparison of State and Federal hatcheries can be made on the basis of fish plantings for the year 1943. In that year the Federal hatchery at Entiat, with 16 rearing ponds, planted 62,398 yearling sockeye salmon and 55,950 fingerling Chinook, plus 1,240,000 fingerling steelhead and 8,000 yearling steelhead. In the same year, the Federal hatchery at Leavenworth with 70 ponds planted 876,731 fingerling blueback, 12,459 yearling blueback, 422,528 fingerling Chinook, plus relatively small numbers of steelhead and silver salmon. The Winthrop hatchery, also federally operated, with 24 ponds, planted 66,564 yearling Chinook and 741,350 steelhead fingerlings.

Do those figures sound large to you? Well, read on.

The State of Washington fisheries department hatchery at Issaquah, with 18 ponds, turned out 481,437 blueback fingerlings, 31,349 blueback fry, 891,000 Chinooff fingerlings, 379,000 silver salmon fingerlings, 356,000 silver salmon yearlings. The Green River hatchery, with 17 ponds, turned out 252,000 blueback fingerlings, 5,312,000 blueback fry, 1,789,000 Chinook fingerlings, 1,929,000 Chinook fry, 496,000 silver salmon fingerlings, and 315,000 silver salmon yearlings.

OTHERS AS GOOD

There are other State-operated hatcheries with records as good. The two mentioned were chosen because they were the stations with the largest number of rearing ponds. As for employees, the personnel involved in the operation of the three Federal hatcheries in eastern Washington probably is equal to the entire staff of the 13 stations operated by the State fisheries department.

As for the report that no salmon had ventured upstream as far as Grand Coulee, a questioning of employees at the dam site brought the report—heard by a number of men—that there had been a large group of salmon in the waters immediately below the dam in 1944 and that some fish already had been seen by July 15, 1945. This was taken as an indication that fish were traveling beyond their artificial parent streams into waters where the passage was barred and where no spawning grounds were available.

The fish, true enough, might have been strays, of which there usually is a small percentage in any group of returning salmon. A question that arises in this regard, however, is: How is it possible for anyone to make a statement that not one of the adults had bypassed the tributaries they were transplanted to below the dam? Yet this statement has been made many times, and has appeared in print as well.

MOORE IS CRITICAL

Is anyone besides the commercial fisherman taking a critical view of the matter? The answer is a definite "Yes," with numerous sports groups being interested and with Milo Moore, Washington State Director of Fisheries, being extremely active.

Alarmed over the prospects of the building of new high dams on the Columbia River below the mouth of the Snake River, and on other salmon streams, Moore says that action must be taken now "to conserve the valuable runs of salmon and steelhead trout that will be lost if their spawning grounds are destroyed."

"In the past," Moore continues, "the United States Army engineers and the Bureau of Reclamation have shifted the responsibility of fish protection at such structures to the United States Fish and Wildlife Service. That organization has then been forced to make hurried decisions regarding ways and means of providing fishways or hatcheries and rearing ponds to take care of the salmon runs that have been interfered with.

"While statements that have been made and other information indicate that the efforts of the Fish and Wildlife Service have been successful in transferring the runs of salmon originally passing Grand Coulee Dam to tributaries entering the Columbia River below that structure, the number of salmon returning from these transplants and artificial operations is alarmingly low."

Moore, taking the position that the State of Washington's fisheries department is better qualified to direct the salmon hatchery program and that it has responsibility for protecting the salmon runs within the State, is seeking Federal funds for the building and operation of at least five hatcheries on lower Columbia River tributary streams, below Bonneville Dam, and on the coastal streams of Washington.

Men from the fisheries department already are in the field surveying these streams for future hatchery sites.

WILL BE BIG AID

Will these additional lower river hatcheries be sufficient to bring back the salmon runs? Moore says they won't be by themselves—but they will be a tremendous aid when coordinated with a strict antipollution campaign, increased use of Federal hatchery facilities which now are available, stricter control of water diversions for power and irrigation purposes, a 100-percent complete screening of irrigation ditches to keep downstream salmon migrants from being lost, and an improved operation of Federal dam fish ladder and fish lift facilities.

"The problem is a tremendous one," Moore asserts, "but with proper emphasis on the important points, we can go a long way toward solving it. State leadership in the matter is necessary, for the State has proved what can be done in the work to bring back the salmon runs in the Puget Sound area. The State has the men and the 'know how' to do the job. Give us the Federal funds which are rightfully due us, and we can go a long way toward perpetuating the Columbia River salmon and steelhead—provided no more high dams are built below the mouth of the Snake River."

If the Northeast power planners can be content with low dams of the Bonneville and Rock Island varieties, and if the program that Moore envisages can be carried out, there may be that balanced economy which the fishermen want. But if some of the power advocates hold out for dams 70 feet or more high, and if hatchery production is not improved and pollution ended, the Columbia River salmon hordes may take the long trail that the buffalo took—into oblivion.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER (Mr. HOEY in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. GEORGE, from the Committee on Finance:

John W. Snyder, of Missouri, to be Secretary of the Treasury; and

Clarence P. LeMire, of Missouri, to be a judge of The Tax Court of the United States for a term of 12 years from June 2, 1946.

By Mr. WALSH, from the Committee on Naval Affairs:

Ben Moreell to be a civil engineer in the Navy, with the rank of admiral, for temporary service.

By Mr. McKELLAR, from the Committee on Post Offices and Post Roads:

Sundry postmasters.

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 11 o'clock a. m. tomorrow. There is no Executive Calendar.

The motion was agreed to; and (at 5 o'clock and 34 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, June 11, 1946, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate June 10 (legislative day of March 5), 1946:

IN THE NAVY

Midshipman Samuel A. Pillar to be an assistant paymaster in the Navy, with the rank of ensign, from the 5th day of June 1946.

The following-named officers for appointment in the United States Navy in the corps, grades, and ranks hereinafter stated:

The following-named officers to the ranks indicated in the line of the Navy:

COMMANDER

Edward W. Rounds

LIEUTENANT COMMANDERS

Harry W. Baltazzi	Albert E. Hindmarsh
Willis H. Beltz	Frederick F. Sima
John B. Cleland, Jr.	David J. Studabaker
Maurice M. DeWolf	William B. Tucker

LIEUTENANTS

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Donald C. Brown	Edward S. Quilter
James R. Cain, Jr.	George N. Robillard
Edward B. Carlson	Robert T. Simpson
Herbert G. Claudius	William C. Taylor
Herbert C. Ferguson	Hubert E. Thomas
Albert F. Hindrelet	David J. Walsh
Draper L. Kauffman	Robert H. Wanless
Charles O. Larson	Richard D. White
Chester M. Lindsley	Claude K. Wilkinson
Robert D. Lowther	Allan D. Yost
Louis C. Mabley	Raymond J. Zanzot
John L. Maloney	

LIEUTENANTS (JUNIOR GRADE)

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Samuel F. Allison	Charles A. Berry
Robert D. Ballantyne	Robert A. Bever
John J. Becker	Richard A. Bevernick
John B. Behan, Jr.	Aaron F. Beyer, Jr.

Carl R. Brandt
Harold Braune
Kenneth L. Butler
William E. Calder 3d
George H. Chapman, Jr.
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Conrad W. Craven
Roger J. Crowley, Jr.
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Prescott H. Currier
Carlos L. Dean
Orville O. Dean
Luther L. L. Dilley
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Francis L. DuBois
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Severance W. Gavitt
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Frederick W. Hinrichs
James T. Hodgson
Franz P. Hoskins
Robert E. Huse
Angus Jacks
Norris A. Johnson
Charles S. Judson, Jr.
Harvey D. Kermode
Frederick N. Klein, Jr.
Norman E. Knapp
Hugh S. Knerr
Robert C. Knowles
Raymond J. LeBer
Hugh H. Lewis
Oscar E. Loeser, Jr.
Julius A. Loyall
Oscar B. Lundgren
Eugene H. Maher
Alfred D. Masters
David H. McCluskey
John A. McKeon
William C. Meyer
Bill A. Miles
Edwin C. Miller
Roger F. Miller
Elmer Moore
Francis P. Moran
Lee P. Morris
Gervis G. Morrison
Glenn W. Okerson
William A. Overton
Leonard A. Parker
Henry L. Plage
Ward F. Powell
William G. Privette, Jr.
Samuel B. Purdie
John A. Quense
James J. Richardson
Leigh W. Sedgwick
Sam L. Silber
Charles F. Skuzinski
Edward C. Spencer
Charles A. Stay
Francis P. Steel
Paul F. Straub, Jr.
Harry K. Stubbs
Crittenden B. Taylor
Edward A. Taylor
Robert H. Thomas
Victor F. Wadsworth
Edward V. Wedell
Frederick Welden
Albert H. Willis
Edgar L. Yates
Curtis T. Youngblood

ENSIGNS

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George B. Abbott
George J. Abbott, Jr.
Minor F. Abel, Jr.
Samuel J. Abel
Daniel W. Abercrombie, 3d
George G. Abernathy
William F. Abernathy
William S. Adami
Allan M. Adams, Jr.
Benjamin W. Adams
Clovis L. Adams
Lynn "W" Adams
Paul Adams
Norman O. Adelfson
Joseph W. Ady
Victor C. Agee
John E. Aicken
Henry J. Airey
Cameron W. Albin
Edward H. Albright
Franklin H. Alden
Alfred C. Alder
Delo M. J. Aldridge
Richard F. Alence
Aaron G. Alexander, Jr.
Kent Alexander
Robert H. Alexander
Milton O. Allen
Raymond W. Allen
Leonard A. Alne
Myron Alpert
Leland H. Amaya
William Ammon, Jr.
Andreas P. Anderson
Billie P. Anderson
Charles L. Anderson
Gene C. Anderson
James R. Anderson
John W. Anderson
Joseph C. Anderson
Morris A. Anderson
Paul A. Anderson
Wallace I. Anderson
William H. Anderson, Jr.
Lyman L. Andrews, Jr
Edmund L. Andronik
Albert C. Ansorge, Jr.
Douglas G. Anstett
Arthur R. Argleben
George E. Armistead, Jr.
Richard Aroner
George F. Aroyan
Robert E. Arthur
William A. Arthur
Daniel Arundell
Donald F. Arveson
John R. Ashcom
Walter D. Ashe
Thomas V. Ashton
George A. Aubert
Donald M. Aulick
Erle H. Austin, Jr.
James W. Austin, Jr.
Kenneth B. Austin
William R. Austin
Charles V. Babiarz, Jr.
John W. Bach
Theodore F. Bacheler
Richard T. Bagg, Jr.
John H. Bahlman
Charles S. Bailey
Walter E. Bailey
William F. Bailey
John R. Bain
Alex Baker
Carl W. Baker
George "E" Baker
Howard J. Baker
Robert H. Baker
Thomas M. Baker
Wayne D. Baker
William H. Baker
Stephen F. Balaban
James L. Ball
Robert Ball
William B. Ball
Jesse L. Ballew
Justin G. Ballou
William R. Ballou, Jr.
John E. Balson
Sydney N. Baney
Philip L. Banks, Jr.
Rex L. Bantz
Theodore J. Banvard
George E. Barber
Edwin F. Barker, Jr.
Donald G. Barkett
Alton M. Barlow
Louie W. Barnard
George J. Barnes
Harold "B" "J" Barnes
Jack D. Barnes
John W. Barnes
William F. Barnes
Robert E. Barnhart
Fred Barr
Robert W. Barrie
John E. Barrows
Charles B. Barry
Theodore M. Barry
William F. Barry
Barton W. Bartholomew
Ernest E. Bartlett, Jr.
Thomas H. Barton
William B. Barton
Charles A. Bassett
Edward C. Bateman
Edwin J. Bates
William S. Batey
Omer W. Bauer
Werner K. Bauer
Robert F. Baughman
Edward J. Bauser
Roscoe H. Baxter
Marmaduke G. Bayne
Shelton R. Beacham
Granville A. Beals, Jr.
John H. Beaman
George F. Bean
John H. Bear
Jesse Beasley
Richard M. Beauchamp
Oscar J. Beavers
Arvade L. Becker
Edwin N. Beeby
LeRoy C. Behling
Edward W. Behm
Burton H. Behrens
Walter G. Behrens
Ivan R. Beisel
Roy S. Belcher, Jr.
Vernon V. Bell
Harold H. Bennett, Jr.
Walter N. Benoit
Robert J. Benson
Reuel H. Bentley
William R. Bentley
Kenneth L. Berg
Thorval L. Berg, Jr.
Ward L. Berkey
Franklin V. Bernhard
John R. Berry
Robert M. Berry
Robert S. Berton
Fred S. Bertsch, Jr.
James O. Bess
Donald V. Bierwert
Weldon D. Bigony
Burton L. Bikle
George R. Birney
John M. Black
Robert G. Black
Enoch D. Blackwell
Frank A. Blackwood
Ralph E. Blad
Dale O. Blade
Robert J. Blaisdell
William G. Blake
Eugene D. Blechl
Ben W. Blee
Nelson C. Bliven
Clarence A. Blouin
Andrew Bodnaruk
Nils W. Boe
Richard J. Boerner
Philip "M" Bogdanovitch
Gordon S. Bogusch
Benton P. Bohannon
Robert M. Bollenbacher
Robert R. Bolles
Daryl B. Bolstad
Eugene M. Bolt
Robert B. Bolt
Robert E. Bondy, Jr.
Robert H. Bookhamer
Shelley S. Boone
Warren M. Boozer
Albert N. Bopp
Guy P. Bordelon, Jr.
John C. Borden
Clarence A. Borley
Woodrow J. Borne
Frank Bors
Guacoma A. Bostenero
William R. Bottenberg
George R. Bouffard
Arthur E. Boule, Jr.
John R. Bourchier
Emmett B. Boutwell
Charles J. Bower, Jr.
Robert C. Bownds
Edward A. Boyd
Eugene L. Boyd
William W. Boyd, Jr.
Charles J. Boyle
James E. Boyle
John E. Boyle
Ralph A. Brackett
Richard H. Bradley, Jr.
Harold G. Bradshaw
Robert S. Bradt
Bernard J. Brady
James D. Brady
James O. Brady
Thomas J. Brady
John T. Braithwaite
Roy H. Bramblett
John H. Brandenburg
Robert S. Brandon
Donald G. Brandow
Lucian C. Brandt
William V. Brandt, Jr.
Nicholas Brango
Jack Brannan
Eddie M. Bray
Scott I. Brear
James R. Bremer
Richard H. Brewer
Robert P. Brewer
Stanley E. Brewster
Richard W. Briggs
Rollin W. Brigham, Jr.
George R. Brines
John D. Brink
Charles B. Brinkley
Kenneth F. Brissette
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Burdick H. Brittin
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James J. Brosnahan
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Frederick J. Brown
Galen C. Brown
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Keith F. Brown
Leslie E. Brown
Philip F. Brown
Thomas W. Brown
Herschel M. Browne
Paul J. Brownlow
John G. Brozo
Frank C. Brtek
Raymond H. Brubaker
Jack D. Bruce
Lester K. Bruestle
Paul J. Bruneau
Donald E. Brunner
Garland B. Bryan
Leonard G. Bryan
Carleton F. Bryant, Jr.
James S. Bryant
Donald J. Buchanan
Clarence C. Buck, Jr.
Stephen S. Budzianowski
Robert P. Buerger
Herman P. Buergey
William R. Bullard
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Curtis W. Bunting
Hugh Burak
John W. Burchell
Richard A. Burgdorf
Thomas E. Burger
Andrew P. Burgess, Jr.
John C. Burgess
Jerome A. Burke
Charles R. Burnell
James T. Burrill
Joseph J. Burris, Jr.
Melvin E. Bustard, Jr.
William C. Butler
Lawrence H. Butt
John "L" Butts, Jr.
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James R. Byrd, Jr.
Newton P. Byrd
Joseph A. Byrne
John B. Cabell
John W. Cahill, Jr.
Jack Caldwell
Richard A. Caldwell
Henry H. Calhoun
James E. Callahan
Philip S. Callihan
Arthur B. Campbell
Clyde H. Campbell
Herbert "B" Cannon
James M. Canty
Felix Caracciolo
Vincent Carkhuff
Robert E. Carl
Chester R. Carli
Salvatore Carlisi
Paul G. A. Carlson
Robert E. Carlson
Walton L. Carlson
Cary N. Carpender
Charles R. Carpenter
Charles H. Carr, Jr.
John K. Carr
Billie Carroll
Charles H. Carroll
Edward L. Carroll
Vincent D. D. Carruth
Frank "L" Carter, Jr.
John Q. Carter
Kenneth Carter
Paul S. Carter
Robert M. Carter
Joseph Casco
Daniel H. Case
Robert D. Caserio
Jack N. Casseday
John R. L. Cassidy
Richard M. Cassidy
Clifford E. Caton
Robert M. Cawthorne
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Ralph S. Cerney
Francis J. Cerwin
Johnnie W. Chalkey, Jr.
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Albert S. Chappuis
Nelson R. Charles
Robert P. Chase
Harry D. Chaudoin
Fred J. Childress
Howard W. Childress
Robert D. Chilton
Robert W. Christians
James S. Christensen
Aldo A. Cipolat
Angus K. Clark
Cecil Clark
Henry E. Clark
Leslie A. Clark
Lloyd J. Clark
Robert C. Clarke
John Clarkson
Thomas C. Clay
Sheldon Claypool
Marlow "D" Clements, Jr.
Blair Cleveland
John K. Clifford
Emory V. Clifton
Forest M. Clingan
Harry H. Cloutier
Joseph K. Coates
Robert C. Coats
Lewis M. Cobb
Edgar H. Cocke
Claude C. Coffey, Jr.
James J. Coffey
John "C" S. Coffin
William T. Cogley
Frank G. Cole
George Cole
James W. Coleman, Jr.
Kenneth L. Coleman
Raymond E. Coleman
James W. Collier
Hugh "L" H. Collins
Ralph W. Collins
Walter V. Collins
William R. Collins, Jr.
Robert E. Colopy
Wellington Columbo
Willard A. Comer
John F. Condren
Raymond F. Conklin
Richard Conlan
Thomas P. Connell
Ernest C. Connelley, Jr.
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Robert W. Connolly
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Harold J. Connors
James R. Constantine
Elliott V. Converse, Jr.
Eugene R. Conway
David M. Conwell
Charles D. Conyers
Frederick N. Conye
James L. Cook, Jr.
Aurelian H. Cooledge, Jr.
Homer K. Cooley, Jr.
John J. Coonan
John H. Cooper
Hal E. Copple
James H. Copple
Eduguardo H. Coppola
James L. Corcoran
Jewell G. Corlew, Jr.
Richard Corn, Jr.
Roy S. Cornwell
Gerald P. Corrigan
Adolphus B. Cosby
Paul C. Cottrell
Donald B. Court
Andrew H. Cowart
Jack R. Cowles
Louis L. Cowsert
Allan H. Craig
Clement M. Craig
William B. Craig
Hugh L. Crandall
Jack H. Cranton

Moxie Craus
William H. Cravens, Jr.
Nelson W. Craw
Francis G. Crawford
James T. Crawford
Donald L. Creed
Alfred M. Creswell
John A. Crocker
Arthur E. Crofoot
Chalmers A. Cromer
Francis J. Cronin
Flatus W. Crook
William H. Crosby
James A. Crossman
Carlton E. Crotty
Lawrence C. Crum, Jr.
Robert R. Crutchfield
Roy T. Cuculiu
Eugene P. Cullen
James H. Cullen, 3d
David E. Cummins
Charles D. Cunningham
Williams C. Cunningham
Louis Curra
Nathan E. Curry
Charles S. Curtis
Kent M. Cushman
Frank H. Cutaiar
Russell J. Cyphers
Walter J. Czerwinski
Carl C. Dace
Charles R. Dale
Alexander W. Dalgleish
Carl A. Dalland
Kenneth K. Dalquist
George W. Daly
Julius P. Damrow
Charles A. Darrah
Charles B. Darrow
Robert W. Dart
Ezekiel H. Daughtrey
Carl E. Davidson
James V. Davidson
James H. Davies
Bernard W. Davis
Carl M. Davis
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Frank J. Pittelli
Milan L. Pittman, Jr.
Charles R. Pitts
Carlo R. Pizzano, Jr.
Arthur Plaut, Jr.
Leonard H. Plog
David C. Pohrman
Francis T. Polack
Thomas M. Pole
Josiah A. Polhemus
Lachlan B. Popplewell
Austin M. Porter
Ebenezer F. Porter
Loran R. Porter
Floyd H. Poteete, Jr.
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John F. Powell
William W. Powell
George P. Powers
Horace S. Powers
William J. Pressler, Jr.
Roger G. Preston
William R. Preston
Charles E. Price
Ogle W. Price, Jr.
Melvin M. Prichard
Mortimer J. Prince
Cyril H. Probst
Clement R. Prouhet
John B. Pruden
Samuel W. Pryor
Harry M. Pugh
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Richard T. Quinlan
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William J. Quinn
Henry J. Racette, Jr.
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James P. Ragan
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Gerald W. Rahill
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Fred H. Rand
Robert G. Randal
Clinton H. Randall
Merle J. Randleman
Charles A. Rankowski
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Jonathan Q. Rasmussen
Frank T. Ratchford
Jack J. Ratcliffe
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Prentis R. Ray
Leon T. Raynor
Donald A. Reader
William L. Reardon, Jr.
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John J. Reddy
John P. Reed
Leland M. Reed
Sidney V. Reed
Joseph "S" Reedy
Frank G. Reese
Carl E. Reeve
Richard P. Regester
Paul A. Reh
George J. Rehe
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Colin J. Ricketts
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Owen A. Roberts
Paul D. Roberts
Thomas L. Roberts
David Robertson
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Wilson B. Robertson
Walter C. Robey
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Earl L. Robinson
Rembrandt C. Robinson
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James R. Sanderson
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Leonard S. Sauer
Lawrence Savadkin
Homer D. Savage
John E. Savage
Richard A. Savage
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Perry H. Scarlatos
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Waldo W. Scheid
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Lavon G. Schmidt
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Vernon E. Scholer
Walter E. Scholz
William Schubert
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Ralph A. G. Schulze
William A. Schwem
Raymond E. Schultz
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Ivan "J" Scott
Julian F. Scott
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Martin H. Seaver
Samuel D. Seay
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James J. Seelig
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William L. Sells
Joseph Seltzer
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Julian D. Serrill
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Lester E. Setser
Ben W. Sevier
George O. Sewall, Jr.
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Charles N. Shane
William H. Shawcross
John Shea
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Stewart S. Sheckells
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John E. Shinners
Harold L. Shipley, Jr.
Robert A. Shirley
John W. Shong
Merton D. Short
Keith T. Shortall
Andrew K. Schreve
William A. Shryock
Thomas W. Shuford, Jr.
Charles W. Shuler
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John J. Sigafoos
Warren I. Signell
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Israel H. Silvert
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Harold W. Simon
William H. Simpson, Jr.
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Andrew M. Sinclair
William C. Singletary
Richard G. Sipe
Frank Sistrunk
Michael Skees
Ellis D. Skidmore
Wesley E. Skill
Charles A. Skinner
Roger E. Skjei
Jack B. Sledge
Allen W. Slifer
Denver C. Sliger
John P. Slowiak
David B. Small
James D. Small
Robert H. Small
Robert Smiegocki
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Coleman H. Smith
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Jacob P. Smith
Lewis O. Smith
Richard Smith
Russell L. Smith
Sheldon D. Smith
Wayne F. Smith, Jr.
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Robert H. Smyth
George W. Snediker
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Edward L. Snopkowski
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Harold F. Snowden
James G. Snyder
Richard J. Soike
Donald T. Sollenberger
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John Sparger
James Spargo
Warren G. Sparks
Paul H. A. Spears
Billie C. Spell
Paul E. Spencer
Ray A. Spenser
Stanley S. Sperry
Richard H. Spindler
Marco P. Spinelli
Charles "G" Spoerer
Wade R. Squire
Carlos B. Stafford
Peary D. Stafford
Vernon D. Stanford
Carleton W. Staples
Carlton B. Starkes
James M. Stauffer
LeRoy V. St. Cyr
William S. Stebbins
Albert A. Steinbeck
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Sidney B. Stephens, Jr.
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Nevin J. Stevenson, Jr.
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George B. Stewart 3d
Hal B. Stewart
Loren R. Stiegelmar
Norris O. Stieler
Leonard E. Stilwill
Harry E. Stirling
Archie P. Stockebrand
Elmer T. Stonecipher
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LeRoy Stram, Jr.
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Harold Strawhorn
Lawrence B. Streiff
Lloyd L. Stromberg
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Howard "A" "I" Sugg
James M. Sullenger
Clifford W. Sullivan
Francis J. Sullivan
Kenneth M. Sullivan
Patrick L. Sullivan
Russell H. Sullivan, Jr.
William H. Sullivan
William P. Sullivan
George H. Sult
William B. Sumpter
Robert S. Sutherland
John H. Suttner
LuReign Sutton
Gustav F. Swanson
Ralph W. Swearingen, Jr.
Albert L. Sweeney
William L. Sweeney, Jr.
James B. Sweeny, Jr.
Edward T. Swientek
Robert E. Swigart
Ray A. Szedziewski
Thomas L. Tabor
Wallace L. Talbot, Jr.
Edwin "M" Talbott, Jr.
Carson R. Tallent
Humphrey L. Tallman
William Tarbox
George L. Tarleton
Ben R. Tate, Jr.
Benjamin C. Tate
Donald C. Taylor
Donald W. Taylor
Goodwin R. Taylor
Martin E. Taylor
Russell S. Taylor
William O. Teague, Jr.
Thomas W. Teal
Thomas W. Tearney
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Harley F. Thompson
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Wilbert L. Thompson
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Clemons C. Turner
Russell Turner
Thomas J. Turner
William R. Turner
Wendell V. Twelves
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Alfred L. Ufer
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John H. Underwood, Jr.
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Benjamin F. Uran
Michael E. N. Vallario
Benjamin J. Van Blake
Arthur J. Vanek
Charles A. Vasey
Vie J. Vaughan
Howard T. Vaum
William H. Veit
George M. Veling
Earl A. Venstrom
Eugene F. Verdery 2d
Paul A. Veres
Merriwell W. Vineyard
Vinton C. Vint

Paul L. Vissat
Robert L. Voight
Sherman L. Voiler
Robert W. Vollenweider
Matthias J. Vopatek, Jr.
William D. Wade
James W. Waggoner
Adrian D. Wagner
Harry M. Wagner
Edwin J. Walasek
Ray F. Walburg
Clarke B. Walbridge
Donald P. Walker
Earl P. Walker
Gordon D. Walker
Grant J. Walker
Herbert P. Walker, Jr.
John P. Walker, Jr.
John S. Walker
Robert A. Walker
William F. Walker
William O. Walker
Roger M. Wall
Wilfred G. Wallace
John Wallat
Marion C. Walley
Samuel C. Walls
Carroll A. Walsh
Nelson C. Walton
Lyttleton T. Ward
Rudolph L. Ward
William A. Warde
Robert L. Warner
Robert D. Warren
Samuel B. Warren
Orval J. Washburn
Robert J. Watkins
Earl E. Watson
Edward L. Watson
Guy "B" Watson, Jr.
Robert S. Watson
William S. Watson
Harry J. Watters
Thomas F. Wattle
John M. Watts
Martin V. Watts
Jack E. Weatherford
Charles D. Webb
Warren W. Webb
William L. Webb
Boyd Y. Weber
Robert W. Weber
John A. Webster
John F. Weidling
Jack W. Weidner
George Welch, Jr.
Robert E. Wiegand
Walter H. Weimer
Eugene J. Weinbeck
LaVerne L. Weiss
Carl Weisse
Glenn E. Welch
James M. Welles
Daniel C. Wells
George R. Wells
Roland A. Wells
Howard C. Wellsman
Egon H. Werdelman
Paul F. Werner
Donald E. S. Westby
Lewis O. Westcott
Billy G. Westerfield
Franklin G. Westfall
William H. Westray
Wilbur L. Wetherill
Elwood C. Wheat
Chester H. Wheatley
James F. Wheeler
Roy S. Whitcomb
Carl C. White
Dorsey M. White, Jr.
Gerald T. White
Horace R. White
Joseph E. White, Jr.
Roy C. White
Donald D. Whitney
Loren C. Whitney
Harold E. Wibberley, Jr.
Thomas E. Wiggins
Frank J. Wikenheiser
Joseph H. Wilberding
Charles C. Wilbur
James F. Wilbur
James H. Wilder
Howard F. Wiley
Eugene P. Wilkinson
Edward L. Willey
James L. Willhide
Cassius A. Williams, Jr.
Donald R. Williams
Joe Williams, Jr.
Joe W. Williams, Jr.
John K. Williams
Malcolm W. Williams
William H. Williams, Jr.
Laurence B. Williamson
Merritt A. Williamson
Charles H. Willis
Robert S. Willis
Albert R. Wilson
Ernest E. Wilson
Jennings B. Wilson, Jr.
Oscar M. Wilson, Jr.
Robert G. Wilson, Jr.
Alonza R. Windley
David "J" Winn
George H. Winslow
Henry E. Winter, Jr.
Homer A. Winter
Charles L. Winters, Jr.
James H. Wirth
Eugene R. Wiseman
Maurice E. Witting
Fred W. Woessner, Jr.
Francis D. Woidich
Martin L. Wolf
George Matlack Wolfe
George Michael Wolfe
Theodore "E" Wolfe, Jr.
Alan S. Wolff
Leonard C. Wolff
Cleo B. Wood
Harry W. Wood
James Wood
John W. Woodall, Jr.
LaMar L. Woodward
Leonard S. Woodward
William B. Woodward
Stephen R. Woolard
Amos L. Wooten
Benjamin F. Worcester 2d
Charles E. Works
Curtis C. Worley
Robert A. Wright
William Alexander Wright
William Austin Wright
Alfred H. Wunderli
John F. Wunderlich
Waldemar Yatchmenoff
Carl H. Yeagle
Clifford R. Yelley
Harold Yeremian
Laurens W. Youmans, Jr.
Robert S. Young
Donald K. Youngblood
Leslie L. Youngblood, Jr.
Leonard W. Zaborski
Walter F. Zartman
William H. Zeigler
William H. Zellers
Max A. Zesiger
Frederick W. Zigler
Roy W. R. Zimdars
Irving Zolo
Gerard P. Zornow
Clarence J. Zurcher

The following-named officers to the grades and ranks indicated in the Medical Corps of the Navy:

MEDICAL INSPECTOR WITH THE RANK OF COMMANDER

Page O. Northington.

SURGEONS WITH THE RANK OF LIEUTENANT COMMANDER

Greydon G. Boyd
James M. Brown
Harold J. Chapman
Asa G. Churchill
Walter A. Crist
Donald E. Dement
Percy B. Gallegos
Charles Gartenlaub
Robert L. Gilman
Ashton Graybiel
John K. Hawkes
Verden E. Hockett
Charles J. Hutchinson
Everett B. Keck
Robert F. Legge
Harold E. List
Robert Mazet, Jr.
Arlo A. Morrison
Eugene H. Moyle
Raymond W. Murray
Paul G. Richards
Charles G. Robertson
John W. Rogers
Hilton W. Rose
Shelton P. Sanford
Robert V. Schultz
Beryl C. Shearer
Lloyd B. Shone
Walter J. Shudde
Leonard E. Skilling
Van C. Tipton
James D. Viecelli
James H. Walvoord
Hugh Warren
James N. Williams
Leonard L. Wilson

PASSED ASSISTANT SURGEONS WITH THE RANK OF LIEUTENANT

Theodore H. Armstrong
Lawrence L. Bean
John J. Brown
Virgil L. Cameron
Nelson B. Combs
Roy E. Crowder
George H. Davis
Wesley Fry
Carl C. Carver
Frank B. C. Geibel
Harold D. Giddings
Walter W. Gilbert
James H. Gillen, Jr.
Rexel Goodman
Lewis Gunther
John S. Hanten
Matthew J. Hantover
William Heatley
Robert E. Henderson
Edward A. Hynes
Graham R. Johnston
Morris H. Jones
Bernard "I" Kahn
Silas A. Keim
LeRoy L. Kenney
Dunne W. Kirky
Ernest S. V. Laub
William S. Lawler
William K. Livingston
Leslie K. MacClatchie
Frank R. Philbrook
Nathan L. Robbin
Thomas P. Rogers
William F. Roth, Jr.
Robert B. Shepardson
Arthur B. R. Smith
Fred B. Smith
Eugene T. R. Stone
Stephen D. Sutliff, Jr.
Charles C. Terry, Jr.
John C. Traugh
Jack Warren
Ross W. Weisiger

ASSISTANT SURGEONS WITH THE RANK OF LIEUTENANT (JUNIOR GRADE)

Hubert L. Anderson
Albert C. Barber
Bruce B. Barnhill
Harry L. Barton
Harold L. Baxter
Jerome J. Bergida
Ross P. Black
Charles G. Bratenahl
Warren C. Breidenbach
Robert M. Carr
Henry R. C. Chalmers
Loren E. Conner
Frederick W. Cottrell, Jr.
Tracy D. Cuttle
Percy W. Demo
James R. Dineen
John J. Durkin
Paul G. Ecker
Eugene J. Ellis
Montgomery N. Estridge
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Robert J. Fleischaker
Edward L. Foote
Frederick G. W. Gugenbuhl
Byron L. Hawks
Edward B. Hopper
Robert E. Huie, Jr.
Ernest H. Joy
Philip D. Klinefelter
Stanley J. Klyza
Francis P. Knight
Thomas R. Lehan
Nathan Lieberman
Morton L. Lillie
Allen H. Long
Donald H. MacDonald
Malcolm W. Mason
John A. O'Donoghue
John L. Pearce
Robert Penington, Jr.
Michel Pijoan
John T. Sill
Alan G. Simpson
Hugh D. Stites
Ralph G. Streeter
Robert E. Stutsman
Hardy E. Thompson, Jr.
Samuel V. Thompson
Walter S. Thompson, Jr.
Louis I. Tyler, Jr.
Frank B. Voris
Lawrence A. Whoolery
William M. C. Wilhoit
Elwood L. Woolsey

The following-named officers to the grades and ranks indicated in the Supply Corps of the Navy:

PASSED ASSISTANT PAYMASTER WITH THE RANK OF LIEUTENANT

Theodore D. Gatchel

ASSISTANT PAYMASTERS WITH THE RANK OF LIEUTENANT (JUNIOR GRADE)

Frederick A. Allis
Stanford F. Brent
Edgar N. Brown
Forrest P. Brown
Pierre D. Collins
Herman R. Fahlbusch
Frederick A. Fielding
Charles C. Hiles
William H. Howland
Carl M. Jordan
Robert H. Kuppers
Harry W. Leiser
Leslie T. Meiman
Jack M. Page
Edgar D. Vestel, Jr.
Roy C. Voils
Charles M. Waidner
Everette M. Williams
Frank G. Winiecki

ASSISTANT PAYMASTERS WITH THE RANK OF ENSIGN

Fred T. Adams, Jr.
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Walter B. Adams
Roger J. Adrian
George B. Aker
Ernest P. Allen, Jr.
James V. Allen
Eugene M. Amos
Clayton L. Anderson
John C. Angelopoulos
Thomas J. Anketell
John D. Arn
Charlie B. Aycock, Jr.
Richard J. Bacon
Conway C. Baker
Henry G. Baker
Robert J. Baldwin
Conrad A. Barger
Angelo J. Barsanti
John J. Barton
Robert S. Bebbington
Raphael Belkov
George E. Bell
Gerald R. Blosser
Paul F. Borden
Roland H. Bouchard
Cyrus L. Brainerd
Edwin E. Bramhall
George J. Braun, Jr.
Frederic C. Brehm
Marvin L. Brooks
Daniel W. Brown
Bernard "S" Browning
Lester L. Buchart
Hubert E. Burke
Hugh D. Byrd
Robert A. Carl
Whitney A. Chamberlain
Gordon L. Chamberlin
John E. Cifranic
Grover V. Clark
Earl G. Clement
Herbert G. Cocke
Paul W. Cook
Rufus G. Cook
Leon C. Covell, Jr.
Donald L. Crutcher
Owen S. Davies
Roger L. Davis
Thomas H. Dawson, 3d
John A. Donehoo
Lawrence L. Dowell
Lee "N" Duncan
Brownlow W. Dunlap
Ralph L. Eaton
Vincent C. Ecoffey
Thomas J. Emmett, Jr.
Charles E. Emrick
Allwyn B. Erickson
James B. Ericson
Clayton W. Ernst
Houston H. Evans
William J. Fallon
Walter O. Fawcett
David E. Fay
William O. Foulkes
Raymond G. Frey
Alfred H. Gabriels
Olen R. Garrett
Foster I. Gilbert
James E. Grey
James E. Griffith
Darrell E. Grow
John A. Hagan
Louis Hansley
Norman R. Harbaugh
Robert B. Harris
John W. Haskell
Rolland A. Helsel
Earl F. Hilderbrant
Joseph F. D. Holcombe
Leonard R. Honnold
Frederick E. Hopkins
Donald J. Hos
Harvey F. Humphreys
John T. Hundley
John S. Huntington
Frank L. Jenne
John W. Jewett
Lloyd O. Johnson
Mark C. Jones
Ernest M. Joyce
Andrew J. Keating
David B. Keers, Jr.
Jack F. Kimball
Robert W. Kirby
Don H. Kleinhammer
Gordon L. Koppert
Maurice H. Kramer
David G. Lamborne
Harvey R. Lampshire
Elmer S. Landers
Jay E. Larson
John C. Leach
Arthur C. LeClert
Charles R. Lee
Louis W. LeForge, Jr.
Harold C. Lemon
William J. Leonard
Joseph H. Lillis
Frank E. Locke
Arnold E. Lohnes
John J. Long
James R. Longon
William G. MacMaster
Frederick M. Mansfield
Thomas C. Mason
Merlin L. McCulloh
Houston W. McGlothlin
Robert H. McIntire
William J. McKenna
Gerry N. McLeod
John C. Marshall
John E. Moeller
William A. Mosteller
Robert W. Mullins
John H. Nuck
Frank F. Oliver
Melvin O. Parrish
Rudolph M. Peterson
Orvill "L" Pilgrim
Ward J. Rafferty
Benjamin A. Rhoades, Jr.
William C. Richardson
David H. Ripper
Henry A. Robertson, Jr.
Dale M. Robison
Charles R. Ruark
DeAlton Russell
Thomas H. K. Russell
Thomas J. Ryan, Jr.
Lawrence W. Sadd
Keeler Sargent
Charles H. Schmeder
Melvin E. Sharp
James J. Shelton

Charles H. Skirvin	Guy P. Waddell
James B. Strait	Aredus B. Wade, Jr.
Alphonse D. Suslick	Darrel M. Walker
Fordham D. Tabor	William Ward
Richard M. Taylor	Ralph C. Watts
Homer C. Thiele	William M. West
Walter L. Tholl	Ollie Z. Whitt
Ned L. Thomas	Sidney W. Williams, Jr.
Leonard A. Vickers	

The following-named officers to the grades and ranks indicated in the Chaplain Corps of the Navy:

ACTING CHAPLAINS WITH THE RANK OF LIEUTENANT (JUNIOR GRADE)

Arthur R. Anderson	Bernard J. McDonnell
Ernest R. Barnes	Peter R. McPhee, Jr.
Henry J. Beukema	Arthur F. McQuaid
John J. Burns	Paul C. Morton
Cecil D. Ewell	Karl G. Peterson
John P. Forsander	Charles G. Pfeiffer
George J. Hall	Oswald B. Salyer
Carl W. Herrick	Adam J. Schutz, Jr.
James D. Hester	Edward A. Slattery
William H. Hoffman	George E. Vanderpoel
William M. Kirkland	Robert A. Vaughan

The following-named officers to the grades and ranks indicated in the Civil Engineer Corps of the Navy:

ASSISTANT CIVIL ENGINEERS WITH THE RANK OF LIEUTENANT COMMANDER

Howard L. Mathews	Virgil A. A. Powell

ASSISTANT CIVIL ENGINEERS WITH THE RANK OF LIEUTENANT

Earl R. Bennett	Henry J. Fitzpatrick
Arthur H. Castelazo	Pinckney M. Jeffords
Charles S. Daily	Robert D. Thorson
George E. Fisher	

ASSISTANT CIVIL ENGINEERS WITH THE RANK OF LIEUTENANT (JUNIOR GRADE)

Millard H. Aubey	Maurice C. Lipp
Nelson R. Anderson	Howard M. Lloyd
Robert B. Atkins	Joseph L. Mahoney
John K. Batchellor	Eugene F. Martiny
Tom W. Beck	Ogden J. Martyn
Perry M. Boothe	Thomas B. McGlashen
Greer A. Busbee, Jr.	Clifford E. McGrail
Deane E. Carberry	William W. Moore, Jr.
Wayne J. Christensen	Albert C. Morris
John F. Clarke	John F. Mulgrew
Harold E. Cobb	Joseph C. Nelle
John W. Cook, Jr.	Stephen H. Payton
Frederick A. F. Cooke	Cushing Phillips, Jr.
James F. Cunniff	Carl H. Plumlee
Edward A. Daday	Edward J. Quinn
John M. Daniels	Lattimer W. Reeder
John R. Denny	Arthur T. Roth
Edward T. Diberto	John P. Roulett, Jr.
Jack G. Dodd	Harold R. Sandberg
Rudolph F. Duelfer	William L. Sawyer
Leslie R. Fleming	Harold M. Semple
Edmund R. Foster, Jr.	Paul J. Simmons
Jacob P. Frankel	William E. Sinclair
George M. Gans	Richard E. Slattery
Samuel C. Gill, Jr.	Richard W. Smith
Joseph W. Gorman	Victor G. Stevens
Norman M. Green	John T. Stokes, Jr.
John P. Grogan	Gerald Q. Thacker
Milton J. Harper, Jr.	William E. Thompson
Harold L. Haworth	Frank C. Tyrrell
William M. Heaman	Jacob W. Updegrove
Tulon L. Jackson	Charles K. Urlass
Ralph C. Jensen	Kenneth M. West
Edwin E. Johnson	Thomas J. White
Willis O. Klotzbach	Harry R. Witt
John Koleszar	William R. Yankey
Leo Liberman	

The following-named officers to the grades and ranks indicated in the Dental Corps of the Navy:

DENTAL SURGEONS WITH THE RANK OF LIEUTENANT COMMANDER

Larry J. Dupuy
Francis C. Snyder

PASSED ASSISTANT DENTAL SURGEONS WITH THE RANK OF LIEUTENANT

Joseph R. Horn
Max A. Moon

ASSISTANT DENTAL SURGEONS WITH THE RANK OF LIEUTENANT (JUNIOR GRADE)

Philip A. Canalichio	Richard W. Hughes, Jr.
Robert J. Condon	John J. Lauten
Harry O. Copher	Donald D. Miller
Wade E. Couvillon, Jr.	Ward M. Mortell
Silas D. Cunningham	Aaron Pargot
George S. De Shazo	Samuel Sturm
Irwin G. Edwards	Clyde H. Walsworth
Louis N. Heller	

HOUSE OF REPRESENTATIVES

MONDAY, JUNE 10, 1946

The House met at 12 o'clock noon.

Rev. Edward A. McDonough, Chief of Personnel, Division Chaplaincy Service, Veterans' Administration, offered the following prayer:

Almighty and Eternal God, we stand humbly at Thy feet and return thanks for the gifts and favors we have received from Thy divine mercy.

We thank Thee for the many blessings of nature that bring pleasure and happiness to those whose tasks in life give little opportunity for rest and relaxation.

Bless this week that lies before us. Take from our hearts all pride and self-sufficiency that we may always be conscious that Thou alone art the source of all wisdom and knowledge. Enlighten our minds that we may cope with the great problems that come to us for consideration and solution. Teach us to turn to Thee for inspiration and assistance.

Continue Thy blessings to these United States that we may always be an example of the blessing of Christian civilization. Let each of us be conscious of his obligations to our country and fellow man that flow from the rights we enjoy by reason of our citizenship.

Direct us, we pray Thee, to a true and lasting peace. Amen.

The Journal of the proceedings of Friday, June 7, 1946, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Frazier, its legislative clerk, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a joint resolution of the House of the following title:

H. J. Res. 360. Joint resolution to provide for United States participation in the Philippine independence ceremonies on July 4, 1946.

MEETING OF EMPIRE PARLIAMENTARY ASSOCIATION

The SPEAKER laid before the House the following communication:

JUNE 7, 1946.

HON. SAM RAYBURN,
Speaker of the House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: I regret to inform you that it will be impossible for me to serve as a member of the House congressional delegation to the Bermuda Conference, which is to meet in Bermuda beginning June 10, 1946.

I regret that circumstances compel me to give you this notice.

Sincerely,

LAWRENCE H. SMITH.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER. Pursuant to the provisions of Senate Concurrent Resolution 58, Seventy-ninth Congress, the Chair appoints the gentleman from Pennsylvania [Mr. BRUMBAUGH] to fill the vacancy on the committee appointed on the part of the House to attend the meeting of the Empire Parliamentary Association, to be held in Bermuda, beginning June 10, 1946.

EXTENSION OF REMARKS

Mr. PATMAN asked and was given permission to extend his remarks in the RECORD and include an article by Mr. CANNON of Missouri, which appeared in yesterday's Washington Star, together with certain statements in connection therewith.

Mr. ALMOND asked and was given permission to extend his remarks in the RECORD and include an address delivered by him in Roanoke, Va., on June 3.

Mr. RYTER asked and was given permission to extend his remarks in the Appendix of the RECORD and include an editorial from the Washington Post of June 8, 1946.

Mr. HUBER asked and was given permission to extend his remarks in the Appendix of the RECORD in two instances and include editorials from the Lorain (Ohio) Journal.

Mrs. DOUGLAS of Illinois (at the request of Mr. HUBER) was given permission to extend her remarks in the RECORD.

Mr. KERR asked and was given permission to extend his remarks in the Appendix of the RECORD and include a statement recently published in the Philadelphia Record under the name of John M. Cummings, in reference to the great Democratic leader, James Farley.

Mr. BRYSON asked and was given permission to extend his remarks in the RECORD and include an essay written by a young schoolboy.

Mr. MANSFIELD of Montana asked and was given permission to extend his remarks in the Appendix of the RECORD and include a speech delivered to the Veterans of Foreign Wars.

Mr. MCKENZIE asked and was given permission to extend his remarks in the RECORD in two separate instances, in one to include a speech with regard to the terminal-leave pay bill and in the other an address by Major General Erskine to the graduating class of Louisiana State University.

Mr. SAVAGE asked and was given permission to extend his remarks in the Appendix of the RECORD and to include a newspaper item.

Mr. BULWINKLE asked and was given permission to extend his remarks in the Appendix of the RECORD and to include therein an article by Mr. Ben E. Adkins.

Mr. GATHINGS asked and was given permission to extend his remarks in the Appendix of the RECORD and include a letter and also a decision of the Supreme Court of Arkansas in the case of Davis against State.

THE HONORABLE FRED M. VINSON

Mr. SPENCE. Mr. Speaker, I ask unanimous consent to address the House

for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. SPENCE. Mr. Speaker, not only the people of Kentucky, his native State, but I am sure the whole Nation will rejoice at the appointment of Fred M. Vinson as Chief Justice of the United States.

His remarkable career, which has few if any parallels, has given the American people an idea of the character and diversity of his ability. For 14 years he was a Member of the House of Representatives, where he was an exceedingly prominent member of the Ways and Means Committee. He resigned to accept the appointment as United States Circuit Judge of the District of Columbia, in which position he made a splendid reputation as a jurist of great ability and sound judgment; and he was also appointed Chief Justice of the Emergency Court of Appeals, where he rendered valuable service. He resigned to become the Director of Economic Stabilization. He resigned this position to become Federal Loan Administrator. He was thereafter appointed Secretary of the Treasury. He has now been appointed to the chief judicial position in the United States.

In the various and comprehensive duties of all the positions he has held he demonstrated great capacity and a high order of administrative ability. He has a keen, analytical mind, an infinite capacity for work, a character above reproach, and every qualification that should make him a great Chief Justice. He has always followed the Biblical injunction, "Whatsoever thy hand findeth to do, do it with thy might." We are sure that he will measure up to the full responsibilities of the great position to which he has been appointed and will bring great honor to himself.

Kentucky feels proud that one of her native sons should have conferred upon him such a distinguished honor.

THE PRESIDENT'S ACTION ON THE CASE BILL

Mr. COX. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. COX. Mr. Speaker, it is being freely predicted this morning that the President is going to veto the Case bill. I hardly see how this would be humanly possible, for it is a long, long way from his recommendation for emergency labor legislation to a veto of the bill. If he does veto it, it will constitute the fastest retreat in history.

STRATEGIC AND CRITICAL MATERIALS FOR NATIONAL DEFENSE PURPOSES—CONFERENCE REPORT

Mr. THOMASON submitted the following conference report and statement on the bill (S. 752) to amend the act of June 7, 1929 (53 Stat. 811), as amended, relating to the acquisition of stocks of strategic and critical materials for national defense purposes, for printing under the rule:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 752) to amend the act of June 7, 1939 (53 Stat. 811), as amended, relating to the acquisition of stocks of strategic and critical materials for national defense purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That the act of June 7, 1939 (53 Stat. 811), as amended, is hereby amended to read as follows:

"'That the natural resources of the United States in certain strategic and critical materials being deficient or insufficiently developed to supply the industrial, military, and naval needs of the country for common defense, it is the policy of the Congress and the purpose and intent of this Act to provide for the acquisition and retention of stocks of these materials and to encourage the conservation and development of sources of these materials within the United States, and thereby decrease and prevent wherever possible a dangerous and costly dependence of the United States upon foreign nations for supplies of these materials in times of national emergency.

"'SEC. 2 (a) To effectuate the policy set forth in section 1 hereof the Secretary of War, the Secretary of the Navy, and the Secretary of the Interior, acting jointly through the agency of the Army and Navy Munitions Board, are hereby authorized and directed to determine, from time to time, which materials are strategic and critical under the provisions of this Act and to determine, from time to time, the quality and quantities of such materials which shall be stock-piled under the provisions of this Act. In determining the materials which are strategic and critical and the quality and quantities of same to be acquired the Secretaries of State, Treasury, Agriculture, and Commerce shall each designate representatives to cooperate with the Secretary of War, the Secretary of the Navy, and the Secretary of the Interior in carrying out the provisions of this Act.

"'(b) To the fullest extent practicable the Secretary of War, the Secretary of the Navy, and the Secretary of the Interior, acting jointly, shall appoint industry advisory committees selected from the industries concerned with the materials to be stock piled. It shall be the general function of the industry advisory committees to advise with the Secretary of War, the Secretary of the Navy, and the Secretary of the Interior and with any agencies through which they may exercise any of their functions under this Act with respect to the purchase, sale, care, and handling of such materials. Members of the industry advisory committees shall receive a per diem allowance of not to exceed $10 for each day spent at conferences held upon the call of the Secretary of War, the Secretary of the Navy, and the Secretary of the Interior, plus necessary traveling and other expenses while so engaged.

"'SEC. 3. The Secretary of War and the Secretary of the Navy shall direct the Secretary of the Treasury, through the medium of the Procurement Division of his Department, to—

"'(a) make purchases of strategic and critical materials with due regard to the objective set forth in section 1 of this Act and pursuant to the determinations as provided in section 2 hereof, which purchases (1) shall be made, so far as is practicable, from supplies of materials in excess of the current industrial demand and (2) shall be made in accordance with title III of the Act of March 3, 1933 (47 Stat. 1520), but may be made without regard to section 3709 of the Revised Statutes. A reasonable time (not to exceed one year) shall be allowed for production and delivery from domestic sources and in the case of any such material available in the United States but which has not been developed commercially, the Secretary of War and the Secretary of the Navy may, if they find that the production of such material is economically feasible, direct the purchase of such material without requiring the vendor to give bond;

"'(b) provide for the storage, security, and maintenance of strategic and critical materials for stock-piling purposes on military and naval reservations or other locations, approved by the Secretary of War and the Secretary of the Navy;

"'(c) provide through normal commercial channels for the refining or processing of any materials acquired or transferred under this act when the Secretary of War and the Secretary of the Navy deem such action necessary to convert such materials into a form best suitable for stock piling, and such materials may be refined, processed, or otherwise beneficiated either before or after their transfer from the owning agency;

"'(d) provide for the rotation of any strategic and critical materials constituting a part of the stock pile where necessary to prevent deterioration by replacement of acquired stocks with equivalent quantities of substantially the same material with the approval of the Secretary of War and the Secretary of the Navy;

"'(e) dispose of any materials held pursuant to this act which are no longer needed because of any revised determination made pursuant to section 2 of this act, as hereinafter provided. No such disposition shall be made until 6 months after publication in the Federal Register and transmission of a notice of the proposed disposition to the Congress and to the Military Affairs Committee of each House thereof. Such notice shall state the reasons for such revised determination, the amounts of the materials proposed to be released, the plan of disposition proposed to be followed, and the date upon which the material is to become available for sale or transfer. The plan and date of disposition shall be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of the material to be released and the protection of producers, processors, and consumers against avoidable disruption of their usual markets: *Provided*, That no material constituting a part of the stock piles may be disposed of without the express approval of the Congress except where the revised determination is by reason of obsolescence of that material for use in time of war. For the purposes of this paragraph a revised determination is by reason of obsolescence if such determination is on account of (1) deterioration, (2) development or discovery of a new or better material or materials, or (3) no further usefulness for use in time of war.

"'SEC. 4. The Secretary of War and the Secretary of the Navy shall submit to the Congress, not later than 6 months after the approval of this act, and every 6 months thereafter a written report detailing the activities with respect to stock piling under this act, including a statement of foreign and domestic purchases, and such other pertinent information on the administration of the act as will enable the Congress to evaluate its administration and the need for amendments and related legislation.

"'SEC. 5. The stock piles shall consist of all such materials heretofore purchased or transferred to be held pursuant to this Act, or

hereafter transferred pursuant to section 6 hereof, or hereafter purchased pursuant to section 3 hereof, and not disposed of pursuant to this Act. Except for the rotation to prevent deterioration and except for the disposal of any material pursuant to section 3 of this Act, materials acquired under this Act shall be released for use, sale, or other disposition only (a) on order of the President at any time when in his judgment such release is required for purposes of the common defense, or (b) in time of war or during a national emergency with respect to common defense proclaimed by the President, on order of such agency as may be designated by the President.

"'SEC. 6. (a) Pursuant to regulations issued by the War Assets Administration or its successor, every material determined to be strategic and critical pursuant to section 2 hereof, which is owned or contracted for by the United States or any agency thereof, including any material received from a foreign government under an agreement made pursuant to the Act of March 11, 1941 (55 Stat. 31), as amended, or other authority, shall be transferred by the owning agency, when determined by such agency to be surplus to its needs and responsibilities, to the stock piles established pursuant to this Act, so long as the amount of the stock pile for that material does not exceed the quantities determined therefor pursuant to section 2 hereof. There shall be exempt from this requirement such amount of any material as is necessary to make up any deficiency of the supply of such material for the current requirements of industry as determined by the Civilian Production Administrator or its successor. There shall also be exempt from this requirement (1) any material which constitutes contractor inventory if the owning agency shall not have taken possession of such inventory, (2) such amount of any material as the Army and Navy Munitions Board determines (i) are held in lots so small as to make the transfer thereof economically impractical; or (ii) do not meet or cannot economically be converted to meet, stock-pile requirements determined in accordance with section 2 of this Act. The total material transferred to the stock piles established by this Act in accordance with this section during any fiscal year beginning more than twelve months after this Act becomes law shall not exceed in value (as determined by the Secretary of the Treasury on the basis of the fair market value at the time of each transfer) an amount to be fixed by the appropriation act or acts relating to the acquisition of materials under this Act.

"'(b) Any transfer made pursuant to this section shall be made without charge against or reimbursement from the funds available under this Act, except that expenses incident to such transfer may be paid or reimbursed from such funds, and except that, upon any such transfer from the Reconstruction Finance Corporation, or any corporation organized by virtue of the authority contained in the Act of January 22, 1932 (47 Stat. 5), the Secretary of the Treasury shall cancel notes of Reconstruction Finance Corporation, and sums due and unpaid upon or in connection with such notes at the time of such cancellation, in an amount equal to the fair market value as determined by the Secretary of the Treasury of the material so transferred.

"'(c) Effective whenever the Secretary of the Treasury shall cancel any notes pursuant to subsection (b) of this section, the amount of notes, debentures, bonds, or other such obligations which the Reconstruction Finance Corporation is authorized and empowered to have outstanding at any one time under the provisions of existing law shall be deemed to be reduced by the amount of the notes so canceled.

"'(d) Subsection (b) of section 14 of the Act of October 3, 1944 (58 Stat. 765), is hereby amended to read as follows:

"'"(b) Subject only to subsection (c) of this section, any owning agency may dispose of—

"'"(1) any property which is damaged or worn beyond economical repair;

"'"(2) any waste, salvage, scrap, or other similar items;

"'"(3) any product of industrial, research, agricultural, or livestock operations, or of any public works construction or maintenance project, carried on by such agency;

which does not consist of materials which are to be transferred in accordance with the Strategic and Critical Materials Stock Piling Act, to the stock piles established pursuant to that Act."

"'(e) Section 22 of the Act of October 3, 1944 (58 Stat. 765), is hereby repealed.

"'*Provided*, That any owning agency as defined in that Act having control of materials that, when determined to be surplus, are required to be transferred to the stock piles pursuant to subsection (a) hereof, shall make such determination as soon as such materials in fact become surplus to its needs and responsibilities.

"'SEC. 7. (a) The Secretary of the Interior, through the Director of the Bureau of Mines and the Director of Geological Survey, is hereby authorized and directed to make scientific, technologic, and economic investigations concerning the extent and mode of occurrence, the development, mining, preparation, treatment, and utilization of ores and other mineral substances found in the United States or its Territories or insular possessions, which are essential to the common defense or the industrial needs of the United States, and the quantities or grades of which are inadequate from known domestic sources, in order to determine and develop domestic sources of supply, to devise new methods for the treatment and utilization of lower grade reserves, and to develop substitutes for such essential ores and mineral products; on public lands and on privately owned lands, with the consent of the owner, to explore and demonstrate the extent and quality of deposits of such minerals, including core drilling, trenching, test-pitting, shaft sinking, drifting, cross-cutting, sampling, and metallurgical investigations and tests as may be necessary to determine the extent and quality of such deposits, the most suitable methods of mining and beneficiating them, and the cost at which the minerals or metals may be produced.

"'(b) The Secretary of Agriculture is hereby authorized and directed to make scientific, technologic, and economic investigations of the feasibility of developing domestic sources of supplies of any agricultural material or for using agricultural commodities for the manfacture of any material determined pursuant to section 2 of this Act to be strategic and critical or substitutes therefor.

"'SEC. 8. For the procurement, transportation, maintenance, rotation, storage, and refining or processing of the materials to be acquired under this Act, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as the Congress, from time to time, may deem necessary to carry out the provisions of this Act. The funds so appropriated, including the funds heretofore appropriated, shall remain available to carry out the purposes for which appropriated until expended, and shall be expended under the joint direction of the Secretary of War and the Secretary of the Navy.

"'SEC. 9. Any funds heretofore or hereafter received on account of sales or other dispositions of materials under the provisions of this Act, except funds received on account of the rotation of stocks, shall be covered into the Treasury as miscellaneous receipts.

"'SEC. 10. Strategic materials purchased from foreign sources for stock piling pursuant to the provisions of this Act shall be admitted into the United States free of any tariff duty, import tax, or other impost applicable to importations. If any such imported strategic material is disposed of pursuant to section 3 of this Act, and if such disposition is made at a price based on the cost to the Government of such strategic material rather than the market price current at the time of sale, there shall be added to such price the amount of any tariff, duty, import, tax, or other impost which would be due were such strategic material imported at the time the sale is made.

"'SEC. 11. This Act may be cited as the "Strategic and Critical Materials Stock Piling Act".'"

And the House agree to the same.

ANDREW J. MAY,
R. EWING THOMASON,
OVERTON BROOKS,
WALTER G. ANDREWS,
DEWEY SHORT,
Managers on the Part of the House.

ELBERT D. THOMAS,
EDWIN C. JOHNSON,
LISTER HILL,
JOSEPH C. O'MAHONEY,
WARREN R. AUSTIN,
STYLES BRIDGES,
CHAN GURNEY,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 752) to amend the Act of June 7, 1939 (53 Stat. 811), as amended, relating to the acquisition of stocks of strategic and critical materials for national defense purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment strikes out all of the Senate bill after the enacting clause. The committee of conference recommends that the Senate recede from its disagreement to the amendment of the House, with an amendment which is a substitute for both the Senate bill and the House amendment, and that the House agree to the same.

Except for the differences noted in the following statement, the conference substitute is the same as the House amendment.

The House amendment authorized the Secretaries of State, Treasury, and Commerce to designate representatives to cooperate with the Secretaries of War, Navy, and Interior in carrying out the provisions of the act. The conference agreement adds the Secretary of Agriculture to those authorized to designate such representatives.

The Senate bill provided that purchases of strategic and critical materials for the purposes of the act be made with due regard to the objectives set forth in section 1, and further provided that such purchases might be made without regard to section 3709 of the Revised Statutes relating to competitive bidding. These provisions were omitted from the House amendment, but are restored under the language of the conference agreement.

The House amendment authorized the appropriation of $360,000,000 for the fiscal year ending June 30, 1947, and the same amount for each of the following four fiscal years. The conference agreement authorizes the appropriation of such sums as the Congress

may deem necessary to carry out the provisions of this act.

Section 9 of the Senate bill required that funds received on account of sales of materials be covered into the Treasury as miscellaneous receipts. The House amendment provided that such funds should remain available for expenditure under the stockpile program. The conference agreement adopts the Senate provision.

The House amendment deleted section 10 of the Senate bill which provided duty-free importation of materials purchased from foreign sources for stock-piling. The conference agreement restores this provision.

ANDREW J. MAY,
R. EWING THOMASON,
OVERTON BROOKS,
WALTER G. ANDREWS,
DEWEY SHORT,
Managers on the Part of the House.

SPECIAL ORDER GRANTED

Mr. MANSFIELD of Montana. Mr. Speaker, I ask unanimous consent to address the House for 30 minutes today following the legislative business of the day and any special orders heretofore entered.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

PRESIDENT TRUMAN AND THE CASE BILL

Mr. GALLAGHER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. GALLAGHER. Mr. Speaker, when President Truman asked for emergency legislation the other day he gave us a promise. At least, he implied that he would veto the Case bill.

Mr. Speaker, President Truman is not going to retreat. He told us he would not use his powers against labor.

ECONOMY IN GOVERNMENT

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania.

There was no objection.

Mr. RICH. Mr. Speaker, I was much interested last week when we had up for consideration the rivers and harbors bill, for the reason that I have heard many Members of the House during the last few months say that they were for economy in the operation of our Government. It was interesting to me to observe whether they were going to practice what they preach or not. We have the record on that.

Mr. Speaker, we are going to have a request for the British loan up here next week, perhaps. We are going to be asked to spend money that will not be for the benefit of this country. I wonder whether the Constitution of the United States grants power to levy taxes on our constituents for the benefit of a foreign government. If you want to spend money for the benefit of Americans, that may be all right. It is something to consider.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

EXTENSION OF REMARKS

Mr. LINK asked and was given permission to extend his remarks in the RECORD and include an article by Mr. M. S. Szymczak, member of the Board of Governors, Federal Reserve System.

Mr. SMITH of Wisconsin asked and was given permission to extend his remarks in the RECORD in three instances and include certain excerpts.

Mr. ROBERTSON of North Dakota asked and was given permission to extend his remarks in the RECORD in two instances, in one to include an editorial from the New York Times and in the other to include a statement from the Governor of North Dakota.

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include certain testimony offered before the Banking and Currency Committee. I am informed by the Public Printer that this will exceed two pages of the RECORD and will cost $160, but I ask that it be printed notwithstanding that fact.

The SPEAKER. Without objection, notwithstanding the cost, the extension may be made.

There was no objection.

Mr. REED of New York asked and was given permission to extend his remarks in the RECORD in two instances, in one to include a speech by Dr. Capen, of Buffalo University, and in the other to include quotations.

SPECIAL ORDER GRANTED

Mr. COFFEE. Mr. Speaker, I ask unanimous consent that on tomorrow after disposition of matters on the Speaker's desk and at the conclusion of any special orders heretofore entered, I may be permitted to address the House for 1 hour.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. DONDERO. Mr. Speaker, I ask unanimous consent that on today after disposition of matters on the Speaker's desk and at the conclusion of any other special orders, I may address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. JONKMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

[Mr. JONKMAN addressed the House. His remarks appear in the appendix.]

GENERAL MIHAILOVICH

Mrs. BOLTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mrs. BOLTON. Mr. Speaker, today General Mihailovich, to whose loyalty some 500 American fliers owe their lives, goes on trial for his life before a so-called "court" completely stacked against him. Were this not so the request from our Government that these fliers testify in his behalf would not have been refused and ignored. Such a refusal permits of but one conclusion: The Belgrade court intends to permit no defense witnesses, because the case against the general would not stand in the face of such testimony.

I have here the précis of the testimony of these American airmen. This is an historic document, Mr. Speaker. I ask unanimous consent that it be inserted in the Appendix of the RECORD.

As a nation, we can in all honor do no less than to insist, as these airmen do, that this brave man be given an honest trial in an international court. We have insisted upon fair trial for German and Japanese war criminals; shall we not insist upon equal fairness for this man who is responsible for giving life to literally hundreds of our own men? Shall we not insist upon trial in a United Nation's court, for the charges against him include crimes against the United Nations?

It is my urgent hope that the President, through the State Department, will not let the matter rest until such an agreement is reached. Less than this, in all honor, we cannot do.

PERMISSION TO ADDRESS THE HOUSE

Mr. McDONOUGH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks and include a resolution adopted by the Los Angeles County Board of Supervisors.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

[Mr. McDONOUGH addressed the House. His remarks appear in the Appendix.]

OPA MEAT ALIBI

Mr. BUFFETT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BUFFETT. Mr. Speaker, the OPA has announced its weekly alibi for the disappearance of meat from the stores. They are claiming that the meat is being held back in anticipation of meat price control being lifted. I have the answer to that claim this morning from Omaha, the second largest livestock market in the world.

A large commission man writes me:

Each month there are more cattle going through the black market. Last week I was out to see one of my customers who had 52 head of 800-pound heifers on feed. I told him they would sell anywhere from $16.25 to $16.50. The second day after I was there a butcher from one of the nearby towns offered him $16.50 for these heifers and a bonus of $15 a head.

Last week I was out to see another one of my customers who had 125 head of very

choice cattle on feed that would sell on the market around $17.25. This customer told me that he was bid $20 per hundredweight on these cattle by a little butcher who wanted them five at a time.

If OPA continues to regulate the meat business for another year, I would venture to say that 50 to 75 percent of the cattle on feed will be bought up by black marketeers and there will be a very small percent of these cattle that will come to legitimate markets and go through legitimate channels.

To enforce its impossible meat regulations the OPA would have to have a gestapo large enough to police every back room and barnyard in America. A second gestapo would be required to police the corruption of the first army and so on, ad infinitum and ad nauseam.

EXTENSION OF REMARKS

Mr. WOODRUFF asked and was given permission to extend his remarks in the RECORD and include three articles by Mark Foote on Communism.

Mrs. ROGERS of Massachusetts. Mr. Speaker, the time for extending my remarks and including an address delivered by Secretary of the Navy Forrestal, at the three hundredth anniversary of Andover, has expired. I ask unanimous consent to extend my remarks in the RECORD and include that address.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mr. VURSELL and Mr. RIZLEY asked and were given permission to extend their remarks in the RECORD.

Mr. WEICHEL (at the request of Mr. MICHENER) was given permission to extend his remarks in the RECORD and include a communication.

Mr. PLUMLEY (at the request of Mr. MICHENER) was given permission to extend his remarks in the RECORD.

Mr. DE LACY asked and was given permission to extend his remarks in the RECORD and include a letter from Mr. Baker.

Mr. McCORMACK asked and was given permission to extend his remarks in the RECORD and include a speech recently delivered by Judge Daniel J. Gillen on I Am an American Day, and further to extend his remarks and include a speech recently delivered by Gen. Carl Spaatz on the subject of this American idea.

OFFICE OF PRICE ADMINISTRATION

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, though neither a prophet nor the son of a prophet, when last I looked in the crystal ball there appeared a picture of the OPA showing it to have been killed, or perhaps more accurately, the so-called crippling amendments had been adopted and prices were going up as we all know they will for a time go up. Prices have been going up notwithstanding OPA, which has itself, because it decreased production, been forced to increase prices in order to enable the people of the Nation to purchase anything—black market or otherwise.

No doubt prices, because of a scarcity created by OPA's orders and regulations, will continue to go up and OPA's Chester Bowles and his satellites may be able to say, "I told you so."

The administration will continue to ship abroad food, clothing, and building materials, thus inflation will increase, the cost of living will rise, the people will be without the necessities of life and the apparent need for a dictator be brought ever nearer.

Rule or ruin seems to be the motto of this administration. Apparently if it cannot bring chaos one way, it will another. Shipping everything out of the country is just as effective a way of creating an emergency as limiting production creating a scarcity. Without an emergency to frighten the people the New Deal is lost.

PRESIDENT TRUMAN AND THE CASE BILL

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Speaker, in reply to the gentleman from Minnesota [Mr. GALLAGHER] I desire to say that President Truman in his recent address to the joint session of the two Houses left no impression on me that he intended to veto the Case bill, if we passed the emergency legislation he asked for. Besides that legislation never got through the Senate.

If the President carries out the policies the announcement of which raised him to great heights of popularity when he came before the House and asked for emergency legislation to stop this racketeering at the hands of a little group of alleged labor leaders; if he follows out the policy he announced then, he will sign the Case bill and put a stop to such Communists as Joe Curran and Harry Bridge's and these other racketeers' harassing the American people with their treasonable activities.

The SPEAKER. The time of the gentleman from Mississippi has expired.

OFFICE OF PRICE ADMINISTRATION

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GROSS. Mr. Speaker, Saturday morning I was in the Reading Terminal Market in Philadelphia. I saw thousands and thousands of women, and men too, in line at the stands trying to buy meat, but there was no meat. It was the same way with bread. The only bread I saw on the market was unwrapped bread or hard bread, pumpernickel bread. The same thing applies to the stands where butter should have been sold. Is this the America we used to know? The shortage has been caused by the black market produced by the OPA. Food supplies would be greatly increased if the administration would give the farmers a green light and encourage them by supplying equipment, labor, and fair prices at the farm.

Then I saw in the headlines of one of the larger papers that some of the bureaucrats on the inside of the OPA say that if the OPA is weakened the consumer will pay $8,000,000,000 more for his food. If the prices go up, the blood will be on the head of the OPA, those unscrupulous rascals who are trying to force the price up to make the country want the OPA back. There are forces in the administration that will take us into inflation or depression in order to justify their continued existence. Is this America?

Mr. DE LACY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. DE LACY. Mr. Speaker, I cannot help saying a few friendy words to the gentleman from Pennsylvania. It comes as a little bit of a surprise to find him saying that he anticipates that prices will rise, and that it will be the fault of the OPA. I had the idea that sharp price rises had something to do with our passing some crippling amendments in this House, and the imminence of their being concurred in by the other body. Stripping the OPA of its powers will have that disastrous effect. I hope the record will impress the gentleman in the same way as it has me and that he and his colleagues on that side will modify their former positions.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER. This is District of Columbia Day. The Chair recognizes the gentleman from South Carolina [Mr. MCMILLAN], chairman of the Committee on the District of Columbia.

METROPOLITAN POLICE FORCE, UNITED STATES PARK POLICE, AND THE FIRE DEPARTMENT OF THE DISTRICT OF COLUMBIA

Mr. McMILLAN of South Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 5060) to amend section 1 of the act entitled "An act to fix the salaries of officers and members of the Metropolitan Police force, the United States Park Police force, and the Fire Department of the District of Columbia, approved May 27, 1924," with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Page 2, strike out lines 20 and 21, and insert:

"SEC. 2. This act shall be effective as to officers and members of the Metropolitan Police force of the District of Columbia as of the effective date of said act of May 27, 1924, and shall be effective as to officers and members of the United States Park Police force upon its enactment."

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

CHARITABLE, EDUCATIONAL, AND RELIGIOUS ASSOCIATIONS IN THE DISTRICT OF COLUMBIA

Mr. McMILLAN of South Carolina. Mr. Speaker, I call up the bill (H. R. 5970) to permit the members and stockholders of charitable, educational, and religious associations incorporated in the District of Columbia to vote by proxy or by mail, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 3 of chapter 6 of title 29 of the Code of Laws of the District of Columbia (act of March 3, 1901, ch. 854, sec. 601, 31 Stat. 1284, as amended by the act of June 10, 1930, ch. 439, 56 Stat. 538) is hereby amended to read as follows:

"SEC. 29–603. Trustees—quorum: Such incorporated society may elect its trustees, directors, or managers at such time and place and in such manner as may be specified in its bylaws, who shall have the control and management of the affairs and funds of the society, and a majority of whom shall be a quorum for the transaction of business, and whenever any vacancy shall happen in such board of trustees, directors, or managers the vacancies shall be filled in such manner as shall be provided by the bylaws of the society: *Provided*, That any society formed only for religious or missionary purposes may provide in its bylaws for a less number than a majority of its trustees to constitute a quorum. The bylaws of a society incorporated under the provisions of this chapter may provide that stockholders, if the same be a stock corporation, or members or delegates, if the same be not a stock corporation, may vote by proxy or by mail. The bylaws may restrict such method of voting to the election of trustees, directors, or managers, or to other matters specified in the bylaws, and may prescribe the form or forms of proxy or of mail ballot to be used and the procedure to be followed in the casting and recording of such votes."

Mr. McMILLAN of South Carolina. Mr. Speaker, H. R. 5970 was introduced by a colleague, the gentleman from New York [Mr. KEOGH].

The purpose of this bill is to permit charitable, educational, and religious associations incorporated in the District of Columbia the right to state in their bylaws that members or stockholders of such organizations shall have the right to vote by proxy or by mail.

Under a recent act of Congress, such organizations do not at the present time have this right here in the District of Columbia.

The House District Committee feels that it was an oversight on the part of the authors of the original act as a clause of this nature was not included at the time the act became a law.

Mr. Speaker, I offer several committee amendments.

The Clerk read as follows:

Committee amendments offered by Mr. MCMILLAN of South Carolina:

Page 1, line 3–6, strike out the following: "section 3 of chapter 6 of title 29 of the Code of Laws of the District of Columbia (act of Mar. 3, 1901, ch. 854, sec. 601, 31 Stat. 1284, as amended by the act of June 10, 1930, ch. 439, 56 Stat. 538)" and insert in lieu thereof the following: "section 601 of the act entitled 'An act to establish a code of laws in the District of Columbia', approved March 3, 1901, as amended (D. C. Code 1940 ed., title 29, sec. 603)."

Page 1, line 8, strike out the words "SEC. 29–603. Trustees—quorum" and insert in lieu thereof the following: "SEC. 601. Trustees."

Page 2, line 4, insert after the word "business," the following: "unless a less number be specified as a quorum in the bylaws."

Page 2, line 8–10, change the semicolon after the word "society" to a period and strike out the following: "*Provided*, That any society formed only for religious or missionary purposes may provide in its bylaws for a less number than a majority of its trustees to constitute a quorum."

Page 2, line 12, strike out the word "chapter" and insert in lieu thereof the word "subchapter."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COMMUNICABLE AND PREVENTABLE DISEASES

Mr. McMILLAN of South Carolina. Mr. Speaker, I call up the bill (H. R. 4410) to amend the act entitled "An act to authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases," approved August 11, 1939, and ask unanimous consent that the bill be considered in the House as a Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That section 1 of the act entitled "An act to authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases," approved August 11, 1939 (53 Stat. 1408), be, and the same is hereby, amended by striking the period at the end of said section and inserting in lieu thereof a comma and the following: "including the authority and power to provide for the isolation, quarantine, and restriction of the movements of persons affected by or believed, upon probable cause, to be affected by communicable disease and of persons who are or are believed, upon probable cause, to be carriers of communicable disease."

SEC. 2. That section 2 of the said act approved August 11, 1939, be stricken out and in lieu thereof and by way of addition the following sections be inserted:

"SEC. 2. The words 'communicable disease' when hereinafter used shall mean such communicable diseases as the Commissioners by regulation shall denominate as such.

"SEC. 3. Whenever the health officer has probable cause to believe that any person is affected with any communicable disease or is a carrier of communicable disease and that the continuance of such person in the place where he may be is likely to be dangerous to the lives or health of other persons, or that by reason of the noncooperation or carelessness of such person the public health is likely to be endangered, the health officer may by written order direct the removal by any designated officer or employee of the Health Department or by any member of the Metropolitan Police force of such person to and the detention of such person in any place or institution in the District of Columbia designated by the Health Officer, or any institution located without the District of Columbia which may be designated by the Health Officer and which is under the supervision of the government of the District of Columbia or any agency thereof. Such officer, employee, or member so designated in such order shall take such person into his custody and shall remove such person to such place or institution as may be designated in such order. Such officer, employee, or member shall immediately make known to such person the contents of such order, and also shall deliver to such person a true copy of such order.

"SEC. 4. A copy of the order provided for in section 3 hereof shall be delivered to the person in charge of such place or institution to which the person taken into custody may be removed and shall constitute the authority for the detention of such person in such place or institution until such order expires or until such person is discharged in the manner set forth in this section or section 5 of this act. Such order shall expire 48 hours (exclusive of Sundays and holidays) after such officer, employee, or member shall take into his custody such person as provided in section 3, unless it shall be continued in force and effect by a judge of the Municipal Court of the District of Columbia, or unless such detained person shall stipulate in writing that the order be continued in force and effect. Such order shall be continued in force and effect if it shall appear to said judge by affidavit that the probable cause, required by section 3, exists. If the judge continue in force and effect the order of the Health Officer, the judge at that time shall set a date for a hearing upon the question of whether the person detained is at the time of such hearing affected with any communicable disease or is a carrier of communicable disease and, if so affected, upon the further question whether his release would be likely to endanger the lives or health of any other person. If such person be not sooner discharged such hearing shall be had within 10 days of the date of the order of the court continuing in force and effect the order of the health officer unless such hearing be continued by the court, or unless the detained person shall, in writing, waive such hearing, which waiver shall be filed with the court. Such hearing shall be in or out of the presence of the detained person, in the discretion of the court. If, after such hearing, the court shall find that the detained person is not affected with any communicable disease and is not a carrier of communicable disease, or that the discharge of such person, even though affected with, or a carrier of, a communicable disease is not likely to endanger the lives or health of any other person the court shall order such detained person to be discharged, otherwise the court shall continue in force and effect the order of the health officer until such person be discharged in the manner set forth in section 5 of this act. If a minor is detained pursuant to this section or section 7 hereof, or is found guilty and sentence is suspended as provided in section 10 hereof, and such minor is in need of treatment for the communicable disease with which he is affected or of which he is a carrier, the court is empowered to authorize the health officer to administer such treatment or cause the same to be administered.

"SEC. 5. It shall be the duty of the Health Officer to make or cause to be made by a physician such examination or examinations

of such person as may be necessary to determine the existence or nonexistence of such communicable disease in such person or whether such person is a carrier of communicable disease. The diagnosis resulting from such examination or examinations shall be reduced to writing and signed by such examining physician within 10 days after the removal of such person to such place or institution and a copy thereof shall be filed in the office of the person in charge of such place or institution and a copy in the office of the Health Officer. If such diagnosis does not disclose that such person is affected with such communicable disease or that such person is a carrier of communicable disease, such person shall be discharged from such place or institution forthwith. If the diagnosis does disclose that such person is affected with such communicable disease or that such person is a carrier of communicable disease, the person in charge of the place or institution to which the infected person has been removed shall, subject to the provisions of section 4, detain such person for such reasonable time as may be fixed by regulation under the authority of this act as is deemed necessary in the interest of public health and safety for the isolation, quarantine, and restriction of movement of persons affected by the particular communicable disease or of persons found to be carriers of the particular communicable disease, unless sooner discharged by the Health Officer or the municipal court. A person so detained, however, may apply at any time to the person in charge of such place or institution for his discharge, and the person in charge of such place or institution shall deliver the application for discharge to the Health Officer, who shall give to such person an opportunity to be heard before the Health Officer. If after hearing held by the Health Officer, the Health Officer be of the opinion that such person is not affected with such communicable disease and that such person is not a carrier of communicable disease, then such person shall be discharged. If denied his discharge such detained person may apply to the Municipal Court for the District of Columbia for such discharge and the hearing on such application shall be in or out of the presence of the detained person, in the discretion of the court. Only such persons as have a direct interest in the case and their representatives shall be admitted to any hearing held pursuant to this section or section 6 of this act: *Provided*, That if the detained person shall request a public hearing then the general public shall be admitted thereto.

"SEC. 6. It shall be unlawful for a person detained in a place or institution pursuant to an order of the Health Officer to leave said place or institution unless discharged in the manner provided in section 4 or 5 of this act.

"SEC. 7. (a) In aid of the powers vested in the Health Officer to cause the removal to and detention in a place or institution of a person who is affected or is believed, upon probable cause, to be affected with any communicable disease or is or is believed, upon probable cause, to be a carrier of communicable disease as provided in this act, the Municipal Court for the District of Columbia, or any judge thereof, is authorized to issue a warrant for the arrest of such person and his removal to a place or institution as defined in section 3 of this act, which warrant shall be directed to the Major and Superintendent of Police. When such person has been removed to such place or institution under authority of a warrant issued pursuant to this section, such person shall not be discharged from such place or institution except in the manner provided in section 5.

"(b) No such warrant of arrest and removal shall be issued except upon probable cause supported by affidavit or affidavits particularly describing the person to be taken, which said affidavit or affidavits shall set forth the facts tending to establish the grounds of the application or probable cause for believing that they exist.

"(c) A warrant may in all cases be served by the Major and Superintendent of Police or by any officer or member of the Metropolitan Police, but no other person, except in aid of the officer on his requiring it, he being present and acting in its execution.

"(d) The officer may break open any outer or inner door or window of a house, or any part of a house, or anything therein, to execute the warrant, if, after notice of his authority and purpose, he is refused admittance.

"(e) A warrant must be returned to the court within 10 days after its date; after the expiration of this time the warrant, unless executed, is void.

"(f) It shall be the duty of the said court to maintain and keep records of all warrants issued and the returns thereon.

"SEC. 8. The Health Officer may, without fee or hindrance, enter, examine, and inspect all vessels, premises, grounds, structures, buildings, and every part thereof in the District of Columbia for the purpose of carrying out the provisions of this act and the regulations issued hereunder. The owner or his agent or representative and the lessee or occupant of any such vessel, premises, grounds, structure, or building, or part thereof, and every person having the care and management thereof shall at all times when required by any such officer or employee give them free access thereto and refusal so to do shall be punishable as a violation of this act.

"SEC. 9. It shall be unlawful for any person knowingly to obstruct, resist, oppose, or interfere with any person performing any duty or function under the authority of this act or any regulation promulgated thereunder.

"SEC. 10. Any person who violates any of the provisions of section 6, 8, or 9 of this act shall be punished by a fine of not more than $300 or by imprisonment for not longer than 90 days, or both such fine and imprisonment, in the discretion of the court. The Commissioners of the District of Columbia shall have power to prescribe penalties of fine not to exceed $300 or imprisonment not to exceed 90 days, or both, in the discretion of the court for the violation of any regulation promulgated under this act. All prosecutions for violations of this act or the regulations promulgated thereunder shall be in the Criminal Division of the Municipal Court for the District of Columbia, in the name of the District of Columbia upon information filed by the corporation counsel of the District of Columbia or any of his assistants. The court may impose conditions upon any person found guilty under the aforesaid provisions and so long as such person shall comply therewith to the satisfaction of the court the imposition or execution of sentence may be suspended for such period as the court may direct; and the court may at or before the expiration of such period vacate such sentence or cause it to be executed. Conditions thus imposed by the court may include submission to medical and mental examination, diagnosis, and treatment by proper public health and welfare authorities or by any licensed physician approved by the court, and such other terms and conditions as the court may deem best for the protection of the community and the punishment, control, and rehabilitation of the defendant. The Health Officer of the District of Columbia, the Metropolitan Police force, and employees of the Board of Public Welfare are authorized and directed to perform such duties as may be directed by the court in effectuating compliance with the conditions so imposed upon any defendant.

"SEC. 11. Wherever the term 'Health Officer' is used in this act it shall mean the Health Officer of the District of Columbia and his duly authorized agents.

"SEC. 12. Each and every provision of this act shall be construed liberally in aid of the powers vested in the public authorities looking to the protection of the public health, comfort, and welfare and not by way of limitation."

SEC. 3. That section 3 of the said act approved August 11, 1939, be renumbered as section 13.

With the following committee amendment:

Page 5, line 7, after the word "administered" insert "No person under 18 years of age detained under sections 3, 4, 5, or 7, shall be detained in a room in which a person over that age is so detained."

Mr. McMILLAN of South Carolina. Mr. Speaker, I introduced H. R. 4410 last year at the request of the District Commissioners and the District Health Officer.

I was advised by the Commissioners and the health officer that the number of cases of communicable diseases had increased here in the District to a great extent since VE-day and they did not have sufficient authority under present law to control the existing situation.

The House District Committee held exhaustive hearings on this bill and added several amendments which would protect the rights of the private citizens and give them all the protection granted under our constitution.

I cannot see why there should be any objections to the passage of this bill as it only gives the Commissioners and the health officer authority to properly protect the health of the private citizens here in Washington. It does not apply to any person who is willing to cooperate and take advantage of the free treatment for all communicable diseases.

We reduced the time for confinement under the original bill from 72 to 48 hours as we felt that this gives ample time for the health officers to grant relief under the rapid treatment program.

I would like to state that this treatment will be given free of charge to all persons. In my opinion, any person infected with a communicable disease should submit, without any objection whatsoever, to such free treatment since it is for their benefit and for the good of the general public.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

METROPOLITAN POLICE, DISTRICT OF COLUMBIA

Mr. McMILLAN of South Carolina. Mr. Speaker, I call up the bill (H. R. 6516) to increase the salaries of the Metropolitan Police, the United States Park Police, the White House Police, and the members of the Fire Department of the District of Columbia, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina [Mr. McMILLAN].

Mr. BLAND. Mr. Speaker, reserving the right to object, I would like to ask a

question with reference to this bill, about the retirement feature.

Mr. McMILLAN of South Carolina. I expect to offer an amendment regarding the retirement.

Mr. BLAND. To take some out of it; to exclude them or to put them in?

Mr. McMILLAN of South Carolina. To exclude them all except the ones physically unable to work. I will withdraw the amendment if there is any objection.

Mr. BLAND. Yes, I will object to that.

Mr. McMILLAN of South Carolina. I will not offer the amendment then.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 1 of the act entitled "An act to provide for an adjustment of salaries of the Metropolitan Police, the United States Park Police, the White House Police, and the members of the Fire Department of the District of Columbia, to conform with the increased cost of living in the District of Columbia," approved July 14, 1945 (Public Law 151, 79th Cong.), is amended by inserting before the period at the end thereof a comma and the following: "plus 14 percent of such annual basic salary as increased by the foregoing percentages."

SEC. 2. Nothwithstanding the amendment to such act of July 14, 1945, made by the first section of this act, no officer or member of the Metropolitan Police, the United States Park Police, the White House Police, or the Fire Department of the District of Columbia shall, by reason of the enactment of this act, be paid with respect to any pay period basic salary, or basic salary plus additional compensation, at a rate in excess of $10,000 per annum.

SEC. 3. This act shall take effect on July 1, 1946.

Mr. McMILLAN of South Carolina. Mr. Speaker, I introduced H. R. 6516 for the purpose of assisting the police and firemen of the District of Columbia to take care of the increase in the cost of living here in Washington.

The members of the District Committee feel that the police and firemen in Washington are called on to do extraordinary service that is not required of police and firemen of any other State. They are required to protect the lives of thousands of people who come to Washington on Government business and also for the purpose of sightseeing, in addition to their duty of protecting the property and lives of the citizens of Washington.

I feel that we should pay the police and firemen here in Washington a decent-living salary so that they would not be tempted to accept a bribe in order to properly feed and clothe their families.

I believe that Washintgon has one of the finest Police and Fire Departments in the United States, and we should see that their living conditions at home are protected so that they could give their entire thought to enforcing the laws of the District of Columbia and to protect the lives of our citizens.

The House District Committee, on the request of the Commissioners, have directed me to offer an amendment which would limit increases only to retired officers considered physically unable to work. I personally believe that all retired officers should be entitled to this increase. However, since the District Commissioners and the Budget Officer feel that the finances of the community are inadequate to take care of all the retired officers, I am offering the amendment.

I honestly believe it will cost as much or more to enforce the provision of the proposed amendment as the small increase to all retired officers would cost.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. McMILLAN of South Carolina. Mr. Speaker, that finishes the business from the Committee on the District of Columbia for today.

RAILROAD RETIREMENT ACTS

Mr. COX. Mr. Speaker, in the absence of the gentleman from Illinois [Mr. SABATH], by direction of the Committee on Rules I call up House Resolution 635 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 1362) to amend the Railroad Retirement Acts, the Railroad Unemployment Insurance Act, and subchapter B of chapter 9 of the Internal Revenue Code, and for other purposes, and all points of order against any provisions of the bill and committee amendment thereto are hereby waived. That after general debate, which shall be confined to the bill and continue not to exceed 5 hours to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question as shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. COX. Mr. Speaker, I yield 30 minutes to the gentleman from Indiana [Mr. HALLECK].

At this time I yield myself 3 minutes.

Mr. Speaker, this resolution was reported by the gentleman from Illinois [Mr. SABATH], chairman of the Committee on Rules, but he is unavoidably absent for the moment. Hence I call up the resolution for present consideration.

The resolution simply makes in order consideration of the bill amending the Railroad Retirement Act which the Committee on Interstate and Foreign Commerce has spent many months in putting together. The one question that arose in the Rules Committe in respect to procedure was as to the division of time. There were those on the Committee on Interstate and Foreign Commerce who were not satisfied with the provisions of the bill reported and who wished full and free opportunity to discuss it and to offer amendments. By agreement on the part of all present that question was satisfactorily settled. I have no desire to discuss the bill and no requests for time.

Does the gentleman from Indiana wish to use his time?

Mr. COLE of New York. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count.

Mr. COLE of New York. Mr. Speaker, I withdraw the point of order.

The SPEAKER. The gentleman from Indiana [Mr. HALLECK] is recognized for 30 minutes.

Mr. HALLECK. Mr. Speaker, I do not like to burden the Speaker or the membership with any undue discussion of this matter, but in view of some of the things that have been said about the Committee on Interstate and Foreign Commerce, its attention to this matter, and particularly having regard for the tremendous importance of the proposal before us, I want to say a few words about it. I trust that those who are not present and do not hear what I have to say may examine the RECORD and read what I have to say about it in order that they may be appraised of the situation as I see it.

Mr. Speaker, this proposal seeks to bring about amendment of what is known as the Railroad Retirement and Unemployment Insurance Acts. At this time it might be well for us to go back a little into the history of these measures in order that we may better understand the proposals now before us. The older Members will recall that the Congress originally undertook to enact this legislation, and did enact it. Subsequently thereto the legislation was declared unconstitutional by the Supreme Court. Another effort was made to enact the legislation. It was again enacted and again declared unconstitutional. Thereafter the management and the men in the railroad industry got together in what I believe was primarily a matter of collective bargaining and agreed upon the terms of a railroad retirement act. As a part of that agreement it was understood that there would be no challenge of the constitutionality of the act in the courts by any of the railroad managements party to that agreement. There have been no challenges of the constitutionality of the act and it has been on the books and has functioned.

In the last Congress a very lengthy, complicated, involved bill was offered to bring about amendment to these acts. That bill was offered late in the spring of 1944. Some reference has been made to the action of the Interstate and Foreign Commerce Committee on that bill. The fact is that that bill was not reported in spite of some pressure that was exerted at the time, and no action was taken in the last Congress.

At the opening of this Congress another bill was introduced, the bill now before us, H. R. 1362, and I think it is fair to point out that probably some evidence of the lack of satisfaction with the previous bill can be found in the fact that the bill introduced this year differs very substantially from the bill that we had in the last Congress. After that bill was introduced it became apparent that there had been no action looking to agreement between management and men as to the terms of the proposal for what was sought to be done and

I think it is fair also to say, as the RECORD will disclose, that no effort was made to bring about a meeting of minds as between management and men following the pattern that had been used when the legislation was first drafted to bring about such an agreement. Of course, in the original enactment of the legislation the Congress was in the position of simply placing its stamp of legislative approval upon the agreement that had been arrived at. That was a fortunate situation.

The Congress is not in that fortunate situation today. There are many responsibilities that flow from that lack of agreement. Certainly one of the first would be in setting up of a program or enlarging the program or changing the program to pay additional benefits, the sole responsibility is upon the Congress of the United States to establish a rate that will pay for those benefits, because this fund is not financed out of the public Treasury. It is financed out of the payments made by the employers and employees and is designed to operate as a sound basis actuarially.

There was another difficulty that confronted the committee. Those in charge of the agency administering this operation would normally be expected to maintain themselves in that impartial attitude under which a committee of Congress and the Congress itself could seek of them advice as to this proposition or that proposition, and particularly advice as to the amount of taxes that might be necessary if the additional benefits were to be provided in a fund actuarially sound.

The committee found when we got into this matter and began our hearings that Mr. Latimer, of the Retirement Board, was an extreme partisan in behalf of the bill as originally introduced. He came before the committee, and I think it is fair to say was more vigorous in his support of it than anyone else who appeared before that body. So the committee necessarily found and felt and believed and knew that instead of the agency being in an impartial position to advise us as to what the costs might be and what the effect of this extension or that extension might be, it was deprived of that unbiased advice. That is the reason that after a subcommittee was appointed to begin the actual detailed consideration of the measure, the subcommittee in its wisdom found it necessary to direct the chairman of our committee, the gentleman from California [Mr. LEA], to employ an actuary to make an independent, unbiased study of this whole program and these various proposals to the end that our committee might be apprised as to the cost of the various suggestions and make such levies as might be necessary to meet such extensions as we might see fit to write into the bill.

Mr. NEELY. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield to the gentleman from West Virginia.

Mr. NEELY. Mr. Myers is the actuary who was employed by the committee.

Mr. HALLECK. That is right.

Mr. NEELY. Did he ever testify before the committee and, if so, was his evidence printed?

Mr. HALLECK. No; he did not testify before the committee, but his findings were written up. They were given to every member of the committee, and I am quite sure that everyone and anyone who wanted to find out what his recommendations and his findings were, had access to that report.

Mr. NEELY. Does the gentleman know any reason why Mr. Myers should not have been subject to cross-examition by members of the committee?

Mr. HALLECK. Of course, he might have been subject to cross-examination, and he might have been called before the committee. The fact of the matter is that he was not called before the committee, but careful consideration was given to his report. It was open to the criticism of anyone who wanted to see it.

Now then, suggestions have been made about the dilatory tactics of the committee. Let me point out to the Membership that this is a highly involved and complicated matter. As a matter of fact, most of the things that come before the Committee on Interstate and Foreign Commerce are involved and complicated matters. In the circumstance that I pointed out. No. 1, lack of any agreement reached between management and labor following the previous pattern, and, No. 2, the extreme biased position adopted by the agency, which is the agency of the Congress to administer this act, there was placed upon the committee a great responsibility to proceed with caution and care in order that a sound proposal could be submitted to the House for action.

Mr. PRIEST. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield to the gentleman from Tennessee.

Mr. PRIEST. The gentleman might wish to add as a factor that further complicated the matter before the committee was the fact that in the original hearings at least two of the major brotherhoods also were opposed to the bill at that time, and we had some opposition from the employee groups themselves.

Mr. HALLECK. That is exactly correct. Sometimes legislative committees make reports that are quite perfunctory and do not tell much about the bill, but I commend to the membership the reading of the committee report on this measure. The report, at the top of page 3, says that there were 37 sessions of hearings before the bill was reported to a subcommittee, and the subcommittee, of which I was a member, held 22 meetings on the bill in executive session, and after the subcommittee reported, the full committee held a number of executive meetings, lengthy and extensive, in the consideration of this whole proposition.

There is a little of the chronology that I would like to recite because of the fact that the gentleman from West Virginia put a discharge petition on the Speaker's desk. I have heard varying stories about some of the representations that were made to Members as that petition was being signed up. I have heard it suggested that the committee was refusing to act and had refused to act and was not going to do anything about the bill. Let me give you the facts, because I think this question goes to the integrity of the committee system and has to do with our whole method and manner of approach to matters of this sort, again, as I point out, in a highly complicated and involved field.

The committee held lengthy hearings and gave the matter extensive consideration. At one time the chairman of the committee, who was chairman of the subcommittee, was ill and could not be present, and the author of the bill was ill and could not be present. Those things operated to delay final action on the bill. All of the time, however, the committee gave close and diligent attention to the matter. I think an examination of the record would disclose that to this legislation the committee has devoted probably more actual time than to all the other matters before the committee.

On April 11 the subcommittee had reported and the full committee had considered this proposal, and had agreed on the various sections and parts that we wanted in the bill. The only job that remained to be done was for the legislative drafting service to put that into form. You who serve on legislative committees understand and know that that is the usual practice and procedure. When you reach that stage, everyone knows what the position of the committee is. The matters of policy have been determined.

On April 11 that point had been reached, and by a vote of 16 to 8 what is now the committee bill, the committee amendment to the original bill, was adopted in the committee. Five days thereafter, on April 16, the discharge petition was put on the Speaker's desk and signatures were sought. What for? The committee had concluded its action on the bill except, as has been pointed out, that we wanted it put into shape to be available as a clean bill, an expression of what we had determined should be the committee proposal.

The discharge petition was signed up after that time. It has been suggested that the committee reported the bill only because the discharge petition was signed up. That just is not true. The committee had reached the point where its labors in the committee had been concluded subject only to the drafting of the various proposals and then the formal reporting of the committee bill to the House.

As I say, the petition was put on the desk on April 16 and was signed up in 2 days. Subsequent to that time, after the bill was reported, the members of the Committee on Interstate and Foreign Commerce appeared before the Rules Committee exactly as they would have appeared had there been no discharge petition, and asked the Rules Committee for a rule to bring the matter to the floor.

I am supporting the rule. As far as I am concerned, I have cooperated, many times to the exclusion of other important matters demanding my attention, to bring this matter to the floor for consideration and determination.

I do not propose to go into lengthy discussion of the merits of the two proposals at this time. As I take it, when we get

into the reading of the bill for amendment, the first vote will come on the question of whether or not the Members will substitute the committee amendment for the bill as originally introduced. The bill as reported out as a substitute by the committee was voted out by a vote of 15 to 6, and that vote involved a vote on the substitution.

We are told now that the provision which would have extended the coverage of this act to employees of ice companies and such is going to be taken out. Well, as we went along, the proponents of the bill took the position that you could not cross a "t" or dot an "i"—you just had to take the bill as it was written. It is said we are not going to have that coverage. Just let me tell you how extensive that would be. Logansport, Ind., is in my district. There is a city ice company there. As a small part of their operations, they ice certain railroad cars. Under the provisions of the Crosser bill as introduced and fought for down to this very moment, on that section every employee of that ice company would have been brought in under the Railroad Retirement and Unemployment Acts. I always felt that the railroad employees did not want that sort of thing. They did not want all of those people in their program. But a fellow in the agency downtown running it would probably like to have it just as broad as it could possibly be made and get just as many people in as he could.

With reference to another section, we are told today that the payment of so-called maternity benefits is to be taken out. That is another proposition that has been under fire ever since we had the bill.

I would just like to say in conclusion, here is a committee that has given careful and diligent attention to a very difficult problem, trying to work it out and bring out a good bill that would give the men what they want within any reasonable limits and which would recognize the rights of all parties—a bill that the membership of the House could look at and say, "I would have to study it for a month myself to be informed of all this detail. I shall rely upon the committee and its members, who have given such careful and close consideration to this whole proposition to the end that sound legislation might be put on the books."

If discharge petitions are to be used in this manner and if the work of legislative committees, after they have given careful consideration to all of the arguments pro and con and after they have labored for days, weeks, and months to draft proper legislation, is to be thrown out the window and the proposal taken as introduced, then we might as well fold up the committee system and just forget about it. I would feel that way about it in respect of the action that ought to be taken. I have tried to be fair about this whole matter, and I have been fair. It may be that part of that 47 million will be turned loose on me. I do not know. If it is, I just cannot help it because I have done my level best to discharge my responsibility to the railroad men of my district and my State and in the Nation, as well as the people whose money is invested in the railroads—yes; and to our economy generally—because I think there must be some consideration of the interlocking of all the segments of our people in all of our industries to the end that we bring about some harmonizing of the benefits that each is to receive. I say I have done my level best on this and sincerely hope that when the test comes the membership of the House in committee will feel that the majority of the members of our committee have achieved such a fair result as will justify them in supporting the position of the committee.

Mr. COLE of New York. Will the gentleman yield?

Mr. HALLECK. I yield.

Mr. COLE of New York. In view of the litigated history of railroad retirement legislation, the fact that it has been twice declared unconstitutional and is now in force only by reason of having been approved by the two groups, management and the men, I should like to have the gentleman discuss his views as to whether either the committee recommendations or the bill as originally introduced or any changes in the present railroad retirement system could be supported in law that was not agreeable to both parties.

Mr. HALLECK. I think the constitutional questions involved in those former decisions are found in precisely the same situation in the law that we now have and in any amendments that may be enacted. Of course, I do not know what management would do. I have quit predicting what the Supreme Court will do. I know what they did on two occasions before. As I say, I cannot be sure what management would do, but it has been suggested in one or two places that action that was taken independent of agreement might be considered as outside the original agreement and might result in the challenging of the constitutionality of the act.

Mr. COLE of New York. And that would be true, then, both as to the committee recommendations and as to the original bill?

Mr. HALLECK. I think that is correct.

Mr. COX. Mr. Speaker, I yield to the gentleman from Massachusetts.

HOUR OF MEETING TOMORROW

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow. The final vote on the terminal-leave-pay bill will come up then. There is also the probability of a conference report on the Department of Agriculture appropriation bill. I submit the request, having those two matters in mind.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

RAILROAD RETIREMENT ACTS

Mr. HALLECK. Mr. Speaker, I have no further requests for time on this side.

Mr. COX. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. BULWINKLE. Mr. Speaker, under the agreement made before the Rules Committee, in order that we wish to show the gentleman from Ohio [Mr. CROSSER] every consideration, I agree to yield from my side 1 hour of the time allotted to me.

Mr. WOLVERTON of New Jersey. Mr. Speaker, it was the understanding when we were before the Rules Committee that each of us would yield 1 hour of the time to the gentleman from Ohio [Mr. CROSSER]. I am not certain, however, as to how that time is to be utilized. It was my understanding that the hour which I would allot to him would be subject to his control, so far as indicating the speakers was concerned. Do I understand from the remarks of the gentleman from North Carolina [Mr. BULWINKLE] that we are expected to yield 1 hour's time to Mr. CROSSER?

The SPEAKER. The gentleman from North Carolina could put that in his request, that he yield 1 hour out of which the gentleman from Ohio might yield to whom he pleases. The gentleman from New Jersey could do the same thing. Is that the request from the gentleman from North Carolina?

Mr. BULWINKLE. Mr. Speaker, my recollection was that I stated in the committee that I would allow the gentleman from Ohio [Mr. CROSSER] to have 1 hour, and retain 1½ hours for myself. Rather than fool with it, I was willing to give him 1 hour.

The SPEAKER. The gentleman includes in his request that he yield 1 hour of his time to the gentleman from Ohio and that the gentleman from Ohio may in turn yield that time. Does the gentleman make that request?

Mr. WOLVERTON of New Jersey. I am perfectly willing to yield 1 hour of the time that is allotted to us to such speakers as may be indicated by the gentleman from Ohio [Mr. CROSSER] to me.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. BULWINKLE. I yield.

Mr. COX. Mr. Speaker, I am sure our friend wishes, and all of us wish, to live up to the understanding had in the Rules Committee. I probably am responsible more than any other member of the committee for the agreement that was made.

It is my understanding that the agreement was that the gentlemen handling the bill for the majority and minority sides would each yield an hour to the gentleman from Ohio [Mr. CROSSER], to be reyielded by him in turn as he saw fit. I hope the gentleman will find it agreeable.

Mr. HALLECK. Mr. Speaker——

The SPEAKER. The Chair is going to put the request of the gentleman from North Carolina, then will consider the request of the gentleman from Ohio.

Is there objection to the request of the gentleman from North Carolina that he yield 1 hour to the gentleman from Ohio [Mr. CROSSER], to be reyielded by him as he sees fit?

There was no objection.

Mr. WOLVERTON of New Jersey. Mr. Speaker, I am perfectly willing in accordance with the agreement as I understood it before the Rules Committee to yield 1 hour of time on this side to the gentleman from Ohio [Mr. CROSSER], but with the understanding that he submit his list of speakers to me and I will call them.

The SPEAKER. The Chair thinks that is a condition that would vitiate the request.

Mr. WOLVERTON of New Jersey. The purpose of the agreement, Mr. Speaker, was to enable the gentleman from Ohio [Mr. CROSSER] to have 2 hours of time for the benefit of those who wished to speak in opposition. I am perfectly willing to yield an hour of time to such speakers in opposition as may be indicated by the gentleman from Ohio.

Mr. CROSSER. Mr. Speaker, will the gentleman yield?

Mr. WOLVERTON of New Jersey. I yield.

Mr. CROSSER. There is absolutely no doubt but what the agreement was as stated by the gentleman from Georgia [Mr. COX]. That was my understanding

Mr. COX. Mr. Speaker, I made a correct report to the House of the understanding had in the Rules Committee, and I trust that the gentlemen in control of this bill will cooperate to the extent of making it possible for that agreement to be effective.

The SPEAKER. Such request on the part of the gentleman from North Carolina has already been agreed to.

Mr. HALLECK. Mr. Speaker, I do not know who has the floor, but I wish to avail myself of whatever process is necessary to obtain it briefly.

The SPEAKER. The gentlemen from Indiana is recognized for 1 minute.

Mr. HALLECK. Mr. Speaker, I was present at the Rules Committee meeting. As far as I am concerned, every time we try to make one of these arrangements we get into misunderstandings. It has always been my feeling that we should stick by the old rule of the time being equally divided between the majority and minority sides, trusting to those in control of the bill to be fair in the disposition of that time. I do not think it makes a lot of difference whether the time yielded from the minority side is controlled by the gentleman from Indiana [Mr. CROSSER], or whether the minority preserves its rights and recognizes for 1 hour such persons as the gentleman from Ohio may designate.

My recollection of the Rules Committee agreement, most of which necessarily was in executive session, was not that there was any rigid agreement as to the actual yielding of the time to the gentleman from Ohio to be in turn yielded by him; that was not my understanding or recollection of what was done. It, however, makes no particular difference.

Mr. WOLVERTON of New Jersey. Mr. Speaker, I will submit the same unanimous consent request as did the gentleman from North Carolina, that is I yield 1 hour of time to the gentleman from Ohio [Mr. CROSSER] to be in turn yielded by him as he sees fit.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to yield 1 hour to the gentleman from Ohio [Mr. CROSSER] such time to be in turn yielded by the gentleman from Ohio as he sees fit. Is there objection?

There was no objection.

Mr. BULWINKLE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 1362) to amend the Railroad Retirement Acts, the Railroad Unemployment Insurance Act, and subchapter B of chapter 9 of the Internal Revenue Code; and for other purposes.

The motion was agreed to; accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 1362), with Mr. PATMAN in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. BULWINKLE. Mr. Chairman, I yield myself 40 minutes.

Mr. WOOD. Mr. Chairman, I make the point of order there is not a quorum present.

The CHAIRMAN. The Chair will count.

Mr. WOOD. Mr. Chairman, I withdraw the point of order.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. BULWINKLE. I yield to the gentleman from Indiana.

Mr. HALLECK. I take it if there are any requests on the minority side for time to speak in opposition to the committee bill those Members may look to the gentleman from Ohio for their time?

Mr. CROSSER. Mr. Chairman, will the gentleman yield?

Mr. BULWINKLE. I yield to the gentleman from Ohio.

Mr. CROSSER. What is to be done about the 1 hour that is supposed to be in neutral hands? Who is going to handle that?

Mr. BULWINKLE. What neutral hands? The gentleman has 2 hours.

Mr. CROSSER. I am asking a question.

Mr. BULWINKLE. Mr. Chairman, I regret very much that the chairman of the Committee on Intrastate and Foreign Commerce, the gentleman from California [Mr. LEA] is not present here today. I felt it was right unfortunate for the bill to be on the calendar for debate today. I understand that the gentleman from California [Mr. LEA] will be present tomorrow.

Before proceeding I think it might be a good idea to give a little history of this bill, H. R. 1362, and the two or three bills which preceded it. In 1944 the gentleman from Ohio introduced some two or three bills on the retirement question.

Those bills were introduced, and hearings were held, and never, despite what I read in a letter today, was any amendment ever offered in the committee. H. R. 1362 then was introduced in January during the first session of this Congress. We had quite extended hearings. We had quite extended discussions in the subcommittee, and I want to say here and now, because so much false information has been given out, that not a single member of the committee on either the Democratic or the Republican side attempted to delay this bill one particle. We were told that unless you took it like it was without the dotting of an "i" or the crossing of a "t" it would not be satisfactory. We were told that, notwithstanding that there came before the committee representatives of two of the brotherhoods who opposed it in its present form. We were told that, even though it was admitted by the proponents that the present railroad fund was actuarially unsound. Day after day I say to you upon my responsibility as a Member of this Congress not a single Member attempted in any way to delay or defeat the passage of the bill. But even if we were in executive session just a few days, if I shall propose an amendment, someone from my district connected with one or the other brotherhoods would come up and say, "I understand you are fighting the bill in the committee." There was one gentleman who wrote down everything that we said, or purported to write it down, even though we were in executive session. When I explained the bill and what it accomplished, I have yet to find a single man connected with any of the brotherhoods who approved this bill as it was originally introduced.

What are the outstanding differences between the two bills? The first, I would say to you, is coverage. Look at the original Crosser bill, or look at the sections which are stricken out, and I challenge anyone to tell me what it covers. If you read it you will see that it covers icing plants that ice the cars, who are employed by private concerns, and not by any railroad, if you please. It would cover creosoting plants. Over 50 percent of their work is creosoting ties and telegraph poles. So no one could tell, neither the proponents nor even Mr. Latimer, who proceeded to draft the bill that the gentleman from Ohio introduced, and who wanted to make the social security out of the railroad retirement bigger than the social security paid down at the end of Independence Avenue.

One of the greatest faults I found in it, and it is admitted by Mr. Latimer, is that the present retirement fund is actuarily unsound. He said it would take 1½ percent to make it sound. The Crosser bill provided for 1½ percent but—and I will go into that later more fully—the railroads said it would take 3 percent.

We were not willing, I was not willing, and I know there is not a man within the sound of my voice who would have these railroad employees contribute every year to a fund which was not actuarily sound. There is not a man that would want a condition like that. Yet when we attempted to employ an independent actuary, we had a fight on our hands, and it was weeks before we could get it through. The independent actuary said it would take 3 percent. The Crosser bill does not provide enough. If the railroad employees of the United States felt that their fund was not sound and they knew it was not sound, they would support our bill at once without any equivocation.

As to disability benefits, Mr. Latimer concocted a new scheme of things, disability benefits for injuries resulting any time within 12 months after a man left the service of the company. No matter how he was injured, no matter what happened, with the employer having nothing whatsoever to do with the disability, the company would have to pay under the Crosser bill.

Further, it was especially provided in the Crosser bill, maternity benefits for any woman giving birth to a child within 12 months after leaving the service of the railroad company. Talk about bills being monstrosities. Think of that.

Another difference is in the unemployment compensation. Unemployment compensation is paid for by the railroads alone. The employees do not contribute. The railroads paid 3 percent until the fund today reaches a magnificent sum of over $750,000,000. The committee sought, and I think wisely, to reduce the amount paid by the railroads. I say to you there is not a railroad employee who would not, after a thorough study of what the amended bill does, support it. Let me give you an idea before I get too far in this because there is so little idea about the cost of all of this. The total railroad pay roll in 1945, subject to pay-roll tax for these purposes, was $4,333,333,333. The figures below are based on a pay roll of this amount:

	Per year
Present pay-roll tax for retirement:	
On railroads (3½%)	$152,000,000
On employees (3½%)	152,000,000
Total	304,000,000
Present pay-roll tax for unemployment: on railroads (3%)	130,000,000
Grand total	434,000,000
Committee bill proposals:	
Pay-roll tax for retirement:	
On railroads (6%)	260,000,000
On employees (6%)	260,000,000
	520,000,000
Pay-roll tax for unemployment: on railroads (½%)	22,000,000
Total	542,000,000
Crosser bill provisions:	
Pay-roll tax for retirement:	
On railroads (6¼%) (5¾%) $249,000,000	271,000,000
On employees (6¼%) (5¾%) $249,000,000	271,000,000
	542,000,000
Pay-roll tax for unemployment and sickness: on railroads (3%)	130,000,000
Grand total	672,000,000
Crosser bill with adequate tax rates:	
Pay-roll tax for retirement:	
On railroads (6¾%)	293,000,000
On railroads (6¾%)	293,000,000
	586,000,000
Pay-roll tax for unemployment and sickness: on railroads (4%)	173,000,000
Grand total	759,000,000
Summary of tax increases over present tax	
Committee bill (2½%)	$108,000,000
Crosser bill provisions (5½%)	238,000,000
Crosser bill with adequate tax rates (7½%)	325,000,000

This was some of what we had to go through within the committee. Complicated? Yes. Complex? Yes. I want to add one thing at this point. On the 11th day of April, I moved in the committee that the amendments agreed to by the full committee as to existing law be drafted as a clean bill and be brought back to the committee for final disposition. That was 2 days before I was told by members who signed the petition that they were told that the committee had done nothing at all in the 2 years. My motion was passed. The bill was brought back.

I want to say one thing regarding the committee report on H. R. 1362, as it refers to freight forwarders. It was stated therein that the introduced bill proposed extension of coverage to freight forwarders "not controlled by the railroads." It has been called to my attention that this brief statement regarding the proposed extension of coverage is inaccurate to the extent that it implies that it is the committee's opinion that freight forwarders which are controlled by railroaders are at the present time covered as "employers" under the Railroad Retirement Act and related laws. The facts are, as I understand it, that it has never been held by the courts that any freight forwarder, out of approximately 100 doing business, is an employer under these provisions of law. In the case of two such forwarders the contention has been made because of their alleged relationship to rail carriers and rail transportation that they are covered under the present law, and litigation is now pending in the Federal courts which, in due course, should result in the final determination of this controverted question. It was positively not the intention of the committee in its report on H. R. 1362 to take a position or express a view on this question which is now pending in the courts.

Now, let us go back to the whole railroad-retirement system and go into that. If you will pardon me, I will read it.

RAILROAD SOCIAL SECURITY AMENDMENTS—LEGISLATIVE HISTORY

It will aid to a better understanding of what is involved in this proposed legislation to review briefly the history of the statutes which it is proposed to amend.

In 1934 Congress made its first attempt to set up a compulsory retirement system for railroad employees—or, for that matter, for any employees in private industry—by the enactment of the Railroad Retirement Act of that year. That measure was supported by the railway labor organizations. The railroads, which had unsuccessfully opposed its enactment, brought suit in court challenging its validity on constitutional grounds. They were successful in that litigation, the Supreme Court holding the act to be unconstitutional—*Railroad Retirement Board* v. *Alton R. R. Co.* (295 U. S. 330).

Following the decision of the Supreme Court in that case, Congress made another attempt to set up a statutory railroad retirement system. That time, in the hope of circumventing successful attack upon it in court, the legislation was embodied in two separate statutes, one dealing with the matter of retirement annuities and the other dealing solely with the taxes designed to support the system. The railroads, however, also attacked this new legislation in court, and it was held to be invalid on constitutional grounds by the District Court of the United States for the District of Columbia—*Alton R. R. Co.* v. *Railroad Retirement Board* (16 F. Supp. 955).

In December 1936, while that second case was pending on appeal in the Court of Appeals for the District of Columbia, President Roosevelt, by letters addressed to representatives of the railroads and the railway labor organizations, urged that railway management and railway labor enter upon conferences in an effort to reach agreement upon mutually satisfactory legislation setting up a plan for retirement pensions for railway employees. His request met with favorable response from both sides. After extended conferences, representatives of the railroads and of the railway labor organizations were able to reach agreement upon the retirement plan which is now embodied in the Railroad Retirement Act of 1937 and the Carriers Taxing Act of the same year. Both acts were enacted in the precise form agreed upon and recommended by railroad labor and railroad management through the process of collective bargaining. Many Members of Congress were loud in their praise of both men and management for their conduct in the matter, which was characterized as industrial statesmanship of the highest order.

In the meantime, the Social Security Act had been enacted, setting up a Federal old-age insurance system and providing for a general plan for State unemployment-insurance systems. The railroads and their employees were exempted from the old-age provisions of that act, but were subject to the provisions relating to unemployment insurance.

In 1938, at the urgent solicitation of representatives of railway labor and over the strong objections of the railroads, Congress enacted the Railroad Unemployment Insurance Act. That act contained provisions removing the railroads and their employees from coverage by the unemployment insurance provisions of the Social Security Act and required that funds accumulated from taxes previously paid by the railroads under the various State unemployment insurance systems should be transferred to the credit of the railroad unemployment insurance fund.

The proposed legislation now under consideration would make drastic and fundamental changes not only in the Railroad Unemployment Insurance Act, which was enacted without any agreement between the railroads and their employees, but also in the Railroad Retirement Act, which, as has been stated, was enacted as the result of an agreement between them. The agreement which formed the basis of that legislation contained the following provisions:

It is further agreed that the principals of the conferees, when the plan has been submitted and approved, shall support the legislation as agreed to and will not question in the courts the authority of Congress to enact the law or laws putting the plan into operation.

It is further agreed that the principals of the "employee conferees," when this plan has been approved, shall not make any requests or demands upon the Congress for any modification of the law which shall depart from the principle of equal tax burden upon employers and employees with respect to taxes contemplated herein.

In the hearings before the committee on this bill, the railroads insisted that the labor organizations were violating the clear spirit and intent of the 1937 agreement, if not its strict letter, in sponsoring the amendments proposed in the Crosser bill without first conferring with and attempting to reach agreement with the railroads with respect to them. They say that the enactment of the proposed amendments would release them entirely from all obligation not to attack the validity of the railroad retirement legislation. While they did not indicate whether or not they would in fact challenge the validity of the legislation in the event the proposed amendments were enacted, they have clearly indicated their view that they would feel perfectly free to challenge its validity, if so minded. They say that they went no further in the 1937 agreement than to commit themselves not to challenge in court the validity of the law or laws putting into effect the plan embodied in that agreement; that, in other words, their commitment in that regard relates only to the legislation as agreed to and certainly does not extend to such legislation radically modified over their objection.

Of course, whatever may have been the intent of the agreement reached between the railroads and their employees in 1937, that agreement could in no way be binding on the Congress. In other words, whether or not the railway labor organizations which are sponsoring the proposed amendments are doing so in violation of that or any other agreement made by them has no bearing whatever upon the power of Congress to legislate in the matter. I think it most unfortunate, however, in view of the origin of the existing legislation, that changes therein as important as those now under consideration have been proposed by one of the parties to the agreement on which it was based without any effort whatever to consult with the other party to the agreement in an effort to reach further agreement as to desirable changes therein. The whole subject of social security is at best a most difficult one, with many highly controversial angles, and I think it exceedingly desirable that every effort be made by the parties most deeply concerned in it to reach agreement so far as possible before seeking action thereon by Congress.

Lacking the background of any agreement such as formed the basis of the original railroad-retirement legislation, the committee to which the Crosser bill was referred felt that it had no alternative but to enter upon full and complete hearings on the measure. It held hearings, extending over a period of 3 months, following which it referred the bill to its Subcommittee on Transportation, composed of 10 members, and that subcommittee held numerous conferences, giving consideration to every feature of the bill.

One of the most important features of the bill, and one with respect to which the parties disagreed most widely, was that concerning the cost of the present system and the additional cost that would be imposed by the adoption of the various proposed amendments. Finding itself unable to reach a satisfactory conclusion on that aspect of the matter from the testimony adduced at the hearings, the committee arranged with an experienced actuary of high standing, Mr. Robert J. Myers, to make a complete study thereof and report his conclusions. He made his report on March 14, 1946, which has been printed by the committee. After studying the Myers report and considering every other feature of H. R. 1362, the subcommittee made its recommendations to the committee in April. Those recommendations were approved by the committee and are incorporated in the bill as reported by it.

The bill as reported by the committee represents its best judgment as to changes that may safely and appropriately be made at this time in the present legislation. It is the result of painstaking effort on the part of the committee to secure all the facts necessary to enable it to reach a sound conclusion on this important matter. In my judgment, no piece of legislation has ever had more thorough and sympathetic consideration than this measure has received at the hands of the committee. I am convinced that the conclusions reached by the committee are fair and just and provide the soundest results that could be reached with respect to this important legislation.

RETIREMENT COSTS AND TAX RATES

Before taking up the details of the proposed legislation, I think it well to say something about one aspect of the railroad-retirement system that gives everyone interested in it the most serious concern. I refer to the important matter of its costs and the method of financing those costs.

The testimony before the committee shows that in the conferences between the representatives of the railroads and their employees which resulted in agreement on the present railroad-retirement system, nothing received more serious consideration than the matter of the costs involved in connection with each suggested feature of a retirement-pension plan as it came up for consideration. Nothing had more to do with shaping the plan as finally agreed upon. The conferees first reached agreement on the maximum cost above which they felt it unwise to go and sought to formulate a plan that would come within that figure. The figure at which they aimed was an ultimate cost not in excess of 7 percent of the pay roll, to be borne by a pay-roll tax of 3½ percent each. They were unwilling to start off with taxes at that high a figure, however. They proposed to start off with a tax of 2½ percent on each to be raised one-fourth of 1 percent at 3-year intervals until it reached a maximum of 3½ percent on each in 1949. After agreement had been reached and bills prepared in line therewith, they were advised that, according to estimates made by experts in the Treasury Department, the taxes originally proposed would be inadequate; that a total ultimate tax of 7½ percent, instead of 7 percent, would be required to finance their plan. After further negotiation, they agreed upon such an increase. As a result the Carriers Taxing Act of 1937 established the initial tax at 2¾ percent on each instead of 2½ percent, which was stepped up one-fourth of 1 percent at 3-year intervals until reaching a final rate of 3¾ percent on January 1, 1949. It is now 3½ percent.

In recognition of the importance of insuring the solvency of the retirement system for which it provides, the Railroad Retirement Act contains a provision requiring a survey of its operations by a committee of three actuarial experts at least once in every 3 years, for the purpose of determining the past and probable future cost of the system and the adequacy of the income derived and expected to be derived from the prescribed tax rates. Two such surveys have thus far been made by an actuarial committee created in conformity with those provisions of the act. This committee, called the Actuarial Advisory Committee, consists of one skilled actuary nominated by the railroads, another nominated by the labor organizations, and the third appointed by the Secretary of the Treasury. Both surveys disclosed the present system to be actuarially unsound; that is, that the taxes as now provided are insufficient to finance the present retirement system. The second survey found the deficiency to be 3 percent of the annual pay roll and the actuarial committee recommended that the prescribed tax rates be increased by that amount, divided equally between the railroads and the employee.

That was the situation with which the committee was confronted when called upon to consider the Crosser bill proposing to add new features to the railroad retirement system which even the sponsors of the bill estimated would increase its cost to the extent of a least 3½ percent of the annual railroad pay roll, or about $150,000,000 a year on the basis of last year's pay rolls. The sponsors of the bill also admitted the insolvency of the present system, but did not think the present taxes to be deficient to the extent found by the Actuarial Advisory Committee. They proposed a total added tax of 5 percent, or about $215,000,000 per year, to be divided equally between men and management, to take care both of the added costs of the proposed changes and of the existing deficiency. It was because of this extremely serious question as to the costs both of the existing system and of the proposed changes, that the committee felt it necessary to seek the assistance of a disinterested expert.

The committee feels that the first obligation of Congress is to insure the solvency of the existing retirement system. It decided, on the basis of the report made to it by Mr. Myers, and in view of somewhat larger railroad pay rolls that may be expected in the future, an added tax of 3 percent, or about $130,000,000 per year on the basis of last year's pay rolls, will probably prove sufficient for that purpose. It also felt that a total

tax on both employees and employers aggregating 12 percent of railroad pay rolls is as high as might reasonably be imposed for retirement purposes. Such a tax of 6 percent on the railroads and 6 percent on employees will yield over $500,000,000 per year on the basis of last year's pay rolls. It is six times the rate of tax now paid by other industries and their employees for the support of the old-age pensions provided under the Social Security Act. It is twice the maximum of 3 percent on each that is provided under the latter act. In all good conscience, the discrimination against the railroads and their employees in the matter of taxes for the support of retirement pensions should not be carried further than that. To avoid carrying them further than that, while at the same time insuring the solvency of the railroad retirement system, simply means that some of the proposals contained in the original Crosser bill must either be eliminated or considerably modified. It is with that fact in mind that I ask you to consider the bill as reported by the committee.

SUMMARY OF MAJOR CHANGES AS PROPOSED IN THE ORIGINAL BILL AND IN THE BILL AS REPORTED BY THE COMMITTEE

While the original bill contained almost innumerable amendments of the existing legislation, many of the changes related to more or less minor procedural and administrative matters. So far as concerns the present railroad retirement system, it proposed six major changes, all but one of which have been incorporated, in whole or in part, in the committee bill. Those six major changes are as follows:

First. A proposal to provide for the payment of annuities to the widows, children, and other survivors of deceased railroad employees and pensioners similar to those now available under the Social Security Act, but on a basis averaging about 25 percent higher. The committee bill incorporates this proposal, but fixes the survivor annuities at substantially the same level as those accorded under the Social Security Act instead of making them 25 percent higher as proposed in the original bill.

Second. A proposal to liberalize the provisions of the present act with respect to granting annuities on account of disability. The committee bill incorporates this proposal, with certain minor modifications.

Third. A proposal to change the provisions of the present law with respect to minimum annuities, with the effect generally of raising the minimum materially. The committee bill adopts this proposal in full.

Fourth. A proposal to reduce the retirement age for women employees from 65 to 60. The committee bill also adopts this proposal without change.

Fifth. A proposal to increase the taxes levied for the support of the railroad retirement system to the extent of an added 5 percent pay-roll tax, to be divided equally between the employers and employees. The committee bill adopts this proposal with but minor modification.

Sixth. A proposal to change and greatly enlarge the coverage of the present act so as to include a vast number of persons who are not railroad employees and who have no connection with railroad operations. The committee bill omits this proposal in its entirety.

The biggest difference between the original bill and the bill as reported by the committee is with respect to changes in the present railroad unemployment insurance system. Aside from a proposal to make the same enlargement of the coverage of the Railroad Unemployment Insurance Act as it proposed for the Railroad Retirement Act, the major changes which the original bill proposed in the Railroad Unemployment Insurance System were:

First. It is proposed to increase the present maximum weekly benefit from $20 to $25 and to increase the present maximum period for the duration of benefits from 20 weeks to 26 weeks.

Second. It is proposed to provide additional benefits to be payable in the case of inability to work because of sickness—including confinement incident to childbirth—or accident from whatever cause. These added benefits would be payable in the same amounts and for like periods as the benefits payable for unemployment.

The committee bill does not adopt either of those proposals. The first is in line with changes which have heretofore been proposed in the general Social Security System and which Congress has refused to adopt. The second is completely lacking in precedent. No unemployment insurance system now in existence provides benefits at the expense of the employers for sickness or other form of disability having no connection with the employment.

The committee bill, on the other hand, contains one feature which was not proposed in the original bill. It incorporates provisions making changes in the present flat tax of 3 percent of pay rolls levied upon the railroads for the support of unemployment insurance, so as to provide for a graduated tax ranging from ½ to 3 percent, depending upon the amount of the reserve carried in the unemployment insurance account. The committee bill thus proposes to give railroad companies the benefit of a sliding tax scale for the support of unemployment insurance similar to that accorded other industries under nearly all the State unemployment insurance systems, but on somewhat less liberal terms than are accorded employees under many of the State systems.

That is a general summary of the differences between the bill as originally introduced and as reported by the committee. I shall now discuss the principal differences in somewhat greater detail.

SURVIVOR ANNUITIES

Under the present Railroad Retirement Act each employee has the option either of retaining his right to a full annuity payable to himself alone or of converting it into a so-called joint and survivor annuity. This arrangement provides for the payment of a somewhat reduced annuity to himself for life and thereafter to his widow, or, in the case of a woman employee, to herself for life and thereafter to her widower. The joint annuity is actuarially of the same value as the single annuity from which it is converted. That is the only extent to which the present act provides for annuities to survivors of deceased employees or pensioners.

The Social Security Act orginally contained no provision for survivor annuities. In 1939, however, it was amended so as to provide them, not only for widows, but also for minor children and, in some cases, dependent parents, of deceased employees and pensioners. In making provision for them, however, that act went about, in principle, in the way the joint and survivor annuities are taken care of in the Railroad Retirement Act. It first reduced the basic pensions previously provided under the Social Security Act by an amount sufficient to cover, and perhaps more than cover, the added cost of the survivor pensions. The pensions provided under that act were already much less liberal than those provided under the Railroad Retirement Act. With the reduction made to take care of the added feature of survivor annuities, they became far less liberal. For example, the maximum aggregate of all pensions that may be paid under that act for account of one employee is $85 per month. The maximum annuity under the Railroad Retirement Act is $120 per month. The average pensions actually being paid under the two acts show just as wide a difference in favor of the Railroad Retirement Act.

Although the supporters of the Crosser bill cite the survivor-annuity provisions of the Social Security Act in support of the proposal to incorporate a similar feature in the railroad-retirement system, the Crosser bill, as originally drawn, departed entirely from the Social Security Act both as to the method of covering the costs of such new feature and as to the amounts of the survivor pensions. It proposed not only to provide such annuities in amounts averaging about 25 percent higher than those granted under the Social Security Act but it proposed to make no change whatever in the single annuities now provided for under the Railroad Retirement Act. The committee bill goes along with the original proposal in making no reduction in the present annuities but departs from it with respect to the amounts in which the survivor annuities are to be allowed. It proposes to make them substantially the same as those provided under the Social Security Act. That will leave railroad employees still far ahead of employees in other industries in the matter of retirement pensions. On that point I quote from an article which appeared in the May 20, 1944, issue of Labor, a weekly newspaper published by 15 of the standard railway labor organizations. In comment upon bills introduced in the last Congress containing provisions similar to those in H. R. 1362, that article stated:

> Furthermore, the Railroad Retirement Act has from the beginning been much superior in every particular to the Social Security Act, except for the widows' benefits added to social security several years ago.
>
> The amendments to the Railroad Retirement Act will make it possible to catch up and surpass that feature of social security,

thus restoring by a wide margin the superiority of the Railroad Retirement Act.

I am convinced that the committee bill goes as far as it is wise to go in this matter of survivor annuities. This new feature will at best add greatly to the cost of the railroad-retirement system, the already high cost of which, both to the employees and the employers, is a matter of most serious concern.

DISABILITY PENSIONS

The present railroad retirement system is essentially an old-age retirement system and not a health or accident insurance system. It was purposely so designed by the men and management when they agreed upon it in 1937. One reason for that was the matter of cost, to which I have already referred. Another reason, perhaps the main reason, is that the conferees felt that when a man is disabled for any reason connected with his work he has a right under the general law to collect damages to compensate him for whatever degree of disability he has sustained. On the other hand, if a man's disability is not connected in any way with his employment, they doubted whether his employer or the industry in which he was employed could properly be made responsible for it. In any event, under the plan as agreed upon, only limited provision was made for disability pensions.

In order to be entitled to a pension under the present act on the ground of disability, a man must be totally disabled from all gainful occupation and must either have at least 30 years of service or be 60 years old. If he has as much as 30 years of service, he is entitled to his full pension at once, regardless of his age. If he has less than 30 years of service, he cannot get a pension unless or until he is 60 years old, and then his pension will be reduced to some extent, depending on the number of years he lacks of being 65. The Crosser bill proposes to require only 10 years instead of 30 years of service as a condition to the right to a disability pension, regardless of age, and would eliminate any reduction in a disability pension when granted at an age between 60 and 65 to a person with less than the required number of years of service. In any instance where a man has as much as 20 years of service or is 60 or more years of age, instead of limiting disability pensions to cases involving disability from all gainful employment, it would allow them to persons who are merely disabled from conducting their regular railroad occupation. The committee bill adopts all these proposals, except that in order for a man under 60 years of age and less than 30 years of service to be entitled to a disability pension, it requires that the disability must be the result of occupational injury or disease. I do not see how anyone can regard that as other than a reasonable requirement.

COVERAGE

As I have said, the committee bill rejects in full only one of the major changes which the original bill proposed to make in the railroad retirement system. The committee bill adopts in full the proposal with respect to minimum pensions and the proposed reduction in the retirement age for women employees. It adopts in principle the proposal with respect to survivor pensions, differing only as to the amounts in which they are to be granted. It also adopts, with only minor modification, the proposal with respect to disability pensions. It rejects in full only the proposal to expand the coverage of the present act to include persons whose only connection with the railroad industry is that they happen to work for some concern which has a contract to supply certain materials or services to the railroads.

The coverage of the present act is that which was agreed upon by the railroads and their employees in 1937. They agreed that the act should have the same coverage as the Railway Labor Act, and the present coverage provisions were in large measure copied verbatim from the Railway Labor Act. No feature of the Crosser bill met with more universal opposition than its proposal to extend the coverage so as to include a vast number of persons having no connection with railroad operations. The proposed amendment would have the effect of bringing into the railroad retirement system the employees of any transfer company which happens to have a contract with a railroad to perform pick-up and delivery services for it. It would also bring in the employees of an ice company under contract to furnish ice to a railroad and make delivery of it in the bunkers of its refrigerator cars. It would probably have the effect of bringing into the railroad retirement system the employees of a laundry which performs laundry work for the Pullman Co., inasmuch as the Pullman Co. to a large extent does its own laundry work and sends its laundry to outside concerns only where it finds that to be convenient and economical.

All that was presented in support of this radical extension of the coverage of the present act was that it was for the purpose of discouraging railroads from farming out any of their work. No evidence whatever was offered, however, to show that the railroads are engaged in the practice of farming out any of their work to an extent that it is improper or undesirable. Still less was there any showing that this matter is one which should properly be dealt with by legislation rather than being left, like practically all other matters at issue between the railroads and their employees, for handling through the orderly processes of collective bargaining under the provisions of the Railway Labor Act. Obviously, Congress should not legislate upon a matter of this sort without a much more convincing showing than was made in support of this proposal.

RAILROAD UNEMPLOYMENT INSURANCE

As previously stated, the principal difference between the committee bill and the original bill is in the changes which they propose to make in the present railroad unemployment insurance system.

As I have said, the Railroad Unemployment Insurance Act was enacted in 1938 because of the desire of railroad employees to be taken out from under the various State systems of unemployment insurance, set up under the Social Security Act. It provided benefits which were generally more liberal than those then available under the various State systems. It went into effect July 1, 1939. It had hardly become effective before it was amended so as greatly to increase the benefits for which it provided.

The present act provides for the payment of benefits on account of unemployment due to inability to secure suitable work. The benefits are based upon a man's earnings in his previous railroad employment and range from $1.75 to $4 per day or from $8.75 to $20 per week, being payable for only 5 days in a week. They are payable for a maximum of 100 days, or 20 weeks in a single benefit year. The weeks in which he receives benefits do not have to be consecutive but may be scattered over the year.

All unemployment benefits are furnished at the sole cost of the railroads. For that purpose the act imposes a tax upon the railroads equal to 3 percent of all wages up to $300 per month. From the beginning that tax has proven to be far higher than was necessary to finance the system. Even during the early years of the operation of the system, which were years of depression both in the railroad industry and in industry in general, the receipts from the tax far outran the unemployment benefit payments. The result is that the railroad unemployment insurance fund carried in the Treasury Department now has a reserve of well over $700,000,000 and for the past several years the interest alone on that fund has been far more than enough to meet all expenditures.

Unlike practically all the State unemployment insurance acts, the present railroad act makes no provision for any reduction of the tax when experience shows it to be excessive. The committee bill proposes to remedy that deficiency by substituting for the present flat tax of 3 percent a sliding scale of tax rates ranging from ½ percent to 3 percent, the effective rate for a given year to depend upon the balance to the credit of the Insurance Fund on September 1 of the preceding year. That change will place the railroads more nearly on a parity with other industries with respect to unemployment insurance taxes.

On the other hand, the committee has not seen fit to incorporate in its bill any of the changes which the original bill proposed to make in the railroad unemployment insurance system. Both in the measure and duration of the benefits for which it provides, as well as in the conditions on which its benefits are payable, the system already compares most favorably with any or all the various State systems of unemployment insurance. The effect of the proposed changes would be to create a pronounced and wholly unwarranted discrimination in favor of railroad employees and against the employees in other industries in the matter of unemployment insurance. The effect also would be so greatly to increase the cost of the present system as to make impossible any reduction in, and perhaps even to require an increase in, the present tax rate of 3

percent on the railroads for the support of unemployment insurance, thus perpetuating or even increasing the gross discrimination to which they are now subjected.

Railroad employees already enjoy special and favored treatment in this matter of unemployment insurance, and the effect of the proposed amendments which the committee rejected would simply be to increase that favoritism enormously. On that point, I think I might read from the article from which I have already quoted which appeared in the brotherhood newspaper, Labor:

The railroad unemployment insurance law—

Says the article—

has also been far in advance of the unemployment compensation laws for industrial workers in the States. Under the amendments, it will be improved still further.

I can think of no stronger argument that could be made in support of the committee's action in the matter.

CONCLUSION

The solution reached by the committee of the numerous extremely troublesome questions presented by this proposed legislation impresses me as a most wise one. The committee was faced with the fact that the present railroad retirement system is admittedly underfinanced and that the proposed amendments would add greatly to its costs. To take care both of the deficiency in the present tax rate and of the added costs of the changes proposed in the original bill would require an added tax of at least 6½ percent of railroad pay rolls. Added to the present combined tax on employers and employees of 7 percent, and divided equally between the two, that would require a total tax on each of 6¾ percent, or a tax on each of almost $300,000,000 per year. There was also the fact, however, that the tax of 3½ percent each now imposed upon the railroads and their employees for the support of the present system, although admittedly inadequate for that purpose, is over three times the tax now being paid by other industries and their employees for like purposes under the Social Security Act.

There is, of course, a limit somewhere to the amount of taxes that may be imposed upon the railroads for the purposes of social security, or for any other purpose, particularly since, if the railroads are to remain solvent, whatever increased taxes are imposed upon them must ultimately be paid by those who ship and travel by rail. The committee decided, most wisely, I think, that the total tax upon both employers and employees for the support of the retirement system should not reasonably be more than 12 percent, meaning a tax of 6 percent on each. In order to conform to that conclusion and at the same time insure the solvency of the retirement system, it found it necessary to modify to some extent certain of the proposals contained in the original bill, although adopting all the major proposals in principle.

To increase the tax on the railroads for retirement purposes to 6 percent, with no change in the present 3 percent tax for unemployment insurance, would add about $110,000,000 per year to their operating costs, ultimately to be passed on to the shippers of the country. It would make the total tax on the railroads for both retirement and unemployment insurance 9 percent, amounting to nearly $400,000,000 per year, as compared with an average tax of less than 3 percent now being paid for both purposes by other industries, including competitors of the railroads. By substituting a sliding scale of tax rates for the present flat 3-percent tax imposed on the railroads for unemployment insurance, the committee was able to avoid an immediate increase in the combined tax rate of 6½ percent now being paid by the railroads for both purposes. At the same time, the provisions under which the sliding scale is to operate will insure the solvency of the unemployment insurance system. At this proposed combined tax rate of 6½ percent proposed by the committee, the railroads will have to pay well over $275,000,000 per year for the support of the two systems of railroad social insurance. I think all will agree with me that that is a pretty stiff tax for any purpose.

This statement in brief, because it would have taken me another full half hour to go into the matter completely, gives you a picture of what happened in the committee and the differences between the two bills.

I say to you again that if every railroad man had had this bill before him and there had not been the misrepresentation about it that has gone out, he would gladly have accepted it. They call it a monstrosity, and every type of adjective is applied to it. We heard that in our committee, and we heard that in executive session. But I say to you that many people, even many Members of Congress, did not realize the full import and meaning of these two bills which are before you, or the bill and the committee amendment.

It is no easy matter, it is no pleasant matter, to sit down day after day and figure out these actuarial costs. It is easy for someone to get up afterwards and say, "Thus and so could have been done." Even men on the committee, many of them who did not attend the hearings, and who know nothing about it, are attempting to say this bill is not worth the paper it is written on. The case will lie in the hands of every man here shortly this week to decide what to do. Remember this, that when costs are piled up on transportation companies there is only one way they can get them back, and that is from increased freight rates.

The committee bill is fair both to employers and employees, it is a just one, and it should be passed as the committee reported it out.

Mr. KUNKEL. Mr. Chairman, will the gentleman yield?

Mr. BULWINKLE. I yield to the gentleman from Pennsylvania.

Mr. KUNKEL. The gentleman said the original Railway Act was under-financed. Do both of these proposals take care of correcting the under-financing?

Mr. BULWINKLE. No. The committee proposal does. The Crosser bill does not. The Crosser bill retains the 1½ percent, ¾ percent taken from the pay roll of the men and ¾ percent from the employers.

Mr. KUNKEL. What was the cause of the original under-financing?

Mr. BULWINKLE. Experiment. We have a board which was to pass upon this question for us, and the board passed upon it. The board said along in 1942 and 1943 that the rate should be increased to 3 percent.

Mr. COLE of Missouri. Mr. Chairman, will the gentleman yield?

Mr. BULWINKLE. I yield to the gentleman from Missouri.

Mr. COLE of Missouri. The gentleman has stated that the first two bills prepared and passed were held to be unconstitutional.

Mr. BULWINKLE. Yes, one in the Supreme Court and one in the District Court.

Mr. COLE of Missouri. I wonder if the gentleman would tell us on what ground those bills were held to be unconstitutional.

Mr. BULWINKLE. I would have to get the decision. It was held unconstitutional.

Mr. COLE of Missouri. The reason I ask is because the gentleman has said that the representatives from the railroads who appeared before his committee stated they now would feel free to contest the validity of this law. I wonder if this bill as reported out by the committee has been considered in connection with those two decisions to determine whether or not this bill if passed will be constitutional.

Mr. BULWINKLE. I can say this to the gentleman: In my own judgment, speaking for myself, with the reduction in the unemployment compensation taxes, the railroads will pay out very little more; therefore, I do not think they will contest the committee bill.

Mr. Chairman, we should now like to hear from the gentleman from Ohio [Mr. CROSSER].

Mr. CROSSER. I am going to use my time when I feel like it.

Mr. BULWINKLE. Mr. Chairman, I yield myself one additional minute.

Mr. Chairman, under the usual procedure in the House, I take it that when there are three sides to be heard they should come along when the Chairman recognizes them and not that the gentleman from Ohio should reserve all of his time until the last. He should take it as it comes. I say to you, Mr. Chairman, that the gentleman from New Jersey and I have been very liberal, extremely liberal. We gave him more time than we took, with only five members of the committee who favor his proposal. I am asking that the gentleman from Ohio be recognized.

Mr. HENDRICKS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HENDRICKS. As I understand, this time was not given to the gentleman from Ohio by the Committee on Rules, but was given to him by unanimous consent of the House. Therefore, I feel that the gentleman is within his rights to use

it when he pleases and he should not be forced by anyone to use it.

The CHAIRMAN. The Chair will state that there are three Members controlling the time on this bill. If none of the three desire to use their time or to yield time, the Chair will direct the Clerk to read.

Mr. BULWINKLE. Mr. Chairman, I yield myself one additional minute.

Mr. Chairman, I call this to the attention of the Committee because I heard the remark that the gentleman from Ohio intended to hold up his time until after everybody else had spoken. That is the reason I wanted the Committee to know that.

The CHAIRMAN. The gentleman from North Carolina [Mr. BULWINKLE] will be permitted to close debate, he being in charge of the bill.

Mr. BOREN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BOREN. There being three gentlemen controlling the time, as the Presiding Officer calls for any one of the gentlemen, if at that point he does not desire to use his time he can pass it up; and if all three of them do not desire to use time, of course, the debate would be closed. But in the event one of them does not desire to use time at that point and, following that, if any one of the three uses time, then he can come back and use his time later, can he not?

The CHAIRMAN. The gentleman is correct, reserving the right, of course, for the committee to close.

Mr. BULWINKLE. Mr. Chairman, I yield myself one additional minute.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. BULWINKLE. I yield.

Mr. HALLECK. I would like to recount to the membership just the sort of situation we have gotten ourselves into. The author of the bill which has been reported is the gentleman from Ohio [Mr. CROSSER]. The proposition that is here before us against that original bill is the committee bill about which the gentleman from North Carolina has just spoken. The chairman of the committee, the gentleman from California [Mr. LEA] is not yet back from California. The presentation in behalf of the committee bill has been made by the gentleman from North Carolina. In order to be perfectly fair, arrangement has been made by which the gentleman from Ohio is to have under his direct control 2 hours of the 5 hours of time. It is known by all that the gentleman from New Jersey, the ranking minority member of the Committee on Interstate and Foreign Commerce, favors the committee substitute. Now, then, Mr. Chairman, are we to be put to the necessity of closing debate at this time or is it fair to suggest that the opening argument having been made for the committee position by the ranking majority member of the committee favoring that proposal that we should not now be permitted to hear from the other side when the author of the bill, as I understand it, insists that his measure should prevail against the measure reported by the committee? It seems to me that is not a fair way to proceed and that the fair way would be for the proponent of the original bill now to address the committee in order that the committee may be apprised of what the views on that side are.

The CHAIRMAN. Does the gentleman from Ohio desire to use some time?

Mr. HENDRICKS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HENDRICKS. It seems to me that ever since I have been here the procedure was that first the majority had control of the time and then it was passed to the minority and then to the Member who controlled the third amount of time. That is the procedure we have followed in the past and I see no reason why it should not be followed today. The time yielded to the majority and the minority could be used and they could yield to someone as they pleased.

Mr. HALLECK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HALLECK. If we can make any kind of a speech under a parliamentary inquiry, the fact of the matter is the way this rule is being handled I do not believe has happened in my time in this House of Representatives in 12 years. In order to be perfectly fair the minority asked unanimous consent to let the gentleman from Ohio [Mr. CROSSER], who sits on the majority side, have an hour of our time. Now, certainly that is a departure from usual procedure. If I had my way, and I said so in the Rules Committee, that situation would not have prevailed, because in my opinion the minority should protect the control of the time allocated to the minority. But, to be perfectly fair, the gentleman from New Jersey [Mr. WOLVERTON] asked unanimous consent that the gentleman from Ohio [Mr. CROSSER] have directly under his control 1 hour of the time. Now, are we further to be put in a disadvantageous situation by having it said that out of the hour and a half now remaining we shall now put on speakers?

The CHAIRMAN. The Chair will reiterate there are three gentlemen controlling time under the rule. The Chair would like to inquire of the gentleman from Ohio [Mr. CROSSER] if he desires to use time now.

Mr. CROSSER. Mr. Chairman, I will take 1 minute in order to answer the Chair. When the discussion on the rule was being had, the gentleman from Georgia [Mr. COX] stated exactly what I understood to be the situation in the Rules Committee, namely, that I was to have 2 hours, to use as I saw fit; not to be used as might suit the fancy of the opposition. That was clearly what the gentleman from Georgia [Mr. COX] said and what I understood to be the case. I can use some time unless the gentleman from New Jersey uses some time now.

The CHAIRMAN. Under the rule agreed upon in the House, the gentleman can use such time as he sees fit, reserving the right to the committee to close debate.

Does the gentleman from New Jersey desire to use some time now?

Mr. WOLVERTON of New Jersey. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the situation that now confronts the committee is no different than what I had anticipated as a possibility. I think those who are present and heard the remarks I made at the time will bear this out. With a desire to be fair, I yielded 1 hour of the time allotted to me to the gentleman from Ohio [Mr. CROSSER]. Never did it occur to me, however, that he would take advantage of that generosity to the point of refusing to utilize time in an orderly way.

Mr. COX. Mr. Chairman, will the gentleman yield to me?

Mr. WOLVERTON of New Jersey. I will in just a moment.

Mr. COX. I want to support the view the gentleman is taking, if he will permit me.

Mr. WOLVERTON of New Jersey. I yield to the gentleman from Georgia.

Mr. COX. I trust I have not been responsible for the making of an agreement that is going to produce misunderstanding and discord on the floor. Of course, in urging that members of the committee who would have control of the time be generous in yielding of time I did not have in mind that anyone other than the committee would claim the right to close debate. I thought the time would be used as is customary here on this floor. Agreement has been made before that one group controlling one part of the time would use such of the time as it wished, then the other, and it would alternate all around. I trust my friend from Ohio will find it agreeable to cooperate to the extent that the debate may be carried on in the usual and customary manner. I did my best for him, and I hope now that he will not let me down.

Mr. HALLECK. Mr. Chairman, will the gentleman from New Jersey yield?

Mr. WOLVERTON of New Jersey. I yield.

Mr. HALLECK. I sat as a member of the Rules Committee through all these proceedings and discussions. I did not like this arrangement that was being worked out for the reasons that I have stated; but, be that as it may, it has been worked out this way, and while there is the usual responsibility for the division of the time in support of the committee's position there is a single responsibility for the division of the time in support of the original bill and against the committee opposition. The other method would alternate the time between them until the full exposition had been made of the committee position, then the necessity of yielding time would swing to the other side and at this point in the debate following the customary procedure of the committee argument would be heard from the other side.

Mr. COX. I agree with that viewpoint, of course.

Mr. CROSSER. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama [Mr. SPARKMAN].

Mr. SPARKMAN. Mr. Chairman, I believe we are making a mountain out of a molehill on this issue. I cannot

see that it makes a great deal of difference as to when one speaker shall come on and when another shall come on.

This of course is a rather unusual situation in that there are three different persons controlling the time, but I do not believe it has ever been a rule of the House or of the Committee of the Whole that speakers shall be heard exactly in the order of their standing on an issue. We know that the customary way of yielding time is from the majority to the minority, and there have been instances where third parties have been allotted a certain amount of time to yield as they saw fit, but I believe that in every instance the rule has been for the majority to have time first, then it passes to the minority and then to the third person. I see no objection to this method being carried out at this time. I have spoken to the gentleman from Ohio, [Mr. CROSSER], and he tells me that he is perfectly willing to abide by such an arrangement, and it seems to me that if we are to carry this out in an orderly manner it would be to follow that plan. The majority has used such time as they wish. It seems to me the use of time now logically passes to the minority to use such time as they see fit, and then it passes to the third person, the gentleman from Ohio, for him to proceed as long as he sees fit within the time limit set provided always that the right of closing the debate shall belong to the majority.

Mr. WOLVERTON of New Jersey. Mr. Chairman, I yield myself 20 minutes.

Mr. Chairman, in my opinion, it is most unfortunate from the standpoint of proper consideration of this legislation that the gentleman from Ohio should take the position of refusing at this time to utilize any of the time which was so generously given to him by myself as well as by the gentleman from North Carolina. It is perfectly apparent that, if the Committee is to have a clear understanding of the legislation and the issues at stake, it would be proper now for the gentleman from Ohio to make a presentation of his views and give an explanation of his bill at this time.

The gentleman from North Carolina has spoken extensively, utilizing some 40 minutes of his time, in presenting the viewpoint of the committee on the bill it has recommended for passage to this Committee and which in some particulars is in conflict with the bill which was introduced by the gentleman from Ohio. The membership of the House could better understand the situation that brings about these differences if the gentleman from Ohio, or someone who shares his views, would utilize time at this point in the debate and explain to the membership their understanding of the difference between the bill recommended by the committee and the one which the gentleman from Ohio is supporting.

Mr. Chairman, it is my desire in the first place to explain to the Committee something of the legislative history of railroad retirement and unemployment legislation. I do not think it is necessary for me to take any considerable time to emphasize to the membership that my support has been given from the beginning to the present time to all legislation that has sought to provide benefits to the workers on our railroads. Not only has my feeling of friendship always been extended to our railroad workers by supporting the legislation they have sought at one time and another, but I think it can be said without fear of contradiction that there has been no one either on the Democratic side or on the Republican side who has more consistently supported beneficial labor legislation on this floor than myself. I emphasize that thought for the reason that I want it to be understood that when I give my support to the committee bill I do not think for a moment that I am doing anything contrary to the best interest of the railroad workers. On the other hand, I am distinctly of the opinion that the views some of us have with respect to the type of legislation that should be passed at this time are working in the interest of the railroad workers.

LEGISLATIVE HISTORY OF RAILROAD RETIREMENT LEGISLATION

I will now bring to your attention a situation in connection with the existing railroad retirement legislation that should have the most careful consideration of every Member of this House. It is because of this situation that I counsel caution in what we do.

The present Railroad Retirement Act is the result of collective bargaining between railroad management and labor. It was passed by the Congress in 1937 upon the basis and faith of an understanding between the railroads and their employees, reached after cooperative colelctive bargaining and long negotiations, entered into at the earnest instance of the President of the United States, after two previous legislative attempts to set up a general retirement system for railroad employees had been held unconstitutional.

In 1934 the Congress of the United States enacted railroad retirement legislation. The railroads contested that legislation in the courts, the United States Supreme Court ultimately holding that the laws were unconstitutional. The railway labor organizations then undertook to develop legislation which in their judgment would cure the defects in the previous laws. They submitted bills to Congress in 1935, which were later in that year enacted into law. Again the railroads challenged that legislation, and a decision was rendered by the District of Columbia Supreme Court holding that the act imposing the retirement taxes were invalid. The court restrained the Bureau of Internal Revenue from collecting the taxes from the railways, and restrained the Railroad Retirement Board from requiring the railways to furnish information concerning the records of service of the employees. However, the court did not restrain the payment of benefits under the Retirement Act of 1935. The Government filed notice of appeal.

In the fact of this constant uncertainty and controversy over railroad retirement legislation, the President of the United States wrote a letter to the president of the Association of American Railroads and the chairman of the Railway Labor Executives' Association early in December of 1936, suggesting that the interested parties get together and undertake to work out an agreement on retirement legislation which would remove the uncertainty and permit railway workers to enjoy the benefits of a Federal system of retirements. Both groups agreed to follow the suggestion of the President, and conferences were held in Washington during January and February of 1937, culminating in an agreement upon the basic principles of railroad retirement legislation. Legislation was drafted by the attorneys for the employer and employee associations, and was ratified early in March by the individual railroads and by the principal railroad labor organizations.

During the conferences between the representatives of labor and management careful consideration was given at all times to the necessity of maintaining the financial soundness of the plan by keeping the annuities and benefits provided within the limitations of the tax contributions which were to be made equally by the employees and the carriers.

This cooperative collective-bargaining procedure that culminated in the present Railroad Retirement Act was highly praised by Congress at that time. My remarks upon the floor of the House, which I quote below—volume 81, part 6, CONGRESSIONAL RECORD, Seventy-fifth Congress, first session, at page 6084—are typical of the commendatory expressions of numerous Members of Congress:

> The circumstances under which this legislation is presented to the House are of such a character as to deserve special emphasis. Never during my experience in this House has legislation of such widespread importance been presented under more favorable conditions. First and foremost is the fact that it represents absolute and complete unanimity of thought and desire between management and men. There is no feature of this bill that presents any controversy or disagreement as between these two parties. Every provision has the support of both without any reservation upon the part of either. It represents a united effort to produce legislation that will be satisfactory and mutually beneficial, and comes before the House with the united support of railroad management and all the standard brotherhoods.

The agreed upon retirement plan, consisting of a bill providing for taxes and another specifying benefits, was introduced in Congress and was hailed as a significant example of legislative cooperation by employers and employees in solving a mutual problem. These bills were passed and approved in June, becoming the Railroad Retirement Act of 1937 and the Carriers' Taxing Act of 1937.

To date, there have been no material changes in those laws, with the exception of the amendments to the Retirement Act in 1940 and 1942, which provided for credits under the Retirement Act for military service in time of war, the increased cost of annuities based on military service credits to be paid from the Treasury of the United States.

It should be understood by the Members of the House, and I hope I make this point crystal clear: The formal agreement between the railroad companies and their employees included a promise on the part of the companies in exchange for certain promises on the

part of the employees that the companies would not contest the constitutionality of the law resulting from the agreement.

This promise was demanded by the Brotherhoods and agreed to by the companies because both realized that it was not only difficult but very likely impossible to write legislation that would stand up under a test of constitutionality in the light of the previous court decisions setting aside the two prior enactments.

There are some who are still doubtful that the present laws on railroad retirement are constitutionally valid in all respects. But the companies are bound not to make such a test on existing laws. However, from the strong opposition that the carriers made in the hearings before our committee and from the knowledge that their agreement cannot be held to bind them as to a changed law—a law changed without any attempt to consult the companies—I am fearful that if we should pass the original Crosser bill instead of the committee amendment that we would be placing the entire Railroad Retirement Act in jeopardy of an attack on its constitutionality. We may, in short, be taking everything the employees have gained away from them under the guise of helping them to further benefits. I hope not. Certainly it would be a great disappointment to me if such should result.

Mr. KUNKEL. Mr. Chairman, will the gentleman yield?

Mr. WOLVERTON of New Jersey. I yield to the gentleman from Pennsylvania.

Mr. KUNKEL. Did the act as originally passed contain any of the provisions which were the basis for the Supreme Court's declaring the previous act unconstitutional?

Mr. WOLVERTON of New Jersey. I am of the opinion that it contained provisions which, if the same attack had been made on it, might have resulted the same. Of course, I am not in a position, as the gentleman knows, to speak with the authority of the Supreme Court on the matter. I can only say that the principles involved were such that it might have had that result.

During the years that have intervened there has been no contest of the constitutionality of the existing law due to the understanding that its constitutionality would not be contested. The result has been that the railroad workers have had the benefit of this legislation through all the years that have intervened. There is now presented to the Congress a new basis of benefits. The Crosser bill, as drawn, varies greatly in some respects from the original legislation which resulted from the joint action of the workers and management. I do not mean merely from the standpoint of increasing benefits or changing the basis of benefits, I mean also in the type and character of the bill.

The original legislation was passed under two separate acts. One act provided for the benefits, the other was known as a taxing act. It went to the Committee on Ways and Means and came from that committee, and was passed as part of the program of legislation. At that time we were distinctly told that it was necessary to do it in that particular way. I never fully understood the reason for it, but I am well aware that the demand was insistent that it be in two different, separate bills.

This bill has the features of those two original bills combined in one. I do not know what the effect of that will be, but I do say this, that there is no one in this House whose heart beats with more natural sympathy for the man who works than my own. I have pride in the record I have made in this House in my support of labor and in my opposition to measures which I believed to be detrimental to labor. That has continued throughout the 20 years I have been in this House and exists at the present time. So when I speak in opposition to certain provisions of the Crosser bill, or to the suggestions that may be made by the distinguished gentleman from Ohio, it is not with any less desire to be helpful than he is and always has been. But there are situations that must in fairness to the workers themselves and the public in general, be given consideration.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. WOLVERTON of New Jersey. I yield.

Mr. GIFFORD. I have tried to look at this bill rather carefully. What worries me is that it involves one segment of industry alone attempting to place itself in an entirely different category than other segments. The social benefits that are being asked for should be included, of course, in the general social security legislation. It was patterned, was it not, in the first place, after the civil retirement bill and that is why it would probably receive the sanction of the Supreme Court. But in your committee, was an attempt made or any suggestion made for the social benefits to be included in the regular Social Security Act?

Mr. WOLVERTON of New Jersey. It is perfectly apparent that presently existing law is far more beneficial in its treatment of railroad labor than the provisions of the Social Security Act covering those who are engaged in industry in general.

Mr. GIFFORD. That is true under the retirement act, of course. But I am talking about maternity and survivors' benefits and other features that seem to be desired which would be better provided in the social security legislation which has already been passed.

Mr. WOLVERTON of New Jersey. If the gentleman is aware of any instance in which social security provides better benefits than the Railroad Act does, I am not aware of them.

Mr. GIFFORD. I have it here but I will not take the time to read it—anyone can read it. The social-security law is now before the Committee on Ways and Means and I have looked rather carefully into the differences between that act and the Railroad Retirement Act. I am as anxious as you or anybody else that these railroadmen receive as much as we can possibly give them inasmuch as in the last few days we do not feel as good as we did before. I have no prejudice whatever and am glad to give them what we can, but I do want to call attention to the fact that this is one segment of industry being treated entirely apart and differently than others and that the Social Security Act which has taken months of our time on the Committee on Ways and Means this year could better provide for them. The Committee on Ways and Means has been trying to study and amend the Social Security Act. I call to the attention of the Committee that this is an unusual request. Am I right about that or am I not?

Mr. WOLVERTON of New Jersey. You are right about it in the general estimate that you have made. Personally, I am of the opinion that there is a basis for distinction as to the benefits given to railroad workers beyond those applying to industry in general. In my own mind, that difference arises because the railroads must provide safety in transportation. Continuity of employment promotes safety in operation, and continuity of employment is increased by liberal benefits to those who work in the railroad industry.

The CHAIRMAN. The time of the gentleman from New Jersey has again expired.

Mr. WOLVERTON of New Jersey. Mr. Chairman, I yield myself 10 additional minutes.

In other words, if railroad employment is made attractive, not only from the standpoint of wages but from the standpoint of benefits that come over a period of years in the service of the company, it would have a tendency to keep employees in the railroad industry. With that continuity of employment, in my opinion, safety is greatly advanced; and that is in the public interest. So I am not critical of the additional benefits that are given under the special legislation that has been passed in behalf of railroad workers.

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. WOLVERTON of New Jersey. I yield to the distinguished gentleman from Kentucky.

Mr. ROBSION of Kentucky. I think it would be unfortunate and unfair for labor to attack the gentleman and try to make it appear that he is unfriendly to labor. I was a Member of this House when the gentleman came here about 20 years ago. If there has been one Member of the House in all those 20 years who has been a consistent supporter of legislation helpful to the workers of this country, it is the gentleman from New Jersey [Mr. WOLVERTON] himself. In fact, I know of no one who has had a better record through the years in support of labor. I consider myself one of those who has been friendly to labor through the years. I have observed the gentleman's conduct and speeches and record, and the gentleman has well stated his position when he says that through the years he has been a real, genuine friend to the working people and to the railroad workers of this country.

Mr. WOLVERTON of New Jersey. I appreciate the remarks of the distinguished gentleman from Kentucky, especially as they come from one who

likewise has made an enviable record in behalf of whose who labor.

Mr. COLE of Missouri. Mr. Chairman, will the gentleman yield?

Mr. WOLVERTON of New Jersey. I yield to the distinguished gentleman from Missouri.

Mr. COLE of Missouri. There is another very good reason for the Railroad Retirement Act. I spent 14 years in railroad work and I know from experience it is one of the most hazardous occupations that we have in the United States. It is a line which, to follow, you must be cut in all kinds of weather. It is a line that has many casualties. For that reason I can readily understand and urge the need for this type of legislation.

Mr. WOLVERTON of New Jersey. By way of illustration, may I just indicate one of the features where preferential treatment is given to railroad workers. That is with reference to the unemployment-compensation fund. Every cent that goes into the railroad unemployment-compensation fund is contributed by the railroads. Not 1 cent is contributed by the workers. I think you will agree with me that is not true of our State laws on that subject with respect to industrial workers.

While I am speaking on that, let me indicate what the committee has tried to do. This is entitled to your most serious consideration. In the first place, it was definitely made known to us by the report of the Railroad Retirement Board that the present fund, without adding any additional benefits, is actuarially unsound. I think you will agree with me that those of us on the committee who insisted that the fund be made sound, were standing upon solid ground and working in the interest of the railroad workers. From the time these hearings opened I made it plain that so far as I was concerned, my first consideration would be the making of the present fund sound.

I know of nothing more unfair or unjust than to have workers over a period of years paying into a fund that is not actuarily sound. In the fixing of those rates in the beginning we followed the advice of one whose heart was in the cause and we believed his head and judgment were right, but unfortunately over a period of time it developed that the original tax was not sufficient to make it actuarilly sound.

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. WOLVERTON of New Jersey. I yield.

Mr. ROBSION of Kentucky. I have heard the distinguished gentleman who reported this bill say that this was actuarily unsound. I believe the other Members who spoke likewise were the gentleman from Indiana [Mr. HALLECK] and yourself. Who confirms such statements?

Mr. WOLVERTON of New Jersey. As I said, the Railroad Retirement Board itself made that report. They have charge of this fund for the benefit of the workers and I assume their estimate would be in the interest of the workers when they made that report.

Mr. ROBSION of Kentucky. There is no question but what the Board and the man in charge of it are friendly to this legislation and to the railroad workers, is there?

Mr. WOLVERTON of New Jersey. Not at all.

Mr. ROBSION of Kentucky. Is there anyone who claims that it is sound?

Mr. WOLVERTON of New Jersey. I do not believe anybody can take that position.

Mr. BULWINKLE. Mr. Chairman, may I answer the gentleman?

Mr. WOLVERTON of New Jersey. In just a moment.

The bill corrects that situation. We provide a tax that will make the fund actuarily sound. We consider that of primary importance and it is a part of our committee bill.

I yield now to the gentleman from North Carolina.

Mr. BULWINKLE. I believe the Crosser bill carries 1½ percent; and Mr. Latimer, of the Retirement Board, said in his opinion 1½ percent would make it actuarily sound; but the Board itself said it would take 3 percent and our private actuary said it would take 3 percent.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield for a question?

Mr. WOLVERTON of New Jersey. I yield.

Mr. GALLAGHER. We have had some experience with actuaries in the city of Minneapolis. Is it not a fact that if you have to use actuaries, you absolutely increase the cost to a great extent?

Mr. WOLVERTON of New Jersey. I am not able to follow the gentleman either in the conclusion he has come to or the reasoning that prompts him to take that view. I am of the opinion that in a matter as technical as fixing disability compensation, casualty insurance, life annuities, and so forth, that we should have the aid of the best actuarial experience, and not bring legislation to the House that did not have the consideration of actuaries who were well versed in their subject.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. WOLVERTON of New Jersey. I yield.

Mr. HALLECK. Is not this about the situation? The bill was put on the books by reason of an agreement between management and men, and after actuarial studies given rates were set up in the hope they would meet the benefits payable under the act. Experience thus far has disclosed that the retirement fund is not actuarily sound; in other words, the rate as fixed and agreed upon is not high enough. Some think that 1½ percent more would take care of it, but the better judgment of the committee was, certainly, if there were to be additional benefits that that would not be enough. It seemed important that the fund as presently constituted should be made actuarily sound and that is the reason the committee voted for the additional 3 percent.

Mr. WOLVERTON of New Jersey. The gentleman has stated the situation correctly.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. WOLVERTON of New Jersey. I yield.

Mr. GIFFORD. In view of the reference I made a few moments ago I wish to read into the RECORD just a line. As I said, the Committee on Ways and Means, of which I am now a member, has spent considerable time studying these matters.

It reads as follows:

> Certainly it is also of national value that social benefit plans shall apply to railroad workers and their families. But a more satisfactory staff pension plan can be developed for railroad employees if the social benefit function is transferred to OASI; and the social benefit function can be handled to greater advantage if separated from the staff pension objectives and unified with the same function for other employments.

I do not want to prevent these people from getting what they desire, but it is not advisable to put it in the bill, according to the committee. I tried to find out whether they had made any inquiry or attempt to cover themselves under the Social Security Act and not be a separate segment of industry entirely.

Mr. WOLVERTON of New Jersey. Of course, the gentleman must realize that the study which is being made by the Ways and Means Committee is the result of action by the House that sent that particular subject to that committee for study. I think it showed good judgment in doing so. On the other hand, when this legislation now under consideration was introduced, it was sent to the Committee on Interstate and Foreign Commerce and that committee had no right to consider the general subject of social insurance but only the particular legislation it had before it and that is what the committee is reporting today to the House.

A few moments ago I was speaking of the unemployment charge which is paid entirely by the railroads. The committee bill changes that situation, but not to the extent of requiring any contributions on the part of the workers. That fund has grown until at the present time it has $722,000,000 in it. In the last 5 years since the fund was set up there has only been approximately $50,000,000 paid out of the fund. It is perfectly apparent to anyone who gives the matter study in connection with the possible rate of unemployment that the fund is far beyond what would be necessary to tide over in a period of depression similar to what we have had in the past.

What did the committee do? I think the committee used the judgment that a careful businessman would use. There was a desire on the part of the committee, not merely of the sponsor of the Crosser bill but of the whole committee without exception, to grant to our railroad workers increased benefits and correction of some situations growing out of the present law that seemed to us needed correction in justice to the workers and their families.

Mr. Chairman, you never get anything worth while in this life without paying for it. The benefits that are given have to be paid for. The cost of those benefits is divided between management and workers. To give the increased benefits asked for in the original bill, of course, would have required a considerable increase in the payments from each worker.

It came to the attention of the committee in many different ways that, although the workers were desirous of receiving increased benefits, they did not want all the frills that appear in the original bill, nor were they anxious to be saddled with a great additional cost to get additional benefits. Therefore we sought out what was most necessary and most desirable. That is what the committee bill has provided for.

Now, then, as to the payment. The railroads were paying the full unemployment tax, and the fund had reached a point where it was not necessary, in the opinion of those who gave it careful study, that it should be continued. The fund itself produced $14,000,000 in interest. As I have said, there were only $50,000,000 drawn out of it in the last 5 years. So the committee did this: They provided a sliding scale of payment into the unemployment fund, not dissimilar to those that are in effect in the several States of the Union, except that we put no charge on the worker. Bear that in mind. What we provided was a scale that, until the fund would be reduced to $350,000,000, the railroads should be charged one-half of 1 percent. If the fund went down to $300,000,000, then they would be taxed 1 percent. If it went down to $250,000,000, they would be taxed 1½ percent. If it went to $200,000,000, then 2 percent. If it went to $150,000,000, then 2½ percent. If it went below that, then they would be taxed 3 percent, the amount which they are now paying. Thus the security of the fund would be kept intact at all times.

That is on the same basis and with the same idea that our State legislatures have passed their bills, except that in many of them, when a fund reaches a certain point, there is no further contribution to be made by the employer as long as that fund remains at the proper level. What further did we do? We increased the benefits to the men. The money that was saved to the railroads is now contributed by them to the increased benefits that the men receive as the result of our committee bill. In other words, we saved where it was possible to save without doing any harm or injury either now or in the future to the railroad worker, and then we turned it over by increased benefits so that the employees will have those increased benefits through the years instead of it being piled up into an unemployment fund that is not necessary. In other words, we gave the men the benefit of the saving that we made by transferring that charge from one side of the ledger to the other whereby they would get increased benefits for themselves and their families.

Mr. NEELY. Mr. Chairman, will the gentleman yield?

Mr. WOLVERTON of New Jersey. I yield to the gentleman from West Virginia.

Mr. NEELY. Will not the able gentleman tell the committee the amount of the benefits the railroad men are receiving under existing law and what they will receive under the committee bill if it is enacted?

Mr. WOLVERTON of New Jersey. I would like to answer that question for the gentleman, but it would take such considerable time that, with the time I have already used, I would not feel free to do it now, but I will see that the gentleman has that information in the most detailed form. I will see that he has a statement of what the present benefits are, what the Crosser bill would provide, and what the committee bill provides.

I am certain that if the membership of this House had the time and the willingness to study this question as our committee studied it, you would find that the committee bill recognized the best interest of the workers. We have been so generous that no one who is fair and just can say that we have done one thing that is unfair to him.

I have read some of the information that has been given out by those who advocate the Crosser bill, and I have been astounded at its character because it was so unfair, so unjust, and so untrue. I ask the Members of this House who have the interest of the railroad workers at heart, as I have, and as every member of our committee has, to give the consideration to this bill that its importance entitles it to have.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. WOLVERTON of New Jersey. I yield to the gentleman from Indiana.

Mr. HALLECK. The gentleman from West Virginia inquired as to what the committee bill might do in the way of increased benefits to employees. Without undertaking to go into detail—because if the gentleman will read the committee report he can find out all about that—may I say that the railroad employees, for instance, said, "We want our widows and dependents to have pensions as a matter of right." The committee bill gives those pensions and those protections as a matter of right. The original Crosser bill wanted a schedule of payments 25 percent over the general social security scale. The committee bill gives the pensions but gives them at the social-security scale. The Crosser bill and the committee bill both increase the annuity provisions.

One thing the Crosser bill undertook to do was to provide retirement pay or disability pay, whatever you want to call it, when a man became permanently and totally disabled after he had given a number of years of service. The committee bill makes provision for that. The only difference between the committee bill and the Crosser bill in that regard is that the committee bill holds that the disability must arise out of an injury or illness connected with the employment and not be just any disability that might arise by reason of any cause apart from that.

Clearly, if anyone will study it, the committee bill seeks to do those things and reach those very propositions that I think the men who work on the railroads have been insisting on.

CONCLUSION

It is unfortunate that H. R. 1362, the original measure introduced by the gentleman from Ohio on January 11, 1945, does not have a background of cooperative collective bargaining between the companies and the brotherhoods that marked the original railroad-retirement legislation. That bill proposes drastic and fundamental changes in the agreed legislation represented by the present Railroad Retirement Act. It proposes, also, radical changes in the Railroad Unemployment Insurance Act, which was enacted by the Congress in 1938 and became effective on July 1, 1939. Furthermore, H. R. 1362 is a unilateral bill, introduced and pressed for enactment solely at the instance of railroad labor organizations, without ever having so much as discussed the proposal with the railroads, without even having approached the railroads for a discussion of the matter. This was certainly a complete abandonment of cooperative collective-bargaining process which produced the original agreed railroad-retirement legislation Congress so highly praised in 1937.

Lacking the collective-bargaining process that preceded the original railroad retirement legislation, it became the duty of Congress to submit the unilateral proposals of H. R. 1362 to full and complete hearings. Only by this course could railway managements and other interests affected be afforded the opportunity to express their views with respect to the fundamental changes proposed by the bill. Only by this course could Members of the Congress be enabled to appraise the merits of the proposed changes in the railroad social-security system, and determine the extent to which the present system should at this time be modified.

The Committee on Interstate and Foreign Commerce has made careful and painstaking efforts to secure the views of all parties concerned in the legislation and to resolve the various issues presented. It held extensive hearings on H. R. 1362, beginning on January 31, 1945, and ending on April 26, 1945. These hearings are printed in three volumes, comprising an aggregate of 1,186 pages.

Following the close of the hearings, the committee referred the bill to its Subcommittee on Transportation, consisting of 12 members, and the subcommittee devoted much study to and held numerous conferences including 22 meetings in executive session, regarding every feature of the bill.

It became clear, in the course of these studies and conferences, that the cost of the present system, and of the proposed amendments, required further investigation. This factor, so vital in connection with any system of social security, received much attention in the course of the hearings, but proved also to be a subject on which various parties who appeared at the hearings disagreed widely. The committee recognized the highly technical nature of any determination of costs, and accordingly obtained an expert and unbiased opinion on the matter. It requested such an opinion from Robert J. Myers, an actuary of standing formerly identified with the Railroad Retirement Board. He made a study at the request of the committee, in the course of which he analyzed the records

of the Railroad Retirement Board at their offices in Chicago. He submitted his findings on March 14, 1946, which have been printed by the committee, and have been of great assistance in the preparation of its own bill.

Mr. Myers not only calculated the cost of each element in the present railroad social security system, including both railroad retirement and railroad unemployment insurance, but also the cost of the changes proposed in H. R. 1362. The committee thus had before it expert testimony regarding all elements of cost involved.

After studying the Myers report, and considering every other feature of H. R. 1362, the subcommittee made its recommendations to the committee in April. These were approved by the committee, and are incorporated in the committee amendment.

The bill reported by the committee and here under consideration is the result of its earnest efforts to obtain all the facts necessary for a decision regarding the appropriate changes to be made at this time. Certain of the proposals contained in the Crosser bill as introduced are incorporated in full in the committee amendment, others are incorporated with modifications, and some are omitted. Certain new provisions have been added. All have been considered with regard to the development of a sound program, in the light of the independent, impartial, actuarial analysis which has been described.

No piece of legislation has had more careful, sincere, thoughtful study than this bill has received at the hands of the committee. It is my considered opinion that the amendments reported by the committee represent an eminently fair and just disposition of the issues involved. A brief analysis of its several features will support this viewpoint. It will show that the bill is fair to railroad employees, fair to the railroads as employers of 1,500,000 American workers, is as generous in its provisions as a reasonable system of payroll taxes on railroads and their employees will justify, is a distinct advance over the railroad social insurance system now in effect, and will place that system far in front of the system provided for other industries by the Social Security Act.

On the basis of the report of the actuary and of the recommendations of the subcommittee, the full committee amended the bill as proposed in such a way as to render the retirement system sound on the basis of an additional payroll tax of 5 percent over the present total payroll tax of 7 percent for retirements.

The amendments as approved by the Committee on Interstate and Foreign Commerce of the House eliminate some of the features proposed in the original bill and modify other features. The broadened coverage of the proposed bill was eliminated. The committee did not feel that the coverage of the bill should extend beyond those actually enjoyed when in railroad industry. A modified version of the proposed survivor benefits, disability benefits and increased minimum annuities under the Retirement Act were approved. None of the changes proposed in the original bill, with respect to the Unemployment Insurance Act, were approved by the committee. However, the committee did propose amendments to that Act establishing a sliding scale system for the payment of unemployment insurance contributions by employers.

A comparison of the principal amendments proposed in the bill as originally introduced and the amendments as approved by the committee and reported to the House on May 9, 1946, are as follows:

H. R. 1362 As Originally Introduced	H. R. 1362 As Amended by Committee
COVERAGE	
Would specifically add freight forwarders and railroad-controlled motortruck companies to present coverage; would include many independent activities having no relation to the railroad industry.	Proposes no changes in coverage provisions of the present act.
RETIREMENT BENEFITS	
AGE RETIREMENT	
Same as present act except retirement of women at age 60 with no reduction would be permitted.	Same as H. R. 1362 as originally introduced.
DISABILITY RETIREMENT	
Individuals disabled (occupational or otherwise) for work in any regular employment after age 60 or with 10 years of service—no reduction. Individuals disabled (occupational or otherwise) for work in regular railroad occupation after age 60 or with 20 years of service, and who have a "current connection" with the railroad industry (not less than 12 months' service during last 30 consecutive calendar months).	Reduction provision of present act for disability for employment for hire at age 60 with less than 30 years of service is eliminated. In addition, H. R. 1362 amendments as originally introduced are adopted except that disability must be related to employment.
COMPUTATION OF RETIREMENT ANNUITIES	
Same as present act.	Same as present act.
MAXIMUM RETIREMENT BENEFIT	
Same as present act.	Same as present act.
MINIMUM RETIREMENT BENEFIT	
Three dollars multiplied by the number of years of service, or $50, or the monthly compensation, whichever is the least. Individuals must have a "current connection" with the railroad industry and not less than 5 years of service.	Same as H. R. 1362 as originally introduced, except it continues provision of present act for a minimum annuity if he was an employee when he attained age 65 and has completed 20 years of service.
SURVIVOR AND DEATH BENEFITS	
Would eliminate both option of joint-survivorship annuity and cash death-benefit refund of present act. Would substitute in lieu thereof a system of benefits to surviving widows, dependent children, and dependent parents, similar to such benefits now provided by the Social Security Act, but increased by 25 percent above those provided by that act and a lump-sum death benefit about 50 percent greater than provided by the Social Security Act.	Would eliminate joint-survivorship option of present act, but retain cash death-benefit refund of present law, so far as it has accrued to an individual up to January 1, 1947. Would provide survivor annuities to the same persons who would receive those benefits under H. R. 1362 as originally introduced, but computed, according to the formula of the Social Security Act, i. e., about 25 percent less than provided by H. R. 1362 as originally introduced.
RETIREMENT TAX RATES	
On compensation not in excess of $300 multiplied by months of service in calendar year.	On compensation not in excess of $300 per month.

	Railroad	Employee	Total
	Percent	*Percent*	*Percent*
Jan. 1 to Dec. 31, 1946	5¾	5¾	11½
Jan. 1, 1947, to Dec. 31, 1948	5¾	5¾	11½
Jan. 1, 1949, to Dec. 31, 1951	6	6	12
Jan. 1, 1952, and thereafter	6¼	6¼	12½

Rates after January 1, 1946, include an estimated total tax of 1½ percent of pay roll to make solvent the present act.

	Railroad	Employee	Total
	Percent	*Percent*	*Percent*
Jan. 1 to Dec. 31, 1946	3½	3½	7
Jan. 1, 1947, to Dec. 31, 1948	6	6	12
Jan. 1, 1949, to Dec. 31, 1951	6	6	12
Jan. 1, 1952, and thereafter	6	6	12

Rates after January 1, 1947, include an estimated total tax of 3 percent of pay roll to make solvent the present act.

RAILROAD UNEMPLOYMENT INSURANCE	
Maximum benefit period 26 weeks.	Same as present act (20 weeks).
Maximum weekly benefit $25.	Same as present act ($20).
Minimum weekly benefit $8.75.	Same as present act ($8.75).

H. R. 1362 As Originally Introduced—Con.

SICKNESS AND MATERNITY BENEFITS

Would change concept of unemployment as embodied in present law by expanding it to include individual unemployment by reason of sickness or accident in no way caused by or related to railroad employment. Disability from pregnancy and maternity would be included. These benefits would be paid in the same amount and for the same duration as the liberalized benefits for occupational unemployment. Both unemployment and sickness benefits could be drawn in successive periods of the same benefit year.

On compensation not in excess of $300 multiplied by months of service in calendar year—3 percent.

H. R. 1362 As Amended by Committee—Con.

Same as present act (no sickness or maternity benefits provided).

On compensation not in excess of $300 per month.

If the balance to the credit of the account as of the close of business on September 30 of any year as determined by the Secretary, is:	The rate with respect to compensation payable to employees for services rendered during the next succeeding calendar year shall be:
	Percent
$350,000,000 or more	½
$300,000,000 or more but less than $350,000,000	1
$250,000,000 or more but less than $300,000,000	1½
$200,000,000 or more but less than $250,000,000	2
$150,000,000 or more but less than $200,000,000	2½
Less than $150,000,000	3

I trust that the membership will give close and careful consideration to the provisions of the committee bill. It has been drawn so as to give to railroad workers and their families all possible benefits to the end that workers in the railroad industry will feel that degree of security that makes satisfied workers. I ask for your wholehearted support of the bill.

The CHAIRMAN. The time of the gentleman from New Jersey has again expired.

Mr. CROSSER. Mr. Chairman, I yield 20 minutes to the gentleman from Arizona [Mr. HARLESS].

Mr. HARLESS of Arizona. Mr. Chairman, when there has been so much heat engendered we must know that there are some sincere differences of opinion. I am a member of this committee, which has been considering this bill for some 2 years. I respectfully submit that there have been some delays, there have been some real heated discussions. Whether or not the bill has been brought to the attention of the House in time may be a matter of difference of opinion. I also call to your attention that your decision will be made on whether or not you are going to accept one version or the other. The differences in these two bills are so fundamental, they are so involved and so interlocked, that it will be necessary for you to accept either the Crosser version or the committee bill. Then after you have accepted either one version or the other you are at liberty to amend either one of those versions. There are some things about both of these bills with which I do not agree. However, I am supporting the Crosser version because I think that it meets my idea of what the working men need.

I am going to make my remarks here today more or less to the unemployment insurance angles of this bill. Other remarks will be made in respect to other parts of the bill.

Fundamentally, I would say I do not particularly agree with the provisions of the bill which would make maternity benefits available to women employees who had left the employment of the railroad within 1 year. I understand if the Crosser bill is accepted amendments will be offered to strike those provisions.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. HARLESS of Arizona. I yield.

Mr. HALLECK. Had you heard of any desertion of the insistence on that provision until today?

Mr. HARLESS of Arizona. I have heard a great deal of debate about that. I know in committee we debated it. I have never been for it. I do not know when the decision was made to drop this provision, but I understand a statement has been made by Mr. CROSSER, or someone else, that the amendment will be offered—and that other amendments would be offered. As a matter of fact, regardless of which version of the bill is accepted, I understand that amendments will be offered.

Mr. HALLECK. Mr. Chairman, will the gentleman yield further?

Mr. HARLESS of Arizona. I yield.

Mr. HALLECK. Can the gentleman enlighten us as to why in the course of the work of the subcommittee and the entire committee, suggestion was not made by the proponents of the Crosser bill that amendments like that would be acceptable?

Mr. HARLESS of Arizona. The gentleman from Indiana will recall that it came down to a question of whether or not we would accept one version of the bill or another version of the bill.

Mr. BULWINKLE. Mr. Chairman, will the gentleman yield?

Mr. HARLESS of Arizona. I yield.

Mr. BULWINKLE. The gentleman remembers that we took the bill up section by section and we decided on certain fundamental policies and it was not a question of taking up one version or the other.

Mr. HARLESS of Arizona. I answer that by saying that when we were in committee we did take the bill up section by section. There are some parts of the Crosser bill that I think even those who support the Crosser bill here today are not in accord with. That is, with respect to some minor features of it. But I reiterate, you fundamentally have to accept one version or the other and then go ahead and make your amendments and express yourself as you wish to express yourself here in the votes on the amendments.

Mr. VORYS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. HARLESS of Arizona. I yield to the gentleman.

Mr. VORYS of Ohio. I wish the gentleman would explain the difference in these two measures. You gentlemen on the committee are fully familiar with it but the rest of us are not so fully familiar with it. We fail to understand why one version or the other must be accepted when apparently the gentleman feels either version could be amended. I would think amendments to either version would cause a change in the whole actuarial set-up. Can the gentleman explain that?

Mr. HARLESS of Arizona. It depends on what features you amend. If you take the committee report, you will find a form there more or less like a balance sheet which sets up the benefits under the various plans. If I were to attempt to go into that to explain it, it would take at least half an hour or an hour. You can study it very carefully and get the difference and the advantages or disadvantages as you may perceive them. That would save a great deal of detailed explanation. The report carries that explanation very thoroughly. I am going to take up one feature of it. After I have taken up that particular feature, other members of the committee will take up other features. I am going to apply myself to the unemployment insurance angle. Then you can see the differences as to this particular part of the bill.

The Railroad Unemployment Insurance Act as originally adopted in 1938 provided for contributions to be paid by the employers at the rate of 3 percent of the taxable pay roll. This rate was fixed when the law was enacted, as I said, in 1938. It was made to correspond to the combined State and Federal unemployment insurance tax rate applicable to other industries under the general Federal-State system.

The committee now proposes that this rate be reduced one-half of 1 percent so

long as the balance in the railroad employment insurance account is $350,000,000 or more. The rate would rise by one-half percent for each $50,000,000 by which the account is depleted under that amount.

According to the present 3 percent rate, only if the balance in the account as of September 30 of any particular year is found to be less than $150,000,000. Those of us who support the Crosser bill are vigorously opposed to any such reduction, and I shall point out in my discussion why we cannot accept the committee bill.

Mr. ZIMMERMAN. Mr. Chairman, will the gentleman yield?

Mr. HARLESS of Arizona. I yield.

Mr. ZIMMERMAN. During the time this act has been in operation, how much money has been spent annually for unemployment insurance?

Mr. HARLESS of Arizona. The unemployment fund has grown a great deal. As a matter of fact, it is very large now.

Mr. BULWINKLE. The unemployment fund is $750,000,000. There has been spent an average of fourteen or fifteen million dollars a year.

Mr. ZIMMERMAN. In other words, fourteen or fifteen million dollars a year has been spent for unemployment insurance during the time the act has been in effect?

Mr. HARLESS of Arizona. Mr. Chairman, if I may proceed, I have all those things explained in my remarks. I have to reach them as I come to them.

As a matter of fact, it was during the inflationary period when almost one-third more employees have been employed than would be employed during ordinary times, when wages have been higher that this fund accumulated. You are going to reduce the rate during that time, and during depression time you will have to increase it.

In discussing this proposal of the committee, it is important first of all to have firmly in mind what the issues are. There is no desire on the part of the supporters of the Crosser bill to have the railroads pay unnecessarily high taxes, because the employees also have to pay those higher taxes, and they are imposing taxes on themselves when they increase those taxes.

Nor is there any disagreement about the fact that the present rate of contribution is more than adequate to finance the present benefit provisions of the act. But there is also no disagreement about the fact that if the benefits payable from the unemployment-insurance account are to be improved as the Crosser bill provides, no reduction is warranted. At least, not the reductions set forth by the committee. The issue, therefore, becomes one of whether the present favorable condition of the account is to be utilized to improve benefits, or whether or not you are going to reduce them and endanger the unemployment benefit funds.

In passing on this issue it is important to recall the process by which unemployment insurance in this country was developed. At the time plans were made for unemployment insurance we were still in the midst of the depression of the thirties. All standards were based on that. Billions were appropriated each year for relief and work relief. Unemployment was heavy. Prospects of a high level of industrial employment were gloomy. Under those conditions it was impossible to set up a system of benefit payments that would constitute an adequate system of unemployment insurance and then appraise the cost of the system. Everyone assumed that if such an approach were followed, one would arrive at costs that simply could not be supported, and the possibility of large percentages of pay-roll tax would be required and would be out of reach. That is what we might run into again if we have another depression.

Consequently the problem was approached from the other end. It was first determined that 3 percent of pay roll would be an appropriate proportion to devote to the purpose and then studies were made to determine what benefits could be supported with the resulting funds. These studies were made under the most difficult conditions. One could not anticipate with confidence that industrial activity would rise to high levels and consequently high pay rolls yielding large revenues from the 3-percent tax. Also we had no experience from which one could judge what the cost of any given benefit plan might be on any assumed pay-roll level. Hence allowance had to be made for very large margins of error in the calculations. Under these conditions even minimum caution required that benefit plans be so framed as to reduce costs.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. HARLESS of Arizona. I yield to the gentleman from Indiana.

Mr. HALLECK. The present unemployment benefits under the Railway Act are $20 for 20 weeks, are they not?

Mr. HARLESS of Arizona. That is right.

Mr. HALLECK. And that is the schedule the Congress set for the veterans, and that is the program the Senate set in a bill that body acted on. The Congress refused to go along with $25 for 26 weeks. Does the gentleman favor in this measure going to $25 for 26 weeks in spite of the other actions taken?

Mr. HARLESS of Arizona. I believe that eventually the gentleman will find that Congress will give to all employees $25 for 26 weeks; maybe not soon, but that will come ultimately.

Benefit rates were made very low, substantial waiting periods were required before benefits could be drawn, qualifying and disqualifying conditions were made stringent, and annual maximum benefits were fixed at amounts which could make no pretense to adequacy under conditions of protracted unemployment. I know of no one who defended those arrangements as constituting adequate unemployment insurance. The sole justification was that we were at least making a start in the field and were going as far as we could safely go with our limited experience and with reasonable assurance of staying within the limits of costs considered proper. It was felt that at least there would be some cushioning of the shock of unemployment; with this assistance many individuals might be able sufficiently to supplement their resources so as not to become recipients of relief before finding reemployment; and those whose resources and benefits did become exhausted before they could find reemployment and who would then be dependent upon relief would at least not go on the relief rolls immediately after losing their jobs; furthermore, the unemployment insurance benefit rolls would afford a gage from which to forecast what future relief requirements might be—they would afford an opportunity to identify prospective candidates for relief and thus permit some planning to be done to meet the relief requirements. These minimum purposes would at least be served and if experience showed that revenues would be sufficient to accomplish more, the benefit formulas could be progressively liberalized to accomplish the maximum protection against unemployment within the limits of the funds available That has been the underlying plan ever since.

Experience has demonstrated that it is possible to achieve more adequate protection within the limits of costs that were initially fixed and have since been observed. There has been a constant improvement and liberalization of benefit payments under the State plans. When the Railroad Unemployment Insurance Act was enacted in 1938, its benefit formulas were worked out so as to correspond in liberality to the more liberal of the State plans. But by 1940 it was apparent that more liberal benefits could be supported and the act was then amended to liberalize benefits. This same process has also been going on with respect to the State laws. Notwithstanding the 1940 amendments it was testified at the hearings last year on H. R. 1362 by the Chairman of the Railroad Retirement Board that the Railroad Unemployment Insurance Act was then probably less liberal than the average of the State plans; since the formulas vary greatly and numerous elements go into the determination of comparative liberality, it is impossible to make exact comparisons. But it certainly cannot be denied that during the period from 1940 to 1945 when the railroad plan remained static the various State plans were being progressively liberalized and hence by 1945 the railroad plan was necessarily relatively less liberal in comparison with the State plans than it was in 1940. In the year that has elapsed since the hearings were held, many of the State laws have been further liberalized, and I am now informed that as of the present time the railroad plan is probably as much as 20 percent less liberal than the average of the State laws.

Mr. NEELY. Mr. Chairman, will the gentleman yield?

Mr. HARLESS of Arizona. I yield.

Mr. NEELY. Mr. Chairman, the gentleman has made comparisons between benefits under State laws and those proposed by the Crosser bill. May I invite his attention to the fact that the average weekly benefits under the Railroad Employment Act for January of this year were $16.25 a week and that for the same month the average benefits under the

State laws of the Nation were $19.15 a week?

Mr. HARLESS of Arizona. That is the average. About 20 percent less.

Mr. NEELY. The Crosser bill, if it had been in effect would have increased the $16.25 approximately 5 percent. That would have made the benefits under the railroad law, plus the Crosser bill's augmentation in this instance, $17.06 a week.

Mr. HARLESS of Arizona. It would still be less.

Mr. NEELY. Yes; more than $2 a week less than the average paid under State laws.

Mr. HARLESS of Arizona. I thank the gentleman.

Mr. BULWINKLE. Mr. Chairman, will the gentleman yield?

Mr. HARLESS of Arizona. I yield to the gentleman from North Carolina.

Mr. BULWINKLE. I know the gentleman does not mean to make an erroneous statement. He spoke awhile ago about what the workers were paying in on unemployment compensation.

Mr. HARLESS of Arizona. In what respect was I in error?

Mr. BULWINKLE. The gentleman said they made payments on unemployment compensation.

Mr. HARLESS of Arizona. They make contributions in their employment. I want to clarify that.

Mr. BULWINKLE. Contributions to what?

Mr. HARLESS of Arizona. To their retirement.

Mr. BULWINKLE. Well, that is correct, but retirement and the unemployment compensation fund are two distinctly different things. The gentleman made the statement that they contributed to the unemployment compensation fund.

Mr. HARLESS of Arizona. I will make that correction.

Mr. WOLVERTON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. HARLESS of Arizona. I yield to the gentleman from New Jersey.

Mr. WOLVERTON of New Jersey. I have asked the gentleman to yield in order that I may have some clarification made of the statement made by the gentleman from West Virginia with reference to the average unemployment. Would the gentleman be willing to inform me just how he arrived at that average?

Mr. NEELY. The averages stated were obtained from a source which, in my opinion, is thoroughly reliable.

Mr. WOLVERTON of New Jersey. Will the gentleman kindly explain the basis?

Mr. HARLESS of Arizona. Mr. Chairman, I refuse to yield further. The two gentlemen can get together, discuss it, and clarify it later.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. WOLVERTON of New Jersey. Mr. Chairman, I yield the gentleman one additional minute to answer the question.

Mr. NEELY. If the gentleman denies that the figures are correct, I shall endeavor to produce my authority.

Mr. WOLVERTON of New Jersey. I am not denying anything the gentleman said except I would like to know the basis for them. I am not certain that the basis is correct.

Mr. NEELY. Neither am I, but I nevertheless do not doubt its correctness.

Mr. WOLVERTON of New Jersey. Would the gentleman care to state the authority?

Mr. NEELY. I shall seek permission to disclose to the gentleman the name of the official who supplied me with the information upon which my statement was based.

Mr. WOLVERTON of New Jersey. Of course, I will appreciate having that. I think the gentleman has been misled. I attribute no ulterior motive to the gentleman in making the statement, however.

Mr. NEELY. If I find that the figures I have given are incorrect, I shall certainly correct them in the RECORD.

The CHAIRMAN. The time of the gentleman from Arizona has again expired.

Mr. CROSSER. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. BULWINKLE. Mr. Chairman, will the gentleman yield?

Mr. HARLESS of Arizona. I yield to the gentleman from North Carolina.

Mr. BULWINKLE. I want to call the attention of the gentleman from West Virginia to the fact that while the States do pay more, yet the carriers pay longer. The average is larger and longer.

Mr. SAVAGE. How long do the carriers pay?

Mr. BULWINKLE. Twenty weeks.

Mr. SAVAGE. In my State of Washington they pay for 26 weeks.

Mr. BULWINKLE. We are talking about the average.

Mr. HARLESS of Arizona. Mr. Chairman, I cannot yield further because I have certain things I want to get in the RECORD.

The committee proposal would reverse all that has been accomplished. Although 6 years have elapsed since there has been any improvement in railroad unemployment benefits while State laws have been continuously liberalized, the committee throws out all proposed improvements in unemployment insurance and proposes that the accumulated reserves be diverted to the advantage of the employers through tax reduction. These reserves have accumulated in part because we have had very favorable employment conditions and in part because we have been inattentive to our obligation to make progressive liberalizations as experience has demonstrated the availability of funds. I want to remind the House that for the past 2 years—One-third of the period that has elapsed since the last amendments—the railroad employees have been pressing for the adoption of the improvements now before the House and this is the first time that their proposals have even come to the floor for consideration.

Apparently the committee draws some justification for its action from the operation of so-called merit-rating or experience-rating provisions in the State laws. When the State unemployment insurance systems were being framed there were numbers of people who felt that some provision should be made to encourage individual employers to reduce unemployment by stabilizing employment in their establishments and that the possibility of being allowed some tax credit for such an achievement would be a good inducement. This thought was apparently suggested by casualty insurance practices particularly with respect to workmen's compensation insurance. In that field it is the general practice that an employer who succeeds in reducing accidents in his establishment can attain a lower insurance premium rate. Many students of social insurance felt that this analogy had no application to unemployment insurance because in the first place unemployment unlike accidents is not primarily the result of conditions in the particular establishment but of general economic conditions over which the employer has no control. In the second place it was pointed out that since individuals must have a substantial period of qualifying employment before being entitled to benefits employers might be tempted to achieve a favorable merit-rating position by releasing employees before they had the necessary amount of qualifying employment, thus creating conditions the exact opposite of those that merit rating was intended to encourage. And in the third place it was pointed out that the tendency of such schemes would be to reduce taxes when business conditions were good and to increase taxes when conditions were bad and the employers could least afford the increase. Finally it was suggested that in times of very favorable employment conditions these schemes would give tax reductions to all employers regardless of their individual merit and thus counteract the plan for progressively more liberal benefit payments if experience showed that the financing could support them.

It is not my purpose to go into any detailed appraisal of the extent to which experience has shown these objections to State merit-rating systems to be valid. Notwithstanding these objections, merit-rating schemes have gained fairly widespread acceptance in the States. On the other hand, when the Railroad Unemployment Insurance Act was adopted and when it has been before us for amendment the Congress considered these objections to merit rating to have sufficient validity so that we did not consider it proper to adopt any such scheme.

The tax reduction plan proposed by the committee is in any event subject to condemnation on several of these grounds irrespective of whether the same may be true of the various merit-rating schemes under State laws. The committee's proposal departs completely from the basic concept on which merit-rating schemes gained their acceptance. It abandons all pretext of rewarding meritorious practices of the individual employer. It provides for tax reductions in which all employers participate equally and which come into operation solely by virtue of the balance in the unemployment insurance account. An individual employer may follow the best possible practices for stabilizing employment and have his efforts completely counteracted so far as its effect on the employment insurance account is concerned by the unstabilizing practices of other employers. Thus it

is in any event clear that regardless of what beneficial effects merit rating as practiced in the States may have on the stabilization of employment any pretense of duplicating that effect in the railroad industry is completely lacking in the committee's proposal.

I do not know to what extent the operation of State merit-rating provisions to bring about general reductions in taxes may have counteracted the plan of progressive liberalization. We know that in consequence of the very favorable employment conditions of the past several years these merit-rating schemes have brought about some degree of general tax reduction. On the other hand, it is nevertheless also unquestionably true that during this period the State laws have been progressively improved and liberalized. Whatever the effect of State systems may have been we need not speculate about the effect of the committee's proposal here. We could have no more dramatic demonstration of it than the committee itself gives when its proposal for tax reduction is conjoined with its recommendation that all proposed improvements in unemployment insurance benefits be eliminated from the bill notwithstanding the fact that 6 years have elapsed since any such improvements were made and the Railway Act has fallen behind State legislation in liberality.

Finally, the fact that the committee's proposal would operate to reduce taxes in times of prosperity and to increase them in times of depression has a particularly odious application to the railroad industry. It may be that with respect to outside employers it is not the function of government to concern itself too much about this factor. Perhaps it is proper to say that the individual employer must deal with this consideration on his own responsibility. If he is foresighted enough he can make provision in times of prosperity for meeting the increased taxes which he knows will occur when periods of depression impair his favorable merit-rating position; and if he is not sufficiently foresighted to determine these effects and to provide for them, perhaps the Government has no obligation to concern itself over whether he stays in business or not. I express no opinion on those questions, but whatever the Government's obligations in this respect may be toward outside industry, it is undeniably clear what the Government's obligations are with respect to the railroad industry. It is unthinkable that Government should ever be indifferent to whether railroads stay in business. We have not felt any such indifference in the past and it is unthinkable that we could in the future. During the last depression we not only enacted emergency railroad legislation and revised the bankruptcy laws to facilitate the solution of the critical financial problems in the railroad industry but through the Reconstruction Finance Corporation we devoted many millions of dollars of public funds to bailing out the railroads. If we now permit railroads to deplete the unemployment insurance reserves by reducing their contributions to one-half of 1 percent until half the reserve has been consumed as the committee proposes to do, and then during a future period of depression those rates will have to be increased as the committee proposes they would, there can be no doubt that the Public Treasury would be called upon again to ease the railroads out of their financial difficulty.

It is thus clear that irrespective of whether State merit-rating schemes are justified (and this is still a highly controversial question notwithstanding the widespread adoption of the schemes) at least the proposal recommended by the committee warrants our condemnation. It makes no gesture toward achieving stability of employment. It is part and parcel of a plan to foreclose any liberalization of unemployment insurance benefits and it would call upon the Public Treasury to underwrite in future years the replenishment of the reserves which the committe now proposes to deplete in tax reductions.

In conclusion, I want to emphasize that during most of this period you have had war-inflated times, and if you permit the unemployment compensation fund to be reduced to $150,000,000, with a possible depression coming on, you will not be able to meet the demand that will come upon the fund. I respectfully submit to this committee that this is one of the major issues, and you would have to supplement the entire committee bill with the Crosser provisions, otherwise you could not meet the provisions of the Crosser bill by amending the committee bill in this respect.

I submit that the Crosser bill should be accepted.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. CROSSER. Mr. Chairman, I yield 7 minutes to the gentleman from North Dakota [Mr. LEMKE].

Mr. LEMKE. Mr. Chairman, I find no fault with the Committee on Interstate and Foreign Commerce. I am sure they did the best they knew how with the light they had. I may find some fault with that light—the statistician. I favor and feel that this committee should consider H. R. 1362 as introduced by the gentleman from Ohio [Mr. CROSSER]. This with such amendments as the committee may adopt under the 5-minute rule.

I was a Member when the original Railroad Retirement Act was passed. I was a Member when that act was held unconstitutional. I was also a Member when the present Railroad Retirement Act was passed. I do not recall that there was any agreement between management and the rail organizations. As I recall it was passed in the closing days of the Congress. It was passed because an overwhelming majority of the House had signed a petition that they would not consent to adjournment until that bill was acted upon. I was one of those signers.

We knew at that time, as we know with any bill that we pass, that it was not perfect. No legislative body has yet reached perfection. No legislative body is infallible. It is perhaps well that that is so. Otherwise there would be no need of future sessions of Congress and the Nation would become stagnant.

Therefore, I suggest that we act on the Crosser bill in place of the committee bill. The railroad and coal strikes are over. There must be a solution to these disastrous strikes. But so far the public and the Congress have been dealing only with the effect—not the cause—of these strikes. This bill deals with the cause.

The public is entitled to transportation service, but the railroad employees are also entitled to security—security from want after they have given the best part of their lives serving the public. There can be no rational objection to that position.

In considering this legislation we must remember that the laboring man's dollar has only 50-cent purchasing power as compared with 1937 and 1938. In fact, it buys less. His dollar is as depreciated as yours. His cost of living has doubled the same as yours. No one has a right to expect labor to produce below a decent living wage and security from want after retirement, after a life well spent serving others.

We are here dealing with the cause of strikes. Give the employees security and that will reduce strikes. I am not asking the railroads to do the impossible and operate at a loss, but that loss, if any, must not be made up at the expense of their employees. The human side—the employees—of our transportation system must be put on an equality with dividends. It must be put on a basis of security. No one has a right to expect cheaper transportation at the expense of security to the employees, security from want, and by that I do not mean merely a subsistence but a sufficient retirement compensation to afford an American standard of living.

The hostility toward organized labor by the paid propaganda over the radio and the metropolitan press and theaters should be ignored. Organized labor, I am informed, with its families and relatives, consists of 48 percent of our population. Whether we like it or not, they have 48 percent say about the government under which we live, 48 percent say about the laws that we enact.

Railroad labor did a marvelous job during the war. At best they got a raw deal from the New Deal. They, too, are tired of being regimented—of government by bureaucracy. May I suggest that if we have good sense we will cooperate with labor? If we are going to abolish government by bureaucracy we must have some of labor's support. If we are going to clean house of some of the obnoxious alphabetical set-ups, then we must have sense enough to give a square deal—security—to labor.

We must never forget that this is their Government as much as ours. To ignore labor's just demands injures all of us. It creates disunity when our Nation needs, in the words of the President, "to get to work."

Mr. NEELY. Mr. Chairman, the able gentleman from North Dakota has observed that the purchasing power of the dollar has depreciated approximately 50 percent since 1937 when the Congress enacted the law which we are seeking to amend. The gentleman's deduction has my unhesitating concurrence. Upon the basis of that deduction, would it not be necessary for the benefits provided by the present railroad-retirement and railroad-unemployment legislation to be in-

creased a hundred percent in order to provide railroad employees purchasing power equal to that which they enjoyed under the the law during the year immediately following its enactment in 1937?

Mr. LEMKE. That is absolutely correct. If we are ever going to pay our public debt it will be necessary to recognize that we have a depreciated dollar which is worth only 50 cents. Labor cannot be expected to produce the new wealth with which to pay the indebtedness on a 50-cent subsistence dollar without an increase in salary, wages, and retirement income.

Mr. NEELY. Does the gentleman find that the Crosser bill provides any 100-percent increases for railroad men?

Mr. LEMKE. I do not. I think the Crosser bill is very conservative.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. LEMKE. I yield.

Mr. RANDOLPH. Did I understand the gentleman to say that the laboring men of the country had gotten a raw deal from the New Deal?

Mr. LEMKE. I say the railroad men have. I think they got a very raw deal the way their increase in wages was juggled under the Director of Economic Stabilization, now Chief Justice Vinson.

Mr. RANDOLPH. I thought the gentleman said that the laboring men of the country had gotten a raw deal under the New Deal.

Mr. BULWINKLE. Mr. Chairman, I wonder if the gentleman would use some of his time since I only have 45 minutes remaining?

Mr. CROSSER. Well, both of you gentlemen had 45 minutes.

The CHAIRMAN. Does the gentleman from North Carolina, the gentleman from New Jersey, or the gentleman from Ohio seek recognition to use time?

Mr. BULWINKLE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PATMAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 1362) to amend the Railroad Retirement Act, the Railroad Unemployment Insurance Act, and subchapter B of chapter 9 of the Internal Revenue Code, and for other purposes, had come to no resolution thereon.

ORLANDO, FLA.

Mr. HENDRICKS. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HENDRICKS. Mr. Speaker, I am particularly proud of the Queen City of Florida—Orlando. I do not hesitate to say that Orlando is the most beautiful inland city in the State of Florida, and I cannot say too much for the citizenship of Orlando and Orange County. They are excellent people. This, of course, leads up to the main point of my discourse.

On the Saturday before Easter 1946 Mrs. Margaret Bowe, a secretary in Orlando, told a reporter of the Orlando Morning Sentinel staff that she had an idea that might make a good feature story and might also be the beginning of a fine project.

The Easter Sunday issue of the Sentinel carried her idea. It was that parents adopt children, relatives adopt other relatives, families adopt families occasionally. Why, then, could not Orlando adopt a city in Europe with a population comparable to that of Orlando to aid in supplying it with food during the period to ensue before the harvest in that European area was ready?

The Orlando Junior Chamber of Commerce picked up the idea the following day, April 22. Clem Brossier, managing editor of the Sentinel, was appointed over-all chairman of a committee to set the project in motion. By nightfall Brossier had set up subcommittees to contact chain grocers, independent grocers, schools, churches, women's clubs, and so forth. He had gotten in touch with UNRRA officials and they had enthusiastically endorsed the project. On Tuesday, April 23, the announcement of the Orlando plan, so dubbed by a reporter assigned to the coverage of the project, reached the citizens of central Florida via the Sentinel. The townspeople took to the plan like a duck to water. A special meeting of the Women's Community Council was called. The council's 37 members are representatives of every woman's organization in the city. They took the plan back to their separate organizations.

The big idea was to have bins installed in every grocery store in the city. As customers paid for their purchase they could deposit in the bins extra cans of food they had bought to contribute to the adopted city. When the plan had been in operation 3 days, the junior chamber of commerce decided on Volos, Greece, as the city it wanted to adopt. Greece has never been at war with the United States, and was one of the countries hardest hit by the invading Nazi and Fascist hordes. Volos, with a population of about 48,000, compared favorably with Orlando in size. It, like the central Florida metropolis, is surrounded by 24 villages and small communities, making it the hub of that section of Greece. Its climate compares favorably with that of central Florida as well, and there is some production of oranges. As the plan gained momentum, the Orange County Ministerial Association got behind it. They preached special sermons, exhorting their congregations to support the drive. The schools fell in line. More than 50 posters were painted by members of the Orlando High School art classes. Bins were placed in schools and students brought cans of food with them. The 800 students at the Negro high school collected 5,000 cans in 1 week. Restaurant keepers joined the drive. They set up displays of canned food at their cashiers' booths and offered the food at wholesale prices for contribution to Volos. One restaurateur, George Camichos, is a native of Zagaros, Greece, just 12 miles from Volos, and his two brothers and many other relatives live in Volos. He wept when he heard that Volos had been selected for adoption. George Berke, operator of a cold-storage plant, donated two steers, which he slaughtered and dressed down to 600 pounds of boned meat. The meat was put into cans by volunteer women workers, which included members of the Red Cross Canteen Corps. On Mother's Day several churches asked their members to bring cans of baby food or food especially adaptable to mothers of small babies, as a gesture to the mothers of Volos. Thousands of cans of precious food piled up in the church lobbies. UNRRA pledged itself to exert every effort to see that the food goes directly to Volos, but because of prior commitments, transportation difficulties, and other obstacles, the Government agency could give no ironclad guarantee. Angelo Tsimas, a naturalized American citizen who was born and brought up in Volos, and who now is one of the leading citizens of Stuart, Fla., has gone to Volos to visit his aged mother there. He carried with him letters from Mayor William Beardall, of Orlando, to the mayor of Volos, and two letters from Cliff Cashion, junior chamber of commerce president, to the people of Volos and the Premier of Greece, explaining what Orlando is trying to do for the city. The Orlando Army Air Base, commanded by Maj. Gen. Donald Wilson, is supplying warehouse space for the thousands of cans of food being poured into the stock pile. The first carload, some 50,000 cans was expected to be ready for shipment to a port of embarkation on May 18.

As the drive progressed, many persons asked if they could donate cash. At first this was refused, because, as UNRRA Director LaGuardia had said, "Those people can't eat money." However, a decision was made to accept cash donations, and I. A. Mayfield, an official of the First National Bank of Orlando, was named treasurer of the Orlando Plan Committee. Immediately checks ranging in size from $5 to $100 started to come in. Much credit is due to the women of Orlando for their untiring efforts, but the moving force behind the project was Clem Brossier, the dynamic young managing editor of the Sentinel. This 27-year-old ex-coast guardsman barked orders at his subcommitteemen in the same manner that he does at his reporters. Without his driving force and genius for coordination, the Orlando plan might never have been the success that it was.

Mr. Speaker, this plan was aided greatly by the Orlando Morning Sentinel and the Reporter-Star, and I suggest to other cities and newspapers throughout the country that they adopt such a plan.

EXTENSION OF REMARKS

Mr. WASIELEWSKI asked and was given permission to extend his remarks in the RECORD in three instances, to include a speech in one instance and newspaper articles in the other two.

Mr. BYRNES of Wisconsin asked and was given permission to extend his remarks in the RECORD and include a statement from a constituent.

The SPEAKER. Under previous order of the House, the gentleman from

Montana [Mr. MANSFIELD] is recognized for 30 minutes.

THE PROPOSED LOAN TO BRITAIN

Mr. MANSFIELD of Montana. Mr. Speaker, there is, in and out of the Government, today much talk of foreign loans, and for the past 8 months I have been studying this question from all angles. Almost every nation in the world is looking toward the United States for some sort of financial assistance in order to rehabilitate itself.

This is the country of wealth and plenty; at least many people think so. We have been wealthy—prodigiously so—in comparison with our neighbors, but that wealth has been exploited by the few and not distributed to the many on an equitable basis. That wealth has been spent lavishly and with very little thought of the future. Our natural resources have been stripped to such an extent that it is time we stop, take an inventory of what remains, and proceed from there.

To date we have been muddling toward a loan policy with foreign nations. We have been cast in the role of the paternal parent with a heart, a mind, and a purse full of gold which we hand out just for the asking. We have been so generous that we have earned the contempt of some nations, the fawning of others, and the respect of a few.

Our money and our wealth have been distributed lavishly during the course—I should say curse—of two world wars. In the First World War it was loaned on what many of us thought to be a sound business basis. We expected to get it back, but with the exception of Finland all the other debtor powers have failed to meet their commitments. We have requested payments from them, but all we receive any more is a polite acknowledgment of our requests and a promise to discuss them at some future date.

The result has been that many of our people feel we have been taken for a ride. These loans came out of the pockets of our people and any future commitments must come from the same source.

I have received a statement from the Treasury Department showing the total indebtedness of foreign governments to the United States as of January 1, 1946, and based on loans made during and immediately following the First World War, which I am inserting at this point in my remarks.

Statement showing total indebtedness of foreign governments to the United States as of Jan. 1, 1946

Country	Principal unpaid	Interest unpaid	Total indebtedness
Funded debts:			
Belgium	$400,680,000.00	$107,057,077.00	$507,737,077.00
Czechoslovakia	165,241,108.00	12,124,970.11	177,366,079.01
Estonia	16,466,012.87	8,311,952.94	24,777,965.81
Finland	7,743,589.51	707,872.16	8,451,461.67
France	3,863,650,000.00	781,508,529.40	4,645,158,529.40
Germany (Austrian indebtedness)	25,980,480.66	44,058.93	26,024,539.59
Great Britain	4,368,000,000.00	2,123,614,782.58	6,491,614,782.58
Greece	31,516,000.00	5,575,455.10	37,091,455.10
Hungary	1,908,560.00	865,563.13	2,774,123.13
Italy	2,004,900,000.00	49,804,284.34	2,054,704,284.34
Latvia	6,879,464.20	3,355,124.84	10,234,589.04
Lithuania	6,197,682.00	2,974,242.37	9,171,924.37
Poland	206,057,000.00	104,023,634.20	310,080,634.20
Rumania	63,860,560.43	11,973,279.13	75,833,839.56
Yugoslavia	61,625,000.00	1,925,786.28	63,550,781.28
Total	11,230,705,458.57	3,213,866,608.11	14,444,572,066.68
Unfunded debts:			
Armenia	11,959,917.49	15,529,449.47	27,489,366.96
Russia	192,601,297.37	260,181,336.39	452,782,633.76
Total	204,561,214.86	275,710,785.86	480,272,000.72
Grand total	11,435,266,673.43	3,489,577,393.97	14,924,844,067.40

Then came the Second World War and, before our entrance into it, the Lend-Lease Act was passed on March 11, 1941. Under the terms of this act, aid and assistance was to be given to our allies and favored neutrals. This finally amounted to $46,040,000,000, as of October 1, 1945. On August 17, 1945, President Truman issued a directive relative to the termination of lend-lease aid and a transitional program was developed by the Foreign Economic Administration and offered to the lend-lease governments. The responsibility for the completion of their transitional negotiations has now been assumed by the State Department pursuant to the President's Executive order of September 27, 1945, in which the functions of the Foreign Economic Administrator, under the Lend-Lease Act of March 11, 1941, were ended.

In the twenty-first report to Congress on lend-lease operations for the period ending September 30, 1945, the total lend-lease aid, by countries, was as follows:

Lend-lease aid, by country, March 1941 to October 1, 1945

COUNTRY AND AMOUNT	
British Empire	$30,269,210,000
U. S. S. R.	10,801,131,000
France	1,406,600,000
China	631,509,000
American Republics	421,467,000
Netherlands	162,157,000
Greece	75,416,000
Belgium	52,443,000
Norway	34,640,000
Turkey	28,063,000
Yugoslavia	25,884,000
Other countries	43,284,000
Aid not charged to foreign governments	2,088,249,000
Total lend-lease aid	46,040,054,000

In the same report the total reverse lend-lease aid received by the United States to July 1, 1945, by countries, was as follows:

COUNTRY AND AMOUNT	
United Kingdom	$4,220,299,000
Fiji Islands	10,277,000
Nigeria	2,877,000
Gold Coast	6,924,000
Other colonies	762,000
Total from United Kingdom	4,241,139,000
Australia	$835,004,000
New Zealand	204,566,000
India	639,443,000
Union of South Africa	885,000
Total British Empire	5,921,037,000
France (to Feb. 1, 1945)	200,615,000
French Africa	70,358,000
France—New Caledonia	1,171,000
Belgium	55,647,000
Belgian Congo	182,000
Netherlands	1,133,000
Netherlands — Curaçao and Surinam	917,000
China	3,672,000
U. S. S. R.	2,139,000
Total	6,256,871,000

Adding all this up, we arrive at the following financial statement:

First World War loans made, $11,781,822,099.86.

First World War loans collected, $2,751,406,272.55.

First World War loans owing, $14,924,844,067.40, principal and interest.

Lend-lease expenditures, $46,040,054,000.

Reverse lend-lease aid, $6,256,871,000.

Total United States expenditures, $54,707,973,067.40.

This means that over 54 billions of American dollars have been loaned or lend-leased in two world wars exclusive of First World War loans repaid and reverse lend-lease. In addition to our other sacrifices and to the expenditures listed above, we have allocated or contemplate allocating additional billions of dollars t the Export-Import Bank in the sum of $3,353,000,000; the International Bank, $5,925,000,000 and UNRRA, $2,700,000,000. There have also been strong indications that the USSR will approach us for a loan of six billions, France for two and one-half billions, China for three billions, and others for smaller amounts. The question naturally arises: where is all this money coming from and where is the backing for it?

What has happened to date is now past, but I do want to see this proposed loan to Britain and any future loan negotiations carried on in a sound and businesslike manner and the United States given something in return besides empty promises and polite acknowledgments. Friendship cannot be bought; it must be earned.

On the question of loans I do not think we should deal with one nation at a time—as we are now doing—but with all the applicant nations at the same time. Let them state how much they want to borrow, and let us set up a budget and see how much we have. We cannot afford to negotiate with each nation singly because the favorable terms which our negotiators give to one will be asked for by all and, in some cases, even more

favorable terms will be desired. Let all loans be considered together, and a sound, practical, businesslike basis for repayment be arranged. Obviously we cannot expect to be paid in cash, but just as obviously we should expect good collateral for these loans, based on such factors as equal trade rights and the stock piling of resources which we need but do not have, that is, tin, rubber, tungsten, antimony, chrome, and other materials. Surely the "have" countries and the others could agree to a transaction of this kind in the negotiations now taking place or likely to be considered.

For more than a year, the United States was the only major power to ratify the Bretton Woods Pact—the organization which was set up to finance the transition from war to peace. We were told Bretton Woods had to be rushed through Congress, so we ratified it in the spring of 1945. Since then, our allies have taken their time on this measure and indications point to the possibility that this procedure has been adopted to make us amenable to loans as a prerequisite to signing. We are not on the defensive in this matter, and I think it is a poor business to allow ourselves to be maneuvered into a position where other nations can hold a club over us.

The proposed loan to Britain was conducted behind closed doors without either the Congress or the people having any idea what the terms were until the negotiators had agreed among themselves. This was not in the public interest because our people were kept in ignorance of what was transpiring and consequently could not exert any direct influence on the negotiations.

When the Anglo-American negotiators reached an agreement on the proposed loan in December 1945, it was brought up in Parliament for its consideration. It is to be noted that Britain delayed ratifying the Bretton Woods agreement until they had a chance to know what the loan entailed, and only after they knew this did they vote for the pact and eventually for the loan. Furthermore, on May 21, 1946, Mr. Will Clayton, Assistant Secretary of State, made the statement that Britain would withdraw from Bretton Woods and other international agreements if she fails to get the loan. It is pertinent to ask if the Union of Soviet Socialist Republics is holding back on its agreement to Bretton Woods for the same reason. It is my understanding that the Union of Soviet Socialist Republics agreed to furnish a statement of its gold reserves immediately after the Bretton Woods Conference, but to date it has not been forthcoming. Why?

The proposed British loan is for $3,375,000,000 and is to be repaid in annual installments over a period of from 5 to 55 years. During the first 5 years no interest is to be paid and thereafter the rate will be 2 percent per annum. On this basis—considering the first 5 years as interest free—the average interest rate amounts to only 1.62 percent per annum providing interest is paid every year after the first 5 years.

However, there is a provision in the agreement that no interest will be charged in any year that the United Kingdom has an unfavorable international exchange position. When that occurs not only is interest waived, but it is also not accumulative. If this were to happen in one-half of the 50 years, the average interest rate would be less than 1 percent.

In this respect it is worth while to note that during the past few years the United States Government, when it borrows money from the American people, pays an average interest rate of 1.92 percent. This means that the money we borrow from our own people to loan to foreign governments is negotiated on a basis that, in effect, means a loss to us. We are not only loaning the money but we are also paying part of the interest. It is interesting to note, too, that money loaned to our returning veterans under the GI bill of rights draws interest at the rate of 4 percent per annum.

Under the terms of the proposed British loan we also agree to accept the United Kingdom's note for $650,000,000 as full settlement for the unpaid balance on lend-lease and all our investments, material, and surpluses in the United Kingdom. This is a gift, pure and simple.

In return the United Kingdom has agreed to eliminate the dollar pool within the British Empire 1 year after Congress ratifies the loan agreement. This would mean that the countries comprising the British Empire could then use their current dollar receipts without restriction in world trade channels. There is nothing in the agreement to show that we will receive anything in the nature of foreign bases, raw materials, communications, or other concessions. The British will, in return for this loan, cooperate in working out world agreements covering trade, but this is a costly procedure and we can only wonder what the price will be to get the cooperation, on this basis, of the other members of the United Nations.

Furthermore, the Johnson Act, which prohibits the sale in American markets of securities of nations in default to the United States Government, is now virtually nullified. The reason is that the Bretton Woods Act, as passed by Congress last July, says that it is not to apply to any government belonging to the Bretton Woods Reconstruction Bank and Currency Stabilization Fund. This means that England, France, Belgium, Russia, and all the other countries which have defaulted on their World War I loans and all of whom, except Russia, have become charter members of the Bretton Woods Bank and Fund, will have their legal obligations or debts already owed to us wiped out. This means, then, that all debts owed the United States resulting from the First World War and the rehabilitation period following would be nullified by any nation joining the Bretton Woods Reconstruction Bank and Currency Stabilization Fund.

All of this makes me wonder at the wisdom of the course we are taking. In my opinion we cannot keep on making huge expenditures, increasing the national debt, and at the same time expect to balance the budget and reduce taxes. I could not see my way clear last year to vote to reduce taxes for our own people by almost $6,000,000,000 when we owe, as of February 15, 1946, $279,496,766,104.49—an average of $1,991.52 for every American—face a $30,000,000,000 deficit this year, and continue to borrow money from our own people for the expenses of government. Why not use this money we are asked to loan, to take care of our housing needs, our veterans, and to help balance the budget? While there is a great deal that I do not know about matters financial, I do recognize such things as debts, deficits, taxes, and rates of interest. One thing I cannot coordinate in my think is the logic of an interest rate of 1.62 percent, and possibly less, on a loan to a foreign government as compared with an interest rate of 4 percent for a veteran and a rate of 5 to 6 percent for a citizen who borrows from a bank and who has to offer 100-percent security besides.

While what I have said applies to only one nation, I feel that questions of a like character might apply to other nations. Therefore, we should consider all nations' applications at the same time and on terms that would constitute good, sound business. There cannot be too much forgiveness because what the nations of the world do not repay, our own people will have to.

We are not the richest Nation on earth. In this war we have lost more than a million men in killed and wounded and our natural resources have been blasted, burned, and shot away.

Between 1941 and 1945 we used up oil equivalent to about one-fourth of present proved petroleum reserves. We shot away about 7 percent of our commercial iron-ore reserves; one-fifth of our commercial copper reserves; one-fourth of our lead reserves; and one-fourth of our zinc reserves.

We still have immense reserves of coal and submarginal iron ore but only scanty resources of manganese and chrome. We must rely heavily on imports for antimony, tin, nickel, tungsten, vanadium, mica, and other minerals vital both in peace and in war.

Modern-day conditions and unprecedented wartime depletion of resources call for a new look at our natural resources policy. As a result of a Bureau of Mines study of 33 mines we find that 9 minerals—salt, magnesium, bituminous coal and lignites, phosphate rock, potash, iron, anthracite coal, and molybdenum—are ample enough in commercial reserves to last more than 100 years.

Natural gas reserves were available, it is estimated, for 48 years; sulphur, 45; fluorspar, 40; copper, 34; zinc, 19; petroleum, 18; cadmium, 16; gold, 14; lead, 12; silver, 11; bauxite, 9; vanadium, 7; and antimony, 4.

Commercial tungsten reserves were estimated to be good for 4 years, platinum, 4; mercury, 3; asbestos, 3; manganese, 2; chromite, 1; and nickel and tin less than 1 year. No industrial reserves were shown for industrial diamonds, quartz crystals, or flake graphite.

Stock piling from abroad is the answer to our need of strategic minerals that are in short supply or totally lacking in this country. England and other nations now seeking loans from us have many of these, which we should receive in return for any commitments made.

In this category should be included tin, antimony, nickel, industrial diamonds, platinum, asbestos, and other minerals which we do not have or are in exceedingly short supply as well as commodities such as rubber, cocoa, tea, silk, kapok, hemp, and the like.

Harold Ickes, the former Secretary of the Interior, stated in an article in the American magazine for December 1945 that due to the depletion of our natural resources—

> We no longer deserve to be listed with Russia and the British Empire as one of the "have" nations.

Continuing, he states:

> Between January 1, 1940, and January 1, 1945, we tore from the earth 5,000,000,000 tons of minerals. To prevent the decline of the United States as a major military and industrial power and to maintain our high standard of living, we must begin at once to stock-pile minerals; to explore our country more extensively than ever before; to hunt for better methods of reconverting metals from scrap.

The statement has been made that the United Kingdom, on the basis of resources considered, contributed more to the defeat of the Axis than did the United States. Perhaps this is true because no one disputes that the United Kingdom's resources are less than those which we possess. But, the real question is, What are the British Empire's resources? That Empire covers one-quarter of the habitable globe and encompasses more than 13,000,000 square miles—more than four times the area of the United States.

Britain has claimed a 20-percent decline in the United Kingdom's national wealth as a result of the war. As I have tried to point out our losses were likewise as heavy and, on an actual basis, far more colossal. While the British talk in terms of the United Kingdom's resources—leaving out the huge, almost untapped resources of their Empire—we must consider our resources here in the United States as pretty much all that we have.

Britain also states that she needs a loan because she owes $15,000,000,000 abroad—mostly within the Empire and its dependencies. This is a far lesser sum than the $25,000,000,000 contributed by us in lend-lease which we are not going to get back. Why, then, does not the sterling area treat its contributions to Britain more or less the same way?

Britain also compares the respective drains on manpower as a reason for special consideration. What this has to do with a loan I do not know, but let us take a look at the record. Britain asserts men and women employed in the armed services or war industries were 55 percent of the total compared with only 40 percent in the United States. This, however, applies only to the United Kingdom and does not include the Empire with its 557,000,000 inhabitants against our 140,000,000 inhabitants. Altogether, the Empire provided 10,000,000 men for the armed services whereas our total has been approximately 15,000,000.

What they did or did not do in the war has no relation to this proposed loan. We do not have to be sold on what Britain and our other allies did in the war because we know and appreciate their efforts. We would like to be helpful to all our deserving allies, but we should do so on an over-all group basis and in line with our own solvency, resources, needs, and our taxpayers' interest.

All these factors should be considered before we embark on a policy of large-scale lending abroad. We should, in the words of Bernard Baruch, draw up a national balance sheet showing this country's present obligations and the resources and productive capacity on hand to meet them. I am afraid that no one knows accurately, at this time, what our assets are or our real debt is.

Therefore, Mr. Speaker, I cannot in good conscience vote for this proposed loan at this time. We know that once it is approved, France, the U. S. S. R., Poland, China, and other countries are going to approach us for loans. It is time, now, to call a halt and to realize that a day of reckoning is at hand. To continue a policy such as contemplated is unsound and unwise, and the sooner we get down to earth the better it will be for our own country and the world. In the interest of good relations between Britain and America—not ill-feeling and ill will—this loan proposal should be defeated. My reasons, in summary, for voting against this loan are:

First. Before we give consideration to proposed loans, we should take a survey of our own resources and assets so that we would have an approximate idea as to what we have; set up a budget; see how solvent our country is, and how far we can go.

Second. We should deal with all nations applying for loans at the same time and on the same basis.

Third. Our loans should be secured in the form of ocean and air bases and products which we lack entirely or have in extremely short supply.

Fourth. No country should hold up ratification of the Bretton Woods Pact as a means of obtaining a loan.

Fifth. The loan was negotiated in secret and ratified by the British Parliament before the United States Congress had the terms referred to it.

Sixth. The interest rate is too low in comparison with loans to our own soldiers under the GI bill and to our citizens in everyday life.

Seventh. We have our own debt to pay and we owe twice as much as all our allies combined.

Eighth. We face continued heavy taxation and deficit Government financing.

Ninth. We are not the richest nation on earth.

Tenth. If Britain could not pay her First World War debt how could she pay this one?

Eleventh. If Britain puts up no real security, other nations will not expect to give adequate guaranties in asking for loans.

Twelfth. I feel the credit or loan to Britain could be more adequately financed by the British Empire in the form of debt forgiveness.

Thirteenth. The loan will help further inflation in this country by making scarce goods more scarce.

EXTENSION OF REMARKS

Mr. HOFFMAN (at the request of Mr. MICHENER) was granted permission to extend his own remarks in the RECORD.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. STIGLER, indefinitely from June 10, 1946, on account of official business in his congressional district.

Mr. LUTHER A. JOHNSON (at the request of Mr. THOMASON), for 1 week, on account of official business, to attend the Bermuda Foreign Conference.

To Mr. RICHARDS (at the request of Mr. RILEY), for 1 week, on account of official business.

To Mr. GRANT of Indiana (at the request of Mr. SPRINGER), for 1 week, on account of official business.

To Mr. HARRIS, indefinitely.

To Mr. BRUMBAUGH (at the request of Mr. TIBBOTT), for 1 week, on account of official business.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. ROGERS of New York, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill and a concurrent resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 6343. An act authorizing the Secretary of War to lend certain property of the War Department to national veterans' organizations for use at State and national conventions; and

H. J. Res. 347. Joint resolution to correct a technical error in the act approved April 18, 1946 (Pub. Law 347, 79th Cong., 2d sess.).

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ROGERS of New York, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill and a joint resolution of the House of the following titles:

H. R. 6343. An act authorizing the Secretary of War to lend certain property of the War Department to national veterans' organizations for use at State and national conventions.

H. J. Res. 347. Joint resolution to correct a technical error in the act approved April 18, 1946 (Pub. Law 347), 79th Cong., 2d sess.).

ADJOURNMENT

Mr. SPARKMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 32 minutes p. m.) under its previous order, the House adjourned until tomorrow, Tuesday, June 11, 1946, at 11 o'clock a. m.

COMMITTEE HEARINGS

SELECT COMMITTEE ON CONSERVATION OF WILDLIFE RESOURCES

Beginning at 10:30 a. m. each day, the Select Committee on Conservation of Wildlife Resources will hold hearings on Monday, June 10, Tuesday, June 11, and Wednesday, June 12, in the committee room, 448 House Office Building.

The purpose of the hearings will be to receive reports from the various Federal

agencies engaged in wildlife conservation activities and from State game and fish departments, to hear testimony concerning migratory-bird shooting regulations for the coming season, and for other purposes.

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

There will be a meeting of the Committee on World War Veterans' Legislation, in executive session, on Tuesday, June 11, 1946, at 10 o'clock a. m., in the committee room 356, House Office Building.

COMMITTEE ON INVALID PENSIONS

There will be an executive session of the Committee on Invalid Pensions in room 247, House Office Building, on Tuesday, June 11, 1946, at 10:30 a. m.

The purpose of the executive session will be to review public bills pending before the committee and to determine which bills will be scheduled for hearings.

COMMITTEE ON THE JUDICIARY

On Wednesday, June 12, 1946, Subcommittee No. 1 of the Committee on the Judiciary will hold a hearing on the bill (H. R. 6143) to incorporate the Amvets, American Veterans of World War II. The meeting will be held in the Judiciary Committee room, 346 House Office Building, and will begin at 10 a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1378. A letter from the Acting Secretary of the Interior, transmitting pursuant to section 16 of the Organic Act of the Virgin Islands of the United States, approved June 22, 1936, one copy each of various legislation passed by the Municipal Council of St. Thomas and St. John and the Municipal Council of St. Croix; to the Committee on Insular Affairs.

1379. A communication from the President of the United States, transmitting proposed rescissions and provisions as set forth in the letter of the Director of the Bureau of the Budget, pursuant to the provisions of the Second Deficiency Appropriation Act, 1944 (H. Doc. No. 645); to the Committee on Appropriations and ordered to be printed.

1380. A letter from the Administrator, War Assets Administration, transmitting a first supplementary report with respect to Government-owned synthetic rubber plants and facilities; to the Committee on Expenditures in the Executive Departments.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PACE: Committee on Agriculture. H. R. 5958. A bill to amend the Agricultural Adjustment Act of 1938, as amended, without amendment (Rept. No. 2236). Referred to the Committee of the Whole House on the State of the Union.

Mr. PACE: Committee on Agriculture. House Joint Resolution 359. Joint resolution relating to peanut-marketing quotas under the Agricultural Adjustment Act of 1938, as amended, without amendment (Rept. No. 2237). Referred to the Committee of the Whole House on the State of the Union.

Mr. PETERSON of Florida: Committee on the Public Lands. S. 1460. An act to fix the salary of the Solicitor of the Department of the Interior, with amendment (Rept. No. 2238). Referring to the Committee of the Whole House on the State of the Union.

Mr. PETERSON of Florida: Committee on the Public Lands. H. R. 1392. A bill for the purpose of renewing and increasing forage and improving watershed conditions on range lands, forests, or Indian lands, or other public owned and controlled land of the United States; authorizing the sowing operations by airplane, machinery, or other means, for conducting experiments to improve methods of reseeding, and for other purposes; with amendment (Rept. No. 2239). Referred to the Committee of the Whole House on the State of the Union.

Mr. PETERSON of Florida: Committee on the Public Lands. H. R. 2423. A bill to authorize the exchange of lands acquired by the United States for the Silver Creek recreational demonstration project, Oregon, for the purpose of consolidating holdings therein, and for other purposes; without amendment (Rept. No. 2240). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PETERSON of Florida: Committee on the Public Lands. H. R. 5128. A bill to provide for the conveyance of certain real property to G. D. Lammers; with amendment (Rept. No. 2241). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LEMKE:

H. R. 6718. A bill to include consequential damages as part of just compensation in taking private farm property for public use; to the Committee on Public Buildings and Grounds.

By Mr. PRICE of Illinois:

H. R. 6719. A bill to incorporate the Amvets, American Veterans of World War II; to the Committee on the Judiciary.

By Mr. BUNKER:

H. R. 6720. A bill to eliminate the restriction on the number of lots which may be acquired by settlers in the town site of Wadsworth, Nev.; to the Committee on the Public Lands.

By Mr. O'BRIEN of Michigan:

H. R. 6721. A bill to authorize the Postmaster General to accept gifts and bequests for the benefit of the library of the Post Office Department; to the Committee on the Post Office and Post Roads.

By Mr. SPENCE:

H. R. 6722. A bill to promote maximum employment, business opportunities, and careers for veterans in a free competitive economy; to the Committee on Banking and Currency.

By Mr. SUMNERS of Texas:

H. R. 6723. A bill to regulate the review of judgments of conviction in certain criminal cases; to the Committee on the Judiciary.

By Mr. VINSON:

H. R. 6724. A bill to increase the retired pay of officers who served on the active list of the Navy in the grade of admiral at any time between December 7, 1941, and June 30, 1946; to the Committee on Naval Affairs.

By Mr. KEFAUVER:

H. R. 6725. A bill to promote maximum employment, business opportunities, and careers for veterans in a free competitive economy; to the Committee on Banking and Currency.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Municipal Council of Caramoan, Camarines Sur, Philippines, protesting the amendment to the Tydings-McDuffie independence law; to the Committee on Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARTLETT:

H. R. 6726. A bill for the relief of Frank A. Ahyoovik; to the Committee on Claims.

H. R. 6727. A bill for the relief of Charles M. Peterson; to the Committee on Claims.

By Mr. BRUMBAUGH:

H. R. 6728. A bill for the relief of William Henry Spanogle; to the Committee on Claims.

By Mr. GEARHART:

H. R. 6729. A bill for the relief of Ray Glenn and his wife, Elfriede Glenn; to the Committee on Claims.

By Mr. HART:

H. R. 6730. A bill conferring jurisdiction upon the Court of Claims to hear and determine the claim of Breinig Bros., Inc.; to the Committee on Claims.

H. R. 6731. A bill for the relief of Melaine Sbarbori; to the Committee on Claims.

H. R. 6732. A bill for the relief of Anthony Perfetti; to the Committee on Claims.

H. R. 6733. A bill for the relief of Emil Sbarbori; to the Committee on Claims.

H. R. 6734. A bill for the relief of Edna Perfetti; to the Committee on Claims.

By Mr. HESELTON:

H. R. 6735. A bill for the relief of William M. Graham and Mrs. Mary M. Graham; to the Committee on Claims.

By Mr. McGEHEE:

H. R. 6736. A bill for the relief of the Miami Herald, the Key West Citizen, and the Miami Daily News; to the Committee on Claims.

By Mr. ROE of New York:

H. R. 6737. A bill for the relief of Robert Machado; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1945. By Mr. FORAND: Petition of John Garrahy and 149 other residents of Rhode Island, protesting against the present 30-percent reduction and any future reduction in grains available for the manufacture of beer; to the Committee on Agriculture.

1946. Also, petition of Amedeo D'Amario and 172 other residents of Rhode Island, protesting against the present 30-percent reduction and any future reduction in grains available for the manufacture of beer; to the Committee on Agriculture.

1947. Also, petition of W. M. Horgan and 173 other residents of Rhode Island, protesting against the present 30-percent reduction and any future reduction in grains available for the manufacture of beer; to the Committee on Agriculture.

1948. Also, petition of W. A. Brinkley and 126 other residents of Rhode Island, protesting against the present 30-percent reduction and any future reduction in grains available for the manufacture of beer; to the Committee on Agriculture.

1949. Also, petition of Myron Lewis and 126 other residents of Rhode Island, protesting against the present 30-percent reduction

and any future reduction in grains available for the manufacture of beer; to the Committee on Agriculture.

1950. Also petition of Edmond Gouin and 175 other residents of Rhode Island, protesting against the present 30-percent reduction and any future reduction in grains available for the manufacture of beer; to the Committee on Agriculture.

1951. Also, petition of W. J. Rock and 121 other residents of Rhode Island, urging passage of House bill 5893; to the Committee on Ways and Means.

1952. Also, petition of George Fontaine and 93 other residents of Rhode Island, urging passage of House bill 5893; to the Committee on Ways and Means.

1953. Also, petition of Anthony P. O. Connors and 118 other residents of Rhode Island, urging passage of House bill 5893; to the Committee on Ways and Means.

1954. Also, petition of John Kane and 118 other residents of Rhode Island, urging passage of House bill 5893; to the Committee on Ways and Means.

1955. Also, petition of Henry A. Theroux and 104 other residents of Rhode Island, urging passage of House bill 5893; to the Committee on Ways and Means.

1956. Also, petition of Joseph A. Savage and 111 other residents of Rhode Island, urging passage of House bill 5893; to the Committee on Ways and Means.

1957 By Mr. GRAHAM: Petition of 50 residents of the Twenty-fifth District of Pennsylvania, requesting the Congress to reinstate to the people of our country the right to work, the right to drive a car or truck, and the right to enter any building or place regardless of any union; to the Committee on Labor.

1958. By Mr. SMITH of Wisconsin: Petition of the Wisconsin Swiss & Limburger Cheese Producers' Association, Monroe, Wis., recommending a 6-cent-per-pound increase on limburger and swiss cheese; to the Committee on Banking and Currency.

1959. By Mr. VOORHIS of California: Petition of Mrs. Wilbur S. Smith and 322 other citizens of the United States, urging passage of legislation by Congress (H. J. Res. 325) which would authorize the President and the Secretary of Agriculture to issue directives preventing the use of grain for beverage purposes until the world's food shortage is relieved; to the Committee on Agriculture.

SENATE

TUESDAY, JUNE 11, 1946

(Legislative day of Tuesday, March 5, 1946)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

God over all, blessed forevermore, amid the seething strife which has marred the earth and still sadly separates the sundered peoples of the world, this white altar reared at the gates of the morning speaks to us ever, whate'er vexatious problems we face, of our final reliance on those supreme spiritual forces, faith and hope and love, which alone abide and on which our salvation in the end depends. On these strong strings trembles the music on the harp of life. O Divine Musician, the strand of Thy hope has not snapped, Thy fingers still sweep over the chords of destiny; only Thou canst make our days a melody of redemption and our lives a hymn of praise. So tune our hearts this day to the infinite that all perplexed meanings may be linked into one perfect peace. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, June 10, 1946, was dispensed with, and the Journal was approved.

POSITION OF SENATOR McFARLAND ON BILL TO REORGANIZE CONGRESS

Mr. McFARLAND. Mr. President, I was called to Arizona on official business in regard to reclamation problems in my State and was, for that reason, absent when the vote was taken yesterday on the bill to reorganize Congress, S. 2177. Had I been present, I would have voted "nay."

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on June 10, 1946, the President had approved and signed the following acts:

S. 1605. An act to reimburse certain Navy and Marine Corps personnel for personal property lost or damaged as the result of fires which occurred at various Navy and Marine Corps shore activities; and

S. 1854. An act to establish civilian position of Academic Dean of the Postgraduate School of the Naval Academy and compensation therefor.

CALL OF THE ROLL

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Andrews	Hawkes	Murray
Austin	Hayden	Myers
Ball	Hickenlooper	O'Daniel
Barkley	Hill	O'Mahoney
Bilbo	Hoey	Overton
Bridges	Huffman	Radcliffe
Brooks	Johnson, Colo.	Reed
Buck	Johnston, S. C.	Robertson
Burch	Kilgore	Saltonstall
Bushfield	Knowland	Stanfill
Byrd	La Follette	Stewart
Capehart	Lucas	Taft
Capper	McCarran	Thomas, Okla.
Connally	McClellan	Thomas, Utah
Cordon	McFarland	Tobey
Donnell	McKellar	Tunnell
Downey	McMahon	Tydings
Eastland	Magnuson	Vandenberg
Ellender	Maybank	Wagner
George	Mead	Walsh
Guffey	Millikin	Wherry
Gurney	Moore	White
Hart	Morse	Wilson
Hatch	Murdock	

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Alabama [Mr. BANKHEAD] are absent because of illness.

The Senator from Nevada [Mr. CARVILLE] and the Senators from Idaho [Mr. GOSSETT and Mr. TAYLOR] are absent by leave of the Senate.

The Senator from Missouri [Mr. BRIGGS] is absent because of a death in his family.

The Senator from Rhode Island [Mr. GERRY] is necessarily absent.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from Washington [Mr. MITCHELL], the Senator from Florida [Mr. PEPPER], and the Senator from Georgia [Mr. RUSSELL], and the Senator from Montana [Mr. WHEELER] are detained on public business.

The Senator from Arkansas [Mr. FULBRIGHT] and the Senator from Rhode Island [Mr. GREEN] are absent on official business.

Mr. WHERRY. The Senator from Michigan [Mr. FERGUSON] and the Senator from Wisconsin [Mr. WILEY] are absent by leave of the Senate as members of the committee appointed by the United States Senate to attend the Empire Parliamentary Conference in Bermuda.

The Senator from Vermont [Mr. AIKEN], the Senator from Nebraska [Mr. BUTLER], the Senator from North Dakota [Mr. LANGER], the Senator from Minnesota [Mr. SHIPSTEAD], and the Senator from North Dakota [Mr. YOUNG] are absent by leave of the Senate.

The Senator from Maine [Mr. BREWSTER], the Senator from West Virginia [Mr. REVERCOMB], the Senator from New Jersey [Mr. SMITH], and the Senator from Indiana [Mr. WILLIS] are necessarily absent.

The PRESIDENT pro tempore. Seventy-one Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 5060) to amend section 1 of the act entitled "An act to fix the salaries of officers and members of the Metropolitan Police force, the United States Park Police force, and the Fire Department of the District of Columbia," approved May 27, 1924.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 4051. An act to grant to enlisted personnel of the armed forces certain benefits in lieu of accumulated leave;

H. R. 4410. An act to amend the act entitled "An act to authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases," approved August 11, 1939;

H. R. 5970. An act to permit the members and stockholders of charitable, educational, and religious associations incorporated in the District of Columbia to vote by proxy or by mail; and

H. R. 6516. An act to increase the salaries of the Metropolitan Police, the United States Park Police, the White House Police, and the members of the Fire Department of the District of Columbia.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H. R. 5060) to amend section 1 of the act entitled "An act to fix the salaries of officers and members of the Metropolitan Police force, the United States Park Police force, and the Fire Department of the District of Columbia,"

approved May 7, 1924, and it was signed by the President pro tempore.

DISPOSITION OF EXECUTIVE PAPERS

The PRESIDENT pro tempore laid before the Senate a letter from the Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition which, with accompanying papers was referred to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The PRESIDENT pro tempore appointed Mr. BARKLEY and Mr. BREWSTER members of the committee on the part of the Senate.

PETITION

The PRESIDENT pro tempore laid before the Senate a resolution adopted by the American Christian Palestine Committee, of Indianapolis, Ind., relating to the establishment of the Jewish National Home in Palestine, which was referred to the Committee on Foreign Relations.

PEACETIME MILITARY TRAINING

Mr. CAPPER. Mr. President, I ask unanimous consent to present for appropriate reference and to have printed in the RECORD a letter I have received from John C. White, associate director of the Board of Christian Education, Philadelphia, Pa., embodying a resolution adopted by the General Assembly of the Presbyterian Church in the United States of America, at Atlantic City, N. J., on May 28, 1946, confirming their opposition to peacetime conscription for military training, and recommending the support of any measure such as the Martin resolution which calls for universal abolition of peacetime conscription.

There being no objection, the letter was received, referred to the Committee on Military Affairs, and ordered to be printed in the RECORD, as follows:

DEPARTMENT OF SOCIAL
EDUCATION AND ACTION,
BOARD OF CHRISTIAN EDUCATION,
PRESBYTERIAN CHURCH IN
THE UNITED STATES,
Philadelphia, Pa., June 3, 1946.

MY DEAR SENATOR: The statement given below is submitted for your consideration. It is the deliberate recommendation of the officially representative governing body of the Presbyterian Church in the United States of America, voted on at the one hundred and fifty-eighth general assembly, convening at Atlantic City, N. J., May 28, 1946. The commissioners to the general assembly are elected by the 268 Presbyteries from every section of the United States, and these Presbyteries, in turn, are the direct official bodies created by the 8,600 churches of our denomination with its 2,175,000 members.

"That general assembly (1) affirm its opposition to the adoption of peacetime conscription for military training or service; (2) recommend the support of any measure such as the present Martin resolution which calls for universal abolition of peacetime conscription, and (3) call for the termination of inductions under the Selective Service Act in favor of voluntary enlistment to provide the military forces needed for our international commitments and national defense in an atomic age."

We know you are seeking the public's will in such matters as vitally affect our national welfare. It is to record the public sentiment of these thoughtful American citizens, speaking without any selfish interest at stake, that we are sending this communication to you.

Respectfully yours,

JOHN C. WHITE.

VIEWS OF WISCONSIN FARM IMPLEMENT DEALERS ON OPA

Mr. LA FOLLETTE. Mr. President, I have been requested to present a statement with regard to the situation confronting the farm implement dealers of Wisconsin. I ask that it may be printed in the RECORD as a part of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

A PLEA FOR A MORE USEFUL OPA

Is the OPA serving American small business best by the May 10, 1946, amendment? We Wisconsin implement dealers believe not. Why not?

First. What does the amendment of May 10, 1946, do? It amends MPR 246 and MPR 133; this decreases dealers' trade discounts 20 percent.

Second. Why is this decrease in dealers' traditional trade discounts serious to our business life? The information received from OPA's 149 usable questionaires does not appear to present a complete picture of what this decrease in dealers' trade discounts means to each of us. Using a simple, direct form, we have obtained the following data in 6 days (data compiled by Mr. M. R. Williams, secretary of Wisconsin Implement Dealers Association):

Result of 288 operating statements, Dec. 31, 1945, to May 1, 1946

Number of dealers	Percentage	Average net profit	Average net loss	Average sales volume
100	70.2	$978.16	----------	----------
62	29.8	----------	$786.79	----------
288	100.0	453.33	----------	$12,623.69

Important:

(1) These are preamendment figures.

(2) December 21, 1945 to May 1, 1946, represents 50 percent of annual sales.

(3) Only 5 percent are corporations. Many are partnerships.

Conclusion:

(1) Net profit equals only 3.6 percent of total sales.

(2) Average monthly income is $113.08.

Is this paltry sum the payment for technical skill, capital investment, and long hours? Are we OPA Administrator's greedy profiteers? Can any of us remain in business on such a margin?

Be reminded again: These are preamendment figures. Picture our problem today with the additional burden of a 20 percent decrease in dealers' trade discounts, and a predicted low volume of power equipment shipped to the dealers. Gentlemen, our plight is desperate! We must have immediate action! Should this action fail to be forthcoming, four courses of action are open to the individual dealer:

(1) Close our doors,

(2) Curtail services on food-producing equipment,

(3) Hide pride and sell in the black market, or

(4) Openly defy the order and restore the normal margin.

We are not greedy for profits; we intend to be as patriotic during reconversion as we have been during the war. However, we are firmly convinced that Congress now must limit the powers of the OPA: provisions should be made in the law for restoration of all traditional discounts. These discounts came into being under highly competitive conditions in a highly competitive trade. This will safeguard all distributors of goods and services in the future.

There are 20,000 of us in this country; 975 of us are from Wisconsin. We need your legislation!

M. R. WILLIAMS,
Secretary, Wisconsin Implement Dealers Association, Madison, Wis.

Presented by George A. Martiny, June 8, 1946.

JOSEPH F. WALSH.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOEY, from the Committee on Immigration:

H. R. 3441. A bill to provide for the naturalization of Master Sgt. Gearhard Neumann; without amendment (Rept. No. 1446).

By Mr. KNOWLAND, from the Committee on Immigration:

H. R. 233. A bill for the relief of Hamsah Omar; without amendment (Rept. No. 1445).

By Mr. MORSE, from the Committee on Claims:

H. R. 3185. A bill for the relief of the estate of Senia Lassila, deceased; with amendments (Rept. No. 1447);

H. R. 3391. A bill for the relief of Lawrence Portland Cement Co.; without amendment (Rept. No. 1448);

H. R. 3494. A bill for the relief of the J. B. McCrary Co., Inc., and for other purposes; without amendment (Rept. No. 1449); and

H. R. 4693. A bill for the relief of Richard C. Ward; without amendment (Rept. No. 1450).

By Mr. BUSHFIELD, from the Committee on Indian Affairs:

S. 1564. A bill authorizing the issuance of a patent in fee to Shadrick Ponca; with amendments (Rept. No. 1442);

S. 1566. A bill authorizing the issuance of a patent in fee to Wilma Brandon Irving; with an amendment (Rept. No. 1443); and

S. 1695. A bill authorizing the issuance of a patent in fee to Louis Runs Above; without amendment (Rept. No. 1444).

By Mr. ELLENDER, from the Committee on Claims:

S. 1965. A bill for the relief of the estate of C. Benjamin Stapleton; with an amendment (Rept. No. 1452);

H. R. 1460. A bill for the relief of D. C. Todd; without amendment (Rept. No. 1455);

H. R. 2954. A bill for the relief of John Hamlet; with an amendment (Rept. No. 1453).

H. R. 3031 A bill for the relief of Walter A. Moffatt; without amendment (Rept. No. 1456);

H. R. 3622. A bill for the relief of Mrs. Hazel M. Skaggs; without amendment (Rept. No. 1457);

H. R. 4245. A bill for the relief of Jose Villafane Munoz; without amendment (Rept. No. 1458);

H. R. 4251. A bill for the relief of the estate of the late Francisca Sanchez Figueroa; without amendment (Rept. No. 1459);

H. R. 4331. A bill for the relief of Esequiel (Frank) Padilla and others; without amendment (Rept. No. 1460);

H. R. 4339. A bill for the relief of Fannie C. Fugate; without amendment (Rept. No. 1461);

H. R. 4419. A bill for the relief of Mrs. James Plumb; with an amendment (Rept. No. 1454);

H. R. 4495. A bill for the relief of William G. Roman; without amendment (Rept. No. 1462);

H. R. 5000. A bill for the relief of Marion Powell, a minor; without amendment (Rept. No. 1463);

H. R. 5091. A bill for the relief of Mrs. Mary A. Honnell; without amendment (Rept. No. 1464); and

H. R. 5811. A bill for the relief of the legal guardian of David Owens, Jr.; without amendment (Rept. No. 1465).

By Mr. WALSH, from the Committee on Naval Affairs:

S. 2247. A bill to permit the Secretary of the Navy to delegate the authority to compromise and settle claims against the United States caused by vessels of the Navy or in the naval service, or for towage or salvage services to such vessels, and for other purposes; without amendment (Rept. No. 1467);

S. 2291. A bill to authorize the Secretary of the Navy to transfer a vessel to the American Antarctic Association, Inc.; without amendment (Rept. No. 1468);

S. 2292. A bill for the relief of the Miami Herald, the Key West Citizen, and the Miami Daily News; without amendment (Rept. No. 1469);

H. R. 4525. A bill for the relief of Oran Edmund Randall Rumrill; without amendment (Rept. No. 1470); and

H. R. 4863. A bill to establish the date of acceptance of a commission as lieutenant (junior grade), United States Naval Reserve, by William Leon de Carbonel to be June 1, 1941, and the date of reporting for active duty to be December 9, 1941, and for other purposes; without amendment (Rept. No. 1471).

POLICY WITH RESPECT TO CREATION OR CHARTERING OF CERTAIN CORPORATIONS—REPORT OF A COMMITTEE

Mr. KILGORE. Mr. President, from the Committee on the Judiciary, I ask unanimous consent to report favorably with amendments the bill (S. 2223) to establish and effectuate a policy with respect to the creation or chartering of certain corporations by act of Congress, and for other purposes, and I submit a report (No. 1451) thereon. I hope the Members of the Senate will consider the measure carefully because it deals with a question of congressional policy. It provides, as to the corporations commonly called congressionally chartered corporations, standards for their operation, and means of controlling them and requiring audits of their operations. At the present time there are a great number of such corporations, and they offer a chance for exploitation. That situation has led the Judiciary Committee to report the bill.

The PRESIDENT pro tempore. Without objection, the report will be received, and the bill will be placed on the calendar.

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1947

Mr. O'MAHONEY. Mr. President, from the Committee on Appropriations, I ask unanimous consent to report favorably with amendments the bill (H. R. 5990) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1947, and for other purposes, and I submit a report (No. 1466) thereon.

The PRESIDENT pro tempore. Without objection, the report will be received, and the bill will be placed on the calendar.

NOTICE OF MOTION TO SUSPEND THE RULE—AMENDMENT

Mr. O'MAHONEY. Mr. President, along with the bill, I submit a notice in writing to suspend the rule.

The notice submitted by Mr. O'MAHONEY, is as follows:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 5990) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1947, and for other purposes, the following amendment, namely: On page 2, line 1, strike out "6,000,000" and insert in lieu thereof "$10,000,000."

Mr. O'MAHONEY also submitted an amendment intended to be proposed by him to House bill 5990, the District of Columbia appropriation bill for 1947, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

BILLS INTRODUCED

Bills were introduced, read the first time, and by unanimous consent, the second time, and referred as follows:

By Mr. O'MAHONEY (for himself and Mr. OVERTON):

S. 2324. A bill to fix the amount of the annual payment of the United States toward defraying the expenses of the Government of the District of Columbia; to the Committee on the District of Columbia.

By Mr. RADCLIFFE:

S. 2325. A bill to provide for the distribution of nonappropriated moneys derived from the operation of officers' clubs of the Army of the United States; to the Committee on Military Affairs.

By Mr. McFARLAND (for himself, Mr. McCARRAN, Mr. KNOWLAND, Mr. JOHNSON of Colorado, Mr. MAYBANK, Mr. GEORGE, and Mr. KILGORE):

S. 2326. A bill to incorporate the Amvets, American Veterans of World War II; to the Committee on the Judiciary.

EXTENSION OF EMERGENCY PRICE CONTROL AND STABILIZATION ACTS OF 1942—AMENDMENTS

Mr. THOMAS of Oklahoma submitted an amendment, and Mr. CAPEHART submitted four amendments intended to be proposed by them, respectively, to the bill (H. R. 6042) to amend the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, and for other purposes, which were severally ordered to lie on the table and to be printed.

Mr. RADCLIFFE (for himself and Mr. FULBRIGHT) submitted an amendment intended to be proposed by them, jointly, to the bill (H. R. 6042) to amend the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, and for other purposes, which was ordered to lie on the table and to be printed.

THIRD URGENT DEFICIENCY APPROPRIATIONS, 1946—AMENDMENT

Mr. JOHNSTON of South Carolina submitted an amendment intended to be proposed by him to the bill (H. R. 6601) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1946, and for prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1946, and for other purposes, which was ordered to lie on the table and to be printed, as follows:

In the committee amendment on page 2, strike out lines 6 to 11, inclusive, and insert in lieu thereof the following:

"For the payment of twenty-one pages for the Senate Chamber, at $5 per day each, for the period July 1, 1946, to December 31, 1946, both dates inclusive, fiscal year 1947, $19,320."

FISCAL RELATIONS BETWEEN THE GOVERNMENT OF THE UNITED STATES AND THE DISTRICT OF COLUMBIA (S. DOC. NO. 203)

Mr. O'MAHONEY. Mr. President, I present a report of the Subcommittee on the District of Columbia of the Committee on Appropriations on fiscal relations between the Government of the United States and the District of Columbia, and ask unanimous consent that it may be printed as a Senate document, and also referred to the Committee on the District of Columbia. This report of the subcommittee has been approved by the full committee.

The PRESIDENT pro tempore. Without objection, it is so ordered.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H. R. 4051. An act to grant to enlisted personnel of the armed forces certain benefits in lieu of accumulated leave; to the Committee on Military Affairs.

H. R. 4410. An act to amend the act entitled "An act to authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases," approved August 11, 1939;

H. R. 5970. An act to permit the members and stockholders of charitable, educational, and religious associations incorporated in the District of Columbia to vote by proxy or by mail; and

H. R. 6516. An act to increase the salaries of the Metropolitan Police, the United States Park Police, the White House Police, and the members of the Fire Department of the District of Columbia; to the Committee on the District of Columbia.

ADDITIONAL DISTRICT JUDGE FOR NORTHERN DISTRICT OF CALIFORNIA—CONFERENCE REPORT

Mr. McCARRAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1163) to provide for the appointment of one additional district judge for the northern district of California, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House, insert the following: *"Provided, That unless the President shall, not later than July 1, 1946, submit a nomination*

to the Senate to fill the office hereby created, then in that event this Act shall be of no force and effect."

And the House agree to the same.

PAT MCCARRAN,
ERNEST W. MCFARLAND,
ALEXANDER WILEY,
Managers on the Part of the Senate.

HATTON W. SUMNERS,
EMANUEL CELLER,
C. E. HANCOCK,
Managers on the Part of the House.

Mr. McCARRAN. Mr. President, the conference report deals with Senate bill 1163, which was introduced by the Senator from California [Mr. DOWNEY]. It provided for two additional judges in the northern district of California. The bill as reported by the Senate Judiciary Committee provided for one additional judge for the northern district of California. The bill, as passed by the House, contained provision for one temporary judge for the northern district of California. The conference committee agreed upon provision for one permanent judge for the northern district of California. The record showed that there was great necessity for such a judge because of the congestion of business.

I move the adoption of the conference report, which has been agreed to by the House of Representatives.

The PRESIDENT pro tempore. Is there objection to the present consideration of the report?

Mr. WHITE. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. WHITE. Is the matter which the Senator has outlined the only thing to which the bill relates?

Mr. McCARRAN. It is the only thing to which the bill relates.

Mr. WHITE. Is the agreement which has been reached satisfactory to the Senators from California?

Mr. McCARRAN. It is satisfactory to the Senators from California.

The PRESIDENT pro tempore. Is there objection to the present consideration of the report?

There being no objection, the report was considered and agreed to.

EXTENSION OF PRICE CONTROL AND STABILIZATION ACTS

The Senate resumed consideration of the bill (H. R. 6042) to amend the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, and for other purposes.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment, which is a substitute for the bill, and is therefore open to amendment. An amendment to the committee amendment, under the practice of the Senate, will be in the first degree only.

(The amendment reported by the Committee on Banking and Currency is to strike out all after the enacting clause and insert:)

That section 1 (b) of the Emergency Price Control Act of 1942, as amended, is amended by striking out "June 30, 1946" and substituting "June 30, 1947."

SEC. 2. Section 6 of the Stabilization Act of 1942, as amended, is amended by striking out "June 30, 1946" and substituting "June 30, 1947."

SEC. 3. Title I of the Emergency Price Control Act of 1942, as amended, is amended by inserting after section 1 thereof a new section, as follows:

"PURPOSES AND POLICIES IN THE TRANSITION PERIOD

"SEC. 1A. (a) Objectives: The Congress hereby affirms—

"(1) that because of abnormally excess spending power in relation to the presently available supply of commodities, rapid attainment of production equal to the public demand is one of the necessary and urgent objectives for the prevention of inflation and for the achievement of a reasonable stability in the general level of prices and rents, cost of living and costs of production (including labor costs), for the purposes set forth in section 1 of this act and for the further purposes of protecting the real value of benefits provided by law for veterans and their dependents, of keeping faith with purchasers of United States War Bonds, and of making possible a successful transition to a peacetime economy of maximum employment, production, and purchasing power under a system of free enterprise;

"(2) that unnecessary or unduly prolonged controls over prices and rents and use of subsidies would be inconsistent with the return to such a peacetime economy and would tend to repress and prevent the attainment of this and the other goals herein declared; and

"(3) that adequate prices are necessary stimulants to the production thus desired and the expeditious attainment of said goals.

"(b) Declaration of decontrol policy: Therefore, is is hereby declared to be the policy of the Congress that the Office of Price Administration, and other agencies of the Government, shall use their price, subsidy, and other powers to promote the earliest practicable balance between production and the demand therefor of commodities under their control, and that the general control of prices and the use of subsidy powers shall, subject to other specific provisions of this act, be terminated as rapidly as possible consistent with the policies and purposes set forth in this section and in no event later than June 30, 1947, and on that date the Office of Price Administration shall be abolished.

"(c) Recommendations by the President to the Congress: (1) As soon as practicable after the amendment of this section and in any event on or before January 15, 1947, the President shall recommend to the Congress such further legislation as in his judgment is needed to establish monetary, fiscal, and other policies which are adequate to supplement the control of prices and wages during the balance of the fiscal year 1947, and to insure that general control of prices and wages can be terminated by the end of that fiscal year without danger of inflation thereafter.

"(2) On or before April 1, 1947, the President shall report to the Congress what, if any, commodities or classes of commodities, including housing accommodations, are in such critically short supply as to necessitate, in his judgment, the continuance of the powers granted by this act as to them after June 30, 1947, together with his recommendations as to established departments or agencies of the Government (other than the Office of Price Administration) which should be charged with the administration of such powers.

"(d) Decontrol of nonagricultural commodities: (1) On or before December 31, 1946, the Administrator shall decontrol all nonagricultural commodities not important in relation to business costs or living costs, and prior to that date shall proceed with such decontrol as rapidly as, in his judgment, will be consistent with the avoidance of a cumulative and dangerous unstabilizing effect. In no event shall maximum prices be maintained after December 31, 1946, for any nonagricultural commodity or class of commodities unless the same has been expressly found by the Administrator to be important in relation to business costs or living costs.

"(2) The Administrator shall provide for the prompt removal of maximum prices in the case of any nonagricultural commodity whenever the supply thereof exceeds or is in approximate balance with the demand therefor (including appropriate inventory requirements) and it appears that prices of the commodity will not rise as a result of the action, or that although prices of the commodity will rise as a result of the action (i) they will not exceed a true reflection of current costs (as determined by the normal accounting methods of the particular industry with which the commodity is identified) plus reasonable profits and (ii) the increase will not be such as to unstabilize dangerously the prices of other important commodities or (taking account of increases in prices of other commodities which would result from application of the same decontrol standard) to jeopardize seriously the attainment of a reasonable stable peacetime economy.

"(3) Whenever, after a reasonable test period, it appears that the market prices of a nonagricultural commodity which has been decontrolled pursuant to this section have risen in a manner which is inconsistent with the applicable decontrol standard, the Administrator, with the advance consent in writing of the Price Decontrol Board established under subsection (h), shall reestablish such maximum prices for the commodity, consistent with applicable provisions of law, as in his judgment may be necessary to effectuate the purposes of this act.

"(e) Agricultural commodities: (1) On the first day of the first calendar month which begins more than 30 days after the date of enactment of this section, the Secretary of Agriculture shall certify to the Price Administrator each agricultural commodity which such Secretary determines to be in short supply. Thereafter, on the first day of each succeeding calendar month, the Secretary shall certify modifications of such certification by adding other agricultural commodities which have become in short supply and by removing from such certification such commodities the prices of other important commodities or (taking account maximum price shall be applicable with respect to any agricultural commodity during any calendar month which begins more than 30 days after the date of enactment of this section), unless such commodity is certified to the Price Administrator under this paragraph as being in short supply.

"(2) (A) Whenever the Secretary of Agriculture determines that maximum prices applicable to any agricultural commodity which is in short supply are impeding the necessary production of such commodity, he may recommend to the Price Administrator such adjustments in such maximum prices as the Secretary determines to be necessary to attain the necessary production of such commodity.

"(B) The Secretary of Agriculture by December 31, 1946, shall recommend to the Price Administrator the removal of maximum prices on all agricultural commodities whether or not in short supply, not important in relation to business costs or living costs, and prior to that date shall make such recommendations as rapidly as, in his judgment, will be consistent with the avoidance of a cumulative and dangerous unstabilizing effect.

"(C) Within 10 days after the receipt of any recommendation under this subsection for the adjustment of maximum prices applicable to any agricultural commodity, or for

the removal of maximum prices on agricultural commodities not important in relation to business costs or living costs, the Price Administrator shall adjust or remove such maximum prices in accordance with such recommendations.

"(3) (A) Price controls with respect to livestock, poultry, and eggs, and food and feed products processed or manufactured in whole or substantial part from livestock, poultry, or eggs, shall be removed not later than June 30, 1946.

"(B) Price controls with respect to milk, and food and feed products processed or manufactured in whole or substantial part from milk, shall be removed not later than June 30, 1946.

"(4) Whenever the Secretary of Agriculture determines that an agricultural commodity with respect to which maximum prices have been removed is in short supply and that the reestablishment of maximum prices with respect thereto is necessary to effectuate the purposes of this act, the Secretary, with the written consent of the Price Decontrol Board, may recommend to the Administrator, and the Administrator shall establish, such maximum prices with respect to such commodity, consistent with applicable provisions of law, as in the judgment of the Secretary are necessary to effectuate the purposes of this act.

"(5) For the purposes of this section—

"(A) an agricultural commodity shall be deemed to be in short supply unless the supply of such commodity equals or exceeds the requirements for such commodity for the current marketing season;

"(B) the term 'agricultural commodity' shall be deemed to mean any agricultural commodity and any food or feed product processed or manufactured in whole or substantial part from any agricultural commodity.

"(6) Notwithstanding any other provision of this or any other law, except as provided in subsection (h), the Secretary of Agriculture, in exercising his functions under this act, shall not be subject to the direction or control of any other appointive officer or agency in the executive branch of the Government, and no such officer or agency shall undertake to exercise any direction or control over the Secretary of Agriculture with respect to the exercise of such functions. The Secretary of Agriculture may at any time withdraw his approval of any action with respect to which his approval is required under this act, and upon the withdrawal of his approval such action shall be rescinded.

"(7) No maximum price and no regulation or order under this act or the Stabilization Act of 1942, as amended, shall be applicable with respect to any agricultural commodity, or any service rendered with respect to any agricultural commodity, unless a regulation or order establishing a maximum price with respect to such commodity had been issued under this act prior to April 1, 1946.

"(f) Saving provision: Nothing in this section shall limit the Administrator's authority to remove maximum prices for any nonagricultural commodity, or any agricultural commodity with the approval of the Secretary of Agriculture, at an earlier time than would be required by this section, if in his judgment or in the judgment of the Secretary of Agriculture, as the case may be, such action would be consistent with the purposes of this section.

"(g) Petitions for decontrol: (1) If in the judgment of the industry advisory committee appointed by the Administrator in accordance with section 2 (a) of this act to advise and consult with him with respect to a commodity, the policies and standards set forth in this section require the removal of maximum prices for such commodity, it may file a petition for the removal of such maximum prices. In the case of any nonagricultural commodity, such petition shall be filed with the Administrator in accordance with regulations prescribed by him. In the case of agricultural commodities, such petition shall be filed with the Secretary of Agriculture in accordance with regulations prescribed by him and shall request that he make an appropriate certification or recommendation to the Price Administrator. The petition shall specifically state the grounds upon which the committee believes such action to be required and shall be accompanied by affidavits or other written evidence in support thereof.

"(2) Within 15 days after receiving a petition filed in accordance with the provisions of this subsection, the Administrator or the Secretary of Agriculture, as the case may be, shall either grant the petition or inform the committee in writing why in his judgment the standards for decontrol stated in subsections (d) and (e) have not been satisfied with respect to the commodity involved. If the petition is not granted in full, the Administrator or the Secretary, as the case may be, shall, within 10 days after the receipt of a request by the committee for further consideration of its petition, hold a hearing before himself or before a deputy administrator (or, in the case of the Secretary, before such officer as he may designate) at which the committee may present its argument in support of the petition. The Consumers Advisory Committee and the Labor Advisory Committee appointed by the Administrator shall be given notice of any such hearing and an opportunity to present their views with respect to the petition and may, not later than 5 days prior to such hearing, present in writing evidence relating thereto. Within 15 days after such hearing, the Administrator or the Secretary, as the case may be, shall either grant the petition in full or furnish the industry advisory committee with a statement in writing of his reasons for denying it in whole or in part, together with a statement of any economic data or other facts of which he has taken official notice in connection with such denial.

"(3) At any time within 30 days after the denial in whole or in part, following a hearing, of a petition filed under this subsection, the petitioning industry advisory committee may petition the Price Decontrol Board established under subsection (h) for a review of the action of the Administrator or the Secretary of Agriculture. If the Administrator or the Secretary, as the case may be, fails to act upon a petition within the time prescribed by paragraph (2), the industry advisory committee may, at any time within 30 days after the expiration of the time so prescribed, petition the Price Decontrol Board for removal of maximum prices on the commodity involved.

"(4) Nothing in this section shall be construed to take away or impair any right of any person to protest, in accordance with the provisions of sections 203 and 204 of this act, the further maintenance of maximum prices for a commodity under the standards of subsection (d) or (e): *Provided*, That the filing of such a protest or of a petition under paragraph 3 of this subsection shall not be grounds for staying any proceeding brought pursuant to section 205 of this act or section 37 of the Criminal Code, and no retroactive effect shall be given to any judgment setting aside a provision of a regulation, order, or price schedule under the standards set forth in this section.

"(h) Price Decontrol Board: (1) There is hereby established as an independent agency in the executive branch of the Government a Price Decontrol Board, to be composed of three members appointed by the President by and with the advice and consent of the Senate. Not more than two members of the Board shall be members of the same political party. Two members of the Board shall constitute a quorum, and a vacancy in the membership of the Board shall not impair the power of the remaining members to exercise its functions. Members of the Board shall receive compensation at the rate of $12,000 a year.

"(2) The Board shall appoint and fix the compensation of a secretary for the Board and such other officers and employees as may be necessary to enable it to perform its functions. The Board may make such expenditures as may be necessary for performing its functions. The Board may, with the consent of the head of the department or agency concerned, utilize the facilities, services, and personnel of other agencies or departments of the Government. The Board shall maintain an office in charge of its secretary in the District of Columbia, which shall be open on all business days for the receipt of petitions for review and the transaction of other business of the Board. The Board shall prescribe regulations and procedures for the conduct of its business which will provide for summary disposition, with the utmost expedition consistent with sound decision, of petitions filed with the Board

"(3) A petition made under subsection (g) (3) shall specifically state the grounds upon which the petitioning industry advisory committee believes that maximum prices on the commodity involved should be removed. A copy of such petition shall forthwith be served on the Administrator or the Secretary, as the case may be, who shall within such time as may be fixed by the Board certify and file with the Board a transcript of such portions of the proceedings in connection with the petition under subsection (g) as are material. Such transcript shall include a statement in writing of the Administrator's or Secretary's reasons for believing that maximum prices on the commodity involved should not be removed, together with a statement of any economic data or other facts of which he has taken official notice. At the earliest practicable time the Board shall conduct a hearing upon the petition, at which the Administrator or the Secretary, as the case may be, and the committee shall be given an opportunity to present their views and argument orally or in writing. If application is made to the Board by either party for leave to introduce additional evidence, the Board may permit such evidence to be introduced or filed with it if it deems it material and determines that such evidence could not reasonably have been offered or included in the proceedings under subsection (g). At the earliest practicable time after the hearing on any petition, the Board shall make and issue an order specifying the extent, if any, to which maximum prices on the commodity involved shall be removed. The Board shall order the removal of such maximum prices if and to the extent that in its judgment the standards of decontrol stated in subsection (d) or (e) have been satisfied with respect to the commodity involved. The Administrator shall remove maximum prices with respect to the commodity in question within such time and to such extent as shall be specified in the order of the Board. Orders of the Board shall not be subject to modification or review by any other department or agency or by any court.

"(4) No petition may be filed with the Board with respect to any commodity within a period of 3 months after the issuance of an order of the Board with respect to the same commodity.

"(5) The members of the Board may serve as such without regard to the provisions of sections 109 and 113 of the Criminal Code (18 U. S. C., secs. 198 and 203) or section 19 (e) of the Contract Settlement Act of 1944, except insofar as such sections may prohibit any such member from receiving compensation in respect of any particular matter which is within the jurisdiction of the Board.

"(6) If the number of petitions filed with the Board should at any time become so great as to prevent the Board from promptly conducting hearings upon such petitions, the Board shall appoint such hearing commissioners as it deems necessary in order to expedite the transaction of its business. The Board may authorize one or more of the hearing commissioners so appointed to conduct the hearing upon any petition under this subsection and to exercise the authority of the Board with respect to such hearing. After a hearing conducted before a hearing commissioner, the commissioner shall make recommendations consistent with this subsection to the Board concerning its action with respect to the petition. If the Board approves such recommendations, it shall issue an order in conformity therewith. If the Board does not approve such recommendations, the Board may issue such order as it deems proper upon the record or may conduct a new hearing upon the petition before the Board."

SEC. 4. Subsection (b) of section 2 of the Emergency Price Control Act of 1942, as amended, is amended by adding at the end thereof a new paragraph as follows:

"After the date upon which this paragraph takes effect, the Administrator, when establishing rent ceilings on hotels or when passing upon applications for adjustments of rent ceilings on hotels, is authorized to take into consideration the distinction between transient hotels and residential or apartment hotels, including the difference in the investment, operation, expenses, and mechanical details of operation between the transient hotels and the residential and apartment hotels, and is directed to classify separately by regulation (1) transient hotels, (2) residential and apartment hotels, and (3) tourist courts, rooming houses, and boarding houses."

SEC. 5. (a) The last paragraph of section 2 (e) of the Emergency Price Control Act of 1942, as amended by the Stabilization Extension Act of 1944, shall not apply with respect to operations for the fiscal year ending June 30, 1947, of the Commodity Credit Corporation and the Reconstruction Finance Corporation: *Provided,* That with respect to such corporations and such operations, the making of subsidy payments and buying for resale at a loss shall be limited as follows:

Payments and purchases may be made with respect to operations for the fiscal year ending June 30, 1947, which involve subsidies and anticipated losses as follows:

(1) With respect to rubber produced in Latin America and Africa for which commitments were made before January 1, 1946, $31,000,000.

(2) With respect to copper, lead, and zinc, in the form of premium price payments, $100,000,000: *Provided,* That (A) premiums shall be paid on ores mined or removed from mine dumps or tailing piles before July 1, 1947, though shipped and/or processed and marketed subsequently thereto; and that (B) the premium price plan for copper, lead, and zinc shall be extended until June 30, 1947, on terms not less favorable to the producer than heretofore and (i) adjustments shall be made to encourage exploration and development work, (ii) adequate allowances shall be made for depreciation and depletion, and (iii) all classes of premiums shall be noncancelable unless necessary in order to make individual adjustments of income to specific mines.

(3) With respect to purchases by the Reconstruction Finance Corporation, of such tin ores and concentrates as it deems necessary to insure continued operation of the Texas City tin smelter.

(4) With respect to noncrop programs, 1946 crop program operations and the 1947 crop program operations relating to sugar, flour, petroleum, petroleum products, and other domestic and imported materials and commodities, $969,000,000: *Provided,* That the operations authorized under this subparagraph (4) shall be progressively reduced, shall be terminated not later than May 1, 1947, and shall not cost more than $629,000,000 during the last 6 months of the calendar year 1946. Operations shall not be carried out under authority of this subparagraph (4) with respect to any commodity for any period during which maximum prices on such commodity are not in effect under the Emergency Price Control Act of 1942, as amended, or the Stabilization Act of 1942, as amended. No new subsidy or purchase and sale operations shall be undertaken under the authority of this subparagraph (4), and no change shall be made in the basis of any existing operations for which funds are made available under this subparagraph which will increase the rate of any subsidy or the rate of loss incurred with respect to any commodity.

(b) When any direct or indirect subsidy to an industry is reduced or terminated, any maximum price applicable to the product affected shall be correspondingly increased.

(c) Where roll-back subsidies have previously been or presently are in effect, and have been discontinued, or shall hereafter be discontinued, the industries which have received such subsidies shall be permitted to increase their ceiling prices at least an amount equivalent to the amount of the discontinued roll-back subsidy. Such price increase shall become effective either upon discontinuance of the roll-back subsidy or upon passage of this act, whichever date is the later. For the purposes of this paragraph, the term "roll-back subsidies" means subsidy payments, or purchases and sales of a commodity at a loss by the Government of the United States (including any Government-owned or controlled corporation), or contracts therefor, which resulted directly or indirectly in the lowering of ceiling prices below the maximum price levels established by the Office of Price Administration prior to the institution of the subsidy payments or purchases and sales at a loss, or the execution of the contracts therefor, whichever date is the earlier.

(d) Nothing in this act shall be constructed to affect the provisions of Public Laws 30, 38, 164, and 328 of the Seventy-ninth Congress, or to prevent the use of the sums authorized in such laws to fulfill obligations incurred prior to July 1, 1946, with respect to operations prior to such date.

SEC. 6. Section 2 (i) of the Emergency Price Control Act of 1942, as amended, is amended to read as follows:

"(i) For the purposes of this act and the Stabilization Act of 1942, as amended, fish, and other sea foods shall be deemed to be agricultural commodities, and commodities processed or manufactured in whole or substantial part from fish or other sea foods shall be deemed to be manufactured in whole or substantial part from agricultural commodities: *Provided,* That the provisions of section 3 of the Stabilization Act of 1942, as amended, shall not be applicable with respect to fish and other sea foods and commodities processed or manufactured in whole or substantial part therefrom, but the maximum price established for any fish or sea food commodity or for any commodity processed or manufactured in whole or substantial part therefrom shall not be below the average price therefor in the year 1942."

SEC. 7. Section 2 (j) of the Emergency Price Control Act of 1942, as amended, is amended by inserting before the period at the end thereof a semicolon and the following: "or (5) as authorizing any regulation or order of the Administrator to fix a quantity or percentage of any product which any seller may sell to any buyer."

SEC. 8. Section 2 (k) of the Emergency Price Control Act of 1942, as amended, is amended by inserting the words "or service establishment" after the words "seller of goods at retail."

SEC. 9. Section 2 of the Emergency Price Control Act of 1942, as amended, is amended by adding at the end thereof the following new subsections:

"(o) No maximum price shall be applicable to any item served in any restaurant or other eating establishment if such item consists in whole or major part of a commodity to which no maximum price is applicable with respect to sales to restaurants and other eating establishments, unless the maximum price of such item, when sold by such restaurant or other eating establishment, is determined, under the applicable maximum price regulation or order, by the addition of a customary margin to the acquisition cost of such item.

"(p) After July 1, 1946, no maximum price regulation or order shall be issued or continued in effect requiring any seller to limit his sales by any weighted average price limitation based on his previous sales.

"(q) In the case of any retail industry, the principal sales of which consisted during the calendar years 1939 to 1941, inclusive, of sales of a commodity or commodities the production or retail distribution of which has been reduced, for a period of 3 years beginning on or after March 2, 1942, by 75 percent or more below such production or retail distribution for the calendar years 1939 to 1941, inclusive, as a result of the operation of any governmental regulation or restriction, the Administrator shall not, in establishing maximum prices under this section, reduce established peacetime retail trade discounts or mark-ups or dealer handling charges for any such commodity before the retail unit sales of such commodity for a period of 6 months shall have reached the average annual retail unit sales thereof for the calendar years 1939 to 1941, inclusive.

"(r) In the case of any wholesale industry, the principal sales of which consisted during the calendar years 1939 to 1941, inclusive, of sales of a commodity or commodities, the production or wholesale distribution of which has been reduced for a period of 3 years beginning on or after March 2, 1942, by 75 percent or more below such production or wholesale distribution for the calendar years 1939 to 1941, inclusive, as the result of the operation of any governmental regulation or restriction, the Administrator shall not in establishing maximum prices under this section reduce established wholesale trade discounts or normal wholesale markups for any such commodity prevailing on March 2, 1942, before the wholesale unit sales of such commodity for a period of 6 months shall have reached the average annual wholesale unit sales thereof for the calendar years 1939 to 1941, inclusive.

"(s) No maximum price regulation or order shall require the reduction of the established peacetime discounts or markups for the sale of any manufactured or processed commodity (treating as a single commodity for the purposes of this paragraph all commodities in a line of related commodities which, for the purpose of establishing manufacturers' and processors' maximum prices, have been placed by the Office of Price Administration under a single regulation) if the retail, wholesale, or other distributive trade selling such commodity shows that the commodity constituted approximately one-half or more of the gross sales income of a majority of the persons engaged in such trade in 1945 and that, in the preceding quarter of 1946 or 1947, the deliveries of such commodity to such distributive trade were less than 100 percent of the deliveries thereof in the corresponding quarter of 1945."

SEC. 10. (a) The second sentence of section 205 (e) of the Emergency Price Control Act of 1942, as amended, is amended to read

as follows: "In any action under this subsection, the seller shall be liable for reasonable attorney's fees and costs as determined by the court, plus whichever of the following sums is greater: (1) Such amount not more than 3 times the amount of the overcharge, or the overcharges, upon which the action is based as the court in its discretion may determine, or (2) an amount not less than $25 nor more than $50, as the court in its discretion may determine: *Provided, however,* That such amount shall be the amount of the overcharge or overcharges if the defendant proves that the violation of the regulation, order, or price schedule in question was neither willful nor the result of failure to take practicable precautions against the occurrence of the violation."

(b) Section 205 (e) of the Emergency Price Control Act of 1942, as amended, is amended by adding at the end thereof the following new paragraphs:

"The Administrator may not institute any action under this subsection on behalf of the United States, or, if such action has been instituted, the Administrator shall withdraw the same—

"(1) if the violation arose because the person selling the commodity acted upon and in accordance with the written advice and instructions of the Administrator or any regional administrator or district director of the Office of Price Administration; or

"(2) if the violation arose out of the sale of a commodity to any agency of the Government, or to any public housing authority whose operations are supervised or financed in whole or in part by any agency of the Government, and such sale was made pursuant to the lowest bid made in response to an invitation for competitive bids.

"The Administrator shall not institute or maintain any enforcement action under this subsection against any manufacturer of apparel items where the Administrator shall determine (1) that the transactions on which such proceeding is based consisted of the manufacturer's selling such an item at his published March 1942 price list prices instead of his March 1942 delivered prices, and (2) that the seller's customary pricing patterns for related apparel items would be distorted by a requirement that his ceilings be the March 1942 delivered prices. The Administrator's determinations under this paragraph shall be subject to review by the Emergency Court of Appeals in accordance with sections 203 and 204."

SEC. 11. The third sentence of paragraph (2) of section 205 (f) of the Emergency Price Control Act of 1942, as amended, is amended to read as follows: "If any such court finds that such person has violated any of the provisions of such license, regulation, order, price schedule, or requirement after the receipt of the warning notice, such court shall issue an order suspending the license to the extent that it authorizes such person to sell the commodity or commodities in connection with which the violation has occurred, or to the extent that it authorizes such person to sell any commodity or commodities with respect to which a regulation or order issued under section 2, or a price schedule effective in accordance with the provisions of section 206, is applicable; but no suspension shall be for a period of more than 12 months, and if the defendant proves that the violation in question was neither willful nor the result of failure to take practicable precautions against the occurrence of the violation, then in that event no suspension shall be ordered or directed."

SEC. 12. Section 3 of the Stabilization Act of 1942, as amended, is amended by adding at the end thereof the following new paragraphs:

"On and after the date of the enactment of this paragraph, it shall be unlawful to establish, or maintain, any maximum price applicable to manufacturers or processors, for any major item in the case of products made in whole or major part from cotton or cotton yarn or wool or wool yarn, unless the maximum price for such major item is fixed and maintained at not less than the sum of the following:

"(1) The cotton or wool cost (which must be computed at not less than the parity price or the current cost, whichever is greater, of the grade and staple of cotton or wool used in such item, delivered at the mill);

"(2) A weighted average of mill conversion costs; and

"(3) A reasonable profit (which shall not be less than a weighted average profit for each unit of such item equal to the weighted average of the profit earned on an equivalent unit of such item during the period 1939 to 1941, both inclusive).

"In order to provide an incentive for increased production of cotton textiles and to compensate for increased costs of operation which are involved in obtaining such increased production, the maximum price applicable to any producer for textile products made in whole or major part from cotton shall, during any calendar month, be 5 per centum above the maximum price otherwise established with respect to such products, if the production at the mill or mills operated by such producer (determined on the basis of pounds of cotton used) during the preceding calendar month was at least equal to 90 percent of the average monthly production at such mill or mills (determined on the same basis) during the calendar year in which the production at such mill or mills was the greatest for any calendar year during the period 1936 to 1945, both inclusive."

Mr. BARKLEY. Mr. President, I am asking the indulgence of the Senate to make what I hope will be a very brief statement as to the action of the Committee on Banking and Currency in reporting House bill 6042, extending the Emergency Price Control Act and the Stabilization Act. The Senate will recall that as passed by the House the Price Control Act and the Stabilization Act were extended to the 31st day of March 1947, which is a 9-month extension beyond the date of expiration on the 30th day of this month. The Senate committee extended the act to the 30th of June 1947; in other words, a year's extension instead of a 9-month extension. The committee felt that it was better from every standpoint to extend the acts for the entire fiscal year ending June 30 next year rather than extend them to a midperiod, March 31. The Senate will recall that the President asked that these extensions be simply made of the acts as they existed, the effect of which was that the President recommended the extension of the OPA without amendment, leaving in the hands of the Administrator the decision with respect to particular actions relating to price ceilings and other matters within the purview of the law.

I think it might be stated that from the very beginning it was obviously impossible to secure an extension of the Price Control and Stabilization Acts without some amendments; and there were written into the bill some amendments to which I am sure the President would not object, and which were not objected to by the Office of Price Administration itself. Of course I suppose no one would dispute the fact that it is regrettable that the acts have to be extended at all. Personally I would be most happy if the situation justified a termination of all controls and regulations on the date of the expiration of the present laws, a little more than two weeks from now. But that is impossible from my viewpoint and from the viewpoint of the committee, and obviously it was impossible from the viewpoint of the House, and I anticipate that it will be impossible from the viewpoint of the Senate—that is to eliminate, to terminate, all controls under the Stabilization Act and the Price Control Act when the two acts expire on the 30th day of this month. Therefore the committee set about to see what amendments might be adopted looking toward the final elimination of these controls on a definite date in the future to be fixed by the Congress; and in both bills, the House bill and the Senate bill, provision is made for the termination of the Office of Price Administration on a date to be fixed in the law itself. In the bill reported by the Senate committee that date is June 30, 1947, with a provision that, if as that date approaches the situation is such that there still lingers a necessity for some further controls in special fields, the President may designate the agency of the Government which may administer any further controls in any field, but in any event the Office of Price Administration ceases to exist under the Senate bill on June 30, 1947.

The committee felt impelled to write into the bill that limitation and that date of termination as definitely as possible in order to give notice to the country and to everyone who might be interested that, so far as Congress is concerned, no further effort would be made to extend the OPA beyond the 30th of June 1947. Of course we all hope that by the time that date arrives there will be no necessity for any further price controls to be administered by any agency of the Government. But it was possible—and we realized the possibility—that when that time comes, as to some isolated field of activity it may be unwise to stop controls on a particular date, even a year hence; and if there should be such a field its administration would be covered by some existing agency of the Government to be designated by the President.

So, Mr. President, the first two sections of the bill, sections 1 and 2, merely extend the life of the acts until the 30th of June 1947.

The committee undertook to write into the bill a declaration of policy. Therefore, section 3 of the pending bill adds a new section, 1A, to title I of the Emergency Price Control Act, which states certain policies to be followed with respect to the administration of price control and the removal of price control during the period of transition to a peacetime economy.

Most of us here remember what occurred following World War I, at which time there was a pronounced inflation in prices and in values. That inflation continued for a period, and then there was a slump, and then the inflation was resumed and carried on until the late 1920's and the early 1930's. There resulted a terrific debacle, in which the bottom fell

out of everything, and we entered upon the most disastrous depression in the history of the United States.

In writing a policy for the guidance of the OPA and for the information of the country, and in order that Congress might be on record with respect to its objectives and its intentions, the bill goes on to state that the—

Rapid attainment of production equal to the public demand is one of the necessary and urgent objectives for the prevention of inflation and for the achievement of a reasonable stability in the general level of prices and rents, cost of living, and costs of production. * * *

That unnecessary or unduly prolonged controls over prices and rents and the use of subsidies would be inconsistent with the return to such a peacetime economy and would tend to repress and prevent the attainment of—

The goals stated in the act.

That adequate prices are necessary stimulants to the production thus desired and the expeditious attainment of said goals.

That is a declaration of policy with which I think no one will seriously quarrel. We all desire that production shall be stimulated as rapidly as possible. We all realize that there is a larger backlog of expendable money in the United States now than within the recollection of any of us, if not within the history of the country; that due to war restrictions and the necessity for organizing our entire industrial plant for the war effort there has been a shortage of goods covering a wide and almost universal field; and that it is in the interest of a stable economy that as soon as possible there shall be a balance between production and demand.

The attainment of that balance has been delayed by interruptions due to controversies between labor and management growing out of wages and conditions of employment. This retarding of the reconversion effort may have been unavoidable. Looking back at it now as it has dragged its length across the country since the first of the year, it seems to have been unavoidable. But whether it was inevitable or unavoidable, or whether it could have been avoided, it has taken place; and to the extent to which it has interrupted production it has retarded the attainment of a balance between supply and demand, between production of goods and their purchasability by those who had money with which to purchase them. We all hope that in the very near future these controversies will be resolved and that full employment and full production will be attained according to the goal and standards set out in the Employment Act which we passed at this session of Congress, and that when that time arrives it will be unnecessary for the Government to impose more controls or to retain any at all except those which may be ordinarily necessary to protect the people against overcharges and violations of the antitrust law and other permanent and standardized laws and regulations upon the subject.

So I believe that all of us, without regard to our position on this bill or any amendments which were adopted by the committee or which may be adopted by the Senate, not only look forward to but yearn for the day when the Government of the United States will find it no longer necessary to interpose its power or its regulations in order to protect people against greed, rapacity, or unwise misadjustments of our economic situation.

The bill declares it to be the policy of Congress—

That the Office of Price Administration, and other agencies of the Government, shall use their price, subsidy, and other powers to promote the earliest practicable balance between production and the demand therefor of commodities under their control, and that the general control of prices and the use of subsidy powers shall, subject to other specific provisions of this act, be terminated as rapidly as possible consistent with the policies and purposes set forth in this section and in no event later than June 30, 1947, and on that date the Office of Price Administration shall be abolished.

It also provides that—

The President shall recommend to the Congress such further legislation as in his judgment is needed to establish monetary, fiscal, and other policies which are adequate to supplement the control of prices and wages during the balance of the fiscal year 1947, and to insure that general control of prices and wages can be terminated by the end of that fiscal year without danger of inflation thereafter.

Of course, the President could do that anyway. Under the Constitution it is made the duty of the President to inform and advise the Congress from time to time concerning the state of the Union and to recommend legislation which he thinks is necessary. Therefore this provision in the statement of policy was not necessary so far as giving the President any power is concerned; but the committee thought it advisable to impress upon the President the need for alertness in bringing to the attention of Congress, not later than next January 15, the situation with respect to the control policy and program for the remainder of the fiscal year ending June 30, 1947. So we have put it in there by way of emphasis more than anything else. It does not add anything to the power of the President, but calls his attention to the fact that the Congress desires that, not later than the 15th of next January, he shall communicate to Congress any recommendations covering "monetary, fiscal, and other policies which are adequate to supplement the control of prices and wages during the balance of the fiscal year 1947."

I take it for granted that that will arouse no particular controversy in the Senate, or in the country, or in the conference which may take place following the passage of this bill by the Senate.

This new section in title I of the Emergency Price Control Act, section 1A, also contains stipulations with reference to the decontrol of nonagricultural commodities. I may say that the bill in its provisions for decontrol divides commodities into two categories. One is nonagricultural commodities and the other includes agricultural commodities and products manufactured in whole or substantial part from agricultural commodities.

This section of the bill provides for the removal of maximum prices on nonagricultural commodities not important in relation to business costs or living costs. The Price Administrator is directed to proceed with the decontrol of these commodities as rapidly as in his judgment will be consistent with the avoidance of a cumulative and dangerous unstabilizing effect. Maximum prices on all such commodities are to be removed on or before December 31, 1946; and after that date no maximum price may be maintained for a nonagricultural commodity or class of commodities "unless the same has been expressly found by the Administrator to be important in relation to business costs or living costs."

In other words, under that provision of the bill the Administrator is required to assemble, not only in his mind, but in his agency, all those nonagricultural commodities which are not essential or important with relation to the cost of production, the cost of manufacture, or the cost of living. When he has done that he is directed to take all such commodities and all classes of such commodities from under price control not later than the 31st day of December. The bill goes on to state a general rule for the removal of maximum prices in the case of nonagricultural commodities, regardless of whether such commodities are important in relation to business costs or living costs. This rule is that maximum prices shall be promptly removed whenever the supply of a commodity exceeds or is in approximate balance with the demand therefor, including appropriate inventory requirements, of course, and when it also appears that prices of the commodity will not rise as a result of the decontrol, or that if they do rise as a result of decontrol, they will not exceed a true reflection of current costs which are to be determined by normal accounting methods, plus reasonable profits; and, second, that the increase will not be such as to unstabilize dangerously the prices of any important commodities that would jeopardize seriously the attainment of a reasonably stable peacetime economy. Under this provision it is the duty of the Administrator to remove the maximum prices upon his own initiative when the applicable decontrol standards are satisfied. However, provision is made in the latter parts of this section for industry advisory committees to petition the Administrator for decontrol when such committees believe that the applicable decontrol standards have been satisfied; and in case of adverse action by the Administrator upon the petition, provision is made for an appeal to an independent price decontrol board which is set up under the terms of this bill, which may order the Administrator to remove the maximum prices. In other words, in regard to nonagricultural products, and without regard to whether they bear an important relation to the cost of business or the cost of living, the Administrator is directed, in effect, and it becomes his duty, to remove the maximum prices on his own initiative or without any appeal on the part of anybody or without any obligation on the part of anybody, when the standards set out in the bill are satisfied.

Section 1A is quite lengthy and has many subsections. I may state that it was originally introduced in the committee by me as an amendment to the bill. It was referred to a subcommittee, and the subcommittee worked it over and came back with the subsection practically as it now stands in the bill. The subcommittee made several amendments to it, but it was agreed to after full discussion in the committee, without, as I now recall, sharp division insofar as the committee membership was concerned.

In relation to agricultural commodities, let me say again that we have divided commodities into nonagricultural and agricultural groups. For some time there has been a feeling among the farmers and their representatives that the Secretary of Agriculture should have more to do with the regulation of prices and practices on farm products than he was given under the law as it was originally enacted or it was amended thereafter. So, Mr. President, the committee wrote into the bill a provision relating to and making distinctions between agricultural commodities and nonagricultural commodities. As to agricultural commodities, the bill contains new provisions relating to the removal of maximum prices on such commodities, the adjustment of maximum prices, and other provisions relating to the administration of maximum prices on agricultural commodities. It provides that the Secretary of Agriculture shall certify to the Price Administrator each agricultural commodity which the Secretary determines to be in short supply. An agricultural commodity will be in short supply for the purposes of this act unless the supply of such commodity equals or exceeds the requirements for such commodity for the current marketing season. We all realize that agricultural commodity prices are seasonal and that the supply of agricultural commodities in relation to the demand for them is seasonal, depending upon many elements which no one can control, one of the chief of which is the weather.

The bill further provides that no maximum price may be applicable to any agricultural commodity during any calendar month which begins more than 30 days after the enactment of this section, unless such commodity is certified by the Secretary of Agriculture as being in short supply. In other words, upon the enactment of this law—which means, of course, its approval by the President—during any calendar month which begins more than 30 days thereafter, unless the Secretary of Agriculture certifies to the Price Administrator that the commodity is in short supply, no price ceiling shall be placed upon or continued upon that commodity.

It also provides that whenever the Secretary of Agriculture determines that a maximum price on an agricultural commodity which is in short supply is impeding the necessary production of such commodity, he may recommend to the Price Administrator such adjustments in such maximum price as the Secretary determines to be necessary to attain the necessary production of such commodity, and the Price Administrator is required to adjust the price according to the recommendation of the Secretary of Agriculture. In other words, in effect the bill places price control over agricultural commodities in the hands of the Secretary of Agriculture, although it comes in a roundabout way to him through the Price Administrator.

The bill also contains provisions relating to decontrol in regard to agricultural commodities not important in relation to business costs or living costs. The standard established in that respect is the same as the standard which is set up in the bill in regard to nonagricultural commodities. The Secretary of Agriculture is directed to recommend to the Price Administrator the removal of maximum prices on such commodities as rapidly as in the judgment of the Secretary will be consistent with the avoidance of a cumulative and dangerous unstabilizing effect. In other words, for decontrol over agricultural commodities which are not important with relation to the costs of business or the cost of living the bill sets up the same standards that it sets up with reference to nonagricultural commodities, and all such removals will take place on or before December 31, 1946. In other words, any commodity, whether agricultural or nonagricultural, which is found not to be important with respect to the cost of business or the cost of living, is directed by this bill to be taken out from under control not later than the 31st of December 1946.

Subsection (e) of this section, which, as I have said, is a lengthy one, provides specifically that price controls with respect to livestock, poultry, eggs, milk, and food and feed products processed or manufactured in whole or in substantial part from livestock, poultry, eggs, or milk shall be removed not later than June 30, 1946. In other words, under the bill in its present form, these categories of commodities are taken out from under the general decontrol provisions and are specifically ordered to be decontrolled on or before the 30th day of June, this year. I refer to livestock, which, of course, means meat products and all forms of meat—poultry and eggs, milk, and food products processed or manufactured in whole or in substantial part from any of these.

In that respect, this bill differs from the House bill. The House bill undertook, by general language, to provide a sort of a formula for decontrol, but it did not decontrol any of these products on any specified date. It did not deal specifically with the products about which I am now speaking, such as livestock, poultry, eggs, and so forth, except to provide that subsidies on meat shall cease to be paid after June 30 of this year. But nowhere in the House bill, as I recall, is there any provision for fixing the date of decontrol in regard to any of these food products.

Mr. DOWNEY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. DOWNEY. Does the Senator from Kentucky prefer not to be interrupted while he is making his statement?

Mr. BARKLEY. It does not matter. I do not wish to become involved in any argument over the provisions of the bill. I am now merely stating what the bill provides.

Mr. DOWNEY. Of course, I do not wish to get into any argument with my distinguished leader.

Mr. BARKLEY. No; that is all right. The Senator may ask his question.

Mr. DOWNEY. I was wondering what was the testimony before the committee with reference to the amount of increase which may be expected in connection with meat, dairy, and poultry products, if price control over those products is entirely removed on June 30 of this year?

Mr. BARKLEY. The testimony before the committee with regard to all those subjects, I may say, was quite varied. It depended a great deal on who was testifying. What was claimed with regard to the subject depended to a great extent on who was testifying. Those who wanted price controls to be removed—and they comprised many sincere and able persons throughout the country who honestly believed that price controls should be removed, that the situation in regard to prices, would be improved, and that the production of commodities would be sufficient to meet the demand if all these controls were entirely removed—believed that the situation resulting therefrom would be a great improvement over the existing situation. Many other persons, among them being representatives of the Office of Price Administration itself, and the Secretary of the Treasury, who will soon be the Chief Justice of the United States, as well as many others, including business, labor, and civic organizations of various kinds, testified before the committee that the removal of price controls over this large element of food to which I have referred would increase the price of food and therefore the cost of living generally.

The increase in the cost of living resulting from an increase in the cost of food will not be proportionally as great or the increase in the cost of food itself if we consider only food. The cost of food is not all, although it is a large part, of the family budget of expenses.

In the minority views, signed by four members of the committee, including the Senator from California [Mr. DOWNEY], it is claimed that the removal from price control of all these commodities, including not only those which I have named but cotton, wool, and others which are dealt with in the bill, will result in an increase in cost to the American people of about $8,000,000,000 a year. I do not know how much the cost of living directly related to food would be increased by reason of taking these products out from under price regulation. I have a feeling that it would be substantial. But whether it would be $8,000,000,000 I do not know, and I frankly doubt whether anyone may claim to have the last word on the subject, because it is bound to be more or less speculative.

I might say also that the situation with regard to livestock and meat, which was emphasized by the testimony before the committee, presented a picture somewhat different from that of poultry and poultry products, and even dairy prod-

ucts. It appeared that of all products, so far as control by regulation or price impositions are concerned, meat has become the most difficult to handle or to regulate. The testimony before the committee tended to show, I believe, that although there is more livestock in the United States at the present time than at almost any previous time in history—approximately 81,000,000 head of cattle—it is more difficult to obtain meat in the markets, grocery stores, and butcher shops in this country today than it has been at any time since price control went into effect.

Mr. McFARLAND. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. McFARLAND. There was also testimony before the committee to the effect that 80 percent of the meat is being sold through the black market.

Mr. BARKLEY. Yes; I know that.

Mr. HICKENLOOPER. Mr. President, will the Senator yield to me for a question?

Mr. BARKLEY. I yield.

Mr. HICKENLOOPER. With reference to the question of the Senator from California concerning the estimated increase in the price of meat, I would suggest that, in my opinion, the most authoritative estimate of what will be the temporary increase in the price of meat has been given through publications of the Bureau of Agricultural Economics in its livestock section. In the statements which it has made the Bureau has been substantially accurate in the past. It has made the positive statement that upon the removal of price control over meat, considering the fact that the subsidy will be taken off, we may expect a temporary rise during the adjustment period in the price of meat, generally, of between 15 and 20 percent. That is the opinion of the United States Bureau of Agricultural Economics, and its past record for accuracy leads me to believe that the estimate which it has made is perhaps the most accurate and authoritative estimate which can be obtained with regard to what will happen.

Mr. VANDENBERG. Mr. President, I ask the able majority leader if the estimade which he has given purports to represent a permanent load, or a temporarily increased cost covering the temporary bulge pending the time when we shall return to full production.

Mr. BARKLEY. The estimate is not my estimate.

Mr. VANDENBERG. I understand that.

Mr. BARKLEY. It is an estimate which is contained in the minority views, and I understand it to be based upon information obtained from the Office of Price Administration. I think it may be interpreted as meaning that the increase, so long as it may last, based upon the removal of controls, would be at the rate of approximately $8,000,000,000 a year, in connection with all these commodities which will be, according to the terms of this bill, decontrolled. How long that temporary situation will last, I would not undertake to say. It seems to me that it will be temporary, but it may last for 6 months or even a year, depending entirely on how rapidly we can resume the ordinary channels of production.

There was testimony before the committee which showed, as I recall, that more than 80 percent—about 85 percent—of the meat and livestock products are going through what we call illegitimate channels—that is, going through what we call the black market. I referred in the committee while the Secretary of Agriculture was on the stand to a statement made to me by a representative of one of the large packers in the United States that, whereas formerly he processed about 7,000 head of livestock a week, he was now able to get only 500 head a week because he would not pay more than the ceiling price fixed by the OPA, whereas others were holding out the attraction to farmers and livestock dealers and others that they would pay more than the ceiling price, and that temptation was inducing the sale of a very large quantity of livestock to such processors. This resulted in higher prices, as it is claimed, to the consumers than would be paid if the livestock were being processed through the legitimate channels of business which acknowledge and obey the ceiling price fixed by the OPA.

Mr. VANDENBERG. The question I ask the Senator is whether or not those who made the estimates which he quotes also made any estimates as to the length of time this bulge would persist before there would be reached the stabilization that would result from very full production.

Mr. BARKLEY. I do not recall that they estimated how long it would take. In his testimony before the committee, Mr. Anderson, Secretary of Agriculture, acknowledged the very grievous situation that exists in the livestock and meat industry, and when I referred to the statement made to me about the difference between 7,000 head of livestock a week and 500 a week, he said that that was about the average situation with respect to the large processors of meat. In the course of his testimony he stated that they had imposed a new quota which he thought would alleviate the situation, and I read in a newspaper a day or two ago that since it has been in force it has alleviated it to the extent of about 9 percent in the case of the legitimate processors of meat. He was asked the question how long it would take to determine whether this new quota system would be effective, and he said he thought 90 days, and he suggested that if it did not do so within 90 days he would favor taking price controls entirely off of livestock immediately. Later, he modified that a little, but the testimony that he gave in the committee stands, I think, substantially as I have stated.

Mr. VANDENBERG. I should like to submit this thought to the Senator for his comment: I think he is quite correct when he says that nobody can say that he knows the answer to this problem. Obviously we have got to proceed by trial and error, and I have thought heretofore in some instances we were proceeding solely by error instead of by trial. But since that is a fact and since some day we have got to take a chance on restoring free competition and full production, I wonder if it would not be worth while to make a deliberate and conscious experiment with a key industry by way of complete decontrol with the perfectly conscious understanding that none of us can say what the result will be. But if it be thus done, say, with meat and dairy products for the purpose of a clinical demonstration to determine who is right and who is wrong in this perpetual argument as to what would happen under total decontrol, would it not be wise for us deliberately to make a conscious experiment with one key industry of that nature, and see if we cannot learn something by it.

Mr. BARKLEY. The committee evidently thought that it was worth while to experiment with not simply one but three different categories of the products that enter largely into the food supply of the country, because it provided not only for the decontrol of all livestock and meats and everything made from livestock, but also extended decontrol to dairy and poultry products. The idea of the Senator from Michigan and the idea of the committee evidently was that it was worth while to do that, but the question is whether they selected the right commodity upon which to experiment in the establishment of a sort of clinical institution without knowing what effect it would have on the guinea pig while the process is going on.

Mr. VANDENBERG. Furthermore, if this experiment is to be tried, from my point of view it ought to be tried with the whole-hearted cooperation of the administrators, as well as the legislators, and a general agreement that they were going to undertake the experiment to see what the answer is.

Mr. BARKLEY. The difference between what the bill does in regard to these categories and the recommendations of the Office of Price Administration is that the bill takes all controls off on the 30th day of this month, and thereafter and no cooperation is required. There will be no further cooperation because on the 30th day of this month price controls are taken off livestock and meat, poultry, eggs, and everything made from them. The difference in viewpoint was whether to do that on a given date and so soon or to allow these products to be decontrolled under a given formula that Congress may write with reference to decontrol.

I think frankly that the meat situation presents the worst problem that confronts not only the OPA but the American Congress and the American people. It seems utterly incredible to me that, with more livestock in the United States than ever before, meat cannot be purchased in grocery stores or butcher shops anywhere in the United States; and yet we are told that it is being sold, that it is going into the black market, that producers are getting more than the ceiling price for their livestock, and are offering meat. That being true, it seems difficult to understand why it is so difficult for the ordinary family of the United States to obtain a supply of meat.

Mr. VANDENBERG. I agree with the Senator a hundred percent, but, since

we confront that imponderable, is it wise simply to continue the system under which the difficulty has arisen which the Senator describes? Is it not wise to make an experiment to find out whether there is any validity in the argument that total decontrol of a given industry will within a reasonable time produce stability?

Mr. BARKLEY. The committee evidently thought it was wise to do this not simply as an experiment but as a determination of the Congress with respect to the control of the products mentioned in this category. I saw in yesterday morning's Washington Post the statement that a meat famine will occur in the United States within a week, notwithstanding the multiplicity of heads of cattle and a supply per head for the American consumers which is as large as ever before. That prediction of immediate famine is based on the fact that all controls come off on the 30th of this month and nobody who owns anything that goes into meat products will sell any of it until the 1st day of July. I am not asserting that it is true, but I say that it is predicted.

Mr. McFARLAND. Mr. President, will the Senator yield?

Mr. BARKLEY. I am yielding to the Senator from Michigan.

The point is that that will be the inevitable consequence of fixing any date on which there will be decontrol of any specific thing which is now under the price-control law.

I have frequently quoted Artemus Ward, who once said one man has as much human nature as another, if not more. I suppose if I were producing livestock or processing it and I thought I could get a larger price by holding it off the market until after July 1, I might be tempted to do so. I would not attribute to myself any greater virtue than I attribute to anyone else.

When we come right down to it, it is a strike against the sale of what we have, whether it be commodities, or brawn and muscle in one's arm. It is a refusal to dispose of what one has to sell, whether it be labor or a commodity, until one gets the higher price.

Mr. VANDENBERG. The Senator would agree that, in the long run, the only hope we have for stabilizing our economy at a high level, and getting permanent protection against inflation, is through the restoration of full production and free competition. Is not that so?

Mr. BARKLEY. Oh, yes; I agree to that proposition.

Mr. VANDENBERG. How are we ever to approach that objective except as we proceed by a conscious trial of an effort to decontrol? If we proceed as the Senator is recommending, when and where and how does the Senator contemplate we would ever get rid of the controls?

Mr. BARKLEY. In my remarks here I am not recommending anything.

Mr. VANDENBERG. Nor am I; I am merely exploring the facts.

Mr. BARKLEY. I did not care to get into any argument over the decontrol of meats or anything else until some proposition comes before the Senate by an amendment, which I imagine will be offered, to strike the appropriate section out of the bill so as to leave the decontrol of meats, poultry, and dairy products on the same basis, with the same formula set up, as applies to other products. Although I am glad to engage in this preliminary discussion, I imagine when such an amendment is offered the subject will be gone into more fully than I had intended to go into it. I appreciate very much the difficulty which confronts all of us in regard to these particular products.

Mr. VANDENBERG. The Senator will understand that I am not arguing particularly about meats and dairy products in this connection. I am rather asking the fundamental and abstract question whether, in this imponderable situation which we all confront, when no one can say, "I know the answer," it would not be the part of wisdom to proceed deliberately and consciously, by trial and error, choose a key industry, perhaps not only one, perhaps automobiles, perhaps lumber, although meat and dairy products seem to me to be highly eligible for the purpose; but without identifying the industry, would not the Senator agree that it would be worth while to choose a key industry and try total decontrol, and see what the record would be?

Mr. BARKLEY. That might be. Yet I am not so certain that before we found what the record showed the entire act would have expired again next June, although I would hope that in any key industry which was decontrolled by act of Congress on the 30th of June of this year, or the 31st of December, under the sections I have previously discussed, it certainly would not require anything like a year, and I would hope not require 6 months, to ascertain whether we had done the right thing, or whether we had chosen the right key industry with which to experiment. If it turns out that we have not chosen the right key industry with which to experiment, the cost to the American people may be more than the evidence we obtain by the experiment is worth. That is a question which no one can answer in advance.

Mr. VANDENBERG. I merely wish to make one observation, then I shall cease interrupting the Senator.

Mr. BARKLEY. I am glad to give any information I can, although I confess in advance, and emphasize, that I do not have the last word on any of these propositions.

Mr. VANDENBERG. Nor has anyone else. Anyone who is less frank than the Senator simply is not frank.

What I am trying to say is simply that it seems to me that, if we were totally to decontrol everything, drop OPA overnight, we would have chaos in this country almost beyond description. On the other hand, it seems to me that, if we do not soon get back to full production under free competition, we are going to have economic chaos under OPA as is, which will have almost the same net result.

So what I am saying is that I do not see how it is safe or wise for us virtually to continue OPA as is without any experiment in alternative methods. It seems to me that the thing we should be trying to do is the sort of thing at least the committee report looks toward, that is, a conscious experiment in total decontrol and in a limited channel to see what happens.

Mr. BARKLEY. I think the bill offers that opportunity. Whether it goes too far in picking more than one category I will not attempt to say. The same thing, in effect, applies to woolen and cotton textiles and the products thereof that applies to these others, but they are not a part of the food supply. The same theory is applied to other commodities in which there is supply equal to the demand, but they are not dealt with in this bill.

I might mention two or three other categories as to which there might be quite as much justification for immediate decontrol as in the case of meats, dairy products, or poultry. But it is a question whether in undertaking to experiment with something that is in a mess, as everyone admits is the case with meat, we go too far and take in too wide a radius in our experimentation in a category that means the American food table. I am not arguing that now. I am merely calling attention to it. I suppose it will be argued ad infinitum when amendments are offered dealing with it, and it is my hope that amendments will be offered which we may argue, without general discussion and debate, and criticism of OPA, or the NAM, or any other organization. I hope we may get down to brass tacks and consider amendments which will affect the bill.

Mr. McFARLAND and other Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Kentucky yield; and if so, to whom?

Mr. BARKLEY. I yield first to the Senator from Arizona.

Mr. McFARLAND. I hope the Senator will call attention to the fact that the bill provides for recontrol of these products in the event the so-called experiment does not work.

I may say to the Senator from Michigan that the control of these products is itself an experiment. The administration is experimenting all the time in an effort to find how to make it work. The testimony was to the effect that 80 percent of the meat is being sold through the black markets. Whether that is a correct figure, I am not able to say. But we know that a large percentage of it is being sold through the black markets. The Office of Price Administration is continually experimenting to find how to prevent the black market.

The Senator from Kentucky mentioned the fact that we would have a meat famine.

Mr. BARKLEY. I was quoting a newspaper. I did not say that, and I do not say it, but I called attention to it because it is important to keep in mind that, no matter whether we have labor to sell or have a commodity to sell, we are all alike, we are all human, and we are not going to forego an advantage which may accrue to us by holding off whatever we have for a week or a month.

Mr. McFARLAND. I did not mean to leave the impression that the Senator was giving that as his own statement. He was quoting from a newspaper. But I did want to call to the attention of the

Senate the fact that under the quota system, which has recently been reestablished, some of the cattlemen tell me they had fat cattle sold to legitimate packers, but the packers could not now take them because it would put them beyond their quota, and it resulted in less meat going to the legitimate market. They claim that this experiment on meat is what is causing the shortage to the consuming public. There is a difference of opinion as to that which we can go into a little later.

Mr. BARKLEY. That is true. I might say also that the State Department represented to me, and, through me, to the committee, that the effect of the decontral of all these products on the 30th of June would be to intensify the feeding of cattle and poultry with the grains which are available in order that the owners might fatten them in a more expeditious way and put them on the market at a higher price, and that that would very materially interfere with our program to help feed the hungry in other parts of the world. I do not know to what extent that may be true, but the committee did not seem to pay much attention to it.

Mr. DOWNEY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield to the Senator from California.

Mr. DOWNEY. In connection with the very wise suggestion made by the Senator from Michigan that we might pick out a particular product for decontrol as an admittedly experimental measure, I should like to say that if that were done with automobiles or radios or washing machines or other durable goods, the American public could at least protect itself, in the event of a marked increase, by staying out of the market. But this bill picks out the vital necessities of food upon which the masses of the people must live, meat, dairy and poultry products, and if there is an increase of 25 or 50 percent, as some of us at least fear, although we are not dogmatic about it, the people cannot stay out of the market so long as their money lasts.

Moreover, I think it is unfortunate to have picked out these products, for the reason already suggested by our able majority leader. We now have a critically short grain market, with poultry, dairy, and meat producers competing with an unlimited price scale for grain. I do not believe, however much the Department of Agriculture and OPA may seek to hold down the grain prices, that it can be done, and that means that the increase in cost of meat, poultry, and dairy products will carry with it the increased price of grain, and then of bread, and then of cereals, and we will have placed upon the great masses of our people, already with insufficient income, a marked increase in cost of 80 percent of the food products of the Nation.

Mr. VANDENBERG. Mr. President, will the Senator from Kentucky yield?

Mr. BARKLEY. I yield.

Mr. VANDENBERG. I wish to say to the Senator from California that I was dealing with the general subject of a conscious and deliberate experiment. Perhaps there is a subordinate argument as to what should be chosen for that purpose. I was not undertaking to argue that meat and dairy products necessarily are the proper choices, but I do not see how we are ever going to get out of this empasse until we take a substantially representative industry as a whole and make a deliberate and conscious experiment with decontrol as a whole.

Mr. DOWNEY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. DOWNEY. I clearly understood the position of the Senator from Michigan, and indeed he had mentioned automobiles himself as being a subject for experiment. Before I sit down I should like to say a word further. The distinguished Senator from Iowa [Mr. HICKENLOOPER] said that it is anticipated there will be only a 15-percent increase in the cost of meat. If the figures I have are correct, the subsidy alone amounts to the equivalent of 16 percent of the price at which meat is now being sold, and I think we must anticipate a marked increase in the price of meat if the control is released.

Mr. BARKLEY. The bill provides that wherever a subsidy is discontinued there shall be a corresponding increase in the price of the commodity which is the subject of the subsidy. Whatever percentage that would be I suppose is ascertainable. I cannot give in each category what the percentage would be on milk or cheese or livestock or anything on which a subsidy is now being paid. But there is a direction in the bill that whenever a subsidy is removed, whether by act of Congress or in any other way, there shall be corresponding increase in the price of the commodity.

Mr. HICKENLOOPER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. HICKENLOOPER. I wanted to make a statement for the information of the Senator from California before he left the Chamber. I am sorry he has just left. My statement respecting the increased price of meat was made on the best authority that I know of in the United States, again I repeat, the United States Department of Agricultural Economics. Its very best estimate is that without controls meat will go up from 15 to 20 percent, at least temporarily. There is a 5-cent subsidy generally across the board on meat. If the controls are taken off, that subsidy, of course, will have to be paid by the American people, who are already paying it now by way of taxes, and so it will not cost the American people, as such, any increase in price.

Mr. BARKLEY. The cost will fall on different people, some of them in the poor classes.

Mr. HICKENLOOPER. But the point I want to make is that it is reliably estimated, in my opinion, at least I think the evidence has not been shaken or controverted, that approximately 80 percent of the meat being eaten by the American people today has been transacted for in the black market, sometimes at the slaughtering level—I think more than 50 percent at the slaughtering level—and almost all of it at the retail level, and depending on the type of meat obtained the prices run from as much as 50 cents to a dollar a pound over and above the OPA ceiling. So the American public that wants to eat meat today is paying an unconscionable price for that meat. A little later in the debate I hope to go into that with more facts and figures, but the matter came up just now and I wanted to mention it.

Let me say one other thing. The Senator from Kentucky referred to a news article published in a newspaper yesterday written by, I believe, Mr. Bowles. The day before a similar article appeared in the newspapers, the author of which was alleged to be a spokesman for the OPA, so I do not know who wrote it. That article predicted a meat famine.

Mr. BARKLEY. The article I referred to is an article by the United Press.

Mr. HICKENLOOPER. In the article a meat famine was predicted. I call attention to the fact that we have a meat famine in the country today. That meat famine has been in progress for some months, because meat has been diverted from the legitimate channels for the reason that legitimate slaughterers simply cannot go into the market and buy in competition with the black-market prices. That is the point I wanted to make.

Mr. BARKLEY. No matter what channel it is going through, legitimate or illegitimate, it still mystifies me why if all these cattle are being slaughtered, wherever they are being slaughtered, there is a scarcity of meat in the market place.

Mr. HICKENLOOPER. Because a great many people do not know where to go to buy it in the black market.

Mr. BARKLEY. It is being sold to somebody. Those who have the meat are not allowing it to spoil.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. WHERRY. I should like at this point to place some figures in the RECORD, inasmuch as the distinguished majority leader has brought up the subject. I wish to give the very latest figures from Omaha, Nebr., relative to the cattle receipts and the number of cattle slaughtered in that market in the first 5 months of this year compared with the first 5 months of 1941, because the distinguished Senator has just asked a question which must be answered. His question is: Where is the meat? If the cattle are being killed either legitimately or illegitimately, where is the meat? Some people doubt that the cattle are being killed. Some people apparently cannot give the reasons to substantiate their belief as to where the cattle are going.

Ending May 31, 1941, there were received in the Omaha market 466,199 head of cattle. Of that amount of cattle received in that period, that is up to May 31, 1941, there were killed in that market 325,210 head, and sold and distributed through the legitimate channels. I have not figured out the percentage, but nearly 75 percent of the cattle received in the Omaha market were slaughtered and sold through legitimate channels. In that period ending May 31, 1941, nearly 75 percent of the cattle received

in the Omaha market were killed in the Omaha market.

Let us now take the figures for the same period in 1946, ending May 31. There were received in the Omaha market during that period more cattle than in the corresponding period in 1941. In the 5-month period in 1946 there were 732,168 head of cattle received in the Omaha market. But the cattle killed in that market during that period were only 292,981. Think of that! Out of nearly 800,000 head of cattle received, 292,000 were killed in that market.

Where did the cattle go? I have a letter from the president of the Union Stockyards, a former Member of Congress, a man who has been a stockman all his life, and who knows the cattle business from one end to the other. I wish to quote the last paragraph of his letter. His name is Harry Coffee, president of the Union Stockyards. The letter is dated June 10. I have just received it. He gives the comparison which I have just mentioned:

> This shows that rail shipments of slaughter cattle from the market for the first 5 months of this year were over 350,000 head as compared with 49,000 the first 5 months of 1941. Last week the four major packers in Omaha purchased roughly 15 percent of the receipts. Order buyers shipped out about 70 percent and the local independent killers took about 7 percent.

The order buyers are the buyers who sell to the nearly 26,000 little packing plants which have grown up overnight, which do not depend upon subsidies, and which sell meat at black-market prices to shippers throughout the country. That is where the meat is going. Seventy percent of the 732,000 head went into the little packing plants which are wasting the offal, and which are not even inspected plants. They are distributing the meat which is sold in 83 percent of the grocery stores of the country, at whatever prices they can get. Those statements are based upon facts.

> Order buyers shipped out about 70 percent and the local independent killers took about 7 percent. The other 10 percent went to feeder buyers.

The 10 packers there killed only 13 percent.

In answer to the distinguished Senator from California [Mr. DOWNEY], who spoke about feeding and finishing steers, let me say that less than 10 percent of those cattle went back to the feed lots of the country. That is how fearful feeders are in the present cattle situation.

Mr. BARKLEY. Mr. President, all this discussion about cattle and meat will be duplicated when amendments are offered dealing with that subject.

Mr. WHERRY. The distinguished majority leader made the statement that there would be a meat famine. The meat is here. The only famine is in what we call the legitimate or Bowles market. The black market is setting the price of meat today. If we can take the meat out of the black market, prices will seek their own level. More than 80 percent of the meat is going into the black market today.

Mr. BARKLEY. Mr. President, I wish to proceed with a discussion of the bill. I do not care to enter into a lengthy discussion of the meat situation. I did not intend to discuss it in detail, but I was asked a question about it.

Mr. WHERRY. I thank the distinguished Senator.

Mr. BARKLEY. This question will be argued when that part of the bill is reached, and I think we might forego the discussion at this time.

Mr. WHERRY. I thank the Senator for the time which he allowed me. I thought his statement ought to be answered.

Mr. BARKLEY. We could spend the whole day discussing meat, but I have no intention of doing so.

Mr. WHERRY. The Senator may have no such intention, but I propose to spend all the time I can possibly take.

Mr. BARKLEY. I merely made the remark that we could spend all day discussing the meat situation. I did not mean to cut the Senator off, or to intimate that I had the power or the desire to do so. I am trying to explain what the bill does, and I do not wish to enter into arguments which will arise later in connection with amendments which will be thrashed out before the Senate.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. EASTLAND. If meat is decontrolled, what effect will that have on our shipments of grain abroad?

Mr. BARKLEY. A while ago I stated that the Secretary of State sent me a memorandum which I read to the committee. It was emphasized by the Under Secretary of State and by the Assistant Secretary of State, Mr. Clayton, that the decontrol of meat at this time would intensify the use of grains in the feeding of stock so as to fatten the animals more speedily and get them on the market in order to obtain higher prices for them, and that such action would materially cripple our efforts to send grain abroad for starving people. I presented that question to the committee, but so far as I can tell the committee was not influenced at all.

Mr. EASTLAND. My information is that practically all the grain we are shipping abroad is wheat, and that wheat is not used to feed animals. The reason I ask the Senator the question is this: I will not be a party to diverting a great amount of grain to feed livestock and at the same time permitting people to starve to death. I am simply asking for information.

Mr. BARKLEY. I cannot tell the Senator to what extent decontrol of the three categories, dairy products, livestock, and poultry, would divert from their objective grains which are exportable to feed human beings and result in the grains being turned into meat because of the prospect of an increase in the price of meat and livestock. While it is true that wheat is not ordinarily fed to cattle, it is fed to poultry, and it can be fed to cattle. To some extent it is fed in a general mixture of stock feed and dairy feed. Wheat, corn, and other grains are used.

Mr. EASTLAND. Did the statement show whether we were exporting corn abroad?

Mr. BARKLEY. No. The memorandum was very brief, and did not go into details. However, the statement was made that the decontrols mentioned would cripple the program of sending grains to starving people abroad.

Mr. EASTLAND. I thank the Senator.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. TAFT In the interest of accuracy, in connection with the statement made by the Senator from California [Mr. DOWNEY] as to the effect of the removal of subsidies, as testified to by Mr. Bowles himself the result would be an increase of approximately 5 cents a pound, on the average, for meat.

Mr. BARKLEY. I believe the Senator from California stated——

Mr. TAFT. He said that there would be an increase of approximately 10 percent. I think his estimate was somewhat high.

Mr. BARKLEY. The increase would be about 5 cents a pound?

Mr. TAFT. Yes.

Mr. BARKLEY. The bill also provides that the Secretary of Agriculture shall be under the control of no other appointive officer of the Government. He is to be unfettered in his recommendations. That provision was placed in the bill in order to nullify a previous provision of the law that he could be directed by the Office of Economic Stabilization to do certain things. Therefore the committee wrote into the bill the provision that the Secretary of Agriculture shall be under the control of no one below the President of the United States.

The committee also wrote in a provision that no order or regulation should be made with respect to any agricultural commodity upon which no price ceiling had been placed prior to April 1, 1946. That was acknowledged to be for the purpose of nullifying the order issued by the Office of Price Administration with respect to margins in the purchase of cotton. In the order there were increased marginal requirements for the purchase of cotton. This provision would nullify and repeal that order.

The bill provides that a petition for decontrol may be made by the industry advisory committee which has been established for any commodity. Such committees have been established under existing law for most important commodities. The industry advisory committees are appointed, under the Price Control Act, by the Administrator. They may petition with respect to a commodity for the removal of maximum prices for such commodity if in the judgment of the committee the policies and standards set forth in this section require the removal of maximum prices for certain commodities. The petitions are to be filed with the Price Administrator in the case of nonagricultural products, and with the Secretary of Agriculture in the case of agricultural products. The bill provides for prompt consideration of such petitions.

One of the most persistent complaints against the OPA in the past—and I have registered such a complaint—has been with respect to delay in obtaining a decision on applications for price adjust-

ments or for the removal of maximum prices. I realize how difficult it is for an organization no more largely staffed than the OPA, and which can staff its organization only within the appropriations made by Congress, to keep efficient men and women as the time approaches for the termination of the OPA and they are looking elsewhere for permanent employment as soon as they lose out under the OPA. However, regardless of that factor, it has been a source of much complaint that there have been delays in the consideration of applications of all kinds.

The committee provided for a decontrol board, which is to be an independent agency composed of three men to be appointed by the President and confirmed by the Senate. They may determine, on petition of an industry advisory committee, for review of the decision of the Price Administrator in the case of nonagricultural commodities, or the Secretary of Agriculture in the case of agricultural commodities, whether there shall be removal of maximum prices. The bill provides that such petitions shall be promptly acted upon. The whole object of setting up the decontrol board is to bring about prompt and independent action in determining whether price controls shall be continued on particular commodities or whether they shall be removed in response to a petition filed by an industry advisory committee.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. BARKLEY. I yield.

Mr. CONNALLY. I should like to ask the Senator from Kentucky how the bill deals with subsidies generally. Is there to be any repeal of subsidies, or does the bill pick out only certain commodities in that respect? It seems to me that subsidies cannot be justified at all. I cannot see why the Treasury should pay money out of the Treasury to help people buy food or to help them pay for their clothes, and all that.

Mr. BARKLEY. Section 5 of the bill, as reported, deals with subsidy operations. Subsection (a) authorizes the Commodity Credit Corporation and the Reconstruction Finance Corporation to engage in operations for the fiscal year ending June 30, 1947, involving the making of subsidy payments and the buying of commodities for resale at a loss, which operations otherwise would be prohibited under section 2 (e) of the Emergency Price Control Act. The operations are authorized in amounts which involve subsidies and anticipated losses not to exceed $1,100,000,000, which is a very decided reduction from the amount of subsidies now being paid and which heretofore have been paid under the authority of Congress through the Commodity Credit Corporation and the Reconstruction Finance Corporation. The bill provides that of the $1,100,000,000, $31,000,000 is authorized for operations with respect to rubber, and $100,000,000 is authorized for operations with respect to copper, lead, and zinc in the form of premium payments. The bill also provides that out of the total of $1,100,000,000, the use of $969,000,000 is authorized for operations with respect to non-crop programs, 1946 crop program operations, and 1947 crop program operations relating to sugar, flour, petroleum, petroleum products, and other domestic and imported materials and commodities. We provide in the bill that the operations authorized under this provision relating to the $969,000,000 shall be progressively reduced, and shall be terminated altogether not later than May 1, 1946, and shall cost not more than $629,000,000 during the last 6 months of the calendar year 1946. In other words, by the bill we shall have reduced the time for the payment of subsidy operations to the first of next May, and we shall have reduced the amount of subsidy payments to $1,100,000,000; and we have provided that not more than $629,000,000 of that amount shall be paid during the last 6 months of the present year. We also provide that where price ceilings and controls are taken off, no subsidy shall thereafter be paid on the product, unless price controls should be restored upon the product.

Mr. President, we have also provided in the bill that any seafood products shall be regarded as agricultural products, under the bill. That may seem a little anomalous, but that is what the committee has decided to do, and probably there are some reasons for it.

I do not wish to go into any further detail with respect to the provisions of the bill. I disagreed with some of the amendments offered in the committee and with some which are included in the bill. I realize the difficulty which confronted the committee and which confronts Congress and the American people. There is a widespread difference of honest opinion with respect to the best policy to pursue in regard to all these matters. All I can say is that all that the Senate and the House of Representatives and, later, the conference committee of the two Houses, if the bill goes to conference, as I assume it will, will be able to do is to do the best they can, in their sound judgment, to deal with this problem—unpleasant as it is, even in its best phases—in a way that will bring about, as soon as practicable, without serious delay to our economy, the resumption of the normal way of doing business through the normal channels of doing business. At the same time we should keep in mind the fact that we have been a sick nation economically ever since the beginning of the war, and that we cannot adopt here, any more than could be adopted in a clinic or a hospital, sudden remedies which might be disastrous for the patient because of his long siege of abnormal conditions and situations which were made necessary by the war out of which we have come.

There was in the bill as passed by the House a provision known as the Crawford amendment. It dealt with automobiles. The Senate kept that provision in the bill, in substance, and added to it a provision as to farm implements, which provides dealer discounts, margins, and matters of that sort which prevailed prior to the war.

In the bill as passed by the House there was also the Wolcott amendment, which we have not included in this bill. There was also the Gossett amendment, which we have not included in this bill. Those provisions, as I recall, were offered on the floor of the House. They relate to a formula for profits and a formula for decontrol. These are matters which, in the bill as now reported, are covered in another way, at least in part, by provisions which I suppose will be discussed as consideration of the bill proceeds.

Mr. President, that is all I have to say at this time. I hope we may get speedily down to the offering of whatever amendments are to be offered, and that we shall be able to dispose of them promptly. I have not discussed here, except incidentally, the provisions which have been made with respect to either cotton or wool, and I do not think it is necessary for me to go into that matter now, because probably amendments dealing with cotton and wool and their products will be offered.

I hope we may proceed rapidly to the consideration of all amendments which will be offered to this measure, and that we may deal with them fairly and in the light of conditions as we can understand them to the best of our ability, and that we shall dispose of this measure promptly and send it back to the other House with whatever amendments we may adopt. If it must go to conference, as I assume it will, I hope that we may get it disposed of and get it on the desk of the President at as early a date as is possible, in order that he may have some time prior to the expiration of the present law to study and determine what action he will take in regard to it.

I now yield the floor.

Mr. HAWKES. Mr. President, will the majority leader yield to me for a moment, for a statement?

Mr. BARKLEY. I yield.

Mr. HAWKES. I am very deeply interested in what the Senator has said, and I am particularly impressed with the fact that he admits, as he has, that no one definitely knows the right way to get out of this situation. That is one fact that is positive.

I wish to make this observation because I think the Senator from Kentucky and I and all other Members of the Senate and the American people should understand that we cannot get back to where we were when we started this program and we cannot reach the goal we seek without placing upon the people some hardships and restrictions which they will have to endure during the transition period, and that we must all try to cooperate and work together in order to attain our objective with the least possible disturbance and injustice.

I am particularly impressed with the position the majority leader has taken, namely, that none of us knows the exact answer. I believe that every Member of the Senate is conscientious in wishing to stimulate production so that it will be ample to satisfy demands at the earliest possible time. That is the one thing we must have if we are to stop inflation.

I think it is obvious to all of us that when we speak of ceiling prices and prices which may occur as the result of the removal of the present controls, we must

always think of what the black-market prices have been and are now. The ceiling prices established by the OPA directives are one thing, and the black-market prices which individuals must pay if they wish to get certain materials when they need them are another thing. For instance, I was talking to the elevator girl in our hotel, today, and she made a very interesting observation.

Mr. BARKLEY. Mr. President, is that a daily habit of the Senator from New Jersey? [Laughter.]

Mr. HAWKES. That is a daily habit of mine, absolutely. She is a colored girl, and a very fine colored girl. She was talking about this matter, and she said, "What good does it do to have a ceiling price, if you cannot get the things you need at those prices? I cannot get the things I need at the regular stores and prices because they are only to be found in the black market."

Mr. BARKLEY. Mr. President, I think it should be said in behalf of the OPA that from the beginning we have never given it sufficient money to enable it to employ a sufficient number of enforcement officers to follow up the black market, and that is particularly true with respect to meat and livestock products and related products. How successful they could have been if they had had all the force they required in order to inspect every place where a cow, sheep, hog, or chicken had been killed, or where a cow was milked, I cannot say. If they had had a sufficient number of men to keep in touch with all those matters, I do not know how much more successful they would have been. But I am convinced that they have never at any time had a sufficient number of enforcement officers, under the appropriations which we have provided for them, to enforce the law as we expected it to be enforced when it was enacted, and as the people thought it would be enforced. The fault does not lie altogether with the OPA. The fault lies as well with other persons, such as those who have been unwilling to restrict themselves even by reasonable regulations, All the American people must bear their share of whatever responsibility may have accrued for the failure to enforce the law as it was originally intended by Congress to be enforced in order to hold down inflation and maintain prices within reasonable bounds.

Mr. President, we have another problem which I have not discussed. To discuss it at length now would take me into another field. We are confronted with the question of how much can we increase the cost of living by whatever we may do before there will be a resumption of demands for increased wages on the part of men who work, and a resumption of the strike situation which has not yet been composed completely. All those considerations enter into whatever we may decide to do. They emphasize all the more strongly what I have said, namely, that none of us has the last word on what is the wise course to pursue. We can only do the best we know how, and, by the light which God Almighty has provided for us, place our feet in the right path and have the courage to keep them there.

Mr. HAWKES. Mr. President, I leave this reflection with the able Senator from Kentucky. Throughout my lifetime thus far, whenever I have been confronted with the necessity of making a very important decision I made it with the knowledge that there was no way in the world ever to back up and find out if what I had done could have been done better in some other way than the way which I had chosen. Therefore, the Senator must exercise his judgment in the interest of all the people, and I am sure that he is just as interested as I am in preventing inflation and seeing that the people have the necessary food products and clothing at reasonable prices within their reach.

Mr. BARKLEY. I thank the Senator.

Mr. President, I appreciate the fact that I have consumed considerable time of the Senate. In fact, I have consumed more time than I had intended to consume. I now yield the floor.

Mr. WAGNER. Mr. President, as chairman of the Committee on Banking and Currency, I find myself in the strange position of presenting to this body my vigorous opposition to the committee's majority report on the extension of price, wage, and rent control. The majority report found its way to the Senate floor, as the junior Senator from Colorado [Mr. MILLIKIN] has said, "without objection and without enthusiasm." The senior Senator from Kentucky made it clear that in reporting the measure to the floor, he was not indicating approval of its various provisions.

It is with regret, rather than recrimination, that I express my strong personal dissent and that of the committee minority to the bill which the majority has reported. I regard this issue as one of momentous importance to our present and future economic security and to our relations with the other nations of the world. Against the background of grave problems abroad and troublesome times at home, I urge the Senate to reject most of the amendments to existing law proposed by the committee's majority report.

It is my considered judgment that the bill reported by the committee majority would write the death sentence for effective price, wage, and rent stabilization in the United States. From this viewpoint of effective stabilization, adoption of this bill would be little different, in ultimate effect, from the immediate expiration of the existing laws.

The real issue before the Congress, therefore, must be made unmistakably clear. Should the Government make a fight to the finish against inflation in the next 12 months, or should it surrender unconditionally and immediately expose the Nation to unrestrained economic forces?

When the issue of price-control extension first arose early this year, there were some persons who sincerely believed, and openly stated, that we should do away altogether with price control. This forthright position was buried under an avalanche of public protest. But the same result can and has been achieved by specific decontrols and general crippling amendments. In my judgment, we cannot assign to a Government agency the grave responsibility of protecting this country from inflation, and then hamstring it with amendments which would immediately compel it to allow prices to soar. The public must understand that their Government will not be in a position to protect them against rising living costs if Congress in fact removes that protection.

Despite pessimistic reports to the contrary, production in this country has mounted to record peacetime levels. It will take vast strides forward when the last of the major industrial disputes are settled. Employment in civilian enterprise is at an all-time peak. But manpower and materials shortages in particular commodities still prevent our great industrial potential from being fully realized. The big fact—seldom understood—is that as the stream of products flows from the factories, it is rapidly absorbed by the accumulated demand for civilian goods. It will require 6 or 8 months for the greatest possible outpouring of goods fully to meet these accumulated wartime demands. It will require a year for the economy to regain a general balance. Even then, in housing and perhaps a few other fields, scarcities must still be expected.

The demand for consumer and industrial goods today is backed up by high current earnings and the huge wartime savings of individuals and businesses. If we can keep our heads at this critical time, those savings can be a guaranty of prosperity to this Nation for years to come. If, instead, we abandon all protection for the value of the dollar, the people will rapidly attempt to convert their dollars into goods. This flood of funds will drive prices up until a buyer's strike or a speculator's panic puts an end to this frantic spending—and prices collapse.

We enacted the price control law in January 1942 because it was obvious that inflation was inevitable if the law of supply and demand were permitted to fix prices at a time when the demand for goods and services greatly exceeded the available supply. It is perfectly clear that the inflationary forces which led us to enact the original price control law have not yet subsided, and that we cannot risk the dangers to our economy which would result from the free operation of the law of supply and demand at this time. Yet that is what some Senators seem to be demanding.

It is folly to suppose that the value of the dollar can be maintained if price controls are taken off more than half the Nation's food products in the face of the acute pressure of demand for meat, milk, butter, and many other food products.

I do not believe that effective price control can be maintained over the rest of the economy if the most important foods are decontrolled. Such hopes of stability as might be entertained are blasted by other proposed amendments which assure widespread price increases.

With all the earnestness I can command, I urge the Senate to consider the

effects of these amendments on every group in America—farmers, veterans, workers, small businessmen, teachers, and millions of elderly people on fixed retirement incomes.

These amendments would raise the prices of food, clothing, and household electrical appliances. More than half the cost of living would immediately be affected. They would raise the prices of the farmer's tractor and his wife's washing machine. Veterans seeking to enter new businesses would find the value of their GI loans dissipated by inflated costs. These amendments in ultimate effect, would depreciate the value of every businessman's reserves, whether small or large. They would impoverish charities and endowed institutions.

The majority's proposals, if adopted, would inevitably destroy the hard-won industrial peace which now seems possible. Most of the major industry-wage contracts are behind us. These issues have been worked out and settled. There is every prospect today that stable wage rates can be maintained if the cost of living remains reasonably stable. It seems almost incredible that the majority would invite the early reopening of the wage issue by making inevitable soaring living costs in the coming months.

It is equally astonishing to find a majority of the Senate Banking and Currency Committee favoring a course which would doom to early collapse the intricate international financial arrangements the Senate has worked so hard to develop. Financial recovery abroad will be impossible if the value of the dollar is depreciated by inflation.

But more than the currencies of the world are at stake. We are taking chances with people's lives, not merely with their pocketbooks. Decontrol of meat and dairy products would start a bidding contest for grain among American meat producers, dairy farmers, flour millers, and poultry raisers.

The program of grain shipments to fight famine abroad could not survive that contest. At the same time, a competitive scramble for grain would result in serious hardships to important segments of American industry, especially the dairy and livestock industries.

Mr. President, there is a widespread belief that these amendments leave our vital rent control program intact. I am convinced that this is far from the truth. Principles of equity and justice would make it impossible to keep ceilings on rents at present levels while the living costs of millions of landlords, many of them small holders with fixed incomes, are permitted to rise.

I cannot understand the wave of defeatism in the war against inflation. It is true that the country has had a succession of difficult reconversion pricing problems this winter and spring. But last year and the year before we had similar critical supply and price problems in several commodity fields. At those times neither the committee, the Congress nor the Office of Price Administration allowed itself to be stampeded. The stabilization laws were renewed in effective form. By tightening up controls here and liberalizing them there, by intensifying enforcement, and by enlisting increased public and business cooperation, the OPA, working with other departments and agencies of the Government, gave very essential aid in meeting the crises of these preceding years. That aid is equally essential to meet the critical problems we now face. The real need is for Congress to assure industry and the public that they will not be exposed to a race between unpredictable costs and prices.

The proposed amendments have been presented in the guise of clearing the way for unlimited production. Our World War I experience shows clearly that they will not accomplish that objective. On the contrary, the prospect of sizable price rises encourages the withholding and speculative hoarding of raw materials and parts. This keeps vital supplies off assembly lines and slows both production and sales. It does not cure shortages; it aggravates them. The present withholding of livestock is just one example of how this tragic process operates.

Some of the shortage situations which were most troublesome a few months ago are already improving rapidly. Lumber output has risen from a monthly rate of 1.5 billion board feet in December to 2.6 billion in March, a rate which should make it possible to attain the Civilian Production Administration's 1946 production goal. Wool fabric for men's suits which in December was being produced at the rate of 15.6 million yards had climbed to 20.3 million yards in April. The production of men's suits is also climbing steadily, with 1946 production estimated to exceed 1939 output by 27 percent. Production of cotton fabric for men's shirts is now above both the 1939 and the 1945 rates. Production of nylons is soaring.

In the first 5 months of this year, the total output averaged more than three pairs apiece for every woman and girl in America old enough to wear them. I am not maintaining that the stabilization laws must be renewed without amendment. I recognize that the problem of terminating the stabilization controls as rapidly as the safety of the Nation will permit calls for some appropriate changes, as the distinguished majority leader told us earlier today in the statement which he made. Certain inequities which exist can be and are corrected by this bill without serious effect upon the price level. And under an amendment which I approve, OPA itself and its various regulations would terminate by June 30, 1947.

That would give the country one full year for the transition to free enterprise under normal conditions. Controls would then have to be kept on only a few items still in short supply, and on rents, through established agencies of the Government.

In my judgment, a critical review of OPA's price record shows that charges of unreasonable rigidity are exaggerated. The record shows that OPA has systematically increased ceilings for hundreds of industries since VE-day. To meet cost and production conditions since that date, OPA has taken 825 industry-wide price actions. In addition to these industry actions, thousands of price adjustments have been authorized for individual firms.

As a result of these actions, the committee has been informed, the agency has not only completed most of its reconversion pricing job but has almost finished the price adjustments called for under the President's wage-price policy. While, even in the absence of inflationary amendments, some further price increases would still be required, general price stability is now well within reach.

At this time, I will address myself solely to those amendments approved by the committee which I regard as especially destructive of effective price stabilization and control.

These amendments fall in three groups: First, the amendments to decontrol specific commodities; second, the textile and clothing amendments; and third, the amendments giving special pricing privileges to dealers in certain articles, such as automobiles.

There is a fourth amendment which has given me serious concern, even though it does not have the direct inflationary impact of the three groups of amendments I have mentioned.

This amendment gives to the Secretary of Agriculture the power, under certain conditions, to direct increases in the ceilings of any agricultural commodity or any processed food or feed product as well as the power to pass on the decontrol of such products. It also gives him unlimited power to withdraw approval for any maximum price which he has previously approved. In other words, while the Price Administrator is responsible to the Nation for maintaining stable prices, the amendment would drastically interfere with his ability to fulfill his responsibility.

This separation of power from responsibility imposes at the same time a burden on a Cabinet officer which he has expressly told the committee he does not wish. It also runs counter to the request of the President expressed in his letter to the chairman of the committee which appears on page 5475 of the CONGRESSIONAL RECORD, May 23, 1946. In that letter the President stated:

> I earnestly repeat my earlier request that the Congress quickly reenact the stabilization laws without any amendments that would jeopardize economic stability. I ask, too, that, as President, I not be handicapped by amendments destroying my authority to vest responsibility for effective coordinated administration of the laws in those departments and agencies of the Government which I believe can best carry out the stabilization policies.

To return to the three groups of amendments which I mentioned earlier, I should like to discuss, first, the amendments which remove price controls from specific foods.

I believe that the removal of price ceilings should be guided by general standards laid down by the Congress. I agree with the committee amendment that the application of such standards should be reviewed by a body free from any possiblity of interest in the continued administration of controls. The

bill therefore provides that the decontrol decision made by the Price Administrator and the Secretary of Agriculture, should be subject to review by an independent bipartisan decontrol board.

Under that amendment, the case for decontrol for each commodity can be tested clearly on its merits. Decontrol will be required only if supply is in balance with requirements. In the case of nonagricultural commodities, where imperfections in competition may lead to the manipulation of prices, further safeguards are provided to assure against inflationary consequences. These safeguards appear at page 17 and 18 of the bill as reported. This plan gives authority to make the initial decisions to the Price Administrator and the Secretary of Agriculture.

It also provides a way for an industry advisory committee, as the distinguished Senator from Kentucky [Mr. BARKLEY] stated today, to obtain a prompt decision from the Administrator or the Secretary. If the decision is not satisfactory, the industry can appeal to the bipartisan Price Decontrol Board which the amendment creates.

Given this machinery, there is no good reason not to entrust it with the decontrol of meat, poultry, eggs, milk, and all their food and feed products. The majority in committee rejected a proposal that these items be given first priority by the Secretary of Agriculture in considering decontrol. Apparently the majority realizes that most of these products would not qualify for decontrol by the Secretary of Agriculture or the Board, under the standards for farm products which the committee itself has written, at the suggestion of the distinguished Senator from Alabama [Mr. BANKHEAD], the farmer's ablest champion—and I hope he is better today. The fact seems to be that demand is so far above supply in the case of most of these products that decontrol would certainly be followed by an inflationary rise in price.

These are not the only specific items which the committee was urged to decontrol. The hearings show sincere and earnest testimony for immediate decontrol of such other items as industrial machinery and equipment, construction materials, petroleum and its products, perishable agricultural commodities, fruits and vegetables, dairy processing equipment, boilers and radiators, rents on FHA—financed war housing projects, military production, and hotel rates. This is only a partial list, Mr. President, where are we to stop once we begin this process of specific decontrols by legislative action?

The majority fails to explain how they expect the Price Administrator to maintain stable prices for the rest of the economy when controls are removed from the basic food products, an action which would compel the decontrol of grains, flour, bread, and cereals. In total effect this amendment would compel decontrol of about 60 percent of food products which in turn represent 40 percent of the cost of living.

Moreover, we cannot have inflation on one side of a supermarket and stabilized prices on the other. Nor can we allow inflation in the grocery store and the butcher shop and still hope for stabilized prices in the dry goods store, the hardware store, and the laundry in the same block. Our economy is far too closely interrelated for us to hope to avoid the full consequences of the amendments.

Some of those who conceded that price rises would result from the removal of ceilings from meat and dairy products argue that these rises would be flare-ups which would be quickly quenched by a flood of new goods. They disregard the biological fact that milk production can expand only as bigger dairy herds are built up over a number of years.

They neglect the economic fact that, if cream is shifted to butter, it creates a shortage for the ice cream producer. The grain available to feed cattle, hogs, and poultry for the market is sorely limited. Decontrol will cause more dollars to change hands but it offers no magic which can turn scarcity into abundance.

The only outcome of this action would be to expose the meat, dairy, milling, and poultry industries to a wild inflation of their grain costs. This would disrupt supplies and production in all four industries.

Let me also make it very clear that decontrol cannot solve the problem of equalizing the supplies in surplus and deficit areas.

Before the committee acted the OPA and the Department of Agriculture had launched a vigorous slaughter-control program. It was already beginning to show promising results when the committee's action in approving meat decontrol gave to all growers and feeders an immediate incentive to withhold shipments and thus prevented a fair test of the plan's effectiveness. If, instead, Congress were now to give firm backing to the stabilization authorities, the current meat problem would largely be brought under control just as it was last summer.

For milk, butter, cheese, ice cream, and other manufactured dairy products, a new pricing and distribution control program has now been announced by OPA and Agriculture. It is too new for its effectiveness to be demonstrated in action, but I am confident that we are now on the way to an effective solution of the big dairy problem we faced earlier in the year.

Any attempt to estimate the cost of these specific decontrol amendments to the consumer is an obviously impossible task unless the estimate is artificially limited to the direct effect of decontrol on the principal products involved. On this basis, OPA has furnished us with an estimate of a 40- to 50-percent average rise in meat prices. This means that decontrol would add from $2,600,000,000 to $3,250,000,000 to the Nation's meat bill.

For milk, the abandonment of subsidies alone would immediately raise prices 2 cents a quart; and if meat, millers, dairy producers, and poultry producers begin bidding grain prices upward, prices would soon rise at least 2 cents a quart more. To add 4 cents a quart to the Nation's milk bill would mean $900,000,000 a year to the consuming public. Accompanying rises in the prices of butter, cheese, ice cream, and other manufactured dairy products could readily boost the total to about $1,500,000,000.

Despite the fact that the present supply of poultry is good, the rise in the prices of meat would force a rise in grain and feed prices. Before long this would result in higher poultry prices. A 10-percent rise would cost the public $160,000,000.

In total, the immediate costs of these proposed food decontrol amendments would be between $4,350,000,000 and $6,000,000,000. But their indirect costs would dwarf their direct costs. The 50-percent rise in the level of these prices which a year's spiral of inflation could easily bring would, for example, cut deeply the value of the $145,000,000,000 our people have saved during the war. This would seriously undermine the buying power upon which markets, production, and jobs depend.

Now I should like to turn briefly to the textile and clothing amendments, which are more fully discussed in the minority views attached to the majority report. These amendments—on pages 39 and 40 of the bill—are especially unfortunate and ill-advised, coming at just the time when the return of veterans to civilian life increases greatly the demand for apparel and the fabrics from which they are made. This is no time to weaken stabilization measures in this field. The special pricing formula would make sure that textile ceilings will go up with any advance in the price of the raw material, although mill profits are now well above peacetime and have every prospect of rising further. The prosperous cotton textile industry is singled out for additional favored treatment through a special product-by-product pricing method that spells inevitable increases in all cotton-clothing prices. The special 5-percent production bonus offered cotton mills would sidetrack production to nonessential heavy items, such as chenille bedspreads, and encourage withholding of deliveries of needed items in months when the bonus was not payable.

Essential items, such as cloth for men's shirts, women's and children's dresses, and work clothes, on which OPA has already provided a 5 percent incentive increase, would suffer.

The special prices for the wool-textile industry, also provided by the bill, would add needlessly to the high prices which veterans and others are already paying for wool suits. This favored consideration is unwarranted since wool fabric production is booming and wool mill profits are high.

Most important of all the blows to stable clothing prices is the abolition of MAP. The maximum average price plan simply requires manufacturers to deliver the same proportions of low- and high-priced clothing as they delivered in 1943. Its purpose is to assure a supply of less expensive clothing. With a steady improvement in fabric supplies and development by OPA of means to prevent or correct individual hardship, MAP is becoming an effective and equitable device for fighting inflation in clothing prices. Abolition of MAP would not produce one more shirt, suit, or dress. It would only clear the way for manufacture of high-priced, high-profit items.

What will these textile and clothing amendments cost the consumer? The ending of MAP alone would probably add about $1,000,000,000 to the public's clothing bill in the next 6 to 9 months. Even if there were no increases in cotton prices, the other amendments would add another quarter billion to the consumer's bill. And each penny rise in cotton prices would cost about $60,000,000 more in the price of clothing. A rise of only 4 more cents in the market price of cotton would add another quarter billion dollars.

Now, I would like to talk briefly about the special pricing privileges for dealers. During this dangerously inflationary period there is no justification for raising prices in the absence of a sound reason for doing so. Yet the Crawford amendment, as adopted by the House and approved by the committee majority, would legislate higher prices for automobiles, radios, and most large household appliances, without justification. This special-interest legislation will cost the consumers of this country on the average $85 more for popular priced cars and more for higher priced cars. It ignores the fact that dealers are already averaging $68 more on these cars than they would be getting in peacetime. Moreover, this group of dealers has not suffered hardship during the war. Their lucrative repair and used car business made auto dealers generally more prosperous in wartime than they had been in the prior peacetime period.

These special cost absorption amendments for a special group will probably take more than half a billion dollars from consumers and put this money in the pockets of distributors, most of whom, without this legislative windfall, would be enjoying a prosperity greater than they have ever known.

Mr. President, I have served in this body for nearly 20 years. Together most of us here have faced the crisis of the war and the transition to peace. For the good of our country we have made many difficult decisions.

But never before in peacetime have we had in our hands a decision on which so much of this Nation's future depends. Almost every American has his eyes on our big goal of full employment, expanded production, high farm income, and steady profits. To reach this goal we must have big markets. Big markets depend on prices large numbers of people can pay. These markets are now within our grasp. If we cast our votes for an action that will destroy the value of our people's pay checks and savings, these markets will disappear. After a whirlwind of false prosperity in which price increases will vie with wage increases, buying will slow up; orders will be cut; production will go down; jobs will vanish; paper profits will turn to real losses; and poverty will demoralize our people.

I trust that with economic victory in sight, the Senate of the United States will not surrender to the forces of inflation. I ask each Senator to look into the future of this vast productive country of ours, and to cast his vote for policies which will ensure to our people the full fruit of their heritage.

Mr. President, I ask unanimous consent that the minority views on House bill 6042 be printed in the RECORD at this point.

Mr. BARKLEY. I suggest that the Senator include in his request the report of the committee which sets forth the views of the majority.

Mr. WAGNER. Mr. President, I ask that the report of the committee together with the minority views may be printed in the RECORD at this point.

There being no objection, the report to accompany H. R. 6042 and the minority views were ordered to be printed in the RECORD, as follows:

REPORT TO ACCOMPANY H. R. 6042, TOGETHER WITH THE MINORITY VIEWS

The Committee on Banking and Currency, to whom was referred the bill (H. R. 6042) to amend the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, and for other purposes, having considered the same, report the bill with an amendment and recommend that the bill as amended do pass.

PERSONAL STATEMENT BY MR. BARKLEY

It is urgently necessary that this bill be reported for the consideration of the Senate, in order that action may be taken with respect to the extension of the Emergency Price Control Act and the Stabilization Act. I am reporting the bill for and on behalf of the committee and at the request of the committee. I wish to make it clear, however, that in submitting this report to the Senate, I do not indicate my approval of all of the provisions of the bill as it is reported from the committee. In fact, I strongly disagree with several of them, and I have reserved the right to oppose on the floor of the Senate any or all of the provisions of which I do not approve.

EXPLANATION OF THE BILL

The bill is reported from the committee with an amendment in the nature of a substitute for the text of the bill as it was passed by the House of Representatives. The statement below indicates comparisons between the provisions of the bill as reported from the committee and the provisions of the bill as passed by the House, in instances where such provisions are readily comparable.

EXTENSION OF ACTS

Sections 1 and 2 of the reported bill extend the Emergency Price Control Act of 1942 and the Stabilization Act of 1942 until June 30, 1947. The House bill extended these acts until March 31, 1947. The extension provided by this legislation is subject to the provisions in the existing law which authorize the termination of both acts at any time by proclamation of the President or by concurrent resolution of the Congress.

PURPOSES AND POLICIES IN THE TRANSITION PERIOD

Section 3 of the bill adds a new section 1A to title I of the Emergency Price Control Act, which states certain policies to be followed with respect to the administration of price control and the removal of price control during the period of transition to a peacetime economy.

Objectives: Subsection (a) of this new section states that the rapid attainment of production equal to the public demand is one of the necessary and urgent objectives for the prevention of inflation and for the achievement of a reasonable stability in the general level of prices and rents, cost of living, and costs of production; that unnecessary or unduly prolonged controls over prices and rents and use of subsidies would be inconsistent with the return to a healthy peacetime economy and would tend to repress and prevent the attainment of the goals stated in the act; and that adequate prices are necessary stimulants to the desired production and the expeditious attainment of said goals.

Declaration of decontrol policy: Subsection (b) of the new section declares the policy of Congress that the Office of Price Administration, and other agencies of the Government, shall use their price, subsidy, and other powers to promote the earliest practicable balance between production and demand in the case of commodities under their control, and that the general control of prices and the use of subsidy powers shall be terminated as rapidly as possible consistent with the policies and purposes set forth in this section and in no event later than June 30, 1947, and that on that date the Office of Price Administration shall be abolished.

Recommendations by the President: Subsection (c) of the new section provides that the President shall recommend to the Congress as soon as practicable and in any event on or before January 15, 1947, such further legislation as in his judgment is needed to establish monetary, fiscal, and other policies which are adequate to supplement the control of prices and wages during the balance of the fiscal year 1947, and to insure that general control of prices and wages can be terminated by June 30, 1947, without danger of inflation thereafter. This subsection also provides that on or before April 1, 1947, the President shall report to the Congress what, if any, commodities or classes of commodities, including housing accommodations, are in such critically short supply as to necessitate, in his judgment, the continuance of price control or rent control as to them after June 30, 1947, together with his recommendations as to established departments or agencies of the Government which should be charged with the administration of such control.

Decontrol of nonagricultural commodities: Subsection (d) of the new section 1A relates to the decontrol of nonagricultural commodities. First, paragraph (1) of this subsection provides for the removal of maximum prices on nonagricultural commodities not important in relation to business costs or living costs. The Price Administrator is directed to proceed with the decontrol of these commodities as rapidly as, in his judgment, will be consistent with the avoidance of a cumulative and dangerous unstabilizing effect. Maximum prices on all such commodities are to be removed on or before December 31, 1946, and after that date no maximum price may be maintained for any nonagricultural commodity or class of commodities unless the same has been expressly found by the Administrator to be important in relation to business costs or living costs. Paragraph (2) of subsection (d) states a general rule for the removal of maximum prices in the case of nonagricultural commodities, whether or not such commodities are important in relation to business costs or living costs. This rule is, that maximum prices shall be promptly removed whenever the supply of a commodity exceeds or is in approximate balance with the demand therefor (including appropriate inventory requirements) and it also appears that prices of the commodity will not rise as a result of the decontrol or that although prices of the commodity will rise as a result of decontrol (i) they will not exceed a true reflection of current costs (determined by normal accounting methods) plus reasonable profits and (ii) the increase will not be such as to unstabilize dangerously the prices of any important commodities or (taking into account increases in prices of other commodities which, would result from application of the same standard) to jeopardize seriously the attainment of a reasonably stable peacetime economy. Under this subsection, it is the duty of the Administrator to remove maximum prices upon his own

initiative when the applicable decontrol standards are satisfied; however, provision is made in the later parts of this section for industry advisory committees to petition the Administrator for decontrol when such committees believe that the applicable decontrol standards have been satisfied and, in case of adverse action by the Administrator upon such a petition, further provision is made for an appeal to an independent Price Decontrol Board which may order the Administrator to remove maximum prices. Paragraph (3) of subsection (d) provides that the Price Administrator, with the advance consent in writing of the Price Decontrol Board, may reestablish maximum prices for a nonagricultural commodity which has been decontrolled under this section, if the market prices of such commodity have risen in a manner which is inconsistent with the applicable decontrol standard.

Agricultural commodities: Subsection (e) contains provisions relating to the removal of maximum prices on agricultural commodities, the adjustment of such maximum prices, and other provisions relating to the administration of maximum prices on agricultural commodities. Paragraph (1) of this subsection provides that the Secretary of Agriculture shall certify to the Price Administrator each agricultural commodity which the Secretary determines to be in short supply. An agricultural commodity will be in short supply for the purposes of this section, unless the supply of such commodity equals or exceeds the requirements for such commodity for the current marketing season. No maximum price may be applicable to any agricultural commodity during any calendar month which begins more than 30 days after the enactment of this section, unless such commodity is certified by the Secretary of Agriculture as being in short supply. Paragraph (2) of subsection (e) provides that whenever the Secretary of Agriculture determines that maximum prices on any agricultural commodity which is in short supply are impeding the necessary production of such commodity, he may recommend to the Price Administrator such adjustments in such maximum prices as the Secretary determines to be necessary to attain the necessary production of such commodity; and the Price Administrator is required to adjust such maximum prices in accordance with such recommendations. This paragraph (2) also contains a provision relating to the decontrol of agricultural commodities not important in relation to business costs or living costs. The Secretary of Agriculture is directed to recommend to the Price Administrator the removal of maximum prices on such recommendations. This provision is ment of the Secretary, will be consistent with the avoidance of a cumulative and dangerous unstabilizing effect, and he is to recommend the removal of maximum prices on all such unimportant commodities by December 31, 1946. The Administrator is required to remove maximum prices in accordance with such recommendations. This provision is comparable to that contained in paragraph (1) of subsection (d) of this section for the removal on or before December 31, 1946, of maximum prices on all unimportant nonagricultural commodities. Paragraph (3) of this subsection (e) provides specifically that price controls with respect to livestock, poultry, eggs, and milk, and food and feed products processed or manufactured in whole or substantial part from livestock, poultry, eggs, or milk, shall be removed not later than June 30, 1946. Paragraph (4) of this subsection provides that whenever the Secretary of Agriculture determines that an agricultural commodity with respect to which maximum prices have been removed is in short supply and that the reestablishment of maximum prices with respect thereto is necessary to effectuate the purposes of the Price Control Act, the Secretary, with the written consent of the Price Decontrol Board, may recommend to the Administrator, the reestablishment of price controls with respect to such commodity, and that the Administrator shall reestablish such controls upon such recommendation. This provision for restoring price controls in the case of an agricultural commodity is applicable in the case of agricultural commodities specifically decontrolled by the provisions of this section as well as in the case of agricultural commodities decontrolled under the general formula in this section or otherwise. Paragraph (5) of this subsection defines the term "agricultural commodity" to mean any agricultural commodity and any food or feed product processed or manufactured in whole or substantial part from any agricultural commodity. It follows, of course, that any commodity which is not an agricultural commodity within the meaning of this definition is to be treated as a nonagricultural commodity for the purposes of this section.

Paragraph (6) of this subsection (e) provides that the Secretary of Agriculture, in exercising his functions under the Emergency Price Control Act, shall not be subject to the direction or control of any other appointive officer or agency in the executive branch of the Government, except to the extent that a review of his decisions by the Price Decontrol Board is provided for in this section, and that no such officer or agency shall undertake to exercise any direction or control over the Secretary of Agriculture with respect to the exercises of such functions. This paragraph also provides that the Secretary of Agriculture may at any time withdraw his approval of any action with respect to which his approval is required under the Emergency Price Control Act, and that upon the withdrawal of his approval such action shall be rescinded. This provision is related to section 3 (e) of the present law, which requires that written approval of the Secretary of Agriculture be obtained for actions taken under the Price Control Act with respect to agricultural commodities and with respect to regulations, orders, price schedules, and other requirements applicable to processors with respect to food or feed products processed or manufactured in whole or substantial part from agricultural commodities.

Paragraph (7) of this subsection (e) provides that no maximum price and no regulation or order under the Price Control Act or the Stabilization Act shall be applicable with respect to any agricultural commodity, or any service rendered with respect to any agricultural commodity, unless a regulation or order establishing a maximum price with respect to such commodity had been issued under this act prior to April 1, 1946. This provision will not prevent the restoring of maximum prices in the case of a commodity upon which maximum prices had been in effect prior to April 1, 1946, even though maximum prices upon such commodity had been removed and were not in effect on April 1, 1946, nor will it prevent the maintenance of maximum prices upon a commodity if a regulation or order establishing maximum prices upon such commodity had been issued prior to April 1, 1946, even though such regulation or order did not take effect until after that date. On the other hand, the provision will prohibit other types of regulations and orders as well as maximum prices in the case of any agricultural commodity unless a regulation or order had been issued prior to April 1, 1946, establishing a maximum price on such commodity. Thus, in the case of cotton, the recent order relating to margin requirements for futures trading, although not a maximum price regulation or order, will be made inapplicable because maximum prices with respect to cotton were not established prior to April 1, 1946.

Saving provision: Subsection (f) of the new section 1A provides that nothing in this section shall limit the authority to remove maximum prices at an earlier time than would be required by the section.

Petitions for decontrol: Subsection (g) of this new section provides that the industry advisory committee appointed under the Price Control Act with respect to a commodity may file a petition for the removal of maximum prices on such commodity, if in the judgment of the committee the policies and standards set forth in this section require the removal of maximum prices for such commodity. Such petitions are to be filed with the Price Administrator in the case of nonagricultural commodities and with the Secretary of Agriculture in the case of agricultural commodities. The petition is to state the grounds upon which the committee believes the removal of maximum prices to be required and is to be accompanied by written evidence in support of the petition. The Administrator or the Secretary of Agriculture, as the case may be, must act upon the petition within 15 days after it is filed. If the petition is not granted in full, the Administrator or the Secretary, as the case may be, must, upon the request of the industry advisory committee, hold a hearing for the further consideration of the petition, and must within 15 days after the hearing make a decision upon the petition. If the petition is denied in whole or in part, such decision must be accompanied by a written statement of the reasons for denying the petition in whole or in part. If the Administrator or the Secretary has not granted the petition after the hearing, the petitioning industry advisory committee may petition the Price Decontrol Board, established under this section, for a review of the action of the Administrator or the Secretary. The special method which is provided in this section for the consideration of petitions for decontrol made by industry advisory committees does not take away or impair any right of any person subject to a maximum price regulation to protest the continued maintenance of maximum prices in accordance with the regular protested provisions of the Price Control Act.

Price Decontrol Board: Subsection (h) of the new section establishes a Price Decontrol Board as an independent agency in the executive branch of the Government. The Board is to be composed of three members appointed by the President by and with the advice and consent of the Senate. This Board is to have jurisdiction to review decisions of the Price Administrator and the Secretary of Agriculture in cases where those officers have failed or refused to remove price controls upon the petition of industry advisory committees. Upon such review the Board is to order the removal of maximum prices if and to the extent that in its judgment the standards of decontrol stated in subsections (d) and (e) have been satisfied with respect to the commodity involved. Also, as indicated above, price controls may be reestablished with respect to a commodity from which price controls have been removed only if the Price Decontrol Board gives its written consent to reestablishing such controls. This subsection contains provisions giving the Board such authority as is necessary to enable it to perform its functions and prescribing procedure to be followed with respect to petitions made to the Board.

CLASSIFICATION OF HOTELS

Section 4 of the bill as reported adds a new paragraph at the end of section 2 (b) of the Emergency Price Control Act, which provides that the Administrator in administering maximum rents on hotels is authorized to take into consideration the distinction between transient hotels and residential or apartment hotels, and is directed to classify separately by regulation (1) transient hotels, (2) residential and apartment hotels, and (3) tourist courts, rooming houses, and

boarding houses. There is a section in the bill as it passed the House which is similar to this section of the reported bill, except that it does not require the separate classification of the three categories specified above.

SUBSIDY OPERATIONS

Section 5 of the bill as reported relates to subsidy operations. Subsection (a) authorizes the Commodity Credit Corporation and the Reconstruction Finance Corporation to engage in operations for the fiscal year ending June 30, 1947, involving the making of subsidy payments and the buying of commodities for resale at a loss which would otherwise be prohibited under the last paragraph of section 2 (e) of the Emergency Price Control Act of 1942, as amended. Such operations are authorized in amounts which involve subsidies and anticipated losses not in excess of $1,100,000,000 in the aggregate, in addition to an authorization for the purchase of such tin ores and concentrates as may be necessary to insure continued operation of the Texas City tin smelter. Of the $1,100,000,000, $31,000,000 is authorized for operations with respect to rubber produced in Latin America and Africa for which commitments were made before January 1, 1946, and $100,000,000 is authorized for operations with respect to copper, lead, and zinc, in the form of premium-price payments. The bill provides that the premium-price plan for copper, lead, and zinc shall be extended until June 30, 1947, on terms not less favorable to the producer than heretofore and that adjustment shall be made in such plan to encourage exploration and development work, that adequate allowances shall be made for depreciation and depletion, and that all classes of premiums shall be noncancelable unless necessary in order to make individual adjustments of income to specific mines. Under subparagraph (4) of subsection (a), the remaining $969,000,000 of the $1,100,000,000 is authorized for operations with respect to noncrop programs, 1946 crop program operations, 1947 crop program operations relating to sugar, and operations with respect to flour, petroleum, petroleum products, and other domestic and imported materials and commodities. Subparagraph (4) requires that operations authorized thereunder shall be progressively reduced, shall be terminated not later than May 1, 1947, and shall cost not more than $629,000,000 during the last 6 months of the calendar year 1946. It is also provided that operations shall not be carried out under authority of subparagraph (4) with respect to any commodity for any period during which maximum prices on such commodity are not in effect, and that no new operations shall be undertaken under authority of this subparagraph, and that no change shall be made in the basis of any existing operations for which funds are made available under this subparagraph if such change would increase the rate of any subsidy or the rate of loss incurred with respect to any commodity. This provision, of course, does not prevent increases in subsidy payments where the plan now in effect already provides for such increases on a seasonal basis or because of fluctuations in the market price of a commodity or on other grounds already specified in the plan.

Subsection (b) of section 5 provides that when any direct or indirect subsidy is reduced or terminated, any maximum price applicable to the product affected shall be correspondingly increased.

Subsection (c) of this section provides that where roll-back subsidies have been in effect or are now in effect, and have been discontinued or shall hereafter be discontinued, the maximum prices of the commodities with respect to which such subsidies were paid shall be increased by an amount at least equivalent to the discontinued roll-back subsidy. The price increase is to become effective upon the discontinuance of the roll-back subsidy or upon the passage of this act, whichever is later. Consequently, no retroactive price increase is required in cases where the subsidy has heretofore been discontinued, as in the case in the shortening and vegetable-oil industry which would be affected by this subsection.

Subsection (d) of section 5 provides that nothing in this act shall be construed to affect the provisions of Public Laws 30, 88, 164, and 328 of the Seventy-ninth Congress, which are earlier laws authorizing subsidy operations.

FISH AND SEA-FOOD COMMODITIES

Section 6 of the bill as reported amends section 2 (i) of the Emergency Price Control Act of 1942, as amended, which now provides that no maximum price shall be established for any fishery commodity below the average price of such commodity in the year 1942. As amended by this bill, this subsection will provide that for the purposes of the Price Control Act and the Stabilization Act, fish and other sea foods shall be deemed to be agricultural commodities, and commodities processed or manufactured in whole or substantial part from fish or other sea foods shall be deemed to be manufactured in whole or substantial part from agricultural commodities. However, instead of making applicable to fish and other sea foods the provisions of section 3 of the Stabilization Act of 1942, which establishes for agricultural commodities pricing standards based on parity or the highest price prevailing between January 1, 1942, and September 15, 1942, the amendment provides that the maximum price for any fish or sea-food commodity or for any commodity processed or manufactured in whole or substantial part therefrom shall not be below the average price therefor in the year 1942. This amendment will have the effect of making applicable to fish and other sea foods the provisions of section 3 (e) of the Price Control Act relating to securing the written approval of the Secretary of Agriculture, and will also have the effect of making applicable to fish and other sea foods the decontrol standards which are provided for agricultural commodities.

LIMITING QUANTITY OF PRODUCTS SOLD TO ANY BUYER

Section 7 of the bill as reported adds to section 2 (j) of the Price Control Act a provision to the effect that nothing in such act shall be construed as authorizing any regulation or order of the Administrator to fix a quantity or percentage of any product which any seller may sell to any buyer. This provision would have the effect of discontinuing and prohibiting such limitations as that contained in Maximum Price Regulation 602, which provides that a manufacturer of nylon hosiery may not distribute a larger percentage of his product to wholesale outlets than he did in the base year, 1941.

HIGHEST PRICE LINE IN SERVICE ESTABLISHMENTS

Section 8 of the bill amends section 2 (k) of the Price Control Act so as to make applicable with respect to service establishments the provisions of that subsection which provide that no seller of goods at retail shall be required to limit his sales with reference to any highest price line offered for sale by him at any prior time.

SUBSECTIONS ADDED TO SECTION 2 OF THE PRICE CONTROL ACT

Section 9 of the bill as reported adds several new subsections at the end of section 2 of the Emergency Price Control Act of 1942.

Control of certain items in restaurants: The new subsection (o) which is added by this section of the bill provides that no maximum price shall be applicable to any item served in any restaurant or other eating establishment if such item consists in whole or major part of a commodity which is not under price control with respect to sales to such restaurant or other eating establishment, unless the maximum price of such item, when sold by such restaurant or other eating establishment, is determined by the addition of a customary margin to acquisition cost of such item.

Maximum average price plan: The new subsection (p) which is added by this section of the bill is the same as the corresponding provision of the bill as it passed the House. This subsection provides that no maximum price regulation or order shall be issued or continued in effect requiring any seller to limit his sales by any weighted average price limitation based on his previous sales. This provision will have the effect of eliminating the maximum average price plan under which manufacturers subject to it are restrained from delivering for sale in any quarter, goods averaging in price more than the weighted average price of the goods which he delivered for sale in a corresponding previous quarter.

Discounts in certain retail industries: The new subsection (q) which is added by section 9 of the bill provides that the Administrator shall not reduce established peacetime retail trade discounts or mark-ups or dealer-handling charges in the case of certain commodities whose production was discontinued or restricted during the war. This restriction would apply in the case of any retail industry whose principal sales during the calendar years 1939 to 1941, inclusive, consisted of sales of a commodity or commodities whose production or retail distribution was reduced for a period of 3 years beginning on or after March 2, 1942, by 75 percent or more below such production or retail distribution for the calendar years 1939 to 1941, inclusive, as a result of the operation of any governmental regulation or restriction. The restriction contained in this subsection would no longer apply after the retail unit sales of an affected commodity for a period of 6 months have reached the average annual retail unit sales thereof for the calendar years 1939 to 1941, inclusive. This provision is substantially the same as the corresponding provision of the House bill. The committee has made a clarifying change to indicate that the established discounts which must be preserved are the normal peacetime discounts and not those which are in effect upon the enactment of the act, and the committee has also made the provision applicable with respect to goods priced on a mark-up basis as well as goods priced on a discount basis.

Discounts for certain wholesale industries: The new subsection (r) which is added by this section of the bill makes the same kind of provision, except as to dealer handling charges, for wholesalers dealing in the commodities described above in subsection (q) as that subsection makes for retailers dealing in such commodities. This subsection is the same as the corresponding provision of the House bill except for some clerical changes.

Discounts for certain commodities: The new subsection (s) which is added by this section provides that no maximum price regulation or order shall require the reduction of the established peacetime discounts or mark-ups for the sale of any manufactured or processed commodity if the retail, wholesale, or other distributive trade selling such commodity shows that the commodity constituted approximately one-half or more of the gross sales income of a majority of the persons engaged in such trade in 1945 and that, in the preceding quarter of 1946 or 1947, the deliveries of such commodity to such distributive trade were less than the deliveries thereof in the corresponding quarter of 1945. For the purposes of this subsection, all commodities in a line of related

commodities which, for the purpose of establishing manufacturers' and and processors' maximum prices, have been placed under a single regulation are to be treated as a single commodity.

ENFORCEMENT AMENDMENTS

Section 10 of the bill as reported relates to the enforcement provisions of section 205 (e) of the act. Subsection (a) prevents the cumulation of the Administrator's claims, except for three times the actual overcharges, where he brings a treble damage action based on overcharges to a number of buyers. Under the present law, the Administrator might sue a grocer for $5,000 because of 100 overcharges of 10 cents each to 100 different buyers. Under the amendment the maximum recovery in that lawsuit would be $50. Had the overcharges been 20 cents each, the maximum recovery would be three times the overcharges or $60.

This subsection also provides that if the defendant in a treble damage action proves that his violation was neither willful nor the result of failure to take practicable precautions against its occurrence, the damages assessed shall be the amount of the overcharge. The effect of the amendment is to eliminate in such cases the $25 minimum prescribed by the present law.

Subsection (b) forbids the Administrator from instituting or maintaining an action if (1) the violation arose because the seller acted upon and in accordance with the written advice and instructions of the Administrator or any regional administrator or district director of the Office of Price Administration or (2) if the violation arose out of a sale to an agency of the Federal Government or to any public housing authority supervised or financed by such an agency if the sale was made pursuant to the lowest bid made in response to an invitation for competitive bids.

The second paragraph of this subsection is designed to forbid the institution or maintenance of an action by the Administrator in a situation like that brought to the attention of the committee by representatives of the work-glove industry. Suits are pending against several members of this industry under circumstances which in the judgment of the committee do not warrant the maintenance of an action. The amendment forbids enforcement action where the Administrator determines (1) that the violation consisted of an apparel manufacturer's selling an item at his published March 1942 price list prices instead of his March 1942 delivered prices, and (2) that his customary pricing patterns for related apparel items would be distorted by a requirement that his ceilings be the March 1942 delivered prices.

SUSPENSION OF LICENSES

Section 11 of the bill as reported amends section 205 (f) of the Emergency Price Control Act, relating to suspensions for violations of the act. The amendment made by this section of the bill provides that no suspension of a license shall be ordered or directed if the person charged with the violation proves that the violation in question was neither willful nor the result of failure to take proper precautions against the occurrence of the violation.

PRODUCTS MADE FROM COTTON AND WOOL

Section 12 of the bill as reported adds two new paragraphs to section 3 of the Stabilization Act of 1942, as amended. The first of these paragraphs relates to maximum prices applicable to manufacturers or processors of products made in whole or major part from cotton or cotton yarn or wool or wool yarn. Under existing law the price standards established in the law must be applied separately to each major item in the case of products made in whole or major part from cotton or cotton yarn. A question has arisen as to whether the cost price which must be used in determining the maximum price of a major item is the current cost of cotton of the grade and staple used in the item, where that cost is higher than the parity price. This amendment makes it clear that the current cost must be used for that purpose when it is higher than parity. The amendment also specifies that as to each such major item there shall be added to the cotton cost the weighted average of mill conversion costs and a reasonable profit. The reasonable profit is defined as not less than a weighted average profit for each unit of such item equal to the weighted average of the profit earned on an equivalent unit of such item during the period 1939 to 1941, both inclusive. This amendment also provides that the pricing standards applicable to major items made in whole or major part from cotton or cotton yarn under this paragraph shall also be applicable to major items made in whole or major part from wool or wool yarn. This paragraph is the same as the corresponding provision of the bill as it passed the House, except that the definition of a reasonable profit was not included in the House bill.

The second paragraph added by this section of the bill provides that a 5-percent increase in maximum prices for cotton textiles shall be allowed for producers who met certain production goals. The purpose of the provision is to provide an incentive for increasing production of cotton textiles and to compensate for increased costs of operation, such as third shifts, which are involved in obtaining such increased production. The producer is entitled to the 5-percent increase in any calendar month if his production during the preceding calendar month was at least equal to 90 percent of his monthly production during that one of the calendar years from 1936 to 1945, inclusive, in which his production was greatest. In most cases this would be the calendar year 1942, which was the peak year for the industry as a whole. The comparison between current production and production in the past period, for the purpose of determining whether or not the 90-percent goal has been achieved, is made on the basis of the total production of cotton textiles by the particular producer in question, such production being determined on the basis of pounds of cotton used.

MINORITY VIEWS

The bill reported by the majority of the Committee on Banking and Currency writes the death sentence for effective price, wage, and rent stabilization in the United States. It is our considered judgment that adoption of the bill as reported would be as dangerous to the economic safety of this country as the immediate expiration of the existing laws.

The issue before the Congress is clear: Should the Government make a fight to the finish against inflation in the next 12 months or should it surrender unconditionally and entrust the Nation now to the operation of untrammeled economic forces?

There are many persons who sincerely believe that surrender is the wiser course. In our judgment, they heed neither the lessons of experience nor the dictates of economic law; but, however unwise, their position is at least forthright. They would not charge a governmental agency with the grave responsibility of protecting this country from inflation and then hamstring that very agency by amendments which could have no other effect than to compel it to allow prices to soar. They would not delude the people of this country into believing that their Government is in a position to protect them against rising living costs when in fact it would not be.

Production in this country has mounted to record levels for peacetime. It will take vast strides forward as the last of the major industrial disputes are settled. Employment in civilian enterprise is at an all-time peak. But manpower and materials shortages in particular commodities still prevent our great industrial potential from being fully realized. Moreover, as the stream of products flows from the factories, it is rapidly absorbed by the almost insatiable demand for civilian goods. It will take 6 or 8 months for the greatest conceivable outpouring of goods to relax the tense inflationary pressures which now exist. It will take a year for the economy to achieve a general balance and, even then, in the housing and perhaps a few other fields, scarcities must still be expected.

The demand for consumer and industrial goods today is backed up by $145,000,000,000 in the wartime savings of individuals and businesses. If we can keep our heads at this critical time, those savings can be a guaranty of prosperity to this Nation for years to come. If, instead, we abandon all protection for the purchasing power of the dollar, people will begin to draw down their savings to buy goods at an ever-increasing rate. Inexorably the law of supply and demand will blow the price bubble up further and further until at length it will burst when pricked by a buyers' strike or speculators' panic.

We think it folly to suppose that the stability of the dollar will be maintained if price controls have to be taken off more than 50 percent, in dollar terms, of the Nation's food products at a time when pressures are acute on the prices of meat, milk, butter, and many other food products.

We do not see how this can be done and effective control retained over the rest of the economy, especially when a number of other amendments weaken the Administrator's ability to prevent unnecessary price increases.

We are especially concerned by the fact that the majority's proposals, if adopted, would inevitably destroy the hard-won industrial peace which the Nation is just now achieving. Stable wage rates cannot be maintained in industry if the cost of living soars upward in the coming months. The majority report, if adopted, would inevitably invite the early reopening of the wage issue throughout American industry.

It is equally astonishing to us to find a majority of the Senate Banking and Currency Committee favoring a course which would endanger the intricate international financial machinery to the development of which this committee has contributed so much. Financial recovery abroad will be impossible if the dollar is caught in the throes of inflation.

But more than the currencies of the world are at stake. We are taking chances with people's lives, not just with their pocketbooks. Decontrol of meat and dairy products will surely start a bidding contest for grain between American meat producers and dairy farmers. The program to fight famine by shipping grain abroad will not survive that contest. It is equally true that this scramble for grain will cause serious hardship to important segments of American industry, particularly the dairy and livestock interests.

The committee, throughout its 4 weeks of exhaustive hearings, received testimony from scores of witnesses and statements for the record from hundreds of others, all of which appear in the printed hearings. In addition, all Senators have received thousands of communications, letters, telegrams, and petitions bearing on one or more of the issues in the price-control bill. In evaluating this mass of data, representation, and opinion, we believe that the majority of the committee has lost sight of the great consuming public who pay the bill, the millions upon millions of wage earners and others living on salaries or fixed incomes, as well as the people as a whole who would suffer the major impact of an inflationary spree.

Certainly there is no reason for defeatism in the war against inflation simply because the OPA has been faced this past winter and spring by a succession of difficult and serious

problems in administering the price-control laws. Last year and the year before, this committee was confronted by evidence of a critical supply and price situation in several commodity fields. But neither the committee, the Congress, nor the Office of Price Administration allowed itself to be stampeded. The stabilization laws were renewed in effective form. By tightening up controls here and liberalizing them there, by intensifying enforcement, and by enlisting increased public and business cooperation, the OPA, working with other departments and agencies of the Government, succeeded in meeting the crises of these preceding years. We are confident that this year's problems can also be solved without undermining effective price control.

Some of the shortage situations which were most troublesome a few months ago are rapidly improving. Lumber output has risen from a monthly rate of 1.5 billion board feet in December to 2.6 billion in March, a rate which should make it possible to attain the CPA's 1946 production goal. Wool fabric for men's suits which in December was being produced at the rate of 15.6 million yards had climbed to 20.3 million yards in April. The production of men's suits is also climbing steadily, with 1946 production estimated to exceed 1939 output by 27 percent. The rate at which cotton fabric for men's shirts is being made is now above both the 1939 and the 1945 rates and the total output of shirts for the year will be at about the 1939 level. Production of nylons is soaring. Since January 1, 1946, the total output of nylon hosiery is estimated to average more than three pairs apiece for the 53,690,000 women and girls in America who are 14 years or older.

The fact that administrative solutions are being found for many of the most stubborn problems has not, however, led us to conclude that the stabilization laws must be renewed without amendment. We recognize that the problem of terminating the stabilization controls as rapidly as the safety of the Nation will permit calls for appropriate changes in the statutes. Moreover, the careful scrutiny which the committee has again given to the administration of these laws has disclosed certain minor inequities which are corrected by this bill without serious effect upon the price level.

We have carefully considered the question whether Congress should prescribe a new pricing standard such as that contained in the Wolcott amendment, adopted by the House, or in the Taft amendment, considered and rejected by this committee.

Assuming that the data needed to carry out these amendments could be procured and analyzed, they would compel countless unnecessary price increases. Moreover, these sweeping changes in the rules of the game in the closing year of price control would surely lead to business confusion and administrative chaos. The meritorious cases, already handled too slowly by OPA, would have to fight for place with hundreds of other cases not eligible for relief under the present rules and not deserving of it as a matter of fairness. In thus bogging down the administrative process, such amendments would fail in their purpose of aiding production. At a time when the country is crying for an outpouring of goods, there would be an unprecedented withholding from the market while industry was waiting for OPA to grind out the expected price increases. If justice clearly required drastic action, it would seem to us more sensible to do away with price control entirely rather than to paralyze its administration by imposing upon it an impossible task.

Fortunately, however, when the OPA's pricing record is examined, we see no evidence of need for a relaxation of OPA's pricing standards. We do not find the rigidity which the OPA's critics are accustomed to charge. The figures prove that the agency has been willing to increase ceilings for hundreds of industries since VE-day. Specifically, to meet cost and production conditions since that date, OPA has authorized a total of 825 industry-wide price actions, 263 of which were required to keep industry earnings from falling below peacetime levels or to satisfy other legal requirements, 231 to maintain or expand the supply of needed commodities, and 331 to provide adjusted ceilings for reconversion commodities, to correct price maladjustments, or to prevent price inequities. In addition to these industry actions, thousands of price adjustments were authorized for individual firms, chiefly through the OPA regional and district offices.

As a result of these actions, the committee has been informed, the agency has not only completed most of its reconversion pricing job but has almost finished the price adjustments called for under the President's wage-price policy. While, in the absence of inflationary amendments, some further price increases would still be required, general price stability is now well within reach.

In this statement of minority views, no effort will be made to discuss the committee's amendments which either meet with our approval or appear to us to create no substantial danger to the general welfare. The dangerous amendments fall into three groups: (1) The specific decontrol amendments; (2) the textile and clothing amendments; and (3) the amendments giving special pricing privileges to dealers in certain articles.

1. THE SPECIFIC DECONTROL AMENDMENTS

We believe that the removal of price ceilings should be guided by general standards laid down by the Congress. To be sure that the application of such standards may be reviewed by a body free from any possibility of interest in the continued administration of controls, we think it appropriate that decisions as to decontrol made by the Price Administrator and, as to agricultural commodities and food products, by the Secretary of Agriculture, should be subject to review by an independent board. These objectives we believe are reflected in the general decontrol amendment approved by the committee.

Under that amendment, the case for decontrol for each commodity can be tested on its merits. Decontrol will be required only if supply is in balance with requirements. In the case of nonagricultural commodities, where imperfections in competition may lead to the manipulation of price even where such balance may exist, further safeguards are provided to assure against inflationary consequences.

Authority to make the initial decisions is vested in the Price Administrator and in the Secretary of Agriculture, as the case may be. A fair and expeditious procedure is prescribed whereby an industry advisory committee can obtain a prompt decision from the Administrator or the Secretary, and then, if still dissatisfied, it can resort without delay to the bipartisan Price Decontrol Board which the amendment creates.

Given this machinery, why should the majority refuse to entrust to it the decontrol of meat, poultry, and milk, and their food and feed products? Only one reason is apparent to us, and that is the realization that some or most of these products might not qualify for decontrol under the standards the committee itself has written. In other words, the majority realize that supply is so far out of balance in the case of such products that decontrol would certainly be followed by an inflationary rise in price.

The majority do not explain how they expect the Price Administrator to maintain stable prices for the rest of the economy once controls have been removed from products subject to the specific decontrol amendments. The first additional victim of these decontrols would be grain ceilings, and their collapse would carry with it the hope of continued control of bread, flour, and cereals. When this had taken place, all effective restraints on price increases would have ended for 60 percent of food products which in turn represent 40 percent of the cost of living.

Moreover we cannot have inflation on one side of a supermarket and stabilized prices on the other. Nor can we allow inflation in the grocery store and the butcher shop and still hope for stabilized prices in the dry goods store, the hardware store, and the laundry in the same block.

Some of those who concede the price rises would follow the specific decontrol amendments lull themselves into false security by an easy optimism which sees these rises as flare-ups quickly quenched by a flood of goods to market. They disregard the biological fact that milk production can expand only as bigger dairy herds are built up and the economic fact that, if cream is shifted back to butter, it creates a shortage for the ice-cream producer. Herds on the range are large, but the grain to feed cattle, hogs, and poultry for the market is sorely limited. Decontrol will cause more dollars to change hands but it is no magic which can turn scarcity into abundance.

Moreover, decontrol cannot eliminate the problem of equalizing the supplies in surplus and deficit areas. To set the East bidding against the Midwest and the South for Wisconsin milk and butter will cost all three areas dear, but they still will be unable to get those commodities in the huge quantities they need to satisfy current demands.

We believe that both the meat and the dairy problems can be solved by proper administrative action. Before the committee acted, the OPA and the Department of Agriculture had launched a vigorous slaughter-control program. It was already beginning to show promising results when the committee's action in approving meat decontrol gave to all growers and feeders an immediate incentive to withhold shipments and thus prevented a fair test of the plan's effectiveness. If, instead, the Congress were now to give the stabilization authorities its firm backing, we believe that the current meat problem would largely disappear as it did last summer.

For milk and dairy products, a new pricing and distribution control program has been instituted still more recently by OPA and the Department of Agriculture. It is too new for its effectiveness to be demonstrated in action, but the stabilization authorities are confident that the new program will contribute greatly to the solution of the dairyman's difficult problems.

What these amendments would cost: Any attempt to evaluate in dollar terms what the specific decontrol amendments would cost the consumer is an obviously impossible task unless it is artificially limited by confining the estimate solely to the direct effect of decontrol on the principal products directly involved. On this basis, OPA has furnished us with an estimate of a 40- to 50-percent average rise in meat prices. With the Nation's meat bill mounting to 6.5 billion dollars, the estimated cost of meat decontrol would range from 2.6 billion dollars to 3.25 billion dollars.

For milk, the abandonment of subsidies alone would cost 2 cents a quart, and it is not difficult to project an early average rise of at least 2 cents a quart more. To add 4 cents to the Nation's milk bill would mean $900,000,000 to the consuming public. Accompanying rises in the prices of butter, cheese, ice cream, and other manufactured dairy products could readily boost the total to about 1.5 billion dollars.

Despite the fact that the present supply of poultry is good, the rise in the price of meat and the concurrent rise in the cost of feed which would be the inevitable result

of the measure would, OPA believes, be reflected before long in higher poultry prices. A 10-percent rise would cost $160,000,000.

Totaling the foregoing estimates yields the sum of between 4.35 and 6 billion dollars to be charged to the immediate account of these decontrol amendments. But their indirect costs would dwarf their direct. The 50-percent rise in the level of prices which a year's spiral of inflation could easily bring would, for example, cut drastically the value of those 145 billion dollars in wartime savings.

2. THE TEXTILE AND CLOTHING AMENDMENTS

The Price Administrator has repeatedly informed the committee that in few other fields has his job of controlling prices been harder than in that of apparel. Now, when the demand for things to wear and for fabrics from which to make them has been multiplied by the return of the veteran to civilian life, it seems to us that the least the Congress could do at this juncture would be to refrain from enacting amendments which might complicate the Administrator's task. But the majority would do the very opposite. The amendments they have approved strike a succession of sledge-hammer blows at vital points in the structure of textile and clothing price controls. These amendments operate to destroy the textile mills' normal incentive to resist undue rises in the cost of their chief raw material and substitute a potent inducement for the mills to encourage cotton speculation.

The majority have proposed an amendment to the special pricing formula in the 1944 Bankhead-Brown amendment to make sure that cotton textile ceilings will rise with any rise in the price of raw cotton. This amendment will free the industry from any obligation to absorb increased cotton costs despite the fact that preliminary returns for 1945 show that cotton yarn and textile mills were earning considerably more than the 23.4 percent on net worth which they earned in 1944. But more serious still is the fact that a continuing rise in raw cotton prices will give to the mills a steady flow of windfall profits on their cotton inventories.

The majority have also liberalized the special pricing formula still further by assuring to the industry, on a product-by-product basis, not merely its 1936–39 margin but its much more favorable 1939–41 margin. We see no reason why the prosperous cotton-textile industry should be singled out for this favored treatment, which spells certain increases in all cotton-clothing prices.

Still another amendment to the special pricing formula would afford to any cotton textile mill a 5-percent increase in price if in the preceding month it had used 90 percent or more of the cotton it had averaged per month in the calendar year when its production was greatest during the period 1936–45, inclusive. We can foresee nothing but higher prices resulting from the operation of this provision. Since it is not selective in its operation (except insofar as it puts a premium on producing heavy items such as chenille bedspreads), it will deflect production from the selected essential items in short supply on which OPA has already authorized a 5-percent incentive increase. Moreover, the simplest procedures for administering this provision which can be devised are certain to mean more red tape and reports for the conscientious businessman. At the same time opportunities for its exploitation by the less scrupulous are boundless. One of the most menacing possibilities is that mills will build up inventories by slowing down deliveries during the months when production is below the target and then, after 1 month's spurt in production, they will unload their accumulated stocks at the 5-percent higher price. There appears to be no effective way of preventing such a practice, despite its obvious detriment to the regular flow of cotton textiles to the apparel and other cotton-using industries.

The majority, following the action of the House, would allow the wool-textile industry also to enjoy the perquisites of the Bankhead-Brown pricing formula. There is no risk that this will lead to a rise in wool-fabric prices corresponding with rising prices for raw wool, since the market price of the latter is well below the ceiling on the basis of which wool textile ceilings are fixed. But the requirement that ceilings be calculated according to the formula for each major wool item will thrust a new and heavy administrative burden on OPA. With wool-fabric production booming and mill profits running at a high level, such price increases as might result from the repricing would constitute a gratuitous burden for the veteran and other buyers of wool suits, coats, and other items.

Most important of all the blows which the majority have struck against stable clothing prices is the abolition of MAP, the maximum-average-price plan, requiring manufacturers during any quarter to deliver goods at the same average prices as they delivered goods in the same categories in the corresponding quarter of 1943. MAP is also used for rayon and wool fabrics but has never been used for cotton textiles, for which direct production controls are practicable.

MAP is the only effective method which OPA has been able to devise to prevent the shift in production from low-priced to high-priced lines of apparel, a shift which accounted for most of the increases in clothing prices until the trend was brought to a virtual halt by MAP in the fall of 1945. With MAP out of the way, manufacturers will put their limited supplies of fabric to their most profitable use—the manufacture of high-price, high-profit items.

We recognize that the administration of MAP has been attended by considerable inconvenience to manufacturers and some hardship. Occasionally it has defeated its own objective. But the plan became fully operative at the most difficult period for the apparel industry, when production controls were being abandoned and the lower-cost fabrics were in acutely short supply. With steady improvement in the situation and in OPA's techniques for preventing and relieving individual hardship, MAP has been developing into an effective and equitable device for fighting inflation in clothing prices. Especially in those fields of apparel where the "styling up" of material affords to garment makers an easy way to concentrate production in their highest price lines, MAP should be preserved.

What these amendments would cost: We have asked OPA for its estimate of the cost of these amendments to the consumer. For MAP alone, the effect within the next 6 or 9 months is believed to be in the neighborhood of a billion dollars. The effect of the other amendments would depend largely on the price of raw cotton. Assuming, unrealistically, that cotton would not resume its upward movement, OPA estimates that these amendments would add another quarter-billion to the consumer's bill. OPA also estimates that a penny rise in cotton prices is reflected in a $60,000,000 rise in the price of clothing. Hence, to add still another quarter billion would require a rise of only four more cents in the market price of cotton.

The Congress would quickly reject a proposal to impose a Federal tax of a billion and more dollars on the things which people wear. We do not think the Congress should give to the textile and apparel industries the right to impose a levy of similar size on the consumer, the proceeds of which would flow into their private coffers.

3. SPECIAL PRICING PRIVILEGES FOR AUTO, APPLIANCE, AND FARM IMPLEMENT DEALERS

The basic principle for controlling inflation is not to raise prices in the absence of a sound reason for doing so. This principle has been ignored by the majority in their acceptance of the Crawford amendment, which was adopted by the House. This amendment would legislate higher prices for automobiles, radios, and most large household appliances. This would be done by abolishing OPA's rule requiring wholesale and retail trades selling these items to absorb necessary increases in manufacturers' prices so long as this will not reduce their gross margins below the level they actually realized in peacetime. To us, the OPA rule seems a fair one. We fail to appreciate the sanctity of a theoretical discount or mark-up which a dealer never actually realized. Common knowledge supports OPA's statistics (derived chiefly from industry sources) showing losses on trade-ins before the war.

This special-interest legislation will cost the consumers of this country on the average $85 for each Chevrolet, Ford, and Plymouth sold, and correspondingly more for higher-priced cars, and this despite the fact that dealers are already averaging $68 more on these cars than they would be getting if the average gross margin they realized in peacetime were applied to the October 1941 prices of the corresponding models.

We can see no justification or excuse for giving favored treatment to this group of distributors. The customary argument for price increases—that they will bring increased production—does not apply here. The apparent theory of the amendment that the dealers should receive postwar compensation for their wartime economic suffering is at best a dubious one. It is not a function of price control to try to even out the inevitable inequities of wartime. Moreover, the force of the argument is destroyed by OPA evidence that the lucrative repair and used-car business made auto dealers generally more prosperous in wartime than they had been in peace. Not only has the majority adopted the Crawford amendment, but it has added similar favored treatment for dealers in farm implements.

What these amendments would cost: OPA, in response to a request for an estimate of the cost of these amendments to the consumer, has pointed out that their amount will depend on the rate and timing of production in the industries involved. With this reservation, it believes that these amendments will take about $500,000,000 from consumers to put in the pockets of distributors, most of whom, without this legislative windfall, would be enjoying a prosperity greater than they have ever known.

One further amendment should be noted—an amendment which gives to the Secretary of Agriculture the power, on certain conditions, to direct increases in the ceilings of any agricultural commodity or any processed food or feed product, as well as to pass on the decontrol of such products. It also gives him the power, unlimited by conditions, to withdraw approval for any maximum price which he has previously approved.

Developments subsequent to the adoption of this amendment have raised a question as to its wisdom. The Secretary of Agriculture expressly advised the committee that he did not wish to exercise this authority. The President expressed his direct opposition to the proposal, by letter dated May 23, 1946, in the following words:

"I earnestly repeat my earlier request that the Congress quickly reenact the stabilization laws without any amendments that would jeopardize economic stability. I ask, too, that, as President, I not be handicapped by amendments destroying my authority to vest responsibility for effective coordinated administration of the laws in those departments and agencies of the Government which I believe can best carry out the stabilization policies."

Respectfully submitted.

ROBERT F. WAGNER.
SHERIDAN DOWNEY.
GLEN H. TAYLOR.
HUGH B. MITCHELL.

Mr. HICKENLOOPER. Mr. President, for use at a later date I should like to place two or three items of statistics in the RECORD at this time. I expect to refer to them a little later in discussing the meat and commodity situation.

With reference to the article in the newspaper of yesterday to which the majority leader referred a moment ago, while I do not have that article in my hand at the moment, it is my recollection that the article made the flat statement, credited to Mr. Bowles, that meat is now being withheld from the market in anticipation of a sharp price rise.

Mr. BARKLEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. TUNNELL in the chair). Does the Senator from Iowa yield to the Senator from Kentucky?

Mr. HICKENLOOPER. I yield.

Mr. BARKLEY. As I recall, Mr. Bowles was not quoted. The first paragraph of the article, which is a United Press dispatch, is as follows:

A meat famine will hit the Nation within a week if cattle and hog producers withhold their animals from the market, a spokesman for the Office of Economic Stabilization said last night.

Mr. HICKENLOOPER. That may not be the article to which I refer. There was an article in yesterday's newspaper and this morning's newspaper covering the same subject. I expect to refer to those articles at a later date.

Mr. BARKLEY. There is no direct quotation from Mr. Bowles or any other person who is identified.

Mr. HICKENLOOPER. I must have in mind another news article.

Mr. BARKLEY. That may be.

Mr. HICKENLOOPER. Mr. President, I should like to refer to the figures which I have received as to the receipts of cattle at the 12 leading central markets in the United States. I invite attention to the fact that for the week ending June 8, last Saturday, 156,500 were received at the 12 most important central markets in the United States. If Senators will bear in mind that figure, I wish to go back to the week ending May 25. For that week there were 142,417 cattle. There was a lesser number for that week than for the week ending June 8.

For the week ending May 18 there were 146,088 cattle received at the 12 leading central markets. For the week ending May 11 there were 151,482 cattle received. For the week ending June 1 there were 107,586. About 50,000 more cattle were received during the week ending June 8, last Saturday, than during the week before; and a substantially greater number were received during the week ending last Saturday at those central markets than were received in three similar periods in May.

The corresponding figures for last year show that for the week ending June 8 there were 206,617 cattle received; for the week ending June 1, 161,491; for the week ending May 25, 176,215; for the week ending May 18, 184,597; for the week ending May 11, 188,939; and for the week ending May 4, 207,540.

Those figures are for a year ago. I have the figures for April, May, and the first 2 weeks of June. I ask unanimous consent to have this table printed in the RECORD at this point as a part of my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Livestock receipts at 12 public markets

[Number of head]

Week ending	Cattle	
	1946	1945
Apr. 6	181,301	206,080
Apr. 13	184,991	219,812
Apr. 20	170,890	199,600
Apr. 27	177,545	203,300
Total	714,727	828,792
May 4	173,223	207,540
May 11	151,482	188,939
May 18	146,088	184,597
May 25	142,417	176,215
Total	613,210	751,291
June 1	107,586	161,491
June 8	[1] 156,500	206,617

[1] Preliminary.

Mr. HICKENLOOPER. I have certain figures on the average cattle prices on the Chicago market for the various grades, for April, May, and June, for the week of April 27, May 4, May 11, May 18, May 25, June 1, and June 8, and for the months of January, February, March, April, and May.

The OPA maximum adjusted price for Choice steers, adjusted for actual yield, is $16.70. That is all the legitimate packer can pay and remain in compliance. If he averages more than that he is out of compliance and loses his subsidy. Bear in mind that the black-market operator, theoretically limited in his resale, but who, if he is a law violator, actually sells for what he can get, can pay any price for cattle. The grade of cattle having an OPA maximum price adjusted for actual yield of $16.70, in the month of January averaged $17.77 on the Chicago market. In February they averaged $17.62, in each case approximately a dollar or a little more over what the legitimate packer could pay, on the average, for those cattle and remain in compliance under OPA regulations. In March the price was $17.60; in April, $17.54; in May, $17.58.

This tabulation shows the maximum price and the maximum adjusted price under OPA for actual yield, for two other grades of cattle, namely, medium steers, from 700 to 1,100 pounds, and canner cows, all weights. The significant thing—and I hope to discuss it at a little greater length later—is that prices for the medium steer class, that is, steers between 700 and 1,100 pounds, for which the OPA maximum price, adjusted for actual yield, is $12.75, which is all the legitimate packer can pay and remain in compliance, averaged more than $14 at the central market in Chicago ever since January. They have gone as high as $15. They were at $15 on June 1 of this year. That is $2.25 a hundredweight over what the legitimate packer could pay for them and remain in compliance.

A rather significant thing also is that in general the ceiling price for canner cows of all weights, which is the very cheapest grade of meat, has not been exceeded. It has followed the maximum price prescribed by OPA.

I ask unanimous consent that this particular table be printed in the RECORD at this point as a part of my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Cattle prices at Chicago

[Average of daily quotations]

	Choice steers, 1,100 to 1,300 pounds (AA)	Medium steers, 700 to 1,100 pounds (B)	Canner cows, all weights (C & C)
OPA maximum	$17.00	$13.00	$8.25
OPA maximum (adjusted for actual yield)	16.70	12.75	7.75
PRICES, 1946			
Months:			
January	17.77	14.02	7.33
February	17.62	14.22	7.56
March	17.60	14.51	7.77
April	17.54	14.76	7.59
May	17.58	14.73	7.36
Weeks:			
April 27	17.38	14.65	7.50
May 4	17.48	14.68	7.30
May 11	17.52	14.60	7.25
May 18	17.60	14.62	7.32
May 25	17.62	14.75	7.45
June 1	17.68	15.00	7.50
June 8	17.67	14.92	7.50

Mr. HICKENLOOPER. Mr. President, I wish to read into the RECORD a dispatch from the Chicago Journal of Commerce. It reads as follows:

OPA CRITICS SUPPORTED

An exodus from the Office of Price Administration is under way as officials and employees depart in expectation that Congress will curtail or liquidate the agency. An exception among those leaving OPA, however, is Leo F. Gentner, recently resigned as Regional Administrator for New York area.

Unlike many of his coworkers, Mr. Gentner is out of sympathy with the OPA policies which resulted in "holding the line" on nonexistent goods. Although he believes that price control was necessary during the war, Mr. Gentner now calls for a quick return to free markets.

"Isn't it better," Mr. Gentner asked in his letter of resignation, "to have suits available at $40 or $45 than to say, 'we are keeping prices of suits at $35, but we have no suits.' Retailers can't continue to absorb costs. A lot of these people are absorbed up to their necks now.

"Just because you lift price controls, the price doesn't automatically go sky-high. That doesn't always happen. I think the sooner we can return to the system of free enterprise, the better it will be."

In recent weeks OPA has revised upward the prices of some low-priced items in an effort to increase production, but in many cases the action has been too little and too late. Mr. Gentner himself says so.

The points made by Mr. Gentner are those which have been advanced for months by businessmen and others who are aware of OPA's shortcomings. But they were ignored or shrugged off until the policy makers, seeing the handwriting on the congressional walls, made a belated show of reasonableness.

That the guiding lights of OPA are still unwilling to adopt a policy of reason, however, is shown by their insistence upon extension of the Price Control Act without important amendment.

Mr. THOMAS of Oklahoma. Mr. President, the bill which is now before the Senate embraces some 40 pages. The

first 15 pages contain the text of the bill as passed by the House. The Senate committee saw fit to strike out the entire House bill, and then proceeded to add approximately 25 pages of new matter or old matter stated in a new way. So now we have before us the House bill, on the one hand, and the bill as reported by the Senate committee, on the other.

The bill as passed by the House, as I understand, was written very largely upon the floor of the House of Representatives. A number of provisions contained in the bill as passed by the House are not clear. The Senate committee undertook to clarify the provisions of the bill as passed by the House. Although I have not examined as carefully as I should the text of the bill as now reported to the Senate, I am of the opinion that the Senate committee text is more obscure and less understandable by an average person than the text of the bill as passed by the House.

Inasmuch as a number of items for decontrol are mentioned in the House version of the bill and likewise in the Senate committee version of the bill, the bill as passed by the House providing a certain formula for decontrolling certain commodities, and inasmuch as the Senate committee version mentions a number of commodities which the Senate committee recommends be decontrolled, I desire to offer an amendment. I shall ask that it be read at the desk. Thereafter, I shall ask that it be printed and lie upon the table. The amendment which I shall suggest is limited to agricultural commodities. In order that there may be no mistake in reading my handwriting, I shall take the liberty of reading the amendment myself.

It is intended to replace subparagraphs (A) and (B) of subsection (e) (3) of section 1A, as found on page 20 of the Senate text. I propose to strike out those two subparagraphs, and I shall read the text to be stricken:

(3) (A) Price controls with respect to livestock, poultry, and eggs, and food and feed products processed or manufactured in whole or substantial part from livestock, poultry, or eggs, shall be removed not later than June 30, 1946.

(B) Price controls with respect to milk, and food and feed products processed or manufactured in whole or substantial part from milk, shall be removed not later than June 30, 1946.

I propose as a substitute for those provisions, the following:

(3) Notwithstanding any provision of this act or any provision of title III of the Second War Powers Act of 1942, as amended, or any other law, Executive order or directive, no regulation, order, directive, or allocation shall be issued, made, or maintained (including directives for distribution or price schedules) with respect to timber, petroleum, cotton, milk, livestock, tobacco, poultry, fish and shellfish, grain, peanuts, fruits and vegetables, or any product processed in whole or substantial part therefrom: *Provided*, That no control shall be reimposed on any commodity mentioned in this paragraph or on any product processed in whole or substantial part therefrom unless expressly authorized and directed by the Congress in an act passed and approved subsequent to the approval of this act.

Mr. President, I ask that the amendment be printed and lie on the table.

The PRESIDING OFFICER. Does the Senator from Oklahoma offer the amendment at this time?

Mr. THOMAS of Oklahoma. I ask that the amendment be printed and lie on the table, to be called up after the bill has been sufficiently discussed to permit the Senate to vote upon amendments.

The PRESIDING OFFICER. The amendment will be received, printed, and lie on the table.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. BARKLEY. I have expressed the hope that we may proceed immediately to the consideration of amendments. From my understanding of the matter, I do not think there will be much of what we may call general discussion of the subject. I hope that whatever amendments are to be offered will be offered and discussed promptly, rather than to have a general discussion of the whole bill. I think that will be the more logical way to proceed, and will result in speedier consideration.

Mr. THOMAS of Oklahoma. Mr. President, the majority leader has been quoted in the public press as having expressed the hope that the bill could be finally passed upon and gotten out of the way this week. That would lead some to understand that for the first day or so general debate would occur, and that amendments would be prepared and offered and printed and lie on the table, but that for the immediate future—specifically, this afternoon—amendments would not be offered and considered with the idea of having votes taken on them. I think it wholly unfair to commence voting on amendments until the Members of the Senate can be advised that we have reached such a stage in the process of consideration of the bill that the offering of amendments is in order.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. BARKLEY. I do not recall what I said in regard to when I hoped the bill would be passed. I believe that I first expressed the hope that we would complete consideration of the bill by Thursday night. It may be that, in response to a question asked me by some Senator, I replied that I certainly hoped that we would dispose of the bill this week. I do not suppose that I am to be held to strict account for what I have been quoted as saying with reference to when consideration of any bill before the Senate could be completed.

Mr. President, we are not dealing with a new subject. We have been discussing the OPA for at least a year. It seems to me that any amendments which are to be offered should be offered and voted upon. I do not see any necessity for talking all day about the bill. It will be better to offer amendments and have them discussed and voted upon. I understand that there are such amendments which are to be offered.

Mr. THOMAS of Oklahoma. Mr. President, there are several amendments lying on the table which will be offered later on. Some of those amendments are, so far as their effect is concerned, embraced in the amendment which I have offered.

Mr. MOORE. Mr. President, I did not hear the amendment read. Is it different, in its effect, from the amendments which have been printed, and to which reference was made?

Mr. THOMAS of Oklahoma. It is practically the same except that it contains a proviso. The Senate committee reported to the Senate a bill proposing to decontrol certain commodities and products.

Mr. MOORE. Yes.

Mr. THOMAS of Oklahoma. In one section of the bill they provided that the Secretary of Agriculture could make a certificate, and on the basis of the certificate he could reimpose controls. That might take place the next day after the enactment of the law. Such a provision as that would add nothing helpful to the bill. If the bill should become enacted into law it would result in taking away from OPA supervision over livestock, meat products, poultry, eggs, milk, and milk products. But, the next day after the bill becomes law the Secretary of Agriculture could make a certificate to the effect that there was a shortage in supply of the commodities which I have named, and then reimpose price controls over them.

Mr. MOORE. In other words, the Senator from Oklahoma is pointing out that there would be much uncertainty in connection with the reimposition of controls, which would not be conducive to developing the confidence which the people should have in connection with increasing production. As I understand it, the decontrol provisions which it is proposed to put into effect, are not to be absolute.

Mr. THOMAS of Oklahoma. The amendment which I have offered, if adopted, would result in the permanent decontrol of certain farm commodities until the Congress authorized and directed the reimposition of controls.

Mr. MOORE. Under a new law.

Mr. THOMAS of Oklahoma. Yes.

Mr. President, I cast no aspersions upon those who drafted the committee amendments, but some of them have been so drawn as to permit the Director of the Office of Price Administration to do exactly as he pleases. I assert that so long as the Director succeeds in having the law extended for a year, and so long as he has his emergency court as now constituted, it will make no difference what kind of a law Congress passes. The Director will make his decision. His court will sustain the decision, and no other court will take jurisdiction over the matter, or oppose the decision which has been made. If we cannot write a law which will be sufficiently plain and definite, let us extend the effective date of the present act. If discretion is to be left to determine when price control is to be removed from the commodities which I have named, the proposed formula would be of no benefit to anyone.

Mr. McFARLAND. Mr. President, in order to recontrol these products the Secretary of Agriculture, or the OPA Administrator, must obtain consent of the decontrol board. That certainly represents assurance that recontrol will not be

imposed without some reason for doing so.

Mr. THOMAS of Oklahoma. Mr. President, if the decontrol board is created, it will be a board the members of which will be carefully selected.

Mr. BARKLEY. Does not the Senator from Oklahoma believe that the members of the board should be carefully selected?

Mr. THOMAS of Oklahoma. Yes; but not too carefully. [Laughter.] I believe the Senator understands what I mean.

Mr. BARKLEY. I certainly do.

Mr. THOMAS of Oklahoma. If we are to give one man the power of control over the domestic economy of the United States, let us say so, and not give to some person the power to appoint a board which will be under his domination. We recently saw an example of that. A great Cabinet officer was not in agreement with the gentleman whom I have in mind—Mr. Bowles. The Cabinet officer did not want to do what Mr. Bowles had asked him to do. He did not do what Mr. Bowles had asked him to do until he was ordered to do so. Then he had only two alternatives, namely, sign or resign. He chose to sign. That same situation may occur again. If the Board does not do what it is ordered to do it will be dismissed and a new board will be appointed.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. BARKLEY. We have provided in this bill that, so far as the Secretary of Agriculture is concerned, he is not to be under the jurisdiction or the control of any other appointive officer. Of course, it would be incredible that Congress would say that a Cabinet officer should not be under the control of the President of the United States. But, with the exception of being under the control of the President, the Secretary of Agriculture will not be under the control of, or subject to the orders of, any person. In the case to which the Senator from Oklahoma has referred, the Stabilization Director had authority to instruct the Secretary of Agriculture, I believe, to issue certain orders. The provision to which I have referred in the bill is intended to take away from the Stabilization Director any control over the Secretary of Agriculture. The Secretary would be under the control of no one but the President of the United States himself. So far as the Board is concerned, its members are to be confirmed by the Senate. The Senate may reject the nominations of members for the Board if it sees fit to do so. The Board is to be a wholly independent agency.

Mr. THOMAS of Oklahoma. Mr. President, I remember that the distinguished Senator from Kentucky made the statement in his original presentation that no one except the President of the United States would have power to give instructions to the Administrator.

Mr. BARKLEY. The Secretary of Agriculture.

Mr. THOMAS of Oklahoma. The Secretary of Agriculture, or whoever it may be.

Mr. President, in the last extension of this act a direct provision was written in conference to the effect that, "Notwithstanding the provisions of the existing law, orders or directives, or the orders of any person"—and so forth. The words "orders of any person" were inserted to include the President of the United States. The Congress did not even want the President to negate any provision of the law.

I know the President of the United States is a very busy individual. He does not have time to consider matters of this kind. At least, not in all instances does he have sufficient time to consider the questions involved. He must accept the recommendations of associates and assistants in whom he has confidence. In the past, Congress has adopted provisions to which some of the authorities have paid no attention. Not long ago the Senator from Kentucky offered an amendment which was known, in the parlance of law, as the Barkley-Bates amendment. I assert that the Administrator of OPA evidently has never read that amendment, or if he has read it, he has paid no attention to it, because he has never complied with it.

I wish to read a section from another law which the Administrator either has not read, or, if he has, has paid no attention to. I call attention to the act approved October 2, 1942, Public Law 729, Seventy-seventh Congress. It is an act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes. I find in this law the following language on page 2:

> Provided further, That in fixing price maximums for agricultural commodities, and for commodities processed or manufactured in whole or substantial part from any agricultural commodity, as provided for by this act, adequate weighting shall be given to farm labor.

Mr. President, so far as I can tell, not a single agency of this Government has ever read that provision. If they have, they have paid no attention to it. I am not willing, so far as I am concerned, to leave any discretion on these controversial matters at any point where they can be made clear and definite. So the amendment I have submitted to the Senate for its consideration proposes to take out from under the controls of OPA the enumerated farm commodities.

Mr. President, there are only a few Senators on the floor at the present time, and I do not feel like discussing the matter to any extent. I content myself with saying that the amendment will be printed, and will be on our desks in the morning for the consideration of this body.

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. MAYBANK. I ask the distinguished Senator from Oklahoma if he intends to discuss the amendment more fully tomorrow.

Mr. THOMAS of Oklahoma. The items in the amendment are all agricultural. The Committee on Agriculture and Forestry held hearings on the various things mentioned in the amendment, and we have taken testimony, which comprises several volumes. I shall produce those volumes and discuss each of these items at a future time, before the amendment is voted on.

Mr. MAYBANK. I thank the Senator.

Mr. DONNELL. Mr. President, in the St. Louis Post-Dispatch for June 10, 1946, there appears an advertisement, over the signature of Armour & Co., entitled "Meat-Packing-Plant Lay-Offs—and the Reason Why." In the opening paragraph of this advertisement appears the following:

> Lately we have been compelled to lay off many men and women who have been with us for years and whose services we earnestly desire to retain.

Later in the same paragraph is this language:

> We take this means of explaining to our laid-off employees and their families—and the public—the circumstances which have brought about this deplorable situation.

Continuing, the advertisement says:

> We cannot give the usual amount of employment and the usual opportunity to earn wages primarily because the United States Office of Price Administration has burdened us with regulations which make it impossible for us to buy livestock, particularly cattle, in the numbers required to utilize our plant facilities and maintain normal employment.

Subsequently in the same advertisement there appears the following:

> Until we can bid in competition with the black market we cannot restore normal operations and provide the normal number of jobs in our cattle and beef and allied departments. And we cannot bid in competition with the black market while OPA holds us to its pricing regulations and until the law of supply and demand is permitted to operate in the Nation's meat markets.
>
> The black market will collapse when Armour & Co. and other law-abiding packers are free to buy and sell on a truly competitive basis. Our ability to utilize byproducts will permit us to pay more for cattle and sell beef for less than the black marketeers once competition is restored.

Mr. President, I ask unanimous consent that the entire advertisement to which I have referred be incorporated in the RECORD immediately following these remarks which I have made.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MEAT-PACKING-PLANT LAY-OFFS—AND THE REASON WHY

Lately we have been compelled to lay off many men and women who have been with us for years and whose services we earnestly desire to retain. Because Armour & Co. considers regular and continuous employment important along with earning returns on investments of owners and providing the best possible product and service to the consuming public we regret these lay-offs. We take this means of explaining to our laid-off employees and their families—and the public—the circumstances which have brought about this deplorable situation.

We cannot give the usual amount of employment and the usual opportunity to earn wages primarily because the United States Office of Price Administration has burdened us with regulations which make it impossible for us to buy livestock, particularly cattle, in the numbers required to utilize our plant facilities and maintain normal employment.

We say it is impossible and we have challenged OPA officials, union leaders, or any who think otherwise, to buy cattle for us in any number they are able and at any price they have to pay provided only that the price

be "in compliance" with OPA regulations. Thus far our challenge has not brought any result.

It is important to note that profit or lack of profit is not the issue involved and is not the reason for our inability to buy cattle.

The OPA has set maximum permissible prices which we may pay for the various grades of cattle and we are required under threat of severe penalties which include the possibility of imprisonment to buy within the price ranges prescribed.

When we obtain cattle within the prescribed price ranges we are said to be in compliance with OPA pricing regulations.

If we cannot buy the cattle we need within the OPA prescribed price ranges, we have to choose between—

(a) Buying at prices out of compliance and risking the severe penalties provided by OPA, or

(b) Reducing our cattle and beef operations to fit the numbers we are able to obtain in compliance.

Being law-abiding and legitimate operators, we simply are, in these circumstances, forced to reduce operations to fit the numbers we are able to obtain in compliance.

Black-market operators who do not seem to fear violating OPA price regulations are able to obtain cattle that we need and which we try to buy. Frequently the black-market operator's bids for the cattle are as little as 10 cents per hundredweight over the top price we are able to bid in compliance. Under existing regulations, when the black market bids even 10 cents per hundredweight above our compliance level, the black market gets the cattle and we cannot get them.

Until we can bid in competition with the black market we cannot restore normal operations and provide the normal number of jobs in our cattle and beef and allied departments, and we cannot bid in competition with the black market while OPA holds us to its pricing regulations and until the law of supply and demand is permitted to operate in the Nation's meat markets.

The black market will collapse when Armour & Co. and other law-abiding packers are free to buy and sell on a truly competitive basis. Our ability to utilize byproducts will permit us to pay more for cattle and sell beef for less than the black marketeers once competition is restored.

The public will benefit through restoration of competition in these several ways:

1. Increased supply of meat in retail markets where consumers can obtain it at prices which they themselves determine to be fair.

2. Removal of dangers growing out of insanitary conditions which frequently accompany black-market operations.

3 Recovery of byproducts lost in black-market operations but of great importance to users of pharmaceuticals and many other beneficial products.

4. Resumption of regular work schedules in departments which cannot now be operated because of OPA regulations.

We greatly regret our inability to offer regular employment to the many valued and skilled men and women who desire to work for us and who have worked for us but whom we are not now able to provide with work because of conditions beyond our control.

G. A. CARTWOOD,
President, Armour & Co.

PRESIDENT TRUMAN'S VETO OF THE CASE BILL

Mr. McCLELLAN. Mr. President, during the past 2 weeks the President of the United States has had under consideration for approval or disapproval H. R. 4908, commonly known as the Case bill. I supported that measure when it passed the Senate. During the time of the President's consideration of it I am sure that he received counsel, advice, and recommendations with respect to what he should do, what decision he should make, from many, many organizations and citizens of this Nation.

Mr. President, I felt that this measure was of that importance that after it appeared there was some doubt as to what action the President might take, I felt, as a Member of the United States Senate, having voted for the bill, that I should express to him my views and urge him to give this measure his approval.

Therefore, Mr. President, on the 8th of June I sent to the President of the United States a telegram in which I quoted from the President's radio message to the Nation on the night of May 24, 1946. In that telegram I said, among other things:

You said:

"But in any conflict that arises between one particular group, no matter who they may be, and the country as a whole, the welfare of the country must come first. It is inconceivable that in our democracy any two men should be placed in a position where they can completely stifle our economy and ultimately destroy our country. The Government is challenged as seldom before in our history. It must meet the challenge or confess its importance."

Mr. President, that is a part of the language in the message of the President of the United States to the American people on the night of May 24, 1946. I ask unanimous consent that the full telegram to which I have referred be incorporated at this point in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Is there objection?

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

JUNE 8, 1946.

The PRESIDENT,
The White House,
Washington, D. C.:

In your radio address to the Nation on the evening of May 24, 1946, among other things, you said:

"But in any conflict that arises between one particular group, no matter who they may be, and the country as a whole, the welfare of the country must come first. It is inconceivable that in our democracy any two men should be placed in a position where they can completely stifle our economy and ultimately destroy our country. The Government is challenged as seldom before in our history. It must meet the challenge or conconfess its impotence."

Mr. President, your recognition and acknowledgment of this grave challenge and the assurances which you gave of your determination to meet it were most heartening and reassuring to the Congress and the American people. Some temporary relief from the then existing acute crisis has been achieved, but the causes that produce labor-industry strife and the concentration of power in the hands of two men, and in the hands of small and minority groups, under existing laws and to which you obviously referred, still obtain. Until the causes are removed and the tremendous power now placed in the hands of the few is curbed and restrained, the potential threat and challenge to the supremacy and sovereignty of government will remain ever present as a constant menace to law and order and peace in our industry-labor relationships.

H. R. 4908, the Case bill, passed by a large majority of both Houses of Congress and now before you, meets, in part, the challenge that now threatens our Government. If it becomes law, it will take no legitimate right away from organized labor, but will prohibit and prevent some evils and abuses that are now practiced.

The importance of this measure does not properly permit the influence of political considerations and expediency in weighing its merits and the pressing needs for its enactment. The public welfare and the preservation of this Government strongly appeal for your approval. I sincerely hope you will not yield to the persuasion of those who are counseling you to veto this bill. Let us not confess impotency to deal with this grave problem. I most humbly and respectfully urge you to meet the challenge by giving this measure your approval.

JOHN L. McCLELLAN,
United States Senator.

Mr. McCLELLAN. Mr. President, today the President sent a message to the House of Representatives vetoing H. R. 4908. I am deeply disappointed not only in the action of the President in vetoing that measure, but also in the reasons he assigned for so doing. I have read his message, and in my humble judgment it offers a very feeble excuse or alibi, whichever term is preferred, for his failure to approve a measure which would make a contribution in the direction of solving some of the problems which are involved in the industrial-labor strife which exists in this Nation today.

Mr. President, in view of my disappointment, and in order that the record may be kept straight as to my interest in this matter, I wish to read now a statement I have today issued for publication:

I share the disappointment of the American people who believe in equality and justice under the law for all groups and classes of our citizens. It is difficult to reconcile a Presidential veto of this comparatively mild bill with the drastic recommendations the President made to the Congress for proposed emergency legislation. Emergency legislation deals with a temporary crisis. Permanent legislation is needed in line with the provisions of the Case bill to eliminate causes that produce labor-industrial strife.

Mr. President, we are going to be left in a situation unchanged, with the power to which the President referred still reposed in the hands of "two men," and in the hands of a few men, and in the hands of small groups, and in the hands of minorities to destroy the country, just as the President said in his message to the American people on the night of May 24. The President's suggested remedy is that we study for 6 months and then try to formulate a bill which will meet the situation.

Mr. President, the President of the United States sent a bill to Congress as an emergency bill, fully drafted, and recommended its enactment as drafted and as submitted to the Congress. Mr. President, it occurs to me that in view of the experience we have had and the almost continuous studies which have been made by committees of both Houses of Congress, and particularly in view of the long consideration that was given the Case bill by the committees of the Senate and House, and to other provisions that were incorporated in the bill that have been passed in separate bills by the House of Representatives on two or three occasions heretofore, the Congress can-

not be charged with having acted hastily or without due consideration in the passage of the measure.

In view of the veto action by the President, and the failure of Congress to override the veto, the Congress and the President of the United States are tacitly acknowledging impotency to deal with this problem. This, Mr. President, I exceedingly regret.

Mr. President, I ask unanimous consent to have printed in the body of the RECORD as a part of my remarks an editorial entitled "How Would It Hurt Labor?" published in the Memphis Press-Scimitar, and also published in the Washington News on June 10, 1946.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HOW WOULD IT HURT LABOR?

Labor leaders are ordering President Truman to veto the Case labor bill, shouting that it will enslave labor and destroy unions.

The Case bill would create a new, independent Federal mediation board, appointed by the President.

That can't hurt labor.

It would authorize this board to try—by mediation, conciliation, and voluntary arbitration—to arrange peaceful settlement of labor-management disputes that threaten serious injury to the public.

What's wrong with that?

It would place on management and unions in such disputes a positive duty to refrain from violence and to give the board a maximum of 60 days for peace-making efforts before resorting to strike, lock-out, or arbitrary changes of wages and working conditions.

Such cooling-off periods have promoted good industrial relations in Minnesota and other States.

It would authorize a special fact-finding procedure for disputes affecting public utilities, with a maximum of 65 days in which strikes and lock-outs would be forbidden.

Will it "enslave labor" for the public to have this reasonable protection against sudden, arbitrary stoppage of services essential to life and safety?

It would authorize labor unions and employers to sue each other in Federal courts for breaches of contract, imposing on both the same responsibility for living up to signed agreements.

Does the life of unions depend upon freedom to break contracts without legal responsibility?

It would forbid unions to use the secondary boycott as a weapon in their battles with employers or with other unions.

Is it a necessary right of unions to punish innocent bystanders when they cannot agree with each other on jurisdictional questions, or to fight their quarrels with employers at the expense of other employers who have no connection with the controversies?

It would subject to Federal antiracketeering act penalties unions found guilty of obstructing commerce by robbery or extortion.

Does honest labor need Federal immunity for robbery and extortion?

It would require joint union-employer responsibility for proper use of health-and-welfare and similar funds contributed by employers through production royalties or payroll levies.

Can labor not live without the right, not only to tax the public in this manner, but to use money thus taken from the public exactly as unions or their officers please?

It would allow foremen to join unions, but leave employers free to refuse to recognize unions as bargaining agents for foremen.

Is it either essential or desirable that unions should have power to usurp management functions by forcing foremen to be represented by the same labor organizations as the workers they are supposed to supervise?

These are the things the Case bill would do. Many of them are things President Truman has said should be done. Which of them do you think would injure any well-intended union? Which of them justifies the frenzied clamor of the labor leaders?

We believe the Case bill provides moderate and fair means of preventing intolerable abuses of labor's power. President Truman should sign it to protect the Nation and its workers from the drastic and immoderate legislation sure to come if the abuses are continued.

Mr. MCCLELLAN. I ask unanimous consent also to have printed in the RECORD an article entitled "Strikes: Gains Versus Losses—Sacrifices for Higher Wages," published in the United States News of June 14, 1946.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STRIKES: GAINS VERSUS LOSSES—SACRIFICES FOR HIGHER WAGES—INCREASED PRICES WORKERS PAY BECAUSE PRODUCTION WAS DELAYED—WALK-OUTS' EFFECTS ON OUTPUT OF COAL, STEEL, WASHING MACHINES, AND AUTOMOBILES

Loss to the country from major strikes that have occurred since war ended now is being measured. The loss is high in terms of things that people want and need.

At the same time there is an assessment of gains that have accrued to strikes. These gains, in terms of money, are only modestly higher than they might have been without strikes.

Both losses and gains are the direct, not the indirect, ones that have gone with the season of big strikes that is drawing toward a brief pause.

Workers' losses are in tangible terms, and they have a very real meaning in this period of shortages that affect everyone, strikers and nonstrikers alike.

Wages lost directly by strikers, not by persons indirectly affected by the strikes, amount to $1,050,000,000. A much greater loss than that, but one that cannot be measured accurately, accrued to nonstrikers. The strike of 400,000 coal miners, for example, threw out of work about 1,000,000 persons who were not coal miners.

Man-days of work lost to strikers total 113,305,000. Again those are the direct losses alone and do not include time lost by nonstrikers as a result of strikes. An immense amount of work that might have gone into production of things that people want and need was wasted and cannot now be recovered.

PRODUCTION LOSSES

Because of strikes, people generally were denied many things. This denial can be measured in many ways.

Steel output was reduced by 11,400,000 tons as a result of strikes. That is the equivalent of 2 months' production of this country's steel industry at a time when the world is critically short of steel for manufacture and construction and other uses. It is just as though Great Britain or Russia had closed down her steel industries for a year.

Bituminous-coal-production loss through strikes was 113,000,000 tons. If nations in Europe had a fraction of that coal, many of their problems would be solved. A little of this lost coal could have been used to get Europe's transportation and industry back to work so that food could be distributed and goods produced. In the United States, the coal loss slowed many industries, including steel.

Lumber output lost through strikes totaled 3,150,000,000 board feet, or the equivalent of 5 weeks of full production. Of this lumber, 1,870,000,000 board feet was of the kind used in all types of construction, and 630,000,000 board feet was lumber that normally would have gone into new houses. The loss in new houses is estimated at 98,000.

Then there are losses of great quantities of goods wanted by masses of people.

Automobiles and trucks lost to consumers as a result of strikes total 2,900,000. The total is the direct loss suffered to date and the loss that will accumulate in the weeks just ahead as the automobile industry tries to get back to normal. It is the equivalent of a 6-months' shut-down of the automobile industry in a good production year.

Mechanical refrigerators not produced because of strikes total 1,008,000. As in the case of automobiles, the demand for electric refrigerators is great and urgent.

Washing-machine production losses amount to 415,000 at a time when old equipment is breaking down and housewives are clamoring for new machines. This is equal to 11 weeks of normal prewar production.

Electric ranges totaling 95,000 were not produced because of strikes. Here is another item in great demand by consumers. Nine weeks of normal production was lost.

Gas water heaters totaling 75,000 units were lost as a result of strikes, or the equivalent of 5 weeks of prewar output.

These are only a few of the items in demand by consumers that have suffered production set-backs because of postwar strikes.

Gains of strikers may be measured in terms of what they could have received without striking and what they actually received after striking. In many cases not more than 3 or 4 cents an hour separated the employers' final prestrike offer from the unions' revised demands.

In oil, where the first of the major postwar strikes occurred, most companies offered a wage increase of 15 percent prior to the strike. Workers finally received 18 percent after striking and after Government seizure of the industry. They had started out demanding 30 percent, or 36 cents an hour.

In steel, the industry offered a wage raise of 15 cents an hour before the strike, and the union dropped its demand from 25 cents to 19½ cents. Settlement finally was made on the basis of an 18½-cent increase. Actually, the workers gained 3½ cents an hour by striking for 3 weeks.

In autos, the final prestrike gap between General Motors' offer and union demand was wider. The union dropped its demand from a 30-percent increase to 19½ cents an hour. The company offered 12 cents, and, after the strike started, went up to 13½ cents. The 16-week strike finally was settled by an agreement to raise wages 18½ cents an hour. Here, the workers won a 6½-cent increase, but lost an estimated $130,000,000 or $140,000,000 in wages.

In coal, wages were not the principal issue. The strike followed failure to agree on the miners' demand for a health and welfare fund. The wage increase of 18½ cents an hour that finally was granted was about what the mine operators had offered before the strike.

In other industries, such as meat packing, electrical manufacturing, and farm machinery, strikes brought gains to workers of 5 to 6 cents an hour that they would not have received otherwise.

What this all shows is that workers, by striking, gained increases of a few cents an hour. But it also raises the question of whether these workers and the country as a whole actually are better off because of strikes called at this time.

The workers themselves are taking losses that will offset to some extent their gains. One loss is in wages forfeited while the strikes were in progress. Another loss that eventually might wipe out the gain is the loss from price increases. Wage increases are

forcing corresponding price increases that might not have been necessary if the strikes had been delayed until industry had a chance to produce enough goods to take care of a large part of the demand.

White-collar workers and nonunion workers are taking what amounts to a wage cut. Price rises forced by higher union wages have not been offset for them by compensating wage increases.

Persons living on dividends, interest, or annuities also are taking what amounts to a wage cut. That is because their incomes have remained about stationary while prices are being forced up by higher wages for union workers.

Thus, while one segment of the population is gaining temporary advantage from wage increases, other groups in the country are not sharing these gains. And, if prices rise enough to offset the wage increases, all groups will have lost out.

STRIKERS' MOTIVES

If strikes during this period of scarcity mean temporary or doubtful advantage for strikers, the question arises as to why strikes have been called in such large numbers since the war. The answer is found in the following explanation of union leaders: Strikes were considered necessary to impress employers with union strength and with the fact that unions were serious about demands other than wages. Grievances accumulated against employers during the war added to the strike fever. Many workers welcome a rest after the long hours of wartime. And some union leaders felt that they had to call strikes after the war to assert their leadership and win favor with their members.

WHAT LIES AHEAD

As industry again begins to hit its production stride, the prospect is for a brief respite from major strikes, except in two or three industries. This pause may be followed, however, by a new wave of strikes later this year and early next year. This next wave will not find the country as short of things it needs as it now is, and as a result there may be more resistance by Government and employers, with less gain to strikers.

Mr. McCLELLAN. Mr. President, I ask unanimous consent to have printed in the body of the RECORD as a part of my remarks an article entitled "World Revolution and the United States" by David Lawrence, published in the United States News of June 14, 1946.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WORLD REVOLUTION AND THE UNITED STATES

(By David Lawrence)

Anyone who examines objectively the state of affairs in this country cannot but come to the conclusion that the epidemic of world revolution has touched us, too, in the vital nerve centers of economic action.

Collectivism and a dictatorship by the workers gave Russia its totalitarian system. Communism argues that it is better for the workers than democracy. Foreign Secretary Bevin—spokesman of the British Labor Party—in his speech last week to the House of Commons vehemently refutes such a notion.

Many misguided persons in America, while not accepting communism, nevertheless feel that it is a plausible system and that America should not only be tolerant of it but try to work with it.

This is a fallacy. There can be no compromise between democracy and communism. The two systems are mutually exclusive. They cannot be blended.

As long as the Russians wish to confine communism to their own borders, America will be tolerant of that policy. When the Russians, however, seek to extend communism into other parts of the world, such a program becomes a menace to democracy and to the peace of the world. It must be thwarted.

Inside America, the germs of collectivism are spreading. The collective-bargaining power sanctioned as a principle of economic democracy has been abused. It has been transformed into an instrument of coercion.

Violence and threats of more violence are openly a part of the technique of collectivism. There are Communists in the United States who believe in promoting chaos. They are a small but nevertheless influential minority in the labor-union movement.

DIRECT ACTION TECHNIQUE

The non-Communists in the labor movement are gullible. They profess great opposition to the communistic doctrine but they accept its principal techniques of direct action.

The efforts of Congress by means of its committee to expose communism in America are backed by some of the conservative labor groups as well as by other organizations such as the American Legion and various patriotic societies.

But the left-wing elements have taken advantage of some of the crudities of this committee to disparage its work. Among the so-called intellectual liberals, it is the fashion to ridicule any talk of communism in America. That in itself is a technique. The "parlor pinks" have never seen anything wrong with the abuse of collective bargaining, with railroad strikes that paralyze the Nation's economic system, or with the emergence in certain key departments of Government of persons with definitely communistic leanings.

ACTIVITIES THROUGHOUT THE WORLD

Communism has as good a chance to grow in America as it has had in France, or Italy, or in Britain. The British Labor Party is struggling hard to prevent the Communists from joining up and boring from within. This is not just empty talk. It can happen here.

Throughout Latin America, Communists are active with their program of infiltration. Much of this is attributed to the master minds in Moscow who know how to sabotage democratic governments. But it would be a mistake to assume that the main influence behind communism is entirely Russian.

For communisim is a dynamic force. It has followers whose zeal is as ardent as that of any of us in our democracy. Communism is not new in world history. It has had its counterpart in other times and other ages of man. It is a selfish, materialistic philosophy, which starts with cynicism toward all religion and ignores the spirit and reasoning qualities which we like to associate with the teachings of Moses or Jesus. The Golden Rule is not part of the philosophy of communism.

Communism believes in force and in the rule of the few over the many. It is but another name for the despotism with which mankind has been plagued through decades of human history.

The basis of the left-wing opposition to right-wing rule anywhere is, of course, a belief that the same tendency to acquire and exercise power by the few for the many persists on the conservative side. In a democracy, however, where representative government has a chance to function with freedom of press and assembly and freedom of worship, there need be no fear of a government by the few.

What needs to be feared most is that in a government called representative a few shall acquire power, get possession of all branches of the government, and use the constitutional forms to achieve a totalitarian objective.

Labor unions in America have enjoyed a rightful exercise of the privilege of collective bargaining. But when that privilege of self-organization disregards the public interest it is no longer either a privilege or a right. Labor union leadership in America has gone to extremes—and largely because it has been pressed from within by direct actionists and radicals who are not and will not be dismayed either by violence or bloodshed.

The Case bill was passed by Congress in an attempt to check the trend toward irresponsibility among unions in America. It forbids violence. To discard such legislation now is to encourage revolution.

For the Case bill has been and still is a symbol of a possible change in America's attitude toward labor unions. It implies a reversal of the trend toward extremism. It is not a measure that would hamstring labor unions at all. But if it became law it would serve notice that there is a point beyond which extremists cannot go. As such it has developed a psychological importance beyond its literal provisions.

Whether or not the Case bill becomes law at this session is of less importance than whether union labor has learned that it can be and will be checked if it adopts the technique of the direct actionists.

ARMED FORCES AS "STRIKEBREAKERS"

It is a sorry spectacle when a President of the United States has to mobilize the Army to run the railroads and the Navy to operate merchant ships. When the armed forces of this country are used to break strikes, there arises a rebellious and ugly feeling among the unions affected. This is not the way to cure the problem.

The right way is to get at the fundamental principles of monopolistic power granted by Congress or to penetrate in an orderly way the laxity in law enforcement by both the Federal Government and the States whose duty it is to protect citizens against abuse of labor laws.

Sooner or later Congress must face that dilemma and face it courageously. Appeasement is a dangerous process. To be influenced in deciding issues of such grave import as confront us today by considerations of what the labor minorities might do at the polls by way of reprisal is to assume that the vast majority of the citizens are asleep or indifferent. Congress and the President, both in this and preceding administrations, have been appeasing labor unions and showing the white feather.

The time has come for irresponsibility to be checked lest communism get a stronger and stronger hold on the workers of America through the exploitation of those workers by leaders who do not mind using the extreme techniques of the Communists.

MOLOTOV'S EXAMPLE

The American people like to see reason used and compromise obtained by conference. But the Molotov technique of refusing to budge or make concessions is to be seen in the conduct of our labor controversies by left wingers. This is not characteristic of American democracy. It is characteristic of communistic tactics in Europe.

America has been infected from within by a revolutionary-minded group who belittle the religious spirit and seek only materialistic ends. There are men on the employer side who are equally dangerous because they want to repeal all labor's rights and subject them again to exploitation by the few. Extremes beget extremes.

Democracy can and must settle its disputes on a basis of reason and a thoughtful examination of the facts, not by emotion or by the crusading zeal of direct actionists. If democracy cannot stave off the increasing tension, we may see for the second time in our history a fratricide that will be tragic.

Nothing is attained by the collision of physical or economic forces that could not be better gained through the processes of reason and the application of principles of honesty and unselfishness.

The people of America must not be deceived by cries that talk of communism is exaggerated. Its implications are before us in democratic America and it will take the courage of a Lincoln and not the wavering of a Buchanan in the White House to ward off the danger that lies ahead.

Mr. McCLELLAN. Mr. President, I think these editorials and articles contain very enlightening statements and information which should go a long way toward refuting many of the reasons assigned for the veto of H. R. 4908. I express the hope that, although we will not have an opportunity to vote on the veto issue in the Senate, we will be able at this session of Congress to enact legislation that will effectuate some good results, legislation which the President of the United States can accept, legislation on which the Congress and the President can agree, but legislation which will result in affording some protection to the American public both from management and from labor, and that will prevent the hardships and suffering the public has to endure when labor disputes and strikes occur.

Mr. President, had the bill been approved I think it might have been well for Congress to have followed the course recommended by the President, that a joint committee of the two Houses be appointed to give further study and consideration to this very important problem. I hope that such action will be taken, and that such studies will begin immediately, and that such studies will be followed by the enactment of a law which will establish the Government's policy, long range in its aspects, which will tend to solve the problems which now beset us in our labor and industrial relations. Until we can secure peace in industry and labor relations we cannot have production. So long as we have this strife, production and recovery will be retarded. The American people today are anxious for goods. They have the purchasing power to acquire the merchandise needed by them. But so long as we have work stoppages, just so long will we have increasing pressure of inflation against our economy. That is a dangerous situation, and the Congress should make every effort to bring about the enactment of remedial legislation. I hope we can do so during the present session. I hope we can enact legislation that will meet with the President's approval, but if necessary I hope we secure such legislation even though we may finally be compelled to override a Presidential veto.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House, having proceeded to reconsider the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes and for other purposes, returned by the President of the United States, with his objections, to the House of Representatives, in which it originated, it was—

Resolved, That the said bill do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

The message also announced that the House had agreed to the amendments of the Senate to the joint resolution (H. J. Res. 360) to provide for United States participation in the Philippine independence ceremonies on July 4, 1946.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5605) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1947, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 43, 52, 54, 55, and 68 to the bill, and concurred therein, and that the House receded from its disagreement to the amendments of the Senate numbered 66 and 67 to the bill and concurred therein, each with an amendment, in which it requested the concurrence of the Senate.

EXTENSION OF PRICE CONTROL AND STABILIZATION ACTS

The Senate resumed consideration of the bill (H. R. 6042) to amend the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, and for other purposes.

Mr. MOORE. Mr. President, the American people have today, I believe, reached a point of great despondency by reason of the veto of the measure which Congress passed. Because of the importance of the measure that has just been vetoed by the President, I think the pending bill is of the greatest concern to the people of America of any legislation that has been before us for many years. If complete repeal could be made of the OPA regimentation and the left-wing theory of Government, it would be a great source of uplift to the American people. In line with that statement I wish to submit for the RECORD views set forth in certain editorials, expressing many of the reasons why the OPA legislation should be repealed. First, I ask to have printed at this point in the RECORD an article entitled "Nation Sabotaging Itself," written by Louis Bromfield, which was published in the Fort Worth Star-Telegram.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NATION SABOTAGING ITSELF

(By Louis Bromfield)

I doubt that any great nation in the history of the world has ever presented a more shameful and pitiful spectacle than that taking place today in this country. It is the spectacle of a great nation possessed of great real wealth and an industrial potentiality greater than that of the rest of the world combined deliberately sabotaging itself and in the process sabotaging democracy and the goals of western civilization as well.

The spectacle is that of a great and rich nation setting up government agencies only to have them mocked at and ignored by nearly the whole of the citizenry, which buys and sells freely in black markets because in the midst of potential abundance there are scarcities of everything from shirts to poultry feed. And the moral debauchery of black markets is worse than that of bootlegging, for it touches everyone, reaches into every aspect of our life, gives the rewards to the selfish and scoundrelly, and penalizes the honest citizen by running him out of business.

It is the spectacle of administration, bureaucratic debauchery of government itself with a bureaucracy which uses the taxpayers' money to deceive itself and the Nation by the misuse and falsification of statistics, which asserts that there is no inflation when the sale of many commodities from nylons to meat is actually upon a 90-percent black market basis with prices far above the levels of the last war. It is the spectacle of bureaucrats, using taxpayers' money, to project a great campaign of propanganda in pamphlet, press, and radio to protect and perpetuate their own powers and the deception of the whole people, exactly in the fashion of the bureaucrats of Hitler, of Mussolini, and of Stalin. Liberal Senator BALL spoke a profound truth when he asserted that the seeds of real fascism lie in our great bureaucracies, as they have always done in every modern nation.

It is the spectacle of administration buscrupulous labor leaders, acting without restraint either of legal constraint or of moral responsibility, to destroy the economic welfare of a whole great nation by creating artificial scarcities, black markets, and hardships not only for all the public but most of all for the very industrial workers whose interests they claim to espouse, because the average industrial worker not only suffers from the same miseries of inflation, shortages, black markets, and high prices as the rest of us, but he has the even greater disadvantage of having the whole source of his earnings cut off for weeks, for even months at a time by strikes which do not compensate by the advantages gained for the losses incurred when their reserves of savings and purchasing power, so vital to the Nation and to their own jobs, is being steadily destroyed.

It is the spectacle of a nation actually in the process of destroying the economic security of the individual upon which democracy is wholly founded and by which in the end it can alone survive. It is the spectacle of so-called reformers creating by their acts a great campaign of propaganda in pamstate for everything, for, as the number of our economically insecure citizens increases—those who have no savings, own nothing, pay no direct taxes—they have only to vote for unlimited pensions, doles, reliefs, and government-directed employment programs, and by so doing vote and tax out of existence free enterprise, individual initiative, all capacity for economic independence, and finally the very form of democratic government itself.

We need not fear violent revolutions, for there is no necessity for it. Each year the number of citizens who look to the state instead of to their own efforts for security is increasing and each one of them has a vote. We should regard—those of us who believe in democracy, civilization, and the dignity of man—with terror the revolution of which the CIO Political Action Committee is the spearhead.

The whole spectacle is one of the deception and the folly and indifference of the ordinary man, including the industrial workers, who are the victims and the pawns of those unscrupulous or foolish unbalanced visionaries who are striving to establish the totalitarian state, for under such a state they will be infinitely less well off, as indeed they are in Soviet Russia today.

It is a spectacle in which the methods and the hyena morality of men like Fisk and Gould and Frick are replaced by the hyena morality of the American Communist Party and by the unscrupulous, destructive tactics of men like John L. Lewis and Sidney Hillman, who have replaced the robber barons of a now disciplined and impotent capital and industry.

It is the spectacle of a sound and rich democracy borrowing the technique of central European political philosophies to set class against class, race against race, individual against individual, so that a minority, taking advantage of the confusion and despair, can seize power and all the machinery of bureaucratic dictatorship. It is a spectacle in which human dignity, the privilege and responsibilities of work, of citizenship, and even of simple democracy are being discredited or forgotten.

Some might say that all these things are the results of war. They are only partly so. They are far more the result of the destruction of national morality, honest thinking, and of the minority and class legislation which occurred in the 10 years preceding the war. They follow inevitably the work of those hordes of bigots, fuzzy thinkers, Lady Bountifuls, fanatics, and economic soothsayers which descended upon Washington and bored their way into government like maggots into a piece of cheese. In all history never has any such motley group been given in any nation such an opportunity or such encouragement or such power to sabotage and confuse the ideals, the dignity, the justice, and prosperity of a great and fundamentally rich and sound nation.

Mr. MOORE. Next I ask to have printed in the RECORD an editorial entitled "Capitulation for OPA," published in the Wall Street Journal of June 7, 1946.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CAPITULATION FOR OPA

More than once this newspaper has expressed its belief that many of Washington's advocates of economic stabilization by Government fiat wanted to see OPA indefinitely prolonged and endowed with wide powers. More than once official spokesmen for the price controllers have indignantly denied this impeachment—in one case by confusing the personal intentions of certain officers to retire to private life with the real issue, which is the duration in peace of the Government's war-emergency powers.

Evidence of the direction in which the ardent stabilizers are consciously or unconsciously trying to head the country could be found in the reasons they gave for demanding a year's extension of OPA. On Wednesday Price Administrator Paul A. Porter addressed a mass meeting of city employees in New York. He defined the issue before Congress as a choice between price control until the danger of inflation has passed and "skyrocketing prices, with the inevitable aftermath of depression, unemployment, business failures, and farm foreclosures."

Now the fact is that the danger of price inflation will threaten, not simply until June 30, 1947, or any other assignable date, but until Congress and the Executive put the Nation's fiscal policies in order and release the country's productive capacity from the restraints of a managed economy. Of these two factors the former is much the more powerful for or against price inflation. Production in volume is highly important, but we could have that and still suffer a disastrous price inflation if the Government continued to spend in excess of its tax receipts and, by relying on the banking system to finance its deficits at abnormally low interest cost, continued to swell the outstanding volume of spending money.

Over fiscal and monetary policies the OPA has no control. It is not even asking for such control and there is no way to give it such control short of Congress abdicating its authority over appropriations and tax rates and the Treasury turning over to Mr. Bowles or Mr. Porter the management of the public debt, together with supervision of the Federal Reserve System. But OPA has had power to regulate production, which it could exercise only restrictively. When it raises a ceiling price, as it does almost daily, it does so because it is forced, by circumstances over which it has no control, to moderate its own restriction on production. Among the circumstances which drive OPA to permit one bulge after another in the price line are industrial wages, over which neither OPA nor any other agency has effective jurisdiction.

The Senate Committee on Banking and Currency has reported out an OPA extension bill so full of crippling amendments that Chairman WAGNER himself will probably write a minority report denouncing it. It vests determination of control or decontrol of farm products in the Secretary of Agriculture. It forbids compulsory cost absorption by dealers in durable goods, decontrols livestock, meat, poultry, and dairy products at the end of this month, eliminates the maximum average price rule, and forbids OPA to impose quantity or quota restrictions on sales. It makes a beginning on the end of inflationary subsidies by forbidding payments on any articles not already subsidized, cutting food subsidiaries off on May 1, 1947, and limiting such disbursements to $1,100,000,000, compared with $2,000,000,000 asked by OPA. What is left of price control by these and numerous other amendments would continue until June 30, 1947.

Stabilization Administrator Bowles, who thought the extension bill passed by the House in April was the ruination of OPA, is reported to have said that the Senate committee measure was still worse and that he would urge President Truman to veto it if House and Senate should pass it. Nobody knows just what may be done with or to OPA on the floor of either Chamber or in conference committee, but experienced Washington observers think that when the June 30 deadline arrives OPA will be a cripple without crutches. A veto, if it comes, would be merciful euthanasis.

The fatal trouble with OPA is that since VJ-day it has been assigned an impossible task and has refused to face that fact. It has been expected to "hold the price line" against the determination of powerful pressure groups to break it. With the shooting war over, neither the farmers nor the labor unions were willing to remain within a stabilization program. But price stabilization with either group left out was and is a practical impossibility.

But we think Mr. Bowles and Mr. Porter should be allowed to capitulate with the honors of war. They should be permitted to retain their side-arms—that is, their fountain pens.

Mr. MOORE. I also offer for printing in the RECORD a prediction which is made in an article published in the Wall Street Journal, that the technique of the administration now is to allow the amendments of the committee to be enacted into law, and then the President will be advised to veto the measure, and place the responsibility upon Congress for passage or failure of passage of the OPA extension measure. In that connection, Mr. President, I should be very glad indeed to have the opportunity of assuming the responsibility for complete abolition of the OPA.

I ask that the article by George B. Bryant, Jr., to which I referred, published in the Wall Street Journal, of June 8, 1946, be printed in the RECORD, at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OPA GAMBLE—TRUMAN ADVISERS HATCH SCHEME TO GET PRICE AGENCY EXTENDED "AS IS"—URGE VETO OF CRIPPLING BILL JUST BEFORE DEADLINE TO FORCE CONGRESS TO GIVE IN—BOWLES, PORTER FAVOR PLAN

(By George B. Bryant, Jr.)

WASHINGTON.—The administration is seriously considering an eleventh-hour gamble to win extension of the price-control law exactly "as is," without any crippling modifications.

The strategy is based on the Presidential veto of the combination OPA extension and reform measure now pending before the Senate. It originated in the offices of OPA Chief Porter and Economic Stabilizer Bowles. Here is the scheme:

The flow of official propaganda will be stepped up to convince the public the type of OPA extension Congress is voting means ruinous price rises.

Meanwhile, no effort will be made to compromise the more drastic amendments advocated in Congress. This will insure the "most crippling" legislation.

Then when the extension measure reaches the White House, probably only a matter of days before OPA's June 30 expiration deadline, the President will veto it and ask a "no-amendment" continuation of price controls.

The Administration would gamble that Congress, anxious to adjourn, will comply rather than risk an end to price controls a few months before the congressional elections in November.

This strategy has yet to be presented at the White House. But its advocates think they can persuade President Truman not only that it might work, but also that it is good politics even if it fails.

WILL RECOMMEND VETO

Messrs. Bowles and Porter will recommend a veto for any extension resolution which (1) requires OPA to allow full costs, plus a reasonable profit, on all products, or (2) requires quick decontrol of food, clothing, and other major cost of living items. By their yardstick, this would mean a veto of the extension unless the House and Senate modify actions already taken.

The veto maneuver would leave four courses of action open to Congress: (1) It could override the veto and force acceptance of a reformed OPA; (2) it could comply with the administration's wishes and rush through a simple extension of OPA until next year; (3) it could extend OPA "as is" for 30 days or more and write another reform and extension measure; or (4) it could just do nothing and let OPA expire.

But the political reasoning behind the veto scheme is that it would place on Congress direct responsibility for any adverse consequences which might result from its handling of OPA, whatever that might be.

In Congress there is a wide difference of opinion and great uncertainty as to what might happen if Mr. Truman follows the advice to veto the extension bill which has been passed by the House and is scheduled for Senate passage this week.

There is little or no disposition in either the House or the Senate to end all price, wage, and rent controls June 30, when OPA is scheduled to expire. The Bowles-Porter strategy counts heavily on this fact. The House bill, and the revisions made in it by the Senate Banking Committee, reflects the conviction in Congress that OPA is substantially responsible for current shortages.

CONGRESS MIGHT OVERRIDE VETO

There is a fair chance that Congress would override a veto, although there is no certainty of this. An attempt to override, how-

ever, undoubtedly would be the first reaction in the House and Senate to a veto. If this move succeeded the fight over OPA would end.

However, if the President's veto should be sustained, Congress then would have to decide what it wanted to do next. Sentiment among Members indicates there would be a determined drive to keep OPA alive beyond June 30. This might take the form of a short "as is" extension, no more than 30 or 60 days, to give the House and Senate time to work out another measure reforming OPA policies but continuing the agency into next year.

It is at this point, however, that the administration would really turn the heat on for a 9- to 12-month continuation of OPA without change. And such a move would have a chance of going over. Members who have fought to reform OPA would have a political "out" for changing their position and voting for an "as is" extension.

Senators and Members of the House who switched and went along with OPA would not be at a loss for an explanation to give their constituents, whether they be friends or foes of the price control agency. They could point out that they tried to reform OPA, but felt they were not justified in killing the agency because of the dangers of wild inflation.

WOULD BE LIABILITY TO ADMINISTRATION

Some Republicans indicate that if they can't make the OPA reforms they have voted for stick, they would be willing to see the price agency continued as is. While they think this would be a mistake, so far as rapidly rising production is concerned, they think it might offer certain political advantages.

This reasoning assumes that OPA will become more and more unpopular as prices rise despite its controls and the black market continues to grow. It sees a chance that an unreformed OPA would become a liability to the administration by the time the voters march to the polls in November.

Mr. MOORE. Mr. President, the Senator in charge of the bill is not on the floor at the moment. I have an amendment which I wish to offer and which I hope the committee will accept, but before I offer the amendment I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Andrews	Hawkes	Murray
Austin	Hayden	Myers
Ball	Hickenlooper	O'Daniel
Barkley	Hill	O'Mahoney
Bilbo	Hoey	Overton
Bridges	Huffman	Radcliffe
Brooks	Johnson, Colo.	Reed
Buck	Johnston, S. C.	Robertson
Burch	Kilgore	Saltonstall
Bushfield	Knowland	Stanfill
Byrd	La Follette	Stewart
Capehart	Lucas	Taft
Capper	McCarran	Thomas, Okla.
Connally	McClellan	Thomas, Utah
Cordon	McFarland	Tobey
Donnell	McKellar	Tunnell
Downey	McMahon	Tydings
Eastland	Magnuson	Vandenberg
Ellender	Maybank	Wagner
George	Mead	Walsh
Guffey	Millikin	Wherry
Gurney	Moore	White
Hart	Morse	Wilson
Hatch	Murdock	

The PRESIDING OFFICER (Mr. DOWNEY in the chair). Seventy-one Senators having answered to their names, a quorum is present.

Mr. MOORE. Mr. President, I offer the amendment which is at the desk, and I ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 18, in line 2, it is proposed to insert a period after the parenthesis, and strike out the balance of line 2 and all of lines 3 to 24, inclusive.

Mr. MOORE. Mr. President, I think it can readily be seen that the amendment I now propose is not a crippling amendment. It is only a clarifying amendment. I hope the Senator in charge of the bill will agree to its adoption.

On page 17 of the bill the following appears:

(2) The Administrator shall provide for the prompt removal of maximum prices in the case of any nonagricultural commodity whenever the supply thereof exceeds or is in approximate balance with the demand therefor.

That is very plain that far, I think.

The amendment I have offered proposes beginning after the parentheses following the words "(including appropriate inventory requirements)" to strike out the following language, which I think is vague and not capable of proper interpretation or of expressing the will of Congress, but would leave the matter exclusively to the will of the Administrator:

And it appears that prices of the commodity will not rise as a result of the action, or that although prices of the commodity will rise as a result of the action (i) they will not exceed a true reflection of current costs (as determined by the normal accounting methods of the particular industry with which the commodity is identified) plus reasonable profits and (ii) the increase will not be such as to unstabilize dangerously the prices of other important commodities or (taking account of increases in prices of other commodities which would result from application of the same decontrol standard) to jeopardize seriously the attainment of a reasonable stable peacetime economy.

(3) Whenever, after a reasonable test period, it appears that the market prices of a nonagricultural commodity which has been decontrolled pursuant to this section have risen in a manner which is inconsistent with the applicable decontrol standard, the Administrator, with the advance consent in writing of the Price Decontrol Board established under subsection (h), shall reestablish such maximum prices for the commodity, consistent with applicable provisions of law, as in his judgment may be necessary to effectuate the purposes of this act.

The purpose of this amendment is to avoid confusion in the standards which the Congress proposes to establish for the conduct of the Administrator with relation to decontrol of nonagricultural commodities. The first four lines of paragraph (2) of Subsection (d) set forth clearly a standard that such maximum prices shall be removed whenever supply of a nonagricultural commodity exceeds or is in approximate balance with demand. The provision, as now included in the matter proposed to be stricken, confuses and conflicts with those standards. As the bill is written, the Administrator must anticipate whether or not price increases will result from the removal of price ceilings, and it provides further that such removal shall not be effective if such increase in prices as may be anticipated exceeds a true reflection, of current cost. This would require a factual study of each industry affected. In the case of petroleum it would require a survey of some 18,000 to 20,000 operating companies. Experience has shown that this would take from 12 to 18 months. By the time such survey is completed it is antiquated. Consequently the results of such a study can never be current.

The bill as written imposes a third condition upon the Administrator which he must consider before removal of price ceilings, for which there is no means of ascertaining an answer, namely, that any price increases will not unstabilize dangerously the prices of other commodities or jeopardize the attainment of peacetime economy. It is purely a matter of opinion, and such opinion would cause confusion and endless controversy. These two clauses would render uncertain and ineffective the standards clearly set forth in the first four lines of paragraph (2), subsection (d), and render this standard absolutely useless.

The provision contained in paragraph (3) of this subsection, which this amendment proposes to strike, provides for the reimposition of controls when the administrator advises that the price action subsequent to decontrol has been inconsistent with the standard set up for decontrol.

This proposal for reimposition of controls would keep all industry in a state of uncertainty and render ineffective the provision for decontrolling prices because, with this uncertainty and fear, industry would be unable to resume the normal functions of a peacetime economy which decontrol of prices is contemplated to make possible.

Mr. TAFT. Mr. President, roughly speaking, this amendment proposes to apply to non-agricultural commodities the same decontrol standard as that which is prescribed for agricultural commodities in the bill itself.

Mr. President, I listened with some interest to the speech of the Senator from New York [Mr. WAGNER], the chairman of the committee, on the subject of the sweeping character of this particular bill, and his statement that it would eliminate practically all price control in the United States. I believe that the Senator greatly overstated the effect of the bill.

In regard to the subject of decontrol, which is perhaps basic in the consideration which we are giving to it today there is, so far as I am aware, no difference of opinion except one of degree and one of time.

The amendment, which begins on page 15 of the bill, was adopted substantially by all members of the committee. There was no great difference of opinion with regard to the general principles which should apply to the decontrol of commodities. The principle is stated on page 16 of the bill under the subtitle "Declaration of Decontrol Policy." This amendment was proposed by the distinguished majority leader, and, as I have already

said, it met with no difference of opinion within the committee, and no criticism from the distinguished chairman of the committee when it was offered. The language reads as follows:

(b) Declaration of decontrol policy: Therefore, it is hereby declared to be the policy of the Congress that the Office of Price Administration, and other agencies of the Government, shall use their price, subsidy, and other powers to promote the earliest practicable balance between production and the demand therefor of commodities under their control, and that the general control of prices and the use of subsidy powers shall, subject to other specific provisions of this act be terminated as rapidly as possible consistent with the policies and purposes set forth in this section and in no event later than June 30, 1947, and on that date the Office of Price Administration shall be abolished.

Mr. President, that is a statement of principle to which all members of the committee adhere. We agree that price control is entirely an emergency power; we agree that it should be ended 1 year from now, or substantially ended by then; and we agree that in peacetime there should be no price fixing. The only difference between the supporters and opponents of the committee bill is on the question of when the date should be fixed.

The bill continues to provide expressly that, in connection both with agricultural and nonagricultural commodities, all of such commodities which are not important in relation to business or living costs shall be decontrolled by the 31st of December, before the convening of a new session of Congress.

The difference of opinion which has arisen is with regard to whether the Congress itself shall undertake to decontrol any commodities. We have incorporated a general provision by which, in addition to the nonessential commodities which he is required to decontrol by the first of January, the Secretary of Agriculture may decontrol any other commodities which he sees fit to decontrol under the formula which is prescribed in the bill.

It is further provided that the Price Administrator shall decontrol nonagricultural commodities under another formula which is prescribed in the bill. If neither is done, the industry affected may appeal to a price-control board consisting of three members which is to be appointed for the purpose of dealing with the question of decontrol. So we have adopted a policy of gradually decontrolling commodities from price regulation within a year, and before the expiration of the year if it is possible to do so.

The principal difficulty which I have had in connection with this decontrol amendment is in the fact that the standards prescribed for agricultural commodities are different from those which are prescribed for nonagricultural commodities. It has seemed to me that we should apply the same standards to both agricultural and nonagricultural commodities.

In connection with agricultural commodities, the Secretary of Agriculture is directed as set forth beginning on page 18 of the bill, to certify every commodity which is in short supply, and beginning in line 10 on page 19 of the bill it is provided that—

No maximum price shall be applicable with respect to any agricultural commodity during any calendar month which begins more than 30 days after the date of the enactment of this section, unless such commodity is certified to the Price Administrator under this paragraph as being in short supply.

That is defined on page 21 as follows:

(A) an agricultural commodity shall be deemed to be in short supply unless the supply of such commodity equals or exceeds the requirements for such commodity for the current marketing season.

In effect, therefore, the Secretary of Agriculture is required to decontrol an agricultural commodity if he finds that the supply equals or exceeds the demand.

I believe very strongly that we should apply the same formula to nonagricultural commodities. However, on pages 17 and 18, the standard is set up, and we find the following language:

(2) The Administrator shall provide for the prompt removal of maximum prices in the case of any nonagricultural commodity whenever the supply thereof exceeds or is in approximate balance with the demand therefor (including appropriate inventory requirements).

So far, the language is in entire accord with the agricultural standard, and it seems to me to apply a sufficient and fair standard.

The bill provides further that it must also appear that—

Prices of the commodity will not rise as a result of the action, or that although prices of the commodity will rise as a result of the action (i) they will not exceed a true reflection of current costs (as determined by the normal accounting methods of the particular industry with which the commodity is identified) plus reasonable profits and (ii) the increase will not be such as to unstabilize dangerously the prices of other important commodities or (taking account of increases in prices of other commodities which would result from application of the same decontrol standard) to jeopardize seriously the attainment of a reasonably stable peacetime economy.

No one can come before a price control board and prove the facts he is required to prove in order to obtain the decontrol of a nonagricultural commodity. No one can say when a price will rise; no one can be certain whether it will unstabilize other commodities or will not do so. In effect it seems to me that so long as this standard remains in the bill, all the machinery set up for providing decontrol of nonagricultural commodities is perfectly futile.

We had submitted to us evidence, particularly on behalf of the petroleum industry. The petroleum industry is in a peculiar condition, because during the war the production of petroleum was expanded. It was expanded for war purposes. No special treatment was required in the case of petroleum. When the war came to an end, naturally the petroleum supply, which had formerly been just sufficient for war requirements and limited civilian use, was more than sufficient to meet the civilian demand for petroleum products. The evidence shows that production today is completely adequate to meet the demand. It shows that stocks of petroleum products have actually increased; they have been building up. I am not sure whether there has been any actual cutting back of production by suggestion of State authorities, but there has been a cutting back of the total production. So in this case it is perfectly obvious that, under the circumstances, the article should be decontrolled. But it has not been decontrolled. We have had that condition for 2 or 3 months. The Price Administrator has repeatedly talked about decontrolling petroleum products, but when Mr. Porter came on the stand, we tried to pin him down. We said, "If this is so"—and there is no substantial dispute about it—"when do you intend to decontrol petroleum products?" He would not give us a definite reply.

I have no confidence that if the matter is left entirely to him, without any standard prescribed by Congress, there will be any decontrol. I think the reason is perfectly clear. There will not be very much increase in the price of petroleum products. There cannot be, under the conditions and with the supply available. It is conceivable, and probable, that gasoline will go up a cent a gallon, possibly 2 cents a gallon, not because of any inflation, but merely because under normal conditions of demand and supply in the United States the price of gasoline would be higher than the artificially low price prescribed and held by Mr. Bowles practically for the entire period of the war. In other words, there probably will be some increase in price in order to get the price of petroleum products in line with other prices and other costs, and in order to secure the additional drilling, the additional incentive for men to go into the business to maintain permanently the reserves of petroleum which are necessary to keep our country permanently supplied with petroleum products.

The only effect of the language from lines 2 to 14, in my opinion, is that it will give the Price Administrator an excuse not to decontrol, and if the oil industry appeals to the new Price Decontrol Board, it will give the Price Administrator an opportunity to argue that the conditions are not such as to meet the very complicated formula which appears on page 18. Furthermore, I see no reason in the world why we should apply a different rule to nonagricultural products than to agricultural products.

Therefore, Mr. President, I hope very much that the amendment submitted by the distinguished Senator from Oklahoma will prevail, and that we may hope that under this formula there will be a gradual decontrol in accordance with the policy prescribed by Congress as to nonagricultural commodities.

Mr. McFARLAND. Mr. President, does the Senator favor striking out paragraph (3)? This amendment would strike out paragraph (3), which is a recontrol provision.

Mr. TAFT. I agree that paragraph (3) raises a different question which I have not discussed. Personally, I should be inclined also to strike out paragraph (3). If the Price Administrator, after hearing and the application of the pre-

scribed tests, decontrols a nonagricultural commodity, I think it would be better that it stay decontrolled. We are in the process of gradual decontrol, and if he happens to take one product that goes up a little more than it should go up, personally I would rather not have the threat of recontrol over the particular commodity. On the other hand, I think the Senator has a perfect right to ask for a separation of the amendment, and I think I shall ask to have that done, if the Senator does not suggest it.

Mr. McFARLAND. The Senator said in the beginning of his remarks that the program was to decontrol within the next year. If we want to decontrol, we had better have a recontrol amendment, because if we do not, those charged with the responsibility of decontrolling will hesitate to decontrol if they cannot recontrol in the event they find they have made a mistake. I personally feel that it would hinder the decontrol program not to have in the law paragraph (3) as it is written in the bill.

Mr. TAFT. Mr. President, I ask for a separation of the amendment, that the latter part of paragraph (2) be separated from paragraph (3). They involve different questions. If paragraph (2) is modified by striking out the last part, it might require some modification of paragraph (3).

Mr. MOORE. Mr. President, I accept the suggestion.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

The PRESIDING OFFICER. Does the Senator from Massachusetts wish to speak on this provision?

Mr. SALTONSTALL. I should like merely to ask the Senator from Ohio a question on the subject which he has been discussing.

The PRESIDING OFFICER. Does the Senator desire to resist the separation of the provisions of the amendment into two parts?

Mr. SALTONSTALL. Oh, no.

The PRESIDING OFFICER. The Senator from Ohio has a right to demand a division of the question, and the Senator from Oklahoma having consented, the amendment will be divided into the two parts indicated.

Mr. TAFT. I yield to the Senator from Massachusetts.

Mr. SALTONSTALL. The Senator from Ohio has said he thought the decontrol of nonagricultural commodities is similar in principle to the decontrol of agricultural commodities. Reading paragraph 2, on the bottom of page 17 and the top of page 18, I find it provides for the prompt removal of maximum prices, and sets no time, or any other condition.

In the agricultural provision, subdivision (e), it is provided that, "On the first day of the first calendar month which begins more than 30 days after the date of the enactment of this section," certain things shall happen. Would it not improve the provision and make for better administration if the word "prompt", which appears on line 22, page 17, were deleted, and after the word "requirements" in line 2, page 18, the words "on the first day of the first calendar month which begins more than 30 days after the enactment of this section," were inserted? It would be exactly similar, as I see it, as the agricultural section, and be somewhat clearer from the point of view of administration and preparation of plans.

Mr. TAFT. I really do not see the value of it. I never quite saw the value of a monthly certification by the Secretary of Agriculture. I have no objection to it, but the machinery set up for the decontrol of agricultural commodities puts it up to the Secretary of Agriculture to certify every 30 days that a commodity is in short supply, in order that the control of that commodity may be retained. It is a good deal stronger provision for the decontrol of agricultural commodities than the other action, because no positive action is required of the Decontrol Board except on an appeal from the action of the Administrator. So while I have no basic objection to the decontrol of agricultural commodities, a good many words would be required in order to make the present section exactly parallel with that dealing with agricultural commodities. When the Administrator has once determined the formula to exist and the supply to be adequate, it seems to me it is a good deal better for him immediately to remove the controls. If he determines that on the 15th of March, and then says they will be decontrolled on the 1st of April, there will be 2 weeks when every one will have an opportunity for speculation. As a general proposition it seems to me much better to have decontrol announced without any preliminary warning, to take effect the day it is announced, rather than on the first of the following month. So I would prefer, if the Senator does not object, to leave the language as it is on page 17.

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. HOEY in the chair). Does the Senator from Ohio yield to the Senator from Kansas?

Mr. TAFT. I yield.

Mr. REED. The Senator from Ohio has been discussing a matter which is very important from my point of view. I am not familiar in detail with the handling of these questions in the Committee on Banking and Currency. The Senator from Ohio is. The amendment, as I recall, was offered by the Senator from Alabama [Mr. BANKHEAD]. May I inquire of the Senator from Ohio what his interpretation of a short supply would be? Does "short supply" refer only to the domestic requirement of the particular commodity, or does it also include all sources of demand, including foreign demand? Take wheat, for example. There is no question about the adequacy of the wheat supply for all domestic requirements.

Mr. TAFT. In my opinion the definition is now contained on page 21:

> An agricultural commodity shall be deemed to be in short supply unless the supply of such commodity equals or exceeds the requirements for such commodity for the current marketing season.

In my opinion, that includes foreign requirements as well as domestic requirements. I assume that the determination of such requirement would be made by the allocation board which today passes on foreign requirements and determines how much we may ship during the ensuing year.

Mr. REED. I may say to the Senator from Ohio that I had intended to question the Senator from Alabama about that matter, but he is absent because of illness. It seems to me that leaves a point of confusion in the administration of the bill that might make it very difficult from the standpoint of the producer of these commodities. When a commodity is in sufficient production to meet the domestic demand, should control be held over the prices of such commodity because there comes, as there is presently, an artificial demand for wheat, for example, for relief purposes in other parts of the world?

Mr. TAFT. The Senator from Kansas asks my opinion. As the Senator says, of course, the agricultural part of the amendment was originally offered by the distinguished Senator from Alabama [Mr. BANKHEAD], and was adopted by the committee. The committee then voted to have that consolidated in a general decontrol section, which also covered nonagricultural commodities, and also provided for the decontrol board, and it was so incorporated. But the wording of the Bankhead amendment as originally adopted by the committee was not changed, and I do not know what the Senator from Alabama intended. However, if consideration is to be given to supply and demand as a factor for decontrol, I do not see how we can avoid taking into consideration the foreign demand. If it is a demand which our Nation feels that it should recognize as a proper and necessary draft on our supplies in order to meet the starvation condition of the world, I cannot see why that demand should not be taken into consideration just as much as the demand for domestic consumption.

Mr. REED. I am sure that the Senator from Ohio will agree that there is a very clear distinction between demand for a nonagricultural commodity and demand for an agricultural commodity such as wheat, or, going a little further, the supply of an agricultural commodity such as wheat and the supply of such a commodity, for example, as steel. We harvest one wheat crop in 12 months, and that is all. The supply of wheat is determined by the acreage planted plus the weather. Steel may be produced more or less liberally, depending upon industrial conditions and the number of steel mills operating, and what the disposition of the steel industry is as to production. It seems to me very clearly that a difference exists between the two which might well be recognized in this bill if we are going to enact it into law.

Mr. TAFT. Mr. President, that question can be taken up. At present we are considering only the question of the formula for nonagricultural commodities. I feel very strongly, since we have adopted the general policy of decontrol, that the same standard should govern nonagricultural commodities as agricultural commodities, and that, therefore,

the latter part of the subsection, paragraph (2), beginning on page 17 and ending on page 18, should be stricken out.

Mr. SALTONSTALL. Mr. President, may I ask one more question?

Mr. TAFT. Certainly.

Mr. SALTONSTALL. This may be a wrong interpretation, but is it clear, if the language of the amendment is adopted as it is now written, that the Administrator shall have to make, before December 31, 1946, an inventory to show that supply does equal demand?

Mr. TAFT. Is the Senator referring to the date set forth on page 17 under paragraph (1)?

Mr. SALTONSTALL. Yes.

Mr. TAFT. Paragraph (1) on page 17 relates only to such nonagricultural commodities as are not important in relation to business cost or living cost.

Mr. SALTONSTALL. That is what I mean.

Mr. TAFT. Those commodities are all to be decontrolled, regardless of supply, by the first of next January. But, frankly, particularly with the Price Administrator interpreting what commodities are important in relation to business costs or living costs, I do not anticipate extensive decontrol under paragraph (1), because I think the Price Administrator has decontrolled about 5 percent of all products up to this time on the ground that they are not important in relation to living costs.

Mr. SALTONSTALL. Take petroleum. Under the wording of this measure—perhaps I am wrong—why would the Administrator have to make any inventory of petroleum before December 31, 1946, to prove that supply does equal demand?

Mr. TAFT. I would say that petroleum has no relation to commodities intended to be covered by paragraph (1). Petroleum is a commodity which is important in relation to business costs and living costs, and therefore I think the Price Administrator would find that paragraph (1) did not justify decontrol of petroleum. He would, therefore, look at paragraph (2), and paragraph (2) provides for the prompt removal of maximum prices of any nonagricultural commodity, no matter how important in relation to business costs or living costs, whenever the supply thereof exceeds or is in approximate balance with the demand, and he is therefore under a duty continuously from the passage of this act to determine whether the supply thereof exceeds the demand.

Mr. SALTONSTALL. Does the Senator think that is clearly expressed?

Mr. TAFT. Yes, I think that is clearly expressed. The distinguished Senator from Colorado [Mr. MILLIKIN] had something to do with drafting this measure. Does he not agree with that interpretation?

Mr. MILLIKIN. Mr. President, I agree entirely with the interpretation, and I should like to point out to the distinguished Senator from Massachusetts that there is no conflict between the two paragraphs. If the Administrator should refuse to decontrol something that is not important and is in balance he can be, theoretically at least, compelled to decontrol under the next paragraph of the measure.

Mr. HICKENLOOPER. Mr. President, through the Senator from Ohio I should like to straighten this out a little further. There is no question, I take it, in the mind of the Senator from Ohio or in the mind of the Senator from Colorado that in the case of petroleum, which all the evidence shows is in ample supply to meet all the demands in this country, the Administrator could for no good reason avoid or refuse to decontrol.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. MILLIKIN. In my opinion all the evidence at the hearings supports the position of the distinguished Senator from Iowa. I have seen no evidence that would refute the claim made by the oil industry that it is in balance at the present time.

Mr. HICKENLOOPER. Mr. President, will the Senator yield to me?

Mr. TAFT. I yield.

Mr. HICKENLOOPER. I wish to ask the Senator from Ohio a question which I think I raised in the committee. What is the real necessity then of subsection (d) on page 17? In other words, is not the test in a free economy and in a recovering economy whether supply equals demand? If supply equals demand, then why put in subsection (d) provisions which give the Administrator the right in his judgment to say a commodity may affect other commodities, and therefore he will not decontrol? Why not simply decontrol nonagricultural products when the supply equals the demand, and rely on paragraph (2) of subsection (d)?

Mr. TAFT. The Price Administrator must also pass on the question whether the supply exceeds the demand. We cannot simply let everyone guess whether the supply meets the demand. The situation of course is that, from Mr. Bowles' public statements, and I think to some extent from his testimony before the committee, the committee felt that he was too much inclined to hang on to control. Therefore the committee provided in this bill for an appeal from the Price Administrator to a Price Decontrol Board of three men, to be appointed by the President and confirmed by the Senate, who would approach the problem from an impartial standpoint presumably, and would overrule the Price Administrator if he refused to make the findings that are necessary either under (d) (1) or under (d) (2). But there is no way that I can see that we can merely say "Whenever a commodity is in supply equal to demand, price regulations can become null and void." Because who knows? Everyone judges that question for himself, and half of the people, I presume, pay no attention and the other half do pay attention. Someone must find that the conditions exist for decontrol.

Mr. HICKENLOOPER. That is the point I am raising. Paragraph (2) under subsection (d) does just that. It says:

> The Administrator shall provide for the prompt removal of maximum prices in the case of any nonagricultural commodity whenever the supply thereof exceeds or is in approximate balance with the demand therefor.

Why is not that ample? Why do we need paragraph (1)?

Mr. MILLIKIN. Mr. President——

Mr. TAFT. My answer is that under paragraph (1) the nonessential things are to be decontrolled even if they are in very short supply. That is the reason for paragraph (1). In other words, in the case of the nonessential items, it makes no difference if the price is doubled or trebled. The price control will be taken off.

Mr. HICKENLOOPER. The Administrator is supposed to do that anyway.

Mr. TAFT. If we wish to leave to the Price Administrator complete power and simply continue the existing act, that, of course, would be justified if we could assume that he would do what he ought to do. But our assumption is that he will not do what he ought to do.

Mr. HICKENLOOPER. My objection is to the "out" which the Administrator has in refusing to decontrol anything under paragraph (1).

Mr. TAFT. I yield to the Senator from Colorado.

Mr. MILLIKIN. I should like to confirm under my own understanding, the interpretation of the Senator from Ohio with respect to the first paragraph that is being discussed, as to nonimportant items. The point is that they should be decontrolled by a certain date, without any if's, but's, or maybe's, and whether or not in short supply. Passing the question of the balance of supply and demand of unimportant items we wanted to get the Administrator's mind off of such items so that his energies and those of his agency could be devoted to important things.

Mr. HICKENLOOPER. I would approve the paragraph if it accomplished that purpose; but I do not believe that it would do it.

Mr. MILLIKIN. The only way I can suggest to the Senator to still the fear in his mind is to do away with the agency entirely.

Mr. HICKENLOOPER. That might not be a bad idea.

Mr. MILLIKIN. The distinguished Senator may be right.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. SALTONSTALL. I do not wish to prolong the discussion on what is perhaps a minor point, but it is not clear in my mind that anyone must reach a decision before the Administrator shall provide for the prompt removal of control. In the bill as it is now drawn, on page 18, there is a certain formula which he must follow. I should like to ask the distinguished Senator from Ohio if it would not improve the language, at the bottom of page 17, in the last line, line 24, if these words were added:

> The Administrator shall provide for the prompt removal of maximum prices in the case of any nonagricultural commodity as soon as in the opinion of the Administrator the supply—

And so forth. That means that he must reach a decision, and must act on that decision. But as the language is now drawn, I think it is quite doubtful if he must reach a decision. He could quibble about it. I should like to vote for

this amendment, but I should like to have the language clear.

Mr. TAFT. Mr. President, I think there can be no doubt about the meaning. The language is:

> The Administrator shall provide for the prompt removal of maximum prices in the case of any nonagricultural commodity whenever—
>
> As opposed to December 31, 1946—
>
> the supply thereof exceeds or is in approximate balance with the demand therefor.

If we insert "in his opinion," while that may be implied, it certainly would weaken the section. An absolute standard is laid down by Congress, and he is directed to decontrol whenever that standard is met. It seems to me to be stated in as strong a way as it could be stated. When we lay down a standard and do not ourselves decontrol the commodities, someone must make the decision, and that man is the Price Administrator. Not having entire confidence in the Price Administrator doing so, this section continues, on page 22, to provide for an appeal if the Administrator should fail to make the decontrol required on page 17. Subparagraph (g) on page 22 reads in part as follows:

> If in the judgment of the industry advisory committee appointed by the Administrator in accordance with section 2 (a) of this act to advise and consult with him with respect to a commodity, the policies and standards set forth in this section require the removal of maximum prices for such commodity, it may file a petition for the removal of such maximum prices.

Such petition is filed with the Administrator, and if he decides that the conditions set forth on page 17 are not met, then there is provision for an appeal to the Price Decontrol Board.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. MILLIKIN. I suggest that if the matter were to rest on the opinion of the Administrator, rather than on the affirmative injunction which the language now provides, there would be a very tenuous ground for appeal to the Decontrol Board.

Mr. TAFT. Yes; it would weaken the section very materially to insert "in the opinion of the Administrator."

Mr. President, I have nothing further to say, except that I hope that the first section of the amendment of the Senator from Oklahoma [Mr. MOORE] will be adopted.

Mr. THOMAS of Oklahoma. Mr. President, will the Senator yield before he takes his seat?

Mr. TAFT. I yield.

Mr. THOMAS of Oklahoma. I invite attention to paragraph (7) on page 22, and more particularly to line 11. The paragraph reads as follows:

> (7) No maximum price and no regulation or order under this act or the Stabilization Act of 1942, as amended, shall be applicable with respect to any agricultural commodity, or any service rendered with respect to any agricultural commodity, unless a regulation or order establishing a maximum price with respect to such commodity had been issued under this act prior to April 1, 1946.

That is not an amendment of any existing law. It refers to "this act." "This act" was not in effect on April 1, 1946, and, of course, such an order could not have been issued under "this act". So I ask the Senator's reaction to an amendment striking out the words "under this act" in line 11, so as to read: "had been issued prior to April 1, 1946."

Mr. TAFT. Mr. President, this entire section is an amendment to title I of the Emergency Price Control Act of 1942. The Senator will find, at the bottom of page 14, the following language:

> Title I of the Emergency Price Control Act of 1942, as amended, is amended by inserting after section 1 thereof a new section as follows:

Therefore, wherever the word "act" appears in section 1A it refers to the Emergency Price Control Act of 1942. However, I would prefer to have the Senator from Arizona [Mr. MCFARLAND] answer any questions on this particular section. I was not on the subcommittee which drafted it.

Mr. MCFARLAND. Mr. President, the wording was intended to refer to the Price Control Act. If it is not plain, I shall be glad to confer with the Senator from Oklahoma and concur in an amendment.

Mr. BARKLEY. Mr. President, there is no question that the entire section 1A, which contains several subsections, is an amendment of the Emergency Price Control Act of 1942, because at the bottom of page 14 there is the following language:

> Title I of the Emergency Price Control Act of 1942, as amended, is amended, by inserting after section 1 thereof a new section as follows:

All of this language is under section 1A, which becomes a part of the act of 1942.

Mr. MAYBANK. Mr. President, I should like to ask the Senator from Arizona a question. Would this section prevent the placing of a ceiling price on raw cotton?

Mr. MCFARLAND. Without question it would prevent the placing of a ceiling price on raw cotton. The Senator from Arizona offered the amendment, and it was intended to prevent a ceiling price being placed on raw cotton.

Mr. THOMAS of Oklahoma. If the words "under this act" are eliminated, then it cannot be misconstrued. But if some court unfriendly to the cotton farmer and cotton interests, or friendly to the Administrator should hold that "this act" was not in existence on April 1, 1946, through a technicality a ceiling price could be placed on raw cotton.

Mr. BARKLEY. Mr. President, this is not technically a new act. It is an amendment to the existing act.

Mr. THOMAS of Oklahoma. If that be true, and if that is what it means, why not strike out the words "under this act," so as to read:

> Unless a regulation or order establishing a maximum price with respect to such commodity had been issued prior to April 1, 1946.

Mr. MCFARLAND. Subparagraph 7 begins:

> No maximum price and no regulation or order under this act or the Stabilization Act of 1942, as amended—

And so forth.

Mr. THOMAS of Oklahoma. If we want the paragraph to mean what it is alleged to mean, why not strike out the words "under this act"? Then no one can misinterpret the section. So long as those words are left in the bill, I am fearful that the said words "under this act" may be misinterpreted.

Mr. BARKLEY. All through the bill the Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, are referred to.

Mr. THOMAS of Oklahoma. This paragraph is not in any existing law. It is a new section. To say "under this act" when there is no such act, and no such provision in any act, may make it subject to misconstruction.

Mr. BARKLEY. Whenever this is inserted in the present law it will have the same effect as though it had been there when the law was originally enacted.

Mr. THOMAS of Oklahoma. Then why not strike out the words "under this act"?

Mr. MCFARLAND. Mr. President, I know that the Senator from Oklahoma and the Senator from Arizona wish to reach the same goal. I shall be glad to confer with the Senator.

Mr. THOMAS of Oklahoma. I raised the point so that the question might be thoroughly discussed.

Mr. MCFARLAND. I thought there was no question about it. It was discussed in the committee, and it was understood by all concerned that if a maximum price had not been fixed prior to April 1, 1946, none could be fixed. I do not believe there is any question about it, but I shall be glad to look into the question further.

Mr. THOMAS of Oklahoma. Mr. President, a few moments ago the interpretation of paragraph 7 on page 22 was brought into question. I think there is no disagreement as to what the section should mean. I ask unanimous consent that paragraph numbered 7 on page 22 and subsection (f) be printed in the RECORD at this point, and that immediately following the printing of those two paragraphs there be printed the interpretation of paragraph 7 contained in the committee report on the bill.

I believe that with the section stated in the RECORD, together with the interpretation set forth in the report, it will be so clear that no court could hold otherwise than what we understand the section to mean.

There being no objection, the matters referred to were ordered to be printed in the RECORD, as follows:

> (7) No maximum price and no regulation or order under this act or the Stabilization Act of 1942, as amended, shall be applicable with respect to any agricultural commodity, or any service rendered with respect to any agricultural commodity, unless a regulation or order establishing a maximum price with respect to such commodity had been issued under this act prior to April 1, 1946.

(f) Saving provision: Nothing in this section shall limit the Administrator's authority to remove maximum prices for any nonagricultural commodity, or any agricultural commodity with the approval of the Secretary of Agriculture, at an earlier time than would be required by this section, if in his judgment or in the judgment of the Secretary of Agriculture, as the case may be, such action would be consistent with the purposes of this section.

Paragraph (7) of this subsection (e) provides that no maximum price and no regulation or order under the Price Control Act or the Stabilization Act shall be applicable with respect to any agricultural commodity, or any service rendered with respect to any agricultural commodity, unless a regulation or order establishing a maximum price with respect to such commodity had been issued under this act prior to April 1, 1946. This provision will not prevent the restoring of maximum prices in the case of a commodity upon which maximum prices had been in effect prior to April 1, 1946, even though maximum prices upon such commodity had been removed and were not in effect on April 1, 1946, nor will it prevent the maintenance of maximum prices upon a commodity if a regulation or order establishing maximum prices upon such commodity had been issued prior to April 1, 1946, even though such regulation or order did not take effect until after that date. On the other hand, the provision will prohibit other types of regulations and orders as well as maximum prices in the case of any agricultural commodity unless a regulation or order had been issued prior to April 1, 1946, establishing a maximum price on such commodity. Thus, in the case of cotton, the recent order relating to margin requirements for futures trading, although not a maximum price regulation or order, will be made inapplicable because maximum prices with respect to cotton were not established prior to April 1, 1946.

Saving provision: Subsection (f) of the new section 1A provides that nothing in this section shall limit the authority to remove maximum prices at an earlier time than would be required by the section.

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. MAYBANK. I should like to ask the Senator from Arizona, if I may, for his attention in regard to this matter, about which I talked to him privately at the desk a little earlier today. It is his belief, as he suggested, that the reason for this provision was to prevent the placing of ceiling prices on commodities on which ceiling prices had not been placed prior to April.

Mr. McFARLAND. Mr. President, I will say to the Senator that it was the opinion of the Senator from Arizona and it was the opinion of the committee, that no product which has not been controlled prior to this time should be controlled hereafter. In other words, we should decontrol rather than broaden control.

Mr. MAYBANK. The Senator is correct.

Mr. McFARLAND. One of the questions which arose was in regard to raw cotton.

Mr. MAYBANK. Yes.

Mr. McFARLAND. So far as I know, that is the only commodity which this amendment reaches, although it is a general amendment.

Some question was raised as to whether the order in regard to margins on cotton, which was made on April 3, would be reached by this language—in other words, whether this language would be broad enough to reach it. So the date was set back to April 1, so there would be no question that raw cotton could be regulated or controlled.

Have I answered the Senator's question plainly enough?

Mr. MAYBANK. Yes, Mr. President; the Senator from Arizona certainly has answered it to my satisfaction, because the Senator realizes my interest in the cotton farmer; and I am sure the Senator also realizes that, in my judgment, the time has come, as he has so ably stated, to decontrol, not to increase controls, and that the proposed policy as to raw cotton would be impossible of enforcement and would only harm the rest of the program.

I thank the Senator for his interpretation; and I also thank the majority leader for his interpretation, as I understand it, that no ceiling prices can be placed on raw cotton. The Senator understands that there are more than 100 grades and 100 staples of raw cotton, and any attempt to place ceiling prices on raw cotton would create only pandemonium and black markets in cotton. That is the Senator's belief and it is my belief. The Senator from Arizona comes from a State which grows very fine long-staple cotton, and he well knows that the various lengths of cotton are subject to changes and modifications and changing agreements and the situation is such that ceiling prices could not possibly be placed on raw cotton in a satisfactory or fair manner.

Mr. McFARLAND. Mr. President, I think the Senator from South Carolina has stated ample reasons why price ceilings should not be placed on raw cotton. There is the further reason that there is an ample supply of cotton; so we should not place controls on cotton, in view of the fact that the supply is sufficient to meet the demand.

Mr. MAYBANK. Certainly it is. As a matter of fact, hundreds of bales of cotton are being shipped out of the country every month.

Mr. BARKLEY. Mr. President, the pending amendment relates to paragraph (2) of subsection (d) of section IA. Paragraph (2) appears at the bottom of page 17 and at the top of page 18. This provision is a part of an amendment which was worked out by the subcommittee of the Banking and Currency Committee to which was referred the amendment providing a formula for decontrol, which I offered in the committee. I was not a member of the subcommittee, by the way. The subcommittee felt that in cases in which there was an approximate balance of supply and demand or in cases in which there was an excess of demand over supply, the taking off of price controls would result in sudden rises in price which would be out of harmony with the objectives of the law itself; and in paragraph (3), which is a part of the original amendment offered by the Senator from Oklahoma, authority is given to reestablish controls as to certain nonagricultural products after they have been decontrolled.

We all recall that soon after the war ended there was a rush to take off controls, and rationing was abolished, and as to certain commodities price controls were removed. But later they had to be reinstated because it turned out that there was not a balance between supply and demand, and prices skyrocketed to such an extent that it was necessary to reimpose the controls.

Paragraph (3) provides that—

Whenever, after a reasonable test period, it appears that the market prices of a nonagricultural commodity which has been decontrolled pursuant to this section have risen in a manner which is inconsistent with the applicable decontrol standard, the Administrator, with the advance consent in writing of the Price Decontrol Board established under subsection (h), shall reestablish such maximum prices for the commodity, consistent with applicable provisions of law, as in his judgment may be necessary to effectuate the purposes of this act.

Mr. President, if the Senator from Oklahoma is willing to withdraw the second part of his amendment, which undertakes to strike out paragraph (3), I shall have no serious objection to the adoption of the first part of his amendment, which in a manner does place the control of nonagricultural products on the same basis as that of agricultural products. Of course, it is also true that agricultural products may be restored to control upon certification to the Secretary of Agriculture, and he is authorized to withdraw any certifications or orders which he has heretofore issued with regard even to agricultural products.

So it seems to me we should keep in the bill the power to resume the control of products, both of agricultural and nonagricultural varieties; but I have no objection to providing the same basis for the decontrol of both categories.

So, Mr. President, if the Senator from Oklahoma feels justified in withdrawing the second part of his amendment, I shall have no objection to the first part.

Mr. MOORE. Yes, Mr. President, that may be done.

Mr. BARKLEY. Is that agreeable to the Senator from Oklahoma?

Mr. MOORE. It is.

Mr. BARKLEY. Then, Mr. President, let us vote on the remaining part of the amendment.

The PRESIDING OFFICER. The Senator from Oklahoma has withdrawn the second branch of his amendment.

The question is on agreeing to the first branch of the amendment proposed by the Senator from Oklahoma, namely, on page 18, in line 2, beginning with the word "and", to strike out all down through the word "economy" in line 14.

The amendment was agreed to.

Mr. BARKLEY. Mr. President, I hope we may proceed with further amendments.

The PRESIDING OFFICER. The committee amendment is open to further amendment.

Mr. THOMAS of Oklahoma. Mr. President, earlier this afternoon I submitted an amendment to be printed and lie on the table. Of course, it cannot be printed until later. Inasmuch as the amendment relates to agricultural products, I would not care to discuss it until

it can be printed and laid before all Members of the Senate.

I have on my desk 15 volumes of testimony to support the amendment. I do not wish to be forced to start reading the testimony now.

Mr. BARKLEY. Mr. President, I have no desire to rush the Senator into offering his amendment. There are some amendments which have been printed. I do not know whether there is a desire to offer them.

Mr. TAFT. Mr. President, the most controversial provisions are the ones already in the bill. Of course, if any Senator is dissatisfied with the provision for decontrol as to meat and as to dairy products, amendments to it can be offered. The committee has provided for decontrol as to those two classes of products, and also as to various others.

It seems to me that if amendments are to be offered, they should be offered to the committee amendment. I have one amendment to offer. It deals with the question of prices, but I should prefer not to offer it this afternoon. We have started on the subject of decontrol, and it seems to me we should finish with that subject, if we can, before we proceed with another subject.

Mr. BARKLEY. Mr. President, I realize that amendments to strike out various provisions of the bill are in order, but they have no priority over amendments to place other provisions into the bill. I have no control over the movements of Senators who wish to strike something from the bill, any more than I have over the movements of Senators who wish to place something in it.

Mr. CAPEHART. Mr. President, I have prepared an amendment which deals with decontrol. I offer it, and send it to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. At the proper place in the bill it is proposed to insert the following new section:

SEC. —. Notwithstanding the further provisions of this act, the Stabilization Act of 1942, as amended, or the Price Control Act of 1942, as amended, price controls shall be removed on such a basis that the commodities from which price controls have been removed after May 1, 1946, will equal the following percentages, by annual dollar volume (as determined by the Administrator), of the commodities with respect to which maximum prices were in effect on May 1, 1946:

(A) On January 1, 1947, at least 40 percent.

(B) On April 1, 1947, at least 60 percent.

(C) On July 1, 1947, 100 percent.

The provisions of this section shall not be applicable with respect to rents or building materials, and rents and building materials shall be excluded in making computations for the purposes of this section.

Mr. CAPEHART. Mr. President, the amendment I have just offered is the only amendment leading to decontrol which I have read or which I have listened to which is specific and which says what it means and means what it says. The amendment which I have now offered and which has just been read definitely directs the Administrator to decontrol at least 40 percent of the annual dollar volume of all items under control by January 1, 1947, and it definitely directs him to decontrol at least 60 percent of all items under his control by April 1, 1947, and, again, definitely to decontrol 100 percent of all items under this control by January 1, 1947, which is the date of the end of the act.

Mr. President, so far as I am concerned, the decontrol provisions in the bill, including the one which has been under discussion, as well as the one with regard to the decontrol board, constitute merely so many pious words, hopes, and prayers. The reason that Senators are even considering some kind of decontrol legislation is that they have no confidence in the OPA. They feel that the OPA will continue to hold on just as long as they can possibly do so. Therefore, an effort was made in the committee, and is being made on the floor of the Senate today, to write some kind of decontrol directives to be applied to the Administrator. We are either in favor of decontrol or we are opposed to it. I shall not take time to read the various sections of the bill, but I may say that the effect of them is that everything is to be left entirely to the discretion of the Administrator.

The bill provides for a board to consist of three members, to whom persons may appeal. The board is to be bipartisan in character, appointed by the President and confirmed by the Senate. By the time the President finds three men capable of serving, and by the time the Senate confirms their appointments, and by the time those men find office space and provide for themselves a staff of assistants and clerks and become acquainted with the complex problems concerning OPA, the act will have expired. Moreover, by necessity the board will have to depend on the OPA for its records and statistics. So far as I am concerned the board will be only another arm of the OPA. In establishing the board we will merely be adding another commission on top of the OPA, and it will have the same philosophy as that of the OPA. In my opinion, when the board is appointed the OPA will loan to it the necessary secretarial staff with which to do the work the board will be required to perform. So nothing will have been accomplished except to delay action on decontrol which the OPA, by its own motive power, could be accomplishing during the intervening period.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. CAPEHART. I yield.

Mr. MILLIKIN. The decontrol board would not act until after the Administrator had denied the decontrol petition.

Mr. CAPEHART. Yes. I understand that. But that fact does not change my opinion of the decontrol board.

Mr. MILLIKIN. I understood the Senator to make a statement to the effect that the establishment of the board would be only one more step in administrative delay. It is true that it would be another step, but, as I said a moment ago, that step would not be taken until after the Administrator had refused to decontrol.

Mr. CAPEHART. I appreciate that fact, Mr. President.

Mr. MILLIKIN. If I may make one more observation, at worst the persons who desire control would have one more shot at it.

Mr. CAPEHART. I also appreciate that fact, Mr. President.

Frankly, I believe that if the Congress is sincere in its wish that OPA decontrol, it should say so in language and in terms which will be understandable by all persons.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. CAPEHART. I yield.

Mr. MURDOCK. Does the Senator contemplate leaving the bill in its present form and offering his amendment as a separate action of the bill, or is it the distinguished Senator's intention to offer his amendment as a substitute for all the sections of the bill in its present form, with the exception of the two amendments which have been offered in extending the time?

Mr. CAPEHART. It is my intention to offer the amendment as a new section, and then move to strike out all sections which have to do with decontrol and with the board.

Mr. MURDOCK. It seems to me that it would be only consistent with the Senator's amendment and his purpose to strike out everything after section 3 of the bill and offer his amendment as a substitute. We would be assured under the amendment of the Senator that 40 percent of all controls in dollar volume would expire by January 1, 1947.

Mr. CAPEHART. The Senator is correct.

Mr. MURDOCK. That not less than 60 percent decontrol would be accomplished by December 31, 1947, and that the entire act would terminate at the end of the fiscal year 1947.

Mr. CAPEHART. I thank the Senator. What the Senator has stated is what I propose to accomplish.

To me, Mr. President, the advantages of my amendment are many. The act would expire on June 30, 1947. I am sure that it is the intention of the Congress not to extend the act. That being the fact, it is only common sense that the OPA must immediately start decontrolling certain commodities. It seems to me that the OPA should decontrol 40 percent of all commodities between now and January 1, 1947, 20 percent during the following 3 months, and the remaining 40 percent during the last 3 months of the life of the act. If decontrol is not done on some such basis, discretion will be left entirely to the OPA. If the OPA feels that they are unable to decontrol because of conditions in the country, we may find ourselves a year from now debating the same problem which we are debating today.

Mr. MURDOCK. Mr. President, if the Senator will yield further to me, I may say that it is the intent of the Senator's amendment, is it not, that the OPA, within the limit of 40 percent, will have absolute discretion with reference to what commodities will be decontrolled and what commodities will not be decontrolled?

Mr. CAPEHART. The Senator is correct. What he has said is true so long

as the OPA decontrols 40 percent of the total dollar volume.

Mr. MURDOCK. The total dollar volume within the period of time referred to by the Senator?

Mr. CAPEHART. Yes.

Mr. MURDOCK. However, discretion is to be left with the OPA with reference to what commodities will be decontrolled and what will not be decontrolled.

Mr. CAPEHART. The Senator is correct. I see nothing wrong in that proposal.

Mr. MOORE. Mr. President, will the Senator yield?

Mr. CAPEHART. I yield.

Mr. MOORE. What the Senator has stated means that if production should be in balance with demand, the OPA could go ahead anyway and select the dollar volume and leave under control the commodities which were not in balance.

Mr. CAPEHART. Mr. President, of course, under this amendment the OPA could decontrol commodities which were in short demand at the expense of commodities which were in good supply. However, I do not believe that the OPA would ever do that. I cannot conceive of them doing it. What I am trying to do is to provide a formula which will be flexible and which will permit the OPA certain latitude within which to administer their affairs. Yet, the amendment provides specifically that the OPA may, under all circumstances, find 40 percent of the dollar volume in connection with commodities under control, and decontrol them by January 1.

It will be noted that, under the amendment, building materials and rents are eliminated. To me, as a businessman, that is the most sensible and practical way to attack the problem. If I were managing OPA it would be the basis on which I should prefer to have the Congress direct me to decontrol. I should much prefer to decontrol gradually, I should prefer to do it on dollar volume, I should prefer to have the flexibility of decontrolling commodities which in my judgment would affect the economy the least. Yet the amendment is specific so far as the Congress is concerned and it is specific so far as industry is concerned.

It has the further advantage of eliminating the possibility of an industry knowing in advance, say 30 days or 60 days or 90 days, that it is to be decontrolled, and holding up its inventory, holding its goods off the market, because under this formula OPA overnight could decontrol any commodity or group of commodities without the industries affected knowing anything about it.

Mr. President, I believe the amendment and the formula it provides to be sound; I believe them to be workable, more workable, indeed, than what is written in the bill. I believe the plan proposed by the amendment to be more workable than the board proposal, because, as I stated a moment ago, if the board is established, I am certain that it will use the secretarial staff of the OPA; that it will be another arm of OPA, staffed by the same people, with the same philosophy, and that the same sort of treatment will be accorded by the board that we now get at the hands of OPA. Moreover, by the time the board is set up and begins to operate any necessity for it will have largely disappeared.

Mr. President, that is all I have to say about the amendment. I hope it will be agreed to.

Mr. McFARLAND. Mr. President, the amendment which has just been offered by the Senator from Indiana was carefully considered by the committee. It was decided by the committee that decontrol should be made according to a formula rather than on an arbitrary percentage basis.

It might well be that on January 1 the supply of many products will not meet the demand therefor, and the OPA would be compelled, under the amendment of the Senator from Indiana, to decontrol products the supply of which was short. For that reason the bill provided a formula, which now, in accordance with the amendment of the Senator from Oklahoma striking out the last part of the provision, is very simple. It states:

> The Administrator shall provide for the prompt removal of maximum prices in the case of any nonagricultural commodity whenever the supply thereof exceeds or is in approximate balance with the demand therefor (including appropriate inventory requirements).

The committee proposes that when the supply meets the demand it shall be the duty of the Administrator to decontrol. Practically the same formula is prescribed for agricultural products. In that case it shall be the duty of the Secretary of Agriculture to decontrol.

We have had strikes in the past few months, and for that reason the supply of many nonagricultural products in particular have not increased as rapidly as we desired. If we decontrol by percentage the OPA may have to decontrol products the supply of which does not meet the demand.

I submit, Mr. President, that the formula suggested by the Senator from Indiana is not the proper one. The committee passed upon this matter, as I recall, two or three different times. It was decided by the committee that we should decontrol, but according to a formula, rather than on a percentage basis.

Mr. MILLIKIN. Mr. President, will the Senator from Arizona yield?

Mr. McFARLAND. I yield.

Mr. MILLIKIN. I should like to invite the distinguished Senator's attention to the fact that under the committee amendment the Administrator must decontrol all nonimportant items by the first of the year, and the aggregate of those makes quite a percentage of the whole problem. So the bill already provides for a substantial amount of decontrol by the first of the year.

Mr. McFARLAND. The Senator is correct.

Mr. BARKLEY. Mr. President, I wish merely to add that the committee gave long and careful consideration to the bill, both in the hearings and in the executive sessions, and in considering the measure it decided to bring about decontrol in two ways: First, by formula; second, by specific designation of certain commodities which were to be decontrolled on certain dates. They are the subject of controversy in the bill, but the bill as it has been reported provides that on the 30th of this month, a little more than 2 weeks from now, there shall be complete decontrol of all meats, dairy products, and poultry. That will take place on that date.

If that provision is retained in the bill in the Senate, and is retained in the bill as it is finally enacted, that in itself will decontrol more than 40 percent of the products, especially food products, within the next 2 or 3 weeks. So that that is more expeditious decontrol, if it is kept in the bill, than would be accomplished by staggering 40 percent and 20 percent and 40 percent.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CAPEHART. The idea of my amendment is more for the benefit of OPA than of industry.

Mr. BARKLEY. I am sure the OPA will be glad to hear that someone wants to help them.

Mr. CAPEHART. I do not know that I particularly appreciate that statement.

Mr. BARKLEY. I am speaking for the OPA. I am sure they will be delighted to know that somebody will want to help them.

Mr. CAPEHART. The amendment agreed to just a moment ago reads:

> The Administrator shall provide for the prompt removal of maximum prices in the case of any nonagricultural commodity whenever the supply thereof exceeds or is in approximate balance with the demand therefor.

That will decontrol automatically hundreds and hundreds of items. I have no particular objection to that. In fact, I voted for it, and I shall continue to support it. If that amendment stands in the form it now is, I am perfectly willing to desist, because industry, and particularly agriculture, will be taken care of 100 percent, even though we eliminate the section of the bill which automatically decontrols agriculture.

Mr. McMAHON. Mr. President, will the Senator yield?

Mr. BARKLEY. I am yielding to the Senator from Indiana.

Mr. CAPEHART. I yield to the Senator.

Mr. BARKLEY. I have the floor, and I still yield to the Senator, if he wishes to have me yield.

Mr. CAPEHART. No; I have nothing further to say.

Mr. McMAHON. I should like to call the attention of the majority leader to the fact that the amendment proposed by the Senator from Indiana has at the end of it this provision:

> The provisions of this section shall not be applicable with respect to rents or building materials, and rents and building materials shall be excluded in making computations for the purposes of this section.

I think one of the cruelest deceptions that can be perpetrated on the American people is the idea that there can be

an absence of price control on everything except rents.

I received a telegram from a prominent manufacturer of my State a few days ago in which he said, "Remove all price controls except on rents." Of course, that is an absurdity on its face. If we are to increase the price of labor, the price of coal, the price of all things which go into the maintenance of a building, and then expect to maintain the ceiling on rents, we are obviously expecting the impossible.

Those who would like to do away with price control always have such a reservation on rents, because they know that if they try to take that off the people would really rise up. I think the RECORD should show that it is impossible to maintain rent controls in the United States if we are to do away with other types of controls.

Mr. BARKLEY. I appreciate what the Senator has said about that, and I agree with him. We cannot agree to have price control on one item, whether rents or something else, and let it stand out like the Washington Monument, and not have price control on everything else.

Mr. WHERRY. Mr. President, on that theory, how could we ever decontrol anything? How could we ever decontrol anything under the provisions of the pending bill that is being put forward? It is said that the Administrator shall have the power to decontrol when supply meets demand. I leave it to the distinguished majority leader, in whom I have implicit confidence, that that will be subject to the interpretation of the Administrator, just as he interpreted the Barkley-Bates amendment. It will be up to the Administrator to proceed to decontrol, and when he does, if he decontrols one thing, we are in exactly the dilemma to which the distinguished Senator from Connecticut calls attention.

Mr. BARKLEY. That is what I am agreeing with.

Mr. WHERRY. I am disagreeing with the conclusion. If we are to start to decontrol now, under the provisions of the bill, certainly the argument that we should not decontrol because we have to keep price control on rents seems to me to be contradictory in itself.

Mr. BARKLEY. My point is—and it is the point made by the Senator from Connecticut—that if we are going to remove controls from all other things, and merely let control remain on one thing——

Mr. WHERRY. That is not what we are considering here. If a straight up and down vote is desired on whether there should be complete decontrol, that is one thing, but if the provisions of the bill are adopted decontrol will be had of one thing at a time.

Mr. BARKLEY. I am talking about the amendment now before the Senate offered by the Senator from Indiana [Mr. CAPEHART].

Mr. WHERRY. But I do not agree with the remarks made by the distinguished Senator from Connecticut. Under this bill the minute supply equals demand decontrol takes place, and if rent is the last item affected, the same provision will apply to rent.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield to the Senator from Indiana.

Mr. CAPEHART. The bill in itself automatically decontrols all commodities, including rents, on June 30, 1947. My amendment proposes that OPA decontrol 40 percent of all commodities in dollar volume, except building materials and rents, by January 1, 1947. We must all realize that if the act expires on June 30, 1947, OPA must begin sometime before then to decontrol many items, because we certainly do not want OPA to wait until June 30, 1947, and then throw off all controls at one time.

Mr. McMAHON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. McMAHON. I should like to ask the Senator from Indiana, with what percentage of rents does he want now to begin decontrolling?

Mr. CAPEHART. There would be no rents decontrolled until June 30, 1947.

Mr. McMAHON. In other words the Senator proposes to begin letting up on everything else, but to keep rents at the same figure they are now?

Mr. CAPEHART. Until June 30, 1947, yes, under my amendment, and under the provisions of the bill as well.

Mr. McMAHON. That will result in either the landlords going bankrupt or taxes on real property not being paid.

Mr. BARKLEY. Mr. President, I desire to discuss another feature of the amendment.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. TAFT. In relation to the argument made by the distinguished Senator from Connecticut, I will say that it simply is not true that rent controls cannot be maintained when other controls are taken off. That argument has been made by Mr. Bowles on the radio. There was rent control in New York for 5 years after the last war without any vestige of price control. In time, of course, as costs go up, the rent-control figures must be raised somewhat higher, but it is not necessary to decontrol rents. They can be raised somewhat.

I am in entire accord with the general proposition that to the extent that one thing is decontrolled it is going to lead to some increase in costs which will probably make it more difficult to maintain other standards. But those things do not need to be decontrolled. Prices may be raised. As a matter of fact the Administration has already done that to an extent far greater than anything threatened in this measure, by permitting a 20-percent increase in wages throughout the United States. Those increases have so raised costs that it is impossible, as we have seen, for the Administrator to maintain price control where it was. But that does not mean that he cannot maintain some price control. He has to move his prices up, and in time if the particular things that go into the cost of an old house and they are very limited, I may say—increase in cost, it will be necessary to increase rents. But the theory that decontrol to the extent provided in the bill will make it necessary to increase rents is simply without foundation in fact and without foundation in experience.

Mr. McMAHON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. McMAHON. Of course the Senator from Ohio, with a great show of authority and great emphasis in his tone, proclaims something to be a fact which I do not agree is a fact. Much as I favor rent control, and I am for rent control, in this situation I say emphatically that rent control cannot be maintained when wages are increased, when the price of coal is increased, when the price of everything that goes into the maintenance of a building is increased. It seems to me that common sense reasoning supplies the answer. Either the landlord will be bankrupted or taxes will not be paid to municipalities. I say that just as emphatically as the Senator from Ohio says to the contrary.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. TAFT. I will say that as a matter of fact the chief cost to a landlord is the cost of maintenance, outside of taxes, which have remained about the same. The cost of maintenance has increased. I would judge that the cost of maintenance has been increased, however, 10 times as much by reason of the Administration's policy of decontrolling wages as it could be by anything that can possibly happen to a landlord's costs under the decontrol provided by this measure in its present form.

Mr. BARKLEY. In the first place, I doubt whether the word "rents" in the amendment has any place in it. I do not regard rents as a commodity. The amendment refers to commodities. I think rents ought to be under control, but I do not regard them as a commodity.

Mr. DOWNEY. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOWNEY. Does the pending amendment cover all commodities, both agricultural and nonagricultural?

Mr. CAPEHART. It does; yes. The weakness of the argument of the able Senator from Connecticut is that there is a relationship between control and prices. The OPA Administrator could permit an increase in rents, but still control them.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. KNOWLAND. I should like to ask the Senator a question. As I understand, the general theory of the committee is that as supply rises and approximates demand, then control will be rapidly lifted just as soon as it can be done to free the economy. Sometime ago a subcommittee of the Committee on Agriculture and Forestry held hearings relative to lumber, including the export of lumber. A question that concerns me greatly is, How are we going to get our supply in approximate equality with demand, when there is a continued siphoning off of the available supply? During the course of the hearings, on page 114, the question was asked Mr. Ostroff, who represented

one of the Government agencies, concerning this point, and he said:

The thing to be kept in mind, in this connection, is, that lumber exports can not be discussed without regard for the export of other commodities—and also for imports.

Mr. Wyatt's office alone would not be in a position to make an intelligent determination on whether exports should be curtailed or stopped without consulting a lot of other agencies.

I have just received today from the Civilian Production Administration some interesting figures which I should like to put into the RECORD at this point, showing the imports of lumber and the exports of lumber. For the first quarter of 1946 the table shows that there were imported into the United States 253,302,000 feet of lumber as compared with the first quarter of 1945 of 220,806,000 feet of lumber, or an increase in imports of 32,496,000 board feet, which should be encouraging to us and should increase the domestic supply.

But when we turn to the other side of the ledger we find that for the first quarter of 1945 the exports of lumber amounted to 81,503,000 board feet, and for the first quarter of 1946 the exports amount to 182,433,000 board feet, or an increase in our exports of 100,930,000 board feet. So that the rate of increase of lumber exports over imports for the first quarter period from 1945 to 1946 was approximately 67,000,000 board feet.

The figures indicate that the process is continuing at this rate. For instance, taking the month of April 1945, we find the exports for that month amounted to 22,361,000 board feet, and for April of this year the exports amounted to 61,326,000 board feet. So that actually we are depleting our supply and are making it more difficult for supply to catch up with demand.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point in my remarks two tables showing exports and imports of lumber in 1945 and 1946.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

Exports of lumber

	Feet
1945:	
January	25,521,000
February	29,525,000
March	26,457,000
Quarterly total	81,503,000
April	22,361,000
May	27,861,000
June	21,849,000
Quarterly total	72,071,000
July	35,024,000
August	41,560,000
September	38,602,000
Quarterly total	115,186,000
October	41,694,000
November	36,677,000
December	47,324,000
Quarterly total	125,695,000
Grand total	394,455,000

(This includes saw timber, boards, planks, scantlings, hardwood floor, hardwood dimensions.)

	Feet
1946:	
January	62,494,000
February	50,842,000
March	69,097,000
Quarterly total	182,433,000
April	61,326,000

Imports of lumber

1945:	
January	63,131,000
February	73,795,000
March	83,880,000
Quarterly total	220,806,000
April	73,114,000
May	81,450,000
June	89,930,000
Quarterly total	244,494,000
July	87,459,000
August	99,666,000
September	90,168,000
Quarterly total	277,293,000
October	109,172,000
November	98,662,000
December	94,370,000
Quarterly total	302,204,000
Grand total	1,044,797,000
1946:	
January	80,320,000
February	79,368,000
March	94,608,000
Quarterly total	254,302,000
April	96,075,000

Mr. DOWNEY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. DOWNEY. I wish to say that I compliment the Senator from Indiana on the amendment he has offered. I think it is a very great improvement over the decontrol provisions of the bill. I would be prepared to support it quite vigorously if the Senator would consent to one rather minor change which I think would make it more workable; that is to provide for a 33⅓-percent reduction by January 31, 1947, instead of a 40-percent reduction as provided by his amendment; to make it a 66⅔-percent reduction by April 1, 1947, instead of a 60 percent reduction, and the 100-percent reduction to be completed by July 1, 1947.

Mr. CAPEHART. Mr. President, I have no objection, and I make the request that the amendment may be modified accordingly.

The PRESIDING OFFICER. The amendment of the Senator from Indiana will be modified, as requested.

Mr. BARKLEY. Mr. President, I hope this amendment will not be adopted. The committee has reported a bill which, with two or three exceptions, upon which we must pass later, seems generally acceptable. The Congress of the United States has the power to determine what shall be done with reference to price control. If it desires to decontrol anything that has been under control, it has the right to do so, no matter who disagrees.

As I stated in the report, I do not agree with everything in the bill. The committee reported it after working over it for many weeks and considering every line and paragraph of it. The amendment now offered was voted down in the committee two or three times by an overwhelming majority, after due consideration.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CAPEHART. The amendment was voted down only once.

Mr. BARKLEY. The Senator changed it in committee, as he has done on the floor of the Senate. When an amendment or a suggestion was offered, in order to get another vote he would change it. He would change the percentage now to 33⅓ percent.

If the Congress desires to decontrol meats, livestock, dairy products, and all other products on July 1 it has a right to do so; and if Congress thinks it ought to be done, it ought to do it. But suppose this amendment is adopted——

Mr. DOWNEY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. DOWNEY. Have not Senators the right to comment on the fact that a proposal is adverse to their own views, and support a contrary amendment?

Mr. BARKLEY. Certainly they have; and that is what I am doing.

Mr. DOWNEY. The Senator's tone and remarks indicated that we had no right to urge the Senate not to vote for decontrol on July 1.

Mr. BARKLEY. I did not have the Senator from California in mind when I said what I did. I am talking about what happened in the committee. Any Senator has a right to offer any amendment he desires to offer, without criticism. I certainly had no intention to criticise the Senator from California.

But suppose this amendment is adopted; suppose that for some reason there is an increase in the cost of living, and suppose that by reason of that increase in the cost of living there are large accumulated demands for increases in wages. No one can doubt that if there were a substantial increase in the cost of living which would wipe out a part of the increases which labor has already received there would be further requests for increases in wages, and they might result in the same sort of industrial confusion and controversy which has prevailed ever since January of this year. There might be another slow down in production, and by the 1st of January there might be a large number of articles not in full supply, as compared with demand. Yet they would have to be decontrolled to the extent of 40 percent, or 33⅓ percent. Whether the decontrol would extend all the way across the board, or whether the Administrator could select certain items which he thought, by dollar volume, would amount to 33⅓ or 40 percent, is not clear from the amendment. But let us suppose that the decontrol were to extend all the way across the board, in order to reach a percentage of 33⅓ or 40 percent. By January 1, 1947, the Administrator would have to decontrol a sufficient number of articles, in dollar volume, to amount to a certain percentage.

The same thing might be true at the other two stages of the process of decontrol. Finally, by the first of next July, the decontrol would reach 100 percent.

It seems to me that that is inconsistent. It is haphazard. It is unscientific. It may be that there are some who prefer this method to decontrol on a definite date. If Congress wishes to say that anything shall be decontrolled on the 30th day of June of this year, I prefer that Congress shall say so rather than require the Administrator, over a period of a year, to decontrol a certain percentage in dollar volume at one time, a certain percentage at a little later date, and finally wind up on July 1, 1947, with 100 percent decontrol.

That is my view. I certainly take no offense at any Senator who disagrees with my viewpoint. I believe that the terms of the bill which we have reported, with all its imperfections, are preferable to the amendment offered by the Senator from Indiana.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Indiana [Mr. CAPEHART].

Mr. BARKLEY. I suggest the ab-absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. CAPEHART. Mr. President, I should like to make a few remarks.

Mr. BARKLEY. I will withhold the point of no quorum.

Mr. CAPEHART. I will speak after the quorum call.

Mr. BARKLEY. I renew the point of no quorum. There is not a quorum present.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Andrews	Hawkes	Murdock
Austin	Hayden	Murray
Ball	Hickenlooper	Myers
Barkley	Hill	O'Daniel
Bilbo	Hoey	Overton
Bridges	Huffman	Radcliffe
Brooks	Johnson, Colo.	Reed
Buck	Johnston, S. C.	Robertson
Burch	Kilgore	Saltonstall
Bushfield	Knowland	Stanfill
Byrd	La Follette	Stewart
Capehart	Lucas	Taft
Capper	McCarran	Thomas, Okla.
Connally	McClellan	Thomas, Utah
Cordon	McFarland	Tobey
Donnell	McKellar	Tunnell
Downey	McMahon	Tydings
Eastland	Magnuson	Vandenberg
Ellender	Maybank	Wagner
George	Mead	Walsh
Guffey	Millikin	Wherry
Gurney	Mitchell	White
Hart	Moore	Wilson
Hatch	Morse	

The PRESIDING OFFICER. Seventy-one Senators having answered to their names, a quorum is present.

MAXIMUM EMPLOYMENT AND BUSINESS OPPORTUNITIES FOR VETERANS

Mr. TUNNELL. Mr. President, on yesterday I introduced on my own behalf and on behalf of the Senator from Massachusetts [Mr. WALSH] the Senator from Maryland [Mr. RADCLIFFE], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Oregon [Mr. MORSE], and the Senator from Missouri [Mr. BRIGGS] a bill to establish a Veterans' Employment and National Economic Development Corporation to promote maximum employment, business opportunities and careers for veterans in a free competitive economy.

For some time this bill has been, and it is currently, under study and consideration by two major committees of the Veterans of Foreign Wars of the United States: Namely, its national legislative committee and its national welfare and service committee, the latter being the one which operates the VFW National Rehabilitation service. The Veterans of Foreign Wars, composed of men who have served in time of war on foreign soil or in hostile waters, are naturally interested and are quite concerned with the rehabilitation and employment of America's veterans.

Veterans' unemployment is the most serious problem confronting the Nation today. Not since Pearl Harbor have we faced more of an emergency. While the problem of veterans' unemployment is not as dramatic as Pearl Harbor, yet the speed and efficacy with which we meet this emergency now will determine, in the long run, whether we remain the most powerful nation on earth. The problem is just as simple as that, and the choice is ours.

It would require volumes to expound this situation in detail, but the urgency of doing something about it is so self-evident, we believe, that a simple statement of facts will suffice.

The emergency is alarming. Today there are far too many veterans who are unemployed. Believe it or not, but at this hour there are nearly 2,500,000 veterans who are claiming unemployment compensation. The number drawing unemployment compensation is expected to increase, as there are one million and a half more men who soon will be discharged from the armed services.

The tragedy of this army of unemployed veterans lies in the fact that the longer they remain idle and are obliged to receive relief, the less likely they are to succeed in competitive free enterprise when they do find work. It is a natural law that those who are unemployed are less likely to be employed profitably than those who are already employed, or those who are members of a well-organized program, such as that provided for in the bill I have introduced. Idleness brings evil consequences. We do not want to put malicious thoughts into anyone's head, but a shrewd demagog or charlatan could easily arouse this immature army of veterans to a point where there could easily be sown the seeds which could result in shaking the foundation of our society. Such a situation would harm the veterans and the country for generations to come. With millions of veterans having no jobs of any consequence, the sinister political implications could easily exceed the abuses of the Grand Army of the Republic following the Civil War. For the protection of the veterans, for their welfare and prosperity, and for the good of all the people, we must act now to guide this enormous new force into productive and profitable channels.

Regardless of optimistic predictions which anyone can possibly make about veterans being fully employed in the future, the cold, unpleasant facts to the contrary stare us directly in the face.

Veterans are already facing acute unemployment problems which will be further aggravated. The veterans are at a disadvantage because of their loss of job opportunities, job property rights, job seniority, experience, financial gain, and contacts suffered by them during their war service.

Because of the time which they have lost in war service, veterans will have greater difficulty getting into and staying in business than the average businessman and professional person. 7,000,000 veterans have no reemployment rights under the law. Of these, 4,000,000 had no occupation of any consequence before they entered military service, and have no particular job to return to now. There are more than 350,000 disabled veterans of World War II who have registered for employment but cannot find it. However, experience shows that the majority of disabled veterans can be trained in gainful competitive occupations if the economic opportunity is opened for them.

The cruel irony of the veterans' unemployment situation is that there is a wide open gap in our economic machine which could be filled by the veterans. We have modern plants, surplus equipment and material which were developed during wartime, and only 50 percent of those plants are now being utilized. To win World War II we created the arsenal of democracy. Are we going to let this arsenal of democracy, now adaptable for peace, slip away from us by allowing it to go to waste? Paradoxically, at the same time, we have backlogs and shortages of consumer and durable goods which will not be supplied for years. Furthermore, we have an unprecedented demand for American goods and services throughout the world which staggers the imagination. Yet we allow to slip through our fingers this greatest opportunity in the history of America to increase our prosperity, and to raise further the standard of living.

We have untold natural resources within the continental limits of the United States that are still untapped and not developed. We have more than 11,000,000 acres of good land yet to be opened up. In some of our possessions we have hardly scratched the surface to develop the natural wealth to create employment. For example, take Alaska. Veterans who have served in Alaska, or who know of Alaska, would like to go there to develop its natural wealth, business, and industry. In that vast Territory there are only 40,064 whites and 32,458 aborigines. Alaska has more natural resources than does Scandinavia, and a better climate than does Scandinavia, yet, in a smaller area the Scandinavian countries support 12,000,000 people.

Military authorities state that Alaska is now the strategic pivotal point of the world, as it is the shortest air route to Asia and three quarters of the human race. The ranking military men state that it is the most strategic stretch of geography in this age of atomic bombs, and 10,000 mile planes. Our economic

and military security will depend upon the type of economy and character of people who settle Alaska. Who are better guardians of our liberty, prosperity, and way of life than our veterans?

At the time of his last visit to Alaskan waters, the late President Roosevelt said to the Nation over the radio:

> We were told that a number of officers and men are considering settling in Alaska after the war is over. I do hope that this is so because the development of Alaska has only been scratched and it is still the country of pioneers. I am going to set up a study of Alaska as a place to which veterans of this war, especially those who do not have strong roots, can go to become pioneers. Alaska is a land with a small population, but I am convinced that it has great opportunities for those who are willing to work and to help build up all kinds of things in new lands.

The Veterans' Employment and Economic Development Corporation is designed to materialize President Roosevelt's plan.

Most authorities believe that Alaska, with its vast undeveloped natural resources, can accommodate several million people in the near future, providing the development is properly sponsored and guided. Dr. Alfred H. Brooks, first head of the Alaskan Branch of the United States Geological Survey, long ago predicted that Alaska in time to come will be the home of 10,000,000 persons.

President Roosevelt also said:

> Alaska's climate and crops and other resources are not essentially different from those of northern Europe, Sweden, Norway, and Finland, where the people have brought their civilizations to a very high and prosperous level.

Again quoting Dr. Brooks, the authority on Alaska, who goes President Roosevelt one better by comparing the Alaskan "panhandle" to New England—

> Had the Pilgrim fathers settled at Sitka, Alaska, instead of Plymouth, they would have found milder climate, better soil and timber and more game, furs and fish.

Alaska needs only a business program to push its economy off dead center. A program of industrial, business and trade development sponsored by the Veterans Corporation would start the ball rolling. Who are better suited to this challenging job than our veterans who have already won tougher battles in war than the economic battles of Alaska? Let us return again to new opportunities for veterans in our 48 States and possessions.

We have hundreds of thousands of enemy patents, processes, and trade secrets which we captured at good cost in lives, blood, and sweat. Who are most entitled to the benefit of this new stock in trade? Is it the large corporations or monopolies that do not need them, or should the veterans have first call on these business and professional assets?

I ask Members of the Senate: Is it not the first duty of the Congress and of the Nation to help the veterans to recapture the losses which they suffered during the formative years of their lives, in business, finances, know-how, contacts, and other advantages which they would otherwise have acquired had they not served their country during time of war?

In that war of survival, 90 percent of our people relied upon the remaining 10 percent actually to fight their battle for them. With the return of the 10 percent who fought the battle and were not killed, shall we leave any stone unturned to make easier for them their progress into civil life?

Before the war we had a technological unemployment of several million persons in the general labor force. With the phenomenal technological wartime advancement in man-saving machines to replace workers gone to war, we will now produce increasingly more and more peacetime products and utilize fewer and fewer people. In this new postwar technological unemployment the veterans will be at a great disadvantage. During the recessions and depressions between World War I and World War II, there were as many as 1,500,000 veterans on the relief rolls at one time. With three times as many veterans of World War II as of World War I, it is clear that the inevitable cycle of boom and bust will make more than three times as many World War II veterans unemployed. In the boom, veterans, as a group, will be the last to profit. And in a bust the veterans will be the first to suffer, unless we take action now.

Suitable jobs and economic opportunity are the principal desires and needs of the veterans. They do not want charity. Unemployment compensation and bonuses are sought only when opportunities are not available. At best, veterans' unemployment compensation and bonuses are only temporary palliatives. These measures, according to present estimates, will cost the taxpayers $40,000,000,000, whereas experience in projects similar to the Veterans' Corporation, indicates that the Veterans' Corporation would otherwise save the taxpayers many millions of dollars. Furthermore, the Veterans' Corporation would be an economic asset to the Nation to assure an ever-expanding economy.

Now that we have reviewed briefly the need of the Veterans' Employment and National Economic Development Corporation, let us examine the way in which the Veterans' Corporation will attain its objectives. Two years of intensive study, research, and a wealth of experience have gone into the drafting of this legislation by authorities in government, veterans' affairs, labor, industrial engineering, trade, economics, shipping, and foreign trade.

The proposed Veterans' Corporation is charged specifically with solving veterans' short-range and long-range problems without displacing other workers. And we emphasize—without displacing other workers. In fact, the very nature of the projects contemplated would provide employment and business for others as well as veterans. The Veterans' Corporation would create jobs and economic opportunity through loaning powers and technical services to self-liquidating projects, established businesses that can employ additional veterans in agreement with existing labor contracts, and new businesses that will employ veterans. And naturally, the Corporation will make loans and give technical advice to veterans themselves who are qualified to conduct a business.

The passage of this bill is immediately necessary and urgent as no other agency can perform these exact functions.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. TUNNELL. I yield.

Mr. MORSE. First, I wish to commend the Senator, and I am very happy to join with him in the bill, because I think the point he last made is very important. It really is going to be a great inducement to the full-employment program in the years immediately ahead. Does the Senator agree with me that the bill he has introduced will complement and supplement the full-employment program which the Senate has sought to provide by the passage of the full-employment bill?

Mr. TUNNELL. I think it will make it possible for the full-employment law to accomplish its purpose when once it is put into operation. I thank the Senator.

Mr. MORSE. I agree with the Senator.

Mr. TUNNELL. Mr. President, the Veterans' Corporation, like the Smaller War Plants Corporation or the RFC, would not compete with private banks, but would help them indirectly. Like the RFC, the Veterans' Corporation would make loans in areas where private banking is not interested in operating. The Veterans' Corporation, like the RFC, is not designed to make money, but like the RFC will not lose money. It will thus, by creating gainful employment for veterans in a competitive free enterprise, save the taxpayers many billions of dollars that would otherwise be paid to unemployed veterans.

To attain the objectives of this program, the Corporation will loan money at 4 percent, and the Treasury will obtain the money at much lower rates of interest thus providing an ample spread to defray all costs of administration and operation. It can, therefore, be seen that neither the Government nor the taxpayers will bear any part of the cost of this important program.

Let us consider for a moment how our veterans can strengthen our world position and help to prevent World War III by peaceful means.

After other American wars, the veterans have opened new frontiers. The veterans who returned from the War of 1812 opened up the plains beyond St. Louis. Veterans of the Civil War built western railroads and developed the mountain valleys along the Pacific seaboard. The veterans of World War II have no remaining frontier in the old sense. But they have a far greater frontier in the new sense—a business frontier, a technological frontier, an industrial frontier, and a vast new frontier in overseas trade. However, no frontier has ever developed without some sort of Federal assistance. Could our veterans prevent World War III? Let us examine the possibility of our veterans preventing World War III.

Among the features of the bill are provisions to enable veterans to trade abroad to supply the great new demand for American goods and services. They have helped liberate many of the countries where they can now trade. They can promote friendship and con-

fidence in countries such as China, Korea, the Philippines, India, Iraq, Iran, Turkey, and France. As an example of how the Veterans' Corporation could strengthen the United Nations, consider the case of China. The Government of China is now interested in having our discharged veterans, who are capable of serving as technical and business missionaries, to aid in the modernization and economic strengthening of their country. In China and other countries that are open to Americans and to our veterans, we can open vast new and perpetuating markets for American goods and services. This will create fuller employment for veterans and for all American workers, businessmen, and professional people. This peaceful economic approach to China and to other countries would eliminate promptly many of the serious trouble centers and secure the peace.

Who knows? The fate of our Nation may well rest with our decisions now. High military authorities state that peace will not last 10 years unless we strengthen our position in this breathing spell to engineer a permanent world structure for security. Our foreign observers are disturbed and report that the United States faces a dilemma. Many soldiers are returning disillusioned; in most cases the very nations they helped to free are now fearful that we are going to let them down by not assisting them with our technical know-how in modernization. It is a dangerous phenomenon. Our money alone will not buy the respect and support of other nations.

It is predicted by many authorities on world affairs that the United States may abdicate its present world leadership. The eyes of the world are upon us in peace as they were in the recent global war of survival. The 45 smaller members of the United Nations look to us as their main hope.

In the course of history every nation preceding us attained world leadership reached its zenith, and then subsequently lost its position of leadership. We can demonstrate to the world that we can retain our leadership in peace as we did in war. If we put our own house in order promptly, we are more likely to continue that world leadership that we retained during this war at such a frightful cost of lives, blood, sweat, tears, and treasure.

Our veterans who went to war and who fought the battles were trained and equipped by the best organizational methods known to modern science. That organizational genius gave us the Army, Navy, Air Force, tools, and strength of atomic power beyond the capacities of any other people. Now our veterans have earned their right to benefit from this same organized procedure for reestablishing a prosperous peace.

Through the benefits of the Veterans' Corporation, the veterans of our wars are privileged to participate in strengthening the United States which in turn will strengthen the United Nations Organization to wipe out the scourge of war. The veterans, therefore, can make a great contribution in developing our economic relations with the peoples of the world to knit together a friendly fabric in exchange of trade and ideas. Who are better equipped by training, overseas experience, patriotism, and travel to reach these objectives for the United Nations Organization than the 20,000,000 living veterans of our wars?

Our veterans will be numbered among the leaders of the next generation and can become the backbone of the Nation. Our veterans are selected from the cream of the crop of 140,000,000 people. Physically, psychologically, and educationally they are the finest essence of our people. Yet after World War I most veterans required two decades to find themselves. We can turn our national clock ahead and avert this unhappy time loss for veterans of World War II by utilizing profitably our veteran human resources now. The development of a favorable climate of opportunity for the 4,000,000 veterans who have heretofore not been employed, or have no particular job to return to, now constitutes in itself a specific problem in which the Senate and the House are vitally interested as well as the families of the veterans.

The science of organization is one of the many unique contributions America has given the world in war and in peace for the benefit of mankind. Organization and the spirit of our people won the war. If we apply this same genius for organization and business enterprise promptly to assist our veterans in their assimilation into civil life, it will prove to be our Nation's best insurance. This program will go far in securing our economic stability. This program will assure an ever-expanding prosperity; and it may secure the peace of the world. This program will demonstrate to our fellow Americans and to the world that our free enterprise, that our form of democracy, and that the great American experiment in government is successful.

Veterans' Administrator, General Bradley, said on Monday of this week in addressing the Thirty-first Annual Convention of Kiwanis International:

> Four million veterans will be unemployed next fall unless new jobs continued to be created.

The Administrator said also:

> It is time we stopped indulging in the sacrifices of veterans and worked harder instead to fulfill their wants. It is time we took stock of the promises we made while they were still overseas. The Veterans' Administration with its GI provisions can offer only a narrow foothold to veterans. Although jobs are the No. 1 issue, our Administration is limited to helping veterans with only training for jobs.

The Veterans' Employment and National Economic Development Corporation Act is the answer to General Bradley's alarming statement. It is our direct interest to veterans and to all our people in every community to pass this legislation in the Seventy-ninth session of the Congress. This program will be of no expense to the taxpayers. On the contrary, it will reduce the taxes as it will reduce the cost of government and reduce the billions of dollars paid to idle veterans.

What we then find by experience that we can do with veterans, we can do for all the people. This program can well serve as the pilot operation in profitable and practical social engineering, and one of the most important milestones in human history.

The Veterans' Employment and National Economic Development Corporation would thus open up for unemployed veterans, and veterans without much hope, many gainful career opportunities. Moreover, the benefits of this Corporation for veterans' employment will in turn open a new segment in our economy, and stimulate increased prosperity for all Americans, and fortify by peaceful means our national security.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to consider executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. HOEY in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations and a protocol, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

INTERNATIONAL CIVIL AVIATION CONFERENCE—MESSAGE FROM THE PRESIDENT (EX. G, 79TH CONG., 2D SESS.)

The PRESIDING OFFICER laid before the Senate a message from the President of the United States, which was read by the legislative clerk, referred to the Committee on Foreign Relations, and ordered to be printed, as follows:

To the Senate of the United States:

In the autumn of 1944, at the invitation of the United States, an International Civil Aviation Conference was held in Chicago. The main purpose and chief result of this conference was the preparation of an important treaty, the International Convention on Civil Aviation. On March 12, 1945, President Roosevelt referred this convention to the Senate, with a request for consideration and ratification. It has now become a matter of urgency to this Nation, and to many other nations, that the Senate act upon the convention.

The convention has two major elements: (1) It restates and codifies the accepted principles of international law pertaining to air navigation; (2) it provides for the establishment of an International Civil Aviation Organization.

The parts of the convention dealing with the principles of international air law are self-explanatory, and I feel sure that the Senate will recognize the value of the codification.

Similarly, I believe the proposed International Civil Aviation Organization will recommend itself to the Senate. The most important task of this Organization, under the terms of the Convention, will be the promotion of safety of life in the air. In this connection, it will develop international standards for airworthiness of aircraft, for competence of aviation personnel, and for operating

practices and facilities on the international air routes. The organization will also study the economic problems of international air transport; and in certain instances it may be used as an instrument through which such international aviation facilities and services as airports, radio aids, and weather information could be internationally financed.

The organization will come into existence on a permanent basis when the convention has been ratified by 26 governments. It will have its headquarters in Montreal, Canada. Meanwhile, as is accepted practice in such undertakings, and in accordance with an interim agreement, the organization has been temporarily established on a provisional basis.

The provisional organization is concerned with the same activities which will engage the permanent organization, but it lacks full powers and its life is limited. It is increasingly apparent that the establishment of the permanent organization cannot be indefinitely delayed without damage to interests vital to this and other countries. As matters stand, the safety regulations cannot be finished or made fully effective, and the economic activities remain merely exploratory. Meanwhile, as international air traffic rapidly expands, individual nations and airlines are developing their own regulations and operating practices. The guidance and authority of an actively functioning international organization is urgently needed to assure the uniform standards required for safety, efficiency, and economy.

The convention makes no attempt to cover controversial questions of commercial aviation rights. It leaves these questions to be settled by other international agreements, which are entirely independent of the convention, and which provide for the reciprocal exchange of commercial air transport rights. Under authority vested in me, I have actively undertaken to consummate such agreements, in order to assure the most favorable development of international civil aviation. Naturally, agreements of this nature to which the United States is a party are consistent with the requirements of the Civil Aeronautics Act, are valid under its terms, and fully protect the public interest. Under these agreements, before foreign air-carrier permits are issued by the United States to foreign airlines, they must qualify under the provisions of the Civil Aeronautics Act.

It is very important to the future of American aviation that the convention be promptly ratified. At the recent meeting of the provisional organization in Montreal, it was agreed that all the nations concerned would aim at March 1, 1947, as the ratification dead line. In order to make it possible for the nations as a group to meet this dead line, it is vital that the United States ratify the convention during the present session of Congress. At the present time, nine governments have already ratified the convention, but it is plain that many others are withholding action pending ratification by this country. Hope of bringing the convention into effective operation in the near future depends on prompt action by this country, which would stimulate similar early action by other governments.

We need also to consider the possibility that, if we hold back, the permanent organization may eventually be established without our participation. In that event, our air lines might be forced to operate in foreign countries under regulations which we had had no part in framing, and which might adversely affect our aircraft and air transport industries. If the interests of this country are to be fully represented in the work of the permanent organization, the United States, which sponsored the original International Civil Aviation Conference in Chicago, needs to give evidence, by prompt ratification of the convention, of continued leadership. I feel confident that the Senate will recognize this serious responsibility and notable opportunity.

HARRY S. TRUMAN.

THE WHITE HOUSE, *June 11, 1946.*

AVOIDANCE OF DOUBLE TAXATION—REMOVAL OF INJUNCTION OF SECRECY FROM SUPPLEMENTARY PROTOCOL

Mr. GEORGE. Mr. President, I ask unanimous consent that the injunction of secrecy be removed from Executive F, Seventy-ninth Congress, second session, a supplementary protocol, signed at Washington on June 6, 1946, modifying in certain respects the convention between the United States of America and the United Kingdom of Great Britain and Northern Ireland for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income which was signed at Washington on April 16, 1945.

The PRESIDING OFFICER. Without objection, the injunction of secrecy will be removed from the protocol and it will be printed in the RECORD.

The protocol, with accompanying papers, is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a supplementary protocol, signed at Washington on June 6, 1946, modifying in certain respects the convention between the United States of America and the United Kingdom of Great Britain and Northern Ireland for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income which was signed at Washington on April 16, 1945.

I also transmit herewith, for the information of the Senate, the report of the Secretary of State with respect to the protocol.

HARRY S. TRUMAN.

THE WHITE HOUSE, *June 11, 1946.*

[Enclosures: 1. Report of the Secretary of State; 2. protocol of June 6, 1946, modifying the convention of April 16, 1945, relating to taxes on income, between the United States and the United Kingdom.]

JUNE 10, 1946.

The PRESIDENT,
The White House:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a supplementary protocol, signed at Washington on June 6, 1946, modifying in certain respects the convention between the United States of America and the United Kingdom of Great Britain and Northern Ireland for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income which was signed at Washington April 16, 1945.

The convention was submitted by the President to the Senate with a message of April 24, 1945, and was referred to the Committee on Foreign Relations (Executive D, 79th Cong., 1st sess.).

By its report of May 10, 1946 (Senate Executive Report No. 4, 79th Cong., 2d sess.), the Committee on Foreign Relations reported the convention favorably to the Senate without amendment and recommended that advice and consent be given to its ratification. However, in that report reference was made to hearings which were held before a subcommittee of the Committee on Foreign Relations, in the course of which hearings interested persons were heard with respect to certain objections which had been raised in regard to paragraph (3) of article XI of the convention. The full committee concurred in the recommendations of the subcommittee "(a) that the convention be ratified without amendment; (b) that the objections taken to the presence in the convention of paragraph (3) of article XI are sound; and (c) that appropriate steps be taken, after ratification, looking to striking such paragraph from the convention."

Article XI of the convention contains three paragraphs, under the first two of which a reciprocal exemption is accorded by each of the contracting countries, upon certain conditions, with respect to compensation for personal services performed within such country by a resident of the other country. Paragraph (3) of article XI specifically excludes public entertainers from the benefits of such exemption, the paragraph reading as follows:

"(3) The provisions of this article shall not apply to the compensation, profits, emoluments, or other remuneration of public entertainers such as stage, motion picture, or radio artists, musicians, and athletes."

The subcommittee of the Committee on Foreign Relations reached the conclusion that a substantial basis existed for the view that paragraph (3) of article XI is open to the objection that it is discriminatory. However, upon receiving assurances that appropriate steps would be taken with a view to eliminating the provision of that paragraph from the convention, the subcommittee proceeded to recommend approval of the convention without amendment, at the same time recommending that "appropriate steps be taken, after ratification, looking to striking such paragraph from the convention."

On June 1, 1946, the Senate gave its advice and consent to the ratification of the convention, without amendment.

Without awaiting ratification of the convention, the plenipotentiaries of the two Governments have concluded and signed the supplementary protocol, enclosed herewith. The protocol provides in Article I that paragraph (3) of Article XI of the convention "shall be deemed to be deleted and of no effect." Article II of the protocol provides that the protocol shall be regarded as an integral part of the convention and shall be ratified, the instruments of ratification to be exchanged at Washington.

It is believed that, by submitting the protocol to the Senate at this time, action may be facilitated with a view to bringing the convention into force without the provisions to which objection has been raised. It is hoped that the convention, together with the protocol, may be brought into force as soon

as possible in order that the impediment to international trade which results from the double taxation of incomes may be removed as between the United States of America and the United Kingdom of Great Britain and Northern Ireland.

Respectfully submitted.

JAMES F. BYRNES.

PROTOCOL

The Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland,

Desiring to conclude a supplementary Protocol modifying in certain respects the Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income which was signed at Washington on April 16, 1945,

Have agreed as follows:

ARTICLE I

Paragraph (3) of Article XI of the Convention of April 16, 1945 for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income shall be deemed to be deleted and of no effect.

ARTICLE II

This Protocol, which shall be regarded as an integral part of the said Convention, shall be ratified and the instruments of ratification thereof shall be exchanged at Washington.

In witness whereof the undersigned Plenipotentiaries, being authorized thereto by their respective Governments, have signed this Protocol and have affixed thereto their seals.

Done at Washington, in duplicate, this sixth day of June, 1946.

For the Government of the United States of America:

JAMES F. BYRNES,
Secretary of State of the United States of America.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

JOHN BALFOUR,
His Majesty's Envoy Extraordinary and Minister Plenipotentiary in Washington.

The PRESIDING OFFICER. If there be no reports of committees, the clerk will state the nominations on the Executive Calendar.

DEPARTMENT OF STATE--NOMINATION PASSED OVER

Mr. BARKLEY. I ask unanimous consent that the nomination of Charles Fahy to be legal adviser of the Department of State, which has heretofore been passed over, be passed over again.

The PRESIDING OFFICER. Without objection, the nomination will be passed over.

TREASURY DEPARTMENT

The legislative clerk read the nomination of John W. Snyder to be Secretary of the Treasury.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

THE TAX COURT OF THE UNITED STATES

The legislative clerk read the nomination of Clarence P. LeMire to be Judge of The Tax Court of the United States.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. BARKLEY. I ask that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

THE NAVY

The legislative clerk read the nomination of Ben Moreell to be Civil Engineer in the Navy, with the rank of Admiral, for temporary service.

Mr. MAGNUSON. Mr. President, I do not wish to detain the Senate, but I believe that the nomination of Admiral Moreell for the rank of full admiral should not be confirmed by the Senate without a few remarks.

In my opinion no one is more deserving of this great honor than Ben Moreell. Ben Moreell was Chief of the Bureau of Yards and Docks at the beginning of this war. That Bureau was charged with the responsibility of constructing all the naval establishments in far-flung corners of the world where our Navy operated. In a short period of approximately 18 or 19 months Ben Moreell organized and actually got started, and completed in some respects, the greatest construction job the world has ever known. Ben Moreell organized the Seabees. Their record in this war is well known to every American.

Long before the war had ended Ben Moreell had practically completed literally hundreds of naval bases frequently in places where it was most difficult to obtain or transport supplies, and they were effective bases and did so much to win our naval war, particularly in the Pacific. I saw many of those bases during my service in the Pacific. I watched many of them being built. I watched the efficiency and effectiveness of his direction.

His was a desk job during the war. It was not a fighting job. It was a job that was probably more important than that of any other single individual in getting these things done.

I am glad to see the President rightfully honor a man who sat in Washington, and who probably did as much to win the naval war of World War II as did any other man in this Nation. I know that the Senate will unanimously confirm his nomination, and I am glad to make note of his great service to his country.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Ben Moreell to be civil engineer in the Navy, with the rank of admiral, for temporary service?

The nomination was confirmed.

The PRESIDING OFFICER Without objection, the President will be notified forthwith of all nominations confirmed this day.

That completes the calendar.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 11 o'clock a. m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 23 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, June 12, 1946, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate June 11 (legislative day of March 5), 1946:

UNITED STATES DISTRICT JUDGE OF THE CANAL ZONE

Hon. Bunk Gardner, of Kentucky, to be United States District Judge of the Canal Zone. (Judge Gardner is now serving in this post under an appointment which expired March 26, 1946.)

ASSOCIATE JUSTICE, SUPREME COURT OF THE TERRITORY OF HAWAII

Hon. Louis LeBaron, of Hawaii, to be Associate Justice of the Supreme Court, Territory of Hawaii. (Judge LeBaron is now serving in this post under an appointment which expired March 24, 1946.)

UNITED STATES ATTORNEY

James M. Carter, of California, to be United States attorney for the southern district of California, vice Charles H. Carr, resigned.

UNITED STATES PUBLIC HEALTH SERVICE

The following-named candidates for appointment and promotion in the Regular Corps of the United States Public Health Service:

To be senior assistant scientists, effective date of oath of office:

John L. Schwab — Frederick S. Philips
David B. Lackman — Howard W. Bond
Don E. Eyles

To be assistant scientists, effective date of oath of office:

Grover C. Pitts
Howard K. Schachman

Surgeons to be senior surgeons:

John R. Murdock — Anthony P. Rubino
Joseph F. Van Ackeren — William W. Nesbit

Senior assistant surgeons to be temporary surgeons:

Kenneth M. Endicott — Ralph W. Pagel
Malcolm J. Ford — Raymond S. Roy
Leslie W. Knott — Rudolph F. Sievers
Stanley E. Krumbiegel — Robert L. Smith
Arnold B. Kurlander — Samuel S. Epicer

IN THE NAVY

Midshipman Dean L. Kellogg to be an assistant paymaster in the Navy, with the rank of ensign, from the 5th day of June 1946.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 11 (legislative day of March 5), 1946:

TREASURY DEPARTMENT

John W. Snyder to be Secretary of the Treasury.

THE TAX COURT OF THE UNITED STATES

Clarence P. LeMire to be a judge of The Tax Court of the United States, for a term of 12 years from June 2, 1946.

POSTMASTERS

ALABAMA

Melford G. Cleveland, Randolph.

ARKANSAS

Lennie L. Potter, Dell.
Henry Clay Cottrell, Dyer.

CALIFORNIA

Gertrude S. Downs, Buellton.

FLORIDA

Edna T. Jones, Pelican Lake.

GEORGIA

Mary R. King, Winston.

ILLINOIS

Robert M. Coleman, Milledgeville.
Hugh W. Hamilton, Yale.

IOWA

Harvey H. Douglass, Postville.

KANSAS

William Campbell, Mullinville.
Ruth B. Dunlap, Rose Hill.

KENTUCKY

Homer Erwin Davis, Columbus.
John T. Bradley, Kettle Island.

MASSACHUSETTS

Lawrence L. Carpenter, Foxboro.
Edward G. Perry, Teaticket.

MISSOURI

George T. Carter, Moscow Mills.

MONTANA

Jack Cruickshank, Bozeman.

NEW JERSEY

Edward Praiss, Camden.
George M. Beaman, Keansburg.
Louella Lockwood, Oceanport.

NORTH DAKOTA

Fritz W. Liebig, Denhoff.

ORFGON

Maude B. Thames, Oswego.

TEXAS

James T. Butler, Crane.
Roxie L. Dunn, Forestburg.
Mary E. Gimon, Lovelady.
Rufus O. Warner, Pearland.

WEST VIRGINIA

Velva A. Pelter, Sharples.

WISCONSIN

George Pudas, Iron River.

IN THE NAVY

APPOINTMENT IN THE NAVY FOR TEMPORARY SERVICE

Ben Moreell to be a civil engineer in the Navy, with the rank of admiral, for temporary service.

HOUSE OF REPRESENTATIVES

TUESDAY, JUNE 11, 1946

The House met at 11 o'clock a. m.

Rev. Russell Wharton Lambert, minister, Centennial Methodist Church, Rockford, Ill., offered the following prayer:

Eternal Spirit, God of our lives and all life, we seek to know Thy will in this hour, that Thy way may be revealed unto us for our day and the days to come.

We thank Thee for the spirit that inspires men to set aside selfish interests and move into the realm of moral grandeur; for the love of humanity that turns men from bloodshed and tyranny into the methods of peace and justice; for the power that challenges men to rise from pettiness to heights of greatness in a day that yearns for the best.

Forgive our feeble courage, our neglected dreams, our discouraged hopes, and our acts of omission and commission. And now, in the beginning of a new day, stir us with a passion to regain the virtue of consistency in good things, that we may face a new age with alert minds, understanding hearts, and daring spirits.

May we dedicate ourselves to eternal principles that can come alive in our day to bless the world in the near and distant future. May we so lose ourselves in the cause of God that we find ourselves in the greatness of character that becomes man. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Frazier, its legislative clerk, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2177. An act to provide for increased efficiency in the legislative branch of the Government.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House, which was read:

JUNE 11, 1946.

The Honorable the SPEAKER,
House of Representatives.

SIR: From the secretary of the Commonwealth of the State of Pennsylvania, I have received the certificate of election of Hon. CARL H. HOFFMAN as a Representative-elect to the Seventy-ninth Congress from the Twenty-third Congressional District to fill the vacancy caused by the death of Hon. J. Buell Snyder.

Very truly yours,

SOUTH TRIMBLE,
Clerk of the House of Representatives.
By H. NEWLIN MEGILL.

HON. CARL H. HOFFMAN, REPRESENTATIVE-ELECT FROM TWENTY-THIRD DISTRICT, PA.

The SPEAKER. The Member-elect will present himself at the bar of the House and take the oath of office.

Mr. HOFFMAN appeared at the bar of the House and took the oath of office.

TERMINAL LEAVE TO ENLISTED PERSONNEL

Mr. PETERSON of Georgia. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. PETERSON of Georgia. Mr. Speaker, the bill granting terminal leave pay to enlisted personnel, H. R. 4051, should be overwhelmingly passed by the House. I am giving my unqualified support of this measure, and I hope there will not be a vote against it.

The enlisted personnel of our armed forces are entitled to this compensation, and it should be given to them as quickly as possible. Under our Selective Service System the men were forced to serve in the various branches of our armed forces whether they wished to or not, and those who served as enlisted personnel were just as good soldiers and just as good American citizens as those who served as commissioned officers. They fought side by side. In civilian life they are on an equal basis. It was more or less a fortune of circumstance that some were commissioned officers and some enlisted personnel.

The men and women, whether commissioned officers or not, have done their best to win the war. Now that the war is over and they are returning to civilian life, they should certainly be treated alike in the matter of terminal leave pay benefits as well as in all other respects.

I was among the enlisted personnel of World War I. As a veteran and as a member of the American Legion for over 20 years, I am glad to vote for this measure and to assist in securing for the enlisted personnel and their families these and all other benefits which they so richly deserve.

EXTENSION OF REMARKS

Mr. PETERSON of Georgia asked and was given permission to extend his remarks in the RECORD and to include the record of votes on veterans' legislation and a letter from the Chief of Engineers of the War Department.

Mr. LANE asked and was given permission to extend his remarks in the RECORD in three instances, in the first to include a very excellent editorial that appeared in the Christian Science Monitor of June 6 in reference to the so-called Case bill, in the second to include an editorial that appeared in the Boston Post, and in the third to include a statement to be made by him before the Committee on Civil Service today.

Mr. FORAND asked and was given permission to extend his remarks in the RECORD and include an address by Miss Stella Marks.

Mr. SABATH asked and was given permission to extend his remarks in the RECORD in three instances, in one to include an editorial from the Chicago Sun, in the second to include an article from the Chicago Times, and in the third to include several articles.

Mr. WOODRUFF asked and was given permission to extend his remarks in the RECORD in two instances, in one to include a newspaper article and in the other to include a number of articles by Mark Foote on communism.

Mr. REED of New York asked and was given permission to extend his remarks in the RECORD and include an article.

Mr. KEARNEY asked and was given permission to extend his remarks in the RECORD in reference to the wanton destruction of Army and Navy equipment.

Mr. HORAN (at the request of Mr. SCRIVNER) was given permission to extend his remarks in the RECORD and include a commencement address.

SPECIAL ORDER GRANTED

Mr. DONDERO. Mr. Speaker, I ask unanimous consent that on today after disposition of matters on the Speaker's desk and at the conclusion of any special orders heretofore entered, I may address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

EXTENSION OF REMARKS

Mr. KNUTSON asked and was given permission to extend his remarks in the RECORD and include an article by Fred Brenckman appearing in the June issue of the National Grange.

Mr. WOLCOTT asked and was given permission to extend his remarks in the RECORD in two instances: to include in one an address by Maj. Gen. Ray A. Porter given before the National Security Committee of the Veterans of Foreign Wars, and in the other an address by Mr. C. B. Lister, secretary-treasurer of the National Rifle Association.

Mr. PITTENGER asked and was given permission to extend his remarks in the RECORD in two instances: to include in one a statement by George Reilly before the Committee on Expenditures in the executive departments, and in the other a newspaper item and a statement.

Mr. EDWIN ARTHUR HALL asked and was given permission to extend his remarks in the RECORD and include a poem by Commander Isadore Chernin of the Binghamton Post of the American Legion.

Mr. WASIELEWSKI asked and was given permission to extend his remarks in the RECORD in two instances and include newspaper editorials in each.

Mr. CELLER asked and was given permission to extend his remarks in the RECORD in three instances.

SPECIAL ORDER GRANTED

Mr. REED of Illinois. Mr. Speaker, I ask unanimous consent that today, following any special orders heretofore entered, I may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

ACCUMULATED LEAVE FOR ENLISTED PERSONNEL

The SPEAKER. The unfinished business is the passage of the bill (H. R. 4051) to grant to enlisted personnel of the armed forces certain benefits in lieu of accumulated leave.

The question is on the passage of the bill.

The question was taken, and on a division (demanded by Mr. BROOKS) there were—ayes 116, noes 0.

Mr. BROOKS. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 380, nays 0, answered "present" 1, not voting 50, as follows:

[Roll No. 152]

YEAS—380

Abernethy	Bailey	Bishop
Adams	Baldwin, Md.	Blackney
Allen, Ill.	Baldwin, N. Y.	Bland
Allen, La.	Barden	Bloom
Almond	Barrett, Wyo.	Bolton
Andersen, H. Carl	Barry	Bonner
Anderson, Calif.	Bates, Ky.	Boren
Andresen, August H.	Bates, Mass.	Boykin
Andrews, Ala.	Beall	Bradley, Mich.
Angell	Beckworth	Bradley, Pa.
Arends	Bell	Brehm
Arnold	Bender	Brooks
Auchincloss	Bennet, N. Y.	Brown, Ga.
	Bennett, Mo.	Brown, Ohio
	Biemiller	Bryson
	Buck	Gregory
	Buckley	Griffiths
	Buffett	Gross
	Bulwinkle	Gwinn, N. Y.
	Bunker	Gwynne, Iowa
	Butler	Hale
	Byrne, N. Y.	Hall,
	Byrnes, Wis.	Edwin Arthur
	Camp	Hall,
	Campbell	Leonard W.
	Canfield	Halleck
	Cannon, Mo.	Hand
	Carnahan	Hare
	Case, N. J.	Harless, Ariz.
	Case, S. Dak.	Harness, Ind.
	Celler	Hart
	Chapman	Hartley
	Chelf	Havenner
	Chenoweth	Healy
	Chiperfield	Hébert
	Church	Hedrick
	Clark	Heffernan
	Clason	Hendricks
	Clements	Henry
	Clevenger	Herter
	Clippinger	Heselton
	Coffee	Hess
	Cole, Kans.	Hill
	Cole, Mo.	Hinshaw
	Cole, N. Y.	Hobbs
	Combs	Hoch
	Cooley	Hoeven
	Cooper	Hoffman, Mich.
	Corbett	Hoffman, Pa.
	Cox	Holifield
	Cravens	Holmes, Mass.
	Crosser	Holmes, Wash.
	Cunningham	Hook
	Curtis	Hope
	D'Alesandro	Howell
	Davis	Huber
	Dawson	Hull
	De Lacy	Izac
	Delaney, James J.	Jackson
	Delaney, John J.	Jarman
	D'Ewart	Jenkins
	Dingell	Jennings
	Dirksen	Jensen
	Dolliver	Johnson, Calif.
	Domengeaux	Johnson, Ill.
	Dondero	Johnson, Lyndon B.
	Doughton, N. C.	Johnson, Okla.
	Douglas, Calif.	Jones
	Douglas, Ill.	Jonkman
	Doyle	Judd
	Drewry	Kean
	Dworshak	Kearney
	Earthman	Kee
	Eaton	Keefe
	Eberharter	Kefauver
	Elliott	Kelley, Pa.
	Ellis	Kelly, Ill.
	Elsaesser	Keogh
	Elston	Kerr
	Engel, Mich.	Kilburn
	Engle, Calif.	Kilday
	Ervin	King
	Fallon	Kinzer
	Feighan	Kirwan
	Fellows	Klein
	Fernandez	Knutson
	Fisher	Kopplemann
	Flannagan	Kunkel
	Flood	LaFollette
	Fogarty	Landis
	Forand	Lane
	Fuller	Lanham
	Fulton	Larcade
	Gallagher	Latham
	Gamble	Lea
	Gardner	LeCompte
	Gary	LeFevre
	Gathings	Lemke
	Gavin	Lesinski
	Geelan	Lewis
	Gerlach	Link
	Gibson	Luce
	Gifford	Lynch
	Gillespie	McConnell
	Gillette	McCormack
	Gillie	McCowen
	Goodwin	McDonough
	Gordon	McGlinchey
	Gore	McKenzie
	Gorski	McMillan, S. C.
	Gossett	McMillen, Ill.
	Graham	Madden
	Granahan	Mahon
	Grant, Ala.	Maloney
	Green	Manasco
		Mankin
		Mansfield, Mont.
		Mansfield, Tex.
		Marcantonio
		Martin, Iowa
		Mathews
		May
		Merrow
		Michener
		Miller, Calif.
		Miller, Nebr.
		Mills
		Monroney
		Morgan
		Mundt
		Murdock
		Murphy
		Murray, Tenn.
		Murray, Wis.
		Neely
		Norblad
		Norrell
		O'Brien, Ill.
		O'Brien, Mich.
		O'Neal
		O'Toole
		Outland
		Pace
		Patman
		Patrick
		Patterson
		Peterson, Ga.
		Pfeifer
		Philbin
		Phillips
		Pickett
		Pittenger
		Ploeser
		Plumley
		Poage
		Pratt
		Price, Fla.
		Price, Ill.
		Priest
		Quinn, N. Y.
		Rabaut
		Rabin
		Rains
		Ramey
		Randolph
		Rankin
		Rayfiel
		Reed, Ill.
		Reed, N. Y.
		Rees, Kans.
		Resa
		Rich
		Riley
		Rivers
		Rizley
		Robertson, N. Dak.
		Robertson, Va.
		Robsion, Ky.
		Rockwell
		Rodgers, Pa.
		Roe, Md.
		Rogers, Fla.
		Rogers, Mass.
		Rogers, N. Y.
		Rooney
		Rowan
		Russell
		Ryter
		Sabath
		Sadowski
		Savage
		Schwabe, Mo.
		Schwabe, Okla.
		Scrivner
		Shafer
		Sharp
		Sheridan
		Short
		Sikes
		Simpson, Ill.
		Simpson, Pa.
		Slaughter
		Smith, Maine
		Smith, Ohio
		Smith, Va.
		Smith, Wis.
		Somers, N. Y.
		Sparkman
		Spence
		Springer
		Starkey
		Stefan
		Stevenson
		Stockman
		Sullivan
		Sumner, Ill.
		Sumners, Tex.
		Sundstrom
		Taber
		Talbot
		Talle
		Tarver
		Taylor
		Thom
		Thomas, N. J.
		Thomas, Tex.
		Thomason
		Tibbott
		Torrens
		Towe
		Traynor
		Trimble
		Vinson
		Voorhis, Calif.
		Vorys, Ohio
		Vursell
		Walter
		Wasielewski
		Weaver
		Weichel
		West
		Whitten
		Whittington
		Wickersham
		Wigglesworth
		Wilson
		Winter
		Wolcott
		Wolverton, N. J.
		Wood
		Woodhouse
		Woodruff
		Worley
		Zimmerman

ANSWERED "PRESENT"—1

Wadsworth

NOT VOTING—50

Andrews, N. Y.	Grant, Ind.	O'Hara
Barrett, Pa.	Hagen	O'Konski
Brumbaugh	Hancock	Peterson, Fla.
Cannon, Fla.	Harris	Powell
Carlson	Hays	Reece, Tenn.
Cochran	Horan	Richards
Colmer	Johnson, Ind.	Robinson, Utah
Courtney	Johnson, Luther A.	Roe, N. Y.
Crawford	Ludlow	Sasscer
Curley	Lyle	Sheppard
Daughton, Va.	McGehee	Stewart
Durham	McGregor	Stigler
Ellsworth	Martin, Mass.	Tolan
Fenton	Mason	Welch
Folger	Morrison	White
Gearhart	Norton	Winstead
Granger		Wolfenden, Pa.

So the bill was passed.

The Clerk announced the following pairs:

General pairs until further notice:

Mr. Curley with Mr. Martin of Massachusetts.

Mr. Colmer with Mr. Crawford.

Mr. Durham with Mr. Reece of Tennessee.

Mr. Morrison with Mr. Ellsworth.

Mr. McGehee with Mr. Andrews of New York.

Mr. Harris with Mr. Jones.

Mr. Luther A. Johnson with Mr. Horan.

Mr. Sheppard with Mr. Johnson of Indiana.

Mr. Tolan with Mr. Hagen.

Mr. Robinson of Utah with Mr. Grant of Indiana.

Mr. Powell with Mr. Carlson.

Mr. Stigler with Mr. Fenton.

Mr. Winstead with Mr. Hancock.

Mr. Roe of New York with Mr. Gearhart.

Mr. Courtney with Mr. Brumbaugh.

Mr. Folger with Mr. McGregor.

Mr. Hays with Mr. O'Hara.

Mr. Barrett of Pennsylvania with Mr. Mason.

Mr. Richards with Mr. Welch.

Mr. Sasscer with Mr. O'Konski.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to extend their remarks in the RECORD on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. HARNESS of Indiana. Mr. Speaker, on this last roll call I was present when my name was called and voted "yea." I looked at the Clerk and he indicated that he understood me. There was some confusion at the time and I assumed that I had been recorded, but I am now informed that I was not recorded. I ask unanimous consent that my vote of "yea" be recorded.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

JUSTICE TO ENLISTED SERVICE PERSONNEL

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, it has just been my privilege to support the provisions of H. R. 4051. The practically unanimous vote by the House is indicative of the justice of the provisions of this legislation. I desire the RECORD to show that on March 5, 1945, I introduced the following bill, H. R. 2478:

A bill to grant to enlisted personnel in the land or naval forces certain benefits with respect to accumulated leave

Be it enacted, etc., That for the purposes of this act, each enlisted member of the land or naval forces of the United States shall, for the period beginning with the date of commencement of his or her active service in such forces or corps, or December 7, 1941, whichever is the later, and ending 1 year after the termination of hostilities in the present war, as proclaimed by the President, or the date of his or her discharge or release from active duty, whichever is the earlier, be considered as being entitled to annual leave at the rate of 2½ days for each month of such period. Such leave, less that actually received and used, may be accumulated and each person entitled thereto under this act shall be entitled, at the end of such period, to receive in a lump sum pay and allowances covering such accumulated leave. Such pay and allowances shall be computed at the rate of pay and allowances which such person was receiving at the end of such period.

SEC. 2. Any person entitled to the benefits of this act who is entitled to accumulated leave under any other provision of law may elect whether to come under the provisions of this act or such other provision of law for the period in which this act is in effect with respect to such person.

There were many other Members who likewise presented measures to correct the discrimination which was being practiced against enlisted personnel as against the law affecting commissioned officers of the armed services. The distinguished gentleman from Florida, Representative ROGERS, labored diligently for favorable consideration of his proposal. His bill and mine contained similar provisions.

It was my responsibility, also, to sign discharge petition No. 23, and it is gratifying to know that there were at least 218 Members who were desirous of speeding action. This statement is not meant as a criticism of the House Military Affairs Committee, because comprehensive hearings were held before a subcommittee of that group in an effort to bring forth a good measure for our approval. The important consideration, however, is that we have today acted affirmatively in alleviating the discrimination between officers and enlisted personnel in reference to terminal-leave compensation.

AN INJUSTICE IS RECTIFIED

We provide, under the bill just adopted, the same leave privileges to enlisted personnel as are accorded at present to commissioned personnel. We thus rectify an injustice within the defense establishments. Existing regulations call for commissioned officers to receive, on separation from the service, a payment in a lump sum covering unused annual leave. Our enlisted men, however, have received no such treatment. If the leave which they had accumulated, but had not used, was lost, they had no recourse.

Mr. Speaker, we know that officers and enlisted men served together during war, but we know the officers collected full pay for unused leave, while nothing in the way of recompense was given to the enlisted men. In other words the enlisted man had to forfeit the normal period of a furlough or leave.

I have been impressed by the report of the special committee, headed by General Doolittle, which has checked into the charges of discrimination and favoritism within our military establishments. One of the points at issue concerned the privileges accorded commissioned as against enlisted personnel. We must be courageous in correcting this injustice, and others within our service.

It is gratifying that all the veterans' organizations, according to my information, including the American Legion and the Veterans of Foreign Wars, have wholeheartedly supported the over-all objectives which are sought by the passage of this legislation. The leadership of these groups, and all veterans, have every right to expect Congress to correct the inequities existing in leave pay.

It is well, my colleagues, for all of us to remember that a very large proportion of our service personnel had but little opportunity for leaves or furloughs. It is proper that they receive every dollar for that time. We have, as I have stated earlier, paid to officers on discharge necessary sums, and there must be no discrimination against the privates, corporals, and so forth, who have been denied what is rightly theirs. Commissioned officers have been granted 120 days of terminal leave, and it was inconceivable that rank would give any special money to those persons as against the enlisted men. It was this latter group that fought and suffered and paid the heaviest toll during World War II.

NO DEAD-END STREET FOR VETERANS

I have said repeatedly that we must not allow a dead-end street for returning heroes. Our veterans will want and deserve the security of employment and not pensions alone for war service. We must do everything within our power, as grateful people, to take care of those who have suffered injuries—and also to those dependents of boys who have given their lives. It is our obligation to adequately provide for the disabled and their families. We have the duty of adopting policies that will provide satisfactory work for millions of returning veterans in American business, industry, agriculture, and the professions. This is absolutely necessary if we are to deal justly with our service men and women.

LABOR-FEDERAL SECURITY APPROPRIATION BILL, 1947

Mr. HARE, from the Committee on Appropriations, reported the bill (H. R. 6739) making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1947, and for other purposes (Rept. No. 2242), which was read a first and second time, and, with the accompanying papers, referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Mr. ENGEL of Michigan reserved all points of order on the bill.

DEPARTMENT OF AGRICULTURE APPROPRIATION BILL, 1947

Mr. TARVER. Mr. Speaker, I call up the conference report on the bill (H. R. 5605) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1947, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. TARVER. Mr. Speaker, all the Members are familiar with the contents of this statement. I ask unanimous consent that the reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5605) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1947, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 9, 10, 17, 24, 27, 28, 38, 39, 40, 41, 42, 57, and 64.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 6, 7, 11, 12, 14, 20, 23, 33, 35, 45, 46, 47, 49, 50, 53, 62, 63, and 65, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,309,500"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,163,457"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the matter stricken out and inserted by said amendment, insert the following: ": *Provided further*, That no part of the funds herein appropriated or made available

to the Bureau of Agricultural Economics under the heading 'Economic investigations' shall be used for State and county land-use planning, for conducting cultural surveys, or for the maintenance of regional offices"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$885,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$497,032"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$981,012"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,428,300"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,070,300"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,355,000"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$584,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,676,500"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,066,600"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$461,500"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$6,000,000"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,754,111"; and the Senate agree to the same.

Amendment Numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,003,710"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$21,786,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,380,000"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows: In lieu of the matter stricken out and inserted by said amendment, insert the following: "$1,395,000, of which at least $10,000 shall be expended for research in the utilization of waste woods"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$39,300,000"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$27,942,888"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment, as follows: In lines 6 and 7 of the matter inserted by said amendment, strike out the following: "Seventy-ninth Congress, second session" and insert in lieu thereof, the following: "approved June 4, 1946 (Public Law 396)"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment, as follows: In lieu of the sum proposed in said amendment insert "$1,219,000"; and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows: In lieu of the sum proposed in said amendment insert "$70,000,000"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment, as follows: In lieu of the matter stricken out and inserted by said amendment, insert the following: "the making of loans to any individual farmer in excess of a total outstanding obligation of $5,000 for all such loans or the making of loans to any individual farmer in excess of $2,500"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows: In lieu of the matter stricken out by said amendment, insert the following: "and no loans, excepting those to eligible veterans, may be made for the acquisition or enlargement of farms which have a value, as acquired, enlarged, or improved, in excess of the average value of efficient family-size farm-management units, as determined by the Secretary, in the county, parish or locality where the farm is located"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,750,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 43, 52, 54, 55, 66, 67, and 68.

M. C. TARVER,
CLARENCE CANNON,
JAMIE L. WHITTEN,
EVERETT M. DIRKSEN,
CHARLES A. PLUMLEY,
Managers on the Part of the House.

RICHARD B. RUSSELL,
CARL HAYDEN,
ELMER THOMAS,
C. WAYLAND BROOKS,
CHAN GURNEY,
CLYDE M. REED,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5605) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1947, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying report, as to each of such amendments, namely:

TOTALS, ALLOCATIONS, ETC.

The following amendments relate to totals, allocations, etc., as they have been adjusted to the action of the conferees on other amendments: Nos. 3, 9, 10, 15, 24, 27, 30, 32, 39, 41, 42, 46, and 47.

OFFICE OF THE SECRETARY

Amendment No. 1, salaries and expenses: Senate deleted the following language inserted by the House:

"*Provided further*, That no part of the funds appropriated by this Act shall be used for the payment of the compensation of any officer or employee who authorizes or causes to be authorized the operation and administration of more than one warehouse inspection service under the jurisdiction of the Secretary, and appropriations and funds available for such services shall be transferred and consolidated and expended and accounted for as a single fund."

The House recedes, on assurances from the Secretary of Agriculture that the consolidation already effected by administrative order will be continued.

OFFICE OF INFORMATION

Amendment No. 2, printing and binding: House appropriated $1,294,000; Senate, $1,325,000; conferees agree upon $1,309,500.

BUREAU OF AGRICULTURAL ECONOMICS

Amendment No. 4, economic investigations: House appropriated $1,923,457; Senate, $2,173,457; conferees agree upon $2,163,457. Action of conferees contemplates that no investigations will be made in Alaska.

Amendment No. 5, economic investigations: The House inserted the following language:

"*Provided further*, That no part of the funds herein appropriated or made available to the Bureau of Agricultural Economics shall be used for State and county land-use planning, or for the maintenance of regional offices, or for conducting social surveys."

The Senate struck out the House language and inserted the following, including the words enclosed in brackets:

"Provided further, That no part of the funds herein appropriated or made available to the Bureau of Agricultural Economics under the heading 'Economic investigations' shall be used for State and county land-use planning, for conducting cultural surveys, or for the maintenance of [more than one professional worker in the respective] regional offices[, and that all work done by the Bureau in the States out of funds appropriated or made available for 'Economic investigations' shall be done in cooperation with or on the approval of the respective land-grant colleges]."

The conferees agreed upon the Senate provision, omitting the words enclosed in brackets:

Amendment No. 6, crop and livestock estimates: House appropriated $2,037,000; Senate, $2,132,000; House recedes.

OFFICE OF ADMINISTRATOR, AGRICULTURAL RESEARCH ADMINISTRATION

Amendment No. 7, special exploratory investigations of agricultural problems of Alaska: The Senate inserted language making the amount appropriated for this purpose immediately available. The House recedes.

OFFICE OF EXPERIMENT STATIONS

Amendment No. 8, payments to Territory of Alaska under provisions of section 2 of the act approved June 20, 1936: House appropriated $27,500; Senate, $37,500; Senate recedes.

BUREAU OF ANIMAL INDUSTRY

Amendment No. 11, animal husbandry: Glendale, Ariz., Poultry Station: Senate appropriated $30,000; House recedes. For study of possibilities of establishing a regional poultry research program in the southern Great Plains area: Senate appropriated $2,500; House recedes. For study of possibilities of establishing a regional poultry research program in the Southeastern States: Senate appropriated $5,000; House recedes.

Amendment No. 12, animal husbandry: Glendale, Ariz., poultry station: The Senate authorized $20,000 of the appropriation for this item for construction of buildings. The House recedes.

Amendments Nos. 13 and 14, diseases of animals: Laboratory to investigate Newcastle disease of poultry: Senate appropriated $30,000 for the construction of a building; House recedes. Investigation of roundworm parasites and intestinal and fringed tapeworms of sheep: Senate appropriated $32,986; Senate recedes.

BUREAU OF DAIRY INDUSTRY

Amendment No. 16, salaries and expenses: Increase for tabulating, analyzing, and making available data on dairy herd improvement association herds: Senate added $37,488; conferees agree upon $25,000. For further research on evaluation of mammary gland development in its relation to milk production: Senate appropriated $8,700; Senate recedes. Analysis of experimental breeding data: Senate appropriated $8,800; Senate recedes.

BUREAU OF PLANT INDUSTRY, SOILS, AND AGRICULTURAL ENGINEERING

Amendment No. 17, field crops: The Senate struck the following language: "including not to exceed $26,800 for investigation in the blackroot disease of sugar beets." The House recedes. However, see amendment No. 18, where an increased appropriation of $26,800 is allowed for this purpose.

Amendment No. 18, field crops: Development of weed control methods in irrigated areas: Senate added $12,000; House recedes. Experiments on nut grass: Senate appropriated $10,000; House recedes. Control measures for blackroot disease of sugar beets: Senate appropriated $26,800; House recedes. Problems of burley tobacco production and disease: Senate appropriated $15,000; House recedes. Production and breeding experiments on guayule rubber: Senate appropriated $117,400; Senate recedes. To enlarge guayule research program, including processing tests and shrub conditioning studies: Senate appropriated $45,100; Senate recedes.

Amendment No. 19, fruit, vegetable, and specialty crops: Investigations of virus and viruslike diseases of stone fruits of the Western States: Senate appropriated $25,000; Senate recedes. Development of disease-resistant ornamental and flowering plants: Senate appropriated $36,300; conferees agree upon $5,200, to be earmarked for work on azaleas. Investigations on suitability of various types of cargo and transport services for shipping fresh and frozen fruits and vegetables: Senate appropriated $52,000; House recedes. Investigation of diseases of vegetable plant beds in the South for work in connection with tomato plants: Senate appropriated $10,100; House recedes. Cooperative vegetable seed work: Senate appropriated $12,000; House recedes. Investigations of watery soft-rot disease: Senate appropriated $10,000; Senate recedes.

Amendment No. 20, forest diseases: Development and improvement of methods for control of tree diseases: Senate appropriated $30,300; house recedes. Little-leaf disease of pine: Senate appropriated $25,000; House recedes. Investigation of the disease affecting mimosa trees: Senate appropriated $25,000; House recedes.

Amendment No. 21, soils, fertilizers, and irrigation: Increase for soil classification and mapping: Senate added $110,000; conferees agree upon $55,000. Increase for preparation of soil maps and reports for publication: Senate added $90,000; conferees agree upon $45,000.

Amendment No. 22, agricultural engineering: Auburn Tillage Machinery Laboratory: Senate appropriated $65,000; conferees agree upon $30,000. Utilization of electric power on farms: Senate added $43,140; conferees agree upon $30,000.

Amendment No. 23, National Arboretum: House appropriated $61,000; Senate, $76,000; House recedes.

BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

Amendment No. 25, insect investigations: Investigations in Brazil of a fruitfly of potential danger to fruit culture, and the relation of insects to a disease of citrus trees in California: Senate appropriated $35,000; Senate recedes. Reestablishment of investigations on insects affecting greenhouse and field-grown ornamental plants and mushrooms: Senate added $28,100; House recedes. Not more than $6,500 to be used for mushroom work. Development of measures to control the European corn borer by insecticides: Senate appropriated $12,500; House recedes. Development of methods for deinsectizing airplanes and other carriers, and their cargoes: Senate appropriated $50,000; Senate recedes. Investigations of the best leafhopper and the curly-top virus of beans: Senate appropriated $15,000; House recedes.

Amendment No. 26, insect and plant disease control: Increase for elimination of sweetpotato weevil from commercial producing areas: Senate added $50,000; House recedes. Intensification of gypsy moth control: Senate added $45,600; House recedes. Expansion of pink bollworm control work: Senate added $158,400; conferees agree upon $80,000. Expansion of barberry eradication work: Senate added $200,000; conferees agree upon $100,000.

BUREAU OF AGRICULTURAL AND INDUSTRIAL CHEMISTRY

Amendment No. 28, work on guayule and other rubber-bearing plants: The Senate inserted the following language: "and for conducting investigations on the extraction and processing of rubber from guayule and other plants, vines, shrubs, or trees possessing natural rubber growing or capable of being grown within the continental limits of the United States, including not to exceed $12,000 for the procurement of services, by contract or otherwise, for the production of guayule or other rubber-bearing plants; the transfer to the Bureau of Agricultural and Industrial Chemistry, without compensation therefor, of real property (located in the vicinity of Salinas, California, including approximately two hundred and fifty acres of land now in guayule production) and personal property, valued at not exceeding a total of $260,000, acquired for and heretofore used in connection with the emergency rubber project; and there shall be included in the next annual Budget a statement in detail of the amount and value of the property so transferred;."

The Senate recedes.

Amendment No. 29, agricultural chemical investigations: Research on extraction of rubber from guayule and other rubber-bearing plants: Senate appropriated $150,000; Senate recedes. To develop information and intensify studies on processed citrus fruits and on preservation and processing of soft fruits; Senate added $7,500; House recedes. For expanding investigations on enzymes and phytochemistry: Senate added $22,100; House recedes.

WHITE PINE BLISTER RUST CONTROL

Amendment No. 31, to expand cooperative work of Bureau of Entomology and Plant Quarantine with State and private agencies for control on State and privately owned lands: Senate added $1,000,000; conferees agree upon $500,000.

FOREST SERVICE

Amendment No. 33, salaries and expenses: The Senate added the following language: *"Provided,* That not to exceed $50,000 of the appropriation for 'National forest protection and management', and not to exceed $50,000 of the appropriation for 'Forest fire cooperation' may be transferred to the appropriation 'Printing and binding, Department of Agriculture', for forest fire prevention posters and related printed material."

The House recedes.

Amendment No. 34, national forest protection and management: To expand aerial photography and mapping of national-forest areas: Senate appropriated $379,000; Senate recedes. To expand the work of reseeding national-forest lands: Senate appropriated $400,000; House recedes. For restoration of existing recreational areas in the national forests: Senate added $3,000,000; conferees agree upon $1,000,000.

Amendment No. 35, construction and maintenance of improvements in experimental forest areas: The Senate added language making appropriations under "Forest research" available for the construction and maintenance of improvements. The House recedes.

Amendment No. 36, forest and range management investigations: Increase to establish, equip, and staff additional experimental forests and ranges, and to strengthen the work at existing units: Senate added $250,000; Senate recedes. Research in connection with mechanization of naval-stores production: Senate appropriated $50,000; House recedes.

Amendment No. 37, forest products: To establish two additional utilization research units and to strengthen existing units: Senate appropriated $150,000; Senate recedes. To expand work on chemical utilization, waste utilization and improved wood uses: Senate appropriated $100,000; conferees agree upon $10,000 to be expended for research in the utilization of waste woods.

Amendment No. 38, acquisition of lands for national forests—acquisition of lands in the

Ozark and Ouachita National Forests, Arkansas: Senate appropriated $250,000; Senate recedes.

FOREST ROADS AND TRAILS

Amendment No. 40, forest development roads: House appropriated $12,500,000; Senate, $23,000,000; Senate recedes.

SOIL CONSERVATION SERVICE

Amendment No. 44, soil conservation operations—purchase of equipment from Government surplus for loan and grant to conservation districts: House appropriated $1,000,000; Senate, $4,000,000; conferees agree upon $2,500,000, to be expended only for such surplus equipment.

CONSERVATION AND USE OF AGRICULTURAL LAND RESOURCES

Amendment No. 45, regular conservation program (direct appropriation): House appropriated $257,500,000; Senate, $259,246,000; House recedes. This action, together with reappropriation, provides a total of $301,746,000 for the regular agricultural conservation program, plus $12,500,000 for the special grass and legume seed program.

Amendment No. 48, administrative expense limitation: House provided $26,942,888; Senate, $28,699,598; conferees agree upon $27,942,888.

Amendment No. 49, applications by veterans for payments, within one year from date of discharge: The Senate added language authorizing the filing of such application by the person entitled to payment in case of death, disappearance or incompetency of such veteran. The House recedes.

SUGAR ACT

Amendment No. 50, limitation on rates of payment: The Senate struck the following language:

"*Provided, however,* That none of the funds appropriated under this head shall be used for payments in amounts in excess of those determined by the Secretary to be necessary to provide returns to producers equivalent to those contemplated under the 1946 support payment programs approved by the Stabilization Administrator."

The House recedes.

EXPORTING AND DOMESTIC CONSUMPTION OF AGRICULTURAL COMMODITIES

Amendment No. 51, school lunch program: The House bill included the following:

"*Provided,* That not exceeding $50,000,000 of the funds appropriated by and pursuant to such section 32 may also be used during the current fiscal year to provide food for consumption by children in nonprofit schools of high-school grade or under and for child-care centers through (a) the purchase, processing, and exchange, and the distribution of agricultural commodities and products thereof; or (b) the making of payments to such schools and centers or agencies having control thereof in connection with the purchase and distribution of agricultural commodities in fresh or processed form and, when desirable, for the processing and exchange of such commodities and their products; or (c) by such other means as the Secretary may determine: *Provided further,* That funds made available hereunder for a school lunch program shall be apportioned for expenditure in the States, Territories, possessions, and the District of Columbia in accordance with school enrollment and need, as determined by the Secretary, except that if program participation in any State, Territory, possession, or the District of Columbia does not require all funds so apportioned, the Secretary may reapportion such excess funds to such other States, Territories, possessions, or the District of Columbia in consideration of need, as he may determine: *Provided further,* That benefits under (b) of this paragraph to schools or child-care centers or other sponsoring agencies shall in no case exceed the cost of the agricultural commodities or products thereof purchased by the school or child-care center or other sponsoring agencies as established by certificates executed by the authorized representative of the sponsoring agency: *Provided further,* That such sponsoring agency shall maintain accounts and records establishing costs of agricultural commodities or products furnished in the program and that such accounts and records shall be available for audit by representatives of the Department: *Provided further,* That these funds may be used for, or to make payments in connection with, the purchase of such agricultural commodities and for exchanging, distributing, disposing, transporting, storing, processing, inspection, commission, and other incidental costs and expenses without regard to the provisions of section 3709 of the Revised Statutes and without regard to the 25 per centum limitation contained in said section 32: *Provided further,* That not more than 2 per centum of the funds made available hereunder for a school lunch program shall be used to provide food for children in child-care centers. The amount of funds available hereunder for a school lunch program used in any State, Territory, possession, or the District of Columbia during any fiscal year shall not exceed the total amount otherwise furnished for the same purpose by or on behalf of the school authorities and other sponsoring agencies in such State, Territory, possession, or District of Columbia, including the value of donated services and supplies, as certified by the respective schools, care centers, or agencies having control thereof."

The Senate struck out the House language and inserted in lieu thereof the following:

"*Provided,* That not exceeding $75,000,000 of the funds appropriated by and pursuant to such section 32 may also be used during the fiscal year 1947, without regard to the 25 per centum limitation contained in said section 32, to carry out the purposes and provisions of the National School Lunch Act, Seventy-ninth Congress, second session, such amount to be exclusive of funds expended in accordance with the last sentence of section 9 of the National School Lunch Act."

The conferees agree upon the Senate language with an amendment correcting the citation to the National School Lunch Act.

MARKETING SERVICES

Amendment No. 53, market news service: Federal contribution to Alabama marketing services for services received from State leased wire and Alabama marketing office: Senate appropriated $3,000; House recedes. Dairy and poultry market news service in Atlanta, Ga., area: Senate appropriated $7,500; House recedes. Market news service on eggs, butter, and poultry, Cincinnati, Ohio: Senate appropriated $7,500; House recedes. Installation of a market news service to serve the stockyards area in Spokane, Wash.; Senate appropriated $11,122; House recedes. Leased-wire service for cooperative market news office, Asheville, N. C.: Senate appropriated $850; House recedes.

Amendment No. 56, Tobacco Acts—to permit the opening of new markets and provide graders for these markets: Senate appropriated $200,000; conferees agree upon $100,000.

LOANS, GRANTS, AND RURAL REHABILITATION

Amendment No. 57, administrative expenses: House appropriated $24,000,000; Senate, $24,600,000; Senate recedes.

Amendment No. 58, authorization to borrow loan funds from RFC: House appropriated $67,500,000; Senate, $82,500,000; conferees agree upon $70,000,000.

Amendment No. 59, limitation on loans to individual farmers: The Senate deleted the following House language: "the making of loans to any individual farmer in excess of a total outstanding obligation of $2,500 for all such loans" and inserted in lieu thereof the following: "the making of loans to any individual farmer in excess of $2,500."

The conferees agreed upon the retention of the House language, amended to increase the limit of total outstanding obligation to $5,000, and the retention of the Senate language.

FARM TENANCY

Amendment No. 60, limitation on size of loans: The Senate struck the following language: "and no loan, excepting those to eligible veterans, shall be made in an amount greater than 25 per centum above the census value of the average farm unit of thirty acres and more in the county or parish where the purchase is made, as determined by the 1940 farm census."

The conferees agree on the following language: "and no loans, excepting those to eligible veterans, may be made for the acquisition or enlargement of farms which have a value, as acquired, enlarged, or improved, in excess of the average value of efficient family-size farm-management units, as determined by the Secretary, in the county, parish or locality where the farm is located."

WATER FACILITIES, ARID AND SEMIARID AREAS

Amendment No. 61, loan funds and administrative expenses for the water facilities program: House appropriated $1,500,000; Senate, $2,000,000; conferees agree upon $1,750,000.

RURAL ELECTRIFICATION ADMINISTRATION

Amendment No. 62, salaries and expenses: House appropriated $4,500,000; Senate, $5,000,000; House recedes.

Amendment No. 63, proviso in connection with awarding of contracts: The Senate struck the following language:

"*Provided,* That no part of the funds herein provided for the Rural Electrification Administration shall be used for the processing or approval of any loan, the application for which does not stipulate (1) that the borrower shall, in awarding contracts under such loan, award such contracts to the lowest financially responsible and qualified bidder in each case, as determined by the Administrator of the Rural Electrification Administration, (2) that the borrower shall open and consider all bids submitted, and (3) that such stipulation shall be made a part of the loan agreement covering such loan."

The House recedes.

FARM CREDIT ADMINISTRATION

Amendment No. 64, salaries and expenses (direct appropriation): increase for research relative to the effects of postwar adjustment and reconversion on farmers' cooperatives: Senate appropriated $40,000; Senate recedes.

GENERAL PROVISIONS

Amendment No. 65, additional passenger-carrying vehicles for work in connection with experimental forests and ranges: The Senate inserted the following language: "plus twelve additional such vehicles for work in connection with experimental forests and ranges."

The House recedes.

AMENDMENTS IN DISAGREEMENT

The managers on the part of the House report the following amendments in disagreement:

Amendment No. 43, forest roads and trails: Exempts certain easements or rights-of-way from the provisions of Revised Statute 355, as amended. The managers on the part of the House will move to recede and concur.

Amendments Nos. 52, 54, and 55, agricultural wage stabilization program: These amendments provide funds and authority for continuing this program, and a limitation on the conditions under which agricultural wages may be stabilized. The managers on the part of the House will move to recede and concur.

Amendment No. 66. Provision relating to subversive activities and strikes against the

Government. The House enacted the following:

"SEC. 5. No part of any appropriation contained in this act shall be used to pay the salary or wages of any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit does not advocate, and is not a member of an organization that advocates the overthrow of the Government of the United States by force or violence: *Provided further*, That such administrative or supervisory employees of the Department as may be designated for the purpose by the Secretary are hereby authorized to administer the oaths to persons making affidavits required by this section, and they shall charge no fee for so doing: *Provided further*, That any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation contained in this Act shall be guilty of a felony and, upon conviction, shall be fined not more than $1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That nothing in this section shall be construed to require an affidavit from any person employed for less than sixty days for sudden emergency work involving the loss of human life or destruction of property, and payment of salary or wages may be made to such persons from applicable appropriations for services rendered in such emergency without execution of the affidavit contemplated by this section."

The Senate struck out the House language, and inserted in lieu thereof the following:

"SEC. 5. No part of any appropriation contained in this Act shall be used to pay the salary or wages of any person who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit is not a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or that such person does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That such administrative or supervisory employees of the Department as may be designated for the purpose by the Secretary are hereby authorized to administer the oaths to persons making affidavits required by this section, and they shall charge no fee for so doing: *Provided further*, That any person who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation contained in this act shall be guilty of a felony and, upon conviction, shall be fined not more than $1,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That nothing in this section shall be construed to require an affidavit from any person employed for less than 60 days for sudden emergency work involving the loss of human life or destruction of property, and payment of salary or wages may be made to such persons from applicable appropriations for services rendered in such emergency without execution of the affidavit contemplated by this section."

The managers on the part of the House will move to recede and concur in the Senate amendment, with an amendment as follows: In lieu of the matter stricken out and inserted by said amendment, insert the following:

"SEC. 5. No part of any appropriation contained in this Act shall be used to pay the salary or wages of any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit has not contrary to the provisions of this section engaged in a strike against the Government of the United States, is not a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or that such person does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That such administrative or supervisory employees of the Department as may be designated for the purpose by the Secretary are hereby authorized to administer the oaths to persons making affidavits required by this section, and they shall charge no fee for so doing: *Provided further*, That any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation contained in this Act shall be guilty of a felony and, upon conviction, shall be fined not more than $1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That nothing in this section shall be construed to require an affidavit from any person employed for less than 60 days for sudden emergency work involving the loss of human life or destruction of property, and payment of salary or wages may be made to such persons from applicable appropriations for services rendered in such emergency without execution of the affidavit contemplated by this section."

Amendment No. 67, corresponding reduction of personnel in other agencies to offset increases provided in the Act:

The Senate inserted the following language:

"SEC. 6. Section 14 (a) of the Federal Employees' Pay Act of 1946 shall not apply to employment of personnel required to do the work authorized by those appropriations for which increased funds are provided by this Act."

The mangers on the part of the House will move to recede and concur, with an amendment as a substitute for the Senate provision, as follows:

"SEC. 6. Nothing contained in this Act shall be construed to alter, or modify in any manner whatsoever, the aggregate maximum personnel ceilings established by section 14 (a) of the Federal Employees' Pay Act of 1946 (Public Law No. 390) nor to authorize the compensation of a greater aggregate number than the number provided for in the aforesaid Act. In the case of any activity whose personnel may be increased in consequence of appropriations contained in this Act, the Director of the Bureau of the Budget shall recommend and effectuate such reduction in personnel in such Governmental agencies as he may deem advisable as will offset any increase in personnel for which provision is made in this Act."

Amendment No. 68, correcting a section number.

M. C. TARVER,
CLARENCE CANNON,
JAMIE L. WHITTEN,
EVERETT M. DIRKSEN,
CHARLES A. PLUMLEY,
Managers on the Part of the House.

Mr. TARVER. Mr. Speaker, I yield myself 12 minutes.

Mr. Speaker, this conference report represents a unanimous agreement on the part of the Senate and the House conferees upon every item contained in the bill. There are six amendments which are legislative in character, action with regard to which could not be had in the conference report on that account. However, the conferees on the part of the House, as indicated in the report of the managers, will move to recede and concur, either with or without amendment, in the several amendments in question.

The bill which is before you now is approximately $30,000,000 below the amount carried in the bill for appropriations, reappropriations, and loan authorizations as it passed the Senate. However, it is approximately $35,000,000 with respect to those items above the bill as it passed the House of Representatives. The major portion of that increase, $25,000,000, is represented by an increase in the amount of funds provided for the school-lunch program from section 32 monies.

You will recall that when the bill passed the House of Representatives this body had just passed the National School-Lunch Act, and the limitation provided in that act as it passed the House for the expenditure of funds for the school-lunch program was $50,000,000, so your subcommittee on agricultural appropriations was obliged to observe what were then the expressed wishes of the House, and brought in a provision for the expenditure of $50,000,000 for that purpose. Subsequently the Senate amended the school-lunch legislation so as to remove the over-all limitation of $50,000,000 and to leave in the legislation no limitation whatever upon the amounts which might be appropriated by Congress under its authority. That amendment of the Senate was unanimously agreed to in the House. The $75,000,000 which are now provided for in the bill for the school-lunch program are justified by a Budget estimate in that amount. It is expected that it will be sufficient to take care of the enrollment in this program of something in excess of 10,000,000 children for the next fiscal year

as against some 6,000,000-plus who have been taken care of in the program for the present fiscal year.

I insert here by permission of the House a statement regarding funds carried in the bill which is self-explanatory:

Department of Agriculture appropriation bill, 1947

	House bill	Senate bill	As finally passed	Conference report compared with House bill (+) or (−)	Conference report compared with Senate bill (+) or (−)
Direct appropriations	$573,601,949	[1] $598,737,735	$581,240,121	+$7,638,17	−$17,497,614
Reappropriations	111,454,068	111,454,068	111,454,068		
Total appropriations and reappropriations	685,056,017	[1] 710,191,803	692,694,189	+7,638,172	−17,497,614
Transfer from permanent appropriations	50,000,000	75,000,000	75,000,000	+25,000,000	
Authorizations to borrow from Reconstruction Finance Corporation (for loans)	367,500,000	382,500,000	370,000,000	+2,500,000	−12,500,000
Grand total of items carried in bill, including Reconstruction Finance Corporation funds	1,102,556,017	1,167,691,803	[2] 1,137,694,189	+35,138,172	−29,997,614

[1] Includes $1,045,100 for Budget amendments totaling $1,095,100 contained in S. Docs. Nos. 143, 171, and 172, submitted after passage of bill by the House.
[2] This figure compares with total 1946 appropriations for comparable items of $1,147,532,907 and total Budget estimates for this bill of $1,144,359,740.

There are many items in the bill which are of very great interest to the membership of the House. The committee has felt that sufficient time has elapsed since last Friday for the membership of the House to study the conference report which was submitted on that day and in view of the fact that the actions recommended by them are unanimous in character, it is not felt that extended discussion of the conference report is necessary unless Members of the House desire to ask questions in regard to it, in which event I will endeavor as best I can to furnish them such information as they may desire.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. TARVER. I yield to the gentleman from Minnesota.

Mr. KNUTSON. With reference to amendment No. 37 concerning forest products on page 10, the Senate provided for two additional utilization research units for the purpose of fortifying the present very excellent work that is being carried on in the Forest Products Laboratory at Madison, Wis. The Senate provided a $150,000 increase which the conferees cut down to $10,000. It seems to me that $10,000 is a pretty small increase considering the vast forest areas in many States of the Union and the great waste that is entailed now in the logging of such areas.

Mr. TARVER. The Subcommittee on Agriculture Appropriations has manifested throughout the years intense interest in experimentation in forest products and in the solution of the problems of forestry. In the preceding item—forestry range management investigations—our committee made provision in connection with the bill as it passed the House for appropriation of $480,000 in excess of the Budget estimate in order to provide for the establishment of 12 additional experimental forest stations throughout the United States.

In connection with the appropriations for the Madison laboratory to which the gentleman's inquiry relates, the committee has always endeavored to deal very liberally with the Madison laboratory, recognizing the importance of its work, and has made provision in the bill as it passed the House for, as I recall, the amount that the Budget estimated was necessary to meet the reasonable needs of that laboratory. We realize the enthusiasm of many of our friends in the House with regard to these types of experimentations, but we feel that under the present financial conditions of the Government, when we have exceeded the Budget estimates by approximately $490,000 in an effort to deal effectively with these problems which are not local to the area in which the gentleman is primarily interested, but which are general throughout the United States, we have been very liberal in connection with that subject matter. I now yield to the gentleman from Mississippi.

Mr. RANKIN. I would like to ask the gentleman a question concerning amendment No. 62. I notice the Senate increased the appropriation for the expenses of the Rural Electrification Administration, and also struck out those limitations that the House bill contained about which some of us complained when the measure was up before. As I understand it, your motion will be to concur in the Senate amendment?

Mr. TARVER. No. The conference report includes the proposed action with reference to amendments 62 and 63, and in connection with both of them the conferees on the part of the House have agreed to recommend that the House shall recede.

Mr. RANKIN. That is what I mean. I should have said amendments 62 and 63. These Senate amendments are very beneficial to rural electrification. Especially is that true as to amendment 63.

Mr. TARVER. No separate motion will be offered with reference to those amendments. The action with regard to them is recommended in the conefrence report.

Mr. RANKIN. But it means to recede and concur in these two Senate amendments?

Mr. TARVER. Exactly.

Mr. DONDERO. Mr. Speaker, will the gentleman yield?

Mr. TARVER. I yield.

Mr. DONDERO. The question of the school lunch is a little confusing. Do I understand the conferees have adopted the principle of the school lunch, but fixed no definite amount?

Mr. TARVER. No. The House and Senate, in the passage of the National School-Lunch Act, authorized appropriations without limit for the national school-lunch program. The pending conference report provides for $75,000,000 for the next fiscal year for the purpose of carrying on that program.

Mr. DONDERO. Then, after that, what is the amount provided?

Mr. TARVER. Amounts which may be decided upon by the Congress from year to year as the needs of the program are reviewed.

Mr. DONDERO. That is just for 1 year?

Mr. TARVER. This is just for the fiscal year 1947.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. TARVER. I yield.

Mr. KNUTSON. Recurring to amendment No. 37 dealing with forest products, just how much are you giving the laboratory at Madison, Wis.? That is amendment No. 37.

Mr. TARVER. The Senate has receded from its amendment increasing from $1,385,000 to $1,635,000, except as to $10,000, the sum involved in this paragraph of the amount involved in the Senate amendment, which it is provided shall be expended for research in the utilization of waste woods.

The SPEAKER. The time of the gentleman from Georgia has again expired.

Mr. TARVER. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri [Mr. CANNON].

Mr. CANNON of Missouri. Mr. Speaker, the conference report submitted today carries one of the best balanced agricultural programs ever brought before the House. Much of the credit, if not most of the credit, for its presentation in its present form is due to the work and wisdom of the distinguished gentleman from Georgia, Judge TARVER, chairman of the subcommittee.

Judge TARVER is perhaps better informed on agricultural matters, and agricultural legislation in particular, than any other Member of the body. His practical knowledge of farm matters and his long experience in agricultural appropriations particularly fit him for this work. As a result his suggestions have been so largely followed in the drafting of the bill and his recommendations have been so generally accepted on the conference report that so far as I know there is no disposition to oppose or criticize either the report or the amendments returned for action by the House.

During Judge TARVER's long and eminent service in the House he has made invaluable contributions to the welfare of the country in many respects and in many widely diversified fields. But throughout his membership here—a period covering something like two decades—he has rendered increasingly valuable service to agriculture, particularly in his chairmanship of the committee in charge of agricultural appropriations.

As chairman of the body in control of the purse strings he has been in a position to help the farmer more directly and more effectively than any number of Members of Congress lacking this exceptional advantage, however earnest their interest and intentions. In providing for parity prices, in formulating commodity-credit policies, in supporting REA, in providing funds for farm security and soil conservation and in numberless other ways he has aided in maintaining farm prices and farm prosperity and to that extent assisted American agriculture in its indispensable contribution toward the winning of the war.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from Mississippi.

Mr. RANKIN. I wish to join the gentleman from Missouri in what he says about the service of the gentleman from Georgia [Mr. TARVER], on this particular bill. As far as the farmers are concerned, it provides funds for rural electrification for the coming year. By his agreeing to the Senate amendments to take out those limiting provisions that would have hampered the building of rural lines, he has added a great deal to the rural electrification program for the coming year, for which he deserves the commendation of every farmer in America.

Mr. CANNON of Missouri. No one is better qualified to testify to on that subject than the gentleman from Mississippi who has consistently led the fight for many years on behalf of rural electrification.

Mr. BROWN of Georgia. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from Georgia.

Mr. BROWN of Georgia. I appreciate very much the compliment the gentleman paid to my colleague, Mr. TARVER. For many years I have watched the career of the gentleman from Georgia. He has always undertaken to obtain equality for the farmers in common with every other group. I know of no man who has done more for the farmers of this country than the gentleman from Georgia.

Mr. CANNON of Missouri. He has not only rendered this great service to American agriculture but he has done it at a minimum cost to the country. While he has provided for every legitimate need, he has exercised commendable economy in every bill he has reported.

If I were permitted to criticize the gentleman from Georgia, my only criticism would be that while he has served agriculture generally he has perhaps been a little too solicitous of the cotton industry. He has been always deeply interested in maintaining the price of cotton and in providing for research and other services to the cotton farmers which I sometimes thought went just a little bit beyond what was done for other branches of our agricultural economy, but notwithstanding that I must concede that his general service to agriculture as a whole has more than mitigated his perhaps pardonable partiality in that one respect.

Mr. ZIMMERMAN. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I yield to my colleague from Missouri.

Mr. ZIMMERMAN. The gentleman from Missouri has stated that he thought possibly the gentleman from Georgia [Mr TARVER] had been a little too zealous in behalf of the cotton industry. Coming from a cotton district, the only part of Missouri which grows cotton, we do appreciate the splendid service the gentleman from Georgia has rendered the cotton growers of our State. I wish to say, however, that I believe a fair evaluation of the services of the gentleman from Georgia on this committee will show that he has been a strong supporter of all branches of agriculture, as well as cotton, and I think it hardly fair to say that he has been partial toward cotton because I think he has really been zealous for all branches of agriculture.

Mr. CANNON of Missouri. Coming as he does from the congressional district producing more cotton per acre than any other unirrigated district in the United States, the gentleman from Missouri is qualified to speak on the subject and I accept his opinion.

I count it a privilege to have served on the committee and subcommittee with the gentleman from Georgia, Judge TARVER. Few men have attained the stature and achieved the position he holds in the House and in the hearts of his associates. It has been given to few men to serve so notably and so efficiently his constituents and his country.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. TARVER. Mr. Speaker, I yield such time as he may require to the gentleman from California [Mr. ANDERSON].

Mr. ANDERSON of California. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

Mr. SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ANDERSON of California. Mr. Speaker, I note with regret that the conference committee has failed to include in this bill the amount recommended by the Senate for further investigations and research on the extraction and processing of guayule rubber. In spite of repeated warnings from Members of Congress and the Interagency Policy Committee on Rubber the Senate confereees receded from their position and the guayule liquidation program will proceed.

To me this is a tragically short-sighted attitude for the Congress to adopt. It may seriously affect our national security in the future and it will definitely restrict our ability to develop a method of producing raw natural rubber in the United States.

In order to emphasize the position of the administrative agencies on this important subject I wish to include the following letter from W. L. Batt, chairman, Interagency Policy Committee on Rubber:

OFFICE OF WAR MOBILIZATION
AND RECONVERSION,
Washington, D. C., June 3, 1946.

The Honorable JACK Z. ANDERSON,
House of Representatives,
Washington, D. C.

DEAR MR. ANDERSON: As chairman of the Interagency Policy Committee on Rubber, I have been instructed to take whatever action that seems wise and necessary to implement a recommendation of that committee dealing with continuing research and development of natural rubber within this country.

In order to carry out the recommendations of the Interagency Committee, John Snyder, Director of the Office of War Mobilization and Reconversion, requested the Department of Agriculture to prepare certain amendments to the agriculture appropriations bill for the fiscal year 1947. These amendments have the approval of the Bureau of the Budget and were transmitted by the President to the Congress. Recently, I appeared before the Agriculture Subcommittee of the Senate Committee on Appropriations. The Senate Committee on Appropriations included them in reporting the agriculture appropriations bill and the Senate has acted favorably.

So that you may have a résumé of the situation, I am enclosing a copy of the formal statement submitted to the Agriculture Subcommittee of the Senate Committee on Appropriations. This statement includes several exhibits. Exhibit A is an excerpt from the first report of the Interagency Policy Committee on Rubber. Exhibits B, C, and D are copies of the Interagency Committee's letter to Mr. Snyder, Mr. Snyder's letter of agreement and the action taken. Also as exhibit E, I am including a copy of a letter dated March 18, 1946, in which the views of the Interagency Committee were set forth to the members of the Senate Committee on Appropriations.

The Interagency Policy Committee on Rubber hopes sincerely that the House of Representatives will concur with the sections of the agriculture appropriations bill dealing with natural rubber research and extracting processes as passed by the Senate. I am at the call of the House conferees, should they be appointed and desire additional information.

Sincerely yours,

W. L. BATT,
Chairman, Interagency Policy Committee on Rubber.

Mr. TARVER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. Mr. Speaker, I want to add my word of commendation for the gentleman from Georgia, we all like him, but I would like to ask the gentleman and the Congress that when you stop paying the farmers subsidies in a short time because of the Treasury being broke, what is the farmer going to do? Why do you not go out and increase the price of the farmers' commodities and let the consumer pay the farmer the price he ought to have for his work and his commodities. That will get the country on its feet and stop raiding the Treasury. That is the thing I would like to ask Members on that side of the House at this particular time. Put some business into the operation of the Government and do it quick before it is too late.

Mr. TARVER. No subsidies for farmers are carried in this bill. The gentle-

man knows my position with regard to the subject matter of subsidies. I may say to the gentleman frankly that it is somewhat in accord with his own views, but when he takes the position that payments to preserve the soil of this country, our greatest national resource, from erosion and to restore fertility are subsidies to the American farmers, the gentleman is incorrect in his viewpoint.

Mr. RICH. I am not talking about that. I am talking about the wheat farmer, the cotton farmer, the dairy farmer, and other farmers being paid subsidies, the thing that will eventually break the farmer and wreck the Treasury.

Mr. TARVER. There are no subsidies for farmers contained in this bill.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. TARVER. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. PACE].

Mr. PACE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. PACE. Mr. Speaker, reference has been made to the long and distinguished record in Congress of my colleague, the gentleman from Georgia, Judge TARVER.

Certainly no Member of the Congress is more entitled to receive, or more greatly deserves, public recognition and commendation for faithful service, devotion to duty, and untiring efforts in behalf of his country, his State, and the people of his home district.

Georgia is a great agricultural State and I feel greatly indebted to the gentleman from Georgia, Judge TARVER, for the interest he has always shown in the welfare of the farmers and in the protection of their interests. As chairman of the Subcommittee on Appropriations, which handles all appropriations for agriculture, he has never failed to fight the cause of those who produce the food and fiber to feed and clothe the Nation. He has actively supported the rural-electrification program, the tenant-purchase program, the soil-conservation and soil-building program, an expanded research program, and has fought day in and day out to secure fair prices and equality of treatment for the farmers.

The entire State of Georgia takes pride in the work of the gentleman from Georgia, Judge TARVER and understands what a great asset it is to our State to have him in this important and responsible position as chairman of this subcommittee. It is a great honor and service to our State.

Mr. TARVER. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 43: On page 45, line 5, insert ": *Provided further*, That in obligating or expending funds herein contained for 'Forest roads and trails' the provisions of Revised Statute, 355, as amended, shall not be applicable to easements or rights-of-way for forest roads and trails constructed under the provision of this section, where the cost of any such easement or right-of-way acquired under a single instrument of conveyance and the estimated cost of the improvements to be constructed thereon does not exceed $40,000."

Mr. TARVER. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

Mr. TARVER. Mr. Speaker, I ask unanimous consent that Senate amendments Nos. 52, 54, and 55, all relating to the agricultural wage-stabilization program, be considered en bloc.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The SPEAKER. The Clerk will report the Senate amendments in disagreement.

The Clerk read as follows:

Senate amendment No. 52: Strike out "$2,394,764" and insert "$2,434,764."

Senate amendment No. 54: Page 59, line 13, strike out "$1,901,500" and insert "$2,251,500, of which not to exceed $350,000 may be expended for the wage stabilization program conducted during the fiscal year 1946 under the appropriation 'Salaries and expenses, War Food Administration', and, in the absence of other governing statute, the provisions of law applicable to such program during the fiscal year 1946 are continued during the fiscal year 1947."

Senate amendment No. 55: Page 60, line 5, after the word "orders" insert ": *Provided further*, That no part of this appropriation shall be used for agricultural wage stabilization with respect to any commodity unless a majority of the producers of such commodity within the area affected participating in a referendum or meeting held for that purpose request the intervention of the Secretary."

Mr. TARVER. Mr. Speaker, I move that the House recede and concur in the Senate amendments numbered 52, 54, and 55.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 66: Page 76, line 14, strike out all of section 5 and insert the following:

"SEC. 5. No part of any appropriation contained in this act shall be used to pay the salary or wages of any person who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit is not a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or that such person does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That such administrative or supervisory employees of the Department as may be designated for the purpose by the Secretary are hereby authorized to administer the oaths to persons making affidavits required by this section, and they shall charge no fee for so doing: *Provided further*, That any person who is a member of an organization that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation contained in this act shall be guilty of a felony and, upon conviction, shall be fined not more than $1,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That nothing in this section shall be construed to require an affidavit from any person employed for less than 60 days for sudden emergency work involving the loss of human life or destruction of property, and payment of salary or wages may be made to such persons from applicable appropriations for services rendered in such emergency without execution of the affidavit contemplated by this section."

Mr. TARVER. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. TARVER moves that the House recede from its disagreement to the amendment of the Senate amendment No. 66 and concur in the same with an amendment as follows:

"SEC. 5. No part of any appropriation contained in this act shall be used to pay the salary or wages of any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit has not contrary to the provisions of this section engaged in a strike against the Government of the United States, is not a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or that such person does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That such administrative or supervisory employees of the Department as may be designated for the purpose by the Secretary are hereby authorized to administer the oaths to persons making affidavits required by this section, and they shall charge no fee for so doing: *Provided further*, That any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation contained in this act shall be guilty of a felony and, upon conviction shall

be fined not more than $1,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That nothing in this section shall be construed to require an affidavit from any person employed for less than 60 days for sudden emergency work involving the loss of human life or destruction of property, and payment of salary or wages may be made to such persons from applicable appropriations for services rendered in such emergency without execution of the affidavit contemplated by this section."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 67: Page 79, line 9, insert a new section as follows:

"SEC. 6. Section 14 (a) of the Federal Employees' Pay Act of 1946 shall not apply to employment of personnel required to do the work authorized by those appropriations for which increased funds are provided by this act."

Mr. TARVER. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. TARVER moves that the House recede from its disagreement to the amendment of the Senate numbered 67 and concur in the same with an amendment, as follows:

"SEC. 6. Nothing contained in this act shall be construed to alter, or modify in any manner whatsoever, the aggregate maximum personnel ceilings established by section 14 (a) of the Federal Employees' Pay Act of 1946 (Public Law No. 390) nor to authorize the compensation of a greater aggregate number than the number provided for in the aforesaid act. In the case of any activity whose personnel may be increased in consequence of appropriations contained in this act, the Director of the Bureau of the Budget shall recommend and effectuate such reduction in personnel in such governmental agencies as he may deem advisable as will offset any increase in personnel for which provision is made in this act."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 68. Page 79, line 13, strike out "6" and insert "7."

Mr. TARVER. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

Mr. TARVER. Mr. Speaker, I ask unanimous consent that in connection with the remarks I made today upon the conference report I may be permitted to insert a table showing appropriations, reappropriations and loan authorizations carried in the bill as it passed the House, as it passed the Senate, and as it has been finally agreed to in the conference report.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Miller, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On May 21, 1946:

H. R. 5059. An act to provide additional compensation for postmasters and employees of the postal service; and

H. R. 1457. An act for the relief of Josephine Benham.

On May 22, 1946:

H. R. 4761. An act to expedite the availability of housing for veterans of World War II by expediting the production and allocation of materials for housing purposes and by curbing excessive pricing of new housing, and for other purposes.

On May 27, 1946:

H. R. 5604. An act reducing or further reducing certain appropriations and contractual authorizations available for the fiscal year 1946, and for other purposes.

On May 28, 1946:

H. R. 4763. An act for the relief of R. L. Benton.

On May 29, 1946:

H. J. Res. 273. Joint resolution to provide for the proper observance of the one hundred and fifty-fifth anniversary of the adoption of the first 10 amendments to the Constitution, known as the Bill of Rights; and

H. J. Res. 353. Joint resolution extending the time for the release of powers of appointment for the purposes of certain provisions of the Internal Revenue Code.

On June 3, 1946:

H. R. 5504. An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto.

On June 4, 1946:

H. R. 3370. An act to provide assistance to the States in the establishment, maintenance, operation, and expansion of school-lunch programs, and for other purposes.

On June 8, 1946:

H. R. 1072. An act for the relief of Henry R. Butler;

H. R. 3228. An act for the relief of Sam Dishong;

H. R. 4141. An act for the relief of Piombo Bros. & Co.;

H. R. 4174. An act for the relief of Mayer G. Hansen;

H. R. 4270. An act for the relief of Southern California Edison Co., Ltd.;

H. R. 4298. An act for the relief of Severo Apoluna Dinson and Candilaria Dinson, and the legal guardian of Laura Dinson, and the legal guardian of Teresita Dinson;

H. R. 4418. An act for the relief of the city of San Diego, Tex.;

H. R. 4757. An act for the relief of Mrs. Gussie Feldman;

H. R. 4885. An act for the relief of Ernst V. Brender;

H. R. 5307. An act for the relief of Ben V. King;

H. R. 6010. An act for the relief of the Yakutat Cooperative Market; and

H. R. 6011. An act for the relief of Dr. Harry Burstein, Madeline Borvick, and Mrs. Clara Kaufman Truly (formerly Miss Clara M. Kaufman).

On June 10, 1946:

H. R. 216. An act for the relief of John Seferian and Laura Seferian;

H. R. 781. An act for the relief of the legal guardian of Douglas Charles McRae, a minor;

H. R. 1238. An act for the relief of Father Peter B. Duffee;

H. R. 2188. An act for the relief of George W. Bailey;

H. R. 2223. An act for the relief of Catherine Bode;

H. R. 2242. An act for the relief of Mrs. Lessie L. Bryant and Miss Jimmie Alexander;

H. R. 2246. An act for the relief of the estate of Michael O. Mello, and Christian O. Mello;

H. R. 2248. An act for the relief of Joseph E. Alarie;

H. R. 2926. An act for the relief of Mrs. Alice Breon;

H. R. 2973. An act for the relief of Ben Thomas Haynes, a minor;

H. R. 3270. An act for the relief of James B. McCarty;

H. R. 3340. An act for the relief of Mrs. Merla Koperski;

H. R. 3599. An act for the relief of Ama L. Normand and the estate of Curtis Joseph Gaspard, deceased;

H. R. 3618. An act for the relief of Mrs. Vannas H. Hicks;

H. R. 4172. An act for the relief of Carlton G. Jerry;

H. R. 4300. An act for the relief of the county of Hawaii, T. H.;

H. R. 4301. An act for the relief of Philip Naope Kaili and Susie Kaili;

H. R. 4750. An act for the relief of C. C. Vest;

H. R. 4800. An act for the relief of Harry Fleishman;

H. R. 4833. An act for the relief of the estate of Robert Lee Blackmon;

H. R. 4836. An act for the relief of Louis M. Drolet;

H. R. 4905. An act for the relief of Nina E. Schmidt;

H. R. 5049. An act for the relief of the estate of Obaldino Francis Dias;

H. R. 5525. An act for the relief of Sylvia Wagner; and

H. R. 6245. An act for the relief of Mary G. Paul.

CALL OF THE HOUSE

Mr. HINSHAW. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 153]

Andrews, N. Y.	Granger	Ploeser
Baldwin, Md.	Grant, Ind.	Reece, Tenn.
Barrett, Pa.	Hagen	Richards
Brumbaugh	Harris	Robinson, Utah
Cannon, Fla.	Horan	Roe, N. Y.
Carlson	Jensen	Sheppard
Cochran	Johnson, Ind.	Stewart
Colmer	Johnson,	Stigler
Courtney	Luther A.	Tolan
Crawford	Ludlow	Vursell
Curley	McGehee	Welch
Durham	McGregor	White
Ellsworth	Morrison	Winstead
Fenton	Norton	Wolfenden, Pa.
Folger	O'Hara	Woodruff
Gearhart	O'Konski	

The SPEAKER. On this roll call 385 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

APPOINTMENT OF FACT-FINDING BOARDS TO INVESTIGATE LABOR DISPUTES—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith, without my approval, H. R. 4908, entitled "An act to provide additional facilities for the me-

diation of labor disputes, and for other purposes."

The outstanding domestic problem confronting this country today is the maintenance and increase of production. We must have production, or the effects of ruinous inflation will be felt by every one of our citizens. Strikes and lockouts are the greatest handicaps to attaining vital production.

Inasmuch as the solution of our present-day labor problems constitutes the key to production, this present bill must be judged in the light of whether it will assist in reducing labor strife in the Nation.

I have given careful study to the bill. I have not considered it from the standpoint of whether it favors or harms labor, or whether it favors or harms management. I have considered it from the standpoint of whether or not it benefits the public, which includes both management and labor.

In the determination of the question of whether or not the great majority of our citizens will be benefited by this bill, the question presented is whether it will help to stop strikes and work stoppages and prevent other practices which adversely affect our economy.

I have reached the conclusion that it will not.

I have tried, as representative of all the people of our Nation, to approach this problem objectively, free from the emotional strains of the times, and free from every consideration except the welfare of our Nation and of the world which is so dependent upon our recovery to a full peacetime economy.

This bill was undoubtedly passed by the members of the Congress in the sincere belief that it would remedy certain existing conditions which cause labor strife and produce domestic turmoil. I cannot agree with the Congress with reference to the results that would be achieved by it.

I trust that there will be no confusion in the minds of the members of the Congress or in the minds of the public between this bill and my request on May 25 for emergency legislation.

At that time I requested temporary legislation to be effective only for a period of 6 months after the termination of hostilities, and applicable only to those few industries which had been taken over by the Government and in which the President by proclamation declared that an emergency had arisen which affected the entire economy of the country.

It was limited to strikes against the Government. It did not apply to strikes against private employers.

Such emergency legislation is now before the Congress, and I again make the request that it be passed.

H. R. 4908 is utterly different from my proposal of May 25, in kind and in degree. Its range is broad, dealing with a wide variety of subjects some of which are wholly unrelated to the subject of settling or preventing strikes. It covers strikes against private employers. It is permanent legislation, operative even after the reconversion period is entirely over. And it applies not to a few selected and vital industries, but to every dispute, no matter how insignificant, if the dispute affects interstate commerce.

At the same time, May 25, I also requested permanent legislation leading to the formulation of a long-range labor policy designed to prevent the recurrence of such crises, and generally to reduce work stoppages in all industries. I further recommended the immediate creation by the Congress of a joint committee to study the entire question and, within 6 months, to bring in its recommendations for appropriate legislation. I again renew the recommendation that a joint committee be appointed to make a study of the whole subject of labor relations, and to suggest permanent long-range legislation.

The fact that we are faced with an emergency which does justify the passage of temporary emergency legislation does not, in my opinion, justify us in the adoption of permanent legislation without the study that such permanent legislation needs. The bill is actually a collection of separate unrelated measures and is not an over-all solution of this most important problem. We must not make a false start. We must not approach the problem on a piecemeal basis as this bill does.

It is suggested that the bill merely constitutes a beginning, that it should be placed upon our statute books, and that we can then proceed with the study of additional legislation. I cannot agree with this thesis. This bill is not a permanent solution of our difficulties; and if it should become law, I fear that it may possibly result in being the only permanent legislation we would obtain.

We are not faced with a decision of choosing between this legislation and no legislation at all. It is more properly a choice between this particular bill and a more adequate and more inclusive solution of the problem.

The proposed measure, although described as a mediation law, is divided into two unrelated parts. The first six sections contain provisions relative to the mediation of labor disputes, postponement of strikes, and fact-finding. The remaining sections consist of provisions relative to robbery, extortion, unauthorized welfare funds, prohibitions against the organization of supervisory employees, union liability in the courts, and provisions establishing criminal sanctions, injunctive remedies and suits for treble damages against unions engaging in secondary boycotts, judisdictional disputes, and certain other activities. These are a few of the many complex problems which must be studied with infinite care before the proper solutions are found and incorporated into permanent legislation.

One of the factors to be considered in judging this bill is whether or not it would have prevented, or shortened, the strikes which have so seriously damaged our economy these last few months. Judged solely from this standpoint, I am sure a fair-minded man would have to admit that it would have failed completely.

In 1943, in the heat of a controversy over a stoppage of war production in the coal mines, the Congress passed the War Labor Disputes Act, more commonly known as the Smith-Connally Act. In his veto message of June 25, 1943, President Roosevelt warned the Congress that the strike-vote provisions of section 8 of the Smith-Connally Act would not lessen but would promote industrial strife. That prediction was fully borne out by subsequent events. It is my belief that a similar result would follow the approval of this bill.

If a joint committee to investigate this entire subject were appointed immediately and if the subject were given the priority to which it is entitled, a report covering the entire field could be submitted to the Congress within this calendar year.

I have analyzed the bill carefully and herewith submit my comments on the various sections:

Section 1: Declares that the objectives of the act are to encourage settlement of disputes between labor and management by collective bargaining and by conciliation, mediation, and voluntary arbitration, thereby minimizing industrial strife, strikes, and lock-outs.

Upon careful consideration, I have come to the conclusion that the bill will not achieve this high and unquestionably desirable objective. On the contrary, much of the bill is not only wholly foreign to the achievement of that objective, but, in my judgment, would actually defeat it.

Section 2: Defines certain key terms used in the bill.

Section 3: Provides that employers and employees in industries affecting commerce shall: exert reasonable efforts to make and maintain, collective bargaining agreements; give adequate notice of proposed changes; provide for the final adjustment of grievances or questions regarding the interpretation of agreements; arrange promptly for conferences with respect to labor disputes and cooperate with the new Federal Mediation Board in attempting to settle disputes amicably. The Mediation Board may proffer its services for the purpose of aiding in the settlement of a labor dispute affecting commerce.

If Federal mediation is proffered, lockouts and strikes affecting commerce are unlawful until mediation is concluded or until 60 days after a written request has been made by one of the parties for a conference, whichever is earlier. An employer who changes the status quo by lock-out or other action is deemed to have engaged in an unfair labor practice within the meaning of the National Labor Relations Act. An employee who disturbs the status quo during this period, by striking or by engaging in a concerted slow-down of production, loses his status as an employee for the purposes of the National Labor Relations Act, unless he is reemployed.

Although section 3 is ostensibly designed to insure that the parties will attempt to reach a peaceful settlement, making a strike unnecessary, I feel that it would, in practice, tend to increase the number of strikes. I think it would lead to the development of methods to avoid the operation of this section. The bill provides that the right to strike is postponed only if the Federal Mediation

Board proffers its mediation services before the strike starts. I foresee that some unions might choose to strike before the Mediation Board has had an opportunity to determine whether it should enter into a certain case—an action not prohibited in the proposed statute. Although the purpose of the provision is to eliminate the so-called "quickie" strike, its effect might be to encourage unions to resort to such strikes.

If an employer violates the prohibitions of this section, he is merely guilty of an unfair labor practice. He may only be ordered by the National Labor Relations Board to cease and desist and to pay any back pay due. An employee, on the other hand, may suffer a far greater penalty. By section 3 (d), he loses his very status as an employee. That means that the employer, without offering any further reason, may refuse to reinstate him. The penalties are inequitable. An employer guilty of a violation can only be ordered (long after the event) to stop his violation and to restore the status quo. The employee, however, loses his basic industrial rights and perhaps even his means of livelihood. I fear that the provisions of section 3 (d) might well result in some employers provoking strikes in order to give them the opportunity to discharge the employee leaders.

To avoid the consequences of section 3, and to legalize a strike under the bill, a union need only give early notice of a request for a conference to start the running of the 60-day period during which strikes are forbidden. The result probably would be a great rush of premature notices for conferences. Sixty days thereafter, employees would feel free to strike—with the sanction of the Congress. So, too, there would be premature demands for mediation, long before the possibilities of direct negotiations between the parties had been exhausted.

No standard whatever—except only that the dispute should affect commerce—is provided for determining whether the Federal Mediation Board should proffer its services, although a strike can become illegal only if it occurs after such offer. It is apparently left to the Board's discretion. This places a heavy burden and extraordinary responsibility upon Federal mediation. Because of the serious consequences arising from the proffering of mediation services—namely, the outlawing of a strike—mediation is likely to be discouraged and withheld in many cases where it might prove most useful. It is highly undesirable for the mere fact of mediation to operate so repressively upon one of the parties. Mediation should be welcomed by both parties to be effective. This provision would have just the contrary effect.

And, under section 3, even if mediation is proffered, and the 60-day period expires without results, nothing happens. No facts are publicly found; no recommendations are made; no report is issued. No matter how important the dispute—whether in the steel, the automotive, or the shipping industry, so long as it is not a public utility—at the end of the 60 days, there is the anticlimax of nothing.

Not one of the major disputes which have caused such great public concern during the past months would have been affected in any way by this bill had it been law at the time.

The railroad strike would not have been covered by the bill at all. And the coal, steel, and automotive strikes were certainly not caused by an insufficient lapse of time between the unions' request for conferences and the calling of a strike. Each of these strikes would have had the full sanction of the bill.

Thus the very difficulties which this bill was presumably drafted to meet have been left untouched by it. These sections fail to provide a satisfactory method of coping with the labor-management disputes which confront the Nation.

Section 4: This creates a new five-man Federal Mediation Board. All mediation and conciliation functions of the Secretary of Labor and the United States Conciliation Service are transferred to the Board. The Board, although technically within the Department of Labor, would not be under the control of the Secretary of Labor.

I consider the establishment of this new agency to be inconsistent with the principles of good administration. As I have previously stated, it is my opinion that Government today demands reorganization along the lines which the Congress has set forth in the Reorganization Act of 1945, that is, the organization of Government activity into the fewest number of Government agencies consistent with efficiency. Control of purely administrative matters should be grouped as much as possible under members of the Cabinet, who are in turn responsible to the President.

The proposed Federal Mediation Board would have no quasi judicial or quasi legislative functions. It would be purely an administrative agency. Surely, functions of this kind should be concentrated in the Department of Labor.

Since 1913 there has been within the Department of Labor and responsible to the Secretary of Labor a United States Conciliation Service formed with the very purpose of encouraging the settlement of labor disputes through mediation, conciliation, and other good offices. The record of that service has been outstanding. During the period of 1 year from May 1945, through April 1946, it settled under existing law 19,930 labor disputes. Included in this total were 3,152 strikes, almost 10 each day. The Conciliation Service has formed one of the principal divisions of the Department of Labor.

The bill proposes to transfer that service and its functions to the newly formed Federal Mediation Board. To me this is the equivalent of creating a separate and duplicate Department of Labor, depriving the Secretary of Labor of many of his principal responsibilities and placing the conciliation and mediation functions in an independent body.

In the eyes of Congress and of the public the President and the Secretary of Labor would remain responsible for the exercise of mediation and conciliation functions in labor disputes, while, in fact, those functions would be conducted by another body not fully responsible to either.

As far back as September 6, 1945, I said in a message to Congress:

> Meanwhile plans for strengthening the Department of Labor and bringing under it functions belonging to it are going forward.

The establishment of the proposed Federal Mediation Board is a backward step.

Section 5: Provides that it is the duty of the Mediation Board to prevent or minimize interruption of commerce growing out of labor disputes. The Board may proffer its services upon its own motion or upon the request of one or more of the parties to the dispute. Where mediation does not succeed, the Board is required to recommend voluntary arbitration.

Section 6: Provides that where a labor dispute threatens a substantial interruption of an essential public-utility service, the Board, in the public interest, may request the President to create an Emergency Commission, and the President is authorized to appoint such Commission. The Commission investigates and reports within 30 days, after which the President must make the report public. The cooling-off period is extended for a maximum period of 95 days, with an additional 30 days upon the approval of the parties.

Much of the discussion with reference to section 3 is applicable here. It is difficult to understand why the Congress has applied the fact-finding principle to public utilities but has omitted it entirely in other industries of equal importance.

The remaining sections of the bill have nothing whatever to do with the expressed objectives of the bill.

Section 7: Reenacts in amended form the so-called Antiracketeering Act. On its face, this section does no more than prohibit all persons, whether union representatives or employees or others, from interfering with interstate commerce by robbery and extortion.

I am in full accord with the objectives which the Congress here had in mind.

However, it has already been suggested that some question may arise from the fact that section 7 omits from the original act the provision that it was not to be construed so as to "impair, diminish, or in any manner affect the rights of bona fide labor organizations in lawfully carrying out the legitimate objects thereof."

It should be made clear in express terms that section 7 does not make it a felony to strike and picket peacefully, and to take other legitimate and peaceful concerted action.

Section 8: Provides that it is a crime for an employer to contribute to a welfare fund to be administered solely by an employee representative. It is also a crime for the employee representative to receive the contribution. Welfare funds established by employee representatives are to be restricted to certain specific uses. The prohibitions of the section are made enforceable by injunc-

tions. Certain routine exemptions to the operation of the section are made.

Welfare funds supported by employers and administered by unions are no novelty. I believe it is inadvisable to remove such a question as this from the scope of collective bargaining between employer and employee. This section does more than require that there be joint control of such funds. It specifically limits the uses to which the moneys deposited in such funds may be put.

This whole subject needs long and careful study. To write into the permanent law the program for workers' welfare funds without a study by any committee of the Congress is, in my opinion, at least improvident. This particular provision was prepared and presented because of one of the items of controversy in the recent coal strike. I feel that this is altogether too important and too complicated a question to be disposed of hastily.

Section 9: This provision deprives supervisory employees of their status as employees for the purposes of the National Labor Relations Act.

This section would strip from supervisory employees the rights of self-organization and collective bargaining now guaranteed them under the National Labor Relations Act. I fear that this section would increase labor strife, since I have no doubt that supervisory employees would resort to self-help to gain the rights now given to them by law.

This complex question has long been under consideration by the National Labor Relations Board. The Board and the courts have pointed out that supervisory employees have a dual capacity. In dealing with the employees under them, they act for management. However, with respect to their own wages, hours of work, and other terms and conditions of employment, they act for themselves. The full right of supervisory employees to the benefits of collective bargaining is one that cannot be lightly thrown aside.

On the other hand, management is entitled to proper protection. Somewhere in the area of disagreement between the parties the line can be drawn with reasonable accuracy. There has been no attempt to draw that line in this section.

Section 10 provides that suits for violation of collective bargaining contracts affecting commerce may be brought in the Federal courts; labor organizations are deemed to be bound by the acts of duly authorized agents acting within the scope of their authority and may sue or be sued as a separate entity; money judgments against a labor organization are made enforceable but only against assets of the union; any employee who strikes or otherwise interferes with the performance of a collective bargaining contract in violation of the contract without approval of the labor organization party to the contract loses his status as an employee for the purposes of the National Labor Relations Act unless he is reemployed.

I am in accord with the principle that it is fair and right to hold a labor union responsible for a violation of its contract. However, this legislation goes much farther than that. This section, taken in conjunction with the next section, largely repeals the Norris-LaGuardia Act and changes a long-established congressional policy.

I am sure that, without repealing the Norris-LaGuardia Act, changing this long-established congressional policy, or imperiling the principles of the National Labor Relations Act, a sound and effective means of enforcing labor's responsibility can be found.

Section 11: This provision subjects various union activities to the antitrust laws with all their criminal sanctions, injunctive remedies, and provisions for treble damages. Although the section is entitled "Secondary boycotts," the scope of the section in fact extends far beyond such matters. While its enactment would provide remedies that might result in the elimination of certain evils, such as improper application of the secondary boycott, it would also make those remedies available against recognized legitimate activities of organized labor.

That there are some abuses in this field, no one can gainsay. I deplore the strike or boycott arising out of a jurisdictional dispute as one of the most serious of such abuses. A way must be found to prevent the jurisdictional strike. It cannot be justified under any circumstances. I am convinced, however, that the antitrust laws, the objectives of which are the elimination of unfair business practices and the protection of free competition, are not designed to solve the abuses pointed out in this section.

In this regard, however, I do not need to emphasize the necessity of applying the antitrust laws to combinations between employers and labor designed to restrain competition.

Section 11 (c) rescinds the Norris-LaGuardia Act with respect to antitrust actions against labor organizations. The labor injunction is a weapon to which no private employer should be entitled except within the careful restrictions laid down by that act. We should not invite the return to the practice of issuing injunctions without notice or hearing and a revival of the other abuses that tended to discredit our courts and give rise to the widespread popular denunciation of "government by injunction."

Injunctions requested by the Government itself, and designed to restrain strikes against the Government in cases where refusal to work for the Government has produced a condition of national emergency, are, to my mind, an essential element of government authority. This authority, however, should not be available to private employers under the vast variety of conditions contemplated by section 11 of this present bill.

Sections 12 to 14: These sections include provisions with respect to making copies of collective-bargaining agreements available to the public and with respect to furnishing available data which may aid in the settlement of labor disputes. They are unobjectionable.

The passage of H. R. 4908 confirms the need for a careful study of labor-management problems with a view toward long-range remedies. It demonstrates the dangers of attempting to draft permanent labor legislation without painstaking and exhaustive consideration.

H. R. 4908 strikes at symptoms and ignores underlying causes. As I have noted, not a single one of the recent major strikes would have been affected by this bill had it been law.

As I said to the Congress on May 25, we should immediately have temporary legislation, dealing with the urgencies of the present, so that strikes against the Government which vitally affect the public welfare can be halted. This is necessary in the midst of the extraordinary pressures of reconversion and inflation. I have asked the Congress for such legislation. The precise form which such emergency legislation is to take is, of course, for the Congress to decide. But if the form adopted is inadequate, the responsibility must also rest with the Congress.

It must be remembered that industrial strife is a symptom of basic economic maladjustments. We cannot attribute work stoppages to any one factor. As we move from war to peace, severe strains are placed upon our economic system. Labor and management alike are seeking security. The combination of rising prices, scarcity of commodities, lowered standards of living, and altered tax programs today creates fears which are present at the conference table to disturb the orderly process of collective bargaining.

A solution of labor-management difficulties therefore is to be found not alone in well-considered legislation dealing directly with industrial relations, but also in a comprehensive legislative program designed to remove some of the causes of the insecurity felt by many workers and employers.

During the past 10 months I have urged the Congress to enact such a program. Among the proposals which I have recommended are adequate insurance against unemployment, health, and medical services for families of low and moderate income at costs they can afford; a fair minimum wage, and the continuance of the price control and stabilization laws in effective form. These measures would remove some of the major causes of insecurity and would greatly aid in achieving industrial peace.

Our problem in shaping permanent legislation in this field is to probe for the causes of lock-outs, strikes, and industrial disturbances. Then, to the extent possible, we must eliminate these causes. Strikes against private employers cannot be ended by legislative decree. Men cannot be forced in a peacetime democracy to work for a private employer under compulsion. Therefore, strikes must be considered in the whole context of our modern industrial society. They must be considered in the light of inflationary pressures, of problems of full employment, of economic security.

Legislation governing industrial relations is workable only when carefully considered against this broad background. I am confident that with painstaking and dispassionate study which will probe fairly and deeply, Congress can evolve equitable legislation which

promises an era of peaceful industrial relations.

We accomplish nothing by striking at labor here and at management there. Affirmative policy is called for, and a congressional committee such as I have suggested is the best means of formulating it.

There should be no emphasis placed upon considerations of whether a bill is antilabor or prolabor. Where excesses have developed on the part of labor leaders or management, such excesses should be corrected—not in order to injure either party—but to bring about as great an equality as possible between the bargaining positions of labor and management. Neither should be permitted to become too powerful as against the public interest as a whole.

Equality for both and vigilance for the public welfare—these should be the watchwords of future legislation.

The bill which I am returning to you does not meet these standards.

Many procedures have been suggested from time to time by students of the problem. They should all be considered. A comprehensive study of this problem should be based on a realization that labor is now rapidly "coming of age" and that it should take its place before the bar of public opinion on an equality with management.

It is always with reluctance that I return a bill to the Congress without my approval. I feel, however, that I would not be properly discharging the duties of my office if I were to approve H. R. 4908.

HARRY S. TRUMAN.

THE WHITE HOUSE, *June 11, 1946.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Mr. RANDOLPH. Mr. Speaker, the membership has a duty to discharge. Further debate would not aid that decision. I move the previous question.

The previous question was ordered.

The SPEAKER. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be determined by the yeas and nays.

The question was taken; and there were—yeas 255, nays 135, not voting 41, as follows:

[Roll No. 154]

YEAS—255

Abernethy	Boren	Cole, Kans.
Adams	Boykin	Cole, Mo.
Allen, Ill.	Bradley, Mich.	Cole, N. Y.
Allen, La.	Brehm	Cooper
Almond	Brooks	Corbett
Andersen, H. Carl	Brown, Ga.	Cox
Anderson, Calif.	Brown, Ohio	Cravens
Andresen, August H.	Bryson	Cunningham
Andrews, Ala.	Buck	Curtis
Arends	Buffett	Daughton, Va.
Arnold	Bulwinkle	D'Ewart
Auchincloss	Byrnes, Wis.	Dirksen
Baldwin, Md.	Camp	Dolliver
Barden	Campbell	Domengeaux
Barrett, Wyo.	Cannon, Fla.	Dondero
Bates, Mass.	Case, N. J.	Doughton, N. C.
Beckworth	Case, S. Dak.	Drewry
Bender	Chapman	Dworshak
Bennet, N. Y.	Chelf	Earthman
Bennett, Mo.	Chenoweth	Eaton
Blackney	Chiperfield	Elliott
Bland	Church	Ellis
Bolton	Clark	Elsaesser
Bonner	Clason	Elston
	Clevenger	Ervin
	Clippinger	Fallon
Fellows	Judd	Rizley
Fernandez	Kean	Robertson, N. Dak.
Fisher	Kearney	Robertson, Va.
Fuller	Keefe	Robsion, Ky.
Gamble	Kerr	Rockwell
Gary	Kilburn	Rodgers, Pa.
Gathings	Kilday	Roe, Md.
Gavin	Kinzer	Rogers, Fla.
Gerlach	Knutson	Rogers, Mass.
Gibson	Kunkel	Russell
Gifford	Landis	Sasscer
Gillespie	Lanham	Schwabe, Mo.
Gillette	Larcade	Schwabe, Okla.
Gillie	Latham	Scrivner
Goodwin	Lea	Shafer
Gore	LeCompte	Sharp
Gossett	LeFevre	Short
Graham	McConnell	Sikes
Grant, Ala.	McCowan	Simpson, Ill.
Gregory	McKenzie	Simpson, Pa.
Griffiths	McMillan, S. C.	Slaughter
Gross	McMillen, Ill.	Smith, Ohio
Gwinn, N. Y.	Mahon	Smith, Va.
Gwynne, Iowa	Maloney	Smith, Wis.
Hale	Manasco	Springer
Hall, Leonard W.	Mansfield, Tex.	Stefan
Halleck	Martin, Iowa	Stevenson
Hancock	Martin, Mass.	Stockman
Hand	Mason	Sumner, Ill.
Hare	Mathews	Sumners, Tex.
Harness, Ind.	May	Sundstrom
Hartley	Merrow	Taber
Hays	Michener	Talbot
Hébert	Miller, Nebr.	Talle
Hendricks	Mills	Tarver
Henry	Monroney	Taylor
Herter	Mundt	Thomas, N. J.
Heselton	Murray, Tenn.	Thomason
Hess	Murray, Wis.	Tibbott
Hill	Norblad	Towe
Hinshaw	Norrell	Trimble
Hobbs	Pace	Vinson
Hoeven	Patman	Vorys, Ohio
Hoffman, Mich.	Peterson, Ga.	Vursell
Hoffman, Pa.	Phillips	Wadsworth
Holmes, Mass.	Pickett	Weaver
Holmes, Wash.	Pittenger	Weichel
Hope	Ploeser	West
Howell	Plumley	Whitten
Jarman	Poage	Whittington
Jenkins	Pratt	Wickersham
Jennings	Price, Fla.	Wigglesworth
Jensen	Priest	Wilson
Johnson, Calif.	Ramey	Winter
Johnson, Ill.	Rankin	Wolcott
Johnson, Lyndon B.	Reed, Ill.	Wood
Johnson, Okla.	Reed, N. Y.	Woodruff
Jones	Rees, Kans.	Worley
Jonkman	Rich	Zimmerman
	Riley	
	Rivers	

NAYS—135

Angell	Flood	Lynch
Bailey	Fogarty	McCormack
Baldwin, N. Y.	Forand	McDonough
Barrett, Pa.	Fulton	McGlinchey
Barry	Gallagher	Madden
Bates, Ky.	Gardner	Mankin
Beall	Geelan	Mansfield, Mont.
Bell	Gordon	Marcantonio
Beimiller	Gorski	Miller, Calif.
Bishop	Granahan	Morgan
Bloom	Green	Murdock
Bradley, Pa.	Hall, Edwin Arthur	Murphy
Buckley	Harless, Ariz.	Neely
Bunker	Hart	O'Brien, Ill.
Butler	Havenner	O'Brien, Mich.
Byrne, N. Y.	Healy	O'Neal
Canfield	Hedrick	O'Toole
Cannon, Mo.	Heffernan	Outland
Carnahan	Hoch	Patrick
Celler	Holifield	Patterson
Clements	Hook	Pfeifer
Coffee	Huber	Philbin
Combs	Hull	Powell
Cooley	Izac	Price, Ill.
Crosser	Jackson	Quinn, N. Y.
D'Alesandro	Kee	Rabaut
Davis	Kefauver	Rabin
Dawson	Kelley, Pa.	Rains
De Lacy	Kelly, Ill.	Randolph
Delaney, James J.	Keogh	Rayfiel
Delaney, John J.	King	Resa
Dingell	Kirwan	Rogers, N. Y.
Douglas, Calif.	Klein	Rooney
Douglas, Ill.	Kopplemann	Rowan
Doyle	LaFollette	Ryter
Eberharter	Lane	Sabath
Engel, Mich.	Lemke	Sadowski
Engle, Calif.	Lesinski	Savage
Feighan	Link	Sheridan
Flannagan	Luce	Smith, Maine
	Lyle	Somers, N. Y.
Sparkman	Thomas, Tex.	Wasielewski
Spence	Torrens	Wolverton, N. J.
Starkey	Traynor	Woodhouse
Sullivan	Voorhis, Calif.	
Thom	Walter	

NOT VOTING—41

Andrews, N. Y.	Grant, Ind.	O'Konski
Brumbaugh	Hagen	Peterson, Fla.
Carlson	Harris	Reece, Tenn.
Cochran	Horan	Richards
Colmer	Johnson, Ind.	Robinson, Utah
Courtney	Johnson, Luther A.	Roe, N. Y.
Crawford	Lewis	Sheppard
Curley	Ludlow	Stewart
Durham	McGehee	Stigler
Ellsworth	McGregor	Tolan
Fenton	Morrison	Welch
Folger	Norton	White
Gearhart	O'Hara	Winstead
Granger		Wolfenden, Pa.

So, two-thirds not having voted in favor thereof, the veto of the President was sustained and the bill was rejected.

The Clerk announced the following pairs:

Mr. McGregor and Mr. Grant of Indiana override, Mr. Welch sustain.

Mr. Ellsworth and Mr. Carlson override, Mr. Roe of New York sustain.

Mr. Colmer and Mr. McGehee override, Mrs. Norton sustain.

Mr. Stigler and Mr. O'Hara override, Mr. Curley sustain.

Additional general pairs:

Mr. Sheppard with Mr. Crawford.

Mr. Courtney with Mr. Andrews of New York.

Mr. Winstead with Mr. Horan.

Mr. Folger with Mr. Fenton.

Mr. Robertson of Utah with Mr. Gearhart.

Mr. Tolan with Mr. Hagen.

Mr. Morrison with Mr. Johnson of Indiana.

Mr. Harris with Mr. Reece of Tennessee.

Mr. Richards with Mr. Wolfenden of Pennsylvania.

Mr. Luther A. Johnson with Mr. Lewis.

Mr. Cochran with Mr. O'Konski.

Mr. BREHM changed his vote from "nay" to "aye."

The result of the vote was announced as above recorded.

The SPEAKER. The message and the bill, together with the accompanying papers, are referred to the Committee on Labor and ordered printed as a public document.

The Clerk will notify the Senate of the action of the House.

UNITED STATES PARTICIPATION IN PHILIPPINE INDEPENDENCE CEREMONIES, JULY 4, 1946

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House Joint Resolution 360, to provide for United States participation in the Philippine independence ceremonies on July 4, 1946, with Senate amendments and concur in the Senate amendments.

The Clerk read the title of the joint resolution.

The Clerk read the Senate amendments, as follows:

Page 1, line 4, strike out "nine" and insert "not more than fifteen."

Page 1, line 4, strike out "Three" and insert "Not more than three."

Page 1, line 6, strike out "three" and insert "not more than six."

Page 1, line 8, strike out "three" and insert "not more than six."

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, as I caught the reading of the amendments, they merely increase the size of the representation that we will have at the Filipino birthday?

Mr. McCORMACK. That is correct. As the gentleman will remember, we passed the resolution providing for three and the Senate increased that number to six.

Mr. MARTIN of Massachusetts. That is the only change?

Mr. McCORMACK. That is the only change.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

DEPARTMENT OF LABOR, FEDERAL SECURITY AGENCY, AND RELATED INDEPENDENT OFFICES APPROPRIATION BILL, FISCAL YEAR 1947

Mr. HARE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 6739) making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1947, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate continue not to exceed the balance of the afternoon, the time to be equally divided between the gentleman from Michigan [Mr. ENGEL] and myself, that debate be confined to the bill, and that at the conclusion of debate the Clerk begin to read the bill for amendment.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from South Carolina.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 6739, with Mr. THOMASON in the chair.

The clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. HARE. Mr. Chairman, I yield myself 30 minutes.

Mr. Chairman, before proceeding with the discussion of the many provisions in this bill I want to express to my colleagues on the committee who heard and considered the justification for these appropriations my sincere and deep appreciation for their highly valued aid and cooperative assistance in every way. We were fortunate in having the same minority members we had last year; namely Mr. ENGEL of Michigan, Mr. KEEFE of Wisconsin, and Mr. H. CARL ANDERSEN of Minnesota. These gentlemen have served on the committee for several years, particularly Mr. ENGEL, and by reason of their interest, experience and familiarity with the subjects involved it is a pleasure to say they have been of great service to the chairman of the committee in an effort to properly evaluate the services of the different agencies and the justifications supporting them. Of course, I am greatly indebted to Judge TARVER of Georgia, for his highly valued service and assistance. He has been a member of this committee for a number of years. In fact, he has served on this particular committee several years longer than your chairman and the interest manifested and shown by him is deeply appreciated and it is impossible to estimate the increasing value to the committee and to the Congress due to his number of years of service and studious application to the many activities involved and provided for in this bill. He is not only deeply interested in the many activities provided for by the Subcommittee on Agriculture, of which he is chairman, but he has always manifested a deep concern as a member of this subcommittee in the various activities and services being rendered the country by the Department of Labor and the Federal Security Agency. On the majority side we have two new members of the committee this year, Mr. ROONEY of New York, and Mr. NEELY of West Virginia, and I wish to express to them personally my sincere appreciation of their hearty and sympathetic cooperation and express the hope they may find the work sufficiently interesting as to command their continued cooperation for many years to come.

The bill carries upward of 100 appropriation items and the committe gave 8 weeks to hearing and considering the justifications. There are a number of items that do not have the full and complete endorsement of each member of the committee, but the amounts here recommended reflect the cooperative and combined judgment of the entire membership with possibly two or three exceptions.

An examination of the hearings amounting to approximately 1,400 pages of printed matter will indicate the extent to which the committee endeavored to obtain all the facts supporting the justifications and the exercise of its best judgment in reaching a proper determination of all matters before it for consideration. A reduction in the appropriation for some of the items may seem rather drastic. On the other hand, it may appear that some items could have been reduced to a greater extent, but I think it is fair to say at this time that this is one bill where the committee has been making some rather drastic reductions for a number of years, but I hope they have not been sufficient to reduce the efficiency of any of the activities provided for. I think it is fair to say further that in several instances we have found where pronounced reductions in appropriations have been offset by increased efficiency on the part of those directing the activities. If I recall correctly, the Chairman, Dr. Altmeyer, of the Social Security Board, testified that the personnel of this agency has been reduced from upward of over 2,000 in 1942 to approximately 1,500 for the fiscal year 1946, despite the fact there has been a decided increase in the work load of the agency. It may be of interest to note further that the appropriation for the beginning of the fiscal year 1943 as it passed both Houses carried, in round numbers, $1,261,000,000, or a decrease of $141,000,000 as compared with the appropriation of the previous year.

In 1944 the appropriation was $1,200,000,000, or $61,000,000 less than the appropriation for 1943. The appropriation for the fiscal year beginning in 1945 was $1,135,000,000, or a decrease of $65,000,000 as compared with the previous year. The amount provided for in the fiscal year 1946 and carried in the bill as it passed the House was $1,086,000,000 in round numbers, or $49,000,000 less than the appropriation for 1945. You can understand, therefore, why this committee has not been able to make as drastic reduction as some might think should follow the cessation of hostilities. The reason is clear, we have been making such reductions for the past 5 years. It should be observed further that this bill carries with it appropriations for activities not heretofore carried. I refer to the National Wage Stabilization Board, the Retraining and Reemployment Administration, and other activities that heretofore appropriations were obtained through other committees.

The estimates submitted this past year were made and presented upon the theory that both the war in Europe and the Pacific would continue through the fiscal year 1946, but it will be recalled that the committee in marking up the bill proceeded upon the theory that the war in Europe would be over by July 1, 1945. Consequently, the bill this past fiscal year did not carry appropriations that could now be eliminated because of the cessation of hostilities. However, there are a few wartime activities that have been eliminated in the meantime, but it must be remembered there are some activities that were reduced during the war that are now reassuming normal proportions.

The amount carried in this bill for the present fiscal year 1946 plus the amount transferred to the Department, including any deficiency appropriations obtained amounted to $1,202,631,586. The amount carried in the bill for fiscal year 1947 totals $1,131,403,126, or $71,228,460 less than the appropriation for the fiscal year 1946, and $41,019,774 less than the budget estimate for 1947.

DEPARTMENT OF LABOR

The amount available in the Department of Labor for the fiscal year 1946 was $162,736,932. The amount provided for the fiscal year 1947 is $129,181,702, or a decrease of $33,555,230. We will not be able to go into great detail as to the various items, but we shall be glad to break this down into the principal activities in the Department.

OFFICE OF THE SECRETARY

The Office of the Secretary administers the activities of all the bureaus in the Department by approving labor policies and coordinating their operations. This office also provides central machinery for the performance of over-all management,

functions, which include central budgeting and financial controls, personnel administration, procurement, general service facilities, and so forth. The amount requested for 1947 was $982,000 and the amount carried in the bill is $862,000, or a decrease of $120,000. The request for 28 new positions involving a total of $115,406 has not been recommended. The committee felt that operating expenses of administering the enlarged functions of the Department sufficient economies may be made to offset any additional work due to the transfer of the National Wage Stabilization Board and the Reemployment and Retraining Service to this department.

OFFICE OF THE SOLICITOR

The Solicitor serves as a legal adviser to the Secretary of Labor and other officials of the Department; he is also charged with the responsibility of analyzing legislation which pertains or relates to the interest of the Department. The Budget Bureau estimate was $1,034,000 for salaries and expenses in this agency, but the committee recommends only $925,000, or a decrease of $109,000. The committee has not approved the request for an increase of 23 new positions, but has approved the 234 positions allowed in the 1946 appropriation, together with 28 positions from other agencies recently transferred to the Department.

DIVISION OF LABOR STANDARDS

The functions of this division are to develop desirable labor standards for industrial practices, to promote uniformity in labor law administration, to make specific recommendations of methods and measures to improve industrial relationships of the working conditions of wage earners, and to make available to interested persons existing resources of the Department of Labor and pertinent material obtained from public or private sources. The Budget estimate for this division was $283,800, the amount recommended for 1947 was $215,000, or a decrease of $68,800. The committee was apparently impressed with an item of $34,696 to provide for a labor education standards program. However, there seems to be some difference of opinion between the promoters of this proposal. Some witnesses testified that it was for the purpose of preparing and distributing bulletins of information to be used by schools, colleges, labor groups and other agencies; whereas, others felt it would consist of a kind of extension service corresponding to that carried on by the Department of Agriculture. The committee felt inclined to approve the item, but it is thought if this item is to be enlarged and is to become an extension service comparable in any way to that carried on by the Department of Agriculture additional legislation will be required.

CONCILIATION SERVICE

The objective of the Conciliation Service is to promote and establish harmonious labor-management relationships in industry through the settlement of labor disputes. It is alleged that its responsibilities are particularly heavy at this time for the reason that with the exception of the National Mediation Board, which has jurisdiction over all labor disputes involving railroad employees, the Conciliation Service is the sole agency of the Government in this field of work at the present time. The committee has always been very kindly disposed to this particular activity, but we feel that without being specifically critical this agency has failed to meet the objective contemplated by the Congress. Instead of reducing the number of labor disputes or increasing the harmonious labor-management relationships in industry we find there has been increased discord and an increased number of labor disputes despite the efforts of the Conciliation Service. I think it is fair to say this cannot be attributed to any lack of ability or inefficiency on the part of those charged with the responsibility of the Service. I think it is due largely to the failure of the Congress to properly evaluate many human equations that would have to be met and considered by this agency, and while I have always been a devoted and loyal friend to this Service and I still have confidence in the objective, I am convinced that the formula heretofore used in its operations will have to be changed in some way before we can expect to reach the objective contemplated by the Congress. The Budget estimate for 1947 was $2,363,500 and the amount recommended by the committee is $2,300,000, or a decrease of $63,500. It should be noted however, that the amount recommended is $271,339 above the base for 1947 and it will provide for 32 additional positions or inspectors in the Conciliation Service.

Mr. WOODRUFF. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 155]

Adams	Fulton	Outland
Andresen, August H.	Gearhart	Pace
Andrews, N. Y.	Gillespie	Patman
Arends	Granger	Patrick
Baldwin, Md.	Grant, Ala.	Peterson, Fla.
Barry	Grant, Ind.	Powell
Bates, Ky.	Griffiths	Randolph
Bland	Harris	Reece, Tenn.
Bolton	Hart	Reed, N. Y.
Boykin	Hartley	Richards
Brumbaugh	Heselton	Robinson, Utah
Buffett	Horan	Roe, N. Y.
Bunker	Jarman	Sabath
Cannon, Fla.	Johnson, Ind.	Schwabe, Okla.
Carlson	Johnson, Luther A.	Shafer
Celler	Kee	Sheppard
Clark	Lea	Simpson, Pa.
Cochran	LeCompte	Slaughter
Colmer	Lemke	Stewart
Courtney	Lesinski	Stigler
Crawford	Ludlow	Sumners, Tex.
Curley	Lyle	Thomas, Tex.
Dawson	McDonough	Tolan
Domengeaux	McGehee	Torrens
Durham	McGregor	Vursell
Eberharter	McKenzie	Wasielewski
Ellsworth	Morrison	Welch
Fenton	Norton	White
Fisher	O'Hara	Winstead
Flannagan	O'Konski	Wolcott
Folger	O'Neal	Wolfenden, Pa.
		Woodhouse

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. THOMASON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H. R. 6739, and finding itself without a quorum, he had directed the roll to be called, when 335 Members responded to their names, a quorum, and he submitted the names of the absentees to be spread upon the Journal.

The SPEAKER. The Committee will resume its sitting.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 6739, with Mr. THOMASON in the chair.

Mr. HARE. The next item is:

APPRENTICE TRAINING SERVICE

This Service brings together employers and labor for the formation of programs for apprenticeship. It formulates and promotes standards necessary to safeguard the welfare of apprentices and cooperates with State agencies engaged in the formation and promotion of standards of apprenticeship and the further development of such State activities. The amount estimated for this Service for 1947 by the Budget Bureau was $1,832,000 and the amount recommended by the committee is $1,800,000, or a decrease of $32,000.

BUREAU OF LABOR STATISTICS

This Bureau performs statistical and research work in the field of general labor economics, employment statistics, productivity and technological development, occupational outlook, prices and cost of living, the gathering of wage data, compiling of information on industrial relations and statistical information on industrial hazards. Its vast resource of information is used by labor, management, State officials, Members of Congress, private citizens and individual firms. The work of this Bureau has undoubtedly increased to a considerable extent in recent years, but the appropriation has grown by leaps and bounds in the last few years. This is accounted for in a large measure through the demand of numerous war agencies and war activities for statistical data for use in planning various and sundry types of programs. The Bureau submitted a special item of $620,400 to be used in obtaining certain statistical data said to be necessary in connection with the proposed housing program. The total Budget estimate for the next fiscal year was $5,427,000; the amount approved by the committee was $4,787,000, or a decrease of $640,000.

THE CHILDREN'S BUREAU

The chief responsibility of the Children's Bureau is to investigate and report upon all matters pertaining to the welfare of children and child life. It is also charged with administering the child-labor provisions of the Fair Labor Standards Act and to administer the maternal and child-welfare provisions of parts 1, 2, and 3 of title V of the Social Security Act. Its work breaks into four major functions: First, the maintenance of fact-finding, advisory, and reporting services pursuant to the act establishing the Bureau; second, child-labor administration under the Fair Labor Standards Act; third, the administration of grants to States for maternal and child welfare under title V of the Social Security Act;

and fourth, the administration of grants to States for maternity and infant care for the wives and infants of servicemen in the lowest four pay grades. The amount recommended by the Budget for salaries and expenses is $447,500, which represents an increase of $53,705 over the 1947 base and is to be used in making studies of juvenile delinquency and studies of employment opportunities and controls for inexperienced young people.

The Budget estimate for salaries and expenses under the Fair Labor Standards Act was $298,600 and the amount recommended by the committee was $256,309, or a decrease of $42,291.

The amount recommended by the Budget for maternal and child welfare was $516,800 and the amount recommended by the committee is $438,535, or a decrease of $78,265.

The Budget estimate of grants to States for emergency maternity and infant care was $17,593,000 and the amount recommended by the committee is $16,664,000, or a decrease of $929,000.

We might say that the Budget submitted a supplemental item which provided for the Children's Bureau to conduct a study of the experience gained in the administration of the Emergency Maternity and Infant Care Program, which the committee has not allowed and which accounts for the total deduction in this item. The number of infant care cases handled through January of the fiscal year 1946 was 1,125,814.

RETRAINING AND REEMPLOYMENT ADMINISTRATION

The objective of the Retraining and Reemployment Administration, authorized in title III of the War Mobilization and Reconversion Act of 1944, is to effect coordination during the reconversion period among the activities of those agencies of the Government charged with the functions of retraining, reemployment, vocational education, and vocational rehabilitation. The legislation for this activity expires June 30, 1947. The Budget estimate for this was $338,000 and the committee recommended the full amount.

Mr. VOORHIS of California. Mr. Chairman, would the gentleman care to yield at this point?

Mr. HARE. I yield to the gentleman from California.

Mr. VOORHIS of California. I wanted to ask the gentleman about the apprenticeship training program. Am I correctly informed that the committee bill carries the amount for that purpose which was recommended by the Bureau of the Budget?

Mr. HARE. The amount requested was $1,832,000. The amount allowed was $1,800,000, which was $295,000 more than it had for 1946 and $32,000 less than the amount requested by the Bureau of the Budget for 1947.

Mr. VOORHIS of California. Is it not true, in the gentleman's opinion, that the work of that agency is a very important one at the present time?

Mr. HARE. I agree with you thoroughly.

Mr. VOORHIS of California. What is the relationship between that apprenticeship training service and the retraining and reemployment service?

Mr. HARE. The apprenticeship training service is an old service provided for by act of Congress. It was originally placed in the Department of Labor and was there for a number of years until the war came on. Then it was placed in the War Manpower Commission and was carried on by that agency until the latter part of last year, when it was transferred by Executive order back to the Labor Department. It is now an agency of the Department of Labor. Its purpose is to prepare standards of apprenticeship for the several States, because the apprenticeship program is a State program; it operates under State law; and this agency provides for uniformity in establishing a standard for what would be known as a standard for a particular position or type of work.

Mr. VOORHIS of California. I am glad the committee has allowed practically the Budget estimate for this item, for it seems to me that both from the point of view of training workers for the construction program we have on and also from the more important point of view of trying to open opportunities for veterans that this work is one of the most important that is being done by any governmental agency.

UNITED STATES EMPLOYMENT SERVICE

Mr. HARE. The United States Employment Service assists in the development and coordination of a Nation-wide system of public employment offices for men, women, and juniors, establishes operating standards and procedures, and promotes uniformity in the operation of the employment service; maintains a program for clearance of labor between the States; and provides an adequate and effective job placement and counseling service for veterans.

The Budget estimate was $5,132,000 and the committee recommended $6,394,600. In recommending the total of $6,394,600 for general administration expenses, the committee has added a proviso that $2,650,600 shall be for use in carrying into effect the provisions of title IV of the Servicemen's Readjustment Act of 1944, which amplifies the responsibilities of the Veterans' Employment Service in aiding veterans to obtain saisfactory employment. The increase is recommended after hearing the testimony of the Director of Veterans' Employment Service and the officials of the United States Employment Service. The increase will be used for increasing the number of employees of the Veterans' Employment Service, which has to do solely with the efforts of assisting veterans to obtain satisfactory employment. The amount appropriated for general administration for the fiscal year 1946 was $11,732,000 and the amount the committee is recommending for 1947 is $5,337,400 less than the 1946 total.

The committee, in recommending the appropriation of $68,517,000, has divided such amount into two parts. The first, $17,129,250, is to provide necessary funds for the operation of the service as a Federal agency through October 6, 1946. The second part, $51,387,750, is proposed for making payments to the several States beginning October 7, 1946, in accordance with the provisions of the act of June 6, 1933, as amended, to January 1, 1942—Twenty-ninth United States Code 49–491—and for carrying into effect section 602 of the Servicemen's Readjustment Act of 1944. This service has much to contribute toward a return to normal employment conditions and production, and the testimony before the committee revealed that the demands for service upon the local employment offices by both employee and employer is the greatest in its history.

WOMEN'S BUREAU

The committee was impressed with certain features of the work carried on by this Bureau and, therefore, approved the Budget estimate of $234,000 for the fiscal year 1947, which represents an increase of $32,100, which will provide for 10 new positions, together with $1,579 for automatic promotions under the Mead-Ramspeck Act. The committee has increased the appropriation for this Bureau for printing and binding by $1,000 to enable it to print and distribute a list of bulletins which might be of assistance to women workers and available at the Government Printing Office.

WAGE AND HOUR DIVISION

This Division is responsible for the administration of the Fair Labor Standards Act and the Walsh-Healey Public Contracts Act. Both acts deal with the establishment of wage-and-hour standards for employees. The Fair Labor Standards Act covers employees engaged in interstate commerce or in producing goods for interstate commerce and requires that a minimum wage, and time-and-a-half for hours worked in excess of 40, be paid. The Walsh-Healey Act requires Federal Government supply contracts to contain certain maximum and minimum wage, child labor, safety, and health stipulations.

The Budget estimate is $4,623,000 and the committee recommended $4,203,700, which is a decrease of $419,300. The amount recommended will enable the Division to make 45,000 inspections, which it is believed should prove adequate at this time to insure enforcement of the provisions of the Fair Labor Standards Act and the Walsh-Healey Act. This is the same number of inspections that was made during the fiscal year 1945. The estimates presented to the committee contemplated a sufficient staff to make 56,000 inspections during the fiscal year 1947. It is not felt that an increase in the number of inspections is necessary, but rather that the Division should continue to operate at the 1945 level, and, inasmuch as the employees worked a 48-hour week during the 1945 fiscal year, there should be an adjustment of the estimates for 1947 so as to permit the making of 45,000 inspections on the basis of a 40-hour week. Such course requires an addition of 87 inspectors and 40 clerical-facilitating employees, at a cost of $361,840.

NATIONAL WAGE STABILIZATION BOARD

Salaries and expenses: Budget estimates, $5,191,900; recommended, $4,191,900; decrease, $1,000,000.

This agency was established on December 31, 1945, by an Executive order which also abolished the National War Labor Board. Its principal objective is to control the amount of any wage or salary increase which can be recognized as a basis for increasing prices or as a base for increasing the cost of goods or services under contract to the Federal Government. The National Wage Stabilization Board has the responsibility for applying these controls. In carrying out such principal function, the Board receives and acts on applications for the approval of wage or salary increases and decides whether and to what extent such increases can be approved under the standards prescribed by the Executive order and applicable regulations. To the extent that any wage or salary increase is not so approved by the Board, the increase cannot be used as a basis for increasing prices or cost to the Government. In addition to the rules limiting the extent to which wage and salary increases may be used for price purposes, there are rules which maintain, in effect, direct wage controls in certain limited areas, chiefly the building and construction industry. This means that no wage increase legally may be made in such industry without prior approval. In addition, no wage decreases in any industry legally may be made without prior approval of the Board.

The committee was favorably impressed by the statement of the Chairman of the Board, but felt that some reduction could be made in the estimate submitted, and, accordingly, is proposing a reduction of $1,000,000. In addition, the committee is proposing reductions in the allotments from the traveling-expense appropriation for this activity of $38,500, and $5,000 from the appropriation for contingent expenses.

RETRAINING AND REEMPLOYMENT ADMINISTRATION

Salaries: Budget estimate, $338,000; recommended, $338,000.

The objective of the Retraining and Reemployment Administration, authorized in title III of the War Mobilization and Reconversion Act of 1944, is to effect coordination during the reconversion period among the activities of those agencies of the Government charged with the functions of retraining, reemployment, vocational education, and vocational rehabilitation. The legislation for this activity expires June 30, 1947. It is felt that the full amount requested would be needed if this agency is to accomplish its objective by June 30, 1947.

EMPLOYMENT OFFICE FACILITIES AND SERVICES

Budget estimate, $68,517,000; amount recommended, $68,517,000.

The committee, in recommending the appropriation of $68,517,000, has divided such amount into two parts. The first, $17,129,250, is to provide necessary funds for the operation of the service as a Federal agency through October 6, 1946. The second part, $51,387,750, is proposed for making payments to the several States beginning October 7, 1946, in accordance with the provisions of the act of June 6, 1933, as amended, to January 1, 1942 (29 U. S. C. 49–491), and for carrying into effect section 602 of the Servicemen's Readjustment Act of 1944. This service has much to contribute toward a return to normal employment conditions and production, and the testimony before the committee revealed that the demands for service upon the local employment offices by both employee and employer is the greatest in its history.

OFFICE OF EDUCATION

The Budget estimate for salaries and expenses submitted by the Budget Bureau is $1,520,200, or an increase of $56,562, the amount approved over the corresponding item for 1946, but an increase of $577,662 above the base for 1947, which included certain items for national defense purposes. The increase provided for 126 new positions with proportionate increase in miscellaneous expenses. The committee recommended an increase of $49,052, providing for 52 new positions at a total cost of $46,552. The statutory grants approved by the Budget are recommended by the committee and are as follows: For the development of vocational education, $14,200,000; promotion of vocational education in Hawaii, $30,000; promotion of vocational education in Puerto Rico, $105,000; and further endowment of colleges of agriculture and the mechanic arts, $2,480,000. The committee approved a specific request in the amount of $1,337,000 to be allocated to States for carrying on food conservation activities.

OFFICE OF VOCATIONAL REHABILITATION

Vocational rehabilitation service is provided for under Public Law 113 and undertakes to render aid and assistance to physically handicapped persons who may be restored to an employable status. It is a program operated by State boards of vocational education in accordance with State plans approved by the Office of Vocational Rehabilitation. The testimony before our committee disclosed that a year ago there were 89,416 disabled persons in the process of rehabilitation. The estimate for the fiscal year 1946 will be approximately 105,000. The estimate for the fiscal year 1947 being 120,000. The economic value of the program as shown from the hearings before our committee discloses there were 41,925 persons rehabilitated into employment during the last fiscal year. That is, these persons were actually placed on the pay rolls of employers in a way and under conditions which apparently proved to be satisfactory to both employer and employee. It is stated that prior to the beginning of the rehabilitation program that the average income of such persons from what they could earn in part-time employment and what they received in the way of charitable contributions, relief payments, and so forth, amounted to $24 per month; whereas, according to the testimony furnished your committee, the same individuals following the completion of rehabilitation services had an average earning of $147 per month. It was stated that 18 percent of the number referred to had never been employable before and that 79 percent were not working at the time they were referred to the State agencies for rehabilitation. The estimates submitted by the Budget Bureau for the next fiscal year for grants or aid to the States is $11,747,700, or an increase of $42,400, which is recommended by the committee. The general expense item approved by the Budget for 1947 is $644,300, or an increase of $170,912 over the appropriation for the fiscal year 1946. The amount recommended by the committee is $564,300, which is an increase of $90,912 over the appropriation for 1946, but a decrease of $80,000 in the Budget estimate.

FOOD AND DRUG ADMINISTRATION

For the enforcement and operation of the Food and Drug Administration the committee has recommended a total of $3,482,383, or an increase of $40,083 over the amount of the appropriation for the fiscal year 1946. This agency is performing an outstanding service in a most important work. It has the responsibility of enforcing five laws, to wit, the Federal Food, Drug and Cosmetic Act; the Tea Importation Act; the Import Milk Act; the Federal Caustic Poison Act; and the Filled Milk Act. It is in constant contact with American manufacturers in its operations and enjoys the greatest respect and cooperation from this large group of American businessmen. Food and drug manufacturers and processors have been called upon to do an ever-increasing production job during the past years, and it is much to their credit that they have processed more foods and drugs than ever before. They have suffered the loss of experienced employees, have found it increasingly difficult to replace obsolete or worn-out equipment, and have been faced with numerous handicaps due to emergency conditions, but throughout the emergency and much to the credit of the Food and Drug Administration, the manufacturers have maintained an attitude that the American public and the armed forces are entitled to pure, clean, and uncontaminated foods and to potent, pure, and uncontaminated drugs.

UNITED STATES PUBLIC HEALTH SERVICE

The present budget was prepared and the estimates have been considered under the Reorganization Act of 1944. The $10,897,000 item carried in the last appropriation bill for the control of malaria was primarily a national defense item and as such has been eliminated from this bill. However, an increase in the control of communicable disease item of $1,040,000 in 1946 to $7,372,000 in 1947 is an increase of $6,332,000, the greater portion of which will be used to continue the program for malaria control. It was pointed out to the committee that a large number of veterans who saw service in the Tropics, many of whom were subjected to malaria, will upon return enlarge the necessity for increased activities in the malaria-control program, and it was contended that this problem will be found in many sections of the country now practically free from malaria, but the malaria-control program is combined with the control of other communicable diseases, such as typhus fever, and so forth. Recent experience has disclosed that the use of the relatively new insecticide, DDT, has been very effective in combating the spread of insect-borne diseases and the committee feels it will be an expensive economy to deny a proper appropriation

to proceed as rapidly as possible with preventive measures. The typhus program parallels in many ways the program to combat malaria and other tropical diseases and it is felt that the program to control such diseases should all be under one supervision.

Another national defense item carried in the 1946 appropriation, $59,957,000 to be used for training of nurses, has been eliminated as a defense item, but $16,300,000 has been included to continue the training-for-nurses program to its completion. The total amount carried in the appropriation bill for the fiscal year 1946 for the Public Health Service was $142,305,380, the amount carried for the fiscal year 1947 is $95,173,879, or a decrease of $47,131,501, which represents a decrease below the Budget estimate of $10,141,321.

ST. ELIZABETHS HOSPITAL

The committee has approved $3,729,358 for St. Elizabeths Hospital, which is $1,062,358 above the Budget estimate. The increase is approved for the purpose of eliminating, if possible, numerous deficiencies which have been the experience of the institution during the last few years, and to provide $75,000 for a general over-all survey of the entire institution by the Public Buildings Administration. It should be noted, however, that the increase is over the Budget estimate, but represents a decrease of $2,377,007 below the appropriation for 1946.

SOCIAL SECURITY BOARD

The committee has recommended $484,000,000 for grants to states for old-age assistance, aid to dependent children, and aid to the blind, which when broken down will be as follows: Old-age assistance, $398,700,000, or an increase of $27,700,000 over the appropriation for the fiscal year; aid to dependent children, $73,950,000, or an increase of $14,656,000; and aid to the blind, $11,350,000, or an increase of $644,000, making an overall increase in these three items of $43,000,000.

Grants to States for unemployment compensation administration will show a decrease from $57,042,000 for the fiscal year to $49,045,000 for the fiscal year 1947, the decrease being $7,997,000.

EMPLOYEES' COMPENSATION COMMISSION

The United States Employees' Compensation Commission is charged with the duty of administering several laws which provide workmen's compensation benefits to employees in certain employment in Federal jurisdiction. It is responsible also for administering statutory benefits authorized in the case of certain civilian workmen employed outside the United States. It is difficult to estimate in advance the necessary funds required to make payment to individuals for death and disability benefits for the reason that one cannot know in advance the number and extent of those entitled to such benefits. However, the committee has approved an appropriation of $11,100,000 for benefit payments, which is $630,000 less than the estimate submitted by the Commission and approved by the Budget. The committee felt that possibly there would be some decrease in the number of liabilities during the next fiscal year as compared with the fiscal year 1946. It is further thought that the present reorganization proposal now pending before the Congress, if made effective, may result in some economies during the next year. The total amount carried in the bill for the fiscal year 1947 is $12,600,000, which represents a decrease in the appropriation for 1946 to the extent of $10,420,390.

NATIONAL LABOR RELATIONS BOARD

The total estimates for the National Labor Relations Board call for an appropriation of $4,746,900 for the next fiscal year, or a decrease of $238,030 below the amount available for the present fiscal year and a decrease of $677,400 below the Budget estimate.

RAILROAD RETIREMENT BOARD

The amount approved by the committee for the fiscal year is $300,995,000, which is an increase of $6,300,000 over the appropriation for 1946 and a decrease of $3,800 below the Budget estimate for 1947.

CONCLUSION

Mr. Chairman, we have not discussed the provisions of this bill in great detail, but we invite your attention to our report, as well as the hearings before our committee. Your committee has given careful consideration to the evidence submitted in support of the estimates. We may have made mistakes in properly evaluating them, but our recommendations are now before you. If the majority of you think the reductions made are too drastic, or that we have erred in our judgment in any way, there is nothing to prevent you from offering amendments adjusting the appropriations to meet the will of the majority of the Members of the House. On the other hand, if you think we have failed to make the necessary reductions and still maintain that degree of efficiency desired in all the agencies involved you will have the same opportunity to make further reductions.

Mr. KEEFE. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, a reading of the bill will indicate the widely varying character of the numerous departments and agencies and institutions that are provided for in this appropriation bill. It is called the Labor and Federal Security appropriation bill and makes available for the next fiscal year funds to carry on the activities of those two great Departments of Government.

For a long time it was very noticeable, especially during the war period, that functions of the Labor Department had been transferred to other departments of Government, so that up until a year ago the Labor Department had been stripped of many of its fundamental functions and we found those functions scattered through other agencies of Government.

I have been one who for several years has urged upon the Secretary of Labor, and in speeches in the well of this House upon the Congress, that it seemed to me that the functions of the Department of Labor that properly belong to that Department ought to be restored to that agency, and that those functions of the Department of Labor that are not proper functions of that Department ought to be transferred to the agency where they most properly belong. You will recall that when the War Manpower Commission was set up under the direction of Mr. McNutt by Executive order the Apprenticeship Training Division was transferred from the Labor Department over to the War Manpower Commission. The employment services were transferred from the Labor Department to the War Manpower Commission. Although we had in the Labor Department a Conciliation Service that this subcommittee and the Congress dealt generously with every year in the matter of funds, we found that the War Production Board, the Army and the Navy, and the Maritime Commission all had set up within their agencies so-called labor conciliation services. Some 2 years ago I appeared on the floor of this House in support of a motion to strike out the appropriation for the Labor Conciliation Service in a naval appropriation bill, and I pointed out at that time the tremendous confusion and duplication that existed in the field of labor conciliation and mediation due to the fact that the Government had seen fit to set up these competing and duplicating conciliation services in various and sundry departments of Government other than the Labor Department.

I recall so well when standing in the well of this House and making that sort of a statement that the chairman of the Committee on Labor, the distinguished gentlewoman from New Jersey, arose and stated that she had just contacted the then Secretary of Labor, Madam Perkins, and gave assurance to the House that there was no duplication, there was no confusion, and that everything was working out perfectly lovely and fine, and as a result of that speech the effort which was then being made to bring back to the Labor Department its proper functions was defeated.

A year later when this bill came up before the committee for consideration, attention was again called to that situation, and lo and behold, the RECORD discloses, for any one who wants to read it, that the Undersecretary of Labor, then Mr. Tracey, and the Secretary of Labor, then Madam Perkins, came before the committee and said it was time to take their hair down and tell the committee the facts. There was duplication. There was confusion. There was such duplication and such confusion that I am certain it contributed in large measure to the resignation of John Steelman as Director of the Conciliation Service in the Department of Labor.

I am glad to know that at long last the Department of Labor has recognized the efforts that the committee has tried to put forth in its behalf to bring back to the Department of Labor the functions that properly belong there and to let other agencies of Government handle the functions that properly belong there.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. The gentleman from Wisconsin is vigorously correct in his presentation of this subject. There have been those of us on the House Labor Committee who saw the danger to which the gentleman has directed attention. We have tried, with him, to rectify it. I believe much of the confusion, as the gentleman calls it today, is not always due to a controversy between management and labor, but is aggravated because the Government itself has added to the troubled situation by overlapping and duplicating practices.

Mr. KEEFE. I do not believe there is any question about it. One of the prime complaints that always came to me from labor was the fact that they had labor functions scattered through some 26 agencies of the Government, instead of having the matters handled where they should be handled, in the Department this Congress has set up, the Department of Labor, to handle labor disputes.

I call your attention to some general observations on this subject matter. I am speaking generally without getting into particularization yet as to this bill. I have told you about the transfer to the War Manpower Commission of the Apprenticeship Training Division and of the United States Employment Service. Those services by administrative action have now been sent back to the Labor Department, so we now have in the labor section of the bill the apprenticeship training and the United States Employment Service, again back in the Labor Department where they very properly belong.

You will note also for years this Congress, as a result of organic legislation, placed the Children's Bureau in the Department of Labor. The Children's Bureau has two fundamental functions to perform. One of those functions is the matter of inspecting and enforcing the child labor laws. The other function is to administer grants in aid to the States under three titles of the Social Security Act. Another function was added to the Children's Bureau when the Congress saw fit to carry out the emergency maternal infant-care program and has provided year after year the appropriations to finance that most splendid undertaking. So that for years now, since the adoption of the M. I. C. program, the Children's Bureau has had three fundamental functions.

I call the attention of the Members of Congress to a function that to me has always seemed utterly intolerable. You will recall that we have a Wage and Hour Division, an inspection service, that is set up fundamentally for the purpose of making inspections in plants of this country to see to it that compliance is had with the provisions of the wage-hour law.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. KEEFE. Mr. Chairman, I yield myself 15 additional minutes.

The Wage and Hour Division was charged with the responsibility of making those inspections and to see to it that the wage-and-hour law was enforced throughout the country. You will also recall that at the same time we had what was called the Public Contracts Division, dealing with the Walsh-Healey contracts, so that we had two inspection services, one the Wage and Hour Division with its inspectors handling violations under the Fair Labor Standards Act, and a set of inspectors working under another Administrator, the Public Contracts Division, enforcing the Walsh-Healey Act.

I am glad to say that I raised the question with Miss Perkins when she was Secretary of Labor and administratively she did combine those inspection services into one service, which is now being administered by Mr. Walling, head of the Wage and Hour Division. But here is the funny thing. I hope you will follow me rather closely, because you must have a careful understanding of the law in order to follow.

An employer performing service or work, or employing people under the wage-hour law, was subject to inspection by the Wage-Hour Division. If he was performing a public contract for services to the country in excess of $10,000, he came under the Walsh-Healey Act. When we passed the Walsh-Healey law we provided that the inspectors under the Walsh-Healey Act, of the Public Contracts Division, would have complete charge of inspecting for child-labor violations and could also prosecute or recommend prosecution or do all things necessary to see that the child-labor laws were properly carried out so far as those employees working under the Walsh-Healey Act were concerned. But right across the street is an employer who is not under the Walsh-Healey Act, but comes under the wage-and-hour inspection of the Fair Labor Standards Act. Strange as it may seem, those people under the combined inspection services would also inspect on behalf of the Children's Bureau for child-labor violations. But instead of being authorized to go through and handle the violations and prosecute if necessary, they have to funnel their inspections through the Children's Bureau and let the Children's Bureau handle child-labor violations in those plants that were making consumer goods and were not under the terms of the Walsh-Healey Act. That has always seemed to me to be a ridiculous situation. I am very happy to note that the President in his recommended reorganization plan has left in the Department of Labor the labor functions of the Children's Bureau and has transferred to the Wage-Hour Division the entire control over the question of not only inspection for wage-hour violations but entire control for inspection of child-labor violations. That is a step in the right direction. That is a program I have advocated now for 3½ years and I believe the former Secretary of Labor would have carried it out administratively had she remained as Secretary of Labor. I am glad that the President has seen fit to recommend that in his reorganization plan. I am also glad to note that as part of that reorganization plan the President has recommended that the medical services and the child welfare services of the Children's Bureau shall be transferred to the Federal Security Agency. I have advocated that for 3½ years, since I have been pretty well acquainted with the workings of that Agency. That matter is going to come before the Congress for a vote some day and it would be well for the Members of Congress to thoroughly orient themselves and understand that situation before condemning that portion of the President's reorganization plan. Here is what will happen: Here is the Children's Bureau that is charged with allocating funds to States under 3 titles of the Social Security Act. The Social Security Board is charged with allocating funds for the rest of the titles under Social Security. Is there any reason in the world why in the Department of Labor you should have a bureau set up with a great big staff to handle the matter of the allocation of funds for child and maternal welfare, and so on, which involves the health and welfare of individuals, and have the Social Security Board handling the other titles of grants to States that involve substantially the same thing? Under the President's reorganization plan, those functions of the Children's Bureau are transferred to the Social Security Board. I think there not only could be more efficient administration of the grants-in-aid program under Social Security, but I think an efficient administration will save a great deal of money. I personally want to compliment the President for that portion of his reorganization plan.

Mr. HENRY. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. I yield.

Mr. HENRY. I quite agree with what the distinguished gentleman from Wisconsin is saying. The only difficulty I find with the President's reorganization plan is that there are other reorganizations in his plan with which I do not agree, and I shall be compelled to vote against some of them.

Mr. KEEFE. I am speaking only of one plan. I think it is reorganization plan No. 2. There may be some question as to the wisdom of the dissolution of the Employee's Compensation Board. That is included in that plan. But the other part of the plan which transfers from the Census Bureau to the Federal Security Agency the Bureau of Vital Statistics, I am in complete accord with, because it centralizes in one bureau all of the agencies having to do with public health and welfare. As one Member of Congress I hope we will be able to accomplish that and build in this country one agency of government of sufficient size and dignity that it may achieve Cabinet status, to deal with the welfare and the rights of human beings in the matter of public health.

Mr. VOORHIS of California. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. I yield.

Mr. VOORHIS of California. I want to compliment the gentleman on the last remark he made which I believe is a very statesmanlike remark. I wanted to ask him for my own information, and to sharpen the point a little, about the child welfare proposition that the gentleman was discussing a moment ago. It is true that the Social Security Board administers the aid of dependent chil-

dren which is a program of grants-in-aid to States?

Mr. KEEFE. That is right.

Mr. VOORHIS of California. Am I correct that other functions for child and maternity welfare, as now being conducted by the Children's Bureau, are also grants-in-aid programs?

Mr. KEEFE. That is right.

Mr. VOORHIS of California. In other words, they are not action programs but purely grants-in-aid programs?

Mr. KEEFE. That is right.

Mr. VOORHIS of California. That could quite as well be administered by the Social Security Board on the same basis and with the same personnel as they administer the other grants-in-aid?

Mr. KEEFE. That is right. They administer the child welfare service program, the crippled children grants-in-aid program, the child welfare grants-in-aid program under the provisions of three titles of the Social Security Act. The Social Security Board, on the other hand, administers all of the other programs set up under the Social Security Act, and they all relate to the general over-all picture, and they are grants-in-aid programs, and they all require the States, under the terms of the Social Security Act, to conform to certain standards that are set up. Those standards are pretty well known. There is not any reason in the world why the administration of those grants-in-aid programs, in my humble opinion, could not be turned over to the Federal Security Agency, and the same people working in the Children's Bureau today handle those grants-in-aid in the Federal Security Agency.

Mr. VOORHIS of California. I agree with the gentleman.

Mr. KEEFE. I think it is time we stopped this duplication of administrative set-ups to handle the same general program.

Now, I want to discuss just a little bit one or two items in this bill which may surprise some people, because the committee has seen fit to override the recommendations of the Bureau of the Budget and grant appropriations in excess of the Budget estimates.

We have out here St. Elizabeths Hospital. That is one of the institutions that is covered by this bill. It is administered by one of the finest administrators, in my judgment, that is to be found in the United States. It should be a model institution, and it is. But it is very rapidly declining, because the Congress of the United States has not seen fit to give the necessary personnel to that institution to enable it to properly function and give the care that it ought to give to the inmates of that great institution.

Soldiers, sailors, and members of the armed forces out there are entitled to the best care this Government can give them. A hospital is a 7-days-a-week institution. They cannot stop on Saturday afternoon, they cannot quit on Sunday, they cannot work that way running a hospital; it is a 7-days-a-week institution. They used to work 48 hours. We went back to a 40-hour week. Does it take any great persuasive argument to convince anyone that with the reduction in the workweek from 48 to 40 hours on a 7-day-week operation they will have to have more men and women working out there if they are going to give the aid to those people and the help and care to which they are entitled? And yet Dr. Overholser told us that the Budget estimate before him showed clearly that the Budget Bureau not only did not give him an increase to provide for the necessary additional personnel but in effect actually cut his budget.

I said: "Dr. Overholser, are you going to be able to operate this hospital on the money that is carried in this Budget estimate?"

He said: "I cannot."

"Can you give any degree of decent care to these inmates out there under this Budget estimate?"

And he said: "I cannot."

My colleague the gentleman from Minnesota [Mr. H. CARL ANDERSEN] and the speaker now addressing you went out there to look that hospital over. Mr. Chairman, I want to say a word of tribute to those wonderful men and women who are out there working on those wards, taking care of the thousands of insane patients who are out there. How in the name of God they can get people to work at all in many parts of that institution is a thing that intrigues me.

This committee put into this bill sufficient funds to enable Dr. Overholser and his very able administrative assistants to get sufficient personnel to give just a minimum of decent care to the people who are compelled to be in that hospital, and the committee has carried in this bill therefore an appropriation in excess of the amount requested.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. KEEFE. Mr. Chairman, I yield myself 10 additional minutes.

Mrs. BOLTON. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. I yield.

Mrs. BOLTON. I wish to commend the committee for its very fine action in the matter of St. Elizabeths Hospital. The nursing care, the medical care, and just the basic physical care of the hospital itself is one of the most difficult things in the world. Too much cannot be said of the consecrated service being rendered by the staff and the workers of this great hospital in spite of low salaries, insufficient numbers, and difficult working conditions. I wish to ask the gentleman whether he has examined the President's reorganization plan and whether he is satisfied to have St. Elizabeths Hospital cease to take Army and Navy personnel who need treatment in such an institution. The gentleman will remember that St. Elizabeths originated as an Army hospital. Has he had time to examine into the implications of the reorganization plan, especially as it relates to St. Elizabeths Hospital, and would he care to go into the whole new problem it creates.

Mr. KEEFE. That, of course, is a very highly controversial question and I am very frank to say that I have examined the President's proposal but I do not care to express or hazard an opinion with respect to it at this particular time.

Mrs. BOLTON. Does the gentleman feel that some action will be taken by this body on that plan?

Mr. KEEFE. The matter is now pending before the Committee on Expenditures in the Executive Departments. They are holding hearings.

Mr. H. CARL ANDERSEN. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. I yield.

Mr. H. CARL ANDERSEN. Before I put to the gentleman the question I wish to ask him to elaborate upon, I want to say that if there is one man in the Congress of the United States who understands what is contained in this particular appropriation bill, that man is the gentleman from Wisconsin, FRANK KEEFE. Glance at the printed hearings and see for yourself the knowledge displayed by Congressman KEEFE of the subject now before us.

I wonder if the gentleman from Wisconsin will elaborate upon the point that was brought out by the committee at the time we visited St. Elizabeths Hospital in which the Superintendent there told us of the difficulty under which they operate because of this 25-percent differential given to the Veterans' Administration, thus enabling them to take the best personnel away from such institutions as St. Elizabeths. I wish the gentleman would elaborate upon that point.

Mr. KEEFE. I do not think time will permit of doing that except to say that in order to run a hospital of the character of St. Elizabeths any one knows that you must have the highest type of trained psychiatrists, including psychiatric nurses and medical attendants in that hospital. They are experiencing tremendous difficulty out there, and I may say that that is true of other institutions throughout the country because of the extremely attractive salaries being offered by the Veterans' Administration for the character of service that they have to utilize in St. Elizabeths. I want to pay a little word of tribute to those magnificent psychiatrists, nurses, and doctors who are self-sacrificing in an institution of that kind and are willing to stay on the job and give these people the care they are entitled to in the face of the tremendously increased offers of job opportunities in the Veterans' Administration. It is a situation that somebody connected with a committee ought to look into if we are not going to have a very disturbing situation in all of the other hospitals of the country not under the control of the Veterans' Administration.

Let me point out one other item, and this relates to public health. We were advised after the hearings closed that the Bureau of the Budget had cut the National Institute of Health nearly $2,000,000. I found out about it, and I called those people up and asked them some questions. What will be involved if this cut takes place? They told me. They did not tell us when they were before the committee because they were acting under a rule which says that a representative of a department shall not

justify any item that is not included in the budget. I was simply amazed to find that the Bureau of the Budget had cut the Public Health Service in three of its most vital research programs and evidently were doing it on the basis or the hope that the Congress would pass this national-science bill, that then they could turn these funds over to some "super-duper" investigation or scientific organization.

I took the position, and I maintain it now, that there is not a possibility of that bill passing this Congress before adjournment. What would happen in the next 6 or 8 months, then, if we took away the funds that are now being devoted by the National Institute of Health to the financing of clinics throughout the country? What would happen to that scientific research and investigation in the next 6 or 8 months? I will tell you what will happen. It would stop. The research that is being carried on now in connection with malaria would stop; the research that is now being carried on in connection with penicillin would stop; and the research that is carried on now in connection with communicable diseases would have to stop on July 1. You must realize that that is not research being conducted by the National Institute of Health only. We have organizations all over this country, I believe some 51 research organizations, devoting themselves to an effort to get at the cause and the cure for malaria. There are organizations breaking down the potentials of this mysterious and magnificent drug, penicillin, where they have not even scratched the surface, having only broken it down into four essential characteristics. I, for one, want to say that the members of this subcommittee and the full Committee on Appropriations are not going to permit the termination of the magnificent research work that involves the lives and future of human beings. So we gave to the United States Public Health Service the money and the funds in excess of the recommendation of the Bureau of the Budget to carry on this work. I believe that the Members of Congress will applaud the committee for taking that very desirable action.

Mrs. BOLTON. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. I yield to the gentlewoman from Ohio.

Mrs. BOLTON. As far as I am concerned, I do most earnestly applaud the committee for its splendid service. May I ask the gentleman this, whether the functions of the Bureau of the Budget are of a character that it can cut all the bills to pieces before the Congress has opportunity to see them, and whether the committees of the Congress do not have the right, yes, the obligation to consider the original plans of the departments rather than having to consider a second-hand version when they come back after they have been hashed up by the Budget? It is only in recent years that the Budget has assumed prior rights of consideration of all legislation presented to the Congress.

Mr. KEEFE. I have my individual views on that matter and I have often wondered why they called it a Bureau of the Budget. That is all I have to say on the subject, and so far as I am concerned, when I have the ability to understand and I know the public need and necessity I, as one Member of Congress, am going to exercise my prerogative and my responsibility, and my duty to the people of this country to see to it that an agency of Government such as the United States Public Health Service that is dealing with the lives and the fortunes and the health of individuals is not going to be curtailed in carrying out its proper functions. That is the attitude of this subcommittee and that attitude has been confirmed by the full committee.

I just want to say one word further, and that relates to this subject of cancer research. Can you think of anything more important than the research that is being conducted to try to find the cause and, if possible, the cure for that dread scourge? I cannot think of any, and so far as I am concerned one of the reasons why I have such great confidence in the United States Public Health Service and its personnel is because when that subject was before the subcommittee, my distinguished friend, the gentleman from West Virginia, Governor NEELY, who is tremendously interested in this matter of cancer research, felt that they were not asking for enough money. He suggested that the committee would be willing to give them a very greatly increased appropriation for cancer research, and unlike some agencies of government, it was refreshing to find the answer come back, "Governor, we would like to have a lot more money, but we have asked you only for the amount that we can expeditiously expect."

Mr. JENNINGS. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. I yield to the gentleman from Tennessee.

Mr. JENNINGS. I want to say that this House and the country is indebted to the very able Representative, the gentleman from Wisconsin [Mr. KEEFE], for the informative and convincing explanation that he is making of projects that are carried in this measure.

Mr. VOORHIS of California. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. I yield to the gentleman from California.

Mr. VOORHIS of California. I merely want to ask the gentleman whether he has the slightest idea why in the world the Budget should have cut off the funds for these research projects.

Mr. KEEFE. There was no reason given, but I understand through the grape vine that somebody was hopeful that this national science bill would pass, which proposed to set up a "super-duper" department of investigation and scientific research, and they wanted the funds to ultimately filter into that organization. But it would have been disastrous to the research that is now going on, and we must continue to maintain and support that research. God Almighty knows this Nation, if it needs anything under the sun, needs the expenditure of money in the interest of the preservation of public health. That is why I am such a protagonist of the judicious expenditure of funds in that direction.

Let me say this further. This is not a bill in which you can make drastic cuts, as you can in some other bills. We have done pretty well, as the chairman told you a while ago, cutting in the spots where you could reduce expenditures in connection with this appropriation during the last 5 years.

I call your attention to the fact that the grants-in-aid program and the grants to the States that are contained in this bill under Social Security, with all of its old-age assistance and crippled children assistance, and so on, the grants-in-aid program of the Children's Bureau, the grants-in-aid for vocational education, the grants-in-aid for the employment services, the grants-in-aid for the endowment of colleges of agriculture and mechanical arts, vocational rehabilitation, the grants-in-aid for venereal disease control, control of tuberculosis, assistance to the States in general public health services, control of communicable diseases, the grants-in-aid to the blind and to crippled children, the unemployment compensation payments, the Federal unemployment compensation grants, the employees' compensation payments, railroad retirement grants, and all that sort of thing, amount to a total of $986,000,000 out of this bill, and they are all sums of money that this committee cannot touch. The Congress has passed the legislation and said, "We want these bills paid." You have to pay the old-age assistance on a matching basis, as provided by law. You have to provide these grants to the States, and many more than I have indicated. But when you come to talk about economy, you cannot economize where you are going to cut off the life and the future of a human being or a child; but we have done a fairly good job in this bill, if you will analyze it, in cutting some of the spots where you can cut.

The gentleman from California asked a question about apprenticeship training.

Mr. VOORHIS of California. That is right.

Mr. KEEFE. I want to give a little further answer to it.

Mr. VOORHIS of California. I would appreciate it very much if the gentleman would do that.

Mr. KEEFE. I think many people have a mistaken idea as to what the Federal part in apprenticeship training really is. Apprenticeship training systems are State systems. Apprenticeship training results from the enactment of laws by the legislatures of the States whereby they set up the facilities and the program for apprenticeship training. It usually means simply this, that the State system through the State Board of Apprenticeship Training enters into agreement with employers in the State that can comply with the necessities for instruction, and they will indenture apprentices to those employers under a contract by which at the time of graduation that individual may become a journeyman. They work closely with the vocational system. The vocational schools furnish a portion and part of the instruction.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. KEEFE. Mr. Chairman, I yield myself five additional minutes.

The Federal Government goes out into the States and into the field to try to stimulate the States through their legislatures to adopt apprenticeship training systems, and they send their representatives into the States where they already have these systems to aid the States in carrying out the apprenticeship training program that is provided under the GI bill of rights. The gentleman will recall that when the GI bill was on this floor I was privileged to offer the amendment which the committee accepted which made the apprenticeship training available to the veteran as part of the educational program under that bill. Hundreds of thousands of veterans are availing themselves throughout this country of the right to secure training and education under the apprenticeship system. I want to call your attention to this situation. There are many States in the Union that do not even have a system of apprenticeship training. Then what happens? That is where the Federal organization comes into play. What they have done is this: The Federal Apprenticeship Training Division goes into a State, such as the State of Texas, for example, which has no State system of apprenticeship, and they enter into a contract with the State agency by which the State agency designates the Federal Apprenticeship Training Organization to act for them in the placement of apprentices under the GI bill of rights. I personally think it is one of the great organizations of the country and that the apprenticeship training is a very far reaching and very necessary program to aid in securing trained mechanics and journeymen. Especially is that true because of the tremendous demand for artisans necessary in connection with the building program that is now going on.

Mr. VOORHIS of California. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. I yield.

Mr. VOORHIS of California. May I say to the gentleman I think he has rendered a great service to the veterans by the amendment that he offered to the GI bill. I understand that more than 80 percent of the people at present taking advantage of the apprentice training program are veterans.

Mr. KEEFE. That is true.

Mr. VOORHIS of California. May I ask the gentleman whether in his judgment the funds carried in the bill, which I understand are approximately the Budget estimate, are in his opinion sufficient to enable this work to be adequately carried on in the next fiscal year?

Mr. KEEFE. As one who has for many years been a strong advocate of apprenticeship training, I may assure the gentleman that in my opinion the funds that are carried in this bill are wholly adequate to carry out the functions of the Federal Apprenticeship Training Division.

Mr. VOORHIS of California. I thank the gentleman very much.

Mr. KEEFE. There are many, many other things in connection with this bill that I could discuss but I do not want to take up any more time. I would like to call your attention to a few things that were unearthed which were interesting. Just let me tell you of one interesting situation to show how government operates. You remember back in the days of Paul McNutt when he was running the employment services and he issued an order to his Federal employment offices that they were not to make any referrals to agriculture and that they were only to make referrals to industry? Congress got a little upset about that, and they said they were going to do something to have an employment service for domestic agriculture. So they voted, I believe, some $30,000,000 to the Department of Agriculture to be administered by the Extension Service of the Department of Agriculture who were to go out and recruit the help and make placements on the farm. Strange as it may seem, this year when I started to puddle around in the water, not knowing just where we were going, we discovered before we got through that the United States Employment Service in 11 States, and 11 of the most important agricultural States in the Union, had made contracts with the Agriculture Department Extension Service by which the USES performed the placement service for agriculture in those States and was paid for it out of the $30,000,000 which we appropriated to the Extension Service.

If that is not a ridiculous conglomeration of confusion, then I do not know what is. I am calling attention to it because some committee of this Congress ought to be able someday to put their finger upon this amazing confusion that exists that allows such an unusual expenditure of public funds. Why did not we make the appropriation directly to the USES in the first place instead of funneling it over to Agriculture and then over to the USES with all of the administrative expenses hooked on as a result of that sort of operation? Members of Congress, if you give studious attention to one of these bills and one of these departments, you will find not only in that instance but in hundreds of instances cases of confusion and duplication until the whole thing is confounding to an individual sitting there on this little subcommittee trying to understand the complexities of a bill that covers so many agencies as are found in this one.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. KEEFE. Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois [Miss SUMNER].

Miss SUMNER of Illinois. Mr. Chairman, this bill contains conspicuous appropriations for the officials who concern themselves with women and children's problems, but nobody should get the impression that dependent women and children of this country can bear to have their standards of living reduced.

I mention this now because the principal argument for the British loan bill is that the British stood alone and the Americans can stand a loan.

Mr. HARE. Mr. Chairman, I have no further requests for time. I ask that the Clerk read.

The Clerk read as follows:

ST. ELIZABETHS HOSPITAL

Salaries and expenses: For support, clothing, and treatment in St. Elizabeths Hospital of persons who have become insane since their entry into the armed forces of the United States, insane beneficiaries of the Bureau of Indian Affairs, insane beneficiaries of the United States Employees' Compensation Commission, and all other insane persons whose admission to the hospital is authorized by law, including reimbursement to employees for the cost of repair or replacement (where the damage exceeds $2 and does not exceed $100) of personal belongings damaged or destroyed by patients while employees were in line of duty; travel expenses; printing and binding; and not exceeding $3,000 for maintenance, repair, and operation of motor-propelled passenger-carrying vehicles; and not to exceed $185,000 for repairs and improvements to buildings and grounds; and not to exceed $15,000 for furnishing and laundering of such wearing apparel as may be prescribed for employees in the performance of their official duties; $3,729,358, including cooperation with organizations or individuals in scientific research into the nature, causes, prevention, and treatment of mental illness, and including maintenance and operation of necessary facilities for feeding employees and others (at not less than cost), and the proceeds therefrom shall reimburse the appropriation for the institution; and not exceeding $1,500 of this sum may be expended in the removal of patients to their friends; for expenses of attendance at meetings of a technical nature, pertaining to hospital administration and medical advancement, when authorized by the Federal Security Administrator; not exceeding $2,500 for the purchase of such books, periodicals, and newspapers as may be required for the purposes of the hospital and for the medical library, not exceeding $75,000 for transfer to the Federal Works Agency for expenses incident to a survey of the buildings and grounds of the hospital; and not exceeding $1,500 for the actual and necessary expenses incurred in the apprehension and return to the hospital of escaped patients: *Provided*, That so much of this sum as may be required shall be available for all necessary expenses in ascertaining the residence of inmates who are not or who cease to be properly chargeable to Federal maintenance in the institution and in returning them to such places of residence: *Provided further*, That not exceeding $200 additional may be paid to two employees to provide mail facilities for patients in the hospital: *Provided further*, That during the fiscal year 1947 the District of Columbia, or any branch of the Government requiring St. Elizabeths Hospital to care for patients for which they are responsible, shall pay by check to the superintendent upon his written request, either in advance or at the end of each month, such amounts as shall be calculated by the superintendent to be due for such care on the basis of a per diem rate approved by the President and bills rendered by the superintendent of St. Elizabeths Hospital in accordance herewith shall not be subject to audit or certification in advance of payment; proper adjustments of such bills paid for in advance on the basis of such calculations shall be made monthly or quarterly, as may be agreed upon by the superintendent of St. Elizabeths Hospital and the District of Columbia Government, department, or establishments concerned. All sums paid to the superintendent of St. Elizabeths Hospital for the care of patients that he is authorized by law to receive shall be deposited to the credit on the books of the Treasury Department of the appropriation made for the care

and maintenance of the patients at St. Elizabeths Hospital for the year in which the support, clothing, and treatment is provided, and be subject to requisition upon the approval of the superintendent of St. Elizabeths Hospital.

Mr. KEEFE. Mr. Chairman, where is the Clerk reading?

The CHAIRMAN. At page 32, line 19.

Mr. KEEFE. Mr. Chairman, I ask unanimous consent to return to page 26.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. Does the gentleman from South Carolina desire recognition?

Mr. HARE. Mr. Chairman, the chairman of the subcommittee desires recognition for the purpose of calling attention to what appears to be a typographical error in the appropriation line 16 on page 26. Instead of $11,530,888 the amount should be $16,628,000.

I offer an amendment.

The Clerk read as follows:

Committee amendment offered by Mr. HARE: Page 26, line 16, strike out "$11,530,888" and insert "$16,628,000."

The amendment was agreed to.

The Clerk read as follows:

This title may be cited as the "Employees' Compensation Commission Appropriation Act, 1947."

Mr. TABER. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Fifty-six Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 156]

Andrews, N. Y.	Gearhart	O'Hara
Auchincloss	Gifford	O'Konski
Baldwin, Md.	Granger	O'Neal
Bell	Grant, Ind.	O'Toole
Bland	Hall, Edwin Arthur	Patrick
Bloom	Harris	Peterson, Fla.
Boren	Hart	Quinn, N. Y.
Boykin	Hébert	Rains
Bradley, Mich.	Herter	Reece, Tenn.
Brumbaugh	Hinshaw	Richards
Buckley	Holmes, Wash.	Robinson, Utah
Bunker	Hook	Roe, N. Y.
Cannon, Fla.	Horan	Rogers, N. Y.
Carlson	Johnson, Ind.	Sabath
Celler	Johnson, Luther A.	Sheppard
Clements	Jones	Short
Cochran	LaFollette	Simpson, Pa.
Cole, N. Y.	Lanham	Starkey
Colmer	Ludlow	Stewart
Cooley	Lynch	Stigler
Courtney	McCormack	Sumner, Ill.
Crawford	McGehee	Sumners, Tex.
Curley	McGregor	Tolan
Dawson	McMillen, Ill.	Torrens
Domengeaux	Mankin	Traynor
Durham	Mason	Wasielewski
Eaton	May	Welch
Ellsworth	Monroney	White
Fellows	Morrison	Winstead
Fenton	Norblad	Woodhouse
Flannagan	Norton	Worley
Fogarty		
Folger		

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. THOMASON, Chairman of the Committe of the Whole House on the State of the Union, reported that that committee having had under consideration the bill H. R. 6739, and finding itself without a quorum, he had directed the roll to be called, when 329 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The SPEAKER. The Committee will resume its sitting.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H. R. 6739, with Mr. THOMASON in the chair.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE IV—NATIONAL LABOR RELATIONS BOARD

Salaries: For three Board members of the National Labor Relations Board and other personal services of the Board in the District of Columbia and elsewhere necessary in performing the duties authorized by law, $2,991,000.

Mr. TABER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TABER: Page 44, line 20, strike out lines 20 to 23, inclusive.

Mr. TABER. Mr. Chairman, I offer this amendment to strike out the appropriation for the National Labor Relations Board. Those who are forward looking have become more and more disturbed by the performances of the National Labor Relations Board. The Government, in my opinon, has no business in labor disputes except to act as a mediator and to be fair between the employer and the employee. They have not only failed to be fair as between employer and employee, but they have failed to be fair between different groups of employees and they have, by pressure and various other operations, many of them outside of the law, like their incursions into the agricultural labor field, destroyed the confidence that the public should have in that Board. Perhaps the law might function if a board had been appointed which had in mind the responsibility that the Government owes, but that has not been the case. The only way out of this situation from the standpoint of promoting industrial peace, giving the workingman a chance, giving collective bargaining a chance to continue and to succeed, is to get rid of the operations of this Board. Perhaps we will need a mediation board. Perhaps we will need another board after this one is disposed of, but the way things are going it is absolutely impossible to have any kind of approach to industrial peace unless we proceed to wipe out this sore upon the body politic.

For my own part, I like to see the workingman have a chance. He does not have that chance when we are subjected to such enormous monstrosities as we have been lately. It has been a terrible thing when they have kept plants closed for period after period by rows between different labor unions. It has been a terrible thing when local unions have been obliged to pass a resolution designating the management of operation with reference to labor disputes to labor leaders some thousands of miles away, and then have those people go off and pay no attention to the local problems. So in so many instances collective bargaining has been dead. It has been a terrible situation.

Mr. SMITH of Ohio. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Ohio.

Mr. SMITH of Ohio. Does the gentleman believe the National Labor Relations Board has been a force for mitigating labor disputes or for aggravating them?

Mr. TABER. It has been a force for aggravating them and making them worse. Continually the number of strikes that have happened has risen as a result of the operations of the National Labor Relations Board.

Mr. Chairman, I hope this amendment will be adopted and that we can begin to proceed toward industrial peace.

Mr. HARE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, to strike out this appropriation or to adopt the amendment offered by my good friend from New York, for whom I always have a great admiration, would go to the very root of the collective-bargaining policy established by the Congress. The collective-bargaining program is lodged in the National Labor Relations Board. It is a function of the National Labor Relations Board to determine the bargaining agency in difficulties or misunderstandings arising between management and labor, by holding elections. If we approve this amendment, that entire program will be eliminated and that policy will be absolutely destroyed. The Board also has the function of looking into unfair labor practices. If we adopt this amendment, we can expect additional unrest between labor and management.

I am not prepared to say that the Board has been successful in every detail, because hardly any agency of the Government has been successful in every detail. We have made some mistakes here in this wonderful body. We have here great minds and great hearts endeavoring to solve the great problems of the Nation, yet I think we have made mistakes at times.

If we will take a look at the history of the National Labor Relations Board for the last few years we will be convinced that it is rendering a valuable service to the Nation and a valuable service to the people it endeavors to represent. I am particularly interested in activities of this Board and its work since our genial and good friend, Jack Houston, who served in this House for a number of years, has been a member of the Board. We find from the testimony that was submitted to our committee only a few weeks ago that in 1943 the number of cases disposed of was 9,783. The number of cases disposed of in 1944 was 10,229. The number of cases disposed of in 1945 was 10,298. In the fiscal year 1946 up to date, they have disposed of 12,751. It is interesting to note that while we have increased the appropriation for this agency over the years as much as 18 percent, the number of cases disposed of has increased 23 percent. In other words, over the last few years or

over the last 4 years, we might say, the number of cases disposed of by this Board, and disposed of satisfactorily to the parties interested, has increased 23 percent.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCORMACK. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for an additional minute.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. HARE. I yield.

Mr. McCORMACK. In effect, would not the adoption of this amendment, at least for 1 year, mean striking out the very heart, so far as governmental action is concerned, with reference to collective bargaining and looking into unfair labor practices? And would it not be injurious to the best interests of good management and labor relationships?

Mr. HARE. I said at the outset it would absolutely destroy our collective bargaining policy. It would absolutely destroy the functioning of this agency with reference to determining who the bargaining agent is or who the bargaining agent will be in case of a labor dispute. It will also eliminate that function of determining what is an unfair labor practice. If we destroy those three, the responsibility will be on this body.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from New York [Mr. TABER].

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 53, noes 77.

So the amendment was rejected.

The Clerk read as follows:

No part of the funds appropriated in this title shall be used in any way in connection with a complaint case arising over an agreement, or a renewal thereof, between management and labor which has been in existence for 3 months or longer without complaint being filed by an employee or employees of such plant: *Provided*, That, hereafter, notice of such agreement or a renewal thereof shall have been posted in the plant affected for said period of 3 months, said notice containing information as to the location at an accessible place of such agreement where said agreement shall be open for inspection by any interested person: *Provided further*, That these limitations shall not apply to agreements with labor organizations formed in violation of section 158, paragraph 2, title 29, United States Code.

Mr. ELLIOTT. Mr. Chairman, I offer an amendment which is at the desk.

The Clerk read as follows:

Amendment offered by Mr. ELLIOTT: On page 46, line 3, after the word "code", strike out the period, insert a comma, and add the following: "*Provided further*, That no part of the funds appropriated in this title shall be used in connection with the investigation, hearings, directives, or orders concerning bargaining units composed in whole or in part of agricultural laborers as that term is defined in the Social Security Act in section 409, title 42, United States Code."

Mr. ELLIOTT. Mr. Chairman, this amendment is the same amendment that was adopted in 1945 and practically the same amendment that was adopted on the Case bill on February 6, 1946. This defines agricultural labor:

The term "agricultural labor" includes all service performed—

(1) On a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife.

(2) In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm.

(3) In connection with the production or harvesting of maple sirup or maple sugar or any commodity defined as an agricultural commodity in section 1141j (g), title 12, as amended, or in connection with the raising or harvesting of mushrooms, or in connection with the hatching of poultry, or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water for farming purposes.

(4) In handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market any agricultural or horticultural commodity; but only if such service is performed as an incident to ordinary farming operations or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market. The provisions of this paragraph shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

As used in this subsection, the term "farm" includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards."

Mr. LEA. Mr. Chairman, will the gentleman yield?

Mr. ELLIOTT. I yield.

Mr. LEA. Is it not true that the definition of "agricultural labor" that you would apply to this amendment is the definition that was adopted in the House by the Ways and Means Committee several years ago?

Mr. ELLIOTT. Yes.

Mr. LEA. And has since been approved two or three times by the House?

Mr. ELLIOTT. Yes.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield? I could not hear what the distinguished gentleman was asking you.

Mr. ELLIOTT. The gentleman from California [Mr. LEA] said that this amendment was the same amendment that was adopted a few years ago and again in 1945 and again in 1946.

Mr. Chairman, as I started to say, this amendment is much needed at the present time in the interest of protecting the processing, handling, and production of foodstuffs of all kinds on the farms. We all know that we need some clarification in defining agricultural labor connected with agriculture and harvesting and processing in order to properly protect agriculture at this particular time.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. PHILLIPS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the heart of the matter as far as this amendment is concerned seems to me to be this—that we have had various definitions or interpretations of agriculture on the part of many agencies of the Government. In order to establish a definition for "agriculture" this House has previously, as the distinguished chairman of the Committee on Interstate and Foreign Commerce pointed out a few moments ago, several times adopted this same amendment which is now being offered, and attached it to previous bills, so that confusion can be done away with.

I am sure the House today will again support the same amendment. The last time, as I recall, it was offered by the gentleman from California [Mr. LEA].

There is no other question involved. Some of these days the Committee on Agriculture will bring up the entire problem of the definition of "agriculture." Until then, it is necessary to attach it to individual bills, because it expires with the provisions of the bill and must therefore be renewed.

I ask for an aye vote.

Mr. OUTLAND. Mr. Chairman, will the gentleman yield?

Mr. PHILLIPS. I yield.

Mr. OUTLAND. Can the gentleman point out to the House during the 3 years in which these groups have been covered by the National Labor Relations Board where we have had any industrial strife as a result?

Mr. PHILLIPS. Yes; I think I could, but I should have to take more time than I have.

Mr. OUTLAND. If the gentleman will yield further, I may say that about 25,000 people who would be involved if this amendment were reenacted are employed in my district. Since the National Labor Relations Board has acted as the jurisdictional agent there has not been one strike. Pass this amendment and you will see more strikes and strife than we have ever had before because you are doing away with the only machinery we have for dealing with labor disputes.

Mr. PHILLIPS. The gentleman's point is not very well taken because the amendment has been in force now for several years on other bills. I am glad to know there have been no strikes.

Mr. ROONEY. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California.

This amendment is similar to last year's so-called Lea amendment, and I must again oppose it for the reason that we are discussing and considering legislation on an appropriation bill which is vicious in its nature, insofar as the rights of the workingman in industrial food-processing plants are concerned.

This proposed legislation is not for the benefit of the farmer; this rider is for the benefit of huge private industrial corporations and canning plants and would deprive, were we to enact this amendment to the pending bill, a million and a half workers who were protected purposely by this Congress when clothed with the provisions of the Wagner Act.

Section 2 (3) of the National Labor Relations Act defines the employees who are entitled to the protection of the act. Those employees who may truly be regarded as farm labor are by the terms of this section presently excluded from the operation of the act. The farmer's hired hand and other employees engaged in ordinary cultivating and harvesting operations have never been included under the jurisdiction of the National Labor Relations Act.

The proposed rider offered by the gentleman from California would deprive a million industrial food-processing workers of the protection of the Wagner Act by amending that act to make the social-security definition of agricultural labor applicable. Over 500,000 industrial employees are affected directly by the Social Security Act definition.

By the trick phrase "bargaining units composed in whole or in part of agricultural laborers" an estimated additional half million industrial workers would be excluded. An entire bargaining unit would be excluded as long as a single worker in the unit could be regarded as coming within this false and expanded concept of agricultural labor.

Apart from these evils in its substance, the proposed rider typifies the viciousness of seeking to evade the obligations of law by the device of riders attached to appropriations. There have been efforts in the past to amend the act to exclude these broad groups of workingmen from the benefits of the act. Up to this date Congress has refused to enact such an amendment. Now the device of appropriations riders is being brought into play by my distinguished friend in an effort to evade the proper procedures of amendment. The law is left on the books, but the use of funds for its enforcement is so circumscribed as to make the law a nonentity.

Furthermore, by legislating through appropriations, Congress places the Board in the position of seeking interpretations from the Comptroller General. Thus, the Comptroller General, not the Federal Circuit Court of Appeals—as required by statute—is forced to make decisions as to when and where the act may be enforced. The rider device converts the Comptroller General into a superjudge.

As I said previously, the employer groups seeking enactment of this rider are private industrial corporations, not farmers. The industries which would obtain special exemption and unfair competitive advantages include such operations as the Trulyn Shippers, in Edinburg, Tex., employing over 1,000 men and women in the packing of tomatoes, and the American Fruit Growers, a multimillion-dollar corporation which purchases agricultural products from farmers, packs them and distributes through its own commercial outlets under its own brand name.

Some of the employers who are seeking this exemption have been the subject of investigation and exposure by the La Follette committee in connection with their antilabor activities. Included among them are the antilabor Associated Farmers of California. By enacting this rider, the Congress would permit itself to be used as an antilabor instrument of these employers instead of confining its deliberations on an appropriation bill to financial matters appropriate to the subject matter of the bill.

We would be opening the door and inviting other groups to ask for similar exemptions. If this group is excluded this afternoon by the backhanded device of a rider, placing limitation on the use of the National Labor Relations Board's funds, will we not be bombarded with demands from other special-interest groups to exclude other types of employees?

I am in thorough accord with the position taken by the gentleman from California [Mr. OUTLAND], and am seriously apprehensive of the results of the passage of this rider for the reasons given by him awhile ago.

This amendment is just as viciously antilabor as the Case bill which we buried earlier today following its veto by President Truman. As a member of this Subcommittee on Appropriations for the Labor Department, Federal Security Agency, I shall ask for a roll-call vote in the event the rider is attached here in the Committee of the Whole. I urge you to defeat it.

Mr. ANDERSON of California. Mr. Chairman, I move to strike out the last five words.

Mr. ELLIOTT. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of California. I yield to the gentleman from California.

Mr. ELLIOTT. I would like to answer the gentleman from California [Mr. OUTLAND]. Before he was a Member of Congress I was the Congressman from the district which he now serves. There were strikes in that district and there were foodstuffs that rotted and spoiled because we needed such an amendment as I have offered here today.

Mr. OUTLAND. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of California. I yield to the gentleman from California.

Mr. OUTLAND. I may say for the benefit of the House that the gentleman who represented the portion of the district I am talking about is the gentleman now occupying the floor, the gentleman from California [Mr. ANDERSON].

Mr. ELLIOTT. I am talking about Ventura and that territory.

Mr. OUTLAND. I may say in that connection that the National Labor Relations Board has had jurisdiction since 1942 over these particular canneries and packing sheds and since that time there has not been one bit of industrial strife because the machinery to take care of it has been there.

Mr. ANDERSON of California. Mr. Chairman, in connection with this jurisdictional dispute over who represents the district now represented by the gentleman from California [Mr. OUTLAND], the gentleman from California [Mr. ELLIOTT] formerly had three counties of it and I had one.

Mr. Chairman, the gentleman from California [Mr. OUTLAND] stated that there has been no industrial strife in the canneries and packing plants in California. Those of you who were present when I took the floor not long ago to criticize the action of the NLRB will there has been no industrial strife in the canneries and packing plants in California. Because of the fact that the A. F. of L. has shown enough intestinal fortitude to override a decision rendered by the National Labor Relations Board foodstuffs in California today are being canned and processed and sent to market. If the A. F. of L. and the canners had followed the order that was issued by the National Labor Relations Board ordering the canneries and processing plants to bargain with both the CIO and the A. F. of L. there would not be a bit of our food being processed or canned. There would be nothing but trouble. I think the gentleman from California [Mr. OUTLAND] must know that is true.

What we need in this country more than any other one thing is a definition by the Congress of the term "agriculture" and the term "agricultural labor." The amendment offered by the gentleman from California [Mr. ELLIOTT] seeks to do that in this instance. Again I point out to you that we have under the National Labor Relations Act one definition of "agriculture" and "agricultural labor;" under the Wages and Hours Act we have another definition; under the Social Security Act another definition; and under the Internal Revenue Act still another definition. This is another attempt by those of us who are primarily involved to clarify the situation so that we can do away with some of this agricultural and industrial strike that we have in this country.

May I pay my respects to the preceding speaker? He spoke, as do many Members who are not familiar with the subject, about the Associated Farmers of California. I am proud to say that when I was first elected to Congress in 1938 I was an active member of that organization. That was one group in California that had intestinal fortitude enough to fight Harry Bridges and his gang to their knees and keep them out of the agricultural fields.

Mr. COFFEE. Mr. Chairman, I rise in opposition to the amendment.

Mr. HARE. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 15 minutes, the last 5 minutes to be reserved to the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. COFFEE. Mr. Chairman, the rider now being debated would remove over 1,000,000 workers from the protection of the Wagner Act. I need not stress the seriousness of this exclusion. When workers can no longer defend themselves, their very bread and butter may be at stake and violent strife which

they do not seek may be thrust upon them.

All this is done by a singularly specious piece of word trickery. From the first drafting of the Labor Relations Act, it was felt that agriculture and farm workers fell in a special category. Farm labor was excluded from the act. Now, truly industrial workers are robbed of their rights by the mean device of calling them agricultural labor.

The men and women who work in packingsheds and similar industries do exactly the same kinds of jobs as their brothers and sisters who work in factories making broomsticks or lightbulbs. They punch a clock when they go to work, they stand at a work bench under the eye of a foreman, they use machines, and as far as the individual worker is concerned, it is more or less chance that the raw material of the work happens to be the produce of the land.

The simple evidence of the eye is clear enough. Equally clear is the industrial nature of food processing as seen in the eyes of the law. In the North Whittier Heights case, the ninth circuit court stated:

> When the product * * * leaves the farmer as such and enters a factory for processing and marketing, it has entered upon the status of industry. In the status of this industry, there would seem to be as much need for the remedial provisions of the Wagner Act as for any other industrial activity.[1]

This judgment by the ninth circuit court was backed up by the Supreme Court of the United States. The Supreme Court denied certiorari in this case.

Federal administrative judgments run in the same direction. By an ironical twist, the inflated definition of agricultural labor used in this rider is borrowed from what is called the social security definition. Yet the Chairman of the Social Security Board himself, Arthur J. Altmeyer, described one of the main kinds of packing sheds as follows:

> Employees of the large expensively equipped packing plants are little more than attendants of the machines they operate. The inside of a typical citrus packing house is a maze of conveyer belts and machinery. There is little to distinguish the conditions under which workers perform services in these plants from those in ordinary urban factories.

It is perfectly true that the working farmer has many serious problems. He did yeoman service during the war and he still serves his country from dawn till dark. But the sources of this rider have nothing to do with the American family size farm. The attack against food processing workers was launched by large-scale grower-shippers who no more resemble farmers than the chairman of the board of the United States Steel Corp. It smacks of cowardice as well as falsehood for businessmen to hide behind the name of farmer in an attempt to steal the rights of industrial workers.

We have heard much in recent weeks about the need to find a solution for labor disputes. Now we are presented with this rider which virtually guarantees not less but very much more strife in labor relations. We have seen the effects of special privilege before. Here is a most outrageous case wherein for the selfish interests of a few industrialists, masquerading as farmers, the Congress, if it passes this rider, will put itself in the position of forcing workers to the final recourse of the strike to preserve their basic rights as freemen.

I hope the gentleman from California [Mr. OUTLAND], who has made a very pronounced and assiduous study of this whole subject matter, will be accorded courteous attention when he speaks following me, because he is conversant with every aspect of the problem and speaks from first-hand knowledge.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, perhaps my district contains as many packing plants as any other section of the State of California. These plants are on about an 11-month operation basis throughout the year. The people who work in them are urbanites; they live in cities. They follow their occupation just the same as people employed in any other line of industry. They are not even close to the farm. To accept this definition that is going to put them in the same classification as the people who reside in the country, people who actually get dirt under their fingernails on the farms is quite unfair. It is merely an attempt to break down the standards that have been set for city dwellers. They work as other industrial workers and their work is classified more as that of industrial workers than it is of agricultural workers. They do not nor can they supplement their living standards with country products as do those who live on the farm.

This thing sneaks in the back door. It has been brought in here by the Associated Farmers. I am proud to say that I come from a district where there are a lot of Associated Farmers, and they have never supported me. If the definition of agricultural workers must be revamped, let us do it in an orderly fashion through legislation introduced for the purpose and not slip it in behind the scenes as a sneak rider. Let us enter the house boldly through the front door and not by stealth by way of the back door when no one is on guard. This is an attempt to break down the standards of labor in the cities by forcing on urban workers the lower standards of the unorganized workers of the rural sections of the country.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia [Mr. NEELY].

Mr. NEELY. Mr. Chairman, the pending amendment constitutes a deplorable example of the unsound and unjustifiable custom of making or modifying laws by means of riders on appropriations bills. The purpose of the amendment is to transmute a million industrial workers in processing plants and packing sheds into agricultural laborers or farmers, and thus by legislative legerdemain deprive them of the benefits of the Wagner Act. This undertaking is on the logical level of a contention that a wheelbarrow can be transformed into an automobile by pushing it into a garage.

The food-processing workers whom the amendment would classify as farmers or agricultural workers, have, for many years, peacefully organized and collectively and harmoniously bargained with their employers in pursuance of the provisions of the Wagner Act. But if the proposed amendment is enacted, this army of law-abiding, deserving men and women will be deprived of all means of protecting the industrial rights which they enjoy under existing law. For example, under the operation of the amendment, if the workers in a food-processing plant should form a union, as they have the inalienable right to do, there would be no lawful authority to certify them as a bargaining agency. Therefore, the strike with all its burdensome consequences would be the only means to which these union workers could resort to obtain recognition of their collective status from an unfriendly employer.

Mr. ELLIOTT. Mr. Chairman, will the gentleman yield?

Mr. NEELY. I yield to the gentleman from California.

Mr. ELLIOTT. This amendment does not include commercial canneries and commercial packers.

Mr. NEELY. Of course, it does not. But it does include those who work in what are called the packing or processing sheds.

Mr. ELLIOTT. It possibly may, yes.

Mr. NEELY. Mr. Chairman, to adopt the amendment will be to add another injury to the many which the Nation's toilers have suffered at the hands of those in high places during recent months; it will be to encourage industrial strife; it will be to substitute contention for content.

To defeat the amendment will be to preserve legislative propriety, do justice to a million of those who live by toil, and promote industrial peace.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. OUTLAND].

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. OUTLAND. I am glad to yield to the gentleman.

Mr. McCORMACK. It is my understanding that these workers or persons who would be exempted do not work on the farms.

Mr. OUTLAND. Not a single one works on the farm. Not one hired man now comes under the jurisdiction of the NLRB.

Mr. McCORMACK. My understanding is that this applies not only to those who pack, can, and process, but also applies to everybody employed in connection with distribution. Is that correct?

Mr. OUTLAND. That is correct. And that is why it is unfair to term this amendment as one affecting agricultural laborers.

Mr. Chairman, may I quote from the amendment offered by the gentleman from California [Mr. ELLIOTT]. The language in part is as follows: "Composed in whole or in part of agricultural

[1] 109 Fed. 2d 76, Jan. 17, 1940, C. C. A. Ninth Circuit.

labor as defined in the Social Security Act."

Mr. Chairman, that means if the bargaining unit had just one person as a member who qualified as agricultural labor as defined in the Social Security Act, then the National Labor Relations Board would have no jurisdiction whatsoever. I wonder if the Congress wants to take that step. Think of the intricacies that will be involved. Secondly, I would like to say to my colleagues the gentleman from California [Mr. ANDERSON] and the gentleman from California [Mr. PHILLIPS] that I, too, want to see a definition of agricultural labor that means the same thing in one law as it does in the other. I will join with you on that. But, gentlemen, why not put it in a separate bill instead of tacking it on as a rider on an appropriation bill? Why drag in such a definition by tactics such as this? That is not the way to get a definition of agricultural labor. Let us put it in a bill by itself, and I will join with you then in working out a common definition. Mr. Chairman, we hear a great deal about the need for more and more food supplies not only in this country but in other nations of the world. If you enact a rider like this, you are going to create additional strife in the processing and packing plants of America that are helping to process and to transport this food that is so badly needed. I am certain that we do not want to take this step. We are anxious to do everything possible in this House to reduce labor strife. By passing a rider like this we are going to do everything we can to encourage labor strife. And we are doing it because the membership is not fully informed as to the true implications of this rider. It seems to me that this would be a backward step and not a forward step. If we want to define agricultural labor, let us do it, but let us not do it by enacting a rider like this. The NLRB does not touch one single hired man in this country. Agricultural labor is not the issue here today. This point I cannot emphasize too strongly. We are hitting the people working in mechanized plants and processing plants that are as much industrialized as my colleague the gentleman from West Virginia pointed out a few moments ago. I urge that this rider be voted down.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. ENGEL].

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. ENGEL of Michigan. I yield.

Mr. TABER. I wonder what the gentleman thinks of the operation of this board in connection with farms in New Jersey where they went in and tried to organize and force the men into unions on the farms of New Jersey?

Mr. ENGEL of Michigan. Mr. Chairman, I want to discuss this question from the point of view as to whether it is good legislation to change fundamental law with a rider attached in this way to an appropriation bill. I am not going to discuss it from any other angle. We have here one-half of the California delegation in favor of the bill and the other half against it. It is apparently a California fight from start to finish. I have tried to protect the legislative prerogatives of the various committees of this House. This is not the place to write a definition of agricultural labor. If there were any question about it, the argument this afternoon ought to convince any fair-minded person that this is not the place to write that definition.

Mr. KEEFE. Mr. Chairman, will the gentleman yield?

Mr. ENGEL of Michigan. I yield.

Mr. KEEFE. Is it not a fact that the reasons for defining agriculture by the definition sought to be put in this bill for tax purposes under the Social Security Act is an entirely different reason than that contained in the National Labor Relations Act and Wage-Hour Act?

Mr. ENGEL of Michigan. That is correct.

Mr. KEEFE. They are not similar at all, are they?

Mr. ENGEL of Michigan. No they are not. Farmers and farm labor are specifically exempt from the National Labor Relations Act. That act does not apply to farmers and people working on the farms.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield? Does not the gentleman want to be corrected on that?

Mr. ENGEL of Michigan. It does not apply to the people working on the farms.

Mr. HOFFMAN of Michigan. It applies to the farmer when he takes his products to the packing house and helps to package them.

Mr. ENGEL of Michigan. That statement has been made and denied on this floor several times this afternoon. The argument on this very question ought to be convincing that the definition for "agricultural labor" ought to be changed only after all parties have been heard by the proper legislative committee and should not be written into an appropriation bill on the floor of this House.

At the beginning of my remarks I stated that I wanted to discuss this question purely from a point of view as to whether it is good legislation to change fundamental law with a rider attached to an appropriation bill in this way. As is well known, the national labor relations law has been bitterly opposed by industry and just as enthusiastically supported by labor. Any definition of "agricultural labor" which may be written into this bill will only apply to the funds appropriated therein and the amendment must be written into each annual appropriation bill to make it effective. This is the third California versus California fight we have had on the floor of this House and you are going to have it every year so long as you continue to write that definition into an appropriation bill. If this policy is continued the Appropriations Committee will find itself in a position where half of the bill will be appropriations and the other half of the bill limitations on appropriations changing fundamental law. We will spend 1 day debating the advisability of making appropriations for a specific purpose and the next day debating whether or not fundamental law of the land should be changed without committee consideration by riders on an appropriation bill. Even the proponents of this amendment have told me personally that I was right in the position that I have taken in this matter. There may have been some excuse during the war for putting some of these riders on an appropriation bill. The war is over. It is up to the proponents of this amendment to go to the proper legislative committee with a bill, have that committee hold hearings where both labor and industry can be heard on the matter, and then after proper hearings submit to the House for consideration a definition of "agricultural labor" which will once and for all settle this question.

Let me remind both labor and industry that this practice works both ways. You will, without a doubt, find amendments offered in the future changing fundamental laws affecting both industry and labor. This amendment has been proposed for the past 3 years. It was attached, I believe, on two occasions to the War Labor Board appropriation. Ample time has been given for legislative action. If the proper legislative committee does not bring your bill out, all you have to do is to place a petition on the Speaker's desk and if a majority of this House, 218, want that bill passed they can bring it to the floor within 30 days.

I shall continue to oppose legislative riders of this type on appropriation bills. This practice, particularly in peacetime, is not only bad practice but will result in the enactment of laws without that proper consideration which is so essential to good legislation.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

All time has expired.

The question is on the amendment offered by the gentleman from California [Mr. ELLIOTT].

The question was taken; and on a division (demanded by Mr. ELLIOTT) there were—ayes 84, noes 64.

Mr. MARCANTONIO. Mr. Chairman, I demand tellers.

Tellers were ordered; and the Chairman appointed Mr. HARE and Mr. ELLIOTT to act as tellers.

The committee again divided; and the tellers reported that there were—ayes 113, noes 67.

So the amendment was agreed to.

The Clerk concluded the reading of the bill.

Mr. HARE. Mr. Chairman, I ask unanimous consent to return to page 26, line 16, for the purpose of offering a committee amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. HARE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARE: Page 26, line 16, after the word "diseases", insert "including the operation and maintenance of centers for the diagnosis, treatment, support, and clothing of persons afflicted with venereal diseases; transportation and subsistence of such persons and their attendants to and from the place of treatment or allowance in lieu thereof; diagnosis and treatment (including emergency treatment for

other illnesses) of such persons through contracts with physicians and hospitals and other appropriate institutions without regard to section 3709 of the Revised Statutes; fees for case finding and referral to such centers of voluntary patients; reasonable expenses of preparing remains or burial of deceased patients; furnishing and laundering of uniforms and other distinctive wearing apparel necessary for employees in the performance of their official duties; recreational supplies and equipment; leasing of facilities and repair and alteration of leased facilities; and for grants of money, services, supplies, equipment, and use of facilities to States, as defined in the act, and with the approval of the respective State health authorities, to counties, health districts, and other political subdivisions of the States, for the foregoing purposes, in such amounts and upon such terms and conditions as the Surgeon General may determine."

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

The amendment was agreed to.

Mr. HARE. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and, the Speaker having resumed the chair, Mr. THOMASON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 6739) making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1947, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

Mr. HARE. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. ROONEY. Mr. Speaker, I demand a separate vote on the Elliott amendment.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote is demanded.

The Clerk read as follows:

Amendment offered by Mr. ELLIOTT: On page 46, line 3, after the word "code", strike out the period and insert a comma and the following: *"Provided further*, That no part of the funds appropriated in this title shall be used in connection with investigation, hearings, directives, or orders concerning bargaining units composed in whole or in part of agricultural laborers as that term is defined in the Social Security Act in section 409, title 42, United States Code."

The SPEAKER. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. ROONEY and Mr. MARCANTONIO) there were—ayes 104, noes 65.

Mr. ROONEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 202, nays 134, not voting 95, as follows:

[Roll No. 157]

YEAS—202

Abernethy	Gerlach	Miller, Nebr.
Allen, Ill.	Gibson	Mills
Allen, La.	Gifford	Mundt
Almond	Gillespie	Murray, Tenn.
Andersen, H. Carl	Gillie	Norblad
Anderson, Calif.	Gore	Norrell
Andresen, August H.	Gossett	Pace
Andrews, Ala.	Grant, Ala.	Peterson, Ga.
Arends	Gregory	Phillips
Arnold	Griffiths	Pickett
Barden	Gross	Poage
Barrett, Wyo.	Gwynne, Iowa.	Pratt
Beall	Hagen	Price, Fla.
Beckworth	Hale	Ramey
Bell	Hall, Edwin Arthur	Rankin
Bennet, N. Y.	Hall, Leonard W.	Reed, N. Y.
Bennett, Mo.	Halleck	Rees, Kans.
Blackney	Hancock	Riley
Bolton	Hare	Rivers
Bonner	Harness, Ind.	Rizley
Boykin	Hays	Robertson, N. Dak.
Brehm	Hébert	Robertson, Va.
Brooks	Henry	Rockwell
Brown, Ga.	Hess	Rodgers, Pa.
Bryson	Hill	Roe, Md.
Buck	Hinshaw	Rogers, Fla.
Buffett	Hobbs	Russell
Bulwinkle	Hoeven	Schwabe, Mo.
Byrnes, Wis.	Hoffman, Mich.	Schwabe, Okla.
Camp	Hoffman, Pa.	Scrivner
Campbell	Holmes, Mass.	Shafer
Cannon, Mo.	Hope	Sharp
Case, S. Dak.	Howell	Short
Chapman	Jarman	Sikes
Chelf	Jenkins	Simpson, Ill.
Chenoweth	Jennings	Simpson, Pa.
Church	Jensen	Slaughter
Clark	Johnson, Calif.	Smith, Ohio
Clevenger	Johnson, Ill.	Smith, Va.
Cole, Kans.	Johnson, Lyndon B.	Smith, Wis.
Cole, Mo.	Johnson, Okla.	Springer
Cooley	Jonkman	Stefan
Cooper	Kearney	Sumners, Tex.
Cox	Kerr	Sundstrom
Cravens	Kilburn	Taber
Cunningham	Kilday	Talle
D'Ewart	Kinzer	Tarver
Dolliver	Knutson	Taylor
Domengeaux	Larcade	Thomas, N. J.
Dondero	Latham	Thomason
Doughton, N. C.	Lea	Tibbott
Drewry	LeCompte	Towe
Dworshak	LeFevre	Trimble
Earthman	Lemke	Vursell
Elliott	Lewis	Wadsworth
Ellis	Lyle	Weaver
Elsaesser	McConnell	Welchel
Elston	McCowen	West
Engle, Calif.	McMillan, S. C.	Whitten
Ervin	Mahon	Whittington
Fellows	Maloney	Wickersham
Fernandez	Manasco	Wilson
Fisher	Martin, Iowa	Winter
Fuller	Martin, Mass.	Wolcott
Gamble	Mathews	Wood
Gary	Merrow	Worley
Gathings	Michener	Zimmerman
Gavin		

NAYS—134

Adams	Bradley, Pa.	Clippinger
Angell	Buckley	Coffee
Bailey	Bunker	Corbett
Barrett, Pa.	Butler	Crosser
Barry	Canfield	D'Alesandro
Bates, Mass.	Carnahan	Delaney, James J.
Bender	Case, N. J.	Delaney, John J.
Biemiller	Celler	Dingell
Bishop	Clason	Dirksen
Bloom	Clements	Douglas, Calif.
Douglas, Ill.	Kelley, Pa.	Ploeser
Doyle	Kelly, Ill.	Powell
Engel, Mich.	Keogh	Price, Ill.
Fallon	King	Priest
Feighan	Kirwan	Quinn, N. Y.
Flood	Klein	Rabaut
Forand	Kopplemann	Rabin
Fulton	Kunkel	Rains
Gardner	Landis	Randolph
Geelan	Lane	Reed, Ill.
Goodwin	Lesinski	Resa
Gordon	Link	Rogers, Mass.
Gorski	Luce	Rooney
Granahan	McCormack	Rowan
Green	McDonough	Ryter
Hand	McGlinchey	Sabath
Harless, Ariz.	Madden	Sadowski
Havenner	Mankin	Sasscer
Healy	Mansfield, Mont.	Sheridan
Hedrick	Marcantonio	Smith, Maine
Heffernan	Miller, Calif.	Somers, N. Y.
Heselton	Morgan	Sparkman
Hoch	Murdock	Spence
Holifield	Murphy	Starkey
Hook	Murray, Wis.	Stevenson
Huber	Neely	Sullivan
Hull	O'Brien, Ill.	Thom
Izac	O'Brien, Mich.	Thomas, Tex.
Jackson	O'Neal	Voorhis, Calif.
Judd	O'Toole	Vorys, Ohio
Kean	Outland	Walter
Kee	Patrick	Wasielewski
Keefe	Patterson	Wigglesworth
Kefauver	Philbin	Wolverton, N. J.
	Pittenger	Woodhouse

NOT VOTING—95

Andrews, N. Y.	Fogarty	Morrison
Auchincloss	Folger	Norton
Baldwin, Md.	Gallagher	O'Hara
Baldwin, N. Y.	Gearhart	O'Konski
Bates, Ky.	Gillette	Patman
Bland	Graham	Peterson, Fla.
Boren	Granger	Pfeifer
Bradley, Mich.	Grant, Ind.	Plumley
Brown, Ohio	Gwinn, N. Y.	Rayfiel
Brumbaugh	Harris	Reece, Tenn.
Byrne, N. Y.	Hart	Rich
Cannon, Fla.	Hartley	Richards
Carlson	Hendricks	Robinson, Utah
Chiperfield	Herter	Robsion, Ky.
Cochran	Holmes, Wash.	Roe, N. Y.
Cole, N. Y.	Horan	Rogers, N. Y.
Colmer	Johnson, Ind.	Savage
Combs	Johnson, Luther A.	Sheppard
Courtney	Jones	Stewart
Crawford	LaFollette	Stigler
Curley	Lanham	Stockman
Curtis	Ludlow	Sumner, Ill.
Daughton, Va.	Lynch	Talbot
Davis	McGehee	Tolan
Dawson	McGregor	Torrens
De Lacy	McKenzie	Traynor
Durham	McMillen, Ill.	Vinson
Eaton	Mansfield, Tex.	Welch
Eberharter	Mason	White
Ellsworth	May	Winstead
Fenton	Monroney	Wolfenden, Pa.
Flannagan		Woodruff

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Fenton for, with Mr. Eberharter against.

Mr. Ellsworth for, with Mr. Rayfiel against.

Mr. Brumbaugh for, with Mr. Savage against.

Mr. Horan for, with Mr. Pfeifer against.

Mr. Graham for, with Mr. De Lacy against.

Mr. O'Hara for, with Mr. Roe of New York against.

Mr. McGregor for, with Mr. Byrne of New York against.

Mr. Grant of Indiana for, with Mr. Lynch against.

Additional general pairs:

Mr. Hart with Mr. Brown of Ohio.

Mr. Bland with Mr. Jones.

Mr. Hendricks with Mr. Herter.

Mr. Bates of Kentucky with Mr. Bradley of Michigan.

Mr. McGehee with Mr. Gwinn of New York.

Mr. Cochran with Mr. Hartley.

Mr. McKenzie with Mr. Andrews of New York.

Mr. Colmer with Mr. Johnson of Indiana.

Mr. Mansfield of Texas with Mr. Holmes of Washington.
Mr. Sheppard with Mr. Auchincloss.
Mr. Combs with Mr. Curtis.
Mr. May with Mr. McMillen of Illinois.
Mr. Stigler with Mr. Crawford.
Mr. Courtney with Mr. Plumley.
Mr. Monroney with Mr. Cole of New York.
Mr. Davis with Mr. Mason.
Mr. Morrison with Mr. Carlson.
Mr. Flannagan with Mr. Reece of Tennessee.
Mr. Vinson with Mr. Sharp.
Mr. Torrens with Mr. Rich.
Mr. Fogarty with Mr. Stockman.
Mr. Traynor with Mr. Robsion of Kentucky.
Mr. Folger with Miss Sumner of Illinois.
Mr. Tolan with Mr. Talbot.
Mr. Boren with Mr. Woodruff.
Mr. Patman with Mr. Gillette.

Mrs. ROGERS of Massachusetts and Messrs. PLOESER, HAND, FULTON, and KUNKEL changed their vote from "yea" to "nay."

Mr. THOMASON changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. REED of New York (at the request of Mr. TABER) was given permission to extend his remarks in the RECORD and include an editorial and a quotation of law.

Mrs. LUCE (at the request of Mr. MARTIN of Massachusetts) was given permission to extend her remarks in the RECORD in three instances and include several newspaper articles.

Mr. JENKINS asked and was given permission to extend his remarks in the RECORD in two instances.

Mr. WOLVERTON of New Jersey asked and was given permission to extend his remarks in the RECORD in two instances on the subject of railroad retirement.

Mr. PLOESER asked and was given permission to extend his remarks in the RECORD and include a newspaper article.

Mr. CANFIELD asked and was given permission to extend his remarks in the RECORD and include newspaper articles on the life of Nicholas Murray Butler.

Mr. SHAFER asked and was given permission to extend his remarks in the RECORD in two instances.

Mr. REED of Illinois asked and was given permission to extend his remarks in the RECORD and include newspaper articles.

Mr. JENSEN asked and was given permission to extend his remarks in the RECORD and include an address delivered by Dr. Clyde M. Longstreth, of Atlantic, Iowa.

Mr. SCHWABE of Missouri asked and was given permission to extend his remarks in the RECORD and include an editorial appearing in the Washington Star by David Lawrence.

Mr. SLAUGHTER asked and was given permission to extend his remarks in the RECORD and include an article from the Kansas City Star.

Mr. BARRY asked and was given permission to extend his remarks in the RECORD.

Mr. TARVER asked and was given permission to extend his remarks in the RECORD and include a poem.

Mr. GOSSETT asked and was given permission to extend his remarks in the RECORD.

Mr. POWELL asked and was given permission to extend his remarks in the RECORD in two instances; to include in one an editorial appearing in yesterday's Washington Post and in the other an article from Everybody's Digest.

Mr. GARDNER asked and was given permission to extend his remarks in the RECORD and include an address delivered last Wednesday on Government's position in the realm of human relations.

Mr. VOORHIS of California asked and was given permission to extend his remarks in the RECORD in three instances; to include in one a magazine article, in one a brief essay, and in the other some resolutions.

Mr. BOREN (at the request of Mr. RIVERS) was given permission to extend his remarks in the RECORD.

Mr. JOHNSON of Oklahoma asked and was given permission to extend his remarks in the RECORD and include letters, editorials, and other data.

Mr. ROWAN asked and was given permission to extend his remarks in the RECORD and include an address delivered by Harold Nommensen, president of the Progressive Steel Workers Union at the dedication of a plaque in memory of 63 employees of the Wisconsin Steel Co. plant in Chicago who lost their lives in World War II.

Mrs. SMITH of Maine asked and was given permission to extend her remarks in the RECORD and include an editorial on the British loan from the Daily Kennebec Journal.

Mr. SHORT asked and was given permission to extend his remarks in the RECORD and include an address he recently delivered in Springfield, Mo.

Mr. VURSELL asked and was given permission to extend his remarks in the RECORD.

Mr. JENNINGS asked and was given permission to extend his remarks in the RECORD.

SPECIAL ORDER GRANTED

Mr. PATRICK. Mr. Speaker, I ask unanimous consent that on Thursday next, at the conclusion of the legislative program of the day and following any special orders heretofore entered, I may be permitted to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

UNITED STATES PRINCETON UNIVERSITY BICENTENNIAL COMMISSION

The SPEAKER. Pursuant to the provisions of Public Law 367, Seventy-ninth Congress, the Chair appoints as Commissioners of the United States Princeton University Bicentennial Commission the following Members of the House of Representatives to serve with himself: Mr. FEIGHAN, Mr. ANDREWS of New York, Mr. GAMBLE, and Mr. MATHEWS.

The SPEAKER. Under previous order of the House, the gentleman from Washington [Mr. COFFEE] is recognized for 1 hour.

THE AMERICAN MERCHANT MARINE AND THE AMERICAN MARITIME INDUSTRY

Mr. COFFEE. Mr. Speaker, I wish to address my remarks today to some aspects of the American merchant marine and the American maritime industry generally. All of us have been forcibly reminded of the significance of this industry in our national economic life and in the economic well-being of the entire world by the present collective-bargaining negotiations now taking place under the auspices of the Department of Labor here in Washington. The fact that the maritime unions have already set a strike date, June 15, imposes a real resposibility upon all parties—labor, management, and Government—to see to it that a satisfactory solution is arrived at before then in respect to the wages, hours, and working conditions of the unions.

It is not my purpose at this time to discuss these negotiations, the concrete proposals, or the past history of collective bargaining in this industry. I would describe for the honorable Members some rather peculiar characteristics of this industry usually described as a private enterprise operated by private shipowners earning a profit based on the risks taken with privately owned and invested capital.

It is an odd fact that not until the workers in the industry sat across the table from the operators, their employers with whom they were bargaining, was the analomous and wholly false and deceptive role of these ship operators revealed to the naked eye for all to see.

The unions, duly certified through the National Labor Relations Board as the collective-bargaining representative of the workers are today bargaining with the spokesmen of three shipowner and ship-operator associations—the Waterfront Employers Association of the Pacific Coast, the American Merchant Marine Institute, and the Pacific American Shipping Association.

The unions represent the workers. Who do the association spokesmen represent?

Mr. Frank J. Taylor, chairman of the American Merchant Marine Institute and chief management spokesman in these negotiations, very carefully describes himself as follows: "Chairman of the Committee for General Agents for the War Shipping Administration."

General agents for the War Shipping Administration. We have, then, collective-bargaining negotiations being conducted between bona fide representatives of the workers and ship operators acting as general agents of the War Shipping Administration. To what does this add up?

These ship operators do not own the vessels. The vessels are the property of the people of the United States. Some 2,400 of the 3,100 ships in the merchant marine are today owned by the United States Government. But the United States does not operate these vessels; instead, the War Shipping Administration, utilizing the private operators as agents, turns the ships over to them, and guarantees profits upon their operation.

The ship operators who are arguing today about the impossibility of establishing a work-week at sea of less than 56 hours, who repeatedly raise the question of the feasibility of profitable operations if maritime workers have a workweek of less than 7 days, are today establishing wage rates, hours, and working conditions for United States Government property. This is the truth of it.

The United States Maritime Commission—after February 2, 1942, the War Shipping Administration assumed this responsibility—throughout the war chartered vessels at exorbitant hire to private operators. One might say fantastically exorbitant rates.

The story has already been told once in the CONGRESSIONAL RECORD. It will be well to refresh ourselves at this time by turning to a recent statement by the gentleman from Massachusetts, Congressman WIGGLESWORTH, on this entire charter-hire practice.

Between July 1941 and December 1942 the United States Maritime Commission paid out $199,767,162 in charter hire on 758 vessels. The book value of these vessels amounted to $37,900,000. The American taxpayers were saddled with an excess charge of almost $162,000,000. It has been estimated that up to April 1945 $76,153,323 was expended on charter hire on vessels with a total book value of $2,400,161. Nearly $74,000,000 in public funds was squandered by the charter-hire policy.

These are the agents, private operators who in 4 years earned 30 times over the book value of their vessels.

We are seeing in Washington today a shadow play or better a Punch-and-Judy show. American shipowners, hired agents of a United States Government agency are performing in the stage of labor relations, making claims and counter claims, rejecting union proposals, and issuing press releases, all of which have nothing to do with the case.

For the War Shipping Administration must, in the final analysis, play the tune that the ship operators by no understandable power dictate.

We have recently seen the United States Government involved in two labor disputes—coal and railroad. In both instances Government seizure and a Government dictated or negotiated agreement settled the dispute.

In the maritime industry there is no need for Government seizure before Government negotiations could be held. In the maritime industry the most that is required is to destroy the mirage of private operation, to pierce the legal fiction under which the private owners are now operating. The WSA could simply dispense with its private operators now acting as its agents, negotiate its own contracts, and operate the vessels which it owns with the personnel manning them at present.

Everyone knows this. President Truman knew this when he threatened to break a possible strike by using Navy and Coast Guard personnel to man the ships. Why raise this false issue? Is there any real need for the personnel of the armed forces?

The present personnel on the ships and the docks are prepared to work and would, I believe, cheerfully and speedily negotiate a contract with the real owners of the vessels in the merchant marine, the United States Government, if that became necessary.

But I am not certain that the War Shipping Administration even need dispense with its agents in this instance; though perhaps a careful investigation of the operations of the United States Maritime Commission and the War Shipping Administration during the war years will reveal how much of a parasitic growth these private agents have been, how profitable their riskless operations.

In the present collective-bargaining negotiations the least we should expect from the War Shipping Administration is a forcible reminder to its agents that bargaining should be carried on in good faith, that issues should be settled on their merits, and that the strike should be prevented in the only manner all of us are anxious to see, the speedy arrival at a negotiated agreement.

It is this point that I wish to repeat today. This is the key to the entire situation.

Private enterprises, hired agents of the Government, are not meeting with the unions as operators of Government-owned vessels but as private capitalists protecting their own investments and aiming at maximizing their own gain. The situation would be ludicrous were it not so serious for the American people and for the workers in the American maritime industry.

We have in the maritime industry today the most thorough and complete separation of those two inseparables of capitalist enterprise—risk and profits. The Government of the United States, as the owner of the vessels, takes the risks on all these ventures; the ship operators take the profits.

Has the Government, through the War Shipping Administration, done all in its power to reach a peaceful settlement in this dispute? Not at all.

There has been no active intercession by the War Shipping Administration in this case except to publicize its planning, with other interested Government agencies, in the event of Government operation and direct Government negotiation.

But why wait until after Government operation before exercising the right and power the Government does possess at this time? Why all this talk about the need for special legislation, for special Government actions on the part of the Executive when the Government now has all the power and all the legal right as the owner of these vessels to force its agents to negotiate and to reach an agreement.

We in Washington have seen some strange methods used in solving recent labor disputes. In one instance the railroads, the desire of the striking workers to return to work on the basis of the findings of a Presidential fact-finding board was denied as President Truman insisted that the brotherhoods accept his own proposal and his only. In the coal case the United Mine Workers Union negotiated directly with the Government after the seizure of the mines and a satisfartory settlement seems to have been achieved.

There was no negotiation between the Government and the unions after seizure of the railroad lines. There was in the coal case. What can we expect to happen in the maritime industry? Strike-breaking as in railroad or negotiation as in coal?

Collective bargaining and direct negotiations between owners and workers has been and is the most satisfactory method of solving labor disputes. It has not been tried sufficiently in this instance.

Why expect the private operators now here in Washington to get down to brass tacks in negotiations, to make concessions now, to bargain in good faith when they have nothing to lose by remaining adamant and forcing a strike and consequent Government action?

The War Shipping Administration now stands squarely behind its agents in these collective-bargaining negotiations, and the War Shipping Administration has the power to see to it that genuine collective bargaining takes place and is consummated in a contract.

The ship operators are dealing with the unions. Let us have the shipowners, the United States through the War Shipping Administration, participate directly in all of this. Unless such action takes place, and speedily, we will see the entire maritime industry of the United States stopping at dead center.

I now yield to the gentleman from California [Mr. PATTERSON].

Mr. PATTERSON. We have just gone through a railroad crisis where charges and countercharges of double dealing have filled the air. A body of evidence has been published in some newspaper indicating that the dealings with the railway unions by the White House have left room for considerable suspicion that there has been something less than a frank approach to the real issues in the threatened railway strike. The charge was made by the unions that the White House interfered with negotiations which were making some progress, hampered those negotiations with threats, and finally broke the unions to a settlement which many still regard as unjust.

Are we running into a similar double-dealing situation in the dispute in the maritime industry? Are we going to be presented with a situation in which the Army, the Navy, and the Coast Guard have to be called in to an extreme national emergency without knowing the real reasons for the use of such power in a labor dispute?

Certain disturbing situations have occurred in the last 10 days. As we know, the maritime unions, which have scheduled a strike by a secret vote of their membership in the event collective bargaining failed, on June 15 were called

down to Washington by the Secretary of Labor. He told them to get together in day and night sessions and to spare no efforts to avert what he termed a national disaster, in the form of a maritime strike.

Hardly had these negotiations gotten under way when President Truman told a press conference, first, that the outlook in negotiations was "gloomy," and, second, that relief ships must move. The President inferred that a maritime strike would interfere with the movement of relief supplies to hungry peoples abroad. The President told the press that he will use armed forces to run the maritime industry in the event of a strike.

This statement, in the midst of negotiations, seriously hampered the efforts of the unions and the Labor Department conciliators to work out a settlement and to avert a strike. This statement of the President in effect gave the employers, the operators, and the shipping industry advance notice that the Government itself would support all efforts to break a strike. He told the employers in effect that they could continue to hold out and to refuse to deal and to make promises because the inference was plain that the Government would be behind them.

Before making such inflammatory statements, it would have been simpler to check the real facts in the situation. What are the facts?

The shipment of relief supplies abroad and the movement of troops has never been an issue in the threatened maritime strike. It is not an issue now. Early in May all of the maritime unions involved in the dispute held a convention in San Francisco. At that time all of the unions pledged that all relief ships with food and troop ships would be loaded and sailed to their destinations in the event of a strike. There is not a maritime union in the United States that has threatened to impede the movement of this type of cargo. Yet the President of the United States gave that as a reason for threatening that the armed forces would break a strike in the maritime industry.

While persons in high places are spreading calumnies about the merchant seamen and confusing the real economic issues in the threatened strike, it is well to recall the record of the merchant seamen in the last war.

Even before the war, the maritime unions were among the first to recognize the menace of Fascist aggression. There were many instances where longshoremen refused to load scrap iron, oil and war materials destined for Japan. Seamen refused to sail such ships. It must be recalled that much of the material of war shipped to Japan prior to Pearl Harbor was used subsequently in snuffing out the lives of many American soldiers and sailors. During the war the maritime unions voluntarily submitted a no-strike pledge to the President of the United States. They kept that no-strike pledge 100 percent. Not a ship was delayed due to a strike by these maritime unions at any time during the war. This is a record to be proud of.

It is also a matter of record that the merchant seamen suffered more casualties during the war than any branch of the armed services, in proportion to their numbers. In the darkest days of the war, when freight ships loaded with war materials were sailing without convoy, many to a watery grave, the merchant seamen came forward, manned their posts, and stuck to their posts regardless of risk. They kept 'em sailing on the Red Sea run, on the Murmansk run, on the Liverpool run. They delivered the goods. They were responsible for maintaining the lifeline between America's arsenal and the fighting fronts of our allies.

Great tribute has been paid to merchant seamen. Many in the highest places, including the chiefs of staff of the allied governments, have told of the great contribution of the merchant seamen in helping to win the war. However, these praises have been forthcoming on days of ceremony, such as Maritime Day, when medals are handed out posthumously to the wives of merchant seamen who gave their lives, and when the ship operators are able to set the stage with fancy banquets and dinners in celebration of the heroic exploits of the rank and file sailor and longshoreman.

Now is the time to recall the heroic record of the American merchant marine. Now is the time to recall that record because of the calumnies that are being foisted everywhere to becloud the fact that the seamen's unions are asking for a decent living wage for their members. Here is what Gen. Douglas MacArthur said of the merchant seamen when he had successfully ended his campaign in the Southwest Pacific area:

> I wish to commend to you the valor of the merchant seamen participating with us in the liberation of the Philippines. With us they have shared the heaviest enemy fire. On this island I have ordered them off their ships and into foxholes when their ships became untenable targets of attack. At our side they have suffered in bloodshed and in death. The high caliber and efficiency and the courage they displayed in their part of the invasion marked their conduct throughout the entire campaign in the Southwest Pacific area. They have contributed tremendously to our success. I hold no branch in higher esteem than the merchant marine services.

General Eisenhower said:

> When final victory is ours there is no organization that will share its credit more deservedly than the merchant marine. The real heroes of this war are the GI Joes in the Army, the Navy, and the merchant marine.

President Roosevelt also paid tribute to the merchant seamen on many occasions, pointing out we must use the merchant fleets of the Nation "wisely and vigilantly" after the war is won.

More than 6,000 members of one union alone, the National Maritime Union, made the supreme sacrifice in the war. Thousands were injured, became prisoners of war, suffered the harrowing experiences of trying to survive on rafts. Hundreds received medals for their valor and a great many received the President's Distinguished Service Medal for sacrifice under unusual circumstances. A number of Liberty ships were named for the heroes of the merchant marine.

They did a job.

Let us not stand idly by now while sinister forces attempt to do a job on them while they are in the legitimate pursuits of attempting to improve their living standards. Let us not stand idly by while threats are made to use the Army and Navy against them.

On the other hand, let us do all we can to help inject a note of reasonable negotiations into this dispute on the issues.

The sending of relief troops abroad is not an issue.

Sending troop ships abroad is not an issue.

Even the record of the merchant seamen during the war is not an issue.

There is one simple question involved in these strikes scheduled for June 15, and that is the economic question. It involves the maritime unions' legitimate request to reduce the number of hours worked from the present inhumanly long 56-hour and 63-hour week. The unions also seek to win wage increases that have already been won in many industries, such as automobile, steel, electrical, and so forth.

It should be possible to settle this question across the conference table and it should be possible for the Government and its representatives to guarantee a reasonable approach to these negotiations rather than inject threats of force.

I think this strike can be averted if the Government, the real owner of 80 percent of the merchant marine, takes a firm stand in forcing genuine collective bargaining by the ship operators.

If steps are taken in the direction of improving the living standards and working conditions of American merchant seamen, we can be assured that there will be no strike in the maritime industry on June 15.

Mr. HAVENNER. Mr. Speaker, will the gentleman yield?

Mr. COFFEE. I yield to the gentleman from California [Mr. HAVENNER].

Mr. HAVENNER. Mr. Speaker, we have heard a lot recently about an impending national strike in the maritime industry. Newspapers have carried reports of intensive preparation being carried on by agencies of the United States Government to operate and man the vessels of the American merchant marine in the event such a strike takes place. I think it is appropriate to look behind the headlines and try to see just what is involved in the dispute between maritime workers and their employers and attempt to learn whether the demands being made by the unions are reasonable or whether the employers' refusal to grant them is unreasonable.

The major point on which negatiations were deadlocked is the 40-hour week. Is a 40-hour week, 8-hour day an unreasonable request on the part of merchant seamen? The shipowners say it is. I can recall reading of similar statements by the owners of American factories when the 12-hour day was being debated. There were predictions of disaster when it was proposed that the working day be reduced to 10 hours and the same thing happened when the 8-hour law went into effect. American shipowners bitterly resisted previous efforts to shorten seamen's hours, making the identical arguments which they offer today. Yet the work-

ing hours aboard ship have been reduced from 12 hours a day to 8 hours a day for some classes of personnel and the American merchant marine still thrives.

Today the men are asking for an 8-hour day, 40-hour workweek as opposed to a 56- to 63-hour week. It does not seem to me that there can be any justification, economic, social, or moral for demanding that merchant seamen work 7 days a week, a minimum of 56 to 63 hours and often much longer than that. Congress has seen fit to guarantee by legislation that the vest majority of American workers shall work no more than 40 hours per week.

Let us look for a minute at the fight of the seamen for a 40-hour week in its historical perspective. In my judgment, the rectification of seamen's hours and working conditions is long overdue. The seamen have been most neglected of all American industry on limitation of weekly hours.

For oceangoing seamen, for centuries the traditional working time at sea was 7 days of 12 hours each, or 84 hours a week. This was true in the American service as well as the European merchant marine, while the sailing ship was queen of the ocean. Then came steam. The changes wrought in the seamen's labor by this technical advance were finally reflected in the delayed adoption of the 8-hour day on shipboard. Steam vessels had displaced sails in large measure more than a decade before the turn of the century but it took three additional decades for the beginning of an 8-hour day at sea. This change came largely through collective bargaining by the growing seamen's unions, following the reduction of working hours in shore industries. It was crystallized into law for unlicensed workers in the engine room by the La Follette Seamen's Act of 1915. It did not become legally binding for the deck crew until the passage of the amending act of 1936. It is still not law for members of the stewards' department.

But while the working day at sea was thus being reduced from 12 hours to 8, the number of working days in the week have remained unchanged. "One day's rest in seven" laws, enacted by several States for shore industries, have no counterpart for the seaman. The Fair Labor Standards Act of 1938 which sets the 40-hour week for manufacturing and commerce generally, excludes him. Fair weather or foul, in the Arctic or the Tropics, he still toils at the engines or on deck for 7 times 8, or 56 hours weekly. If he is a cook or messman his week may run to 63 hours. In cases of emergency, all hands, regardless of rating, may be called upon for hours unlimited, with no extra compensation for the time so worked.

With the modern advance in social and industrial standards, Yankee capacity for continuous improvement of operating processes, and the huge expansion of the American labor force, there is no longer any reason for condemning seamen, of all workers, to a 56-hour week. Their work is heavier, their calling is more hazardous, their living accommodations while at sea are more uncomfortable, than those of the vast majority of shore workers who already benefit by the 40-hour provisions of the Fair Labor Standards Act. It is time for this discrimination against seamen to be wiped out.

I hope that when amendments to the Fair Labor Standards Act are presented to us we will have the opportunity to vote for the establishment of a 40-hour week for merchant seamen. However, since the unions are trying to accomplish this worthy end through the process of collective bargaining it seems to me that they should have our warmest support for the success of their efforts. Merchant seamen like all American workers are entitled to the standard American work week.

A second point on which the workers and the shipowners are in disagreement is on the matter of wage. After working 240 hours a month a seaman gets about $127 or $31.25 a week. In other words the basic wage aboard an American vessel is 56 cents an hour for skilled labor. Let us compare just a few seamen's classifications with comparable work ashore. The nearest equivalent to an able seaman is a ship's rigger. While a seamen gets 56 cents an hour, his shoreside equivalent will receive from $1.03 to $1.20 an hour. Similarly engine department classifications such as firemen, and watertenders receive about the same pay as an able seaman. A stationary engineer who performs similar work ashore receives $50 for a 40-hour week. In some industries where the work is not nearly as arduous nor as exacting, men get about $1.20 an hour.

The steward's department reveals a similar condition. A second cook who also acts as the ship's baker for up to 60 men receives only $162.50 monthly, or 68 cents an hour. Similar work ashore earned, in 1944, an average of 85.3 cents an hour, and this for work performed under controlled factory conditions and not handicapped by shipboard facilities.

These comparisons leave out of account the versatility and the adaptability which seamen are expected to display. On the issue of the specific skills required seamen have been held to wage levels far below those commensurate with their duties and responsibilities. Even if common laborer rates were used as a standard, this inequity would still exist. In the shipbuilding and repair industry laborers received in 1945 from 78 to 80½ cents an hour, with provisions for overtime. The least skilled worker on a ship must have greater qualifications, yet this rate is higher than is received by all except an insignificant fraction of the most highly paid unlicensed seamen, mainly chief stewards.

To have a real appreciation of the seamen's wage problems one must consider their total annual earnings. Because of a high percentage of illness and injury in the maritime industry, and because of the need for periods ashore with family and friends, average employment of seamen, even when jobs are plentiful, ranges from 8 to 9 months during a year. It is important to note that in 6 months of labor at sea the seaman has as many workdays as the shoreside worker has in 8 months on land. The seaman, however, is paid only while under ship's articles.

American seamen have the right to properly maintain a home and family the same as the rest of the American people. His ability to feed, clothe, and shelter his family and dependents during the course of any year depends entirely upon the amount of money the seaman receives during that year. It is obvious from some of the facts that I have stated here seamen's wages are substandard and that consequently their families are forced to live at substandard conditions.

The labor costs of shoreside industries directly affect the cost of water transportation. Yet for some reason, the workers ashore can be paid a living wage. Even the administrative staff employed by shipping operators, the office clerks and stenographers, are paid according to prevailing industrial standards. Only the seamen are expected to sacrifice. It is their wages which, according to the shipowners, make all the difference between ability and inability to meet foreign competition. But no one can explain why the shoreside wages paid to the majority of the operating personnel in the industry have no such effect.

It is only when he works aboard ship that an employee loses his right to a decent wage.

I think it is high time we abandoned such specious reasoning and lent every possible assistance to the achievement of decent American wages for American seamen.

Shipowners are not reluctant to accept operating subsidies for themselves but they resist every attempt to divert a fair amount of these subsidies into the pockets of maritime labor where they rightfully belong. The Merchant Marine Act of 1936 declared the intention of Congress to maintain maritime wage rates at a fair level and the seamen have a right to expect that this will be done. While protesting fear for the financial health of the industry, the employers remain discreetly silent about their huge wartime profits, as well as the enormous Government expenditures, which granted a high level of profits in peacetime. The records of the House Committee on the Merchant Marine and Fisheries is replete with such data.

Congress has shown much concern for the profits of the shipping industry. The present dispute between the maritime workers and their employers has thrown very little light on the problems with which these workers are confronted. I think Congress will make an important contribution in the public interest if we now lend every possible assistance to the peaceful solution of the maritime problem with a fair settlement for the workers. I think they are entitled to have their hours reduced and their wages raised.

Mr. COFFEE. Mr. Speaker, one of the distinguished Members of this House, who has become nationally known for his knowledge of the problems of the maritime industry, is my colleague, the gentleman from Washington [Mr. JACKSON], who recently returned from the Pacific Northwest where he was the

chairman of the International Conference which convened in Seattle for the purpose of working out problems in common with the maritime industries among the nations of the world. I am very proud of the fact that Mr. JACKSON was chosen the chairman of that important Conference and gave the keynote speech.

I will be happy to yield to the gentleman from Washington [Mr. JACKSON] such time as he may desire.

Mr. JACKSON. Mr. Speaker, I thank my distinguished colleague from Washington for his very kind words.

Mr. Speaker, the pending labor dispute in the maritime industry should be thoroughly aired so the public will be familiar with all the issues. Much has appeared in the press of late regarding the inability of the operators to meet the costs of higher wages and shorter hours.

To my knowledge there has never been an accurate study or survey of the profits and earnings of the industry—particularly during the immediate prewar and war period. I know Congress has been advised from time to time on certain excessive profits such as the "Red Sea" charters—losses paid from insurance and large earnings from charter agreements with the Government.

It is most unfortunate, Mr. Speaker, that a thorough and complete study of the earnings has not been made. Certainly the public is entitled to have this information in view of the statements and counterstatements that have appeared in the press on this question. If this information were made available maybe there would be an opportunity to have the dispute decided on its merits.

Mr. COFFEE. Mr. Speaker, it might be well and appropriate at this time to remind the House that the gentleman from Washington [Mr. JACKSON] has made a very intense study of the shipping industry, and as one of the senior members of the House Committee on the Merchant Marine and Fisheries took a leading part in recent debate in connection with the so-called ship purchase bill.

Just in passing, the gentleman referred to the resolution introduced in the Senate by the gentleman from Vermont, Senator AIKEN, and in the House by the gentleman from Massachusetts [Mr. WIGGLESWORTH]. It might be well for the Members of the House to take a profound interest in this whole subject of the maritime industry, because, if that resolution is acted upon favorably, I am convinced there will be brought forth startling facts revealing the enormous profits made by certain ship operators during the war to such an extent that the Comptroller General wrote a special report in which he questioned very much the War Shipping Administration's operations.

Recently the Navy Appropriations Subcommittee of the House, of which I happen to be a member, went very extensively into the operation of the War Shipping Administration and in the report and the hearings brought out directly very severe criticism against the War Shipping Administration for the shoddy and shabby way in which it had operated Government-owned ships.

Mr. COFFEE. Mr. Speaker, I ask unanimous consent that the gentleman from Washington [Mr. DE LACY] be permitted to extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. DE LACY. Mr. Speaker, there is no need for a maritime strike. The United States Government owns 80 percent of American merchant ships afloat. They were built with taxpayers' money. Operated by private shipping companies as agents, making millions in profits without investment in 80 percent of the fleet under their management, the ships belong to the people.

Instead of putting the pressure on the seamen, instead of threatening to use our Navy, whose magnificent performance in the war just past should not now be tarnished in the dirty work of strike-breaking, let our Government direct those whom it has chosen as its agents to operate the people's ships to reduce the inhumanly long workweek, to bring seamen's wages up within sight of shore-side wages, and make the settlement retroactive.

Those three simple steps, all clearly within the legal and the economic and the moral power of the United States Government, would end all talk of strike.

No body of men enjoys striking. No one is talking of tying up ships for fun or, as has been charged in the antilabor press, for political reasons or to gain some mysterious international effect.

The men who earn their bare livings in the American merchantmen, the men who faced the bombs and the torpedoes, the men from whose ranks more are listed as killed or missing during the war than were lost proportionately from any other branch of service, the men, Mr. Speaker, who took a terrific punishment from undersea wolf packs and from all the Luftwaffe could pour on and still went back to keep 'em sailing—these are the men who now say that 56 hours a week, 8 hours a day for 7 days a week without overtime rates is too long to work, and 9 hours a day for 7 days a week without overtime rates in the stewards' department is also much too long for any American to have to work.

These are the men who say that their miserably low wages, which range from 53 cents an hour to 73 cents an hour for the most highly skilled and best qualified, are not enough for them to support their families on.

And who but the profit-hungry ship operators will disagree that these hours are too long and this pay scale is too low?

American seamen want the 40-hour week enjoyed by other workers in American industry.

American seamen want at least the same minimal wage adjustment which has been found necessary and just in other parts of American industry.

American seamen want these necessary gains made retroactive to October 1, 1945, the date when their last contracts expired.

And American seamen want to win these modest concessions without having to tie up the waterfronts of three coasts.

Why should ship operators who got rich managing ships which the people paid for, which the Government built, which were manned by heroic men trained at Government and union expense, now arrogantly refuse to make any good-faith offer looking toward reduction in excessively long hours and excessively low pay in their maritime industry?

These wealthy agents took no financial risks during the war. They did not subject their precious persons to the dangers faced by the seaman and the men of the fighting fronts. They did not even run the risk of being hurt or killed, as so many thousands were in the lumber, shipbuilding, mining, and other industries during the war.

They own only 20 percent of the ships involved. They will get the cream of the Government-owned fleet for 5 cents on the dollar.

Let them in good faith now help build a stable American merchant marine, based, as all lasting industry must be based, upon a skilled, experienced, and stable working force.

It used to be said that seamen are bums. I have seen my share of seagoing bums, and I have lived under the conditions on board ships that make bums out of normal youngsters. I remember the conditions on the Alaska Steamship Company's lines and on the Dollar Lines, 20 years ago, before the seaman's unions cleaned them up. I remember lifting the crust of an apple pie to find a carpet of green mould underneath. I remember having to leave the forecastle when I wanted to clean up, travel half the length of the ship, go down through the engine room, out into the fireroom, and behind No. 3 boiler where one shower for all the black gang was located. In this hot place, between a B and W boiler and the bulkhead, where a roll of the ship could toss a man's bare flesh against the back of the boiler, men were privileged to wash themselves.

And on the old Dollar Line there was not even one shower. Nine firemen slept in one forecastle, with ports about 7 feet above the water line, so that clear across the Pacific the ports could not be opened for fresh air. Those who tried it got washed out of their bunks. With temperatures running as high as 154 degrees in the mountain-ringed port of Hongkong, men slept in stinking quarters, ate in a mess hall directly over the boilers, with sweat running down their arms and forming pools on each side of their bodies on the hard, wooden benches on which they sat.

I well remember coming out of the fire room, wringing wet, my shoes squishing with my own sweat, my dungarees so soaked that I could and did wring my own sweat out of them. I remember working on top of those boilers with a floor plate temperature of 150. I remember cleaning and blowing boiler tubes and crawling inside boilers to tear out firebrick, working in thick clouds of dust with no respirators, with floor plate temperatures running upwards of 140 degrees.

I remember that even the air that came down the forced draft was so hot

that it cracked our ears and burned our lips.

And I remember coming off those watches with not even a shower to go to. The Dollar Line permitted us to buy our own buckets and our own soap and towels, and graciously ran a cold water line into a little compartment about 8 foot square, with two toilets in it and the rest reserved for all the wipers, firemen, and water tenders aboard to clean up in.

Those ships were part of the owners' loot from the last war. The companies had mail subsidies so unreasonable that the great Senator Bone, of our State, and other distinguished Members demanded and got investigations which caused the whole system of subsidies to be changed.

Out of those conditions grew the present seamen's unions. Out of those conditions came legislative authority for the Maritime Commission to fix decent minimum wages for seamen and to inspect and correct living conditions aboard ship.

But the Commission, after one effort in 1937, quit the business of caring for America's orphans, the merchant seamen.

Now these men, whom we have just been praising for their valor in the war, are asking for economic justice. Yet they are being accused of being in some deep plot against the Government, of having mysterious international objectives. Mr. Speaker, the only politics being played with the marine worker is being played in Congress. Congress has not enacted a more adequate minimum wage-and-hour law. Congress has excluded seamen from unemployment and other benefits enjoyed by other workers in other industries. The Maritime Commission has not lived up to its responsibilities or exercised its powers in setting more adequate wages or corrected the inhumanly long hours.

Let any Member of Congress live on board one of our merchant ships, as I did when I was a youngster. Let any fair-minded and decent-hearted American. He will soon discover that the American seamen, like all other American workers, knows that he has some improvements in his working conditions coming, that with modern technical advances the 56- and 63-hour workweek is long obsolete, that ways can be found to pay him a wage upon which he, too, can support a family, can pay rent and food bills on shore, can clothe and educate children.

Or is it the object of the ship operators to drive every family man ashore? To take the running of our fleet away from its present skilled and honorable working force?

Two studies have been made of seamen and their families.

One of the studies was made by the United Seamen's Service, a war-born organization in which the Government, the shipowners, and the maritime unions cooperated to afford vitally needed services to our war seamen. A carefully chosen sample of 100 men, distributed according to the relative numbers of men in the various ratings on dry cargo vessels, was used.

The USS study showed only 28 out of 100 men who had no dependents. As many as 41 were or had been married and were supporting wives or children or both. Altogether, the 100 men had 129 dependents.

TABLE 1.—*Family responsibilities of unlicensed seamen—USS study*[1]

Family responsibility:	
Without dependents	28
With dependents	72
Wife only	13
Wife and children	20
Children only	4
Other relatives only	27
Wife and others	7
Children and others	1
Total	100
Total number of dependent persons	129

[1] John W. Hastie, Unemployment, Annual Income and Family Status of Seamen, 1943.

The second study showing family responsibility of seamen was conducted by the National Maritime Union. Of 70 men interviewed, only 27 were found to be without dependents. The remaining 43 men had from 1 to 6 dependents each.

On the west coast, the United States Shipping Commissioner at San Francisco states that approximately 80 percent of seamen sign over an allotment of a portion of their pay to dependents. This is in marked contrast to the years 1936 and 1937 when only 15 to 20 percent of seamen signed allotment papers, and of these the majority were in the licensed group.

Upon investigation, American seamen are found to be as typical of American workingmen as shipyard workers, textile workers, or steelworkers. The American seamen come from every State in the Union. Their backgrounds and heritages are as varied. Bombs, torpedoes, and mines have taken their toll without regard for color, religion, home, State, or any other distinguishing characteristic.

Instead of threatening to break a strike, why is not action taken to force the ship operators to bargain in good faith with the unions? The Government of the United States is in an extremely favorable situation in this industry. The Government owns 80 percent of the merchant marine. The Government has poured billions into building a merchant marine and has guaranteed huge profits to a small group of shipping operators who are merely acting as agents of the Government. The Government through the Labor Department, the War Shipping Administration, and the Maritime Commission, should stop talking tough to the unions and begin to talk tough to the operators who are their agents. There must be a real attempt to force the operators to make a reasonable offer to the unions. We face now the scandalous situation where the shipping operators have not made a single offer or a counter proposal to the demands of the maritime workers.

There is no need for a strike in the maritime industry. There is no question that the threat of the strike will disappear quickly if the shipping operators are forced to offer something reasonable and in good faith on the following and only issues in the present dispute:

First. Reduction of the present intolerably long workweek aboard ship.

Second. An increase in wages in line with national wage patterns recently established in many other industries.

Third. Retroactivity of wage increases to the date of expiration of old agreements.

Fourth. Agreement to negotiate other less important but real issues involving grievances and working conditions.

If the Government does not make some effort to put some reason instead of threats of force into the negotiations, there will be a strike on June 15. We know what this will mean to the Nation. We hear that unions in many foreign countries will refuse to load, unload, or sail ships while such a maritime strike is going on in our country. There is a possibility that railway workers will refuse to transport freight into docks for loading if it will mean crossing longshoremen's picket lines. We must not let this happen. It need not happen. Let the Government, which owns the ships, put pressure on their own agents, the operators, who have been bargaining fruitlessly with the unions for more than 7 months, make the operators stop stalling and sit down in good faith to work out for the first time a decent standard of living for our merchant seamen. They too sacrificed; they too contributed to victory. Let them share in the fruits of peace.

The SPEAKER. Under previous order of the House, the gentleman from Michigan [Mr. DONDERO] is recognized for 30 minutes.

AMERICANS TAKE NOTICE—SCHOOL OF POLITICAL ACTION TECHNIQUES

Mr. DONDERO. Mr. Speaker, it is my purpose to expose what I believe to be a Communist fraud which is being perpetuated upon the people of the city of Washington through the guise of a so-called School of Political Action Techniques to be conducted by the National Citizens Political Action Committee. I am sure that many Members of Congress on both sides of the aisle are not aware of the nature of this outfit, which has had the effrontery to print a picture of the National Capitol on the cover of its catalog. It is my purpose to show that the faculty of this school is largely composed of individuals who have rendered yeoman service to the Communist Party and its front organizations. A number of these individuals with subversive records are former Federal officeholders. This project, which is actually an attempt to establish in the city of Washington a branch of the chain of Communist schools to be found throughout the country, is a blot upon the fair name of this city and should be repudiated and denounced by loyal Americans of both major political parties.

SCHOOL OF POLITICAL ACTION TECHNIQUES, CONDUCTED BY THE NATIONAL CITIZENS POLITICAL ACTION COMMITTEE, WASHINGTON, D. C., JUNE 26–29, 1946—DEPARTMENT OF POLITICAL ORGANIZATION AND ADMINISTRATION FACULTY AND ADVISERS

John Abt: Husband of Jessica Smith, who is editor of Soviet Russia Today. Mrs. Abt worked in the Union of Soviet Socialist Republics from 1922–27, for the Soviet Information Bureau in Washington from 1929–33, and was editor of the

Soviet Union Review until 1935. She was formerly the wife of Harold Ware, Soviet agricultural expert. Remember that Communist marriages must be based upon political affinity. Marriage with an anti-Communist is sufficient grounds for expulsion from the Communist Party. John Abt was known in well-informed circles as the commissar of top level Communist forces while he was in Washington. He was Sidney Hillman's chief assistant at the Communist-dominated World Federation of Trade Unions Conferences held in London and Paris. Thereafter he vistited the Soviet Union, writing glowingly of his trip in the January 1946 issue of Soviet Russia Today. In Soviet Russia Today of May 1946 he wrote again regarding the "Soviet Lawyer's Role in the Trade Unions." In the New York Times of January 13, 1946, page 33, he charged that the labor crisis was precipitated by "the giant corporations which own the basic industries of our Nation." He is general counsel of Sidney Hillman's Amalgamated Clothing Workers of America, of the CIO Political Action Committee and of the National Citizens Political Action Committee. He is reputed to be the connecting link between Sidney Hillman and the Communist Party. He was formerly with the La Follette committee.

Tilford E. Dudley, assistant to the chairman, CIO Political Action Committee, was a member of the Washington Committee for Democratic Action, which defended Federal employees charged with subversive activities; the Washington Book Shop, the Washington outlet for Communist literature; the Washington Committee for Aid to China, another Communist-front organization condemned for its activities by Mrs. Roosevelt—appendix IX, page 1685, and executive hearings, pages 2361–2390. He was formerly with the National Labor Relations Board, as examiner.

Abraham Zeitz: Secretary of the Committee on Free Elections in 1940, which defended the ballot rights of the Communist Party; speaker at the pro-Communist National Action Conference for Civil Rights held in Washington, April 19–29, 1940.

Elmer Benson has 23 citations in appendix IX, a study of Communist-front organizations published by the Special Committee on Un-American Activities, including: Member, national executive board, National Lawyers Guild in 1937; sponsor, tenth anniversary national conference of the American Committee for Protection of Foreign Born, held October 20, 1943, an organization specializing in the defense of foreign-born Communists; sponsor, National Federation for Constitutional Liberties, which has defended the rights of the Communist Party and individuals charged with Communist activities; sponsor, Citizen Victory Committee for Harry Bridges; member, national advisory board, American Youth Conference, which booed President Roosevelt; publicly endorsed for Governor of Minnesota by Earl Browder—Dies, page 1363; photographed in parade of the American League for Peace and Democracy with leading Communists on August 7, 1937—Dies hearings, page 1369; indorsed by Communist publications—Dies hearings, page 1371; charges that Governor Benson and the Farmer-Labor administration of Minnesota are in league with the Communists—Dies hearings, page 1389; chairman, executive council, National Citizens Political Action Committee.

Dr. Dwight Bradley, speaker and sponsor, fifth national conference, American Committee for Protection of Foreign Born, an organization which specializes in the defense of foreign born Communists, March 29–30, 1941; member, American Friends of Spanish Democracy, which was supported by the Communist Party—appendix IX, page 381; signer of appeal for Russian War Relief—New York Times, October 10, 1941; sponsor of the Joint Anti-Fascist Refugee Committee, which has been cited for contempt by the House of Representatives—appendix IX, page 941; sponsor of the Conference on Constitutional Liberties in America, June 7–9, 1939, at which a featured speaker was Elizabeth Gurley Flynn, national committee member of the Communist Party, and Elmer Benson—appendix IX, page 1228; sponsor, dinner-forum for the pro-Communist magazine, Protestant Digest, February 25, 1941.

Martha Fletcher: Former chairman of United States arrangements committee for World Youth Conference, which was Communist inspired and dominated, held in London, August 29 to September 6, 1945. This was supported by the American Youth for a Free World, of which Mrs. Martha (Harold) Fletcher was chairman. She was a sponsor of the New York State Conference of Negro Youth, held April 15–16, 1944. The meeting was supported by the American Youth for Democracy, formerly the Young Communist League. Under the name of Martha Haven Fletcher she was a member of the editorial board of Spotlight—June 1944—official Communist youth organ. She signed a statement lauding George Dimitroff, former head of the Communist International—New York Times, December 22, 1943, page 40.

Leo Krzycki: President, American Slav Congress, and president, Polish Labor Council, both Communist dominated; vice president of Sidney Hillman's Amalgamated Clothing Workers of America, recently granted a lengthy interview by Marshal Stalin. His speech on his return is quoted in the Daily Worker of May 9, 1946, page 15, as follows: "He had found in the Soviet Union, Poland, Yugoslavia, and other countries in eastern Europe" a warm spirit of working-class brotherhood and he "toured Europe as a representative of the American Slav Congress last year," and found "labor treated as an equal partner in government in Poland." He also "praised Marshal Tito." Krzycki was the leading speaker at a meeting on May 30, 1937, in Chicago, which started a riot at the Republic Steel Co. plant. He was a guest of honor at the dinner of the American Committee for Protection of Foreign Born, held on April 17, 1943. On May 1, 1942, Leo Krzycki sent a message in behalf of the American Slav Congress to the Red army. Again on June 22, 1942, at a meeting in Detroit, he spoke at an American Slav Congress meeting which greeted the Red army. He spoke on July 5, 1944, before the annual convention of the International Workers Order, a Communist fraternal organization. Sponsor, American-Russian Institute dinner, October 19, 1944; signer of a statement eulogizing George Dimitroff, former chairman of the Communist International—New York Times, December 22, 1943, page 40. Sponsor, Soviet Russia Today magazine dinner in honor of the Red army, February 22, 1943.

Tom Neill: Executive secretary of Servicemen's and Veterans' Committee, UERMWA—United Electrical, Radio and Machine Workers Union, which is Communist controlled; delegate to the Communist-inspired and dominated World Youth Conference, in which he was associated with Martha Fletcher. Signer of statement to the President and Congress, defending the Communist Party—Daily Worker, March 5, 1941.

DEPARTMENT OF POLITICAL RESEARCH—FACULTY AND ADVISERS

Dr. Hadley Cantril: Signer of a petition issued by the American Committee for Democracy and Intellectual Freedom, a Communist-front organization, the petition seeking to abolish the Dies committee—appendix IX, page 332; sponsor of a meeting by the same organization held on April 13, 1940, in defense of public-school teachers charged with Communist activities; member, executive committee, Film Audiences for Democracy, a pro-Communist film organization—appendix IX, page 730; signer of a statement in defense of the Communist Party, December 14, 1939, during the Stalin-Hitler pact.

DEPARTMENT OF PUBLIC RELATIONS—FACULTY AND ADVISERS

Abe Ajay: Cartoonist for PM; cartoonist for the New Masses, Communist weekly magazine.

Len De Caux: Editor of the CIO News; formerly with the Federated Press, a Communist news service; recently returned from a visit to the Soviet Union, after which he made a glowing report of his visit in his paper; supporter of the American League Against War and Fascism, cited as subversive by Attorney General Biddle. Cited as a Communist by Homer Martin, former president, Auto Workers—Dies hearings, page 2062.

Jay Deiss: Member, executive committee, Washington Committee for Democratic Action, which defended Federal employees charged with subversive activities—letterhead, May 23, 1941; former senior editor-writer of the Federal Security Agency.

Joseph Gaer: Born in Russia under the name of Fishman—former assistant to J. Raymond Walsh, CIO research director; former member of the advisory board, Direction, a pro-Communist magazine, produced by members of the Federal writers project. Interview by the Daily Worker, published June 9, 1945, page 8, refers to him as "a master of the pamphlet form, and certainly the varied examples issued by the CIO-PAC, of which he is publication director, bear this out." Former employee of the Treasury Department.

Thomas F. Burns: Former assistant to Sidney Hillman in the Office of Production Management. Member of the Communist Party. Former business agent of the Fisk United Rubber Workers Union. In early 1937 made a vice president of the CIO—Massachusetts House Committee on Un-American Activities, 1938, page 149.

Dr. Clark Foreman: President, Southern Conference for Human Welfare. William Weiner, treasurer of the Communist Party, testified that a subsidy of $2,000 had been paid to the Communist Party of Alabama in 1938, when the Southern Conference for Human Welfare was founded, that this Southern Conference had been discussed with Robert F. Hall, when he was in New York, and that it had also been discussed by the central committee of the Communist Party at the time the $2,000 was authorized. Front organizations and unions under the Communist aegis followed the lead of the Communist Party in building the Southern Conference for Human Welfare—appendix IX, pages 1581 and 1583; sponsor Win-the-Peace Conference, April 5–7, 1946.

Dr. Frank Kingdon: protested against imprisonment of William Z. Foster—Daily Worker, May 21, 1930; member, executive committee, American Committee for Democracy and Intellectual Freedom—letterhead, September 22, 1939—which defended public-school teachers charged with Communist activities; supporter of the American Student Union, a Communist youth front organization—appendix IX, page 514; supporter of the American Youth Congress, which booed President Roosevelt during the Stalin-Hitler Pact—appendix IX, page 525; supporter of the Greater New York Emergency Conference for Inalienable Rights, which defended the rights of the Communist Party—appendix IX, page 772; signer of statement against alleged anti-Communist propaganda—New York Times, May 19, 1930; statement issued by John Reed Clubs, formed in honor of John Reed, a founder of the Communist Party, United States of America; sponsor, National Emergency Conference, May 13–14, 1939, a Communist front organization which attacked registration and fingerprinting of aliens; member of United Student Peace Committee, supporting student peace strikes—Daily Worker, April 13, 1936, page 6.

Michael M. Nisselson: President, Sidney Hillman's Amalgamated Bank; member, Social Workers Committee to Aid Spanish Democracy—letterhead, February 8, 1939—which was supported by the Communist press; member, executive board, United American Spanish Aid Committee—letterhead; financial contributor to Social Work Today, January 1941, pages 16–18, pro-Communist magazine in the field of social work.

Irving Richter: Accused of being pro-Communist. They—Reuther's lieutenants—charged Richter was one of those who lobbied in support of the May-Bailey labor draft bill when the CIO was fighting it and the Communist Party was in favor of it—the Wage Earner, Catholic, May 17, 1946, page 12; supporter of the American League for Peace and Democracy, when employed as research assistant by the Works Progress Administration—hearings, Dies Committee, page 6404. This organization has been cited as subversive by Attorney General Biddle. Richter was a member of the Washington Committee for Democratic Action, which defended Federal employees charged with subversive activity; Washington (Communist) Book Shop; chairman of finance committee, ALPD above.

Katherine Schryver, also spelled Shryver: Executive secretary of the National Committee to Abolish the Poll Tax, a Communist-front organization; formerly secretary of the League of American Writers, which has been cited as subversive by Attorney General Biddle; sister of Harold Buckels.

Rose Terlin: Identified as a member of the Communist Party, leader of the American Youth Congress and member of the staff of its publication, Champion—appendix IX, page 528; former executive secretary, White Collar Panel, Regional Labor Board.

Dr. J. Raymond Walsh: Identified as a frank apologist for the Communist line by Dr. John L. Childs—New York Times, July 20, 1945, page 11; signer of letter for closer cooperation with the Soviet Union—Soviet Russia Today, September 1939, page 28; member, League of American Writers—bulletin, 1938, page 4—which was cited as subversive by Attorney General Biddle; signer of attack on Dies committee—Daily Worker, May 13, 1940, page 1, 5; speaker, American Student Union, a Communist youth front, at its fourth annual convention; attacks Congresswoman LUCE, for stirring up nightmare fears toward the Soviet Union—New York Times, May 28, 1945, page 17; lauded by Mike Gold—Daily Worker, January 15, 1938, page 7; speaker, forum, Science and Society, a Communist magazine—Daily Worker, November 23, 1942, page 3; member, executive committee, Council for Pan-American Democracy, which has attacked American imperialism; signer, Open Letter for Harry Bridges—Daily Worker, July 19, 1942, page 4; sponsor, American Committee for Protection of Foreign Born, specializing in defense of foreign-born Communists; 17 citations in appendix IX; former professor at Harvard University, where he was identified with pro-Communist causes.

DEPARTMENT OF PUBLIC RELATIONS—FACULTY AND ADVISERS

Tom Brandon: Former head of Brandon Films, 1600 Broadway, New York City, supplying pro-Communist films; secretary of the Workers Film and Photo League, affiliated with the International Union of Revolutionary Theaters in the Soviet Union—Dies, hearing, page 549. This league conducted the Harry Alan Potamkin Film School which studied "the movie industry of the Soviet Union as the producer of some of the greatest films of the day"—Tom Brandon, writing in New Theater, January 1934, pages 14, 15, a pro-Communist theater magazine. Brandon was a contributing editor of this magazine, which called itself the Organ of the League of Workers, Theaters, Film and Photo League, and Workers Dance League, all pro-Communist organizations.

Alex Leith and Perry Miller are, respectively, executive director and founder of Stage for Action. Art Smith is vice chairman of this organization, which actively supports Communist causes—Daily Worker, February 6, 1946, page 6; June 3, 1945, page 14; January 11, 1946, page 3.

Lee Hays and Peter Seeger are, respectively, executive director and director of People's Songs, Inc. This organization is described in the Worker of March 31, 1946, page 7, and February 24, 1946, page 7. On May 9, 1946, this organization gave a concert at the New York Town Hall, for which tickets were on sale at the Communist Workers Bookshop. The affair was advertised in the Daily Worker. People's Songs has composed, according to the Worker, songs "that sounded like an army wanting to march nowhere but to home," including I Just Want To Go Home, and I Don't Want No More of Army Life, Gee, Ma, I Want To Go Home. These songs were sung to GI's. Lee Hays and Peter Seeger were members of the Almanac Singers, which composed anti-American songs for the American Peace Mobilization, which picketed the White House in 1941.

Allan Lomax: Formerly with the Music Division, Library of Congress; member of the Washington (Communist) Book Shop; member, Washington Committee for Democratic Action, which defended Federal employees charged with subversive activities; member, American League for Peace and Democracy, which has been cited as subversive by Attorney General Biddle. Composer of songs sung at Communist functions.

John T. McManus: Film editor of PM; president of the Communist-dominated New York local of the American Newspaper Guild; sponsor, meeting for Russian War Relief—Daily Worker, July 6, 1943, page 5; sponsor, Artists Front To Win the War, October 16, 1942. At this meeting Charles Chaplin praised Communists and called for a second front. McManus signed an open letter to Governor Dewey in behalf of Morris U. Schappes, Communist and convicted perjurer—New York Times, October 9, 1944, page 12. Signer of a statement approving granting Army commissions to Communists—Appendix to the CONGRESSIONAL RECORD, volume 91, part 10, pages A1194–A1195; lecturer, Jefferson School of Social Science, a Communist school—Daily Worker, September 3, 1944, page 12; sends greetings to the Daily Worker, May 1, 1945, page 4.

Ben Shahn: Member of the Communist-dominated Artists Union—appendix IX, page 579; submitted radical designs to the Museum of Modern Art and Rikers' Island Penitentiary which were publicly condemned as communistic; contributor to Art Front, a pro-Communist art magazine—November 1935, page 8; signer of Call to the American Artists' Congress—Art Front, November 1935, page 6. Formerly with the Office of War Information.

Saul Mills: Endorsed Daily Worker—Worker, January 9, 1944, page 6; endorsed Army commissioning of Communists—Appendix to the CONGRESSIONAL

RECORD, volume 91, part 10, pages A1194–1195; Endorsed candidacy of Benjamin Davis, Communist candidate for councilman in New York City—Daily Worker, April 10, 1945, page 4; lecturer at the Jefferson School of Social Science, a Communist school—catalog, September 1944, page 75; cited in appendix IX 15 times; signer of the following statement endorsing the National Free Browder Congress of March 28–29, 1942:

> You cannot divorce the Browder case from the political party which he heads. There is no question that Browder and those who are associated with him are a part of the united fighting front of freedom-loving peoples against the Axis. * * * The National Free Browder Congress should be fully supported. The principles upon which our Government was founded * * * are at stake. (Daily Worker, March 9, 1942, p. 3.)

Mills was a supporter of the American Peace Mobilization, which picketed the White House, and he condemned a bill to fine persons found guilty of sabotage on defense work $10,000 plus 3 years' imprisonment.

Hannah Dorner and Edith Halpern: Executive secretary and field director of the Independent Citizens Committee of the Arts, Sciences, and Professions, an organization avowedly built by the Communist Party as a political weapon—Appendix to the CONGRESSIONAL RECORD, volume 92, page A1150.

The SPEAKER. Under previous order of the House, the gentleman from Illinois [Mr. REED] is recognized for 15 minutes.

BURLINGTON LINES VERSUS RAILROAD INVESTORS

Mr. REED of Illinois. Mr. Speaker, under date of May 29, Mr. Karl Fischer, assistant to the president of the Burlington Lines, distributed to many Members of Congress a memorandum relating to H. R. 5924 and S. 1253. The general objective of H. R. 5924, introduced by me, as well as that of S. 1253, introduced by Senator WHEELER, is to prevent the unnecessary forfeiture of $2,500,000,000 of investments in American railroads which otherwise will occur under plans of reorganization approved by the Interstate Commerce Commission in proceedings under section 77 of the Bankruptcy Act.

Mr. Fischer's memorandum, in which purportedly he speaks for the Burlington Lines, contains an argument in behalf of an amendment by which he proposes to exclude the Denver & Rio Grande Western Railroad from the provisions of the so-called Reed bill, H. R. 5924.

The argument advanced by Mr. Fischer is to the effect that the Burlington desires ultimately to acquire partial ownership in the Rio Grande, and in any event desires to have that railroad operated as a neutral independent carrier. According to Mr. Fischer the Burlington does not want the Rio Grande returned to its present owners, the Missouri Pacific and the Western Pacific, for even a temporary period—as the Reed bill would provide—during which its owners would have an opportunity to effectuate a speedy, sound, businesslike adjustment of its obligations—all with the required approval of the Interstate Commerce Commission—and emerge from bankruptcy. The Missouri Pacific interchanges traffic with the Rio Grande through the Pueblo gateway. The Burlington—and the Rock Island also—interchanges traffic with the Rio Grande through the Denver gateway. The Western Pacific interchanges traffic with the Rio Grande at the latter's western gateway at Salt Lake City.

The Burlington, according to the memorandum, fears that if legislation typified by H. R. 5924 and S. 1253 is enacted, its relationship with the Rio Grande at Denver may deteriorate. The Burlington apparently fears also that continued ownership of the Rio Grande common stock by the Missouri Pacific and Western Pacific would result in the deliberate restriction of traffic through the Denver gateway in favor of the Pueblo gateway.

In the memorandum submitted by the Burlington Lines it is contended that the Rio Grande should be exempted from this pending legislation in order to keep it out of control of the two railroads which, with the approval of the Commission, purchased and now hold its common stock. In effect, Mr. Fischer requests Congress to declare by legislative fiat that this railroad shall be an independent carrier without control by any other carrier.

Obviously, questions involving the control of a railroad by one or more other railroads and questions involving interchange traffic arrangements are all matters for the Interstate Commerce Commission, established by Congress for just such purposes. For obviously, too, Congress could not possibly legislate intelligently upon such matters without first holding protracted hearings at which all phases of those complicated issues could be considered and all parties concerned could be heard. The voluminous records of such proceedings before the Commission show conclusively the utter impracticability of the request that Congress act directly in such matters. Appropriate procedure is provided in the Interstate Commerce Act for any application which the Burlington or any other carrier may care to make for authority to acquire partial ownership of the Rio Grande. The Burlington should not be permitted to avoid that statute through the special legislation it here seeks to secure.

The whole subject of railroad consolidations and intercarrier ownerships has received most exhaustive and lengthy consideration by the Commission during more than two decades. Elaborate plans for consolidating the railroads of the country into great systems have been evolved by the Commission only after most extensive hearings and deliberations. Conformably to such plans, the Commission long ago authorized the Missouri Pacific to acquire from the Western Pacific a half interest in the common stock of the Rio Grande.

Regardless of who owns and controls the Rio Grande, the operation of that railroad in a manner that would restrict the fullest and most profitable use of all its facilities, including the Denver as well as the Pueblo gateways on the east and the Salt Lake gateway on the west, would constitute a violation of existing law and would result in a fraud upon the creditors and other stockholders of the Rio Grande and the public which it serves. It is not to be assumed that the Missouri Pacific and the Western Pacific would operate this carrier thus illegally and wrongfully. The Interstate Commerce Commission has completely effective powers to prevent such results as the Burlington fears. The Burlington could pursue its presently available and ample remedies in the event that the injustices it fears actually should be threatened in the future.

Moreover, the present plan for the reorganization of the Rio Grande, which the Burlington seeks to preserve, does not allot any part of the stock to the Burlington or any other carrier. The plan provides that the preferred and common stock shall be held in escrow for 10 years, within which time, presumably, the new owners will decide what affiliations with other systems will be most advantageous—submission document, page 172. The plan expressly provides that the sale of such stock, however, is to be made only with the approval of the Interstate Commerce Commission. It is clear, therefore, that the Burlington would have to secure the approval of the Commission to acquire any of such stock. Thus in any event it will have to comply with section 5 of the Interstate Commerce Act.

There is no reason for the Burlington to suppose that its opportunity to become a purchaser of stock in the reorganized Rio Grande will be any different or any less advantageous under Commission-approved reorganization pursuant to the Reed bill or the Wheeler bill than under the present forfeiture plan pending in the courts.

The Burlington did not avail itself of the opportunity to make its proposals to the Judiciary Committee of the House which held extensive hearings upon the Reed bill, nor for that matter did it appear before the Interstate Commerce Committee of the Senate in hearings on the Wheeler bill. But it is now attempting to have Congress decide this involved issue between the Burlington and the Missouri Pacific upon the floor of the respective Houses and to secure action directly contrary to the recommendations of the House and Senate committees which favorably reported these bills, respectively, and completely supported them in the printed reports filed—House Report No. 1828 as to H. R. 5924; Senate Reports No. 925 and No. 1170 as to S. 1253.

This issue which the Burlington now seeks to inject into the consideration of this pending legislation is actually unrelated to either of these bills. The Burlington's proposals as set forth in Mr. Fischer's memorandum properly should be presented to the Interstate Commerce Commission which ultimately must pass upon them in any event.

THE DENVER & RIO GRANDE WESTERN REORGANIZATION

The Commission's plan for the reorganization of the Rio Grande wipes out completely the 300,000 shares of no-par common stock of a 1936 balance sheet value of $62,457,540, also $16,445,000 par value of 5 percent cumulative preferred stock, now aggregating a claim of over

$26,000,000, and present claims of general mortgage bondholders amounting to over $40,000,000. The common stock is all owned in equal proportion by the Missouri Pacific and the Western Pacific Railroads. The preferred stock as well as the general mortgage bonds are held by many thousands of small investors widely scattered throughout the land.

On July 11, 1939, the Commission issued its original plan of reorganization for the Rio Grande, in which it limited the capitalization to $147,717,268. Subsequently, in 1940 and 1942, that figure was raised somewhat, but even the final plan of June 14, 1943, limited the capitalization to $155,173,127. The record of proceedings on the plan before the Commission was formally closed May 20, 1941. All of the outstanding securities in excess of this restricted capitalization were declared to have no value and were wiped out by the Commission's plan. As in the cases of other railroads in section 77 proceedings, the Commission based its restricted capitalization upon its guess of what the Rio Grande would earn in the future and that guess was predicated largely upon the earnings record during the depression years of the 1930's. The Commission's forecasts were proved to be grossly wrong, and its forfeiture of these many millions of dollars of investments was shown to be wholly unnecessary and unjustified. In any event, such forfeitures are unjustified today.

Ever since the Commission's first plan was issued in 1939 the record of actual earnings of this railroad and of the vast improvement in its financial affairs has proved over and over again the needlessness and the tragic unfairness of the forfeitures which that plan and its later revisions decreed.

The gross revenue of the Rio Grande during the depression years 1932 to 1939 averaged approximately $21,500,000 annually. Subsequent to the issuance of the Commission's original plan in 1939 the gross revenues of this railroad mounted approximately as follows: 1940, $26,000,000; 1941, $31,000,000; 1942, $54,000,000; 1943, $70,000,000; 1944, $70,000,000; and 1945, $75,000,000.

It was brought out in the Senate committee hearings on S. 1253, page 330, that after paying all interest on all other bonds of the Rio Grande for the 5½ years from January 1, 1940, to June 30, 1945, the earnings of this railroad were sufficient to pay the interest charges on the entire $29,808,000 principal amount of general mortgage 5-percent bonds 5.61 times each year on the average. Ninety percent of the claims of these bondholders for principal and interest is wiped out by the Commission's final plan.

During the period from January 1, 1941, to June 30, 1945, the earnings on the wiped out stocks—after allowing full interest on all bonds—amounted to $145.15 per share of preferred and $68.01 per share of common, an aggregate of $21,549,296.

On December 31, 1940, the Rio Grande had a deficit in net current assets of $126,644. At the close of 1945 it had net current assets of $26,339,939. Its cash on hand at the beginning of 1941 was $4,328,184; at the end of 1945 it was $33,964,179; and on February 28, 1946, it exceeded $40,000,000.

The earnings for January 1946 amounted to $1.28 per share of preferred stock and $0.43 per share of common. In February 1946 the earnings continued at the same high rate, the totals for those 2 months being $2.56 for the preferred and $0.85 for the common.

For the year 1944 alone the Rio Grande paid Federal excess-profits taxes amounting to $7.90 per share of common stock.

In 1945 this railroad deducted $12,700,658 for a special, accelerated amortization, and deducted for deferred maintenance $2,763,694, a total of $15,464,352 or an average of over $50 per share of common stock. These extraordinarily large items were deductible in computing Federal-income and excess-profits taxes. Even so, these accrued taxes rose to $10,488,390, or more than twice the amount for 1944. They totaled $34.96 per share of common stock. Because of the bookkeeping methods employed, no stock earnings were reported for 1945, although gross revenues as well as accrued income and excess-profits taxes that year far exceeded those for 1944 when reported earnings were $15.25 per share of preferred and $5.06 per share of common.

During the period of bankruptcy the Rio Grande properties were greatly improved by huge expenditures from earnings. These desirable improvements not only vastly enhanced the value of the physical properties of the Rio Grande but very significantly increased its earning power by promoting more economical, more profitable operation.

As of the close of 1944 the trustees of the Rio Grande had charged to capital additions and betterments—less any new securities issued in payment—a total of $37,401,655. In 1945 they charged $4,762,414 to additions and betterments. These figures do not include an additional $10,000,000 which the trustees expended for improvements and charged to operating expense. Since the Commission valued the railroad on July 13, 1942, at $154,521,612 over $30,000,000 has been expended on improvements, but the Commission increased its permissible capitalization by only $615,515 in its final revision of June 14, 1943.

Under that plan the general mortgage bondholders receive common stock of the new company of a par value equal to only 10 percent of their total claim of $43,548,155 as of January 1, 1943. This $4,354,816 par value of stock represents but 10 percent of the proposed issue.

Although the general mortgage bondholders rejected the plan by vote, under section 77 the plan may be made effective without their approval. The plan was not submitted to a vote of the preferred and common stockholders because they had been completely eliminated.

In view of such a record of earnings over the past 6 years and of improvement in the financial status of the Rio Grande, the lamentable forfeitures of tens of millions of dollars invested by many thousands of widely scattered citizens—including, no doubt, many employees of that railroad—is irrefutably proved to have been unjustified. At least such forfeitures are today unjustified in the light of present facts, regardless of whether the Commission's guesses in 1939–40 were then supportable or not.

Apparently Mr. Fischer and the Burlington Lines are not one whit concerned over the forfeiture of these vast investments in either the Rio Grande or other railroads. Indeed, they attempt to justify it, and seek to exclude these hundreds of thousands of investors in railroad securities from the benefits of an opportunity to save their investments, which opportunity the Reed bill and the Wheeler bill propose to grant them.

And for what purported purpose does the Burlington make this proposal? Primarily, to permit the Burlington to acquire a stock interest in the reorganized Rio Grande, and to benefit the present senior creditors of the Rio Grande who, under the plan, will hold all of the securities of the new company after the general mortgage bondholders—to the extent of over 90 percent—and the preferred and common stockholders—to the extent of 100 percent—have been eliminated.

The Burlington's fight is exclusively one to secure partial ownership of the reorganized Rio Grande or at least to keep the Rio Grande in a neutral position. It frankly says as much in its memorandum. Thus, the Burlington seeks to take advantage of an unfortunate position into which the Rio Grande, like many other great railroad systems of the country, was forced by the unparalleled Nation-wide economic collapse of the early 1930's and to deny the owners of that railroad the chance to salvage the tens of millions of dollars invested in it by the two railroads which own its common stock and by thousands of little people from probably every State who invested their savings in its bonds and preferred stock.

While it attacks the motives of the Alleghany Corp.—a common carrier subject to the Interstate Commerce Act—which holds about one-third of the voting stock of the Missouri Pacific, the Burlington's proposal would sacrifice not only the interests of the Alleghany but the thousands of other Missouri Pacific stockholders and creditors as well. If the conditions were reversed and the Missouri Pacific were attempting to deprive the Burlington of any interest in a 50 percent subsidiary, what then would be the Burlington's position as to such requests as it now makes?

I am not opposed to the Burlington acquiring a partial interest in the Rio Grande. I am opposed only to the course which the Burlington now is pursuing—unnecessarily, in my opinion—which would deprive those whose investments in the Rio Grande are unjustifiably sacrificed under the present plan of reorganization, of the opportunity to save their investments, or at least a substantial part of them, from destruction.

PRESENT RAILROAD REORGANIZATION IN GENERAL

The Rio Grande is, of course, but one example of the unnecessary and inequitable sacrifice of railroad investments under the Commission's depression-based plans of reorganization. Unless one of

the bills attacked by Mr. Fischer is enacted, approximately $500,000,000 of creditors' claims and $2,000,000,000 of stock are threatened with imminent extinction.

The truth of the matter is that practically all the present plans of reorganization under section 77 deprive bondholders of enormously valuable rights as well as extinguish vast investments in stock. The half billion dollars of creditor claims, above referred to as being wiped out, tell only a small part of the creditors' story. Very heavy sacrifices are being demanded of creditors in practically all of the Commission's proposals by reduction of their claims from superior to inferior bonds, or to stocks. This is also well illustrated in the case of the Rio Grande.

The Reed bill and the Wheeler bill each provides a simple direct method of saving so much of such investments as present conditions warrant. They do not attempt to legislate value into securities which have no value, but they will prevent the needless, unjust sacrifice of securities which it has been demonstrated have real value.

Although the Burlington levels an attack on all pending legislation designed to prevent such useless sacrifices of investments in our railroads—all of which securities were duly authorized by the Interstate Commerce Commission—it has no present interest in this general subject, as neither it nor any of its subsidiaries or affiliated companies are involved in reorganization proceedings. So far as the Rio Grande is concerned, the Burlington has an understandable interest. But in its general and vicious attack on all features of the Reed bill and the Wheeler bill, for whom does it speak? Whether wittingly or unwittingly, it speaks in fact for the senior creditor interests—largely institutional holders—who will be unjustly enriched at the expense of hundreds of thousands of junior creditors and stockholders.

Even Mr. Wilson McCarthy, one of the trustees of the Rio Grande, expressed his doubt of the justice of the Commission's plan at the present time when he recently said in his testimony before the Interstate Commerce Committee of the Senate on S. 1253:

> My own personal opinion is that complete justice will be done as near as it can be done in this kind of a proceeding if, under some amendment to your present bill, this thing can be returned to the ICC. * * * I have no desire, if this thing goes back, just to take a cursory look. I don't think that would accomplish anything. If an injustice has been done to these general bondholders, I am very sure that the ICC will be glad to correct it, and that seems to be about all that is left on the Rio Grande.

The Commission, however, has taken the position that it has no authority to recall plans of reorganization once it certifies them to the court—regardless of how unjust or outmoded those plans may have become—and the Supreme Court has repeatedly held that the Commission has exclusive and final jurisdiction to determine the limits of capitalization and the consequent result of what securities shall be extinguished. Only new legislation can open this vise in which these investors are being squeezed into extinction. The Wheeler bill and the Reed bill each seeks to accomplish the salvaging of these investments and to give these railroads an opportunity to work out—with the approval of the Interstate Commerce Commission—a businesslike, sound, and fair adjustment of their debts and to emerge from bankruptcy. The request of the Burlington should not swerve Congress from enacting this sound remedial legislation either in the form of the Reed bill, favorably reported by the Judiciary Committee of the House, or in the form of the Wheeler bill, favorably reported by the Interstate Commerce Committee of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

Mr. MCGREGOR (at the request of Mr. JENKINS), for 5 days, on account of illness.

Mr. GROSS, for June 12, on account of death in the family.

ENROLLED BILLS SIGNED

Mr. ROGERS of New York, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 5060. An act to amend section 1 of the act entitled "An act to fix the salaries of officers and members of the Metropolitan Police force, the United States Park Police force, and the Fire Department of the District of Columbia, approved May 7, 1924.

ADJOURNMENT

Mr. SPARKMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 22 minutes p. m.), the House adjourned until tomorrow, Wednesday, June 12, 1946, at 12 o'clock noon.

COMMITTEE HEARINGS

SELECT COMMITTEE ON CONSERVATION OF WILDLIFE RESOURCES

Beginning at 10:30 a. m. each day, the Select Committee on Conservation of Wildlife Resources will hold hearings on Monday, June 10, Tuesday, June 11, and Wednesday, June 12, in the committee room, 448 House Office Building.

The purpose of the hearings will be to receive reports from the various Federal agencies engaged in wildlife conservation activities and from State game and fish departments, to hear testimony concerning migratory bird shooting regulation for the coming season, and for other purposes.

COMMITTEE ON THE JUDICIARY

On Wednesday, June 12, 1946, Subcommittee No. 1 of the Committee on the Judiciary will hold a hearing on the bill (H. R. 6143) to incorporate the Amvets, American Veterans of World War II. The meeting will be held in the Judiciary Committee room, 346 House Office Building, and will begin at 10 a. m.

COMMITTEE ON INVALID PENSIONS

There will be an executive session of the Committee on Invalid Pensions in room 247, House Office Building, on Tuesday, June 18, 1946, at 10:30 a. m.

The purpose of the executive session will be to review public bills pending before the committee and to determine which bills will be scheduled for hearings.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1381. A communication from the President of the United States, transmitting the Budget for the fiscal year 1947, in the amount of $260,000 for the Office of Economic Stabilization (H. Doc. No. 652); to the Committee on Appropriations and ordered to be printed.

1382. A letter from the Secretary of the Interior, transmitting a draft of a proposed bill to create an Evacuation Claims Commission under the general supervision of the Secretary of the Interior, and to provide for the powers, duties, and functions thereof, and for other purposes; to the Committee on the Judiciary.

1383. A letter from the Archivist of the United States, transmitting a report on records proposed for disposal by various Government agencies; to the Committee on the Disposition of Executive Papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HARE: Committee on Appropriations. H. R. 6739. A bill making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1947, and for other purposes; without amendment (Rept. No. 2242). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLOOM: Committee on Foreign Affairs. H. R. 6572. A bill to provide military assistance to the Republic of the Philippines in establishing and maintaining national security and to form a basis for participation by that Government in such defensive military operations as the future may require; with amendment (Rept. No. 2243). Referred to the Committee of the Whole House on the State of the Union.

Mr. CURTIS: Committee on Ways and Means. Senate Joint Resolution 162. Joint resolution extending for 7 months the period of time during which alcohol plants are permitted to produce sugars or sirups simultaneously with the production of alcohol; without amendment (Rept. No. 2244). Referred to the Committee of the Whole House on the State of the Union.

Mr. DOUGHTON of North Carolina: Committee on Ways and Means. H. R. 6699. A bill to decrease the amount of obligations, issued under the Second Liberty Bond Act, which may be outstanding at any one time; without amendment (Rept. No. 2245). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOBBS: Committee on the Judiciary. H. R. 6682. A bill to amend sections 81, 82, and 83, and to repeal section 84 of chapter IX of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto; with amendment (Rept. No. 2246). Referred to the Committee of the Whole House on the State of the Union.

Mr. PETERSON of Georgia: Committee on the Territories. H. R. 5112. A bill to authorize the city of Anchorage, Alaska, to issue bonds in a sum not to exceed $7,500,000 for the purpose of constructing, reconstructing, improving, extending, bettering, repairing,

equipping, or acquiring public works of a permanent character, and to provide for the payment thereof, and for other purposes; without amendment (Rept. No. 2247). Referred to the House Calendar.

Mr. PETERSON of Georgia: Committee on the Territories. H. R. 5800. A bill to authorize school districts in Alaska to issue bonds for school construction, and for other purposes; without amendment (Rept. No. 2248). Referred to the House Calendar.

Mr. BLOOM: Committee on Foreign Affairs. H. R. 6646. A bill to establish the Office of Under Secretary of State for Economic Affairs; with amendment (Rept. No. 2249). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HOFFMAN of Michigan:

H. R. 6738. A bill to prevent discrimination in employment because of race, creed, color, national origin, or ancestry; to the Committee on Labor.

By Mr. RANKIN:

H. R. 6740. A bill relating to veterans' pension, compensation, or retirement pay during hospitalization, institutional or domiciliary care, and for other purposes; to the Committee on World War Veterans' Legislation.

By Mr. BULWINKLE:

H. R. 6741. A bill relating to the operation of section 8 of the Federal Airport Act with respect to the fiscal year 1947; to the Committee on Interstate and Foreign Commerce.

By Mr. FALLON:

H. R. 6742. A bill to make certain imported merchandise subject to the same internal-revenue taxes as similar merchandise of domestic origin; to the Committee on Ways and Means.

By Mr. GATHINGS:

H. R. 6743. A bill relating to the selection under the National Labor Relations Act of representatives of employees for collective bargaining; to the Committee on Labor.

By Mr. GREEN:

H. R. 6744. A bill to provide that every Saturday shall be a holiday for banks and building and loan associations in the District of Columbia; to the Committee on the District of Columbia.

By Mr. IZAC:

H. R. 6745. A bill to further amend the act approved August 27, 1940 (54 Stat. 864); to the Committee on Naval Affairs.

By Mr. KEARNEY:

H. R. 6746. A bill to promote maximum employment, business opportunities, and careers for veterans in a free competitive economy; to the Committee on Banking and Currency.

By Mr. McCORMACK:

H. R. 6747. A bill to amend section 2 of Public Law 88, Seventh-ninth Congress, approved June 23, 1945; to the Committee on Banking and Currency.

By Mr. TALLE:

H. R. 6748. A bill to prohibit the exportation of farm machinery (including tractors) until the domestic farm machinery and farm labor requirements are being currently met; to the Committee on Ways and Means.

By Mr. LYNCH:

H. R. 6749. A bill to amend the Internal Revenue Code, as amended, and the Social Security Act, as amended; to the Committee on Ways and Means.

By Mr. SPARKMAN:

H. R. 6750. A bill to provide more efficient dental care for the personnel of the United States Army; to the Committee on Military Affairs.

By Mrs. LUCE:

H. J. Res. 365. Joint resolution proposing an amendment to the Constitution relating to the election of the representative of the United States to the Security Council of the United Nations; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. WEST:

H. R. 6751. A bill authorizing Gus A. Guerra, his heirs, legal representatives, and assigns, to construct, maintain, and operate a toll bridge across the Rio Grande, at or near Rio Grande City, Tex., to the Committee on Interstate and Foreign Commerce.

By Mr. BATES of Massachusetts:

H. R. 6752. A bill for the relief of Anthony Demetrios Paschalis, also known as Antonio Paschalis; to the Committee on Immigration and Naturalization.

By Mr. BARTLETT:

H. R. 6753. A bill for the relief of Robert W. Heavey; to the Committee on Claims.

By Mr. BUCKLEY:

H. R. 6754. A bill for the relief of Giuseppe Barile; to the Committee on Immigration and Naturalization.

By Mr. GOODWIN:

H. R. 6755. A bill for the relief of Mary E. Gaine; to the Committee on Claims.

By Mr. IZAC:

H. R. 6756. A bill for the relief of Leonard Ralph McLauchlan; to the Committee on Claims.

H. R. 6757. A bill for the relief of Colbert H. Cannon, of Oceanside, Calif.; to the Committee on Claims.

H. R. 6758. A bill for the relief of H. F. Elliott; to the Committee on Claims.

H. R. 6759. A bill for the relief of National American Fire Insurance Co. of Omaha; to the Committee on Claims.

By Mr. McCONNELL:

H. R. 6760. A bill for the relief of Paul J. Weimar; to the Committee on Claims.

By Mr. NORRELL:

H. R. 6761. A bill for the relief of Fred E. Gross; to the Committee on Claims.

By Mr. O'NEAL:

H. R. 6762. A bill for the relief of Alice E. Shinnick; to the Committee on Claims.

By Mr. BATES of Massachusetts:

H. R. 6763. A bill for the relief of Haralambos G. Kaminaris, also known as Harry G. Touliatos; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1960. By Mrs. SMITH of Maine: Petition of Donald A. Piper, of Monmouth, Maine, and 30 other citizens, urging aid in relieving the critical grain shortage existing in Maine and throughout the Northeast, requesting a congressional investigation and asking that grain now used in the manufacture of alcoholic beverages be allocated to feed manufacturers; to the Committee on Agriculture.

1961. By Mr. VOORHIS of California: Petition of Mrs. Josephine Townley, 108 East Falls Street, Ithaca, N. Y., and 37 others, urging Congress to act favorably on House Joint Resolution 325, to prevent the use of grain for nonessential purposes during the period of shortage; to the Committee on Agriculture.

1962. By the SPEAKER: Petition of Fifth District Advisory Council of Townsend Clubs, petitioning consideration of their resolution with reference to endorsement of House bill 2229; to the Committee on Ways and Means.

1963. Also, petition of the commander in chief, Disabled Philippine Constabulary Veterans, petitioning consideration of their resolution with reference to request for legislation for pensions for the Philippine Contabulary veterans; to the Committee on Pensions.

1964. Also, petition of the Oberlin Townsend Club, Oberlin, Ohio, petitioning consideration of their resolution with reference to endorsement of House bills 2229 and 2230; to the Committee on Ways and Means.

1965. Also, petition of the Bible Presbyterian Church, petitioning consideration of their resolution with reference to request for withdrawal of Russian military forces from Korea; to the Committee on Foreign Affairs.

1966. Also, petition of Antioch Grange, No. 452, petitioning consideration of their resolution with reference to the strike situation; to the Committee on Labor.

1967. Also, petition of commission on action for peace and democracy, Congress of American Women, petitioning consideration of their resolution with reference to request for a rationing program; to the Committee on Banking and Currency.

1968. Also, petition of the chairman, the Italian-American Labor Council, petitioning consideration of their resolution with reference to a just and honorable peace for the Italian Republic; to the Committee on Foreign Affairs.

1969. Also, petition of Men of Special Services, Three Hundred and Seventeenth T. C. Group, APO 704, care of Postmaster, San Francisco, Calif., petitioning consideration of their resolution with reference to extension of the draft bill; to the Committee on Military Affairs.

SENATE

WEDNESDAY, JUNE 12, 1946

(Legislative day of Tuesday, March 5, 1946)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Our Father God, with soiled face and hands unclean with the dust of earthy toil, we come to the crystal waters of Thy restoring grace. As those set aside to prescribe for the ills of an ailing social order, first cleanse our own souls from moral pollution and mental darkness. In a world where the worst wars constantly against the best, open our eyes to invisible allies which fight by the side of those who keep step with Thy will—invincible forces which at last will bend and break the spears of evil. When plagued with perplexity we have sought truth till our minds are wearied, when faint with the struggle our strength has departed, when the sadness of the world creeps into our own eyes, stand Thou in splendor before us like the light, like love all lovely, like the morning and the noontide which slays the shadows. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, June 11, 1946, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his

secretaries, who also announced that the President had approved and signed the following acts:

On June 11, 1946:

S. 7. An act to improve the administration of justice by prescribing fair administrative procedure;

S. 769. An act for the relief of H. H. Ashbrook, and others;

S. 913. An act to protect scenic values along and tributary to the Catalina Highway within the Coronado National Forest, Ariz.;

S. 1106. An act for the relief of Malcolm K. Burke;

S. 1286. An act for the relief of Sam Bechtold;

S. 1871. An act to authorize the conveyance of a parcel of land at the naval supply depot, Bayonne, N. J., to the American Radiator & Standard Sanitary Corp.; and

S. 1959. An act to authorize the payment of additional uniform gratuity to reserve officers commissioned from the status of aviation cadets.

On June 12, 1946:

S. 1776. An act to authorize the exchange of certain land at the Benicia Arsenal, Calif.

LEAVE OF ABSENCE

Mr. VANDENBERG. Mr. President, at the urgent request of the Secretary of State, I am returning to Paris, to the recessed meeting of the Council of Foreign Ministers. I ask unanimous consent that I may be excused from attendance on the sessions of the Senate pending the conclusion of this assignment.

The PRESIDENT pro tempore. Without objection, leave is granted.

Mr. CAPEHART. Mr. President, I ask unanimous consent to be absent from the Senate until Friday, June 14.

The PRESIDENT pro tempore. Without objection, leave is granted.

NOTICE OF HEARING ON NOMINATION OF LOUIS LEBARON TO BE ASSOCIATE JUSTICE, SUPREME COURT, TERRITORY OF HAWAII

Mr. McCARRAN. Mr. President, on behalf of the Committee on the Judiciary, and in accordance with the rules of the committee, I desire to give notice that a public hearing has been scheduled for Wednesday, June 19, 1946, at 10:30 a. m., in the Senate Judiciary Committee room, upon the nomination of Hon. Louis LeBaron, of Hawaii, to be associate justice of the Supreme Court, Territory of Hawaii. Judge LeBaron is now serving in this post under an appointment which expired March 24, 1946. At the indicated time and place, all persons interested in the nomination may make such representations as may be pertinent. The subcommittee consists of the Senator from Nevada [Mr. McCARRAN], chairman; the Senator from Utah [Mr. MURDOCK]; and the Senator from Oklahoma [Mr. MOORE].

NOTICE OF HEARING ON NOMINATION OF BUNK GARDNER TO BE UNITED STATES DISTRICT JUDGE OF THE CANAL ZONE

Mr. McCARRAN. Mr. President, on behalf of the Committee on the Judiciary, and in accordance with the rules of the committee, I desire to give notice that a public hearing has been scheduled for Wednesday, June 19, 1946, at 10:30 a. m., in the Senate Judiciary Committee room, upon the nomination of Hon. Bunk Gardner, of Kentucky, to be United States district judge of the Canal Zone. Judge Gardner is now serving in this post under an appointment which expired March 26, 1946. At the indicated time and place, all persons interested in the nomination may make such representations as may be pertinent. The subcommittee consists of the Senator from Nevada [Mr. McCARRAN], chairman; the Senator from Mississippi [Mr. EASTLAND]; and the Senator from Kentucky [Mr. STANFILL].

PROPOSED ACQUISITION OF ST. JOHN'S COLLEGE, ANNAPOLIS

Mr. WALSH. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution adopted by the Committee on Naval Affairs yesterday regarding the proposed expansion program of the United States Naval Academy at Annapolis requiring the acquisition of the adjacent site of St. John's College.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas a proposal has been made that the expanding program of the United States Naval Academy at Annapolis, Md., requires the acquisition of the adjoining site of St. John's College; and

Whereas the Naval Affairs Committee of the Senate has held long and exhaustive hearings thereon; and

Whereas upon careful consideration it is the sense of this committee that the national emergency neither justifies nor warrants the proposed acquisition of St. John's campus: Now, therefore, be it

Resolved, That said proposed acquisition officially known as project No. 460–C of the Real Estate Division, Bureau of Yards and Docks, Navy Department, is hereby disapproved.

MESSAGE FROM THE HOUSE—ENROLLED BILL AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the President pro tempore:

S. 1163. An act to provide for the appointment of one additional district judge for the northern district of California; and

H. J. Res. 360. Joint resolution to provide for United States participation in the Philippine independence ceremonies on July 4, 1946.

SHORTAGE OF FEED FOR LIVESTOCK AND POULTRY—PETITION

Mr. WALSH. Mr. President, I ask unanimous consent to present a copy of a statement issued by the New England commissioners of agriculture, adopted in conference at the State House in Boston, Mass., on June 7, 1946, with reference to the livestock and poultry situation, due to the feed shortage, and I request that it be treated in the nature of a petition, referred to the Committee on Agriculture and Forestry, and printed in the RECORD.

There being no objection, the statement was received, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

The commissioners of agriculture of New England met at the State House, Boston, Mass., in conference with representatives of the State colleges and dairy and poultry industries to consider the feed situation in New England.

The following situation was found to exist:

1. Laying hens have been cut to 50 percent of the January 1 number; 3,200,000 hens were slaughtered between January 1 and May 1; 2,200,000 hens were slaughtered during the month of May. This rate is 250 percent of normal, with present rate of slaughter more than 300 percent of normal. The rate of liquidation is increasing daily.

2. Present replacement flocks are down 15 to 25 percent from last year. Some pullets have already been slaughtered due to lack of feed. Farmers are trying to hold replacement stock. Ultimate size of replacement flocks depends upon available grain.

3. Broiler production is down 60 to 75 percent from last year.

4. Egg receipts at four major egg-marketing cooperatives (Hartford, Conn., Springfield, Mass., Brockton, Mass., Derry, N. H.) were 42 percent less during the first week of June than in the first week of May this year.

5. Considered estimates indicate the grain supply for June will be less than 50 percent of last year. More than 3,000 carloads of grain are needed to hold present livestock and poultry numbers for 30 days.

This means a milk shortage greater than last year and a shortage of eggs and poultry this fall and winter as well as serious damage to farm businesses.

Suggested solutions of this grievous problem to both consumers and producers are:

1. Loan of Government-owned corn (2,000,000 bushels).

2. Subsidy on corn, oats, barley, and other available grains, except milo, either on Government or private basis.

3. Direct Government purchase of grain for shipment to deficit areas.

NEW ENGLAND COMMISSIONERS OF AGRICULTURE,
FREDERICK E. COLE, *Massachusetts.*
A. K. GARDNER, *Maine.*
STANLEY JUDD, *Vermont.*
FRANK H. PEET, *Connecticut.*
ANDREW L. FELKER, *New Hampshire.*
RAYMOND G. BRESSLER, *Rhode Island.*

JUNE 7, 1946.

AUTHORITY FOR PROTECTION WORK BETWEEN THE YUMA PROJECT AND BOULDER DAM—CHANGE OF REFERENCE

Mr. McCARRAN. Mr. President, some time ago the House of Representatives passed and sent to the Senate a bill (H. R. 5674) to amend the laws authorizing the performance of necessary protection work between the Yuma project and Boulder Dam by the Bureau of Reclamation. By some misdirection the bill was referred to the Committee on Commerce. I have conferred with the acting chairman of the Committee on Commerce, the Senator from Louisiana [Mr. OVERTON], and I have his consent that the Committee on Commerce may be discharged from the further consideration of the bill, and that it be referred to the Committee on Irrigation and Reclamation.

Therefore, Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from the further consideration of House bill 5674, and that it be referred to the Committee on Irrigation and Reclamation.

The PRESIDENT pro tempore. Without objection, it is so ordered.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WALSH, from the Committee on Naval Affairs:

H. R. 4433. A bill to provide for the conveyance to the State of Alabama for use as a

public park of the military reservation known as Fort Morgan; without amendment (Rept. No. 1472).

By Mr. McFARLAND, from the Committee on Irrigation and Reclamation:

H. R. 1689. A bill authorizing the Secretary of the Interior to purchase improvements or pay damages for removal of improvements located on public lands of the United States in the Anderson Ranch Reservoir site, Boise reclamation project, Idaho; without amendment (Rept. No. 1473); and

H. R. 5674. A bill to amend the laws authorizing the performance of necessary protection work between the Yuma project and Boulder Dam by the Bureau of Reclamation; without amendment (Rept. No. 1474).

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WILSON:

S. 2327. A bill to grant a certain right-of-way in Crawford County, Wis., to the Iowa-Wisconsin Bridge Co.; to the Committee on Commerce.

By Mr. WHEELER (by request):

S. 2328. A bill to amend section 327 of the Communications Act of 1934 to permit the use of Coast Guard radio stations for commercial messages; to the Committee on Interstate Commerce.

By Mr. BURCH:

S. 2329. A bill to clarify the rights of former owners of real property to reacquire such property under the Surplus Property Act of 1944; to the Committee on Military Affairs.

By Mr. GEORGE (for himself and Mr. FULBRIGHT):

S. J. Res. 166. Joint resolution to amend section 3126 of the Internal Revenue Code, as amended, and for other purposes; to the Committee on Finance.

EXTENSION OF EMERGENCY PRICE CONTROL AND STABILIZATION ACTS OF 1942—AMENDMENTS

Mr. HOEY (for himself, Mr. MAYBANK, Mr. BURCH, Mr. JOHNSTON of South Carolina, and Mr. STANFILL) submitted an amendment intended to be proposed by them, jointly, to the bill (H. R. 6042) to amend the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, and for other purposes, which was ordered to lie on the table and to be printed.

Mr. MOORE (for himself, Mr. O'MAHONEY, Mr. HATCH, and Mr. THOMAS of Oklahoma) submitted an amendment intended to be proposed by them, jointly, to the bill (H. R. 6042) to amend the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, and for other purposes, which was ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

On page 18, following paragraph (3) of subsection (d), insert a new paragraph as follows:

"(4) Price controls with respect to petroleum, and petroleum products processed or manufactured in whole or substantial part from petroleum, shall be removed not later than June 30, 1946."

APPOINTMENT OF HONORE J. PROVENCAL AS A MESSENGER OF THE SENATE

Mr. WHEELER submitted the following resolution (S. Res. 283), which was referred to the Committee To Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant at Arms of the Senate be, and he is hereby, authorized and directed to appoint Honore J. Provencal, a messenger (acting as an additional assistant doorkeeper), who shall be paid at the rate of $2,880 per annum from the contingent fund of the Senate until otherwise provided by law.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. WALSH, from the Committee on Naval Affairs:

John L. Sullivan, of New Hampshire, to be Under Secretary of the Navy.

By Mr. CONNALLY, from the Committee on Foreign Relations:

Sundry persons to be foreign-service officers, unclassified, vice consuls of career, and secretaries in the diplomatic service.

By Mr. GEORGE, from the Committee on Finance:

Sundry candidates for appointment and promotion in the Regular Corps of the United States Public Health Service.

MABEL BOARDMAN—POEM BY PLINY A. WILEY

[Mr. CAPPER asked and obtained leave to have printed in the RECORD a poem entitled "Mabel Boardman" by Pliny A. Wiley, which appears in the Appendix.]

RESTORE CONFIDENCE IN GOVERNMENT—ARTICLE BY A. Q. MILLER

[Mr. CAPPER asked and obtained leave to have printed in the RECORD an article entitled "Restore Confidence in Government," written by A. Q. Miller, and published in the Belleville (Kans.) Telescope, which appears in the Appendix.]

EXTENSION OF PRICE CONTROL AND STABILIZATION ACTS

The Senate resumed consideration of the bill (H. R. 6042) to amend the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, and for other purposes.

Mr. CAPEHART. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CAPEHART. I inquire what is the pending question?

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Indiana to the pending bill.

Mr. CAPEHART. I wish to withdraw the amendment, and have it lie on the table.

The PRESIDENT pro tempore. The amendment is withdrawn.

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hatch	Murray
Andrews	Hawkes	Myers
Austin	Hayden	O'Daniel
Ball	Hickenlooper	Overton
Barkley	Hill	Reed
Bilbo	Hoey	Revercomb
Bridges	Huffman	Robertson
Brooks	Johnson, Colo.	Saltonstall
Buck	Johnston, S. C.	Shipstead
Burch	Kilgore	Smith
Bushfield	Knowland	Stanfill
Byrd	La Follette	Stewart
Capehart	Lucas	Taft
Capper	McCarran	Taylor
Connally	McClellan	Thomas, Okla.
Cordon	McFarland	Thomas, Utah
Donnell	McKellar	Tobey
Downey	McMahon	Tunnell
Eastland	Magnuson	Tydings
Ellender	Maybank	Vandenberg
George	Mead	Walsh
Gerry	Millikin	Wheeler
Guffey	Moore	Wherry
Gurney	Morse	White
Hart	Murdock	Wilson

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Alabama [Mr. BANKHEAD] are absent because of illness.

The Senator from Nevada [Mr. CARVILLE] and the Senator from Idaho [Mr. GOSSETT] are absent by leave of the Senate.

The Senator from Missouri [Mr. BRIGGS], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Washington [Mr. MITCHELL], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Florida [Mr. PEPPER], the Senator from Maryland [Mr. RADCLIFFE], the Senator from Georgia [Mr. RUSSELL], and the Senator from New York [Mr. WAGNER] are detained on public business.

The Senator from Arkansas [Mr. FULBRIGHT] and the Senator from Rhode Island [Mr. GREEN] are absent on official business, attending the meeting of the Empire Parliamentary Association in Bermuda.

Mr. WHERRY. The Senator from Michigan [Mr. FERGUSON] and the Senator from Wisconsin [Mr. WILEY] are absent by leave of the Senate as members of the committee appointed by the United States Senate to attend the Empire Parliamentary Conference in Bermuda.

The Senator from Nebraska [Mr. BUTLER], the Senator from North Dakota [Mr. LANGER], and the Senator from North Dakota [Mr. YOUNG] are absent by leave of the Senate.

The Senator from Maine [Mr. BREWSTER] and the Senator from Indiana [Mr. WILLIS] are necessarily absent.

The PRESIDENT pro tempore. Seventy-five Senators having answered to their names, a quorum is present.

Mr. WALSH. Mr. President, several of my constituents have sent me an article published in the Boston Sunday Post of June 9, entitled "Black Market Corners Meat," with a request that it be inserted in the CONGRESSIONAL RECORD in connection with the debate now before the Senate, and I now make that request in their behalf.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BLACK MARKET CORNERS MEAT—LEGITIMATE BUTCHER SHOPS EXPERIENCE WORST DAY IN HUB HISTORY—NO BEEF, LAMB, OR PORK IN THEM—BLACK MARKETERS SUPPLY BEEF AT $1.25 A POUND—NO RELIEF IN SIGHT THIS WEEK—HOSPITALS APPEAL TO OFFICIALS BUT TURNED DOWN FLAT—OPA IS HELPLESS IN SITUATION—PREDICTION MADE THAT ONLY FISH WILL BE AVAILABLE IF PRESENT STATE LASTS FOR WEEK

PRICE SCHEDULE IN BLACK MARKET

Black market quotations for Boston:
Rib roast beef, $1 a pound.
Sirloin steak, $1.25 a pound.
Tenderloin, $1.50 a pound.
Lamb fores, 85 cents a pound.
Lamb legs, 95 cents a pound.
Pork loins, 95 cents a pound.
Hams, $1 a pound.
Smoked shoulders, 90 cents a pound.
Butter, $1 a pound.

With the legitimate markets cleaned out of all meats and with only a little poultry and prepared meats left, black marketers picked the purses of everyone who bought meat yesterday for Sunday dinner, getting as high as $1.25 a pound for beef.

As shopping crowds circulated wearily through the broiling market district, vainly hunting for meat, there were frequent quarrels as the black marketers handed out packages to the shoppers who would pay black market prices and had ordered in advance, and denied other shoppers anything but oxtails, pig's feet, lungs, hearts, and other offal.

Massachusetts hospitals which had appealed for supplies of meat to Morton O. Cooper, administrator of the Government's set-aside order 75 in the Department of Agriculture in Washington, were turned down flat yesterday.

Cooper admitted he had received urgent appeals from the Massachusetts Hospital Association and the Massachusetts Hospital Superintendents' Association requesting live animals which hospitals could slaughter or have slaughtered, but he denied the requests.

"I get thousands of requests for animals," Cooper said. "Many of them are as worthy as those from the 130 distressed hospitals in Massachusetts. Think of what would happen if we let individuals and institutions go out and compete for meat animals. They would take meat out of the limited supply for general civilian consumption and contribute to a black market of vast proportions."

Cooper's only suggestion was an appeal to OPA to help hospitals find meat. OPA was unable to do anything about it.

LAST WEEK WORST

Boston market men who have avoided black market operations declared that last week was the worst week in the history of the Boston market, and that yesterday was the worst day. Beef, lamb, and pork, smoked pork products, and even hamburg could not be obtained in legitimate markets. Those shoppers who got a Sunday dinner got there early and found turkeys—big turkeys which are not in demand—fowls, and broilers. The late comers got only prepared meats or offal. Even frankfurts have disappeared from the legitimate markets.

No substantial increase in meat shipments is expected during the coming week, according to the market men. If the shortage continues another week all that will be left is fish.

CURLEY PROTESTS

The slow-selling prepared meats, normally disposed of only as tie-in sales for beef, lamb, and pork, were moving yesterday as shoppers took anything rather than go home empty-handed. The quality of it was poor. Most of it was stale and in some cases odorous.

It was made plain in Boston that the only market left is the black market, and that the only market men getting meat are paying black-market prices to get it and selling it at black-market mark-ups.

Mayor Curley yesterday protested to Federal officials that one private hospital in Boston had been without bread for a week. In seeking flour for Boston hospitals he requested the Navy to allocate some of its surplus, but was informed that the Navy has no surplus.

On the beef shortages he said, "The British have been getting beef from the Argentine, and there is no sign of hoof and mouth disease, which is always the objection raised here to Argentine beef. It looks as if British importers and American packers do not want the American market to get any of the beef."

In a telegram to Secretary of Agriculture Clinton P. Anderson, Mayor Curley said, "The supply of meat and flour for the institutions of the city of Boston is insufficient to provide for the needs of the institutions for more than a week. The situation is desperate—bread and meat are needed for patients of these institutions and relief must be provided without delay."

He also protested that New England is getting only 25 percent of the flour allocated a year ago, while other States are getting 75 percent of their quota of last year.

Mr. TAFT. I offer to the pending bill an amendment which I send to the desk and ask to have stated. The amendment has been on Senators' desks for the last 2 or 3 days.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. At the proper place in the bill it is proposed to insert a new section, as follows:

SEC. —. (a) Notwithstanding the provisions of this act the Stabilization Act of 1942 or the Price Control Act of 1942, as amended, but only after the procedure prescribed in subsection (d) hereof, no maximum price applicable to any manufacturer or processor shall be established or maintained for any product below the price of such manufacturer or processor for such product during the base period, increased by an amount equal to the increase in the weighted average of the per unit costs of a reasonable number of typical manufacturers or processors with respect to such product since the base period, but if such product as now manufactured has a different size, quality, or other characteristic, then with appropriate adjustments for such differences. This section shall not apply with respect to any new product which was not manufactured in the base period, nor with respect to any product if the weighted average per unit costs of a reasonable number of typical manufacturers or processors with respect to such product has decreased since the base period. In determining costs for the purposes of this section, all costs shall be included which are considered as such under the established accounting practices of the industry.

(b) For the purposes of this section the "base period" shall be the period between October 1 and October 15, 1941, except that if in the case of any manufacturer or processor or in the case of any product, there were no prevailing prices between such dates, or the prevailing prices between such dates were not generally representative because of abnormal or seasonal market conditions or other cause, the base period shall be the nearest 2-week period in which, in the judgment of the Administrator, the prevailing prices were substantially normal.

(c) As used in this section, "product" shall mean any major item, product, or article different in character from other products of the industry and which is separately considered, listed, priced, or dealt with by the industry in the normal course of business.

(d) Any industry advisory committee may apply to the Administrator for the application to any product of the standard set forth in subsection (a) hereof, and shall present with the application comprehensive evidence with relation to the increase in cost of such product from the base period to the date of such application. The Administrator shall consider the evidence so presented and all evidence otherwise available to him and shall, within 60 days after the receipt of such application, determine the increase in the weighted average of the per unit costs of a reasonable number of typical manufacturers or processors with respect to any product of such industry since the base period, and shall announce the amount of such increase. In determining such weighted average of the per unit costs of manufacturers or processors, it shall not be necessary to obtain detailed cost-accounting figures from any manufacturer who does not already have such figures or to obtain the usual detailed accounting reports from more than a reasonable number of typical manufacturers and processors, but the Administrator shall promptly reach a conclusion from the best evidence available to him. He shall exclude from his calculations any manufacturers or processors whose costs by reason of special condition are completely abnormal.

(e) Whenever the Administrator has announced the increase in the weighted average of the per unit costs for any product under subsection (d), it shall be lawful for any manufacturer or processor to sell such product at the price per unit he charged in the base period, plus the increase per unit so announced by the Administrator, with appropriate adjustments for differences in size, quality, or other characteristics.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. TYDINGS. Will the Senator from Ohio look at the first lines of the first page of his amendment reading as follows:

Notwithstanding the provisions of this act the Stabilization Act of 1942 or the Price Control Act of 1942, as amended, but only after the procedure prescribed in subsection (d) hereof—

Are there three or two acts referred to in that language? It says "the provisions of this act the Stabilization Act of 1942 or the Price Control Act."

Mr. TAFT. "This act" is the measure we are now considering. My amendment is not stated as an amendment to the Price Control Act or to the Stabilization Act. There are three acts involved: "This act" which we are now considering for passage, then the Stabilization Act of 1942, and the Price Control Act of 1942.

Mr. TYDINGS. I thought that was the case; but should there not have been a comma after the word "act" in the first line?

Mr. TAFT. There should be a comma there; yes. I ask that the amendment be modified by inserting a comma at the end of the first line on page 1, and by inserting the word "Emergency" in the second line before the words "Price Control Act." The proper name is the Emergency Price Control Act of 1942.

The PRESIDENT pro tempore. The amendment will be so modified.

Mr. TAFT. Mr. President, the House bill contained what was known as the Wolcott amendment. The Wolcott amendment appeared in the House bill as section 2, as follows:

SEC. 2. Notwithstanding the provisions of this act, the Stabilization Act of 1942, or the Emergency Price Control Act, as amended, no maximum price shall be established or maintained for any commodity below a price which will reflect to the producers and processors and distributors (including retailers) of such commodity the sum of (1) the current cost of producing and processing and distributing such commodity as determined by the established commercial accounting practices of the industry, and (2) a reasonable profit thereon.

That amendment was stricken out by the committee. It was not specifically stricken out by a vote, but when the committee adopted the complete committee amendment that provision was eliminated. My effort to place the amendment I am now offering in the bill was defeated in the committee by a vote of 8 to 8. I gave notice then, and now offer it on the floor of the Senate.

Mr. President, in my opinion, the system of price control should be continued for another year, or at least another 9 months. In my opinion, there is still such an excess of demand over supply in so many articles that I believe it would be dangerous to eliminate price control entirely today. I think we might see an increase which probably would not last long, but might be prolonged for a period of a year, which would lead to a more violent decrease later, and might even precipitate us into a short depression of the kind which was experienced after the last war.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. REVERCOMB. If this amendment were adopted, would it take the place of amendments which would relieve any article from price control? In other words, if price controls were maintained on all articles, would they be within the purview of this amendment?

Mr. TAFT. That is correct. My theory is that there should be price control. I do not think there is any longer any necessity for the rigid price control, for the "freeze" theory which was maintained for 2 years during the war. It seems to me that today we have reached a point where we have, in the civilian world, just as much necessity for increasing production and for allowing prices which will result in increased production, as we have for holding down prices. We have both considerations today, which we did not have during the war. Therefore the reasonable method of approaching this question, it seems to me, is to prescribe a formula of pricing which will be fair, and which, as to every type of article, will afford every manufacturer a reasonable incentive to produce.

During the price-control administration in the past 2 or 3 years an attempt was made to clamp down so tightly on prices that in the case of many products the price has actually been below the cost of production. The principle of price control permits an increase in the price of a particular product if such a condition exists, so that a manufacturer does not lose anything on a particular product. Of course, a manufacturer does not make a product unless he can make a profit on it. So we have shortages of all kinds; and in nearly every instance the particular product of the industry is so priced that it does not pay to produce it. Butter has disappeared from the market. The Land O'-Lakes Creamery, which formerly produced 11,000,000 pounds of butter a month, is now producing 1,000,000 pounds a month, because butter has been so priced that no one could make butter and break even, so the milk flowed into every other possible channel of distribution. To a considerable extent the demand was so reduced that we have had a reduction of our dairy herds, because of the fact that the over-all profit in dealing with dairy products was not sufficient to induce an increase in production, or a maintenance of the extraordinary production of milk which we had during the war.

The Price Administration froze prices in the past. Disregarding for a moment the black market, during the past 2 years of the war it held prices to an increase of approximately 2 percent, or held the increase in the cost of living to about 2 percent, while the increase in wages amounted to 9 or 10 percent during that period. The result was that a number of industries in the civilian field were losing money and quitting. After all, I felt that they were war casualties. I always felt that the policy was somewhat overdone, but at least it was justified by the war condition. If men lost their businesses, it was much less than was happening to many others who were participating in the war.

But now we are engaged in peacetime production, and since the peace has come we have added to the increase in wages which existed before VJ-day another 20-percent increase in wages, and there has been a somewhat general increase in every field, which is reflected in the economy of the white-collar workers and many others throughout the United States. David Lawrence's figures in the United States News last week show increases in per-hour wages amounting to an average of 50 percent in all the various fields, as compared with prewar levels, and show an increase much greater in some industries.

The result has been that costs have pushed up so greatly that the OPA itself has been forced to recognize the fact, and there have been increases. In some cases those increases have been sufficient. In others they have not. There are many industries in which adjustments have not been made, or in which the over-all industry standard has been applied.

The purpose of this amendment is to say to the manufacturer, "On each product you are entitled to charge the prices you received in October 1941, plus the average increase in costs in the industry of making that particular product." That does not mean that every manufacturer will receive cost-plus. That was my criticism of the Wolcot amendment in the House bill. At least it was subject to the construction that every manufacturer was entitled to cost-plus, no matter what his costs were. Instead of that, this amendment proposes that we take what they were actually getting in 1941, under competitive conditions, as a base. Under the Price Control Act we take the price for the base period and we say, "You may add to that the average increase in cost in the industry, as determined by the OPA itself." The OPA is required to find what that increase has been. If a manufacturer's costs have increased in accordance with the average, he marks up the prices he charged in 1941 to the new prices by adding the increase in cost. He does not get any more profit than he got then. It amounts to the same thing as saying that if the manufacturer has maintained his efficiency he will receive the increase in cost, and his profit will be the same as he made in 1941. On the other hand, if he has fallen behind the procession through inefficiency or bad luck, just as under normal competitive conditions, he will not be able to add all his new costs. He will be able to add only the average cost, and his profit will be that much less. After all, that is what happens in the competitive field. On the other hand, if his efficiency is greater than the average, he will make a larger profit now than he made then. We are trying to get away from the deadening effect of cost-plus for every manufacturer.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. TYDINGS. What was the attitude of the committee on this amendment? Was it presented to the committee in the form in which it is now presented to the Senate?

Mr. TAFT. Yes; it was presented in the same form, and the committee voted 8 to 8, which was an insufficient number of votes to get it into the bill.

Mr. TYDINGS. I have not thought the matter through, as the Senator from Ohio has done. He has had the benefit of all the hearings. I think he has the right approach, namely, that we cannot entirely dispense with all types of price control. However, on the other hand we must give more of an incentive to production if we are to reach the point where we can throw all of OPA overboard at the earliest possible date. I like the approach of the amendment, and I was interested to know why the committee did not vote more heavily for it.

Mr. TAFT. I will explain the opposition which was made by the OPA. It related primarily to what the OPA claimed was the difficulty of administering this formula. There will be that difficulty in any case in which an attempt is made to determine the costs in 1941 and the profits in 1941. If we are to have any formula, it will be different from the present formula of OPA, and

the OPA does not like to attempt to change that formula.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. GURNEY. Does this amendment apply to the manufacturer, the distributor, and the dealer?

Mr. TAFT. No. I think the distributor problem is a different one. This amendment applies only to manufacturers. I am particularly interested in the manufacturer, because he is the one who produces. The thing I am anxious to do is to increase production. Suppose the price of butter is maintained at a level which will not induce production. A year from now there will still be a shortage of butter. There is still the claim on the part of the Price Administration that if we take the price control off butter it will hit the roof because the supply is inadequate. The supply is inadequate because they have not priced butter properly. So it seems to me we have a vicious circle unless we force them to price each product properly.

As to the distributor, there are already in the bill three amendments dealing with distributors. However, they are not general amendments dealing with distributors. There is on the desk a general amendment which I believe has been offered by the Senator from Indiana. But the rule in the case of a distributor is not the same. It is more difficult to apply.

There are in the bill three amendments, one in effect dealing with automobile dealers and giving them the same percentage of mark-up which they had in the prewar period. Any person whose production of civilian goods was cut down during the war to 25 percent of normal is, I take it, to have the same percentage of mark-up which he had before the war. That is the principle to be applied to the automobile dealer.

Then there is an amendment which is intended to deal particularly with the dealer in farm implements. A particular case was made for such dealers, and it was shown that their percentage of profit had been reduced by the Price Administrator and they had been forced to absorb, I believe, from 20 percent to 16 percent, which took away practically all their profit, according to the figures they presented. There is an amendment which requires that their margin of profit be restored to what it was. But the industries covered by those amendments are limited.

If the Senate wishes to adopt the general amendment with regard to distributors, similar in effect to this, then the Senate can adopt the amendment offered by the Senator from Indiana.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. GURNEY. I am glad to have the explanation the Senator has given about the automobile dealers and the farm-implement dealers. Let me inquire whether the amendment to which the Senator has alluded is in the bill or whether it is to be presented.

Mr. TAFT. The amendment relating to automobile dealers is to be found on page 34 of the bill. Both paragraph (q) and paragraph (r) cover automobile dealers. Those amendments are similar to the Crawford amendment which was adopted by the House of Representatives, and the amendments were offered in the committee by the distinguished Senator from New Hampshire [Mr. TOBEY] and were adopted by the committee.

The farm-implement dealers' provision is to be found on page 36, in paragraph (s).

Mr. GURNEY. I thank the Senator.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. REVERCOMB. In order that I may more clearly understand the effect of the able Senator's amendment, which I may say appeals to me as being entirely sound, I should like to ask a few questions about it. Do I correctly understand that it is based upon the idea of permitting prices to be fixed in such a way that a profit may be made by the manufacturer or handler?

Mr. TAFT. No; not quite that, because if he was not making a profit in 1941, he would not make a profit now.

Mr. REVERCOMB. I understand.

Mr. TAFT. The amendment would restore him to the condition he was in in 1941. If he was operating in 1941 in the competitive market, presumably he was at least breaking even and he was entitled to continue in business and not be squeezed out by too stiff prices.

Mr. REVERCOMB. The amendment would restore him to the 1941 level; is that correct?

Mr. TAFT. That is correct. If he was selling his product in 1941 at a loss, probably he would have to sell it at a loss today, under the terms of the amendment.

Mr. REVERCOMB. One more question, please. There is pending before the Senate, to be called up later, I assume, an amendment which would remove all price controls and price-control orders from timber, petroleum, cotton, milk, livestock, tobacco, poultry, fish and shellfish, grain, peanuts, fruits, and vegetables or any product processed in whole or substantial part therefrom. If we adopt the amendment of the Senator from Ohio, would it take care of those products and would it restore them to their previous condition or would it restore persons engaged in those businesses or in the pursuit of raising or dispensing those products to the conditions under which they were operating before? Would they be placed under the amendment and the theory of the amendment of the Senator from Ohio?

Mr. TAFT. Yes. The amendment would permit any manufacturer or distributor of those products to obtain a reasonable profit.

Mr. REVERCOMB. It would put him back to his 1941 basis; would it?

Mr. TAFT. Yes.

Mr. REVERCOMB. Instead of wiping out controls completely?

Mr. TAFT. That is correct. In general, I think it is a safer general approach than that of decontrol. There are arguments for the decontrol of meat and dairy products, but those arguments relate rather more to the complete breakdown of control, under present conditions, than they do to the fairness of the prices fixed.

I think the proposal as to meat was justified in the committee by the fact that the meat situation has become a scandal, and that meat is very difficult to control, even when efficiently done, and apparently the attempt to do so has been a complete failure. That is the justification, as I understand, for removing the controls from meat and also largely from dairy products. But unless there is such a condition, I think the assurance of a reasonable profit is a more reasonable step to take than decontrol.

Mr. REVERCOMB. Mr. President, will the Senator further yield?

Mr. TAFT. I yield.

Mr. REVERCOMB. Suppose the Senate adopts the able Senator's amendment and suppose there are in the bill other provisions which completely remove controls from meat and other products, what will be our situation with regard to the whole subject? Will meat then come under the provisions of the amendment of the Senator from Ohio?

Mr. TAFT. No; because it would no longer be subject to controls, so the amendment would not apply to it. Under decontrol, the people in the meat field could charge what they pleased, so they would not be subject to such a formula.

Mr. REVERCOMB. Then, if the amendment offered by the able Senator from Ohio is adopted by the Senate, it will be necessary to remove from the bill the provisions with respect to releasing controls on any other articles. In order to bring all articles under the theory of price control and to permit the making of profits similar to those made in 1941, the amendment would apply, would it not, to the whole field of products?

Mr. TAFT. I do not think there is anything inconsistent with decontrolling and production, if the Congress wishes to do so, and having a reasonable pricing formula for products which are not decontrolled. The general theory of the bill, as stated by everyone, is that we seek gradually to decontrol during the next 12 months, that we are now in the decontrol phase of the situation, and that we set up a decontrol board which is intended to decontrol gradually during those 12 months.

If, in addition to that, and to stimulate that proposal, Congress chooses to decontrol this commodity or that commodity because of particular conditions, there is nothing inconsistent with doing that and adopting this amendment. Perhaps it will not be so necessary to decontrol if reasonable prices are permitted. But the difficulty with meat has not been so much the pricing policy, although that has been rather stiff, but it has been the inability to control it at all,

and the result has been to bring it to the present pass, where apparently only 20 percent of the meat goes into legitimate channels.

Mr. REVERCOMB. Mr. President, will the Senator further yield?

Mr. TAFT. I yield.

Mr. REVERCOMB. Does the Senator advocate the application of the policy provided in his amendment to all articles produced and under control today?

Mr. TAFT. Yes.

Mr. President, the principle which I have proposed in this amendment would not be a departure from the Price Control Act. It would be the same principle as that which was intended originally to operate when we passed the Price Control Act.

Section 2 of the Price Control Act of 1942 is, in part, as follows:

So far as practicable, in establishing any maximum price, the Administrator shall ascertain and give due consideration to the prices prevailing between October 1 and October 15, 1941—

That is the date which I have fixed in the amendment as the base period—

for the commodity or commodities included under such regulation or order—

There is no suggestion of over-all industries profits, such as the OPA has advocated—

and shall make adjustments for such relevant factors as he may determine and deem to be of general applicability, including the following: Speculative fluctuations, general increases or decreases in cost of production, distribution, and transportation; and general increases or decreases in profits earned by sellers of the commodity or commodities, during and subsequent to the year ended October 1, 1941.

So, Mr. President, what we are doing here is to restore the principle of the original Price Control Act. What happened was that the Price Administration completely departed from that principle. During the hearings which were held before the Banking and Currency Committee, I asked if that was not a fact. I was told, "Yes; but you raised the same objection 2 years ago when this matter came up, and Congress did nothing about it. Therefore, even if we did usurp power and adopt a different principle, Congress, by inaction, has in effect approved it."

Mr. President, I do not propose that Congress approve it any longer. Two principles have been adopted by the OPA which are well outside the Price Control Act, and which I think have resulted in the main failures which have occurred, particularly in connection with the production of goods. First, they adopted what they call the over-all industry standard. If the industry as a whole is making a profit, the fact that it is making a loss on one product, or that one manufacturer is losing money, makes no difference in the over-all price picture. So long as the over-all industry is making a profit the OPA refuses to recognize any increases in the cost of manufacture of a particular product, and it makes no difference to them whether the product is made at a profit or at a loss.

Mr. McMAHON. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. McMAHON. I wish to point out to the Senator that the failures which have taken place in connection with the system which he has been describing do not apparently include many business failures. Under the "horrible" system, as the Senator has outlined it, business failures during the past few years have been the lowest in history.

Mr. TAFT. The Senator from Connecticut may be surprised to know that approximately 500,000 separate businesses went out of existence during the war. Their failure was due to various factors, but a great deal of the cause was the inability to make profits. It is also true that many industries did make profits. As a rule, however, those industries made profits out of the war. The small manufacturer of civilian goods was not engaged in any very profitable enterprise, so far as I can discover, during the war or since then. Recently, many persons have come to me and proved to my satisfaction that they were losing money. As a matter of fact, today the leading automobile companies are losing heavily every month, and they believe that they will continue to lose money even after they are in fairly full production. But the companies who have been hit the hardest are the smaller ones, because, after all, they are not quite as efficient as are the larger concerns, and when profits are held down the small concerns are the first to suffer. They have already suffered and, consequently, instead of raising the general price level, the OPA has raised prices for the particular manufacturer who has sustained losses. When that is done to the extreme limit, profits are regulated and fixed for special goods. The result is that no particular incentive is being offered for a manufacturer to increase his production. He is afraid that when the time arrives when there will be an adequate supply of his products he will not be able to compete with the larger manufacturer who is forced to sell at a price lower than his own. Consequently, there is general discouragement of production.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. WHERRY. In view of the statement of the distinguished Senator from Ohio, that the only relief from the present situation would be relief at the vertical level, I ask him if, in reality, that would not continue to be the result under his amendment. With one exception, I am quite favorable to the amendment. Let us take, for example, a manufacturer who wants to obtain a certain price for his product. The difficulty all along has been that the OPA would not allow him to charge the price which he felt he must have to justify doing business. Reams of testimony have been given before the committee to the effect that when applications were made to increase prices, the applications were not approved until after the expiration of 30 or 60 days, and sometimes not until after 9 months had elapsed. Until the manufacturer can obtain the price which he feels he must charge, there must be an increase in the vertical level. What we want to do is to give the manufacturer a profit immediately so that he will be enabled to operate. I ask the distinguished Senator if that would not be the result of his amendment. It does not include any provision for the OPA to take immediate action, in connection with a price raise even though it be industry-wide.

Mr. TAFT. The Senator is suggesting, I assume, that the members of the industry shall be permitted to set their own price, and that we shall establish a formula. If we were to do that, it would be automatic price fixing. My amendment would not do that. The amendment provides that the industry advisory board may gather together all the figures and present them to the Administrator. The Administrator must, within 60 days after the receipt of an application, determine what the increase per unit cost will be for the particular product with reference to which the application has been made. When the Administrator determines what that average figure is, under subdivision (e), there may be a certain amount of automatic price fixing. In other words, the manufacturer may figure out what his 1941 price was and add to it the figure allowed by the Price Administrator, but he may make the higher charge without a special order from the Price Administrator.

However, I may say to the distinguished Senator that I have hesitated to try to provide a formula of automatic pricing. In the first place, we cannot write a formula for automatic pricing which would not leave a great many general principles to the determination of others. I feel very strongly that if we merely write a formula and say, "All right, you charge whatever price you think will be in accord with that formula," it would result in a break-down of price control.

No matter how we write a price-fixing formula, there is an infinite variety of thought with reference to how it shall apply to various cases. I have believed that instead of doing anything like that, we should abolish price control. Otherwise, I believe that we would be subject to the charge that we were breaking down price control. What we are trying to do is merely to say that we want a reasonable price control, but if we are to have any price control we must give some discretion to the Price Administration. I have tried to provide that when an application is presented, the Administrator must act on the application within 60 days. He may not do so, but, after all, the Members of Congress cannot administer the law. If we are going to have a price-control law, it must be administered. We are forced, I am sorry to say, to one of two horns of a dilemma: Either we have no price control at all, or we have a price control administered by the Office of Price Administration, in which the Congress apparently has no confidence. But I have tried to tie

their hands and to make it perfectly clear as to what Congress wants, and I am inclined to think that, once that is done, the Price Administration will follow the directions of Congress.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. WHERRY. I certainly do not want to break into the statement of the distinguished Senator, but I still would like to have him yield further for an observation or a further question. I am quite satisfied the distinguished member of the Banking and Currency Committee from Ohio has listened to testimony from all branches of industry, including manufacturers, processers, and distributors, and what not, who complained bitterly that the industry advisory boards have not represented the industry. They are simply rubber stamps for the Office of Price Administration. They are brought to Washington after an order is already written, and their job has been to promote it and sell it to industry, rather than to consult with them. The distinguished Senator from Vermont [Mr. AIKEN] says that what I have said is not so. If he wants to dispute it, that is his privilege; but I can bring here reams of testimony, taken before the Small Business Committee, showing that industrial advisory boards are not from the industries; I can present such testimony in the case of automobiles, tires, bakers, millers. I just came from a miller's board today. I can present evidence as to almost any industry showing that industrial advisory boards have been appointed by OPA. I say further that the majority of the testimony is the industry boards are not composed of practical men, but of impractical men, set up to do the will of the OPA, and they are used to help sell the formula prepared by OPA rather than to represent the true opinion and the true feeling of the industry as to what the order should be.

Mr. TAFT. I am frankly surprised at the statement of the Senator from Nebraska. I thought I had received every possible kind of complaint against OPA. My office is full of them and my desk is full of them, but I have as yet no complaint that industry advisory committees are not representative of the industry or are not disposed to represent the position of the industry. The complaints I have are that nobody listens to the industry advisory committees. I have that complaint over and over again. The story I get is that the OPA decides what it wants, and, then, after the decision is made, they call in an industry advisory committee, and ask them for their opinion. They start to give their opinion, but before they get very far, they find that it is not being listened to; that the order has already been made and perhaps already issued. So they get sore and go home. I quite agree to that. But this amendment attempts to give them a certain power over the OPA which they have not today. This amendment says they can initiate price increases. I cannot conceive of any industry advisory committee, when a majority of the industry says, "We must have a price increase if we are to continue operations," not making an application for a price increase. Then the amendment provides that the OPA must act on their application within 60 days. That is a provision which is not in the present act.

So I think we have gone as far toward trying to meet the condition stated by the Senator as we can go without destroying the price-control law completely. If that is what is desired, there is an argument for it; but I personally feel we ought to continue price control, at the same time making it as reasonable as possible, I do not see how we can do that unless we write into the act a distinct formula the enforcement of which we can turn over to the district attorney or the Attorney General of the United States.

Mr. WHERRY. Mr. President——

Mr. TAFT. I yield further to the Senator from Nebraska.

Mr. WHERRY. I agree with the distinguished Senator that the advisory boards that appear for the industries are brought in after the orders are written, and that is one of the causes of complaint. I am not going to argue whether the advisory boards are composed of impractical or practical men. Whether they are practical men or whether they are not practical men, I say they come into the picture too late, or are used by OPA to sell the order. That is the difficulty. It has taken not only days but, in the case of most orders, many days before any kind of an order was issued.

Take the meat industry. The OPA paid absolutely no attention to the suggestions the meat industry advisory board was making as early as March 1943. They paid no attention when the Vinson directive was issued. Seventeen Senators went down with an advisory board to see Mr. Vinson about establishing the Vinson directive, but the OPA utterly disregarded the advice of the advisory committee and the 17 Senators who went there.

I ask the distinguished Senator again if he says the provision of the amendment as to advisory boards is practical, if he feels in view of the fact that the advice of the boards is not taken whether a matter is referred to them or not, if his amendment will accomplish the purpose for which it is designed?

Mr. TAFT. I think it will accomplish the purpose for which the amendment is designed. I admit that there are cases where the OPA will not act soon enough or as quickly as they ought to act, and that they will try to block the proceeding. After all, however, their position has been that for the last 2 or 3 years they have had certain principles which, while they were not actually approved by Congress, neither were they disapproved, after some effort to disapprove them. If we lay down a principle, I am inclined to think the OPA will follow the principle so laid down. I have some fear that they may not do it quite as quickly as they ought to do it. I think that is an inevitable result of having any price control at all.

Mr. WHERRY. I agree with the distinguished Senator that, if we are going to have price control, its administration must be left in the hands of the OPA, but I submit to the distinguished Senator from Ohio that if we want to go into the past, we can see what OPA will do. If the Senator will reflect upon the interpretation of the Barkley-Bates measure, if he will reflect upon the so-called Bankhead cotton order, he may depend upon what the OPA will do in its interpretation of what we try to write into the act itself. I submit to the distinguished Senator once again, because, outside of the field of automatic pricing, I think he is trying to reach the situation with the administration of the OPA in its present form, if we would give OPA possibly 30 or 60 days to set the price, and if they refused to do it or failed to do it, let industry set the price, based upon the historic percentage mark-up, I think we would get somewhere.

Mr. TAFT. In the committee amendment there is written the provision that the Secretary of Agriculture may increase the price of agricultural products, so we are no longer dealing with the Price Administration. In the bill as written the Secretary of Agriculture is given power to say, "This principle must be applied to the processors of agricultural products." The Secretary of Agriculture is given power to issue a directive to the Office of Price Administration compelling an increase in the price. So that the application of my formula is not dependent entirely upon the Administrator. The Secretary of Agriculture may listen to the evidence and when the evidence is presented he may say to the Office of Price Administration, if he wishes to do so, "You must increase these prices without waiting another day." So that as far as agricultural products are concerned, there is here a formula which is not dependent on the Office of Price Administration any longer, but is dependent on the action of the Secretary of Agriculture.

Mr. WHERRY. I agree with the distinguished Senator, but I was referring to the processors and manufacturers of nonagricultural products. They do not get that relief. Under the amendment they have to depend on referring their applications for the relief they seek to the advisory board. Then the advisory board makes an investigation. After that investigation is made, OPA has 60 days within which to make up its mind, and what assurance do we have, judging the future by the past, but that after the 60 days OPA will continue dilly-dallying until the businessman affected is out of business? It is my feeling that if at the end of 60 days OPA has not made up its mind, the industry itself should make the price, and then let OPA be the policing agent.

Mr. AIKEN. Mr. President, will the Senator from Ohio yield?

Mr. TAFT. I yield to the Senator from Vermont.

Mr. AIKEN. So long as my name entered into the discussion a few minutes ago, I wish to say, first, that I do not know of a single industry commit-

tee that has been selling the OPA. I do know of a great many that have held views directly opposite to those of the Administrator of the OPA, and their views have either been rejected, or reluctantly accepted, or compromised, but I think in fairness to the industry committees, I could not accuse them of being agents or tools of the OPA. As to the amendment proposed by the Senator from Ohio, it is in effect a reiteration of the intent of Congress which was written into the law of October 1942, as I recall. I may say that if it is possible to get amendments in price within 60 days, as the Senator's amendment would provide, that would be a great improvement over the situation as it exists at present. But what I am wondering is how the Senator would enforce the intent of Congress as expressed in his amendment any better than we have been able to enforce the intent of Congress as expressed in the Price Control Act of October 1942. No penalty is provided. It is left to the Administrator to determine what the average unit cost is, and in fact the determination is left to the Administrator all the way through.

Mr. TAFT. It must be.

Mr. AIKEN. Is there anything in the amendment which would really require the Administrator to comply with the intent of Congress?

Mr. TAFT. No.

Mr. AIKEN. If not, how can it be done?

Mr. TAFT. There is no exception, however, to the rule that he must act within 60 days. Of course, under the general act an appeal may then be taken to the emergency court of appeals, in the case of nonagricultural commodities, or parties can go to the Secretary of Agriculture in the case of agricultural commodities.

I say to the Senator just what I stated to the Senator from Nebraska, I see no possibility of escaping a choice between no price control at all and a price control in which some figure is established by the Price Administrator. I do not see any other kind of price control that is possible. I believe that the Price Administration will follow the general principles prescribed by Congress, if they are now laid down. The Price Administration have shown a more liberal attitude than they have had before. Because of the injustice which has been so apparent that they could not disregard it, they have had to grant many prices in the past 3 months, and they have done so.

Mr. AIKEN. The Senator bases his hopes on the Administrator being more responsive to the reiterated intent of the Congress.

Mr. TAFT. The Administrator was inspired by a fanatical desire to freeze prices, to hold the level exactly where it was in 1943, and I think that led him into many mistakes and injustices. He can no longer maintain that fetish, because it is gone. It is gone not through the action of Congress but through his own action and through the action of the administration in encouraging general wage increases, which raised costs to such an extent that prices had to be raised to some extent to meet them. Consequently we no longer have that particular fetish, and that is one reason why we are likely to get greater consideration than we had a year ago.

Mr. TOBEY. Mr. President, will the Senator from Ohio yield?

Mr. TAFT. I yield to the Senator from New Hampshire.

Mr. TOBEY. I merely wish to interpolate, in connection with the statement of the Senator from Ohio, that the OPA had increased prices to a greater extent recently than in the past, that it was probably due to coming events casting their shadows before them, and when I recall Eugene Fields' poem, "Jest 'Fore Christmas I'm as Good as I Kin Be," their action is not very convincing. It might also be a deathbed repentance, I might say.

Mr. TAFT. Of course, I do not know about that.

Mr. MILLIKIN. Mr. President, will the Senator from Ohio yield?

Mr. TAFT. I yield.

Mr. MILLIKIN. I should like to invite the attention of the distinguished Senator from Ohio to the fact that the fetish to which he referred, for the first time, under the proposed bill, will be specifically removed by law if the bill shall become law. I do not believe it has been sufficiently emphasized what the proposed bill provides in that respect.

Heretofore we have always been met in committee with the claim of OPA that "we have brought our problems to you, you have heard the complaints, but you have never changed the policies under which we have operated, and hence we took these policies to be in accordance with the intent of Congress."

Would the Senator object if I read into the RECORD a few paragraphs from the proposed bill which bear on this?

Mr. TAFT. Not at all.

Mr. MILLIKIN. I am citing section 1 (a), entitled "Objectives":

The Congress hereby affirms—

(1) that because of abnormally excess spending power in relation to the presently available supply of commodities, rapid attainment of production equal to the public demand is one of the necessary and urgent objectives for the prevention of inflation and for the achievement of a reasonable stability in the general level of prices and rents, cost of living and costs of production (including labor costs), for the purposes set forth in section 1 of this act and for the further purposes of protecting the real value of benefits provided by law for veterans and their dependents, of keeping faith with purchasers of United States War Bonds, and of making possible a successful transition to a peacetime economy of maximum employment, production, and purchasing power under a system of free enterprise;

(2) that unnecessary or unduly prolonged controls over prices and rents and use of subsidies would be inconsistent with the return to such a peacetime economy and would tend to repress and prevent the attainment of this and the other goals herein declared; and—

This directly buttresses the amendment of the Senator—

(3) that adequate prices are necessary stimulants to the production thus desired and the expeditious attainment of said goals.

Mr. TAFT. I thank the Senator.

Mr. DONNELL. Mr. President, will the Senator from Ohio yield?

Mr. TAFT. I yield to the Senator from Missouri.

Mr. DONNELL. I invite the attention of the Senator to line 15 on page 3 of his amendment. Is it the intention of the Senator that the Administrator shall be required to announce the amount of the increase therein referred to within the 60-day period?

Mr. TAFT. Yes.

Mr. DONNELL. I suggest that it would improve the amendment if the word "shall" at the end of line 15 were stricken out, because I think the language as it now appears would be susceptible of the interpretation that the obligation with relation to the 60 days is confined solely to the determination, and that the announcement might, under the language used, be deferred for some time.

Mr. TAFT. Mr. President, I ask unanimous consent to modify the amendment by striking out the comma and the word "shall" in line 15.

The PRESIDENT pro tempore. The Senator has a right to modify his amendment.

Mr. DONNELL. Will the Senator yield for a further observation?

Mr. TAFT. I yield.

Mr. DONNELL. In the same line, line 15, I suggest that the word "any" should be changed to the word "such." I assume that it is not the intention that the Administrator may make a determination with respect to any product he may select, but solely with respect to such product as is under consideration. I think that is consistent with the language of the preceding sentence, and I respectfully suggest that the word "any" should be changed to "such."

Mr. TAFT. I think the change would be an improvement. I modify the amendment by striking out the word "any" at the beginning of line 15, on page 3, and inserting the word "such." It then goes back, I may say, to the word "any" in line 5, and refers, therefore, to the products selected by the industry advisory board as requiring an increase.

Mr. DONNELL. I thank the Senator.

Mr. McMAHON. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. McMAHON. In the colloquy between the Senator and myself a few minutes ago I stated that certainly the reason for his amendment could not be that the industry of the United States is in distress. I was informed that last year, under the perfectly horrible system which the Senator has described, there were 810 business failures, the lowest number in the history of the United States. The Senator answered that by saying, "Look at all the firms that have gone out of business." In the interval I have looked up the figures for businesses started during this terrible system, and the businesses that have been discontinued, and I find that since the end of 1943, still under price control, of course, and under this horrible system, 167,700 new businesses were started in 1944 in excess of those that

went out of business, and in 1945 there was an excess of new firms over discontinuances of 238,800.

I thought I ought to call the Senator's attention to the fact that this system, according to these statistics, has apparently not resulted (a) in either any great number of bankruptcies, or (b) in any discouragement to people going into business.

Mr. TAFT. I may say that in the first place averages do not prove anything with respect to profits, and many Senators have talked, as I have, with individuals who have certainly convinced me that they are doing business at a loss today. Furthermore, the effect is clearly seen in the complete lack of many products on the market today and the inability of people to buy them. The other day large numbers of trucks were standing idle because carburetors for them could not be found, by reason of the fact that there was a fight for 6 months over the price of carburetors, and no one could take them at the price at which they were held by OPA during that period. We have an infinite number of such examples. How many firms went out of business during the war, and how many firms were established during the war? I shall be glad to obtain the figures and place them in the RECORD. I do not have them in my statistical file, or at least I cannot put my hand on them at the moment. Roughly speaking, there was a tremendous increase, approximately 500,000, in the number of concerns which went out of business, which included, of course, automobile filling stations and all sorts of enterprises operated by individuals who went away to war, and when they came back they went into small businesses of all sorts. What the net balance is I am not prepared to say.

May I say further that today business failures do not have very much effect. As a rule individuals who quit, merely quit. They make whatever settlements with their creditors they can. If they cannot pay in full they settle for whatever they can. Most business failures today do not get into court. Today bankruptcy is rather an unusual procedure for the liquidation of a business.

Mr. McMAHON. The figures I have given the Senator are Department of Commerce figures. During the first 19 weeks of 1946 there were 384 failures; and in the same period in 1945 there were 363 failures, a fairly constant figure. I think the Senator will find that the figures I have given him are accurate.

Mr. TAFT. I have no question of the accuracy of the Senator's figures. I only question the conclusions which he draws from them.

Mr. WHERRY. Mr. President——

The PRESIDING OFFICER (Mr. HATCH in the chair). Does the Senator from Ohio yield to the Senator from Nebraska?

Mr. TAFT. I yield.

Mr. WHERRY. I ask the distinguished Senator from Ohio if he would consider modifying his amendment so as to provide that a manufacturer, producer, processor, or distributor dealing in a commodity may apply to the Administrator for the establishment of a maximum price in accordance with his own formula respecting what his profits were in 1941, that is, within the scope of whatever the Senator's formula provides? Will the Senator accept that amendment, providing that in the 30-day period, if the OPA has not established a price, the applicant can proceed and set his own price within the boundaries of the Senator's formula?

Mr. TAFT. I am sorry to say that I do not see how I could possibly modify the proposal to accord with that suggestion. In the first place, there is no way by which a manufacturer can possibly tell what the average increase in cost is in the industry. The amendment suggested by the Senator proposes that each individual receive cost plus; that he determine for himself what his profit was in 1941, that he determine for himself what his present costs are, and that he add that profit to the cost. Those figures are within his own ability to obtain. He could find those figures. They are all his personal figures. But under what I think is the necessary formula, if the procedure is going to be in any way sound, such an individual must now get an average figure of increase in cost for the entire industry, and he is therefore wholly unable to supply that figure for a self-pricing operation until the Administrator applies it under paragraph (d) of my amendment. Once the Administrator has declared that figure—and I see no reason for believing that he will not do so within the 60-day period—then under subsection (e) the individual may proceed to apply that figure to his own price, which of course he knew in October 1941, and charge the higher price without any special permission from the Price Administrator. But the formula will not work unless someone determines the average increase in cost for the industry. So, I do not see how I can accept the proposal made by the Senator from Nebraska.

Mr. WHERRY. Mr. President, will the Senator further yield?

Mr. TAFT. I yield.

Mr. WHERRY. In reality is not that exactly what the advisory committee does? Does not that committee take the testimony of groups, or possibly make a spot check on all the groups throughout the country to arrive at the average cost?

Mr. TAFT. The Senator is suggesting now, I take it, that instead of requiring the Price Administrator to determine the average we permit the industry advisory committee to do so. I do not think I would be willing to do that. No, I do not think the industry advisory committee would be any more likely to reach a correct figure than would the Price Administrator, and once that figure was fixed and self-pricing proceeded, there would be no possibility of changing the price, even though they had figured in costs which ought not to be included, and put a price much higher than they were entitled to.

Mr. WHERRY. Mr. President, I wish to ask the Senator one more question. I should like very much if there is any way in the world to do it, to get the Senator to modify his amendment so we could place the responsibility with the industry itself in the event the OPA Administrator does not act. I admit that that is a difficult thing to do, because it involves individuals who have to apply for a price. They have to do that even though the matter is referred to the industry advisory committee. I cannot see a great deal of difference in the final analysis how the price is arrived at, because there will probably be thousands of individuals asking for relief, such as the furniture men asked from the OPA not long ago, when the OPA, through the industry advisory committee made a study, after which a determination was made as to what the absorption costs would be.

Mr. President, with all the difficulty connected with obtaining relief from OPA, especially by the distributor, we are not going to have thousands of individuals coming here from all sections of the country asking for relief. The matter will be handled primarily by representatives of their trade associations. They will come before the OPA with the suggested price. They will file it with OPA. That is in keeping with the Senator's formula as to how they should price an article, and the cost they are entitled to, and the percentage of profit they are entitled to, based upon the Senator's own formula. Let us say the Administrator declines to fix that price. The amendment provides no penalty for such failure. The Administrator may continue to refuse to fix the price. The Senator provides that at the end of 60 days, so and so, but at the end of the 60 days what is going to be done?

Mr. TAFT. An appeal is taken to the Emergency Court of Appeals.

Mr. WHERRY. The Senator knows there will be no relief granted there, because in most instances the courts set up are kangaroo courts and they make decisions in line with what the OPA asks for.

Mr. TAFT. No; I do not agree with that.

Mr. WHERRY. But it is true in a great many cases.

Mr. TAFT. The reason for that is that the formulas heretofore prescribed have been so indefinite and so vague that in effect the court simply had to say that if the Price Administrator made certain findings, to a large extent they had to be followed by the court. The formula regarding increases in prices contains some such general language as "if he considers it desirable," which is so weak that as a matter of fact the courts have been pretty much obliged to follow findings of fact by the Price Administrator. The purpose here is to establish a formula which is definite. There is no question that the emergency court would require the Administrator to find the increases in costs and find them promptly.

I should like to meet the proposal of the Senator from Nebraska. However, on the other hand I do not wish to swing so far over that we shall be subject to

the charge—which has already been made by Mr. Bowles, but which is wholly without foundation—that we are destroying price control. I do not wish to destroy price control. I wish to provide a reasonable standard on which price control shall operate. I admit that, human nature being what it is, that effort may not be completely effective. But I do not see how we can possibly go as far as the Senator wishes to go without destroying price control. If we are to go that far, I think we might as well repeal the act. That is a perfectly logical position if one wishes to take it. It is perfectly logical to say that, on the whole, we think the country will be better off by abandoning price control today instead of a year from now. Personally I have reached the conclusion that it ought to continue for a while. But I do not think we can go so far as the Senator wishes without destroying price control entirely.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. HAWKES. In connection with what the Senator from Nebraska has said, I think there is a point somewhere between his position and that of the Senator from Ohio which might be helpful in this situation.

As I understand, the industry advisory committee will make certain recommendations. The Senator from Ohio feels that under the terms of this amendment, if it is adopted, the Administrator of OPA will be more likely to follow through, based upon those recommendations, than has been the case in the past. Is that correct?

Mr. TAFT. That is correct, because a definite job is given him. It is only one job. The Administrator is given the job of determining a statistical fact, namely, the increase in cost with respect to a particular product in the past 4 years. He must find that one figure in that industry. As a matter of fact, this amendment ought to reduce substantially the work of the Price Administrator, because each industry would act as an industry, and only if the industry advisory committee acted. I think it would eliminate a large number of applications for individual and personal relief, which today swamp the Office of Price Administration.

Mr. HAWKES. Let me continue with my suggestion to which I should also like to have the attention of the Senator from Nebraska.

Suppose the Administrator does not agree with a finding which the Senator and I think is perfectly clear and understandable. Suppose he is arbitrary and issues a price which is not right, and is not in accord with the views of Congress. I have a suggestion to make which I think is somewhere between the amendment of the Senator from Ohio and the position of the Senator from Nebraska. Suppose that on page 4, at the end of the sentence in line 2 in the amendment of the Senator from Ohio, we were to add these words: "In the event the Administrator refuses to base his findings on the facts and figures submitted by the Industry Advisory Committee, he must state in writing to the Industry Advisory Committee his reasons for disregarding in part or in full such facts submitted."

That certainly goes a step further. It compels him to put in writing the reason why he refuses to recognize the facts, the weighted average prices, and refuses to act in the way Congress intended.

Mr. TAFT. I have no objection to that. That does not change in any way the basic relationship. But I am afraid that it would not meet the objection of the Senator from Nebraska.

Mr. WHERRY. Mr. President, when the Senator from Ohio has finished——

Mr. HAWKES. Mr. President, may I finish?

The PRESIDING OFFICER. Does the Senator from Ohio yield, and if so to whom?

Mr. TAFT. I yield first to the Senator from New Jersey.

Mr. HAWKES. I see what the Senator from Ohio is talking about. So long as the administration of the act is in the hands of an administrator, we cannot lay down hard and fast rules. But certainly I believe that the Administrator would pay more attention to what the Congress plainly intended to have him do if, when he deviates from what we ask him to do, he must put in writing the reasons why he does not agree with the industry advisory committee.

Mr. TAFT. I think that is a reasonable suggestion, and I shall be glad to work on some such provision. However, as I say, I am afraid that it would not meet the views of the Senator from Nebraska.

Mr WHERRY. When the Senator from Ohio has finished, inasmuch as he does not see fit to modify his amendment, I should like to offer an amendment as a substitute for the amendment of the Senator from Ohio.

Mr. TAFT. Mr. President, I wish to state one further reason why I believe this procedure would be followed. The Office of Price Administration recognizes that this formula is different from the principle on which it has been operating. It has arbitrarily selected the years 1936 to 1939, and has required every industry to submit its profits for those 3 years. It has based all its price fixing on the principle of giving industry the over-all basic profits today which it received on the average in the period from 1936 to 1939.

That was not a good period. Most companies lost business in 1937, and did poorly in 1938. The Office of Price Administration has adopted the basic theory of profits in violation of the Price Control Act. The Price Control Act permitted it to go back 1 year, from 1941 to 1940, to determine the question of profits. It seems to me that the act absolutely precludes the standard which has been adopted. The Office of Price Administration took as a base the profits in the period from 1936 to 1939, and applied the principle in different ways. For example, take the pig-iron industry. During that period the pig-iron industry made a return of 3¼ percent, I believe, on its invested capital. The Office of Price Administration said, "We will not fix a price that will give you more than 3½ percent return on your capital today," although under the general public utility law 5 or 6 percent is recognized as a proper return on capital. There is no justification for the adoption of that principle; and yet it has been followed by the OPA.

If this amendment is adopted, the Office of Price Administration will recognize that it can no longer rely on the principle which it has followed. Nor can it say, in the case of a multiple-product industry, "If today you make the same over-all return and the same profits you made in the period from 1936 to 1939, even though you sell product A at a loss, you must continue to sell it at a loss; or at best you may sell it for just enough to pay your out-of-pocket costs, because you are making sufficient profits on other products to enable you to make the same return on your capital that you received in the period from 1936 to 1939."

That is profit control, not price control. That deals with something which has no relation to the general theory of price control. Gradually the OPA is getting around to a complete system of profit control, not only for each industry, but for each particular concern, because after it fixes prices it makes adjustments for the high-cost producers, and as a result the same product is sold for various prices, which is a condition which certainly cannot last.

So I feel very strongly that in adopting this amendment we would be serving notice on the OPA that the system which it has adopted no longer applies, and that it must go back to the price-control theory. It would be required to take the prices of October 1941, as a base, and add to those prices the increases in costs recognized by the OPA—wage increases, increases in material costs, and whatever other increases there are in the cost of production; and the new prices would be required to reflect such increases in costs. Then different members of an industry would sell their goods at the same price. In the case of pig iron, it would be sold at the same price by all producers. In other industries, in which there may be a little variation because of a brand name, or because a textile mill manufactures a product of a slightly different type from that produced by some other textile mill, the relationship between the prices would be the same today as it was between the prices of such products in 1941. So we shall get back to the condition which resulted then in production to meet the demand, and it will result now in production to meet the demand.

So, Mr. President, I think what we shall do by the amendment will be to declare invalid two formulas of the Price Administration upon which it has based its entire action, and we shall be turning to the standard which was in the original Price Control Act.

I think I should say that the objection made by the OPA to the standard proposed by my amendment, apart from the

question of principle, was that "We cannot do it. It is impossible to figure the average increase in cost of an industry." Mr. President, I do not think any businessman agrees with that conclusion. The OPA has adopted more complicated formulas and has required more evidence of all sorts of costs than would be required by the amendment I have proposed. The OPA thinks it is simpler to base its determinations on the net return on invested capital, although that has no real relation to pricing, at all.

But all the amendment will require is that the OPA obtain the average of the per-unit costs of a reasonable number of typical manufacturers in an industry. It is quite true that most manufacturers do not have detailed cost accounting figures, because the obtaining of such figures is quite an expensive matter, and most manufacturers do without them. Yet there is not a manufacturer who does not know approximately what the cost of each of his products is. There is not a manufacturer who, every year and every day and every month, does not have to price his products on the basis of his knowledge of cost figures. The figure he determines may to a certain extent be a rule-of-thumb figure, but certainly it is also a figure which any reasonable man who is conversant with the particular industry and who looks at the over-all figures the manufacturers have, can determine within a very small fraction of a cent. And, of course, when the OPA issues its directive it may shade the figure if it wishes to do so.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. LUCAS. Who is to make that determination?

Mr. TAFT. The Administrator is to make it. That is the basis of the objection of the Senator from Nebraska to my proposal. He wishes to have the industry make the determination if the Administrator does not act within 30 days. I provide in the amendment that the Administrator shall make the determination, and that the industry advisory committee shall be responsible for presenting the evidence in the first instance. Then the Administrator can obtain other evidence from reports he has or from other requests, and then he will be required, within 60 days after the receipt of the application, to determine the increase in the weighted average of the per-unit costs of a reasonable number of typical manufacturers or processors with respect to such products. He will be the one to make the determination, because I do not see how else the matter can be administered. The figure will be an average figure for the industry, not for the individual manufacturer.

Mr. LUCAS. Mr. President, will the Senator further yield?

Mr. TAFT. I yield.

Mr. LUCAS. I only wish to comment on what seems to me would be a tremendous responsibility on the part of the OPA, if the Administrator himself had to make a final determination of such a figure.

A moment ago the Senator from Ohio said that the determination of what the actual costs were would be more or less a guess or a rule of thumb.

Mr. TAFT. I mean that the figure which is determined may be off a little. But roughly speaking, it is fairly easy for the manufacturers to present, and for the industry advisory committees to gather, figures as to the costs of different products.

If the Senator from Illinois will read the orders and regulations which have been issued by the Office of Price Administration, he will come to the conclusion that nothing could be more complicated than what they already are doing.

Mr. LUCAS. I am sure the Senator from Ohio does not want to burden me with that responsibility.

Mr. TAFT. Let me say that I hold in my hand a regulation entitled "Manufacturers' Prices for Men's and Boys' Tailored Clothing and Related Garments." It prescribes various formulas as to how they may price their goods. I read from the regulation the fololwing:

SEC. 2. How to calculate your maximum prices under this regulation—(a) Division factor: To find your maximum price for any garment covered by this regulation you must find your "general division factor." (The definition of general division factor, together with instructions for finding it, is given in section 3.) Once you have found your general division factor you will not be required to figure it again.

Your general division factor will give you the same mark-up on all garments. If you want different mark-ups on different groups of garments, or for sales to different classes of customers, you may select separate division factors according to the instructions in section 4.

You may find the maximum price for each garment by dividing the direct cost of the garment (calculated according to the instructions in section 6 and appendices E or F) by the appropriate division factors. If you do not select individual division factors, you divide the direct cost of the garment by your general division factor. If you select individual division factors, you divide the direct cost of the garment by the applicable individual division factor. In all cases the maximum prices so found is subject to a "highest price line" limitation which is described in section 5.

Then a long formula is given.

I read further:

SEC. 4. Individual division factors: Under section 3 above, you have found a general division factor which may be used to figure the ceiling prices for all garments you sell under this regulation. However, if you want different division factors (which will give you different mark-ups) for your garments when you sell them to different classes of customers, you may, under the instructions given below, select "class division factors." Or, if you desire different division factors for different groups of garments, you may, under the instructions given below, select "group division factors." However, except as outlined in paragraph (a) (3) below, if you select class division factors, you may not select group factors, and vice versa.

Mr. President, I shall not read all of this regulation. But it is ridiculous for the OPA, after issuing this kind of a regulation, which is MPR 607, March 11, 1946, to say that a provision is complicated because it simply requests them to certify one figure, namely, so many cents per garment or so many cents per unit. To my mind, such an argument is fallacious on its face, and I say that the formula I have proposed is opposed by the OPA really because it is a formula which is different from the one the OPA has adopted in the past, and is one which the OPA does not wish to adopt.

Mr. President, I do not wish to take any more of the time of the Senate. I very strongly urge that the amendment is practical. It will accomplish practically the same result that will be accomplished by a cost-plus-reasonable-profit formula, but my amendment avoids at least one difficulty which I have had with such cost-plus-reasonable-profit formulas, namely, I do not think every manufacturer should be entitled to receive his cost plus a profit. I think that is an invitation to inefficiency, and one which I, at least, do not care to defend when we pass this bill.

Mr. HICKENLOOPER. Mr. President, will the Senator yield?

Mr. TAFT. I yield to the Senator from Iowa.

Mr. HICKENLOOPER. In defense of the OPA, Mr. President, I will say that they can be efficient and they can act with speed on occasions. Recently when they found it was no longer necessary to control the price of sleigh bells in Hawaii, they promptly decontrolled them. [Laughter.]

Mr. TAFT. Mr. President, my general feeling is that this bill does not destroy price control, as is alleged by Mr. Bowles. Even though we decontrol meat and dairy products, we still shall have at least 80 percent of the controls which are in effect today. The effect will be to raise the cost of living to some extent, but in my opinion it will do so no more than has been done by the increase in cost which has occurred and which has been permitted to occur by the Price Administration and the Office of Economic Stabilization.

I see no reason to think that controls cannot be maintained for a period of 12 months. If we were going to have controls for an indefinite period, perhaps we should have to control every product. But if we are in a decontrol period and if we admit, as the bill admits and as the majority admit, that we are going to gradually decontrol during the next 12 months, certainly we must admit that by taking off controls on only certain products, on only a part of the total, we do not destroy the other controls. The other controls can be maintained. However, they must be maintained in a reasonable degree. They must permit a wide enough price for every product so that there will be an incentive to people to make that product. Otherwise, we shall continue to have shortages, and shortages mean black markets and high prices, and they afford a justification for more price control. The result would be that when we came back here next year we would find ourselves in exactly the position in which we are today, namely, unable to let go of the bear which we have got by the tail.

Mr. McMAHON. Mr. President, I do not have the administration figures before me, although I have sent for them.

I read them in a newspaper the other day, and I was very much surprised, though pleasantly so, to learn of the great volume of production which had occurred during the month of April. I presume the Senator may have seen those figures. I wondered if the Senator had any comment to make on them or whether he thought that the production record of the last few months had not been very good.

Mr. TAFT. I do not know what the over-all production record shows, but production figures are not really reliable until about 3 months after the termination of the period which they cover. I would be very much surprised if there has been any marked increase in production during the past 3 months. I may be mistaken. I do know, however, that there are still shortages in a large number of articles. Recently I talked to a representative of one of the automobile companies. Automobile production has been very low. It was expected that 4,000,000 automobiles might be produced during 1946, but the best estimates which can be obtained today are to the effect that during 1946 not more than 2,000,000 automobiles will be produced. One explanation for the disappointment in the production figures lies in the fact that automobile manufacturers are unable to obtain parts which are necessary in order to complete the manufacture of automobiles and make them ready for distribution to the public. For various reasons the manufacturers cannot obtain this part or that part. Those reasons may be related to the strike situation, or to other factors. I should be very much surprised if the figures to which the Senator has referred relate to finished production. I doubt that they will bear out the optimistic statements which were made by Mr. Small before our committee. The general impression of every manufacturer with whom we talked was that he could not operate at maximum speed in getting his product out of the factory and into the hands of the consumer, or even into the first stage of the distributive process.

Mr. McMAHON. I believe that the Senator will agree with me that the strikes during the past few months——

Mr. TAFT. Extending back to last October.

Mr. McMAHON. Very well; extending back to last October, have been the greatest detriment to carrying out the production program. Has the Senator given any thought to the price increases which might be occasioned by his new pricing formula, and the effect which it might have on future demands for wages, and the cause of future strikes which, in turn, would again reduce production? I wonder if the Senator has given any thought to that subject?

Mr. TAFT. Obviously on its face, all the formula does is to provide that increased costs must be recognized in increased prices. If we remove all price control and have an unlimited demand for products, we will still be required to recognize increased costs in increased prices. That is all the amendment proposes. It does not remove controls.

With reference to the effect on wage demands, I may say that if the general price level goes up 10 percent—and it is going to go that far anyway, according to what we have seen during the past few months—it will be used by the workers as an argument for a further 10-percent increase in wages. However, even if the general price level does not go up at all, the CIO has already served notice that the 10-percent increase which they applied for and did not received last year will be applied for again. Last year the CIO applied for a 30-percent increase when there had not been a 30-percent increase in the cost of living, and they received a 20-percent increase. There is no reason to believe that if we do not adopt this amendment the workers will withdraw their demands for increased wages. The policy of the administration has succeeded in elevating the wage level above the price level. It is just as unsatisfactory to have a wage level too high for the price level as it is to have a wage level too low for the price level. If it is too low for the price level, the people do not have money to buy the goods. If the wage level is too high and the cost is such that there is no incentive for manufacturers to manufacture, there will be no production. The relationship at the present time is out of proportion. The laboring people think that the proportion is proper, and they will try to maintain it. If they succeed, we will not have production, and a constant increase in prices will take place in order to catch up with wages. It is very difficult for me to see how we can escape the danger of considerable inflation; I do not see how we can prevent it. But we must recognize the fact that increased costs will have to be recognized in increased prices for the farmer, the manufacturer, the processor, and the distributor. Otherwise, the wheels of industry will not turn.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. MILLIKIN. I should like to suggest to the Senator that the wages of labor can never catch up with the decreasing value of the dollar in times of shortage, and that the only way by which labor can recover the already lost value of the dollar is to smother the shortage in production.

Mr. TAFT. The Senator is correct. The present shortages will exist until there is an increase in production. Up to the present time, there has been no increase in production.

Mr. McMAHON. Mr. President, I have before me a figure which I should like the Senator to comment upon. As I understand the Senator's theory, if the average hourly wage is increased a certain percentage, prices should be increased accordingly. Am I correct in my understanding of his theory?

Mr. TAFT. No; with all due respect to the Senator from Connecticut, I do not claim anything such as he has stated. If a general increase in wages occurs in the forests, in the mines, and on the farms, and it is applied subsequently to the railroads which carry the products, there will necessarily have to be an increase allowed in the price of the products. Labor, on the whole, represents an average of about 70 percent of the cost of almost any product. Consequently, if there is a general increase in wages of say 10 percent—and I may say there has never been such an increase in the price of commodities as would represent a similarity to the 18½ percent formula—it will mean an increase in prices of about 7 percent. That is a very rough estimate. I would not wish to be held to it too closely.

Mr. McMAHON. I was talking with an economist the other day who stated that in figuring the cost of producing an article, in a manufacturing enterprise, the cost per man-hour of work must be added.

Mr. TAFT. I should have added another factor. The productivity of labor is another factor to be considered. If the increase in wages is 10 percent and the increase in productivity of labor is 10 percent, no increase in price is justified.

Mr. McMAHON. It is not true that the last factor increased by 46 percent from 1939 to 1945?

Mr. TAFT. I beg the Senator's pardon; I did not hear his statement.

Mr. McMAHON. Is it not true that the factor which the Senator said must be taken into consideration, that is, the value added per man-hour of work, went up 46 percent between 1939 and 1945? I have been so informed. I cannot vouch for the figure, but I believe it is in the hearings. Certainly the Senator knows that corporate profits, even after taxes, were 121 percent higher in 1945 than in 1939.

Mr. TAFT. As a matter of fact, there has been no such increase in productivity of labor. I cannot produce the figures here, but the figures I have seen show that in some industries there has been a falling-off in the productivity of labor. Most of the increase occurred in the war industries, that is, in industries which made war products which they had not made before, and they learned how to make them. So far as civilian industry is concerned, I should be inclined to deny that there has been any increase in the productivity of labor since 1939. I am hopeful that the very strong trend existing from 1920 to 1939 will be resumed, now that the war is over, and I hope that may ultimately justify the wage level we have without the equivalent increase in prices.

Mr. McMAHON. So that I may understand the Senator, I gather the basic reason for the amendment he proposes is not that business is going bankrupt, not that the starting of new businesses is discouraged, because obviously the figures demonstrate that is not so, but the Senator bases the amendment on the necessity for granting more profits in order to keep in line with the increase in wages.

I call to the attention of the Senator the fact that if the added value of manhours of work has gone up—and the Senator says that is a controlling factor—then of course there is no need for

any increase in the prices of manufactured products. So it seems to come down to a question of fact: Has the added man-hour value gone up 46 percent, as I suggested to the Senator it has, or has it not?

Mr. TAFT. I would say that is not the fact, to begin with. In the second place, I would say that there are industries today which can no longer continue in business, and that there are many industries which are going to be compelled to shut down unless increases in prices are allowed.

I point out further that if there is an increase in the productivity of labor, then it is reflected in the cost of the products. In other words, the formula I propose takes into consideration any increase in the productivity of labor. If the productivity of labor increases, then the cost of the product is decreased, because what goes into the cost of the product is not merely a wage rate. It is what the manufacturer has to pay for a given amount of work to produce a certain article. So that when I say that we have to let the cost be reflected in the price, then in any industry in which there has been a general increase in the productivity of labor, there will be no increase in the cost, and there will therefore be no increase in the price. So that this formula allows for an increase in the productivity of labor.

Mr. McMAHON. Mr. President——

The PRESIDING OFFICER (Mr. MYERS in the chair). Does the Senator from Ohio yield further to the Senator from Connecticut?

Mr. TAFT. I yield.

Mr. McMAHON. I think this is a good place to insert some more statistics. I notice that employment of all types in April 1946, amounted to 54,600,000, which is only 200,000 below the peak of July, 1943, and which exceeds the civilian employment in the average 1935–1939 period by 11,000,000. I think that is a good figure to have in the RECORD at this point.

Mr. TAFT. Mr. President, I desire to conclude. I wish to point out that I do not see how anyone could successfully combat the formula proposed in the amendment. It is simply that one is entitled to increase his price by the amount of the increase in cost. That is the only principle in this formula.

If the Senator's figures are correct, if anyone is making profits, if the productivity of labor has increased, then there will be no increase in cost, and there will be no operation of the formula. As a matter of fact, the formula probably will not be applied to a considerable percentage of industries, but there are today a large number of industries which are being forced by OPA prices to do business at a loss, and which are not producing certain types of goods which are sought after by the people.

As I have said, if the conditions are as rosy as the Senator from Connecticut thinks they are, then there will be no result from this formula, but existing prices will be sufficient.

Mr. WHERRY obtained the floor.

Mr. McMAHON. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. McMAHON. I have sent to the Federal Reserve Board for the figures I was discussing a few minutes ago, and I have the figures from their index of industrial production, 1935–39.

Taking the figure 100 as the index figure, in April 1946 the figure was 164; in March it was 169. We had the coal strike, and the figure seemed to drop 5 points.

In 1939 we produced 238,000 automobiles a month; in March 1940 we produced 90,000.

In 1939 we produced 4,100,000 passenger tires a month; in March 1946 we produced 5,300,000.

Mr. TAFT. What was the last figure?

Mr. McMAHON. Five million three hundred thousand—an increase of 1,200,000 in passenger tires.

In 1939 we produced 700,000 home radio sets a month; in March 1946 we produced 1,000,000.

In 1939 we produced 380,000 electric irons a month; in March 1946 we produced 308,000.

In 1939 we produced 148,000 electric refrigerators a month; in March 1946 we produced 89,000.

We produced 38,000 sewing machines a month in 1939; in March 1946 we produced 28,000.

We produced 120,000 vacuum cleaners a month in 1939; in March 1946 we produced 150,000.

In 1939 we produced 800,000 alarm clocks a month; in March 1946 we produced 1,100,000.

In 1939 we produced 104,000 bicycles a month; in March 1946 we produced 120,000.

In 1939 we produced 20,000 electric ranges a month; in March 1946 we produced 16,000.

So there are a few things being produced in the United States under the present system.

Mr. HOEY. Mr. President, will the Senator from Nebraska yield?

Mr. WHERRY. I yield.

Mr. HOEY. I wish to call the attention of the Senator from Ohio to an amendment which I believe would be helpful in paragraph (a). It relates to the unit cost of advertising.

During the period of the war a great many manufacturers had to cease advertising their products for the reason that there was a sufficient demand, or all they could supply, and, therefore, it was unnecessary to advertise.

In fixing the unit cost I think there should be considered the normal advertising that would obtain in normal periods, and I suggest to the Senator from Ohio that, in line 13, page 2, he substitute a comma for the period and add this language:

> And where per unit advertising expenditures are below those of the calendar year of the base period, unit costs, for the purposes of this section, shall include per unit advertising expenditures at the rate prevailing in the year of the base period.

Mr. TAFT. Mr. President, the Senator showed me the amendment. In considering unit-cost advertising today, the OPA says, "You do not need to advertise today, and we are not going to allow you anything." The amendment provides that if a firm was advertising in 1941, which was before the war, it should be allowed for advertising costs today the same amount it expended then. I think it is a reasonable amendment, and I am perfectly willing to accept it as offered by the Senator from North Carolina. It does no more than carry out the principle of the amendment. I hardly think it is necessary, but I am perfectly willing to accept it.

Mr. WHERRY. Mr. President, if it is in order, I should like to offer a substitute amendment, which I send to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. It is proposed to insert the following at the proper place in the bill:

> SEC. —. Notwithstanding the provisions of this act, the Stabilization Act of 1942, or the Emergency Price Control Act, as amended, no maximum price shall be established or maintained for any commodity below a price which will return to producers, processors, and distributors (including retailers) of such commodity their prewar trade discount or the sum of (1) total current costs of producing, processing, and distributing such commodity as determined by the established commercial accounting practices of the producer, processor, and distributor (including retailer) and which are also allowable as expenses under the internal revenue laws and regulations plus (2) the prewar mark-up. The prewar mark-up shall be the average mark-up of such producer, processor, and distributor (including retailers) for such commodity for the period between October 1 and October 15, 1941; in case such seller did not produce or sell such commodity in said period then the average mark-up for such commodity shall be the mark-up for the most similar commodity which he produced or sold in said period: *Provided*, That whenever the maximum price established by the Administrator for any commodity is below the price provided for in this section, the producer, processor, or distributor (including retailers) dealing in or with such commodity is authorized to apply to the Administrator for the establishment of a maximum price in accordance with this section; should the Administrator fail to establish such maximum price within 30 days following the date of filing of application therefor, the applicant may determine such price in accordance with this section; and when so determined such price shall be effective upon notification to the Administrator. As used in this section, "commodity" shall mean any item, product, article, or service which is separately considered, listed, or dealt with by the producer, processor, and distributor (including retailers) in the normal course of his business.

Mr. WHERRY. Mr. President, the amendment is not available for Members of the Senate at this time. I did not know that the distinguished Senator from Ohio was going to offer his amendment today. Inasmuch as his amendment is printed, and has been thoroughly discussed, I feel that it is unnecessary to have mine printed, because it to a large degree does what the Senator from Ohio expects will be done by his amendment, with the exception that it applies to all segments of industry rather than simply

to manufacturers and processors. It includes the distributors and the retailers. It operates in a mechanically different manner from the amendment of the Senator from Ohio in that after 30 days have elapsed after the applicant has filed his application for a price, if the Price Administrator fails to act, then the applicant can set his own price within the provisions of the formula. There is very little difference, I believe, between my amendment and the one offered by the distinguished Senator from Ohio.

The Senator from Ohio says that my amendment is a cost-plus provision at the individual level. He says that his amendment is the average price set by the Price Administrator after the industry has made its investigation. The adoption of my amendment will not mean that 50,000 retailers of automobiles will come to Washington and ask for a certain price at which an automobile may be sold at retail, in their distribution of the automobile. All my amendment does is to provide that the maximum price established for the sale of a commodity by the producer or processor or distributor or retailer shall not be set below the percentagewise mark-up based upon current cost, based upon 1941, or the traditional trade discount allowed the dealer in 1941.

Let me give an example. In 1941 the retailer of a Ford automobile received a discount of 24 percent. When the price was established in 1946 OPA compelled the retailer to absorb 7½ percent of that trade discount on the theory of profit control. Of course OPA has attempted to prove that in dollars and cents the dealer has made as much as he did in 1941, and that therefore he is not entitled to any more than the amount it has fixed. OPA has not taken into account the fact that the dollar has not been stabilized, that there have been increased costs, increased taxes, and increase in everything that goes into the sale and servicing of automobiles. OPA is simply stepping in and doing away with the right of private contracting, and setting aside 7½ percent of a traditional trade discount which OPA has no right to set aside, and taking it out of the pockets of the dealers. All my amendment provides is that OPA cannot take away the trade discount to which the dealer is entitled. OPA under my amendment cannot in that manner fix a lower price for the dealer. Let us turn it around the other way. For 150 years the conduct of business has been based on what is called trade discount or a mark-up. The trade discount or mark-up has been traditional in business. There is a certain mark-up, for example, in connection with furniture, there is a mark-up in connection with flour and meat.

My amendment does exactly what is done by the amendment of the Senator from Ohio. It provides that if the maximum price does not give that traditional trade discount or that historic mark-up, plus the increased cost, the aggrieved individual can go to the Administrator and make application, and if within 30 days the Administrator does not give him the price applied for the individual may set his own price, and he sets it according to the formula. If he sets the price above the formula, under which he may allow for the traditional trade discount or mark-up, then he is subject to penalties just as he is today.

My amendment provides for a system very little different from that now used by OPA in the pricing of a new product. For example, let us say an individual produces a new article on which there is no price. What does he do? He goes to his competitor and if he can find anything like that article he is required to set his price at the price at which the competitor sells the comparable article. If he cannot find a product like his own new product, he then uses his own figures, and in his application he sets forth what he thinks the price should be.

Anyone who believes that my amendment would guarantee cost-plus has the wrong idea. It would give an individual the right which he has had during 160 years of business in America to set his own price based upon his traditional mark-up or based upon his traditional trade discount. That is what business has done for 160 years, and that is what business will do again, because competition sets the price. Who is going to make an excessive profit on a product similar to that put out by his competitors? It is true that, during this period of an economy of scarcity and black markets, such a situation can and has existed. That comes about by reason of lack of competition. The black marketeer gets for his product what the tariff will bear. I read the first section of my amendment as follows:

> No maximum price shall be established or maintained for any commodity below a price which will return to producers, processors, and distributors (including retailers) of such commodity their prewar trade discount or the sum of (1) total current costs of producing, processing, and distributing such commodity as determined by the established commercial accounting practices of the producer.

If, for example, a Ford dealer sets a price which goes beyond the trade discount provided in his contract he is immediately subject to the penalty provided for violation of the law, just as he is today, and he can be brought before OPA and suffer the consequences.

Mr. President, the argument has been made that my amendment would provide a guaranty of the price to each individual. That is not true at all. Let us consider the furniture trade. Let us say that OPA holds that a 5 percent cost absorption shall be taken out of the trade discount or the traditional mark-up or in whatever way it is done. If that 5 percent cost absorption is taken out, the retailers would appoint a committee which would go to Washington, appear before the OPA, and say, "For over 150 years we have established this bread-and-butter profit price on furniture and you have no right to reduce that and make us absorb the cost of distribution. We have the right to that traditional discount. We have the right to whatever increased costs go into that commodity. In the sale of that commodity we have the right to take those matters into account."

Certainly everyone from the southland who wants to see an increased production of textile goods should be for this amendment. We have had much testimony on this subject in the Senate Small Business Committee in the last few months. The Small Business Committee, since 1943, has held hearings at which a great deal of testimony has been adduced. For example, Mr. Siedel, of the Grant Department Stores, which last year did a business of about $250,000,000, stated implicitly and with all the force at his command, that they sold 120,000 items in those stores, and 75,000 of them were substitutions sold at prices far beyond what legitimate merchandise would bring.

Mr. President, December last in New York I bought a dress which, before the war, sold for $5.95. It cost me $76. It was a little organdy dress which had no handwork on it at all. I returned the dress to the store the next day, when I had made use of it for the purpose for which I purchased it. That is an example of the hidden prices which are being charged for merchandise. That is an artificial price. It does not represent the legitimate value of the article to the consumer. That shows the profit some retailers are taking.

At a hearing in our committee a few days after Mr. Seidel testified, a man representing a group of 10-cent stores said they sold 11,000 items in his stores. He came from Florida. He has four stores in towns of less than 15,000 population. He stated that 85 percent of the merchandise in that store consisted of substitution articles. He said that one could no longer buy a paring knife for 10 cents. The little 10-cent paring knife, which had some value, is gone. He showed me a so-called knife combination which sold for 25 cents, but which did not have the quality of the old knife which sold for a dime.

It is because of such impediments that we do not have production. The time has come to put production above prices. The argument is made that the result would be to increase wages. But increased wages do not always mean increased prices. We shall never have lower prices until we have maximum production. Regardless of what the labor costs in the beginning, we must pay it. When we increase wages we get increased production, and greater volume; and when we get greater volume, we can start to reduce the prices.

Take automobiles as an example. I know something about automobiles. In 1917 the Ford Motor Co. paid the highest wages of any automobile concern in the United States. It sold a pretty good car for $390. If we could get that kind of production in the United States today we could whip inflation. But we shall never whip inflation if we continue these controls and impediments to production. We can never have maximum production of textiles with such impediments.

It is said that the Federal Reserve statistics show this or that with respect

to production. We heard certain figures read a few moments ago. There is an old maxim to the effect that "the proof of the pudding is the eating thereof." Where is the pudding? Where is the butter? Where are the shirts? Where is the meat? Where are the automobiles? Where are the homes? Where is the great production which so many are talking about? Perhaps it is in the pipe line. If it is, for the first time in 160 years when people have money in their pockets, housewives are walking the streets and standing in breadlines and meatlines because they cannot buy the things they need for their families. Yet it is said that there is production. We cannot eat statistics. One cannot get a good pot roast out of a bunch of propaganda.

The fact is that we do not have production in this country; and one of the chief reasons is the price impediments which have stalled production. We shall never attain maximum production under the Bowles price-fixing system. The policy of the last 3 weeks is an admission of that statement. When was there an industry-wide increase? Not until the Committee on Banking and Currency started to write this bill. Then there was an increase in the case of butter; there was an increase in the price of milk. Now we are to get an increase in the price of meat, after it was forced.

Why were not such increases allowed a year ago? Twenty-one Senators met in the committee room of the Committee on Agriculture and Forestry and begged Chester Bowles to raise the price of milk, in preference to granting subsidies. The testimony was that if the price of milk had been raised 2 cents a quart at that time, the dairy industry of the country could have been maintained. That was a year ago. Mr. Bowles refused to raise the price. He said he had to control prices. He got a subsidy, but in doing so he liquidated some of the finest dairy herds in this country.

We talk about production. What about meat? I have asked this question on the floor of the Senate time and again, and I shall continue to ask it. We have 10,000,000 more cattle in this country than we have ever had before, and yet we have no meat. Why? The impediment of the Bowles price-fixing program has prevented it. production. There is no other reason. The workers in our part of the country are ready to slaughter the animals. Two days ago I gave figures showing that the percentage of slaughtering in Omaha by legitimate packers had fallen from 75 percent to less than 26 percent last week. Out of 776,000 cattle that they took in, they killed only about 270,000 head. More than 70 percent of the meat being shipped out of Omaha goes to the black market.

Black markets are caused by price impediments. That is the only conclusion we can draw. They set the prices and upon this basis the bootleggers operate. It has been said that if price control were eliminated the price of meat would increase 50 percent. I have heard that statement so often that I dream about it at night. Mr. Bowles says that the price of meat would increase 50 percent. He is trying to scare the people of the country. Yet he does not tell the people that today the black market sets the price of meat. He does not tell us that steaks sell for $1.25 a pound. He says that meat brings the legal price; and yet only 20 percent of the meat consumed in this country is sold through legal channels.

Yesterday a workingman came before our committee. I do not know where he lives, but he works in Washington. He said, "I have gone to six different bread shops today, and I could not get a loaf of bread. I have gone to several meat shops, and could not get anything but lunch meat." The meat is simply not there. Price impediments are stifling production. We must decontrol sometime. I do not care what the statistics show; under Mr. Bowles we have not had production, and we must do something about it.

Yesterday the distinguished Senator from Michigan stated that if we eliminate control of prices and do away with the Price Stabilization Act we shall be in a state of chaos. What state are we in today? What is the state of the meat situation in this country, with 80 percent of the meat going to the black market? The housewife whispers to her neighbor, and says, "I can tell you where you can get a loaf of bread." She whispers to another, "I can tell you where you can get a pound of meat," or "I can tell you where you can get a pair of nylons." The housewife is becoming a professional bootlegger. The result is a wholesale disrespect for law.

If we adopt the amendment which I have offered, and permit processors and manufacturers to produce on the basis of a percentagewise mark-up, we shall do two things:

First, we shall get increased production. We must have production if we are to curb inflation.

The second thing we shall do is to stop the cost-absorption program. We shall stop the profit control which a czar by the name of Bowles has exerted over the people of this country. He was never given such power. There is no authority for it in the act. His only authority is derived from a kangaroo court which he dominates and controls. I have made that statement previously on the floor of the Senate, and I repeat it. Some of the decisions supporting the philosophy and the interpretation of Mr. Bowles are the decisions of kangaroo courts which he controls.

This amendment would eliminate cost absorption, and would eliminate the black markets. If we remove the controls from meat there will be no black market in meat. If the price goes up, it will go no higher than competition will permit. If we eliminate all these restrictions the producer can produce. The feeder can feed. He can sell to a legitimate processor. The processor can process, and we shall have more meat on the table than we have today. My prediction is that the cost will be less than it is today. It will not be necessary to patronize a bootlegger. One can get meat at the corner grocery store, where it has been sold for years.

Mr. President, I believe that we are in a state of chaos today. The only way to eliminate the confusion and chaos is to remove price controls wherever possible. I certainly would remove them in the case of meat.

The next thing I would do would be to permit every man in industry to make a profit, based upon his traditional mark-ups and his discounts, plus his current costs. He is entitled to a profit.

Another reason why I am proposing this amendment is that we would not have to depend upon the interpretation of Mr. Bowles as to what the price increase should be. The price would be established within the formula. For 30 days Mr. Bowles would have absolute control, because the application would be made to Mr. Bowles, and he could grant it or refuse it. But if he should fail to take action within 30 days, under the terms of my amendment the applicant in any industry could set his own price, based upon this formula, which would allow him his traditional trade discounts, his percentagewise mark-ups, and his increased costs. What is wrong with that? Can anyone dispute the statement that one who manufactures or processes is entitled to his increased cost, based upon the traditional mark-up which he has made since he has been in business? That is what he did before the war. That is what he will do again when the controls have been removed. What is wrong with it?

It will be said that this amendment would wreck the Price Control Act. It would not wreck the Price Control Act. It would permit maximum production. It would help the Office of Price Administration to obtain greater production, and production is the best method of reducing prices. My amendment would help the OPA more than it would hinder it.

My amendment would go a long way toward decontrol. If we can get maximum production and eliminate the black markets, which are responsible for the excessive prices we pay, we shall be ready to decontrol more quickly than otherwise. Price impediments do not permit the profitable production of merchandise.

I agree with the Senator from Ohio that my amendment would take the administration away from OPA after 30 days. I wish to have it thoroughly understood that that is exactly what it would do. I do not wish to travel under false colors. If for that reason Senators do not wish to vote for my amendment, they should vote against it.

It is said that this amendment would wreck the Price Control Act. I want Mr. Bowles to understand thoroughly that 30 days after an application is made the industry will take over and set its own prices, subject only to enforcement by OPA. That is exactly what I want. I wish to have the RECORD show clearly what we are voting upon. I do not want to have Mr. Bowles say, as he did with respect to the Bankhead amendment,

that Congress meant so and so. I do not want to have him try to read into the act his own interpretation. I do not want him to say, as he said in connection with the Barkley-Bates amendment, "This is what Senator WHERRY meant." He has circumvented that provision of the law and paid no attention to it. I do not believe that we should write into the statute what we want done and then have Mr. Bowles interpret it. That is one of the chief reasons why I am proposing this amendment. My amendment would go a long way toward removing price control. Mr. Bowles has absolutely defied Congress. Members of Congress, speaking from platforms all over the country, say, "Congress ought to do thus and so." This is an opportunity to do something. This amendment provides that if within 30 days Mr. Bowles does not establish a price within the formula prescribed the right to establish the price shall be placed in the hands of the industry. In that event, under the amendment, it will not be necessary to wait for action by the industry advisory boards or for all the dilly-dallying or for the opinion of some autocrat in Washington who has had no experience with practical business. Under the amendment, business will be able to write its own provisions for the formula, and the formula will be the one on which business has operated during the last 150 years.

Mr. President, can anyone say there is anything wrong with the amendment? No.

I submit the amendment and I ask for an immediate vote upon it, unless some other Senator wishes to discuss it.

Mr. TAFT. Mr. President, I agree with so many things that the Senator from Nebraska has said that I do not like to oppose the particular form of the amendment he has submitted. However, we have had half a dozen different formulas submitted to us as possible pricing formulas to replace the present practices of the OPA.

I have already stated my objections to the particular formula which is proposed by the Senator's amendment. In the first place, it links under one formula producers, processors, and distributors, including retailers. I have felt very strongly that the principles properly applicable to manufacturers are different from those applicable to distributors, wholesalers, and retailers. In particular, I think the formula must be applied to each product, in the case of manufacturers, because we wish to get production of each product; and if we do not price each product in such a way as to afford a reasonable return, that product will not be made.

On the other hand, in the case of distributors, particularly in the case of large-scale distributors, such as department stores and chain stores, the history of the war has been that they have been making more money than they have ever made before. The department stores have had a large increase in their volume of business. To say that in the case of each product they must have their traditional mark-up, would entirely destroy the set-up of control today, because those distributors have not requested the application of such a formula; and none of them appeared before the committee, as I remember, to make any special request of that sort. There was no demand by them for the application of such a formula to retailers handling a long line of products. I do not think we should necessarily give them a mark-up on each of hundreds or thousands of different products. They can make up on one what they lose on another. They are interested in volume. Therefore, I do not think it is necessary to go as far as the Senator's amendment would go. I also think it would destroy the individual retail price ceilings which are in effect today, and it would make it very difficult to enforce any price control at all.

Therefore, I do not believe the formula proposed by the Senator's amendment should be applied to retailers who handle a considerable number of products. When the committee came to consider the application of a formula to distributors, it chose to make a special provision as to the prewar mark-up—in effect, the formula which is contained in this amendment—for dealers in automobiles and dealers in farm implements and dealers in a few other products, whose whole income depends upon the handling of a particular product. We have afforded that protection to them.

When we come to deal with manufacturers, I do not believe a manufacturer should receive a price based on his individual costs, because if we do that we get to a cost-plus basis and under the formula proposed by the amendment, we reach the position that, instead of providing for an average increase in cost, every manufacturer will be entitled to the particular increase in cost which he himself has incurred. That may be due to his inefficiency; it may be due to the fact that he is paying too much for his materials; it may be due to a whole series of things. It may be due to misfortune.

In any event, I think it is a denial of the free enterprise system to which we are trying to return, to say that every manufacturer shall be entitled to cost-plus; in other words, to a profit in relation to the particular figure which he himself finds to be his individual cost. So I object to the formula insofar as it applies to manufacturers.

When we come to consider the theory of the amendment, I believe that if we let each manufacturer determine his own costs, after 30 days, which will hardly be time enough for the Price Administrator to consider hundreds of thousands of cases of individual manufacturers, in effect we shall destroy price control altogether, because if every manufacturer is allowed to charge what he says are his costs, he may do so; and although he may be indicted a year later if he has charged a figure too high, in the meantime price controls will have been destroyed.

I do not like to appear to be a strong advocate of price control. I am not. But I have come to the conclusion that we should continue it for another year. I only wish to see it administered in a reasonable way. It seems to me that only one principle applies to producers, and that is that increased costs should be reflected in increased prices. I do not see how anyone can question the justice of such a provision. I can go anywhere in the United States and defend it. I can show that price control which does not recognize increased costs in prices is bound to fail and is bound to produce black-market conditions and is bound to result in lack of production.

So, Mr. President, a formula which would permit increased costs to be reflected in increased prices is one which all of us can defend. We can show that, in effect, we are only asking for reasonable controls, and we can show that we are not destroying the price-control system.

I agree that if we wish to destroy price control, the amendment offered by the Senator from Nebraska will do it. There is a perfectly proper argument to be made for that course; but I feel strongly that the amendment should not be adopted as a substitute for the formula I have proposed.

Mr. HICKENLOOPER. Mr. President, in keeping with some of the statements about meat which were made a few minutes ago by the Senator from Nebraska [Mr. WHERRY], I should like to call attention to a very difficult situation which apparently arose in Boston a few days ago. A United Press dispatch dated Boston, June 10, which was carried in the local newspapers, reads as follows:

[From the Washington Times-Herald of June 11, 1946]

BOWLES' KIN BUYS BLACK-MARKET STEAK

BOSTON, June 10.—The food situation hit a new low here today when Mrs. F. W. Bowles, a cousin of the former OPA chief, unwittingly bought a steak in the black market. Told later that she had paid $1.50 above the OPA ceiling, Mrs. Bowles said apologetically: "Somebody ought to do something about this black market."

[Laughter.]

Mr. WHERRY. Mr. President, I thank the distinguished Senator from Iowa for his contribution, which is proof of the correctness of the position I take in this matter.

Mr. TAFT. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HUFFMAN in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Downey	Knowland
Andrews	Eastland	La Follette
Austin	Ellender	Lucas
Ball	George	McCarran
Barkley	Gerry	McClellan
Bilbo	Guffey	McFarland
Bridges	Gurney	McKellar
Brooks	Hart	McMahon
Buck	Hatch	Magnuson
Burch	Hawkes	Maybank
Bushfield	Hayden	Mead
Byrd	Hickenlooper	Millikin
Capehart	Hill	Moore
Capper	Hoey	Morse
Connally	Huffman	Murdock
Cordon	Johnston, S. C.	Murray
Donnell	Kilgore	Myers

O'Daniel	Smith	Tunnell
Overton	Stanfill	Tydings
Pepper	Stewart	Vandenberg
Reed	Taft	Walsh
Revercomb	Taylor	Wheeler
Robertson	Thomas, Okla.	Wherry
Saltonstall	Thomas, Utah	White
Shipstead	Tobey	Wilson

The PRESIDING OFFICER. Seventy-five Senators have answered to their names. A quorum is present.

The question is on agreeing to the amendment offered by the Senator from Nebraska [Mr. WHERRY] in the nature of a substitute for the amendment offered by the Senator from Ohio [Mr. TAFT] as modified. [Putting the question.]

Mr. WHERRY. I ask for a division.

On a division the amendment was rejected.

CONDUCT OF JUSTICES OF THE SUPREME COURT OF THE UNITED STATES

Mr. BRIDGES. Mr. President, recently I took occasion to discuss certain phases of the activities of various Justices of the Supreme Court. I then introduced S. 2135 as an amendment to existing law to require that Justices shall devote their entire time to the duties of the Court, and shall not, directly or indirectly, engage in activity political in nature, or use or lend the use of their names to movements of public character other than as may be prescribed by law or permitted by vote of the remaining Justices of the Court.

Obviously it well may be that in a matter of international arbitration, for instance, a Justice of the Supreme Court properly could and should be deputed by his colleagues on the bench to serve as an arbiter. In yet other cases, already recognized by law, the activities of a Justice, aside from the business of the Court, might prove entirely compatible with service on the bench. Such instances, however, are few. It seemed to me appropriate, therefore, that we require the remaining Justices by their vote to pass upon activity of a Justice in a political or public cause. At the time I introduced Senate bill 2135 I said:

> If a Justice of whatever rank wishes to engage in activities in which his dispassionate objectivity might suffer, let him first resign. There have been Justices who have entered the market place of politics. There have been Justices who could be said to have sought popularity in their advocacies. There have been Justices who have propagandized through their utterances for particular national and international causes. It has been said that one Associate Justice, who in the statutory order of precedence is eligible to become Acting Chief Justice, has assisted in spearheading the Nation-wide drive of a so-called Political Action Committee.

In the Appendix of the CONGRESSIONAL RECORD, at page A2899, appears the extension of remarks of the senior Senator from Pennsylvania [Mr. GUFFEY]. The Senator sought and received permission to have printed in the RECORD an address by Hon. Hugo L. Black, Associate Justice of the Supreme Court of the United States, before the National Citizens Political Action Committee Roosevelt memorial dinner, held at the Hotel Commodore, New York, on Friday, April 12, 1946.

As I told the Senate on April 30, at page 4241:

> I deem it of urgent necessity that the Congress now prescribe that a person who assumes the duties and the function of a Justice of the Supreme Court of the United States shall ever keep himself aloof from those fields of activity in which judgments are formed and actions controlled by controversies and advocacy.

Mr. Presiden how can we expect dispassionate administration of the law from those who openly and actively espouse public movements designed to fasten upon the American people a particular political philosophy? How can a Justice of the Supreme Court of the United States achieve that nice balance of judicial principle to which litigants are entitled if that same Justice lends the prestige of his position and the force of his support to a movement whose legislative program may result in controversies before the Court of which he is a member?

I made it clear that no existing statute in terms proscribes public political support by a Federal judge for a political-action committee which sponsors some particular political philosophy. I pointed out that it had ever been thought that a nice understanding of the amenities would prove to be sufficient deterrent to activities outside of the duties devolving upon the membership of the Court. Yet the merest reference to Justice Black's speech in the RECORD will disclose his protagonism of the varying forms of governmental control which the New Deal has sought to fasten upon the American people He finds worthy of mention that government latterly has become, as he puts it, "an instrument of economic control for the benefit of so many people." One can imagine what chance a litigant will have for fair consideration of his case upon the merits if he argues for the judicial construction of a statute contrary to the point of view of Mr. Justice Black.

He points out:

> All of these changes did not come about without vigorous opposition. The opposition was composed in part of those who were seeking selfishly to maintain unfair practices under which they had greatly prospered and by those who innocently clung blindly to old ways merely because they were old.

It does not take Justice Black very long, speaking before the Political Action Committee, to classify certain "practices" as "unfair," nor to dispose of those who opposed the New Deal as acting "selfishly."

Mr. President, we need no better criterion by which to test the state of mind of a Justice who lends himself to this PAC movement than the words which flow from his own lips. I insist that if a Justice of the Supreme Court of the United States desires to make political speeches in support of political objectives he should retire from the bench.

The state of mind of a Supreme Court Justice is the most important single possible field for exploration. As I pointed out recently, "Disqualification of a Justice from service upon a particular cause frequently arises by virtue of the fact that the Justice disqualifying himself has previously had some connection with the cause at issue, or the parties thereto." I added then, and I repeat now, "Nor would we criticize any Justice who disqualifies himself where he knows he has an open mind on a particular question yet fears that the litigants and the public might think otherwise. Not only the substance but the form must be regarded in such instances."

Yesterday, June 11, the Washington Post printed in full the text of a statement by Associate Justice Robert H. Jackson, which has been cabled to the chairman of the Senate and the House Committees on the Judiciary. Mr. Justice Jackson says that a litigant before the Supreme Court in the *Jewell Ridge Coal case* (326 U. S. 161) "employed as counsel Mr. Justice Black's former law partner to argue its new contention to the Supreme Court and he, too, took the position as to the coal miners not consistent with his argument used the previous term, to win the case for the iron miners. Mr. Justice Black reversed the position he had taken in managing the bill as a Senator." The message from Mr. Justice Jackson makes it clear that Mr. Justice Black's former law partner "had also been employed by Justice Black when he was Senator to defend him and his committee against litigation resulting from the seizure of certain telegrams in the course of a Senate investigation."

I am not discussing the merits, or the lack thereof, of the charges made by Mr. Justice Jackson. I am discussing the importance of the state of mind of a Justice of the Supreme Court. The Court itself has no power to disqualify a duly commissioned Justice from sitting in a particular case. Counsel for one of the litigants in the Jewell Ridge case "applied to the Court for a rehearing and asked that Justice Black be excluded from participation because of his past relations to the attorney for the successful parties." Mr. Justice Jackson thereupon says:

> The only question was whether we would deny it (the petition for a rehearing) upon legal grounds that the Court was without power to pass on the question of qualification, or whether it would be announced merely as "denied," which would leave grounds of denial undisclosed and, of course, capable of interpretation as an endorsement by the whole Court of Justice Black's participation. * * *
>
> Justice Black insisted on mere denial. This would not draw attention to his participation or to other circumstances. If his action were later questioned, the denial would be construed as vindication by the Court on the facts.
>
> None of us knew then, and I do not know now, anything of the relations between the Justice and his former law partner except that they had continued to be cordial.
>
> But in view of the course of the case, neither I nor any of the other Justices who had dissented wanted to lend our names to blind and unqualified approval.

The Chief Justice proposed a compromise memorandum of opinion, but Justice Jackson notes that action to this effect was not taken because "Justice

Roberts was out of the city and did not attend the final sessions."

Remember, please, Mr. President, Mr. Justice Roberts was the chairman of a commission to investigate the disaster at Pearl Harbor and was necessarily absent, no doubt, on important public business. Mr. Justice Jackson, let it be noted, even now and for many months past, has been at Nuremberg in Germany and, as a result, there are said to be at least 16 cases pending before the United States Supreme Court upon which decision has been impossible because of the absence of Mr. Justice Jackson. Perhaps it is becoming apparent why it has seemed to me that Congress should take action with reference to requiring that members of the Supreme Court of the United States perform the duties of their office.

But let me revert to the cablegram from Mr. Justice Jackson who continues:

> At the conference I said in substance that the petition should be denied on the grounds that each member is responsible for his own decision on whether to sit or decline to sit on any particular case. I did not say it was wrong of Mr. Justice Black to sit. But I did say it was questionable for him to decide and the responsibility for approving a decision should not, by inference, be put on the Court, which lacked knowledge of all the facts but of which it could not be unaware from appearances.

Mr. Justice Jackson makes special point of the fact that the late Chief Justice Stone declined to sit at that very same time for the reason that a case was presented by his former law partners although he had not associated with them for many years. Mr. Justice Jackson sees the various Justices, indeed the Court itself, placed "in an unfavorable light."

Mr. President, the matter of the state of mind of a Justice in his approach to questions confronting the Court is of importance. The willingness of a Supreme Court Justice to take part in deciding a case presented by his former partner can be a serious thing, especially where he has relied upon the same counsel for his own defense. More important, possibly, is his willingness to permit the record so to be prepared as not to disclose the facts.

Nine years ago in this very Chamber a Senator urged that the Judiciary Committee—

> invite Senator Black to come before the committee in order that we might sit around the table and get his own statement on the matter. If he himself were to state that he was not and had never been a member of the Klan, that would be sufficient for me, regardless of what anyone else said.

Another Senator asked:

> Does the distinguished Senator from Idaho feel that if Mr. Black is or was a member of the Klan, that would be any embarrassment to him, and be a reason, possibly, for not placing him on the bench?

The late Senator from Idaho, Mr. Borah, replied:

> Mr. President, for myself, if I knew that a man was a member of a secret association organized to spread racial antipathies and religious intolerance through this country, I would certainly vote against him for any position.

The Senator from Idaho had already told us:

> We know that Senator Black has said in private conversation, not since this matter came up but at other times, that he was not a member of the Klan, and there is no evidence to the effect that he is.

The senior Senator from Maryland said, in part:

> If we do not have that kind of information who knows that but after Senator Black is confirmed, and takes his place on the bench, these affidavits or statements may be printed in the press, and we may never have a chance to find out about their falsity or their truth after the nomination is confirmed?

This material is an open record, in fact it appears in volume 81, part 8, of the CONGRESSIONAL RECORD for August 17, 1937, at page 9098. Senator Black was a Member of this body throughout the discussion. By September 13, 1937, the newspapers were printing the facts concerning the membership of Senator Black in the Klan. On the night of October 1, 1937, in a Nation-wide radio hook-up Senator Black stated that he had joined the Klan some 15 years earlier, but later resigned. The question before the Senate was not whether Alabama, knowing the facts, chose to send Senator Black to the Senate. The point is that when he was under an obligation to speak, when he knew that to have made the admission would bear markedly upon the matter of his confirmation to the Supreme Court, he refrained from speaking. He allowed other Senators in this body to make representations in his behalf which were false and which were known to him to be false. The question, in short, is what is the state of mind of any man—or any Justice of the Supreme Court of the United States—who assumes that high office holding particular and preconceived views upon a variety of subjects. This question does not involve simply this particular Justice. It involves any Justice whose preconceived notions in special causes will preclude his giving that dispassionate and objective consideration to the principles of law upon which the rights of American citizens depend.

As in the incident before the Senate to which I have referred, as in the matter of deciding the case in which his own former partner appeared before him as pointed out by Justice Jackson, as in his own utterances before the National Citizens Political Action Committee as revealed by his speech in the RECORD, the state of mind of this Justice becomes a proper matter of inquiry.

This situation does not present a case for impeachment. Indeed, if it could be said to do so, impeachment would rest with the House, which would cause its own investigation and the filing of impeachment charges on which the Senate would sit as judges.

Impeachment, however, is limited to convictions of "treason, bribery, or other high crimes and misdemeanors" as the Constitution expressly provides.

There is a phase of our authority, however, in which Congress has never acted. I wish to quote from article III, section 1 as follows:

> The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.

I suspend the quotation for a moment, for I wish to point out that Congress clearly is authorized by this language to establish "such inferior courts" as it may from time to time decide. Congress created the Supreme Court, the circuit courts of appeals, the United States district courts. It created the Court of Customs and Patent Appeals. Obviously, each exercise of power in this respect is authorized, and surely no one will say that the jurisdiction of Congress so to act has been exhausted. Thus we may, from time to time, establish yet other courts, if we so decide.

The section in question continues:

> The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation which shall not be diminished during their Continuance in Office.

The Constitution does not say that judges shall be appointed for life.

Note, Mr. President, that Judges of the Supreme Court shall hold their offices "during good behaviour." Congress has never defined what it means by good behavior as a limitation upon the tenure of a Supreme Court Justice or, for that matter, of any Federal court judge. Inquiry may properly be made into whether or not Congress in furtherance of its proper jurisdiction may define good behavior. It seems to me, speaking from recollection, that the distinguished HATTON SUMNERS, chairman of the House Judiciary Committee, introduced a bill to permit the ouster of judges who fail to comport themselves in terms of good behavior. Congress may very properly inquire into the need for legislation upon which to predicate an action of ouster and to set up the machinery by which that process may be pursued in our courts.

When I spoke on April 30th in support of my proposed amendment, I made it perfectly clear that my proposal to limit Justices of the Supreme Court publicly to the performance of their proper functions on the Court is prospective only. I sought to make it clear that reasonable doubts exist as to whether Congress validly could pass legislation to impose additional conditions upon any Justice beyond those which obtained as a matter of law at the time of his entrance upon his status. Imposing conditions upon future conduct and providing present remedy for lack of good behavior are two different things, however. Certainly the Government is not without means to remedy an existing defect. Procedural legislation for the protection of the public may very properly be in order if the facts and circumstances so justify. It is possibly too late in this session to expect that the Judiciary Committee can complete hearings and bring to the floor for action the bill which I have introduced. But hearings can go forward, and it may well seem to

the Judiciary Committee of the Senate that it should canvass all possible remedies for the protection of the country. One thing is certain: the American people regard the Supreme Court of the United States as the last bulwark and the greatest protection of their rights, their liberties, and their property. They will not long tolerate conduct which will militate against that trust and confidence in which the Court must be held if its true function is to be preserved. While we cannot know the interior processes of the mind of any man, by his acts and utterances and his deportment we can make an estimate of the likelihood of his course. The danger signals of a breakdown in popular confidence in some of the personnel of the Supreme Court are only too obvious.

In conclusion, I invite the attention of the Senate to the statement by Mr. Justice Jackson, which I ask to have printed in full in the RECORD following my remarks. I invite attention to the charges made by one Justice against another, and to the things which have been going on in this Court, which have been carefully whispered about in the past few months, and which now are breaking into the open.

There being no objection, the statement referred to was ordered to be printed in the RECORD, as follows:

To the CHAIRMAN OF THE JUDICIARY COMMITTEE, UNITED STATES SENATE, and the CHAIRMAN OF THE JUDICIARY COMMITTEE, HOUSE OF REPRESENTATIVES, WASHINGTON:

The President has nominated an upright, fearless, and well qualified man for Chief Justice of the United States.

Mr. Vinson's task is most difficult and long personal friendship with him as well as concern for the Court make me desire that he will succeed in his task. It is important that the magnitude and nature of the task which faces him shall not be minimized.

NOT A PERSONAL VENDETTA

Many have assumed, and the impression has been cultivated, that he faces a mere personal vendetta among Justices which can be soothed by a tactful presiding officer. This is utterly false. The controversy goes to the reputation of the Court for nonpartisan and unbiased decision.

Further suppression of facts will not help Mr. Vinson and will afford continuing basis for irresponsible rumor and innuendo.

This feud has been so much and so long publicized that Congress has a right to know the facts and issues involved. This is the appropriate opportunity so far as they involve myself and my participation in Court decisions. I also have personal reasons for wanting this situation made clear.

Such news as reaches me here indicates that in my absence one of my colleagues made publicized threats to the President and that they have been exploited through certain inspired commentators and columnists to imply that offensive behavior on my part is responsible for the feud on the Court.

I could not defend myself even to the President while the appointment of a Chief Justice was pending without being in the position of pleading for the post. That I would not do. Now that the appointment is made I am free to answer and choose to do so not by inspired innuendos but over my signature.

The most specific attack on me is that in the Washington Star of May 16, 1946. It purports to bespeak Justice Black's grievance that my opinion on the denial of a rehearing in the Jewell Ridge case was an open and gratuitous insult and a slur upon his personal and judicial honor to which he reacted with fiery scorn. It purports to relate the inside story of this case as laid before the President.

BLACK REVERSED HIS POSITION

The omissions from this column are more significant than its inside facts. Since the confidence in which internal matters in the Court ought usually to be held has already been broken by partial disclosure, I shall reveal the undisclosed part of my story.

The Jewell Ridge coal decision (326 U. S. 161) in itself was a somewhat startling one. The United Mine Workers reversed the position it had previously taken about the Fair Labor Standards Act superseding the coal miners' collectively bargained contracts. It employed as counsel Mr. Justice Black's former law partner to argue its new contention to the Supreme Court, and he, too, took a position as to coal miners not consistent with his argument used the previous term to win a case for the iron miners.

Mr. Justice Black reversed the position he had taken in managing the bill as a Senator. The Court, by a bare majority of 5 to 4, supported the change of front by the United Mine Workers. The facts are set forth in the dissenting opinion which I wrote at the request of Chief Justice Stone and in which he and Justices Roberts and Frankfurter joined. Professor Dodd, a leading scholar of labor law and a critic not unfriendly to labor, writes of the majority decision as follows in the February 1946 issue of the Harvard Law Review:

"It is difficult to believe that a majority of the members of the Court would have held the agreements invalid if the case had come before them prior to the date of the union's change of front. So wanton an interference with collective bargaining would scarcely have commended itself to Justices for whom the right of workers to bargain collectively is one of the essential freedoms of an industrial society."

REPRESENTED BY EX-PARTNER

Parties winning this case, which arose in Virginia, were represented before the Court by Crampton Harris, of Alabama, who is Mr. Justice Black's former law partner. Mr. Harris had also been employed by Justice Black, when he was a Senator, to defend him and his committee against litigation resulting from the seizure of certain telegrams in the course of a Senate investigation on the Court.

Mr. Justice Black controlled assignment of the case because the Chief Justice was in dissent. Mr. Justice Black chose Mr. Justice Murphy to write the majority opinion. While Mr. Justice Murphy was preparing his opinion a strike of the mine workers and negotiations with the operators were proceeding. It was proposed to hand down the decision in favor of the miners without waiting for the opinion and dissent. The only apparent reason behind this proposal was to announce the decision in time to influence the contract negotiations.

During the coal strike, Chief Justice Stone protested such proposed irregular treatment vigorously. I do not believe Mr. Justice Murphy favored it. In all events it was abandoned, but the conduct of this case following the Tennessee case created uneasiness in my mind in *Tennessee Coal* v. *Muscoda Local* (321 U. S. 590).

A term earlier Mr. Justice Black's former partner was also the successful attorney there, too. It was Mr. Justice Black who chose Mr. Justice Murphy to write the opinion and there the opinion became that of the Court solely by Mr. Justice Black's vote. Two Justices, including myself, who agreed that the miners should win on the merits could not accept the reasoning of that opinion.

BLACK INSISTED ON MERE DENIAL

The defeated parties in the Jewell Ridge case applied to the Court for a rehearing and asked that Justice Black be excluded from participation because of his past relations to the attorney for the successful parties. As there is no power in the Court to disqualify a duly commissioned Justice, all members were agreed that the petition for rehearing must be denied. The only question was whether we would deny it upon the legal grounds that the Court was without power to pass on the question of qualifications or whether it would be announced merely as "denied," which would leave the grounds of denial undisclosed and, of course, capable of interpretation as an endorsement by the whole Court of Justice Black's participation.

It was at this point that the controversy referred to by the Star's columnist occurred.

Justice Black insisted on a mere denial to his participation or to the other circumstances. If his action were later questioned the denial would be construed as a vindication by the Court on the facts. None of us knew, then, and I do not know now, anything of the relations between the Justice and his former law partner, except that they had continued to be cordial. But in view of the course of the cases, neither I nor any of the other Justices who had dissented wanted to lend our names to a blind and unqualified approval.

I prepared an opinion—in substance the one finally published under my name. The Chief Justice attempted to compromise the matter and prepared a shorter opinion, which read as follows:

"Per curiam this Court is without the authority and does not undertake to pass upon the propriety of the participation by its members in the decision of cases brought here for review. The petition for rehearing is denied."

WILLING TO ACCEPT COMPROMISE

I was willing to accept the Chief Justice's compromise. Mr. Justice Roberts was out of the city and did not attend the final sessions at the conference. I said in substance that the petition should be denied on the legal ground that each member is responsible for his own decision whether to sit or decline to sit in any particular case. I did not say that it was wrong of Mr. Justice Black to sit, but I did say that the question was for him to decide and that responsibility for approving his decision should not be by inference put on the Court, which lacked knowledge of all the facts, but which could not be unaware of the appearances.

I pointed out that to imply approval of his sitting would put the Court, and especially the Chief Justice, in a most inconsistent position. At that very moment the Court was disabled from hearing an important case because Chief Justice Stone declined to sit for the reason that the case was being presented by his former law partners, although he had not been associated with them for many years (*The North American Co. and SEC* v. *Engineers Public Service Co.*).

I said that in view of this dissimilarity of practice I thought the Court should make clear that disqualification for such reasons was a matter on which the Court could not act and which each Justice must determine for himself.

ASSOCIATES PUT ON SPOT

Mr. Justice Black became very angry and said that any opinion which discussed the subject at all would mean a declaration of war.

I told Justice Black in language that was sharp but no different than I would use again

that I would not stand for any more of his bullying and that whatever I would otherwise do I would now have to write my opinion to keep self-respect in the face of his threats.

The Chief Justice told me that at his age he did not want to be in the war which was threatened and withdrew his proposed opinion and kept silent. Mr. Justice Roberts was absent and not consulted. I filed my opinion with Mr. Justice Frankfurter's concurrence. As the record shows, that opinion can hardly be called a gratuitous insult, for the fact is that Mr. Justice Black put his associates in a position where they must speak or by silence approve, with knowledge of all the facts, his course in the case. His position came to this: I must join in covering up the facts or have war.

DENIES THREAT TO QUIT

Such pressure made me doubly cautious about approval and I refused to buy my peace at that price.

Another serious misrepresentation put into the Washington Star column by the device of an anonymous Senator is that I also threatened the President with resignation. This is utterly false. I do not want litigants to think of me as a Justice who has threatened the President whose administration is a party to some 40 percent of Supreme Court litigation. In fact, I shall not be surprised if it soon will be denied that Justice Black made such threats, since they now leave everybody, including the Court, in an unfavorable light.

If not actually made, it is equally sinister that a fabrication about a Justice should be so assiduously advertised without denial from any source.

CONGRESS MUST HAVE FACTS

It is high time that these stories of feuds cease to be mysteriously and irresponsibly fed out and that Congress have the facts.

If war is declared on me I propose to wage it with the weapons of the open warrior, not those of the stealthy assassin.

I want it understood that nothing in this statement is to be construed as the slightest reflection upon Fred Vinson. My knowledge of him leads me to the conviction that attempts to deal with him in the manner I have recited would be no more successful than they were with me. It is desirable to get the controversy all back of us now so that he can take up his task without the cloud hanging over the Court. Further, I do not want it inferred that I charge that Justice Black's sitting in the Jewell Ridge case involved lack of "honor."

QUESTION OF JUDGMENT

It is rather a question of judgment as to sound judicial policy. There may be those who think it quite harmless to encourage the employment of Justices' ex-law partners to argue close cases by smothering the objections which the bar makes to this practice. But in my view such an attitude would soon bring the Court into disrepute. We do not sit like local judges, where lawyers and litigants know our relationships and characters. Our lawyers and litigants are usually, except when appearing for the Government, strangers who know us only by publicity, by our work and by appearances.

However innocent the coincidence of these two victories at successive terms by Justice Black's former law partner, I wanted that practice stopped. If it is ever repeated while I am on the bench I will make my Jewell Ridge opinion look like a letter of recommendation by comparison. I have considered that the attacks upon me during my absence cannot in fairness to future work on the Court be left unanswered and that the responsible committees of Congress are entitled to the facts.

ROBERT H. JACKSON.

NUREMBERG, GERMANY, *June 10, 1946.*

Mr. McCARRAN. Mr. President, yesterday at 5 o'clock I received through the War Department communications system a communication the text of which has for many hours been in the press. That communication will be read before the Committee on the Judiciary on Monday morning at its regular meeting. I shall urge upon that committee—and I think my expression will be listened to—that the committee take no action whatever. I shall utter no expression with reference to that communication or with reference to the incident therein described.

The United States Senate occupies a most peculiar position in the framework of our Government. The day may come—I hope it may never come—when this body may be called upon to sit as a court of impeachment. Should that day ever come—and may God forbid—the chairman of the Judiciary Committee of the Senate will be free to act. I hope that every Member of the Senate will so reserve judgment that nothing will occur to impede his action on such an occasion. I feel that the Judiciary Committee of the Senate will take that position. The chairman of the committee will take and hold that position. No statement of mine has been published, and no statement of mine will be published. As chairman of that committee I make the request that the United States Senate reserve its judgment in this trying moment.

Mr. MURDOCK. Mr. President, I take this opportunity to compliment the chairman of the Judiciary Committee on the very fine and proper attitude which he has expressed on this occasion. In my opinion it is typical of the type of action and attitude which we could expect from the chairman of the Committee on the Judiciary. It seems to me that every Senator could very well take note of the advice given by the chairman of the Judiciary Committee.

EXTENSION OF PRICE CONTROL AND STABILIZATION ACTS

The Senate resumed consideration of the bill (H. R. 6042) to amend the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment offered by the Senator from Ohio [Mr. TAFT].

Mr. BARKLEY. Mr. President, I desire to discuss very briefly the amendment which is now pending before the Senate. Before doing so, I wish to express the hope that we may be able to dispose of this bill before we conclude our deliberations for the day. As I have repeatedly said, there is a large amount of important legislation awaiting our attention.

Mr. MOORE. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. MOORE. Do I correctly understand the Senator to say that he expects to obtain a vote on the bill today?

Mr. BARKLEY. I expressed the hope that we might conclude consideration of the bill before taking a recess today. I am led to express that hope because I believe that the amendment which is now pending can be disposed of shortly. I am aware of not more than one or two other amendments—possibly not more than one—which may be offered, but I think they can be rapidly disposed of.

I am led to make that suggestion for this reason: In all likelihood the measure which is finally enacted must be largely written in conference. There are enough differences between the bill as it passed the House and the bill as it has been reported from the Committee on Banking and Currency to give considerable latitude to the conferees, whoever they may be, in adjusting the differences between the two Houses. In view of that situation, the sooner we can pass a bill through the Senate, with whatever amendments the Senate may adopt to the text of the bill as reported from the committee, the sooner we can dispose of the subject and proceed to other measures of importance which await our attention.

As I have stated, there are now five appropriation bills on the calendar which must be disposed of finally by the 30th of this month. There are two others on their way. In addition, there are many other bills on which Senators are anxious to obtain action as soon as this bill is out of the way. I wish to have the calendar called as soon as this bill is disposed of, for the consideration of bills which were passed over the other day, when we called the calendar only for the consideration of claims bills. I do not think it is unreasonable to hope that we may dispose of this bill today.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. LUCAS. Am I to infer from the Senator's statement that we are to have a night session?

Mr. BARKLEY. I may be too optimistic. I am hoping that we may be able to dispose of the bill without a night session. If we could do so by having an evening session, I would very strongly favor it, and I hope the Senate will be willing to undergo an evening session if there is some fair prospect of disposing of the bill, as I believe there is.

Mr. President, I wish to discuss the amendment offered by the Senator from Ohio. I hope to do it in the very shortest possible time.

It is true that the Senator from Ohio offered his amendment in the committee, and that it was defeated by a tie vote—I believe a vote of 8 to 8. It is in substance what is known in the House as the Wolcott amendment, constituting section 2 of the House language. Inasmuch as that section is in the House language, if the Senator's amendment were rejected by the Senate the entire subject of that policy would be in conference.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BARKLEY. Just a moment. If the Senator's amendment were adopted, it is nearly enough like the House language so that the conferees might be limited in determining upon a policy with respect to the subject matter contained in both amendments.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. TAFT. I think there is a substantial difference. I think it is somewhat doubtful whether this principle could be adopted if there were nothing in the bill but the Wolcott amendment. The Wolcott amendment applies to wholesalers and retailers. My amendment does not. The Wolcott amendment applies to each individual. My amendment does not. I question very much whether some features of my amendment could be in conference if only the Wolcott amendment went to conference.

Mr. BARKLEY. For the very reason that it includes distributors and retailers, the Wolcott amendment is broader than the amendment offered by the Senator from Ohio.

Mr. TAFT. It proceeds on a somewhat different theory.

Mr. BARKLEY. Be that as it may, I do not know whether it is worth while to discuss this amendment at all, so far as any votes with reference to it are concerned. However, I feel that I should make a brief statement with reference to it for the RECORD, whether anyone listens to my statement or reads it.

In the first place, the committee has worked out what it considered, and what I believe to be, a comprehensive program of decontrol. We all realize that we are on the downhill side of this situation. We are traveling toward the termination of price control. Both Houses are so determined to acquaint the country with that fact that, as the bill passed the House, and as it will undoubtedly pass the Senate, it will contain the definite announcement that on a certain day, June 30, 1947, the Office of Price Administration shall be abolished.

During the remaining year we shall be on the down grade. We are traveling toward the end of the lane. In my judgment, the question involved in the amendment offered by the Senator from Ohio is whether during the last year of price controls and regulations we are to stop and establish an entirely new formula for the administration of the act during the remaining year, when we did not do so at the beginning of price control, when the Stabilization Act and the Price Control Act were originally enacted.

We have set a date for the termination of the Office of Price Administration. We have established a standard by which articles are to be decontrolled. We have said that all articles, whether agricultural or nonagricultural, which do not play an important part in the cost of business or in the cost of living shall be taken out from under control not later than December 31 of this year, and that all other articles, whether agricultural or nonagricultural, as to which the supply is approximately equal to or is in excess of the demand, shall also be decontrolled.

So I think that by the 1st of January of the coming year, under the normal procedures provided by this measure, there will be remaining only such controls by way of price ceilings as will be absolutely essential, due to the short supply of commodities in relation to the demand for them. We have provided for a decontrol board in order to speed up the decontrols and we have provided the Secretary of Agriculture with authority to decontrol all agricultural products. Although he will make his recommendations to the Price Administrator, the Price Administrator will be required, under the terms of the bill, to carry out the instructions of the Secretary of Agriculture. I think the only reason why provision for action by the Price Administrator is retained in this measure is to give a certain semblance of unified action by one head. But under the bill the Price Administrator must do what the Secretary of Agriculture tells him to do, either in regard to decontrolling altogether or in regard to making adjustments in the prices of agricultural products and of all things which are produced from agricultural products.

So, Mr. President, insofar as the farmers and those who process farm products are concerned, the Secretary of Agriculture will really be in complete control of what is done in respect to those categories of commodities.

Mr. President, we should keep in mind that under the Price Control Act we heretofore have set up in the law guideposts by which the Price Administrator shall be governed, and he has written his formulas in accordance with that policy. In some individual situation we may disagree with him in regard to the length of time it took to reach a conclusion with respect to a formula which we wrote into the act way back yonder in 1942. But from the very nature of things, the Price Administrator was required to deal with such a multiplicity of products that it was inevitable that there would be disagreements and unavoidable clashes of judgment, when judgment had to be exercised in regard to such a complicated set of facts and figures as pertain to every industry and every product.

As I said yesterday, one of the most fruitful sources of complaint has been the delay in obtaining action through the Price Administration. Sometimes I have expressed my own impatience with the delay, and at one time I said to the Price Administrator that in the long run it would be better to do something wrong, but do it quickly, so that everyone would know what to rely upon, rather than to wait months and months and finally do something different. But in the pending bill we have undertaken to cure that situation by providing for a Decontrol Board, and by providing for the taking of prompt action by the Secretary of Agriculture and the Price Administrator and the Decontrol Board, so that there will no longer be such interminable delays. Let us see what the control standard is in existing law. Section 2 (a) of the Price Control Act reads as follows:

SEC. 3. (a) Whenever in the judgment of the Price Administrator (provided for in sec. 201) the price or prices of a commodity or commodities have risen or threaten to rise to an extent or in a manner inconsistent with the purposes of this act, he may by regulation or order establish such maximum price or maximum prices as in his judgment will be generally fair and equitable and will effectuate the purposes of this act.

There is the standard which we set up in the law in the first instance—namely, that it should be done fairly and equitably.

The act further provides:

So far as practicable, in establishing any maximum price, the Administrator shall ascertain and give due consideration to the prices prevailing between October 1 and October 15, 1941 (or if, in the case of any commodity, there are no prevailing prices between such dates, or the prevailing prices between such dates are not generally representative because of abnormal or seasonal market conditions or other cause, then to the prices prevailing during the nearest 2-week period in which, in the judgment of the Administrator, the prices for such commodity are generally representative), for the commodity or commodities included under such regulation or order, and shall make adjustments for such relevant factors as he may determine and deem to be of general applicability, including the following: Speculative fluctuations, general increases or decreases in costs of production, distribution, and transportation, and general increases or decreases in profits earned by sellers of the commodity or commodities, during and subsequent to the year ended October 1, 1941: *Provided*, That no such regulation or order shall contain any provision requiring the determination of costs otherwise than in accordance with established accounting methods.

There we set up a general standard for fair and equitable treatment with respect to commodities, based upon the 2-week period from October 1 to October 15, 1941, and with a requirement that other elements shall be taken into consideration in determining prices. That is the Price Control Act.

I read now from the Stabilization Act of 1942, as amended June 30, 1944:

SECTION 1. In order to aid in the effective prosecution of the war, the President is authorized and directed, on or before November 1, 1942, to issue a general order stabilizing prices, wages, and salaries, affecting the cost of living; and, except as otherwise provided in this act, such stabilization shall so far as practicable be on the basis of the levels which existed on September 15, 1942. The President may, except as otherwise provided in this act, thereafter provide for making adjustments with respect to prices, wages, and salaries, to the extent that he finds necessary to aid in the effective prosecution of the war or to correct gross inequities: *Provided*, That no common carrier or other public utility shall make any general increase—

And so on. So, Mr. President, in the original Price Control Act and in the Stabilization Act passed in 1942, as amended up to 1944, from which I have just read, we ourselves set the standard by which the Office of Price Administration should be governed.

In the administration of that act no doubt mistakes have been made; no doubt errors of judgment have accumulated, but in the process of administration those in charge have, I think, endeavored to carry out to the best of their ability the standards set up by Congress in 1942 and all of the amendments which have been added since the enactment of the original law.

The amendment of the Senator from Ohio would require the setting up of a different standard. Regardless of whatever anyone may say, it would require the OPA during the last year of its existence, when we are going down the hill toward the end of the control of prices and regulation of prices, to depart from the standards which it has set up under the law, as they have heretofore existed, and to set up a new standard, by requiring that it shall—and, Mr. President, in order that I may make no mistake, I shall read the provision of the amendment:

SEC. —. (a) Notwithstanding the provisions of this act, the Stabilization Act of 1942, or the Price Control Act of 1942, as amended, but only after the procedure prescribed in subsection (d) hereof—

It provides that an industry advisory committee may apply to the Administrator for the application to any product of the standard set forth in subsection (a), which I am about to read—

no maximum price applicable to any manufacturer or processor shall be established or maintained for any product below the price of such manufacturer or processor for such product during the base period—

That was from October 1 to October 15, 1941—

increased by an amount equal to the increase in the weighted average of the per unit costs of a reasonable number of typical manufacturers or processors with respect to such product since the base period.

In other words, under the provisions of the amendment, the Administrator would be required to pick out what he regarded as a representative number of manufacturers in any field, and he would be required to decide what was the cost per unit in 1941, from October 1 to October 15. When he had selected that representative group of manufacturers and had determined their cost per unit, then he would be required to add to their prices for October 1941 an increase equal to the increase in the weighted average of the per unit costs of a reasonable number of typical manufacturers or processors.

"Weighted average" is a flexible term. It may include the average of any number of manufacturers. We might take, for example, a dozen manufacturers, add their costs in relation to any particular product, divide the sum by 12, and we would have the weighted average. Or we might add the weighted cost of all 12 of those manufacturers, divide by 12, and we would have the average cost. There are many ways by which we may obtain the weighted average. The term takes into consideration the number of manufacturers of a product, and also their diversified costs.

So, Mr. President, the pending amendment would require the OPA, during the last part of its operations, and during a period for which we have provided decontrol of a large number of products by name, and prescribed standards by which eventually other products shall be decontrolled, to follow methods of accounting to which they have not been accustomed, and specifically exempt certain products from any form of control after the 30th day of June.

Mr. President, it seems to me that the adoption of this amendment would cast upon the OPA, in its declining days, an additional burden of readjusting completely its accounting methods, and an entirely new standard by which it would control the prices of articles which would remain under control as the year moved forward.

For the reasons which I have expressed, and others which I could express if I desired to take time in doing so, I hope that the amendment will be rejected.

Mr. LUCAS. Mr. President, I send forward to the desk an amendment which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 39, after line 8, it is proposed to insert the following:

SEC. —. Section 205 of the Emergency Price Control Act of 1942, as amended, is amended by adding at the end thereof the following new subsection:

"(h) No proceedings shall be instituted by the Administrator under this section in any State, Territorial, or Federal court unless the institution of such proceedings is approved by the District Attorney of the United States for the district within which such proceedings are brought."

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. McMAHON. Mr. President, I have 10 reasons for being opposed to the amendment which has been offered by the senior Senator from Ohio [Mr. TAFT]. I shall endeavor to state them as concisely and briefly as possible.

My first reason is that the amendment would result in countless demands being made for price increases. The OPA now has more than 500 industry advisory committees. The industries involved manufacture thousands of products. For most of those products, dollar margins have probably been reduced. All those industries could hope to gain increases in the prices of at least some of their products.

My second reason is this: The fact that dollar margins have been reduced since October 1941, does not mean that present ceilings must be oppressive or unfair. In October 1941, dollar margins were very high. Some cost increases could easily be absorbed under ceilings and still yield more than prices under normal conditions. Moreover, greater volume means that smaller dollar margins may yield higher aggregate profits.

Third. Even the industry advisory committee which was satisfied with its present margins, would be unwise not to apply for price increases, inasmuch as it would know that the price increases which the amendment would compel for the articles which the industry buys, would soon be cutting into existing margins.

Fourth. Prices established by action under the Taft formula would not be stable. On the contrary, every new cost would justify a new application for price increase. Any smart committee would keep a continuing stream of applications converging upon the OPA.

My fifth reason for opposing the amendment is that one of the first casualties of the formula would be the OPA's entire reconversion pricing program. The OPA has sought to reflect in its prices for reconversion commodities, their 1941 costs plus subsequent changes in basic rates and material prices, plus the 1936–39 margin on sales. The Taft formula would require the immediate reflection of all bulge costs, however temporary, including the high unit overhead costs caused by low volume. On top of this it would put the 1941 dollar profit margin. The result would be price increases, many of them substantial, in automobiles, refrigerators, vacuum cleaners, and scores of other consumer durables.

Allow me to give my sixth reason for being opposed to the Taft amendment. The cost data which the industry committees would be submitting would often be unreliable, not because of dishonesty on the part of committee members, but because so few industries maintain reliable product-by-product costs. With the broad latitude which is allowed the Administrator to accept guesswork where no reliable data are available, there is no question that exaggerated cost figures would be the rule rather than the exception. The task of cost calculation is especially difficult because of the necessity of going back 5 years to 1941 costs.

My seventh reason is that the Administrator would have not time in which to check the accounting figures which would be submitted. The OPA's accounting staff is far too small for the job. It would be quickly absorbed in the task of examining the first few score of industry applications which would be submitted. Having been caught by the 60-day time limit, the Administrator would be compelled to allow the hundreds of remaining industries virtually to write their own tickets.

Mr. President, this is my eighth reason: In order to provide for the new pricing formula and for such special features as the pricing of intervening variations in the product, it would be necessary to compel the OPA to modify hundreds of its regulations. Such paper work alone would bog down the OPA's operations, and its current business would fall hopelessly in arrears. The system of controls which now exists within the OPA is far too intricate to permit revamping overnight. Administrative chaos, with an epidemic of resignations, would soon result.

My ninth reason lies in the fact that enforcement and compliance alike depend on a reasonable stable level of prices, so that businessmen can come to know what are truc ceiling prices. But when nearly all prices would be changing from month to month, the black market could operate almost with impunity. Moreover, the OPA would find it almost impossibe to maintain its dollar-and-cents ceilings which are so important to effective control. Paragraph (e) of the

amendment would almost certainly doom most uniform ceilings.

My tenth reason for opposing the Taft amendment is this: The irony of the situation is that the amendment is being proposed at a time when industry generally is not in need of price relief. Its profits for 1946 promise to be very large. It is emerging from a period of wage and price increases and material shortages with a green light ahead. If any industry should still be squeezed, the OPA pricing standards would offer opportunity for relief. Eight hundred and twenty-five industry-wide price orders increasing ceilings have been issued since VE-day. Such a record is not one of rigid, inflexible pricing. Two hundred and thirty-one of those orders, for example, were to maintain or increase the supply of needed commodities. Moreover, thousands of individual price adjustments have been granted, largely by OPA field offices.

Mr. President, the original act provided for increases or decreases in costs, and increases or decreases in profits. In the amendment which has been proposed by the senior Senator from Ohio, decreases in costs are expressly disregarded, and the amendment ignores completely increases in profits. In other words, it seems to me that the amendment disregards entirely the interest of the consumers, and considers only the factors which will increase prices and profits.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. McMAHON. I will yield in a moment. I predict that if the Taft amendment is agreed to and becomes law, it will do to price control that which has been predicted for it, namely, complicate price control and make it administratively so impossible as to prevent effective protection of the American consumer.

I now yield to the Senator from Ohio.

Mr. TAFT. Mr. President, while the amendment does not apply to a commodity with reference to which there is a decrease in cost, it leaves the Price Administrator free to deal with such increases as he may deem correct. He may decrease the price if he sees fit to do so. There is nothing in the amendment which would prohibit him from applying the present formula, or any other formula which he might choose to adopt. So it works both ways. This amendment is merely to limit him. He must go at least this high. If there has been a decrease in cost, then it does not apply at all, and he may apply the present formula, if he wishes, to that kind of a situation.

Mr. McMAHON. Is it the Senator's contention that under his amendment the Administrator may provide for decreases in ceiling prices?

Mr. TAFT. Yes; he may provide for decreases in ceiling prices under two conditions: If costs have increased and the price is higher than the increase of cost, he may provide for reducing it to the point of reflecting only the increased cost. In a case where there has been a decreasing cost, if an article actually is manufactured more cheaply today than it was manufactured in 1941, he may apply his present formulas—his present rules—and under those he may reduce his prices practically as he sees fit.

Mr. President, I ask for the yeas and nays on the amendment.

Mr. GEORGE. Mr. President, I wish to make a brief statement about the amendment. I expect to support it, and do so on very broad grounds. I believe in the profit system. I do not believe in the philosophy, wherever it comes from and from whatever source it is pronounced, that this country has arrived at the point when we must limit income by law and must deny profits to industry.

The amendment does not destroy the Price Control Act. It does recognize the profit system, and it very wisely does so, in my opinion, for this very simple reason: I do not speak of the present Administrator of OPA because he inherited the job under very difficult circumstances, when everything had been set, of course, but since the early days of OPA it has constantly sought to limit profits. That has been its great desire; that has been the great driving force back of it.

Mr. McMAHON. Mr. President——

The PRESIDING OFFICER (Mr. MYERS in the chair). Does the Senator from Georgia yield to the Senator from Connecticut?

Mr. GEORGE. I yield.

Mr. McMAHON. If they have tried to limit profits, they have not done a very good job of it, because corporate profits under the OPA are up 321 percent before taxes, and were up 121 percent last year after taxes. So I think that if the Senator is complaining about their limiting profits, it would seem to me that the complaint is not very well laid.

Mr. GEORGE. Mr. President, I do not care to take any issue about who has or has not made profits in this country, but I do stand in my place here now and say that I never will subscribe to the doctrine that we shall control profits in the United States, in ordinary business affairs, in times of peace. That is a doctrine to which I can never subscribe at all. I know precisely whence the argument comes, and everyone else in this body knows where it originates.

If I felt as does my friend from Kentucky, the distinguished majority leader, for whom we all have the warmest affection, that the OPA was in its declining days, and rapidly moving toward its complete end, I might be indifferent to what was done or what was not done, but I can conceive of no argument which can be made for the continuation of OPA now, more than 12 months after the guns ceased firing in Europe, and nearly 12 months since they ceased firing in the Pacific, which cannot be advanced with equal force 12 months hence, particularly if OPA is going constantly to follow the policy of restricting production and restricting the distribution of the goods so sorely needed by the people of the United States.

Basically, we have to have production, and we must have distribution of the commodities of those who produce in order ever to get rid of the argument which has been continuously advanced for OPA.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. BARKLEY. I wish to call the Senator's attention to the fact that in the law as it now exists, among the things which are to be taken into consideration are specifically set out "speculative fluctuations, general increases or decreases in costs of production, distribution, and transportation, and general increases or decreases in profits earned by sellers of the commodity or commodities." So that in the present law we have practically laid down the standard by which the OPA, in carrying out the objectives of the act, shall take into consideration increase or decrease in profits accruing by reason of the sale or distribution of the commodities which are covered by the act.

I think that while in many cases there have been small profits made, and in some cases none at all, that is not a situation which is different from the condition which prevailed long before the Price Control Act was enacted, and right up to the time of its enactment, because there is always a time, even in the most profitable seasons of the year or of the decade, in which some people do not make profits upon their investments or upon their merits, however assiduous they may be. So I do not think there is any advance of the requirement to take into consideration the profit motive in the fixing of prices at this time under the law as it has been existing.

Mr. GEORGE. I agree with the Senator. There was not any in the original act, Mr. President. The original act itself never contemplated that it was the function or duty or responsibility of OPA to fix and control profits. It was charged with the responsibility of controlling prices, and it was charged with the responsibility of considering production as a means of controlling prices.

What I am criticizing is not what was in the law originally, but the theories which were early approved by the OPA, and which have steadfastly been continued as a matter of policy by the organization.

Therefore, Mr. President, I am for the amendment, because it very definitely provides, not that every man shall make a profit; not at all, but it says that we will not by law permit anyone to say that an honest American who is industrious and frugal, and who has the vision to carry on his own business, has not the possibility of making a profit. For that reason I am for the amendment. It looks in that direction. It guarantees nobody a profit, it guarantees no individual producer a profit, but it makes it possible for a profit to be earned if a business is well managed, well conducted, and is carried on according to business principles.

Mr. President, that is the interpretation I put upon the amendment, and for that reason I am going to support it wholeheartedly, because it does look in a direction different from the early theory adopted by OPA. I protested against those theories when they were first announced by that agency, as did many other Senators. But it was to no avail. First it was denied that the OPA

had such a theory as considering the question of profits. Then finally they qualified it by saying that in certain circumstances they would look to profits in fixing their prices. Now they have practically abandoned that.

The trouble about OPA has been that we gave to the agency, a wartime agency which had to be set up under war conditions, and which functioned, of course, in the public interest, notwithstanding all its defects as a war agency, large discretionary powers, and we saw in that agency various sorts of formulas bloom and blossom and various sorts of theories take root, and now in peacetime they remain.

As I was saying, if I felt absolutely sure that the agency was in its declining days, as my distinguished friend, the Senator from Kentucky, has suggested, and that there would be no impediment thrown in the way of its rapid and continuous decline until we could come out again into a free economy, with free markets operating, I would feel vastly different about the matter.

I do not want to do away with the Office of Price Administration entirely, and I do not understand that the amendment would destroy the OPA or the Price Control Act. But I do understand that the effect of it is a very definite prohibition against certain theories which have been in effect in OPA since its beginning. I absolve the present Administrator, the Honorable Paul Porter, because as I said, he inherited the outfit, he inherited its theories, he inherited the programs that had already been formulated, and he also inherited Mr. Bowles. He has not been able to get rid of Mr. Bowles.

Mr. President, while I do not want to be critical of Mr. Bowles, I should like to make the statement for the RECORD that he is the most inflated product and commodity that I know of at all.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio [Mr. TAFT], as modified.

Mr. TAFT. I ask for yeas and nays.

The yeas and nays were ordered.

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hayden	Overton
Andrews	Hickenlooper	Pepper
Austin	Hill	Reed
Ball	Hoey	Revercomb
Barkley	Huffman	Robertson
Bilbo	Johnston, S. C.	Saltonstall
Bridges	Kilgore	Shipstead
Brooks	Knowland	Smith
Buck	La Follette	Stanfill
Burch	Lucas	Stewart
Bushfield	McCarran	Taft
Capper	McClellan	Taylor
Connally	McFarland	Thomas, Okla.
Cordon	McKellar	Thomas, Utah
Donnell	McMahon	Tobey
Downey	Magnuson	Tunnell
Eastland	Maybank	Tydings
Ellender	Mead	Vandenberg
George	Millikin	Walsh
Gerry	Moore	Wheeler
Guffey	Morse	Wherry
Gurney	Murdock	White
Hart	Murray	Wilson
Hatch	Myers	
Hawkes	O'Daniel	

The PRESIDING OFFICER. Seventy-three Senators having answered to their names, a quorum is present.

The question is on agreeing to the amendment of the amendment of the Senator from Ohio [Mr. TAFT] as modified.

The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED (when his name was called). I have a general pair with the senior Senator from New York [Mr. WAGNER]. I transfer that pair to the Senator from Indiana [Mr. CAPEHART] and will vote. I vote "yea."

The roll call was concluded.

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY], and the Senator from Alabama [Mr. BANKHEAD] are absent because of illness.

The Senator from Nevada [Mr. CARVILLE], and the Senator from Idaho [Mr. GOSSETT] are absent by leave of the Senate.

The Senator from Missouri [Mr. BRIGGS], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Colorado [Mr. JOHNSON], the Senator from Washington [Mr. MITCHELL], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Florida [Mr. PEPPER], the Senator from Georgia [Mr. RUSSELL], and the Senator from New York [Mr. WAGNER] are detained on public business.

The Senator from Virginia [Mr. BYRD] is absent on official business.

The Senator from Arkansas [Mr. FULBRIGHT] and the Senator from Rhode Island [Mr. GREEN] are absent on official business, attending the meeting of the Empire Parliamentary Association in Bermuda.

I also announce the following general pairs: The Senator from Alabama [Mr. BANKHEAD] with the Senator from Nebraska [Mr. BUTLER]; the Senator from Arkansas [Mr. FULBRIGHT] with the Senator from Wisconsin [Mr. WILEY]; the Senator from Rhode Island [Mr. GREEN] with the Senator from Michigan [Mr. FERGUSON]; and the Senator from Georgia [Mr. RUSSELL] with the Senator from Indiana [Mr. WILLIS].

I announce that if present and voting, the Senator from Missouri [Mr. BRIGGS], the Senator from Rhode Island [Mr. GREEN], the Senator from Colorado [Mr. JOHNSON], the Senator from Washington [Mr. MITCHELL], the Senator from Maryland [Mr. RADCLIFFE] and the Senator from New York [Mr. WAGNER] would vote "nay."

Mr. WHERRY. The Senator from Nebraska [Mr. BUTLER] has a general pair with the Senator from Alabama [Mr. BANKHEAD].

The Senator from Wisconsin [Mr. WILEY] has a general pair with the Senator from Arkansas [Mr. FULBRIGHT].

The Senator from Michigan [Mr. FERGUSON] has a general pair with the Senator from Rhode Island [Mr. GREEN].

The Senator from Indiana [Mr. WILLIS] has a general pair with the Senator from Georgia [Mr. RUSSELL].

The Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate. If present he would vote "yea." He has been paired by the transfer stated by the Senator from Kansas [Mr. REED].

The Senators from North Dakota [Mr. LANGER and Mr. YOUNG] are absent by leave of the Senate.

The Senator from Maine [Mr. BREWSTER] is necessarily absent.

The Senator from Michigan [Mr. FERGUSON] and the Senator from Wisconsin [Mr. WILEY] are absent by leave of the Senate as members of the committee appointed by the United States Senate to attend the Empire Parliamentary Conference in Bermuda.

The result was announced—yeas 44, nays 29, as follows:

YEAS—44

Andrews	Gurney	Revercomb
Austin	Hart	Robertson
Ball	Hawkes	Saltonstall
Bilbo	Hickenlooper	Shipstead
Bridges	Hoey	Smith
Brooks	Johnston, S. C.	Stanfill
Buck	Knowland	Stewart
Burch	McClellan	Taft
Bushfield	McKellar	Thomas, Okla.
Capper	Maybank	Tobey
Connally	Millikin	Tydings
Cordon	Moore	Vandenberg
Donnell	O'Daniel	Wherry
Eastland	Overton	White
George	Reed	

NAYS—29

Aiken	Kilgore	Murray
Barkley	La Follette	Myers
Downey	Lucas	Pepper
Ellender	McCarran	Taylor
Gerry	McFarland	Thomas, Utah
Guffey	McMahon	Tunnell
Hatch	Magnuson	Walsh
Hayden	Mead	Wheeler
Hill	Morse	Wilson
Huffman	Murdock	

NOT VOTING—23

Bailey	Chavez	O'Mahoney
Bankhead	Ferguson	Radcliffe
Brewster	Fulbright	Russell
Briggs	Gossett	Wagner
Butler	Green	Wiley
Byrd	Johnson, Colo.	Willis
Capehart	Langer	Young
Carville	Mitchell	

So Mr. TAFT's amendment, as modified, was agreed to.

The modified amendment of Mr. TAFT, as agreed to, is as follows:

On page 40, after line 19, insert:

"SEC. —. (a) Notwithstanding the provisions of this act the Stabilization Act of 1942 or the Emergency Price Control Act of 1942, as amended, but only after the procedure prescribed in subsection (d) hereof, no maximum price applicable to any manufacturer or processor shall be established or maintained for any product below the price of such manufacturer or processor for such product during the base period, increased by an amount equal to the increase in the weighted average of the per unit costs of a reasonable number of typical manufacturers or processors with respect to such product since the base period, but if such product as now manufactured has a different size, quality, or other characteristic, then with appropriate adjustments for such differences. This section shall not apply with respect to any new product which was not manufactured in the base period, nor with respect to any product if the weighted average per unit costs of a reasonable number of typical manufacturers or processors with respect to such product has decreased since the base period. In determining costs for

the purposes of this section, all costs shall be included which are considered as such under the established accounting practices of the industry, and where per unit advertising expenditures are below those of the calendar year of the base period, unit costs, for the purposes of this section, shall include per unit advertising expenditures at the rate prevailing in the year of the base period.

"(b) For the purposes of this section the 'base period' shall be the period between October 1 and October 15, 1941, except that if in the case of any manufacturer or processor or in the case of any product, there were no prevailing prices between such dates, or the prevailing prices between such dates were not generally representative because of abnormal or seasonal market conditions or other cause, the base period shall be the nearest 2-week period in which, in the judgment of the Administrator, the prevailing prices were substantially normal.

"(c) As used in this section, 'product' shall mean any major item, product, or article different in character from other products of the industry and which is separately considered, listed, priced, or dealt with by the industry in the normal course of business.

"(d) Any industry advisory committee may apply to the Administrator for the application to any product of the standard set forth in subsection (a) hereof, and shall present with the application comprehensive evidence with relation to the increase in cost of such product from the base period to the date of such application. The Administrator shall consider the evidence so presented and all evidence otherwise available to him and shall, within 60 days after the receipt of such application, determine the increase in the weighted average of the per unit costs of a reasonable number of typical manufacturers or processors with respect to such product of such industry since the base period and announce the amount of such increase. In determining such weighted average of the per unit costs of manufacturers or processors, it shall not be necessary to obtain detailed cost accounting figures from any manufacturer who does not already have such figures or to obtain the usual detailed accounting reports from more than a reasonable number of typical manufacturers and processors, but the Administrator shall promptly reach a conclusion from the best evidence available to him. He shall exclude from his calculations any manufacturers or processors whose costs by reason of special conditions are completely abnormal.

"(e) Whenever the Administrator has announced the increase in the weighted average of the per unit costs for any product under subsection (d), it shall be lawful for any manufacturer or processor to sell such product at the price per unit he charged in the base period, plus the increase per unit so announced by the Administrator, with appropriate adjustments for differences in size, quality, or other characteristics."

Mr. BARKLEY. Mr. President, I ask the indulgence of the Senate. I do not believe there are more than one or two further amendments, aside from clerical amendments. Therefore I am indulging the hope that Senators will remain in the Chamber in order that we may conclude consideration of the bill today. I think there is no doubt that we can do it. If it is necessary to remain in session a little longer than the usual time, I hope Senators will be willing to do so in order that we may dispose of this legislation. I think the chances are that we can dispose of it by the regular time for taking a recess.

PERSONAL STATEMENT

Mr. THOMAS of Oklahoma obtained the floor.

Mr. McKELLAR. Mr. President, will the Senator from Oklahoma yield to me for a few moments?

Mr. THOMAS of Oklahoma. I yield.

Mr. McKELLAR. Mr. President, some of my political enemies in Tennessee—and frequently, I think, also the Associated Press—have charged me with being "a patronage monger." Of course, these charges are absolutely without the slightest foundation in fact. I doubt if there is any other Senator who pays as little attention to patronage as I do. The so-called streamlining of Congress bill has caused me to look into the facts. There are two or three outstanding facts which will show that what I have just said is correct.

The Senate has approximately 341 officers and employees under it. The total amount paid to those 341 officers and employees is $874,000. A simple division of this amount by 96, the entire number of Senators, shows that if the patronage were divided equally each Senator would have $9,100 in patronage. I have examined the number, the names and the positions of the employees whom the junior Senator from Tennessee [Mr. STEWART] and I have on the patronage roll. There are eight of them all told, and the eight draw salaries totalling $16,920, which gives to each of us $8,460 of patronage, each less than the average for all Senators.

If only Democratic Senators have patronage—and I digress to say that I do not know whether patronage is divided among all 96 Senators, or only among Democratic Senators; I do not know what the rule is, and I have never examined into that question—but if only Democratic Senators during this Democratic administration have patronage, then the situation is very different, for we divide $874,000 by 56, which would give to each of the 56 Democratic Senators upward of $15,600, while my portion is $8,460, a little more than half the average. Even if I were charged with one-half the amount of the salaries of those now on the rolls who were appointed during the terms of Senators Shields and Hull, my portion would be $13,300, as against the average of $15,600.

It is true that there are two other positions charged to Tennessee, but neither my colleagues [Mr. STEWART], nor I put these gentlemen on the rolls. They are both good men. One of them was appointed by John K. Shields probably 25 or 30 years ago and the other one was appointed by Secretary Hull when he was a United States Senator serving in this body. Both these employees are excellent men, but neither one of them was put on the Senate pay roll by my colleague, Mr. STEWART, or myself. I have a list of the salaries of his employees and of mine, amounting to a total of $8,460 each. I should be glad to put the list into the RECORD, except that I find it is marked confidential. I do not know why. Any Senator can get it and can ascertain the details for himself.

In view of the false charges that are constantly being made in some of the newspapers, I think it is only fair to me to say that on the Appropriations Committee staff I do not have a single solitary Tennessean, although I have been a member of that committee for 20-odd years; in fact, I do not recall at the moment exactly how long I have served on it. I may state further that all of the employees on that committee were appointed by my predecessors, and I think some of them began their service as far back as the days of Senator Warren, Senator Hale, and Senator Glass. I have not the slightest idea of changing any of these employees, because I consider them, taken as a whole, exceedingly efficient. If by any mischance I should lose Mr. Everard Smith or Mr. Cecil Tolbert or almost any of the others, I hardly know how I could perform the duties of chairman of that committee. That is one of the main reasons why I fought the "director general" idea which was proposed in the so-called streamlining of Congress bill. It will be remembered that under that bill it was originally contemplated that, instead of that committee's present staff, the "director general" would employ 44 experts for the Senate Appropriations Committee. In my judgment, that would have been a most extravagant and useless waste of the people's money. I would rather have the secretary of that committee, Mr. Smith, than all 44 of the new experts that the "director general" of the Senate would have had the power to appoint for me under that bill.

While I am talking about patronage, there is another falsehood which I wish to correct at this time. The statement has been made that I was opposed to Lilienthal because Lilienthal would not allow me to appoint my friends to positions in the Tennessee Valley Authority.

I suppose every Member of the Senate has heard that infamously false charge made against me, namely, that the reason why I wished to have the Tennessee Valley Authority pay into the Treasury the profits from its operations was in order to make it possible for me to get even with him for refusing me patronage because he would not appoint my friends to positions with the Tennessee Valley Authority. Mr. President, it is difficult to understand how anyone who has sense enough to run a newspaper would publish such a falsehood. No one has ever fought for the TVA more than I have. The construction of the dams for the TVA was one of the outstanding successes of my political career. But some 2 or 3 years ago, when I wanted the TVA to pay its receipts into the Treasury of the United States, just as every other activity of the Government does now, at least two daily newspapers in Tennessee took up the cry that my purpose was to enforce patronage demands on the TVA. A more willful, deliberate, conscienceless falsehood was never published about me—and some very conscienceless falsehoods have been published. Heretofore, when I have denied the falsehoods all that those newspapers have said has been, "Of

course, he would deny the truth." This time I am going to prove the statement by the record.

On pages 94 and 95 of the hearings on the independent offices appropriation bill for 1946 it is shown that Lilienthal was before the committee, and I was "jacking him up" about possible violations of the Hatch Act—incidentally I saw the Senator from New Mexico [Mr. HATCH] in the Chamber just a few minutes ago—and the TVA Act which prohibits politics in that organization. Among other things, the following occurred:

Senator MCKELLER. I am not referring to that because my recollection is, I do not recall whether I have ever recommended anyone to the TVA. I do not recall it. If it is true, and I am quite sure it is not, it was not political, and yet this particular gentleman who spoke to me about it said my only purpose was to introduce politics into the TVA. Nothing is farther from my purpose. I am a great believer in letting well enough alone because as far as I know, during the years that TVA has operated in its present form, if there have been politics against me in the TVA, I do not know anything about it. I am completely ignorant. Is that not a good doctrine, Senator GREEN?

Senator GREEN. Very good.

Mr. President, let me point out that the accusation that I have tried to have certain persons appointed to the TVA has been made by some newspapers almost weekly, on the average—in fact, almost daily. Mr. Lilienthal, in replying to that charge, said at those hearings:

Senator, I do not know of a single instance.

Yet, Mr. President, for the last number of years these two newspapers have said that the reason I have been opposed to the TVA has been that Lilienthal would not appoint certain friends of mine to the TVA. As a matter of fact, I have never opposed the TVA. If it had not been for me, not one of the dams would have been built on the Tennessee River. My friend the Senator from Oklahoma [Mr. THOMAS], who has so graciously yielded to me, will recall that the dams on the Tennessee River were built as the result of a vote in the Senate which carried by a majority of one, and I provided that majority.

In the hearings to which I have referred, Mr. Lilienthal made the following statement in defense of himself:

Mr. LILIENTHAL. I am convinced no one can point to any instance in which the TVA employee or anyone connected with TVA has participated in politics.

Senator MCKELLAR. I am equally confident that I have never attempted to introduce any political matter into the TVA from the very beginning to the present time.

That was in 1945.

Mr. President, of course I do not expect these two hating and untruthful newspapers to publish these facts. No doubt they still will speak of me as "a patronage monger," as they have of old. But the truth is that I forced Lilienthal to admit that I never had recommended anyone for any place on the Tennessee Valley Authority. That is proven by the record of the hearings of February 21, 1945.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD, as a part of my remarks, certain letters from members of the committee which fully explain the situation in relation to the Tennessee Valley Authority.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

APRIL 9, 1946.

Senator KENNETH MCKELLAR,
Senate Office Building.

DEAR KENNETH: I have your letter relative to the part you played in securing appropriations for the construction of dams in the Tennessee River, under the management of the Tennessee Valley Authority.

I note your statement that it is said you did not take an active part in securing the appropriations for these dams. This will, of course, be surprising to all the members of the Appropriations Committee. I have been a member of the Committee on Appropriations since very soon after the TVA was authorized. You have been the leading advocate before that committee of all the appropriation items passed for the construction of dams in the Tennessee River. You have initiated and actively pressed for each of the appropriations, and have secured most of them without a recommendation by the Budget Bureau. I do not recall that Senator Norris ever appeared before the Appropriations Committee in support of any of these appropriations. There was active opposition in the committee to the construction of all the proposed dams after I became a member of the committee. It is very doubtful whether or not any of the dams, except Wilson and Norris, would have been constructed but for your aggressive and persistent support of appropriations for their construction.

It is not my purpose to take part in any campaign in Tennessee. I am simply giving, at your request, the facts within my knowledge relating to the TVA project.

Sincerely your friend,

J. H. BANKHEAD.

APRIL 17, 1946.

Senator KENNETH MCKELLAR,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR MCKELLAR: In answer to the questions submitted in your letter of April 3, I beg to reply as follows:

1. Senator KENNETH MCKELLAR, more so than any other Member of Congress, is responsible for obtaining the necessary appropriations for the building of each and all of the dams on the Tennessee River.

2. Senator MCKELLAR sponsored the amendment for the building of these dams in every case, so far as I can recall.

3. As a member of the Appropriations Committee, I do not recall that Senator George Norris ever appeared before our committee in behalf of any one of the Tennessee River dams. In the Appropriations Committee, Senator MCKELLAR sponsored them all.

4. On most all the amendments appropriating money for these dams, the committee was almost evenly divided. Senator MCKELLAR made a vigorous fight on many occasions, the result of which brought great support to the building of each of the dams. I do not believe they would have been built without this vigorous support on the part of Senator MCKELLAR.

5. There is no way these dams could have been built without an appropriation from Congress. That is the way money was provided, and it was Senator MCKELLAR more than anybody else who obtained the money for that purpose.

As a member of the Appropriations Committee of the Senate for the past 14 years, I am glad to testify to the above facts.

Very sincerely yours,

MILLARD E. TYDINGS.

APRIL 25, 1946.

Hon. KENNETH MCKELLAR,
United States Senate,
Washington, D. C.

DEAR SENATOR MCKELLAR: I am advised that you are to stand for reelection to the Senate from your State of Tennessee and this is welcome news to your colleagues who have served and are serving with you in the Senate.

I entered the United States Senate on March 4, 1927, and found you already here at that time; hence, I have had the privilege of knowing your record at first-hand and at close range. As you know, I am a member of the Committee on Appropriations where you are now chairman.

Time will not permit me to mention many of the things which should be called to the attention of the public; however, there is one matter that should be made, prominent, and that is the creation of the Tennessee Valley Authority. I well remember your interest and activities in getting this project started.

In order to create the TVA it was necessary to have legislation enacted outlining the nature of the project and further authorizing the appropriation of funds with which to begin and continue construction. Not only did you envision the scope of this great program, but you were the Senator who prepared and introduced the legislation which eventually was passed by the Congress and made possible this great electrical empire of the Tennessee Valley.

While other Members of the Senate and the Congress tried to have their names attached to this program, yet I unhesitatingly say that it was you who were responsible for getting results, both as to legislation and then as to the necessary appropriation to carry on the work.

In the early days sentiment was divided as to the soundness of the program but at no time did you ever falter and I am glad to have been one of your supporters in assisting you in carrying forward this worth while development.

In every great and successful undertaking there is always one master mind and in this case I have no hesitation in saying that you were responsible for not only the initiation but the carrying forward of the TVA program.

The vastness and extent of the TVA system is such that it could not have been undertaken and successfully carried forward by private means; hence, it was necessary that the Federal Government build the project and this made it necessary that Federal funds be provided.

As one who has seen and supported this project from its infancy, I gladly give you full credit for the development of what I consider the greatest public project in the country.

With every good wish, I am,

Sincerely your friend,

ELMER THOMAS.

WASHINGTON, D. C., *April 15, 1946.*

Hon. KENNETH MCKELLAR,
United States Senate,
Washington, D. C.

DEAR SENATOR: Replying to your letter of recent date, with reference to your activities and efforts to have the dams on the Tennessee River built by the Tennessee Authority, beg to say, that during my time in the

Senate, and as a member of the Senate Committee on Appropriations, which covered the years from 1929 to 1940, I held no doubts at anytime that you were not working for, and voting for, the creation of these dams, and for the appropriations to build the dams.

I feel certain that anyone reading Senate Document No. 35 of the Twenty-ninth Congress, History of the Appropriations Made by the Congress of the United States for the Tennessee Valley Authority, and also History of Funds for the Development of the Tennessee River, which was presented to the Senate in 1945, will fully appreciate your untiring efforts in this connection.

With highest personal regards, I am,

Sincerely yours,

JOHN G. TOWNSEND, Jr.

APRIL 20, 1946.

Hon. KENNETH MCKELLAR,
United States Senate,
Washington, D. C.

MY DEAR SENATOR: It has just come to my notice that you have been charged with opposition to the building of dams by the Tennessee Valley Authority on the Tennessee River. I cannot understand how any person could charge you with disloyalty to the Tennessee Valley Authority or to projects under it along the Tennessee River.

I have always regarded you as the outstanding advocate for the TVA since its very inception and I doubt whether this program of development would have reached its present stature had it not been for your loyalty and your dynamic helpfulness.

Certainly through the years, you have been the most powerful pleader for the necessary appropriations for the initiation and completion of the many projects making up this over-all development. I was not an original supporter of these projects and I think the committee records will disclose that I was frequently your adversary with respect to requested appropriations. I pay tribute to your fighting qualities. I always felt that it was your vigorous appeals and the respect which members of the committee had for you, personally, that made the greatest contribution to favorable committee and Senate action on proposed appropriations.

I appreciate that the names of others have been identified by some with this development. I would not take from them any credit to which they are entitled but I do have distinctly in mind your continued and your effective interest and have regarded you as the legislative power behind these developments.

For me to write such a letter as this to you may be of dubious propriety. I would not do it if I did not feel that you have been the most powerful voice since I became a member of the Appropriations Committee in behalf of these undertakings and that a charge of opposition by you to what has been accomplished is denied by your legislative record and is most unjust to you.

Believe me,

Very sincerely yours,

WALLACE H. WHITE, Jr.

APRIL 23, 1946.

Hon. KENNETH MCKELLAR,
United States Senate,
Washington, D. C.

MY DEAR SENATOR: I have received your letter of April 3 with regard to your position on the subject of building dams on the Tennessee River through the Tennessee Valley Authority. I am glad to answer your questions insofar as the facts are concerned.

I was on the Appropriations Committee in the Senate in 1939 and 1940, and I remember that at that time you supported every dam which was proposed, with regard to some of which I was on the opposite side. My recollection is that you offered the amendments in each case authorizing these dams, which amendments were finally passed and agreed to in conference. There was always a vigorous opposition to these dams, and your influence was certainly a prevailing one in securing the appropriations.

With kindest regards,

Sincerely yours,

ROBERT TAFT.

WASHINGTON, D. C., *April 10, 1946.*

Hon. KENNETH MCKELLAR,
United States Senate,
Washington, D. C.

DEAR SENATOR: In reply to your letter of April 3, I am amazed that anyone could accuse you of opposition to the dams on the Tennessee River built by the Tennessee Valley Authority.

As you state in your letter, I served with you on the Appropriations Committee during the entire time that these dams were being built and, as you very well know, from the start, I was against the whole proposition.

In season and out of season, you were positively pestiferous in your demands for these appropriations, in the meetings of the Appropriations Committee, in the committees on conference between the two Houses, and on the floor of the Senate.

The House was never very strong for the TVA and, as I recall it, in each case the appropriation was made through a Senate amendment offered by you, agreed to by the Senate and enacted by the Congress, either in the form of the amendment agreed to by the Senate or in modified form offered by you in a committee of conference between the two Houses.

In the Senate Committee on Appropriations, the committee was pretty evenly divided on TVA and it was undoubtedly your pestiferousness which won the day for you.

Whether or not Senator Norris ever appeared before the committee in these matters, I cannot say, though I have no recollection of his doing so. My impression is that he confined hi. efforts to legislation on the floor of the Senate where his support was, of course, very valuable.

In general, I should say that, had it not been for you, the great development of the TVA would never have come about.

Sincerely yours,

FREDERICK HALE.

APRIL 6, 1946.

Hon. KENNETH MCKELLAR,
United States Senate,
Washington, D. C.

DEAR SENATOR: I have your letter of April 3 and am replying to each of your questions as follows:

1. In my nearly 10 years in the Senate and as a member of the Senate Committee on Appropriations, I have always considered you the foremost advocate and backer of the appropriations for the Tennessee Valley Authority and its construction program.

2. I can recall many instances where you offered amendments pertaining to appropriations for TVA construction and development.

3. I do not recall that at any time in my nearly 10 years' membership on the Committee on Appropriations that Senator Norris ever appeared before the committee in behalf of any TVA dam.

4. The committee has been somewhat divided at all times on questions involving TVA appropriations and at all times I have considered your leadership extremely instrumental in gaining approval for TVA appropriations.

5. I do not have knowledge of any way the various TVA dams could have been financed without congressional appropriations.

It is a pleasure to be associated with you on the Appropriations Committee and I appreciate your courageous and forthright approach to the problems of Government spending and economy.

Sincerely yours,

STYLES BRIDGES.

THE SECRETARY OF STATE,
Washington, April 9, 1946.

The Honorable KENNETH MCKELLAR,
United States Senate.

DEAR MAC: I have your letter of April 3.

It is incredible to me that anyone should charge you with opposition to those appropriations for the dams on the Tennessee River. I have always had a deep affection for you, but I must confess that in your constant advocacy of appropriations for TVA, at times I thought you unreasonable.

I think the RECORD would show that I voted for most of the appropriations, but I know that on one or two occasions I opposed motions made by you because I did not believe the Treasury situation at the time justified the expenditure, and the appropriation should be deferred. You would not agree, and you had your way.

You enthusiastically supported every appropriation for the dams. You advocated an appropriation when the Budget had not submitted an estimate for an appropriation, and you urged appropriations in excess of the Budget estimates.

The appropriations for the dams were opposed not only by Senators who were opposed to the TVA project, but at times by Senators who favored the project, but believed that in view of the Treasury situation appropriations should be delayed. Consequently, these appropriations were secured only after lively contests.

Senator Norris introduced and supported the bill providing the legislative authority for the TVA project. However, as you well know, there are a number of projects which have been authorized and for which no appriation has ever been made.

Without the money being appropriated the dams could not have been built. In response to your question, I must say that I do not recall Senator Norris appearing before the Appropriations Committee at any time on behalf of an appropriation for the dams in question.

I think that every man who served on the Appropriations Committee during the years when appropriations were being made for the construction of the dams on the Tennessee River would agree with me that had it not been for your efforts first in committee, then on the floor of the Senate, and later in the conferences between the House and Senate, the appropriations for these dams would not have been made at the time they were made. Of course, there can be speculation as to whether they would have been made thereafter.

You may be charged with many sins of omission and commission but I never thought you would be charged with failure to support the appropriations for the Tennessee Valley dams. You certainly devoted your time and efforts to that cause with enthusiasm and with success.

With best wishes,

Sincerely yours,

JAMES F. BYRNES.

APRIL 5, 1946.

Hon. KENNETH MCKELLAR,
United States Senate, Washington, D. C.

DEAR SENATOR MCKELLAR: I am more than surprised to hear that your opposition for reelection to the Senate has charged that you had opposed the dams on the Tennessee River constructed by the Tennessee Valley Authority.

As a member of the subcommittee of the Committee on Appropriations handling mat-

ters of this kind, I know that you have offered amendments providing the appropriations for all of the dams that have been constructed since I came to the Senate. Some of the votes were exceedingly close, and I remember one occasion when you sat up almost all night trying to get in touch with an absent Senator to secure his proxy in order to avoid a tie vote, which would have defeated one of your amendments.

On other occasions you secured appropriations for dams which are now completed when they were disapproved by at least some members of the TVA Board. As one who was interested in the construction of these dams, and who supported you on each and every occasion, I am glad to state that but for your unremitting effort many of these dams would not have been built, and I doubt whether any other Member of the Senate could have carried all of your proposals to a successful conclusion.

The vote in the committee in each case, as we both well know, was very close, and most of them encountered the most vigorous opposition. I do not think there is any way that these dams could have been constructed without an appropriation from Congress, and MCKELLAR is about the only man who could have secured all of these appropriations.

Sincerely yours,

RICHARD B. RUSSELL.

APRIL 23, 1946.

Senator KENNETH MCKELLAR,
United States Senate,
Washington, D. C.

MY DEAR SENATOR MCKELLAR: It has come to me through various sources that some people in the State of Tennessee are asserting or intimating that you, as a member of the Appropriations Committee of the Senate, had not been energetic in securing the installation of dams built by the Tennessee Valley Authority on the Tennessee River. To put it mildly, I am surprised that anyone should even intimate that you had not been all-out energetic for the construction of dams on the Tennessee River by the Tennessee Valley Authority

I have been a member of the Appropriations Committee of the United States Senate ever since the first meeting of that committee after I became a Senator, and I became a Member of the United States Senate on March 4, 1933. During all of that time, you, too, have been a member of that great committee, and I have watched the unusual activity that you put forward in furtherance of these dams on the Tennessee River. I want to say that, in season and out of season, you have at all times made and led the fight to get money from the Congress of the United States with which to build each and every one of the dams that have been constructed on the Tennessee River. This you have done, with approval or without approval of the TVA, and with Budget approval or without Budget approval

I have noted that it was you who offered each amendment that finally passed and was finally agreed to in conference by the House and Senate for the construction of these dams.

In looking over the records and in reviving recollections, I failed to find any one incident where the late beloved Senator Norris ever appeared before the Appropriations Committee of the Senate for any of these dams. I recall times when the vote in the committee was exceedingly close. My recollection is, on one occasion, when you were making one of your vigorous fights for a dam on the Tennessee River, it was my vote that turned the tide in your favor. The bill was approved by the committee by a majority of but one vote.

I know that the people of your State appreciate that these dams could not have been constructed without appropriations from Congress and that these appropriations were required to go through the Appropriations Committee.

I cannot, in fairness, stand by and tolerate an injustice when I know the facts.

Respectfully,

PAT MCCARRAN.

APRIL 8, 1946.

Hon. KENNETH MCKELLAR,
United States Senator,
Washington, D. C.

MY DEAR SENATOR: It was with astonishment that I learned from your letter of the second instant that a candidate opposing you for reelection to the United States Senate has charged you with opposing the construction of dams on the Tennessee River under the jurisdiction of the Tennessee Valley Authority. Of course, the charge is absurd and anyone who has a familiarity with the history of the TVA dams will know that there is not the slightest foundation for such a charge.

The very contrary is true and I am in a position to bear testimony to it. I have continuously been a member of the Senate Committee on Appropriations since my entry into the United States Senate in 1933. You have been, from the beginning, the stout champion of dam construction on the Tennessee River by the TVA. It was by reason of your prestige with the committee and your thorough knowledge of the situation that the committee has recommended the building of one dam after another.

The dams, to be sure, could not be constructed without adequate appropriations being made therefor by the Congress. It was entirely due to your efforts that these appropriations were made, in the face, at times, of vigorous opposition by TVA authorities and at times by minority members of the Appropriations Committee.

I can truthfully say that to you, far more than to anyone else, is due the execution of the program of construction of the entire Tennessee Valley Authority.

You are at liberty, my dear Senator, to make what use you desire of this letter.

Sincerely yours.

JOHN H. OVERTON,
United States Senator.

APRIL 16, 1946.

Hon. KENNETH MCKELLAR,
United States Senate,
Washington, D. C.

DEAR KENNETH: Before I answer the five questions addressed to me in your letter, I want to qualify myself by stating how long and how well I have known you.

When the State of Arizona was admitted to the Union, I became its first Representative in Congress on February 19, 1912. You were then a Member of Congress having been elected from the Memphis District on November 9, 1911. We served together in the House for 5 years until you became a Senator from Tennessee on March 5, 1917.

I remained in the House for the next 10 years, but upon entering the Senate in 1927 was immediately assigned to membership on the Committees on Appropriations and on Post Roads of both of which you were a member. For over 19 years we have been regular in our attendance on those committees and have worked together on the floor of the Senate to secure the enactment of legislation reported from them. With that background, there can be no argument when I say that I have an intimate knowledge of all that you have done with respect to bills and amendments to bills affecting the Tennessee Valley Authority.

Your questions and my answers are as follows:

1. Who would you say made the fight in season, out of season, with the approval of the members of the TVA and without approval of the members of the TVA, with the budget approval and without the budget approval, and at all times in the committee and in the Senate, to get the money from the Congress with which to build each and every one of the dams on the Tennessee River?

No other person except KENNETH MCKELLAR.

2. Who offered the amendment in each case which was finally passed and agreed to in conference by the House and Senate?

It was always the Senator from Tennessee [Mr. MCKELLAR] who sponsored such amendments and fought for them with skill and vigor until they finally became law.

3. Do you recall whether or not Senator Norris ever appeared before the committee in behalf of any one of these dams at any time?

At no time did Senator Norris appear before the Senate Committee on Appropriations to urge that money be made available to the Tennessee Valley Authority to build any dam. His record is a blank in that regard. I have great respect for the memory of the late Senator from Nebraska, but credit should be given only where credit is due.

4. Please state whether the committee was almost always evenly divided at all times and whether the fight for the building of these dams was extremely vigorous, or were the dams just built as a matter of course?

From the beginning there was strong opposition to the development of the water resources of the Tennessee Valley. I always voted with you in the Committee on Appropriations because of a firm belief that it was a sound national policy to do so and time has fully justified our faith. The dams were not built as a matter of course and would not have been built except that the committee listened to the forceful arguments which you presented. In many instances the favorable vote was only by a slight majority.

5. Do you know of any way these dams could have been built costing as much as they did without an appropriation from Congress?

It is possible that in course of time some of the dams in the Tennessee Valley might have been built by the private power companies, but the very much larger development that now exists would never have taken place because there is no practical way whereby private enterprise can be fully compensated for flood control and navigation benefits.

To obtain a fair return upon the investment of a sum equal to that which has been expended by the Federal Government, the rates charged for power produced by private capital would have to be high.

The Government collects large sums in taxes on the income derived from the new wealth that has been created in the Tennessee Valley by the availability of comparatively cheap power, which is something that private enterprise cannot do. Consequently, the only way to proceed was to do just what you did when, over a period of years, you secured the series of appropriations from Congress which have resulted in the building of dams that have changed the flood waters from a national liability to a national asset.

It has been a pleasure to me to state these facts, which can be abundantly verified by the record made at the time they occurred. It is beyond dispute that no one could have done more than you have done to bring about the actual construction of the dams that have been built by the Tennessee Valley Authority.

With best regards, I am,

Yours very sincerely,

CARL HAYDEN,
United States Senator from Arizona.

Mr. McKELLAR. Mr. President, I thank my distinguished friend the Senator from Oklahoma for yielding to me. The matter which I have discussed is more or less of a personal or political one; and I ask his pardon for having interrupted his speech.

Mr. THOMAS of Oklahoma. I have been glad to yield to the Senator, Mr. President.

EXTENSION OF PRICE CONTROL AND STABILIZATION ACTS

The Senate resumed consideration of the bill (H. R. 6042) to amend the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, and for other purposes.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. THOMAS of Oklahoma. Mr. President, I offer the amendment which has been printed and lies at the desk, and I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 20 it is proposed to strike out paragraphs (3) (A) and (B) embraced in lines 13 to 21, inclusive, and insert in lieu thereof the following:

(3) Notwithstanding any provision of this act or any provision of title III of the Second War Powers Act of 1942, as amended, or any other law, Executive order or directive, no regulation, order, directive, or allocation shall be issued, made, or maintained (including directives for distribution or price schedules) with respect to timber, petroleum, cotton, milk, livestock, tobacco, poultry, fish and shellfish, grain, peanuts, fruits and vegetables, or any product processed in whole or substantial part therefrom: *Provided*, That no control shall be reimposed on any commodity mentioned in this paragraph or on any product processed in whole or substantial part therefrom unless expressly authorized and directed by the Congress in an act passed and approved subsequent to the approval of this act.

Mr. THOMAS of Oklahoma. Mr. President, I exhibit to the Senate a cardboard on which appear the names of the principal items which are covered by my amendment. The amendment covers only farm products. It does not cover all farm products, but it covers such products as those which are deemed to be in sufficient supply to meet all legitimate demands.

Mr. MURDOCK. Mr. President, in looking over the list of commodities which are included in the Senator's amendment, I find that wool is not included. I have talked to the Senator about the matter, and I believe that he agrees that the product may be covered under the word "livestock." I wonder if the Senator would have any objection to inserting the word "wool" after the word "cotton" in his amendment so as to avoid any possibility of it not being included within the terms of his amendment.

Mr. THOMAS of Oklahoma. Mr. President, allow me to say to Senators that I shall take only a few minutes in explaining the amendment. The data which I have before me on my desk are here only for the purpose of having them handy in case I wish to use them, but I shall not read them all.

Replying to the suggestion made by the Senator from Utah, I may state that it is my understanding that the word "livestock" includes sheep; that sheep includes meat, wool, and the skin of the sheep. But, Mr. President, the dictionary defines livestock as follows: "Domestic animals used or raised on a farm, especially those kept for profit." Of course, sheep are raised on a farm and are kept for profit. I am sure the amendment as drawn intends to include sheep, wool, and the flesh of the sheep, called mutton, as well as the skin of the sheep, but, in order to be all-inclusive. I shall be very glad to modify the amendment so that on page 1, in line 7, after the word "livestock" there will be inserted the words "sheep, wool". Mr. President, I modify the amendment accordingly.

The PRESIDING OFFICER. The Senator from Oklahoma modifies his amendment.

Mr. THOMAS of Oklahoma. Mr. President, during the past several years much of the OPA law has related to farm commodities. Although that has been true, the Committee on Agriculture and Forestry has had nothing to do with respect to drafting the pending bill or holding hearings on it. The hearings were held by the Committee on Banking and Currency.

After 4 years of administration of the OPA the agricultural interests became so dissatisfied with it that many groups appealed to me, as chairman of the Committee on Agriculture and Forestry, for an opportunity to come before the committee and be heard. The committee recommended to the Senate that a sum of money be appropriated for the purpose of defraying expenses in connection with the taking of testimony and the printing of the hearings. Five thousand dollars was allotted for that purpose. After the money was made available the Committee on Agriculture and Forestry proceeded to invite representatives of various groups to come before the committee and be heard.

On April 1 the committee heard representatives of the small meat packers.

An April 9, 10, 11, and 15 of this year the committee heard representatives of the major packers. There are only four or five major packers.

On April 18 representatives of the Nebraska Cattle Feeders Association appeared before the committee.

On April 22, 23, and 24, representatives of the grain trade were heard by the committee.

On April 29 and 30 representatives of the tobacco interests made their representations before the committee.

On May 2 the National Council of Farmers Cooperatives, through its representatives, appeared before the committee and were heard. On May 15 and 16 the dairy farmers and the National Cooperative Milk Producers Association appeared through their representatives before the committee.

As the result of those hearings, approximately 15 volumes of testimony were taken and transcribed. I have copies of the volumes before me for the inspection of Senators in the event that a question is raised in respect to any statement which I shall make.

Mr. President, on the chart which has been erected, Senators will find the word "timber." Timber is an agricultural product. The committee of which I have the honor to be chairman is known as the Committee on Agriculture and Forestry. Timber, being a forest product, comes under the jurisdiction of the Committee on Agriculture and Forestry.

The second item on the list is petroleum. Petroleum, of course, is crude oil. Petroleum is a product of the farm. It is a product of the soil. Very little petroleum is produced outside the farm. Some petroleum, of course, is produced within the limits of cities. The capital of my home State is located over an oil pool. The capitol building is surrounded by oil wells. Today oil wells can be so drilled that the drill point will reach directly under the capitol building. It is possible now to drill an oil well on an angle of approximately 45 degrees. The Governor's mansion in my State is also located over an oil pool. The oil pool has been leased and the land over the oil pool has been drilled. Practically all oil comes from the farm land.

The next item on the chart is cotton. That is also an agricultural product.

Milk is likewise produced on the farm.

Livestock, cattle, hogs, sheep, and goats are likewise produced on the farm.

Tobacco is a farm commodity.

Poultry is a farm commodity.

Fish comes from the sea, but in setting up the food and agricultural organization, which is now Nation-wide, there were included in its jurisdiction products of the sea, since such products are used for human food. Because such products are allied to farm products, the organization to which I have referred classifies fish, in a sense, as a farm product so far as the product itself is concerned. The pending bill defines fish as a farm product. Of course, we all know that fish used for food comes from the waters of the rivers, lakes, and the oceans. I make that explanation in the RECORD so that those who may read it may understand why we have classified fish as a farm product.

Of course, grain includes corn, wheat, oats, barley, rye, and products of that character.

All Senators know what fruits and vegetables include.

Mr. President, the products which are enumerated on the chart are mentioned specifically in my amendment. If the amendment is adopted the control of those products will be taken from the jurisdiction of the OPA.

The OPA has already broken the line because it has taken out from under controls, first, milk products; second, livestock and livestock products; third, poultry and poultry products. I merely go a step further and propose to remove from control the remainder of the products which are enumerated on the chart.

Mr. President, I wish the RECORD to show why this amendment has been offered. I desire to read briefly from a

statement which I shall later ask to have placed in the RECORD. Very soon I shall reach the point where we will discuss the amendment further or vote upon it.

Mr. President, when the Price Control Act was first proposed, Congress and the people of the United States were assured that it was an emergency war measure. It was frankly admitted that the Price Control Act was a totalitarian device, but it was argued that such a device was necessary in order that the country might wage an all-out global war against dictators. The Congress and the people were urged to believe that when the fighting ceased and victory was won, these oppressive statutes would be permitted to expire and the country would be allowed to return rapidly to democratic practices.

The administration has stated again and again that price ceilings and controls will be eliminated from each commodity field as soon as production brings supplies reasonably into balance with demand. That policy has been stated and restated by practically all the governmental agency heads who make and administer the policy under the Emergency Price Control Act and under the Stabilization Act. I shall quote only a few such statements. I believe that the Members of the Senate might well read the statements of the certain administrative heads of the Office of Price Administration, as well as certain other Government officials. I shall not take time to read them, but I shall ask unanimous consent to have them placed in the RECORD so that they may be read. They purport to set forth the policy of the directors and managers of the Office of Price Administration. Without reading them, I ask unanimous consent that they may be printed in the RECORD at this point as a part of my remarks.

There being no objection, the statements were ordered to be printed in the RECORD as follows:

Statements by Chester W. Bowles, Director of Stabilization, in memorandum to all members of OPA advisory committees (CONGRESSIONAL RECORD, June 11, 1945):

"We have always looked upon price control as a stopgap, a stabilizing wartime control, to be dropped as soon as production brings supply and demand reasonably in balance. The wartime lack of balance between supply and demand made price control necessary. When supply and demand come back into balance price controls will not be needed. The exact timing will vary widely from item to item. But, working with industry advisory committees, we will watch each field closely. We will rely heavily on their recommendations as to when controls can be safely removed."

In letter to Senator BARKLEY dated June 16, 1945:

"Price controls were developed solely to meet wartime conditions. We are pledged to remove these controls just as soon as the production of civilian goods and services eliminates the inflationary dangers and permits our return to a free market."

In statement before Senate Committee on Small Business, December 4, 1945:

"Save in a period of emergency, price ceilings have no place in a free economy. We shall remove them, product by product, as soon as it can be done without inflation."

In speech before the New Council of American Business on December 5, 1945:

"In determining the time at which controls should be removed, there are no magic dates. It depends entirely upon the speed with which supply comes into balance with demand."

In statement before House Committee on Banking and Currency, February 18, 1946:

"To hold price controls in place to the last technical point would be a mistake."

In testimony before House Committee on Banking and Currency, February 20, 1946:

"Mr. CRAWFORD. Would you care to go on record before the committee that insofar as you personally are concerned your philosophy is that when supply reaches balance with demand, that you feel there would no longer be a material necessity for the Office of Price Administration?

"Mr. BOWLES. Generally, when supply and demand is in balance, I believe that is correct.

"Mr. CRAWFORD. Remove controls at that time?

"Mr. BOWLES. Yes; and I think that point will certainly come, area by area, at different periods, but in my opinion, as I say, you will have only remnants left by a year from next June."

Statements of Hon. Clinton P. Anderson, Secretary of Agriculture, in testimony before House Committee on Banking and Currency, March 7, 1946:

"Mr. BROWN. But do you not agree with me now that when the supply of any commodity equals the demand that the ceilings should be taken off that particular commodity?

"Secretary ANDERSON. I would normally do that. But I would want to say that there have been a lot of food conditions developing recently which make it hard to calculate what the real supply is."

Statements before House Committee on Agriculture, April 5, 1946:

"Chairman FLANNAGAN. Several months ago Mr. Bowles assured us that when the supply level reached the demand level ceilings would come off; would you favor that?

"Secretary ANDERSON. If there was a reasonable closeness of supply and demand on other types of food as well—not all of them, but something reasonably along that line, yes, I would.

"Representative GATHINGS. The OPA has steadily assured Congress that once the supply of any single given commodity reached the demand, all ceilings on that would be removed. Do you think that is a sound policy?

"Secretary ANDERSON. I think it is a sound policy, yes.

"Representative COOLEY. Is there any scarcity of meat now?

"Secretary ANDERSON. There need not be a scarcity. There is sufficient cattle population to produce all the meat we need."

Statements by Paul Porter, Office of Price Administration Administrator: In testimony before House Committee on Banking and Currency, March 29, 1946:

"You do not contend that after supply has met demand there is going to be the necessity for continuing price controls?

"Mr. PORTER. No, sir; if we can agree on what the demand is, which I think we probably could."

Statements of John W. Snyder, Director of War Mobilization and Reconversion, in testimony before House Committee on Banking and Currency, February 27, 1946:

"The time will come when price controls over many more products can be dropped. They should be dropped on each product as soon as supply is in reasonable balance with demand.

"Mr. SNYDER. When supply comes into balance with demand, or approaches balance with demand, I think competition will take care of the pricing, and certainly I would think we should remove the controls at that period.

"I think that we may find other areas that we will have to look to at that time, but certainly so far as products are concerned, whenever the supply approaches demand, I see no reason for continuing control on those products."

Statement of Fred M. Vinson, Secretary of the Treasury, in testimony before House Committee on Banking and Currency, March 27, 1946:

"I would say that if supply were in balance with demand, controls could well be taken off. Controls should be taken off. But it is a very difficult problem to work, and I think you should know that the supply was equal to the demand—industry by industry."

Statement of John D. Small, Administrator, Civilian Production Administration, in testimony before the Senate Banking and Currency Committee, May 6, 1946:

"Senator TAFT. This question leads me to say that perhaps a formula is necessary on the oil problem. According to all the evidence we can get there is more oil being produced than there is any demand for. Stocks are being cut back here. Under those circumstances should not oil be decontrolled by Mr. Bowles, or if he will not do it, by Congress?

"Mr. SMALL. Where the acute demand has been supplied I believe price control should be lifted right then.

"Senator MILLIKIN. If this committee should determine that there was a certain number of important items that are now in a position where supply equals demand, why should we not specifically exempt those from further control?

"Mr. SMALL. I certainly (see) no objection to that. I believe OPA will go along with it. They should go along with it."

Statements by Marriner S. Eccles, Chairman, Federal Reserve Board, in testimony before House Committee on Banking and Currency, February 25, 1946:

"Mr. ECCLES. I think we should maintain controls until the supply comes into balance, or reasonable balance, with the demand. What we term the pent-up inflationary forces or the inflation potential, as measured by deposits, currency and Government securities, are not likely to create inflationary problems if the supply of goods is in reasonable balance with the desire of the people to purchase.

"Mr. TALLE. Some people have said the black market represents the price you would pay if you had no price control. With that I disagree, because an operation outside of the law is entirely a different matter, it seems to me, from a free market. It might be either higher or lower.

"Mr. ECCLES. I rather agree with you on that. I do not think you could prove that the black market is the price you would pay if you had no price control. It may be higher or it may be lower. It would more likely be lower, I would think."

Mr. DOWNEY. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. DOWNEY. I was unfortunate in not being on the floor so that I could hear the first portion of the statement which was made by the able Senator from Oklahoma. Am I correct in concluding that the effect of the Senator's amendment would be to remove price control from all food products?

Mr. THOMAS of Oklahoma. The effect of the amendment would be to remove price controls from such products as those which are enumerated in the

amendment. The chart which I have had set up before the Senate sets forth the main groups of products which would come under the amendment. If the Senator will read the chart, he will see the names of the products which are listed in the amendment. It is proposed to remove price controls from those products as well as byproducts which are manufactured from them.

Mr. DOWNEY. Perhaps the Senator has answered me already, but am I correct in saying that no food products would be left under price control if the Senator's amendment were adopted?

Mr. THOMAS of Oklahoma. The Senator will have to check up on the products. I do not know what the Senator considers to be a food product.

Mr. DOWNEY. The Senator's amendment removes from price control vegetables, fruits, fish, poultry, livestock, milk. I do not know whether cheese is included.

Mr. THOMAS of Oklahoma. Cheese is a milk product, and would come under the amendment.

Mr. DOWNEY. I notice the Senator's amendment also covers lumber and all products produced from lumber, which would remove from price control all building materials, too. Am I correct about that?

Mr. THOMAS of Oklahoma. The Senator is correct. The reason why timber is taken out from control is very simple. It is because the OPA ceilings on the price of logs are so low that the men who own the timber cannot get it cut because they are not able to pay sufficiently high wages to induce men to go into the forests, fell the trees, and cut them into logs.

Moreover, the price of lumber is so low that the mills cannot buy the logs, or, if they own them, they cannot process the logs into lumber and sell the lumber at a price sufficiently high to enable them to pay expenses. So, while OPA is keeping prices of lumber down, there is no lumber to be had.

I should like to ask this question in the beginning: Of what benefit is it to the people of this country to have low prices on a commodity if the commodity itself does not exist? There could be a price on lumber of $10 a thousand feet; but of what benefit would that be if there were no lumber to be had for $10 a thousand feet?

I contend that the only way to get for the soldiers and for the public lumber with which to build houses is to have sufficiently high prices to enable those who have the timber to cut the logs, to enable the saw mills to take the logs to the mills and process them into lumber, and to enable those who sell the lumber to get at least enough out of it to pay the cost of production. At the present time the prices are held so low that the lumber industry is stymied, and what lumber is moving into market is moving in the black market.

The Committee on Agriculture and Forestry authorized the appointment of a subcommittee to investigate the lumber industry, and, as chairman of the main committee, I appointed the senior Senator from California chairman of the subcommittee. He made an extensive investigation of this matter, and I understand the conclusion I have stated is the one he and his committee arrived at as the result of their investigation.

Mr. DOWNEY. Mr. President, will the Senator from Oklahoma yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. DOWNEY. I do not wish to interrupt the very able argument of the Senator, but I should like to ask him a question. Would there be any other product subject to price control left after the acceptance of the amendment, if it became law, except fur? Would there be any other single product the Senator can think of?

Mr. THOMAS of Oklahoma. The Senator is as well acquainted with the products of this country as I am. He can draw his own conclusions. I am in favor of removing controls from every commodity the moment a commodity appears in such a supply as that it will reasonably fill the demand, and the products I have listed, as I shall show in a moment, are in that class.

We have plenty of timber in the country, but because of present controls we cannot get it processed. There is no shortage of timber. There is a shortage of workmen to cut the trees, and a shortage of sawmills which can operate under OPA controls. So that because of the controls over lumber we are not getting lumber. I wonder when the soldiers who are now returning to this country and looking for homes will get homes, unless they can purchase the lumber with which to build them. Soldiers cannot build houses out of marble or out of stone. We do not see returning soldiers having brownstone-front houses. They cannot get lumber. What are they going to use for building material? That is the question which confronts the Senate.

My amendment, just read, would on June 30, 1946, remove all ceilings and other controls with respect to timber, petroleum, cotton, milk, livestock, tobacco, poultry, fish and shellfish, grain, fruits and vegetables, sheep, and wool, or any product processed in whole or substantial part therefrom.

Mr. President, there is no pent-up demand for any of the consumer products which come from the land. For example, the gasoline that was not consumed during the war, or the meat that was not consumed when our armed forces last needed it, will never be used or eaten. Consideration of the supply situation, as I shall show later by official Government figures and estimates, demonstrates how absurd it is for the bureaucrats to claim that the removal of ceilings and controls from these products will cause run-away inflation.

Mr. President, in the case of each commodity included in my proposed amendment there is an abundant supply, and, as I shall show, in many cases a potentially burdensome surplus which should be consumed while the people are ready, able and willing to buy it and consume it at fair prices.

I first take up the subject of timber, of which some mention has already been made. The production of lumber in 1945 was well above the average prewar production, and the largest between 1930 and 1939, according to the accepted figures of the National Lumber Manufacturers Association. Lumber production in the current second quarter of 1946 is estimated at 2 percent larger than last year. There is no shortage of lumber excepting in some grades. It is not possible to get men to go into the forests and cut the timber in some areas, and in some places the sawmills are closed and cannot open under present prices.

Mr. GUFFEY. Mr. President, what is the Senator's authority for stating that there is not a shortage of lumber or timber? People have not kept up with planting and reforestation. I was wondering whether the Senator's authority is correct.

Mr. THOMAS of Oklahoma. This is the conclusion reached as a result of the investigation held by the subcommittee of the Committee on Agriculture and Forestry.

Mr. GUFFEY. When?

Mr. THOMAS of Oklahoma. In the last 3 months.

Mr. GUFFEY. If we take off the controls, the prices consumers have to pay for all these commodities will increase, will they not?

Mr. THOMAS of Oklahoma. I should like to ask the Senator, of what benefit are low prices if we cannot buy the things at the prices set?

Mr. GUFFEY. Would not the effect of the Senator's amendment be to increase prices to consumers?

Mr. THOMAS of Oklahoma. No; I am not prepared to admit that.

Mr. GUFFEY. People who do not live on farms will have to pay increased prices.

Mr. THOMAS of Oklahoma. I will give the Senator a direct answer to his question. Some time ago the Department of Agriculture asked the poultry raisers of America to increase the supply of chickens and poultry products, and the poultry producers expanded their flocks and feed supplies as fast as they could. As a result, the supply of poultry was increased at a rapid rate.

In February of this year I visited the Eastern Shore of Maryland with my good friend the junior Senator from Maryland [Mr. RADCLIFFE], one of the leading poultry raisers, and there, with the Senator, I heard more than a hundred poultry raisers complaining about the fact that they could not sell their chickens. They had been advised by the Government to increase the poultry supply, and they had increased the supply, but could not sell the product.

I went to a factory in a small town on the Eastern Shore in February, where chickens were being processed. There was a warehouse full of frozen chickens. Those in charge were buying all the chickens they could buy. They had their warehouse room filled with live chickens.

Mr. GUFFEY. That is true, but there are other products included in the amendment besides chickens.

Mr. THOMAS of Oklahoma. I am giving the Senator a concrete answer about poultry.

Mr. GUFFEY. I did not ask about that.

Mr. THOMAS of Oklahoma. I know the Senator did not, but I will answer

him about poultry. So, on account of the over supply of poultry, the farmers on the eastern shore of Maryland, and the farmers in Oklahoma, in the neighboring State of Arkansas, and in other great poultry-raising areas, cannot afford to sell their products at the ceiling price. Only recently the price of poultry was away down.

I give that as a concrete illustration of how we can keep prices down and how we can defeat inflation by getting production.

I was on the eastern shore about 6 weeks ago, in the same territory where I went in February and observed the poultry production. Six weeks ago the weeds had grown up in the poultry yards and around the poultry houses and sheds. The farmers there have gone out of the poultry-raising business because they cannot raise poultry and sell it for enough to get cost of production.

Mr. GUFFEY. There is another reason. With the quality of food they have, it takes 15 weeks now to raise a chicken for the market as compared to 13 weeks formerly. For that statement I have the authority of a large chicken raiser, a Member of this body, the senior Senator from Delaware [Mr. TUNNELL].

Mr. THOMAS of Oklahoma. I use the poultry industry as one of the concrete illustrations of how we can keep prices down. Get production, and there will be no trouble with prices, because competition between the producers will control the prices of commodities, as is demonstrated in the poultry industry.

Mr. DOWNEY. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. DOWNEY. I certainly am familiar with conditions in California in the poultry industry, which is rapidly being curtailed because the poultry producers cannot buy the grain and the protein necessary to support the present flocks. I am told that that condition is universal on the Atlantic and Pacific seaboards, and I think that fact, too, points out the tremendous danger involved in such an amendment as the one we are considering. There is already a critically short grain market, and if we allow the prices of commodities in the production of which grain is utilized to reach a high point, we will have people competing in an already crucially short grain market.

Mr. THOMAS of Oklahoma. Mr. President, further answering the inquiry with respect to timber and lumber, I desire at this point to place in the RECORD some statistics with respect to lumber production. I will not read this data, but ask that it be printed in the RECORD at this point in connection with my remarks.

There being no objection, the data were ordered to be printed in the RECORD, as follows:

LUMBER PRODUCTION

Total lumber production in 1945 was 27,561,000,000 board feet compared with a 1935–44 average of 28,248,000,000 and the production of 28,934,000,000 board feet in the prewar year of 1940, according to the May 1946 Statistical Summary of the National Lumber Manufacturers Association, which prepares data, based on census information, that is accepted and regularly republished in official Government sources.

While 1945 lumber production was about 5 percent below the 1935–44 average, which includes 4 years of high wartime production, it was well above average prewar production and the largest between 1930 and 1939.

Total lumber production

[In million board-feet]

1930	26,051
1931	16,523
1932	10,829
1933	14,696
1934	15,494
1935	19,539
1936	24,355
1937	25,997
1938	21,646
1939	24,975
1940	28,934
1941	33,476
1942	36,332
1943	34,289
1944	32,938
1935–44 average	28,248
1945	27,561

PRODUCTION IN 1946

Total lumber production in the first quarter of 1946 was 14 percent below the corresponding quarter of 1945, but second-quarter production is expected to be about 2 percent larger than in the previous year.

Total lumber production

[In million board-feet]

	1946	1945
First quarter	6,006	6,987
Second quarter	[1] 8,000	7,850
Total	14,006	14,837

[1] Estimated.

Mr. GUFFEY. Mr. President, will the Senator yield?

Mr. Thomas of Oklahoma. I yield.

Mr. GUFFEY. The greatest authority we have ever had in the State of Pennsylvania on the subject of reforestation is the former Governor of our State, Gifford Pinchot. I saw him yesterday, and he said we are woefully behind in the planting of trees; that next to nothing has been done along that line in the State of Pennsylvania or throughout the country. He said there is going to be a great shortage of timber in the future, and that there is a great shortage now. I prefer to accept his statement with respect to lumber and forestry products, based on his 40 years of experience in that line.

Mr. THOMAS of Oklahoma. Mr. President, I now desire to call attention to the item of petroleum. Crude petroleum production in the United States in 1945 was 30 percent above the 1935–44 average and 26 percent above the 1940 production, and stocks of crude petroleum and petroleum products are larger today than they were a year ago, according to official reports of the Bureau of Mines, United States Department of the Interior.

I now ask unanimous consent to have placed in the RECORD at this point statistics with respect to the production of petroleum.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

PETROLEUM PRODUCTION

Crude petroleum production in the United States in 1945 was 30 percent above the 1935–44 average and 26 percent above the 1940 production according to official reports of the Bureau of Mines, United States Department of the Interior.

Crude oil production in the United States

	Barrels
1935–44 average	1,318,021,000
1940	1,353,214,000
1945	1,711,103,000

PRODUCTION IN 1946

The monthly petroleum statement, released May 6, 1946, by the Bureau of Mines, shows January-February 1946 crude-oil production was at about the same level as in the first 2 months of 1945. Also, oil-well completions in February 1946 were about 10 percent above February 1945.

Stocks of crude petroleum, natural gasoline, and refined products at the end of February 1946 amounted to an 87-day supply compared with 82 days for a year earlier.

Mr. THOMAS of Oklahoma. I desire to call the attention of the Senate to some further facts, because they are pertinent with respect to petroleum. There has been no shortage of oil since VJ-day. The fundamental facts involved in the question of oil decontrol, unchallenged since the end of the war, are:

(a) Crude oil supplies greater than demand.

(b) A surplus refinery capacity.

(c) Adequate transportation facilities.

Let me say that during the war we found it necessary to build two big pipe lines from the Texas field to the Northeast in order to transport crude oil from the place where it is produced to the place where it can be refined. We have no occasion now for those big-inch pipe lines and they are now being sold or at least are being offered for sale.

The next fundamental fact is strong competition to prevent unreasonable price increases.

The present supply exceeds the 1946 demand. Of all the commodities on this list there is at least no reason whatever for continued control over crude oil or crude-oil products. It is in surface supply.

On June 5 the United States Bureau of Mines—the recognized Federal authority on petroleum economics—released a forecast of petroleum supply and demand for the year 1946, which is important because it clearly establishes, by official Government study, the fact that petroleum supply has caught up with and exceeds demands. The requirements for the coming 6 months, as shown in that report, are compared below with current output during the latest 4-week period ending June 1, 1946:

	Barrels daily
Present crude oil production	4,750,000
Required production third quarter, 1946	4,610,000
Required production fourth quarter, 1946	4,560,000
Present refinery throughput	4,820,000
Required throughput third quarter, 1946	4,630,000
Required throughput fourth quarter, 1946	4,600,000

Mr. President, I ask unanimous consent to have the remainder of the statement from which I have taken the previous figures placed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

PRESENT STOCKS OF ALL PRODUCTS HIGH

Gasoline stocks have increased 7,000,000 barrels over the same time a year earlier;

kerosene stocks are up 4,000,000 barrels; distillate fuel-oil stocks are 3,500,000 barrels higher and residual fuel oil has increased 5,000,000 barrels.

PRESENT PRICES BELOW COST

Present finding, developing, and producing cost per barrel crude oil according to the National Crude Oil Industry Advisory Committee report, $1.60.

Present selling price per barrel crude oil, $1.34.

Mr. THOMAS of Oklahoma. Next I take up the item of cotton. The production of cotton in the United States in 1945, plus cotton stocks on August 1, 1945, made a supply of almost 20,000,000 bales against an estimated 1945–46 disposition of only 12,500,000 bales, according to official reports of the United States Department of Agriculture. With an average yield of cotton, the cotton acreage goal for 1946 would produce well over 10,000,000 bales. This would make a total supply for next year of 17½ million bales which would be excessive in relation to any forseeable domestic demand and export requirements.

I ask permission, Mr. President, without reading, to have printed in the RECORD at this point two pages of statistics and data on which the conclusions just stated by me are based.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

COTTON PRODUCTION

August 1945 stocks of cotton in the United States of more than 11,000,000 bales, plus the 1945 crop, made a supply of almost 20,000,000 bales.

Cotton production, stocks, and disposition in the United States[1]

	Million bales
Production:	
1935–44, average	12,212
1940	12,298
1945	8,813
Stocks: Aug. 1, 1945	11,164
Supply: 1945 marketing year	19,977
Disposition estimated for 1945–46 year:	
Domestic consumption	9,000
Exports	3,500
Total	12,500
Stocks: Aug. 1, 1945, estimated	7,500

[1] From Crop Reports and Situation Reports of the USDA.

PROSPECTIVE 1946 CROP

The cotton acreage goal in the United States for 1946 is 20,200,000 acres, compared with 17,749,000 acres planted in 1945.

With the average yield of cotton in 1946 equal to the 1941–45 average of 260 pounds per acre, the acreage goal for 1946 would produce well over 10,000,000 bales.

With the estimated carry-over of 7,500,000 bales, there would be a supply for 1945–46 of 17,500,000 bales.

A United States Department of Agriculture report, dated May 7, 1946, for the fifth meeting International Cotton Advisory Committee, Washington, entitled, "Cotton Situation in the United States," stated:

"The domestic market for American cotton is the largest in the world. Consumption reached a high of nearly 11,170,000 bales for the war year 1941–42. For the current season it is likely to be a little more than 9,000,000 bales. In the prewar decade it averaged only a little more than 6,000,000 bales. In the years immediately ahead, with a fairly high level of national prosperity, consumption might reasonably be expected to average at least 8,000,000 bales anually. A serious slump in business activity or a large increase in the use of competitive synthetic fibers might bring consumption considerably below this figure."

This report states that cotton exports were about 6,200,000 bales in 1939–40 and averaged about 7,500,000 bales for the period prior to the beginning of the AAA.

Thus it may be concluded that United States cotton supplies now and in prospect are large in relation to domestic demand and export requirements.

With respect to the world cotton situation, the Bureau of Agricultural Economics in the February-March, 1946 Cotton Situation (p. 5) stated:

"It is estimated that the world carry-over of cotton on August 1, 1946, will be down from one to two million bales when compared with the preceding year. However, foreign cotton production and exports of United States cotton are up to such an extent that the August 1, 1946, carry-over of all cotton in foreign countries will exceed the August 1, 1945, carry-over despite increases in foreign cotton consumption."

Mr. THOMAS of Oklahoma. Mr. President, I next call attention to the commodity milk. According to the Bureau of Agricultural Economics of the United States Department of Agriculture, total milk production in the United States in 1945 was 11 percent above the 1935–44 average and 12 percent above 1940. Considering reduced noncivilian takings of dairy products in 1946, civilian supplies of milk in 1946 are expected to be larger on a per capita basis than in 1945.

Mr. President, at this point I ask unanimous consent to have printed in the RECORD, without reading, the statistics upon which the conclusions just stated are based.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

MILK PRODUCTION

Total milk production in the United States in 1945 was 122,200,000,000 pounds, according to the Bureau of Agricultural Economics, of the United States Department of Agriculture. This was 11 percent above the previous 10-year average for 1935–44, and 12 percent above milk production in the prewar year of 1940.

Total milk production in the United States

	Billion pounds
1945	122.2
1940	109.5
Average, 1935–44	109.9

MILK PRODUCTION IN 1946

Civilian consumption of milk on a whole-milk equivalent basis for 1946 is estimated at 810 pounds per capita compared with 802 pounds in 1945.

"Total civilian supplies of dairy products during the spring and summer (of 1946) probably will be greater than in corresponding seasons of last year even though production may be smaller. * * * Reduced noncivilian takings in 1946 will more than offset decreases in production," according to the National Food Situation, Bureau of Agricultural Economics, United States Department of Agriculture, February-March 1946 issue, page 8.

Milk production in the United States for April 1946 was estimated by the Crop and Livestock Reporting Board, United States Department of Agriculture, at 10,500,000,000 pounds or 12 percent above the April average for 1935–44, and was about the same as the production of 10,700,000,000 pounds in April 1945.

Mr. THOMAS of Oklahoma. The next item is livestock and meat. Official Government reports show that total meat production in the United States in 1945 was 17 percent in excess of 1941 production, over 20 percent in excess of 1940 production, and 21 percent in excess of the meat production average for the years 1935–44. Government estimates for 1946 show a meat supply this year of approximately 150 pounds per capita, the largest amount available to consumers since 1911 and over 20 percent more than the 1935–39 average.

I ask unanimous consent to have printed in the RECORD the data and statistics on which the conclusions just stated by me are predicated.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

THERE IS A LARGE SUPPLY OF MEAT—SHORTAGES ARE THE RESULT OF BLACK MARKET DISLOCATIONS AND MALDISTRIBUTION

1. Compared with average: Meat production in 1945 was nearly 23,000,000,000 pounds, or 21 percent larger than the previous 10-year average, according to official United States Department of Agriculture reports:

Total meat production in the United States

Kind	1945	1935–44 average	Increase in production, 1945 over average	
	Million pounds	Million pounds	Million pounds	Percent
Beef and veal	11,792	8,753	3,039	35
Lamb and mutton	1,053	933	120	13
Pork	10,046	9,308	738	8
Total	22,891	18,994	3,897	21

2. Compared with 1940: Likewise, meat production in 1945 was 21 percent greater than in the prewar year of 1940.

Kind	1945	1940	Increase 1945 over 1940	
	Million pounds	Million pounds	Million pounds	Percent
Beef and veal	11,792	8,160	3,632	44
Lamb and mutton	1,053	877	176	20
Pork	10,046	9,958	88	1
Total	22,891	18,995	3,896	21

3. Livestock on farms: The number of all classes of meat-producing animals on farms, on January 1, 1946, except sheep and lambs, was well above the 1935–44 average, as shown by official USDA estimates. This indicates a large potential supply of meat.

Number of livestock on farms Jan. 1

[Thousands of head]

Kind	1946	1945	1940	1935–44 average
Beef cows 2 years old and over	14,645	14,407	10,629	11,366
Other cattle not kept for milk	26,280	27,066	21,156	22,611
Milk cows, heifers, and heifer calves	38,866	40,436	36,412	37,060
All cattle	79,791	81,909	68,197	71,037
Sheep and lambs	44,241	47,780	52,399	52,768
Hogs	62,344	59,759	61,115	55,300

4. Meat production in 1946: "Meat production (in 1946) probably will be close to the high of 1945," according to the latest Livestock and Wool Situation Report (March–April 1946) of the United States Department of Agriculture Bureau of Agricultural Economics (p. 3).

In discussing the outlook for beef and pork supplies in 1946, this publication further states:

"Hog slaughter is likely to continue larger than a year earlier throughout the remainder of 1946, reflecting in part the 12-percent increase in the 1945 fall pig crop over a year earlier, and probably earlier marketings of the 1946 spring pig crop * * * which is not likely to be greatly different from the 1945 spring crop of 52,000,000 head" (p. 3).

"The (total) number of cattle and calves on hand January 1, 1946, was only 3 percent below the peak of 1944, and the potential supply of cattle for slaughter is large. * * * Most of the 2,000,000 head declined in total cattle numbers was in the reported number of milk stock. The number of beef cows and heifers 2 years old and over on hand January 1, 1946, was in all-time high, indicating that production of cattle for slaughter in the next 2 or 3 years will continue large" (p. 4).

Lamb and mutton production in 1946 may show some decline from 1945, but this would not appreciably affect the total meat supply for it is less than 5 percent of the total.

5. Per capita civilian meat supplies: Latest United States Department of Agriculture figures show the civilian consumption of meat was 137.7 pounds per person in 1945 (dressed meat basis). This was only 3.3 percent above the previous 10-year average of 1935–44 of 133.3 pounds, because civilian consumption was held down by heavy Government requirements for the armed forces and export.

With meat production in 1946 expected to be about the same as in 1945, but with large reductions in requirements for the armed forces, the United States Department of Agriculture has estimated the 1946 supply of meat for civilians at 150 pounds per capita.

This meat supply of 150 pounds per capita in 1946 will be 13 percent above the 1935–44 average and 9 percent above the consumption in 1945.

Mr. THOMAS of Oklahoma. The next item is tobacco. The production of all types of tobacco in the United States in 1945 was 35 percent above the 1935–44 average and 37 percent above the prewar year of 1940, as shown by United States Department of Agriculture estimates and stocks and acreage plans for 1946 point to large supplies ahead.

To justify that statement and conclusion I ask unanimous consent to have placed in the RECORD at this point the statistics and data upon which I base my conclusion.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

TOBACCO PRODUCTION

The production of tobacco of all types in 1945 was nearly 2,000,000,000 pounds, which was 35 percent above the 1933–44 average and 37 percent above the prewar year of 1940, according to official data of the USDA.

Tobacco production in the United States

Period:	Billion pounds
1945	1,998
1940	1,462
1935–44 average	1,480

PROSPECTIVE SUPPLIES

Stocks of tobacco and acreage plans for 1946 point to large supplies ahead. Most tobacco acreage continues to be under allotments.

The following quotations from The Tobacco Situation report of the Bureau of Agricultural Economics, April 1946, pages 2–4, summarize the outlook:

"Record high returns from their 1945 crop encouraged flue-cured tobacco growers to plan for a 1946 acreage 9 percent greater than 1945, according to the recent prospective plantings report. Acreage allotments to individual farms were increased 10 percent, and the national goal, 7.5 percent over 1945. Exports and civilian consumption will be up but military consumption will be down during the 1945 crop marketing year thereby resulting in a smaller disappearance than for 1944. In view of larger carry-over this July 1, and prospects for a larger crop this year supplies for the year beginning July 1, will probably be the highest on record.

"The decline in burley prices compared with the previous year forcibly called attention to the high level of burley stocks, and arrangements were made to reduce individual farm acreage allotments for the 1946 crop by 10 percent below the 1945 allotments. According to March 1 prospective plantings, the 1946 aggregate acreage will be 4 percent smaller than 1945. Assuming normal yields supplies of burley during the 1946 crop marketing year will be at record levels.

"Supplies of Maryland tobacco for the year beginning January 1, 1946, were down compared with a year earlier. With a smaller supply accompanied by a little change in demand for Maryland tobacco for cigarettes and an increase in export demand for Maryland leaf, the 1945 crop of Maryland tobacco will be marketed under more favorable conditions than the 1945 crop of burley. However, it appears that the supply of Maryland tobacco for the year beginning January 1, 1947, will be at an all-time high if the 46,000 acres which growers intended to plant as of March 1 produce at about the 1941–45 average yield and if disappearance continues according to present expectations.

"Returns to growers from the 1945 crops of both dark air-cured and fire-cured tobacco were the highest since the predepression period. In response to the favorable prices and incomes, growers of fire-cured tobacco reported prospective plantings on March 1 at 20 percent over aggregate acreages harvested in 1945. In contrast, growers of dark air-cured tobacco intended as of March 1 to reduce their acreage to 11 percent under that harvested in 1945. Though both intended acreages are below previously announced goals, the direction of intended adjustments in acreages seems justified by supply-and-demand conditions.

"According to the March 1 report, growers intend to increase their (cigar tobacco) acreages of filler types 13 percent, binder types 14 percent, and wrapper types 10 percent compared with the 1945 harvested acreage."

Mr. THOMAS of Oklahoma. The next item is poultry and eggs. Official estimates of the United States Department of Agriculture show that chicken production in the United States in 1945 was 15 percent above the 1935–44 average and 36 percent above the production in the last prewar year of 1940. Egg production in 1945 was 30 percent above average and 40 percent above 1940. A continued high level of chicken and egg production and consumption in 1946 is expected by the Bureau Agricultural Economics.

Mr. President, justifying that statement I ask unanimous consent to have placed in the RECORD the data and statistics upon which my conclusions are based.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

CHICKEN AND EGG PRODUCTION

Official estimates of the United States Department of Agriculture show that chicken production in the United States in 1945 was 15 percent above the 1935–44 average and 36 percent above the production in the last prewar year of 1940.

Egg production in 1945 was 30 percent above average and 40 percent above 1940, also according to official Government figures.

Chicken and egg production in United States

	1945	1940	1935–44 average	Increase in 1945 over—	
				1940	Average
	Millions	*Millions*	*Millions*	*Per cent*	*Per cent*
Chickens	731	539	635	136	115
Eggs	55,197	39,585	42,376	140	130

A continued high level of chicken and egg production and consumption in 1946 is expected by the Bureau of Agricultural Economics, United States Department of Agriculture. The National Food Situation Report for February–March 1946, pages 7–8 says:

"Supplies of poultry meat (including turkey) and eggs will be abundant at near-record rates * * *.

"Slaughter of chickens raised on farms during the next few months will be much the same as in the corresponding months of 1945. Civilian supplies of chicken may be as large or even larger than last year because of substantial stocks. Cold-storage holdings of frozen poultry on March 1 were 325,000,000 pounds, about 30 percent above March 1, 1945, and double those of prewar years.

"Production of eggs during the next few months may be slightly larger than in corresponding months of 1945. A sharp reduction in Army procurement, possibly as much as two-thirds, may leave more eggs available for civilian consumption, commercial storage, and drying for export than last year. By June 1, cold-storage stocks of shell eggs may be substantially larger than on June 1, 1945, possibly by as much as 30 percent. This will provide for the continuation of a high level of consumption during the latter part of the year."

Egg production in April 1946 was 6,721,000,000 compared with 6,677,000,000 in April 1945 and 5,445,000,000 for the 1935–44 April average, according to the May 10, 1946, Crop Production Report of the Bureau of Agricultural Economics, page 2.

Mr. THOMAS of Oklahoma. The next item is fish and shellfish. The total catch of fish and shellfish, as estimated by the Division of Commercial Fisheries of the Department of the Interior, was 4,400,000,000 pounds in 1945 compared with the 1937–44 average of 4,300,000,000 and 4,000,000,000 in 1940. Holdings of frozen fish and shellfish on April 1, 1946, were 112 percent above 1945 and 103 percent above average for this date.

I ask unanimous consent to have printed in the RECORD at this point the statistical data taken from official sources upon which the statements just made are based.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

FISH AND SHELLFISH PRODUCTION

The total catch of fish in the United States and Alaska in 1945 was estimated at 4,400,000,00 pounds by the Division of Commercial Fisheries of the Department of the Interior. This was above the 8-year, 1937–44, average.

Fresh and frozen fish production in 1945 was 1,700,000,000 pounds compared with the average of 1,550,000,000 in the four previous years for which data are available.

Fisheries of the United States and Alaska

Total catch:	Pounds
1937	4,352,549,000
1938	4,253,445,000
1939	4,443,328,000
1940	4,059,524,000
1941	5,080,341,000
1942	3,876,524,000
1943	4,202,281,000
1944	4,504,522,000
Average, 1937–44	4,346,564,000
1945	4,400,000,000

STOCKS OF FROZEN, CURED, AND SMOKED FISH

The frozen-fish report of the Division of Commercial Fisheries, Department of Interior, April 1946, states that:

"Holdings of frozen fish and shellfish declined 15,000,000 pounds during March and on April 1 totaled 84,265,345 pounds. This was 112 percent above holdings on the same date in 1945 and 103 percent above the 5-year average for this date.

"Freezings of fishery products in domestic cold-storage plants totaled 11,076,650 pounds during March. This brought the total frozen during the first 3 months of 1946 to 23,535,272 pounds as compared with 15,999,588 pounds during the same period of 1945, an increase of 47 percent.

"It is estimated that on May 1, total domestic holdings of frozen fish and shellfish will total between seventy-five and eighty million pounds."

Holdings on Apr. 1

[Pounds]

	Apr. 1, 1946	Apr. 1, 1945	5-year average
Frozen:			
Salt-water fish	62,059,648	29,106,191	28,863,898
Fresh-water fish	10,224,836	5,114,273	7,699,279
Shellfish	11,980,861	5,609,111	4,920,217
Total	84,265,345	39,829,575	41,483,394
Cured fish:			
Salted	15,959,082	14,303,596	14,932,623
Smoked	1,745,553	831,558	553,050
Total	17,704,635	15,135,154	15,485,673
Grand total	101,969,980	54,964,729	56,969,077

Mr. THOMAS of Oklahoma. The next item is grain. Production of the four principal food grains, wheat, rye, buckwheat, and rice, in 1945 was 29 percent above the 1935–39 average and 40 percent above 1940. The production of the four principal feed grains, corn, oats, barley, and grain sorghums, in 1945 was 18 percent above average and 20 percent above 1940. Adding stocks at the beginning of the last crop year, made a supply of these food grains 61 percent above production in 1935–39 and 74 percent above 1940, and a supply of feed grains 31 percent in excess of average and 33 percent above 1940 production. Latest reports point to another year of high food and feed grain production this year including a third successive billion bushel wheat crop and a fifth successive corn crop of more than 3,000,000,000 bushels.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point, the data on which the conclusions I have just stated are based.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

GRAIN PRODUCTION

The production of both food and feed grains in 1943 was at a high level compared with average and with the prewar year 1940. There was also a substantial carry-over of stocks of grains at the beginning of the 1945–46 crop year, as shown by official figures published by the United States Department of Agriculture Crop Reporting Board.

COMPARED WITH AVERAGE AND 1940

Production of the four principal food grains—wheat, rye, buckwheat, and rice—in 1945 was 36,000,000 tons, or 29 percent above the 1935–44 average and 40 percent above 1940. Addition of the carry-over to the production of these food grains in 1945, made a total supply of 61 percent larger than the 1935–44 average production and 74 percent larger than their production in 1940.

Production of the four principal food grains—corn, oats, barley, and sorghums for grain—in 1945 was 118,000,000 tons, an increase of 18 percent over the 1933–44 production and 20 percent over 1940. Production plus the carry-over of the four food grains in 1945 made a total supply 31 percent above the average production and 33 percent above 1940.

Grain production and supply in the United States

[In millions—000,000 omitted]

Kind	1945		1940 production	1935–44 average production
	Production	Supply [1]		
Food grains:				
Wheat...bushels	1,123	1,404	813	844
Rye.....do	26	39	40	42
Buckwheat..do	7	[2] 7	6	
Rice.....do	70	71	54	55
Total.....tons	36	45	26	28
Feed grains:				
Corn.....bushels	3,018	3,343	2,462	2,608
Oats.....do	1,548	1,784	1,245	1,129
Barley.....do	264	360	309	290
Sorghum for grain bushels	96	[2] 96	83	87
Total.....tons	118	131	99	100
Total, 8 grains tons	154	176	125	128

[1] Production plus carry-over in all positions at beginning of crop year.
[2] Production only—stocks not available.

STOCKS AND GRAINS

Latest information on grain stocks for which comparable 1935–44 data are available is the April 1, 1946, stocks on farms, published by the Crop Reporting Board, USDA.

Farm stocks of corn, oats, and wheat were above average on April 1, 1946, despite the heavy demand and usage of these grains since the 1945 crop was harvested. Barley and rye stocks were below average but are much less important than the other grains. Oats stocks on farms on April 1, 1946, were considerably larger than a year earlier but the other grains were in somewhat smaller supply on farms than on April 1, 1945.

Grain stocks on farms Apr. 1

[Million bushels—000,000 omitted]

Kind	1946	1945	1935–44 average
Corn for grain	1,072	1,325	1,017
Oats	579	426	401
Barley	70	85	107
Rye	3	7	17
Wheat	204	258	173

A substantial proportion of the farms' stocks of corn on April 1, 1946, in the northern and western part of the Corn Belt, and in some other sections, consisted of low-quality corn which could only be utilized to advantage by feeding to livestock.

PROSPECTS FOR GRAIN PRODUCTION IN 1946

Reports of the Crop Reporting Board in March, April, and May indicate that grain production in 1946 is likely to again be at a high level.

The Prospective Plantings Report, on March 20, 1946, said:

"Farmers are responding to the currently heavy peacetime demands upon them and their farms in much the same manner that resulted in four successive seasons of heavy wartime production. An acreage of principal crops equaling the relatively high level of recent years will be planted this year, if weather permits farmers to carry out their plans as reported in March to the Crop Reporting Board."

The Crop Report for May 1946, issued on May 10, shows continued optimism:

"Farming activities made rapid and continuous progress as farmers in all sections seldom were interrupted in their field work by weather conditions. As a result, in no section of the country is work retarded, and, in most of the area east of the Rockies, progress is reported 1 to 3 weeks ahead of usual. With conditions for spring work so near the ideal, planting of spring crops at optimum times was the rule and limited supplies of farm labor and machinery were used to best advantage making any shortages less acutely felt. Timely rains in late April and early May replenished lagging moisture supplies in Northeastern and East North Central States. Thus it is considered likely that farmers closely followed the plans for planting they had reported in March. If the favorable situation continues through planting time for corn, cotton, soybeans, and late crops, it is possible that the total acreage planted this season may exceed earlier estimates."

Prospects on May 1, 1946, were for a third successive billion-bushel wheat crop with a winter-wheat forecast of 743,000,000 bushels and a spring-wheat crop of about 257,000,000 bushels based on acreage planting intentions and average yields per acre.

A fifth successive corn crop of more than 3,000,000,000 bushels is reasonable to expect in 1946. Corn acreage in 1946 probably will be slightly larger than in 1945. Excellent progress in the preparation of ground for corn planting this year makes it likely that corn will be planted in better season than in 1945, when much of it was planted late and damaged by frosts in the fall.

The extensive and increasing use of high-yielding, drought- and disease-resistant hybrid seed corn greatly increases the chances of high average corn yields. Hybrid corn yields are 25 percent higher than native corn yields under average farming operations. About 64 percent of all corn acreage was planted with hybrid seed in 1945, and 85 percent or more of it was hybrid in the eight most important corn-growing States, according to a report of the Bureau of Agricultural Economics, July 11, 1945, entitled "Hybrids Earn Increasing Popularity."

Prospective plantings of oats this year would produce a crop of 1,400,000,000 bushels at 1941–45 average yields, which would be 23 percent above the 1935–44 average. Improved higher-yielding, rust-resistant varieties of oats are now an important factor in oats production.

Taken together on the basis of latest crop reports, the production of the four feed grains in 1946 is placed at 32,000,000 tons against 36,000,000 tons in 1945, assuming the small buckwheat production to be the same.

In the case of the four feed grains, the outlook on the basis of acreage plans of farmers and average yields would mean a 1946 production of 117,000,000 tons, or practically the same as in 1945, but the favorable season this spring provides good reason to expect a larger production of these grains than last year.

Mr. THOMAS of Oklahoma. Mr. President, the next item is fruits. Production of oranges, tangerines, and grapefruit from the 1945 bloom was 41 percent above the 1935–44 average and 30 percent above 1940, according to estimates of the United States Crop Reporting Board. Peach production in 1945 was 36 percent above average 1935–44. Pears were 16 percent above average and grapes were 10 percent above average. Only apples were short in production in 1945. Early prospects for these fruits are favorable in 1946.

I ask unanimous consent to have printed at this point in the RECORD the statistical data on which the conclusions just stated by me is based.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

PRODUCTION OF FRUITS

The major fruit crops in the United States show a high level of production for the 1945–46 marketing season, except for commercial apples according to Crop Reporting Board reports.

CITRUS FRUITS

Production of oranges and tangerines from the 1945 bloom, over one-third of which remained for harvest on May 1, 1946, is estimated at 104,900,000 boxes, or 35 percent above the 1935–44 average and 23 percent above 1940.

Grapefruit production from 1945 bloom is estimated at 62,500,000 boxes, of which 11,000,000 remained for harvest on May 1, 1946, compared with 6,000,000 a year earlier. The total grapefruit production is 56 percent above average and 46 percent over 1940.

Production of principal citrus fruits in United States[1]

[Thousand boxes—000 omitted]

Kind	Indicated, 1945	1940	1935–44 average
All oranges and tangerines, 3 States	104,940	85,510	78,470
Grapefruit, 4 States	62,550	42,883	40,083

[1] Relates to crop from bloom of years shown—i. e. large part harvested in following year.

OTHER MAJOR FRUITS

Compared with the 1935–44 average, the 1945 production of peaches showed an increase of 36 percent, pears 16 percent, and grapes 10 percent, but commercial apples were less than half of an average crop. Production in 1940 was about average for these fruit crops.

Production of four fruit crops in United States

[In thousands—000 omitted]

Kinds	1945	1940	1935–44 average
Apples commercial bushels	64,400	111,439	121,266
Peaches bushels	81,578	57,774	59,938
Pears do	33,574	29,771	29,002
Grapes tons	2,804	2,728	2,553

Early prospects for these crops in 1946 are favorable. An average crop of commercial apples was expected as a reasonable possibility by the Crop Reporting Board on May 8, 1946.

A 26,000,000-bushel peach crop in the 10 early Southern States was forecast on May 1, compared with the 1935–44 average of 16,000,000 bushels. Peach prospects in the later States were indicated to be average to excellent.

Pear prospects were spotted on May 1, ranging from very favorable in Washington to above average in Oregon and smaller than last year in California.

Definite forecasts for the 1946 grape crop have not been made but vineyards were reported on May 1 to be in good to excellent condition with promising prospects at that time.

In summary, the May 10, 1946, Crop Report said: "Prospects for apples, sour cherries, plums, and apricots appear favorable for production at higher levels than the short crops of last year, with other deciduous fruits about as favorable as a year ago" (p. 6).

Mr. THOMAS of Oklahoma. The next item is vegetables. According to official reports of the United State Department of Agriculture Crop Reporting Board, the total tonnage of 29 commercial truck crops produced in 1945 for the fresh market was 24 percent above the 1935–44 average and 23 percent above 1940, with 24 out of the 29 showing above average production. Eleven vegetable crops produced for processing in 1945 showed a production 32 percent above 1940. Prospects for both acreage and yields in 1946 are reported to be very favorable.

Mr. President, I ask unanimous consent that the statistical data from official sources upon which the statement with respect to vegetables were predicated be printed in the RECORD at this point as a part of my remarks.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

PRODUCTION OF VEGETABLES

The production of 24 out of 29 commercial-truck crops for the fresh market in 1945 was above the 1935–44 average and 20 out of the 29 were above the 1940 production. The total tonnage of these crops in 1945 was 24 percent above average and 23 percent above 1940, according to Commercial Truck Reports of the United States Department of Agriculture.

Commercial truck crops for fresh market

[Tons]

Kind	1945	1940	1935–44 average
Artichokes	14,000	17,000	17,500
Asparagus	104,100	100,900	94,100
Lima beans	22,500	22,800	20,500
Snap beans	247,600	241,100	225,900
Beets	55,500	58,200	55,900
Cabbage	1,678,300	1,078,900	1,090,100
Cantaloups	374,000	342,500	334,200
Carrots	745,000	422,700	467,300
Cauliflower	219,100	181,300	157,700
Celery	615,100	552,900	527,400
Sweet corn	93,800	94,100	86,000
Cucumbers	129,200	115,100	110,300
Eggplant	25,400	12,500	16,100
Escarole	16,100	10,000	8,900
Honey ball melons	6,900	10,200	11,300
Honey dew melons	73,700	42,500	52,100
Kale	6,000	3,300	5,500
Lettuce	1,037,700	773,300	788,600
Onions	903,400	793,600	845,000
Green peas	92,600	124,900	118,600
Green peppers	82,900	63,000	61,800
Shallots	7,600	7,400	[1] 7,000
Spinach	136,800	128,900	131,000
Tomatoes	856,800	640,100	653,900
Watermelons	914,200	963,800	814,000
Total, 25 crops	8,458,300	6,801,000	6,790,700
Garlic	8,800	7,100	8,100
Mint	900	571	606
Commercial early potatoes	1,944,200	1,521,700	1,469,000
Strawberries	100,200	221,300	185,000
Total 4 crops	2,054,100	1,750,671	1,662,706
Total 29 crops	10,512,400	8,551,671	8,433,406

[1] Short time average.

The production in 1945 of commercial truck crops for processing was 22 percent above the 1935–44 average and 32 percent larger than in 1940, with all but one of these crops in excess of average, as shown by official United States Department of Agriculture figures.

Commercial truck crops for processing

[Tons]

Kind	1945	1940	1935–44 average
Asparagus	53,170	53,900	50,100
Lima beans (shelled)	34,100	26,100	27,000
Snap beans	235,600	114,200	146,700
Beets	176,300	70,700	91,700
Cabbage (sauerkraut)	182,500	185,200	152,400
Sweet corn (corn in husk)	1,126,800	731,500	935,300
Cucumbers (pickles)	185,420	148,900	156,500
Green peas (shelled)	490,150	306,200	309,900
Pimientos	12,470	13,000	17,100
Spinach	89,300	43,700	66,900
Tomatoes	2,665,200	2,275,800	2,343,200
Total	5,251,010	3,969,200	4,296,800

PROSPECTS FOR 1946

"Supplies of commercial vegetables for fresh shipment this spring (1946) will be about 10 percent higher than a year earlier. * * * While it is too early in the year for definite predictions of total production, past trends suggest that new high records may be set in commercial production for 1946, weather permitting, both for fresh market and for canning and freezing." (The Vegetable Situation, Bureau of Agricultural Economics, Apr. 1946, p. 3.)

The commercial truck crop report of May 10, 1946, says:

"Prospective aggregate tonnage of 1946 spring season commercial truck crops is placed at 2,183,600 tons by the Bureau of Agricultural Economics of the USDA on the basis of conditions about May 1. This indicated production is 17 percent greater than the record high established last spring and is 46 percent above the 10-year (1935–44) average. Spring crops are being grown on an acreage 14 percent greater than in 1945 and 22 percent above average.

"For the summer season, estimates covering nearly one-half the total summer acreage show an increase of 21 percent above average.

"For the entire 1946 season, estimates of acreage covering approximately 70 percent of the annual total show an increase of 13 percent over 1945 and 24 percent above average."

Mr. THOMAS of Oklahoma. Mr. President, if it is the desire of Congress to retain controls over products that are in surface supply, products that are ample to take care of all demands, then, of course, controls should be extended and retained. I am of the firm conviction that some individuals in the public service desire to retain these controls permanently. They do not want to release control over a single item. If they were willing to release controls over a single item or a single group of items, they would have already taken controls off of crude oil and petroleum in my State of Oklahoma, the third largest oil-producing State in the Nation, in the State of my disinguished friend the junior Senator from Texas, the largest oil-producing State in the Nation, and in the State of California, that of my distinguished friend the senior Senator from California, which is the second largest oil-producing State in the Nation. Oklahoma comes third. In my State the producers of oil are forced to prorate their production. If an individual drills an oil well and strikes a gusher, he cannot produce all his oil. The corporation

commission tells him how much oil he can produce from that well. During the wartime the Federal Oil Control Board told the State how much the State could produce in any 30-day period. Then when the State exceeded its quota the corporation commission in my State said to each oil producer, "You may produce so much oil from a certain well, and no more." If more was produced, it was called hot oil. So much hot oil was produced in the Southwest that it was necessary to enact what is known as the Connally hot oil bill.

Those oil wells furnished the oil to win the war which was recently ended. The war is over. The great demand for military purposes does not exist today. The only demand we have is for oil for industrial purposes, for machinery which uses oil and oil products.

Today the controls in my State are still in effect. I do not know how much oil we could produce in Oklahoma if the oil producers were allowed to produce all that might be needed. Suffice it to say that we are producing our share. We are not producing all we could produce. So oil in Oklahoma, Texas, California, and throughout the Nation, making allowances for transportation, is still a surplus commodity. If the OPA will not release the controls over oil and oil products when oil is a surplus commodity, I wonder what controls it would release if the question were left to the OPA administrators.

Mr. GUFFEY. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield to the Senator from Pennsylvania.

Mr. GUFFEY. Does the Senator believe that holding back oil production injures the producer? Mr. Ickes saved the east Texas field by limiting the production per day, and keeping back the pressure on the wells. Illinois wasted a great deal of oil because there was no control. Flush production really ruins a field.

The Senator also made a statement with regard to timber. I have today received information from Mr. Wyatt, who is in charge of the Housing Authority, to the effect that he expects that the amount of lumber available and coming out this year will amount to 36,000,000 feet.

Mr. THOMAS of Oklahoma. Mr. President, the issue is clear. There is a tendency among some in high authority to retain controls indefinitely. Those who wish to retain the controls are not so much interested in seeing that the people get enough supplies to enable them to continue to exist. They want to retain the controls on commodities to the end that they can control profits. If one mentions profits to some of those in high authority in the OPA he is laughed at. He is looked at askance, as though he were a queer person.

Mr. President, I am in favor of a domestic economy which will permit the people of the United States not only to produce, but to make a profit. This country was built up on that kind of a system. If no one makes a profit, I am wondering who is to furnish the money to keep this country a going concern. As I have stated on this floor on former occasions, in 1946 the cost to the people of the United States of operating the Federal Government will be approximately $40,000,000,000. It will probably be $35,000,000,000 the next year. The year after that it will probably be $30,000,000,000. So far as the best economists can figure, the annual budget for this country in the future will be not less than $25,000,000,000 a year. With a Federal budget of $25,000,000,000, and State, county, and district budgets totaling more than $10,000,000,000, it is difficult to see how the people of the United States in our lifetime will have a total tax bill for all purposes of less than $35,000,000,000 a year. How can the people raise $35,000,000,000 a year to pay their Federal, State, county, and city taxes on the basis of a program which will not give them cost of production. Not only must the people have the cost of production, but they must have an opportunity to make a reasonable profit in addition to the cost of production. So I am against the OPA program of controlling prices to the point where the people cannot make any money.

Mr. President, the statements which I have made explain the amendment which I have offered. There is no excuse for anyone favoring further controls over these commodities. Most of them are now in the black market anyway. Timber and lumber are in the black market, for the most part. Petroleum is not in the black market. It was at one time in the black market, during the war when controls were exercised. It is not now in the black market. Cotton is not now in the black market. Milk is not in the black market, but butter, a product made from milk, is. Ninety percent of the livestock of the country is in the black market. I do not believe that tobacco is in the black market now, although it was at one time. Poultry is not in the black market now, but it was a year ago. Fish is not now in the black market. I have before me testimony taken before my committee, which shows that we now have 100,000,000 pounds of frozen fish that cannot be disposed of, and yet the OPA insists on retaining controls over fish.

Grain is largely in the black market. Only recently the Government entered the black market to secure corn, and paid a bonus of 30 cents on every bushel it bought. It was the same kind of a market as the feeder would have made if he had bought the same amount of grain. Corn is in the black market today. There is no corn for sale in the open market. I say "no corn." The amount is so small that it is practically nothing. I cannot speak with respect to fruits and vegetables. They are a seasonal crop. However, they would come under the terms of this bill.

Mr. President, I submit the amendment on its merits, and ask for the yeas and nays.

Mr. BARKLEY. Mr. President, in view of the fact that the bill must go over until tomorrow, under circumstances which will be presently announced, I wonder if we can obtain an agreement for a limitation of debate.

Mr. WHERRY. Mr. President, that is satisfactory to me.

Mr. BARKLEY. I ask unanimous consent that during the further consideration of the pending bill no Senator shall speak more than once nor longer than 30 minutes on the bill or any amendment thereto.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Kentucky?

Mr. HICKENLOOPER. Mr. President, does that mean 30 minutes on any amendment and 30 minutes on the bill?

Mr. BARKLEY. Yes.

Mr. WHERRY. Mr. President, does that mean 30 minutes on any amendment in addition to 30 minutes on the bill?

Mr. BARKLEY. It means one speech of 30 minutes on the bill, but 30 minutes on each amendment.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

DEATH OF SENATOR BANKHEAD

Mr. HILL. Mr. President, it becomes my sad duty to announce to the Senate the death of my colleague and beloved friend, Senator JOHN H. BANKHEAD.

No man in this body enjoyed the affection and esteem of its Members more than he. His character, his fair dealings, his loyalty, and the warmth of his humanity knew no differences in politics or persuasions among his colleagues, but drew all within the circle of his friendship.

His passing is a personal loss to each of us—a grievous loss to the Senate. For 16 years he served here with great fidelity and distinction. He worked and toiled; he spent and was spent, until, worn and exhausted, he fell beneath the many and heavy burdens which he carried so well and so faithfully.

The long list of statutes which bear his name eloquently testifies to the outstanding part he played in the work of the Senate and his many splendid contributions to the progress and welfare of the Nation. He labored long and tirelessly for American agriculture, and was recognized throughout the Nation as the valiant champion of the American farmer, and agriculture's foremost leader in the Congress. In his passing our country has lost one of her great sons, a great American, a great public servant, a tried and proven friend of the people.

Mr. President, at a later and more appropriate time I shall speak more fully of the life, the character, and the public services of Alabama's great statesman, Senator JOHN H. BANKHEAD.

Mr. President, I send to the desk a resolution for which I ask present consideration.

The PRESIDENT pro tempore. The resolution will be read.

The resolution (S. Res. 204) was read and considered, as follows.

Resolved, That the Senate has heard with profound sorrow and deep regret the an-

nouncement of the death of Hon. JOHN H. BANKHEAD, late a Senator from the State of Alabama.

Resolved, That a committee of 12 Senators be appointed by the President pro tempore of the Senate to take order for superintending the funeral of the deceased Senator.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Mr. BARKLEY. Mr. President, I do not like to let this moment pass without saying a word concerning the death of Senator BANKHEAD.

I dare say that no family contributed to the history of any State in the American Union during the past half a century to a greater extent than the Bankhead family contributed to the history of Alabama. It is an unusual thing for a father who serves in both Houses of Congress to have a son who thereafter serves in either branch of the Congress. It is more unusual for a father who serves in both branches of Congress to have two sons who serve in either or both branches of Congress. The father of our departed friend and colleague was for many years a Member of the House of Representatives. He was an outstanding Member there, and he acquired a Nation-wide reputation because of his fidelity, his ability, his steadfastness, and his honesty in the performance of his duty. He was elected by the people of Alabama to the Senate of the United States, and he served in this Chamber until his death. He had a son who was elected to the House of Representatives, and rose by dint of ability and personality to the majority leadership of the House of Representatives, and thence to the Speakership of the House of Representatives, and he died while serving as Speaker of the House of Representatives, William B. Bankhead.

During those years his other son and namesake, JOHN H. BANKHEAD 2d, was elected to this body, and he served here with distinction and ability and loyalty to his conceptions of duty, with the admiration and personal friendship of all of us. The Bankhead family not only has given to both branches of Congress Members who have had long tenure of office, but it also has given to the fields of art and literature outstanding names that are familiar to us all.

I served on the Banking and Currency Committee with Senator BANKHEAD for many years. I served with him on the steering committee of the majority. I had many, many associations with him from both a personal and a legislative standpoint.

He was a man of rugged character. He was a man who believed in his State, who believed in the South from which he came, who believed in the integrity of America which he served. I was with him all day on the last day of his service in this Chamber, as a member of the Committee on Banking and Currency, which was considering the bill which is now before the Senate, the measure extending the Office of Price Administration and the Stabilization Act. I have no doubt that his being stricken in the late afternoon of that last day was due in large measure to the intensity of his position and his advocacy regarding something before the committee and in the bill in which he was greatly concerned.

I join the Senator from Alabama [Mr. HILL] who has just spoken, and I join all other Senators, without regard to party division or without regard to the States from which they come, in expressing my deep sorrow over the death of Senator BANKHEAD, my profound sympathy for his family and friends, and my abiding faith in the fact that he, as well as others in his family and in his association, has carried on the tradition of statesmanship and fidelity to duty, in whatever station he has served the people of his State or the Nation or the community from which he has come.

Peace to his ashes. May his memory remain verdant among us all as long as we ourselves shall travel the highway of life.

Mr. WHITE. Mr. President, the word which has officially come to us in the last few minutes brings grief to us all. I have had for Senator BANKHEAD a warmth of affection in which I have found joy.

The Senator from Kentucky has spoken of the Bankhead family. It happened that I took my seat in the Senate of the United States on the same day when our late colleague took his seat here. It also happened that I took my seat in the House of Representatives on the same day when a brother of the late Senator BANKHEAD took his seat there. I served there for 14 years with William B. Bankhead, who later was Speaker of the National House of Representatives; and I well recall the father of the two sons.

Mr. President, Senator BANKHEAD served with the utmost fidelity upon many of the most important and busiest committees of this body. He served upon the Appropriations Committee with industry and distinction. He served upon the Banking and Currency Committee and he made great contributions to the work of that committee. He served upon the Committee on Agriculture and Forestry, and he made his name known throughout the Nation as an authority upon all agricultural problems. He will be sadly missed from the councils of the Senate.

Mr. President, a kindly, gracious, Christian gentleman has gone.

Mr. PEPPER. Mr. President, as a loyal son of Alabama, I feel a peculiar sorrow that this great Senator from Alabama has passed into the glorious galaxy of the dead. When I was a student at the University of Alabama, one of my most devoted friends was Walter Will Bankhead, son of the distinguished Senator for whom we sorrow. So I felt that I already had an attachment to him when I came to the Senate. He took a fatherly and intimate interest in me as a person, and we always had a personal relationship which, to me, was very meaningful.

He comes of one of the greatest families in Alabama's history. Three generations have rendered most distinguished service to that State and to this Nation. There has been no public servant more devoted to duty than Senator JOHN H. BANKHEAD. There has been none who has labored more arduously and assiduously, none who has served with more responsibility or more zeal the people who honored him. I am sure all of us are aware that it was such unstinted service that contributed to the shortening of his life.

He was a devoted family man, not only to his immediate family, but to the ramifications of his family. He loved Alabama and his alma mater, the University of Alabama. I do not know how many different times he has reminded me, here in the Senate, that at one time there were in this body, five of us who were born in Alabama: the able Senator BANKHEAD himself, the distinguished President pro tempore of the Senate, the Senator from Tennessee [Mr. MCKELLAR], the eminent junior Senator from Alabama [Mr. HILL], former Senator Lee of Oklahoma, and I, all of us except Senator Lee were alumni of the University of Alabama. We always felt that we had something of a little fraternity among ourselves, and on many occasions we talked about the university of an older day, as well as the university of a newer one.

Senator BANKHEAD's name was a household word in Alabama. We recall that only a year or so ago the farmers of Alabama awarded him the honor and distinction of hailing him as one of the greatest men who had ever served the farmers of that State.

Mr. President, the ranks which those of us who have been here only a decade found when we came here are rapidly thinning. One of the surviving giants has been stricken down by this last blow of the scythe of time. We can feel walking beside us day after day a more numerous company of those who are now with us only in memory and in spirit. Surely through memory we shall always feel closest to us the great character, the wise head, the generous heart, the warm hand, and the loyal friendship of him whom we now mourn, Senator JOHN H. BANKHEAD.

Mr. MCFARLAND. Mr. President, the passing of Senator BANKHEAD is a great loss to the people of the State of Alabama and a great loss to the people of our Nation. In his passing we who serve in the Senate have lost one of our best friends. Senator BANKHEAD was never too busy or too tired to council with those of us who were new in the Senate. He was always willing to spend his time and energy in being helpful to us. It was my privilege to work with him very closely during the last few days before he was stricken. I feel a great loss in his passing, as, I am sure, does every other Member of the Senate.

Mr. President, at a time like this words are inadequate to describe the feelings of one who has lost a friend and a mentor. JOHN BANKHEAD lived a great and useful life. His record speaks for itself. His name will go down in history as one of the great statesmen of this era. To his widow, his family, his friends, and to the

people of the great State of Alabama go our sincere condolences in this hour.

Mr. REED. Mr. President, a person who once visited Alabama made an inquiry about the great families of that State. He asked, "How does the Bankhead family stand in Alabama?" The reply made to him was that the name "Bankhead" stood for integrity in the State of Alabama. That was true, also, Mr. President, in the Senate of the United States, and wherever else the name "Bankhead" was known.

It was my privilege and pleasure to work with Senator BANKHEAD during my service in the Senate. Undoubtedly he was the foremost champion in this body of the American farmer. He was thoroughly familiar with the subject of cotton, but his understanding of the farm question was not limited to cotton. It extended as well to my own State where wheat is raised. Never at any time during my service in this body did I find any sectionalism or partisanship or limitation of any kind associated with the effort which Senator JOHN H. BANKHEAD was putting forth in behalf of the farmers of the United States.

It has been my custom for some time to take breakfast in the Senate restaurant. Senator BANKHEAD was one of the few Senators who was frequently present. So, I had many contacts with him which were apart from the work of the Senate. He was a genial gentleman, a good friend, and a fine family man.

Mr. President, during my last contacts with him I observed the sudden decline in the physical condition of our late colleague. I attribute much of that to the devotion of JOHN BANKHEAD to his duty as he saw it. During the last few weeks before he was stricken I felt very much concerned about him, because of the terrific effort which he was putting forth in the formation of the legislation which is now under consideration.

Mr. President, if there were ever a Member of this body of whom it might be said, in the immortal words of William Cullen Bryant, "Like one that wraps the drapery of his couch about him, and lies down to pleasant dreams," that person was JOHN H. BANKHEAD.

The PRESIDENT pro tempore. The question is on agreeing to the resolution submitted by the Senator from Alabama.

The resolution (S. Res. 284) was unanimously agreed to.

The PRESIDENT pro tempore. The Chair states that under the second resolving clause, the 12 members of the committee will be appointed later.

Mr. HILL. Mr. President, as a further mark of respect to the memory of my late colleague, I move that the Senate take a recess until 11 o'clock a. m. tomorrow.

The motion was unanimously agreed to; and (at 4 o'clock and 52 minutes p. m.) the Senate took a recess until tomorrow, Thursday, June 13, 1946, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate June 12 (legislative day of March 5), 1946:

ASSISTANT COMMISSIONER OF INTERNAL REVENUE

Stewart Berkshire, of Texas, to be Assistant Commissioner of Internal Revenue, in place of Paul A. Hankins, resigned.

IN THE NAVAL RESERVE

Rear Adm. Gilchrist B. Stockton, United States Naval Reserve, to be a rear admiral in the Naval Reserve, for temporary service, while serving with the United States Ambassador to the Republic of the Philippines, and to continue until release from active duty.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JUNE 12, 1946

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord and Master of us all, we praise Thee that Thou hast revealed unto us a life beyond irritations and rancor. We pray Thee so to stir our natures that we may contend against all injustice and whatever worketh unwise differences between men. Help us to declare to the world by our example that only by the moral and spiritual rearmament of mankind can we behold the day-dawn of peace. Do Thou establish the work of our hands and preserve it beyond the reach of time and change, ever putting unity of country before partisan prejudices and moral integrity above unrighteous ambitions.

Dear Lord, bless our President, our Speaker, and every Member of the Congress with the quiet breath of Thy spirit, that their hearts may be sustained in their tasks. Stimulate us with the highest impulse of patriotism and unite us in a common zeal and consecration. O lay the ax at the roots of fear and danger until our people shall reap abundantly of faith in free government. Make us too big for narrow creeds and petty convictions and clothe us with that life which reveals the constant inflowing of the spirit of the Son of Man. We pray in His holy name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1163) entitled "An act to provide for the appointment of one additional district judge for the northern district of California.

The message also announced that the President pro tempore has appointed Mr. BARKLEY and Mr. BREWSTER members of the joint select committee on the part of the Senate, as provided for in the act of August 5, 1939, entitled "An act to provide for the disposition of certain records of the United States Government," for the disposition of executive papers in the following departments and agencies:

1. Department of Agriculture.
2. Department of Commerce.
3. Department of the Navy.
4. Department of War.
5. Federal Security Agency.
6. General Accounting Office.
7. Interstate Commerce Commission.
8. National Housing Agency.
9. Office of Alien Property Custodian.
10. Office of Price Administration.
11. United States District Court, District of Vermont.
12. United States Soldiers' Home.

EXTENSION OF REMARKS

Mr. KOPPLEMANN. Mr. Speaker, I ask unanimous consent to insert in the Appendix of the RECORD a statement of my own, including a short editorial.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. TRIMBLE asked and was given permission to extend in the Appendix of the RECORD an article from Stars and Stripes.

Mr. THOMAS of Texas asked and was given permission to extend his remarks in the RECORD and include an editorial appearing in the Times-Herald concerning two great Americans, Jesse Jones and Barney Baruch.

Mr. LANE asked and was given permission to extend his remarks in the Appendix of the RECORD and include an article from the Lynn Telegram.

Mr. HARLESS of Arizona asked and was given permission to extend his remarks in the Appendix of the RECORD and include a letter.

RADIO PROGRAMS NEED SELF-DISCIPLINE

Mr. LANE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LANE. Mr. Speaker, in the June 8 issue of the Pilot, official newspaper of the Catholic Archdiocese of Boston, there appeared an editorial on offensive material presented on the radio program called Duffy's Tavern, which is broadcast on Friday nights over a major network.

On two separate occasions, this program has referred to St. Patrick with unbecoming levity and has ridiculed those of Catholic faith and Irish ancestry by mocking the custom of waking the dead. This traditional observance of paying respect to the dead is held in high reverence by many millions of our fellow Americans.

After the first incident, the Pilot was inclined to the view that it was due to carelessness. The second incident, however, confirms the suspicion that those responsible are guilty of exceedingly bad taste, which merits public censure.

Radio broadcasting is a wealthy and powerful industry, which brings information and entertainment to the largest audience in the world. For every increase in its influence it must accept a

greater responsibility to the people. This industry needs to be reminded that it is not smart business to make fun of the religious convictions which are the staff of life for so many Americans. It would do well to note how its sister industry, the motion picture, survived a similar period of irresponsibility. In the face of a rising tide of public criticism, the movies decided to clean their own house, and accordingly set up a production code to prevent their offerings from becoming offensive. This sense of public responsibility also turned out to be good business. With this precedent before it, radio can hardly close its eyes to the implications.

All of us abhor censorship. We prefer to see a man, or an industry, grow up to self-discipline. In this spirit, we ask the sponsors and those who have charge of producing Duffy's Tavern to bear in mind that the air is not a monopoly. In a democracy, it belongs to the people who control it by a mere turn of a dial.

STATE DEPARTMENT SHOULD INVESTIGATE AND INFORM US ABOUT THE GRAND MUFTI'S PRESENCE IN SYRIA

Mr. CELLER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Speaker, we must view with grave concern the presence of the self-styled Grand Mufti, friend of Hitler, in the Middle East. His appearance there is shrouded in mystery. He vanished from France, boarded a British plane, and landed in Damascus, Syria.

His criminal record is long and black. He shares in the responsibility for the mass murders of millions of European Jewry, as the documents at Nuremberg reveal. He instigated riotous pogroms against the Jews in Palestine and formed the Arab Brigade which fought against our soldiers in the Levant. He organized the Mohammedan SS in Yugoslavia to fight against our allies. Undeniably, he is a war criminal and should have been treated as such along with Hess, Goering, Goebbels, and company. Instead he is permitted to leave France and return to the scene of his crimes, there again to rouse the Arabs to bloodshed. I think this Congress has a right to know the facts about this notorious murderer. Why is he in the Middle East now when negotiations are taking place for the transfer of 100,000 Jews into Palestine? What interested parties aided and abetted him with the obvious purpose of bringing to boiling point the tempers of the residents of the Middle East? If we are interested in the peace in the Middle East—and we are—the questions of the Mufti's appearance in the Middle East and the way he got there must not go unanswered. The State Department might well inform us.

EXTENSION OF REMARKS

Mr. BECKWORTH asked and was given permission to extend his remarks in the RECORD and include a letter.

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a manuscript entitled "The Theater Guild." I am informed by the Public Printer that this will exceed two pages of the RECORD and will cost $320, but I ask that it be printed notwithstanding that fact.

The SPEAKER. Without objection, notwithstanding the cost, the extension may be made.

There was no objection.

Mr. PRIEST asked and was given permission to extend his remarks in the RECORD and include an article entitled "Aviation Builds a New World," written by the gentleman from West Virginia [Mr. RANDOLPH].

Mr. GATHINGS asked and was given permission to extend his remarks in the RECORD in three instances and to include editorials.

Mr. GOODWIN asked and was given permission to extend his remarks in the RECORD and include a letter.

Mr. H. CARL ANDERSEN asked and was given permission to extend his remarks in the RECORD and include an essay by Philip Maus, of Maynard, Minn., entitled "Food Plank for Peace."

MINORITY REPORT ON H. R. 3129

Mr. MURPHY. Mr. Speaker, I ask unanimous consent that I may have until Friday midnight to file a minority report on the bill H. R. 3129.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

HIGH SCHOLARSHIP OF EX-SERVICEMEN

Mrs. ROGERS of Massachusetts. Mr. Speaker. I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, in conversation with General Eisenhower at the Pentagon Building this morning he informed me as have two other high ranking persons that the veterans who have taken educational courses under the GI bill of rights are everywhere standing in the first quarter of their classes. This is a very great tribute to these men who fought for us under the trying conditions of combat that they are leading the Nation in scholarship.

FOOD SHORTAGES

Mr. RIZLEY. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. RIZLEY. Mr. Speaker, some of us who represent large cattle-producing districts tried to tell the OPA and other Government agencies that we were not going to have meat if they did not quit tinkering with a business they did not know anything about. No attention was paid to this warning and, of course, we do not have any meat.

The Government has now started its program of attempting to compel the farmers to sell their wheat and to restrict the grain elevators, mills, and other storage facilities in the handling of the same. As a result, of course, flour and bread is becoming increasingly harder to obtain.

Mr. Speaker, the situation is going to get worse. I have received a number of telegrams from farmers this morning. Their wheat is not in condition to sell. The farmers know more about when they can sell their wheat than any Government agency here in Washington. All of these Executive orders are being made under the war powers of the President. It is a serious matter, and something had better be done about it. I am calling this to the attention of the committee who now has my bill and others to curb the war powers of the President. It is your responsibility. The Congress is without authority so long as we continue wartime authority in the President.

THE LATE DONALD BARROWS PARTRIDGE, OF NORWAY, MAINE

Mr. HALE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. HALE. Mr. Speaker, it is my sad duty to announce to the House the death on June 5 of Donald Barrows Partridge, of Norway, Maine, who served in the Seventy-second Congress as Representative of the old Maine Second District. The district ceased to exist when the State was reapportioned in 1934, and he never sought reelection to this body. He returned to the practice of law in Maine, and was appointed to the Industrial Accident Commission, of which he remained a member until his untimely death at the age of 55. His service in the Congress was brief, but those who served with him remember him as an industrious, conscientious, and high-minded legislator.

Before coming to Congress he was for 12 years the clerk of courts of Oxford County, in which he resided all his life. Throughout his life he took an active part in public affairs.

Donald Partridge was a good citizen, and a faithful public servant. His death is a loss to our State.

PERMISSION TO ADDRESS THE HOUSE

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

[Mr. REED of New York addressed the House. His remarks appear in the Appendix.]

THE BRITISH LOAN VIEW IN NEBRASKA

Mr. BUFFETT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BUFFETT. Mr. Speaker, the Members of the House will be interested in knowing that out in Nebraska yesterday we took a comprehensive referendum in the primary on the British loan. Senator HUGH BUTLER, who opposed the loan in the Senate, was running against Governor Griswold, a popular Governor for three terms, who had come out in favor of the loan.

At the last report Senator BUTLER was leading Governor Griswold by a majority approaching 2 to 1. There you have from the grass roots the verdict of the people on this financial venture. The people who must foot the bills want us to call a halt on foreign loans until our own house is in order.

This House should reject the British loan.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. BUFFETT. I yield to the gentleman from Mississippi.

Mr. RANKIN. I thought it was a fight between BUTLER and Stassen.

The SPEAKER. The time of the gentleman from Nebraska has expired.

THE BRITISH LOAN

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, I am so glad that out in Nebraska they notified the Members of Congress what to expect. The people of this country are for America first, last, and all the time. They are interested in what we can do for other countries, but they do not want America wrecked. Now, whenever you think that you are going to give Great Britain $4,400,000,000, after we have given them billions and billions of dollars, and after canceling the debt for materials that we gave by way of lend-lease in the sum of $26,000,000,000, and having in mind that they still owe us $6,000,000,000 from World War I, you have another guess coming. The American people do not want this Congress to build a monument that is going to wreck us. So beware.

EXTENSION OF REMARKS

Mr. SPRINGER asked and was given permission to extend his remarks in the RECORD in two instances and include an editorial.

Mr. BENNETT of Missouri asked and was given permission to extend his remarks in the RECORD in two instances and to include in one an address delivered by his colleague the gentleman from Tennessee [Mr. REECE].

Mr. REED of New York asked and was given permission to extend his remarks in the RECORD and include a newspaper article.

Mr. WOODRUFF asked and was given permission to extend his remarks in the RECORD in two instances and to include in each article by Mark Foote on communism.

Mr. KEARNEY asked and was given permission to extend his remarks in the RECORD relating to H. R. 6746, introduced by him yesterday.

Mr. JUDD asked and was given permission to extend his remarks in the RECORD in two instances; to include in one a letter, and in the other an editorial from the New York Times.

Mr. STEVENSON asked and was given permission to extend his remarks in the RECORD and include a statement by the Honorable R. S. Cowie, circuit judge, Fifth Judicial Circuit of the State of Wisconsin, in reply to two recent editorials appearing in the Milwaukee (Wis.) State Journal.

Mr. LEMKE asked and was given permission to extend his remarks in the RECORD and include a poem.

Mr. CLEVENGER asked and was given permission to extend his remarks in the RECORD and include an editorial.

Mr. SHARP asked and was given permission to extend his remarks in the RECORD and include an address delivered by Hon. W. Kingsland Macy.

Mr. KEOGH asked and was given permission to extend his remarks in the RECORD and include an editorial which appeared in the New York Times of June 10.

Mrs. DOUGLAS of California asked and was given permission to extend her remarks in the RECORD and include an editorial from the Los Angeles Daily News endorsing the British loan.

Mr. MANSFIELD of Montana asked and was given permission to extend his remarks in the RECORD and include a speech delivered by a friend of his.

Mr. MADDEN asked and was given permission to extend his remarks in the RECORD and include an editorial.

BROOKLYN

Mr. KEOGH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KEOGH. Mr. Speaker, as a result of the energetic activities of Hon. James A. Kelly, deputy county clerk and official historian of the Borough of Brooklyn in cooperation with Borough President John Cashmore and the Long Island Historical Association, the Brooklyn Daily Eagle, and other civic groups, the world today knows that the Borough of Brooklyn is celebrating its three hundredth anniversary. Three hundred years are a long time, but the 3,000,000 people of the Borough of Brooklyn review the past with pride but also look to the future with the hope and optimism manifested by a great American community. They are determined that their borough will maintain its place as one of the world's greatest centers of industrial activity—that it will for many years retain its reputation as the great "borough of churches" and that for an equally long time it will be the home of the world's champion baseball team, the famous Brooklyn Dodgers. Mr. Kelly, Mr. Cashmore, Mr. Schroth, the publisher of the Brooklyn Eagle, and all others who have participated in making this a memorable day in Brooklyn's long and distinguished history are to be congratulated.

FEDERAL WORKS AGENCY

Mr. BAILEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. BAILEY. Mr. Speaker, one cannot help but take cognizance of the speech delivered recently by Gen. Omar Bradley at Atlantic City in which he predicted that 4,000,000 veterans will be out of employment by the end of this year. In this connection I call the attention of my colleagues to the fact that the finance group of the other body has refused an item in the appropriation for the Federal Works Agency of $35,000,000 and $10,000,000 for the purpose of engineering and planning costs. I hope the conferees of the House when they get together with the conferees of the Senate will take pleasure in restoring that item to the original figure.

PERMISSION TO ADDRESS THE HOUSE

Mr. LARCADE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks, and I ask that my remarks be printed in the Appendix of the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

[Mr. LARCADE addressed the House. His remarks appear in the Appendix.]

THE CASE BILL

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. CASE of South Dakota. Mr. Speaker, the New York Times says this morning:

> Mr. Truman's veto of the Case bill is a profoundly disheartening development, which must add greatly to the gravity of the present labor crisis. The veto message is convincing neither in relation to the real state of affairs nor in relation to Mr. Truman's own past record and statements.

Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and include the full text of this editorial entitled "The President's Veto," and a second editorial from the same issue of the New York Times entitled "After the Veto."

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

EXTENSION OF REMARKS

Mr. PITTENGER asked and was given permission to extend his remarks in the RECORD in two instances and to include an editorial and a newspaper item in each instance.

AMENDING THE CLAYTON ACT

Mr. KEFAUVER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. KEFAUVER. Mr. Speaker, section 7 of the Clayton Act is supposed to prevent monopolistic mergers. Section 7 of the Clayton Act is now a dead letter because about 15 years ago it was found that one corporation could purchase the assets of another corporation as distinguished from its capital stock and completely avoid this section of the Clayton Act. If we are going to make headway in stopping the monopolistic trend that exists in this country at the present time, section 7 of the Clayton Act must be amended. A bill for that purpose, H. R. 5535, was reported unanimously by the Committee on the Judiciary many months ago. It merely plugs the loophole that exists in the act whereby mergers are created by buying the physical assets of a competitor rather than the capital stock. The bill has been pending in the Committee on Rules since that time, but we have been unable to get a rule. I certainly hope the members of the Committee on Rules will appreciate the importance of this matter and will allow the question to be debated on the floor of the House before long.

The SPEAKER. The time of the gentleman from Tennessee has expired.

ADJOURNMENT BY JULY 27

Mr. SABATH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SABATH. Mr. Speaker, there is no reason whatsoever why Congress should not adjourn by July 27. In years gone by the second session of Congress adjourned March 4.

I fully appreciate that Congress has been confronted with far more important legislation than in past years. But notwithstanding that, if a real effort is made, I feel that we should be able to bring about the adjournment, as I stated. Altogether too much time is being wasted on unnecessary no-quorum calls of the House and roll calls, and reckless fault-finding speeches.

Though the criticism against the Rules Committee, to some extent, is justifiable, nevertheless, the House has not been delayed by failure of that committee to report rules on legislation.

Today the Rules Committee granted 10 different rules and we have already outstanding 9 rules. However, there are important bills on which action for a rule have been deliberately withheld for many months, and I wish to assure the gentleman from Tennessee [Mr. KEFAUVER] that it is no fault of mine that his bill to amend the Clayton Antitrust Act has not been reported. Other important measures on which action has been withheld include the FEPC bill; the occupational hazard bill of the gentlewoman from New Jersey [Mrs. NORTON]; the cultural relations bill, H. R. 4892, urged by the State, War, and Navy Departments; the Reed railroad reorganization bill, H. R. 5924; and the O'Hara bill, H. R. 534, to exempt Government employees from multiple taxation.

I fully appreciate that we still have and should pass without unnecessary delay and before we adjourn the extension of OPA—H. R. 6042, the minimum-wage bill, the atomic-energy-control bill, the resolution on the succession of the Presidency, the selective training and service extension bill—H. R. 6064, and the reduction of debt bill. Consideration should also be given by the Rules Committee of a real bill, without hidden jokers as contained in the Senate bill, providing for a sensible and effective reorganization of the Congress. We can pass all these bills providing we will continue to hold daily sessions, including Saturday, and be ready to go home, as I have stated, by July 27.

Most of the Members need rest, after the strenuous and continuous labors here. We have been here nearly continuously, with few short recesses, for 6 years, and it is commencing to take its toll upon the Members. The strain has been terrific. Consequently, I feel that the country would approve adjournment, as I suggest, and Members will have an opportunity to recuperate and at the same time eliminate to a great extent the political strife that predominates.

EXTENSION OF REMARKS

Mr. RANKIN asked and was given permission to extend his remarks in the RECORD and include a poem written by Gen. Edward E. Brougher while he was a prisoner on Bataan.

THE ELECTION IN NEBRASKA

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Speaker, the Members of the House were most interested a while ago to hear the remarks of the gentleman from Nebraska [Mr. BUFFETT] on the Nebraska primary.

But it seems to me as if he "muffed the ball," missed the point. We, on this side, did not understand that this was a fight in Nebraska over the British loan. We thought it was Mr. Stassen out there running for President or for the candidacy for President or for ex-candidate for President, whichever way you want to put it. So we thought that was what they were voting on. In addition to the popularity of the distinguished Senator from that State, we thought the unpopularity of this alleged candidate for President, Mr. Stassen, was involved.

Mr. BUFFETT. Unquestionably that had some influence on the result.

Mr. RANKIN. I am glad to get the record straight on that proposition.

DEBT REDUCTION BILL

Mr. DOUGHTON of North Carolina. Mr. Speaker, I ask unanimous consent that it may be in order under the general rules of the House to call up the bill, H. R. 6699, on any day next week, and that there be not to exceed 2 hours' general debate, 1 hour to be controlled by myself, and 1 hour by the gentleman from Minnesota [Mr. KNUTSON].

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, I understand that this is agreeable to the minority members of the Committee on Ways and Means?

Mr. DOUGHTON of North Carolina. So far as I know, it is correct. I have discussed the matter with the gentleman from Minnesota [Mr. KNUTSON] the ranking minority member. Of course, the gentleman knows that this procedure would eliminate the necessity of getting a rule.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield to the gentleman from Pennsylvania.

Mr. RICH. Now, you are talking about debt reduction. Are we going to have debt reduction and are we going to get a balanced budget? You know the President said that we will have a balanced budget in 2 years. You cannot spend $35,000,000,000 a year and balance the budget. You know that, do you not?

Mr. DOUGHTON of North Carolina. It is very difficult to balance the budget.

Mr. RICH. I am glad that you admit that.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

EXTENSION OF REMARKS

Mr. KILBURN asked and was given permission to extend his remarks in the RECORD and include an editorial from the Washington Star entitled "Case Bill Veto."

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday. The Clerk will call the first committee on the calendar.

AMENDING THE CIVIL AERONAUTICS ACT

Mr. BULWINKLE (when the Committee on Interstate and Foreign Commerce was called). Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, I call up the bill (H. R. 6030) to amend the Civil Aeronautics Act of 1938, as amended, so as to improve international collaboration with respect to meteorology.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar and the House automatically resolves itself into the Committee of the Whole House on the State of the Union, for consideration of the bill.

Mr. BULWINKLE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BULWINKLE. As I understand it, there is 2 hours' debate?

The SPEAKER. Under the rule, the gentleman from North Carolina will have 1 hour and the gentleman from New Jersey [Mr. WOLVERTON] will have 1 hour.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 6030, with Mr. COOPER in the chair.

The Clerk read the title of the bill.

By unanimous consent the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from North Carolina [Mr. BULWINKLE] is recognized for 1 hour and the gentleman from New Jersey is recognized for 1 hour.

The gentleman from North Carolina.

Mr. BULWINKLE. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. MARCANTONIO].

Mr. MARCANTONIO. Mr. Chairman, I rise at this time not to discuss the bill. I do feel it my duty, however, to inform the House and the country as to what the situation really is.

This is Calendar Wednesday. This is a bill which requires practically no debate. There is no opposition to it whatsoever, and it is my considered judgment it could have been taken up at any time by unanimous consent. As a matter of fact, I discussed the situation with the gentleman who is now handling the bill and, unless I do not understand the English language, an agreement was made last week that the Committee on Interstate and Foreign Commerce was not going to use its place on the calendar to call up these bills; that in doing so it would be aiding and abetting a filibuster that has been going on in order to prevent the call of the Labor Committee. Today a committee meeting was held which I could not attend because I had other important matters to attend to. Further, I received no notice to the effect that our committee would be asked to decide whether or not it should be used to help the filibuster against the FEPC. At that meeting it was decided to call up these bills—bills that could have been passed by unanimous consent. Two hours' debate is allowed. What a mockery. I just want the country to know the mockery in which we are now engaged for the sole purpose of taking up time in order to prevent the call of the Committee on Labor and again block consideration of FEPC.

Mr. Chairman, in my opinion, this is the breaking of an agreement. You Members may disagree with me on many issues, but I think every Member of this House will agree that when I make an agreement—when I give my word—I keep it. I do hope this will teach people to remember that a word in agreement is a sacred obligation, even though it is not committed to writing.

Mr. BULWINKLE. Mr. Chairman, I yield myself 45 minutes.

Mr. Chairman——

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. BULWINKLE. I yield to the gentleman from Pennsylvania.

Mr. RICH. The gentleman from New York——

Mr. BULWINKLE. Will not the gentleman allow me to proceed to speak about the statement of the gentleman from New York?

Mr. RICH. I was going to ask about that agreement.

Mr. BULWINKLE. I am going to go into that fully.

Mr. RICH. I hope the gentleman will.

Mr. BULWINKLE. It is true, there is no question about it, that on two former occasions I was told to be ready to take up bills on Calendar Wednesday. It is true that on two former occasions I sat here waiting, but because of roll calls of one kind and another they never reached me. It is true that I said that I would not be in a position to take this up any further because of the effect it might have on the committee in the absence of the chairman. The gentleman from California [Mr. LEA], chairman of the committee, was away. Mr. LEA returned. In the committee this morning due notice was given to everyone. The request was made, as this was Calendar Wednesday and these bills were on the calendar, that they be brought up. The chairman asked if there was any objection. No one objected. The chairman then requested that I handle these bills on the floor today.

Let me say to you, sir, you have been in here every week complaining that no legislation was brought up on Calendar Wednesday. It is Calendar Wednesday today, and the Interstate and Foreign Commerce Committee has a perfect right to call up bills. They were not bound by any statement that I had made. I said that I was not going to put the committee in the attitude of filibustering. You say these bills do not amount to anything, yet every pilot, yet every man that flies the air, every passenger on a plane has much at stake in these bills. They mean much to them. If the gentleman thinks so little of life, then may heaven forbid that I should mention his thoughts any further.

Mr. BRADLEY of Pennsylvania. Mr. Chairman, will the gentleman yield for a question?

Mr. BULWINKLE. I shall be pleased to yield to the gentleman from Pennsylvania.

Mr. BRADLEY of Pennsylvania. May I ask the gentleman if there was such an agreement and if it was a continuing agreement, and if in view of that situation, if that were so, if at the meeting this morning those concerned and interested in the situation we have on Calendar Wednesdays, were notified that there would be a motion to take action on any agreement that had been entered into?

Mr. BULWINKLE. There was no agreement entered into between the gentleman from New York and myself. I stated upon my own responsibility as a Member of this House that I would not subject the Interstate and Foreign Commerce Committee to criticism, that I was not going to bring it up in the absence of the chairman any more. I told that to the gentleman from Tennessee [Mr. PRIEST] and I told others the same thing. That is what I told.

Mr. MURPHY. Mr. Chairman, will the gentleman yield?

Mr. BULWINKLE. I yield.

Mr. MURPHY. The gentleman in referring to certain bills from the Committee on Interstate and Foreign Commerce said he did not believe debate was necessary. He said he did not believe that any debate was necessary; then the gentleman from North Carolina spoke of a unanimous agreement about two bills. I want to state, and I am sure the gentleman will agree with me, that there is considerable opposition to another bill of our committee that is on the calendar. There will be a minority report filed and I would say we want as much debate as we can possibly use to prevent the passage of H. R. 3129.

Mr. BULWINKLE. May I ask the gentleman, what I state happened is exactly so?

Mr. MURPHY. There was a statement this morning that there was no opposition to the two bills that would be brought up, but I did oppose the third bill.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. BULWINKLE. I yield to the gentleman from New York.

Mr. MARCANTONIO. I am sure the gentleman does not want to misquote me. The gentleman stated it was my position that these bills are not important. I did not say that. I said these bills could be disposed of by unanimous consent because there is no opposition to the bills. Furthermore, in view of the fact that the gentleman had taken the position, as he admitted, that the committee should not be used to further this filibuster, why did not the gentleman object this morning when that question was raised in the committee and restate his position to the committee?

Mr. BULWINKLE. I stated to the gentleman as I say to him now, and the gentleman knows it, that I would not take these bills up any more in the absence of the chairman of the committee. Does the gentleman remember that?

Mr. MARCANTONIO. That is right, but despite that he is calling up the bills.

Mr. BULWINKLE. I told the gentleman the gentleman from California [Mr. LEA] was not here and that I was not going to act any further.

Mr. MARCANTONIO. Did not the gentleman feel duty bound to so inform the committee? If I had been there I would have informed the committee and I think the gentleman, having made that statement, should have informed the committee of that situation.

Mr. BULWINKLE. The gentleman knows I said that the committee was not merely going to sit here in the House to be ready in case some of the roll calls did not work but that I was ready to take them up. Enough of that. We are doing what the gentleman wants, we are doing

what the gentleman has been asking us to do, that we legislate, and we have two bills here to consider. Now, let us get to this bill.

Mr. Chairman, there is and there has been in the United States great progress made in aviation, but there is one thing that every man who flies has to contend with and that is the weather.

It was said in the report: Weather has no regard for national boundaries. A blizzard in Chicago today may have developed in the northern Pacific and moved slowly across Canada before reaching its height in the territory of the United States. Consequently, meteorology for many years has been the subject of international collaboration. With the advent of air transportation the interest in, and necessity for, such collaboration is greatly increased and it is expected that much time and effort will be spent by the Provisional International Civil Aviation Organization and its successor in dealing with problems of meteorology.

WEATHER AND SAFETY IN THE AIR—PART I. PROGRESS AND PROBLEMS OF THE AIRWAY WEATHER SERVICE

The Air Commerce Act of 1926 was a practical expression of the growing conviction that travel by air was destined to be a major national activity. Until that time the condition of the atmosphere in upper levels had been of academic interest chiefly because of its bearing on the solution of problems dealing with human activities confined to the earth's surface. Some fragmentary information had been accumulated from scientific investigation by kite and pilot balloon, most of which was carried over from World War I.

A sum of $107,100 was appropriated in 1926 for aerological investigations. This was a meager allotment, primarily for additional observations.

Mr. HARE. Mr. Chairman, will the gentleman yield?

Mr. BULWINKLE I yield to the gentleman from South Carolina.

Mr. HARE. As I understand, this bill deals primarily with the development of meteorological science which may be used to the advantage of aeronautics.

Mr. BULWINKLE. Yes; but it is not devoted entirely to aviation, transportation of all kinds and the people of the United States will benefit a great deal in all lines of endeavor by the provisions of this bill, if it becomes law.

Mr. HARE. The gentleman spoke of the storms in the north Pacific and came to the northern part of this country and spoke of an interest which has recently developed by some of the scientists. They will be able to control tropical hurricanes by locating them, you might say, in their infancy or early stages by means of the atomic bomb. They say that it takes 3 or 4 days for a hurricane to fully develop and get on its way, and that within that time they have made sufficient developments so that they will be able to dissipate these forces, and I am wondering whether or not this bill in its final analysis will include experiments and investigations to see whether or not these scientists are really correct in the theory that tropical hurricanes may be dissipated in their infancy.

Mr. BULWINKLE. I cannot say because I do not know anything about it. But I do say this, that by proper weather reporting and weather information, and weather observation, the course and the time when storms should come will be more correctly reported under this bill than at the present time. It provided for a continuation and slight expansion of work previously carried on, mostly by pilot balloon, which gave a picture highly distorted by frequent observations in fine weather and little or none in stormy weather. Five or 6 years ago the Committee on Interstate and Foreign Commerce expressed the great need of more observations to fill the gaps in the weather network for aviation. Under the stimulus first of national defense and then war, many additional observing stations have been established, and trained Weather Bureau observers have replaced many of the part-time employees and employees of other agencies who were taking observations at so many of our airports and off-airway points. The radiosonde has been used with increasing effectiveness to secure more balanced surveys of conditions aloft. However, this expansion necessarily has been heavily on the side of more observations. We have scarcely had time to make more than a start in assembling and studying the reports with a view to practical application of the results.

One result is that the effort to accumulate adequate observations for study and the pressure of war to extend the network of observing stations have left us with a system which is inadequate in dealing with the available observations. Now that we have made excellent progress in obtaining the observations, the first and most important change in this program will be the expansion of our efforts to analyze and make practical use of the information. Emphasis on this need must be the basic thought in any plan to improve our understanding of weather in relation to safety in the air.

Records are accumulating: With the major attention of Government in the meteorological field devoted to an intensive effort to get more observations of the upper air in North America and over distant military air routes extending across other continents, the war is directing a vast stream of valuable reports toward the United States Weather Bureau. Many of these reports are from world areas where previously no scientific balloon or other device had ever probed the atmosphere. Many of the facts we have needed to deal with the interrelationships of vast continental and oceanic air masses in connection with air safety, especially in the Western Hemisphere, are now in the mails or piling up on our shelves.

The atmosphere in which we fly, even including much of the stratosphere, is like an extremely thin shell. Its depth and horizontal dimensions are in the proportions of a sheet of tissue paper. On a small-scale weather map of the United States the depth of the flyable atmosphere is like the thickness of the paper on which the map is printed. It is plain that extremely localized conditions can develop and persist in such an atmosphere over a topography as varied as that of the United States. The problem of dealing with the weather in North America is a three-dimensional one of baffling complexity. It is clear that about all we can claim from an objective viewpoint is that we have made good progress in accumulating good upper air records preparatory to systematic study. Safety in the air from the standpoint of weather will depend largely on how Government meets this latter responsibility.

Understaffed weather offices: When observing was the only weather duty at the airport, a Weather Bureau staff of five observers was adequate to cover a 7-day week and a 24-hour day with only one employee on duty at a time. This barely provided for absences due to sick leave, vacations, and holidays under peacetime circumstances, plus 1 day off each week in lieu of work on Sundays. As the number of observing points increased and the national teletype systems carried more and more regular hourly observations and special reports, the one man on weather duty at the airport office was obliged to work overtime and make a necessarily inadequate effort to do two things at the same time: First, he was needed at his post out-of-doors to make frequent observations and to keep informed of local weather changes and at appropriate intervals report them for immediate transmission on the teletype to other areas; and, second, it was necessary that he watch the sequences from other points as they arrived continuously on the office teletype so that he would be aware of important changes at other places in the area. If either of these two jobs is not well done, the observations are not adequately used to meet the responsibilities of Government for safety in the air. It is obvious that when only one man is on duty in the weather office at the airport he cannot be indoors and out-of-doors at the same time, and one of these important jobs must suffer.

In addition to these duties, it became necessary for the weather observer to enter the observations on a chart so that they could be presented pictorially for the information of pilots visting the office. The weather observer soon had practically another full-time duty added to his routine. The more work he did in charting the reports and making the information useful to pilots, the more he neglected his other two jobs of reporting the local weather and acting as a watchman to prevent sudden developments in neighboring areas from slipping up unexpectedly on the local airport.

It became apparent also that hourly reports of conditions on the airways did not provide enough information. Bad weather frequently moves in from points off the airways. The number of off-airway reporting points increased. This added to the work and confusion in the understaffed weather office. All of this was a natural accompaniment of the progress of aviation during the period when by force of circumstances the principal purpose of Government was to get the observations.

Additional off-airway-reporting stations: From time to time as new civil airways are opened up or traffic increases over old airways, it is necessary to have current weather reports from additional stations. These should be established when required in the interest of efficiency and safety in the air.

Fair weather is most dangerous kind of weather: The fact that there are frequent periods of fine weather with unlimited ceiling and visibiilty may have seemed to justify understaffing. However, if all of these duties are placed on one observer it must be done on the assumption that in fine weather the observer ceases to pay much attention to the weather and can then devote more time to his duties in the office. This is a most dangerous assumption. All bad weather is preceded by fine weather. During periods of fine weather all concerned are likely to be off guard except the trained weather observer. Bad weather sometimes appears with alarming rapidity. A great storm may develop in a few hours; ceilings and visibilities may lower with terrifying rapidity. Oftentimes the beginnings of these conditions are known only to the weather observers who watch carefully the local changes and the sequences on the teletype. Fair-weather understaffing is a most dangerous practice.

As unscheduled and private flying is resumed, activities at our airports will be greatly increased during fine weather. Night and instrument flying for scheduled air traffic and some other types of aviation have become well established and will continue to increase, but in peacetime future fliers will take to the air mostly on days that are fine locally. Our airport weather offices will be busiest in fine weather, and their responsibility will be great.

Except as the teletype carries the information currently, and the weather forecaster is able to foresee such things, the imminence of bad weather may not be realized in nonscheduled flying. Our neighbor may see nothing but fine weather, but a dangerous frontal condition or a bad thunderstorm may exist just over the horizon. His life will be in our hands.

Even in 1932, at its lowest ebb, nonscheduled flights carried over twice as many passengers as were carried on scheduled air lines. The records show that from 1932 to 1934 inclusive, scheduled flying showed 10 times as many miles flown per fatal accident as in the case of miscellaneous flying. During these same years, Weather Bureau appropriations specifically for service to aviation were revised downward from $1,709,340 to $1,052,442. There is every reason to believe that this comparison in proportion to the amount of flying will be considerably worse in the postwar period and become extremely discouraging and dangerous for nonscheduled flying if the United States Government does not take proper measures, especially in regard to weather.

PART II. NEEDS OF THE AIRWAY WEATHER SERVICE

Needs for processing the data: During recent years when we were making a beginning in obtaining balanced surveys of the upper air for future study and were relying heavily on current weather reports for safety in the air, forecasting for aviation did not develop as expected. Even when Weather Bureau appropriations began to increase under the stimulus of national defense and war, the expenditures necessarily were largely earmarked for additional observations; analysis of all these observations and developing of better forecasting methods could not, for reasons of manpower deficiencies and stress on observations, make proportionate progress. If we appropriate funds for observing stations only, and continue until the number of stations is doubled or tripled, and fail to provide proportionate amounts for the job of watching, charting, and processing the reports, it is obvious that limited staffs originally set up at a few points for analysis and forecasting will be overwhelmed by additional data and will be so occupied and confused by routine duties that little time will remain for systematic development of better forecasting methods. This is exactly what has happened.

When the total appropriations of the Weather Bureau amounted to only about $2,000,000 annually and observations were collected only twice daily, the duties of the forecasters permitted considerable time for investigation, and there was progress especially in air mass analysis and other new methods. Since that time the increase in observing stations and increase of observations to 24 daily has been far out of proportion to the growth of the staff of analysts and forecasters. Other pressing demands have arisen, especially in connection with the war, and the development of forecasting as applied to practical problems of aviation in the United States has been almost at a standstill. Training of military forecasters has occupied nearly all the time of many experienced men capable of carrying on useful research in normal times. This includes some air carrier and university meteorologists.

Better forecasts needed: Events of the middle thirties, when we began to get our first balanced good-and-bad-weather surveys, led everyone to believe that the upper-air problem would be solved rather quickly. We hoped that this new information in the hands of experienced forecasters and analysts would yield results without much expansion on the investigative side. Ten years of experience, including pressure of war needs, has shown the folly of this assumption which has been partly responsible for the excessive expansion on the observational side.

Winter storms continue to swirl up with frightening suddenness, bringing violent winds, dangerous turbulence, icing, and zero ceilings and visibilities. The most dangerous of these conditions is the storm that develops quickly during a week end when people are away from their homes and places of business, out of touch with their usual sources of information, and often in exposed locations. Under these circumstances our observations and current reports are not effective. We must have better forecasts of the weather 2 or 3 days ahead so that the people will not go out on extended trips in fine weather so that it is difficult to reach them in case of dangerous, quickly developing storms.

These remarks apply especially to aviation, with emphasis on unscheduled and private flying of the future; but any improvement from the viewpoint of aviation will apply equally to all citizens who are in danger of perishing in storms on the water and blizzards in interior States, as well as to losses in livestock and crops that mean catastrophe for our farmers.

In the warmer part of the year, general storms are less frequent, but thunderstorms and other destructive local storms, including tornadoes, sometimes develop violence in a brief period of time. It is one of the most urgent requirements of aviation that we attack the thunderstorm problem. The history of aviation in this country reveals the loss of many lives, some of them most distinguished citizens, because of airplane accidents in thunderstorms.

To find the broad physical explanation of these widespread and sudden developments of general and local storms and to develop accurate means of forecasting them well in advance for safety of aviation and other national needs, will require the concentrated efforts of all available research meteorologists. For this purpose, the attendance of Weather Bureau meteorologists at universities outstanding in meteorological research, the assistance of air-carrier meteorologists and research personnel at colleges and universities must be encouraged and supported as much as possible. The difficulties and extreme importance of this project deserve first attention as the Government undertakes to fortify the weather observation program with adequate study and research.

Wider fields of responsibility: We are now faced with a growing demand for weather protection for aircraft on overseas and foreign routes. During the time when many more observations were being taken in the United States, additional observations were being taken also in Canada and Mexico, the Caribbean area and South America. For the purpose of preparing analyses and forecasts for aircraft operating across the ocean and into other countries it has been necessary to extend the weather maps and enter many additional foreign observations. Routing and charting these reports has entailed much additional work in many understaffed weather offices already overworked and becoming confused by the rising tide of weather reports.

This job will become increasingly exacting. It is a job for Government. When aircraft of foreign nations begin operating to the United States, we cannot expect or permit other nations to establish weather offices in the United States to protect their aircraft. They cannot be expected to depend on weather reports and forecasts prepared by private or commercial companies which may be their competitors in the field. Any postwar plan of world aviation will place on the United States Government the responsibility for its share of weather protection on international air routes. This in itself is a tremendous job which will eventually require more experienced

forecasters than are now available in all the domestic forecast centers in the United States.

We must make adequate plans now and be in readiness for this responsibility. We must not wait until investigations of the loss of life of Government officials and others in high places force us to rectify the situation in competition with other nations better prepared than we. Certainly it must be obvious that this Government obligation cannot be saddled on existing weather offices which are already overworked and understaffed.

Weather offices moved to airports: It must be granted that the Weather Bureau has made a noteworthy effort to maintain its forecasting and other public services at a useful level in spite of this overwhelming tide of weather observations and reports. One of the adjustments was the general movement of weather offices from cities to airports. Since the appropriations for aviation service were heavily earmarked for observations it was necessary to consolidate airport and city office staffs to provide manpower to process and use the airway and upper air observational material. It was hoped that the consolidated staffs could render better service both for the general public and aviation.

In many cases, the city office staffs were moved from good Federal building quarters to inadequate space at the airports. It has been the general view of Government that weather is so important for safety of aviation that local agencies or municipalities should be willing to furnish quarters rent-free for the weather staff at the airport. This has been done in many cases, except for janitor and other services, but the rent-free quarters are generally what would be expected—those least suited for rent. In some cases there is little more than standing room for the employees.

The worst feature of some of these consolidations is that the city office staffs which had been maintained by Government for many years to render public service from a downtown office were swamped by additional observations and reports at the airport and were absorbed into the service for aviation which had not been adequately provided in appropriations for aviation. The temperature observations made at the airport were not representative of city conditions, and there have been many complaints from business interests and chambers of commerce. Airports have been moved and continuity of climatic records in important cities has been broken repeatedly. Business interests in the city find it difficult to get weather information; it is too far for a visit to the office; public contacts are lost, and public service by the Weather Bureau has suffered.

Aviation weather service is a specialized job in itself; it requires unique and often separate facilities and staffs.

Airport offices should have better accessibility to air-carrier personnel and the flying public. There should be adequate space in a convenient location under more favorable conditions for briefing pilots not served by company meteorological offices. Where airport buildings are provided by municipalities, the Government should authorize payment of reasonable rent to cover janitor and other services, upkeep, and other costs as may be necessary to insure that satisfactory quarters are provided on a sufficiently permanent basis to avoid frequent breaks in continuity of record.

Representative exposure for meteorological instruments: Suitable exposures are necessary to obtain accurate measurements of wind, temperature, and other significant meteorological elements. Weather Bureau installations at airport stations should be provided in accordance with scientific specifications for obtaining true and representative measurements of the elements that are important in airways meteorological service.

Need for local storm-warning networks: In cooperation with the Army, Navy, and Office of Civilian Defense, the Weather Bureau has organized several trial projects to determine the feasibility of obtaining reports and issuing warnings of tornadoes and destructive storms of a purely local character. Trial operation shows that networks of this type can be maintained at relatively small cost and will be instrumental in saving life and property including parked aircraft at airports. These destructive local storms are frequently of such limited extent that they travel considerable distances through gaps in the regular observing network. In some cases local storms of this kind originate, are destructive over a relatively short distance, and disappear without affecting regular observing stations. Though such storms may not be frequent at any one place, the aggregate losses from storms of this type for the country as a whole are very large.

National and international teletype needs: The first national teletype system—schedule A—was established and extended through appropriations granted to the Civil Aeronautics Administration. This system was originally intended for hourly sequence weather reports. Standard weather maps were added and sandwiched between the hourly sequences. Later the Civil Aeronautics Administration was granted funds to establish an additional weather circuit for national distribution of weather map reports, forecasts, analysis, and other weather information of that character. This is known as schedule C. The national schedule A circuit now carries hourly sequences and limited airway forecasts and upper air information.

Along with the increase in speed of aircraft and with the rapid development of transoceanic and intercontinental flying, the schedule A circuit became inadequate to carry all of the hourly sequence weather reports needed for the protection of aircraft operating long distances across the continent and in adjacent areas. The map reports carried on schedule C circuit have steadily increased in number owing to the establishment of new reporting stations in North America and increasing relays of weather reports from other continents. Congestion continues on the schedule C circuit, but the problem of transmitting large quantities of weather reports from foreign countries is being solved by the organization of the new teletype circuit known as schedule O which is now operated by the Civil Aeronautics Administration.

So far as the Weather Bureau is concerned, there are several separate and distinct problems connected with these circuits. As stated above, these circuits were established by funds granted to the Civil Aeronautics Administration. It is necessary that the weather reports on these circuits be scheduled by Weather Bureau employees who are familiar with the weather requirements at all points served by the circuits. In no case did the Weather Bureau receive any funds to provide for additional employees to schedule the weather on these circuits. This is another case where the observations and their transmission have taken up the time of employees of the Weather Bureau who might otherwise have devoted their time to processing the data to make the information more useful in air-carrier dispatching and storm warnings.

It is obvious that safety of aviation makes it necessary that the weather reports shall be disseminated with appropriate reference to time and place of occurrence and with assured accuracy; that the forecasts, special advices, and warnings prepared by study and analysis of the reports shall be authoritative; and that this service for safety of aviation shall not be confused or misrepresented by independent and conflicting statements disseminated by individuals or agencies having no direct responsibility for aviation or for safety of life. Indiscriminate use of the weather reports on the teletype would be dangerous.

As a contribution to safety in the air, it is highly desirable that air carrier meteorological offices be licensed to have teletype connections to receive weather transmissions for the use of their forecasters in furthering the safety of their operations. It is not wise for these air-carrier employees to issue weather advices to the general public or to pilots of other air-carrier companies who may be competitors in the field. This refers to national teletype circuits and also to the circuits over which weather reports from foreign countries will be disseminated after receipt by radio in the United States. It should be the purpose of Government to assist scheduled flying in every way possible by furnishing weather reports to air carrier weather offices and to encourage them as much as possible to contribute to progress in weather forecasting and an understanding of weather in relation to safety of aviation. All such contributions either from Government or private meteorologists should be made available to all concerned.

Reports must be double checked: Weather reports have two sources of error which require the maintenance of careful and continuous supervision. First, the observers must be carefully trained and supervised. Frequent inspections are necessary to keep accuracy at a high standard. Instructions for regular and special observations of weather elements are voluminous, complicated, and subject to frequent revision as the needs of aviation change.

After the reports are entered on the teletype circuits it is necessary to check the circuits for two purposes; first, to make sure that the schedules are being followed accurately; existing weather teletypes are so crowded that almost split-second precision is necessary; the Weather Bureau makes up the schedules and the Civil Aeronautics Administration operates the circuits and checks for failure or irregularity. Second, the teletype reports must be checked for accuracy; this is the duty of the Weather Bureau for an expert knowledge of the contents and significance of the reports is essential. In the latter case no funds have been allotted to the Weather Bureau for the important job of checking the teletype weather transmissions for accuracy, and, consequently, this is another of the observational functions that has been absorbed at the expense of study and use of the information.

An erroneous weather report may prove as serious as a defective part of an airplane or any other deficiency in the whole system which is designed to assure safety in the air. Constant vigilance is the price of safety. For this purpose a large and well-organized inspection and checking service should be provided.

Need for in-flight and post-flight weather reports: Although the development of weather observing and reporting in the last 10 years has been out of proportion to our ability to study and make full use of the reports, there is no reason for any important reduction in the number of observing stations. Nearly all of the reports are necessary. As previously stated, the real need is for an increase in staffs to analyze and use the reports and also for investigations leading to better forecasting. On the other hand, additional reports of certain kinds are needed largely because of new developments in meteorology and extension of the areas of responsibility.

The most urgently needed information for safety of aviation is the inflight or postflight weather report. For accurate analyses and forecasts of the conditions in upper levels of the atmosphere, particularly over the oceans, it will be necessary for the pilot of the aircraft to make frequent weather reports—probably hourly—by radio and a more complete report to the meteorologist at the terminal airport on landing. These are known as inflight and postflight weather reports. Reports of this kind from every operating company should be received by the Weather Bureau with the understanding that they will be available to all other operating companies having need for them.

Nothing but a continuous and most vigorous campaign will yield the inflight and postflight weather reports needed for safety of aviation in overseas and foreign routes. International arrangements will be required for exchange of the reports between countries. The most serious obstacle is the reluctance of the pilot or copilot to take the time for an interview after completing a long flight or to send the reports by radio while in the air. The weather which the pilot reports is weather already passed and no longer of interest to him, but it is the weather ahead of the aircraft on the route and therefore of the greatest importance if unfavorable conditions are encountered or appear likely to develop in the opinion of the forecaster who examines the available reports in the weather offices.

Every national meteorological service including the Weather Bureau must have a well organized and efficient unit to keep the plan in operation by making frequent visits to pilots and air transport operators, and by making continuous surveys of the results. If this is not done, safety of air navigation will not be adequately maintained.

Ocean-weather ships should be continued: Soon after the outbreak of the war in Europe it became evident that more and better observations, especially upper-air soundings, were necessary from strategic points over the ocean, particularly in certain spots where previously only fragmentary information had been secured. By a cooperative arrangement between the Navy—Coast Guard—and Weather Bureau, ships were assigned for this purpose at certain points in the North Atlantic, and experienced civilian technical observers were added to the crews. The fact that these ship observations were maintained throughout the period of intensive submarine warfare and heavy losses of shipping is sufficient indication of the importance of these reports from the meteorological standpoint. As the war has progressed the number of these ocean-weather ships has multiplied.

Need for weather reports of this character has been recognized for many years. Organizations of citizens in coastal areas repeatedly have sent urgent recommendations to the President and Congress that special arrangements be made to send ships to positions where weather reports are needed by the weather forecasters in issuing warnings of destructive storms. These reports are also vitally necessary for safety of transoceanic air navigation. A continuation of these arrangements in the postwar period is a must item in connection with weather reports for safety in the air and in rescue service.

Need for weather stations in Arctic areas: Weather reports including upper-air observations are needed from representative Arctic areas. The development of high-pressure systems in northern continental areas their movement to lower latitudes, the attendant cold waves, blizzards, and the bad weather conditions which precede or attend these movements are of great concern. Some investigations of the causes of these developments and movements have failed to yield results fully useful to aviation primarily because of the lack of reports from Arctic areas and other undeveloped regions in higher latitudes. Some additional observations have been secured because of military requirements but a permanent, small network of observing stations is needed to accumulate sufficient observations to get a satisfactory solution to this problem. In some cases arrangements would have to be made by cooperation with other governments, for example, Canada and Soviet Russia.

Urgent need for facsimile map transmission: One plan under trial to reduce the overhead in map plotting involves the use of facsimile or a similar process to send weather maps by wire or radio. The tremendous amount of observational data carried on the teletype circuits is definitely required for many purposes. At each office it is necessary to make many individual entries on the chart before the fronts, isobars, and other lines can be completed. This duplication of work will be especially serious in large population centers where maps will be required at several local airports in the vicinity.

If a satisfactory process can be developed to provide for rapid preparation of maps at a central office in each area and prompt transmission by wire or radio to satellite airports, a large part of this duplication can be eliminated. This refers to upper air charts, cross sections and diagrams, in addition to the surface charts. At present the amount of work at each weather office at each map period is large and steadily increasing. The result is an excessive use of manpower for charting or, as is more often the case, inability to use to the best advantage all of the available information having a bearing on safety in the air. The solution of this problem will require either, first, large increases in charting staffs at Weather Bureau stations and also in airline offices as the number of airports increases or, second, a process which will provide practical transmission or broadcast of the map by wire or radio so that acceptable copies of maps and diagrams can be reproduced from an original at a central station.

There is another urgent requirement which may be solved in the same manner. The pilot must have in his mind a three-dimensional picture of conditions in the atmosphere over and around his flight path. The effort to convey this picture to the pilot by means of a collection of reports in symbols or words on his clearance sheet is not satisfactory. Some graphical representation is needed so that the pilot can see at a glance a picture that might require description in hundreds of words difficult to visualize. Transmission of a form of graphical three-dimensional representation from central stations to satellite airports would make it possible to duplicate small diagrams for attachment to pilots' clearance papers.

Additional teletype circuits: The present teletype circuits for airways weather service are rapidly becoming overcrowded. The Civil Aeronautics Administration should provide the additional teletype facilities necessary to transmit the increased volume of weather reports and other meteorological information required by the greatly increased volume of air traffic.

New and improved instruments needed: Owing to demands created by the war, the Weather Bureau has been unable to obtain the high priorities required to purchase adequate supplies of additional instruments or to replace

worn-out equipment. Also, there have been new developments during the progress of the war which will revolutionize instrumental observations in some particulars. As soon as urgent war needs have been met, the Weather Bureau should be authorized to bring its instrumental equipment up to date, and to begin use, at least on an experimental basis, of some of the more promising instruments and methods developed during the war. Ceilometers and gust-indicating anemometers are examples of instruments which will be needed in larger quantities. Ceilometers, in particular, are needed to give more accurate measurements of heights of cloud basis which have an important direct bearing on safety of aviation. There are other instruments using electronic principles which will supplant older designs. These should be developed and installed as soon as practicable after war restrictions are removed. This includes instruments for obtaining winds aloft when the sky is overcast.

May I remind my colleagues that prior to the war the United States Government had only one weather observation station in the Arctic. Is that not true, may I ask the distinguished gentleman from California [Mr. HINSHAW]?

Mr. HINSHAW. That is right.

Mr. BULWINKLE. The Soviet Republic has 265 in all, I think. This gives you an idea how small the appropriations were for this weather reporting prior to the war.

Needs in Alaska: Defense of Alaska including the Aleutian Islands has forced us to take vigorous measures to provide a better weather service in this vast territory with rugged terrain and extreme weather conditions. Much remains to be done to consolidate our additional facilities there, to preserve for civil aviation that which is essential in the military weather establishment there, to improve communications and to place the consolidated service on an efficient basis. An adequate and effective meteorological service is vital to safe and efficient aviation in Alaska.

Research: Some of the most important and urgent meteorological research projects are included in the items discussed in the first 12 subjects above. These include problems in aircraft icing, turbulence and severe thunderstorms. There are other fundamental problems that have to do with progress in meteorological forecasting that require attention. Progress in these fields is essential as an approach to the greatly improved world-wide meteorological service that will be necessary for international air commerce.

PART III. SUMMARY OF ADDITIONAL APPROPRIATIONS NEEDED FOR THE WEATHER BUREAU

In accordance with the foregoing statements, it is urgently recommended that the following additional appropriations for the Weather Bureau be favorably considered by the Congress:

1. Increase of staffs at Weather Bureau airport stations, including new airways and off-airways stations	$3,000,000
2. Strengthening the forecast program	600,000
3. Maintenance of weather service at overseas and foreign flight terminals	$3,000,000
4. For rental of adequate Weather Bureau quarters at airports, including representative instrumental installations	300,000
5. For local storm-warning networks	100,000
6. For inspection and checking accuracy of reports on teletypewriter circuits	500,000
7. For in-flight and post-flight aircraft reports and merchant-ship reports	1,350,000
8. For observations from ocean weather ships	3,000,000
9. Weather stations in Arctic areas	950,000
10. Facsimile map distribution	600,000
11. For new and improved instruments	600,000
12. Weather service in Alaska	300,000
13. Research	1,000,000
Total	15,000,000

You might ask what the cost of this will be. It is estimated by the Weather Bureau that it will cost $15,000,000 additionally, and I shall put a statement in the RECORD showing how the amount is to be spent.

The bill should pass.

Mr. WOLVERTON of New Jersey. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I merely want to say that this is a good bill and ought to pass.

I now yield 15 minutes to the gentleman from California [Mr. HINSHAW]. The gentleman from California has made considerable study of this subject. He has studied it from a technical and scientific standpoint, as well as from a practical and operational standpoint. His views on meteorology and all subjects associated with it are entitled to careful consideration. Through the years the gentleman from California has made a real contribution to the cause of safety in aviation. I know of no one who is better able to speak on this particular bill than is the gentleman from California. I am glad to have the opportunity to yield him the time that will enable him to do so.

Mr. HINSHAW. Mr. Chairman, I appreciate the kind remarks of the distinguished gentleman from New Jersey [Mr. WOLVERTON]. Indeed, I have tried my best to make a study of weather phenomena so far as a Member of Congress can find the time to do so. I would like to say this, that my special interest in weather forecasting first arose as a member of the Select Committee of the House of Representatives To Investigate Air Accidents, which committee was formed by resolution of the House in 1941 and continued for slightly over 2 years. That committee made a careful study of the 28 serious accidents that occurred to civil aircraft in that period and in the several proceeding months, and made many recommendations for the improvement of air-navigation facilities.

Mr. Chairman, while civil aviation and military aviation are vitally interested in the subject of the weather because weather is a hazard to flying, nevertheless, perhaps, the greater interest lies in agriculture and shipping. The Weather Bureau was originally organized as a bureau of the Department of Agriculture and so served for a great many years until, I believe, reorganization plan No. 3 was promulgated by the President in about the year 1939 or 1940, at which time it was transferred to the Department of Commerce.

It operated for all of those years under authority of a very small paragraph in the statutes giving general authority, but without much specific authority. In the passage of the Civil Aeronautics Act of 1938 that authority was broadened to include services on behalf of civil aviation. At the present time the committee brings in this bill, H. R. 6030, for the purpose of giving specific statutory authority to the Weather Bureau to enable it to do a number of things which it should long since have been able to do and which it has in part been doing during the war under the War Powers Act and the development of those powers as they were transferred by the President to the Weather Bureau.

It should be interesting to the House and to the country to know that civil aviation of itself was a great stimulus to the Weather Bureau, a stimulus that caused it to improve its own methods, that caused it to make itself a better instrument for the service of the people of the country, particularly those engaged in aviation and in transportation. For the purposes of civil aviation it became necessary for the Weather Bureau to become as nearly accurate as it was possible to achieve for the purposes of safety in flight. Flying requires, first, that the pilot must know what the weather is to be ahead of him, if he can do so, and to anticipate accurately the conditions that he must confront in flight hours from the time that he obtains the information.

That fact made it necessary for the Weather Bureau to improve its professional skill in forecasting. As it has improved its skill, its technical efficiency, that improvement has benefited the entire United States. Alongside the Weather Bureau there have grown up a number of private meteorological organizations. Those organizations were developed principally by the teaching profession engaged in teaching meteorology. In my own section of the country, in Pasadena, Calif., there is the California Institute of Technology, and Dr. Krick, who made a life study of meteorology and who was one of the greatest stimulators of competition among meteorologists for professional skill and proficiency. Dr. Krick served as the head, I believe, of a very large weather organization working for the commanding general of the European theater during this war, and very successfully too.

As everyone must realize, during this war it became necessary for the over-all strategic planning organizations of the War Department and the Navy Department to lay some exceedingly important plans, for example, the invasion of Normandy.

It is well understood that if one could forecast accurately weather and tidal conditions and all sorts of related matters so that one would know the exact

day on which the wind was going to blow in a certain direction, for example, when the wind was going to blow towards shore on the northern coast of France, and whether the visibility would be exactly right and whether the entire weather situation would be favorable to a landing operation, then, of course, General Eisenhower could order that day to be D-day. Meteorologists were called upon to determine that exceedingly important date. They did very well indeed and made it possible for our armed forces to land on the northern shore of France and to commence that invasion which ended in victory for our armies in Germany.

I hold in my hand a document entitled "Weather Guide for Long Range Planning" having to do with the Island of Palau in the Carolines. Who would suspect that the Weather Bureau or at least the former associates and employees of the Weather Bureau would be engaged in the far Pacific in attempting to help the planning of Pacific engagements, long-range flights, bombing flights, operations of our technical forces of the Navy, and so forth? But here in this pamphlet is set forth a complete schedule of what might be expected with regard to the weather around Palau in the distant Caroline Islands. Similar pamphlets were prepared for other sections of the far west Pacific as well as other parts of the world. As a matter of fact, the associates and friends of the Weather Bureau who went in the armed forces aided very materially in bringing the war to a successful conclusion.

The bill now before us intends to further the collaboration of the United States with foreign governments in assembling meteorological data, both instant and long-range, the purpose being, of course, to aid the United States as well as the rest of the world in forecasting the weather. It might interest you to hear some of the values that proper weather information can bring to the people. Suppose a person is engaged in the business of selling clothing. Naturally, if he could know a week in advance that the weather was going to turn hot or cold depending on the season of the year, he could prepare his advertising in advance and be ready to offer to the public on that day when the weather was to turn, the clothing which they would need at that time. The same thing is true in the selling of other merchandise, such as raincoats and umbrellas. They could be made available to the public when it is expected to rain. Corporations engaged in the sale and distribution of antifreeze compounds and skid chains and that sort of item could prepare their advertising campaign in advance if they could know when freezing weather or when a snow storm is to be expected, and they could thus supply their dealers in advance with the necessary articles to be sold to the public when such weather conditions prevailed. It is true as well in the meat packing industry. Naturally, if a butcher shop could know in advance whether warm or cold weather is expected, they could stock up such things as picnic hams and sausages, or beef or whatever might be required by the housewives on the colder days.

Of course, shipping on the Great Lakes is vitally affected by the weather, and everyone on the coast of the Great Lakes who is engaged in shipping should be able to know in advance what the weather is liable to be, in order to protect themselves. It is true in the shipment of fruits and green vegetables. It is true in the shipping of all kinds of agricultural products that are perishable. The shippers should be able to tell as far in advance as possible what the weather is going to be, because it might affect the shipment in transit and likewise affect the quality of the products when they reach the market. That is also true in the shipment of livestock. Livestock farmers are very much interested in the weather.

Mr. PRIEST. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield.

Mr. PRIEST. I appreciate what the gentleman said with reference to the agricultural phase of this bill, the importance of weather reports and weather forecasts. Since the gentleman was a member of the special committee to investigate air accidents, I hope, before he concludes his discussion, he will go somewhat into the question of in-flight weather reports and other matters relating to air safety. I consider the gentleman an authority on that subject.

Mr. HINSHAW. I thank the gentleman from Tennessee and I shall discuss that subject. I was merely trying at the moment to impress the Members with the great importance of weather information for all purposes and its economic benefits to the people of the country, which they hardly realize until they have experienced a loss due either to faulty weather forecasting or not obtaining any weather reports whatsoever.

Mr. PRIEST. If the gentleman will yield further, I may say the gentleman is doing a very excellent job of presenting that phase of this matter.

Mr. HINSHAW. The Weather Bureau costs us about $15,000,000 a year, yet I would be willing to wager anyone that the general and over-all benefits to the country of the information furnished by the Weather Bureau will run into hundreds and hundreds of millions of dollars a year. One would hardly realize how great those benefits were until the time arrived when he could not get any weather information at all and had to rely on some device of his own or merely gaze at the skies.

In direct connection with aviation itself, one of the most important factors that was discovered by the Select Committee of the House of Representatives To Investigate Air Accidents was the necessity for transmitting to pilots what are known as in-flight weather reports.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield at that point?

Mr. HINSHAW. I yield to the gentleman from Mississippi.

Mr. WHITTINGTON. I have been interested in forecasting primarily in connection with the forecasting of floods and flood heights. I am wondering if the gentleman can tell the committee about how far in advance weather forecasts may be made so as to enable airplane companies to fly with safety. About how many hours or how many days in advance in a given part of the country can that information be had? What progress has been made in inventions that will enable forecasting definitely of weather conditions for flying?

Mr. HINSHAW. I will be very glad to discuss that subject if I can do so properly. In the first place, if a pilot can get accurate weather information and a good recent forecast before he takes off from a given airport as to what the weather may be ahead of him and over the route he is to traverse and covering the time limit which he expects to remain in the air, he is then fairly safe because he can choose the route which he will fly and determine an alternate place to land. Generally speaking, the maximum time aloft will be somewhere in the neighborhood of 5 or 6 hours. The fastest transport we have at the present time is, of course, the *Constellation*. That makes a 5-hour flight from New York to Kansas City and a second 5-hour flight from Kansas City to the west coast. Naturally that pilot must know what weather to expect at Kansas City before he takes off from New York or from any point of stopping before he reaches his destination. He must likewise be able to know in advance what the weather is liable to be over the intervening distance, whether or not a thunderstorm condition is going to prevail in a general area, and how far off the course he must go in order to avoid a thunderstorm area.

In a few minutes the committee will discuss a special bill on the subject of thunderstorms and I want to bring that subject out at that time because it is one of the most vitally important subjects that has to do with aviation meteorology. But in all events the basic data which are used for the forecast are assembled hourly over the airways and regular forecasts are made every few hours with special forecasts intervening as needed. Each one of the various points in the United States at which weather data is assembled is connected by teletype or telegraph with every forecasting center. All that information immediately comes in to the central forecast point in the shape of a perforated tape which is run through a printer, and the information printed in symbols, so that the meteorologist can translate those into marks on the maps and prepare what is known as a synoptic chart.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield.

Mr. WHITTINGTON. It does occur to me that this is most important legislation and that it should be emphasized when it is considered that millions of Americans fly every year, that the legislation under consideration will greatly promote the safety of flying.

Mr. HINSHAW. I am sure we all appreciate the truth of the statement the gentleman has made; and more millions will fly every year. In particular we are interested in the young pilots and those

who are going to take up flying as civilian pilots. Those who have graduated from the Army and Navy schools and become qualified military pilots have already had courses in meteorology, and good courses, by the way; and those young men are fully qualified to examine maps that the Weather Bureau prepares at the various airports.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. HOLMES of Massachusetts. Mr. Chairman, I yield 15 additional minutes to the gentleman from California.

Mr. HINSHAW. I started a few minutes ago to discuss the subject of in-flight weather reports on a question by the gentleman from Tennessee [Mr. PRIEST]. Let me mention in passing that no matter how carefully the whole weather reporting network is planned, it would be impossible to cover every square mile of territory in the United States with weather observers. That would be far too expensive. Consequently the weather stations are placed in a network over the United States. There are, of course, great voids in between those points where the observations are taken. Weather can arise in those intermediate areas. A pilot in flight to Washington from the home city of the gentleman from Tennessee, Nashville, can arrive at some point over the Appalachian Mountains at which weather is suddenly generated. It may not have been possible to forecast the generation of that bad weather at that time and point, but when the pilot finds himself confronted with a type of weather which he was not expecting then we must provide a means for that information to be transmitted to the ground and transmitted thence to the Weather Bureau and thence disseminated further to pilots who are in flight on the same route so that they will know what to anticipate, and if they are not properly equipped with instruments for instrument flying in their airplane, then they should immediately seek the nearest airport and take to the ground.

The reports that these pilots make while in flight are referred to as "in-flight weather reports." They must be handled separately. There must be a special organization set up to handle them because in the general routine of things in a Weather Bureau office it will be impossible to correlate the material presented by these in-flight weather reports and rapidly redisseminate that information to aircraft in flight approaching that disturbed area. We have provided in the bill the authority for the Weather Bureau to take up this subject of in-flight weather reports. Although the Weather Bureau had a small fund which they received from the War Department and a small fund in their regular appropriation a while back to enable them to experiment with that work, they must have a larger appropriation for that purpose. It is necessary that the organization be established in such way that immediately upon receipt of a report of weather that was unanticipated and unexpected and not contained in any previous forecast, that that important information can be retransmitted to all other aircraft in flight in that particular area and to all other aircraft who anticipate flying through that area without delay.

For example, such a thing might occur as did in a flight I was making between Nashville and Dallas, Tex. As we approached the Mississippi River westbound from Nashville we were suddenly grounded by the air line. Weather was reported ahead that had suddenly generated in the neighborhood of the Ozark Mountains. If we had continued on into that area without receiving the warning, we would have run into a storm that had hailstones which measured as much as 6 or 7 inches in circumference. They would have smashed the windshield, they would have damaged the propellers of the airplane and probably forced it to the ground, killing the passengers and crew aboard that aircraft. As we went afterward through the area and stopped at Little Rock, Ark., there were automobiles standing alongside the airport that had deep dents in the steel roofs of the automobiles from the falling of those tremendously heavy hailstones. You could see what might have happened to the relatively fragile aircraft in flight.

Mr. LARCADE. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from Louisiana.

Mr. LARCADE. In connection with the last statement of the gentleman, may I say that only last night I heard a radio commentator announce that four Navy aviators had been killed as a result of running into a thunderstorm which caused their plane to crash.

Mr. HINSHAW. I am dreadfully sorry to hear that. There are far too many such accidents. I know the committee of which I was a member did its utmost to promote the promulgation of weather information for the benefit of military flyers, including both the Army and Navy, and to encourage those who dispatch such flyers to become themselves meteorologists in order that they might be able to interpret for these pilots the weather that might be anticipated and not dispatch them into areas where they might run into danger. Of course, it is not yet possible to accurately forecast the intensity of a thunderstorm. In the bill which this committee will present next we are going to provide for a study of the interior of thunderstorms. I will be glad to discuss that subject a little bit later when we get to it.

In the meantime, I would like to point out that the United States, and particularly the Mississippi Valley, the Appalachian and eastern coast of the United States, the St. Lawrence Valley, is probably one of the most turbulent areas in respect to weather that there is in the entire world. The reason is quite obvious when you take a look at the topographic map of this part of the continent. The great valley that comes down from the North Pole, I think formally called the Agassiz Valley, and the Mississippi Valley, constitute one great open trough in which the weather can approach the central portion of it from both directions. In every other section of the world there is a transverse system of mountain chains that will cut off that weather. For example, if there had been a mountain chain north of the Great Lakes, extending over to join the Rocky Mountains, most of that Arctic weather would not come down into the Mississippi Valley. If it did it would have to push its way over the mountain chain intervening. In that case the Mississippi Valley would be totally different in character. Instead of being a turbulent area, it would be relatively calm; instead of being subject to vast changes in temperature, its temperature changes would be relatively mild and, probably, the type of agriculture that could be grown in that valley would be wholly different from what it is now. It would be warmer in character because it would be open to the warm winds of the Caribbean area. As it is, the great Mississippi Valley extends on northward to the Hudson Bay and the North Pole and is a wide open trough. The weather in the Mississippi Valley that generates the great storms there is the result of a cold mass of air coming down from the north polar region and meeting the warm mass of air coming up in turn from the Caribbean region. As those two masses of air approach each other they start a cyclonic motion, and you will note from the weather map we have in the Speaker's lobby that when those things occur, that whole whirling mass, going around counterclockwise, will start in motion in the midwestern area and generally go out through the St. Lawrence Valley, the edge of it passing over Washington and this general vicinity. That is why the weather in Washington is so very unpredictable. We cannot tell how close to the edge of that storm we are liable to be 5 or 6 hours from now. It may be that the storm may move just a little ways north and we are right on the edge of the path of those storms.

Under those circumstances and having the most violently fluctuating weather of any great broad area in the world, it is tremendously important that we know more about it, and that we know more about where the weather comes from. For example, if we do not have observation stations in the arctic region, how can we know when a mass of cold heavy air is building up and when it will start to move and come down across the great western plains?

Another source of very difficult weather phenomenon in the United States is the Aleutian chain. The area surrounding the Aleutian chain is one of violent disturbance.

Mr. LARCADE. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from Louisiana.

Mr. LARCADE. In connection with the discussion of weather around the Aleutians and the Pacific, I was wondering whether or not the gentleman was acquainted with the meteorological station which was established at Juneau by the Department of Agriculture at the University of Alaska?

Mr. HINSHAW. Yes. I have visited that place myself as a member of the

aviation subcommittee on a trip in that area made a year ago.

Mr. LARCADE. Did the gentleman have an opportunity to inspect that station at that place?

Mr. HINSHAW. We did not inspect the station itself but discussed the subject with the people up there, and found it extremely interesting, as the gentleman knows.

Mr. LARCADE. In addition, this particular station was of great benefit and use to this country in the prosecution of the war in the Pacific. I had the pleasure, while a member of a subcommittee which visited Alaska, to inspect this meteorological station which, by a stroke of good fortune, had been established prior to our entry into the war, and as a result of the foresight of our great Government officials in establishing this very important and necessary weather-forecasting station at that point prior to the war, during the war it was of untold value to our Army and Navy in that the weather was forecast for several days in advance in the Arctic and Pacific areas, which was of considerable value to our Navy and our Army in their operations.

I might say further to the gentleman that I am heartily in favor of this bill because I have had opportunity to do considerable air travel and I realize the necessity for this very important weather-forecasting station establishment, and I think that the gentleman has exhibited a very acute knowledge of the subject and I have enjoyed his dissertation very much.

Mr. HINSHAW. I appreciate the gentleman's contribution.

I would like to add that through the assistance of the War Department, weather observation stations have been established at Point Barrow and at Kotzebue and in the Bering Straits; I believe also on St. Lawrence Island and other places far out in the Bering Sea as far as Attu and Agattu so that we may have advance information in the United States of the movement of those air masses. As a matter of fact, I might say to the gentleman that one of the great reasons why I wanted to see the United States take the island of Paramushiro in the northern Kuriles was so that we might have further advance information of at least one 24-hour period as to what weather changes might occur in the United States.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. HOLMES of Massachusetts. Mr. Chairman, I yield five additional minutes to the gentleman from California.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from California.

Mr. JOHNSON of California. In the gentleman's district is the California Institute of Technology. I have had some correspondence with a young scientist there in connection with long-range weather prediction extending over a period of months, up to 6 months, I understand. Will this bill help that sort of program?

Mr. HINSHAW. Yes, it will. One of the purposes of the bill is to enable the Weather Bureau to have legal authority to enter into some important researches. In that connection, they have already engaged in a number of different types of weather research for long-range forecasting. Thus far they have gotten it down so they can make a pretty good 2 weeks' forecast. When they get it up to 30 days it will be a lot better. If they can get it up to 6 months or a year, as is being attempted now by Dr. Abbot, of the Smithsonian Institution, and others it will indeed be most valuable. Particularly will it be valuable to farmers to know in the springtime whether or not to expect a dry or a wet season, a cold or a hot season, a cloudy or a sunny season for their crops to mature in, and at what point in the growth of their crops they are to expect either moisture or drought.

Mr. JOHNSON of California. Have they progressed far enough so they can localize what the weather will be in one place, for instance, in the great interior valley of California? Are the predictions accurate enough so that they can figure out what the weather might be there for a month or two ahead of time, or is the prediction good only over a large general area?

Mr. HINSHAW. It is pretty well localized, although the accuracy is not what could be desired at the present moment. I hold in my hand three little pamphlets that are published by the Smithsonian Institution and which were prepared by Dr. C. G. Abbot. He believes he has found a correlation between the sun-spot cycle and the weather cycle. He has been, through the agency of the Smithsonian Institution, having sun-spot measurements taken and the intensity of the ultraviolet emanations from those spots measured in several important places over the earth's surface, one of them in the high mountains of the Andes, another one in India, I believe, and another one some place else, over a long period of years. He believes there is a direct correlation between the emanation of the violet rays of the sun and the weather itself. Not long ago he made a prediction for the city of Washington, for example, as to the probable variation above and below a mean temperature level for the city of Washington over a 3-year period, and, the last I heard, the results were that his prediction varied from the actual condition by a fraction of 1 degree. So you can see that if we can somehow devise a system that will enable us to project into the future the probable over-all condition of the weather over a given period of time, it would be extremely valuable to agriculture in particular, that is, the long-range forecasting.

Mr. JOHNSON of California. May I compliment the gentleman on his very fine explanation of this matter. I assure him I will vote for this bill. I think it is a very constructive piece of legislation, one that will have a tremendously beneficial effect, in the future, for the agriculturist by enabling him to plan more accurately his future program. With long range and accurate weather predictions the farmer can plan his crop and marketing programs to more advantage and even perhaps avoid the great fluctuations that unpredictable weather brings in the field of agriculture. Also, the gentleman from California has been the leader in the House in the development of air transportation. He has on many occasions fostered better and safer air travel. This program should aid greatly in such an objective. We are proud to have such a member in our California delegation as he is a recognized leader in the House and particularly in problems having to do with aircraft and flying. The air age into which we are entering is fortunate to have an advocate and leader such as my colleague the gentleman from California [Mr. HINSHAW]. He is furnishing the leadership in pioneering a solution of the weather problem which has from time immemorial been an obstacle to safe flying and of course to a stabilized agriculture.

Mr. HINSHAW. I thank the gentleman for his remarks. May I say that the Navy Department has given publicity to a statement that they have, in their Weather Division, engaged in some research, in conjunction with the Weather Bureau, of course, that may lead to a wholly new method of anticipating and forecasting weather over a long range.

Mr. PITTENGER. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from Minnesota.

Mr. PITTENGER. I also would like to compliment my distinguished colleague on the very fine presentation he has made of this subject. I think all of us recognize him as one of the hardest workers we have in Congress and one of our ablest men. May I ask the gentleman if this is not a rather historic occasion, because somebody remarked a while ago that this is the first time in the history of Congress that the Committee on Interstate and Foreign Commerce of the House and the House of Representatives itself have ever undertaken to do anything constructive about the weather.

Mr. HINSHAW. That is a very humorous reference to the Committee on Interstate and Foreign Commerce. The weather is a very interesting thing, but you cannot do very much about it except try to anticipate what it may be in the future. Of course, you can always discuss what it is at the moment.

Mr. KUNKEL. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield to my friend.

Mr. KUNKEL. Was it not the Committee on Interstate and Foreign Commerce which changed our time throughout the country?

Mr. HINSHAW. At the request of the President of the United States, I might say to the gentleman.

Mr. WADSWORTH. Under the protest of the gentleman from New York.

Mr. HINSHAW. Yes, indeed—under the protest of the gentleman from New York. Of course, the gentleman from New York will realize that the committee repealed it as soon as possible.

Mr. WADSWORTH. Congratulations.

Mr. HINSHAW. I thank the gentleman.

Mr. HOLMES of Massachusetts. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. VURSELL].

Mr. VURSELL. Mr. Chairman, I ask unanimous consent to speak out of order and revise and extend my remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. VURSELL. Mr. Chairman, the foundation structure of our Government, upon which we have sought to build a sound and orderly governmental society where the people of this country are governed by laws instead of by men, was seriously shaken yesterday when the President vetoed the Case bill. His action beclouded the hope of the great majority of American people and it has discouraged the courageous Members of Congress who have sought to enact legislation fair to labor, fair to business, and legislation which would protect the hundred million people classified as the general public. The reasons of the President, in trying to justify the overriding of the will of the House of Representatives and the Senate by his veto, were weak and pitiful.

Immediately after the veto message, a vote was taken to override his action. The House voted by 255 to pass the bill over his veto, but because it required a two-thirds vote, it fell short 5 votes, as 135 Members—mostly elected from the big industrial cities—voted to sustain the veto. The Senate had previously approved the Case bill by an overwhelming majority. The President placed his judgment against the judgment of an overwhelming majority of the Members of the House and Senate. This majority expressed the judgment of the majority of the ablest men of both branches of Congress. Many of them have had more years of experience in Government and statesmanship than has the President.

Let us analyze who favored the Case bill: A poll shows that 96 percent of the small businessmen of the Nation petitioned the President to sign the bill. The professional men of the Nation, by a like majority, favored the passage of the bill. The millions of farmers of the Nation favored the passage of the bill. The great majority of the Members of Congress, by their votes, favored the passage of the bill.

On the other hand, the CIO Political Action Committee violently opposed the bill and urged the President to veto it. The Communist Daily Worker urged the veto, as did all the radicals in the big industrial cities. The Reuthers, Harry Bridges, and Curran, who is now fomenting the maritime strike, and Philip Murray, of the CIO, all urged the President to veto. The President listened to them and failed to listen to the millions who represent the great majority of the people of America.

By his veto he has indicated that he is willing to follow the PAC labor leaders of the Nation. This is the responsibility he must accept before the bar of public opinion of the Nation. His action has proved that he has not and does not want any corrective labor legislation that would help to bring about industrial peace.

My mail also indicates that a great many of the conservative men who make up the rank and file of organized labor believe that the Case bill was fair and that it was necessary as a step toward bringing about industrial peace. The President's action has done a great injustice, as well, to the rank and file of organized labor. His action indicates that his move was political and an attempt to appease the radical element and hold them in line for the November election to offset the effect of his more drastic bill to draft labor. His action indicates that he prefers—since he is representing the Government—to keep a condition existing that permits him the power to seize industrial plants and then do his own bargaining and write his own rules in settling labor disputes. This practice cannot be condoned by either business, labor, or the general public. It is a totalitarian approach against the very principles upon which our Government was founded.

During the year that he has been President, he has never suggested that the Congress make a real approach to writing comprehensive labor legislation. Yet he makes the excuse that a few weeks ago he recommended that the Congress make a complete study looking to some type of labor legislation. But he very significantly suggested that the report be brought in within 6 months. It is evident that he wanted it put off until after the November election.

On May 29, in support of the Case bill, I pointed out in a speech how fair and just it was to labor, business, and the general public. The great majority who voted for this legislation believe that it would be helpful to labor, as well as to all other segments of our people. It is, indeed, unfortunate that the Chief Executive of this great Nation should fail to measure up in this time of crisis.

Mr. HOLMES of Massachusetts. Mr. Chairman, I yield such time as he may desire to the gentleman from Michigan [Mr. SHAFER].

Mr. SHAFER. Mr. Chairman, one of the prime issues of the coming political campaign will be—as it ought to be—that of the inflation which now is upon this Nation and promises to get much worse before it gets any better.

So many Americans, either through naive unawareness or downright stubbornness, still talk about inflation as something we still can ward off, or prevent. But every informed citizen knows now that we have the highest price level in the Nation's history and that prices are going higher and higher before there is a leveling-off or any lower prices.

The Democrats in the coming months will continue their policy of trying to befuddle and confuse the public on this economic issue. Chester Bowles, as usual, will be on the radio, giving a line about a fictitious "line", hinting by his very words that we do not yet have high prices. He will be bringing his charts around again to show what a good job this administration has done, although those charts will prove nothing except that he still is a master advertising agency "bull shcoter" and is willing to overlook any factor as long as he can hoodwink the public.

Every housewife knows that I speak the truth, Mr. Chairman, when I say that prices are higher now than they have been in the lifetime of middle-aged men and that prices are getting higher every day. No amount of fiscal mumbo-jumbo by the Secretary of the Treasury, abracadabra incantations by Mr. Porter, and no loaded statistics by Secretary Schwellenbach can camouflage the simple truth that under this administration, in this year, prices are higher than they have been in the memory of living men.

Why? I could not, in one speech, detail all the reasons, but let me hastily give a few of the reasons and then elaborate on one or two factors. We are having higher prices because for 13 long years this Democratic administration has been practicing financial policies which are unsound economically. We are having higher prices because, for political reasons, on many occasions, the powers-that-be in this administration have not tried to hold down wage-salary increases, although shadow-boxing in their efforts to hold down both profits and prices. We are having higher prices because this administration has sown the wind and now the people must reap the whirlwind. We are having higher prices because this administration conceived and shoved through the so-called consumer subsidy program, which thus far has cost the taxpayers of this Nation some $4,800,000,000 and likely will cost us many more billions before we can do away with it.

It is this subsidy program I would like to discuss in more detail right now, Mr. Chairman, for I am proud to say that it was fought bitterly by the Republicans when it was first proposed in this House and it was fought bitterly by the Republicans in the Senate. This subsidy program has made it possible for this administration to get new millions of our citizens used to taking Government checks. It has been the greatest single corrupting influence in recent years, and, if continued, it will break the back of all forces in both parties who want to see this Government sovereign, free, and operated economically and soundly.

The extent to which food subsidies are now employed is not generally realized. The figures are startling. Like a drug, the more that subsidies are used the greater the demand for them.

Federal subsidies on food products will total $4,800,000,000 for the 3-year period ending June 30. Their continuance another year, as is now advocated by Government officials, will require $1,750,000,000 additional, according to official estimates, thus bringing the total expenditure for food subsidies to $6,550,000,000.

This shows the growth of a program which won support at the beginning on the strength of the claim that a subsidy program would be a comparatively inexpensive means of stabilizing prices.

These subsidy payments have been paid from the Federal Treasury in lieu of higher prices, which otherwise would have been paid by consumers, in order to insure adequate production. The effect is to relieve temporarily every consumer of a portion of his total food costs.

Thus, regardless of the fact that consumer incomes are far above those of any previous period, a form of relief is being extended to every citizen.

From the farm standpoint, food subsidies provide an unreliable substitute for a part of the price which would otherwise be necessary to sustain production and maintain the farmer's economic status.

Furthermore, the subsidy program places the farmer in a position of dependence on the generosity of Government and subject to the possible disastrous effects of unpredictable decisions.

Still another objection on the part of farmers is that subsidies invariably lead to increased Government regulation.

Food subsidies have a subtle appeal to many persons because of their supposed benefits, although there is difficulty in appraising their real effects.

The longer subsidies are continued the more fixed become the artificial relations which they create and the greater the resistance to their discontinuance. Because of these features and many others, and their far-reaching and dangerous consequences in our national life, their use is particularly dangerous.

The board of directors of the Chamber of Commerce of the United States at its last meeting recommended that all wartime subsidies be terminated by October 31, 1946, in accordance with the established position of the chamber, as follows:

Payment of subsidies for the production and distribution of farm products should be ended as rapidly as possible, consistent with the existing temporary artificial regulations of our price-control policy brought about by war conditions.

The scope of the present subsidy program is indicated by the following amounts which represent permissible expenditures for the current year:

Livestock and meats	$720,000,000
Dairy production	568,000,000
Flour	215,000,000
Butterfat and butter	100,000,000
Miscellaneous commodities	345,000,000
Coffee	54,000,000
Total	1,802,000,000

Miscellaneous commodities on which subsidies have been or may be paid during 1945–46 include dry beans, prunes, grapes, raisins, peaches, pears, grapefruit juice, flaxseed, cotton linters, peanuts, soybeans, vegetable oils, sugar, canned and frozen vegetables, peanut butter, shortening, wheat for feed.

Food subsidies release consumer income for other spending and, if taxes to pay them are disregarded, are equivalent to an increase in total wages, salaries, and other incomes. This contributes to inflation by increasing the already greatly expanded purchasing power at a time when supplies of civilian goods are very limited.

The use of subsidies involves additional administrative costs, as well as interest, thus increasing the net cost of government and the total tax burden by more than the amount of the subsidies.

The claim that subsidies will save the country several times their cost by checking spiraling price increases is invalid. The facts prove that commodity prices to consumers cannot be reduced by more than the amount of the subsidy.

The total costs resulting from the use of subsidies may be expected to be greater than if no subsidies are paid and commodity prices are permitted to reflect costs of efficient production, processing, and distribution.

Experience shows that subsidies cannot be depended upon to check wage increases which are one of the primary causes of inflation.

Subsidies bring about an involuntary redistribution of income and economic inequalities, because they are paid through taxation which is not based on the amount of food consumed.

Price reductions to consumers resulting from subsidies are inconsequential.

Subsidies to consumers reduce individual initiative and undermine character. The original and basic principle that the people should support the Government is discarded for the pernicious doctrine that the people should look to the Government for a part of their support.

Subsidies tend to expand in scope and amount and to perpetuate themselves.

Subsidies involve the Government in economic conflicts. An extensive use of subsidies to lower the cost of living conflicts directly with other efforts by the Government to maintain higher prices to producers as a means of encouraging production. The added buying power supplied to consumers intensifies the demand for commodities and thereby tends to defeat the efforts to lower living costs.

Subsidies carry with them the right to regulate. Numerous opportunities for Government interference and the imposition of regulations are provided by the practice of distributing consumer subsidies through producers, processors, and distributors.

Consumer subsidies are a threat to democratic government as a result of the political control which subsidies make possible and the continued exploitation of the sources of national income necessarily associated with subsidy payments.

Mr. Chairman, all of this adds up to one thing, at least in my mind and in the minds of thousands of thoughtful men and women. That is a deliberate attempt on the part of the Democratic administration to employ subterfuge to confuse and befuddle the people of this Nation so as to perpetuate itself in power.

If this were just another political stratagem employed to retain power, and its effects were not cumulative and disastrous in the long run, there could be some excusing the use of subsidies. But the truth is that the use of consumer subsidies has prolonged the economic agony of our people and these same subsidies are contributing greatly to the inflation of today and the higher prices that will come tomorrow.

Housewives know now that subsidies are not a saving in the least, but represent an added cost on their annual tax bill. Every sensible housewife would rather pay her grocer bill at the time it is due than to have to wait and pay an added portion of her grocery bill to Uncle Sam in the form of taxes. As of today, besides paying the actual cost of the groceries she buys at the store, the housewife has to pay the subsidy through taxes. In addition, she has to pay the interest on the money thus used by Uncle Sam, for, as we know, the Federal Government is broke and, in effect, has to borrow every dime it uses. Furthermore, this housewife has to pay the Government bureaucrats which administer the subsidy funds. She has to pay many other expenses usually not connected with a grocery bill.

Producers, as we know, do not like the subsidy, although all of them would rather get the subsidy checks than nothing at all. This, of course, is to be expected and is only natural. But here is what John H. Davis, of the National Council of Farmer Cooperatives, said recently about subsidies:

Producers feel that prices to them are comparable to wages to the workingman. Labor has never been willing to accept Government subsidies as part of its wages, so farmers countrywide have never looked with favor on subsidies.

Furthermore, farm production now is about as high as it is ever going to get. You can increase one item by taking out of another, but over-all production can't be increased much. Still, demand is out of line with supply, and probably will continue so for 1 or 2 years longer. Therefore, the problem is to do something with demand.

If we are not going to ration, then we must muddle through with the black market and all the other evils, or let prices go to the point where demand tapers off. Now we are holding prices so low that people want more than there is, despite the fact that production is at an all-time high and as high as it is likely to go.

Mr. Davis, referring to the meat subsidy, said that it is "only promoting the black market."

To the extent that meat is moving in the black market, and the most conservative estimate is more than 50 percent, the only people who benefit from the subsidy are those who operate in the black market and get by with it—

He pointed out.

Mr. Chairman, if the Democrats want to fight the coming campaign on one real issue, we Republicans challenge them to talk about the dollar. A sound dollar has been a kingpin in Republican platforms for years and years, and today I feel that on this issue the Republicans have all the simple facts of economics on their side.

We Republicans stand now, in my judgment, as we have stood for years, against consumer subsidies. We believe now that there are enough thoughtful people left in the United States to vote overwhelmingly against such political measures as the so-called subsidy program, with all its mumbo-jumbo juggling of figures and products.

Mr. HOLMES of Massachusetts. Mr. Chairman, I yield 10 minutes to the gentlewoman from Illinois [Miss SUMNER].

Miss SUMNER of Illinois. It is useless for Congress to waste time passing laws to redress grievances as long as it continues to vote the unconstitutional

policies which multiply grievances. These unconstitutional bills include the ambitious spending bills automatically diminishing the worth of the dollar, the OPA extension impeding production, and, above all, the foreign-loan bills, since these not only depreciate the dollar and discourage production but also siphon American production out of the country.

For example, this week you vote to increase the retirement pay of railroad workers. But next week, when the British gift-loan bill comes up, you are to turn right around, like a dog chasing its tail, and vote for it, thereby perpetuating the Atlas policy of supporting the whole world. What good then will you have done your constituents? None. You will only have given them the same old run around. Better not mention that word "retirement." It might suggest the slogan that the only kind of retirement this country needs is the retirement of fickle officials who cannot resist the temptation to violate the Constitution.

So far nobody has been so impolite as to call this giving away of American dollars to foreign governments embezzlement—treasonable embezzlement. But it is certainly misappropriation of public funds. It is unconstitutional. During the century before 1912 while the Constitution was still followed faithfully, government was conducted according to the rigid principle that Congress lacks power to appropriate for anything much except national defense. But since 1912, thanks to the mischievous interpretations of lackluster jurists, the scanty powers of the Federal Government have been stretched and stretched until now, like the equator, they are imaginary lines encircling the globe. This juridical mayhem has already cost the American people two inflations, two depressions, and two world wars. Government has usurped and, to an extent as yet unrealized, transferred to foreign governments, every single constitutional right the people have except only the right to vote, and there is a Government-created shortage of constitutionalists to vote for.

As everybody knows, the Federal Government possesses no constitutional powers whatsoever not specifically granted to it in the concisely written Constitution of the United States. Moreover, it is cheating the people to resolve any question of interpretation of the grant in favor of the grantee, the Federal Government. The Constitution contains not a single phrase which might fairly be construed to authorize the loaning, much less the donating, of American dollars to foreign governments for peacetime purposes. At best, the British gift-loan agreement could only be a treaty—assuming that you could call any memorandum so lacking in mutuality either an agreement or a treaty. But, lo, the bill to ratify this semblance of a treaty has already failed to pass the Senate by the necessary two-thirds' majority the Constitution requires for ratification of a treaty. Legally, it is still-born, dead, and decomposed. To vote for it would, of course, be a gross violation of the vow you publicly took to defend the Constitution, remember? Surely preserving the Constitution means rather more than just keeping the document in a glass case in the Congressional Library.

Remember 1932. In 1932 candidates harangued the unemployed in Detroit, Chicago, and elsewhere, urging them to "throw out the rascals" responsible for the loans to foreign governments which caused the depression. Today, Americans are growing sick and tired of seeing misgovernment turn America, the land of plenty, into a place as bare as Mother Hubbard's cupboard. Today laboring men, executives, distributors, all say the same, "Why should I work hard? What I would get out of it is scarcely worth the effort." Unless the Government's mad progress from quandary to quandary is halted, you will proceed to the inevitable—outlawing strikes and slow-downs, taking over factories and farms, drafting everybody in sight, punishing the rebellious with confiscatory OPA ceilings, fines, and imprisonments. You will vote for it all, protesting at first that it is only temporary, but you will vote for it.

Why not swear off violating the Constitution? That yellowed Constitution in the glass case is not a mummy. It is the blueprint for the only government ever devised which generated continual advancement for every individual citizen. Sooner or later, perhaps not until centuries later, it will be resurrected.

Mr. HOLMES of Massachusetts. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Chairman, I have taken this time to ask some questions of the chairman of the subcommittee in charge of this bill. The gentleman realizes that we are presently spending enormous sums of money upon the Weather Bureau; if I remember correctly, $40,000,000 a year, maybe more.

Mr. BULWINKLE. What is the appropriation in the Weather Bureau appropriation bill?

Mr. TABER. As I remember, the total involved at the present time, including deficiencies which have been granted, would run for the current year, around $40,000,000.

Mr. BULWINKLE. I am not talking about the deficiencies. Is it not around $30,000,000?

Mr. TABER. I think with the deficiencies it is $40,000,000 at the present time. How much of an increase will this be?

Mr. BULWINKLE. This will increase it approximately $15,000,000. I may say to the gentleman, however, what comes up in the next bill is already being done.

Mr. TABER. The gentleman means a part of this is already being done?

Mr. BULWINKLE. What will come up in the next bill is being done now.

Mr. HINSHAW. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from California.

Mr. HINSHAW. I believe in the regular appropriation bill for the Weather Bureau is $15,000,000, including all its reporting stations throughout the United States and its assembling stations, including its teletype system.

Mr. TABER. It is a good deal more than that.

Mr. HINSHAW. There have been some additional expenditures made, particularly at the instance of the War and Navy Departments, for research work in connection with the war that has been carried on during the war, and they have expended a little bit beyond that. I do not think the regular appropriation should amount to much more than $15,000,000 a year.

Mr. TABER. It is away beyond that, as I remember it. I think $40,000,000 is about right.

Mr. PRIEST. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Tennessee.

Mr. PRIEST. This may clear the matter up. On page 13 of the hearings, Mr. McDonald, appearing before the subcommittee, was asked a question and his answer is:

> The total for the current fiscal year is $15,130,000. The requests which are before the Appropriations Committee for 1947 now total $17,845,000, with some additional estimates presented also as supplemental in the committee amendment for aviation to an increase of $1,300,000 for that activity.

Here is the way he summed it up:

> In the total we have proposals before the Appropriations Committee for an over-all appropriation of about $20,000,000.

Mr. TABER. We have estimates up there now for several million dollars in addition to that.

Mr. STEFAN. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Nebraska.

Mr. STEFAN. We just recently finished a bill appropriating money for the Department of Commerce, in which the Weather Bureau is located.

Mr. TABER. I remember that bill has just been passed.

Mr. STEFAN. It is now in the Senate.

Mr. TABER. Yes.

Mr. STEFAN. Being a member of the subcommittee having charge of appropriations for that agency, as I recall it, with the supplemental amounts, including the regular appropriations for 1947, with some of the war agencies work that is being done over there, it will run over $21,000,000 for the fiscal year 1947. I am not quite sure of the general figures, but right around that.

Mr. HINSHAW. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from California.

Mr. HINSHAW. I appreciate very much the gentleman's concern for the Budget of the United States. I have the same concern that the gentleman has, but at the same time I realize that the work of the Weather Bureau saves the citizens of the United States hundreds and hundreds of millions of dollars a year in the anticipation of storms and weather conditions that will damage crops as well as knock down telegraph and telephone poles and wires, and power lines, and likewise tie up traffic from snow and ice and all that sort of thing, and proper anticipation of the weather enables the various individuals and departments and

agencies of the Government to guard against tremendous economic losses that occur from bad-weather conditions.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. BULWINKLE. Mr. Chairman, may I ask how much time remains?

The CHAIRMAN. The gentleman from Massachusetts has 6 minutes remaining and the gentleman from North Carolina has 13 minutes remaining.

Mr. BULWINKLE. Mr. Chairman, I yield the gentleman from Tennessee [Mr. PRIEST] 13 minutes.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. PRIEST. I yield.

Mr. MARCANTONIO. Can we know how much of the time has been used in discussion of the bill itself and how much of the time has been used in discussion of other matters not related to the bill?

The CHAIRMAN. The Chair presumes that all the time has been used in a discussion of the bill.

Mr. BULWINKLE. Mr. Chairman, will the gentleman yield?

Mr. PRIEST. I yield.

Mr. BULWINKLE. I might say to the gentleman that I spoke for 47 minutes on the bill, with the exception of the time that I was discussing other matters with him, and the remaining 13 minutes will be applied to this bill.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield further?

Mr. PRIEST. I yield.

Mr. MARCANTONIO. I think it is quite obvious to the House and to the country that you could have passed this bill by unanimous consent, or you could have gotten it through in 5 minutes. This is just part of the filibuster against FEPC.

Mr. PRIEST. Mr. Chairman, this bill has been very adequately discussed. The chairman of the subcommittee and the gentleman from California [Mr. HINSHAW] have both given very complete discussions of the proposals in the bill and of the necessity for the enactment of such legislation.

There are just a few matters that I would like to discuss in these 13 minutes with reference to the legislation that is now before us. All of us agree that we are becoming more conscious all the time that the air knows no boundaries; that a thunderstorm, a snowstorm, or cold fronts in the polar region or in Europe or in the Pacific or anywhere else do affect weather in other remote parts of the world. The air masses know no boundaries, as has been stated before, just as aviation itself knows no boundaries of state or nation or continent.

I think it is well for us to consider the fact that during the war, because of the necessity of knowing as early as possible what weather conditions would prevail at a given point several days in advance, we have made great strides in the science of meteorology. Up to this point, however, there has not been any legal authorization for any agency of the Government to coordinate all of that valuable information that has been gathered by our own meteorological scientists, nor has there been any provision made for a clearing house so that information might become available and usable by the civil fliers or by commercial transport, or that it might be available, as the gentleman from California emphasized, for the benefit of agriculture in all parts of our country.

The prime purpose of the bill now pending is to authorize the Weather Bureau to be a clearing house for information that has already been obtained and for new techniques that have been discovered and developed in forecasting weather, and to make that information and those techniques available for use throughout the country and the world. That is of primary importance in the consideration of this legislation.

The question of the cost of the legislation has come up, and rightly so. The gentleman from New York, the ranking member of the Committee on Appropriations, raised the question of what the legislation would cost. The bill itself makes no authorization, as I understand, for any particular appropriation. In testimony before the committee it was presented that the Weather Bureau under this program and its present program properly expanded, and expanded gradually, without any mushroom organization or agency, could utilize in the neighborhood of $30,000,000 a year as a total fiscal-year appropriation.

I appreciated very much what the gentleman from California said with reference to the cost of the bill. The millions and millions of dollars that are saved to agriculture alone in a year because of accurate weather forecasting certainly justify, in my opinion, the expenditure of this sum of money for further advance in the forecasting of weather. That is aside from the question of aviation. This bill is an amendment to the Civil Aeronautics Act, and as such it deals primarily with the question of weather information, weather forecasting, and weather research for the purpose of aviation, but the other benefits will flow from it into all the economic life of our country.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. PRIEST. I yield to the gentleman from Mississippi.

Mr. WHITTINGTON. With respect to the cost of the legislation now under debate, what is the gentleman's estimate from the hearings as to the probable cost of the authorization in this bill?

Mr. PRIEST. It was my understanding that within a few years, perhaps not immediately, the increase in annual expenditures would run probably to about $10,000,000 for the legislation now pending. In other words, the appropriation now runs to approximately $20,000,000, with the supplemental appropriations and all, for the regular activities of the Weather Bureau.

Mr. WHITTINGTON. It is not only a question of the amount that is involved in this bill, it is a question of saving and protecting human life by improving weather facilities.

Mr. PRIEST. That is the point to which I wish to address a few remarks at this time. I think all of us who have done any flying in the last few years, or at any time, for that matter, have become more conscious of the weather. This Committee on Interstate and Foreign Commerce about a year ago went out to Cleveland by invitation of the NACA for an inspection of the aircraft laboratories at Cleveland. We spent the day there. We went in two planes. It came time for us to return to Washington that afternoon, and some of the Members who are present on the floor at this time will recall that in one of the planes there was the necessary equipment for oxygen for high-altitude flying if it became necessary. Both pilots had information that between Cleveland and Washington there was a storm. They did not have complete information on it, but they had enough information to know that it was somewhat of a serious weather disturbance. One pilot decided he would fly by instruments and fly over the storm. As I said, he had a plane which was equipped with oxygen to be used if necessary. So he decided to fly over the storm. The pilot of the plane in which I and some other members of the committee were returning decided that he would have to fly by contact and fly under the storm since the plane was not equipped with oxygen. About 100 miles from Cleveland directly in our path we encountered this disturbance. The other plane in which the chairman of the subcommittee was riding was flying above that storm. We were supposed to fly below it. The storm was so low at that point that we could not get below it and it became necessary for us to fly 60 or 70 miles to the south to get around the storm so that we could get into Washington safely. It was a disturbance of such a nature that it was not safe to attempt to fly through it, in the opinion of the pilot. That is just one instance of what happens every day on the airways and what happens to the private fliers. That was a thunderstorm. There will be more said about thunderstorms when another bill is brought up soon.

We have arrived in an air age when the world has shrunk and when there are no boundaries for the airplane and no boundaries for masses of air that come in from the polar regions or any other regions and affect our weather. We must in every way possible correlate all of the developments we have made during the war and attempt to make them available for public use. This bill not only provides for a clearing house for weather information but also provides and directs that the Chief of the Weather Bureau shall collect and disseminate all of this information and promote and develop meteorological science in cooperation with other nations of the world. There has always been as a matter of course rather close cooperation among nations of the world in meteorological studies and in the dissemination of meteorological information. It has not always been well organized, but there has been a willingness on the part of most nations, except in time of war when of course you would not cooperate with your enemy. But under normal conditions, there has been a willingness on the part of all nations to share their infor-

mation and their research and progress with reference to the weather and the science of meteorology.

Mr. PICKETT. Mr. Chairman, will the gentleman yield?

Mr. PRIEST. I yield to the gentleman from Texas.

Mr. PICKETT. In connection with the gentleman's assertion that generally speaking there is close cooperation internationally on the part of those interested in scientific research in this field, I wonder if the gentleman is aware of the fact that Russia during the course of the war has established either 15 or 16 observation stations in the Arctic region and the United States has established 4. In that connection further, may I ask the gentleman if he is aware of the fact that the United States Government has not yet been able to get exact information as to how many stations the Russian Government has established nor their location, although it does have some information about the work that they have been doing along these lines?

Mr. PRIEST. In response to the gentleman's first question as to whether I know they had established 15 or 16 stations, I know they have established quite a number. I do not know the actual number, however. But I do know, insofar as we are concerned, we are rather poorly equipped in that region in the number of observation stations.

Mr. PICKETT. Is it the opinion of the gentleman, then, that the enactment of this bill into law and consequent establishment of good relationships, at least on our part, will promote and foster better cooperative spirit by other governments who are not now so cooperative?

Mr. PRIEST. That is my opinion. It will be very helpful in that respect.

The CHAIRMAN. The time of the gentleman from Tennessee [Mr. PRIEST] has expired.

Mr. HOLMES of Massachusetts. Mr. Chairman, I have no further requests for time on this bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That section 803 of the Civil Aeronautics Act of 1938, as amended (U. S. C., 1940 edition, title 49, sec. 603), is amended to read as follows:

"WEATHER BUREAU

"SEC. 803. In order to promote safety and efficiency in air navigation to the highest possible degree, the Chief of the Weather Bureau, under the direction of the Secretary of Commerce, shall, in addition to any other functions or duties pertaining to weather information for other purposes, (1) make such observations, measurements, investigations, and studies of atmospheric phenomena, and establish such meteorological offices and stations, as are necessary or best suited for ascertaining, in advance, information concerning probable weather conditions; (2) furnish such reports, forecasts, warnings, and advices to the Administrator, and to such persons engaged in civil aeronautics as may be designated by the Administrator, and to such other persons as the Chief of the Weather Bureau may determine, and such reports shall be made in such manner and with such frequency as will best result in safety in and in facilitating air navigation; (3) cooperate with persons engaged in air commerce or employees thereof, in meteorological service, establish and maintain reciprocal arrangements under which this provision is to be carried out and collect and disseminate weather reports available from aircraft in flight; (4) establish and coordinate the international exchanges of meteorological information required for the safety and efficiency of air navigation; (5) participate in the development of an international basic meteorological reporting network, including the establishment, operation, and maintenance of reporting stations on the high seas, in polar regions, and in foreign countries in cooperation with other governmental agencies of the United States and the meteorological services of foreign countries and with persons engaged in air commerce; (6) coordinate meteorological requirements in the United States in order to maintain standard observations, promote efficient use of facilities and avoid duplication of services unless such duplication tends to promote the safety and efficiency of air navigation; (7) promote and develop meteorological science and foster and support research projects in meteorology through the utilization of private and governmental research facilities and provide for the publication of the results of such research projects unless such publication would be contrary to the public interest; and (8) detail annually, within the limits of available appropriations made by Congress, members of the Weather Bureau personnel for training at Government expense, either at civilian institutions or otherwise, in advanced methods of meteorological science: *Provided*, That no such member shall lose his individual status or seniority rating in the Bureau merely by reason of absence due to such training."

Mr. POAGE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, those of us who live in the great Southwest are especially interested in the ability of our air lines to operate through that vast area. We are probably more dependent upon air transportation than many other sections of the Nation, it being the only way we can get fast transportation to the great centers of population, to the Capital of the Nation, and to the industrial centers.

In my own section of Texas, which is a portion of that Great Plains area which the gentleman from California [Mr. HINSHAW] described, on which storms are so likely to suddenly arise and to confuse the operation of aircraft, we find special necessity of having east-west transportation by air that will enable us to move from that area to Washington and New York, west to Los Angeles, and across the continent. In my own home town, Waco, we have no such east-west transportation. We have a north-south operation that provides very good air transportation to Chicago, points north and south, but we especially need transportation east and west. We are in that area where storms can be most easily mapped and determined.

We feel it would be most advantageous not only to our area but to the other areas of the United States if we might have established air transportation east and west swinging say from Memphis to which point the air lines now operate, and operating from Memphis west to El Paso. These operations now all go through Oklahoma City to the north or through Dallas and Fort Worth. Most of them come through Dallas and Fort Worth. A line west from Memphis to Shreveport to Waco to San Angelo to El Paso is approximately the same distance as that of the lines now operated. We hope that it will be possible in the near future to change some of those schedules that are operating now, I believe, 15 a day over that route. We would like to see two or three of them moved to this southern route. It would give a greater freedom from these storms and would not only serve three important cities of the Southwest that now have no direct east-west connection, but would also serve the other sections of the Nation in providing an alternative east-west route across the United States that would be still further removed from the influence of these storms that have been described in the previous discussion. It is therefore our hope that the Civil Aeronautics Administration of this Nation will see fit to instruct some of the great air lines, if they do not see fit to do it voluntarily, to give us this southern service, serving three great cities of the Southwest, three cities that have north and south service at the present time but three cities that have no east-west service.

Mr. Chairman, I hope the air lines will recognize the importance of this service, and I hope that those in authority in the matter of civil aeronautics will recognize the importance of this service, and that this beneficial service may be rendered so that in that way they may be of the greatest use to the Nation.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HOBBS. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, with wholly no regard to what is taking place I had hoped that we would not look upon this bill as one that applied selfishly to our own situation in any part of this great country. This is a national bill, it is one that is as important as the air service itself. If we in Congress have seen fit, as we have, and if experience has proven the wisdom of this great committee in bringing us the bills that it has brought along this and similar lines, we ought not to treat this bill as anything less than a major objective of legislation.

Mr. HINSHAW. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. I am delighted to yield to the gentleman from California.

Mr. HINSHAW. The gentleman, coming from the State of Alabama, is probably more aware of the dangers of the hurricane season than some of us who live more remotely from the hurricane area. I am sure the gentleman from Alabama and all his friends in that area are vitally concerned that proper weather reporting stations be established throughout the Caribbean area in order that the Weather Bureau may accurately forecast the paths of such hurricanes after they have once arisen, and if possible anticipate the occurrence of such a terrific storm in that area. One of the purposes of this bill is to authorize the Weather Bureau to work in cooperation with other countries, specifically in the

gentleman's case those countries in the Caribbean area.

Mr. HOBBS. I thank the gentleman for his contribution. There again I wish to make it clear that so far as Alabama is concerned we need this protection probably as little as any State. The Caribbean does give birth to storms, but they seldom reach Alabama.

We are particularly reminded of that day not so long ago when Col. Sumpter Smith, that man who built more airports than any man living or dead in the history of the world, the man who was head of the Washington National Airport construction program, for instance, his latest and last job, on a balmy, clear, warm day, with the sky blue above, went into a cloud and has never been seen again. We do not know what took place, but that great man, that aviation genius, was lost to America through some kind of a disturbance that may have been a thunderstorm. There is no more serious menace, no greater danger to aviation, than even a small thunderhead may prove to be.

Having had nearly 3,000 hours in the air myself, I have seen the destructive effects of this kind of interference in atmospheric conditions. So we need this measure as a nation, and the gentleman from North Carolina is to be congratulated, as is the great committee on which he has the honor to serve, for bringing in a bill of this importance, of so comprehensive a nature, that may enable our Weather Bureau to find a real solution of one of the major pressing problems that is both national and international.

I wish I had the time to develop that thought further, but the time for talk is ended, the time for action is here.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mrs. SMITH of Maine. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I want to thank the gentleman from North Carolina, Chairman BULWINKLE, and his Committee on Interstate and Foreign Commerce for bringing this proposal to the attention of the House.

The effects of weather and climate on farm products are well known. If weather is favorable for crops, production is at its peak. If weather is unfavorable, the Nation suffers from crop failure. With the development of aviation and communication, the problem of weather is as essential to commerce and transportation as to agriculture.

Last year I introduced H. R. 4611, which became Public, 296 February 12, this year. This act calls for the establishment of meteorological observation stations in the Arctic regions of the Western Hemisphere and was introduced for the purpose of improving the weather-forecast service within the United States and on the international air-transport routes. Never before has the security of the Nation been so dependent upon scientific research and development.

Expert meteorologists have made the following observations with respect to the Arctic areas:

First. Basic weather forces originate in the Arctic areas north of this continent.

Second. These forces influence weather movements and conditions within the United States and on the northern air routes.

Third. Knowledge of Arctic weather characteristics is essential for more accurate forecasts and long-range predictions.

In addition to the scientific and strategic importance of these areas, their commercial aspects of weather stations in the Arctic are evident from the following:

First. Greater accuracy and earlier predictions are of immense value to aviation, agriculture, industry, commerce, and many other phases of our national life.

Second. Examination of Arctic conditions is a necessary prelude to the development of future great circle transpolar flight routes.

Other nations have done much along this line in the Arctic. The Russians have been active in that area for 15 or 20 years at least. They have demonstrated that maintenance of stations in remote Arctic areas is neither unusually dangerous or unreasonably expensive. They maintain scientific research stations on the most remote islands of the polar sectors of Russia.

Although Arctic explorations have been sponsored for over two centuries, largely for the purpose of new discoveries, we have derived other benefits, and with the progress of aviation, this previously isolated section has now become a vital area.

During the hearings in January, Dr. Reichelderfer, Chief of the Weather Bureau, reported that we had fairly satisfactory exchange of information with Russia now, that they had promised to give us more, and that their cooperation was anticipated.

The need for Arctic weather reporting stations is inescapable.

The doctor also advised us that there was close cooperation between the Weather Bureau, the Army, and the Navy, all feeling the importance of weather reports from the Arctic and that as soon as the Air Coordinating Committee had completed its study and made its report, upon authorization of Congress, equipment and material would be on its way to start the construction of meteorological stations in the Arctic.

The Arctic is but a spot in the picture, the need for international collaboration with respect to meteorology as provided in Congressman BULWINKLE'S bill is world-wide.

Mr. WHITTEN. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, on various occasions this Congress has passed, particularly the House of Representatives, legislation with which we do not all agree. I recall particularly a measure which provided for Federal aid in constructing airports throughout the United States. I was one of those in the House who voted against that bill because in checking the report and seeing the names of the towns which were included, it struck me that we were trying to go ahead too fast with aviation.

Of course, aviation has made tremendous strides during the war and through the experimentation and development of aircraft as a result of the war. I think all of us here today recognize that aviation is in for some of the greatest expansion and development that the world has ever seen in the next few years. Much remains, however, to be proven. We have to wait to see how much use will be made by the American people of local planes and of planes for short distances and things of that nature. The bill which the Congress passed included some 12 or 15 towns in my own district. One of those towns had a population of 400. Certainly, I think it was a mistake for the Congress to give an open invitation at this time to all little towns and cities of the country to obtain Federal money and float bonds which must be paid by the local municipalities for the purpose of building airports. I say that if aviation continues the great strides and the great progress which we anticipate, that then will be time enough for the small municipalities in this country to enter into the building of airport facilities and landing fields. I am glad I voted against that bill, and I feel it was the one thing to do.

Today, however, we are considering a bill which we must view from a different standpoint and which has a great deal of merit. Certainly, though the small cities in my district and other districts throughout the United States are not yet ready, nor do they have any need for a local airport to handle any but small planes, today we do have planes flying over every section of the United States. Aviation has reached the place where it is carrying untold thousands of persons through the air in commercial transportation. Recently we find that many of the boys back from the Army are engaged in contract carrying, both freight and passenger service. In many instances I understand such planes are not properly supervised nor do they have adequate weather information and we have had two or three great tragedies as the result. But the air lanes in this country are being used, though I still say that many local municipalities at this time have no need for large airport facilities, but because the planes are going over every foot of the United States and because thousands of persons are flying through the air at this time, certainly we need to have the finest kind of information with regard to weather conditions throughout the United States and the conditions which are being faced by those aircraft as they go across the Nation.

Like some other speakers here, I have had considerable experience, having flown over 60,000 miles throughout the world. I know the benefits which come from having advance reports on storms. We were in the middle of the Pacific last summer at a time when a storm was reported facing us, at which time, I believe, in the terminology of the pilot, we made a dog-leg turn and went around the storm. What the effects would have been if we had not had this advance knowledge, I do not know. I have had the experience in

Washington of flying around for 2 hours over the local airport before the fog would let up enough for us to get down to ground. Certainly, when you run into those experiences you recognize the value of having weather conditions reported in advance to let you know what you are facing. You will recall the untimely death a few years ago of one of our distinguished colleagues, Mr. Ditter of Pennsylvania. On that same day, throughout the area in which Bill Ditter was flying, seven different planes went down, resulting in many deaths. That storm was of sufficient magnitude and covered a sufficient area that most any kind of weather reporting set-up or most any kind of work which would have been carried on under the terms of this bill would have given advance notice, and many lives would have been saved.

Aviation has become a big undertaking and is in for great expansion and great development. We see it every day, and certainly I think that this Congress can do no more than to recognize such fact and provide adequate training so that we may have proper weather knowledge for the benefit of aviation as a whole and thus for the people of the Nation.

Mr. BULWINKLE. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. COOPER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H. R. 6030) to amend the Civil Aeronautics Act of 1938, as amended, so as to improve international collaboration with respect to meteorology, had directed him to report the bill back to the House with the recommendation that the bill do pass.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. WHITTINGTON) there were—ayes 58, noes 0.

So the bill was passed.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. HAYS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. COOPER. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 158]

Adams	Fuller	O'Neal
Andrews, N. Y.	Gearhart	Outland
Arends	Gossett	Patrick
Bailey	Granger	Philbin
Baldwin, Md.	Grant, Ind.	Ploeser
Barry	Gregory	Plumley
Bell	Gross	Powell
Bloom	Halleck	Randolph
Bonner	Harless, Ariz.	Reece, Tenn.
Boren	Harness, Ind.	Rich
Bradley, Mich.	Harris	Richards
Brooks	Hartley	Robertson, N. Dak.
Brown, Ohio	Healy	Robinson, Utah
Brumbaugh	Heffernan	Roe, N. Y.
Buckley	Herter	Rogers, Fla.
Bunker	Hoffman, Mich.	Rogers, N. Y.
Butler	Holifield	Russell
Byrne, N. Y.	Holmes, Wash.	Savage
Camp	Horan	Sheppard
Cannon, Fla.	Jennings	Short
Carlson	Johnson, Ind.	Simpson, Pa.
Celler	Johnson, Luther A.	Slaughter
Clark	Jones	Smith, Va.
Cochran	Kee	Sparkman
Colmer	Keefe	Starkey
Courtney	King	Stewart
Curley	LaFollette	Stigler
Curtis	Lanham	Sumner, Ill.
Davis	Luce	Tarver
Dawson	Ludlow	Thomason
Dingell	McCormack	Tolan
Domengeaux	McGehee	Vursell
Douglas, Calif.	McGlinchey	Welch
Doyle	McGregor	White
Durham	Maloney	Wickersham
Ellsworth	May	Wilson
Fellows	Morrison	Winstead
Flannagan	Murphy	Wolfenden, Pa.
Flood	Norton	Woodhouse
Fogarty	O'Hara	Woodruff
Folger		

The SPEAKER. On this roll call 306 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

INVESTIGATION OF THE CAUSES AND CHARACTERISTICS OF THUNDERSTORMS

Mr. BULWINKLE. Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, I call up the bill (H. R. 164) to provide safety in aviation and to direct an investigation of the causes and characteristics of thunderstorms.

The Clerk read the title of the bill.

Mr. MARCANTONIO. Mr. Speaker, I ask unanimous consent that debate on the bill be dispensed with and that the bill do now pass.

Mr. RANKIN. I object, Mr. Speaker. You cannot tell when or where we will have a thunderstorm that might prove disastrous to our aviators.

The SPEAKER. This bill is on the Union Calendar.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 164, with Mr. FORAND in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. BULWINKLE. Mr. Chairman, the Members of the House of Representatives will recall that some few years ago there was a special committee of the House composed of the gentleman from Oklahoma, Mr. Nichols, the gentleman from Tennessee, Mr. Pearson, the gentleman from Texas, Mr. Kleberg, the gentleman from California, Mr. Hinshaw, and the gentleman from Illinois, Mr. Dirksen. This committee made a thorough and complete study and recommended to the Congress certain legislation in regard to thunderstorms. The gentleman from California [Mr. HINSHAW], a member of our committee, is here and will speak from his knowledge on this subject.

One of the most dreaded things the pilots have to contend with is thunderstorms. Over the United States on different air lines pilot after pilot spoke to me asking if there could not be some investigation made of the effect of these storms upon the planes. Mr. Behncke, who is president of the Air Lines Pilots Association, wrote me some months ago, as follows:

THUNDERSTORMS

On September 5, 1944, Congressman ALFRED L. BULWINKLE, chairman of the Subcommittee for Air of the House Interstate and Foreign Commerce Committee introduced a bill in Congress (H. R. 5301) directing that a thorough and painstaking investigation and study be made of the causes and characteristics of thunderstorms and their effect on the safety of air-line flying and civil aviation generally.

This proposed measure was thoroughly reviewed by ALPA's Washington office and later, on September 20, 1944, by its central executive council at a regular meeting. The CEC recommended that a letter be written to Congressman BULWINKLE by President Behncke endorsing his proposed thunderstorm investigation and study measure with certain exceptions and reservations. These are fully covered in ALPA's letter dated September 20, 1944, to Chairman BULWINKLE. The letter follows:

DEAR CONGRESSMAN BULWINKLE: I have read your bill, H. R. 5301, and wish to congratulate you on its contents.

The Nation's air-line pilots believe it is high time that someone really looks into some of these things and takes a more realistic approach to determine the answers. I wish to sound a note of warning, however, which is that in the opinion of the air-line pilots who are actually out bucking thunderstorms day after day in regularly scheduled air-line operation, the only way we can ever learn all about them is to actually fly in them.

Of course, we cannot do this in regular air-line operation. It would have to be made a matter of special test flying. What I mean is this: Equipment and pilots will have to be made available to seek out thunderstorms and fly in one side of them and out the other, into the bottom and out of the top, and vice versa. The aircraft used will have to be equipped with all of the latest instruments necessary to record actual conditions and equipment strains.

These tests should be made by thoroughly experienced air-line pilots equipped with parachutes and a proper means of escape if something goes wrong. It should not be hard to obtain the equipment because there is plenty of it available (Army surplus, etc.) that would be suitable for these kinds of tests. So far as the air-line pilots who will fly them are concerned, I am quite certain there would be volunteers.

The purpose of your bill is excellent. As a matter of fact, with the exception of changes suggested herein, it is well beyond any criticism. But if this study is not conducted in a very realistic manner, it will more than likely result in some more glossed-over theories based on what people think and not what they actually know.

This committee, while in Washington, passed the following resolution:

"*Resolved*, That an extensive study be initiated, either by or under the direction of the NACA, to determine if the gust-load-safety factors as set forth in part 04 of the civil air regulations are sufficient in view of more exhaustive and recent practical experiences with gust load encountered in regularly scheduled operation."

Sincerely yours,

DAVID L. BEHNCKE.

I may call to your attention also that during the last 2 years experiments have been conducted in contemplation of the passage of this bill, by the Army, the Navy, and the Weather Bureau. These experiments have been conducted in Florida and Ohio. One of the noted men in this line of work from the University of Chicago has charge of it. Therefore, I may say to you it has really been already in operation. But there still is a necessity for this bill. May I not ask you to read the preamble of the bill, which is as follows:

Whereas on August 31, 1940, near Lovettsville, Va., an air liner entered a thunderstorm and crashed shortly thereafter, carrying to their deaths all of the occupants of the airplane, including the senior Senator from Minnesota, Senator Ernest Lundeen; and

Whereas on April 3, 1941, near Vero Beach, Fla., an air liner entered a thunderstorm and encountered such severe turbulence that continued control of it was impossible and it crashed injuring all of the occupants of the airplane; and

Whereas on July 28, 1943, near Trammel, Ky., an air liner entered a thunderstorm and by reason of the turbulence and a violent downdraft encountered, control of the aircraft was lost and it crashed, resulting in the death of 4 members of the crew and 16 passengers and severe injuries to the 2 remaining passengers; and

Whereas the severe turbulence encountered in thunderstorms has caused numerous accidents to military aircraft, resulting in the death of the crews of such aircraft and the destruction of the aircraft; and

Whereas the Civil Aeronautics Board has found that questions about the internal structure thunderstorms and the causes of extreme turbulence have not been scientifically explained nor the problems pertaining thereto solved, it is required for the continued improvement of the safety of aircraft operation, including operations conducted by the military forces, commercial operators, and private flyers that a thorough investigation be made of the internal structure of thunderstorms, particularly the extent of turbulence to be anticipated and the development, maintenance, and magnitude of downdrafts: Therefore—

What is this? The Nichols committee that I spoke to you about and some of the investigations made by them of accidents. After the reading of the bill, I shall move, of course, that the preamble be stricken.

Mr. BENDER. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Ninety Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 159]

Adams	Grant, Ind.	Plumley
Andrews, N. Y.	Griffiths	Powell
Bailey	Gross	Randolph
Baldwin, Md.	Halleck	Rayfiel
Baldwin, N. Y.	Hand	Reece, Tenn.
Barry	Harless, Ariz.	Rich
Bell	Harness, Ind.	Richards
Bennet, N. Y.	Harris	Robertson, N. Dak.
Bland	Hart	Robertson, Va.
Boren	Healy	Robinson, Utah
Bradley, Mich.	Hébert	Roe, N. Y.
Brown, Ohio	Hedrick	Rogers, Fla.
Brumbaugh	Heffernan	Rogers, N. Y.
Buckley	Herter	Russell
Bunker	Hoffman, Mich.	Sadowski
Butler	Horan	Savage
Byrne, N. Y.	Johnson, Ind.	Scrivner
Cannon, Fla.	Johnson, Luther A.	Sharp
Carlson	Jones	Short
Celler	Kee	Simpson, Pa.
Clark	Keefe	Slaughter
Cochran	Kefauver	Starkey
Cole, Kans.	King	Stewart
Colmer	LaFollette	Stigler
Combs	Lanham	Sumner, Ill.
Courtney	Luce	Sumners, Tex.
Curley	Ludlow	Tarver
Curtis	Lynch	Thomas, N. J.
Daughton, Va.	McCormack	Tolan
Davis	McGehee	Traynor
Dawson	McGlinchey	Voorhis, Calif.
Dingell	McGregor	Vursell
Dirksen	Maloney	Wadsworth
Domengeaux	Mankin	Wasielewski
Douglas, Calif.	May	Welch
Durham	Morrison	West
Ellsworth	Murphy	White
Flannagan	Norton	Wickersham
Folger	O'Hara	Wilson
Fuller	O'Neal	Winstead
Gallagher	Outland	Wolfenden, Pa.
Gearhart	Patrick	Wood
Gifford	Philbin	Woodruff
Gillespie	Ploeser	Zimmerman
Granger		

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FORAND, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill H. R. 164, and finding itself without a quorum, he had directed the roll to be called, when 296 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The SPEAKER. The Committee will resume its sitting.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H. R. 164, with Mr. FORAND in the chair.

Mr. WOLVERTON. Mr. Chairman, I yield 15 minutes to the gentleman from California [Mr. HINSHAW].

Mr. HINSHAW. Mr. Chairman, before the intervention of the quorum call the gentleman from North Carolina made very kind reference to a committee of the House of Representatives which was chairmaned by the very distinguished former Member of this House, now deceased, the Honorable Jack Nichols, of Oklahoma, and of which committee Messrs Richard Kleberg, of Texas, Herron Pearson, of Tennessee; Everett Dirksen, of Illinois, and I were members. That committee conducted 28 investigations into as many serious air accidents. Those of you who were here at the time and consequently were very much interested will remember that an airplane which was carrying Senator Ernest Lundeen crashed in the course of trying to pass under or through a very intense thunderstorm near Lovettsville, Va., just a few miles out of Washington. That was one of the reasons for the formation of the committee. A second reason for the formation of the committee was that terrific accident which occurred near Atlanta, Ga., in which Hon. William Byron, a beloved former Member of this House, unhappily lost his life, and in which Eddie Rickenbacker was seriously injured. He still feels the effect of those injuries to this day. On April 3, 1941, there occurred near Vero Beach, Fla., a very serious air accident as a result of an airplane flying into what turned out to be a double tornado. The Select Committee of the House of Representatives to Investigate Air Accidents recommended urgently at that time that investigations be made of the structure and character of thunderstorms that might of course be hazards to aircraft in flight. It has been 5 years since that recommendation was made. I have been hoping for this day all these 5 years, that this bill might be brought before the House of Representatives for passage. Some bills, of course, also have waited long periods of time for the consideration of the House, but this bill has waited 5 years.

There are in the service of the Civil Aeronautics Administration certain gentlemen of great courage and fine character, pilots and technicians who are willing to risk their lives by piloting an airplane inside a thunderstorm. I have talked with several of these gentlemen and know of their perfect willingness to risk their lives in order to learn about the structure, character, and intensity of thunderstorms. The Navy Department has offered an airplane which will be properly equipped with instruments and shockproof and crashproof motion picture cameras to record the disposition of the various instruments in the cockpit of that airplane. They intend to properly equip this airplane with, as I say, instruments and cameras, and these men intend to fly that plane into every tough thunderstorm that they can find within a reasonable radius of wherever they may be. If there is anybody in the House of Representatives who would like to have that job, let him volunteer now. That is going to be a real job. Let me return to the accident that occurred near Vero Beach, Fla., and discuss it very briefly with you. I do not desire to take a great deal of time on this matter, but I wish to point out to you the dangers of thunderstorms to aviation.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield.

Mr. SPRINGER. Ordinarily, with these instruments about which you are speaking, do the pilots attempt to ascertain whether a storm is in progress nearby and land, or do they head into the storm?

Mr. HINSHAW. Thunderstorms can now be located by radar, and followed. They intend to head right straight into the middle of the storm. Now, if you think that is funny, give it another thought. I have flown through a few

thunderstorms myself and never was anxious to do so.

Mr. STEFAN. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from Nebraska.

Mr. STEFAN. At the time your committee, headed by the late Jack Nichols, made investigations of airplane accidents following the fatal accident in which our late colleague, Senator Lundeen, lost his life, the gentleman will recall that the committee investigated an accident in which I participated, an accident which tallies with the thing we are talking about today, going into thunderstorms.

Mr. HINSHAW. I do.

Mr. STEFAN. During that thunderstorm we actually went into the heart of the thunderstorm a half a dozen times. Had he been equipped with a radio compass with the ultra high frequency, perhaps we could have gotten out of that storm and not necessitated our landing upside down at Summerville, W. Va., where we made a temporary airport in a wheat field.

Mr. HINSHAW. The gentleman was very fortunate to survive that accident. I remember it very well indeed.

Mr. STEFAN. Yes. I will tell the gentleman from California and the membership that we spent nearly half an hour over Hawks Nest down there in West Virginia in a sleet storm, rain and hail. During that time when we penetrated the thunderstorm we had St. Elmo's fire around the propeller and the ship, which I think was one of the strangest and most hazardous experiences I ever went through. We did eventually have to land because of lack of gasoline and lack of radio communication. We landed upside down in a wheat field. We were trapped inside the plane, with the gasoline tank bursting and covering us with gasoline; with the pilot semiconscious, hanging upside down in our seats, kicking our way out of the door, which was a rather hazardous thing to do, because a spark could have been created and we would have been burned to death.

But what I am trying to tell the gentleman, unless you have some experimentation like this, the safety of our navigation is nil. With the coming of the new radio compass with ultra-high frequency and other instruments which we are now receiving from the Army and Navy, I think the CAA and the Weather Bureau must be equipped with all the necessary assistance we can give them if we are going to have safe air navigation.

Mr. HINSHAW. It just was not the gentleman's time to go when that accident occurred. I am delighted it worked out as it did, because the gentleman has been a very valuable member of the Committee on Appropriations, and a member of the Subcommittee on Appropriations for the Department of Commerce, which includes civil aviation.

Mr. BENDER. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield.

Mr. BENDER. That is not the only thing the gentleman survived. He has survived an election in Nebraska.

Mr. HINSHAW. Now, let me go back to this accident that occurred at Vero Beach, Fla., to show you what can happen, and which prompted the committee to make the recommendation now before the House.

A pilot reported back from Miami, Fla., from whence he had taken off, that he had run into severe unreported turbulence on his trip north to Jacksonville. He recommended by radio that planes behind him be held and not permitted to go forward. A second airplane did hold over Fort Meyers, Fla., for a matter of 15 or 20 minutes, and then decided he had waited long enough and would be on his way. At about 4,500 or 4,800 feet he started into what apparently was a purple haze, as he described it. Very soon he found himself in extreme turbulence. It grew quite dark. Hailstones began to fall. The turbulence finally got so violent that he was turned end for end, 180°. He was turned practically upside down several times. And, mind you, he carried a crew and a list of passengers. The disturbance was so terrific that he had no control over the airplane whatever. The copilot and he together attempted to control it but could not. The disturbance caused the airplane to rise at the rate of 2,000 feet per minute and then descend at an even faster rate. They used all the tricks of the trade to right that airplane and get it going in its proper direction. Finally, when they were practically exhausted fighting this storm they stalled into the swamps near Vero Beach, Fla., where practically all of the passengers suffered injury. It was not until the storm cleared up that search planes found this airplane and passengers and with these frog boats that they use down there they went out and rescued them. None were seriously injured, but all of them were injured to some extent. The reason that pilot flew into that storm was because neither he nor anyone else had a forecast, first as to the arising of the storm and secondly no information whatsoever of the possible intensity it might have at its center. That accident could have been absolutely fatal, and had not the pilot and copilot both lived the people would never have known what happened when this airplane went into the center of that storm.

As a matter of fact it has been too frequent that where a storm has been violent and has been entered by an airplane with passengers that the airplane itself has been destroyed. So, very little is known about the internal structure and intensity of a violent thunderstorm. All we do know is from those who have survived. There are terrific updrafts and even more terrific downdrafts, and there may be a whirling motion that will turn the plane end for end and around and around like a kite in a whirlwind.

Mr. GOSSETT. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield.

Mr. GOSSETT. I hope later to discuss this bill as it relates to the Territory of Alaska. I recall some months ago we were shown a photograph in the Committee on Territories of a rescue squad going up Mount McKinley to discover what happened to a plane load of Army boys coming back from vacation. They disappeared over Mount McKinley as a result of inaccurate weather forecasting and some freakish weather conditions. I wonder if the gentleman is familiar with that disaster.

Mr. HINSHAW. Yes; I am somewhat familiar with it although I did not have the opportunity to investigate it as I would have been pleased to if it had been within my province at the time.

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield.

Mr. HILL. I have a question that is very interesting to me at least. Under this bill I cannot find any place where it is indicated that some of this work may be done at the point where these storms begin. I am speaking now of some of the regions just this side of the great Rocky Mountains where some of these storms start. I think it would be worth while if we could have a little investigation where these storms begin and as they follow a certain course. I think it is just as important that this committee do some work on the origin of these storms and I hope the bill is broad enough to enable them to do it.

Mr. HINSHAW. A thorough investigation of the structure of storms is the aim and object of the bill. The first paragraph of the bill contains this instruction:

> That the Chief of the Weather Bureau is authorized and directed to investigate fully and thoroughly the internal structure of thunderstorms, particularly the degree of turbulence within such storms.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. WOLVERTON of New Jersey. Mr. Chairman, I yield the gentleman 10 additional minutes.

Mr. HINSHAW. The bill itself authorizes the study of the internal structure of thunderstorms. The other bill just passed by the House, H. R. 6030, gave every authority to make full and complete study of the areas in which such storms originate. This bill is a specific bill for the purpose of studying the interior of thunderstorms.

Mr. HILL. Then the gentleman feels that this committee will investigate the beginning of these storms? You know they grow from small beginnings until sometimes they reach the proportion of cyclones.

Mr. HINSHAW. Oh, yes; they arise all over the United States in different places and from different basic causes; but the internal structure of them is the thing we have to learn about in order to properly instruct the flyers who are about to take off and pass in the vicinity of these thunderstorms.

Mr. ELSTON. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from Ohio.

Mr. ELSTON. I am wondering why the bill is confined to thunderstorms; why it does not provide for some investigation into other types of storms, such as windstorms, hurricanes, and the like.

Mr. HINSHAW. A hurricane is considered to be a thunderstorm because thunder and lightning are a part of a hurricane, but as far as the ordinary windstorms are concerned in relatively clear weather, they can well be studied without the terrible hazard that there is in a thunderstorm itself. The greatest hazard, of course, is in anything from a hurricane on down. A thunderstorm is a small hurricane in some cases; sometimes it has some static electrical disturbance in it without any precipitation, merely a transfer of static potentiality from one cloud mass or layer to another. But the thing we are discussing here is the real turbulent intense thunderstorm.

Mr. LARCADE. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from Louisiana.

Mr. LARCADE. As I said this morning, I am very much interested in these two bills, the first of which was passed a short time ago by the House, because I have been doing considerable traveling myself and have had a number of experiences. I realize the need for investigation not only of the causes but to find a method of reporting and warning airplanes about either the approach or the imminence of a thunderstorm. As an example, on one trip to Louisiana I left one evening and about 2 hours out on the other side of Winston-Salem, N. C., we ran into three thunderstorms in one—not one but three. There was one below us, one in the center, and one above. We could not go up or down. It is a miracle that I am here, as well as the rest of the passengers who were in that plane, because, as the gentleman described a few minutes ago in reference to a similar occurrence, the pilots were absolutely unable to control the plane. It is only by mere good chance that we rode it out in the middle.

We landed in Atlanta, Ga., fortunately, after riding out the storm for an hour and a half. The moon was out and everybody thought everything would be serene the balance of the trip. About an hour out of Atlanta, Ga., we ran into another storm of almost the same intensity. The point I am trying to make is that if there had been any method of finding out about these thunderstorms, forecasting the intensity of them, the pilot never would have ventured into that area.

On another occasion we happened to run into the tail end of a hurricane down along the Gulf coast. I want to say those experiences are rather hair-raising. I am in full accord with the legislation, and I hope the House will give it its favorable consideration.

Mr. HINSHAW. I appreciate the gentleman's remarks, and I want to say in conclusion that it has been 5 years that I for one have waited for this bill to come to the floor of the House for consideration. It is something that the Civil Aeronautics Administration has been ready and willing to undertake all during this 5-year period, yet legislation apparently has been necessary to authorize that agency to use and perhaps destroy not only an airplane but the lives of several men, because they certainly take their lives in their hands when they go into a thunderstorm. Do you know they might be caught in a storm which would raise them to such heights that an oxygen mask would hardly serve to supply them with oxygen to stay alive? The tops of thunderstorms can go as high as 45,000 or 50,000 feet above the surface of the earth. The average of them will probably not run more than 25,000 or 30,000 feet. This is a great column of boiling air, generating a tremendous amount of electricity. I suppose that the potentiality of electricity that causes a lightning stroke would run into the millions of volts.

We have a naval experimental station at the airport at Minneapolis, Minn., where they have been trying to find ways to eliminate static from airplanes. There they have some five or six hundred thousand volts of current that they can generate. That is important in size, but it is a relatively small figure when you measure the potential that sets up a full-fledged lightning bolt that runs into the millions of volts.

I hope that this bill will pass unanimously; that the Civil Aeronautics Administration will proceed to cooperate with the Navy to carry on these experiments. Our best wishes go with the intrepid pilots and technicians who will fly in these airplanes for the benefit of science and for the benefit of those who will fly in years to come.

I trust that the bill will receive the unanimous approval of the House.

Mr. BULWINKLE. Mr. Chairman, I yield 10 minutes to the gentleman from South Carolina [Mr. HARE].

Mr. HARE. Mr. Chairman, I am very much interested in the safety of air transportation system. I am also interested in the proposed study and research to find the causes of thunderstorms which so often imperil the safety of those who travel by air. I am also interested in going a little further than the study of thunderstorms and suggest some research to ascertain the causes and behavior of hurricanes. This is not a new subject. Scientists for many years have endeavored to ascertain and determine the cause of hurricanes, and in recent years have undertaken to devise plans and means of obviating or preventing them.

I am in receipt of a communication from Mr. A. L. Field, formerly of Massachusetts, later of Florida, where he engaged in considerable study and research into the causes and the possibility of preventing hurricanes. He is now retired and located at Walhalla, S. C. I want to read his communication for the RECORD. It is as follows:

DEAR SIR: Although the nature of this communication may radically differ from the usual character of subjects you encounter during the course of your daily official deliberations, it involves a matter, which the writer firmly believes, has never before been presented to the Honorable Members of Congress for consideration.

As it deeply concerns the safety and welfare of a vast portion of this Nation's population, and others, occupying lands contiguous to our boundaries, the writer, begging a few moments' indulgence of your valuable time, will in the following lines, briefly as possible, endeavor to convey the purpose of this indictment. Way back in the world's early era, nature, in the process of her benevolent manifestations, for some undisclosed reason, regrettably permitted the inclusion in her general scheme of earthly visitations, an element utterly unlike the customary blessings she so graciously bestows. This has reference to that ever-dreaded sea-born scourge the terrifying and devastating tropical hurricane, that habitually assails our coastal sections and adjacent areas during the summer and fall months, invariably causing widespread property destruction, untold suffering and loss of many human lives. Only those who have undergone the experience can understand the benumbing fear and nerve-racking effect of a threatened onslaught by one of those monsters of the air.

Year after year, with unrestricted freedom, these direful invasions have collected their grief-laden tolls, resignedly accepted by mankind as a matter of course and never, until recent times, giving thought to the possibilities of protection from their deadly menace.

Many of our foremost notables—the late Arthur Brisbane, George Claude, of Neon fame, college professors, and others equally prominent—have expressed their steadfast belief in the inevitable subjugation of these aerial malefactors by means of explosives directed to their vulnerable sections from planes flown over and above them.

The writer, having witnessed several such disturbances while a resident of the lower east Florida coastal region, was able to observe their diabolic characteristics and for years advocating the bombing treatment, entertains a justifiable conviction that their very structural features lend a most susceptible source for successful attack by blasting operations.

Pilots have flown up and around as well as over and through them with comparative safety, proving they are not immune from closeup inspection and actual penetration and from those intrepid flyer's reports of their coinciding discoveries 12,000 feet above the water's surface, it would be a grievous remission not to make use of their worthy contributions and apply them in a properly conducted effort to determine the feasibility of the explosive method of hurricane control.

The Government possesses all necessary means with which to initiate such an experiment—expert flyers, powerful bombing planes, superexplosives, etc.—so why not give the worth-while idea a try-out? The proposition may sound fantastic, but so have other renowned accomplishments in their early formative stages.

The establishment of an aerial-patrol system, composed of observers and bombers, for the Caribbean area and adjoining waters for reconnaissance purposes during the hurricane period, generally from June 15 to November 15, is urgently suggested, the maintenance of which to be financed by the several governments having possessions within the hurricane belt, similar to the arrangement directing the iceberg patrol along the northern sea lanes. Bases could be strategically located and patrol flights assigned so each country would assume certain prescribed period of observation duty.

Detection of developing hurricane formations would be instantly radioed to the bomber base nearest the storm's reported position and a squadron promptly dispatched

to intercept and break up the disturbance before it assumes dangerous proportions. Those of greater magnitude from outer section could be similarly dealt with.

Having tersely introduced the subject, the writer, conscious of what concerns the Nation concerns Congress, makes the plea, for the sake of humanity, that, early as time and circumstances permit, yourself and colleagues may, in response to this altruistic appeal, devise ways and means to contact and prevail on the proper officials to authorize the aerial hurricane patrol and provide utilities wherewith to conduct the preliminary bombing forays. Confident of final triumph over the evil-gifted torments, the writer willingly offers to accompany the experimental expedition as coach and technical observer.

The writer would deem it an exceptional privilege to meet with a committee of your esteemed assembly whereat the addition of other relative items of interest supplementing this all-important advocacy may be more fully discussed.

The hurricane season is on and humanity cries out for relief from their relentless threats. Won't you help?

Trusting I may have the assurance of your approval and able support in this humanitarian undertaking and with utmost appreciation on behalf of myself and fellow beings, I am, in all sincerity.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BULWINKLE. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. HARE. Mr. Chairman, I had a conference with this gentleman several months ago. At first I thought his ideas were, as he has said, "a little fantastic," but it was just as fantastic 50 years ago when it was suggested that people would soon be flying through the air like a bird. I certainly thought that was a fantastic idea, but it soon developed into a reality. At that time I thought it was a fantastic idea that we should ever be able to speak from here with a man in the city of Chicago without a tangible connection of some kind, but it is done every day, and we all understand it. I do not know whether this idea is fantastic or not, but Mr. Field impressed me as being an able and learned man. He has recently had conferences with representatives of the War Department, the Weather Bureau, and the Civil Aeronautics Administration. He shows in one of his researches where a few years ago he flew right into the cone of a hurricane and made very interesting observations. He says it takes about 3 days for a hurricane to develop before it gets on its way. He takes the position that if there is anything in these recent high-powered explosives a hurricane may be dissipated in the earlier days of its formation. Therefore, when the bill is being read for amendment under the 5-minute rule, I plan to offer an amendment to add and include the words "and hurricanes" after the word "thunderstorms." I think if we are going to take time and money, energy and science to discover the causes of thunderstorms in order that the people may enjoy a higher degree of safety, it may be well to make a study of the causes of hurricanes, and see if the plan suggested by this scientist is workable. It would be worth while and would not be very expensive. He says it would not take over $10,000 to make one experiment, and one experiment should be sufficient to determine whether or not there is any logic in his theories and conclusions. I hope when the bill is read and I offer this amendment the amendment will be accepted by the committee and hurricanes may be studied the same as thunderstorms as provided in the bill.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

Whereas on August 31, 1940, near Lovettsville, Va., an air liner entered a thunderstorm and crashed shortly thereafter, carrying to their deaths all of the occupants of the airplane, including the senior Senator from Minnesota, Senator Ernest Lundeen; and

Whereas on April 3, 1941, near Vero Beach, Fla., an air liner entered a thunderstorm and encountered such severe turbulence that continued control of it was impossible and it crashed injuring all of the occupants of the airplane; and

Whereas on July 28, 1943, near Trammel, Ky., an air liner entered a thunderstorm and by reason of the turbulence and a violent downdraft encountered, control of the aircraft was lost and it crashed, resulting in the death of 4 members of the crew and 16 passengers and severe injuries to the 2 remaining passengers; and

Whereas the severe turbulence encountered in thunderstorms has caused numerous accidents to military aircraft, resulting in the death of the crews of such aircraft and the destruction of the aircraft; and

Whereas the Civil Aeronautics Board has found that questions about the internal structure thunderstorms and the causes of extreme turbience have not been scientifically explained nor the problems pertaining thereto solved, it is required for the continued improvement of the safety of aircraft operation, including operations conducted by the military forces, commercial operators, and private flyers that a thorough investigation be made of the internal structure of thunderstorms, particularly the extent of turbulence to be anticipated and the development, maintenance, and magnitude of downdrafts; Therefore

Be it enacted, etc., That the Chief of the Weather Bureau is authorized and directed to investigate fully and thoroughly the internal structure of thunderstorms, particularly the degree of turbulence within such storms and the development, maintenance, and magnitude of downdrafts with a view to establishing methods by which the characteristics of particular thunderstorms may be forecast and methods by which the characteristics of such storms may be determined on visual observation from outside of the immediate thunderstorm area. Such investigation shall be concluded at the earliest practicable date and a final report submitted to Congress. The Chief of the Weather Bureau shall make interim reports to Congress at least annually during the course of the investigation.

SEC. 2. The Chief of the Weather Bureau is empowered to make such expenditures at the seat of government and elsewhere as may be necessary to carry out the purposes of this act and as from time to time may be appropriated for by Congress, including expenditures for the development and purchase of special meteorological instruments and other equipment (including motor vehicles and aircraft), without regard to the provisions of section 3709 of the Revised Statutes. There is hereby authorized to be appropriated such sums as are necessary for the purpose of carrying out the provisions of this act.

SEC. 3. Any executive department or independent establishment is hereby authorized to cooperate with the Chief of the Weather Bureau in carrying out the purposes of this act, and for such purposes may lend or transfer to the Chief of the Weather Bureau any officer or employee of such department or establishment and any property, equipment, lands, or buildings under its control.

Mr. HARE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARE:

On page 2, line 5, after the word "thunderstorms", strike out the comma and add the words "and hurricanes."

On page 2, in line 9, after the word "thunderstorms", add the words "and hurricanes."

On page 2, line 11, after the word "thunderstorm", add the words "or hurricane."

Mr. BULWINKLE. Mr. Chairman, we accept the amendment.

The amendment was agreed to.

Mr. BULWINKLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Mr. BULWINKLE moves to strike out the preamble of the bill, H. R. 164.

The amendment was agreed to.

Mr. BULWINKLE. Mr. Chairman, I move the Committee do now rise and report the bill back to the House with sundry amendments adopted in Committee of the Whole.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FORAND, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 164) to provide safety in aviation and to direct an investigation of the causes and characteristics of thunderstorms, directed him to report the same back to the House with sundry amendments adopted in Committee of the Whole.

Mr. BULWINKLE. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. RANDOLPH (at the request of Mr. HEDRICK), for Wednesday, June 12, on account of official business.

EXTENSION OF REMARKS

Mr. HOLMES of Massachusetts asked and was given permission to extend his own remarks in the RECORD.

Mr. CARNAHAN asked and was given permission to extend his remarks in the RECORD and include a letter.

Mrs. DOUGLAS of Illinois (at the request of Mr. DE LACY) was granted permission to extend her remarks on two subjects and to make inclusions in each.

SPECIAL ORDER GRANTED

Mr. DOYLE. Mr. Speaker, I ask unanimous consent that on June 14, after the legislative business and any other special orders, I may address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

JOINT RESOLUTION AND BILL SIGNED

Mr. ROGERS of New York, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H. J. Res. 360. Joint resolution to provide for United States participation in the Philippine independence ceremonies on July 4, 1946.

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1163. An act to provide for the appointment of one additional district judge for the northern district of California.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ROGERS of New York, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President for his approval a bill and a joint resolution of the House of the following title:

H. R. 5060. An act to amend section 1 of the act entitled "An act to fix the salaries of officers and members of the Metropolitan Police force, the United States Park Police force, and the Fire Department of the District of Columbia," approved May 27, 1924; and

H. J. Res. 360. Joint resolution to provide for United States participation in the Philippine independence ceremonies on July 4, 1946.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Frazier, its legislative clerk, announced that the Senate had adopted the following resolution (S. Res. 284):

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Hon. JOHN H. BANKHEAD, late a Senator from the State of Alabama.

Resolved, That a committee of 12 Senators be appointed by the President pro tempore of the Senate to take order for superintending the funeral of the deceased Senator.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now take a recess until 11 o'clock a. m. tomorrow.

THE LATE HONORABLE JOHN HOLLIS BANKHEAD 2D

Mr. HOBBS. Mr. Speaker, the senior Senator from Alabama has finished his work among us, and with his passing practically 60 years of continuous service has been rendered the Nation by the members of that immediate family, founded by John Hollis Bankhead 1st and his gracious lady, Tallulah Brockman Bankhead. That great sire of a great clan was also the father of national good roads building in the United States. While serving in the House of Representatives he was the author of the first bill to appropriate money from the Nation's Treasury for the beginning of the now great Federal-aid highway system.

Since he labored so well in that vineyard for that cause and also for another major objective, the improvement of the waterways of the Nation, he moved over to the Senate and continued his great work there. But then he had one of his own sons, William Brockman Bankhead, occupying his old seat in the House. That son was to become the Speaker of the House and take his place in history as one of the truly great Speakers.

Then, in 1930, another son, JOHN HOLLIS BANKHEAD 2D, took up the torch of Senate service and has for three terms served in that body with distinction second to none.

He achieved leadership in his chosen service specialty, agriculture, during his first term in the Senate, and ever since he has been the acknowledged leader of that body in all agriculture programs, and in the forwarding of every line of agricultural betterment. Time will be rolled up like the scroll it is, and it will take eternity to measure the full value of his services to this Nation and to every nook and corner of it, and to the world, because the work he did for agriculture will not only live in the minds and hearts of the beneficiaries here but the world around. It is not too much to say that there are literally millions who will be debtor to him for daily bread in time of present famine, even as they were in times of depression, floods, and drought.

So it is that Alabama comes to you today, our colleagues in the House, and asks a moment of your time that your tears may mingle with ours for a great family in the freshness of another great sorrow.

But it was not only in the halls of national legislation that this family have wrought. The third brother, Henry McAuley Bankhead was retired as a full colonel in the Army of the United States, but was recalled to duty and sent as our commercial attaché to Ottawa as the representative of the United States a few years ago, where he is still serving—another great man.

Nor were the father and his three distinguished sons to be the only members of the family to bring glory to the name. These three boys had a great mother, and two great sisters: Mrs. Louise Bankhead Lund, long deceased but still of treasured memory, and Mrs. Marie Bankhead Owen, who still so ably heads the Department of Archives and History of Alabama, founded by her distinguished husband, Dr. Thomas M. Owen. She too has won the plaudits of all Alabama and the United States where work of that kind is known and evaluated properly.

And so it is that the will of God Almighty has manifested itself again in touching with genius every member of this great family. And those members of the ever-growing family circle, those who carry on in this proud tradition will never forget the proverb: "A good name is rather to be chosen than great riches, and loving favor rather than silver and gold," for of riches of the sordid kind the Bankheads had none. They had none when they began their services to their Government and, as the last workman in the Nation's Capital lays down his working tools with honor, the same condition prevails.

At the age of 22, JOHN HOLLIS BANKHEAD 2D took unto himself a real helpmate, Miss Musa Harkins. They celebrated their golden wedding anniversary on December 26, 1944.

One son, Walter Will Bankhead, and two daughters, Mrs. Charles B. Crow and Mrs. Melville Davis, have come to bless their union, and there is a grandson who bears the name John Hollis Bankhead 3d.

Alabama is proud of her Bankheads, and well she may be. Alabama is proud to have made this contribution to the Nation. Her suffrage was never employed better than in sending these boys here. We congratulate them as well as thank them and love them for the service they have rendered through the years. Each and every one of those five children have caused hearts to beat with hope for the future and pride for the past. We will all remember those three great sons of a great couple, John Hollis Bankhead and Tallulah Brockman Bankhead, who in a humble Alabama home instilled into their children those principles which they exemplified so gloriously in their own lives.

I feel sure that Alabama's delegation in bringing this sad news directly to the floor of the House will find a ready response in every heart and that you men and women of this Congress will share with us the pride and joy we feel in glancing at their history, as well as in our sorrow in recording the passing of this great servant of the people of America; yea, of all mankind.

Mr. Speaker, there is a resolution on the Clerk's desk, for which I ask immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 656

Resolved, That the House has heard with profound sorrow of the death of Hon. JOHN H. BANKHEAD, a Senator of the United States from the State of Alabama.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased Senator.

Resolved, That a committee of 12 Members be appointed on the part of the House to join the committee appointed on the part of the Senate to attend the funeral.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

The SPEAKER. The Chair will appoint the special committee tomorrow.

The Clerk will report the remainder of the resolution.

The Clerk read as follows:

Resolved, That as a further remark of respect to the memory of the deceased the House do now adjourn.

ADJOURNMENT

The resolution was agreed to; accordingly (at 5 o'clock and 14 minutes p. m.), the House adjourned until tomorrow, Thursday, June 13, 1946, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON INVALID PENSIONS

There will be an executive session of the Committee on Invalid Pensions in room 247, House Office Building, on Tuesday, June 18, 1946, at 10:30 a. m.

The purpose of the executive session will be to review public bills pending before the committee and to determine which bills will be scheduled for hearings.

EXECUTIVE COMMUNICATIONS, ETC.

1384. Under clause 2 of rule XXIV, a communication from the President of the United States, transmitting the budget for the fiscal year 1947, in the amount of $142,200,000 for the Office of Price Administration (H. Doc. No. 653), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SOMERS of New York: Committee on Mines and Mining. S. 27. An act to provide for suspending the enforcement of certain obligations against the operators of gold and silver mines who are forced to cease operations because of the war; with amendment (Rept. No. 2250). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLOOM: Committee on Foreign Affairs. H. R. 6627. A bill for the acquisition of buildings and grounds in foreign countries for the use of the Government of the United States of America; with amendment (Rept. No. 2251). Referred to the Committee of the Whole House on the State of the Union.

Mr. MURRAY of Tennessee: Committee on the Post Office and Post Roads. H. R. 6721. A bill to authorize the Postmaster General to accept gifts and bequests for the benefit of the library of the Post Office Department; without amendment (Rept. No. 2252). Referred to the Committee of the Whole House on the State of the Union.

Mr. BECKWORTH: Committee on Interstate and Foreign Commerce. H. R. 6751. A bill authorizing Gus A. Guerra, his heirs, legal representatives, and assigns, to construct, maintain, and operate a toll bridge across the Rio Grande, at or near Rio Grande City, Tex.; without amendment (Rept. No. 2253). Referred to the House Calendar.

Mr. SOMERS of New York: Committee on Mines and Mining. H. R. 4562. A bill to insure the preservation of technical and economic records of domestic sources of ores of metals and minerals; without amendment (Rept. No. 2254). Referred to the Committee of the Whole House on the State of the Union.

Mr. LEA: Committee on Interstate and Foreign Commerce. S. 943. An act granting the consent of Congress to the State of Washington to construct, maintain, and operate a free highway bridge across the Columbia River at Northport, Wash.; without amendment (Rept. No. 2255). Referred to the House Calendar.

Mr. SULLIVAN: Committee on Interstate and Foreign Commerce. S. 1834. An act granting the consent of Congress to the State of Iowa or the Iowa State Highway Commission to construct, maintain, and operate a free highway bridge across the Des Moines River at or near Farmington, Iowa; without amendment (Rept. No. 2256). Referred to the House Calendar.

Mr. BECKWORTH: Committee on Interstate and Foreign Commerce. H. R. 1212. A bill authorizing the State of Texas, acting through the State Highway Commission of Texas, or the successors thereof, to acquire, construct, maintain, and operate a free bridge across the Rio Grande at or near Laredo, Tex.; with amendment (Rept. No. 2257). Referred to the House Calendar.

Mr. HOLMES of Massachusetts: Committee on Interstate and Foreign Commerce. H. R. 5537. A bill granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Susquehanna River at a point between the borough of Plymouth, in Plymouth Township, and Hanover Township, in the county of Luzerne, and in the Commonwealth of Pennsylvania; without amendment (Rept. No. 2258). Referred to the House Calendar.

Mr. HALLECK: Committee on Interstate and Foreign Commerce. H. R. 5606. A bill authorizing the Indiana State Toll Bridge Commission to construct, maintain, and operate a toll bridge or a free bridge across the Wabash River near Mount Vernon, Ind.; without amendment (Rept. No. 2259). Referred to the House Calendar.

Mr. HALLECK: Committee on Interstate and Foreign Commerce. H. R. 5736. A bill authorizing the Indiana State Toll Bridge Commission to construct, maintain, and operate a toll bridge or a free bridge across the Ohio River at or near Mauckport, Ind.; without amendment (Rept. No. 2260). Referred to the House Calendar.

Mr. BULWINKLE: Committee on Interstate and Foreign Commerce. H. R. 5748. A bill to revive and reenact the act granting the consent of Congress to the South Carolina State Highway Department to construct, maintain, and operate a free highway bridge across the Santee River, at or near Leneudes Ferry, S. C. (H. R. 4231), approved August 18, 1941; with amendment (Rept. No. 2261). Referred to the House Calendar.

Mr. SULLIVAN: Committee on Interstate and Foreign Commerce. H. R. 6004. A bill to provide authorization for the village of Cahokia, Ill., to construct, maintain, and operate a toll bridge across the Mississippi River at or near Cahokia, Ill., and for other purposes; with amendments (Rept. No. 2262). Referred to the House Calendar.

Mr. HALLECK: Committee on Interstate and Foreign Commerce. H. R. 6041. A bill authorizing the State of Indiana to construct, maintain, and operate a free highway bridge across the Wabash River at or near Montezuma, Ind.; without amendment (Rept. No. 2263). Referred to the House Calendar.

Mr. HALLECK: Committee on Interstate and Foreign Commerce. H. R. 6065. A bill authorizing the Indiana State Toll Bridge Commission to construct, maintain, and operate a toll bridge or a free bridge across the Ohio River at or near Cannelton, Ind.; without amendment (Rept. No. 2264). Referred to the House Calendar.

Mr. SULLIVAN: Committee on Interstate and Foreign Commerce. H. R. 6081. A bill granting the consent of Congress to the Iowa State Highway Commission to construct, maintain, and operate a free highway bridge across the Des Moines River at or near the town of Eddyville, Iowa; without amendment (Rept. No. 2265). Referred to the House Calendar.

Mr. PATRICK: Committee on Interstate and Foreign Commerce. H. R. 6222. A bill to extend the times for commencing and completing the construction of a bridge across the Calcasieu River at or near Lake Charles, La.; without amendment (Rept. No. 2266). Referred to the House Calendar.

Mr. WOLVERTON of New Jersey: Committee on Interstate and Foreign Commerce. H. R. 6285. A bill authorizing the State of Delaware, by and through its State highway department, to construct, maintain, and operate a toll bridge across the Delaware River near Wilmington, Del.; with amendment (Rept. No. 2267). Referred to the House Calendar.

Mr. FALLON: Committee on the Civil Service. H. R. 6691. A bill to excuse employees of the executive branch of the Government from work on July 5, 1946; without amendment (Rept. No. 2268). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GATHINGS:

H. R. 6764. A bill to amend section 8 (g) of the Soil Conservation and Domestic Allotment Act, as amended; to the Committee on Agriculture.

By Mr. TALBOT:

H. R. 6765. A bill relating to the tax on clocks; to the Committee on Ways and Means.

By Mr. WALTER:

H. R. 6766. A bill to provide for the appointment of an additional district judge for the eastern and middle districts of Pennsylvania; to the Committee on the Judiciary.

By Mr. BRADLEY of Michigan:

H. R. 6767. A bill to provide appropriate lapel buttons for widows and parents of members of the armed forces who lost their lives in action against an enemy of the United States in World War II; to the Committee on Military Affairs.

By Mr. SOMERS of New York:

H. R. 6768. A bill to relieve members and former members of the armed forces, their widows and dependents, of liability to the United States resulting from certain overpayments made to them by the United States; to the Committee on World War Veterans' Legislation.

By Mr. LEMKE:

H. Con. Res. 156. Concurrent resolution to declare the date of termination of the wars in which the United States has been engaged since December 7, 1941; to the Committee on the Judiciary.

By Mr. SHAFER:

H. Res. 655. A resolution to reinvestigate charges made by Dr. William A. Wirt during Seventy-third Congress; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HOLMES of Massachusetts:

H. R. 6769. A bill for the relief of Charles B. Featherstone; to the Committee on Claims.

By Mrs. LUCE:

H. R. 6770. A bill for the relief of Mary Kitajima; to the Committee on Immigration and Naturalization.

By Mr. MILLER of California:

H. R. 6771. A bill for the relief of Mrs. Jeannette Kim Rosendale; to the Committee on Immigration and Naturalization.

By Mr. MILLER of California:

H. R. 6772. A bill for the relief of Mrs. Mary Enta Kitajima; to the Committee on Immigration and Naturalization.

By Mr. PFEIFER:

H. R. 6773. A bill for the relief of Salvatore Esposito; to the Committee on Immigration and Naturalization.

By Mr. PHILBIN:

H. R. 6774. A bill for the relief of John J. O'Neil; to the Committee on Claims.

By Mr. TALBOT:

H. R. 6775. A bill for the relief of John Kazakavage, as administrator of the estate of Anna G. Kazakavage, late of Ansonia, Conn., deceased; to the Committee on Claims.

H. R. 6776. A bill for the relief of John J. Breen, as administrator of the estate of Elsie Merlie Breen, late of Wolcott, Conn., deceased; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1970. By Mr. COLE of Missouri: Petition of Hal McHenry, 5331 Devonshire, St. Louis, Mo., and 94 others, operating and nonoperating railroad employees, offering an amendment to House bill 1737, railroad pensions, as follows: A 30-year pension or 60 years of age at $150 a month, two-thirds for the widow, providing she is 55 years of age and does not remarry; requesting support of all United States Representatives and Senators, stating they support the Cosgrove plan and protesting amendments to Senate bill 293 and House bill 1362; to the Committee on Interstate and Foreign Commerce.

1971. By Mr. GRAHAM: Petition of 17 residents of the Twenty-fifth District of Pennsylvania, favoring the passage of House Joint Resolution 325 and any other pertinent legislation which will reduce the flow of grain into distillery and brewery consumption during this period of food and feed shortage at home and abroad; to the Committee on Agriculture.

1972. By Mr. LEWIS: Petition urging the passage of House bill 3755 signed by Dr. W. R. Davis and 22 other doctors of the Eighteenth Ohio District; to the Committee on Military Affairs.

1973. By Mr. SMITH of Wisconsin: Memorial adopted by the executive committee of the Milwaukee Come-Back Club on June 4, 1946, urging immediate passage of the Wagner-Ellender-Taft bill, S. 1592, by Wisconsin Representatives in the House of Representatives; to the Committee on Banking and Currency.

1974. Also, memorial of City Council of the City of Kenosha, urging that the proper agencies of the Federal and State Governments join together in taking some immediate action if the commercial fishing industry is to be saved; to the Committee on Ways and Means.

1975. By the SPEAKER: Petition of Eduardo Salazar, petitioning consideration of his resolution with reference to pension benefits for veteran civilian employees of the United States Army Exchange Service in the Philippines; to the Committee on Military Affairs.